



**DENVER**  
THE MILE HIGH CITY

Elections Division  
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**Denver Election Commission  
Regular Meeting Minutes  
Wellington E. Webb Building, Room 4G2  
Tuesday, May 22, 2007  
5:30 p.m.**

ATTENDEES: Commissioner Susan Rogers, Commissioner Stephanie O'Malley, Commissioner Sandy Adams, Executive Director John Gaydeski, Assistant City Attorney Vicky Ortega

Attendees: Carol Tone, League of Women Voters  
Jessie Danielson, America Votes  
Faith Gross, The Legal Center  
Dan Willis, Denver Democrats  
Alfonso Suazo, JoAnn Phillips Campaign  
Heather Riti, Budget Management Office

Staff: Alton Dillard, Matt Crane, Tina Romero, Amber McReynolds

- I. Call to Order: 5:30 p.m.
- II.
  - A. Approval of Minutes - Commission Meeting of Tuesday, April 24, 2007 – Commissioner O'Malley entertained motion to approve. Rogers moved to approve and Adams seconded. Minutes approved.
  - B. Revenue Report – ED Gaydeski reported repayment from November 2006 Election at \$191,766.40, bringing total monthly revenue to \$192,673.65, for a year to date total revenue of \$221,580.20.
- III. NEW BUSINESS
  1. Update/June 5, 2007 Runoff Election Plan - Matt Crane, Ops Manager, provided June Election update stating that ballots arrived to the General Mail Facility by Wednesday the 16<sup>th</sup>, stating that there will be one column ballot, envelopes are the same size and, postage will be cheaper. 500 column ballots will be able to be processed per minute thru the 400C counting machines. Drop-off will begin Tuesday, May 29<sup>th</sup> and drop-off hours will be 10 a.m. to 7 p.m. as well as, Election Day drop-off. Barnum Recreation and Schenck School will be open in District 3, Porter Place and College View in District 7, and Glenarm Recreation and New Hope

Baptist in District 8. These will be open from 10 a.m. to 7 p.m. except Election Day when they will be open from 7 a.m. to 7 p.m. and there will be no drop-off available on the weekend. Voters are encouraged to sign their envelopes and, if not signed, a letter will be sent requesting signature. There will be 2 EDGE Voting Machines available in the Denver Election Commission Main Office as well as serving as a drop-off location. Commissioner O'Malley clarified that 41 cent postage is the applied postage for each ballot and that this is a different postage than the previous election.

2. Update/Transition to Clerk & Recorder's Office – per Clerk & Recorder O'Malley, the Transition Team (Heather Riti, John Gaydeski, Matt Crane) continues to meet and respond to the language of the Charter and states that existing staff members continue to maintain their positions under Career Service Authority (CSA), as long as they qualify. Dani Brown and Don Cordova have responded in writing to questions submitted to the Transition Committee. O'Malley said they have been responsive to existing staff members each Tuesday resulting from meetings of previous Friday. She goes on to say that they classified individuals and conducted an audit to determine if classifications were appropriate and to notify those individuals if those classifications were made different. There has been some direct conversation with those employees, total of 4, who have been reclassified so that as they apply they will qualify. These employees must be reclassified before they apply for that position on the other side of the paradigm. Existing positions were posted today and the process is competitive. The pool of candidates is City Employees. Staff positions will be open to City Employees and, Election Commission Employees qualify as City Employees but not as CSA Employees. Council has been approached on extending the number of FTE's, in order to have a layer of supervisory positions and funds appropriated. Talks will continue until Council makes decision about those positions and until Council has determined the appropriateness of allocating these funds.

3. Update/Technical Services – ED Gaydeski stated that there is basically no report and no firm date on the RFP release.

4. Review of Legislation – Rogers said she believes nothing has changed with legislation since the previous Commission Meeting and, the legislature is now out of session.

IV. Announcements and Comments by Commissioners, Staff, and Guests – Commissioner Rogers congratulates Clerk & Recorder O'Malley on her election to the position of Clerk & Recorder. Clerk & Recorder O'Malley states that this is the 2<sup>nd</sup> to the last of the Commission Meetings with the Commissioners and, that a public meeting will continue on a consistent basis with videotaping by Channel 8, as they believe they still have the budget to do so.

Dillard clarified that the only voters participating in the Runoff Election are those in Council Districts 3, 7, and 8.

Dan Willis, Secretary of the State Democrats raised a question regarding reprecincting as related to new developments such as, Stapleton, where there are 3700 people in one precinct and, Green Valley Ranch where there are over 1500 in some precincts, and wants to know if any reprecincting will occur before the party caucuses. Clerk & Recorder O'Malley is committed to investigating the matter more closely.

Alfonso Suazo attending on behalf of Joann Phillips Campaign requested that the DEC revisit the issue of residency of Candidate Paul Lopez as there has been some controversy raised about his residence, 4411 West 2<sup>nd</sup> Avenue, for matters that pertain financially. Denver residents and public safety officials have substantiated that Lopez has been voting and residing in Loretto Heights District 2 and reiterates that candidates must reside in the District for 1 year. He lived at 3400 South Lowell from August 2004 to September of 2006; 24 Julian Street from 1998 through 2004 and, between 1996 to 1998 has resided at his grandmother's address, as provided by the Denver Election Commission. On January 2007 a landline was purchased by Lopez at that address and, additionally, a decision to register to vote was made in September, 2006. Suazo goes on to say that a District Court filing should not be paid for by residents of District 3 and requests that the DEC should reverse their decision to grant Lopez' candidacy and deny his nomination. Suazo states that it is the intent from City Charter that a candidate must have resided in the district for 1 year and that the DEC should have considered his voting address. Clerk & Recorder O'Malley requests a copy of Mr. Suazo's written statement. Vicky Ortega, Assistant City Attorney, stated that the candidate has been placed on the ballot, that the proper forum is to pursue an elections contest with the County District Court and, that there is no remedy or authority to reverse the decision by the Denver Election Commission. Clerk & Recorder O'Malley reiterated to Mr. Suazo that in accordance with the Assistant City Attorney, the appropriate forum is to bring this before the District Court and that the Commission would appreciate a copy of the information he provided and read at this evening's meeting.

Jessie Danielson, America Votes, asked when a method of voting for the November 2007 Election would be decided. Clerk & Recorder O'Malley responded that this will be decided soon and that this decision will be based relative to feedback from the public, relative to the budget, equipment considerations, transition of the Elections Office and, this will all relate to what will be in the best interests of the City. Jessie asks whether stakeholders will have a say-so in this process. O'Malley responds that she welcomes input. Crane said we have begun identifying precincts, the GIS person is working on this and that they will have this sometime this summer. He goes on to say that we will present the report to the Clerk and Recorder at the point she takes office. Rogers said that the timeline may be shorter and that precinct caucuses may have been moved to February. Willis states that the bill determined by the legislature has left this decision to the parties for convening of caucuses on February 5 or March 18<sup>th</sup>, 19<sup>th</sup> or 20<sup>th</sup>. O'Malley stated that she is understanding of the critical dates and understands that there

are considerations around timing; that we are all under tight deadlines around November 2007, August 2008 and November 2008. She expresses sensitivity to the timing.

Carol Tone, League of Women Voters, raised the question about hiring of an Elections Director. O'Malley reported that language for a national announcement for the position of Elections Director is being developed with CSA and it was completed yesterday. Council expressed that they may set the language. O'Malley is asking for the CSA to allow input. She has spoken to other Clerks regarding language that they have used in their announcements. David Broadwell, City Attorney, who possesses much of the institutional knowledge and, she, presented to City Council today during the Governmental Council Meeting and, they were pleased with the qualifications that were presented. The Council has deferred to the qualifications developed by O'Malley and the Council has agreed not to engage in the process. She anticipates that issuance of the Elections Director announcement will be initiated no later than Thursday.

- V. Motion for Adjournment and/or Executive Session – O'Malley entertained motion for adjournment. Commissioners unanimously agreed to adjourn at 5:53 p.m.

#### THE DENVER ELECTION COMMISSION

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Stephanie O'Malley, Commissioner

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Sandy Adams, Commissioner

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Susan Rogers, Commissioner

Attest: \_\_\_\_\_ Date