



June 3, 2017

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

***Re: Amendments to election rules***

Dear Secretary Williams:

Thank you for the opportunity to comment on the draft of proposed rules amending 8 CCR 1505-1. As a proponent of Propositions 107 and 108, Let Colorado Vote (LCV) is committed to increasing voter participation in taxpayer funded primary elections, with the belief that this will lead to a healthier democracy.

Ensuring every vote is counted is Let Colorado Vote's primary concern regarding the implementation of Props. 107 and 108. We recognize and appreciate the efforts the Secretary of State's office has taken to draft rules to ensure every ballot cast is counted and not spoiled due to a technical error.

In particular, we appreciate rule 2.17 which limits an elector's political party ballot preference to a single primary election and rules 7.5.13 and 7.5.14, that direct election judges to determine voter intent, rather than reject the ballot, in situations where the voter's intent cannot be readily determined from the returned ballot envelope. In no situation should the means a county employs to determine a voter's primary participation violate the sanctity of a ballot.

In response to the draft rules published on May 31st, 2017, we offer the following comments:

**Rule 2.17**

In Rule 2.7, an unaffiliated elector may make a party ballot preference, but that ballot preference is only effective for a single primary election. Should this rule clarify that in years having both presidential and state/local primaries the ballot preference applies only to only a single primary in the election cycle rather than all primaries in the cycle?

**Rule 7.2.10**

In our reading of the draft rules, the team of judges described in 7.5.13 would be used to determine in which party's primary an elector participated *in every case* a voter's intent cannot be readily determined from the returned ballot envelope – regardless of the method a county has chosen to initially make that determination under rule 7.2.10. Thus the team of judges would act as a failsafe to resolve any questions about voter intent rather than spoil

the ballot. If this reading is correct, 7.5.13 alleviates our concerns about ballot spoilage and the particular means a county uses, under this rule, to determine in which party's primary election the elector voted. Should this interaction be made more explicit in both 7.2.10 and 7.5.13?

**Rule 7.2.12**

In this rule regarding issuing replacement ballots for unaffiliated voters, it would be helpful to clarify that the ballot preference only applies to a single primary election as in Rule 2.17.

**Rule 7.5.13**

As suggested for Rule 7.2.10, should it be made explicit that Rule 7.5.13 applies to all ballots, regardless of means used in Rule 7.2.10, where an election judge is unable to determine in which party's election the elector voted? A bipartisan team of judges is called for in Rule 7.5.13(a) and 7.5.13(b). We urge for the rules to include an unaffiliated judge on each team to fairly represent the composition of Colorado's registered voters. In Rule 7.5.13(c), once the judges determine which party's primary election the elector has voted in and record it in the SCORE system. While that seems to imply that the valid ballot is counted, it does not expressly say so. It would be helpful if this rule made this explicit.

**Rule 7.5.14**

In Rule 7.5.14(a) if an elector returns more than one ballot the election judges must review to determine if only one voted was voted, and if so record it in the SCORE system. Rule 7.5.14 calls for a bipartisan team of judges. We again urge for the rules to include an unaffiliated judge on each team. As suggested for Rule 7.5.13(c), should it be made explicit in this rule that the ballot should be counted as well as recorded in SCORE?

Thank you for the opportunity to comment. Please feel free to contact any of us if you have questions about our feedback.

Best regards,

Kelly Brough  
President and CEO  
Denver Metro Chamber of Commerce

Don Childears  
President and CEO  
Colorado Bankers Association

John Hereford  
Partner  
Oak Leaf Energy Partners

Mike Kopp  
President and CEO  
Colorado Concern

Kent Thiry  
President and CEO  
DaVita