

COLORADO SECRETARY OF STATE

8 CCR 1505-1

ELECTION RULES

Revised Draft of Proposed Rules

February 26, 2009

This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on January 30, 2009. This rulemaking hearing to be conducted on March 3, 2009 will use this Final Draft.

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

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

1 New Rule 2.17 would be permanently adopted as follows:
2

3 2.17 WHEN A COUNTY CLERK AND RECORDER DEEMS AN APPLICANT "NOT
4 REGISTERED" UPON RECEIPT OF AN UNDELIVERABLE NEW VOTER
5 NOTIFICATION IN ACCORDANCE WITH SECTION 1-2-509(3), C.R.S., THE
6 APPLICANT SHALL BE MAILED A CONFIRMATION CARD BY
7 FORWARDABLE MAIL. THE CONFIRMATION CARD SHALL HAVE A
8 POSTAGE PREPAID RETURNABLE PORTION THAT IS PREAMDRESSED TO
9 THE SENDING COUNTY CLERK AND RECORDER.
10

11 2.17.1 IF THE COUNTY CLERK AND RECORDER RECEIVES A SIGNED
12 CONFIRMATION CARD WITHIN 90 DAYS FROM AN APPLICANT
13 WHO WAS DEEMED "NOT REGISTERED" IN ACCORDANCE WITH
14 SECTION 1-2-509(3), C.R.S., THE APPLICANT SHALL BE
15 DEEMED REGISTERED AS OF THE DATE OF THE ORIGINAL
16 APPLICATION.
17

18 2.17.2 DURING THE 28 DAYS PRIOR TO AN ELECTION, IF AN
19 APPLICANT WHO HAS BEEN DEEMED "NOT REGISTERED" IN
20 ACCORDANCE WITH SECTION 1-2-509(3), C.R.S., COMPLETES
21 A CERTIFICATE OF REGISTRATION AND PRESENTS

1 IDENTIFICATION IN PERSON AT THE OFFICE OF THE COUNTY
2 CLERK AND RECORDER, THE APPLICANT SHALL BE DEEMED
3 REGISTERED AS OF THE DATE OF THE ORIGINAL APPLICATION.

4
5 **New Rule 49.4 would be permanently adopted as follows:**

6
7 **49.4 SCORE ADVISORY BOARD**

8
9 **49.4.1 THE SECRETARY OF STATE SHALL ESTABLISH AN ADVISORY**
10 **BOARD (THE BOARD) TO PROVIDE GUIDANCE AND DIRECTION**
11 **TO THE OPERATIONS AND MAINTENANCE OF THE STATEWIDE**
12 **COLORADO REGISTRATION AND ELECTIONS SYSTEM, KNOWN**
13 **AS “SCORE”. SINCE SCORE IS THE ELECTION**
14 **MANAGEMENT SYSTEM USED BY COUNTY CLERK AND**
15 **RECORDERS TO CARRY OUT THEIR LEGAL RESPONSIBILITIES**
16 **FOR THE CONDUCT OF ELECTIONS IN THEIR COUNTIES, A**
17 **FORMAL USER GROUP IS NECESSARY TO ENSURE COUNTY**
18 **REPRESENTATION IN DECISIONS AFFECTING THE USABILITY**
19 **AND FUNCTIONALITY OF THE SYSTEM.**

20
21 **49.4.2 DUTIES OF THE BOARD. THE BOARD SHALL PROVIDE**
22 **GUIDANCE AND DIRECTION REGARDING THE OPERATION AND**
23 **MAINTENANCE OF THE SCORE SYSTEM, INCLUDING BUT NOT**
24 **LIMITED TO USER TRAINING, HELP DESK REQUIREMENTS,**
25 **SERVICE LEVEL AGREEMENTS, VENDOR EVALUATION, AND**
26 **THE IDENTIFICATION, DEVELOPMENT, AND PRIORITIZATION OF**
27 **FUTURE ENHANCEMENTS TO FUNCTIONALITY OF THE SYSTEM.**

28
29 **49.4.2 BOARD MEMBERSHIP.**

30
31 **49.4.2.1 THE BOARD MEMBERSHIP SHALL CONSIST OF**
32 **EIGHT COLORADO COUNTY CLERK AND**
33 **RECORDER’S OR EMPLOYEES OF COUNTY CLERK**
34 **AND RECORDERS’ OFFICES WHOSE DUTIES**
35 **INCLUDE ELECTION ADMINISTRATION. MEMBERS**
36 **SHALL BE SELECTED BY AGREEMENT OF A**
37 **MAJORITY OF THE COUNTY CLERK AND**
38 **RECORDERS OR BY AGREEMENT OF THE CHOSEN**
39 **REPRESENTATIVES OF THE COUNTY CLERK AND**
40 **RECORDERS. TO THE EXTENT POSSIBLE,**
41 **MEMBERSHIP SHALL BE BALANCED POLITICALLY**
42 **AND GEOGRAPHICALLY, AND WITH BALANCE**
43 **AMONG COUNTIES WITH VARYING POPULATIONS.**
44

1 49.4.2.2 THE SECRETARY OF STATE, OR HIS OR HER
2 DESIGNEE, SHALL BE AN EX OFFICIO MEMBER AND
3 SHALL CHAIR THE BOARD.
4

5 49.4.2.3 THE SECRETARY OF STATE'S OFFICE SHALL
6 PROVIDE STAFF SUPPORT TO THE BOARD.
7

8 49.4.3 MEETINGS AND VOTING.
9

10 49.4.3.1 THE BOARD SHALL MEET NO FEWER THAN FOUR
11 TIMES ANNUALLY. MEETINGS SHALL BE OPEN TO
12 THE PUBLIC EXCEPT WHEN CLOSED BY THE
13 AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF
14 THE MEMBERS PRESENT TO DISCUSS
15 CONFIDENTIAL MATTERS SUCH AS PERSONNEL OR
16 SYSTEM SECURITY.
17

18 49.4.3.2 THE BOARD MUST HAVE A QUORUM PRESENT FOR
19 A VOTE TO BE TAKEN. MEMBERS MAY ATTEND
20 AND VOTE BY TELEPHONE WHEN PERSONAL
21 ATTENDANCE IS NOT PRACTICABLE.
22

23 49.4.3.3 BOARD MEMBERS AND THE CHAIR SHALL EACH
24 HAVE ONE VOTE ON ANY MATTER. THE
25 SECRETARY OF STATE MAY VETO ANY DECISION
26 OF THE BOARD BY WRITTEN OBJECTION GIVING
27 THE REASONS THEREFOR.
28

29 49.4.4 ADVISORY BOARD CHARTER. THE BOARD SHALL DEVELOP A
30 CHARTER DOCUMENT DETAILING ROLES AND
31 RESPONSIBILITIES OF THE BOARD AND SHALL PERFORM ITS
32 DUTIES CONSISTENT WITH THE CHARTER AND THIS RULE.