



MEDIA RELEASE

E09-05 EL PASO COUNTY, COLORADO

Robert C. "Bob" Balink, Clerk & Recorder

NEWS RELEASE *For Immediate Release*

Contact: (719) 520-6222

WOODMEN HILLS DISTRICT RECALL UNSUCCESSFUL ***Election to Recall Pizzi Falls Short by 6 votes***

September 3, 2009 - *Colorado Springs, CO* – County Clerk & Recorder Bob Balink has released the official results from the Woodmen Hills Metropolitan District Recall Election held August 25, 2009. After the canvass of votes including review of provisional ballots cast, the final tally was 406 in favor of the recall and 412 against. The recall effort, therefore, was unsuccessful.

The election was called as a result of a citizen initiated petition to recall Janice Pizzi from the Board. Ms. Pizzi was elected in May 2008 for a two-year term and serves as President of the Board for the district.

As a matter of public openness and transparency, Balink commented on an irregularity in the recall election. Following the election, the Clerk and Recorder's office identified 17 votes that were cast by ineligible voters. Eligible voters for the recall election fell into two categories: registered Colorado voters who, (1) are district residents; and (2) who are non-resident property owners.

Although the 17 ineligible votes cast exceed the margin in this race, the mere existence of these ineligible votes does not void the election returns. Under Colorado law, the result of any election to determine a ballot issue or ballot question may be contested [if] illegal votes were received . . . at the polls in sufficient numbers to change the result of the election. Colorado courts have held that, absent other fraud or misconduct that corrupts the election, "the fact that illegal ballots have been cast . . . does not ordinarily warrant the rejection of the entire poll." Likewise, in reviewing allegations of illegal voting, the Colorado Supreme Court has stated that a challenge to the election results must name the individuals, as well as identify for whom the illegal ballots were cast.

Based on Colorado statute and court opinions, the Clerk and Recorder will certify the election results. However, for the future, Balink says, "it should be noted that relying only on voters' affidavits of eligibility, as is the current Colorado law, does not adequately protect the public from illegal votes being cast."

Official results of the election are available on the Clerk & Recorder's website at <http://car.elpasoco.com/election>.

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