

**Public hearing on August 15, 2024 at 9:00AM**  
**Notice of Proposed Rulemaking -- Colorado Department of State**  
**Election Rules 8 CCR 1505-1**

Please consider the following three comments using this key:

**Suggested changes** are highlighted in yellow.

Proposed changes already under consideration are highlighted in gray.

Submitted by Celeste Landry, Colorado voter since 1994

Comment #1 - p. 18 Rule 21.11.3 Ballot layout requirements:

- Please change “instant runoff” to “ranked” to allow for both forms of ranked voting authorized in 1-7-1003 C.R.S. and because the ballot layout is identical for both forms.

(a) The voting system must permit the user to lay out ballot cards containing both plurality and ~~instant runoff~~ **RANKED** voting contests on the same ballot card or separate ballot cards.

(b) The voting system must permit a user to input ranked voting specific voter instructions immediately preceding ~~instant runoff~~ **RANKED** voting contests.

(c) The voting system must be able to support ranking at least ten named candidates ~~and INCLUDING~~ up to two write-in candidates per ~~instant runoff~~ **RANKED VOTING** contest.

(d) The voting system must allow the ranked voting contests to be formatted on paper ballots ~~WITH in the following ways:~~

~~(1) Candidates listed in columns and rankings listed in rows.~~

~~(2) Rankings RANKINGS listed in columns and candidates listed in rows.~~

Comment #2 – Conflict in Colorado Revised Statute that begs for state legislation:

Rule 21.11.3 (c) about write-in candidates and a comment by Littleton Clerk Colleen Norton at an August 13, 2024 council study session prompt this comment:

**Please note for possible future state legislation that a conflict exists between the EARLIER date that a municipality must notify the coordinating county clerk(s) of a ranked voting election and the LATER deadline for filing as a write-in candidate.**

- According to 1-7-118 C.R.S., (1) “On and after January 1, 2023, a municipality located in a single county that takes formal action to conduct an election using instant runoff voting may refer the election to be conducted as part of a coordinated election, as defined in section 1-7-116, by providing written notice to the county clerk and recorder conducting the election at least **one hundred days before the election.**” – Section (3) has a similar deadline for a multi-county municipality.
- According to 1-4-1102 C.R.S. (2) In a nonpartisan election, the affidavit of intent shall be filed by the close of business on the **sixty-fourth day before the election.** If the election is to be coordinated by the county clerk and recorder, the designated election official shall forward a copy of the affidavit of intent to the coordinated election official.

Comment #3 - p. 20 Rule 26.5 Tabulation of instant-run-off elections:

Thank you for listening to feedback and changing Rule 26.5.4 from “are” to “may all be.” During voter education prior to Boulder’s 2023 instant-runoff voting election, all examples of instant-runoff voting tabulation used sequential elimination. When the actual tabulation used batch elimination, voters were surprised.

26.5.4 At the end of Round one and in any subsequent rounds, if the combined votes of two or more candidates with the lowest vote totals in the current round are less than the number of votes for the continuing candidate with the next-highest number of votes, then the candidates in the lowest-vote group ~~are~~ MAY ALL BE eliminated.

-----the end-----