

**FOR IMMEDIATE RELEASE:**

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## **PURGED COLORADO VOTERS WIN UNPRECEDENTED PROTECTIONS TO ENSURE VOTES ARE COUNTED**

DENVER — An agreement reached late yesterday before a federal judge in Colorado ensures that tens of thousands of Colorado voters illegally purged from the registration lists will have their votes counted. The decision was hailed by voting rights and good-government groups in Colorado and nationwide as a victory for voters and a clear message that election officials must take the necessary steps to make sure ballots cast by eligible voters are counted.

"This is a great victory for working families in Colorado. This lawsuit was filed to protect voters and make sure no one will be turned away on Election Day," said Grace Lopez Ramirez, Colorado state director of Mi Familia Vota, one of the plaintiffs along with Service Employees International Union (SEIU) and Common Cause. "Voters will be assured that their voices will be heard."

Under the settlement between plaintiffs and the defendant, the Colorado Secretary of State, every wrongfully purged Colorado voter in question will be placed on a protection list that assumes their eligibility and guarantees that in the event they are given a provisional ballot on Election Day, county election officials will promptly verify their eligibility.

Any ballots cast by the purged voters contested at the county level will have to be reviewed by the Colorado Secretary of State as well as advocates for the purged voters — rather than be discarded and not counted, as often happens with provisional ballots — in order to make sure all eligible votes are counted. If the Secretary elects to reject the ballot, representatives of the plaintiffs will also have the opportunity to review the registration and contest any rejections of wrongfully purged voters. Additionally, the court will retain continuing jurisdiction over the tens of thousands of voters wrongfully purged, which allows plaintiffs to go directly to the judge to swiftly resolve any disputes and guarantee votes are properly counted.

This stipulation means that the purged Colorado voters in question will get at least three layers of protections — by the county, state, plaintiffs' representatives and, if needed, a federal judge — an unprecedented degree of oversight to ensure that all eligible votes are counted.

"This settlement provides unprecedented protections to the voters of Colorado and ensures that the ballots of voters who were erroneously purged will be accurately counted," said Penda Hair of the Advancement Project.

"This is a real victory for all of us and particularly the wrongfully purged voters in Colorado. Most of these voters had no idea they'd been barred from the voting booth. Today, we all have assurance that their votes will count. It is a sweet and just victory," said Jim Johnson, chair of the board of the Brennan Center for Justice and partner at Debevoise & Plimpton, LLP.

"This is a good outcome for Colorado voters and we are pleased that the Secretary of State worked with us to achieve this resolution. Going forward, the state must work to do better for its voters," said Myrna Perez, counsel at the Brennan Center for Justice.

Plaintiffs also noted on Thursday that the extraordinary relief granted to Colorado voters just six days before the election is only a first step to improving Colorado's purge practices. After the election, plaintiffs will continue to work to change Colorado's procedures to improve protections for all voters.

- To read the stipulation agreed to before U.S. District Judge John Kane, go to: [http://www.brennancenter.org/content/resource/common\\_cause\\_of\\_colorado\\_v\\_coffman/#stipulation](http://www.brennancenter.org/content/resource/common_cause_of_colorado_v_coffman/#stipulation)
- To arrange an interview with one of the experts involved in issuing the complaint, please contact any of the individuals listed above.

#### BACKGROUND ON THE CASE:

The complaint was filed on behalf of Colorado Common Cause, Mi Familia Vota and Service Employees International Union (SEIU) contending that, in an action not required by any Colorado law, the Secretary of State has removed tens of thousands of voters from the official voter rolls. The move was a violation of the National Voting Rights Act (NVRA), which bans systematic removal of voters from the rolls within 90 days of a federal election except for narrowly specified reasons. Civic groups brought substantial evidence that during the NVRA's 90-day no-purge period, defendant Secretary of State actually removed approximately 30,000 voters' registration records from Colorado's voting rolls, in addition to the 1,892 whose removal may have been permitted under the NVRA because of death, incarceration for a felony or withdrawal.

Several thousand eligible voters have also been removed from the voter registration list due to a Colorado law that requires cancellation of new registrations when a non-forwardable notice sent by mail to the voter is returned as undeliverable within 20 days of receipt of the registration application. A similar law in Michigan was recently found by the U.S. District Court to be in violation the NVRA and unenforceable.

The plaintiffs were represented by the Advancement Project; Brennan Center for Justice; Debevoise & Plimpton, LLP; Altshuler Berzon, LLP; Fair Elections Legal Network and Richardson Rosenblatt & Associates, LLC.

All of the parties to the complaint urge voters to "know before they go" to the polls and to vote early if possible to ensure that any problems are flagged early and to reduce pressure on polling places on Election Day. Voters can check their registration, find out where to vote, or report a problem by going to [www.JustVoteColorado.com](http://www.JustVoteColorado.com) or by calling 866-OUR-VOTE.

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