

May 24, 2022

The Honorable Jena Griswold, Secretary of State
Department of State
1700 Broadway
Denver, CO 80290

Via email to: sos.rulemaking@sos.state.co.us

Re: Proposed Election Rules

Dear Secretary Griswold,

Colorado Common Cause respectfully submits comment regarding the election rules proposed on May 24, 2022.

Colorado Common Cause is a nonpartisan, grassroots organization dedication to upholding the core values of American Democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in the political process.

Colorado Common Cause understands and supports policy that make our elections more secure. To that end, we applaud the proposed rules for taking steps to increase internal security protocols. This will help ensure that our elections are as secure as possible going into the 2022 elections and beyond.

We also commend your office for promulgating the final rules to implement HB21-1011. The new policy will expand ballot access to over eighty thousand eligible voters.

Our only concern with the proposed rules is ensuring specificity when detailing a poll watcher's role when observing a ballot drop box. Rules about poll watchers are very specific and it is important that this remains true when describing their role and expectations at ballot drop boxes. Poll watchers play an important part in our elections, but we must ensure that they are not emboldened to interfere with a voter's ability to freely drop their ballot off at a drop box.

Comments on proposed rules.

Rule 8.8.4: This rule establishes that County Clerks will accommodate a minimum of one poll watcher at each drop box. We recognize it is important for poll watchers to observe ballot drop boxes, but we would advise that there be more clarity as to exactly what poll watchers are allowed to do while observing a drop box. This is especially important because election judges are not always present at drop boxes so there should be very specific guidance as to how poll watchers should conduct themselves at drop boxes. It should be clearly stipulated what, if any, interactions a poll watcher is allowed to have with voters who are dropping off their ballots at a drop box. We advise you to add a section to Rule 8.14 that details actions at a drop box that would result in the revocation of a poll watcher's certificate. We would also encourage you to specify that poll watchers should not interact with or impede voters in any way while observing a drop box. Without clear language poll watchers could be emboldened to take it upon themselves to question voters at drop boxes.

We appreciate your work on these proposed rules and are happy to answer any questions regarding our comments.

Thank you for the opportunity to comment.

Sincerely,

Cameron Hill

Associate Director
Colorado Common Cause