

Subject: Election Complaint - September 15, 2014
Date: Fri, 19 Sep 2014 13:38:53 +0000
From: Al Kolwicz <Al@alkolwicz.net>
To: Stefanie Mann <Stefanie.Mann@SOS.STATE.CO.US>
CC:

<ColoradoVoter@googlegroups.com>; <quinm@broomfieldenterprise.com>

Hello Ms. Mann,

I have analyzed your reply (attached) to our September 15th election complaint.

1. Nowhere can I find where Article 10 says, "both sections 1-10-101 and 1-10-202, C.R.S. govern the composition of [a] canvass board" when an election "is both a general election and a coordinated election".

Do you mean that one canvass board is a mixture of the partisan and nonpartisan members? Please point me to the evidence for this assertion.

2. Article 10 differentiates between partisan, nonpartisan not coordinated, nonpartisan coordinated, and nonpartisan regular special district elections.
 - a. The composition of a partisan election canvass board is specified by C.R.S. 1-10-101. The major political party chairs appoint its members.
 - b. The composition of a nonpartisan not coordinated election canvass board is specified by C.R.S. 1-10-201(1). The governing body or bodies that call the election appoint its members.
 - c. The composition of a nonpartisan coordinated election canvass board is specified by an Intergovernmental Agreement, as authorized by C.R.S. 1-10-201(1). Appointment of members is specified by the IGA, as authorized by C.R.S. 1-10-202.
 - d. The composition of a nonpartisan regular special district election canvass board, unless otherwise directed by the board of the special district, is specified by C.R.S. 1-10-201(1.5). The designated election official appoints the members.
3. Broomfield's governing body certainly has the authority to create an Intergovernmental Agreement to determine the composition and membership of the nonpartisan coordinated election canvass board. This is not our concern at this moment.
4. Broomfield's governing body certainly does not have the authority to seize control of the partisan election canvass board. In the first place it is not legal for Broomfield to unilaterally modify the composition and appointment of the partisan election canvass board. Combining the partisan and nonpartisan boards would take time away from the partisan election canvass and would dilute the power and influence of the political party members. In the second place, the modification would create a process that is not uniform across the State. There is a legal method to change the law, if this is desired. There are legal methods for conducting Broomfield's November elections that will not dilute the partisan election canvass board.

Will Secretary Gessler take the necessary steps to protect this November's general election canvass board? (It is my understanding that the Secretary of State has the obligation and authority to prevent Broomfield from seizing control of the general election canvass board.)

Please email me a copy of the Broomfield IGA so I can see exactly what they have done.

Al