



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

July 31, 2015

Dear Secretary Williams,

Thank you for the opportunity to comment on the revisions to the proposed rule changes to Colorado's Rules Concerning Elections 8 CCR 1501-5.

It is clear from the legislative history of House Bill 11-1219 that the General Assembly intended to strictly limit electronic ballot return to extreme circumstances because of the security risks (for more on these risks, please see our written comments in response to the rulemaking submitted with Verified Voting on July 10, 2015). We propose alternate language that would align more closely with the legislative intent of House Bill 11-1219:

(c) In accordance with section 1-8.3-113(1), C.R.S., ~~an elector~~ A COVERED VOTER who chooses to receive his or her unvoted ballot by ~~online ballot delivery~~ ELECTRONIC TRANSMISSION may return his or her ballot by fax or email ONLY IF A MORE SECURE METHOD, SUCH AS RETURNING THE BALLOT BY MAIL, IS NOT AVAILABLE OR FEASIBLE. “NOT FEASIBLE MEANS CIRCUMSTANCES WHERE THE COVERED VOTER DOES NOT HAVE ACCESS TO POSTAL SERVICE THAT WILL ALLOW THE COVERED VOTER TO RETURN HIS OR HER BALLOT BY THE DEADLINE FOR BALLOT RECEIPT. THE ELECTOR MUST SIGN AN AFFIDAVIT ATTESTING TO THESE CIRCUMSTANCES. COVERED VOTERS SHOULD BE INSTRUCTED THAT ELECTRONIC RETURN OF VOTED BALLOTS IS THE LEAST SECURE METHOD AVAILABLE AND THAT BALLOTS SENT BY MAIL WILL BE COUNTED IF RECEIVED UP TO EIGHT DAYS AFTER ELECTION DAY.

Thank you for the opportunity to comment.

Elena Nunez
Executive Director
Colorado Common Cause
1536 Wynkoop St., Suite 300
Denver, CO 80202
(303) 292-2163 w | (720) 339-3273 c
enunez@commoncause.org