



August 5, 2011

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

**Re: Rules Concerning Elections, 8 CCR 1505-1**

Common Cause is a non partisan, non profit organization that is dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that serves the public interest, and empowering ordinary people to make their voices heard in the political process.

Thank you for the opportunity to comment on the proposed rules. We support many of the changes proposed, including 12.1.1 which clarifies instructions for voters who are required to provide a copy of their identification when returning mail ballots. We do have concerns with some of the proposed changes, and our comments are set forth below.

**Rule 2.11** Although this is not a new change to the rules, we are concerned that the requirement for an inactive voter to 'activate' his or her status is unnecessarily burdensome. Hundreds of thousands of Coloradans are inactive, yet eligible to vote. It should not be difficult or confusing for these voters to engage in the voting process. Under this rule, the only way for an inactive voter to update their status from inactive to active is in writing or in person with identification. We would like to gain a better understanding for the basis of this rule and what justifies this onerous requirement.

We recommend removing the requirement that the voter show identification, and allow inactive voters the option of calling their county clerk office to activate their status over the phone, as has been allowed in the past. Colorado law and rules already place prohibit someone from voting under another person's registration.

**Rule 2.11.1** We support this rule change which would allow a stamped signature to be treated as a signature.

**Rule 2.18.1** This proposed rule change would require counties to make voters inactive upon receipt of a notice of mail forwarding. This seems counter intuitive; if a person proactively seeks to update their address, they would understandably believe that government offices such as their clerk and recorder would accept such a notice and update their record. We recommend the Secretary adopt the process offered under the NVRA section 1973gg-6. This procedure would

allow counties to accept the address change, and send a notice to the elector to confirm that change.

**NVRA Sec. 1973gg-6 Requirements with respect to administration of voter registration**

(c) Voter removal programs

(1) A State may meet the requirement of subsection (a)(4) of this section by establishing a program under which -

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if 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) of this section to confirm the change of address.

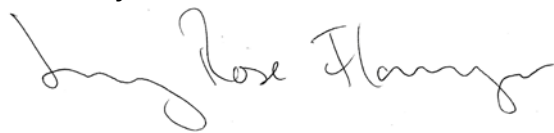
**Rule 12.11.1** Similar to our comments on Rule 2.11, we are concerned that this rule creates an unnecessary burden on inactive voters seeking to participate in an election in which they are eligible. Voters who wish to engage or re-engage in elections should be able to do so with as little burden as possible. We are interested to learn of the justification and basis for this rule.

Because this rule creates a distinction between active and inactive voters in how they request a ballot, we are also concerned that this rule will result in confusion for voters, civic engagement groups and election administrators. Voter education about Colorado's already complex election process will be even more challenging. We recommend that active and inactive voters be treated the same way, and be allowed to request ballots in all the ways laid out in Rule 12.11.1 A.

**Rule 27.4.2 e) 4)and 27.4.3** We do not support the proposed changes here because it could be used to justify discarding a voter's ballot despite clear evidence of a voter's intent. If there is a concern about uniformity in counting, the better option would be to provide more guidance through this process about how to efficiently count every vote. Respecting the intent of the voter is consistent with Colorado law and should not be limited by Secretary of State rules.

Thank you for the opportunity to comment. Please contact us if you would like additional information.

Sincerely,



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