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To: 'Ken Gordon'; 'Scott Doyle'; 'Mark Baisley'; 'Paul Hultin'; 'Stephanie.O'Malley@DenverGov.org'; 'Scott Martinez'; 'William A. Hobbs'; 'Scott Gessler'; 'Robert Balink'; 'Sally Misare'; 'Patti.Nickell@bentcounty.net'

Cc: 'Bo Pogue'; 'Kurt Morrison'

Subject: Widespread corruption in Colorado's election system

Dear Election Reform Commissioner:

For the Election Reform Commission to take action without first addressing the widespread corruption in Colorado's election system would compromise the integrity of the Commission itself. To ignore the corruption would signify that the Commissioners were uninformed or, if informed, inattentive to those aspects of the election system that most affect voter confidence.

1. The Colorado Department of State is violating the law, and nobody is doing anything about it. And CDOS is abusing their privileged public position to cover up their misdeeds. One example, of many, is documented in the attached formal HAVA complaint. To get an overview of the problem, I suggest you read Kolwicz-SOS reconsideration.pdf (attached). If this is news to you, I hope that you will share our disgust with the way that this complaint is being handled. At a minimum, the Commission should recommend strong Independent Oversight of the Colorado Department of State.
2. The Colorado County Clerks Association is a front-organization that does not operate under Colorado's Sunshine laws. The organization represents the interests of the Clerks and to some extent the vendors. It definitely does not represent the interests of the Public. It is our understanding that the Commission is considering recommending that a task be assigned to this secret and self-serving organization. This would be an error. This organization should be dissolved, not recognized.
3. County Clerks abuse their power. Many of the proposed ERC recommendations would further empower Clerks to cover up election defects and suppress the political parties, candidates, and the public. Some quick examples:
 - a. Boulder County replaced the Official November 2008 Canvass Board Report with a report more forgiving than the true facts. The county has refused to provide a copy of the replacement report in response to Open Record requests. The Department of State has also refused access to the document.
 - b. Boulder County operated the TALLY system without the required oversight. On Election Night, a county employee, who could easily have changed the election results, operated the machine alone. In addition, a Canvass Board member/Poll watcher was forced to leave the room where the TALLY violation was occurring. The District Attorney decided to "not file charges".
4. The Colorado Attorney General serves as Attorney for the Secretary of State. He is not authorized to enforce the Sunshine laws. He does not enforce election laws. He is not a representative of the voters. Voters deserve strong Independent Oversight and publicly-funded independently-chosen private legal representation to enforce Colorado's Election and Sunshine laws.

The purpose of this letter is to put on the record a few specific illustrations showing that the Election Reform Commission has been informed of Colorado's election system corruption.

For the Commission to not take action on the corruption issue would be a grave error. There are three subjects that must be addressed: transparency, verifiability, and accountability. Without transparency, there can be no oversight. Without verifiability, one cannot actually detect defects. Without accountability, there is no way to improve.

Before voting, the Commission should inspect each of its proposed recommendations to see if each increases or decreases the transparency, verifiability, and accountability of the election system.

Please do not complete your work without first addressing Colorado's serious corruption issues.

Al Kolwicz

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Attachments:

1. [SOS HAVA Kolwicz.pdf](#) – HAVA Complaint and Determination.
2. [Kolwicz-SOS reconsideration.pdf](#) – Request for reconsideration of determination.
3. [Corry DBMS resume.pdf](#) – Resume of Dr. Corry.
4. [RE: Request for reconsideration of SOS HAVA-00-08-0008](#) – CDOS confirmation of receipt of request for reconsideration of determination