



Office of the Clerk & Recorder

1750 33rd Street · Boulder, CO 80301 · www.BoulderCounty.org

Hillary Hall, Boulder County Clerk & Recorder

March 31, 2011

To the Colorado Secretary of State:

Here are the comments from the Boulder County Clerk and Recorder and Election Division regarding the proposed rule changes.

We believe the following proposed change is in conflict with current statute.

Rule 17.2.3(b) - page 3, lines 24-26

The proposed amendment to Rule 17.2.3(b) on page 3, lines 24-26 of the proposed rules, disallows a petition section to be rejected if the type of identification, provided by the circulator at the time of notarization, was issued by a state other than Colorado. While recognizing this proposed rule change is consistent with the Tenth Circuit holding that identification need not be issued by the state of Colorado, this language is inconsistent with current Colorado statute. According to 1-40-111(2)(b)(I)(C), the circulator presents a form of identification, as such term is defined in section 1-1-104(19.5), C.R.S. For the purposes of section 1-1-104(19.5), identification issued by a state entity is defined specifically as to the state of Colorado, therefore, it appears that current statute is inconsistent with the proposed language on lines 24-26 of Rule 17.2.3(b). Statute requires identification shown to a notary, in the case of a petition circulator, as defined in 1-1-104(19.5), and the proposed rule allows the use of identification not specifically defined in 1-1-104(19.5).

We believe the remainder of the rule changes will not impact our counties ability to conduct our statutory obligations.

Sincerely,

Hillary Hall
Boulder County Clerk and Recorder