

From: [Linda Templin](#)
To: [Statewide Initiatives](#)
Subject: [EXTERNAL] Additional comments: 188, 210, 212 Concerning the conduct of elections
Date: Wednesday, April 3, 2024 5:26:17 PM

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To: Title Board Members: Theresa Conley, Christie Chase, Jennifer Sullivan
Office of the Colorado Secretary of State

From: Linda Templin, Patrick Dillon, and Caryn Ann Harlos, Colorado
Registered Electors

Re: Additional comments re Initiatives 188, 210, and 212

Title language

Prior comments concluded with

2. At-issue: At least one of the initiatives in this group of filings contains a tally method different from what is described in the state's Rule 26: Ranked Voting Method. RCV advocates around the state have been educating voters about the very narrow interpretation of RCV found within that rule. The intent of the rule is to be fair to all concerned.

The purpose of the proposed variations from the tally rules is not clear. As such, changes to the tally should not be permitted to bear the moniker "Ranked Choice Voting" as it would be a substantive bait-and-switch.

Specifically

The current rules for "Ranked Voting Method" popularly known by the voter-centered name "Ranked Choice Voting" is located in 8CCR1505-1 Rule 26

https://www.coloradosos.gov/pubs/rule_making/CurrentRules/8CCR1505-1/Rule26.pdf These rules were instituted under a Republican administration and made permanent by a Democratic administration.

In measures #188, #210, #212 section 2 1-1-104 (19.1)

#212 section 2 1-1-104 (1)(c)

creates definition and substitutes the wording "highest ranked" for current rule 26 language "first-choice". It in the context of the tally, it could reasonably be interpreted to mean candidate with the most first-choice votes.

Measure #188 Section 9 1-4-207 (2)(II)

Measure #210 Section 9 1-4-207 (4)(a)

Measure #212 Section 2 1-4-207 (1)(c)

goes on to describe the tally that "each ballot shall count for the highest ranked on the ballot." Given the definition of the highest ranked candidate,

this could mean that an individual voter's ballot could be counted for the candidate with the most first-choice votes in the race, instead of the individual voter's first-choice ranking.

This material and substantial change from the current state rules would change the outcome in roughly 5% of races. This novel voting method would unfairly favor the candidate with the most first-choice votes. The spirit and the letter of the law are different from RCV, and cannot fairly be called "Ranked Choice Voting" or anything that could be confused for it.

Ranked Choice Voting for Colorado
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