



ZAKHEM LAW

Attorneys and Counselors at Law

June 13, 2011

Scott Gessler
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Re: Rulemaking Hearing of June 14, 2011

Dear Mr. Secretary:

I would like to extend my regrets for not being in attendance for this Rulemaking Hearing, but prior engagements occupy my time. This letter will have to serve as my testimony in lieu of my attendance. Please enter this letter into the record for the Rulemaking Hearing scheduled for June 14, 2011.

I have reviewed the Revised Draft of Proposed Rules distributed on June 8, 2011 and I find them to be well thought out and necessary changes to the existing Secretary of State's Election Rules. Without proper clarification from the Secretary of State, SB 11-189 would require candidates to file bi-weekly and quarterly reports from July through December in off-election years – an absurd requirement. As you state in your Revised Proposed Statement of Basis, Purpose, and Specific Statutory Authority dated June 8, 2011, the U.S. Supreme Court has held: "If a literal construction of the words of a statute be absurd, the act must be so construed as to avoid the absurdity." *Church of the Holy Trinity v. United States*, 143 U.S. 457, 460 (1892). Therefore, it is not only permissible, but wise for the Secretary to promulgate a rule construing SB 11-189 so as to avoid the above-described absurdity.

These changes remove uncertainty and make for a more efficient administration of election regulations, while preserving the interests of the people in a transparent campaign finance system. The people of Colorado want a clear, efficient, and transparent process for conducting elections, and I believe these proposed rules will help achieve that end. Therefore, I stand in favor of these proposed changes.

Sincerely,
ZAKHEM LAW, LLC

John S. Zakhem, Esq.