

A shift in identity for Aspen Election Commission

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ASPEN — After facing possibly the most turbulent year-and-a-half in its history, the Aspen Election Commission is experiencing an identity change.

Until now, few people were aware of the body, which wasn't very active.

It was recognized as being historically "ceremonial" last year by City Attorney John Worcester, who has since said it wasn't necessarily meant to be that way. He cited language in the City Charter that guides the commission.

The independent board is made up of the city clerk and two electors (people who are eligible to vote in Aspen). Its duties were to certify each municipal election, ensure that the voters are all eligible and to call a winner in case of a tie.

And, traditionally, that's what it did, at least in City Clerk Kathryn Koch's memory of her three decades on the job.

Now, though, the much more active commission is creating a lengthy set of procedures that will drive future elections and seek to avoid a number of alleged problems with the last city election, in May 2009. Those problems are outlined in detail by several complaints that the body is hearing.

The commission has met several times this month to establish mechanical operations meant to eliminate the complaints, including a set period for early voting and requiring that voted ballots are shuffled by election staff before voting data is compiled.

The former is meant to alleviate concerns that it's not clear when voters can cast ballots. The latter is to eliminate the possibility that people can determine how certain citizens voted using the city's election records. Critics of the election have said that, because the ballots weren't adequately shuffled, it's possible to compare ballot records to the voter log from the election to determine how certain people voted, which would violate the Colorado Constitution.

Election commission members Koch, Ward Hauenstein, registered as an Independent voter, and Bob Leatherman, a Republican, also met with Pitkin County election officials to compare election procedures. The commission planned to emulate some of the county's practices.

Because Aspen operates based on its home-rule charter, the city is not bound by the same accountability rules the county is subject to under the Colorado Secretary of State, although Aspen did adopt at least a portion of the state rules for the May 2009 election. The county also has a home-rule charter.

Leatherman emphasized that, despite Aspen's informal conduct in past elections, it needed to create strict rules to adhere to in order to avoid similar complaints, many of which dealt with the mechanics of the operation.

It also has to weigh in on voluminous grievances about the city's conduct during and after the 2009 election that allege allegedly unethical and criminal behavior.

Both Leatherman and Hauenstein have said they don't wish to be involved in any "fault-finding" of city officials,

wishing instead to focus on rules to follow in the future.

The two independent commission members were traditionally recruited from the county's political parties. They served two-year terms, but the seats were not always filled. The commission in place during the 2009 election was preceded by two empty seats. From June 2007 to March 2009, the commission, normally appointed by the City Council, didn't exist.

Mayor Mick Ireland recently said that the absence was a simple oversight.

"It's just never came up," he said.

The commissioners who oversaw the 2009 election, Elizabeth Miliias, a Republican, and Chris Bryan, a Democrat, sought independent legal counsel when much of the controversy over the election emerged.

They were denied the funds to pay an independent attorney by the City Council and asked to leave in early November 2009. City officials say they were dismissed because their terms were up, but it happened four months outside of the timeline, which goes two years, from June to June.

The commission will keep meeting to discuss the complaints over the next several months.

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