

COLORADO SECRETARY OF STATE

8 CCR 1505-1

ELECTION RULES

Revised Draft of Proposed Rules

June 25, 2008

This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on May 30, 2008. This rulemaking hearing to be conducted on June 30, 2008 will use this Final Draft.

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 or underlined. Proposed deletions from current rules are shown in ~~stricken type~~. Shading indicates revisions from the previous draft. Annotations may be included.

1 Rule 2.5.3 would be amended as follows:

2 2.5.3 A voter making an address change ~~within the same county~~ shall not be
3 charged an additional processing fee.

4 Rule 2.12 would be amended as follows:

5 2.12.3 Pursuant to section 24-21-208(3)(a), C.R.S., the designated
6 election official shall:

7 2.12.3.1 Use the actual address of a program participant for precinct
8 designation and shall keep the participant's address, COUNTY, and
9 VOTING precinct number confidential.

10 2.12.4 Access to ACP participant's voter registration records is restricted
11 pursuant to section 24-21-208(3) (b), C.R.S., as follows:

12 2.12.4.1 An ACP participant's actual address, COUNTY, and VOTING
13 precinct number shall be masked from any public record that is
14 required to be made, maintained, or kept pursuant to sections 1-2-
15 227 and 1-2-301, C.R.S., and shall automatically be confidential in
16 accordance with the provisions of section 24-72-204(3.5), C.R.S.,

1 except that the exceptions to such confidentiality set forth in
2 section 24-72-204(3.5) (c), C.R.S., shall not apply to a program
3 participant.

4 New rule 2.14 would be adopted as follows:

5 2.14 IN ACCORDANCE WITH SECTION 1-2-508, C.R.S., THE EFFECTIVE DATE OF A MAIL
6 VOTER REGISTRATION APPLICATION RECEIVED BY MAIL AT THE OFFICE OF THE
7 SECRETARY OF STATE SHALL BE THE DATE OF THE POSTMARK OR RECEIPT BY THE
8 OFFICE OF THE SECRETARY OF STATE, WHICHEVER IS EARLIER.

9 New rule 2.15 would be adopted as follows:

10 2.15 NOTIFICATION THAT ELECTOR HAS MOVED AND REGISTERED IN A DIFFERENT
11 COUNTRY.

12 2.15.1 UPON RECEIPT OF THE INFORMATION TRANSFERRED PURSUANT TO SECTION
13 1-2-603, C.R.S., THE COUNTY CLERK AND RECORDER OF THE COUNTY OF
14 PRIOR RESIDENCE SHALL CANCEL THE ELECTOR'S REGISTRATION RECORD IN
15 ACCORDANCE WITH THE FOLLOWING PROVISIONS:

16 2.15.1.1 IF THE VOTER PROVIDES A NAME, DATE OF BIRTH, AND PRIOR
17 ADDRESS AND THE COUNTY CLERK AND RECORDER OF THE COUNTY
18 OF PRIOR RESIDENCE CAN MATCH THE NAME, DATE OF BIRTH, AND
19 PRIOR ADDRESS TO THE VOTER'S PRIOR REGISTRATION RECORD, THE
20 VOTER SHALL BE CANCELLED;

21 2.15.1.2 IF THE VOTER PROVIDES A NAME AND DATE OF BIRTH BUT
22 DOES NOT PROVIDE A PRIOR ADDRESS, THE VOTER SHALL BE
23 CANCELLED ONLY IF:

24 2.15.1.2.1 THE VOTER PROVIDES A DRIVER'S LICENSE OR
25 IDENTIFICATION CARD NUMBER, AND THE COUNTY CLERK
26 AND RECORDER OF THE COUNTY OF PRIOR RESIDENCE CAN
27 MATCH THE NAME, DATE OF BIRTH, AND DRIVER'S LICENSE
28 OR IDENTIFICATION CARD NUMBER TO THE VOTER'S PRIOR
29 REGISTRATION RECORD; OR

30 2.15.1.2.2 THE VOTER PROVIDES A SOCIAL SECURITY NUMBER,
31 AND THE COUNTY CLERK AND RECORDER OF THE COUNTY OF
32 PRIOR RESIDENCE CAN MATCH THE NAME, DATE OF BIRTH,
33 AND SOCIAL SECURITY NUMBER TO THE VOTER'S PRIOR
34 REGISTRATION RECORD.

35 2.15.1.3 IF THE VOTER DOES NOT PROVIDE A PRIOR ADDRESS,
36 DRIVER'S LICENSE NUMBER, OR SOCIAL SECURITY NUMBER, THE
37 VOTER SHALL NOT BE CANCELLED UNLESS THE ELECTOR SUBMITS A
38 REQUEST TO HAVE HIS NAME REMOVED FROM THE VOTER LIST IN

1 ACCORDANCE WITH SECTION 1-2-601, C.R.S. THE COUNTY CLERK
2 AND RECORDER OF THE COUNTY OF PRIOR RESIDENCE MAY SEND
3 NOTICE TO THE VOTER BY FORWARDABLE MAIL TO THE VOTER'S
4 ADDRESS OF RECORD. ANY SUCH NOTICE SHALL HAVE A
5 RETURNABLE PORTION THAT HAS THE RETURN POSTAGE PREPAID
6 AND IS PREAMDRESSED TO THE SENDING COUNTY CLERK AND
7 RECORDER, AND SHALL INCLUDE AN AREA FOR THE VOTER TO
8 INDICATE IF THE VOTER HAS MOVED TO ANOTHER COUNTY AND
9 WISHES TO BE CANCELLED FROM THE REGISTRATION RECORDS OF
10 THE PRIOR COUNTY.

11 New rule 2.16 would be adopted as follows:

12 2.16 AN ELECTOR WHO HAS RECEIVED NOTICE THAT HIS OR HER APPLICATION FOR
13 REGISTRATION MAY NOT BE PROCESSED OR WHOSE REGISTRATION WAS CANCELLED
14 BECAUSE HIS OR HER NAME WAS MATCHED WITH A RECORD BEARING THE SAME
15 NAME, DATE OF BIRTH, AND SOCIAL SECURITY NUMBER IN THE DATABASES
16 PROVIDED BY COLORADO DEPARTMENT OF CORRECTIONS OR COLORADO
17 DEPARTMENT OF HEALTH AND ENVIRONMENT, AND WHO BELIEVES THAT THE
18 MATCH WAS ERRONEOUS, MAY REQUEST THAT HIS OR HER APPLICATION BE
19 PROCESSED OR REGISTRATION BE REINSTATED IF HE OR SHE APPEARS IN PERSON AT
20 THE OFFICE OF THE COUNTY CLERK AND RECORDER AND PRESENTS IDENTIFICATION.

21 Rule 8.1.2 would be amended as follows:

22 8.1.2 "Watcher" shall mean an eligible elector, IN THE STATE OF COLORADO,
23 other than a candidate on the ballot who has been selected by a political
24 party chairperson on behalf of the political party, by a party candidate at
25 a primary OR RECALL election, by an unaffiliated candidate at a general,
26 congressional vacancy, ~~or~~ nonpartisan, OR RECALL election by a person
27 designated by either the opponents/proponents in the case of a ballot
28 issue or ballot question. If selected by a political party chairperson, a
29 party candidate, or an unaffiliated candidate, the watcher shall be
30 affiliated with that political party or unaffiliated as shown on the
31 registration books of the county clerk and recorder. A DESIGNATED
32 WATCHER NEED NOT BE A RESIDENT OF THE COUNTY HE OR SHE IS
33 DESIGNATED IN AS LONG AS HE OR SHE IS AN ELIGIBLE ELECTOR IN THE
34 STATE OF COLORADO. See section 1-1-104(51), C.R.S.

35 Rule 8.7.1 would be adopted as follows:

36 8.7.1 TO THE EXTENT POSSIBLE, WATCHERS SHALL BE ALLOWED PHYSICAL,
37 VISUAL, AND AUDITORY ACCESS WHEN OBSERVING THE ELECTION PROCESS.

38 Rule 8.9 would be amended as follows:

39 8.9 APPOINTMENT OF WATCHERS

1 ~~8.9~~ 8.9.1 Parties May Appoint Watchers. Major and minor political parties
2 with candidates on the ballot may appoint one Watcher each to be present
3 to observe polling place voting, early voting, and the processing and
4 counting of regular, provisional, mail and mail-in ballots. *See* sections 1-
5 7-105 and 1-7-106, C.R.S.

6 8.9.2 REGISTERED ISSUE COMMITTEES MAY APPOINT WATCHERS. REGISTERED
7 ISSUE COMMITTEES SUPPORTING OR OPPOSING A BALLOT MEASURE MAY
8 APPOINT ONE WATCHER EACH TO BE PRESENT TO OBSERVE POLLING PLACE
9 VOTING, EARLY VOTING, AND THE PROCESSING AND COUNTING OF REGULAR,
10 PROVISIONAL, MAIL AND MAIL-IN BALLOTS.

11 New rules 8.14, 8.15, 8.16, and 8.17 would be adopted as follows:

12 8.14 A DESIGNATED ELECTION OFFICIAL SHALL CERTIFY THE APPOINTMENT OF ALL
13 ELIGIBLE WATCHERS DULY DESIGNATED BY A POLITICAL PARTY, CANDIDATE OR
14 COMMITTEE PURSUANT TO SECTIONS 1-1-104(51), 1-7-105, 1-7-106, OR 1-7-107,
15 C.R.S.

16 8.15 REMOVAL OF WATCHERS. WATCHERS WHO COMMIT, ENCOURAGE, OR CONNIVE IN
17 ANY FRAUD IN CONNECTION WITH THEIR DUTIES, WHO VIOLATE ANY OF THE
18 ELECTION LAWS, WHO VIOLATE ANY OF THESE RULES, WHO VIOLATE THEIR OATH,
19 OR WHO HAMPER OR INTERFERE WITH THE ELECTION PROCESS MAY BE REMOVED BY
20 THE DESIGNATED ELECTION OFFICIAL.

21 8.15.1 IF A WATCHER IS REMOVED, THE DESIGNATED ELECTION OFFICIAL SHALL
22 IMMEDIATELY INFORM THE POLITICAL PARTY, CANDIDATE, OR COMMITTEE
23 WHO APPOINTED THE WATCHER VIA TELEPHONE, EMAIL, AND/OR OTHER
24 MEANS.

25 8.15.2 A REMOVED WATCHER MAY BE REPLACED BY AN ALTERNATE WATCHER
26 DULY DESIGNATED PURSUANT TO SECTIONS 1-7-105, 1-7-106, OR 1-7-107,
27 C.R.S. ANY DESIGNATED ELECTION OFFICIAL WHO REMOVES A WATCHER
28 SHALL, TO THE BEST OF HIS/HER ABILITY, FACILITATE THE EXPEDITIOUS
29 REPLACEMENT OF A REMOVED WATCHER.

30 8.16 WATCHERS MAY BE DESIGNATED TO OBSERVE MORE THAN ONE PRECINCT OR
31 POLLING PLACE BUT IN NO EVENT SHALL MORE THAN ONE WATCHER BE
32 DESIGNATED FOR ANY SINGLE POLLING PLACE. *SEE* SECTION 1-7-106, C.R.S.

33 8.17 WATCHERS MAY BE APPOINTED TO OBSERVE RECALL ELECTIONS HELD PURSUANT
34 TO ARTICLE 12, TITLE I, C.R.S. AND SHALL BE DESIGNATED IN ACCORDANCE WITH
35 SECTIONS 1-7-106 AND 1-7-107, C.R.S.

36 Rule 12.3.4(b)(2) would be amended as follows:

37 (2) ANTICIPATED ~~D~~date of approval of election by governing body;

1 Rule 12.4.11 would be amended as follows:

2 12.4.11 All return envelopes used in a mail ballot election coordinated by
3 the county clerk and recorder shall MAY be formatted in such a manner
4 that the voter's signature on the back of the envelope is concealed.
5 [Sections 1-7.5-106 and 1-7.5-107, C.R.S.]

6 a. ~~Any county may apply to the Secretary of State for an exemption~~
7 ~~to this requirement by submitting a written application based on~~
8 ~~hardship or other good cause shown.~~

9 b. ~~All applications for an exception shall include a statement of the~~
10 ~~hardship or good cause for which the exception is sought. The~~
11 ~~Secretary of State shall have ten (10) business days to approve or~~
12 ~~disapprove an application for such exemption.~~

13 Rule 13.17 would be amended as follows:

14 13.17 All return mail-in ballot envelopes used in an election coordinated by the county
15 clerk and recorder shall MAY be formatted in such a manner that the voter's
16 signature on the back of the envelope is concealed.

17 ~~13.17.1 Any county may apply to the Secretary of State for an exemption to this~~
18 ~~requirement by submitting a written application based on hardship or~~
19 ~~other good cause shown.~~

20 ~~13.17.2 All applications for an exception shall include a statement of the~~
21 ~~hardship or good cause for which the exception is sought. The Secretary~~
22 ~~of State shall have ten (10) business days to approve or disapprove an~~
23 ~~application for such exemption.~~

24 New rule 20.4 would be adopted as follows:

25 20.4 INDIVIDUAL ENTRIES WHICH WERE NOT CHECKED BY THE SECRETARY OF STATE
26 MAY NOT BE CHALLENGED AS SUFFICIENT OR INSUFFICIENT.

27 Rule 26.4.2 would be amended as follows:

28 26.4.2 When verifying provisional ballots, the designated election official must
29 check the ~~county~~ STATE OF COLORADO STATEWIDE voter registration
30 database to see whether the elector has already voted in the election.

31 Rule 26.4.4 would be amended as follows:

32 26.4.4 Verification of an elector's eligibility to have his or her provisional ballot
33 counted shall be limited to the following sources to determine proof of
34 voter registration:

- 1 (a) Sources provided by the Secretary of State or law enforcement
- 2 agencies regarding felons who are serving a sentence of detention
- 3 or confinement or on parole;
- 4 (b) ~~The local election office voter registration database;~~ THE STATE OF
- 5 COLORADO STATEWIDE VOTER REGISTRATION DATABASE;
- 6 (c) ~~The Secretary of State's voter registration database;~~
- 7 (d)(c) The DMV Motor Voter database (Note: Possession of a driver's
- 8 license is not conclusive proof of voter registration; elector must
- 9 have registered to vote through the DMV.)

10 Rule 27.1 would be amended as follows:

11 27.1.1 BALLOT MEASURE. AS USED IN THIS RULE 27, BALLOT MEASURE SHALL
 12 MEAN A BALLOT ISSUE OR BALLOT QUESTION AS DEFINED IN SECTIONS 1-1-
 13 104 (2.3) AND 1-1-104 (2.7), C.R.S.

14 ~~27.1.1~~27.1.2 Blank Ballot. A blank ballot is one on which the voter has made
 15 no marks in any voting position, or has been marked with an unreadable
 16 marker, or is one which has been consistently marked outside of the
 17 "read" area of the scanner.

18 ~~27.1.2~~27.1.3 Damaged Ballot. A damaged ballot is one that has been torn, bent,
 19 or otherwise mutilated or rendered unreadable, so that it cannot be
 20 processed by the optical scanner ballot reader.

21 ~~27.1.3~~27.1.4 Duplicated Ballot. A duplicated ballot is one for which a true copy
 22 is made in order to be properly processed and counted due to damage,
 23 improper marking or some other reason which would prevent a ballot
 24 tabulating machine from accurately counting the ballot.

25 ~~27.1.4~~27.1.5 Duplicated Provisional Ballot. A duplicated provisional ballot
 26 includes ballots duplicated for federal and state ~~issues~~ BALLOT MEASURES
 27 for which a provisional voter is eligible to vote.

28 ~~27.1.5~~27.1.6 Overvote. An overvote is a race, ~~question or issue~~ OR BALLOT
 29 MEASURE which contains votes for more than the maximum number of
 30 candidates or responses for a ballot ~~question or issue~~ MEASURE allowed.

31 ~~27.1.6~~27.1.7 Undervote. An undervote occurs when the voter does not vote for
 32 a ANY candidate IN A RACE, OR FOR OR AGAINST A ~~question, or issue~~
 33 BALLOT MEASURE, or, when more than one person in a race is available,
 34 the voter does not vote for the maximum number of votes allowed.

35 [Existing rule 27.1.7 would be relocated as new Rule 27.4.3.]

1 ~~27.1.7~~ ~~Vote in Optical Scan Ballots.~~ A correctly voted optical scan ballot occurs
2 when a voter, using a readable marker, fills in or connects the minimum
3 number of ovals/arrows per race, question, or issue, not to exceed the
4 maximum allowable votes per race, question or issue, without extending
5 the vote mark beyond the parameters of the instructions.

6 ~~27.1.9~~27.1.8 TARGET AREA SHALL MEAN ANY OF THE FOLLOWING:

7 A. THE SQUARE OR OVAL OPPOSITE THE CANDIDATE'S NAME OR
8 BALLOT RESPONSE ON A PAPER BALLOT; OR

9 B. THE OVAL, INCOMPLETE LINE, OR INCOMPLETE ARROW OPPOSITE
10 THE CANDIDATE'S NAME OR BALLOT RESPONSE (EXAMPLES: "YES",
11 "NO", "FOR" OR "AGAINST") ON AN OPTICAL SCAN BALLOT

12 ~~27.1.8~~27.1.9 Write-In Vote. A vote on a ballot on which the voter physically
13 writes in the name of a legally qualified write-in candidate in the space
14 reserved on the ballot for write-in votes and properly marks the oval or
15 connects the arrow on optical scan ballots according to the directions
16 provided to the voter.

17 Rule 27.2 would be amended as follows:

18 27.2 Multiple Page Ballots. In any election where a multiple page printed ballot is
19 used, a voter must vote and return all pages of the ballot at the same time. Any
20 voter who has returned at least one page of a multiple page printed ballot will be
21 considered to have voted AND THE VOTES ON THE SUBMITTED PAGE(S) SHALL BE
22 COUNTED. Any additional page returned at a later time shall not be counted but
23 shall be appropriately marked, set aside, and preserved as other election materials
24 in accordance with section 1-7-802, C.R.S.

25 Rule 27.3 would be amended as follows:

26 27.3.1 PURSUANT TO SECTION 1-7-309, C.R.S., Judges counting ballots on
27 election day shall take into consideration the intent of the voter IN
28 ACCORDANCE WITH RULE 27.7.

29 27.3.2 If a ballot contains markings for more than the maximum votes allowed in
30 a candidate race or for a ballot ~~issue or question~~ MEASURE, no vote shall
31 count for that race, ~~question, or issue~~ OR BALLOT MEASURE. ~~Judges shall~~
32 ~~take into consideration any notation by the voter that would clearly~~
33 ~~indicate the choice of the voter.~~

34 27.3.3 If an ~~issue, question or~~ A candidate race OR BALLOT MEASURE contains no
35 markings by the voter, no tally will be made for that race, ~~question, or~~
36 ~~issue~~ OR BALLOT MEASURE, but all other candidate races, ~~issues, or~~
37 ~~questions~~ OR BALLOT MEASURES properly marked by the voter on the ballot
38 shall be counted.

1 27.3.4 A ballot which has no markings for any candidate races, ~~issues or~~
2 ~~questions~~ OR BALLOT MEASURES shall be tallied as a blank ballot, but the
3 voter shall be given credit for voting.

4 ~~27.3.5 If the intent of the voter is clear on a write-in vote, the write-in vote shall~~
5 ~~be counted for a legally qualified candidate.~~

6 Rule 27.4.2 would be amended as follows:

7 27.4.2 Central Count Optical Scan Procedures

8 (b) Sequence of Resolution Procedures

9 (1) A zero tape shall be run indicating no votes cast or counted
10 before the counting begins.

11 (2) Official ballots shall be processed through the optical
12 scanner, with sorted overvotes, blank ballots, and write-in
13 ballots viewed and resolved by the resolution board. Only
14 ballots sorted by the OPTICAL SCAN EQUIPMENT ~~machine~~
15 shall be subject to review by the resolution board. A
16 VOTER'S INTENT SHALL NOT BE REVIEWED OR DETERMINED
17 UPON INITIAL COUNTING OF BALLOTS UNLESS SUCH BALLOT
18 IS SORTED BY THE OPTICAL SCAN EQUIPMENT. If there are
19 no legally qualified write-in candidates, the write-in sort
20 option shall not be utilized. The number of each duplicated
21 ballot shall be entered on the resolution board log sheet.

22 (c) Resolution of optical scan ballots

23 (1) Damaged or defective ballots shall be duplicated utilizing
24 the ballot duplication procedures as provided in Rule
25 ~~27.4.2(e)(5)~~27.6.

26 (2) Blank ballots shall be examined by the resolution board to
27 determine if the ballot is a true blank ballot or one that has
28 been marked with a non-detectable mark. Resolution board
29 members must make a duplicate copy of the ballot which
30 has been marked with a non-detectable mark utilizing the
31 ballot duplication procedures as set forth in Rule
32 ~~27.4.2(e)(5)~~27.6. If a ballot is truly blank it shall be sent
33 back for the resolution pass through the scanner, and the
34 ballot tabulated with no races, ~~issues or questions~~ OR
35 BALLOT MEASURES voted.

36 (3) Overvoted ballots shall be inspected by the resolution board
37 AND RESOLVED IN ACCORDANCE WITH RULE 27.7. ~~Ballots~~
38 ~~that reflect marks that are clearly identified as unintentional~~

1 but register an overvote on the scanner must be duplicated
2 by the resolution board utilizing the procedures for
3 duplication of ballots. If more marks are completed in a
4 race, question, or issue than what is allowed for that race,
5 question, or issue the duplication board can only duplicate
6 if there is a notation by the voter that would clearly indicate
7 the choice of the voter.

8 (4) Write-in votes sorted by the optical scan equipment on
9 election day shall be delivered to the assigned write-in
10 board for hand counting. DURING THE INITIAL BALLOT
11 COUNT, ~~in~~ order to be counted, the oval must be darkened
12 or the arrow connected according to the appropriate voting
13 instructions. Only votes for legally qualified write-in
14 candidates shall be counted. ~~When a race with a valid~~
15 ~~write-in is overvoted and the duplication board finds that a~~
16 ~~mark has been made for a valid candidate and the voter also~~
17 ~~wrote in the name of the same candidate on the write-in~~
18 ~~line and made a mark, the duplication board shall duplicate~~
19 ~~the ballot by making a mark by the name of the candidate~~
20 ~~printed on the ballot.~~

21 (5) The resolution board shall duplicate ballots by clearly
22 labeling the new duplicate ballot as a "DUPLICATE" and
23 assign a serial number which shall be recorded on both the
24 original and duplicate ballot. For example, the first ballot
25 in Precinct # 1 to be duplicated could be labeled as #1/001
26 with the duplicate labeled D#1/001. Original ballots shall
27 be separated from the duplicate ballots and placed in an
28 envelope clearly marked "ORIGINAL BALLOTS." The
29 duplicate ballots shall be counted in lieu of the original
30 ballots.

31 (d) Recount Procedures for Optical Scan

32 (1) Optical scan equipment must be set to consistent sensitivity
33 standards for each system type, must be tested prior to the
34 recount, and shall be programmed to sort undervotes for the
35 individual race(s), ~~issue(s) or question(s)~~ OR BALLOT
36 MEASURE(S) being recounted.

37 New rule 27.4.3 would be adopted as follows:

38 27.4.3 VOTE ON OPTICAL SCAN BALLOTS. A CORRECTLY VOTED OPTICAL SCAN
39 BALLOT OCCURS WHEN A VOTER, USING A READABLE MARKER, FILLS IN OR
40 CONNECTS THE MINIMUM NUMBER OF OVALS/ARROWS PER RACE OR BALLOT
41 MEASURE, NOT TO EXCEED THE MAXIMUM ALLOWABLE VOTES PER RACE OR

1 BALLOT MEASURE, WITHOUT EXTENDING THE VOTE MARK BEYOND THE
2 PARAMETERS OF THE INSTRUCTIONS.

3 New rule 27.5 would be adopted as follows:

4 27.5 UNIFORM COUNTING STANDARDS FOR DREs. A VOTE THAT IS PROPERLY
5 RECORDED, AS SPECIFIED BY THE VOTING INSTRUCTIONS, ON THE VOTING DEVICE
6 FOR AN OFFICE OR BALLOT MEASURE SHALL BE COUNTED.

7 [Succeeding rules will be renumbered]

8 New rule 27.7 would be adopted as follows:

9 27.7 DETERMINATION OF VOTER INTENT

10 27.7.1 IF A VOTER USES A CONSISTENT ALTERNATE BALLOT MARKING METHOD
11 THAT DEVIATES FROM THE METHOD SPECIFIED BY THE VOTING
12 INSTRUCTIONS (SUCH AS CIRCLING OR PLACING A CHECK MARK BEHIND A
13 CANDIDATE’S NAME OR BALLOT RESPONSE) AND DOES NOT PLACE AN “X”,
14 CHECK OR OTHER APPROPRIATE MARK IN THE TARGET AREA(S), THE VOTER
15 WILL BE CONSIDERED TO HAVE VOTED FOR THE APPROPRIATE CANDIDATES
16 AND OR BALLOT RESPONSES AND THE BALLOT SHALL BE DUPLICATED;
17 EXCEPT THAT, IF A VOTER MARKS ANY OF HIS/HER CHOICES BY PLACING AN
18 “X”, CHECK OR OTHER APPROPRIATE MARK IN ANY TARGET AREA ON THE
19 VOTER’S BALLOT, ONLY THOSE CHOICES WHERE THE TARGET AREA HAS
20 BEEN MARKED SHALL BE COUNTED.

21 27.7.2 A BALLOT THAT HAS A MARK IN THE TARGET AREA THAT PARTIALLY
22 EXTENDS INTO ANOTHER TARGET AREA OR AREAS SHALL NOT BE COUNTED
23 FOR THAT OFFICE OR BALLOT MEASURE.

24 27.7.3 A BALLOT THAT HAS ANY MARK, OTHER THAN A STRAY MARK, IN THE
25 TARGET AREA THAT PARTIALLY EXTENDS INTO AN AREA SURROUNDING A
26 CANDIDATE OR BALLOT RESPONSE, OTHER THAN ITS TARGET AREA, SHALL
27 BE COUNTED AS A VOTE FOR THE CANDIDATE OR BALLOT RESPONSE SO
28 MARKED.

29 27.7.4 WHEN RESOLVING AN OVERVOTED RACE, MARKS INDICATING THE VOTER’S
30 INTENT SHALL INCLUDE, BUT NOT BE LIMITED TO, CIRCLING THE
31 CANDIDATE’S NAME AND STRIKE-OUTS OR CORRECTIONS OF CHOICES.

32 27.7.5 WRITE-IN VOTES

33 27.7.5.1 IF A VOTER DESIGNATES A VOTE FOR A NAMED CANDIDATE
34 ON THE BALLOT AND WRITES IN THE NAME OF THE SAME CANDIDATE
35 IN THE WRITE-IN AREA, THE VOTE SHALL BE COUNTED.

1 27.7.5.2 IF A VOTER DESIGNATES A NAMED CANDIDATE ON THE
2 BALLOT AND WRITES IN THE NAME OF A DIFFERENT CANDIDATE IN
3 THE WRITE-IN AREA, IT SHALL BE CONSIDERED AN OVERVOTE FOR
4 THAT OFFICE IF THE NUMBER OF CHOSEN CANDIDATES EXCEEDS THE
5 NUMBER PERMITTED TO BE VOTED FOR IN THAT OFFICE AND NO VOTE
6 SHALL BE COUNTED.

7 27.7.5.3 DURING ANY RECOUNT OF VOTES OR DURING THE INITIAL
8 COUNT FOR HAND-COUNTED PAPER BALLOTS PURSUANT TO SECTION
9 1-7-305, C.R.S., THE WRITTEN NAME OF A WRITE-IN CANDIDATE IN
10 THE WRITE-IN SPACE SHALL BE COUNTED WHETHER OR NOT THE
11 TARGET AREA DESIGNATING THE SELECTION OF A WRITE-IN
12 CANDIDATE HAS BEEN MARKED, PROVIDED THAT THE NUMBER OF
13 CANDIDATES CHOSEN DOES NOT EXCEED THE NUMBER PERMITTED IN
14 THAT OFFICE.

15 New rule 27.8 would be adopted as follows:

16 27.8 WRITTEN PLAN FOR ALTERNATIVE COUNTING METHOD

17 27.8.1 GENERAL INFORMATION CONCERNING PLAN SUBMITTAL

18 27.8.1.1 IN ACCORDANCE WITH SECTION 1-7-603, C.R.S., AS SOON AS
19 POSSIBLE, BUT NO LATER THAN SIXTY (60) DAYS PRIOR TO AN
20 ELECTION, IF A DESIGNATED ELECTION OFFICIAL WISHES TO
21 IMPLEMENT AN ALTERNATIVE COUNTING METHOD, ~~THE~~ A
22 DESIGNATED ELECTION OFFICIAL MAY SUBMIT A WRITTEN PLAN
23 DELINEATING THE ALTERNATIVE COUNTING LOCATION OR THE
24 ALTERNATIVE COUNTING METHOD TO THE SECRETARY OF STATE.

25 27.8.1.2 THE SECRETARY OF STATE SHALL APPROVE OR DISAPPROVE
26 THE ALTERNATIVE COUNTING PLAN NO LATER THAN FORTY-FIVE
27 (45) DAYS BEFORE THE ELECTION AT WHICH THE PLAN IS TO BE
28 IMPLEMENTED.

29 27.8.1.3 NO ALTERNATIVE COUNTING PLAN MAY BE IMPLEMENTED
30 WITHOUT EXPRESS WRITTEN APPROVAL FROM THE SECRETARY OF
31 STATE. ANY SUBMITTED PLAN MUST ESTABLISH MINIMUM
32 PROCEDURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS
33 RULE 27.8.

34 27.8.2 TRANSFER LOGS

35 27.8.2.1 THE TRANSFER LOGS SHALL AT MINIMUM CONTAIN: THE
36 DATE OF THE ELECTION; THE PRECINCT NUMBER; THE NAMES OF THE
37 POLLING PLACE JUDGE(S), THE TRANSFER JUDGE(S), AND THE
38 COUNTING JUDGE(S) WHO CARRYOUT THE BALLOT TRANSFER; THE
39 TOTAL NUMBER OF BALLOTS TRANSFERRED FROM THE BALLOT BOX

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TO THE TRANSFER CASE AND FROM THE TRANSFER CASE TO THE COUNTING LOCATION.

27.8.2.2 THERE SHALL BE A TOTAL OF FOUR (4) COPIES OF EACH TRANSFER LOG FOR EACH TRANSFER FROM A POLLING PLACE: ONE (1) COPY OF THE TRANSFER LOG SHALL REMAIN IN THE POSSESSION OF A POLLING PLACE JUDGE TO BE TRANSPORTED WITH ALL OTHER ELECTION MATERIALS AFTER THE CLOSE OF THE POLLS; ONE (1) COPY OF THE TRANSFER LOG SHALL REMAIN WITH THE TRANSFER CASE; ONE (1) COPY OF THE TRANSFER LOG SHALL REMAIN AT THE COUNTING LOCATION; AND ONE (1) COPY SHALL BE MAILED BY A POLLING PLACE JUDGE AT THE NEAREST POST OFFICE OR POST-OFFICE BOX TO THE DESIGNATED COUNTING CENTER.

27.8.3 PROCEDURES TO BE FOLLOWED AT THE POLLING PLACE

27.8.3.1 EACH POLLING PLACE SHALL HAVE AVAILABLE FOR USE A MINIMUM OF TWO (2) BALLOT BOXES TO ENSURE THAT AT LEAST ONE (1) BALLOT BOX IS ALWAYS AVAILABLE TO RECEIVE VOTED BALLOTS.

27.8.3.2 AT TIME OF BALLOT TRANSFER, A BIPARTISAN TEAM OF AT LEAST TWO (2) TRANSPORT JUDGES AND ONE (1) POLLING PLACE JUDGE SHALL TRANSFER BALLOTS IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:

27.8.3.2.1 IN FULL VIEW OF THE BIPARTISAN TEAM OF TRANSPORT JUDGES, THE POLLING PLACE JUDGE SHALL REMOVE THE SEAL FROM THE BALLOT BOX, OPEN THE BALLOT BOX, REMOVE THE VOTED BALLOTS FROM THE BALLOT BOX, DELIVER THE VOTED BALLOTS TO THE TRANSFER JUDGES, CLOSE THE BALLOT BOX, AND AFFIX A NEW SEAL ON THE BALLOT BOX. THE NEW SEAL NUMBER ON THE BALLOT BOX SHALL BE APPROPRIATELY NOTED AND RECORDED.

27.8.3.2.2 IN FULL VIEW OF THE POLLING PLACE JUDGE, THE TRANSPORT JUDGES SHALL COUNT THE NUMBER OF BALLOTS TO BE TRANSPORTED, AND COMPLETE THE TRANSFER LOG IN TRIPLICATE BY PROVIDING ALL INFORMATION REQUESTED ON THE TRANSFER LOG.

27.8.3.2.3 IN FULL VIEW OF THE POLLING PLACE JUDGE, THE TRANSPORT JUDGES SHALL PLACE THE VOTED BALLOTS INTO THE TRANSFER CASE.

27.8.3.2.4 BOTH TRANSFER JUDGES AND THE POLLING PLACE JUDGE SHALL REVIEW THE TRANSFER LOGS TO ENSURE THAT

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ALL INFORMATION IS COMPLETE AND ACCURATE. WHEN ALL INFORMATION IS COMPLETE AND ACCURATE, BOTH TRANSFER JUDGES AND THE POLLING PLACE JUDGE SHALL INITIAL ALL COPIES OF THE TRANSFER LOGS.

27.8.3.2.5 IN FULL VIEW OF THE POLLING PLACE JUDGE, THE TRANSFER JUDGES SHALL SECURE THE TRANSFER LOG THAT IS TO REMAIN WITH TRANSFER CASE TO THE EXTERIOR OF THE TRANSFER CASE. THE TRANSFER JUDGES SHALL THEN SEAL THE TRANSFER CASE IN SUCH A WAY AS TO PREVENT TAMPERING WITH THE CASE OR ITS CONTENTS. THE SEAL NUMBER OF THE SEAL TO BE USED SHALL BE NOTED ON THE TRANSFER LOGS PRIOR TO SEALING THE TRANSFER CASE.

27.8.3.2.6 AT THE CLOSE OF THE POLLS, THE DUPLICATE COPIES OF THE POLLING PLACE TRANSFER LOG(S) SHALL BE MAILED AT THE NEAREST POST OFFICE OR POST-OFFICE BOX BY A POLLING PLACE JUDGE TO THE DESIGNATED ELECTION OFFICIAL.

27.8.3.2.7 DULY APPOINTED WATCHERS MAY BE PRESENT AND OBSERVE ALL ASPECTS OF THE BALLOT TRANSFER AND RECONCILIATION PROCESS DESCRIBED IN THIS RULE 27.8.3.

27.8.4 PROCEDURES TO BE FOLLOWED DURING TRANSPORT

27.8.4.1 DURING BALLOT TRANSPORT, THE SEALED BALLOT TRANSFER CASE SHALL BE WITHIN THE CLOSE PHYSICAL PROXIMITY OF THE BIPARTISAN TEAM OF TRANSFER JUDGES AT ALL TIMES.

27.8.4.2 DELIVERY OF THE SEALED BALLOT TRANSFER CASE TO THE COUNTING LOCATION SHALL BE MADE AT ONCE AND WITH ALL CONVENIENT SPEED. HOWEVER, NOTHING IN THIS RULE 27.8.4.2 SHALL BE INTERPRETED TO PROHIBIT TRANSFER JUDGES FROM STOPPING AT MULTIPLE POLLING PLACES BEFORE ARRIVING AT THE COUNTING LOCATION.

27.8.5 PROCEDURES TO BE FOLLOWED AT THE COUNTING LOCATION

27.8.5.1 UPON ARRIVAL AT THE COUNTING LOCATION, THE BIPARTISAN TEAM OF TRANSFER JUDGES SHALL DELIVER THE SEALED BALLOT TRANSFER CASE TO THE DESIGNATED ELECTION OFFICIAL OR COUNTING JUDGES.

27.8.5.2 THE DESIGNATED ELECTION OFFICIAL OR COUNTING JUDGES SHALL NOTE DELIVERY AND TAKE POSSESSION OF EACH BALLOT TRANSFER CASE DELIVERED BY THE TRANSFER JUDGES.

1 27.8.5.3 UPON REVIEWING THE TRANSFER LOGS TO ENSURE THAT THE
2 SEAL IS IN TACT AND THAT THE BALLOT TRANSFER CASE CONTAINS
3 THE PROPER NUMBER OF BALLOTS, THE DESIGNATED ELECTION
4 OFFICIAL OR COUNTING JUDGES MAY BEGIN PROCESSING AND
5 COUNTING THE VOTED BALLOTS PURSUANT TO STATUTORY
6 COUNTING PROCEDURES.

7 27.8.6 OFFICIAL CANVASS OF VOTES

8 27.8.6.1 NOTHING IN THIS RULE 27.8 SHALL RELIEVE THE
9 DESIGNATED ELECTION OFFICIAL OF THE REQUIREMENTS OF RULE
10 41.

11 27.8.6.2 PRIOR TO CERTIFYING THE OFFICIAL ABSTRACT OF VOTES
12 CAST, THE CANVASS BOARD SHALL COMPARE THE TRANSFER LOGS
13 FROM THE POLLING PLACE, TRANSFER JUDGES, AND COUNTING
14 CENTER TO ENSURE THAT ALL BALLOTS ARE ACCOUNTED FOR.

15 New Rule 29.12 would be adopted as follows:

16 RULE 29.12 USE OF SIGNATURE VERIFICATION DEVICES

17 29.12.1 A COUNTY CLERK AND RECORDER WHO CHOOSES TO USE A
18 SIGNATURE VERIFICATION DEVICE TO PROCESS MAIL-IN OR MAIL BALLOTS IN
19 ACCORDANCE WITH SECTIONS 1-7.5-107.3 OR 1-8-114.5, C.R.S., SHALL
20 CONDUCT ACCEPTANCE TESTING ON THE DEVICE PRIOR TO ITS USE IN AN
21 ELECTION.

22 29.12.2 The acceptance testing conducted in accordance with this rule shall
23 be sufficient to verify the accuracy of the device. The acceptance testing
24 shall ensure that the device will not accept a signature that a reasonable,
25 trained election judge would reject.

26 Rule 30.1.6 would be amended as follows:

- 27 • A valid Medicare or Medicaid card issued by the **CENTERS FOR**
28 **MEDICARE AND MEDICAID SERVICES (FORMERLY THE** United States
29 **Health Care Financing Administration);**

30 Rule 44.6.3 would be repealed as follows:

31 44.6.3 ~~REPEALED. The Secretary of State shall review all complaints submitted~~
32 ~~in writing and conduct such investigations as may be necessary and~~
33 ~~appropriate. If the Secretary of State determines that a violation has~~
34 ~~occurred, the Secretary of State shall impose a fine in accordance with~~
35 ~~section 1-2-703, C.R.S.~~

36 Rule 48.1 (B) would be amended as follows:

1 B. Did you, while absent, vote in any other state or any territory of the United
2 States?

3 Unsatisfactory response: YES~~NO~~, while absent, he/she did vote in another
4 state or territory of the United States.

5 *Offer the elector a provisional ballot.*

6 New rule 49 would be adopted as follows:

7 **RULE 49. CENTRALIZED STATEWIDE REGISTRATION SYSTEM ~~RULES CONCERNING~~**
8 **~~VOTER INFORMATION REPORTS FOR THE PURPOSES OF SECTION 24-72-202,~~**
9 **~~C.R.S.~~**

10 49.1 CUSTODIANSHIP OF VOTER REGISTRATION INFORMATION

11 49.1.1 THE SECRETARY OF STATE SHALL BE THE OFFICIAL CUSTODIAN OF THE
12 INFORMATION CONTAINED IN THE CENTRALIZED STATEWIDE REGISTRATION
13 SYSTEM AND THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST
14 CREATED AND MAINTAINED PURSUANT TO SECTION 1-2-301, C.R.S.

15 49.1.2 THE COUNTY CLERK AND RECORDER FOR EACH COUNTY SHALL BE THE
16 OFFICIAL CUSTODIAN OF THE VOTER REGISTRATION INFORMATION ONLY FOR
17 ELECTORS WITHIN THAT COUNTY.

18 49.2 VOTER INFORMATION REPORTS AND SERVICES

19 49.2.2 THE SECRETARY OF STATE SHALL CHARGE FEES FOR VOTER INFORMATION
20 REPORTS AND RELATED SERVICES IN ACCORDANCE WITH ~~PURSUANT~~ TO
21 SECTION 24-21-104(3), C.R.S.

22 49.2.2 THE COUNTY CLERK AND RECORDER OF EACH COUNTY MAY CHARGE FEES
23 FOR COUNTY VOTER INFORMATION REPORTS AND RELATED SERVICES, SUCH
24 AS THE PRINTING OF LABELS PROVIDED BY THE CENTRALIZED STATEWIDE
25 REGISTRATION SYSTEM. HOWEVER, IN ACCORDANCE WITH FEDERAL
26 REQUIREMENTS GOVERNING THE USE OF FEDERAL FUNDS, FEES SHALL NOT
27 EXCEED COUNTY DIRECT AND INDIRECT COSTS FOR PROVIDING SUCH
28 REPORTS AND SERVICES.

29 New Rule 50 would be adopted as follows:

30 **RULE 50. RULES CONCERNING COUNTY USERNAME AND PASSWORD**
31 **ADMINISTRATION IN THE SCORE SYSTEM**

32 50.1 THE STATE USER ADMINISTRATOR SHALL ASSIGN COUNTY ADMINISTRATOR
33 PRIVILEGES TO THE INDIVIDUAL DESIGNATED IN EACH COUNTY BY THE COUNTY
34 CLERK AND RECORDER.

1 50.1.1 THE COUNTY CLERK AND RECORDER SHALL SUBMIT THE REQUEST FOR
2 COUNTY ADMINISTRATOR PRIVILEGE TO THE STATE USER ADMINISTRATOR IN
3 WRITING. THE REQUEST SHALL SPECIFICALLY STATE THE FULL NAME OF THE
4 COUNTY EMPLOYEE THAT IS BEING ASSIGNED AS A COUNTY
5 ADMINISTRATOR.

6 50.2 EACH COUNTY MAY HAVE ADMINISTRATOR PRIVILEGES ASSIGNED TO NO MORE
7 THAN ONE (1) INDIVIDUAL, EXCEPT THAT ANY COUNTY CLERK AND RECORDER MAY
8 APPLY TO THE SECRETARY OF STATE FOR AN ADDITIONAL COUNTY
9 ADMINISTRATOR.

10 50.2.1 SUCH APPLICATION SHALL BE SUBMITTED BY THE COUNTY CLERK AND
11 RECORDER IN WRITING TO THE STATE USER ADMINISTRATOR AND SHALL
12 STATE THE NAME OF THE COUNTY EMPLOYEE FOR WHICH COUNTY
13 ADMINISTRATOR PRIVILEGE IS BEING SOUGHT. THE APPLICATION SHALL
14 ALSO STATE THE SPECIFIC REASONS THE COUNTY CLERK AND RECORDER IS
15 REQUESTING THE ADDITIONAL ADMINISTRATOR.

16 50.2.2 THE STATE USER ADMINISTRATOR SHALL NOTIFY THE COUNTY CLERK AND
17 RECORDER IN WRITING WHETHER THE REQUEST IS APPROVED WITHIN FIVE
18 (5) BUSINESS DAYS FROM RECEIPT OF THE APPLICATION.

19 50.3 THE COUNTY ADMINISTRATOR IS RESPONSIBLE FOR SECURITY ADMINISTRATION
20 AND SHALL ASSIGN ALL ACCESS PRIVILEGES, AS WELL AS USERNAMES AND
21 PASSWORDS FOR COUNTY EMPLOYEES AND TEMPORARY ELECTION WORKERS.

22 50.3.1 FOR COUNTY EMPLOYEES, THE COUNTY ADMINISTRATOR SHALL ASSIGN A
23 UNIQUE USERNAME IN ACCORDANCE WITH THE NAMING CONVENTIONS
24 PROVIDED BY THE SECRETARY OF STATE.

25 50.3.2 PASSWORDS SHALL BE ASSIGNED BY THE COUNTY ADMINISTRATOR UPON
26 INITIAL AUTHORIZATION AND SHALL BE CHANGED BY USERS AND
27 MAINTAINED CONFIDENTIALLY.

28 50.4 IF A COUNTY EMPLOYEE OR TEMPORARY ELECTION WORKER IS NO LONGER
29 EMPLOYED BY THE COUNTY, THE COUNTY ADMINISTRATOR SHALL INACTIVATE THE
30 USERNAME WITHIN A REASONABLE TIMEFRAME, NOT TO EXCEED ONE (1) BUSINESS
31 WEEK.