

Dear Secretary Gessler:

Mi Familia Vota Education Fund is a non-partisan national organization committed to increasing the political voice of the Latino & immigrant community by educating and working within the community on civic participation through promotion of citizenship, voter registration, issue education, grassroots advocacy and getting out to vote. We have been working in Colorado since 2006.

Like other groups in our state, we want to ensure that the only people who are casting ballots are those who are legally entitled to do so. We do not support the casting of ballots by people who fail to satisfy one of the cornerstones of voter qualification: (1) U.S. citizenship; (2) being 18 years of age or older on Election Day; and (3) residency in the Colorado precinct in which one seeks to vote for at least 30 days prior to the election.

Your office has been actively working to prove that voter fraud exists around the first voter qualification: being a U.S. citizen. We believe you have created a fear of voter fraud without having any solid information that it's an issue, nationally or in Colorado. In our years of working within the Latino community, we have never encountered any person who sought to, or did, encourage non-citizens to vote intentionally. There are state and federal criminal laws that act as effective disincentives to this type of activity, whether it is done in a concerted fashion or undertaken by misguided individuals. This is widely known in the immigrant Hispanic community.

Frankly, the letters you have sent out seek to document a problem that, if it exists, is hardly prevalent. They have had the effect of sending shock waves and confusion throughout the affected communities, though. Put yourself in the position of one of the newly naturalized citizens we have helped to become citizens who receives a letter from the state's chief election official, suggesting that something disreputable has taken place by the mere fact that a person got a driver's license without being a U.S. citizen (something that is entirely legal to do) and currently appears on the state's voter lists. The fact that such an individual must be called to your office to explain himself or herself is something you ask of no other person who may not satisfy one of the other two cornerstones of voting – the mandatory minimum age or the mandatory residency in a precinct. You are treating these citizens by choice in a very different way than you would treat anyone else whose voting credentials were at issue.

The emergency rule that you seek to promulgate reinforces this scare tactic.

For instance, your rule states that the notice sent to an affected voter will announce the place of the hearing. You have omitted any reference to holding the hearings in locations that are within the affected persons' counties of residence before the county clerk. That hearing should take place in the individual's county before that county's clerk and recorder.

We assume that you will be holding such hearings in Denver or, reserving the right to do so. A voter from Durango, Rifle, Sterling, or La Junta will be asked to travel to Denver and consume an entire day, just to establish to your satisfaction that he or she is entitled to vote. It appears that you have sought to maximize the inconvenience of this proceeding and have succeeded. This is blatantly unfair and contrary to the process established by the legislature for challenge

hearings. The fact that this notice sent to voters will also set forth the “procedures” to be used at hearing is so open ended as to be problematic. In this regard, a number of questions arise, only some of which are set forth here.

- How much time will be allotted for each hearing?
- What options are open to the voter who is unable to attend your hearing on the date you set?
- What options are open to the voter who cannot afford transportation to your hearing site?
- What evidence, upon which you are relying to call into question this voter’s qualifications, will be provided at the time the notice is sent out?
- What type of third-party assistance may a voter have during the presentation of his or her case?
- What accommodations will you provide for voters whose primary language is something other than English?

As you can see, there are so many questions about the parameters of your proposal that the fairness of this process is highly questionable. .

Mr. Secretary, we do not need to tell you that the right to vote is fundamental. Your office has failed to provide any evidence that voter fraud exists in Colorado. We suggest that you wait for the appropriate legislative authority and specificity about this process before implementing it.

Sincerely,

Grace Lopez Ramirez
Colorado State Director