



October 5, 2017

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

Re: Comments on Elections Rules Being Considered, dated September 29, 2017

Dear Secretary Williams:

Common Cause is a nonpartisan, nonprofit organization that is dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that serves the public interest, and empowering people to make their voices heard in the political process.

We appreciate the opportunity to comment on the election rules your office is considering, as proposed on September 29, 2017. Our comments are as follows:

Rule 7.2.12 As we read this rule, if an unaffiliated voter chooses a party preference, whether major or minor, and that chosen party does not hold a primary or does not permit unaffiliated voters to participate in their primary, that voter will then be mailed (1) in the case of a voter with a minor party preference, a Republican and Democratic ballot, or (2) in the case of a major party preference, the ballot of the other major party, in both cases despite the voter's stated party preference. It is not clear what the rationale is for this mandate. An unaffiliated voter who has chosen a preference for a party that is not participating in the primary, can always go to a voter service and polling center or a county clerk and recorder's office, and change their preference and receive a primary ballot for a party that is participating in the primary. Likely they would be able to do the same by going to the State's online voter registration portal. They are not prevented from participating in the primary, even though their preferred party is not participating.

Section 1-4-1203(4)(c), as adopted in Senate Bill 17-305, provides that county clerks must mail a "ballot packet that contains the ballots of all the major political parties" only to "all active electors in the county who have not declared an affiliation or provided a ballot preference with a political party". It does not say that the same "ballot packet" must be or should be mailed to

unaffiliated voters who chose a preference for a party that is not participating in the primary. To require that mailing by rule appears to enlarge the requirements of the statute.

If there is any meaning to party preference, and to a voter's statement of their preference, it should not be overridden by an administrative action, such as sending a ballot for a party other than their chosen preferred party. In addition to being beyond the statutory requirements, the rule as proposed invites confusion, and will likely be costly to counties in terms of mailing expenses.

We respectfully request that Rule 7.2.12 not be included in the formal rulemaking.

Thank you for the opportunity to share our concerns on these possible rules. Please feel free to contact me if there are any questions about these comments.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Steele". The signature is written in a cursive, flowing style.

Elizabeth Steele  
Elections Director  
Colorado Common Cause  
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