

Andrea Gyger

From: [REDACTED]
Sent: Saturday, May 20, 2017 2:52 AM
To: ColoSecofState@public.govdelivery.com; SoS Rulemaking
Subject: Re: Secretary Williams invites you to comment on proposed election rules

Dear State of Colorado,

Thank you for the opportunity to help participate in creating the democratic institutions of my home state. As an unaffiliated voter and as an absentee voter residing abroad these changes are particularly important to me.

In my countries today - the United States, the United Kingdom and Hungary - we are seeing democratic institutions put to the test everywhere we turn, and only the best are surviving. That is because democracy is not immediately a quality of institutions - though the important and immediate work of building quality institutions is what we are doing right now. It is a quality of a people: it is something that we learn in schools. When we use that democracy to write the rules we follow and to create those institutions, we are doing precisely that important work. When we look at Lebanon or Tunisia, we see that that important work really is what preserves and sustains democracy; that is its life blood. Knowledge of democracy is in a people; it is like a language, like logic. I am proud to know democracy and to allow itself to express itself through me by writing this message.

Here's how American democracy looks when viewed from Lebanon or Tunisia: How could it possibly be safe to maintain a public register of party affiliations like SCORE, and still expect voters to be safe, and votes not to be coerced? Meanwhile, here's how it looks from Russia: Yes, very well that you have a public register of party affiliations, and you can even make people affiliate in direct proportion to the extent that the party register is made public. From these two perspectives, the privacy of party affiliation would seem to have a direct connection to the exercise of democracy itself. Meanwhile, Europeans, from the perspective of more multi-party democracies, may wonder whether the very fact of maintaining a register of party affiliations does not entrench a two-party political system. Relevant questions from the United Kingdom, where there is a public registry of voters and their names and addresses, and there is a political discourse about the privacy of this registry, might be about the security risks and the risks of illegal misuse and/or immoral exploitation of voter registries by big data when combined with other sources of information. Here is where the dangers emerge very quickly and in the very near future.

Other democracies are like mirrors. I am pleased to show our reflection because it can be enlightening.

Here are some other reflections of ourselves in the mirror of the world: Our democratic institutions are strong and can withstand challenges that much older constitutions are at risk of breaking under. The treaty of union between Scotland and the United Kingdom of 1707 is up for grabs today. How magnificent that we can have the opportunity to vote by Internet, in a world where even students and migrant workers residing in different districts of some small countries represent such meaningful segments of the voting population that are not able to reach the polls. But those essential resources of democracy should be under .gov and .com domains. That point in the area of data privacy seems natural and clear today, though it may not have done a few short years ago. Similarly here, we need to look far into the future of the 21st century before eroding rights to privacy of party affiliation.

The present proposals require that an unaffiliated voter's preference of party primary be recorded in SCORE, but this would seem to defeat the very purpose of being an unaffiliated voter. That essential right to maintain privacy with respect to party affiliation may already appear more valuable to some voters than a vote in a primary, and those will be

the voters we will be likely to find listed as unaffiliated on the register. Such voters may still be dissuaded from voting in primaries by the privacy compromise of their party preference being recorded, and so the net gain for democracy may not be meaningful, and the net loss for privacy important.

So much for a question that has not been raised about SCORE. But applying these principles to the alternatives that have been proposed for verifying the party primary in which an unaffiliated voter has cast their vote, I would express a preference for the second means of verification by "Election judge manual review and verification," for the reasons described above: This provides the best separation between the identity of the voter and their party preference.

Thank you very much once again
Adam Warner

CO Secretary of State:

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> *Help Shape Colorados Election Rules*

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> Topic: Rules Concerning Elections

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> May 15, 2017

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> *What is this about?*

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> Secretary Williams is considering amendments to Colorados Rules

> Concerning Elections (8 CCR 1505-1). The changes are intended to

> improve the administration and enforcement of Colorado election law

> and to increase transparency and security in the election process.**

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> The main goals of the proposed rulemaking are to:

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> * Ensure proper administration of legislation recently passed by

> the Colorado General Assembly; * Establish uniformity in the

> administration of current law;Organize existing rules for clarity;

> * Eliminate obsolete provisions;Simplify the language of existing

> rules; and * Remove language that is duplicative of statute. We

> have also included an outline of proposed options for rules

> implementing propositions 107 and 108 and a cross-jurisdictional pilot

> program in separate attachments. We invite you to share your thoughts

> and recommendations as we develop a preliminary draft of the proposed

> rules. Please review the attached working draft and

> proposals.**

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> *Why does the Secretary need my help?*

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> The Secretary values your feedback and we would very much like to hear
> your thoughts. We need your help to identify necessary revisions or
> additional guidance in order to propose a constructive and
> comprehensive draft rule for consideration during the rulemaking
> proceedings. Overall, we invite your opinions and recommendations to
> help shape Colorado's Election Rules.**

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> *How do I submit my comments and what is the deadline?*

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> You may email your comments to SOS.Rulemaking@sos.state.co.us
> <[SOS.Rulemaking@sos.state.co.us?subject=Comments%20-%20working%20draft](mailto:SOS.Rulemaking@sos.state.co.us?subject=Comments%20-%20working%20draft%20election%20rules)
> %20election%20rules>. To ensure consideration of your comments before
> we issue the proposed draft, we must receive your comments by 5:00
> p.m. on May 22,
> 2017.**

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> *Will my comments become part of the official record for the
> anticipated rulemaking?*

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> Yes, we will incorporate your comments into the official record when
> we commence with formal rulemaking. Our office will identify your
> comments as information received in anticipation of rulemaking to
> support the development of the proposed draft rule. Please note that
> you will have an additional opportunity to provide testimony and/or
> written comments regarding the proposed rule during the rulemaking
> proceeding.

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> To promote transparency and to help generate discussion, our office
> will post a copy of your comments on the Secretary of States website.
> We appreciate privacy concerns and will redact apparent personal
> contact information from your comments prior to posting (including
> your home address, personal email address, and telephone number). To
> view the comments that we receive, please visit:
> http://www.sos.state.co.us/pubs/rule_making/ruleComments.html.

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