

November 20, 2007

Nancy Doty, Arapahoe County Clerk & Recorder VIA FAX (303) 794-4625 and E-mail

RE: Open letter - Colorado Elections 2008 - Framework for Primary and General Elections

Dear Ms. Doty:

In today's Rocky Mountain News, you say, about the Colorado 2008 Framework for Elections:

- (1) "Hand counting of ballots. This would take months."
- (2) "He's putting faith in optical scanners but not (electronic machines)?"
- (3) "And I don't see much difference between a mail-ballot election and requiring paper ballots at the polling site, although that is much more expensive."

Most likely you did not have time to fully analyze the framework before you made your comments. Nevertheless, I shall attempt to address your reported concerns.

Time and cost -- You mention time and cost. The framework includes 12 "election priorities". An election conducted using all-mail or electronic ballots cannot meet these priorities. Until these priorities are met, we believe that time and cost considerations are almost irrelevant. If election results are wrong, who cares if they are cheap and speedy?

Hand-counting -- The framework actually authorizes two vote counting methods, neither of which would take months. It calls for vote counting by hand or by optical scan equipment in precincts or central vote counting locations.

If votes are hand counted, the framework calls for ballot designs that are optimized for hand counting. Colored and edge-notched ballots make it easy to separate ballots by contest. Sorting the ballots for a contest into stacks for each contestant makes it easy to accurately count and transparently verify vote counts.

The framework requires that hand counting be used when optical scan vote counting cannot be adequately audited.

Paper vs. electronic ballots - The framework disallows the counting of votes recorded on electronic ballots because electronic ballots do not meet the election priorities. The framework does not, as you suggest, "put faith in optical scanners". To the contrary, when votes are counted using optical scanners, the framework requires that the logic and accuracy test, post election audit, and canvass of votes be strengthened and extended to verify the work done by the ballot duplication board.

All-mail vs. polling place -- The framework identifies nine (9) known problems with all-mail elections. Polling place elections are accepted by Colorado voters; all-mail Presidential elections were voted down in November 2002; results statewide were about the same as your 2006 election as Clerk. Polling places control illegal electioneering and thwart vote buying/selling and voter intimidation; all-mail elections cannot. Ballots voted in polling places are not packaged with the voter's identity; all-mail ballots are. In polling places, only an eligible elector is issued a ballot; mail ballots are bulk mailed indiscriminately. In polling places, only an eligible elector can vote a ballot; nobody knows who voted a mail ballot. Polling places have rigorous control over the ballots; it is not possible to rigorously control mail-in ballots.

We hope that this clarifies any misconceptions and confusion we may have caused. We hope to receive your formal response to the proposed framework.

Al Kolwicz, Spokesperson

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