

OFFICE OF THE CLERK AND RECORDER  
ELECTIONS DIVISION

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Amber F. McReynolds, Director



Debra Johnson  
Clerk and Recorder  
Public Trustee

August 20, 2014

Honorable Scott Gessler  
Colorado Secretary of State  
Colorado Department of State  
1700 Broadway, Suite 200  
Denver, CO 80290

Sent via email

Dear Secretary Gessler,

The City and County of Denver respectfully submits the following comments in response to Proposed Election Rules issued on July 15, 2014 and modified on August 7, 2014. We appreciate the opportunity to provide feedback and are happy to answer any questions about our comments.

First, we are concerned about proposed rule 2.2.2 and the strike of the second half of this rule. We believe that this strike will negatively impact the voter because if they have signed the affirmation that they have satisfied the 22 day Colorado residency requirement, yet the postmark or received date is the deciding factor, a voter's application may not be considered valid. Since Denver is home rule and the Clerk and Recorder/Denver Elections Division conducts all municipal elections in Denver, we believe this creates a conflict. We would urge you to consider revising this proposed rule.

Second, with regards to proposed rule 7.2.6, as written the rule adds to the affirmation that exists in C.R.S. Section 1-7.5-107(3). We believe that the process to modify statutorily required affirmations is legislative and thus should be proposed as a change to Title 1 as opposed to promulgated through administrative rules. As proposed, the objective of this rule seems unclear and as a result, we believe this rule will create voter confusion and likely perpetuate unintended consequences by negatively impacting the voter's experience. If the objective is to expand regulation of third party ballot delivery, we believe that a more appropriate course of action is to consider current processes and training programs established for Voter Registration Drives.

Again thank you for considering our comments. If you have questions please feel free to contact us.

Respectfully submitted,

Debra Johnson  
Denver Clerk and Recorder

Amber McReynolds  
Director of Elections