

**Redline and Clean Versions of the
February 9, 2012 Revised Proposed Draft Rules**

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

Disclaimer

These revised proposed rules were considered at the February 14, 2012 rulemaking hearing. As requested by the public during the rulemaking hearing, the Secretary of State provides the following redline and clean versions of the February 9, 2012 revised draft rules. The redline shows proposed additions to the current rules in SMALL CAPS and proposed deletions from current rules in ~~stricken type~~. The clean version shows the final format of the rules if adopted.

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REDLINE

Proposed additions to the current rules are reflected in SMALL CAPS.

Proposed deletions from current rules are shown in ~~stricken type~~.

Shading indicates revisions from the January 13, 2012 Preliminary Draft.

Annotations may be included.

1 Rule 12.4 would be amended as follows:

2 12.4 Mail Ballot Plans

3 12.4.1 Coordinated and non-partisan elections.

4 (a) Written plan. As soon as possible, but no later than 55 days prior to any
5 other election, not including a Primary Election, a written plan must be
6 submitted to the Secretary of State which includes the following:

7 (8) The address and hours of operation for all drop-off locations. ~~For~~
8 ~~security reasons, unmonitored freestanding drop off locations~~
9 ~~located outside will not be allowed;~~

10 New Rule 12.10.4 would be adopted as follows:

11 12.10.4 MONITORING DROP-OFF LOCATIONS. ALL DROP-OFF LOCATIONS MUST BE
12 MONITORED BY AN ELECTION JUDGE OR VIDEO SECURITY SURVEILLANCE
13 RECORDING SYSTEM, AS DEFINED IN RULE 43.

14 (A) FREESTANDING DROP-OFF LOCATIONS MUST BE MONITORED AT ALL TIMES
15 BY AN ELECTION JUDGE.

16 (B) IF THE DROP-OFF LOCATION UTILIZES A DROP-SLOT INTO A BUILDING, THE
17 BALLOTS MUST BE COLLECTED IN A LOCKED CONTAINER, AND BOTH THE
18 DROP-SLOT AND CONTAINER MUST BE MONITORED, EITHER BY AN ELECTION
19 JUDGE OR BY A VIDEO SECURITY SURVEILLANCE RECORDING.

20 Rule 27.8 would be repealed as follows:

21 27.8 REPEALED. ~~Written Plan for Alternative Counting Method~~

22 ~~27.8.1 General Information Concerning Plan Submittal~~

23 ~~27.8.1.1 Any plan requiring the approval of the Secretary of State for counting~~
24 ~~votes at an alternative location or by an alternative method pursuant to~~
25 ~~section 1-7-603, C.R.S., shall be submitted in writing to the Secretary~~
26 ~~of State no earlier than 120 days and no later than 60 days prior to the~~
27 ~~election at which it is to be implemented. A separate plan shall be~~
28 ~~submitted for each election; except that a combined plan may be~~
29 ~~submitted for both the primary and general elections in the same year.~~

1 If a combined plan is approved, the Secretary of State may withdraw
2 approval or require revision of the plan after the primary election and
3 no later than the seventieth day before the general election. A revised
4 plan, if so required, shall be submitted for approval no later than 60
5 days before the general election.

6 ~~27.8.1.2~~ The Secretary of State shall approve or disapprove the alternative
7 counting plan no later than forty five (45) days before the election at
8 which the plan is to be implemented.

9 ~~27.8.1.3~~ No alternative counting plan may be implemented without express
10 written approval from the Secretary of State. Any submitted plan must
11 establish minimum procedures in accordance with the requirements of
12 this Rule 27.8.

13 ~~27.8.2~~ Transfer Logs

14 ~~27.8.2.1~~ The transfer logs shall at minimum contain: the date of the election;
15 the precinct number; the seal numbers; and the names of the polling
16 place judge(s), the transfer judge(s), and the counting judge(s) who
17 carryout the ballot transfer.

18 ~~27.8.3~~ Procedures to be Followed at the Polling Place

19 ~~27.8.3.1~~ Each polling place shall have available for use a minimum of two (2)
20 ballot boxes to ensure that at least one (1) ballot box is always
21 available to receive voted ballots.

22 ~~27.8.3.2~~ At time of ballot transfer, a bipartisan team of at least two (2) transport
23 judges and one (1) polling place judge shall transfer ballots in
24 accordance with the following provisions:

25 ~~27.8.3.2.1~~ Both transfer judges and the polling place judge shall review
26 the transfer logs to ensure that all information is complete and
27 accurate. When all information is complete and accurate, both
28 transfer judges and the polling place judge shall initial all
29 copies of the transfer logs.

30 ~~27.8.3.2.2~~ In full view of the polling place judge, the transfer judges
31 shall secure the transfer log that is to remain with transfer
32 case. The transfer judges shall secure the transfer case in
33 accordance with section 1-7-307 (3), C.R.S. The seal number
34 of the seal to be used shall be noted on the transfer logs prior
35 to sealing the transfer case.

36 ~~27.8.3.2.3~~ At the close of the polls, the duplicate copies of the polling
37 place transfer log(s) shall be mailed at the nearest post office

1 or post office box by a polling place judge to the designated
2 election official.

3 ~~27.8.3.2.4 Pursuant to section 1-7-108 (3), C.R.S., duly appointed~~
4 ~~watchers may observe all aspects of the process described in~~
5 ~~this Rule 27.8.~~

6 ~~27.8.4 Procedures to be Followed During Transport~~

7 ~~27.8.4.1 During ballot transport, the sealed ballot transfer case shall be within~~
8 ~~the close physical proximity of the bipartisan team of transfer judges at~~
9 ~~all times.~~

10 ~~27.8.4.2 Delivery of the sealed ballot transfer case to the counting location shall~~
11 ~~be made at once and with all convenient speed. However, nothing in~~
12 ~~this Rule 27.8.4.2 shall be interpreted to prohibit transfer judges from~~
13 ~~stopping at multiple polling places before arriving at the counting~~
14 ~~location.~~

15 ~~27.8.5 Procedures to be Followed at the Counting Location~~

16 ~~27.8.5.1 Upon arrival at the counting location, the bipartisan team of transfer~~
17 ~~judges shall deliver the sealed ballot transfer case to the designated~~
18 ~~election official or counting judges.~~

19 ~~27.8.5.2 The designated election official or counting judges shall take~~
20 ~~possession of the transferred ballots by noting the delivery date and~~
21 ~~time and verifying the seal numbers on the transfer log.~~

22 *(Current Rule 27.8 would be relocated to Rule 43.2.7(d) for clarity)*

23 Rule 43 would be amended as follows:

24 **Rule 43. County Security Procedures**

25 43.1 Definitions

26 43.1.1 ~~“Chain of custody-CHAIN-OF-CUSTODY log” shall, for the purposes of this rule~~ means a
27 written record that shows that the equipment and all associated data are secured
28 according to these procedures and in the documented control of an employee or deputized
29 election judge through the entire time of ownership by the jurisdiction.

30 43.1.2 ~~“Continuous video VIDEO security surveillance recording” shall, for the purposes~~
31 ~~of this rule,~~ means video monitoring by a device which THAT continuously records
32 a designated location. Alternatively, A DIGITAL RECORDING SYSTEM WITH MOTION
33 DETECTION MEETS THIS DEFINITION IF IT CAN BE PROGRAMMED TO RECORD AT A
34 RATE OF ONE FRAME PER MINUTE OR MORE WHEN MOTION DETECTION IS USED TO
35 TRIGGER CONTINUOUS RECORDING. ~~this definition may be met by the use of a~~
36 ~~“non-continuous” recording, provided that a device is used which samples the~~

1 ~~functionality of the video recorder without interruption, evaluates the detector~~
2 ~~response at least once every 15 seconds, and computes and records the average~~
3 ~~value at least every 60 seconds, except during allowable periods of calibration.~~

4 43.1.3 “DRE” means a direct recording electronic voting device. A DRE is a voting device that
5 records votes by means of a ballot display provided with mechanical or electro-optical
6 components or an audio ballot that can be activated by the voter; that processes data by
7 means of a computer program; and that records voting data and ballot images in memory
8 components or other media. The device may produce a tabulation of the voting data
9 stored in a removable memory component and as printed copy. The device may also
10 provide a means for transmitting individual ballots or vote totals to a central location for
11 consolidating and reporting results from remote sites to the central location.

12 43.1.4 “Employee” ~~shall, for the purposes of this rule,~~ means all full-time, part-time, permanent,
13 and contract employees of the county who have had a criminal history check conducted
14 in accordance with Rule 11.2 and are deputized by the county clerk and recorder to
15 prepare or maintain the voting system or election setup materials, staff the counting
16 center and who have any access to the electromechanical voting systems or electronic
17 vote tabulating equipment.

18 43.1.5 “Removable card or cartridge” ~~shall, for the purposes of this rule,~~ means all ANY
19 programming cards or cartridges, except A voter activation cards, that stores firmware,
20 software, or data.

21 43.1.6 “SEAL” MEANS A SERIAL-NUMBERED TAMPER-EVIDENT DEVICE THAT INDICATES WHEN
22 IT HAS BEEN BROKEN OR REMOVED.

23 43.1.67 “Trusted Build” means the write-once installation disk or disks for software and firmware
24 for which the Secretary of State or his/her agent has established the chain of evidence to
25 the building of a disk, which is then used to establish and/or re-establish the chain of
26 custody of any component of the voting system which contains firmware or software. The
27 trusted build is the origin of the chain of evidence for any software and firmware
28 component of the voting system.

29 43.2 ~~Pursuant to section 1-5-616(5), C.R.S., each county shall file with the Secretary of State a~~
30 ~~security plan that meets or exceeds the standards set forth in this rule. The plan filed with the~~
31 ~~Secretary of State in accordance with this rule shall provide a point by point detailed response~~
32 ~~with a proposed solution to each of the requirements set forth in this rule. ANNUAL SECURITY~~
33 ~~PLAN. IN ACCORDANCE WITH SECTION 1-5-616(5), C.R.S., EACH COUNTY MUST SUBMIT A~~
34 ~~SECURITY PLAN TO THE SECRETARY OF STATE ANNUALLY AND NO LATER THAN 60 DAYS PRIOR~~
35 ~~TO THE FIRST ELECTION IN WHICH THE SECURITY PLAN PROCEDURES WILL BE USED. THE PLAN~~
36 ~~MUST, AT A MINIMUM, INCLUDE THE FOLLOWING:~~

37 43.3 ~~The county shall file security procedures annually no later than sixty (60) days prior to the first~~
38 ~~election in which the procedures will be used.~~

39 43.4 ~~If no changes have occurred since the last security procedures filed, the county shall file a~~
40 ~~statement to that effect.~~

41 43.5 ~~Revisions to previously filed security procedures shall clearly state which part of the procedures~~
42 ~~previously filed have been revised.~~

1 ~~43.6~~ Each designated election official county may change the security procedures within sixty (60)
2 days of an election as a result of an emergency situation or other unforeseen circumstance, and
3 document any changes. The county designated election official shall file any revisions with the
4 Secretary of State within five (5) days of the change.

5 ~~43.7~~ If, pursuant to section 1-5-616(5)(b), C.R.S., the Secretary of State is unable to complete its
6 review, the procedures or revisions shall be temporarily approved until such time as the review is
7 completed. The Secretary of State shall notify the county of temporary approval.

8 *(Current rules 43.3-43.7 would be amended and relocated as rule 43.4)*

9 ~~43.8~~ Security Procedures shall at a minimum include, if applicable:

10 ~~43.8.1~~43.2.1 General Requirements:

11 a. ~~At all times removable memory cards and cartridges shall be handled in a secure manner~~
12 ~~as follows. When not sealed in voting machines, all removable cards and cartridges shall~~
13 ~~be transferred and stored in secure containers with at least one tamper evident seal with~~
14 ~~printed serial numbers. The integrity and serial number of each seal shall be verified by~~
15 ~~election judges or county personnel at shipping and receiving locations.~~

16 (A)~~b~~: ~~ALL~~THE COUNTY CLERK AND RECORDER SHALL MAINTAIN ON FILE ALL
17 documentation of seals, chain of custody, and other documents related to the
18 transfer of equipment between parties ~~shall be maintained on file by the county~~
19 ~~clerk and recorder and is~~ THESE DOCUMENTS ARE subject to inspection by the
20 Secretary of State.

21 (B)~~e~~: The chain of custody for each voting device must be maintained and documented
22 throughout ownership or leasing of the device by the county clerk and recorder.

23 (C)~~d~~: Only deputized clerks, election judges, or canvass board members sworn under
24 oath are allowed to handle ballots, which include V-VPAT records.

25 (D)~~e~~: ~~No additional~~ ADDITIONAL or modified software developed by the Vendor MAY
26 ~~that is not specifically listed on the Secretary of State's certificate and verified~~
27 ~~against the state trusted build shall be installed on any component of the voting~~
28 ~~system ONLY IF THE SOFTWARE IS SPECIFICALLY LISTED ON THE SECRETARY OF~~
29 ~~STATE'S CERTIFICATE AND VERIFIED AGAINST THE STATE TRUSTED BUILD.~~
30 Nothing in this rule shall preclude the use of ~~commercial off the shelf software~~
31 COMMERCIAL OFF-THE-SHELF SOFTWARE, provided that the ~~COTS~~ software is
32 included in the certified list of services and executables for the certified voting
33 systems.

34 (E)~~f~~: Any form or log containing "date" means to note the month, calendar day, year,
35 hour, minute, and whether the time is a.m. or p.m.

36 ~~43.8.2~~43.2.2 Physical Locking Mechanisms and Seals. THE COUNTY MUST RECORD THE
37 SERIAL NUMBER OF EVERY SEAL ON THE APPROPRIATE CHAIN-OF-CUSTODY LOG. TWO
38 INDIVIDUALS MUST VERIFY THE SERIAL NUMBER AND SIGN THE LOG. IF A SEAL IS
39 INACCESSIBLE AND CANNOT BE REMOVED, THEN IT IS NOT NECESSARY TO VERIFY THAT
40 SEAL SERIAL NUMBER.

1 (A)a. DREs. All DRE voting devices shall ~~have industry standard, commercial off the~~
2 ~~shelf tamper evident seals with printed, unique serial numbers affixed as follows~~
3 BE SEALED TO MEET THE FOLLOWING REQUIREMENTS:

4 (1)i. A seal shall be placed over any removable card or cartridge that is
5 inserted into the unit, or over the slot or door covering the card or
6 cartridge.

7 (2)ii. A seal is to be placed over any removable card SLOT or cartridge slot
8 when no card or cartridge is inserted into the unit.

9 (3)iii. ~~Tamper evident, numbered seals shall be affixed across the seam at~~
10 ~~which the two sides of the case of the electronic components of the~~
11 ~~voting unit join, with at least one seal for each of the four sides of the~~
12 ~~device; except in the instances where the hash value (MD5 or SHA-1) of~~
13 ~~the firmware or software can be displayed or printed by the device as~~
14 ~~verified by the State Certification process. In such cases, additional seals~~
15 ~~for the case are not required. Officials shall produce documentation of~~
16 ~~the verification of the hash value during Hardware Diagnostics Testing,~~
17 ~~Pre-Election testing and prior to the Post Election Audit as required in~~
18 ~~Rule 11-IF THE FIRMWARE OR SOFTWARE HASH VALUE (MD5 OR SHA-1)~~
19 ~~CANNOT BE VERIFIED, THE COUNTY MUST SEAL THE DRE CASE WITH A~~
20 ~~SEAL THAT ENSURES THE INTEGRITY OF THE ELECTRONIC COMPONENTS~~
21 ~~CONTAINED INSIDE. SEALS SHALL BE USED AT EITHER THE SEAMS OF THE~~
22 ~~CASE OR AT KEY ENTRY POINTS SUCH AS SCREW ACCESS POINTS.~~

23 (4)iv. If the voting device contains one or more slots for a flash memory card,
24 THE COUNTY SHALL AFFIX a seal ~~shall be affixed~~ over each flash card or
25 each flash card slot, door, or access panel.

26 (5)v. These same procedures also apply to the Judge's Booth Controller (JBC)
27 unit for the Hart InterCivic System.

28 (6)vi. ~~All seals are to be verified by two~~TWO employees or election judges
29 MUST VERIFY ALL SEALS.

30 (B)b. V-VPATs. ~~all~~ALL V-VPAT units shall be sealed upon verification of no votes
31 having been cast on the paper record prior to being attached to a specific voting
32 device. Seals must be verified as being intact by at least two election judges prior
33 to the start of voting, and at the close of voting. V-VPAT records shall either
34 remain in the V-VPAT canister, or be sealed and secured in a suitable device for
35 protecting privacy or as described in ~~Election~~ Rule 11.

36 (C)e. Remote or Central-count Optical Scanners. Optical scanners used in a remote or
37 central tabulating location shall ~~have tamper evident seals as follows~~ MEET THE
38 FOLLOWING SEAL REQUIREMENTS:

39 (1)i. A seal ~~is to~~ MUST be placed over each card or cartridge inserted into the
40 unit, or over any door or slot containing the card or cartridge.

1 (2)ii. A seal ~~is to~~ MUST be placed over each empty card or cartridge slot or
2 door covering the area where the card or cartridge is inserted.

3 (3)ii. Prior to the start of voting and after the close of voting, TWO EMPLOYEES
4 OR ELECTION JUDGES MUST VERIFY THAT all seals are ~~to be verified as~~
5 ~~being intact by two employees or election judges.~~

6 (D)d. Memory Cards/Cartridges. ~~Each removable card or cartridge shall have a~~
7 ~~permanent serial number assigned and securely affixed to it. The manufacturer~~
8 ~~assigned serial number may be utilized for this purpose.~~

9 e. ~~The county clerk and recorder shall maintain a written or electronic log that~~
10 ~~records which card or cartridge and which seal is assigned to each voting unit.~~
11 ~~The Any breach of control over a card/cartridge or door or slot for a~~
12 ~~card/cartridge before an election shall require that the county clerk and recorder~~
13 ~~be notified and follow the procedures specific to the incident as described in~~
14 ~~section 43.8.11 of this Rule.~~

15 (1) THE COUNTY MUST ASSIGN AND SECURELY AFFIX A PERMANENT SERIAL
16 NUMBER TO EACH REMOVABLE CARD OR CARTRIDGE. THE
17 MANUFACTURER ASSIGNED SERIAL NUMBER MAY BE USED FOR THIS
18 PURPOSE.

19 (2) THE COUNTY MUST HANDLE REMOVABLE MEMORY CARDS AND
20 CARTRIDGES IN A SECURE MANNER AT ALL TIMES. ANY REMOVABLE
21 CARD AND/OR CARTRIDGE THAT IS NOT SEALED IN A VOTING MACHINE
22 MUST BE TRANSFERRED AND STORED IN A SECURE CONTAINER WITH AT
23 LEAST ONE SEAL. THE SERIAL NUMBER OF EACH SEAL SHALL BE
24 VERIFIED BY ELECTION JUDGES OR COUNTY PERSONNEL IN THE CHAIN-
25 OF-CUSTODY LOGS UPON DELIVERY AND RECEIPT.

26 (3) THE COUNTY CLERK AND RECORDER MUST MAINTAIN A WRITTEN OR
27 ELECTRONIC LOG TO RECORD CARD OR CARTRIDGE SEAL SERIAL
28 NUMBERS AND TRACK SEALS FOR EACH VOTING UNIT. THE COUNTY
29 CLERK AND RECORDER MUST BE NOTIFIED IF CONTROL OF A
30 CARD/CARTRIDGE OR DOOR OR SLOT FOR A CARD/CARTRIDGE IS
31 BREACHED BEFORE AN ELECTION, AND HE/SHE MUST FOLLOW THE
32 PROCEDURES SPECIFIC TO THE INCIDENT OUTLINED IN RULE 43.2.11.

33 ~~43.8.343.2.3~~ Individuals With Access to Keys, Door Codes, and Vault Combinations

34 (A)~~43.8.3.1~~ FOR EMPLOYEES WITH ACCESS TO AREAS ADDRESSED IN RULE 43.2.3(C),
35 THE COUNTY MUST ~~Counties are required to state~~ the EMPLOYEES' TITLES
36 ~~positions~~ and THE dates of CBI background ~~check~~ CHECKS. ~~for employees with~~
37 ~~access to the areas addressed in this Rule 43.8.3.~~

38 (B)~~43.8.3.2~~ ~~For all counties,~~ THE COUNTY MUST CHANGE ALL ~~use of~~ keypad door
39 codes or locks, vault combinations, computer and server passwords, encryption
40 key codes, and administrator passwords ~~shall be changed~~ at least once per
41 calendar year prior to the first election of the year.

1 (C) EMPLOYEE ACCESS

2 (1) THE COUNTY MAY GRANT EMPLOYEES ACCESS ~~Only employees may be~~
3 ~~given access to such~~ THE codes, combinations, passwords, and encryption
4 keys DESCRIBED IN THIS RULE 43.2.3, ~~pursuant to~~ IN ACCORDANCE WITH
5 the following limitations: ~~Counties may request a variance from the~~
6 ~~Secretary of State for the requirements set forth in this Rule 43.8.3 only~~
7 ~~in extreme circumstances.~~

8 ~~43.8.3.3 The requirements for an employee to be given access to a code, combination,~~
9 ~~password, or encryption key are as follows:~~

10 (A) ~~a.~~ Access to the code, combination, password, or encryption key
11 for the storage area for voting equipment and the mail-in ballot
12 counting areas ~~shall be~~ IS restricted to employees as defined in
13 43.1.4.

14 (B) ~~b.~~ Access to the code, combination, password, or encryption key
15 for the mail-in ballot storage area and counting room or
16 tabulation workstations ~~shall be~~ IS restricted to ten ~~(10)~~
17 employees as defined in 43.1.4.

18 (C) ~~e.~~ Except for emergency personnel, no other individuals shall be
19 present in these locations unless supervised by one or more
20 employees as defined in Rule 43.1.4.

21 (I) ~~i.~~ Each individual who has access to the central election
22 management system or central tabulator shall have their
23 own unique username and password. No individual shall
24 use any other individual's username or password. Shared
25 accounts ~~shall be~~ ARE prohibited.

26 (II) ~~ii.~~ The county shall maintain a log of each person who
27 enters the ballot storage room, including the person's
28 name, signature, and date and time of entry. If access to
29 the ballot storage room is controlled by use of key card
30 or similar door access system that is capable of
31 producing a printed paper log including the person's
32 name and date and time of entry, such a log shall meet
33 the requirements of this rule.

34 (2) IN EXTREME CIRCUMSTANCE, THE COUNTY MAY REQUEST AND THE
35 SECRETARY OF STATE MAY GRANT EXEMPTION FROM THE
36 REQUIREMENTS OUTLINED IN RULE 43.2.3(C)(1).

37 (D) ~~43.8.3.4~~ Computer room access ~~shall be~~ IS limited to employees and election
38 judges only, and the delivery of ballots between the preparation room and
39 computer room shall be performed by messengers or runners wearing
40 distinguishing identification.

41 43.8.43.2.4 Temperature-controlled Storage.

1 43.8.4.1 ~~Counties~~—THE COUNTY MUST MAINTAIN ALL COMPONENTS OF THE VOTING
2 SYSTEM AND BALLOTS IN A TEMPERATURE-CONTROLLED ENVIRONMENT. THE
3 COUNTY shall attest to the temperature-control settings used with the following
4 components of a voting system. Information submitted to the Secretary of State
5 shall indicate the specifics for each type of component, as well as the specific
6 environment used, which may include, but is not limited to controlled offices,
7 controlled vaults, and controlled warehouses. The settings for temperature
8 control must be at least the following:

9 (A)~~a.~~ Servers and Workstations. ~~Servers and workstations shall be maintained in a~~
10 ~~temperature controlled environment.~~ THE COUNTY SHALL MAINTAIN THE
11 TEMPERATURE SETTING SO THAT THE MAXIMUM ~~Maximum~~ temperature shall at
12 no time exceeds 90 degrees ~~fahrenheit~~-FAHRENHEIT.

13 (B)~~b.~~ DREs. ~~DREs shall be maintained in a temperature controlled environment.~~ THE
14 COUNTY SHALL MAINTAIN THE ~~The~~ temperature settings shall be maintained at a
15 minimum of ~~60~~-50 degrees ~~fahrenheit~~-FAHRENHEIT and a maximum of 90
16 degrees ~~fahrenheit~~-FAHRENHEIT.

17 (C)~~e.~~ Optical Scanners. ~~Optical scanners shall be maintained in a temperature-~~
18 ~~controlled environment.~~ THE COUNTY SHALL MAINTAIN THE temperature settings
19 shall be maintained at a minimum of 50 degrees ~~fahrenheit~~-FAHRENHEIT and a
20 maximum of 90 degrees ~~fahrenheit~~-FAHRENHEIT.

21 (D)~~d.~~ V-VPAT Records. In addition to the requirements set forth in Rule 11, THE
22 COUNTY SHALL MAINTAIN THE ~~V-VPAT records shall be maintained in a~~
23 ~~temperature controlled environment.~~ The temperature settings shall be
24 maintained at a minimum of 50 degrees ~~fahrenheit~~-FAHRENHEIT and a maximum
25 of ~~80~~ 90 degrees ~~fahrenheit~~-FAHRENHEIT. THE COUNTY SHALL MAINTAIN V-
26 VPAT records shall also be maintained in a dry environment, with storage at
27 least 4-FOUR inches above the finished floor, for a period of 25 months following
28 the election. The humidity of the environment shall not exceed 80% humidity for
29 a period of more than 24 hours. V-VPAT records shall be stored in a manner that
30 prevents exposure to light, except as necessary during recounts and audits.

31 (E)~~e.~~ Paper Ballots. THE COUNTY SHALL MAINTAIN ~~P~~-Paper ballots shall be maintained
32 in a dry, humidity-controlled environment. The humidity of the environment
33 shall not exceed 80% humidity for a period of more than 24 hours. THE COUNTY
34 SHALL STORE ~~Additionally,~~ paper ballots shall be stored at least 4 inches above
35 the finished floor, for a period of ~~twenty five~~-(25) months following the election.

36 (F)~~f.~~ Video Data Records. THE COUNTY SHALL MAINTAIN ~~V~~ video data records shall
37 be maintained in a dry, temperature-controlled environment. The humidity of the
38 environment shall not exceed 80% humidity for a period of more than 24 hours.
39 THE COUNTY SHALL MAINTAIN ~~T~~ Temperature settings shall be maintained at a
40 minimum of ~~40~~-50 degrees ~~fahrenheit~~-FAHRENHEIT and a maximum of ~~80~~-90
41 degrees ~~fahrenheit~~-FAHRENHEIT. THE COUNTY SHALL ~~Additionally,~~ STORE video
42 data records shall be stored at least 4 inches above the finished floor, for a period
43 of ~~twenty five~~-(25) months following the election.

44 43.8.543.2.5 Security Cameras or Other Surveillance

1 (A) ~~43.8.5.1~~ Unless otherwise instructed, ~~continuous~~ THE COUNTY SHALL MAKE video
2 security surveillance recordings of specified areas ~~shall be made~~ beginning at
3 least ~~sixty (60)~~ days prior to the election and continuing through at least ~~thirty~~
4 (~~30~~) days after the election, unless there is a recount or contest. THE RECORDING
5 SYSTEM SHALL ENSURE THAT RECORDS ARE NOT WRITTEN OVER WHEN THE
6 SYSTEM IS FULL. THE RECORDING SYSTEM SHALL PROVIDE A METHOD TO
7 TRANSFER THE VIDEO RECORDS TO A DIFFERENT RECORDING DEVICE OR TO
8 REPLACE THE RECORDING MEDIA. IF REPLACEABLE MEDIA IS USED THEN THE
9 COUNTY SHALL PROVIDE A PROCESS THAT ENSURES THAT THE MEDIA IS
10 REPLACED OFTEN ENOUGH TO PREVENT PERIODS WHEN RECORDING IS NOT
11 AVAILABLE. If a recount or contest occurs, the recording shall continue through
12 the conclusion of all such activity. The following are the specific minimum
13 requirements:

14 (1) ~~a.~~ ~~Counties~~ IF THE COUNTY HAS 50,000 OR MORE REGISTERED VOTERS,
15 THEN THE COUNTY ~~over 50,000 registered voters~~ shall make ~~continuous~~
16 video security surveillance recordings of the following areas:

17 (A) ~~i.~~ All areas in which election software is used, including but not
18 limited to programming, downloading memory cards, uploading
19 memory cards, tallying results, and results reporting.

20 (B) ~~ii.~~ All areas used for processing mail-in ballots, including but not
21 limited to areas used for Signature Verification, tabulation, or
22 storage of voted ballots beginning at least ~~thirty five (35)~~ days
23 prior to the election and continuing through at least ~~thirty (30)~~
24 days after the election, unless there is a recount or contest. If a
25 recount or contest occurs, the recording shall continue through
26 the conclusion of all such activity.

27 (C) ~~iii.~~ The storage area for all voting equipment.

28 (2) ~~b.~~ IF THE COUNTY HAS FEWER THAN ~~Counties~~ ~~under~~ 50,000 registered
29 voters THEN THE COUNTY shall make ~~continuous~~ video security
30 surveillance recordings of ~~the following areas:~~

31 ~~i.~~ ~~All~~ ALL areas in which election software is used, including but
32 not limited to programming, downloading memory cards,
33 uploading memory cards, tallying results, and results reporting.

34 ~~43.8.6.4~~ 43.2.6 Equipment Maintenance Procedures.

35 ~~43.8.6.1~~ In addition to the requirements for voting systems specified in Rule 11, the
36 COUNTY SHALL ADHERE TO THE following minimum standards ~~shall be adhered~~
37 ~~to:~~

38 (A) ~~a.~~ THE COUNTY SHALL STORE A All equipment ~~shall be stored~~ throughout the year
39 with ~~serially numbered, tamper-evident~~ seals over the memory card slots for each
40 device. The county shall maintain a log of the seals used for each device
41 consistent to the logs used for tracking Election Day seals.

1 (B)~~b~~. For equipment being sent to the vendor for offsite repairs/replacements, the
2 county must maintain a log file for the device that shall contain the following: the
3 model number, serial number, and the type of device; the firmware version; the
4 software version (as applicable); date of submission to the vendor.

5 (C)~~e~~. For equipment receiving maintenance on-site by the vendor, the county shall
6 verify that a CBI background check has been conducted on all vendor personnel
7 with access to any component of the voting system. THE COUNTY MUST UPDATE
8 AND MAINTAIN CBI information ~~shall be updated and maintained~~ on file
9 annually. Additionally, AN EMPLOYEE SHALL ESCORT the vendor's representative
10 ~~shall be escorted~~ at all times ~~by an employee~~ while on-site. At no time shall the
11 voting system vendor have access to any component of the voting system without
12 supervision by an employee.

13 (D)~~e~~. Upon completion of any maintenance, the county shall verify or reinstate the
14 trusted build and conduct a full acceptance test of equipment that shall, at a
15 minimum, include the Hardware Diagnostics test, as indicated in Rule 11, and
16 conduct a mock election in which an employee shall cast a minimum of FIVE ~~ten~~
17 ~~(10)~~ ballots on the device to ensure tabulation of votes is working correctly. All
18 documentation of results of the acceptance testing shall be maintained on file
19 with the specific device.

20 (E)~~e~~. The Secretary of State ~~shall be required to~~ MAY WILL ANNUALLY inspect the
21 ~~counties' A COUNTY'S~~ maintenance records on a randomly selected ~~one percent~~
22 ~~(1%)~~ of all voting devices in possession of the counties throughout the state in
23 ~~even numbered years, and to inspect the maintenance records on a randomly~~
24 ~~selected five percent (5%)~~ of all voting devices in possession of the counties
25 ~~throughout the state in odd numbered years-BASIS.~~

26 43.8.743.2.7 Transportation of Equipment, MEMORY CARDS, Ballot Boxes, and Ballots

27 (A)~~43.8.7.1~~ ~~Counties are required to~~ THE COUNTY SHALL submit detailed plans to the
28 Secretary of State prior to an election regarding the transportation of equipment
29 and ballots both to remote voting sites and back to the central elections office or
30 storage facility. While transportation of equipment may be handled in a multitude
31 of methods, the following standards shall ~~be followed~~ APPLY when transporting
32 voting equipment to the voting location:

33 (1)~~a~~. Transportation by County Personnel. County personnel shall at all times
34 display a badge or other identification provided by the County. Two ~~(2)~~
35 signatures and date of employees ~~shall be~~ ARE required at the departure
36 location verifying that the equipment, including memory card or cartridge, is
37 sealed to prevent tampering. Upon delivery of equipment, at least two ~~(2)~~
38 employees or election judges shall verify that all seals are intact and that the
39 serial numbers on the seals agree with those on the ~~seal tracking~~ CHAIN-OF-
40 CUSTODY log, and sign and date the ~~seal tracking~~ CHAIN-OF-CUSTODY log. If
41 there is any evidence of possible tampering with a seal, or if the serial
42 numbers do not agree, they shall immediately notify the county clerk and
43 recorder who shall follow the procedures specific to the incident as described
44 in ~~section 43.8.11 of this Rule~~ 43.2.11.

1 (2)~~b~~. Transportation by Election Judges. Election judges that are receiving
2 equipment from county personnel shall inspect all components of voting
3 devices and verify the specific numbers by signature and date on the ~~seal-~~
4 ~~tracking~~ CHAIN-OF-CUSTODY log for the device. The election judge receiving
5 the equipment shall request two ~~(2)~~ election judges at the voting location to
6 inspect the devices and to sign and date the ~~seal-tracking~~ CHAIN-OF-CUSTODY
7 log indicating that all seals are intact and that the serial numbers on the seals
8 agree with those on the seal-tracking log. If there is any evidence of possible
9 tampering with a seal, or if the serial numbers do not agree, they shall
10 immediately notify the county clerk and recorder who shall follow the
11 procedures specific to the incident as described in ~~section 43.8.11 of this~~
12 Rule 43.2.11.

13 (3)~~e~~. Transportation by Contract. ~~Counties~~ A COUNTY electing to contract the
14 delivery of equipment to remote voting locations shall perform CBI
15 background checks on the specific individuals who will be delivering the
16 equipment. Two ~~(2)~~ employees or election judges shall verify, sign, and date
17 the ~~seal-tracking~~ CHAIN-OF-CUSTODY log upon release of the equipment to
18 the ~~individuals~~ INDIVIDUAL(S) delivering the equipment. Two ~~(2)~~ other
19 employees or election judges shall verify, sign, and date the ~~seal-tracking~~
20 CHAIN-OF-CUSTODY log after the equipment has been delivered, and prior to
21 the opening of the polls. If there is any evidence of possible tampering with a
22 seal, or if the serial numbers do not agree, they shall immediately notify the
23 county clerk and recorder who shall follow the procedures specific to the
24 incident as described in ~~section 43.8.11 of this~~ Rule 43.2.11.

25 (B)43.8.7.2 ~~The following standards shall be followed when~~ STANDARDS FOR
26 transporting voting equipment TO AND from the voting location:

27 (1)~~a~~. ~~IF REQUIRED PROCEDURES IF memory cards or cartridges are to be removed~~
28 ~~from voting devices at remote voting locations, the following procedures are~~
29 ~~to be followed:~~

30 (A)~~i~~. Before removing a memory card or cartridge, two ~~(2)~~ election
31 judges shall inspect and verify that all seals on the device are
32 intact and that the serial numbers on the seals agree with those
33 listed on the ~~seal-tracking~~ CHAIN-OF-CUSTODY log. Both election
34 judges shall sign and date the ~~seal-tracking~~ CHAIN-OF-CUSTODY
35 log prior to breaking the seal. If there is any evidence of possible
36 tampering with a seal, or if the serial numbers do not agree, they
37 shall immediately notify the county clerk and recorder who shall
38 follow the procedures specific to the incident as described in
39 ~~section 43.8.11 of this~~ Rule 43.2.11.

40 (B)~~ii~~. Election judges shall place the memory cards or cartridges in a
41 sealable transfer case that shall be sealed with at least one ~~(1)~~
42 seal. Additional seal logs shall be maintained for the transfer
43 case of the memory cards or cartridges.

1 (C)iii. Election judges shall place new seals over the empty memory
2 card/cartridge slot and/or door and document the seal numbers
3 used.

4 (D)iv. At least two ~~(2)~~ county personnel or election judges shall
5 accompany the transfer case containing the memory
6 card/cartridge to the drop off location. Seal integrity and serial
7 numbers will be verified, and logs will be signed and dated by
8 election judges receiving the equipment. If there is any evidence
9 of possible tampering with a seal, or if the serial numbers do not
10 agree, the county personnel or election judges shall immediately
11 notify the county clerk and recorder who shall follow the
12 procedures specific to the incident as described in ~~section~~
13 ~~43.8.11 of this Rule~~ 43.2.11.

14 (E)v. County personnel or election judges transporting secured voting
15 equipment must maintain ~~chain of custody~~ CHAIN-OF-CUSTODY
16 logs ~~and seal tracking logs~~. If there is any evidence of possible
17 tampering with a seal, or if the serial numbers do not agree, they
18 shall immediately notify the county clerk and recorder who shall
19 follow the procedures specific to the incident as described in
20 ~~section 43.8.11 of this Rule~~ 43.2.11.

21 (2)b. ~~If REQUIRED PROCEDURES IF devices are to be delivered with memory~~
22 ~~cards/cartridges intact, the following procedures shall be followed:~~

23 (A)i. Two ~~(2)~~ county personnel or election judges shall verify that all
24 seals are intact at the close of polls. Election judges shall sign the
25 ~~seal tracking~~ CHAIN-OF-CUSTODY log with such indication. If
26 there is any evidence of possible tampering with a seal, or if the
27 serial numbers do not agree, they shall immediately notify the
28 county clerk and recorder who shall follow the procedures
29 specific to the incident as described in ~~section 43.8.11 of this~~
30 ~~Rule~~ 43.2.11.

31 (B)ii. At least two ~~(2)~~ county personnel or election judges shall
32 accompany the secured equipment to the drop-off location. Seals
33 will be verified, and logs will be signed and dated by the county
34 election official receiving the equipment. If there is any evidence
35 of possible tampering with a seal, or if the serial numbers do not
36 agree, they shall immediately notify the county clerk and
37 recorder who shall follow the procedures specific to the incident
38 as described in ~~section 43.8.11 of this Rule~~ 43.2.11.

39 (C)iii. Upon confirmation that the seals are intact and bear the correct
40 numbers, the memory card or cartridge shall be removed and
41 uploaded into the central count system.

42 (D)iv. Election judges shall secure the equipment by placing a tamper-
43 evident seal over the memory card slot and by updating the
44 documentation to reflect the new seal ~~numbers~~NUMBER(S).

1 (C) REQUIRED PROCEDURES FOR TRANSPORTATION:

- 2 (1) ALL BALLOT BOXES THAT CONTAIN VOTED BALLOTS SHALL BE SEALED
3 SO THAT NO PERSON CAN ACCESS THE BALLOTS WITHOUT BREAKING A
4 SEAL. THE ELECTION JUDGES SHALL RECORD ALL SEALS IN THE CHAIN-
5 OF-CUSTODY LOG AND TWO ELECTION JUDGES SHALL SIGN THE LOG TO
6 INDICATE THAT THE REQUIRED SEALS ARE INTACT.
- 7 (2) TWO ELECTION JUDGES SHALL ACCOMPANY ALL BALLOT BOXES THAT
8 CONTAIN VOTED BALLOTS AT ALL TIMES, EXCEPT WHEN THE BALLOT
9 BOX IS LOCATED IN A VAULT OR SECURE PHYSICAL LOCATION.

- 10 (D) THE COUNTY MAY PICK UP BALLOTS FROM POLLING PLACES AS OFTEN AS
11 NEEDED ON ELECTION DAY. COMPLETING THE CHAIN-OF-CUSTODY LOGS
12 REQUIRED BY THIS RULE FOR EACH BALLOT BOX IS SUFFICIENT TO
13 SUBSTANTIALLY COMPLY WITH THE BALLOT BOX EXCHANGE REQUIREMENTS IN
14 SECTION 1-7-305, C.R.S.

15 *(New rule 43.2.7(d) would replace the written plan for alternate counting method in*
16 *current Rule 27.8)*

17 43.2.8 CONTINGENCY PLANS

18 (A) ~~43.8.8~~ Emergency Contingency Plans for Voting Equipment and Voting Locations

- 19 (1) ~~43.8.8.1~~ All remote devices used in an election shall have sufficient
20 battery backup for at least two (2) hours of use. If this requirement is met
21 by reliance on the internal battery of the voting device, then the county
22 clerk and recorder shall verify that all batteries are fully charged and in
23 working order prior to the opening of polls at the voting location. This
24 requirement also can be met with the purchase of third-party battery
25 backup systems.

- 26 (2) ~~43.8.8.2~~ In the event of a serious or catastrophic equipment failure or
27 equipment being removed from service at one or more polling locations,
28 or there is not adequate backup equipment to meet the requirements of
29 ~~Section~~ SECTION 1-5-501, C.R.S., the county clerk and recorder shall
30 ~~contact~~ NOTIFY the Secretary of State ~~for authorization to use~~ THAT
31 provisional ballots or mail-in ballots ARE BEING USED as an emergency
32 voting method.

- 33 (B) A SECTION ENTITLED "CONTINGENCY PLAN" MUST BE FILED WITH THE SECURITY
34 PLAN AND MUST INCLUDE THE FOLLOWING:

- 35 (1) EVACUATION PROCEDURES FOR EMERGENCY SITUATIONS INCLUDING
36 FIRE, BOMB THREAT, CIVIL UNREST, AND ANY OTHER EMERGENCY
37 SITUATIONS IDENTIFIED BY THE DESIGNATED ELECTION OFFICIAL;
- 38 (2) BACK UP PLANS FOR EMERGENCY SITUATIONS INCLUDING FIRE, SEVERE
39 WEATHER, BOMB THREAT, CIVIL UNREST, ELECTRICAL BLACKOUT,

1 EQUIPMENT FAILURE, AND ANY OTHER EMERGENCY SITUATIONS
2 IDENTIFIED BY THE DESIGNATED ELECTION OFFICIAL;

3 (3) AN EMERGENCY CHECKLIST FOR ELECTION JUDGES; AND

4 (4) A LIST OF EMERGENCY CONTACT NUMBERS PROVIDED TO ELECTION
5 JUDGES.

6 *(Current rule 43.10 would be amended and relocated to this proposed new rule*
7 *43.2.8(b))*

8 ~~43.8.9~~43.2.9 Internal Controls for the Voting System

9 (A)~~43.8.9.1~~ In addition to the access controls discussed in section ~~43.8.3~~ of this Rule
10 43.2.1(C), ~~counties are required to~~ THE COUNTY SHALL change all passwords and
11 limit access to the following areas:

12 (1)a. Software. THE COUNTY SHALL CHANGE ~~A~~ All software passwords ~~shall be~~
13 ~~changed~~ once per calendar year prior to the first election. This includes any
14 boot or startup passwords in use, as well as any administrator and user
15 passwords and remote device passwords.

16 (2)b. Hardware. THE COUNTY SHALL CHANGE ~~A~~ ALL hardware passwords ~~shall be~~
17 ~~changed~~ once per calendar year prior to the first election. This includes any
18 encryption keys, key card tools, supervisor codes, poll worker passwords on
19 smart cards, USB keys, tokens, and voting devices themselves as it applies to
20 the specific system.

21 (3)e. Password Management. THE COUNTY SHALL LIMIT ~~A~~ ACCESS to the
22 administrative passwords to the election management software ~~shall be~~
23 ~~limited~~ to two (2) employees. THE COUNTY SHALL LIMIT ~~A~~ ACCESS to
24 passwords for all components of the election software and hardware ~~shall be~~
25 ~~limited~~ to two (2) employees. THE COUNTY MAY PROVIDE ~~A~~ AN additional
26 ten (10) employees ~~may have~~ WITH access to the administrative passwords
27 for the software components, and an additional ten (10) employees ~~may have~~
28 WITH access to the administrative passwords for the hardware components of
29 the voting system.

30 (4)d. Internet Access. THE COUNTY MUST NEVER CONNECT ~~At no time shall~~ any
31 component of the voting system ~~be connected, directly or indirectly,~~ to the
32 Internet.

33 (E)e. Modem Transmission. THE COUNTY MUST NEVER CONNECT ~~At no time shall~~
34 any component of the voting system ~~be connected~~ to another device BY
35 MODEM except for the vote tally software, ~~directly or indirectly, by modem~~
36 as allowable by the certification of the specific device.

37 (5)f. Remote sites may use modem functions of optical scanners and DREs only
38 for the purpose of transmitting unofficial results, as permitted by the
39 Secretary of State's certification documents for the specific systems.
40 ~~Counties~~ A COUNTY using modem devices to transmit results shall meet the

1 following requirements:

2 (A)~~i~~. Transmissions may be used only for sending test data or
3 unofficial results; after all other steps have been taken to close
4 the polls. All summary tapes shall be printed before connecting
5 any of the machines to a modem or telephone line.

6 (B)~~ii~~. Modems shall not be used for any programming, setup, or
7 individual ballot-casting transmissions.

8 (C)~~iii~~. The receiving telephone number for the modem transmission
9 shall be changed at least once per calendar year prior to the first
10 election.

11 (D)~~iv~~. A maximum of six ~~(6)~~ employees shall have access to the
12 telephone number receiving the transmission. ~~Counties~~—THE
13 COUNTY shall not publish or print the receiving telephone
14 number for any election judge. To the extent possible, the
15 telephone number shall be programmed into the device and used
16 by the device in a way that is hidden from election judges and
17 voters from seeing the display of the number at any time.

18 (6)~~g~~. Authorized Employees. ~~Counties~~—THE COUNTY shall INCLUDE in their
19 security ~~plans~~ PLAN the positions and dates of CBI background checks for
20 employees with access to any of the areas or equipment set forth in this Rule.
21 Each county shall maintain a storage-facility access log that details employee
22 name, date, and time of access to the storage facility in which the software,
23 hardware, or components of any voting system are maintained. If access to
24 the storage facility is controlled by use of key card or similar door access
25 system that is capable of producing a printed paper log including the person's
26 name and date and time of entry, such a log shall meet the requirements of
27 this rule.

28 ~~43.8.10~~43.2.10 Security Training for Election Judges

29 (A)~~43.8.10.1~~ ~~Counties~~—THE COUNTY shall include in their security plan the details of
30 their security training for their election judges., ~~which shall~~—THE COUNTY
31 MUST ADDRESS ~~include~~ the anticipated time of training, location of
32 training, and number of election judges receiving the security training, as
33 it applies to the following requirements:

34 (1)~~a~~. The county shall conduct a separate training module for field technicians and
35 election judges ~~who will be~~ responsible for overseeing the transportation and
36 use of the voting systems, picking up supplies, and troubleshooting device
37 problems throughout the Election Day.

38 (2)~~b~~. Security training shall include the following components:

39 (A)~~i~~. Proper application and verification of seals and ~~seal tracking~~
40 CHAIN-OF-CUSTODY logs;

- (B)ii. How to detect tampering with voting equipment, memory cards/cartridges, or election data on the part of anyone coming in contact with voting equipment, including employees, other election judges, vendor personnel, or voters;
- (C)iii. Ensuring privacy in voting booths;
- (D)iv. The nature of and reasons for the steps taken to mitigate the security vulnerabilities of voting systems;
- (E)v. V-VPAT requirements;
- (F)vi. Chain-of-custody requirements for voting equipment, memory cards/cartridges, and other election materials;
- (G)vii. Ballot security;
- (H)viii. Voter anonymity; and
- (I)ix. Recognition and reporting of security incidents.

43.8.1143.2.11 Remedies

~~(A)43.8.11.1 If it is detected that the A seal has been IS broken or if there is a discrepancy between the log and the serial number of either a voting device, or a memory card or cartridge, IN A CHAIN-OF-CUSTODY LOG, the condition must be confirmed by one or more of the remaining election judges for the location. The election judges shall immediately notify the county clerk and recorder, who shall investigate AND COMPLETE AN INTERNAL INCIDENT REPORT. report the incident to the Secretary of State, and follow the appropriate remedy as indicated in this rule or as directed by the Secretary of State.~~

~~43.8.11.2 If a seal has been broken or removed under the following conditions:~~

- ~~a. During either the transportation, setup, opening polls, or closing polls for the device;~~
- ~~b. Two election judges can verify the breaking or removing of the seal; and~~
- ~~c. The chain of custody has not been broken, meaning the device has been within ownership of election judges or employees only during this time;~~

~~The county clerk and recorder shall instruct the election judges to complete a security incident report detailing the incident, replacing the seals, and updating the chain of custody log as appropriate.~~

~~The Security incident report shall be filed with the Secretary of State during the canvass period.~~

1 (B)~~43.8.11.3~~ IF THE COUNTY CLERK AND RECORDER CONDUCTS AN INVESTIGATION IN
2 ACCORDANCE WITH RULE 43.2.11(A) AND IS UNABLE TO DETERMINE WHY A
3 SEAL WAS BROKEN OR WHY A DISCREPANCY EXISTS IN A CHAIN-OF-CUSTODY
4 LOG, THEN THE COUNTY CLERK AND RECORDER SHALL FILE AN INCIDENT REPORT
5 WITH THE SECRETARY OF STATE AS SOON AS PRACTICABLE, BUT NO LATER THAN
6 THE CLOSE OF THE CANVASS PERIOD FOR THE ELECTION., ~~If a seal has been~~
7 ~~broken or removed outside of the situation in rule 43.8.11.2,~~ any ANY unit
8 involved must undergo the reinstatement or verification of the trusted build.
9 ~~County clerk and recorders will be required to complete a security incident~~
10 ~~report.~~ The ~~minimum specific requirements on the remedy are as follows~~ the
11 following remedial actions are required if a device has been tampered with
12 (additional requirements may be determined based on the details of the incident
13 report):

14 (1)~~a.~~ For instances where the trusted build hash value (MD5 or SHA-1) of the
15 firmware or software can be displayed, VERIFIED, or printed ~~by the device as~~
16 ~~verified by the State Certification process,~~ the election official SHALL ~~will be~~
17 ~~required to~~ document and verify that the hash value matches the documented
18 number associated with the Trusted Build for the software or firmware of
19 that device.

20 (2)~~b.~~ If the evidence INDICATES THAT THE TAMPERING OCCURRED ~~is~~ prior to the
21 start of voting:

22 (A)~~i.~~ The ELECTION JUDGES SHALL SEAL THE device ~~shall be sealed~~
23 and securely delivered IT to the county clerk and recorder.

24 (B)~~ii.~~ The county clerk and recorder or his or her designee shall
25 remove and secure the memory card following the procedures in
26 ~~section 43.8.1(a)~~ RULE 43.2.1(A). The county clerk and recorder
27 or his or her designee shall follow the State instructions for
28 installing/verifying the trusted build for the specific device. The
29 county clerk and recorder or his or her designee shall install a
30 new, secure memory card into the device, conduct a hardware
31 diagnostics test as prescribed in Rule 11, and proceed to conduct
32 a logic and accuracy test on the machine in full election mode,
33 casting at least 25 ballots on the device. All documentation of
34 testing and chain of custody shall be maintained on file for each
35 specific device.

36 (C)~~iii.~~ THE COUNTY SHALL ~~Complete~~ COMPLETE the necessary seal
37 process and documentation to re-establish the chain of custody
38 for the device and new memory card.

39 (D)~~iv.~~ THE COUNTY SHALL ~~Set~~ SET the machine to election mode ready
40 for a zero report.

41 (E)~~vi.~~ ~~Complete necessary reports for the Secretary of State regarding~~
42 ~~the incident as soon as practicable, but prior to the close of the~~
43 ~~canvass period for the election~~ REPEALED.

1 (3)e. If the evidence INDICATES THAT THE TAMPERING OCCURRED ~~is~~ after votes
2 have been cast on the device but before the close of polls:

3 (A)~~i~~. The ELECTION JUDGES SHALL SEAL THE device ~~shall be sealed~~
4 and securely delivered IT to the county clerk and recorder.

5 (B)~~ii~~. The county clerk and recorder or his or her designee shall close
6 the election on that device, and perform a complete manual
7 verification of the paper ballots (or V-VPAT ~~Records~~-RECORDS)
8 to the summary tape printed on the device that represents the
9 record of votes on the memory card.

10 (C)~~iii~~. If the totals do not match then only the paper record will be
11 accepted as the official results for that device, ~~and the~~ THE
12 COUNTY CLERK AND RECORDER SHALL RE-SEAL AND SECURE
13 THE device ~~shall be re-sealed, secured~~ and IMMEDIATELY
14 reported THE DISCREPANCY to the Secretary of State
15 ~~immediately~~. The COUNTY MUST NOT USE THE device ~~shall not~~
16 ~~be used~~ for the remainder of the election unless ~~the firmware~~
17 ~~and/or software have been reformatted with~~ the trusted build IS
18 REINSTALLED.

19 (D)~~iv~~. If the totals match, the memory card may be uploaded into the
20 tally software at the close of polls.

21 (E)~~v~~. After verifying the totals, the paper records and memory card
22 shall be secured with seals and documented properly.

23 (F)~~vi~~. A new secured memory card shall be placed in the device. The
24 county clerk and recorder or his or her designee shall follow the
25 State instructions for installing/verifying the trusted build for the
26 specific device. The county clerk and recorder or his or her
27 designee shall conduct a hardware diagnostics test as prescribed
28 in Rule 11. All documentation of testing and chain of custody
29 shall be maintained on file for each specific device.

30 (G)~~vii~~. THE COUNTY SHALL ~~Complete~~-COMPLETE the necessary seal
31 process and documentation to establish the chain of custody for
32 the device and memory card.

33 (H)~~viii~~. THE COUNTY SHALL ~~Set~~-SET the machine to election mode ready
34 for a zero report.

35 (I)~~ix~~. At the conclusion of the election a full (all races) post-election
36 audit shall be conducted on the device and results reported to the
37 Secretary of State as required by Rule 11. This requirement is in
38 addition to the random selection conducted by the Secretary of
39 State.

1 (J)~~x~~. ~~Complete necessary reports for the Secretary of State regarding~~
2 ~~the incident as soon as practicable, but prior to the close of the~~
3 ~~canvass period for the election-REPEALED.~~

4 (4)~~d~~. If the evidence INDICATES THAT THE TAMPERING OCCURRED ~~is~~ after the
5 close of polls:

6 (A)~~i~~. The ELECTION JUDGES SHALL SEAL THE device ~~shall be sealed~~
7 ~~and securely delivered-IT~~ to the county clerk and recorder.

8 (B)~~ii~~. The county clerk and recorder or his or her designee shall
9 perform a complete manual verification of the paper ballots (or
10 V-VPAT ~~Records-RECORDS~~) to the summary tape printed on the
11 device that represents the record of votes on the memory card.

12 (C)~~iii~~. If the totals do not match then only the paper record will be
13 accepted as the official results for that device., ~~and the~~ COUNTY
14 CLERK AND RECORDER SHALL RE-SEAL AND SECURE THE device
15 ~~shall be re-sealed, secured~~ and IMMEDIATELY reported THE
16 DISCREPANCY to the Secretary of State ~~immediately~~. The
17 COUNTY MUST NOT USE THE device ~~shall not be used~~ for the
18 remainder of the election unless ~~the firmware and/or software~~
19 ~~have been reformatted with the trusted build IS REINSTALLED.~~

20 (D)~~iv~~. If the totals match, the memory card may be uploaded into the
21 tally software at the close of polls.

22 (E)~~v~~. After verifying the totals, the paper records and memory card
23 shall be secured with seals and documented properly.

24 (F)~~vi~~. The county clerk and recorder or his or he designee shall follow
25 the State instructions for installing/verifying the trusted build for
26 the specific device and complete the necessary seal process and
27 documentation to establish the chain of custody for the device.

28 (G)~~vii~~. During the canvass process, a full (all races) post-election audit
29 shall be conducted on the device and results reported to the
30 Secretary of State as required by Rule 11. This requirement is in
31 addition to the random selection conducted by the Secretary of
32 State.

33 (H)~~viii~~. ~~Complete necessary reports for the Secretary of State regarding~~
34 ~~the incident prior to the close of the canvass period for the~~
35 ~~election-REPEALED.~~

36 (C)43.8.11.4 ~~Prior to the submission of certified results from the county, the county~~
37 ~~clerk and recorder shall provide a written report to the Secretary of State~~
38 ~~addressing the existence or absence of any security issues related to the~~
39 ~~implementation and operation of the voting system. All~~ THE county SHALL MAKE
40 ALL documentation related to the voting system AND FOR EVERY DEVICE USED IN

1 THE ELECTION shall be available for inspection by the Secretary of State
2 INSPECTION for all devices used in the election.

3 ~~43.8.12~~43.2.12 THE COUNTY SHALL SUBMIT ~~Any~~ ANY additional physical security procedures
4 not discussed IN THIS RULE ~~in these mandatory procedures shall be submitted~~ to the
5 Secretary of State for approval prior to the election.

6 43.93 The COUNTY ~~designated election official~~ shall submit with the security plan sample copies of all
7 referenced forms, schedules, logs, and checklists.

8 43.4 AMENDMENTS AND REVIEW OF SECURITY PLANS

9 43.4.1 IF NO CHANGES HAVE OCCURRED SINCE THE LAST SECURITY PLAN WAS FILED, THE
10 COUNTY SHALL FILE A STATEMENT TO THAT EFFECT.

11 43.4.2 THE COUNTY SHALL CLEARLY IDENTIFY AND DESCRIBE ANY REVISIONS TO A
12 PREVIOUSLY FILED SECURITY PLAN.

13 43.4.3 THE COUNTY MAY CHANGE THE SECURITY PLAN WITHIN 60 DAYS OF AN ELECTION AS A
14 RESULT OF AN EMERGENCY SITUATION OR OTHER UNFORESEEN CIRCUMSTANCE. THE
15 COUNTY MUST DOCUMENT THE CHANGES AND FILE THE REVISIONS WITH THE SECRETARY
16 OF STATE WITHIN FIVE DAYS OF THE CHANGE.

17 43.4.4 IF, UNDER SECTION 1-5-616(5)(B), C.R.S., THE SECRETARY OF STATE IS UNABLE TO
18 COMPLETE ITS REVIEW, THE SECRETARY WILL NOTIFY THE COUNTY THAT THE SECURITY
19 PLAN OR REVISIONS ARE TEMPORARILY APPROVED UNTIL THE REVIEW IS COMPLETE.

20 *(Proposed new rule 43.4 includes the amended and relocated current rules 43.3 through 43.7)*

21 ~~43.10~~ Included in the security procedures filed with the secretary of state shall be a section entitled
22 "contingency plan." The contingency plan shall include:

23 (a) ~~Evacuation procedures for emergency situations including fire, bomb threat, civil unrest,~~
24 ~~and any other emergency situations identified by the designated election official;~~

25 (b) ~~Back up plans for emergency situations including fire, severe weather, bomb threat, civil~~
26 ~~unrest, electrical blackout, equipment failure, and any other emergency situations~~
27 ~~identified by the designated election official;~~

28 (c) ~~An emergency checklist for election judges; and~~

29 (d) ~~A list of emergency contact numbers provided to election judges.~~

30 *(Current rule 43.10 would be amended and relocated to new rule 43.2.8(b))*

31 43.445 Lease, Loan, or Rental of Election Equipment

32 43.445.1 Nothing in this Rule shall be construed to require REQUIRES a county clerk to
33 lease, loan, or rent any election equipment to any municipality, special district or other
34 local jurisdiction.

1 43.415.2 A county clerk who chooses to lease, loan, or rent any certified election
2 equipment to a municipality, special district, or other local jurisdiction for use in their
3 elections shall follow at least one of the following procedures in order to maintain or
4 reestablish an acceptable chain of custody and appropriate documentation pursuant to IN
5 ACCORDANCE WITH Rule 43.8-43.2.1.

6 (A)a. After the LOCAL JURISDICTION RETURNS THE certified equipment ~~has been~~
7 ~~returned~~ to the county clerk ~~by the applicable jurisdiction~~, THE COUNTY CLERK
8 MUST REINSTATE OR VERIFY THE TRUSTED BUILD IN ACCORDANCE WITH RULE
9 43.2.11(B)(1) BEFORE use of the equipment IS USED in any primary, general,
10 congressional vacancy, statewide ballot issue (including recall), or special
11 election conducted by the county clerk, ~~reinstatement or verification of the~~
12 ~~trusted build, pursuant to Rule 43.8.11.3(a), shall be completed.~~

13 (B)b. The county clerk or their deputized representative shall:

14 (1)~~I~~. Deliver the certified equipment to the jurisdiction;

15 (2)~~II~~. Witness and document the installation of the memory card(s) or
16 cartridge(s) to be used by the jurisdiction;

17 (3)~~III~~. Place one or more secure and numbered seals on the voting equipment
18 ~~pursuant to~~ IN ACCORDANCE WITH Rule 43.8.2-43.2.2. If during the
19 course of the jurisdiction's election, the designated election official
20 requires removal of a memory card or cartridge as a function of the
21 election process, the county clerk or their deputized representative shall
22 witness and document the removal and proper resealing of the memory
23 card or cartridge; and

24 (4)~~IV~~. Upon return of the equipment to the county clerk and recorder, the
25 county clerk shall verify and document that the seals are intact. If any
26 seal appears to be damaged or removed, the county clerk shall reinstall or
27 verify the trusted build in accordance with this Rule 43.

28 (C)e. The county clerk and recorder shall designate AND STATION deputized county
29 staff ~~to be stationed~~ with the loaned certified equipment at all times while the
30 equipment is under control of the designated election official. The DEPUTIZED
31 COUNTY STAFF MUST MAINTAIN PHYSICAL CUSTODY OF THE certified equipment
32 ~~shall not be allowed out of the physical custody of the deputized county staff at~~
33 ~~any time. The deputized county staff shall~~ AT ALL TIMES TO ensure that no
34 unauthorized access occurs.

35 (D)f. ~~Pursuant to~~ IN ACCORDANCE WITH section 1-5-605.5, C.R.S., the county clerk
36 shall appoint the designated election official as a deputy for the purposes of
37 supervising the certified voting equipment. The designated election official shall:

38 (1)~~I~~. Sign and submit to the county clerk and recorder an affirmation that
39 he/she will ensure the security and integrity of the certified voting
40 equipment at all times;

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(2) ~~II.~~ Affirm that the use of the certified voting equipment shall be conducted in accordance with Rule 43 and the specific conditions for use of the certified voting equipment; and

(3) ~~III.~~ Agree to maintain all ~~chain-of-custody~~ CHAIN-OF-CUSTODY logs for the voting device(s).

43.445.3 Upon return of the certified voting equipment to the county clerk and recorder, the county clerk ~~shall~~ IS ~~not~~ be required to verify the trusted build if the documentation and chain of custody DOES NOT support the proper maintenance of the trusted build software and chain of custody.

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1 Proposed Rule 12.4:

2 12.4 Mail Ballot Plans

3 12.4.1 Coordinated and non-partisan elections.

4 (a) Written plan. As soon as possible, but no later than 55 days prior to any
5 other election, not including a Primary Election, a written plan must be
6 submitted to the Secretary of State which includes the following:

7 (8) The address and hours of operation for all drop-off locations;

8 Proposed New Rule 12.10.4:

9 12.10.4 Monitoring drop-off locations. All drop-off locations must be monitored by an
10 election judge or video security surveillance recording system, as defined in
11 Rule 43.

12 (a) Freestanding drop-off locations must be monitored at all times by an
13 election judge.

14 (b) If the drop-off location utilizes a drop-slot into a building, the ballots must
15 be collected in a locked container, and both the drop-slot and container
16 must be monitored, either by an election judge or by a video security
17 surveillance recording.

18 Proposed repeal of Rule 27.8:

19 27.8 Repealed.

20 Proposed Rule 43:

21 **Rule 43. County Security Procedures**

22 43.1 Definitions

23 43.1.1 “Chain-of-custody log” means a written record that shows that the equipment and all
24 associated data are secured according to these procedures and in the documented control
25 of an employee or deputized election judge through the entire time of ownership by the
26 jurisdiction.

27 43.1.2 “Video security surveillance recording” means video monitoring by a device that
28 continuously records a designated location. Alternatively, a digital recording
29 system with motion detection meets this definition if it can be programmed to
30 record at a rate of one frame per minute or more when motion detection is used to
31 trigger continuous recording.

- 1 43.1.3 “DRE” means a direct recording electronic voting device. A DRE is a voting device that
2 records votes by means of a ballot display provided with mechanical or electro-optical
3 components or an audio ballot that can be activated by the voter; that processes data by
4 means of a computer program; and that records voting data and ballot images in memory
5 components or other media. The device may produce a tabulation of the voting data
6 stored in a removable memory component and as printed copy. The device may also
7 provide a means for transmitting individual ballots or vote totals to a central location for
8 consolidating and reporting results from remote sites to the central location.
- 9 43.1.4 “Employee” means all full-time, part-time, permanent, and contract employees of the
10 county who have had a criminal history check conducted in accordance with Rule 11.2
11 and are deputized by the county clerk and recorder to prepare or maintain the voting
12 system or election setup materials, staff the counting center and who have any access to
13 the electromechanical voting systems or electronic vote tabulating equipment.
- 14 43.1.5 “Removable card or cartridge” means any programming card or cartridge, except a voter
15 activation card, that stores firmware, software, or data.
- 16 43.1.6 “Seal” means a serial-numbered tamper-evident device that indicates when it has been
17 broken or removed.
- 18 43.1.7 “Trusted Build” means the write-once installation disk or disks for software and firmware
19 for which the Secretary of State or his/her agent has established the chain of evidence to
20 the building of a disk, which is then used to establish and/or re-establish the chain of
21 custody of any component of the voting system which contains firmware or software. The
22 trusted build is the origin of the chain of evidence for any software and firmware
23 component of the voting system.
- 24 43.2 Annual security plan. In accordance with section 1-5-616(5), C.R.S., each county must submit a
25 security plan to the Secretary of State annually and no later than 60 days prior to the first election
26 in which the security plan procedures will be used. The plan must, at a minimum, include the
27 following:
- 28 43.2.1 General Requirements:
- 29 (a) The county clerk and recorder shall maintain on file all documentation of seals,
30 chain of custody, and other documents related to the transfer of equipment
31 between parties. These documents are subject to inspection by the Secretary of
32 State.
- 33 (b) The chain of custody for each voting device must be maintained and documented
34 throughout ownership or leasing of the device by the county clerk and recorder.
- 35 (c) Only deputized clerks, election judges, or canvass board members sworn under
36 oath are allowed to handle ballots, which include V-VPAT records.
- 37 (d) Additional or modified software developed by the Vendor may be installed on
38 any component of the voting system only if the software is specifically listed on
39 the Secretary of State’s certificate and verified against the state trusted build.
40 Nothing in this rule shall preclude the use of commercial off-the-shelf software,

1 provided that the software is included in the certified list of services and
2 executables for the certified voting systems.

3 (e) Any form or log containing “date” means to note the month, calendar day, year,
4 hour, minute, and whether the time is a.m. or p.m.

5 43.2.2 Physical Locking Mechanisms and Seals. The county must record the serial number of
6 every seal on the appropriate chain-of-custody log. Two individuals must verify the serial
7 number and sign the log. If a seal is inaccessible and cannot be removed, then it is not
8 necessary to verify that seal serial number.

9 (a) DREs. All DRE voting devices shall be sealed to meet the following
10 requirements:

11 (1) A seal shall be placed over any removable card or cartridge that is
12 inserted into the unit, or over the slot or door covering the card or
13 cartridge.

14 (2) A seal is to be placed over any removable card slot or cartridge slot when
15 no card or cartridge is inserted into the unit.

16 (3) If the firmware or software hash value (MD5 or SHA-1) cannot be
17 verified, the county must seal the DRE case with a seal that ensures the
18 integrity of the electronic components contained inside. Seals shall be
19 used at either the seams of the case or at key entry points such as screw
20 access points.

21 (4) If the voting device contains one or more slots for a flash memory card,
22 the county shall affix a seal over each flash card or each flash card slot,
23 door, or access panel.

24 (5) These same procedures also apply to the Judge’s Booth Controller (JBC)
25 unit for the Hart InterCivic System.

26 (6) Two employees or election judges must verify all seals.

27 (b) V-VPATs. All V-VPAT units shall be sealed upon verification of no votes
28 having been cast on the paper record prior to being attached to a specific voting
29 device. Seals must be verified as being intact by at least two election judges prior
30 to the start of voting, and at the close of voting. V-VPAT records shall either
31 remain in the V-VPAT canister, or be sealed and secured in a suitable device for
32 protecting privacy or as described in Rule 11.

33 (c) Remote or Central-count Optical Scanners. Optical scanners used in a remote or
34 central tabulating location shall meet the following seal requirements:

35 (1) A seal must be placed over each card or cartridge inserted into the unit,
36 or over any door or slot containing the card or cartridge.

37 (2) A seal must be placed over each empty card or cartridge slot or door
38 covering the area where the card or cartridge is inserted.

- 1 (3) Prior to the start of voting and after the close of voting, two employees or
2 election judges must verify that all seals are intact.
- 3 (d) Memory Cards/Cartridges.
- 4 (1) The county must assign and securely affix a permanent serial number to
5 each removable card or cartridge. The manufacturer assigned serial
6 number may be used for this purpose.
- 7 (2) The county must handle Removable memory cards and cartridges in a
8 secure manner at all times. Any removable card and/or cartridge that is
9 not sealed in a voting machine must be transferred and stored in a secure
10 container with at least one seal. The serial number of each seal shall be
11 verified by election judges or county personnel in the chain-of-custody
12 logs upon delivery and receipt.
- 13 (3) The county clerk and recorder must maintain a written or electronic log
14 to record card or cartridge seal serial numbers and track seals for each
15 voting unit. The county clerk and recorder must be notified if control of a
16 card/cartridge or door or slot for a card/cartridge is breached before an
17 election, and he/she must follow the procedures specific to the incident
18 outlined in Rule 43.2.11.

19 43.2.3 Individuals With Access to Keys, Door Codes, and Vault Combinations

- 20 (a) For employees with access to areas addressed in Rule 43.2.3(c), the county must
21 state the employees' titles and the dates of CBI background checks.
- 22 (b) The county must change all keypad door codes or locks, vault combinations,
23 computer and server passwords, encryption key codes, and administrator
24 passwords at least once per calendar year prior to the first election of the year.
- 25 (c) Employee access
- 26 (1) The county may grant employees access to the codes, combinations,
27 passwords, and encryption keys described in this Rule 43.2.3 in
28 accordance with the following limitations:
- 29 (A) Access to the code, combination, password, or encryption key
30 for the storage area for voting equipment and the mail-in ballot
31 counting areas is restricted to employees as defined in 43.1.4.
- 32 (B) Access to the code, combination, password, or encryption key
33 for the mail-in ballot storage area and counting room or
34 tabulation workstations is restricted to ten employees as defined
35 in 43.1.4.
- 36 (C) Except for emergency personnel, no other individuals shall be
37 present in these locations unless supervised by one or more
38 employees as defined in Rule 43.1.4.

1 (i) Each individual who has access to the central election
2 management system or central tabulator shall have their
3 own unique username and password. No individual shall
4 use any other individual's username or password. Shared
5 accounts are prohibited.

6 (ii) The county shall maintain a log of each person who
7 enters the ballot storage room, including the person's
8 name, signature, and date and time of entry. If access to
9 the ballot storage room is controlled by use of key card
10 or similar door access system that is capable of
11 producing a printed paper log including the person's
12 name and date and time of entry, such a log shall meet
13 the requirements of this rule.

14 (2) In extreme circumstance, the county may request and the Secretary of
15 State may grant exemption from the requirements outlined in Rule
16 43.2.3(c)(1).

17 (d) Computer room access is limited to employees and election judges only, and the
18 delivery of ballots between the preparation room and computer room shall be
19 performed by messengers or runners wearing distinguishing identification.

20 43.2.4 Temperature-controlled Storage. The county must maintain all components of the
21 voting system and ballots in a temperature-controlled environment. The county shall
22 attest to the temperature-control settings used with the following components of a
23 voting system. Information submitted to the Secretary of State shall indicate the
24 specifics for each type of component, as well as the specific environment used, which
25 may include, but is not limited to controlled offices, controlled vaults, and controlled
26 warehouses. The settings for temperature control must be at least the following:

27 (a) Servers and Workstations. The county shall maintain the temperature setting so
28 that the maximum temperature at no time exceeds 90 degrees Fahrenheit.

29 (b) DREs. The county shall maintain the temperature settings at a minimum of 50
30 degrees Fahrenheit and a maximum of 90 degrees Fahrenheit.

31 (c) Optical Scanners. The county shall maintain the temperature settings at a
32 minimum of 50 degrees Fahrenheit and a maximum of 90 degrees Fahrenheit.

33 (d) V-VPAT Records. In addition to the requirements set forth in Rule 11, The
34 county shall maintain the temperature settings at a minimum of 50 degrees
35 Fahrenheit and a maximum of 90 degrees Fahrenheit. The county shall maintain
36 V-VPAT records in a dry environment, with storage at least four inches above
37 the finished floor, for a period of 25 months following the election. The humidity
38 of the environment shall not exceed 80% humidity for a period of more than 24
39 hours. V-VPAT records shall be stored in a manner that prevents exposure to
40 light, except as necessary during recounts and audits.

41 (e) Paper Ballots. The county shall maintain paper ballots in a dry, humidity-
42 controlled environment. The humidity of the environment shall not exceed 80%

1 humidity for a period of more than 24 hours. The county shall store paper ballots
2 at least 4 inches above the finished floor, for a period of 25 months following the
3 election.

- 4 (f) Video Data Records. The county shall maintain video data records in a dry,
5 temperature-controlled environment. The humidity of the environment shall not
6 exceed 80% humidity for a period of more than 24 hours. The county shall
7 maintain temperature settings at a minimum of 50 degrees Fahrenheit and a
8 maximum of 90 degrees Fahrenheit. The county shall store video data records at
9 least 4 inches above the finished floor, for a period of 25 months following the
10 election.

11 43.2.5 Security Cameras or Other Surveillance

- 12 (a) Unless otherwise instructed, the county shall make video security surveillance
13 recordings of specified areas beginning at least 60 days prior to the election and
14 continuing through at least 30 days after the election, unless there is a recount or
15 contest. The recording system shall ensure that records are not written over when
16 the system is full. The recording system shall provide a method to transfer the
17 video records to a different recording device or to replace the recording media. If
18 replaceable media is used then the county shall provide a process that ensures
19 that the media is replaced often enough to prevent periods when recording is not
20 available. If a recount or contest occurs, the recording shall continue through the
21 conclusion of all such activity. The following are the specific minimum
22 requirements:

- 23 (1) If the county has 50,000 or more registered voters, then the county shall
24 make video security surveillance recordings of the following areas:

25 (A) All areas in which election software is used, including but not
26 limited to programming, downloading memory cards, uploading
27 memory cards, tallying results, and results reporting.

28 (B) All areas used for processing mail-in ballots, including but not
29 limited to areas used for Signature Verification, tabulation, or
30 storage of voted ballots beginning at least 35 days prior to the
31 election and continuing through at least 30 days after the
32 election, unless there is a recount or contest. If a recount or
33 contest occurs, the recording shall continue through the
34 conclusion of all such activity.

35 (C) The storage area for all voting equipment.

- 36 (2) If the county has fewer than 50,000 registered voters then the county
37 shall make video security surveillance recordings of all areas in which
38 election software is used, including but not limited to programming,
39 downloading memory cards, uploading memory cards, tallying results,
40 and results reporting.

41 43.2.6 Equipment Maintenance Procedures. In addition to the requirements for voting systems
42 specified in Rule 11, the county shall adhere to the following minimum standards:

- 1 (a) the county shall store all equipment throughout the year with seals over the
2 memory card slots for each device. The county shall maintain a log of the seals
3 used for each device consistent to the logs used for tracking Election Day seals.
- 4 (b) For equipment being sent to the vendor for offsite repairs/replacements, the
5 county must maintain a log file for the device that shall contain the following: the
6 model number, serial number, and the type of device; the firmware version; the
7 software version (as applicable); date of submission to the vendor.
- 8 (c) For equipment receiving maintenance on-site by the vendor, the county shall
9 verify that a CBI background check has been conducted on all vendor personnel
10 with access to any component of the voting system. The county must update and
11 maintain CBI information on file annually. Additionally, an employee shall
12 escort the vendor's representative at all times while on-site. At no time shall the
13 voting system vendor have access to any component of the voting system without
14 supervision by an employee.
- 15 (d) Upon completion of any maintenance, the county shall verify or reinstate the
16 trusted build and conduct a full acceptance test of equipment that shall, at a
17 minimum, include the Hardware Diagnostics test, as indicated in Rule 11, and
18 conduct a mock election in which an employee shall cast a minimum of five
19 ballots on the device to ensure tabulation of votes is working correctly. All
20 documentation of results of the acceptance testing shall be maintained on file
21 with the specific device.
- 22 (e) The Secretary of State will annually inspect county maintenance records on a
23 randomly selected basis.

24 43.2.7 Transportation of Equipment, Memory Cards, Ballot Boxes, and Ballots

- 25 (a) The county shall submit detailed plans to the Secretary of State prior to an
26 election regarding the transportation of equipment and ballots both to remote
27 voting sites and back to the central elections office or storage facility. While
28 transportation of equipment may be handled in a multitude of methods, the
29 following standards shall apply when transporting voting equipment to the voting
30 location:
- 31 (1) Transportation by County Personnel. County personnel shall at all times
32 display a badge or other identification provided by the County. Two
33 signatures and date of employees are required at the departure location
34 verifying that the equipment, including memory card or cartridge, is sealed to
35 prevent tampering. Upon delivery of equipment, at least two employees or
36 election judges shall verify that all seals are intact and that the serial numbers
37 on the seals agree with those on the chain-of-custody log, and sign and date
38 the chain-of-custody log. If there is any evidence of possible tampering with
39 a seal, or if the serial numbers do not agree, they shall immediately notify the
40 county clerk and recorder who shall follow the procedures specific to the
41 incident as described in Rule 43.2.11.
- 42 (2) Transportation by Election Judges. Election judges that are receiving
43 equipment from county personnel shall inspect all components of voting

1 devices and verify the specific numbers by signature and date on the chain-
2 of-custody log for the device. The election judge receiving the equipment
3 shall request two election judges at the voting location to inspect the devices
4 and to sign and date the chain-of-custody log indicating that all seals are
5 intact and that the serial numbers on the seals agree with those on the seal-
6 tracking log. If there is any evidence of possible tampering with a seal, or if
7 the serial numbers do not agree, they shall immediately notify the county
8 clerk and recorder who shall follow the procedures specific to the incident as
9 described in Rule 43.2.11.

10 (3) Transportation by Contract. A county electing to contract the delivery of
11 equipment to remote voting locations shall perform CBI background checks
12 on the specific individuals who will be delivering the equipment. Two
13 employees or election judges shall verify, sign, and date the chain-of-custody
14 log upon release of the equipment to the individual(s) delivering the
15 equipment. Two other employees or election judges shall verify, sign, and
16 date the chain-of-custody log after the equipment has been delivered, and
17 prior to the opening of the polls. If there is any evidence of possible
18 tampering with a seal, or if the serial numbers do not agree, they shall
19 immediately notify the county clerk and recorder who shall follow the
20 procedures specific to the incident as described in Rule 43.2.11.

21 (b) Standards for transporting voting equipment to and from the voting location:

22 (1) Required procedures if memory cards or cartridges are removed from voting
23 devices at remote voting locations:

24 (A) Before removing a memory card or cartridge, two election
25 judges shall inspect and verify that all seals on the device are
26 intact and that the serial numbers on the seals agree with those
27 listed on the chain-of-custody log. Both election judges shall
28 sign and date the chain-of-custody log prior to breaking the seal.
29 If there is any evidence of possible tampering with a seal, or if
30 the serial numbers do not agree, they shall immediately notify
31 the county clerk and recorder who shall follow the procedures
32 specific to the incident as described in Rule 43.2.11.

33 (B) Election judges shall place the memory cards or cartridges in a
34 sealable transfer case that shall be sealed with at least one seal.
35 Additional seal logs shall be maintained for the transfer case of
36 the memory cards or cartridges.

37 (C) Election judges shall place new seals over the empty memory
38 card/cartridge slot and/or door and document the seal numbers
39 used.

40 (D) At least two county personnel or election judges shall
41 accompany the transfer case containing the memory
42 card/cartridge to the drop off location. Seal integrity and serial
43 numbers will be verified, and logs will be signed and dated by
44 election judges receiving the equipment. If there is any evidence

1 of possible tampering with a seal, or if the serial numbers do not
2 agree, the county personnel or election judges shall immediately
3 notify the county clerk and recorder who shall follow the
4 procedures specific to the incident as described in Rule 43.2.11.

5 (E) County personnel or election judges transporting secured voting
6 equipment must maintain chain-of-custody logs. If there is any
7 evidence of possible tampering with a seal, or if the serial
8 numbers do not agree, they shall immediately notify the county
9 clerk and recorder who shall follow the procedures specific to
10 the incident as described in Rule 43.2.11.

11 (2) Required procedures if devices are delivered with memory cards/cartridges
12 intact:

13 (A) Two county personnel or election judges shall verify that all
14 seals are intact at the close of polls. Election judges shall sign the
15 chain-of-custody log with such indication. If there is any
16 evidence of possible tampering with a seal, or if the serial
17 numbers do not agree, they shall immediately notify the county
18 clerk and recorder who shall follow the procedures specific to
19 the incident as described in Rule 43.2.11.

20 (B) At least two county personnel or election judges shall
21 accompany the secured equipment to the drop-off location. Seals
22 will be verified, and logs will be signed and dated by the county
23 election official receiving the equipment. If there is any evidence
24 of possible tampering with a seal, or if the serial numbers do not
25 agree, they shall immediately notify the county clerk and
26 recorder who shall follow the procedures specific to the incident
27 as described in Rule 43.2.11.

28 (C) Upon confirmation that the seals are intact and bear the correct
29 numbers, the memory card or cartridge shall be removed and
30 uploaded into the central count system.

31 (D) Election judges shall secure the equipment by placing a tamper-
32 evident seal over the memory card slot and by updating the
33 documentation to reflect the new seal number(s).

34 (c) Required procedures for transportation:

35 (1) All ballot boxes that contain voted ballots shall be sealed so that no
36 person can access the ballots without breaking a seal. The election judges
37 shall record all seals in the chain-of-custody log and two election judges
38 shall sign the log to indicate that the required seals are intact.

39 (2) two election judges shall accompany all ballot boxes that contain voted
40 ballots at all times, except when the ballot box is located in a vault or
41 secure physical location.

- 1 (d) The county may pick up ballots from polling places as often as needed on
2 election day. Completing the chain-of-custody logs required by this rule for each
3 ballot box is sufficient to substantially comply with the ballot box exchange
4 requirements in section 1-7-305, C.R.S.

5 43.2.8 Contingency plans

6 (a) Emergency Contingency Plans for Voting Equipment and Voting Locations

7 (1) All remote devices used in an election shall have sufficient battery
8 backup for at least two hours of use. If this requirement is met by
9 reliance on the internal battery of the voting device, then the county clerk
10 and recorder shall verify that all batteries are fully charged and in
11 working order prior to the opening of polls at the voting location. This
12 requirement also can be met with the purchase of third-party battery
13 backup systems.

14 (2) In the event of a serious or catastrophic equipment failure or equipment
15 being removed from service at one or more polling locations, or there is
16 not adequate backup equipment to meet the requirements of section 1-5-
17 501, C.R.S., the county clerk and recorder shall notify the Secretary of
18 State that provisional ballots or mail-in ballots are being used as an
19 emergency voting method.

20 (b) A section entitled “contingency plan” must be filed with the security plan and
21 must include the following:

22 (1) Evacuation procedures for emergency situations including fire, bomb
23 threat, civil unrest, and any other emergency situations identified by the
24 designated election official;

25 (2) Back up plans for emergency situations including fire, severe weather,
26 bomb threat, civil unrest, electrical blackout, equipment failure, and any
27 other emergency situations identified by the designated election official;

28 (3) An emergency checklist for election judges; and

29 (4) A list of emergency contact numbers provided to election judges.

30 43.2.9 Internal Controls for the Voting System

31 (a) In addition to the access controls discussed in Rule 43.2.1(c), the county shall
32 change all passwords and limit access to the following areas:

33 (1) Software. The county shall change all software passwords once per calendar
34 year prior to the first election. This includes any boot or startup passwords in
35 use, as well as any administrator and user passwords and remote device
36 passwords.

37 (2) Hardware. The county shall change ~~A~~all hardware passwords once per
38 calendar year prior to the first election. This includes any encryption keys,

- 1 key card tools, supervisor codes, poll worker passwords on smart cards, USB
2 keys, tokens, and voting devices themselves as it applies to the specific
3 system.
- 4 (3) Password Management. The county shall limit access to the administrative
5 passwords to the election management software to two employees. The
6 county shall limit access to passwords for all components of the election
7 software and hardware to two employees. The county may provide an
8 additional ten employees with access to the administrative passwords for the
9 software components, and an additional ten employees with access to the
10 administrative passwords for the hardware components of the voting system.
- 11 (4) Internet Access. The county must never connect any component of the voting
12 system to the Internet.
- 13 (E) Modem Transmission. The county must never connect any component of the
14 voting system to another device by modem except for the vote tally software
15 as allowable by the certification of the specific device.
- 16 (5) Remote sites may use modem functions of optical scanners and DREs only
17 for the purpose of transmitting unofficial results, as permitted by the
18 Secretary of State's certification documents for the specific systems. A
19 county using modem devices to transmit results shall meet the following
20 requirements:
- 21 (A) Transmissions may be used only for sending test data or
22 unofficial results; after all other steps have been taken to close
23 the polls. All summary tapes shall be printed before connecting
24 any of the machines to a modem or telephone line.
- 25 (B) Modems shall not be used for any programming, setup, or
26 individual ballot-casting transmissions.
- 27 (C) The receiving telephone number for the modem transmission
28 shall be changed at least once per calendar year prior to the first
29 election.
- 30 (D) A maximum of six employees shall have access to the telephone
31 number receiving the transmission. The county shall not publish
32 or print the receiving telephone number for any election judge.
33 To the extent possible, the telephone number shall be
34 programmed into the device and used by the device in a way that
35 is hidden from election judges and voters from seeing the display
36 of the number at any time.
- 37 (6) Authorized Employees. The county shall include in their security plan the
38 positions and dates of CBI background checks for employees with access to
39 any of the areas or equipment set forth in this Rule. Each county shall
40 maintain a storage-facility access log that details employee name, date, and
41 time of access to the storage facility in which the software, hardware, or
42 components of any voting system are maintained. If access to the storage

1 facility is controlled by use of key card or similar door access system that is
2 capable of producing a printed paper log including the person's name and
3 date and time of entry, such a log shall meet the requirements of this rule.

4 43.2.10 Security Training for Election Judges

5 (a) The county shall include in their security plan the details of their security training
6 for their election judges. The county must address the anticipated time of
7 training, location of training, and number of election judges receiving the
8 security training, as it applies to the following requirements:

9 (1) The county shall conduct a separate training module for field technicians and
10 election judges responsible for overseeing the transportation and use of the
11 voting systems, picking up supplies, and troubleshooting device problems
12 throughout the Election Day.

13 (2) Security training shall include the following components:

14 (A) Proper application and verification of seals and chain-of-custody
15 logs;

16 (B) How to detect tampering with voting equipment, memory
17 cards/cartridges, or election data on the part of anyone coming in
18 contact with voting equipment, including employees, other
19 election judges, vendor personnel, or voters;

20 (C) Ensuring privacy in voting booths;

21 (D) The nature of and reasons for the steps taken to mitigate the
22 security vulnerabilities of voting systems;

23 (E) V-VPAT requirements;

24 (F) Chain-of-custody requirements for voting equipment, memory
25 cards/cartridges, and other election materials;

26 (G) Ballot security;

27 (H) Voter anonymity; and

28 (I) Recognition and reporting of security incidents.

29 43.2.11 Remedies

30 (a) If a seal is broken or if there is a discrepancy in a chain-of-custody log, the
31 election judges shall immediately notify the county clerk and recorder, who shall
32 investigate and complete an internal incident report.

33 (b) If the county clerk and recorder conducts an investigation in accordance with
34 Rule 43.2.11(a) and is unable to determine why a seal was broken or why a
35 discrepancy exists in a chain-of-custody log, then the county clerk and recorder
36 shall file an incident report with the Secretary of State as soon as practicable, but

1 no later than the close of the canvass period for the election. Any unit involved
2 must undergo the reinstatement or verification of the trusted build. The following
3 remedial actions are required if a device has been tampered with (additional
4 requirements may be determined based on the details of the incident report):

5 (1) For instances where the trusted build hash value (MD5 or SHA-1) of the
6 firmware or software can be displayed, verified, or printed, the election
7 official shall document and verify that the hash value matches the
8 documented number associated with the Trusted Build for the software or
9 firmware of that device.

10 (2) If the evidence indicates that the tampering occurred prior to the start of
11 voting:

12 (A) The election judges shall seal the device and securely deliver it
13 to the county clerk and recorder.

14 (B) The county clerk and recorder or his or her designee shall
15 remove and secure the memory card following the procedures in
16 Rule 43.2.1(a). The county clerk and recorder or his or her
17 designee shall follow the State instructions for
18 installing/verifying the trusted build for the specific device. The
19 county clerk and recorder or his or her designee shall install a
20 new, secure memory card into the device, conduct a hardware
21 diagnostics test as prescribed in Rule 11, and proceed to conduct
22 a logic and accuracy test on the machine in full election mode,
23 casting at least 25 ballots on the device. All documentation of
24 testing and chain of custody shall be maintained on file for each
25 specific device.

26 (C) The county shall complete the necessary seal process and
27 documentation to re-establish the chain of custody for the device
28 and new memory card.

29 (D) The county shall set the machine to election mode ready for a
30 zero report.

31 (E) Repealed.

32 (3) If the evidence indicates that the tampering occurred after votes have been
33 cast on the device but before the close of polls:

34 (A) The election judges shall seal the device and securely deliver it
35 to the county clerk and recorder.

36 (B) The county clerk and recorder or his or her designee shall close
37 the election on that device, and perform a complete manual
38 verification of the paper ballots (or V-VPAT records) to the
39 summary tape printed on the device that represents the record of
40 votes on the memory card.

- 1 (C) If the totals do not match then only the paper record will be
2 accepted as the official results for that device. The county clerk
3 and recorder shall re-seal and secure the device and immediately
4 report the discrepancy to the Secretary of State. The county must
5 not use the device for the remainder of the election unless the
6 trusted build is reinstalled.
- 7 (D) If the totals match, the memory card may be uploaded into the
8 tally software at the close of polls.
- 9 (E) After verifying the totals, the paper records and memory card
10 shall be secured with seals and documented properly.
- 11 (F) A new secured memory card shall be placed in the device. The
12 county clerk and recorder or his or her designee shall follow the
13 State instructions for installing/verifying the trusted build for the
14 specific device. The county clerk and recorder or his or her
15 designee shall conduct a hardware diagnostics test as prescribed
16 in Rule 11. All documentation of testing and chain of custody
17 shall be maintained on file for each specific device.
- 18 (G) The county shall complete the necessary seal process and
19 documentation to establish the chain of custody for the device
20 and memory card.
- 21 (H) The county shall set the machine to election mode ready for a
22 zero report.
- 23 (I) At the conclusion of the election a full (all races) post-election
24 audit shall be conducted on the device and results reported to the
25 Secretary of State as required by Rule 11. This requirement is in
26 addition to the random selection conducted by the Secretary of
27 State.
- 28 (J) Repealed.
- 29 (4) If the evidence indicates that the tampering occurred after the close of polls:
- 30 (A) The election judges shall seal the device and securely deliver it
31 to the county clerk and recorder.
- 32 (B) The county clerk and recorder or his or her designee shall
33 perform a complete manual verification of the paper ballots (or
34 V-VPAT records) to the summary tape printed on the device that
35 represents the record of votes on the memory card.
- 36 (C) If the totals do not match then only the paper record will be
37 accepted as the official results for that device. county clerk and
38 recorder shall re-seal and secure the device and immediately
39 report the discrepancy to the Secretary of State. The county must

- 1 not use the device for the remainder of the election unless trusted
2 build is reinstalled.
- 3 (D) If the totals match, the memory card may be uploaded into the
4 tally software at the close of polls.
- 5 (E) After verifying the totals, the paper records and memory card
6 shall be secured with seals and documented properly.
- 7 (F) The county clerk and recorder or his or he designee shall follow
8 the State instructions for installing/verifying the trusted build for
9 the specific device and complete the necessary seal process and
10 documentation to establish the chain of custody for the device.
- 11 (G) During the canvass process, a full (all races) post-election audit
12 shall be conducted on the device and results reported to the
13 Secretary of State as required by Rule 11. This requirement is in
14 addition to the random selection conducted by the Secretary of
15 State.
- 16 (H) Repealed.
- 17 (c) The county shall make all documentation related to the voting system and for
18 every device used in the election available for Secretary of State inspection.
- 19 43.2.12 The county shall submit any additional physical security procedures not discussed in this
20 rule to the Secretary of State for approval prior to the election.
- 21 43.3 The county shall submit with the security plan sample copies of all referenced forms, schedules,
22 logs, and checklists.
- 23 43.4 Amendments and review of Security Plans
- 24 43.4.1 If no changes have occurred since the last security plan was filed, the county shall file a
25 statement to that effect.
- 26 43.4.2 The county shall clearly identify and describe any revisions to a previously filed security
27 plan.
- 28 43.4.3 The county may change the security plan within 60 days of an election as a result of an
29 emergency situation or other unforeseen circumstance. The county must document the
30 changes and file the revisions with the Secretary of State within five days of the change.
- 31 43.4.4 If, under section 1-5-616(5)(b), C.R.S., the Secretary of State is unable to complete its
32 review, the Secretary will notify the county that the security plan or revisions are
33 temporarily approved until the review is complete.
- 34 43.5 Lease, Loan, or Rental of Election Equipment
- 35 43.5.1 Nothing in this Rule requires a county clerk to lease, loan, or rent any election equipment
36 to any municipality, special district or other local jurisdiction.

1 43.5.2 A county clerk who chooses to lease, loan, or rent any certified election equipment to a
2 municipality, special district, or other local jurisdiction for use in their elections shall
3 follow at least one of the following procedures in order to maintain or reestablish an
4 acceptable chain of custody and appropriate documentation in accordance with Rule
5 43.2.1.

6 (a) After the local jurisdiction returns the certified equipment to the county clerk, the
7 county clerk must reinstate or verify the trusted build in accordance with Rule
8 43.2.11(b)(1) before the equipment is used in any primary, general, congressional
9 vacancy, statewide ballot issue (including recall), or special election conducted
10 by the county clerk.

11 (b) The county clerk or their deputized representative shall:

12 (1) Deliver the certified equipment to the jurisdiction;

13 (2) Witness and document the installation of the memory card(s) or
14 cartridge(s) to be used by the jurisdiction;

15 (3) Place one or more secure and numbered seals on the voting equipment in
16 accordance with Rule 43.2.2. If during the course of the jurisdiction's
17 election, the designated election official requires removal of a memory
18 card or cartridge as a function of the election process, the county clerk or
19 their deputized representative shall witness and document the removal
20 and proper resealing of the memory card or cartridge; and

21 (4) Upon return of the equipment to the county clerk and recorder, the
22 county clerk shall verify and document that the seals are intact. If any
23 seal appears to be damaged or removed, the county clerk shall reinstall or
24 verify the trusted build in accordance with this Rule 43.

25 (c) The county clerk and recorder shall designate and station deputized county staff
26 with the loaned certified equipment at all times while the equipment is under
27 control of the designated election official. The deputized county staff must
28 maintain physical custody of the certified equipment at all times to ensure that no
29 unauthorized access occurs.

30 (d) In accordance with section 1-5-605.5, C.R.S., the county clerk shall appoint the
31 designated election official as a deputy for the purposes of supervising the
32 certified voting equipment. The designated election official shall:

33 (1) Sign and submit to the county clerk and recorder an affirmation that
34 he/she will ensure the security and integrity of the certified voting
35 equipment at all times;

36 (2) Affirm that the use of the certified voting equipment shall be conducted
37 in accordance with Rule 43 and the specific conditions for use of the
38 certified voting equipment; and

39 (3) Agree to maintain all chain-of-custody logs for the voting device(s).

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43.5.3 Upon return of the certified voting equipment to the county clerk and recorder, the county clerk is required to verify the trusted build if the documentation and chain of custody does not support the proper maintenance of the trusted build software and chain of custody.

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