



August 1, 2011

The Honorable Scott Gessler, Secretary of State
State of Colorado Department of State
1700 Broadway, Suite 250
Denver, CO 80290

Dear Secretary Gessler,

Regarding the proposed Rule Changes scheduled to be heard on August 2, 2011, we were pleased to see the retention of the oath (25.3.6): "I also understand that by returning my voted ballot by electronic transmission, I am voluntarily waiving my right to a secret ballot."

To alert eligible voters of the strengths and weaknesses in new and emerging voting methods is good practice.

However, we urge the Secretary of State and Director of Elections to acknowledge the misuse and abuse of the term "secret ballot" and "voter secrecy" in the current proposed Rule Changes. The spirit of the law is to maintain voter anonymity and ballot anonymity. When we begin correctly referring to "anonymous ballots" and not "secret ballots", we will avoid confusion and stonewalling by county clerks who wrongly believe that voted ballots are theirs to be kept secret for 25 months.

Please consider making this important change in these and all future rule changes and proposed legislation.

25.3.6 THE SELF-AFFIRMATION SHALL INCLUDE THE STANDARD OATH REQUIRED BY THE
31 UNIFORMED AND OVERSEAS CITIZEN VOTING ACT (42 U.S.C SEC. 1973FF(B)(7) AND
32 1(A)(5)), THE ELECTOR'S NAME, DATE OF BIRTH, SIGNATURE, AND THE FOLLOWING
33 STATEMENT: "I ALSO UNDERSTAND THAT BY RETURNING MY VOTED BALLOT BY
34 Page 16 of 19 ELECTRONIC TRANSMISSION, I AM VOLUNTARILY WAIVING MY RIGHT TO A SECRET
1 BALLOT."

Replace "my right to a secret ballot" with "my rights to 'secrecy in voting' and the anonymity of my ballot under the Colorado Constitution"

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25.1.67 BALLOTS RECEIVED BY THE SECRETARY OF STATE
32 (A) IF THE SECRETARY OF STATE TIMELY RECEIVES A BALLOT IN ACCORDANCE WITH
33 THIS RULE 25, THE SECRETARY OF STATE WILL IMMEDIATELY NOTIFY THE
34 APPROPRIATE COUNTY CLERK AND RECORDER AND FORWARD THE BALLOT BY
35 OVERNIGHT MAIL, FAX, OR COURIER NO LATER THAN THE NEXT BUSINESS DAY.
36 (B) TO ENSURE VOTER SECRECY, ANY COUNTY NOTIFIED THAT THE SECRETARY OF
37 STATE HAS RECEIVED A BALLOT, SHALL RETAIN A MINIMUM OF TEN VOTED

www.cfvi.us

Coloradans For Voting Integrity (CFVI) is a collection of concerned Colorado citizens dedicated to fair, accessible, and verifiable and verified voting on the state and national level. Board Members: Joe Richey, President; Margit Johansson, Treasurer and Corporate Secretary; Harvie Branscomb, Angie Layton; Marilyn Marks, Kathryn Wallace

38 BALLOTS TO BE COUNTED WITH THE BALLOT RECEIVED BY THE STATE.
Replace “voter secrecy” with “cast ballot anonymity”

25.2.1 “ELECTRONIC TRANSMISSION” **INCLUDES:**

19 (A) FOR THE PURPOSE OF SENDING AN UNVOTED BALLOT TO THE ELECTOR FAX,
20 EMAIL, AND ONLINE BALLOT DELIVERY.

21 (B) FOR THE PURPOSE OF RETURNING A VOTED BALLOT TO THE COUNTY CLERK AND
22 RECORDER FAX OR EMAIL.

Insert “only” between on line 22 “recorder” and “fax”

Attentively,

Joe Richey
for Coloradans for Voting Integrity Board of Directors

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Article 7 , Section 8 of the Colorado Constitution. Elections by ballot or voting machine.

All elections by the people shall be by ballot, and in case paper ballots are required to be used, **no ballots shall be marked in any way whereby the ballot can be identified as the ballot of the person casting it.** The election officers shall be sworn or affirmed not to inquire or disclose how any elector shall have voted. In all cases of contested election in which paper ballots are required to be used, the ballots cast may be counted and compared with the list of voters, and examined under such safeguards and regulations as may be provided by law. Nothing in this section, however, shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election, provided that **secrecy in voting** is preserved. *[Refers to the voting process in which the voter uses a voting machine or otherwise prepares to cast a ballot. Does not refer to processes after an anonymous ballot is cast.]*