

## Andrea Gyger

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**From:** Bill Kerby [REDACTED]  
**Sent:** Tuesday, June 13, 2017 4:51 AM  
**To:** SoS Rulemaking  
**Subject:** Comments - election rules - 7/11/2017 hearing

Dear Secretary Williams,

With this letter we ask you to support the following proposal:

The state of Colorado will join the other states in the National Popular vote Interstate Compact which are diverting from the classical electoral, “winner takes all”, voting system and support a reform of the voting system in the USA (see footnote).

The electoral system was written into the Constitution of the United States at a time when the results of the mathematicians Kenneth Arrow and Kenneth May were not known. In short, May’s theorem of 1952 states that the only democratic voting system involving two alternatives, here democrat and republican, is a simple majority.

The presidential electoral system, in which not the people but rather the state electors elect the president according to the “winner takes all” principle, has the following properties:

1. It is theoretically possible that a candidate be determined president of the USA although this candidate received only slightly more than 25% of the popular vote.
2. It is much easier to manipulate the electoral system than the simple majority voting system, since in order to influence the outcome of the election in the electoral system it is often only necessary to manipulate the voting in just a few key states whereas in order to influence the outcome of the simple majority of the popular vote a vast number of voters all over the USA must be manipulated.
3. The Electoral College system divides the United States of America into the “blue States” and the “red states” (the Divided States of America) and does not encourage political unification of the American population.

We ask the Government of the state of Colorado to revise rule 24.1 of the C.R.S. and change the word “state” to the words “United States of America”.

This means the last sentence in the oath rule 24.1.1 of the C.R.S. reads:

I will faithfully perform the duties of the office of presidential elector that I am about to enter, and that I will vote for the presidential candidate and vice presidential candidate who received the highest number of votes at the preceding general election in the United States of America.

Further the section 1-4-304 (5) of the C.R.S. is changed such that rule 24.2.1 then reads:

As specified in section 1-4-304 (5), C.R.S., each presidential elector must vote for the presidential candidate and vice-presidential candidate who received the highest number of votes at the preceding general elections in the United States of America.

Sincerely yours,

William and Helen Kerby

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### Footnote:

Several states plus the District of Columbia have joined the National Popular Vote Interstate Compact. Those jurisdictions joining the compact agree to pledge their electors to the winner of the national popular vote. The Compact will not come into effect until the number of states agreeing to the Compact equals a majority (at least 270) of all electors. As of 2017, 10 states and the District of Columbia have joined the compact; collectively, these jurisdictions control 165 electoral votes, which is 61% of the 270 required for the Compact to take effect.

The Compact is based on the current rule in Article II, Section 1, Clause 2 of the Constitution that gives each state legislature the plenary power to determine how it chooses its electors.

The following people have been informed of this proposal:

Senators Michael Bennet and Cory Gardner  
Governor John Hickenlooper