

**PETITION TO OPPOSE SECRETARY OF STATE'S ("SOS") PROPOSED RULE  
2.13.2 AND RULES 10.1-10.3**

Petitioner, **Kathleen L. Eubank**, a Colorado citizen and interested person submits this Petition to the Secretary of State's ("SOS") Proposed Rule 2.13.2 and Rules 10.1-10.3 (hereafter "Petition") based on the SOS' failure to demonstrate necessity for Rules 2.13.2 and Rules 10.1-10.3 ("Rules"), waste of limited state resources, undue burden on Colorado taxpayers, and the likelihood that the Rules will reduce election integrity.

**APPLICABLE LAW**

Pursuant to Section 24-4-103(7) C.R.S. which provides:

(7) Any interested person shall have the right to petition for the issuance, amendment, or repeal of a rule. Such petition shall be open to public inspection. Action on such petition shall be within the discretion of the agency; but when an agency undertakes rulemaking on any matter, all related petitions for the issuance, amendment, or repeal of rules on such matter shall be considered and acted upon in the same proceeding.

Accordingly, as provided above this Petition in opposition of the issuance of Rules 2.13.2 and 10.1-10.3 shall (mandatory) *be considered and acted upon at the rulemaking procedure.*

Pursuant to Section 24-4-103(4)(b)(I) C.R.S. which provides:

(b) All proposed rules shall be reviewed by the agency. No rule shall be adopted unless: (I) The record of the rule-making proceeding demonstrates the need for the regulation.

**PROPOSED RULES ARE NOT NECESSARY / UNDULY BURDENSOME TO  
COLORADO TAXPAYERS**

In support of this Petition, Petitioner alleges the following:

1. Rule 2.13.2. Currently, the County Clerks process inactive voter registrations. Proposed Rule 2.13.2 shifts the responsibility of processing inactive voter registrations away from the county clerks and solely to SOS staff. County Clerks are better positioned to process inactive voter registrations in their jurisdictions. County Clerk offices are staffed, trained, and experienced in this process, and FTEs for this processing are currently apportioned at the County Clerk level. Rule 2.13.2 is unnecessary and is an inefficient use of limited state resources that unduly burdens Colorado taxpayers. Additionally, Proposed Rule 2.13.2 fails to improve election integrity and in fact, increases the risk of voter fraud by:
  - a. Requiring additional but unneeded middle managers, data transfers, and confusing steps causing increased distancing

between voters and their registrations. The increased administrative burden on the SOS, while eliminating already trained, seasoned local election officials, interjects delays in the voter registration process. The failure rate of removing obsolete voter registrations will increase. Such delays and failures result in obsolete registrations which devalues all Colorado voter registrations. Catching voter fraud will be more difficult allowing more voter fraud to slip through the cracks. These consequences of the rules decrease election integrity and serve to disenfranchise voters.

2. Rules 10.1-10.3 Currently, well-trained bipartisan citizen canvas boards serve as voting fraud detectors. Detection of voting fraud reduces the risk of canceling votes and increases election integrity. Proposed Rules 10.1-10.3 significantly reduce the ability of well-trained bipartisan citizen canvas boards to detect fraud by:

- i. Eliminating their ability to identify, correct, and account for errors;
- ii. Eliminating their ability to "account and balance" the election;
- iii. Eliminating their ability to pull ballots in question;
- iv. Eliminating their ability to contact election judges to address discrepancies; and
- v. Eliminating the requirement that they review the Statement of Ballots.

Petitioner contends that the SOS Proposed Rules 2.13.2 and 10.1-10.3 fail to meet the statutory requirement of Section 24-4-103(4)(b)(1) C.R.S. because the Rules are unnecessary. Moreover, the Rules waste limited state resources by utilizing untrained state personnel to perform the duties of already trained state personnel, impose undue financial burden on Colorado taxpayers by creating the likelihood of additional but unneeded SOS FTE, and serve to reduce election integrity by eliminating current fraud detection measures.

WHEREFORE, based on the foregoing Accordingly, Petitioner submits this petition to oppose the issuance of Proposed Rules 2.13.2 and 10.1-10.3 and requests that this Petition be made part of the rule-making record.

Signed:  Dated: August 5, 2021  
Kathleen L. Eubank