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Elections need oversight

By Editorial Board, The Boulder Daily Camera, March 9, 2007

State Sen. Ron Tupa sometimes supports government transparency. Sometimes, however, he rises to defend censorship. By sponsoring a bill that would remove ballots from public scrutiny, he has taken the latter, lower path.

That is distressing, because the integrity of elections should be his paramount concern. Reducing the transparency — and verifiability — of election results is a sure way to engender more public cynicism and apathy.

Is that what Tupa wants? Say it isn't so, senator. In previous years, the Boulder Democrat has sponsored legislation that subjected government e-mail and the University of Colorado Foundation to the state public-records law.

On the other hand, he's supported some censorial laws that closed drivers' license records and the nominations for CU honorary degrees. For several years now, those laws have fostered an environment conducive to undetectable impropriety.

Tupa is old enough to remember the election of 2000, which exposed balloting irregularities and evidence of electoral manipulation. The ability of the public — via news agencies and nonprofit groups — to scrutinize ballots for themselves was critical. They did so under Florida's public-records act.

Under Tupa's Senate Bill 83, however, Colorado ballots **would be declared exempt** from the Colorado Public Records Act. The Associated Press reports that some county clerks think ballots should not be public information.

SB 83 would allow inspection if a requester obtained a court order. That's a trivial concession to the truism that transparency can uncover and prevent fraud. But getting a court order is an onerous hurdle, and it will ensure that — like elective office itself — full participation in this aspect of civic life will require money.

And as fair, impartial and disinterested as judges may strive to be, some judges sometimes make the wrong call. In the abstract, such capriciousness may be untroubling. **But it would become a lot more perturbing if your local judge rejected your request to examine the records of your City Council election.**

That's the beauty of the Public Records Act. It grants each citizen an affirmative right to view public documents. Some officials flout the statute, but at least their caprice is not an inherent product of the law.

The arguments for SB 83's secrecy are easily refuted. Some county clerks say they're worried that people inspecting election records might jumble, destroy or steal ballots. The law could simply require that any inspection of ballots be closely monitored by county clerks.

Sen. Joan Fitz-Gerald, the normally sensible Golden Democrat, championed the secrecy on trumped-up privacy grounds. She noted that voters' names are visible on provisional ballots. That hurdle is routinely overcome, for instance, in court records, where sex-assault victims' names are, by law, blocked from public view. Ballots with names could be similarly redacted.

Sure, public oversight can be a burden, a hassle and a genuine pain in the neck. Public officials can sometimes, perhaps even understandably, resent disclosure laws. But transparency is a necessary precondition of democracy, which can be burdensome. Tupa should reacquaint himself with this basic principle of civic life. And he should stop championing groundless government secrecy.

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