

Colorado election officials acknowledge traceable ballots

Colorado Constitution—“... *no ballots shall be marked in any way whereby the ballot can be identified as the ballot of the person casting it.*”

Scott Doyle, Clerk and Recorder, Larimer County-- 10.10.2011 email to 7 state legislators--

*“...we were able to determine the location of each of your ballots, ... if those ballots were made public, our voting privacy would be breached, **and how each of us actually voted could be determined.**”*

Hilary Hall, Clerk and Recorder, Boulder County, 12.21.2011 email in response to Open Records request for voted ballots--

*“If the Clerk were to refrain from redacting [the serial number and barcode from] the images, the voter's identity could be discerned from the content of the ballot. This is so because a person could take the information that was redacted from the images and combine them with other publicly available documents **and would then be able to tie a ballot to a voter.**”*

Sheila Reiner, Mesa County Clerk and Recorder, 8.19.11 petition to State District Court--

*“The EL155 is the iVotronic ballot log. This file contains images of ballots, listed by precinct, and **shows how someone voted.** This log is also printed for the extensive auditing process with the **major political parties.**”*

(the public cannot have the record but the two major partisan appointees can!—
M.Marks)

Power point presentation to the Grand Junction Sentinel (fall 2011):

*“What resources does one need **to identify how a person voted?**”*

1. *Voted Ballots*
 2. *Election Materials/Report*
 3. *Motivation*
 4. *Time”*
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Pam Anderson, Jefferson County Clerk and Recorder in guest column, Denver Post 11.5.11—*Once ballots are made public, it is disturbingly **uncomplicated to identify votes** using other publicly available documents because of the unique characteristics of elections in our state.*"

Pam Anderson, Jefferson County Clerk, disclosures to Jefferson County State District Court, 2.1.12--

*"Release of the voted ballot would **compromise the anonymity of the voter.**"*

*"Releasing all the EL 155 Image Logs could potentially **reveal how voters voted.**"*

*"The **only protection of ballot secrecy** for a voter...Is the **belief** that voted ballots are **sealed** immediately after counting."*

Secretary of State Gessler's office, responding to Colorado Voter Group complaint on traceability 11.30.11--

*"...our office is aware of the issues raised in your complaint and we have already begun taking steps to address the problem. Our office is considering proposing a new Election Rule or statutory change that would **restrict election officials from providing reports to the public that could be used to track a ballot to a specific voter.**"*

*"... if an individual had access to the voted ballots and the tracking reports, **then the person could track a ballot to a specific elector.** Our office was made aware of the issues identified in your complaint during the past election cycle."*

Colorado Clerks Association Statement in Response to Court of Appeals in Marks v Koch, statement 9.29.11

*"Most Coloradans believe their votes should be a secret from their friends, coworkers and even spouses, but today's ruling means Coloradans personal **choices can be seen by anyone who asks.**"*

"We fear this ruling will have a chilling effect on voter participation in advance of a Presidential election unless the Secretary of State and the Colorado General Assembly take steps to ensure our personal beliefs are secure.

*We urge elected officials throughout Colorado ask their constituents one question before they return for the next legislative session: **Is it ok with you if your private choices are available to anyone?"***

(The Clerks Association seems to believe that their members should be able to access such private information as a privilege of their office, despite the constitutional prohibitions. –M. Marks)

Chaffee County Attorney Jenny Davis in response to CORA request for anonymous voted ballots 10.13.11--

*“For a number of reasons, it is **not an easy task** to identify a total anonymous, unidentifiable voted ballot. ”*

Teak Simonton, Eagle County Clerk, email in response to request to review ballots 9.29.10--

*“the **serial number issue** is only one issue I have with allowing the public to view voted ballots. There are many reasons why this is ill advised primarily related to protecting every voter’s right to absolute privacy of their votes.”*

The Colorado Constitution requires absolute anonymity---No Exceptions made for election officials!

Article VII Section 8

*“All elections by the people shall be by ballot, and in case paper ballots are required to be used, **no ballots shall be marked in any way whereby the ballot can be identified as the ballot of the person casting it....** Nothing in this section, however, shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election, provided that **secrecy in voting is preserved.**”*

Why do Colorado’s election officials believe that they can create traceable ballots, as long as access to that information is somehow limited to a small group of partisan appointees?

Violations of the state constitution are wide-spread. They must be corrected before the 2012 elections are at risk.