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Sent: Tuesday, December 13, 2011 8:28 AM
To: 'rollie.heath.senate@state.co.us'
Cc: 'Colorado Voter Group'; 'Scott.Gessler@SOS.STATE.CO.US'; 'Burnett, Sara'; 'jfryar@times-call.com'
Subject: Today's informal session and Violation of Voter Rights.

Dear Senator Heath,

It is my understanding that you are conducting an informal work session today regarding potential election system legislation. Thank you for your leadership on this most important topic.

Among the issues that will come up, I believe that the most vital are (i) anonymous votes/ballots and (ii) comprehensive election transparency.

A formal complaint has been filed against the Colorado Department of State and several County Clerks - see Summary, Response, and Appeal regarding "violation of voter rights".

Complaint Summary

<http://alkolwicz.net/Documents/Complaint%20Summary%20as%20of%20Nov%202014,%202011.pdf>

Complaint Response

<http://alkolwicz.net/Documents/COMPLAINT%2000-11-0010%20Voting%20Rights%20Violation%20Response%20from%20CDOS.pdf>

Complaint Appeal

<http://alkolwicz.net/Documents/Appeal%20of%20Agency%20Determination%20-%20COMPLAINT%2000-11-0010%20Voting%20Rights%20Violation.pdf>

The record shows that government officials have been duly notified of a violation of voter rights, and that these officials do not intend to promptly remedy the violation. There is still ample time to remedy this violation before the 2012 Primary Election.

RECOMMENDATION: I recommend that the legislature promptly direct the Department of State to use its powers to protect the people's constitutional right to cast an anonymous vote/ballot (see Colorado Constitution Article VII, Section 8).

In 1946, Colorado voters formally amended our Constitution in order to discontinue practices that allowed the collection of data that enabled government officials, the press, the courts, and the public, to learn an individual voter's choices. Despite arguments at the time for better ballot security, the people opted for anonymous votes/ballots. Current law requires vote/ballot anonymity. Updated technology secures ballots – e.g. removable ballot stubs.

Some Colorado counties have created election systems that collect data that can be used to determine an individual voter's choices. To protect their investment in these system, and to have access to this illegal data, some clerks are arguing that it is permissible for government officials and their designees to collect this data as long as only government officials and their designees have access to the data. Adoption of such a policy would require a constitutional amendment.

The people's right to an anonymous vote/ballot is absolute. Government officials and their designees are no less threatening to an individual voter than a political party or pressure group. Article VII makes no exception that would allow government officials or their designees to violate this right.

URGENCY: Violation of the constitutional requirement for anonymous votes/ballots can serve as the basis for a lawsuit to nullify past and future election results. Precedent, such as TAYLOR v. PILE, 154 Colo. 516 (1964), suggests that such an action will be successful.

As our Representative, I hope that you and all Legislators will accept a responsibility to preempt this national embarrassment, by taking the action recommended above.

I have served as the Boulder County Republican Canvass Board representative and as a poll watcher for numerous elections. I have seen firsthand the erosion of the statutory protections for public verification of each step of the election process. County Clerks are uncontrollably eradicating these protections using non-legal gimmicks like "six-foot rule", "forty day CORA exclusion", "outlandish fees for copies of election records", and "vendor proprietary election records" and now, "votes/ballots are not anonymous". Public oversight is systematically being destroyed and this will wind up destroying any hope for voter confidence in election results.

The most important thing a 2012 election bill must do is restore to original intent the protections for vote/ballot anonymity and public oversight of elections. The apparatus for enforcing anonymity and transparency are broken. New means of enforcement must be established and, since election officials are conflicted with a conflict of interest, new methods for public control of election procedures and data must be funded.

What will you and the Legislature do to restore voter rights to anonymous votes/ballots and public oversight of election data and processes?

What will you and the Legislature do to preempt a lawsuit to nullify the 2012 election?

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