

STATE OF COLORADO
Department of State
1700 Broadway
Suite 200
Denver, CO 80290



Scott Gessler
Secretary of State

Judd Choate
Director, Elections Division

September 30, 2011

Gilbert Ortiz, Clerk and Recorder
Pueblo County
215 West 10th Street
Pueblo, CO 81001

Re: Follow Up to Secretary Gessler's Letter regarding Sending Mail Ballots to Inactive – Failed to Vote UOCAVA Electors

Dear Clerk Ortiz,

This letter is a follow up to the letter you received from Secretary of State Scott Gessler concerning mailing ballots to inactive – failed to vote UOCAVA electors.

Based on media reports, Pueblo County may still be considering sending mail ballots to inactive – failed to vote UOCAVA electors. Please be aware that should Pueblo County send mail ballots to inactive – failed to vote UOCAVA electors, the Secretary will ask Judge Whitney of the Denver District Court to join Pueblo County as a necessary party to the litigation between the Department of State and Debra Johnson, County Clerk and Recorder for the City and County of Denver.

So you are aware of the status of the *Gessler v. Johnson* litigation, in this mailing I have included a copy of the Secretary's claim for relief as well as his request for preliminary injunction. A hearing on the merits is scheduled for Friday, October 7, 2011 at 1pm in Judge Whitney's courtroom. If Pueblo County joins the suit, you, as named party, will be expected to defend yourself at the October 7th hearing. In preparation for this possibility, you may want to forward the attached documents to your county attorney, so that he is on notice that he may be required to attend and participate on your behalf.

As always, please feel free to contact the Secretary or myself by phone, email, or letter with any questions you may have.

Sincerely,

Judd Choate
Director, Division of Election
Colorado Department of State