

Comments on Proposed Change to Election Rule 25.2.2 (c)

by Michael L. Raisch, CPA and Colorado Institute for Fair Elections

I am proposing this rule as an individual voter and lifelong citizen of Colorado. I am unaffiliated with any political party and have been for over 12 years. I have been told unaffiliated voters and voters who belong to minor political parties make up over 48 percent of the registered and active voters in the state. This number has grown significantly in recent years and shows no sign of slowing down. The voices of these people have historically been ignored in the election rules, which have taken great measure to balance the elections rules between the two major parties, so they remain in somewhat of a parity. It is time that this inequity was changed and the Secretary of State's current proposal to change rule 25.2.2 (c) is the perfect opportunity to do so.

Current Status of Rule 25.2.2 (c)

The purpose of Rule 25.2.2 (c), as it is currently drafted, is to keep a balance between the two major political parties in the composition of the Audit Board (**AB**). As is the case with the composition of the Canvass Board, the county clerks usually have a seat on these boards. Having an odd number of board members is important in breaking any ties during board actions. This tie breaking function has been a valuable thing, especially over the last few elections.

Proposed Change from the Colorado Secretary of State (SoS)

The **SoS** has proposed changes to Rule 25.2.2(c) which I enthusiastically support. The change would eliminate the county clerk and her/his staff from the ability to be part of the **AB**. This change is essential and solves the problem of lack of independence, which is a key principle of audit standards for both commercial and governmental entities. While this change fixes the important problem of an independence violation, it also removes the ability to break a tie on the board should a difference of opinion arise. The current rules states "The audit board must consist of electors nominated by the major political party county chairpersons". With equal numbers of Democrats and Republicans, there will likely be stalemates on contentious issues.

Suggested Modification to the Change

I would suggest the proposed rule changes should be modified to allow the county clerk to name an additional **AB** member from the voters who are registered as unaffiliated or as minor political parties in the county. This would allow the change to fix the independence problem and allow the odd number of board members to continue. Allowing the county clerk to have this power should not be a problem since in other audits the company or the agency being audited would usually choose and hire the CPA firm, they feel is the best candidate for their situation. I would also recommend that the rules mandate that the person chosen should have audit experience and should be an active or retired CPA.

Summary

This change would have the effect of solving the independence issue, keeping an odd number of board members in the **AB**, and increasing the capability of the **AB** by having more audit expertise.