

April 4, 2008

The Honorable Mike Coffman  
Office of the Secretary of State  
1700 Broadway, Suite 200  
Denver, CO 80290

RE: Complaint Submitted Pursuant to § 1-40-132(1), C.R.S.

Dear Secretary Coffman:

Circulators of the so-called "Colorado Right-to-Work Amendment" have violated the laws concerning petitioning, and under your authority in § 1-40-132(1), C.R.S., you may investigate such improprieties. Further, if you have reasonable cause to believe there has been a violation of the petition statutes, you may refer them to the attorney general for his action. By this letter, Vicky Hardy, a registered elector of the City & County of Denver, is requesting that you promptly exercise your powers in this regard.

The specific following violations of state law have been committed by circulators of the Right-to-Work petition:

At least two petition circulators of the Right-to-Work petition have stated that potential petition signers need not be registered to vote in order to sign the petition. The statements, which can be heard in the attached disc, were made in response to inquiries about whether voter registration was required prior to signing a petition. The circulators said: "If you're going to register, you can sign... as long as you're going to register in the next 12 weeks before this information is entered;" and "All we need is a signature... Go ahead. It's cool." In sworn affidavits attached to their petition sections, circulators must attest that "to the best of the circulator's knowledge and belief each of the persons signing the petition section was, at the time of signing, a registered elector." §1-40-111(2), C.R.S.; *see* § 1-40-110(1), C.R.S. It is unlawful for a circulator to sign his or her affidavit without knowing or reasonably believing the statements made in the affidavit to be true. § 1-40-130(1)(d), C.R.S. By their actions, these circulators invalidated their affidavits and violated state law.

At least one petition circulator stated that a person could sign a petition more than once for the same measure at one election. That statement, which you can hear in the attached disc, was made after the issue arose of whether a second signature could be placed on the same petition.

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The circulator replied, "Well, you can sign it again," and he then reiterated this point. That representation was made to induce a violation of law prohibiting multiple signatures by one elector on the same petition, § 1-40-130(1)(b), C.R.S.; *see* § 1-40-110(1), C.R.S., and violated the circulator's statutory responsibility not to make false or misleading statements relating to the petition. § 1-40-131, C.R.S.

I have attached to this letter affidavits of individuals who heard the circulators make the statements in question. Unfortunately, they provide only a limited amount of identifying information which, it is hoped, will be useful to you in determining the identity of these circulators when and if the Right-to-Work petition is submitted to your office.

I look forward to learning of the scheduled hearing on this complaint.

Sincerely,

Mark G. Grueskin