

EJF Report On The April 7, 2009, Mail In Election, Colorado Springs, Colorado by Charles E. Corry, Ph.D.

EXHIBIT #2
DATE Jan 19th 2011
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Colorado Open Records Act (CORA) request

With regard to the April 7, 2009, mail ballot city election I had the following concerns and on April 11th wrote the Colorado Springs City Clerk Kathryn Young a CORA request for the following information:

- The number of registered voters in Colorado Springs eligible to participate in the election;
- The number of active voters;
- The total number of ballots mailed or otherwise distributed in the election;
- The total number of ballots returned to your office by 7 PM April 7, 2009;
- The total number of ballots returned to your office after 7 PM April 7, 2009;
- The total number of ballots returned by 7 PM April 7, 2009, but not counted, and a tabulation of why these ballots were not counted and the number of ballots in each category.

I also have concerns about how signatures are verified as they are the only significant check on voter identity in a mail ballot election. Therefore, I also asked about the methods or equipment used to verify the signatures on the ballot envelopes.

April 17, 2009 reply by city clerk

In a response dated April 17, 2009, Kathryn Young provided most of the requested information (pages 2 through 31 of the attachment).

Supplemental requests on April 19th and May 2nd

As commonly happens, one of my original requests as to number of registered voters for the city election was not answered in the clerk's original response and there was also some confusion remaining on signature verification.

On April 19th I again wrote Kathryn Young requesting that information but received no response. So I followed that request up on May 2, 2009.

May 1, 2009 reply by city clerk

Following my May 2nd request I received a letter dated May 1, 2009, from Kathryn Young. Probably the letter had been typed but not mailed until my reminder, or the date on the letter is simply a typo.

Problems with the April 7, 2009, election

Eligible voters

X In her response of May 1 with regard to the number of registered voters eligible to participate in the mail ballot election Ms. Young states in the 2nd ¶ that: "As you know, in all Mail Ballot Elections...only active registered voters are eligible to participate in the election."

C.R.S. § 1-7.5-107(3) (a) . Not sooner than twenty-five days before an election, and no later than fifteen days before an election, the designated election official shall mail to each active registered elector at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED", or any other similar statement that is in accordance with United States postal service regulations; except that with prior approval from the secretary of state, the packets shall be sent no later than ten days before election day.

Of course one of the major objections to mail ballot elections is that a substantial fraction of the electorate is disenfranchised, as her statement proves. Further, ron page 3 of her first response, under Ballot Summary, Rejected ballots, 35 ballots are listed as rejected as **Voter Not Active**. As Colorado elections are often decided by margins of less than 35 votes this isn't a trivial number of voters.

C.R.S. § 1-13-704. Unlawfully refusing ballot or permitting to vote. If at any election provided by law any judge of election willfully and maliciously refuses or neglects to receive the ballot of any registered elector who has taken or offered to take the oath prescribed by section 1-9-204 or knowingly and willfully permits any person to vote who is not entitled to vote at such election, such judge is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: L. 80: Entire article R&RE, p. 433, § 1, effective January 1, 1981.

How many voters were disenfranchised by the mail ballot election?

X In the 2nd ¶ of her May 1 letter Ms. Young gives a total of 259,440 registered voters. However, in the official results for the election (page 2) there are only 196,011 registered voters given. Therefore, at least 63,429 registered voters were officially never given a chance to vote in this election, or 25% of all registered voters could not vote because of the mail ballot election, plus the 35-odd who returned a ballot but had it rejected.

So ~63,500 citizens were registered to vote but were disenfranchised simply because they hadn't voted, for whatever reason, in November 2008, presuming more accuracy in the voter registration database than seems to be justified.

Turnout

One of the supposed benefits of a mail ballot election is that they are rumored to increase voter turnout. Using the clerk's "official" number of "registered" voters the turnout in the April 2009 election is given as 35.98%, not a particularly inspiring number even jury-rigged as it is.

Historically, however, voter turnout is calculated by dividing the number of ballots (cards) cast (70,527) by the total number of eligible voters (259,440), or just 27.18%, a less inspiring turnout when done honestly.

Table 5 gives turnout (cards cast/registered voters) for El Paso County and Colorado Springs mail in elections dating from 2001

**Table 5: Voter turnout in
Colorado Springs and El Paso
County mail ballot elections**

Month & Year	Turnout %	Agency
Nov. 2001	31.19%	County

April 2003	36.69%	City
Dec. 2006	20.10%	County recall
April 2007	27.38%	City
Nov. 2007	18.74%	County
April 2009	27.18%	City

Note that in not one of these mail in elections did a majority of even the "active" voters participate. And only once did as many as one-third of the eligible voters turnout.

If this is what election officials mean by "increased turnout" we need some new election officials. But rather than face the obvious, what clerks like Kathryn Young have done is try and fudge the number by lowering the divisor to only include "active" voters. Even with that obvious tactic, and using phony arithmetic, the turnout in the April 7, 2009, election was only a pathetic 35.98% by her calculation.

So mail ballot elections are being sold on the basis of dishonest calculations of voter turnout. And even with phony arithmetic, voter turnout in a mail ballot election is apathetic at best and appears to be decreasing with time.

Precinct numbers

The 196,011 "Registered Voters" listed in the official results (page 2, or see city web site) is the sum of all the "registered voters" in all 296 precincts in the city.

The historical purpose of listing the total number of registered voters in all precincts is that in many cases it was found that there were more "registered voters" than citizens eligible to vote in some precincts, an ancient method of election fraud. The 2005 election in Pitkin County, CO, is but one recent example where a precinct had more votes than voters.

However, if the number of voters actually registered to vote is reduced on average by 25% for each precinct, as was clearly done in this election, it becomes virtually impossible to detect election fraud by comparing the demographics with the poll book.

History of increase in registered voters

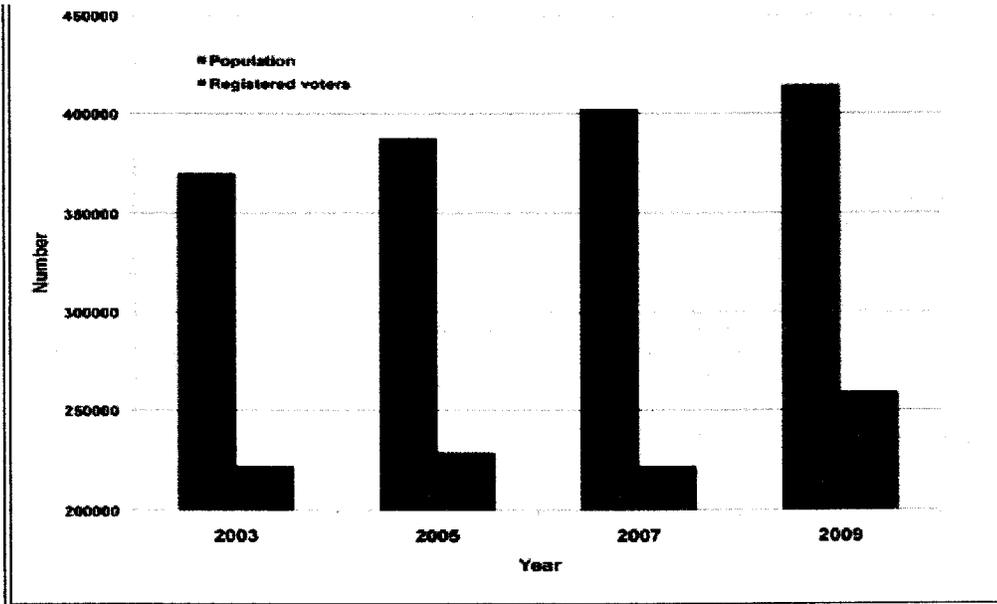
The question of number of registered voters in each precinct is not simply academic when a comparison is made with previous city elections. As the city population increases the number of registered voters will naturally increase as well. But not all new residents are eligible to vote and not all eligible citizens will bother to register.

Table 6 gives values I've collected back to 2003, when the city election results had to be corrected twice and I've previously reported on the multitude of problems in the 2003 city election.

Note that there was a massive jump in numbers of both registered and active voters in the 2009 election as shown in Table 6 and the included graph.

Table 6: Registered and active voters in Colorado Springs

Year	City Population	Registered		Turnout	Type of election
		Total	Active		
2003	370,448	222,691	142,027	36.69%	Mail in
2005	387,666	229,834	?	14.59%	Precinct
2007	402,417	222,533	147,857	27.38%	Mail in
2009	414,658	259,440	196,011	27.19%	Mail in



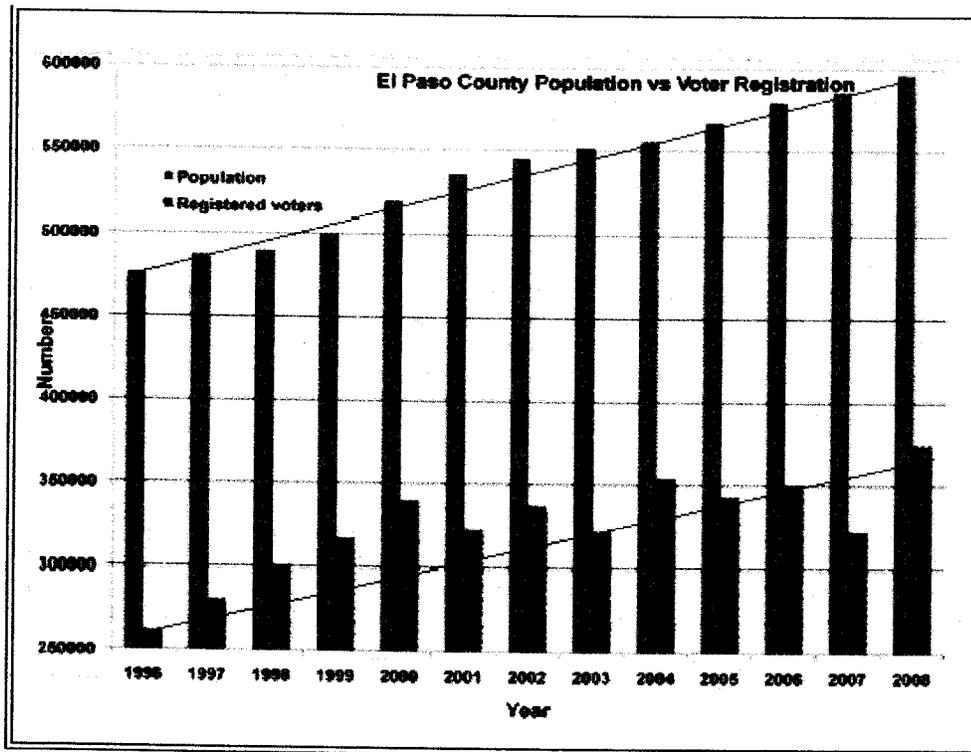
There are at least two reasonable hypotheses as to how this might happen, but neither seems entirely conducive to a belief in an honest election: (a) There was a massive mail-in registration effort that resulted in virtually every new eligible citizen suddenly registering to vote, or (b) the statewide voter registration database, SCORE II, is corrupt. Of course, both may be, and probably are true to some extent.

History of voter registration efforts suggest (b) is the more likely answer. The Colorado Secretary of State has admitted that the voter registrations from all 64 counties were simply merged into one file when SCORE II was implemented in mid-2008 and that there are *5.8 million voter records* in the "database" while the Census Bureau estimates the 2008 Colorado population at 4.9 million total residents, of which only about 3.5 million are citizens eligible to vote, e.g., over 18. So SCORE II is a prime suspect in the question of the immense number of newly-registered "voters" in the April 7, 2009, election.

It is possible to check SCORE II against population and registered voters in El Paso County, which contains Colorado Springs, for similar problems, and I've done that below.

Table 7: El Paso County, Colorado, population vs. registered voters

Year	County Population	Registered voters Nov.
1996	478,281	208,338
1997	486,974	280,784
1998	490,044	300,468
1999	499,994	316,767
2000	519,46	340,006
2001	535,658	322,550
2002	544,994	337,121
2003	551,443	321,811
2004	555,896	354,059
2005	567,416	343,010
2006	579,930	349,926
2007	586,076	322,268
2008	596,053	374,399



Clearly in the presidential election years of 2004 and 2008 Table 7 shows there were huge surges in voter registration in El Paso County followed by purges in the following year as the county clerk cleaned up their database. But there is no corresponding surge in the number of registered voters in Colorado Springs in 2005 as is so evident in the 2009 election. But there is nothing conclusive in the county data to suggest anything out of the ordinary in the number of registered voters in the county rather closely matches the increase in population leaving the increase in registered voters in Colorado Springs during the 2009 election as a distinct anomaly in Table 6.

At least we can be happy the stated number of registered voters doesn't exceed the 300,000 or so citizens eligible to vote in Colorado Springs. That has been a problem elsewhere and is only 40,000 (13%) citizens short in the 2009 election.

Classically, these conditions are ideal for election fraud

Consider: (a) the numbers of voters in each precinct is unknown, (b) there is a large surge in registered "voters" apparently just before the election, and (c) ballots were mailed out so no one had to appear at a precinct to identify themselves and establish that they are corporeal.

Lost ballots

The available data suggest there were at least 10,000-20,000 ineligible voters who were considered "registered" and "active" and were thus mailed ballots. That was partially compensated by the fact that 13,174 ballots were undeliverable (page 4) for whatever reason.

In terms of election integrity it might be kept in mind that ballots were supposedly only sent to "active" voters who had voted in the November 2008 election just five months previously and were presumably corporeal at that time. Perhaps over 13,000 citizens departed Colorado Springs during those five months? But on the same page 4 the clerk notes that only 84-100 voters: (a) changed address (20), (b) changed precincts (32), (c) died (29), or (d) left the city (3) between March 9th when registration closed and the April 7th election. That suggests only 500 or so (100 x 5 months) voters likely departed between November 2008 and April 2009.

Note that the turnover of registered voters is much smaller than total population shifts, particularly in a military town like Colorado Springs.

Clearly the voter registration database is rather badly in error. That is self correcting to a considerable extent with precinct balloting but easily leads to gross errors with mail ballot elections. In fact, users who have Microsoft Excel can download a spreadsheet with 202 duplicate names from SCORE II for Colorado Springs, many of whom are listed as active voters at both addresses and were presumably mailed ballots at both addresses.

Where oh where did all the ballots go?

There is the curious question as to why the official results list 196,011 "registered" voters when in fact there were 259,440 voters actually registered. Also, if there were, in fact, just 196,011 active voters in the 296 city precincts eligible to vote as stated in the official results then why were 196,507 ballots initially mailed according to the canvass report (page 3)? Five hundred votes can make a big difference in a municipal election.

Stuffing the ballot box

There is also the basic necessity that if one wants to stuff a ballot box the first problem is to obtain a ballot. That was no problem in this election as 111,826 ballots simply disappeared (page 4), or 57% of all ballots. It can't have been any problem at all to find multiple ballots to cast if one were so inclined. And signature verification has repeatedly been shown to be inadequate if someone is determined to stuff the ballot box.

It is worth pointing out that ballot inventory control is one of the most basic requirements for an honest election. But if more than half the ballots simply disappear into thin air there is no longer even a pretense of ballot inventory control.

Phantom voting

There is also no way to know how many ballots may have been returned by ghosts, although 29 ballots were found to have been cast by deceased voters (page 4). Presumably the strain and heartache of having to vote by mail put an end to them after they put their ballot in the mail. Of course in a precinct it is somewhat more difficult for the deceased to cast a ballot. Well anyway, maybe the clerk did better than Pitkin County in 2005 where 1,200 phantoms voted, but we will never know.

Secret ballot

Section 8, Article VII of the Colorado Constitution requires that all voting shall be done by means of a secret ballot. That requirement is negated by mail ballots as illustrated by the city clerk's response to my request (page 33) to verify that my ballot was received and counted. On page 34 she provides the following details with regard to my ballot in the April 7, 2009 election:

Voter ID: 447321

Ballot issued: — 3/41871 in precinct 306, District 3

Ballot mailed — 3/17/2009 to 455 Bear Creek Road, 80906

Returned envelope scanned for signature verification — 3/25/2009 3:58:22 PM

(Note that my signature was on the outside of the envelope and publicly visible)

Signature verified and accepted — 3/26/2009, 11:08:015 AM

(One might reasonably inquire as to why there was a 19-hour delay between scanning and acceptance?)

Returned envelope in — Tray 43, Sequence 111

Ballot counted — Deck 5, PCS 2, 4/6/2009 2:15 PM

Obviously plenty of time between March 25th and April 6th for anyone interested to examine any and all ballots to see how someone voted. And individuals are plainly identifiable as their signature is in plain view on the outside of the envelope and the tab is still on the ballot. Inasmuch as the counting is done by the clerk's

employees and Diebold/Premier contractors in a proverbial "backroom" with virtually no public oversight there can be no guarantee of a secret ballot.

Compare the above process with a ballot cast in a precinct. On Election Day a voter provides identification personally to a citizen election judge in a public forum, the election judge establishes that the citizen is a registered voter in that precinct, the voter signs a paper poll book for the record, is given a ballot that they complete in a private polling booth, a citizen election judge then tears off the identifying tab at the top of the ballot, and the voter puts their ballot personally into a locked ballot box. There is no way then to tie the ballot back to the voter and the process is completely transparent if (but only if) the citizen election judges count the ballots when the election closes with any citizen allowed to view the counting.

Summary

In effect the city clerk mailed ballots to whomever she chose, and if she didn't like someone they were not allowed to vote, and 25% of the registered voters were disenfranchised from the outset. At least a few ten thousand "names" were registered to vote who shouldn't have been or who simply don't exist. Many were registered twice under the same name, sometimes even at the same address.

How those who were allowed to vote voted was no secret. And whether the vote totals bear any resemblance to the will of the people is quite unknown as the ballots were counted in secret on black boxes using secret software with many known defects.

Nor is it possible to check precinct totals against demographics as the number of registered voters in each precinct is unknown.

While it cannot be determined whether election fraud did or did not occur in the April 7, 2009, Colorado Springs election, virtually every classical element permitting such fraud was present. It is for these reasons that mail ballot elections must not be used.

Why create ideal conditions for election fraud if no fraud is intended?

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