

## Andrea Gyger

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**From:** Kathleen Erie <kathleene@sanmiguelcounty.org>  
**Sent:** Tuesday, August 12, 2014 5:40 PM  
**To:** SoS Rulemaking  
**Cc:** John Howe  
**Subject:** Comments on Revised Draft of Proposed Rules August 7, 2014

To the Honorable Scott Gessler  
Secretary of State  
Colorado Department of State

These are my comments by reference to Article and Section. The most important are 2.13.4, 7.2.5 and 6, and 9.2.

1.1.13 Remove the word “directly” since the usual procedure is to load the exported file onto an encrypted thumb drive for transfer to a computer with Internet access to upload to the Election Night Reporting system.

1.1.29 In Hart, the scanning device does not tabulate or store. Tabulation is done by the Tally program and the data is transferred to the Tally computer by MBBs (Mobile Ballot Boxes).

2.13.2 (C) Why would we send a ballot to an old address if we are not required to automatically update addresses during the 60 days before an election per 2.13.2 (a)(2)?

2.13.4 From recent experience, it is clear that the mass matching of various data bases is not even a science, let alone a perfect one. That the County must process all records identified by the Secretary of State within seven days absolutely does not allow for appropriate research and creates another unfunded mandate for the Counties since processing of a large list may simply not be possible with the available County staff.

4.1.3 Just not sure how this will be accomplished.

7.2.5 and 7.2.6 Is this really an issue? Where is the evidence that this is a problem? There is so much printing on the Secrecy Sleeve and Return Envelope now that the voters clearly do not read it all, since they commonly sign in the wrong place. How will we determine that the person whose name is (BLANK) is the person who is delivering the ballot? Is there a difference between a ballot handed to a third party to take to a VSPC or to take to a Post Office? Monitoring of this is clearly not feasible. The methods suggested in the form letters are simply not practical.

7.14 There is nothing in the law that requires the Counties to conform to a particular presentation of costs incurred under 1-5-505.5(2), in which the SOS is to reimburse the County fully for direct costs of operating an election solely for the benefit of the State. And there is no requirement in 1-5-505.5(3) for an accounting at all since the reimbursement is only based on the number of active registered electors. This rule does nothing to ensure proper administration of election law but is another unfunded mandate for modifying the reporting of costs, approved in a Budget by each Board of County Commissioners, to fit a SOS template.

9.2 Please see the letter from Peg Perl for an excellent analysis of why this section must be removed.

10.5.2 The format approved by the Secretary of State has yet to appear, though I have asked for it. It would be useful to be able to make comments on it at some point.

Thank you for your attention.

Sincerely,

M. Kathleen Erie  
San Miguel County Clerk and Recorder  
PO Box 548  
305 W. Colorado Avenue  
Telluride, CO 81435-0548  
Phone: 970-728-3954  
Fax: 970-728-4808