



July 18, 2017

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

Secretary Williams:

The Denver Elections Division would like to make the following additional comments to the Secretary of State's proposed rules.

2.14.4:

The Denver Elections Division is concerned about this rule because we must be able to run the EXP 004 export to utilize our sorter in an election. As currently written, this rule provides no explanation about how the Secretary's office will grant written authorization of a county's request and our office has not seen any evidence that supports this prohibition on exports.

7.5.11:

As we stated in the rulemaking hearing, this proposed rule seems to assume that each county's return envelope has exposed voter signatures that are able to be scanned. This is not the case for Denver. To ensure voter privacy, the Denver Elections Division has a flap that covers the voter's signature as it goes through the mail stream. We would not be comfortable having other counties removing our flap to scan these images.

This rule would potential lead to a delay in forwarding the envelopes to the correct county and it raises chain-of-custody and security issues for the counties that now must move the envelopes into different areas of the office to scan where they could instead be keeping the envelopes in a secure bundle to be forwarded.

Rule 2.5.4:

As stated in our previous comments, the Denver Elections Division believes that under section 1-2-218.5, C.R.S., unaffiliated voters must be permitted to declare an affiliation, and have it be effective, from the 29th day before Election Day through Election Day itself. During the July 11, 2017 rulemaking hearing, the Secretary of State's office asked what should happen if an unaffiliated elector casts a major party's ballot in the primary election but then affiliates with the other major political party before Election Day. We believe that the statutes, even as currently written after the passage of SB 17-305, permit this situation to occur.

Under your "Basis and Purpose" for proposed rule 2.5.4, you explain that the rule is necessary to "guarantee that an elector affiliated with one party does not cast a ballot in another party's primary

election.” But the proposed rule doesn’t seem to match this purpose. If an unaffiliated elector casts one party’s ballot and then affiliates with the other major party, then you seem to imply that an unaffiliated voter casting the first party’s ballot is de facto affiliating with that party. As we have said previously, we are happy to discuss possible process solutions to this scenario and we are willing to discuss statutory solutions to section 1-7.5-106.5, C.R.S as modified by SB 17-305.

We support the Colorado Democratic Party’s suggestion to process the affiliation declarations as they come in.

Thank you for your consideration,



Daniel Volkosh

Denver Elections Division