



*By Facsimile and U.S. Mail*

June 9, 2009

The Honorable Bernie Buescher  
Secretary of State  
Colorado Department of State  
1700 Broadway  
Denver, CO 80290

**RE: CDHS noncompliance with National Voter Registration Act of 1993 (“NVRA”)**

Dear Secretary Buescher:

On May 14, 2008, Project Vote and Demos sent a letter to Karen L. Beye, Secretary of the Colorado Department of Human Services (“CDHS”), and then-Secretary of State Mike Coffman officially notifying them of the state’s violation of Section 7 of the National Voter Registration Act of 1993 (“NVRA”). The nature of the violations was illustrated in those letters, copies of which are attached.

Under the NVRA, with 90 days notice, an aggrieved person may bring litigation against any noncompliant parties. *See* 42 U.S.C. § 1973gg-9(b)(2). That notice period elapsed on August 12, 2008. As you are aware, we have been in communication with CDHS and with your staff on this issue since December 2007. While we recognize your staff for its recent efforts to bring state public assistance agencies into compliance with Section 7 of the NVRA, it is unfortunate that the response from CDHS has been so inadequate to date. Our detailed analysis of CDHS offices across the state confirms the continued failure of CDHS to meet its responsibilities under the NVRA.

In March 2009, Project Vote conducted surveys of random CDHS offices across the state to evaluate compliance of Section 7 of the NVRA. CDHS remains out of compliance with the law. None of the clients we surveyed in Denver and El Paso Counties were offered a voter registration application. The staff at a Denver County office reported that voter registration applications are automatically provided to clients, but this doesn’t seem to be the case. In Jefferson and Larimer Counties, there were sporadic offering of voter registration. In Larimer County, those people who were there to apply for benefits for the first time were offered voter registration, while those who were there to recertify or renew their benefits or to change their address were not offered a voter registration application. In Jefferson County, the only clients who received a voter registration application were those who met with a caseworker during their visit to the office.

CDHS has had a year and a half to comply with the NVRA. We are left with no choice but to prepare for litigation. We hope that before litigation begins, you will contact us and initiate a series of aggressive procedures to bring CDHS into compliance. We are happy to share

information on procedures that have proved successful in bringing other states into compliance. To the extent we can provide any additional assistance that might turn the tide at CDHS, we are willing to meet with you to accomplish that goal.

Sincerely,



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CC: Karen L. Beye, Secretary of Colorado Department of Human Services; J. Wayne Munster, Acting Deputy of Elections