

# COLORADO SECRETARY OF STATE

## 8 CCR 1505-1

### ELECTION RULES

#### Revised Draft of Proposed Rules

November 2, 2009

*Disclaimer: This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on September 30, 2009. This rulemaking hearing to be conducted on November 10, 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 2.18 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.

14 b. ~~The county clerk and recorder shall send a confirmation card to each voter~~  
15 ~~who appears to have a change of address and shall mark the record~~  
16 ~~"Inactive – NCOA".~~ UPON RECEIPT OF INFORMATION THAT A VOTER MAY

1 HAVE MOVED WITHIN THE COUNTY, THE VOTER'S RECORD SHALL BE  
2 MARKED "INACTIVE – NCOA IN COUNTY" AND THE NEW ADDRESS SHALL BE  
3 ENTERED, IF PROVIDED BY NCOA, INTO THE FORWARDING ADDRESS FIELD  
4 IN SCORE. A CONFIRMATION CARD, BY WHICH THE VOTER MAY VERIFY OR  
5 CORRECT THE ADDRESS INFORMATION, SHALL BE MAILED TO THE VOTER AT  
6 THE ADDRESS PROVIDED BY NCOA. IN ADDITION TO THE INFORMATION  
7 REQUIRED BY RULE 2.19, THE CONFIRMATION CARD SHALL ALSO ADVISE  
8 THE VOTER THAT HE OR SHE MUST RESPOND TO THE CARD IN ORDER TO  
9 UPDATE HIS OR HER REGISTRATION STATUS TO ACTIVE.

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

20 2.18.3 In accordance with section 1-2-605(7), C.R.S., no later than 90 days following a  
21 General Election, the county clerk and recorder in each county shall cancel only  
22 the registrations of electors who have met the following requirements:

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

29 Rule 2.19 would be amended as follows:

30 2.19 Confirmation ~~CARD~~–CARD

31 2.19.1 "Confirmation card" means a mailing by forwardable mail that includes a  
32 registration form so that the voter may update his or her registration or request a  
33 mail-in ballot. The mailing shall be postage prepaid and have a returnable portion  
34 that is preaddressed to the sending county clerk and recorder.

35 2.19.2 IN ACCORDANCE WITH SECTION 1-1-109(1), C.R.S., THE SECRETARY OF STATE  
36 SHALL CONSIDER BEST PRACTICES AND USABILITY IN THE DESIGN OF THE  
37 CONFIRMATION CARD IN ORDER TO MINIMIZE VOTER CONFUSION.

38 Rule 2.20 would be amended as follows:

1 2.20 Voter registration status designations-

2 2.20.1 Definitions

3 a. “Active status” or “active record” means that there are no conditions or  
4 restrictions on the voter’s eligibility.

5 b. “Cancelled status” or “cancelled record” means that the voter’s  
6 registration has been cancelled or revoked based upon a determination that  
7 the voter is ineligible, or the applicant has been deemed not registered in  
8 accordance with these rules and Title 1, C.R.S.; or the voter has withdrawn  
9 their registration.

10 c. “Inactive – failed to vote status” means that the voter was active prior to a  
11 general election, but subsequently failed to vote in that general election.

12 d. “Inactive – NCOA IN COUNTY status” means that the county clerk and  
13 recorder has received information from the United States Postal Service  
14 National Change of Address service THAT AN ELECTOR MAY HAVE MOVED  
15 WITHIN THE COUNTY.

16 e. “INACTIVE – NCOA OUT OF COUNTY STATUS” MEANS THAT THE COUNTY  
17 CLERK AND RECORDER HAS RECEIVED INFORMATION FROM THE UNITED  
18 STATES POSTAL SERVICE NATIONAL CHANGE OF ADDRESS SERVICE THAT  
19 AN ELECTOR MAY HAVE MOVED OUT OF THE COUNTY.

20 e-f. “Inactive – returned mail status” or “inactive – undeliverable status”  
21 means that a voter information card or confirmation card was returned to  
22 the county clerk and recorder by the United States Postal Service as  
23 undeliverable.

24 f-g. “Inactive – undeliverable ballot status” means that a voter was mailed a  
25 ballot that was subsequently returned to the county clerk and recorder by  
26 the United States Postal Service as undeliverable.

27 2.20.2. Effect of voter registration status designation

28 a. Active status or active record voters’ names will appear on the poll book,  
29 they will be sent a ballot in a mail ballot election, and they will be sent  
30 election notice mailings.

31 b. Cancelled status or cancelled record voters’ records will remain in the  
32 statewide voter registration database; however, their names will not appear  
33 on the poll book, they will not be sent a ballot in a mail ballot election, and  
34 they will not be sent election notice mailings.

35 c. Inactive – failed to vote status voters are eligible voters; their names will  
36 appear on the poll book and they will be sent election notice mailings.

1 Inactive – failed to vote voters will be sent a ballot in a mail ballot election  
2 where specifically required by sections 1-7.5-107 and 1-7.5-108.5(b),  
3 C.R.S.

4 d. Inactive – NCOA IN COUNTY status voters are eligible voters and their  
5 names will appear on the poll book. However, they will not be sent a  
6 ballot in a mail ballot election and they will not be sent election notice  
7 mailings.

8 E. INACTIVE – NCOA OUT OF COUNTY VOTERS ARE ELIGIBLE VOTERS AND  
9 THEIR NAMES WILL APPEAR ON THE POLL BOOK. HOWEVER, THEY WILL NOT  
10 BE SENT A BALLOT IN A MAIL BALLOT ELECTION AND THEY WILL NOT BE  
11 SENT ELECTION NOTICE MAILINGS.

12 e-F. Inactive – returned mail status or inactive – undeliverable status voters are  
13 eligible voters and their names will appear on the poll book. However,  
14 they will not be sent ballots in a mail ballot election and they will not be  
15 sent election notice mailings.

16 f-G. Inactive – undeliverable ballot status voters are eligible voters and their  
17 names will appear on the poll book. However, they will not be sent a  
18 ballot in a mail ballot election and they will not be sent election notice  
19 mailings.

20 [Sections 1-2-605(3) and (11), 1-5-206, 1-7-110, 1-7.5-107, and 1-7.5-108.5,  
21 C.R.S.]

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

23 2.21 MINIMUM MATCHING CRITERIA

24 2.21.1 A RECORD MAY NOT BE TRANSFERRED, CONSOLIDATED, OR CANCELLED  
25 UNLESS THE MINIMUM MATCHING CRITERIA AS SET FORTH IN SECTIONS 1-2-  
26 603 AND 1-2-604, C.R.S., ARE MET. IF THE MINIMUM MATCHING CRITERIA  
27 ARE NOT MET THE COUNTY MAY SEND A LETTER TO THE VOTER REQUESTING  
28 CONFIRMATION OF THE MISSING OR NON-MATCHING INFORMATION IN ORDER  
29 TO TRANSFER, CONSOLIDATE, OR CANCEL THE RECORD.

30 2.21.2 FOR THE PURPOSE OF SECTIONS 1-2-603 AND 1-2-604, C.R.S., AND THIS  
31 RULE A MATCH OF THE NAME SHALL MEAN A MATCH OF THE FULL NAME,  
32 EXCEPT THAT THE FOLLOWING SHALL BE SUFFICIENT TO ESTABLISH A  
33 MATCH:

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

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

1 (C) EXPLAINABLE AND DOCUMENTED VARIATIONS IN SUFFIX, EXCEPT  
2 THAT THE ABSENCE OF A SUFFIX IN ONE OF THE RECORDS SHALL NOT  
3 BE CONSIDERED A VARIATION. EXAMPLES OF SUFFIX VARIATIONS  
4 THAT MUST BE EXPLAINED INCLUDE JUNIOR IN ONE RECORD AND III  
5 IN ANOTHER.

6 2.21.3 FOR THE PURPOSE OF SECTIONS 1-2-603 AND 1-2-604, C.R.S., AND THIS  
7 RULE A MATCH OF THE PRIOR ADDRESS SHALL MEAN A MATCH OF THE  
8 RESIDENTIAL STREET ADDRESS.

9 2.21.4 THE COUNTY CLERK AND RECORDER MAY USE THE ~~DEPARTMENT OF~~  
10 ~~REVENUE-DMV MOTOR VOTER~~ DATABASE TO VERIFY PRIOR NAME OR  
11 RESIDENCE ADDRESS HISTORY FOR THE PURPOSE OF MEETING THE MINIMUM  
12 MATCHING CRITERIA. THE INFORMATION GATHERED MUST BE SCANNED AND  
13 RETAINED IN THE ELECTOR'S RECORD IN ORDER TO DOCUMENT HOW THE  
14 CRITERIA WAS MET.

15 2.22 EFFECTIVE JANUARY 1, 2012, NO COUNTY MAY CONSOLIDATE OR CANCEL  
16 DUPLICATE RECORDS IN ACCORDANCE WITH SECTION 1-2-604, C.R.S., BASED UPON  
17 THE LIST OF POTENTIAL DUPLICATES THAT MAY BE GENERATED THROUGH THE  
18 STATEWIDE COLORADO REGISTRATION AND ELECTIONS SYSTEM KNOWN AS  
19 "SCORE" WITHIN THE PERIOD BEGINNING NINETY (90) DAYS PRIOR TO A ~~FEDERAL~~  
20 PRIMARY OR GENERAL ELECTION.

21 2.23 THE COUNTY CLERK AND RECORDER SHALL MAIL A LETTER TO ANY ELECTORS  
22 WHOSE RECORDS ARE CONSOLIDATED OR WHOSE DUPLICATE RECORD IS CANCELLED  
23 IN ACCORDANCE WITH SECTION 1-2-604, C.R.S., WITHIN THE PERIOD BEGINNING  
24 NINETY (90) DAYS PRIOR TO A ~~FEDERAL-PRIMARY OR GENERAL~~ ELECTION. THE  
25 LETTER SHALL BE SENT TO THE ADDRESS OF THE RECORD CANCELLED OR  
26 CONSOLIDATED, IT SHALL ADVISE THE ELECTOR OF THE CONSOLIDATION OR  
27 CANCELLATION, AND IT SHALL INFORM THE ELECTOR HOW HE OR SHE MAY CORRECT  
28 ANY ERRORS.

29 Rule 26.1.2 would be repealed as follows:

30 ~~26.2.1 If the provisional ballot envelope is used as a voter registration form, it is subject~~  
31 ~~to the same requirements as any other voter registration form. REPEALED~~

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

34 Rules 12.3 through 12.9 would be amended as follows:

35 12.3 Notice of elections.

36 12.3.1 Call and notice.

37 (a) Notice of the election is to be sent to the clerk and recorder of the county in

1                   which the election is to be held. The notice is to include the date by which  
2                   the list of registered electors is to be submitted to the political subdivision.

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

6                   ~~12.3.2 As soon as possible, but no later than sixty five (65) days prior to a regular  
7                   special district election and no later than fifty five (55) days prior to any other  
8                   election, a written plan must be submitted to the Secretary of State which  
9                   includes the following:~~

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

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

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

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

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

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

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

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

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

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

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

29                   ~~(l) Written timetable for the conduct of the election in accordance with the  
30                   statute;~~

31                   ~~(m) Indication of how postage will be handled for ballot packets returned as  
32                   undeliverable (e.g. "return postage guaranteed");~~

33                   ~~(n) Indication of procedures to be followed to ensure compliance with statutes~~

- 1                   ~~and rules, including persons responsible for each stage;~~
- 2                   ~~(o) Description of procedures to be used to ensure ballot security at all stages of~~
- 3                   ~~the process;~~
- 4                   ~~(p) Description of procedures for maintaining privacy and security of accessible~~
- 5                   ~~voting machines to be used in an election coordinated by the county clerk~~
- 6                   ~~and recorder;~~
- 7                   ~~(q) Description of procedures to be used for signature verification;~~
- 8                   ~~(r) Description of procedures to ensure privacy by use of a secrecy sleeve or~~
- 9                   ~~secrecy envelope so receiving judges cannot tell how the elector voted;.~~
- 10                  ~~(s) Description of procedures to be used to reconcile ballots issued, ballots~~
- 11                  ~~received, defective ballots and substitute ballots; and~~
- 12                  ~~(t) An actual sample of the secrecy sleeve or secrecy envelope to be used in the~~
- 13                  ~~mail ballot election.~~

14                  ~~12.3.2.1 In addition to the foregoing, any home rule municipality shall~~

15                  ~~include in its plan a declaration, as follows:~~

16                                 ~~“Nothing in this plan reflects locally adopted mail ballot election~~

17                                 ~~procedures different from those set forth in the Colorado Mail Ballot~~

18                                 ~~Election Act, section 1-7.5-101-11, C.R.S., as from time to time amended,~~

19                                 ~~and any regulations adopted pursuant thereto.”~~

20                                 ~~The Secretary of State shall not review the mail ballot plan of any home~~

21                                 ~~rule municipality that fails to include the above declaration. REPEALED.~~

22                                 ~~*[Note: This rule relocated to rule new 12.4.1 to consolidate rules regarding*~~

23                                 ~~*mail ballot plans and re-worded for clarity.]*~~

24                  12.3.3     For elections coordinated by the county clerk and recorder, a security plan shall

25                                 be submitted in accordance with Rule 43 in addition to the mail ballot plan

26                                 submitted in accordance with this Rule.

27                  12.3.4     PRIOR TO MAKING A DETERMINATION TO CONDUCT A PRIMARY ELECTION AS A

28                                 MAIL BALLOT ELECTION, A COUNTY CLERK AND RECORDER SHALL GIVE PUBLIC

29                                 NOTICE AND SEEK PUBLIC COMMENT ON SUCH DETERMINATION.

30                                 (A) THE COUNTY CLERK AND RECORDER SHALL GIVE PUBLIC NOTICE THROUGH

31                                 THE COUNTY WEBSITE OR THROUGH PUBLICATION.

32                                 (B) THE COUNTY CLERK AND RECORDER SHALL SEEK PUBLIC COMMENT ON THE

33                                 DETERMINATION TO CONDUCT A PRIMARY ELECTION AS A MAIL BALLOT

34                                 ELECTION FOR A PERIOD OF NOT LESS THAN TEN (10) DAYS.

1           ~~12.3.4~~ Written timetable specifications:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           ~~12.3.5~~ A special district required to submit a mail ballot plan in accordance with  
28           ~~section 1-7.5-105, C.R.S. and this Rule, may request a seven (7) day filing~~  
29           ~~extension if the plan is being submitted for a regular special district election that~~  
30           ~~may be cancelled.~~

31                   ~~(a) A request for such extension shall be submitted to the Secretary of State no~~



1                   ~~later than two (2) business days prior to the deadline for submitting the mail~~  
2                   ~~ballot plan.~~

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

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

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

8    12.4   MAIL BALLOT PLANS

9           12.4.1   COORDINATED AND NON-PARTISAN ELECTIONS. AS SOON AS POSSIBLE, BUT NO  
10                   LATER THAN SIXTY-FIVE (65) DAYS PRIOR TO A REGULAR SPECIAL DISTRICT  
11                   ELECTION AND NO LATER THAN FIFTY-FIVE (55) DAYS PRIOR TO ANY OTHER  
12                   ELECTION, NOT INCLUDING A PRIMARY ELECTION, A WRITTEN PLAN MUST BE  
13                   SUBMITTED TO THE SECRETARY OF STATE WHICH 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(S) AUTHORIZING THE ELECTION;

18                   (E) ESTIMATED NUMBER OF ELIGIBLE ELECTORS;

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

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

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

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

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

32                   (K) LENGTH OF TIME ACCESSIBLE VOTING MACHINES WILL BE AVAILABLE FOR  
33                   WALK-IN VOTING IN ELECTIONS COORDINATED BY THE COUNTY CLERK AND

- 1 RECORDER;
- 2 (L) WRITTEN TIMETABLE FOR THE CONDUCT OF THE ELECTION IN ACCORDANCE  
3 WITH THE STATUTE;
- 4 (M) INDICATION OF HOW POSTAGE WILL BE HANDLED FOR BALLOT PACKETS  
5 RETURNED AS UNDELIVERABLE (E.G. "RETURN POSTAGE GUARANTEED");
- 6 (N) INDICATION OF PROCEDURES TO BE FOLLOWED TO ENSURE COMPLIANCE WITH  
7 STATUTES AND RULES, INCLUDING PERSONS RESPONSIBLE FOR EACH STAGE;
- 8 (O) DESCRIPTION OF PROCEDURES TO BE USED TO ENSURE BALLOT SECURITY AT  
9 ALL STAGES OF THE PROCESS;
- 10 (P) DESCRIPTION OF PROCEDURES FOR MAINTAINING PRIVACY AND SECURITY OF  
11 ACCESSIBLE VOTING MACHINES TO BE USED IN AN ELECTION COORDINATED BY  
12 THE COUNTY CLERK AND RECORDER;
- 13 (Q) DESCRIPTION OF PROCEDURES TO BE USED FOR SIGNATURE VERIFICATION;
- 14 (R) DESCRIPTION OF PROCEDURES TO BE USED FOR BALLOTS RETURNED BY  
15 ELECTORS WHO HAVE NOT PREVIOUSLY VOTED IN COLORADO AND HAVE  
16 FAILED TO INCLUDE PROPER PROOF OF IDENTIFICATION;
- 17 (S) DESCRIPTION OF PROCEDURES TO ENSURE PRIVACY BY USE OF A SECRECY  
18 SLEEVE OR SECRECY ENVELOPE SO RECEIVING JUDGES CANNOT TELL HOW THE  
19 ELECTOR VOTED;
- 20 (T) DESCRIPTION OF PROCEDURES TO BE USED TO RECONCILE BALLOTS ISSUED,  
21 BALLOTS RECEIVED, DEFECTIVE BALLOTS AND SUBSTITUTE BALLOTS; AND
- 22 (U) AN ACTUAL SAMPLE OF THE SECRECY SLEEVE OR SECRECY ENVELOPE TO BE  
23 USED IN THE MAIL BALLOT ELECTION.

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

26 12.4.1.1 IN ADDITION TO THE FOREGOING, ANY HOME RULE MUNICIPALITY  
27 SHALL INCLUDE IN ITS PLAN A DECLARATION, AS FOLLOWS:

28 "NOTHING IN THIS PLAN REFLECTS LOCALLY ADOPTED MAIL BALLOT  
29 ELECTION PROCEDURES DIFFERENT FROM THOSE SET FORTH IN THE  
30 COLORADO MAIL BALLOT ELECTION ACT, SECTION 1-7.5-101-11,  
31 C.R.S., AS FROM TIME TO TIME AMENDED, AND ANY REGULATIONS  
32 ADOPTED PURSUANT THERETO."

33 THE SECRETARY OF STATE SHALL NOT REVIEW THE MAIL BALLOT PLAN  
34 OF ANY HOME RULE MUNICIPALITY THAT FAILS TO INCLUDE THE ABOVE  
35 DECLARATION.

1                    *[NOTE: This rule relocated from Rule 12.3.2.1 to consolidate rules regarding*  
2                    *mail ballot plans.]*

3            12.4.2    A SPECIAL DISTRICT REQUIRED TO SUBMIT A MAIL BALLOT PLAN IN ACCORDANCE  
4                    WITH SECTION 1-7.5-105, C.R.S., AND THIS RULE, MAY REQUEST A SEVEN (7) DAY  
5                    FILING EXTENSION IF THE PLAN IS BEING SUBMITTED FOR A REGULAR SPECIAL  
6                    DISTRICT ELECTION THAT MAY BE CANCELLED.

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

10                  (B) THE REQUEST SHALL CONTAIN A BRIEF STATEMENT OF THE REASONS FOR  
11                  SUCH REQUEST.

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

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

16            12.4.3    THE DESIGNATED ELECTION OFFICIAL SHALL PREPARE A WRITTEN TIMETABLE FOR  
17                    CONDUCTING THE MAIL BALLOT ELECTION FOR A COORDINATED OR NON-  
18                    PARTISAN ELECTION WITH THE FOLLOWING SPECIFIC DATES OR RANGE OF DATES  
19                    REGARDING EACH EVENT LISTED BELOW:

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

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

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

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

26                  (E) DATE BY WHICH THE COUNTY CLERK AND RECORDER MUST SUBMIT THE LIST  
27                  OF ELIGIBLE ELECTORS TO THE POLITICAL SUBDIVISION AND, IF PROPERTY  
28                  OWNERS ARE ELIGIBLE TO VOTE IN THE ELECTION, THE DATE BY WHICH THE  
29                  COUNTY ASSESSOR MUST SUBMIT THE LIST OF PROPERTY OWNERS;

30                  (F) DATE OF CLOSE OF REGISTRATION;

31                  (G) DATE BALLOTS WILL BE MAILED;

32                  (H) DATE OF PUBLICATION OF NOTICE OF ELECTION, INCLUDING INFORMATION  
33                  REGARDING WALK-IN VOTING AND ACCESSIBLE VOTING OPTIONS FOR  
34                  ELECTIONS CONDUCTED BY THE COUNTY CLERK AND RECORDER;

1 (I) DATE THAT BALLOTS WILL BE MADE AVAILABLE AT THE DESIGNATED  
2 ELECTION OFFICIAL’S OFFICE;

3 (J) DATE VERIFICATION AND COUNTING OF BALLOTS WILL BEGIN; AND

4 (K) DATE OF THE ELECTION.

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

7 12.4.4 PRIMARY ELECTIONS CONDUCTED AS A MAIL BALLOT ELECTION. PURSUANT TO  
8 ARTICLE 7.5 OF TITLE 1, C.R.S., NO LATER THAN ONE HUNDRED AND TWENTY  
9 (120) DAYS PRIOR TO THE ELECTION THE COUNTY CLERK AND RECORDER MUST  
10 SUBMIT A WRITTEN PLAN TO THE SECRETARY OF STATE THAT INCLUDES THE  
11 FOLLOWING:

12 (A) DATE OF THE ELECTION;

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

14 (C) CITATION OF THE STATUTE(S) AUTHORIZING THE ELECTION;

15 (D) ESTIMATED NUMBER OF ELIGIBLE ELECTORS;

16 (E) THE ADDRESS AND HOURS OF OPERATION FOR ALL DROP-OFF LOCATIONS;

17 (F) THE ADDRESS AND HOURS OF OPERATION FOR ALL SERVICE CENTERS;

18 (G) DESCRIPTION OF THE PROCEDURES THAT WILL BE TAKEN TO ENSURE THAT  
19 EACH SERVICE CENTER COMPLIES WITH THE REQUIREMENTS SET FORTH IN  
20 SECTION 1-7.5-107, C.R.S. INCLUDING THE NUMBER OF ACCESSIBLE VOTING  
21 MACHINES ANTICIPATED BEING USED AT EACH SERVICE CENTER FOR SECURITY  
22 REASONS, UNMONITORED FREESTANDING DROP-OF LOCATIONS LOCATED  
23 OUTSIDE WILL NOT BE ALLOWED;;

24 (H) WRITTEN TIMETABLE FOR THE CONDUCT OF THE ELECTION IN ACCORDANCE  
25 WITH STATUTE;

26 (I) INDICATION OF HOW POSTAGE WILL BE HANDLED FOR BALLOT PACKETS  
27 RETURNED AS UNDELIVERABLE (E.G. “RETURN POSTAGE GUARANTEED”);

28 (J) INDICATION OF PROCEDURES TO BE FOLLOWED TO ENSURE COMPLIANCE WITH  
29 STATUTES AND RULES, INCLUDING PERSONS RESPONSIBLE FOR EACH STAGE;

30 (K) DESCRIPTION OF PROCEDURES TO BE USED TO ENSURE BALLOT SECURITY AT  
31 ALL STAGES OF THE PROCESS;

32 (L) DESCRIPTION OF PROCEDURES FOR MAINTAINING PRIVACY AND SECURITY OF  
33 ACCESSIBLE VOTING MACHINES TO BE USED;

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

1 (K) DATE OF PUBLICATION OF NOTICE OF ELECTION, INCLUDING INFORMATION  
2 REGARDING ACCESSIBLE VOTING OPTIONS FOR ELECTIONS CONDUCTED BY THE  
3 COUNTY CLERK AND RECORDER;

4 (L) DATES THE DROP-OFF LOCATIONS WILL ACCEPT MAIL BALLOTS DELIVERED BY  
5 ELECTORS;

6 (M) DATES SERVICE CENTERS WILL BE OPEN;

7 (N) DATE VERIFICATION AND COUNTING OF BALLOTS WILL BEGIN;

8 (O) DATE OF THE PRIMARY ELECTION.

9 12.4.6 IN ACCORDANCE WITH SECTION 1-7.5-107(2.3), C.R.S., NOT LESS THAN THIRTY  
10 (30) NOR MORE THAN FORTY-FIVE (45) DAYS BEFORE A PRIMARY ELECTION THAT  
11 IS CONDUCTED AS A MAIL BALLOT ELECTION, THE COUNTY CLERK AND RECORDER  
12 SHALL MAIL A NOTICE BY FORWARDABLE MAIL TO EACH UNAFFILIATED ACTIVE  
13 REGISTERED ELECTOR AND TO EACH UNAFFILIATED REGISTERED ELIGIBLE  
14 ELECTOR WHOSE REGISTRATION RECORD HAS BEEN MARKED AS “INACTIVE –  
15 FAILED TO VOTE.”

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

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

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

23 12.4.7 IF PURSUANT TO SECTION 1-4-104.5, C.R.S., THE COUNTY CLERK AND RECORDER  
24 CANCELS A PRIMARY ELECTION PRIOR TO THE CLOSE OF BUSINESS ON THE  
25 SIXTIETH DAY BEFORE THE PRIMARY ELECTION, THE COUNTY CLERK AND  
26 RECORDER SHALL COMPLETE THE CANCELLATION OF PRIMARY ELECTION FORM  
27 ON THE SECRETARY OF STATE’S WEBSITE AND RETURN SUCH FORM TO THE  
28 SECRETARY OF STATE WITHIN TWO (2) BUSINESS DAYS.

29 **12.4.8 APPROVAL OF MAIL BALLOT PLANS AND SUBMISSION OF AMENDMENTS**

30 (A) IF THE SOS REQUESTS MODIFICATIONS TO A PLAN PRIOR TO APPROVAL, THE  
31 DESIGNATED ELECTION OFFICIAL MUST SUBMIT THE MODIFIED PLAN WITHIN  
32 10 DAYS FROM THE REQUEST. THE SECRETARY OF STATE WILL APPROVE OR  
33 DISAPPROVE THE MODIFIED PLAN WITHIN 15 DAYS FROM THE DATE IT IS  
34 RECEIVED.

35 (B) A DESIGNATED ELECTION OFFICIAL MAY AMEND A TIMELY SUBMITTED MAIL  
36 BALLOT PLAN BY SUBMITTING A WRITTEN STATEMENT NO LATER THAN 30

1 DAYS BEFORE THE ELECTION OUTLINING THE AMENDMENT(S) TO THE PLAN.  
2 THE AMENDMENT MUST STATE THE SPECIFIC SECTION OF THE PLAN AMENDED  
3 AND THE REASON(S) FOR THE AMENDMENT. THE SECRETARY OF STATE WILL  
4 APPROVE OR DISAPPROVE THE AMENDMENT WITHIN 15 DAYS FROM THE DATE  
5 IT IS RECEIVED.

6 ~~12.4~~ 12.5 Ballots:

7 ~~12.4.1~~ 12.5.1 In any election where a multiple page printed ballot is used, a voter must  
8 vote and return all pages of the ballot at the same time. Any voter who has  
9 returned at least one page of a multiple page printed ballot will be considered to  
10 have voted.

11 ~~12.4.2~~ 12.5.2 For NON-PARTISAN elections where multiple ballots will be included in the  
12 same packet or will be sent in separate packets, the ballots and return envelopes  
13 shall include distinctive markings or colors to identify political subdivisions  
14 when the colors or distinctive markings will aid in the distribution and  
15 tabulation of the ballots.

16 ~~12.4.3~~ 12.5.3 The designated election official for each political subdivision for whom  
17 one or more county clerk and recorders are conducting the election shall assure  
18 that a complete list of eligible electors in their political subdivision is sent to  
19 each appropriate county clerk and recorder, unless otherwise provided in the  
20 intergovernmental agreement. The political subdivision shall list each elector  
21 only once to assure that each elector receives one and only one ballot unless  
22 otherwise authorized.

23 ~~12.4.4~~ 12.5.4 For coordinated mail ballot elections, each county clerk and recorder may  
24 compare the lists submitted by the various political subdivisions to assure that  
25 each elector receives the appropriate ballot or ballots for the election.

26 ~~12.4.5~~ 12.5.5 For all coordinated elections where more than one mail ballot is being  
27 mailed or polling place elections are being held as well as the mail ballot  
28 election, the outgoing envelope as well as the instructions or other notice shall  
29 have the following notice: "This may not be your only ballot. Other elections  
30 may be held by other political subdivisions by mail or by polling place."

31 ~~12.4.6~~ 12.5.6 If the ballot is returned to the election official as undeliverable, the official  
32 shall not be required to re-mail the ballot packet.

33 ~~12.4.7~~ 12.5.7 The designated election official shall require that the eligible elector  
34 submit a copy of his or her identification as defined in Section 1-1-104(19.5),  
35 C.R.S., with the elector's ballot in the return envelope if the eligible elector  
36 registered to vote by mail pursuant to Part 5, Article 2, Title 1, C.R.S. and did  
37 not provide the required ID upon registration.

38 ~~12.4.8~~ 12.5.8 The county clerk and recorder shall indicate on the list of registered voters  
39 requested by the designated election official those registered voters required to

- 1 be identified in Rule 12.4.6, unless such registered voter either:
- 2 (a) Submitted as part of the registration by mail a copy of the elector's
- 3 identification as defined in Section 1-1-104(19.5), C.R.S.; or
- 4 (b) Votes pursuant to Section 1-7-111(2), C.R.S.; or
- 5 (c) Is otherwise entitled to vote under any federal law.

6 ~~12.4.9~~-12.5.9 If the elector is required to provide his or her identification, the outside of

7 the return envelope shall be marked to identify such envelope.

8 ~~12.4.10~~-12.5.10 ~~If the marked return envelope does not contain proper~~

9 ~~identification, the ballot shall be treated as a provisional ballot. The outside of~~

10 ~~the return envelope shall be marked "provisional". For non-partisan elections,~~

11 ~~the provisional ballot shall be verified and counted in accordance with Rule 26.~~

12 REPEALED.

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

14 ~~12.4.11~~-12.5.11 All return envelopes used in a mail ballot election coordinated by

15 the county clerk and recorder may be formatted in such a manner that the

16 voter's signature on the back of the envelope is concealed. [Sections 1-7.5-106

17 and 1-7.5-107, C.R.S.]

18 ~~12.5~~-12.6 Mail-in and Early Voting-

19 ~~12.5.1~~-12.6.1 In a mail ballot election, any elector with a mail-in ballot request shall be

20 sent a mail ballot to the requested address in accordance with section 1-8-

21 111(1), C.R.S. Mail-in ballots shall be treated as mail ballots for all other

22 purposes.

23 ~~12.5.2~~-12.6.2 Establishment of A polling place for early voting shall not be required for

24 a mail ballot election, however the location for walk-in balloting shall be

25 maintained.

26 12.6.3 SERVICE CENTERS, AS REQUIRED BY SECTION 1-7.5-107(4.5), C.R.S., SHALL BE

27 MAINTAINED FOR ANY PRIMARY ELECTION TO BE HELD AS A MAIL BALLOT

28 ELECTION.

29 ~~12.6~~-12.7 Receipt of Ballots

30 ~~12.6.1~~-12.7.1 One or more judges shall be appointed for the site to which ballots are to

31 be mailed to receive the ballots as mailed.

32 ~~12.6.2~~-12.7.2 Each day when ballots come in, a judge shall count the ballots, batch them

33 and record the number of ballots received.

34 ~~12.6.3~~-12.7.3 The ballots shall be date-stamped when received. If any ballot is received



1 after the time set for the closing of the elections, the ballot shall be date-stamped  
2 but the ballot shall not be counted.

3 ~~12.6.4~~-12.7.4 Records shall also be kept of the number of ballot packets returned as  
4 undeliverable.

5 ~~12.6.5~~-12.7.5 Ballot packets shall then be placed in a safe, secure place until the  
6 counting of the ballots.

7 ~~12.7~~-12.8 If a voter has been directed to return a document with his/her voted ballot, the  
8 election judge shall open the returned envelope to retrieve the required form. ~~12.7.1~~  
9 ———If the required form cannot be found in the return envelope, the election judge  
10 shall open the secrecy envelope/sleeve to find the required form or document in an effort  
11 not to disenfranchise the voter.

12 12.8.1 IF THE MARKED RETURN ENVELOPE DOES NOT CONTAIN PROPER IDENTIFICATION,  
13 THE BALLOT SHALL BE TREATED AS A “PROVISIONAL” BALLOT. THE OUTSIDE OF  
14 THE RETURN ENVELOPE SHALL BE MARKED “PROVISIONAL”. THE BALLOT SHALL  
15 BE VERIFIED AND COUNTED AS FOLLOWS:

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

17 ~~12.7.2~~(A) ~~If the voter was directed to return a copy of identification with~~  
18 ~~his/her voted ballot and failed to do so~~ IN ACCORDANCE WITH SECTION 1-7.5-  
19 107(3.5)(D), C.R.S., the voter shall be sent a letter EXPLAINING THAT HE/SHE  
20 HAS NOT PROVIDED IDENTIFICATION ~~in accordance with section 1-7.5-~~  
21 ~~107(3.5)(d), C.R.S.~~ Nothing in this rule shall be construed to prohibit the  
22 designated election official from calling the elector; however, a phone call  
23 shall not substitute for notification to the elector in writing.

24 ~~12.7.3~~(B) If the elector provides a copy of his/her identification within eight  
25 days after election day, then the ballot shall be verified and counted in the  
26 same manner as other mail ballots in accordance with sections 1-7.5-107  
27 and 1-7.5-107.3, C.R.S.

28 ~~12.8~~-12.9 For any ~~non-matching or~~ missing signatures Rule 29.1 concerning procedures for  
29 ~~the verification of~~ MISSING signatures shall be followed. IN ACCORDANCE WITH SECTION  
30 1-7.5-107.3, C.R.S., THE PROCEDURES IN RULE 29 SHALL BE FOLLOWED FOR ANY NON-  
31 MATCHING SIGNATURE ON A MAIL BALLOT RETURN ENVELOPE THAT IS RECEIVED IN A  
32 NOVEMBER COORDINATED ELECTION.

33 ~~12.9~~-12.10 Ballots Delivered in Person-

34 ~~12.9.10~~-12.10.1 All “~~places of deposit~~ DROP-OFF LOCATIONS” shall be accessible to  
35 disabled electors.

36 ~~12.9.2~~-12.10.2 All “~~places of deposit~~ DROP-OFF LOCATIONS” and any walk-in voting  
37 locations shall be located within the political subdivision where feasible. If a

1 political subdivision desires to establish a “~~place of deposit~~” DROP-OFF  
2 LOCATION or a site for walk-in voting outside of the county, municipality or  
3 district, permission must be obtained from the Secretary of State.

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

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

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

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

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

14 26.3 Provisional Voting in the Polling Place

15 ~~26.3.1 If the elector does not provide a date in the “Previous Residence Information”~~  
16 ~~section of the provisional ballot envelope stating when the elector moved to the~~  
17 ~~address he or she listed as his or her legal residence on the provisional ballot~~  
18 ~~envelope, the designated election official shall attempt to verify the provisional~~  
19 ~~ballot. If the provisional ballot can be verified, it shall be counted. If it cannot be~~  
20 ~~verified, it shall not be counted.~~

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

23 26.3.1 IF AN ELECTOR WHOSE NAME DOES NOT APPEAR ON THE POLLBOOK STATES THAT HE  
24 OR SHE HAS TIMELY REGISTERED THROUGH AN AGENCY PURSUANT TO SECTION 1-2-  
25 504, C.R.S., THE ELECTION JUDGE SHALL:

- 26 (A) OFFER THE ELECTOR A PROVISIONAL BALLOT;
- 27 (B) CHECK THE BOX ON THE PROVISIONAL BALLOT AFFIDAVIT INDICATING THAT  
28 THE ELECTOR WAS AN AGENCY APPLICANT;
- 29 (C) ASK THE ELECTOR TO PROVIDE THE NAME AND LOCATION OF THE AGENCY  
30 AND THE APPROXIMATE DATE HE OR SHE COMPLETED THE APPLICATION, OR  
31 PROVIDE THE APPLICATION RECEIPT; AND
- 32 (D) NOTE THE AGENCY REGISTRATION INFORMATION ON THE AFFIDAVIT AND/OR  
33 ATTACH THE RECEIPT TO THE OUTSIDE OF THE PROVISIONAL BALLOT  
34 ENVELOPE.

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

5 ●(A) Offer the elector a provisional ballot;

6 ● ~~Ask the elector to surrender the application receipt;~~

7 ●(B) Check the box on the provisional ballot ~~envelope~~ AFFIDAVIT indicating  
8 that the ~~voter~~ ELECTOR is a VRD ~~or agency~~ applicant, and

9 (C) ASK THE ELECTOR TO PROVIDE THE LOCATION AND THE APPROXIMATE DATE  
10 HE OR SHE COMPLETED THE APPLICATION, OR PROVIDE THE APPLICATION  
11 RECEIPT; AND

12 (D) NOTE THE VRD REGISTRATION INFORMATION ON THE AFFIDAVIT AND/OR  
13 ATTACH ● ~~Attach~~ the receipt to the outside of the provisional ballot  
14 envelope.

15 26.3.3 The word “provisional” shall be marked on the provisional ballot and on the  
16 pollbook or signature card next to the elector’s name.

17 26.4 Verification of Provisional Ballots

18 26.4.1 When the designated election official has concluded that all voted provisional  
19 ballots have been delivered to and received by the election office, the designated  
20 election official shall determine the time that provisional verification and  
21 processing begins in accordance with the deadlines set forth in ~~title one~~ TITLE 1,  
22 C.R.S., and these rules. The designated election official or designee shall  
23 complete preliminary verification without opening the provisional ballot  
24 envelopes.

25 ~~26.4.2 When verifying provisional ballots, the designated election official must check~~  
26 ~~the State of Colorado Statewide voter registration database to see whether the~~  
27 ~~elector has already voted in the election.~~

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

29 ~~26.4.3 When the designated election official has received both a mail in ballot and a~~  
30 ~~provisional ballot from an elector, but there is a discrepancy between the~~  
31 ~~signature on the returned mail in ballot envelope and the voter’s signature on file~~  
32 ~~with the county clerk and recorder, the discrepancy must be resolved. Before the~~  
33 ~~provisional ballot may be counted, the elector must affirm that the signature on~~  
34 ~~the mail in ballot envelope is not his or her signature. Section 1-8.5-105(4) and~~  
35 ~~(5), C.R.S.~~

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

1        ~~26.4.4~~26.4.2 Verification of an elector’s eligibility to have his or her provisional ballot  
2 counted shall be limited to the following sources ~~to determine proof of voter~~  
3 registration:

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

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

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

11           (D) THE INFORMATION PROVIDED ON THE PROVISIONAL BALLOT ENVELOPE,  
12 INCLUDING THE AFFIDAVIT.

13        26.4.3 WHEN VERIFYING PROVISIONAL BALLOTS, THE DESIGNATED ELECTION OFFICIAL  
14 MUST CHECK THE STATE OF COLORADO STATEWIDE VOTER REGISTRATION  
15 DATABASE TO DETERMINE WHETHER THE ELECTOR HAS ALREADY VOTED IN THE  
16 ELECTION.

17        26.4.4 IF DURING VERIFICATION IT APPEARS THAT THE ELECTOR ATTEMPTED TO REGISTER  
18 BUT WAS DEEMED “NOT REGISTERED” IN ACCORDANCE WITH SECTION 1-2-509(3),  
19 C.R.S., THE BALLOT SHALL BE VERIFIED AND COUNTED AS FOLLOWS:

20           (A) IF THE ELECTOR SUBSTANTIALLY CONFIRMS THE ADDRESS AT WHICH HE OR  
21 SHE ATTEMPTED TO REGISTER TO VOTE ANYWHERE ON THE PROVISIONAL  
22 BALLOT AFFIDAVIT, THE AFFIDAVIT IS COMPLETE, AND THE ELECTOR IS  
23 OTHERWISE ELIGIBLE, THE BALLOT SHALL BE COUNTED. THE ELECTOR  
24 SHALL BE DEEMED REGISTERED AS OF THE DATE OF THE ORIGINAL  
25 APPLICATION.

26           (B) IF THE ELECTOR DOES NOT SUBSTANTIALLY CONFIRM THE ADDRESS AT  
27 WHICH HE OR SHE ATTEMPTED TO REGISTER TO VOTE ANYWHERE ON THE  
28 PROVISIONAL BALLOT AFFIDAVIT, THE BALLOT SHALL NOT BE COUNTED.  
29 THE PROVISIONAL BALLOT AFFIDAVIT SHALL BE TREATED AS AN  
30 APPLICATION FOR FUTURE REGISTRATION.

31        26.4.5 IF DURING VERIFICATION IT APPEARS THAT THE ELECTOR HAD MULTIPLE RECORDS  
32 THAT WERE CONSOLIDATED OR CANCELLED AS DUPLICATES, THE ELECTOR’S  
33 RECORD(S) SHALL BE REVIEWED TO DETERMINE WHETHER THE ELECTOR HAS AN  
34 ACTIVE OR INACTIVE STATUS RECORD IN SCORE AND THE BALLOT SHALL BE  
35 VERIFIED AND COUNTED AS FOLLOWS:

36           (A) IF THE ELECTOR HAS AN ACTIVE OR INACTIVE RECORD IN SCORE THE  
37 RECORD SHALL BE REVIEWED TO DETERMINE WHETHER THE ELECTOR HAS  
38 CAST A BALLOT IN THE ELECTION. THE BALLOT SHALL BE COUNTED IF THE

1 ELECTOR HAS NOT CAST A BALLOT IN THE ELECTION, THE AFFIDAVIT IS  
2 COMPLETE, AND THE ELECTOR IS OTHERWISE ELIGIBLE.

3 (B) IF THE ELECTOR DOES NOT HAVE AN ACTIVE OR INACTIVE RECORD IN  
4 SCORE, THE BALLOT SHALL BE COUNTED IF THE ELECTOR HAS NOT CAST A  
5 BALLOT IN THE ELECTION, THE AFFIDAVIT IS COMPLETE, AND THE ELECTOR  
6 IS OTHERWISE ELIGIBLE. THE ELECTOR'S RECORD SHALL BE REINSTATED OR  
7 UNCONSOLIDATED.

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

10 26.4.6 WHEN THE DESIGNATED ELECTION OFFICIAL HAS RECEIVED BOTH A MAIL-IN  
11 BALLOT AND A PROVISIONAL BALLOT FROM AN ELECTOR, BUT THERE IS A  
12 DISCREPANCY BETWEEN THE SIGNATURE ON THE RETURNED MAIL-IN BALLOT  
13 ENVELOPE AND THE ELECTOR'S SIGNATURE ON FILE WITH THE COUNTY CLERK AND  
14 RECORDER, THE DISCREPANCY MUST BE RESOLVED. BEFORE THE PROVISIONAL  
15 BALLOT MAY BE COUNTED, THE ELECTOR MUST AFFIRM THAT THE SIGNATURE ON  
16 THE MAIL-IN BALLOT ENVELOPE IS NOT HIS OR HER SIGNATURE. SECTION 1-8.5-  
17 105(4) AND (5), C.R.S.

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

19 26.4.7 IF DURING VERIFICATION IT APPEARS THAT THE ELECTOR TIMELY APPLIED FOR  
20 REGISTRATION, BUT HIS OR HER APPLICATION WAS INCOMPLETE THE BALLOT SHALL  
21 BE VERIFIED AND COUNTED AS FOLLOWS:

22 (A) IF THE ELECTOR PROVIDED THE REQUIRED INFORMATION ON THE  
23 PROVISIONAL BALLOT AFFIDAVIT, THE ELECTOR IS OTHERWISE ELIGIBLE,  
24 AND HAS NOT CAST A BALLOT IN THE ELECTION, THE BALLOT SHALL BE  
25 COUNTED. THE ELECTOR SHALL BE DEEMED REGISTERED AS OF THE DATE  
26 OF THE ORIGINAL APPLICATION.

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

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

30 26.4.8 IF THE ELECTOR MOVED WITHIN THE STATE, THE BALLOT SHALL BE VERIFIED AND  
31 COUNTED AS FOLLOWS:

32 (A) THE RACES AND ISSUES FOR WHICH THE ELECTOR IS ELIGIBLE SHALL BE  
33 COUNTED BASED UPON THE DATE THE ELECTOR AFFIRMS THAT HE OR SHE  
34 MOVED TO THE RESIDENCE ADDRESS PROVIDED IN THE "PREVIOUS  
35 RESIDENCE INFORMATION" SECTION OF THE PROVISIONAL BALLOT  
36 ENVELOPE.

37 (B) IF THE ELECTOR DOES NOT PROVIDE A DATE IN THE "PREVIOUS RESIDENCE  
38 INFORMATION" SECTION STATING WHEN THE ELECTOR MOVED TO THE NEW

1 LEGAL RESIDENCE ADDRESS, THE DESIGNATED ELECTION OFFICIAL SHALL  
2 ATTEMPT TO VERIFY THE PROVISIONAL BALLOT. IF THE PROVISIONAL  
3 BALLOT CAN BE VERIFIED, IT SHALL BE COUNTED. IF IT CANNOT BE  
4 VERIFIED, IT SHALL NOT BE COUNTED.

5 *[Note: this rule relocated from Rule 26.3.1 and reworded for clarity]*

6 26.5 Counting of Provisional Ballots

7 26.5.1 If the information contained in the provisional ballot envelope AND AFFIDAVIT  
8 provides adequate criteria so that the designated election official is able to  
9 confirm under election rule 26 that the elector is ~~registered~~ ELIGIBLE, the  
10 provisional ballot shall count.

11 26.5.2 ~~Pursuant to section 1-2-509(3), C.R.S., if the designated election official receives~~  
12 ~~a provisional ballot from a voter who registered to vote but had an incomplete or~~  
13 ~~deficient voter registration application, and did not supply the required~~  
14 ~~information at the time of registration, at any time prior to voting, or on the~~  
15 ~~provisional ballot envelope, the provisional ballot shall not be counted. If the~~  
16 ~~voter does supply the required information prior to or at the time of voting, then~~  
17 ~~the provisional ballot may be counted.~~ REPEALED.

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

20 New Rule 26.10 would be adopted as follows:

21 26.10 TREATMENT OF THE PROVISIONAL BALLOT AFFIDAVIT AS AN APPLICATION FOR, OR A  
22 CHANGE TO REGISTRATION

23 26.10.1 IF A PROVISIONAL BALLOT AFFIDAVIT IS TREATED AS AN APPLICATION FOR  
24 REGISTRATION FOR FUTURE ELECTIONS IN ACCORDANCE WITH SECTION 1-8.5-  
25 103(2), C.R.S., SUCH APPLICATION SHALL BE SUBJECT TO THE REQUIREMENTS FOR  
26 ANY OTHER VOTER REGISTRATION APPLICATION.

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

28 26.10.2 IN THE CASE OF AN ELECTOR WHO IS REGISTERED, IF THE PROVISIONAL  
29 BALLOT AFFIDAVIT CONTAINS CHANGES TO THE ELECTOR'S REGISTRATION HIS OR  
30 HER RECORD SHALL BE UPDATED ACCORDINGLY.

31 26.10.3 IF A PROVISIONAL BALLOT IS COUNTED BECAUSE IT WAS DETERMINED THAT  
32 AN ELECTOR WAS CANCELLED OR CONSOLIDATED IN ERROR, THE ELECTOR'S  
33 RECORD SHALL BE REINSTATED AND UPDATED ACCORDINGLY.

34 Rule 30.1.6 would be amended as follows:

35 30.1.6 "ID" as used in these rules shall mean identification as defined in compliance  
36 with section 1-1-104(19.5), C.R.S., as a copy of one of the following:

- 1 (a) A valid Colorado driver's license;
- 2 (b) A valid identification card issued by the Department of Revenue in  
3 accordance with the requirements of Part 3 of Article 2 of Title 42, C.R.S.;
- 4 (c) A valid U.S. passport;
- 5 (d) A valid employee identification card with a photograph of the eligible  
6 elector issued by any branch, department, agency, or entity of the United  
7 States government or of this state, or by any county, municipality, board,  
8 authority, or other political subdivision of this state;
- 9 (e) A valid pilot's license issued by the federal aviation administration or  
10 other authorized agency of the United States;
- 11 (f) A valid U.S. military identification card with a photograph of the eligible  
12 elector;
- 13 (g) A copy of a current utility bill, bank statement, government check,  
14 paycheck, or other government document that shows the name and address  
15 of the elector. For example:
- 16 (I) A cable bill or telephone bill,
- 17 (II) Documentation from a public institution of higher education in  
18 Colorado containing at least the name, date of birth, and legal  
19 residence address of the student elector,
- 20 (III) A paycheck from a government institution or private company; ~~or~~
- 21 (IV) A Certificate of Degree of Indian or Alaskan Native Blood; OR
- 22 (V) A VALID IDENTIFICATION CARD ISSUED BY A FEDERALLY  
23 RECOGNIZED TRIBAL GOVERNMENT CERTIFYING TRIBAL  
24 MEMBERSHIP.
- 25 (h) A valid Medicare or Medicaid card issued by the Centers for Medicare and  
26 Medicaid Services (formerly the United States Health Care Financing  
27 Administration);
- 28 (i) A certified copy of a U.S. birth certificate for the elector issued in the  
29 United States;
- 30 (j) Certified documentation of naturalization; or
- 31 (k) A valid student identification card with a photograph of the eligible elector  
32 issued by an institute of higher education in Colorado, as defined in  
33 section 23-3.1-102(5), C.R.S.

1 New Rule 30.11.3 would be adopted as follows:

2 30.11.3 FOR THE PURPOSE OF VERIFYING THAT AN ELECTOR IS A RESIDENT OF A GROUP  
3 RESIDENTIAL FACILITY IN ACCORDANCE WITH SECTION 1-1-104(19.5)(C), C.R.S.,  
4 EACH COUNTY SHALL PROVIDE WITH THE POLLBOOKS A LIST OF GROUP RESIDENTIAL  
5 FACILITIES WITHIN THE PRECINCT, OR COUNTY FOR VOTE CENTERS, INDICATING  
6 EACH FACILITY’S NAME AND ADDRESS. IF, AT THE TIME OF VOTING, AN ELECTOR  
7 DOES NOT PRESENT IDENTIFICATION, THE ELECTION JUDGE SHALL REVIEW THE LIST  
8 OF FACILITIES TO DETERMINE WHETHER THE ELECTOR RESIDES AT A FACILITY ON  
9 THE LIST.

10 (A) IF THE ELECTOR RESIDES AT A FACILITY ON THE LIST, THE ELECTOR SHALL  
11 BE ALLOWED TO VOTE A REGULAR BALLOT IN ACCORDANCE WITH SECTIONS  
12 1-1-104(19.5)(C), AND 1-7-110(1), C.R.S.

13 (B) IF THE ELECTOR’S RESIDENCE DOES NOT MATCH A FACILITY ON THE LIST,  
14 THE ELECTOR SHALL BE OFFERED A REGULAR BALLOT IF HE OR SHE  
15 PRESENTS A LETTER FROM A FACILITY WITH THE SAME ADDRESS AS LISTED  
16 IN THE POLLBOOK INDICATING THE ELECTOR IS A RESIDENT AND INCLUDING  
17 THE ELECTOR’S NAME AND DATE OF BIRTH.

18 (C) IF, HOWEVER, THE ELECTOR DOES NOT RESIDE AT A FACILITY ON THE LIST  
19 AND DOES NOT PROVIDE A LETTER AS DESCRIBED IN PARAGRAPH (B) OF THIS  
20 RULE, THE ELECTOR SHALL BE OFFERED A PROVISIONAL BALLOT IN  
21 ACCORDANCE WITH SECTIONS 1-7-110 AND ARTICLE 8.5 OF TITLE 1, C.R.S.  
22

23 Rule 40 would be amended as follows:

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

25 40.1 Purpose AND DEFINITIONS:

26 40.1.1 The Secretary of State ~~R~~—recognizes that the oversight of elections is a  
27 profession that requires thorough knowledge of complex state and federal  
28 election law and election procedures. It is recognized that state and federal law,  
29 voting equipment and election procedures ARE COMPLEX, and therefore  
30 necessitates extensive training. The purpose of the certification program is to  
31 standardize election procedures and education so that Colorado voters have a  
32 greater confidence in their election officials and the election process.

33 40.1.2 “LOCAL ELECTION OFFICIAL” FOR THE PURPOSE OF SECTION 1-1-301(1), C.R.S.,  
34 SHALL MEAN A COUNTY CLERK AND RECORDER.

35 40.1.3 “PERSONS REQUIRED TO COMPLETE CERTIFICATION” FOR THE PURPOSE OF  
36 SECTION 1-1-302, C.R.S., AND THIS RULE SHALL MEAN:

37 (A) THE COUNTY CLERK AND RECORDER; AND



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

6 40.2 Advisory Board created

7 40.2.1 The Secretary of State shall create an advisory board to oversee the certification  
8 program and curriculum. The advisory board shall meet at least twice each  
9 calendar year to approve the curriculum and make necessary changes. The  
10 advisory board shall also review evaluations and recommend changes to the  
11 certification program.

12 40.2.2 The advisory board shall review individual applications for certification and  
13 shall approve applications that are accurate and complete. The advisory board  
14 shall have the authority to take into account special circumstances in reviewing  
15 and approving applications.

16 40.2.3 The advisory board shall include the following members appointed by the  
17 Secretary of State:

18 (a) Four county clerks or designated staff members

19 (b) Two Secretary of State Office representatives

20 (c) Any individual(s) whom the Secretary of State believes could make a  
21 valuable contribution to the Board.

22 40.2.4 Board members shall be appointed by the Secretary of State to serve a two-year  
23 term. Board members may be terminated without cause. Failure to attend  
24 meetings or meaningfully contribute may result in termination.

25 40.3 Core Curriculum

26 40.3.1 The certification program shall include core requirements. All training outlined  
27 herein shall be provided under the direction of the Secretary of State. Persons  
28 applying for certification shall complete at least eight core classes. The core  
29 classes shall generally include but are not limited to:

30 (a) ~~The basic conduct of elections~~ NAVIGATING ELECTION LAWS AND  
31 PROCEDURES

32 (b) Testing and maintenance of voting equipment

33 (c) Canvass procedures

34 (d) Mail-in voting

- 1 (e) Pollworker training and recruiting
- 2 (f) ~~SCORE training~~ OVERSEAS AND MILITARY VOTING
- 3 (g) ~~Ethics~~ MAIL BALLOT ELECTIONS
- 4 (h) Accessibility for people with disabilities
- 5 (i) Provisional ~~V~~-voting
- 6 (j) ISSUES IN VOTER REGISTRATION

7 40.3.2 The classes may be offered as a whole or in sections.

8 40.4 Elective Curriculum

9 40.4.1 The certification program shall include electives as part of the certification  
 10 program. All training outlined herein shall be provided under the direction of the  
 11 Secretary of State. Persons applying for certification shall select and complete at  
 12 least six (6) elective courses. The elective courses shall generally include but are  
 13 not limited to:

- 14 (a) Voter ~~O~~-outreach
- 15 (b) Media ~~R~~-relations AND CORA
- 16 (c) Elections refresher course
- 17 (d) Petitions
- 18 (e) ~~Overseas and military voters~~ ETHICS
- 19 (f) ~~Campaign finance~~ RECALL ELECTIONS
- 20 (g) Security planning
- 21 (h) ~~Issues in voter registration~~ SCORE FUNCTIONAL TRAINING
- 22 (i) Polling place set up/management
- 23 (j) Vote Center training
- 24 (k) ~~Mail ballot training~~
- 25 (k~~l~~) Budgeting
- 26 (L~~m~~) Recounts and election contests
- 27 (M~~n~~) Other timely, relevant topics as determined by the Secretary of State

- 1           40.4.2   THE CLASSES MAY BE OFFERED AS A WHOLE OR IN SECTIONS
- 2   40.5   CREDIT FOR TRAINING OFFERED BY THE SECRETARY OF STATE.
- 3           40.5.1   INDIVIDUALS APPLYING FOR CERTIFICATION SHALL HAVE RECEIVED AT LEAST
- 4                   EIGHT (8) UNIQUE CORE CREDITS AND SIX (6) UNIQUE ELECTIVE CREDITS.
- 5           40.5.1   The advisory board may reject applications for certification if any of the eight
- 6                   (8) core and six (6) elective credit requirements have been achieved through a
- 7                   duplication of course credits.
- 8           40.5.3   ONE CREDIT SHALL BE AWARDED AFTER SUCCESSFUL COMPLETION OF ANY
- 9                   COURSE SCHEDULED FOR TWO HOURS OR LESS. TWO CREDITS SHALL BE
- 10                  AWARDED FOR SUCCESSFUL COMPLETION OF ANY COURSE SCHEDULED FOR MORE
- 11                  THAN TWO HOURS. HOWEVER, ONLY ONE ELECTIVE CREDIT SHALL BE AWARDED
- 12                  FOR EACH EIGHT HOURS OF SCORE FUNCTIONAL TRAINING.
- 13          40.5.4   TRAINING ASSESSMENT
- 14                   (A) TO RECEIVE CERTIFICATION CREDIT FOR ANY COURSE PRESENTED BY THE
- 15                   SECRETARY OF STATE IN ACCORDANCE WITH THIS RULE, PARTICIPANTS SHALL
- 16                   SUCCESSFULLY COMPLETE A TRAINING ASSESSMENT WITH A MINIMUM SCORE
- 17                   OF EIGHTY-FIVE PERCENT (85%).
- 18                   (B) PARTICIPANTS FAILING TO ACHIEVE A SCORE OF AT LEAST EIGHTY-FIVE
- 19                   PERCENT (85%) MAY RETAKE THE ASSESSMENT.
- 20                   (C) ASSESSMENTS MAY BE ADMINISTERED BY THE SECRETARY OF STATE DURING
- 21                   OR AFTER PRESENTATION OF THE COURSE, EITHER BY A PAPER ASSESSMENT OR
- 22                   BY UTILIZING ELECTRONIC ASSESSMENT SOFTWARE.
- 23   40.6   Credit for ~~Other Trainings~~-TRAINING OFFERED BY OTHER AGENCIES OR ORGANIZATIONS
- 24           40.6.1   Persons may apply to the advisory board to request credit towards Colorado
- 25                   certification for training provided by other agencies or organizations.
- 26           40.6.2   The Board ~~may~~ SHALL grant core or elective hours ~~for such trainings~~ IF SUCH
- 27                   TRAININGS ARE ELECTIONS RELATED AND PROVIDE AN APPROPRIATE LEVEL OF
- 28                   SPECIFICITY AND APPLICABILITY TO SIMILAR COURSES PROVIDED BY THE
- 29                   SECRETARY OF STATE.
- 30           40.6.3   THE BOARD MAY REVIEW AGENDAS, MATERIALS, AND OTHER DOCUMENTATION
- 31                   FOR TRAINING NOT PROVIDED BY THE SECRETARY OF STATE PRIOR TO GRANTING
- 32                   CORE OR ELECTIVE CREDIT.
- 33           40.6.4   FOR INITIAL CERTIFICATION, THE BOARD MAY GRANT UP TO ONE CORE AND TWO
- 34                   ELECTIVE CREDITS TO ANY PARTICIPANT FOR TRAINING PROVIDED BY OTHER
- 35                   AGENCIES OR ORGANIZATIONS.

1 40.6.5 SUCCESSFUL COMPLETION OF AN ASSESSMENT SHALL NOT BE REQUIRED FOR  
2 TRAINING PROVIDED BY OTHER AGENCIES OR ORGANIZATIONS.

3 40.7 Continuing Elections Education (CEE)-

4 40.7.1 In order to maintain certification, a person shall attend and complete at least two  
5 electives or one core class every calendar year.

6 40.7.2 CREDIT RECEIVED FOR DUPLICATE CLASSES WITHIN THE SAME CALENDAR YEAR  
7 MAY BE APPLIED ONLY ONCE TOWARD MAINTAINING CERTIFICATION.

8 40.7.3 AFTER A PERSON HAS COMPLETED THE REQUIREMENTS FOR MAINTAINING  
9 CERTIFICATION, HE OR SHE SHALL SUBMIT AN APPLICATION FOR CONTINUING  
10 CERTIFICATION TO THE SECRETARY OF STATE'S OFFICE ON THE FORM APPROVED  
11 BY THE SECRETARY OF STATE.

12 40.8 Completing Colorado certification

13 40.8.1 After a person has completed the requirements for certification, the person shall  
14 submit an application for Colorado certification to the Secretary of State's office  
15 ON THE FORM APPROVED BY THE SECRETARY OF STATE.

16 40.8.2 ~~The Secretary of State shall create an application form to be used by applicants  
17 for certification following completion of coursework. The applicants shall  
18 provide the following information:~~

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

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

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

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

24 ~~40.8.2.1 The form shall also include a section for Secretary of State office use only.~~  
25 ~~REPEALED.~~

26 40.8.3 The Secretary of State shall review the application with reference to the Secretary  
27 of State records. If the application is complete and accurate, the Secretary of  
28 State shall forward it to the advisory board for its review and approval. Upon  
29 approval by the advisory board, the Secretary of State shall issue a certificate that  
30 the person is a Certified Colorado Election Official.

31 40.8.4 The Secretary of State shall track attendance at all classes and keep records of  
32 attendance, continuing elections education, and records of those persons who are  
33 certified and persons who are in the certification process.

1 40.9 De-certification

2 40.9.1 ~~The Secretary of State has the authority to de-certify any person who does not~~  
3 ~~fulfill the continuing elections education requirements. REPEALED~~

4 40.9.2 If a certified election official fails to satisfy continuing elections education  
5 requirements in one (1) calendar year, then the election official shall have a  
6 maximum of twelve (12) months to complete continuing education requirements  
7 for the previous calendar year and the current calendar year.

8 40.9.3 Failure to satisfy continuing education requirements for two (2) consecutive years  
9 shall result in de-certification.

10 40.10 Credit for Teaching Classes

11 40.10.1 A person who teaches a class and/or persons who substantially assist with  
12 preparation for the class as part of the certification ~~shall~~ MAY receive the  
13 equivalent of two core credits, or three elective credits.

14 40.10.2 The participant shall submit a written request to the secretary of state's  
15 office requesting ~~credit~~ for either two core credits or three elective credits.

16 40.10.3 The SECRETARY OF STATE SHALL FORWARD THE APPLICATION TO THE ~~The~~  
17 advisory board, WHICH shall determine ~~which persons are eligible for these~~  
18 WHETHER THE APPLICANT IS ELIGIBLE TO RECEIVE THE REQUESTED credits.

19 40.11 ~~Future regional and w~~ Web-based training

20 40.11.1 ~~It is the intent of this rule that the Secretary of State and the advisory board~~  
21 ~~develop regional trainings to make certification and training more accessible. It is~~  
22 ~~the intent that the Secretary of State explore virtual and web-based training for~~  
23 ~~use as part of the certification and education process. THE SECRETARY OF STATE~~  
24 MAY UTILIZE WEB-BASED TECHNOLOGY TO MAKE CERTIFICATION AND TRAINING  
25 MORE ACCESSIBLE. VIRTUAL AND WEB-BASED TRAINING MAY BE PROVIDED FOR  
26 ANY COURSE THE SECRETARY DEEMS APPROPRIATE.

27 40.11.2 WEB-BASED TRAINING MAY BE CONDUCTED LIVE OR BY REVIEWING  
28 MATERIAL PREVIOUSLY PRESENTED BY THE SECRETARY OF STATE. IN EITHER CASE,  
29 PARTICIPANTS MUST ACHIEVE A SATISFACTORY SCORE ON ASSESSMENTS PRIOR TO  
30 RECEIVING CREDIT FOR THE COURSE.

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

32 44.1 Statement of Intent

33 44.1.1 In accordance with section 1-2-701, C.R.S., *et seq.*, the organizer of a Voter  
34 Registration Drive ("VRD") shall file a Statement of Intent with the Secretary  
35 of State to conduct a voter registration drive on a form prescribed by the

1 Secretary of State. The Statement of Intent shall include the following  
2 information:

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

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

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

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

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

14 (E) A signature line requiring the organizer's signature.

15 44.1.2 Any amendments to the Statement of Intent shall be filed in writing with the  
16 Secretary of State NO LATER THAN THREE BUSINESS DAYS AFTER THE CHANGE(S)  
17 OCCURRED. Amendments may be made by fax, email, mail or in person.

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

21 44.1.3 The Secretary of State shall immediately attempt to verify the information  
22 provided in the Statement of Intent prior to issuing a number to the VRD  
23 organizer. The Secretary of State may deny a number to the voter registration  
24 drive organizer if the information provided on the Statement of Intent cannot be  
25 verified.

26 44.1.4 The last day for a VRD to file a Statement of Intent with the Secretary of State  
27 shall be thirty (30) days before the general election in a given calendar year.

## 28 44.2 Training

29 44.2.1 IN ORDER TO BE ISSUED A VRD NUMBER, ~~The~~ THE organizer of the VRD shall ;  
30 ~~before commencing the distribution or circulation of voter registration~~  
31 ~~applications,~~ SUCCESSFULLY complete a THE ONLINE training AND TEST provided  
32 by the Secretary of State, AND SUBMIT A STATEMENT OF INTENT ALONG WITH A  
33 TRAINING ACKNOWLEDGMENT FORM TO THE SECRETARY OF STATE.

34 44.2.2 In addition to training for the organizer, the Secretary of State shall make  
35 available information for the organizer to train individual circulators. Organizers

1 shall provide training to all circulators. Organizers shall obtain and maintain on  
2 file signed attestations from each circulator that he or she will adhere to all the  
3 requirements of the Secretary of State election rules and the Colorado Revised  
4 Statutes pertaining to elections, and that they are aware of the penalties associated  
5 with the mishandling of voter registration application forms. The organizers shall  
6 furnish the circulator attestations to the secretary of state upon request.

7 44.2.3 The mandatory training provided by the Secretary of State shall include, but not  
8 be limited to:

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

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

13 (c) Information on how to ensure that a VRD ~~Form~~-APPLICATION is filled out  
14 completely; including which fields are optional and which are required,  
15 and how to fill out the ~~receipt~~-CIRCULATOR portion of the ~~Form~~  
16 APPLICATION;

17 (d) Notice of statutory deadlines relating to Voter Registration Applications  
18 ~~Forms~~ and ~~voter registration drives~~-VRDs;

19 (e) The requirements for when and where the Voter Registration Applications  
20 ~~Forms~~-must be turned in;

21 (f) Penalties for violating statutory prohibitions including fraud, intimidation,  
22 mishandling ~~forms~~-APPLICATIONS, failing to turn in ~~forms~~-APPLICATIONS  
23 and other penalties relevant to ~~voter registration drives~~-VRDs;

24 (g) The handling and treatment of confidential information on the Voter  
25 Registration Applications ~~Forms~~; and

26 (h) Notice that circulators shall not be paid per ~~v~~Voter ~~r~~Registration  
27 ~~a~~Application, but if compensated, shall be paid by the hour or day.

28 44.2.4 THE TRAINING SHALL BE PROVIDED ONLINE. IF A VRD ORGANIZER PREFERS, HE OR  
29 SHE MAY SCHEDULE A TIME TO VIEW THE TRAINING AT THE OFFICE OF THE  
30 SECRETARY OF STATE.

31 44.2.5 AFTER COMPLETING THE TRAINING, THE VRD ORGANIZER MUST COMPLETE THE  
32 TRAINING TEST AND ANSWER THE QUESTIONS ONE HUNDRED PERCENT (100%)  
33 CORRECTLY BEFORE A VRD NUMBER WILL BE ISSUED.

34 ~~44.2.4~~ 44.2.6 After completing the training AND TEST, the VRD organizer shall sign ~~an~~ A  
35 TRAINING Acknowledgement CONFIRMING that the training AND TEST ~~has~~-have

1           been completed and that he or she has been duly informed of rules, laws and  
2           penalties relating to voter registration drives.

3           44.2.7 A VOTER REGISTRATION DRIVE ORGANIZER MUST COMPLETE THE TRAINING AND  
4           TEST EVERY CALENDAR YEAR IN WHICH HE OR SHE INTENDS TO CONDUCT A VRD.

5   44.3   Number Assigned:-

6           44.3.1 After ~~the organizer completes~~ SUCCESSFUL COMPLETION OF the required training  
7           AND TEST, AND SUBMISSION OF THE REQUIRED FORMS, the Secretary of State shall  
8           assign a unique number to the VRD ~~that meets the requirements of section 1-2-~~  
9           701, C.R.S., and this Rule. After issuing a unique number to the ~~voter registration~~  
10          ~~drive~~-VRD, the Secretary of State shall:

11           (a)    Advise the VRD organizer of ~~the~~-THEIR unique number;

12           (b)    Notify the county clerks within 24 hours ~~of~~-AFTER each ~~registered voter~~  
13           ~~registration drive~~-VRD NUMBER HAS BEEN ISSUED ~~registered with~~ BY the  
14           Secretary of State; and

15           (c)    Post the AGENT AND THE ~~organization's~~ name OF THE GROUP CONDUCTING  
16           THE DRIVE ~~and agent~~ on the ~~SOS~~-SECRETARY OF STATE website.

17          44.3.2 ALL ASSIGNED VRD NUMBERS ARE VALID THROUGH DECEMBER 31 OF THE YEAR  
18          THAT THE NUMBER IS ASSIGNED.

19   Rule 44.5 would be repealed as follows:

20   44.5   ~~Renewal Procedures~~

21          44.5.1 ~~Prior to conducting a VRD in the next calendar year, a VRD organizer that~~  
22          ~~completed training and was assigned a unique VRD number in the prior year must~~  
23          ~~apply for renewal and receive a new VRD number.~~

24          44.5.2 ~~To receive a VRD number for the next calendar year, the VRD organizer may~~  
25          ~~complete an online renewal within sixty (60) days after expiration of the VRD~~  
26          ~~number, or attend training offered by the Secretary of State in accordance with~~  
27          ~~Rule 44.2.~~

28          44.5.3 ~~For online renewal, the VRD organizer shall complete the renewal exercise~~  
29          ~~provided on the Secretary of State website. The VRD organizer shall then submit~~  
30          ~~to the Secretary of State a completed statement of intent in accordance with~~  
31          ~~section 1-2-701, C.R.S., and Rule 44.1.~~

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



1           ~~b. — A VRD organizer who does not correctly answer one hundred percent~~  
2           ~~(100%) of the renewal exercise questions shall not be issued a VRD~~  
3           ~~number for the next calendar year until he or she attends a training offered~~  
4           ~~by the Secretary of State.~~

5           ~~44.5.4 A VRD organizer that attended training in person or via conference call in the~~  
6           ~~previous year is eligible to complete the online renewal in the current year.~~  
7           REPEALED.

8   New Rule 51 would be adopted as follows:

9   **RULE 51.     USE OF APPROVED AND RECOMMENDED ELECTION FORMS**

10 51.1   WHERE THE SECRETARY OF STATE HAS ISSUED AN APPROVED ELECTION FORM, NOTICE,  
11       APPLICATION, OR CORRESPONDENCE PROVIDED FOR BY THE “UNIFORM ELECTION CODE OF  
12       1992”, ALL DESIGNATED ELECTION OFFICIALS AND REGISTRATION OFFICES SHALL USE THE  
13       APPROVED FORM.

14 51.1.1 A DESIGNATED ELECTION OFFICIAL OR REGISTRATION OFFICE THAT WISHES TO MODIFY THE  
15       CONTENT OF ANY FORM APPROVED OR RECOMMENDED BY THE SECRETARY OF STATE  
16       SHALL SUBMIT A WRITTEN REQUEST VIA EMAIL TO THE SECRETARY OF STATE’S OFFICE  
17       STATING THE REQUESTED MODIFICATION AND THE REASONS IT IS NEEDED.

18       (A)   THE SECRETARY OF STATE SHALL HAVE 5 BUSINESS DAYS IN WHICH TO  
19       APPROVE OR DENY THE MODIFICATION REQUEST. FAILURE OF THE  
20       SECRETARY OF STATE TO ISSUE A DECISION WITHIN 5 BUSINESS DAYS SHALL  
21       NOT CONSTITUTE AN APPROVAL OF THE REQUEST.

22       (B)   A NON-SUBSTANTIVE CUSTOMIZATION, SUCH AS PLACING THE FORM ON  
23       COUNTY LETTERHEAD, SHALL NOT REQUIRE APPROVAL.

24 51.2   THE SECRETARY OF STATE SHALL APPROVE STANDARD FORMS TO BE USED BY  
25       POLITICAL PARTIES AND ORGANIZATIONS THAT PROVIDE REGISTRATION OR BALLOT  
26       REQUEST FORMS TO THE PUBLIC. THE SECRETARY OF STATE WILL ENSURE THAT  
27       THE CURRENT APPROVED FORMS FOR REGISTRATION AND BALLOT REQUEST ARE  
28       PUBLICLY AVAILABLE ON ITS WEBSITE.

29 51.2.1 POLITICAL PARTIES AND ORGANIZATIONS MAY ALSO USE THE NATIONAL MAIL  
30       VOTER REGISTRATION FORM. BECAUSE THE FORMS APPROVED BY THE SECRETARY  
31       OF STATE CONTAIN ALL OF THE INFORMATION REQUIRED BY COLORADO LAW, THE  
32       APPLICANTS AND THE ORGANIZATION ARE AFFORDED GREATER PROTECTION WHEN  
33       THE STANDARD FORMS APPROVED BY THE SECRETARY OF STATE ARE USED.

34 51.2.2 ALL POLITICAL PARTIES AND ORGANIZATIONS THAT CONDUCT A MASS MAILING OF  
35       EITHER REGISTRATION OR BALLOT REQUEST FORMS TO THE PUBLIC SHALL IDENTIFY  
36       THE PARTY OR ORGANIZATION CONDUCTING THE MAILING BY PRINTING THE  
37       ORGANIZATION NAME AND CONTACT INFORMATION ON THE FORM.

1 51.2.3 ANY POLITICAL PARTY OR ORGANIZATION MAY CONTACT THE SECRETARY OF  
2 STATE PRIOR TO SENDING A MAILING TO REQUEST A REVIEW OF THE FORM AND  
3 INFORMATION TO BE MAILED.

4 51.2.4 IN ACCORDANCE WITH SECTION 1-1-107(2)(D), C.R.S., THE SECRETARY OF STATE  
5 MAY SEEK INJUNCTIVE ACTION OR OTHER PENALTIES AS A REMEDY TO VIOLATIONS  
6 OF THIS RULE.