

Via email to: statewide.initiatives@coloradosos.gov
Subject: Motion for rehearing: Initiatives Concerning the Conduct of Elections

Date: January 24, 2024

To: Title Board Members: Theresa Conley, Christie Chase, Jennifer Sullivan
Office of the Colorado Secretary of State

From: Caryn Ann Harlos, Colorado Registered Elector

Re: Motion for rehearing
Initiatives 2023-2024 #117, 119, 121, 123, 125, 126, 128, 130, 132: Concerning the
Conduct of Elections

Grounds: Violates single-subject rule: ALL

A. Multiple subjects: RCV-Ban versus RCV-Adoption: ALL

Title Language in all of the the above-referenced initiatives both bans and passes use of Ranked Choice Voting (RCV). It pairs Vote For Only One (VFOO) open primaries with RCV general elections, thereby banning the use of RCV in the primaries.

For the voter, the difference between VFOO and RCV is large:

The VFOO open primaries have the same amount of choice as any VFOO ballot. Most voters effectively employ the strategy of only considering two candidates, regardless of the number of candidates on the ballot. The two candidates considered are the two who are estimated to be in the lead. The reason why voters do this is that if they voted for a less popular candidate, their vote would fail to influence the outcome of the election - effectively being no vote at all.

By contrast RCV general elections expand choice because voters are free to securely rank more than one candidate because the tally finds the consensus of a majority. In practice in a strong majority of RCV voters do this. For example, in the 2023 Santa Fe New Mexico Mayoral race, **96% of voters ranked more than one candidate**. This is a paradigm shift to being able to freely consider more candidates on the ballot is an expansion of choice.

Reference: City of Santa Fe 2023 RCV results, page two. Number of ballots advancing to round 2 indicate additional choice(s) ranked by voters.

<https://electionresults.sos.state.nm.us/ViewRCVFile.aspx?rid=9082&cty=01%20&eid=>

The initiatives propose the Alaska model where the open primaries use VFOO ballots and the general election uses RCV ballots. Attorney for proponents put forth that this “is the only way it works.” This is simply not true. The state of Maine uses RCV in both their primaries and general elections.

Reference: <https://www.maine.gov/sos/cec/elec/results/index.html>

Relief requested: The VFOO in the open primaries initiative should be separated from the RCV in the general election initiative.

B. Multiple subjects: Primary Petition Signatories and Ballot Access: ALL

Primary Petition Signature Number required: 119, 123, & 128

A change to which voters may sign petitions relates to the VFOO open primaries, rather than the RCV elections. Elimination of partisan ballot access to the primary ballot relates to the VFOO open primaries, rather than the RCV elections.

A change to the number of valid signatures required to enter the VFOO open primary only relates to the VFOO open primaries, rather than the RCV elections.

Relief requested: Changes to the petition process and primary ballot access should only be included in the VFOO open primaries initiative.

C. Additional subject: Vacancy Elections

The measure changes the means of filling vacancies to as filed by the electors, rather than by a partisan vacancy committee. It should be included with either VFOO open primaries if the ballots are VFOO, or RCV in the general election if the ballots are RCV.

Relief requested: The vacancy election should be included with initiatives relevant to the voting method used.