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

Petitioner, __Jon Dirker_____, 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. <u>Rule 2.13.2.</u> 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

4.   Provide a finding on the record of "forensic audits." The SOS acknowledges such "forensic audits" are purported and may not have occurred;

5.   Provide a finding on the record of "unknown and unverified third parties" which by the SOS' own description indicates a lack of finding about such parties; and

6.   Provide a finding on the record of any specific concern for Colorado citizens. Rather, the SOS relies upon a "nationwide" concern which in turn is used to adopt a Colorado emergency rule.
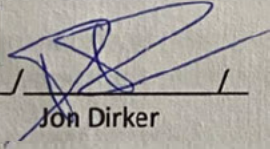
7.   Provide a finding on the record on why it is "imperatively necessary" to adopt temporary/emergency rules given a November election (5 months away).

Petitioner alleges that the SOS lacks any finding on the record which demonstrates that the adoption of the June 17, 2021 SOS Emergency Rules is "imperatively necessary".

WHEREFORE, based on the foregoing Accordingly, Petitioner submits this petition to render the June 17, 2021 SOS Emergency Rules void, *ab initio*.

Should the SOS not render the June 17, 2021 SOS Emergency Rules void, *ab initio*, Petitioner requests a public hearing on the matter.

Petitioner:

Signed: ___/_____/___   Date: __8/6/21___

Jon Dirker

SOS please respond to this petition at: ███████████