

August 14, 2013

Secretary Scott Gessler
1700 Broadway, Suite 200
Denver, CO 80290

Dear Mr. Secretary:

Thank you for the opportunity to comment on the draft proposed rule 2.10.4 prior to its adoption. As there have been questions about the impact of House Bill 13-1303 on Colorado's residency requirements with respect to voting, we appreciate the opportunity to share our intent as the House sponsors of the law.

House Bill 13-1303 did not change the framework for determining residency for voter registration. The only change was to eliminate the durational precinct residency requirement, so that voters who were already residents of Colorado would not be disenfranchised if they moved within the state in the 22 days before the election or forced to vote in a community where they no longer have ties.

There has been media coverage of the potential for "gypsy voters". We agree that the law does not allow citizens to claim temporary residency for Election Day based on some nebulous future intent to move to a new district. To that end, we do not oppose the adoption of the first paragraph of proposed draft rule 2.10.4. That portion of the rule appears generally consistent with the requirements contained in the Colorado Revised Statutes.

We oppose the inclusion of parts (A), (B), and (C) of proposed draft rule 2.10.4. Additionally, we find the timing of the issuance of these draft provisions suspect.

1-2-102, C.R.S., clearly lists the factors to be considered in determining residency; there is no need to repeat a subset of those factors in rule. Parts (B) and (C) create new standards for evaluating the residency of both military and student voters, imposing requirements that do not apply to other voters. There is no basis in law to require that military or student voters not only meet the statutory requirements of a present intent to be Colorado residents, but also have intent to be in Colorado at some point in the future. That requirement goes beyond existing statute.

Sincerely,

House Majority Leader Dickey Lee Hulinghorst and Assistant Majority Leader Dan Pabon
Co-prime sponsors of HB 13-1303