



NOTICE OF PROPOSED RULEMAKING

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

June 30, 2011

In accordance with the requirements of section 24-4-103(3)(a), C.R.S., notice of proposed rulemaking is hereby given by the Secretary of State. A rulemaking hearing will be held on **August 2nd, 2011 from 2:00pm to 5:00pm** in the Blue Spruce Conference Room on the second floor of the Office of the Secretary of State at 1700 Broadway, Denver, Colorado 80290. All interested persons will be afforded an opportunity to be heard on the subject of revisions and amendments to the "Election Rules" of the Colorado Secretary of State, 8 C.C.R. 1505-1.

Subject of the Proposed Rulemaking

This proposed rulemaking concerns amendments and revisions to the Colorado Secretary of State Election Rules that may be necessary or appropriate to improve the administration of elections in Colorado. The revisions and amendments to be considered include rules concerning processing of voter registration applications, voter correspondence, assigning ballot order for measures submitted by jurisdictions crossing county lines, mail ballot elections, recount procedures for races involving write-in candidates, initiative petition entity licensing procedures, initiative petition circulator residence, provisional ballot acceptance codes, implementation of HB11-1219 regarding military and overseas voters, unsigned mail/mail-in ballot affidavits, emergency mail-in ballots, and technical corrections and clarifications. Additionally, the Secretary of State shall consider rules necessary to implement amendments to the election laws made during the 2011 first regular session of the 68th General Assembly and such other rule amendments as may be necessary to answer questions arising under Title 1 of the Colorado Revised Statutes.

Authority for Proposed Rulemaking

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

1. Section 1-1-107(2)(a), C.R.S., (2010), which authorizes the Secretary of State "[t]o promulgate, publish and distribute...such rules as the secretary finds necessary for the proper administration and enforcement of the election laws."
2. Section 1-1.5-104(1)(e), C.R.S., (2010), which authorizes the Secretary of State to "[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds

necessary for proper administration and implementation of [the "Help America Vote Act of 2002", 42 U.S.C. 15301-15545]."

Paper or editable electronic copies of the initial draft of the proposed rules may be obtained from the office of the Secretary of State at 1700 Broadway, Suite 200, Denver, Colorado, 80290, or by calling (303) 894-2200, extension 6329. The proposed rules are also posted on the Secretary of State website at www.sos.state.co.us.

If any revisions are made to the draft, a final copy of the proposed rules for consideration at the public rulemaking hearing will be posted on the Secretary of State website and made available to the public no later than July 28th, 2011 in accordance with section 24-4-103(4)(a), C.R.S., which states that "[a]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

The rulemaking hearing on August 2nd, 2011 will be held in accordance with section 24-4-103, C.R.S. Written and oral data, comments, and arguments will be received from all interested parties. Please file written submissions at or before the commencement of the hearing on August 2nd at 2:00pm, or by the end of the written comment period announced at the conclusion of the hearing to ensure full consideration. Oral testimony may be limited in order to allow the proceedings to go forward with reasonable promptness and efficiency. The hearing will be audio recorded and broadcast over the Internet. The broadcast may be accessed through the Secretary of State website at www.sos.state.co.us on the "Information Center" page under "Broadcast and Recorded Meetings." For additional information, please contact Andrea Gyger, Elections Division at andrea.gyger@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 30th Day of June, 2011.



William A. Hobbs
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State



PROPOSED STATEMENT OF BASIS, PURPOSE, AND SPECIFIC STATUTORY AUTHORITY

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

June 30, 2011

I. Basis and Purpose

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

The proposed amendments to these rules are necessary for the implementation of Article VII of the Colorado Constitution and Title 1 of the Colorado Revised Statutes. Such proposed revisions are necessary to improve the administration of elections in Colorado, to increase the transparency and security of the election process, and to answer questions arising under Title 1 of the Colorado Revised Statutes.

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

- The amendments to Rule 2.11 would clarify the treatment of a signature stamp by an elector with a disability.
- The amendments to Rule 2.12 would implement changes to Part 2 of Article 21 of Title 24, C.R.S., by HB 11-1080. Specifically, HB 11-1080 reallocated the Colorado Address Confidentiality Program (ACP) from the Secretary of State to the Department of Personnel. The amendments to the rule are necessary to indicate the transfer in statutory authority.
- The amendments to Rule 2.18 would allow counties to mark a record inactive – returned mail based upon a forwarding notice from USPS. Although counties receive these currently as a result of the USPS-required forwarding endorsement, they are charged

\$0.50 for each card and cannot use the card to update the elector's record in any way. This change would allow the county to generate a forwardable confirmation card and would stop mailings to an address that the USPS has indicated is no longer deliverable for that elector.

- The changes to Rule 6.2 would clarify the process for assigning ballot order to measures for political subdivisions that cross county lines. The rule was written prior to full SCORE implementation and contains processes that are not workable in SCORE. However, the rule is still necessary to designate a “controlling county” for the purposes of coordinating the assignment of the ballot number/letter. The change in how the controlling county is designated is based upon feedback from counties that they have historically done this according to where the administrative office is located rather than where the largest number of electors reside.
- The revisions to Rule 12.1.1 would streamline and clarify the requirements for a mail ballot secrecy sleeve and voter instructions. In particular, the amendment would accommodate the newer version of the approved form that includes a version specifically for ID required electors and a difference version for non-ID required electors.
- Rule 12.4.1(b)(1) would be repealed because an amendment to section 1-7.5-105, C.R.S, harmonized the deadline for special district plans with the deadline for plans for coordinated and other non-partisan elections. Because this 55-day deadline falls after the date that a special district may cancel the election, there is no longer a need for a filing extension for this reason.
- The revisions to Rule 12.5.5 would clarify the purpose of the notice required on the outgoing ballot envelope and instructions regarding other elections that may be held on the same day. Section 1-7-116(1), C.R.S., requires any jurisdiction conducting an election on the same day in November to either coordinate with the county or conduct a mail ballot election. The rule as originally written was somewhat misleading with respect to whether other polling place elections might be held on the same day.
- The amendments to Rule 12.11 would outline the procedures and requirements for a request for a ballot by an inactive voter in a coordinated or other non-partisan mail ballot election.
- The changes to Rule 12.12.2 would clarify that an elector who “surrenders” a mail ballot to vote on the DRE in a mail ballot election does not need to physically surrender the ballot, but that it will be voided before the DRE ballot is issued. This change reflects current policy and process and would harmonize the rule with the corresponding rule regarding mail-in ballots.
- The amendment to the header of Rule 14.5 clarifies the applicability of the rule, which addresses the procedure for recounting ballots where the initial count was done by hand.
- The amendments to Rule 15.1 would clarify the petition entity registration process.

- The amendments to Rule 15.3.2 would clarify the definition of permanent “residence” or “domicile”. This clarification is necessary to address questions raised following the adoption of the rule which references “residence” and HB11-1072, which references “domicile”. Specifically, the rule clarifies that both terms have the same meaning as permanent residence as defined in section 1-2-102(1)(a)(I), C.R.S.
- The revisions to Rule 25 would implement the changes enacted by HB11-1219, which created a new article containing all statutes relating to registration and voting by military and overseas electors. Additionally, the bill extended email transmission and late ballot return to all military and overseas electors, eliminated the special write-in ballot and expanded use of the federal write-in ballot, and eliminated federal precincts.
- The revisions to Rule 26.5.3 are necessary to clarify that the provisional ballot acceptance code ACP applies to any move within the state, including moves within the same county.
- The revisions to Rule 27 would clarify recount procedures for write-in races. Specifically, these amendments would eliminate a conflict between the initial count and recount regarding how write-in races are reviewed. In either count, the ballot would only be reviewed if the appropriate target area was marked.
- The amendments to Rule 29.1.2 would provide for military and overseas electors and other absent electors the opportunity to cure an unsigned ballot by fax or email since these electors cannot appear in the county clerk’s office to sign the ballot envelope in person.
- The revisions to Rule 42.11 would clarify the procedures for an administrative emergency ballot under section 1-8-115(2), C.R.S.

II. Rulemaking Authority

Amendments to the Colorado Secretary of State Election Rules are adopted in accordance with the following statutory and constitutional provisions:

1. Section 1-1-107(2)(a), C.R.S., (2010), which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary finds necessary for the proper administration and enforcement of the election laws.”
2. Section 1-1.5-104(1)(e), C.R.S., (2010), which authorizes the Secretary of State to “[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the “Help America Vote Act of 2002”, 42 U.S.C. 15301-15545].”

COLORADO SECRETARY OF STATE

[8 CCR 1505-1]

ELECTION RULES

Preliminary Draft of Proposed Rules

June 30, 2011

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

*If revisions to this draft are made prior to the rulemaking hearing, a revised copy of the proposed rule changes will be available to the public no later than **July 28, 2011**, and a copy will be posted on the Department of State's web site, in compliance with the requirement of section 24-4-103(4)(a), C.R.S., that "[a]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."*

Proposed additions to the current rules are reflected in SMALL CAPS. Proposed deletions from current rules are shown in ~~stricken type~~. Annotations may be included.

1 Rule 2.11 would be amended as follows:

2 2.11 For the purposes of section 1-2-605(4)(a), C.R.S., an update to a voter's registration information
3 to change the voter's status from inactive to active must be provided to the county clerk and
4 recorder by any of the following ways:

5 a. A signed written request, delivered in person or by U.S. mail, fax, or PDF attachment to
6 an email; or

7 b. Oral request in person when voter presents identification.

8 2.11.1 In the case of the applicant's inability to sign, the elector's mark shall be witnessed by
9 another person. A STAMPED SIGNATURE SHALL BE TREATED AS A SIGNATURE AND NOT A
10 MARK AND DOES NOT REQUIRE A WITNESS.

11 Rule 2.12 would be amended as follows:

12 2.12 Registration of Address Confidentiality Program (ACP) Electors

13 2.12.1 When an ACP participant registers to vote by mail, the elector shall provide identification
14 pursuant to Rule 30.3 and a copy of his/her ACP Authorization Card.

- 1 2.12.2 ACP participants shall be registered to vote as permanent mail-in ballot voters. Nothing
2 in this rule shall preclude a participant from surrendering his/her mail-in ballot in the
3 same manner as other permanent mail-in ballot voters.
- 4 2.12.3 Pursuant to section ~~24-21-208(3)(a)~~ 24-30-2108(3)(A), C.R.S., the designated election
5 official shall:
- 6 2.12.3.1 Use the actual address of a program participant for precinct designation and
7 shall keep the participant's address, county, and voting precinct and split
8 number confidential from the public.
- 9 2.12.3.2 Use the substitute address, as defined in section ~~24-21-203 (13)~~ 24-30-
10 2103(14), C.R.S., for all correspondence and mailings placed in the United
11 States mail.
- 12 2.12.4 A state or local government agency's access to an ACP participant's voter registration
13 shall be governed by the disclosure process set forth in section ~~24-21-210~~ 24-30-2110,
14 C.R.S.
- 15 2.12.5 Except as specifically provided by ~~Part 2, Article 21 of Title 24~~ ARTICLE 30 OF TITLE 24,
16 C.R.S., a program participant's actual address and telephone number maintained by a
17 state or local government agency is not a public record that is subject to inspection
18 pursuant to the provisions of ~~part 2 of article 72 of title 24~~ PART 2 OF ARTICLE 72 OF
19 TITLE 24, C.R.S. (known as "CORA").

20 Rule 2.18.1 would be amended as follows:

- 21 2.18.1 When a voter information card or confirmation card is returned AS UNDELIVERABLE, OR A
22 POSTCARD NOTICE OF MAIL FORWARDING IS PROVIDED by the United States Postal
23 Service to the county clerk and recorder ~~as undeliverable~~, the county clerk and recorder
24 shall mark the voter's record "Inactive – returned mail" and in the case of a returned
25 voter information card OR NOTICE OF FORWARDED MAIL, shall mail a confirmation card.

26 Rule 6.2 would be amended as follows:

27 6.2 Procedures for Coordinated Elections Involving Jurisdictions Shared by Multiple Counties

- 28 6.2.1 ~~Upon implementation of the statewide voter registration database,~~ FOR EACH
29 JURISDICTION THAT IS SHARED BY MULTIPLE COUNTIES, A controlling ~~counties~~ COUNTY
30 shall be designated for the purpose of assigning AND COORDINATING THE BALLOT
31 LETTER/NUMBER ~~and setting up~~ FOR THE shared races, issues, and questions in
32 coordinated elections.

- 33 6.2.2 The controlling county shall be the county where the ~~largest number of active registered~~
34 ~~electors within the jurisdiction reside~~ ADMINISTRATIVE OFFICE OF THE POLITICAL
35 SUBDIVISION IS MAINTAINED at the time that the controlling county is designated.

- 36 (A) IF THE ADMINISTRATIVE OFFICE IS NOT MAINTAINED WITHIN THE BOUNDARIES
37 OF THE POLITICAL SUBDIVISION, THE CONTROLLING COUNTY SHALL BE THE
38 COUNTY WHERE THE LARGEST NUMBER OF ACTIVE REGISTERED ELECTORS

1 WITHIN THE JURISDICTION RESIDE AT THE TIME THAT THE CONTROLLING COUNTY
2 IS DESIGNATED.

3 (B) Once designated, the controlling county will not change ~~regardless of any~~
4 ~~increase or decrease in the number of active registered electors~~ UNLESS
5 APPROVED BY THE SECRETARY OF STATE UPON REQUEST OF ANY OF THE
6 AFFECTED COUNTIES.

7 6.2.3 ~~The Secretary of State shall maintain and make available to county clerks on its website~~
8 ~~the list of controlling counties for each shared jurisdiction within the state.~~ REPEALED.

9 6.2.4 The controlling county shall ~~set up all certified races, issues, and questions in the~~
10 ~~statewide voter registration database, and make the information available to all counties~~
11 ~~sharing jurisdiction~~ COORDINATE WITH EACH COUNTY THAT SHARES THE JURISDICTION
12 TO ASSIGN THE BALLOT NUMBER/LETTER IN ACCORDANCE WITH RULE 6.5 no later than
13 the date of ballot certification. ALL COUNTIES WITHIN THE SHARED JURISDICTION SHALL
14 ENSURE THAT THE SHARED RACES, ISSUES, AND QUESTIONS ARE PRINTED ON THE BALLOT
15 AS CERTIFIED BY THE SECRETARY OF STATE OR DESIGNATED ELECTION OFFICIAL, AND IN
16 THE ORDER ASSIGNED BY THE CONTROLLING COUNTY

17 a. ~~— The controlling county shall use only standard abbreviations approved by the~~
18 ~~Secretary of State in setting up the races, issues and questions for the shared~~
19 ~~jurisdiction.~~

20 b. ~~— After the controlling county has set up the shared races, issues and questions, no~~
21 ~~changes shall be made to the ballot order or to the numbers assigned without the~~
22 ~~approval of the Secretary of State.~~

23 c. ~~— All counties within the shared jurisdiction shall ensure that the races, issues and~~
24 ~~questions are printed on the ballot as certified by the Secretary of State or~~
25 ~~designated election official.~~

26 6.2.5 If any controlling county fails to fulfill its responsibilities in accordance with this Rule,
27 any of the other counties in the shared jurisdiction may make a written request to the
28 Secretary of State to temporarily assume the duties of the controlling county. The
29 Secretary of State shall have the authority to act on behalf of the controlling county or to
30 temporarily designate another county to act as the controlling county in order to assure
31 implementation of this Rule.

32 Rule 12.1.1 would be amended as follows:

33 12.1.1 A secrecy sleeve or secrecy envelope shall be sealed or closed on at least two sides, one
34 of which shall be the bottom of the sleeve.

35 ~~12.1.1.1 The secrecy sleeve or secrecy envelope shall be uniform within each type of~~
36 ~~mail in ballot or mail ballot voting system used in the State of Colorado. Each~~
37 ~~secrecy sleeve, secrecy envelope, or voter instructions used in the State of~~
38 ~~Colorado in any mail ballot or mail in ballot election shall inform the voter that~~
39 ~~additional postage may be required to return a voted ballot and contain the~~
40 ~~following required language, approved by the Secretary of State, regarding~~
41 ~~identification requirements of voters who have registered by mail:~~

1 (A) IN ACCORDANCE WITH RULE 51, THE DESIGNATED ELECTION OFFICIAL SHALL
2 USE A CURRENT APPROVED VERSION OF THE SECRECY SLEEVE WITH VOTER
3 INSTRUCTIONS OR VOTER INSTRUCTIONS FORM.

4 (B) THE APPROVED FORM WILL AT A MINIMUM INCLUDE:

5 I. INSTRUCTIONS TO RETURN A COPY OF IDENTIFICATION WITH THE
6 BALLOT FOR FIRST TIME ELECTORS WHO ARE REQUIRED TO PROVIDE
7 IDENTIFICATION IN ACCORDANCE WITH SECTION 1-2-501, C.R.S.;

8 II. INFORMATION REGARDING THE AVAILABILITY OF ACCESSIBLE VOTING
9 SYSTEMS IN ELECTIONS COORDINATED BY THE COUNTY CLERK AND
10 RECORDER; AND

11 III. INFORMATION REGARDING HOW TO VOTE AND RETURN THE BALLOT OR
12 OBTAIN A REPLACEMENT.

13 (a) ~~“First Time Voters Who Register By Mail”~~

14 ~~“If you registered in your county by mail, and did not submit proof of~~
15 ~~identification in accordance with section 1-2-501, C.R.S., a copy of one~~
16 ~~of the forms of identification listed in Rule 30.1.6 is required with your~~
17 ~~mail ballot or your mail-in ballot.”~~

18 (b) ~~Repealed.~~

19 ~~12.1.1.2 The secrecy sleeve, secrecy envelope, or voter instructions shall:~~

20 (a) ~~Inform the voter that accessible voting systems are available for use; and~~

21 (b) ~~Instruct the voter to contact the county clerk and recorder for any other~~
22 ~~relevant information such as the date, time, and location such machines~~
23 ~~are available.~~

24 Rule 12.4.1(b)(1) would be repealed as follows:

25 (b) Deadlines and exceptions.

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

30 (i) ~~A request for such extension shall be submitted to the Secretary of~~
31 ~~State no later than two business days prior to the deadline for~~
32 ~~submitting the mail ballot plan.~~

33 (ii) ~~The request shall contain a brief statement of the reasons for such~~
34 ~~request.~~

35 (iii) ~~The Secretary of State shall notify the special district of the~~
36 ~~approval/disapproval of the request within one business day.~~

1 REPEALED.

2 Rule 12.5.5 would be amended as follows:

3 12.5.5 IN ACCORDANCE WITH SECTION 1-7-116(1), C.R.S., ~~F~~For all e-
4 Coordinated elections ~~where more than one mail ballot is being mailed or polling place elections are being held~~
5 ~~as well as the mail ballot election~~, the outgoing envelope as well as the instructions or
6 other notice shall ~~have the following~~ INCLUDE A notice ADVISING ELECTORS THAT THEY
7 MAY RECEIVE A BALLOT FROM ANOTHER POLITICAL SUBDIVISION CONDUCTING A MAIL
8 BALLOT ELECTION ON THE SAME DAY. ~~∴ "This may not be your only ballot. Other~~
9 ~~elections may be held by other political subdivisions by mail or by polling place."~~

10 Rule 12.11 would be amended as follows:

11 12.11 Replacement Ballots AND BALLOT REQUEST BY AN INACTIVE ELECTOR ~~for Purpose of Mail~~
12 ~~Ballot Elections.~~

13 12.11.1 REPLACEMENT BALLOTS

14 (A) Requests for replacement ballots may be made in writing, by mail, by fax, by
15 email, or by telephone. An elector who wishes to receive the replacement ballot
16 by mail must make such request no later than the close of business on the seventh
17 day before the election. However, in accordance with section 1-7.5-107(3)(d),
18 C.R.S, an elector may request a replacement ballot in person at the county clerk
19 and recorder's office until 7:00 p.m. on election day.

20 (B)~~12.11.2~~ An elector requesting a replacement ballot shall complete a sworn
21 statement, as required by section 1-7.5-107(3)(d)(I), C.R.S., on a form provided
22 by the designated election official. If the elector requests that the replacement
23 ballot be mailed, the form may be included in the ballot packet mailed to the
24 eligible elector, and must be received on or before election day by the election
25 official.

26 (C)~~12.11.3~~ The election judge issuing a replacement ballot shall indicate on the
27 outside of the return envelope whether a sworn statement must be returned with
28 the voted ballot. No replacement ballot shall be counted until it has been
29 determined that an affidavit has been completed by the voter and has been
30 received on or before election day by the election official.

31 12.11.2 REQUEST FOR A BALLOT BY AN INACTIVE ELECTOR

32 (A) EXCEPT AS OTHERWISE PROVIDED IN SECTION 1-7.5-107(3)(A)(II), C.R.S., AN
33 INACTIVE ELECTOR MAY MAKE A REQUEST FOR A BALLOT IN A MAIL BALLOT
34 ELECTION BY SUBMITTING A WRITTEN REQUEST BY MAIL, FAX, EMAIL, OR IN
35 PERSON.

36 (B) AN INACTIVE ELECTOR MAY REQUEST A BALLOT IN PERSON UNTIL 7:00 P.M. ON
37 ELECTION DAY.

38 (C) IF THE INACTIVE ELECTOR WISHES TO RECEIVE THE BALLOT BY MAIL, THE
39 REQUEST MUST BE SUBMITTED NO LATER THAN THE CLOSE OF BUSINESS ON THE

1 SEVENTH DAY BEFORE THE ELECTION.

2 (D) IF THE ELECTOR HAS MOVED AND NOT UPDATED HIS OR HER REGISTRATION
3 RECORD AND THE MOVED OCCURRED AT LEAST 30 DAYS BEFORE THE ELECTION,
4 THE ELECTOR MAY INCLUDE AN ADDRESS CHANGE WITH THE REQUEST FOR A
5 BALLOT.

6 (E) THE REQUEST SHALL BE RECEIVED BEFORE THE BALLOT MAY BE MAILED, AND
7 INCLUDE THE ELECTOR'S NAME, DATE OF BIRTH, RESIDENCE ADDRESS, AND
8 SIGNATURE.

9 Rule 12.12.2 would be amended as follows:

10 12.12.2 THE MAIL BALLOT MUST BE VOIDED PRIOR TO ISSUING AN IN-PERSON BALLOT, AND THE
11 ~~The election judge receiving the surrendered ballot shall indicate on the outside envelope~~
12 ~~that the ballot is cancelled. The voter's record shall~~ WILL be updated to give the voter
13 credit for voting in a manner that maintains the secrecy of the ballot.

14 The heading of Rule 14.5 would be amended as follows:

15 14.5 ~~Counting~~ HAND COUNT of Paper Ballots - Recount

16 Rule 15.1 would be amended as follows:

17 15.1 ~~Registration~~, License, REGISTRATION, and filing procedures.

18
19 15.1.1 In accordance with section 1-40-135, C.R.S., any person or issue committee that intends
20 to compensate petition circulators must ~~register with, and~~ obtain a petition entity license
21 ~~from~~, AND REGISTER WITH the Secretary of State prior to compensating any circulator.

22
23 15.1.2 To ~~register and~~ apply for a license the designated agent of a petition entity must pay a fee
24 and submit a signed application including:

25
26 a. ~~— The ballot title for which a petition will be circulated by paid circulators,~~

27
28 ~~b.A.~~ The name, address, telephone number, and email address of the petition entity;

29
30 ~~e.B.~~ The name of the designated agent;

31
32 ~~d.C.~~ An affirmation that the entity will not pay any circulator more than 20% of his or
33 her compensation on a per signature or per petition basis; and

34
35 ~~e.D.~~ An affirmation that at least one representative of the entity has read and
36 understands Colorado petition laws as outlined in article 40, title 1, C.R.S., and
37 has completed the circulator training program provided by the Secretary of State.

38
39 15.1.3 TO REGISTER, THE DESIGNATED AGENT OF A PETITION ENTITY MUST SUBMIT A SIGNED
40 REGISTRATION FORM INCLUDING:

41
42 A. THE NAME, ADDRESS, TELEPHONE NUMBER, AND EMAIL ADDRESS OF THE
43 PETITION ENTITY;

44

- B. THE PETITION ENTITY LICENSE NUMBER;
- C. THE NAME OF THE DESIGNATED AGENT;
- D. A LIST OF THE INITIATIVE NUMBERS TO BE CIRCULATED; AND
- E. A COPY OF THE BALLOT TITLE OF EACH PROPOSED MEASURE FOR WHICH A PETITION WILL BE CIRCULATED.

15.1.4 A REGISTRATION FORM MUST BE SUBMITTED FOR EACH NEW INITIATIVE PETITION THAT WILL BE CIRCULATED PRIOR TO COMPENSATING ANY CIRCULATOR.

15.1.5 A PETITION ENTITY LICENSE SHALL EXPIRE IF THE PETITION ENTITY FAILS TO REGISTER AT LEAST ONE PROPOSED MEASURE FOR TWO CONSECUTIVE ELECTIONS AT WHICH A STATEWIDE BALLOT MEASURE MAY BE VOTED UPON. THE SECRETARY OF STATE SHALL NOTIFY A PETITION ENTITY THAT ITS LICENSE HAS EXPIRED WITHIN 30 DAYS FROM THE DATE OF EXPIRATION.

15.1.6 A PETITION ENTITY WHOSE LICENSE HAS EXPIRED MAY RENEW ITS LICENSE BY SUBMITTING A LICENSE APPLICATION IN ACCORDANCE WITH RULE 15.1.2. NO FEE IS REQUIRED TO SUBMIT AN APPLICATION FOR RENEWAL OF AN EXPIRED LICENSE.

~~15.1.3~~ 15.1.7 Determinations regarding the denial of an application or revocation of a license will be made, or the resolution of alleged violations involving petition entities shall be addressed, in accordance with the requirements of section 1-40-135, C.R.S.

~~15.1.4~~ 15.1.8 At the time the petition is filed, the proponents shall file with the Secretary of State a copy of the list of circulators and a copy of the list of notaries required by section 1-40-111(4), C.R.S., as well as the campaign finance disclosure report required by section 1-40-121(1), C.R.S.

Rule 15.3.2 would be amended as follows:

15.3.2 The petition circulator shall provide his or her permanent residence address AS DEFINED IN PARAGRAPH A OF THIS RULE on the circulator affidavit. In addition, if the circulator is not a resident of Colorado as described in section 1-2-102(1)(A)(I), C.R.S., AND PARAGRAPH A OF THIS RULE, the circulator shall also provide the address in Colorado where he or she is temporarily living as of the date the affidavit is signed.

- a. FOR PURPOSES OF THIS ARTICLE 40 OF TITLE 1, C.R.S., AND THIS RULE, A CIRCULATOR'S PERMANENT "RESIDENCE" OR "DOMICILE" MEANS HIS OR HER PRINCIPAL OR PRIMARY HOME OR PLACE OF ABODE IN WHICH A CIRCULATOR'S HABITATION IS FIXED AND TO WHICH THE CIRCULATOR, WHENEVER ABSENT, HAS THE PRESENT INTENTION OF RETURNING AFTER A DEPARTURE OR ABSENCE, REGARDLESS OF THE DURATION OF THE ABSENCE. A PERMANENT "RESIDENCE" OR "DOMICILE" IS A PERMANENT BUILDING OR PART OF A BUILDING AND MAY INCLUDE A HOUSE, CONDOMINIUM, APARTMENT, ROOM IN HOUSE, OR MOBILE HOME. EXCEPT AS PROVIDED IN PARAGRAPH B OF THIS RULE, NO VACANT LOT, BUSINESS ADDRESS, OR POST OFFICE BOX SHALL BE CONSIDERED A PERMANENT "RESIDENCE" OR "DOMICILE". (SECTION 1-2-102(1)(A)(I), C.R.S.)

1 B. For the purposes of petition circulator residence address, a homeless circulator
2 shall provide the address or location where he or she is living as of the date the
3 affidavit is signed. THE CIRCULATOR SHALL PROVIDE A PHYSICAL LOCATION, A
4 POST OFFICE BOX MAY NOT BE PROVIDED.

5 Rule 25 would be amended as follows:

6 **Rule 25. Rules Concerning Uniformed and Overseas Citizens' Absentee Voting Act**
7 **("UOCAVA")**

8 ~~25.1—UOCAVA Fax Ballot Rules:~~

9 ~~25.1.1—U.S. citizens who are absent from the state and who are members of the Uniformed~~
10 ~~Services as defined as the U.S. Armed Forces (Army, Navy, Marines, Air Force, and~~
11 ~~Coast Guard), Merchant Marine, and their spouses or dependants, resident overseas~~
12 ~~electors, or nonresident overseas electors who are otherwise qualified to apply for and~~
13 ~~vote by mail in ballot, ("UOCAVA citizens"), may request a mail in ballot by facsimile~~
14 ~~transmission.~~

15 ~~25.1.2—A designated election official may send and receive mail in ballot applications by~~
16 ~~facsimile transmission, send blank ballots and accept voted ballots by facsimile~~
17 ~~transmission from eligible electors who are UOCAVA citizens absent from the state and~~
18 ~~who are otherwise qualified to vote by mail in ballot.~~

19 ~~25.1.3—The office of each county clerk and recorder shall have a dedicated fax machine located~~
20 ~~in their office in order to send and receive faxed ballots to and from UOCAVA citizens in~~
21 ~~accordance with the Help America Vote Act of 2002 and this Rule 25.~~

22 ~~25.1.4—On the faxed application, the elector shall provide the fax number, including the~~
23 ~~international country code and local area, province or city code (if applicable), where the~~
24 ~~ballot shall be faxed.~~

25 ~~25.1.5—A mail in ballot that is completed and returned by the elector via facsimile transmission~~
26 ~~must contain the elector's printed name, signature, date of birth, and the following~~
27 ~~statement: "I am a member of the Uniformed Services, a member of the Merchant~~
28 ~~Marine, spouse/dependant of a Uniformed Services Member or Merchant Marine,~~
29 ~~resident overseas elector or a nonresident overseas elector and am qualified to apply for~~
30 ~~and vote by mail in ballot. I also understand that by faxing my voted ballot, I am~~
31 ~~voluntarily waiving my right to a secret ballot."~~

32 ~~25.2—Limited Electronic Mail Ballot Rules~~

33 ~~25.2.1—A uniformed services elector serving outside the United States may receive and return an~~
34 ~~application for, or a mail in ballot by electronic mail in circumstances where a mail ballot~~
35 ~~or fax ballot is not available or feasible.~~

36 ~~25.2.2—Upon receipt and verification of an application, the designated election official shall~~
37 ~~authorize the transmission of a blank ballot containing all contests and questions for~~
38 ~~which the elector is eligible to vote.~~

39 ~~(a)—The designated election official shall transmit the election materials, which shall~~

1 include a blank ballot and voter instructions (including the elector affidavit) to
2 the elector either directly by electronic mail or fax, or forward through the
3 Federal Voting Assistance Program (FVAP) Electronic Transmission Service
4 (ETS). Or,

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

9 ~~25.2.3 The electronic package transmitted to the elector either directly or via ETS shall contain:~~

10 (a) A completed electronic transmission coversheet;

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

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

15 ~~25.2.4 A ballot that is completed and returned by the elector via electronic mail must contain the~~
16 ~~elector's printed name, signature, date of birth, and the following statement: "I am a~~
17 ~~member of the Uniformed Services and am qualified to apply for and vote by mail in~~
18 ~~ballot. I also understand that by transmitting my voted ballot by electronic mail, I am~~
19 ~~voluntarily waiving my right to a secret ballot."~~

20 ~~25.2.5 To return a voted ballot and affidavit by electronic mail, the elector must have access to~~
21 ~~the technology to scan the documents, save the documents in a secure format, and return~~
22 ~~the documents as an electronic mail attachment.~~

23 ~~25.2.6 Upon receipt of the voted ballot, the designated election official shall verify the elector's~~
24 ~~signature pursuant to section 1-8-114.5, C.R.S. and Rule 29. Upon verification of the~~
25 ~~elector's signature, the ballot shall be duplicated pursuant to 1-8-103.5(2) C.R.S. and~~
26 ~~processed.~~

27 ~~25.3 Overall UOCAVA Requirements~~

28 ~~25.3.1 If the designated election official has mailed a Clarification for Voter Status~~
29 ~~Memorandum to an elector in response to receiving mail in ballot request and has not~~
30 ~~received a response to the memo at the time the mail in ballot packet is prepared, the~~
31 ~~designated election official shall mail the elector a full ballot for which the elector, as a~~
32 ~~resident, would be eligible to vote (federal, state, local offices, and questions).~~

33 ~~25.3.2 Mail in ballots sent by electronic mail or facsimile transmission shall be in text format on~~
34 ~~8 1/2" x 11" white paper to increase the readability of the ballot and to avoid possible~~
35 ~~misinterpretations of the elector's intended choice because of poor transmission of the~~
36 ~~document.~~

37 ~~25.3.3 Instructions sent by electronic mail or faxed to the elector with the blank ballot shall be in~~
38 ~~text format on 8 1/2" x 11" white paper and shall include the following information:~~

- 1 (a) ~~The dedicated fax number or email address to which the voted ballot shall be~~
2 ~~returned (if applicable);~~
- 3 (b) ~~The total number of pages transmitted;~~
- 4 (c) ~~The total number of ballot pages;~~
- 5 (d) ~~The telephone number or e mail address where the eligible elector may send~~
6 ~~questions regarding the ballot;~~
- 7 (e) ~~A notice that the ballot shall not be duplicated for any other elector;~~
- 8 (f) ~~A notice that once the ballot is returned by an elector, it will be counted pursuant~~
9 ~~to section 1-8-116(4), C.R.S.; however, if an elector requests a replacement~~
10 ~~ballot, the first ballot returned will be counted pursuant to section 1-8-111(3),~~
11 ~~C.R.S.;~~
- 12 (g) ~~A notice regarding ballot return deadlines.~~
- 13 ~~(I) All ballots must be transmitted and received by the county clerk and~~
14 ~~recorder or the Secretary of State no later than 7:00 p.m. Mountain Time~~
15 ~~on election day, unless the ballot is cast by a uniformed service member~~
16 ~~serving overseas.~~
- 17 ~~(II) All ballots cast by overseas uniformed service members must be voted and~~
18 ~~mailed or transmitted no later than 7:00 p.m. Mountain Time on election~~
19 ~~day, and received by the county clerk and recorder or the Secretary of State~~
20 ~~no later than the close of business on the eighth day after election day.~~
- 21 (h) ~~A request for an e mail address to which a confirmation notice of receipt of the~~
22 ~~ballot may be sent at the discretion of the county clerk and recorder; and~~
- 23 (i) ~~Any other information deemed necessary by the Secretary of State or the~~
24 ~~designated election official.~~
- 25 25.3.4 ~~The designated election official shall fax a blank ballot with the instructions to the fax~~
26 ~~number provided by the elector, or to ETS (if applicable). If the transmission is~~
27 ~~unsuccessful, the designated election official shall attempt to fax the ballot at least two~~
28 ~~more times.~~
- 29 25.3.5 ~~Deadlines for UOCAVA mail in ballot applications and replacement ballot requests~~
30 ~~transmitted by email, fax, or ETS.~~
- 31 (a) ~~An application for a mail in ballot must be received no later than the close of~~
32 ~~business the Friday immediately preceding the election.~~
- 33 (b) ~~A request for a replacement ballot must be received by 5:00 p.m. Mountain Time~~
34 ~~on election day. A request for such replacement ballot includes a request for an~~
35 ~~electronically transmitted ballot by a voter who has already been issued a ballot~~
36 ~~by regular mail.~~

1 ~~25.3.6 Any voted ballot by a Uniformed Services elector or an overseas elector received by the~~
2 ~~office of the Secretary of State by the deadlines specified in sections 1-8-103.5 and 1-8-~~
3 ~~113, C.R.S., shall be forwarded to the appropriate county clerk and recorder by overnight~~
4 ~~mail, fax, or courier no later than the next business day. The office of the Secretary of~~
5 ~~State shall immediately notify the appropriate county clerk and recorder of the receipt~~
6 ~~and forwarding of the ballot.~~

7 ~~25.3.6.1 If a county is notified by the Secretary of State that a mail in ballot has~~
8 ~~been received by the office of the Secretary of State, the clerk and recorder shall~~
9 ~~retain a minimum of ten (10) voted ballots, which shall be counted with the ballot~~
10 ~~received by the Secretary of State to ensure voter secrecy.~~

11 ~~25.3.7 Any ballot transmitted to an elector by electronic mail or facsimile shall contain a unique~~
12 ~~identification number for tracking and auditing purposes.~~

13 ~~25.3.8 A log shall be kept by the designated election official of each ballot transmitted to an~~
14 ~~elector by electronic mail or facsimile indicating:~~

15 ~~(a) The name of the elector;~~

16 ~~(b) The fax number to which the ballot was sent, or email address (if applicable);~~

17 ~~(c) The unique identification number of the ballot;~~

18 ~~(d) The date the ballot and instructions were transmitted; and~~

19 ~~(e) The initials of the employee of the designated election official transmitting the~~
20 ~~ballot.~~

21 ~~25.3.8.1 The electronic transmission log as well as any other electronic mail,~~
22 ~~ETS, or fax records shall be maintained as part of the official election record.~~

23 ~~25.3.9 The county clerk and recorder shall report to the Secretary of State's office no later than~~
24 ~~sixty (60) days from the date of the election:~~

25 ~~(a) The combined number of mail in ballots transmitted (faxed, mailed, and emailed)~~

26 ~~(b) The combined number of mail in ballots that were returned (faxed, mailed, and~~
27 ~~emailed);~~

28 ~~(c) The total number of mail in ballots that were counted (faxed, mailed, and~~
29 ~~emailed).~~

30 ~~25.3.10 If an unregistered uniformed or overseas elector submits a Federal Write in Absentee~~
31 ~~Ballot ("FWAB"), and the form is received by the county clerk and recorder more than~~
32 ~~29 days prior to the election, the form may be considered a timely application for~~
33 ~~registration and state mail in ballot pursuant to section 1-8-117, C.R.S.~~

34 ~~25.3.11 A mail in ballot application submitted by a UOCAVA elector shall be effective through~~
35 ~~the next regularly scheduled General Election, unless the elector makes an election-~~
36 ~~specific or permanent mail in request.~~

- 1 25.1 GENERAL RULES CONCERNING VOTING BY MILITARY AND OVERSEAS ELECTORS.
- 2 25.1.1 IN ACCORDANCE WITH THE HELP AMERICA VOTE ACT OF 2002 AND THIS RULE 25, EACH
3 COUNTY CLERK AND RECORDER OFFICE SHALL HAVE A DEDICATED FAX MACHINE FOR
4 THE PURPOSE OF FAX BALLOT TRANSMISSION.
- 5 25.1.2 IN ACCORDANCE WITH SECTION 1-8.3-109, C.R.S., A MAIL-IN BALLOT APPLICATION
6 SUBMITTED BY AN ELECTOR SHALL BE EFFECTIVE THROUGH THE NEXT REGULARLY
7 SCHEDULED GENERAL ELECTION, UNLESS THE ELECTOR MAKES AN ELECTION-SPECIFIC
8 OR PERMANENT MAIL-IN REQUEST.
- 9 25.1.3 MAIL-IN BALLOT APPLICATION AND REPLACEMENT BALLOT REQUEST DEADLINES.
- 10 (A) AN APPLICATION FOR A MAIL-IN BALLOT MUST BE RECEIVED NO LATER THAN
11 THE CLOSE OF BUSINESS THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION,
12 EXCEPT THAT IF THE ELECTOR WISHES TO RECEIVE THE BALLOT BY MAIL THE
13 APPLICATION MUST BE RECEIVED NO LATER THAN THE SEVENTH DAY BEFORE
14 THE ELECTION.
- 15 (B) A REQUEST FOR A REPLACEMENT BALLOT MUST BE RECEIVED BY 5:00 P.M.
16 MOUNTAIN TIME ON ELECTION DAY. A REQUEST FOR REPLACEMENT BALLOT
17 INCLUDES A REQUEST FOR AN ELECTRONICALLY TRANSMITTED BALLOT BY AN
18 ELECTOR WHO HAS ALREADY BEEN ISSUED A BALLOT BY REGULAR MAIL.
- 19 25.1.4 USE OF A FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB) AS AN APPLICATION FOR
20 REGISTRATION OR BALLOT REQUEST.
- 21 (A) IN ACCORDANCE WITH SECTION 1-8.3-107, C.R.S., IF AN UNREGISTERED
22 ELECTOR SUBMITS A FWAB BY THE CLOSE OF REGISTRATION, THE FWAB SHALL
23 BE CONSIDERED A TIMELY APPLICATION FOR REGISTRATION AND MAIL-IN
24 BALLOT REQUEST.
- 25 (B) IN ACCORDANCE WITH SECTION 1-8.3-108(4), C.R.S., IF A REGISTERED ELECTOR
26 SUBMITS A FWAB NO LATER THAN THE FRIDAY BEFORE THE ELECTION, THE
27 FWAB SHALL BE CONSIDERED A TIMELY APPLICATION FOR MAIL-IN BALLOT.
- 28 25.1.5 IN ACCORDANCE WITH SECTIONS 1-8.3-110 AND 1-8.3-113, C.R.S., ALL BALLOTS CAST
29 MUST BE VOTED AND MAILED OR ELECTRONICALLY TRANSMITTED NO LATER THAN 7:00
30 P.M. MOUNTAIN TIME ON ELECTION DAY, AND RECEIVED BY THE COUNTY CLERK AND
31 RECORDER OR THE SECRETARY OF STATE NO LATER THAN THE CLOSE OF BUSINESS ON
32 THE EIGHTH DAY AFTER ELECTION DAY.
- 33 25.1.6 BALLOTS RECEIVED BY THE SECRETARY OF STATE
- 34 (A) IF THE SECRETARY OF STATE TIMELY RECEIVES A BALLOT IN ACCORDANCE WITH
35 THIS RULE 25, THE SECRETARY OF STATE WILL IMMEDIATELY NOTIFY THE
36 APPROPRIATE COUNTY CLERK AND RECORDER AND FORWARD THE BALLOT BY
37 OVERNIGHT MAIL, FAX, OR COURIER NO LATER THAN THE NEXT BUSINESS DAY.
- 38 (B) TO ENSURE VOTER SECRECY, ANY COUNTY NOTIFIED THAT THE SECRETARY OF
39 STATE HAS RECEIVED A BALLOT, SHALL RETAIN A MINIMUM OF TEN VOTED

- 1 (III.) AN ELECTOR WHO REQUESTS EMAIL TRANSMISSION SHALL PROVIDE A
2 COMPLETE EMAIL ADDRESS WHERE THE BALLOT IS TO BE TRANSMITTED.
3 IN ACCORDANCE WITH SECTION 1-8.3-115, C.R.S., THE EMAIL ADDRESS
4 SHALL NOT BE DISCLOSED TO THE PUBLIC.
- 5 (B) AN ELECTOR WHO CHOOSES TO RECEIVE HIS OR HER UNVOTED BALLOT BY
6 ONLINE BALLOT DELIVERY MAY RETURN HIS OR HER BALLOT BY FAX OR EMAIL.
- 7 (C) TO RETURN A VOTED BALLOT AND AFFIDAVIT BY EMAIL, THE ELECTOR MUST
8 SCAN AND RETURN THE DOCUMENTS AS AN EMAIL ATTACHMENT.
- 9 25.2.3 UPON RECEIPT AND VERIFICATION OF AN APPLICATION, THE COUNTY CLERK AND
10 RECORDER SHALL AUTHORIZE THE TRANSMISSION OF A BLANK BALLOT CONTAINING ALL
11 CONTESTS AND QUESTIONS FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE.
- 12 25.2.4 THE BALLOT PACKET SENT BY ELECTRONIC TRANSMISSION SHALL BE IN TEXT FORMAT
13 ON 8 1/2" X 11" WHITE PAPER AND SHALL INCLUDE:
- 14 (A) AN ELECTRONIC TRANSMISSION COVERSHEET TO PROTECT VOTER PRIVACY;
15 (B) THE BLANK BALLOT;
16 (C) THE ELECTRONIC TRANSMISSION BALLOT INSTRUCTIONS; AND
17 (D) THE SELF-AFFIRMATION.
- 18 25.3.5 THE ELECTRONIC TRANSMISSION BALLOT INSTRUCTIONS SHALL INCLUDE:
- 19 (A) THE COUNTY CLERK AND RECORDER'S CONTACT INFORMATION INCLUDING
20 NAME, TITLE, MAILING ADDRESS, EMAIL ADDRESS, PHONE, AND FAX NUMBER;
21 (B) THE TOTAL NUMBER OF BALLOT PAGES TRANSMITTED, AND THE TOTAL NUMBER
22 OF PAGES TRANSMITTED IF THE BALLOT PACKET IS FAXED;
23 (C) A NOTICE THAT THE BALLOT MAY NOT BE DUPLICATED FOR ANY OTHER
24 ELECTOR;
25 (F) INSTRUCTIONS FOR COMPLETING AND RETURNING THE BALLOT;
26 (G) A NOTICE REGARDING THE BALLOT RETURN DEADLINE;
27 (H) INFORMATION REGARDING HOW THE ELECTOR MAY VERIFY THAT HIS OR HER
28 BALLOT HAS BEEN RECEIVED BY THE COUNTY CLERK AND RECORDER; AND
29 (I) ANY OTHER INFORMATION DEEMED NECESSARY BY THE SECRETARY OF STATE
30 OR THE DESIGNATED ELECTION OFFICIAL.
- 31 25.3.6 THE SELF-AFFIRMATION SHALL INCLUDE THE STANDARD OATH REQUIRED BY THE
32 UNIFORMED AND OVERSEAS CITIZEN VOTING ACT (42 U.S.C SEC. 1973FF(B)(7) AND
33 1(A)(5)), THE ELECTOR'S NAME, DATE OF BIRTH, SIGNATURE, AND THE FOLLOWING
34 STATEMENT: "I ALSO UNDERSTAND THAT BY RETURNING MY VOTED BALLOT BY

1 ELECTRONIC TRANSMISSION, I AM VOLUNTARILY WAIVING MY RIGHT TO A SECRET
2 BALLOT.”

3 25.3.7 ANY BALLOT TRANSMITTED TO AN ELECTOR BY ELECTRONIC TRANSMISSION SHALL
4 CONTAIN A UNIQUE IDENTIFICATION NUMBER FOR TRACKING AND AUDITING PURPOSES.

5 25.3.8 IF THE COUNTY CLERK AND RECORDER TRANSMITS A BALLOT PACKET TO AN ELECTOR BY
6 FAX AND THE TRANSMISSION IS UNSUCCESSFUL, THE COUNTY CLERK AND RECORDER
7 SHALL ATTEMPT TO FAX THE BALLOT AT LEAST TWO MORE TIMES.

8 25.3.9 THE COUNTY CLERK AND RECORDER SHALL MAINTAIN A LOG OF EACH BALLOT SENT BY
9 ELECTRONIC TRANSMISSION, WHICH SHALL BE MAINTAINED AS AN ELECTION RECORD
10 ALONG WITH ANY OTHER EMAIL OR FAX RECORDS. THE LOG SHALL INCLUDE:

- 11 (A) THE NAME OF THE ELECTOR;
- 12 (B) THE FAX NUMBER OR EMAIL ADDRESS TO WHICH THE BALLOT PACKET WAS
13 TRANSMITTED (AS APPLICABLE);
- 14 (C) THE UNIQUE IDENTIFICATION NUMBER OF THE BALLOT;
- 15 (D) THE DATE THE BALLOT PACKET WAS TRANSMITTED; AND
- 16 (E) THE INITIALS OF THE EMPLOYEE TRANSMITTING THE BALLOT.

17 25.2.10 UPON RECEIPT OF VOTED BALLOT SENT BY ELECTRONIC TRANSMISSION, THE COUNTY
18 CLERK AND RECORDER SHALL VERIFY THE ELECTOR’S SIGNATURE IN ACCORDANCE WITH
19 RULE 29, AND UPON VERIFICATION THE BALLOT SHALL BE DUPLICATED FOR COUNTING.

20 Rule 26.5.3 would be amended as follows:

21 26.5.3 Acceptance Codes (Any provisional ballot given an acceptance code shall have all races
22 counted unless otherwise indicated.)

- 23 AOK Reviewed and confirmed voter’s eligibility.
- 24 ADB Election official is knowledgeable that the elector was erroneously sent to the
25 wrong precinct or erroneously given the wrong ballot style in the elector’s correct
26 precinct. Voted ballot will be duplicated and only races and issues for which the
27 elector is qualified to vote shall be counted.
- 28 AEJ Election judge who was appointed after close of early and mail-in voting and is
29 working outside his or her precinct; judge shall vote on a ballot in the precinct in
30 which he or she is working; voted ballot will be duplicated so that only the races
31 and issues for which the judge is qualified to vote shall be counted.
- 32 AAB Voter appeared in person and affirmed under oath that he or she applied for a
33 mail-in ballot but he or she has not and will not cast the mail-in ballot. The
34 designated election official shall determine that voter did not previously cast a
35 mail-in ballot for that election pursuant to Rule 26.

1 ACP Voter moved from the ~~county in~~ ADDRESS AT which the voter was registered to
2 another ~~county~~-ADDRESS in the state not less than thirty days before the election
3 and voted in the correct precinct WHERE THE NEW ADDRESS IS LOCATED ~~in the~~
4 ~~new county of residence~~. The voter's address will be updated. Section 1-8.5-
5 107(2)(a) and (3), C.R.S.

6 AFS Voter is registered in the county but is voting in the wrong precinct or the voter
7 moved from the county in which the voter was registered to another county in the
8 state less than thirty days before the election. Only the votes for federal and
9 statewide offices and statewide ballot issues and questions upon which the voter
10 may vote shall be counted. Section 1-8.5-108(2), C.R.S.

11 AVD Voter registered through a voter registration drive and the application receipt was
12 surrendered to the election judge, or the elector affirmed as to the approximate
13 date and location of the registration with the voter registration drive in
14 accordance with section 1-2-217.5(2), C.R.S.

15 AAG Voter registered through an agency and application receipt was surrendered to
16 election judge, or the elector affirmed as to the date, name, and location of the
17 registration with the agency in accordance with section 1-2-217.5(2), C.R.S.

18 ARD Voter had deficient or incomplete registration. The required information was
19 provided by voter on the provisional ballot envelope. Voter's registration will be
20 amended and registration will be complete. Section 1-2-509(3), C.R.S.

21 Rule 27.4.2(e)(4) would be amended as follows:

22 (4) Write-in votes sorted by the optical scan equipment on election day shall be delivered to
23 the assigned write-in board for hand counting. ~~During the initial ballot count, in~~ IN order
24 to be counted, the oval must be darkened or the arrow connected according to the
25 appropriate voting instructions. Only votes for legally qualified write-in candidates shall
26 be counted.

27 Rule 27.4.2(f)(2) would be repealed as follows:

28 (2) ~~Recounts will include a visual inspection of all ballots cast for write-in candidates in the~~
29 ~~contested race(s) to determine voter intent. REPEALED~~

30 Rule 27.4.3 would be amended as follows:

31 27.4.3 Vote on Optical Scan Ballots. A correctly voted optical scan ballot occurs when a voter,
32 using a readable marker, fills in or connects the minimum number of ~~ovals/arrows~~
33 TARGET AREAS per race or ballot measure, not to exceed the maximum allowable votes
34 per race or ballot measure, without extending the vote mark beyond the parameters of the
35 instructions.

36 Rule 27.7.4.3 would be repealed as follows:

37 27.7.4.3 ~~During any recount of votes, the written name of a write-in candidate in the write-in~~
38 ~~space shall be counted whether or not the target area designating the selection of a write-~~

1 ~~in candidate has been marked, provided that the number of candidates chosen does not~~
2 ~~exceed the number permitted in that office. REPEALED~~

3 Rule 29.1.2 would be amended as follows:

4 29.1.2 The letter shall inform the eligible elector that they must come to the office of the county
5 clerk and recorder to sign the mail ballot, provisional ballot, or mail-in ballot envelope no
6 later than eight (8) calendar days after election day. IN THE CASE OF A MILITARY OR
7 OVERSEAS ELECTOR, OR ANY OTHER ABSENT ELECTOR, THE LETTER MUST INCLUDE AN
8 AFFIDAVIT THAT MAY BE SIGNED AND RETURNED BY MAIL, FAX, OR EMAIL; SUCH LETTER
9 MUST BE RETURNED WITHIN THE EIGHT DAY DEADLINE.

10 Rule 42.11 would be amended as follows:

11 42.11 Administrative Emergency.

12 42.11.1 FOR THE PURPOSES OF SECTION 1-8-115(2), C.R.S., THE "CLOSING DATE FOR MAIL-IN
13 BALLOT APPLICATIONS" IS THE LAST DAY TO APPLY FOR A BALLOT BY MAIL IN
14 ACCORDANCE WITH SECTION 1-8-104(3), C.R.S.

15 42.11.2 If the designated election official is unable to provide a mail-in ballot to an elector by
16 any other means, the designated election official shall seek authority from the Secretary
17 of State to provide a mail-in ballot to the elector pursuant to section 1-8-115(4), C.R.S.,
18 using fax transmission.

19 ~~42.11.1 This Rule 42.11 shall apply only to eligible electors who are properly registered and have~~
20 ~~timely filed a mail in ballot application.~~

21 42.11.23 The Secretary of State shall designate a point of contact for each election for
22 Emergency Electronic Transfer Requests no later than ~~twenty one (21)~~ days prior to an
23 election. ~~The Secretary of State shall~~ AND notify the counties by e-mail. ~~who the~~
24 ~~designated point of contact shall be, and~~ The post the contact information for the
25 designated point of contact WILL ALSO BE POSTED on the Secretary of State's website.

26 42.11.34 ~~The designated election official shall submit the request in writing from the~~
27 ~~Secretary of State using the~~ A REQUEST TO SEND A BALLOT BY ELECTRONIC TRANSFER
28 MUST BE SUBMITTED TO THE DESIGNATED POINT OF CONTACT VIA EMAIL USING THE
29 APPROVED Emergency Electronic Transfer form POSTED ON THE SECRETARY OF STATE
30 WEBSITE. ~~E-mail is the preferred method of communication.~~ If possible, the designated
31 election official shall SHOULD attempt to consolidate requests to the Secretary of State.

32 42.11.45 ~~The form for requesting an emergency electronic transfer shall be posted on the~~
33 ~~Secretary of State's website. The form must contain the following information:~~ AT A
34 MINIMUM, A REQUEST FOR ELECTRONIC TRANSFER SHALL INCLUDE:

- 35 (a) Contact information, including name, address, phone number, fax number, and e-
36 mail address for the designated election official or their designee;
- 37 (b) Date and time of request sent by designated election official;
- 38 (c) Confirmation e-mail to designated election official by Secretary of State upon

- 1 receipt of request
- 2 (d) Justification as to why the ballot(s) need to be sent by fax, which includes the
3 following required information:
- 4 (1) The elector's name;
- 5 (2) When the elector applied for the mail-in ballot;
- 6 (3) The date when the designated election official sent the mail-in ballot to
7 the elector (if applicable);
- 8 (4) The date the elector contacted the designated election official with
9 information regarding failure to receive the ballot;
- 10 (5) A suggested timeframe for the Secretary of State to respond;
- 11 (6) The quantity of ballots to be sent by fax; and
- 12 (7) Approval or disapproval by the Secretary of State; if denied, reason for
13 the denial.
- 14 (e) Confirmation e-mail from the designated election official to Secretary of State
15 upon receipt of approval or disapproval.
- 16 42.11.56 The Secretary of State shall respond in writing to the designated election official
17 as soon as possible, but no later than eight (~~8~~) business hours after receipt of the request.
- 18 42.11.67 The Secretary of State shall have the ability to issue a blanket approval by
19 electronic transfer.