

Colorado's County Clerks Know Best How to Conduct Elections

In the wake of my decisions on December 17, 2007 to decertify most of the electronic voting equipment used in Colorado based on a court-ordered recertification process, Governor Bill Ritter and legislative leaders have joined together to rally around legislation that will mandate county clerks all across Colorado to use paper ballots as the primary means for voting. However, since all of the voting equipment has been recertified with a lengthy number of specific conditions and restrictions on their use, the primary rationale for supporting the legislation has now shifted from "it is necessary because the Secretary of State decertified the equipment" to "we need to do it to restore voter confidence and to make the threat of litigation go away."

The recertification process stemmed from a lawsuit in 2006, *Conroy vs. Dennis*, where the plaintiffs in the case asked the court to grant an injunction to block the use of electronic voting machines for the 2006 general election. Having found the testing documentation to be "abysmal," the court ruled that all of the voting equipment that had been certified for the 2006 election under then Secretary of State Gigi Dennis, now had to be retested or recertified prior to the 2008 primary election under a much more rigorous court-ordered testing process. The same voter activists group that sued in 2006 is now threatening to sue again if the legislature does not pass legislation to require paper ballots as the primary method of voting at the polls for the upcoming primary and general elections. Their ultimate goal is to prohibit the use of all electronic voting devices, regardless of the security procedures, conditions, and restrictions that govern their use in Colorado elections.

In a recent Rocky Mountain News' editorial, '*Never Mind*,' I was criticized for having gone too far in my efforts to comply with the court-ordered recertification process for electronic voting equipment. No doubt, I'd rather be accused of having done more than what was required than having not done enough to ensure the security and accuracy of our voting equipment so that we have an honest and fair 2008 presidential election and that the recertification process is defensible in court in case the state is sued again.

I don't believe that voting on paper ballots is less subject to the potential for fraud than voting on electronic machines or voting by mail. The integrity of the election process is much less about the type of voting system used than it is about the integrity of the election workers entrusted to make sure that the elections are fair, honest, and transparent. It is vital to have effective security procedures for election workers to add to the appropriate checks and balances to prevent any abuses whether the elections are conducted on electronic voting machines or by paper ballots.

I'm sympathetic to at least some of the arguments supporting the use of paper ballots. I think that a hybrid system, having both electronic and paper ballots at the polls, has merit. Under current law, county clerks have the option of using paper ballots at the polls, and some do, so long as they meet the minimum federal requirement of having at least one handicapped accessible device per voting location. However, if there is one thing I have learned from being the Secretary of State it is that the county clerks are the hardest

working class of elected officials in the state of Colorado. They are elected by the voters from their respective counties and they are held accountable for the conduct of the elections by those same voters. They are passionately dedicated to having well-managed, fair and honest elections and they deserve to be respected for that.

The Legislature and the Governor should defer to Colorado's county clerks, who are charged with running the elections in Colorado, when making any decisions about how elections are to be conducted in the upcoming 2008 presidential election.

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