

September 9, 2013

The Honorable Daniel May, District Attorney
Office of the District Attorney for the 4th Judicial District
105 East Vermijo Avenue
Colorado Springs, Colorado 80903

Dear Mr. May:

I am a registered elector of El Paso County and State Senate District 11.

As you know, the media widely reported the recent voter registration of Jon Caldara, a Boulder resident who registered to vote on Saturday, September 7, and then cast a blank ballot in the elections regarding the recall of State Senator John Morse and for his successor.

According to Mr. Caldara's statements to the press, he is renting a room with "a week-to-week lease" for a room or rooms in a home owned by Mark Barker of Colorado Springs. In connection with his voter registration, Caldara is quoted as saying: "I'll see what the town is like.... I've heard great things about it. I'm looking forward to checking out Colorado Springs." (See article from Denver Post, Sept. 7, 2013, attached.) Caldara evidently signed an affidavit, required by law, certifying, "I claim no other place as my legal residence." *Id.*

Colorado law requires a person to take up "residence" in the county and district where an election is occurring.

The residency of a person is the principal or primary home or place of abode of a person. A principal or primary home or place of abode is that home or place in which a person's habitation is fixed and to which that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence.

C.R.S. § 1-2-102(1)(a)(I). Further, "A person shall not be considered to have gained a residence... in an county or municipality in this state, while retaining a home or domicile elsewhere." C.R.S. § 1-2-102(1)(d).

Mr. Caldara's statements that he is going to "see what the town is like" and is "looking forward to checking out" the city are entirely inconsistent with a "habitation (that) is fixed" and a "present intention of returning after a departure or absence" from Colorado Springs. Moreover, based on publicly available records, Mr. Caldara is currently registered to vote at a permanent residence located at 145 S. 33rd Street in Boulder, Colorado.

I am asking you to investigate whether Mr. Caldara has violated one or more of the following statutes:

- C.R.S. § 1-13-709.5, under which a person commits a Class 6 Felony by knowingly giving false information regarding his place of present residence;

- C.R.S. § 1-13-203, under which a person is subject to a fine of up to \$5,000 and imprisonment of up to 18 months for procuring voter registration for himself when he is not entitled to be registered; and
- C.R.S. § 1-13-104, under which a person commits perjury in the second degree by willfully, corruptly, and falsely takes an oath or makes an affirmation required under the state's Uniform Election Code.

I urge you to coordinate your efforts with the District Attorney for Boulder County, Stan Garnett, and the Colorado Attorney General, John Suthers.

I look forward to hearing that you have committed to this investigation and are pursuing it vigorously.

Sincerely,



Christine Le Lait
828 N. Hancock Ave.
Colorado Springs, CO 80903

cc: Attorney General John Suthers
District Attorney Stan Garnett
Governor John Hickenlooper