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**by Bev Harris**

Colorado has some of the most shocking local election administrators in the nation. This long-standing problem is reaching broader public awareness through an unseemly situation in tiny Saguache County.

### **COLORADO CLERKS ASSOCIATION**

The Colorado Clerks Association (supported by taxpayer dollars) has come out publicly AGAINST the most basic principles of democratic self-governance, claiming that they, and they alone have the right to examine ballots. They have now attempted to rebuff even the Secretary of State from a ballot examination.

Unlike other states (California, for example), the Colorado Clerks argue that their clerks association is private. They hold secret meetings and correspond secretly, claiming that the public does not have the right to attend or review what they do.

"The Colorado County Clerks Association is a secret private group that circumvents Colorado's Sunshine Laws, uses paid lobbyists, refuses public observers at their meetings, may be diverting public resources to their own needs, and develops government policy behind closed doors with no opportunity for public debate," writes Al Kolwicz of the Colorado Voters Group.

More:

<http://www.coloradostatesman.com/content/992704-trust-verify-%3F-county-clerks-association-please-take-note>

### **THE PUBLIC HAS AN ABSOLUTE RIGHT TO INSPECT THE BALLOTS**

For self-governance to work, the public must be able to see and authenticate four things:

- Who can vote (the voter list)
- Who did vote
- Chain of custody
- The count

Colorado Secretary of State Scott Gessler has now come out with a strong statement against concealing ballots from the public:

"Is election integrity better served through open, public scrutiny that holds election officials accountable? Or are we better served when local officials deny the public access to election materials?

"As Secretary of State, last month I held a Saguache town hall meeting to discuss the 2010 election for county commissioner and clerk and recorder. My office had planned to publicly review the ballots...unfortunately, the Saguache clerk and recorder denied my access to the ballots, thus triggering a lawsuit under the Colorado election code...

"The public will be invited to watch every step. Unfortunately, my plans have provoked fierce opposition from election administrators. I'm both surprised and disappointed.

"First, the surprise. Clerk Myers publicly promised to make ballots available for public review -- if my office approved. But once I took her at her word, she quickly backtracked, denying public review and also obstructing my statutory authority to review the election.

This isn't just about the rights of a Secretary of State to review. This is about PUBLIC rights, as the Secretary of State notes:

"Both Myers and others [ie, the head of the Colorado Clerks Association] claim that my review will cause public harm, create confusion, and erode voter privacy. This is silly. Ballots are anonymous, and we can easily deal with the rare ballot that has someone's name on it. Don't just take my word for it. Last year, El Paso County invited members of the public to review voted ballots -- just like others throughout the country. And it worked. There was no loss of secrecy, no confusion, and no harm.

"Bluntly stated, there is no 'high priesthood of ballot guardianship.' Just like the secretary of state, clerks are elected officials who must operate under rules of public accountability and public scrutiny."

## **PUBLIC BALLOT INSPECTIONS WILL NOT REVEAL HOW YOU VOTED**

Scott Doyle, clerk and recorder in Larimer County and president of the Colorado County Clerks Association, implies that public ballot inspections will violate voter privacy:

"Ballots are votes, and Colorado has decades of precedent to ensure votes are counted correctly and voters' privacy is secure," he writes, in opposition to allowing public inspection of the ballots.

More: [http://www.denverpost.com/opinion/ci\\_17694150](http://www.denverpost.com/opinion/ci_17694150)

As an election official, Doyle knows that the Colorado Constitution requires ballots to be anonymous. Public examinations of anonymous ballots does nothing whatever to violate voter privacy.

**UNIQUE BAR CODES ON MAIL-IN BALLOTS DO COMPROMISE PRIVACY TO INSIDERS (BUT DO NOT AFFECT PRIVACY WITH PUBLIC INSPECTIONS)**

Perhaps Colorado clerks and one of their favored vendors, Hart Intercivic, know that if the public examines the Hart ballots we'll see that Hart's mail-ballot system is violating voter privacy.

Citizens who have received Hart ballots in the mail have shown that Hart is placing unique bar codes on each voter's ballot. This compromises voter privacy for mail-in ballots, enabling insiders to build databases that show the ballot choices for each mail-in voter. Perhaps THAT is why the Colorado Clerks are so skittish about letting the public see the ballots.

Public ballot inspections can't reveal to the public how people voted, even if there are unique bar codes on the ballots. Insiders will be able to see, but not the public. It is just as unconstitutional for insiders to violate voter privacy, however.

What public ballot inspections will do in Colorado is this: They will expose to Coloradoans that insiders can harvest your political privacy.

**NOT ALL BALLOT BAR CODES ARE BAD**

Unique bar codes probably won't violate privacy for ballots cast at polling places. They absolutely compromise privacy with mail-in ballots, which Colorado uses heavily.

Not all ballot bar codes are unique, and only a unique identifier can be tied back to the voter. Some bar codes just indicate precinct, and those do not violate your privacy at all.

Hart ballots do use unique identifiers. We know this because two people living in the same household, in counties that use Hart Intercivic, get absentee ballots with different and unique bar codes.

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