

SECRETARY OF STATE

ELECTION RULES

[8 CCR 1505-1]

The following rules are repealed and reenacted on a temporary and permanent basis effective November 9, 2004.

Rule 2. Rules Concerning Voter Registration

2.3 First Time Voter Who Registers by Mail. Prior to the implementation of the statewide voter registration database, when a first time voter registers to vote by mail, the voter shall provide a copy of one of the following forms of identification or one of the numbers listed in (b):

(a)

- A valid Colorado driver's license;
- A valid identification card issued by the department of revenue;
- A valid U.S. passport;
- A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;
- A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;
- A valid U.S. military identification card with a photograph;
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector. (A cable bill, a telephone bill, or a paycheck from a government institution or private company are sufficient forms of ID.);
- A valid Medicare or Medicaid card;
- A certified copy of a U.S. birth certificate; or
- Certified documentation of naturalization;

(b) Or the voter may provide one of the following numbers (without providing a physical copy of the number):

- At least the last four digits of the person's social security number;

- The person's Colorado driver's license number; or
- The person's Colorado ID number.

Authority: C.R.S. 1-2-501(2)(a)(I); C.R.S. 1-1-104(19.5)

2.4 First Time Voter Who Registers in Person. Prior to the implementation of the statewide voter database, when a first time voter registers in person, the voter shall be requested to provide the number of one of the following forms of identification:

- Valid Colorado Driver's License number; or
- Valid Department of Revenue Identification number; or
- At least the four last digits of the elector's social security number.

Authority: C.R.S. 1-2-204(2)(f.5)

2.5 Confidentiality of Agency in Voter Registration. For Voter Registration Applications Completed pursuant to Part 5 of Article 2 of Title 1, C.R.S., at an agency designated by the National Voter Registration Act of 1993, no information regarding the name and location of the designated voter registration agency shall be provided to the public, and such information shall remain confidential.

2.6 Emergency Registration Application. Prior to the implementation of the statewide voter registration database, when an elector completes an emergency registration application pursuant to C.R.S. 1-2-217.5 (1)(b), the elector shall be required to present one of the following forms of identification:

- A valid Colorado driver's license;
- A valid identification card issued by the department of revenue;
- A valid U.S. passport;
- A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;
- A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;
- A valid U.S. military identification card with a photograph;
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector; (A cable bill, a telephone bill, or a paycheck from a government institution or private company are sufficient forms of ID.)
- A valid Medicare or Medicaid card;
- A certified copy of a U.S. birth certificate; or

- Certified documentation of naturalization.

If the elector fails to provide the required identification, the elector may vote by provisional ballot.

Rule 5. Rules Concerning Non-Partisan Elections not Coordinated by the County Clerk

5.5.7 Verification of Information in Provisional Ballot Affidavit. The Designated Election Official shall verify the information contained in the provisional ballot affidavit pursuant to Rule 26. If the information contained in the affidavit provides adequate criteria such that the designated election official, using the Rule 26 search, can ascertain the registration of the elector, the provisional ballot shall count. If the information cannot be verified, the ballot shall be rejected. See C.R.S. 1-9-303.

5.5.9 Canvassing Board's Count of Provisional Ballots. If, after the expiration of twelve days following an election, the election judges cannot complete the count of the provisional ballots cast, the canvassing board appointed pursuant to Section 1-10-201(1.5), C.R.S. shall complete the count of such provisional ballots.

Rule 6. Rules Concerning Coordinated Elections

6.4.2 Each political subdivision shall determine the order of the ballot issues for their political subdivision in accordance with the requirements of Article X, Section 20 and Title 1.

(a) Initiatives shall be designated by a number, referred measures shall be designated by a letter or by a number and a letter.

(b) For each grouping of ballot issues and ballot questions by a political subdivision, all initiatives shall precede all referred measures.

(c) For each grouping of ballot issues and ballot questions, the order shall be as follows:

1. Initiatives to increase taxes;
2. Initiatives to increase debt;
3. Other citizen petitions;
4. Referred measures to increase taxes;
5. Referred measures to increase debt;
6. Other referred measures.

(d) For statewide measures, initiatives shall be numbered in the order in which the statements of sufficiency are issued. The numbers one through five shall be reserved for initiatives to increase taxes; the numbers six through ten shall be reserved for initiatives to increase debt; all other citizen petitions shall be numbered consecutively beginning with eleven.

(e) Ballot issues from the various political subdivisions shall be ordered on the ballot as provided in C.R.S. 1-5-407 (5):

1. Each category of initiated ballot issues and questions shall be numbered in the following series:

- | | |
|---------|--|
| 01-99 | State Issues |
| 100-199 | County Issues |
| 200-299 | Municipal Issues |
| 300-399 | School District Issues |
| 400-499 | Ballot issues and questions for other political subdivisions greater than a county. |
| 500-599 | Ballot issues and questions for other political subdivisions which are wholly within a county. |

2. Each category of referred ballot issues and questions shall be designated by a letter or a number and a letter in the following series:

- | | |
|-------|--|
| A-Z | State Issues |
| 1A-1Z | County Issues |
| 2A-2Z | Municipal Issues |
| 3A-3Z | School District Issues |
| 4A-4Z | Ballot issues and questions for other political subdivisions greater than a county. |
| 5A-5Z | Ballot issues and questions for other political subdivisions which are wholly within a county. |
| 6A-6Z | Other Issues and Questions |

3. Ballot questions and issues are numbered or lettered in the order in which the measures are certified to the ballot by the designated election official after the protest period has ended, or if a protest was filed after the protest has been completed.

4. For other than state issues, if a county has multiple cities and/or multiple discrete school districts and other political subdivisions, the designated election official may either further subdivide the series and assign each political subdivision a specific series of numbers, or when the ballot is certified the designated election official may assign the final numbers/letters, making sure that all measures for each political subdivision are grouped together.

5. For other than state issues and questions, if the same ballot issue or question will be on the ballot in more than one county, the county clerks shall confer with one another and shall give the same ballot number or letter to the ballot issue or questions.

6. Each ballot question or issue shall contain the name of the political subdivision at the beginning of the ballot questions or issue. If the designated election official chooses, the name of the political subdivision may appear before the grouping of questions, such as State Ballot Questions, Arapahoe County Ballot Questions, City of Aurora Ballot Questions, etc.

6.5.3 The coordinated election official must include information in the package sent with the notice which tells electors whether the election is a mail ballot election, a polling place election, a vote center election, or a combination of election forms.

(a) If the election is a polling place election or a vote center election, the notice of the location of the polling place or vote center may be included in the consolidated mailing.

(b) If a separate mail ballot election is being held by a political subdivision in the county at the same time as a polling place election or a vote center election, the notice shall include that information.

C.R.S. 1-5-205

6.5.6 The coordinated election official shall not be responsible for failure to meet the Article X, Section 20 constraints if the notice and summaries are not submitted by the political subdivision within the deadline and in the form required by the coordinated election official.

(a) The summaries of comments for and against ballot issues shall not include language of a generally recognized profane, indecent, immoral, offensive, scandalous or libelous character. No names of persons or private groups shall be included in any summary.

(b) For purposes of counting words and to verify the five hundred constitutional limit for each "pro" and each "con" summary, a hyphenated word, unless it is divided by a continuation hyphen at the end of a line, counts as two or more words. A number counts as one word, regardless of dollar signs, commas, or periods within the number.

6.7 Written comments concerning ballot issues submitted to the designated election official for the political subdivision shall not be withdrawn after the end of the business day on the last Friday immediately preceding the forty-fifth day before the election.

Rule 8. Rules Concerning Watchers

8.1.2. "Watcher" shall mean an eligible elector other than a candidate on the ballot who has been selected by a political party chairperson, by a party candidate at a primary election, by an unaffiliated candidate at a general, congressional vacancy, or nonpartisan election, or by a person designated by the opponents/proponents in the case of a ballot issue. If selected by a political party chairperson, a party candidate, or an unaffiliated candidate, the watcher shall be affiliated with that political party or unaffiliated as shown on the registration books of the county clerk and recorder. See C.R.S. 1-1-104(51).

- 8.2 Qualification of Watchers. Watchers shall certify they are qualified pursuant to C.R.S. 1-1-104(51), 1-7-105, 1-7-106, 1-7-107 and 1-7-108(2). Watchers shall take an oath as provided in 1-7-108(1) and shall, upon first entering the precinct place or location, surrender to the election official or election judges a certificate of appointment at each precinct polling place or location where the watcher has been designated to act.
- 8.3 List of Eligible Electors. To assist Watchers in performing their tasks, the election official or election judge shall provide a list, log, check-in card or other similar information of voters who have appeared in the precinct polling place to vote. The information or documents shall not be removed from the polling place or voting location. Watchers may maintain a list of eligible electors who have voted by utilizing only that information provided by the election official or election judge, except that they may bring with them into the polling place or location a list of electors previously maintained by the watcher. C.R.S. 1-7-108(3).
- 8.5 What Watchers May Observe. Duly appointed Watchers may observe polling place voting, early voting, and the processing and counting of precinct, provisional, mail, and absentee ballots. For mail ballot elections, or absentee processing, watchers may be present at each stage of the election including the receiving and bundling of the ballots received by the designated election official.
- 8.6 Limitations of Watchers. Duly appointed Watchers may observe election judges may not interrupt or disrupt the processing, verification, and counting of any ballots, or any other stage of the election. Watchers may track the names of electors who have cast ballots by utilizing their previously obtained lists, but may not write down any ballot numbers or any other identifying information about the electors. Watchers may not handle the poll books, official signature cards, ballots, mail ballot envelopes, absentee ballot envelopes or provisional ballot envelopes, voting or counting machines or machine components. Watchers shall not interfere with the orderly process and conduct of any election, including ballot issuance, receiving of ballots, voting or counting of the ballots. Watchers may not be allowed to interact with election officials or election judges, except that each designated election official shall name at least one individual in each precinct polling place or election location to whom watchers may direct questions or from whom watchers may seek requested information.
- 8.7 Parties May Appoint Watchers. Major and minor political parties with candidates on the ballot may appoint one Watcher each to be present to observe polling place voting, early voting, and the processing and counting of regular, provisional, mail, and absentee ballots. C.R.S. 1-7-105; 1-7-106.
- 8.8 Official Observers Appointed by the Federal Government. Official Observers appointed by the federal government shall be approved by the Secretary of State and shall be subject to Colorado law and these rules as they apply to Watchers; however, they need not be eligible electors in the jurisdiction in which they act as Watchers. This Rule shall not apply to Official Observers appointed by the United States Department of Justice. Official Observers appointed by the Secretary of State shall be subject to the rules and regulations as prescribed by the Secretary of State. Official Observers shall obtain from the Secretary of State, or his or her designee, duly executed letters of authority. The Official Observers shall surrender such letter of authority to the designated election official in the jurisdiction in which they act as Watchers.
- 8.9 Watchers, Official Observers and Media Observers at a Recount. Watchers, Official Observers and Media Observers may be present at a recount. Watchers, Official Observers and Media Observers must be qualified and sworn for a recount in the same manner as provided in Rule 8.2 and are subject to all other provisions related to the recount process. Any political party, candidate involved in the recount, or proponents or opponents of an issue or question involved in the recount may appoint one watcher to be present at any time during the recount. The

candidate who is subject to a recount may appoint him or her self, or a member of the candidate's family by blood or marriage, as a watcher at a recount. C.R.S. 1-7-105; 1-7-106.

- 8.10 Media Observers. Media Observers with valid and current media credentials may be present to witness early voting, election day voting, and the processing and counting of provisional, mail, and absentee ballots. However, at the discretion of the County Clerk and Recorder, Media Observers may be required to appoint one member of the media as a pool reporter, and one member as a pool photographer to represent all media observers in accordance with the Guidelines established by the Colorado Press Association in conjunction with the Colorado County Clerks' Associations and the Secretary of State as set forth herein:

Guidelines for Member of the Media Who Observe Election Counts and Recounts (to be distributed to members of the Colorado Press Association):

The Colorado State Association of County Clerks and Recorders, Colorado Broadcasters' Association and Colorado Press Association have collaborated to develop the following guidelines and protocols for use when members of the media observe the counting or recounting of ballots. You are strongly encouraged to follow these guidelines to allow meaningful media access while not disrupting the work of County Clerks to count ballots or doing anything to compromise the integrity of the election process.

1. If practical, please contact the election official's office prior to coming to observe the counting of ballots. If the election official knows you are coming, it will be easier to accommodate your request for a place to observe the count or to interview an election official.
2. At the discretion of the election official, a specific viewing area for members of the media and other observers may be available. To the extent practicable, the area will have been designated with sight lines to allow you to observe and take pictures or video of the counting process. If there are insufficient sight lines for you to take the photos or video you need, the election official may be able to make arrangements to accommodate your needs.
3. Please observe counting procedures without disrupting the count. Please take pictures or video without the use of supplemental lighting. Do not talk to people participating in counting ballots. There may be workers who ask you not to include their images in your pictures or video. We encourage you to honor those requests if you can reasonably do so.
4. The Secretary of State's election rules state that if observers leave the area during a recount, they may not reenter without the consent of the election official. If you have occasion to leave the area, you may be denied readmittance.
5. Please do not use the information you see when observing vote counts to report on partial election results. Please do not report anything that could be used to identify the person who casts a particular ballot.

The Colorado State Association of County Clerks and Recorders, Colorado Broadcasters' Association and Colorado Press Association are all committed to working together to ensure the media has access to election counts and recounts, but that access is afforded in manners that do not disrupt the counts and do nothing to compromise the integrity of the process. Your cooperation in following these standard will help us to meet all these goals.

- 8.11 Watchers at Vote Centers. To assist Watchers in performing their tasks when a vote center election is held, the designated election official shall provide a list of all voters who have appeared in the vote centers to vote. This list shall be made available at the designated election

official's main office. Such list may be made available to a requesting Watcher(s) in the form of data files, paper, or reports, and furnished to all interested parties via email, paper reports, or faxed copies as may be available to the designated election official.

Rule 9. Rules Concerning Assistance to Disabled Voters

9.1 A sign providing substantially as follows shall be posted at the polling place/vote center:

NOTICE
VOTING ASSISTANCE FOR ELECTORS WITH DISABILITIES

Colorado law provides that a voter has a legal right to assistance in voting if assistance is needed because of blindness or other physical disability or inability to read or write. The following procedures apply:

1. The voter must inform one of the election judges that he or she needs assistance.
2. The voter may be assisted by any election judge or by any eligible elector selected by the voter.
3. The person selected must complete a 'voter assistance/disabled voter self-affirmation form' if all of the following apply:
 - The person selected is not an election judge; and
 - The person selected is not the spouse, parent, grandparent, sibling, or child, eighteen years of age or older, of the voter requesting assistance; and
 - The person selected has previously assisted any other voter at the same election in the same precinct.

The self-affirmation form states, 'I,, certify that I am the individual chosen by the disabled elector to assist the disabled elector in casting a ballot.'

4. The person selected may provide any assistance needed by the voter, including entering the voting booth and preparing the ballot or operating the voting machine.
 5. The person providing assistance shall not seek to persuade or induce the voter to vote in a particular manner.
 6. The election judges shall record the name of each eligible elector assisted and the name of each person assisting by making an entry in the pollbook or list of eligible electors (or by making an entry on the signature card when preprinted signature cards are used in the place of a pollbook and list of eligible electors).
- 9.2 When a voter has spoiled two ballots and requests a third ballot, an election judge shall offer assistance in voting procedures and casting the ballot.

Rule 11. Rules Concerning Electronic Voting Systems

11.5.4 The election judges shall complete and return to the county clerk and recorder the following report(s):

- a. Ballot return form from each precinct as required in C.R.S. 1-7-505;
- b. Ballot return forms from each vote center as set forth in C.R.S. 1-5-102.7;
- c. Test tapes from mark sensor ballot precincts, if applicable.

Rule 12. Rules Concerning Mail Ballot Elections

12.8.2 Any eligible elector may deliver in person to the designated or coordinated election official's office no more than 5 voted mail ballots from members of his or her household.

Rule 13. Rules Concerning Absentee Voting

13.9 Absentee Ballot Signatures – Missing or Non-Matching

13.9.1 Missing Signature on Absentee Ballot Envelope

13.9.1.1 When the election judge reviews the absentee ballot return envelopes pursuant to 1-8-114.5 C.R.S., and notices that the return envelope lacks a signature, the election judge shall contact the eligible elector in writing no later than three calendar days after election day. A copy of the written notification shall be kept in an official file, which shall become part of the official election record. Nothing in this rule shall be construed to prohibit the designated election official from calling the elector; however, a phone call shall not substitute for a notification to the elector in writing.

13.9.1.2 The letter shall inform the eligible elector that they must come to the office of the county clerk and recorder to sign the absentee ballot envelope no later than ten (10) calendar days after election day.

13.9.1.3 The letter sent by the election official shall not constitute a violation of 1-13-801 C.R.S.

13.9.1.4 The letter shall include the following language:

“Any person who knowingly violates any of the provisions of Article 8 of the Election Code relative to the casting of absentee voters' ballots or who aids or abets fraud in connection with any vote cast, or to be cast, or attempted to be cast by an absentee voter shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment. 1-13-803 C.R.S.”

13.9.2 Non-Matching Signature on Absentee Ballot Envelope

13.9.2.1 In accordance with 1-8-114.5 C.R.S., the election judge shall compare the signature on the absentee ballot envelope with the signature on file with the county clerk and recorder or election official. Signatures shall require further research if any of the following differences are discovered:

Code 1 – An obvious change in the slant of the signature

Code 2 – A printed signature on one document and a cursive signature on the other document

Code 3 – Differences in the size or scale of the signature

Code 4 – Differences in the individual characteristics of the signatures, such as how the “t’s” are crossed, “l’s” are dotted, loops are made on “Y’s” or “J’s”

Code 5 – Differences in the voter’s signature style, such as how the letters are connected at the top and bottom

13.9.2.2 If further research is necessary, the election judge shall check the county clerk’s or election official’s file for at least two additional documents signed by the voter, if available. Additional information, written by the voter on the “Return Envelope”, such as the voter’s address and date of signing may be compared for similarities. Any similarities noted when comparing this other information may be used as part of the signature verification decision process.

13.9.2.3 Whenever a signature is disputed, the election judge shall document the discrepancy by completing a log. The log shall provide a record of the research steps taken to resolve the issue. The log will identify the voter using a unique tracking number. This tracking number shall not contain the voter’s social security number, Colorado issued driver’s license number, or the identification number issued by the Department of Revenue. C.R.S. 1-8-107; 1-8-108.

13.9.2.4 The log shall be approved by the Secretary of State pursuant to 1-1-109, C.R.S.

13.9.2.5 There shall be no document containing the voter’s signature attached to the research log.

13.9.2.6 If the election judges agree that the signatures do not match, a letter shall be sent to the voter in accordance with 1-8-114.5(2)(a).

13.9.2.8 The letter sent by the election official shall not constitute a violation of 1-13-801 C.R.S.

13.9.2.9 The letter shall include the following language:

“Any person who knowingly violates any of the provisions of Article 8 of the Election Code relative to the casting of absentee voters’ ballots or who aids or abets fraud in connection with any vote cast, or to be cast, or attempted to be cast by an absentee voter shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment. 1-13-803 C.R.S.”

13.9.2.10 The final signature verification resolution and ballot disposition shall be noted on the research log.

- 13.10 The designated election official's duties under C.R.S. 1-8-112 are triggered if the U.S. mail is delivered collectively to the residential facility. If the U.S. mail is delivered to individuals or individual mailboxes, the requirements of C.R.S. 1-8-112 shall not be applicable.

Rule 14. Rules Concerning Recount

14.4.2 Any candidate who is subject to the recount may be present and observe the recount at any recount location or designate one Watcher to observe the recount at any recount location. Watchers must provide the election official with a certificate signed by the candidate, except that an officer of the county party may be accepted as a candidate's watcher without a certificate if no other person is designated by the candidate for that location.

14.8.3 Ballots for the recount shall be processed following the State of Colorado Procedures for the use of the Ballot Now Voting System in conjunction with the following procedures:

- a. Open Ballot Now with an unused MBB (Mobile Ballot Box) from the election and create a Ballot Now recount database;
- b. Scan and resolve all recount ballots following original election procedures, including the examination of ballots (Rule 14.3; C.R.S. 1-10.5-108). Use the Audit Trail Report and original Scan Batch Reports with notes to ensure resolution action follows original resolution.
- c. Save all recount CVRs (Cast Vote Records) to the MBB (Mobile Ballot Box) after verifying that the number of ballots processed matches the number of ballots cast in the recount contest(s).
- d. Open a new recount election in "Tally" and process the recount MBB following the tabulation procedures above.
- e. Compare recount results to original results and document any differences.
- f. Backup the test database and the official recount database following the "Archive" procedures.

Rule 25. Rules Concerning Uniformed and Overseas Citizens' Absentee Voting Act ("UOCAVA")

Rule 26. Rules Concerning Provisional Voting

26.2.1 Provisional Ballot Affidavit. Provisional ballots shall contain an affidavit which complies with C.R.S. 1-9-304.5.

26.2.2 If the elector's address does not appear on the signature line, but is provided in the body of the affidavit, that address shall be considered the residence address and the provisional ballot shall not be rejected for that reason.

26.2.3 All voters wishing to cast a ballot but who lack ID shall be offered a provisional ballot.

26.3 Requirements for Registration by Provisional Ballot Affidavit. Prior to voting a provisional ballot and pursuant to 1-2-204(2)(f.5), the following information shall be completed by the elector on the provisional ballot envelope so that the designated election official may register the elector in the county in which the elector desires to vote. Even if the elector does not provide a social security number or a driver's license number or a department of revenue number, the elector may still vote a provisional ballot.

- (a) The elector's name in full;
- (b) The elector's previous name, if applicable;
- (c) The elector's date of birth;
- (d) The elector's residence address, (not a P.O. Box);
- (e) The elector's gender;
- (f) The elector's party affiliation if the elector desires to affiliate with any political party or political organization. If this question is not answered, the elector shall be registered as "unaffiliated".
- (g) The elector's deliverable mailing address if different from the residence address;
- (h) If the elector is a citizen of the United States;
- (i)(1) The last four (4) digits of the elector's social security number; or
(2) The elector's entire social security number, if the elector chooses to provide it; or
- (j) The elector's Colorado Driver's License Number or Colorado Department of Revenue ID number; and
- (k) The elector's signature.

26.4 Requirements for Verification of Provisional Ballots. Prior to voting a provisional ballot, and pursuant to C.R.S. 1-9-301(6), the following information shall be completed by the elector on the provisional ballot envelope so that the designated election official may verify the information and count the provisional ballot. If the elector does not have a social security number or a Colorado Driver's license Number or a Colorado Department of Revenue ID number, the elector may still vote a provisional ballot.

- (a) The elector's name in full; however, if the elector provides a legible signature on the affidavit referred to in subsection (i) of this rule, that signature shall suffice for the requirements of this subsection (a);
- (b) The elector's previous name, if applicable;
- (c) The elector's date of birth;

- (d) The elector's residence address (NOT A P.O. BOX);
- (e) If the elector is a citizen of the United States;
- (f) The elector's party affiliation if the elector desires to vote in a primary election;
- (g)(1) The last 4 digits of the elector's social security number or;
- (2) The elector's entire social security number, if the elector chooses to provide it; or
- (h) The elector's Colorado Driver's License Number or Colorado Department of Revenue ID Number; and
- (i) The elector's signature on the affidavit.

26.4.2 Failure to Sign Provisional Ballot Affidavit. The elector's failure to sign the provisional ballot affidavit requires rejection of the provisional ballot.

26.4.3 Designated election officials must check to be sure the provisional ballot affidavit envelope has been signed, and if it isn't, advise the voter that their failure to sign the affidavit will result in the vote not counting.

26.7 Voters at the Polling Place Who Claim to have Registered to Vote through a Voter Registration Drive or Through an Independent Organization. If a voter comes to the precinct polling place to vote, but is not found on the pollbook and claims he or she previously registered to vote by means of a voter registration drive or independent organization, the voter shall be given a provisional ballot.

26.7.1 In issuing a provisional ballot, the election judge shall mark in the top-right corner of the provisional ballot envelope with the letters "VRD", indicating the voter registered through an independent organization or voter registration drive. Such mark may be made by hand, or by affixing a stamp or sticker with the letters "VRD" on it.

26.8 A board appointed by the designated election official shall verify all provisional ballots. The designated election official shall also determine the time that provisional processing begins. The designated election official or designee shall complete preliminary verification without opening the ballots. A board appointed by the designated election official and recorder shall open all approved provisional ballot envelopes and proceed with the counting process utilizing verification information provided by the designated election official. However, all approved provisional ballots shall not be counted until after all absentee ballots have been counted. All rejected provisional ballots shall be preserved for 25 months without opening the envelopes. C.R.S. 1-9-303.

26.9 Review of Databases to Determine Whether Provisional Voter is Registered. Verification of an elector's eligibility to have their provisional ballot counted shall be limited to the following databases to determine proof of voter registration:

- (a) The local election office voter registration database; and
- (b) The Secretary of State's voter registration database; and
- (c) The Department of Motor Vehicles Motor/Voter database; and
- (d) The Department of Corrections felon database.

26.10 Provisional ballots must be segregated, counted separately, and kept separated from all other ballots.

- 26.11 If twenty-five or more provisional ballots have been cast and counted in the county, they shall be reported as one total. If less than twenty-five provisional ballots have been cast and counted, they shall be included with the absentee total.
- 26.12 Votes cast by provisional ballot shall not be included in any unofficial results reported except as part of the official canvass.
- 26.14 Recount procedures for provisional ballots shall be the same as those recount procedures for absentee ballots as directed by the Secretary of State.
- 26.15 A log must be kept for audit purposes of each provisional ballot voted, each provisional ballot counted, and each provisional ballot rejected.
- 26.17 Challenged Voter Shall Be Offered Provisional Ballot. Any elector whose qualification to vote has been validly challenged pursuant to C.R.S. 1-9-201 and 1-9-202 and who refused to answer or sign the challenged voter affidavit form required by C.R.S. 1-9-203 shall be offered and have the opportunity to cast a provisional ballot.
- 26.18 When the designated election official reviews the provisional ballot affidavit envelope pursuant to 1-9-303 and notices that the envelope lacks a signature, the designated election official shall notify the voter at the earliest possible time but in any event no later than three days after election day. The election official may contact the voter by telephone, but must also write a letter to the voter informing them that they have failed to sign their provisional ballot. A copy of the written notification shall be kept in an official file, which shall become part of the official election record.
- 26.19 The letter shall inform the voter that they must come to the office of the county clerk and recorder to sign the provisional ballot envelope no later than ten days after election day, and that the voter's failure to sign the provisional ballot will result in the ballot not being counted.

Rule 29. Rules Concerning Procedures for the Verification of Signatures on Mail Ballots.

- 29.6 If the election judges agree that the signatures do not match, a letter shall be sent to the voter in accordance with 1-7.5-107.3 (2)(a). The form of the letter shall be approved by the Secretary of State pursuant to 1-1-109, C.R.S.

Rule 30. Rules Concerning Voter Identification

- 30.1.6 "ID" as used in these rules shall mean identification as defined in Rules 30.3, 30.4, 30.13 and 30.14 in compliance with C.R.S. 1-1-104(19.5).
- 30.3 Voter registration in person.
- 30.3.1 Registering in Person. The elector must provide:
- A valid Colorado Driver's License number; or
 - A valid Department of Revenue Identification number; or

- At least the four last digits of the elector's social security number.

Authority: C.R.S. 1-2-204(2)(f.5)

30.3.2 A voter is not required to show or present his current and valid Colorado driver's license or ID. It is sufficient for the voter to provide the ID number.

30.3.3 In the event the registrant has but refuses to give a CO Driver's License, ID number, and SSN, or the registrant provides only one of these numbers, the registrar shall nevertheless register the voter.

30.3.4 Prior to the creation of the statewide voter registration database, if an applicant for voter registration refuses to provide or has not been issued a current and valid Colorado driver's license, or a current and valid identification card issued by the Department of Revenue, or a social security number, the election official shall nevertheless register the voter. The election official shall assign the applicant a unique identification number that will serve to identify the applicant for voter registration purposes. C.R.S. 1-2-204 (2.5).

30.4 Voter Registration by Mail

30.4.1 Registering by Mail. (Including Voter Registration Drives).

(a) The elector must provide a copy of one of the following forms of identification:

- A valid Colorado driver's license;
- A valid identification card issued by the department of revenue;
- A valid U.S. passport;
- A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;
- A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;
- A valid U.S. military identification card with a photograph;
 - A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector. (A cable bill, a telephone bill, or a paycheck from a government institution or private company are sufficient forms of ID.); or
- A valid Medicare or Medicaid card;
- A certified copy of a U.S. birth certificate; or
- Certified documentation of naturalization;

(b) Or the elector must provide one of the following identification numbers:

At least the last four digits of the person's social security number; or

The person's Colorado driver's license number; or

The person's Colorado ID number.

Authority: C.R.S. 1-2-501; C.R.S. 1-1-104(19.5)

30.5 Verification of Identification:

30.5.1 Prior to the creation of the statewide voter registration database, for any ID shown or ID # given for registration in person, the ID is not required to be verified against the Driver's License or SS database.

30.5.2 Prior to the implementation of the statewide voter registration database, where a voter lists on a registration by mail a Colorado driver's license number, Colorado ID# number, or the last four digits of a Social Security Number but the voter did not enclose a copy of the Colorado driver's license, or Colorado ID number with the application, the ID shall be verified against the Driver's License and the Secretary of State voter database.

30.5.3 Prior to the implementation of the statewide voter registration database, if, for a registration by mail, a copy of the ID is enclosed per 1-1-104(19.5), no further verification pursuant to Rule 26 against the Motor Vehicle Motor/Voter Database, the Secretary of State's voter database or Social Security database is required. The elector is allowed to vote by mail or absentee without additional identification requirements.

30.5.4 Verification shall include a match of name, date of birth and ID number on an existing state identification record. A match of only one or two of these items shall not be considered verification.

30.5.5 If the identification number supplied does not match the identification number on the database record for the name and date of birth, the registration by mail shall not be considered verified and the registration record shall be ID tagged.

30.6 Tagging a voter:

30.6.1 Only a voter who has registered by mail may be tagged; a person who registers in person shall not be tagged.

30.6.2 A voter who registers by mail and provides a copy of an acceptable ID as provided in 1-1-104(19.5) shall not be tagged. A SSN card is not listed as ID in 1-1-104(19.5).

30.6.3 If a voter registers by mail and supplies a Colorado driver's license or Colorado Department of Revenue ID number (but not a copy of either) and/or the SSN, and if at least one of the numbers can be verified with an existing state identification record bearing the same number, name and date of birth, the voter shall not be tagged.

30.6.4 A voter, who does not supply a copy of an acceptable ID as provided in 1-1-104(19.5) or does not list his/her SSN#, the number of his/her Colorado driver's license or Colorado Department of Revenue ID#, shall be tagged.

30.6.5 If a voter registers by mail and supplies either a Colorado driver's license number or Colorado Department of Revenue ID# (but not a copy of either) and/or SSN, but no number can be verified with an existing state identification record bearing the same number, name and date of birth against the Driver's License database, Secretary of State voter database or Social Security database once access to the Social Security database becomes available, the voter shall be tagged.

30.6.6 The tag status for a voter shall be removed if the voter votes in person showing an acceptable ID or votes by mail or absentee and encloses a valid ID.

30.6.7 The tag status for a voter shall be removed if such voter votes a provisional ballot upon verification of the voter's identification, the provisional ballot has been counted.

30.6.8 The tag status for a voter shall not be removed if such voter votes a provisional ballot and that provisional ballot is not counted.

30.6.9 If the identification number supplied is discovered as incorrect upon verification, the clerk and recorder may enter the correct number, but the voter shall be tagged.

30.7 If an elector registering by mail does not provide a Colorado Driver's License Number or Department of Revenue ID# or the last four digits of the elector's SSN on the voter registration application, and the county clerk and recorder discovers such identification number, the clerk and recorder may enter the applicable identification number on the elector's permanent voter registration record. Any number entered on the elector's permanent voter registration record by the clerk and recorder does not remove the tag status of a voter. Such voter is still required to provide valid identification prior to voting.

30.8 Addresses on identification

30.8.1 If ID presented lists only a box number or Post Office box number instead of a residential address, the registrar shall accept the voter's affirmation, as long as the city is in Colorado.

30.8.2 Some forms of identification may not contain an address. If the address appears on the identification, the address must be in Colorado.

30.8.3 Utility bills, bank statements, government checks, paychecks or other government documents must show a name and Colorado address.

30.8.4 Provisional Ballot IDs. Whereas voter IDs generally require a Colorado address, provisional ballots require that the Colorado driver's license or Department-of-Revenue-issued ID show an address for the voter within the county in which the voter seeks to vote.

30.9 A suspended license is considered current and valid. A revoked or expired license is not considered current and valid and is not acceptable.

- 30.10 As used in 1-1-104(19.5)(a)(VII) “current” refers to current utility bill, current bank statement, and current government check, paycheck, or other government document that shows the name and address of the elector. Current means that the date of the document is within 60 days of the date submitted for identification purposes unless the document states a longer billing cycle.
- 30.11 The Colorado Driver’s License or Department of Revenue issued ID referred to in 1-2-217.5(1)(b)(I) and (II) or elsewhere in statute, where not specifically stated, must be current and valid.
- 30.12 Pursuant to 1-1-104(19.5)(a), if the ID that requires a photograph does not contain a photograph it is not an acceptable ID for registration by mail or voting purposes.
- 30.15 Identification presented by the elector when registering to vote by mail, or presented by the elector when returning the voted mail ballot or absentee ballot, is not required to be scanned or imaged into the permanent voter registration database, but shall be retained by the designated election official for a period of 25 months after the date of the election.

Rule 31. Rules Concerning Help America Vote Act, Title III: Administrative Complaint Procedures

- 31.1 The HAVA Title III complaint may be received by the Secretary of State’s office or the designated election official’s office. The HAVA Complaint procedure shall be uniform and nondiscriminatory. The Complaint procedure shall conform to 1-1.5-105(2)(a) C.R.S. as follows:
- (a) A uniform and nondiscriminatory complaint procedure;
 - (b) Authorization for any person who has either been personally aggrieved by or has personally witnessed a violation of title III of HAVA that has occurred, is occurring, or that is about to occur, as applicable, to file a complaint;
 - (c) A description by the complainant in his or her complaint of the alleged violation with particularity and a reference to the section of HAVA alleged to have been violated;
 - (d) A requirement that the complaint be filed no later than one year from the date of either the occurrence of the alleged violation or of the election giving rise to the complaint, whichever is later;
 - (e) A requirement that each complaint be in writing and notarized, signed, and sworn by the person filing the complaint;
 - (f) Authorization for the secretary to consolidate two or more complaints;
 - (g) At the request of the complainant, a hearing on the record;
 - (h) Authorization for the secretary to provide an appropriate remedy if the secretary determines that any provision of title III of HAVA has been violated or to dismiss the complaint and publish the results of his or her review if the secretary determines that no provision of title III of HAVA has been violated or to dismiss the complaint and publish the results of his or her review if the secretary determines that no provision of title III of HAVA has been violated;
 - (i) A final determination on the complaint by the secretary prior to the expiration of the ninety-day period that begins on the date the

- complaint is filed, unless the complainant consents to an extension of time for making such determination;
- (j) Resolution of the complaint within sixty days under an alternative dispute resolution procedure that the secretary shall establish in accordance with the requirements of this section if the secretary fails to satisfy the applicable deadline specified in 1-1.5-105(2)(i) C.R.S., and the availability of the record and any other materials from any proceedings conducted under the complaint procedures established for use under such alternative dispute resolution procedures;
 - (k) Authorization for the secretary to conduct a preliminary review of any complaint submitted to him or her and to dismiss any complaint that he or she finds is not supported by credible evidence; and
 - (l) Recovery by the secretary of the costs of the proceeding against any complainant who files a complaint that, in connection with the final determination by the secretary of the costs of the proceeding against any complainant who files a complaint that, in connection with the final determination by the secretary pursuant to 1-1.5-105(2)(i), is found on the basis of clear and convincing evidence to be frivolous, groundless, or vexatious.

Rule 37. Rules Concerning The Acquisition, Purchase or Lease of Direct Recording Electronic Voting Systems (DREs) And Adoption of the April 30, 2002 Voting Systems Standards Promulgated By The Federal Election Commission.

37.1.4 Voting systems described in paragraph 30.1.2 shall ensure that any notification required under this paragraph preserves the privacy of the vote and the confidentiality of the ballot.

Rule 38. Minimum Security Procedures for Transmission of Election Records by Secure, Dedicated Teleprocessing Lines Employed by Vote Centers. See C.R.S. 1-5-102.7.

38.1 Definitions.

38.1.1 "Vote Center" means a polling place at which any registered elector in the political subdivision holding the election may vote, regardless of the precinct in which the elector resides.

38.1.2 "Teleprocessing Lines" means secure, dedicated communication transmission facilities used for the purpose of transferring Elector Data between Vote Centers and a centralized computerized pollbook maintained by the County Clerk and Recorder, to ensure the security and integrity of voting information so that no deviation can go undetected.

38.1.3 "Elector Data" means voting information, including but not limited to, voter registration, voting history, and voting tabulations.

38.1.4 "Electronic Pollbook" is a list of eligible electors in electronic format who are permitted to vote at a polling place in an election conducted under the Election Code, which shall be

processed by a computer at a Vote Center to be immediately accessible to all other computers at all Vote Centers in the county.

- 38.2 This Rule applies to each designated election official who transmits election records via Teleprocessing Lines to a centralized Electronic Pollbook maintained by the county clerk and recorder for the purpose of running an election and compiling complete returns.
- 38.3 The designated election official shall establish written minimum security procedures covering the transference of Vote Center teleprocessing information. Such procedures shall include security covering the transmission of Elector Data processed through the Electronic Pollbook and reconciliation of the registration and history of voters casting ballots at a Vote Center.
- 38.4 Such procedures shall be submitted in writing to the Secretary of State and received by that Office for approval no later than sixty (60) days before the election date. The Secretary of State shall either approve the procedures submitted or notify the designated election official of recommended changes.
- 38.5 If the Secretary of State rejects or approves the written procedures, the Secretary of State shall provide written notice of such rejection/approval, including specifics of non-compliance with this Rule, within fifteen (15) days of receiving the written procedures.
- 38.6 The designated election official shall submit a revised procedure within fifteen (15) days thereafter.
- 38.7 The Secretary of State shall permit the filing of the revised procedures at a later date if it is determined that compliance with the fifteen day requirement is impossible.
- 38.8 All reconciliations must be accomplished prior to canvassing board certification of final results and shall be certified by the canvassing board. The certification of reconciliation shall be filed with the Secretary of State at the time the canvassing board certification of official election results is filed.
- 38.9 Where the Elector Data is transmitted via Teleprocessing Lines for the purpose of combining with other such tabulations to produce complete returns, the designated election official shall establish procedures to reconcile received transmitted tabulations so that no deviation can go undetected.
- 38.10 Prior to January 1, 2006, election judges shall make one certificate for each Vote Center in the form required by C.R.S. 1-7-601.
- 38.11 (a) In addition to the statutory form required by C.R.S. 1-7-601, the election judges for each Voter Center shall submit a certification of reconciliation in substantially the following form:

During the ____ Election held in _____ County on _____ 20____, Elector Data was transmitted using dedicated Teleprocessing Lines. The canvassing board hereby certifies that the reconciliation procedures required by Rule 38.8, Minimum Security Procedures for Transmission of Election Records by Dedicated Teleprocessing Lines in Vote Centers.

(b) The Certification of Reconciliation must be signed and dated by the designated election official.

- 38.12 After January 1, 2006, reconciliation shall consist of race-by-race comparison by precinct of the received tabulation to a tabulation report produced from the original tabulations sent from the precinct to those received at the Vote Center. All tabulation reconciliations must be accomplished prior to canvassing board certification of final results and shall be certified by the canvassing

board. This certification of reconciliation shall be filed with the Secretary of State at the time of the canvassing board certification of official election results is filed.

Rule 39. Tagging of Election Records of Individuals Incarcerated or on Parole as Evidenced by Corrections Database

- 39.1 The Secretary of State will receive a complete roster list (DOC list) from the Colorado Department of Corrections (DOC) of individuals convicted of a felony and either incarcerated or on parole by the state of Colorado. The Colorado Department of Corrections will provide a weekly update to the Secretary of State.
- 39.2 The DOC list (and all weekly supplementals) will include fields reflecting the following information:
- (1) The DOC identification number assigned to each individual,
 - (2) Last name, first name, middle name or initial (if provided) of each individual,
 - (3) Date of birth,
 - (4) Status (fugitive, incarcerated or on parole),
 - (5) Gender,
 - (6) Social security number (if provided), and
 - (7) Location of incarceration or parole.
- 39.3 The Secretary of State will compare the DOC list (and all weekly supplementals) with the Secretary of State's voter registration database for purposes of matching voter registration information with the individuals listed on the DOC list using the following criteria:
- (1) Last name, first name, middle name or initial of each individual,
 - (2) Date of birth,
 - (3) Physical Address;
 - (4) Social security number (if provided by the elector); and
 - (5) Any other information available in such database that may assist in the verification of identification of the individual.
- 39.4 For any confirmed matches for incarcerated felons found pursuant to paragraph (C) hereof, such matches will be sent to the County Clerk and Recorder of the county of residence of the individual prior to the date of conviction/incarceration as evidenced by the Secretary of State voter registration database and the County Clerk and Recorder of the county where the individual is currently incarcerated.
- 39.5 For any confirmed matches for felons on parole found pursuant to paragraph (C) hereof, such matches will be sent to the County Clerk and Recorder of the county of residence of the individual prior to the date of conviction/incarceration and the County Clerk and Recorder of the county of residence designated by the parole records provided by the DOC list.

39.6

39.6.1 In the event a County Clerk and Recorder is notified by the Secretary of State of a match found by comparison of the two lists, the receiving County Clerk and Recorder shall place a unique tag on the voter record, pollbook, signature card, or other election record as defined in Section 1-1-104((11), CRS opposite the name of the individual for whom the match was found.

39.6.2 For purposes hereof, a "unique tag" shall be a designation that is totally distinguishable from that of an individual who is tagged pursuant to Rule 30.6 herein.

39.6.3 The County Clerk and Recorders shall work with their respective providers of voter registration services in order to institute this rule.

39.7 Local Election Official to Instruct Elections Judges to Check Election Records Prior to the Casting of Any Vote. The County Clerks and Recorders shall instruct election judges to closely review the pollbook, signature cards, or other election records prior to the casting of any ballot to determine whether any voter is uniquely tagged pursuant to this rule.

39.9 Challenge by Registered Elector of Tagged Individuals Attempting to Vote by Early Voting or at the Polling Place. In the event that an elector with a unique tag (as defined herein) appears at the polling place and attempts to cast a ballot, pursuant to Section 1-9-101, CRS, any registered elector may challenge the elector intending to vote as a "Challenge of the Elector's Qualifications as an Eligible Elector."

39.10 Action Taken by Challenged Elector to Cure at Early Voting and Polling Place. Any elector challenged pursuant to this rule shall be entitled to take an oath pursuant to Section 1-9-205, CRS.

39.10.1 In the event a challenged elector refuses to answer fully any questions asked and refuses to sign, as provided in Section 1-9-203, CRS, or if the person refuses to the oath or affirmation as required by Section 1-9-204, CRS, the challenged elector shall be entitled to vote a provisional ballot.

39.11 Provisional Voting for Early Voting and Polling Place. In the event that the challenged elector answers fully the questions and takes the oath or affirmation as required by Section 1-9-204, CRS, an election judge shall write "sworn" on the pollbooks at the end of the person's name and the challenged elector shall be entitled to vote a provisional ballot.

39.12 Challenge by Election Judges of Tagged Individuals Attempting to Vote by Absentee Ballot. In the event that any elector with a unique tag (as defined herein) casts an absentee ballot, an election judge, pursuant to Section 1-9-206, CRS, shall challenge the elector intending to vote by absentee as a "Challenge of the Elector's Qualifications as an Eligible Elector."

39.13 Challenge by Registered Elector of Tagged Individuals Attempting to Vote by Absentee Ballot. In the event that any elector with a unique tag (as defined herein) casts an absentee ballot, any registered elector may challenge the elector intending to vote as a "Challenge of the Elector's Qualifications as an Eligible Elector."

39.14 Challenge To Be Made Pursuant to Article 9, Title 1, CRS.

39.14.1 Any challenge filed by either any election judge or any registered elector pursuant to this rule shall conform to the requirements set forth in Article 9, Title 1, CRS.

39.14.2 Any challenge made pursuant to Article 9, Title 1, CRS, shall be processed in conformance with the requirements set forth in Article 9, Title 1, CRS.

39.14.3 The local election official shall ensure adequate supplies to effectuate challenges at all polling locations.

39.15 Provisional Voting for Absentee Ballots Voted by Tagged Individuals Pursuant to this Rule.

39.15.1 Any individual who is tagged pursuant to this rule and who casts an absentee ballot that is challenged shall have the absentee ballot treated as a provisional ballot in accordance with the requirements of part 3, article 9, Title 1, CRS.

39.15.2 Any individual who is tagged pursuant to this rule and who casts an absentee ballot that is not challenged shall have the absentee ballot treated as a provisional ballot in accordance with the requirements of part 3, article 9, Title 1, CRS.

39.16 Provisional Voting for Absentee Ballots Voted by Tagged Individuals Pursuant to this Rule

39.16.1 Any individual who is tagged pursuant to this rule and who casts an absentee ballot that is challenged shall have the absentee ballot treated as a provisional ballot in accordance with the requirements of part 3, article 9, Title 1, CRS.

39.16.2 Any individual who is tagged pursuant to this rule and who casts an absentee ballot that is not challenged shall have the absentee ballot treated as a provisional ballot in accordance with the requirements of part 3, article 9, Title 1, CRS.

39.18 Local Election Official or Designated Election Official to Deliver Challenges and Oaths or Affirmations to District Attorney. The county clerk and recorder or designated election official shall forthwith deliver all challenges and all oaths or affirmations to the district attorney for investigation and action.