

**STATE OF COLORADO**  
**Department of State**

1700 Broadway  
Suite 250  
Denver, CO 80290

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**Wayne W. Williams**  
**Secretary of State**

**Suzanne Staiert**  
**Deputy Secretary of State**

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September 26, 2018

Dan Hotsenpiller  
7<sup>th</sup> Judicial District Attorney's Office  
1140 N Grand Ave, Ste 200  
Montrose, CO 81401

*RE: Declaratory order regarding voter registration in Pitkin, Colorado*

Dear Mr. Hotsenpiller,

Attached is a declaratory order issued by our office regarding the registration and voter status of several voters in the town of Pitkin, Colorado.

The Secretary of State is the chief elections official in Colorado within the meaning of the federal "Help American Vote Act of 2001" and the "National Voter Registration Act of 1993". Our office maintains the voter registration database and under C.R.S. 1-1-107 we are charged with supervising statewide elections and enforcing the provisions of the code.

Our office has received several complaints regarding politically motivated voter challenges made in the past two town elections in Pitkin. In July I discussed these issues with your deputy, Barb Sanford. I advised Ms. Sanford that we believed Marie Rossmiller, a voter being prosecuted by your office for perjury and voting in the wrong precinct, was indeed a properly registered voter.

Ms. Rossmiller meets the requirements of residency for registration and voting purposes in Colorado. She owns a home in Pitkin and whenever absent has the intent of returning. Both her driver's license and vehicle registration are within the county. She is very involved in community activities and like many residents she travels outside the community during the winter months. I was particularly troubled reading the transcript from the trial of Ms. Rossmiller to find that your office had targeted a number of voters in the past election. This despite your lead investigator testifying that he knew of many residents in your district (including his own father) that could be categorized as "snowbirds;" those that travel much of the year but maintain residency and lawfully vote. There is no requirement in law that a voter be physically present at an address for a set duration. If this was true, our voters overseas, military members and their families, college students, and homeless voters would likewise be denied their fundamental rights.

I visited Pitkin earlier this month and heard several troubling stories from voters about contact with your office. I heard of investigators entering onto resident's properties to photograph their homes, cars and inside windows; subpoenas issued to monitor their utility usage; townspeople encouraged to keep ledgers on their neighbor's activities; people that felt threatened in pre-trial

conferences, only to be told the tapes of those conferences had been “misplaced.” Finally, people who were told by your office they could not exercise their fundamental right to vote in upcoming elections.

This order is issued to protect these voters’ rights in the upcoming state and federal election. In accordance with C.R.S. 18-1-504(2)(a)(3), this is an official written interpretation of law issued by the agency responsible for administering the election code. This order applies to the listed voters and any similarly situated. Because your office refused to release a single record related to prior challenges and investigations I was unable to determine how many voters you have targeted. Therefore, I may issue a supplement with additional voters we determine are eligible to vote in the upcoming election.

Sincerely,



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Suzanne Staiert  
Deputy Secretary of State