



December 8, 2015

The Honorable Wayne Williams
Secretary of State
Department of State
1700 Broadway
Denver, Colorado 80290

Re: Working Draft of Proposed Rules, 8 CCR 1505-1

Dear Secretary Williams:

Common Cause is a nonpartisan, nonprofit organization that is dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that serves the public interest, and empowering ordinary people to make their voices heard in the political process.

The following comments and questions are in response to the Working Draft of Proposed Rules dated December 1, 2015.

Rule 6.1.2 (previous 6.1.3): No objection to the addition of “additional major party judges”, but the elimination of “staff” appears to be in conflict with rule 6.4, and seems to suggest that counties cannot use staff as election judges in any circumstances. Is that the intent of this rule?

Rule 6.1.5: We support this rule.

Rule 6.2.1: We oppose the adoption of a rule that would allow political parties to designate which election judges are to be assigned as signature verification judges. Signature verification should be treated in the same way as all other election processes, with appointments made on the basis of the judge’s skills.

Rule 6.4: Please provide the rationale for prohibiting staff in counties with more than 5,000 active electors from conducting signature verification. There are instances when it is appropriate for the county staff to conduct signature verification.

Rule 7.5.1(c) and 7.9.1(D): We do not oppose revising the language to more closely track the statute. For clarity, it may help to add the words “any person” before “to receive...”. While the proposed language accurately reflects C.R.S. 1-7.5-107(4)(b)(I)(B), the omission

of “any person” on the signage may be confusing to voters and give the incorrect impression that there is a limit on the number of ballots that the drop box/ VSPC may receive (vs. the number of ballots that an individual person may receive for delivery or mailing).

Rules 6.2.2(C) and 7.8.8: Both rules use the phrase “irregular acceptance or rejection rate”. It is not clear what an irregular rate is; is the intent that each individual county will determine/ define this term?

Rule 8.9: We support the adoption of this rule to ensure that voters at group residential facilities can cast their ballots in private, and would support additional language clarifying that, if a voter is receiving assistance, the watcher must be far enough away that they cannot hear the conversation between the voter and the person providing assistance.

Rules 8.15.5 and 8.16: It is not clear when watchers are allowed to interact with election judges performing election duties directly vs when they are supposed to contact the designated watcher contact. If it is the intent that there are circumstances when the watcher is supposed to interact with the election directly, please clarify.

Rule 8.13: This rule would create new authority for watchers to escalate signatures for secondary review that is not authorized in statute. This rule and proposed escalation process do not track the mail ballot challenge process in statute.

Rules 11.3.2(d)(4) (A)(ii) and (B)(ii): We oppose the elimination of the requirement that the machines in the Logic and Accuracy Test be randomly selected.

Thank you for the opportunity to provide feedback on these rules.

Elena Nunez
Executive Director
Colorado Common Cause
1536 Wynkoop St., Suite 300
Denver, CO 80202
(303) 292-2163 w | (720) 339-3273 c
enunez@commoncause.org