



Colorado Secretary of State
Mr. Scott Gessler
1700 Broadway, Suite 200
Denver, CO 80290

Re: Written Statement regarding Proposed Rulemaking on July 23, 2012
Specifically, Rules 12.4, 12.11 and 13.19.

We oppose changes that prohibit counties from mailing ballots to eligible voters. The Mail-in ballot is an opportunity (the only option in “all mail-in” elections) for the hard-working citizens who most likely cannot make it to the polls. Mail-in ballots increase voter participation and many voters are still getting used to the idea of this option. This is not the time to step back from this method but rather to increase and facilitate its use. Any proffered compelling interest to limit this method should be a “real” interest before drastic changes occur in the voting process.

Creating obstacles for eligible voters should never happen in America.

1. The obvious importance of voting. We all know that voting is one of the most American things we do. The Courts have recognized voting as a fundamental right. Bringing it home, the Colorado legislature has expressly stated that “self-government by election is more legitimate and better accepted as voter participation increases.” C.R.S. 1-7.5-102.

For the Latino community, it is often the only voice we have in government. Voting is something that brand new citizens want to do -- whether it is for or against candidates and issues on different sides of the debate. Going to the polls is not always an easy option for many in our community because of the real fear of asking for 2 hours off of work to vote or because it is simply not possible for many other reasons, such as childcare, transportation barriers, etc.

2. Increasing awareness and acceptance of mail-in voting. The mail-in ballot is still new to many of us, especially Latino voters. Many of our community members have often wondered whether mail-in ballots are even legitimate or they questioned if their votes truly got counted. We are still educating the community about the viability and reliability of the mail-in ballot. Now is not the time to cut back but to keep trying to increase awareness of this opportunity, just like the General Assembly expressly desired.

3. The perceived threat. We are puzzled by this effort to deny this opportunity to eligible voters because the threat is not clear, nor is the size of the problem clear. We are not aware of massive fraud occurring because of mailing ballots to “inactive failed to vote” voters. We are not aware of any election outcome that had to be redone because of mail-in voter fraud. In fact, we understand that the voting system has many checks and balances. We understand that each county funds the cost of mail-in ballots, not the Secretary of State’s office. If there was a real problem with the system, then maybe we should first try fixing the way votes are counted

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and tracked. Without a real threat or a sizeable problem, we do not understand what compelling interest the Secretary of State's office has in restricting voting opportunities.

4. Counties know their communities better. Counties have much more ground-level contact with its citizens during the election process. Counties regularly interact with their constituents through their schools, local law enforcement officers, public assistance programs, personal and property tax rolls, and generally interact so much with its citizens that they are better suited to make small adjustments in the election process to ensure that all eligible voters are able to vote, rather than take a sledgehammer approach and cutoff voting opportunities to over 200,000 eligible voters across the state.

5. Redistricting process. The Colorado Latino Forum was actively involved in the Redistricting process. That entire process was built on the assumption that each eligible person would have the same opportunity to vote in each election. Equalization of eligible votes happened through a very open and transparent process. These rules effectively minimize this work by not giving each eligible voter the best opportunity to exercise his or her voice.

6. Concern of the continuous effort aimed at our community. Our concern is that we, CLF and other organizations, are working to increase participation of the Latino community and other communities. The mail-in ballot is a great opportunity to increase participation. There are many reasons why people don't vote in a certain election, but it is not because someone says "I don't ever want to vote again." We should be making it easier for every eligible voter to vote, not harder. We should work to include rather than further disenfranchise 200,000 voters across the state. In the end, without seeing a real threat we are concerned this effort will only further disenfranchise vulnerable communities.

We respectfully request that you do not pass these changes or that perhaps you delay making any changes to the rules related to inactive voters. In the alternative, if there really is a problem, we ask that you allow counties to first work on resolving such perceived problems in the voting system. As a community based organization we anticipate working together to increase awareness about mail-in ballots and most importantly to increase voter response during elections, including all mail-in elections.

Respectfully,

Olivia Mendoza
Executive Director
Colorado Latino Forum

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