



## **NOTICE OF PROPOSED RULEMAKING**

**Office of the Secretary of State**  
**Election Rules**  
**8 CCR 1505-1**

**September 30, 2009**

Pursuant to the requirements of section 24-4-103(3)(a), C.R.S., (2009), notice of proposed rulemaking is hereby given by the Secretary of State. A rulemaking hearing will be held on **November 10<sup>th</sup>, 2009 from 2:00pm to 4:00pm** in the Blue Spruce Conference Room on the second floor of the Office of the Secretary of State at 1700 Broadway, Denver, Colorado 80290. All interested persons will be afforded an opportunity to be heard on the subject of revisions and amendments to the "Election Rules" of the Colorado Secretary of State, 8 C.C.R. 1505-1.

### **Subject of the Proposed Rulemaking**

Amendments and revisions to the Colorado Secretary of State Election Rules as may be necessary or appropriate to improve the administration of elections in Colorado. The revisions and amendments to be considered include rules concerning registration and list maintenance, identification, provisional voting, mail ballot elections, election official certification training, and voter registration drives. The Secretary of State shall also consider rules necessary to implement amendments to the election laws made during the 2009 regular session of the 67th General Assembly and such other rule amendments as may be necessary to answer questions arising under Title 1 of the Colorado Revised Statutes.

### **Authority for Proposed Rulemaking**

Revisions and amendments to the "Election Rules" of the Colorado Secretary of State, 8 C.C.R. 1505-1, are proposed pursuant to the following statutes:

1. Section 1-1-107(2)(a), C.R.S., (2009), which authorizes the Secretary of State "[t]o promulgate, publish and distribute . . . such rules as the secretary finds necessary for the proper administration and enforcement of the election laws."
2. Section 1-1.5-104(1)(e), C.R.S., (2009), which authorizes the Secretary of State to "[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the "Help America Vote Act of 2002", 42 U.S.C. 15301-15545]."

Copies of the initial draft of the proposed rules may be obtained from the office of the Secretary of State at 1700 Broadway, Suite 270, Denver, Colorado, 80290, or by calling (303) 894-2200, extension 6329. The proposed rules are also posted on the Secretary of State website at [www.sos.state.co.us](http://www.sos.state.co.us).

A final copy of the proposed rules for consideration at the public rulemaking hearing will be posted on the Secretary of State website and made available to the public no later than **November 5, 2009** in accordance with section 24-4-103(4)(a), C.R.S., (2009), which states that “[a]ny 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.”

The rulemaking hearing on November 10, 2009 will be held in accordance with section 24-4-103, C.R.S., (2009). Written and oral data, comments, and arguments will be received from all interested parties. Written submissions must be filed at or before the commencement of the hearing on November 10, 2009 at 2:00pm in order to be considered. Oral testimony may be limited in order to allow the proceedings to go forward with reasonable promptness and efficiency. The hearing will be audio recorded and broadcast over the Internet. The broadcast may be accessed through the Secretary of State website at [www.sos.state.co.us](http://www.sos.state.co.us) on the “Information Center” page under “Broadcast and Recorded Meetings.” For additional information, please contact Andrea Gyger, Elections Division at [andrea.gyger@sos.state.co.us](mailto:andrea.gyger@sos.state.co.us) or (303) 894-2200 ext. 6329.

Dated this 30th Day of September, 2009.



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William A. Hobbs  
Deputy Secretary of State

For

Bernie Buescher  
Colorado Secretary of State



## **Proposed Statement of Basis, Purpose, and Specific Statutory Authority**

### **Office of the Secretary of State Election Rules**

**September 30, 2009**

#### **1. Basis and Purpose**

This proposed statement pertains to the amendments to the Colorado Secretary of State Election Rules for the administration of Colorado State Constitution Article VII, and Title 1 of the Colorado Revised Statutes. The amendments are proposed to achieve the uniform and proper administration and enforcement of the election laws of the State of Colorado, including the requirements of the federal Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252. See sections 1-1.5-101 *et seq.*, C.R.S. (2009).

The proposed amendments to these rules are necessary for the implementation of Article VII of the Colorado Constitution and Article 1, Title 1 of the Colorado Revised Statutes. Such proposed revisions are necessary to improve the administration of elections in Colorado, and to increase the transparency and security of the election process. The proposed amendments are further necessary to implement changes to the election laws made during the 2009 regular session of the 67th General Assembly and answer questions arising under Title 1 of the Colorado Revised Statutes.

The Secretary of State finds that the proposed amendments and revisions to specific rules are necessary as follows:

- The proposed amendments to rule 2.18 and 2.20 are necessary to address questions regarding the use of the National Change of Address (NCOA) database. Specifically, these revisions are proposed to clarify that where the information from NCOA indicates that an elector may have moved out of their current county, a confirmation card will be sent to the elector to provide the elector a notice that their record must be updated to reflect the current residential address. In the case of an elector who appears to have moved within the same county, the elector will not be subject to cancellation under rule 2.18.3 and section 1-2-605, C.R.S., based upon the information from NCOA.
- New rule 2.21 is proposed to answer questions regarding the minimum matching criteria set forth in sections 1-2-603 and 1-2-604, C.R.S. The new rule would clarify the policy for resolving discrepancies in name, suffix, and address for the purpose of determining whether two records are a match under the criteria.

- Proposed rule 2.22 is necessary to establish a deadline for processing duplicate records for the same elector in advance of a federal election. The proposed rule would require the processing to stop ninety days prior to a federal election. The proposed rule would not take effect until 2012 because of the ongoing effort to consolidate voter records following the implementation of the statewide voter registration database.
- New rule 2.23 would require the county to mail a notification letter to any elector whose record is consolidated or cancelled within ninety days prior to a federal election. This requirement would ensure that if any record were consolidated or cancelled based upon erroneous information, the elector would have an opportunity to request reinstatement prior to election day.
- The proposed revisions to rule 12 would implement changes to Article 7.5 of Title 1, C.R.S., made by House Bill 09-1015 regarding primary elections conducted by mail ballot and answer other questions regarding the mail ballot plans.
- The revisions to rules 26.3, 26.4, and 26.5 are proposed to clarify the process for verifying provisional ballots. These proposed amendments are necessary to answer questions that arose in the 2008 general election and provide clear guidance well in advance of the 2010 general election.
- The amendments to rule 26.1.2 and new rule 26.10 are proposed to clarify the treatment of the provisional ballot envelope and affidavit as an application for registration for future elections or as change to a voter registration record. These proposed changes are necessary to provide a clear process for updating voter registration records based upon the information provided on the affidavit.
- The revisions to rule 30.1.6 are proposed to clarify that a valid tribal identification card falls under a “government document” and is an acceptable form of identification under section 1-1-104(19.5)(VII). This proposed amendment is necessary to provide clarification for election workers and to encourage voter participation by easing the burden on electors who may have no other form of identification.
- New rule 30.11.3 is proposed to implement changes made by House Bill 09-1336 regarding identification requirements for voting in-person by residents of a group residential facility. The proposed rule would establish county procedures and clarify what documentation is sufficient to verify that an elector resides at a group residential facility as defined in section 1-1-104(18.5), C.R.S.
- Revisions to Rule 44 are proposed to clarify the renewal and training requirements for voter registration drive (VRD) organizers. In particular, the proposed amendments would establish the same procedure for an initial VRD registration and VRD renewal, as well as provide for online training for all VRD organizers.

## **2. Statutory Authority**

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

1. Section 1-1-107(2)(a), C.R.S. (2009), which authorizes the Secretary of State:

“[t]o promulgate, publish, and distribute . . . such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”

2. Section 1-1.5-104(1), C.R.S. (2009), which provides that:

“The secretary may exercise such powers and perform such duties as reasonably necessary to ensure that the state is compliant with all requirements imposed upon it pursuant to HAVA . . . including, without limitation, the power and duty to:

(e) Promulgate rules in accordance with the requirements of article 4 of title 24, C.R.S., as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of this article.”

# COLORADO SECRETARY OF STATE

## 8 CCR 1505-1

### ELECTION RULES

#### Preliminary Draft of Proposed Rules

September 30, 2009

*Disclaimer: This draft is not yet final. The proposed changes to be considered at the public rulemaking hearing may be different than the proposed changes in this draft. This draft is submitted to the Department of Regulatory Agencies for the purpose of complying with section 24-4-103(2.5), C.R.S., which requires that a draft be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.*

*A final copy of the proposed rule changes will be available to the public no later than November 5, 2009, and a copy will be 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 "[a]ny 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~~. Annotations may be included.*

1 Rule 2.18 would be amended as follows:

2 2.18 List Maintenance Pursuant to section 8 of the National Voter Registration Act of 1993.

3 2.18.1 When a voter information card or confirmation card is returned by the United  
4 States Postal Service to the county clerk and recorder as undeliverable, the county  
5 clerk and recorder shall mark the voter's record "Inactive – returned mail" and in  
6 the case of a returned voter information card, shall mail a confirmation card.

7 2.18.2 National Change of Address (NCOA). No later than June 1 of every odd-  
8 numbered year, the Secretary of State shall utilize the NCOA service to compare  
9 the records of all voters marked "Inactive – failed to vote" with the NCOA  
10 database.

11 a. The Secretary of State shall forward a list to each county clerk and  
12 recorder of the records that appear to have a change of address based upon  
13 the NCOA comparison.

1                   b.     ~~The county clerk and recorder shall send a confirmation card to each voter~~  
2     ~~who appears to have a change of address and shall mark the record~~  
3     ~~“Inactive – NCOA”.~~ UPON RECEIPT OF INFORMATION THAT A VOTER MAY  
4     HAVE MOVED WITHIN THE COUNTY, THE VOTER’S RECORD SHALL BE  
5     MARKED “INACTIVE – NCOA IN COUNTY” AND THE NEW ADDRESS SHALL BE  
6     ENTERED, IF PROVIDED BY NCOA, INTO THE FORWARDING ADDRESS FIELD  
7     IN SCORE. A CONFIRMATION CARD, BY WHICH THE VOTER MAY VERIFY OR  
8     CORRECT THE ADDRESS INFORMATION, SHALL BE MAILED TO THE VOTER AT  
9     THE ADDRESS PROVIDED BY NCOA. IN ADDITION TO THE INFORMATION  
10    REQUIRED BY RULE 2.19, THE CONFIRMATION CARD SHALL ALSO ADVISE  
11    THE VOTER THAT HE OR SHE MUST RESPOND TO THE CARD IN ORDER TO  
12    UPDATE HIS OR HER REGISTRATION STATUS TO ACTIVE.

13                   c.     UPON RECEIPT OF INFORMATION THAT A VOTER MAY HAVE MOVED OUT OF  
14    THE COUNTY, THE RECORD SHALL BE MARKED “INACTIVE – NCOA OUT OF  
15    COUNTY” AND THE NEW ADDRESS SHALL BE ENTERED, IF PROVIDED BY  
16    NCOA, INTO THE FORWARDING ADDRESS FIELD IN SCORE. A  
17    CONFIRMATION CARD, BY WHICH THE VOTER MAY VERIFY OR CORRECT THE  
18    ADDRESS INFORMATION, SHALL BE MAILED TO THE VOTER AT THE ADDRESS  
19    PROVIDED BY NCOA. IN ADDITION TO THE INFORMATION REQUIRED BY  
20    RULE 2.19, THE CONFIRMATION CARD SHALL ALSO ADVISE THE VOTER THAT  
21    HE OR SHE MUST RESPOND TO THE CARD IN ORDER TO UPDATE HIS OR HER  
22    REGISTRATION STATUS TO ACTIVE.

23           2.18.3 In accordance with section 1-2-605(7), C.R.S., no later than 90 days following a  
24    General Election, the county clerk and recorder in each county shall cancel only  
25    the registrations of electors who have met the following requirements:

- 26                   a.     Whose records have been marked “Inactive – returned mail”, “inactive –  
27                   undeliverable”, “Inactive – NCOA OUT OF COUNTY” or “Inactive –  
28                   undeliverable ballot”;
- 29                   b.     Who have been mailed a confirmation card; and
- 30                   c.     Who have since failed to vote in two consecutive ~~federal~~ GENERAL  
31                   elections.

32    Rule 2.19 would be amended as follows:

33    2.19   Confirmation ~~CARD~~-CARD

34           2.19.1 “Confirmation card” means a mailing by forwardable mail that includes a  
35           registration form so that the voter may update his or her registration or request a  
36           mail-in ballot. The mailing shall be postage prepaid and have a returnable portion  
37           that is preaddressed to the sending county clerk and recorder.

1 2.19.2 IN ACCORDANCE WITH SECTION 1-1-109(1), C.R.S., THE SECRETARY OF STATE  
2 SHALL CONSIDER BEST PRACTICES AND USABILITY IN THE DESIGN OF THE  
3 CONFIRMATION CARD IN ORDER TO MINIMIZE VOTER CONFUSION.

4 Rule 2.20 would be amended as follows:

5 2.20 Voter registration status designations-

6 2.20.1 Definitions

- 7 a. "Active status" or "active record" means that there are no conditions or  
8 restrictions on the voter's eligibility.
- 9 b. "Cancelled status" or "cancelled record" means that the voter's  
10 registration has been cancelled or revoked based upon a determination that  
11 the voter is ineligible, or the applicant has been deemed not registered in  
12 accordance with these rules and Title 1, C.R.S.; or the voter has withdrawn  
13 their registration.
- 14 c. "Inactive – failed to vote status" means that the voter was active prior to a  
15 general election, but subsequently failed to vote in that general election.
- 16 d. "Inactive – NCOA IN COUNTY status" means that the county clerk and  
17 recorder has received information from the United States Postal Service  
18 National Change of Address service THAT AN ELECTOR MAY HAVE MOVED  
19 WITHIN THE COUNTY.
- 20 e. "INACTIVE – NCOA OUT OF COUNTY STATUS" MEANS THAT THE COUNTY  
21 CLERK AND RECORDER HAS RECEIVED INFORMATION FROM THE UNITED  
22 STATES POSTAL SERVICE NATIONAL CHANGE OF ADDRESS SERVICE THAT  
23 AN ELECTOR MAY HAVE MOVED OUT OF THE COUNTY.
- 24 e-F. "Inactive – returned mail status" or "inactive – undeliverable status"  
25 means that a voter information card or confirmation card was returned to  
26 the county clerk and recorder by the United States Postal Service as  
27 undeliverable.
- 28 f-G. "Inactive – undeliverable ballot status" means that a voter was mailed a  
29 ballot that was subsequently returned to the county clerk and recorder by  
30 the United States Postal Service as undeliverable.

31 2.20.2. Effect of voter registration status designation

- 32 a. Active status or active record voters' names will appear on the poll book,  
33 they will be sent a ballot in a mail ballot election, and they will be sent  
34 election notice mailings.



- 1           b.       Cancelled status or cancelled record voters' records will remain in the  
2                    statewide voter registration database; however, their names will not appear  
3                    on the poll book, they will not be sent a ballot in a mail ballot election, and  
4                    they will not be sent election notice mailings.
- 5           c.       Inactive – failed to vote status voters are eligible voters; their names will  
6                    appear on the poll book and they will be sent election notice mailings.  
7                    Inactive – failed to vote voters will be sent a ballot in a mail ballot election  
8                    where specifically required by sections 1-7.5-107 and 1-7.5-108.5(b),  
9                    C.R.S.
- 10          d.       Inactive – NCOA IN COUNTY status voters are eligible voters and their  
11                   names will appear on the poll book. However, they will not be sent a  
12                   ballot in a mail ballot election and they will not be sent election notice  
13                   mailings.
- 14          E.       INACTIVE – NCOA OUT OF COUNTY VOTERS ARE ELIGIBLE VOTERS AND  
15                   THEIR NAMES WILL APPEAR ON THE POLL BOOK. HOWEVER, THEY WILL NOT  
16                   BE SENT A BALLOT IN A MAIL BALLOT ELECTION AND THEY WILL NOT BE  
17                   SENT ELECTION NOTICE MAILINGS.
- 18          e-F.     Inactive – returned mail status or inactive – undeliverable status voters are  
19                   eligible voters and their names will appear on the poll book. However,  
20                   they will not be sent ballots in a mail ballot election and they will not be  
21                   sent election notice mailings.
- 22          f-G.     Inactive – undeliverable ballot status voters are eligible voters and their  
23                   names will appear on the poll book. However, they will not be sent a  
24                   ballot in a mail ballot election and they will not be sent election notice  
25                   mailings.  
26                [Sections 1-2-605(3) and (11), 1-5-206, 1-7-110, 1-7.5-107, and 1-7.5-108.5,  
27                C.R.S.]

28   New Rules 2.21, 2.22, and 2.23 would be adopted as follows:

29   2.21   MINIMUM MATCHING CRITERIA

30       2.21.1 A RECORD MAY NOT BE TRANSFERRED, CONSOLIDATED, OR CANCELLED  
31               UNLESS THE MINIMUM MATCHING CRITERIA AS SET FORTH IN SECTIONS 1-2-  
32               603 AND 1-2-604, C.R.S., ARE MET. IF THE MINIMUM MATCHING CRITERIA  
33               ARE NOT MET THE COUNTY MAY SEND A LETTER TO THE VOTER REQUESTING  
34               CONFIRMATION OF THE MISSING OR NON-MATCHING INFORMATION IN ORDER  
35               TO TRANSFER, CONSOLIDATE, OR CANCEL THE RECORD.

36       2.21.2 FOR THE PURPOSE OF SECTIONS 1-2-603 AND 1-2-604, C.R.S., AND THIS  
37               RULE A MATCH OF THE NAME SHALL MEAN A MATCH OF THE FULL NAME,

1 EXCEPT THAT THE FOLLOWING SHALL BE SUFFICIENT TO ESTABLISH A  
2 MATCH:

3 (A) COMMON VARIATIONS AND NICKNAMES IN THE FIRST OR MIDDLE  
4 NAME, I.E. MICHAEL AND MIKE;

5 (B) EXPLAINABLE AND DOCUMENTED CHANGE OF NAME, INCLUDING  
6 LAST NAME, I.E. MAIDEN NAME AND MARRIED NAME; AND

7 (C) EXPLAINABLE AND DOCUMENTED VARIATIONS IN SUFFIX, EXCEPT  
8 THAT THE ABSENCE OF A SUFFIX IN ONE OF THE RECORDS SHALL NOT  
9 BE CONSIDERED A VARIATION. EXAMPLES OF SUFFIX VARIATIONS  
10 THAT MUST BE EXPLAINED INCLUDE JUNIOR IN ONE RECORD AND III  
11 IN ANOTHER.

12 2.21.3 FOR THE PURPOSE OF SECTIONS 1-2-603 AND 1-2-604, C.R.S., AND THIS  
13 RULE A MATCH OF THE PRIOR ADDRESS SHALL MEAN A MATCH OF THE  
14 RESIDENTIAL STREET ADDRESS.

15 2.21.4 THE COUNTY CLERK AND RECORDER MAY USE THE DEPARTMENT OF  
16 REVENUE DATABASE TO VERIFY PRIOR NAME OR RESIDENCE ADDRESS  
17 HISTORY FOR THE PURPOSE OF MEETING THE MINIMUM MATCHING CRITERIA.  
18 THE INFORMATION GATHERED MUST BE SCANNED AND RETAINED IN THE  
19 ELECTOR'S RECORD IN ORDER TO DOCUMENT HOW THE CRITERIA WAS MET.

20 2.22 EFFECTIVE JANUARY 1, 2012, NO COUNTY MAY CONSOLIDATE OR CANCEL  
21 DUPLICATE RECORDS IN ACCORDANCE WITH SECTION 1-2-604, C.R.S., BASED UPON  
22 THE LIST OF POTENTIAL DUPLICATES THAT MAY BE GENERATED THROUGH THE  
23 STATEWIDE COLORADO REGISTRATION AND ELECTIONS SYSTEM KNOWN AS  
24 "SCORE" WITHIN THE PERIOD BEGINNING NINETY (90) DAYS PRIOR TO A FEDERAL  
25 PRIMARY OR GENERAL ELECTION.

26 2.23 THE COUNTY CLERK AND RECORDER SHALL MAIL A LETTER TO ANY ELECTORS  
27 WHOSE RECORDS ARE CONSOLIDATED OR WHOSE DUPLICATE RECORD IS CANCELLED  
28 IN ACCORDANCE WITH SECTION 1-2-604, C.R.S., WITHIN THE PERIOD BEGINNING  
29 NINETY (90) DAYS PRIOR TO A FEDERAL ELECTION. THE LETTER SHALL BE SENT TO  
30 THE ADDRESS OF THE RECORD CANCELLED OR CONSOLIDATED, IT SHALL ADVISE THE  
31 ELECTOR OF THE CONSOLIDATION OR CANCELLATION, AND IT SHALL INFORM THE  
32 ELECTOR HOW HE OR SHE MAY CORRECT ANY ERRORS.

33 Rule 26.1.2 would be repealed as follows:

34 ~~26.2.1 If the provisional ballot envelope is used as a voter registration form, it is subject~~  
35 ~~to the same requirements as any other voter registration form. REPEALED~~

36 *Note: This rule relocated to rule 26.10 as it deals with the treatment of the affidavit as an*  
37 *application for registration or an update.*

1 Rules 12.3 through 12.9 would be amended as follows:

2 12.3 Notice of elections.

3 12.3.1 Call and notice.

4 (a) Notice of the election is to be sent to the clerk and recorder of the county in  
5 which the election is to be held. The notice is to include the date by which  
6 the list of registered electors is to be submitted to the political subdivision.

7 (b) For multi-county political subdivisions, the notice sent to each clerk and  
8 recorder shall also include the names of all other counties in which the  
9 election will be held.

10 ~~12.3.2 As soon as possible, but no later than sixty five (65) days prior to a regular~~  
11 ~~special district election and no later than fifty five (55) days prior to any other~~  
12 ~~election, a written plan must be submitted to the Secretary of State which~~  
13 ~~includes the following:~~

14 ~~(a) Date of the election;~~

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

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

17 ~~(d) Citation of the statute or home rule charter provisions authorizing the~~  
18 ~~election;~~

19 ~~(e) Estimated number of eligible electors;~~

20 ~~(f) Name of the designated election official who will be responsible for all~~  
21 ~~aspects of the election;~~

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

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

27 ~~(i) For elections coordinated by the county clerk and recorder, the total number~~  
28 ~~of walk in voting locations;~~

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

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

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

19 ~~12.3.2.1 — In addition to the foregoing, any home rule municipality shall~~  
20 ~~include in its plan a declaration, as follows:~~

21 ~~“Nothing in this plan reflects locally adopted mail ballot election~~  
22 ~~procedures different from those set forth in the Colorado Mail Ballot~~  
23 ~~Election Act, section 1-7.5-101-11, C.R.S., as from time to time amended,~~  
24 ~~and any regulations adopted pursuant thereto.”~~

25 ~~The Secretary of State shall not review the mail ballot plan of any home~~  
26 ~~rule municipality that fails to include the above declaration. REPEALED.~~

27 ~~*[Note: This rule relocated to rule new 12.4.1 to consolidate rules regarding*~~  
28 ~~*mail ballot plans and re-worded for clarity.]*~~

29 12.3.3 For elections coordinated by the county clerk and recorder, a security plan shall  
30 be submitted in accordance with Rule 43 in addition to the mail ballot plan  
31 submitted in accordance with this Rule.

32 12.3.4 PRIOR TO MAKING A DETERMINATION TO CONDUCT A PRIMARY ELECTION AS A  
33 MAIL BALLOT ELECTION, A COUNTY CLERK AND RECORDER SHALL GIVE PUBLIC  
34 NOTICE AND SEEK PUBLIC COMMENT ON SUCH DETERMINATION.

1 (A) THE COUNTY CLERK AND RECORDER SHALL GIVE PUBLIC NOTICE THROUGH  
2 THE COUNTY WEBSITE OR THROUGH PUBLICATION.

3 (B) THE COUNTY CLERK AND RECORDER SHALL SEEK PUBLIC COMMENT ON THE  
4 DETERMINATION TO CONDUCT A PRIMARY ELECTION AS A MAIL BALLOT  
5 ELECTION FOR A PERIOD OF NOT LESS THAN TEN (10) DAYS.

6 ~~12.3.4~~ ~~Written timetable specifications:~~

7 ~~(a) The designated election official shall prepare a written timetable for~~  
8 ~~conducting the mail ballot election with specific dates or range of dates~~  
9 ~~when each activity is to be completed;~~

10 ~~(b) The timetable shall include the following dates:~~

11 ~~(1) Copy of written plan to governing body;~~

12 ~~(2) Anticipated date of approval of election by governing body;~~

13 ~~(3) Date of submission of written plan to Secretary of State's office;~~

14 ~~(4) Anticipated date of approval by Secretary of State;~~

15 ~~(5) Date of publication of notice of election;~~

16 ~~(6) Date of notice of election to the county clerk;~~

17 ~~(7) Date of notice of election to the county assessor, if property~~  
18 ~~owners are eligible to vote in the election;~~

19 ~~(8) Date of close of registration;~~

20 ~~(9) Date by which the county clerk and recorder must submit the list of~~  
21 ~~eligible electors to the political subdivision and, if property owners~~  
22 ~~are eligible to vote in the election, the date by which the county~~  
23 ~~assessor must submit the list of property owners;~~

24 ~~(10) For elections coordinated by the county clerk and recorder, date~~  
25 ~~notice will be given to voters of walk in voting and accessible~~  
26 ~~voting options;~~

27 ~~(11) Date ballots will be mailed;~~

28 ~~(12) Date verification and counting of ballots will begin; and~~

29 ~~(13) Date of the election.~~

30 *[Note: This rule relocated to new Rule 12.4.3 to consolidate rules regarding*  
31 *mail ballot plans and re-worded for clarity.]*

1 ~~12.3.5 A special district required to submit a mail ballot plan in accordance with~~  
2 ~~section 17.5-105, C.R.S. and this Rule, may request a seven (7) day filing~~  
3 ~~extension if the plan is being submitted for a regular special district election that~~  
4 ~~may be cancelled.~~

5 ~~(a) A request for such extension shall be submitted to the Secretary of State no~~  
6 ~~later than two (2) business days prior to the deadline for submitting the mail~~  
7 ~~ballot plan.~~

8 ~~(b) The request shall contain a brief statement of the reasons for such request.~~

9 ~~(c) The Secretary of State shall notify the special district of the~~  
10 ~~approval/disapproval of the request within one (1) business day.~~

11 *[Note: This rule relocated to new rule 12.4.2 to consolidate rules regarding*  
12 *mail ballot plans.]*

## 13 12.4 MAIL BALLOT PLANS

14 12.4.1 COORDINATED AND NON-PARTISAN ELECTIONS. AS SOON AS POSSIBLE, BUT NO  
15 LATER THAN SIXTY-FIVE (65) DAYS PRIOR TO A REGULAR SPECIAL DISTRICT  
16 ELECTION AND NO LATER THAN FIFTY-FIVE (55) DAYS PRIOR TO ANY OTHER  
17 ELECTION, NOT INCLUDING A PRIMARY ELECTION, A WRITTEN PLAN MUST BE  
18 SUBMITTED TO THE SECRETARY OF STATE WHICH INCLUDES THE FOLLOWING:

19 (A) DATE OF THE ELECTION;

20 (B) TYPE AND NAME OF JURISDICTION INVOLVED IN THE ELECTION;

21 (C) DESCRIPTION OF THE TYPE OF ELECTION TO BE CONDUCTED;

22 (D) CITATION OF THE STATUTE(S) AUTHORIZING THE ELECTION;

23 (E) ESTIMATED NUMBER OF ELIGIBLE ELECTORS;

24 (F) NAME OF THE DESIGNATED ELECTION OFFICIAL WHO WILL BE RESPONSIBLE  
25 FOR ALL ASPECTS OF THE ELECTION;

26 (G) INDICATION OF WHETHER THE COUNTY CLERK AND RECORDER WILL ASSIST IN  
27 THE ELECTION FOR THE ENTITY OTHER THAN BY PROVIDING A LIST OF  
28 REGISTERED ELECTORS AND OTHER INFORMATION REQUIRED BY STATUTE;

29 (H) THE ADDRESS AND HOURS OF OPERATION FOR ALL DROP-OFF LOCATIONS. FOR  
30 SECURITY REASONS, UNMONITORED FREESTANDING DROP-OFF LOCATIONS  
31 LOCATED OUTSIDE WILL NOT BE ALLOWED;

32 (I) FOR ELECTIONS COORDINATED BY THE COUNTY CLERK AND RECORDER, THE  
33 TOTAL NUMBER OF WALK-IN VOTING LOCATIONS;

1 (J) NUMBER OF ACCESSIBLE VOTING MACHINES ANTICIPATED BEING USED FOR  
2 WALK-IN VOTING LOCATIONS IN ELECTIONS COORDINATED BY THE COUNTY  
3 CLERK AND RECORDER;

4 (K) LENGTH OF TIME ACCESSIBLE VOTING MACHINES WILL BE AVAILABLE FOR  
5 WALK-IN VOTING IN ELECTIONS COORDINATED BY THE COUNTY CLERK AND  
6 RECORDER;

7 (L) WRITTEN TIMETABLE FOR THE CONDUCT OF THE ELECTION IN ACCORDANCE  
8 WITH THE STATUTE;

9 (M) INDICATION OF HOW POSTAGE WILL BE HANDLED FOR BALLOT PACKETS  
10 RETURNED AS UNDELIVERABLE (E.G. "RETURN POSTAGE GUARANTEED");

11 (N) INDICATION OF PROCEDURES TO BE FOLLOWED TO ENSURE COMPLIANCE WITH  
12 STATUTES AND RULES, INCLUDING PERSONS RESPONSIBLE FOR EACH STAGE;

13 (O) DESCRIPTION OF PROCEDURES TO BE USED TO ENSURE BALLOT SECURITY AT  
14 ALL STAGES OF THE PROCESS;

15 (P) DESCRIPTION OF PROCEDURES FOR MAINTAINING PRIVACY AND SECURITY OF  
16 ACCESSIBLE VOTING MACHINES TO BE USED IN AN ELECTION COORDINATED BY  
17 THE COUNTY CLERK AND RECORDER;

18 (Q) DESCRIPTION OF PROCEDURES TO BE USED FOR SIGNATURE VERIFICATION;

19 (R) DESCRIPTION OF PROCEDURES TO BE USED FOR BALLOTS RETURNED BY  
20 ELECTORS WHO HAVE NOT PREVIOUSLY VOTED IN COLORADO AND HAVE  
21 FAILED TO INCLUDE PROPER PROOF OF IDENTIFICATION;

22 (S) DESCRIPTION OF PROCEDURES TO ENSURE PRIVACY BY USE OF A SECRECY  
23 SLEEVE OR SECRECY ENVELOPE SO RECEIVING JUDGES CANNOT TELL HOW THE  
24 ELECTOR VOTED;

25 (T) DESCRIPTION OF PROCEDURES TO BE USED TO RECONCILE BALLOTS ISSUED,  
26 BALLOTS RECEIVED, DEFECTIVE BALLOTS AND SUBSTITUTE BALLOTS; AND

27 (U) AN ACTUAL SAMPLE OF THE SECRECY SLEEVE OR SECRECY ENVELOPE TO BE  
28 USED IN THE MAIL BALLOT ELECTION.

29 *[NOTE: This rule relocated from Rule 12.3.2 to consolidate rules regarding mail*  
30 *ballot plans and re-worded for clarity.]*

31 12.4.1.1 IN ADDITION TO THE FOREGOING, ANY HOME RULE MUNICIPALITY  
32 SHALL INCLUDE IN ITS PLAN A DECLARATION, AS FOLLOWS:

33 "NOTHING IN THIS PLAN REFLECTS LOCALLY ADOPTED MAIL BALLOT  
34 ELECTION PROCEDURES DIFFERENT FROM THOSE SET FORTH IN THE  
35 COLORADO MAIL BALLOT ELECTION ACT, SECTION 1-7.5-101-11,

1 C.R.S., AS FROM TIME TO TIME AMENDED, AND ANY REGULATIONS  
2 ADOPTED PURSUANT THERETO.”

3 THE SECRETARY OF STATE SHALL NOT REVIEW THE MAIL BALLOT PLAN  
4 OF ANY HOME RULE MUNICIPALITY THAT FAILS TO INCLUDE THE ABOVE  
5 DECLARATION.

6 *[NOTE: This rule relocated from Rule 12.2.1 to consolidate rules regarding mail*  
7 *ballot plans.]*

8 12.4.2 A SPECIAL DISTRICT REQUIRED TO SUBMIT A MAIL BALLOT PLAN IN ACCORDANCE  
9 WITH SECTION 1-7.5-105, C.R.S., AND THIS RULE, MAY REQUEST A SEVEN (7) DAY  
10 FILING EXTENSION IF THE PLAN IS BEING SUBMITTED FOR A REGULAR SPECIAL  
11 DISTRICT ELECTION THAT MAY BE CANCELLED.

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

15 (B) THE REQUEST SHALL CONTAIN A BRIEF STATEMENT OF THE REASONS FOR  
16 SUCH REQUEST.

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

19 *[NOTE: This rule relocated from Rule 12.3.5 to consolidate rules regarding mail*  
20 *ballot plans.]*

21 12.4.3 THE DESIGNATED ELECTION OFFICIAL SHALL PREPARE A WRITTEN TIMETABLE FOR  
22 CONDUCTING THE MAIL BALLOT ELECTION FOR A COORDINATED OR NON-  
23 PARTISAN ELECTION WITH THE FOLLOWING SPECIFIC DATES OR RANGE OF DATES  
24 REGARDING EACH EVENT LISTED BELOW:

25 (A) DATE THAT A COPY OF THE WRITTEN PLAN WAS PRESENTED TO THE  
26 GOVERNING BODY;

27 (B) ANTICIPATED DATE OF APPROVAL OF ELECTION BY THE GOVERNING BODY;

28 (C) DATE OF NOTICE OF ELECTION TO THE COUNTY CLERK;

29 (D) DATE OF NOTICE OF ELECTION TO THE COUNTY ASSESSOR, IF PROPERTY  
30 OWNERS ARE ELIGIBLE TO VOTE IN THE ELECTION;

31 (E) DATE BY WHICH THE COUNTY CLERK AND RECORDER MUST SUBMIT THE LIST  
32 OF ELIGIBLE ELECTORS TO THE POLITICAL SUBDIVISION AND, IF PROPERTY  
33 OWNERS ARE ELIGIBLE TO VOTE IN THE ELECTION, THE DATE BY WHICH THE  
34 COUNTY ASSESSOR MUST SUBMIT THE LIST OF PROPERTY OWNERS;

35 (F) DATE OF CLOSE OF REGISTRATION;



- 1 (G) DATE BALLOTS WILL BE MAILED;
- 2 (H) DATE OF PUBLICATION OF NOTICE OF ELECTION, INCLUDING INFORMATION
- 3 REGARDING WALK-IN VOTING AND ACCESSIBLE VOTING OPTIONS FOR
- 4 ELECTIONS CONDUCTED BY THE COUNTY CLERK AND RECORDER;
- 5 (I) DATE THAT BALLOTS WILL BE MADE AVAILABLE AT THE DESIGNATED
- 6 ELECTION OFFICIAL'S OFFICE;
- 7 (J) DATE VERIFICATION AND COUNTING OF BALLOTS WILL BEGIN; AND
- 8 (K) DATE OF THE ELECTION.

9 *[NOTE: This rule relocated from Rule 12.3.4 to consolidate rules regarding mail*  
10 *ballot plans and re-worded for clarity.]*

11 12.4.4 PRIMARY ELECTIONS CONDUCTED AS A MAIL BALLOT ELECTION. PURSUANT TO  
12 ARTICLE 7.5 OF TITLE 1, C.R.S., NO LATER THAN ONE HUNDRED AND TWENTY  
13 (120) DAYS PRIOR TO THE ELECTION THE COUNTY CLERK AND RECORDER MUST  
14 SUBMIT A WRITTEN PLAN TO THE SECRETARY OF STATE THAT INCLUDES THE  
15 FOLLOWING:

- 16 (A) DATE OF THE ELECTION;
- 17 (B) TYPE AND NAME OF THE JURISDICTION INVOLVED IN THE ELECTION;
- 18 (C) CITATION OF THE STATUTE(S) AUTHORIZING THE ELECTION;
- 19 (D) ESTIMATED NUMBER OF ELIGIBLE ELECTORS;
- 20 (E) THE ADDRESS AND HOURS OF OPERATION FOR ALL DROP-OFF LOCATIONS;
- 21 (F) THE ADDRESS AND HOURS OF OPERATION FOR ALL SERVICE CENTERS;
- 22 (G) DESCRIPTION OF THE PROCEDURES THAT WILL BE TAKEN TO ENSURE THAT
- 23 EACH SERVICE CENTER COMPLIES WITH THE REQUIREMENTS SET FORTH IN
- 24 SECTION 1-7.5-107, C.R.S. INCLUDING THE NUMBER OF ACCESSIBLE VOTING
- 25 MACHINES ANTICIPATED BEING USED AT EACH SERVICE CENTER FOR SECURITY
- 26 REASONS, UNMONITORED FREESTANDING DROP-OF LOCATIONS LOCATED
- 27 OUTSIDE WILL NOT BE ALLOWED;;
- 28 (H) WRITTEN TIMETABLE FOR THE CONDUCT OF THE ELECTION IN ACCORDANCE
- 29 WITH STATUTE;
- 30 (I) INDICATION OF HOW POSTAGE WILL BE HANDLED FOR BALLOT PACKETS
- 31 RETURNED AS UNDELIVERABLE (E.G. "RETURN POSTAGE GUARANTEED");
- 32 (J) INDICATION OF PROCEDURES TO BE FOLLOWED TO ENSURE COMPLIANCE WITH
- 33 STATUTES AND RULES, INCLUDING PERSONS RESPONSIBLE FOR EACH STAGE;

- 1 (K) DESCRIPTION OF PROCEDURES TO BE USED TO ENSURE BALLOT SECURITY AT  
2 ALL STAGES OF THE PROCESS;
- 3 (L) DESCRIPTION OF PROCEDURES FOR MAINTAINING PRIVACY AND SECURITY OF  
4 ACCESSIBLE VOTING MACHINES TO BE USED;
- 5 (M) DESCRIPTION OF PROCEDURES TO BE USED FOR BALLOTS RETURNED BY  
6 ELECTORS WHO HAVE NOT PREVIOUSLY VOTED IN COLORADO AND HAVE  
7 FAILED TO INCLUDE PROPER PROOF OF IDENTIFICATION;
- 8 (N) DESCRIPTION OF PROCEDURES TO ENSURE PRIVACY BY USE OF A SECRECY  
9 SLEEVE OR SECRECY ENVELOPE SO RECEIVING JUDGES CANNOT TELL HOW THE  
10 ELECTOR VOTED;
- 11 (O) DESCRIPTION OF PROCEDURES TO BE USED TO RECONCILE BALLOTS ISSUED,  
12 BALLOTS RECEIVED, DEFECTIVE BALLOTS AND SUBSTITUTE BALLOTS; AND
- 13 (P) AN ACTUAL SAMPLE OF THE SECRECY SLEEVE OR SECRECY ENVELOPE TO BE  
14 USED IN THE MAIL BALLOT ELECTION.
- 15 12.4.5 THE TIMETABLE FOR A PRIMARY ELECTION HELD AS A MAIL BALLOT ELECTION  
16 SHALL INCLUDE THE FOLLOWING DATES:
- 17 (A) DATE THAT THE COUNTY GAVE PUBLIC NOTICE AND BEGAN RECEIVING PUBLIC  
18 COMMENTS;
- 19 (B) DATE THAT A COPY OF THE WRITTEN PLAN WAS PRESENTED TO THE  
20 GOVERNING BODY;
- 21 (C) ANTICIPATED DATE OF APPROVAL OF ELECTION BY THE GOVERNING BODY;
- 22 (D) DATE THAT THE COUNTY CLERK AND RECORDER MAILED A VOTER  
23 INFORMATION CARD TO ALL REGISTERED ELECTORS WHOSE REGISTRATION  
24 RECORDS HAVE BEEN MARKED "INACTIVE – FAILED TO VOTE;"
- 25 (E) DATE BY WHICH A COUNTY CLERK AND RECORDER MUST PROVIDE NOTICE TO  
26 THE SECRETARY OF STATE IN ORDER TO CANCEL THE ELECTION;
- 27 (F) DATE THAT THE COUNTY CLERK AND RECORDER WILL MAIL A NOTICE BY  
28 FORWARDABLE MAIL TO EACH UNAFFILIATED ACTIVE REGISTERED ELIGIBLE  
29 ELECTOR AND TO EACH UNAFFILIATED REGISTERED ELIGIBLE ELECTOR WHOSE  
30 REGISTRATION RECORD HAS BEEN MARKED AS "INACTIVE – FAILED TO VOTE;"
- 31 (G) DATE THAT THE COUNTY CLERK AND RECORDER WILL PREPARE A SEPARATE  
32 BALLOT FOR EACH POLITICAL PARTY INVOLVED IN THE PRIMARY ELECTION;
- 33 (H) DATE OF THE CLOSE OF VOTER REGISTRATION;

- 1 (I) DATE BALLOTS WILL BE MAILED;
- 2 (J) DATE THAT BALLOTS WILL BE MADE AVAILABLE AT THE COUNTY CLERK AND  
3 RECORDER'S OFFICE;
- 4 (K) DATE OF PUBLICATION OF NOTICE OF ELECTION, INCLUDING INFORMATION  
5 REGARDING ACCESSIBLE VOTING OPTIONS FOR ELECTIONS CONDUCTED BY THE  
6 COUNTY CLERK AND RECORDER;
- 7 (L) DATES THE DROP-OFF LOCATIONS WILL ACCEPT MAIL BALLOTS DELIVERED BY  
8 ELECTORS;
- 9 (M) DATES SERVICE CENTERS WILL BE OPEN;
- 10 (N) DATE VERIFICATION AND COUNTING OF BALLOTS WILL BEGIN;
- 11 (O) DATE OF THE PRIMARY ELECTION.

12 12.4.6 IN ACCORDANCE WITH SECTION 1-7.5-107(2.3), C.R.S., NOT LESS THAN THIRTY  
13 (30) NOR MORE THAN FORTY-FIVE (45) DAYS BEFORE A PRIMARY ELECTION THAT  
14 IS CONDUCTED AS A MAIL BALLOT ELECTION, THE COUNTY CLERK AND RECORDER  
15 SHALL MAIL A NOTICE BY FORWARDABLE MAIL TO EACH UNAFFILIATED ACTIVE  
16 REGISTERED ELECTOR AND TO EACH UNAFFILIATED REGISTERED ELIGIBLE  
17 ELECTOR WHOSE REGISTRATION RECORD HAS BEEN MARKED AS "INACTIVE -  
18 FAILED TO VOTE."

19 (A) THE NOTICE SHALL INDICATE THAT THE UNAFFILIATED ELECTOR HAS THE  
20 ABILITY TO AND MUST AFFILIATE WITH A POLITICAL PARTY IN ORDER TO VOTE  
21 IN THE PRIMARY ELECTION.

22 (B) THE NOTICE SHALL HAVE A RETURNABLE PORTION THAT ALLOWS THE  
23 ELECTOR TO REQUEST AFFILIATION WITH A POLITICAL PARTY.

24 (C) THE NOTICE MAY BE INCLUDED WITH ANY OTHER COMMUNICATION BY MAIL  
25 FROM THE COUNTY CLERK AND RECORDER TO ELECTORS WITHIN THE COUNTY.

26 12.4.7 IF PURSUANT TO SECTION 1-4-104.5, C.R.S., THE COUNTY CLERK AND RECORDER  
27 CANCELS A PRIMARY ELECTION PRIOR TO THE CLOSE OF BUSINESS ON THE  
28 SIXTIETH DAY BEFORE THE PRIMARY ELECTION, THE COUNTY CLERK AND  
29 RECORDER SHALL COMPLETE THE CANCELLATION OF PRIMARY ELECTION FORM  
30 ON THE SECRETARY OF STATE'S WEBSITE AND RETURN SUCH FORM TO THE  
31 SECRETARY OF STATE WITHIN TWO (2) BUSINESS DAYS.

32 ~~12.4~~ 12.5 Ballots-

33 ~~12.4.1~~ 12.5.1 In any election where a multiple page printed ballot is used, a voter must  
34 vote and return all pages of the ballot at the same time. Any voter who has  
35 returned at least one page of a multiple page printed ballot will be considered to

1                   have voted.

2           ~~12.4.2~~12.5.2 For NON-PARTISAN elections where multiple ballots will be included in the  
3                   same packet or will be sent in separate packets, the ballots and return envelopes  
4                   shall include distinctive markings or colors to identify political subdivisions  
5                   when the colors or distinctive markings will aid in the distribution and  
6                   tabulation of the ballots.

7           ~~12.4.3~~12.5.3 The designated election official for each political subdivision for whom  
8                   one or more county clerk and recorders are conducting the election shall assure  
9                   that a complete list of eligible electors in their political subdivision is sent to  
10                  each appropriate county clerk and recorder, unless otherwise provided in the  
11                  intergovernmental agreement. The political subdivision shall list each elector  
12                  only once to assure that each elector receives one and only one ballot unless  
13                  otherwise authorized.

14          ~~12.4.4~~12.5.4 For coordinated mail ballot elections, each county clerk and recorder may  
15                  compare the lists submitted by the various political subdivisions to assure that  
16                  each elector receives the appropriate ballot or ballots for the election.

17          ~~12.4.5~~12.5.5 For all coordinated elections where more than one mail ballot is being  
18                  mailed or polling place elections are being held as well as the mail ballot  
19                  election, the outgoing envelope as well as the instructions or other notice shall  
20                  have the following notice: "This may not be your only ballot. Other elections  
21                  may be held by other political subdivisions by mail or by polling place."

22          ~~12.4.6~~12.5.6 If the ballot is returned to the election official as undeliverable, the official  
23                  shall not be required to re-mail the ballot packet.

24          ~~12.4.7~~12.5.7 The designated election official shall require that the eligible elector  
25                  submit a copy of his or her identification as defined in Section 1-1-104(19.5),  
26                  C.R.S., with the elector's ballot in the return envelope if the eligible elector  
27                  registered to vote by mail pursuant to Part 5, Article 2, Title 1, C.R.S. and did  
28                  not provide the required ID upon registration.

29          ~~12.4.8~~12.5.8 The county clerk and recorder shall indicate on the list of registered voters  
30                  requested by the designated election official those registered voters required to  
31                  be identified in Rule 12.4.6, unless such registered voter either:

32                  (a) Submitted as part of the registration by mail a copy of the elector's  
33                          identification as defined in Section 1-1-104(19.5), C.R.S.; or

34                  (b) Votes pursuant to Section 1-7-111(2), C.R.S.; or

35                  (c) Is otherwise entitled to vote under any federal law.

36          ~~12.4.9~~12.5.9 If the elector is required to provide his or her identification, the outside of  
37                  the return envelope shall be marked to identify such envelope.

1           ~~12.4.10~~ 12.5.10       If the marked return envelope does not contain proper  
2                                   identification, the ballot shall be treated as a provisional ballot. The outside of  
3                                   the return envelope shall be marked "provisional". For non partisan elections,  
4                                   the provisional ballot shall be verified and counted in accordance with Rule 26.  
5                                   REPEALED.

6                                   *[Note: This rule relocated to Rule 12.8.2 and re-worded for clarity.]*

7           ~~12.4.11~~ 12.5.11       All return envelopes used in a mail ballot election coordinated by  
8                                   the county clerk and recorder may be formatted in such a manner that the  
9                                   voter's signature on the back of the envelope is concealed. [Sections 1-7.5-106  
10                                  and 1-7.5-107, C.R.S.]

11   ~~12.5~~-12.6       Mail-in and Early Voting-

12           ~~12.5.1~~ 12.6.1       In a mail ballot election, any elector with a mail-in ballot request shall be  
13                                  sent a mail ballot to the requested address in accordance with section 1-8-  
14                                  111(1), C.R.S. Mail-in ballots shall be treated as mail ballots for all other  
15                                  purposes.

16           ~~12.5.2~~ 12.6.2       Establishment of A polling place for early voting shall not be required for  
17                                  a mail ballot election, however the location for walk-in balloting shall be  
18                                  maintained.

19           12.6.3       SERVICE CENTERS, AS REQUIRED BY SECTION 1-7.5-107(4.5), C.R.S., SHALL BE  
20                                  MAINTAINED FOR ANY PRIMARY ELECTION TO BE HELD AS A MAIL BALLOT  
21                                  ELECTION.

22   ~~12.6~~-12.7       Receipt of Ballots

23           ~~12.6.1~~ 12.7.1       One or more judges shall be appointed for the site to which ballots are to  
24                                  be mailed to receive the ballots as mailed.

25           ~~12.6.2~~ 12.7.2       Each day when ballots come in, a judge shall count the ballots, batch them  
26                                  and record the number of ballots received.

27           ~~12.6.3~~ 12.7.3       The ballots shall be date-stamped when received. If any ballot is received  
28                                  after the time set for the closing of the elections, the ballot shall be date-stamped  
29                                  but the ballot shall not be counted.

30           ~~12.6.4~~ 12.7.4       Records shall also be kept of the number of ballot packets returned as  
31                                  undeliverable.

32           ~~12.6.5~~ 12.7.5       Ballot packets shall then be placed in a safe, secure place until the  
33                                  counting of the ballots.

34   ~~12.7~~-12.8       If a voter has been directed to return a document with his/her voted ballot, the  
35                                  election judge shall open the returned envelope to retrieve the required form. ~~12.7.1~~  
36                                  ———If the required form cannot be found in the return envelope, the election judge

1 shall open the secrecy envelope/sleeve to find the required form or document in an effort  
2 not to disenfranchise the voter.

3 12.8.1 IF THE MARKED RETURN ENVELOPE DOES NOT CONTAIN PROPER IDENTIFICATION,  
4 THE BALLOT SHALL BE TREATED AS A "PROVISIONAL" BALLOT. THE OUTSIDE OF  
5 THE RETURN ENVELOPE SHALL BE MARKED "PROVISIONAL". THE BALLOT SHALL  
6 BE VERIFIED AND COUNTED AS FOLLOWS:

7 *[Note: This rule relocated from Rule 12.4.10 and re-worded for clarity.]*

8 ~~12.7.2(A)~~ If the voter was directed to return a copy of identification with  
9 his/her voted ballot and failed to do so IN ACCORDANCE WITH SECTION 1-7.5-  
10 107(3.5)(D), C.R.S., the voter shall be sent a letter EXPLAINING THAT HE/SHE  
11 HAS NOT PROVIDED IDENTIFICATION in accordance with section 1-7.5-  
12 107(3.5)(d), C.R.S. Nothing in this rule shall be construed to prohibit the  
13 designated election official from calling the elector; however, a phone call  
14 shall not substitute for notification to the elector in writing.

15 ~~12.7.3(B)~~ If the elector provides a copy of his/her identification within eight  
16 days after election day, then the ballot shall be verified and counted in the  
17 same manner as other mail ballots in accordance with sections 1-7.5-107  
18 and 1-7.5-107.3, C.R.S.

19 ~~12.8-12.9~~ For any non-matching or missing signatures Rule 29.1 concerning procedures for  
20 the verification of MISSING signatures shall be followed. IN ACCORDANCE WITH SECTION  
21 1-7.5-107.3, C.R.S., THE PROCEDURES IN RULE 29 SHALL BE FOLLOWED FOR ANY NON-  
22 MATCHING SIGNATURE ON A MAIL BALLOT RETURN ENVELOPE THAT IS RECEIVED IN A  
23 NOVEMBER COORDINATED ELECTION.

24 ~~12.9-12.10~~ Ballots Delivered in Person:

25 ~~12.9.10-12.10.1~~ All "~~places of deposit~~-DROP-OFF LOCATIONS" shall be accessible to  
26 disabled electors.

27 ~~12.9.2-12.10.2~~ All "~~places of deposit~~-DROP-OFF LOCATIONS" and any walk-in voting  
28 locations shall be located within the political subdivision where feasible. If a  
29 political subdivision desires to establish a "~~place of deposit~~"-DROP-OFF  
30 LOCATION or a site for walk-in voting outside of the county, municipality or  
31 district, permission must be obtained from the Secretary of State.

32 (a) The designated election official shall state the reasons ———for requesting  
33 such exception in the mail ballot plan submitted to the Secretary of State  
34 for approval.

35 (b) The alternate location proposed by the designated election official shall be  
36 within reasonable proximity to the political subdivision or the majority of  
37 the electors of the political subdivision.

1 ~~12.9.3~~ 12.10.3 Any eligible elector may deliver in person to the designated or coordinated  
2 election official's office no more than ten (10) voted mail ballots.

3 *[All subsequent rules would be re-numbered accordingly.]*

4 Rules 26.3, 26.4, and 26.5 would be amended as follows:

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 *[Note: This rule relocated to Rule 26.4 as it deals with verification rather than polling*  
13 *place procedures.]*

14 26.3.1 IF AN ELECTOR WHOSE NAME DOES NOT APPEAR ON THE POLLBOOK STATES THAT HE  
15 OR SHE HAS TIMELY REGISTERED THROUGH AN AGENCY PURSUANT TO SECTION 1-2-  
16 504, C.R.S., THE ELECTION JUDGE SHALL:

- 17 (A) OFFER THE ELECTOR A PROVISIONAL BALLOT;
- 18 (B) CHECK THE BOX ON THE PROVISIONAL BALLOT AFFIDAVIT INDICATING THAT  
19 THE ELECTOR WAS AN AGENCY APPLICANT;
- 20 (C) ASK THE ELECTOR TO PROVIDE THE NAME AND LOCATION OF THE AGENCY  
21 AND THE APPROXIMATE DATE HE OR SHE COMPLETED THE APPLICATION, OR  
22 PROVIDE THE APPLICATION RECEIPT; AND
- 23 (D) NOTE THE AGENCY REGISTRATION INFORMATION ON THE AFFIDAVIT AND/OR  
24 ATTACH THE RECEIPT TO THE OUTSIDE OF THE PROVISIONAL BALLOT  
25 ENVELOPE.

26 26.3.2 If the elector whose name does not appear on the pollbook states that he or she  
27 applied to register to vote prior to the close of registration with a VOTER  
28 REGISTRATION DRIVE (VRD) ~~or agency pursuant to Section 1-2-504, C.R.S.~~, the  
29 election judge shall:

- 30 •(A) Offer the elector a provisional ballot;
- 31 ~~• Ask the elector to surrender the application receipt;~~
- 32 •(B) Check the box on the provisional ballot ~~envelope~~-AFFIDAVIT indicating  
33 that the voter-ELECTOR is a VRD ~~or agency~~-applicant, and

1 (C) ASK THE ELECTOR TO PROVIDE THE LOCATION AND THE APPROXIMATE DATE  
2 HE OR SHE COMPLETED THE APPLICATION, OR PROVIDE THE APPLICATION  
3 RECEIPT; AND

4 (D) NOTE THE VRD REGISTRATION INFORMATION ON THE AFFIDAVIT AND/OR  
5 ATTACH ~~•~~ ~~Attach~~ the receipt to the outside of the provisional ballot  
6 envelope.

7 26.3.3 The word “provisional” shall be marked on the provisional ballot and on the  
8 pollbook or signature card next to the elector’s name.

9 26.4 Verification of Provisional Ballots

10 26.4.1 When the designated election official has concluded that all voted provisional  
11 ballots have been delivered to and received by the election office, the designated  
12 election official shall determine the time that provisional verification and  
13 processing begins in accordance with the deadlines set forth in ~~title one~~-TITLE 1,  
14 C.R.S., and these rules. The designated election official or designee shall  
15 complete preliminary verification without opening the provisional ballot  
16 envelopes.

17 ~~26.4.2 When verifying provisional ballots, the designated election official must check~~  
18 ~~the State of Colorado Statewide voter registration database to see whether the~~  
19 ~~elector has already voted in the election.~~

20 *[Note: This rule relocated to new Rule 26.4.3]*

21 ~~26.4.3 When the designated election official has received both a mail in ballot and a~~  
22 ~~provisional ballot from an elector, but there is a discrepancy between the~~  
23 ~~signature on the returned mail in ballot envelope and the voter’s signature on file~~  
24 ~~with the county clerk and recorder, the discrepancy must be resolved. Before the~~  
25 ~~provisional ballot may be counted, the elector must affirm that the signature on~~  
26 ~~the mail in ballot envelope is not his or her signature. Section 1 8.5 105(4) and~~  
27 ~~(5), C.R.S.~~

28 *[Note: This rule relocated to new Rule 26.4.6]*

29 26.4.426.4.2 Verification of an elector’s eligibility to have his or her provisional ballot  
30 counted shall be limited to the following sources ~~to determine proof of voter~~  
31 ~~registration:~~

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

35 (b) The State of Colorado Statewide Voter Registration Database;



1 (c) The DMV Motor Voter database (Note: Possession of a driver's license is  
2 not conclusive proof of voter registration; elector must have registered to  
3 vote through the DMV-); AND

4 (D) THE INFORMATION PROVIDED ON THE PROVISIONAL BALLOT ENVELOPE,  
5 INCLUDING THE AFFIDAVIT.

6 26.4.3 WHEN VERIFYING PROVISIONAL BALLOTS, THE DESIGNATED ELECTION OFFICIAL  
7 MUST CHECK THE STATE OF COLORADO STATEWIDE VOTER REGISTRATION  
8 DATABASE TO DETERMINE WHETHER THE ELECTOR HAS ALREADY VOTED IN THE  
9 ELECTION.

10 26.4.4 IF DURING VERIFICATION IT APPEARS THAT THE ELECTOR ATTEMPTED TO REGISTER  
11 BUT WAS DEEMED "NOT REGISTERED" IN ACCORDANCE WITH SECTION 1-2-509(3),  
12 C.R.S., THE BALLOT SHALL BE VERIFIED AND COUNTED AS FOLLOWS:

13 (A) IF THE ELECTOR SUBSTANTIALLY CONFIRMS THE ADDRESS AT WHICH HE OR  
14 SHE ATTEMPTED TO REGISTER TO VOTE ANYWHERE ON THE PROVISIONAL  
15 BALLOT AFFIDAVIT, THE AFFIDAVIT IS COMPLETE, AND THE ELECTOR IS  
16 OTHERWISE ELIGIBLE, THE BALLOT SHALL BE COUNTED. THE ELECTOR  
17 SHALL BE DEEMED REGISTERED AS OF THE DATE OF THE ORIGINAL  
18 APPLICATION.

19 (B) IF THE ELECTOR DOES NOT SUBSTANTIALLY CONFIRM THE ADDRESS AT  
20 WHICH HE OR SHE ATTEMPTED TO REGISTER TO VOTE ANYWHERE ON THE  
21 PROVISIONAL BALLOT AFFIDAVIT, THE BALLOT SHALL NOT BE COUNTED.  
22 THE PROVISIONAL BALLOT AFFIDAVIT SHALL BE TREATED AS AN  
23 APPLICATION FOR FUTURE REGISTRATION.

24 26.4.5 IF DURING VERIFICATION IT APPEARS THAT THE ELECTOR HAD MULTIPLE RECORDS  
25 THAT WERE CONSOLIDATED OR CANCELLED AS DUPLICATES, THE ELECTOR'S  
26 RECORD(S) SHALL BE REVIEWED TO DETERMINE WHETHER THE ELECTOR HAS AN  
27 ACTIVE OR INACTIVE STATUS RECORD IN SCORE AND THE BALLOT SHALL BE  
28 VERIFIED AND COUNTED AS FOLLOWS:

29 (A) IF THE ELECTOR HAS AN ACTIVE OR INACTIVE RECORD IN SCORE THE  
30 RECORD SHALL BE REVIEWED TO DETERMINE WHETHER THE ELECTOR HAS  
31 CAST A BALLOT IN THE ELECTION. THE BALLOT SHALL BE COUNTED IF THE  
32 ELECTOR HAS NOT CAST A BALLOT IN THE ELECTION, THE AFFIDAVIT IS  
33 COMPLETE, AND THE ELECTOR IS OTHERWISE ELIGIBLE.

34 (B) IF THE ELECTOR DOES NOT HAVE AN ACTIVE OR INACTIVE RECORD IN  
35 SCORE, THE BALLOT SHALL BE COUNTED IF THE ELECTOR HAS NOT CAST A  
36 BALLOT IN THE ELECTION, THE AFFIDAVIT IS COMPLETE, AND THE ELECTOR  
37 IS OTHERWISE ELIGIBLE. THE ELECTOR'S RECORD SHALL BE REINSTATED OR  
38 UNCONSOLIDATED.

1 (C) IF THE ELECTOR HAS ALREADY CAST A BALLOT IN THE ELECTION, THE  
2 BALLOT SHALL NOT BE COUNTED.

3 26.4.6 WHEN THE DESIGNATED ELECTION OFFICIAL HAS RECEIVED BOTH A MAIL-IN  
4 BALLOT AND A PROVISIONAL BALLOT FROM AN ELECTOR, BUT THERE IS A  
5 DISCREPANCY BETWEEN THE SIGNATURE ON THE RETURNED MAIL-IN BALLOT  
6 ENVELOPE AND THE ELECTOR'S SIGNATURE ON FILE WITH THE COUNTY CLERK AND  
7 RECORDER, THE DISCREPANCY MUST BE RESOLVED. BEFORE THE PROVISIONAL  
8 BALLOT MAY BE COUNTED, THE ELECTOR MUST AFFIRM THAT THE SIGNATURE ON  
9 THE MAIL-IN BALLOT ENVELOPE IS NOT HIS OR HER SIGNATURE. SECTION 1-8.5-  
10 105(4) AND (5), C.R.S.

11 *[Note: This rule relocated from existing Rule 26.4.3]*

12 26.4.7 IF DURING VERIFICATION IT APPEARS THAT THE ELECTOR TIMELY APPLIED FOR  
13 REGISTRATION, BUT HIS OR HER APPLICATION WAS INCOMPLETE THE BALLOT SHALL  
14 BE VERIFIED AND COUNTED AS FOLLOWS:

15 (A) IF THE ELECTOR PROVIDED THE REQUIRED INFORMATION ON THE  
16 PROVISIONAL BALLOT AFFIDAVIT, THE ELECTOR IS OTHERWISE ELIGIBLE,  
17 AND HAS NOT CAST A BALLOT IN THE ELECTION, THE BALLOT SHALL BE  
18 COUNTED. THE ELECTOR SHALL BE DEEMED REGISTERED AS OF THE DATE  
19 OF THE ORIGINAL APPLICATION.

20 (B) IF THE ELECTOR DID NOT PROVIDE THE REQUIRED INFORMATION ON THE  
21 PROVISIONAL BALLOT ENVELOPE, THE BALLOT SHALL NOT BE COUNTED.

22 *[Note: this rule relocated from Rule 26.5.2 and reworded for clarity]*

## 23 26.5 Counting of Provisional Ballots

24 26.5.1 If the information contained in the provisional ballot envelope AND AFFIDAVIT  
25 provides adequate criteria so that the designated election official is able to  
26 confirm under election rule 26 that the elector is ~~registered~~ ELIGIBLE, the  
27 provisional ballot shall count.

28 26.5.2 ~~Pursuant to section 1-2-509(3), C.R.S., if the designated election official receives~~  
29 ~~a provisional ballot from a voter who registered to vote but had an incomplete or~~  
30 ~~deficient voter registration application, and did not supply the required~~  
31 ~~information at the time of registration, at any time prior to voting, or on the~~  
32 ~~provisional ballot envelope, the provisional ballot shall not be counted. If the~~  
33 ~~voter does supply the required information prior to or at the time of voting, then~~  
34 ~~the provisional ballot may be counted. REPEALED.~~

35 *[Note: this rule relocated to Rule 26.4.7 as it deals with verification, and*  
36 *reworded for clarity]*

37 New Rule 26.10 would be adopted as follows:

1 26.10 TREATMENT OF THE PROVISIONAL BALLOT AFFIDAVIT AS AN APPLICATION FOR, OR A  
2 CHANGE TO REGISTRATION

3 26.10.1 IF A PROVISIONAL BALLOT AFFIDAVIT IS TREATED AS AN APPLICATION FOR  
4 REGISTRATION FOR FUTURE ELECTIONS IN ACCORDANCE WITH SECTION 1-8.5-  
5 103(2), C.R.S., SUCH APPLICATION SHALL BE SUBJECT TO THE REQUIREMENTS FOR  
6 ANY OTHER VOTER REGISTRATION APPLICATION.

7 *Note: This rule relocated from rule 26.1.2 and re-worded for clarity*

8 26.10.2 IN THE CASE OF AN ELECTOR WHO IS REGISTERED, IF THE PROVISIONAL  
9 BALLOT AFFIDAVIT CONTAINS CHANGES TO THE ELECTOR'S REGISTRATION HIS OR  
10 HER RECORD SHALL BE UPDATED ACCORDINGLY.

11 26.10.3 IF A PROVISIONAL BALLOT IS COUNTED BECAUSE IT WAS DETERMINED THAT  
12 AN ELECTOR WAS CANCELLED OR CONSOLIDATED IN ERROR, THE ELECTOR'S  
13 RECORD SHALL BE REINSTATED AND UPDATED ACCORDINGLY.

14 Rule 30.1.6 would be amended as follows:

15 30.1.6 "ID" as used in these rules shall mean identification as defined in compliance  
16 with section 1-1-104(19.5), C.R.S., as a copy of one of the following:

- 17 (a) A valid Colorado driver's license;
- 18 (b) A valid identification card issued by the Department of Revenue in  
19 accordance with the requirements of Part 3 of Article 2 of Title 42, C.R.S.;
- 20 (c) A valid U.S. passport;
- 21 (d) A valid employee identification card with a photograph of the eligible  
22 elector issued by any branch, department, agency, or entity of the United  
23 States government or of this state, or by any county, municipality, board,  
24 authority, or other political subdivision of this state;
- 25 (e) A valid pilot's license issued by the federal aviation administration or  
26 other authorized agency of the United States;
- 27 (f) A valid U.S. military identification card with a photograph of the eligible  
28 elector;
- 29 (g) A copy of a current utility bill, bank statement, government check,  
30 paycheck, or other government document that shows the name and address  
31 of the elector. For example:
  - 32 (I) A cable bill or telephone bill,

- 1 (II) Documentation from a public institution of higher education in  
 2 Colorado containing at least the name, date of birth, and legal  
 3 residence address of the student elector,
- 4 (III) A paycheck from a government institution or private company; or
- 5 (IV) A Certificate of Degree of Indian or Alaskan Native Blood; OR
- 6 (V) A VALID IDENTIFICATION CARD ISSUED BY A FEDERALLY  
 7 RECOGNIZED TRIBAL GOVERNMENT CERTIFYING TRIBAL  
 8 MEMBERSHIP.
- 9 (h) A valid Medicare or Medicaid card issued by the Centers for Medicare and  
 10 Medicaid Services (formerly the United States Health Care Financing  
 11 Administration);
- 12 (i) A certified copy of a U.S. birth certificate for the elector issued in the  
 13 United States;
- 14 (j) Certified documentation of naturalization; or
- 15 (k) A valid student identification card with a photograph of the eligible elector  
 16 issued by an institute of higher education in Colorado, as defined in  
 17 section 23-3.1-102(5), C.R.S.

18 NEW RULE 30.11.3 WOULD BE ADOPTED AS FOLLOWS:

- 19 30.11.3 FOR THE PURPOSE OF VERIFYING THAT AN ELECTOR IS A RESIDENT OF A GROUP  
 20 RESIDENTIAL FACILITY IN ACCORDANCE WITH SECTION 1-1-104(19.5)(C), C.R.S.,  
 21 EACH COUNTY SHALL PROVIDE WITH THE POLLBOOKS A LIST OF GROUP RESIDENTIAL  
 22 FACILITIES WITHIN THE PRECINCT, OR COUNTY FOR VOTE CENTERS, INDICATING  
 23 EACH FACILITY'S NAME AND ADDRESS. IF, AT THE TIME OF VOTING, AN ELECTOR  
 24 DOES NOT PRESENT IDENTIFICATION, THE ELECTION JUDGE SHALL REVIEW THE LIST  
 25 OF FACILITIES TO DETERMINE WHETHER THE ELECTOR RESIDES AT A FACILITY ON  
 26 THE LIST.
- 27 (A) IF THE ELECTOR RESIDES AT A FACILITY ON THE LIST, THE ELECTOR SHALL  
 28 BE ALLOWED TO VOTE A REGULAR BALLOT IN ACCORDANCE WITH SECTIONS  
 29 1-1-104(19.5)(C), AND 1-7-110(1), C.R.S.
- 30 (B) IF THE ELECTOR'S RESIDENCE DOES NOT MATCH A FACILITY ON THE LIST,  
 31 THE ELECTOR SHALL BE OFFERED A REGULAR BALLOT IF HE OR SHE  
 32 PRESENTS A LETTER FROM A FACILITY WITH THE SAME ADDRESS AS LISTED  
 33 IN THE POLLBOOK INDICATING THE ELECTOR IS A RESIDENT AND INCLUDING  
 34 THE ELECTOR'S NAME AND DATE OF BIRTH.
- 35 (C) IF, HOWEVER, THE ELECTOR DOES NOT RESIDE AT A FACILITY ON THE LIST  
 36 AND DOES NOT PROVIDE A LETTER AS DESCRIBED IN PARAGRAPH (B) OF THIS

1                                   RULE, THE ELECTOR SHALL BE OFFERED A PROVISIONAL BALLOT IN  
2                                   ACCORDANCE WITH SECTIONS 1-7-110 AND ARTICLE 8.5 OF TITLE 1, C.R.S.

3  
4 Rule 40 would be amended as follows:

5 **Rule 40. Rules Concerning Certification and Education of Designated Election Officials**

6 40.1 Purpose AND DEFINITIONS:

7       40.1.1 The Secretary of State R--recognizes that the oversight of elections is a  
8                   profession that requires thorough knowledge of complex state and federal  
9                   election law and election procedures. It is recognized that state and federal law,  
10                  voting equipment and election procedures ARE COMPLEX, and therefore  
11                  necessitates extensive training. The purpose of the certification program is to  
12                  standardize election procedures and education so that Colorado voters have a  
13                  greater confidence in their election officials and the election process.

14       40.1.2 "LOCAL ELECTION OFFICIAL" FOR THE PURPOSE OF SECTION 1-1-301(1), C.R.S.,  
15                  SHALL MEAN A COUNTY CLERK AND RECORDER.

16       40.1.3 "PERSONS REQUIRED TO COMPLETE CERTIFICATION" FOR THE PURPOSE OF  
17                  SECTION 1-1-302, C.R.S., AND THIS RULE SHALL MEAN:

18                   (A) THE COUNTY CLERK AND RECORDER; AND

19                   (B) EMPLOYEES IN THE CLERK AND RECORDER'S OFFICE WHO ARE DIRECTLY  
20                   RESPONSIBLE FOR OVERSEEING ELECTION ACTIVITIES, INCLUDING BUT NOT  
21                   LIMITED TO VOTER REGISTRATION, CANDIDATE QUALIFICATIONS AND BALLOT  
22                   CERTIFICATION, POLL WORKER TRAINING, BALLOT DESIGN AND SETUP,  
23                   BALLOT COUNTING, AND CANVASSING.

24 40.2 Advisory Board created

25       40.2.1 The Secretary of State shall create an advisory board to oversee the certification  
26                  program and curriculum. The advisory board shall meet at least twice each  
27                  calendar year to approve the curriculum and make necessary changes. The  
28                  advisory board shall also review evaluations and recommend changes to the  
29                  certification program.

30       40.2.2 The advisory board shall review individual applications for certification and  
31                  shall approve applications that are accurate and complete. The advisory board  
32                  shall have the authority to take into account special circumstances in reviewing  
33                  and approving applications.

34       40.2.3 The advisory board shall include the following members appointed by the  
35                  Secretary of State:

36                   (a) Four county clerks or designated staff members

- 1 (b) Two Secretary of State Office representatives
- 2 (c) Any individual(s) whom the Secretary of State believes could make a
- 3 valuable contribution to the Board.

4 40.2.4 Board members shall be appointed by the Secretary of State to serve a two-year

5 term. Board members may be terminated without cause. Failure to attend

6 meetings or meaningfully contribute may result in termination.

7 40.3 Core Curriculum

8 40.3.1 The certification program shall include core requirements. All training outlined

9 herein shall be provided under the direction of the Secretary of State. Persons

10 applying for certification shall complete at least eight core classes. The core

11 classes shall generally include but are not limited to:

- 12 (a) ~~The basic conduct of elections~~ NAVIGATING ELECTION LAWS AND
- 13 PROCEDURES
- 14 (b) Testing and maintenance of voting equipment
- 15 (c) Canvass procedures
- 16 (d) Mail-in voting
- 17 (e) Pollworker training and recruiting
- 18 (f) ~~SCORE training~~ OVERSEAS AND MILITARY VOTING
- 19 (g) ~~Ethics~~ MAIL BALLOT ELECTIONS
- 20 (h) Accessibility for people with disabilities
- 21 (i) Provisional ~~V~~-voting
- 22 (j) ISSUES IN VOTER REGISTRATION

23 40.3.2 The classes may be offered as a whole or in sections.

24 40.4 Elective Curriculum

25 40.4.1 The certification program shall include electives as part of the certification

26 program. All training outlined herein shall be provided under the direction of the

27 Secretary of State. Persons applying for certification shall select and complete at

28 least six (6) elective courses. The elective courses shall generally include but are

29 not limited to:

- 30 (a) Voter ~~O~~-outreach

- 1 (b) Media ~~R~~-relations AND CORA
- 2 (c) Elections refresher course
- 3 (d) Petitions
- 4 (e) ~~Overseas and military voters~~ ETHICS
- 5 (f) ~~Campaign finance~~ RECALL ELECTIONS
- 6 (g) Security planning
- 7 (h) ~~Issues in voter registration~~ SCORE FUNCTIONAL TRAINING
- 8 (i) Polling place set up/management
- 9 (j) Vote Center training
- 10 ~~(k) Mail ballot training~~
- 11 ~~(k)~~ Budgeting
- 12 ~~(Lm)~~ Recounts and election contests
- 13 ~~(Mn)~~ Other timely, relevant topics as determined by the Secretary of State

14 40.4.2 THE CLASSES MAY BE OFFERED AS A WHOLE OR IN SECTIONS

15 40.5 CREDIT FOR TRAINING OFFERED BY THE SECRETARY OF STATE.

16 40.5.1 INDIVIDUALS APPLYING FOR CERTIFICATION SHALL HAVE RECEIVED AT LEAST  
17 EIGHT (8) UNIQUE CORE CREDITS AND SIX (6) UNIQUE ELECTIVE CREDITS.

18 40.5.1 The advisory board may reject applications for certification if any of the eight  
19 (8) core and six (6) elective credit requirements have been achieved through a  
20 duplication of course credits.

21 40.5.3 ONE CREDIT SHALL BE AWARDED AFTER SUCCESSFUL COMPLETION OF ANY  
22 COURSE SCHEDULED FOR TWO HOURS OR LESS. TWO CREDITS SHALL BE  
23 AWARDED FOR SUCCESSFUL COMPLETION OF ANY COURSE SCHEDULED FOR MORE  
24 THAN TWO HOURS. HOWEVER, ONLY ONE ELECTIVE CREDIT SHALL BE AWARDED  
25 FOR EACH EIGHT HOURS OF SCORE FUNCTIONAL TRAINING.

26 40.5.4 TRAINING ASSESSMENT

27 (A) TO RECEIVE CERTIFICATION CREDIT FOR ANY COURSE PRESENTED BY THE  
28 SECRETARY OF STATE IN ACCORDANCE WITH THIS RULE, PARTICIPANTS SHALL  
29 SUCCESSFULLY COMPLETE A TRAINING ASSESSMENT WITH A MINIMUM SCORE  
30 OF EIGHTY-FIVE PERCENT (85%).

1 (B) PARTICIPANTS FAILING TO ACHIEVE A SCORE OF AT LEAST EIGHTY-FIVE  
2 PERCENT (85%) MAY RETAKE THE ASSESSMENT.

3 (C) ASSESSMENTS MAY BE ADMINISTERED BY THE SECRETARY OF STATE DURING  
4 OR AFTER PRESENTATION OF THE COURSE, EITHER BY A PAPER ASSESSMENT OR  
5 BY UTILIZING ELECTRONIC ASSESSMENT SOFTWARE.

6 40.6 Credit for ~~Other Trainings~~-TRAINING OFFERED BY OTHER AGENCIES OR ORGANIZATIONS

7 40.6.1 Persons may apply to the advisory board to request credit towards Colorado  
8 certification for training provided by other agencies or organizations.

9 40.6.2 The Board ~~may~~-SHALL grant core or elective hours ~~for such trainings~~-IF SUCH  
10 TRAININGS ARE ELECTIONS RELATED AND PROVIDE AN APPROPRIATE LEVEL OF  
11 SPECIFICITY AND APPLICABILITY TO SIMILAR COURSES PROVIDED BY THE  
12 SECRETARY OF STATE.

13 40.6.3 THE BOARD MAY REVIEW AGENDAS, MATERIALS, AND OTHER DOCUMENTATION  
14 FOR TRAINING NOT PROVIDED BY THE SECRETARY OF STATE PRIOR TO GRANTING  
15 CORE OR ELECTIVE CREDIT.

16 40.6.4 FOR INITIAL CERTIFICATION, THE BOARD MAY GRANT UP TO ONE CORE AND TWO  
17 ELECTIVE CREDITS TO ANY PARTICIPANT FOR TRAINING PROVIDED BY OTHER  
18 AGENCIES OR ORGANIZATIONS.

19 40.6.5 SUCCESSFUL COMPLETION OF AN ASSESSMENT SHALL NOT BE REQUIRED FOR  
20 TRAINING PROVIDED BY OTHER AGENCIES OR ORGANIZATIONS.

21 40.7 Continuing Elections Education (CEE)-

22 40.7.1 In order to maintain certification, a person shall attend and complete at least two  
23 electives or one core class every calendar year.

24 40.7.2 CREDIT RECEIVED FOR DUPLICATE CLASSES WITHIN THE SAME CALENDAR YEAR  
25 MAY BE APPLIED ONLY ONCE TOWARD MAINTAINING CERTIFICATION.

26 40.7.3 AFTER A PERSON HAS COMPLETED THE REQUIREMENTS FOR MAINTAINING  
27 CERTIFICATION, HE OR SHE SHALL SUBMIT AN APPLICATION FOR CONTINUING  
28 CERTIFICATION TO THE SECRETARY OF STATE'S OFFICE ON THE FORM APPROVED  
29 BY THE SECRETARY OF STATE.

30 40.8 Completing Colorado certification

31 40.8.1 After a person has completed the requirements for certification, the person shall  
32 submit an application for Colorado certification to the Secretary of State's office  
33 ON THE FORM APPROVED BY THE SECRETARY OF STATE.



1 40.8.2 ~~The Secretary of State shall create an application form to be used by applicants~~  
2 ~~for certification following completion of coursework. The applicants shall~~  
3 ~~provide the following information:~~

4 (a) ~~the applicant's name, name of county jurisdiction, address, telephone and~~  
5 ~~e-mail;~~

6 (b) ~~the applicant title(s) and date(s) of the classes the applicant attended;~~

7 (c) ~~the applicant's signature and date signed; and~~

8 (d) ~~the supervisor's signature (if applicable)~~

9 40.8.2.1 ~~The form shall also include a section for Secretary of State office use only.~~  
10 REPEALED.

11 40.8.3 The Secretary of State shall review the application with reference to the Secretary  
12 of State records. If the application is complete and accurate, the Secretary of  
13 State shall forward it to the advisory board for its review and approval. Upon  
14 approval by the advisory board, the Secretary of State shall issue a certificate that  
15 the person is a Certified Colorado Election Official.

16 40.8.4 The Secretary of State shall track attendance at all classes and keep records of  
17 attendance, continuing elections education, and records of those persons who are  
18 certified and persons who are in the certification process.

## 19 40.9 De-certification

20 40.9.1 ~~The Secretary of State has the authority to de-certify any person who does not~~  
21 ~~fulfill the continuing elections education requirements. REPEALED~~

22 40.9.2 If a certified election official fails to satisfy continuing elections education  
23 requirements in one (1) calendar year, then the election official shall have a  
24 maximum of twelve (12) months to complete continuing education requirements  
25 for the previous calendar year and the current calendar year.

26 40.9.3 Failure to satisfy continuing education requirements for two (2) consecutive years  
27 shall result in de-certification.

## 28 40.10 Credit for Teaching Classes

29 40.10.1 A person who teaches a class and/or persons who substantially assist with  
30 preparation for the class as part of the certification shall ~~shall~~ MAY receive the  
31 equivalent of two core credits, or three elective credits.

32 40.10.2 The participant shall submit a written request to the secretary of state's  
33 office requesting ~~credit for~~ either two core credits or three elective credits.

1           40.10.3       The SECRETARY OF STATE SHALL FORWARD THE APPLICATION TO THE ~~The~~  
2                        advisory board, WHICH shall determine ~~which persons are eligible for these~~  
3                        WHETHER THE APPLICANT IS ELIGIBLE TO RECEIVE THE REQUESTED credits.

4   40.11 ~~Future regional and w~~ Web-based training

5           40.11.1 ~~It is the intent of this rule that the Secretary of State and the advisory board~~  
6                        ~~develop regional trainings to make certification and training more accessible. It is~~  
7                        ~~the intent that the Secretary of State explore virtual and web based training for~~  
8                        ~~use as part of the certification and education process. THE SECRETARY OF STATE~~  
9                        MAY UTILIZE WEB-BASED TECHNOLOGY TO MAKE CERTIFICATION AND TRAINING  
10                      MORE ACCESSIBLE. VIRTUAL AND WEB-BASED TRAINING MAY BE PROVIDED FOR  
11                      ANY COURSE THE SECRETARY DEEMS APPROPRIATE.

12          40.11.2       WEB-BASED TRAINING MAY BE CONDUCTED LIVE OR BY REVIEWING  
13                        MATERIAL PREVIOUSLY PRESENTED BY THE SECRETARY OF STATE. IN EITHER CASE,  
14                        PARTICIPANTS MUST ACHIEVE A SATISFACTORY SCORE ON ASSESSMENTS PRIOR TO  
15                        RECEIVING CREDIT FOR THE COURSE.

16 Rules 44.1, 44.2, and 44.3 would be amended as follows:

17 44.1 Statement of Intent

18          44.1.1       In accordance with section 1-2-701, C.R.S., *et seq.*, the organizer of a Voter  
19                        Registration Drive (“VRD”) shall file a Statement of Intent with the Secretary  
20                        of State to conduct a voter registration drive on a form prescribed by the  
21                        Secretary of State. The Statement of Intent shall include the following  
22                        information:

23                        (a) The name of the ~~organization~~ GROUP CONDUCTING THE VRD, and the name  
24                        AND CONTACT INFORMATION of the INDIVIDUAL ORGANIZING THE VRD  
25                        ~~parent organization, if applicable;~~

26                        ~~(b) The contact information for the organization~~

27                        (B) The name of the agent (who is required to be a Colorado resident) and the  
28                        contact information for that agent, IF DIFFERENT FROM THE PERSON  
29                        ORGANIZING THE VRD;

30                        (C) A statement specifying THAT ~~the counties in which~~ the VRD intends to  
31                        operate WITHIN THE STATE OF COLORADO;

32                        (D) A notice that the ~~voter registration drive~~ VRD number expires at the end of  
33                        the calendar year; and

34                        (E) A signature line requiring the organizer’s signature.

35          44.1.2       Any amendments to the Statement of Intent shall be filed in writing with the

1 Secretary of State NO LATER THAN THREE BUSINESS DAYS AFTER THE CHANGE(S)  
2 OCCURRED. Amendments may be made by fax, email, mail or in person.

3 ~~(a) Any amendments to the Statement of Intent concerning the county in which~~  
4 ~~the VRD will conduct a drive shall be filed a minimum of three (3) business~~  
5 ~~days prior to commencing voter registration activity in a given county.~~

6 44.1.3 The Secretary of State shall immediately attempt to verify the information  
7 provided in the Statement of Intent prior to issuing a number to the VRD  
8 organizer. The Secretary of State may deny a number to the voter registration  
9 drive organizer if the information provided on the Statement of Intent cannot be  
10 verified.

11 44.1.4 The last day for a VRD to file a Statement of Intent with the Secretary of State  
12 shall be thirty (30) days before the general election in a given calendar year.

13 44.2 Training

14 44.2.1 IN ORDER TO BE ISSUED A VRD NUMBER, ~~The~~ THE organizer of the VRD shall ,  
15 ~~before commencing the distribution or circulation of voter registration~~  
16 ~~applications,~~ SUCCESSFULLY complete a THE ONLINE training AND TEST provided  
17 by the Secretary of State, AND SUBMIT A STATEMENT OF INTENT ALONG WITH A  
18 TRAINING ACKNOWLEDGMENT FORM TO THE SECRETARY OF STATE.

19 44.2.2 In addition to training for the organizer, the Secretary of State shall make  
20 available information for the organizer to train individual circulators. Organizers  
21 shall provide training to all circulators. Organizers shall obtain and maintain on  
22 file signed attestations from each circulator that he or she will adhere to all the  
23 requirements of the Secretary of State election rules and the Colorado Revised  
24 Statutes pertaining to elections, and that they are aware of the penalties associated  
25 with the mishandling of voter registration application forms. The organizers shall  
26 furnish the circulator attestations to the secretary of state upon request.

27 44.2.3 The mandatory training provided by the Secretary of State shall include, but not  
28 be limited to:

29 (a) The use of the ~~standard Colorado Voter Registration Application Form~~  
30 ~~VOTER REGISTRATION DRIVE VRD APPLICATION;~~

31 (b) Information on where to obtain the ~~standard Voter Registration DRIVE~~  
32 VRD Application;

33 (c) Information on how to ensure that a VRD ~~Form~~ APPLICATION is filled out  
34 completely; including which fields are optional and which are required,  
35 and how to fill out the ~~receipt~~ CIRCULATOR portion of the ~~Form~~  
36 APPLICATION;

- 1 (d) Notice of statutory deadlines relating to Voter Registration Applications  
2 ~~Forms and voter registration drives~~-VRDs;
- 3 (e) The requirements for when and where the Voter Registration Applications  
4 ~~Forms~~ must be turned in;
- 5 (f) Penalties for violating statutory prohibitions including fraud, intimidation,  
6 mishandling ~~forms~~-APPLICATIONS, failing to turn in ~~forms~~-APPLICATIONS  
7 and other penalties relevant to ~~voter registration drives~~-VRDs;
- 8 (g) The handling and treatment of confidential information on the Voter  
9 Registration Applications ~~Forms~~; and
- 10 (h) Notice that circulators shall not be paid per ~~✶~~Voter ~~✶~~Registration  
11 ~~✶~~Application, but if compensated, shall be paid by the hour or day.

12 44.2.4 THE TRAINING SHALL BE PROVIDED ONLINE. IF A VRD ORGANIZER PREFERS, HE OR  
13 SHE MAY SCHEDULE A TIME TO VIEW THE TRAINING AT THE OFFICE OF THE  
14 SECRETARY OF STATE.

15 44.2.5 AFTER COMPLETING THE TRAINING, THE VRD ORGANIZER MUST COMPLETE THE  
16 TRAINING TEST AND ANSWER THE QUESTIONS ONE HUNDRED PERCENT (100%)  
17 CORRECTLY BEFORE A VRD NUMBER WILL BE ISSUED.

18 ~~44.2.4~~ 44.2.6 After completing the training AND TEST, the VRD organizer shall sign ~~an~~ A  
19 TRAINING Acknowledgement CONFIRMING that the training AND TEST ~~has~~ have  
20 been completed and that he or she has been duly informed of rules, laws and  
21 penalties relating to voter registration drives.

22 44.2.7 A VOTER REGISTRATION DRIVE ORGANIZER MUST COMPLETE THE TRAINING AND  
23 TEST EVERY CALENDAR YEAR IN WHICH HE OR SHE INTENDS TO CONDUCT A VRD.

24 44.3 Number Assigned-

25 44.3.1 After ~~the organizer completes~~-SUCCESSFUL COMPLETION OF the required training  
26 AND TEST, AND SUBMISSION OF THE REQUIRED FORMS, the Secretary of State shall  
27 assign a unique number to the VRD ~~that meets the requirements of section 1-2-~~  
28 ~~701, C.R.S., and this Rule.~~ After issuing a unique number to the ~~voter registration~~  
29 ~~drive~~-VRD, the Secretary of State shall:

- 30 (a) Advise the VRD organizer of ~~the~~-THEIR unique number;
- 31 (b) Notify the county clerks within 24 hours ~~of~~-AFTER each ~~registered voter~~  
32 ~~registration drive~~-VRD NUMBER HAS BEEN ISSUED ~~registered with~~ BY the  
33 Secretary of State; and
- 34 (c) Post the AGENT AND THE ~~organization's~~ name OF THE GROUP CONDUCTING  
35 THE DRIVE ~~and agent~~ on the ~~SOS~~-SECRETARY OF STATE website.

1 44.3.2 ALL ASSIGNED VRD NUMBERS ARE VALID THROUGH DECEMBER 31 OF THE YEAR  
2 THAT THE NUMBER IS ASSIGNED.

3 Rule 44.5 would be repealed as follows:

4 44.5 ~~Renewal Procedures~~

5 ~~44.5.1 Prior to conducting a VRD in the next calendar year, a VRD organizer that~~  
6 ~~completed training and was assigned a unique VRD number in the prior year must~~  
7 ~~apply for renewal and receive a new VRD number.~~

8 ~~44.5.2 To receive a VRD number for the next calendar year, the VRD organizer may~~  
9 ~~complete an online renewal within sixty (60) days after expiration of the VRD~~  
10 ~~number, or attend training offered by the Secretary of State in accordance with~~  
11 ~~Rule 44.2.~~

12 ~~44.5.3 For online renewal, the VRD organizer shall complete the renewal exercise~~  
13 ~~provided on the Secretary of State website. The VRD organizer shall then submit~~  
14 ~~to the Secretary of State a completed statement of intent in accordance with~~  
15 ~~section 1-2-701, C.R.S., and Rule 44.1.~~

16 ~~a. A VRD organizer who correctly answers one hundred percent (100%) of~~  
17 ~~the renewal exercise questions shall be issued a VRD number for the next~~  
18 ~~calendar year.~~

19 ~~b. A VRD organizer who does not correctly answer one hundred percent~~  
20 ~~(100%) of the renewal exercise questions shall not be issued a VRD~~  
21 ~~number for the next calendar year until he or she attends a training offered~~  
22 ~~by the Secretary of State.~~

23 ~~44.5.4 A VRD organizer that attended training in person or via conference call in the~~  
24 ~~previous year is eligible to complete the online renewal in the current year.~~  
25 REPEALED.