Preliminary Draft of Proposed Rules

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

July 26, 2013

Disclaimer:
This is a proposed recodification of the Colorado Election Rules. Current 8 CCR 1505-1, is stricken in its entirety and re-codified as follows. Some current rule language is retained either in full or as amended.

This is a working draft of the recodification. Please note that there may be technical errors, such as incorrect or missing citations. But we are involving you at this early stage because the Secretary values your feedback.

Please send your feedback by August 7, 2013. **Please reference the specific page and line number in your comments.** We will consider all comments submitted by this date for inclusion in the official rulemaking draft.

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
~~Strikethrough~~	Deletions
[Italic blue font text]	Annotations

[Current 8 CCR 1505-1 is stricken in its entirety and re-codified as follows:]

Rule 1. Definitions

1.1   ~~As used in these Rules and the "Uniform Election Code of 1992" unless the context otherwise requires, the following terms shall have the meanings indicated:~~

~~"District office of state concern" means any of the following offices: Member of the State Board of Education, Member of the Board of Regents of the University of Colorado, and Member of the Board of Directors of the Regional Transportation District.~~ AS USED IN THESE RULES, UNLESS STATED OTHERWISE:

1.1.1   "ACTIVE STATUS" OR "ACTIVE RECORD" MEANS THAT THERE ARE NO CONDITIONS OR RESTRICTIONS ON THE ELECTOR'S ELIGIBILITY OR REGISTRATION RECORD.

[Relocated from 2.20.1 a., with amendments]

1.1.2 "BALLOT MEASURE" MEANS A BALLOT ISSUE OR BALLOT QUESTION AS DEFINED IN SECTIONS 1-1-104(2.3) AND (2.7), C.R.S.

[Relocated from 27.1.1., with amendments]

1.1.3 "BLANK BALLOT" MEANS A BALLOT ON WHICH THE VOTER HAS MADE NO MARKS IN ANY VOTING POSITION, HAS MARKED WITH AN UNREADABLE MARKER, OR HAS CONSISTENTLY MARKED OUTSIDE OF THE "READ" AREA OF THE SCANNER.

[Relocated from 27.1.2., with amendments]

1.1.4 "CANCELLED STATUS" OR "CANCELLED RECORD" MEANS THAT THE COUNTY CLERK AND RECORDER CANCELLED THE ELECTOR'S VOTER REGISTRATION RECORD BECAUSE THE ELECTOR:

(A)   IS NOT ELIGIBLE TO VOTE;

(B)   IS NOT REGISTERED TO VOTE; OR

(C)   HAS WITHDRAWN HIS OR HER REGISTRATION.

[Relocated from 2.20.1 b., with amendments]

1.1.5 "Canvass board" means a committee composed of the county clerk and recorder and the registered electors appointed by the major parties in accordance with section 1-10-101, C.R.S.

[Relocated from 41.1.1]

1.1.6 "Canvass workers" means workers appointed or hired by the designated election official to assist in the preparation and conduct of the canvass.

[Relocated from 41.1.2]

1.1.7 "CENTRAL COUNT" MEANS A BALLOT COUNTING PROCESS IN WHICH THE COUNTY CLERK AND RECORDER TABULATES CUMULATIVE VOTING TOTALS FOR MULTIPLE PRECINCTS AND BALLOT STYLES AT A SINGLE LOCATION.

[Relocated from 11.1.1., with amendments]

1.1.8 "DAMAGED BALLOT" MEANS A BALLOT THAT IS TORN, BENT, OR OTHERWISE MUTILATED OR RENDERED UNREADABLE, SO THAT IT CANNOT BE PROCESSED BY THE OPTICAL SCANNER BALLOT READER.

(A)   DAMAGED BALLOTS INCLUDE ALL BALLOTS THAT CONTAIN A FOREIGN SUBSTANCE THAT COULD INTERFERE WITH THE OPTICAL SCAN MACHINE (I.E. FOOD, DRINK, ETC.).

(B)   DAMAGED BALLOTS MAY INCLUDE BALLOTS THAT ARE MARKED IN A

MEDIUM OTHER THAN THE MEDIUM INDICATED IN THE BALLOT INSTRUCTIONS.

[Relocated from 27.1.3., with amendments]

1.1.9 "DATA ENTRY COUNTY" MEANS A COUNTY USING AN ELECTION MANAGEMENT SYSTEM THAT EXPORTS A FILE TO BE DIRECTLY UPLOADED TO THE ELECTION NIGHT RESULTS SYSTEM.

1.1.10 "DESIGNATED ELECTION OFFICIAL," AS USED IN RULE 11, INCLUDES THE DESIGNATED ELECTION OFFICIAL'S SWORN, DEPUTIZED DESIGNEE.

1.1.11 "DUPLICATED BALLOT" MEANS A BALLOT FOR WHICH A TRUE COPY MUST BE MADE FOR THE BALLOT TO BE PROPERLY PROCESSED AND COUNTED BECAUSE OF DAMAGE, IMPROPER MARKING OR ANY ISSUE THAT WOULD PREVENT A BALLOT TABULATING MACHINE FROM ACCURATELY COUNTING THE BALLOT.

[Relocated from 27.1.4., with amendments]

1.1.12 "ELECTION COMPLAINT" MEANS A COMPLAINT FILED WITH THE SECRETARY OF STATE UNDER TITLE 1, C.R.S.

1.1.13 "ELECTION SETUP RECORDS" MEANS THE ELECTRONIC RECORDS, OFTEN IN THE FORM OF A DATABASE OR A SET OF DATABASES, GENERATED BY ELECTION TABULATION SOFTWARE TO CREATE AND DEFINE BALLOTS, TABULATION INSTRUCTION, AND OTHER FUNCTIONS RELATED TO THE ELECTION.

[Relocated from 11.1.2., with amendments]

1.1.14 "ELECTION SOFTWARE" MEANS THE SOFTWARE FOR ELECTION EQUIPMENT OR COMPUTERS THAT CONTROLS ELECTION SETUP VOTE RECORDING, VOTE TABULATION, AND REPORTING.

[Relocated from 11.1.4., with amendments]

1.1.15 "ELECTRONIC BALLOT" MEANS A NON-PAPER BALLOT SUCH AS ON A TOUCH SCREEN OR THROUGH AUDIO FEEDBACK. AFTER A VOTER CASTS AN ELECTRONIC BALLOT, THE VOTER'S CHOICES MUST BE:

(A) MARKED AND PRINTED ON A PAPER BALLOT FOR SUBSEQUENT COUNTING BY A PAPER BALLOT SCANNING DEVICE; OR

(B) DIGITALLY RECORDED AND COUNTED BY THE TOUCH SCREEN DEVICE, COMMONLY REFERRED TO AS A DIRECT RECORDING ELECTRONIC (DRE) DEVICE.

[Relocated from 11.1.6., with amendments]

1.1.16 "ELECTRONIC TRANSMISSION" MEANS:

(A) FOR THE PURPOSE OF SENDING AN UNVOTED BALLOT TO THE ELECTOR FAX, EMAIL, AND ONLINE BALLOT DELIVERY.

(B) FOR THE PURPOSE OF RETURNING A VOTED BALLOT TO THE COUNTY CLERK AND RECORDER FAX AND EMAIL.

[Relocated from 25.2.1 and 42.2, with amendments]

1.1.17 "ELECTRONIC VOTING DEVICE" MEANS A DEVICE BY WHICH VOTES ARE RECORDED ELECTRONICALLY, INCLUDING A TOUCH SCREEN SYSTEM.

[Relocated from 11.1.7., with amendments]

1.1.18 "FIRMWARE" MEANS COMPUTER PROGRAMS, STORED ON READ-ONLY MEMORY DEVICES OR OTHER ELECTRONIC CIRCUITRY IN VOTING DEVICES, THAT CONTROL THE BASIC OPERATION AND FUNCTION OF THOSE DEVICES.

[Relocated from 11.1.8., with amendments]

1.1.19 "HELP AMERICA VOTE ACT COMPLAINT" OR "HAVA COMPLAINT" MEANS A COMPLAINT FILED WITH THE SECRETARY OF STATE UNDER TITLE III OF THE HELP AMERICA VOTE ACT (HAVA) AND ARTICLE 1.5 OF TITLE 1, C.R.S.

1.1.20 "IMMEDIATE VOTING AREA" MEANS THE AREA THAT IS WITHIN SIX FEET OF THE VOTING EQUIPMENT, VOTING BOOTHS, AND THE BALLOT BOX.

[Relocated from 8.6.1., with amendments]

1.1.21 "INACTIVE STATUS" MEANS A RESTRICTION A COUNTY CLERK AND RECORDER PLACES ON AN ELECTOR'S RECORD IF THE UNITED STATES POSTAL SERVICE RETURNS A MAIL BALLOT, VOTER INFORMATION CARD, OR CONFIRMATION CARD TO THE COUNTY CLERK AND RECORDER AS UNDELIVERABLE.

[Relocated from 2.20.1 d., with amendments]

1.1.22 "LOGIC AND ACCURACY TEST" OR "LAT" MEANS A STEP-BY-STEP DOCUMENTED REVIEW OF A VOTING DEVICE'S ABILITY, PRIOR TO USE IN ANY ELECTION, TO ACCURATELY PRODUCE VOTER CHOICES FOR THE CANDIDATES AND BALLOT MEASURES IN AN ELECTION. THE LOGIC AND ACCURACY TEST MUST FULFILL THE REQUIREMENTS OF THE PUBLIC TEST DESCRIBED IN SECTION 1-7-509 (2), C.R.S.

[Relocated from 11.1.9., with amendments]

1.1.23 "MANUAL ENTRY COUNTY" MEANS A COUNTY THAT DOES NOT USE AN ELECTION MANAGEMENT SYSTEM TO EXPORT DATA.

1.1.24 "MEDIA OBSERVER" MEANS AN OBSERVER WITH VALID AND CURRENT MEDIA CREDENTIALS.

[Relocated from 8.1.3., with amendments]

1.1.25 "OFFICIAL OBSERVER" MEANS EITHER AN OBSERVER APPOINTED BY THE SECRETARY OF STATE OR AN OBSERVER APPOINTED BY THE FEDERAL GOVERNMENT AND APPROVED BY THE SECRETARY OF STATE. OFFICIAL OBSERVERS MAY BE PRESENT IN ALL PHASES OF THE ELECTION PROCESS, BUT ARE SUBJECT TO RULES AND REGULATIONS AS PRESCRIBED BY THE SECRETARY OF STATE AND PERFORM DUTIES AS MAY BE ASSIGNED BY THE SECRETARY OF STATE.

[Relocated from 8.1.1.]

1.1.26 "OVERVOTE" MEANS A RACE OR BALLOT MEASURE WHERE THE VOTER MARKED VOTES FOR MORE THAN THE MAXIMUM NUMBER OF CANDIDATES OR RESPONSES FOR A BALLOT MEASURE ALLOWED.

[Relocated from 27.1.6., with amendments]

1.1.27 "QUALIFIED POLITICAL ORGANIZATION" MEANS AN ORGANIZATION THAT HAS PLACED A CANDIDATE FOR CONGRESSIONAL OR STATE OFFICE ON THE BALLOT IN A CONGRESSIONAL VACANCY OR GENERAL ELECTION, WHOSE OFFICERS HAVE FILED PROOF OF ORGANIZATION WITH THE SECRETARY OF STATE, AND THAT CONTINUES TO MEET THE REQUIREMENTS OF RULES 3.3 AND 3.4. [*BAER v. MEYER*, 728 F.2D 47 (10TH CIR. 1984)]

[Relocated from 3.1, with amendments]

1.1.28 "RELATED TO THE SECOND DEGREE" MEANS SPOUSE, CIVIL UNION PARTNER, PARENTS, CHILDREN, BROTHERS AND SISTERS, GRANDPARENTS, AND GRANDCHILDREN RELATED BY BLOOD OR MARRIAGE.

[Relocated from 42.10, with amendments]

1.1.29 "SCORE" MEANS THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM AND THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST DESCRIBED IN PART 3 OF ARTICLE 2 OF TITLE 1.

1.1.30 "Statement of Ballots Form" means the form used at the polling location that accounts for all ballots at that location and includes all information required by this rule.

[Relocated from 41.1.3]

1.1.31 "TARGET AREA" MEANS:

(A)   THE SQUARE OR OVAL OPPOSITE THE CANDIDATE'S NAME OR BALLOT

RESPONSE ON A PAPER BALLOT; OR

    (B)   THE OVAL, INCOMPLETE LINE, OR INCOMPLETE ARROW OPPOSITE THE CANDIDATE'S NAME OR BALLOT RESPONSE (EXAMPLES: "YES", "NO", "FOR" OR "AGAINST") ON AN OPTICAL SCAN BALLOT.

[Relocated from 27.1.8, with amendments]

1.1.32 "UNDERVOTE" MEANS A RACE OR BALLOT MEASURE WHERE THE VOTER MARKED VOTES FOR FEWER THAN THE MAXIMUM NUMBER OF CANDIDATES OR RESPONSES FOR A BALLOT MEASURE ALLOWED.

[Relocated from 27.1.7, with amendments]

1.1.33 "VOTING SYSTEM" AS DEFINED IN 1-1-104(50.8), C.R.S., DOES NOT INCLUDE VOTER REGISTRATION APPLICATIONS OR SYSTEMS, ELECTRONIC POLLBOOKS, BALLOT DELIVERY AND RETRIEVAL SYSTEMS, SIGNATURE VERIFICATION AND BALLOT SORTING DEVICES, BALLOT ON DEMAND PRINTERS, ELECTION NIGHT REPORTING AND OTHER ELECTION REPORTING SYSTEMS, AND OTHER COMPONENTS USED THROUGHOUT THE ELECTION PROCESS THAT DO NOT CAPTURE AND TABULATE VOTES.

1.1.34 "VVPAT" HAS THE SAME MEANING AS IN SECTION 1-1-104 (50.6), C.R.S.

[Relocated from 11.1.12., with amendments]

1.1.35 "WATCHER" MEANS AN ELIGIBLE ELECTOR, OTHER THAN A CANDIDATE ON THE BALLOT, SELECTED BY A POLITICAL PARTY CHAIRPERSON ON BEHALF OF THE POLITICAL PARTY, BY A PARTY CANDIDATE AT A PRIMARY OR RECALL ELECTION, BY AN UNAFFILIATED CANDIDATE AT A GENERAL, CONGRESSIONAL VACANCY, NONPARTISAN, OR RECALL ELECTION, OR BY A PERSON DESIGNATED BY EITHER THE OPPONENTS OR PROPONENTS IN THE CASE OF A BALLOT ISSUE OR BALLOT QUESTION. IF SELECTED BY A POLITICAL PARTY CHAIRPERSON, A PARTY CANDIDATE, OR AN UNAFFILIATED CANDIDATE, THE WATCHER MUST BE AFFILIATED WITH THAT POLITICAL PARTY OR UNAFFILIATED AS SHOWN ON THE REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER. A DESIGNATED WATCHER NEED NOT BE A RESIDENT OF THE COUNTY HE OR SHE IS DESIGNATED IN AS LONG AS HE OR SHE IS AN ELIGIBLE ELECTOR IN THE STATE OF COLORADO. [SECTION 1-1-104(51), C.R.S.]

[Relocated from 8.1.2, with amendments]

1.1.36 "WRITE-IN VOTE" MEANS A VOTE WHERE THE VOTER PHYSICALLY WRITES IN THE NAME OF A LEGALLY QUALIFIED WRITE-IN CANDIDATE IN THE SPACE RESERVED ON THE BALLOT FOR WRITE-IN VOTES AND PROPERLY MARKS THE TARGET AREA ACCORDING TO VOTER INSTRUCTIONS.

1.1.37 "ZERO TAPE" MEANS A PRINTOUT OF THE INTERNAL DATA REGISTERS IN ELECTRONIC VOTE-TABULATING EQUIPMENT INDICATING A VALUE OF ZERO.

1   *[Relocated from 11.1.14., with amendments]*

2   **Rule 2. ~~Rules Concerning~~ Voter Registration**

3   ~~2.20.2~~ 2.1   Effect of voter registration status ~~designation~~

4   ~~a.~~ 2.1.1   A COUNTY CLERK AND RECORDER MUST LIST THE NAME OF EVERY active
5   status ~~or active record voters'~~ ELECTOR ~~names will appear on~~ IN the ~~poll~~
6   ~~book~~ POLLBOOK~~, they will be sent a ballot in~~ AND SEND HIM OR HER a mail
7   ballot ~~election,~~ and ~~they will be sent~~ election NOTICES. ~~notice mailings.~~

8   ~~b.~~ 2.1.2   A COUNTY CLERK AND RECORDER MUST ENSURE THAT THE NAME OF EVERY
9   cancelled status ~~or cancelled record voters' records will remain~~ ELECTOR
10   APPEARS in ~~the statewide voter registration database however,~~ SCORE
11   BUT ~~their names will~~ not ~~appear~~ on the ~~poll book~~ POLLBOOK. ~~They~~ THE
12   COUNTY CLERK AND RECORDER ~~will~~ MAY not ~~be sent~~ SEND a MAIL ballot ~~in~~
13   ~~a mail ballot election, and they will not be sent~~ OR election ~~notice mailings~~
14   NOTICES TO CANCELLED ELECTORS.

15   ~~c.~~ 2.1.3   Inactive ~~– failed to vote status voters~~ STATUS ELECTORS are eligible ~~voters~~
16   ~~their~~ ELECTORS WHOSE names will appear on the poll book ~~and they will~~
17   ~~be sent election notice mailings~~ BUT THE COUNTY CLERK AND RECORDER
18   MAY NOT SEND A MAIL BALLOT TO INACTIVE ELECTORS. ~~Inactive – failed to~~
19   ~~vote voters will be sent a ballot in a mail ballot election where specifically~~
20   ~~required by sections 1-7.5-107 and 1-7.5-108.5(b), C.R.S.~~

21   ~~d.   Inactive – returned mail status or inactive – undeliverable status voters are~~
22   ~~eligible voters and their names will appear on the poll book. However,~~
23   ~~they will not be sent ballots in a mail ballot election and they will not be~~
24   ~~sent election notice mailings.~~

25   ~~e.   Inactive – undeliverable ballot status voters are eligible voters and their~~
26   ~~names will appear on the poll book. However, they will not be sent a~~
27   ~~ballot in a mail ballot election and they will not be sent election notice~~
28   ~~mailings.~~

29   ~~2.8~~ 2.2 Submission of voter registration forms

30   2.2.1   ~~A~~ AN APPLICANT MAY SUBMIT A properly executed voter registration form ~~may be~~
31   ~~submitted~~ to the county clerk and recorder in person, by mail, by fax, by online
32   voter registration, or as ~~a scanned~~ AN EMAIL attachment. ~~to an email.~~

33   ~~2.8.1~~ 2.2.2   All ~~voter registrations~~ APPLICATIONS submitted by mail, fax, or as ~~a PDF~~
34   AN EMAIL attachment ~~to an email shall be treated as~~ ARE mail registrations.
35   [Section 1-2-501, C.R.S.~~, Election Rule 30.3~~]

2.8.2 2.2.3   If any portion of a MAIL APPLICATION ~~voter registration submitted by "mail"~~ is illegible, the county clerk and recorder ~~shall~~ MUST notify the applicant of the additional information required in accordance with section 1-2-509, C.R.S.

2.8.3 2.2.4   For ~~the purpose of~~ submitting ~~voter registration~~ applications by fax, email or online voter registration, close of business ~~shall be~~ IS 11:59pm MT.

2.2.5   UNDER SECTION 1-5-509, C.R.S., THE EFFECTIVE DATE OF A VOTER REGISTRATION APPLICATION RECEIVED BY THE SECRETARY OF STATE IS THE EARLIER OF THE DATE THE APPLICATION IS RECEIVED OR THE DATE OF THE LEGIBLE POSTMARK.

2.2.6   IF A COUNTY CLERK AND RECORDER RECEIVES A PAPER VOTER REGISTRATION APPLICATION BETWEEN 21 AND 7 DAYS BEFORE ELECTION DAY, THE COUNTY CLERK MUST SEND THE APPLICANT NOTIFICATION BY REGULAR MAIL, OR EMAIL IF PROVIDED, WITHIN ONE BUSINESS DAY AFTER RECEIVING THE APPLICATION THAT THE APPLICANT IS REGISTERED TO VOTE BUT WILL NOT RECEIVE A BALLOT BY MAIL. THE NOTICE MUST STATE THAT, IF THE APPLICANT WISHES TO VOTE IN THE UPCOMING ELECTION, THE APPLICANT MUST EITHER REGISTER ONLINE VIA THE ONLINE VOTER REGISTRATION SYSTEM OR IN PERSON AT THE COUNTY CLERK AND RECORDER'S OFFICE OR AT A VOTER SERVICE AND POLLING CENTER, WHICHEVER IS APPLICABLE.

2.2.6   FOR THE PURPOSES OF PRECINCT CAUCUS LISTS AND REGISTRATION LISTS FOR MUNICIPAL OR SPECIAL DISTRICT ELECTIONS, THE RESIDENCY REQUIREMENT IS BASED UPON THE DATE PROVIDED BY THE ELECTOR ON HIS OR HER APPLICATION.

2.26.1   THE COUNTY CLERK AND RECORDER MUST ENTER THE DATE PROVIDED BY THE ELECTOR IN THE REGISTRATION RECORD MAINTAINED IN THE STATEWIDE VOTER REGISTRATION SYSTEM. [SECTIONS 1-3-101 AND 31-10-201, C.R.S.]

2.26.2   IF THE ELECTOR SUBMITS AN APPLICATION AND DOES NOT INCLUDE THE DATE HE OR SHE MOVED, THE COUNTY CLERK MUST ENTER THE DATE THE APPLICATION IS RECEIVED OR POSTMARKED, WHICHEVER IS EARLIER, AS THE DATE MOVED. BUT IF THE ELECTOR SUBMITS THE APPLICATION DURING THE 22 DAYS BEFORE AN ELECTION AND DOES NOT PROVIDE THE DATE HE OR SHE MOVED, THE COUNTY CLERK MUST ENTER THE DATE MOVED AS THE 22ND DAY BEFORE THE ELECTION BASED UPON THE AFFIDAVIT.

[Current Rule 2.8 is amended and moved to new Rule 2.2. Amendments are shown above. Portions of current Rule 2.14 are included in new Rule 2.2.4.]

2.3   IDENTIFICATION REQUIRED FROM AN APPLICANT FOR VOTER REGISTRATION

2.3.1   AN APPLICANT FOR VOTER REGISTRATION MUST COMPLETE THE IDENTIFICATION NUMBER PORTION OF THE APPLICATION FOR VOTER REGISTRATION. BUT AN APPLICANT REGISTERING TO VOTE IN PERSON IS NOT REQUIRED TO SHOW OR PRESENT A COLORADO DRIVER'S LICENSE OR ID IF HE OR SHE PROVIDES A VERIFIABLE DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER.

(A)　IF THE APPLICANT CANNOT PROVIDE A VERIFIABLE DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER THE APPLICANT MUST SHOW IDENTIFICATION UNDER SECTION 1-1-104(19.5), C.R.S., WHEN REGISTERING TO VOTE, PROVIDE IDENTIFICATION WHEN VOTING IN PERSON, OR PROVIDE A COPY OF IDENTIFICATION WHEN RETURNING THE MAIL BALLOT.

2.3.2　AS USED IN SECTION 1-1-104(19.5), C.R.S., GOVERNMENT DOCUMENT MEANS ANY DOCUMENT ISSUED BY A LOCAL, STATE OR FEDERAL GOVERNMENT, INCLUDING:

(A)　A PAYCHECK FROM A GOVERNMENT INSTITUTION;

(B)　A CERTIFICATE OF DEGREE OF INDIAN OR ALASKAN NATIVE BLOOD;

(C)　A LETTER FROM THE DIRECTOR OR ADMINISTRATOR OF A GROUP RESIDENTIAL FACILITY THAT INDICATES THAT THE ELECTOR IS A RESIDENT OF THE FACILITY AND THAT HE OR SHE RESIDES AT THE STREET ADDRESS LISTED IN THE POLLBOOK; OR

(D)　A DIVISION OF YOUTH CORRECTIONS IDENTIFICATION CARD ISSUED BY DEPARTMENT OF HUMAN SERVICES.

[SECTIONS 1-1-104(18.5), (19.5)(C), AND (19.5)(D), C.R.S.]

2.3.3　AS USED IN SECTION 1-1-104(19.5)(A)(VII), C.R.S., CURRENT MEANS THAT THE DATE OF THE DOCUMENT IS WITHIN 60 DAYS OF THE DATE SUBMITTED FOR IDENTIFICATION PURPOSES UNLESS THE DOCUMENT STATES A LONGER BILLING CYCLE.

2.3.4　A SUSPENDED DRIVER'S LICENSE IS CONSIDERED CURRENT AND VALID. A REVOKED OR EXPIRED LICENSE IS NOT CONSIDERED CURRENT AND VALID AND IS NOT ACCEPTABLE.

[Portions of current Rules 30.1.6(g), 30.1.7, 30.2.2, and 30.8 are included in new Rule 2.3.]

2.7 2.4 Treatment of applications where the required information was not provided

2.7.1 2.4.1　If an applicant fails to check the box (es) answering the question (s), "Are you a citizen of the United States?" or "Will you be 18 years of age on or before election day?", the COUNTY CLERK AND RECORDER MUST ACCEPT AND PROCESS THE form shall be accepted for registration APPLICATION AS COMPLETE so long as it is otherwise complete and the affirmation at the bottom of the form is signed.

2.7.2 2.4.2　If an applicant for voter registration fails to complete the required identification portion of the form in accordance with section 1-2-204(2)(f.5) and (3)(c), C.R.S., and rule 2.6.3, the COUNTY CLERK MUST TREAT THE application shall be treated as INCOMPLETE "incomplete".; however, BUT if the applicant submits a photocopy of his/her HIS OR HER driver's license or identification card, then the county CLERK may MUST enter the ID number from the card into the

1　　applicant's record and ~~consider~~ PROCESS the application AS COMPLETE
2　　~~"complete"~~.

3　　2.7.3 2.4.3　　If an applicant ~~for voter registration~~ fails to provide a date of birth the
4　　COUNTY CLERK MUST TREAT THE application ~~shall be treated~~ as INCOMPLETE
5　　~~"incomplete".; however,~~ BUT if the applicant submits a photocopy of ~~his/her~~ HIS
6　　OR HER driver's license or other approved form of ID ~~which~~ THAT includes the
7　　date of birth, ~~then~~ the county CLERK ~~may~~ MUST enter that information into the
8　　applicant's record and ~~consider~~ PROCESS the application AS COMPLETE
9　　~~"complete"~~.

10　　*[Current Rule 2.7 is amended and moved to new Rule 2.4. Amendments are shown above.]*

11　　~~2.10~~ 2.5　　Changes to an Elector's Voter Registration Record

12　　~~2.10.1~~ 2.5.1　　If an elector submits a change to his or her voter registration record ~~that~~
13　　~~does not contain all of~~ AND FAILS TO INCLUDE the information required by sections
14　　1-2-216 or 1-2-219, C.R.S., the county clerk and recorder ~~may~~ MUST not make the
15　　requested change, unless the county clerk and recorder can confidently identify
16　　the voter. ~~, otherwise the~~ THE county clerk and recorder ~~shall~~ MUST notify the
17　　voter what additional information is required to process the request.

18　　~~2.10.2~~ 2.5.2　　If an elector submits a change to his or her voter registration record and
19　　writes or selects a name of an organization that is not a qualified political party or
20　　qualified political organization, or writes "none", the elector's affiliation ~~shall~~
21　　MUST be recorded as "Unaffiliated".

22　　~~2.10.3~~ 2.5.3　　If an elector submits a change to his or her voter registration record and
23　　leaves the affiliation section blank, THE COUNTY CLERK MUST MAKE no change
24　　~~will be made~~ to the voter's affiliation in the registration record.

25　　2.5.4　　WHEN THE COUNTY CLERK AND RECORDER PROVIDES A LIST OF ACTIVE ELECTORS
26　　TO A MUNICIPAL OR SPECIAL DISTRICT FOR AN ELECTION NOT COORDINATED WITH
27　　THE COUNTY, THE COUNTY CLERK AND RECORDER MUST REQUEST THE DESIGNATED
28　　ELECTION OFFICIAL OF THE MUNICIPALITY OR SPECIAL DISTRICT PROVIDE THE VOTE
29　　HISTORY INFORMATION FOLLOWING THE ELECTION. WITHIN TEN DAYS AFTER
30　　RECEIVING THE INFORMATION, THE COUNTY CLERK MUST ACTIVATE VOTER
31　　RECORDS AND REMOVE ID REQUIRED FLAGS IN SCORE AS PROVIDED IN SECTION 1-
32　　2-605(4)(B), C.R.S.

33　　*[Current Rule 2.10 is amended and moved to new Rule 2.5. Amendments are shown above.]*

34　　~~2.11~~ 2.6　　Changes to an elector's voter registration status.

35　　~~2.11.1~~ 2.6.1　　An elector may update his or her inactive registration status to active
36　　status by submitting:

37　　(a)　　A signed written request, by mail, fax, or PDF attachment to an email;

1   (b)   An online voter registration application; or

2   (c)   An in-person request with identification.

3   [Section 1-2-605(4)(a), C.R.S.]

4   2.11.2 2.6.2   If an elector is unable to sign, another person must witness the elector's
5   mark. An elector may use a signature stamp because of age, disability, or other
6   need. The stamp is treated as a signature and does not require a witness.

7   *[Current Rule 2.11 is amended and moved to new Rule 2.6. Amendments between the current*
8   *and new rule language are shown above.]*

9   2.21 2.7   Minimum matching criteria

10   2.21.1 2.7.1   A record may THE COUNTY CLERK AND RECORDER MUST not be transferred,
11   consolidated, or cancelled TRANSFER, CONSOLIDATE, OR CANCEL A VOTER
12   REGISTRATION RECORD unless the minimum matching criteria as set forth in
13   sections 1-2-603 and 1-2-604, C.R.S., are met. If the minimum matching criteria
14   are not met the county CLERK MUST may send a letter to the voter requesting
15   confirmation of the missing or non-matching information in order to transfer,
16   consolidate, or cancel the record.

17   2.21.2 2.7.2   For the purpose of sections 1-2-603 and 1-2-604, C.R.S., and this Rule a A
18   match of the name shall mean MEANS a match of the full name, except that the
19   following shall be ARE sufficient to establish a match:

20   (a)   Common variations and nicknames in the first or middle name, i.e.
21   Michael and Mike;

22   (b)   Explainable and documented change of name, including last name, i.e.
23   maiden name and married name; and

24   (c)   Explainable and documented variations in suffix, except that the absence
25   of a suffix in one of the records shall not be considered a variation.
26   Examples of suffix variations that must be explained include junior in one
27   record and III in another.

28   2.21.3 2.7.3   For the purpose of sections 1-2-603 and 1-2-604, C.R.S., and this Rule a A
29   match of the prior address shall mean MEANS a match of the residential street
30   address.

31   2.21.4 2.7.4   The county clerk and recorder may use the DMV Motor Voter database to
32   verify prior name or residence address history for the purpose of meeting the
33   minimum matching criteria. The COUNTY CLERK MUST SCAN AND RETAIN THE
34   information gathered must be scanned and retained in the elector's record in order
35   to document how the criteria was WERE met.

1 *[Current Rule 2.21 is amended and moved to new Rule 2.7. Amendments are shown above.]*

2 ~~2.9~~ 2.8 Registration of ~~Homeless Voters~~ ELECTORS WHO HAVE NO FIXED PERMANENT
3   HOME

4   ~~2.9.1~~ 2.8.1 For the purpose of voter registration residence ~~a homeless voter may~~ AN
5   ELECTOR WHO HAS NO FIXED PERMANENT HOME MUST identify a specific location
6   within a precinct that the ~~voter~~ APPLICANT considers his OR HER home base.

7   (A) A HOME BASE IS A LOCATION THE APPLICANT ~~to which the voter~~ returns TO
8   regularly and ~~manifests an intent~~ INTENDS to remain, and a place ~~from~~
9   ~~which~~ WHERE he or she can receive messages and be contacted.

10   (B) A home base may include a homeless shelter, a homeless provider, a park,
11   a campground, a vacant lot, a business address, or any other physical
12   location.

13   (C) FOR AN ELECTOR WHOSE HOME IS IN FORECLOSURE, THE ELECTOR MAY
14   REGISTER TO VOTE OR REMAIN REGISTERED TO VOTE, AT THE FORECLOSED
15   ADDRESS UNTIL THE ELECTOR ESTABLISHES A NEW PERMANENT RESIDENCE.

16   ~~2.9.2~~ 2.8.2 If the home base does not include a mailing address, THE APPLICANT ~~then~~
17   ~~the homeless voter~~ must provide a mailing address ~~pursuant to~~ IN ACCORDANCE
18   WITH section 1-2-204(2)(f), C.R.S.

19   ~~2.9.3~~ 2.8.3 A post office box or general delivery at a post office ~~shall not be deemed~~
20   IS NOT a home base.

21 *[Current Rule 2.9 is amended and moved to new Rule 2.8. Amendments are shown above.]*

22 2.9 A COUNTY CLERK AND RECORDER MAY CANCEL A REGISTRATION RECORD BASED UPON
23   INFORMATION FROM A LOCAL LAW ENFORCEMENT ONLY AGENCY IF:

24   2.9.1 THE INFORMATION STATES THAT THE INDIVIDUAL IS CURRENTLY SERVING A
25   SENTENCE OF INCARCERATION OR PAROLE FOR A FELONY CONVICTION; AND

26   2.9.2 MINIMUM MATCHING CRITERIA OUTLINED IN RULE 2.6 ARE MET.

27 ~~2.16~~ 2.10 An elector who has received notice that his or her application for registration may
28   not be processed or whose registration was cancelled because his or her name was
29   matched with a record bearing the same name, date of birth, and social security number
30   in the databases provided by Colorado Department of Corrections or Colorado
31   Department of Public Health and Environment, and who believes that the match was
32   erroneous, may request that his or her application be processed or registration be
33   reinstated if he or she:

34   ~~a.~~ 2.10.1 Appears in person at the office of the county clerk and recorder and
35   presents identification; or

b. 2.10.2   ~~Returns to the office of the county clerk and recorder a signed, notarized, and dated~~ SUBMITS A statement TO THE COUNTY CLERK affirming that ~~he or she~~ THE APPLICANT believes the match was in error. THE APPLICANT MUST INCLUDE HIS OR HER ~~This statement must contain the elector's~~ printed name, residential address, and date of birth ON THE SIGNED, DATED, AND NOTARIZED STATEMENT.

[Current Rule 2.16 is amended and moved to new Rule 2.10. Amendments are shown above.]

~~2.17~~ 2.11   20-DAY APPLICANTS UNDER SECTION 1-2-509(3), C.R.S.

2.11.1 When a county clerk and recorder deems an applicant "not registered" upon receipt of an undeliverable new voter notification in accordance with section 1-2-509(3), C.R.S., the ~~applicant shall be mailed~~ COUNTY CLERK MUST MAIL a confirmation card ~~by forwardable mail~~. The confirmation card MUST MEET THE REQUIREMENTS OF SECTION 1-1-104(2.8), C.R.S. ~~shall have a postage prepaid returnable portion that is preaddressed to the sending county clerk and recorder.~~

~~2.17.1~~ 2.11.2 If the ~~county clerk and recorder receives a~~ APPLICANT RETURNS THE signed confirmation card within 90 days ~~from an applicant who was deemed "not registered" in accordance with section 1-2-509(3), C.R.S., the applicant shall be deemed registered as of the~~ THE COUNTY CLERK MUST REGISTER THE APPLICANT USING THE date of the original application.

~~2.17.2 During the 28 days prior to an election, if an applicant who has been deemed "not registered" in accordance with section 1-2-509(3), C.R.S., completes a certificate of registration and presents identification in person at the office of the county clerk and recorder, the applicant shall be deemed registered as of the date of the original application.~~

2.11.3 DURING THE 22 DAYS BEFORE AN ELECTION, THE COUNTY CLERK AND RECORDER MUST DEFER PROCESSING UNDELIVERABLE NEW VOTER NOTIFICATIONS. AFTER THE ELECTION IS CLOSED, THE CLERK MUST DEEM AN APPLICANT "NOT REGISTERED" UNDER SECTION 1-2-509(3), C.R.S., ONLY IF THE APPLICANT DID NOT VOTE IN THE ELECTION.

[Current Rule 2.17 is amended and moved to new Rule 2.11. Amendments are shown above.]

~~2.4~~ 2.12   ~~Confidentiality of Agency in Voter Registration.~~ VOTER REGISTRATION CONFIDENTIALITY

2.12.1 INFORMATION ABOUT THE NAME AND LOCATION OF AN AGENCY FOR AN APPLICATION COMPLETED AT A VOTER REGISTRATION AGENCY OR DRIVER'S LICENSE OFFICE IS CONFIDENTIAL. [42 USC §§ 1973GG-3(C)(2)(D)(III)]

[Portions of current Rule 2.4 are included in new Rule 2.12.1.]

2.12.2 AN ELECTOR MAY REQUEST HIS OR HER VOTER REGISTRATION ADDRESS BE CONFIDENTIAL UNDER SECTION 24-72-204(3.5), C.R.S., IN PERSON.

1   (A)   THE ELECTOR MUST USE THE APPLICATION PROVIDED BY THE SECRETARY
2   OF STATE AND INCLUDE HIS OR HER NAME, ADDRESS, AND BIRTH DATE ON
3   THE APPLICATION.

4   (B)   THE COUNTY CLERK AND RECORDER MUST NOT CHARGE AN ADDITIONAL
5   PROCESSING FEE IF THE ELECTOR CHANGES HIS OR HER ADDRESS.

6   *[Portions of current Rule 2.5 are included in new Rule 2.12.2.]*

7   2.12.3 REGISTRATION OF ADDRESS CONFIDENTIALITY PROGRAM (ACP) ELECTORS

8   (A)   WHEN AN ACP PARTICIPANT REGISTERS TO VOTE BY MAIL, THE ELECTOR
9   MUST PROVIDE A COPY OF HIS/HER ACP AUTHORIZATION CARD.

10   (B)   THE COUNTY CLERK AND RECORDER MUST:

11   (I)   USE THE ACTUAL RESIDENCE ADDRESS OF THE ACP ELECTOR FOR
12   PRECINCT DESIGNATION.

13   (II)   USE THE SUBSTITUTE ADDRESS, AS DEFINED IN SECTION 24-30-
14   2103(14), C.R.S., FOR ALL CORRESPONDENCE AND MAILINGS PLACED
15   IN THE UNITED STATES MAIL.

16   (III) KEEP THE PARTICIPANT'S ADDRESS, COUNTY, AND VOTING PRECINCT
17   AND SPLIT NUMBER CONFIDENTIAL FROM THE PUBLIC.

18   (C)   A STATE OR LOCAL GOVERNMENT AGENCY MAY REQUEST ACCESS TO AN
19   ACP PARTICIPANT'S VOTER REGISTRATION RECORD USING THE PROCESS IN
20   SECTION 24-30-2110, C.R.S.

21   (D)   EXCEPT AS SPECIFICALLY PROVIDED BY PART 21 OF ARTICLE 30 OF TITLE
22   24, C.R.S., A PROGRAM PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE
23   NUMBER IS NOT A PUBLIC RECORD UNDER PART 2 OF ARTICLE 72 OF TITLE
24   24, C.R.S.

25   *[Portions of current Rule 2.12 are included in new Rule 2.12.3.]*

26   2.18 2.13   List Maintenance ~~Pursuant to~~ UNDER section 8 of the National Voter Registration
27   Act of 1993

28   2.18.1 2.13.1 When THE UNITED STATES POSTAL SERVICE RETURNS a voter information
29   ~~card~~ or confirmation card ~~is returned~~ TO THE COUNTY CLERK as undeliverable, or
30   PROVIDES THE CLERK WITH a postcard notice of mail forwarding ~~is provided by the~~
31   ~~United States Postal Service to the county clerk and recorder~~, the county clerk and
32   recorder ~~shall~~ MUST mark the voter's record "Inactive – returned mail" and ~~shall~~
33   mail a confirmation card. Where a confirmation card sent under this rule is
34   returned as undeliverable, the county is not required to mail another card.

1   2.18.2 2.13.2 ~~National Change of Address (NCOA). Counties may utilize the NCOA to~~
2   ~~send mailings to electors who may have moved to request that the electors update~~
3   ~~their voter registration records. However, no county may update the registration~~
4   ~~address of any registration record or change the status of an elector to "inactive"~~
5   ~~based solely upon the information provided by NCOA.~~

6   2.18.3 2.13.2 In accordance with section 1-2-605(7), C.R.S., no later than 90 days
7   following a General Election, the county clerk and recorder in each county ~~shall~~
8   MUST cancel ~~only~~ the registrations of electors who have met the following
9   requirements:

10 ~~a.~~ (A) Whose records have been marked "Inactive – returned mail", "~~inactive~~
11 INACTIVE – undeliverable", ~~or~~ "Inactive – undeliverable ballot", OR
12 INACTIVE – NCOA";

13 ~~b.~~ (B) Who have been mailed a confirmation card; and

14 ~~c.~~ (C) Who have since failed to vote in two consecutive General elections.

15 2.13.5 AN ELECTOR WHOSE REGISTRATION RECORD WAS CANCELLED DURING THE
16 PREVIOUS SIX YEARS UNDER SECTION 1-2-605(7), C.R.S., AND RULE 2.12.2, MAY
17 REQUEST REINSTATEMENT OF THE RECORD. THE ELECTOR MUST PROVIDE PROOF
18 THAT HE OR SHE HAS CONTINUOUSLY RESIDED AT THE ADDRESS SHOWN ON THE
19 REGISTRATION RECORD SINCE THE RECORD WAS CANCELLED.

20 2.22 2.13.4 ~~Effective January 1, 2012, no~~ NO county may consolidate or cancel
21 duplicate records in accordance with section 1-2-604, C.R.S., within the period
22 beginning 90 days prior to a Primary or General Election.

23 *[Current Rule 2.22 is amended and moved to new Rule 2.13. Amendments are shown above.]*

24 2.14   VOTER REGISTRATION AT A VOTER SERVICE AND POLLING CENTER

25 2.14.1 A PERSON REGISTERING VOTERS OR UPDATING VOTER REGISTRATION INFORMATION
26 IN A VOTER SERVICE AND POLLING CENTER MUST:

27 (A)   BE A PERMANENT OR TEMPORARY EMPLOYEE OF THE COUNTY CLERK AND
28 RECORDER'S OFFICE;

29 (B)   SUCCESSFULLY PASS THE CRIMINAL BACKGROUND CHECK DESCRIBED IN
30 RULE 6.4. ANY PERSON WHO HAS BEEN CONVICTED OF AN ELECTION
31 OFFENSE OR AN OFFENSE WITH AN ELEMENT OF FRAUD IS PROHIBITED FROM
32 HANDLING VOTER REGISTRATION APPLICATIONS OR CONDUCTING VOTER
33 REGISTRATION AND LIST MAINTENANCE ACTIVITIES; AND

34 (C)   SUCCESSFULLY COMPLETE A TRAINING COURSE PROVIDED BY THE
35 SECRETARY OF STATE.

2.14.2 THE PERSON REGISTERING VOTERS OR UPDATING VOTER REGISTRATION INFORMATION IN A VOTER SERVICE AND POLLING CENTER MUST VERBALLY CONFIRM EACH ELECTOR'S NAME AND RESIDENTIAL ADDRESS.

2.15 VOTER REGISTRATION RECORDS AND DATA

~~2.13~~ 2.15.1 ~~Preservation of Voter Registration Records.~~ Notwithstanding the retention timelines specified in section 1-2-227, C.R.S., THE COUNTY CLERK AND RECORDER MAY DESTROY paper voter registration records ~~may be destroyed~~ as soon as they have been digitally recorded in the statewide voter registration database known as "SCORE". ~~Such records shall be retained~~ THE STATEWIDE VOTER REGISTRATION SYSTEM MUST RETAIN DIGITAL IMAGES OF VOTER REGISTRATION APPLICATIONS in perpetuity ~~in digital format by the voter registration database~~ in accordance with Title 1, C.R.S. and this rule.

[Current Rule 2.13 is amended and moved to new Rule 2.15.1. Amendments are shown above.]

~~2.2~~ 2.15.2 ~~After a receipt of request, the fee for providing the information shall be determined. The fee must be paid prior to the request being filled.~~ UNDER SECTION 24-21-104(3), C.R.S., THE SECRETARY OF STATE MUST CHARGE A FEE FOR VOTER INFORMATION REPORTS AND RELATED SERVICES. A REQUEST FOR ELECTIONS DATA MUST BE SUBMITTED USING THE ELECTIONS DATA REQUEST FORM. THE SECRETARY OF STATE WILL PROVIDE THE REQUESTED DATA AFTER PAYMENT OF THE FEE AS OUTLINED IN THE FEE SCHEDULE ON THE SECRETARY'S WEBSITE.

[Current Rule 2.2 is amended and moved to new Rule 2.15.2. Amendments are shown above. Portions of current Rule 49.3.1 are included in Rule 12.15.2]

~~49.3.2~~ 2.15.3 The county clerk and recorder of each county may charge fees for county voter information reports and related services, such as the printing of labels provided by the centralized statewide registration system. ~~However,~~ BUT in accordance with federal requirements governing the use of federal funds, fees ~~shall~~ MUST not exceed county direct and indirect costs for providing such reports and services.

[Current Rule 49.3.2 is amended and moved to new Rule 2.15.3. Amendments are shown above.]

~~49.2~~ 2.15.4 Custodianship of Voter Registration Information

~~49.2.1~~ (A) The Secretary of State ~~shall be~~ IS the official custodian of the information contained in the centralized statewide registration system and the computerized statewide voter registration list created and maintained ~~pursuant to~~ UNDER section 1-2-301, C.R.S.

~~49.2.2~~ (B) The county clerk and recorder for each county ~~shall be~~ IS the official custodian of the voter registration information only for electors within that county.

1 *[Current Rule 49.2 is amended and moved to new Rule 2.15.4. Amendments are shown above.]*

2 ~~49.1~~ 2.16   SCORE username and password administration

3 ~~49.1.1~~ 2.16.1 The state user administrator ~~shall assign~~ ASSIGNS county administrator
4   privileges to the individual designated in each county by the county clerk and
5   recorder. ~~49.1.1.1~~ The county clerk and recorder ~~shall~~ MUST submit ~~the~~ A request
6   for county administrator privilege to the state user administrator in writing. The
7   request ~~shall~~ MUST specifically state the full name of the county employee that is
8   being assigned as a county administrator.

9 ~~49.1.2~~ 2.16.2 Each county ~~may have~~ IS LIMITED TO ONE COUNTY administrator.
10   ~~privileges assigned to no more than one (1) individual, except that any~~ BUT A
11   county clerk and recorder may apply to the Secretary of State for an additional
12   county administrator.

13 ~~49.1.2.1~~ (A)   ~~Such~~ THE application ~~shall~~ MUST be submitted by the county clerk
14   and recorder in writing to the state user administrator and ~~shall~~ MUST state
15   the name of the county employee for which county administrator privilege
16   is being sought. The application ~~shall~~ MUST also state the specific reasons
17   the county clerk and recorder is requesting the additional administrator.

18 ~~49.1.2.2~~ (B)   The state user administrator ~~shall~~ WILL notify the county clerk and
19   recorder in writing whether the request is approved within five ~~(5)~~
20   business days ~~from receipt of~~ AFTER RECEIVING the application.

21 ~~49.1.3~~ 2.16.3 The county administrator is responsible for security administration and
22   ~~shall~~ MUST assign all access privileges, as well as usernames and passwords for
23   county employees and temporary election workers.

24 ~~49.1.3.1~~ (A)   For county employees, the county administrator ~~shall~~ MUST assign
25   a unique username in accordance with the naming conventions provided
26   by the Secretary of State.

27 ~~49.1.3.2~~ (B)   Passwords ~~shall~~ MUST be assigned by the county administrator
28   upon initial authorization and ~~shall~~ MUST be changed by users and
29   maintained confidentially.

30 ~~49.1.4~~ 2.16.4 If a county employee or temporary election worker is no longer employed
31   by the county, the county administrator ~~shall~~ MUST inactivate the username within
32   a reasonable timeframe, not to exceed one ~~(1)~~ business week.

33 *[Current Rule 49.1 is amended and moved to new Rule 2.16. Amendments are shown above.]*

34 **Rule 3. Rules Concerning Qualified Political Organizations**

35 ~~3.2~~ 3.1 The ~~required proof of organization, which may be filed at any time after organization,~~
36   ~~shall include, but shall not be limited to:~~ A QUALIFIED POLITICAL ORGANIZATION, AS

1   DEFINED IN RULE 1.1.1, MUST FILE PROOF OF ORGANIZATION WITH THE SECRETARY OF
2   STATE. THE PROOF MUST INCLUDE, BUT IS NOT LIMITED TO:

3   a. 3.1.1 ~~By-laws of the Colorado political organization which shall~~ THE ORGANIZATION'S
4   BYLAWS, WHICH MUST include the method for selecting officers, ~~selecting~~
5   delegates to county, state, and national conventions, and ~~selecting~~ candidates
6   planning to petition onto the state's general election ballot; AND ~~using the name of~~
7   ~~the Colorado political organization;~~

8   b. 3.1.2   The names, addresses, and telephone numbers of the ~~elected~~
9   ORGANIZATION'S Colorado chairperson, vice chairperson, and secretary, together
10   with the names, addresses, and telephone numbers of all other members elected or
11   appointed to other offices or committees authorized by the ~~by-laws~~ BYLAWS.

12 ~~3.3~~ 3.2 A qualified political ~~organizations shall~~ ORGANIZATION MUST meet AT LEAST once a year.

13   ~~3.3.1~~ 3.2.1   DURING the meeting in the odd-numbered year, THE ORGANIZATION MUST
14   ELECT ~~shall be held for the purpose of electing~~ a chairperson, vice-chairperson,
15   secretary, and other officers or committees ~~as shall be provided for in the by-laws~~
16   ~~on file with the Secretary of State~~ REQUIRED BY THE ORGANIZATION'S BYLAWS.

17   (a)   ~~For new political organizations~~ IF THE POLITICAL ORGANIZATION IS A NEW
18   ORGANIZATION, THE ORGANIZATION MUST HOLD this meeting ~~must take~~
19   ~~place prior to~~ BEFORE placing a candidate on the ballot. ~~Therefore, this~~
20   ~~meeting may occur~~ IN THIS INSTANCE, THE ORGANIZATION MAY HOLD THIS
21   MEETING in an even-numbered year AND MAY SELECT CANDIDATES AS
22   DESCRIBED IN RULE 3.3.3.

23   ~~3.3.2~~ 3.2.2   The ORGANIZATION'S chairperson and ~~the~~ secretary ~~shall~~ MUST file WITH
24   THE SECRETARY OF STATE a full and complete list, under oath, of the persons
25   elected or appointed ~~pursuant to Rule 3.2~~ UNDER THIS RULE 3.2, together with any
26   amendments to the ~~by-laws~~ BYLAWS adopted at the meeting.

27   ~~3.3.3~~ 3.2.3   DURING the meeting in the even-numbered year, THE ORGANIZATION MUST
28   SELECT ~~shall be held for the purpose of selecting~~ candidates who ~~wish to use the~~
29   ~~name of the political organization on petitions for~~ WILL ATTEMPT TO PETITION ON
30   TO THE BALLOT FOR THE next general election.

31   ~~(a)~~   ~~A political organization which has not yet been qualified may select its~~
32   ~~candidate at the same meeting where the officers of the organization are~~
33   ~~named.~~

34 ~~3.4~~ 3.3 TO REMAIN IN GOOD STANDING, a qualified political organization ~~shall~~ MUST place a
35   candidate ~~or candidates~~ on the general election ballot every two years. A WRITE-IN
36   CANDIDATE ALONE IS NOT SUFFICIENT TO MEET THIS REQUIREMENT.

37   ~~3.4.1~~ 3.3.1   ORGANIZATION candidates ~~wishing to represent a qualified political~~
38   ~~organization on the general election ballot shall be placed in nomination by~~

1   ~~nominating petition pursuant to~~ MUST BE NOMINATED IN ACCORDANCE WITH
2   section 1-4-802, C.R.S.

3   ~~3.4. 2~~3.3.2   Each petition ~~shall~~ MUST contain the name of one candidate and ~~shall have~~
4   ~~attached~~ an affidavit signed under oath by the chairperson and secretary of the
5   qualified political organization. The affidavit form ~~shall~~ MUST be approved by the
6   Secretary of State. ~~and will include the date of the meetings required in Rule 3.3.~~

7   ~~3.4.3~~3.3.3   ~~For a candidate~~ To qualify for the ballot, ~~the~~ A candidate must have been
8   affiliated with the qualified political organization for one year or, if the ~~political~~
9   organization has not ~~previously~~ been qualified FOR ONE YEAR, the candidate must
10   have been registered as unaffiliated for one year.

11   ~~3.4.4   Having the name of a candidate from the qualified political organization appear~~
12   ~~on the ballot by the use of the write-in candidacy process shall not be considered~~
13   ~~as, nor meeting the requirements of, placing a qualified candidate on the general~~
14   ~~election ballot.~~

15 ~~3.5~~3.4 ~~A political organization shall be qualified as soon as it~~ THE SECRETARY OF STATE WILL
16   QUALIFY A POLITICAL ORGANIZATION IF THE ORGANIZATION:

17   ~~(a)~~ 3.4.1   Files proof of organization with the Secretary of State;

18   ~~(b)~~ 3.4.2   Meets ~~to name~~ AND NAMES a candidate to the general election ballot; and

19   ~~(c)~~ 3.4.3   Certifies a candidate to the general election ballot.

20 ~~3.6~~3.5 Once ~~a political organization becomes a~~ qualified ~~political organization~~, eligible electors
21   ~~shall be able to~~ MAY ~~register as affiliated~~ AFFILIATE with the political organization.

22   ~~3.6.1   When an individual appears at any office or location for the purpose of voter~~
23   ~~registration, the questions asked and the information recorded shall be amended~~
24   ~~to reflect "political organization" affiliation.~~

25   ~~3.6.2   The opportunity to declare or change a political affiliation shall be provided~~
26   ~~exactly as the law provides for political parties in sections 1-2-204(2)(j) and. 1-~~
27   ~~2-219, C.R.S.~~

28   ~~3.6.3   At any time a declaration or change in affiliation is requested, the same~~
29   ~~procedure shall be used for declaring a political party or political organization~~
30   ~~affiliation.~~

31   ~~3.6.4   In recording the information on the voter registration page, or affidavit, the~~
32   ~~affiliation with a political organization shall be listed by the name entry of the~~
33   ~~organization.~~

34   ~~3.6.5   In converting information on the voter registration page to lists, submissions for~~
35   ~~data entry, the Secretary of State's master voter registration list, etc., standard~~

1 ~~abbreviations shall be used and will be furnished to the county clerk and~~
2 ~~recorders by the Secretary of State.~~

3 ~~3.7~~ 3.6 THE SECRETARY OF STATE WILL REVOKE THE QUALIFIED STATUS OF A political
4 ~~organizations~~ ORGANIZATION IF THE ORGANIZATION DOES NOT FULLY COMPLY WITH RULES
5 3.3 AND 3.4. ~~shall lose their status as qualified political organizations by failing to do any~~
6 ~~one of the following:~~

7 ~~(a) Meet in odd-numbered years and file their list of officers with the Secretary of State,~~
8 ~~unless excused under Rule 3.3.1(a);~~

9 ~~(b) Meet in even numbered years and select a candidate or candidates who wish to~~
10 ~~appear on the ballot at the next general election;~~

11 ~~(c) Place a candidate on a general election ballot through a nominating petition, meeting~~
12 ~~the requirements of Rule 3.4.~~

13 ~~3.8~~ 3.7 IF the Secretary of State REVOKES THE QUALIFIED STATUS OF A POLITICAL ORGANIZATION,
14 THE SECRETARY will notify ~~the~~ county clerk and recorders by June 1 of each odd-
15 numbered year ~~of the loss of qualified status of a political organization.~~ Upon ~~receiving~~
16 ~~notification~~ RECEIPT, the county clerk and recorders ~~shall~~ MUST mark ~~on every affected~~
17 ~~voter~~ registration ~~record~~ RECORDS AS "unaffiliated", WHERE APPLICABLE.

18 ~~3.9~~ 3.8 EXCEPT FOR THE PRECINCT CAUCUS LIST FURNISHED TO MAJOR POLITICAL PARTIES, A
19 QUALIFIED POLITICAL ORGANIZATION MAY OBTAIN print-outs, lists, AND tapes, ~~etc.~~ of voter
20 registration records ~~shall be furnished to qualified political organizations~~ at the same rate
21 or cost as ~~charged to~~ political parties. ~~The only exception to this provision shall be the~~
22 ~~list furnished to the major political parties prior to the statutory precinct caucus day.~~

23 ~~3.10~~ 3.9   ~~On all summary reports of voter registration by political party, the~~ A VOTER
24 REGISTRATION SUMMARY report ~~shall list those registered with~~ MUST INCLUDE major
25 political parties, minor political parties, qualified political organizations, ~~or as~~ AND
26 unaffiliated CATEGORIES.

27 ~~3.11   Electors, whose voter registration record shows affiliation with a qualified political~~
28 ~~organization and who appear to vote at a primary election, shall complete a Declaration~~
29 ~~of Party Affiliation, thus losing affiliation with the qualified political organization.~~

30 **Rule 4. COORDINATED ELECTIONS**

31 ~~6.1~~ 4.1 Participation in coordinated elections.

32 ~~6.1.1~~ 4.1.1   For elections where the electors do not need to be registered electors,
33 political subdivisions may conduct their own elections and must coordinate with
34 the coordinated election official any ballot issue notice required by Article X,
35 Section 20 of the Colorado Constitution.

36 ~~6.1.2~~ 4.1.2   ~~The affected~~ A COORDINATING political subdivision ~~shall~~ MUST enter into

1   AN intergovernmental ~~agreements~~ AGREEMENT WITH THE COUNTY CLERK AND
2   RECORDER ~~which~~ THAT ~~delineate~~ DELINEATES which tasks ~~shall be~~ ARE the
3   responsibility of the designated election official of the political subdivision and
4   which ~~shall be~~ ARE the responsibility of the ~~coordinated election official~~
5   COUNTY CLERK AND RECORDER.

6 ~~6.2~~ 4.2 Procedures for Coordinated Elections Involving Jurisdictions Shared by Multiple
7 Counties

8   ~~6.2.1~~ 4.2.1   For each jurisdiction that is shared by multiple counties, a controlling
9   county ~~shall~~ MUST be designated for the purpose of assigning and coordinating
10   the ballot letter/number for the shared races, issues, and questions in
11   coordinated elections.

12   ~~6.2.2~~ 4.2.2   The controlling county ~~shall be~~ IS the county where the administrative
13   office of the political subdivision is maintained at the time that the controlling
14   county is designated.

15   (a) If the administrative office is not maintained within the boundaries of the
16   political subdivision, the controlling county ~~shall~~ MUST be the county where
17   the largest number of active registered electors within the jurisdiction reside
18   at the time that the controlling county is designated.

19   (b) Once designated, the controlling county will not change unless approved by
20   the Secretary of State upon request of any of the affected counties.

21   ~~6.2.3   Repealed.~~

22   ~~6.2.4~~ 4.2.3   The controlling county ~~shall~~ MUST coordinate with each county that shares
23   the jurisdiction to assign the ballot number/letter in accordance with Rule 6.5 no
24   later than the date of ballot certification. All counties within the shared
25   jurisdiction ~~shall~~ MUST ensure that the shared races, issues, and questions are
26   printed on the ballot as certified by the Secretary of State or designated election
27   official, and in the order assigned by the controlling county

28   ~~6.2.5~~ 4.2.4   If any controlling county fails to fulfill its responsibilities in accordance
29   with this Rule, any of the other counties in the shared jurisdiction may make a
30   written request to the Secretary of State to temporarily assume the duties of the
31   controlling county. The Secretary of State ~~shall have the authority to~~ MAY act on
32   behalf of the controlling county or to temporarily designate another county to
33   act as the controlling county ~~in order~~ to IMPLEMENT ~~assure implementation of~~
34   this Rule.

35 ~~6.3~~ 4.3 ~~Form of election for~~ November coordinated elections.

36   ~~6.3.1~~ 4.3.1   The county clerk and recorder is the election official for coordinated
37   elections ~~which are~~ held in November of each year AND IS RESPONSIBLE FOR
38   MAILING THE ARTICLE X, SECTION 20 BALLOT ISSUE NOTICE.

1   (a) ~~The county clerk and recorder shall be responsible for mailing the Article X,~~
2   ~~Section 20 Ballot Issue notice.~~

3   (b) ~~The county clerk and recorder shall not be required to conduct more than~~
4   ~~one form of election unless he or she so chooses.~~

5   ~~6.3.2~~   ~~School districts that have the opportunity to participate in a coordinated election~~
6   ~~may not elect to hold separate mail ballot elections but must participate in the~~
7   ~~form of election chosen by the county clerk and recorder.~~

8   ~~21.1~~ 4.3.2   Placing measures on the ballot for coordinated odd-year elections.

9   ~~21.1.1~~ (A)   For A statewide ~~elections~~ ELECTION, the Secretary of State MUST
10   DETERMINE ~~shall be responsible for determining~~ whether ~~the~~ A proposed
11   initiative is eligible to appear on an odd-year election ballot and WHETHER IT
12   concerns state matters arising under Section 20 of Article X of the State
13   Constitution.

14   ~~21.1.2~~ (B)   For ~~election concerning county or other political subdivision~~ ALL
15   OTHER ELECTIONS, ~~if the election is held as a coordinated election each~~ THE
16   political subdivision CONDUCTING THE ELECTION MUST ~~shall~~ determine
17   whether the proposed initiative or referred measure is a local government
18   matter arising under Section 20 of Article X of the State Constitution.

19   *[Current Rule 21.1 is amended and moved to new Rule 4.3.2. Amendments between the current*
20   *and new rule language are shown above.]*

21   ~~6.4~~ 4.4 Form of coordinated elections held other than in November.

22   ~~6.4.1~~ 4.4.1   For all other elections where political subdivisions hold an election on the
23   same day, the electors or boundaries overlap and ballot issues as defined in
24   ~~Section~~ SECTION 1-1-104 (2.3), C.R.S., appear on the ballot of overlapping
25   jurisdictions, the governing bodies or the designated election officials of ~~such~~
26   THE overlapping jurisdictions must name a coordinated election official who is
27   responsible for assuring that the Article X, Section 20 notice is given.

28   ~~6.4.2~~ 4.4.2   The political subdivisions may contract with the appropriate county clerk
29   and recorder to be the coordinated election official.

30   ~~6.5~~ 4.5 Determination of ballot issues and texts.

31   ~~6.5.1~~ 4.5.1   Each political subdivision ~~shall~~ MUST prepare the list of candidates and the
32   ballot title and text for ballot issues and ballot questions, as required by law.

33   (a) The coordinated election official ~~shall~~ MUST ~~assure that~~ PRINT the ballot title
34   is on each ballot as required by law.

35   (b) Political subdivisions may only require the coordinated election official to

1   print the entire text of a ballot issue or ballot question on the ballot if ~~they~~
2   ~~pay~~ THE POLITICAL SUBDIVISION pays for any additional cost associated with
3   printing and if sufficient space is on the voting equipment to print the entire
4   text given the other issues, questions, and candidates on the ballot. The
5   coordinated election official ~~shall~~ MUST tell the political subdivision how
6   much space is available for text for each position on the ballot. If the
7   required ballot title and text is too long for the voting equipment, the
8   coordinated election official may choose to conduct the election with a
9   different form of ballot.

10   (c) For counties where ballot election material must be printed in languages
11   other than English, the political subdivisions are responsible for assuring
12   proper translation of all election materials related to that political
13   subdivision and must pay their pro-rata share of increased printing costs
14   unless otherwise provided by the intergovernmental agreement.

15   (d) For counties where election material is not required to be printed in
16   languages other than English, the political subdivisions are not required to
17   provide translation of all election materials nor pay a pro-rata share of the
18   printing costs unless they so agree.

19   ~~6.5.2~~ 4.5.2   Each political subdivision ~~shall~~ MUST determine the order of the ballot
20   issues for their political subdivision in accordance with the requirements of
21   Colorado Constitution Article X, Section 20 and Title 1.

22   (a) Referred measures ~~shall~~ MUST be designated by a letter or by a number and a
23   letter; initiatives shall be designated by a number.

24   (b) For each grouping of ballot issues and ballot questions by a political
25   subdivision, all referred measures ~~shall~~ MUST precede all initiatives.

26   (c) For each grouping of ballot issues and ballot questions, the order ~~shall be~~ IS
27   as follows:

28   ~~1.~~ (I)   Referred measures to increase taxes;

29   ~~2.~~ (II)   Referred measures to retain excess revenues;

30   ~~3.~~ (III) Referred measures to increase debt;

31   ~~4.~~ (IV) Other referred measures;

32   ~~5.~~ (V)   Initiatives to increase taxes;

33   ~~6.~~ (VI) Initiatives to retain excess revenues;

34   ~~7.~~ (VII) Initiatives to increase debt;

1   8. (VIII)   Other citizen petitions.

2   (d) For statewide measures, initiatives ~~shall~~ MUST be numbered in the order in
3   which the statements of sufficiency are issued. The numbers one through
4   five ~~shall~~ MUST be reserved for initiatives to increase taxes; the numbers six
5   through ten ~~shall~~ MUST be reserved for initiatives to retain excess revenues;
6   the numbers eleven through fifteen ~~shall~~ MUST be reserved for initiatives to
7   increase debt; all other citizen petitions ~~shall~~ MUST be numbered
8   consecutively beginning with sixteen.

9   (e) In accordance with section 1-5-407(5)(b), C.R.S., whether initiated or
10   referred, every proposed change to the Colorado Constitution ~~shall~~ MUST be
11   called an "amendment" and every proposed change to the Colorado Revised
12   Statutes ~~shall~~ MUST be called a "proposition"

13 (f) Ballot issues from the various political subdivisions ~~shall~~ MUST be ordered
14   on the ballot as provided in section 1-5-407(5), C.R.S:

15   1. (I)   Each category of referred and initiated state amendments and
16   propositions ~~shall~~ MUST be numbered and listed on the ballot in the
17   following series:

18

A-Z	State Referred Constitutional Amendments
01-99	State Initiated Constitutional Amendments
AA-ZZ	State Referred Statutory Propositions
101-199	State Initiated Statutory Propositions

19   If a referred or initiated measure contains both a proposed
20   constitutional and statutory change, the measure ~~shall~~ MUST be
21   ordered on the ballot as a constitutional amendment.

22   2. (II) Each category of initiated local ballot issues and questions ~~shall~~
23   MUST be numbered in the following series:

24

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

1   3.-(III) Each category of local referred ballot issues and questions shall
2   MUST be designated by a letter or a number and a letter in the
3   following series:

4

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

5   4.-(IV)   Ballot questions and issues are numbered or lettered in the order in
6   which the measures are certified to the ballot by the designated election
7   official after the protest period has ended, or if a protest was filed after
8   the protest has been completed.

9   5.-(V)   For other than state issues, if a county has multiple cities and/-or
10   multiple discrete school districts and other political subdivisions, the
11   designated election official may either further subdivide the series and
12   assign each political subdivision a specific series of numbers, or when
13   the ballot is certified the designated election official may assign the final
14   numbers/-OR letters, making sure that all measures for each political
15   subdivision are grouped together.

16   6.-(VI)   For other than state issues and questions, if the same ballot issue or
17   question will be on the ballot in more than one county, the county clerks
18   shall-MUST confer with one another and shall-MUST give the same ballot
19   number or letter to the ballot issue or questions.

20   7.-(VII) Each ballot question or issue shall-MUST contain the name of the
21   political subdivision at the beginning of the ballot questions or issue. If
22   the designated election official chooses, the name of the political
23   subdivision may appear before the grouping of questions, such as State
24   Ballot Questions, Arapahoe County Ballot Questions, City of Aurora
25   Ballot Questions, etc.

26   4.6   CANDIDATE AUDIO RECORDINGS

27   10.4-4.6.1   Candidates whose names are listed on a ballot A CANDIDATE FOR
28   STATEWIDE OFFICE, THE GENERAL ASSEMBLY, CONGRESSIONAL OFFICE, REGENT,
29   OR DISTRICT ATTORNEY must provide an audio recording of the pronunciation of
30   their HIS OR HER name to the Secretary of State. prior to the election for offices
31   that are voted on by the electors of the entire state, or of a congressional district,
32   or for the offices of members of the general assembly or district attorney or a

district office of state concern. THE CANDIDATE MUST RECORD HIS OR HER NAME EXACTLY AS IT APPEARS ON THE CANDIDATE ACCEPTANCE FORM, STATEMENT OF INTENT, OR DECLARATION OF INTENT TO RUN FOR RETENTION IN A JUDICIAL OFFICE, AS APPLICABLE, AND THE CANDIDATE MUST PROVIDE THE RECORDING TO THE SECRETARY OF STATE NO LATER THAN THE DEADLINE TO FILE THE CANDIDATE ACCEPTANCE FORM, STATEMENT OF INTENT, OR DECLARATION OF INTENT TO RUN FOR RETENTION IN A JUDICIAL OFFICE, AS APPLICABLE.

[Rules 10.4.1 through 10.4.4 are repealed and consolidated into Rule 4.6.1]

10.5 4.6.2   A CANDIDATE FOR A county, municipal, school district, ~~and~~ or special district ~~candidates whose names are listed on a ballot for~~ IN an election coordinated by the county clerk and recorder must provide an audio recording ~~of the pronunciation~~ of ~~their~~ HIS OR HER name to the county clerk and recorder. ~~prior to the election for offices that are voted on by the electors of the county, municipality, school district, or special district.~~ THE CANDIDATE MUST RECORD HIS OR HER NAME EXACTLY AS IT APPEARS ON THE STATEMENT OF INTENT, AND MUST PROVIDE THE RECORDING TO THE COUNTY CLERK AND RECORDER NO LATER THAN THE DEADLINE TO FILE THE STATEMENT OF INTENT.

[Rules 10.5.1 through 10.5.2 are repealed and consolidated into Rule 4.6.2]

4.7 CONGRESSIONAL TERM LIMITS DECLARATION

24.1 4.7.1 The Secretary of State ~~shall~~ MUST make THE CONGRESSIONAL TERM LIMITS DECLARATION available to every candidate for United States House of Representatives or the United States Senate, ~~the Congressional Term Limits Declaration~~ provided in Article XVIII, Section 12a of the Colorado Constitution. The Secretary of State will offer the Congressional Term Limits Declaration to ~~every such~~ THESE ~~candidate~~ CANDIDATES when the candidate files ~~his or her~~ A candidate affidavit with the Secretary of State. Any failure of the Secretary of State to offer the Congressional Term Limits Declaration to a candidate ~~shall~~ WILL have no effect on ~~such~~ THE candidate's candidacy.

24.2 4.7.2 THE SECRETARY OF STATE MUST ACCEPT Part A of the Term Limits Declaration ~~shall be accepted by the Secretary of State~~ if Part B of the Term Limits Declaration ~~has not been~~ WAS NOT duly executed and submitted. Art. XVIII, sec. 12a (7)

24.3 4.7.3 In the case of a candidate who has qualified as a candidate for a term that would exceed the number of terms set forth in Term Limits Declaration One, the Secretary of State shall not place the words, "Signed declaration to limit service to [3 terms] [2 terms]" after the candidate's name, even if the candidate has executed and submitted Parts A and B of Term Limits Declaration One.

[Current Rule 24 is amended and moved to new Rule 4.7. Amendments are shown above.]

1   4.8   BALLOT FORMAT AND PRINTING

2   10.1 4.8.1   ~~The text of all ballot issues that are subject to Article X, Section 20 shall~~
3   ~~be printed in all capital letters. The names of all candidates and all other ballot~~
4   ~~issues and questions shall be printed in upper and lower case.~~ THE COUNTY
5   CLERK AND RECORDER MUST PRINT THE CANDIDATE NAMES AND THE TEXT OF
6   BALLOT ISSUES AND BALLOT QUESTIONS IN UPPER AND LOWER CASE, EXCEPT
7   THAT THE CLERK AND RECORDER MUST PRINT THE TEXT OF BALLOT ISSUES
8   SUBJECT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION IN ALL
9   UPPERCASE TEXT.

10   10.3 4.8.2   If there is no candidate ~~on the ballot~~ for ~~any particular~~ AN office, the ballot
11   ~~shall read~~ MUST STATE, "No candidate for this office."

12   *[Current Rules 10.1 and 10.3 are amended and moved to new Rules 4.8.1 and 4.8.2.*
13   *Amendments are shown above.]*

14   10.6 4.8.3   Printing primary election ballots.

15   10.6.1 (A)   If a major political party, as defined in section 1-1-104(22.5),
16   C.R.S., nominates more than one candidate for any office, the county clerk
17   and recorder must conduct the primary election for all major political
18   parties.

19   (a) (I) The county clerk must include on the ballot all offices to which
20   candidates may be nominated in the primary election.

21   (b) (II) If there are no candidates for any particular office, the county clerk
22   must print on the ballot "There are no candidates for this office".

23   [Sections 1-4-101 and 1-4-104.5, C.R.S.; Election Rule 10.3]

24   10.6.2 (B)   If a minor political party, as defined in section 1-1-104(23), C.R.S.,
25   ~~has~~ NOMINATES more than one candidate for any office, the county clerk
26   and recorder may conduct the primary election for that party only.

27   (a) (I) The county clerk must include on the ballot only the offices for
28   which there is more than one candidate designated.

29   (b) (II) If there is only one minor party candidate designated for any
30   office, the candidate will be certified to the general election ballot.

31   [Sections 1-4-101, 1-4-104.5(3), and 1-4-1304, C.R.S.]

32   *[Current Rule 10.6 is amended and moved to new Rule 4.8.3. Amendments are shown*
33   *above.]*

     10.8 4.8.4   Use of unique numbers on ballots.

10.8.1 (A)   Except for ballots sent to military or overseas electors by electronic transmission under Rule 16.2, no A county may NOT print a ballot for use in a state or federal election that has a unique number, or a barcode containing a unique number, that is specific to a single ballot.

(a) (I)   A county that uses rotating numbers must print at least ten ballots of each ballot style for each number.

(b) (II) Nothing in this rule prohibits a county from printing a unique number or barcode on the removable stub.

10.8.2 (B)   After AN election judges have dissociated JUDGE DISSOCIATES a voted ballot from its envelope and REMOVES the stub, is removed, the county may write or print unique numbers on the voted ballot for auditing and accounting purposes, including duplication of damaged ballots and risk limiting audits.

10.8.3 (C)   For ballots printed before the adoption of this rule that are in a county's possession, the county must redact unique numbers, or barcodes containing unique numbers, before providing ballots in response to a request for inspection under the Colorado Open Records Act (Section 24-72-205.5(4)(b)(II), C.R.S.).

[Current Rule 10.8 is amended and moved to new Rule 4.8.4. Amendments are shown above.]

10.2 4.8.5   If a ballot has been printed in error, the designated election official shall consult, as soon as the error is discovered, with the Secretary of State and follow the direction of the Secretary of State on the appropriate method of correction. IF THE DESIGNATED ELECTION OFFICIAL DISCOVERS A BALLOT ERROR, HE OR SHE MUST IMMEDIATELY SEEK AND FOLLOW THE SECRETARY OF STATE'S ADVICE ON HOW TO CORRECT THE ERROR.

[Current Rule 10.2 is amended and moved to new Rule 4.8.5. Amendments are shown above.]

6.6 4.9 Colorado Constitution Article X, Section 20 notice requirements.

6.6.1 4.9.1   The state and local governments, excluding enterprises, have sole responsibility for drafting and distribution of the notice required by Article X, Section 20. Any or all of the THESE responsibilities may be delegated to the coordinated election official in the intergovernmental agreement.

6.6.2 4.9.2   The notice shall MUST be mailed to "All Registered Voters" at the mailing addresses of active registered electors in the county, as indicated on the voting record IN SCORE.

(a) Nothing shall preclude PRECLUDES the coordinated or designated election

1 official from sending notice of various elections to persons who are not
2 eligible electors if the notice sent is part of the coordinated notice and if the
3 sending arises from the official's efforts to mail the notice at "least cost".

4 (b) Nothing ~~shall preclude~~ PRECLUDES the coordinated or designated election
5 official from sending notice to each household in the county or political
6 subdivision whether or not registered electors reside at that household as
7 long as notice is sent which ~~assures~~ ENSURES that all active registered
8 electors are included on the mailing list.

9 (c) Nothing ~~shall preclude~~ PRECLUDES the coordinated or designated election
10 official from sending notice to each registered elector in a particular political
11 subdivision.

12 ~~(a)~~ (D)   The coordinated or designated election official may include the
13 following statement with the ballot issue notice: "This notice is mailed to
14 each address with one or more active, registered electors. You may not be
15 eligible to vote on all issues presented in this notice."

16 *[Current Rule 6.5.3(a) is amended and moved to new Rule 4.9.2(d). Amendments*
17 *are shown above.]*

18 ~~6.6.3~~ 4.9.3   The coordinated election official must include information in the package
19 sent with the notice that tells electors whether the election is a mail ballot
20 ~~election, a~~ OR polling place election~~, a vote center election or a combination of~~
21 ~~election forms~~.

22 (a) ~~If the election is a polling place election or a vote center election, the~~ THE
23 notice of the location of the ~~polling place or vote center~~ VOTER SERVICE AND
24 POLLING CENTERS OR POLLING LOCATIONS may be included in the
25 consolidated mailing.

26 ~~(b) If a separate mail ballot election is being held by a political subdivision in~~
27 ~~the county at the same time as a polling place election or a vote center~~
28 ~~election, the notice shall include that information. Section 1-5-205, C.R.S.~~

29 (b) The coordinated or designated election official may include the following
30 statement on the ballot issue notice: "The following is a summary of
31 comments filed in favor of, or opposed to, the ballot issue."

32 *[Current Rule 6.5.3(b) is amended and moved to new Rule 4.9.3(b). Amendments*
33 *are shown above.]*

34 ~~6.6.4~~ 4.9.4   If state statute allows the ballot issue notice and the ballot to be mailed at
35 the same time, the ballot for the mail ballot election may be included with the
36 notice.

37 ~~6.6.5~~ 4.9.5   The political subdivisions must provide all completed Article X, Section

1   20 notices in camera ready format or as otherwise specified.

2   6.6.6 4.9.6   The coordinated election official shall IS not be responsible for failure to
3   meet the Article X, Section 20 constraints if the POLITICAL SUBDIVISION FAILS
4   TO SUBMIT THE notice and summaries are not submitted by the political
5   subdivision within the deadline and in the form required by the coordinated
6   election official.

7   (a) The summaries of comments for and against ballot issues shall MUST not
8   include language of a generally recognized profane, indecent, immoral,
9   offensive, scandalous or libelous character. No names of persons or private
10   groups shall be included in any summary.

11   (b) For purposes of counting words and to verify the five hundred constitutional
12   limit for each "pro" and each "con" summary, a hyphenated word, unless it
13   is divided by a continuation hyphen at the end of a line, counts as two or
14   more words. A number counts as one word, regardless of dollar signs,
15   commas or periods within the number.

16   6.7 4.9.7 Written NO PERSON MAY WITHDRAW WRITTEN comments concerning ballot
17   issues submitted to the designated election official for the political subdivision
18   shall not be withdrawn after the end of the business day on the last Friday
19   immediately preceding the forty-fifth day before the election.

20   *[Current Rules 6, 10, and 21 are amended and moved to new Rule 4. Amendments are*
21   *shown above.]*

22   **Rule 5. Rules Concerning Non-Partisan NONPARTISAN Elections not Coordinated by the**
23   **County Clerk**

24   12.3.1 5.1   Call and notice. ELECTION NOTICE

25   (a) 5.1.1   THE DESIGNATED ELECTION OFFICIAL MUST SEND Notice NOTICE of the
26   election is to be sent to the clerk and recorder of the county in which the election
27   is to WILL be held. The notice is to MUST include the date by which the list of
28   registered electors is to MUST be submitted to the political subdivision.

29   (b) 5.1.2   For multi-county political subdivisions, the notice sent to each clerk and
30   recorder shall MUST also include the names of all other counties in which the
31   election will be held.

32   *[Current Rule 12.3.1 is amended and moved to new Rule 5.1. Amendments are shown*
33   *above.]*

34   5.2   MAIL BALLOT ELECTIONS

35   5.2.1   IF A POLITICAL SUBDIVISION COORDINATES WITH THE COUNTY CLERK AND
36   RECORDER, THE DESIGNATED ELECTION OFFICIAL IS NOT REQUIRED TO SUBMIT A

1   SEPARATE MAIL BALLOT PLAN FOR THE ELECTION.

2   *[Portions of current Rule 12.1.2 are included in new Rule 5.2.1.]*

3   ~~12.4.1~~ 5.2.2   ~~Coordinated and non-partisan elections. (a)   Written plan. The~~ IF A LOCAL
4   GOVERNING BOARD DETERMINES AN ELECTION WILL BE CONDUCTED BY MAIL BALLOT,
5   THE designated election official must submit a mail ballot plan to the Secretary of State
6   no later than 55 days before ~~any nonpartisan~~ THE election~~, and 90 days before any~~
7   ~~election that is coordinated with or conducted by the county clerk and recorder~~. The
8   designated election official must use the approved mail ballot plan template. ~~that~~
9   ~~includes the following:~~

10   (A)   THE DESIGNATED ELECTION OFFICIAL MUST INCLUDE AN ACTUAL SAMPLE OF
11   THE SECRECY SLEEVE OR SECRECY ENVELOPE THAT THE DESIGNATED
12   ELECTION OFFICIAL PLANS TO USE IN THE ELECTION.

13   (B)   A HOME RULE MUNICIPALITY MUST CHECK THE APPROPRIATE BOX ON THE
14   PLAN INDICATING WHETHER THERE ARE LOCALLY ADOPTED ELECTION
15   PROCEDURES DIFFERENT FROM THOSE SET FORTH IN TITLE 1, C.R.S. THE
16   SECRETARY OF STATE WILL NOT REVIEW THE MAIL BALLOT PLAN OF ANY
17   HOME RULE MUNICIPALITY THAT FAILS TO INCLUDE THIS INFORMATION.

18   *[Current Rule 12.4.1(a) is amended and moved to new Rule 5.2.2. Amendments between*
19   *the current and new rule language are shown above.]*

20   5.2.3   BALLOTS AND BALLOT PACKETS

21   (A)   IN ANY ELECTION WHERE A MULTIPLE PAGE PRINTED BALLOT IS USED, A
22   VOTER MUST VOTE AND RETURN ALL PAGES OF THE BALLOT AT THE SAME
23   TIME. ANY VOTER WHO HAS RETURNED AT LEAST ONE PAGE OF A MULTIPLE
24   PAGE PRINTED BALLOT WILL BE CONSIDERED TO HAVE VOTED.

25   ~~12.5.2~~ (B)   For non-partisan elections where multiple ballots will be included
26   in the same packet or will be sent in separate packets, the ballots and
27   return envelopes ~~shall~~ MUST include distinctive markings or colors to
28   identify political subdivisions when the colors or distinctive markings will
29   aid in the distribution and tabulation of the ballots.

30   ~~12.5.3~~ (C)   The designated election official for each political subdivision for
31   whom one or more county clerk and recorders are conducting the election
32   ~~shall assure that~~ MUST PROVIDE a complete list of eligible electors in their
33   political subdivision ~~is sent~~ to each appropriate county clerk and recorder,
34   unless otherwise provided in the intergovernmental agreement. The
35   political subdivision ~~shall~~ MUST list each elector only once to ~~assure~~
36   ENSURE that each elector receives one and only one ballot unless otherwise
37   authorized.

[Current Rules 12.5.2 and 12.5.3 are amended and moved to new Rule 5.2.3. Amendments between the current and new rule language are shown above.]

13.1 (D)　　　All election materials prepared by the designated election official, including the Article X, Section 20 notice, may be included in the mail-in ballot packet.

[Current Rule 13.1 is moved to new Rule 5.2.3.]

12.7 5.2.4　　　Receipt of Ballots

12.7.1 (A)　　One or more THE DESIGNATED ELECTION OFFICIAL MUST APPOINT SUFFICIENT ELECTION judges shall be appointed for the site to which ballots are to be mailed to receive the ballots as mailed.

12.7.2 (B)　　Each day when ballots come in, a judge shall MUST count the ballots, batch them and record the number of ballots received.

12.7.3 (C)　　The ballots shall be date-stamped when received. AN ELECTION JUDGE MUST DATE-STAMP THE BALLOTS UPON RECEIPT. If any ballot is received after the time set for the closing of the elections, the ballot shall MUST be date-stamped but the ballot shall not be counted.

12.7.4 (D)　　Records shall also be kept of ELECTION JUDGES MUST RECORD the number of ballot packets returned as undeliverable.

12.7.5 (E)　　Ballot packets shall then be placed THE DESIGNATED ELECTION OFFICIAL MUST SEAL AND STORE BALLOTS in a safe, secure place until the counting of the ballots.

[Current Rule 12.7 is amended and moved to new Rule 5.2.4. Amendments between the current and new rule language are shown above.]

5.2.4　　RECALL ELECTIONS. THE DESIGNATED ELECTION OFFICIAL MUST SUBMIT A WRITTEN PLAN TO THE SECRETARY OF STATE WITHIN FIVE DAYS AFTER THE DESIGNATED ELECTION OFFICIAL SETS THE DATE OF THE ELECTION. THE SECRETARY OF STATE WILL APPROVE OR DISAPPROVE THE PLAN WITHIN FIVE DAYS FROM THE DATE IT IS RECEIVED. [SECTION 1-12-111.5, C.R.S.]

[Portions of current Rule 12.4(b) are included in new Rule 5.2.4]

5.1 5.3 For elections conducted on days IF A DESIGNATED ELECTION OFFICIAL CONDUCTS AN ELECTION ON A DAY other than described in section 1-7-116(1), C.R.S., nothing shall preclude the designated election official from mailing THE DESIGNATED ELECTION OFFICIAL MAY MAIL the notice required by Article X, Section 20 of the Colorado Constitution to persons PEOPLE who are not eligible electors if such THE mailing is done at the "least cost" possible.

1   5.2 5.4 If there are no appropriate polling place locations THE DESIGNATED ELECTION OFFICIAL
2   FOR THE POLITICAL SUBDIVISION IS UNABLE TO ESTABLISH A VOTER SERVICE AND POLLING
3   CENTER within the political subdivision, conducting the election, a polling place may be
4   designated THE DESIGNATED ELECTION OFFICIAL MAY DESIGNATE A VOTER SERVICE AND
5   POLLING CENTER outside of the political subdivision in a IF THE location that is convenient
6   for the eligible electors. of such political subdivision.

7   5.3 5.5 For elections not conducted in November and not coordinated with the county clerk and
8   recorder, the ballot issue or question shall be identified by the name of the jurisdiction
9   submitting the ballot issue or ballot question followed by a number in the case of
10   initiatives or by a letter in the case of referred measures. FOR BALLOT ISSUES AND BALLOT
11   QUESTIONS IN AN ELECTION NOT COORDINATED WITH THE COUNTY CLERK AND RECORDER,
12   THE DESIGNATED ELECTION OFFICIAL MUST USE THE TITLE AND LETTERING STYLE FOR
13   STATEWIDE BALLOT ISSUES AND BALLOT QUESTIONS SPECIFIED IN SECTION 1-5-407 (5.3)
14   AND (5.4), C.R.S.

15   5.4 5.6 Elections authorized under BY Part 1, Article 45 of Title 37, C.R.S., (Water Conservancy
16   Act), shall MUST be conducted in accordance with Articles 1 through 13 of Title 1,
17   C.R.S., where applicable, unless otherwise ordered by the district court having
18   jurisdiction over the water conservancy district, pursuant to section 37-45-103 (3), C.R.S.
19   ("Court").

20   5.4.1 5.6.1   The form and verification of any petition requesting an election conducted
21   by a water conservancy district pursuant to sections 37-45-114 (2) and 37-45-
22   136(3.5), C.R.S., ("Petition"), shall MUST conform with the requirements of
23   sections 1-40-113 and 1-40-116, C.R.S., and the sections cited therein, and Rule
24   17 15 of these rules; except that PETITIONERS NEED NOT SEEK PETITION FORMAT
25   APPROVAL FROM no prior approval of the form of such election petition needs to
26   be provided by the Secretary of State. the petition shall be filed with the Court
27   and the verification process shall be directed by the water conservancy district
28   named in the petition rather than the Secretary of State, and the "warning"
29   language appearing on the petition shall be applicable to the election requested
30   to be conducted. PETITIONERS MUST FILE THE PETITION WITH THE COURT AND
31   WATER CONSERVANCY DISTRICT MUST VERIFY THE SIGNATURES ON THE PETITION.

32   5.4.2 5.6.2   The procedures for issuing the statement of sufficiency or insufficiency of
33   the petition shall MUST conform to the requirements of WITH section 1-40-117,
34   C.R.S., and Rule 18 15 of these rules; except that such THE statement shall MUST
35   be issued by the water conservancy district named in the petition, unless
36   otherwise ordered by the Court.

37   5.4.3 5.6.4   The procedures for cure of a petition deemed insufficient shall MUST
38   conform to the requirements of WITH section 1-40-117, C.R.S., and Rule 19 15
39   of these rules; except any addendum to the petition shall MUST be filed with
40   both the Court and the water conservancy district named in the petition, unless
41   otherwise ordered by the Court.

5.4.4 5.6.5   The procedures for protesting the determination that a petition is insufficient ~~shall~~ MUST conform ~~to the requirements of~~ WITH section 1-40-118, C.R.S., and Rule ~~20~~ 15 ~~hereof~~, unless otherwise ordered by the Court.

5.4.5 5.6.5   THE DESIGNATED ELECTION OFFICIAL MUST CONDUCT any election ~~pursuant to~~ UNDER section 37-45-114(2), C.R.S., ~~shall be conducted no more than one hundred (100) days nor less than sixty (60)~~ AFTER THE SIXTIETH BUT BEFORE THE ONE HUNDREDTH DAY AFTER ~~days from~~ the date of the Court order, regardless of the actual expiration date of the term of the office, unless the Court order establishes an alternate date or the water conservancy district has notified the Court that ~~such~~ THE election ~~is to be conducted as a coordinated election pursuant to~~ MUST BE COORDINATED AND CONDUCTED IN ACCORDANCE WITH section 1-7-116, C.R.S.

5.4.6 5.6.6   The form and procedures for filing candidate nomination forms and call for CANDIDATE nominations ~~of persons desiring to be a candidate~~ for the office to be voted upon at the Court-ordered election described in Rule 5.4.5, ~~shall be in conformance with the form and procedures required for special districts~~ MUST BE CONDUCTED under Article 1, Title 32, C.R.S., unless otherwise ordered by the Court.

~~5.5~~ 5.6 Non-Partisan Elections: Polling Place Procedures.

5.5.1 5.6.1   For polling place elections ~~being~~ conducted in accordance with Article 1, Title 32, C.R.S., upon execution of the self-affirming oath or affirmation ~~pursuant to~~ UNDER section 32-1-806(2), C.R.S., ~~the~~ A eligible elector ~~desiring to vote shall~~ MUST show ~~his or her~~ identification as defined in section 1-1-104(19.5), C.R.S., ~~to one of the election judges. *See* section 1-7-110(1), C.R.S.~~

~~5.5.2   If the eligible elector has executed the self-affirming oath or affirmation and provided his or her identification, such eligible elector may be allowed to vote, if such vote is not challenged. *See* sections 1-7-110(2) and 32-1-806(4), C.R.S.~~

5.5.3 5.6.2   ~~The election supplies provided to the supply judge of each polling place shall include an adequate number of provisional ballot envelopes that include the affidavit set forth in Rule 26.8.~~ THE DESIGNATED ELECTION OFFICIAL MUST ENSURE THAT EACH POLLING PLACE HAS AN ADEQUATE NUMBER OF PROVISIONAL BALLOTS.

~~5.5.4   The signature and date on the provisional ballot affidavit envelope shall remain on the outside of the envelope.~~

~~5.5.6   The provisional ballot affidavit envelope shall be numbered to correspond to the number of the provisional elector's name in the poll book, and the word "provisional" shall be marked on the ballot.~~

5.5.7 5.6.3   ~~Verification of Information in Provisional Ballot Affidavit.~~ The designated election official ~~shall verify the information contained in the provisional ballot~~

affidavit pursuant to Rule 26. If the information contained in the affidavit provides adequate criteria such that the designated election official, using the Rule 26 search, can ascertain the registration of the elector, the provisional ballot shall count. If the information cannot be verified, the ballot shall be rejected. See MUST FOLLOW THE PROVISIONAL BALLOT PROCEDURES CONTAINED IN ARTICLES 1 THROUGH 13 OF TITLE 1 sections1-8.5-105 and 1-8.5-106, C.R.S., and Rule 26.

5.5.8   The verification and counting of all provisional ballots shall be completed prior to the certification of the official abstract of votes cast in the election by the canvass board, pursuant to Section 1-10-203(1), C.R.S.

5.5.9   Canvassing Board's Count of Provisional Ballots. If, after the expiration of twelve days following an election, the election judges cannot complete the count of the provisional ballots cast, the canvassing board appointed pursuant to Section 1-10-201(1.5), C.R.S., shall complete the count of such provisional ballots.

5.5.10   If 25 or more provisional ballots have been cast and counted, the results shall be reported as one total. If less than 25 provisional ballots have been cast and counted, the results shall be included in the results of the mail-in ballots counted in the election.

5.5.11   The provisional ballot shall not be counted if the elector failed to complete the affidavit on the envelope or the elector was not registered by the deadline in the State of Colorado.

5.5.12   A copy of the provisional ballot affidavit shall be provided to the county clerk and recorder of the county of the elector's residence, and shall constitute a voter registration for future elections. See section 1-8.5-108, C.R.S.

5.7   THE COUNTY CLERK AND RECORDER FOR A COUNTY THAT CONTAINS ANY PORTION OF A POLITICAL SUBDIVISION WITHIN ITS BORDERS MUST PROVIDE ELECTION DAY REGISTRATION FOR THE POLITICAL SUBDIVISION.

5.7.1   THE COUNTY CLERK AND RECORDER MUST PROVIDE VOTER REGISTRATION THROUGH THE 22-DAY ELECTION PERIOD DURING NORMAL BUSINESS HOURS, MONDAY THROUGH FRIDAY, AND 7:00 AM TO 7:00 PM ON ELECTION DAY.

5.7.2   THE COUNTY CLERK AND RECORDER MUST PROVIDE DAILY REGISTRATION UPDATES 22 DAYS THROUGH THE DAY BEFORE ELECTION DAY, TO THE DESIGNATED ELECTION OFFICIAL BY SECURE TRANSMISSION AS OUTLINED IN RULE 43 AND PROVIDE A CERTIFICATE OF REGISTRATION TO THE APPLICANT ON ELECTION DAY

5.7.3   ON ELECTION DAY, THE COUNTY CLERK AND RECORDER MUST PROVIDE A CERTIFICATE OF REGISTRATION TO ANY ELECTOR WHO REGISTERS TO VOTE OR UPDATES HIS OR HER REGISTRATION.

Rule 6. ~~Rules Concerning~~ Election Judges

~~28.1~~6.1   For purposes of training election judges, an "election cycle" ~~shall mean~~ MEANS all elections held during a calendar year beginning ~~with~~ January 1 and ending December 31.

~~28.2~~6.2   In lieu of the oath for other election judges prescribed in section 1-6-114, C.R.S., each person appointed to serve as a student election judge ~~shall~~ MUST take a self-affirming oath or affirmation before ~~beginning their duties~~ SERVING as a student election judge, in substantially the following form:

"I, _____ do solemnly swear (or affirm) that I am a citizen of the United States and state of Colorado; that I am at least 16 years of age and a High School Junior or Senior; that I will perform the duties of an election judge according to law and to the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as a student election judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official."

6.3   A SUPERVISOR JUDGE IN A VOTER SERVICE AND POLLING CENTER MUST:

      a.   SUCCESSFULLY PASS THE CRIMINAL BACKGROUND CHECK DESCRIBED IN RULE 28.5. ANY PERSON WHO HAS BEEN CONVICTED OF AN ELECTION OFFENSE OR FRAUD IS PROHIBITED FROM HANDLE VOTER REGISTRATION APPLICATIONS OR CONDUCT VOTER REGISTRATION AND LIST MAINTENANCE ACTIVITIES.

      b.   SUCCESSFULLY COMPLETE A TRAINING COURSE PROVIDED BY THE SECRETARY OF STATE.

6.4   THE COUNTY CLERK AND RECORDER MUST ARRANGE FOR A CRIMINAL BACKGROUND CHECK ON A SUPERVISOR JUDGE AND ANY A PERSON REGISTERING VOTERS IN A VOTER SERVICE AND POLLING CENTER. THE CRIMINAL BACKGROUND CHECK MUST BE CONDUCTED BY THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY OR BY THE COUNTY SHERIFF'S DEPARTMENT FOR THE COUNTY IN WHICH THE COUNTY CLERK AND RECORDER'S OFFICE IS LOCATED.

[Current Rule 28 is amended and moved to new Rule 6. Amendments are shown above.]

RULE 7. ELECTIONS CONDUCTED BY THE COUNTY CLERK AND RECORDER

7.1   MAIL BALLOT PLANS

    ~~(a)~~7.1.1~~Written plan. The~~ FOR EVERY ELECTION CONDUCTED BY THE county clerk and recorder, THE CLERK must submit a mail ballot plan to the Secretary of State BY

EMAIL no later than 90 days before the election. ~~The county clerk must use the approved mail ballot plan template, that includes the following:~~

(A) FOR RECALL ELECTIONS, THE COUNTY CLERK MUST SUBMIT A MAIL BALLOT PLAN TO THE SECRETARY OF STATE BY EMAIL WITHIN FIVE DAYS AFTER THE APPROPRIATE OFFICIAL SETS THE ELECTION. WITHIN FIVE DAYS AFTER RECEIVING THE RECALL ELECTION PLAN, THE SECRETARY OF STATE WILL APPROVE OR DISAPPROVE.

(B) THE COUNTY CLERK MUST SUBMIT WITH THE MAIL BALLOT PLAN THE SECRECY SLEEVE OR ENVELOPE THAT THE CLERK INTENDS TO USE IN THE ELECTION.

[Current Rule 12.4.2(a) is amended and moved to new Rule 7.1. Amendments are shown above.]

~~12.4.3~~ 7.1.2   Approval of mail ballot plans and submission of amendments

(a) If the Secretary of State requests modifications to a plan prior to approval, the ~~designated election official shall~~ COUNTY CLERK AND RECORDER MUST submit the modified plan within ten days from the request. The secretary of state will approve or disapprove the modified plan within 15 days from the date it is received.

(b) A ~~designated election official shall~~ COUNTY CLERK AND RECORDER may amend a timely submitted mail ballot plan by submitting a written statement outlining the ~~amendment(s) to the plan~~ AMENDMENT. The amendment must state the specific section of the plan amended and the ~~reason(s)~~ REASON for the amendment. The secretary of state will approve or disapprove the amendment within 15 days from the date it is received. If the amendment is received within 30 days before the election, the Secretary of State will approve or disapprove the amendment within two business days.

[Current Rule 12.4.3 is amended and moved to new Rule 7.1.2. Amendments are shown above.]

~~12.3.3~~ 7.1.3   ~~For elections coordinated by the~~ THE county clerk and recorder~~,~~ MUST SUBMIT a security plan ~~shall be submitted in accordance with~~ UNDER Rule 43 in addition to the mail ballot plan submitted in accordance with this Rule.

[Current Rule 12.3.3 is amended and moved to new Rule 7.1.3. Amendments are shown above.]

~~12.5~~ 7.2   ~~Ballots~~ BALLOTS AND BALLOT PACKETS

~~12.5.1~~ 7.2.1   In any election where a multiple page printed ballot is used, a voter must vote and return all pages of the ballot at the same time. Any voter who has returned at least one page of a multiple page printed ballot will be considered to

1   have voted.

2   *[Current Rule 12.5.1 is amended and moved to new Rule 7.2.1]*

3   ~~12.5.5~~ 7.2.2   In accordance with section 1-7-116(1), C.R.S., for all Coordinated
4   elections, the outgoing envelope as well as the instructions or other notice ~~shall~~
5   MUST include a notice advising electors that they may receive a ballot from
6   another political subdivision conducting a mail ballot election.

7   ~~12.5.6~~ 7.2.3   If the ballot is returned to the election official as undeliverable, the ~~official~~
8   ~~shall not be~~ COUNTY CLERK AND RECORDER IS NOT required to re-mail the ballot
9   packet.

10   *[Current Rules 12.5.5 and 12.5.6 are amended and moved to new Rules 7.2.2 and 7.2.3]*

11   7.2.4   IN ACCORDANCE WITH SECTION 1-7.5-107(3), C.R.S., THE COUNTY CLERK AND
12   RECORDER MUST MAIL BALLOTS NO LATER THAN 18 DAYS BEFORE THE ELECTION.

13   (A) THE COUNTY CLERK MUST PROCESS ALL NEW REGISTRATION APPLICATIONS
14   AND UPDATES RECEIVED BY THE 22-DAY DEADLINE TO MAIL APPLICANTS A
15   BALLOT IN ACCORDANCE WITH SECTION 1-7.5-107(3), C.R.S.

16   (B) THE COUNTY CLERK MUST PROCESS NEW ONLINE AND IN-PERSON
17   REGISTRATION APPLICATIONS AND MAIL REGISTRATION UPDATES RECEIVED
18   BY THE EIGHTH DAY BEFORE THE ELECTION AND MAIL A BALLOT WITHIN 24
19   HOURS AFTER THE APPLICATION IS SUBMITTED.

20   (C) IN COORDINATED ELECTIONS, THE COUNTY CLERK MUST MAIL BALLOTS TO
21   ALL ACTIVE ELIGIBLE ELECTORS OF EACH POLITICAL SUBDIVISION. FOR
22   SPECIAL DISTRICT ELECTIONS, THE DESIGNATED ELECTION OFFICIAL OF EACH
23   DISTRICT MUST CERTIFY TO THE COUNTY CLERK THE LIST OF ELECTORS
24   ELIGIBLE TO VOTE UNDER SECTION 32-1-806, C.R.S.

25   ~~10.7~~ 7.2.5   Voiding ballots due to timely changes in address or affiliation.

26   ~~10.7.1~~ (A)   If an elector ~~submits a~~ timely CHANGES HIS OR HER address or
27   affiliation ~~change~~ after the county mails ballots or sends the voter file to the
28   vendor, the county must void the first ballot and generate a second ballot.

29   ~~(a)~~ (I)   If the county processes the change to the elector's record after it
30   sends the voter file to the vendor but before the vendor prints ballots,
31   the county must provide the vendor a voided ballot file to prevent the
32   vendor from printing and preparing voided ballots for mailing.

33   ~~(b)~~ (II) If the county processes the change to the elector's record after the
34   vendor has printed ballots but before the vendor mails ballots, the
35   county must work with the vendor to make every reasonable effort to
36   remove voided ballots before they enter the mail stream.

1 10.7.3 (B)   If the county mails its own ballots, the county clerk must remove
2   all voided ballots before mailing.

3 10.7.4 (C)   If the county processes the change to the elector's record after it
4   mails ballots, the county must count the first ballot returned by the elector IN
5   ACCORDANCE WITH SECTION 1-7.5-107(6), C.R.S., except as follows:

6   (a) (I)   In the case of an affiliation change IF THE ELECTOR CHANGED HIS OR
7   HER AFFILIATION, the county must count the ballot issued for the
8   ELECTOR'S new party affiliation.

9   (b)   In the case of an address change that results in a change of precinct,
10   the county must count the ballot issued for the elector's new address.

[Current Rule 10.7 is amended and moved to new Rule 7.2.5. Amendments are shown above.]

13 7.3   ABSENTEE VOTING

14 7.3.1 AN ELECTOR MAY REQUEST THAT THE COUNTY CLERK MAIL HIS OR HER BALLOT
15   TO AN ADDRESS OTHER THAN THE ELECTOR'S ADDRESS OF RECORD BY
16   SUBMITTING AN APPLICATION IN ACCORDANCE WITH SECTION 1-7.5-116, C.R.S.

17 7.3.2 THE COUNTY CLERK MUST MAIL THE BALLOT TO THE ADDRESS PROVIDED UNTIL
18   THE ELECTOR INDICATES OTHERWISE. ELECTOR INDICATES OTHERWISE.

19 7.4   EMERGENCY BALLOT TRANSMISSION

20 42.1 7.4.1   The county clerk and recorder may deliver a ballot to an elector's
21   authorized representative or to the elector by electronic transmission IN THE
22   CASE OF an administrative or medical emergency UNDER SECTION 1-7.5-115,
23   C.R.S. If THE COUNTY CLERK DELIVERS a mail-in ballot is delivered to an elector
24   by facsimile ELECTRONIC transmission, the elector may return the ballot by
25   facsimile ELECTRONIC transmission.

[Portions of current Rules 42.1 and 42.3 are included in new Rule 7.4.2.]

27 42.4 7.4.2   Mail-in ballots BALLOTS sent by facsimile ELECTRONIC transmission shall
28   MUST include all races, ballot issues, and questions on FOR which the elector
29   may IS ELIGIBLE TO vote. Counties are encouraged to work with their vendors to
30   develop a THE ballot that is clearly MUST BE legible to the elector to increase the
31   readability of the ballot and to avoid possible misinterpretations of the elector's
32   intended choice because of poor transmission of the document.

[Current Rule 42.4 is amended and moved to new Rule 7.4.3. Amendments are shown above.]

35 7.4.3 THE BALLOT PACKET SENT BY ELECTRONIC TRANSMISSION MUST BE IN TEXT

FORMAT ON 8 ½" X 11" WHITE PAPER AND MUST INCLUDE:

(A) AN ELECTRONIC TRANSMISSION COVERSHEET TO PROTECT VOTER PRIVACY;

(B) THE BLANK BALLOT;

(C) THE ELECTRONIC TRANSMISSION BALLOT INSTRUCTIONS; AND

(D) THE SELF-AFFIRMATION REQUIRED BY SECTION 1-7.5-107(3)(B.5), C.R.S.

7.4.4   THE ELECTRONIC TRANSMISSION MUST INCLUDE:

(A) THE COUNTY CLERK AND RECORDER'S CONTACT INFORMATION INCLUDING MAILING ADDRESS, EMAIL ADDRESS, PHONE, AND FAX NUMBER;

(B) A NOTICE THAT THE BALLOT MAY NOT BE DUPLICATED FOR ANY OTHER ELECTOR;

(C) INSTRUCTIONS FOR COMPLETING AND RETURNING THE BALLOT;

(D) A NOTICE REGARDING THE BALLOT RETURN DEADLINE;

(E) INFORMATION REGARDING HOW THE ELECTOR MAY VERIFY THAT HIS OR HER BALLOT HAS BEEN RECEIVED BY THE COUNTY CLERK AND RECORDER; AND

(F) ANY OTHER INFORMATION DEEMED NECESSARY BY THE SECRETARY OF STATE OR THE COUNTY CLERK AND RECORDER.

7.4.5   ANY BALLOT TRANSMITTED TO AN ELECTOR BY ELECTRONIC TRANSMISSION MUST CONTAIN A UNIQUE IDENTIFICATION NUMBER FOR TRACKING AND AUDITING PURPOSES.

7.4.6   THE COUNTY CLERK AND RECORDER MUST MAINTAIN A LOG OF EACH BALLOT SENT BY ELECTRONIC TRANSMISSION. THE COUNTY CLERK MUST RETAIN THE LOG AS PART OF THE OFFICIAL ELECTION RECORD ALONG WITH ANY OTHER ELECTRONIC TRANSMISSION RECORDS. THE LOG MUST INCLUDE:

(A) THE NAME OF THE VOTER;

(B) THE FAX NUMBER OR EMAIL ADDRESS TO WHICH THE BALLOT WAS TRANSMITTED (AS APPLICABLE);

(C) THE UNIQUE IDENTIFICATION NUMBER OF THE BALLOT;

(D) THE DATE THE BALLOT PACKET WAS TRANSMITTED; AND

(E) THE INITIALS OF THE EMPLOYEE TRANSMITTING THE BALLOT.

1   *[Portions of current Rule 42.7.2 are included in new Rule 7.4.7.]*

2   42.8 7.4.7   ~~The designated election official shall fax the blank ballot with the~~
3   ~~instructions to the fax number provided by the elector.~~ If THE COUNTY CLERK
4   TRANSMITS A BALLOT PACKET TO AN ELECTOR BY FAX AND the transmission is
5   unsuccessful, the ~~designated election official shall~~ COUNTY CLERK MUST attempt
6   to fax THE BALLOT at least two more times ~~and make reasonable effort, if possible,~~
7   ~~to ensure the transmission was successful~~.

8   *[Current Rule 42.8 is amended and moved to new Rule 7.4.8. Amendments are shown*
9   *above.]*

10   42.9 7.4.8   Upon receipt of the ballot, THE COUNTY CLERK MUST VERIFY THE
11   SIGNATURE ON THE AFFIDAVIT UNDER RULE 7.6. ~~when the information from the~~
12   ~~signed~~ AFTER THE affidavit has been verified, a bipartisan team of judges ~~shall~~
13   MUST duplicate the ballot. Duplicating judges ~~shall~~ MUST not reveal how the
14   elector has cast his or her ballot.

15   *[Current Rule 42.8 is amended and moved to new Rule 7.4.9. Amendments are shown*
16   *above.]*

17   7.5   RECEIPT AND PROCESSING OF BALLOTS

18   12.10.4 7.5.1 ~~Monitoring drop-off locations.~~ All drop-off locations must be monitored by
19   an election judge or video security surveillance recording system, as defined in
20   Rule 43.

21   (a)   Freestanding drop-off locations must be monitored at all times.

22   (b)   If the drop-off location utilizes a drop-slot into a building, the ballots must
23   be collected in a locked container, and both the drop-slot and container
24   must be monitored at all times.

25   *[Current Rule 12.10.4 is amended and moved to new Rule 7.5.1. Amendments are shown*
26   *above.]*

27   12.7.2 7.5.2   Each day when ballots come in, a judge ~~shall~~ MUST count the ballots, batch
28   them and record the number of ballots received.

29   12.7.3 7.5.3   ~~The ballots shall be date stamped when received.~~ AN ELECTION JUDGE
30   MUST DATE-STAMP AND RECEIVE THE BALLOTS INTO THE STATEWIDE VOTER
31   REGISTRATION SYSTEM IMMEDIATELY UPON RECEIPT. If any ballot is received
32   after the time set for the closing of the elections, the ballot ~~shall~~ MUST be date-
33   stamped but ~~the ballot shall~~ not ~~be~~ counted. THE COUNTY CLERK MUST COLLECT
34   BALLOTS FROM ALL DROP-OFF LOCATIONS, INCLUDING FREE STANDING BALLOT
35   BOXES, HOURLY DURING REGULAR BUSINESS HOURS (INCLUDE OR MORE AS
36   NEEDED?).

1   12.7.4 7.5.4   Records shall also be kept of ELECTION JUDGES MUST RECORD the number
2   of ballot packets returned as undeliverable.

3   12.7.5 7.5.5   Ballot packets shall then be placed THE DESIGNATED ELECTION OFFICIAL
4   MUST SEAL AND STORE BALLOTS in a safe, secure place until the counting of the
5   ballots.

6   *[Current Rule 12.7 is amended and moved to new Rule 7.5.2 through 7.5.5. Amendments*
7   *are shown above.]*

8   13.2 7.5.6   The county clerk and recorder shall MUST keep a list, to the extent
9   possible, of the names and mailing addresses of all individuals who deliver
10   more than ten (10) 10 voted mail-in ballots to the designated or coordinated
11   election official's COUNTY CLERK'S office, DROP-OFF LOCATION, OR VOTER
12   SERVICE AND POLLING CENTER or the designated drop site for mail-in ballots.

13   13.3 7.5.7   The county clerk and recorder shall MUST notify each individual on the list
14   required by 13.2 12.8.8 by letter that they have violated section 1-8-113 1-7.5-
15   107(4)(B), C.R.S., by delivering more than ten (10) 10 mail-in ballots to the
16   designated election official COUNTY CLERK.

17   *[Current Rules 13.2 and 13.3 are amended and moved to new Rules 7.5.6 and 7.5.7.*
18   *Amendments are shown above.]*

19   10.9 7.5.8   Tracking ballot batches. The county clerk must dissociate any batch
20   number that could trace a ballot back to the specific voter who cast it from the
21   counted ballots no later than the final certification of the abstract of votes cast.

22   *[Current Rule 10.9 is amended and moved to new Rule 7.5.8. Amendments are shown*
23   *above.]*

24   7.6   SIGNATURE VERIFICATION PROCEDURES

25   29.1   Missing Signature on Mail Ballot, Provisional Ballot or Mail-in Ballot Envelope

26   29.1.1 7.6.1   If a mail, mail-in, or provisional ballot return envelope lacks a signature,
27   the election judge must contact the elector in writing no later than two calendar
28   days after election day. The designated election official must use the letter and
29   form prescribed by the Secretary of State and keep a copy as part of the official
30   election record. Nothing in this rule prohibits the designated election official from
31   calling the elector. But a phone call may not substitute for written contact. If the
32   designated election official calls any elector he or she must call all electors whose
33   affidavits are unsigned.

34   [Sections 1-7.5-107.3, 1-8-114.5, and 1-8.5-105(3)(a), C.R.S.]

35   29.1.2 7.6.2   The letter shall MUST inform the eligible elector that he/she THE ELECTOR
36   must come to the office of the county clerk and recorder to sign the mail ballot,

1 provisional ballot, or mail-in ballot envelope no later than eight calendar days
2 after election day. The letter ~~shall~~ MUST inform military, overseas, and other
3 electors who are absent from the state that they may sign the affidavit and return
4 the form by mail, fax, or email, and that the county must receive the form no later
5 than eight calendar days after the election.

6 ~~29.1.3~~ 7.6.3   The letter and missing signature affidavit form does not violate section
7 1-13-801, C.R.S.

8 ~~29.1.4~~ 7.6.4   The letter or missing signature affidavit form must include the following
9 language:

10 "Any person who knowingly violates any of the provisions of the election code
11 relative to the casting of ballots or who aids or abets fraud in connection with any
12 vote cast, or to be cast, or attempted to be cast shall be punished by a fine of not
13 more than five thousand dollars or by imprisonment in the county jail for not
14 more than eighteen months, or by both such fine and imprisonment. Section
15 1-13-803, C.R.S."

16 ~~29.2~~ 7.6.5   ~~In accordance with section 1-8-114.5, C.R.S., for mail-in ballots and~~
17 ~~section 1-7.5-107.3, C.R.S., for mail ballots, the election judges shall~~ AN
18 ELECTION JUDGE MUST compare the signature on the self-affirmation on each
19 ~~respective~~ return envelope with the signature ~~stored~~ in ~~the statewide voter~~
20 ~~registration system~~ SCORE. ~~Signatures shall require further~~ THE ELECTION JUDGE
21 MUST research THE SIGNATURE FURTHER if ~~any of the following discrepancies are~~
22 ~~discovered~~ THERE IS:

23 ~~Code 1~~ (A)   An obvious change in the slant of the signature

24 ~~Code 2~~ (B) A printed signature on one document and a cursive signature on the
25 other document

26 ~~Code 3~~ (C) ~~Differences~~ A DIFFERENCE in the size or scale of the ~~signature~~
27 SIGNATURES

28 ~~Code 4~~ (D) ~~Differences~~ A DIFFERENCE in the individual characteristics of the
29 signatures, such as how the "t's" are crossed, "i's" are dotted, loops are made on
30 "y's" or "j's"

31 ~~Code 5~~ (E) ~~Differences~~ A DIFFERENCE in the voter's signature style, such as how
32 the letters are connected at the top and bottom

33 ~~Code 6~~ (F) EVIDENCE THAT ballots or envelopes from the same household have
34 been switched

35 ~~Code 7~~ (G) ~~'Other,'~~ ANY OTHER NOTICEABLE DISCREPANCY ~~including~~ SUCH AS
36 misspelled names ~~& description of discrepancy~~

1   29.3 7.6.6   ~~If~~ IN CONDUCTING further research ~~is necessary~~, the election judge ~~shall~~
2   MUST check ~~the county clerk's or election official's file~~ SCORE for at least two
3   additional documents signed by the voter, if available. THE JUDGE MAY COMPARE
4   additional information written by the voter on the return envelope, such as the voter's
5   address and date of signing. ~~may be compared for similarities.~~ Any similarities noted
6   when comparing ~~this~~ other information may be used as part of the signature verification
7   decision process.

8   29.3.1 (A)   If it appears to the judges verifying the self-affirmation on the return
9   envelopes that members of the same household ~~who have applied for mail in~~
10   ~~ballots or have been sent mail ballots~~ have inadvertently switched envelopes or
11   ballots, the ballot or ballots ~~shall~~ MUST be counted and no letter of advisement to
12   the elector is necessary.

13 29.4 7.6.7   ~~Whenever~~ IF THE ELECTION JUDGE DISPUTES THE ~~a~~ signature ~~is disputed, the~~
14   ~~election judge shall~~ HE OR SHE MUST document the discrepancy ~~by completing~~ AND THE
15   RESEARCH STEPS TAKEN IN a log. ~~The log shall provide a record of the research steps~~
16   ~~taken to resolve the issue.~~ The JUDGE MUST IDENTIFY THE ELECTOR IN THE log ~~will~~
17   ~~identify the voter~~ using a unique tracking number. ~~This~~ THE tracking number ~~shall~~ MAY
18   not contain the ~~voter's~~ ELECTOR'S social security number; Colorado ~~issued~~ driver's
19   license number, or the identification number issued by the Department of Revenue. THE
20   LOG MAY NOT CONTAIN THE ELECTOR'S SIGNATURE. THE JUDGE MUST NOTE THE FINAL
21   RESOLUTION AND BALLOT DISPOSITION ON THE RESEARCH LOG.

22 ~~29.5   The log shall be approved by the Secretary of State pursuant to section 1-1-109, C.R.S.~~

23 ~~29.6   There shall be no document containing the voter's signature attached to the research log.~~

24 ~~29.7   If both sets of election judges agree that the signatures do not match, the county clerk and~~
25   ~~recorder shall within two days after the election, send a letter to the eligible elector at the~~
26   ~~address indicated in the registration records and the address where the mail-in ballot or~~
27   ~~mail ballot was mailed explaining the discrepancy in signatures and a form for the~~
28   ~~eligible elector to confirm that the elector returned a ballot to the county clerk and~~
29   ~~recorder. (Sections 1-7.5-107.3(2)(a) and 1-8-114.5(2)(a), C.R.S.) The voted ballot itself~~
30   ~~should not under any circumstances be returned with this letter.~~

31 29.8 7.6.8   The election official must use the letter and the signature verification form
32   approved by the Secretary of State. (SECTIONS 1-7.5-107.3(2)(A) AND 1-8-114.5(2)(A),
33   C.R.S.) THE LETTER AND SIGNATURE VERIFICATION FORM DOES NOT VIOLATE SECTION 1-
34   13-801 C.R.S.

35 ~~29.9   The letter and signature verification form does not violate section 1-13-801 C.R.S.~~

36 ~~29.10   The final signature verification resolution and ballot disposition shall be noted on the~~
37   ~~research log.~~

38 29.11 7.6.9   ~~Any~~ ALL uncounted ~~ballot~~ BALLOTS ~~shall~~ MUST remain sealed in the return
39   envelope and stored ~~under seal with all other uncounted ballots~~ as part of the election

1 record ~~pursuant to~~ IN ACCORDANCE WITH section 1-7-802, C.R.S., and may be removed
2 only under the authority of a district attorney or by order of a court having jurisdiction.

3 ~~29.12   Use of Signature Verification Devices~~

4 ~~29.12.1~~ 7.6.10 A county clerk and recorder who ~~chooses to use~~ USES a signature verification
5 device ~~to process mail-in or mail ballots in accordance with sections 1-7.5-107.3 or 1-8-~~
6 ~~114.5, C.R.S., shall~~ MUST FIRST conduct acceptance testing on the device. ~~prior to its use~~
7 ~~in an election.~~

8 ~~29.12.~~ 7.6.11 The acceptance testing ~~conducted in accordance with this rule shall~~ MUST be
9 sufficient to verify the accuracy of the device ~~The acceptance testing shall~~ AND MUST
10 ensure that the device will not accept a signature that a reasonable, trained election judge
11 would reject.

12 *[Current Rule 29 is amended and moved to new Rule 7.6. Amendments are shown*
13 *below.]*

14 7.7   VOTER SERVICE AND POLLING CENTERS

15 7.7.1   THE COUNTY CLERK AND RECORDER MUST DESIGNATE AND OPEN THE MINIMUM
16   NUMBER OF VOTER SERVICE AND POLLING CENTERS AND THE LOCATIONS MUST BE
17   OPEN DURING REASONABLE BUSINESS HOURS FOR THE MINIMUM NUMBER OF DAYS
18   OUTLINED IN SECTION 1-5-102.9, C.R.S., FOR A GENERAL ELECTION AND 1-7.5-
19   107(4.5), C.R.S., FOR ALL OTHER ELECTIONS.

20   (A) REASONABLE BUSINESS HOURS MEANS AT LEAST EIGHT HOURS PER DAY
21   MONDAY THROUGH FRIDAY, AND AT LEAST FOUR HOURS ON SATURDAY.

22   (B) ALL VOTER SERVICE AND POLLING CENTERS MUST BE OPEN FROM 7:00AM
23   THROUGH 7:00 PM ON ELECTION DAY.

24   (C) THE COUNTY CLERK MUST PROVIDE ALL SERVICES OUTLINED IN SECTION 1-2-
25   509, C.R.S., AT EVERY DESIGNATED VOTER SERVICE AND POLLING CENTER.

26 ~~7.1~~ 7.7.2 ~~Polling place~~ VOTER SERVICE AND POLLING CENTER materials ~~shall~~ include,
27   ~~where applicable,~~ SUFFICIENT COMPUTER STATIONS FOR SCORE ACCESS, HAVA
28   information, A voting demonstration display, A signature card table, ~~registration~~
29   ~~records or lists, poll books, electronic or paper, or~~ ~~completed~~ signature cards,
30   paper ballots, and voting booths or DREs, provisional voting area ~~or procedure~~,
31   and A ballot box ~~if provided~~.

32 *[Current Rule 7.1 is amended and moved to new Rule 7.7.2. Amendments are shown*
33 *above.]*

34 7.7.3   VOTER CHECK-IN AT THE VOTER SERVICE AND POLLING CENTER

35   (A) EACH VOTER SERVICE AND POLLING CENTER MUST INCLUDE AND

ADEQUATELY STAFF A DESIGNATED VOTER CHECK-IN TABLE OR AREA.

(B) THE CHECK-IN JUDGE MUST VERIFY EACH ELECTOR'S REGISTRATION INFORMATION, INCLUDING ADDRESS.

(C) IF AN ELECTOR HAS MOVED OR IS NOT REGISTERED, THE CHECK-IN JUDGE MUST DIRECT THE ELECTOR TO THE REGISTRATION AREA. IF THE ELECTOR IS REGISTERED AND HAS NO UPDATES , THE CHECK-IN JUDGE MUST DIRECT THE ELECTOR TO THE VOTING TABLE.

7.7.4   EXCEPT FOR VOTERS WITH DISABILITIES, THE MAXIMUM ALLOWABLE TIME IN A VOTING BOOTH IS 15 MINUTES IF THERE ARE VOTERS WAITING. THE SECRETARY OF STATE MAY ORDER ADDITIONAL TIME BASED ON THE LENGTH OF THE BALLOT. [SECTION 1-7-115, C.R.S.]

[Portions of current Rule 7.6 are included in new Rule 7.7.3.]

7.7.5   ANY ELIGIBLE ELECTOR MAY VOTE IN-PERSON AT A VOTER SERVICE AND POLLING CENTER. THE ELECTION JUDGE MUST VOID THE ELECTOR'S MAIL BALLOT BEFORE ISSUING AN IN-PERSON BALLOT.

47.2 7.7.6   If a voter leaves the voting area without completing the voting process, two judges of different affiliation shall MUST, to the extent possible, cover the voter's choices, and cast the ballot as the voter left it.

[Current Rule 47.2 is amended and moved to new Rule 7.7.6. Amendments are shown above.]

7.7.7   Any individual who IF AN ELECTOR votes AFTER THE CLOSE OF POLLS BECAUSE in an election for federal office as a result of a federal or state court ISSUES AN order EXTENDING or any other order that is in effect 10 days before that election and which extends the time established for closing the polls by state law, may only vote in that election by casting a THE ELECTOR MUST VOTE BY provisional ballot pursuant to state law and the rules and regulations prescribed by the Secretary of State. THE COUNTY CLERK MUST KEEP ALL PROVISIONAL BALLOTS CAST UNDER THIS RULE SEPARATE FROM PROVISIONAL BALLOTS NOT AFFECTED BY THE COURT ORDER.

7.8   NO LATER THAN 90 DAYS BEFORE AN ELECTION, THE COUNTY CLERK AND RECORDER MUST DESIGNATE DROP-OFF LOCATIONS AND VOTER SERVICE AND POLLING CENTERS, AND COMPLETE AN ACCESSIBILITY SURVEY FOR ALL VOTER SERVICE AND POLLING CENTER LOCATIONS ANNUALLY BEFORE DESIGNATING A LOCATION FOR USE.

7.8.1   FOR THE FIRST SURVEY OF A LOCATION, THE COUNTY CLERK MUST COMPLETE THE FULL ADA CHECKLIST FOR POLLING PLACES. THE COUNTY CLERK MUST COMPLETE THE ANNUAL POLLING PLACE ACCESSIBILITY SURVEY FORM FOR EACH ELECTION AFTER THE INITIAL SURVEY IS COMPLETED. [SECTION 1-5-102, C.R.S.]

7.7.3 7.8.2   ~~Barrier removal: If, upon assessment,~~ a location fails to meet the minimum accessibility requirements outlined in the ADA Checklist for Polling Places, the ~~designated election official~~ COUNTY CLERK must develop a barrier removal plan outlining the ~~permanent and or temporary~~ modifications that ~~will be implemented~~ THE COUNTY CLERK WILL IMPLEMENT to bring the site into compliance ~~in order for the location to be designated an official polling place location~~. THE COUNTY CLERK MUST INDICATE ON THE SURVEY WHETHER THE MODIFICATIONS ARE TEMPORARY OR PERMANENT.

7.8.3   THE SECRETARY OF STATE MAY DENY AN APPLICATION FOR ACCESSIBILITY GRANT FUNDS IF A COUNTY CLERK FAILS TO ASSESS LOCATIONS AND TIMELY FILE COMPLETE ACCESSIBILITY SURVEYS, AND DEVELOP AND IMPLEMENT NECESSARY BARRIER REMOVAL PLANS IN ACCORDANCE WITH THIS RULE. THE SECRETARY WILL CONDUCT SITE VISITS TO ASSESS COMPLIANCE AND IDENTIFY ACCESSIBILITY BARRIERS. THE SECRETARY WILL SEEK INJUNCTIVE ACTION OR OTHER PENALTIES UNDER SECTION 1-1-107(2)(D), C.R.S., AS NECESSARY TO REMEDY VIOLATIONS OF THIS RULE.

7.9   VOTER SERVICE AND POLLING CENTER CONNECTIVITY

7.9.1   THE COUNTY MUST HAVE REALTIME ACCESS TO THE STATEWIDE VOTER REGISTRATION SYSTEM AT EVERY VOTER SERVICE AND POLLING CENTER DESIGNATED BY THE COUNTY CLERK AND RECORDER.

7.9.2   AT NO TIME MAY AN ELECTION JUDGE OPEN BOTH THE SCORE VOTER REGISTRATION SCREEN AND THE VOTING MODULE ON A SINGLE WORKSTATION.

7.9.3   EVERY VOTER SERVICE AND POLLING CENTER DESIGNATED BY THE COUNTY CLERK AND RECORDER MUST MEET THE MINIMUM SECURITY PROCEDURES FOR TRANSMITTING VOTER REGISTRATION DATA AS OUTLINED IN SECTION 1-5-102.9, C.R.S., AND RULE 43.

7.10   ASSISTING VOTERS WITH DISABILITIES IN A VOTER SERVICE AND POLLING CENTER

9.1 7.10.1   The county clerk and recorder must post a sign at the ~~polling place or vote center~~ VOTER SERVICE AND POLLING CENTER that states:

NOTICE
VOTING ASSISTANCE FOR ELECTORS WITH DISABILITIES

Colorado law protects a voter's legal right to assistance in voting if assistance is needed

1   *because of a disability.*

2   1.   *If you require assistance, please inform an election judge.*

3   2.   *Any person, including an election judge, may assist you.*

4   3.   *If you select a person other than an election judge, he or she must complete a*
5   *Voter Assistance Form, which includes an oath that states:*

6   *I, …………, certify that I am the individual chosen by the elector to assist the*
7   *elector in casting a ballot.'*

8   4.   *The person you select may provide any assistance you need, including entering*
9   *the voting booth, preparing the ballot, or operating the voting machine.*

10   5.   *The person assisting you may not seek to persuade you or induce you to vote in a*
11   *particular manner.*

12   6.   *The election judge must record the name of each voter who receives assistance*
13   *and the name of the person who provides assistance in the pollbook or list of*
14   *eligible electors (or on the signature card if preprinted signature cards are used*
15   *in the place of a pollbook and list of eligible electors).*

16   9.2 7.10.2   ~~When~~ IF a voter has spoiled two ballots and requests a third ballot, an
17   election judge ~~shall~~ MUST offer assistance in voting procedures and casting the
18   ballot.

19   *[Current Rule 9 is amended and moved to Rules 7.10. Amendments are shown above.]*

20   **Rule 8. ~~Rules Concerning~~ Watchers**

21   8.2 8.1 ~~Qualification of Watchers.~~ Watchers ~~shall~~ MUST certify THAT they are qualified ~~pursuant~~
22   ~~to~~ UNDER sections 1-1-104(51), 1-7-105, 1-7-106, 1-7-107, and 1-7-108(2), C.R.S., AS
23   APPLICABLE. Watchers ~~shall~~ MUST take ~~an~~ THE oath ~~as provided~~ DESCRIBED in section
24   1-7-108(1), C.R.S. and ~~shall,~~ upon first entering the ~~precinct place~~ VOTER SERVICE AND
25   POLLING CENTER or location, surrender THE CERTIFICATE OF APPOINTMENT to the election
26   official or ~~election judges~~ SUPERVISOR JUDGE ~~a certificate of appointment~~ at each ~~precinct~~
27   ~~polling place~~ VOTER SERVICE AND POLLING CENTER or location where the watcher ~~has~~
28   ~~been~~ IS designated to ~~act~~ OBSERVE.

29   8.2.1 8.1.1   If a watcher leaves a ~~precinct and the same watcher~~ VOTER SERVICE AND
30   POLLING CENTER BUT returns later in the day to the same ~~precinct~~ LOCATION,
31   another certificate of appointment is not necessary. ~~and shall not be required. The~~
32   ~~original certificate of appointment will suffice.~~

33   8.2.2 8.1.2   ~~If a watcher is replaced during the day, the watcher replacing the original~~
34   ~~watcher must have an original certificate of appointment for that precinct.~~ A NEW

1   WATCHER WHO IS REPLACING AN ORIGINAL WATCHER MUST PROVIDE AN ORIGINAL
2   CERTIFICATE OF APPOINTMENT FOR THAT VOTER SERVICE AND POLLING CENTER.

3   8.2.3 8.1.3   ~~Certificate~~ A CERTIFICATE of appointment as a watcher is not transferable
4   to another individual.

5 8.3 8.2 A political party ~~attorneys are not allowed~~ ATTORNEY MAY NOT BE in the ~~polling place~~
6   VOTER SERVICE AND POLLING CENTER unless ~~they are~~ HE OR SHE IS A duly appointed ~~as~~
7   ~~watchers~~ WATCHER.

8 8.4 8.3 ~~Watchers are not allowed to have cell phones, cameras, recording devices, laptops or~~
9   ~~PDAs (Palm Pilot, Blackberry, etc.) in the polling place.~~ A WATCHER MAY NOT HAVE A
10   CELL PHONE, CAMERA, RECORDING DEVICE, COMPUTER, TABLET, OR OTHER PERSONAL
11   ELECTRONIC EQUIPMENT IN THE VOTER SERVICE AND POLLING CENTER.

12 8.5 8.4 ~~List of Eligible Electors. To assist Watchers in performing their tasks, the election~~
13   ~~official or election judge shall~~ THE SUPERVISOR JUDGE MUST provide TO EACH WATCHER a
14   list, log, check-in card, or other similar information of voters ~~who have appeared in the~~
15   ~~precinct polling place~~ APPEARING IN THE VOTER SERVICE AND POLLING CENTER to vote.
16   The WATCHER MAY NOT REMOVE THE information or documents ~~shall not be removed~~
17   ~~from the polling place or voting location~~ FROM THE VOTER SERVICE AND POLLING CENTER.
18   ~~Watchers~~ A WATCHER may maintain a list of eligible electors who have voted by ~~utilizing~~
19   USING only ~~that~~ information provided by the ~~election official or election~~ SUPERVISOR
20   judge ~~except that they may bring with them into the polling place or location~~ OR a list of
21   electors previously maintained by the watcher. [Section 1-7-108(3), C.R.S.]

22   *[Current Rule 8.1 is moved to Rule 1. Current Rules 8.2, 8.3, 8.4, and 8.5 are amended*
23   *and moved to new Rules 8.1, 8.2, 8.3, and 8.4. Amendments are shown above.]*

24 8.6 8.5 Watchers are subject to the provisions of section 1-5-503, C.R.S.

25   8.6.2 8.5.1   The designated election official must position the voting equipment,
26   voting booths, and the ballot box so that they are in plain view of the election
27   officials and watchers.

28   8.6.3 8.5.2   ~~Watchers are permitted to~~ A WATCHER MAY witness and verify the conduct
29   of elections and recount activities. Witness and verify means to personally
30   observe actions of election judges in each step of the conduct of an election.

31   (a)   The conduct of ~~election~~ ELECTIONS includes ~~polling place and early voting~~
32   ALL ACTIVITIES IN A VOTER SERVICE AND POLLING CENTER and ballot
33   processing and counting.

34   (b)   Watchers must remain outside the immediate voting area.

35   (c)   Watchers may be present at each stage of the conduct of the election,
36   including the receiving and bundling of the ballots received by the
37   designated election official.

1	(d)	Watchers may be present during provisional ballot processing, SIGNATURE
2		VERIFICATION, AND UOCAVA BALLOT PROCESSING, but may not have
3		access to confidential voter information.

4	(e)	The number of watchers permitted in any room at one time is subject to
5		local safety codes.

6 8.6.4 8.5.3   Watchers A WATCHER may witness and verify activities described in
7 Article I ARTICLE 1, Section 7, that are outside the immediate voting area,
8 including ballot processing and counting. IF ELECTION OFFICIALS OR ELECTION
9 JUDGES ARE CONDUCTING ELECTIONS ACTIVITIES IN SEPARATE ROOMS OR AREAS OF
10 A BUILDING OR BUILDINGS, THE COUNTY CLERK AND RECORDER MUST ALLOW
11 WATCHERS TO OBSERVE ACTIVITIES IN EACH ROOM OR AREA IN THE BUILDING OR
12 BUILDINGS.

13 8.6.5 8.5.4   Watchers appointed under section 1-10.5-101(1)(a), C.R.S., THIS RULE 8
14 may observe the canvass board while it performs its duties.

15 8.6.6 8.5.5   Watchers A WATCHER may track the names of electors who have cast
16 ballots, challenge electors under section 1-9-203, C.R.S., and Rule 48, and submit
17 written complaints in accordance with section 1-1.5-105, C.R.S., and Rule 31.8.7.
18 What Watchers May Observe. Duly appointed Watchers A WATCHER may observe
19 polling place voting, early voting ALL ACTIVITIES IN A VOTER SERVICE AND
20 POLLING CENTER and the processing and counting of precinct, provisional, mail,
21 and mail-in ballots. For mail ballot elections, or mail-in ballot processing,
22 watchers A WATCHER may be present at each stage of the election including the
23 receiving and bundling of the ballots. received by the designated election official.
24 Watchers A WATCHER may be present during provisional ballot processing but
25 may not have access to confidential voter information.

26 *[Current Rule 8.6.1 is amended and moved to new Rule 1. Current Rule 8.6 is amended*
27 *and moved to new Rule 8.5. Amendments are shown above.]*

28 8.7 8.6 Watcher oath. In addition to the oath required by section 1-7-108(1), C.R.S., a watcher
29 must affirm that he or she will not:

30 8.7.1 8.6.1   Attempt to determine how any elector voted or review confidential voter
31 information;

32 8.7.2 8.6.2   Disclose any confidential voter information that he or she may observe; or

33 8.7.3 8.6.3   Disclose any results before the polls are closed and the designated election
34 official has formally announced results.

35 8.8 8.7 Limitations of Watchers. Watchers A WATCHER may not:

36 8.8.1 8.7.1   Interrupt or disrupt the processing, verification and counting of any ballots
37 or any other stage of the election.

8.8.2 8.7.2   Write down any ballot numbers or any other identifying information about the electors.

8.8.3 8.7.3   Handle the poll books POLLBOOKS, official signature cards, ballots, mail ballot envelopes, mail in ballot envelopes, provisional ballot envelopes, voting or counting machines, or machine components.

8.8.4 8.7.4   Interfere with the orderly conduct of any election process, including issuance of ballots, receiving of ballots, and voting or counting of ballots.

8.8.5 8.7.5   Interact with election officials or election judges as defined in section 1-1-104(10) AND (47), C.R.S., except for the individual designated by the election official.

8.9.1 8.8   A major and OR minor political parties PARTY with candidates A CANDIDATE on the ballot, OR A REGISTERED ISSUE COMMITTEE SUPPORTING OR OPPOSING A BALLOT MEASURE OR QUESTION ON THE BALLOT may appoint one Watcher each to be present OR MORE WATCHERS to observe polling place voting, early voting, and the processing and counting of regular, provisional, mail and mail in ballots ELECTION ACTIVITIES. See [sections 1-7-105 and 1-7-106, C.R.S, AND RULE 8.6.4.]

[Current Rule 8.9.1 is amended and moved to rule 8.8. Amendments are shown above.]

8.10 8.9   Official Observers Appointed by the Federal Government. THE SECRETARY OF STATE MUST APPROVE Official Observers appointed by the federal government. shall be approved by the Secretary of State and shall be OFFICIAL OBSERVERS ARE subject to Colorado law and these rules as they apply to Watchers.; however, they need not BUT AN OFFICIAL OBSERVER IS NOT REQUIRED TO be AN eligible ELECTOR electors in the jurisdiction in which they act as Watchers. This Rule shall DOES not apply to Official Observers appointed by the United States Department of Justice. Official Observers appointed by the Secretary of State shall be ARE subject to the rules and regulations as prescribed by the Secretary of State. Official Observers shall MUST obtain A LETTER OF AUTHORITY from the Secretary of State, or his or her designee, duly executed letters of authority. The Official Observers shall MUST surrender such THE letter of authority to the COUNTY CLERK AND RECORDER designated election official in the jurisdiction in which they act as Watchers.

[Current Rule 8.10 is amended and moved to rule 8.9. Amendments are shown above.]

8.11 8.10   Watchers, Official Observers and Media Observers at a Recount. Watchers, Official Observers, and Media Observers may be present at DURING a recount. Watchers, Official Observers, and Media Observers must be qualified and sworn IN for a recount in the same manner as provided AS DESCRIBED in Rule 8.2 and are subject to all other provisions related to the recount process. Any political party OR candidate involved in the recount or proponents or opponents of an issue or question involved in the recount may appoint one Watcher OR MORE WATCHERS to be present at any time during the recount. The A candidate who is subject to a recount may appoint him or her self HIMSELF OR HERSELF, or a member of the candidate's family by blood, or marriage, OR CIVIL

1   UNION, as a watcher at a recount. ~~See sections~~ [SECTIONS 1-7-105 and 1-7-106, C.R.S,
2   AND RULE 8.6.4.]

3   ~~8.12~~ 8.11   ~~Media Observers.~~ Media Observers ~~with valid and current media~~
4   ~~credentials~~ may ~~be present to~~ witness ~~early voting, election day voting and the processing~~
5   ~~and counting of provisional, mail and mail-in ballots~~ ALL ELECTION ACTIVITIES. ~~However,~~
6   ~~at the discretion of the county clerk and recorder, Media Observers may be required~~ A
7   COUNTY CLERK AND RECORDER MAY, IN HIS OR HER DISCRETION, REQUIRE A MEDIA
8   OBSERVER to appoint ~~one member of the media as~~ a pool reporter and ~~one member as~~ a
9   pool photographer to represent all media observers. ALL MEDIA OBSERVERS ARE SUBJECT
10   TO ~~in accordance with~~ the Guidelines established by the Colorado Press Association in
11   conjunction with the Colorado County Clerks' Association and the Secretary of State as
12   ~~set forth herein~~ OUTLINED BELOW:

13   *Guidelines for Member of the Media Who Observe Election Counts and Recounts*
14   *(to be distributed to members of the Colorado Press Association):*

15   *The Colorado State Association of County Clerks and Recorders, Colorado*
16   *Broadcasters' Association and Colorado Press Association have collaborated to*
17   *develop the following guidelines and protocols for use when members of the*
18   *media observe the counting or recounting of ballots. You are strongly*
19   *encouraged to follow these guidelines to allow meaningful media access while not*
20   *disrupting the work of county clerks to count ballots or doing anything to*
21   *compromise the integrity of the election process.*

22   *1.   If practical, please contact the election official's office prior to coming to*
23   *observe the counting of ballots. If the election official knows you are*
24   *coming, it will be easier to accommodate your request for a place to*
25   *observe the count or to interview an election official.*

26   *2.   At the discretion of the election official, a specific viewing area for*
27   *members of the media and other observers may be available. To the*
28   *extent practicable, the area will have been designated with sight lines to*
29   *allow you to observe and take pictures or video of the counting process. If*
30   *there are insufficient sight lines for you to take the photos or video you*
31   *need, the election official may be able to make arrangements to*
32   *accommodate your needs.*

33   *3.   Please observe counting procedures without disrupting the count. Please*
34   *take pictures or video without the use of supplemental lighting. Do not*
35   *talk to people participating in counting ballots. There may be workers*
36   *who ask you not to include their images in your pictures or video. We*
37   *encourage you to honor those requests if you can reasonably do so.*

38   *4.   The Secretary of State's election rules state that if observers leave the*
39   *area during a recount, they may not reenter without the consent of the*

1   *election official. If you have occasion to leave the area, you may be*
2   *denied re-admittance.*

3   5.   *Please do not use the information you see when observing vote counts to*
4   *report on partial election results. Please do not report anything that*
5   *could be used to identify the person who casts a particular ballot.*

6   *The Colorado State Association of County Clerks and Recorders,*
7   *Colorado Broadcasters' Association and Colorado Press Association are*
8   *all committed to working together to ensure the media has access to*
9   *election counts and recounts, but that access is afforded in manners that*
10   *do not disrupt the counts and do nothing to compromise the integrity of*
11   *the process. Your cooperation in following these standards will help us to*
12   *meet all these goals.*

13   *[Current Rules 8.11 and 8.12 are amended and moved to new Rules 8.10 and 8.11.*
14   *Amendments are shown above.]*

15   8.13 8.12   ~~Watchers at Vote Centers.~~ To assist Watchers in performing their tasks ~~when a~~
16   ~~vote center election is held~~ AT A VOTER SERVICE AND POLLING CENTER, the ~~designated~~
17   ~~election official shall~~ COUNTY CLERK MUST provide a list of all voters who have VOTED IN
18   THE LOCATION ~~appeared in the vote centers to vote~~. ~~This list shall be made~~ THE COUNTY
19   CLERK MUST MAKE THE LIST available at the ~~designated election official's~~ main office.
20   THE CLERK MAY MAKE THE ~~Such~~ list ~~may be made~~ available ~~to a requesting Watcher(s)~~ in
21   the form of data files, paper, or reports, and furnished to all interested parties via email,
22   paper reports, or faxed copies ~~as may be available to the designated election official~~.

23   8.14 8.13   ~~A designated election official shall~~ THE COUNTY CLERK MUST certify the
24   appointment of all eligible watchers duly designated by a political party, candidate or
25   committee ~~pursuant to~~ UNDER sections 1-1-104(51), 1-7-105, 1-7-106, or 1-7-107, C.R.S.

26   8.15 8.14   Removal of Watchers.

27   8.15.1 8.14.1   A ~~designated election official~~ COUNTY CLERK may remove a watcher upon
28   finding that the watcher:

29   (a)   Commits or encourages fraud in connection with his or her duties;

30   (b)   Violates any of the limitations outlined in Rule 8.8;

31   (c)   Violates his or her oath; or

32   (d)   Is abusive or threatening toward election officials or voters.

33   8.15.2 8.14.2   Upon removal of a watcher, the ~~designated election official~~ COUNTY
34   CLERK must inform the political party, candidate, or committee who appointed the
35   watcher.

1 8.15.3 8.14.3 A removed watcher may be replaced by an alternate watcher duly
2   designated in accordance with sections 1-7-105, 1-7-106, or 1-7-107, C.R.S. Any
3   designated election official COUNTY CLERK who removes a watcher must, to the
4   best of the official's CLERK'S ability, expeditiously certify the appointment.

5 8.16 8.15   Watchers may be designated to observe more than one precinct or polling place
6   VOTER SERVICE AND POLLING CENTER. but in no event shall more than one watcher be
7   designated for any single polling place. See section 1-7-106, C.R.S.

8 8.17   Watchers may be appointed to observe recall elections held pursuant to UNDER article 12,
9   title I, C.R.S., and shall MUST be designated in accordance with sections 1-7-106 and 1-7-
10   107, C.R.S.

11   *[Current Rules 8.13, 8.14, 8.15, 8.16 and 8.17 are amended and moved to new Rules 8.10*
12   *and 8.11. Amendments are shown above.]*

13 **Rule 9. VOTING CHALLENGES**

14 48.1 9.1 UNDER SECTION 1-9-201, C.R.S., AN ELECTION JUDGE, POLL WATCHER, OR ELIGIBLE
15   ELECTOR OF THE PRECINCT MAY CHALLENGE AN ELECTOR'S RIGHT TO VOTE. Pursuant to
16   section 1-9-203 (7), C.R.S., a A person WHOSE ELIGIBILITY IS challenged on the grounds
17   of residency shall MUST be offered a regular ballot by the AN election judge when IF the
18   person challenged satisfactorily answers the APPLICABLE challenge questions specified in
19   section 1-9-203(3)(a)-(e), C.R.S. The following demonstrate when a person challenged
20   satisfactory answered ANSWERS TO THE CHALLENGE QUESTIONS. the challenge questions
21   and action to be taken by the election judge based on the elector's response: IF THE
22   PERSON CHALLENGED PROVIDES UNSATISFACTORY ANSWERS OR REFUSES TO ANSWER THE
23   CHALLENGE QUESTIONS, AN ELECTION JUDGE MUST OFFER THE PERSON A PROVISIONAL
24   BALLOT.

25 9.2   CITIZENSHIP

26   A. ARE YOU A CITIZEN OF THE UNITED STATES?

27   SATISFACTORY ANSWER: YES.

28   *IF THE PERSON CHALLENGED ANSWERS YES, AN ELECTION JUDGE MUST OFFER*
29   *THE PERSON A REGULAR BALLOT.*

30   UNSATISFACTORY ANSWER: NO.

31   *IF THE PERSON CHALLENGED ANSWERS NO, AN ELECTION JUDGE MUST OFFER*
32   *THE PERSON A PROVISIONAL BALLOT.*

33 9.3   RESIDENCY

34   A. Have you resided in this state and precinct COLORADO for the PAST thirty 22 days
35   immediately preceding this election?

1   Satisfactory ~~response~~ ANSWER: Yes, he/she has resided in ~~this state~~ COLORADO
2   ~~and precinct~~ for the entire ~~thirty~~ 22-day period immediately preceding this
3   election. (In other words, his/her primary home or place of abode was in ~~this state~~
4   COLORADO ~~and precinct~~ during the entire ~~thirty~~ 22-day period in accordance with
5   sections 1-1-104(43) and 1-2-102, C.R.S.~~)~~

6   *IF THE PERSON CHALLENGED ANSWERS YES, ~~Proceed~~ CONTINUE to challenge*
7   *question B.*

8   Unsatisfactory ~~response~~ ANSWER: No, for some portion of the ~~thirty~~ 22-day period
9   immediately preceding this election, he/she has not resided in ~~this state~~
10   COLORADO ~~and precinct~~.

11   *IF THE PERSON CHALLENGED ANSWERS NO, THE ELECTION JUDGE MUST*
12   *CONTINUE TO CHALLENGE QUESTION B ~~Offer the elector a provisional ballot~~.*

13   B. IF YOU ~~Have~~ HAVE ~~you~~ been absent from ~~this state~~ COLORADO during the PAST ~~thirty~~
14   22 days ~~immediately preceding this election~~, DID YOU ~~and during that time have you~~
15   ~~maintained~~ maintain a home or domicile elsewhere?

16   Satisfactory ~~response #1~~ ANSWER: No, he/she EITHER has not been absent from
17   ~~this state at any time~~ COLORADO during the ~~thirty~~ 22-day period immediately
18   preceding this election~~.~~ OR HAS BEEN ABSENT BUT HAS NOT MAINTAINED A HOME
19   OR DOMICILE ELSEWHERE.

20   *IF THE PERSON CHALLENGED ANSWERS NO, ~~Offer~~ THE ELECTION JUDGE MUST*
21   *OFFER the ~~elector~~ PERSON a regular ballot.*

22   ~~Satisfactory response #2: Yes, he/she has been absent from this state during the~~
23   ~~thirty-day period immediately preceding this election, but has not maintained a~~
24   ~~home or domicile elsewhere.~~

25   *~~Offer the elector a regular ballot.~~*

26   UNSATISFACTORY ~~Response requiring follow-up questions~~ ANSWER: Yes, he/she
27   has been absent from ~~this state~~ COLORADO during the ~~thirty~~ 22-day period
28   immediately preceding this election, and has maintained a home or domicile
29   elsewhere.

30   *IF THE PERSON CHALLENGED ANSWERS YES, THE ELECTION JUDGE MUST*
31   *~~Proceed~~ CONTINUE to challenge question C.*

32   C. HAVE YOU BEEN ABSENT ~~If so, when you left, was it~~ for a temporary purpose with the
33   intent of returning, or did you intend to remain ~~away~~ OUTSIDE COLORADO?

34   Satisfactory ~~response~~ ANSWER: Yes, when he/she left, it was for a temporary
35   purpose with the intent of returning.

1   *IF THE PERSON CHALLENGED ANSWERS YES, THE ELECTION JUDGE MUST*
2   *~~Proceed~~ CONTINUE to challenge question D.*

3   Unsatisfactory ~~response~~ ANSWER: No, when he/she left, he/she did not intend to
4   return.

5   *IF THE PERSON CHALLENGED ANSWERS NO, THE ELECTION JUDGE MUST ~~Offer~~*
6   *OFFER the ~~elector~~ person a provisional ballot.*

7   D. ~~Did you, while~~ While YOU WERE absent, DID YOU ~~look upon and regard~~ CONSIDER this
8   ~~state as~~ COLORADO TO BE your home?

9   Satisfactory ~~response~~ ANSWER: Yes, while absent, he/she ~~looked upon and~~
10   ~~regarded~~ CONSIDERED ~~this state as~~ COLORADO TO BE his/her home.

11   *IF THE PERSON CHALLENGED ANSWERED YES, ~~Proceed~~ CONTINUE to challenge*
12   *question E.*

13   Unsatisfactory ~~response~~ ANSWER: No, while absent, he/she did not ~~LOOK UPON~~
14   ~~AND REGARD~~ CONSIDER ~~this state as~~ COLORADO TO BE his/her home.

15   *IF THE PERSON CHALLENGED ANSWERS NO, THE ELECTION JUDGE MUST ~~Offer~~*
16   *OFFER the ~~elector~~ PERSON a provisional ballot.*

17   E. ~~Did you, w~~ While YOU WERE absent, DID YOU vote in any other state or ~~any~~ territory of
18   the United States?

19   Satisfactory ~~response~~ ANSWER: No, while absent, he/she did not vote in any other
20   state or ~~any~~ territory of the United States.

21   *THE ELECTION JUDGE MUST ~~Offer~~ OFFER the ~~elector~~ PERSON a regular*
22   *ballot.*

23   Unsatisfactory ~~response~~ ANSWER: Yes, while absent, he/she ~~did vote~~ VOTED in
24   another state or territory of the United States.

25   *THE ELECTION JUDGE MUST ~~Offer~~ OFFER the ~~elector~~ PERSON a provisional*
26   *ballot.*

27   9.4   AGE

28   A. WILL YOU BE 18 YEARS OF AGE OR OLDER ON ELECTION DAY?

29   SATISFACTORY ANSWER: YES.

30   *IF THE PERSON CHALLENGED ANSWERS YES, AN ELECTION JUDGE MUST OFFER*
31   *THE PERSON A REGULAR BALLOT.*

32   UNSATISFACTORY ANSWER: NO.

1   *IF THE PERSON CHALLENGED ANSWERS NO, AN ELECTION JUDGE MUST OFFER*
2   *THE PERSON A PROVISIONAL BALLOT.*

3   48.2   If the person challenged answers unsatisfactorily or refuses to answer the challenge
4   questions, the elector shall be offered a provisional ballot.

5   *[Current Rule 48 is amended and moved to Rule 9. Amendments are shown below.]*

6   **Rule 10. CANVASSING AND RECOUNT**

7   41.1   Definitions

8   41.1.1   "Canvass board" means a committee composed of the county clerk and recorder
9   and the registered electors appointed by the major parties in accordance with
10   section 1-10-101, C.R.S.

11 41.1.2   "Canvass workers" means workers appointed or hired by the designated election
12   official to assist in the preparation and conduct of the canvass.

13 41.1.3   "Statement of Ballots Form" means the form used at the polling location that
14   accounts for all ballots at that location and includes all information required by
15   this rule.

16 *[Current Rule 41.1 is moved to new Rule 1]*

17 41.2 10.1   Appointment to the Canvass Board

18 41.2.1 10.1.1   In all cases, the canvass board must consist of an odd number of members,
19   and each member has equal voting rights.

20 41.2.2 10.1.2   For a partisan election, each major party may have no more than two
21   representatives on the canvass board. The board must include an equal number
22   of representatives from each major party, unless a major party fails to certify
23   representatives for appointment.

24 41.2.3 10.1.3   Each major party representative on the canvass board must be registered to
25   vote in the county where the representative will serve and affiliated with the
26   party he or she represents.

27 41.2.4 10.1.4   A candidate for office and members of the candidate's immediate family
28   may not serve on the canvass board.

29 41.3 10.2 Duties of the Canvass Board

30 41.3.1 10.2.1   The canvass board must make its determinations by majority vote in
31   accordance with section 1-10-101.5(3), C.R.S.

32 41.3.2 10.2.2   The canvass board's duties are:

(a) Conduct the canvass in accordance with section 1-10.5-101, C.R.S., including:

    (i) Account and balance the election and certify the official abstract of votes;

    (i). Reconcile the number of ballots counted to the number of ballots cast; and

    (iii)Reconcile the number of ballots cast to the number of voters who voted by reviewing the reconciled detailed ballot logs and Statement of Ballots;

(b) Observe the post-election audit in accordance with section 1-7-514(4), C.R.S., and Election Rule 11.5.4;

(c) In coordination with the county clerk and recorder, investigate and report discrepancies found in the audit under section 1-7-514(2), C.R.S.; and

(d) Conduct any recount in accordance with section 1-10.5-107, C.R.S., and Election Rule 14. The canvass board's role in conducting a recount includes selecting ballots for the random test, observing the recounting of ballots, and certifying the results.

41.3.3 10.2.3 If the board identifies a discrepancy in the Statement of Ballots, the Board may review the particular ballots at issue to identify, correct, and account for the error.

41.3.4 10.2.4 The canvass board may not perform duties typically reserved for election judges, including:

(a) Determining voter intent;

(b) evaluating voter eligibility; and

(c) Requesting new logs or reports that were not created to conduct the election.

41.4 10.3   Detailed Ballot Log

41.4.1 10.3.1 The designated election official must keep a detailed ballot log that accounts for every ballot issued and received beginning when ballots are ordered and received. The election judges must reconcile the log at the conclusion of each workday.

41.4.2 10.3.2 The designated election official must keep and reconcile daily logs of mail-in, mail, and early voting ballots.

41.4.3 10.3.3 The designated election official must indicate in the detailed log the

1   number of paper ballots that are sent to each polling location for use on election
2   day.

3   41.4.4 10.3.4 The designated election official must keep required logs in either
4   electronic or manual format.

5 41.5 10.4   Election Day Tracking Process

6   41.5.1 10.4.1   The designated election official must supply each polling location with a
7   Statement of Ballots Form. Combined precincts may use one form. The form
8   must include a place for the judges to account for the following information:

9   (a) The name or number(s) of the precinct or vote center;

10   (b) The number of ballots provided to the polling location;

11   (c) The number of ballots cast;

12   (d) The number of unvoted ballots;

13   (e) The number of damaged or spoiled ballots; and

14   (f) The number of voted provisional ballots.

15   41.5.2 10.4.2 The election judge must reconcile the total number of voted ballots with
16   the number of voters who voted.

17   41.5.3 10.4.3 The election judge must verify that the total number of voted ballots,
18   spoiled or damaged ballots, provisional ballots, and unvoted ballots is the same
19   as the number of total ballots supplied to the polling location.

20   41.5.4 10.4.4 The election judge must reconcile the number of people who signed the
21   pollbook to the total of the number of ballots cast.

22   41.5.5 10.4.5 If there is a discrepancy in the numbers on the Statement of Ballots form,
23   the judge must explain the discrepancy in writing (for example, the voter signed
24   in but left the polling place without voting, etc.).

25   41.5.6 10.4.6 The judge must return the completed Statement of Ballots form to the
26   designated election official with the other precinct supplies and mail a duplicate
27   copy to the designated election official's office.

28 41.6 10.5   Designated Election Official's Disposition of Forms

29   41.6.1 10.5.1 The designated election official must review the Statement of Ballots form
30   for completion and accuracy.

31   41.6.2 10.5.2 If the designated election official or the canvass board discovers a problem
32   with the Statement of Ballots form that cannot be easily resolved, they may

1   contact the election judges for an explanation or correction.

2   4̶1̶.̶7̶ 10.6   Procedures for the Day of the Canvass

3   4̶1̶.̶7̶.̶1̶ 10.6.1   The designated election official must provide the following information to
4   the canvass board:

5   (a) The name of each candidate, office, and votes received;

6   (b) The number/letter of each ballot issue or question and votes received;

7   (c) The number of voters who voted early;

8   (d) The number of mail-in or mail ballots cast, including the number accepted
9   and rejected; and

10   (e) The number of provisional ballots counted.

11   4̶1̶.̶7̶.̶2̶ 10.6.2   Any written documentation regarding official numbers is included as part
12   of the canvass.

13   4̶1̶.̶8̶ 10.7   Official Abstract

14   4̶1̶.̶8̶.̶1̶ 10.7.1   The designated election official must include the number of eligible voters
15   on election day on the official abstract.

16   4̶1̶.̶8̶.̶2̶ 10.7.2   The canvass board must use the official abstract in a format approved by
17   the Secretary of State.

18   4̶1̶.̶8̶.̶3̶ 10.7.3   The official abstract must include, by precinct/ballot style or vote center,
19   where applicable:

20   (a) The statement of votes counted by race and ballot question or issue;

21   (b) The total active registered electors in the precinct and the total for the
22   jurisdiction holding the election;

23   (c) The total number of electors voting in each precinct and the total for the
24   jurisdiction holding the election;

25   (d) The number of voters who voted early;

26   (e) The number of emergency registrations;

27   (f) The number of mail-in or mail ballots counted and the number rejected;

28   (g) The number of provisional ballots counted and the number rejected listed by
29   each rejection code; and

1   (h) The number of damaged and spoiled ballots.

2   41.9 10.8   The Abstract is the Official Permanent Record.

3   41.9.1 10.8.1   The designated election official must keep all official canvass reports and
4   forms as part of the official permanent election record.

5   41.9.2 10.8.2   Once the canvass board certifies the abstract it may not withdraw the
6   certification. In the event of a recount, the canvass board may only affirm or
7   amend the abstract.

8   41.10 10.9   Appointment of Canvass Workers.

9   10.9.1 The designated election official may appoint canvass workers to help prepare and
10   conduct the canvass.

11   41.11   10.10   Voter History.

12   41.11.1 10.10.1   After the canvass, the designated election official must give credit
13   to each voter who votes by mail, at an early voting site, or at a polling location.

14   41.11.2 10.10.2   If the voter history records do not match the number of voters who
15   voted at that election, the designated election official must ensure the following:

16   (a) Each voter received credit for voting; and

17   (b) All pollbooks and signature cards are accounted for.

18   41.11.3 10.10.3   All research concerning discrepancies must be explained and
19   documented.

20   41.12   10.11   Written Complaints.

21   10.11.1 The designated election official must provide the canvass board with any written
22   complaint submitted by a registered elector about a voting device.

23   41.12.1 10.11.2 If the complaint is resolved, the designated election official must provide
24   the details of the resolution

25   41.12.2 10.11.3 If the complaint is pending resolution when the board meets to conduct
26   the canvass, the designated election official must provide a proposal for how the
27   issue will be resolved.

28   41.13   10.12   Role of Watchers.

29   10.12.1 Watchers appointed under section 1-10.5-101(1)(a), C.R.S., may observe the
30   board while it performs its duties, subject to Rule 8.

31

1   41.14 10.13   Role of the Secretary of State.
2
3   10.13.1 As part of the Secretary's duties under section 1-1-107, C.R.S., the Secretary may
4   provide guidance and investigate imperfections as outlined below.
5
6   41.14.1 10.13.2   The county clerk and recorder or the canvass board may request
7   that the Secretary of State provide guidance and support to the canvass board in
8   the exercise of the board's duties.
9
10   41.14.2 10.13.3   If, in the course of assisting a canvass board, the Secretary of State
11   discovers an imperfection that the Secretary believes may affect the conduct of
12   other canvass boards, the Secretary may provide notice to other counties
13   regarding the nature of the imperfection.
14
15   41.14.4 10.13.4   Imperfect returns or failure to certify.
16
17   (a)   If the canvass board fails to certify or certifies imperfect returns that have
18   no reasonable potential to change the outcome of any race or ballot
19   measure, the Secretary of State and county clerk must certify the election
20   and order recounts, if any, in accordance with Part 1, Article 11 of Title 1,
21   C.R.S.
22
23   (b)   If the canvass board fails to certify or certifies imperfect returns that have
24   a reasonable potential to change the outcome of any race or ballot
25   measure, the Secretary of State will conduct an investigation to identify
26   the nature of, and advise the county clerk and recorder in correcting, the
27   inaccuracy.

28   *[Current Rule 41 moved to new Rule 10 Amendments between the current and new rule*
29   *language are shown above.]*

30   14.3 10.14 RECOUNT GENERALLY.

31   10.14.1 The purpose of a recount is to RE-TABULATE THE BALLOTS. review the ballots to
32   assure they were counted properly. Unless directed otherwise by the Secretary of
33   State, all procedures of election night shall be followed as closely as possible
34   during the recount, including an examination of the ballots.

35   10.14.2 FOR STATEWIDE OR FEDERAL RACES, BALLOT ISSUES OR BALLOT QUESTIONS, THE
36   COUNTY CLERK AND RECORDER MUST COORDINATE SCHEDULING THE RECOUNT
37   THROUGH THE SECRETARY OF STATE'S OFFICE SO THAT IT CAN ENSURE ADEQUATE
38   OBSERVER COVERAGE.

39   10.15   RECOUNT COST ESTIMATES AND REIMBURSEMENTS

40   10.15.1 A COUNTY MUST SUBMIT A REQUEST FOR REIMBURSEMENT FOR A MANDATORY
41   RECOUNT IN A STATEWIDE OR FEDERAL RACE USING THE SECRETARY OF STATE

APPROVED FORM. THE COUNTY MAY NOT REQUEST REIMBURSEMENT FOR MEALS OR NORMAL OVERHEAD COSTS OR REGULAR EMPLOYEE COMPENSATION. THE COUNTY MUST INCLUDE ITEMIZED COSTS FOR REASONABLE EXPENDITURES, INCLUDING:

(A)   MAILINGS AND NOTICES;

(B)   ELECTION JUDGES, TEMPORARY STAFF, CANVASS BOARD PAY, AND OVERTIME PAY; AND

(C)   COPIES AND OTHER OFFICE EXPENSES RELATED TO THE RECOUNT.

10.15.2   REQUESTED RECOUNTS

(A)   THE COUNTY CLERK MUST PROVIDE A COST ESTIMATE IN ACCORDANCE WITH SECTION 1-10.5-106, C.R.S., UPON SUBMISSION OF A FORMAL REQUEST FOR A RECOUNT.

(B)   IN PREPARING A COST ESTIMATE FOR A REQUESTED RECOUNT, THE COUNTY MUST USE THE SECRETARY OF STATE APPROVED FORM. THE ESTIMATE MUST INCLUDE REASONABLE ITEMIZED COSTS FOR CONDUCTING THE RECOUNT. THE COUNTY MAY NOT REQUEST REIMBURSEMENT FOR NORMAL OVERHEAD COSTS.

(C)   ANY OTHER COSTS AGREED TO BY THE REQUESTING PARTY.

(D)   THE COUNTY CLERK MUST SUBMIT A COST ESTIMATE TO THE SECRETARY OF STATE WHEN THE CLERK PROVIDES IT TO A REQUESTING PARTY.

10.16   IN ACCORDANCE WITH SECTION 1-10.5-107, C.R.S., AND RULE 10.2.2(D), THE CANVASS BOARD'S ROLE IN CONDUCTING A RECOUNT INCLUDES SELECTING BALLOTS FOR THE TEST, OBSERVING THE RECOUNTING OF BALLOTS, AND CERTIFYING THE RESULTS.

14.4 10.17   ~~General Provisions~~ WATCHERS AND OBSERVERS

14.4.1   10.17.1 The Secretary of State may ~~have~~ APPOINT an official observer ~~at every recount location~~ IN ANY RECOUNT.

14.4.2   ~~Any candidate who is subject to the recount may be present and observe the recount at any recount location or designate one Watcher to observe the recount at any recount location. Watchers must provide the election official with a certificate signed by the candidate, except that an officer of the county party may be accepted as a candidate's watcher without a certificate if no other person is designated by the candidate for that location.~~

14.4.3 10.17.2   Each candidate, ~~his or her watcher,~~ OR THE CANDIDATE'S WATCHER, ~~members of the~~ media OBSERVERS, and official observers ~~as defined in Rule 8.1,~~ may be present ~~in the room when a~~ AND WITNESS THE recount ~~is conducted~~ IN

1   ACCORDANCE WITH RULE 8. ~~During the recount the candidate, watcher,~~
2   ~~members of the media, and official observers may not interfere with the recount~~
3   ~~process.~~

4   ~~14.4.4~~ 10.17.3 The recount board, candidates, AND watchers~~, members of the media, and~~
5   ~~official observers will~~ MUST take an oath.

6   10.17.4   COMPLAINTS. A WATCHER MAY SUBMIT A COMPLAINT IN WRITING TO THE
7   COUNTY CLERK. WRITTEN COMPLAINTS DURING A RECOUNT WILL BE ADDRESSED
8   IN ACCORDANCE WITH RULE 4

9   10.18   TESTING

10   10.18.1   THE CANVASS BOARD MUST REVIEW THE POST-ELECTION AUDIT BEFORE
11   SELECTING THE EQUIPMENT FOR TESTING UNDER SECTION 1-10.5-102, C.R.S. TO
12   THE EXTENT FEASIBLE, THE BOARD MUST SELECT EQUIPMENT FOR TESTING THAT
13   WAS NOT INCLUDED IN THE POST-ELECTION AUDIT.

14   10.18.2   THE COUNTY CLERK MUST TEST ALL SCANNERS THAT WILL BE USED IN THE
15   RECOUNT. THE PURPOSE OF THE TEST IS TO ENSURE THAT THE TABULATION
16   MACHINES ARE COUNTING PROPERLY.

17   (A)   THE TEST DECK MUST INCLUDE 50 BALLOTS OR 1% OF THE TOTAL NUMBER
18   OF BALLOTS CAST IN THE ELECTION, WHICHEVER IS GREATER, EXCEPT THAT
19   THE TOTAL NUMBER OF BALLOTS TESTED MAY NOT EXCEED THE TOTAL
20   NUMBER OF BALLOTS TESTED IN THE LOGIC AND ACCURACY TEST BEFORE
21   THE ELECTION. THE BALLOTS MUST BE MARKED TO TEST EVERY OPTION FOR
22   THE RACE OR MEASURE THAT WILL BE RECOUNTED

23   (1)   IN A MANDATORY RECOUNT, THE CANVASS BOARD MUST SELECT THE
24   BALLOTS TO BE TESTED FROM THE PRE-ELECTION PUBLIC LOGIC AND
25   ACCURACY TEST DECK.

26   (2)   IN A REQUESTED RECOUNT, THE PERSON REQUESTING THE RECOUNT
27   MAY MARK UP TO 25 BALLOTS. ANY OTHER CANDIDATE IN THE RACE
28   MAY ALSO MARK UP TO 25 BALLOTS. THE CANVASS BOARD MUST
29   RANDOMLY SELECT BALLOTS FROM THE PRE-ELECTION PUBLIC LOGIC
30   AND ACCURACY TEST DECK TO ENSURE THE MINIMUM NUMBER OF
31   TEST BALLOTS REQUIRED BY THIS RULE.

32   (B)   SWORN JUDGES OR STAFF MUST HAND TALLY THE TEST BALLOTS FOR
33   COMPARISON TO THE TABULATION RESULTS.

34   (C)   THE TEST IS LIMITED TO THE RACE OR MEASURE THAT IS RECOUNTED.

35   10.18.3   THE COUNTY CLERK MUST TEST THE VVPAT RECORDS FROM 1% OF THE DREs
36   THAT HAD VOTES CAST FOR THE RACE OR MEASURE BEING RECOUNTED.

(A)   SWORN JUDGES OR STAFF MUST MANUALLY VERIFY THE RESULTS ON THE MACHINES SELECTED FOR THE TEST.

(B)   THE TEST IS LIMITED TO THE RACE OR MEASURE THAT IS RECOUNTED.

10.19   COUNTING OF BALLOTS

10.19.1   IN ACCORDANCE WITH SECTION 1-10.5-102(3)(B), C.R.S., IF THERE ARE NO DISCREPANCIES IN THE TEST UNDER RULE 14.6, THE RECOUNT MUST BE CONDUCTED IN THE SAME MANNER AS THE BALLOTS WERE COUNTED IN THE ELECTION EXCEPT AS OUTLINED IN THIS RULE.

14.6.5 10.19.2 A clear audit trail ~~shall~~ MUST be maintained throughout the recount including, but not limited to, a log of seal numbers on transfer cases or ballot boxes ~~as defined in section 1-7-505, C.R.S.~~, and the corresponding numbered seal ~~used as a replacement for the original seal, upon completion of the recount of ballots within that~~ FOR EACH transfer case or ballot box.

[Current Rule 14.6.5 is amended and moved to new Rule 10.19.2. Amendments between the current and new rule language are shown above.]

10.19.3   BALLOTS MUST BE REVIEWED FOR VOTER INTENT USING THE STANDARDS IN RULE 18.

(A) EVERY BALLOT WITH AN OVER-VOTE OR UNDER-VOTE IN THE RACE(S) OR MEASURE(S) SUBJECT TO THE RECOUNT MUST BE REVIEWED FOR VOTER INTENT USING THE SAME GUIDELINES THAT WERE USED DURING THE ELECTION.

(B) THE JUDGES CONDUCTING THE VOTER INTENT REVIEW MAY RESOLVE THE INTENT DIFFERENTLY THAN THE JUDGES IN THE ELECTION.

10.19.4   TO RECOUNT BALLOTS ON OPTICAL SCANNERS:

(A) IF THE ORIGINAL COUNT METHOD WAS CENTRAL COUNT, THE COUNTY MUST CREATE A NEW ELECTION DATABASE.

(B) IF THE ORIGINAL COUNT WAS BY PRECINCT COUNT, THE COUNTY MUST USE ONE OR MORE BLANK PROM CARTRIDGES, ROM CARTRIDGES, OR MEMORY CARDS.

(C) ALL PRECINCT BALLOTS MAY BE TABULATED CENTRALLY REGARDLESS OF WHETHER PRECINCT OR CENTRAL TABULATION WAS USED ON ELECTION DAY.

[Potions of Current Rules 14.6.9 – 14.6.12 are moved to new Rules 10.19.3 and 10.19.4]

10.19.5   ~~14.7.3~~Ballots for the recount shall be processed following the State of Colorado

1   ~~Procedures for the use of the Ballot Now Voting System in conjunction with the~~
2   ~~following procedures:~~ TO RECOUNT BALLOTS USING "BALLOT NOW":

3   (A) BACK UP THE OFFICIAL ELECTION DATABASE.

4   (~~a~~B) Open Ballot Now with an unused ~~MBB (~~Mobile Ballot Box~~)~~ from the
5   election and create a Ballot Now recount database.

6   (~~b~~C) Scan and resolve all recount ballots ~~following original election procedures~~
7   ACCORDING TO THIS RULE 14.

8   ~~(c) Use the Audit Trail Report and Original Scan Batch Reports with notes to~~
9   ~~ensure that resolution action follows the original resolution.~~

10   (d) Save all recount CVRs (Cast Vote Records) to the MBBS ~~(Mobile Ballot~~
11   ~~Box)~~ after verifying that the number of ballots processed matches the
12   number of ballots cast in the recount contest~~(s)~~.

13   (e) Open a new recount election in "Tally" and process the recount MBBs
14   following the tabulation procedures above.

15   (f) Compare recount results to original results and document any differences.

16   (g) Backup the test database and the official recount database ~~following the~~
17   ~~"Archive" procedures~~.

18   *[Portions of current Rule 14.7.1 and 14.7.2 are moved to Rule 10.19.5. Current*
19   *Rule 14.7.3 is amended and moved to new Rules 10.19.5. Amendments are*
20   *shown above.]*

21   10.19.6   TO RECOUNT BALLOTS BY HAND COUNT.

22   (A) IF THE TABULATION OF THE ORIGINAL COUNT WAS CONDUCTED BY HAND
23   COUNT, THE RECOUNT MUST BE CONDUCTED BY HAND COUNT.

24   ~~14.5.4~~ (B) Ballots ~~shall~~ MUST be counted ~~into groups~~ IN BATCHES of 25 to
25   ensure that the number of ballots recounted matches the number originally
26   counted.

27   ~~14.5.5~~ (C) Votes ~~shall~~ MUST be counted by individual hash marks in 25-count
28   sections by two different judges.

29   *[Current Rules 14.5.4 and 14.5.5 are amended and moved to new Rules*
30   *10.19.6(a) and (b). Amendments between the current and new rule language are*
31   *shown above.]*

32   10.19.7   FOR TABULATION OF DRES, IF THERE ARE NO DISCREPANCIES IN THE TEST UNDER
33   RULE 14.6, THE COUNTY CLERK MUST UPLOAD THE MEMORY CARDS.

10.19.8　TABULATION OF BALLOTS CAST BY ONE METHOD MUST BE COMPLETED THROUGH A PRECISE, CONTROLLED PROCESS THAT ENSURES EACH CONTAINER OF BALLOTS IS RECOUNTED, RESEALED, AND RETABULATED BEFORE TABULATION OF THE NEXT METHOD BEGINS. EXCEPT THAT, IF MAIL-IN BALLOTS WERE ORIGINALLY COUNTED WITH EARLY VOTING BALLOTS, THE RECOUNT MUST BE CONDUCTED IN THE SAME MANNER.

14.6.6 10.19.9 The number of ballots counted by a METHOD AND precinct according to the election night report shall FINAL RESULTS FOR THAT RACE OR MEASURE MUST be available during the recount for comparison purposes.

[Current Rule 14.6.6 moved to new Rule 10.19.9. Amendments between the current and new rule language are shown above.]

10.20　CANVASS AND REPORTING RESULTS

14.6.7 10.20.1 Totals of recounted ballots shall be processed, counted, and MUST BE reported in summary form as follows:

(a) Sum total of votes cast for each candidate, ballot issue or ballot question subject to the recount RACE OR MEASURE RECOUNTED, under-votes, and over-votes for all precincts;

(b) Sum total of votes cast for each candidate, ballot issue or ballot question subject to the recount RACE OR MEASURE RECOUNTED, under-votes and over-votes for all mail-in ballots (a combined total, not totaled by individual precincts or location, unless your system allows);

(c) Sum total of votes cast for each candidate, ballot issue or ballot question, subject to the recount RACE OR MEASURE RECOUNTED, under-votes, and over-votes for all early voting locations (a combined total, not totaled by individual precinct or locations, unless the voting system so allows);

(d) Determine the THE grand total of ballots cast in early, mail-in, and precinct voting.

(E)　THE TOTALS MUST BE A COMBINED TOTAL, NOT TOTALED BY INDIVIDUAL PRECINCTS OR LOCATION, UNLESS THE TABULATION SYSTEM ALLOWS.

[Current Rules 14.5.1 and 14.6.7 are amended and moved to new Rule 10.20.1. Amendments are shown above.]

10.20.2　IN ACCORDANCE WITH SECTION 1-10.5-107, C.R.S., AND THIS RULE 10, THE CANVASS BOARD MUST AMEND, IF NECESSARY, AND RE-SUBMIT THE ABSTRACT OF VOTES CAST.

Rule 11.　Rules Concerning Voting Systems

1   11.1   Voting system access.

2   ~~11.2.1 The county clerk and recorder shall not program or operate the voting system~~
3   ~~subject to section 1-5-607, C.R.S.~~

4   ~~11.2.2~~ 11.1.1 ~~Any election setup materials shall be stored by~~ The county clerk and
5   recorder MUST SECURELY STORE ELECTION SETUP RECORDS ~~under security with~~
6   ~~access limited to the person or persons so authorized in writing by the county~~
7   ~~clerk and recorder.~~ NO PERSON MAY ACCESS THE RECORDS WITHOUT THE CLERK'S
8   WRITTEN AUTHORIZATION.

9   ~~11.2.3~~ 11.1.2 Employees ~~of the county clerk and recorder~~ who are authorized by the
10   county clerk and recorder to prepare or maintain the voting system or election
11   setup ~~materials shall~~ RECORDS MUST be deputized ~~by the county clerk and~~
12   ~~recorder~~ for this specific purpose ~~and so sworn prior to~~ BEFORE the ~~first~~ election.
13   ~~of the calendar year in which they will be performing one or more of these~~
14   ~~activities.~~

15   ~~11.2.4~~ 11.1.3 ~~The county clerk and recorder shall request an Internet Criminal History~~
16   ~~Check (ICHC) from the Colorado Bureau of Investigation (CBI) for all full-time,~~
17   ~~part-time, permanent and contract employees of the county who staff the counting~~
18   ~~center and~~ OR ~~who have any access to the electromechanical voting systems or~~
19   ~~electronic vote tabulating equipment. At the direction of the county clerk and~~
20   ~~recorder, an ICHC check may be conducted on election judges. The county clerk~~
21   ~~and recorder shall request the ICHC once per calendar year for such employees~~
22   ~~prior to the first election of the year.~~ IN ACCORDANCE WITH SECTION 24-72-305.6,
23   C.R.S., ALL PERMANENT AND TEMPORARY COUNTY STAFF AND ALL VENDOR STAFF
24   WHO HAVE ACCESS TO THE VOTING SYSTEM OR ANY VOTING OR COUNTING
25   EQUIPMENT MUST PASS THE CRIMINAL BACKGROUND CHECK DESCRIBED IN RULE
26   6.4.

27   ~~11.2.5 If the ICHC indicated that the employee or contract employee has been found~~
28   ~~guilty of a crime involving breach of trust, fraudulent, coercive, or dishonest~~
29   ~~practices or demonstrating incompetence, untrustworthiness, or election offenses~~
30   ~~pursuant to sections 1-13-101 et seq., C.R.S., the county clerk and recorder shall~~
31   ~~MUST prohibit such employee or contact employee from preparing, programming,~~
32   ~~operating, using or having any access whatsoever to electromechanical voting~~
33   ~~systems or electronic vote tabulating equipment at any time during that person's~~
34   ~~employment.~~

35   ~~11.2.6 Vendors or their authorized representatives shall provide a criminal history check~~
36   ~~to the county clerk and recorder for any employee of the vendor who has any~~
37   ~~access to electromechanical voting systems or electronic vote tabulating~~
38   ~~equipment The vendor shall provide the criminal history check ICHC to the~~
39   ~~county clerk and recorder once per calendar year for such employees prior to the~~
40   ~~first election of the year.~~

1   11.2   Performance Bond.

2   11.2.1   ~~Effective upon the date of the adoption of this rule,~~ A voting system provider or
3   service provider ~~that provides election setup or tabulation services to one or more~~
4   ~~counties shall~~ MUST:

5   (a)   ~~Provide the services by~~ ENTER INTO A written contract, AND FILE a copy ~~of~~
6   ~~which shall be kept on file~~ with the county clerk and recorder and the
7   Secretary of State.

8   (b)   Post a performance bond, executed by a corporate surety licensed to
9   transact business in the State of Colorado. The county under contractual
10   obligation with the ~~voting system~~ provider ~~or service provider that~~
11   ~~provides election setup or tabulation services shall~~ MUST be ~~designated as~~
12   the NAMED beneficiary ~~of the bond; and~~. THE BOND AMOUNT MUST BE THE
13   GREATER OF $10,000 OR THE FULL AMOUNT OF THE CONTRACT WITH THE
14   BENEFICIARY COUNTY AND THE BOND MUST BE ON FILE 30 DAYS BEFORE
15   WORK STARTS.

16   (c)   Provide proof ~~that a~~ OF THE performance bond ~~has been posted with~~ TO the
17   Secretary of State and the ~~office of the designated election official~~
18   COUNTY CLERK AND RECORDER. ~~The amount of the bond shall be the~~
19   ~~greater of either $10,000 or the full amount of the contract with the~~
20   ~~beneficiary county.~~

21   ~~11.3.2~~   ~~Performance bonds shall be on file 30 (thirty) days prior to any work commencing~~
22   ~~under contract with the county.~~

23   11.2.3   The voting system provider ~~shall~~ MUST update all bond documents for each
24   contract or election. ~~performed.~~

25   ~~11.3.4~~   ~~Copies of the performance bond for the secretary of state's office shall be sent to:~~
26   ~~Colorado Department of State, Voting Systems Specialist, 1700 Broadway, Suite~~
27   ~~270, Denver, Colorado 80290, or to voting.systems@sos.state.co.us~~

28   11.3   Voting System Inventory.

29   11.3.1   The designated election official ~~shall~~ MUST maintain an inventory record for each
30   electronic vote-tabulating device used in an election. ~~Such records shall~~ THE
31   RECORD MUST include, but ~~not be~~ IS NOT limited to, the manufacturer, make,
32   model, serial number, hardware/firmware/software version or release number,
33   hash value documentation where applicable, date of acquisition, description of
34   any services, repairs, maintenance, upkeep, and version upgrades, and the dates ~~of~~
35   ~~performance of such services as of the date of adoption of these rules~~ THE
36   SERVICES WERE PERFORMED.

37   11.3.2   IF THE INVENTORY IS IN ELECTRONIC FORMAT, IT MUST BE EXPORTABLE TO A
38   COMMA SEPARATED (CSV), EXCEL SPREADSHEET (XLS OR XLSX), OR QUOTE OR

TAB QUOTE OR TAB SEPARATED (TXT) FILE BEFORE DELIVERY TO THE SECRETARY OF STATE.

11.4.2 11.4.3 The designated election official shall MUST furnish FILE THE INVENTORY WITH the Secretary of State with an extract or copy of the inventory NO LATER THAN 10 DAYS BEFORE THE ELECTION for use in the Logic and Accuracy Test and the Post-Election Audit Test. The requirements for this extract are:

(a)   Be in either electronic or paper format;

(b)   Contain information regarding: make, model, serial number, type (optical scanner or DRE), AND specific location of use, and specific precincts programmed on each device or card;

(c)   Inventories maintained in electronic format shall be exportable to an industry standard file type comma separated (CSV), excel spreadsheet (XLS OR XLSX), or Quote or Tab separated (TXT) file prior to electronic delivery to the Secretary of State; and

(d)   The designated election official shall send the inventory list to the Secretary of State's office not less than ten (10) days prior to an election to the attention of the Voting Systems Specialist. Inventory lists may be sent BY MAIL, E-MAIL, OR FAX. in one of three means: E-mail: voting.systems@sos.state.co.us Subject line = County Number, County Name, HARDWARE INVENTORY LIST; or Via facsimile to: 303-869-4861 attn: Secretary of State, Voting Systems Specialist; or via First Class Mail to Colorado Department of State/Attn: Voting Systems Specialist/1700 Broadway Suite 270/Denver, CO 80290.

11.4   Voting System Testing.

11.5.1 THE CLERK MUST PERFORM A HARDWARE DIAGNOSTIC TEST, A LOGIC AND ACCURACY TEST, AND A POST-ELECTION AUDIT TEST. Three types of voting system testing: shall be performed for each election within a jurisdiction. The three tests are:

●   A Hardware Diagnostic Test;

●   A Logic and Accuracy Test (LAT); and

●   A Post-Election Audit Test.

11.5.2 11.4.1 Hardware Diagnostic Test

11.5.2.1 (a)   The county clerk and recorder shall commence MUST PERFORM the Hardware Diagnostic Test prior to BEFORE the election ON EACH DEVICE THAT THE CLERK WILL USE IN THE ELECTION, INCLUDING SPARE OR BACK UP DEVICES. THE TEST MUST INCLUDE THE

FOLLOWING DEVICES AND PROVIDE THE FOLLOWING INFORMATION: ~~and allow time for each electronic voting device within the county to be tested. Each device being used in the election, including units identified as spare or backup units, shall be tested to verify that mechanical components are working correctly. This test shall include, but not be limited to, the following tests:~~

~~(a)~~ (1) All input and output devices;

~~(b)~~ (2) Communications ports;

~~(c)~~ (3) System printers;

~~(d)~~ (4) System modems when applicable;

~~(e)~~ (5) System screen displays;

~~(f)~~ (6) Boot performance and initializations;

~~(g)~~ (7) Firmware loads;

~~(h)~~ (8) Software loads;

~~(i)~~ (9) Display of firmware OR software hash value (MD5 or SHA-1) when possible;

~~(j)~~ (10) Confirmation that screen displays are functioning; and

~~(k)~~ (11)   Date, time and calibration of systems.

~~11.5.2.2~~ (b) THE CLERK MUST SEAL each device ~~tested shall be sealed~~ upon the successful completion of the test AND RETAIN documentation of the seal information and all records ~~from testing must be maintained for each device~~ IN ACCORDANCE WITH SECTION 1-7-802, C.R.S.

~~11.5.3~~ 11.4.2 Logic and Accuracy Test. ~~The designated election official shall conduct a Logic and Accuracy Test according to the following requirements.~~

~~11.5.3.1~~ (a) The designated election official ~~shall~~ MUST create a Testing Board ~~consisting~~ of ~~at least two persons~~ ONE REGISTERED ELECTOR AFFILIATED WITH THE MAJOR POLITICAL PARTIES, AS DEFINED IN SECTION 1-1-104(22), C.R.S., AND one REGISTERED ELECTOR from each OTHER major political party, IF APPOINTED. TESTING BOARD MEMBERS MUST BE REGISTERED TO VOTE IN THE COUNTY.

~~11.5.3.2~~ (b) ~~Prior to the commencement of voting,~~ The designated election official ~~shall~~ MUST conduct the public Logic and Accuracy Test BEFORE VOTING.

1	11.5.3.3 (c)	The DESIGNATED ELECTION OFFICIAL MUST ENSURE THAT THE Logic
2		and Accuracy Test ~~shall be~~ IS open to ~~representatives of the press~~
3		~~and~~ THE MEDIA AND the public to the extent allowable ~~and pursuant~~
4		~~to~~ IN ACCORDANCE WITH section 1-7-509(2)(b), C.R.S. The
5		designated election official may limit the number of
6		representatives from each group ~~to accommodate for~~ BECAUSE OF
7		space limitations ~~and~~ OR other considerations.

8	11.5.3.4 (d)	~~Testing Board Test Ballots – In preparation for the Logic and~~
9		~~Accuracy Test,~~ The designated election official ~~shall~~ MUST provide
10		~~to each member of the Testing Board,~~ at least ~~twenty-five (25)~~ 25
11		CLEARLY-MARKED TEST ballots ~~that are clearly marked as test~~
12		~~ballots~~ TO EACH TESTING BOARD MEMBER ~~to be used for the Logic~~
13		~~and Accuracy Test~~.

14	11.5.3.5 (e)	~~The members of the~~ Testing Board MEMBERS ~~shall~~ MUST secretly
15		vote their ~~position~~ BALLOTS IN ACCORDANCE WITH THE
16		INSTRUCTIONS PRINTED ON THE BALLOTS and retain a record of the
17		tally. ~~of their test votes.~~ The test ballots ~~shall~~ MUST have a known
18		predetermined outcome by the members of the Testing Board's
19		secret vote and tally. Of the ~~twenty-five~~ 25 test ballots, two ~~shall~~
20		MUST be tested as audio ballots where applicable.

21	11.5.3.6 (f)	~~County Test Ballots – In preparation for the Logic and Accuracy~~
22		~~Test,~~ The designated election official ~~shall~~ MUST prepare a
23		sufficient number of test ballots that represent every precinct
24		~~which shall \ include~~ AND every ballot style, allow for a sufficient
25		number of ballots to mark every vote position for every candidate
26		on every race including write-in candidates, allow for situations
27		where a race may permit an elector to vote for two or more
28		positions WHERE APPLICABLE, and include overvotes and
29		undervotes for each race.

30	11.5.3.7 (g)	The ~~test ballots shall~~ TESTING BOARD MUST ~~be tested~~ TEST THE
31		BALLOTS on each type of voting device ~~utilized~~ USED in ~~a given~~
32		THE election and each ~~method of counting.~~ TYPE OF BALLOT
33		INCLUDING ~~The tests shall include testing of mail-in ballot counting~~
34		~~methods, election day counting methods~~ MAIL, REGULAR,
35		provisional, ~~ballot, counting methods, early voting counting~~
36		~~methods~~ and audio ballots, if applicable.

| 37 | 11.5.3.8 (h) | Conducting the Test. |

38	11.5.3.8.1 (1)	The designated election official and Testing Board ~~shall~~
39		MUST observe the tabulation of all test ballots ~~by means of~~
40		~~the voting device~~ and compare the tabulation with the
41		previously retained records of the test vote count ~~The cause~~

1   of AND MUST CORRECT any discrepancies ~~shall be corrected~~

2   ~~prior to the start of~~ BEFORE vote tabulation.

3   11.5.3.8.2 (2) ~~Prior to the start of testing,~~ THE DESIGNATED ELECTION

4   OFFICIAL MUST ~~all devices used will have the public counter~~

5   reset THE PUBLIC COUNTER to zero ON ALL DEVICES, and

6   PRESENT ZERO TAPES ~~presented~~ to the Testing Board for

7   verification. For any device capable of producing OR

8   VERIFYING the trusted build hash value (MD5 or SHA-1) of

9   the firmware or software, the DESIGNATED Election Official

10   ~~shall~~ MUST verify and document the accuracy of the value

11   ~~to be included with the records~~ for the device.

12   11.5.3.8.3 (3) THE DESIGNATED ELECTION OFFICIAL MUST MAKE an

13   appropriate number of voting devices ~~will be~~ available and the

14   Testing Board may witness the ~~necessary~~ programming and/or

15   downloading of memory devices necessary ~~to~~ FOR THE test. ~~the~~

16   ~~specific precincts.~~

17   11.5.3.8.4 (4) The Testing Board and designated election official ~~or his or~~

18   ~~her designated deputized clerks, as necessary,~~ ~~shall~~ MUST count

19   the test ballots as follows:

20   ~~(a)   Mail-in Ballots:~~

21   ~~(1)   All county test ballots shall be counted on at least~~

22   ~~one, but not more than three, mail-in ballot vote~~

23   ~~counting devices and have the predetermined total~~

24   ~~verified to the machine total.~~

25   ~~(2)   All Testing Board Member test ballots shall be~~

26   ~~counted individually with reports generated to~~

27   ~~verify the machine count to the predetermined hand~~

28   ~~tally.~~

29   ~~(b)   Precinct Count Ballots (Optical Scan and DRE):~~

30   ~~(1)   The Testing Board shall randomly select 20% but~~

31   ~~not more than 10 ballots representing unique~~

32   ~~precincts from the Testing Board's test ballots.~~

33   ~~(2)   In the event a selected precinct contains a~~

34   ~~combination of DRE and Optical Scan voting~~

35   ~~devices, the Testing Board shall decide on the~~

36   ~~percentage of ballots to be counted on each type of~~

37   ~~device used for that precinct.~~

(3)   The precinct specific county test ballots will be added to the testing board test ballots to be counted on the specific precinct device. The testing board shall manually verify the ballots to be counted prior to any machine count.

(4)   The Testing Board shall verify the manual count to the voting device count.

(c) (A) Vote Center Count Ballots – Optical Scan SCANNERS:

(1) (I)   All testing board THE TESTING BOARD test ballots shall MUST be counted COUNT TEST BALLOTS on at least one, but not more than 5 FIVE voting devices, WHICH MUST REPRESENT AT LEAST ONE DEVICE USED AT A VOTER SERVICE AND POLLING CENTER, AND ONE CENTRAL COUNT DEVICE. designated for Vote Center Counting and have the predetermined total verified to the machine total.

(II)   THE TESTING BOARD MUST RANDOMLY SELECT THE MACHINES TO TEST.

(2) (III) All THE TESTING BOARD MUST COUNT THE BOARD'S AND THE COUNTY'S test ballots BALLOT BATCHES shall be counted individually SEPARATELY AND GENERATE REPORTS with reports generated to verify THAT the machine count IS IDENTICAL to the predetermined tally. of the test ballots.

(3)   The testing board shall randomly select the machines to be tested.

(d) (B) Vote Center Count Ballots –DREs:

(1) (I)   All testing board THE TESTING BOARD MUST COUNT THE test ballots shall be counted on at least one, but not more than 5 FIVE DREs. designated for Vote Center Counting and have the predetermined total verified to the machine total.

(II)   THE TESTING BOARD MUST RANDOMLY SELECT THE MACHINES TO TEST.

(III)   THE TESTING BOARD MUST IDENTIFY AND TEST TWO BALLOTS AS AUDIO BALLOTS.

1   (2) (IV)~~All~~ THE TESTING BOARD MUST COUNT THE BOARD'S

(2) (IV) ~~All~~ THE TESTING BOARD MUST COUNT THE BOARD'S AND THE COUNTY'S test ~~ballots~~ BALLOT BATCHES ~~shall be counted individually~~ SEPARATELY AND GENERATE REPORTS ~~with reports generated~~ to verify THAT the machine count IS IDENTICAL to the predetermined tally ~~of the test ballots~~. FOR DRES WITH VVPAT DEVICES, THE TESTING BOARD MUST MANUALLY COUNT THE PAPER RECORD TO VERIFY THAT THE PRE-DETERMINED TOTALS OF THE TESTING BOARD AND COUNTY TEST BALLOT BATCHES MATCH THE VVPAT TOTAL.

(3)   ~~The testing board shall randomly select the machines to be tested.~~

(e)   ~~Early Voting and Provisional Ballots Counted on Optical Scan Devices:~~

(1)   ~~All test ballots shall be counted on at least one, but not more than five, optical scan devices designated for Early Voting or Provisional Ballot Counting and have the predetermined total verified to the machine total.~~

(2)   ~~All test ballots shall be counted individually with reports generated to verify the machine count to the predetermined tally of the test ballots.~~

(f)   ~~Early Voting and Provisional Ballots Counted on DREs:~~

(1)   ~~All test ballots shall be counted on at least one, but not more than five, DREs designated for Early Voting or Provisional Ballot Counting and have the predetermined total verified to the machine total.~~

(2)   ~~All Testing Board Member test ballots shall be counted individually with reports generated to verify the machine count to the predetermined tally of the Testing Board test ballots.~~

~~11.5.3.8.5 DREs equipped with V-VPAT devices shall be manually verified (by hand) to determine that the pre-determined total of the testing board ballots, matches the V-VPAT total, which in turn matches the machine total.~~

~~11.5.3.8.6 At least two of the testing board ballots shall be identified as Audio Ballots to be tested as such, and included with the count.~~

1   ~~11.5.3.8.7~~ (5) THE DESIGNATED ELECTION OFFICIAL MUST KEEP all test
2   materials, when not in use, ~~shall be kept~~ in a ~~metal~~ DURABLE,
3   SECURE box with individual seals for each member of the Testing
4   Board. The designated election official may affix his or her own
5   seal in addition to those of the Testing Board. The designated
6   election official ~~shall~~ MUST be the custodian of the box or boxes
7   but ~~shall~~ MAY not open ~~and/~~or use the test materials outside of the
8   TESTING BOARD'S presence. ~~of the Testing Board.~~

9   (6) AFTER TESTING, THE TESTING BOARD MUST WATCH THE
10   DESIGNATED ELECTION OFFICIAL RESET AND SEAL EACH VOTING
11   DEVICE.

12   ~~11.5.3.8.8~~ (7) The Testing Board and the designated election official ~~shall~~
13   MUST sign a written statement attesting to the qualification of each
14   device ~~that was~~ successfully tested, the number of the seal attached
15   to the voting device at the end of the test, any problems discovered,
16   and ~~provide~~ any other documentation ~~as~~ necessary to provide a full
17   and accurate account of the condition of a given device.

18   ~~11.5.3.8.9 Upon completion of the testing, the Testing Board shall witness~~
19   ~~the resetting and sealing of each tested voting device.~~

20   ~~11.5.4~~ 11.4.3 Post-Election Audit

21   ~~11.5.4.1~~ (a) ~~Within forty-eight (48)~~ NO LATER THAN 48 hours ~~of~~ AFTER the
22   close of polls on election night, the Secretary of State ~~shall~~ MUST
23   notify the designated election official which voting devices and
24   which race or races on the ballots ~~have been selected for auditing~~
25   ~~purposes~~ WILL BE AUDITED based on the submitted hardware
26   inventory list referred to in Rule 11.4.2.

27   ~~11.5.4.2~~ (b) The ~~selection of~~ SECRETARY OF STATE WILL RANDOMLY SELECT
28   equipment ~~will be~~ based on a random selection of five ~~(5)~~ percent
29   of precinct COUNT SCANNERS ~~scanner based voting equipment~~, at
30   least one central count scanner~~/vote center~~, and five ~~(5)~~ percent of
31   ~~Direct Record Electronic (DRE)~~ DRE voting devices.

32   ~~11.5.4.3~~ (c) ~~Pursuant to~~ IN ACCORDANCE WITH section 1-7-514, C.R.S., THE
33   SECRETARY OF STATE MAY only SELECT devices used in the
34   election. ~~shall be selected for the audit.~~

35   (d) THE SECRETARY OF STATE MUST RANDOMLY SELECT AT LEAST TWO
36   RACES PER DEVICE FOR VERIFICATION TO ENSURE THAT EACH RACE
37   OR MEASURE ON THE BALLOT IS AUDITED IN ACCORDANCE WITH
38   SECTION 1-7-514, C.R.S.

1 ~~11.5.4.4 For optical scanners used for any function of counting ballots except for~~
2 ~~Central Count/vote center as defined herein, the designated election~~
3 ~~official shall manually verify all of the ballots that were counted on the~~
4 ~~randomly selected device(s) with the election summary report that was~~
5 ~~generated from the device(s) at the close of the polls. The Secretary of~~
6 ~~State shall randomly select a minimum of two (2) races per device to be~~
7 ~~manually verified to ensure that each office, issue, and question on the~~
8 ~~ballot is audited in accordance with section 1-7-514, C.R.S.~~

9 ~~11.5.4.5~~ (e) For optical scanners ~~used for the purpose of counting ballots in a~~
10 ~~Central Count/vote center environment as defined herein,~~ the
11 designated election official ~~shall~~ MUST randomly select EITHER OF
12 THE FOLLOWING AMOUNTS BASED UPON THE TOTAL NUMBER OF
13 BALLOTS COUNTED:

14 (1) IF LESS THAN 500 BALLOTS WERE COUNTED, THEN A
15 MINIMUM OF 20 PERCENT OF THE BALLOTS COUNTED ON THE
16 DEVICE.

17 (2) IF 500 OR MORE BALLOTS WERE COUNTED, THEN A MINIMUM
18 OF 100 BALLOTS PLUS five ~~(5)~~ percent OF THE DIFFERENCE
19 BETWEEN THE NUMBER OF BALLOTS COUNTED AND 500, but
20 not more than 500. ~~five hundred (500) ballots of all the~~
21 ~~ballots counted on the specific audited device. If the~~
22 ~~amount of ballots is less than five hundred (500) on the~~
23 ~~audited device, then a minimum of twenty percent (20%) of~~
24 ~~the ballots counted on the device will be manually verified.~~

25 (f) The DESIGNATED ELECTION OFFICIAL MUST RESET THE public
26 counter for ~~that~~ THE voting device ~~shall be reset~~ to zero and
27 RECOUNT the ballots. ~~shall be recounted on the voting device.~~

28 (g) ~~A~~ THE DESIGNATED ELECTION OFFICIAL MUST MANUALLY VERIFY
29 THE new report ~~will be generated~~ from the electronic count. ~~of the~~
30 ~~ballots and shall be manually verified.~~

31 (h) The DESIGNATED ELECTION OFFICIAL MUST SEAL THE ballots and a
32 copy of the report ~~shall be sealed~~ in a separate container. ~~and~~
33 ~~secured with the remainder of the official election records for the~~
34 ~~election. The Secretary of State shall randomly select a minimum~~
35 ~~of two (2) races per device to be manually verified to ensure that~~
36 ~~each office, issue, and question on the ballot is audited in~~
37 ~~accordance with section 1-7-514, C.R.S.~~

38 ~~11.5.4.6~~ (i) For ~~Direct Record Electronic Devices (DREs)~~ DREs ~~that do not~~
39 ~~meet the requirements of section 1-5-802, C.R.S.~~ WITHOUT A
40 VVPAT, ~~used for any function of counting ballots in an election,~~

the designated election official ~~will~~ MUST manually verify the image of all the ballots ~~contained~~ in the ~~Ballot Log or Ballot Audit~~ BALLOT LOG OR BALLOT AUDIT that ~~were counted on the specific~~ THE device COUNTED ALONG with the report generated for that ~~specific~~ device at the close of polls. ~~which contains the election summary report. The Secretary of State shall randomly select a minimum of two (2) races per device to be manually verified to ensure that each office, issue, and question on the ballot is audited in accordance with section 1-7-514, C.R.S.~~

~~11.5.4.6.1~~   (1)   For any device capable of producing OR VERIFYING the trusted build hash value (MD5 or SHA-1) of the firmware or software, the designated election official ~~shall~~ MUST verify and document the accuracy of the value to be included with the records for the device prior to conducting the audit.

~~11.5.4.7~~ (j)   For ~~Direct Electronic Devices (DREs)~~ DREs ~~that~~ WITH A VVPAT ~~do meet the requirement of section 1-5-802, C.R.S., used for any function of counting ballots in an election, after the close of the polls~~, the designated election official ~~will~~ MUST manually verify ~~all of~~ the ENTIRE ~~voter verified paper~~ VVPAT record ~~produced~~ with the report generated for that specific device. ~~which contains the election summary report. The Secretary of State shall randomly select a minimum of two races on each device to be manually verified to ensure that each office, issue, and question on the ballot is audited in accordance with section 1-7-514, C.R.S.~~

~~11.5.4.7.1~~   (1)   For any device capable of producing OR VERIFYING the trusted build hash value (MD5 or SHA-1) of the firmware or software, the designated election official ~~shall~~ MUST verify and document the accuracy of the value to be included with the records for the device prior to conducting the audit.

~~11.5.4.8~~ (k)   AT LEAST TWO CANVASS BOARD MEMBERS MUST OBSERVE the ~~actions of the~~ random audit. ~~as identified in this section are to be observed by at least two members of the canvass board.~~ The designated election official may ~~appoint additional deputized clerks to~~ assist WITH ~~in the functions of~~ the audit.

~~11.5.4.9~~ (l)   If there are discrepancies in the audit, the Canvass Board or the designated election ~~official's deputized clerks shall~~ OFFICIAL MUST:

~~11.5.4.9.1~~   (1)   ~~First, manually verify the results as many times as necessary to~~ Confirm that there is no discrepancy in the manual count;

11.5.4.9.2 (2) ~~Second,~~ Take any ~~additional~~ steps ~~as~~ necessary to check for voter error, which ~~shall~~ MUST include but IS not ~~be~~ limited to: overvotes, stray marks on the ballot, or other voter intent indicia; and

11.5.4.9.3 (3) ~~Third, review the situation and~~ Take ANY action ~~as~~ necessary in accordance with the Canvass Board's powers as ~~set forth~~ DESCRIBED in part 1 of Article 10 of Title 1, Colorado Revised Statutes.

11.5.4.10 (m) ~~At all times relevant to the Post Election~~ DURING THE audit, the designated election official ~~or the deputized clerks~~ or the Canvass Board ~~shall~~ MUST ~~take every precaution necessary to~~ protect the confidentiality of ~~the~~ CAST ballots. ~~cast by the electors.~~

11.5.4.11 (n) ~~Upon completion of~~ AFTER the audit, the designated election official ~~shall~~ MUST promptly report the results ~~of the audit~~ to the Secretary of State's Office by 5:00 PM ON THE LAST DAY TO CANVASS. ~~The report shall~~ MUST ~~be submitted following the completion of the audit and up to and including 5:00 pm on the last day of the canvass.~~ The report ~~shall~~ MUST contain:

~~(a)~~ (1) The make, model, and serial number of the voting ~~device~~ DEVICES ~~that was~~ audited~~.~~;

~~(b)~~ (2) The number of ballots originally counted by ~~the~~ EACH device or the number of ballots audited as identified in paragraph ~~(d)~~ (4) of this section;

~~(c)~~ (3) The count of the specific ~~race or~~ races ~~as provided~~ on the summary report printed at the close of polls or the report generated for the audit;

~~(d)~~ (4) The count of the specific ~~race~~ RACES as manually verified;

~~(e)~~ (5) Any other information required by section 1-7-514, C.R.S.; and

~~(f)~~ (6) The ~~signature~~ CANVASS BOARD MEMBERS' AND DESIGNATED ELECTION OFFICIAL'S SIGNATURES. ~~of the canvass board and the designated election official.~~

11.5.4.12 (o) The DESIGNATED ELECTION OFFICIAL MAY SEND THE report ~~may be sent~~ by REGULAR MAIL, E-MAIL, OR FAX. ~~any of the following three methods: E-mail: voting.systems@sos.state.co.us; Subject line = County Number, County Name, POST ELECTION AUDIT; or via facsimile to: 303-869-4861 attn: Secretary of State, Voting Systems Specialist; or via First Class Mail: to Colorado~~

1   Department of State/ Attn: Voting Systems Specialist/1700
2   Broadway Suite 270/Denver, CO 80290.

3   *[Rule 11.6 is relocated to Rule 43.2.10]*

4   11.6   Procedures for Voter-Verifiable Paper Audit Trail (V-VPAT)

5   11.6.1 Security

6   11.6.1.1   The V-VPAT record is considered an official record of the
7   election, pursuant to section 1-5-802. All security procedures related to
8   election ballots shall apply to V-VPAT records.

9   11.6.1.2 The housing unit for any V-VPAT record to be used in the election shall
10   be sealed and secured prior to any votes being cast for the election.
11   Documentation of the seal number(s) must be maintained and noted
12   prior to voting, and at the conclusion of voting.

13   (a)   Election Judges shall attest to the V-VPAT record having no votes
14   included on the paper record prior to the start of voting, and prior
15   to the installation or replacement of a new V-VPAT record.

16   11.6.1.3 If a DRE with V-VPAT is used during early voting, the seal number(s)
17   must be recorded at the beginning and end of each voting day.

18   11.6.1.4 At the Close of the polls, the V-VPAT records will be transferred to the
19   central office in the same manner as any paper ballots. In the absence of
20   paper ballots, the V-VPAT records will be transferred to the central
21   office in the same manner as any memory cards containing electronic
22   ballots.

23   11.6.2 Anonymity

24   11.6.2.1 The Election Official shall put measures in place to protect the
25   anonymity of voters choosing to vote on DREs during the voting
26   periods. These measures shall include:

27   (a)   Encouraging poll workers to personally vote on DREs when
28   possible to ensure more than one vote will be cast on the device.

29   (b)   Appropriate marking in Poll Book or other voting list indicating
30   voters choice to vote on DRE with the words: "Voted DRE", or
31   similar in place of paper ballot information.   No record shall be
32   kept indicating the order in which people voted on the DRE, or
33   which V-VPAT record is associated with the voter.

(c)　　　When more than one DRE is available at a voting location, the voter shall be given the choice as to which DRE they would like to vote on, to the extent practical.

(d)　　　Encouraging or allowing any and all voters the opportunity to vote on a DRE if desired.

11.6.2.2 Any report or export (electronic or paper based) generated from an Electronic Pollbook shall remove the date/time stamp from the record and not use this field as a sort method. Any assignment of Record IDs, Key ID, or Serial Number stored in the database of votes shall be randomly assigned.

11.6.2.3 Any Pollbook, electronic, paper or otherwise shall not be exposed to the same people at the same place who have exposure to the V-VPAT records.

11.6.2.4 The examination of the V-VPAT record shall always be done by at least two witnesses.

11.6.3 Storage

11.6.3.1　　　The storage of the V-VPAT records must be consistent with storage of Paper Ballots pursuant to section 1-7-802.

11.6.3.2 Individual spools containing V-VPAT records must contain the following catalog information affixed to the spool:

(a) Date and Name of Election;

(b) Name of Voting Location;

(c) Date(s) and Time(s) of Voting;

(d) Machine Serial Number of DRE Associated with the Record; and

(e) Number of spools associated with this machine for this election (i.e. "Spool 1 of 1", or "Spool 1 of 2", etc.).

11.6.3.3 Light sensitive storage containers shall be used for the 25 month storage period to ensure the integrity of the V-VPAT paper record. Containers shall be sealed, with record of the seal numbers maintained on file and signed by two elections officials.

11.6.3.4 A master catalog shall be maintained for the election containing the complete total number of V-VPAT spools used in the election.

1   ~~11.7~~ 11.5   ~~Escrow of County Election Setup~~. THE DESIGNATED ELECTION OFFICIAL MUST
2   SUBMIT ELECTION SETUP RECORDS BY REGULAR MAIL NO LATER THAN 5:00 PM ON
3   THE SEVENTH DAY BEFORE AN ELECTION.

4   ~~11.7.1~~ ~~No later than 5:00pm on the seventh (7th) day prior to any election, the~~
5   ~~designated election official shall deposit a copy of the election setup records with~~
6   ~~the Secretary of State's office by mail~~.

7   ~~11.7.2~~ 11.5.1   Jurisdictions that ~~have contracted~~ CONTRACT with either a ~~Software~~
8   ~~Service Bureau or a Vendor of Electronic Vote Counting Equipment~~
9   SOFTWARE SERVICE BUREAU OR A VENDOR OF ELECTRONIC VOTE COUNTING
10   EQUIPMENT may choose to have the VENDOR DELIVER THE ~~necessary~~
11   election setup records. ~~delivered to the Secretary of State's office within~~
12   ~~the specified time frame.~~

13   ~~11.7.3~~ 11.5.2   Election ~~Setup Records~~ SETUP RECORDS ~~shall~~ MUST be ~~contained within~~ IN
14   an electronic media format that is native to the jurisdiction's specific
15   ballot creation and tabulation system. Acceptable media formats ~~range~~
16   ~~from Tape, Diskette, Cartridge, CD-ROM, DVD-ROM, Floppy, External~~
17   ~~Hard Drive, or Flash Media~~ INCLUDE TAPE, DISKETTE, CARTRIDGE, CD-
18   ROM, DVD-ROM, FLOPPY, EXTERNAL HARD DRIVE, OR FLASH MEDIA.

19   ~~11.7.14~~   ~~All copies of electronic media shall be sent to:~~

20   ~~Colorado Secretary of State~~
21   ~~Attn: Voting Systems Specialist~~
22   ~~1700 Broadway Suite 270~~
23   ~~Denver, CO 80290~~

24   ~~11.7.5~~ 11.5.3   ~~Jurisdictions will~~ THE DESIGNATED ELECTION OFFICIAL MUST include a
25   point of contact and method of contact (phone, fax, e-mail, etc.). ~~to inform~~
26   ~~the jurisdiction that the Secretary of State's office has received the~~
27   ~~election setup records.~~

28   ~~11.7.6~~ 11.5.4   Within 24 hours of receipt of the election setup ~~files~~ RECORDS, the
29   Secretary of ~~State or his or her designee~~ STATE'S OFFICE will contact the
30   jurisdiction to confirm receipt. ~~of the escrow files.~~

31   ~~11.7.7~~ 11.5.5   The Secretary of State's office will store the ELECTION setup ~~files~~
32   RECORDS in a secured, fire proof, limited-access location. ~~or container.~~

33   ~~11.7.8~~ 11.5.6   All parties ~~shall~~ MUST treat as confidential all escrowed materials and any
34   other related information that comes into their possession, control, or
35   custody. ~~pursuant to this rule~~.

36   *[Rule 11.8 is amended and moved to New Rule 45.12]*

37   ~~11.8 Escrow of Voting System Software by Voting System Provider~~

11.8.1 Voting System Providers must place in escrow a copy of the election software and supporting documentation being certified with either the Secretary of State or an independent escrow agent approved by the Secretary of State. *See* section 1-7-511, C.R.S.

11.8.2 Within ten days of the Voting System provider receiving notification of examination of voting equipment as part of the certification process, the Voting System Provider shall arrange for the completion of escrow requirements as indicated by this rule.

11.8.3 Voting System Provider shall sign a sworn affidavit that the election software in escrow is the same as the election software used in its voting systems in this state. An annual update of the affidavit will be on file in a secured location with the Secretary of State's office.

11.8.4 A complete copy of the certified election software including any and all subsystems of the certified software shall be maintained in escrow.

11.8.5 Any changes to current configurations or new installations must be approved through the certification program of the Secretary of State.

11.8.6 In addition to the requirements listed below, the Voting System Provider must include a cover/instructions sheet for any escrow material to include the Voting System Provider Name, Address and pertinent contact information, Software Version, Hardware Version, Firmware Revision Number and other uniquely identifying numbers of the software submitted for certification.

11.8.7 Election Software Source Code, maintained in escrow, shall contain internal documentation such that a person reasonably proficient in the use of the programming language can efficiently use the documentation to understand the program structure, control techniques, and error processing logic in order to maintain the Source Code should it be removed from escrow for any reason.

11.8.8 System documentation shall include instructions for converting the escrowed Source Code into Object Code, organized and configured to produce an executable system, if warranted.

11.8.9 System documentation shall include technical architecture design, analysis, detail design, testing and an installation and configuration guide.

11.8.10 A set of schematics and drawings on electronic vote casting and counting equipment purchased or in use by the county clerk and recorder shall be on file with the Secretary of State.

11.8.11 All parties shall treat as confidential the terms of this Section including all escrow materials and any other related information that comes into their possession, control or custody pursuant to this section.

1   11.8.12   ~~Copies of Electronic media and supporting documentation for Escrow~~
2   ~~within the Secretary of State shall be sent to:~~

3   ~~Colorado Secretary of State~~
4   ~~Attn: Voting Systems Specialist~~
5   ~~1700 Broadway – Suite 270~~
6   ~~Denver, CO 80290~~
7

8   11.8.13   ~~Any cost of using an alternative third party escrow agent shall be borne by~~
9   ~~the Voting System provider.~~

10   11.6   THE DESIGNATED ELECTION OFFICIAL MUST RETAIN ALL TESTING RECORDS AND
11   DOCUMENTATION FOR 25 MONTHS.

12   11.7   METHODS OF SUBMISSION ARE:

13   11.7.1   BY REGULAR MAIL TO:

14   COLORADO SECRETARY OF STATE
15   ATTN: VOTING SYSTEMS
16   1700 BROADWAY – SUITE 200
17   DENVER, CO 80290

18   11.7.2   BY EMAIL TO:

19   VOTING.SYSTEMS@SOS.STATE.CO.US

20   11.7.3   BY FAX TO:

21   303-869-4861

22   11.8   RULES CONCERNING ACCESSIBLE VOTING SYSTEMS

23   ~~34.2~~ 11.8.2   ~~No~~ A political subdivision ~~shall~~ MAY NOT purchase or lease ~~direct~~
24   ~~recording electronic DRE voting systems or other~~ voting systems
25   ~~equipped~~ for ~~individuals~~ USE BY PEOPLE with disabilities ~~at each polling~~
26   ~~place~~ unless ~~such voting system(s)~~ THEY are ~~fully~~ certified ~~pursuant to~~
27   ~~standards and guidelines recommended by the National Institute of~~
28   ~~Standards and Testing (NIST) and adopted by the U.S. Election Assistance~~
29   ~~Commission (EAC~~) IN ACCORDANCE WITH THE 2002 VOTING SYSTEM
30   STANDARDS PROMULGATED BY THE FEDERAL ELECTION COMMISSION.

31   *[Rule 34 is amended and moved to New Rule 11.9. (Amendments are shown above]*

32   11.9   RULES CONCERNING NOTICE OF VOTING SYSTEM MALFUNCTION

33   ~~36.1~~ 11.9.1   A vendor or ~~the political subdivision~~ DESIGNATED ELECTION OFFICIAL ~~if no~~
34   ~~private vendor supports their system~~ must ~~give notice to~~ NOTIFY the
35   Secretary of State within 24 hours of a REPORTED OR ACTUAL malfunction
36   of its voting ~~/election~~ system ~~(including, but not limited to, software,~~
37   ~~firmware, hardware, or other equipment) in preparation for and on an~~

1 ~~election held in this state~~. THE NOTICE MUST INCLUDE A DESCRIPTION,
2 DATE, AND THE NAMES OF THOSE WHO WITNESSED THE MALFUNCTION, AS
3 WELL AS THE PROCEDURES FOLLOWED PRIOR TO THE MALFUNCTION, AND
4 ANY ERROR MESSAGES DISPLAYED. The notice may be verbal, but ~~must also~~
5 ~~be in~~ A writing MUST FOLLOW.

6 ~~36.2~~ ~~Following the notice, the Secretary of State shall determine whether further~~
7 ~~information on the malfunction is required. At the request of the Secretary of~~
8 ~~State, a vendor (or the political subdivision, if no private vendor supports their~~
9 ~~system) must submit a report to the Secretary of State's office detailing the~~
10 ~~reprogramming (or any other actions) necessary to correct a voting system~~
11 ~~malfunction in preparation for and on an election held using the vendor's system.~~
12 ~~The report shall address whether permanent changes are necessary to prevent~~
13 ~~similar malfunctions in the future. If the malfunction requires a programming or~~
14 ~~election setup change to the database or other parts of the voting system, the~~
15 ~~designated election official shall submit an updated electronic copy of the election~~
16 ~~system database to the Secretary of State's office as set forth in Rule 11.~~

17 11.9.2 IF THE SECRETARY OF STATE REQUIRES ADDITIONAL INFORMATION THE VENDOR OR
18 THE DESIGNATED ELECTION OFFICIAL MUST SUBMIT A REPORT TO THE SECRETARY
19 OF STATE'S OFFICE DETAILING THE REPROGRAMMING OR ANY OTHER ACTIONS
20 NECESSARY TO CORRECT A VOTING SYSTEM MALFUNCTION.

21 (A) THE REPORT MUST ADDRESS WHETHER PERMANENT CHANGES ARE
22 NECESSARY TO PREVENT SIMILAR MALFUNCTIONS IN THE FUTURE.

23 (B) IF THE MALFUNCTION REQUIRES A PROGRAMMING OR ELECTION SETUP
24 CHANGE TO THE DATABASE OR OTHER PARTS OF THE VOTING SYSTEM, THE
25 DESIGNATED ELECTION OFFICIAL MUST SUBMIT AN UPDATED ELECTION
26 SETUP RECORD TO THE SECRETARY OF STATE'S OFFICE AS SET FORTH IN
27 RULE 11.8.

28 ~~36.3~~ (C) The report ~~shall~~ MUST be submitted within 30 days after the date of
29 the request by the Secretary of State. ~~Notwithstanding the foregoing, if~~ IF
30 an election is scheduled within 60 days of the date of request by the
31 Secretary of State, the Secretary of State may set an emergency deadline
32 for filing the report. ~~The request may be verbal, but must also be in~~
33 ~~writing.~~

34 ~~36.4~~ (D) Failure to submit a report within the required period ~~shall~~ IS be
35 grounds to decertify the system.

36 ~~36.5~~ (E) The political subdivision holding the election in which the voting
37 system malfunction occurred may submit the report in lieu of a report
38 from the system's vendor.

39 ~~36.6~~ (F) A copy of this report will be ~~attached to the system's most recent~~
40 ~~certification~~ on file in the Secretary of State's office.

1 ~~36.7~~ (G)   The Secretary of State's office will distribute a copy of this report
2   to all counties using the voting system in question.

3 *[Rule 36 is amended and moved to New Rule 11.10. Amendments are shown above]*

4 11.10 PURCHASES AND CONTRACTS

5 11.10.1   IN ACCORDANCE WITH SECTION 1-5-623(3), C.R.S., A POLITICAL
6   SUBDIVISION MAY NOT PURCHASE A NEW ELECTRONIC VOTING DEVICE OR SYSTEM
7   OR ANY RELATED COMPONENT OF A DEVICE OR SYSTEM WITHOUT APPROVAL FROM
8   THE SECRETARY OF STATE.

9 ~~45.12.1~~ 11.10.2   ~~Any~~ A POLITICAL SUBDIVISION MAY ONLY PURCHASE OR LEASE A
10   CERTIFIED voting system IF ~~that has been certified under the procedures of Rule 45~~
11   ~~are~~ IS ~~eligible for purchase, lease, or rent for use by jurisdictions within the State~~
12   ~~of Colorado providing~~ IF the contract contains the following items:

13   ~~(a)   The voting system is certified for use within the state;~~

14   ~~(b)~~ (A) The contract contains training and maintenance costs ~~for the jurisdiction~~;
15   and

16   ~~(c)~~ (B) ~~The contract identifies components contained in the certified~~ THE voting
17   system COMPONENTS and ~~appears complete with all~~ accessories ~~necessary~~
18   APPEAR COMPLETE AND CAPABLE OF ~~for~~ successfully conducting an
19   election ~~within the laws and rules of the State of~~ IN Colorado.

20 ~~45.12.2~~ 11.10.3   The Secretary of State ~~shall~~ WILL maintain ~~on file~~ a list of all
21   components used and purchased ~~for use~~. The list ~~shall~~ WILL include, at ~~a~~
22   minimum, the name of the jurisdiction, the date of purchase, the serial number(s)
23   of voting devices and name of the voting systems that ~~was~~ WERE purchased.

24 *[Rule 45.12 is amended and moved to New Rule 11.11. Amendments are shown above]*

25 11.11 ELECTION NIGHT REPORTING (ENR). THE COUNTY MUST REPORT ELECTION NIGHT
26   RESULTS FOR ALL PRIMARY, GENERAL, COORDINATED AND RECALL ELECTIONS.

27 11.11.1   A DATA ENTRY COUNTY MUST PROGRAM THE ELECTION TO SUPPORT THE
28   EXPORTING OF ELECTION NIGHT RESULTS IN ACCORDANCE WITH THE FOLLOWING
29   ENR VENDOR'S DATA UPLOAD REQUIREMENTS:

30   (A)   LIST CONTEST NAMES AND CANDIDATE NAMES EXACTLY AS PROVIDED ON
31   THE CERTIFIED LIST.

32   (B)   PROVIDE CONTEST NAMES IN ALL UPPERCASE LETTERS.

33   (C)   FOR COUNTIES THAT USE THE ES&S AND PREMIER VOTING SYSTEMS,
34   ARRANGE THE CONTESTS IN THE ORDER PRESCRIBED BY SECTION
35   1-5-403(5), C.R.S.

1   (D)   CAPITALIZE CANDIDATE NAMES (EG. JOHN A. SMITH).

2   (E)   PRESENT A PRECINCT NAME AS A TEN-DIGIT PRECINCT NUMBER.

3   (F)   FOR COUNTIES THAT USE THE HART VOTING SYSTEMS, USE THE
4   "SPLIT_NAME" FIELD SPLIT PRECINCT NAMING PURPOSES.

5   (G)   CREATE A "PROVISIONAL" PRECINCT.

6   (H)   USE ONLY THE PARTY CODES CERTIFIED BY THE SECRETARY OF STATE.

7   (I)   DO NOT INCLUDE THE PARTY NAME OR CODE IN THE CANDIDATE NAME
8   FIELD.

9   11.11.2   NO LATER THAN EIGHT DAYS BEFORE THE ELECTION, A COUNTY MUST SEND
10   THE FOLLOWING INFORMATION TO THE SECRETARY OF STATE, AT THE ADDRESS IN
11   RULE 11.8:

12   (A)   A DATA ENTRY COUNTY MUST EMAIL A SAMPLE .

13   (B)   A MANUAL ENTRY COUNTY MUST SEND A LIST OF CONTESTS TITLES,
14   CANDIDATES, AND PARTY AFFILIATION.

15   11.11.3   THE COUNTY MUST EXPORT OR PRODUCE ELECTION RESULTS AND UPLOAD
16   THEM TO THE ENR SYSTEM A MINIMUM OF THREE TIMES ON ELECTION NIGHT:

17   (A)   AFTER THE CLOSE OF POLLS BUT NO LATER THAN 7:30 PM.

18   (B)   AT OR AROUND 9:00 PM.

19   (C)   AT THE CONCLUSION OF TABULATION, THE COUNTY MUST INDICATE THAT
20   ELECTION NIGHT REPORTING IS COMPLETE IN THE ENR SYSTEM.

21   11.11.4   AFTER CANVASS THE COUNTY MUST EXPORT OR PRODUCE ELECTION RESULTS, AND
22   CHECK THE APPROPRIATE BOX IN THE ENR SYSTEM TO INDICATE THAT THE CANVASS
23   UPLOAD IS COMPLETE.

24   **Rule 12. RECALL**

25   32.2 12.1   Signature requirements

26   32.2.1 12.1.1 For petitions to recall school district directors the petition must be signed
27   by the eligible electors of the director's district equal in number to at least 40%
28   of the ballots cast in the district in the last preceding election at which the
29   director to be recalled was elected as indicated by the pollbook or abstract for
30   the election. See section 1-12-105, C.R.S.

31   32.2.2 12.1.2 When determining the number of required valid signatures for an elected
32   office for which electors were allowed to vote for more than one candidate in a
33   single race, the signature requirements shall be based on the number of ballots
34   cast for that race as indicated by the pollbook or abstract for the election.

1 ~~32.6~~ 12.2   In accordance with section 3 of article XXI of the Colorado constitution and
2   section 1-12-117 (1), C.R.S., for partisan recall elections involving a state officer, in
3   order to appear on the ballot a successor candidate must file a nomination petition with
4   the Secretary of State no later than ten calendar days after the Governor sets the election
5   date. A write-in candidate must file an affidavit of intent to run as a write-in candidate no
6   later than the fifteenth day before the election.

7 ~~32.6~~ 12.3   In accordance with section 3 of article XXI of the Colorado constitution and
8   section 1-12-117(1), C.R.S., for partisan recall elections involving a state officer, in order
9   to appear on the ballot a successor candidate must file a nomination petition with the
10   Secretary of State no later than ten calendar days after the Governor sets the election date.
11   A write-in candidate must file an affidavit of intent to run as a write-in candidate no later
12   than the fifteenth day before the election.

13 *[Current Rule 32.6, adopted on a temporary basis on July 22, 2013.is moved to new Rule 12.3]*

14 **Rule 13. ELECTION AND HAVA COMPLAINTS**

15 13.1   ELECTION COMPLAINT PROCEDURES

16 13.1.1   ANY PERSON WHO HAS PERSONALLY WITNESSED A VIOLATION OF TITLE 1, C.R.S.
17   MAY FILE AN ELECTION COMPLAINT.

18 13.1.2   AN ELECTION COMPLAINT MUST INCLUDE THE APPROVED SECRETARY OF STATE'S
19   ELECTION COMPLAINT COVER SHEET.

20 13.1.3   PROCESSING AND DOCKETING ELECTION COMPLAINTS

21 (A)   WITHIN THREE BUSINESS DAYS OF RECEIVING A COMPLAINT, ELECTION
22   DIVISION STAFF WILL REVIEW THE COMPLAINT TO DETERMINE IF IT
23   SATISFIES RULE 31.2 AND SUFFICIENTLY ALLEGES A VIOLATION.

24 (I)   IF THE COMPLAINT DOES NOT MEET THE CRITERIA, ELECTION DIVISION
25   STAFF WILL NOTIFY THE COMPLAINANT OF THE DISCREPANCY.

26 (II)   IF A COMPLAINT MEETS THE CRITERIA, ELECTION DIVISION STAFF
27   WILL ASSIGN A COMPLAINT NUMBER, NOTIFY THE COMPLAINANT, AND
28   SEND A COPY OF THE COMPLAINT TO THE PERSON OR ENTITY ALLEGED
29   TO HAVE COMMITTED A VIOLATION.

30 (B)   AFTER NOTIFICATION, THE PERSON OR ENTITY ALLEGED TO HAVE
31   COMMITTED THE VIOLATION WILL HAVE 15 BUSINESS DAYS TO SUBMIT A
32   WRITTEN RESPONSE TO THE SECRETARY OF STATE'S OFFICE.

33 13.1.4 AMENDING AN ELECTION COMPLAINT

34 (A)   A COMPLAINANT MAY AMEND A COMPLAINT WITHIN SEVEN DAYS AFTER
35   FILING IF HE OR SHE DISCOVERS NEW FACTS RELATING TO THE EXISTING

1   COMPLAINT.

2   (B)   AN AMENDMENT MAY NOT CONTAIN ALLEGATIONS OF A NEW VIOLATION.

3   13.1.5   INVESTIGATION

4   (A)   AFTER THE RESPONSE PERIOD OUTLINED IN RULE 31.3.2, ELECTION
5   DIVISION STAFF WILL INVESTIGATE THE COMPLAINT.

6   (B)   IF THE SECRETARY OF STATE DETERMINES AN IMMEDIATE INVESTIGATION IS
7   REQUIRED, ELECTION DIVISION STAFF WILL BEGIN INVESTIGATING BEFORE
8   THE RESPONSE PERIOD HAS CLOSED. IN MAKING THE DETERMINATION, THE
9   SECRETARY WILL CONSIDER WHETHER THE ISSUE HAS THE POTENTIAL TO
10   AFFECT AN UPCOMING ELECTION.

11   (C)   DEPENDING ON THE VIOLATION ALLEGED, ELECTION DIVISION STAFF MAY:

12   (I)   REVIEW DOCUMENTS;

13   (II)   VISIT THE COUNTY;

14   (III)   CONDUCT INTERVIEWS;

15   (IV)   TEST EQUIPMENT; OR

16   (V)   TAKE OTHER STEPS NECESSARY.

17   (D)   WHILE AN INVESTIGATION IS ONGOING, COUNTY CLERK AND RECORDERS
18   AND STAFF MUST ACCOMMODATE REQUESTS BY ELECTION DIVISION STAFF
19   IN THE TIMEFRAME REQUESTED BY STAFF.

20 13.1.6   RESOLUTION OF ELECTION COMPLAINTS

21   (A)   AFTER AN INVESTIGATION AND HEARING, IF APPLICABLE, ELECTION
22   DIVISION STAFF WILL:

23   (I)   DISMISS THE COMPLAINT AS NOT SUPPORTED BY CREDIBLE EVIDENCE;

24   (II)   REFER THE COMPLAINT TO A PROSECUTING AUTHORITY UNDER
25   ARTICLE 13, C.R.S.; OR

26   (III)   FIND A VIOLATION AND RECOMMEND A RESOLUTION.

27   (B)   ELECTION DIVISION STAFF WILL FORWARD THE RECOMMENDATION FOR
28   RESOLUTION TO THE SECRETARY OF STATE, WHO WILL ADOPT, AMEND, OR
29   REJECT THE RECOMMENDATION.

30 13.1.7   THE SECRETARY OF STATE'S DETERMINATION IS A FINAL AGENCY ACTION

1   13.2   HAVA COMPLAINT PROCEDURES

2   13.2.1   ANY PERSON WHO HAS BEEN PERSONALLY AGGRIEVED BY OR HAS PERSONALLY
3   WITNESSED A VIOLATION OF TITLE III OF THE HELP AMERICA VOTE ACT (HAVA)
4   MAY FILE A HAVA COMPLAINT WITH THE SECRETARY OF STATE.

5   13.2.2   A HAVA MUST INCLUDE THE APPROVED SECRETARY OF STATE'S HAVA
6   COMPLAINT COVER SHEET.

7   13.2.3   PROCESSING AND DOCKETING HAVA COMPLAINTS

8   (A)   WITHIN THREE BUSINESS DAYS OF RECEIVING A COMPLAINT, ELECTION
9   DIVISION STAFF WILL REVIEW THE COMPLAINT TO DETERMINE IF IT
10   SATISFIES RULE 31.2 AND SUFFICIENTLY ALLEGES A VIOLATION.

11   (I)   IF THE COMPLAINT DOES NOT INCLUDE A COVER SHEET, ELECTION
12   DIVISION STAFF WILL NOTIFY THE COMPLAINANT OF THE
13   DISCREPANCY.

14   (II)   IF A COMPLAINT DOES NOT SUFFICIENTLY ALLEGE A VIOLATION OF
15   TITLE III OF HAVA, ELECTION DIVISION STAFF WILL DISMISS THE
16   COMPLAINT WITHOUT PREJUDICE.

17   (III) IF A COMPLAINT MEETS BOTH CRITERIA, ELECTION DIVISION STAFF
18   WILL ASSIGN A COMPLAINT NUMBER, NOTIFY THE COMPLAINANT, AND
19   SEND A COPY OF THE COMPLAINT TO THE PERSON OR ENTITY ALLEGED
20   TO HAVE COMMITTED A VIOLATION.

21   (B)   AFTER NOTIFICATION, THE PERSON OR ENTITY ALLEGED TO HAVE
22   COMMITTED THE VIOLATION WILL HAVE 15 BUSINESS DAYS TO SUBMIT A
23   WRITTEN RESPONSE TO THE SECRETARY OF STATE'S OFFICE.

24   13.2.4   AMENDING A HAVA COMPLAINT

25   (A)   A COMPLAINANT MAY AMEND A COMPLAINT WITHIN SEVEN DAYS AFTER
26   FILING IF HE OR SHE DISCOVERS NEW FACTS RELATING TO THE EXISTING
27   COMPLAINT.

28   (B)   AN AMENDMENT MAY NOT CONTAIN ALLEGATIONS OF A NEW VIOLATION.

29   13.2.5   INVESTIGATION

30   (A)   AFTER THE RESPONSE PERIOD OUTLINED IN RULE 31.3.2, ELECTION
31   DIVISION STAFF WILL INVESTIGATE THE COMPLAINT.

32   (B)   IF THE SECRETARY OF STATE DETERMINES AN IMMEDIATE INVESTIGATION IS
33   REQUIRED, ELECTION DIVISION STAFF WILL BEGIN INVESTIGATING BEFORE
34   THE RESPONSE PERIOD HAS CLOSED. IN MAKING THE DETERMINATION, THE

1   SECRETARY WILL CONSIDER WHETHER THE ISSUE HAS THE POTENTIAL TO
2   AFFECT AN UPCOMING ELECTION

3   (C)   DEPENDING ON THE VIOLATION ALLEGED, ELECTION DIVISION STAFF MAY:

4   (I)   REVIEW DOCUMENTS;

5   (II)   VISIT THE COUNTY;

6   (III) CONDUCT INTERVIEWS;

7   (IV)   TEST EQUIPMENT; OR

8   (V)   TAKE OTHER STEPS NECESSARY.

9   (D)   WHILE AN INVESTIGATION IS ONGOING, COUNTY CLERK AND RECORDERS
10   AND STAFF MUST ACCOMMODATE REQUESTS BY ELECTION DIVISION STAFF
11   IN THE TIMEFRAME REQUESTED BY STAFF.

12   13.2.6   HEARING AND RESOLUTION OF HAVA COMPLAINTS

13   (A)   IF THE COMPLAINANT REQUESTS, THE SECRETARY OF STATE OR HIS OR HER
14   DESIGNEE WILL HOLD A HEARING.

15   (B)   AFTER THE INVESTIGATION AND HEARING, IF ANY, ELECTION DIVISION
16   WILL:

17   (I)   DISMISS THE COMPLAINT AS NOT SUPPORTED BY CREDIBLE EVIDENCE;

18   (II)   REFER THE COMPLAINT TO A PROSECUTING AUTHORITY UNDER
19   ARTICLE 13, C.R.S.;

20   (III) FIND A VIOLATION AND RECOMMEND A RESOLUTION.

21   (C)   ELECTION DIVISION STAFF WILL FORWARD THE RECOMMENDATION FOR
22   RESOLUTION TO THE SECRETARY OF STATE, WHO WILL ADOPT, AMEND, OR
23   REJECT THE RECOMMENDATION.

24   13.2.7   THE SECRETARY OF STATE'S DETERMINATION IS A FINAL AGENCY ACTION.

25   *[Current Rule 31 is repealed and complaint rules are moved to new Rule 13 as shown above.]*

26   **Rule 14. ~~Rules Regulating~~ Voter Registration Drives**

27   ~~44.1~~ 14.1   Statement of Intent

28   ~~44.1.1~~ 14.1.1 In accordance with section 1-2-701, C.R.S., *et seq.*, the organizer of a
29   Voter Registration Drive ("VRD") ~~shall~~ MUST file a Statement of Intent AND
30   TRAINING ACKNOWLEDGMENT FORM with the Secretary of State to conduct a

voter registration drive on a form prescribed by the Secretary of State. The ~~Statement of Intent shall~~ STATEMENT OF INTENT AND TRAINING ACKNOWLEDGMENT FORM MUST include the following information:

(a)   The name of the group conducting the VRD, and the name and contact information of the individual organizing the VRD;

(b)   The name of the agent (who is required to be a Colorado resident) and the contact information for that agent, if different from the person organizing the VRD;

(c)   A statement specifying that the VRD intends to operate within the State of Colorado;

(d)   A notice that the VRD number expires at the end of the calendar year; and

(e)   A signature line requiring the organizer's signature.

~~44.1.2~~ 14.1.2   ~~Any amendments to the Statement of Intent shall be filed in writing~~ A VRD ORGANIZER MUST FILE AMENDMENTS TO THE STATEMENT OF INTENT AND TRAINING ACKNOWLEDGMENT FORM with the Secretary of State no later than three business days after the change(s) occurs. Amendments may be made by fax, email, mail or in person.

~~44.1.3~~ 14.1.3   The Secretary of State ~~shall~~ WILL immediately attempt to verify the information provided in the Statement of Intent AND TRAINING ACKNOWLEDGMENT FORM prior to issuing a number to the VRD organizer. The Secretary of State may deny a number to the voter registration drive organizer if the information provided on the Statement of Intent cannot be verified.

~~44.1.4~~ 14.1.4   The last day for a VRD to file a Statement of Intent AND TRAINING ACKNOWLEDGMENT FORM with the Secretary of State ~~shall be~~ IS THE 22ND day~~s~~ before the General Election in a given calendar year.

~~44.2~~ 14.2   Training

~~44.2.1~~ 14.2.1   ~~In order to be issued~~ TO RECEIVE a VRD number, the organizer VRD ~~shall~~ MUST successfully complete the online training and test provided by the Secretary of State, and submit a Statement of Intent ~~along with a~~ AND Training Acknowledgment form to the Secretary of State.

~~44.2.2~~ 14.2.2   ~~In addition to training for the organizer, the Secretary of State shall make available information for the organizer to train individual circulators.~~ Organizers ~~shall~~ MUST provide training to all circulators. Organizers ~~shall~~ MUST obtain and ~~maintain on file~~ RETAIN signed attestations from each circulator that he or she will adhere to all the requirements of the Secretary of State election rules and the Colorado Revised Statutes pertaining to elections, and that they are aware of the penalties associated with the mishandling of voter registration application forms.

The organizers shall MUST furnish the circulator attestations to the ~~secretary of state~~ SECRETARY OF STATE upon request.

44.2.3 14.2.3 The mandatory training provided by the Secretary of State ~~shall~~ will include, ~~but not be limited to~~:

(a)   The use of the VRD Application;

(b)   Information on where to obtain the VRD Application;

(c)   Information on how to ensure that a VRD Application is filled out completely; including which fields are optional and which are required, ~~and how to fill out the circulator portion of the Application~~;

(d)   Notice of statutory deadlines relating to Voter Registration Applications and VRDs;

(e)   The requirements for ~~when and where~~ DELIVERING the COMPLETED Voter Registration Applications ~~must be turned in~~;

(f)   Penalties for violating statutory prohibitions including fraud, intimidation, mishandling Applications, failing to turn in Applications and other penalties relevant to VRDs;

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

(h)   Notice that circulators ~~shall not~~ CANNOT be paid per Voter Registration Application, but if compensated, ~~shall~~ THEY MUST be paid by the hour or day.

44.2.4 14.2.4 The training ~~shall be~~ IS provided online., BUT IF ~~If~~ a VRD organizer prefers, he or she may schedule a time to view the training at the office of the Secretary of State.

44.2.5 14.2.5 After completing the training, the VRD organizer must complete the training test and answer the questions 100% correctly before THE SECRETARY OF STATE WILL ISSUE a VRD number ~~will be issued~~.

44.2.6 14.2.6 After completing the training and test, the VRD organizer ~~shall~~ MUST sign a STATEMENT OF INTENT AND TRAINING ACKNOWLEDGMENT~~Training Acknowledgement~~ FORM confirming that the training and test have been completed and that he or she ~~has been duly~~ WAS informed of rules, laws and penalties relating to voter regisration drives.

44.2.7 14.2.7 A Voter Registration Drive organizer must complete the training and test every calendar year in which he or she intends to conduct a VRD.

1   44.3 14.3   Number Assigned

2   44.3.1 14.3.1 After successful completion of the required training and test, and
3   submission of the required forms STATEMENT OF INTENT AND TRAINING
4   ACKNOWLEDGMENT FORM, the Secretary of State shall WILL assign a unique
5   number to the VRD. After issuing a unique number to the VRD, the Secretary of
6   State shall WILL:

7   (a)   Advise the VRD organizer of their unique number;

8   (b)   Notify the county clerks within 24 hours after each VRD number has been
9   issued by the Secretary of State; and

10   (c)   Post the agent and the name of the group conducting the drive on the
11   Secretary of State website.

12   44.3.2 14.3.2 All assigned VRD numbers are valid through December 31 of the year that
13   the number is assigned.

14   44.4 14.4   Voter Registration Drive Voter Application Forms

15   44.4.1 14.4.1 The Secretary of State shall WILL approve a standard Colorado Voter
16   Registration DRIVE Application Form to be used by the VRD that shall include a
17   tear off receipt.

18   (a)   The VRD may also use the National Mail Voter Registration Form.
19   Because the National Mail Voter Registration Form. does not include a
20   tear off receipt, the applicant and VRD are afforded greater protection
21   when the standard Colorado form is used.

22   44.4.2 14.4.2 The Secretary of State and county clerks shall make available the official,
23   approved Colorado Voter Registration Drive Application Forms to the VRD
24   organizer A VRD ORGANIZER CAN OBTAIN COLORADO VOTER REGISTRATION
25   DRIVE APPLICATION FORMS FROM COUNTY CLERK AND RECORDERS AND THE
26   SECRETARY OF STATE.

27   44.4.3 14.4.3 The organizer shall be IS responsible for placing the VRD number on the
28   application form and the receipt portion of the standard Colorado form.

29   44.4.4 The person circulating the Voter Registration Application Forms shall ensure that
30   the tear off receipt on the standard Colorado Application is completed and given
31   to the applicant. The person circulating the voter application forms shall advise
32   the applicant that the receipt may be needed when he or she votes.

33   44.4.5 14.4.4 The VRD organizer MUST RECEIVE A VRD NUMBER BEFORE HE OR SHE CAN
34   is not eligible to receive the approved Colorado Voter Registration drive DRIVE
35   Application Forms. until the organizer has completed training, signed the

1 ~~statement of intent, completed and signed the Acknowledgement, and been~~
2 ~~assigned a number.~~

3 ~~44.4.6~~ 14.4.5 Any voter registration drive that provides a voter registration application
4 on its website or a link to such voter registration form must direct the applicant to
5 return the completed form directly to the county clerk and recorder of the
6 applicant's legal residence. No voter registration drive may provide a voter
7 registration form on its website or a link to such voter registration form which
8 instructs or directs, in any way, the applicant to return the completed form to
9 anyone or any group other than directly to the county clerk and recorder of the
10 applicant's legal residence or, in the case of overseas electors or UOCAVA
11 electors, the county clerk and recorder or the Secretary of State.

12 ~~44.5   Repealed.~~

13 ~~44.6~~ 14.5   Voter Registration Drive Complaints and fines

14 ~~44.6.1~~ 14.5.1 Any person, including the Secretary of State, who believes a VRD
15 organizer or circulator has not complied with the requirements of section 1-2-701
16 et seq., C.R.S., or this Rule 44 may file a written complaint with the Secretary of
17 State.

18 ~~44.6.2~~ 14.5.2 A written complaint filed with the Secretary of State ~~shall~~ MUST contain
19 the following information:

20   ~~a.~~ (A)   The complainant's name;

21   ~~b.~~ (B)   The complainant's full residence address and mailing address (if different
22   from residence);

23   ~~c.~~ (C)   A description of the alleged violation, which may include a reference to
24   the particular statute or rule;

25   ~~d.~~ (D)   The name and assigned number of the VRD, if known;

26   ~~e.~~ (E)   The date and location of the alleged violation, if known; and

27   ~~f.~~ (F)   Other applicable or relevant information

28 ~~44.6.3 Repealed.~~

29 ~~44.6.4~~ 14.5.3 The Secretary of State ~~shall~~ WILL review all complaints submitted in
30 writing and conduct such investigations as may be necessary and appropriate. If
31 the Secretary of State determines that a violation has occurred, the Secretary of
32 State ~~shall~~ WILL impose a fine in accordance with section 1-2-703, C.R.S., and
33 notify the VRD organizer of:

| 1 | 44.6.4.1 (A) | The date and factual basis of each act with which the VRD |
| 2 | | organizer is being charged; |

44.6.4.1 (A)   The date and factual basis of each act with which the VRD organizer is being charged;

44.6.4.2 (B)   The particular provision of the statute violated; and

44.6.4.3 (C)   The amount of the fine imposed.

44.6.5 14.5.4   Notification of violation shall WILL be sent by certified or registered mail, return receipt requested, to the last known address of the VRD organizer.

44.6.6 14.5.5   The VRD organizer may appeal a fine and shall have HAS thirty (30) 30 days following receipt of notification to submit a written response setting forth the reason(s) that the VRD organizer is appealing the fine. The VRD organizer may request, within the thirty (30) 30 days, a hearing with the secretary of state to dispute the fine.

44.6.7 14.5.6   Within thirty (30) 30 days after receipt of the written response, or hearing procedures, the secretary of state shall WILL issue an order affirming or dismissing the imposed fine.

[Current Rule 44 is amended and moved to new Rule 14. Amendments between the current and new rule language are shown below.]

Rule 15. Rules Concerning Preparation, Filing, and Verification of Statewide Initiative Petitions

15.1   PETITION ENTITY license, registration, and filing, AND CIRCULATION. procedures.

15.1.1   In accordance with section 1-40-135, C.R.S., any person or issue committee A PETITION ENTITY that intends to compensate PAY petition circulators must obtain a petition entity license, PAY A FEE, and register with the Secretary of State prior to compensating any circulator BEFORE CIRCULATING PETITIONS. THE LICENSE APPLICATION MUST INCLUDE:

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

a.   The PETITION ENTITY'S name, address, telephone number, and email address; of the petition entity;

b.   The DESIGNATED AGENT'S name AND; of the designated agent;

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

c. d.   An affirmation that at least one representative of the entity THE DESIGNATED AGENT has read and understands Colorado petition laws as

1   outlined in article 40 OF title 1, C.R.S., and has completed the SECRETARY
2   OF STATE'S circulator training program. provided by the Secretary of State.

3   15.1.3 15.1.2 BEFORE COMPENSATING A CIRCULATOR, To register with the Secretary of
4   State, the designated agent of a licensed petition entity must REGISTER WITH THE
5   SECRETARY OF STATE BY SUBMITTING submit a signed registration form in
6   accordance with section 1-40-135(5)(a), C.R.S., and provide THAT INCLUDES a list
7   of the PROPOSED INITIATIVES initiative numbers that the petition entity will
8   circulate.

9   15.1.4 A registration form must be submitted for each new initiative petition that will be
10   circulated prior to compensating any circulator for that petition.

11   15.1.5 15.1.3 A petition entity license expires if the IF A petition entity fails to register at
12   least one A proposed measure INITIATIVE over any two-year period, THE LICENSE
13   EXPIRES. The Secretary of State will notify a petition entity that its license has
14   expired within 30 days from AFTER the date of expiration.

15   15.1.6 15.1.4 A petition entity whose license has expired may renew its AN EXPIRED
16   license WITHOUT A FEE by submitting a NEW license application. in accordance
17   with Rule 15.1.2. No fee is required to submit an application to renew an expired
18   license.

19   15.1.7 Determinations regarding the denial of an application or revocation of a license
20   will be made, or the resolution of alleged violations involving petition entities
21   shall be addressed, in accordance with the requirements of section 1-40-135,
22   C.R.S.

23   15.1.8 At the time the petition is filed, the proponents shall file with the Secretary of
24   State a copy of the list of circulators and a copy of the list of notaries required by
25   section 1-40-111(4), C.R.S., as well as the campaign finance disclosure report
26   required by section 1-40-121(1), C.R.S.

27   15.2   Petition representatives.

28   15.2.1 No petition shall be accepted which lists proponents other than the two identified
29   as petition representatives pursuant to section 1-40-104, C.R.S. A PETITION
30   SECTION MUST LIST THE NAMES OF THE TWO PROPONENTS OR THE NAMES OF THE
31   TWO DESIGNATED REPRESENTATIVES, AS DEFINED IN 1-40-104, C.R.S.

32   15.2.2 THE TERM "PERSON RESPONSIBLE," AS USED IN For the purposes of section 1-40-
33   118(2.5)(a), C.R.S., the "person responsible" includes but is not necessarily
34   limited to any MEANS A person or entity who circulates a petition, or causes a
35   petition to be circulated, and who commits, authorizes, or knowingly permits
36   fraud as defined in sections 1-40-111(3)(a) and 1-40-135(2)(c), C.R.S., resulting
37   in the collection of THAT RESULTS IN invalid signatures or petition sections.

38   15.3   Petition circulation.

15.3.1   Proponents may begin circulating a petition for signatures at any time PETITION CIRCULATION MAY BEGIN after the TITLE BOARD'S final decision of the title board, including disposition of any REHEARING motion for rehearing or the expiration of AND AFTER the time for filing a REHEARING motion for rehearing, and after the Secretary of State has approved the PETITION format. of the petition as provided in section 1-40-113(1), C.R.S., whether or not an appeal is filed with the Supreme Court pursuant to section 1-40-107(2). If an appeal is filed with the Supreme Court, the six-month period specified in section 1-40-108(1), C.R.S., shall begin BEGINS on the date that the first signature is affixed to the petition IS FIRST SIGNED or on the date that the SUPREME COURT'S decision of the Supreme Court becomes final, whichever date occurs IS first. Signatures shall be counted only if affixed to the petition during the period provided in this rule GATHERED OUTSIDE OF THIS PERIOD ARE INVALID.

15.3.2   The petition circulator shall MUST provide his or her A permanent residence address as defined in paragraph (a) of this rule on the circulator affidavit. In addition to providing his or her permanent residence address, If the circulator is not a permanent COLORADO resident, of Colorado as described in section 1-2-102(1)(a)(i), C.R.S., and paragraph a of this rule, the circulator shall MUST also provide the address in Colorado where he or she is temporarily living. as of the date the affidavit is signed.

a.   For purposes of Article 40 of Title 1, C.R.S., and this rule, a circulator's permanent "residence" or "domicile" means his or her principal or primary home or place of abode in which a circulator's habitation is fixed and to which the circulator, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A permanent "residence" or "domicile" is a permanent building or part of a building and may include a house, condominium, apartment, room in house, or mobile home. Except as provided in paragraph (b) of this rule, no A vacant lot, business address, or post office box shall be considered IS NOT a permanent "residence" or "domicile". (Sections 1-2-102(1)(a)(i) and 1-40-121(1)(b), C.R.S.)

b.   For the purposes of petition circulator residence address, A homeless circulator shall MUST provide the address or location where he or she is living as of the date the affidavit is signed. The circulator must provide a physical location; a post office box may not be provided.

c.   For the purposes of sections 1-40-106(4)(b), 1-40-111(3)(a), 1-40-121(2)(a), and 1-40-135(2)(c), C.R.S., a circulator's permanent residence address that does not comply with this Rule 15.3.2 is considered a "false address".

15.4   Only one filing of a petition or an addendum is allowed. PROPONENTS MAY FILE A PETITION OR ADDENDUM ONLY ONCE, AND. After a petition or an addendum is filed, the petition or the addendum may not be supplemented with SUPPLEMENT additional

signatures AFTER FILING THE PETITION OR ADDENDUM, EVEN IF THE ADDITIONAL SIGNATURES ARE OFFERED BEFORE THE DEADLINE TO SUBMIT THE ORIGINAL PETITION OR ADDENDUM. If additional signatures are submitted after the original filing, such signatures shall not be counted, even if such signatures are submitted within the time permitted by law for the filing of the original petition or addendum.

17.1 15.5 General procedures concerning verification of petitions. PETITION RECEIPT BY SECRETARY OF STATE.

17.1.1 15.5.1 No petition shall be accepted which EXCEPT AS SPECIFIED IN RULE 15.2.1, THE SECRETARY OF STATE WILL NOT ACCEPT A PETITION THAT lists proponents other than those authorized by law.

17.1.2 15.5.2 When the petitions are received, each section shall be date-stamped and consecutively numbered with a four digit number. UPON RECEIPT OF A PETITION, SECRETARY OF STATE STAFF WILL DATE-STAMP AND CONSECUTIVELY NUMBER PETITION SECTIONS WITH A FOUR-DIGIT NUMBER. The number may be printed by a printer, hand-stamped with a manual stamp, or handwritten.

17.1.3 Each petition shall be either an individual sheet for signatures or multiple sheets that are stapled together.

17.1.4 15.5.3 STAFF WILL INSPECT each PETITION section shall be checked for evidence of disassembly. If it appears that the section was disassembled, THE SECRETARY OF STATE WILL REJECT all entries SIGNATURES in the section. shall be rejected.

17.1.5 15.5.4 STAFF WILL CONSECUTIVELY NUMBER EACH LINE the lines on each petition section. shall be consecutively numbered. FOR PURPOSES OF THIS RULE, "LINE" MEANS the block of information which consists of THAT CONTAINS the printed last name, first name, middle initial, county, signing date, street address, city, and signature OF A PETITION SIGNER. is considered a line.

17.1.6 15.5.5 If the number of entries LINES is less than the total number of signatures required to certify the measure to the ballot, THE SECRETARY OF STATE WILL ISSUE a statement of insufficiency. shall be issued.

17.1.7 15.5.6 STAFF WILL COUNT each line with writing shall be counted on each petition SECTION. FOR PURPOSES OF THIS RULE, AN "ENTRY" MEANS A COUNTED LINE WITH WRITING. and shall be considered an entry. AT THE BOTTOM OF EACH PAGE, STAFF WILL WRITE the number of entries for each ON THAT page of the section shall be written on the page and, ON THE FACE OF EACH PETITION SECTION, STAFF WILL WRITE the total NUMBER entries for the THAT section. shall be written on the face of the petition section.

a.(A) STAFF WILL NOT COUNT A line that has WITH no writing or marks on it OR A LINE WITH COMPLETELY-CROSSED-OUT WRITING ON IT AS AN ENTRY. shall not be considered an entry.

b. A line that has writing on it but is completely crossed out shall not be considered an entry.

c.(B) STAFF WILL COUNT a line which has WITH INCOMPLETE writing, A PARTIAL CROSS OUT, OR WITH WHAT APPEARS ON ITS FACE TO BE AN INVALID SIGNATURE AS AN ENTRY. on it but is incomplete or on its face contains an invalid signature or which is partially crossed out shall be considered an entry to be included in this count.

17.1.8 15.5.7 Additional signatures submitted after the original filing of an initiative petition or addendum, or candidate petition shall be rejected, even if such signatures are submitted to the designated election official within the time permitted by law for the original filing. THE SECRETARY OF STATE WILL NOT ACCEPT OR COUNT ADDITIONAL SIGNATURES AFTER PROPONENTS FILE THE ORIGINAL PETITION OR ADDENDUM.

17.2 15.6 Checking the circulator's CIRCULATOR affidavit.

15.6.1 17.2.1 The circulator's affidavit shall be checked for each entry. If the affidavit is not attached and completed, all entries in the section shall be rejected. IF A PETITION SECTION DOES NOT HAVE A COMPLETED CIRCULATOR AFFIDAVIT, THE SECRETARY OF STATE WILL REJECT THE ENTIRE SECTION.

15.6.2 17.2.2 The notary clause at the end of the affidavit shall be checked for each entry. If any information is missing, or if the date on the notary clause is not the same date as the circulator signed the affidavit, all entries in the section shall be rejected. IF A PETITION SECTION DOES NOT HAVE A COMPLETED NOTARY CLAUSE, OR IF THE DATE OF THE NOTARY CLAUSE DIFFERS FROM THE DATE THE CIRCULATOR SIGNED THE AFFIDAVIT, THE SECRETARY OF STATE WILL REJECT THE ENTIRE SECTION.

17.2.3 15.6.3 The circulator's affidavit shall be checked to assure it has been completed in accordance with the statutory requirements listed below. If the affidavit was not completed in accordance with the requirements listed below, all entries in the section shall be rejected.

a. For candidate petitions, the circulator's affidavit shall be completed in accordance with section 1-4-905(1) and (2), C.R.S.

b. For initiative petitions, the circulator's affidavit shall be completed in accordance with section 1-40-111(2), C.R.S.

15.5 15.7 PETITION verification. by Random Sample.

15.5.1 15.7.1 Each petition section shall be verified according to the procedures set forth in Rule 17.1. VERIFICATION BY RANDOM SAMPLE.

1 15.5.2 15.7.2   Preliminary count and RANDOM NUMBER generation. of random
2   numbers.

3   a.(A)   After COUNTING the entries have been counted for ON each petition section,
4   a data entry clerk shall enter the following data into the database;
5   SECRETARY OF STATE STAFF WILL ENTER the petition identification
6   number, the petition section number, the page number and the number of
7   entries on the page INTO THE DATABASE.

8   b.(B)   STAFF WILL THEN CREATE a record shall then be created for each entry
9   which record shall contain THAT CONTAINS the petition identification
10   number, petition section number, page number, and the entry number.
11   STAFF WILL TALLY the total number of entries. submitted for the petition
12   shall be tallied.

13   c.(C)   If the number of entries is less than the total number of signatures required
14   to certify the measure to the ballot, THE SECRETARY OF STATE WILL ISSUE a
15   statement of insufficiency. shall be issued.

16   d.   A series of random numbers shall be generated by the database which is
17   the greater of four thousand (4,000) signatures or five percent (5%) of the
18   total number of entries.

19 15.5.3 Verification of Selected Entries

20   a.   The random numbers selected shall be matched with the appropriate
21   petition section, page number, and entry number.

22   b.   Each entry generated shall be checked for validity in accordance with Rule
23   17.1.

24   c.   Each reason for rejection of an entry shall be recorded by separate code
25   and a master record of the rejected entries shall be maintained. A master
26   record shall also be maintained of each entry that is accepted.

27 15.7.3 RANDOM SAMPLE. THE DATABASE WILL GENERATE A SERIES OF RANDOM NUMBERS
28   EQUAL TO 4,000 SIGNATURES OR FIVE PERCENT OF THE TOTAL NUMBER OF
29   SIGNATURES, WHICHEVER IS GREATER. STAFF WILL CHECK THE VALIDITY OF THE
30   RANDOM SIGNATURES IN ACCORDANCE WITH THIS RULE. STAFF WILL MAINTAIN A
31   MASTER RECORD OF EACH ACCEPTED SIGNATURE, AS WELL AS A RECORD OF EACH
32   REJECTED SIGNATURE ALONG WITH THE REASON FOR THE REJECTION.

33 15.5.4 15.7.4 Checking the circulator's affidavit. The circulator's affidavit shall be
34   checked for each entry in accordance with Rule 17.2. STAFF WILL VERIFY THAT
35   THE CIRCULATOR'S AFFIDAVIT MEETS THE STANDARDS OF THIS RULE 17. If the
36   affidavit is not attached and completed, all entries in the section shall be rejected.

1   15.5.5 ~~Checking individual signatures. Each individual signature shall be checked in~~
2   ~~accordance with Rule 17.3.~~

3   ~~15.5.6~~ 15.7.5   Computation of total accepted signatures.

4   ~~a.~~(A)   STAFF WILL KEEP a tally ~~shall be made of the number~~ of accepted
5   ~~signatures~~ and ~~the number of~~ rejected signatures.

6   ~~b.~~(B)   The Secretary of State ~~shall~~ WILL determine the range of signatures by
7   multiplying the ~~constitutionally~~ required number of signatures by 0.90 to
8   ~~compute~~ DETERMINE ninety percent ~~(90%)~~ of the required signatures and
9   by 1.10 to ~~compute~~ DETERMINE one hundred ~~and~~ ten percent ~~(110%)~~ of the
10   required signatures. ~~This number shall be calculated after the general~~
11   ~~election at which the Secretary of State was elected.~~

12   ~~c.~~(C)   ~~After completing a petition, the number of signatures checked shall then~~
13   ~~be divided into the number of accepted signatures. This number will be~~
14   ~~the percentage of accepted signatures which were submitted.~~ STAFF WILL
15   THEN DIVIDE THE NUMBER OF ACCEPTED SIGNATURES BY THE TOTAL
16   NUMBER OF SIGNATURES SUBMITTED TO DETERMINE THE PERCENTAGE OF
17   ACCEPTED SIGNATURES.

18   ~~d.~~(D)   ~~The percentage calculated in paragraph c of this Rule 15.5.6 shall then be~~
19   ~~multiplied by the total number of entries which were previously tallied.~~
20   ~~This number will be the number of presumed valid signatures which were~~
21   ~~submitted.~~ STAFF WILL THEN MULTIPLY THE PERCENTAGE OF ACCEPTED
22   SIGNATURES BY THE TOTAL NUMBER OF SIGNATURES SUBMITTED TO
23   DETERMINE THE NUMBER OF SIGNATURES PRESUMED TO BE VALID.

24   ~~e.~~(E)   If the number ~~generated~~ is:

25   (I)   Ninety percent ~~(90%)~~ or less of the ~~constitutionally~~ required
26   number of signatures ~~as calculated in paragraph b of this Rule~~
27   ~~15.5.6,~~ then the Secretary of State ~~shall~~ WILL issue a statement of
28   insufficiency. ~~If the number generated is~~

29   (II)   One hundred ~~and~~ ten percent ~~(110%)~~ or more of the
30   ~~constitutionally~~ required number OF SIGNATURES, ~~then~~ the
31   Secretary of State ~~shall~~ WILL issue a statement of sufficiency.

32   (III) MORE THAN NINETY PERCENT BUT LESS THAN ONE HUNDRED TEN
33   PERCENT OF THE REQUIRED NUMBER OF SIGNATURES, THE
34   SECRETARY OF STATE'S STAFF WILL REVIEW EVERY SIGNATURE TO
35   DETERMINE SUFFICIENCY.

36   ~~f.   If the number generated is more than ninety percent (90%) but less than~~
37   ~~one hundred and ten percent (110%) of the required number, the Secretary~~

1   of State shall order that each signature on the petition be verified to
2   determine whether the issue or question should be certified to the ballot.

3   17.3 15.8   Checking VERIFYING Individual signatures.

4   17.3.1 15.8.1 STAFF WILL CHECK each individual entry shall be checked against the
5   INFORMATION CONTAINED IN SCORE. master voter registration files to assure
6   that the elector was an eligible elector in the political subdivision at the time the
7   petition was signed.

8   17.3.2 15.8.2 Each reason for rejection of an entry shall be recorded by separate code
9   and a master record of the rejected entries shall be maintained. A master record
10   shall also be maintained of each entry that is accepted. STAFF WILL CREATE AND
11   MAINTAIN A MASTER RECORD OF EACH ACCEPTED AND REJECTED ENTRY, ALONG
12   WITH THE REASON CODE FOR EACH REJECTED ENTRY.

13   17.3.3 15.8.3 If the information on the current voter registration file does not match the
14   information on the entry, the elector's voter registration history shall be checked
15   to determine if the information on the entry matches the voter registration file at
16   the time the entry was signed. IF AN ENTRY DOES NOT MATCH THE SIGNOR'S
17   CURRENT INFORMATION IN SCORE, STAFF MUST CHECK THE SIGNOR'S
18   INFORMATION IN SCORE AS OF THE DATE THE SIGNOR SIGNED THE PETITION.

19   17.3.4 15.8.4 Name of eligible elector. To be accepted, the name on the entry must be in
20   a form similar to that found on the voter registration record. Signatures that are
21   common variants of the name found on the voter record shall be counted. If the
22   signer of the petition is not found on the voter registration file, or if applicable,
23   the county assessors' list, the entry shall be rejected. SECRETARY OF STATE
24   STAFF WILL REJECT THE ENTRY IF:

25   (A)   THE NAME ON THE ENTRY IS NOT IN SCORE;

26   (B)   THE MIDDLE INITIAL OR MIDDLE NAME ON THE ENTRY DOES NOT MATCH THE
27   MIDDLE INITIAL OR MIDDLE NAME IN SCORE;

28   (C)   THE ADDRESS ON THE ENTRY DOES NOT MATCH THE ADDRESS IN SCORE;

29   (D)   THE ADDRESS ON THE ENTRY IS A POST OFFICE BOX;

30   (E)   THE ENTRY IS INCOMPLETE;

31   (F)   THE SIGNER COMPLETED THE ENTRY BEFORE THE DESIGNATED ELECTION
32   OFFICIAL APPROVED THE PETITION FORMAT;

33   (G)   THE SIGNER WAS NOT AN ELIGIBLE ELECTOR AT THE TIME HE OR SHE
34   COMPLETED THE ENTRY;

35   (H)   THE SIGNER COMPLETED THE ENTRY AFTER THE DATE ON THE CIRCULATOR

1   AFFIDAVIT;

2   (I)   EVIDENCE EXISTS THAT SOME OTHER PERSON ASSISTED THE SIGNER IN
3   COMPLETING THE ENTRY BUT NO STATEMENT OF ASSISTANCE ACCOMPANIES
4   THE ENTRY;

5   (J)   THE NAME AND SIGNATURE ON THE ENTRY IS ILLEGIBLE AND CANNOT BE
6   VERIFIED IN SCORE;

7   (K)   THE ENTRY IS A DUPLICATE OF A PREVIOUSLY ACCEPTED ENTRY ON THE
8   SAME PETITION; OR

9   (L)   FOR A CANDIDATE PETITION WHERE AN ELECTOR MAY SIGN ONLY ONE
10   PETITION FOR THE SAME OFFICE, THE ENTRY IS A DUPLICATE OF A
11   PREVIOUSLY ACCEPTED ENTRY ON ANOTHER PETITION FOR THE SAME
12   OFFICE.

13   15.8.5   SECRETARY OF STATE STAFF WILL ACCEPT THE ENTRY IF:

14   (A)   THE NAME ON AN ENTRY MATCHES OR IS SUBSTANTIALLY SIMILAR TO THE
15   INFORMATION IN SCORE, OR IF THE SIGNATURE ON AN ENTRY IS A COMMON
16   VARIANT OF THE NAME;

17   (B)   A MIDDLE INITIAL OR MIDDLE NAME IS PRESENT ON THE ENTRY BUT NOT IN
18   SCORE, OR PRESENT IN SCORE BUT NOT ON THE ENTRY;

19   (C)   A SUFFIX IS PRESENT ON THE ENTRY BUT NOT IN SCORE, OR PRESENT IN
20   SCORE BUT NOT ON THE ENTRY; OR

21   (D)   THE ADDRESS ON THE ENTRY IS MISSING AN APARTMENT LETTER OR
22   NUMBER OR A STREET DIRECTION.

23 ~~17.4 Final Tally. After all of the sections have been checked, a final tally of all valid~~
24 ~~signatures shall be prepared and the statement of sufficiency or insufficiency issued.~~

25 *[Current Rule 19 is amended and moved to Rule 15.9. Amendments between the current and new*
26 *rule language are shown below.]*

27 ~~19.1~~ 15.9   ~~Cure of petitions deemed insufficient.~~ CURING INSUFFICIENT PETITIONS.

28 ~~19.2~~ 15.9.1   If ~~the~~ PETITION proponents submit additional signatures within the permitted time,
29 ~~all signatures submitted in the addendum shall be checked using the process delineated in~~
30 ~~Rule 16 and Rule 17~~ SECRETARY OF STATE STAFF WILL VERIFY THE ADDITIONAL
31 SIGNATURES IN ACCORDANCE WITH THIS RULE 15.

32 ~~19.3~~ 15.9.2   If the number of ADDITIONAL valid signatures, ~~in the addendum~~ when added to the
33 number of valid signatures given in the statement of insufficiency, equals 110% or more
34 of the required signatures, THE SECRETARY OF STATE WILL ISSUE a statement of

1   sufficiency. ~~shall be issued.~~

2   ~~19.4~~ 15.9.3   If the number of ADDITIONAL valid signatures, ~~in the addendum~~ when added to the
3   number of valid signatures given in the statement of insufficiency, equals more than 90%
4   but less than 110% of the required signatures and IF the initial check was by random
5   sample, ~~all of the previously submitted entries shall be checked~~ SECRETARY OF STATE
6   STAFF WILL VERIFY ALL PREVIOUSLY SUBMITTED SIGNATURES. STAFF WILL ADD the total
7   NUMBER of valid signatures in the original petition ~~shall then be added~~ to the number of
8   ADDITIONAL valid signatures submitted in the addendum.

9   ~~19.5~~ 15.9.4   If the initial check was of every ~~entry~~ SIGNATURE, then STAFF WILL ADD THE
10   NUMBER OF ADDITIONAL VALID SIGNATURES TO DETERMINE SUFFICIENCY. ~~the total of valid~~
11   ~~signatures shall be added to the number of valid signatures submitted in the addendum.~~

12   ~~19.6~~ 15.9.5   ~~The designated election official shall then~~ STAFF WILL issue a new statement of
13   insufficiency or sufficiency ~~which~~ THAT reports the total number of valid signatures
14   submitted.
15   *[Current Rule 20 is amended and moved to new Rule 15.10. Amendments between the current*
16   *and new rule language are shown below.]*

17   15.10   PETITION PROTESTS.

18   ~~20.1~~ 15.10.1   A PETITION protest ~~shall~~ MUST specifically state the reasons for ~~the~~
19   ~~challenge to~~ CHALLENGING the determination of sufficiency or insufficiency.

20   ~~20.1.1~~ (A)   A protest ~~that alleges~~ ALLEGING THE VIOLATION OF A specific
21   ~~statutes or rules~~ STATUTE OR RULE ~~were improperly applied shall clearly~~
22   ~~state the specific requirements that were improperly applied~~ MUST CITE
23   THE STATUTE OR RULE AND SPECIFICALLY STATE THE VIOLATION.

24   ~~20.1.2~~ (B)   A protest ~~that alleges that entries were improperly accepted or~~
25   ~~rejected shall clearly identify the specific individual entries at issue and~~
26   ~~the reason the entries were improperly accepted or rejected~~ ALLEGING THE
27   IMPROPER ACCEPTANCE OR REJECTION OF INDIVIDUAL ENTRIES MUST CITE
28   THE ENTRY AND PETITION SECTION NUMBER AND SPECIFICALLY STATE WHY
29   THE ENTRY SHOULD BE ACCEPTED OR REJECTED, AS APPLICABLE.

30   ~~20.2 The protest shall be deemed insufficient for each entry or class of entries~~
31   ~~challenged where the individual entry is not listed or the reason for the~~
32   ~~challenge is not given.~~

33   ~~20.3 Where a petition verified by random sample is protested, proponents and~~
34   ~~opponents may protest the process by which the numbers used in the~~
35   ~~calculations were generated.~~

36   ~~20.4 Individual entries which were not checked by the Secretary of State may~~
37   ~~not be challenged as sufficient or insufficient.~~

15.11   REFERENDUM PETITIONS.

23.1 15.11.1   Applicability.   This Rule 23 applies to statewide referendum petitions pursuant to UNDER article V, section 1 (3) of the Colorado Constitution.

23.2   Relationship to statutory and constitutional provisions.

23.2.1   The purpose of this Rule 23 is to administer and interpret, but not supersede, the provisions of Article V, Section 1, Colorado Constitution, and Article 40 of Title 1, Colorado Revised Statutes which apply to referendum petitions.

23.2.2   Where there is an irreconcilable conflict between this Rule 23 and any such statutory or constitutional provision, then such statutory or constitutional provision prevails.

23.3   Applicability of initiative statutes.

23.3.1 15.11.2 Except where this Rule 23 STATES otherwise, provides, or where the context otherwise requires, any statutory or constitutional provision that applies specifically to initiative petitions shall also apply APPLIES to referendum petitions.

23.3.2 15.11.3 The following procedural steps that apply to initiative petitions do not apply to referendum petitions:

(a) Review and comment by legislative staff on the text of proposed initiated constitutional amendments and initiated laws, pursuant to Article V, Section 1 (5), Colorado Constitution, and section 1-40-105, C.R.S.

(b) Title-setting by the title setting review board established in section 1-40-106, C.R.S.

23.4   Approval of referendum petition form.

23.4.1   No referendum petition shall be printed, published, or otherwise circulated unless the form and the master original to be used for printing or reproduction have been approved by the Secretary of State. Section 1-40-113(1), C.R.S.

23.4.2 15.11.4 PROPONENTS MAY SUBMIT a referendum petition may be submitted to the Secretary of State for approval at any time after the GENERAL ASSEMBLY HAS PASSED THE bill. has been presented to the governor for approval or disapproval. The Secretary of State shall WILL not issue final approval of the referendum petition form until the bill has become law pursuant to article IV, section 11 of the Colorado Constitution.

23.4.3 15.11.5 Each referendum petition section shall consist of the following, in the order listed: ~~Sections 1-40-113(1), and 1-40-102(6), C.R.S.~~

(a) The warning as specified in Section 1-40-110, C.R.S.

(b) The heading "Referendum Petition," followed by the demand upon the Secretary of State in substantially the following form, in which the underlined material is only for example:

"To: The Honorable _____, Secretary of State of the State of Colorado

We, the undersigned electors of the State of Colorado, do hereby respectfully petition, order, and demand that Sections 1 to 12, inclusive (being the entire Act), of <u>House</u> Bill No. <u>02-1010</u>, by Representatives <u>Abel, Baker, and Cain</u>, and Senators <u>Smith, Thomas, and Jones</u>, entitled "<u>Concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation</u>", passed by the <u>Sixty-third</u> General Assembly of the State of Colorado, at its <u>regular</u> session in the year <u>2002</u>,shall be submitted to the voters for their adoption or rejection at the next biennial regular general election, to be held on Tuesday, the <u>5th</u> day of November, <u>2002</u>, and each of the signers of this petition says:

I sign this petition in my own proper person only, and I am a registered elector of the State of Colorado, my residence address and the date of my signing this petition are correctly written immediately after my name, and I do hereby designate the following persons to represent me in all matters affecting this petition:"

(c) The name and mailing address of two persons who are designated to represent the signers thereof in all matters. ~~affecting the same.~~

(d) The ballot title and submission clause. ~~in the form required by this Rule 23.~~

(e) The text of the Act, or the ~~item(s)~~ ITEM, ~~section(s)~~ SECTION, or ~~part(s)~~ PART of the Act, on which the referendum is demanded. ~~*See* sections 1-40-110; 1-40-102(6).~~

(f) Succeeding pages that each contain the warning, the ballot title, and submission clause, and ruled lines numbered consecutively for ~~electors'~~ signatures.

(g) A final page that contains the circulator's affidavit required by section 1-40-111(2), C.R.S.

1   23.4.4 15.11.6 Each A referendum petition section shall MUST include only the matters
2   required by Article 40, Title 1, C.R.S., and this Rule 23, and no extraneous
3   material. Section 1-40-113(1), C.R.S.

4   23.5   Ballot Title and Submission Clause.

5   23.5.1 15.11.7 The ballot title shall MUST consist of the title of the act on which the
6   referendum is demanded, followed by the bill number, in substantially the
7   following form, in which the underlined material is only for example:

8   "An Act concerning registration requirements for motor vehicles, and, in
9   connection therewith, authorizing two- and five-year registration periods and
10   authorizing discretionary vehicle identification number inspections, and making
11   an appropriation, being House Bill No. 02-1010."

12   23.5.2 15.11.8 When referendum is demanded on less than an entire Act of the General
13   Assembly, the ballot title and submission clause shall consist of the ballot title
14   preceded by words in substantially the following form, in which the
15   underscored material is only for example, and ending in a question mark:

16   "Shall Section 3 (concerning definition of terms) and Section 4 (eliminating
17   licensing requirements for motor vehicle dealers) of the following Act of the
18   General Assembly be approved:" The material in parentheses shall correctly and
19   fairly summarize the subject or the effect of the portion of the Act referenced.

20   23.6 15.11.9   Election. If a referendum petition is timely filed with the Secretary of
21   State with a sufficient number of valid signatures, it shall be voted upon WILL
22   APPEAR ON THE BALLOT at the next general election that occurs at least three
23   months after the referendum petition is filed with the Secretary of State.

24   *[Rules 15, 17, 19, 20, and 23 are amended and relocated to Rule 15.]*

25   **Rule 16. MILITARY AND OVERSEAS VOTERS (UOCAVA)**

26   25.1 16.1   General rules concerning voting by military and overseas electors.

27   25.1.1 16.1.1 For the purposes of this Rule 25, elector means a covered voter as defined
28   in section 1-8.3-102(2), C.R.S.

29   25.1.2 16.1.2 In accordance with the Help America Vote Act of 2002 and this Rule 25,
30   each county clerk and recorder office shall MUST have a dedicated fax machine
31   for the purpose of fax ballot transmission.

32   25.1.3 16.1.3 In accordance with section 1-8.3-109, C.R.S., a mail-in ballot application
33   submitted by an elector shall be IS effective through the next regularly
34   scheduled General Election, unless the elector SPECIFIES OTHERWISE makes an
35   election-specific or permanent mail-in request.

1 25.1.4 16.1.4 ~~Mail-in ballot application~~ APPLICATION and replacement ballot request
2 deadlines.

3 (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELECTOR MAY
4 SUBMIT AN APPLICATION FOR REGISTRATION AND BALLOT REQUEST WITH
5 HIS OR HER VOTED BALLOT AS LONG AS THE BALLOT IS TIMELY SUBMITTED
6 AND RECEIVED UNDER SECTIONS 1-8.3-111 AND 1-8.3-113, C.R.S., AND
7 RULE 25.1.6.

8 (B) ~~An application for a mail-in ballot must be received no later than the close~~
9 ~~of business the Friday immediately preceding the election, except that if~~
10 ~~the~~ AN elector WHO wishes to receive ~~the~~ A ballot by mail MUST SUBMIT A
11 REQUEST NO LATER THAN THE SEVENTH DAY BEFORE THE ELECTION ~~the~~
12 ~~application must be received no later than the seventh day before the~~
13 ~~election~~.

14 (b) ~~A request for a replacement ballot must be received by 5:00 p.m. MT on~~
15 ~~election day. A request for replacement ballot includes a request for an~~
16 ~~electronically transmitted ballot by an elector who has already been issued~~
17 ~~a ballot by regular mail.~~

18 25.1.5 16.1.5 Use of a Federal Write-in Absentee Ballot (FWAB) as an application for
19 registration or ballot request.

20 (a) ~~In accordance with section 1-8.3-107, C.R.S.~~ NOTWITHSTANDING ANY
21 OTHER PROVISION OF LAW, if an unregistered elector submits a FWAB by
22 the ~~close of registration~~ DEADLINE SET FORTH IN SECTIONS 1-8.3-111 AND
23 1-8.3-113, C.R.S., AND RULE 25.1.6., the FWAB ~~shall be considered a~~ IS A
24 timely application for registration and ~~mail-in~~ ballot request.

25 (b) ~~In accordance with section 1-8.3-108(4), C.R.S., if a registered elector~~
26 ~~submits a FWAB no later than the Friday before the election, the FWAB~~
27 ~~shall be considered a timely application for mail-in ballot.~~

28 25.1.6 16.1.6 In accordance with sections 1-8.3-110 and 1-8.3-113, C.R.S., all ballots
29 cast must be voted and mailed or electronically transmitted no later than 7:00
30 p.m. MT on election day, and received by the county clerk and recorder or the
31 Secretary of State no later than the close of business on the eighth day after
32 election day.

33 25.1.7 16.1.7 Ballots received by the Secretary of State

34 (a) If the Secretary of State timely receives a ballot ~~in accordance with this~~
35 UNDER SECTION 1-8.3-113, C.R.S., AND Rule 25, the Secretary of State will
36 immediately notify the appropriate county clerk and recorder and forward
37 the ballot by ~~overnight mail, fax, or courier~~ BY THE MOST EFFICIENT MEANS
38 AVAILABLE no later than the next business day.

1   (b)   To ensure voter secrecy, any county notified that the Secretary of State has
2   received a ballot, ~~shall~~ MUST retain a minimum of ten voted ballots to be
3   counted with the ballot received by the State.

4   ~~25.1.8~~ 16.1.8 The county clerk and recorder ~~shall~~ MUST send a minimum of one
5   correspondence ~~prior to~~ BEFORE the Primary Election to each elector whose
6   record is marked "Inactive" ~~and whose ballot request has expired. Such shall~~
7   THE correspondence may be sent by email or mail and, at a minimum, ~~shall~~
8   MUST notify the electors of:

9   (a)   The status of the elector's record and ballot request;

10   (b)   The upcoming federal elections;

11   (c)   How to update the elector's mailing information and request a ballot; and

12   (d)   Any other information the county clerk and recorder deems appropriate.

13   ~~25.1.9~~ 16.1.9 ~~Reporting. No later than 60 days after a General Election, the county clerk~~
14   ~~and recorder shall provide a~~ must report to the Secretary of State in the
15   ~~approved format, which shall summarize in detail the ballots transmitted and~~
16   ~~returned by military and overseas electors.~~ NO LATER THAN 45 DAYS BEFORE AN
17   ELECTION, THE COUNTY CLERK AND RECORDER MUST REPORT TO THE SECRETARY
18   OF STATE THE NUMBER BALLOTS TRANSMITTED TO MILITARY AND OVERSEAS
19   ELECTORS BY THE 45-DAY DEADLINE.

20   ~~25.2~~ 16.2   Electronic ballot transmission (receipt and return) of ballots to military and
21   overseas electors.

22   ~~25.2.2~~ 16.2.1 ~~Electronic Transmission (receipt and return) of ballots to military and~~
23   ~~overseas electors (a)~~In accordance with sections 1-8.3-110 and 1-8.3-113,
24   C.R.S., an elector may request to receive and return his or her ballot by
25   electronic transmission.

26   ~~(i)   Subject to the deadlines in Rule 25.1.4, a request for electronic ballot~~
27   ~~transmission may be made on the federal postcard, state voter~~
28   ~~registration, mail-in ballot, online voter registration, or any other~~
29   ~~application.~~

30   ~~(ii)~~ (A)   An elector who requests fax transmission ~~shall~~ MUST provide a fax
31   number, including the international country code and local area, province,
32   or city code (if applicable) where the ballot is to be faxed.

33   ~~(iii)~~ (B)   An elector who requests email transmission ~~shall~~ MUST provide a
34   complete email address where the ballot is to be transmitted. In
35   accordance with section 1-8.3-115, C.R.S., no election official may
36   disclose the email address to the public.

1	(b) (C)	An elector who chooses to receive his or her unvoted ballot by online ballot delivery may return his or her ballot by fax or email.
2		

(b) (C)   An elector who chooses to receive his or her unvoted ballot by online ballot delivery may return his or her ballot by fax or email.

(c) (D)   To return a voted ballot and self-affirmation by email, the elector must scan and return the documents as an email attachment.

[Current Rule 25.2.1 is moved to Rule 1.]

25.2.4 16.2.2 The ballot packet sent by electronic transmission shall MUST be in text format on 8 ½" x 11" white paper and shall MUST include:

(a)   An electronic transmission coversheet to protect voter privacy;

(b)   The blank ballot;

(c)   The electronic transmission ballot instructions; and

(d)   The self-affirmation required by section 1-8.3-114, C.R.S.

25.2.5 16.2.3 The electronic transmission ballot instructions shall MUST include:

(a)   The county clerk and recorder's contact information including mailing address, email address, phone, and fax number;

(b)   A notice that the ballot may not be duplicated for any other elector;

(c)   Instructions for completing and returning the ballot;

(d)   A notice regarding the ballot return deadline;

(e)   Information regarding how the elector may verify that his or her ballot has been received by the county clerk and recorder; and

(f)   Any other information deemed necessary by the Secretary of State or the designated election official COUNTY CLERK AND RECORDER.

25.2.6 16.2.4 The self-affirmation shall MUST include the standard oath required by the Uniformed and Overseas Citizen Voting Act (42 U.S.C sec. 1973ff(b)(7) and 1(a)(5)), the elector's name, date of birth, signature, and the following statement: I also understand that by returning my voted ballot by electronic transmission, I am voluntarily waiving my right to a secret ballot. (Section 1-8.3-114, C.R.S.)

25.2.7 16.2.5 Any ballot transmitted to an elector by electronic transmission shall MUST contain a unique identification number for tracking and auditing purposes.

25.2.8 25.2.6 If the county clerk and recorder transmits a ballot packet to an elector by fax and the transmission is unsuccessful, the county clerk and recorder shall attempt to fax the ballot at least two more times.

1   25.2.9 16.2.7 The county clerk and recorder shall MUST maintain a log of each ballot
2   sent by electronic transmission. , which the THE county CLERK AND RECORDER
3   shall MUST maintain THE LOG as an election record along with any other email or
4   fax records. The log shall MUST include:

5   (a)   The name of the elector;

6   (b)   The fax number or email address to which the ballot packet was
7   transmitted (as applicable);

8   (c)   The unique identification number of the ballot;

9   (d)   The date the ballot packet was transmitted; and

10   (e)   The initials of the employee transmitting the ballot.

11   25.2.10 16.2.8   Upon receipt of A voted ballot sent by electronic transmission, the
12   county clerk and recorder shall MUST verify the elector's signature in
13   accordance with Rule 29. , and upon verification the ballot shall be duplicated
14   for counting. AFTER THE AFFIDAVIT HAS BEEN VERIFIED, A BIPARTISAN TEAM OF
15   JUDGES MUST DUPLICATE THE BALLOT. DUPLICATING JUDGES MUST NOT REVEAL
16   HOW THE ELECTOR HAS CAST HIS OR HER BALLOT.

17   13.20 16.2.9   A military or overseas elector whose registration record is inactive or
18   whose ballot request has lapsed may download an application and ballot using
19   the electronic ballot delivery system.

20   13.20.1 (A)   The elector must submit the ballot and application in accordance
21   with the deadlines in section 1-8.3-111 and 1-8.3.113, C.R.S., for the
22   ballot to be counted.

23   13.20.2 (B)   Every county must use the approved electronic delivery system to
24   implement this rule, except that a county may obtain a waiver. The
25   Secretary will consider the following factors in approving or denying a
26   request for waiver:

27   (a) (I)   Number of military or overseas electors registered to vote in the
28   county;

29   (b) (II) Historical data regarding the number of military and overseas
30   electors who have registered and voted in the county; and

31   (c) (III) Staff or other resource limitations.

4   **Rule 17. PROVISIONAL VOTING**

5   17.1   PROVISIONAL VOTING IN THE VOTER SERVICE AND POLLING CENTER

6   17.1.1 THE COUNTY CLERK AND RECORDER MUST USE THE APPROVED PROVISIONAL
7   BALLOT FORM.

8   17.1.2 IF A VOTER SERVICE AND POLLING CENTER LOSES CONNECTIVITY TO SCORE, THE
9   JUDGES MUST ISSUE PROVISIONAL BALLOTS UNTIL THE COUNTY RESTORES
10   CONNECTIVITY.

11   26.3.3 17.1.3 The word "provisional" ~~shall~~ MUST be marked on the provisional ballot
12   and on the pollbook or signature card next to the elector's name.

15   ~~26.4~~ 17.2   Verification of Provisional Ballots

16   17.2.1 THE COUNTY CLERK AND RECORDER MUST PROCESS AND TABULATE ALL REGULAR
17   BALLOTS BEFORE PROCESSING PROVISIONAL BALLOTS.

18   ~~26.12~~ 17.2.2 The county clerk and recorder must process all pollbooks or signature
19   cards in the statewide voter registration ~~database~~ SYSTEM before processing
20   provisional ballots.

22   ~~26.4.2~~ 17.2.3 Verification of an elector's eligibility to have his or her provisional ballot
23   counted ~~shall be~~ IS limited to the following sources:

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

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

28   (c)   The DMV Motor Voter database (Note: Possession of a driver's license is
29   not conclusive proof of voter registration; elector must have registered to
30   vote through the DMV); and

31   (d)   The information provided on the provisional ballot envelope, including the
32   affidavit.

1   26.4.3 17.2.4   When verifying provisional ballots, the designated election official shall
2   MUST check the State of Colorado Statewide voter registration database to
3   determine whether the elector has already voted in the election.

4   *[Current Rules 26.4.2 and 26.4.3 are amended and moved to new Rules 17.2.3 and*
5   *17.2.4. Amendments between the current and new rule language are shown above.]*

6   26.4.5 17.2.5   If during verification it appears that the elector's record was cancelled or
7   consolidated as a duplicate in error, the ballot shall MUST be counted so long as
8   the elector has not cast a ballot in the election, the affidavit is complete, and the
9   elector is otherwise eligible. THE COUNTY CLERK AND RECORDER MUST REINSTATE
10   OR UNCONSOLIDATE THE elector's record AND UPDATE THE ELECTOR'S RECORD
11   BEFORE MARKING THE ELECTOR'S PROVISIONAL BALLOT AS ACCEPTED OR REJECTED
12   IN THE STATEWIDE VOTER REGISTRATION SYSTEM AND BEFORE LINKING IT TO THE
13   ELECTOR'S RECORD shall be reinstated or unconsolidated.

14   26.4.6 17.2.6   When the designated election official has received RECEIVES both a mail in
15   MAIL ballot and a provisional ballot from an elector, but there is a discrepancy
16   between the signature on the returned mail-in MAIL ballot envelope and the
17   elector's signature stored in the statewide voter registration system, the
18   discrepancy must be resolved. Before the provisional ballot may be counted
19   VERIFIED, the elector must affirm that the signature on the mail in MAIL ballot
20   envelope is not his or her signature. Section 1-8.5-105(4) and (5), C.R.S.

21   *[Current Rules 26.4.5 and 26.4.6 are amended and moved to new Rules 17.2.5 and*
22   *17.2.6. Amendments between the current and new rule language are shown above.]*

23   26.4.9 17.2.7   If An AN elector whose voter registration record is tagged ID required
24   casts a provisional ballot without providing valid identification, the ballot shall
25   MUST be verified and counted as follows:

26   (a)   The COUNTY CLERK AND RECORDER MUST SEND THE elector shall be sent a
27   letter within three days after the ballot is cast, and no later than three days
28   after election day, explaining that he/she has not provided the required
29   identification. Nothing in this rule shall be construed to prohibit the
30   designated election official PROHIBITS THE COUNTY CLERK from calling the
31   elector; however, a phone call shall DOES not substitute for notification to
32   the elector in writing.

33   (b)   If the elector provides a copy of valid identification within eight days after
34   election day, the ballot shall MUST be counted so long as the elector has
35   not cast another ballot in the election, the affidavit is complete, and the
36   elector is otherwise eligible.

37   *[Current Rule 26.4.9 is amended and moved to new Rule 17.2.7. Amendments between*
38   *the current and new rule language are shown above.]*

26.5.1 17.2.8 If the information contained in the provisional ballot envelope and affidavit provides adequate criteria so that the designated election official is able to confirm ~~under election Rule 26~~ that the elector is eligible to cast a ballot, the provisional ballot ~~shall~~ MUST count.

[Current Rule 26.5.1 is amended and moved to new Rule 17.2.8. Amendments between the current and new rule language are shown above.]

26.5.3 17.2.9 Acceptance Codes (~~Any provisional ballot given an acceptance code shall have all~~ THE COUNTY CLERK AND RECORDER MUST COUNT ALL races ~~counted unless otherwise indicated~~.)

AOK Reviewed and confirmed voter's eligibility.

ALC ELECTOR VOTED A PROVISIONAL BALLOT BECAUSE THE VOTER SERVICE AND POLLING CENTER LOST CONNECTIVITY. ELECTOR'S ELIGIBILITY IS CONFIRMED.

26.5.4 17.2.10 Rejection Codes (~~Any~~ THE COUNTY CLERK AND RECORDER MUST NOT COUNT A ballot given a rejection code ~~shall not be counted~~):

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

RIN (Rejection incomplete information provided) Required information is incomplete and the designated election official is unable to confirm voter's eligibility.

REE (Rejection envelope empty) Provisional ballot envelope is empty.

RAB (Rejection voter voted mail-in ballot) Designated election official has confirmed that voter voted a ~~mail-in~~ MAIL ballot.

RED (Rejection based upon ballot cast ~~on election day~~ IN PERSON) Voter voted in a ~~polling place~~ VOTER SERVICE CENTER OR POLLING CENTER

RIP (Rejection based on incorrect party) Incorrect Party in Primary Election.

RFE (Rejection felon not eligible to vote) Individual was convicted of a felony and is either serving a sentence of confinement or detention or is on parole.

RWC (Rejection elector not ~~registered in county or~~ A RESIDENT OF THE State of Colorado) ~~Non-county or non-state~~ VOTER IS NOT A STATE resident; therefore voter not eligible to vote in the county where the provisional ballot was voted.

RID (Rejection first time voter has not supplied identification upon registration or thereafter prior to and during time voter voted) First Time Voter who

registered by mail or through a voter registration drive, is tagged ~~as id~~ ID deficient, and did not provide ~~id~~ ID at the time of voting.

[Current Rules 26.5.3 and 26.5.4 are amended and moved to new Rules 17.2.9 and 17.2.10. Amendments between the current and new rule language are shown above.]

~~26.6~~ 17.3   The provisional ballot log required by section 1-8.5-110(4), C.R.S., may be prepared by the designated election official in handwritten or computer-generated form.

~~26.7~~ 17.4   Recount procedures for provisional ballots ~~shall be~~ ARE the same as the recount procedures for other ballots as directed by the Secretary of State.

[Current Rules 26.6 and 26.7 are amended and moved to new Rules 26.3 and 26.4. Amendments between the current and new rule language are shown above.]

~~26.11~~ 17.5   Processing provisional ballot affidavits in the statewide voter registration database. Before closing an election, the county clerk and recorder must:

     ~~26.11.1~~ 17.5.1 Enter all provisional ballot affidavits into the provisional module of the statewide voter registration database.

     ~~26.11.2~~ 17.5.2 PROCESS ALL VOTER REGISTRATION UPDATES.

     17.5.3   Link all provisional ballot affidavits to the appropriate elector's record.

[Current Rule 26.11 is amended and moved to new Rule 17.5. Amendments between the current and new rule language are shown above.]

17.6   PUBLIC ACCESS TO PROVISIONAL BALLOT INFORMATION

     17.6.1   THE LIST OF VOTERS WHO CAST A PROVISIONAL BALLOT AND THE ACCEPT/REJECT CODE FOR THE BALLOT IS AVAILABLE FOR PUBLIC INSPECTION.

     17.6.2   IN ACCORDANCE WITH SECTION 24-72-204(8), C.R.S., THE COUNTY CLERK AND RECORDER MUST NOT RELEASE AN ORIGINAL OR COPY OF THE ELECTOR'S:

         (A)   MONTH AND DAY OF DATE OF BIRTH;

         (B)   DRIVER'S LICENSE OR DEPARTMENT OF REVENUE IDENTIFICATION NUMBER;

         (C)   SOCIAL SECURITY NUMBER; OR

         (D)   SIGNATURE.

     17.6.3   IF A VOTER HAS REQUESTED CONFIDENTIALITY UNDER SECTION 24-72-204(3.5), C.R.S., THE COUNTY CLERK AND RECORDER MUST NOT RELEASE THE ELECTOR'S ADDRESS OR TELEPHONE NUMBER.

1   17.6.4   IF A VOTER HAS REQUESTED CONFIDENTIALITY UNDER SECTION 24-30-2101,
2   C.R.S., THE COUNTY CLERK AND RECORDER MUST NOT RELEASE THE
3   PROVISIONAL BALLOT AFFIDAVIT.

4   26.13 17.7   Voter Access to Provisional Ballot Information

5   26.13.1 17.7.1 The Secretary of State will provide a provisional ballot lookup on the
6   Secretary's website.

7   26.13.2 17.7.2 The county clerk and recorder must number the provisional ballot
8   envelope or affidavit stock using the standard numbering convention approved
9   by the Secretary of State.

10   26.13.3 17.7.3 An elector may access the system during the 45 days following the
11   election.

12   [Section 1-8.5-111, C.R.S.]

13   *[Current Rule 26.13 is amended and moved to new Rule 17.7. Amendments between the*
14   *current and new rule language are shown above.]*

15 *[Current Rule 26 is amended and moved to new Rule 17. Amendments between the current and*
16 *new rule language are shown below.]*

17 **Rule 18. UNIFORM BALLOT COUNTING STANDARDS**

18 27.2 18.1   Multiple Page Ballots. In any election where a multiple page printed ballot is
19   used, a voter must vote and return all pages of the ballot at the same time. Any voter who
20   has returned RETURNS at least one page of a multiple page printed ballot will be
21   considered to have voted and the COUNTY CLERK AND RECORDER MUST COUNT THE votes
22   on the submitted PAGES page(s) shall be counted. Any THE COUNTY CLERK MUST NOT
23   COUNT VOTES ON additional page PAGES returned at a later time shall not be counted. but
24   shall be THE COUNTY CLERK MUST appropriately marked MARK, set aside, and preserved
25   PRESERVE THE BALLOTS as other election materials RECORDS in accordance with section 1-
26   7-802, C.R.S.

27 27.3 18.2   Uniform Counting Standards for hand-counted Paper Ballots

28   27.3.1 18.2.1   Pursuant to IN ACCORDANCE WITH section 1-7-309, C.R.S., AND RULE
29   27.7, judges counting ballots on election day shall MUST take into consideration
30   CONSIDER the intent of the voter in accordance with Rule 27.7.

31   27.3.2 18.2.2   If a RACE OR BALLOT MEASURE IS OVERVOTED ballot contains markings for
32   more than the maximum votes allowed in a candidate race or for a ballot measure,
33   THE JUDGES MUST no vote shall count NO VOTE for that race or ballot measure.

34   27.3.3 18.2.3   If a candidate race or ballot measure contains no markings by the voter, no
35   tally will be made for that race or ballot measure. , but BUT all other candidate

1　　　　races or ballot measures properly marked by the voter on the ballot ~~shall~~ MUST be
2　　　　counted.

3　　~~27.3.4~~ 18.2.4　A ballot which has no markings for any candidate races or ballot measures
4　　　　~~shall~~ MUST be tallied as a blank ballot, but the voter ~~shall~~ MUST be given credit for
5　　　　voting.

6　~~27.4~~ 27.3　　Uniform Counting Standards for Optical Scan Ballots

7　　~~27.4.1~~ 18.3.1　~~Precinct~~ Optical Scan Procedures AT A VOTER SERVICE AND POLLING
8　　　　CENTER

9　　　　(a)　　Voters whose ballots are rejected or sorted by ~~the precinct counter~~ A
10　　　　　　VOTER SERVICE AND POLLING CENTER SCANNER as a blank or overvoted
11　　　　　　ballot ~~shall~~ MUST be given the opportunity to correct their ballot.

12　　　　(b)　　Ballots sorted to a write-in bin ~~shall~~ MUST be tallied at the conclusion of
13　　　　　　the voting and delivered to the central counting center in a secure
14　　　　　　container.

15　　~~27.4.2~~ 18.3.2　Central Count Optical Scan Procedures

16　　　　(a)　　~~A~~ JUDGES SHOULD COMPLETE A visual inspection of every ballot ~~should be~~
17　　　　　　~~completed~~ for the limited purpose of separating damaged ballots into a
18　　　　　　unique batch.

19　　　　(b)　　JUDGES MUST RESOLVE, AND WHERE APPLICABLE, DUPLICATE, ~~Every~~ EVERY
20　　　　　　damaged ballot and all ballots sorted by the optical scan machine ~~shall be~~
21　　　　　　~~resolved, and where applicable duplicated,~~ in accordance with this rule.

22　　　　(c)　　A resolution board, consisting of a team(s) of one (1) Republican and one
23　　　　　　(1) Democrat for partisan elections or two (2) qualified election judges for
24　　　　　　nonpartisan elections, ~~shall~~ MUST resolve all ballots sorted by the central
25　　　　　　count optical scan equipment.

26　　　　　　(1)　　The board ~~shall~~ MUST be observed by two (2) witnesses, who in
27　　　　　　　　any partisan election shall be representatives of each major
28　　　　　　　　political party, who may not handle or process ballots.

29　　　　　　(2)　　All persons engaged in the counting and processing of ballots ~~shall~~
30　　　　　　　　MUST be deputized or take an oath to faithfully perform their
31　　　　　　　　duties.

32　　　　　　(3)　　The resolution board ~~shall~~ MUST maintain a log for each step of
33　　　　　　　　verification, duplication, and counting.

34　　　　(d)　　Sequence of Resolution Procedures

(1) A THE RESOLUTION BOARD MUST RUN A zero tape, or similar report, shall be run indicating no votes cast or counted before the counting begins.

(2) Official ballots shall be processed through THE BOARD MUST REVIEW ALL BALLOTS WITH OVERVOTES, BLANK BALLOTS, AND WRITE-IN BALLOTS SORTED BY the optical scanner, with sorted overvotes, blank ballots, and write-in ballots viewed and resolved by the resolution board. Ballots sorted by the optical scan equipment shall be ARE subject to review by the resolution board. If there are no legally qualified write-in candidates, the write-in sort option shall MUST not be utilized.

(3) A voter's intent shall MUST be reviewed for every ballot that requires resolution.

(4) All ballots which are sorted by the optical scanner and resolved by the resolution board by duplication are to be indicated as such MUST BE MARKED AS DUPLICATED.

(5) The resolution board shall MUST maintain an official audit log for all ballots resolved setting forth the precinct number, duplicate ballot number (where applicable), reason (with specificity) that the ballot was resolved, date of resolution, and the initials of the members of the duplication board responsible for resolving the ballot.

(6) The precinct judge's ballot reconciliation form is MUST BE compared to the number of scanned ballots for the precinct.

(7) After the final precinct has been tallied, the total write-in votes shall MUST be indicated on the final summary along with the seal numbers for each sealed box of scanned ballots.

(e) Resolution of damaged ballots

(1) THE RESOLUTION BOARD MUST DUPLICATE Damaged ballots DAMAGED or defective ballots shall be duplicated utilizing the ballot duplication procedures as provided in Rule 27.6 18.5

(2) THE RESOLUTION BOARD MUST EXAMINE Blank BLANK ballots shall be examined by the resolution board to determine if the ballot is a true blank ballot or one that has been marked with a non-detectable mark. Resolution board members must make a duplicate copy of the ballot which has been marked with a non-detectable mark utilizing the ballot duplication procedures as set forth in Rule 27.6 18.5. If a ballot is truly blank, THE BOARD MUST SEND it shall be

1   sent back for the resolution pass through the scanner, and the ballot
2   MUST BE tabulated with no races or ballot measures voted.

3   (3)   THE RESOLUTION BOARD MUST INSPECT AND RESOLVE Overvoted
4   OVERVOTED ballots shall be inspected by the resolution board and
5   resolved in accordance with Rule 27.7 18.6.

6   (4)   Write-in votes sorted by the optical scan equipment on election day
7   shall MUST be delivered to the assigned write-in board for hand
8   counting.

9   (i)   During the initial ballot count, in order to be counted, the
10   oval must be darkened or the arrow connected according to
11   the appropriate voting instructions. Only votes for legally
12   qualified write-in candidates shall MAY be counted.

13 (ii) If, following the initial count, the number of undervotes in
14   that race could change the outcome or force the election into
15   a mandatory recount if attributed to a legally qualified write-
16   in candidate, votes for that candidate shall MUST be counted
17   whether or not the target area designating the selection of a
18   write-in candidate has been marked, provided that the
19   number of candidates chosen does not exceed the number
20   permitted in that office.

21 (5)   The resolution board shall MUST duplicate ballots by clearly
22   labeling the new duplicate ballot as a "DUPLICATE" and assign a
23   serial number which shall be recorded on both the original and
24   duplicate ballot. For example, the first ballot in Precinct # 1 to be
25   duplicated could be labeled as #1/001 with the duplicate labeled
26   D#1/001. Original ballots shall MUST be separated from the
27   duplicate ballots and placed in a sealable container clearly marked
28   "ORIGINAL BALLOTS." The duplicate ballots shall MUST be
29   counted in lieu of the original ballots.

30 (6)   The resolution board shall MUST maintain an official audit log
31   setting forth the precinct number, duplicate ballot number, reason
32   (with specificity) that the ballot was duplicated, date of
33   duplication, and the initials of the members of the duplication
34   board responsible for duplicating the ballot.

35 (f)   Recount Procedures for Optical Scan

36 (1)   Optical scan equipment must be set to consistent sensitivity
37   standards for each system type, must be tested prior to the recount,
38   and shall be programmed to sort undervotes for the individual
39   race(s) or ballot measure(s) being recounted.

1   (2)   The county will conduct a recount of a race with a write-in candidate as outlined in Rule 27.7.4 18.6.4..

27.5 18.4   Uniform Counting Standards for DREs. A vote that is properly recorded, as specified by the voting instructions, on the voting device for an office or ballot measure shall MUST be counted.

27.6 18.5   Duplication of Ballots.

(a)   Using the damaged ballot as the guide, THE DUPLICATING TEAM MUST MARK a blank ballot shall be marked by a duplicating team, so that the votes recorded are identical to those indicated on the damaged ballot. , and shall THE DUPLICATION MUST be proofed to ensure it is marked properly and accurately.

(b)   Every duplicated ballot shall MUST be subject to the process for determining voter intent outlined in Rule 27.7 27.6.

(c)   A unique number shall MUST be assigned to both the original and duplicated ballot. This will reference the two ballots together and provide an audit trail. (Example: the ballots may be marked XX-NNN, where XX is the precinct number and NNN are consecutive numbers starting with the number one.)

(d)   The duplicated ballots shall MUST be counted in the same manner as all other ballots to be counted.

(e)   The damaged or unreadable original ballot shall MUST be marked "DUPLICATED" to indicate that the ballot has been duplicated and the duplication is completed. All duplicated original ballots for a precinct along with any applicable printed material shall MUST be placed in a sealable container and clearly marked "ORIGINAL BALLOTS."

27.7 18.6   Determination of Voter Intent

27.7.1 18.6.1 If a voter uses a consistent alternate ballot marking method that deviates from the method specified by the voting instructions (such as circling or placing a check mark behind a candidate's name or ballot response) and does not place an "X", check or other appropriate mark in the target area(s) AREA, the voter will be considered to have voted for the appropriate candidates and or ballot responses and the ballot shall MUST be duplicated. ; except that, BUT if a voter marks any of his/her HIS OR HER choices by placing an "X", check or other appropriate mark in any target area on the voter's ballot, only those choices where the target area has been IS marked shall MAY be counted.

27.7.2 18.6.2 A ballot that has a mark correctly in the target area that partially extends into another target area shall MUST be counted as a vote for the candidate or ballot response so marked.

1   27.7.3 18.6.3 When resolving an overvoted race, marks indicating the voter's intent
2   shall include, but not be limited to, circling the candidate's name and strike-outs
3   or corrections of choices.

4   27.7.4 18.6.4 Write-in votes

5   27.7.4.1 (A)   If a voter designates a vote for a named candidate on the ballot and
6   writes in the name of the same candidate in the write-in area, the vote
7   shall MUST be counted.

8   27.7.4.2 (B)   If a voter designates a named candidate on the ballot and writes in
9   the name of a different candidate in the write-in area, it shall MUST be
10   considered an overvote for that office if the number of chosen
11   candidates exceeds the number permitted to be voted for in that office
12   and no vote shall MAY be counted.

13   27.7.4.3 (C)   During any recount of votes, if the number of undervotes in that
14   race could change the outcome if attributed to a legally qualified write-
15   in candidate, votes for that candidate shall MUST be counted whether or
16   not the target area designating the selection of a write-in candidate has
17   been marked, provided that the number of candidates chosen does not
18   exceed the number permitted in that office.

19   **Rule 19. RESERVED**

20   **Rule 20. RESERVED**

21   **Rule 21. RESERVED**

22   **Rule 22. RESERVED**

23   **Rule 23. RESERVED**

24   **Rule 24. RESERVED**

25   **Rule 25. RESERVED**

26   **RULE 26. RESERVED**

27   **Rule 27. RESERVED**

28   **Rule 28. RESERVED**

29   **Rule 29. RESERVED**

30   **Rule 30. RESERVED**

31   **Rule 31. RESERVED**

1 **Rule 32. RESERVED**

2 **Rule 33. RESERVED**

3 **Rule 34. RESERVED**

4 **Rule 35. RESERVED**

5 **Rule 36. RESERVED**

6 **Rule 37. RESERVED**

7 **Rule 38. RESERVED**

8 **Rule 39. RESERVED**

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

10 40.1 Purpose and Definitions.

11 40.1.1 The Secretary of State recognizes that the oversight of elections is a profession
12 that requires thorough knowledge of complex state and federal election law and
13 election procedures. Considering the complexity of state and federal law, voting
14 equipment, and election procedures, extensive training is necessary. The
15 certification program standardizes election procedures and education. The
16 program also promotes Colorado voters' confidence in their election officials
17 and the election process.

18 40.1.2 "Local election official" means a county clerk and recorder. (Section 1-1-301(1),
19 C.R.S.)

20 40.1.3 "Persons required to complete certification" means:

21 (a) The county clerk and recorder; and

22 (b) Employees in the clerk and recorder's office who are directly responsible
23 for overseeing election activities, including but not limited to: voter
24 registration, candidate qualifications and ballot certification, poll worker
25 training, ballot design and setup, ballot counting, and canvassing.

26 (Section 1-1-302, C.R.S.)

27 40.2 Advisory Board.

28 40.2.1 The advisory board must meet at least twice each calendar year to approve the
29 curriculum and make necessary changes. The advisory board must also review
30 evaluations and recommend changes to the certification program.

31 40.2.2 The advisory board must review individual applications for certification and

			must approve applications that are accurate and complete. The advisory board may take into account special circumstances in reviewing and approving applications.
	40.2.3		The Secretary of State will appoint the following as board members:
		(a)	Four county clerks or designated staff members;
		(b)	Two Secretary of State Office representatives; and
		(c)	Any individual(s) whom the Secretary of State believes could make a valuable contribution to the Board.
	40.2.4		Board members serve at least a two-year term.
	40.2.5		The Secretary of State may terminate board members without cause. Failure to attend meetings or meaningfully contribute may result in termination.
40.3	Curriculum.		
	40.3.1		The Secretary of State will develop the core and elective curriculum offered for certification and continuing elections education. The Secretary will post curriculum information on the Secretary of State's website.
	40.3.2		The Secretary of State will develop and administer all training outlined in this Rule 40.
	40.3.3		To obtain Colorado certification, a person must complete the following minimum curriculum prescribed by the Secretary of State:
		(a)	Seven basic core courses;
		(b)	One core course relevant to primary job duty; and
		(c)	Six electives.
	40.3.4		To maintain Colorado certification, a person must complete at least five Continuing Elections Education courses by July 31 of every even year.
40.4	Training Format.		
	40.4.1		Web-based training may be conducted live or by reviewing material previously presented by the Secretary of State. In either case, participants must achieve a satisfactory score on assessments before receiving credit for the course.
	40.4.2		The Secretary of State will provide classroom training. For certification, a person must complete at least one course in-class.
40.5	Credit.		

1   40.5.1 Individuals applying for certification must successfully complete the curriculum prescribed by the Secretary of State. If an applicant submits duplicate coursework, the advisory board may reject the application for certification.

40.5.2 Training assessment.

(a) To receive certification credit for any course presented by the Secretary of State under this rule, a participant must successfully complete a training assessment with a minimum score of 85%.

(b) A participant who fails to achieve a score of at least 85% may retake the assessment.

(c) The Secretary of State may administer either paper or electronic assessments.

40.5.3 Credit for Teaching Classes. A person who teaches or substantially assists with preparation of a class offered for certification is excused from the assessment requirement outlined in Rule 40.5.2 and will receive credit for the course.

40.5.4 No election official may receive credit toward his or her Colorado certification for training offered by other agencies or organizations.

40.6 Application Review, Certification, and Maintenance of Records.

40.6.1 Once a person completes the required coursework, he or she must promptly submit an application for certification or continuing certification to the Secretary of State's office on the form approved by the Secretary of State.

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

40.6.3 The Secretary of State must track attendance at all classes and keep records of attendance, continuing elections education, and records of those persons who are certified and persons who are in the certification process.

40.9 Decertification. A person who fails to satisfy continuing education requirements will lose certification.

Rule 41. RESERVED

Rule 42. RESERVED

Rule 43. County Security Procedures

1   43.1   Definitions.

2   43.1.1 "Chain-of-custody log" means a written record that shows that the equipment and
3   all associated data are secured according to these procedures and in the
4   documented control of an employee or deputized election judge through the entire
5   time of ownership by the jurisdiction.

6   43.1.2 "DRE" means a direct recording electronic voting device. A DRE is a voting
7   device that records votes by means of a ballot display provided with mechanical
8   or electro-optical components or an audio ballot that the voter can activate; that
9   processes data by means of a computer program; and that records voting data and
10   ballot images in memory components or other media. The device may produce a
11   tabulation of the voting data stored in a removable memory component and as
12   printed copy. The device may also provide a means for transmitting individual
13   ballots or vote totals to a central location for consolidating and reporting results
14   from remote sites to the central location.

15   38.1.3 43.1.3 "Elector data" means voting information, including but not limited to,
16   voter registration, voting history, and voting tabulations.

17   38.1.4 43.1.4 "Electronic pollbook" is a list of eligible electors in electronic format who
18   are permitted to vote at a polling place LOCATION in an election conducted under
19   the Election Code, which shall be processed by a computer at a Vote Center
20   VOTER SERVICE AND POLLING CENTER to be immediately accessible to all other
21   computers at all Vote Centers VOTER SERVICE AND POLLING CENTERS in the
22   county.

23   43.1.3 43.1.5 "Employee" means all full-time, part-time, permanent, and contract
24   employees of the county who have had PASSED a COLORADO BUREAU OF
25   INVESTIGATION (CBI) INTERNET criminal history check (ICHC) conducted in
26   accordance with Rule 11.2 and are deputized by the county clerk and recorder to
27   prepare or maintain the voting system or election setup materials, staff the
28   counting center and who have any access to the electromechanical voting systems
29   or electronic vote tabulating equipment.

30   43.1.4 43.1.6 "Removable card or cartridge" means any A programming card or
31   cartridge, except a voter activation card, that stores firmware, software, or data.

32   43.1.5 43.1.7 "Seal" means a serial-numbered tamper-evident device that indicates a
33   seal is broken or removed, IF BROKEN OR MISSING, INDICATES THAT A DEVICE IS
34   NOT SECURE.

35   38.1.2 43.1.8 "Teleprocessing   lines"   means   secure,   dedicated   communication
36   transmission facilities used for the purpose of transferring elector data between
37   Vote Centers VOTER SERVICE AND POLLING CENTER and a centralized
38   computerized pollbook maintained by the county clerk and recorder, to ensure the
39   security and integrity of voting information so that no deviation can go
40   undetected.

1 43.1.6 43.1.9 "Trusted build" means the write-once installation disk or disks for
2   software and firmware for which the Secretary of State or his/her agent has
3   established the chain of evidence to the building of a the disk(S), which is then
4   used to establish and/or re-establish the chain of custody CHAIN-OF-CUSTODY of
5   any component of a voting system that contains newly installed firmware or
6   software. The trusted build is the origin of the chain of evidence for any software
7   and firmware component of the voting system.

8 43.1.7 43.1.10 "Video security surveillance recording" means video monitoring by a
9   device that continuously records a designated location or a system using motion
10   detection that records one frame, or more, per minute until detection of motion
11   triggers continuous recording.

12 43.2   Annual security plan. In accordance with section 1-5-616(5), C.R.S., AND USING THE
13   FORM PRESCRIBED BY THE SECRETARY OF STATE, each A county must ANNUALLY submit a
14   security plan to the Secretary of State annually and no later than 60 days prior to BEFORE
15   the first election in which the COUNTY WILL IMPLEMENT THE security plan procedures. are
16   used. The plan must, at a minimum, include the following:

17 43.2.1 43.3 General requirements CONCERNING CHAIN-OF-CUSTODY.

18   (a) 43.3.1   The county clerk and recorder shall MUST maintain on file all
19   documentation of seals, chain of custody CHAIN-OF-CUSTODY, and other
20   documents related to the transfer of equipment between parties. These documents
21   are subject to inspection by the Secretary of State.

22   (b) 43.3.2   The county must maintain and document the chain of custody CHAIN-OF-
23   CUSTODY for each voting device throughout the county's ownership or leasing of
24   the device.

25   (c) 43.3.3   Only deputized clerks, election judges, or canvass board members sworn
26   under oath are allowed to handle ballots, which include VVPAT records.

27   (d) 43.3.4   The county may install additional or modified software developed by the
28   vendor on any component of the voting system only if the software is specifically
29   listed on the Secretary of State's certificate and verified against the state trusted
30   build. Nothing in this rule shall preclude PRECLUDES the use of commercial off-
31   the-shelf software, provided that the software is included in the certified list of
32   services and executables for the certified voting systems.

33   (e) 43.3.5   Any form or log containing "date" means to note the month, calendar day,
34   year, hour, minute, and whether the time is a.m. or p.m.

35   43.3 43.3.6   The county shall MUST submit with the security plan sample copies of all
36   referenced forms, schedules, logs, and checklists WITH THE SECURITY PLAN.

37 *[Current Rule 43.3 is moved to Rule 43.3.6]*

43.2.2 43.4   Physical locking mechanisms and seals. The county must record the serial number of every seal on the appropriate chain-of-custody log. Two individuals must verify, and indicate by signing and dating the log, that the seal serial numbers match the logged serial numbers. If a seal is inaccessible and cannot be removed, then it is not necessary to verify that seal serial number.

(a) 43.4.1   DREs AND BALLOT MARKING DEVICES. The county must seal DRE voting devices as follows:

(1)(A)   The county must place a seal over any A removable card or cartridge that is inserted into the unit, or over the slot or door covering the card or cartridge.

(2)(B)   The county must place a seal over any removable card slot or cartridge slot when no card or cartridge is inserted into the unit.

(3)(C)   If the county cannot verify the firmware or software hash value (MD5 or SHA-1), the county must seal the DRE case. To detect unauthorized access, the county must use seals at either the seams of the case or at key entry points such as screw access points.

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

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

(6)(F)   Two employees or election judges must verify, and indicate by signing and dating the chain-of-custody log, that all seal serial numbers match the logged serial numbers.

(b) 43.4.2   VVPATs. Prior to attaching a VVPAT to a specific voting device, the judges shall COUNTY MUST seal the unit after verifying that no votes were cast. At least two election judges must verify that seals are intact prior to the start of voting, and at the close of voting. VVPAT records shall MUST either remain in the VVPAT canister, or be sealed and secured in a suitable device for protecting privacy or as described in Rule 11 43.2.10.

(c) 43.4.3   Remote or central count optical scanners. Optical scanners. used in a remote or central tabulating location shall meet the following seal requirements:

(1)(A)   The county must place a seal over each card or cartridge inserted into the unit, or over any door or slot containing the card or cartridge.

(2)(B)   The county must place a seal over each empty card or cartridge slot or door covering the area where the card or cartridge is inserted.

1   (3)(C) Prior to the start of voting and after the close of voting, two employees or
2   election judges must visually confirm that all seals are intact and that the
3   seal serial numbers match those logged in the chain-of-custody log.

4   (d) 43.4.4   Memory ~~Cards/Cartridges~~ CARDS OR CARTRIDGES.

5   (1)(A) The county must assign and securely affix a permanent serial number to
6   each removable card or cartridge. The county may use the manufacturer
7   assigned serial number for this purpose.

8   (2)(B) The county must handle removable memory cards and cartridges in a
9   secure manner at all times. The county must transfer and store any
10   removable card ~~and/~~or cartridge that is not sealed in a voting machine in a
11   secure container with at least one seal. Upon delivery and receipt, election
12   judges or county personnel must verify, and indicate by signing and dating
13   the chain-of custody log, that all seal serial numbers match those listed in
14   the log.

15   (3)(C) The county ~~clerk and recorder~~ must maintain a written or electronic log to
16   record card or cartridge seal serial numbers and track seals for each voting
17   unit. ~~The county clerk and recorder must be notified if control of a~~
18   ~~card/cartridge or door or slot for a card/cartridge is breached before an~~
19   ~~election, and he/she must follow the procedures specific to the incident~~
20   ~~outlined in Rule 43.2.11~~ .

21 ~~43.2.3~~ 43.5   Individuals with access to keys, door codes, and vault combinations.

22   (a) 43.5.1   For employees with access to areas addressed in Rule ~~43.2.3(c)~~ 43.5.3, the
23   county must state ~~the employees' titles~~ EACH EMPLOYEE'S TITLE and the date~~s~~ of
24   ~~CBI background checks~~ THE ICHC. [Section 24-72-305.6, C.R.S.]

25   (b) 43.5.2   The county must change all keypad door codes or locks, vault
26   combinations, computer and server passwords, encryption key codes, and
27   administrator passwords at least once per calendar year prior to the first election
28   of the year.

29   (c) 43.5.3   Employee access.

30   (1)   The county may grant employees access to the codes, combinations,
31   passwords, and encryption keys described in this Rule ~~43.2.3~~ 43.5 in
32   accordance with the following limitations:

33   (A)   ~~Access to the code, combination, password, or encryption key for the~~
34   ~~storage area for voting equipment and the mail-in ballot counting areas is~~
35   ~~restricted to employees as defined in Rule 43.1.3.~~

36   (B)(A) Access to the code, combination, password, or encryption key for the
37   ~~mail-in~~ VOTING EQUIPMENT AND ballot storage ~~area~~ AREAS and counting

room or tabulation workstations is restricted to ~~ten~~ employees ~~as defined in Rule 43.1.3~~ WHO HAVE PASSED A COLORADO BUREAU OF INVESTIGATION (CBI) INTERNET CRIMINAL HISTORY CHECK (ICHC).

~~(C)~~(B) Except for emergency personnel, no other individuals ~~shall~~ MAY be present in these locations unless supervised by one or more employees ~~as defined in Rule 43.1.3.~~

~~(i)~~ Each individual who has access to the central election management system or central tabulator ~~shall~~ MUST have their own unique username and password. No individual ~~shall~~ MAY use any other ~~individuals~~ INDIVIDUAL'S username or password. Shared accounts are prohibited.

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

[Current Rule 43.2.3 (c)(1)(C)(ii) is amended and relocated to New Rule 43.8.]

~~(2)~~(C) In extreme circumstance, the county may request and the Secretary of State may grant exemption from the requirements outlined in Rule ~~43.2.3(c)(1)~~ 43.5.3.

~~(d)~~ 43.5.4 ~~Computer room~~ Access TO WHERE ELECTION MANAGEMENT SOFTWARE IS USED is limited to authorized employees and election judges only. Messengers or runners delivering ballots between the preparation room and computer room ~~shall~~ MUST wear distinguishing identification. ~~This rule does not supersede access by watchers, official observers, and media observers in accordance with Rule 8.~~

[Current Rule 43.2.9 is amended and relocated to New Rule 43.6 as follows:]

~~43.2.9~~ 43.6   Internal Controls for the Voting System

~~(a)~~ 43.6.1   The County must enable, create, and use passwords.

~~(b)~~ 43.6.2   In addition to the access controls discussed in Rule ~~43.2.3(c)~~ 43.5, the county ~~shall~~ MUST change all passwords and limit access to the following areas:

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

(2)(B) Hardware. The county ~~shall~~ MUST change all hardware passwords once per calendar year prior to the first election. This includes any encryption keys, key card tools, supervisor codes, poll worker passwords on smart cards, USB keys, tokens, and voting devices themselves as it applies to the specific system.

(3)(C) Password Management. The county ~~shall~~ MUST limit access to the administrative passwords to the election management software to two employees. The county ~~shall~~ MUST limit access to passwords for all components of the election software and hardware to two employees. The county may provide an additional ten employees with access to the administrative passwords for the software components, and an additional ten employees with access to the administrative passwords for the hardware components of the voting system. THE VOTING SYSTEM PROVIDER MAY NOT HAVE AN ADMINISTRATIVE OR APPLICATION USER/OPERATOR ACCOUNT, OR ADMINISTRATIVE ACCOUNT ACCESS TO THE ACCOUNTS.

[Language from current Rule 45.5.2.6.1(a)(vi) is amended and relocated to Rule 43.6.2]

(4)(D) Internet Access. The county must never connect or allow a connection of any voting system component to the Internet.

(5)(E) Modem Transmission. The county must never connect any component of the voting system to another device by modem except for the vote tally software ~~as allowable by the certification of the specific device~~.

(6)(F) Remote ~~sites~~ VOTER SERVICE AND POLLING CENTERS. AT REMOTE VOTER SERVICE AND POLLING CENTERS, THE COUNTY may use modem functions of optical scanners and DREs only for the purpose of transmitting unofficial results~~, as permitted by the Secretary of State's certification documents for the specific systems. A county using modem devices to transmit results shall meet the following requirements:~~

~~(A)   A county may use a modem device only after all steps to close the polls are complete and summary tapes are printed, and may only use the device to transmit test data or unofficial results.~~

~~(B)   The county shall not use a modem for any programming, setup, or individual ballot-casting transmissions.~~

~~(C)   The county shall change the receiving telephone number for the modem transmission at least once per calendar year prior to the first election.~~

~~(D)   The county may provide the telephone number of the modem receiving the transmission to no more than six employees. The~~

county shall not publish or print the receiving modem telephone number for any election judge. To the extent possible, the county shall program the telephone number into the device and use the device in a way that hides the display of the number from the view of election judges and voters at all times.

(7)(G) Authorized Employees. The county shall MUST include in their security plan the employees' titles EACH EMPLOYEE'S TITLE and the dates DATE of CBI background checks ICHC for employees with access to any of the areas or equipment set forth in this Rule. Each county shall MUST maintain a storage facility access log that details employee name, date, and time of access to the storage facility in which the software, hardware, or components of any voting system are maintained. If access to the storage facility is controlled by use of key card or similar door access system that is capable of producing a printed paper log including the person's name and date and time of entry, such a log shall MUST meet the requirements of this rule. [Section 24-72-305.6, C.R.S.]

43.2.4 43.7   Temperature-controlled storage. The county must maintain all components of the voting system and ballots in a temperature-controlled STORAGE environment. The county shall MUST attest to the temperature-control settings used with the following components of a voting system. Information submitted to the Secretary of State shall MUST indicate the specifics for each type of component, as well as the specific environment used, which may include, but is not limited to controlled offices, controlled vaults, and controlled warehouses. The county must maintain the following required temperature settings:

(a) 43.7.1   Servers and workstations. The county shall maintain the temperature so that the maximum temperature at no time exceeds 90 degrees Fahrenheit.

(b) 43.7.2   DREs. The county shall MUST maintain the temperature at a minimum of 50 degrees Fahrenheit and a maximum of 90 degrees Fahrenheit.

(c) 43.7.3   Optical scanners. The county shall MUST maintain the temperature at a minimum of 50 degrees Fahrenheit and a maximum of 90 degrees Fahrenheit.

(d) 43.7.4   VVPAT records, PAPER BALLOTS, AND VIDEO DATA RECORDS. In addition to the requirements set forth in Rule 11, the county shall MUST maintain A DRY ENVIRONMENT AND A the temperature at a minimum of 50 degrees Fahrenheit and a maximum of 90 degrees Fahrenheit. The county shall maintain V-VPAT records in a dry environment, with storage at least four inches above the finished floor, for a period of 25 months following the election. The humidity of the environment shall not exceed 80% humidity for a period of more than 24 hours. The county shall store V-VPAT records in a manner that prevents exposure to light, except as necessary during recounts and audits.

1   (e)   ~~Paper Ballots. The county shall maintain paper ballots in a dry, humidity-~~
2   ~~controlled environment. The humidity of the environment shall not exceed 80%~~
3   ~~humidity for a period of more than 24 hours. The county shall store paper ballots~~
4   ~~at least four inches above the finished floor, for a period of 25 months following~~
5   ~~the election.~~

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

12   ~~43.2.5~~ 43.8   Security cameras or other surveillance.

13   ~~43.2.3(c)(1)(C)(ii)~~ 43.8.1   The county ~~shall~~ MUST maintain a log of each person who
14   enters the ~~ballot storage room~~ SPECIFIED AREAS, including the person's name,
15   signature, and date and time of entry. If access to the ~~ballot storage room~~
16   SPECIFIED AREAS is controlled by use of key card or similar door access system
17   that is capable of producing a printed paper log including the person's name and
18   date and time of entry, such a log shall meet the requirements of this rule

19   (a) 43.8.2   Unless otherwise instructed, the county ~~shall~~ MUST make video security
20   surveillance recordings of specified areas beginning at least 60 days prior to the
21   election and continuing through at least 30 days after the election, ~~unless there is a~~
22   ~~recount or contest~~. IF A RECOUNT OR CONTEST OCCURS, THE RECORDING MUST
23   CONTINUE THROUGH THE CONCLUSION OF ALL SUCH ACTIVITY. The recording
24   system ~~shall~~ MUST ensure that records are not written over when the system is full.
25   The recording system ~~shall~~ MUST provide a method to transfer the video records to
26   a different recording device or to replace the recording media. If replaceable
27   media is used then the county ~~shall~~ MUST provide a process that ensures that the
28   media is replaced often enough to prevent periods when recording is not
29   available. ~~If a recount or contest occurs, the recording shall continue through the~~
30   ~~conclusion of all such activity.~~

31   43.8.3 The following are the specific minimum requirements:

32   ~~(1)~~ (A) If the county has 50,000 or more registered voters, then the county ~~shall~~
33   MUST MAINTAIN A LOG AND make video security surveillance recordings of
34   the following areas, excluding voting booths:

35   ~~(A)~~ (1) All areas in which election management software is used,
36   including but not limited to programming, downloading memory
37   cards, uploading memory cards, tallying results, and results
38   reporting.

39   ~~(B)~~ (2) All areas used for processing ~~mail-in~~ ballots, including but not
40   limited to areas used for Signature Verification, tabulation, or

storage of voted ballots beginning at least 35 days prior to the election and continuing through at least 30 days after the election, unless there is a recount or contest. If a recount or contest occurs, the recording ~~shall~~ MUST continue through the conclusion of all such activity.

(C) (3) The storage area for all voting equipment.

(2) (B) If the county has fewer than 50,000 registered voters then the county ~~shall~~ MUST MAINTAIN A LOG AND make video security surveillance recordings of all areas, ~~excluding voting booths,~~ in which election management software is used, including but not limited to programming, downloading memory cards, uploading memory cards, tallying results, and results reporting.

(b) (C) The county must adequately ~~and continuously~~ light the area(s) subject to video surveillance to provide visibility for video recording.

~~43.2.6~~ 43.9   Equipment maintenance procedures. In addition to the requirements for voting systems INVENTORY specified in Rule 11.4, the county ~~shall~~ MUST adhere to the following minimum standards:

(a) 43.9.1   The county ~~shall~~ MUST store all equipment throughout the year with seals over the memory card slots for each device. The county ~~shall~~ MUST maintain a log of the seals used for each device consistent to the logs used for tracking Election Day seals.

(b) 43.9.2   For equipment being sent to the vendor for offsite repairs/replacements, the county must keep a maintenance log for the device that ~~shall~~ MUST contain the following: the model number, serial number, and the type of device; the firmware version; the software version (as applicable); the printed name and signature of the person sending the equipment; and the date of submission to the vendor.

(c) 43.9.3   ~~When a vendor provides on-site maintenance of equipment, vendor personnel shall annually provide to the county a CBI or equivalent background check for all vendor personnel that will have access to any component of the voting system. The county must keep current CBI or equivalent background check information on file. Additionally, an~~ AN employee shall escort the vendor's representative at all times while on-site. At no time shall the voting system vendor have access to any component of the voting system without supervision by an employee. [Section 24-72-305.6, C.R.S.]

(d) 43.9.4   Upon completion of any maintenance, the county ~~shall~~ MUST verify or reinstate the trusted build and conduct a full acceptance test of equipment that ~~shall~~ MUST, at a minimum, include the hardware diagnostics test, as indicated in Rule 11, and conduct a mock election in which an employee(s) ~~shall~~ MUST cast a minimum of five ballots on the device to ensure tabulation of votes is working correctly. The county ~~shall~~ MUST maintain all documentation of the results of the acceptance testing on file with the specific device.

1   (e) 43.9.5   The Secretary of State will annually inspect county maintenance records
2   on a randomly selected basis.

3   43.2.7 43.10   Transportation of equipment, memory cards, ballot boxes, and ballots.

4   (a) 43.10.1   The county shall MUST submit detailed plans to the Secretary of State prior
5   to an election regarding the transportation of equipment and ballots both to remote
6   voting sites and back to the central elections office or storage facility. IF THERE IS
7   ANY EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF THE SERIAL NUMBERS
8   DO NOT MATCH THOSE LISTED IN THE CHAIN-OF-CUSTODY LOG, THE COUNTY CLERK
9   MUST BE IMMEDIATELY NOTIFIED AND MUST FOLLOW THE PROCEDURES SPECIFIC TO
10   THE INCIDENT AS DESCRIBED IN RULE 43.15.1. While the method of transportation
11   of equipment may vary, the following standards shall apply when transporting
12   voting equipment to the voting location APPLY:

13   (1) (A) Transportation by county personnel. County personnel shall MUST at all
14   times display a badge or other identification provided by the County. Two
15   EMPLOYEE signatures and date of employees are required at the departure
16   location verifying that the equipment, including memory card or cartridge,
17   is sealed to prevent tampering. Upon delivery of equipment, at least two
18   employees or election judges shall MUST verify, and indicate by signing
19   and dating the chain-of-custody log, that all seals are intact and that the
20   serial numbers on the seals match the logged serial numbers. If there is
21   any evidence of possible tampering with a seal, or if the serial numbers do
22   not match those listed in the chain-of-custody log, they shall immediately
23   notify the county clerk and recorder who shall follow the procedures
24   specific to the incident as described in Rule 43.2.11.

25   (2) (B) Transportation by election judges. Election judges that are receiving
26   equipment from county personnel shall MUST inspect all components of
27   voting devices and verify the specific numbers by signature and date on
28   the chain-of-custody log for the device. The election judge receiving the
29   equipment shall request two election judges at the voting location to
30   inspect the devices and to sign and date the chain-of-custody log
31   indicating that all seals are intact and that the serial numbers on the seals
32   match with those on the seal-tracking log. If there is any evidence of
33   possible tampering with a seal, or if the serial numbers do not match those
34   listed in the chain-of-custody log, they shall immediately notify the county
35   clerk and recorder who shall follow the procedures specific to the incident
36   as described in Rule 43.2.11.

37   (3) (C) Transportation by contract. A county electing to contract the delivery of
38   equipment to remote voting locations shall MUST perform AN CBI
39   background checks ICHC on EACH OF the specific individuals who will be
40   delivering the equipment. Two employees or election judges shall MUST
41   verify, sign, and date the chain-of-custody log upon release of the
42   equipment to the individual(s) delivering the equipment. Two other

employees or election judges shall verify, sign, and date the chain-of-custody log after delivery of the equipment, and prior to the opening of the polls. If there is any evidence of possible tampering with a seal, or if the serial numbers do not match those listed in the chain-of-custody log, they shall immediately notify the county clerk and recorder who shall follow the procedures specific to the incident as described in Rule 43.2.11. [Section 24-72-305.6, C.R.S.]

(b) 43.10.2   Standards for transporting voting equipment to and from the voting location:

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

(A) (1) Before removing a memory card or cartridge, two election judges shall MUST inspect and verify that all seals on the device are intact and that the serial numbers on the seals match those listed on the chain-of-custody log. Both election judges shall MUST sign and date the chain-of-custody log prior to breaking the seal. If there is any evidence of possible tampering with a seal, or if the serial numbers do not match those listed in the chain-of-custody log, they shall immediately notify the county clerk and recorder who shall follow the procedures specific to the incident as described in Rule 43.2.11.

(B) (2) Election judges shall MUST place the memory cards or cartridges in a sealable transfer case and must seal the case with at least one seal. The election judges shall MUST maintain a chain-of-custody log for the transfer case of the memory cards or cartridges.

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

(D) (4) At least two county personnel or election judges shall MUST accompany the transfer case containing the memory cards/cartridges to the drop-off PROCESSING location. The election judges who receive the equipment must verify, and indicate by signing and dating the chain-of-custody log, that the seals are intact and seal serial numbers match those listed in the log. If there is any evidence of possible tampering with a seal, or if the serial numbers do not match those listed in the chain-of-custody log, the county personnel or election judges shall immediately notify the county clerk and recorder who shall follow the procedures specific to the incident as described in Rule 43.2.11.

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

8   ~~(2)~~ (B) Required procedures if devices are delivered with memory
9   cards/cartridges intact:

10   ~~(A)~~ (1) Two county personnel or election judges ~~shall~~ MUST verify that all
11   seals are intact at the close of polls. Election judges ~~shall~~ MUST
12   sign and date the chain-of-custody log with such indication. ~~If~~
13   ~~there is any evidence of possible tampering with a seal, or if the~~
14   ~~serial numbers do not match those listed in the chain of custody~~
15   ~~log, they shall immediately notify the county clerk and recorder~~
16   ~~who shall follow the procedures specific to the incident as~~
17   ~~described in Rule 43.2.11.~~

18   ~~(B)~~ (2) At least two county personnel or election judges ~~shall~~ MUST
19   accompany the secured equipment to the drop-off location. ~~Seals~~
20   ~~will be verified, and logs will be signed and dated by the county~~
21   ~~election official receiving the equipment. If there is any evidence~~
22   ~~of possible tampering with a seal, or if the serial numbers do not~~
23   ~~match those listed in the chain-of-custody log, they shall~~
24   ~~immediately notify the county clerk and recorder who shall follow~~
25   ~~the procedures specific to the incident as described in Rule~~
26   ~~43.2.11.~~ THE PERSON RECEIVING THE EQUIPMENT MUST VERIFY THE
27   SEALS AND SIGN AND DATE THE LOGS.

28   ~~(C)~~ (3) Upon confirmation that the seals are intact and bear the correct
29   numbers, election judges OR THE COUNTY ~~shall~~ MUST remove and
30   upload the memory cards/cartridges into the central count system.

31   ~~(D)~~ (4) To secure the equipment, election judges ~~shall~~ MUST place a
32   tamper-evident seal over the memory card slot and update the
33   chain-of-custody log to reflect the new seal number(s).

34   ~~(e)~~ 43.10.3 Required procedures for transportation of ballot boxes:

35   ~~(1)~~ (A) Election judges ~~shall~~ MUST seal all ballot boxes that contain voted ballots
36   so that no person can access the ballots without breaking a seal. The
37   election judges ~~shall~~ MUST record all seals in the chain-of-custody log and
38   two election judges ~~shall~~ MUST verify, and indicate by signing and dating
39   the log, that the required seals are intact.

1   (2) (B) Two county personnel or election judges shall MUST accompany all ballot
2   boxes that contain voted ballots at all times, except when the ballot box is
3   located in a vault or secure physical location.

4   (3) (C) The ballot box exchange requirements of section 1-7-305, C.R.S., are met
5   if a chain-in-custody log is completed for each ballot box.

6   43.11 ELECTRONIC POLLBOOKS.

7   38.3.1 43.11.1 The designated election official shall COUNTY MUST establish written
8   security procedures covering, WHICH COVER:

9   (A) The transference of Vote Center VOTER SERVICE AND POLLING CENTER
10   teleprocessing information.;

11   38.3.2 (B)   Such procedures shall include security covering The transmission
12   of elector data processed through the electronic pollbook; and

13   (C) Reconciliation of the registration and history of voters casting ballots at a
14   Vote Center VOTER SERVICE AND POLLING CENTER.

15   38.5.3 43.11.2 The county shall MUST submit in the security plan the system data transfer
16   requirements to completely process a single voter record. This shall MUST include
17   at a minimum the following:

18   a.(A) The data stream information on both send and receiving data for all points
19   of the transaction until the transaction is complete;

20   b.(B) Information on all points where the connection is closed and the data
21   stream released between the remote computer and the server; and

22   c.(C) The proposed method of securing transmissions across public networks.

23   38.5.4 43.11.3 The county shall MUST submit in the security plan a detailed list of all vote
24   centers VOTER SERVICE AND POLLING CENTERS, with a proposed number of
25   workstations connecting to the database and the proposed connection (including
26   bandwidth and security) for each location.

27   *[Current Rule 43.2.8 is amended, including amended current Rules 38.3.3-38.3.5, as follows]*

28   43.2.8 43.12 Contingency plans.

29   (a) 43.12.1   Emergency THE COUNTY MUST DEVELOP EMERGENCY contingency plans
30   for voting equipment and voting locations IN ACCORDANCE WITH RULE 45.

31   (1)   All remote devices used in an election shall have sufficient battery backup
32   for at least two hours of use. If this requirement is met by reliance on the
33   internal battery of the voting device, then the county clerk and recorder

1   ~~shall verify that all batteries are fully charged and in working order prior~~
2   ~~to the opening of polls at the voting location. The use of third-party battery~~
3   ~~backup systems also meets this requirement.~~

4 ~~(2)~~ 43.12.2   In the event of a serious or catastrophic equipment failure, or when
5   equipment is removed from service ~~at one or more polling locations~~, or there is
6   not adequate backup equipment to meet the requirements of section 1-5-501,
7   C.R.S., the county ~~clerk and recorder shall~~ MUST notify the Secretary of State that
8   the county is using provisional ballots or mail-in ballots as an emergency voting
9   method.

10 ~~(b)   A security plan must contain a section entitled "contingency plan" that includes~~
11   ~~the following:~~

12   ~~(1)   Evacuation procedures for emergency situations including fire, bomb~~
13   ~~threat, civil unrest, and any other emergency situations identified by the~~
14   ~~designated election official;~~

15   ~~(2)~~ 43.12.3   ~~Back up plans for~~ THE COUNTY CONTINGENCY PLANS AND
16   EVACUATION PROCEDURES MUST ADDRESS emergency situations including
17   fire, severe weather, bomb threat, civil unrest, electrical blackout,
18   equipment failure, and any other emergency situations identified by the
19   designated election official;

20   ~~(3)   An emergency checklist for election judges; and~~

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

22   ~~38.3.3~~ 43.12.4 ~~Such procedures shall include contingency procedures for network~~
23   ~~and power failure. Such procedures shall at a minimum include procedures~~
24   THE COUNTY MUST DEVELOP PROCEDURES to address ~~all single point~~
25   failures OF SCORE CONTINUITY, ~~including:~~ WHICH INCLUDES

26   ~~a.~~ network failure,

27   ~~b.~~ power failure that lasts less than one ~~(1)~~ hour, and

28   ~~c.~~ Power failure that lasts more than one ~~(1)~~ hour.

29   ~~38.3.4 Acceptable alternatives for addressing such failures include either:~~

30   ~~a.   A paper backup of the pollbook with the minimum information~~
31   ~~required to verify a voter's eligibility; or~~

32   ~~b.   A sufficient number of computers per vote center to ensure that the~~
33   ~~voter check-in continues in an efficient manner. The computers~~
34   ~~shall have the ability to function on batteries or an external power~~
35   ~~source for up to two (2) hours. In addition, each computer shall~~

1 have an electrotnic backup of the current pollbook in one (1) of the
2 following formats:

3 i. A Portable Document File (PDF);

4 ii. A spreadsheet that is limited to sixty-four thousand
5 (64,000) lines if in Excel; or

6 iii. A database with a basic look-up interface.

7 38.3.5 43.12.5 In addition to acceptable backup pollbook procedures, the security
8 procedures shall address contingency procedures PROCEDURES to protect
9 against activities such as voting twice, including but not limited to the use
10 of an affidavit that the voter has not and will not cast another ballot.

11 *[Current Rule 43.2.9 is amended and relocated to New Rule 43.6]*

12 11.6 43.13 Procedures for Voter-Verifiable Paper Audit Trail (V-VPAT) VOTER VERIFIABLE
13 PAPER RECORD (VVPAT). THE FOLLOWING REQUIREMENTS APPLY ONLY TO DRES WITH A
14 VVPAT.

15 11.6.1 43.13.1 Security. 11.6.1.1 The V-VPAT VVPAT record is considered an
16 official record of the election, pursuant to IN ACCORDANCE WITH section 1-5-802,
17 C.R.S. All security procedures related to election ballots shall MUST apply to V-
18 VPAT VVPAT records.

19 11.6.1.2 (A) The housing unit for any V-VPAT VVPAT record to be used in the
20 election shall MUST be sealed and secured prior to any votes being cast for
21 the election. Documentation of the seal number(s) must be maintained and
22 noted prior to voting, and at the conclusion of voting. (a) Election
23 judges shall MUST attest to the V-VPAT VVPAT record having no votes
24 included on the paper record prior to the start of voting, and prior to the
25 installation or replacement of a new V-VPAT VVPAT record.
26 DOCUMENTATION OF THE SEAL NUMBER(S) MUST BE MAINTAINED AND
27 NOTED PRIOR TO VOTING, AND AT THE CONCLUSION OF VOTING.

28 11.6.1.3 (B) If a DRE with V-VPAT VVPAT is used during early voting, the
29 seal number(s) must be recorded at the beginning and end of each voting
30 day.

31 11.6.1.4 (C) At the close of the polls, the V-VPAT VVPAT records will be
32 transferred to the central ELECTION office in the same manner as any paper
33 ballots. In the absence of paper ballots, the V-VPAT VVPAT records will
34 be transferred to the central ELECTION office in the same manner as any
35 memory cards containing electronic ballots.

36 11.6.2 43.13.2 Anonymity. 11.6.2.1 The Election Official DESIGNATED ELECTION
37 OFFICIAL shall put MUST IMPLEMENT measures in place to protect the anonymity of

voters choosing to vote on DREs ~~during the voting periods. These measures shall include:~~

(A)   MEASURES TO PROTECT THE ANONYMITY MAY INCLUDE:

~~(a)   Encouraging poll workers to personally vote on DREs when possible to ensure more than one vote will be cast on the device.~~

~~(b)~~ (1)   Appropriate marking in ~~Poll Book~~ POLLBOOK or other voting list indicating ~~voters~~ VOTER'S choice to vote on DRE with the words: "Voted DRE", or similar in place of paper ballot information. No record ~~shall~~ MAY be kept indicating the order in which people voted on the DRE, or which ~~V VPAT~~ VVPAT record is associated with the voter.

~~(c)~~ (2)   When more than one DRE is available at a voting location, the voter ~~shall~~ MUST be given the choice as to which DRE they would like to vote on, to the extent practical.

~~(d)   Encouraging or allowing any and all voters the opportunity to vote on a DRE if desired.~~

~~11.6.2.2~~ (B)   Any report or export ~~(electronic or paper based)~~ generated from an electronic pollbook ~~shall~~ MUST remove the date/time stamp from the record and not use this field as a sort method. Any assignment of Record IDs, Key ID, or Serial Number stored in the database of votes shall be randomly assigned.

~~11.6.2.3   Any Pollbook, electronic, paper or otherwise shall not be exposed to the same people at the same place who have exposure to the V VPAT VVPAT records.~~

(C)   ELECTION JUDGES MAY NOT ACCESS VVPAT RECORDS AT THE TIME OF VOTING.

~~11.6.2.4   The~~ Examination of the ~~V VPAT~~ VVPAT record shall always be ~~done~~ PERFORMED by at least two ~~witnesses~~ELECTION JUDGES.

~~11.6.3~~ 43.13.3 Storage.~~11.6.3.1~~   The storage of the ~~V VPAT~~ VVPAT records must be consistent with storage of paper ballots pursuant to ~~section~~ 1-7-802, C.R.S.

~~11.6.3.2~~ (A)   Individual spools containing ~~V VPAT~~ VVPAT records must contain the following catalog information affixed to the spool:

~~(a)~~ (1)   Date and name of election;

~~(b)~~ (2)   Name of voting location;

1　　　　　　　　　　　　　(c) (3) Date(s) and time(s) of voting;

2　　　　　　　　　　　　　(d) (4) Machine serial number of DRE associated with the record; and

3　　　　　　　　　　　　　(e) (5) Number of spools associated with this machine for this election
4　　　　　　　　　　　　　　　　　(i.e. "Spool 1 of 1", or "Spool 1 of 2", etc.).

5　　　　　　　　11.6.3.3 (B)　　Light sensitive storage containers shall MUST be used for the 25
6　　　　　　　　　　　　month storage period to ensure the integrity of the V VPAT VVPAT
7　　　　　　　　　　　　paper record. Containers shall MUST be sealed, with record of the seal
8　　　　　　　　　　　　numbers maintained on file and signed by two elections officials JUDGES.

9　　　　　　　　11.6.3.4 (C)　　A master catalog shall MUST be maintained for the election
10　　　　　　　　　　　　containing the complete total number of V VPAT VVPAT spools used in
11　　　　　　　　　　　　the election.

12　*[Current Rule 11.6 is amended and relocated to New Rule 43.13. Amendments are shown*
13　*above.]*

14　43.2.10 43.14　　Security training for election judges. (a) The county shall MUST include in
15　　　　their security plan the details of their security training for their election judges IN
16　　　　ACCORDANCE WITH RULE XX. The county must address the anticipated time of training,
17　　　　location of training, and number of election judges receiving the security training, as it
18　　　　applies to the following requirements:

19　　　　(1) (A) The county shall MUST conduct a separate training module for field technicians
20　　　　　　　　and election judges responsible for overseeing the transportation and use of the
21　　　　　　　　voting systems, picking up supplies, and troubleshooting device problems
22　　　　　　　　throughout the Election Day.

23　　　　(2) (B) Security training shall MUST include the following components:

24　　　　　　　　(A) (1) Proper application and verification of seals and chain-of-custody logs;

25　　　　　　　　(B) (2) How to detect tampering with voting equipment, memory cards/cartridges,
26　　　　　　　　　　　or election data on the part of anyone coming in contact with voting
27　　　　　　　　　　　equipment, including employees, other election judges, vendor personnel,
28　　　　　　　　　　　or voters;

29　　　　　　　　(C) (3) Ensuring privacy in voting booths;

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

32　　　　　　　　(E) (4) V VPAT VVPAT requirements;

33　　　　　　　　(F) (5) Chain-of-custody requirements for voting equipment, memory
34　　　　　　　　　　　cards/cartridges, and other election materials;

1   (G) (6) Ballot security;

2   (H) (7) Voter anonymity; and

3   (I) (8) Recognition and reporting of security incidents.

4   ~~43.2.11~~ 43.15   Remedies.

5   (a) 43.15.1   If a seal is broken, ~~or if there is~~ a discrepancy in a chain-of-custody log,
6   OR OTHER DISCREPANCY, the election ~~judges shall~~ JUDGE MUST immediately notify
7   the county ~~clerk and recorder~~, who ~~shall~~ MUST ~~investigate, complete and submit to~~
8   ~~the Secretary of State an internal incident report, and follow the appropriate~~
9   ~~remedy as indicated in this rule or as directed by the Secretary of State.~~ REMEDY
10   THE DISCREPANCY AS FOLLOWS:

11   (b)   ~~If the county clerk and recorder conducts an investigation in accordance with Rule~~
12   ~~43.2.11(a) and is unable to determine why a seal was broken or why a discrepancy~~
13   ~~exists in a chain-of-custody log, then the county clerk and recorder shall file an~~
14   ~~incident report with the Secretary of State as soon as practicable, but no later than~~
15   ~~the close of the canvass period for the election. Any unit involved must undergo~~
16   ~~the reinstatement or verification of the trusted build, in accordance with State~~
17   ~~instructions. The following remedial actions are required if a device was tampered~~
18   ~~with (the county clerk and recorder may determine additional requirements based~~
19   ~~on the details of the incident report):~~

20   (1)(A) THE COUNTY OR SECRETARY OF STATE MUST REINSTATE OR VERIFY THE
21   TRUSTED BUILD. For instances where the county can display, verify, or
22   print the ~~trusted build~~ hash value (MD5 or SHA-1) of the firmware or
23   software, the election official ~~shall~~ MUST document and verify that the
24   hash value matches the documented ~~number~~ ALPHANUMERIC STRING
25   associated with the trusted build for the software or firmware of that
26   device.

27   (2)(B) If the evidence indicates that the ~~tampering~~ DISCREPANCY occurred ~~prior to~~
28   BEFORE the start of voting:

29   (A)(1) The election judges ~~shall~~ MUST seal the device and securely deliver
30   it to the county ~~clerk and recorder~~.

31   (B)(2) ~~The county clerk and recorder or his or her designee shall remove~~
32   ~~and secure the memory card following the procedures in Rule~~
33   ~~43.2.2(d). The county clerk and recorder or his or her designee~~
34   ~~shall follow the State instructions for installing/verifying the~~
35   ~~trusted build for the specific device.~~ The county ~~clerk and recorder~~
36   ~~or his or her designee shall~~ OR THE SECRETARY OF STATE MUST
37   install a new, secure memory card into the device, conduct a
38   hardware diagnostics test as prescribed in Rule 11, and proceed to
39   conduct ~~a logic and accuracy~~ AN ACCEPTANCE test on the machine

1		in full election mode, casting at least 25 ballots on the device. The
2		county ~~shall~~ MUST maintain on file all documentation of testing and
3		~~chain of custody~~ CHAIN-OF-CUSTODY for each specific device.
4	(C)(3)	The county ~~shall~~ MUST complete the necessary seal process and
5		documentation to re-establish the ~~chain of custody~~ CHAIN-OF-
6		CUSTODY for the device and new memory card.
7	(D)(4)	The county ~~shall~~ MUST set the machine to election mode ready for
8		a zero report.
9	(E)	~~Repealed.~~
10	(3)(C)	If the evidence indicates that the ~~tampering~~ DISCREPANCY occurred after
11		votes were cast on the device ~~but before the close of polls~~:
12	(H)(1)	THE COUNTY MAY NOT CONTINUE TO USE THE MACHINE UNTIL
13		VERIFICATION OR REINSTALLATION OF TRUSTED BUILD AND
14		ACCEPTANCE TESTING IS COMPLETE. The county ~~shall~~ MUST set the
15		machine to election mode ready for a zero report BEFORE
16		RESUMING VOTING ON THE DEVICE.
17	(A)(2)	The election judges ~~shall~~ MUST seal the device and securely deliver
18		it to the county ~~clerk and recorder~~.
19	(B)(3)	The county ~~clerk and recorder or his or her designee shall~~ MUST
20		close the election on that device, and perform a complete manual
21		verification of the paper ballots (or VVPAT records) to the
22		summary tape printed on the device that represents the record of
23		votes on the memory card.
24	(C)(4)	If the totals do not match then only the paper record will be
25		accepted as the official results for that device. The county ~~clerk~~
26		~~and recorder shall~~ MUST re-seal and secure the device and
27		immediately report the discrepancy to the Secretary of State. The
28		county must not use the device for the remainder of the election
29		unless the trusted build is ~~reinstalled~~ REINSTATED.
30	(D)(5)	If the totals match, the county may upload the memory card into
31		the tally software at the close of polls.
32	(E)(6)	After verifying the totals, the county ~~shall~~ MUST secure the paper
33		records and memory card with seals and a chain-of-custody log.
34	(F)	~~The county shall place a new and secure memory card in the~~
35		~~device. The county clerk and recorder or his or her designee shall~~
36		~~follow the State instructions for installing/verifying the trusted~~
37		~~build for the specific device. The county clerk and recorder or his~~

1   or her designee shall conduct a hardware diagnostics test as
2   prescribed in Rule 11. The county shall maintain on file all
3   documentation of testing and chain of custody for the device.

(G)(7) The county shall MUST complete the necessary seal process and
        documentation to establish the chain of custody CHAIN-OF-
        CUSTODY for the device and memory card.

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

*[Current Rule 43.2.11(a)(3)(H) is amended and moved to 43.15(c)(1)
        above]*

(I)(8) At the conclusion of the election PRIOR TO CERTIFYING ELECTION
        RESULTS, the county shall MUST conduct a full (all races) post-
        election audit on the device and report results to the Secretary of
        State as required by Rule 11. This requirement is in addition to the
        random selection conducted by the Secretary of State.

(J)   Repealed.

(4)   If the evidence indicates that the tampering occurred after the close of
        polls:

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

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

(C)   If the totals do not match then only the paper record will be
        accepted as the official results for that device. The county clerk
        and recorder shall re-seal and secure the device and immediately
        report the discrepancy to the Secretary of State. The county must
        not use the device for the remainder of the election unless trusted
        build is reinstalled.

(D)   If the totals match, the county may upload the memory card into
        the tally software at the close of polls.

(E)   After verifying the totals, the county shall secure the paper records
        and memory card with seals and a chain-of-custody log

(F)   The county clerk and recorder or his or he designee shall follow
        the State instructions for installing/verifying the trusted build for

1　　　　　　　　　　~~the specific device and complete the necessary seal process and~~
2　　　　　　　　　　~~documentation to establish the chain of custody for the device.~~

3　　　　　　　~~(G)~~　　~~During the canvass process, the county shall conduct a full (all~~
4　　　　　　　　　　~~races) post-election audit on the device and report results to the~~
5　　　　　　　　　　~~Secretary of State as required by Rule 11. This requirement is in~~
6　　　　　　　　　　~~addition to the random selection conducted by the Secretary of~~
7　　　　　　　　　　~~State.~~

8　　　　　　　~~(H)~~　　~~Repealed.~~

9　　　~~(e)~~ 43.15.3　　The county ~~shall~~ MUST make all documentation related to the voting
10　　　　　　　system and for every device used in the election available for Secretary of State
11　　　　　　　inspection.

12　~~43.2.12~~　　　~~The county shall~~ MUST ~~submit any additional physical security procedures not~~
13　　　　　　~~discussed in this rule to the Secretary of State for approval prior to the election.~~

14　~~43.3~~　~~The county shall submit with the security plan sample copies of all referenced forms,~~
15　　　　　~~schedules, logs, and checklists.~~

16　*[Current Rule 43.3 is moved to Rule 43.3.6]*

17　~~43.4~~ 43.16　　Amendments and review of security plans.

18　　　~~43.4.1~~ 43.16.1 If no changes have occurred since the last security plan was filed~~,~~ THEN the
19　　　　　　　county ~~shall~~ MUST file a statement to that effect.

20　　　~~43.4.2~~ 43.16.2 The county ~~shall~~ MUST clearly identify and describe any revisions to a
21　　　　　　　previously filed security plan.

22　　　~~43.4.3~~ 43.16.3 The county may change the security plan within 60 days of an election as
23　　　　　　　a result of an emergency situation or other unforeseen circumstance. The county
24　　　　　　　must document the changes and file the revisions with the Secretary of State
25　　　　　　　within five days of the change.

26　　　~~43.4.4　If, under section 1-5-616(5)(b), C.R.S., the Secretary of State is unable to~~
27　　　　　　~~complete its review, the Secretary will notify the county that the security plan or~~
28　　　　　　~~revisions are temporarily approved until the review is complete.~~

29　~~43.5~~ 43.17　　Lease, LOAN, OR RENTAL OF ELECTION EQUIPMENT. ~~43.5.1~~ Nothing in this rule
30　　　　　requires a county ~~clerk~~ to lease, loan, or rent any election equipment to any municipality,
31　　　　　special district or other local jurisdiction.

32　　　~~43.5.2~~ 43.17.1 A county ~~clerk who~~ THAT chooses to lease, loan, or rent any certified
33　　　　　　　election equipment to a municipality, special district, or other local jurisdiction
34　　　　　　　for use in their elections ~~shall~~ MUST ~~follow at least one of the following~~
35　　　　　　　~~procedures in order to~~ maintain or reestablish an acceptable ~~chain of custody~~

CHAIN-OF-CUSTODY and appropriate documentation in accordance with Rule 43.2.1 43.3.

43.5.3 43.17.2 Upon return of the ~~certified~~ voting equipment to the county ~~clerk and recorder, the county clerk is required to verify the trusted build, in accordance with State instructions~~, if the documentation and ~~chain of custody~~ CHAIN-OF-CUSTODY does not support the proper maintenance of the trusted build software ~~and chain of custody~~ THEN THE COUNTY MUST REINSTATE OR VERIFY THE TRUSTED BUILD BEFORE USING THE EQUIPMENT.

(a) 43.17.3 ~~After the local jurisdiction returns the certified equipment to the county clerk, the county clerk must reinstate or verify the trusted build in accordance with Rule 43 before the equipment is used in any primary, general, congressional vacancy, statewide ballot issue (including recall), or special election conducted by the county clerk.~~ TO REINSTATE OR VERIFY THE TRUSTED BUILD, THE COUNTY MUST IMPLEMENT ONE OF THE FOLLOWING PROCEDURES:

(b)(A) The county clerk ~~or their deputized representative shall~~ MUST:

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

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

(3)   Place one or more secure and numbered seals on the voting equipment in accordance with Rule 43.2.2 43.4. If during the course of the jurisdiction's election, the designated election official requires removal of a memory card or cartridge as a function of the election process, the county clerk ~~or their deputized representative shall~~ MUST witness and document the removal and proper resealing of the memory card or cartridge; and

(4)   Upon return of the equipment to the county ~~clerk and recorder~~, the county ~~clerk shall~~ MUST verify, and indicate by signing and dating the chain-of-custody log, that all seals are intact. If any seal is damaged or removed, the county ~~clerk shall reinstall~~ MUST REINSTATE or verify the trusted build ~~in accordance with this Rule 43~~.

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

(d)(C) In accordance with section 1-5-605.5, C.R.S., the county ~~clerk shall~~ MUST appoint the designated election official as a deputy for the purposes of

supervising the ~~certified~~ voting equipment. The designated election official ~~shall~~ MUST:

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

    (2)   Affirm that the use of the ~~certified~~ voting equipment is conducted in accordance with THIS Rule 43 and the specific Conditions for Use of the ~~certified~~ voting equipment; and

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

~~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, in accordance with State instructions, if the documentation and chain of custody does not support the proper maintenance of the trusted build software and chain of custody.~~

[Current Rule 43.5.3 is amended and moved to New Rule 43.18.2]

43.18   BALLOT ON DEMAND

    43.18.1   THE COUNTY MUST USE THE LAPTOP FOR BALLOT ON DEMAND PURPOSES ONLY.

    43.18.2   SOFTWARE ACCESS, SECURITY, AND STORAGE.

        (A)   THE COUNTY MUST CHANGE ALL WINDOWS AND BALLOT ON DEMAND APPLICATION PASSWORDS AT LEAST ONCE PER CALENDAR YEAR.

        (B)   ONLY THE COUNTY, ELECTION JUDGES, SECRETARY OF STATE STAFF, OR AUTHORIZED VENDOR REPRESENTATIVES MAY OPERATE THE BALLOT ON DEMAND SYSTEM.

        (C)   THE COUNTY MAY CONNECT THE BALLOT ON DEMAND LAPTOP TO AN EXTERNAL NETWORK FOR THE PURPOSE OF CONNECTING TO SCORE ONLY IF THE COUNTY MAINTAINS CURRENT VIRUS PROTECTION AND IMPLEMENTS FIREWALLS TO PREVENT UNAUTHORIZED ACCESS.

        (D)   THE COUNTY MUST STORE THE LAPTOP(S) AND UNUSED PAPER BALLOT STOCK IN A LOCKED STORAGE AREA WHEN THE PRINTER IS NOT IN USE.

    43.18.3   BALLOT RECONCILIATION.

        (A)   THE COUNTY MUST RECONCILE BALLOTS PRINTED ON DEMAND IN ACCORDANCE WITH RULES 41.4 AND 41.5.

1   (B)   THE COUNTY MUST MAINTAIN DAMAGED, MISPRINTED, OR UNUSABLE
2   BALLOTS AS ELECTION RECORDS.

Rule 44. RESERVED

Rule 45. ~~Rules Concerning~~ Voting System Standards for Certification

45.1   Definitions. The following definitions apply to their use in this rule only, unless otherwise stated.

45.1.1 "Audio ballot" means a voter interface containing the list of all candidates, ballot issues, and ballot questions upon which an eligible elector is entitled to vote in an election. It also provides the voter with audio stimuli and allows the voter to communicate voting intent to the voting system through vocalization or physical actions.

45.1.2 "Audit log" means a system-generated record, in printed ~~and/~~or electronic format, providing a record of activities and events relevant to initializing election software and hardware, the identification of files containing election parameters, initializing the tabulation process, processing voted ballots and terminating the tabulation process.

45.1.3 "Ballot image" means a corresponding representation in electronic form of the marks or vote positions of a cast ballot that are captured by a ~~direct recording electronic voting device~~ DRE.

45.1.4 "BALLOT MARKING DEVICE" OR "BMD" MEANS A DEVICE THAT USES ELECTRONIC TECHNOLOGY TO:

    (A)   MARK AN OPTICAL SCAN BALLOT AT VOTER DIRECTION,

    (B)   INTERPRET THE BALLOT SELECTIONS,

    (C)   COMMUNICATE THE INTERPRETATION FOR VOTER VERIFICATION, AND THEN

    (D)   PRINT A VOTER-VERIFIED BALLOT.

A BMD INTEGRATES COMPONENTS SUCH AS AN OPTICAL SCANNER, PRINTER, TOUCH-SCREEN MONITOR, AND A NAVIGATIONAL KEYPAD.

~~45.1.4~~ 45.1.5 "Ballot style" means a specific ballot layout or content for an election. The ballot style is the presentation of the unique combination of contests and candidates for which the voter is eligible to vote. It includes the order of contests and candidates, the list of ballot positions for each contest, and the binding of candidate names to ballot positions within the presentation. Multiple precincts may use a single ballot style. Multiple styles may appear in a single precinct where voters are split between two or more districts or other categories defining voter eligibility for particular contests and candidates.

1   45.1.5 45.1.6 "Closed network" means a network structure in which devices are not
2   connected to the internet or other office automation networks, except as allowable
3   under THIS Rule 45.5.2.7 45.

4   45.1.6 "Communications devices" means devices that may be incorporated in, or
5   attached to, components of the voting system for the purpose of transmitting
6   tabulation data between components or to another data processing system,
7   printing system or display device.

8   45.1.7 "DRE" means a direct recording electronic voting device. A DRE is a voting
9   device that records votes by means of a ballot display OR AN AUDIO BALLOT
10   provided with mechanical or electro-optical components or an audio ballot that
11   can be activated by the voter, processes data by means of a computer SOFTWARE
12   program and records voting data and ballot images in memory components or
13   other media. The device may produce a tabulation of the voting data stored in a
14   removable memory component and as printed copy. The device may also provide
15   a means for transmitting individual ballots or vote totals to a central location for
16   consolidating and reporting results from remote sites to the central location.

17   45.1.8 "EAC" means the United States Election Assistance Commission.

18   45.1.9 "Election management system" includes, but is not limited to, the ballot
19   definition subsystem and the election reporting subsystem. The election
20   management system may provide utilities for other election administration tasks,
21   including maintaining equipment inventories, estimating ballot printing needs and
22   maintaining information on polling places VOTER SERVICE AND POLLING CENTERS.

23   45.1.10 "Election media" means any device including a cartridge, card, memory
24   device or hard drive used in a voting system for the purposes of programming
25   ballot image data (ballot or card styles), recording voting results from electronic
26   vote tabulating equipment or any other data storage required by the voting system
27   for a particular election function. The election management system typically
28   downloads ballot style information to the election media and uploads results and
29   ballot images from the election media.

30   45.1.11 "Equipment" or "device" means a complete, AND inclusive term to
31   represent all items submitted for certification by the voting system provider. This
32   can include, but is not limited to, any voting device, accessory to voting device,
33   DRE, touch screen voting device, card programming device, software and
34   hardware. "Equipment" may also mean a complete end to end voting system
35   solution.

36   45.1.12 "MODIFICATION" MEANS A REVISION OR A NEW RELEASE OF AN ELECTRONIC
37   OR ELECTROMECHANICAL VOTING SYSTEM.

38   45.1.12 45.1.13 "Remote site" means any physical location identified by a
39   designated election official as a location where the jurisdiction shall conduct the
40   casting of ballots for a given election. A remote site includes, but is not limited to,

locations such as ~~precinct polling places, vote centers, early voting sites and mail-in ballot counting sites~~ VOTER SERVICE AND POLLING CENTERS.

~~45.1.13~~ 45.1.14   ~~"Removable Storage Media"~~ "REMOVABLE STORAGE MEDIA" means storage devices that can be removed from the system and transported to another location for readout and report generation. Examples of removable storage media include, but are not limited to, programmable read-only memory (PROM), random access memory (RAM) with battery backup, thumb drives, magnetic media and optical media.

~~45.1.14~~ 45.1.15   "Secretary of State" ~~within the context of this rule,~~ means the Colorado Secretary of State and his or her ~~designated~~ agents including employees, contractors and volunteers.

~~45.1.15~~ 45.1.16   "Security" means the ability of a voting system to protect election information and election system resources with respect to confidentiality, integrity and availability.

~~45.1.16~~ 45.1.17   ~~"Split Precinct"~~ "SPLIT PRECINCT" means a precinct that has a geographical divide between one or more political jurisdictions which results in each jurisdiction within the precinct to be assigned different ballot styles for a specific election.

~~45.1.17~~ 45.1.18   ~~"Test Log" or "Test Records"~~ "TEST LOG" OR "TEST RECORDS" means the documentation of certification testing and processes. This documentation may include, but is not limited to, certification testing reports, test plans, requirements matrices, photographs, written notes, video and/or audio recordings.

~~45.1.18~~ 45.1.19   ~~"Trusted Build"~~ "TRUSTED BUILD" means the write-once installation disk or disks for software and firmware for which the Secretary of State or his/her agent has established the chain of evidence to the building of a disk, which is then used to establish and/or re-establish the ~~chain of custody~~ CHAIN-OF-CUSTODY of any component of the voting system which contains firmware or software. The trusted build is the origin of the chain of evidence for any software and firmware component of the voting system.

45.1.20   "VOTING SYSTEM" MEANS:

(A)   THE TOTAL COMBINATION OF MECHANICAL, ELECTROMECHANICAL, OR ELECTRONIC EQUIPMENT (INCLUDING THE SOFTWARE, FIRMWARE, AND DOCUMENTATION REQUIRED TO PROGRAM, CONTROL, AND SUPPORT THE EQUIPMENT) THAT IS USED TO:

(1)   DEFINE BALLOTS;

(2)   CAST AND COUNT VOTES;

	(3)	REPORT OR DISPLAY ELECTION RESULTS; AND

          (4)   MAINTAIN AND PRODUCE ANY AUDIT TRAIL INFORMATION; AND

     (B)   THE PRACTICES AND ASSOCIATED DOCUMENTATION USED TO:

          (1)   IDENTIFY SYSTEM COMPONENTS AND VERSIONS OF SUCH COMPONENTS;

          (2)   TEST THE SYSTEM DURING ITS DEVELOPMENT AND MAINTENANCE;

          (3)   MAINTAIN RECORDS OF SYSTEM ERRORS AND DEFECTS;

          (4)   DETERMINE SPECIFIC SYSTEM CHANGES TO BE MADE TO A SYSTEM AFTER THE INITIAL QUALIFICATION OF THE SYSTEM; AND

          (5)   MAKE AVAILABLE ANY MATERIALS TO THE VOTER (SUCH AS NOTICES, INSTRUCTIONS, FORMS, OR PAPER BALLOTS).

45.1.19 45.1.21   "Voting System Test Laboratory" or "VSTL" means a "Federally Accredited Laboratory" "VOTING SYSTEM TEST LABORATORY" OR "VSTL" MEANS A "FEDERALLY ACCREDITED LABORATORY", as defined in section 1-1-104(16.5), C.R.S., which is accredited by the EAC to conduct certification testing for voting systems.

45.5.2.9.1 45.1.22   V-VPAT shall refer to a Voter-verified "VOTER-VERIFIED PAPER AUDIT TRAIL" OR "VVPAT" MEANS A DEVICE CAPABLE OF PRODUCING A VOTER-VERIFIED paper record as defined in section 1-1-104(50.6)(a), C.R.S.

45.2   Introduction

45.2.1 Definition of voting system for certification purposes

45.2.1.1 45.2.1 The definition of a voting system for the purposes of this rule shall be as the term is defined in HAVA Section 301(b). For Colorado purposes, no single component of a voting system, or device, meets the definition of a voting system except that nothing in this rule shall be interpreted to require the testing of an entire modified system if the Secretary of State determines pursuant to IN ACCORDANCE WITH section 1-5-618, C.R.S., that a modification to any certified voting system requires testing for security and accuracy. only ONLY the modification shall be required to be tested to ensure compliance with this Rule 45.

45.2.1.2 45.2.2   Sufficient components shall be assembled to create a configuration that allows the system or modification as a whole to meet the requirements as described for a voting system in this rule.

45.2.3 THE CERTIFICATION OF A VOTING SYSTEM SHALL NOT BE INTERPRETED AS A REQUIREMENT THAT A COUNTY PURCHASE OR LEASE ALL OF THE COMPONENTS OF

THE VOTING SYSTEM. COUNTIES MAY CHOOSE TO CONFIGURE AND USE A SUBSET OF THE CERTIFIED VOTING SYSTEM AND MAY USE THE SERVICES OF A VENDOR OR THIRD PARTY TO PROVIDE BALLOT DEFINITION AND ELECTION PROGRAMMING OF MEMORY CARDS. COUNTIES ARE NOT REQUIRED TO USE A PAPER BALLOT TABULATION DEVICE IF THEY CHOOSE TO MANUALLY TABULATE THE ELECTION RESULTS.

45.2.2 Authority

    45.2.2.1   Pursuant to Articles 5 and 7 of Title 1, C.R.S., the Secretary of State is expressly authorized to adopt this rule.

45.2.3 Documents Incorporated by Reference

    45.2.3.1   All documents incorporated by reference in this Rule 45 do not include any later amendments or editions of those documents.

    45.2.3.2   All documents incorporated by reference in this Rule 45 may be viewed on the "Voting Systems" page of the "Elections Center" on the Secretary of State's website at www.sos.state.co.us, or by contacting the Secretary of State Voting Equipment Certification Program/1700 Broadway Suite 200/Denver, CO 80290.

45.3   Certification Process Overview and Timeline

45.3.1 The voting system shall be considered as a unit, and all components of such system shall be tested at once, unless the circumstances necessitate otherwise. Any change made to individual components of a voting system shall require the entire voting system TO be recertified in accordance with this rule unless the change is a modification that can be approved under the provisions of section 1-5-618(1.5), C.R.S.

45.3.2 For a voting system to be certified, the voting system provider shall successfully complete all phases of the certification process, to include submitting a complete application, a review of the documentation to evaluate whether the system meets the requirements of this rule, a public demonstration of the system, functional testing of the voting system to demonstrate substantial compliance with the requirements of this rule and Colorado Election Code as well as any additional testing that is deemed necessary by the Secretary of State. THE CERTIFICATION PROCESS INCLUDES: SUBMISSION OF A COMPLETE APPLICATION, A DOCUMENTATION REVIEW, A PUBLIC DEMONSTRATION OF THE SYSTEM, AND FUNCTIONAL TESTING.

45.3.3 The flow of each phase of certification is as follows:

    (a)   Phase I – Voting THE VOTING system provider submits MUST SUBMIT an application and all documentation required in Rule 45.4. The Secretary of State reviews WILL REVIEW the applicaton APPLICATION and informs INFORM the voting system provider whether or not the application is

complete. ~~If the application is complete, the Secretary of State makes arrangements with the voting system provider for a public demonstration.~~ If the application is incomplete, the Secretary of State ~~shall~~ WILL identify the deficiencies and the voting system provider will have 30 days to remedy the deficiencies and make the application complete. WHEN THE APPLICATION IS COMPLETE, THE SECRETARY OF STATE WILL MAKE ARRANGEMENTS WITH THE VOTING SYSTEM PROVIDER FOR A PUBLIC DEMONSTRATION.

(b)   Phase II – The Secretary of State ~~reviews~~ WILL REVIEW the submitted documentation, ~~conducts the review of~~ VSTL REPORTS FROM PREVIOUS TESTING, AND ~~or~~ evaluations provided by ~~another State under Rule 45.5.1.3, prepares a certification test plan for the system and presents the test plan to the voting system provider~~ OTHER STATES.

(C)   PHASE III – THE SECRETARY OF STATE WILL PREPARE A CERTIFICATION TEST PLAN. IF A VSTL IS CONTRACTED TO TEST THE VOTING SYSTEM, THE VSTL WILL WORK WITH THE SECRETARY OF STATE TO PREPARE A CERTIFICATION TEST PLAN. THE CERTIFICATION TEST PLAN WILL BE PRESENTED TO THE VOTING SYSTEM PROVIDER FOR REVIEW PRIOR TO THE START OF FUNCTIONAL TESTING.

~~(c)~~ (D) Phase ~~III~~ IV– Upon receipt of the voting system provider's agreement to the CERTIFICATION test plan, the Secretary of State ~~performs~~ OR THE VSTL WILL PERFORM the functional tests.

~~(d)~~ (E) Phase ~~IV~~ V – The Secretary of State ~~reviews~~ WILL REVIEW the results of the functional tests and ~~decides~~ DETERMINE whether ~~to certify or not to certify~~ the voting system SUBSTANTIALLY MEETS THE REQUIREMENTS FOR CERTIFICATION. Within 30 days of ~~the~~ THIS decision ~~to certify or not certify the voting system~~, the certification test report for the voting system shall be posted on the Secretary of State's website.

~~45.6.3~~ 45.3.4 The Secretary of State shall certify voting systems that substantially comply with the requirements in this Rule 45, Colorado Election Code, and any additional testing that is deemed necessary by the Secretary of State.

45.4   Application Procedure

45.4.1 Any voting system provider may apply to the Secretary of State for certification at any time.

45.4.2 A voting system provider that ~~submits~~ DESIRES TO SUBMIT a voting system for certification shall complete the Secretary of State's "Application for Certification of Voting System" WHICH IS AVAILABLE ON THE SECRETARY OF STATE'S WEBSITE.

45.4.3 The Secretary of State, in accordance with section 24-21-104(1)(a), C.R.S., shall charge the voting system provider all direct and indirect costs associated with the

testing of a voting system submitted for certification. The Secretary of State shall provide, upon request, an estimate of costs for certification testing at the conclusion of Phase II evaluation. PRIOR TO THE COMMENCEMENT OF FUNCTIONAL TESTING. IN ORDER TO BEGIN FUNCTIONAL TESTING, THE VOTING SYSTEM PROVIDER SHALL PROVIDE A WRITTEN APPROVAL OF THE COST ESTIMATE. All costs shall be paid in full prior to the issuance of a final determination by the Secretary of State.

45.4.4   Along with the application, the voting system provider shall submit all documentation required in this Rule 45 IN ELECTRONIC FORMAT. The requirements include documentation necessary for the identification of the full system configuration submitted for certification. Documentation shall include information that defines the voting system design, method of operation and related resources. It shall also include a system overview and documentation of the voting system's functionality, accessibility, hardware, software, security, test and verification specifications, operations procedures, maintenance procedures and personnel deployment and training requirements. In addition, the documentation submitted shall include the voting system provider's configuration management plan and quality assurance program.

45.4.5   Electronic copies of documentation are preferred and shall be submitted in lieu of a hard copy when possible.

45.4.6 45.4.5   The vendor shall identify any material it asserts is exempt from public disclosure under the Colorado Open Records Act, section 24-72-204, et. seq., C.R.S., together with a citation to the specific grounds for exemption. The request shall be made prior to the start of Phase III IV of the certification process.

45.4.7   If the EAC has established a trusted build for the system submitted for certification, the trusted build shall be provided by the EAC. The voting system provider shall execute and submit to the EAC any necessary releases for the EAC to provide the same and provide the Secretary of State with a copy of such executed releases. The voting system provider shall pay directly to the EAC any cost associated with same. In addition, the voting system provider shall submit all documentation and instructions necessary for the creation and guided installation of files contained in the trusted build which will be created at the start of functional testing and will be the model tested. The Secretary of State reserves the right to add additional instructions or guidance for the use of the trusted build when initiating the chain of custody process for a jurisdiction using the specified equipment.

45.4.8 45.4.6   If the EAC does not have a trusted build for the voting system submitted for certification, the THE voting system provider shall coordinate with the Secretary of State for the establishment of the trusted build. THE VOTING SYSTEM PROVIDER SHALL SUBMIT ALL DOCUMENTATION AND INSTRUCTIONS NECESSARY FOR THE CREATION AND GUIDED INSTALLATION OF FILES CONTAINED IN THE TRUSTED BUILD WHICH WILL BE CREATED AT THE START OF FUNCTIONAL TESTING AND WILL BE THE MODEL TESTED. At a minimum, this THE TRUSTED BUILD shall

include a compilation of files placed on write-once media ~~for which the Secretary of State has observed the chain of evidence from the time of source code compilation through delivery~~, and an established hash file distributed from a VSTL or the National Software Reference Library to compare federally certified versions. ~~All or any part of the~~ THE trusted build disks ~~may be encrypted. If applicable, they~~ should all be labeled ~~as proprietary information and~~ with identification of the voting system provider's name and release version ~~based on the voting system provider's release instructions~~.

~~45.4.9~~ 45.4.7 All materials submitted to the Secretary of State shall remain in the custody of the Secretary of State ~~during the life of the certification and for 25 months after the last election in which the system is used with the exception of any equipment provided by the voting system provider for the purposes of testing.~~ AS FOLLOWS:

(A)   FOR CERTIFIED SYSTEMS, UNTIL THE CERTIFICATION IS PERMANENTLY REVOKED, OR UNTIL NO COMPONENTS OF THE CERTIFIED SYSTEM ARE USED IN THE STATE OF COLORADO; AND

(B)   FOR SYSTEMS THAT ARE NOT CERTIFIED, A PERIOD OF 25 MONTHS.

~~45.4.10~~ 45.4.8 ~~In addition to the application and the documentation specified above, the~~ THE Secretary of State may request additional information from the applicant~~,~~ as deemed necessary.

45.5   Voting System Standards

~~45.5.1 Federal Standards~~

~~45.5.1.1~~ 45.5.1   All voting systems shall meet the ~~voting systems standards pursuant to section 1-5-601.5, C.R.S., and Secretary of State Rule 37.3~~ 2002 VOTING SYSTEM STANDARDS.

~~45.5.1.2~~ 45.5.2 All voting system software, hardware and firmware shall meet all requirements of federal law that address accessibility for the voter interface of the voting system. These laws include, but are not limited to, (a) the Help America Vote Act, (b) the Americans with Disabilities Act and (c) the Federal Rehabilitation Act. The voting system provider shall explicitly acknowledge that their proposed software, hardware and firmware are all in compliance with the relevant accessibility portions of these laws.

~~45.5.1.3   The Secretary of State may use and rely upon the testing of a voting system performed by a VSTL or by another state upon satisfaction of the following conditions:~~

~~(a)   The Secretary of State has complete access to any documentation, data, reports or similar information upon which the VSTL or another state relied in performing its tests and will make such~~

1   information available to the public subject to any redaction
2   required by law; and

3   (b)   The Secretary of State makes written findings and certifies that he
4   or she has reviewed such information and determines that the tests
5   were conducted in accordance with appropriate engineering
6   standards in use when the tests were conducted and the extent to
7   which the tests satisfy the requirements of sections 1-5-615 and 1-
8   5-616, C.R.S., and all rules promulgated under those sections.

9   *[Current rule 45.5.1.3 is mended and moved to Rule 45.5.12(a).]*

10   *[Rule 45.5.2.4.3 is amended and moved to New Rule 45.5.3(a). (Modifications to Rule 45.5.2.4.3*
11   *are shown below).]*

12   45.5.2 State Standards

13   45.5.3 INDEPENDENT ANALYSIS

14   45.5.2.4.3 (A) Prior to completion of functional testing, all voting system
15   providers submitting a voting system shall have completed an independent
16   analysis of the system., WHICH SHALL INCLUDE:

17   (a)   The independent analysis shall include:

18   (i) (1) An application penetration test conducted to analyze the system for
19   any potential vulnerabilities that may result from poor or improper
20   system configuration, known and/or unknown hardware or software
21   flaws, or operational weaknesses in process or technical
22   countermeasures. The test shall involve active exploitation of
23   security vulnerabilities of the voting system, whether or not the
24   vulnerabilities can be mitigated through compensating controls.

25   (ii) (2) A source code evaluation conducted pursuant to the requirements
26   identified in Rule 45.5.2.6.1(f), requiring compliance with the 2002
27   voting system standards IN ACCORDANCE WITH SOFTWARE DESIGN
28   AND CODING STANDARDS OF THE 2002 VOTING SYSTEM STANDARD
29   OR THE MOST CURRENT VERSION OF THE VOLUNTARY VOTING
30   SYSTEM GUIDELINES THAT HAS BEEN APPROVED AFTER JANUARY 1,
31   2008.

32   (b) (3)   A complete report detailing all findings and recommended
33   compensating controls for vulnerabilities and deficiencies identified.

34   (c) (4)   The vendor VOTING SYSTEM PROVIDER shall use an EAC
35   approved VSTL AT LEAST ONE OF THE FOLLOWING to perform the
36   independent analysis, or submit the results of testing conducted in

another state, or some combination of such VSTL and state testing
that meets the requirements of this rule.:

(I) (A) AN EAC APPROVED VSTL;

(II) (B) TESTING CONDUCTED IN ANOTHER STATE;

(III) (C) SOME COMBINATION OF SUCH VSTL AND STATE TESTING THAT
MEETS THE REQUIREMENTS OF THIS RULE.

(d) (5)   The Secretary of State OR VSTL shall conduct a quality
review of all work under this section. The review may include an
examination of the testing records, interviews of the individuals who
performed the work, or both. Review of testing records may be
conducted at the VSTL, the state in which the testing was conducted,
or at the site of any contractor or subcontractor utilized by another
state to conduct the testing.

(e) (6)   When an analysis performed by another state is used, the
THE Secretary of State has the right to reject any evaluation if not
satisfied with the work product and to require additional analysis to
meet the requirements of section 1-5-608.5, C.R.S., and this Rule.

*[Rule 45.5.2.1 is amended and moved to New Rule 45.5.4. (Modifications to Rule 45.5.2.1 are
shown below).]*

45.5.2.1 45.5.4   Functional requirements REQUIREMENTS

45.5.2.1.1(A) Functional requirements shall address any and all detailed
operations of the voting system related to the management and controls
required to successfully conduct an election on the voting system.

45.5.2.1.2 (B) The voting system shall provide for appropriately authorized users
to:

(a)   Prepare the system for an election;

(b) (1) Setup SET UP and prepare ballots for an election;

(c) (2) Lock and unlock system to prevent or allow changes to ballot
design;

(d) (3) Conduct hardware and diagnostic testing as required herein;

(e) (4) Conduct logic and accuracy testing as required herein;

(f) (5) Conduct an election and meet additional requirements as identified
in this section RULE 45 for procedures for voting, auditing

information, inventory control, counting ballots, opening and closing polls, recounts, reporting and accumulating results ~~as required herein~~;

(g) (6)   Conduct the post election audit ~~as required herein~~; and

(h) (7)   Preserve the system for future election use.

~~45.5.2.1.3~~ (C)   The voting system shall integrate ~~Election Day~~ ELECTION DAY voting results with mail-in, early voting and provisional ballot results.

~~45.5.2.1.4   The voting system shall be able to count all of an elector's votes on a provisional ballot or only federal and statewide offices and statewide ballot issues and questions, as provided under section 1-8.5-108(2), C.R.S.~~

~~45.5.2.1.5   The voting system shall provide for the tabulation of votes cast in split precincts where all voters residing in one precinct are not voting the same ballot style.~~

~~45.5.2.1.6~~ (D)   The voting system shall provide for the tabulation of votes cast in combined precincts at remote sites, where more than one precinct is voting at the same location, on either the same ballot style or ON a different ballot style.

~~45.5.2.1.7~~ (E)   The ~~voting system application~~ ELECTION MANAGEMENT SYSTEM shall provide authorized users with the capability to produce electronic files including election results in either ASCII (both comma-delimited and fixed-width) or web-based format ~~that shall contain (a) all data or (b) any user selected data elements from the database~~. The software shall provide authorized users with the ability to generate these files on an "on-demand" basis. After creating such files, the authorized users shall~~, at their discretion,~~ have the capability to copy the files to diskette, tape, CD-ROM or ~~to transmit the files to another information system~~ OTHER MEDIA TYPE.

(a) (1)   Exports necessary for the Secretary of State shall conform to a format agreed upon by the Secretary of State and the voting system provider. If the voting system provider and the Secretary of State have not previously agreed upon a format, the voting system provider shall provide the Secretary of State with specifications for all available export file formats. ~~As part of the certification test, the voting system provider will demonstrate that preliminary and canvassing level election result data, using one or more of the provided formats, can be imported to a commercially available data management program such as a spreadsheet, database, or report generator which can accept that format and which is used and selected by the Secretary of State's office. Using the imported data, the Secretary of State's test team shall confirm that the~~

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4</td><td colspan="2">election results data may be consolidated with results from one or more additional election jurisdictions, searched, selected, sorted, generate totals from selected subsets of the data, and formatted for reporting.</td></tr>
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1   ~~election results data may be consolidated with results from one or~~
2   ~~more additional election jurisdictions, searched, selected, sorted,~~
3   ~~generate totals from selected subsets of the data, and formatted for~~
4   ~~reporting~~.

5   (b)   ~~Export files shall be generated so that election results can be~~
6   ~~communicated to the Secretary of State on election night both~~
7   ~~during the accumulation of results and after all results have been~~
8   ~~accumulated.~~

9   *[Current Rule 45.2.1.7(b) is amended and moved to Rule 11]*

10   (2)   THE VOTING SYSTEM PROVIDER SHALL DEMONSTRATE THAT
11   PRELIMINARY AND CANVASSING LEVEL ELECTION RESULT DATA CAN
12   BE IMPORTED TO A COMMERCIALLY AVAILABLE DATA MANAGEMENT
13   PROGRAM SUCH AS A SPREADSHEET, DATABASE, OR REPORT
14   GENERATOR.

15   ~~45.5.2.1.8~~ (F) The voting system shall include hardware and software to enable
16   the closing of the remote voting location and disabling the acceptance of
17   ballots on all vote tabulation devices to allow for the following:

18   ~~(a)~~ (1) ~~Machine-generated paper record~~ PRINTOUT of the time the voting
19   system was closed.

20   ~~(b)~~ (2) ~~Readings~~ PRINTOUT of the public counter and protective counter
21   ~~shall become a part of the paper audit record~~ upon disabling the
22   voting system ~~to prevent further voting~~.

23   ~~(c)~~ (3) Ability to print ~~an abstract of the count of votes~~ A REPORT which
24   shall contain:

25   ~~(i)~~ (A) Names of the offices;

26   ~~(ii)~~ (B) Names of the candidates and party, when applicable;

27   ~~(iii)~~ (C)   A tabulation of votes from ballots of different
28   political parties at the same voting location in a primary
29   election;

30   ~~(iv)~~ (D)   Ballot titles;

31   ~~(v)~~ (E) Submission clauses of all initiated, referred or other ballot
32   issues or questions; and

33   ~~(vi)~~ (F) The number of votes counted for or against each candidate
34   or ballot issue.

1 (d)   Abstract shall include an election judge's certificate and statement
2   that contains:

3   (i) (G) Date of election (day, month and year);

4   (ii) (H) Precinct Number NUMBER (ten digit format);

5   (iii) (I) County or Jurisdiction Name JURISDICTION NAME;

6   (iv) (J) State of Colorado AREA FOR "STATE OF COLORADO";

7   (v) (K) Count of votes as indicated in this section FOR EACH
8   CONTEST; and

9   (vi) (L) Area AN ELECTION JUDGE'S CERTIFICATE WITH AN AREA for
10   judges' signatures with the words similar to: "Certified by
11   us" , and "Election Judges" . Space should allow for a
12   minimum of two signatures.

13 (e) (4) Votes counted by a summary of the voting location and by
14   individual precincts.

15 (f) (5) Ability to produce multiple copies of the unofficial results at the
16   close of the election.

17 (g)   Ability to accommodate a two page ballot (races on four faces) is
18   required.

19 *[Current Rule 45.5.2.1.8(g) is amended and moved to new Rule 45.5.6(c).]*

20 45.5.2.1.9 Voters voting on a DRE shall be able to navigate through the
21   screens without the use of page scrolling. Features such as next or
22   previous page options shall be used.

23 45.5.2.1.10 (G) The voting system application ELECTION MANAGEMENT SYSTEM
24   shall ensure that an election setup may not be changed once ballots are
25   printed and/or election media devices are downloaded for votes to be
26   conducted without proper authorization and acknowledgement by the
27   application administrative account. The application and database audit
28   transaction logs shall accurately reflect the name of the system operator
29   making the change(s), the date and time of the change(s), and the "old"
30   and "new" values of the change(s).

31 45.5.2.1.11 The voting system shall ensure that all tabulated results will be
32   accurately captured, interpreted, and reported to the level of accuracy
33   required in the 2002 Voting System Standards.

45.5.2.3.13 (H)All DRE OR BMD voting devices shall use touch screen technology or other technology providing visual ballot display and selection.

45.5.2.3.14 (I) All electronic voting devices supplied by the voting system provider AND USED AT VOTER SERVICE AND POLLING CENTERS shall have the capability to continue ALL NORMAL VOTING operations and provide continuous device availability during a 2-HOUR period of electrical outage without any loss of election data.

45.5.2.3.16 (J) The voting system shall provide capabilities to protect the confidentiality of voters' ballot choices.

(a) (1) All optical scan devices, associated ballot boxes and V-VPAT storage devices shall provide physical locks and procedures to prevent disclosure of voters' confidential ballot choices during and after the vote casting operation.

(b) (2) All DRE devices shall provide randomization of all voter choices and stored electronic ballot information, regardless of format, to prevent disclosure of voters' confidential ballot choices during and after storage of the voters' ballot selections.

45.5.2.2   Performance Level

45.5.2.2.1   Performance Level shall refer to any operation related to the speed and efficiency required from the voting system to accomplish the successful conduct of an election on the voting system.

45.5.2.2.2   The voting system shall meet the requirements for casting ballots as detailed in the vendor documentation required for certification.

45.5.2.2.3   The voting system provider shall publish and specify processing standards for each component of the voting system as part of the documentation required for certification.

[Current Rule 45.5.2.2.3 is amended and moved to new Rule 45.5.12(l)]

45.5.2.2.4   For the purpose of evaluating software, the voting system provider shall be required to provide detailed information as to the type of hardware required to execute the software.

45.5.2.2.5 ~~At no time shall third party hardware or software have a negative effect on performance levels of the voting system application, unless, through documentation, a voting system provider specifically details the specific hardware or software, the performance effect and a workaround for the end user to overcome the issue.~~

~~45.5.2.3~~ 45.5.5 Physical and ~~Design Characteristics~~ DESIGN CHARACTERISTICS

~~45.5.2.3.1~~(A) Physical and design characteristics shall address any and all external or internal construction of the physical environment of the voting system or the internal workings of the software necessary for the voting system to function. The voting system shall substantially comply with these requirements to be considered successful in the conduct of an election on the voting system.

45.5.2.3.2 ~~The voting system shall meet the following environmental controls allowing for storage and operation in the following physical ranges:~~

~~(a) Operating Temperature — Maximum 95 Degrees Fahrenheit; Minimum 50 Degrees Fahrenheit, with maximum humidity of 90%, normal or minimum operating humidity of 15%.~~

~~(b) Non-Operating Temperature – Maximum 140 Degrees Fahrenheit; Minimum minus 4 Degrees Fahrenheit. Non-operating humidity ranges from 5% to 90% for various intervals throughout the day.~~

~~The documentation supplied by the voting system provider shall include a statement of all requirements and restrictions regarding environmental protection, electrical service, telecommunications service and any other facility or resource required for the installation, operation and storage of the voting system.~~

~~45.5.2.3.1~~(B) The voting system provider shall submit drawings, photographs and any related brochures or documents to assist with the evaluation of the physical design of the use of the voting system.

45.5.6 BALLOT DEFINITION SUBSYSTEM

~~45.5.2.3.3~~(A) The ballot definition subsystem of the voting system application consists of hardware and software required to accomplish the functions outlined in this Rule ~~45.5.2.3~~ 45.5.6. ~~System databases contained in the ballot definition subsystem may be constructed individually or they may be integrated into one database. These databases are treated as separate~~

1   databases to identify the necessary types of data to be handled and to
2   specify, where appropriate, those attributes that can be measured or
3   assessed for determining compliance with the requirements of this
4   standard.

45.5.2.3.4   The ballot definition subsystem shall be capable of formatting ballot styles in English and any alternate languages as are necessary to comply with The "Voting Rights Act of 1965" 42 U.S.C. § 1973c et seq. (1965).

45.5.2.3.5   The voting system application shall allow the operator to generate and maintain an administrative database containing the definitions and descriptions of political subdivisions and offices within the jurisdiction.

45.5.2.3.6   The ballot definition subsystem shall provide for the definition of political and administrative subdivisions where the list of candidates or contests may vary within the remote site and for the activation or exclusion of any portion of the ballot upon which the entitlement of a voter to vote may vary by reason of place of residence or other such administrative or geographical criteria. This database shall be used by the system with the administrative database to format ballots or edit formatted ballots within the jurisdiction.

45.5.2.3.7   For each election, the subsystem shall allow the user to generate and maintain a candidate and contest database and provide for the production and/or definition of properly formatted ballots and software.

45.5.2.3.8 (B) The ballot definition subsystem shall be capable of handling at least 500 200 potentially active voting positions, arranged to identify party affiliations in a primary election, offices with their associated labels and instructions, candidate names with their associated labels and instructions and ballot issues or questions with their associated text and instructions.

45.5.2.3.9   The ballot display may consist of a matrix of rows or columns assigned to political parties or non-partisan candidates and columns or rows assigned to offices and contests. The display may consist of a contiguous matrix of the entire ballot or it may be segmented to present portions of the ballot in succession.

45.5.2.1.8(g) (C)   Ability to THE VOTING SYSTEM MUST accommodate a SINGLE PAGE BALLOTS (RACES ON ONE FACE OR BOTH FACES) AND two page ballot PAPER BALLOTS (races on THREE OR four faces) is required.

45.5.2.3.10 (D) The voting system application shall BALLOT DEFINITION SUBSYSTEM MUST:

  (1)   provide PROVIDE a facility for the definition of the ballot, including the definition of the number of allowable choices for each office

| | | and contest and for special voting options such as write-in candidates~~. It shall provide for all voting options and specifications as provided for in Articles 5 and 7, Title 1, C.R.S.~~;

(2) ~~The system shall generate~~ GENERATE all required masters and distributed copies of the ~~voting program in conformance with the definition of the ballot for each voting device and remote site~~ ELECTION MANAGEMENT SOFTWARE. ~~The distributed copies, resident or installed, in each voting device shall include all software modules required to monitor system status and generate machine level audit reports, accommodate device control functions performed by remote location officials and maintenance personnel and register and accumulate votes.~~

45.5.7 TRUSTED BUILD

~~45.5.2.3.11~~ The trusted build of the voting system software, installation programs and third party software used to install or to be installed on voting system devices shall be distributed on a write-once media.

~~45.5.2.3.12~~ The voting system shall allow the system administrative account to verify that the software installed is the certified software by comparing it to the trusted build or other reference information.

~~45.5.2.3.13~~ All DRE voting devices shall use touch screen technology or other technology providing visual ballot display and selection. The voting system provider shall provide documentation concerning the use of touch screen or other display and selection technology including, but not limited to:

~~(a)~~ Technical documentation describing the nature and sensitivity of the tactile device (if the system uses touch screen technology);

~~(b)~~ Technical documentation describing the nature and sensitivity of any other technology used to display and select offices, candidates or issues;

[Current Rule 45.5.2.3.13 is amended and moved to new Rule 45.5.4(h). Current Rule 45.5.2.3.13(a)-(b) are amended and moved to new Rule 45.5.12(c).]

~~(c)~~ Any mean time between failure (MTBF) data collected on the vote recording devices; and

~~(d)~~ Any available data on problems caused for persons who experience epileptic seizures due to the DRE voting device's screen refresh rate.

45.5.2.3.14 ~~All electronic voting devices supplied by the voting system provider shall have the capability to continue operations and provide continuous device availability during a period of electrical outage without any loss of election data.~~

(a) ~~For optical scan devices, this capability shall include, at a minimum, for a period of not less than two hours the ability to:~~

(i) ~~Continue to scan or image voters' ballots;~~

(ii) ~~Accurately tabulate voters' choices from the ballots;~~

(iii) ~~Accurately store voters' ballot choices; and~~

(iv) ~~Transmit required results files accurately if power failure occurs during transmittal of results.~~

(b) ~~For DRE devices, this capability shall include, at a minimum, for a period of not less than two hours the ability to:~~

(i) ~~Continue to present ballots accurately to voters;~~

(ii) ~~Accept voters' choices accurately on the devices;~~

(iii) ~~Tabulate voters' choices accurately;~~

(iv) ~~Store voters' choices accurately in all storage locations on the device; and~~

(v) ~~Transmit required results files accurately if power failure is experienced during transmittal of results.~~

(c) ~~For V-VPAT devices connected to DREs, this capability shall include, at a minimum, for a period of not less than two hours the ability to:~~

(i) ~~Continue to print voters' choices on the DRE accurately and in a manner that is identical to the manner of the printers' operations during a period of normal electrical operations; and~~

              (ii)   Continue to store the printed ballots in a secure manner that is identical to the manner of the printers' operations during a period of normal electrical operations.

    (d)   The voting system provider shall deliver to the Secretary of State documentation detailing estimated time of battery operation for each type of optical scanner, ballot imager, DRE and V-VPAT they provide, assuming continuous use of the devices by voters during an interruption of normal electrical power.

    (e)   The voting system provider shall deliver to the Secretary of State documentation specifying the steps and times required for charging batteries for each type of optical scanner, ballot imager, DRE and V-VPAT they provide.

[Current 45.5.2.3.14 (d) and (e) are amended and moved to new rule 45.5.12(e) and (p) and (q).]

45.5.2.3.15   The voting system provider's software application shall be able to recover operations after a power outage or other abnormal shutdown of the system on which that application and database are operating without loss of more than the current transaction data record on which the administrative account or authorized operator account is currently working.

[Current 45.5.2.3.15 is amended and moved to new Rule 45.5.4(j)]

45.5.2.3.16   The voting system shall provide capabilities to protect the confidentiality of voters' ballot choices.

    (a)   All optical scan devices, associated ballot boxes and V-VPAT storage devices shall provide physical locks and procedures to prevent disclosure of voters' confidential ballot choices during and after the vote casting operation.

    (b)   All DRE devices shall provide randomization of all voter choices and stored electronic ballot information, regardless of format, to prevent disclosure of voters' confidential ballot choices during and after storage of the voters' ballot selections.

[Current 45.5.2.3.16 is amended and moved to new Rule 45.5.4(j)]

45.5.2.3.17   The voting system provider shall submit drawings, photographs and any related brochures or documents to assist with

1 the evaluation of the physical design of the use of the voting
2 system.

4 45.5.2.4   Documentation Requirements

5 45.5.2.4.1   In addition to other documentation requirements in this
6 rule, the voting system provider shall provide the following
7 documents:

8 (a)   Standard Issue Users/Operator Manual;

9 (b)   System   Administrator's/Application   Administration
10 Manual;

11 (c)   Training Manual and related materials;

12 (d)   Systems Programming and Diagnostics Manuals; and

13 (e)   A list of minimum services needed for the successful,
14 secure and hardened operation of all components of voting
15 system.

17 45.5.2.4.2   For the review of VSTL or other state testing in Rule
18 45.5.1.3 copies of all VSTL or state qualification reports, test logs
19 and technical data packages shall be provided to the Secretary of
20 State.

21 (a)   The voting system provider shall execute and submit any
22 necessary releases for the applicable VSTL, state and/or
23 EAC to discuss any and all procedures and findings
24 relevant to the voting system submitted for certification
25 with the Secretary of State and allow the review by the
26 Secretary of State of any documentation, data, reports or
27 similar information upon which the VSTL or other state
28 relied in performing its testing. The voting system provider
29 shall provide a copy of the same to the Secretary of State.

30 (b)   The voting system provider, the VSTL, the state and/or the
31 EAC will identify to the Secretary of State any specific
32 sections of documents for which they assert a legal
33 requirement for redaction.

[Current Rule 45.5.2.4.2 amended and moved to new rule 45.5.12(d).]

45.5.2.4.3 ~~Prior to completion of functional testing, all voting system providers submitting a voting system shall have completed an independent analysis of the system.~~

~~(a)~~ ~~The independent analysis shall include:~~

~~(i)~~ ~~An application penetration test conducted to analyze the system for any potential vulnerabilities that may result from poor or improper system configuration, known and/or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test shall involve active exploitation of security vulnerabilities of the voting system, whether or not the vulnerabilities can be mitigated through compensating controls.~~

~~(ii)~~ ~~A source code evaluation conducted pursuant to the requirements identified in Rule 45.5.2.6.1(f), requiring compliance with the 2002 voting system standards.~~

~~(b)~~ ~~A complete report detailing all findings and recommended compensating controls for vulnerabilities and deficiencies identified.~~

~~(c)~~ ~~The vendor shall use an EAC approved VSTL to perform the independent analysis, or submit the results of testing conducted in another state, or some combination of such VSTL and state testing that meets the requirements of this rule.~~

~~(d)~~ ~~The Secretary of State shall conduct a quality review of all work under this section. The review may include an examination of the testing records, interviews of the individuals who performed the work, or both. Review of testing records may be conducted at the VSTL, the state in which the testing was conducted, or at the site of any contractor or subcontractor utilized by another state to conduct the testing.~~

~~(e)~~ ~~When an analysis performed by another state is used, the Secretary of State has the right to reject any evaluation if not satisfied with the work product and to require additional analysis to meet the requirements of section 1-5-608.5, C.R.S., and this Rule.~~

1   *[Current Rule 45.5.2.4.3 amended and moved to New Rule 45.5.3.]*

2   45.5.2.4.4   ~~Documentation submitted to the Secretary of State shall be~~
3   ~~reviewed to determine the extent to which the voting system has~~
4   ~~been tested to federal standards.~~

5   *[Current Rule 45.5.2.4.4 amended and moved to new rule 45.5.12(f)]*

6   45.5.2.4.5   ~~Documentation shall include the financial statements set~~
7   ~~forth in Rule 45.13, which shall be for the prior fiscal year, and any~~
8   ~~quarterly financial statements for the period following the prior~~
9   ~~fiscal year and preceding the date of application for certification.~~

10   *[Current Rule 45.5.2.4.5 amended and moved to new rule 11]*

11   45.5.2.4.6   ~~Failure by the voting system provider to provide any~~
12   ~~documentation with their application for certification will delay~~
13   ~~processing the application until the documentation is provided.~~

14   *[Current Rule 45.5.2.4.6 amended and moved to new rule 45.5.12 (g)]*

15   ~~45.5.2.5~~ 45.5.8   Audit ~~capacity~~ CAPACITY

16   45.5.2.5.1   ~~The voting system shall be capable of producing electronic and~~
17   ~~printed audit logs of system operation and system operators' actions which~~
18   ~~shall be substantially compliant to allow operations and input commands~~
19   ~~to be audited.~~

20   45.5.2.5.2   ~~The voting system shall include detailed documentation as to the~~
21   ~~level, location and programming of audit trail information throughout the~~
22   ~~system. The audit information shall apply to:~~

23   ~~(a)   Operating Systems (workstation, server and/or DRE);~~

24   ~~(b)   Election Programming Software;~~

25   ~~(c)   Election Tabulation Devices – optical scan and DRE; and~~

26   ~~(d)   Election Reporting Subsystem.~~

27   *[Current Rule 45.5.2.5.2 amended and moved to new rule 45.5.12 (h)]*

28   ~~45.5.2.5.3~~ (A) The voting system shall track and maintain audit information of the
29   following ~~voting system application~~ ELECTION MANAGEMENT SYSTEM
30   events:

31   ~~(a)~~ (1) Log on and log off activity;

32   ~~(b)~~ (2) Application start and stop;

1   (c)(3) Printing activity, where applicable;

(d)(4) Election events – setup, set for election, unset for election, open polls, close polls, end election, upload devices, download devices, create ballots, create precincts, create districts, create ~~poll places (or Vote Centers)~~ VOTER SERVICE AND POLLING CENTERS, initialize devices, backup devices and voting activity; and

(e)(5) Hardware events – add hardware, remove hardware, initialize hardware and change hardware properties.

~~45.5.2.5.4~~ (B) All tabulation devices shall display the unit serial number(s) both physically and within any applicable software, logs or reports.

~~45.5.2.5.5~~ (C) Vote tabulation devices shall allow for an alternate method of transfer of audit records if the device or a memory storage device is damaged or destroyed.

~~45.5.2.5.6~~ (D) All transaction audit records of the ~~voting system application~~ ELECTION MANAGEMENT SYSTEM database shall be maintained in a file outside of or separate from the database IN A READ-ONLY FORMAT~~, which is not accessible by user/operator accounts~~.

~~45.5.2.6~~ 45.5.9 Security ~~Requirements~~ REQUIREMENTS

~~45.5.2.6.1~~ (A) All voting systems ~~submitted for certification~~ shall meet the following minimum system security requirements:

~~(a)~~ (1) The voting system shall MEET THE FOLLOWING REQUIREMENTS TO accommodate a general system of access by least privilege and ~~role based~~ ROLE-BASED access control~~. The following requirements shall apply~~:

~~(i)~~ (A) ~~The operating~~ OPERATING system administrative ~~account~~ ACCOUNTS shall not have access to read or write data to the database ~~and shall not have the ability or knowledge of the database administrator password~~;

~~(ii)~~ ~~The operating system administrative account shall not be required to use any function of the voting system during normal operations;~~

~~(iii)~~ (B) ~~A unique~~ OPERATING system user/operator ~~account~~ ACCOUNTS shall be ABLE TO BE created ~~for operating system use~~ that ~~is~~ ARE restricted from the following aspects of the operating system:

~~a.~~ (I) No access to system root directory;

1   b. (II)   No access to operating system specific folders;

2   c. (III)   No access to install or remove programs; and

3   d. (IV)   No access to modify other user accounts on the
4   system.

5   (iv) (C) A unique application APPLICATION administrative ~~account~~
6   ACCOUNTS shall ~~be created which has~~ HAVE full access and
7   rights to the application and database;

8   (v) (D) A unique application APPLICATION user/operator ~~account~~
9   ACCOUNTS shall ~~be created with~~ HAVE limited rights
10   specifically designed to perform functional operation
11   within the scope of the application. This user/operator shall
12   be restricted in the creation or modification of any
13   user/operator accounts.~~; and~~

14   ~~(vi)   The voting system provider shall not have an administrative~~
15   ~~account or administrative account access.~~

16   *[Current Rule 45.5.2.6.1(a)(vi) mMoved to Rule 43]*

17   (b) (2) The voting system shall meet the following requirements for
18   network security:

19   (i) (A) All components of the voting system shall have the ability
20   to operate on a closed network dedicated to the voting
21   system;

22   (ii) (B) All components of the voting system shall include the
23   limited use of non-routable IP address configurations for
24   any device connected to the closed network. For the
25   purposes of this requirement, non-routable IP addresses are
26   those defined in the RFC 1918 Address base; and

27   (iii) (C)   The voting system shall be tested to contain
28   provisions for updating security patches, software and/or
29   service packs without access to the open network.

30   (c) (3) All voting systems ~~submitted for certification~~ THAT USE
31   DATABASES shall ~~meet the following requirements for database~~
32   ~~security:~~

33   ~~(i)   All voting systems submitted for certification shall~~ have
34   databases hardened to specifications developed by the
35   voting system provider. Documentation included with the
36   application shall provide a detailed ~~prescription~~ PROCEDURE

for hardening and the procedure used to harden the system. Any government or industry guidelines adopted in whole, or in part, are to be identified in the documentation.

(d) (4) The voting system shall meet the following requirements for operating system security:

(i) (A) All voting systems submitted for certification shall have all operating systems hardened to specifications developed by the voting system provider. Documentation included with the application shall provide a detailed prescription PROCEDURE for hardening and the procedure used to harden the system. Any government or industry guidelines adopted in whole, or in part, are to be identified in the documentation.

(ii) The voting system provider shall submit documentation containing a list of minimum services and executables required to run the voting system application.

[Current Rule 45.5.2.6.1(d)(ii) is amended and moved to new Rule 45.5.12 (r)]

(iii) (B) The voting system provider shall configure the voting system operating system of the workstation and/or server used for the election management software to the following requirements:

a. (I) The ability for the system to take an action upon inserting a removable media (Auto AUTO run) shall be disabled; and

b. (II) The voting OPERATING system shall only boot from the drive or device identified as the primary drive. The voting system shall not boot from any alternative device.

(iv) (C) The voting system provider shall use a virus protection/prevention application on the election management server(s)/workstations which shall be capable of manual updates without the use of DIRECT CONNECTION TO the internet.

(e) (5) The voting system shall meet the following requirements for password security:

(i) (D) All passwords shall be stored and used in a non-reversible format;

1   (ii) (E) Passwords to THE database shall not be stored in THE
2   database;

3   (iii) (F) Password to THE database shall be owned and only known
4   by the application;

5   (iv) (G)   The application's database management system
6   shall require separate passwords for the administrative
7   account and each operator account ~~with access to the~~
8   ~~application~~;

9   (v) (H) The system shall be designed in such a way to ensure THAT
10   the use of the administrative account password ~~shall~~ IS not
11   ~~be~~ required for normal operating functions ~~at any remote~~
12   ~~location~~;

13   (vi) (I) The system shall be designed in such a way to facilitate the
14   ~~changing of passwords for each election cycle~~;

15   (vii) (J) The use of blank or empty passwords shall not be permitted
16   at any time with the exception of a limited one-time use
17   startup password which requires a new password to be
18   assigned before the system can be used; and

19   (viii) (K)   All voting systems ~~submitted for certification~~ shall
20   have all components of THE voting system capable of
21   supporting passwords of a minimum of eight characters,
22   ~~which~~ AND shall be capable of including numeric, alpha and
23   special characters in upper case or lower case used in any
24   combination.

25   ~~(f)~~   ~~All voting system software submitted for certification shall be in~~
26   ~~compliance with the Software Design and Coding Standards of the~~
27   ~~Voting System Standards adopted in Rule 37.3.~~

28   ~~(g)~~ (6) All modules of the system shall meet the ~~following~~ 2002 VOTING
29   SYSTEM STANDARDS requirements for installation of software,
30   including hardware with embedded firmware~~.~~:

31   ~~(i)~~   ~~If software is resident in the system as firmware, the voting~~
32   ~~system provider shall provide documentation that describes~~
33   ~~how devices may be retested to validate each ROM prior to~~
34   ~~the start of elections operations.~~

35   ~~(ii)~~   ~~No software shall be permanently installed or resident in~~
36   ~~the voting system unless the system documentation states~~
37   ~~that the jurisdiction shall provide a secure physical and~~

procedural environment for the storage, handling, preparation and transportation of the system hardware.

(iii) The voting system bootstrap, monitor and device controller software may be resident permanently as firmware, provided that this firmware has been shown to be inaccessible to activation or control by any means other than by the authorized initiation and execution of the vote counting program and its associated exception handlers.

(iv) The election-specific programming may be installed and resident as firmware, provided that such firmware is installed on a component (such as a computer chip) other than the component on which the operating system resides.

(v) After initiation of Election Day testing under Rule 11.5.3, no source code, compilers or assemblers shall be resident or accessible.

(vi)(A) Where the system includes a feature to interpret and control execution using data from a script, code tokens, or other form of control data file separate from the source code, the human-readable source information shall be made available as part of the A source code review and the data files used shall be defined and controlled as part of the Trusted Build as if it were part of the executable code.

(vii)(B) Security features and procedures shall be defined and implemented to prevent any changes of interpreted data files after the initial election testing of the final election definition and only allow authorized replacement REPLACEMENT of the data files with tested and approved files from the Trusted Build TRUSTED BUILD SHALL BE by authorized personnel before the election definition is finalized for an election.

(viii)(C) The introduction of interpreted data during execution shall not be permitted unless defined as a pre-defined PREDEFINED set of commands or actions subject to security review and the interpretation function provides security edits on input to prevent the introduction of other commands or the modification or replacement of existing code.

(ix) Independent analysis will test for the following conditions and report on absence or presence of the following input validations in accordance with Rule 45.5.2.4.3:

1   a. ~~Path manipulation;~~

2   b. ~~Cross Site Scripting;~~

3   c. ~~Resource Injection;~~

4   d. ~~OS Command Injection (also called "Shell~~
5   ~~Injection"); and~~

6   e. ~~SQL Injection.~~

7   ~~(x) Independent analysis will test for the following conditions~~
8   ~~and report on their absence or presence of the following~~
9   ~~range errors in accordance with Rule 45.5.2.4.3:~~

10   a. ~~Stack Overflow;~~

11   b. ~~Heap Overflow;~~

12   c. ~~Format string vulnerability; and~~

13   d. ~~Improper Null Termination.~~

14   ~~(xi) Independent analysis will test for the following conditions~~
15   ~~and report on their absence or presence of the following~~
16   ~~Application Programming Interface (API) abuses in~~
17   ~~accordance with Rule 45.5.2.4.3:~~

18   a. ~~Heap Inspection; and~~

19   b. ~~String Management/Manipulation.~~

20   ~~(xii) Independent analysis will test for the following conditions~~
21   ~~and report on the absence or presence of the following time~~
22   ~~and state conditions in accordance with Rule 45.5.2.4.3:~~

23   a. ~~Time-of-check/Time-of-use race condition; and~~

24   b. ~~Unchecked Error Condition.~~

25   ~~(xiii) Independent analysis will test for the following conditions~~
26   ~~and report on the absence or presence of the following code~~
27   ~~quality conditions accordance with Rule 45.5.2.4.3:~~

28   a. ~~Memory Leaks;~~

29   b. ~~Unrestricted Critical Resource Lock;~~

30   c. ~~Double Free;~~

1   d Use After Free;

2   e. Uninitialized variable;

3   f. Unintentional pointer scaling;

4   g. Improper pointer subtraction; and

5   h. Null Dereference.

6 (xiv) Independent analysis will test for the following conditions
7 and report on the absence or presence of the following
8 encapsulation conditions in accordance with Rule
9 45.5.2.4.3:

10 a. Private Array-Typed Field Returned from a Public
11 Method;

12 b. Public Data Assigned to Private Array-Typed Field;

13 c. Overflow of static internal buffer; and

14 d. Leftover Debug Code.

15 (xv) (D) The application shall not open database tables for
16 direct editing.

17 (h) All voting systems ~~submitted for certification~~ shall meet the
18 following minimum requirements for removable storage media
19 with data controls:

20 (i) All voting data stored that includes ~~vote records~~, ballot
21 images, tally data and cast ~~votes~~ VOTE RECORDS shall be
22 authenticated and validated.

23 (ii) All non-voting data stored shall be authenticated,
24 encrypted, and validated.

25 (iii) All removable media, upon insertion ~~of media or media~~
26 ~~device~~ on server and/or workstations hosting the elections
27 management software, shall AUTOMATICALLY be scanned
28 by antivirus software.

29 45.5.2.6.2 The voting system provider shall provide documentation detailing
30 voting system security in the areas listed below. The system shall contain
31 documented configurations, properties and procedures to prevent, detect
32 and log changes to system capabilities for:

33 (a) Defining ballot formats;

	(b)	Casting and recording votes;

(b) Casting and recording votes;

(c) Calculating vote totals consistent with defined ballot formats;

(d) Reporting vote totals;

(e) Altering of voting system audit records;

(f) Changing or preventing the recording of a vote;

(g) Introducing data for a vote not cast by a registered voter;

(h) Changing calculated vote totals;

(i) Preventing access to vote data, including individual votes and vote totals, to unauthorized individuals; and

(j) Preventing access to voter identification data and data for votes cast by the voter such that an individual can determine the content of specific votes cast by the voter.

[Current Rule 45.5.2.6.2 amended and moved to new Rule 45.5.12(i)]

45.5.2.6.3 The voting system provider shall submit to the Secretary of State its recommended policies or guidelines governing:

(a) Software access controls;

(b) Hardware access controls;

(c) Data communications;

(d) Effective password management;

(e) Protection abilities of a particular operating system;

(f) General characteristics of supervisory access privileges;

(g) Segregation of duties; and

(h) Any additional relevant characteristics.

45.5.2.6.4 The voting system shall include detailed documentation regarding the security measures it has in place for all systems, applicable software, devices that act as connectors (upload, download, and other programming devices) and any security measures the voting system provider recommends to the jurisdictions that purchase the voting system.

[Current Rule 45.5.2.6.4 amended and moved to New Rule 45.5.12(j).]

45.5.2.7 45.5.10   Telecommunications ~~Requirements~~ REQUIREMENTS

45.5.2.7.1 (A) Telecommunications includes all components of the system that transmit data outside of the closed network as defined in this Rule 45.

45.5.2.7.2 (B) All electronic transmissions from a voting system shall meet the ~~following minimum standards~~ 2002 VOTING SYSTEM STANDARDS.

~~(a)~~ (C) Modems from remote devices shall be PROGRAMMED TO BE "dial only" and ~~cannot be programmed to~~ NOT receive a call;

~~(b)   Use an encryption standard currently documented and validated for use by an agency of the United States Federal Government; and~~

~~(c)   Provide a means to detect the presence of an intrusive process, such as an Intrusion Detection System.~~

45.5.2.7.3 (D) Any modem ~~in any component failing~~ THAT FAILS to meet ~~these criteria~~ THE REQUIREMENTS OF THIS RULE shall not be used by any voting system.

45.5.2.7.4 (E) ~~All wireless components in voting systems shall be disabled with the exception of line~~ LINE of sight infrared technology SHALL ONLY BE used in a closed environment where the transmission and reception is shielded from external infrared signals and can only accept infrared signals generated from within the system.

45.5.2.7.5 (F) All systems that transmit data over public telecommunications networks shall maintain a clear audit trail ~~that can be provided to the Secretary of State~~ when election results are transmitted ~~by telephone, microwave or other type of electronic communication~~.

~~45.5.2.7.6   Systems designed for transmission of voter information over public networks shall meet security standards that address the security risks attendant with the casting of ballots at remote sites controlled by election officials using the voting system configured and installed by election officials and/or their voting system provider or contractor, and using in-person authentication of individual voters.~~

~~45.5.2.7.7   Any voting system provider of systems that cast individual ballots over a public telecommunications network shall provide detailed descriptions of:~~

~~(a)   All activities mandatory to ensure effective system security to be performed in setting up the system for operation, including testing security before an election.~~

1		(b)	All activities that should be prohibited during system setup and
2			during the time frame for voting operations, including the hours
3			when polls are open and when polls are closed.

4   45.5.2.7.8 (G) In any situation in which the voting system provider's system
5   transmits VOTING SYSTEMS THAT TRANSMIT data through any
6   telecommunications medium, the system shall be able to recover, either
7   automatically or with manual intervention, from incomplete or failed
8   transmission sessions and resume transmissions automatically when
9   telecommunications are re-established REESTABLISHED.

10   (a)(1) Recovery of transmissions shall include notations of the
11   interrupted transmission session and the resumed transmission
12   session in the system and application transaction logs.

13   (b)(2) Failure and recovery of transmissions shall not cause any error in
14   data transmitted from the polling place VOTER SERVICE AND
15   POLLING CENTERS to the central election site during a recovered
16   transmission session.

17   45.5.2.7.9 Voting systems that use public telecommunications networks shall
18   provide system documentation that clearly identifies all COTS hardware
19   and software products and communications services used in the
20   development and/or operation of the voting system, including operating
21   systems, communications routers, modem drivers and dial-up networking
22   software. Documentation shall identify the name, voting system provider
23   and version used for each such component.

24   45.5.2.7.10 Voting systems providers shall document how they plan to monitor
25   and respond to known threats to which their voting systems are vulnerable.
26   This documentation shall provide a detailed description, including
27   scheduling information, of the procedures the voting system provider will
28   use to:

29   (a) Monitor threats, such as through the review of assessments,
30   advisories and alerts for COTS components;

31   (b) Evaluate the threats and, if any, proposed responses;

32   (c) Develop responsive updates to the system and/or corrective
33   procedures; and

34   (d) As part of the certification requirements of the proposed system,
35   provide assistance to customers, either directly or through detailed
36   written procedures, how to update their systems and/or to
37   implement the corrective procedures within the timeframe
38   established by the Secretary of State.

1   45.5.2.8   Repealed.

2 45.5.2.9 45.5.11   Voter-Verifiable Paper Record Requirements (V-VPAT) VOTER-
3   VERIFIABLE PAPER RECORD REQUIREMENTS

4   45.5.2.9.1   V-VPAT shall refer to a Voter-verified paper record as defined in
5   section1-1-104(50.6)(a), C.R.S.

6   *[Current Rule 45.5.2.9.1 is amended and moved to New Rule 45.1.22.]*

7   45.5.2.9.2 (A) Existing systems that are retrofitted to comply with this law
8   SECTION 1-5-802(1), C.R.S., shall be examined for certification by the
9   Secretary of State. Any retrofitted voting system shall comply with the
10   process and application for certification as identified by this Rule 45.

11   45.5.2.9.3 (B) The V-VPAT VVPAT shall consist of the following minimum
12   components:

13   (a) (1) The voting device shall contain a A paper audit trail writer or
14   printer that shall be attached, built into or used in conjunction with
15   the DRE,. The printer AND shall duplicate a voter's selections from
16   the DRE onto a paper record;

17   (b) (2) The unit or device shall have a A paper record display unit or area
18   that shall allow a voter to view his or her paper record; AND

19   (c) (3) The V-VPAT unit shall contain a A paper record storage unit that
20   shall store cast and spoiled paper record copies securely.; and

21   (d)   These devices may be integrated as appropriate to their operation.

22   45.5.2.9.4   V-VPAT devices shall allow voters to verify his or her selections
23   on a paper record prior to casting ballots. The voter shall either accept or
24   reject the choices represented on the paper record. Both the electronic
25   record and the paper record shall be stored and retained when the ballot is
26   cast.

27   45.5.2.9.5   The V-VPAT printer connection may be any standard, publicly
28   documented printer port (or the equivalent) using a standard
29   communication protocol.

30   (C)   THE VVPAT SHALL MEET THE FOLLOWING FUNCTIONAL REQUIREMENTS:

31   45.5.2.9.6 (1) The printer shall not be permitted to MAY ONLY
32   communicate with any device other than the voting device to
33   which it is connected.;

45.5.2.9.7 (2) The printer ~~shall only be able to~~ MAY ONLY function as a printer, and not perform any other non-printer related services~~.~~ ;

45.5.2.9.8 (3) ~~Every electronic voting record shall have a corresponding paper record.~~ PRODUCE A PAPER RECORD FOR EVERY CORRESPONDING ELECTRONIC VOTING RECORD;

45.5.2.9.9 ~~The paper record shall be considered an official record of the election available for recounts, and shall be sturdy, clean, and of sufficient durability to be used for this purpose.~~

45.5.2.9.16 (4) ~~The V VPAT unit shall provide~~ PROVIDE a "low supply" warning to the election judge to add paper, ink, toner, ribbon or other like supplies. In the event that an election judge is required to change supplies during the process of voting, the voter shall be allowed to reprint and review the paper ~~audit trail~~ RECORD without having to ~~re-mark~~ MARK his or her ballot~~, and the~~. THE device shall prevent the election judge from seeing ~~any voters' ballots~~ A VOTER'S BALLOT.

45.5.2.9.17 (5) ~~All voting systems submitted for certification shall stop the V VPAT printer of all forward operations of the DRE~~ STOP ALL OPERATIONS if the printer is not working ~~due to paper jams, out of other consumables or any other issue which may cause the correct readable printing of information on the V VPAT record~~ as designed.

45.5.2.9.20 (6) ~~The V VPAT shall allow~~ ALLOW a voter to spoil his or her paper record no more than two times. Upon spoiling, the voter shall be able to modify and verify selections on the DRE without having to reselect all of his or her choices.

45.5.2.9.21 (7) Before the voter causes a third and final record to be printed~~, the voter shall be presented~~ THE VVPAT MUST PRESENT THE VOTER with a warning notice that the selections made on screen shall be final and the voter shall see and verify a printout of his or her vote, but shall not be given additional opportunities to change their vote.

45.5.2.9.22 (8) When ~~V VPAT~~ VVPAT components are integrated into A PREVIOUSLY CERTIFIED voting ~~systems~~ SYSTEM the new configuration of the VOTING system must comply with existing state testing and auditing requirements.

45.5.2.9.23 (9) ~~The V VPAT component should print~~ PRINT a barcode with each record that contains the human readable contents of the paper record ~~and digital signature information~~. The voting system provider shall include documentation of the barcode type, protocol,

and/or description of barcode and the method of reading the barcode as applicable to the voting system.

45.5.2.9.25(10)   If used for provisional ballots, the ~~V VPAT system~~ VVPAT shall be able to mark paper records as a provisional ballot through the use of human readable text and optionally printing barcode and/or serial number information which shall provide for mapping the record back to the electronic record and the provisional voter for processing after verification in accordance with Article 8.5 of Title 1, C.R.S.

(D)   THE VVPAT SHALL MEET THE FOLLOWING DESIGN REQUIREMENTS:

45.5.2.9.10 (1)~~The V-VPAT device shall be designed to allow~~ ALLOW every voter to review and accept or reject his/her paper record in as private and independent manner as possible ~~for both disabled and non disabled voters~~ REGARDLESS OF WHETHER THE VOTER HAS DISABILITY.

45.5.2.9.11   ~~The V-VPAT system shall be designed in conjunction with state law to ensure the secrecy of votes so that it is not possible to determine which voter cast which paper record.~~

45.5.2.9.12 (2)~~The V-VPAT printer shall print~~ PRINT at a font size no less than ~~ten point~~ 14-POINT SANS-SERIF ARIAL ~~for ease of readability. Any protective covering intended to be transparent shall be in such condition that it can be made transparent by ordinary cleaning of its exposed surface.~~

45.5.2.9.13 (3)~~The V-VPAT system shall be designed to allow~~ ALLOW each voter to verify his or her vote on a paper record in the same language THAT they voted in on the DRE.

45.5.2.9.14 (4)~~The V-VPAT system shall be designed to prevent~~ PREVENT tampering with unique keys ~~and~~/or seals for the compartment that stores the paper record ~~as well as meet the security requirements of this rule. Additional security measures may be in place on the printer to prevent tampering with the device~~.

45.5.2.9.15 (5)~~The V-VPAT system shall be capable of printing and storing~~ PRINT AND STORE paper record copies for at least 75 ballots cast without requiring the paper supply source, ink or toner supply, or any other similar consumable supply to be changed, assuming a fully printed double sided 18 inch ballot with a minimum of 20 contests.

45.5.2.9.16   ~~The V-VPAT unit shall provide a "low supply" warning to the election judge to add paper, ink, toner,~~

1 ~~ribbon or other like supplies. In the event that an election judge is~~
2 ~~required to change supplies during the process of voting, the voter~~
3 ~~shall be allowed to reprint and review the paper audit trail without~~
4 ~~having to re-mark his or her ballot, and the device shall prevent the~~
5 ~~election judge from seeing any voters' ballots.~~

6 *[Current Rule 45.5.2.9.16 is amended and moved to New Rule*
7 *45.5.11(c)(4).]*

8   ~~45.5.2.9.17   All voting systems submitted for certification shall stop the~~
9   ~~V-VPAT printer of all forward operations of the DRE if the printer~~
10 ~~is not working due to paper jams, out of other consumables or any~~
11 ~~other issue which may cause the correct readable printing of~~
12 ~~information on the V-VPAT record as designed.~~

13 *[Current Rule 45.5.2.9.17 amended and moved to New Rule*
14 *45.5.11(c)(5).]*

15 ~~45.5.2.9.18   The voting system provider shall provide procedures and~~
16 ~~documentation for the use of the V-VPAT device.~~

17 *[Current Rule 45.5.2.9.18 amended and moved to New Rule 45.5.12(k).]*

18 ~~45.5.2.9.19~~ (6) The printed information on the ~~printed ballot or verification~~
19 ~~portion of the V-VPAT device~~ PAPER RECORD shall contain at least
20 the following items:

21 ~~(a)~~ (A) Name or header information of race, question or issue;

22 ~~(b)~~ (B) Voter's selections for the race information;

23 ~~(c)~~ (C) Write-in candidate's names if selected;

24 ~~(d)~~ (D) Undervote ~~or overvote~~ information ~~— this is in addition to~~
25 ~~the information on the review screen of the DRE;~~

26 ~~(e)~~ (E) Ability to optionally produce a unique serial number
27 (randomized to protect privacy); and

28 ~~(f)~~ (F) Identification that the ballot was cancelled or cast.

29 ~~45.5.2.9.20   The V-VPAT shall allow a voter to spoil his or her paper~~
30 ~~record no more than two times. Upon spoiling, the voter shall be~~
31 ~~able to modify and verify selections on the DRE without having to~~
32 ~~reselect all of his or her choices.~~

45.5.2.9.21 ~~Before the voter causes a third and final record to be printed, the voter shall be presented with a warning notice that the selections made on screen shall be final and the voter shall see and verify a printout of his or her vote, but shall not be given additional opportunities to change their vote.~~

45.5.2.9.22 ~~When V-VPAT components are integrated into voting systems the new configuration of the system must comply with existing state testing and auditing requirements.~~

45.5.2.9.23 ~~The V-VPAT component should print a barcode with each record that contains the human readable contents of the paper record and digital signature information. The voting system provider shall include documentation of the barcode type, protocol, and/or description of barcode and the method of reading the barcode as applicable to the voting system.~~

45.5.2.9.24 (7) ~~The V-VPAT component shall be designed such that a voter shall not be able to leave~~ PROHIBIT THE VOTER FROM LEAVING the voting area with the paper record.

45.5.2.9.25 ~~If used for provisional ballots, the V-VPAT system shall be able to mark paper records as a provisional ballot through the use of human readable text and optionally printing barcode and/or serial number information which shall provide for mapping the record back to the electronic record and the provisional voter for processing after verification in accordance with Article 8.5 of Title 1, C.R.S.~~

45.5.2.9.26 (8) The voting system provider shall provide ~~procedures to the Secretary of State with the application for certification which describe~~ DOCUMENTATION DESCRIBING how to investigate and resolve malfunctions including, but not limited to the following:

misreporting votes, unreadable paper records, paper jams, low-ink, misfeeds, preventing the V-VPAT from being a single point of failure, recovering votes in the case of malfunction and power failures.

(A) MISREPORTING VOTES;

(B) UNREADABLE PAPER RECORDS;

(C) PAPER JAMS;

(D) LOW-INK;

(E) MISFEEDS;

(F) LOST VOTES; AND

(G) POWER FAILURES.

45.5.2.4 45.5.12   Documentation Requirements REQUIREMENTS

45.5.1.3 (A)   The Secretary of State may use and rely upon the testing of a voting system performed by a VSTL or by another state upon satisfaction of the following conditions:

(a) (1) The Secretary of State has complete access to any documentation, data, reports or similar information upon which the VSTL or another state relied in performing its tests and will make such information available to the public subject to any redaction required by law; and

(b) (2) The Secretary of State makes written findings and certifies that he or she has reviewed such information and determines HAS DETERMINED that the tests were conducted in accordance with appropriate engineering standards in use when the tests were conducted, and the extent to which the tests satisfy the requirements of sections 1-5-615 and 1-5-616, C.R.S., and all rules promulgated under those sections.

45.5.2.4.1 (B) In addition to other documentation requirements in this rule, the voting system provider shall provide the following documents:

(a)(1) Standard Issue Users/Operator Manual ISSUE USERS/OPERATOR MANUAL;

1   (b)(2) System ~~Administrator's/Application   Administration~~
2 ~~Manual~~ ADMINISTRATOR'S/APPLICATION ADMINISTRATION
3 MANUAL;

(b)(2) System ~~Administrator's/Application Administration Manual~~ ADMINISTRATOR'S/APPLICATION ADMINISTRATION MANUAL;

(c)(3) Training ~~Manual~~ MANUAL and related materials;

(d)(4) Systems ~~Programming~~ PROGRAMMING and ~~Diagnostics Manuals~~ DIAGNOSTICS MANUALS; and

(e)(5) A list of minimum services needed for the successful, secure and hardened operation of all components of THE voting system.

~~45.4.2.13~~ (C) The voting system provider shall provide documentation concerning the use of touch screen or other display and selection technology including, but not limited to:

(a)(1) Technical documentation describing the nature and sensitivity of the tactile device (if the system uses touch screen technology);

(b)(2) Technical documentation describing the nature and sensitivity of any other technology used ~~to display and select offices, candidates or issues~~;

~~45.5.2.4.2~~ (D) For the review of VSTL or other state testing in Rule ~~45.5.1.3~~ 45.5.12(A) copies of all VSTL or state qualification reports, test logs and technical data packages shall be provided to the Secretary of State.

(a)(1) The voting system provider shall execute and submit any necessary releases for the applicable VSTL, state and/or EAC to discuss any and all procedures and findings relevant to the voting system ~~submitted for certification~~ with the Secretary of State and allow the review by the Secretary of State of any documentation, data, reports or similar information upon which the VSTL or other state relied in performing its testing. The voting system provider shall provide a copy of the same to the Secretary of State.

(b)(2) The voting system provider, the VSTL, the state and/or the EAC will identify to the Secretary of State any specific sections of documents for which they assert a legal requirement for redaction.

~~45.5.2.3.14(d)~~ (E) The voting system provider shall ~~deliver to the Secretary of State documentation detailing estimated time of battery operation for each type of optical scanner, ballot imager, DRE and V-VPAT they provide,~~

1 assuming continuous use of the devices by voters during an interruption of
2 normal electrical power.

3 45.5.2.3.14(e) The voting system provider shall deliver PROVIDE to the
4 Secretary of State documentation specifying the steps and times required
5 for charging batteries, AND THE TIME OF BATTERY OPERATION for each type
6 of optical scanner, ballot imager, DRE and V-VPAT DEVICE they provide,
7 ASSUMING CONTINUOUS USE OF THE DEVICES BY VOTERS DURING AN
8 INTERRUPTION OF NORMAL ELECTRICAL POWER.

9 45.5.2.4.4 (F) Documentation submitted to the THE Secretary of State shall be
10 reviewed REVIEW SUBMITTED DOCUMENTATION to determine the extent to
11 which the voting system has been tested to federal standards.

12 45.5.2.4.6 (G) Failure by the voting system provider to provide any
13 documentation with their application for certification will delay processing
14 the application until the documentation is provided AND MAY BE CAUSE
15 FOR DENIAL OF CERTIFICATION.

16 45.5.2.5.2 (H) The voting system shall include detailed documentation, WHICH
17 INCLUDES as to the level, location and programming A DESCRIPTION OF THE
18 CONTENT of THE of audit trail information throughout the system. The
19 audit information shall apply to:

20 (a) (1) Operating Systems (workstation, server, OPTICAL SCANNER,
21 BDM, and/or DRE);

22 (b) (2) Election Programming Software MANAGEMENT SYSTEM;
23 AND

24 (c) (3) Election Tabulation Devices – optical scan and DRE.; and

25 (d) Election Reporting Subsystem.

26 45.5.2.6.2 (I) The voting system provider shall provide documentation detailing
27 voting system security in the areas listed below. The system
28 DOCUMENTATION shall contain documented configurations, properties and
29 procedures to prevent, detect and log changes to system capabilities for:

30 (a)(1) Defining ballot formats;

31 (b)(2) Casting and recording votes;

32 (c)(3) Calculating vote totals consistent with defined ballot
33 formats;

34 (d)(4) Reporting vote totals;

1	(e)(5)	Altering of voting system audit records;

2	(f)(6)	Changing or preventing the recording of a vote;

3	(g)(7)	Introducing data for a vote not cast by a registered voter;

4	(h)(8)	Changing calculated vote totals;

5	(i)(9)	Preventing access to vote data, including individual votes
6	and vote totals, to unauthorized individuals; and

7	(j)(10)	Preventing access to voter identification data and data for
8	votes cast by the voter such that an individual can
9	determine the content of specific votes cast by the voter.

10	45.5.2.6.4 (J)	The voting system PROVIDER shall include detailed PROVIDE
11	documentation regarding DETAILING the security measures it has in place
12	for all systems, applicable software, devices that act as connectors
13	(upload, download, and other programming devices) and any
14	RECOMMENDED security measures the voting system provider recommends
15	to the jurisdictions that purchase the voting system.

16	45.5.2.9.18 (K)The voting system provider shall provide procedures and
17	documentation for the use of the V-VPAT device VVPAT.

18	45.5.2.2.3 (L)	The voting system provider shall publish and specify processing
19	standards for each component of the voting system as part of the
20	documentation required for certification.

21	45.5.2.2.4 (M)	For the purpose of evaluating software, the voting system provider
22	shall be required to provide detailed information as to the type of hardware
23	required to execute the software.

24	45.5.2.3.2 (N)	The documentation supplied by the voting system provider shall
25	include a statement of all requirements and restrictions regarding
26	environmental protection, electrical service, telecommunications service
27	and any other facility or resource required for the installation, operation
28	and storage of the voting system.

29	45.5.2.3.13(d) (O)	Any THE VOTING SYSTEM PROVIDER SHALL PROVIDE ANY
30	available data on problems caused for persons who experience epileptic
31	seizures due to the DRE voting device's screen refresh rate.

32	45.5.2.3.14(d) (P)	The voting system provider shall deliver to the Secretary of
33	State documentation detailing estimated time of battery operation for each
34	type of optical scanner, ballot imager, DRE and V-VPAT they provide
35	DEVICE SUBMITTED FOR CERTIFICATION, assuming continuous use of the
36	devices by voters during an interruption of normal electrical power.

1   45.5.2.3.14(e) (Q)   The voting system provider shall deliver to the Secretary of
2   State documentation specifying the steps and times required for charging
3   batteries for each type of optical scanner, ballot imager, DRE and V-
4   VPAT they provide DEVICE SUBMITTED FOR CERTIFICATION.

5   45.5.2.6.1(d)(ii) (R)   The voting system provider shall submit documentation
6   containing a list of minimum services and executables required to run the
7   voting system application ELECTION MANAGEMENT SYSTEM.

8   45.6   Testing PREPARATION PROCEDURES

9   45.6.1 Voting System Provider Demonstration SYSTEM PROVIDER DEMONSTRATION

10   45.6.1.1 (A)   The voting system provider shall demonstrate the exact proposed
11   SUBMITTED voting system to the Secretary of State prior to any functional
12   testing.

13   45.6.1.2 (B)   The demonstration period does not have a pre-determined
14   PREDETERMINED agenda for the voting system provider to follow;
15   however, presentations should be prepared to address and demonstrate,
16   within the specific system, the following items as they pertain to each area
17   and use within the voting system, IF APPLICABLE:

18   (a) (1)   System overview;

19   (b) (2)   Verification of complete system matching EAC certification;

20   (c) (3)   Ballot definition creation;

21   (d) (4)   Printing ballots on demand;

22   (e) (5)   Hardware diagnostics DIAGNOSTIC testing;

23   (f) (6)   Programming election media devices for various count COUNTING
24   methods INCLUDING:

25   (i) (A)   Mail-in Ballots BALLOTS;

26   (ii) (B) Early Voting VOTING;

27   (iii) (C)   Precinct/Poll Place ;

28   (iv) (E)Provisional; and

29   (v) (F)   Vote Center CENTER.

30   (g) (7)   Sealing and securing system devices;

31   (h) (8)   Logic and accuracy testing;

1   (i) (9) Processing ballots;

2   (j) (10) Accessible use;

3   (k) (11)   Accumulating results;

4   (l) (12) Post-election audit;

5   (m)(13)   Canvass process handling;

6   (n) (14)   Audit steps and procedures throughout all processes;

7   (o) (15)   Certification of results; and

8   (p) (16)   Troubleshooting.

9   45.6.1.3 (C)   The voting system provider shall have access to the demonstration
10 room for one day prior to the start of the demonstration to provide time for
11 setup of the voting system.

12 45.6.1.4 (D)   A maximum of one business day is normally allowed for the
13 demonstration. If the voting system provider requests more time for the
14 demonstration or, if the Secretary of State finds that the complexity of the
15 system is such that more time is needed for a demonstration, more time
16 may be granted.

17 45.6.1.5 (E)   The demonstration shall be open to representatives of the press and
18 the public to the extent allowable. The Secretary of State may limit the
19 number of representatives from each group to accommodate space
20 ~~limitations and other considerations~~.

21 45.6.1.6 (F)   The Secretary of State shall post notice of the fact that the
22 demonstration will take place in the designated public place for posting
23 such notices for at least seven days prior to the demonstration. The notice
24 shall indicate the general time frame during which the demonstration may
25 take place and the manner in which members of the public may obtain
26 specific information about the time and place of the test.

27 45.6.1.7 (G)   The voting system provider shall provide the same class of
28 workstation and/or server for testing the voting system as the normal
29 production environment for the State of Colorado.

30 45.6.2 Functional Testing

31 45.6.2.1   Voting system provider requirements for testing

32 45.6.2.1.1 (H) Based upon the review of VSTL or other state reports and test
33 records, the Secretary of State will prepare a test plan. The test plan shall

be designed to test for any requirements specific to Colorado law which were not addressed in prior testing and for any federal or Colorado requirements which were not addressed to the satisfaction of the Secretary of State in the reports and records from prior testing.

45.6.2.1.2 (I)   The test plan shall include the election definitions to be used in testing and specifications for test ballots. Test ballots and election definitions shall generally follow all requirements for election definitions, ballot layout and printing to verify the system's ability to meet those requirements. Some election definitions and ballots may depart from the requirements in order to test specific functions.

45.6.2.1.3 (J)   For each system tested, a requirements matrix shall be prepared to identify those requirements satisfied by the review of VSTL or other state reports and test data and how those requirements not satisfied are to be tested or otherwise satisfied. If during test planning or testing one of the requirements in the voting systems standards or in this rule are determined to be not applicable to the system under test, the reason for the determination will be documented.

45.6.2.1.4 (K)   The voting system provider shall submit for testing the specific system configuration that will be offered to jurisdictions including the components with which the voting system provider recommends the system be used.

45.6.2.1.5 (L)   The voting system provider is not required to have a representative present during the functional testing, but shall provide a point of contact for technical support. After the delivery, unpacking and initial inspection of the equipment for shipping damage and missing components, a vendor representative shall only be allowed to operate or touch the equipment when approved by the Secretary of State. All such activity by a vendor representative shall be documented on video and OR in writing.

45.6.2.1.6 (M) The proprietary software shall be installed on the workstation/server and all applicable voting system components by the Secretary of State OR THE VSTL using the trusted build and the installation procedures provided by the voting system provider. After installation, hash values for the software and firmware shall be compared to any published hash values of the trusted build. Any mismatches in hash values will be investigated and resolved before proceeding with testing.

45.6.2.1.7 (N) All equipment shall be hardened using the voting system provider's procedures and specifications.

45.6.2.1.8 (O) Testing shall be performed with test election definitions and test ballots as required in the test plan.

45.6.2.1.9 (P)   The results of all testing shall be recorded in the requirements matrix. The requirements matrix shall be the primary record describing which requirements were met and specifying which were not. It shall be supplemented as necessary to support the findings with test team notes and system reports. Supplemental information may include photographs and audio or video recordings.

45.6.2.1.10 (Q) Functional testing shall be completed according to the phases identified in Rule 45.3.3.

45.6.2.2   Secretary of State requirements for testing

45.6.2.2.1 (R)   The Secretary of State OR THE VSTL shall conduct functional testing on the voting system based on this Rule 45 and additional testing procedures as determined by the Secretary of State.

45.6.2.2.2 (S)   The voting system shall receive a pass, fail or not applicable for each requirement with appropriate notation in the requirements matrix.

45.6.2.2.3 (T)   Records of the test procedures shall be maintained and recorded on file with the Secretary of State IN ACCORDANCE WITH RULE 45.4.7. The records shall identify the system and all components by voting system provider name, make, model, serial number, software version, firmware version, date tested, test number, test plan, requirements matrix, test team notes and other supplemental information, and results of test. The test environment conditions shall be described.

45.6.2.2.4 (U)   In the event that a deviation from the test plan is required, it shall be documented in a test team note. The note shall provide a description of the deviation, the reason for the deviation and effect of the deviation on testing and determining compliance with requirements.

45.6.2.3 45.6.2   General Testing Procedures and Instructions TESTING PROCEUDRES AND INSTRUCTIONS

45.6.2.3.1 (A)   Certification tests shall be used to determine compliance with applicable performance standards for the system and its components. The general procedure for these tests shall:

(a) (1)   Verify, by means of the applicant's VOTING SYSTEM PROVIDER'S standard operating procedure, that the device is in a normal condition and status;

(b) (2)   Establish the standard test environment or the special environment required to perform the test;

(c) (3)   Invoke all operating modes or conditions necessary to initiate or to establish the performance characteristic to be tested;

(d) (4) Measure and record the value or the range of values of the performance characteristic to be tested; and

(e) (5) Verify all required measurements have been obtained, and that the device is still in a normal condition and status.

45.6.2.3.2 (B) All tests shall be generally conducted in regular election mode. Tests of test mode and diagnostic functions may be conducted in the appropriate test mode.

45.6.2.3.3 (C) The voting system provider is required to produce ballots and assemble marked test decks and spare ballots as specified in the test plan.

45.6.2.3.4 The voting system provider shall provide a minimum of ten ballot marking pens/pencils/markers as defined by their system for marking ballots by the Secretary of State.

45.6.2.3.5 (D) For mark-sense or optical scan devices, the Secretary of State OR THE VSTL will prepare 100 or more test ballots with marking devices of various color, weight and consistency to determine the range of marks that can be read and the range and consistency of reading marginal marks.

45.6.2.3.6 (E) Ballots shall be cast and counted in all applicable counter types (or counter groups) as necessary based on the parts included in the voting system. These are, at a minimum, Poll Place (or Vote Center), Mail-in, Provisional and Early Voting POLLING PLACE (OR VOTE CENTER), MAIL-IN, PROVISIONAL AND EARLY VOTING. Ballots may be run through components more than one time depending on components and counter group being tested to achieve a minimum number of ballots cast as follows for each group:

(a) Polling Place PLACE / OS = 1,000;

(b) Polling Place PLACE / DRE = 500;

(c) Vote Center CENTER and Early Voting EARLY VOTING / OS = 2,500;

(d) Vote Center CENTER and Early Voting EARLY VOTING / DRE = 500;

(e) Mail-in = 1, 500; and

(f) Provisional = 500.

45.6.2.3.7 (F) Ballot design shall be sufficient to verify the scope of allowable ballot designs for the given system under Colorado election law.

1   45.6.2.3.8   Ballots shall be printed in applicable languages as required by state
2   or federal law, or both.

3   45.6.2.3.9   Ballots shall include candidates to represent the maximum number
4   of political parties in the State of Colorado, and shall accommodate all
5   qualified political parties and political organizations.

6   45.6.2.3.10 (G) The requirements matrix shall include the following requirements
7   for election definitions and ballots to simulate and test "real world"
8   situations in the State of Colorado. Election definitions and ballots
9   shall include the following minimum contest criteria:

10   (a) (1) Parties for different races;

11   (b) (2) Selection of a pair of candidates;

12   (c) (3) In a Primary Election PRIMARY ELECTION, allow voters to vote for
13   the candidates of the party for which they are eligible and for any
14   and all non-partisan candidates and measures, while preventing
15   them from voting on candidates of another party;

16   (d) (4) In a general election, allow a voter to vote for any candidate for
17   any office, in the number of positions allowed for the office, and to
18   vote for any measure on the ballot that the voter is allowed to vote
19   in, regardless of party;

20   (e) (5) Allow for programming to accommodate Colorado recall questions
21   as prescribed in Article 12 of Title 1, C.R.S.;

22   (f) (6) A minimum of 20 pairs of "yes"   and "no"   positions   for
23   voting on ballot issues; and

24   (g) (7) Ability to contain a ballot question or issue of at least 200 words.

25   45.6.2.3.11   Additional tests and procedures may be requested at the discretion
26   of the Secretary of State.

27   45.6.2.3.12 (H) A county clerk and recorder OR HIS/HER designated representative
28   may observe the functional testing of a voting system. The representative
29   may assist at the request of the Secretary of State. All such activity by a
30   county representative shall be documented on video and in writing.

31   45.6.2.3.13 (I) The public shall be allowed to view all functional testing
32   conducted by the Secretary of State. However, legal limitations may
33   require that certain testing, including but not limited to proprietary
34   information and system security, be done outside the view of the public. If
35   the functional testing is outsourced to a testing lab or contractor, public

viewing shall be subject to limitations set forth by the testing lab or contractor.

45.6.2.3.14 (J) If any malfunction or data error is detected, its occurrence and the duration of operating time preceding it shall be recorded for inclusion in the analysis and the test shall be interrupted. If corrective action is taken to restore the devices to a fully operational condition within eight hours, then the test may be resumed at the point of suspension.

45.6.3 The Secretary of State shall certify voting systems that substantially comply with the requirements in this Rule 45, Colorado Election Code, and any additional testing that is deemed necessary by the Secretary of State.

[Current Rule 45.6.3 moved to New Rule 45.3.4]

45.7 Temporary Use USE

45.7.1 If a voting system provider has a system that has not yet been approved for certification through the Secretary of State, the voting system provider or the designated election official may apply to the Secretary of State for temporary approval of the system to be used for up to one year.

45.7.2 Upon approval of temporary use, a jurisdiction may use the voting system, or enter into a contract to rent or lease the voting system for a specific election upon receiving written notice from the Secretary of State's office. At no time shall a jurisdiction enter into a contract to purchase a voting system that has been approved for temporary use.

45.7.3 The Secretary of State shall approve use of a temporarily approved voting system for each election that a jurisdiction requests permission to conduct with the voting system.

45.7.4 Temporary use does not supersede the certification requirements and/or process, and may be revoked at any time at the discretion of the Secretary of State.

45.8 Periodic Review

45.8.1 The Secretary of State shall periodically review the voting systems in use in Colorado to determine if the system(s):

(a) Are defective, obsolete or unacceptable for use based on the requirements of this Rule 45; and

(b) Have been modified from certified and trusted build versions of hardware or software;

45.8.2 ~~The Secretary of State shall review a minimum of two randomly selected jurisdictions and voting systems per calendar year at the choosing of the Secretary of State.~~

45.8.3 ~~The Secretary of State shall conduct an annual visual inspection of all software incident records maintained by each voting system provider certified for use in the State of Colorado.~~

45.8.4 ~~After such review, certification or temporary approval for use may be withdrawn. Three months notice shall be given prior to withdrawing certification of any voting system unless the Secretary of State shows good cause for a shorter notice period.~~

45.8.5 ~~All forms, notes and documentation from a periodic review shall be kept on file with the Secretary of State.~~

[Current Rule 45.8 amended and moved to New Rule 11]

~~45.9~~ 45.8   Decertification

~~45.9.1~~ 45.8.1   If, after any time the Secretary of State has certified a voting system, it is determined that the voting system fails to substantially meet the standards set forth in this Rule 45, the Secretary of State shall notify any jurisdictions in the State of Colorado and the voting system provider of that particular voting system that the certification of that system for future use and sale in Colorado is to be withdrawn.

~~45.9.2~~ 45.8.2   Certification of a voting system may be revoked and/or suspended at the discretion of the Secretary of State based on information that may be provided after the completion of the initial certification. This information may come from any of the following sources:

(a)   The Election Assistance Commission (EAC);

(b)   Voting System Test Laboratory (VSTL);

(c)   The Federal Election Commission (FEC);

(d)   The National Software Reference Library (NSRL);

(e)   National Association of State Election Directors (NASED);

(f)   The National Association of Secretaries of State (NASS);

(g)   Information from any state elections department or Secretary of State;

(h)   Information from Colorado ~~County Clerk and Recorders~~ COUNTY CLERK AND RECORDS or their association;

1   (i)   Any other source the Secretary of State deems reliable.

2   ~~45.9.3~~ 45.8.3 If any voting system provider, provides for use, ~~or~~ installs, or causes to be
3   installed an uncertifed or decertifed voting system or component, the Secretary of
4   State may suspend use of the component or the voting system. ~~[Section 1-5-~~
5   ~~618(6), C.R.S.]~~

6   ~~45.9.4~~ 45.8.4 ~~Pursuant to~~ IN ACCORDANCE WITH section 1-5-621, C.R.S., the Secretary
7   of State shall hold a public hearing to consider the decision to decertify a voting
8   system.

9 ~~45.10~~ 45.9   Modifications and ~~Re-examination~~ REEXAMINATION.

10   ~~45.10.1~~   Any modification, change or other alteration to a certified voting system
11   shall require ~~certificaton~~ CERTIFICATION or review of the modification under
12   section 1-5-618, C.R.S., unless the voting system provider decides to present the
13   modified system for certification under this Rule 45.

14 ~~45.11~~ 45.10   Acceptance Testing by Jurisdictions

15   ~~45.11.1~~ 45.10.1   Whenever ~~an election~~ A jurisdiction acquires ~~a new system or~~
16   ~~modification of an existing system certified by the Secretary of State~~ VOTING
17   EQUIPMENT, the ~~election~~ jurisdiction shall perform acceptance tests of the system
18   before it may be used to cast or count votes at any election. The voting system
19   shall be operating correctly, pass all tests as directed by the acquiring
20   jurisdiction's project manager or contract negotiator and shall be identical to the
21   voting system certified by the Secretary of State.

22   ~~45.11.2~~ 45.10.2   The voting system provider shall provide all manuals and training
23   necessary for the proper operation of the system to the jurisdiction~~, or as indicated~~
24   ~~by their contract~~.

25   ~~45.11.3~~ 45.10.3   The election jurisdiction shall perform a series of functional and
26   programming tests ~~that shall test~~ FOR all functions of the voting system at their
27   discretion.

28   ~~45.11.4~~   ~~The jurisdiction shall coordinate acceptance testing with the Secretary of~~
29   ~~State and complete a Jurisdiction Acceptance Test form provided by the Secretary~~
30   ~~of State.~~

31   *[Current Rule 45.11.4 amended and moved to New Rule 11]*

32 ~~45.12 Purchases and Contracts~~

33   ~~45.12.1~~   ~~Any voting system that has been certified under the procedures of this~~
34   ~~Rule 45 are eligible for purchase, lease, or rent for use by jurisdictions within the~~
35   ~~State of Colorado providing the contract contains the following items:~~

1   (a) ~~The voting system is certified for use within the state;~~

2   (b) ~~Contract contains training and maintenance costs for jurisdiction; and~~

3   (c) ~~Contract identifies components contained in the certified voting system~~
4 ~~and appears complete with all accessories necessary for successfully~~
5 ~~conducting an election within the laws and rules of the State of Colorado.~~

6 ~~45.12.2 The Secretary of State shall maintain on file a list of all components used~~
7 ~~and purchased for use. The list shall include, at a minimum, the name of the~~
8 ~~jurisdiction, the date of purchase, the serial number(s) of voting devices and name~~
9 ~~of the voting systems that was purchased.~~

10 ~~45.13 Financial Statements of Voting System Providers~~

11 ~~45.13.1 All voting system providers applying for certification in the State of~~
12 ~~Colorado, or doing business in the State of Colorado, shall provide quarterly~~
13 ~~financial statements and an annual auditor's report to the Secretary of State. All~~
14 ~~financial statements and reports shall be due:~~

15 ~~(a) Prior to the completion of functional testing for any voting system being~~
16 ~~submitted for certification;~~

17 ~~(b) At the conclusion of each accounting quarter for providers with equipment~~
18 ~~certified for use in the State of Colorado; and~~

19 ~~(c) Upon issuance of a final auditor's report after the completion of each~~
20 ~~annual audit.~~

21 ~~45.13.2 Financial statements submitted to the Secretary of State shall include a~~
22 ~~Statement of Cash Flow, Statement of Retained Earnings, Balance Sheet, and~~
23 ~~Income Statement.~~

24 *[Current Rule 45.13 amended and moved to New Rule 11]*

25 ~~11.8~~ 45.11 Escrow of ~~Voting System Software by Voting System Provider~~ VOTING SYSTEM
26 SOFTWARE AND FIRMWARE BY VOTING SYSTEM PROVIDER. THE VOTING SYSTEM PROVIDER
27 MUST MEET THE REQUIREMENT FOR SOFTWARE ESCROW PER THE FOLLOWING:

28 ~~11.8.1~~ 45.11.1 ~~Voting System Providers~~ THE VOTING SYSTEM PROVIDER must place in
29 escrow a copy of the election software, FIRMWARE, and supporting documentation
30 being certified with either the Secretary of State or an independent escrow agent
31 approved by the Secretary of State. ~~See section~~ [SECTION 1-7-511, C.R.S.]

32 ~~11.8.2~~ 45.11.2 Within ten days of the ~~Voting System~~ VOTING SYSTEM provider receiving
33 notification of examination of voting equipment as part of the certification
34 process, the ~~Voting System Provider shall~~ VOTING SYSTEM PROVIDER MUST
35 arrange for the completion of escrow requirements as indicated by this rule.

11.8.3 45.11.3 ~~Voting System Provider shall~~ THE VOTING SYSTEM PROVIDER MUST sign a sworn affidavit that the election software in escrow is the same as the election software used in its voting systems in this state. An annual update of the affidavit will be on file in a secured location with the Secretary of State's office.

11.8.4 45.11.4 A complete copy of the certified election software including any and all subsystems of the certified software shall be maintained in escrow.

11.8.5 45.11.5 Any changes to current configurations or new installations must be approved through the certification program of the Secretary of State.

11.8.6 45.11.6 In addition to the requirements listed below, the ~~Voting System Provider~~ VOTING SYSTEM PROVIDER must include a cover/instructions sheet for any escrow material to include the ~~Voting System Provider Name, Address~~ VOTING SYSTEM PROVIDER, ADDRESS and pertinent contact information, ~~Software Version, Hardware Version, Firmware Revision Number~~ SOFTWARE VERSION, HARDWARE VERSION, FIRMWARE REVISION NUMBER, and other uniquely identifying numbers of the software submitted for certification.

11.8.7 45.11.7 Election ~~Software Source Code~~ SOFTWARE SOURCE CODE, maintained in escrow, shall contain internal documentation such that a person reasonably proficient in the use of the programming language can efficiently use the documentation to understand the program structure, control techniques, and error processing logic in order to maintain the ~~Source Code~~ SOURCE CODE should it be removed from escrow for any reason.

11.8.8 45.11.8 System documentation shall include instructions for converting the escrowed ~~Source Code~~ SOURCE CODE into ~~Object Code~~ OBJECT CODE, organized and configured to produce an executable system, if warranted.

11.8.9 45.11.9 System documentation shall include technical architecture design, analysis, detail design, testing and an installation and configuration guide.

11.8.10 45.11.10   A set of schematics and drawings on electronic vote casting and counting equipment purchased or in use by the county clerk and recorder shall be on file with the Secretary of State.

11.8.11 45.11.11   All parties shall treat as confidential the terms of this ~~Section~~ RULE including all escrow materials and any other related information that comes into their possession, control or custody ~~pursuant to~~ IN ACCORDANCE WITH this section.

11.8.12 45.11.12   Copies of ~~Electronic~~ ELECTRONIC media and supporting documentation for ~~Escrow~~ ESCROW within the Secretary of State shall be sent to:
Colorado Secretary of State
Attn: Voting Systems Specialist
1700 Broadway – Suite ~~270~~ 200
Denver, CO 80290

1   ~~11.8.13~~ 45.11.13   Any cost of using an alternative third party escrow agent shall be
2   borne by the ~~Voting System~~ VOTING SYSTEM provider

3   *[Current Rule 11.8 is amended and moved to New Rule 45.11. Modifications are shown*
4   *above.]*

5   **Rule 46. RESERVED**

6   **Rule 47. RESERVED**

7   **Rule 48. RESERVED**

8   **Rule 49. RESERVED**

9   **Rule 50. RESERVED**

10   **Rule 51. Use of approved and recommended election forms**

11   51.1   Where the Secretary of State ~~has issued~~ ISSUES an approved election form, notice,
12   application, or correspondence ~~provided for by~~ the ~~"Uniform Election Code of~~
13   ~~1992",~~ all designated election officials and registration offices ~~shall~~ MUST use the
14   approved form.

15   51.1.1 A designated election official or registration office that wishes to
16   SUBSTANTIVELY modify the content of any form approved ~~or recommended~~
17   by the Secretary of State ~~shall~~ MUST submit a written request via email to
18   the Secretary of State's office stating the requested modification and the
19   reasons it is needed.

20   (a)   The Secretary of State ~~shall have~~ WILL APPROVE A REQUEST TO
21   MODIFY AN APPROVED FORM WITHIN five business days. ~~in which to~~
22   ~~approve or deny the modification request.~~ Failure of the Secretary
23   of State to issue a decision within five business days ~~shall~~ DOES not
24   constitute an approval of the request. If the modification request is
25   denied, the Secretary of State will ~~provide an~~ explanation ~~stating the~~
26   ~~basis~~ EXPLAIN THE REASON for denying the request.

27   (b)   A non-substantive customization OF AN APPROVED FORM, such as
28   placing the form on county letterhead or language translation, ~~shall~~
29   DOES not require THE SECRETARY OF STATE'S approval.

30   51.2   The Secretary of State ~~shall~~ WILL approve standard voter registration and ballot
31   application forms ~~recommended~~ for use by political parties and organizations that
32   provide such forms to the public. The Secretary of State will PUBLISH ON THE
33   DEPARTMENT'S WEBSITE ~~ensure that~~ the current approved REGISTRATION forms ~~for~~
34   ~~registration and ballot request are publicly available~~ on ~~it's~~ the website.

1   51.2.1 Political parties and organizations may also use the National Mail Voter
2   Registration form. Because the forms approved by the Secretary of State
3   contain all ~~of the~~ information ~~specific to~~ SPECIFICALLY REQUIRED BY
4   Colorado law, the applicants and the organization are afforded greater
5   protection ~~when~~ BY DISTRIBUTING OR USING the ~~standard~~ STATE forms
6   approved by the Secretary of State ~~are used~~.

7   51.2.2 All political parties and organizations that conduct a mass mailing of either
8   registration or ballot request forms to the public ~~shall~~ MUST identify ~~the~~
9   ~~party or organization conducting the mailing~~ THEMSELVES by printing the
10   organization name and contact information on the form.

11   51.2.3 Any political party or organization may contact the Secretary of State ~~prior~~
12   ~~to~~ BEFORE sending a mailing to request a review of the form and
13   information to be mailed.

14   51.3   ~~In accordance with~~ UNDER section 1-1-107(2)(d), C.R.S., the Secretary of State ~~may~~ WILL
15   seek injunctive action or other ~~penalties as a remedy to~~ REMEDIES FOR violations of this
16   Rule.