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El Paso County Commissioners
27 E. Vermijo Ave
Colorado Springs, CO 80903-2208

Dear Sirs and Madam,

I am writing to express grave concerns over procedures and equipment in the upcoming November election and petition for redress.

Use of uncertified voting equipment

First, it is of basic importance to note that on August 3, 2007, the California Secretary of State decertified all Diebold election systems.¹ Before that Florida, Maryland, and many others had found numerous serious problems with Diebold voting systems.²

In Colorado the court has ruled that all voting systems and equipment must be recertified before the November 2007 election. That has not yet been done and no one predicts the process will be complete before the November election. In an editorial in the Sunday, August 26, 2007, Denver Post, Sec. of State Coffman is quoted as stating that his office has not received the necessary "...documentation, hardware or other information..." that has been requested, and it is unknown when this material will arrive so that the certification process, such as it is, can even begin. Elsewhere, voting system companies have refused or failed to provide such documentation and that is now apparent in Colorado as well. In the August 27, 2007, edition of the Denver Business Journal³ Secretary Coffman has stated that because of repeated vendor delays testing that should have been completed by July 1st probably won't be finished until December. He further stipulated that if a vendor fails to turn over requested information by 5 PM November 16, 2007, that vendor's equipment won't be certified for use in the 2008 primary and general elections. *Thus it seems certain that the court-mandated certification of El Paso County's Diebold voting equipment will not occur before the November 2007 election.*

Secretary Coffman is putting forward the specious claim that recertification of our voting machines need not be completed before the November 2007 election because there are no statewide issues on the ballot. However, the court ruled that: *"The Secretary is ordered to retest*

1. The complete report for California's decertification of Diebold election systems can be found at www.sos.ca.gov/elections/voting_systems/ttbr/diebold.pdf. An overview of the top-to-bottom review of California's voting equipment can be found at www.sos.ca.gov/elections/elections_vsr.htm.
2. Numerous other documented problems with Diebold equipment in actual elections can be found at www.votersunite.org/electionproblems.asp?sort=date&selectstate=ALL&selectvendor=Diebold&selectproblemtype=ALL
3. See denver.bizjournals.com/denver/stories/2007/08/27/daily36.html

Fellow, Geological Society of America

Marquis Who's Who in the World, 16th — 25th Editions

Marquis Who's Who in America, 53rd — 62nd Editions

Marquis Who's Who in Science and Engineering, 4th — 10th Editions

Marquis Who's Who in the West, 27th — 35th Editions

2000 Outstanding Scientists of the 20th Century

2000 Outstanding Scientists of the 21st Century—First Edition

Strathmore's Who's Who, 1998-1999 and 2000-2001 Editions

previously certified systems or any new systems, using the revised security standards to be promulgated by the Secretary, prior to the next primary, general or statewide ballot issue election following the November 7, 2006 general election, whichever comes first.” That appears quite unequivocal to me.

I, as a citizen, and I am sure many other citizens, do not want my vote counted by machines and methods whose vendor cannot meet, and has not met, even the current inadequate standards⁴ for their equipment. Nor has Diebold been willing to provide essential information for the evaluation of their voting systems. To trust our most fundamental liberties to such charlatans is an outrage, and most particularly when issues of taxation are to be decided. The damage is compounded by Secretary of State Coffman’s belief that such junk machinery can be used without certification simply because there are no statewide issues on the November 2007 ballot and in clear contravention of a court order.

It is no secret that the multitude of computer problems within the executive branch of the State of Colorado are almost entirely attributable to the employment of unqualified and incompetent individuals. Adding to my concerns is the fact that the individual, John Gardner, who was shown in court in September 2006⁵ to be incompetent, and lacking any training in computer science, is still in charge of the voting machine recertification. If anything, the pressures that led to the problems with the original computer voting system certifications in Colorado are even more intense now, so the process isn’t likely to be thorough, comprehensive, or address the issues raised in the California decertification of Diebold voting equipment and by the Colorado court.

Adding to the concerns about the integrity of Diebold Election Systems is the fact it no longer exists. As of August 16, 2007, after failing to sell the election division, Diebold spun it off as Premier Election Solutions. Obviously this company is in the middle of a reorganization on top of the chaos of the decertification of its equipment in California and numerous problems elsewhere. Perhaps “collapse” might be a better description of the company’s condition than “reorganization.”

Even more vexing is the fact that the company, Ciber, that did the federal certification for General Election Systems/Diebold Election Systems/now Premier Election Systems, was itself decertified by the federal Election Assistance Commission. It is little wonder that voter confidence in elections is near record low levels.

Thus, I have grave doubts about the integrity of the upcoming election in which current plans are to use Diebold optical scanners to count the votes; machines that have failed virtually every expert test they have been put through. And these machines are currently uncertified by the Colorado Secretary of State as required by law and court order.

Does El Paso County plan to proceed counting our votes with such unreliable, uncertifiable, and opaque methods presented by Diebold in contempt of court orders?

4. Note that I have served on the Institute of Electrical and Electronic Equipment (IEEE) voting equipment standards committee since it was formed in 2001. See grouper.ieee.org/groups/scc38/1583/.

5. Details of the Colorado lawsuit and John Gardner’s testimony can be found at www.ejfi.org/Voting/Voting-74.htm#voting.

Turnover and computer expertise in the county clerk's election department

Then there is the problem of the turnover in the Election Department of the El Paso County Clerk and Records office. Marguerite Duncan and Susan Russo retired within the past year. John Bass, former county assessor, resigned after just a few months on the job reportedly because you, the county commissioners, refused to adequately fund the 2008 election, costs, which are driven by HAVA and the now-discredited voting machine manufacturers. The current election manager, Liz Olson, has only held the position for just a couple of months and certainly doesn't deserve to have this disaster dumped on her.

While Mrs. Olson has considerable election experience, she is not a computer expert. Nor does the County Clerk, Bob Balink, have any but the most rudimentary experience with computers. It is reasonable to assume that if we are going to conduct elections and count votes with computers, particularly ones that every competent authority has, on examination, condemned or decertified, that election officials who make decisions about computer utilization should be required to have computer science backgrounds.

Nor has public input been accepted. The Election Education & Research Task Force established by the county clerk over a year ago, on which Mr. Hisey and I both sat, was abruptly canceled after Mr. Bass resigned and I had asked for time to present the cons of mail ballot elections and voting by that method.⁶

Mail ballot election problems

You can have an honest election, or you can have a mail ballot election, but you can't have both at the same time.

It is worth recalling that in 2002 the citizens of El Paso County rejected mail ballot elections by a nearly two-to-one vote (63% No on Amendment 28). I have seen no evidence to suggest citizens are any more enamored of mail ballots now than they were then, and it is widely acknowledged that mail ballots are the method of choice for election fraud.

Problems with the coming election are compounded by the fact that the El Paso County Commission on July 26, 2007, authorized the County Clerk to conduct the November election via mail ballot. In a polling place election it would certainly be possible to hand count the ballots now that it is evident the Diebold system won't be certified in time, but that seems an unlikely, time consuming, and inaccurate procedure to use in a mail ballot election.

One problem with mail ballot elections that you have swept under the carpet is the requirement in Section 8 of the Colorado Constitution for a secret ballot. For many reasons that is impossible with a mail ballot. Even if the precautions taken by the county clerk with secrecy envelopes and other counting processes are successful, there is still the impossible problem of providing a secure and private polling place **where citizens can cast their ballot privately without fear of intimidation, coercion, or electioneering**. The corruption that always attends elections where such issues are ignored are exactly why we have private voting booths with a secret ballot at a polling place where no one can approach a voter with any election materials or information within 100 feet. But the county commission and the county clerk seem to think the

6. Details can be found at [www.ejfi.org/PDF/Balink mail ballot debate.pdf](http://www.ejfi.org/PDF/Balink%20mail%20ballot%20debate.pdf).

protection of a private voting booth is superfluous and can be eliminated to, presumably, save a few dollars.

You are also required to ensure one man, one vote. That cannot be done with a mail ballot election.

Then there are the problems of vote fraud and buying and selling votes that mail ballots, combined with mail voter registration, makes trivially easy. I repeat, **you can have an honest election, or you can have a mail ballot election, but you can't have both at the same time.**

Sallie Clark has already been used as an example in how to rig an election with Diebold equipment.⁷ Election officials in Ohio went to jail for their actions in the 2004 presidential election. Is that what it will take to achieve election reform in El Paso County?

Lets really save some money

If saving money on elections is an objective of the county commission then the best way to do that is to stop wasting it on discredited Diebold Election Systems, or any other vendor's electronic vote counting equipment. None of them have proven secure, reliable, accurate, transparent, or trustworthy, and confidence in the integrity of our elections is at an all-time low as a result. How can anyone trust any system for counting votes by a private company who announces in advance the candidate they support and refuses to make their equipment and documentation available for public inspection? Or even inspection by the Secretary of State?

Florida and New Mexico have now eliminated the use of touch-screen DRE voting machines. Experience has shown that optical scanners can be even more unreliable than DREs for counting votes.

If money is so scarce for the county commission, why does it continue to spend hundreds of thousands of dollars on voting equipment that doesn't work and can't be certified?

Election costs

The argument for a mail ballot election was reportedly made on the premise that ~\$125,000 could be saved by a mail ballot election. Aside from the fact that cost is not the basis on which

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It's who counts the votes."**



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7. See www.chuckherrin.com/hackthevotedemo.htm for the demonstration.

the most fundamental function in our republic should primarily be based, I suspect the reason Mr. Balink requested a mail ballot election rested more on his oft-stated personal preference, and convenience for his election staff, than a realistic cost estimate.

Table 1 presents the election costs as, I am told, presented to the county commission on July 26th, when you voted to conduct the November election via mail ballots.

Table 1: El Paso County Clerks best estimate of costs as of July 26, 2007

Item		Costs Poll Place	Costs Mail Ballot	Presumed Savings
Printing — Ballots & Absen- tee	Cost as presented	\$264,688	\$178,750	-\$85,938
	Precinct/absentee ballots	?	\$178,750	
	Provisional ballots	?	\$0	
	Overseas ballots	?	?	
Legal Notice Published/Sample Ballots		\$15,900	\$15,900	\$0
TABOR		\$38,000	\$38,000	\$0
Ballot Insertion / Ballot Envelope Packets		\$32,700	\$428,775	+\$396,075
Education Information		\$10,000	\$0	-\$10,000
Postage Costs		\$33,377	\$55,800	+\$22,423
Miscellaneous		\$55,950	\$13,000	-\$42,950
Judges	Cost as presented	\$405,295	\$73,620	-\$331,675
	Precinct	?	\$0	
	Early voting	?	?	
	Provisional	?	\$0	
	Absentee	?	\$73,620	
Additional Personnel and Overtime		\$197,898	\$97,400	-\$100,498
Totals		\$1,053,808	\$901,245	-\$152,563

Having managed a number of research projects on both national and international scales⁸ I have some problems with these cost estimates as tabulated below:

- To provide these estimates someone had to have an estimate of turnout, estimates for provisional ballots and absentee ballots, and how many early voting locations, but that isn't broken out.

8. At least I don't think they've listed me in Who's Who in the World, Who's Who in America, and similar publications for the past decade simply because of my wit and charming personality.

- While there are no doubt additional printing costs for provisional ballots in a polling place election, it is difficult to accept that the printing costs would differ by ~\$86,000. At most I would expect printing costs between the two types of elections to differ by no more than $\pm \$20,000$. One or the other of these figures, and perhaps both, appears to be padded.
- Voters are much more likely to have problems with mail ballots where they don't have an election judge to answer their questions. Therefore, the cost for education information for mail ballots should be greater than, or at least equal to the costs for a polling place election.
- Currently there are approximately 219,000 active voters who will receive ballots in a mail election. The postage cost estimate of \$55,800 implies each ballot will cost only \$0.25 to mail, including return postage for roughly 22,000 ballots returned as undeliverable. That appears to be an unreasonably low cost for return-guaranteed postage. While economy-of-scale savings can be anticipated by mass mailing in a mail ballot election, those savings will be largely offset by the greatly increased number and cost of undeliverable ballots returned by the post office.
- If we apply a postage estimate of \$0.41 per ballot to the cost estimate for absentee ballots in a polling place election it suggests an estimated 81,500 absentee ballots would be mailed.
- In an off-year election a turnout of roughly 40% of the ~325,300 registered voters can be anticipated, suggesting $\leq 130,000$ total ballots will be cast in November 2007. Requests for absentee ballots have been running around 30-40% of total ballots cast (see Table 3), implying 40,000 to 52,000 absentee ballots will be requested with first-class postage costs between \$16,400 and \$21,300. That is in obvious conflict with the estimated \$33,377 for absentee ballots in a polling place election (Table 1).
- Aside from the fact that I always find cost estimates to the nearest dollar, like \$428,775 instead of \$430,000, very questionable, the cost estimate for Ballot Insertion/Ballot Envelope Packets for a mail ballot election with 219,000 active voters suggests an approximate cost of \$2 per mail ballot. If we apply the same cost estimate to the anticipated number of absentee ballots it would suggest a cost of \$80,000 to \$104,000 for a polling place election. Thus, either the polling place costs for Ballot Insertion/Ballot Envelope Packets is far too low, by \$47,000 to \$71,000, or the costs for this process for a mail ballot election is grossly inflated.
- In polling place elections the county clerk usually has six judges for every precinct. That is an excessive number and four would be sufficient. Six judges could handle two precincts where they are combined into a single polling place. No breakdown of the cost of this surfeit of election judges is made. However, much is made about how difficult it is to find sufficient numbers of election judges as one justification for preferring a mail ballot election. If, in reality, only two-thirds of the election judges are needed the budgeted cost would be on the order of \$270,000 rather than \$405,000.

In Table 2 I have recalculated the costs of a polling place election versus a mail ballot election based on the inferences stated above. My cost estimates strongly favor a polling place election rather than the \$152,563 savings for a mail ballot election the county clerk presented to the county commission. However, given the uncertainties apparent in the costs for ballot insertion/ballot envelope packet costs between the two types of election, and other unknowns (Table 1), I would suggest that the difference in cost is within the uncertainty range of the estimates and that a claim for a cost saving with a mail ballot election is not justified by the information presented by the county clerk. Clearly various costs are not broken out in his estimate, as shown by question marks in blank columns in Table 1.

Table 2: Recalculated estimate of election costs

Item	Costs Poll Place	Costs Mail Ballot	Presumed Savings w/MBE
Printing — Ballots & Absentee	\$200,000	\$180,000	–\$20,000
Legal Notice Published/Sample Ballots	\$16,000	\$16,000	\$0
TABOR	\$38,000	\$38,000	\$0
Ballot Insertion / Ballot Envelope Packets	\$33,000(?)	\$430,000(?)	+\$397,000
Education Information	\$10,000	\$10,000	\$0
Postage Costs	\$16,000 to \$21,000	\$56,000	+\$35,000 to +\$40,000
Miscellaneous	\$56,000	\$13,000	–\$43,000
Judges	\$270,000	\$75,000	–\$195,000
Additional Personnel and Overtime	\$200,000	\$100,000	–\$100,000
Totals	\$840,000	\$918,000	~ +\$80,000

I have other problems with the way the county clerk estimates costs for a polling place election (Table 1) as well. In a sense it appears he is pulling a “bait-and-switch” move to justify his personal preferences, i.e., he is pricing a Cadillac polling place election and comparing it with a Chevrolet mail ballot process.

Examples:

- No help for disabled voters is provided in the mail ballot election. That is a very expensive, but hidden, item in the budget for a polling place election. But handicapped voters are left to their own devices in a mail ballot election.
- Colorado Revised Statutes (C.R.S.) § 1-8-204 requires at least one early voting polling place in a polling place election. While one would do since “no excuse” absentee ballots are easily available, the county clerk likes to have four to six early voting locations but does not itemize the cost of this luxury.

The integrity of our elections is far more important than voter convenience or cost. Present practices of counting votes on mail ballots in a “backroom” using unreliable, uncertifiable, and proprietary secret software and hardware are the worst of all worlds.

A look at the effects of voter “reforms”

One of the objectives of all the presumed “election reforms” that brought us to this crisis, e.g., electronic voting, DREs, “no excuse” absentee voting, mail in voter registration, permanent mail ballots, early voting, provisional ballots, etc., passed by the Congress and Colorado

legislature in the past 5-10 years, largely at the behest of the county clerks and voting machine companies like Diebold, was to make it more convenient and easy for citizens to register. These reforms were also supposed to increase voter turnout. One definite result is that these measures have vastly increased the trouble and cost of elections, which is one reason the county clerk now favors mail ballot elections. Table 3 reviews how well these “reforms” have worked in El Paso County.

Table 3: Percent of population who registered to vote and voter turnout for elections in El Paso County, Colorado, for the years 1998 through 2007.

Year	County Population	Registered Voters	Percent Registered Voters	Number Who Voted	Percent ¹ Turnout	% Voted By Mail ²	Type of Election	Type ³
August 1998	490,044	294,039	60.0%	41,947	14.3%	5.7%	Primary	Polling place + absentee + early voting
November 1998	490,044	300,468	61.3%	144,234	48.0%	14.2%	Congressional	
November 1999	499,994	316,767	63.4%	83,404	26.3%	12.3%	Coordinated	
August 2000	516,929	331,009	64.0%	35,017	10.6%	21.8%	Primary	
November 2000	516,929	340,006	65.8%	201,662	59.3%	34.3%	Presidential	
November 2001	535,074	322,550	60.3%	100,613	31.2%	100%	Coordinated	Mail In ⁴
August 2002	543,708	333,424	61.3%	24,787	7.4%	34.8%	Primary	Polling place + absentee + early voting + provisional
November 2002	543,708	337,121	62.0%	154,764	45.9%	30.0%	Congressional	
November 2003	549,745	321,811	58.5%	89,049	27.7%	14.2%	Coordinated	
August 2004	557,083	334,839	60.1%	70,264	21.0%	32.4%	Primary	
November 2004	557,083	354,059	63.6%	242,888	68.6%	25.4%	Presidential	Polling place + absentee + early voting + provisional ballots
November 2005	564,857	333,927	59.1%	119,222	35.7%	21.1%	Coordinated	
August 2006	576,884	343,010	59.5%	56,641	16.5%	39.7%	Primary	
November 2006	576,884	349,926	60.7%	177,908	50.8%	30.8%	Congressional	
August 2007	590,000 est.	325,333	55% est.				Coordinated	Mail in ⁴

Notes:

1. Number who voted divided by the number of registered voters. Registered voters includes both active and inactive voters.
2. Number of voters who voted by mail divided by the total number of ballots cast in the election.
3. Precinct elections include voting at a polling place or precinct, early voting, and absentee voting by mail.
4. All mail in elections are done exclusively by mail and ballots are only sent to ☐ active ☐ voters. Currently there are ~219,500 ☐ active ☐ voters of the 325,333 (67%) registered who will receive mail ballots in the November 2007 election.

Clearly the number of registered voters as a percentage of the county population has hovered around 60% over the past ten years. If any trend is evident in Table 3 there has been a slight downward trend in the percentage of registered voters since the high of 66% in the year 2000. That downward trend is more apparent when it is noted that since the high of 354,059 registered voters in November 2004 the numbers have declined by nearly 30,000 to 325,333 currently registered voters despite the fact that the population has increased by at least 33,000 since the November 2004 election. So the **population** went **up** by **33,000+** and the number of **registered voters** went **down** by **30,000**, exactly the opposite of what was intended.

Obviously, if anything, the election “reforms” and practices, particularly electronic voting, of the past decade are discouraging citizens from registering and voting. And with mail ballots we have no idea who is casting the ballot as signature verification is easily defeated, especially if untested and, again, uncertified Diebold signature-recognition equipment is used as was done in the April Colorado Springs city election.

I would also point out that of the 325,333 currently registered voters in El Paso County only about 219,500 “active” voters will be given a chance to vote in the November mail ballot election. Experience has shown only a minuscule number of citizens who don’t get ballots mailed to them realize they have to ask the county clerk for one by the deadline in order to vote. As a result, effectively 33% of the registered voters are disenfranchised in this mail ballot election.

Voter registration database purges and vote caging

Noting that the number of registered voters has declined by 33,000 (Table 3) might be a basis for giving credit to the county clerk for keeping the voter registration database up-to-date. Unfortunately, there have been so many, and oft-repeated instances of unlawful or politically-driven voter registration purges that mistrust is the more likely response of an informed citizen.

Adding to the distrust is the fact that these purges have consistently been found to have removed thousands of valid voters, commonly minorities, while still not providing any means of reliably finding fraudulent registrations. To that corruption has been added the technique of vote caging⁹ to selectively eliminate voters.

While I do not mean to imply that unlawful purges or vote caging have occurred in El Paso County, the implementation of a statewide voter registration database, should it ever occur, is cause for grave concern about such issues based on past performance by the Secretary of State’s office¹⁰ and his incompetent and ethics-challenged staff.

Conclusions

I have been saying the same thing about electronic voting and mail ballot elections since you’ve been in office. The only real difference is that now tens, if not hundreds of thousands of other county residents agree, and the courts and Secretaries of State in Colorado and many other

9. See en.wikipedia.org/wiki/Caging_list for a description of how vote caging works.

10. It should also be noted that the State of Colorado has a zero percent (0%) success rate over the past decade for implementing large databases. The first attempt at a statewide voter registration database was an ignominious failure. The current effort is cloaked in secrecy and a very uncooperative attitude by the Secretary of State’s office. That doesn’t lead to confidence in the process and the project is currently two years overdue.

states are getting the message, and some are taking corrective steps as well. Unfortunately, Colorado and El Paso County are not.

Isn't it time that El Paso County listened to the people and the experts, and insisted on integrity, honesty, and transparency in our elections? The meltdown of electronic voting machines should force the county commission and clerk to seek alternate means of counting votes but, as usual, the Secretary of State is making nonsensical excuses for junk equipment, incompetent staff, and corrupt vendors.

Why should citizens be forced to trust their elections and taxation to machines that are so incredibly defective that they can't even be certified to even the present inadequate standards?

As there was never anything wrong with the method of hand counting hand-marked paper ballots by election judges at local precincts, isn't it time we considered returning to that time-tested method? There are few other viable alternatives that could be implemented before November 6th. Ignoring a clear court order and proceeding with the use of Diebold, or Premier Election Solutions, or whatever they call themselves next, can only further erode public trust in democracy and the rule of law.

With the hope you will take intelligent corrective action,

Charles E. Corry, Ph.D., F.G.S.A.

Wayne Williams, District 1
Douglas Bruce, District 2
Sallie Clark, District 3
Dennis Hisey, District 4
Jim Bensberg, District 5
Bob Balink, County Clerk