

# COLORADO SECRETARY OF STATE

## 8 CCR 1505-1

### ELECTION RULES

#### Revised Draft of Proposed Rules

July 29, 2009

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

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

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

1 Rule 2.1 would be repealed as follows:

2 2.1 REPEALED.—~~All requests for lists, printouts, disks, tapes, and other media shall be made~~  
3 ~~in writing.~~

4 Rule 2.3 would be repealed as follows:

5 2.3 REPEALED.—~~Emergency Registration Application. Prior to the implementation of the~~  
6 ~~statewide voter registration database, when an elector completes an emergency~~  
7 ~~registration application pursuant to section 1-2-217.5 (1)(b), C.R.S., the elector shall be~~  
8 ~~required to present one of the forms of identification set forth in Rule 30.1.6.~~

9 Rule 2.7 would be amended as follows:

10 2.7 TREATMENT OF APPLICATIONS WHERE THE REQUIRED INFORMATION WAS NOT PROVIDED

11 2.7.1 If an applicant fails to check the box(es) answering the question(s), "Are you a  
12 citizen of the United States?" or "Will you be 18 years of age on or before election  
13 day?", the form shall be accepted for registration so long as it is otherwise  
14 complete and the affirmation at the bottom of the form is signed.

1 2.7.2 IF AN APPLICANT FOR VOTER REGISTRATION FAILS TO COMPLETE THE REQUIRED  
2 IDENTIFICATION PORTION OF THE FORM IN ACCORDANCE WITH SECTION 1-2-  
3 204(2)(F.5) AND (3)(C), C.R.S., AND RULE 2.6.3, THE APPLICATION SHALL BE  
4 TREATED AS “INCOMPLETE”; HOWEVER, IF THE APPLICANT SUBMITS A  
5 PHOTOCOPY OF HIS/HER DRIVER’S LICENSE OR IDENTIFICATION CARD, THEN THE  
6 COUNTY MAY ENTER THE ID NUMBER FROM THE CARD INTO THE APPLICANT’S  
7 RECORD AND CONSIDER THE APPLICATION “COMPLETE”.

8 2.7.3 IF AN APPLICANT FOR VOTER REGISTRATION FAILS TO PROVIDE A DATE OF BIRTH  
9 THE APPLICATION SHALL BE TREATED AS “INCOMPLETE”; HOWEVER, IF THE  
10 APPLICANT SUBMITS A PHOTOCOPY OF HIS/HER DRIVER’S LICENSE OR OTHER  
11 APPROVED FORM OF ID WHICH INCLUDES THE DATE OF BIRTH, THEN THE COUNTY  
12 MAY ENTER THAT INFORMATION INTO THE APPLICANT’S RECORD AND CONSIDER  
13 THE APPLICATION “COMPLETE”.

14 2.7.4 IF AN APPLICANT FOR VOTER REGISTRATION FAILS TO PROVIDE HIS OR HER  
15 GENDER THE APPLICATION SHALL BE TREATED AS “INCOMPLETE; HOWEVER, IF  
16 THE APPLICANT SUBMITS A PHOTOCOPY OF HIS/HER DRIVER’S LICENSE OR OTHER  
17 APPROVED FORM OF ID WHICH INCLUDES THE APPLICANT’S GENDER, THEN THE  
18 COUNTY MAY ENTER “MALE” OR “FEMALE” AS REFLECTED ON THE CARD INTO  
19 THE APPLICANT’S RECORD AND CONSIDER THE APPLICATION “COMPLETE”.

20 Rule 2.12 would be amended as follows:

21 2.12 Registration of Address Confidentiality Program (ACP) Electors

22 2.12.1 When an ACP participant registers to vote by mail, the elector shall provide  
23 identification pursuant to Rule 30.3 and a copy of his/her ACP Authorization  
24 Card.

25 2.12.2 ACP participants shall be registered to vote as permanent mail-in ballot voters.  
26 Nothing in this rule shall preclude a participant from surrendering his/her mail-in  
27 ballot in the same manner as other permanent mail-in ballot voters.

28 2.12.3 Pursuant to section 24-21-208(3)(a), C.R.S., the designated election official shall:

29 2.12.3.1 Use the actual address of a program participant for precinct  
30 designation and shall keep the participant’s address, county, and  
31 voting precinct AND SPLIT number confidential FROM THE PUBLIC.

32 2.12.3.2 Use the substitute address, as defined in section 24-21-203 (13),  
33 C.R.S., for all correspondence and mailings placed in the United  
34 States mail.

35 ~~2.12.4 Access to ACP participant’s voter registration records is restricted pursuant to~~  
36 ~~section 24 21 208(3)(b), C.R.S., as follows:~~

37 ~~2.12.4.1 An ACP participant’s actual address, county, and voting precinct~~  
38 ~~number shall be masked from any public record that is required to be~~  
39 ~~made, maintained, or kept pursuant to sections 1 2 227 and 1 2 301,~~

1 C.R.S., and shall automatically be confidential in accordance with  
2 the provisions of section 24-72-204(3.5), C.R.S., except that the  
3 exceptions to such confidentiality set forth in section 24-72-204(3.5)  
4 (e), C.R.S., shall not apply to a program participant.

5 2.12.4 ~~2.12.4.3~~ A state or local government agency's access to an ACP participant's  
6 voter registration shall be governed by the disclosure process set forth in section  
7 24-21-210, C.R.S.

8 2.12.5 EXCEPT AS SPECIFICALLY PROVIDED BY PART 2, ARTICLE 21 OF TITLE 24,  
9 C.R.S., A PROGRAM PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER  
10 MAINTAINED BY A STATE OR LOCAL GOVERNMENT AGENCY IS NOT A PUBLIC  
11 RECORD THAT IS SUBJECT TO INSPECTION PURSUANT TO THE PROVISIONS OF  
12 PART 2 OF ARTICLE 72 OF TITLE 24 (KNOWN AS "CORA").

13 Rule 2.13 would be amended as follows:

14 ~~2.13~~ Preservation of Voter Registration Records. NOTWITHSTANDING THE RETENTION  
15 TIMELINES SPECIFIED IN SECTION 1-2-227, C.R.S., PAPER VOTER REGISTRATION RECORDS  
16 MAY BE DESTROYED AS SOON AS THEY HAVE BEEN DIGITALLY RECORDED IN THE VOTER  
17 REGISTRATION DATABASE. SUCH RECORDS SHALL BE RETAINED IN PERPETUITY IN  
18 DIGITAL FORMAT BY THE VOTER REGISTRATION DATABASE IN ACCORDANCE WITH TITLE  
19 1, C.R.S. AND THIS RULE. ~~The county clerk and recorder may destroy paper voter~~  
20 ~~registration records pursuant to section 1-2-227, C.R.S., only if the documents have been~~  
21 ~~digitally recorded in the voter registration database. Voter Registration records shall be~~  
22 ~~retained in perpetuity in digital format by the voter registration database.~~

23 Rule 2.15 would be repealed as follows:

24 2.15 Notification that elector has moved and registered in a different county. REPEALED.

25 ~~2.15.1~~ Upon receipt of the information transferred pursuant to section 1-2-603, C.R.S., the  
26 county clerk and recorder of the new county shall transfer the elector's registration  
27 record from the old county in accordance with 1-2-603(1), C.R.S. the following  
28 provisions:-

29 ~~2.15.1.1~~ If the voter provides a name, date of birth, and prior address and the  
30 county clerk and recorder can match the name, date of birth, and prior  
31 address to the voter's prior registration record, the voter's registration  
32 record shall be transferred from the old county;

33 ~~2.15.1.2~~ If the voter provides a name and date of birth but does not provide a prior  
34 address, the voter's registration record shall be transferred from the old  
35 county only if:

36 ~~2.15.1.2.1~~ The voter provides a driver's license or identification  
37 card number, and the county clerk and recorder of the county can  
38 match the name, date of birth, and driver's license or  
39 identification card number to the voter's prior registration  
40 record; or



<del>200-299</del> –300-399	Municipal Issues
<del>300-399</del> –400-499	School District Issues
<del>400-499</del> –500-599	Ballot Issues and Questions for other political subdivisions greater than a county.
<del>500-599</del> –600-699	Ballot Issues and Questions for other political subdivisions which are wholly within a county.

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2. Each category of LOCAL referred ballot issues and questions shall be designated by a letter or a number and a letter in the following series:

<del>A-Z</del>	<del>State Issues</del>
1A-1Z	County Issues
2A-2Z	Municipal Issues
3A-3Z	School District Issues
4A-4Z	Ballot Issues and Questions for other political subdivisions greater than a county.
5A-5Z	Ballot Issues and Questions for other political subdivisions which are wholly within a county.

5 Rule 11.5.4.1 would be amended as follows:

6 11.5.4.1 Within ~~twenty four (24)~~ FORTY-EIGHT (48) hours of the close of polls on  
7 election night, the Secretary of State shall notify the designated election official  
8 which voting devices and which race or races on the ballots have been selected  
9 for auditing purposes based on the submitted hardware inventory list referred to  
10 in Rule 11.4.2.

11 Rule 12.5 would be amended as follows:

12 12.5 Mail-in and Early Voting.

13 12.5.1 ~~In a mail ballot election, an elector who, will be absent from his or her address~~  
14 ~~of record and requests that a mail ballot be sent to an alternate address, shall be~~  
15 ~~issued a mail ballot in accordance with section 1-7.5-107., except that the~~  
16 ~~return envelope shall contain the affidavit set forth in section 1-8-114, C.R.S.~~  
17 IN A MAIL BALLOT ELECTION, ANY ELECTOR WITH A MAIL-IN BALLOT  
18 REQUESTS SHALL BE SENT A MAIL BALLOT TO THE REQUESTED ADDRESS.  
19 MAIL-IN BALLOTS SHALL BE TREATED AS A MAIL BALLOT FOR ALL OTHER  
20 PURPOSES.

21 ~~12.5.2 An “in person” request for a ballot that is delivered to the absent elector in the~~  
22 ~~clerk and recorder’s office may be filed any time after January 1 of the year of~~  
23 ~~the election, but no later than the close of business on the Friday prior to the~~  
24 ~~election; except that, if the applicant wishes to receive the ballot by mail, the~~

1 application shall be filed no later than the close of business on the seventh day  
2 before the election.

3 ~~12.5.3~~ Upon receipt of a request for a mail in ballot, the designated election official  
4 shall deliver the original ballot or a replacement ballot to that elector.

5 ~~12.5.4~~ A record shall be made on the registration rolls that a request for a mail in  
6 ballot was received, a ballot was mailed to the alternate address, and the ballot  
7 number shall be recorded.

8 ~~12.5.5~~ For mail ballot elections, the notation "Mail in Ballot No. M.I.V. \_\_\_\_" shall not  
9 be required on the mail in ballots.

10 ~~12.5.6-2~~ Establishment of polling place for early voting shall not be required for a mail  
11 ballot election, however the location for walk-in balloting shall be maintained.

12 Rule 12.9.3 would be amended as follows:

13 12.9.3 Any eligible elector may deliver in person to the designated or coordinated  
14 election official's office no more than ~~5~~TEN (10) voted mail ballots. ~~from~~  
15 ~~members of his or her household.~~

16 Rule 12.7 would be amended as follows:

17 12.7 If a voter has been directed to return a document with his/her voted ballot, the election  
18 judge shall open the returned envelope to retrieve the required form.

19 12.7.1 If the required form cannot be found in the return envelope, the election judge  
20 shall open the secrecy envelope/sleeve to find the required form or document in  
21 an effort not to disenfranchise the voter.

22 12.7.2 IF THE VOTER WAS DIRECTED TO RETURN A COPY OF IDENTIFICATION WITH  
23 HIS/HER VOTED BALLOT AND FAILED TO DO SO, THE VOTER SHALL BE SENT A  
24 LETTER IN ACCORDANCE WITH SECTION 1-7.5-107(3.5)(D), C.R.S.

25 12.7.3 IF THE ELECTOR PROVIDES A COPY OF HIS/HER IDENTIFICATION WITHIN EIGHT  
26 DAYS AFTER ELECTION DAY, THEN THE BALLOT SHALL BE VERIFIED AND  
27 COUNTED IN THE SAME MANNER AS OTHER MAIL BALLOTS IN ACCORDANCE WITH  
28 SECTIONS 1-7.5-107 AND 1-7.5-107.3, C.R.S.

29 Rule 12.10.1 would be amended as follows:

30 12.10.1 Requests for replacement ballots may be made in writing, by mail, by fax, by email, or by  
31 telephone. AN ELECTOR WHO WISHES TO RECEIVE THE REPLACEMENT BALLOT BY MAIL  
32 MUST MAKE SUCH REQUEST NO LATER THAN THE CLOSE OF BUSINESS ON THE SEVENTH  
33 DAY BEFORE THE ELECTION. HOWEVER, IN ACCORDANCE WITH SECTION 1-7.5-107(3)(D),  
34 C.R.S, AN ELECTOR MAY REQUEST A REPLACEMENT BALLOT IN PERSON AT THE COUNTY  
35 CLERK AND RECORDER'S OFFICE UNTIL 7:00PM ON ELECTION DAY.

36 Rules 13.2 & 13.3 would be amended as follows:

1 13.2 The county clerk and recorder shall keep a list, to the extent possible, of the names and  
2 mailing addresses of all individuals who deliver more than ~~five (5)~~ TEN (10) voted mail-in  
3 ballots to the designated or coordinated election official's office or the designated drop  
4 site for mail-in ballots.

5 13.3 The county clerk and recorder shall notify each individual on the list required by 13.2 by  
6 letter that they have violated section 1-8-113, C.R.S., by delivering more than ~~five (5)~~  
7 TEN (10) mail-in ballots to the designated election official.

8 Rule 13.8 would be amended as follows:

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

13 13.8.1 IN ACCORDANCE WITH SECTION 1-8-113(3)(D), C.R.S., THE ELECTOR SHALL BE  
14 SENT A LETTER EXPLAINING THAT HE/SHE HAS NOT PROVIDED IDENTIFICATION.

15 13.8.2 IF THE ELECTOR PROVIDES A COPY OF HIS/HER IDENTIFICATION WITHIN EIGHT  
16 DAYS AFTER ELECTION DAY, THEN THE BALLOT SHALL BE VERIFIED AND  
17 COUNTED IN THE SAME MANNER AS OTHER MAIL-IN BALLOTS IN ACCORDANCE  
18 WITH SECTION 1-8-113, C.R.S.

19 Rule 13.12 would be amended as follows:

20 13.12 ~~Voters who appear in person at their correct polling place, but who requested mail in~~  
21 ~~ballots, will nevertheless be permitted to cast provisional ballots upon their declaration~~  
22 ~~that they have not and will not cast any vote in the election other than by that provisional~~  
23 ~~ballot. The provisional ballot is then to be counted, once election officials determine that~~  
24 ~~the voter did not in fact cast the mail in ballot. MAIL-IN VOTERS WHO APPEAR IN PERSON~~  
25 ~~AT THE POLLING PLACE SHALL BE PERMITTED TO CAST A BALLOT IN ACCORDANCE WITH~~  
26 ~~THE FOLLOWING PROVISIONS:~~

27 13.12.1 MAIL-IN VOTERS WHO HAVE REQUESTED AND HAVE BEEN ISSUED A MAIL-IN  
28 BALLOT, WHO APPEAR AT THE POLLING PLACE ON ELECTION DAY SHALL BE  
29 PERMITTED TO CAST A PROVISIONAL BALLOT IN ACCORDANCE WITH  
30 SECTION 1-8.5-101(3), C.R.S.

31 13.12.2 MAIL-IN VOTERS WHO HAVE REQUESTED AND HAVE BEEN ISSUED A MAIL-IN  
32 BALLOT WHO APPEAR AT AN EARLY VOTING LOCATION MAY VOTE A REGULAR  
33 BALLOT IN ACCORDANCE WITH SECTION 1-8-113(1)(E), C.R.S. THE MAIL-IN  
34 BALLOT MUST BE VOIDED PRIOR TO ISSUING THE EARLY VOTING BALLOT.

35 13.12.3 UNAFFILIATED MAIL-IN VOTERS WHO HAVE NOT BEEN ISSUED A MAIL-IN  
36 BALLOT, WHO APPEAR AT THEIR CORRECT POLLING PLACE IN A PRIMARY  
37 ELECTION MAY AFFILIATE AND BE ISSUED A REGULAR BALLOT IN ACCORDANCE  
38 WITH SECTIONS 1-7-201 AND 1-8.5-101(5), C.R.S.

39 Rule 13.13 would be amended as follows:

1 13.13 Permanent Mail-in Voting.

2 13.13.1 An application for a mail-in ballot received by the county clerk and recorder shall  
3 be treated as an application for permanent mail-in ballot only if the applicant makes such  
4 designation. If the applicant does not specify the length of the request for a mail-in  
5 ballot, the application shall be treated as an application for the current calendar year. If  
6 the applicant marks both the permanent and calendar year boxes, the application shall be  
7 treated as an application for permanent mail-in ballot.

8 A. If a registered elector submits a mail-in ballot application that does not  
9 contain all of the information required by section 1-8-104.5, C.R.S., the  
10 county clerk and recorder may not process the application, unless the  
11 county clerk and recorder can confidently identify the elector, except that  
12 in no event shall an application be processed if such application does not  
13 contain the elector's signature.

14 B. If the county clerk and recorder is unable to confidently identify the  
15 elector, the county clerk shall promptly notify the elector what additional  
16 information is required.

17 13.13.2 IF AN ELECTOR WHO IS ELIGIBLE AND WISHES TO VOTE IN A MUNICIPAL OR  
18 SPECIAL DISTRICT ELECTION WISHES TO HAVE A MAIL-IN BALLOT SENT TO AN  
19 ADDRESS OTHER THAN HIS OR HER ADDRESS OF RECORD, THE ELECTOR SHALL  
20 FILE A SEPARATE MAIL-IN BALLOT REQUEST WITH THE DESIGNATED ELECTION  
21 OFFICIAL OF THAT JURISDICTION.

22 Rule 15.1 would be amended as follows:

23 15.1 ~~Each petition shall be verified according to the procedures set forth in Rule 17.1.~~  
24 REGISTRATION, LICENSE, AND FILING PROCEDURES.

25 15.1.1 IN ACCORDANCE WITH SECTION 1-40-135, C.R.S., ANY PETITION PROPONENT OR  
26 ISSUE COMMITTEE THAT INTENDS TO COMPENSATE PETITION CIRCULATORS MUST  
27 REGISTER WITH, AND OBTAIN A PETITION ENTITY LICENSE FROM THE SECRETARY  
28 OF STATE PRIOR TO COMPENSATING ANY CIRCULATOR.

29 15.1.2 TO REGISTER AND APPLY FOR A LICENSE THE DESIGNATED AGENT OF A PETITION  
30 ENTITY MUST PAY A FEE AND SUBMIT A SIGNED APPLICATION INCLUDING:

31 A. THE BALLOT TITLE FOR WHICH A PETITION WILL BE CIRCULATED BY PAID  
32 CIRCULATORS,

33 B. THE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE  
34 PETITION ENTITY,

35 C. THE NAME OF THE DESIGNATED AGENT,

36 D. AN AFFIRMATION THAT THE ENTITY WILL NOT PAY ANY CIRCULATOR  
37 MORE THAN 20% OF HIS OR HER COMPENSATION ON A PER SIGNATURE  
38 OR PER PETITION BASIS; AND



1 E. AN AFFIRMATION THAT AT LEAST ONE REPRESENTATIVE OF THE ENTITY  
2 HAS READ AND UNDERSTANDS COLORADO PETITION LAWS AS OUTLINED  
3 IN ARTICLE 40, TITLE 1, C.R.S., AND HAS COMPLETED THE CIRCULATOR  
4 TRAINING PROGRAM PROVIDED BY THE SECRETARY OF STATE.

5 15.1.3 DETERMINATIONS REGARDING THE DENIAL OF AN APPLICATION OR REVOCATION  
6 OF A LICENSE WILL BE MADE IN ACCORDANCE WITH THE REQUIREMENTS OF  
7 SECTION 1-40-135, C.R.S.

8 15.1.4 AT THE TIME THE PETITION IS FILED, THE PROPONENTS SHALL FILE WITH THE  
9 SECRETARY OF STATE A COPY OF THE LIST OF CIRCULATORS AND A COPY OF THE  
10 LIST OF NOTARIES REQUIRED BY SECTION 1-40-111(4), C.R.S.

11 Rules 25.2.1, 25.2.2, and 25.2.3 would be amended as follows:

12 25.2.1 A uniformed services elector serving outside the United States may receive and  
13 return an application for, or a mail-in ballot by electronic mail in circumstances  
14 where a mail ballot or fax ballot is not available or feasible.

15 (a) ~~An application for an electronic mail ballot must be received no later~~  
16 ~~than close of business the Friday immediately preceding the election~~

17 (b) ~~An email request for a replacement ballot must be received by 5:00 p.m.~~  
18 ~~Mountain Time on election day.~~

19 25.2.2 Upon receipt and verification of an application, the designated election official  
20 shall authorize the transmission of a blank ballot containing all contests and  
21 questions for which the elector is eligible to vote.

22 (a) The designated election official shall TRANSMIT ~~fax~~ the election  
23 materials, which shall include a blank ballot and voter instructions  
24 (including the elector affidavit) TO THE ELECTOR EITHER DIRECTLY ~~VIA~~  
25 ~~BY~~ ELECTRONIC MAIL OR ~~BY~~ FAX, OR FORWARD THROUGH ~~to~~ the Federal  
26 Voting Assistance Program (FVAP) Electronic Transmission Service  
27 (ETS) ~~FOR FORWARDING~~. ~~The designated election official shall not send~~  
28 ~~the voting materials directly to the elector by electronic mail.~~ Or,

29 (b) The designated election official may store the ballot electronically with  
30 ETS using the procedures outlined in the FVAP ETS Guide, and  
31 authorize the transmission of the blank ballot and instructions (including  
32 the elector affidavit) to the elector by faxing a completed electronic  
33 transmission coversheet to ETS.

34 25.2.3 The electronic package transmitted to THE ELECTOR EITHER DIRECTLY OR VIA  
35 ETS shall contain:

36 (a) A completed electronic transmission coversheet;

37 (b) The blank ballot, if not stored with ETS, with voting instructions  
38 (including the elector affidavit); and

1 (c) The contact information for the designated election official including:  
2 name, title, mailing address, email address, phone, and fax number.

3 Rule 25.3 would be amended as follows:

4 25.3 Overall UOCAVA Requirements

5 25.3.1 If the designated election official has mailed a Clarification for Voter Status  
6 Memorandum to an elector in response to receiving mail-in ballot request and has  
7 not received a response to the memo at the time the mail-in ballot packet is  
8 prepared, the designated election official shall mail the elector a full ballot for  
9 which the elector, as a resident, would be eligible to vote (federal, state, local  
10 offices, and questions).

11 25.3.2 Mail-in ballots sent by ~~ETS-ELECTRONIC MAIL~~ or facsimile transmission shall be  
12 in text format on 8 ½” x 11” white paper to increase the readability of the ballot  
13 and to avoid possible misinterpretations of the elector’s intended choice because  
14 of poor transmission of the document.

15 25.3.3 Instructions sent by ~~ETS-ELECTRONIC MAIL~~ or faxed to the elector with the blank  
16 ballot shall be in text format on 8 ½” x 11” white paper and shall include the  
17 following information:

18 (a) The dedicated fax number or email address ~~for ETS~~ to which the voted  
19 ballot shall be returned (if applicable);

20 (b) The total number of pages transmitted;

21 (c) The total number of ballot pages;

22 (d) The telephone number or e-mail address where the eligible elector may  
23 send questions regarding the ballot;

24 (e) A notice that the ballot shall not be duplicated for any other elector;

25 (f) A notice that once the ballot is returned by an elector, it will be counted  
26 pursuant to section 1-8-116(4), C.R.S.; however, if an elector requests a  
27 replacement ballot, the first ballot returned will be counted pursuant to  
28 section 1-8-111(3), C.R.S.;

29 (g) A notice that the voted ballot must be ~~received by the clerk and recorder~~  
30 ~~or Secretary of State~~ TRANSMITTED no later than 7:00 p.m. Mountain  
31 Time on election day AND RECEIVED BY THE CLERK AND RECORDER OR  
32 SECRETARY OF STATE NO LATER THAN THE CLOSE OF BUSINESS ON THE  
33 EIGHTH DAY AFTER ELECTION DAY;

34 (h) A request for an e-mail address to which a confirmation notice of receipt  
35 of the ballot may be sent at the discretion of the county clerk and  
36 recorder; and

- 1 (i) Any other information deemed necessary by the Secretary of State or the  
2 designated election official.
- 3 25.3.4 The designated election official shall fax a blank ballot with the instructions to  
4 the fax number provided by the elector, or to ETS (if applicable). If the  
5 transmission is unsuccessful, the designated election official shall attempt to fax  
6 the ballot at least two more times.
- 7 25.3.5 Mail-in ballot applications returned via facsimile transmission or electronic mail  
8 by the elector to the county clerk and recorder or the Secretary of State ~~via ETS~~  
9 shall be received in the clerk and recorder's office or the Secretary of State's  
10 office no later than the close of business on the Friday immediately preceding the  
11 election.
- 12 25.3.6 Any voted ballot by a Uniformed Services elector or an overseas elector received  
13 by the office of the Secretary of State by ~~7:00 p.m. Mountain Time on election~~  
14 ~~day~~ THE DEADLINES SPECIFIED IN SECTIONS 1-8-103.5 AND 1-8-113, C.R.S., shall  
15 be forwarded to the appropriate county clerk and recorder by overnight mail, fax,  
16 or courier no later than the next business day. The office of the Secretary of  
17 State shall immediately notify the appropriate county clerk and recorder of the  
18 receipt and forwarding of the ballot.
- 19 25.3.6.1 If a county is notified by the Secretary of State ~~by 7:00 p.m. on election~~  
20 ~~day~~ that a mail-in ballot has been received by the office of the Secretary  
21 of State, the clerk and recorder shall retain a minimum of ten (10) voted  
22 ballots, which shall be counted with the ballot received by the Secretary  
23 of State to ensure voter secrecy.
- 24 25.3.7 Any ballot transmitted to an elector by ~~ETS~~ ELECTRONIC MAIL or facsimile shall  
25 contain a unique identification number for tracking and auditing purposes.
- 26 25.3.8 A log shall be kept by the designated election official of each ballot transmitted  
27 to an elector by ELECTRONIC MAIL ~~ETS~~ or facsimile indicating:
- 28 (a) The name of the elector;
- 29 (b) The fax number to which the ballot was sent, or email address (if  
30 applicable);
- 31 (c) The unique identification number of the ballot;
- 32 (d) The date the ballot and instructions were transmitted; and
- 33 (e) The initials of the employee of the designated election official  
34 transmitting the ballot.
- 35 25.3.8.1 The electronic transmission log as well as any other ELECTRONIC MAIL,  
36 ETS, or fax records shall be maintained as part of the official election  
37 record.

1           25.3.9 The county clerk and recorder shall report to the Secretary of State’s office no  
2 later than sixty (60) days from the date of the election:

3           (a)     The combined number of mail-in ballots transmitted (faxed, mailed, and  
4 ~~transmitted via ETS-EMAILED~~)

5           (b)     The combined number of mail-in ballots that were returned (faxed,  
6 mailed, and ~~transmitted via ETS-EMAILED~~);

7           (c)     The total number of mail-in ballots that were counted (faxed, mailed, and  
8 ~~transmitted via ETS-EMAILED~~).

9       New Rule 25.3.10 would be adopted as follows:

10       25.3.10 IF AN UNREGISTERED UNIFORMED OR OVERSEAS ELECTOR SUBMITS A FEDERAL WRITE-IN  
11           ABSENTEE BALLOT (“FWAB”), AND THE FORM IS RECEIVED BY THE COUNTY CLERK AND  
12           RECORDER MORE THAN 29 DAYS PRIOR TO THE ELECTION, THE FORM MAY BE  
13           CONSIDERED A TIMELY APPLICATION FOR REGISTRATION AND STATE MAIL-IN BALLOT  
14           PURSUANT TO SECTION 1-8-117, C.R.S.

15       New Rule 25.4 would be adopted as follows:

16       25.4     APPLICATION DEADLINES FOR UOCAVA BALLOTS TRANSMITTED BY EMAIL, FAX, AND  
17           ETS

18           25.4.1 AN APPLICATION FOR A MAIL-IN BALLOT TO BE TRANSMITTED BY EMAIL, FAX,  
19           OR ETS MUST BE RECEIVED NO LATER THAN THE CLOSE OF BUSINESS THE  
20           FRIDAY IMMEDIATELY PRECEDING THE ELECTION

21           25.4.2 A REQUEST FOR A REPLACEMENT BALLOT TO BE TRANSMITTED BY EMAIL, FAX,  
22           OR ETS MUST BE RECEIVED BY 5:00 P.M. MOUNTAIN TIME ON ELECTION DAY. A  
23           REQUEST FOR SUCH REPLACEMENT BALLOT INCLUDES A REQUEST FOR AN  
24           ELECTRONICALLY TRANSMITTED BALLOT BY A VOTER WHO HAS ALREADY BEEN  
25           ISSUED A BALLOT BY REGULAR MAIL.

26       Rule 26.1.3 would be amended as follows:

27           26.1.3 An elector who has requested AND HAS BEEN ISSUED a mail-in ballot shall be  
28           permitted to cast a provisional ballot ON ELECTION DAY upon his or her  
29           declaration that they have not and will not cast any vote in the election other than  
30           by that provisional ballot.

31       Rule 26.5.4 would be amended as follows:

32           26.5.4     Rejection Codes (Any ballot given a rejection code shall not be counted):

33           RFS     (Rejection federal or state) No federal or state candidates or issues to  
34           duplicate.

35           RNS     (Rejection not signed) Provisional Ballot Affidavit not signed.

- 1 RIN (Rejection incomplete information provided) Required information is  
 2 incomplete and the designated election official is unable to confirm  
 3 voter's eligibility.
- 4 RNR (Rejection not registered) Voter did not register by the voter registration  
 5 deadline or by emergency registration, Colorado voter registration record  
 6 was not found, or voter was previously cancelled and has not been  
 7 reinstated pursuant to section 1-2-605(10), C.R.S.
- 8 REE (Rejection envelope empty) Provisional ballot envelope is empty.
- 9 RAB (Rejection voter voted mail-in ballot) Designated election official has  
 10 confirmed that voter voted a mail-in ballot.
- 11 REV (Rejection based on ballot cast in early voting) Voter voted early.
- 12 RED (REJECTION BASED UPON BALLOT CAST ON ELECTION DAY) VOTER  
 13 VOTED IN A POLLING PLACE
- 14 RIP (Rejection based on incorrect party) Incorrect Party in Primary Election.
- 15 RFE (Rejection felon not eligible to vote) Individual was convicted of a  
 16 felony and is either serving a sentence of confinement or detention or is  
 17 on parole.
- 18 RWC (Rejection elector not registered in county or State of Colorado) Non-  
 19 county or non-state resident; therefore voter not eligible to vote in the  
 20 county where the provisional ballot was voted.
- 21 RID (Rejection first time voter has not supplied identification upon  
 22 registration or thereafter prior to and during time voter voted) First Time  
 23 Voter who registered by mail or through a voter registration drive, is  
 24 tagged as id deficient, and did not provide id at the time of voting.
- 25 RRD (Rejection registration deficient) Voter had deficient or incomplete  
 26 registration and required information was not provided prior to or at the  
 27 time of filling in the provisional ballot envelope. Voter's eligibility  
 28 cannot be established. Section 1-2-509(3), C.R.S.

29 Rule 30.1.6 would be amended as follows:

- 30 • A copy of a current utility bill, bank statement, government check, paycheck, or other  
 31 government document that shows the name and address of the elector. ~~(A cable bill, a  
 32 telephone bill, documentation from a public institution of higher education in Colorado  
 33 containing at least the name, date of birth, and legal residence address of the student  
 34 elector, a paycheck from a government institution, or a Certificate of Degree of Indian or  
 35 Alaskan Native Blood are sufficient forms of identification);~~

36 FOR EXAMPLE:

- 37 ○ A CABLE BILL OR TELEPHONE BILL,

- 1                   ○ 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                   ○ A PAYCHECK FROM A GOVERNMENT INSTITUTION OR PRIVATE COMPANY; OR
  
- 5                   ○ A CERTIFICATE OF DEGREE OF INDIAN OR ALASKAN NATIVE BLOOD.

6 Rule 42.2.2 would be amended as follows:

7 42.2.2 Requests for emergency mail-in ballots issued for administrative reasons  
8 pursuant to Section 1-8-115(2), C.R.S. must be received by the designated  
9 election official no later than ~~7:00~~5:00 P.M. on the day of the election.