



August 6, 2009

Secretary of State Bernie Buescher  
Colorado Department of State  
1700 Broadway, Suite 250  
Denver, Colorado 80290

Dear Secretary Buescher:

We appreciate the opportunity to comment on the proposed changes in election rules. Below are contributions from Coloradans for Voting Integrity (CFVI) board members and other members.

**Rule 2.7:** We applaud this amendment and any rule change that affords the voter and the county clerk's office the leeway and time to remedy incomplete voter registration forms and expand the franchise to include more eligible voters.

**Rule 2.13:** The destruction of the paper registration forms immediately after digitally capturing the data might be regretted on some occasions. Saving the paper forms for six months or a year would be a more cautious approach to avoid loss of voter data through human mistakes and electronic accidents.

**Rule 11.5.4.1:** As stated by Neal McBurnett, at a minimum, to avoid ambiguity, the words "close of polls" should be replaced with "after publication of the vote count tabulations by device, batch, or other audit unit." This phrasing will ensure that the selection of precincts for audit is truly random.

The rules should note the importance for auditing purposes of publishing those tabulations quickly and in a convenient format for people to make copies of.

**Rule 12.5.6-2:** Establishment of polling place for early voting shall not be required for a mail ballot election; ; HOWEVER, the location for walk-in balloting ON ELECTION DAY shall be maintained.

**Rule 13.2:** We suggest deletion of " , to the extent possible," in that with the relaxation of the rules for people to deliver others' ballots, some additional safeguards must be supplied by the clerk and recorder.

THE COUNTY CLERK AND RECORDER SHALL KEEP A LIST, ~~to the extent possible,~~ OF  
THE NAMES AND MAILING ADDRESSES OF ALL INDIVIDUALS WHO DELIVER MORE

THAN TEN (10) VOTED MAIL-IN BALLOTS TO THE DESIGNATED OR COORDINATED ELECTION OFFICIAL'S OFFICE OR THE DESIGNATED DROP SITE FOR MAIL BALLOTS.

**Rule 13.12.2:** We are concerned about the method of “voiding” a turned-in ballot. If the voter has marked the turned-in ballot, will those marks be visible to the person(s) doing the voiding? If the ballot will not be visible, how will the person doing the voiding assure that what is being voided is indeed a ballot?

**Rule 13.13.1 (B):** We suggest inserting “and specify” before the word “what” for better clarity.

IF THE COUNTY CLERK AND RECORDER IS UNABLE TO CONFIDENTLY IDENTIFY THE ELECTOR, THE COUNTY CLERK SHALL PROMPTLY NOTIFY THE ELECTOR AND SPECIFY WHAT ADDITIONAL INFORMATION IS REQUIRED.

**Rule 15.1.2 (D):** We think this requirement will assist in maintaining the integrity of the petition process, and we applaud its inclusion.

**Rule 25.2.1:** This rule may be meant to cover both applications and voted ballots. Clarification of the syntax seems to be needed. Perhaps just deleting the comma and “or” so that the sentence reads “may receive and return an application for a mail-in ballot” will make the situation clear, if the intent is to refer only to the application and not a ballot.

**Rule 25.3.7:** Is it legal under the Colorado Constitution to apply a unique identification number to a ballot for tracking and auditing purposes, if such identification would destroy the anonymity of the voter? If a voter will not be able to vote anonymously, will the voter sign an agreement, as per Rule 25.2.4 [“I also understand that by transmitting my voted ballot by electronic mail, I am voluntarily waiving my right to a secret ballot.”] in which he/she gives up that right? In any case, a voter needs to be advised of, and agree to, the lack of anonymity required by this method of voting, which should be used only in the most difficult situations. As one of our members opined, it does seem that there are times when it is in the voter's interest to have such ballot identification and tracking of voting data, and sometimes when it is not.

**Rule 25.3.9:** We suggest that the ballots received by fax, mail, and email be reported in separate categories to allow analysis of voting methods.

A few typos were noted: *imitated* instead of *initiated* on p. 4, line 24; *requests* instead of *request* on p. 5, line 18; a missing space between *entity* and *license* on p. 8, line 27. Rule 12.9.3 seems to be out of place in the listing.

Thank you again for this opportunity to present our views and to request clarifications.

Yours truly,

The Board of Directors, Coloradans for Voting Integrity (CFVI)