

COLORADO SECRETARY OF STATE

8 CCR 1505-1

ELECTION RULES

Revised Draft of Proposed Rules

August 2, 2007

This document shows and explains the substantive changes proposed for consideration at the Rulemaking Hearing on August 7, 2007.

This draft copy of the proposed rule amendments is made available to the public and posted on the Department of State's web site, in compliance with the requirement of section 24-4-103 (4) (a), C.R.S., that "Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing . . . shall be made available to any person at least five days prior to said hearing."

Proposed additions to the current rules are reflected in SMALL CAPS. Proposed deletions from current rules are shown in ~~stricken type~~. Changes to the draft posted on the Department of State's web site June 15, 2007 are underlined. Annotations may be included.

1 Rule 2 would be amended as follows

2 **Rule 2. Rules Concerning Voter Registration**

3

4 2.1 All requests for lists, printouts, disks, tapes, and other media shall be made in writing.

5 2.2 After a receipt of request, the fee for providing the information shall be determined. The
6 fee must be paid prior to the request being filled.

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

11 2.4 Confidentiality of Agency in Voter Registration. For Voter Registration Applications
12 completed pursuant to Part 5 of Article 2 of Title 1, C.R.S., at an agency designated by
13 the National Voter Registration Act of 1993, no information regarding the name and
14 location of the designated voter registration agency shall be provided to the public, and
15 such information shall remain confidential.

1 2.5 Confidentiality of Voter Information. Pursuant to section 24-72-204(3.5)(b)(II) and (IV),
2 C.R.S., the county clerk and recorder of the county where the individual resides shall
3 provide an opportunity to make the request of confidentiality in person at the time such
4 individual registers to vote or make any change in the individual's registration, and at any
5 other time during the normal business hours of the office of the county clerk and
6 recorder.

7 2.5.1 The voter's name, address, and birth date shall be listed on the confidentiality
8 application. A confidentiality affirmation shall be printed on the form, in the area
9 immediately above a line for the applicant's signature and the date. The
10 affirmation shall state the following:

11 *"I swear or affirm, under penalty of perjury, that I have reason to believe*
12 *that I or a member of my household will be exposed to criminal*
13 *harassment, or otherwise be in danger of bodily harm, if my address is not*
14 *kept confidential"*

15 2.5.2 Immediately below the signature line, there shall be a printed notice, in a type that
16 is larger than the other information contained on the form, that the applicant may
17 be prosecuted for perjury in the second degree under section 18-8-503, C.R.S., if
18 the applicant signs such affirmation and does not believe such affirmation to be
19 true.

20 2.5.3 A voter making an address change within the same county shall not be charged an
21 additional processing fee.

22 2.6 Information required from applicants for voter registration.

23 2.6.1 All applicants for voter registration shall provide on the application for voter
24 registration:

25 (1) in the case of an applicant who has been issued a current and valid Colorado
26 driver's license or valid Identification card issued by the department of revenue,
27 the applicant's driver's license number or Identification card number; or

28 (2) in the case of an applicant who has not been issued a current and valid Colorado
29 driver's license or valid Identification card issued by the department of revenue,
30 the last four digits of the applicant's social security number or the entire social
31 security number.

32 2.6.2 If an applicant has not been issued a current valid Colorado driver's license
33 number, a valid Identification card issued by the department of revenue, or a
34 social security number as required by Rule 2.6.1, the applicant shall be assigned a
35 unique identifying number for voter registration purposes.

36 2.7 First Time Voter Who Registers by Mail. Prior to the implementation of the statewide
37 voter registration database, when a first time voter registers to vote by mail, the voter
38 shall provide a copy of one of the following FORMS OF IDENTIFICATION SET FORTH IN

1 RULE 30.1.6.

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

26 ~~2.7.1 An elector who provides a copy of one of the forms of identification listed in 2.7~~
27 ~~shall not be tagged as ID deficient.~~

28 2.8 ~~Electors Tagged as ID Deficient. An applicant for voter registration shall be tagged as ID~~
29 ~~deficient if: —~~

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

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

[Note: this information is also in Rule 30.1.6]

5 2.8 SUBMISSION OF VOTER REGISTRATION FORMS. A PROPERLY EXECUTED VOTER
6 REGISTRATION FORM MAY BE SUBMITTED TO THE COUNTY CLERK AND RECORDER IN
7 PERSON, BY MAIL, OR BY FAX.

8 2.9 Registration of Homeless Voters.

9 2.9.1 For the purpose of voter registration residence a homeless voter may identify a
10 specific location within a precinct that the voter considers his home base to which
11 the voter returns regularly and manifests an intent to remain, and a place from
12 which he or she can receive messages and be contacted. A home base may
13 include a homeless shelter, a homeless provider, a park, a campground, a vacant
14 lot, a business address, or any other physical location.

15 2.9.2 If the home base does not include a mailing address, then the homeless voter must
16 provide a mailing address pursuant to section 1-2-204(2)(f), C.R.S.

17 2.9.3 A post office box or general delivery at a post office shall not be deemed a home
18 base.

19 2.9.10 CHANGES TO AN ELECTOR'S VOTER REGISTRATION RECORD

20 2.9.10.1 IF AN ELECTOR SUBMITS A LETTER OR OTHER CORRESPONDENCE BY MAIL TO
21 CHANGE HIS OR HER VOTER REGISTRATION RECORD, SUCH CORRESPONDENCE MUST
22 INCLUDE THE ELECTOR'S DATE OF BIRTH, ~~AND THE SOCIAL SECURITY NUMBER MAY~~
23 BE INCLUDED IF THE ELECTOR WISHES TO STATE IT, ~~IN ACCORDANCE WITH [PART 2,~~
24 ARTICLE 2 OF TITLE 1, C.R.S.]

25 2.9.10.2 SUCH CHANGES THAT ARE SUBMITTED BY AN ELECTOR ABSENT A DATE OF
26 BIRTH MAY ONLY BE MADE BY THE COUNTY CLERK AND RECORDER IF THE COUNTY
27 CLERK AND RECORDER IS ABLE TO CONFIDENTLY IDENTIFY THE ELECTOR AND MAKE
28 THE CHANGE TO THE CORRECT VOTER REGISTRATION RECORD.

29 2.9.10.3 IF A COUNTY CLERK AND RECORDER IS UNABLE TO CONFIDENTLY IDENTIFY
30 THE ELECTOR, THE COUNTY CLERK AND RECORDER SHALL NOTIFY THE ELECTOR IN
31 WRITING THAT THE ELECTOR MUST PROVIDE HIS OR HER DATE OF BIRTH.

32 2.10.4 IF AN ELECTOR SUBMITS CHANGES TO HIS OR HER VOTER REGISTRATION RECORD ON
33 A MAIL-IN BALLOT APPLICATION PURSUANT TO 1-8-105, C.R.S., THE COUNTY
34 CLERK AND RECORDER MAY ACCEPT SUCH CHANGES BY FAX.

1 Rule 5.5.10 would be amended as follows:

2 5.5.10 If 25 or more provisional ballots have been cast and counted, the results shall be
3 reported as one total. If less than 25 provisional ballots have been cast and counted, the
4 results shall be included in the results of the ~~absentee~~-MAIL-IN ballots counted in the
5 election.

6 New Rule 6.2 would be adopted as follows:

7 6.2 PROCEDURES FOR COORDINATED ELECTIONS INVOLVING JURISDICTIONS SHARED BY
8 MULTIPLE COUNTIES

9 6.2.1 UPON IMPLEMENTATION OF THE STATEWIDE VOTER REGISTRATION DATABASE,
10 CONTROLLING COUNTIES SHALL BE DESIGNATED FOR THE PURPOSE OF ASSIGNING
11 AND PUBLISHING SHARED RACES, ISSUES AND QUESTIONS IN COORDINATED
12 ELECTIONS.

13 6.2.2 THE CONTROLLING COUNTY SHALL BE THE COUNTY WHERE THE LARGEST NUMBER
14 OF ACTIVE REGISTERED ELECTORS WITHIN THE JURISDICTION RESIDE AT THE TIME
15 THAT THE CONTROLLING COUNTY IS DESIGNATED.

16 6.2.3 THE SECRETARY OF STATE SHALL MAINTAIN AND MAKE AVAILABLE TO COUNTY
17 CLERKS ON ITS WEBSITE THE LIST OF CONTROLLING COUNTIES FOR EACH SHARED
18 JURISDICTION WITHIN THE STATE.

19 6.2.4 THE CONTROLLING COUNTY SHALL PUBLISH CERTIFIED RACES, ISSUES AND
20 QUESTIONS TO ALL COUNTIES SHARING JURISDICTION NO LATER THAN THE DATE
21 OF BALLOT CERTIFICATION

22 A. THE CONTROLLING COUNTY SHALL USE ONLY STANDARD ABBREVIATIONS
23 APPROVED BY THE SECRETARY OF STATE IN PUBLISHING THE RACES, ISSUES
24 AND QUESTIONS FOR THE SHARED JURISDICTION.

25 B. ALL COUNTIES WITHIN THE SHARE JURISDICTION SHALL ENSURE THAT THE
26 RACES, ISSUES AND QUESTIONS ARE PRINTED ON THE BALLOT AS CERTIFIED BY
27 THE SECRETARY OF STATE OR DESIGNATED ELECTION OFFICIAL.

28 6.2.5 IF ANY CONTROLLING COUNTY FAILS TO FULFILL ITS RESPONSIBILITIES IN
29 ACCORDANCE WITH THIS RULE, ANY OF THE OTHER COUNTIES IN THE SHARED
30 JURISDICTION MAY MAKE A WRITTEN REQUEST TO THE SECRETARY OF STATE TO
31 TEMPORARILY ASSUME THE DUTIES OF THE CONTROLLING COUNTY. THE
32 SECRETARY OF STATE SHALL HAVE THE AUTHORITY TO ACT ON BEHALF OF THE
33 CONTROLLING COUNTY OR TO TEMPORARILY DESIGNATE ANOTHER COUNTY TO
34 ACT AS THE CONTROLLING COUNTY IN ORDER ASSURE IMPLEMENTATION OF THIS
35 RULE.

36 Succeeding subsections of Rule 6 would be renumbered accordingly

37

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

Rule 6.2.2 would be repealed as follows:

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

Succeeding subsections of this Rule would be renumbered accordingly

New Rule 7.6 would be adopted as follows:

7.6 IN ACCORDANCE WITH SECTION 1-7-115, C.R.S., A VOTER SHALL HAVE A MINIMUM OF TEN MINUTES TO CAST HIS OR HER BALLOT, BUT SHALL NOT OCCUPY A VOTING BOOTH FOR MORE THAN THE MAXIMUM TIME NECESSARY TO CAST HIS OR HER BALLOT.

Rules 8.7, 8.8, 8.9 and 8.12 would be amended as follows:

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

8.8 Limitations of Watchers. Duly appointed Watchers may observe election judges but may not interrupt or disrupt the processing, verification and counting of any ballots or any other stage of the election. Watchers may track the names of electors who have cast ballots by utilizing their previously obtained lists, but may not write down any ballot numbers or any other identifying information about the electors. Watchers may not handle the poll books, official signature cards, ballots, mail ballot envelopes, ~~absentee~~ MAIL-IN ballot envelopes or provisional ballot envelopes, voting or counting machines or machine components. Watchers shall not interfere with the orderly process and conduct of any election, including ballot issuance, receiving of ballots, voting or counting of the ballots. Watchers may not be allowed to interact with election officials or election judges, except that each designated election official shall name at least one individual in each precinct polling place or election location to whom Watchers may direct questions or from whom watchers may seek requested information.

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

1 8.12 Media Observers. Media Observers with valid and current media credentials may be
2 present to witness early voting, election day voting and the processing and counting of
3 provisional, mail and ~~absentee~~-MAIL-IN ballots. However, at the discretion of the county
4 clerk and recorder, Media Observers may be required to appoint one member of the
5 media as a pool reporter, and one member as a pool photographer to represent all media
6 observers in accordance with the Guidelines established by the Colorado Press
7 Association in conjunction with the Colorado County Clerks' Associations and the
8 Secretary of State as set forth herein:

9
10 Rule 10.4 would be amended as follows:

11 10.4 Candidates whose names are listed on a ballot must provide an audio recording of the
12 pronunciation of their name to the Secretary of State prior to the election for offices that
13 are voted on by the electors of the entire state, or of a congressional district, or for the
14 offices of members of the general assembly or district attorney or a district office of state
15 concern.

16 10.4.1 For candidates designated by a major or minor party, such audio recording shall
17 be provided no later than the last day upon which the candidate acceptance may
18 be filed with the Secretary of State in accordance with Article 4 of title 1, C.R.S.
19 THE AUDIO RECORDING OF THE CANDIDATE'S NAME SHALL BE RECORDED EXACTLY
20 AS IT IS PROVIDED ON THE CANDIDATE ACCEPTANCE THAT IS SUBMITTED TO THE
21 SECRETARY OF STATE, AND AS THEY WISH IT TO APPEAR ON THE BALLOT.

22 10.4.2 For candidates nominated by petition, such audio recording shall be provided no
23 later than the last day upon which the petition of nomination and candidate
24 acceptance may be filed with the Secretary of State in accordance with Article 4
25 of title 1, C.R.S. THE AUDIO RECORDING OF THE CANDIDATE'S NAME SHALL BE
26 RECORDED EXACTLY AS IT IS PROVIDED ON THE CANDIDATE ACCEPTANCE THAT IS
27 SUBMITTED TO THE SECRETARY OF STATE, AND AS THEY WISH IT TO APPEAR ON THE
28 BALLOT.

29 10.4.3 For unaffiliated candidates for president who seek placement on the General
30 Election ballot by submitting a candidate's statement of intent and a filing fee to
31 the Secretary of State in accordance with section 1-4-303(1), C.R.S., such audio
32 recording shall be provided no later than the last day upon which the candidate's
33 statement of intent may be. THE AUDIO RECORDING OF THE CANDIDATE'S NAME
34 SHALL BE RECORDED EXACTLY AS IT IS PROVIDED ON THE CANDIDATE'S STATEMENT
35 OF INTENT THAT IS SUBMITTED TO THE SECRETARY OF STATE, AND AS THEY WISH IT
36 TO APPEAR ON THE BALLOT.

37 10.4.4 For district and county judges seeking retention, such audio recording shall be
38 provided no later than the date upon which the declaration of intent to run for
39 retention in a judicial office may be filed with the secretary of State in accordance
40 with Article VI, Section 25 of the Colorado Constitution. THE AUDIO RECORDING

1 OF THE CANDIDATE'S NAME SHALL BE RECORDED EXACTLY AS IT IS PROVIDED ON
2 THE DECLARATION OF INTENT TO RUN FOR RETENTION IN A JUDICIAL OFFICE THAT IS
3 SUBMITTED TO THE SECRETARY OF STATE, AND AS THEY WISH IT TO APPEAR ON THE
4 BALLOT.

5
6 New Rule 10.5 would be adopted as follows:

7 10.5 COUNTY, MUNICIPAL, AND SPECIAL DISTRICT CANDIDATES WHOSE NAMES ARE LISTED ON A
8 BALLOT FOR AN ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER MUST
9 PROVIDE AN AUDIO RECORDING OF THE PRONUNCIATION OF THEIR NAME TO THE COUNTY
10 CLERK AND RECORDER PRIOR TO THE ELECTION FOR OFFICES THAT ARE VOTED ON BY THE
11 ELECTORS OF THE COUNTY, MUNICIPALITY, OR SPECIAL DISTRICT.

12 10.5.1 FOR CANDIDATES DESIGNATED BY A MAJOR OR MINOR PARTY, SUCH AUDIO
13 RECORDING SHALL BE PROVIDED NO LATER THAN THE LAST DAY UPON WHICH THE
14 CANDIDATE ACCEPTANCE MAY BE FILED WITH THE ~~COUNTY CLERK AND RECORDER~~
15 DESIGNATED ELECTION OFFICIAL IN ACCORDANCE WITH ARTICLE 4 OF TITLE 1,
16 C.R.S. THE AUDIO RECORDING OF THE CANDIDATE'S NAME SHALL BE RECORDED
17 EXACTLY AS IT IS PROVIDED ON THE CANDIDATE'S STATEMENT OF INTENT THAT IS
18 SUBMITTED TO THE SECRETARY OF STATE, AND AS THEY WISH IT TO APPEAR ON THE
19 BALLOT.

20 10.5.2 FOR CANDIDATES NOMINATED BY PETITION, SUCH AUDIO RECORDING SHALL BE
21 PROVIDED NO LATER THAN THE LAST DAY UPON WHICH THE PETITION OF
22 NOMINATION AND CANDIDATE ACCEPTANCE MAY BE FILED WITH THE ~~COUNTY~~
23 ~~CLERK AND RECORDER~~ DESIGNATED ELECTION OFFICIAL IN ACCORDANCE WITH
24 ARTICLE 4 OF TITLE 1, C.R.S. THE AUDIO RECORDING OF THE CANDIDATE'S NAME
25 SHALL BE RECORDED EXACTLY AS IT IS PROVIDED ON THE CANDIDATE'S STATEMENT
26 OF INTENT THAT IS SUBMITTED TO THE SECRETARY OF STATE, AND AS THEY WISH IT
27 TO APPEAR ON THE BALLOT.

28
29 Rule 11.5.3.7 would be amended as follows:

30 11.5.3.7 The test ballots shall be tested on each type of voting device utilized in a given election
31 and each method of counting. The tests shall include testing of ~~absentee~~-MAIL-IN
32 BALLOT counting methods, election day counting methods, provisional ballot counting
33 methods, early voting counting methods and audio ballots, if applicable.

34
35 Rule 11.5.3.8.4 would be amended as follows:

36 11.5.3.8.4 The Testing Board and designated election official or his or her designated deputized
37 clerks, as necessary, shall count the test ballots as follows:

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

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

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

8
9 Rules 11.5.4.4, 11.5.4.5, 11.5.4.6, and 11.5.4.7 would be amended as follows:

10 11.5.4.4 For optical scanners used for any function of counting ballots except for Central
11 Count/vote center as defined herein, the designated election official shall manually
12 verify all of the ballots that were counted on the randomly selected device(s) with the
13 election summary report that was generated from the device(s) at the close of the
14 polls. The Secretary of State shall randomly select AT LEAST two (2) races to be
15 manually verified.

16 11.5.4.5 For Optical Scanners used for the purpose of counting ballots in a Central Count/vote
17 center environment as defined herein, the designated election official shall randomly
18 select five (5) percent but not more than five hundred (500) ballots of all the ballots
19 counted on the specific audited device. If the amount of ballots is less than five
20 hundred (500) on the audited device, then a minimum of twenty percent (20%) of the
21 ballots counted on the device will be manually verified. The public counter for that
22 voting device shall be reset to zero, and the ballots shall be recounted on the voting
23 device. A new report will be generated from the electronic count of the ballots and
24 shall be manually verified. The ballots and a copy of the report shall be sealed in a
25 separate container and secured with the remainder of the official election records for
26 the election. The Secretary of State shall randomly select AT LEAST two (2) races to
27 be manually verified.

28 11.5.4.6 For Direct Record Electronic Devices (DREs) that do not meet the requirements of
29 section 1-5-802, C.R.S., used for any function of counting ballots in an election, the
30 designated election official will manually verify the image of all the ballots contained
31 in the Ballot Log or Ballot Audit that were counted on the specific device with the
32 report generated for that specific device at the close of polls which contains the
33 election summary report. The Secretary of State shall randomly select AT LEAST two
34 (2) races to be manually verified.

35 11.5.4.7 For Direct Electronic Devices (DREs) that do meet the requirement of section 1-5-
36 802, C.R.S., used for any function of counting ballots in an election, after the close of
37 the polls, the designated election official will manually verify all of the voter verified
38 paper record produced with the report generated for that specific devices, which
39 contains the election summary report. The Secretary of State shall randomly select
40 AT LEAST two (2) races to be manually verified.

1

2 Rule 11.5.4.11 would be amended as follows:

3 11.5.4.11 Upon completion of the audit, the designated election official shall promptly report
4 the results of the audit to the Secretary of State’s Office. The report shall be
5 submitted following the completion of the audit and up to and including 5:00 pm on
6 the last day of the canvass. The report shall contain:

7 (a) The make, model and serial number of the voting device that was audited.

8 (b) The number of ballots originally counted by the device or the number of ballots
9 audited as identified in paragraph (d) of this section;

10 (c) The count of the specific race or races as provided on the summary report printed
11 at the close of polls or the report generated for the audit;

12 (d) The count of the specific race as manually verified; ~~and~~

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

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

15 Rules 12.1, and 12.2 would be amended as follows:

16 12.1 Definitions.

17 12.1.1 A secrecy sleeve or secrecy envelope shall be sealed or closed on at least two
18 sides, one of which shall be the bottom of the sleeve.

19 12.1.1.1 The secrecy sleeve or secrecy envelope shall be uniform within each
20 type of ~~absentee~~-MAIL-IN BALLOT or mail ballot voting system used in
21 the State of Colorado. Each secrecy sleeve or secrecy envelope used
22 in the State of Colorado in any mail ballot or ~~absentee~~ MAIL-IN ballot
23 election shall contain the following required language, approved by the
24 Secretary of State, regarding identification requirements of voters who
25 have registered by mail:

26 (a) “First Time Voters Who Register By Mail”

27 “If you registered in your county by mail, and did not SUBMIT
28 PROOF OF IDENTIFICATION IN ACCORDANCE WITH SECTION 1-2-501,
29 C.R.S., ~~provide identification with your registration application,~~
30 a copy of one of the forms of identification listed in Rule ~~2-7-30.1.6~~
31 is required with your mail ballot or your ~~absentee~~ MAIL-IN ballot.”

32 (b) ~~“If you did not submit proof of identification with your mail in
33 registration form, you will be required to provide proof of~~

1 identification using the types of identification described above with
2 your voted mail or absentee MAIL-IN ballot.”

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

6 12.1.2 A separate mail ballot plan is not required from a political subdivision if a
7 county clerk and recorder submits a mail ballot plan for a coordinated election
8 which includes the political subdivision.

9 12.2 Election Judges.

10 12.2.1 The designated election official for the election may appoint an appropriate
11 number of judges to receive the ballots after they are mailed, to handle “walk-
12 in” balloting and ~~absentee-MAIL-IN~~ ballots at the sites designated for “walk-in”
13 balloting, to check registrations, to inspect, verify, and duplicate ballots when
14 necessary, and to count the ballots and certify results.

15 Rules 12.3.2 would be amended as follows:

16 12.3.2 As soon as possible, but no later than SIXTY-FIVE (65) DAYS PRIOR TO A
17 REGULAR SPECIAL DISTRICT ELECTION AND NO LATER THAN FIFTY-FIVE (55) days
18 prior to ~~an~~ ANY OTHER election, a written plan must be submitted to the
19 Secretary of State which includes the following:

20 (a) Date of the election;

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

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

23 (d) Citation of the statute or home rule charter provisions authorizing the
24 election;

25 (e) Estimated number of eligible electors;

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

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

31 (h) Total number of “places of deposit”. For security reasons, unmonitored
32 freestanding places of deposit located outside will not be allowed;

33 (i) For elections coordinated by the county clerk and recorder, the total number

- 1 of walk-in voting locations;
- 2 (j) Number of accessible voting machines anticipated being used for walk-in
3 voting locations in elections coordinated by the county clerk and recorder;
- 4 (k) Length of time accessible voting machines will be available for walk-in
5 voting in elections coordinated by the county clerk and recorder;
- 6 (l) Written timetable for the conduct of the election in accordance with the
7 statute;
- 8 (m) Indication of how postage will be handled for ballot packets returned as
9 undeliverable (e.g. "return postage guaranteed");
- 10 (n) Indication of procedures to be followed to ensure compliance with statutes
11 and rules, including persons responsible for each stage;
- 12 (o) Description of procedures to be used to ensure ballot security at all stages of
13 the process;
- 14 (p) Description of procedures for maintaining privacy and security of accessible
15 voting machines to be used in an election coordinated by the county clerk
16 and recorder;
- 17 (q) Description of procedures to be used for signature verification;
- 18 (r) Description of procedures to ensure privacy by use of a secrecy sleeve or
19 secrecy envelope so receiving judges cannot tell how the elector voted;
- 20 (s) Description of procedures to be used to reconcile ballots issued, ballots
21 received, defective ballots and substitute ballots; and
- 22 (t) An actual sample of the secrecy sleeve or secrecy envelope to be used in the
23 mail ballot election.

24

25 New Rule 12.3.5 would be adopted as follows:

26 12.3.5 A SPECIAL DISTRICT REQUIRED TO SUBMIT A MAIL BALLOT PLAN IN ACCORDANCE
27 WITH SECTION 1-7.5-105, C.R.S. AND THIS RULE, MAY REQUEST A SEVEN (7) DAY
28 FILING EXTENSION IF THE PLAN IS BEING SUBMITTED FOR A REGULAR SPECIAL
29 DISTRICT ELECTION THAT MAY BE CANCELLED.

30 (A) A REQUEST FOR SUCH EXTENSION SHALL BE SUBMITTED TO THE SECRETARY
31 OF STATE NO LATER THAN TWO (2) BUSINESS DAYS PRIOR TO THE DEADLINE
32 FOR SUBMITTING THE MAIL BALLOT PLAN.

1 (B) THE REQUEST SHALL CONTAIN A BRIEF STATEMENT OF THE REASONS FOR
2 SUCH REQUEST.

3 (C) THE SECRETARY OF STATE SHALL NOTIFY THE SPECIAL DISTRICT OF THE
4 APPROVAL/DISAPPROVAL OF THE REQUEST WITHIN ONE (1) BUSINESS DAY.

5 New Rule 12.4.11 would be adopted as follows:

6 12.4.11 EFFECTIVE JANUARY 1, 2008, ALL RETURN ENVELOPES USED IN A MAIL BALLOT
7 ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER SHALL BE
8 FORMATTED IN SUCH A MANNER THAT THE VOTER’S SIGNATURE ON THE BACK OF
9 THE ENVELOPE IS CONCEALED. [SECTION 1-7.5-106; 1-7.5-107]

10

11 Rules 12.5 would be amended as follows:

12 12.5 ~~Absentee~~-MAIL-IN and Early Voting.

13 12.5.1 ~~Absentee~~-MAIL-IN BALLOT voting occurs in a mail ballot election ONLY when a
14 registered, eligible elector requests that the ballot be mailed to a place other than
15 the address of record, AND AN APPLICATION FOR A MAIL-IN BALLOT IS SUBMITTED
16 FOR THAT ELECTION ONLY.

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

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

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

28 12.5.5 For mail ballot elections, the notation “~~Absentee~~-MAIL-IN Ballot No.
29 A.M.I.V. ___” shall not be required on the ~~absentee~~-MAIL-IN ballots.

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

32

33 Rules 12.10 would be amended as follows:

1 12.10 Replacement Ballots for Purpose of Mail Ballot Elections.

2 12.10.1 Requests for replacement ballots may be made in writing, by mail, by fax, BY
3 EMAIL, or by telephone.

4 (A) A REQUEST FOR A REPLACEMENT BALLOT FROM A VOTER WHO WISHES TO
5 RECEIVE THE BALLOT BY MAIL SHALL BE MADE NO LATER THAN THE CLOSE
6 OF BUSINESS THE SEVENTH DAY BEFORE THE ELECTION.

7 (B) A REPLACEMENT BALLOT MAY BE OBTAINED IN PERSON IN THE OFFICE OF
8 THE DESIGNATED ELECTION OFFICIAL UNTIL 7:00 P.M. ON ELECTION DAY IN
9 ACCORDANCE WITH 1-7.5-107, C.R.S.

10 12.10.2 An elector requesting a replacement ballot shall complete a sworn statement, as
11 required by section 1-7.5-107(3) (d) (I), C.R.S., on a form provided by the
12 designated election official.

13 ~~12.10.3 The affidavit shall include space in which the elector shall specify the reason for~~
14 ~~requesting a replacement ballot. The affidavit shall also contain a statement in~~
15 ~~bold that the original ballot may not be cast and that, if both the original and the~~
16 ~~replacement ballot are cast, neither ballot will be counted ELECTOR HAS NOT~~
17 ~~AND WILL NOT CAST THE ORIGINAL BALLOT. If the elector requested that the~~
18 ~~replacement ballot be mailed, the affidavit may be included in the ballot packet~~
19 ~~mailed to the eligible elector, and must be received on or before election day by~~
20 ~~the election official.~~

21 12.10.43 The election judge issuing a replacement ballot shall indicate on the outside of
22 the return envelope whether a sworn statement must be returned with the voted
23 ballot. No replacement ballot shall be counted until it has been determined that
24 an affidavit has been completed by the voter and has been received on or before
25 election day by the election official.

26 ~~12.10.54 UPON ISSUANCE OF A REPLACEMENT BALLOT, THE FIRST VOTED BALLOT~~
27 ~~RETURNED BY THE ELECTOR SHALL BE CONSIDERED THE ELECTOR'S OFFICIAL~~
28 ~~BALLOT, PURSUANT TO SECTION 1-7.5-107(6)), C.R.S.~~

29

30 Rule 12.12 would be repealed as follows:

31 ~~12.12 Verification of Replacement Ballots~~

32 ~~12.12.1 Upon issuance of a replacement ballot, the first voted ballot returned by the~~
33 ~~elector shall be considered the elector's official ballot, pursuant to section~~
34 ~~1-8-111(3), C.R.S.~~

35 ~~12.12.2 If a return verification envelope is submitted which contains a replacement~~
36 ~~ballot it shall be set aside until 7:00 p.m. on election day. If it can be~~

1 ~~determined that the replacement ballot is the only ballot issued to the elector or~~
2 ~~that all prior ballots issued to the elector have been voided, it may be processed~~
3 ~~in the same manner as the original ballot.~~

4 ~~12.12.3 The information on the return verification envelope may be checked prior to~~
5 ~~7:00 p.m. on election day, but the ballot may not be removed until the polls~~
6 ~~close.~~

7 ~~12.12.4 When all voted ballots have been received and the polls closed, the replacement~~
8 ~~ballots shall be checked to ensure that the elector only voted with the~~
9 ~~replacement ballot. If it appears that the elector only voted the replacement~~
10 ~~ballot and if all the information is complete on the return verification envelope,~~
11 ~~the ballot may be removed and counted as the other ballots.~~

12 All succeeding subsections of Rule 12 would be renumbered accordingly

14 Rule 13 would be amended as follows:

15 **Rule 13. Rules Concerning Absentee-MAIL-IN Voting**

16 13.1 All election materials prepared by the designated election official, including the Article
17 X, Section 20 notice, may be included in the ~~absentee-MAIL-IN ballot mailing~~ PACKET.

18 13.2 The county clerk and recorder shall keep a list, to the extent possible, of the names and
19 mailing addresses of all individuals who deliver more than five voted ~~absentee-MAIL-IN~~
20 ballots to the designated or coordinated election official's office or the designated drop
21 site for ~~absentee~~ MAIL-IN ballots.

22 13.3 The county clerk and recorder shall notify each individual on the list required by 13.2 by
23 letter that they have violated section 1-8-113, C.R.S., by delivering more than five
24 ~~absentee~~ MAIL-IN ballots to the designated election official.

25 13.4 The designated election official shall require that the eligible elector submit a copy of his
26 or her identification as defined in section 1-1-104(19.5), C.R.S., with the elector's ballot
27 in the return envelope if the eligible elector registered to vote by mail pursuant to Part 5,
28 Article 2, Title 1, C.R.S., and failed to include the copy with the original registration or
29 failed to supply a driver's license number, Colorado Department of Revenue ID number
30 or at least the last four digits of a social security number that was subsequently verified
31 per Rule ~~30.5~~ 30.3.

32 13.5 The county clerk and recorder shall indicate on the list of registered voters requested by
33 the designated election official those registered voters required to be identified in Rule
34 13.4.

35 13.6 In any election where a multiple page printed ballot is used, a voter must vote and return
36 all pages of the ballot at the same time. Any voter who has returned at least one page of

1 a multiple page printed ballot will be considered to have voted. Any additional page
2 returned at a later time shall not be counted but shall be appropriately marked, set aside,
3 and preserved as other election materials in accordance with section 1-7-802, C.R.S.

4 13.7 If the elector is required to provide his or her identification, the outside of the return
5 envelope shall be marked to identify such envelope. A county may use additional
6 methods to communicate the requirement to provide identification. The elector shall also
7 be provided with specific instructions on the requirement to provide such identification.

8 13.8 If the marked return envelope does not contain proper identification, the ballot shall be
9 treated as a provisional ballot. The outside of the return envelope shall be marked
10 "provisional". The provisional ballot shall be verified and counted in accordance with
11 section 1-8.5-105(5), C.R.S.

12 13.9 If a voter has been directed to return a document with his or her voted ballot, the election
13 judge shall open the returned envelope to retrieve the required form. If the required form
14 cannot be found in the return envelope, the election judge shall open the secrecy
15 envelope/sleeve to find the required form or document in an effort to not disenfranchise
16 the voter.

17 13.10 For any non-matching or missing signatures on an ~~absentee~~-MAIL-IN ballot return
18 envelope, Rule 29 concerning procedures for the verification of signatures shall be
19 followed.

20 13.11 The designated election official's duties under section 1-8-112, C.R.S., are triggered if
21 the U.S. mail is delivered collectively to the residential facility. If the U.S. mail is
22 delivered to individuals or individual mailboxes, the requirements of section 1-8-112,
23 C.R.S., shall not be applicable.

24 13.12 Voters who appear in person at their correct polling place, but who requested ~~absentee~~
25 MAIL-IN ballots, will nevertheless be permitted to cast provisional ballots upon their
26 declaration that they have not and will not cast any vote in the election other than by that
27 provisional ballot. The provisional ballot is then to be counted, once election officials
28 determine that the voter did not in fact cast the ~~absentee~~-MAIL-IN ballot.

29 ~~13.13 For the purposes of section 1-8-115(1)(a), C.R.S., the deadline to apply for an absentee~~
30 ~~ballot shall be the last day to apply for an absentee ballot by mail in accordance with~~
31 ~~section 1-8-104(3), C.R.S.~~

32 13.13 PERMANENT MAIL-IN VOTING

33 13.13.1 AN APPLICATION FOR A MAIL-IN BALLOT RECEIVED BY THE COUNTY CLERK AND
34 RECORDER SHALL BE TREATED AS AN APPLICATION FOR PERMANENT MAIL-IN
35 BALLOT ONLY IF THE APPLICANT MAKES SUCH DESIGNATION. IF THE APPLICANT
36 DOES NOT SPECIFY THE LENGTH OF THE REQUEST FOR A MAIL-IN BALLOT, THE
37 APPLICATION SHALL BE TREATED AS AN APPLICATION FOR THE CURRENT
38 CALENDAR YEAR. IF THE APPLICANT MARKS BOTH THE PERMANENT AND
39 CALENDAR YEAR BOXES, THE APPLICATION SHALL BE TREATED AS AN

1 APPLICATION FOR PERMANENT MAIL-IN BALLOT.

2 13.14 A COUNTY CLERK AND RECORDER USING THE “BALLOT NOW” SYSTEM TO PRINT MAIL-IN
3 BALLOTS SHALL PRINT AND MAKE BALLOTS AVAILABLE NO LATER THAN 32 DAYS
4 PRECEDING THE ELECTION IN ACCORDANCE WITH SECTION 1-5-403, C.R.S. BALLOT
5 ISSUANCE SHALL BEGIN NO LATER THAN SEVENTY-TWO (72) HOURS AFTER PRINTING IS
6 COMPLETE IN ACCORDANCE WITH 1-8-111, C.R.S.

7 13.15 A COUNTY CLERK AND RECORDER WHO UTILIZES A THIRD PARTY VENDOR TO MAIL
8 BALLOTS SHALL BE CONSIDERED TO BE IN POSSESSION OF THE BALLOTS FOR THE PURPOSES
9 OF SECTIONS 1-5-403 AND 1-8-111, C.R.S., WHEN THE ~~BALLOTS ARE RECEIVED BY OR~~
10 ~~PRINTED BY THE VENDOR MAILING THE BALLOTS~~ INSERTION PROCESS IS COMPLETE.

11 13.16 MAIL-IN BALLOT DROP-OFF LOCATIONS

12 13.16.1 EACH COUNTY CLERK AND RECORDER SHALL PROVIDE A DROP-OFF LOCATION FOR
13 MAIL-IN BALLOTS DURING THE TIME EARLY VOTING IS HELD AT EACH DESIGNATED
14 EARLY VOTING SITE IN THE COUNTY IN ACCORDANCE WITH SECTION 1-8-
15 113(1)(A), C.R.S., SUCH SITES SHALL BE MADE AVAILABLE TO RECEIVE MAIL-IN
16 BALLOTS DURING THE HOURS THAT EARLY VOTING IS OFFERED.

17 13.16.2 EACH COUNTY CLERK AND RECORDER SHALL MAKE AVAILABLE AT LEAST ONE
18 MAIL-IN BALLOT DROP OFF LOCATION AT DESIGNATED EARLY VOTING
19 LOCATION(S) TO RECEIVE MAIL-IN BALLOTS ON ELECTION DAY. THE DROP-OFF
20 LOCATION(S) SHALL BE MADE AVAILABLE TO ELECTORS BETWEEN THE HOURS OF
21 7:00 A.M. AND 7:00 P.M.

22 13.16.3 NOTHING IN THIS RULE 13.16 SHALL PRECLUDE A COUNTY CLERK AND RECORDER
23 FROM ESTABLISHING DROP-OFF SITES FOR MAIL-IN VOTING IN ADDITION TO THE
24 DROP-OFF SITES REQUIRED BY SECTION 1-8-113, C.R.S.

25 13.17 VOTER VERIFICATION OF RECEIPT OF MAIL-IN BALLOT

26 13.17.1 ANY SYSTEM USED BY A COUNTY CLERK AND RECORDER TO MEET THE
27 REQUIREMENTS OF SECTION 1-8-307.5, C.R.S., SHALL ENSURE THAT ELECTORS
28 HAVE ACCESS TO INFORMATION REGARDING THE RECEIPT OF THE ELECTOR’S
29 MAIL-IN BALLOT IN A TIMELY MANNER.

30 13.17.2 SUCH SYSTEM SHALL ALLOW AN ELECTOR ACCESS TO INFORMATION REGARDING
31 RECEIPT OF THEIR MAIL-IN BALLOT FOR A PERIOD OF NO LESS THAN TWENTY-FIVE
32 ~~(25) MONTHS-SIXTY (60) DAYS~~ AFTER THE DATE OF THE ELECTION.

33 13.18 IN ADDITION TO THE LANGUAGE REQUIRED BY SECTION 1-8-101(4)(A), C.R.S., THE
34 SECURITY SLEEVE AND INSTRUCTIONS SHALL CONTAIN A STATEMENT THAT “ALL VALID
35 MAIL-IN BALLOTS ARE COUNTED IN EVERY ELECTION IN COLORADO, REGARDLESS OF THE
36 OUTCOME OR CLOSENESS OF ANY RACE.”

37 13.19 EFFECTIVE JANUARY 1, 2008, ALL RETURN MAIL-IN BALLOT ENVELOPES USED IN AN

1 ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER SHALL BE FORMATTED IN
2 SUCH A MANNER THAT THE VOTER'S SIGNATURE ON THE BACK OF THE ENVELOPE IS
3 CONCEALED.

4
5 Rule 14.5, 14.6, and 14.7 would be amended as follows:

6 14.5 Counting of Paper Ballots - Recount

7 14.5.1 Totals of recounted ballots shall be processed, counted, and reported in
8 summary form as follows:

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

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

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

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

19 14.5.2 If ~~absentee~~-MAIL-IN ballots were originally counted with early voting ballots,
20 then the recount will be of a combined total of early and ~~absentee~~-MAIL-IN
21 ballots.

22 14.5.3 Ballot boxes or containers shall be opened one at a time.

23 14.5.4 Ballots shall be counted into groups of 25 to ensure that the number of ballots
24 recounted matches the number originally counted.

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

27 14.6 Counting of Ballots - Recount

28 14.6.1 All voting equipment to be used in the recount must be tested prior to the
29 recount, utilizing the procedures set forth in this section. Prior to the recount,
30 the canvass board shall choose at random and test Voting Devices and
31 precinct(s) to be utilized as a test deck for purposes of section 1-10.5-102. The
32 purpose of a test deck is to assure the tabulation machines are counting
33 properly. The devices chosen shall contain at least five (5) ballots cast. A hand
34 tally shall be conducted of the selected devices pursuant to section 1-10.5-

- 1 102(3)(a). The totals of the recounted contest obtained from the test devices
2 and precinct(s) reports from close of polls shall be compared to the hand-tallied
3 total.
- 4 14.6.2 The canvass board shall choose at random five percent (5%) of voting devices
5 containing votes from the election, which are affected by the recount, for the
6 test.
- 7 (a) Prior to the start of the test, the canvass board shall verify that devices
8 randomly chosen were not used in the audit conducted pursuant to section 1-
9 7-514 (1)(b).
- 10 (b) The proportion of Optical Scan devices to DRE/electronic voting devices
11 selected for the test shall match the proportion of machines used in the
12 election by the designated election official.
- 13 (c) At least one device selected for the test shall be a central count/~~absentee~~
14 MAIL-IN ballot scanner.
- 15 14.6.3 For testing central count/~~absentee~~ MAIL-IN BALLOT scanners the canvass board
16 shall randomly select one percent (1%) or fifty (50) ballots, whichever is
17 greatest. A blank prom cartridge, rom cartridge or memory card shall be
18 utilized for the test. The ballots selected shall be processed through the central
19 count/~~absentee~~ MAIL-IN BALLOT scanner and compared to the hand-tallied total.
- 20 14.6.4 If the test deck totals differ from the hand count totals, and the discrepancy
21 cannot be accounted for by voter error, all ballots containing the recounted
22 contest shall be tallied by hand following procedures for paper ballot recounts.
23 If the test deck totals are exactly the same, the recount tabulation shall be
24 conducted in the same manner as the original ballot count in accordance with
25 section 1-10.5-102(3)(b).
- 26 14.6.5 A clear audit trail shall be maintained throughout the recount including, but not
27 limited to, a log of seal numbers on transfer cases or ballot boxes as defined in
28 section 1-7-505, C.R.S., and the corresponding numbered seal used as a
29 replacement for the original seal, upon completion of the recount of ballots
30 within that transfer case or ballot box.
- 31 14.6.6 The number of ballots counted by a precinct according to the election night
32 report shall be available during the recount for comparison purposes.
- 33 14.6.7 Totals of recounted ballots shall be processed, counted, and reported in
34 summary form as follows:
- 35 (a) Sum total of votes cast for each candidate, ballot issue or ballot question
36 subject to the recount, under-votes, and over-votes for all precincts;
- 37 (b) Sum total of votes cast for each candidate, ballot issue or ballot question

- 1 subject to the recount, under-votes and over-votes for all ~~absentee~~-MAIL-IN
2 ballots (a combined total, not totaled by individual precincts or location,
3 unless your system allows);
- 4 (c) Sum total of votes cast for each candidate, ballot issue or ballot question,
5 subject to the recount, under-votes, and over-votes for all early voting
6 locations (a combined total, not totaled by individual precinct or locations,
7 unless the voting system so allows);
- 8 (d) Determine the grand total of ballots cast in early, ~~absentee~~-MAIL-IN, and
9 precinct voting.
- 10 14.6.8 If ~~absentee~~-MAIL-IN ballots were originally counted with early voting ballots,
11 then the recount will be of a combined total of early and ~~absentee~~-MAIL-IN
12 ballots.
- 13 14.6.9 Ballots shall be reviewed for voter intent.
- 14 14.6.10 Utilizing one or more blank prom cartridge, rom cartridges, or memory card, all
15 precinct ballots shall be counted within all precincts. After the individual
16 precinct is counted, the ballots shall be returned to the ballot container and
17 sealed.
- 18 14.6.11 Utilizing one or more blank prom cartridge, rom cartridges, or memory card, all
19 early voting ballots shall be counted. After an individual ballot container is
20 counted, the ballots shall be returned to the ballot container and sealed.
- 21 14.6.12 Utilizing one or more blank prom cartridges, rom cartridges, or memory card,
22 all ~~absentee~~-MAIL-IN voting ballots shall be counted. After an individual ballot
23 container is counted, the ballots shall be returned to the ballot container and
24 sealed.
- 25 14.7 Counting of Ballots Using the “Ballot Now” Voting System
- 26 14.7.1 In the case of a recount, the designated election official shall identify all
27 precincts with the contest(s) designated for a recount using the following
28 procedures:
- 29 (a) Using the Ballot Now Scanned Ballots by Precinct report from the original
30 election database, locate the batches containing any ballot type (Election,
31 ~~Absentee~~-MAIL-IN, and Provisional) for the recount.
- 32 (b) Remove ballots from each batch and label them as “Recount”.
- 33 14.7.2 Required scanner testing shall be performed using a test deck from at least three
34 (3) randomly chosen precinct(s) with at least 150 ballots total as prescribed by
35 statute, following testing procedures outlined in the State of Colorado
36 Procedures for the use of the Ballot Now Voting System. A Recount Test

1 spreadsheet shall be created based on the chosen precinct in the same fashion as
2 the ballot options test spreadsheet.

3 14.7.3 Ballots for the recount shall be processed following the State of Colorado
4 Procedures for the use of the Ballot Now Voting System in conjunction with the
5 following procedures:

- 6 (a) Open Ballot Now with an unused MBB (Mobile Ballot Box) from the
7 election and create a Ballot Now recount database;
- 8 (b) Scan and resolve all recount ballots following original election procedures,
9 including the examination of ballots (Rule 14.3; section 1-8-10.5-102,
10 C.R.S.) Use the Audit Trail Report and original Scan Batch Reports with
11 notes to ensure resolution action follows original resolution.
- 12 (c) Save all recount CVRs (Cast Vote Records) to the MBB (Mobile Ballot
13 Box) after verifying that the number of ballots processed matches the
14 number of ballots cast in the recount contest(s).
- 15 (d) Open a new recount election in “Tally” and process the recount MBB
16 following the tabulation procedures above.
- 17 (e) Compare recount results to original results and document any differences.
- 18 (f) Backup the test database and the official recount database following the
19 “Archive” procedures.

20
21 Rule 16 would be amended as follows:

22 **Rule 16. Rules Concerning Verification ~~by Random Sample~~ of Statewide Initiative**
23 **Petitions**

24 16.1 THE CRITERIA USED FOR VERIFYING ALL SIGNATURES AND CHECKING A RANDOM SAMPLE
25 OF SIGNATURES SHALL BE THE SAME.

26 16.2 WHEN VERIFYING ALL SIGNATURES, EACH PETITION SECTION SHALL BE CHECKED FOR
27 EVIDENCE OF DISASSEMBLY. IF IT APPEARS THAT THE SECTION WAS DISASSEMBLED, ALL
28 SIGNATURES ON THE PETITION SECTION SHALL BE REJECTED.

29 16.3 Preliminary count and generation of random numbers.

30 16.43.1 When the petitions are received, each section shall be consecutively
31 numbered.

32 16.43.2 Each line with writing shall be counted on each petition and shall be
33 considered an entry. The number of entries for each page of the section shall be

1 written on the page, and the total entries for the section shall be written on the
2 face of the petition section.

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

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

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

10 16.43.3 After the entries have been counted for each petition section, a data entry
11 clerk shall enter the following data into the computer; the petition identification
12 number, the petition section number, the page number and the number of entries
13 on the page.

14 16.43.4 The computer shall then create a record for each entry which record shall
15 contain the petition identification number, petition section number, page number
16 and the entry number. The total number of entries submitted for the petition shall
17 be tallied.

18 16.43.5 If the number of entries is less than the total number of signatures required
19 to certify the measure to the ballot, a statement of insufficiency shall be issued.

20 16.43.6 A series of random numbers shall be generated by the computer which is
21 the greater of four thousand signatures or five percent of the total number of
22 entries.

23 16.24 Verification of selected entries.

24 16.24.1 The random numbers selected shall be matched with the appropriate
25 petition section, page number and entry number.

26 16.24.2 Each entry generated shall be checked for validity in accordance with
27 Rules 22.3.3 and 22.3.4:

28 (a) Evidence of disassembly of the petition;

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

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

31 16.24.3 Each reason for rejection of an entry shall be recorded by separate code
32 and a master record of the rejected entries shall be maintained. A master record
33 shall also be maintained of each entry that is accepted.

1 16.35 Each section shall be checked for evidence of disassembly. If it appears that the section
2 was disassembled, the entry shall be rejected.

3 16.46 Checking the circulator's affidavit.

4 16.46.1 The circulator's affidavit shall be checked for each entry. If the affidavit
5 is not attached and completed, the entry shall be rejected.

6 16.46.2 The notary clause at the end of the affidavit shall be checked for each
7 entry. If any information is missing or if the date on the notary clause is not the
8 same date as the circulator signed the affidavit, the entry shall be rejected.

9 16.46.3 ~~If the information on the current voter registration file does not match the~~
10 ~~information on the entry, the circulator's voter registration history shall be~~
11 ~~checked to determine if the information on the affidavit matches the voter~~
12 ~~registration file at the time the entry was signed.~~ THE AFFIDAVIT SHALL BE
13 VERIFIED TO ENSURE THAT IT HAS BEEN COMPLETED IN ACCORDANCE WITH
14 SECTION 1-40-111(2), C.R.S. IF THERE IS SUFFICIENT EVIDENCE TO CONCLUDE
15 THAT THE CIRCULATOR WAS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF
16 SECTION 1-40-111(2), C.R.S. AT THE TIME ANY SIGNATURE WAS GATHERED, ALL
17 ENTRIES IN THE SECTION SHALL BE REJECTED.

18 16.57 Checking individual signatures.

19 16.57.1 Each individual entry shall be checked against the master voter
20 registration files.

21 16.57.2 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 16.57.3 Name of registered elector: to be accepted, the name on the entry must be
26 found in form similar to that found on the voter registration record. Signatures
27 that are common variants of the name found on the voter record shall be counted.
28 If the signer of the petition is not found on the voter registration file, the entry
29 shall be rejected.

30 16.57.4 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.

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

36 (c) If an indicator such as Jr., Sr. or II is present or omitted from the petition or

1 the voter record, the entry shall be accepted. If two persons with the same
2 name reside at the same address as found on the master voter list, the entry
3 shall be rejected, unless the identity of the signer can be conclusively
4 determined.

5 16.57.5 Address of registered elector.

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

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

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

13 16.57.6 Incomplete information: if the line on the petition is incomplete, with at least
14 one piece of information omitted, the entry shall be rejected.

15 16.57.7 Date of signing.

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

19 (b) If the signature is placed on the petition after the date on the circulator’s
20 affidavit, the entry shall be rejected.

21 16.57.8 Assistance to signer: if assistance appears to have been given to the signer and
22 no statement of assistance accompanies the signature or mark explaining the
23 variance in the script, the entry shall be rejected.

24 16.57.9 Illegible signature: if the signature and printed name are illegible so that the
25 voter record cannot be verified, the entry shall be rejected.

26 16.57.10 Duplicate signature: if the elector had previously signed the same petition, the
27 first valid entry shall be counted and all other entries shall be rejected.

28 16.68 Computation of total accepted signatures.

29 16.68.1 A tally shall be made of the number of accepted signatures and the number of
30 rejected signatures. IF ALL SIGNATURES ON THE PETITION HAVE BEEN VERIFIED A
31 STATEMENT OF SUFFICIENCY SHALL BE PREPARED IN ACCORDANCE WITH RULE 18.
32 IF A RANDOM SAMPLE OF SIGNATURES ~~HAVE HAS~~ BEEN VERIFIED, THE FOLLOWING
33 PROCEDURES SHALL BE FOLLOWED:

34 ~~16.6.2~~16.8.1.1. The Secretary of State shall determine the range of

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

5 ~~16.6.3~~16.8.1.2. After completing a petition, the number of signatures
6 checked shall then be divided into the number of accepted signatures. This
7 number will be the percentage of accepted signatures which were submitted.

8 ~~16.6.4~~16.8.1.3. The percentage calculated in Rule ~~16.6.3~~ 16.8.1.2 shall then
9 be multiplied by the total number of entries which were previously tallied.
10 This number will be the number of presumed valid signatures which were
11 submitted.

12 ~~16.6.5~~16.8.1.4. If the number generated is 90% or less of the
13 constitutionally required number of signatures as calculated in Rule ~~16.6.2~~
14 16.8.1.1, then the Secretary of State shall issue a statement of insufficiency.
15 If the number generated is 110% or more of the constitutionally required
16 number, then the Secretary of State shall issue a statement of sufficiency.

17 ~~16.6.6~~16.8.1.5. If the number generated is more than 90% but less than
18 110% of the required number, the Secretary of State shall order that each
19 signature on the petition be verified to determine whether the issue or
20 question should be certified to the ballot.

21
22 Rule 17 would be repealed as follows:

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

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 Subsequent rules would not be renumbered.

9
10 Rule 19.2 would be amended as follows:

11 19.2 If the proponents submit additional signatures within the permitted time, all signatures
12 submitted in the addendum shall be checked using the process delineated in Rule 16~~and~~
13 Rule 17.

14
15 Rule 20 would be repealed as follows:

16 **Rule 20. Rules Concerning Protests - REPEALED**

17 ~~20.1—Protests of statewide initiative petitions.~~

18 ~~20.2—Protest of random sampling process.~~

19 ~~20.2.1—Proponents and opponents may protest the process by which the numbers used~~
20 ~~in the calculations were generated.~~

21 ~~20.2.2—Proponents and opponents may protest that the process used for determining~~
22 ~~entries and generating the random sample did not meet the requirements~~
23 ~~established by statute or rule.~~

24 ~~20.2.3—Proponents and opponents may protest that entries were improperly accepted or~~
25 ~~rejected in that the requirements established by statute or rule were improperly~~
26 ~~applied.~~

27 ~~(a) If the protest alleges that individual entries were improperly accepted or~~
28 ~~rejected, each individual entry must be listed and the reason for challenge~~
29 ~~must be given.~~

30 ~~(b) The reason for challenge must state which of the requirements established~~
31 ~~by statute or rule were improperly applied.~~

32 ~~20.2.4—Individual entries which were not checked by the Secretary of State may not be~~

1 ~~challenged as sufficient or insufficient.~~

2 ~~20.3 Protest of petitions when all signatures are checked.~~

3 ~~20.3.1 Proponents and opponents protesting the checking of petitions when each~~
4 ~~signature was checked must list each individual entry being protested and the~~
5 ~~reason for challenge.~~

6 ~~20.3.2 The reason for challenge must state which of the requirements established by~~
7 ~~statute or rule were improperly applied.~~

8 ~~20.3.3 The protest shall be deemed insufficient for each entry or class of entries~~
9 ~~challenged where the individual entry is not listed or the reason for the~~
10 ~~challenge is not given.~~

11 Subsequent rules would not be renumbered.

12

13 Rules 22.1, and 22.3 would be amended as follows:

14 22.1. Applicability. This rule shall apply to candidate ~~and issue~~ petitions authorized by law
15 except as to municipal candidate ~~or issue~~ petitions.

16 22.3 Procedures Concerning Count of Signatures and Verification of Petition.

17 22.3.1 When the petitions are received, each section shall be date-stamped and
18 consecutively numbered.

19 22.3.2 Each line with writing shall be counted on each petition and shall be considered
20 an entry. The number of entries for each page of the section shall be written on
21 the page and the total entries for the section shall be written on the face of the
22 petition section.

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

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

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

29 22.3.3 Verification of petitions.

30 (a) Each reason for rejection of an entry shall be recorded by separate code and
31 a master record of the rejected entries shall be maintained. A master record
32 shall also be maintained of each entry that is accepted.

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

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

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

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

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

19 ~~(g) In accordance with the decision of the United States Supreme Court in
20 Buckley v. American Constitutional Law Foundation, 520 U.S. 182 (1999),
21 circulators of statewide initiative petitions are not required to be registered
22 electors, but such circulators must still be "electors", which means that they
23 must be (1) residents of the State of Colorado, (2) citizens of the United
24 States, and (3) at least 18 years of age. If there is sufficient evidence to
25 conclude that the circulator was not an elector at the time any signature was
26 gathered, all entries in the section shall be rejected.~~(E) THE AFFIDAVIT SHALL
27 BE VERIFIED TO ENSURE THAT IT HAS BEEN COMPLETED IN ACCORDANCE WITH
28 SECTION 1-4-905(1) AND (2), C.R.S. IF THERE IS SUFFICIENT EVIDENCE TO
29 CONCLUDE THAT THE CIRCULATOR WAS NOT IN COMPLIANCE WITH THE
30 REQUIREMENTS OF SECTION 1-4-905(1) AND (2), C.R.S. AT THE TIME ANY
31 SIGNATURE WAS GATHERED, ALL ENTRIES IN THE SECTION SHALL BE
32 REJECTED.

33
34 Rule 23.4.3 would be amended as follows:

35 23.4.3 Each referendum petition section shall consist of the following, in the order listed:
36 Sections 1-40-113(1), and 1-40-102(6), C.R.S.

37 (a) The warning as specified in Section 1-40-110, C.R.S.

1 (b) The heading “Referendum Petition”, followed by the demand upon the Secretary
2 of State in substantially the following form, in which the underlined material is
3 only for example:

4 “To: The Honorable _____, Secretary of State of the State of Colorado

5 We, the undersigned electors of the State of Colorado, do hereby respectfully
6 petition, order, and demand that Sections 1 to 12, inclusive (being the entire Act),
7 of House Bill No. 02-1010, by Representatives Abel, Baker, and Cain, and
8 Senators Smith, Thomas, and Jones, entitled “Concerning registration
9 requirements for motor vehicles, and, in connection therewith, authorizing two-
10 and five-year registration periods and authorizing discretionary vehicle
11 identification number inspections, and making an appropriation”, passed by the
12 Sixty-third General Assembly of the State of Colorado, at its regular session in the
13 year 2002, shall be submitted to the voters for their adoption or rejection at the
14 next biennial regular general election, to be held on Tuesday, the 5th day of
15 November, 2002, and each of the signers of this petition says:

16 I sign this petition in my own proper person only, and I am a registered elector of
17 the State of Colorado, my residence address and the date of my signing this
18 petition are correctly written immediately after my name, and I do hereby
19 designate the following persons to represent me in all matters affecting this
20 petition:”

21 (c) The name and mailing address of two persons who are designated to represent
22 the signers thereof in all matters affecting the same.

(d) The ballot title and submission clause in the form required by this Rule 23.

23 (e) The text of the Act, or the item(s), section(s), or part(s) of the Act, on which the
24 referendum is demanded. *See* sections 1-40-110; 1-40-102(6).

25 (f) Succeeding pages that each contain the warning, the ballot title, and submission
26 clause, and ruled lines numbered consecutively for electors' signatures.

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

32
33 Rule 25 would be amended as follows:

34 **Rule 25. Rules Concerning Uniformed and Overseas Citizens’ Absentee Voting Act**
35 **(“UOCAVA”)**

1 25.1 UOCAVA Fax Ballot Rules:

2 25.1.1 U.S. citizens who are absent from the state and who are members of the
3 Uniformed Services as defined as the U.S. Armed Forces (Army, Navy,
4 Marines, Air Force and Coast Guard), Merchant Marine, and their spouses or
5 dependants, resident overseas electors, or nonresident overseas electors who are
6 otherwise qualified to apply for and vote by ~~absentee~~MAIL-IN ballot,
7 (“UOCAVA citizens”), may request an ~~absentee~~MAIL-IN ballot by facsimile
8 transmission.

9 25.1.2 A designated election official may send and receive ~~absentee~~MAIL-IN ballot
10 applications by facsimile transmission, send blank ballots and accept voted
11 ballots by facsimile transmission from eligible electors who are UOCAVA
12 citizens absent from the state and who are otherwise qualified to vote by
13 ~~absentee~~MAIL-IN ballot.

14 ~~25.1.3 If the designated election official has mailed a Clarification for Voter Status~~
15 ~~Memorandum to an elector in response to receiving an absentee MAIL-IN ballot~~
16 ~~request and has not received a response to the memo at the time the absentee~~
17 ~~MAIL-IN ballot packet is prepared, the designated election official shall mail the~~
18 ~~elector a full ballot for which the elector, as a resident, would be eligible to vote~~
19 ~~(federal, state, local offices and questions).~~

20 25.1.4 ~~No later than January 1, 2006,~~†The office of each county clerk and recorder
21 shall have a dedicated fax machine located in their office in order to send and
22 receive faxed ballots to and from UOCAVA citizens in accordance with the
23 Help America Vote Act of 2002 and this Rule 25.

24 25.1.5 On the faxed application, the elector shall provide the fax number, including the
25 international country code and local area, province or city code (if applicable),
26 where the ballot shall be faxed.

27 25.1.6 An ~~Absentee~~MAIL-IN ballot that is completed and returned by the elector via
28 facsimile transmission must contain the elector’s printed name, signature, date
29 of birth, and the following statement: “I am a member of the Uniformed
30 Services, a member of the Merchant Marine, spouse/dependant of a Uniformed
31 Services Member or Merchant Marine, resident overseas elector or a
32 nonresident overseas elector and am qualified to apply for and vote by ~~absentee~~
33 MAIL-IN ballot. I also understand that by faxing my voted ballot, I am
34 voluntarily waiving my right to a secret ballot.”

35 25.2 Limited Electronic Mail Ballot Rules

36 25.2.1 A uniformed services elector serving outside the United States may receive and
37 return an application for, or an ~~absentee~~MAIL-IN ballot by electronic mail in
38 circumstances where a mail ballot or fax ballot is not available or feasible.

- 1 (a) An application for ~~absentee~~ AN electronic mail ballot must be received no
2 later than close of business the Friday immediately preceding the election
- 3 (b) An email request for a replacement ballot must be received by 5:00 p.m.
4 Mountain Time on election day.
- 5 25.2.2 Upon receipt and verification of an application, the designated election official
6 shall authorize the transmission of a blank ballot containing all contests and
7 questions for which the elector is eligible to vote.
- 8 (a) The designated election official shall fax the election materials, which
9 shall include a blank ballot and voter instructions (including the elector
10 affidavit) to the Federal Voting Assistance Program (FVAP) Electronic
11 Transmission Service (ETS). The designated election official shall not
12 send the voting materials directly to the elector by electronic mail. Or,
- 13 (b) The designated election official may store the ballot electronically with
14 ETS using the procedures outlined in the FVAP ETS Guide, and authorize
15 the transmission of the blank ballot and instructions (including the elector
16 affidavit) to the elector by faxing a completed electronic transmission
17 coversheet to ETS.
- 18 25.2.3 The electronic package transmitted to ETS shall contain:
- 19 (a) A completed electronic transmission coversheet;
- 20 (b) The blank ballot, if not stored with ETS, with voting instructions
21 (including the elector affidavit); and
- 22 (c) The contact information for the designated election official including:
23 name, title, mailing address, email address, phone, and fax number.
- 24 25.2.4 ~~An Absentee~~ ballot that is completed and returned by the elector via electronic
25 mail must contain the elector's printed name, signature, date of birth, and the
26 following statement: "I am a member of the Uniformed Services and am
27 qualified to apply for and vote by ~~absentee~~ MAIL-IN ballot. I also understand
28 that by transmitting my voted ballot by electronic mail, I am voluntarily waiving
29 my right to a secret ballot."
- 30 25.2.5 To return a voted ~~absentee~~ ballot and affidavit by electronic mail, the elector
31 must have access to the technology to scan the documents, save the documents
32 in a secure format, and return the documents as an electronic mail attachment.
- 33 25.2.6 Upon receipt of the voted ballot, the designated election official shall verify the
34 elector's signature pursuant to section 1-8-114.5, C.R.S. and Rule 29. Upon
35 verification of the elector's signature, the ballot shall be duplicated pursuant to
36 1-8-103.5(2) C.R.S. and processed.

1 25.3 Overall UOCAVA Requirements

2 25.3.1 A UOCAVA CITIZEN WHO REGISTERS TO VOTE AND REQUESTS A MAIL-IN BALLOT
3 BY FEDERAL POST CARD APPLICATION MAY SUBMIT THE APPLICATION TO THE
4 COUNTY CLERK AND RECORDER BY FAX FOR BOTH REGISTRATION AND MAIL-IN
5 BALLOT REQUEST PURPOSES.

6 25.3.2 IF THE DESIGNATED ELECTION OFFICIAL HAS MAILED A CLARIFICATION FOR
7 VOTER STATUS MEMORANDUM TO AN ELECTOR IN RESPONSE TO RECEIVING AN
8 ABSENTEE-MAIL-IN BALLOT REQUEST AND HAS NOT RECEIVED A RESPONSE TO THE
9 MEMO AT THE TIME THE ~~ABSENTEE~~-MAIL-IN BALLOT PACKET IS PREPARED, THE
10 DESIGNATED ELECTION OFFICIAL SHALL MAIL THE ELECTOR A FULL BALLOT FOR
11 WHICH THE ELECTOR, AS A RESIDENT, WOULD BE ELIGIBLE TO VOTE (FEDERAL,
12 STATE, LOCAL OFFICES AND QUESTIONS).

13 25.3.3 Absentee-MAIL-IN ballots sent by ETS or facsimile transmission shall be in text
14 format on 8 ½” x 11” white paper to increase the readability of the ballot and to
15 avoid possible misinterpretations of the elector’s intended choice because of
16 poor transmission of the document.

17 25.3.24 Instructions sent by ETS or faxed to the elector with the blank ballot shall be in
18 text format on 8 ½” x 11” white paper and shall include the following
19 information:

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

1 (i) Any other information deemed necessary by the Secretary of State or the
2 designated election official.

3 25.3.35 The designated election official shall fax a blank ballot with the instructions to
4 the fax number provided by the elector, or to ETS (if applicable). If the
5 transmission is unsuccessful, the designated election official shall attempt to fax
6 the ballot at least two more times.

7 25.3.46 ~~Absentee~~ MAIL-IN ballot applications returned via facsimile transmission or
8 electronic mail by the elector to the county clerk and recorder or the Secretary
9 of State via ETS shall be received in the clerk and recorder's office or the
10 Secretary of State's office no later than the close of business on the Friday
11 immediately preceding the election.

12 25.3.57 Any voted ballot by a Uniformed Services elector or an overseas elector
13 received by the office of the Secretary of State by 7:00 p.m. Mountain Time on
14 election day shall be forwarded to the appropriate county clerk and recorder by
15 overnight mail, fax, or courier no later than the next business day. The office of
16 the Secretary of State shall immediately notify the appropriate county clerk and
17 recorder of the receipt and forwarding of the ballot.

18 25.3.57.1 If a county is notified by the Secretary of State by 7:00 p.m. on
19 election day that an ~~absentee~~ MAIL-IN ballot has been received by the
20 office of the Secretary of State, the clerk and recorder shall retain a
21 minimum of ten (10) voted ballots, which shall be counted with the
22 ballot received by the Secretary of State to ensure voter secrecy.

23 25.3.68 Any ballot transmitted to an elector by ETS or facsimile shall contain a unique
24 identification number for tracking and auditing purposes.

25 25.3.79 A log shall be kept by the designated election official of each ballot transmitted
26 to an elector by ETS or facsimile indicating:

- 27 (a) The name of the elector;
- 28 (b) The fax number to which the ballot was sent, or email address (if
29 applicable);
- 30 (c) The unique identification number of the ballot;
- 31 (d) The date the ballot and instructions were transmitted; and
- 32 (e) The initials of the employee of the designated election official transmitting
33 the ballot.

34 25.3.7.1 The electronic transmission log as well as any other ETS or fax
35 records shall be maintained as part of the official election record.

1 25.3.810 The county clerk and recorder shall report to the Secretary of State's office no
2 later than sixty (60) days from the date of the election:

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

9

10 Rule 26 would be amended as follows:

11 **Rule 26. Rules Concerning Provisional Voting**

12 26.1 General Rules Regarding Provisional Voting

13 26.1.1 Eligible electors who have moved within the State of Colorado before the
14 registration deadline may vote a provisional ballot at the polling place on Election
15 Day or in the clerk and recorder's office or designated offices.

16 26.1.2 If the provisional ballot envelope is used as a voter registration form, it is subject
17 to the same requirements as any other voter registration form.

- 18 A. AN ELECTOR WHOSE PROVISIONAL BALLOT HAS BEEN MARKED WITH THE
19 REJECTION CODE "RFE" AND WAS NOT COUNTED BECAUSE THE ELECTOR IS
20 INELIGIBLE TO VOTE BECAUSE HE OR SHE WAS CONVICTED OF A FELONY AND
21 IS EITHER SERVING A SENTENCE OF CONFINEMENT OR DETENTION OR IS ON
22 PAROLE, SHALL NOT BE REGISTERED TO VOTE IN ACCORDANCE WITH
23 SECTION 1-2-606, C.R.S.

24 26.1.3 An elector who has requested an ~~absentee~~-MAIL-IN ballot shall be permitted to cast
25 a provisional ballot upon his or her declaration that they have not and will not cast
26 any vote in the election other than by that provisional ballot.

27 26.1.4 Provisional ballots for voters who have requested ~~absentee~~-MAIL-IN ballots shall
28 be separated from other provisional ballots and shall not be counted until all
29 ~~absentee~~-MAIL-IN ballots cast in the election have been counted.

30 26.1.5 For the purposes of Article 8.5 of C.R.S. and this Rule 26, "statewide offices"
31 shall be defined as the following:

- 32 ● Governor-Lieutenant Governor (as a pair)
- 33 ● Attorney General

- 1 ● Secretary of State
- 2 ● Treasurer
- 3 ● Regent of the University of Colorado- At Large

4 26.2 Emergency Registration and use of Provisional Ballots in the County Clerk and
5 Recorder’s Office

6 26.2.1 If the elector applies for an emergency registration that cannot be qualified in
7 the clerk’s office at the time of the registration pursuant to section 1-2-217.5(4),
8 C.R.S., the elector shall be issued a provisional ballot. The elector’s registration
9 must be confirmed by the designated election official at the time that the
10 provisional ballots are verified or the provisional ballot shall not be counted.

11 26.2.2 If an elector whose name is not in the registration records, appears in person at
12 the county clerk and recorder’s office and states that he or she has timely
13 registered through an agency pursuant to section 1-2-504, C.R.S., can affirm to
14 the name, location of, and approximate date he or she completed the application
15 at the agency or provide an application receipt, and provides an ID as defined in
16 section 1-1-104(19.5), C.R.S., the elector shall be offered emergency
17 registration and be offered a regular ballot.

18 26.2.2.1 If the elector does not provide an ID the elector shall be offered a
19 provisional ballot. The county clerk and recorder shall note on the
20 provisional ballot envelope that the elector did not have an ID.

21 26.2.2.2 If the elector is able to produce an application receipt from the
22 agency registration, but does not provide an ID pursuant to section 1-1-
23 104(19.5), C.R.S., the elector shall surrender the receipt to the election
24 judge, and the county clerk and recorder shall attach the receipt to the
25 provisional ballot envelope.

26 26.2.3 If an elector whose name is not in the registration records, appears in person at
27 the county clerk and recorder’s office and states that he or she has timely
28 registered through a Voter Registration Drive (“VRD”) pursuant to section 1-2-
29 504, C.R.S., can affirm to the ~~name~~, location of, and approximate date he or she
30 completed the application with the VRD or provide an application receipt, and
31 provides an ID as defined in section 1-1-104(19.5), C.R.S., the elector shall be
32 offered emergency registration and be offered a regular ballot.

33 26.2.3.1 If the elector does not provide an ID the elector shall be offered a
34 provisional ballot. The county clerk and recorder shall note on the
35 provisional ballot envelope that the elector did not have an ID.

36 26.2.3.2 If the elector is able to produce an application receipt from the
37 VRD registration, but does not provide an ID pursuant to section 1-1-
38 104(19.5), C.R.S., the elector shall surrender the receipt to the election

1 judge, and the county clerk and recorder shall attach the receipt to the
2 provisional ballot envelope.

3 26.2.4 If the elector’s eligibility to vote cannot be verified, the provisional ballot shall
4 not count, but may constitute a registration for future elections.

5 26.3 Provisional Voting in the Polling Place

6 26.3.1 If the elector does not provide a date in the “Previous Residence Information”
7 section of the provisional ballot envelope stating when the elector moved to the
8 address he or she listed as his or her legal residence on the provisional ballot
9 envelope, the designated election official shall attempt to verify the provisional
10 ballot. If the provisional ballot can be verified, it shall be counted. If it cannot be
11 verified, it shall not be counted.

12 26.3.2 If the elector whose name does not appear on the pollbook states that he or she
13 applied to register to vote prior to the close of registration with a VRD or agency
14 pursuant to Section 1-2-504, C.R.S., the election judge shall:

- 15 ● Offer the elector a provisional ballot;
- 16 ● Ask the elector to surrender the application receipt;
- 17 ● Check the box on the provisional ballot envelope indicating that the voter
18 is a VRD or agency applicant, and
- 19 ● Attach the receipt to the outside of the provisional ballot envelope.

20 26.3.3 The word “provisional” shall be marked on the provisional ballot and on the
21 pollbook or signature card next to the elector’s name.

22 26.4 Verification of Provisional Ballots

23 26.4.1 When the designated election official has concluded that all voted provisional
24 ballots have been delivered to and received by the election office, the designated
25 election official shall determine the time that provisional verification and
26 processing begins in accordance with the deadlines set forth in title one and these
27 rules. The designated election official or designee shall complete preliminary
28 verification without opening the provisional ballot envelopes.

29 26.4.2 When verifying provisional ballots, the designated election official must check
30 the county voter registration database to see whether the elector has already voted
31 in the election.

32 26.4.3 When the designated election official has received both an ~~absentee~~-MAIL-IN ballot
33 and a provisional ballot from an elector, but there is a discrepancy between the
34 signature on the returned ~~absentee~~-MAIL-IN ballot envelope and the voter’s
35 signature on file with the county clerk and recorder, the discrepancy must be

1 resolved. Before the provisional ballot may be counted, the elector must affirm
2 that the signature on the ~~absentee~~MAIL-IN ballot envelope is not his or her
3 signature. Section 1-8.5-105(4) and (5), C.R.S.

4 26.4.4 Verification of an elector's eligibility to have his or her provisional ballot counted
5 shall be limited to the following sources to determine proof of voter registration:

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

9 (b) The local election office voter registration database;

10 (c) The Secretary of State's voter registration database;

11 (d) The DMV Motor Voter database (Note: Possession of a driver's license is
12 not conclusive proof of voter registration; elector must have registered to
13 vote through the DMV.)

14 26.5 Counting of Provisional Ballots

15 26.5.1 If the information contained in the provisional ballot envelope provides adequate
16 criteria so that the designated election official is able to confirm under election
17 rule 26 that the elector is registered, the provisional ballot shall count.

18 26.5.2 Pursuant to section 1-2-509(3), C.R.S., if the designated election official receives
19 a provisional ballot from a voter who registered to vote but had an incomplete or
20 deficient voter registration application, and did not supply the required
21 information at the time of registration, at any time prior to voting, or on the
22 provisional ballot envelope, the provisional ballot shall not be counted. If the
23 voter does supply the required information prior to or at the time of voting, then
24 the provisional ballot may be counted.

25 26.5.3 Acceptance Codes (Any provisional ballot given an acceptance code shall have all
26 races counted unless otherwise indicated.

27 AOK Reviewed and confirmed voter's eligibility.

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

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

- 1 AAB Voter appeared in person and affirmed under oath that he or she applied
2 for an ~~absentee~~-MAIL-IN ballot but he or she has not and will not cast the
3 ~~absentee~~-MAIL-IN ballot. The designated election official shall determine
4 that voter did not previously cast an ~~absentee~~-MAIL-IN ballot for that
5 election pursuant to Rule 26.
- 6 ACP Voter moved from the county in which the voter was registered to another
7 county in the state not less than thirty days before the election and voted in
8 the correct precinct in the new county of residence. The voter's address
9 will BE updated. Section 1-8.5-107(2)(a), C.R.S.
- 10 AFS Voter is registered in the county but is voting in the wrong precinct or the
11 voter moved from the county in which the voter was registered to another
12 county in the state less than thirty days before the election. Only the votes
13 for federal and statewide offices and statewide ballot issues and questions
14 upon which the voter may vote shall be counted. Section 1-8.5-108(2),
15 C.R.S.
- 16 AVD Voter registered through a voter registration drive and the application
17 receipt was surrendered to the election judge, OR THE ELECTOR AFFIRMED
18 AS TO THE APPROXIMATE DATE AND LOCATION OF THE REGISTRATION WITH
19 THE VOTER REGISTRATION DRIVE IN ACCORDANCE WITH SECTION 1-2-
20 217.5(2), C.R.S.
- 21 AAG Voter registered through an agency and application receipt was
22 surrendered to election judge, OR THE ELECTOR AFFIRMED AS TO THE DATE,
23 NAME AND LOCATION OF THE REGISTRATION WITH THE AGENCY IN
24 ACCORDANCE WITH SECTION 1-2-217.5(2), C.R.S.
- 25 ARD Voter had deficient or incomplete registration. The required information
26 was provided by voter on the provisional ballot envelope. Voter's
27 registration will be amended and registration will be complete. Section 1-
28 2-509(3), C.R.S.
- 29 26.5.4 Rejection Codes (Any ballot given a rejection code shall not be counted):
- 30 RFS (Rejection federal or state) No federal or state candidates or issues to
31 duplicate.
- 32 RNS (Rejection not signed) Provisional Ballot Affidavit not signed.
- 33 RIN (Rejection incomplete information provided) Required information is
34 incomplete and the designated election official is unable to confirm voter's
35 eligibility.
- 36 RNR (Rejection not registered) Voter did not register by the voter registration
37 deadline or by emergency registration, Colorado voter registration record

1 was not found, or voter was previously cancelled and has not been
2 reinstated pursuant to section 1-2-605(10), C.R.S.

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

4 RAB (Rejection voter voted ~~absentee~~ MAIL-IN BALLOT) Designated election
5 official has confirmed that voter voted an ~~absentee~~ MAIL-IN ballot.

6 REV (Rejection based on ballot cast in early voting) Voter voted early.

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

8 RFE (Rejection felon not eligible to vote) Individual was convicted of a felony
9 and is either serving a sentence of confinement or detention or is on
10 parole.

11 RWC (Rejection elector not registered in county or State of Colorado) Non-
12 county or non-state resident; therefore voter not eligible to vote in the
13 county where the provisional ballot was voted.

14 RID (Rejection first time voter has not supplied identification upon registration
15 or thereafter prior to and during time voter voted) First Time Voter who
16 registered by mail or through a voter registration drive, is tagged as id
17 deficient, and did not provide id at the time of voting.

18 RRD (Rejection registration deficient) Voter had deficient or incomplete
19 registration and required information was not provided prior to or at the
20 time of filling in the provisional ballot envelope. Voter's eligibility cannot
21 be established. Section 1-2-509(3), C.R.S.

22 26.6 The provisional ballot log required by section 1-8.5-110 (4), C.R.S., may be prepared by
23 the designated election official in handwritten or computer-generated form.

24 26.7 Recount procedures for provisional ballots shall be the same as the recount procedures
25 for other ballots as directed by the Secretary of State.

26 26.8 Pursuant to section 1-8.5-102(2), C.R.S., the provisional ballot affidavit shall contain the
27 following language:

28 *I do solemnly affirm that I am a citizen of the United States, that I have attained the age*
29 *of eighteen years, and that I have resided in the State of Colorado and in my present*
30 *precinct at least thirty days before the election, or at my current residence address since*
31 *the date I moved as shown above. I further affirm that the address indicated in this*
32 *affidavit is my sole legal residence and that I claim no other place as my legal residence.*
33 *I affirm that if I applied for an ~~Absentee~~ MAIL-IN Ballot I have not and will not cast the*
34 *~~Absentee~~ MAIL-IN Ballot that I requested. I further affirm under penalty of law that I*
35 *have not and will not cast any vote in this election except by the enclosed ballot, that I*
36 *will not vote in any other precinct, county or state, and that my ballot is enclosed in*

1 *accordance with the provisions of the “Uniform Election Code of 1992”, Article 1 to 13*
2 *of Title 1, C.R.S.*

3 26.9 Pursuant to section 1-8.5-103, C.R.S., the size of the provisional ballot envelope or
4 affidavit form shall be in such a manner as to provide to the elector complete and legible
5 information as shown on the state approved form. Any alterations to the standard format
6 shall be submitted to the secretary of state pursuant to the policy statement concerning
7 secretary of state approved forms.

8
9 Rule 29 would be amended as follows:

10 **Rule 29. Rules Concerning Procedures for the Verification of Signatures**

11 29.1 Missing Signature on Mail Ballot, Provisional Ballot or ~~Absentee~~MAIL-IN Ballot
12 Envelope

13 29.1.1 When the election judge reviews the mail ballot return envelope pursuant to
14 section 1-7.5-107.3, C.R.S., or ~~absentee~~MAIL-IN ballot return envelope pursuant
15 to section 1-8-114.5, C.R.S., or the provisional ballot return envelope pursuant to
16 section 1-8.5-105(3)(a), C.R.S., and notices that the envelope lacks a signature,
17 the election judge shall contact the eligible elector in writing no later than two
18 calendar days after election day. A copy of the written notification shall be kept
19 in an official file, which shall become part of the official election record. Nothing
20 in this rule shall be construed to prohibit the designated election official from
21 calling the elector; however, a phone call shall not substitute for notification to the
22 elector in writing.

23 29.1.2 The letter shall inform the eligible elector that they must come to the office of the
24 county clerk and recorder to sign the mail ballot, provisional ballot, or ~~absentee~~
25 MAIL-IN ballot envelope no later than eight (8) calendar days after election day.

26 29.1.3 The letter sent by the election official shall not constitute a violation of section 1-
27 13-801, C.R.S.

28 29.1.4 The form shall include the following language:

29 “Any person who knowingly violates any of the provisions of the election code
30 relative to the casting of ballots or who aids or abets fraud in connection with any
31 vote cast, or to be cast, or attempted to be cast shall be punished by a fine of not
32 more than five thousand dollars or by imprisonment in the county jail for not
33 more than eighteen months, or by both such fine and imprisonment. Section 1-
34 13-803, C.R.S.

35 29.2 In accordance with section 1-8-114.5, C.R.S., for ~~absentee~~MAIL-IN ballots and section
36 1-7.5-107.3, C.R.S., for mail ballots, the election judges shall compare the signature on
37 the self-affirmation on each respective “Return Envelope” with the signature on file with

1 the county clerk and recorder or election official. Signatures shall require further
2 research if any of the following discrepancies are discovered:

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

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

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

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

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

11 Code 6 – Ballots or envelopes from the same household have been switched

12 Code 7 – ‘Other,’ including misspelled names & description of discrepancy

13 29.3 If further research is necessary, the election judge shall check the county clerk’s or
14 election official’s file for at least two additional documents signed by the voter, if
15 available. Additional information, written by the voter on the “Return Envelope”, such as
16 the voter’s address and date of signing may be compared for similarities. Any
17 similarities noted when comparing this other information may be used as part of the
18 signature verification decision process.

19 29.3.1 If it appears to the judges verifying the self-affirmation on the return envelopes
20 that members of the same household who have applied for ~~absentee~~-MAIL-IN
21 ballots or have been sent mail ballots have inadvertently switched envelopes or
22 ballots, the ballot or ballots shall be counted and no letter of advisement to the
23 elector is necessary.

24 29.4 Whenever a signature is disputed, the election judge shall document the discrepancy by
25 completing a log. The log shall provide a record of the research steps taken to resolve the
26 issue. The log will identify the voter using a unique tracking number. This tracking
27 number shall not contain the voter’s social security number; Colorado issued driver’s
28 license number, or the identification number issued by the Department of Revenue.

29 29.5 The log shall be approved by the Secretary of State pursuant to section 1-1-109, C.R.S.

30 29.6 There shall be no document containing the voter’s signature attached to the research log.

31 29.7 If both sets of election judges agree that the signatures do not match, the county clerk
32 and recorder shall within two days after the election, send a letter to the eligible elector at
33 the address indicated in the registration records and the address where the ~~absentee~~-MAIL-
34 IN BALLOT or mail ballot was mailed explaining the discrepancy in signatures and a form
35 for the eligible elector to confirm that the elector returned a ballot to the county clerk and

1 recorder. (sections 1-7.5-107.3(2)(a) and 1-8-114.5(2)(a), C.R.S.). The voted ballot itself
2 should not under any circumstances be returned with this letter.

3 29.8 The form of the letter as well as the form sent to the elector shall be approved by the
4 Secretary of State pursuant to section 1-1-109, C.R.S.

5 29.9 The letter sent by the election official shall not constitute a violation of section 1-13-801
6 C.R.S.

7 29.10 The final signature verification resolution and ballot disposition shall be noted on the
8 research log.

9 29.11 Any uncounted ballot shall remain sealed in the return envelope and stored under seal
10 with all other uncounted ballots as part of the election record pursuant to section 1-7-802,
11 C.R.S., and may be removed only under the authority of a district attorney or by order of
12 a court having jurisdiction.

13

14 Rule 30 would be amended as follows:

15 **Rule 30. Rules Concerning Voter Identification**

16 30.1 Definitions

17 30.1.1 “Registration in person” means any registration personally completed by the voter
18 at any clerk’s main or branch office or personally delivered by the voter to any
19 clerk’s main or branch office, driver’s license office, or other voter registration
20 agency.

21 30.1.2 “Mail Registration” or “Registration by mail” includes any registration not
22 personally delivered by the voter to any clerk’s main or branch office, voter
23 registration agency, driver’s license office, or other human services agency.
24 These registrations include, but are not limited to, postmarked registration forms
25 and voter registration drives.

26 30.1.3 As referenced in these rules, “tagging a voter” for ID before voting means
27 identifying a voter in the voter registration database as one who registered by mail
28 and did not supply required identification. Tagged voters require a copy of the
29 required identification to be enclosed with an ~~absentee~~ MAIL-IN or mail ballot.

30 30.1.4 A tagged voter may present the required voter ID or a number which is
31 subsequently verified to the county clerk and recorder at any time prior to
32 returning a voted mail or ~~absentee~~-MAIL-IN ballot to satisfy the provisions of Rule
33 30.1.3.

34 30.1.5 “SSN” as used in these rules shall mean either the entire Social Security Number
35 or the last four (4) digits of the Social Security Number.

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

- 3 ● A valid Colorado driver’s license;
- 4 ● A valid identification card issued by the Department of Revenue in
5 accordance with the requirements of Part 3 of Article 2 of Title 42, C.R.S.;
- 6 ● A valid U.S. passport;
- 7 ● A valid employee identification card with a photograph of the eligible
8 elector issued by any branch, department, agency, or entity of the United
9 States government or of this state, or by any county, municipality, board,
10 authority, or other political subdivision of this state;
- 11 ● A valid pilot’s license issued by the federal aviation administration or
12 other authorized agency of the United States;
- 13 ● A valid U.S. military identification card with a photograph of the eligible
14 elector;
- 15 ● A copy of a current utility bill, bank statement, government check,
16 paycheck, or other government document that shows the name and address
17 of the elector. (A cable bill, a telephone bill, documentation from a public
18 institution of higher education in Colorado containing at least the name,
19 date of birth, and legal residence address of the student elector, a paycheck
20 from a government institution, or a Certificate of Degree of Indian or
21 Alaskan Native Blood are sufficient forms of identification);
- 22 ● A valid Medicare or Medicaid card issued by the United States Health
23 Care Financing Administration;
- 24 ● A certified copy of a U.S. birth certificate for the elector issued in the
25 United States; ø
- 26 ● Certified documentation of naturalization; OR
- 27 ● A VALID STUDENT IDENTIFICATION CARD WITH A PHOTOGRAPH OF THE
28 ELIGIBLE ELECTOR ISSUED BY AN INSTITUTE OF HIGHER EDUCATION IN
29 COLORADO, AS DEFINED IN SECTION 23-3.1-102(5), C.R.S.

30 30.1.7 As used in section 1-1-104(19.5)(a)(VII) “current” refers to current utility bill,
31 current bank statement, and current government check, paycheck, or other
32 government document that shows the name and address of the elector. Current
33 means that the date of the document is within 60 days of the date submitted for
34 identification purposes unless the document states a longer billing cycle.

35 30.2 Voter registration in person.

- 1 30.2.1 Registering in Person. The elector must provide:
- 2 • A valid Colorado Driver’s License number;
- 3 • if the voter does not have a valid eColorado driver’s license, the voter shall
- 4 provide the number of the voter’s current and valid identification card issued by
- 5 the Colorado Department of Revenue.
- 6 • If the voter has not been issued a valid Colorado Driver’s License or ID card
- 7 issued by the Department of Revenue, then the voter shall provide at least the
- 8 four last digits of the voter’s social security number.

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

10 30.2.2 A voter is not required to show or present his current and valid Colorado

11 driver’s license or ID. It is sufficient for the voter to provide the number.

12 30.2.3 If an applicant for voter registration has not been issued a current and valid

13 Colorado driver’s license or a current and valid identification card issued by the

14 Department of Revenue or a social security number, the election official shall

15 nevertheless register the voter. The applicant shall be assigned a unique

16 identification number that will serve to identify the applicant for voter

17 registration purposes. Section 1-2-204 (2.5), C.R.S.

18 30.3 Voter Registration by Mail

19 30.3.1 Registering by Mail. (Including Voter Registration Drives).

- 20 (a) The voter must provide one of the following identification numbers:
- 21 (b) The person’s Colorado Driver’s License number or ID number issued by
- 22 the Department of Revenue; if the voter does not have a current and valid
- 23 Colorado Driver’s License or ID card issued by the Department of
- 24 Revenue, the voter shall provide the last four digits of the voter’s social
- 25 security number.
- 26 (c) If a voter has not been issued a Colorado Driver’s License number, ID
- 27 card issued by the Department of Revenue or a Social Security card, the
- 28 voter must provide a copy of one of the forms of identification listed in
- 29 30.1.6.

30 Authority: Sections 1-2-501(2)(a), C.R.S. and 1-1-104(19.5), C.R.S.

31 30.3.2 Prior to the implementation of the statewide voter registration database, For any

32 voter registration application received by mail that does not have enclosed a

33 copy of the Colorado Driver’s License number, number of an identification card

34 issued by the Department of Revenue, or Social Security number listed, the ID

35 number shall be verified against the Department of Motor Vehicle Motor/Voter

1 Database and the Secretary of State voter registration database. When access to
2 the Social Security database becomes available, that database shall also be
3 utilized. If a number cannot be verified and the voter failed to supply one of the
4 forms of ID listed in 30.1.6, the voter's record will be tagged. (Upon creation of
5 the statewide voter registration system, the check will be performed
6 automatically.)

7 30.3.3 If, for a registration by mail, a copy of an ID is enclosed per section
8 1-1-104(19.5), C.R.S., no further verification against the Department of Motor
9 Vehicle Motor/Voter Database, the Secretary of State voter registration database
10 or the Social Security database is required. The voter shall not be tagged and
11 shall be allowed to vote by mail or ~~absentee~~-MAIL-IN ballot without submitting
12 additional identification requirements.

13 30.3.4 Subject to Rule 30.5.1, if the identification number supplied does not match the
14 identification number on the database record for the name and date of birth, the
15 registration by mail shall not be considered verified. However, if the voter has
16 made a minor error, the Clerk and Recorder may use good judgment and correct
17 the error, and consider the voter verified. Minor errors include, but are not
18 limited to, a transposition of two numbers, or accidentally adding or omitting a
19 number.

20 30.4 Verification of Identification:

21 30.4.1 Verification shall include a match of name, date of birth and ID number on an
22 existing state identification record. A match of only one or two of these items
23 shall not be considered verification. During verification, names given which are
24 similar common variants or nicknames of the name shall be acceptable.

25 30.5 Tagging a voter:

26 30.5.1 Only a voter who has registered by mail may be tagged; a person who registers
27 in person shall not be tagged.

28 30.5.2 A voter who registers by mail and provides a copy of an acceptable ID as
29 provided in section 1-1-104(19.5), C.R.S., shall not be tagged. A social security
30 card is not listed as ID in section 1-1-104(19.5), C.R.S.

31 30.5.3 If a voter registers by mail and supplies a Colorado Driver's License number or
32 Colorado Department of Revenue ID number (but not a copy) and/or the social
33 security number, and if at least one of the numbers can be verified with an
34 existing state identification record bearing the same number, name and date of
35 birth, the voter shall not be tagged.

36 30.5.4 A voter, who registers by mail and does not supply a copy of an acceptable ID
37 as provided in 1-1-104(19.5), C.R.S., and does not list his/her driver's license
38 number, Colorado Department of Revenue ID number or social security
39 number, shall not be registered.

1 30.11 Identification for Voting in Person

2 30.11.1 Voting in Person. (Including early voting, polling place voting).

3 (a) The acceptable forms of ID for voting in person are listed in Rule 30.1.6

4 (b) A Social Security Number (or last four digits) is NOT a legal form of ID for
5 voting in person.

6 Authority: Sections 1-7-201 and 1-1-104(19.5), C.R.S.

7 30.11.2 When the voter shows ID pursuant to section 1-1-104(19.5), C.R.S., the election
8 judge shall check to ensure that the name matches, and that the address, if one is
9 listed, is in the State of Colorado. During verification, names given which are
10 similar common variants or nicknames of the name shall be acceptable.

11 30.12 Identification for Voting by Mail

12 30.12.1 Voting By Mail (Including ~~Absentee~~-MAIL-IN)

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

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

17 30.13 Identification presented by the voter when registering to vote by mail, or presented by the
18 voter when returning the voted mail ballot or ~~absentee~~-MAIL-IN ballot, is not required to
19 be scanned or imaged into the permanent voter registration database, but shall be retained
20 by the designated election official for a period of 25 months after the date of the election.

21 30.14 If a voter has been directed to return identification with his or her voted ballot, the
22 election judge shall open the returned envelope to retrieve the required information. If
23 the required information cannot be found in the return envelope, the election judge shall
24 open the secrecy envelope/sleeve to find the required identification in an effort to not
25 disenfranchise the voter.

26 30.15 If a tagged voter requests an ~~absentee~~-MAIL-IN ballot, the local election official shall send
27 such ballot with written instructions advising the voter of the requisite forms of
28 identification needed to be provided with the ~~absentee~~-MAIL-IN ballot. The local election
29 official shall send the ~~absentee~~-MAIL-IN ballot by the deadline set forth in section 1-8-
30 104(3), C.R.S. If an ~~absentee~~-MAIL-IN ballot is returned without ID as defined in Rule
31 ~~2-030.1.6~~, then the ballot shall be treated as a provisional ballot and verified pursuant to
32 Rule 26.4.

33

34 Rule 37.1.3 would be amended as follows:

1 37.1.3 Counties of the State of Colorado that use a paper ballot voting system or a central count
2 voting system (including mail-in ~~absentee~~-ballots and mail-in ballots), may meet the
3 requirements of this rule by:

4 (a) establishing a voter education program specific to that voting system that notifies
5 each voter of the effect of casting multiple votes for an office; and

6 (b) providing the voter with instructions on how to correct the ballot before it is cast
7 and counted (including instructions on how to correct the error through the issuance
8 of a replacement ballot if the voter was otherwise unable to change the ballot or
9 correct any errors).

10

11 Rule 38 would be amended as follows:

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

15 38.1 Definitions.

16 38.1.1 “Vote Center” means a polling place at which any registered elector in the
17 political subdivision holding the election may vote, regardless of the precinct in
18 which the elector resides.

19 38.1.2 “Teleprocessing Lines” means secure, dedicated communication transmission
20 facilities used for the purpose of transferring Elector Data between Vote Centers
21 and a centralized computerized pollbook maintained by the county clerk and
22 recorder, to ensure the security and integrity of voting information so that no
23 deviation can go undetected.

24 38.1.3 “Elector Data” means voting information, including but not limited to, voter
25 registration, voting history, and voting tabulations.

26 38.1.4 “Electronic Pollbook” is a list of eligible electors in electronic format who are
27 permitted to vote at a polling place in an election conducted under the Election
28 Code, which shall be processed by a computer at a Vote Center to be
29 immediately accessible to all other computers at all Vote Centers in the county.

30 38.2 This Rule applies to each designated election official who transmits election records via
31 Teleprocessing Lines to a centralized Electronic Pollbook maintained by the county clerk
32 and recorder for the purpose of running an election and compiling complete returns.

33 38.3 MINIMUM CONTINGENCY AND SECURITY PROCEDURES

34 38.3.1 The designated election official shall establish written ~~minimum~~-security
35 procedures covering the transference of Vote Center teleprocessing information.

- 1 38.3.2 Such procedures shall include security covering the transmission of Elector
2 Data processed through the Electronic Pollbook and reconciliation of the
3 registration and history of voters casting ballots at a Vote Center.
- 4 38.3.3 SUCH PROCEDURES SHALL INCLUDE CONTINGENCY PROCEDURES FOR NETWORK
5 AND POWER FAILURE. SUCH PROCEDURES SHALL AT A MINIMUM INCLUDE
6 PROCEDURES TO ADDRESS ALL SINGLE POINT FAILURES INCLUDING:
- 7 A. NETWORK FAILURE;
- 8 B. POWER FAILURE THAT LASTS LESS THAN ONE (1) HOUR; AND
- 9 C. POWER FAILURE THAT LASTS MORE THAN ONE (1) HOUR.
- 10 38.3.4 ACCEPTABLE ALTERNATIVES FOR ADDRESSING SUCH FAILURES INCLUDE ANY OF
11 THE FOLLOWING:
- 12 A. AN ELECTRONIC BACKUP OF THE CURRENT POLLBOOK IN ONE OF THE
13 FOLLOWING FORMATS:
- 14 I. A PORTABLE DOCUMENT FILE (PDF);
- 15 II. A SPREADSHEET THAT IS LIMITED TO 64, 000 LINES IF IN EXCEL; OR
- 16 III. A DATABASE WITH A BASIC LOOK-UP INTERFACE.
- 17 B. A SUFFICIENT NUMBER OF COMPUTERS PER VOTE CENTER TO ENSURE THAT
18 THE VOTER CHECK-IN CONTINUES IN AN EFFICIENT MANNER. THE COMPUTERS
19 SHALL HAVE THE ABILITY TO FUNCTION ON BATTERIES OR AN EXTERNAL
20 POWER SOURCE FOR UP TO TWO (2) HOURS; OR
- 21 C. A PAPER BACKUP OF THE POLLBOOK WITH THE MINIMUM INFORMATION
22 REQUIRED TO VERIFY A VOTER'S ELIGIBILITY.
- 23 38.3.5 IN ADDITION TO ACCEPTABLE BACKUP POLLBOOK PROCEDURES, THE SECURITY
24 PLAN SHALL ADDRESS CONTINGENCY PROCEDURES TO PROTECT AGAINST
25 ACTIVITIES SUCH AS VOTING TWICE, INCLUDING BUT NOT LIMITED TO THE USE OF
26 AN AFFIDAVIT THAT THE VOTER HAS NOT AND WILL NOT CAST ANOTHER BALLOT.
- 27 38.4 MINIMUM ELECTRONIC POLLBOOK REQUIREMENTS
- 28 38.4.1 THE DESIGNATED ELECTION OFFICIAL SHALL ADHERE TO THE FOLLOWING MINIMUM
29 PROCEDURES AND SHALL SUBMIT DOCUMENTATION OF COMPLIANCE AND OF THE
30 PRE-ELECTION TESTING TO THE SECRETARY OF STATE NO LATER THAN SIXTY (60)
31 DAYS PRIOR TO THE FIRST DAY ON WHICH THE ELECTRONIC POLLBOOK IS TO BE
32 USED IN THE ELECTION.
- 33 38.4.2 IN EVERY VOTE CENTER IN WHICH AN ELECTRONIC POLLBOOK IS USED, THERE

1 SHALL BE A MINIMUM OF 5 COMPUTERS FOR EVERY 10,000 VOTERS.

2 38.4.23 THE SYSTEM SHALL CONTAIN ENOUGH BANDWIDTH TO HANDLE THE PROCESSING
3 TIME, TAKING INTO ACCOUNT SECURED TRANSACTION METHOD, FOR ANY
4 COMPUTER ON THE SYSTEM FOR A MAXIMUM OF ONE (1) MINUTE PER VOTER.

5 38.4.3 THE COUNTY SHALL SUBMIT THE SYSTEM DATA TRANSFER REQUIREMENTS TO
6 COMPLETELY PROCESS A SINGLE VOTER RECORD. THIS SHALL INCLUDE AT A
7 MINIMUM THE FOLLOWING:

8 A. THE DATA STREAM INFORMATION ON BOTH SEND AND RECEIVING DATA FOR
9 ALL POINTS OF THE TRANSACTION UNTIL THE TRANSACTION IS COMPLETE;

10 B. INFORMATION ON ALL POINTS [OR MOMENTS?] WHERE THE CONNECTION IS
11 CLOSED AND THE DATA STREAM RELEASED BETWEEN THE REMOTE COMPUTER
12 AND THE SERVER; AND

13 C. THE PROPOSED METHOD OF SECURING TRANSMISSIONS ACROSS PUBLIC
14 NETWORKS.

15 38.4.4 THE COUNTY SHALL SUBMIT A DETAILED LIST OF ALL VOTE CENTERS, WITH A
16 PROPOSED NUMBER OF WORKSTATIONS CONNECTING TO THE DATABASE AND THE
17 PROPOSED CONNECTION (INCLUDING BANDWIDTH AND SECURITY) FOR EACH
18 LOCATION.

19 38.5 ELECTRONIC POLLBOOK PRE-ELECTION TESTING PROCEDURES

20 38.5.1 THE ELECTRONIC POLLBOOK APPLICATION SHALL BE TESTED TO ENSURE THAT IT
21 MEETS THE MINIMUM SYSTEM REQUIREMENTS PRIOR TO THE FIRST ELECTION IN
22 WHICH THE IT IS USED.

23 A. THE APPLICATION SHALL ALSO BE TESTED AFTER THE IMPLEMENTATION OF
24 ANY SIGNIFICANT SYSTEM MODIFICATIONS THAT WOULD CAUSE CONCERNS
25 THAT THE SYSTEM WOULD PERFORM DIFFERENTLY THAN IT HAD PRIOR TO
26 IMPLEMENTATION OF THE CHANGES.

27 B. IF NO CHANGES HAVE OCCURRED SINCE THE LAST TEST DOCUMENTATION
28 FILED, THE COUNTY SHALL FILE A STATEMENT TO THAT EFFECT.

29 38.5.2 THE TEST SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:

30 A. A LOAD TEST SHALL BE DEMONSTRATED THROUGH EITHER SIXTY PERCENT
31 (60%) OF ACTUAL COMPUTERS RUNNING AT PROPOSED BANDWIDTH AND
32 SECURITY SETTINGS, OR BY SIMULATING A LOAD TEST WITH COMMERCIAL-
33 OFF-THE-SHELF (“COTS”) TECHNOLOGY DESIGNED FOR LOAD TESTING SUCH
34 AS MERCURY;

35 B. A CONTINGENCY/FAILURE TEST SHALL BE DEMONSTRATED AND DOCUMENTED

1 ILLUSTRATING THE EFFECTS OF FAILURES IDENTIFIED IN RULE 8.3.3; AND

2 C. ALL TESTS SHALL BE CONDUCTED WITH CLIENTS AND SERVERS IN NORMAL,
3 TYPICAL, DEPLOYED OPERATING MODE.

4 38.5.3 THE DESIGNATED ELECTION OFFICIAL SHALL SUBMIT DOCUMENTATION OF THE
5 TESTING WHICH SHALL INCLUDE THE FOLLOWING:

6 A. A FORMAL TEST PLAN CONTAINING ALL TEST SCRIPTS USED;

7 I. THE TEST PLAN SHALL INCLUDE TEST ENVIRONMENT CONTAINING MAKE,
8 MODEL, TYPE OF HARDWARE AND SOFTWARE VERSIONS USED IN
9 TESTING.

10 II. THE TEST PLAN SHALL ALSO INCLUDE THE NUMBER OF CLIENT
11 COMPUTERS, SERVERS AND PHYSICAL LOCATIONS INVOLVED IN TESTING.

12 B. TEST LOGS OF ALL EVENTS THAT WERE OBSERVED DURING TESTING
13 INCLUDING:

14 I. THE SEQUENCE OF ACTIONS NECESSARY TO SET UP THE TESTS;

15 II. THE ACTIONS NECESSARY TO START THE TESTS;

16 III. THE ACTIONS TAKEN DURING THE EXECUTION OF THE TESTS;

17 IV. ANY MEASUREMENTS TAKEN OR OBSERVED DURING THE TESTS;

18 V. ANY ACTIONS NECESSARY TO STOP AND/OR SHUT DOWN THE TESTS;

19 VI. ANY ACTIONS NECESSARY TO BRING THE TESTS TO A HALT; AND

20 VII. ANY ACTIONS NECESSARY OR TAKEN TO DEAL WITH ANOMALIES
21 EXPERIENCED DURING TESTING.

22 C. PERFORMANCE LOGS AND REPORTS TAKEN FROM BOTH SERVER(S) AND
23 WORKSTATION(S) DURING THE TESTING WHICH CONTAIN PERFORMANCE
24 INFORMATION OF:

25 I. NETWORK USAGE (BANDWIDTH);

26 II. PROCESSOR UTILIZATION;

27 III. RANDOM ACCESS MEMORY (RAM) UTILIZATION; AND

28 IV. ANY ADDITIONAL PERFORMANCE MONITORING REPORTS NECESSARY TO
29 EXPLAIN THE PROCESS TAKEN AND TO SUPPORT THE FINDINGS OF THE
30 TESTS.

1 D. ALL TEST LOGS SHALL CONTAIN DATE, TIME, OPERATOR, TEST STATUS (OR
2 OUTCOME), AND ANY ADDITIONAL INFORMATION TO ASSIST THE SECRETARY
3 IN MAKING A DETERMINATION.

4 38.46 ~~Such~~ WRITTEN procedures AND REPORTS REQUIRED BY THIS RULE 38 shall be submitted in
5 writing to the Secretary of State and received by that Office for approval no later than
6 sixty (60) days before the election date. The Secretary of State shall either approve the
7 procedures submitted or notify the designated election official of recommended changes.

8 38.57 If the Secretary of State rejects or approves the written procedures, the Secretary of State
9 shall provide written notice of such rejection/approval, including specifics of non-
10 compliance with this Rule, within fifteen (15) days of receiving the written procedures.

11 38.68 IF THE SECRETARY OF STATE REJECTS THE WRITTEN PROCEDURES, ~~¶~~The designated
12 election official shall submit a revised procedure within fifteen (15) days thereafter.

13 38.79 The Secretary of State shall permit the filing of the revised procedures at a later date if it
14 is determined that compliance with the fifteen day requirement is impossible.

15 Succeeding subsections of Rule 38 would be renumbered accordingly

16
17 Rule 40.3.1 would be amended as follows:

18 40.3.1 The certification program shall include core requirements. All training outlined herein
19 shall be provided under the direction of the Secretary of State. Persons applying for
20 certification shall complete at least eight core classes. The core classes shall generally
21 include but are not limited to:

22 (a) The basic conduct of elections

23 (b) Testing and maintenance of voting equipment

24 (c) Canvass procedures

25 (d) ~~Absentee~~-MAIL-IN voting

26 (e) Pollworker training and recruiting

27 (f) SCORE training

28 (g) Ethics

29 (h) Accessibility for people with disabilities

30 (i) Provisional Voting

31

1 Rule 41.2 would be amended as follows:

2 41.2 Detailed Ballot Log

3 41.2.1 The designated election official shall keep a detailed log of all ballots. The
4 designated election official shall begin the log as soon as ballots are ordered and
5 received. The log shall include the polling location and/or precinct number(s),
6 ballot style(s), and account for every ballot that is received and distributed. The
7 detailed ballot log shall be reconciled at the conclusion of each workday.

8 ~~4241.2.2~~ The designated election official shall keep and reconcile daily logs of ~~absentee~~
9 MAIL-IN, mail and early voting ballots.

10 41.2.3 The designated election official shall indicate in the detailed log the number of
11 paper ballots that are sent to each polling location for use on election day.

12 41.2.4 All required logs may be kept either by electronic or manual means.

13

14 Rule 41.5.1 would be amended as follows:

15 41.5.1 In order for the canvass board established pursuant to section 1-10-101, C.R.S., to
16 perform its duties, pursuant to section 1-10-101.5, C.R.S., the designated election
17 official shall provide the following information:

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

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

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

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

24 (e) The number of provisional ballots counted.

25 Rule 41.6.3 would be amended as follows:

26 41.6.3 The official abstract shall include, by precinct/ballot style or vote center, where
27 applicable:

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

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

31 (c) The total number of electors voting in each precinct, and the total for the

- 1 jurisdiction holding the election;
- 2 (d) The number of voters who voted early;
- 3 (e) The number of emergency registrations;
- 4 (f) The number of ~~absentee~~-MAIL-IN or mail ballots counted and the number rejected;
- 5 (g) The number of provisional ballots counted and the number rejected listed by each
6 rejection code pursuant to Rule 26.5.4; and
- 7 (h) The number of damaged and spoiled ballots.
- 8

9 Rule 41.9.1 would be amended as follows:

- 10 41.9.1 After the canvass process is completed, the designated election official shall
11 give credit to each voter who votes ~~absentee~~, by mail, at an early voting site, or
12 at a polling location.
- 13

14 Rule 42 would be amended as follows:

15 **Rule 42. Rules Concerning Use of Facsimile for Administrative or Medical Emergency**
16 **Outside of the UOCAVA Context.**

- 17 42.1 Pursuant to section 1-8-115, C.R.S., the designated election official may use means of
18 electronic transfer to provide an ~~absentee~~-MAIL-IN ballot to the eligible elector for an
19 administrative or medical emergency following the procedures outlined in section 1-8-
20 115 C.R.S., and this rule.
- 21 42.2 “Electronic Transfer” shall mean the use of facsimile and shall not include the use of e-
22 mail under section 1-8-115, C. R. S.
- 23 42.3 If an ~~absentee~~-MAIL-IN ballot is delivered to an elector by facsimile transmission, the
24 elector may return the ~~absentee~~-ballot by facsimile transmission.
- 25 42.4 ~~Absentee~~-MAIL-IN ballots sent by facsimile transmission shall include all races, ballot
26 issues, and questions on which the elector may vote. Counties are encouraged to work
27 with their vendors to develop a ballot that is clearly legible to the elector to increase the
28 readability of the ballot and to avoid possible misinterpretations of the elector’s intended
29 choice because of poor transmission of the document.
- 30 42.5 Instructions faxed to the elector with the ~~absentee~~-ballot shall include the following
31 information:
- 32 (a) The name of the elector;

- 1 (b) The recipient's fax number;
- 2 (c) The total number of pages to be transmitted;
- 3 (d) The total number of ballot pages;
- 4 (e) The telephone number or e-mail address where the eligible elector may send
5 questions regarding the ~~faxed absentee~~ ballot;
- 6 (f) A notice that the recipient shall not duplicate the ballot for any other voter;
- 7 (g) The fax number where the eligible elector may return their completed ~~facsimile~~
8 ~~absentee~~ ballot.
- 9 (h) Return address information for the designated election official and instructions to
10 mark, "official ballot enclosed" on the elector's return envelope;
- 11 (i) A notice that the ballot must be received by the designated election official by mail,
12 hand delivery or received by fax no later than 7:00 p.m. Mountain Standard Time on
13 election day; and
- 14 (j) Instructions for returning the medical/administrative emergency form.
- 15 (k) A notice that the ballot will not be a confidential ballot.
- 16 42.6 The transmission shall also include an ~~absentee~~-MAIL-IN ballot self-affirmation pursuant
17 to 1-8-114 (1) C. R. S.
- 18 42.7 The fax transmission log as well as any other fax record shall be part of the official
19 election record.
- 20 42.7.1 A Fax Transmission log shall be maintained by the designated election official of
21 each ballot sent to a voter by facsimile indicating:
- 22 (a) The name of the voter;
- 23 (b) The fax number to which the ballot was sent;
- 24 (c) The unique identification number of the faxed ballot;
- 25 (d) The date the ballot and instructions were faxed; and
- 26 (e) The initials of the designated election official's employee sending the fax.
- 27 42.8 The designated election official shall fax the blank ballot with the instructions to the fax
28 number provided by the elector. If the transmission is unsuccessful, the designated
29 election official shall attempt to fax at least two more times and make reasonable effort, if
30 possible, to ensure the transmission was successful.

- 1 42.9 Upon receipt of the ballot, when the information from the signed affidavit has been
2 verified, a bipartisan team of judges shall duplicate the ballot. Duplicating judges shall
3 not reveal how the elector has cast his or her ballot.
- 4 42.10 Medical Emergency
- 5 42.10.1 For purposes of section 1-8-115(1)(a), C.R.S., “second degree” is defined as
6 spouse, parents, children, brothers and sisters, grandparents, and grandchildren
7 related by blood or marriage.
- 8 42.10.2 FOR THE PURPOSES OF SECTION 1-8-115(1)(A), C.R.S., THE DEADLINE TO APPLY
9 FOR A MAIL-IN BALLOT SHALL BE THE LAST DAY TO APPLY FOR A MAIL-IN BALLOT
10 BY MAIL IN ACCORDANCE WITH SECTION 1-8-104(3), C.R.S.
- 11 42.11 Administrative Emergency. If the designated election official is unable to provide an
12 ~~absentee~~-MAIL-IN ballot to an elector by any other means, the designated election official
13 shall seek authority from the Secretary of State to provide an ~~absentee~~-MAIL-IN ballot to
14 the elector pursuant to section 1-8-115(4), C.R.S., using fax transmission.
- 15 42.11.1 This Rule 42.11 shall apply only to eligible electors who are properly registered
16 and have timely filed for an ~~absentee~~-MAIL-IN ballot application.
- 17 42.11.2 The Secretary of State shall designate a point of contact for each election for
18 Emergency Electronic Transfer Requests no later than twenty-one (21) days
19 prior to an election. The Secretary of State shall notify the counties by e-mail
20 who the designated point of contact shall be, and post the contact information
21 for the designated point of contact on the Secretary of State’s website.
- 22 42.11.3 The designated election official shall submit the request in writing from the
23 Secretary of State using the Emergency Electronic Transfer form. E-mail is the
24 preferred method of communication. If possible, the designated election official
25 shall attempt to consolidate requests to the Secretary of State.
- 26 42.11.4 The form for requesting an emergency electronic transfer shall be posted on the
27 Secretary of State’s website. The form must contain the following information:
- 28 (a) Contact information, including name, address, phone number, fax number,
29 and e-mail address for the designated election official or their designee;
- 30 (b) Date and time of request sent by designated election official;
- 31 (c) Confirmation e-mail to designated election official by Secretary of State
32 upon receipt of request
- 33 (d) Justification as to why the ballot(s) need to be sent by fax, which includes
34 the following required information:
- 35 (1) The elector’s name;

- 1 (2) When the elector applied for the ~~absentee~~-MAIL-IN ballot;
- 2 (3) The date when the designated election official sent the ~~absentee~~-MAIL-
- 3 IN ballot to the elector (if applicable);
- 4 (4) The date the elector contacted the designated election official with
- 5 information regarding failure to receive the ballot;
- 6 (5) A suggested timeframe for the Secretary of State to respond;
- 7 (6) The quantity of ballots to be sent by fax; and
- 8 (7) Approval or disapproval by the Secretary of State; if denied, reason for
- 9 the denial.

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

12 42.11.5 The Secretary of State shall respond in writing to the designated election official
 13 as soon as possible, but no later than eight (8) business hours after receipt of the
 14 request.

15 42.11.6 The Secretary of State shall have the ability to issue a blanket approval by
 16 electronic transfer.

17 42.12 Timeliness of filing applications for emergency ~~absentee~~-MAIL-IN ballots

18 42.12.1 Requests for emergency ~~absentee~~-MAIL-IN ballots issued for medical
 19 reasons pursuant to Section 1-8-115 (1)(a) must be received by the designated
 20 election official no later than 5:00 p.m. on the day of election.

21 42.12.2 Requests for emergency ~~absentee~~-MAIL-IN ballots issued for administrative
 22 reasons pursuant to Section 1-8-115 (2) must be received by the designated
 23 election official no later than 7:00 P.M. on the day of the election.

24 42.12.3 Requests for ~~E~~Emergency ~~absentee~~-MAIL-IN ballots shall not be processed
 25 if the request is received after the required deadline.

26

27 Rule 43.8.3.3 would be amended as follows:

28 43.8.3.3 The requirements for an employee to be given access to a code, combination,
 29 password, or encryption key are as follows:

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

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

- 4 c. Except for emergency personnel, no other individuals shall be present in
5 these locations unless supervised by one or more employees as defined in Rule
6 43.1.4.

- 7 i. Each individual who has access to the central election management system
8 or central tabulator shall have their own unique username and
9 password. No individual shall use any other individual's username or
10 password. Shared accounts shall be prohibited.

- 11 ii. The county shall maintain a log of each person who enters the ballot
12 storage room, including the person's name, signature, and date and time of
13 entry. If access to the ballot storage room is controlled by use of key card
14 or similar door access system that is capable of producing a printed paper
15 log including the person's name and date and time of entry, such a log
16 shall meet the requirements of this rule.

17

18 Rule 43.8.5.1 would be amended as follows:

19 43.8.5.1 Unless otherwise instructed, continuous video security surveillance recordings of
20 specified areas shall be made beginning at least sixty (60) days prior to the election and
21 continuing through at least thirty (30) days after the election, unless there is a recount or
22 contest. If a recount or contest occurs, the recording shall continue through the
23 conclusion of all such activity. The following are the specific minimum requirements:

- 24 a. Counties over 50,000 registered voters shall make continuous video security
25 surveillance recordings of the following areas:
 - 26 i. All areas in which election software is used, including but not limited to
27 programming, downloading memory cards, uploading memory cards,
28 tallying results, and results reporting.
 - 29 ii. All areas used for processing ~~absentee~~-MAIL-IN ballots, including but not
30 limited to areas used for Signature Verification, tabulation, or storage of
31 voted ballots beginning at least thirty-five (35) days prior to the election
32 and continuing through at least thirty (30) days after the election, unless
33 there is a recount or contest. If a recount or contest occurs, the recording
34 shall continue through the conclusion of all such activity.
 - 35 iii. The storage area for all voting equipment.

- 36 b. Counties under 50,000 registered voters shall make continuous video security
37 surveillance recordings of the following areas:

- 1 i. All areas in which election software is used, including but not limited to
2 programming, downloading memory cards, uploading memory cards,
3 tallying results, and results reporting.

4
5 Rule 43.8.8.3 would be amended as follows:

6 43.8.8.2 In the event of a serious or catastrophic equipment failure or equipment being
7 removed from service at one or more polling locations, or there is not adequate backup
8 equipment to meet the requirements of Section 1-5-501, C.R.S., the county clerk and
9 recorder shall contact the Secretary of State for authorization to use provisional ballots or
10 ~~absentee~~-MAIL-IN ballots as an emergency voting method.

11
12
13 Rule 44.2.4 would be amended as follows:

14 4344.2.4 After completing the training, the organizer shall sign an Acknowledgement that
15 the training has been completed and that he or she has been duly informed of
16 rules, laws and penalties relating to voter registration drives.

17 *[Note: Rule 44.2.4 is amended solely for the purposes of correcting numbering]*

18
19 Rule 45.1.8 would be amended as follows:

20 45.1.8 "EAC" means the United States Elections Assistance Commission.

21
22 Rule 45.1.12 would be amended as follows:

23 45.1.12 "Remote site" means any physical location identified by a Designated Election Official
24 as a location where the jurisdiction shall be conducting the casting of ballots for a given
25 election. A remote site includes locations such as precinct polling places, vote centers,
26 early voting, ~~absentee~~-MAIL-IN ballot counting, etc.

27
28 New Rule 45.2.3 would be adopted as follows:
29

30 45.2.3 DOCUMENTS INCORPORATED BY REFERENCE

31 45.2.3.1 ALL DOCUMENTS INCORPORATED BY REFERENCE IN THIS RULE 45 DO NOT
32 INCLUDE ANY LATER AMENDMENTS OR EDITIONS OF THE DOCUMENT.

33 45.2.3.2 ALL DOCUMENTS INCORPORATED BY REFERENCE IN THIS RULE 45 MAY BE

1 VIEWED ON THE "VOTING SYSTEMS" PAGE OF THE "ELECTIONS CENTER" ON THE
2 SECRETARY OF STATE WEBSITE AT WWW.SOS.STATE.CO.US, OR BY CONTACTING THE
3 SECRETARY OF STATE VOTING SYSTEMS SPECIALIST /1700 BROADWAY – SUITE
4 270/DENVER, CO 80290.

5
6 Rule 45.5.2.1.3 would be amended as follows:

7 45.5.2.1.3 The voting system shall accurately integrate election day voting results with
8 ~~absentee~~ MAIL-IN, early voting and provisional ballot results.

9
10 Rule 45.5.2.4.3 would be amended as follows:

11 45.5.2.4.3 ~~As of March 31, 2008, any~~ ALL voting system providers submitting a voting
12 system for certification AFTER MARCH 31, 2008, shall, prior to applying for certification,
13 have completed and provided documentation of an independent analysis of the system
14 coordinated through the Secretary of State's office. The independent analysis shall
15 include:

16
17 Rule 45.5.2.6 would be amended as follows:

18 45.5.2.6 Security Requirements

19 45.5.2.6.1 All voting systems submitted for certification shall meet the following
20 minimum system security requirements:

21 (a) The voting system shall accommodate a general system of access by least
22 privilege and role based access control. The following requirements shall
23 apply:

24 (i) The operating system Administrative Account shall not have
25 access to read or write data to the database and shall not have the
26 ability or knowledge of the database administrator password;

27 (ii) The operating system administrative account shall not be required
28 to use any function of the voting system during normal operations;

29 (iii) A unique system user/operator account shall be created for
30 operating system use that is restricted from the following aspects
31 of the operating system:

32 a. No access to system root directory;

33 b. No access to operating system specific folders;

- 1 c. No access to install or remove programs; and
- 2 d. No access to modify other user accounts on the system.
- 3 (iv) A unique application administrative account shall be created which
4 has full access and rights to the application and database;
- 5 (v) A unique application user/operator account shall be created with
6 limited rights specifically designed to perform functional operation
7 within the scope of the application. This user/operator shall be
8 restricted in the creation or modification of any user/operator
9 accounts; and
- 10 (vi) Voting system provider shall not have administrative account, or
11 administrative account access.
- 12 (b) The voting system shall meet the following requirements for network
13 security:
- 14 (i) All components of the voting system shall only be operated on a
15 closed network only for the use of the voting system;
- 16 (ii) All components of the voting system shall include the limited use
17 of non-routable IP address configurations for any device connected
18 to the closed network. For the purposes of this requirement non-
19 routable IP addresses are those defined in the RFC 1918 Address
20 base; and
- 21 (iii) The voting system shall be tested to contain provisions for
22 updating security patches, software and/or service packs without
23 access to the open network.
- 24 (c) ~~After March 31, 2008, a~~All voting systems submitted for certification
25 AFTER MARCH 31, 2008, shall meet the following requirements for
26 database security:
- 27 (i) All voting systems submitted for certification using Oracle 9i,
28 Oracle 10g, or Microsoft SQL shall be hardened to the existing and
29 published NSA guidelines for databases as follows:
- 30
- 31 a. Oracle 9i and Oracle 10g databases shall be hardened to the
32 Center for Internet Security Benchmark for Oracle 9i/10g
33 Ver. 2.0;
- 34 b. Microsoft SQL databases shall be hardened to the NSA
35 Guide to the Secure Configuration and Administration of
36 Microsoft SQL Server 2000.

- 1 (ii) All other voting system databases submitted for certification shall
2 have the voting systems databases hardened to database
3 manufacturer's existing hardening requirements; or
- 4 (iii) If the manufacturer has not established requirements for the
5 specifically designed system, the voting systems submitted for
6 certification shall have the voting systems databases hardened to
7 the voting system providers' specifications.
- 8 (iv) All voting systems submitted for certification shall have all voting
9 systems databases restricted to allowing access to database
10 authentication from application only (or through application only);
- 11 (v) All data stored at rest in any voting system database shall be
12 encrypted in accordance with section (vi) of this requirement; and
- 13 (vi) All Cryptography modules shall be documented by the voting
14 system provider to be certified to US Federal Information
15 Processing Standard (FIPS-140-2), and validated to FIPS 180
16 standards.
- 17 (d) The voting system shall meet the following requirements for operating
18 system security:
- 19 (i) ~~After March 31, 2008, a~~All voting systems being submitted for
20 certification AFTER MARCH 31, 2008 shall have all operating
21 systems hardened to NSA guidelines for operating systems as
22 follows:
- 23 a. Apple ~~max~~ MAC OS X systems shall be hardened to the
24 NSA Apple Mac OS X v10.3.x "Panther" Security
25 Configuration Guide Version 1.1;
- 26 b. Apple Server Operating Systems shall be hardened to the
27 NSA Apple Mac OS X Server v10.3.x "Panther" Security
28 Configuration Guide;
- 29 c. Microsoft Windows XP Operating systems shall be
30 hardened to the NSA Windows XP Security Guide Version:
31 2.2 and the NSA Windows XP Security Guide Addendum
32 Version 1.0;
- 33 d. Microsoft Windows 2000 operating systems shall be
34 hardened to the following NSA Guides:
- 35 i. Guide to the Secure Configuration and
36 Administration of Microsoft Internet Information
37 Services 5.0 Version 1.4;

- 1 ii. Guide to the Secure Configuration and
2 Administration of Microsoft ISA Server 2000
3 Version 1.5;
- 4 iii. Guide to Securing Microsoft Windows 2000 Active
5 Directory Version 1.0;
- 6 iv. Guide to the Secure Configuration and
7 Administration of Microsoft Windows 2000
8 Certificate Services Version 2.1.1;
- 9 v. Guide to Securing Microsoft Windows 2000 DHCP
10 Version 1.3;
- 11 vi. Guide to Securing Microsoft DNS Version 1.0;
- 12 vii. Guide to Securing Microsoft Windows 2000
13 Encrypting File System Version 1.0;
- 14 viii. Guide to Securing Microsoft Windows 2000 File
15 and Disk Resources Version 1.0.1;
- 16 ix. Guide to securing Microsoft Windows 2000 Group
17 Policy Version 1.1;
- 18 x. Group Policy Reference Version 1.0.8;
- 19 xi. Guide to Securing Microsoft Windows 2000 Group
20 Policy: Security Configuration Tool Set Version
21 1.2.1;
- 22 xii. Microsoft Windows 2000 IPsec Guide Version 1.0;
- 23 xiii. Guide to Windows 2000 Kerberos Settings Version
24 1.1;
- 25 xiv. Microsoft Windows 2000 Network Architecture
26 Guide Version 1.0;
- 27 xv. Microsoft Windows 2000 Router Configuration
28 Guide Version 1.02;
- 29 xvi. Guide to Securing Microsoft Windows 2000
30 Schema Version 1.0;
- 31 xvii. Guide to Securing Microsoft Windows 2000
32 Terminal Services Version 1.0; and

xviii. Guide to Securing Windows NT/9x Clients in a Windows 2000 Network Version 1.0.2;

e. Microsoft Windows Server 2003 operating systems shall be hardened to the NSA Microsoft Windows Server 2003 Security Guide Version 2.1 and The Microsoft Windows Server 2003 Security Guide Addendum Version 1.0;

f. Sun Solaris 8 operating systems shall be hardened to the NSA Guide to the Secure Configuration of Solaris 8 Version 1.0; and

g. Sun Solaris 9 operating systems shall be hardened to the NSA Guide to the Secure Configuration of Solaris 9 Version 1.0.

(ii) All other voting system operating systems submitted for certification after March 31, 2008 shall have all operating systems hardened to existing manufacturer's hardening requirements; or

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

(iv) The voting system provider shall provide documentation containing a list of minimum services and executables that are required to run the voting system application;

(v) The voting system provider shall configure the voting system operating system of the workstation and/or server used for the election management software to the following requirements:

a. The ability for the system to take an action upon inserting a removable media (Autorun) shall be disabled; and

b. The voting system shall only boot from the drive or device identified as the primary drive. The voting system shall not boot from any alternative device.

(vi) The voting system provider shall use a virus protection/prevention application on the election management server(s) /workstations which shall be capable of manual updates without the use of the internet.

- 1 (e) The voting system shall meet the following requirements for password
2 security:
- 3 (i) All passwords shall be stored and used in a non-reversible format;
- 4 (ii) Passwords to database shall not be stored in database;
- 5 (iii) Password to database shall be owned and known only known by
6 the application;
- 7 (iv) The application's database management system shall require
8 separate passwords for the administrative account and each
9 operator account with access to the application;
- 10 (v) The system shall be designed in such a way that the use of the
11 administrative account password shall not be required for normal
12 operating functions at any remote location;
- 13 (vi) The system shall be designed in such a way to facilitate the
14 changing of passwords for each election cycle;
- 15 (vii) The use of blank or empty passwords shall not be permitted at any
16 time with the exception of a limited one-time use startup password
17 which requires a new password to be assigned before the system
18 can be used; and
- 19 (viii) ~~As of March 31, 2008 a~~All voting systems submitted for
20 certification AFTER MARCH 31, 2008 shall have all components of
21 voting system capable of supporting passwords of a minimum of 8
22 characters, which shall be capable of including numeric, alpha and
23 special characters in upper case or lower case used in any
24 combination.
- 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 (i) Self-modifying, dynamically loaded or interpreted code is
31 prohibited, except under the security provisions required by federal
32 testing. External modification of code during execution shall be
33 prohibited. Where the development environment (programming
34 language and development tools) includes the following features,
35 the software shall provide controls to prevent accidental or
36 deliberate attempts to replace executable code:

- 1 a. Unbounded arrays or strings (includes buffers used to move
2 data);
- 3 b. Pointer variables; and
- 4 c. Dynamic memory allocation and management.
- 5 (ii) ~~By March 31, 2008, a~~All voting systems submitted for certification
6 AFTER MARCH 31, 2008 shall have application software designed in
7 a modular fashion. COTS software is not required to be inspected
8 for compliance with this requirement. For the purpose of this
9 requirement, “modules” may be compiled or interpreted
10 independently. Modules may also be nested. The modularity rules
11 described here apply to the component sub-modules of a library.
12 The principle to be followed is that the module contains all the
13 elements to compile or interpret successfully and has limited
14 access to data in other modules. The design concept is simple
15 replacement with another module whose interfaces match the
16 original module. All modules shall be designed in accordance with
17 the following requirements for systems submitted for certification
18 after March 31, 2008:
- 19 a. Each module shall have a specific function that can be
20 tested and verified independently of the remainder of the
21 code. In practice, some additional modules (such as library
22 modules) may be needed to compile the module under test,
23 but the modular construction allows the supporting
24 modules to be replaced by special test versions that support
25 test objectives.
- 26 b. Each module shall be uniquely and mnemonically named,
27 using names that differ by more than a single character. In
28 addition to the unique name, the modules shall include a set
29 of header comments identifying the module’s purpose,
30 design, conditions, and version history, followed by the
31 operational code. Headers are optional for modules of
32 fewer than ten executable lines where the subject module is
33 embedded in a larger module that has a header containing
34 the header information. Library modules shall also have a
35 header comment describing the purpose of the library and
36 version information.
- 37 c. All required resources, such as data accessed by the
38 module, should either be contained within the module or
39 explicitly identified as input or output to the module.
40 Within the constraints of the programming language, such
41 resources shall be placed at the lowest level where shared

1 access is needed. If that shared access level is across
2 multiple modules, the definitions should be defined in a
3 single file (called header files in some languages, such as
4 C) where any changes can be applied once and the change
5 automatically applies to all modules upon compilation or
6 activation.

7 d. Each module shall have a single entry point, and a single
8 exit point, for normal process flow. For library modules or
9 languages such as the object-oriented languages, the entry
10 point is to the individual contained module or method
11 invoked. The single exit point is the point where control is
12 returned. At that point, the data that is expected as output
13 shall be appropriately set. The exception for the exit point
14 is where a problem is so severe that execution cannot be
15 resumed. In this case, the design shall explicitly protect all
16 recorded votes and audit log information and shall
17 implement formal exception handlers provided by the
18 language.

19 e. Process flow within the modules shall be restricted to
20 combinations of the control structures defined below. This
21 shall apply to any language feature where program control
22 passes from one activity to the next, such as control scripts,
23 object methods or sets of executable statements, even
24 though the language itself is not procedural.

25 i. In the constructs, any 'process' may be replaced by a
26 simple statement, a subroutine or function call, or any
27 of the control constructs.

28 ii. Using the replacement rule to replace one or both of the
29 processes in the Sequence construct with other
30 Sequence constructs, a large block of sequential code
31 may be formed. The entire chain is recognized as a
32 Sequence construct and is sometimes called a BLOCK
33 construct. Sequences shall be marked with special
34 symbols or punctuation to delimit where it starts and
35 where it ends.

36 iii. A special case of the GENERAL LOOP is the FOR
37 loop. The FOR loop may be programmed as a DO-
38 WHILE loop. The FOR loop shall execute on a counter.
39 The control FOR statement shall define a counter
40 variable or variables, a test for ending the loop, and a
41 standard method of changing the variable(s) on each
42 pass such as incrementing or decrementing.

- 1
2
3
4
5
6
7
8
9
10
- iv. The use of the FOR loop shall avoid common errors such as a loop that never ends. The GENERAL LOOP shall not be used where one of the other loop structures will serve. However, if defined in the language, it may be useful in defining some loops where the exit needs to occur in the middle. Also, in other languages the GENERAL LOOP logic may be used to simulate the other control constructs. The use of the GENERAL LOOP shall require the strict enforcement of coding conventions to avoid problems.
- 11
12
13
14
15
16
17
- v. The voting system software code shall use uniform calling sequences. All parameters shall either be validated for type and range on entry into each unit or the unit comments shall explicitly identify the type and range for the reference of the programmer and tester. Validation may be performed implicitly by the compiler or explicitly by the programmer.
- 18
19
20
21
22
23
24
25
26
27
28
29
30
- vi. The voting system software code shall have the return explicitly defined for callable units such as functions or procedures (do not drop through by default) for C-based languages and others to which this applies, and in the case of functions, shall have the return value explicitly assigned. Where the return is only expected to return a successful value, the C convention of returning zero shall be used. If an uncorrected error occurs so the unit shall return without correctly completing its objective, a non-zero return value shall be given even if there is no expectation of testing the return. An exception may be made where the return value of the function has a data range including zero.
- 31
32
33
- vii. The voting system software code shall not use macros that contain returns or pass control beyond the next statement.
- 34
35
36
- viii. For those languages with unbound arrays, the voting system software shall provide controls to prevent writing beyond the array, string, or buffer boundaries.
- 37
38
39
40
41
42
- ix. For those languages with pointers or which provide for specifying absolute memory locations, the voting system software shall provide controls that prevent the pointer or address from being used to overwrite executable instructions or to access inappropriate areas where vote counts or audit records are stored.

- 1 x. For those languages supporting case statements, the
2 voting system software shall have a default choice
3 explicitly defined to catch values not included in the
4 case list.
- 5 xi. The voting system software shall provide controls to
6 prevent any vote counter from overflowing. An
7 assumption that the counter size is large enough such
8 that the value will never be reached does not meet this
9 requirement.
- 10 xii. The voting system software code shall be indented
11 consistently and clearly to indicate logical levels.
- 12 xiii. Excluding code generated by commercial code
13 generators, the voting system software code is written
14 in small and easily identifiable modules, with no more
15 than 50% of all modules exceeding 60 lines in length,
16 no more than 5% of all modules exceeding 120 lines in
17 length, and no modules exceeding 240 lines in length.
18 "Lines" in this context, are defined as executable
19 statements or flow control statements with suitable
20 formatting and comments.
- 21 xiv. Where code generators are used, the voting system
22 software source file segments provided by the code
23 generators shall be marked as such with comments
24 defining the logic invoked and, a copy of the source
25 code provided to the accredited test lab with the
26 generated source code replaced with an unexpanded
27 macro call or its equivalent.
- 28 xv. The voting system software shall have no line of code
29 exceeding 80 columns in width (including comments
30 and tab expansions) without justification.
- 31 xvi. The voting system software shall contain no more than
32 one executable statement and no more than one flow
33 control statement for each line of source code.
- 34 xvii. In languages where embedded executable statements
35 are permitted in conditional expressions, the single
36 embedded statement may be considered a part of the
37 conditional expression. Any additional executable
38 statements should be split out to other lines.
- 39 xviii. The voting system software shall avoid mixed-mode
40 operations. If mixed mode usage is necessary, then all

1 uses shall be identified and clearly explained by
2 comments.

3 xix. Upon exit() at any point, the voting system software
4 shall present a message to the operator indicating the
5 reason for the exit().

6 xx. The voting system software shall use separate and
7 consistent formats to distinguish between normal status
8 and error or exception messages. All messages shall be
9 self-explanatory and shall not require the operator to
10 perform any look-up to interpret them, except for error
11 messages that require resolution by a trained technician.

12 xxi. The voting system software shall reference variables by
13 fewer than five levels of indirection.

14 xxii. The voting system software shall have functions with
15 fewer than six levels of indented scope, counted as
16 follows:

```
17 int function()  
18 {  
19     if (a = true)  
20     {  
21         if ( b = true )  
22         {  
23             if ( c = true )  
24             {  
25                 if ( d = true )  
26                 {  
27                     while(e > 0 )  
28                     {  
29                         code  
30                     }  
                }  
            }  
        }  
    }  
}
```

1 }
2 }
3 }
4 }
5 }

6 xxiii. The voting system software shall initialize every
7 variable upon declaration where permitted.

8 xxiv. The voting system software shall have all constants
9 other than 0 and 1 defined or enumerated, or shall have
10 a comment which clearly explains what each constant
11 means in the context of its use. Where “0” and “1” have
12 multiple meanings in the code unit, even they shall be
13 identified.

14 xxv. The voting system software shall only contain the
15 minimum implementation of the “a = b ? c : d” syntax.
16 Expansions such as “j=a?(b?c:d):e;” are prohibited.

17 xxvi. The voting system software shall have all assert()
18 statements coded such that they are absent from a
19 production compilation. Such coding may be
20 implemented by ifdef()s that remove them from or
21 include them in the compilation. If implemented, the
22 initial program identification in setup should identify
23 that assert() is enabled and active as a test version.

24 f. Control Constructs within the modules shall be limited to
25 the acceptable constructs of Sequence, If-Then-Else, Do-
26 While, Do-Until, Case, and the General Loop (including
27 the special case for loop).

28 i. If the programming language used does not provide
29 these control constructs, the voting system provider
30 shall provide comparable control structure logic. The
31 constructs shall be used consistently throughout the
32 code. No other constructs shall be used to control
33 program logic and execution.

34 ii. While some programming languages do not create
35 programs as linear processes, stepping from an initial
36 condition through changes to a conclusion, the program
37 components may nonetheless contain procedures (such

1 as “methods” in object-oriented languages). In these
2 programming languages, the procedures shall execute
3 through these control constructs or their equivalents, as
4 defined and provided by the voting system provider.

5 iii. Operator intervention or logic that evaluates received or
6 stored data shall not redirect program control within a
7 program routine. Program control may be redirected
8 within a routine by calling subroutines, procedures, and
9 functions, and by interrupt service routines and
10 exception handlers (due to abnormal error conditions).
11 Do-While (False) constructs and intentional exceptions
12 (used as GoTos) are prohibited.

13 g. All modules of the voting system software shall use the
14 following naming conventions:

15 i. Object, function, procedure, and variable names shall
16 be chosen to enhance the readability and intelligibility
17 of the program. Names shall be selected so that their
18 parts of speech represent their use, such as nouns to
19 represent objects and verbs to represent functions.

20 ii. Names used in code and in documentation shall be
21 consistent.

22 iii. Names shall be unique within an application. Names
23 shall differ by more than a single character. All single-
24 character names are forbidden except those for
25 variables used as loop indexes. In large systems where
26 subsystems tend to be developed independently,
27 duplicate names may be used where the scope of the
28 name is unique within the application. Names shall
29 always be unique where modules are shared.

30 iv. Language keywords shall not be used as names of
31 objects, functions, procedures, variables, or in any
32 manner not consistent with the design of the language.

33 h. All modules of the voting system software shall adhere to
34 basic coding conventions. The voting system providers
35 shall identify the published, reviewed, and industry-
36 accepted coding conventions used.

37 i. All modules of the voting system software shall use the
38 following comment conventions:

- 1
2
3
4
5
6
7
- i. All modules shall contain headers. For small modules of 10 lines or less, the header may be limited to identification of unit and revision information. Other header information should be included in the small unit headers if not clear from the actual lines of code. Header comments shall provide the following information:
- 8
9
10
11
12
13
14
1. The purpose of the unit and how it works;
 2. Other units called and the calling sequence;
 3. A description of input parameters and outputs;
 4. File references by name and method of access (i.e., read, write, modify or append);
 5. Global variables used; and
 6. Date of creation and a revision record.
- 15
16
17
18
19
20
- ii. Descriptive comments shall be provided to identify objects and data types. All variables shall have comments at the point of declaration clearly explaining their use. Where multiple variables that share the same meaning are required, the variables may share the same comment.
- 21
22
23
- iii. In-line comments shall be provided to facilitate interpretation of functional operations, tests, and branching.
- 24
25
26
- iv. Assembly code shall contain descriptive and informative comments such that its executable lines can be clearly understood.
- 27
28
29
- v. All comments shall be formatted in a uniform manner that makes it easy to distinguish them from executable code.
- 30
31
32
- j. All modules of the system shall meet the following requirements for installation of software, including hardware with embedded firmware.
- 33
34
35
- i. If software is resident in the system as firmware, the voting system provider shall require and state in the system documentation that every device is to be

1 retested to validate each ROM prior to the start of
2 elections operations.

3 ii. To prevent alteration of executable code, no software
4 shall be permanently installed or resident in the voting
5 system unless the system documentation states that the
6 jurisdiction shall provide a secure physical and
7 procedural environment for the storage, handling,
8 preparation, and transportation of the system hardware.

9 iii. The voting system bootstrap, monitor, and device-
10 controller software may be resident permanently as
11 firmware, provided that this firmware has been shown
12 to be inaccessible to activation or control by any means
13 other than by the authorized initiation and execution of
14 the vote counting program, and its associated exception
15 handlers.

16 iv. The election-specific programming may be installed
17 and resident as firmware, provided that such firmware
18 is installed on a component (such as a computer chip)
19 other than the component on which the operating
20 system resides.

21 v. After initiation of election day testing, no source code
22 or compilers or assemblers shall be resident or
23 accessible.

24 vi. Independent analysis will test for the following
25 conditions and report on absence or presence of the
26 following input validations in accordance with section
27 45.5.2.4.3:

- 28 1. Path manipulation;
- 29 2. Cross Site Scripting.Basic X;
- 30 3. Resource Injection;
- 31 4. OS Command Injection (also called “Shell
32 Injection”); and
- 33 5. SQL Injection.

34 vii. Independent analysis will test for the following
35 conditions and report on absence or presence of the
36 following range errors in accordance with section
37 45.5.2.4.3:

- 1 1. Stack Overflow;
- 2 2. Heap Overflow;
- 3 3. Format string vulnerability; and
- 4 4. Improper Null Termination.
- 5 viii. Independent analysis will test for following conditions
- 6 and report on absence or presence of the following API
- 7 abuses in accordance with section 45.5.2.4.3:
 - 8 1. Heap Inspection; and
 - 9 2. String Management/ Manipulation.
- 10 ix. Independent analysis will test for following conditions
- 11 and report on absence or presence of the following
- 12 Time and State conditions in accordance with section
- 13 45.5.2.4.3:
 - 14 1. Time-of-check/Time-of-use race condition; and
 - 15 2. Unchecked Error Condition.
- 16 x. Independent analysis will test for following conditions
- 17 and report on absence or presence of the following code
- 18 quality conditions accordance with section 45.5.2.4.3:
 - 19 1. Memory Leaks;
 - 20 2. Unrestricted Critical Resource Lock;
 - 21 3. Double Free;
 - 22 4. Use After Free;
 - 23 5. Uninitialized variable;
 - 24 6. Unintentional pointer scaling;
 - 25 7. Improper pointer subtraction; and
 - 26 8. Null Dereference.
- 27 xi. Independent analysis will test for following conditions
- 28 and report on absence or presence of the following
- 29 encapsulation conditions in accordance with section
- 30 45.5.2.4.3:

- 1 1. Private Array-Typed Field Returned from a Public
2 Method;
 - 3 2. Public Data Assigned to Private Array-Typed Field;
 - 4 3. Overflow of static internal buffer; and
 - 5 4. Leftover Debug Code.
- 6 xii. The Application shall not open database tables for
7 direct editing.
- 8 k. ~~As of March 31, 2008, the~~ ALL voting systems submitted
9 for certification AFTER MARCH 31, 2008 shall meet the
10 following minimum requirements for removable storage
11 media with data controls:
- 12 i. All voting data stored which includes vote records,
13 ballot images, tally data and cast votes shall be
14 authenticated and validated in accordance with
15 cryptography requirements of subsection (c)(vii) of this
16 requirement;
 - 17 ii. All non-voting data stored shall be authenticated,
18 encrypted, and validated in accordance with
19 cryptography requirements of subsection (c)(vii) of this
20 requirement; and
 - 21 iii. Antivirus software shall be present and scan removable
22 media upon insertion of media or media device on
23 server and/or workstations hosting the elections
24 management software.

25

26 Rule 45.5.2.8.1 would be amended as follows:

- 27 45.5.2.8.1 Specific minimum accessibility requirements include those specified in section 1-5-
28 704 C.R.S., Secretary of State Rule 34, Rule 35 and the following:
- 29 (a) Buttons and controls shall be distinguishable by both shape and color;
 - 30 (b) Audio ballots shall meet the following standards:
 - 31 (i) The voting system shall allow the voter to pause and resume the audio
32 presentation.

1 (ii) The audio system shall allow voters to control within reasonable limits,
2 the rate of speech.

3 (c) No voting system or any of its accessible components shall require voter
4 speech for its operation;

5 (d) All Touchscreen technology shall be tested for use of fingers as well as non-
6 human touch that is both wet and dry;

7 (e) Voting systems shall include at least the ability to activate and navigate by
8 means of push buttons, dials, wheels, keypads, and/or touch screens. ~~By~~
9 ~~March 31, 2008,~~ ALL voting systems submitted for certification AFTER MARCH
10 31, 2008 shall also include any form of either switches, sip and puff devices,
11 or additional blink control devices; and

12 (f) Adjustability of color settings, screen contrasts and/or screen angles/tilt may
13 be made by either the poll worker or voter if the system uses a display screen.
14 A minimum of two color settings, two contrast settings and two angles shall
15 be available for all display screens.

16
17 Rule 45.5.2.9.17 would be amended as follows:

18 45.5.2.9.17 ~~As of March 31, 2008,~~ ALL voting systems submitted for certification AFTER MARCH
19 31, 2008 shall stop the V-VPAT printer of all forward operations of the DRE if the
20 printer is not working due to paper jams, out of supply of consumables, or other
21 issue which may cause the correct readable printing of information on the V-VPAT
22 record as designed.

23
24 Rule 45.6.1.2 would be amended as follows:

25 45.6.1.2 The demonstration period does not have a pre-determined agenda for the voting
26 system provider to follow; however, presentations should be prepared to address and
27 demonstrate with the specific system the following items as they pertain to each area
28 and use within the voting system:

29 (a) System overview;

30 (b) Verification of complete system matching EAC certification;

31 (c) Ballot definition creation;

32 (d) Printing ballots on demand;

33 (e) Hardware diagnostics testing;

1 (f) Programming election media devices for various count methods:

2 (i) ~~Absentee~~Mail-in Ballots;

3 (ii) Early Voting;

4 (iii) Precinct/Poll Place;

5 (iv) Provisional; and

6 (v) Vote Center.

7 (g) Sealing and securing system devices;

8 (h) Logic and accuracy testing;

9 (i) Processing ballots;

10 (j) Accessible use;

11 (k) Accumulating results;

12 (l) Post-election audit;

13 (m)Canvass process handling;

14 (n) Audit steps and procedures throughout all processes;

15 (o) Certification of results; and

16 (p) Troubleshooting.

17

18 Rule 45.6.2.3.6 would be amended as follows:

19 45.6.2.3.6 The voting system provider is required to produce ballots in quantities identified
20 below for each of the elections. Enough ballots need to be created to conduct the
21 testing of the voting system as defined in this rule. One complete set of ballots will
22 be tested in each of the applicable counter types (or groups) indicated below:

23 (a) Poll Place or Vote Center - ballots are flat – no score marks;

24 (b) Early Voting – ballots are flat – no score marks;

25 (c) ~~Absentee~~MAIL-IN BALLOTS – ballots are scored and folded to fit in standard
26 Colorado ~~Absentee Mailing~~ MAIL-IN BALLOT Envelopes; and

27 (d) Provisional – ballots are flat- no score marks.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Rule 45.6.2.3.10 would be amended as follows:

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

- (a) Polling Place / OS = 1,500;
- (b) Polling Place / DRE = 500;
- (c) Vote Center/ OS = 5,000;
- (d) Vote Center / DRE = 500
- (e) Early Voting / OS = 5,000;
- (f) Early Voting / DRE = 250;
- (g) ~~Absentee-MAIL-IN~~ = 10,000; and
- (h) Provisional = 5,000.

Rule 46 would be repealed as follows:

Rule 46. Rules Concerning Vacancies in Nomination - REPEALED

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

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

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

~~46.2—If the designated election official is unable to provide corrected ballots, after reasonably attempting to ensure that the replacement candidate’s name is printed on the ballots pursuant to Rule 46.1, the designated election official shall meet all requirements~~

1 ~~provided in section 1-4-1002(2.3)(b), C.R.S., (2005), and all votes cast for the~~
2 ~~withdrawing candidate shall be counted for the replacement candidate.~~

3 ~~46.2.1 If a replacement candidate receives a plurality of votes cast at the general election,~~
4 ~~the replacement candidate shall be certified as the winning candidate.~~

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

6 Subsequent rules would not be renumbered