



Melinda Myers
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March 15, 2011

Dear Secretary Gessler,

After careful consideration and review of election law, it is my opinion that there is no legal basis to unseal the ballots from the 2010 General election. These ballots have been counted twice, reviewed by your office, canvassed and recounted. The deadline for contesting the election has passed; therefore the outcome can not change. It is unclear what this exercise would accomplish, and could only serve to undermine the work already done in this election.

In addition, this election is under investigation by the Attorney General's office and that process deserves to unfold without this questionable action prejudicing the proceedings.

Sealed voted ballots are sensitive documents and historically treated as confidential. Without clear guidance from the courts on the legality of this proposed hand count, I would be remiss in my duty by not protecting the voter's ballots. I do not feel qualified to make the decision to open this election up to a review that has no statutes to guide it. I stand ready to comply with whatever decision the courts pass down.

I would be happy to invite the Secretary and staff to Saguache County to conduct another review of the reports and procedures of this election, if they feel they missed something the first time.

Respectfully yours,

Melinda Myers/ Saguache County Clerk