

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

Dear Secretary Gessler:

I am writing to oppose the revised draft proposed rules 12.4.1(d) and 13.19, both of which were reviewed during the hearing on July 23, 2012. Colorado Progressive Coalition is a grassroots community organization that regularly runs large voter engagement programs and ballot initiative campaigns. We work to empower voters and encourage Colorado's citizens to participate in our democracy. We strive to help create the kind of democracy where every eligible voter has the opportunity to participate in our democracy and civic process.

Both of these rules, if enacted, would limit a county clerk's ability to mail ballots to all registered voters in an all mail election. We believe that this rule unduly limits participation in our democratic process. The legislature's intent by passing the Mail Ballot Election Act in 1990 was to increase voter participation and access to the ballot. This proposed rule runs contrary to that legislative intent.

Colorado's current election rules and laws create a confusing tangle of procedure for the average voter. This rule would only add to the current confusion, which would have a chilling effect on people's ability to vote. Infrequent voters are often low information and will reasonably expect to receive a ballot in an all mail election, particularly if they have signed up to be on the permanent vote by mail list. People miss elections for a variety of reasons and should not be penalized for missing one general election. Enforcement of this rule will disproportionately affect seniors, people of color, and people with disabilities.

Those who move often are more likely to become inactive as they often miss important election notifications. Colorado Progressive Coalition has spent the last year working with families and individuals displaced by foreclosure. Through our work with these people, we have been frequently told how being foreclosed upon causes massive amounts of upheaval in peoples' lives. It is all too easy for those who have been hardest hit by the economy to find themselves on the "inactive/failed to vote" list after missing just one election.

The issue of whether or not clerks have the authority to mail to voters on the "inactive/failed to vote" list is becoming particularly important with the increase in all mail elections across the state. If elections conducted solely by mail are becoming the norm, we have a duty to ensure that participation in those elections is not an undue burden for eligible and registered voters. Creating yet another rule that will cause continued confusion among voters is not in the best interest of Colorado voters. If all mail elections are conducted in Colorado, every registered voter should receive a ballot, regardless of whether they have missed the last general election.

Sincerely,

Miriam Pena
Co-Executive Director, Colorado Progressive Coalition