**Rule 17. Provisional Voting**

17.1 Provisional voting in the voter service and polling center

17.1.1 The county clerk must use the approved provisional ballot affidavit form.

17.1.2 Issuance of mail ballots instead of provisional ballots

(a) If a voter service and polling center loses connectivity to SCORE an election judge must attempt to verify the elector's eligibility.

(1) Eligibility may be determined by reviewing or receiving information produced from the statewide voter registration system either in real-time or within the preceding 24 hours; except if the time for voting is extended beyond 7 p.m. on election day by a court order, in which case eligibility may be determined by reviewing or receiving information produced from the statewide voter registration system either in real-time or no earlier than the day prior.

(2) If the elector's eligibility can be determined, the judge must issue the elector a mail ballot or replacement mail ballot. If an elector's eligibility cannot be determined, the election judge must issue the voter a provisional ballot.

(b) Beginning the Friday before election day, a county clerk must keep a paper or electronic backup of the county's voter registration list produced from the preceding day for the purpose of determining eligibility under this rule.

17.1.3 The word "provisional" must be marked on the provisional ballot and on the signature card, if applicable, next to the elector's name.

17.1.4 A county clerk must have the ability to issue provisional ballots and envelopes equal to at least three times the number of provisional ballots and envelopes issued in the last election of the same type.

17.2 Verification of Provisional Ballots

17.2.1 The county clerk must process and tabulate all mail and in-person ballots before processing provisional ballots.

17.2.2 The county must process all mail ballots and signature cards in SCORE before processing provisional ballots.

17.2.3 Verification of an elector's eligibility to have his or her provisional ballot counted is limited to the following sources:

(a) Sources provided by the Secretary of State or law enforcement agencies regarding felons who are serving a sentence of detention or confinement or on parole;

(b) SCORE; and

(c) The information provided on the provisional ballot envelope, including the affidavit.

17.2.4 When verifying provisional ballots, the designated election official must check SCORE to determine whether the elector has already voted in the election.

17.2.5 If during verification it appears that the elector's record was cancelled or consolidated as a duplicate in error, the ballot must be counted so long as the elector has not cast a ballot in the election, the affidavit is complete, and the elector is otherwise eligible. The county clerk must reinstate or unconsolidate the elector's record and update the elector's record before marking the elector's provisional ballot as accepted or rejected in SCORE and before linking it to the elector's record.

17.2.6 When the county clerk receives both a mail ballot and a provisional ballot from an elector, but there is a discrepancy between the signature on the returned mail ballot envelope and the elector's signature stored in SCORE, the discrepancy must be resolved. Before the county clerk may verify the provisional ballot affidavit, the elector must affirm that the signature on the mail ballot envelope is not his or her signature. Sections 1-8.5-105(4) and (5), C.R.S.

17.2.7 If an elector whose voter registration record is tagged ID required casts a provisional ballot without providing valid identification, the county clerk must verify and count the provisional ballot as follows:

(a) The county clerk must send the elector a letter within three days after the ballot is cast, and no later than two days after election day, explaining that he or she must provide the required identification. Nothing in this Rule prohibits the county clerk from calling the elector; however, a phone call does not substitute for notification to the elector in writing. If the county clerk calls any elector he or she must call all electors who failed to provide required identification.

(b) If the elector provides a copy of valid identification within eight days after election day, the county clerk must count the ballot so long as the elector has not cast another ballot in the election, the affidavit is complete, and the elector is otherwise eligible.

17.2.8 If the information contained in the provisional ballot affidavit provides adequate criteria so that the county clerk is able to confirm that the elector is eligible to cast a ballot, the provisional ballot must count.

17.2.9 Acceptance Codes (The county clerk must count all races.)

AOK Reviewed and confirmed voter's eligibility, including voters eligible to vote only for President in a Presidential General Election, as provided by 52 U.S.C. § 10502 (c).

ADB Election official issued the elector the wrong ballot style. The voted ballot will be duplicated and only races and issues for which the elector is qualified to vote may be counted.

ALC Elector voted a provisional ballot because the voter service and polling center lost connectivity and the voter's eligibility could not be otherwise determined. Elector's eligibility is confirmed.

17.2.10 Rejection Codes (The county clerk must not count a ballot given a rejection code):

RNS (Rejection not signed) Provisional Ballot Affidavit not signed.

RIN (Rejection incomplete information provided) Required information is incomplete and the designated election official is unable to confirm voter's eligibility.

REE (Rejection envelope empty) Provisional ballot envelope is empty.

RAB (Rejection voter voted mail ballot) Designated election official has confirmed that voter voted a mail ballot.

RED (Rejection based upon ballot cast in person) Voter voted in a Voter Service Center or Polling Center.

RIP (Rejection based on incorrect party) Incorrect Party in Primary Election.

RFE (Rejection not eligible to vote due to felony incarceration) Individual was convicted of a felony and is serving a sentence of confinement or detention.

RWC (Rejection elector not a resident of the district, county, or the State of Colorado) The individual does not reside within the district, county, or state, as applicable, and is not eligible to vote in the county where the provisional ballot was voted.

RID (Rejection first time voter has not supplied identification upon registration or thereafter prior to and during time voter voted) First Time Voter is tagged ID deficient, and did not provide ID at the time of voting.

17.3 The provisional ballot log required by section 1-8.5-110(4), C.R.S., may be prepared by the county clerk in handwritten or computer-generated form.

17.4 Recount procedures for provisional ballots are the same as the recount procedures for other ballots as directed by the Secretary of State.

17.5 Processing provisional ballot affidavits in SCORE. Before closing an election, the county clerk must:

17.5.1 Enter all provisional ballot affidavits into the SCORE provisional module;

17.5.2 Process all voter registration updates; and

17.5.3 Link all provisional ballot affidavits to the appropriate elector's record.

17.6 Public access to provisional ballot information

17.6.1 The list of voters who cast a provisional ballot and the accept/reject code for the ballot is available for public inspection.

17.6.2 In accordance with section 24-72-204(8), C.R.S., the county clerk must not release an original or copy of the elector's:

(a) Month and day of date of birth;

(b) Driver's license or Department of Revenue identification number;

(c) Social security number;

(d) Email address; or

(e) Signature.

17.6.3 If a voter has requested confidentiality under section 24-72-204(3.5), C.R.S., the county clerk must not release the elector's address or telephone number.

17.6.4 If a voter has requested confidentiality under section 24-30-2101, C.R.S., the county clerk must not release the provisional ballot affidavit.

17.7 Voter Access to Provisional Ballot Information

17.7.1 The Secretary of State will provide a provisional ballot lookup on the Secretary's website during the 45 days following election day.

17.7.2 The county clerk must number the provisional ballot envelope or affidavit stock using the standard numbering convention approved by the Secretary of State.

[Section 1-8.5-111, C.R.S.]