



November 15, 2017

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

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 proposed Election Rules that were issued by your office on October 13, 2017, and revised on November 8, 2017. Our comments are as follows:

Rule 7.2.12 As we stated in our earlier comments when these rules were being developed, we read this rule as requiring clerks to mail primary ballots, other than the primary ballot for which the voter has expressed a preference, to voters whose party of preference is not having a primary. This seems likely to confuse voters who will receive ballots for one or more parties that they never expressed a preference for. Those voters may well assume there has been a mistake and that their preference was not properly recorded or honored. It does not seem reasonable to send those who have expressed a preference for a particular primary party ballot, the ballots for one or more other unrequested parties.

We do not believe there is any obligation to distribute the ballots contemplated by this rule, and therefore we request that this rule not be adopted.

If the rule is, nonetheless, adopted, we believe that a notice must be included in every mailing to an unaffiliated voter who expressed a ballot preference, but who is being mailed a ballot for a different party, informing such voter that they are receiving these ballots because their party of preference is not holding a primary, that they have no obligation to vote any enclosed ballot, that they can only vote one ballot, and that voting or not voting any ballot will have no effect on their party preference going forward. Another option would be to require the clerks to mail a postcard to all unaffiliated voters who expressed a ballot preference for a party that is not having a primary prior to the primary ballot mailing date. That postcard would ask the voter if they would like to receive the mail ballot packet contemplated by Rule 7.2.10. This latter option would

reduce the surprise effect of receiving the mail ballot packet and likely would reduce costs to the counties.

We note that 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 Secretary of State's online voter registration portal. They are not prevented from participating in the primary, even though their preferred party is not participating.

We appreciate that the revised rulemaking proposal includes making the repeal of Election Rule 7.16 permanent. We believe that the rule is not consistent with current election statutes and appreciate your prompt action to repeal it.

Thank you for the opportunity to comment on these proposed 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 fluid and cursive, with the first name being more prominent.

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