

Andrea Gyger

From: Marilyn R. Marks <marilyn@[REDACTED]>
Sent: Saturday, July 30, 2011 2:36 PM
To: Andrea Gyger
Cc: Judd Choate; kathleencurry@[REDACTED]; Richard Coolidge
Subject: August 2, Proposed Rulemaking---comment on write in vote counting

Ms. Gyger:

I am writing to express opposition to the proposed change in Rule 27 to permit write in votes to be counted only when the target area is completed beside the candidate written-in name.

This proposed change would have seemed reasonable to me before I worked in Kathleen Curry's campaign in 2010. As I talked with scores of individual voters about the need to both write in Curry's name and complete the target area, I came to understand that such an instruction is counter-intuitive to most citizens who do not know how optical scan machines operate. Both older voters with little knowledge of machines, and younger voters who are accustomed to very "smart" optical scanners presume that the scanner "sees" and interprets everything on the ballot.

In fact, one of our County Commissioners announced last year on TV during the election that if the voter wanted to vote for Curry, they should NOT color in the oval, but only write in the name. This demonstrates how counter-intuitive the instruction is to even involved and knowledgeable voters.

While instructions on the ballot may be clear, that is not enough to overcome the expectation of the voter that he should not have to complete the target area and the write-in name.

Clerk Vos Caudill writes, "In reference to a write-in vote, to place the burden of interpretation on election judges, county staff and/or SOS staff -- individuals other than the actual voter -- to interpret what is actually meant beyond a clearly marked ballot with a legible name is unreasonable." I would submit that to the contrary, a legible name written in by the voter on the proper line is clear intent of the voter and should be interpreted as such by election officials. Pretending that a carefully filled in name for a qualified write in candidate is unclear intent is to dishonor the voter in the name of convenience.

I object to the notion that we should honor the whims of the voting machine design over the clearly expressed will of the voters.

To address the efficiency question of reviewing those write in ballots manually, officials might consider a rule that requires the review for voter intent only when the undervote tally could change the outcome of the election.

Marilyn Marks
Aspen, CO
[REDACTED]