

**Luis Toro**

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**From:** Dave Rose [DaveRose@elpasoco.com]  
**Sent:** Monday, October 20, 2008 3:38 PM  
**To:** Luis Toro  
**Cc:** Andrew Gorgey; William Louis  
**Subject:** RE: CORA Records Request

Luis,

Thanks for your note. I did read your e-mail Thursday afternoon but wasn't able to get started on the additional information until this morning. Due to a shortfall in expected budget revenues, El Paso County Administrative Offices are closed on Fridays. The Clerk and Recorder is open Fridays but accounting, finance, and administration are all closed on Fridays.

I have forwarded your request for purchase orders to the finance office and they are working on it.

As we indicated in our initial response, the Security Plan for the election is on file with the Secretary of State's Office. It is my understanding that this plan is required by the Secretary of State's Office and may not be available for public release because it is a "security plan" and release could jeopardize the security of the election. Therefore, I believe that you will need to discuss that issue with the Secretary of State.

I'll keep you posted on our progress.

Dave Rose  
PIO

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**From:** Luis Toro [mailto:lto@coloradoforethics.org]  
**Sent:** Monday, October 20, 2008 3:17 PM  
**To:** Dave Rose  
**Subject:** FW: CORA Records Request

Dave, we have not heard anything from you regarding the e-mail below, which was sent Thursday afternoon. Please advise.

Luis Toro  
Senior Counsel  
Colorado Ethics Watch  
main 303-626-2100  
direct 303-626-1095

[www.coloradoforethics.org](http://www.coloradoforethics.org)

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**From:** Luis Toro  
**Sent:** Thursday, October 16, 2008 3:05 PM  
**To:** Dave Rose  
**Subject:** RE: CORA Records Request

10/29/2008

Thank you for getting us these documents. Here are our initial comments on your response:

1. Are the purchase orders available for inspection and copying through County Procurement? Please let us know how we can get to look at those documents.
2. Can you provide us with a copy of the Security Plan or can you give me a link to the document on the Secretary of State's web site? I have been unable to locate it on the website.
3. Thank you.
4. This response seems incomplete. The document you provided regarding the 2008 early voting locations makes reference, among other things, to a March 2008 recommendation and an analysis of turnout for the primary election. Those records should be produced in response to item no. 4 in the CORA request.
5. I do not understand the objection. All we are asking for is documents of communications between Clerk and Recorder personnel and anyone not employed by the Clerk and Recorder (in other words, we are not looking for internal communications) regarding organizations who were conducting voter registration drives in El Paso County. With that clarification, can you conduct the search?
6. This request seeks communications among Clerk and Recorder personnel regarding the general election. With that clarification, can you conduct the search?

Please feel free to contact me regarding this matter.

Luis Toro  
Senior Counsel  
Colorado Ethics Watch  
main 303-626-2100  
direct 303-626-1095  
[www.coloradoforethics.org](http://www.coloradoforethics.org)

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**From:** Dave Rose [mailto:[DaveRose@elpasoco.com](mailto:DaveRose@elpasoco.com)]  
**Sent:** Wednesday, October 15, 2008 4:48 PM  
**To:** Luis Toro  
**Cc:** Robert Balink; Andrew Gorgey  
**Subject:** CORA Records Request

From: Dave Rose  
Public Information Officer - El Paso County

Per our conversation a few minutes ago: In response to your request to County Clerk and Recorder Robert Balink, El Paso County provides the following:

Ethics Watch seeks to inspect the following documents and records.

1. Any and all documents related to the number of paper ballots to be ordered or printed for use in the November 2008 general election, including but not limited to all invoices, bids and purchase orders, and including communications and internal memoranda regarding calculation of the number of ballots needed and any adjustments based on likely mail ballot voters, early voters or other criteria.

Response:County Procurement will have those purchase orders.

2. Any and all documents relating to the printing additional ballots as needed on election day.

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Response: Documentation is included in the Security Plan on file with the Secretary of State.

3. Any and all documents related to the allocation of ballots to each voting location.

Response: Documents attached

4. All documents related to the decision where to locate and how to equip early voting locations for the November 2008 general election, including but not limited to all studies of 2006 early voting location use, all projections of early voting turnouts, and all correspondence, including but not limited to e-mail correspondence, with person outside of the El Paso County Clerk and Recorder's Office regarding early voting for the November 2008 general election.

Response: Attached document 2008 Early Voting Locations

5. All correspondence, including but not limited to electronic mail on personal or government-issued email accounts, with persons outside of the El Paso County Clerk and Recorder's Office regarding organizations engaged in voter registration efforts in El Paso County.

Response: We are unable to respond to this request as written because it is overbroad and unduly burdensome. In order to prevent unnecessary interference with the regular discharge of our duties as contemplated in section Colo.Rev.Stat. §24-72-203(1)(a)(2007), we ask that you restate this request with sufficient specificity that would allow us a reasonable opportunity to respond. See *Citizens Progressive Alliance v. Southwestern Water Conservation Dist.*, 97 P.3d 308, 312 (Colo.App. 2004) (requiring specificity in records requests).

6. All internal correspondence, including but not limited to electronic mail on personal or government-issued email accounts, since April 1, 2008, regarding planning and preparedness related to the November 2008 general election.

Response: We are unable to respond to this request as written because it is overbroad and unduly burdensome. In order to prevent unnecessary interference with the regular discharge of our duties as contemplated in section Colo.Rev.Stat. § 24-72-203(1)(a) (2007), we ask that you restate this request with sufficient specificity that would allow us a reasonable opportunity to respond. See *Citizens Progressive Alliance v. Southwestern Water Conservation Dist.*, 97 P.3d 308, 312 (Colo.App. 2004) (requiring specificity in records requests).

10/29/2008