

Andrea Gyger

From: ANNE JEFF CAMPBELL [REDACTED]
Sent: Tuesday, August 13, 2013 2:22 PM
To: SoS Rulemaking
Cc: ANNE JEFF CAMPBELL
Subject: Comments on Temp Rule 2.10.4

Dear Sir/Madam,

Here are my comments on Temporary New Rule 2.10.4

In the Annotations to Title 1, 1-2-103, III. Students, legal precedence states that:

“A student has no right to vote at the place where he resides for the purposes of education.” (Sharp v. McIntire). “Thus a student in a college town is presumed not to have the right to vote.” (Merrill v. Shearston) “And if he attempts to vote, the burden is upon him to prove his residence in that place, which must be done by other evidence than his mere presence in the town” (Merrill v Shearston).

Due to these legal precedents, the New Rule 2.10.4. should recognize the burden of proof the student has to prove residence at the time of the election, not just the intent to establish residence AFTER completing school at some future time that could be years away.

Paragraph (6)(B)(2) should be revised along the lines of:

(2) He or she is a student attending college in Colorado and provides evidence of his or her current residence in Colorado, such as using their Colorado address for purposes of income taxes, registering their motor vehicle(s) in Colorado, cancelling any registration to vote in another state, sharing his or her Colorado address with family members, working or having business pursuits in Colorado, and not having other residences outside of Colorado.

Paragraph (6)(C)(2) should be revised along the lines of:

(2) He or she is an out-of-state student attending college in Colorado and fails to provide evidence that Colorado is his or her current residence.

In the interests of protecting and facilitating each eligible elector's right to vote, students who do not have the requisite proof of residency with them should be allowed to cast a provisional ballot, which would be counted if they bring the proof to the County Clerk & Recorder's office (or to the voter service center) in a timely manner--as is done for other provisional ballots.

Thank you for your consideration.

Anne Campbell
Monument CO