

May 22, 2017

The Honorable Wayne W. Williams  
Secretary of State  
1700 Broadway, Suite 200  
Denver CO 80290

*Re: Proposed Rules Concerning Elections, "Attachment One: 107/108 implementation"*

Dear Secretary Williams:

Thank you for the opportunity to comment on the preliminary draft rules. As the proponents of propositions 107 and 108, Let Colorado Vote (LCV) is committed to increasing voter participation in tax-payer funded primaries, with the belief that this will lead to a healthier democracy. We believe two key principles should guide implementation:

1. **Minimized spoilage:** For both legal reasons and voter engagement reasons we strongly believe Colorado's goal is to ensure every vote is counted. Therefore, we support efforts to ensure the ballots themselves, including instructions, and the processing of those ballots should be designed to minimize spoilage. As found by other states, any processes that create differentially high spoilage rates for unaffiliated vs. affiliated voters would cause many Coloradans significant concern.
2. **Input from key stakeholders:** We support a rule-making process that engages voters and county-level election officials from across the state allowing sufficient time to explore the implications of proposed options and provide informed opinions. Draft rules will be stronger with robust public discourse and ensuring county tests are concluded and then used to inform the final rule.

In response to the draft rules that were distributed, we have proposed changes:

- A. **Party preference declaration check-box:** We believe spoiling ballots based on a party declaration check box on the outside of the ballot envelope will disenfranchise voters and be highly susceptible to a legal challenge. Such a check box should only be used if it will not be used to spoil otherwise valid ballots. In Washington, party declaration check box errors resulted in 43,779 spoiled ballots. In options 1 and 3, rule 7.2.10 does not ensure each valid ballot is protected.
- B. **Blank returned ballots:** A concern of election officials is unaffiliated voters may mistakenly return both ballots – one blank and one filled out. In such cases, we agree with many election officials that the completed ballot should be counted and the blank ballot discarded because the voter has returned a valid ballot.
- C. **Notice of voter privacy:** If unaffiliated voters' party primary participation will be recorded in the election records (SCORE) and made publicly available, we believe this should be clearly explained on the ballot and in the instructions. This allows unaffiliated voters to make an informed decision on an issue they may consider private.

Thank you for the opportunity to comment. We look forward to being engaged throughout the process. Please feel free to contact any of us if you have questions about our feedback.

Best regards,

Kelly Brough  
President and CEO  
Denver Metro Chamber of Commerce

Don Childears  
President and CEO  
Colorado Bankers Association

Cole Finegan  
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