



August 4, 2011

Honorable Scott E. Gessler
Secretary of State of Colorado
1700 Broadway, Suite 250
Denver, CO 80290

Re: Colorado Ethics Watch Comments on Proposed Revisions to the Rules Concerning Elections, 8 C.C.R. 1505-1.

Dear Secretary Gessler:

Colorado Ethics Watch respectfully submits the following comments on the proposed changes to the Rules Concerning Elections.

Rule 2.18.1. We are concerned that the proposed Rule would transform active voters who have taken the affirmative step of giving a forwarding address to the Postal Service into inactive voters. The proposed Rule would treat voters who file forwarding notices when they move as inactive voters, when it would be easy for county clerks to accept the forwarding notice as a change of address and confirm the change with the voter.

Such a procedure is described in the National Voter Registration Act (NVRA):

- (c)(1)(B) [I]f it appears from information provided by the Postal Service that--
- (i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or
 - (ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address. ...

(d)(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

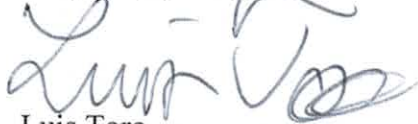
(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

Voting is a fundamental right which should not be made unduly difficult to exercise. We urge you to modify proposed Rule 2.18.1 to correspond with the NVRA process in this regard.

Thank you for the opportunity to comment on the proposed Rule.

Very truly yours,

A handwritten signature in black ink, appearing to read "Luis Toro". The signature is fluid and cursive, with a large initial "L" and a stylized "T".

Luis Toro
Director