

Revised Draft of Proposed Rules

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

March 27, 2013

Disclaimer:

The proposed draft rules have changed. This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on February 27, 2013. These revised proposed rules will be considered at the April 2, 2013 rulemaking hearing.

In accordance with the State Administrative Procedure Act, this revised copy of the proposed rules is made available to the public and posted on the Department of State's website.¹

SMALL CAPS indicate proposed additions to the current rules.

~~Stricken type~~ indicates proposed deletions from current rules.

Shading indicates revisions from the previous draft.

(Annotations) may be included.

1 **New Rule 10.8:**

2 10.8 USE OF UNIQUE NUMBERS ON BALLOTS.

3 10.8.1 EXCEPT FOR BALLOTS SENT TO MILITARY OR OVERSEAS ELECTORS BY ELECTRONIC
4 TRANSMISSION UNDER RULE 25.2.7, NO COUNTY MAY PRINT A BALLOT FOR USE IN A
5 STATE OR FEDERAL ELECTION THAT HAS A UNIQUE NUMBER, OR A BARCODE
6 CONTAINING A UNIQUE NUMBER, THAT IS SPECIFIC TO A SINGLE BALLOT. NOTHING
7 IN THIS RULE PROHIBITS A COUNTY FROM PRINTING A UNIQUE NUMBER OR BARCODE
8 ON THE REMOVABLE STUB.

9 10.8.2 AFTER ELECTION JUDGES HAVE ~~DISASSOCIATED~~ **DISSOCIATED** A VOTED BALLOT
10 FROM ITS ENVELOPE AND THE STUB IS REMOVED, THE COUNTY MAY WRITE OR PRINT
11 UNIQUE NUMBERS ON THE VOTED BALLOT FOR AUDITING AND ACCOUNTING
12 PURPOSES, INCLUDING DUPLICATION OF DAMAGED BALLOTS AND RISK LIMITING
13 AUDITS.

14 10.8.3 FOR BALLOTS PRINTED BEFORE THE ADOPTION OF THIS RULE THAT ARE IN A
15 COUNTY'S POSSESSION, THE COUNTY MUST REDACT UNIQUE NUMBERS, OR
16 BARCODES CONTAINING UNIQUE NUMBERS, BEFORE PROVIDING BALLOTS IN
17 RESPONSE TO A REQUEST FOR INSPECTION UNDER THE COLORADO OPEN RECORDS
18 ACT (SECTION 24-72-205.5(4)(b)(II), C.R.S.).

¹ Section 24-4-103(4)(a), C.R.S. (2012). "[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

1 New Rule 10.9

2 *[The Secretary of State is considering alternative draft language for proposed New Rule 10.9.*
3 *Please see the following options].*

4 *Option 1:*

5 10.9 TRACKING BALLOT BATCHES. THE COUNTY CLERK MUST ~~IMPLEMENT A PROCESS TO~~
6 DISSOCIATE ANY BATCH NUMBER FROM THE COUNTED BALLOTS NO LATER THAN THE FINAL
7 CERTIFICATION OF THE ABSTRACT OF VOTES CAST.

8 *Option 2:*

9 10.9 TRACKING BALLOT BATCHES. THE COUNTY CLERK MUST DISSOCIATE ANY BATCH NUMBER
10 FROM THE COUNTED BALLOTS NO LATER THAN THE FINAL CERTIFICATION OF THE ABSTRACT
11 OF VOTES CAST EXCEPT THAT, IN THE CASE OF A RECOUNT, THE CLERK MUST DISSOCIATE
12 THE BATCH NUMBER FROM THE COUNTED BALLOTS IMMEDIATELY AFTER THE RECOUNT IS
13 COMPLETED.