



1675 BROADWAY, SUITE 1850
DENVER, COLORADO 80202

(303) 534-5409 VOICE
(303) 534-3322 FAX

FOR IMMEDIATE RELEASE

For More Information Contact:

Drew Kramer

Office Phone: (303) 534-5409 ext. 113

Cell Phone: (720) 530-5899

Email: dkramer@intermountainca.com

BAKER RECALL ELECTION TO GO FORWARD

– Bosier Ruling on Petition Protests Adjusts Signature Count Down But Not Enough to Prevent County Commissioners from Setting Election Date –

LITTLETON, CO (Dec. 12, 2003) – Arapahoe County Assessor Ed Bosier today issued his ruling on the challenges to his earlier determination of sufficiency regarding petitions seeking the recall of Arapahoe County Clerk & Recorder Tracy Baker. The net result of the multi-part ruling was the invalidation of more than 200 additional signatures, not nearly enough to prevent a recall election from going forward.

On Oct. 28, Bosier announced that The Committee to Recall Tracy Baker had successfully gathered 37,464 valid signatures, more than enough to place the question of recall before Arapahoe County voters. The Committee to Recall actually collected 45,027 signatures, but 7,563 were rejected by Bosier for failure to meet various statutory requirements. On Nov. 20, Bosier heard arguments from the recall proponents, who sought to reinstate more than 1,800 of the rejected signatures. On Nov. 24, Bosier held a hearing to address protests from Baker and his supporters, who argued that the petition process was fatally flawed and that Bosier should recuse himself from presiding over the recall process.

In the ruling handed down today, Bosier made three primary determinations. First, he refuted the claims made by Baker that he should recuse himself due to bias. “I have no material interest in

the outcome of this case, and my office worked cooperatively with that of Mr. Baker before the current situation arose,” wrote Bosier. “I have no actual prejudice in this matter.”

Second, Bosier determined that The Committee to Recall had provided evidence for rehabilitating 198 previously rejected signatures, approximately one-tenth of the number the recall proponents had sought in their protest. The bulk of the signatures that remained invalid were on petition forms that had discrepancies in the information provided by the circulators. Bosier did validate 186 signatures that had originally been rejected due to insufficient address information, ruling that their defects were not significant enough to violate the “substantial compliance” standard by which he has been scrutinizing the entire petition process.

Another two signatures were rehabilitated after individual petitions signers sent Bosier affidavits confirming their full addresses and reaffirming the dates they signed. Bosier also validated the signatures of 10 individuals who registered to vote between Oct. 6 and Oct. 12 but who were not included in the voter registration database.

Third, Bosier determined that Baker was successful in discrediting 401 additional signatures, approximately one-tenth of the 4,000-plus that Baker was seeking to invalidate. The signatures were rejected for a variety of reasons, though Baker’s arguments for wholesale invalidation of petitions that may have been circulated by non-residents of the county and that had signatures with non-successive dates were denied by Bosier.

Though legal challenges to the ruling are likely, Mr. Bosier stated that he will certify the petitions to the County Commissioners on Tuesday, Dec. 16. The commissioners will then set a date for a recall election that is no less than 45 and no more than 75 days after the date of certification. That means an election will likely occur around February.

About the Arapahoe County Assessor’s Office

The Assessor's Office discovers, lists, classifies and values all real and personal property in Arapahoe County. The Office is also responsible for maintaining public records, including ownership and parcel maps; submitting the Abstract of Assessment to the Colorado Division of

Property Taxation; certifying values to taxing entities; and producing the warrant roll. The Arapahoe County Assessor, Ed Bosier, began working for the Office in 1987 as a certified appraiser/supervisor in Land Development. Voters first elected him to the Office of the Assessor in 1995. He is currently serving his third term, which expires January of 2007.

###

NOTE: A copy of Mr. Bosier's ruling is included with this press release, though all related attachments, exhibits and appendices are available by request only and for a fee. For questions, please contact Drew Kramer at (303) 423-1305 or at dkramer@intermountainca.com.