



August 15, 2024

The Honorable Jena Griswold, Secretary of State
Department of State
1700 Broadway
Denver, CO 80290

Via email to: sos.rulemaking@sos.state.co.us

Re: Proposed Rules Regarding Elections

Dear Secretary Griswold,

Colorado Common Cause respectfully submits comment regarding the draft rules regarding elections proposed on July 15, 2024. Colorado Common Cause's Executive Director Aly Belknap will also virtually attend the Secretary's rulemaking hearing on August 15, 2024 to answer any questions on Common Cause's comments.

Colorado Common Cause is a nonpartisan, grassroots organization dedication to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in the political process.

Comments on proposed rules:

- ❖ We urge an additional rule that clarifies the role that sheriffs play in administering jail-based voting per Senate Bill 24-072, specifying that active-duty sheriff deputies and staff of the jail cannot serve as election judges. This will prevent sheriffs and their staff from playing a dual role in both maintaining security and process in daily operations, as well as administering the voting process. This separation of power is in line with the intention of SB072 to take the requirement of providing access to voting off the shoulders of sheriffs and into the hands of county clerks and their trained bipartisan teams of judges. It will avoid potential competing interests impacting the

administration of jail-based voting, such as tricky relationship and power dynamics between confined voters and sheriff staff resulting in confined voters disengaging from the process.

- ❖ While it may be outside the scope of this rulemaking and require a statutory change, it feels worth stating that we would like to see being confined to jail made as a qualifying event for emergency voting, so that clerks can access Democracy Live to pull ballots from other counties. This will enable clerks and their judges to provide full services to voters in jail and will ensure these voters are able to vote in all the races they are eligible for based on their residence address, regardless of whether they are incarcerated in their home county. Incarceration is an appropriate qualifying event because it fundamentally restricts an individual from freedom of movement to return to their home county in time to vote on Election Day, in line with other qualifying events.
- ❖ We may have additional comment to submit in the coming days regarding accessibility procedures and resources for incarcerated voters.

Thank you for the opportunity to comment.

Sincerely,

Aly Belknap

Executive Director

Colorado Common Cause