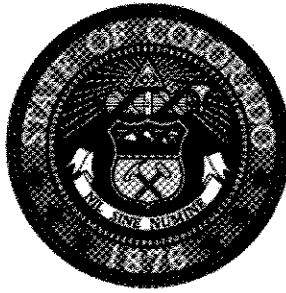


STATE OF COLORADO
Department of State
1700 Broadway
Suite 250
Denver, CO 80290



Mike Coffman
Secretary of State

Holly Z. Lowder
Director, Elections Division

NOTICE OF ADOPTION

Pursuant to sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2007) and the rulemaking provisions of the State Administrative Procedure Act, section 24-4-103 C.R.S. (2007), I, Mike Coffman, Colorado Secretary of State, do hereby adopt and give **NOTICE** of the permanent rule adoption this 2nd day of October, 2007, of the amendments to the attached Secretary of State Election Rules (8 CCR 1505-1).

The permanent adoption of these rules shall take effect twenty (20) days after publication in the Colorado Register in accordance with the State Administrative Procedures Act.

Dated this 2nd day of October, 2007.

Handwritten signature of William A. Hobbs in cursive.

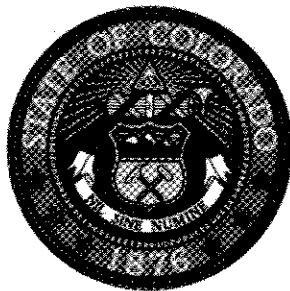
William A. Hobbs
Deputy Secretary of State

For

Mike Coffman
Colorado Secretary of State

STATE OF COLORADO
Department of State

1700 Broadway
Suite 250
Denver, CO 80290



Mike Coffman
Secretary of State

Holly Z. Lowder
Director, Elections Division

Statements of Basis, Purpose and Specific Statutory Authority

Office of the Secretary of State
Election Rules

October 2, 2007

1. Basis and Purpose

This statement pertains to the amendments to the Colorado Secretary of State Election Rules for the administration of Colorado State Constitution Article VII, and Title 1 of the Colorado Revised Statutes. The amendments are implemented to achieve the uniform and proper administration and enforcement of the election laws of the State of Colorado, including the requirements of the federal Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252. See sections 1-1.5-101 *et seq.*, C.R.S. (2007).

The amendments to these rules are necessary for the implementation of Article VII of the Colorado Constitution and Title 1 of the Colorado Revised Statutes. Such revisions are necessary to improve the administration of elections in Colorado, to answer questions arising under Title 1 of the Colorado Revised Statutes, and to implement amendments to the Colorado election laws made during the 2007 regular session of the 66th General Assembly. The adoption of the amendments to the Rules is further necessary to increase the transparency and security of the election process.

The adoption of specific amendments to the Election Rules is necessary as follows:

- The amendments to Rules 2 and 30 are necessary to clarify the procedures for submitting a voter registration application, to eliminate duplicative language, to implement amendments to the list of acceptable identification made by SB07-083, and to change the term "absentee" to "mail-in" in accordance with SB07-234.
- The amendments to Rules 5.5.10, 8, 14, 29, 37.1.3, 40, and 41 are necessary to change the term "absentee" to "mail-in" in accordance with SB07-234.
- The amendments to Rule 6 are necessary to clarify procedures for managing coordinated elections, specifically those involving jurisdictions shared by two or more counties. The amendments will establish consistent statewide procedures for assigning and publishing races, issues, and questions for jurisdictions shared by multiple counties after the implementation of the statewide voter registration database.

- The amendments to Rule 10.4 and the adoption of new Rule 10.5 are necessary to provide clarification to candidates regarding the audio pronunciation of their name. Specifically, the amendments to Rule 10.4 clarify that a candidate for statewide office must record the audio pronunciation of his or her name exactly as it appears on the candidate's acceptance or statement of intent and that the candidate wants it to appear on the ballot. New Rule 10.5 is necessary to provide uniform, reasonable deadlines to all candidates for local office for the submission of required information to the county clerk and recorder, and to ensure that the counties and their vendors have sufficient time to program the audio ballot required by section 1-5-704, C.R.S.
- The amendments to Rule 11 are necessary to conform the procedures for conducting the post-election audit with the amendments to section 1-7-514, C.R.S., made by SB07-083.
- The amendments to Rule 12 are necessary to change the term "absentee" to "mail-in" in accordance with SB07-234, to clarify the process for mail-in ballots sent in a mail ballot election, and to implement amendments regarding special district elections made by HB07-1159. The amendments to Rule 12.3.5 are specifically necessary to establish a process to allow special districts to request a filing extension for their mail ballot plan where the district may cancel the election. The amendments are necessary because the deadline to cancel an election falls after the deadline for filing a mail ballot plan.
- The amendments to Rule 13 are necessary to implement amendments to Article 8 of Title 1, C.R.S., made by SB07-234. Specifically, the amendments are necessary to change the term "absentee" to "mail-in" and create uniform statewide procedures to implement the permanent mail-in voter list.
- The amendments to Rules 15, 16, 17, 18, 20, 22, and 23 are necessary to implement amendments to the Colorado election laws regarding petition circulators made by SB07-083 in accordance with Buckley v. American Constitutional Law Foundation, 520 U.S. 182 (1999). The amendments to these rules are further necessary to eliminate duplicative language and clarify general petition procedures.
- The amendments to Rule 25 are necessary change the term "absentee" to "mail-in" in accordance with SB07-234, and to provide technical clarification of the general procedures for voting by uniformed or overseas citizens.
- The amendments to Rule 26 are necessary to clarify the procedures regarding the treatment of provisional ballots where the voter attempted to timely register to vote with a voter registration agency or a voter registration drive in accordance with the requirements of SB07-083, and to change the term "absentee" to "mail-in" in accordance with SB07-234.
- The amendments to Rule 42 are necessary to change the term "absentee" to "mail-in" in accordance with SB07-234, and to clarify the "last day to request a mail-in ballot" for the purposes of section 1-8-115(1), C.R.S.

- The amendments to Rule 43 are necessary to change the term “absentee” to “mail-in” in accordance with SB07-234, and to clarify the restrictions on access to storage and tabulation areas.
- The amendments to Rule 45 are necessary to change the term “absentee” to “mail-in” in accordance with SB07-234, to provide information regarding documents incorporated by reference, and to make technical corrections. The amendments are further necessary to clarify that standards effective after March 31, 2007 apply to voting systems submitted for certification after that date.

The Secretary of State therefore finds that in order to ensure the uniform and proper administration and enforcement of the election laws, the permanent adoption of the amendments to the Rules is necessary both to comply with law and to preserve the public welfare generally.

2. Statutory Authority

Amendments to the Colorado Secretary of State Election Rules are adopted pursuant to the following statutory provisions:

1. Section 1-1-107(2)(a), C.R.S. (2007), which authorizes the Secretary of State:
“[t]o promulgate, publish, and distribute . . . such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
2. Section 1-1.5-104(1), C.R.S. (2007), which provides that:
“The secretary may exercise such powers and perform such duties as reasonably necessary to ensure that the state is compliant with all requirements imposed upon it pursuant to HAVA . . . including, without limitation, the power and duty to:
(e) Promulgate rules in accordance with the requirements of article 4 of title 24, C.R.S., as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of this article.”

Amendments Adopted October 2, 2007
COLORADO SECRETARY OF STATE
8 CCR 1505-1
ELECTION RULES

Proposed additions to the current rules are reflected in SMALL CAPS or underlined. Proposed deletions from current rules are shown in ~~stricken type~~. Annotations may be included.

1 Rule 2.3 is amended as follows

2 2.3 Emergency Registration Application. Prior to the implementation of the statewide voter
3 registration database, when an elector completes an emergency registration application
4 pursuant to section 1-2-217.5 (1)(b), C.R.S., the elector shall be required to present one of
5 the forms of identification set forth in Rule ~~2-7-30.1.6~~.

6

7 Rule 2.7 is amended as follows

8 2.7 First Time Voter Who Registers by Mail. Prior to the implementation of the statewide
9 voter registration database, when a first time voter registers to vote by mail, the voter
10 shall provide a copy of one of the ~~following~~ FORMS OF IDENTIFICATION SET FORTH IN
11 RULE 30.1.6.

- 12 ● ~~A current and valid Colorado driver's license;~~
- 13 ● ~~A valid identification card issued by the Department of Revenue in accordance~~
14 ~~with the requirements of Part 3 of Article 2 of Title 42, C.R.S.;~~
- 15 ● ~~A valid U.S. passport;~~
- 16 ● ~~A valid employee identification card with a photograph of the eligible elector~~
17 ~~issued by any branch, department, agency, or entity of the United States~~
18 ~~government or of this state, or by any county, municipality, board, authority, or~~
19 ~~other political subdivision of this state;~~
- 20 ● ~~A valid pilot's license issued by the federal aviation administration or other~~
21 ~~authorized agency of the United States;~~
- 22 ● ~~A valid U.S. military identification card with a photograph of the eligible~~
23 ~~elector;~~

1 • ~~A copy of a current utility bill, bank statement, government check, paycheck, or~~
2 ~~other government document that shows the name and address of the elector. (A~~
3 ~~cable bill, a telephone bill, documentation from a public institution of higher~~
4 ~~education in Colorado containing at least the name, date of birth, and legal~~
5 ~~residence address of the student elector, a paycheck from a government~~
6 ~~institution, or a Certificate of Degree of Indian or Alaskan Native Blood are~~
7 ~~sufficient forms of identification);~~

8 • ~~A valid Medicare or Medicaid card issued by the United States Health Care~~
9 ~~Financing Administration;~~

10 • ~~A certified copy of a U.S. birth certificate for the elector issued in the United~~
11 ~~States; or~~

12 • ~~Certified documentation of naturalization~~

13 ~~2.7.1 An elector who provides a copy of one of the forms of identification listed in 2.7~~
14 ~~shall not be tagged as ID deficient.~~

15
16 Rule 2.8 is amended as follows

17 ~~2.8 Electors Tagged as ID Deficient. An applicant for voter registration shall be tagged as ID~~
18 ~~deficient if: —~~

19 ~~(1) the elector does not provide a current and valid driver's license number, valid~~
20 ~~identification card number, social security number or the last four digits of the~~
21 ~~elector's social security number under 2.6.1 and the elector does not provide a~~
22 ~~copy of one of the forms of identification listed in 2.7; or~~

23 ~~(2) the county clerk is unable to verify a number provided under 2.6.1 through the~~
24 ~~statewide voter registration system or any other means available to the county~~
25 ~~clerk, and the elector does not provide a copy of one of the forms of~~
26 ~~identification listed in 2.7.~~

27 2.8 SUBMISSION OF VOTER REGISTRATION FORMS. A PROPERLY EXECUTED VOTER
28 REGISTRATION FORM MAY BE SUBMITTED TO THE COUNTY CLERK AND RECORDER IN
29 PERSON, BY MAIL, BY FAX, OR AS A PDF ATTACHMENT TO AN EMAIL.

30 2.8.1 ALL VOTER REGISTRATIONS SUBMITTED BY MAIL, FAX, OR AS A PDF ATTACHMENT
31 TO AN EMAIL SHALL BE TREATED AS MAIL REGISTRATIONS. [SECTION 1-2-501,
32 C.R.S., ELECTION RULE 30.3]

33 2.8.2 IF ANY PORTION OF A VOTER REGISTRATION SUBMITTED BY "MAIL" IS ILLEGIBLE,
34 THE COUNTY CLERK AND RECORDER SHALL NOTIFY THE APPLICANT OF THE
35 ADDITIONAL INFORMATION REQUIRED IN ACCORDANCE WITH SECTION 1-2-509,
36 C.R.S.

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New Rule 2.10 is adopted as follows

2.10 CHANGES TO AN ELECTOR’S VOTER REGISTRATION RECORD. IF AN ELECTOR SUBMITS A CHANGE TO HIS OR HER VOTER REGISTRATION RECORD THAT DOES NOT CONTAIN ALL OF THE INFORMATION REQUIRED BY SECTIONS 1-2-216 OR 1-2-219, C.R.S., THE COUNTY CLERK AND RECORDER MAY NOT MAKE THE REQUESTED CHANGE, UNLESS THE COUNTY CLERK AND RECORDER CAN CONFIDENTLY IDENTIFY THE VOTER, OTHERWISE THE COUNTY CLERK AND RECORDER SHALL NOTIFY THE VOTER WHAT ADDITIONAL INFORMATION IS REQUIRED TO PROCESS THE REQUEST.

Rule 5.5.10 is amended as follows:

5.5.10 If 25 or more provisional ballots have been cast and counted, the results shall be reported as one total. If less than 25 provisional ballots have been cast and counted, the results shall be included in the results of the ~~absentee~~-MAIL-IN ballots counted in the election.

New Rule 6.2 is adopted as follows:

6.2 PROCEDURES FOR COORDINATED ELECTIONS INVOLVING JURISDICTIONS SHARED BY MULTIPLE COUNTIES

6.2.1 UPON IMPLEMENTATION OF THE STATEWIDE VOTER REGISTRATION DATABASE, CONTROLLING COUNTIES SHALL BE DESIGNATED FOR THE PURPOSE OF ASSIGNING AND SETTING UP SHARED RACES, ISSUES, AND QUESTIONS IN COORDINATED ELECTIONS.

6.2.2 THE CONTROLLING COUNTY SHALL BE THE COUNTY WHERE THE LARGEST NUMBER OF ACTIVE REGISTERED ELECTORS WITHIN THE JURISDICTION RESIDE AT THE TIME THAT THE CONTROLLING COUNTY IS DESIGNATED. ONCE DESIGNATED, THE CONTROLLING COUNTY WILL NOT CHANGE REGARDLESS OF ANY INCREASE OR DECREASE IN THE NUMBER OF ACTIVE REGISTERED ELECTORS.

6.2.3 THE SECRETARY OF STATE SHALL MAINTAIN AND MAKE AVAILABLE TO COUNTY CLERKS ON ITS WEBSITE THE LIST OF CONTROLLING COUNTIES FOR EACH SHARED JURISDICTION WITHIN THE STATE.

6.2.4 THE CONTROLLING COUNTY SHALL SET UP ALL CERTIFIED RACES, ISSUES, AND QUESTIONS IN THE STATEWIDE VOTER REGISTRATION DATABASE, AND MAKE THE INFORMATION AVAILABLE TO ALL COUNTIES SHARING JURISDICTION NO LATER THAN THE DATE OF BALLOT CERTIFICATION.

A. THE CONTROLLING COUNTY SHALL USE ONLY STANDARD ABBREVIATIONS APPROVED BY THE SECRETARY OF STATE IN SETTING UP THE RACES, ISSUES

1 AND QUESTIONS FOR THE SHARED JURISDICTION.

2 B. AFTER THE CONTROLLING COUNTY HAS SET UP THE SHARED RACES, ISSUES
3 AND QUESTIONS, NO CHANGES SHALL BE MADE TO THE BALLOT ORDER OR TO
4 THE NUMBERS ASSIGNED WITHOUT THE APPROVAL OF THE SECRETARY OF
5 STATE.

6 C. ALL COUNTIES WITHIN THE SHARED JURISDICTION SHALL ENSURE THAT THE
7 RACES, ISSUES AND QUESTIONS ARE PRINTED ON THE BALLOT AS CERTIFIED BY
8 THE SECRETARY OF STATE OR DESIGNATED ELECTION OFFICIAL.

9 6.2.5 IF ANY CONTROLLING COUNTY FAILS TO FULFILL ITS RESPONSIBILITIES IN
10 ACCORDANCE WITH THIS RULE, ANY OF THE OTHER COUNTIES IN THE SHARED
11 JURISDICTION MAY MAKE A WRITTEN REQUEST TO THE SECRETARY OF STATE TO
12 TEMPORARILY ASSUME THE DUTIES OF THE CONTROLLING COUNTY. THE
13 SECRETARY OF STATE SHALL HAVE THE AUTHORITY TO ACT ON BEHALF OF THE
14 CONTROLLING COUNTY OR TO TEMPORARILY DESIGNATE ANOTHER COUNTY TO
15 ACT AS THE CONTROLLING COUNTY IN ORDER TO ASSURE IMPLEMENTATION OF
16 THIS RULE.

17 Succeeding subsections of Rule 6 are renumbered accordingly

18
19
20 Rule 6.2.2 is repealed as follows:

21
22 ~~6.2.2 If the county clerk and recorder, after consultation with the other political subdivisions,~~
23 ~~elects to conduct a mail ballot election, upon application to and approval by the~~
24 ~~Secretary of State showing why a separate mail ballot election is needed and why it will~~
25 ~~benefit the electorate, a political subdivision may conduct its own mail ballot election.~~
26

27 Succeeding subsections of this Rule are renumbered accordingly

28
29 Rules 8.7, 8.8, 8.9 and 8.12 are amended as follows:

30 8.7 What Watchers May Observe. Duly appointed Watchers may observe polling place
31 voting, early voting and the processing and counting of precinct, provisional, mail, and
32 ~~absentee~~-MAIL-IN ballots. For mail ballot elections, or ~~absentee~~-MAIL-IN BALLOT
33 processing, watchers may be present at each stage of the election including the receiving
34 and bundling of the ballots received by the designated election official. Watchers may be
35 present during provisional ballot processing but may not have access to confidential voter
36 information.

37 8.8 Limitations of Watchers. Duly appointed Watchers may observe election judges but may
38 not interrupt or disrupt the processing, verification and counting of any ballots or any
39 other stage of the election. Watchers may track the names of electors who have cast

1 ballots by utilizing their previously obtained lists, but may not write down any ballot
2 numbers or any other identifying information about the electors. Watchers may not
3 handle the poll books, official signature cards, ballots, mail ballot envelopes, ~~absentee~~
4 MAIL-IN ballot envelopes or provisional ballot envelopes, voting or counting machines or
5 machine components. Watchers shall not interfere with the orderly process and conduct
6 of any election, including ballot issuance, receiving of ballots, voting or counting of the
7 ballots. Watchers may not be allowed to interact with election officials or election
8 judges, except that each designated election official shall name at least one individual in
9 each precinct polling place or election location to whom Watchers may direct questions
10 or from whom watchers may seek requested information.

11 8.9 Parties May Appoint Watchers. Major and minor political parties with candidates on the
12 ballot may appoint one Watcher each to be present to observe polling place voting, early
13 voting, and the processing and counting of regular, provisional, mail and ~~absentee~~-MAIL-
14 IN ballots. *See* sections 1-7-105 and 1-7-106, C.R.S.

15 8.12 Media Observers. Media Observers with valid and current media credentials may be
16 present to witness early voting, election day voting and the processing and counting of
17 provisional, mail and ~~absentee~~-MAIL-IN ballots. However, at the discretion of the county
18 clerk and recorder, Media Observers may be required to appoint one member of the
19 media as a pool reporter, and one member as a pool photographer to represent all media
20 observers in accordance with the Guidelines established by the Colorado Press
21 Association in conjunction with the Colorado County Clerks' Associations and the
22 Secretary of State as set forth herein:

23
24 Rule 10.4 is amended as follows:

25 10.4 Candidates whose names are listed on a ballot must provide an audio recording of the
26 pronunciation of their name to the Secretary of State prior to the election for offices that
27 are voted on by the electors of the entire state, or of a congressional district, or for the
28 offices of members of the general assembly or district attorney or a district office of state
29 concern.

30 10.4.1 For candidates designated by a major or minor party, such audio recording shall
31 be provided no later than the last day upon which the candidate acceptance may
32 be filed with the Secretary of State in accordance with Article 4 of title 1, C.R.S.
33 THE AUDIO RECORDING OF THE CANDIDATE'S NAME SHALL BE RECORDED EXACTLY
34 AS IT IS PROVIDED ON THE CANDIDATE ACCEPTANCE FORM THAT IS SUBMITTED TO
35 THE SECRETARY OF STATE, AND AS THEY WISH IT TO APPEAR ON THE BALLOT.

36 10.4.2 For candidates nominated by petition, such audio recording shall be provided no
37 later than the last day upon which the petition of nomination and candidate
38 acceptance may be filed with the Secretary of State in accordance with Article 4
39 of title 1, C.R.S. THE AUDIO RECORDING OF THE CANDIDATE'S NAME SHALL BE
40 RECORDED EXACTLY AS IT IS PROVIDED ON THE CANDIDATE ACCEPTANCE FORM

1 THAT IS SUBMITTED TO THE SECRETARY OF STATE, AND AS THEY WISH IT TO APPEAR
2 ON THE BALLOT.

3 10.4.3 For unaffiliated candidates for president who seek placement on the General
4 Election ballot by submitting a candidate's statement of intent and a filing fee to
5 the Secretary of State in accordance with section 1-4-303(1), C.R.S., such audio
6 recording shall be provided no later than the last day upon which the candidate's
7 statement of intent may be FILED WITH THE SECRETARY OF STATE IN ACCORDANCE
8 WITH ARTICLE 4 OF TITLE 1, C.R.S. THE AUDIO RECORDING OF THE CANDIDATE'S
9 NAME SHALL BE RECORDED EXACTLY AS IT IS PROVIDED ON THE CANDIDATE'S
10 STATEMENT OF INTENT THAT IS SUBMITTED TO THE SECRETARY OF STATE, AND AS
11 THEY WISH IT TO APPEAR ON THE BALLOT.

12 10.4.4 For district and county judges seeking retention, such audio recording shall be
13 provided no later than the date upon which the declaration of intent to run for
14 retention in a judicial office may be filed with the ~~secretary~~ SECRETARY of State
15 in accordance with Article VI, Section 25 of the Colorado Constitution. THE
16 AUDIO RECORDING OF THE CANDIDATE'S NAME SHALL BE RECORDED EXACTLY AS IT
17 IS PROVIDED ON THE DECLARATION OF INTENT TO RUN FOR RETENTION IN A
18 JUDICIAL OFFICE THAT IS SUBMITTED TO THE SECRETARY OF STATE, AND AS THEY
19 WISH IT TO APPEAR ON THE BALLOT.

20
21 New Rule 10.5 is adopted as follows:

22 10.5 COUNTY, MUNICIPAL, SCHOOL DISTRICT, AND SPECIAL DISTRICT CANDIDATES WHOSE
23 NAMES ARE LISTED ON A BALLOT FOR AN ELECTION COORDINATED BY THE COUNTY CLERK
24 AND RECORDER MUST PROVIDE AN AUDIO RECORDING OF THE PRONUNCIATION OF THEIR
25 NAME TO THE COUNTY CLERK AND RECORDER PRIOR TO THE ELECTION FOR OFFICES THAT
26 ARE VOTED ON BY THE ELECTORS OF THE COUNTY, MUNICIPALITY, SCHOOL DISTRICT, OR
27 SPECIAL DISTRICT.

28 10.5.1 FOR CANDIDATES DESIGNATED BY A MAJOR OR MINOR PARTY, SUCH AUDIO
29 RECORDING SHALL BE PROVIDED NO LATER THAN THE LAST DAY UPON WHICH THE
30 DESIGNATED ELECTION OFFICIAL CERTIFIES THE BALLOT CONTENT TO THE COUNTY
31 CLERK AND RECORDER IN ACCORDANCE WITH SECTION 1-5-203(3)(A), C.R.S. THE
32 AUDIO RECORDING OF THE CANDIDATE'S NAME SHALL BE RECORDED EXACTLY AS IT
33 IS PROVIDED ON THE CANDIDATE'S STATEMENT OF INTENT THAT IS SUBMITTED TO
34 THE DESIGNATED ELECTION OFFICIAL, AND AS THEY WISH IT TO APPEAR ON THE
35 BALLOT.

36 10.5.2 FOR CANDIDATES NOMINATED BY PETITION, SUCH AUDIO RECORDING SHALL BE
37 PROVIDED NO LATER THAN THE LAST DAY UPON WHICH THE DESIGNATED ELECTION
38 OFFICIAL CERTIFIES THE BALLOT CONTENT TO THE COUNTY CLERK AND RECORDER
39 IN ACCORDANCE WITH SECTION 1-5-203(3)(A), C.R.S. THE AUDIO RECORDING OF
40 THE CANDIDATE'S NAME SHALL BE RECORDED EXACTLY AS IT IS PROVIDED ON THE

1 CANDIDATE'S STATEMENT OF INTENT THAT IS SUBMITTED TO THE DESIGNATED
2 ELECTION OFFICIAL, AND AS THEY WISH IT TO APPEAR ON THE BALLOT.

3

4 Rule 11.5.3.7 is amended as follows:

5 11.5.3.7 The test ballots shall be tested on each type of voting device utilized in a given election
6 and each method of counting. The tests shall include testing of ~~absentee~~-MAIL-IN
7 BALLOT counting methods, election day counting methods, provisional ballot counting
8 methods, early voting counting methods and audio ballots, if applicable.

9

10 Rule 11.5.3.8.4 is amended as follows:

11 11.5.3.8.4 The Testing Board and designated election official or his or her designated deputized
12 clerks, as necessary, shall count the test ballots as follows:

13 (a) ~~Absentee~~-MAIL-IN Ballots:

14 (1) All county test ballots shall be counted on at least one, but not more than
15 three, ~~absentee~~-MAIL-IN BALLOT vote counting devices and have the
16 predetermined total verified to the machine total.

17 (2) All Testing Board Member test ballots shall be counted individually with
18 reports generated to verify the machine count to the predetermined hand
19 tally.

20

21 Rules 11.5.4.4, 11.5.4.5, 11.5.4.6, and 11.5.4.7 are amended as follows:

22 11.5.4.4 For optical scanners used for any function of counting ballots except for Central
23 Count/vote center as defined herein, the designated election official shall manually
24 verify all of the ballots that were counted on the randomly selected device(s) with the
25 election summary report that was generated from the device(s) at the close of the
26 polls. The Secretary of State shall randomly select A MINIMUM OF two (2) races PER
27 DEVICE to be manually verified TO ENSURE THAT EACH OFFICE, ISSUE, AND QUESTION
28 ON THE BALLOT IS AUDITED IN ACCORDANCE WITH SECTION 1-5-714, C.R.S.

29 11.5.4.5 For Optical Scanners used for the purpose of counting ballots in a Central Count/vote
30 center environment as defined herein, the designated election official shall randomly
31 select five (5) percent but not more than five hundred (500) ballots of all the ballots
32 counted on the specific audited device. If the amount of ballots is less than five
33 hundred (500) on the audited device, then a minimum of twenty percent (20%) of the
34 ballots counted on the device will be manually verified. The public counter for that
35 voting device shall be reset to zero, and the ballots shall be recounted on the voting

1 device. A new report will be generated from the electronic count of the ballots and
2 shall be manually verified. The ballots and a copy of the report shall be sealed in a
3 separate container and secured with the remainder of the official election records for
4 the election. The Secretary of State shall randomly select A MINIMUM OF two (2) races
5 PER DEVICE to be manually verified TO ENSURE THAT EACH OFFICE, ISSUE, AND
6 QUESTION ON THE BALLOT IS AUDITED IN ACCORDANCE WITH SECTION 1-5-714, C.R.S.

7
8 11.5.4.6 For Direct Record Electronic Devices (DREs) that do not meet the requirements of
9 section 1-5-802, C.R.S., used for any function of counting ballots in an election, the
10 designated election official will manually verify the image of all the ballots contained
11 in the Ballot Log or Ballot Audit that were counted on the specific device with the
12 report generated for that specific device at the close of polls which contains the
13 election summary report. The Secretary of State shall randomly select A MINIMUM OF
14 two (2) races PER DEVICE to be manually verified TO ENSURE THAT EACH OFFICE,
15 ISSUE, AND QUESTION ON THE BALLOT ARE AUDITED IN ACCORDANCE WITH SECTION 1-
16 5-714, C.R.S.

17
18 11.5.4.7 For Direct Electronic Devices (DREs) that do meet the requirement of section 1-5-
19 802, C.R.S., used for any function of counting ballots in an election, after the close of
20 the polls, the designated election official will manually verify all of the voter verified
21 paper record produced with the report generated for that specific devices, which
22 contains the election summary report. The Secretary of State shall randomly select A
23 MINIMUM OF two (2) races PER DEVICE to be manually verified TO ENSURE THAT EACH
24 OFFICE, ISSUE, AND QUESTION ON THE BALLOT IS AUDITED IN ACCORDANCE WITH
25 SECTION 1-5-714, C.R.S.

26
27 Rule 11.5.4.11 is amended as follows:

28 11.5.4.11 Upon completion of the audit, the designated election official shall promptly report
29 the results of the audit to the Secretary of State's Office. The report shall be
30 submitted following the completion of the audit and up to and including 5:00 pm on
31 the last day of the canvass. The report shall contain:

- 32 (a) The make, model, and serial number of the voting device that was audited.
- 33 (b) The number of ballots originally counted by the device or the number of ballots
34 audited as identified in paragraph (d) of this section;
- 35 (c) The count of the specific race or races as provided on the summary report printed
36 at the close of polls or the report generated for the audit;
- 37 (d) The count of the specific race as manually verified; ~~and~~

1 (E) ANY OTHER INFORMATION REQUIRED BY SECTION 1-7-514, C.R.S.; AND

2 (eF) The signature of the canvass board and the designated election official.

3
4 Rules 12.1 and 12.2 are amended as follows:

5 12.1 Definitions.

6 12.1.1 A secrecy sleeve or secrecy envelope shall be sealed or closed on at least two
7 sides, one of which shall be the bottom of the sleeve.

8 12.1.1.1 The secrecy sleeve or secrecy envelope shall be uniform within each
9 type of ~~absentee-MAIL-IN BALLOT~~ or mail ballot voting system used in
10 the State of Colorado. Each secrecy sleeve, ~~or~~ secrecy envelope, OR
11 VOTER INSTRUCTIONS used in the State of Colorado in any mail ballot
12 or ~~absentee-MAIL-IN~~ ballot election shall contain the following required
13 language, approved by the Secretary of State, regarding identification
14 requirements of voters who have registered by mail:

15 (a) "First Time Voters Who Register By Mail"

16 "If you registered in your county by mail, and did not SUBMIT
17 PROOF OF IDENTIFICATION IN ACCORDANCE WITH SECTION 1-2-501,
18 C.R.S., ~~provide identification with your registration application, a~~
19 ~~copy of one of the forms of identification listed in Rule 2-7-30.1.6~~
20 ~~is required with your mail ballot or your absentee-MAIL-IN ballot."~~

21 ~~(b) "If you did not submit proof of identification with your mail in~~
22 ~~registration form, you will be required to provide proof of~~
23 ~~identification using the types of identification described above with~~
24 ~~your voted mail or absentee MAIL IN ballot."~~

25 (eB) "Failure to provide ID will result in your ballot being treated as a
26 provisional ballot. Provisional ballots are counted when
27 registration is verified." See section 1-7.5-107(3.5)(d), C.R.S.

28 12.1.2 A separate mail ballot plan is not required from a political subdivision if a
29 county clerk and recorder submits a mail ballot plan for a coordinated election
30 which includes the political subdivision.

31 12.2 Election Judges.

32 12.2.1 The designated election official for the election may appoint an appropriate
33 number of judges to receive the ballots after they are mailed, to handle "walk-
34 in" balloting and ~~absentee-MAIL-IN~~ ballots at the sites designated for "walk-in"
35 balloting, to check registrations, to inspect, verify, and duplicate ballots when

1 necessary, and to count the ballots and certify results.

2
3 Rules 12.3.2 is amended as follows:

4 12.3.2 As soon as possible, but no later than SIXTY-FIVE (65) DAYS PRIOR TO A
5 REGULAR SPECIAL DISTRICT ELECTION AND NO LATER THAN FIFTY-FIVE (55) days
6 prior to ~~an~~ ANY OTHER election, a written plan must be submitted to the
7 Secretary of State which includes the following:

8 (a) Date of the election;

9 (b) Type and name of jurisdiction involved in the election;

10 (c) Description of the type of election to be conducted;

11 (d) Citation of the statute or home rule charter provisions authorizing the
12 election;

13 (e) Estimated number of eligible electors;

14 (f) Name of the designated election official who will be responsible for all
15 aspects of the election;

16 (g) Indication of whether the county clerk and recorder will assist in the election
17 for the entity other than by providing a list of registered electors and other
18 information required by statute;

19 (h) Total number of "places of deposit". For security reasons, unmonitored
20 freestanding places of deposit located outside will not be allowed;

21 (i) For elections coordinated by the county clerk and recorder, the total number
22 of walk-in voting locations;

23 (j) Number of accessible voting machines anticipated being used for walk-in
24 voting locations in elections coordinated by the county clerk and recorder;

25 (k) Length of time accessible voting machines will be available for walk-in
26 voting in elections coordinated by the county clerk and recorder;

27 (l) Written timetable for the conduct of the election in accordance with the
28 statute;

29 (m) Indication of how postage will be handled for ballot packets returned as
30 undeliverable (e.g. "return postage guaranteed");

31 (n) Indication of procedures to be followed to ensure compliance with statutes
32 and rules, including persons responsible for each stage;

- 1 (o) Description of procedures to be used to ensure ballot security at all stages of
2 the process;
- 3 (p) Description of procedures for maintaining privacy and security of accessible
4 voting machines to be used in an election coordinated by the county clerk
5 and recorder;
- 6 (q) Description of procedures to be used for signature verification;
- 7 (r) Description of procedures to ensure privacy by use of a secrecy sleeve or
8 secrecy envelope so receiving judges cannot tell how the elector voted;
- 9 (s) Description of procedures to be used to reconcile ballots issued, ballots
10 received, defective ballots and substitute ballots; and
- 11 (t) An actual sample of the secrecy sleeve or secrecy envelope to be used in the
12 mail ballot election.

13
14 New Rule 12.3.5 is adopted as follows:

15 12.3.5 A SPECIAL DISTRICT REQUIRED TO SUBMIT A MAIL BALLOT PLAN IN ACCORDANCE
16 WITH SECTION 1-7.5-105, C.R.S. AND THIS RULE, MAY REQUEST A SEVEN (7) DAY
17 FILING EXTENSION IF THE PLAN IS BEING SUBMITTED FOR A REGULAR SPECIAL
18 DISTRICT ELECTION THAT MAY BE CANCELLED.

- 19 (A) A REQUEST FOR SUCH EXTENSION SHALL BE SUBMITTED TO THE SECRETARY
20 OF STATE NO LATER THAN TWO (2) BUSINESS DAYS PRIOR TO THE DEADLINE
21 FOR SUBMITTING THE MAIL BALLOT PLAN.
- 22 (B) THE REQUEST SHALL CONTAIN A BRIEF STATEMENT OF THE REASONS FOR
23 SUCH REQUEST.
- 24 (C) THE SECRETARY OF STATE SHALL NOTIFY THE SPECIAL DISTRICT OF THE
25 APPROVAL/DISAPPROVAL OF THE REQUEST WITHIN ONE (1) BUSINESS DAY.

26 New Rule 12.4.11 is adopted as follows:

27 12.4.11 ALL RETURN ENVELOPES USED IN A MAIL BALLOT ELECTION COORDINATED BY THE
28 COUNTY CLERK AND RECORDER SHALL BE FORMATTED IN SUCH A MANNER THAT THE
29 VOTER'S SIGNATURE ON THE BACK OF THE ENVELOPE IS CONCEALED. [SECTIONS 1-7.5-106
30 AND 1-7.5-107, C.R.S.]

- 31 A. ANY COUNTY MAY APPLY TO THE SECRETARY OF STATE FOR AN EXEMPTION TO
32 THIS REQUIREMENT BY SUBMITTING A WRITTEN APPLICATION BASED ON HARDSHIP
33 OR OTHER GOOD CAUSE SHOWN.

1 B. ALL APPLICATIONS FOR AN EXCEPTION SHALL INCLUDE A STATEMENT OF THE
2 HARDSHIP OR GOOD CAUSE FOR WHICH THE EXCEPTION IS SOUGHT. THE
3 SECRETARY OF STATE SHALL HAVE TEN (10) BUSINESS DAYS TO APPROVE OR
4 DISAPPROVE AN APPLICATION FOR SUCH EXEMPTION.

5
6 Rules 12.5 is amended as follows:

7 12.5 ~~Absentee~~ MAIL-IN and Early Voting.

8 12.5.1 ~~Absentee MAIL-IN BALLOT voting occurs in a mail ballot election when a~~
9 ~~registered, eligible elector requests that the ballot be mailed to a place other than~~
10 ~~the address of record.~~ IN A MAIL BALLOT ELECTION, AN ELECTOR WHO WILL BE
11 ABSENT FROM HIS OR HER ADDRESS OF RECORD AND REQUESTS THAT A MAIL
12 BALLOT BE SENT TO AN ALTERNATE ADDRESS, SHALL BE ISSUED A MAIL BALLOT
13 IN ACCORDANCE WITH SECTION 1-7.5-107, EXCEPT THAT THE RETURN ENVELOPE
14 SHALL CONTAIN THE AFFIDAVIT SET FORTH IN SECTION 1-8-114, C.R.S.

15 12.5.2 An "in person" request for ~~an absentee~~ A ballot that is delivered to the ABSENT
16 elector in the clerk and recorder's office may be filed any time after January 1
17 of the year of the election, but no later than the close of business on the Friday
18 prior to the election; except that, if the applicant wishes to receive the ~~absentee~~
19 ballot by mail, the application shall be filed no later than the close of business
20 on the seventh day before the election.

21 12.5.3 Upon receipt of a request for ~~an absentee~~ A MAIL-IN ballot, the designated
22 election official shall deliver the original ballot or a replacement ballot to that
23 elector.

24 12.5.4 A record shall be made on the registration rolls that a request for ~~an absentee~~ A
25 MAIL-IN ballot was received, a ballot was mailed to the alternate address, and the
26 ballot number shall be recorded.

27 12.5.5 For mail ballot elections, the notation "~~Absentee~~ MAIL-IN Ballot No.
28 AM.I.V. ____" shall not be required on the ~~absentee~~ MAIL-IN ballots.

29 12.5.6 Establishment of polling place for early voting shall not be required for a mail
30 ballot election, however the location for walk-in balloting shall be maintained.

31
32 Rules 12.10 is amended as follows:

33 12.10 Replacement Ballots for Purpose of Mail Ballot Elections.

34 12.10.1 Requests for replacement ballots may be made in writing, by mail, by fax, BY
35 EMAIL, or by telephone.

1 12.10.2 An elector requesting a replacement ballot shall complete a sworn statement, as
2 required by section 1-7.5-107(3)(d)(I), C.R.S., on a form provided by the
3 designated election official. IF THE ELECTOR REQUESTS THAT THE REPLACEMENT
4 BALLOT BE MAILED, THE FORM MAY BE INCLUDED IN THE BALLOT PACKET MAILED
5 TO THE ELIGIBLE ELECTOR, AND MUST BE RECEIVED ON OR BEFORE ELECTION DAY
6 BY THE ELECTION OFFICIAL.

7 ~~12.10.3 The affidavit shall include space in which the elector shall specify the reason for~~
8 ~~requesting a replacement ballot. The affidavit shall also contain a statement in~~
9 ~~bold that the original ballot may not be cast and that, if both the original and the~~
10 ~~replacement ballot are cast, neither ballot will be counted. If the elector~~
11 ~~requested that the replacement ballot be mailed, the affidavit may be included in~~
12 ~~the ballot packet mailed to the eligible elector, and must be received on or~~
13 ~~before election day by the election official.~~

14 12.10.43 The election judge issuing a replacement ballot shall indicate on the outside of
15 the return envelope whether a sworn statement must be returned with the voted
16 ballot. No replacement ballot shall be counted until it has been determined that
17 an affidavit has been completed by the voter and has been received on or before
18 election day by the election official.

19
20 Rule 12.12 is repealed as follows:

21 ~~12.12 Verification of Replacement Ballots~~

22 ~~12.12.1 Upon issuance of a replacement ballot, the first voted ballot returned by the~~
23 ~~elector shall be considered the elector's official ballot, pursuant to section~~
24 ~~1-8-111(3), C.R.S.~~

25 ~~12.12.2 If a return verification envelope is submitted which contains a replacement~~
26 ~~ballot it shall be set aside until 7:00 p.m. on election day. If it can be~~
27 ~~determined that the replacement ballot is the only ballot issued to the elector or~~
28 ~~that all prior ballots issued to the elector have been voided, it may be processed~~
29 ~~in the same manner as the original ballot.~~

30 ~~12.12.3 The information on the return verification envelope may be checked prior to~~
31 ~~7:00 p.m. on election day, but the ballot may not be removed until the polls~~
32 ~~close.~~

33 ~~12.12.4 When all voted ballots have been received and the polls closed, the replacement~~
34 ~~ballots shall be checked to ensure that the elector only voted with the~~
35 ~~replacement ballot. If it appears that the elector only voted the replacement~~
36 ~~ballot and if all the information is complete on the return verification envelope,~~
37 ~~the ballot may be removed and counted as the other ballots.~~

38 All succeeding subsections of Rule 12 are renumbered accordingly

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Rules 13 is amended as follows:

Rule 13. Rules Concerning Absentee-MAIL-IN Voting

- 13.1 All election materials prepared by the designated election official, including the Article X, Section 20 notice, may be included in the ~~absentee-MAIL-IN ballot mailing~~ PACKET.
- 13.2 The county clerk and recorder shall keep a list, to the extent possible, of the names and mailing addresses of all individuals who deliver more than five (5) voted ~~absentee-MAIL-IN~~ ballots to the designated or coordinated election official's office or the designated drop site for ~~absentee~~ MAIL-IN ballots.
- 13.3 The county clerk and recorder shall notify each individual on the list required by 13.2 by letter that they have violated section 1-8-113, C.R.S., by delivering more than five (5) ~~absentee~~ MAIL-IN ballots to the designated election official.
- 13.4 The designated election official shall require that the eligible elector submit a copy of his or her identification as defined in section 1-1-104(19.5), C.R.S., with the elector's ballot in the return envelope if the eligible elector registered to vote by mail pursuant to Part 5, Article 2, Title 1, C.R.S., and failed to include the copy with the original registration or failed to supply a driver's license number, Colorado Department of Revenue ID number or at least the last four digits of a social security number that was subsequently verified per Rule ~~30.5-30.3~~.
- 13.5 The county clerk and recorder shall indicate on the list of registered voters requested by the designated election official those registered voters required to be identified in Rule 13.4.
- 13.6 In any election where a multiple page printed ballot is used, a voter must vote and return all pages of the ballot at the same time. Any voter who has returned at least one page of a multiple page printed ballot will be considered to have voted. Any additional page returned at a later time shall not be counted but shall be appropriately marked, set aside, and preserved as other election materials in accordance with section 1-7-802, C.R.S.
- 13.7 If the elector is required to provide his or her identification, the outside of the return envelope shall be marked to identify such envelope. A county may use additional methods to communicate the requirement to provide identification. The elector shall also be provided with specific instructions on the requirement to provide such identification.
- 13.8 If the marked return envelope does not contain proper identification, the ballot shall be treated as a provisional ballot. The outside of the return envelope shall be marked "provisional". The provisional ballot shall be verified and counted in accordance with section 1-8.5-105(5), C.R.S.
- 13.9 If a voter has been directed to return a document with his or her voted ballot, the election judge shall open the returned envelope to retrieve the required form. If the required form

- 1 cannot be found in the return envelope, the election judge shall open the secrecy
2 envelope/sleeve to find the required form or document in an effort to not disenfranchise
3 the voter.
- 4 13.10 For any non-matching or missing signatures on ~~an absentee~~ A MAIL-IN ballot return
5 envelope, Rule 29 concerning procedures for the verification of signatures shall be
6 followed.
- 7 13.11 The designated election official's duties under section 1-8-112, C.R.S., are triggered if
8 the U.S. mail is delivered collectively to the residential facility. If the U.S. mail is
9 delivered to individuals or individual mailboxes, the requirements of section 1-8-112,
10 C.R.S., shall not be applicable.
- 11 13.12 Voters who appear in person at their correct polling place, but who requested ~~absentee~~
12 MAIL-IN ballots, will nevertheless be permitted to cast provisional ballots upon their
13 declaration that they have not and will not cast any vote in the election other than by that
14 provisional ballot. The provisional ballot is then to be counted, once election officials
15 determine that the voter did not in fact cast the ~~absentee~~ MAIL-IN ballot.
- 16 ~~13.13 For the purposes of section 1-8-115(1)(a), C.R.S., the deadline to apply for an absentee~~
17 ~~ballot shall be the last day to apply for an absentee ballot by mail in accordance with~~
18 ~~section 1-8-104(3), C.R.S.~~
- 19 13.13 PERMANENT MAIL-IN VOTING. AN APPLICATION FOR A MAIL-IN BALLOT RECEIVED BY THE
20 COUNTY CLERK AND RECORDER SHALL BE TREATED AS AN APPLICATION FOR PERMANENT
21 MAIL-IN BALLOT ONLY IF THE APPLICANT MAKES SUCH DESIGNATION. IF THE APPLICANT
22 DOES NOT SPECIFY THE LENGTH OF THE REQUEST FOR A MAIL-IN BALLOT, THE APPLICATION
23 SHALL BE TREATED AS AN APPLICATION FOR THE CURRENT CALENDAR YEAR. IF THE
24 APPLICANT MARKS BOTH THE PERMANENT AND CALENDAR YEAR BOXES, THE APPLICATION
25 SHALL BE TREATED AS AN APPLICATION FOR PERMANENT MAIL-IN BALLOT.
- 26 13.14 A COUNTY CLERK AND RECORDER USING THE "BALLOT NOW" SYSTEM TO PRINT MAIL-IN
27 BALLOTS SHALL PRINT AND MAKE BALLOTS AVAILABLE NO LATER THAN THIRTY-TWO (32)
28 DAYS PRECEDING THE ELECTION IN ACCORDANCE WITH SECTION 1-5-403, C.R.S. BALLOT
29 ISSUANCE SHALL BEGIN NO LATER THAN SEVENTY-TWO (72) HOURS AFTER PRINTING IS
30 COMPLETE IN ACCORDANCE WITH 1-8-111, C.R.S.
- 31 13.15 A COUNTY CLERK AND RECORDER WHO UTILIZES A THIRD PARTY VENDOR TO MAIL
32 BALLOTS SHALL BE CONSIDERED TO BE IN POSSESSION OF THE BALLOTS FOR THE PURPOSES
33 OF SECTIONS 1-5-403 AND 1-8-111, C.R.S., WHEN THE VENDOR HAS PREPARED THE
34 BALLOTS FOR MAILING, BUT NO LATER THAN THIRTY-TWO (32) DAYS PRECEDING THE
35 ELECTION IN ACCORDANCE WITH SECTION 1-5-403, C.R.S.
- 36 13.16 IN ADDITION TO THE LANGUAGE REQUIRED BY SECTION 1-8-101(4)(A), C.R.S., THE
37 SECRECY SLEEVE AND INSTRUCTIONS SHALL CONTAIN A STATEMENT THAT "ALL VALID
38 MAIL-IN BALLOTS ARE COUNTED IN EVERY ELECTION IN COLORADO, REGARDLESS OF THE
39 OUTCOME OR CLOSENESS OF ANY RACE."

1 13.17 ALL RETURN MAIL-IN BALLOT ENVELOPES USED IN AN ELECTION COORDINATED BY THE
2 COUNTY CLERK AND RECORDER SHALL BE FORMATTED IN SUCH A MANNER THAT THE
3 VOTER'S SIGNATURE ON THE BACK OF THE ENVELOPE IS CONCEALED.

4 13.17.1 ANY COUNTY MAY APPLY TO THE SECRETARY OF STATE FOR AN EXEMPTION TO
5 THIS REQUIREMENT BY SUBMITTING A WRITTEN APPLICATION BASED ON HARDSHIP
6 OR OTHER GOOD CAUSE SHOWN.

7 13.17.2 ALL APPLICATIONS FOR AN EXCEPTION SHALL INCLUDE A STATEMENT OF THE
8 HARDSHIP OR GOOD CAUSE FOR WHICH THE EXCEPTION IS SOUGHT. THE
9 SECRETARY OF STATE SHALL HAVE TEN (10) BUSINESS DAYS TO APPROVE OR
10 DISAPPROVE AN APPLICATION FOR SUCH EXEMPTION.

11

12 Rule 14.5 is amended as follows:

13 14.5 Counting of Paper Ballots - Recount

14 14.5.1 Totals of recounted ballots shall be processed, counted, and reported in
15 summary form as follows:

16 (a) Sum total of votes cast for each candidate, under-votes, and over-votes for
17 all precincts;

18 (b) Sum total of votes cast for each candidate, under-votes, and over-votes for
19 all ~~absentee~~-MAIL-IN ballots (a combined total, not totaled by individual
20 precincts or locations, unless the voting system so allows.);

21 (c) Sum total of votes cast for each candidate, under-votes, and over-votes for
22 all early voting precincts (a combined total, not totaled by individual
23 precinct or locations, unless the voting system so allows.);

24 (d) Determine grand total of ballots cast by early voting, ~~absentee~~-MAIL-IN
25 voting, and precinct voting.

26 14.5.2 If ~~absentee~~-MAIL-IN ballots were originally counted with early voting ballots,
27 then the recount will be of a combined total of early and ~~absentee~~-MAIL-IN
28 ballots.

29 14.5.3 Ballot boxes or containers shall be opened one at a time.

30 14.5.4 Ballots shall be counted into groups of 25 to ensure that the number of ballots
31 recounted matches the number originally counted.

32 14.5.5 Votes shall be counted by individual hash marks in 25-count sections by two
33 different judges.

1

2 Rules 14.6.2 and 14.6.3 are amended as follows:

3 14.6.2 The canvass board shall choose at random five percent (5%) of voting devices
4 containing votes from the election, which are affected by the recount, for the
5 test.

6 (a) Prior to the start of the test, the canvass board shall verify that devices
7 randomly chosen were not used in the audit conducted pursuant to section 1-
8 7-514 (1)(b).

9 (b) The proportion of Optical Scan devices to DRE/electronic voting devices
10 selected for the test shall match the proportion of machines used in the
11 election by the designated election official.

12 (c) At least one device selected for the test shall be a central count/~~absentee~~
13 MAIL-IN ballot scanner.

14 14.6.3 For testing central count/~~absentee~~-MAIL-IN BALLOT scanners the canvass board
15 shall randomly select one percent (1%) or fifty (50) ballots, whichever is
16 greatest. A blank prom cartridge, rom cartridge or memory card shall be
17 utilized for the test. The ballots selected shall be processed through the central
18 count/~~absentee~~-MAIL-IN BALLOT scanner and compared to the hand-tallied total.

19

20 Rules 14.6.7 and 14.6.8 are amended as follows:

21 14.6.7 Totals of recounted ballots shall be processed, counted, and reported in
22 summary form as follows:

23 (a) Sum total of votes cast for each candidate, ballot issue or ballot question
24 subject to the recount, under-votes, and over-votes for all precincts;

25 (b) Sum total of votes cast for each candidate, ballot issue or ballot question
26 subject to the recount, under-votes and over-votes for all ~~absentee~~-MAIL-IN
27 ballots (a combined total, not totaled by individual precincts or location,
28 unless your system allows);

29 (c) Sum total of votes cast for each candidate, ballot issue or ballot question,
30 subject to the recount, under-votes, and over-votes for all early voting
31 locations (a combined total, not totaled by individual precinct or locations,
32 unless the voting system so allows);

33 (d) Determine the grand total of ballots cast in early, ~~absentee~~-MAIL-IN, and
34 precinct voting.

1 14.6.8 If ~~absentee~~-MAIL-IN ballots were originally counted with early voting ballots,
2 then the recount will be of a combined total of early and ~~absentee~~-MAIL-IN
3 ballots.

4

5 Rule 14.6.12 is amended as follows:

6 14.6.12 Utilizing one or more blank prom cartridges, rom cartridges, or memory card,
7 all ~~absentee~~-MAIL-IN ~~voting~~ ballots shall be counted. After an individual ballot
8 container is counted, the ballots shall be returned to the ballot container and
9 sealed.

10

11 Rule 14.7.1(a) is amended as follows:

12 (a) Using the Ballot Now Scanned Ballots by Precinct report from the original
13 election database, locate the batches containing any ballot type (Election,
14 ~~Absentee~~-MAIL-IN, and Provisional) for the recount.

15

16 Rule 15 is amended as follows:

17 **Rule 15. Rules Concerning Preparation, and Filing, AND VERIFICATION of Statewide**
18 **Initiative Petitions**

19 ~~15.1 Each petition section shall have on it a consecutive four digit number. The number may~~
20 ~~be printed by a printer, hand stamped with a manual stamp, or handwritten.~~

21 ~~15.2 The lines on the petition section shall be consecutively numbered.~~

22 ~~15.2.1 The block of information which consists of the printed last name, first name,~~
23 ~~middle initial, county, signing date, street address, city and signature is~~
24 ~~considered a line.~~

25 15.1 EACH PETITION SECTION SHALL BE VERIFIED ACCORDING TO THE PROCEDURES SET FORTH
26 IN RULE 17.1.

27 15.32 No petition shall be accepted which lists proponents other than the two identified as
28 petition representatives pursuant to section 1-40-104, C.R.S.

29 15.43 Proponents may begin circulating a petition for signatures at any time after the final
30 decision of the title board, including disposition of any motion for rehearing or the
31 expiration of the time for filing a motion for rehearing, and after the Secretary of State
32 has approved the format of the petition as provided in section 1-40-113(1), C.R.S.,
33 whether or not an appeal is filed with the Supreme Court pursuant to section 1-40-107(2).

1 The six-month period specified in section 1-40-108(1) shall begin on the date that the
2 first signature is affixed to the petition or, in the case of an appeal to the Supreme Court,
3 on the date that the decision of the Supreme Court becomes final, whichever date occurs
4 first. Signatures shall be counted only if affixed to the petition during the period
5 provided in this rule.

6 15.54 Only one filing of a petition or an addendum is allowed. After a petition or an addendum
7 is filed, the petition or the addendum may not be supplemented with additional
8 signatures. If additional signatures are submitted after the original filing, such signatures
9 shall not be counted, even if such signatures are submitted within the time permitted by
10 law for the filing of the original petition or addendum.

11 15.5 VERIFICATION BY RANDOM SAMPLE

12 15.5.1 EACH PETITION SECTION SHALL BE VERIFIED ACCORDING TO THE PROCEDURES SET
13 FORTH IN RULE 17.1.

14 15.5.2 PRELIMINARY COUNT AND GENERATION OF RANDOM NUMBERS.

15 A. AFTER THE ENTRIES HAVE BEEN COUNTED FOR EACH PETITION SECTION, A
16 DATA ENTRY CLERK SHALL ENTER THE FOLLOWING DATA INTO THE
17 DATABASE; THE PETITION IDENTIFICATION NUMBER, THE PETITION SECTION
18 NUMBER, THE PAGE NUMBER AND THE NUMBER OF ENTRIES ON THE PAGE.

19 B. A RECORD SHALL THEN BE CREATED FOR EACH ENTRY, WHICH SHALL
20 CONTAIN THE PETITION IDENTIFICATION NUMBER, PETITION SECTION
21 NUMBER, PAGE NUMBER AND THE ENTRY NUMBER. THE TOTAL NUMBER OF
22 ENTRIES SUBMITTED FOR THE PETITION SHALL BE TALLIED.

23 C. IF THE NUMBER OF ENTRIES IS LESS THAN THE TOTAL NUMBER OF
24 SIGNATURES REQUIRED TO CERTIFY THE MEASURE TO THE BALLOT, A
25 STATEMENT OF INSUFFICIENCY SHALL BE ISSUED.

26 D. A SERIES OF RANDOM NUMBERS SHALL BE GENERATED BY THE DATABASE
27 THAT IS THE GREATER OF FOUR THOUSAND SIGNATURES (4,000) OR FIVE
28 PERCENT (5%) OF THE TOTAL NUMBER OF ENTRIES.

15.5.3 VERIFICATION OF SELECTED ENTRIES.

29 A. THE RANDOM NUMBERS SELECTED SHALL BE MATCHED WITH THE
30 APPROPRIATE PETITION SECTION, PAGE NUMBER, AND ENTRY NUMBER.

31 B. EACH ENTRY GENERATED SHALL BE CHECKED FOR VALIDITY IN
32 ACCORDANCE WITH RULE 17.1.

33 C. EACH REASON FOR REJECTION OF AN ENTRY SHALL BE RECORDED BY
34 SEPARATE CODE AND A MASTER RECORD OF THE REJECTED ENTRIES SHALL

1 BE MAINTAINED. A MASTER RECORD SHALL ALSO BE MAINTAINED OF EACH
2 ENTRY THAT IS ACCEPTED.

3 15.5.4 CHECKING THE CIRCULATOR'S AFFIDAVIT. THE CIRCULATOR'S AFFIDAVIT SHALL
4 BE CHECKED FOR EACH ENTRY IN ACCORDANCE WITH RULE 17.2. IF THE AFFIDAVIT
5 IS NOT ATTACHED AND COMPLETED, ALL ENTRIES IN THE SECTION SHALL BE
6 REJECTED.

7 15.5.5 CHECKING INDIVIDUAL SIGNATURES. EACH INDIVIDUAL SIGNATURE SHALL BE
8 CHECKED IN ACCORDANCE WITH RULE 17.3.

15.5.6 COMPUTATION OF TOTAL ACCEPTED SIGNATURES.

9 A. A TALLY SHALL BE MADE OF THE NUMBER OF ACCEPTED SIGNATURES AND
10 THE NUMBER OF REJECTED SIGNATURES.

11 B. THE SECRETARY OF STATE SHALL DETERMINE THE RANGE OF SIGNATURES
12 BY MULTIPLYING THE CONSTITUTIONALLY REQUIRED NUMBER OF
13 SIGNATURES BY 0.90 TO COMPUTE NINETY PERCENT (90%) OF THE
14 REQUIRED SIGNATURES AND BY 1.10 TO COMPUTE ONE HUNDRED AND TEN
15 PERCENT (110%) OF THE REQUIRED SIGNATURES. THIS NUMBER SHALL BE
16 CALCULATED AFTER THE GENERAL ELECTION AT WHICH THE SECRETARY OF
17 STATE WAS ELECTED.

18 C. AFTER COMPLETING A PETITION, THE NUMBER OF SIGNATURES CHECKED
19 SHALL THEN BE DIVIDED INTO THE NUMBER OF ACCEPTED SIGNATURES.
20 THIS NUMBER WILL BE THE PERCENTAGE OF ACCEPTED SIGNATURES WHICH
21 WERE SUBMITTED.

22 D. THE PERCENTAGE CALCULATED IN PARAGRAPH C OF THIS RULE 15.5.6
23 SHALL THEN BE MULTIPLIED BY THE TOTAL NUMBER OF ENTRIES WHICH
24 WERE PREVIOUSLY TALLIED. THIS NUMBER WILL BE THE NUMBER OF
25 PRESUMED VALID SIGNATURES WHICH WERE SUBMITTED.

26 E. IF THE NUMBER GENERATED IS NINETY PERCENT (90%) OR LESS OF THE
27 CONSTITUTIONALLY REQUIRED NUMBER OF SIGNATURES AS CALCULATED IN
28 PARAGRAPH B OF THIS RULE 15.5.6, THEN THE SECRETARY OF STATE SHALL
29 ISSUE A STATEMENT OF INSUFFICIENCY. IF THE NUMBER GENERATED IS ONE
30 HUNDRED AND TEN PERCENT (110%) OR MORE OF THE CONSTITUTIONALLY
31 REQUIRED NUMBER, THEN THE SECRETARY OF STATE SHALL ISSUE A
32 STATEMENT OF SUFFICIENCY.

33 F. IF THE NUMBER GENERATED IS MORE THAN NINETY PERCENT (90%) BUT
34 LESS THAN ONE HUNDRED AND TEN PERCENT (110%) OF THE REQUIRED
35 NUMBER, THE SECRETARY OF STATE SHALL ORDER THAT EACH SIGNATURE
36 ON THE PETITION BE VERIFIED TO DETERMINE WHETHER THE ISSUE OR
37 QUESTION SHOULD BE CERTIFIED TO THE BALLOT.

1 Rule 16 is repealed as follows:

2 **Rule 16. Rules Concerning Verification by Random Sample of Statewide Initiative**
3 **Petitions – REPEALED**

4 ~~16.1 Preliminary count and generation of random numbers.~~

5 ~~16.1.1 When the petitions are received, each section shall be consecutively numbered.~~

6 ~~16.1.2 Each line with writing shall be counted on each petition and shall be considered~~
7 ~~an entry. The number of entries for each page of the section shall be written on~~
8 ~~the page, and the total entries for the section shall be written on the face of the~~
9 ~~petition section.~~

10 ~~(a) A line which has no writing or marks on it shall not be considered an~~
11 ~~entry.~~

12 ~~(b) A line which has writing on it but is completely crossed out shall not be~~
13 ~~considered an entry.~~

14 ~~(c) A line which has writing on it but is incomplete or on its face contains an~~
15 ~~invalid signature or which is partially crossed out shall be considered an~~
16 ~~entry to be included in this count.~~

17 ~~16.1.3 After the entries have been counted for each petition section, a data entry clerk~~
18 ~~shall enter the following data into the computer, the petition identification~~
19 ~~number, the petition section number, the page number and the number of entries~~
20 ~~on the page.~~

21 ~~16.1.4 The computer shall then create a record for each entry which record shall contain~~
22 ~~the petition identification number, petition section number, page number and the~~
23 ~~entry number. The total number of entries submitted for the petition shall be~~
24 ~~tallied.~~

25 ~~16.1.5 If the number of entries is less than the total number of signatures required to~~
26 ~~certify the measure to the ballot, a statement of insufficiency shall be issued.~~

27 ~~16.1.6 A series of random numbers shall be generated by the computer which is the~~
28 ~~greater of four thousand signatures or five percent of the total number of entries.~~

29 ~~16.2 Verification of selected entries.~~

30 ~~16.2.1 The random numbers selected shall be matched with the appropriate petition~~
31 ~~section, page number and entry number.~~

32 ~~16.2.2 Each entry generated shall be checked for validity in accordance with Rules~~
33 ~~22.3.3 and 22.3.4.~~

1 (a) ~~—Evidence of disassembly of the petition;~~

2 (b) ~~—The circulator's affidavit does not meet the requirements of statute or rule;~~

3 (c) ~~—The individual entry does not meet the requirements of statute or rule.~~

4 ~~16.2.3 Each reason for rejection of an entry shall be recorded by separate code and a~~
5 ~~master record of the rejected entries shall be maintained. A master record shall~~
6 ~~also be maintained of each entry that is accepted.~~

7 ~~16.3 Each section shall be checked for evidence of disassembly. If it appears that the section~~
8 ~~was disassembled, the entry shall be rejected.~~

9 ~~16.4 Checking the circulator's affidavit.~~

10 ~~16.4.1 The circulator's affidavit shall be checked for each entry. If the affidavit is not~~
11 ~~attached and completed, the entry shall be rejected.~~

12 ~~16.4.2 The notary clause at the end of the affidavit shall be checked for each entry. If~~
13 ~~any information is missing or if the date on the notary clause is not the same date~~
14 ~~as the circulator signed the affidavit, the entry shall be rejected.~~

15 ~~16.4.3 If the information on the current voter registration file does not match the~~
16 ~~information on the entry, the circulator's voter registration history shall be~~
17 ~~checked to determine if the information on the affidavit matches the voter~~
18 ~~registration file at the time the entry was signed.~~

19 ~~16.5 Checking individual signatures.~~

20 ~~16.5.1 Each individual entry shall be checked against the master voter registration files.~~

21 ~~16.5.2 If the information on the current voter registration file does not match the~~
22 ~~information on the entry, the elector's voter registration history shall be checked~~
23 ~~to determine if the information on the entry matches the voter registration file at~~
24 ~~the time the entry was signed.~~

25 ~~16.5.3 Name of registered elector: to be accepted, the name on the entry must be found~~
26 ~~in form similar to that found on the voter registration record. Signatures that are~~
27 ~~common variants of the name found on the voter record shall be counted. If the~~
28 ~~signer of the petition is not found on the voter registration file, the entry shall be~~
29 ~~rejected.~~

30 ~~16.5.4 Middle initial and additional terms.~~

31 (a) ~~If the middle initial or middle name is not part of either the signature line or~~
32 ~~the voter record but is included on the other document, if the first and last~~
33 ~~name are the same on both documents, the entry shall be accepted.~~

1 (b) If the middle initial or middle name on the signature line is different than the
2 middle initial or middle name on the voter record, the entry shall be rejected.

3 (c) If an indicator such as Jr., Sr. or II is present or omitted from the petition or
4 the voter record, the entry shall be accepted. If two persons with the same
5 name reside at the same address as found on the master voter list, the entry
6 shall be rejected, unless the identity of the signer can be conclusively
7 determined.

8 ~~16.5.5~~ Address of registered elector.

9 (a) If the address written on the line does not match the address on the voter
10 record or on the voter history for the date when the signature was taken, the
11 entry shall be rejected.

12 (b) If the address on the petition either includes or omits a letter or number
13 identifying an apartment or the directional location of a street, such as "E"
14 for east, "SW" for southwest, etc., the entry shall be accepted.

15 (c) If the signer has a post office box for the address, the entry shall be rejected.

16 ~~16.5.6~~ Incomplete information: if the line on the petition is incomplete, with at least
17 one piece of information omitted, the entry shall be rejected.

18 ~~16.5.7~~ Date of signing.

19 (a) If a signature is placed on the petition prior to the final approval of the
20 petition format by the designated election official, the entry shall be
21 rejected.

22 (b) If the signature is placed on the petition after the date on the circulator's
23 affidavit, the entry shall be rejected.

24 ~~16.5.8~~ Assistance to signer: if assistance appears to have been given to the signer and
25 no statement of assistance accompanies the signature or mark explaining the
26 variance in the script, the entry shall be rejected.

27 ~~16.5.9~~ Illegible signature: if the signature and printed name are illegible so that the
28 voter record cannot be verified, the entry shall be rejected.

29 ~~16.5.10~~ Duplicate signature: if the elector had previously signed the same petition, the
30 first valid entry shall be counted and all other entries shall be rejected.

31 ~~16.6~~ Computation of total accepted signatures.

32 ~~16.6.1~~ A tally shall be made of the number of accepted signatures and the number of
33 rejected signatures.

1 ~~16.6.2 The Secretary of State shall determine the range of signatures by multiplying~~
2 ~~the constitutionally required number of signatures by 0.90 to compute 90% of~~
3 ~~the required signatures and by 1.10 to compute 110% of the required signatures.~~
4 ~~This number shall be calculated after the general election at which the Secretary~~
5 ~~of State was elected.~~

6 ~~16.6.3 After completing a petition, the number of signatures checked shall then be~~
7 ~~divided into the number of accepted signatures. This number will be the~~
8 ~~percentage of accepted signatures which were submitted.~~

9 ~~16.6.4 The percentage calculated in Rule 16.6.3 shall then be multiplied by the total~~
10 ~~number of entries which were previously tallied. This number will be the~~
11 ~~number of presumed valid signatures which were submitted.~~

12 ~~16.6.5 If the number generated is 90% or less of the constitutionally required number~~
13 ~~of signatures as calculated in Rule 16.6.2, then the Secretary of State shall issue~~
14 ~~a statement of insufficiency. If the number generated is 110% or more of the~~
15 ~~constitutionally required number, then the Secretary of State shall issue a~~
16 ~~statement of sufficiency.~~

17 ~~16.6.6 If the number generated is more than 90% but less than 110% of the required~~
18 ~~number, the Secretary of State shall order that each signature on the petition be~~
19 ~~verified to determine whether the issue or question should be certified to the~~
20 ~~ballot.~~

21
22 Rule 17 is amended as follows:

23 **Rule 17. GENERAL Rules Concerning Verification of All Signatures on Petitions**

24 ~~17.1 The process for checking all signatures shall be the same as for random sample of~~
25 ~~checking, with the following exceptions:~~

26 ~~17.2 Each petition section shall be checked for evidence of disassembly. If it appears that the~~
27 ~~section was disassembled, all signatures on the petition section shall be rejected.~~

28 ~~17.3 Checking the circulator's affidavit.~~

29 ~~17.3.1 Each petition section shall be checked for the completed circulator's affidavit.~~
30 ~~If the affidavit is not attached and completed, all signatures on the section of the~~
31 ~~petition shall be rejected.~~

32 ~~17.3.2 Each petition section shall be checked to assure that the notary clause at the end~~
33 ~~of the affidavit is completed. If any information is missing or if the date in the~~
34 ~~notary clause is not the same date as the circulator signed the affidavit, all~~
35 ~~signatures on the section of the petition shall be rejected.~~

1 ~~17.3.3~~ Except in the case of initiative petitions, the name of each circulator shall be
2 checked to assure that the circulator was a registered elector at the time that the
3 signatures were gathered. Any signatures gathered while the circulator was not
4 a registered elector shall be rejected.

5 ~~17.4~~ Each individual entry shall be verified using the same criteria as found in Rule 16.5.

6 ~~17.5~~ Final Tally: After all of the sections have been checked, a final tally of all valid
7 signatures shall be prepared and the statement of sufficiency issued.

8 17.1 GENERAL PROCEDURES CONCERNING VERIFICATION OF PETITIONS.

9 17.1.1 NO ISSUE PETITION SHALL BE ACCEPTED WHICH LISTS PROPONENTS OTHER THAN
10 THOSE AUTHORIZED BY STATUTE.

11 17.1.2 WHEN THE PETITIONS ARE RECEIVED, EACH SECTION SHALL BE DATE-STAMPED
12 AND CONSECUTIVELY NUMBERED USING A FOUR-DIGIT NUMBER. THE NUMBER
13 MAY BE PRINTED BY A PRINTER, HAND-STAMPED WITH A MANUAL STAMP, OR
14 HANDWRITTEN.

15 17.1.3 EACH PETITION SHALL BE EITHER AN INDIVIDUAL SHEET FOR SIGNATURES OR
16 MULTIPLE SHEETS THAT ARE STAPLED TOGETHER.

17 17.1.4 EACH SECTION SHALL BE CHECKED FOR EVIDENCE OF DISASSEMBLY. IF IT
18 APPEARS THAT THE SECTION WAS DISASSEMBLED, ALL ENTRIES IN THE SECTION
19 SHALL BE REJECTED.

20 17.1.5 THE LINES ON EACH PETITION SECTION SHALL BE CONSECUTIVELY NUMBERED.
21 THE BLOCK OF INFORMATION WHICH CONSISTS OF THE PRINTED LAST NAME, FIRST
22 NAME, MIDDLE INITIAL, COUNTY, SIGNING DATE, STREET ADDRESS, CITY, AND
23 SIGNATURE IS CONSIDERED A LINE.

24 17.1.6 IF THE NUMBER OF ENTRIES IS LESS THAN THE TOTAL NUMBER OF SIGNATURES
25 REQUIRED TO CERTIFY THE MEASURE TO THE BALLOT, A STATEMENT OF
26 INSUFFICIENCY SHALL BE ISSUED.

27 17.1.7 EACH LINE WITH WRITING SHALL BE COUNTED ON EACH PETITION AND SHALL BE
28 CONSIDERED AN ENTRY. THE NUMBER OF ENTRIES FOR EACH PAGE OF THE
29 SECTION SHALL BE WRITTEN ON THE PAGE AND THE TOTAL ENTRIES FOR THE
30 SECTION SHALL BE WRITTEN ON THE FACE OF THE PETITION SECTION.

31 A. A LINE THAT HAS NO WRITING OR MARKS ON IT SHALL NOT BE CONSIDERED
32 AN ENTRY.

33 B. A LINE THAT HAS WRITING ON IT BUT IS COMPLETELY CROSSED OUT SHALL
34 NOT BE CONSIDERED AN ENTRY.

1 C. A LINE WHICH HAS WRITING ON IT BUT IS INCOMPLETE OR ON ITS FACE
2 CONTAINS AN INVALID SIGNATURE OR WHICH IS PARTIALLY CROSSED OUT
3 SHALL BE CONSIDERED AN ENTRY TO BE INCLUDED IN THIS COUNT.

4 17.2 CHECKING THE CIRCULATOR'S AFFIDAVIT.

5 17.2.1 THE CIRCULATOR'S AFFIDAVIT SHALL BE CHECKED FOR EACH ENTRY. IF THE
6 AFFIDAVIT IS NOT ATTACHED AND COMPLETED, ALL ENTRIES IN THE SECTION
7 SHALL BE REJECTED.

8 17.2.2 THE NOTARY CLAUSE AT THE END OF THE AFFIDAVIT SHALL BE CHECKED FOR
9 EACH ENTRY. IF ANY INFORMATION IS MISSING, OR IF THE DATE ON THE NOTARY
10 CLAUSE IS NOT THE SAME DATE AS THE CIRCULATOR SIGNED THE AFFIDAVIT, ALL
11 ENTRIES IN THE SECTION SHALL BE REJECTED.

12 17.2.3 THE CIRCULATOR'S AFFIDAVIT SHALL BE CHECKED TO ASSURE IT HAS BEEN
13 COMPLETED IN ACCORDANCE WITH THE STATUTORY REQUIREMENTS LISTED
14 BELOW. IF THE AFFIDAVIT WAS NOT COMPLETED IN ACCORDANCE WITH THE
15 REQUIREMENTS LISTED BELOW, ALL ENTRIES IN THE SECTION SHALL BE REJECTED.

16 A. FOR CANDIDATE PETITIONS, THE CIRCULATOR'S AFFIDAVIT SHALL BE
17 COMPLETED IN ACCORDANCE WITH SECTION 1-4-905(1) AND (2), C.R.S.

18 B. FOR INITIATIVE PETITIONS, THE CIRCULATOR'S AFFIDAVIT SHALL BE
19 COMPLETED IN ACCORDANCE WITH SECTION 1-40-111(2), C.R.S.

20 17.3 CHECKING INDIVIDUAL SIGNATURES.

21 17.3.1 EACH INDIVIDUAL ENTRY SHALL BE CHECKED AGAINST THE VOTER REGISTRATION
22 FILES TO ASSURE THAT THE ELECTOR WAS AN ELIGIBLE ELECTOR IN THE
23 POLITICAL SUBDIVISION AT THE TIME THE PETITION WAS SIGNED.

24 17.3.2 EACH REASON FOR REJECTION OF AN ENTRY SHALL BE RECORDED BY SEPARATE
25 CODE AND A MASTER RECORD OF THE REJECTED ENTRIES SHALL BE MAINTAINED.
26 A MASTER RECORD SHALL ALSO BE MAINTAINED OF EACH ENTRY THAT IS
27 ACCEPTED.

28 17.3.3 IF THE INFORMATION ON THE CURRENT VOTER REGISTRATION FILE DOES NOT
29 MATCH THE INFORMATION ON THE ENTRY, THE ELECTOR'S VOTER REGISTRATION
30 HISTORY SHALL BE CHECKED TO DETERMINE IF THE INFORMATION ON THE ENTRY
31 MATCHES THE VOTER REGISTRATION FILE AT THE TIME THE ENTRY WAS SIGNED.

32 17.3.4 NAME OF ELIGIBLE ELECTOR. TO BE ACCEPTED, THE NAME ON THE ENTRY MUST
33 BE IN A FORM SIMILAR TO THAT FOUND ON THE VOTER REGISTRATION RECORD.
34 SIGNATURES THAT ARE COMMON VARIANTS OF THE NAME FOUND ON THE VOTER
35 RECORD SHALL BE COUNTED. IF THE SIGNER OF THE PETITION IS NOT FOUND ON
36 THE VOTER REGISTRATION FILE, OR IF APPLICABLE, THE COUNTY ASSESSORS' LIST,
37 THE ENTRY SHALL BE REJECTED.

1 17.3.4 MIDDLE INITIAL AND ADDITIONAL TERMS.

- 2 A. IF THE MIDDLE INITIAL OR MIDDLE NAME IS NOT PART OF EITHER THE
3 SIGNATURE LINE OR THE VOTER RECORD BUT IS INCLUDED ON THE OTHER
4 DOCUMENT, IF THE FIRST AND LAST NAME ARE THE SAME ON BOTH
5 DOCUMENTS, THE ENTRY SHALL BE ACCEPTED.
- 6 B. IF THE MIDDLE INITIAL OR MIDDLE NAME ON THE SIGNATURE LINE IS
7 DIFFERENT THAN THE MIDDLE INITIAL OR MIDDLE NAME ON THE VOTER
8 RECORD, THE ENTRY SHALL BE REJECTED.
- 9 C. IF AN INDICATOR SUCH AS JR., SR., OR II IS PRESENT OR OMITTED FROM THE
10 PETITION OR THE VOTER RECORD, THE ENTRY SHALL BE ACCEPTED. IF TWO
11 PERSONS WITH THE SAME NAME RESIDE AT THE SAME ADDRESS AS FOUND
12 ON THE MASTER VOTER LIST, THE ENTRY SHALL BE REJECTED, UNLESS THE
13 IDENTITY OF THE SIGNER CAN BE CONCLUSIVELY DETERMINED.

14 17.3.6 ADDRESS OF ELIGIBLE ELECTOR.

- 15 A. IF THE ADDRESS WRITTEN ON THE LINE DOES NOT MATCH THE ADDRESS ON
16 THE VOTER RECORD OR ON THE VOTER HISTORY FOR THE DATE WHEN THE
17 SIGNATURE WAS TAKEN, THE ENTRY SHALL BE REJECTED.
- 18 B. IF THE ADDRESS ON THE PETITION EITHER INCLUDES OR OMITTS A LETTER OR
19 NUMBER IDENTIFYING AN APARTMENT OR THE DIRECTIONAL LOCATION OF A
20 STREET, SUCH AS "E" FOR EAST, "SW" FOR SOUTHWEST, ETC., THE ENTRY
21 SHALL BE ACCEPTED.
- 22 C. IF THE SIGNER GAVE A POST OFFICE BOX FOR THE ADDRESS, THE ENTRY
23 SHALL BE REJECTED.

24 17.3.7 INCOMPLETE INFORMATION. IF THE LINE OF THE PETITION IS INCOMPLETE, WITH
25 AT LEAST ONE PIECE OF INFORMATION OMITTED, THE ENTRY SHALL BE REJECTED.

26 17.3.8 DATE OF SIGNING.

- 27 A. IF A SIGNATURE IS PLACED ON THE PETITION PRIOR TO THE FINAL APPROVAL
28 OF THE PETITION FORMAT BY THE DESIGNATED ELECTION OFFICIAL, THE
29 ENTRY SHALL BE REJECTED.
- 30 B. IF THE SIGNER WAS NOT AN ELIGIBLE ELECTOR IN THE POLITICAL
31 SUBDIVISION AT THE TIME OF SIGNING, THE ENTRY SHALL BE REJECTED.
- 32 C. IF A SIGNATURE IS PLACED ON THE PETITION AFTER THE DATE ON THE
33 CIRCULATOR'S AFFIDAVIT, THE ENTRY SHALL BE REJECTED.

34 17.3.9 ASSISTANCE TO SIGNER. IF ASSISTANCE APPEARS TO HAVE BEEN GIVEN TO THE
35 SIGNER AND A STATEMENT OF ASSISTANCE DOES NOT ACCOMPANY THE

1 SIGNATURE OR MARK EXPLAINING THE VARIANCE IN THE SCRIPT, THE ENTRY
2 SHALL BE REJECTED.

3 17.3.10 ILLEGIBLE SIGNATURE. IF THE SIGNATURE AND PRINTED NAME ARE ILLEGIBLE SO
4 THAT THE VOTER RECORD CANNOT BE VERIFIED, THE ENTRY SHALL BE REJECTED.

5 17.3.11 DUPLICATE SIGNATURE. IF THE ELECTOR HAS PREVIOUSLY SIGNED THE SAME
6 PETITION, THE FIRST VALID ENTRY SHALL BE COUNTED AND ALL OTHER ENTRIES
7 SHALL BE REJECTED.

8 17.3.12 WHERE AN ELECTOR MAY SIGN MORE THAN ONE PETITION, THE FIRST
9 SIGNATURE(S) FILED UP TO THE MAXIMUM ALLOWED, SHALL BE THE ONES THAT
10 ARE COUNTED.

11 17.4 FINAL TALLY. AFTER ALL OF THE SECTIONS HAVE BEEN CHECKED, A FINAL TALLY OF ALL
12 VALID SIGNATURES SHALL BE PREPARED AND THE STATEMENT OF SUFFICIENCY OR
13 INSUFFICIENCY ISSUED.

14
15 Rule 18 is amended as follows:

16 **Rule 18. Rules Concerning Statement of Sufficiency for ~~Statewide~~ Petitions**

17 18.1 Within the time required by statute, the ~~Secretary of State~~ DESIGNATED ELECTION
18 OFFICIAL shall issue a statement of sufficiency or insufficiency.

19 18.2 The statement shall contain the name of the petition, the proponents, and the date the
20 petition was submitted for verification.

21 18.3 The statement shall indicate the total number of entries, the total number of entries
22 accepted, and the total number of entries rejected.

23 18.4 The statement shall indicate whether an insufficient number of entries were submitted,
24 the number of presumed valid signatures if a random sample was conducted, and the
25 number of valid signatures counted if every entry was counted.

26 18.5 Records. The designated election official shall assure that a record of all signatures
27 rejected and the reasons for each rejection be maintained as public records.

28
29 Rule 20 is amended as follows:

30 **Rule 20. Rules Concerning Protests**

31 ~~20.1 Protests of statewide initiative petitions.~~

32 ~~20.2 Protest of random sampling process.~~

- 1 ~~20.2.1~~ Proponents and opponents may protest the process by which the numbers used
2 ~~in the calculations were generated.~~
- 3 ~~20.2.2~~ Proponents and opponents may protest that the process used for determining
4 ~~entries and generating the random sample did not meet the requirements~~
5 ~~established by statute or rule.~~
- 6 ~~20.2.3~~ Proponents and opponents may protest that entries were improperly accepted or
7 ~~rejected in that the requirements established by statute or rule were improperly~~
8 ~~applied.~~
- 9 (a) ~~If the protest alleges that individual entries were improperly accepted or~~
10 ~~rejected, each individual entry must be listed and the reason for challenge~~
11 ~~must be given.~~
- 12 (b) ~~The reason for challenge must state which of the requirements established~~
13 ~~by statute or rule were improperly applied.~~
- 14 ~~20.2.4~~ Individual entries which were not checked by the Secretary of State may not be
15 ~~challenged as sufficient or insufficient.~~
- 16 ~~20.3~~ Protest of petitions when all signatures are checked.
- 17 ~~20.3.1~~ Proponents and opponents protesting the checking of petitions when each
18 ~~signature was checked must list each individual entry being protested and the~~
19 ~~reason for challenge.~~
- 20 ~~20.3.2~~ The reason for challenge must state which of the requirements established by
21 ~~statute or rule were improperly applied.~~
- 22 ~~20.3.3~~ The protest shall be deemed insufficient for each entry or class of entries
23 ~~challenged where the individual entry is not listed or the reason for the~~
24 ~~challenge is not given.~~
- 25 20.1 A PROTEST SHALL SPECIFICALLY STATE THE REASONS FOR THE CHALLENGE TO THE
26 DETERMINATION OF SUFFICIENCY OR INSUFFICIENCY.
- 27 20.1.1 A PROTEST THAT ALLEGES SPECIFIC STATUTES OR RULES WERE IMPROPERLY
28 APPLIED SHALL CLEARLY STATE THE SPECIFIC REQUIREMENTS THAT WERE
29 IMPROPERLY APPLIED.
- 30 20.1.2 A PROTEST THAT ALLEGES THAT ENTRIES WERE IMPROPERLY ACCEPTED OR
31 REJECTED SHALL CLEARLY IDENTIFY THE SPECIFIC INDIVIDUAL ENTRIES AT ISSUE
32 AND THE REASON THE ENTRIES WERE IMPROPERLY ACCEPTED OR REJECTED.
- 33 ~~20.3.32~~ The protest shall be deemed insufficient for each entry or class of entries
34 challenged where the individual entry is not listed or the reason for the challenge is not
35 given.

1 20.3 WHERE A PETITION VERIFIED BY RANDOM SAMPLE IS PROTESTED, PROPONENTS AND
2 OPPONENTS MAY PROTEST THE PROCESS BY WHICH THE NUMBERS USED IN THE
3 CALCULATIONS WERE GENERATED.

4
5 Rule 22 is repealed as follows:

6 **Rule 22. Rules Concerning Checking Candidate and Issue Petitions - REPEALED**

7 ~~22.1. Applicability. This rule shall apply to candidate and issue petitions authorized by law~~
8 ~~except as to municipal candidate or issue petitions.~~

9 ~~22.2. Procedures for Preparing Petitions for Circulation.~~

10 ~~22.2.1. Each petition section shall have on it a consecutive four digit number. The~~
11 ~~number may be printed by a printer, hand stamped with a manual stamp or~~
12 ~~handwritten. A petition section shall be either an individual sheet for signatures~~
13 ~~or multiple sheets which are stapled together.~~

14 ~~22.2.2. The lines on the petition section shall be consecutively numbered.~~

15 ~~(a) The block of information which consists of the printed last name, first name,~~
16 ~~middle initial, county, signing date, resident street address, city and~~
17 ~~signature is considered a line.~~

18 ~~22.2.3. No petition shall be accepted which lists proponents other than those authorized~~
19 ~~by statute.~~

20 ~~22.3. Procedures Concerning Count of Signatures and Verification of Petition.~~

21 ~~22.3.12. When the petitions are received, each section shall be date stamped and~~
22 ~~consecutively numbered.~~

23 ~~22.3.21. Each line with writing shall be counted on each petition and shall be considered~~
24 ~~an entry. The number of entries for each page of the section shall be written on~~
25 ~~the page and the total entries for the section shall be written on the face of the~~
26 ~~petition section.~~

27 ~~(a) A line that has no writing or marks on it shall not be considered an entry.~~

28 ~~(b) A line that has writing on it but is completely crossed out shall not be~~
29 ~~considered an entry.~~

30 ~~(c) A line which has writing on it but is incomplete or on its face contains an~~
31 ~~invalid signature or which is partially crossed out shall be considered an~~
32 ~~entry to be included in this count.~~

33 ~~22.3.3. Verification of petitions.~~

1 ~~22.3.2 Each reason for rejection of an entry shall be recorded by separate code and a~~
2 ~~master record of the rejected entries shall be maintained. A master record shall~~
3 ~~also be maintained of each entry that is accepted.~~

4 ~~(b) Each section shall be checked for evidence of disassembly. If it appears that~~
5 ~~the section was disassembled, all entries in the section shall be rejected.~~

6 ~~(c) The circulator's affidavit shall be checked for each entry. If the affidavit~~
7 ~~is not attached and completed, all entries in the section shall be rejected.~~

8 ~~(d) The notary clause at the end of the affidavit shall be checked for each entry.~~
9 ~~If any information is missing or if the date on the notary clause is not the~~
10 ~~same date as the circulator signed the affidavit, all entries in the section shall~~
11 ~~be rejected.~~

12 ~~(e) Except for initiative petitions, the name of each circulator shall be checked~~
13 ~~to assure that the circulator was an eligible elector in the political~~
14 ~~subdivision for which the petition is being circulated at the time that the~~
15 ~~signatures were gathered. If the circulator was not an eligible elector, all~~
16 ~~entries in the section shall be rejected.~~

17 ~~(f) If the information on the current voter registration file does not match the~~
18 ~~information on the entry, the circulator's voter registration history shall be~~
19 ~~checked to determine if the information on the affidavit matches the voter~~
20 ~~registration file at the time the affidavit was signed. If the information does~~
21 ~~not match, all entries in the section shall be rejected.~~

22 ~~(g) In accordance with the decision of the United States Supreme Court in~~
23 ~~Buckley v. American Constitutional Law Foundation, 520 U.S. 182 (1999),~~
24 ~~circulators of statewide initiative petitions are not required to be registered~~
25 ~~electors, but such circulators must still be "electors", which means that they~~
26 ~~must be (1) residents of the State of Colorado, (2) citizens of the United~~
27 ~~States, and (3) at least 18 years of age. If there is sufficient evidence to~~
28 ~~conclude that the circulator was not an elector at the time any signature was~~
29 ~~gathered, all entries in the section shall be rejected.~~

30 ~~22.3.4 Checking individual signatures:~~

31 ~~(a) Each individual entry shall be checked against the master voter~~
32 ~~registration files to assure that the elector was an eligible elector in the~~
33 ~~political subdivision at the time the petition was signed.~~

34 ~~(b) If the information on the current voter registration file does not match the~~
35 ~~information on the entry, the elector's voter registration history shall be~~
36 ~~checked to determine if the information on the entry matches the voter~~
37 ~~registration file at the time the entry was signed.~~

1 ~~(c) Name of eligible elector: to be accepted, the name on the entry must be in~~
2 ~~a form similar to that found on the voter registration record. Signatures~~
3 ~~that are common variants of the name found on the voter record shall be~~
4 ~~counted. If the signer of the petition is not found on the voter registration~~
5 ~~file, or if applicable, the county assessors' list, the entry shall be rejected.~~

6 ~~(d) Middle initial and additional terms.~~

7 ~~(I) If the middle initial or middle name is not part of either the signature~~
8 ~~line or the voter record but is included on the other document, if the~~
9 ~~first and last name are the same on both documents, the entry shall be~~
10 ~~accepted.~~

11 ~~(II) If the middle initial or middle name on the signature line is different~~
12 ~~than the middle initial or middle name on the voter record, the entry~~
13 ~~shall be rejected.~~

14 ~~(III) If an indicator such as Jr., Sr., or II is present or omitted from the~~
15 ~~petition or the voter record, the entry shall be accepted. If two persons~~
16 ~~with the same name reside at the same address as found on the master~~
17 ~~voter list, the entry shall be rejected, unless the identity of the signer~~
18 ~~can be conclusively determined.~~

19 ~~(e) Address of eligible elector.~~

20 ~~(I) If the address written on the line does not match the address on the~~
21 ~~voter record or on the voter history for the date when the signature was~~
22 ~~taken, the entry shall be rejected.~~

23 ~~(II) If the address on the petition either includes or omits a letter or number~~
24 ~~identifying an apartment or the directional location of a street, such as~~
25 ~~"E" for east, "SW" for southwest, etc., the entry shall be accepted.~~

26 ~~(III) If the signer gave a post office box for the address, the entry shall be~~
27 ~~rejected.~~

28 ~~(f) Incomplete information: if the line of the petition is incomplete, with at~~
29 ~~least one piece of information omitted, the entry shall be rejected.~~

30 ~~(g) Date of signing.~~

31 ~~(I) If a signature is placed on the petition prior to the final approval of the~~
32 ~~petition format by the designated election official, the entry shall be~~
33 ~~rejected.~~

34 ~~(II) If the signer was not an eligible elector in the political subdivision at~~
35 ~~the time of signing, the entry shall be rejected.~~

1 ~~(III) If a signature is placed on the petition after the date on the circulator's~~
2 ~~affidavit, the entry shall be rejected.~~

3 ~~(h) Assistance to signer: if assistance appears to have been given to the signer~~
4 ~~and a statement of assistance does not accompany the signature or mark~~
5 ~~explaining the variance in the script, the entry shall be rejected.~~

6 ~~(i) Illegible signature: if the signature and printed name are illegible so that~~
7 ~~the voter record cannot be verified, the entry shall be rejected.~~

8 ~~(j) Duplicate signature: if the elector has previously signed the same petition,~~
9 ~~the first valid entry shall be counted and all other entries shall be rejected.~~

10 ~~(I) Where an elector may sign more than one petition, the first signature(s)~~
11 ~~filed up to the maximum allowed, shall be the ones that are counted.~~

12 ~~22.3.5 Final Tally: After all of the sections have been checked, a final tally of all valid~~
13 ~~signatures shall be prepared and the statement of sufficiency or insufficiency~~
14 ~~issued.~~

15 ~~22.46 Statement of sufficiency or insufficiency.~~

16 ~~22.46.1 Within the time required by statute, the designated election official shall issue a~~
17 ~~statement of sufficiency or insufficiency.~~

18 ~~22.46.2 The statement shall contain the name of the petition, the proponents, and the~~
19 ~~date the petition was submitted for verification.~~

20 ~~22.46.3 The statement shall indicate the total number of entries, the total number of~~
21 ~~entries accepted, and the total number of entries rejected.~~

22 ~~22.46.4 Records: The designated election official shall assure that a record of all~~
23 ~~signatures rejected and the reasons for each rejection be maintained as public~~
24 ~~records.~~

25
26 Rule 23.4.3(g) is amended as follows:

27 ~~(g) A final page that contains the circulator's affidavit required by section~~
28 ~~1-40-111(2), C.R.S., except that, instead of a statement that the circulator is a~~
29 ~~registered elector, the affidavit shall include a statement that the circulator is a~~
30 ~~resident of the State of Colorado, a citizen of the United States, and at least 18~~
31 ~~years of age. Rule 22.3.3(g)~~

32
33 Rule 25 is amended as follows:

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

3 25.1 UOCAVA Fax Ballot Rules:

4 25.1.1 U.S. citizens who are absent from the state and who are members of the
5 Uniformed Services as defined as the U.S. Armed Forces (Army, Navy,
6 Marines, Air Force, and Coast Guard), Merchant Marine, and their spouses or
7 dependants, resident overseas electors, or nonresident overseas electors who are
8 otherwise qualified to apply for and vote by ~~absentee~~MAIL-IN ballot,
9 ("UOCAVA citizens"), may request ~~an absentee~~A MAIL-IN ballot by facsimile
10 transmission.

11 25.1.2 A designated election official may send and receive ~~absentee~~MAIL-IN ballot
12 applications by facsimile transmission, send blank ballots and accept voted
13 ballots by facsimile transmission from eligible electors who are UOCAVA
14 citizens absent from the state and who are otherwise qualified to vote by
15 ~~absentee~~MAIL-IN ballot.

16 ~~25.1.3 If the designated election official has mailed a Clarification for Voter Status~~
17 ~~Memorandum to an elector in response to receiving an absentee MAIL-IN ballot~~
18 ~~request and has not received a response to the memo at the time the absentee~~
19 ~~MAIL-IN ballot packet is prepared, the designated election official shall mail the~~
20 ~~elector a full ballot for which the elector, as a resident, would be eligible to vote~~
21 ~~(federal, state, local offices and questions).~~

22 25.1.43 ~~No later than January 1, 2006, the~~THE office of each county clerk and recorder
23 shall have a dedicated fax machine located in their office in order to send and
24 receive faxed ballots to and from UOCAVA citizens in accordance with the
25 Help America Vote Act of 2002 and this Rule 25.

26 25.1.54 On the faxed application, the elector shall provide the fax number, including the
27 international country code and local area, province or city code (if applicable),
28 where the ballot shall be faxed.

29 25.1.65 ~~An Absentee~~A MAIL-IN ballot that is completed and returned by the elector via
30 facsimile transmission must contain the elector's printed name, signature, date
31 of birth, and the following statement: "I am a member of the Uniformed
32 Services, a member of the Merchant Marine, spouse/dependant of a Uniformed
33 Services Member or Merchant Marine, resident overseas elector or a
34 nonresident overseas elector and am qualified to apply for and vote by ~~absentee~~
35 MAIL-IN ballot. I also understand that by faxing my voted ballot, I am
36 voluntarily waiving my right to a secret ballot."

37 25.2 Limited Electronic Mail Ballot Rules

38 25.2.1 A uniformed services elector serving outside the United States may receive and
39 return an application for, or ~~an absentee~~A MAIL-IN ballot by electronic mail in

- 1 circumstances where a mail ballot or fax ballot is not available or feasible.
- 2 (a) An application for ~~absentee~~ AN electronic mail ballot must be received no
3 later than close of business the Friday immediately preceding the election
- 4 (b) An email request for a replacement ballot must be received by 5:00 p.m.
5 Mountain Time on election day.
- 6 25.2.2 Upon receipt and verification of an application, the designated election official
7 shall authorize the transmission of a blank ballot containing all contests and
8 questions for which the elector is eligible to vote.
- 9 (a) The designated election official shall fax the election materials, which
10 shall include a blank ballot and voter instructions (including the elector
11 affidavit) to the Federal Voting Assistance Program (FVAP) Electronic
12 Transmission Service (ETS). The designated election official shall not
13 send the voting materials directly to the elector by electronic mail. Or,
- 14 (b) The designated election official may store the ballot electronically with
15 ETS using the procedures outlined in the FVAP ETS Guide, and authorize
16 the transmission of the blank ballot and instructions (including the elector
17 affidavit) to the elector by faxing a completed electronic transmission
18 coversheet to ETS.
- 19 25.2.3 The electronic package transmitted to ETS shall contain:
- 20 (a) A completed electronic transmission coversheet;
- 21 (b) The blank ballot, if not stored with ETS, with voting instructions
22 (including the elector affidavit); and
- 23 (c) The contact information for the designated election official including:
24 name, title, mailing address, email address, phone, and fax number.
- 25 25.2.4 ~~An Absentee~~ A ballot that is completed and returned by the elector via
26 electronic mail must contain the elector's printed name, signature, date of birth,
27 and the following statement: "I am a member of the Uniformed Services and am
28 qualified to apply for and vote by ~~absentee~~ MAIL-IN ballot. I also understand
29 that by transmitting my voted ballot by electronic mail, I am voluntarily waiving
30 my right to a secret ballot."
- 31 25.2.5 To return a voted ~~absentee~~ ballot and affidavit by electronic mail, the elector
32 must have access to the technology to scan the documents, save the documents
33 in a secure format, and return the documents as an electronic mail attachment.
- 34 25.2.6 Upon receipt of the voted ballot, the designated election official shall verify the
35 elector's signature pursuant to section 1-8-114.5, C.R.S. and Rule 29. Upon
36 verification of the elector's signature, the ballot shall be duplicated pursuant to

1 1-8-103.5(2) C.R.S. and processed.

2 25.3 Overall UOCAVA Requirements

3 25.3.1 IF THE DESIGNATED ELECTION OFFICIAL HAS MAILED A CLARIFICATION FOR
4 VOTER STATUS MEMORANDUM TO AN ELECTOR IN RESPONSE TO RECEIVING A
5 MAIL-IN BALLOT REQUEST AND HAS NOT RECEIVED A RESPONSE TO THE MEMO AT
6 THE TIME THE MAIL-IN BALLOT PACKET IS PREPARED, THE DESIGNATED ELECTION
7 OFFICIAL SHALL MAIL THE ELECTOR A FULL BALLOT FOR WHICH THE ELECTOR, AS
8 A RESIDENT, WOULD BE ELIGIBLE TO VOTE (FEDERAL, STATE, LOCAL OFFICES, AND
9 QUESTIONS).

10 25.3.12 ~~Absentee~~ MAIL-IN ballots sent by ETS or facsimile transmission shall be in text
11 format on 8 ½" x 11" white paper to increase the readability of the ballot and to
12 avoid possible misinterpretations of the elector's intended choice because of
13 poor transmission of the document.

14 25.3.23 Instructions sent by ETS or faxed to the elector with the blank ballot shall be in
15 text format on 8 ½" x 11" white paper and shall include the following
16 information:

- 17 (a) The dedicated fax number or email address for ETS to which the voted
18 ballot shall be returned (if applicable);
- 19 (b) The total number of pages transmitted;
- 20 (c) The total number of ballot pages;
- 21 (d) The telephone number or e-mail address where the eligible elector may
22 send questions regarding the ~~fax absentee~~ ballot;
- 23 (e) A notice that the ballot shall not be duplicated for any other elector;
- 24 (f) A notice that once the ballot is returned by an elector, it will be counted
25 pursuant to section 1-8-116(4), C.R.S.; however, if an elector requests a
26 replacement ballot, the first ballot returned will be counted pursuant to
27 section 1-8-111(3), C.R.S.;
- 28 (g) A notice that the voted ballot must be received by the clerk and recorder or
29 Secretary of State no later than 7:00 p.m. Mountain Time on election day;
- 30 (h) A request for an e-mail address to which a confirmation notice of receipt
31 of the ballot may be sent at the discretion of the county clerk and recorder;
32 and
- 33 (i) Any other information deemed necessary by the Secretary of State or the
34 designated election official.

- 1 25.3.34 The designated election official shall fax a blank ballot with the instructions to
2 the fax number provided by the elector, or to ETS (if applicable). If the
3 transmission is unsuccessful, the designated election official shall attempt to fax
4 the ballot at least two more times.
- 5 25.3.45 ~~Absentee~~MAIL-IN ballot applications returned via facsimile transmission or
6 electronic mail by the elector to the county clerk and recorder or the Secretary
7 of State via ETS shall be received in the clerk and recorder's office or the
8 Secretary of State's office no later than the close of business on the Friday
9 immediately preceding the election.
- 10 25.3.56 Any voted ballot by a Uniformed Services elector or an overseas elector
11 received by the office of the Secretary of State by 7:00 p.m. Mountain Time on
12 election day shall be forwarded to the appropriate county clerk and recorder by
13 overnight mail, fax, or courier no later than the next business day. The office of
14 the Secretary of State shall immediately notify the appropriate county clerk and
15 recorder of the receipt and forwarding of the ballot.
- 16 25.3.56.1 If a county is notified by the Secretary of State by 7:00 p.m. on
17 election day that ~~an absentee~~A MAIL-IN ballot has been received by the
18 office of the Secretary of State, the clerk and recorder shall retain a
19 minimum of ten (10) voted ballots, which shall be counted with the
20 ballot received by the Secretary of State to ensure voter secrecy.
- 21 25.3.67 Any ballot transmitted to an elector by ETS or facsimile shall contain a unique
22 identification number for tracking and auditing purposes.
- 23 25.3.78 A log shall be kept by the designated election official of each ballot transmitted
24 to an elector by ETS or facsimile indicating:
- 25 (a) The name of the elector;
- 26 (b) The fax number to which the ballot was sent, or email address (if
27 applicable);
- 28 (c) The unique identification number of the ballot;
- 29 (d) The date the ballot and instructions were transmitted; and
- 30 (e) The initials of the employee of the designated election official transmitting
31 the ballot.
- 32 25.3.78.1 The electronic transmission log as well as any other ETS or fax
33 records shall be maintained as part of the official election record.
- 34 25.3.89 The county clerk and recorder shall report to the Secretary of State's office no
35 later than sixty (60) days from the date of the election:

- 1 (a) The combined number of ~~absentee~~-MAIL-IN ballots transmitted (faxed,
2 mailed, and transmitted via ETS)
- 3 (b) The combined number of ~~absentee~~-MAIL-IN ballots that were returned
4 (faxed, mailed, and transmitted via ETS);
- 5 (c) The total number of ~~absentee~~-MAIL-IN ballots that were counted (faxed,
6 mailed, and transmitted via ETS).

7

8 Rules 26.1.3 and 26.1.4 are amended as follows:

9 26.1.3 An elector who has requested ~~an absentee~~-A MAIL-IN ballot shall be permitted to
10 cast a provisional ballot upon his or her declaration that they have not and will not
11 cast any vote in the election other than by that provisional ballot.

12 26.1.4 Provisional ballots for voters who have requested ~~absentee~~-MAIL-IN ballots shall
13 be separated from other provisional ballots and shall not be counted until all
14 ~~absentee~~-MAIL-IN ballots cast in the election have been counted.

15

16 Rule 26.2.3 is amended as follows:

17 26.2.3 If an elector whose name is not in the registration records, appears in person at
18 the county clerk and recorder's office and states that he or she has timely
19 registered through a Voter Registration Drive ("VRD") pursuant to section 1-2-
20 504, C.R.S., can affirm to the ~~name~~, location of, and approximate date he or she
21 completed the application with the VRD or provide an application receipt, and
22 provides an ID as defined in section 1-1-104(19.5), C.R.S., the elector shall be
23 offered emergency registration and be offered a regular ballot.

24

25 Rule 26.4.3 is amended as follows:

26 26.4.3 When the designated election official has received both ~~an absentee~~-A MAIL-IN
27 ballot and a provisional ballot from an elector, but there is a discrepancy between
28 the signature on the returned ~~absentee~~-MAIL-IN ballot envelope and the voter's
29 signature on file with the county clerk and recorder, the discrepancy must be
30 resolved. Before the provisional ballot may be counted, the elector must affirm
31 that the signature on the ~~absentee~~-MAIL-IN ballot envelope is not his or her
32 signature. Section 1-8.5-105(4) and (5), C.R.S.

33

34 Rules 26.5.3 and 26.5.4 are amended as follows:

1 26.5.3 Acceptance Codes (Any provisional ballot given an acceptance code shall have all
2 races counted unless otherwise indicated.)

3 AOK Reviewed and confirmed voter's eligibility.

4 ADB Election official is knowledgeable that the elector was erroneously sent to
5 the wrong precinct or erroneously given the wrong ballot style in the
6 elector's correct precinct. Voted ballot will be duplicated and only races
7 and issues for which the elector is qualified to vote shall be counted.

8 AEJ Election judge who was appointed after close of early and ~~absentee~~-MAIL-
9 IN voting and is working outside his or her precinct; judge shall vote on a
10 ballot in the precinct in which he or she is working; voted ballot will be
11 duplicated so that only the races and issues for which the judge is qualified
12 to vote shall be counted.

13 AAB Voter appeared in person and affirmed under oath that he or she applied
14 for an ~~absentee~~-A MAIL-IN ballot but he or she has not and will not cast the
15 ~~absentee~~-MAIL-IN ballot. The designated election official shall determine
16 that voter did not previously cast an ~~absentee~~-A MAIL-IN ballot for that
17 election pursuant to Rule 26.

18 ACP Voter moved from the county in which the voter was registered to another
19 county in the state not less than thirty days before the election and voted in
20 the correct precinct in the new county of residence. The voter's address
21 will BE updated. Section 1-8.5-107(2)(a), C.R.S.

22 AFS Voter is registered in the county but is voting in the wrong precinct or the
23 voter moved from the county in which the voter was registered to another
24 county in the state less than thirty days before the election. Only the votes
25 for federal and statewide offices and statewide ballot issues and questions
26 upon which the voter may vote shall be counted. Section 1-8.5-108(2),
27 C.R.S.

28 AVD Voter registered through a voter registration drive and the application
29 receipt was surrendered to the election judge, OR THE ELECTOR AFFIRMED
30 AS TO THE APPROXIMATE DATE AND LOCATION OF THE REGISTRATION WITH
31 THE VOTER REGISTRATION DRIVE IN ACCORDANCE WITH SECTION 1-2-
32 217.5(2), C.R.S.

33 AAG Voter registered through an agency and application receipt was
34 surrendered to election judge, OR THE ELECTOR AFFIRMED AS TO THE DATE,
35 NAME, AND LOCATION OF THE REGISTRATION WITH THE AGENCY IN
36 ACCORDANCE WITH SECTION 1-2-217.5(2), C.R.S.

37 ARD Voter had deficient or incomplete registration. The required information
38 was provided by voter on the provisional ballot envelope. Voter's

1 registration will be amended and registration will be complete. Section 1-
2 2-509(3), C.R.S.

3 26.5.4 Rejection Codes (Any ballot given a rejection code shall not be counted):

- 4 RFS (Rejection federal or state) No federal or state candidates or issues to
5 duplicate.
- 6 RNS (Rejection not signed) Provisional Ballot Affidavit not signed.
- 7 RIN (Rejection incomplete information provided) Required information is
8 incomplete and the designated election official is unable to confirm voter's
9 eligibility.
- 10 RNR (Rejection not registered) Voter did not register by the voter registration
11 deadline or by emergency registration, Colorado voter registration record
12 was not found, or voter was previously cancelled and has not been
13 reinstated pursuant to section 1-2-605(10), C.R.S.
- 14 REE (Rejection envelope empty) Provisional ballot envelope is empty.
- 15 RAB (Rejection voter voted ~~absentee~~-MAIL-IN BALLOT) Designated election
16 official has confirmed that voter voted ~~an absentee~~-A MAIL-IN ballot.
- 17 REV (Rejection based on ballot cast in early voting) Voter voted early.
- 18 RIP (Rejection based on incorrect party) Incorrect Party in Primary Election.
- 19 RFE (Rejection felon not eligible to vote) Individual was convicted of a felony
20 and is either serving a sentence of confinement or detention or is on
21 parole.
- 22 RWC (Rejection elector not registered in county or State of Colorado) Non-
23 county or non-state resident; therefore voter not eligible to vote in the
24 county where the provisional ballot was voted.
- 25 RID (Rejection first time voter has not supplied identification upon registration
26 or thereafter prior to and during time voter voted) First Time Voter who
27 registered by mail or through a voter registration drive, is tagged as id
28 deficient, and did not provide id at the time of voting.
- 29 RRD (Rejection registration deficient) Voter had deficient or incomplete
30 registration and required information was not provided prior to or at the
31 time of filling in the provisional ballot envelope. Voter's eligibility cannot
32 be established. Section 1-2-509(3), C.R.S.

33

1 Rule 26.8 is amended as follows:

2 26.8 Pursuant to section 1-8.5-102(2), C.R.S., the provisional ballot affidavit shall contain the
3 following language:

4 *I do solemnly affirm that I am a citizen of the United States, that I have attained the age*
5 *of eighteen years, and that I have resided in the State of Colorado and in my present*
6 *precinct at least thirty days before the election, or at my current residence address since*
7 *the date I moved as shown above. I further affirm that the address indicated in this*
8 *affidavit is my sole legal residence and that I claim no other place as my legal residence.*
9 *I affirm that if I applied for ~~an Absentee~~ A MAIL-IN Ballot I have not and will not cast the*
10 *~~Absentee~~-MAIL-IN Ballot that I requested. I further affirm under penalty of law that I*
11 *have not and will not cast any vote in this election except by the enclosed ballot, that I*
12 *will not vote in any other precinct, county or state, and that my ballot is enclosed in*
13 *accordance with the provisions of the "Uniform Election Code of 1992", Article 1 to 13*
14 *of Title 1, C.R.S.*

15

16 Rule 29.1 is amended as follows:

17 29.1 Missing Signature on Mail Ballot, Provisional Ballot or ~~Absentee~~-MAIL-IN Ballot
18 Envelope

19 29.1.1 When the election judge reviews the mail ballot return envelope pursuant to
20 section 1-7.5-107.3, C.R.S., or ~~absentee~~-MAIL-IN ballot return envelope pursuant
21 to section 1-8-114.5, C.R.S., or the provisional ballot return envelope pursuant to
22 section 1-8.5-105(3)(a), C.R.S., and notices that the envelope lacks a signature,
23 the election judge shall contact the eligible elector in writing no later than two
24 calendar days after election day. A copy of the written notification shall be kept
25 in an official file, which shall become part of the official election record. Nothing
26 in this rule shall be construed to prohibit the designated election official from
27 calling the elector; however, a phone call shall not substitute for notification to the
28 elector in writing.

29 29.1.2 The letter shall inform the eligible elector that they must come to the office of the
30 county clerk and recorder to sign the mail ballot, provisional ballot, or ~~absentee~~
31 MAIL-IN ballot envelope no later than eight (8) calendar days after election day.

32

33 Rule 29.2 is amended as follows:

34 29.2 In accordance with section 1-8-114.5, C.R.S., for ~~absentee~~-MAIL-IN ballots and section
35 1-7.5-107.3, C.R.S., for mail ballots, the election judges shall compare the signature on
36 the self-affirmation on each respective "Return Envelope" with the signature on file with
37 the county clerk and recorder or election official. Signatures shall require further
38 research if any of the following discrepancies are discovered:

- 1 Code 1 – An obvious change in the slant of the signature
- 2 Code 2 – A printed signature on one document and a cursive signature on the other
- 3 document
- 4 Code 3 – Differences in the size or scale of the signature
- 5 Code 4 – Differences in the individual characteristics of the signatures, such as how the
- 6 “t’s” are crossed, “I’s” are dotted, loops are made on “Y’s” or “J’s”
- 7 Code 5 – Differences in the voter’s signature style, such as how the letters are connected
- 8 at the top and bottom
- 9 Code 6 – Ballots or envelopes from the same household have been switched
- 10 Code 7 – ‘Other,’ including misspelled names & description of discrepancy

11

12 Rule 29.3.1 is amended as follows:

13 29.3.1 If it appears to the judges verifying the self-affirmation on the return envelopes
14 that members of the same household who have applied for ~~absentee~~-MAIL-IN
15 ballots or have been sent mail ballots have inadvertently switched envelopes or
16 ballots, the ballot or ballots shall be counted and no letter of advisement to the
17 elector is necessary.

18

19 Rule 29.7 is amended as follows:

20 29.7 If both sets of election judges agree that the signatures do not match, the county clerk
21 and recorder shall within two days after the election, send a letter to the eligible elector at
22 the address indicated in the registration records and the address where the ~~absentee~~-MAIL-
23 IN BALLOT or mail ballot was mailed explaining the discrepancy in signatures and a form
24 for the eligible elector to confirm that the elector returned a ballot to the county clerk and
25 recorder. (Sections 1-7.5-107.3(2)(a) and 1-8-114.5(2)(a), C.R.S.) The voted ballot itself
26 should not under any circumstances be returned with this letter.

27

28 Rules 30.1.3 and 30.1.4 are amended as follows:

29 30.1.3 As referenced in these rules, “tagging a voter” for ID before voting means
30 identifying a voter in the voter registration database as one who registered by mail
31 and did not supply required identification. Tagged voters require a copy of the
32 required identification to be enclosed with an ~~absentee~~-A MAIL-IN or mail ballot.

1 30.1.4 A tagged voter may present the required voter ID or a number which is
2 subsequently verified to the county clerk and recorder at any time prior to
3 returning a voted mail or ~~absentee~~-MAIL-IN ballot to satisfy the provisions of Rule
4 30.1.3.

5
6 Rule 30.1.6 is amended as follows:

7 30.1.6 "ID" as used in these rules shall mean identification as defined in compliance
8 with section 1-1-104(19.5), C.R.S., as a copy of one of the following:

- 9 ● A valid Colorado driver's license;
- 10 ● A valid identification card issued by the Department of Revenue in
11 accordance with the requirements of Part 3 of Article 2 of Title 42, C.R.S.;
- 12 ● A valid U.S. passport;
- 13 ● A valid employee identification card with a photograph of the eligible
14 elector issued by any branch, department, agency, or entity of the United
15 States government or of this state, or by any county, municipality, board,
16 authority, or other political subdivision of this state;
- 17 ● A valid pilot's license issued by the federal aviation administration or
18 other authorized agency of the United States;
- 19 ● A valid U.S. military identification card with a photograph of the eligible
20 elector;
- 21 ● A copy of a current utility bill, bank statement, government check,
22 paycheck, or other government document that shows the name and address
23 of the elector. (A cable bill, a telephone bill, documentation from a public
24 institution of higher education in Colorado containing at least the name,
25 date of birth, and legal residence address of the student elector, a paycheck
26 from a government institution, or a Certificate of Degree of Indian or
27 Alaskan Native Blood are sufficient forms of identification);
- 28 ● A valid Medicare or Medicaid card issued by the United States Health
29 Care Financing Administration;
- 30 ● A certified copy of a U.S. birth certificate for the elector issued in the
31 United States; ~~or~~
- 32 ● Certified documentation of naturalization; OR
- 33 ● A VALID STUDENT IDENTIFICATION CARD WITH A PHOTOGRAPH OF THE
34 ELIGIBLE ELECTOR ISSUED BY AN INSTITUTE OF HIGHER EDUCATION IN

2
3 Rule 30.2.1 is amended as follows:

4 30.2.1 Registering in Person. The elector must provide:

- 5 ● A valid Colorado Driver's License number;
- 6 ● If the voter does not have a valid ~~colorado driver's license~~ COLORADO
7 DRIVER'S LICENSE, the voter shall provide the number of the voter's current and
8 valid identification card issued by the Colorado Department of Revenue.
- 9 ● If the voter has not been issued a valid Colorado Driver's License or ID card
10 issued by the Department of Revenue, then the voter shall provide at least the
11 four last digits of the voter's social security number.

12 Authority: Section 1-2-204(2)(f.5), C.R.S.; ~~SB06-170~~

13
14 Rule 30.3.3 is amended as follows:

15 30.3.3 If, for a registration by mail, a copy of an ID is enclosed per section
16 1-1-104(19.5), C.R.S., no further verification against the Department of Motor
17 Vehicle Motor/Voter Database, the Secretary of State voter registration database
18 or the Social Security database is required. The voter shall not be tagged and
19 shall be allowed to vote by mail or ~~absentee~~ MAIL-IN ballot without submitting
20 additional identification requirements.

21
22 Rule 30.5.2 is amended as follows:

23 30.5.2 A voter who registers by mail and provides a copy of an acceptable ID as
24 provided in section 1-1-104(19.5), C.R.S., shall not be tagged. A social security
25 card is not listed as ID in section 1-1-104(19.5), C.R.S.

26
27 Rule 30.5.4 is amended as follows:

28 30.5.4 A voter, who registers by mail and does not supply a copy of an acceptable ID
29 as provided in 1-1-104(19.5), C.R.S., and does not list his/her driver's license
30 number, Colorado Department of Revenue ID number or social security
31 number, shall not be registered.

1 Rule 30.5.6 is amended as follows:

2 30.5.6 The tag status for a voter shall be removed if the voter votes in person showing
3 an acceptable ID or votes by mail ~~or absentee~~ and encloses a valid ID.

4

5 Rule 30.6 is amended as follows:

6 30.6 If a voter registering by mail does not provide a Colorado Driver's License number,
7 Colorado identification card number or the last four digits of the voter's social security
8 number on the voter registration application, and the county clerk and recorder discovers
9 such identification number, the clerk and recorder may enter the applicable identification
10 number on the voter's permanent voter registration record. Any number entered on the
11 voter's permanent voter registration record by the clerk and recorder does not remove the
12 tag status of a voter. Such voter is still required to provide valid identification prior to
13 voting in person, by mail ballot or by ~~absentee~~-MAIL-IN ballot.

14

15 Rule 30.12.1 is amended as follows:

16 30.12.1 Voting By Mail (Including ~~Absentee~~-MAIL-IN BALLOT)

17 (a) The acceptable forms of ID for voting by mail for first time voters are listed
18 in Rule 30.1.6.

19 (b) A Social Security Number (or last four digits) is NOT a legal form of ID for
20 voting by mail.

21

22 Rule 30.13 is amended as follows:

23 30.13 Identification presented by the voter when registering to vote by mail, or presented by the
24 voter when returning the voted mail ballot or ~~absentee~~-MAIL-IN ballot, is not required to
25 be scanned or imaged into the permanent voter registration database, but shall be retained
26 by the designated election official for a period of 25 months after the date of the election.

27

28 Rule 30.15 is amended as follows:

29 30.15 If a tagged voter requests ~~an absentee~~-A MAIL-IN ballot, the local election official shall
30 send such ballot with written instructions advising the voter of the requisite forms of
31 identification needed to be provided with the ~~absentee~~-MAIL-IN ballot. The local election
32 official shall send the ~~absentee~~-MAIL-IN ballot by the deadline set forth in section 1-8-
33 104(3), C.R.S. If ~~an absentee~~-A MAIL-IN ballot is returned without ID as defined in Rule

1 2-0-30.1.6, then the ballot shall be treated as a provisional ballot and verified pursuant to
2 Rule 26.4.

3
4 Rule 37.1.3 is amended as follows:

5 37.1.3 Counties of the State of Colorado that use a paper ballot voting system or a central count
6 voting system (including mail-in ~~absentee~~ ballots and ~~mail-in~~ mail ballots), may meet
7 the requirements of this rule by:

8
9 Rule 40.3.1 is amended as follows:

10 40.3.1 The certification program shall include core requirements. All training outlined
11 herein shall be provided under the direction of the Secretary of State. Persons
12 applying for certification shall complete at least eight core classes. The core
13 classes shall generally include but are not limited to:

- 14 (a) The basic conduct of elections
- 15 (b) Testing and maintenance of voting equipment
- 16 (c) Canvass procedures
- 17 (d) ~~Absentee~~ MAIL-IN voting
- 18 (e) Pollworker training and recruiting
- 19 (f) SCORE training
- 20 (g) Ethics
- 21 (h) Accessibility for people with disabilities
- 22 (i) Provisional Voting

23
24 Rule 41.2.2 is amended as follows:

25 4241.2.2 The designated election official shall keep and reconcile daily logs of ~~absentee~~
26 MAIL-IN, mail and early voting ballots.

27
28 Rule 41.5.1 is amended as follows:

1 41.5.1 In order for the canvass board established pursuant to section 1-10-101, C.R.S.,
2 to perform its duties, pursuant to section 1-10-101.5, C.R.S., the designated
3 election official shall provide the following information:

4 (a) The name of each candidate receiving votes, the office, and the total number
5 of votes received;

6 (b) The number/letter of each ballot issue or question and the votes received;

7 (c) The number of voters who voted early;

8 (d) The number of ~~absentee~~-MAIL-IN or mail ballots cast, including the number
9 accepted and rejected;

10 (e) The number of provisional ballots counted.
11

12 Rule 41.6.3 is amended as follows:

13 41.6.3 The official abstract shall include, by precinct/ballot style or vote center, where
14 applicable:

15 (a) The statement of votes counted by race and ballot question or issue;

16 (b) The total active registered electors in the precinct and the total for the
17 jurisdiction holding the election;

18 (c) The total number of electors voting in each precinct, and the total for the
19 jurisdiction holding the election;

20 (d) The number of voters who voted early;

21 (e) The number of emergency registrations;

22 (f) The number of ~~absentee~~-MAIL-IN or mail ballots counted and the number
23 rejected;

24 (g) The number of provisional ballots counted and the number rejected listed by
25 each rejection code pursuant to Rule 26.5.4; and

26 (h) The number of damaged and spoiled ballots.
27

28 Rule 41.9.1 is amended as follows:

29 41.9.1 After the canvass process is completed, the designated election official shall
30 give credit to each voter who votes ~~absentee~~, by mail, at an early voting site, or

1 at a polling location.

2
3 Rules 42.1 is amended as follows:

4 42.1 Pursuant to section 1-8-115, C.R.S., the designated election official may use means of
5 electronic transfer to provide ~~an absentee~~A MAIL-IN ballot to the eligible elector for an
6 administrative or medical emergency following the procedures outlined in section 1-8-
7 115 C.R.S., and this rule.

8
9 Rules 42.3, 42.4, 42.5, and 42.6 are amended as follows:

10 42.3 If ~~an absentee~~A MAIL-IN ballot is delivered to an elector by facsimile transmission, the
11 elector may return the ~~absentee~~ballot by facsimile transmission.

12 42.4 ~~Absentee~~MAIL-IN ballots sent by facsimile transmission shall include all races, ballot
13 issues, and questions on which the elector may vote. Counties are encouraged to work
14 with their vendors to develop a ballot that is clearly legible to the elector to increase the
15 readability of the ballot and to avoid possible misinterpretations of the elector's intended
16 choice because of poor transmission of the document.

17 42.5 Instructions faxed to the elector with the ~~absentee~~ballot shall include the following
18 information:

- 19 (a) The name of the elector;
- 20 (b) The recipient's fax number;
- 21 (c) The total number of pages to be transmitted;
- 22 (d) The total number of ballot pages;
- 23 (e) The telephone number or e-mail address where the eligible elector may send
24 questions regarding the ~~faxed absentee~~ ballot;
- 25 (f) A notice that the recipient shall not duplicate the ballot for any other voter;
- 26 (g) The fax number where the eligible elector may return their completed ~~faesimile~~
27 ~~absentee~~ballot.
- 28 (h) Return address information for the designated election official and instructions to
29 mark, "official ballot enclosed" on the elector's return envelope;
- 30 (i) A notice that the ballot must be received by the designated election official by mail,
31 hand delivery or received by fax no later than 7:00 p.m. Mountain Standard Time on
32 election day; and

- 1 (j) Instructions for returning the medical/administrative emergency form.
- 2 (k) A notice that the ballot will not be a confidential ballot.
- 3 42.6 The transmission shall also include ~~an absentee~~ A MAIL-IN ballot self-affirmation pursuant
4 to 1-8-114 (1) C. R. S.
- 5
- 6 Rules 42.10 and 42.11 are amended as follows:
- 7 42.10 Medical Emergency
- 8 42.10.1 For purposes of section 1-8-115(1)(a), C.R.S., “second degree” is defined as
9 spouse, parents, children, brothers and sisters, grandparents, and grandchildren
10 related by blood or marriage.
- 11 42.10.2 FOR THE PURPOSES OF SECTION 1-8-115(1)(A), C.R.S., THE “LAST DAY TO APPLY
12 FOR A MAIL-IN BALLOT” IS DEFINED AS THE LAST DAY TO APPLY FOR A BALLOT BY
13 MAIL IN ACCORDANCE WITH SECTION 1-8-104(3), C.R.S.
- 14 42.11 Administrative Emergency. If the designated election official is unable to provide ~~an~~
15 ~~absentee~~ A MAIL-IN ballot to an elector by any other means, the designated election
16 official shall seek authority from the Secretary of State to provide ~~an absentee~~ A MAIL-IN
17 ballot to the elector pursuant to section 1-8-115(4), C.R.S., using fax transmission.
- 18 42.11.1 This Rule 42.11 shall apply only to eligible electors who are properly registered
19 and have timely filed ~~for an absentee~~ A MAIL-IN ballot application.
- 20 42.11.2 The Secretary of State shall designate a point of contact for each election for
21 Emergency Electronic Transfer Requests no later than twenty-one (21) days
22 prior to an election. The Secretary of State shall notify the counties by e-mail
23 who the designated point of contact shall be, and post the contact information
24 for the designated point of contact on the Secretary of State’s website.
- 25 42.11.3 The designated election official shall submit the request in writing from the
26 Secretary of State using the Emergency Electronic Transfer form. E-mail is the
27 preferred method of communication. If possible, the designated election official
28 shall attempt to consolidate requests to the Secretary of State.
- 29 42.11.4 The form for requesting an emergency electronic transfer shall be posted on the
30 Secretary of State’s website. The form must contain the following information:
- 31 (a) Contact information, including name, address, phone number, fax number,
32 and e-mail address for the designated election official or their designee;
- 33 (b) Date and time of request sent by designated election official;

1 (c) Confirmation e-mail to designated election official by Secretary of State
2 upon receipt of request

3 (d) Justification as to why the ballot(s) need to be sent by fax, which includes
4 the following required information:

5 (1) The elector's name;

6 (2) When the elector applied for the ~~absentee~~-MAIL-IN ballot;

7 (3) The date when the designated election official sent the ~~absentee~~-MAIL-
8 IN ballot to the elector (if applicable);

9 (4) The date the elector contacted the designated election official with
10 information regarding failure to receive the ballot;

11 (5) A suggested timeframe for the Secretary of State to respond;

12 (6) The quantity of ballots to be sent by fax; and

13 (7) Approval or disapproval by the Secretary of State; if denied, reason for
14 the denial.

15 (e) Confirmation e-mail from the designated election official to Secretary of
16 State upon receipt of approval or disapproval.

17
18 Rule 42.2 is amended as follows:

19 42.12 Timeliness of filing applications for emergency ~~absentee~~-MAIL-IN ballots

20 42.12.1 Requests for emergency ~~absentee~~-MAIL-IN ballots issued for medical
21 reasons pursuant to Section 1-8-115(1)(a), C.R.S. must be received by the
22 designated election official no later than 5:00 p.m. on the day of election.

23 42.12.2 Requests for emergency ~~absentee~~-MAIL-IN ballots issued for administrative
24 reasons pursuant to Section 1-8-115(2), C.R.S. must be received by the designated
25 election official no later than 7:00 P.M. on the day of the election.

26 42.12.3 Requests for ~~Emergency~~-EMERGENCY ~~absentee~~-MAIL-IN ballots shall not
27 be processed if the request is received after the required deadline.

28
29 Rule 43.8.3.3(a) and (b) are amended as follows:

30 43.8.3.3 The requirements for an employee to be given access to a code, combination,
31 password, or encryption key are as follows:

1 a. Access to the CODE, COMBINATION, PASSWORD, OR ENCRYPTION KEY FOR THE
2 storage area for voting equipment and the ~~absentee~~-MAIL-IN ballot counting areas
3 shall be restricted to employees as defined in Rule 43.1.4.

4 b. Access to the CODE, COMBINATION, PASSWORD, OR ENCRYPTION KEY FOR
5 THE ~~absentee~~-MAIL-IN ballot storage area and counting room or tabulation
6 workstations shall be restricted to ten (10) employees as defined in Rule 43.1.4.

7
8 Rule 43.8.5.1(a)(ii) is amended as follows:

9 ii. All areas used for processing ~~absentee~~-MAIL-IN ballots, including but not
10 limited to areas used for Signature Verification, tabulation, or storage of
11 voted ballots beginning at least thirty-five (35) days prior to the election
12 and continuing through at least thirty (30) days after the election, unless
13 there is a recount or contest. If a recount or contest occurs, the recording
14 shall continue through the conclusion of all such activity.

15
16 Rule 43.8.8.2 is amended as follows:

17 43.8.8.2 In the event of a serious or catastrophic equipment failure or equipment being
18 removed from service at one or more polling locations, or there is not adequate backup
19 equipment to meet the requirements of Section 1-5-501, C.R.S., the county clerk and
20 recorder shall contact the Secretary of State for authorization to use provisional ballots or
21 ~~absentee~~-MAIL-IN ballots as an emergency voting method.

22
23
24 Rule 44.2.4 is amended as follows:

25 4344.2.4 After completing the training, the organizer shall sign an Acknowledgement that
26 the training has been completed and that he or she has been duly informed of
27 rules, laws and penalties relating to voter registration drives.

28
29 Rule 45.1.8 is amended as follows:

30 45.1.8 "EAC" means the United States Elections Assistance Commission.

31
32 Rule 45.1.12 is amended as follows:

33 45.1.12 "Remote site" means any physical location identified by a Designated Election Official
34 as a location where the jurisdiction shall be conducting the casting of ballots for a given

1 election. A remote site includes locations such as precinct polling places, vote centers,
2 early voting, ~~absentee~~-MAIL-IN ballot counting, etc.

3
4 New Rule 45.2.3 is adopted as follows:
5

6 45.2.3 DOCUMENTS INCORPORATED BY REFERENCE

7 45.2.3.1 ALL DOCUMENTS INCORPORATED BY REFERENCE IN THIS RULE 45 DO NOT
8 INCLUDE ANY LATER AMENDMENTS OR EDITIONS OF THE DOCUMENT.

9 45.2.3.2 ALL DOCUMENTS INCORPORATED BY REFERENCE IN THIS RULE 45 MAY BE
10 VIEWED ON THE "VOTING SYSTEMS" PAGE OF THE "ELECTIONS CENTER" ON THE
11 SECRETARY OF STATE WEBSITE AT WWW.SOS.STATE.CO.US, OR BY CONTACTING THE
12 SECRETARY OF STATE VOTING SYSTEMS SPECIALIST /1700 BROADWAY – SUITE
13 270/DENVER, CO 80290.

14
15 Rule 45.5.2.1.3 is amended as follows:

16 45.5.2.1.3 The voting system shall accurately integrate election day voting results with
17 ~~absentee~~ MAIL-IN, early voting and provisional ballot results.

18
19 Rule 45.5.2.4.3 is amended as follows:

20 45.5.2.4.3 ~~As of March 31, 2008, any~~ ALL voting system providers submitting a voting
21 system for certification AFTER MARCH 31, 2008, shall, prior to applying for certification,
22 have completed and provided documentation of an independent analysis of the system
23 coordinated through the Secretary of State's office. The independent analysis shall
24 include:

25
26 Rule 45.5.2.6.1(c) is amended as follows:

27 (c) ~~After March 31, 2008, a~~ All voting systems submitted for certification
28 AFTER MARCH 31, 2008, shall meet the following requirements for
29 database security:

30
31 Rule 45.5.2.6.1(d)(i) is amended as follows:

1 (i) ~~After March 31, 2008, a~~ All voting systems being submitted for
2 certification AFTER MARCH 31, 2008, shall have all operating
3 systems hardened to NSA guidelines for operating systems as
4 follows:

5 a. Apple ~~max~~ MAC OS X systems shall be hardened to the
6 NSA Apple Mac OS X v10.3.x "Panther" Security
7 Configuration Guide Version 1.1;

8
9 Rule 45.5.2.6.1(d)(iii) is amended as follows:

10 (iii) If the manufacturer has not established requirements for the
11 specifically designed system, ~~after March 31, 2008,~~ all voting
12 systems being submitted for certification AFTER MARCH 31, 2008,
13 shall have all operating systems hardened to the voting system
14 providers' specifications;

15
16 Rule 45.5.2.6.1(e)(viii) is amended as follows:

17 (viii) ~~As of March 31, 2008 a~~ All voting systems submitted for
18 certification AFTER MARCH 31, 2008, shall have all components of
19 voting system capable of supporting passwords of a minimum of 8
20 characters, which shall be capable of including numeric, alpha and
21 special characters in upper case or lower case used in any
22 combination.

23
24 Rule 45.5.2.6.1(f) is amended as follows:

25 (f) ~~As of March 31, 2008 a~~ All voting system software submitted for
26 certification AFTER MARCH 31, 2008, shall be in compliance with known
27 software coding standards applicable to the base language of the
28 application. The voting system shall meet the following minimum
29 requirements for software security:

30
31 Rule 45.5.2.6.1(f)(ii) is amended as follows:

32 (ii) ~~By March 31, 2008, a~~ All voting systems submitted for
33 certification AFTER MARCH 31, 2008, shall have application
34 software designed in a modular fashion. COTS software is not
35 required to be inspected for compliance with this requirement. For

1 the purpose of this requirement, "modules" may be compiled or
2 interpreted independently. Modules may also be nested. The
3 modularity rules described here apply to the component sub-
4 modules of a library. The principle to be followed is that the
5 module contains all the elements to compile or interpret
6 successfully and has limited access to data in other modules. The
7 design concept is simple replacement with another module whose
8 interfaces match the original module. All modules shall be
9 designed in accordance with the following requirements for
10 systems submitted for certification after March 31, 2008:

11
12 Rule 45.5.2.6.1(k) is amended as follows:

- 13 k. ~~As of March 31, 2008, the~~ ALL voting systems submitted
14 for certification AFTER MARCH 31, 2008, shall meet the
15 following minimum requirements for removable storage
16 media with data controls:

17
18 Rule 45.5.2.8.1(e) is amended as follows:

- 19 (e) Voting systems shall include at least the ability to activate and navigate by
20 means of push buttons, dials, wheels, keypads, and/or touch screens. ~~By~~
21 ~~March 31, 2008,~~ ALL voting systems submitted for certification AFTER MARCH
22 31, 2008, shall also include any form of either switches, sip and puff devices,
23 or additional blink control devices; and

24
25 Rule 45.5.2.9.17 is amended as follows:

26 45.5.2.9.17 ~~As of March 31, 2008,~~ ALL voting systems submitted for certification AFTER MARCH
27 31, 2008, shall stop the V-VPAT printer of all forward operations of the DRE if the
28 printer is not working due to paper jams, out of supply of consumables, or other
29 issue which may cause the correct readable printing of information on the V-VPAT
30 record as designed.

31
32 Rule 45.6.1.2(f) is amended as follows:

- 33 (f) Programming election media devices for various count methods:
34 (i) Absentee MAIL-IN BALLOTS;

- 1 (ii) Early Voting;
- 2 (iii) Precinct/Poll Place;
- 3 (iv) Provisional; and
- 4 (v) Vote Center.

5

6 Rule 45.6.2.3.6 is amended as follows:

7 45.6.2.3.6 The voting system provider is required to produce ballots in quantities identified
8 below for each of the elections. Enough ballots need to be created to conduct the
9 testing of the voting system as defined in this rule. One complete set of ballots will
10 be tested in each of the applicable counter types (or groups) indicated below:

- 11 (a) Poll Place or Vote Center - ballots are flat – no score marks;
- 12 (b) Early Voting – ballots are flat – no score marks;
- 13 (c) ~~Absentee~~-MAIL-IN BALLOTS – ballots are scored and folded to fit in standard
14 Colorado ~~Absentee Mailing~~ MAIL-IN BALLOT Envelopes; and
- 15 (d) Provisional – ballots are flat- no score marks.

16

17 Rule 45.6.2.3.10 is amended as follows:

18 45.6.2.3.10 Ballots shall be cast and counted in all applicable counter types (or counter groups)
19 as necessary based on the parts included in the voting system. These are at a
20 minimum: Poll Place (or Vote Center), ~~Absentee~~-MAIL-IN, Provisional, and Early
21 Voting. Ballots may be run through components 10 or more times depending on
22 components and counter group being tested to achieve a minimum number of
23 ballots cast as follows for each group:

- 24 (a) Polling Place / OS = 1,500;
- 25 (b) Polling Place / DRE = 500;
- 26 (c) Vote Center/ OS = 5,000;
- 27 (d) Vote Center / DRE = 500
- 28 (e) Early Voting / OS = 5,000;
- 29 (f) Early Voting / DRE = 250;

1 (g) Absentee-MAIL-IN = 10,000; and

2 (h) Provisional = 5,000.

3

4 Rule 46 is repealed as follows:

5 **Rule 46. Rules Concerning Vacancies in Nomination - REPEALED**

6 ~~46.1 If a vacancy occurs and is filled by the appropriate vacancy committee more than 18 days~~
7 ~~but less than 70 days before a general election pursuant to section 1-4-1002(2.3)(a),~~
8 ~~C.R.S., (2005) the designated election official shall make a reasonable attempt to have~~
9 ~~the replacement candidate's name printed on the official ballots.~~

10 ~~46.1.1 For the purposes of this Rule 46, a vacancy shall be considered filled on the date~~
11 ~~that the replacement candidate files an acceptance of nomination with the~~
12 ~~appropriate filing officer pursuant to section 1-4-1002(5)(a), C.R.S., (2005).~~

13 ~~46.1.2 Notwithstanding other events, if absentee or polling place ballots have been~~
14 ~~printed and are in the possession of the designated election official, the designated~~
15 ~~election official shall not be required to print or issue replacement ballots.~~

16 ~~46.2 If the designated election official is unable to provide corrected ballots, after reasonably~~
17 ~~attempting to ensure that the replacement candidate's name is printed on the ballots~~
18 ~~pursuant to Rule 46.1, the designated election official shall meet all requirements~~
19 ~~provided in section 1-4-1002(2.3)(b), C.R.S., (2005), and all votes cast for the~~
20 ~~withdrawing candidate shall be counted for the replacement candidate.~~

21 ~~46.2.1 If a replacement candidate receives a plurality of votes cast at the general election,~~
22 ~~the replacement candidate shall be certified as the winning candidate.~~

23 ~~This entire Rule 46 expires on December 7, 2006 in accordance with section 24-4-103(6), C.R.S.~~

24 Subsequent rules are not renumbered