



July 31, 2019

The Honorable Jena Griswold
Colorado Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Secretary Griswold:

Thank you very much for the opportunity to comment on your proposed election rules. Denver appreciates the amount of time that both you and your staff have put into this process. We mostly agree with your rule changes but would like to make the following comments:

Multiple Rules

For rules implementing SB 19-202, it seems as if counties must issue these voters a ballot without any documentation, except for the log we are supposed to keep outside of SCORE. If this is true, we are unsure how we will produce a batch in absentee ballot labels without marking something in the voter's record. We believe that it would be easier to mark something in the voter's record and then write a rule similar to 4.8.5(c) that requires counties to redact anything that would reveal the presence of a disability in the event of a CORA request.

Additionally, this comment is applicable to proposed Rule 7.5.3 because someone could file a CORA request of this log and it would reveal the presence of a disability. Custodians can deny inspection of motor vehicle records that reveal the presence of a disability under § 24-72-204(3)(a)(XII), so we believe a rule similar to that would achieve the statutory directive of § 1-5-706(1), C.R.S.

Rule 7.1.2

Sometimes SCORE and webSCORE development is not completed by the 120-day deadline. If a SCORE issue warrants a change to the signature card or combination form after this deadline, will the county need to resubmit the form?

Rule 7.1.3

Denver understands that the Secretary of State's office can get busy at the election plan deadline, so we would like to have the ability to request the waiver earlier than the 120-day deadline, if necessary. Additionally, we need to collect public comment on proposed VSPC locations far in advance of the 120-day deadline, so it's also helpful to receive that waiver sooner because then we can include a potential site that requires a waiver in the public comments.

Rule 7.2.14

If a major political party's presidential primary is canceled under § 1-4-1203(5), C.R.S., we do not think it is necessary to go through this procedure because the unaffiliated voter will only have one ballot card to return. Therefore, we would like to see an exception made in this rule for that circumstance.

Rule 7.5.13

Thank you for this change.

Rule 7.9.1

We may need to move our mobile VSPC due to inclement weather or a community's need. If it is above and beyond the number of statutorily-required VSPCs for Denver, can we get a reprieve from the 8 to 5 requirement in this rule? Our mobile VSPC is our way of helping connect communities (like with the current I-70 construction) and historically underrepresented communities.

Rule 7.9.8

Thank you for the change from "guidance" to "written guidance", but our concern remains that the Secretary of State's office will provide this written guidance while we are already busy with the election. Additionally, we would like a clear definition of "wait time" because counties previously recorded different time periods. Some counties measured the entire time a voter was at a VSPC (arrival to casting a ballot), others measured the wait to receive a ballot, and others measured the time from check in through voting. We think "wait time" should measure from the time a voter enters the line and ends when he or she reaches the VSPC check-in station.

Rule 11.9.4(c)

How does the Secretary plan to modify this rule outside of the rulemaking process? We do not think that the Secretary should be able to modify a rule without going through the required procedures. Rules are subject to challenge and we believe that any modification should be subject to challenge as well.

Rule 20.1

Requiring a security plan before each election may be duplicative, especially in three-election years. We think that you can achieve the same thing by requiring a full Security Plan before the first election of the year and then only require addendums, as necessary, for each subsequent election in the calendar year.

Thank you very much for your time. Please feel free to reach out if you have any questions or concerns.