

Andrea Gyger

From: Marilyn Marks [REDACTED]
Sent: Friday, August 22, 2014 12:00 AM
To: Suzanne Staiert; Andrea Gyger
Subject: Comments on Election Rule Making

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Deputy Secretary Staiert,

My comments regarding the proposed Rules are not in the form of specific wording suggestions but in needed concepts in a few priority areas:

1. Ballot privacy urgently needs to be addressed with voter education that reminds voters that they are to vote their ballots in private. The stance of some activists groups to allow group voting is prohibited by Colorado statutes, making it a punishable crime to show one's ballot to another person. Please include the privacy reminder on either the secrecy sleeve or the return envelope—or bet yet, both. This is urgently needed for the November 2014 election.
2. Third party delivery of ballots should be better controlled with better voter education reminding the voter of the right to vote in private and the necessity to consider chain of custody. Please require that the name and address of the third party deliverer be placed on the ballot envelope by the voter. Chain of custody documentation for third party delivery is required by absentee ballots in the Municipal Election Code and the newly enacted Local Government Election Code. It is not a burdensome process and serves to curb abuse of the 10 ballot limit and also remind the voter of the importance of their ballot security. The information should be required on the ballot return envelope and can also be explained on the secrecy sleeve instructions. This is urgently needed for the November 2014 election.
3. Watcher rights must be made clearer so that all clerks understand that watchers must be able to witness and verify and attest to the accuracy of all activities of the judges. For minor parties and unaffiliated candidates, the watcher is the only oversight of the advocates of the opposition parties. The fairness to all political parties must be considered when setting watcher restrictions. The two major parties cannot have the power of the conduct of the election concentrated in their hands without minor party and unaffiliated candidate oversight on each activity with **verifiability as the statutory standard.**
4. Canvass boards must have the authority to obtain all information necessary to attest to the accuracy of the election results, including data summarized by ballot style.
5. Signature verification must be subject to reasonable oversight and challenges by watchers, analogous to the challenges that can be made at the polls of someone impersonating a voter.
6. Ballot secrecy must be mandatory so that all processes must require dissociation of the ballot and any identifying marks or the return envelope so that NO ELECTION WORKER, STAFF, OR WATCHER can determine how any individual voted. The Rules must mandate that the votes be concealed from the judges and all others until the ballot is completely de-identified.

7. Early “tabulation” should not be permitted. Early “counting” should be defined as merely ballot processing with no interim or early tabulations. The practice has become extremely vulnerable to election manipulation and insider disclosures. There is no good public policy or compelling administrative reason to allow early tabulation of votes.

While there are many more important areas of concern, the above are key conceptual and recurring issues.

Thank you for your consideration.

Marilyn Marks

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