

COLORADO SECRETARY OF STATE

8 CCR 1505-1

ELECTION RULES

Final Draft of Proposed Rules

March 24, 2008

This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on February 29, 2008. This rulemaking hearing to be conducted on March 31, 2008 will use this Final Draft.

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1 Rule 2.7.1 would be repealed as follows:

2 2.7 ~~First Time Voter Who Registers by Mail.~~

3 ~~2.7.1 Prior to the implementation of the statewide voter registration database,~~
4 ~~when a first time voter registers to vote by mail, the voter shall provide a~~
5 ~~copy of one of the forms of identification set forth in Rule 30.1.6.~~

6 Succeeding sections would be renumbered accordingly.

7 New Rule 2.12 would be adopted as follows:

8 2.12 REGISTRATION OF ADDRESS CONFIDENTIALITY PROGRAM (ACP) ELECTORS

9 2.12.1 WHEN AN ACP PARTICIPANT REGISTERS TO VOTE BY MAIL, THE ELECTOR
10 SHALL PROVIDE IDENTIFICATION PURSUANT TO RULE 30.3.2 AND A COPY OF
11 HIS/HER ACP AUTHORIZATION CARD.

12 2.12.2 ACP PARTICIPANTS SHALL BE REGISTERED TO VOTE AS PERMANENT MAIL-IN
13 BALLOT VOTERS. NOTHING IN THIS RULE SHALL PRECLUDE A PARTICIPANT
14 FROM SURRENDERING HIS/HER MAIL-IN BALLOT IN THE SAME MANNER AS
15 OTHER PERMANENT MAIL-IN BALLOT VOTERS.

16 2.12.3 PURSUANT TO SECTION 24-21-208(3)(A), C.R.S., THE DESIGNATED
17 ELECTION OFFICIAL SHALL:

1 2.12.3.1 USE THE ACTUAL ADDRESS OF A PROGRAM PARTICIPANT FOR
2 PRECINCT DESIGNATION AND SHALL KEEP THE PARTICIPANT’S
3 ADDRESS AND PRECINCT NUMBER CONFIDENTIAL.

4 2.12.3.2 USE THE SUBSTITUTE ADDRESS, AS DEFINED IN SECTION 24-
5 21-203 (13), C.R.S., FOR ALL CORRESPONDENCE AND MAILINGS
6 PLACED IN THE UNITED STATES MAIL.

7 2.12.4 ACCESS TO ACP PARTICIPANT’S VOTER REGISTRATION RECORDS IS
8 RESTRICTED PURSUANT TO SECTION 24-21-208(3) (B), C.R.S., AS FOLLOWS:

9 2.12.4.1 AN ACP PARTICIPANT’S ACTUAL ADDRESS AND PRECINCT
10 NUMBER SHALL BE MASKED FROM ANY PUBLIC RECORD THAT IS
11 REQUIRED TO BE MADE, MAINTAINED, OR KEPT PURSUANT TO
12 SECTIONS 1-2-227 AND 1-2-301, C.R.S., AND SHALL
13 AUTOMATICALLY BE CONFIDENTIAL IN ACCORDANCE WITH THE
14 PROVISIONS OF SECTION 24-72-204(3.5), C.R.S., EXCEPT THAT THE
15 EXCEPTIONS TO SUCH CONFIDENTIALITY SET FORTH IN SECTION 24-
16 72-204(3.5) (C), C.R.S., SHALL NOT APPLY TO A PROGRAM
17 PARTICIPANT.

18 2.12.4.3 A STATE OR LOCAL GOVERNMENT AGENCY’S ACCESS TO AN
19 ACP PARTICIPANT’S VOTER REGISTRATION SHALL BE GOVERNED BY
20 THE DISCLOSURE PROCESS SET FORTH IN SECTION 24-21-210, C.R.S.

21 New Rule 2.13 would be adopted as follows:

22 2.13 PRESERVATION OF VOTER REGISTRATION RECORDS. THE COUNTY CLERK AND
23 RECORDER MAY DESTROY PAPER VOTER REGISTRATION RECORDS PURSUANT TO
24 SECTION 1-2-227, C.R.S., ONLY IF THE DOCUMENTS HAVE BEEN DIGITALLY
25 RECORDED IN THE VOTER REGISTRATION DATABASE. VOTER REGISTRATION
26 RECORDS SHALL BE RETAINED IN PERPETUITY IN DIGITAL FORMAT BY THE VOTER
27 REGISTRATION DATABASE.

28 Rule 11.4.1 would be amended as follows:

29 11.4.1 The designated election official shall maintain an inventory record for
30 each electronic vote-tabulating device used in an election. Such records
31 shall include but not be limited to the manufacturer, make, model, serial
32 number, hardware/firmware/software version or release number, HASH
33 VALUE DOCUMENTATION WHERE APPLICABLE, date of acquisition,
34 description of any services, repairs, maintenance, upkeep, and version
35 upgrades, and the dates of performance of such services as of the date of
36 adoption of these rules.

37 Rule 11.5.2.1 would be amended as follows:

1 11.5.2.1 The county clerk and recorder shall commence the Hardware
2 Diagnostic Test prior to the election and allow time for each
3 electronic voting device within the county to be tested. Each
4 device being used in the election, including units identified as
5 spare or backup units, shall be tested to verify that mechanical
6 components are working correctly. This test shall include, but
7 not be limited to, the following tests:

- 8 (a) All input and output devices;
- 9 (b) Communications ports;
- 10 (c) System printers;
- 11 (d) System modems when applicable;
- 12 (e) System Screen displays;
- 13 (f) Boot performance and initializations;
- 14 (g) Firmware loads;
- 15 (h) Software loads;
- 16 (i) DISPLAY OF FIRMWARE/SOFTWARE HASH VALUE (MD5 OR
17 SHA-1) WHEN POSSIBLE;
- 18 (j) Confirmation that screen displays are functioning; and
- 19 (k) Date, time and calibration of systems.

20 Rule 11.5.2.2 would be amended as follows:

21 11.5.2.2 Each device tested shall be sealed upon the successful
22 completion of the test. Documentation of the seal information
23 AND ALL RECORDS FROM TESTING must be maintained for each
24 device.

25 Rule 11.5.3.8.2 would be amended as follows:

26 11.5.3.8.2 Prior to the start of testing, all devices used will have
27 the public counter reset to zero, and presented to the
28 testing board for verification. FOR ANY DEVICE
29 CAPABLE OF PRODUCING THE TRUSTED BUILD HASH
30 VALUE (MD5 OR SHA-1) OF THE FIRMWARE OR
31 SOFTWARE, THE ELECTION OFFICIAL SHALL VERIFY AND
32 DOCUMENT THE ACCURACY OF THE VALUE TO BE
33 INCLUDED WITH THE RECORDS FOR THE DEVICE.

1 Rule 11.5.4.6 would be amended as follows:

2 11.5.4.6 For Direct Record Electronic Devices (DREs) that do not meet
3 the requirements of section 1-5-802, C.R.S., used for any function
4 of counting ballots in an election, the designated election official
5 will manually verify the image of all the ballots contained in the
6 Ballot Log or Ballot Audit that were counted on the specific device
7 with the report generated for that specific device at the close of
8 polls which contains the election summary report. The Secretary
9 of State shall randomly select a minimum of two (2) races per
10 device to be manually verified to ensure that each office, issue, and
11 question on the ballot is audited in accordance with section 1-7-
12 514, C.R.S.

13 11.5.4.6.1 FOR ANY DEVICE CAPABLE OF PRODUCING THE
14 TRUSTED BUILD HASH VALUE (MD5 OR SHA-1) OF THE
15 FIRMWARE OR SOFTWARE, THE DESIGNATED ELECTION
16 OFFICIAL SHALL VERIFY AND DOCUMENT THE ACCURACY OF
17 THE VALUE TO BE INCLUDED WITH THE RECORDS FOR THE
18 DEVICE PRIOR TO CONDUCTING THE AUDIT.

19 Rule 11.5.4.7 would be amended as follows:

20 11.5.4.7 For Direct Electronic Devices (DREs) that do meet the
21 requirement of section 1-5-802, C.R.S., used for any function of
22 counting ballots in an election, after the close of the polls, the
23 designated election official will manually verify all of the voter
24 verified paper record produced with the report generated for that
25 specific device, which contains the election summary report. The
26 Secretary of State shall randomly select a minimum of two races
27 on each device to be manually verified to ensure that each office,
28 issue, and question on the ballot is audited in accordance with
29 section 1-7-514, C.R.S.

30 11.5.4.7.1 FOR ANY DEVICE CAPABLE OF PRODUCING THE
31 TRUSTED BUILD HASH VALUE (MD5 OR SHA-1) OF THE
32 FIRMWARE OR SOFTWARE, THE DESIGNATED ELECTION
33 OFFICIAL SHALL VERIFY AND DOCUMENT THE ACCURACY OF
34 THE VALUE TO BE INCLUDED WITH THE RECORDS FOR THE
35 DEVICE PRIOR TO CONDUCTING THE AUDIT.

36 New Rule 12.1.1.2 would be adopted as follows:

37 12.1.1.2 THE SECRECY SLEEVE, SECRECY ENVELOPE, OR VOTER
38 INSTRUCTIONS SHALL:

39 (A) INFORM THE VOTER THAT ACCESSIBLE VOTING SYSTEMS ARE
40 AVAILABLE FOR USE; AND

1 (B) ~~INFORM~~INSTRUCT THE VOTER TO CONTACT THE COUNTY
2 CLERK AND RECORDER FOR ANY OTHER RELEVANT
3 INFORMATION SUCH AS THE DATE, TIME, AND LOCATION
4 SUCH MACHINES ARE AVAILABLE.

5 New Rule 12.3.2.1 would be adopted as follows:

6 12.3.2.1 IN ADDITION TO THE FOREGOING, ANY HOME RULE
7 MUNICIPALITY SHALL INCLUDE IN ITS PLAN A DECLARATION, AS
8 FOLLOWS:

9 “NOTHING IN THIS PLAN REFLECTS LOCALLY ADOPTED MAIL BALLOT
10 ELECTION PROCEDURES DIFFERENT FROM THOSE SET FORTH IN THE
11 COLORADO MAIL BALLOT ELECTION ACT, SECTION 1-7.5-101-11,
12 C.R.S., AS FROM TIME TO TIME AMENDED, AND ANY REGULATIONS
13 ADOPTED PURSUANT THERETO.”

14 THE SECRETARY OF STATE SHALL NOT REVIEW THE MAIL BALLOT
15 PLAN OF ANY HOME RULE MUNICIPALITY THAT FAILS TO INCLUDE
16 THE ABOVE DECLARATION.

17 New rule 13.13.1 would be adopted as follows:

18 13.13.1 IF A REGISTERED ELECTOR SUBMITS A MAIL-IN BALLOT APPLICATION
19 THAT DOES NOT CONTAIN ALL OF THE INFORMATION REQUIRED BY SECTION
20 1-8-104.5, C.R.S., THE COUNTY CLERK AND RECORDER MAY NOT PROCESS
21 THE APPLICATION, UNLESS THE COUNTY CLERK AND RECORDER CAN
22 CONFIDENTLY IDENTIFY THE ELECTOR, EXCEPT THAT IN NO EVENT SHALL AN
23 APPLICATION BE PROCESSED IF SUCH APPLICATION DOES NOT CONTAIN THE
24 ELECTOR’S SIGNATURE. IF THE COUNTY CLERK AND RECORDER IS UNABLE
25 TO CONFIDENTLY IDENTIFY THE ELECTOR, THE COUNTY CLERK SHALL
26 PROMPTLY NOTIFY THE ELECTOR WHAT ADDITIONAL INFORMATION IS
27 REQUIRED.

28 Rule 15.3 would be amended as follows:

29 15.3 Proponents may begin circulating a petition for signatures at any time after the
30 final decision of the title board, including disposition of any motion for rehearing
31 or the expiration of the time for filing a motion for rehearing, and after the
32 Secretary of State has approved the format of the petition as provided in section 1-
33 40-113 (1), C.R.S., whether or not an appeal is filed with the Supreme Court
34 pursuant to section 1-40-107 (2). ~~The~~IF AN APPEAL IS FILED WITH THE SUPREME
35 COURT, THE six-month period specified in section 1-40-108 (1) shall begin on the
36 date that the first signature is affixed to the petition or, ~~in the case of an appeal to~~
37 ~~the Supreme Court~~, on the date that the decision of the Supreme Court becomes
38 final, whichever date occurs first. Signatures shall be counted only if affixed to
39 the petition during the period provided in this rule.

1 Rule 43.8 would be amended as follows:

2 43.8.2 Physical Locking Mechanisms and Seals

3 a. DREs. All DRE voting devices shall have industry standard,
4 commercial off the shelf tamper-evident seals with printed, unique
5 serial numbers affixed as follows:

6 i. A seal shall be placed over any removable card or cartridge
7 that is inserted into the unit, or over the slot or door
8 covering the card or cartridge.

9 ii. A seal is to be placed over any removable card or cartridge
10 slot when no card or cartridge is inserted into the unit.

11 iii. Tamper-evident, numbered seals shall be affixed across the
12 seam at which the two sides of the case of the electronic
13 components of the voting unit join, with at least one seal
14 for each of the four sides of the device; EXCEPT IN THE
15 INSTANCES WHERE THE HASH VALUE (MD5 OR SHA-1) OF
16 THE FIRMWARE OR SOFTWARE CAN BE DISPLAYED OR
17 PRINTED BY THE DEVICE AS VERIFIED BY THE STATE
18 CERTIFICATION PROCESS. IN SUCH CASES, ADDITIONAL
19 SEALS FOR THE CASE ARE NOT REQUIRED. OFFICIALS SHALL
20 PRODUCE DOCUMENTATION OF THE VERIFICATION OF THE
21 HASH VALUE DURING HARDWARE DIAGNOSTICS TESTING,
22 PRE-ELECTION TESTING AND PRIOR TO THE POST ELECTION
23 AUDIT AS REQUIRED IN RULE 11.

24 iv. If the voting device contains one or more slots for a flash
25 memory card, a seal shall be affixed over each flash card or
26 each flash card slot, door, or access panel.

27 v. These same procedures also apply to the Judge's Booth
28 Controller (JBC) unit for the Hart InterCivic System.

29 vi. All seals are to be verified by two employees or election
30 judges.

31
32 Rule 43.8.11.3 would be amended as follows:

33 43.8.11.3 If a seal has been broken or removed outside of the
34 situation in RULE 43.8.11.2, Any unit involved must undergo the
35 reinstatement or verification of the trusted build. County clerk
36 and recorders will be required to complete a security incident
37 report. The minimum specific requirements on the remedy are as
38 follows (additional requirements may be determined based on the
39 details of the incident report):

1 A. FOR INSTANCES WHERE THE TRUSTED BUILD HASH VALUE (MD5
2 OR SHA-1) OF THE FIRMWARE OR SOFTWARE CAN BE DISPLAYED
3 OR PRINTED BY THE DEVICE AS VERIFIED BY THE STATE
4 CERTIFICATION PROCESS, THE ELECTION OFFICIAL WILL BE
5 REQUIRED TO DOCUMENT AND VERIFY THAT THE HASH VALUE
6 MATCHES THE DOCUMENTED NUMBER ASSOCIATED WITH THE
7 TRUSTED BUILD FOR THE SOFTWARE OR FIRMWARE OF THAT
8 DEVICE.

9 Succeeding sections would be renumbered accordingly.

10 New Rule 43.11 would be adopted as follows:

11 43.11 LEASE, LOAN, OR RENTAL OF ELECTION EQUIPMENT

12 43.11.1 NOTHING IN THIS RULE SHALL BE CONSTRUED TO REQUIRE A
13 COUNTY CLERK TO LEASE, LOAN, OR RENT ANY ELECTION
14 EQUIPMENT TO ANY MUNICIPALITY, SPECIAL DISTRICT OR OTHER
15 LOCAL JURISDICTION.

16 43.11.2 A COUNTY CLERK WHO CHOOSES TO LEASE, LOAN, OR RENT
17 ANY CERTIFIED ELECTION EQUIPMENT TO A MUNICIPALITY, SPECIAL
18 DISTRICT, OR OTHER LOCAL JURISDICTION FOR USE IN THEIR
19 ELECTIONS SHALL FOLLOW AT LEAST ONE OF THE FOLLOWING
20 PROCEDURES IN ORDER TO MAINTAIN OR REESTABLISH AN
21 ACCEPTABLE CHAIN OF CUSTODY AND APPROPRIATE
22 DOCUMENTATION PURSUANT TO RULE 43.8.

23 A. AFTER THE CERTIFIED EQUIPMENT HAS BEEN RETURNED TO
24 THE COUNTY CLERK BY THE APPLICABLE JURISDICTION, AND
25 PRIOR TO USE OF THE EQUIPMENT IN ANY PRIMARY,
26 GENERAL, CONGRESSIONAL VACANCY, STATEWIDE BALLOT
27 ISSUE (INCLUDING RECALL), OR SPECIAL ELECTION
28 CONDUCTED BY THE COUNTY CLERK, REINSTATEMENT OR
29 VERIFICATION OF THE TRUSTED BUILD, PURSUANT TO RULE
30 43.8.11.3(A), SHALL BE COMPLETED.

31 B. THE COUNTY CLERK OR THEIR DEPUTIZED REPRESENTATIVE
32 SHALL:

33 I. DELIVER THE CERTIFIED EQUIPMENT TO THE
34 JURISDICTION;

35 II. WITNESS AND DOCUMENT THE INSTALLATION OF THE
36 MEMORY CARD(S) OR ~~CATRIDGE(S)~~CARTRIDGE(S) TO BE
37 USED BY THE JURISDICTION;

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III. PLACE ONE OR MORE SECURE AND NUMBERED SEALS ON THE VOTING EQUIPMENT PURSUANT TO RULE 43.8.2. IF DURING THE COURSE OF THE JURISDICTION’S ELECTION, THE DESIGNATED ELECTION OFFICIAL REQUIRES REMOVAL OF A MEMORY CARD OR ~~CARTRIDGE~~CARTRIDGE AS A FUNCTION OF THE ELECTION PROCESS, THE COUNTY CLERK OR THEIR DEPUTIZED ~~REPRESENTIVE~~REPRESENTATIVE SHALL WITNESS AND DOCUMENT THE REMOVAL AND PROPER RESEALING OF THE MEMORY CARD OR CARTRIDGE; AND

IV. UPON RETURN OF THE EQUIPMENT TO THE COUNTY CLERK AND RECORDER, THE COUNTY CLERK SHALL VERIFY AND DOCUMENT THAT THE SEALS ARE INTACT. IF ANY SEAL APPEARS TO BE DAMAGED OR REMOVED, THE COUNTY CLERK SHALL REINSTALL OR VERIFY THE TRUSTED BUILD IN ACCORDANCE WITH THIS RULE 43.

C. THE COUNTY CLERK AND RECORDER SHALL DESIGNATE ~~DEPUTIZED~~ COUNTY STAFF TO BE STATIONED WITH THE LOANED CERTIFIED EQUIPMENT AT ALL TIMES WHILE THE EQUIPMENT IS UNDER ~~CONTROL OF USE BY~~ THE DESIGNATED ELECTION OFFICIAL. THE CERTIFIED EQUIPMENT SHALL NOT BE ALLOWED OUT OF THE PHYSICAL CUSTODY OF THE ~~DEPUTIZED~~ COUNTY STAFF AT ANY TIME. THE ~~DEPUTIZED~~ COUNTY STAFF SHALL ENSURE THAT NO UNAUTHORIZED ACCESS ~~SHALL~~ OCCURS.

D. PURSUANT TO SECTION 1-5-605.5, C.R.S., THE COUNTY CLERK SHALL APPOINT THE DESIGNATED ELECTION OFFICIAL AS A DEPUTY FOR THE PURPOSES OF SUPERVISING THE CERTIFIED VOTING EQUIPMENT. THE DESIGNATED ELECTION OFFICIAL SHALL:

I. SIGN AND SUBMIT TO THE COUNTY CLERK AND RECORDER AN AFFIRMATION THAT HE/SHE WILL ENSURE THE SECURITY AND INTEGRITY OF THE CERTIFIED VOTING EQUIPMENT AT ALL TIMES;

II. AFFIRM THAT THE USE OF THE CERTIFIED VOTING EQUIPMENT SHALL BE CONDUCTED IN ACCORDANCE WITH RULE 43 AND THE SPECIFIC CONDITIONS FOR USE OF THE CERTIFIED VOTING EQUIPMENT; AND

III. AGREE TO MAINTAIN ALL CHAIN OF CUSTODY LOGS FOR THE VOTING DEVICE(S).

1 43.11.3 UPON RETURN OF THE CERTIFIED VOTING EQUIPMENT TO THE
2 COUNTY CLERK AND RECORDER, THE COUNTY CLERK SHALL NOT BE
3 REQUIRED TO VERIFY THE TRUSTED BUILD IF THE DOCUMENTATION
4 AND CHAIN OF CUSTODY SUPPORT THE PROPER MAINTENANCE OF
5 THE TRUSTED BUILD SOFTWARE AND CHAIN OF CUSTODY.

6 Rule 45.5.2.3.19 would be amended as follows:
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8 45.5.2.3.19 All electronic voting devices provided by the voting system
9 provider shall have the capability to continue
10 operations and provide continuous device
11 availability during a period of electrical outage
12 without any loss of election data.

13 (a) For optical scan devices, this capability shall
14 include at a minimum for a period of not less
15 than ~~three (3)~~ TWO (2) hours the ability to:

16 (i) Continue to scan or image voters'
17 ballots;

18 (ii) Tabulate accurately voters' choices
19 from the ballots;

20 (iii) Store accurately voters' ballot choices
21 during a period of electrical outage;
22 and

23 (iv) Transmit required results files
24 accurately if power failure experienced
25 during transmittal of results.

26 (b) For DRE devices, this capability shall include
27 at a minimum for a period of not less than
28 ~~three (3)~~ TWO (2) hours the ability to:

29 (i) Continue to present ballots
30 accurately to voters;

31 (ii) Accept voters' choices accurately on
32 the devices;

33 (iii) Tabulate voters' choices accurately;

34 (iv) Store voters' choices accurately in all
35 storage locations on the device; and

1 (v) Transmit required results files
2 accurately if power failure is
3 experienced during transmittal of
4 results.

5 (c) For V-VPAT devices connected to DREs, this
6 capability shall include at a minimum for a
7 period of not less than ~~three (3)~~ TWO (2) hours
8 the ability to:

9 (i) Continue to print voters' choices on
10 the DRE accurately and in a manner
11 that is identical to the manner of the
12 printers' operations during a period of
13 normal electrical operations; and

14 (ii) Continue to store the printed ballots in
15 a secure manner that is identical to the
16 manner of the printers' operations
17 during a period of normal electrical
18 operations.

19 New Rule 48 would be adopted as follows:

20 **RULE 48. CHALLENGES TO VOTING**

21 48.1 PURSUANT TO SECTION 1-9-203(7), C.R.S., A PERSON CHALLENGED ON THE
22 GROUNDS OF RESIDENCY SHALL BE OFFERED A REGULAR BALLOT BY THE ELECTION
23 JUDGE WHEN THE PERSON CHALLENGED SATISFACTORILY ANSWERS THE
24 CHALLENGE QUESTION(S) AS FOLLOWS: SPECIFIED IN SECTION 1-9-203(3), C.R.S.
25 THE FOLLOWING TWO (2) SITUATIONS DEMONSTRATE WHEN A PERSON CHALLENGED
26 SATISFACTORILY ANSWERED THE CHALLENGE QUESTIONS:

27 48.1.1. SITUATION 1

28 A. YES, HE/SHE HAS RESIDED IN THIS STATE AND PRECINCT FOR THIRTY
29 (30) DAYS IMMEDIATELY PRECEDING THIS ELECTION; AND

30 B. NO, HE/SHE HAS NOT BEEN ABSENT FROM THIS STATE DURING THE
31 THIRTY (30) DAYS IMMEDIATELY PRECEDING THIS ELECTION;

32 48.1.2 SITUATION 2

33 A. ~~YES~~NO, HE/SHE HAS ~~NOT~~ RESIDED IN THIS STATE AND PRECINCT FOR
34 THIRTY (30) DAYS IMMEDIATELY PRECEDING THIS ELECTION;

35 B. YES, HE/SHE HAS BEEN ABSENT FROM THIS STATE DURING THE
36 THIRTY (30) DAYS IMMEDIATELY PRECEDING THIS ELECTION;

1 C. YES, WHEN HE/SHE LEFT, IT WAS FOR A TEMPORARY PURPOSE WITH
2 THE INTENT OF RETURNING;

3 D. YES, WHILE ABSENT, HE/SHE LOOKED UPON AND REGARDED THIS
4 STATE AS HIS/HER HOME; AND

5 E. NO, WHILE ABSENT, HE/SHE DID NOT VOTE IN ANY OTHER STATE OR
6 ANY TERRITORY OF THE UNITED STATES.

7 48.2 IF THE PERSON CHALLENGED ANSWERS UNSATISFACTORILY OR REFUSES TO ANSWER
8 THE CHALLENGE QUESTIONS, THE ELECTOR SHALL BE OFFERED A PROVISIONAL
9 BALLOT.