

From: [Linda Templin](#)
To: [SoS Rulemaking](#)
Subject: [EXTERNAL] Written Comments re: Proposed Rules included in April 15, 2022 Notice of Proposed Rulemaking
Date: Tuesday, May 31, 2022 5:00:25 PM

Office of the Secretary of State,

I am submitting these comments on behalf of the Ranked Choice Voting for Colorado (RCV4CO) in response to Proposed Rules included in April 15, 2022 Notice of Proposed Rulemaking. RCV4CO is a politically-diverse nonpartisan, nonprofit organization that engages in education and stakeholder feedback with voters, leaders, and administrators around the state. Our organization assisted with the IRV implementation in Basalt, the formulation of HB21-1071 and HB22-1071, and the passage of ranked-choice voting in Boulder and Broomfield. Since 2016, our team has conducted hundreds of sample elections at community events around the state.

We appreciate the opportunity to submit comments on proposed amendments to the Colorado Department of State Election Rules. RC4CO staff are available to discuss any of these comments and to provide support to the office of the Secretary of State as it works on these regulations.

Over the past six years, our team has seen that Colorado voters are particularly appreciative of values of RCV. They like that every candidate gets a fair chance to compete for support, and that every voter gets their fair share of the say. That ranked voting rules were written under a Republican administration and approved under a Democratic one helps to reassure voters that partisan is not at play.

There is broad consensus across political viewpoints on our policy committee and among Colorado voters that proportional representation is fair to all concerned. We are in strong support of the Single Transferable Vote (STV) being defined as the tally method named because it elects representatives proportionally in multiple-winner races.

However, newly proposed updates to the ranked voting rules eschew preparation for STV. We suggest that including STV would be better planning and more cost effective. There are some Colorado municipalities with multiple-winner races that are interested in RCV for proportional representation. Further (and sooner) there is also interest in RCV for use in the presidential primaries in light of the 150,000 Colorado presidential primary voters whose votes went uncounted in 2020 due to candidates dropping out after the voters had turned in their ballots. Because some parties opt to designate delegates for more than one candidate, failing to provide STV would limit the freedom of the parties to freely determine their own rules. We ask that the office of the Secretary of State proceed with certifications and audit design activities for both Instant Runoff Voting (IRV) and STV races.

There are additional changes being proposed by others submitting statements. It is our suggestion that the original intent be maintained. To those points:

Skipped Ranking Rule:

Our team's direct experience with Colorado voters informs us that the existing skipped ranking definition is appropriate as written for two reasons. 1.) Some voters are very sensitive to inferences being made to ballot intent interpretation. 2.) It is not uncommon for voters to rank their favorite candidate first-choice, then their least favorite candidate last-choice, and then their second-favorite candidate second choice. They may or may not rank subsequent choices.

The skipped ranking rule as written is the most stringent in the nation. However, there is no data showing that the original rule would cause harm to voter intent or the integrity of election outcomes. Until there is an indication that there is a need, our team suggests that Colorado keep the intent of the rule as it is - that regardless of how many rankings are skipped the ballot becomes inactive if the previously ranked candidates are eliminated.

Overvotes:

At the request of no one, one of our policy committee member organizations is separately submitting a suggestion about a novel way of interpreting overvotes. In our view this a hostile amendment because it 1) calls for interpretation of voter intent and 2) adds an necessary layer of complexity, and 3) would create a version of RCV that has never faced legal challenge, if it fails it could invalidate RCV elections. Given that there is no data showing that the original rule would cause harm to voter intent or the integrity of election outcomes, this is a high-risk, low reward proposition.

Thank you for the opportunity to be part of the rulemaking. I appreciate all of the work your office has put into this over the years.

- Linda

--

Linda S. Templin, MPA
Executive Director
[RCV for Colorado](#)

Ranked Choice Voting for Colorado
[1536 Wynkoop Street, #908](#)
[Denver, CO 80202](#)
303-454-3335
www.RCVforColorado.org