



Office of the Clerk & Recorder

1750 33rd Street · Boulder, CO 80301 · www.BoulderCounty.org

Hillary Hall, Boulder County Clerk & Recorder

Friday, July 27, 2012

Honorable Scott Gessler
Secretary of State
1700 Broadway, Suite 250
Denver, CO 80209

Re: Proposed Election Rule Changes, 8 CCR 1505-1

Secretary Gessler,

I hereby submit my written comments concerning the proposed rule changes.

New rules regarding inactive failed to vote voters and ballot mailing to them should be addressed in statute. Recent court cases have further muddied what is legally possible and this would be an excellent cleanup item for the next legislative session. The rules proposed on this issue are premature of the legislative debate.

Proposed rule changes to 26.10

The clean-up of this rule would be helpful during reconciliation. 26.10.3 may require an update or a workaround in SCORE.

Proposed rule changes to 41.1

As far as the clarification of the definitions and purpose of the board, I believe these changes will add clarity and should be enacted. This is an area I would like to see more work done to establish best practices after the 2012 general election. I would recommend this as a topic for the Visions and Best Practices Commission.

New rule 41.1.2 appears to circumvent the legislative intent and adds appointments that appear to be in conflict with statute. I do not think that the clerk and recorder should appoint any members of the canvass board. After hearing testimony on July 23, it sounds like the reason the clerk would point members to the canvass board would be if a party did not have local representation. The clerk may also need to appoint a member to address how an unaffiliated voter would be on the canvass board. While more direction and clarity is needed in regards to the appointment of the canvass board, I believe it would be best for the next legislature to decide how the canvass board is constructed.

As to rule 41.13, there should be an established procedure for watchers of the canvass board. We have and will continue to encourage watchers to observe our canvass processes.

Rule changes 41.14

The only portion of this rule that is needed at this time is 41.14.1. It is my understanding that the intent of this was to give canvass boards away to enroll the Secretary of State's office should **all** of them have concerns about processes and procedures as administered by the county clerk. I believe in order for this rule to reflect that intent, it should be rewritten to say:

a majority of the up and pointed canvass board members with at least one member of each major party represented on the canvass board may request that the Secretary of State. Provide guidance and support to the canvass board in the exercise of the board's duties.

I believe the county clerk may already ask the Secretary of State's office to be a resource and therefore it is not necessary to include it in the rules.

Thank you for your consideration of these recommendations and the opportunity to participate in the rulemaking procedures.

Sincerely,

A handwritten signature in black ink that reads "Hillary Hall". The signature is written in a cursive, flowing style.

Hillary Hall
Boulder County Clerk and Recorder