

**THE VOTE BY MAIL PROJECT**  
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The Honorable Bernie Buescher, Secretary of State  
1700 Broadway, Suite 250  
Denver, CO 80290

August 3, 2009

Dear Secretary Buescher,

The Vote By Mail Project (VBM Project) is thankful for the opportunity to submit the following comments on the proposed amendments and revisions to the Colorado Secretary of State Election Rules dated June 30, 2009. We also look forward to participating in the rulemaking hearing scheduled August 3, 2009 to provide additional comments on this matter.

The Vote By Mail Project (501c3) and the Vote By Mail Advocacy Project (501c4) provide an institutional home for education and advocacy around the entire continuum of Vote By Mail options. We believe that fair, efficient, and highly participatory elections make our democracy stronger, and we are committed to assisting citizens and public officials nationwide to move their states along the continuum towards fair, efficient Vote By Mail elections. We assisted with the passage of HB 09-1015, HB 09-1186, HB 09-1336, and HB 09-1337 in Colorado's 2009 Legislative Session.

Our comments are listed below by rule number and our suggestions are italicized.

**Rule 12.5**

Changing the way mail-in voters are treated in an all-mail election will provide some consistency and clarity to the process, for both the elector and the election administrator. However, voters who are absent from the state in an all-mail election should still be afforded the extended timelines for all-mail voters.

*We recommend that the Rule 2.5.1 should reference that the mailing of the mail-in ballot must follow the time-lines established in 1-8-111 or specifically state that the requested ballot must be mailed within seventy-two hours after the receipt of the mail-in ballot application.*

*We also believe that voters be informed either annually, or before an election, which elections they will be receiving a ballot and which they will not in order to provide some additional information and consistency for voters as we increase the number of all-mail elections.*

**Rule 13.12**

Being unable to locate 1-8-113(1)E C.R.S. it is difficult to adequately comment on this rule change. However, we believe that a voter should not have to surrender their ballot in order to vote a regular ballot in an early vote location.

*We suggest that the early vote ballot should be treated as a replacement ballot according to 1-8-111(3) C.R.S. in this environment. This rule should also be clear in **Rule 13.12.2** that voters have the option to vote a provisional ballot in an early vote location according to 1-8.5-101 C.R.S. without having to surrender their ballot or have it voided.*

The Vote By Mail Project thanks the Secretary of State for this opportunity of comment. We welcome any comments or thoughts you may have in our request.

*Respectfully submitted this 3rd day of August, 2009.*

\_\_\_\_//signed//\_\_\_\_\_

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