

Merlin Klotz, Douglas County Clerk and Recorder,

Additional comment on proposed election rule changes

RE: Proposed changes to 16.2.1 (C) and 16.2.3

From an operational perspective, I could do without any of the accommodations afforded under UOCAVA. However, these special accommodations are made primarily to our Military by UOCAVA and Colorado derivatives of that law. In reality, our Military are the most deserving to vote and from a fairness perspective we must provide every opportunity for their desired vote to be delivered and counted:

- They are not necessarily blessed with the luxury of mail every day or to the domestic standard for mail delivery that the rest of us have become accustomed.
- They do not always benefit from an 8 to 5 job but rather may find themselves in combat or exercises that keep them away from all communications for extended periods.
- The fact that a Clerk is obligated to mail a UOCAVA ballot 45 days before an election does not guarantee that a service man receives it immediately. Receipt may not be until days or hours before an election.
- Instead of formatting rules that would restrict the ability of our Military to vote based on local communication norms we are morally obligated to establish every possible vehicle for their vote to count.

This issue is a point of conflict between two rights in the United States.. The right to vote and the right of privacy in one's vote. It is more criminal than a poll tax to say, "If your vote isn't private, you can't vote!" For this reason if the two rights are in conflict it must be the voter, not the rule maker, who makes the decision as to whether privacy in how he voted out weighs his desire to vote.

If I were that Military person, I would prefer to make my own decision as to whether any risk of loss of privacy in transmission of my vote outweighs my desire to vote. I would never want to abdicate that decision to people who can merely use a 24/7 drop box to return their ballot and who seem to believe I could do the same.

It is ironic that the same groups/individuals who work to insure every homeless person can vote would look for ways to disenfranchise the very people insure our right to vote.

Until a 100% secure, private, remote delivery method of voted ballots is developed, the recommended SoS rule refinements places the right/privilege decision to vote in the hands of that UOCAVA voter where it should be.

The proposed rule changes in Section 16.2 are appropriate.

RE: 20.5.2 (f) Use of WIFI in elections.

Acquisition of the legislatively required number and format of polling places for up to 2 weeks before elections that meet all ADA regulations and SoS rules can be a near impossibility. Every location where

election equipment is used is different. This proposed rule change provides for Clerk to only use WI-FI in situations where the SoS specifically authorizes.

A point of understanding should be behind the rule. The WiFi definition legally is only local area wireless computer networking technologyOn the other hand the common/layman definition assumes a further connection to the internet.

Specific SoS authorization is necessary as inherent in such authorization is consideration of the reach of such wireless signal from the specific devices used.. Effective reach may be no more than to the walls of the room or several hundred feet.

It cannot be assumed that the perfect polling place room in the perfect location is available in all areas of the State. Rules must not preclude adaptations, with SoS approval, to avoid disenfranchisement of voters. Even in metropolitan Douglas County, it has been impossible to provide a polling place that meets all technical requirements to serve voters in the South Half of the County.

This requested rule modification is appropriate.