



Notice of Proposed Rulemaking

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

August 30, 2013

I. Notice of hearing

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. A hearing is scheduled for **October 1, 2013 from 8:00 a.m. to 5:00 p.m.** in the Aspen Conference Room on the third floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290.

II. Subject of the proposed rulemaking

The Secretary is considering amendments and recodification of the election rules² in order to improve the administration and enforcement of Colorado elections law³ and to implement amendments to the election laws made during the 2013 first regular session of the 69th General Assembly.

Specifically, the Secretary is considering permanent adoption of rules to implement changes made by House Bills 13-1038, 13-1135, and 13-1303. A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory authority for proposed rulemaking

The rule revisions and amendments are proposed in accordance with the following statutory provisions:

1. House Bill 13-1303, codified as follows:
 - a. Section 1-2-217.7(7), C.R.S., (2013), which states that "[t]he secretary of state shall promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to implement this section" concerning registration on or immediately before election day.

¹ Section 24-4-103(3)(a), C.R.S. (2012).

² 8 CCR 1505-1.

³ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

- b. Section 1-7.5-107.3(6), C.R.S., (2013), which requires the Secretary of State to “adopt rules in accordance with article 4 of title 24, C.R.S., establishing procedures for using signature verification devices to process ballots used in mail ballot elections pursuant to this article.”
 - c. Section 1-7.5-115(4)(d), C.R.S. (2013) that states, “[t]he secretary of state may prescribe by rule any procedures or requirements as may be necessary to implement this subsection (4)”.
 - d. Section 1-7.5-105(3), C.R.S., (2013), which states that “[t]he county clerk and recorder or designated election official shall supervise the distribution, handling, and counting of ballots, and the survey of returns in accordance with rules promulgated by the secretary of state as provided in section 1-7.5-106 (2) and shall take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election.”
 2. Section 1-1-107(2)(a), C.R.S., (2012), which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
 3. Section 1-1-109(3), C.R.S., (2012), which requires the Secretary of State to: promulgate rules in accordance with the requirements of article 4 of title 24, C.R.S., “as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms.”
 4. “Section 1-1-301, C.R.S., (2012), which states that “(1) The secretary of state shall establish and operate or provide by contract a certification program for local election officials on the conduct of elections, the federal ““Help America Vote Act of 2002”, Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq., and other topics related to elections. (2) The secretary of state shall establish by rule a curriculum for the certification program, including core requirements and electives, the required number of hours, and methods for continuing education. (3) The secretary of state shall provide staffing and support services for the certification program. (4) The secretary of state shall appoint an advisory board to oversee the certification process and the development of the curriculum.”
 5. Section 1-1.5-104(1)(b), C.R.S., (2012), which authorizes the Secretary of State to “[p]romulgate, oversee, and implement changes in the statewide voter registration system as specified in part 3 of article 2 of this title.”
 6. Section 1-1.5-104(1)(e), C.R.S., (2012), which authorizes the Secretary of State to “[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the “Help America Vote Act of 2002”, 42 U.S.C. 15301-15545] and of this article.”

7. Section 1-1.5-105, C.R.S., (2012), which authorizes the Secretary of State to “establish by rule a uniform administrative complain procedure to remedy grievances brought under Title III of HAVA.”
8. Section 1-2-202.5, C.R.S., (2012), which states that “[f]urther specifications regarding the security of the web site may be promulgated by the secretary by rule.”
9. Section 1-2-204(5), C.R.S., (2012), which requires the Secretary of State to: “promulgate rules in accordance with the requirements of article 4 of title 24, C.R.S., as may be necessary to determine the identity of a resident of a group residential facility, as defined in section 1-1-104(18.5), and any rules necessary to ensure the consistent application of such identification rules.”
10. Section 1-2-301(4)(a)(III), C.R.S., (2012), which states that “[t]he secretary of state shall promulgate rules specifying whether such hardware is owned by the department or the counties or whether and to what extent ownership may be shared between the department and the counties...The secretary of state may promulgate rules providing that the county clerk and recorders shall be solely responsible for the support and maintenance of the hardware provided to the counties.”
11. Section 1-4-401.5, C.R.S., (2012), which authorizes the Secretary of State to “promulgate rules as may be necessary to administer and enforce any provision of this section or to adjust statutory deadlines to ensure that a special congressional vacancy election is held within the time required by this section and 2 U.S.C. sec. 8 (b).”
12. Section 1-5-407(7), C.R.S. (2012), which states that “[n]o printing or distinguishing marks shall be on the ballot except as specifically provided by [the Uniform Election Code].
13. Section 1-5-407, C.R.S., (2012), which authorizes the secretary of state to promulgate rules as may be necessary to administer Sections 1-5-407(5.3) and (5.4), C.R.S.
14. Section 1-5-504.5(1)(e), C.R.S., (2012) which states that “[t]he secretary of state shall promulgate rules in accordance with article 4 of title 24, C.R.S., to prescribe the form of such explanation.”
15. Section 1-5-601.5, C.R.S., (2012), which authorizes the Secretary of State to require by rule that voting systems and voting equipment satisfy certain voting systems standards promulgated by the federal Election Assistance Commission.
16. Section 1-5-608.5, C.R.S., (2012), which authorizes the Secretary of State to “promulgate conditions of use in connection with the use by political subdivisions of electronic and electromechanical voting systems as may be appropriate to mitigate deficiencies identified in the certification process.”

17. Section 1-5-613(1), C.R.S., (2012), which requires the Secretary of State to “adopt uniform rules in accordance with article 4 of title 24, C.R.S., for the purchase and sale of voting equipment in the state.”
18. Section 1-5-613(1), C.R.S., (2012), which requires the Secretary of State to “adopt uniform rules in accordance with article 4 of title 24, C.R.S., for the purchase and sale of voting equipment in the state.”
19. “Section 1-5-616(3) and (4), C.R.S., (2012), which state that: “(3) The secretary of state shall adopt rules in accordance with article 4 of title 24, C.R.S., to achieve the standards established by section 1-1-103 for the procedures of voting, including write-in voting, and of counting, tabulating, and recording votes by electronic or electromechanical voting systems used in this state. (4) The secretary of state shall adapt the standards for certification of electronic or electromechanical voting systems established by rule pursuant to subsection (1) of this section to ensure that new technologies that meet the requirements for such systems are certified in a timely manner and available for selection by political subdivisions and meet user standards.”
20. Section 1-5-616, C.R.S., (2012), which authorizes the Secretary of State to “adopt rules in accordance with article 4 of title 24, C.R.S., that establish minimum standards for electronic and electromechanical voting systems.”
21. Section 1-5-617, C.R.S., (2012), which requires a political subdivision to “apply to the secretary of state for approval of the purchase, installation, and use of the system” and authorizes the Secretary of State to “prescribe the form and procedure of the application by rule adopted in accordance with article 4 of title 24, C.R.S.”
22. Section 1-5-619, C.R.S., (2012), which authorizes the Secretary of State to adopt rules to “establish standards and procedures for temporary approval of electronic and electromechanical voting systems.”
23. Section 1-5-623(4), C.R.S., (2012), which authorizes the Secretary of State to “promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify permissible conditions of use governing electronic voting devices or systems or related components of such devices or systems in accordance with the requirements of this part 6.”
24. Section 1-5.5-101(3), C.R.S., (2012), which authorizes the Secretary of State to promulgate rules to establish procedures necessary to implement this article.
25. Section 1-7-115, C.R.S., (2012), which states that “[a]n eligible elector shall not occupy a voting booth for longer than the time determined by the secretary of state by rule if all the booths are in use and other eligible electors are waiting to use them.”
26. Section 1-7-509(1)(b), C.R.S., (2012), which states that (b) The designated election official shall conduct at least three tests on all electronic and electromagnetic voting equipment, including a hardware test, a public logic and accuracy test conducted in

accordance with subsection (2) of this section, and a postelection test or audit conducted in accordance with rules promulgated by the secretary of state. Each type of ballot, including mail, provisional, and audio ballots, shall be tested in accordance with rules promulgated by the secretary of state.”

27. Section 1-7-509(6), C.R.S., (2012), that requires the Secretary of State to “promulgate rules in accordance with article 4 of title 24, C.R.S., prescribing the manner of performing the logic and accuracy testing required by this section.”
28. Section 1-7-510(6), C.R.S., (2012), which requires the Secretary of State to “promulgate rules in accordance with article 4 of title 24, C.R.S., to implement this section.”
29. Section 1-7-511(4), C.R.S., (2012), which requires the Secretary of State to “promulgate rules in accordance with article 4 of title 24, C.R.S., prescribing the manner and procedures that voting system providers shall follow to comply with this section.”
30. Section 1-7-511(4), C.R.S., (2012), which requires the Secretary of state to “promulgate rules in accordance with article 4 of title 24, C.R.S., prescribing the manner and procedures that voting system providers shall follow to comply with this section.”
31. Section 1-7-512(2), C.R.S., (2012), which requires the Secretary of State to “promulgate rules...establishing procedures for voting system providers to comply with this section.”
32. Section 1-7-513(2), C.R.S., (2012), which requires the Secretary of State to “promulgate rules...prescribing the manner of maintenance of records required by this section.”
33. Section 1-7-514(5), C.R.S. (2012), which requires the Secretary of State to “promulgate such rules, in accordance with article 4 of title, 24, C.R.S., as may be necessary to administer and enforce any requirement of this section, including any rules necessary to provide guidance to the counties in conducting any audit required by this section.”
34. Section 1-7-515(4), C.R.S., (2012), which requires the Secretary of State to “promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to implement and administer the requirements of this section.”
35. Section 1-7.5-104, C.R.S. (2012) that states, “[f]or all general, primary, odd-year, coordinated, recall, and congressional vacancy elections conducted on or after July 1, 2013, and for any election in which the governing board of a political subdivision other than a county determines that an election shall be by mail ballot, the county clerk and recorder or designated election official for the political subdivision, as applicable, shall conduct the election by mail ballot under the supervision of, and

subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”

36. Section 1-7.5-106(2), C.R.S., (2012), which authorizes the Secretary of State to “adopt rules governing procedures and forms necessary to implement [Article 7.5 of Title 1, C.R.S.]”
37. Section 1-8-114.5(5)(c), C.R.S., (2012), which requires the Secretary of State to adopt rules “establishing procedures for using signature verification devices to process mail-in ballots pursuant to this article and ballots used in mail ballot elections pursuant to article 7.5 of this title.”
38. Section 1-8-115(5)(d), C.R.S., (2012), which authorize the Secretary of State to “prescribe by rule any procedure or requirements as may be necessary to implement the provisions of [the emergency electronic transfer statute].”
39. Sections 1-8-203(2) and 1-8.3-105(2), C.R.S., (2012), which authorizes the Secretary of State to prescribe by rule “special procedures or requirements as may be necessary to facilitate early voting by those members of the military or military support personnel directly affected by the emergency.”
40. Section 1-8.5-102(2), C.R.S., (2012), which requires the Secretary of State to prescribe by rule “the language of the affidavit, information, and instructions.”
41. Section 1-8.5-112, C.R.S., (2012), which requires the Secretary of State to promulgate all appropriate rules...for the purpose of ensuring the uniform application of [Article 8.5 of Title 1, C.R.S.]”
42. Section 1-10-104.5, C.R.S. (2012), which authorizes the Secretary of State to “promulgate rules...for the purpose of establishing equitable uniformity in the appointment and operation of canvass boards.”
43. Section 1-40-132, C.R.S. (2012), which states that “The secretary of state shall have the authority to promulgate rules as may be necessary to administer and enforce any provision of this article that relates to initiated or referred measures and state constitutional amendments.”
44. Article XXI of the Colorado Constitution which prescribes recall procedures.

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State's rules and notices of rulemaking website at:

www.sos.state.co.us/pubs/rule_making/hearings/2013/ElectionRulesHearing20131001.html.

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by **September 26, 2013**.

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process, and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

All interested persons will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

You may submit written comments by mail, email, or in person to our office anytime before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website www.sos.state.co.us/pubs/rule_making/hearings/2013/ElectionRulesHearing20131001.html.

Our office will redact contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor.

VI. Broadcast and audio recording of hearing

If you are unable to attend the hearing, you may listen to the live broadcast from the Aspen Conference Room online at www.sos.state.co.us/pubs/info_center/audioBroadcasts.html. After the hearing, visit the same website and click on "archived recordings" to access an audio recording of the hearing.

⁴ Section 24-4-103(3)(a), C.R.S. (2012). "Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

VII. Office contact

If you have any questions or would like to submit written comments, please contact Andrea Gyger with the Administration Division at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 30th Day of August, 2013.



Suzanne Staiert
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

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

August 30, 2013

I. Basis and Purpose

This statement explains amendments to the Colorado Secretary of State Election Rules. The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws¹ and to implement amendments to the election laws made during the 2013 first regular session of the 69th General Assembly. The revisions are also intended to improve elections administration in Colorado and to increase the transparency and security of the election process.

This past legislative session, the General Assembly enacted House Bill 13-1303, which substantially changed how we administer elections in Colorado. Though Secretary of State staff pointed out several technical problems with the bill during the legislative process, our attempts to amend the bill were unsuccessful. In response to the recent and substantial legislation affecting elections, Secretary of State's office is recodifying the Election Rules. The rulemaking is intended to fill in several gaps and harmonize several conflicting provisions that now exist in the Election Code as a result of HB 13-1303. In addition, the Secretary of State is considering amendments to implement House Bills 13-1038 and 13-1135.

On July 26, 2013, the Secretary issued a request for public comment to help our office develop preliminary draft rules to address the use of numbers on ballots. The comments we received in anticipation of rulemaking are incorporated into the official rulemaking record and are available online at: www.sos.state.co.us/pubs/rule_making/ruleComments.html.

II. Rulemaking Authority

The statutory and constitutional authority is as follows:

1. House Bill 13-1303, codified as follows:

¹ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

- a. Section 1-2-217.7(7), C.R.S., (2013), which states that “[t]he secretary of state shall promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to implement this section” concerning registration on or immediately before election day.
 - b. Section 1-7.5-107.3(6), C.R.S., (2013), which requires the Secretary of State to “adopt rules in accordance with article 4 of title 24, C.R.S., establishing procedures for using signature verification devices to process ballots used in mail ballot elections pursuant to this article.”
 - c. Section 1-7.5-115(4)(d), C.R.S. (2013) that states, “[t]he secretary of state may prescribe by rule any procedures or requirements as may be necessary to implement this subsection (4)”.
 - d. Section 1-7.5-105(3), C.R.S., (2013), which states that “[t]he county clerk and recorder or designated election official shall supervise the distribution, handling, and counting of ballots, and the survey of returns in accordance with rules promulgated by the secretary of state as provided in section 1-7.5-106 (2) and shall take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election.”
2. Section 1-1-107(2)(a), C.R.S., (2012), which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
 3. Section 1-1-109(3), C.R.S., (2012), which requires the Secretary of State to: promulgate rules in accordance with the requirements of article 4 of title 24, C.R.S., “as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms.”
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24. Section 1-5.5-101(3), C.R.S., (2012), which authorizes the Secretary of State to promulgate rules to establish procedures necessary to implement this article.
25. Section 1-7-115, C.R.S., (2012), which states that “[a]n eligible elector shall not occupy a voting booth for longer than the time determined by the secretary of state by rule if all the booths are in use and other eligible electors are waiting to use them.”

26. Section 1-7-509(1)(b), C.R.S., (2012), which states that (b) The designated election official shall conduct at least three tests on all electronic and electromagnetic voting equipment, including a hardware test, a public logic and accuracy test conducted in accordance with subsection (2) of this section, and a postelection test or audit conducted in accordance with rules promulgated by the secretary of state. Each type of ballot, including mail, provisional, and audio ballots, shall be tested in accordance with rules promulgated by the secretary of state.”
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36. Section 1-7.5-106(2), C.R.S., (2012), which authorizes the Secretary of State to “adopt rules governing procedures and forms necessary to implement [Article 7.5 of Title 1, C.R.S.]”
37. Section 1-8-114.5(5)(c), C.R.S., (2012), which requires the Secretary of State to adopt rules “establishing procedures for using signature verification devices to process mail-in ballots pursuant to this article and ballots used in mail ballot elections pursuant to article 7.5 of this title.”
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41. Section 1-8.5-112, C.R.S., (2012), which requires the Secretary of State to promulgate all appropriate rules...for the purpose of ensuring the uniform application of [Article 8.5 of Title 1, C.R.S.]”
42. Section 1-10-104.5, C.R.S. (2012), which authorizes the Secretary of State to “promulgate rules...for the purpose of establishing equitable uniformity in the appointment and operation of canvass boards.”
43. Section 1-40-132, C.R.S. (2012), which states that “The secretary of state shall have the authority to promulgate rules as may be necessary to administer and enforce any provision of this article that relates to initiated or referred measures and state constitutional amendments.”
44. Article XXI of the Colorado Constitution which prescribes recall procedures.

Preliminary Draft of Proposed Rules

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

August 30, 2013

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the October 1, 2013 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State’s website no later than **September 26, 2013.**²

Please note the following formatting key:

| | |
|--------------------------------|---|
| Font effect | Meaning |
| Sentence case | Retained/modified current rule language |
| SMALL CAPS | New language |
| Strikethrough | Deletions |
| <i>[Italic blue font text]</i> | Annotations |
| Shading | Revisions to the July 26 preliminary working draft that is available online at: www.sos.state.co.us/pubs/rule_making/files/2013/20130726_Elections_RulesDraft.pdf |

[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 Section 24-4-103(2.5), C.R.S. (2012). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2012). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

1 1.1.1 “ACTIVE STATUS” OR “ACTIVE RECORD” MEANS THAT THE RECORD IS NOT MARKED
2 INCOMPLETE, INACTIVE, OR CANCELLED. ~~THERE ARE NO CONDITIONS OR~~
3 ~~RESTRICTIONS ON THE ELECTOR’S ELIGIBILITY OR REGISTRATION RECORD.~~

4 *[Relocated from 2.20.1 a., with amendments]*

5 1.1.2 “BALLOT MEASURE” MEANS A BALLOT ISSUE OR BALLOT QUESTION AS DEFINED IN
6 SECTIONS 1-1-104(2.3) AND (2.7), C.R.S.

7 *[Relocated from 27.1.1., with amendments]*

8 1.1.3 “BLANK BALLOT” MEANS A BALLOT ON WHICH THE VOTER HAS MADE NO MARKS IN
9 ANY VOTING POSITION, HAS MARKED WITH AN UNREADABLE MARKER, OR HAS
10 CONSISTENTLY MARKED OUTSIDE OF THE “READ” AREA OF THE SCANNER.

11 *[Relocated from 27.1.2., with amendments]*

12 1.1.4 “CANCELLED STATUS” OR “CANCELLED RECORD” MEANS THAT THE COUNTY CLERK
13 AND RECORDER CANCELLED THE ELECTOR’S VOTER REGISTRATION RECORD
14 BECAUSE THE ELECTOR:

15 (A) ~~IS WAS~~ NOT ELIGIBLE TO VOTE;

16 (B) ~~IS NOT REGISTERED TO VOTE~~ FAILED TO PROPERLY COMPLETE THE
17 REGISTRATION UNDER SECTIONS 1-2-508 AND 1-2-509(3), C.R.S.; OR

18 (C) ~~HAS WITHDRAWN~~ WITHDREW HIS OR HER REGISTRATION.

19 *[Relocated from 2.20.1 b., with amendments]*

20 ~~1.1.5 “Canvass board” means a committee composed of the county clerk and recorder~~
21 ~~and the registered electors appointed by the major parties in accordance with~~
22 ~~section 1-10-101, C.R.S.,~~

23 ~~*[Relocated from 41.1.1]*~~

24 1.1.6 “Canvass workers” means workers appointed or hired by the designated election
25 official to assist in the preparation and conduct of the canvass.

26 *[Relocated from 41.1.2]*

27 1.1.7 “CENTRAL COUNT” MEANS A BALLOT COUNTING PROCESS IN WHICH THE COUNTY
28 CLERK AND RECORDER TABULATES CUMULATIVE VOTING TOTALS FOR MULTIPLE
29 PRECINCTS AND BALLOT STYLES AT A SINGLE LOCATION.

30 *[Relocated from 11.1.1., with amendments]*

31 1.1.8 “DAMAGED BALLOT” MEANS A BALLOT THAT IS TORN, BENT, OR OTHERWISE
32 MUTILATED OR RENDERED UNREADABLE, SO THAT IT CANNOT BE PROCESSED BY

1 THE OPTICAL SCANNER BALLOT READER.

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

5 (B) DAMAGED BALLOTS MAY INCLUDE BALLOTS THAT ARE MARKED IN A
6 MEDIUM OTHER THAN THE MEDIUM INDICATED IN THE BALLOT
7 INSTRUCTIONS.

8 *[Relocated from 27.1.3., with amendments]*

9 1.1.9 “DATA ENTRY COUNTY” MEANS A COUNTY USING AN ELECTION MANAGEMENT
10 SYSTEM THAT EXPORTS A FILE TO BE DIRECTLY UPLOADED TO THE ELECTION NIGHT
11 RESULTS SYSTEM.

12 1.1.10 “DESIGNATED ELECTION OFFICIAL,” AS USED IN RULE 11, INCLUDES THE
13 DESIGNATED ELECTION OFFICIAL’S SWORN, DEPUTIZED DESIGNEE.

14 1.1.11 “DUPLICATED BALLOT” MEANS A BALLOT FOR WHICH A TRUE COPY MUST BE MADE
15 FOR THE BALLOT TO BE PROPERLY PROCESSED AND COUNTED BECAUSE OF DAMAGE,
16 IMPROPER MARKING OR ANY ISSUE THAT WOULD PREVENT A BALLOT TABULATING
17 MACHINE FROM ACCURATELY COUNTING THE BALLOT.

18 *[Relocated from 27.1.4., with amendments]*

19 1.1.12 “ELECTION COMPLAINT” MEANS A COMPLAINT FILED WITH THE SECRETARY OF
20 STATE UNDER ARTICLES 1 THROUGH 13 OF TITLE 1, C.R.S.

21 1.1.13 “ELECTION SETUP RECORDS” MEANS THE ELECTRONIC RECORDS, OFTEN IN THE
22 FORM OF A DATABASE OR A SET OF DATABASES, GENERATED BY ELECTION
23 TABULATION SOFTWARE TO CREATE AND DEFINE BALLOTS, TABULATION
24 INSTRUCTION, AND OTHER FUNCTIONS RELATED TO THE ELECTION.

25 *[Relocated from 11.1.2., with amendments]*

26 1.1.14 “ELECTION SOFTWARE” MEANS THE SOFTWARE FOR ELECTION EQUIPMENT OR
27 COMPUTERS THAT CONTROLS ELECTION SETUP VOTE RECORDING, VOTE
28 TABULATION, AND REPORTING.

29 *[Relocated from 11.1.4., with amendments]*

30 1.1.15 “ELECTRONIC BALLOT” MEANS A NON-PAPER BALLOT SUCH AS ON A TOUCH SCREEN
31 OR THROUGH AUDIO FEEDBACK. AFTER A VOTER CASTS AN ELECTRONIC BALLOT,
32 THE VOTER’S CHOICES MUST BE:

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

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

4 *[Relocated from 11.1.6., with amendments]*

5 1.1.16 “ELECTRONIC TRANSMISSION” MEANS:

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

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

10 *[Relocated from 25.2.1 and 42.2, with amendments]*

11 1.1.17 “ELECTRONIC VOTING DEVICE” MEANS A DEVICE BY WHICH VOTES ARE RECORDED
12 ELECTRONICALLY, INCLUDING A TOUCH SCREEN SYSTEM.

13 *[Relocated from 11.1.7., with amendments]*

14 1.1.18 “FIRMWARE” MEANS COMPUTER PROGRAMS, STORED ON READ-ONLY MEMORY
15 DEVICES OR OTHER ELECTRONIC CIRCUITRY IN VOTING DEVICES, THAT CONTROL
16 THE BASIC OPERATION AND FUNCTION OF THOSE DEVICES.

17 *[Relocated from 11.1.8., with amendments]*

18 1.1.19 “HELP AMERICA VOTE ACT COMPLAINT” OR “HAVA COMPLAINT” MEANS A
19 COMPLAINT FILED WITH THE SECRETARY OF STATE UNDER TITLE III OF THE HELP
20 AMERICA VOTE ACT (HAVA) AND ARTICLE 1.5 OF TITLE 1, C.R.S.

21 1.1.20 “IMMEDIATE VOTING AREA” MEANS THE AREA THAT IS WITHIN SIX FEET OF THE
22 VOTING EQUIPMENT, VOTING BOOTHS, AND THE BALLOT BOX.

23 *[Relocated from 8.6.1., with amendments]*

24 1.1.21 “INACTIVE STATUS” MEANS A RESTRICTION A COUNTY CLERK AND RECORDER
25 PLACES ON AN ELECTOR’S RECORD IF THE UNITED STATES POSTAL SERVICE
26 RETURNS A MAIL BALLOT, ~~VOTER INFORMATION CARD~~, OR CONFIRMATION CARD TO
27 THE COUNTY CLERK AND RECORDER AS UNDELIVERABLE.

28 *[Relocated from 2.20.1 d., with amendments]*

29 1.1.22 “LOGIC AND ACCURACY TEST” OR “LAT” MEANS A STEP-BY-STEP DOCUMENTED
30 REVIEW OF A VOTING DEVICE’S ABILITY, PRIOR TO USE IN ANY ELECTION, TO
31 ACCURATELY PRODUCE VOTER CHOICES FOR THE CANDIDATES AND BALLOT
32 MEASURES IN AN ELECTION. THE LOGIC AND ACCURACY TEST MUST FULFILL THE
33 REQUIREMENTS OF THE PUBLIC TEST DESCRIBED IN SECTION 1-7-509 (2), C.R.S.

1 *[Relocated from 11.1.9., with amendments]*

2 1.1.23 “MANUAL ENTRY COUNTY” MEANS A COUNTY THAT DOES NOT USE AN ELECTION
3 MANAGEMENT SYSTEM TO EXPORT DATA.

4 1.1.24 “MEDIA OBSERVER” MEANS AN OBSERVER WITH VALID AND CURRENT MEDIA
5 CREDENTIALS.

6 *[Relocated from 8.1.3., with amendments]*

7 1.1.25 “OFFICIAL OBSERVER” MEANS EITHER AN OBSERVER APPOINTED BY THE
8 SECRETARY OF STATE OR AN OBSERVER APPOINTED BY THE FEDERAL GOVERNMENT
9 AND APPROVED BY THE SECRETARY OF STATE. OFFICIAL OBSERVERS MAY BE
10 PRESENT IN ALL PHASES OF THE ELECTION PROCESS, BUT ARE SUBJECT TO RULES
11 AND REGULATIONS AS PRESCRIBED BY THE SECRETARY OF STATE AND PERFORM
12 DUTIES AS MAY BE ASSIGNED BY THE SECRETARY OF STATE.

13 *[Relocated from 8.1.1.]*

14 1.1.26 “OVERVOTE” MEANS A RACE OR BALLOT MEASURE WHERE THE VOTER MARKED
15 VOTES FOR MORE THAN THE MAXIMUM NUMBER OF CANDIDATES OR RESPONSES FOR
16 A BALLOT MEASURE ALLOWED.

17 *[Relocated from 27.1.6., with amendments]*

18 1.1.27 “QUALIFIED POLITICAL ORGANIZATION” MEANS AN ORGANIZATION THAT HAS
19 PLACED A CANDIDATE FOR CONGRESSIONAL OR STATE OFFICE ON THE BALLOT IN A
20 CONGRESSIONAL VACANCY OR GENERAL ELECTION, WHOSE OFFICERS HAVE FILED
21 PROOF OF ORGANIZATION WITH THE SECRETARY OF STATE, AND THAT CONTINUES
22 TO MEET THE REQUIREMENTS OF RULES 3.3 AND 3.4. [BAER V. MEYER, 728 F.2D 47
23 (10TH CIR. 1984)]

24 *[Relocated from 3.1, with amendments]*

25 1.1.28 “RELATED TO THE SECOND DEGREE” MEANS SPOUSE, CIVIL UNION PARTNER,
26 PARENTS, CHILDREN, BROTHERS AND SISTERS, GRANDPARENTS, AND
27 GRANDCHILDREN RELATED BY BLOOD OR MARRIAGE.

28 *[Relocated from 42.10, with amendments]*

29 1.1.29 “SCORE” MEANS THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM AND THE
30 COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST DESCRIBED IN PART 3 OF
31 ARTICLE 2 OF TITLE 1.

32 1.1.30 “Statement of Ballots Form” means the form used at the polling location that
33 accounts for all ballots at that location and includes all information required by
34 this rule.

1 *[Relocated from 41.1.3]*

2 1.1.31 "TARGET AREA" MEANS:

- 3 (A) THE SQUARE OR OVAL OPPOSITE THE CANDIDATE'S NAME OR BALLOT
4 RESPONSE ON A PAPER BALLOT; OR
- 5 (B) THE OVAL, INCOMPLETE LINE, OR INCOMPLETE ARROW OPPOSITE THE
6 CANDIDATE'S NAME OR BALLOT RESPONSE (EXAMPLES: "YES", "NO",
7 "FOR" OR "AGAINST") ON AN OPTICAL SCAN BALLOT.

8 *[Relocated from 27.1.8, with amendments]*

9 1.1.32 "UNDERVOTE" MEANS A RACE OR BALLOT MEASURE WHERE THE VOTER MARKED
10 VOTES FOR FEWER THAN THE MAXIMUM NUMBER OF CANDIDATES OR RESPONSES
11 FOR A BALLOT MEASURE ALLOWED.

12 *[Relocated from 27.1.7, with amendments]*

13 1.1.33 "VOTING SYSTEM" AS DEFINED IN 1-1-104(50.8), C.R.S., MEANS:

14 (A) THE TOTAL COMBINATION OF MECHANICAL, ELECTROMECHANICAL, OR
15 ELECTRONIC EQUIPMENT (INCLUDING THE SOFTWARE, FIRMWARE, AND
16 DOCUMENTATION REQUIRED TO PROGRAM, CONTROL, AND SUPPORT THE
17 EQUIPMENT) THAT IS USED TO:

18 (1) DEFINE BALLOTS;

19 (2) CAST AND COUNT VOTES;

20 (3) REPORT OR DISPLAY ELECTION RESULTS; AND

21 (4) MAINTAIN AND PRODUCE ANY AUDIT TRAIL INFORMATION; AND

22 (B) THE PRACTICES AND ASSOCIATED DOCUMENTATION USED TO:

23 (1) IDENTIFY SYSTEM COMPONENTS AND VERSIONS OF SUCH
24 COMPONENTS;

25 (2) TEST THE SYSTEM DURING ITS DEVELOPMENT AND MAINTENANCE;

26 (3) MAINTAIN RECORDS OF SYSTEM ERRORS AND DEFECTS;

27 (4) DETERMINE SPECIFIC SYSTEM CHANGES TO BE MADE TO A SYSTEM
28 AFTER THE INITIAL QUALIFICATION OF THE SYSTEM; AND

29 (5) MAKE AVAILABLE ANY MATERIALS TO THE VOTER (SUCH AS
30 NOTICES, INSTRUCTIONS, FORMS, OR PAPER BALLOTS).

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

9 *[Highlighted portion relocated from new Rule 45.1.20]*

10 1.1.34 "VVPAT" HAS THE SAME MEANING AS IN SECTION 1-1-104 (50.6), C.R.S.

11 *[Relocated from 11.1.12., with amendments]*

12 1.1.35 "WATCHER" HAS THE SAME MEANING AS IN SECTION 1-1-104(51), C.R.S. MEANS
13 AN ELIGIBLE ELECTOR, OTHER THAN A CANDIDATE ON THE BALLOT, SELECTED BY A
14 POLITICAL PARTY CHAIRPERSON ON BEHALF OF THE POLITICAL PARTY, BY A PARTY
15 CANDIDATE AT A PRIMARY OR RECALL ELECTION, BY AN UNAFFILIATED CANDIDATE
16 AT A GENERAL, CONGRESSIONAL VACANCY, NONPARTISAN, OR RECALL ELECTION,
17 OR BY A PERSON DESIGNATED BY EITHER THE OPPONENTS OR PROPONENTS IN THE
18 CASE OF REGISTERED ISSUE COMMITTEE SUPPORTING OR OPPOSING A BALLOT ISSUE
19 OR BALLOT QUESTION. IF SELECTED BY A POLITICAL PARTY CHAIRPERSON, A PARTY
20 CANDIDATE, OR AN UNAFFILIATED CANDIDATE, THE WATCHER MUST BE AFFILIATED
21 WITH THAT POLITICAL PARTY OR UNAFFILIATED AS SHOWN ON THE REGISTRATION
22 BOOKS OF THE COUNTY CLERK AND RECORDER.

23 (A) A WATCHER MAY BE APPOINTED FOR A RECALL ELECTION IN THE SAME
24 MANNER AS IN A PRIMARY ELECTION.

25 (B) FOR THE PURPOSE OF APPOINTING A WATCHER, THE PROPONENT OR
26 OPPONENT OF A BALLOT ISSUE OR BALLOT QUESTION MEANS A REGISTERED
27 ISSUE COMMITTEE SUPPORTING OR OPPOSING THE BALLOT ISSUE OR BALLOT
28 QUESTION.

29 (C) A DESIGNATED WATCHER NEED NOT BE A RESIDENT OF THE COUNTY HE OR
30 SHE IS DESIGNATED IN AS LONG AS HE OR SHE IS AN ELIGIBLE ELECTOR IN
31 THE STATE OF COLORADO. ~~[SECTION 1-1-104(51), C.R.S.]~~

32 *[Relocated from 8.9.1 and 8.1.2, with amendments]*

33 1.1.36 "WRITE-IN VOTE" MEANS A VOTE WHERE THE VOTER PHYSICALLY WRITES IN THE
34 NAME OF A LEGALLY QUALIFIED WRITE-IN CANDIDATE IN THE SPACE RESERVED ON
35 THE BALLOT FOR WRITE-IN VOTES AND PROPERLY MARKS THE TARGET AREA
36 ACCORDING TO VOTER INSTRUCTIONS.

37 1.1.37 "ZERO TAPE" MEANS A PRINTOUT OF THE INTERNAL DATA REGISTERS IN
38 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 ~~e.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-POLLBOOK** and
17 they will be sent election notice mailings BUT THE COUNTY CLERK AND
18 RECORDER MAY NOT SEND A MAIL BALLOT TO INACTIVE ELECTORS. Inactive
19 ~~—failed to vote voters will be sent a ballot in a mail ballot election where~~
20 specifically 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]

1 ~~2.8.2.2.2.3~~ If any portion of a MAIL APPLICATION ~~voter registration submitted by~~
2 "mail" is illegible, the county clerk and recorder ~~shall~~ MUST notify the applicant of
3 the additional information required in accordance with section 1-2-509, C.R.S.

4 ~~2.8.3.2.2.4~~ For the purpose of submitting ~~voter registration~~ applications by fax, email,
5 or online voter registration, close of business ~~shall be~~ is 11:59pm MT.

6 2.2.5 UNDER SECTION 1-5-509, C.R.S., THE EFFECTIVE DATE OF A VOTER REGISTRATION
7 APPLICATION RECEIVED BY THE SECRETARY OF STATE IS THE EARLIER OF THE DATE
8 THE APPLICATION IS RECEIVED OR THE DATE OF THE LEGIBLE POSTMARK.

9 2.2.6 IF A COUNTY CLERK AND RECORDER RECEIVES A PAPER VOTER REGISTRATION
10 APPLICATION ~~OTHER THAN IN-PERSON~~ BETWEEN 21 AND 7 DAYS BEFORE ELECTION
11 DAY, THE COUNTY CLERK MUST SEND THE APPLICANT NOTIFICATION BY REGULAR
12 MAIL, OR EMAIL IF PROVIDED, WITHIN ONE BUSINESS DAY AFTER RECEIVING THE
13 APPLICATION THAT THE ~~APPLICANT IS REGISTERED TO VOTE APPLICATION IS~~
14 ~~RECEIVED~~ BUT THE APPLICANT WILL NOT RECEIVE A BALLOT BY MAIL. THE NOTICE
15 MUST STATE THAT, IF THE APPLICANT WISHES TO VOTE IN THE UPCOMING ELECTION,
16 THE APPLICANT MUST EITHER REGISTER ONLINE VIA THE ONLINE VOTER
17 REGISTRATION SYSTEM OR IN PERSON AT THE COUNTY CLERK AND RECORDER'S
18 OFFICE OR AT A VOTER SERVICE AND POLLING CENTER, WHICHEVER IS APPLICABLE.

19 *[Current Rule 2.8 is amended and moved to new Rule 2.2. Amendments are shown above.*
20 *Portions of current Rule 2.14 are included in new Rule 2.2.5.]*

21 2.3 FOR THE PURPOSES OF PRECINCT CAUCUS LISTS AND REGISTRATION LISTS FOR MUNICIPAL
22 OR SPECIAL DISTRICT ELECTIONS, THE RESIDENCY REQUIREMENT IS BASED UPON THE DATE
23 PROVIDED BY THE ELECTOR ON HIS OR HER APPLICATION.

24 2.3.1 THE COUNTY CLERK AND RECORDER MUST ENTER THE DATE PROVIDED BY THE
25 ELECTOR IN THE REGISTRATION RECORD MAINTAINED IN THE STATEWIDE VOTER
26 REGISTRATION SYSTEM. [SECTIONS 1-3-101 AND 31-10-201, C.R.S.]

27 2.3.2 IF THE ELECTOR SUBMITS AN APPLICATION AND DOES NOT INCLUDE THE DATE HE OR
28 SHE MOVED, THE COUNTY CLERK MUST ENTER THE DATE THE APPLICATION IS
29 RECEIVED OR POSTMARKED, WHICHEVER IS EARLIER, AS THE DATE MOVED. BUT IF
30 THE ELECTOR SUBMITS THE APPLICATION DURING THE 22 DAYS BEFORE AN
31 ELECTION AND DOES NOT PROVIDE THE DATE HE OR SHE MOVED, THE COUNTY
32 CLERK MUST ENTER THE DATE MOVED AS THE 22ND DAY BEFORE THE ELECTION
33 BASED UPON THE AFFIDAVIT.

34 2.4 IDENTIFICATION REQUIRED FROM AN APPLICANT FOR VOTER REGISTRATION

35 2.4.1 AN APPLICANT FOR VOTER REGISTRATION MUST COMPLETE THE IDENTIFICATION
36 NUMBER PORTION OF THE APPLICATION FOR VOTER REGISTRATION. BUT AN
37 APPLICANT REGISTERING TO VOTE IN PERSON IS NOT REQUIRED TO SHOW OR
38 PRESENT A COLORADO DRIVER'S LICENSE OR ID IF HE OR SHE PROVIDES A

1 VERIFIABLE DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER THAT VERIFIES IN
2 SCORE.

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

9 2.4.2 AS USED IN SECTION 1-1-104(19.5), C.R.S., GOVERNMENT DOCUMENT MEANS ANY
10 DOCUMENT ISSUED BY A LOCAL, STATE OR FEDERAL GOVERNMENT, INCLUDING:

11 (A) A PAYCHECK FROM A GOVERNMENT INSTITUTION;

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

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

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

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

20 2.4.3 AS USED IN SECTION 1-1-104(19.5)(A)(VII), C.R.S., CURRENT MEANS THAT THE
21 DATE OF THE DOCUMENT IS WITHIN 60 DAYS OF THE DATE SUBMITTED FOR
22 IDENTIFICATION PURPOSES UNLESS THE DOCUMENT STATES A LONGER BILLING
23 CYCLE.

24 ~~2.4.4 A SUSPENDED DRIVER'S LICENSE IS CONSIDERED CURRENT AND VALID. A REVOKED
25 OR EXPIRED LICENSE IS NOT CONSIDERED CURRENT AND VALID AND IS NOT
26 ACCEPTABLE.~~

27 *[Portions of current Rules 30.1.6(g), 30.1.7, 30.2.2, and 30.8 are included in new Rule 2.4.]*

28 ~~2.7.2.5~~ Treatment of applications where the required information was not provided

29 ~~2.7.1-2.5.1~~ If an applicant fails to check the box-(es) answering the question-(s), "Are
30 you a citizen of the United States?" or "Will you be 18 years of age on or before
31 election day?", the COUNTY CLERK AND RECORDER MUST ACCEPT AND PROCESS
32 THE form shall be accepted for registration APPLICATION AS COMPLETE so long as
33 it is otherwise complete and the affirmation at the bottom of the form is signed.

34 ~~2.7.2-2.5.2~~ If an applicant for voter registration fails to complete the required
35 identification portion of the form in accordance with section 1-2-204(2)(f.5) and

1 (3)(c), C.R.S., ~~and rule 2.6.3,~~ the COUNTY CLERK MUST TREAT THE application
2 ~~shall be treated as~~ INCOMPLETE “~~incomplete~~”; ~~however,~~ BUT if the applicant
3 submits a photocopy of ~~his/her~~ HIS OR HER driver’s license or identification card,
4 ~~then the county CLERK may~~ MUST enter the ID number from the card into the
5 applicant’s record and ~~consider~~ PROCESS the application AS COMPLETE
6 “complete”.

7 ~~2.7.3-2.5.3~~ If an applicant ~~for voter registration~~ fails to provide a date of birth the
8 COUNTY CLERK MUST TREAT THE application ~~shall be treated as~~ INCOMPLETE
9 “~~incomplete~~”; ~~however,~~ BUT if the applicant submits a photocopy of ~~his/her~~ HIS
10 OR HER driver’s license or other approved form of ID ~~which~~ THAT includes the
11 date of birth, ~~then the county CLERK may~~ MUST enter that information into the
12 applicant’s record and ~~consider~~ PROCESS the application AS COMPLETE
13 “complete”.

14 *[Current Rule 2.7 is amended and moved to new Rule 2.5. Amendments are shown above.]*

15 ~~2.10-2.6~~ Changes to an Elector’s Voter Registration Record

16 ~~2.10-1-2.6.1~~ If an elector submits a change to his or her voter registration record ~~that~~
17 ~~does not contain all of~~ AND FAILS TO INCLUDE the information required by sections
18 1-2-216 or 1-2-219, C.R.S., the county clerk and recorder ~~may~~ MUST not make the
19 requested change, unless the county clerk and recorder can confidently identify
20 the voter. ~~otherwise the~~ THE county clerk and recorder ~~shall~~ MUST notify the
21 voter what additional information is required to process the request.

22 ~~2.10-2-2.6.2~~ If an elector submits a change to his or her voter registration record and
23 writes or selects a name of an organization that is not a qualified political party or
24 qualified political organization, or writes “none”, the elector’s affiliation ~~shall~~
25 MUST be recorded as “Unaffiliated”.

26 ~~2.10-3-2.6.3~~ If an elector submits a change to his or her voter registration record and
27 leaves the affiliation section blank, THE COUNTY CLERK MUST MAKE no change
28 ~~will be made~~ to the voter’s affiliation in the registration record.

29 2.6.4 WHEN THE COUNTY CLERK AND RECORDER PROVIDES A LIST OF **ACTIVE-ELIGIBLE**
30 ELECTORS TO A MUNICIPAL OR SPECIAL DISTRICT FOR AN ELECTION NOT
31 COORDINATED WITH THE COUNTY, THE COUNTY CLERK AND RECORDER MUST
32 REQUEST THE DESIGNATED ELECTION OFFICIAL OF THE MUNICIPALITY OR SPECIAL
33 DISTRICT PROVIDE THE VOTE HISTORY INFORMATION FOLLOWING THE ELECTION.
34 ~~WITHIN TEN DAYS~~ AS SOON AS FEASIBLE AFTER RECEIVING THE INFORMATION, THE
35 COUNTY CLERK **MUST ACTIVATE VOTER RECORDS AND** REMOVE ID REQUIRED
36 FLAGS IN SCORE AS PROVIDED IN SECTION 1-2-605(4)(B), C.R.S.

37 *[Current Rule 2.10 is amended and moved to new Rule 2.6. Amendments are shown above.]*

38 ~~2.11-2.7~~ Changes to an elector’s voter registration status.

1 ~~2.11.1~~ 2.7.1 An elector may update his or her inactive registration status to active
2 status by submitting:

- 3 (a) A signed written request, by mail, fax, or PDF attachment to an email;
4 (b) An online voter registration application; or
5 (c) An in-person request with identification.

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

7 ~~2.11.2~~ 2.7.2 If an elector is unable to sign, another person must witness the elector's
8 mark. An elector may use a signature stamp because of age, disability, or other
9 need. The stamp is treated as a signature and does not require a witness.

10 *[Current Rule 2.11 is amended and moved to new Rule 2.7. Amendments are shown above.]*

11 ~~2.21~~ 2.8 Minimum matching criteria

12 ~~2.21.1~~ 2.8.1 ~~A record may~~ THE COUNTY CLERK AND RECORDER MUST not be transferred,
13 consolidated, or cancelled TRANSFER, CONSOLIDATE, OR CANCEL A VOTER
14 REGISTRATION RECORD unless the minimum matching criteria as set forth in
15 sections 1-2-603 and 1-2-604, C.R.S., are met. If the minimum matching criteria
16 are not met the county CLERK MUST ~~may~~ send a letter to the voter requesting
17 confirmation of the missing or non-matching information in order to transfer,
18 consolidate, or cancel the record.

19 ~~2.21.2~~ 2.8.2 ~~For the purpose of sections 1-2-603 and 1-2-604, C.R.S., and this Rule a~~
20 match of the name shall mean MEANS a match of the full name, except that the
21 following shall be ARE sufficient to establish a match:

- 22 (a) Common variations and nicknames in the first or middle name, i.e.
23 Michael and Mike;
- 24 (b) Explainable and documented change of name, including last name, i.e.
25 maiden name and married name; and
- 26 (c) Explainable and documented variations in suffix, except that the absence
27 of a suffix in one of the records shall not be considered a variation.
28 Examples of suffix variations that must be explained include junior in one
29 record and III in another.

30 ~~2.21.3~~ 2.8.3 ~~For the purpose of sections 1-2-603 and 1-2-604, C.R.S., and this Rule a~~
31 match of the prior address shall mean MEANS a match of the residential street
32 address.

33 ~~2.21.4~~ 2.8.4 The county clerk and recorder may use the DMV Motor Voter database to
34 verify prior name or residence address history for the purpose of meeting the

1 minimum matching criteria. The COUNTY CLERK MUST SCAN AND RETAIN THE
2 information gathered ~~must be scanned and retained~~ in the elector's record in order
3 to document how the criteria ~~was~~ WERE met.

4 *[Current Rule 2.21 is amended and moved to new Rule 2.8. Amendments are shown above.]*

5 2.9 Registration of ~~Homeless Voters~~ ELECTORS WHO HAVE NO FIXED PERMANENT
6 HOME

7 2.9.1 For the purpose of voter registration residence ~~a homeless voter may~~ AN ELECTOR
8 WHO HAS NO FIXED PERMANENT HOME MUST identify a specific location within a
9 precinct that the ~~voter~~ APPLICANT considers his OR HER home base.

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

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

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

19 2.9.2 If the home base does not include a mailing address, THE APPLICANT ~~then the~~
20 ~~homeless voter~~ must provide a mailing address ~~pursuant to~~ IN ACCORDANCE WITH
21 section 1-2-204(2)(f), C.R.S.

22 2.9.3 A post office box or general delivery at a post office ~~shall not be deemed~~ IS NOT a
23 home base.

24 *[Current Rule 2.9 is amended as are shown above.]*

25 2.10 A COUNTY CLERK AND RECORDER MAY CANCEL A REGISTRATION RECORD BASED UPON
26 INFORMATION FROM A LOCAL LAW ENFORCEMENT ~~ONLY~~ AGENCY ~~ONLY~~ IF:

27 2.10.1 THE INFORMATION STATES THAT THE INDIVIDUAL IS CURRENTLY SERVING A
28 SENTENCE OF INCARCERATION OR PAROLE FOR A FELONY CONVICTION; AND

29 2.10.2 MINIMUM MATCHING CRITERIA OUTLINED IN RULE 2.6 ARE MET.

30 ~~2.16~~ 2.11 An elector who has received notice that his or her application for registration may
31 not be processed or whose registration was cancelled because his or her name was
32 matched with a record bearing the same name, date of birth, and social security number
33 in the databases provided by Colorado Department of Corrections or Colorado
34 Department of Public Health and Environment, and who believes that the match was

1 erroneous, may request that his or her application be processed or registration be
2 reinstated if he or she:

3 a-2.11.1 Appears in person at the office of the county clerk and recorder and
4 presents identification; or

5 ~~b-2.11.2 Returns to the office of the county clerk and recorder a signed, notarized,~~
6 ~~and dated~~ SUBMITS A statement TO THE COUNTY CLERK affirming that ~~he or she~~
7 THE APPLICANT believes the match was in error. THE APPLICANT MUST INCLUDE
8 HIS OR HER ~~This statement must contain the elector's~~ printed name, residential
9 address, and date of birth ON THE SIGNED, DATED, AND NOTARIZED STATEMENT.

10 *[Current Rule 2.16 is amended and moved to new Rule 2.11. Amendments are shown above.]*

11 ~~2.17-2.12~~ 20-DAY APPLICANTS UNDER SECTION 1-2-509(3), C.R.S.

12 2.12.1 When a county clerk and recorder deems an applicant “not registered” upon
13 receipt of an undeliverable new voter notification in accordance with section 1-2-
14 509(3), C.R.S., the ~~applicant shall be mailed~~ COUNTY CLERK MUST MAIL a
15 confirmation card ~~by forwardable mail~~. The confirmation card MUST MEET THE
16 REQUIREMENTS OF SECTION 1-1-104(2.8), C.R.S. ~~shall have a postage prepaid~~
17 ~~returnable portion that is preaddressed to the sending county clerk and recorder.~~

18 ~~2.17.1-2.12.2~~ If the ~~county clerk and recorder receives a~~ APPLICANT RETURNS THE signed
19 confirmation card within 90 days ~~from an applicant who was deemed “not~~
20 ~~registered” in accordance with section 1-2-509(3), C.R.S., the applicant shall be~~
21 ~~deemed registered as of the~~ THE COUNTY CLERK MUST REGISTER THE APPLICANT
22 USING THE date of the original application.

23 ~~2.17.2~~ During the 28 days prior to an election, if an applicant who has been deemed “not
24 registered” in accordance with section 1-2-509(3), C.R.S., completes a certificate
25 of registration and presents identification in person at the office of the county
26 clerk and recorder, the applicant shall be deemed registered as of the date of the
27 original application.

28 2.12.3 DURING THE 22 DAYS BEFORE AN ELECTION, THE COUNTY CLERK AND RECORDER
29 MUST DEFER PROCESSING UNDELIVERABLE ~~NEW VOTER 20-DAY~~ NOTIFICATIONS.
30 AFTER THE ELECTION IS CLOSED, THE CLERK MUST DEEM AN APPLICANT “NOT
31 REGISTERED” UNDER SECTION 1-2-509(3), C.R.S., ONLY IF THE APPLICANT DID NOT
32 VOTE IN THE ELECTION.

33 *[Current Rule 2.17 is amended and moved to new Rule 2.12. Amendments are shown above.]*

34 ~~2.4.2.13 Confidentiality of Agency in Voter Registration.~~ VOTER REGISTRATION
35 CONFIDENTIALITY

36 2.13.1 INFORMATION ABOUT THE NAME AND LOCATION OF AN AGENCY FOR AN
37 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 2.13.1.]

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

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

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

[Portions of current Rule 2.5 are included in new Rule 2.13.2.]

2.13.3 REGISTRATION OF ADDRESS CONFIDENTIALITY PROGRAM (ACP) ELECTORS

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

(B) THE COUNTY CLERK AND RECORDER MUST:

(1) USE THE ACTUAL RESIDENCE ADDRESS OF THE ACP ELECTOR FOR PRECINCT DESIGNATION.

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

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

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

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

[Portions of current Rule 2.12 are included in new Rule 2.13.3.]

~~2.18-2.14~~ List Maintenance Pursuant to UNDER section 8 of the National Voter Registration Act of 1993

~~2.18.1-2.14.1~~ When THE UNITED STATES POSTAL SERVICE RETURNS a voter information card or confirmation card is returned TO THE COUNTY CLERK as undeliverable, or

1 PROVIDES THE CLERK WITH a postcard notice of mail forwarding ~~is provided by the~~
2 ~~United States Postal Service to the county clerk and recorder~~, the county clerk and
3 recorder ~~shall~~ MUST mark the voter's record "Inactive – returned mail" and ~~shall~~
4 mail a confirmation card. Where a confirmation card sent under this rule is
5 returned as undeliverable, the county is not required to mail another card.

6 ~~2.18.2~~ 2.14.2 National Change of Address (NCOA). ~~Counties may utilize the NCOA to~~
7 ~~send mailings to electors who may have moved to request that the electors update~~
8 ~~their voter registration records. However, no county may update the registration~~
9 ~~address of any registration record or change the status of an elector to "inactive"~~
10 ~~based solely upon the information provided by NCOA. THE SECRETARY OF STATE~~
11 ~~WILL PROVIDE MONTHLY NATIONAL CHANGE OF ADDRESS (NCOA) DATA UNDER~~
12 ~~SECTION 1-2-302.5, C.R.S., TO THE COUNTY CLERK BY THE FIFTH OF EACH MONTH.~~

13 (A) THE COUNTY MUST PROCESS THE DATA TO UPDATE REGISTRATION RECORDS
14 AND SEND NOTIFICATIONS IN ACCORDANCE WITH SECTION 1-2-302.5,
15 C.R.S., BY THE END OF EACH MONTH.

16 (1) THE COUNTY MAY NOT AUTOMATICALLY UPDATE A VOTER
17 REGISTRATION RECORD DURING THE 60 DAYS BEFORE ANY ELECTION
18 CONDUCTED BY THE COUNTY CLERK AND RECORDER UNDER TITLE 1,
19 C.R.S.

20 (2) IF THE NCOA DATA INDICATES THAT AN ELECTOR HAS MOVED OUT
21 OF THE COUNTY OR STATE, THE RECORD IS MARKED INACTIVE, AND
22 THE COUNTY HAS SENT A CONFIRMATION CARD UNDER SECTION 1-2-
23 605, C.R.S., THE COUNTY IS NOT REQUIRED TO MAIL ANOTHER
24 CONFIRMATION CARD.

25 (B) WHEN THE COUNTY UPDATES A VOTER REGISTRATION RECORD USING
26 NCOA DATA, THE COUNTY MUST USE THE NCOA TRANSACTION SOURCE.

27 ~~2.18.3~~ 2.14.3 In accordance with section 1-2-605(7), C.R.S., no later than 90 days
28 following a General Election, the county clerk and recorder in each county ~~shall~~
29 MUST cancel ~~only~~ the registrations of electors who have met the following
30 requirements:

31 ~~a-~~(A) Whose records have been marked "Inactive – returned mail", "~~inactive~~
32 INACTIVE – undeliverable", ~~or~~ "Inactive – undeliverable ballot", OR
33 INACTIVE – NCOA";

34 ~~b-~~(B) Who have been mailed a confirmation card; and

35 ~~e-~~(C) Who have since failed to vote in two consecutive General elections.

36 2.14.4 AN ELECTOR WHOSE REGISTRATION RECORD WAS CANCELLED DURING THE
37 PREVIOUS SIX YEARS UNDER SECTION 1-2-605(7), C.R.S., AND RULE 2.12.2, MAY
38 REQUEST REINSTATEMENT OF THE RECORD. THE ELECTOR MUST ~~PROVIDE PROOF~~

1 AFFIRM THAT HE OR SHE HAS CONTINUOUSLY RESIDED AT THE ADDRESS SHOWN ON
2 THE REGISTRATION RECORD SINCE THE RECORD WAS CANCELLED.

3 ~~2.22-2.14.5~~ Effective ~~January 1, 2012, no~~ No county may consolidate or cancel
4 duplicate records in accordance with section 1-2-604, C.R.S., within the period
5 beginning 90 days ~~prior to~~ BEFORE a Primary or General Election.

6 *[Current Rule 2.22 is amended and moved to new Rule 2.14. Amendments are shown above.]*

7 2.15 VOTER REGISTRATION AT A VOTER SERVICE AND POLLING CENTER

8 2.15.1 A PERSON REGISTERING VOTERS OR UPDATING VOTER REGISTRATION INFORMATION
9 IN A VOTER SERVICE AND POLLING CENTER MUST:

10 (A) BE A PERMANENT OR TEMPORARY COUNTY OR STATE EMPLOYEE OR
11 TEMPORARY STAFF HIRED BY ~~OF~~ THE COUNTY CLERK AND RECORDER'S
12 OFFICE;

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

18 (C) SUCCESSFULLY COMPLETE A TRAINING COURSE PROVIDED BY THE
19 SECRETARY OF STATE.

20 2.15.2 THE PERSON REGISTERING VOTERS OR UPDATING VOTER REGISTRATION
21 INFORMATION IN A VOTER SERVICE AND POLLING CENTER MUST VERBALLY
22 CONFIRM EACH ELECTOR'S NAME AND RESIDENTIAL ADDRESS.

23 2.16 VOTER REGISTRATION RECORDS AND DATA

24 ~~2.13-2.16.1~~ ~~Preservation of Voter Registration Records.~~ Notwithstanding the retention
25 timelines specified in section 1-2-227, C.R.S., THE COUNTY CLERK AND RECORDER
26 MAY DESTROY paper voter registration records ~~may be destroyed~~ as soon as they
27 have been digitally recorded in the statewide voter registration database known as
28 "SCORE". ~~Such records shall be retained~~ THE STATEWIDE VOTER REGISTRATION
29 SYSTEM MUST RETAIN DIGITAL IMAGES OF VOTER REGISTRATION APPLICATIONS in
30 perpetuity in digital format by the voter registration database in accordance with
31 Title 1, C.R.S. and this rule.

32 *[Current Rule 2.13 is amended and moved to new Rule 2.16.1. Amendments are shown above.]*

33 ~~2.2-2.16.2~~ After a receipt of request, the fee for providing the information shall be
34 determined. ~~The fee must be paid prior to the request being filled.~~ UNDER
35 SECTION 24-21-104(3), C.R.S., THE SECRETARY OF STATE MUST CHARGE A FEE FOR
36 VOTER INFORMATION REPORTS AND RELATED SERVICES. A REQUEST FOR ELECTIONS

1 DATA MUST BE SUBMITTED USING THE ELECTIONS DATA REQUEST FORM. THE
2 SECRETARY OF STATE WILL PROVIDE THE REQUESTED DATA AFTER PAYMENT OF
3 THE FEE AS OUTLINED IN THE FEE SCHEDULE ON THE SECRETARY'S WEBSITE.

4 *[Current Rule 2.2 is amended and moved to new Rule 2.16.2. Amendments are shown above.*
5 *Portions of current Rule 49.3.1 are included in Rule 12.16.2]*

6 ~~49.3.2~~ 2.16.3 The county clerk and recorder of each county may charge fees for county
7 voter information reports and related services, such as the printing of labels
8 provided by the centralized statewide registration system. ~~However,~~ BUT in
9 accordance with federal requirements governing the use of federal funds, fees
10 ~~shall~~ MUST not exceed county direct and indirect costs for providing such reports
11 and services.

12 *[Current Rule 49.3.2 is amended and moved to new Rule 2.16.3. Amendments are shown above.]*

13 ~~49.2~~ 2.16.4 Custodianship of Voter Registration Information

14 ~~49.2.1~~ (A) The Secretary of State ~~shall be~~ IS the official custodian of the
15 information contained in the centralized statewide registration system and
16 the computerized statewide voter registration list created and maintained
17 ~~pursuant to~~ UNDER section 1-2-301, C.R.S.

18 ~~49.2.2~~ (B) The county clerk and recorder for each county ~~shall be~~ IS the
19 official custodian of the voter registration information only for electors
20 within that county.

21 *[Current Rule 49.2 is amended and moved to new Rule 2.16.4. Amendments are shown above.]*

22 ~~49.1~~ 2.17 SCORE username and password administration

23 ~~49.1.1~~ 2.17.1 The state user administrator ~~shall assign~~ ASSIGNS county administrator
24 privileges to the individual designated in each county by the county clerk and
25 recorder. ~~49.1.1.1~~ The county clerk and recorder ~~shall~~ MUST submit ~~the~~ A request
26 for county administrator privilege to the state user administrator in writing. The
27 request ~~shall~~ MUST specifically state the full name of the county employee that is
28 being assigned as a county administrator.

29 ~~49.1.2~~ 2.17.2 Each county ~~may have~~ IS LIMITED TO ONE COUNTY administrator.
30 ~~privileges assigned to no more than one (1) individual, except that any~~ BUT A
31 county clerk and recorder may apply to the Secretary of State for an additional
32 county administrator.

33 ~~49.1.2.1~~ (A) ~~Such~~ THE application ~~shall~~ MUST be submitted by the county clerk
34 and recorder in writing to the state user administrator and ~~shall~~ MUST state
35 the name of the county employee for which county administrator privilege
36 is being sought. The application ~~shall~~ MUST also state the specific reasons
37 the county clerk and recorder is requesting the additional administrator.

1 ~~49.1.2.2~~(B) The state user administrator ~~shall~~WILL notify the county clerk and
2 recorder in writing whether the request is approved within five (5)
3 business days ~~from receipt of~~AFTER RECEIVING the application.

4 ~~49.1.3~~2.17.3 The county administrator is responsible for security administration and
5 ~~shall~~MUST assign all access privileges, as well as usernames and passwords for
6 county employees and temporary election workers.

7 ~~49.1.3.1~~(A) For county employees, the county administrator ~~shall~~MUST assign
8 a unique username in accordance with the naming conventions provided
9 by the Secretary of State.

10 ~~49.1.3.2~~(B) Passwords ~~shall~~MUST be assigned by the county administrator
11 upon initial authorization and ~~shall~~MUST be changed by users and
12 maintained confidentially.

13 ~~49.1.4~~2.17.4 If a county employee or temporary election worker is no longer employed
14 by the county, the county administrator ~~shall~~MUST inactivate the username within
15 a reasonable timeframe, not to exceed one (1)business week.

16 *[Current Rule 49.1 is amended and moved to new Rule 2.17. Amendments are shown above.]*

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

18 ~~3.2~~3.1 The ~~required proof of organization, which may be filed at any time after organization,~~
19 ~~shall include, but shall not be limited to:~~ A QUALIFIED POLITICAL ORGANIZATION, AS
20 DEFINED IN RULE 1.1.1, MUST FILE PROOF OF ORGANIZATION WITH THE SECRETARY OF
21 STATE. THE PROOF MUST INCLUDE, BUT IS NOT LIMITED TO:

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

27 b. 3.1.2 The names, addresses, and telephone numbers of the ~~elected~~
28 ORGANIZATION'S Colorado chairperson, vice chairperson, and secretary, together
29 with the names, addresses, and telephone numbers of all other members elected or
30 appointed to other offices or committees authorized by the ~~by laws~~BYLAWS.

31 ~~3.3~~3.2 A qualified political ~~organizations shall~~ ORGANIZATION MUST meet AT LEAST once a year.

32 ~~3.3.1~~3.2.1 DURING the meeting in the odd-numbered year, THE ORGANIZATION MUST
33 ELECT ~~shall be held for the purpose of electing~~ a chairperson, vice-chairperson,
34 secretary, and other officers or committees ~~as shall be provided for in the by laws~~
35 on file with the Secretary of State-REQUIRED BY THE ORGANIZATION'S BYLAWS.

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

7 ~~3.3.2~~3.2.2 The ORGANIZATION'S chairperson and ~~the secretary shall~~ MUST file WITH
8 THE SECRETARY OF STATE a full and complete list, under oath, of the persons
9 elected or appointed ~~pursuant to Rule 3.2~~ UNDER THIS RULE 3.2, together with any
10 amendments to the ~~by laws~~ BYLAWS adopted at the meeting.

11 ~~3.3.3~~3.2.3 DURING the meeting in the even-numbered year, THE ORGANIZATION MUST
12 SELECT ~~shall be held for the purpose of selecting~~ candidates who ~~wish to use the~~
13 ~~name of the political organization on petitions for~~ WILL ATTEMPT TO PETITION ON
14 TO THE BALLOT FOR THE next general election.

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

18 3.4.3.3 TO REMAIN IN GOOD STANDING, a qualified political organization ~~shall~~ MUST place a
19 candidate ~~or candidates~~ on the general election ballot every two years. A WRITE-IN
20 CANDIDATE ALONE IS NOT SUFFICIENT TO MEET THIS REQUIREMENT.

21 ~~3.4.1~~3.3.1 ORGANIZATION candidates ~~wishing to represent a qualified political~~
22 ~~organization on the general election ballot shall be placed in nomination by~~
23 ~~nominating petition pursuant to~~ MUST BE NOMINATED IN ACCORDANCE WITH
24 section 1-4-802, C.R.S.

25 ~~3.4.2~~3.3.2 Each petition ~~shall~~ MUST contain the name of one candidate and ~~shall have~~
26 ~~attached~~ an affidavit signed under oath by the chairperson and secretary of the
27 qualified political organization. The affidavit form ~~shall~~ MUST be approved by the
28 Secretary of State. ~~and will include the date of the meetings required in Rule 3.3.~~

29 ~~3.4.3~~3.3.3 ~~For a candidate~~ To qualify for the ballot, ~~the~~ A candidate must have been
30 affiliated with the qualified political organization for one year or, if the ~~political~~
31 organization has not ~~previously~~ been qualified FOR ONE YEAR, the candidate must
32 have been registered as unaffiliated for one year.

33 ~~3.4.4~~ Having the name of a candidate from the qualified political organization appear
34 on the ballot by the use of the write in candidacy process ~~shall not be considered~~
35 as, ~~nor meeting the requirements of, placing a qualified candidate on the general~~
36 ~~election ballot.~~

37 ~~3.5~~3.4 A political organization ~~shall be qualified as soon as it~~ THE SECRETARY OF STATE WILL
38 QUALIFY A POLITICAL ORGANIZATION IF THE ORGANIZATION:

- 1 (a)-3.4.1 Files proof of organization with the Secretary of State;
- 2 (b)-3.4.2 Meets ~~to name~~ AND NAMES a candidate to the general election ballot; and
- 3 (e)-3.4.3 Certifies a candidate to the general election ballot.

4 3.6-3.5 Once a ~~political organization becomes a~~ qualified political organization, eligible electors
5 shall be able to MAY register as affiliated AFFILIATE with the political organization.

6 3.6.1 ~~When an individual appears at any office or location for the purpose of voter~~
7 ~~registration, the questions asked and the information recorded shall be amended~~
8 ~~to reflect "political organization" affiliation.~~

9 3.6.2 ~~The opportunity to declare or change a political affiliation shall be provided~~
10 ~~exactly as the law provides for political parties in sections 1-2-204(2)(j) and 1-~~
11 ~~2-219, C.R.S.~~

12 3.6.3 ~~At any time a declaration or change in affiliation is requested, the same~~
13 ~~procedure shall be used for declaring a political party or political organization~~
14 ~~affiliation.~~

15 3.6.4 ~~In recording the information on the voter registration page, or affidavit, the~~
16 ~~affiliation with a political organization shall be listed by the name entry of the~~
17 ~~organization.~~

18 3.6.5 ~~In converting information on the voter registration page to lists, submissions for~~
19 ~~data entry, the Secretary of State's master voter registration list, etc., standard~~
20 ~~abbreviations shall be used and will be furnished to the county clerk and~~
21 ~~recorders by the Secretary of State.~~

22 3.7-3.6 THE SECRETARY OF STATE WILL REVOKE THE QUALIFIED STATUS OF A political
23 ~~organizations~~ ORGANIZATION IF THE ORGANIZATION DOES NOT FULLY COMPLY WITH RULES
24 3.3 AND 3.4. ~~shall lose their status as qualified political organizations by failing to do any~~
25 ~~one of the following:~~

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

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

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

32 3.8-3.7 IF the Secretary of State REVOKES THE QUALIFIED STATUS OF A POLITICAL ORGANIZATION,
33 THE SECRETARY will notify the county clerk and recorders by June 1 of each odd-
34 numbered year ~~of the loss of qualified status of a political organization.~~ Upon receiving
35 notification RECEIPT, the county clerk and recorders shall MUST mark ~~on every affected~~

1 voter registration record RECORDS AS “unaffiliated”, WHERE APPLICABLE.

2 ~~3.9-3.8~~ EXCEPT FOR THE PRECINCT CAUCUS LIST FURNISHED TO MAJOR POLITICAL PARTIES, A
3 QUALIFIED POLITICAL ORGANIZATION MAY OBTAIN print-outs, lists, AND tapes, etc. of voter
4 registration records ~~shall be furnished to qualified political organizations~~ at the same rate
5 ~~or cost as charged to political parties. The only exception to this provision shall be the~~
6 ~~list furnished to the major political parties prior to the statutory precinct caucus day.~~

7 ~~3.10-3.9~~ ~~On all summary reports of voter registration by political party, the~~ A VOTER
8 REGISTRATION SUMMARY report ~~shall list those registered with~~ MUST INCLUDE major
9 political parties, minor political parties, qualified political organizations, ~~or as~~ AND
10 unaffiliated CATEGORIES.

11 ~~3.11~~ ~~Electors, whose voter registration record shows affiliation with a qualified political~~
12 ~~organization and who appear to vote at a primary election, shall complete a Declaration~~
13 ~~of Party Affiliation, thus losing affiliation with the qualified political organization.~~

14 **Rule 4. COORDINATED ELECTIONS**

15 ~~6.1-4.1~~ Participation in coordinated elections.

16 ~~6.1.1-4.1.1~~ For elections where the electors do not need to be registered electors,
17 political subdivisions may conduct their own elections and must coordinate with
18 the coordinated election official any ballot issue notice required by Article X,
19 Section 20 of the Colorado Constitution.

20 ~~6.1.2-4.1.2~~ ~~The affected~~ A COORDINATING political subdivision ~~shall~~ MUST enter into
21 AN intergovernmental ~~agreements~~ AGREEMENT WITH THE COUNTY CLERK AND
22 RECORDER ~~which~~ THAT ~~delineate~~ DELINEATES which tasks ~~shall be~~ ARE the
23 responsibility of the designated election official of the political subdivision and
24 which ~~shall be~~ ARE the responsibility of the ~~coordinated election official~~
25 COUNTY CLERK AND RECORDER.

26 ~~6.2-4.2~~ Procedures for Coordinated Elections Involving Jurisdictions Shared by Multiple
27 Counties

28 ~~6.2.1-4.2.1~~ For each jurisdiction that is shared by multiple counties, a controlling
29 county ~~shall~~ MUST be designated for the purpose of assigning and coordinating
30 the ballot letter/number for the shared races, issues, and questions in
31 coordinated elections.

32 ~~6.2.2-4.2.2~~ The controlling county ~~shall be~~ IS the county where the administrative
33 office of the political subdivision is maintained at the time that the controlling
34 county is designated.

35 (a) If the administrative office is not maintained within the boundaries of the
36 political subdivision, the controlling county ~~shall~~ MUST be the county where
37 the largest number of active registered electors within the jurisdiction reside

1 at the time that the controlling county is designated.

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

4 ~~6.2.3~~ Repealed.

5 ~~6.2.4~~ 4.2.3 The controlling county shall MUST coordinate with each county that shares
6 the jurisdiction to assign the ballot number/letter in accordance with Rule 6.5 no
7 later than the date of ballot certification. All counties within the shared
8 jurisdiction shall MUST ensure that the shared races, issues, and questions are
9 printed on the ballot as certified by the Secretary of State or designated election
10 official, and in the order assigned by the controlling county

11 ~~6.2.5~~ 4.2.4 If any controlling county fails to fulfill its responsibilities in accordance
12 with this Rule, any of the other counties in the shared jurisdiction may make a
13 written request to the Secretary of State to temporarily assume the duties of the
14 controlling county. The Secretary of State shall have the authority to MAY act on
15 behalf of the controlling county or to temporarily designate another county to
16 act as the controlling county in order to IMPLEMENT assure implementation of
17 this Rule.

18 ~~6.3~~ 4.3 Form of election for November coordinated elections.

19 ~~6.3.1~~ 4.3.1 The county clerk and recorder is the election official for coordinated
20 elections which are held in November of each year AND IS RESPONSIBLE FOR
21 MAILING THE ARTICLE X, SECTION 20 BALLOT ISSUE NOTICE.

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

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

26 ~~6.3.2~~ School districts that have the opportunity to participate in a coordinated election
27 may not elect to hold separate mail ballot elections but must participate in the
28 form of election chosen by the county clerk and recorder.

29 ~~21.1~~ 4.3.2 Placing measures on the ballot for coordinated odd-year elections.

30 ~~21.1.1~~ (A) For A statewide elections ELECTION, the Secretary of State MUST
31 DETERMINE shall be responsible for determining whether the A proposed
32 initiative is eligible to appear on an odd-year election ballot and WHETHER IT
33 concerns state matters arising under Section 20 of Article X of the State
34 Constitution.

35 ~~21.1.2~~ (B) For election concerning county or other political subdivision ALL
36 OTHER ELECTIONS, if the election is held as a coordinated election each THE

1 political subdivision CONDUCTING THE ELECTION MUST ~~shall~~ determine
2 whether the proposed initiative or referred measure is a local government
3 matter arising under Section 20 of Article X of the State Constitution.

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

6 ~~6.4~~4.4 Form of coordinated elections held other than in November.

7 ~~6.4.1~~4.4.1 For all other elections where political subdivisions hold an election on the
8 same day, the electors or boundaries overlap and ballot issues as defined in
9 ~~Section~~ SECTION 1-1-104 (2.3), C.R.S., appear on the ballot of overlapping
10 jurisdictions, the governing bodies or the designated election officials of ~~such~~
11 THE overlapping jurisdictions must name a coordinated election official who is
12 responsible for assuring that the Article X, Section 20 notice is given.

13 ~~6.4.2~~4.4.2 The political subdivisions may contract with the appropriate county clerk
14 and recorder to be the coordinated election official.

15 ~~6.5~~4.5 Determination of ballot issues and texts.

16 ~~6.5.1~~4.5.1 Each political subdivision ~~shall~~ MUST prepare the list of candidates and the
17 ballot title and text for ballot issues and ballot questions, as required by law.

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

20 (b) Political subdivisions may only require the coordinated election official to
21 print the entire text of a ballot issue or ballot question on the ballot if ~~they~~
22 ~~pay~~ THE POLITICAL SUBDIVISION pays for any additional cost associated with
23 printing and if sufficient space is on the voting equipment to print the entire
24 text given the other issues, questions, and candidates on the ballot. The
25 coordinated election official ~~shall~~ MUST tell the political subdivision how
26 much space is available for text for each position on the ballot. If the
27 required ballot title and text is too long for the voting equipment, the
28 coordinated election official may choose to conduct the election with a
29 different form of ballot.

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

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

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

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

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

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

10 (1)- Referred measures to increase taxes;

11 (2)- Referred measures to retain excess revenues;

12 (3)- Referred measures to increase debt;

13 (4)- Other referred measures;

14 (5)- Initiatives to increase taxes;

15 (6)- Initiatives to retain excess revenues;

16 (7)- Initiatives to increase debt;

17 (8)- Other citizen petitions.

18 (d) For statewide measures, initiatives ~~shall~~MUST be numbered in the order in
19 which the statements of sufficiency are issued. The numbers one through
20 five ~~shall~~MUST be reserved for initiatives to increase taxes; the numbers six
21 through ten ~~shall~~MUST be reserved for initiatives to retain excess revenues;
22 the numbers eleven through fifteen ~~shall~~MUST be reserved for initiatives to
23 increase debt; all other citizen petitions ~~shall~~MUST be numbered
24 consecutively beginning with sixteen.

25 (e) In accordance with section 1-5-407(5)(b), C.R.S., whether initiated or
26 referred, every proposed change to the Colorado Constitution ~~shall~~MUST be
27 called an “amendment” and every proposed change to the Colorado Revised
28 Statutes ~~shall~~MUST be called a “proposition”

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

31 (1)- Each category of referred and initiated state amendments and
32 propositions ~~shall~~MUST be numbered and listed on the ballot in the
33 following series:

1
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| | |
|---------|---|
| A-Z | State Referred Constitutional Amendments |
| 01-99 | State Initiated Constitutional Amendments |
| AA-ZZ | State Referred Statutory Propositions |
| 101-199 | State Initiated Statutory Propositions |

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

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

| | |
|---------|--|
| 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. |

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

| | |
|-------|--|
| 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. |

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

(5)-For other than state issues, if a county has multiple cities ~~and~~ or multiple discrete school districts and other political subdivisions, the designated election official may either further subdivide the series and assign each political subdivision a specific series of numbers, or when the ballot is certified the designated election official may assign the final

1 numbers/OR letters, making sure that all measures for each political
2 subdivision are grouped together.

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

7 (7)-Each ballot question or issue ~~shall~~MUST contain the name of the political
8 subdivision at the beginning of the ballot questions or issue. If the
9 designated election official chooses, the name of the political
10 subdivision may appear before the grouping of questions, such as State
11 Ballot Questions, Arapahoe County Ballot Questions, City of Aurora
12 Ballot Questions, etc.

13 4.6 CANDIDATE AUDIO RECORDINGS

14 ~~10.4.4.6.1~~ Candidates whose names are listed on a ballot A CANDIDATE FOR
15 STATEWIDE OFFICE, THE GENERAL ASSEMBLY, CONGRESSIONAL OFFICE, REGENT,
16 OR DISTRICT ATTORNEY must provide an audio recording of the pronunciation of
17 their HIS OR HER name to the Secretary of State. ~~prior to the election for offices~~
18 ~~that are voted on by the electors of the entire state, or of a congressional district,~~
19 ~~or for the offices of members of the general assembly or district attorney or a~~
20 ~~district office of state concern.~~ THE CANDIDATE MUST RECORD HIS OR HER NAME
21 EXACTLY AS IT APPEARS ON THE CANDIDATE ACCEPTANCE FORM, STATEMENT OF
22 INTENT, OR DECLARATION OF INTENT TO RUN FOR RETENTION IN A JUDICIAL
23 OFFICE, AS APPLICABLE, AND THE CANDIDATE MUST PROVIDE THE RECORDING TO
24 THE SECRETARY OF STATE NO LATER THAN THE DEADLINE TO FILE THE
25 CANDIDATE ACCEPTANCE FORM, STATEMENT OF INTENT, OR DECLARATION OF
26 INTENT TO RUN FOR RETENTION IN A JUDICIAL OFFICE, AS APPLICABLE.

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

28 ~~10.5.4.6.2~~ A CANDIDATE FOR A county, municipal, school district, ~~and~~ or special
29 district ~~candidates whose names are listed on a ballot for~~ IN an election
30 coordinated by the county clerk and recorder must provide an audio recording
31 of the pronunciation of their HIS OR HER name to the county clerk and recorder.
32 ~~prior to the election for offices that are voted on by the electors of the county,~~
33 ~~municipality, school district, or special district.~~ THE CANDIDATE MUST RECORD
34 HIS OR HER NAME EXACTLY AS IT APPEARS ON THE STATEMENT OF INTENT, AND
35 MUST PROVIDE THE RECORDING TO THE COUNTY CLERK AND RECORDER NO LATER
36 THAN THE DEADLINE TO FILE THE STATEMENT OF INTENT.

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

38 4.7 CONGRESSIONAL TERM LIMITS DECLARATION

39 ~~24.1-4.7.1~~ The Secretary of State ~~shall~~MUST make THE CONGRESSIONAL TERM LIMITS

1 DECLARATION available to every candidate for United States House of
2 Representatives or the United States Senate, ~~the Congressional Term Limits~~
3 ~~Declaration~~ provided in Article XVIII, Section 12a of the Colorado
4 Constitution. The Secretary of State will offer the Congressional Term Limits
5 Declaration to ~~every such~~ THESE ~~candidate~~ CANDIDATES when the candidate files
6 ~~his or her~~ A candidate affidavit with the Secretary of State. Any failure of the
7 Secretary of State to offer the Congressional Term Limits Declaration to a
8 candidate ~~shall~~ WILL have no effect on ~~such~~ THE candidate's candidacy.

9 ~~24.2~~ 4.7.2 THE SECRETARY OF STATE MUST ACCEPT Part A of the Term Limits Declaration
10 ~~shall be accepted by the Secretary of State~~ if Part B of the Term Limits
11 Declaration ~~has not been~~ WAS NOT duly executed and submitted. Art. XVIII,
12 sec. 12a(7)

13 ~~24.3~~ 4.7.3 In the case of a candidate who has qualified as a candidate for a term that
14 would exceed the number of terms set forth in Term Limits Declaration One,
15 the Secretary of State shall not place the words, "Signed declaration to limit
16 service to [3 terms] [2 terms]" after the candidate's name, even if the candidate
17 has executed and submitted Parts A and B of Term Limits Declaration One.

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

20 4.8 BALLOT FORMAT AND PRINTING

21 ~~10.1~~ 4.8.1 The text of all ballot issues that are subject to Article X, Section 20 shall
22 be printed in all capital letters. ~~The names of all candidates and all other ballot~~
23 ~~issues and questions shall be printed in upper and lower case.~~ THE COUNTY
24 CLERK AND RECORDER MUST PRINT THE CANDIDATE NAMES AND THE TEXT OF
25 BALLOT ISSUES AND BALLOT QUESTIONS IN UPPER AND LOWER CASE, EXCEPT
26 THAT THE CLERK AND RECORDER MUST PRINT THE TEXT OF BALLOT ISSUES
27 SUBJECT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION IN ALL
28 UPPERCASE TEXT.

29 ~~10.3~~ 4.8.2 If there is no candidate ~~on the ballot~~ for any particular AN office, the ballot
30 ~~shall read~~ MUST STATE, "No candidate for this office."

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

33 ~~10.6~~ 4.8.3 Printing primary election ballots.

34 ~~10.6-1~~(A) If a major political party, as defined in section 1-1-104(22.5),
35 C.R.S., nominates more than one candidate for any office, the county clerk
36 and recorder must conduct the primary election for all major political
37 parties.

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

3 (b)-(II) If there are no candidates for any particular office, the county clerk
4 must print on the ballot “There are no candidates for this office”.

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

6 ~~10.6.2~~(B) If a minor political party, as defined in section 1-1-104(23), C.R.S.,
7 ~~has~~ NOMINATES more than one candidate for any office, the county clerk
8 and recorder may conduct the primary election for that party only.

9 (a)-(1) The county clerk must include on the ballot only the offices for
10 which there is more than one candidate designated.

11 (b)-(2) If there is only one minor party candidate designated for any
12 office, the candidate will be certified to the general election ballot.

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

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

~~10.8~~4.8.4 Use of unique numbers on ballots.

16 ~~10.8.1~~(A) Except for ballots sent to military or overseas electors by electronic
17 transmission under Rule 16.2, ~~no~~A county may NOT print a ballot for use
18 in a state or federal election that has a unique number, or a barcode
19 containing a unique number, that is specific to a single ballot.

20 (a)-(1) A county that uses rotating numbers must print at least ten ballots
21 of each ballot style for each number.

22 (b)-(2) Nothing in this rule prohibits a county from printing a unique
23 number or barcode on the removable stub.

24 ~~10.8.2~~(B) After AN election ~~judges have dissociated~~JUDGE DISSOCIATES a
25 voted ballot from its envelope and REMOVES the stub, ~~is removed~~, the
26 county may write or print unique numbers on the voted ballot for auditing
27 and accounting purposes, including duplication of damaged ballots and
28 risk limiting audits.

29 ~~10.8.3~~(C) For ballots printed before the adoption of this rule that are in a
30 county’s possession, the county must redact unique numbers, or barcodes
31 containing unique numbers, before providing ballots in response to a
32 request for inspection under the Colorado Open Records Act (Section 24-
33 72-205.5(4)(b)(II), C.R.S.).

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

3 10.2 4.8.5 ~~If a ballot has been printed in error, the designated election official shall~~
4 ~~consult, as soon as the error is discovered, with the Secretary of State and~~
5 ~~follow the direction of the Secretary of State on the appropriate method of~~
6 ~~correction.~~ IF THE DESIGNATED ELECTION OFFICIAL DISCOVERS A BALLOT
7 LAYOUT, PRINTING, OR PROGRAMMING ERROR, HE OR SHE MUST IMMEDIATELY
8 REPORT THE ISSUE TO SEEK AND FOLLOW THE SECRETARY OF STATE'S OFFICE
9 ADVICE ON HOW AND WORK IN CONJUNCTION TO CORRECT THE ERROR.

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

12 6.6-4.9 Colorado Constitution Article X, Section 20 notice requirements.

13 6.6-1-4.9.1 The state and local governments, excluding enterprises, have sole
14 responsibility for drafting and distribution of the notice required by Article X,
15 Section 20. ~~Any or all of the~~ THESE responsibilities may be delegated to the
16 coordinated election official in the intergovernmental agreement.

17 6.6-2-4.9.2 ~~The notice shall MUST be mailed to "All Registered Voters" at the mailing~~
18 ~~addresses of active registered electors in the county, as indicated on the voting~~
19 ~~record IN SCORE.~~ MAILING BALLOT ISSUE NOTICES.

20 (a) Nothing ~~shall preclude~~ PRECLUDES the coordinated or designated election
21 official from sending notice of various elections to persons who are not
22 eligible electors if the notice sent is part of the coordinated notice and if the
23 sending arises from the official's efforts to mail the notice at "least cost".

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

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

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

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

1 ~~6.6.3 4.9.3~~ The coordinated election official must include information in the package
2 sent with the notice that tells electors whether the election is a mail ballot
3 election, a OR polling place election, a vote center election or a combination of
4 election forms.

5 (a) If the election is a polling place election or a vote center election, the THE
6 notice of the location of the polling place or vote center VOTER SERVICE AND
7 POLLING CENTERS OR POLLING LOCATIONS may be included in the
8 consolidated mailing.

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

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

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

17 ~~6.6.4 4.9.3~~ If state statute allows the ballot issue notice and the ballot to be mailed at
18 the same time, the ballot for the mail ballot election may be included with the
19 notice.

20 ~~6.6.5 4.9.4~~ The political subdivisions must provide all completed Article X, Section
21 20 notices in camera ready format or as otherwise specified.

22 ~~6.6.6 4.9.5~~ The coordinated election official ~~shall~~ IS not be responsible for failure to
23 meet the Article X, Section 20 constraints if the POLITICAL SUBDIVISION FAILS
24 TO SUBMIT THE notice and summaries ~~are not submitted by the political~~
25 ~~subdivision~~ within the deadline and in the form required by the coordinated
26 election official.

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

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

36 ~~6.7 4.9.6~~ ~~Written~~ NO PERSON MAY WITHDRAW WRITTEN comments concerning ballot
37 issues submitted to the designated election official ~~for the political subdivision~~
38 ~~shall not be withdrawn after the end of the business day on the last Friday~~

1 immediately preceding the forty-fifth day before the election.

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

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

6 ~~12.3.1-5.1~~ ~~Call and notice.~~ ELECTION NOTICE

7 ~~(a)-5.1.1~~ THE DESIGNATED ELECTION OFFICIAL MUST SEND ~~Notice-~~NOTICE of the
8 election ~~is to be sent~~ to the clerk and recorder of the county in which the election
9 ~~is to~~ WILL be held. The notice ~~is to~~ MUST include the date by which the list of
10 registered electors ~~is to~~ MUST be submitted to the political subdivision.

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

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

16 5.2 MAIL BALLOT ELECTIONS

17 5.2.1 IF A POLITICAL SUBDIVISION COORDINATES WITH THE COUNTY CLERK AND
18 RECORDER, THE DESIGNATED ELECTION OFFICIAL IS NOT REQUIRED TO SUBMIT A
19 SEPARATE MAIL BALLOT PLAN FOR THE ELECTION.

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

21 ~~12.4.1-5.2.2~~ ~~Coordinated and non-partisan elections. (a) — Written plan. The~~ IF A LOCAL
22 GOVERNING BOARD DETERMINES AN ELECTION WILL BE CONDUCTED BY MAIL BALLOT,
23 THE designated election official must submit a mail ballot plan to the Secretary of State
24 no later than 55 days before ~~any nonpartisan~~ THE election, ~~and 90 days before any~~
25 ~~election that is coordinated with or conducted by the county clerk and recorder.~~ The
26 designated election official must use the approved mail ballot plan template. ~~that~~
27 ~~includes the following:~~

28 (A) THE DESIGNATED ELECTION OFFICIAL MUST INCLUDE AN ACTUAL SAMPLE OF
29 THE SECRECY SLEEVE OR SECRECY ENVELOPE THAT THE DESIGNATED
30 ELECTION OFFICIAL PLANS TO USE IN THE ELECTION.

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

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

3 5.2.3 BALLOTS AND BALLOT PACKETS

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

8 ~~12.5.2~~ (B) For non-partisan elections where multiple ballots will be included
9 in the same packet or will be sent in separate packets, the ballots and
10 return envelopes ~~shall~~ MUST include distinctive markings or colors to
11 identify political subdivisions when the colors or distinctive markings will
12 aid in the distribution and tabulation of the ballots.

13 ~~12.5.3~~ (C) The designated election official for each political subdivision for
14 whom one or more county clerk and recorders are conducting the election
15 ~~shall assure that~~ MUST PROVIDE a complete list of eligible electors in their
16 political subdivision ~~is sent~~ to each appropriate county clerk and recorder,
17 unless otherwise provided in the intergovernmental agreement. The
18 political subdivision ~~shall~~ MUST list each elector only once to ~~assure~~
19 ENSURE that each elector receives one and only one ballot unless otherwise
20 authorized.

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

23 ~~13.1~~ (D) All election materials prepared by the designated election official,
24 including the Article X, Section 20 notice, may be included in the ~~mail in~~
25 ~~MAIL~~ ballot packet.

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

~~12.7.5.2.4~~ Receipt of Ballots

27 ~~12.7.1~~ (A) ~~One or more~~ THE DESIGNATED ELECTION OFFICIAL MUST APPOINT
28 SUFFICIENT ELECTION judges ~~shall be appointed~~ for the site to which ballots
29 are to be mailed to receive the ballots as mailed.

30 ~~12.7.2~~ (B) Each day when ballots come in, a judge ~~shall~~ MUST count the
31 ballots, batch them and record the number of ballots received.

32 ~~12.7.3~~ (C) ~~The ballots shall be date stamped when received.~~ AN ELECTION
33 JUDGE MUST DATE-STAMP THE ~~BALLOTS-ENVELOPES~~ UPON RECEIPT. If any
34 ballot is received after the time set for the closing of the elections, the ~~ballot~~
35 ~~shall-ENVELOPE~~ MUST be date-stamped but the ballot ~~shall~~ MUST not be
36 counted.

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

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

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

8 5.2.4 RECALL ELECTIONS. THE DESIGNATED ELECTION OFFICIAL MUST SUBMIT A WRITTEN
9 PLAN TO THE SECRETARY OF STATE WITHIN FIVE DAYS AFTER THE DESIGNATED
10 ELECTION OFFICIAL SETS THE DATE OF THE ELECTION. THE SECRETARY OF STATE
11 WILL APPROVE OR DISAPPROVE THE PLAN WITHIN FIVE DAYS FROM THE DATE IT IS
12 RECEIVED. [SECTION 1-12-111.5, C.R.S.]

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

14 ~~5.1-5.3 For elections conducted on days~~ IF A DESIGNATED ELECTION OFFICIAL CONDUCTS AN
15 ELECTION ON A DAY other than described in section 1-7-116(1), C.R.S., ~~nothing shall~~
16 ~~preclude the designated election official from mailing~~ THE DESIGNATED ELECTION
17 OFFICIAL MAY MAIL the notice required by Article X, Section 20 of the Colorado
18 Constitution to ~~persons~~ PEOPLE who are not eligible electors if ~~such~~ THE mailing is done
19 at the “least cost” possible.

20 ~~5.2-5.4 If there are no appropriate polling place locations~~ THE DESIGNATED ELECTION OFFICIAL
21 FOR THE POLITICAL SUBDIVISION IS UNABLE TO ESTABLISH A VOTER SERVICE AND POLLING
22 CENTER within the political subdivision, ~~conducting the election, a polling place may be~~
23 ~~designated~~ THE DESIGNATED ELECTION OFFICIAL MAY DESIGNATE A VOTER SERVICE AND
24 POLLING CENTER outside of the political subdivision ~~in a~~ IF THE location ~~that~~ is convenient
25 for the eligible electors. ~~of such political subdivision.~~

26 ~~5.3-5.5~~ For elections not conducted in November and not coordinated with the county clerk and
27 recorder, the ballot issue or question ~~shall~~ **MUST** be identified by the name of the
28 jurisdiction submitting the ballot issue or ballot question followed by a number in the
29 case of initiatives or by a letter in the case of referred measures.

30 5.4-5.6 Elections authorized ~~under~~ BY Part 1, Article 45 of Title 37, C.R.S., (~~Water Conservancy~~
31 ~~Act~~), ~~shall~~ **MUST** be conducted in accordance with Articles 1 through 13 of Title 1,
32 C.R.S., where applicable, unless otherwise ordered by the district court having
33 jurisdiction over the water conservancy district, pursuant to section 37-45-103 (3), C.R.S.
34 (“Court”).

35 ~~5.4-1-5.6.1~~ The form and verification of any petition requesting an election conducted
36 by a water conservancy district pursuant to sections 37-45-114 (2) and 37-45-
37 136(3.5), C.R.S., (“Petition”), ~~shall~~ **MUST** conform with ~~the requirements of~~
38 sections 1-40-113 and 1-40-116, C.R.S., ~~and the sections cited therein,~~ and Rule
39 ~~17 15 of these rules;~~ except that PETITIONERS NEED NOT SEEK PETITION FORMAT

1 APPROVAL FROM ~~no prior approval of the form of such election petition needs to~~
2 ~~be provided by the Secretary of State. the petition shall be filed with the Court~~
3 ~~and the verification process shall be directed by the water conservancy district~~
4 ~~named in the petition rather than the Secretary of State, and the “warning”~~
5 ~~language appearing on the petition shall be applicable to the election requested~~
6 ~~to be conducted. PETITIONERS MUST FILE THE PETITION WITH THE COURT AND~~
7 ~~WATER CONSERVANCY DISTRICT MUST VERIFY THE SIGNATURES ON THE PETITION.~~

8 5.4.2-5.6.2 The procedures for issuing the statement of sufficiency or insufficiency of
9 the petition ~~shall~~ MUST conform ~~to the requirements of~~ WITH section 1-40-117,
10 C.R.S., and Rule ~~18 15 of these rules~~; except that ~~such~~ THE statement ~~shall~~ MUST
11 be issued by the water conservancy district named in the petition, unless
12 otherwise ordered by the Court.

13 5.4.3-5.6.3 The procedures for cure of a petition deemed insufficient ~~shall~~ MUST
14 conform ~~to the requirements of~~ WITH section 1-40-117, C.R.S., and Rule ~~19 15~~
15 ~~of these rules~~; except any addendum to the petition ~~shall~~ MUST be filed with
16 both the Court and the water conservancy district named in the petition, unless
17 otherwise ordered by the Court.

18 5.4.4-5.6.4 The procedures for protesting the determination that a petition is
19 insufficient ~~shall~~ MUST conform ~~to the requirements of~~ WITH section 1-40-118,
20 C.R.S., and Rule ~~20 15 hereof~~, unless otherwise ordered by the Court.

21 5.4.5-5.6.5 THE DESIGNATED ELECTION OFFICIAL MUST CONDUCT any election ~~pursuant~~
22 ~~to~~ UNDER section 37-45-114(2), C.R.S., ~~shall be conducted no more than one~~
23 ~~hundred (100) days nor less than sixty (60) AFTER THE SIXTIETH BUT BEFORE THE~~
24 ~~ONE HUNDRETH DAY AFTER days from~~ the date of the Court order, regardless of
25 the actual expiration date of the term of the office, unless the Court order
26 establishes an alternate date or the water conservancy district has notified the
27 Court that ~~such~~ THE election is ~~to be conducted as a coordinated election~~
28 ~~pursuant to~~ MUST BE COORDINATED AND CONDUCTED IN ACCORDANCE WITH
29 section 1-7-116, C.R.S.

30 5.4.6-5.6.6 The form and procedures for filing candidate nomination forms and call
31 for CANDIDATE nominations ~~of persons desiring to be a candidate~~ for the office
32 to be voted upon at the Court-ordered election described in Rule 5.4.5, ~~shall be~~
33 ~~in conformance with the form and procedures required for special districts~~ MUST
34 BE CONDUCTED under Article 1, Title 32, C.R.S., unless otherwise ordered by
35 the Court.

36 5.5-5.7 Non-Partisan Elections: Polling Place Procedures.

37 5.5.1-5.7.1 For polling place elections ~~being~~ conducted in accordance with Article 1,
38 Title 32, C.R.S., upon execution of the self-affirming oath or affirmation
39 ~~pursuant to~~ UNDER section 32-1-806(2), C.R.S., ~~the~~ A eligible elector ~~desiring to~~
40 ~~vote shall~~ MUST show ~~his or her~~ identification as defined in section 1-1-

1 104(19.5), C.R.S., to one of the election judges. ~~See section 1-7-110(1), C.R.S.~~

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

5 5.5.3-5.7.2 ~~The election supplies provided to the supply judge of each polling place~~
6 ~~shall include an adequate number of provisional ballot envelopes that include~~
7 ~~the affidavit set forth in Rule 26.8. THE DESIGNATED ELECTION OFFICIAL MUST~~
8 ~~ENSURE THAT EACH POLLING PLACE HAS AN ADEQUATE NUMBER OF PROVISIONAL~~
9 ~~BALLOTS.~~

10 5.5.4 ~~The signature and date on the provisional ballot affidavit envelope shall remain~~
11 ~~on the outside of the envelope.~~

12 5.5.6 ~~The provisional ballot affidavit envelope shall be numbered to correspond to the~~
13 ~~number of the provisional elector's name in the poll book, and the word~~
14 ~~"provisional" shall be marked on the ballot.~~

15 5.5.7-5.7.3 ~~Verification of Information in Provisional Ballot Affidavit. The designated~~
16 ~~election official shall verify the information contained in the provisional ballot~~
17 ~~affidavit pursuant to Rule 26. If the information contained in the affidavit~~
18 ~~provides adequate criteria such that the designated election official, using the~~
19 ~~Rule 26 search, can ascertain the registration of the elector, the provisional~~
20 ~~ballot shall count. If the information cannot be verified, the ballot shall be~~
21 ~~rejected. See MUST FOLLOW THE PROVISIONAL BALLOT PROCEDURES CONTAINED~~
22 ~~IN ARTICLES 1 THROUGH 13 OF TITLE 1 sections 1-8.5-105 and 1-8.5-106, C.R.S.,~~
23 ~~and Rule 26.~~

24 5.5.8 ~~The verification and counting of all provisional ballots shall be completed prior~~
25 ~~to the certification of the official abstract of votes cast in the election by the~~
26 ~~canvassing board, pursuant to Section 1-10-203(1), C.R.S.~~

27 5.5.9 ~~Canvassing Board's Count of Provisional Ballots. If, after the expiration of~~
28 ~~twelve days following an election, the election judges cannot complete the~~
29 ~~count of the provisional ballots cast, the canvassing board appointed pursuant to~~
30 ~~Section 1-10-201(1.5), C.R.S., shall complete the count of such provisional~~
31 ~~ballots.~~

32 5.5.10 ~~If 25 or more provisional ballots have been cast and counted, the results shall be~~
33 ~~reported as one total. If less than 25 provisional ballots have been cast and~~
34 ~~counted, the results shall be included in the results of the mail-in ballots counted~~
35 ~~in the election.~~

36 5.5.11 ~~The provisional ballot shall not be counted if the elector failed to complete the~~
37 ~~affidavit on the envelope or the elector was not registered by the deadline in the~~
38 ~~State of Colorado.~~

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

4 5.8 THE COUNTY CLERK AND RECORDER FOR A COUNTY THAT CONTAINS ANY PORTION OF A
5 POLITICAL SUBDIVISION WITHIN ITS BORDERS MUST PROVIDE ELECTION DAY REGISTRATION
6 FOR THE POLITICAL SUBDIVISION.

7 5.8.1 THE COUNTY CLERK AND RECORDER MUST PROVIDE VOTER REGISTRATION
8 THROUGH THE 22-DAY ELECTION PERIOD DURING NORMAL BUSINESS HOURS,
9 MONDAY THROUGH FRIDAY, AND 7:00 AM TO 7:00 PM ON ELECTION DAY.

10 5.8.2 THE COUNTY CLERK AND RECORDER MUST PROVIDE DAILY REGISTRATION UPDATES
11 22 DAYS THROUGH THE DAY BEFORE ELECTION DAY, TO THE DESIGNATED ELECTION
12 OFFICIAL BY SECURE TRANSMISSION AS OUTLINED IN RULE 43 AND PROVIDE A
13 CERTIFICATE OF REGISTRATION TO THE APPLICANT ON ELECTION DAY

14 5.8.3 ON ELECTION DAY, THE COUNTY CLERK AND RECORDER MUST PROVIDE A
15 CERTIFICATE OF REGISTRATION TO ANY ELECTOR WHO REGISTERS TO VOTE OR
16 UPDATES HIS OR HER REGISTRATION.

17 **Rule 6. ~~Rules Concerning~~ Election Judges**

18 ~~28.1-6.1~~ For purposes of training election judges, an "election cycle" shall mean
19 MEANS all elections held during a calendar year beginning with January 1 and ending
20 December 31.

21 ~~28.2-6.2~~ In lieu of the oath for other election judges prescribed in section 1-6-114,
22 C.R.S., each person appointed to serve as a student election judge shall MUST take a self-
23 affirming oath or affirmation before ~~beginning their duties~~ SERVING as a student election
24 judge, in substantially the following form:

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

36 6.3 A SUPERVISOR JUDGE IN A VOTER SERVICE AND POLLING CENTER MUST:

37 ~~A-6.3.1~~ SUCCESSFULLY PASS THE CRIMINAL BACKGROUND CHECK DESCRIBED IN
38 RULE 28.5. ANY PERSON WHO HAS BEEN CONVICTED OF AN ELECTION OFFENSE OR

1 FRAUD IS PROHIBITED FROM ~~HANDLE~~—HANDLING VOTER REGISTRATION
2 APPLICATIONS OR ~~CONDUCT~~—CONDUCTING VOTER REGISTRATION AND LIST
3 MAINTENANCE ACTIVITIES.

4 ~~b-6.3.2~~ SUCCESSFULLY COMPLETE A TRAINING COURSE PROVIDED BY THE
5 SECRETARY OF STATE.

6 6.4 THE COUNTY CLERK AND RECORDER MUST ARRANGE FOR A CRIMINAL BACKGROUND CHECK
7 ON A SUPERVISOR JUDGE AND ANY A PERSON REGISTERING VOTERS IN A VOTER SERVICE
8 AND POLLING CENTER. THE CRIMINAL BACKGROUND CHECK MUST BE CONDUCTED BY ~~OR~~
9 ~~THROUGH~~ THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC
10 SAFETY OR BY THE COUNTY SHERIFF’S DEPARTMENT FOR THE COUNTY IN WHICH THE
11 COUNTY CLERK AND RECORDER’S OFFICE IS LOCATED.

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

13 **RULE 7. ELECTIONS CONDUCTED BY THE COUNTY CLERK AND RECORDER**

14 7.1 MAIL BALLOT PLANS

15 ~~(a) 7.1.1 Written plan. The~~ FOR EVERY ELECTION CONDUCTED BY THE county clerk and
16 recorder, THE CLERK must submit a mail ballot plan to the Secretary of State BY
17 EMAIL no later than 90 days before the election. ~~The county clerk must use the~~
18 ~~approved mail ballot plan template, that includes the following:~~

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

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

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

29 ~~12.4.3~~ 7.1.2 Approval of mail ballot plans and submission of amendments

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

35 (b) A ~~designated election official shall~~ COUNTY CLERK AND RECORDER may
36 amend a timely submitted mail ballot plan by submitting a written statement

1 outlining the ~~amendment(s) to the plan~~ AMENDMENT. The amendment must
2 state the specific section of the plan amended and the ~~reason(s)~~ REASON for
3 the amendment. The secretary of state will approve or disapprove the
4 amendment within 15 days from the date it is received. If the amendment is
5 received within 30 days before the election, the Secretary of State will
6 approve or disapprove the amendment within two business days.

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

9 ~~12.3.3~~ 7.1.3 For ~~elections coordinated by the~~ THE county clerk and recorder, MUST
10 SUBMIT a security plan ~~shall be submitted in accordance with~~ UNDER Rule 43 in
11 addition to the mail ballot plan submitted in accordance with this Rule.

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

14 ~~12.5~~ 7.2 ~~Ballots~~ BALLOTS AND BALLOT PACKETS

15 ~~12.5.1~~ 7.2.1 In any election where a multiple page printed ballot is used, a voter must
16 vote and return all pages of the ballot at the same time. Any voter who has
17 returned at least one page of a multiple page printed ballot will be considered to
18 have voted.

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

20 ~~12.5.5~~ 7.2.2 In accordance with section 1-7-116(1), C.R.S., for all Coordinated
21 elections, the outgoing envelope as well as the instructions or other notice ~~shall~~
22 MUST include a notice advising electors that they may receive a ballot from
23 another political subdivision conducting a mail ballot election.

24 ~~12.5.6~~ 7.2.3 If the ballot is returned to the election official as undeliverable, the ~~official~~
25 ~~shall not be~~ COUNTY CLERK AND RECORDER IS NOT required to re-mail the ballot
26 packet.

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

28 7.2.4 IN ACCORDANCE WITH SECTION 1-7.5-107(3), C.R.S., THE COUNTY CLERK AND
29 RECORDER MUST MAIL BALLOTS NO LATER THAN 18 DAYS BEFORE THE ELECTION.

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

33 (B) THE COUNTY CLERK MUST PROCESS NEW ONLINE AND IN-PERSON
34 REGISTRATION APPLICATIONS AND MAIL REGISTRATION UPDATES RECEIVED
35 BY THE EIGHTH DAY BEFORE THE ELECTION AND MAIL A BALLOT WITHIN 24
36 HOURS ~~AFTER THE APPLICATION IS SUBMITTED~~.

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

6 ~~10.7~~7.2.5 Voiding ballots due to timely changes in address or affiliation.

7 ~~10.7.1~~(A) If an elector ~~submits a~~ timely CHANGES HIS OR HER address or
8 affiliation ~~change~~ after the county mails ballots or sends the voter file to the
9 vendor, the county must void the first ballot and generate a second ballot.

10 (a)-(1) If the county processes the change to the elector's record after it
11 sends the voter file to the vendor but before the vendor prints ballots,
12 the county must provide the vendor a voided ballot file to prevent the
13 vendor from printing and preparing voided ballots for mailing.

14 (b)-(2) If the county processes the change to the elector's record after the
15 vendor has printed ballots but before the vendor mails ballots, the
16 county must work with the vendor to make every reasonable effort to
17 remove voided ballots before they enter the mail stream.

18 ~~10.7.3~~(B) If the county mails its own ballots, the county clerk must remove
19 all voided ballots before mailing.

20 ~~10.7.4~~(C) If the county processes the change to the elector's record after it
21 mails ballots, the county must count the first ballot returned by the elector IN
22 ACCORDANCE WITH SECTION 1-7.5-107(6), C.R.S., except as follows:

23 (a)-(1) ~~In the case of an affiliation change~~ IF THE ELECTOR CHANGED HIS OR
24 HER AFFILIATION, the county must count the ballot issued for the
25 ELECTOR'S new party affiliation.

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

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

30 7.3 ABSENTEE VOTING

31 7.3.1 AN ELECTOR MAY REQUEST THAT THE COUNTY CLERK MAIL HIS OR HER BALLOT
32 TO AN ADDRESS OTHER THAN THE ELECTOR'S ADDRESS OF RECORD BY
33 SUBMITTING AN APPLICATION IN ACCORDANCE WITH SECTION 1-7.5-116, C.R.S.

34 7.3.2 THE COUNTY CLERK MUST MAIL THE BALLOT TO THE ADDRESS PROVIDED UNTIL
35 THE ELECTOR INDICATES OTHERWISE. ~~ELECTOR INDICATES OTHERWISE.~~

1 7.4 EMERGENCY BALLOT TRANSMISSION

2 ~~42.1~~7.4.1 The county clerk and recorder may deliver a ballot to an elector's
3 authorized representative or to the elector by electronic transmission IN THE
4 CASE OF ~~an administrative or~~ medical emergency UNDER SECTION 1-7.5-115,
5 C.R.S. If THE COUNTY CLERK DELIVERS a ~~mail-in~~ ballot is ~~delivered~~ to an elector
6 by ~~facsimile~~-ELECTRONIC transmission, the elector may return the ballot by
7 ~~facsimile~~-ELECTRONIC transmission.

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

9 ~~42.4~~7.4.2 ~~Mail in ballots~~-BALLOTS sent by ~~facsimile~~-ELECTRONIC transmission shall
10 MUST include all races, ballot issues, and questions ~~on~~-FOR which the elector
11 ~~may~~-IS ELIGIBLE TO vote. ~~Counties are encouraged to work with their vendors to~~
12 ~~develop a~~-THE ballot that is clearly MUST BE legible to the elector to increase the
13 readability of the ballot and to avoid possible misinterpretations of the elector's
14 intended choice because of poor transmission of the document.

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

17 7.4.3 THE BALLOT PACKET SENT BY ELECTRONIC TRANSMISSION MUST BE IN TEXT
18 FORMAT ON 8 1/2" X 11" WHITE PAPER AND MUST INCLUDE:

- 19 (A) AN ELECTRONIC TRANSMISSION COVERSHEET TO PROTECT VOTER PRIVACY;
- 20 (B) THE BLANK BALLOT;
- 21 (C) THE ELECTRONIC TRANSMISSION BALLOT INSTRUCTIONS; AND
- 22 (D) THE SELF-AFFIRMATION REQUIRED BY SECTION 1-7.5-107(3)(B.5), C.R.S.

23 7.4.4 THE ELECTRONIC TRANSMISSION MUST INCLUDE:

- 24 (A) THE COUNTY CLERK AND RECORDER'S CONTACT INFORMATION INCLUDING
25 MAILING ADDRESS, EMAIL ADDRESS, PHONE, AND FAX NUMBER;
- 26 (B) A NOTICE THAT THE BALLOT MAY NOT BE DUPLICATED FOR ANY OTHER
27 ELECTOR;
- 28 (C) INSTRUCTIONS FOR COMPLETING AND RETURNING THE BALLOT;
- 29 (D) A NOTICE REGARDING THE BALLOT RETURN DEADLINE;
- 30 (E) INFORMATION REGARDING HOW THE ELECTOR MAY VERIFY THAT HIS OR
31 HER BALLOT HAS BEEN RECEIVED BY THE COUNTY CLERK AND RECORDER;
32 AND
- 33 (F) ANY OTHER INFORMATION DEEMED NECESSARY BY THE SECRETARY OF

1 STATE OR THE COUNTY CLERK AND RECORDER.

2 7.4.5 ANY BALLOT TRANSMITTED TO AN ELECTOR BY ELECTRONIC TRANSMISSION MUST
3 CONTAIN A UNIQUE IDENTIFICATION NUMBER FOR TRACKING AND AUDITING
4 PURPOSES.

5 7.4.6 THE COUNTY CLERK AND RECORDER MUST MAINTAIN A LOG OF EACH BALLOT SENT
6 BY ELECTRONIC TRANSMISSION. THE COUNTY CLERK MUST RETAIN THE LOG AS
7 PART OF THE OFFICIAL ELECTION RECORD ALONG WITH ANY OTHER ELECTRONIC
8 TRANSMISSION RECORDS. THE LOG MUST INCLUDE:

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

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

16 ~~42.8-7.4.7 The designated election official shall fax the blank ballot with the~~
17 ~~instructions to the fax number provided by the elector. If THE COUNTY CLERK~~
18 ~~TRANSMITS A BALLOT PACKET TO AN ELECTOR BY FAX AND the transmission is~~
19 ~~unsuccessful, the designated election official shall COUNTY CLERK MUST attempt~~
20 ~~to fax THE BALLOT at least two more times and make reasonable effort, if possible,~~
21 ~~to ensure the transmission was successful.~~

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

24 ~~42.9-7.4.8~~ Upon receipt of the ballot, THE COUNTY CLERK MUST VERIFY THE
25 SIGNATURE ON THE AFFIDAVIT UNDER RULE 7.6. ~~when the information from the~~
26 ~~signed~~ AFTER THE affidavit has been verified, a bipartisan team of judges ~~shall~~
27 MUST duplicate the ballot. Duplicating judges ~~shall~~ MUST not reveal how the
28 elector has cast his or her ballot.

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

31 7.5 RECEIPT AND PROCESSING OF BALLOTS

32 ~~42.10.4-7.5.1~~ ~~Monitoring drop-off locations.~~ All drop-off locations must be monitored by
33 an election judge or video security surveillance recording system, as defined in
34 Rule 20.

- 1 (a) Freestanding drop-off locations must be monitored at all times.
- 2 (b) If the drop-off location utilizes a drop-slot into a building, the ballots must
- 3 be collected in a locked container, and both the drop-slot and container
- 4 must be monitored at all times.

5 *[Current Rule 12.10.4 is amended and moved to new Rule 7.5.1. Amendments are shown*

6 *above.]*

7 ~~12.7.2~~7.5.2 Each day when ballots come in, a judge ~~shall~~ MUST count the ballots, batch

8 them and record the number of ballots received.

9 ~~12.7.3~~7.5.3 ~~The ballots shall be date stamped when received.~~ AN ELECTION JUDGE

10 MUST DATE-STAMP AND RECEIVE THE BALLOTS INTO THE STATEWIDE VOTER

11 REGISTRATION SYSTEM IMMEDIATELY UPON RECEIPT. If any ballot is received

12 after the time set for the closing of the elections, the ballot ~~shall~~ MUST be date-

13 stamped but ~~the ballot shall not be counted.~~

14 (A) THE COUNTY CLERK MUST COLLECT BALLOTS FROM ALL DROP-OFF

15 LOCATIONS AND RECEIVE THEM INTO SCORE; ~~INCLUDING FREE~~

16 ~~STANDING BALLOT BOXES, HOURLY DURING REGULAR BUSINESS HOURS~~

17 ~~(INCLUDE OR MORE AS NEEDED?).~~

18 (1) AT LEAST ONCE EVERY 72 HOURS AFTER BALLOTS ARE MAILED UNTIL

19 THE DATE THAT VOTER SERVICE AND POLLING CENTERS MUST OPEN;

20 (2) AT LEAST ONCE EVERY 24 HOURS DURING THE DAYS THAT VOTER

21 SERVICE AND POLLING CENTERS MUST BE OPEN; AND

22 (3) AT LEAST TWICE ON ELECTION DAY, AT APPROXIMATELY 1PM AND

23 7PM.

24 (B) THE COUNTY CLERK MAY MEET THE REQUIREMENTS OF THIS RULE BY:

25 (1) COLLECTING AND TRANSPORTING THE BALLOTS TO THE CENTRAL

26 COUNTING LOCATION FOR RECEIPT INTO SCORE;

27 (2) COLLECTING AND TRANSPORTING THE BALLOTS TO THE NEAREST

28 VOTER SERVICE AND POLLING CENTER FOR RECEIPT INTO

29 SCORE; OR

30 (3) RECEIVING THE BALLOTS INTO SCORE AT THE BALLOT DROP-OFF

31 LOCATION.

32 ~~12.7.4~~7.5.4 ~~Records shall also be kept of~~ ELECTION JUDGES MUST RECORD the number

33 of ballot packets returned as undeliverable.

34 ~~12.7.5~~7.5.5 ~~Ballot packets shall then be placed~~ THE DESIGNATED ELECTION OFFICIAL

1 MUST SEAL AND STORE BALLOTS in a safe, secure place until the counting of the
2 ballots.

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

5 ~~13.2-7.5.6~~ The county clerk and recorder ~~shall~~ MUST keep a list, to the extent
6 possible, of the names and mailing addresses of all individuals who deliver
7 more than ~~ten (10)~~ 10 voted ~~mail-in~~ ballots to the ~~designated or coordinated~~
8 ~~election official's~~ COUNTY CLERK'S office, DROP-OFF LOCATION, OR VOTER
9 SERVICE AND POLLING CENTER ~~or the designated drop site for mail-in ballots.~~

10 ~~13.3-7.5.7~~ The county clerk and recorder ~~shall~~ MUST notify each individual on the list
11 required by ~~13.2-7.5.6~~ by letter that they have violated section ~~1-8-113-1-7.5-~~
12 ~~107(4)(B)~~, C.R.S., by delivering more than ~~ten (10)~~ ~~mail-in~~ ballots to the
13 ~~designated election official~~ COUNTY CLERK.

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

16 ~~10.9-7.5.8~~ Tracking ballot batches. The county clerk must dissociate any batch
17 number that could trace a ballot back to the specific voter who cast it from the
18 counted ballots no later than the final certification of the abstract of votes cast.

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

21 **7.6 MISSING SIGNATURE**

22 ~~29.1~~ **Missing Signature on Mail Ballot, Provisional Ballot or Mail-in Ballot Envelope**

23 ~~29.1.1-7.6.1~~ If a mail, mail-in, or provisional ballot return envelope lacks a signature,
24 the election judge must contact the elector in writing no later than two calendar
25 days after election day. The designated election official must use the letter and
26 form prescribed by the Secretary of State and keep a copy as part of the official
27 election record. Nothing in this rule prohibits the designated election official from
28 calling the elector. But a phone call may not substitute for written contact. If the
29 designated election official calls any elector he or she must call all electors whose
30 affidavits are unsigned.

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

32 ~~29.1.2-7.6.2~~ The letter ~~shall~~ MUST inform the ~~eligible~~ elector that ~~he/she~~ THE ELECTOR
33 must come to the office of the ~~county clerk and recorder~~ DESIGNATED ELECTION
34 OFFICIAL to sign the mail ballot, provisional ballot, or mail-in ballot envelope no
35 later than eight calendar days after election day. The letter ~~shall~~ MUST inform
36 military, overseas, and other electors who are absent from the state that they may

1 sign the affidavit and return the form by mail, fax, or email, and that the county
2 must receive the form no later than eight calendar days after the election.

3 ~~29.1.3~~7.6.3 The letter and missing signature affidavit form does not violate section
4 1-13-801, C.R.S.

5 ~~29.1.4~~7.6.4 The letter or missing signature affidavit form must include the following
6 language:

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

13 7.7 SIGNATURE VERIFICATION PROCEDURES

14 ~~29.2~~7.7.1 ~~In accordance with section 1-8-114.5, C.R.S., for mail in ballots and section~~
15 ~~1-7.5-107.3, C.R.S., for mail ballots, the election judges shall~~ AN ELECTION JUDGE
16 MUST compare the signature on the self-affirmation on each ~~respective~~ return
17 envelope with the signature stored in the ~~statewide voter registration system~~
18 SCORE. ~~Signatures shall require further~~ THE ELECTION JUDGE MUST research THE
19 SIGNATURE FURTHER if ~~any of the following discrepancies are discovered~~ THERE
20 IS:

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

22 ~~Code 2~~—(B) A printed signature on one document and a cursive signature on the
23 other document

24 ~~Code 3~~—(C) ~~Differences~~ A DIFFERENCE in the size or scale of the ~~signature~~
25 SIGNATURES

26 ~~Code 4~~—(D) ~~Differences~~ A DIFFERENCE in the individual characteristics of the
27 signatures, such as how the “t’s” are crossed, “i’s” are dotted, loops are made on
28 “y’s” or “j’s”

29 ~~Code 5~~—(E) ~~Differences~~ A DIFFERENCE in the voter’s signature style, such as how
30 the letters are connected at the top and bottom

31 ~~Code 6~~—(F) EVIDENCE THAT ballots or envelopes from the same household have
32 been switched

33 ~~Code 7~~—(G) ~~‘Other,’~~ ANY OTHER NOTICEABLE DISCREPANCY ~~including~~ SUCH AS
34 misspelled names ~~& description of discrepancy~~

1 ~~29.3-7.7.2~~ If IN CONDUCTING further research is ~~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
5 voter's address and date of signing. ~~may be compared for similarities.~~ Any
6 similarities noted when comparing ~~this~~ other information may be used as part of
7 the signature verification decision process.

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

13 ~~29.4-7.7.3~~ ~~Whenever~~ IF THE ELECTION JUDGE DISPUTES THE a signature is ~~disputed,~~
14 ~~the election judge shall~~ HE OR SHE MUST document the discrepancy ~~by completing~~
15 AND THE RESEARCH STEPS TAKEN IN a log. ~~The log shall provide a record of the~~
16 ~~research steps taken to resolve the issue.~~ The JUDGE MUST IDENTIFY THE ELECTOR
17 IN THE log ~~will identify the voter~~ using a unique tracking number. ~~This~~ THE
18 tracking number shall MAY not contain the ~~voter's~~ ELECTOR'S social security
19 number; Colorado ~~issued~~ driver's license number, or the identification number
20 issued by the Department of Revenue. THE LOG MAY NOT CONTAIN THE ELECTOR'S
21 SIGNATURE. THE JUDGE MUST NOTE THE FINAL RESOLUTION AND BALLOT
22 DISPOSITION ON THE RESEARCH LOG.

23 ~~29.5~~—The log shall be approved by the Secretary of State pursuant to section 1-1-109, C.R.S.

24 ~~29.6~~—There shall be no document containing the voter's signature attached to the research log.

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

32 ~~29.8-7.7.4~~ The election official must use the letter and the signature verification form
33 approved by the Secretary of State. (SECTIONS 1-7.5-107.3(2)(A) AND 1-8-
34 114.5(2)(A), C.R.S.) THE LETTER AND SIGNATURE VERIFICATION FORM DOES NOT
35 VIOLATE SECTION 1-13-801 C.R.S.

36 ~~29.9~~—The letter and signature verification form does not violate section 1-13-801 C.R.S.

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

1 ~~29.11-7.7.5~~ Any ALL uncounted ballot BALLOTS shall MUST remain sealed in the return
2 envelope and stored under seal with all other uncounted ballots as part of the
3 election record pursuant to IN ACCORDANCE WITH section 1-7-802, C.R.S., and
4 may be removed only under the authority of a district attorney or by order of a
5 court having jurisdiction.

6 **7.7.6 USE OF BALLOT ENVELOPE SORTERS AND SIGNATURE CAPTURE DEVICES.**

7 (A) IF THE COUNTY CLERK AND RECORDER USES A BALLOT SORTING AND
8 SIGNATURE CAPTURE DEVICE, THE COUNTY MUST TEST THE DEVICE BEFORE
9 USING IT IN AN ELECTION TO ENSURE THAT IT PROPERLY SORTS ENVELOPES,
10 AND ACCURATELY AND CLEARLY CAPTURES THE SIGNATURE ON THE
11 ENVELOPE FOR COMPARISON TO THE CORRECT VOTER RECORD.

12 ~~29.12-7.7.7~~ Use of AUTOMATED Signature Verification Devices UNDER SECTION 1-7.5-
13 107.3(5)(B), C.R.S.

14 (A) IF THE COUNTY CLERK AND RECORDER USES A SIGNATURE VERIFICATION
15 DEVICE FOR AUTOMATED SIGNATURE VERIFICATION ON BALLOT ENVELOPES,
16 THE COUNTY MUST TEST THE DEVICE BEFORE USING IT IN AN ELECTION.

17 (1) THE TESTING MUST VERIFY THE ACCURACY OF THE DEVICE AND ENSURE
18 THAT THE DEVICE WILL NOT ACCEPT A SIGNATURE THAT A REASONABLE
19 TRAINED ELECTION JUDGE WOULD REJECT.

20 (2) THE COUNTY MUST PULL AND TEST A MINIMUM OF 150 BALLOT
21 ENVELOPES RECEIVED IN THE ELECTION AND CONDUCT AN AUDIT OF THE
22 MACHINE-VERIFIED SIGNATURES.

23 (A) A TEAM OF BI-PARTISAN ELECTION JUDGES MUST MANUALLY REVIEW
24 THE SIGNATURES IDENTIFIED ON THE AUTOMATED SIGNATURE
25 RECOGNITION REPORT FOLLOWING THE PROCEDURES IN SECTION 1-
26 7.5-107.3, C.R.S., AND THIS RULE.

27 (B) THE JUDGES CONDUCTING THE AUDIT MUST SIGN AND DATE THE
28 AUTOMATED SIGNATURE RECOGNITION REPORT AND THE REPORT
29 MUST BE MAINTAINED WITH ALL OTHER ELECTION RECORDS UNDER
30 SECTION 1-7-802, C.R.S.

31 (B) IN ADDITION TO THE INITIAL TEST, THE COUNTY MUST CONDUCT A REGULAR
32 AUDIT OF THE DEVICE DURING ITS USE.

33 (1) THE COUNTY MUST PULL A RANDOM SAMPLING OF NO FEWER THAN ONE IN
34 EVERY FIFTY MACHINE-VERIFIED SIGNATURES DAILY.

35 (2) A TEAM OF BI-PARTISAN ELECTION JUDGES MUST MANUALLY REVIEW THE
36 SIGNATURES IDENTIFIED ON THE AUTOMATED SIGNATURE RECOGNITION
37 REPORT FOLLOWING THE PROCEDURES IN SECTION 1-7.5-107.3, C.R.S.,

1 AND THIS RULE.

2 (3) THE JUDGES CONDUCTING THE AUDIT MUST SIGN AND DATE THE
3 AUTOMATED SIGNATURE RECOGNITION REPORT AND THE REPORT MUST
4 BE MAINTAINED WITH ALL OTHER ELECTION RECORDS UNDER SECTION 1-
5 7-802, C.R.S.

6 (4) IF THE DEVICE FAILS THE AUDIT, THE COUNTY MUST IMMEDIATELY CEASE
7 USE OF AUTOMATED SIGNATURE VERIFICATION AND NOTIFY THE
8 SECRETARY OF STATE. THE SECRETARY OF STATE AND THE COUNTY
9 MUST WORK IN COORDINATION TO IDENTIFY THE ISSUE AND IMPLEMENT A
10 SOLUTION.

11 (C) THE COUNTY MUST ENSURE THAT THE DEVICE IS OPERATED ON A DEDICATED
12 AND SECURE NETWORK.

13 (1) THE COUNTY MAY CONNECT THE DEVICE TO THE COUNTY NETWORK FOR
14 MAINTENANCE AND SUPPORT.

15 (2) THE DEVICE MUST BE SECURED BY THE COUNTY FIREWALL.

16 (3) THE COUNTY MUST MAINTAIN A MAINTENANCE AND SUPPORT LOG THAT
17 INCLUDES THE NAME OF THE PERSON PROVIDING MAINTENANCE OR
18 SUPPORT, THE DATE AND TIME THE DEVICE WAS ACCESSED, THE SPECIFIC
19 REASON FOR ACCESS.

20 *[Current Rule 29 is amended and moved to new Rules 7.6 and 7.7. Amendments*
21 *are shown above.]*

22 7.8 VOTER SERVICE AND POLLING CENTERS

23 7.8.1 THE COUNTY CLERK AND RECORDER MUST DESIGNATE AND OPEN THE MINIMUM
24 NUMBER OF VOTER SERVICE AND POLLING CENTERS AND THE LOCATIONS MUST BE
25 OPEN DURING REASONABLE BUSINESS HOURS FOR THE MINIMUM NUMBER OF DAYS
26 OUTLINED IN SECTION 1-5-102.9, C.R.S., FOR A GENERAL ELECTION AND 1-7.5-
27 107(4.5), C.R.S., FOR ALL OTHER ELECTIONS.

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

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

32 (C) THE COUNTY CLERK MUST PROVIDE ALL SERVICES OUTLINED IN SECTION 1-2-
33 509, C.R.S., AT EVERY DESIGNATED VOTER SERVICE AND POLLING CENTER.

34 ~~7.1-7.8.2 Polling place~~ VOTER SERVICE AND POLLING CENTER materials shall include,
35 ~~where applicable,~~ SUFFICIENT COMPUTER STATIONS FOR SCORE ACCESS, HAVA

1 information, A voting demonstration display, A signature card table, registration
2 records or lists, poll books, electronic or paper, or completed signature cards,
3 paper ballots, and voting booths or DRES, provisional voting area or procedure,
4 and A ballot box if provided.

5 *[Current Rule 7.1 is amended and moved to new Rule 7.8.2. Amendments are shown*
6 *above.]*

7 7.8.3 VOTER CHECK-IN AT THE VOTER SERVICE AND POLLING CENTER

8 (A) EACH VOTER SERVICE AND POLLING CENTER MUST INCLUDE AND
9 ADEQUATELY STAFF A DESIGNATED VOTER CHECK-IN TABLE OR AREA.

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

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

16 7.8.4 EXCEPT FOR VOTERS WITH DISABILITIES, THE MAXIMUM ALLOWABLE TIME IN A
17 VOTING BOOTH IS 15 MINUTES IF THERE ARE VOTERS WAITING. THE SECRETARY
18 OF STATE MAY ORDER ADDITIONAL TIME BASED ON THE LENGTH OF THE BALLOT.
19 [SECTION 1-7-115, C.R.S.]

20 *[Portions of current Rule 7.6 are included in new Rule 7.8.3.]*

21 7.8.5 ANY ELIGIBLE ELECTOR MAY VOTE IN-PERSON AT A VOTER SERVICE AND POLLING
22 CENTER. THE ELECTION JUDGE MUST VOID THE ELECTOR'S MAIL BALLOT BEFORE
23 ISSUING AN IN-PERSON BALLOT.

24 ~~47.2~~ 7.8.6 If a voter leaves the voting area without completing the voting process,
25 two judges of different affiliation ~~shall~~ MUST, to the extent possible, cover the
26 voter's choices, and cast the ballot as the voter left it.

27 *[Current Rule 47.2 is amended and moved to new Rule 7.8.6. Amendments are shown*
28 *above.]*

29 7.8.7 ~~Any individual who~~ IF AN ELECTOR votes AFTER THE CLOSE OF POLLS BECAUSE
30 ~~in an election for federal office as a result of a federal or state court ISSUES AN~~
31 ~~order EXTENDING or any other order that is in effect 10 days before that election~~
32 ~~and which extends the time established for closing the polls by state law, may~~
33 ~~only vote in that election by casting a~~ THE ELECTOR MUST VOTE BY provisional
34 ballot pursuant to state law and the rules and regulations prescribed by the
35 Secretary of State. THE COUNTY CLERK MUST KEEP ALL PROVISIONAL BALLOTS
36 CAST UNDER THIS RULE SEPARATE FROM PROVISIONAL BALLOTS NOT AFFECTED
37 BY THE COURT ORDER.

1 7.9 NO LATER THAN 90 DAYS BEFORE AN ELECTION, THE COUNTY CLERK AND RECORDER
2 MUST DESIGNATE DROP-OFF LOCATIONS AND VOTER SERVICE AND POLLING CENTERS,
3 AND COMPLETE AN ACCESSIBILITY SURVEY FOR ALL **DROP-OFF AND** VOTER SERVICE AND
4 POLLING CENTER LOCATIONS ANNUALLY BEFORE DESIGNATING A LOCATION FOR USE.

5 7.9.1 FOR THE FIRST SURVEY OF A LOCATION, THE COUNTY CLERK MUST COMPLETE THE
6 FULL ADA CHECKLIST FOR POLLING PLACES. THE COUNTY CLERK MUST
7 COMPLETE THE ANNUAL POLLING PLACE ACCESSIBILITY SURVEY FORM FOR
8 EACH ELECTION AFTER THE INITIAL SURVEY IS COMPLETED. [SECTION 1-5-102,
9 C.R.S.]

10 *[Portions of current Rules 7.7.1 and 7.7.2 are included in new Rule 7.9.1.]*

11 ~~7.7.3~~ 7.9.2 ~~Barrier removal: If, upon assessment,~~ a location fails to meet the minimum
12 accessibility requirements outlined in the ADA Checklist for Polling Places, the
13 ~~designated election official~~ COUNTY CLERK must develop a barrier removal plan
14 outlining the ~~permanent and or temporary~~ modifications that ~~will be implemented~~
15 THE COUNTY CLERK WILL IMPLEMENT to bring the site into compliance ~~in order for~~
16 ~~the location to be designated an official polling place location.~~ THE COUNTY
17 CLERK MUST INDICATE ON THE SURVEY WHETHER THE MODIFICATIONS ARE
18 TEMPORARY OR PERMANENT.

19 *[Current Rule 7.7.3 is amended and moved to new Rule 7.9.2. Amendments between the*
20 *current and new rule language are shown above.]*

21 7.9.3 THE SECRETARY OF STATE MAY DENY AN APPLICATION FOR ACCESSIBILITY GRANT
22 FUNDS IF A COUNTY CLERK FAILS TO ASSESS LOCATIONS AND TIMELY FILE
23 COMPLETE ACCESSIBILITY SURVEYS, AND DEVELOP AND IMPLEMENT NECESSARY
24 BARRIER REMOVAL PLANS IN ACCORDANCE WITH THIS RULE. THE SECRETARY WILL
25 CONDUCT SITE VISITS TO ASSESS COMPLIANCE AND IDENTIFY ACCESSIBILITY
26 BARRIERS. THE SECRETARY WILL SEEK INJUNCTIVE ACTION OR OTHER PENALTIES
27 UNDER SECTION 1-1-107(2)(D), C.R.S., AS NECESSARY TO REMEDY VIOLATIONS OF
28 THIS RULE.

29 *[Portions of current Rules 7.7.2(d) and 7.7.4 are included in new Rule 7.9.3.]*

30 7.10 VOTER SERVICE AND POLLING CENTER CONNECTIVITY

31 7.10.1 THE COUNTY MUST HAVE REALTIME ACCESS TO THE STATEWIDE VOTER
32 REGISTRATION SYSTEM AT EVERY VOTER SERVICE AND POLLING CENTER
33 DESIGNATED BY THE COUNTY CLERK AND RECORDER.

34 7.10.2 AT NO TIME MAY AN ELECTION JUDGE OPEN BOTH THE SCORE VOTER
35 REGISTRATION SCREEN AND THE VOTING MODULE ON A SINGLE WORKSTATION.

36 7.10.3 EVERY VOTER SERVICE AND POLLING CENTER DESIGNATED BY THE COUNTY CLERK
37 AND RECORDER MUST MEET THE MINIMUM SECURITY PROCEDURES FOR

1 TRANSMITTING VOTER REGISTRATION DATA AS OUTLINED IN SECTION 1-5-102.9,
2 C.R.S., AND RULE 43.

3 7.11 ASSISTING VOTERS WITH DISABILITIES IN A VOTER SERVICE AND POLLING CENTER

4 ~~9.1-7.11.1~~ The ~~county clerk and recorder~~ DESIGNATED ELECTION OFFICIAL must post a
5 sign at the ~~polling place or vote center~~ VOTER SERVICE AND POLLING CENTER that
6 states:

7 NOTICE
8 VOTING ASSISTANCE FOR ELECTORS WITH DISABILITIES

9 *Colorado law protects a voter's legal right to assistance in voting if assistance is needed*
10 *because of a disability.*

- 11 1. *If you require assistance, please inform an election judge.*
- 12 2. *Any person, including an election judge, may assist you.*
- 13 3. *If you select a person other than an election judge, he or she must complete a*
14 *Voter Assistance Form, which includes an oath that states:*
15 *I,, certify that I am the individual chosen by the elector to assist the*
16 *elector in casting a ballot.'*
- 17 4. *The person you select may provide any assistance you need, including entering*
18 *the voting booth, preparing the ballot, or operating the voting machine.*
- 19 5. *The person assisting you may not seek to persuade you or induce you to vote in a*
20 *particular manner.*
- 21 6. *The election judge must record the name of each voter who receives assistance*
22 *and the name of the person who provides assistance in the pollbook or list of*
23 *eligible electors (or on the signature card if preprinted signature cards are used*
24 *in the place of a pollbook and list of eligible electors).*

25 ~~9.2-7.11.2~~ ~~When~~ IF a voter has spoiled two ballots and requests a third ballot, an
26 election judge ~~shall~~ MUST offer assistance in voting procedures and casting the
27 ballot.

28 *[Current Rule 9 is amended and moved to Rules 7.11. Amendments are shown above.]*

29 **Rule 8. Rules Concerning Watchers**

30 ~~8.2-8.1~~ ~~Qualification of Watchers.~~ Watchers ~~shall~~ MUST certify THAT they are qualified pursuant
31 ~~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
32 APPLICABLE. Watchers ~~shall~~ MUST take ~~an~~ THE oath as ~~provided~~ DESCRIBED in section
33 1-7-108(1), C.R.S. and ~~shall~~, upon first entering the ~~precinct place~~ VOTER SERVICE AND

1 POLLING ~~CENTER or~~ location, surrender THE CERTIFICATE OF APPOINTMENT to the election
2 official or election judges-SUPERVISOR JUDGE a certificate of appointment at each precinct
3 polling place-VOTER SERVICE AND POLLING CENTER or location where the watcher has
4 been-~~IS~~ designated to ~~act~~-OBSERVE.

5 ~~8.2.1~~8.1.1 If a watcher leaves a precinct and the same watcher ~~VOTER SERVICE AND~~
6 POLLING ~~CENTER-LOCATION~~ BUT returns later in the day to the same precinct
7 LOCATION, another certificate of appointment is not necessary. ~~and shall not be~~
8 required. ~~The original certificate of appointment will suffice.~~

9 ~~8.2.2~~8.1.2 If a watcher is replaced during the day, the watcher replacing the original
10 watcher must have an original certificate of appointment for that precinct. A NEW
11 WATCHER WHO IS REPLACING AN ORIGINAL WATCHER MUST PROVIDE AN ORIGINAL
12 CERTIFICATE OF APPOINTMENT FOR THAT ~~VOTER SERVICE AND~~ POLLING ~~CENTER~~
13 LOCATION.

14 ~~8.2.3~~8.1.3 ~~Certificate~~A CERTIFICATE of appointment as a watcher is not transferable
15 to another individual.

16 ~~8.3~~8.2 A political party attorneys are not allowed-ATTORNEY MAY NOT BE in the polling place
17 ~~VOTER SERVICE AND~~ POLLING ~~CENTER-LOCATION~~ unless they are-HE OR SHE IS A duly
18 appointed as ~~watchers~~-WATCHER.

19 ~~8.4~~ Watchers are not allowed to have cell phones, cameras, recording devices, laptops or
20 PDAs (Palm Pilot, Blackberry, etc.) in the polling place. A WATCHER MAY NOT HAVE A
21 CELL PHONE, CAMERA, RECORDING DEVICE, COMPUTER, TABLET, OR OTHER PERSONAL
22 ELECTRONIC EQUIPMENT IN THE VOTER SERVICE AND POLLING CENTER.

23 ~~8.5~~8.3 List of Eligible Electors. To assist Watchers in performing their tasks, the election
24 official or election judge shall-~~THE SUPERVISOR JUDGE MUST provide TO EACH WATCHER a~~
25 list, log, check-in card, or other similar information of voters who have appeared in the
26 precinct polling place-~~APPEARING IN THE~~ ~~VOTER SERVICE AND~~ POLLING ~~CENTER~~ LOCATION
27 to vote. The WATCHER MAY NOT REMOVE THE information or documents ~~shall not be~~
28 removed from the polling place or voting location-FROM THE ~~VOTER SERVICE AND~~
29 POLLING ~~CENTER-LOCATION~~. ~~Watchers~~-A WATCHER may maintain a list of eligible
30 electors who have voted by utilizing-~~USING only that~~ information provided by the election
31 official or election-SUPERVISOR judge except that they may bring with them into the
32 polling place or location-OR a list of electors previously maintained by the watcher.
33 [Section 1-7-108(3), C.R.S.]

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

36 ~~8.6~~8.4 Watchers are subject to the provisions of section 1-5-503, C.R.S.

37 ~~8.6.2~~8.4.1 The designated election official must position the voting equipment,
38 voting booths, and the ballot box so that they are in plain view of the election
39 officials and watchers.

1 ~~8.6.3~~8.4.2 ~~Watchers are permitted to~~ A WATCHER MAY witness and verify the conduct
2 of elections and recount activities. Witness and verify means to personally
3 observe actions of election judges in each step of the conduct of an election.

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

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

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

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

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

16 ~~8.6.4~~8.4.3 ~~Watchers~~ A WATCHER may witness and verify activities described in
17 ~~Article I~~ ARTICLE 1, Section 7, that are outside the immediate voting area,
18 including ballot processing and counting. IF ELECTION OFFICIALS OR ELECTION
19 JUDGES ARE CONDUCTING ELECTIONS ACTIVITIES IN SEPARATE ROOMS OR AREAS OF
20 A BUILDING OR BUILDINGS, THE COUNTY CLERK AND RECORDER MUST ALLOW
21 ~~ADDITIONAL~~ WATCHERS TO OBSERVE ~~ACTIVITIES~~ AND VERIFY EACH SEPARATE
22 ~~ACTIVITY~~ IN EACH ROOM OR AREA IN THE BUILDING OR BUILDINGS.

23 ~~8.6.5~~8.4.4 Watchers appointed under ~~section 1-10.5-101(1)(a), C.R.S.,~~ THIS RULE 8
24 may observe the canvass board while it performs its duties.

25 ~~8.6.6~~8.4.5 ~~Watchers~~ A WATCHER may track the names of electors who have cast
26 ballots, challenge electors under section 1-9-203, C.R.S., and Rule 48, and submit
27 written complaints in accordance with section 1-1.5-105, C.R.S., and Rule ~~31.8.7~~
28 ~~13. What Watchers May Observe. Duly appointed Watchers~~ A WATCHER may
29 observe ~~polling place voting, early voting~~ ALL ACTIVITIES IN A ~~VOTER SERVICE~~
30 ~~AND~~ POLLING ~~CENTER~~ LOCATION and the processing and counting of ~~precinct,~~
31 ~~provisional, mail, and mail-in~~ ballots. ~~For mail ballot elections, or mail-in ballot~~
32 ~~processing, watchers~~ A WATCHER may be present at each stage of the election
33 including the receiving and bundling of the ballots. ~~received by the designated~~
34 ~~election official. Watchers~~ A WATCHER may be present during provisional ballot
35 processing but may not have access to confidential voter information.

36 *[Current Rule 8.6.1 is amended and moved to new Rule 1. Current Rule 8.6 is amended*
37 *and moved to new Rule 8.4. Amendments are shown above.]*

38 ~~8.7~~8.5 ~~Watcher oath.~~ In addition to the oath required by section 1-7-108(1), C.R.S., a watcher

- 1 must affirm that he or she will not:
- 2 ~~8.7.1~~8.5.1 Attempt to determine how any elector voted or review confidential voter
3 information;
- 4 ~~8.7.2~~8.5.2 Disclose any confidential voter information that he or she may observe; or
- 5 ~~8.7.3~~8.5.3 Disclose any results before the polls are closed and the designated election
6 official has formally announced results.

7 ~~8.8~~8.6 ~~Limitations of Watchers. Watchers~~ A WATCHER may not:

- 8 ~~8.8.1~~8.6.1 Interrupt or disrupt the processing, verification and counting of any ballots
9 or any other stage of the election.
- 10 ~~8.8.2~~8.6.2 Write down any ballot numbers or any other identifying information about
11 the electors.
- 12 ~~8.8.3~~8.6.3 Handle the ~~poll books~~ POLLBOOKS, official signature cards, ballots, mail
13 ballot envelopes, ~~mail-in ballot envelopes~~, provisional ballot envelopes, voting or
14 counting machines, or machine components.
- 15 ~~8.8.4~~8.6.4 Interfere with the orderly conduct of any election process, including
16 issuance of ballots, receiving of ballots, and voting or counting of ballots.
- 17 ~~8.8.5~~8.6.5 Interact with election officials or election judges as defined in section 1-1-
18 104(10) AND (47), C.R.S., except for the individual designated by the election
19 official.

20 8.6.6 USE A MOBILE PHONE TO MAKE OR RECEIVE A CALL IN ANY POLLING LOCATION OR
21 OTHER PLACE ELECTION ACTIVITIES ARE CONDUCTED.

22 8.6.7 USE ANY ELECTRONIC DEVICE TO TAKE PICTURES, VIDEO, OR AUDIO RECORDING IN
23 ANY POLLING LOCATION OR OTHER PLACE ELECTION ACTIVITIES ARE CONDUCTED.

24 ~~8.9.1~~8.8 ~~A major and OR minor political parties PARTY with candidates A~~
25 ~~CANDIDATE on the ballot, OR A REGISTERED ISSUE COMMITTEE SUPPORTING OR OPPOSING A~~
26 ~~BALLOT MEASURE OR QUESTION ON THE BALLOT may appoint one Watcher each to be~~
27 ~~present OR MORE WATCHERS to observe polling place voting, early voting, and the~~
28 ~~processing and counting of regular, provisional, mail and mail-in ballots ELECTION~~
29 ~~ACTIVITIES. See [sections 1-7-105 and 1-7-106, C.R.S, AND RULE 8.6.4.]~~

30 ~~8.10~~8.7 ~~Official Observers Appointed by the Federal Government. THE~~
31 ~~SECRETARY OF STATE MUST APPROVE Official Observers appointed by the federal~~
32 ~~government. shall be approved by the Secretary of State and shall be OFFICIAL~~
33 ~~OBSERVERS ARE subject to Colorado law and these rules as they apply to Watchers.;~~
34 ~~however, they need not BUT AN OFFICIAL OBSERVER IS NOT REQUIRED TO be AN eligible~~
35 ~~ELECTOR electors in the jurisdiction in which they act as Watchers. This Rule shall DOES~~

1 not apply to Official Observers appointed by the United States Department of Justice.
2 Official Observers appointed by the Secretary of State shall be ARE subject to the rules
3 and regulations as prescribed by the Secretary of State. Official Observers shall MUST
4 obtain A LETTER OF AUTHORITY from the Secretary of State, or his or her designee, duly
5 executed letters of authority. The Official Observers shall MUST surrender such THE letter
6 of authority to the COUNTY CLERK AND RECORDER designated election official in the
7 jurisdiction in which they act as Watchers.

8 *[Current Rule 8.10 is amended and moved to rule 8.7. Amendments are shown above.]*

9 ~~8.11-8.8 Watchers, Official Observers and Media Observers at a Recount.~~
10 Watchers, Official Observers, and Media Observers may be present at DURING a recount.
11 Watchers, Official Observers, and Media Observers must be qualified and sworn IN for a
12 recount in the same manner as provided AS DESCRIBED in Rule 8.2 and are subject to all
13 other provisions related to the recount process. Any political party OR candidate involved
14 in the recount or proponents or opponents of an issue or question involved in the recount
15 may appoint one Watcher OR MORE WATCHERS to be present at any time during the
16 recount. The A candidate who is subject to a recount may appoint him or her self HIMSELF
17 OR HERSELF, or a member of the candidate's family by blood, or marriage, OR CIVIL
18 UNION, as a watcher at a recount. See sections [SECTIONS 1-7-105 and 1-7-106, C.R.S.
19 AND RULE 8.6.4.]

20 ~~8.12-8.9 Media Observers.~~ Media Observers with valid and current media
21 credentials may be present to witness early voting, election day voting and the processing
22 and counting of provisional, mail and mail-in ballots ALL ELECTION ACTIVITIES. However,
23 at the discretion of the county clerk and recorder, Media Observers may be required A
24 COUNTY CLERK AND RECORDER MAY, IN HIS OR HER DISCRETION, REQUIRE A MEDIA
25 OBSERVER to appoint one member of the media as a pool reporter and one member as a
26 pool photographer to represent all media observers. ALL MEDIA OBSERVERS ARE SUBJECT
27 TO in accordance with the Guidelines established by the Colorado Press Association in
28 conjunction with the Colorado County Clerks' Association and the Secretary of State as
29 set forth herein OUTLINED BELOW:

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

32 *The Colorado State Association of County Clerks and Recorders, Colorado*
33 *Broadcasters' Association and Colorado Press Association have collaborated to*
34 *develop the following guidelines and protocols for use when members of the*
35 *media observe the counting or recounting of ballots. You are strongly*
36 *encouraged to follow these guidelines to allow meaningful media access while not*
37 *disrupting the work of county clerks to count ballots or doing anything to*
38 *compromise the integrity of the election process.*

39 1. *If practical, please contact the election official's office prior to coming to*
40 *observe the counting of ballots. If the election official knows you are*

1 coming, it will be easier to accommodate your request for a place to
2 observe the count or to interview an election official.

3 2. At the discretion of the election official, a specific viewing area for
4 members of the media and other observers may be available. To the
5 extent practicable, the area will have been designated with sight lines to
6 allow you to observe and take pictures or video of the counting process. If
7 there are insufficient sight lines for you to take the photos or video you
8 need, the election official may be able to make arrangements to
9 accommodate your needs.

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

15 4. The Secretary of State's election rules state that if observers leave the
16 area during a recount, they may not reenter without the consent of the
17 election official. If you have occasion to leave the area, you may be
18 denied re-admittance.

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

22 The Colorado State Association of County Clerks and Recorders,
23 Colorado Broadcasters' Association and Colorado Press Association are
24 all committed to working together to ensure the media has access to
25 election counts and recounts, but that access is afforded in manners that
26 do not disrupt the counts and do nothing to compromise the integrity of
27 the process. Your cooperation in following these standards will help us to
28 meet all these goals.

29 *[Current Rules 8.11 and 8.12 are amended and moved to new Rules 8.8 and 8.9.*
30 *Amendments are shown above.]*

31 ~~8.13-8.10 Watchers at Vote Centers.~~ To assist Watchers in performing their tasks when a
32 ~~vote center election is held~~ AT A ~~VOTER SERVICE AND POLLING CENTER LOCATION~~, the
33 ~~designated election official shall~~ COUNTY CLERK MUST provide a list of all voters who
34 have VOTED IN THE COUNTY ~~appeared in the vote centers to vote.~~ This list shall be made
35 THE COUNTY CLERK MUST MAKE THE LIST available at the ~~designated election official's~~
36 main office. THE CLERK MAY MAKE THE ~~Such list may be made~~ available to a requesting
37 ~~Watcher(s)~~ in the form of data files, paper, or reports, and furnished to all interested
38 parties via email, paper reports, or faxed copies as ~~may be available to the designated~~
39 ~~election official.~~

1 ~~8.14~~ 8.11 A ~~designated election official shall~~ THE COUNTY CLERK MUST certify the
2 appointment of all eligible watchers duly designated by a political party, candidate or
3 committee pursuant to UNDER sections 1-1-104(51), 1-7-105, 1-7-106, or 1-7-107, C.R.S.

4 ~~8.15~~ 8.12 Removal of Watchers.

5 ~~8.15.1~~ 8.12.1 A ~~designated election official~~ COUNTY CLERK OR DESIGNEE may remove a
6 watcher upon finding that the watcher:

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

8 (b) Violates any of the limitations outlined in Rule ~~8.8~~ 8.6;

9 (c) Violates his or her oath; or

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

11 ~~8.15.2~~ 8.12.2 Upon removal of a watcher, the ~~designated election official~~ COUNTY
12 CLERK must inform the political party, candidate, or committee who appointed the
13 watcher.

14 ~~8.15.3~~ 8.12.3 A removed watcher may be replaced by an alternate watcher duly
15 designated in accordance with sections 1-7-105, 1-7-106, or 1-7-107, C.R.S. Any
16 ~~designated election official~~ COUNTY CLERK who removes a watcher must, to the
17 best of the ~~official's~~ CLERK'S ability, expeditiously certify the appointment.

18 ~~8.16~~ 8.13 Watchers may be designated to observe more than one ~~precinct or polling place~~
19 ~~VOTER SERVICE AND POLLING CENTER LOCATION~~. but in no event shall more than one
20 watcher be designated for any single polling place. See section 1-7-106, C.R.S.

21 ~~8.17~~ 8.14 Watchers may be appointed to observe recall elections held pursuant to UNDER
22 article 12, title I, C.R.S., and shall MUST be designated in accordance with sections 1-7-
23 106 and 1-7-107, C.R.S.

24 *[Current Rules 8.13-8.17 are amended and moved to new Rules 8.10-8.14. Amendments*
25 *are shown above.]*

26 **Rule 9. VOTING CHALLENGES**

27 ~~48.19.1~~ UNDER SECTION 1-9-201, C.R.S., AN ELECTION JUDGE, POLL WATCHER, OR ELIGIBLE
28 ELECTOR OF THE PRECINCT MAY CHALLENGE AN ELECTOR'S RIGHT TO VOTE. Pursuant to
29 section 1-9-203 (7), C.R.S., a A person WHOSE ELIGIBILITY IS CHALLENGED ON THE GROUNDS
30 of residency shall MUST be offered a regular ballot by the AN election judge when IF the
31 person challenged satisfactorily answers the APPLICABLE challenge questions specified in
32 section 1-9-203(3)(a)-(e), C.R.S. The following demonstrate when a person challenged
33 satisfactory answered ANSWERS TO THE CHALLENGE QUESTIONS. the challenge questions
34 and action to be taken by the election judge based on the elector's response: IF THE
35 PERSON CHALLENGED PROVIDES UNSATISFACTORY ANSWERS OR REFUSES TO ANSWER THE

1 CHALLENGE QUESTIONS, AN ELECTION JUDGE MUST OFFER THE PERSON A PROVISIONAL
2 BALLOT.

3 9.2 CITIZENSHIP

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

5 SATISFACTORY ANSWER: YES.

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

8 UNSATISFACTORY ANSWER: NO.

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

11 9.3 RESIDENCY

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

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

19 *IF THE PERSON CHALLENGED ANSWERS YES, Proceed CONTINUE to challenge*
20 *question B.*

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

24 *IF THE PERSON CHALLENGED ANSWERS NO, THE ELECTION JUDGE MUST*
25 *CONTINUE TO CHALLENGE QUESTION B- Offer the elector a provisional ballot.*

26 B. IF YOU ~~Have~~ HAVE you been absent from ~~this state~~ COLORADO during the PAST ~~thirty~~
27 22 days ~~immediately preceding this election~~, DID YOU ~~and during that time have you~~
28 ~~maintained~~ maintain a home or domicile elsewhere?

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

1 IF THE PERSON CHALLENGED ANSWERS NO, ~~Offer~~ THE ELECTION JUDGE MUST
2 OFFER the ~~elector~~ PERSON a regular ballot.

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

6 ~~Offer the elector a regular ballot.~~

7 UNSATISFACTORY Response requiring follow-up questions-ANSWER: Yes, he/she
8 THE ELECTOR has been absent from this state-COLORADO during the thirty-22-day
9 period immediately preceding this election, and has maintained a home or
10 domicile elsewhere.

11 IF THE PERSON CHALLENGED ANSWERS YES, THE ELECTION JUDGE MUST
12 ~~Proceed~~ CONTINUE to challenge question C.

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

15 Satisfactory response-ANSWER: Yes, when he/she-THE ELECTOR left, it was for a
16 temporary purpose with the intent of returning.

17 IF THE PERSON CHALLENGED ANSWERS YES, THE ELECTION JUDGE MUST
18 ~~Proceed~~ CONTINUE to challenge question D.

19 Unsatisfactory response-ANSWER: No, when he/she-THE ELECTOR left, he/she HE
20 OR SHE did not intend to return.

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

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

25 Satisfactory response-ANSWER: Yes, while absent, he/she-THE ELECTOR looked
26 upon and regarded-CONSIDERED this state as COLORADO TO BE his/her HIS OR HER
27 home.

28 IF THE PERSON CHALLENGED ANSWERED YES, ~~Proceed~~ CONTINUE to challenge
29 question E.

30 Unsatisfactory response-ANSWER: No, while absent, he/she-THE ELECTOR did not
31 LOOK UPON AND REGARD CONSIDER this state as COLORADO TO BE his/her HIS OR
32 HER home.

33 IF THE PERSON CHALLENGED ANSWERS NO, THE ELECTION JUDGE MUST ~~Offer~~
34 OFFER the ~~elector~~-PERSON a provisional ballot.

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

3 Satisfactory ~~response~~—ANSWER: No, while absent, ~~he/she~~—THE ELECTOR did not
4 vote in any other state or ~~any~~ territory of the United States.

5 *THE ELECTION JUDGE MUST ~~Offer~~—OFFER the ~~elector~~ PERSON a regular*
6 *ballot.*

7 Unsatisfactory ~~response~~—ANSWER: Yes, while absent, ~~he/she~~—THE ELECTOR ~~did vote~~
8 VOTED in another state or territory of the United States.

9 *THE ELECTION JUDGE MUST ~~Offer~~ OFFER the ~~elector~~—PERSON a provisional*
10 *ballot.*

11 9.4 AGE

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

13 SATISFACTORY ANSWER: YES.

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

16 UNSATISFACTORY ANSWER: NO.

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

19 ~~48.2 If the person challenged answers unsatisfactorily or refuses to answer the challenge~~
20 ~~questions, the elector shall be offered a provisional ballot.~~

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

22 **Rule 10. CANVASSING AND RECOUNT**

23 41.1—Definitions

24 41.1.1—~~“Canvass board” means a committee composed of the county clerk and recorder~~
25 ~~and the registered electors appointed by the major parties in accordance with~~
26 ~~section 1-10-101, C.R.S.~~

27 41.1.2—~~“Canvass workers” means workers appointed or hired by the designated election~~
28 ~~official to assist in the preparation and conduct of the canvass.~~

29 41.1.3—~~“Statement of Ballots Form” means the form used at the polling location that~~
30 ~~accounts for all ballots at that location and includes all information required by~~
31 ~~this rule.~~

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

2 ~~41.2~~-10.1 Appointment to the Canvass Board

3 ~~41.2.1~~ 10.1.1 In all cases, the canvass board must consist of an odd number of members,
4 and each member has equal voting rights.

5 ~~41.2.2~~ 10.1.2 For a partisan election, each major party may have no more than two
6 representatives on the canvass board. The board must include an equal number
7 of representatives from each major party, unless a major party fails to certify
8 representatives for appointment.

9 ~~41.2.3~~ 10.1.3 Each major party representative on the canvass board must be registered to
10 vote in the county where the representative will serve and affiliated with the
11 party he or she represents.

12 ~~41.2.4~~ 10.1.4 A candidate for office and members of the candidate's immediate family
13 may not serve on the canvass board.

14 ~~41.3~~10.2 Duties of the Canvass Board

15 ~~41.3.1~~ 10.2.1 The canvass board must make its determinations by majority vote in
16 accordance with section 1-10-101.5(3), C.R.S.

17 ~~41.3.2~~ 10.2.2 The canvass board's duties are:

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

20 (i-1) Account and balance the election and certify the official abstract of
21 votes;

22 (i-2). Reconcile the number of ballots counted to the number of ballots
23 cast; and

24 (iii-3) Reconcile the number of ballots cast to the number of voters who
25 voted by reviewing the reconciled detailed ballot logs and Statement of
26 Ballots;

27 (b) Observe the post-election audit in accordance with section 1-7-514(4),
28 C.R.S., and Election Rule ~~11.5.4~~11.4.3(K);

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

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

1 ballots, and certifying the results.

2 ~~41.3.3~~ 10.2.3 If the board identifies a discrepancy in the Statement of Ballots, the Board
3 may review the particular ballots at issue to identify, correct, and account for
4 the error.

5 ~~41.3.4~~ 10.2.4 The canvass board may not perform duties typically reserved for election
6 judges, including:

7 (a) Determining voter intent;

8 (b) ~~evaluating~~ EVALUATING voter eligibility; and

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

10 ~~41.4~~ 10.3 Detailed Ballot Log

11 ~~41.4.1~~ 10.3.1 The designated election official must keep a detailed ballot log that
12 accounts for every ballot issued and received beginning when ballots are
13 ordered and received. The election judges must reconcile the log at the
14 conclusion of each workday.

15 ~~41.4.2~~ 10.3.2 The designated election official must keep and reconcile ~~BALLOT~~ daily
16 logs of mail-in, mail, and early voting ballots.

17 ~~41.4.3~~ 10.3.3 The designated election official must indicate in the detailed log the
18 number of paper ballots that are sent to each polling location for use on election
19 day.

20 ~~41.4.4~~ 10.3.4 The designated election official must keep required logs in either
21 electronic or manual format.

22 ~~41.5~~ 10.4 Election Day Tracking Process

23 ~~41.5.1~~ 10.4.1 The designated election official must supply each polling location with a
24 Statement of Ballots Form. Combined precincts may use one form. The form
25 must include a place for the judges to account for the following information:

26 (a) The name or number(s) of the ~~precinct or vote center~~ POLLING LOCATION;

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

28 (c) The number of ballots cast;

29 (d) The number of unvoted ballots;

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

31 (f) The number of voted provisional ballots.

1 ~~41.5.2~~ 10.4.2 The election judge must reconcile the total number of voted ballots with
2 the number of voters who voted.

3 ~~41.5.3~~ 10.4.3 The election judge must verify that the total number of voted ballots,
4 spoiled or damaged ballots, provisional ballots, and unvoted ballots is the same
5 as the number of total ballots supplied to the polling location.

6 ~~41.5.4~~ 10.4.4 The election judge must reconcile the number of people who signed the
7 pollbook to the total of the number of ballots cast.

8 ~~41.5.5~~ 10.4.5 If there is a discrepancy in the numbers on the Statement of Ballots form,
9 the judge must explain the discrepancy in writing (for example, the voter signed
10 in but left the polling place without voting, etc.).

11 ~~41.5.6~~ 10.4.6 The judge must return the completed Statement of Ballots form to the
12 designated election official with the other precinct supplies and mail a duplicate
13 copy to the designated election official's office.

14 ~~41.6~~ 10.5 Designated Election Official's Disposition of Forms

15 ~~41.6.1~~ 10.5.1 The designated election official must review the Statement of Ballots form
16 for completion and accuracy.

17 ~~41.6.2~~ 10.5.2 If the designated election official or the canvass board discovers a problem
18 with the Statement of Ballots form that cannot be easily resolved, they may
19 contact the election judges for an explanation or correction.

20 ~~41.7~~ 10.6 Procedures for the Day of the Canvass

21 ~~41.7.1~~ 10.6.1 The designated election official must provide the following information to
22 the canvass board:

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

24 (b) The number ~~OR~~ letter of each ballot issue or question and votes received;

25 ~~(c) The number of voters who voted early;~~

26 ~~(d-C)~~ The number of ~~mail-in or mail~~ ballots cast, including the number ~~OF~~
27 accepted and rejected MAIL BALLOTS; and

28 ~~(e-D)~~ The number of provisional ballots ~~counted~~ ~~CAST, INCLUDING THE NUMBER~~
29 ~~ACCEPTED AND REJECTED.~~

30 ~~41.7.2~~ 10.6.2 Any written documentation regarding official numbers is included as part
31 of the canvass.

32 ~~41.8~~ 10.7 Official Abstract AND REPORTING TO THE SECRETARY OF STATE

1 41.8.1 10.7.1 ~~The designated election official must include the number of eligible~~
2 ~~ACTIVE REGISTERED voters AND THE NUMBER OF REGISTERED VOTERS (ACTIVE~~
3 ~~AND INACTIVE) on election day on the official abstract.~~

4 41.8.2 10.7.2 The canvass board must use the official abstract in a format approved by
5 the Secretary of State.

6 41.8.3 10.7.3 The official COUNTY abstract must include, by precinct/ OR ballot style ~~or~~
7 ~~vote center~~, where applicable:

8 (a) THE TOTAL NUMBER OF ACTIVE REGISTERED ELECTORS ON ELECTION DAY;

9 (B) THE TOTAL NUMBER OF REGISTERED ELECTORS (ACTIVE AND INACTIVE) ON
10 ELECTION DAY;

11 (C) The statement of votes counted by race and ballot question or issue;

12 ~~(b) The total active registered electors in the precinct and the total for the~~
13 ~~jurisdiction holding the election;~~

14 (c) The total number of ~~electors voting in each precinct and the total for the~~
15 ~~jurisdiction holding the election;~~ BALLOTS CAST IN THE ELECTION

16 ~~(d) The number of voters who voted early;~~

17 ~~(e) The number of emergency registrations;~~

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

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

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

22 10.7.4 THE STATE PORTION OF THE ABSTRACT, WHICH THE COUNTY MUST TRANSMIT TO
23 THE SECRETARY OF STATE, MUST INCLUDE:

24 (A) THE TOTAL NUMBER OF ACTIVE REGISTERED ELECTORS ON ELECTION DAY;

25 (B) THE TOTAL NUMBER OF REGISTERED ELECTORS (ACTIVE AND INACTIVE) ON
26 ELECTION DAY;

27 (C) THE STATEMENT OF VOTES COUNTED BY RACE AND BALLOT QUESTION OR
28 ISSUE;

29 (D) THE TOTAL NUMBER OF BALLOTS CAST IN THE ELECTION; AND

30 (E) THE CANVASS ENR UPLOAD REQUIRED UNDER RULE 11.11.4.

1 ~~41.9~~ 10.8 The COUNTY Abstract is the Official Permanent Record.

2 ~~41.9.1~~ 10.8.1 The designated election official must keep all official canvass reports and
3 forms as part of the official permanent election record.

4 ~~41.9.2~~ 10.8.2 Once the canvass board certifies the abstract it may not withdraw the
5 certification. In the event of a recount, the canvass board may only affirm or
6 amend the abstract.

7 ~~41.10~~ 10.9 Appointment of Canvass Workers.

8 10.9.1 The designated election official may appoint canvass workers to help prepare and
9 conduct the canvass.

10 ~~41.11~~ 10.10 Voter History.

11 ~~41.11.1~~ 10.10.1 After the canvass, the designated election official must give VOTE
12 credit to each voter who votes by mail, at an early voting site, or at a polling
13 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)~~ 1-10-101(1)(a), C.R.S., may
30 observe the board while it performs its duties, subject to Rule 8.

31

32 ~~41.14~~ 10.13 Role of the Secretary of State.

33

1 10.13.1 As part of the Secretary's duties under section 1-1-107, C.R.S., the Secretary may
2 provide guidance and investigate imperfections as outlined below.

3
4 ~~41.14.1~~ 10.13.2 The county clerk and recorder or the canvass board may request
5 that the Secretary of State provide guidance and support to the canvass board in
6 the exercise of the board's duties.

7
8 ~~41.14.2~~ 10.13.3 If, in the course of assisting a canvass board, the Secretary of State
9 discovers an imperfection that the Secretary believes may affect the conduct of
10 other canvass boards, the Secretary may provide notice to other counties
11 regarding the nature of the imperfection.

12
13 ~~41.14.4~~ 10.13.4 Imperfect returns or failure to certify.

14
15 (a) If the canvass board fails to certify or certifies imperfect returns that have
16 no reasonable potential to change the outcome of any race or ballot
17 measure, the Secretary of State and county clerk must certify the election
18 and order recounts, if any, in accordance with Part 1, Article 11 of Title 1,
19 C.R.S.

20
21 (b) If the canvass board fails to certify or certifies imperfect returns that have
22 a reasonable potential to change the outcome of any race or ballot
23 measure, the Secretary of State will conduct an investigation to identify
24 the nature of, and advise the county clerk and recorder in correcting, the
25 inaccuracy.

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

28 ~~14.3~~ 10.14 RECOUNT GENERALLY.

29 10.14.1 The purpose of a recount is to RE-TABULATE THE BALLOTS. ~~review the ballots to~~
30 ~~assure they were counted properly. Unless directed otherwise by the Secretary of~~
31 ~~State, all procedures of election night shall be followed as closely as possible~~
32 ~~during the recount, including an examination of the ballots.~~

33 10.14.2 FOR STATEWIDE OR FEDERAL RACES, BALLOT ISSUES OR BALLOT QUESTIONS, THE
34 COUNTY CLERK AND RECORDER MUST COORDINATE SCHEDULING THE RECOUNT
35 THROUGH THE SECRETARY OF STATE'S OFFICE SO THAT IT CAN ENSURE ADEQUATE
36 OBSERVER COVERAGE.

37 10.15 RECOUNT COST ESTIMATES AND REIMBURSEMENTS

38 10.15.1 A COUNTY MUST SUBMIT A REQUEST FOR REIMBURSEMENT FOR A MANDATORY
39 RECOUNT IN A STATEWIDE OR FEDERAL RACE USING THE SECRETARY OF STATE
40 APPROVED FORM. THE COUNTY MAY NOT REQUEST REIMBURSEMENT FOR MEALS
41 OR NORMAL OVERHEAD COSTS OR REGULAR EMPLOYEE COMPENSATION. THE

1 COUNTY MUST INCLUDE ITEMIZED COSTS FOR REASONABLE EXPENDITURES,
2 INCLUDING:

3 (A) MAILINGS AND NOTICES;

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

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

7 10.15.2 REQUESTED RECOUNTS

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

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

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

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

19 10.16 IN ACCORDANCE WITH SECTION 1-10.5-107, C.R.S., AND RULE 10.2.2(D), THE CANVASS
20 BOARD'S ROLE IN CONDUCTING A RECOUNT INCLUDES SELECTING BALLOTS FOR THE TEST,
21 OBSERVING THE RECOUNTING OF BALLOTS, AND CERTIFYING THE RESULTS.

22 ~~14.4-10.17~~ ~~General Provisions-~~ WATCHERS AND OBSERVERS

23 14.4.1 ~~10.17.1~~ The Secretary of State may ~~have~~ APPOINT an official ~~observer~~
24 ~~OBSERVERS at every recount location~~ IN ANY RECOUNT.

25 ~~14.4.2~~ Any candidate who is subject to the recount may be present and observe the
26 recount at any recount location or designate one Watcher to observe the recount
27 at any recount location. Watchers must provide the election official with a
28 certificate signed by the candidate, except that an officer of the county party
29 may be accepted as a candidate's watcher without a certificate if no other person
30 is designated by the candidate for that location.

31 ~~14.4.3-10.17.2~~ Each candidate, ~~his or her watcher,~~ OR THE CANDIDATE'S WATCHER,
32 ~~members of the media~~ OBSERVERS, and official observers as defined in Rule 8.1,
33 may be present in the room when a AND WITNESS THE recount is conducted IN
34 ACCORDANCE WITH RULE 8. ~~During the recount the candidate, watcher,~~
35 ~~members of the media, and official observers may not interfere with the recount~~

1 process.

2 14.4.4-10.17.3 The recount board, candidates, AND watchers, ~~members of the media, and~~
3 ~~official observers will~~ MUST take an oath.

4 10.17.4 COMPLAINTS. A WATCHER MAY SUBMIT A COMPLAINT IN WRITING TO THE
5 COUNTY CLERK OR DESIGNEE. WRITTEN COMPLAINTS DURING A RECOUNT WILL
6 BE ADDRESSED IN ACCORDANCE WITH RULE 4-13

7 10.18 TESTING RECOUNT EQUIPMENT

8 10.18.1 THE CANVASS BOARD MUST REVIEW THE POST-ELECTION AUDIT BEFORE
9 SELECTING THE EQUIPMENT FOR TESTING UNDER SECTION 1-10.5-102(3), C.R.S.
10 TO THE EXTENT FEASIBLE, THE BOARD MUST SELECT EQUIPMENT FOR TESTING
11 THAT WAS NOT INCLUDED IN THE POST-ELECTION AUDIT.

12 10.18.2 THE COUNTY CLERK MUST TEST ALL SCANNERS THAT WILL BE USED IN THE
13 RECOUNT. THE PURPOSE OF THE TEST IS TO ENSURE THAT THE TABULATION
14 MACHINES ARE COUNTING PROPERLY.

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

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

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

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

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

33 10.18.3 THE COUNTY CLERK MUST TEST THE VVPAT RECORDS FROM 1% OF THE DRES
34 THAT HAD VOTES CAST FOR THE RACE OR MEASURE BEING RECOUNTED.

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

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

2 10.19 COUNTING ~~OF~~ BALLOTS

3 10.19.1 IN ACCORDANCE WITH SECTION 1-10.5-102(3)(B), C.R.S., IF THERE ARE NO
4 DISCREPANCIES IN THE TEST UNDER RULE ~~14.6~~ 10.18, THE RECOUNT MUST BE
5 CONDUCTED IN THE SAME MANNER AS THE BALLOTS WERE COUNTED IN THE
6 ELECTION EXCEPT AS OUTLINED IN THIS RULE.

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

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

14 10.19.3 BALLOTS MUST BE REVIEWED FOR VOTER INTENT USING THE STANDARDS IN RULE
15 18.

16 (A) EVERY ~~BALLOT WITH AN~~ OVER-VOTE OR UNDER-VOTE IN THE RACE(S) OR
17 MEASURE(S) SUBJECT TO THE RECOUNT MUST BE REVIEWED FOR VOTER
18 INTENT UNDER RULE 18 ~~USING THE SAME GUIDELINES THAT WERE USED~~
19 ~~DURING THE ELECTION.~~

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

22 10.19.4 TO RECOUNT BALLOTS ON OPTICAL SCANNERS:

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

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

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

30 *[Portions of Current Rules 14.6.9 – 14.6.12 are moved to new Rules 10.19.3 and*
31 *10.19.4]*

32 10.19.5 ~~14.7.3~~ Ballots for the recount shall be processed following the State of Colorado
33 Procedures for the use of the Ballot Now Voting System in conjunction with the
34 following procedures: TO RECOUNT BALLOTS USING “BALLOT NOW”:

- 1 (A) BACK UP THE OFFICIAL ELECTION DATABASE.
- 2 (aB) Open Ballot Now with an unused **MBB** (Mobile Ballot Box) **(MBB)** from
3 the election and create a Ballot Now recount database.
- 4 (bC) Scan and resolve all recount ballots ~~following original election procedures~~
5 ACCORDING TO THIS RULE **14-10**.
- 6 (c) ~~Use the Audit Trail Report and Original Scan Batch Reports with notes to~~
7 ~~ensure that resolution action follows the original resolution.~~
- 8 (d) Save all recount **CVRs** (Cast Vote Records) to the **MBBs** (Mobile Ballot
9 ~~Box~~) after verifying that the number of ballots processed matches the
10 number of ballots cast in the recount contest(s).
- 11 (e) Open a new recount election in “Tally” and process the recount **MBBs**
12 following the tabulation procedures above.
- 13 (f) Compare recount results to original results and document any differences.
- 14 (g) Backup the test database and the official recount database ~~following the~~
15 ~~“Archive” procedures.~~

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

19 10.19.6 TO RECOUNT BALLOTS BY HAND COUNT.

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

22 ~~14.5.4~~(B) Ballots ~~shall~~MUST be counted ~~into groups~~IN BATCHES of 25 to
23 ensure that the number of ballots recounted matches the number originally
24 counted.

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

27 *[Current Rules 14.5.4 and 14.5.5 are amended and moved to new Rules*
28 *10.19.6(a) and (b). Amendments between the current and new rule language are*
29 *shown above.]*

30 10.19.7 FOR TABULATION OF **DRES**, IF THERE ARE NO DISCREPANCIES IN THE TEST UNDER
31 RULE ~~14.6~~ **10.18.3**, THE COUNTY CLERK MUST UPLOAD THE MEMORY CARDS.

32 10.19.8 TABULATION OF BALLOTS CAST ~~BY ONE METHOD~~ MUST BE COMPLETED THROUGH
33 A PRECISE, CONTROLLED PROCESS THAT ENSURES EACH CONTAINER OF BALLOTS

1 IS RECOUNTED, RETABULATED AND RESEALED, AND RETABULATED BEFORE
2 TABULATION OF THE NEXT METHOD CONTAINER BEGINS. EXCEPT THAT, IF MAIL IN
3 BALLOTS WERE ORIGINALLY COUNTED WITH EARLY VOTING BALLOTS, THE
4 RECOUNT MUST BE CONDUCTED IN THE SAME MANNER.

5 14.6.6 10.19.9 The number of ballots counted by a METHOD AND precinct according to the
6 election night report shall FINAL RESULTS FOR THAT RACE OR MEASURE MUST BE
7 available during the recount for comparison purposes.

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

10 10.20 CANVASS AND REPORTING RESULTS

11 14.6.7 10.20.1 Totals of recounted ballots shall be processed, counted, and MUST BE
12 reported in summary form as follows:

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

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

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

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

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

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

30 10.20.2 IN ACCORDANCE WITH SECTION 1-10.5-107, C.R.S., AND THIS RULE 10, THE
31 CANVASS BOARD MUST AMEND, IF NECESSARY, AND RE-SUBMIT THE ABSTRACT OF
32 VOTES CAST.

33 **Rule 11. Rules Concerning Voting Systems**

34 11.1 Voting system access.

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

3 ~~11.2.2 11.1.1 Any election setup materials shall be stored by~~ The county clerk and
4 recorder ~~MUST SECURELY STORE ELECTION SETUP RECORDS under security with~~
5 ~~access limited to the person or persons so authorized in writing by the county~~
6 ~~clerk and recorder. NO PERSON MAY ACCESS THE RECORDS WITHOUT THE CLERK'S~~
7 ~~WRITTEN AUTHORIZATION.~~

8 ~~11.2.3 11.1.2 Employees of the county clerk and recorder who are authorized by the~~
9 ~~county clerk and recorder to prepare or maintain the voting system or election~~
10 ~~setup materials shall~~ RECORDS ~~MUST be deputized by the county clerk and~~
11 ~~recorder for this specific purpose and so sworn prior to~~ BEFORE the first election.
12 ~~of the calendar year in which they will be performing one or more of these~~
13 ~~activities.~~

14 ~~11.2.4 11.1.3 The county clerk and recorder shall request an Internet Criminal History~~
15 ~~Check (ICHC) from the Colorado Bureau of Investigation (CBI) for all full time,~~
16 ~~part-time, permanent and contract employees of the county who staff the counting~~
17 ~~center and OR who have any access to the electromechanical voting systems or~~
18 ~~electronic vote tabulating equipment. At the direction of the county clerk and~~
19 ~~recorder, an ICHC check may be conducted on election judges. The county clerk~~
20 ~~and recorder shall request the ICHC once per calendar year for such employees~~
21 ~~prior to the first election of the year. IN ACCORDANCE WITH SECTION 24-72-305.6,~~
22 ~~C.R.S., ALL PERMANENT AND TEMPORARY COUNTY STAFF AND ALL VENDOR STAFF~~
23 ~~WHO HAVE ACCESS TO THE VOTING SYSTEM OR ANY VOTING OR COUNTING~~
24 ~~EQUIPMENT MUST PASS THE CRIMINAL BACKGROUND CHECK DESCRIBED IN RULE~~
25 ~~6.4.~~

26 ~~11.2.5 If the ICHC indicated that the employee or contract employee has been found~~
27 ~~guilty of a crime involving breach of trust, fraudulent, coercive, or dishonest~~
28 ~~practices or demonstrating incompetence, untrustworthiness, or election offenses~~
29 ~~pursuant to sections 1-13-101 et seq., C.R.S., the county clerk and recorder shall~~
30 ~~MUST prohibit such employee or contact employee from preparing, programming,~~
31 ~~operating, using or having any access whatsoever to electromechanical voting~~
32 ~~systems or electronic vote tabulating equipment at any time during that person's~~
33 ~~employment.~~

34 ~~11.2.6 Vendors or their authorized representatives shall provide a criminal history check~~
35 ~~to the county clerk and recorder for any employee of the vendor who has any~~
36 ~~access to electromechanical voting systems or electronic vote tabulating~~
37 ~~equipment The vendor shall provide the criminal history check ICHC to the~~
38 ~~county clerk and recorder once per calendar year for such employees prior to the~~
39 ~~first election of the year.~~

40 11.2 Performance Bond.

1 11.2.1 ~~Effective upon the date of the adoption of this rule,~~ A voting system provider or
2 service provider ~~that provides election setup or tabulation services to one or more~~
3 ~~counties shall~~ MUST:

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

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

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

20 11.3.2 ~~Performance bonds shall be on file 30 (thirty) days prior to any work commencing~~
21 ~~under contract with the county.~~

22 11.2.3 The voting system provider ~~shall~~ MUST update all bond documents for each
23 contract or election. ~~performed.~~

24 11.3.4 ~~Copies of the performance bond for the secretary of state's office shall be sent to:~~
25 ~~Colorado Department of State, Voting Systems Specialist, 1700 Broadway, Suite~~
26 ~~270, Denver, Colorado 80290, or to voting.systems@sos.state.co.us~~

27 11.3 Voting System Inventory.

28 11.3.1 The designated election official ~~shall~~ MUST maintain an inventory record for each
29 electronic vote-tabulating device used in an election. ~~Such records shall~~ THE
30 RECORD MUST include, but ~~not be~~ IS NOT limited to, the manufacturer, make,
31 model, serial number, hardware/firmware/software version or release number,
32 hash value documentation where applicable, date of acquisition, description of
33 any services, repairs, maintenance, upkeep, and version upgrades, and the dates ~~of~~
34 ~~performance of such services as of the date of adoption of these rules~~ THE
35 SERVICES WERE PERFORMED.

36 11.3.2 IF THE INVENTORY IS IN ELECTRONIC FORMAT, IT MUST BE EXPORTABLE TO A
37 COMMA SEPARATED (CSV), EXCEL SPREADSHEET (XLS OR XLSX), OR QUOTE OR
38 TAB QUOTE OR TAB SEPARATED (TXT) FILE BEFORE DELIVERY TO THE SECRETARY
39 OF STATE.

1 11.4.2 11.4.3 The designated election official ~~shall~~ MUST furnish FILE THE INVENTORY
2 WITH the Secretary of State ~~with an extract or copy of the inventory~~ NO LATER
3 THAN 10 DAYS BEFORE THE ELECTION for use in the Logic and Accuracy Test and
4 the Post-Election Audit Test. ~~The requirements for this extract are:~~

5 (a) ~~Be in either electronic or paper format;~~

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

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

13 (d) ~~The designated election official shall send the inventory list to the
14 Secretary of State's office not less than ten (10) days prior to an election to
15 the attention of the Voting Systems Specialist. Inventory lists may be sent
16 BY MAIL, E-MAIL, OR FAX. in one of three means: E-mail:
17 voting.systems@sos.state.co.us Subject line = County Number, County
18 Name, HARDWARE INVENTORY LIST; or Via facsimile to: 303-869-
19 4861 attn: Secretary of State, Voting Systems Specialist; or via First Class
20 Mail to Colorado Department of State/Attn: Voting Systems
21 Specialist/1700 Broadway Suite 270/Denver, CO 80290.~~

22 11.4 Voting System Testing. 11.5.1 THE CLERK MUST PERFORM A HARDWARE
23 DIAGNOSTIC TEST, A LOGIC AND ACCURACY TEST, AND A POST-ELECTION AUDIT TEST. ~~Three
24 types of voting system testing: shall be performed for each election within a jurisdiction.
25 The three tests are:~~

26 ● ~~A Hardware Diagnostic Test;~~

27 ● ~~A Logic and Accuracy Test (LAT); and~~

28 ● ~~A Post Election Audit Test.~~

29 11.5.2 11.4.1 Hardware Diagnostic Test

30 11.5.2.1 (A) The county clerk and recorder ~~shall commence~~ MUST PERFORM the
31 Hardware Diagnostic Test ~~prior to~~ BEFORE the election ON EACH
32 DEVICE THAT THE CLERK WILL USE IN THE ELECTION, INCLUDING
33 SPARE OR BACK UP DEVICES. THE TEST MUST INCLUDE THE
34 FOLLOWING DEVICES AND PROVIDE THE FOLLOWING INFORMATION:
35 ~~and allow time for each electronic voting device within the county
36 to be tested. Each device being used in the election, including units
37 identified as spare or backup units, shall be tested to verify that~~

1 ~~mechanical components are working correctly. This test shall~~
2 ~~include, but not be limited to, the following tests:~~

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

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

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

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

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

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

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

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

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

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

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

15 11.5.2.2 (B) THE CLERK MUST SEAL each device ~~tested shall be sealed~~ upon the
16 successful completion of the test AND RETAIN documentation of the
17 seal information and all records ~~from testing must be maintained~~
18 ~~for each device~~ IN ACCORDANCE WITH SECTION 1-7-802, C.R.S.

19 11.5.3 11.4.2 Logic and Accuracy Test. ~~The designated election official shall conduct a~~
20 ~~Logic and Accuracy Test according to the following requirements.~~

21 11.5.3.1 (A) The designated election official ~~shall~~ MUST create a Testing Board
22 ~~consisting of at least two persons~~ ONE REGISTERED ELECTOR
23 ~~AFFILIATED WITH THE~~ FROM EACH OF THE MAJOR POLITICAL
24 PARTIES, AS DEFINED IN SECTION 1-1-104(22), C.R.S., ~~AND one~~
25 ~~REGISTERED ELECTOR from each OTHER major political party, IF~~
26 APPOINTED. TESTING BOARD MEMBERS MUST BE REGISTERED TO
27 VOTE IN THE COUNTY.

28 11.5.3.2 (B) ~~Prior to the commencement of voting,~~ The designated election
29 official ~~shall~~ MUST conduct the public Logic and Accuracy Test
30 BEFORE VOTING.

31 11.5.3.3 (C) The DESIGNATED ELECTION OFFICIAL MUST ENSURE THAT THE Logic
32 and Accuracy Test ~~shall be~~ IS open to ~~representatives of the press~~
33 ~~and~~ THE MEDIA AND the public to the extent allowable ~~and pursuant~~

1 ~~to~~ IN ACCORDANCE WITH section 1-7-509(2)(b), C.R.S. The
2 designated election official may limit the number of
3 representatives from each group ~~to accommodate for~~ BECAUSE OF
4 space limitations ~~and~~ OR other considerations.

5 11.5.3.4 (D) ~~Testing Board Test Ballots—In preparation for the Logic and~~
6 ~~Accuracy Test,~~ The designated election official ~~shall~~ MUST provide
7 ~~to each member of the Testing Board,~~ at least ~~twenty five (25)~~ 25
8 CLEARLY-MARKED TEST ballots ~~that are clearly marked as test~~
9 ~~ballots~~ TO EACH TESTING BOARD MEMBER ~~to be used for the Logic~~
10 ~~and Accuracy Test.~~

11 11.5.3.5 (E) ~~The members of the~~ Testing Board MEMBERS ~~shall~~ MUST secretly
12 vote their ~~position~~ BALLOTS IN ACCORDANCE WITH THE
13 INSTRUCTIONS PRINTED ON THE BALLOTS and retain a record of the
14 tally. ~~of their test votes.~~ The test ballots ~~shall~~ MUST have a known
15 predetermined outcome by the members of the Testing Board's
16 secret vote and tally. Of the ~~twenty five~~ 25 test ballots, two ~~shall~~
17 MUST be tested as audio ballots where applicable.

18 11.5.3.6 (F) ~~County Test Ballots—In preparation for the Logic and Accuracy~~
19 ~~Test,~~The designated election official ~~shall~~ MUST prepare a
20 sufficient number of test ballots that represent every precinct
21 ~~which shall include~~ AND every ballot style, allow for a sufficient
22 number of ballots to mark every vote position for every candidate
23 on every race including write-in candidates, allow for situations
24 where a race may permit an elector to vote for two or more
25 positions WHERE APPLICABLE, and include overvotes and
26 undervotes for each race.

27 11.5.3.7 (G) ~~The test ballots shall~~ TESTING BOARD MUST ~~be tested~~ TEST THE
28 BALLOTS on each type of voting device ~~utilized~~ USED in a ~~given~~
29 THE election and each ~~method of counting.~~ TYPE OF BALLOT
30 INCLUDING ~~The tests shall include testing of mail-in ballot counting~~
31 ~~methods, election day counting methods~~ MAIL, REGULAR,
32 ~~provisional, ballot, counting methods, early voting counting~~
33 ~~methods and audio ballots, if applicable.~~

34 11.5.3.8 (H) Conducting the Test.

35 11.5.3.8.1 (1) The designated election official and Testing Board ~~shall~~
36 MUST observe the tabulation of all test ballots ~~by means of~~
37 ~~the voting device~~ and compare the tabulation with the
38 previously retained records of the test vote count ~~The cause~~
39 ~~of~~ AND MUST CORRECT any discrepancies ~~shall be corrected~~
40 ~~prior to the start of~~ BEFORE vote tabulation.

1 ~~11.5.3.8.2~~ (2) ~~Prior to the start of testing,~~ THE DESIGNATED ELECTION
2 OFFICIAL ~~MUST all devices used will have the public counter~~
3 ~~reset THE PUBLIC COUNTER to zero ON ALL DEVICES, and~~
4 ~~PRESENT ZERO TAPES presented to the Testing Board for~~
5 ~~verification. For any device capable of producing OR~~
6 ~~VERIFYING the trusted build hash value (MD5 or SHA-1) of~~
7 ~~the firmware or software, the DESIGNATED Election Official~~
8 ~~shall MUST verify and document the accuracy of the value~~
9 ~~to be included with the records for the device.~~

10 ~~11.5.3.8.3~~ (3) THE DESIGNATED ELECTION OFFICIAL MUST MAKE an
11 appropriate number of voting devices ~~will be~~ available and the
12 Testing Board may witness the ~~necessary~~ programming and/or
13 downloading of memory devices necessary ~~to~~ FOR THE test. ~~the~~
14 ~~specific precincts.~~

15 ~~11.5.3.8.4~~ (4) The Testing Board and designated election official ~~or his or~~
16 ~~her designated deputized clerks, as necessary, shall~~ MUST count
17 the test ballots as follows:

18 (a) ~~Mail in Ballots:~~

19 (1) ~~All county test ballots shall be counted on at least~~
20 ~~one, but not more than three, mail in ballot vote~~
21 ~~counting devices and have the predetermined total~~
22 ~~verified to the machine total.~~

23 (2) ~~All Testing Board Member test ballots shall be~~
24 ~~counted individually with reports generated to~~
25 ~~verify the machine count to the predetermined hand~~
26 ~~tally.~~

27 (b) ~~Precinct Count Ballots (Optical Scan and DRE):~~

28 (1) ~~The Testing Board shall randomly select 20% but~~
29 ~~not more than 10 ballots representing unique~~
30 ~~precincts from the Testing Board's test ballots.~~

31 (2) ~~In the event a selected precinct contains a~~
32 ~~combination of DRE and Optical Scan voting~~
33 ~~devices, the Testing Board shall decide on the~~
34 ~~percentage of ballots to be counted on each type of~~
35 ~~device used for that precinct.~~

36 (3) ~~The precinct specific county test ballots will be~~
37 ~~added to the testing board test ballots to be counted~~
38 ~~on the specific precinct device. The testing board~~

1 shall manually verify the ballots to be counted prior
2 to any machine count.

3 ~~(4) — The Testing Board shall verify the manual count to~~
4 ~~the voting device count.~~

5 ~~(e) (A) Vote Center Count Ballots — Optical Scan-SCANNERS:~~

6 ~~(1) All testing board~~ THE TESTING BOARD ~~test ballots~~
7 ~~shall MUST be counted~~ COUNT TEST BALLOTS on at
8 least one, but not more than ~~5~~ FIVE voting devices,
9 WHICH MUST REPRESENT AT LEAST ONE DEVICE USED
10 AT A VOTER SERVICE AND POLLING CENTER, AND ONE
11 CENTRAL COUNT DEVICE. ~~designated for Vote Center~~
12 ~~Counting and have the predetermined total verified~~
13 ~~to the machine total.~~

14 ~~(2) THE TESTING BOARD MUST RANDOMLY SELECT THE~~
15 ~~MACHINES TO TEST.~~

16 ~~(2) (3) All~~ THE TESTING BOARD MUST COUNT THE BOARD'S
17 AND THE COUNTY'S ~~test ballots~~ BALLOT BATCHES
18 ~~shall be counted individually~~ SEPARATELY AND
19 GENERATE REPORTS ~~with reports generated~~ to verify
20 THAT the machine count IS IDENTICAL to the
21 predetermined tally. ~~of the test ballots.~~

22 ~~(3) — The testing board shall randomly select the~~
23 ~~machines to be tested.~~

24 ~~(d) (B) Vote Center Count Ballots — DREs:~~

25 ~~(1) All testing board~~ THE TESTING BOARD MUST COUNT
26 THE test ballots ~~shall be counted~~ on at least one, but
27 not more than ~~5~~ FIVE DREs. ~~designated for Vote~~
28 ~~Center Counting and have the predetermined total~~
29 ~~verified to the machine total.~~

30 ~~(2) THE TESTING BOARD MUST RANDOMLY SELECT THE~~
31 ~~MACHINES TO TEST.~~

32 ~~(3) THE TESTING BOARD MUST IDENTIFY AND TEST TWO~~
33 ~~BALLOTS AS AUDIO BALLOTS.~~

34 ~~(2) (4) All~~ THE TESTING BOARD MUST COUNT THE BOARD'S
35 AND THE COUNTY'S ~~test ballots~~ BALLOT BATCHES
36 ~~shall be counted individually~~ SEPARATELY AND
37 GENERATE REPORTS ~~with reports generated~~ to verify

1 THAT the machine count IS IDENTICAL to the
2 predetermined tally of the test ballots. FOR DRES
3 WITH VVPAT DEVICES, THE TESTING BOARD MUST
4 MANUALLY COUNT THE PAPER RECORD TO VERIFY
5 THAT THE PRE-DETERMINED TOTALS OF THE TESTING
6 BOARD AND COUNTY TEST BALLOT BATCHES MATCH
7 THE VVPAT TOTAL.

8 ~~(3) The testing board shall randomly select the~~
9 ~~machines to be tested.~~

10 ~~(e) Early Voting and Provisional Ballots Counted on Optical~~
11 ~~Scan Devices:~~

12 ~~(1) All test ballots shall be counted on at least one, but~~
13 ~~not more than five, optical scan devices designated~~
14 ~~for Early Voting or Provisional Ballot Counting and~~
15 ~~have the predetermined total verified to the machine~~
16 ~~total.~~

17 ~~(2) All test ballots shall be counted individually with~~
18 ~~reports generated to verify the machine count to the~~
19 ~~predetermined tally of the test ballots.~~

20 ~~(f) Early Voting and Provisional Ballots Counted on DREs:~~

21 ~~(1) All test ballots shall be counted on at least one, but~~
22 ~~not more than five, DREs designated for Early~~
23 ~~Voting or Provisional Ballot Counting and have the~~
24 ~~predetermined total 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 tally~~
28 ~~of the Testing Board test ballots.~~

29 ~~11.5.3.8.5 DREs equipped with V VPAT devices shall be manually~~
30 ~~verified (by hand) to determine that the pre-determined total of~~
31 ~~the testing board ballots, matches the V VPAT total, which in~~
32 ~~turn matches the machine total.~~

33 ~~11.5.3.8.6 At least two of the testing board ballots shall be identified as~~
34 ~~Audio Ballots to be tested as such, and included with the count.~~

35 ~~11.5.3.8.7 (5) THE DESIGNATED ELECTION OFFICIAL MUST~~
36 ~~KEEP all test materials, when not in use, shall be~~
37 ~~kept in a metal DURABLE, SECURE box with~~
38 ~~individual seals for each member of the Testing~~

1 Board. The designated election official may affix
2 his or her own seal in addition to those of the
3 Testing Board. The designated election official ~~shall~~
4 MUST be the custodian of the box or boxes but ~~shall~~
5 MAY not open ~~and/or~~ use the test materials outside
6 of the TESTING BOARD'S presence. ~~of the Testing~~
7 ~~Board.~~

8 (6) AFTER TESTING, THE TESTING BOARD MUST WATCH
9 THE DESIGNATED ELECTION OFFICIAL RESET AND
10 SEAL EACH VOTING DEVICE.

11 ~~11.5.3.8.8~~ (7) The Testing Board and the designated
12 election official ~~shall~~ MUST sign a written statement
13 attesting to the qualification of each device ~~that was~~
14 successfully tested, the number of the seal attached
15 to the voting device at the end of the test, any
16 problems discovered, and ~~provide~~ any other
17 documentation ~~as~~ necessary to provide a full and
18 accurate account of the condition of a given device.

19 ~~11.5.3.8.9~~ Upon completion of the testing, the Testing Board shall witness
20 the resetting and sealing of each tested voting device.

21 ~~11.5.4~~ 11.4.3 Post-Election Audit

22 ~~11.5.4.1~~ (A) ~~Within forty eight (48)~~ NO LATER THAN 48 hours ~~of~~ AFTER the
23 close of polls on election night, the Secretary of State ~~shall~~ MUST
24 notify the designated election official which voting devices and
25 which race or races on the ballots ~~have been selected for auditing~~
26 ~~purposes~~ WILL BE AUDITED based on the submitted hardware
27 inventory list referred to in Rule 11.4.2.

28 ~~11.5.4.2~~ (B) The ~~selection of~~ SECRETARY OF STATE WILL RANDOMLY SELECT
29 equipment ~~will be~~ based on a random selection of five ~~(5)~~ percent
30 of precinct COUNT SCANNERS ~~scanner based voting equipment~~, at
31 least one central count scanner/~~vote center~~, and five ~~(5)~~ percent of
32 ~~Direct Record Electronic (DRE)~~ DRE voting devices.

33 ~~11.5.4.3~~ (C) ~~Pursuant to~~ IN ACCORDANCE WITH section 1-7-514, C.R.S., THE
34 SECRETARY OF STATE MAY only SELECT devices used in the
35 election. ~~shall be selected for the audit.~~

36 (D) THE SECRETARY OF STATE MUST RANDOMLY SELECT AT LEAST TWO
37 RACES PER DEVICE FOR VERIFICATION TO ENSURE THAT EACH RACE
38 OR MEASURE ON THE BALLOT IS AUDITED IN ACCORDANCE WITH
39 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,~~

1 the designated election official ~~will~~ MUST manually verify the
2 image of all the ballots ~~contained~~ in the ~~Ballot Log or Ballot Audit~~
3 ~~BALLOT LOG OR BALLOT AUDIT~~ that ~~were counted on the specific~~
4 ~~THE~~ device ~~COUNTED ALONG~~ with the report generated for that
5 specific device at the close of polls. ~~which contains the election~~
6 ~~summary report.~~ The Secretary of State shall randomly select a
7 ~~minimum of two (2) races per device to be manually verified to~~
8 ~~ensure that each office, issue, and question on the ballot is audited~~
9 ~~in accordance with section 1-7-514, C.R.S.~~

10 11.5.4.6.1 (1) For any device capable of producing OR VERIFYING the
11 trusted build hash value (MD5 or SHA-1) of the firmware
12 or software, the designated election official ~~shall~~ MUST
13 verify and document the accuracy of the value to be
14 included with the records for the device prior to conducting
15 the audit.

16 11.5.4.7 (J) For ~~Direct Electronic Devices (DREs)~~ DREs that WITH A VVPAT
17 ~~do meet the requirement of section 1-5-802, C.R.S., used for any~~
18 ~~function of counting ballots in an election, after the close of the~~
19 ~~polls,~~ the designated election official ~~will~~ MUST manually verify all
20 of the ENTIRE voter-verified paper VVPAT record produced with the
21 report generated for that specific device. ~~which contains the election~~
22 ~~summary report.~~ The Secretary of State shall randomly select a
23 ~~minimum of two races on each device to be manually verified to~~
24 ~~ensure that each office, issue, and question on the ballot is audited~~
25 ~~in accordance with section 1-7-514, C.R.S.~~

26 11.5.4.7.1(1) For any device capable of producing OR VERIFYING
27 the trusted build hash value (MD5 or SHA-1) of the
28 firmware or software, the designated election official ~~shall~~
29 MUST verify and document the accuracy of the value to be
30 included with the records for the device prior to conducting
31 the audit.

32 11.5.4.8 (K) AT LEAST TWO CANVASS BOARD MEMBERS MUST OBSERVE the
33 actions of the random audit. ~~as identified in this section are to be~~
34 ~~observed by at least two members of the canvass board.~~ The
35 designated election official may ~~appoint additional deputized~~
36 ~~clerks to assist WITH in the functions of the audit.~~

37 11.5.4.9 (L) If there are discrepancies in the audit, the Canvass Board or the
38 designated election official's ~~deputized clerks shall~~ OFFICIAL MUST:

39 11.5.4.9.1(1) ~~First, manually verify the results as many times as~~
40 ~~necessary to~~ Confirm that there is no discrepancy in the
41 manual count;

1 11.5.4.9.2(2) ~~Second~~, Take any ~~additional~~ steps as necessary to
2 check for voter error, which ~~shall~~ MUST include but IS not
3 ~~be~~ limited to: overvotes, stray marks on the ballot, or other
4 voter intent indicia; and

5 11.5.4.9.3(3) ~~Third, review the situation and~~ Take ANY action as
6 necessary in accordance with the Canvass Board's powers
7 as ~~set forth~~ DESCRIBED in part 1 of Article 10 of Title 1,
8 Colorado Revised Statutes.

9 11.5.4.10 (M) ~~At all times relevant to the Post Election~~ DURING THE audit, the
10 designated election official ~~or the deputized clerks or the Canvass~~
11 Board ~~shall~~ MUST take every precaution necessary to protect the
12 confidentiality of ~~the~~ CAST ballots. ~~cast by the electors.~~

13 11.5.4.11 (N) ~~Upon completion of~~ AFTER the audit, the designated election
14 official ~~shall~~ MUST promptly report the results ~~of the audit~~ to the
15 Secretary of State's Office by 5:00 PM ON THE LAST DAY TO
16 CANVASS. ~~The report shall MUST be submitted following the~~
17 ~~completion of the audit and up to and including 5:00 pm on the last~~
18 ~~day of the canvass.~~ The report ~~shall~~ MUST contain:

19 (a)(1) The make, model, and serial number of the voting device
20 DEVICES ~~that was~~ audited.;

21 (b)(2) The number of ballots originally counted by ~~the~~ EACH
22 device or the number of ballots audited as identified in
23 paragraph ~~(d)~~ (4) of this section;

24 (c)(3) The count of the specific ~~race or~~ races ~~as provided~~ on the
25 summary report printed at the close of polls or the report
26 generated for the audit;

27 (d)(4) The count of the specific ~~race~~ RACES as manually verified;

28 (e)(5) Any other information required by section 1-7-514, C.R.S.;
29 and

30 (f)(6) The ~~signature~~ CANVASS BOARD MEMBERS' AND
31 DESIGNATED ELECTION OFFICIAL'S SIGNATURES. ~~of the~~
32 ~~canvass board and the designated election official.~~

33 11.5.4.12 (o) The DESIGNATED ELECTION OFFICIAL MAY SEND THE report ~~may be~~
34 ~~sent by~~ REGULAR MAIL, E-MAIL, OR FAX. ~~any of the following three~~
35 ~~methods: E mail: voting.systems@sos.state.co.us; Subject line =~~
36 ~~County Number, County Name, POST ELECTION AUDIT; or via~~
37 ~~facsimile to: 303-869-4861 attn: Secretary of State, Voting~~
38 ~~Systems Specialist; or via First Class Mail: to Colorado~~

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.~~

1 ~~(c) When more than one DRE is available at a voting location, the~~
2 ~~voter shall be given the choice as to which DRE they would like to~~
3 ~~vote on, to the extent practical.~~

4 ~~(d) Encouraging or allowing any and all voters the opportunity to vote~~
5 ~~on a DRE if desired.~~

6 ~~11.6.2.2 Any report or export (electronic or paper based) generated from an~~
7 ~~Electronic Pollbook shall remove the date/time stamp from the record~~
8 ~~and not use this field as a sort method. Any assignment of Record IDs,~~
9 ~~Key ID, or Serial Number stored in the database of votes shall be~~
10 ~~randomly assigned.~~

11 ~~11.6.2.3 Any Pollbook, electronic, paper or otherwise shall not be exposed to the~~
12 ~~same people at the same place who have exposure to the V-VPAT~~
13 ~~records.~~

14 ~~11.6.2.4 The examination of the V-VPAT record shall always be done by at least~~
15 ~~two witnesses.~~

16 ~~11.6.3 Storage~~

17 ~~11.6.3.1 The storage of the V-VPAT records must be consistent with~~
18 ~~storage of Paper Ballots pursuant to section 1-7-802.~~

19 ~~11.6.3.2 Individual spools containing V-VPAT records must contain the~~
20 ~~following catalog information affixed to the spool:~~

21 ~~(a) Date and Name of Election;~~

22 ~~(b) Name of Voting Location;~~

23 ~~(c) Date(s) and Time(s) of Voting;~~

24 ~~(d) Machine Serial Number of DRE Associated with the Record; and~~

25 ~~(e) Number of spools associated with this machine for this election (i.e.~~
26 ~~“Spool 1 of 1”, or “Spool 1 of 2”, etc.).~~

27 ~~11.6.3.3 Light sensitive storage containers shall be used for the 25 month storage~~
28 ~~period to ensure the integrity of the V-VPAT paper record. Containers~~
29 ~~shall be sealed, with record of the seal numbers maintained on file and~~
30 ~~signed by two elections officials.~~

31 ~~11.6.3.4 A master catalog shall be maintained for the election containing the~~
32 ~~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 AN ~~VENDOR OF~~ ELECTRONIC VOTE
10 COUNTING EQUIPMENT ~~VENDOR~~ may choose to have the VENDOR DELIVER
11 THE necessary election setup records. ~~delivered to the Secretary of State's~~
12 ~~office within 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~~

- 1 ~~11.8.1 Voting System Providers must place in escrow a copy of the election software and~~
2 ~~supporting documentation being certified with either the Secretary of State or an~~
3 ~~independent escrow agent approved by the Secretary of State. See section~~
4 ~~1-7-511, C.R.S.~~
- 5 ~~11.8.2 Within ten days of the Voting System provider receiving notification of~~
6 ~~examination of voting equipment as part of the certification process, the Voting~~
7 ~~System Provider shall arrange for the completion of escrow requirements as~~
8 ~~indicated by this rule.~~
- 9 ~~11.8.3 Voting System Provider shall sign a sworn affidavit that the election software in~~
10 ~~escrow is the same as the election software used in its voting systems in this state.~~
11 ~~An annual update of the affidavit will be on file in a secured location with the~~
12 ~~Secretary of State's office.~~
- 13 ~~11.8.4 A complete copy of the certified election software including any and all~~
14 ~~subsystems of the certified software shall be maintained in escrow.~~
- 15 ~~11.8.5 Any changes to current configurations or new installations must be approved~~
16 ~~through the certification program of the Secretary of State.~~
- 17 ~~11.8.6 In addition to the requirements listed below, the Voting System Provider must~~
18 ~~include a cover/instructions sheet for any escrow material to include the Voting~~
19 ~~System Provider Name, Address and pertinent contact information, Software~~
20 ~~Version, Hardware Version, Firmware Revision Number and other uniquely~~
21 ~~identifying numbers of the software submitted for certification.~~
- 22 ~~11.8.7 Election Software Source Code, maintained in escrow, shall contain internal~~
23 ~~documentation such that a person reasonably proficient in the use of the~~
24 ~~programming language can efficiently use the documentation to understand the~~
25 ~~program structure, control techniques, and error processing logic in order to~~
26 ~~maintain the Source Code should it be removed from escrow for any reason.~~
- 27 ~~11.8.8 System documentation shall include instructions for converting the escrowed~~
28 ~~Source Code into Object Code, organized and configured to produce an~~
29 ~~executable system, if warranted.~~
- 30 ~~11.8.9 System documentation shall include technical architecture design, analysis, detail~~
31 ~~design, testing and an installation and configuration guide.~~
- 32 ~~11.8.10 — A set of schematics and drawings on electronic vote casting and counting~~
33 ~~equipment purchased or in use by the county clerk and recorder shall be on file~~
34 ~~with the Secretary of State.~~
- 35 ~~11.8.11 — All parties shall treat as confidential the terms of this Section including all~~
36 ~~escrow materials and any other related information that comes into their~~
37 ~~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~~ THE COUNTY MUST INDICATE
20 THAT ~~ELECTION NIGHT~~ REPORTING IS COMPLETE IN THE ENR SYSTEM FOR
21 ELECTION DAY AFTER THE COUNTY UPLOADS THE LAST RESULTS ON
22 ELECTION NIGHT.

23 11.11.4 AFTER CANVASS THE COUNTY MUST EXPORT OR PRODUCE ELECTION
24 RESULTS, AND CHECK THE APPROPRIATE BOX IN THE ENR SYSTEM TO INDICATE
25 THAT THE CANVASS UPLOAD IS COMPLETE.

26 **Rule 12. RECALL**

27 ~~32.2~~-12.1 Signature requirements

28 ~~32.2.1~~-12.1.1 For petitions to recall school district directors the petition must be signed
29 by the eligible electors of the director's district equal in number to at least 40%
30 of the ballots cast in the district in the last preceding election at which the
31 director to be recalled was elected as indicated by the pollbook or abstract for
32 the election. See section 1-12-105, C.R.S.

33 ~~32.2.2~~-12.1.2 When determining the number of required valid signatures for an elected
34 office for which electors were allowed to vote for more than one candidate in a
35 single race, the signature requirements shall be based on the number of ballots

1 cast for that race as indicated by the pollbook or abstract for the election.

2 ~~32.6-12.2~~ In accordance with section 3 of article XXI of the Colorado constitution and
3 section 1-12-117 (1), C.R.S., for partisan recall elections involving a state officer, in
4 order to appear on the ballot a successor candidate must file a nomination petition with
5 the Secretary of State no later than ten calendar days after the Governor sets the election
6 date. A write-in candidate must file an affidavit of intent to run as a write-in candidate no
7 later than the fifteenth day before the election.

8 ~~32.6 12.3~~ In accordance with section 3 of article XXI of the Colorado constitution and
9 section 1-12-117(1), C.R.S., for partisan recall elections involving a state officer, in order
10 to appear on the ballot a successor candidate must file a nomination petition with the
11 Secretary of State no later than ten calendar days after the Governor sets the election date.
12 A write-in candidate must file an affidavit of intent to run as a write-in candidate no later
13 than the fifteenth day before the election.

14 *[Current Rule 32.6, adopted on a temporary basis on July 22, 2013, is moved to new Rule 12.3]*

15 **Rule 13. ELECTION AND HAVA COMPLAINTS**

16 13.1 ELECTION COMPLAINT PROCEDURES

17 13.1.1 ANY PERSON WHO HAS PERSONALLY WITNESSED A VIOLATION OF TITLE 1, C.R.S.
18 MAY FILE AN ELECTION COMPLAINT.

19 13.1.2 AN ELECTION COMPLAINT MUST INCLUDE THE APPROVED SECRETARY OF STATE'S
20 ELECTION COMPLAINT COVER SHEET.

21 13.1.3 PROCESSING AND DOCKETING ELECTION COMPLAINTS

22 (A) WITHIN THREE BUSINESS DAYS OF RECEIVING A COMPLAINT, ELECTION
23 DIVISION STAFF WILL REVIEW THE COMPLAINT TO DETERMINE IF IT
24 SATISFIES RULE ~~34.2-13.1.2~~ AND SUFFICIENTLY ALLEGES A VIOLATION.

25 (1) IF THE COMPLAINT DOES NOT MEET THE CRITERIA, ELECTION DIVISION
26 STAFF WILL NOTIFY THE COMPLAINANT OF THE DISCREPANCY.

27 (2) IF A COMPLAINT MEETS THE CRITERIA, ELECTION DIVISION STAFF
28 WILL ASSIGN A COMPLAINT NUMBER, NOTIFY THE COMPLAINANT, AND
29 SEND A COPY OF THE COMPLAINT TO THE PERSON OR ENTITY ALLEGED
30 TO HAVE COMMITTED A VIOLATION.

31 (B) AFTER NOTIFICATION, THE PERSON OR ENTITY ALLEGED TO HAVE
32 COMMITTED THE VIOLATION WILL HAVE 15 BUSINESS DAYS TO SUBMIT A
33 WRITTEN RESPONSE TO THE SECRETARY OF STATE'S OFFICE.

34 13.1.4 AMENDING AN ELECTION COMPLAINT

1 (A) A COMPLAINANT MAY AMEND A COMPLAINT WITHIN SEVEN DAYS AFTER
2 FILING IF HE OR SHE DISCOVERS NEW FACTS RELATING TO THE EXISTING
3 COMPLAINT.

4 (B) AN AMENDMENT MAY NOT CONTAIN ALLEGATIONS OF A NEW VIOLATION.

5 13.1.5 INVESTIGATION

6 (A) AFTER THE RESPONSE PERIOD OUTLINED IN RULE 31.3.2, ELECTION
7 DIVISION STAFF WILL INVESTIGATE THE COMPLAINT.

8 (B) IF THE SECRETARY OF STATE DETERMINES AN IMMEDIATE INVESTIGATION IS
9 REQUIRED, ELECTION DIVISION STAFF WILL BEGIN INVESTIGATING BEFORE
10 THE RESPONSE PERIOD HAS CLOSED. IN MAKING THE DETERMINATION, THE
11 SECRETARY WILL CONSIDER WHETHER THE ISSUE HAS THE POTENTIAL TO
12 AFFECT AN UPCOMING ELECTION.

13 (C) DEPENDING ON THE VIOLATION ALLEGED, ELECTION DIVISION STAFF MAY:

14 (1) REVIEW DOCUMENTS;

15 (2) VISIT THE COUNTY;

16 (3) CONDUCT INTERVIEWS;

17 (4) TEST EQUIPMENT; OR

18 (5) TAKE OTHER STEPS NECESSARY.

19 (D) WHILE AN INVESTIGATION IS ONGOING, COUNTY CLERK AND RECORDERS
20 AND STAFF MUST ACCOMMODATE REQUESTS BY ELECTION DIVISION STAFF
21 IN THE TIMEFRAME REQUESTED BY STAFF.

22 13.1.6 RESOLUTION OF ELECTION COMPLAINTS

23 (A) AFTER AN INVESTIGATION AND HEARING, IF APPLICABLE, ELECTION
24 DIVISION STAFF WILL:

25 (1) DISMISS THE COMPLAINT AS NOT SUPPORTED BY CREDIBLE EVIDENCE;

26 (2) REFER THE COMPLAINT TO A PROSECUTING AUTHORITY UNDER
27 ARTICLE 13 OF TITLE 1, C.R.S.; OR

28 (3) FIND A VIOLATION, ~~AND~~ RECOMMEND A RESOLUTION, ~~AND (B)~~
29 ~~ELECTION DIVISION STAFF WILL~~ FORWARD THE RECOMMENDATION
30 FOR RESOLUTION TO THE SECRETARY OF STATE, WHO WILL ADOPT,
31 AMEND, OR REJECT THE RECOMMENDATION.

32 13.1.7 THE SECRETARY OF STATE'S DETERMINATION IS A FINAL AGENCY ACTION

1 13.2 HELP AMERICA VOTE ACT (HAVA) COMPLAINT PROCEDURES

2 13.2.1 ANY PERSON WHO HAS BEEN PERSONALLY AGGRIEVED BY OR HAS PERSONALLY
3 WITNESSED BELIEVES THAT A VIOLATION OF TITLE III OF THE HELP AMERICA
4 VOTE ACT (HAVA) HAS OCCURRED, IS OCCURRING, OR IS ABOUT TO OCCUR, MAY
5 FILE A HAVA COMPLAINT WITH THE SECRETARY OF STATE.

6 13.2.2 A HAVA COMPLAINT MUST INCLUDE THE APPROVED SECRETARY OF STATE'S
7 HAVA COMPLAINT COVER SHEET.

8 13.2.3 PROCESSING AND DOCKETING HAVA COMPLAINTS

9 (A) WITHIN THREE BUSINESS DAYS OF RECEIVING A COMPLAINT, ELECTION
10 DIVISION STAFF WILL REVIEW THE COMPLAINT TO DETERMINE IF IT
11 SATISFIES RULE ~~31.2~~ 13.2.1 AND SUFFICIENTLY ALLEGES A VIOLATION.

12 (1) IF THE COMPLAINT DOES NOT INCLUDE A COVER SHEET, ELECTION
13 DIVISION STAFF WILL NOTIFY THE COMPLAINANT OF THE
14 DISCREPANCY.

15 ~~(2) IF A COMPLAINT DOES NOT SUFFICIENTLY ALLEGE A VIOLATION OF~~
16 ~~TITLE III OF HAVA, ELECTION DIVISION STAFF WILL DISMISS THE~~
17 ~~COMPLAINT WITHOUT PREJUDICE.~~

18 ~~(3-2)~~ IF A COMPLAINT MEETS BOTH THE CRITERIA, ELECTION DIVISION
19 STAFF WILL ASSIGN A COMPLAINT NUMBER, NOTIFY THE
20 COMPLAINANT, AND SEND A COPY OF THE COMPLAINT TO THE PERSON
21 OR ENTITY ALLEGED TO HAVE COMMITTED A VIOLATION.

22 (B) AFTER NOTIFICATION, THE PERSON OR ENTITY ALLEGED TO HAVE
23 COMMITTED THE VIOLATION WILL HAVE 15 BUSINESS DAYS TO SUBMIT A
24 WRITTEN RESPONSE TO THE SECRETARY OF STATE'S OFFICE.

25 13.2.4 AMENDING A HAVA COMPLAINT

26 (A) A COMPLAINANT MAY AMEND A COMPLAINT WITHIN SEVEN DAYS AFTER
27 FILING IF HE OR SHE DISCOVERS NEW FACTS RELATING TO THE EXISTING
28 COMPLAINT.

29 (B) AN AMENDMENT MAY NOT CONTAIN ALLEGATIONS OF A NEW VIOLATION.

30 13.2.5 INVESTIGATION

31 (A) AFTER THE RESPONSE PERIOD OUTLINED IN RULE 31.3.2, ELECTION
32 DIVISION STAFF WILL INVESTIGATE THE COMPLAINT.

33 (B) IF THE SECRETARY OF STATE DETERMINES AN IMMEDIATE INVESTIGATION IS
34 REQUIRED, ELECTION DIVISION STAFF WILL BEGIN INVESTIGATING BEFORE

1 THE RESPONSE PERIOD HAS CLOSED. IN MAKING THE DETERMINATION, THE
2 SECRETARY WILL CONSIDER WHETHER THE ISSUE HAS THE POTENTIAL TO
3 AFFECT AN UPCOMING ELECTION.

4 (C) DEPENDING ON THE VIOLATION ALLEGED, ELECTION DIVISION STAFF MAY:

- 5 (1) REVIEW DOCUMENTS;
- 6 (2) VISIT THE COUNTY;
- 7 (3) CONDUCT INTERVIEWS;
- 8 (4) TEST EQUIPMENT; OR
- 9 (5) TAKE OTHER STEPS NECESSARY.

10 (D) WHILE AN INVESTIGATION IS ONGOING, COUNTY CLERK AND RECORDERS
11 AND STAFF MUST ACCOMMODATE REQUESTS BY ELECTION DIVISION STAFF
12 IN THE TIMEFRAME REQUESTED BY STAFF.

13 13.2.6 HEARING AND RESOLUTION OF HAVA COMPLAINTS

14 (A) IF THE COMPLAINANT REQUESTS, THE SECRETARY OF STATE OR HIS OR HER
15 DESIGNEE WILL HOLD A HEARING.

16 (B) AFTER THE INVESTIGATION AND HEARING, IF ANY, ELECTION DIVISION
17 WILL:

- 18 (1) DISMISS THE COMPLAINT AS NOT SUPPORTED BY CREDIBLE EVIDENCE;
- 19 (2) REFER THE COMPLAINT TO A PROSECUTING AUTHORITY UNDER
20 ARTICLE 13 OF TITLE 1, C.R.S.;
- 21 (3) FIND A VIOLATION, AND RECOMMEND A RESOLUTION, ~~(E)~~
22 ~~ELECTION DIVISION STAFF WILL~~ FORWARD THE RECOMMENDATION
23 FOR RESOLUTION TO THE SECRETARY OF STATE, WHO WILL ADOPT,
24 AMEND, OR REJECT THE RECOMMENDATION.

25 13.2.7 THE SECRETARY OF STATE'S DETERMINATION IS A FINAL AGENCY ACTION.

26 *[Current Rule 31 is repealed and complaint rules are moved to new Rule 13 as shown above.]*

27 **Rule 14. ~~Rules Regulating~~ Voter Registration Drives**

28 ~~44.1-14.1~~ 14.1 Statement of Intent

29 ~~44.1-14.1.1~~ 14.1.1 In accordance with section 1-2-701, C.R.S., *et seq.*, the organizer of a
30 Voter Registration Drive ("VRD") shall MUST file a Statement of Intent AND
31 TRAINING ACKNOWLEDGMENT FORM with the Secretary of State to conduct a

1 voter registration drive. ~~on a form prescribed by the Secretary of State.~~ The
2 ~~Statement of Intent shall~~ STATEMENT OF INTENT AND TRAINING
3 ACKNOWLEDGMENT FORM MUST include the following information:

- 4 (a) The name of the group conducting the VRD, and the name and contact
5 information of the individual organizing the VRD;
- 6 (b) The name of the agent (who is required to be a Colorado resident) and the
7 contact information for that agent, if different from the person organizing
8 the VRD;
- 9 (c) A statement specifying that the VRD intends to operate within the State of
10 Colorado;
- 11 (d) A notice that the VRD number expires at the end of the calendar year; and
- 12 (e) A signature line requiring the organizer's signature.

13 ~~44.1.2-14.1.2 Any amendments to the Statement of Intent shall be filed in writing.~~ A
14 VRD ORGANIZER MUST FILE AMENDMENTS TO THE STATEMENT OF INTENT AND
15 TRAINING ACKNOWLEDGMENT FORM with the Secretary of State no later than
16 three business days after the change(s) occurs. Amendments may be made by fax,
17 email, mail or in person.

18 ~~44.1.3-14.1.3~~ The Secretary of State ~~shall~~ WILL immediately attempt to verify the
19 information provided in the Statement of Intent AND TRAINING
20 ACKNOWLEDGMENT FORM prior to issuing a number to the VRD organizer. The
21 Secretary of State may deny a number to the voter registration drive organizer if
22 the information provided on the Statement of Intent cannot be verified.

23 ~~44.1.4-14.1.4~~ The last day for a VRD to file a Statement of Intent AND TRAINING
24 ACKNOWLEDGMENT FORM with the Secretary of State ~~shall be~~ IS THE 22ND days
25 before ~~the~~ A COORDINATED, PRIMARY, OR General Election ~~in a given calendar~~
26 ~~year.~~

27 ~~44.2-14.2~~ Training

28 ~~44.2.1-14.2.1 In order to be issued~~ TO RECEIVE a VRD number, the organizer VRD shall
29 MUST successfully complete the online training and test provided by the Secretary
30 of State, and submit a Statement of Intent ~~along with a~~ AND Training
31 Acknowledgment form to the Secretary of State.

32 ~~44.2.2-14.2.2 In addition to training for the organizer, the Secretary of State shall make~~
33 ~~available information for the organizer to train individual circulators. Organizers~~
34 ~~shall provide training to all circulators. Organizers shall obtain and maintain on~~
35 ~~file RETAIN signed attestations from each circulator that he or she will adhere to~~
36 ~~all the requirements of the Secretary of State election rules and the Colorado~~
37 ~~Revised Statutes pertaining to elections, and that they are aware of the penalties~~

1 associated with the mishandling of voter registration application forms. The
2 organizers shall furnish the circulator attestations to the secretary of state
3 SECRETARY OF STATE upon request. BEGINNING JANUARY 1, 2014, A CIRCULATOR
4 MUST SUCCESSFULLY COMPLETE THE ONLINE TRAINING AND TEST PROVIDED BY THE
5 SECRETARY OF STATE.

6 (A) THE SECRETARY OF STATE WILL ISSUE A COMPLETION CERTIFICATE WHEN
7 THE CIRCULATOR COMPLETES THE TRAINING AND TEST.

8 (B) A COMPLETION CERTIFICATE IS VALID UNTIL THE END OF THE CALENDAR
9 YEAR.

10 (C) A CIRCULATOR MUST PRESENT THE COMPLETION CERTIFICATE TO THE VRD
11 ORGANIZER BEFORE CIRCULATING WITH THE VOTER REGISTRATION DRIVE.

12 (D) A VRD CIRCULATOR MAY PRESENT THE COMPLETION CERTIFICATE TO MORE
13 THAN ONE VRD ORGANIZER.

14 ~~44.2.3~~ 14.2.3 The mandatory training provided by the Secretary of State ~~shall~~ will
15 include, ~~but not be limited to:~~

- 16 (a) The use of the VRD Application;
- 17 (b) Information on where to obtain the VRD Application;
- 18 (c) Information on how to ensure that a VRD Application is filled out
19 completely; including which fields are optional and which are required;
20 ~~and how to fill out the circulator portion of the Application;~~
- 21 (d) Notice of statutory deadlines relating to Voter Registration Applications
22 and VRDs;
- 23 (e) The requirements for ~~when and where~~ DELIVERING the COMPLETED Voter
24 Registration Applications ~~must be turned in~~;
- 25 (f) Penalties for violating statutory prohibitions including fraud, intimidation,
26 mishandling Applications, failing to turn in Applications and other
27 penalties relevant to VRDs;
- 28 (g) The handling and treatment of confidential information on the Voter
29 Registration Applications; and
- 30 (h) Notice that circulators ~~shall not~~ CANNOT be paid per Voter Registration
31 Application, but if compensated, ~~shall~~ THEY MUST be paid by the hour or
32 day.

1 ~~44.2.4~~14.2.4 The training ~~shall be~~ IS provided online., BUT IF ~~If~~ a VRD organizer OR
2 CIRCULATOR prefers, he or she may schedule a time to view the training at the
3 office of the Secretary of State.

4 ~~44.2.5~~14.2.5 After completing the training, the VRD organizer must complete the
5 training test and answer the questions 100% correctly before THE SECRETARY OF
6 STATE WILL ISSUE a VRD number ~~will be issued~~.

7 ~~44.2.6~~14.2.6 After completing the training and test, the VRD organizer ~~shall~~ MUST sign
8 a STATEMENT OF INTENT AND TRAINING ACKNOWLEDGMENT ~~Training~~
9 Acknowledgement FORM confirming that the training and test have been
10 completed and that he or she ~~has been duly~~ WAS informed of rules, laws and
11 penalties relating to voter ~~registration~~ REGISTRATION drives.

12 ~~44.2.7~~14.2.7 A Voter Registration Drive organizer must complete the training and test
13 every calendar year in which he or she intends to conduct a VRD.

14 ~~44.3~~14.3 Number Assigned

15 ~~44.3.1~~14.3.1 After successful completion of the required training and test, and
16 submission of the ~~required forms~~ STATEMENT OF INTENT AND TRAINING
17 ACKNOWLEDGMENT FORM, the Secretary of State ~~shall~~ WILL assign a unique
18 number to the VRD. After issuing a unique number to the VRD, the Secretary of
19 State ~~shall~~ WILL:

- 20 (a) Advise the VRD organizer of their unique number;
- 21 (b) Notify the county clerks within 24 hours after each VRD number has been
22 issued by the Secretary of State; and
- 23 (c) Post the agent and the name of the group conducting the drive on the
24 Secretary of State website.

25 ~~44.3.2~~14.3.2 All assigned VRD numbers are valid through December 31 of the year that
26 the number is assigned.

27 ~~44.4~~14.4 Voter Registration Drive Voter Application Forms

28 ~~44.4.1~~14.4.1 The Secretary of State ~~shall~~ WILL approve a standard Colorado Voter
29 Registration DRIVE Application Form ~~to be used by the VRD that shall include a~~
30 ~~tear-off receipt~~.

- 31 (a) The VRD may also use the National Mail Voter Registration Form.
32 ~~Because the National Mail Voter Registration Form does not include a~~
33 ~~tear-off receipt, the applicant and VRD are afforded greater protection~~
34 ~~when the standard Colorado form is used.~~

1 ~~44.4.2-14.4.2~~ The Secretary of State and county clerks shall make available the official,
2 approved Colorado Voter Registration Drive Application Forms to the VRD
3 organizer—A VRD ORGANIZER CAN OBTAIN COLORADO VOTER REGISTRATION
4 DRIVE APPLICATION FORMS FROM COUNTY CLERK AND RECORDERS AND THE
5 SECRETARY OF STATE.

6 ~~44.4.3-14.4.3~~ The organizer shall be IS responsible for placing the VRD number on the
7 application form and the receipt portion of the standard Colorado form.

8 ~~44.4.4~~ The person circulating the Voter Registration Application Forms shall ensure that
9 the tear off receipt on the standard Colorado Application is completed and given
10 to the applicant. The person circulating the voter application forms shall advise
11 the applicant that the receipt may be needed when he or she votes.

12 ~~44.4.5-14.4.4~~ The VRD organizer MUST RECEIVE A VRD NUMBER BEFORE HE OR SHE CAN
13 is not eligible to receive the approved Colorado Voter Registration drive DRIVE
14 Application Forms. until the organizer has completed training, signed the
15 statement of intent, completed and signed the Acknowledgement, and been
16 assigned a number.

17 ~~44.4.6-14.4.5~~ Any voter registration drive that provides a voter registration application
18 on its website or a link to such voter registration form must direct the applicant to
19 return the completed form directly to the county clerk and recorder of the
20 applicant's legal residence. No voter registration drive may provide a voter
21 registration form on its website or a link to such voter registration form which
22 instructs or directs, in any way, the applicant to return the completed form to
23 anyone or any group other than directly to the county clerk and recorder of the
24 applicant's legal residence or, in the case of overseas electors or UOCAVA
25 electors, the county clerk and recorder or the Secretary of State.

26 ~~44.5—~~Repealed.

27 ~~44.6-14.5~~ Voter Registration Drive Complaints and fines

28 ~~44.6.1-14.5.1~~ Any person, including the Secretary of State, who believes a VRD
29 organizer or circulator has not complied with the requirements of section 1-2-701
30 et seq., C.R.S., or this Rule ~~44-14~~ may file a written complaint with the Secretary
31 of State.

32 ~~44.6.2-14.5.2~~ A written complaint filed with the Secretary of State shall MUST contain
33 the following information:

34 ~~a-~~(A) The complainant's name;

35 ~~b-~~(B) The complainant's full residence address and mailing address (if different
36 from residence);

- 1 e-(C) A description of the alleged violation, which may include a reference to
- 2 the particular statute or rule;
- 3 d-(D) The name and assigned number of the VRD, if known;
- 4 e-(E) The date and location of the alleged violation, if known; and
- 5 f-(F) Other applicable or relevant information

6 ~~44.6.3 Repealed.~~

7 ~~44.6.4~~14.5.3 The Secretary of State ~~shall~~ WILL review all complaints submitted in
 8 writing and conduct such investigations as may be necessary and appropriate. If
 9 the Secretary of State determines that a violation has occurred, the Secretary of
 10 State ~~shall~~ WILL impose a fine in accordance with section 1-2-703, C.R.S., and
 11 notify the VRD organizer of:

12 44.6.4.1(A) The date and factual basis of each act with which the VRD
 13 organizer is being charged;

14 44.6.4.2(B) The particular provision of the statute violated; and

15 44.6.4.3(C) The amount of the fine imposed.

16 ~~44.6.5~~14.5.4 Notification of violation ~~shall~~WILL be sent by certified or registered mail,
 17 return receipt requested, to the last known address of the VRD organizer.

18 ~~44.6.6~~14.5.5 The VRD organizer may appeal a fine and ~~shall have~~ HAS ~~thirty (30)~~30
 19 days following receipt of notification to submit a written response setting forth the
 20 reason(s) that the VRD organizer is appealing the fine. The VRD organizer may
 21 request, within the ~~thirty (30)~~30 days, a hearing with the secretary of state to
 22 dispute the fine.

23 ~~44.6.7~~14.5.6 Within ~~thirty (30)~~30 days after receipt of the written response, or hearing
 24 procedures, the secretary of state ~~shall~~WILL issue an order affirming or dismissing
 25 the imposed fine.

26 *[Current Rule 44 is amended and moved to new Rule 14. Amendments between the current and*
 27 *new rule language are shown below.]*

28 **Rule 15. ~~Rules Concerning~~ Preparation, Filing, and Verification of Statewide Initiative**
 29 **Petitions**

30 15.1 PETITION ENTITY license, registration, ~~and~~ filing, AND CIRCULATION. ~~procedures.~~

31 15.1.1 ~~In accordance with section 1-40-135, C.R.S., any person or issue committee A~~
 32 PETITION ENTITY that intends to ~~compensate~~ PAY petition circulators must obtain a
 33 petition entity license, PAY A FEE, and register with the Secretary of State ~~prior to~~

1 ~~compensating any circulator~~ BEFORE CIRCULATING PETITIONS. THE LICENSE
2 APPLICATION MUST INCLUDE:

3 ~~15.1.2 To apply for a license the designated agent of a petition entity must pay a fee and~~
4 ~~submit a signed application including:~~

5 ~~a.-(A) The PETITION ENTITY'S name, address, telephone number, and email~~
6 ~~address; of the petition entity;~~

7 ~~b.-(B) The DESIGNATED AGENT'S name AND; of the designated agent;~~

8 ~~e. —An affirmation that the entity will not pay any circulator more than 20% of~~
9 ~~his or her compensation on a per signature or per petition basis; and~~

10 ~~d.-(C) An affirmation that at least one representative of the entity THE~~
11 ~~DESIGNATED AGENT has read and understands Colorado petition laws as~~
12 ~~outlined in article 40 OF title 1, C.R.S., and has completed the SECRETARY~~
13 ~~OF STATE'S circulator training program. provided by the Secretary of State.~~

14 ~~15.1.3-15.1.2 BEFORE COMPENSATING A CIRCULATOR, To register with the Secretary of~~
15 ~~State, the designated agent of a licensed petition entity must REGISTER WITH THE~~
16 ~~SECRETARY OF STATE BY SUBMITTING submit a signed registration form in~~
17 ~~accordance with section 1-40-135(5)(a), C.R.S., and provide THAT INCLUDES a list~~
18 ~~of the PROPOSED INITIATIVES initiative numbers that the petition entity will~~
19 ~~circulate.~~

20 ~~15.1.4 A registration form must be submitted for each new initiative petition that will be~~
21 ~~circulated prior to compensating any circulator for that petition.~~

22 ~~15.1.5-15.1.3 A petition entity license expires if the IF A petition entity fails to register at~~
23 ~~least one A proposed measure INITIATIVE over any two-year period, THE LICENSE~~
24 ~~EXPIRES. The Secretary of State will notify a petition entity that its license has~~
25 ~~expired within 30 days from AFTER the date of expiration.~~

26 ~~15.1.6-15.1.4 A petition entity whose license has expired may renew its AN EXPIRED~~
27 ~~license WITHOUT A FEE by submitting a NEW license application. in accordance~~
28 ~~with Rule 15.1.2. No fee is required to submit an application to renew an expired~~
29 ~~license.~~

30 ~~15.1.7 Determinations regarding the denial of an application or revocation of a license~~
31 ~~will be made, or the resolution of alleged violations involving petition entities~~
32 ~~shall be addressed, in accordance with the requirements of section 1-40-135,~~
33 ~~C.R.S.~~

34 ~~15.1.8 At the time the petition is filed, the proponents shall file with the Secretary of~~
35 ~~State a copy of the list of circulators and a copy of the list of notaries required by~~
36 ~~section 1-40-111(4), C.R.S., as well as the campaign finance disclosure report~~
37 ~~required by section 1-40-121(1), C.R.S.~~

1 15.2 Petition representatives.

2 15.2.1 ~~No petition shall be accepted which lists proponents other than the two identified~~
3 ~~as petition representatives pursuant to section 1-40-104, C.R.S.~~ A PETITION
4 SECTION MUST LIST THE NAMES OF THE TWO PROPONENTS OR THE NAMES OF THE
5 TWO DESIGNATED REPRESENTATIVES, AS DEFINED IN 1-40-104, C.R.S.

6 15.2.2 THE TERM “PERSON RESPONSIBLE,” AS USED IN ~~For the purposes of section 1-40-~~
7 ~~118(2.5)(a), C.R.S., the “person responsible” includes but is not necessarily~~
8 ~~limited to any~~ MEANS A person or entity who circulates a petition, or causes a
9 petition to be circulated, and who commits, authorizes, or knowingly permits
10 fraud as defined in sections 1-40-111(3)(a) and 1-40-135(2)(c), C.R.S., ~~resulting~~
11 ~~in the collection of~~ THAT RESULTS IN invalid signatures or petition sections.

12 15.3 Petition circulation.

13 15.3.1 ~~Proponents may begin circulating a petition for signatures at any time~~ PETITION
14 CIRCULATION MAY BEGIN after the TITLE BOARD’S final decision ~~of the title board,~~
15 including disposition of any REHEARING motion ~~for rehearing or the expiration of~~
16 AND AFTER the time for filing a REHEARING motion ~~for rehearing,~~ and after the
17 Secretary of State has approved the PETITION format. ~~of the petition as provided in~~
18 ~~section 1-40-113(1), C.R.S., whether or not an appeal is filed with the Supreme~~
19 ~~Court pursuant to section 1-40-107(2).~~ If an appeal is filed with the Supreme
20 Court, the six-month period specified in section 1-40-108(1), C.R.S., ~~shall begin~~
21 BEGINS on the date ~~that the first signature is affixed to the petition~~ IS FIRST SIGNED
22 or on the date ~~that the SUPREME COURT’S decision of the Supreme Court~~ becomes
23 final, whichever date ~~occurs~~ IS first. Signatures ~~shall be counted only if affixed to~~
24 ~~the petition during the period provided in this rule~~ GATHERED OUTSIDE OF THIS
25 PERIOD ARE INVALID.

26 15.3.2 The petition circulator ~~shall~~ MUST provide ~~his or her~~ A permanent residence
27 address ~~as defined in paragraph (a) of this rule~~ on the circulator affidavit. ~~In~~
28 ~~addition to providing his or her permanent residence address,~~ If the circulator is
29 not a permanent COLORADO resident, ~~of Colorado as described in section 1-2-~~
30 ~~102(1)(a)(i), C.R.S., and paragraph a of this rule,~~ the circulator ~~shall~~ MUST also
31 provide the address in Colorado where he or she is temporarily living. ~~as of the~~
32 ~~date the affidavit is signed.~~

33 a.(A) For purposes of Article 40 of Title 1, C.R.S., and this rule, a circulator's
34 permanent “residence” or “domicile” means his or her principal or primary
35 home or place of abode in which a circulator's habitation is fixed and to
36 which the circulator, whenever absent, has the present intention of
37 returning after a departure or absence, regardless of the duration of the
38 absence. A permanent “residence” or “domicile” is a permanent building
39 or part of a building and may include a house, condominium, apartment,
40 room in house, or mobile home. Except as provided in paragraph (b) of
41 this rule, ~~no~~ A vacant lot, business address, or post office box ~~shall be~~

1 ~~considered~~ IS NOT a permanent “residence” or “domicile”. (Sections 1-2-
2 102(1)(a)(i) and 1-40-121(1)(b), C.R.S.)

3 b.(B) ~~For the purposes of petition circulator residence address,~~ A homeless
4 circulator ~~shall~~ MUST provide the address or location where he or she is
5 living ~~as of the date the affidavit is signed.~~ The circulator must provide a
6 physical location; a post office box may not be provided.

7 e.(C) For the purposes of sections 1-40-106(4)(b), 1-40-111(3)(a), 1-40-
8 121(2)(a), and 1-40-135(2)(c), C.R.S., a circulator’s permanent residence
9 address that does not comply with this Rule 15.3.2 is ~~considered~~ a “false
10 address”.

11 15.4 ~~Only one filing of a petition or an addendum is allowed.~~ PROPONENTS MAY FILE A
12 PETITION OR ADDENDUM ONLY ONCE, AND. ~~After a petition or an addendum is filed, the~~
13 ~~petition or the addendum~~ may not be supplemented with SUPPLEMENT additional
14 signatures AFTER FILING THE PETITION OR ADDENDUM, EVEN IF THE ADDITIONAL
15 SIGNATURES ARE OFFERED BEFORE THE DEADLINE TO SUBMIT THE ORIGINAL PETITION OR
16 ADDENDUM. ~~If additional signatures are submitted after the original filing, such~~
17 ~~signatures shall not be counted, even if such signatures are submitted within the time~~
18 ~~permitted by law for the filing of the original petition or addendum.~~

19 ~~17.1-15.5~~ ~~General procedures concerning verification of petitions.~~ PETITION RECEIPT BY
20 SECRETARY OF STATE.

21 ~~17.1.1-15.5.1~~ ~~No petition shall be accepted which-~~ EXCEPT AS SPECIFIED IN RULE 15.2.1,
22 THE SECRETARY OF STATE WILL NOT ACCEPT A PETITION THAT lists proponents
23 other than those authorized by law.

24 ~~17.1.2-15.5.2~~ ~~When the petitions are received, each section shall be date stamped and~~
25 ~~consecutively numbered with a four digit number.~~ UPON RECEIPT OF A PETITION,
26 SECRETARY OF STATE STAFF WILL DATE-STAMP AND CONSECUTIVELY NUMBER
27 PETITION SECTIONS WITH A FOUR DIGIT NUMBER. The number may be printed by
28 a printer, hand-stamped with a manual stamp, or handwritten.

29 ~~17.1.3~~ ~~Each petition shall be either an individual sheet for signatures or multiple sheets~~
30 ~~that are stapled together.~~

31 ~~17.1.4-15.5.3~~ STAFF WILL INSPECT each PETITION section ~~shall be checked~~ for evidence
32 of disassembly. If it appears that the section was disassembled, THE SECRETARY
33 OF STATE WILL REJECT all ~~entries~~ SIGNATURES in the section. ~~shall be rejected.~~

34 ~~17.1.5-15.5.4~~ STAFF WILL CONSECUTIVELY NUMBER EACH LINE ~~the lines~~ on each petition
35 section. ~~shall be consecutively numbered.~~ FOR PURPOSES OF THIS RULE, “LINE”
36 MEANS the block of information ~~which consists of~~ THAT CONTAINS the printed
37 last name, first name, middle initial, county, signing date, street address, city,
38 and signature OF A PETITION SIGNER. ~~is considered a line.~~

1 ~~17.1.6~~ 15.5.5 If the number of ~~entries~~ LINES is less than the ~~total~~ number of signatures
2 required to certify the measure to the ballot, THE SECRETARY OF STATE WILL
3 ISSUE a statement of insufficiency. ~~shall be issued.~~

4 ~~17.1.7~~ 15.5.6 STAFF WILL COUNT each line with writing ~~shall be counted~~ on each petition
5 SECTION. FOR PURPOSES OF THIS RULE, AN "ENTRY" MEANS A COUNTED LINE
6 WITH WRITING. ~~and shall be considered an entry.~~ AT THE BOTTOM OF EACH
7 PAGE, STAFF WILL WRITE the number of entries ~~for each~~ ON THAT page ~~of the~~
8 ~~section shall be written on the page~~ and, ON THE FACE OF EACH PETITION
9 SECTION, STAFF WILL WRITE the total NUMBER entries for ~~the~~ THAT section. ~~shall~~
10 ~~be written on the face of the petition section.~~

11 a.(A) STAFF WILL NOT COUNT ~~BLANK OR COMPLETELY CROSSED-OUT LINES. A~~
12 ~~line that has WITH no writing or marks on it OR A LINE WITH COMPLETELY~~
13 ~~CROSSED-OUT WRITING ON IT AS AN ENTRY. shall not be considered an entry.~~

14 b. ~~A line that has writing on it but is completely crossed out shall not be~~
15 ~~considered an entry.~~

16 e.(B) STAFF WILL COUNT a line ~~which has~~ WITH INCOMPLETE writing, A PARTIAL
17 CROSS OUT, OR WITH WHAT APPEARS ON ITS FACE TO BE AN INVALID
18 SIGNATURE AS AN ENTRY. ~~on it but is incomplete or on its face contains an~~
19 ~~invalid signature or which is partially crossed out shall be considered an~~
20 ~~entry to be included in this count.~~

21 ~~17.1.8~~ 15.5.7 ~~Additional signatures submitted after the original filing of an initiative~~
22 ~~petition or addendum, or candidate petition shall be rejected, even if such~~
23 ~~signatures are submitted to the designated election official within the time~~
24 ~~permitted by law for the original filing.~~ THE SECRETARY OF STATE WILL NOT
25 ACCEPT OR COUNT ADDITIONAL SIGNATURES AFTER PROPONENTS FILE THE
26 ORIGINAL PETITION OR ADDENDUM.

27 ~~17.2~~-15.6 Checking the circulator's CIRCULATOR affidavit.

28 15.6.1 ~~17.2.1 The circulator's affidavit shall be checked for each entry. If the affidavit~~
29 ~~is not attached and completed, all entries in the section shall be rejected.~~ IF A
30 PETITION SECTION DOES NOT HAVE A COMPLETED CIRCULATOR AFFIDAVIT, THE
31 SECRETARY OF STATE WILL REJECT THE ENTIRE SECTION.

32 15.6.2 ~~17.2.2 The notary clause at the end of the affidavit shall be checked for each~~
33 ~~entry. If any information is missing, or if the date on the notary clause is not the~~
34 ~~same date as the circulator signed the affidavit, all entries in the section shall be~~
35 ~~rejected.~~ IF A PETITION SECTION DOES NOT HAVE A COMPLETED NOTARY CLAUSE,
36 OR IF THE DATE OF THE NOTARY CLAUSE DIFFERS FROM THE DATE THE
37 CIRCULATOR SIGNED THE AFFIDAVIT, THE SECRETARY OF STATE WILL REJECT THE
38 ENTIRE SECTION.

39 ~~17.2.3~~ 15.6.3 ~~The circulator's affidavit shall be checked to assure it has been completed~~

1 in accordance with the statutory requirements listed below. If the affidavit was
2 not completed in accordance with the requirements listed below, all entries in
3 the section shall be rejected.

4 a. ~~For candidate petitions, the circulator's affidavit shall be completed in~~
5 ~~accordance with section 1-4-905(1) and (2), C.R.S.~~

6 b. ~~For initiative petitions, the circulator's affidavit shall be completed in~~
7 ~~accordance with section 1-40-111(2), C.R.S.~~

8 ~~15.5-15.7~~ PETITION verification. ~~by Random Sample.~~

9 ~~15.5.1-15.7.1~~ Each petition section shall be verified according to the procedures set forth
10 ~~in Rule 17.1. VERIFICATION BY RANDOM SAMPLE.~~

11 ~~15.5.2-15.7.2~~ Preliminary count and RANDOM NUMBER generation. ~~of random~~
12 ~~numbers.~~

13 a.(A) After COUNTING the entries ~~have been counted for~~ ON each petition section,
14 ~~a data entry clerk shall enter the following data into the database;~~
15 SECRETARY OF STATE STAFF WILL ENTER the petition identification
16 number, the petition section number, the page number and the number of
17 entries on the page INTO THE DATABASE.

18 b.(B) STAFF WILL THEN CREATE a record ~~shall then be created~~ for each entry
19 ~~which record shall contain~~ THAT CONTAINS the petition identification
20 number, petition section number, page number, and the entry number.
21 STAFF WILL TALLY the total number of entries. ~~submitted for the petition~~
22 ~~shall be tallied.~~

23 e.(C) If the number of entries is less than the total number of signatures required
24 to certify the measure to the ballot, THE SECRETARY OF STATE WILL ISSUE a
25 statement of insufficiency. ~~shall be issued.~~

26 d. ~~A series of random numbers shall be generated by the database which is~~
27 ~~the greater of four thousand (4,000) signatures or five percent (5%) of the~~
28 ~~total number of entries.~~

29 ~~15.5.3~~ Verification of Selected Entries

30 a. ~~The random numbers selected shall be matched with the appropriate~~
31 ~~petition section, page number, and entry number.~~

32 b. ~~Each entry generated shall be checked for validity in accordance with Rule~~
33 ~~17.1.~~

1 e. ~~Each reason for rejection of an entry shall be recorded by separate code~~
2 ~~and a master record of the rejected entries shall be maintained. A master~~
3 ~~record shall also be maintained of each entry that is accepted.~~

4 15.7.3 RANDOM SAMPLE. THE DATABASE WILL GENERATE A SERIES OF RANDOM NUMBERS
5 EQUAL TO 4,000 SIGNATURES OR FIVE PERCENT OF THE TOTAL NUMBER OF
6 SIGNATURES, WHICHEVER IS GREATER. STAFF WILL CHECK THE VALIDITY OF THE
7 RANDOM SIGNATURES IN ACCORDANCE WITH THIS RULE. STAFF WILL MAINTAIN A
8 MASTER RECORD OF EACH ACCEPTED SIGNATURE, AS WELL AS A RECORD OF EACH
9 REJECTED SIGNATURE ALONG WITH THE REASON FOR THE REJECTION.

10 ~~15.5.4 15.7.4 Checking the circulator's affidavit. The circulator's affidavit shall be~~
11 ~~checked for each entry in accordance with Rule 17.2. STAFF WILL VERIFY THAT~~
12 ~~THE CIRCULATOR'S AFFIDAVIT MEETS THE STANDARDS OF THIS RULE 17-15. If the~~
13 ~~affidavit is not attached and completed, all entries in the section shall be rejected.~~

14 ~~15.5.5 Checking individual signatures. Each individual signature shall be checked in~~
15 ~~accordance with Rule 17.3.~~

16 ~~15.5.6 15.7.5 Computation of total accepted signatures.~~

17 ~~a.(A) STAFF WILL KEEP a tally shall be made of the number of accepted~~
18 ~~signatures and the number of rejected signatures.~~

19 ~~b.(B) The Secretary of State shall WILL determine the range of signatures by~~
20 ~~multiplying the constitutionally required number of signatures by 0.90 to~~
21 ~~compute DETERMINE ninety percent (90%) of the required signatures and~~
22 ~~by 1.10 to compute DETERMINE one hundred and ten percent (110%) of the~~
23 ~~required signatures. This number shall be calculated after the general~~
24 ~~election at which the Secretary of State was elected.~~

25 ~~e.(C) After completing a petition, the number of signatures checked shall then~~
26 ~~be divided into the number of accepted signatures. This number will be~~
27 ~~the percentage of accepted signatures which were submitted. STAFF WILL~~
28 ~~THEN DIVIDE THE NUMBER OF ACCEPTED SIGNATURES BY THE TOTAL~~
29 ~~NUMBER OF SIGNATURES SUBMITTED TO DETERMINE THE PERCENTAGE OF~~
30 ~~ACCEPTED SIGNATURES.~~

31 ~~d.(D) The percentage calculated in paragraph c of this Rule 15.5.6 shall then be~~
32 ~~multiplied by the total number of entries which were previously tallied.~~
33 ~~This number will be the number of presumed valid signatures which were~~
34 ~~submitted. STAFF WILL THEN MULTIPLY THE PERCENTAGE OF ACCEPTED~~
35 ~~SIGNATURES BY THE TOTAL NUMBER OF SIGNATURES SUBMITTED TO~~
36 ~~DETERMINE THE NUMBER OF SIGNATURES PRESUMED TO BE VALID.~~

37 ~~e.(E) If the number generated is:~~

1 ~~(i) Ninety percent (90%) or less of the constitutionally required~~
2 ~~number of signatures as calculated in paragraph b of this Rule~~
3 ~~15.5.6, then the Secretary of State shall WILL issue a statement of~~
4 ~~insufficiency. If the number generated is~~

5 ~~(ii) One hundred and ten percent (110%) or more of the~~
6 ~~constitutionally required number OF SIGNATURES, then the~~
7 ~~Secretary of State shall WILL issue a statement of sufficiency.~~

8 ~~(iii) MORE THAN NINETY PERCENT BUT LESS THAN ONE HUNDRED TEN~~
9 ~~PERCENT OF THE REQUIRED NUMBER OF SIGNATURES, THE~~
10 ~~SECRETARY OF STATE'S STAFF WILL REVIEW EVERY SIGNATURE TO~~
11 ~~DETERMINE SUFFICIENCY.~~

12 ~~f. If the number generated is more than ninety percent (90%) but less than~~
13 ~~one hundred and ten percent (110%) of the required number, the Secretary~~
14 ~~of State shall order that each signature on the petition be verified to~~
15 ~~determine whether the issue or question should be certified to the ballot.~~

16 ~~17.3-15.8~~ Checking VERIFYING Individual signatures.

17 ~~17.3.1-15.8.1~~ STAFF WILL CHECK each individual entry ~~shall be checked~~ against the
18 INFORMATION CONTAINED IN SCORE. ~~master voter registration files to assure~~
19 ~~that the elector was an eligible elector in the political subdivision at the time the~~
20 ~~petition was signed.~~

21 ~~17.3.2-15.8.2~~ Each reason for rejection of an entry shall be recorded by separate code
22 and a master record of the rejected entries shall be maintained. A master record
23 shall also be maintained of each entry that is accepted. STAFF WILL CREATE AND
24 MAINTAIN A MASTER RECORD OF EACH ACCEPTED AND REJECTED ENTRY, ALONG
25 WITH THE REASON CODE FOR EACH REJECTED ENTRY.

26 ~~17.3.3-15.8.3~~ If the information on the current voter registration file does not match the
27 information on the entry, the elector's voter registration history shall be checked
28 to determine if the information on the entry matches the voter registration file at
29 the time the entry was signed. IF AN ENTRY DOES NOT MATCH THE SIGNOR'S
30 CURRENT INFORMATION IN SCORE, STAFF MUST CHECK THE SIGNOR'S
31 INFORMATION IN SCORE AS OF THE DATE THE SIGNOR SIGNED THE PETITION.

32 ~~17.3.4-15.8.4~~ Name of eligible elector. To be accepted, the name on the entry must be in
33 a form similar to that found on the voter registration record. Signatures that are
34 common variants of the name found on the voter record shall be counted. If the
35 signer of the petition is not found on the voter registration file, or if applicable,
36 the county assessors' list, the entry shall be rejected. SECRETARY OF STATE
37 STAFF WILL REJECT THE ENTRY IF:

38 (A) THE NAME ON THE ENTRY IS NOT IN SCORE;

- 1 (B) THE MIDDLE INITIAL OR MIDDLE NAME ON THE ENTRY DOES NOT MATCH THE
2 MIDDLE INITIAL OR MIDDLE NAME IN SCORE;
- 3 (C) THE ADDRESS ON THE ENTRY DOES NOT MATCH THE ADDRESS IN SCORE;
- 4 (D) THE ADDRESS ON THE ENTRY IS A POST OFFICE BOX;
- 5 (E) THE ENTRY IS INCOMPLETE;
- 6 (F) THE SIGNER COMPLETED THE ENTRY BEFORE THE DESIGNATED ELECTION
7 OFFICIAL APPROVED THE PETITION FORMAT;
- 8 (G) THE SIGNER WAS NOT AN ELIGIBLE ELECTOR AT THE TIME HE OR SHE
9 COMPLETED THE ENTRY;
- 10 (H) THE SIGNER COMPLETED THE ENTRY AFTER THE DATE ON THE CIRCULATOR
11 AFFIDAVIT;
- 12 (I) EVIDENCE EXISTS THAT SOME OTHER PERSON ASSISTED THE SIGNER IN
13 COMPLETING THE ENTRY BUT NO STATEMENT OF ASSISTANCE ACCOMPANIES
14 THE ENTRY;
- 15 (J) THE NAME AND SIGNATURE ON THE ENTRY IS ILLEGIBLE AND CANNOT BE
16 VERIFIED IN SCORE;
- 17 (K) THE ENTRY IS A DUPLICATE OF A PREVIOUSLY ACCEPTED ENTRY ON THE
18 SAME PETITION; OR
- 19 (L) FOR A CANDIDATE PETITION WHERE AN ELECTOR MAY SIGN ONLY ONE
20 PETITION FOR THE SAME OFFICE, THE ENTRY IS A DUPLICATE OF A
21 PREVIOUSLY ACCEPTED ENTRY ON ANOTHER PETITION FOR THE SAME
22 OFFICE.

23 15.8.6 SECRETARY OF STATE STAFF WILL ACCEPT THE ENTRY IF:

- 24 (A) THE NAME ON AN ENTRY MATCHES OR IS SUBSTANTIALLY SIMILAR TO THE
25 INFORMATION IN SCORE, OR IF THE SIGNATURE ON AN ENTRY IS A COMMON
26 VARIANT OF THE NAME;
- 27 (B) A MIDDLE INITIAL OR MIDDLE NAME IS PRESENT ON THE ENTRY BUT NOT IN
28 SCORE, OR PRESENT IN SCORE BUT NOT ON THE ENTRY;
- 29 (C) A SUFFIX IS PRESENT ON THE ENTRY BUT NOT IN SCORE, OR PRESENT IN
30 SCORE BUT NOT ON THE ENTRY; OR
- 31 (D) THE ADDRESS ON THE ENTRY IS MISSING AN APARTMENT LETTER OR
32 NUMBER OR A STREET DIRECTION.

33 ~~17.4 Final Tally. After all of the sections have been checked, a final tally of all valid~~

1 ~~signatures shall be prepared and the statement of sufficiency or insufficiency issued.~~

2 *[Current Rule 19 is amended and moved to Rule 15.9. Amendments between the current and new*
3 *rule language are shown below.]*

4 ~~19.1-15.9~~ ~~Cure of petitions deemed insufficient.~~ CURING INSUFFICIENT PETITIONS.

5 ~~19.2-15.9.1~~ If the PETITION proponents submit additional signatures within the permitted time,
6 ~~all signatures submitted in the addendum shall be checked using the process delineated in~~
7 ~~Rule 16 and Rule 17~~ SECRETARY OF STATE STAFF WILL VERIFY THE ADDITIONAL
8 SIGNATURES IN ACCORDANCE WITH THIS RULE 15.

9 ~~19.3-15.9.2~~ If the number of ADDITIONAL valid signatures, ~~in the addendum~~ when added to the
10 number of valid signatures given in the statement of insufficiency, equals 110% or more
11 of the required signatures, THE SECRETARY OF STATE WILL ISSUE a statement of
12 sufficiency. ~~shall be issued.~~

13 ~~19.4-15.9.3~~ If the number of ADDITIONAL valid signatures, ~~in the addendum~~ when added to the
14 number of valid signatures given in the statement of insufficiency, equals more than 90%
15 but less than 110% of the required signatures and IF the initial check was by random
16 sample, ~~all of the previously submitted entries shall be checked~~ SECRETARY OF STATE
17 STAFF WILL VERIFY ALL PREVIOUSLY SUBMITTED SIGNATURES. STAFF WILL ADD the total
18 NUMBER of valid signatures in the original petition ~~shall then be added~~ to the number of
19 ADDITIONAL valid signatures submitted in the addendum.

20 ~~19.5-15.9.4~~ If the initial check was of every ~~entry~~ SIGNATURE, then STAFF WILL ADD THE
21 NUMBER OF ADDITIONAL VALID SIGNATURES TO DETERMINE SUFFICIENCY. ~~the total of valid~~
22 ~~signatures shall be added to the number of valid signatures submitted in the addendum.~~

23 ~~19.6-15.9.5~~ ~~The designated election official shall then~~ STAFF WILL issue a new statement of
24 insufficiency or sufficiency ~~which~~ THAT reports the total number of valid signatures
25 submitted.

26 *[Current Rule 20 is amended and moved to new Rule 15.10. Amendments between the current*
27 *and new rule language are shown below.]*

28 15.10 PETITION PROTESTS.

29 ~~20.1-15.10.1~~ A PETITION protest ~~shall~~ MUST specifically state the reasons for the
30 ~~challenge to~~ CHALLENGING the determination of sufficiency or insufficiency.

31 ~~20.1.1(A)~~ A protest ~~that alleges~~ ALLEGING THE VIOLATION OF A specific
32 ~~statutes or rules~~ STATUTE OR RULE ~~were improperly applied~~ shall clearly
33 ~~state the specific requirements that were improperly applied~~ MUST CITE
34 THE STATUTE OR RULE AND SPECIFICALLY STATE THE VIOLATION.

35 ~~20.1.2(B)~~ A protest ~~that alleges that entries were improperly accepted or~~
36 ~~rejected~~ shall clearly identify the specific individual entries at issue and
37 ~~the reason the entries were improperly accepted or rejected~~ ALLEGING THE

1 IMPROPER ACCEPTANCE OR REJECTION OF INDIVIDUAL ENTRIES MUST CITE
2 THE ENTRY AND PETITION SECTION NUMBER AND SPECIFICALLY STATE WHY
3 THE ENTRY SHOULD BE ACCEPTED OR REJECTED, AS APPLICABLE.

4 ~~20.2 The protest shall be deemed insufficient for each entry or class of entries~~
5 ~~challenged where the individual entry is not listed or the reason for the~~
6 ~~challenge is not given.~~

7 ~~20.3 Where a petition verified by random sample is protested, proponents and~~
8 ~~opponents may protest the process by which the numbers used in the~~
9 ~~calculations were generated.~~

10 ~~20.4 Individual entries which were not checked by the Secretary of State may~~
11 ~~not be challenged as sufficient or insufficient.~~

12 *[Current Rule 23 is amended and moved to new Rule 15.11. Amendments between the current*
13 *and new rule language are shown below.]*

14 15.11 REFERENDUM PETITIONS.

15 ~~23.1~~15.11.1 ~~Applicability.~~ This Rule 23 applies to statewide referendum petitions
16 pursuant to UNDER article V, section 1 (3) of the Colorado Constitution.

17 ~~23.2 Relationship to statutory and constitutional provisions.~~

18 ~~23.2.1 The purpose of this Rule 23 is to administer and interpret, but not supersede, the~~
19 ~~provisions of Article V, Section 1, Colorado Constitution, and Article 40 of~~
20 ~~Title 1, Colorado Revised Statutes which apply to referendum petitions.~~

21 ~~23.2.2 Where there is an irreconcilable conflict between this Rule 23 and any such~~
22 ~~statutory or constitutional provision, then such statutory or constitutional~~
23 ~~provision prevails.~~

24 ~~23.3 Applicability of initiative statutes.~~

25 ~~23.3.1~~15.11.2 Except where this Rule 23 STATES otherwise, ~~provides, or where the~~
26 ~~context otherwise requires,~~ any statutory or constitutional provision that applies
27 specifically to initiative petitions ~~shall also apply~~ APPLIES to referendum
28 petitions.

29 ~~23.3.2~~15.11.3 The following procedural steps that apply to initiative petitions do not
30 apply to referendum petitions:

31 (a) Review and comment by legislative staff on the text of proposed initiated
32 constitutional amendments and initiated laws, pursuant to Article V, Section
33 1 (5), Colorado Constitution, and section 1-40-105, C.R.S.

34 (b) Title-setting by the title setting review board established in section 1-40-

~~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 House Bill No. 02-1010, by Representatives Abel, Baker, and Cain, and Senators Smith, Thomas, and Jones, entitled “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”, passed by the Sixty-third General Assembly of the State of Colorado, at its regular session in the year 2002, shall be submitted to the voters for their adoption or rejection at the next biennial regular general election, to be held on Tuesday, the 5th day of November, 2002, 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.~~

1 (d) The ballot title and submission clause. ~~in the form required by this Rule~~
2 ~~23.~~

3 (e) The text of the Act, or the ~~item(s)-ITEM, section(s)-SECTION, or part(s)~~
4 ~~PART~~ of the Act, on which the referendum is demanded. ~~See sections 1-~~
5 ~~40-110; 1-40-102(6).~~

6 (f) Succeeding pages that each contain the warning, the ballot title, and
7 submission clause, and ruled lines numbered consecutively for ~~electors'~~
8 signatures.

9 (g) A final page that contains the circulator's affidavit required by section
10 1-40-111(2), C.R.S.

11 ~~23.4.4~~15.11.6 ~~Each~~-A referendum petition section ~~shall~~-MUST include only the matters
12 required by Article 40, Title 1, C.R.S., and this Rule ~~23~~, and no extraneous
13 material. ~~Section 1-40-113(1), C.R.S.~~

14 ~~23.5~~ ~~Ballot Title and Submission Clause.~~

15 ~~23.5.1~~15.11.7 The ballot title ~~shall~~-MUST consist of the title of the act on which the
16 referendum is demanded, followed by the bill number, in substantially the
17 following form, in which the underlined material is only for example:

18 "An Act concerning registration requirements for motor vehicles, and, in
19 connection therewith, authorizing two- and five-year registration periods and
20 authorizing discretionary vehicle identification number inspections, and making
21 an appropriation, being House Bill No. 02-1010."

22 ~~23.5.2~~15.11.8 When referendum is demanded on less than an entire Act of the General
23 Assembly, the ballot title and submission clause shall consist of the ballot title
24 preceded by words in substantially the following form, in which the
25 underscored material is only for example, and ending in a question mark:

26 "Shall Section 3 (concerning definition of terms) and Section 4 (eliminating
27 licensing requirements for motor vehicle dealers) of the following Act of the
28 General Assembly be approved?" The material in parentheses shall correctly and
29 fairly summarize the subject or the effect of the portion of the Act referenced.

30 ~~23.6~~15.11.9 ~~Election~~-If a referendum petition is timely filed with the Secretary of
31 State with a sufficient number of valid signatures, it ~~shall be voted upon~~-WILL
32 APPEAR ON THE BALLOT at the next general election that occurs at least three
33 months after the referendum petition is filed with the Secretary of State.

34 *[Rules 15, 17, 19, 20, and 23 are amended and relocated to Rule 15.]*

35 **Rule 16. MILITARY AND OVERSEAS VOTERS (UOCAVA)**

1 ~~25.1-~~16.1 General rules concerning voting by military and overseas electors.

2 ~~25.1.1-~~16.1.1 For the purposes of this Rule ~~25-16~~, elector means a covered voter as
3 defined in section 1-8.3-102(2), C.R.S.

4 ~~25.1.2-~~16.1.2 In accordance with the Help America Vote Act of 2002 and this Rule ~~25~~
5 ~~16~~, each county clerk and recorder office ~~shall~~-MUST have a dedicated fax
6 machine for the purpose of fax ballot transmission.

7 ~~25.1.3-~~16.1.3 In accordance with section 1-8.3-109, C.R.S., a ~~mail-in~~-ballot application
8 submitted by an elector ~~shall be~~-IS effective through the next regularly
9 scheduled General Election, unless the elector SPECIFIES OTHERWISE-~~makes an~~
10 election-specific or permanent ~~mail-in~~ request.

11 ~~25.1.4-~~16.1.4 ~~Mail-in ballot application APPLICATION and replacement ballot request~~
12 ~~deadlines.~~ (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELECTOR
13 MAY SUBMIT AN APPLICATION FOR REGISTRATION AND BALLOT REQUEST WITH HIS
14 OR HER VOTED BALLOT AS LONG AS THE BALLOT IS TIMELY SUBMITTED AND
15 RECEIVED UNDER SECTIONS 1-8.3-111 AND 1-8.3-113, C.R.S., ~~AND RULE 25.1.6.~~

16 ~~(b) An application for a mail-in ballot must be received no later than the close~~
17 ~~of business the Friday immediately preceding the election, except that if~~
18 ~~the AN elector WHO wishes to receive the A ballot by mail MUST SUBMIT A~~
19 ~~REQUEST NO LATER THAN THE SEVENTH DAY BEFORE THE ELECTION the~~
20 ~~application must be received no later than the seventh day before the~~
21 ~~election.~~

22 ~~(b) A request for a replacement ballot must be received by 5:00 p.m. MT on~~
23 ~~election day. A request for replacement ballot includes a request for an~~
24 ~~electronically transmitted ballot by an elector who has already been issued~~
25 ~~a ballot by regular mail.~~

26 ~~25.1.5-~~16.1.5 Use of a Federal Write-in Absentee Ballot (FWAB) as an application for
27 registration or ballot request.

28 (a) ~~In accordance with section 1-8.3-107, C.R.S.~~ NOTWITHSTANDING ANY
29 OTHER PROVISION OF LAW, if an unregistered elector submits a FWAB by
30 the ~~close of registration~~-DEADLINE SET FORTH IN SECTIONS 1-8.3-111 AND
31 1-8.3-113, C.R.S., ~~AND RULE 25.1.6.~~ the FWAB ~~shall be considered a~~-IS A
32 timely application for registration and ~~mail-in~~-ballot request.

33 ~~(b) In accordance with section 1-8.3-108(4), C.R.S., if a registered elector~~
34 ~~submits a FWAB no later than the Friday before the election, the FWAB~~
35 ~~shall be considered a timely application for mail-in ballot.~~

36 ~~25.1.6-~~16.1.6 In accordance with sections 1-8.3-110 and 1-8.3-113, C.R.S., all ballots
37 cast must be voted and mailed or electronically transmitted no later than 7:00
38 p.m. MT on election day, and received by the county clerk and recorder or the

1 Secretary of State no later than the close of business on the eighth day after
2 election day.

3 ~~25.1.7~~16.1.7 Ballots received by the Secretary of State

4 (a) If the Secretary of State timely receives a ballot ~~in accordance with this~~
5 UNDER SECTION 1-8.3-113, C.R.S., AND Rule ~~25-16~~, the Secretary of State
6 will immediately notify the appropriate county clerk and recorder and
7 forward the ballot by ~~overnight mail, fax, or courier~~ BY THE MOST
8 EFFICIENT MEANS AVAILABLE no later than the next business day.

9 (b) To ensure voter secrecy, any county notified that the Secretary of State has
10 received a ballot, ~~shall~~ MUST retain a minimum of ten voted ballots to be
11 counted with the ballot received by the State.

12 ~~25.1.8~~16.1.8 The county clerk and recorder ~~shall~~ MUST send a minimum of one
13 correspondence ~~prior to~~ BEFORE the Primary Election to each elector whose
14 record is marked "Inactive" ~~and whose ballot request has expired. Such shall~~
15 THE correspondence may be sent by email or mail and, at a minimum, ~~shall~~
16 MUST notify the electors of:

17 (a) The status of the elector's record and ballot request;

18 (b) The upcoming federal elections;

19 (c) How to update the elector's mailing information and request a ballot; and

20 (d) Any other information the county clerk and recorder deems appropriate.

21 ~~25.1.9~~16.1.9 ~~Reporting. No later than 60 days after a General Election, the county clerk~~
22 ~~and recorder shall provide a must report to the Secretary of State in the~~
23 ~~approved format, which shall summarize in detail the ballots transmitted and~~
24 ~~returned by military and overseas electors. NO LATER THAN 45 DAYS BEFORE AN~~
25 ~~ELECTION, THE COUNTY CLERK AND RECORDER MUST REPORT TO THE SECRETARY~~
26 ~~OF STATE THE NUMBER BALLOTS TRANSMITTED TO MILITARY AND OVERSEAS~~
27 ~~ELECTORS BY THE 45-DAY DEADLINE.~~

28 ~~25.2~~16.2 Electronic ballot transmission (receipt and return) of ballots to military and
29 overseas electors.

30 ~~25.2.2~~16.2.1 ~~Electronic Transmission (receipt and return) of ballots to military and~~
31 ~~overseas electors (a)In accordance with sections 1-8.3-110 and 1-8.3-113,~~
32 ~~C.R.S., an elector may request to receive and return his or her ballot by~~
33 ~~electronic transmission.~~

34 (i) ~~Subject to the deadlines in Rule 25.1.4, a request for electronic ballot~~
35 ~~transmission may be made on the federal postcard, state voter~~
36 ~~registration, mail in ballot, online voter registration, or any other~~

1 application.

2 (ii)-(A) An elector who requests fax transmission ~~shall~~MUST provide a fax
3 number, including the international country code and local area, province,
4 or city code (if applicable) where the ballot is to be faxed.

5 (iii)-(B) An elector who requests email transmission ~~shall~~MUST provide a
6 complete email address where the ballot is to be transmitted. In
7 accordance with section 1-8.3-115, C.R.S., no election official may
8 disclose the email address to the public.

9 (b)-(C) An elector who chooses to receive his or her unvoted ballot by
10 online ballot delivery may return his or her ballot by fax or email.

11 (e)-(D) To return a voted ballot and self-affirmation by email, the elector
12 must scan and return the documents as an email attachment.

13 *[Current Rule 25.2.1 is moved to Rule 1.]*

14 ~~25.2.4~~16.2.2 The ballot packet sent by electronic transmission ~~shall~~MUST be in text
15 format on 8 ½” x 11” white paper and ~~shall~~MUST include:

16 (a) An electronic transmission coversheet to protect voter privacy;

17 (b) The blank ballot;

18 (c) The electronic transmission ballot instructions; and

19 (d) The self-affirmation required by section 1-8.3-114, C.R.S.

20 ~~25.2.5~~16.2.3 The electronic transmission ballot instructions ~~shall~~MUST include:

21 (a) The county clerk and recorder’s contact information including mailing
22 address, email address, phone, and fax number;

23 (b) A notice that the ballot may not be duplicated for any other elector;

24 (c) Instructions for completing and returning the ballot;

25 (d) A notice regarding the ballot return deadline;

26 (e) Information regarding how the elector may verify that his or her ballot has
27 been received by the county clerk and recorder; and

28 (f) Any other information deemed necessary by the Secretary of State or the
29 ~~designated election official~~COUNTY CLERK AND RECORDER.

30 ~~25.2.6~~16.2.4 The self-affirmation ~~shall~~MUST include the standard oath required by the
31 Uniformed and Overseas Citizen Voting Act (42 U.S.C sec. 1973ff(b)(7) and

1 1(a)(5)), the elector's name, date of birth, signature, and the following
2 statement: I also understand that by returning my voted ballot by electronic
3 transmission, I am voluntarily waiving my right to a secret ballot. (Section 1-
4 8.3-114, C.R.S.)

5 ~~25.2.7~~16.2.5 Any ballot transmitted to an elector by electronic transmission ~~shall~~MUST
6 contain a unique identification number for tracking and auditing purposes.

7 ~~25.2.8~~25.2.6 If the county clerk and recorder transmits a ballot packet to an elector by
8 fax and the transmission is unsuccessful, the county clerk and recorder shall
9 attempt to fax the ballot at least two more times.

10 ~~25.2.9~~16.2.7 The county clerk and recorder ~~shall~~MUST maintain a log of each ballot
11 sent by electronic transmission. ~~which the~~THE county CLERK AND RECORDER
12 ~~shall~~MUST maintain THE LOG as an election record along with any other email or
13 fax records. The log ~~shall~~MUST include:

- 14 (a) The name of the elector;
- 15 (b) The fax number or email address to which the ballot packet was
16 transmitted (as applicable);
- 17 (c) The unique identification number of the ballot;
- 18 (d) The date the ballot packet was transmitted; and
- 19 (e) The initials of the employee transmitting the ballot.

20 ~~25.2.10~~16.2.8 Upon receipt of A voted ballot sent by electronic transmission, the
21 county clerk and recorder ~~shall~~MUST verify the elector's signature in
22 accordance with Rule 29. ~~and upon verification the ballot shall be duplicated~~
23 ~~for counting.~~AFTER THE AFFIDAVIT HAS BEEN VERIFIED, A BIPARTISAN TEAM OF
24 JUDGES MUST DUPLICATE THE BALLOT. DUPLICATING JUDGES MUST NOT REVEAL
25 HOW THE ELECTOR HAS CAST HIS OR HER BALLOT.

26 ~~13.20~~16.2.9 A military or overseas elector whose registration record is inactive ~~or~~
27 ~~whose ballot request has lapsed~~ may download an application and ballot using
28 the electronic ballot delivery system.

29 ~~13.20.1~~(A) The elector must submit the ballot and application in accordance
30 with the deadlines in section 1-8.3-111 and 1-8.3.113, C.R.S., for the
31 ballot to be counted.

32 ~~13.20.2~~(B) Every county must use the approved electronic delivery system to
33 implement this rule, except that a county may obtain a waiver. The
34 Secretary will consider the following factors in approving or denying a
35 request for waiver:

- 1 (a)-(I) Number of military or overseas electors registered to vote in the
- 2 county;
- 3 (b)-(II) Historical data regarding the number of military and overseas
- 4 electors who have registered and voted in the county; and
- 5 (e)-(III) Staff or other resource limitations.

6 *[Current Rule 25 is amended and moved to new Rule 16. Current Rule 13.20 is amended and*
7 *moved to new Rule 16.2.9. Amendments between the current and new rule language are shown*
8 *above.]*

9 **Rule 17. PROVISIONAL VOTING**

10 17.1 PROVISIONAL VOTING IN THE VOTER SERVICE AND POLLING CENTER

11 17.1.1 THE COUNTY CLERK AND RECORDER MUST USE THE APPROVED PROVISIONAL
12 BALLOT FORM.

13 17.1.2 IF A VOTER SERVICE AND POLLING CENTER LOSES CONNECTIVITY TO SCORE, THE
14 JUDGES MUST ISSUE PROVISIONAL BALLOTS UNTIL THE COUNTY RESTORES
15 CONNECTIVITY.

16 ~~26.3.3~~ 17.1.3 The word “provisional” shall MUST be marked on the provisional ballot
17 and on the ~~pollbook or signature card~~ PROVISIONAL BALLOT LOG next to the
18 elector’s name.

19 *[Current Rule 26.3.3 is amended and moved to new Rule 17.1.3. Amendments between*
20 *the current and new rule language are shown above.]*

21 ~~26.4~~ 17.2 Verification of Provisional Ballots

22 17.2.1 THE COUNTY CLERK AND RECORDER MUST PROCESS AND TABULATE ALL ~~REGULAR~~
23 MAIL AND IN-PERSON BALLOTS BEFORE PROCESSING PROVISIONAL BALLOTS.

24 ~~26.12~~ 17.2.2 The county clerk and recorder must process all ~~pollbooks or~~ signature
25 cards in the statewide voter registration ~~database~~ SYSTEM before processing
26 provisional ballots.

27 *[Current Rule 26.12 is moved to new Rules 17.2.]*

28 ~~26.4.2~~ 17.2.3 Verification of an elector’s eligibility to have his or her provisional ballot
29 counted shall be IS limited to the following sources:

- 30 (a) Sources provided by the Secretary of State or law enforcement agencies
- 31 regarding felons who are serving a sentence of detention or confinement
- 32 or on parole;
- 33 (b) The State of Colorado Statewide Voter Registration Database; AND

1 ~~(e) The DMV Motor Voter database (Note: Possession of a driver's license is~~
2 ~~not conclusive proof of voter registration; elector must have registered to~~
3 ~~vote through the DMV); and~~

4 ~~(d-c)~~ The information provided on the provisional ballot envelope, including the
5 affidavit.

6 ~~26.4.3-17.2.4~~ When verifying provisional ballots, the designated election official ~~shall~~
7 MUST check the State of Colorado Statewide voter registration database to
8 determine whether the elector has already voted in the election.

9 *[Current Rules 26.4.2 and 26.4.3 are amended and moved to new Rules 17.2.3 and*
10 *17.2.4. Amendments between the current and new rule language are shown above.]*

11 ~~26.4.5-17.2.5~~ If during verification it appears that the elector's record was cancelled or
12 consolidated as a duplicate in error, the ballot ~~shall~~MUST be counted so long as
13 the elector has not cast a ballot in the election, the affidavit is complete, and the
14 elector is otherwise eligible. THE COUNTY CLERK AND RECORDER MUST REINSTATE
15 OR UNCONSOLIDATE THE elector's record AND UPDATE THE ELECTOR'S RECORD
16 BEFORE MARKING THE ELECTOR'S PROVISIONAL BALLOT AS ACCEPTED OR REJECTED
17 IN THE STATEWIDE VOTER REGISTRATION SYSTEM AND BEFORE LINKING IT TO THE
18 ELECTOR'S RECORD ~~shall be reinstated or unconsolidated.~~

19 ~~26.4.6-17.2.6~~ When the designated election official ~~has received~~RECEIVES both a ~~mail in~~
20 MAIL ballot and a provisional ballot from an elector, but there is a discrepancy
21 between the signature on the returned ~~mail in~~MAIL ballot envelope and the
22 elector's signature stored in the statewide voter registration system, the
23 discrepancy must be resolved. Before the provisional ballot may be ~~counted~~
24 VERIFIED, the elector must affirm that the signature on the ~~mail in~~MAIL ballot
25 envelope is not his or her signature. Section 1-8.5-105(4) and (5), C.R.S.

26 *[Current Rules 26.4.5 and 26.4.6 are amended and moved to new Rules 17.2.5 and*
27 *17.2.6. Amendments between the current and new rule language are shown above.]*

28 ~~26.4.9-17.2.7~~ If An AN elector ~~whose voter registration record is tagged ID required~~
29 casts a provisional ballot without providing valid identification, the COUNTY
30 CLERK MUST VERIFY AND COUNT THE PROVISIONAL ballot ~~shall MUST be verified~~
31 ~~and counted~~ as follows:

32 (a) The COUNTY CLERK AND RECORDER MUST SEND THE elector ~~shall be sent a~~
33 letter within three days after the ballot is cast, and no later than ~~three~~TWO
34 days after election day, explaining that he/she has not provided the
35 required identification. Nothing in this rule ~~shall be construed to prohibit~~
36 ~~the designated election official~~PROHIBITS THE COUNTY CLERK from calling
37 the elector; however, a phone call ~~shall~~DOES not substitute for notification
38 to the elector in writing. ~~IF THE DESIGNATED ELECTION OFFICIAL CALLS~~
39 ~~ANY ELECTOR HE OR SHE MUST CALL ALL ELECTORS WHOSE AFFIDAVITS ARE~~
40 ~~UNSIGNED.~~

1 (b) If the elector provides a copy of valid identification within eight days after
2 election day, the ballot ~~shall~~ MUST be counted so long as the elector has
3 not cast another ballot in the election, the affidavit is complete, and the
4 elector is otherwise eligible.

5 *[Current Rule 26.4.9 is amended and moved to new Rule 17.2.7. Amendments between*
6 *the current and new rule language are shown above.]*

7 ~~26.5.1~~ 17.2.8 If the information contained in the provisional ballot envelope and
8 affidavit provides adequate criteria so that the designated election official is able
9 to confirm ~~under election Rule 26~~ that the elector is eligible to cast a ballot, the
10 provisional ballot ~~shall~~ MUST count.

11 *[Current Rule 26.5.1 is amended and moved to new Rule 17.2.8. Amendments between*
12 *the current and new rule language are shown above.]*

13 ~~26.5.3~~ 17.2.9 Acceptance Codes (~~Any provisional ballot given an acceptance code shall~~
14 ~~have all~~ THE COUNTY CLERK AND RECORDER MUST COUNT ALL races ~~counted~~
15 ~~unless otherwise indicated.~~)

16 AOK Reviewed and confirmed voter's eligibility.

17 ALC ELECTOR VOTED A PROVISIONAL BALLOT BECAUSE THE VOTER SERVICE
18 AND POLLING CENTER LOST CONNECTIVITY. ELECTOR'S ELIGIBILITY IS
19 CONFIRMED.

20 ~~26.5.4~~ 17.2.10 Rejection Codes (~~Any~~ THE COUNTY CLERK AND RECORDER MUST NOT
21 COUNT A ballot given a rejection code ~~shall not be counted~~):

22 RNS (Rejection not signed) Provisional Ballot Affidavit not signed.

23 RIN (Rejection incomplete information provided) Required information is
24 incomplete and the designated election official is unable to confirm voter's
25 eligibility.

26 REE (Rejection envelope empty) Provisional ballot envelope is empty.

27 RAB (Rejection voter voted ~~mail in~~ MAIL ballot) Designated election official
28 has confirmed that voter voted a ~~mail in~~ MAIL ballot.

29 RED (Rejection based upon ballot cast ~~on election day~~ IN PERSON) Voter voted
30 in a ~~polling place~~ VOTER SERVICE CENTER OR POLLING CENTER

31 RIP (Rejection based on incorrect party) Incorrect Party in Primary Election.

32 RFE (Rejection felon not eligible to vote) Individual was convicted of a felony
33 and is either serving a sentence of confinement or detention or is on
34 parole.

1 RWC (Rejection elector not A RESIDENT OF THE registered in county or A
2 RESIDENT OF THE State of Colorado) Non-county or non-state VOTER IS
3 NOT A STATE-resident; therefore voter not eligible to vote in the county
4 where the provisional ballot was voted.

5 RID (Rejection first time voter has not supplied identification upon registration
6 or thereafter prior to and during time voter voted) First Time Voter who
7 registered by mail or through a voter registration drive, is tagged as id-ID
8 deficient, and did not provide id-ID at the time of voting.

9 *[Current Rules 26.5.3 and 26.5.4 are amended and moved to new Rules 17.2.9 and*
10 *17.2.10. Amendments between the current and new rule language are shown above.]*

11 ~~26.6~~-17.3 The provisional ballot log required by section 1-8.5-110(4), C.R.S., may be
12 prepared by the designated election official in handwritten or computer-generated form.

13 ~~26.7~~-17.4 Recount procedures for provisional ballots shall be ARE the same as the recount
14 procedures for other ballots as directed by the Secretary of State.

15 *[Current Rules 26.6 and 26.7 are amended and moved to new Rules 26.3 and 26.4.*
16 *Amendments between the current and new rule language are shown above.]*

17 ~~26.11~~-17.5 Processing provisional ballot affidavits in the statewide voter registration
18 database. Before closing an election, the county clerk and recorder must:

19 ~~26.11.1~~-17.5.1 Enter all provisional ballot affidavits into the provisional module of the
20 statewide voter registration database.

21 ~~26.11.2~~-17.5.2 PROCESS ALL VOTER REGISTRATION UPDATES.

22 17.5.3 Link all provisional ballot affidavits to the appropriate elector's record.

23 *[Current Rule 26.11 is amended and moved to new Rule 17.5. Amendments between the*
24 *current and new rule language are shown above.]*

25 17.6 PUBLIC ACCESS TO PROVISIONAL BALLOT INFORMATION

26 17.6.1 THE LIST OF VOTERS WHO CAST A PROVISIONAL BALLOT AND THE ACCEPT/REJECT
27 CODE FOR THE BALLOT IS AVAILABLE FOR PUBLIC INSPECTION.

28 17.6.2 IN ACCORDANCE WITH SECTION 24-72-204(8), C.R.S., THE COUNTY CLERK AND
29 RECORDER MUST NOT RELEASE AN ORIGINAL OR COPY OF THE ELECTOR'S:

30 (A) MONTH AND DAY OF DATE OF BIRTH;

31 (B) DRIVER'S LICENSE OR DEPARTMENT OF REVENUE IDENTIFICATION NUMBER;

32 (C) SOCIAL SECURITY NUMBER; ~~OR~~

1 (D) EMAIL ADDRESS; OR

2 (E) SIGNATURE.

3 17.6.3 IF A VOTER HAS REQUESTED CONFIDENTIALITY UNDER SECTION 24-72-204(3.5),
4 C.R.S., THE COUNTY CLERK AND RECORDER MUST NOT RELEASE THE ELECTOR'S
5 ADDRESS OR TELEPHONE NUMBER.

6 17.6.4 IF A VOTER HAS REQUESTED CONFIDENTIALITY UNDER SECTION 24-30-2101,
7 C.R.S., THE COUNTY CLERK AND RECORDER MUST NOT RELEASE THE
8 PROVISIONAL BALLOT AFFIDAVIT.

9 ~~26.13~~ 17.7 Voter Access to Provisional Ballot Information

10 ~~26.13.1~~ 17.7.1 The Secretary of State will provide a provisional ballot lookup on the
11 Secretary's website.

12 ~~26.13.2~~ 17.7.2 The county clerk and recorder must number the provisional ballot
13 envelope or affidavit stock using the standard numbering convention approved
14 by the Secretary of State.

15 ~~26.13.3~~ 17.7.3 An elector may access the system during the 45 days following the
16 election.

17 [Section 1-8.5-111, C.R.S.]

18 *[Current Rule 26.13 is amended and moved to new Rule 17.7. Amendments between the*
19 *current and new rule language are shown above.]*

20 *[Current Rule 26 is amended and moved to new Rule 17. Amendments between the current and*
21 *new rule language are shown below.]*

22 **Rule 18. UNIFORM BALLOT COUNTING STANDARDS**

23 ~~27.2~~ 18.1 ~~Multiple Page Ballots.~~ In any election where a multiple page printed ballot is
24 used, a voter must vote and return all pages of the ballot at the same time. Any voter who
25 ~~has returned~~ RETURNS at least one page of a multiple page printed ballot will be
26 considered to have voted and the COUNTY CLERK AND RECORDER MUST COUNT THE votes
27 on the submitted PAGES ~~page(s) shall be counted.~~ Any THE COUNTY CLERK MUST NOT
28 COUNT VOTES ON additional ~~page~~ PAGES returned at a later time ~~shall not be counted.~~ but
29 ~~shall be~~ THE COUNTY CLERK MUST appropriately ~~marked~~ MARK, set aside, and ~~preserved~~
30 PRESERVE THE BALLOTS as ~~other election materials~~ RECORDS in accordance with section 1-
31 7-802, C.R.S.

32 ~~27.3~~ 18.2 Uniform Counting Standards for hand-counted Paper Ballots

1 ~~27.3.1~~ 18.2.1 Pursuant to IN ACCORDANCE WITH section 1-7-309, C.R.S., AND RULE
2 27.7, judges counting ballots on election day shall MUST take into consideration
3 CONSIDER the intent of the voter in accordance with Rule 27.7.

4 ~~27.3.2~~ 18.2.2 If a RACE OR BALLOT MEASURE IS OVERVOTED ballot contains markings for
5 more than the maximum votes allowed in a candidate race or for a ballot measure,
6 THE JUDGES MUST NOT no vote shall count ANY VOTE for that race or ballot
7 measure.

8 ~~27.3.3~~ 18.2.3 If a candidate race or ballot measure contains no markings by the voter, no
9 tally will be made for that race or ballot measure. , but BUT all other candidate
10 races or ballot measures properly marked by the voter on the ballot shall MUST be
11 counted.

12 ~~27.3.4~~ 18.2.4 A ballot which has no markings for any candidate races or ballot measures
13 shall MUST be tallied as a blank ballot, but the voter shall MUST be given credit for
14 voting.

15 ~~27.4~~ 18.3 Uniform Counting Standards for Optical Scan Ballots

16 ~~27.4.1~~ 18.3.1 Precinct Optical Scan Procedures AT A VOTER SERVICE AND POLLING
17 CENTER

18 (a) Voters whose ballots are rejected or sorted by the precinct counter A
19 VOTER SERVICE AND POLLING CENTER SCANNER as a blank or overvoted
20 ballot shall MUST be given the opportunity to correct their ballot.

21 (b) Ballots sorted to a write-in bin shall MUST be tallied at the conclusion of
22 the voting and delivered to the central counting center in a secure
23 container.

24 ~~27.4.2~~ 18.3.2 Central Count Optical Scan Procedures

25 (a) A JUDGES SHOULD COMPLETE A visual inspection of every ballot should be
26 completed for the limited purpose of separating damaged ballots into a
27 unique batch.

28 (b) JUDGES MUST RESOLVE, AND WHERE APPLICABLE, DUPLICATE, Every EVERY
29 damaged ballot and all ballots sorted by the optical scan machine shall be
30 resolved, and where applicable duplicated, in accordance with this rule.

31 (c) A resolution board, consisting of a team(s) of one (1) Republican and one
32 (1) Democrat for partisan elections or two (2) qualified election judges for
33 nonpartisan elections, shall MUST resolve all ballots sorted by the central
34 count optical scan equipment.

35 (1) The board shall MUST be observed by two (2) witnesses, who in
36 any partisan election shall MUST be representatives of each major

1 political party. THE WITNESSES ~~who~~ may not handle or process
2 ballots.

3 (2) All ~~persons engaged in the counting and processing of ballots shall~~
4 ~~IN ADDITION TO ELECTION JUDGES, ALL WITNESSES~~ MUST be
5 deputized or take an oath to faithfully perform their duties.

6 (3) The resolution board ~~shall~~ MUST maintain a log for each step of
7 verification, duplication, and counting.

8 (d) Sequence of Resolution Procedures

9 (1) ~~A THE RESOLUTION BOARD MUST RUN A zero tape, or similar report,~~
10 ~~shall be run~~ indicating no votes cast or counted before the counting
11 begins.

12 (2) ~~Official ballots shall be processed through~~ THE BOARD MUST
13 REVIEW ALL BALLOTS WITH OVERVOTES, BLANK BALLOTS, AND
14 WRITE-IN BALLOTS SORTED BY the optical scanner, ~~with sorted~~
15 ~~overvotes, blank ballots, and write-in ballots viewed and resolved~~
16 ~~by the resolution board~~. Ballots sorted by the optical scan
17 equipment ~~shall be~~ ARE subject to review by the resolution board.
18 If there are no legally qualified write-in candidates, the write-in
19 sort option ~~shall~~ MUST not be utilized.

20 (3) A voter's intent ~~shall~~ MUST be reviewed for every ballot that
21 requires resolution.

22 (4) All ballots ~~which are~~ sorted by the optical scanner and resolved by
23 the resolution board by duplication ~~are to be indicated as such~~
24 MUST BE MARKED AS DUPLICATED.

25 (5) The resolution board ~~shall~~ MUST maintain an official audit log for
26 all ballots resolved setting forth the precinct number, duplicate
27 ballot number ~~(where applicable)~~, ~~SPECIFIC~~ reason ~~(with~~
28 ~~specificity)~~ that the ballot was resolved, date of resolution, and the
29 initials of the members of the duplication board responsible for
30 resolving the ballot.

31 (6) The precinct judge's ballot reconciliation form ~~is~~ MUST BE
32 compared to the number of scanned ballots for the precinct.

33 (7) After the final precinct has been tallied, the total write-in votes
34 ~~shall~~ MUST be indicated on the final summary along with the seal
35 numbers for each sealed box of scanned ballots.

36 (e) Resolution of damaged ballots

- 1 (1) THE RESOLUTION BOARD MUST DUPLICATE ~~Damaged~~ ballots
2 DAMAGED or defective ballots ~~shall be duplicated~~ utilizing the
3 ballot duplication procedures ~~as provided in Rule 27.6-18.5~~
- 4 (2) THE RESOLUTION BOARD MUST EXAMINE ~~Blank~~ BLANK ballots ~~shall~~
5 ~~be examined by the resolution board~~ to determine if the ballot is a
6 true blank ballot or one that has been marked with a non-detectable
7 mark. Resolution board members must make a duplicate copy of
8 the ballot which has been marked with a non-detectable mark
9 utilizing the ballot duplication procedures ~~as set forth in Rule 27.6~~
10 18.5. If a ballot is truly blank, THE BOARD MUST ~~SEND-RESCAN~~ ~~it~~
11 ~~shall be sent back for the resolution pass through the scanner, and~~
12 the ballot ~~MUST BE AND~~ TABULATE IT ~~tabulated~~ with no races or
13 ballot measures voted.
- 14 (3) THE RESOLUTION BOARD MUST INSPECT AND RESOLVE ~~Overvoted~~
15 OVERVOTED ballots ~~shall be inspected by the resolution board and~~
16 ~~resolved in accordance with Rule 27.7-18.6.~~
- 17 (4) Write-in votes sorted by the optical scan equipment on election day
18 ~~shall~~ MUST be delivered to the assigned write-in board for hand
19 counting.
- 20 (i) During the initial ballot count, ~~in order to be counted,~~ the
21 oval must be darkened or the arrow connected according to
22 the appropriate voting instructions. ~~THE COUNTY MAY COUNT~~
23 ~~ONLY~~ ~~Only~~ votes for legally qualified write-in candidates
24 ~~shall MAY be counted.~~
- 25 (ii) If, following the initial count, the number of undervotes in
26 that race could change the outcome or force the election into
27 a mandatory recount if attributed to a legally qualified write-
28 in candidate, THE COUNTY MUST NOT COUNT votes for that
29 candidate ~~shall~~ ~~MUST be counted~~ whether or not the target
30 area designating the selection of a write-in candidate has
31 been marked, provided that the number of candidates chosen
32 does not exceed the number permitted in that office.
- 33 (5) The resolution board ~~shall~~ MUST duplicate ballots by clearly
34 labeling the new duplicate ballot as a “DUPLICATE” and assign a
35 serial number which shall be recorded on both the original and
36 duplicate ballot. For example, the first ballot in Precinct # 1 to be
37 duplicated could be labeled as #1/001 with the duplicate labeled
38 D#1/001. Original ballots ~~shall~~ MUST be separated from the
39 duplicate ballots and placed in a sealable container clearly marked
40 “ORIGINAL BALLOTS.” The duplicate ballots ~~shall~~ MUST be
41 counted in lieu of the original ballots.

1 (6) The resolution board ~~shall~~MUST maintain an official audit log
2 setting forth the precinct number, duplicate ballot number, reason
3 (with specificity) that the ballot was duplicated, date of
4 duplication, and the initials of the members of the duplication
5 board responsible for duplicating the ballot.

6 (f) Recount Procedures for Optical Scan

7 (1) Optical scan equipment must be set to consistent sensitivity
8 standards for each system type, must be tested prior to the recount,
9 and shall be programmed to sort undervotes for the individual
10 race(s) or ballot measure(s) being recounted.

11 (2) The county will conduct a recount of a race with a write-in
12 candidate as outlined in Rule ~~27.7.4~~18.6.4.

13 ~~27.5~~18.4 Uniform Counting Standards for DREs. A vote that is properly recorded, as
14 specified by the voting instructions, on the voting device for an office or ballot measure
15 ~~shall~~MUST be counted.

16 ~~27.6~~18.5 Duplication of Ballots.

17 (a) Using the damaged ballot as the guide, THE DUPLICATING TEAM MUST MARK a
18 blank ballot ~~shall be marked by a duplicating team,~~ so that the votes recorded are
19 identical to those indicated on the damaged ballot. ~~and shall~~THE DUPLICATION
20 MUST be proofed to ensure it is marked properly and accurately.

21 (b) Every duplicated ballot ~~shall~~MUST be subject to the process for determining voter
22 intent outlined in Rule ~~27.7~~18.6.

23 (c) A unique number ~~shall~~MUST be assigned to both the original and duplicated
24 ballot. This will reference the two ballots together and provide an audit trail.
25 (Example: the ballots may be marked XX-NNN, where XX is the precinct
26 number and NNN are consecutive numbers starting with the number one.)

27 (d) The duplicated ballots ~~shall~~MUST be counted in the same manner as all other
28 ballots to be counted.

29 (e) The damaged or unreadable original ballot ~~shall~~MUST be marked
30 “DUPLICATED” to indicate that the ballot has been duplicated and the
31 duplication is completed. All duplicated original ballots for a precinct along with
32 any applicable printed material ~~shall~~MUST be placed in a sealable container and
33 clearly marked “ORIGINAL BALLOTS.”

34 ~~27.7~~18.6 Determination of Voter Intent

35 ~~27.7.1~~18.6.1 If a voter uses a consistent alternate ballot marking method that deviates
36 from the method specified by the voting instructions (such as circling or placing a

1 check mark behind a candidate's name or ballot response) and does not place an
2 "X", check or other appropriate mark in the target area(s) AREA, the voter will be
3 considered to have voted for the appropriate candidates and or ballot responses
4 and the ballot ~~shall~~MUST be duplicated. ~~; except that,~~ BUT if a voter marks any of
5 his/her HIS OR HER choices by placing an "X", check or other appropriate mark in
6 any target area on the voter's ballot, only those choices where the target area ~~has~~
7 ~~been~~IS marked ~~shall~~MAY be counted.

8 ~~27.7.2~~18.6.2 A ballot that has a mark correctly in the target area that partially extends
9 into another target area ~~shall~~MUST be counted as a vote for the candidate or ballot
10 response so marked.

11 ~~27.7.3~~18.6.3 When resolving an overvoted race, marks indicating the voter's intent
12 ~~shall~~include, ~~but not be limited to,~~ circling the candidate's name and strike-outs
13 or corrections of choices.

14 ~~27.7.4~~18.6.4 Write-in votes

15 ~~27.7.4.1~~(A) If a voter designates a vote for a named candidate on the ballot and
16 writes in the name of the same candidate in the write-in area, the vote
17 ~~shall~~MUST be counted.

18 ~~27.7.4.2~~(B) If a voter designates a named candidate on the ballot and writes in
19 the name of a different candidate in the write-in area, it ~~shall~~MUST be
20 considered an overvote for that office if the number of chosen
21 candidates exceeds the number permitted to be voted for in that office
22 and no vote ~~shall~~MAY be counted.

23 ~~27.7.4.3~~(C) During any recount of votes, if the number of undervotes in that
24 race could change the outcome if attributed to a legally qualified write-
25 in candidate, votes for that candidate ~~shall~~MUST be counted whether or
26 not the target area designating the selection of a write-in candidate has
27 been marked, provided that the number of candidates chosen does not
28 exceed the number permitted in that office.

29 **~~Rule 40.~~ Rule 19. Rules Concerning Certification and Education of Designated Election**
30 **Officials**

31 ~~40.1~~19.1 Purpose and Definitions.

32 ~~40.1.1~~19.1.1 The Secretary of State recognizes that the oversight of elections is a
33 profession that requires thorough knowledge of complex state and federal
34 election law and election procedures. Considering the complexity of state and
35 federal law, voting equipment, and election procedures, extensive training is
36 necessary. The certification program standardizes election procedures and
37 education. The program also promotes Colorado voters' confidence in their
38 election officials and the election process.

- 1 ~~40.1.2~~19.1.2 “Local election official” means a county clerk and recorder. (Section
2 1-1-301(1), C.R.S.)
- 3 ~~40.1.3~~19.1.3 “Persons required to complete certification” means:
- 4 (a) The county clerk and recorder; and
- 5 (b) Employees in the clerk and recorder’s office who are directly responsible
6 for overseeing election activities, including but not limited to: voter
7 registration, candidate qualifications and ballot certification, poll worker
8 training, ballot design and setup, ballot counting, and canvassing.
- 9 (Section 1-1-302, C.R.S.)
- 10 ~~40.2~~19.2 Advisory Board.
- 11 19.2.1 The advisory board must meet at least twice each calendar year to approve the
12 curriculum and make necessary changes. The advisory board must also review
13 evaluations and recommend changes to the certification program.
- 14 ~~40.2.2~~19.2.2 The advisory board must review individual applications for certification
15 and must approve applications that are accurate and complete. The advisory
16 board may take into account special circumstances in reviewing and approving
17 applications.
- 18 ~~40.2.3~~19.2.3 The Secretary of State will appoint the following as board members:
- 19 (a) Four county clerks or designated staff members;
- 20 (b) Two Secretary of State Office representatives; and
- 21 (c) Any individual(s) whom the Secretary of State believes could make a
22 valuable contribution to the Board.
- 23 ~~40.2.4~~19.2.4 Board members serve at least a two-year term.
- 24 ~~40.2.5~~19.2.5 The Secretary of State may terminate board members without cause.
25 Failure to attend meetings or meaningfully contribute may result in termination.
- 26 ~~40.3~~19.3 Curriculum.
- 27 ~~40.3.1~~19.3.1 The Secretary of State will develop the core and elective curriculum
28 offered for certification and continuing elections education. The Secretary will
29 post curriculum information on the Secretary of State’s website.
- 30 ~~40.3.2~~19.3.2 The Secretary of State will develop and administer all training outlined in
31 this Rule ~~40-19~~.
- 32 ~~40.3.3~~19.3.3 To obtain Colorado certification, a person must complete the following

1 minimum curriculum prescribed by the Secretary of State:

- 2 (a) Seven basic core courses;
- 3 (b) One core course relevant to primary job duty; and
- 4 (c) Six electives.

5 ~~40.3.4~~19.3.4 To maintain Colorado certification, a person must complete at least five
6 Continuing Elections Education courses by July 31 of every even year.

7 ~~40.4~~19.4 Training Format.

8 ~~40.4.1~~19.4.1 Web-based training may be conducted live or by reviewing material
9 previously presented by the Secretary of State. In either case, participants must
10 achieve a satisfactory score on assessments before receiving credit for the
11 course.

12 ~~40.4.2~~19.4.2 The Secretary of State will provide classroom training. For certification, a
13 person must complete at least one course in-class.

14 ~~40.5~~19.5 Credit.

15 ~~40.5.1~~19.5.1 Individuals applying for certification must successfully complete the
16 curriculum prescribed by the Secretary of State. If an applicant submits
17 duplicate coursework, the advisory board may reject the application for
18 certification.

19 ~~40.5.2~~19.5.2 Training assessment.

- 20 (a) To receive certification credit for any course presented by the Secretary of
21 State under this rule, a participant must successfully complete a training
22 assessment with a minimum score of 85%.
- 23 (b) A participant who fails to achieve a score of at least 85% may retake the
24 assessment.
- 25 (c) The Secretary of State may administer either paper or electronic
26 assessments.

27 ~~40.5.3~~19.5.3 Credit for Teaching Classes. A person who teaches or substantially assists
28 with preparation of a class offered for certification is excused from the
29 assessment requirement outlined in Rule ~~40.5.2~~ 19.5.2 and will receive credit for
30 the course.

31 ~~40.5.4~~19.5.4 No election official may receive credit toward his or her Colorado
32 certification for training offered by other agencies or organizations.

33 ~~40.6~~19.6 Application Review, Certification, and Maintenance of Records.

1 ~~40.6.1~~19.6.1 Once a person completes the required coursework, he or she must
2 promptly submit an application for certification or continuing certification to the
3 Secretary of State’s office on the form approved by the Secretary of State.

4 ~~40.6.2~~19.6.2 The Secretary of State must review the application with reference to the
5 Secretary of State records. If the application is complete and accurate, the
6 Secretary of State must forward it to the advisory board for its review and
7 approval. Upon approval by the advisory board, the Secretary of State must
8 issue a certificate that the person is a Certified Colorado Election Official.

9 ~~40.6.3~~19.6.3 The Secretary of State must track attendance at all classes and keep
10 records of attendance, continuing elections education, and records of those
11 persons who are certified and persons who are in the certification process.

12 ~~40.9~~19.7 Decertification. A person who fails to satisfy continuing education requirements
13 will lose certification.

14 *[Current Rule 40 is amended and moved to new Rule 19. Amendments are shown above.]*

15 ~~Rule 43.~~ **Rule 20. County Security Procedures**

16 ~~43.1~~20.1 Definitions.

17 ~~43.1.1~~20.1.1 “Chain-of-custody log” means a written record that shows that the
18 equipment and all associated data are secured according to these procedures and
19 in the documented control of an employee or deputized election judge through the
20 entire time of ownership by the jurisdiction.

21 ~~43.1.2~~20.1.2 “DRE” means a direct recording electronic voting device. ~~A DRE is a~~
22 ~~voting device~~ that records votes by means of a ballot display provided with
23 mechanical or electro-optical components or an audio ballot that the voter can
24 activate; that processes data by means of a computer program; and that records
25 voting data and ballot images in memory components or other media. The device
26 may produce a tabulation of the voting data stored in a removable memory
27 component and as printed copy. The device may also provide a means for
28 transmitting individual ballots or vote totals to a central location for consolidating
29 and reporting results from remote sites to the central location.

30 ~~38.1.3~~ 20.1.3 “Elector data” means voting information, including but not limited to,
31 voter registration, voting history, and voting tabulations.

32 ~~38.1.4~~ 20.1.4 “Electronic pollbook” is a list of eligible electors in electronic format who
33 are permitted to vote at a polling ~~place~~ LOCATION in an election conducted under
34 the Election Code, which shall be processed by a computer at a ~~Vote Center~~
35 VOTER SERVICE AND POLLING CENTER to be immediately accessible to all other
36 computers at all ~~Vote Centers~~ VOTER SERVICE AND POLLING CENTERS in the
37 county.

1 ~~43.1.3~~ 20.1.5 “Employee” means all full-time, part-time, permanent, and contract
2 employees of the county who ~~have had~~ PASSED a COLORADO BUREAU OF
3 INVESTIGATION (CBI) INTERNET criminal history check (ICHC) conducted in
4 accordance with Rule ~~11.2~~ 6.4 and are deputized by the county ~~clerk and recorder~~
5 to prepare or maintain the voting system or election setup materials, staff the
6 counting center and who have ~~any~~ access to the electromechanical voting systems
7 or electronic vote tabulating equipment.

8 ~~43.1.4~~ 20.1.6 “Removable card or cartridge” means ~~any~~—A programming card or
9 cartridge, except a voter activation card, that stores firmware, software, or data.

10 ~~43.1.5~~ 20.1.7 “Seal” means a serial-numbered tamper-evident device that ~~indicates a~~
11 ~~seal is broken or removed~~, IF BROKEN OR MISSING, INDICATES THAT THE CHAIN OF
12 CUSTODY IS BROKEN A DEVICE IS NOT SECURE.

13 ~~38.1.2~~ 20.1.8 “Teleprocessing lines” means secure, dedicated communication
14 transmission facilities used for the purpose of transferring elector data between
15 ~~Vote Centers~~ VOTER SERVICE AND POLLING CENTER and a centralized
16 computerized pollbook maintained by the county ~~clerk and recorder~~, to ensure the
17 security and integrity of voting information so that no deviation can go
18 undetected.

19 ~~43.1.6~~ 20.1.9 “Trusted build” means the write-once installation disk or disks for
20 software and firmware for which the Secretary of State ~~or his/her agent~~ has
21 established the chain of evidence to the building of ~~a~~ the disk(s), which is then
22 used to establish and/or re-establish the ~~chain of custody~~ CHAIN-OF-CUSTODY of
23 any component of a voting system that contains ~~newly installed~~ firmware or
24 software. The trusted build is the origin of the chain of evidence for any software
25 and firmware component of the voting system.

26 ~~43.1.7~~ 20.1.10 “Video security surveillance recording” means video monitoring by a
27 device that continuously records a designated location or a system using motion
28 detection that records one frame, or more, per minute until detection of motion
29 triggers continuous recording.

30 ~~43.2-20.2~~ Annual security plan. In accordance with section 1-5-616(5), C.R.S., AND USING
31 THE FORM PRESCRIBED BY THE SECRETARY OF STATE, ~~each~~—A county must ANNUALLY
32 submit a security plan to the Secretary of State ~~annually and~~ no later than 60 days ~~prior to~~
33 BEFORE the first election in which the COUNTY WILL IMPLEMENT THE security plan
34 procedures. ~~are used. The plan must, at a minimum, include the following:~~

35 ~~43.2.1-20.3~~ General requirements CONCERNING CHAIN-OF-CUSTODY.

36 ~~(a)~~ 20.3.1 The county ~~clerk and recorder shall~~—MUST maintain on file all
37 documentation of seals, ~~chain of custody~~ CHAIN-OF-CUSTODY, and other
38 documents related to the transfer of equipment between parties. These documents
39 are subject to inspection by the Secretary of State.

1 ~~(b)~~ 20.3.2 The county must maintain and document the ~~chain of custody~~ CHAIN-OF-
2 CUSTODY for each voting device throughout the county’s ownership or leasing of
3 the device.

4 ~~(c)~~ 20.3.3 Only deputized clerks, election judges, or canvass board members sworn
5 under oath are allowed to handle ballots, which include VVPAT records.

6 ~~(d)~~ 20.3.4 The county may install additional or modified software developed by the
7 vendor on any component of the voting system only if the software is specifically
8 listed on the Secretary of State’s certificate and verified against the state trusted
9 build. Nothing in this rule ~~shall preclude~~ PRECLUDES the use of commercial off-
10 the-shelf software, provided that the software is included in the certified list of
11 services and executables for the certified voting systems.

12 ~~(e)~~ 20.3.5 Any form or log containing “date” means to note the month, calendar day,
13 year, hour, minute, and whether the time is a.m. or p.m.

14 ~~43.3~~ 20.3.6 The county ~~shall~~ MUST submit ~~with the security plan~~ sample copies of all
15 referenced forms, schedules, logs, and checklists WITH THE SECURITY PLAN.

16 *[Current Rule 43.3 is moved to Rule 41.3.6]*

17 ~~43.2.2~~ 20.4 Physical locking mechanisms and seals. The county must record the serial number
18 of every seal on the appropriate chain-of-custody log. Two individuals must verify, and
19 indicate by signing and dating the log, that the seal serial numbers match the logged serial
20 numbers. If a seal is inaccessible and cannot be removed, then it is not necessary to verify
21 that seal serial number.

22 ~~(a)~~ 20.4.1 DREs AND BALLOT MARKING DEVICES. ~~The county must seal DRE voting~~
23 ~~devices as follows:~~

24 ~~(1)~~(A) The county must place a seal over ~~any~~ A removable card or cartridge that
25 is inserted into the unit, or over the slot or door covering the card or
26 cartridge.

27 ~~(2)~~(B) The county must place a seal over any removable card slot or cartridge
28 slot when no card or cartridge is inserted into the unit.

29 ~~(3)~~(C) If the county cannot verify the firmware or software hash value (MD5 or
30 SHA-1), the county must seal the DRE case. To detect unauthorized
31 access, the county must use seals at either the seams of the case or at key
32 entry points such as screw access points.

33 ~~(4)~~(D) If the voting device contains one or more slots for a flash memory card,
34 the county ~~shall~~ MUST affix a seal over each each flash card slot, door, or
35 access panel.

- 1 (5)(E) These same procedures also apply to the Judge’s Booth Controller (JBC)
2 unit for the Hart InterCivic System.
- 3 (6)(F) Two employees or election judges must verify, and indicate by signing
4 and dating the chain-of-custody log, that all seal serial numbers match the
5 logged serial numbers.
- 6 (b) 20.4.2 VVPATs. Prior to attaching a VVPAT to a specific voting device, the
7 ~~judges shall~~ COUNTY MUST seal the unit after verifying that no votes were cast. At
8 least two election judges must verify that seals are intact prior to the start of
9 voting, and at the close of voting. VVPAT records ~~shall~~ MUST either remain in the
10 VVPAT canister, or be sealed and secured in a suitable device for protecting
11 privacy or as described in Rule ~~44~~43.2.10.
- 12 (e) 20.4.3 ~~Remote or central count optical scanners.~~ Optical scanners. ~~used in a~~
13 ~~remote or central tabulating location shall meet the following seal requirements:~~
- 14 (1)(A) The county must place a seal over each card or cartridge inserted into the
15 unit, or over any door or slot containing the card or cartridge.
- 16 (2)(B) The county must place a seal over each empty card or cartridge slot or
17 door covering the area where the card or cartridge is inserted.
- 18 (3)(C) Prior to the start of voting and after the close of voting, two employees or
19 election judges must visually confirm that all seals are intact and that the
20 seal serial numbers match those logged in the chain-of-custody log.
- 21 (d) 20.4.4 ~~Memory Cards/Cartridges~~ CARDS OR CARTRIDGES.
- 22 (1)(A) The county must assign and securely affix a permanent serial number to
23 each removable card or cartridge. The county may use the manufacturer
24 assigned serial number for this purpose.
- 25 (2)(B) The county must handle removable memory cards and cartridges in a
26 secure manner at all times. The county must transfer and store any
27 removable card ~~and~~ or cartridge that is not sealed in a voting machine in a
28 secure container with at least one seal. Upon delivery and receipt, election
29 judges or county personnel must verify, and indicate by signing and dating
30 the chain-of custody log, that all seal serial numbers match those listed in
31 the log.
- 32 (3)(C) The county ~~clerk and recorder~~ must maintain a written or electronic log to
33 record card or cartridge seal serial numbers and track seals for each voting
34 unit. ~~The county clerk and recorder must be notified if control of a~~
35 ~~card/cartridge or door or slot for a card/cartridge is breached before an~~
36 ~~election, and he/she must follow the procedures specific to the incident~~
37 ~~outlined in Rule 43.2.11.~~

1 ~~43.2.3~~41.5 Individuals with access to keys, door codes, and vault combinations.

2 (a) 20.5.1 For employees with access to areas addressed in Rule ~~43.2.3(e)~~43.5.3, the
3 county must state ~~IN THE SECURITY PLAN the employees' titles~~ EACH EMPLOYEE'S
4 TITLE and the dates of ~~CBI background checks~~ THE ICHC. [Section 24-72-305.6,
5 C.R.S.]

6 (b) 0.5.2 The county must change all keypad door codes or locks, vault
7 combinations, computer and server passwords, encryption key codes, and
8 administrator passwords at least once per calendar year prior to the first election
9 of the year.

10 (c) 20.5.3 Employee access.

11 (1) —The county may grant employees access to the codes, combinations,
12 passwords, and encryption keys described in this Rule ~~43.2.3~~ 20.5 in
13 accordance with the following limitations:

14 (A) —~~Access to the code, combination, password, or encryption key for the~~
15 ~~storage area for voting equipment and the mail-in ballot counting areas is~~
16 ~~restricted to employees as defined in Rule 43.1.3.~~

17 (B)(A) Access to the code, combination, password, or encryption key for the
18 ~~mail-in~~ VOTING EQUIPMENT AND ballot storage ~~area~~ AREAS and counting
19 room or tabulation workstations is restricted to ~~ten~~ employees ~~as defined~~
20 ~~in Rule 43.1.3~~ WHO HAVE PASSED A COLORADO BUREAU OF INVESTIGATION
21 (CBI) INTERNET CRIMINAL HISTORY CHECK (ICHC).

22 (C)(B) Except for emergency personnel, no other individuals ~~shall~~ MAY be present
23 in these locations unless supervised by one or more employees ~~as defined~~
24 ~~in Rule 43.1.3.~~

25 (i) —Each individual who has access to the central election management
26 system or central tabulator ~~shall~~ MUST have their own unique
27 username and password. No individual ~~shall~~ MAY use any other
28 ~~individuals~~ INDIVIDUAL'S username or password. Shared accounts
29 are prohibited.

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

37 *[Current Rule 43.2.3 (c)(1)(C)(ii) is amended and relocated to New Rule*
38 *20.8.]*

1 (2)(C) In extreme circumstance, the county may request and the Secretary of
2 State may grant exemption from the requirements outlined in Rule
3 43.2.3(e)(1)-43.5.3.

4 (4) 20.5.4 ~~Computer room~~ Access TO WHERE ELECTION MANAGEMENT SOFTWARE IS
5 USED is limited to authorized employees and election judges only. Messengers or
6 runners delivering ballots between the preparation room and computer room shall
7 MUST wear distinguishing identification. ~~This rule does not supersede access by~~
8 ~~watchers, official observers, and media observers in accordance with Rule 8.~~

9 43.2.9-20.6 Internal Controls for the Voting System

10 (4) 20.6.1 The ~~County~~ COUNTY must enable, create, and use passwords.

11 (4) 20.6.2 In addition to the access controls discussed in Rule ~~43.2.3(e)~~ 20.5, the
12 county shall MUST change all passwords and limit access to the following areas:

13 (4)(A) Software. The county shall MUST change all software passwords once per
14 calendar year prior to the first election. This includes any boot or startup
15 passwords in use, as well as any administrator and user passwords and
16 remote device passwords.

17 (4)(B) Hardware. The county shall MUST change all hardware passwords once per
18 calendar year prior to the first election. This includes any encryption keys,
19 key card tools, supervisor codes, poll worker passwords on smart cards,
20 USB keys, tokens, and voting devices themselves as it applies to the
21 specific system.

22 (4)(C) Password Management. The county shall MUST limit access to the
23 administrative passwords to the election management software to two
24 employees. The county shall MUST limit access to passwords for all
25 components of the election software and hardware to two employees. The
26 county may provide an additional ten employees with access to the
27 administrative passwords for the software components, and an additional
28 ten employees with access to the administrative passwords for the
29 hardware components of the voting system. THE VOTING SYSTEM
30 PROVIDER MAY NOT HAVE AN ADMINISTRATIVE OR APPLICATION
31 USER/OPERATOR ACCOUNT, OR ADMINISTRATIVE ACCOUNT ACCESS TO THE
32 ACCOUNTS.

33 *[Language from current Rule 45.5.2.6.1(a)(vi) is amended and relocated*
34 *to Rule 20.6.2]*

35 (4)(D) Internet Access. The county must never connect or allow a connection of
36 any voting system component to the Internet.

1 ~~(5)~~(E) Modem Transmission. The county must never connect any component of
2 the voting system to another device by modem except for the vote tally
3 software as allowable by the certification of the specific device.

4 ~~(6)~~(F) Remote sites VOTER SERVICE AND POLLING CENTERS. AT REMOTE VOTER
5 SERVICE AND POLLING CENTERS, THE COUNTY may use modem functions of
6 optical scanners and DREs only for the purpose of transmitting unofficial
7 results, as permitted by the Secretary of State's certification documents for
8 the specific systems. A county using modem devices to transmit results
9 shall meet the following requirements:

10 ~~(A)~~—A county may use a modem device only after all steps to close the
11 polls are complete and summary tapes are printed, and may only
12 use the device to transmit test data or unofficial results.

13 ~~(B)~~—The county shall not use a modem for any programming, setup, or
14 individual ballot casting transmissions.

15 ~~(C)~~—The county shall change the receiving telephone number for the
16 modem transmission at least once per calendar year prior to the
17 first election.

18 ~~(D)~~—The county may provide the telephone number of the modem
19 receiving the transmission to no more than six employees. The
20 county shall not publish or print the receiving modem telephone
21 number for any election judge. To the extent possible, the county
22 shall program the telephone number into the device and use the
23 device in a way that hides the display of the number from the view
24 of election judges and voters at all times.

25 ~~(7)~~(G) Authorized Employees. The county shall ~~MUST~~ include in ~~their~~ ITS security
26 plan the employees' titles EACH EMPLOYEE'S TITLE and the dates DATE of
27 CBI background checks ICHC for employees with access to any of the
28 areas or equipment set forth in this Rule. Each county shall ~~MUST~~ maintain
29 a storage facility access log that details employee name, date, and time of
30 access to the storage facility in which the software, hardware, or
31 components of any voting system are maintained. If access to the storage
32 facility is controlled by use of key card or similar door access system that
33 is capable of producing a printed paper log including the person's name
34 and date and time of entry, such a log shall ~~MUST~~ meet the requirements of
35 this rule. [Section 24-72-305.6, C.R.S.]

36 *[Current Rule 43.2.9 is amended and relocated to New Rule 20.6 above.]*

37 ~~43.2.4~~20.7 Temperature-controlled storage. The county must maintain all components of
38 the voting system and ballots in a temperature-controlled STORAGE environment. The
39 county shall ~~MUST~~ attest to the temperature-control settings used with the following
40 components of a voting system. Information submitted to the Secretary of State shall

1 MUST indicate the specifics for each type of component, as well as the specific
2 environment used, which may include, but is not limited to controlled offices, controlled
3 vaults, and controlled warehouses. The county must maintain the following required
4 temperature settings:

5 (a) 20.7.1 Servers and workstations. The county ~~shall~~ MUST maintain the temperature
6 so that the maximum temperature at no time exceeds 90 degrees Fahrenheit.

7 (b) 0.7.2 DREs. The county ~~shall~~ MUST maintain the temperature at a minimum of
8 50 degrees Fahrenheit and a maximum of 90 degrees Fahrenheit.

9 (c) 20.7.3 Optical scanners. The county ~~shall~~ MUST maintain the temperature at a
10 minimum of 50 degrees Fahrenheit and a maximum of 90 degrees Fahrenheit.

11 (d) 20.7.4 VVPAT records, PAPER BALLOTS, AND VIDEO DATA RECORDS. In addition
12 to the requirements set forth in Rule 11, the county ~~shall~~ MUST maintain A DRY
13 ENVIRONMENT AND A the temperature at a minimum of 50 degrees Fahrenheit and
14 a maximum of 90 degrees Fahrenheit. ~~The county shall maintain V VPAT records~~
15 ~~in a dry environment~~, with storage at least four inches above the finished floor, for
16 a period of 25 months following the election. ~~The humidity of the environment~~
17 ~~shall not exceed 80% humidity for a period of more than 24 hours. The county~~
18 ~~shall store V VPAT records in a manner that prevents exposure to light, except as~~
19 ~~necessary during recounts and audits.~~

20 (e) ~~Paper Ballots. The county shall maintain paper ballots in a dry, humidity-~~
21 ~~controlled environment. The humidity of the environment shall not exceed 80%~~
22 ~~humidity for a period of more than 24 hours. The county shall store paper ballots~~
23 ~~at least four inches above the finished floor, for a period of 25 months following~~
24 ~~the election.~~

25 (f) ~~Video Data Records. The county shall maintain video data records in a dry,~~
26 ~~temperature-controlled environment. The humidity of the environment shall not~~
27 ~~exceed 80% humidity for a period of more than 24 hours. The county shall~~
28 ~~maintain temperature at a minimum of 50 degrees Fahrenheit and a maximum of~~
29 ~~90 degrees Fahrenheit. The county shall store video data records at least four~~
30 ~~inches above the finished floor, for a period of 25 months following the election.~~

31 ~~43.2.5-20.8~~ Security cameras or other surveillance.

32 43.2.3(e)(1)(C)(ii) 20.8.1 The county ~~shall~~ MUST maintain a log of each person who
33 enters the ~~ballot storage room~~ THE SPECIFIED AREAS SPECIFIED IN RULE 20.8.3,
34 including the person's name, signature, and date and time of entry. If access to the
35 ~~ballot storage room~~ SPECIFIED AREAS is controlled by use of key card or similar
36 door access system that is capable of producing a printed paper log including the
37 person's name and date and time of entry, such a log shall meet the requirements
38 of this rule.

39 (a) 20.8.2 Unless otherwise instructed, the county ~~shall~~ MUST make video security

1 surveillance recordings of ~~specified~~ THE areas SPECIFIED IN RULE 20.8.3 beginning
2 at least 60 days prior to the election and continuing through at least 30 days after
3 the election, ~~unless there is a recount or contest~~. IF A RECOUNT OR CONTEST
4 OCCURS, THE RECORDING MUST CONTINUE THROUGH THE CONCLUSION OF ALL SUCH
5 ACTIVITY. The recording system ~~shall~~ MUST ensure that records are not written
6 over when the system is full. The recording system ~~shall~~ MUST provide a method
7 to transfer the video records to a different recording device or to replace the
8 recording media. If replaceable media is used then the county ~~shall~~ MUST provide
9 a process that ensures that the media is replaced often enough to prevent periods
10 when recording is not available. ~~If a recount or contest occurs, the recording shall~~
11 ~~continue through the conclusion of all such activity.~~

12 20.8.3 The following are the specific minimum requirements:

13 ~~(1)~~(A) If the county has 50,000 or more registered voters, then the county ~~shall~~
14 MUST MAINTAIN A LOG AND make video security surveillance recordings of
15 the following areas, excluding voting booths:

16 ~~(A)~~(1) All areas in which election management software is used,
17 including but not limited to programming, downloading memory
18 cards, uploading memory cards, tallying results, and results
19 reporting.

20 ~~(B)~~(2) All areas used for processing ~~mail-in~~ ballots, including but not
21 limited to areas used for Signature Verification, tabulation, or
22 storage of voted ballots beginning at least 35 days prior to the
23 election and continuing through at least 30 days after the election,
24 unless there is a recount or contest. If a recount or contest occurs,
25 the recording ~~shall~~ MUST continue through the conclusion of all
26 such activity.

27 ~~(C)~~(3) The storage area for all voting equipment.

28 ~~(2)~~(B) If the county has fewer than 50,000 registered voters then the county ~~shall~~
29 MUST MAINTAIN A LOG AND make video security surveillance recordings of
30 all areas, ~~excluding voting booths~~, in which election management software
31 is used, including but not limited to programming, downloading memory
32 cards, uploading memory cards, tallying results, and results reporting.

33 ~~(b)~~(C) The county must adequately ~~and continuously~~ light the area(s) subject to
34 video surveillance to provide visibility for video recording.

35 ~~43.2.6-20.9~~ Equipment maintenance procedures. In addition to the requirements for voting
36 systems INVENTORY specified in Rule ~~11.4-11.3~~, the county ~~shall~~ MUST adhere to the
37 following minimum standards:

38 ~~(a)~~ 20.9.1 The county ~~shall~~ MUST store all equipment throughout the year with seals
39 over the memory card slots for each device. The county ~~shall~~ MUST maintain a log

1 of the seals used for each device consistent to the logs used for tracking Election
2 Day seals.

3 (b) 20.9.2 For equipment being sent to the vendor for offsite repairs/replacements,
4 the county must keep a maintenance log for the device that ~~shall~~MUST contain the
5 following: the model number, serial number, and the type of device; the firmware
6 version; the software version (as applicable); the printed name and signature of
7 the person sending the equipment; and the date of submission to the vendor.

8 (c) 20.9.3 ~~When a vendor provides on site maintenance of equipment, vendor~~
9 ~~personnel shall annually provide to the county a CBI or equivalent background~~
10 ~~check for all vendor personnel that will have access to any component of the~~
11 ~~voting system. The county must keep current CBI or equivalent background check~~
12 ~~information on file. Additionally, an AN employee shall escort the vendor's~~
13 ~~representative at all times while on-site. At no time shall the voting system vendor~~
14 ~~have access to any component of the voting system without supervision by an~~
15 ~~employee. [Section 24-72-305.6, C.R.S.]~~

16 (d) 20.9.4 Upon completion of any maintenance, the county ~~shall~~MUST verify or
17 reinstate the trusted build and conduct a full acceptance test of equipment that
18 ~~shall~~MUST, at a minimum, include the hardware diagnostics test, as indicated in
19 Rule 11, and conduct a mock election in which an employee(s) ~~shall~~MUST cast a
20 minimum of five ballots on the device to ensure tabulation of votes is working
21 correctly. The county ~~shall~~MUST maintain all documentation of the results of the
22 acceptance testing on file with the specific device.

23 (e) 20.9.5 The Secretary of State will annually inspect county maintenance records
24 on a randomly selected basis.

25 ~~43.2.7~~20.10 Transportation of equipment, memory cards, ballot boxes, and ballots.

26 (a) 20.10.1 The county ~~shall~~MUST submit detailed plans to the Secretary of State prior
27 to an election regarding the transportation of equipment and ballots both to remote
28 voting sites and back to the central elections office or storage facility. IF THERE IS
29 ANY EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF THE SERIAL NUMBERS
30 DO NOT MATCH THOSE LISTED IN THE CHAIN-OF-CUSTODY LOG, THE COUNTY CLERK
31 MUST BE IMMEDIATELY NOTIFIED AND MUST FOLLOW THE PROCEDURES SPECIFIC TO
32 THE INCIDENT AS DESCRIBED IN RULE 20.15.1. While the method of transportation
33 of equipment may vary, the following **standards** ~~shall apply when transporting~~
34 ~~voting equipment to the voting location~~ APPLY:

35 (1) (A) Transportation by county personnel. County personnel ~~shall~~MUST at all
36 times display a ~~badge or other~~ identification provided by the County. Two
37 EMPLOYEE signatures and date ~~of employees~~ are required at the departure
38 location verifying that the equipment, including memory card or cartridge,
39 is sealed to prevent tampering. Upon delivery of equipment, at least two
40 employees or election judges ~~shall~~MUST verify, and indicate by signing

1 and dating the chain-of-custody log, that all seals are intact and that the
2 serial numbers on the seals match the logged serial numbers. ~~If there is~~
3 ~~any evidence of possible tampering with a seal, or if the serial numbers do~~
4 ~~not match those listed in the chain of custody log, they shall immediately~~
5 ~~notify the county clerk and recorder who shall follow the procedures~~
6 ~~specific to the incident as described in Rule 43.2.11.~~

7 ~~(2)~~ (B) Transportation by election judges. Election judges that are receiving
8 equipment ~~from county personnel shall~~ MUST inspect all components of
9 voting devices and verify the specific numbers by signature and date on
10 the chain-of-custody log for the device. ~~The election judge receiving the~~
11 ~~equipment shall request two election judges at the voting location to~~
12 ~~inspect the devices and to sign and date the chain of custody log~~
13 ~~indicating that all seals are intact and that the serial numbers on the seals~~
14 ~~match with those on the seal tracking log. If there is any evidence of~~
15 ~~possible tampering with a seal, or if the serial numbers do not match those~~
16 ~~listed in the chain of custody log, they shall immediately notify the county~~
17 ~~clerk and recorder who shall follow the procedures specific to the incident~~
18 ~~as described in Rule 43.2.11.~~

19 ~~(3)~~ (C) Transportation by contract. A county electing to contract the delivery of
20 equipment to remote voting locations ~~shall~~ MUST perform AN ~~CBI~~
21 ~~background checks~~ ICHC on EACH OF the specific individuals ~~who will be~~
22 ~~delivering the equipment. Two employees or election judges shall~~ MUST
23 ~~verify, sign, and date the chain-of-custody log upon release of the~~
24 ~~equipment to the individual(s) delivering the equipment. Two other~~
25 ~~employees or election judges shall verify, sign, and date the chain of~~
26 ~~custody log after delivery of the equipment, and prior to the opening of the~~
27 ~~polls. If there is any evidence of possible tampering with a seal, or if the~~
28 ~~serial numbers do not match those listed in the chain of custody log, they~~
29 ~~shall immediately notify the county clerk and recorder who shall follow~~
30 ~~the procedures specific to the incident as described in Rule 43.2.11.~~
31 ~~[Section 24-72-305.6, C.R.S.]~~

32 ~~(b)~~ 20.10.2 Standards for transporting voting equipment to and from the voting
33 location:

34 ~~(4)~~ (A) Required procedures if memory cards or cartridges are removed from
35 voting devices at remote voting locations:

36 ~~(A)~~ (1) Before removing a memory card or cartridge, two election judges
37 ~~shall~~ MUST inspect and verify that all seals on the device are intact
38 and that the serial numbers on the seals match those listed on the
39 chain-of-custody log. Both election judges ~~shall~~ MUST sign and
40 date the chain-of-custody log prior to breaking the seal. ~~If there is~~
41 ~~any evidence of possible tampering with a seal, or if the serial~~
42 ~~numbers do not match those listed in the chain of custody log, they~~

1 shall immediately notify the county clerk and recorder who shall
2 follow the procedures specific to the incident as described in Rule
3 43.2.11.

4 ~~(B)~~ (2) Election judges shall ~~shall~~ MUST place the memory cards or cartridges in
5 a sealable transfer case and must seal the case with at least one
6 seal. The election judges shall ~~shall~~ MUST maintain a chain-of-custody
7 log for the transfer case of the memory cards or cartridges.

8 ~~(C)~~ (3) Election judges shall ~~shall~~ MUST place new seals over the empty
9 memory card/cartridge slot and/or door and document the seal
10 numbers used.

11 ~~(D)~~ (4) At least two county personnel or election judges shall ~~shall~~ MUST
12 accompany the transfer case containing the memory
13 cards/cartridges to the drop-off PROCESSING location. The election
14 judges who receive the equipment must verify, and indicate by
15 signing and dating the chain-of-custody log, that the seals are
16 intact and seal serial numbers match those listed in the log. ~~If there~~
17 ~~is any evidence of possible tampering with a seal, or if the serial~~
18 ~~numbers do not match those listed in the chain-of-custody log, the~~
19 ~~county personnel or election judges shall immediately notify the~~
20 ~~county clerk and recorder who shall follow the procedures specific~~
21 ~~to the incident as described in Rule 43.2.11.~~

22 ~~(E)~~ (5) County personnel or election judges transporting secured voting
23 equipment must maintain chain-of-custody logs. ~~If there is any~~
24 ~~evidence of possible tampering with a seal, or if the serial numbers~~
25 ~~do not match those listed in the chain of custody log, they shall~~
26 ~~immediately notify the county clerk and recorder who shall follow~~
27 ~~the procedures specific to the incident as described in Rule~~
28 ~~43.2.11.~~

29 ~~(2)~~ (B) Required procedures if devices are delivered with memory
30 cards/cartridges intact:

31 ~~(A)~~ (1) Two county personnel or election judges shall ~~shall~~ MUST verify that all
32 seals are intact at the close of polls. Election judges shall ~~shall~~ MUST
33 sign and date the chain-of-custody log with such indication. ~~If~~
34 ~~there is any evidence of possible tampering with a seal, or if the~~
35 ~~serial numbers do not match those listed in the chain of custody~~
36 ~~log, they shall immediately notify the county clerk and recorder~~
37 ~~who shall follow the procedures specific to the incident as~~
38 ~~described in Rule 43.2.11.~~

39 ~~(B)~~ (2) At least two county personnel or election judges shall ~~shall~~ MUST
40 accompany the secured equipment to the drop-off location. ~~Seals~~

1 will be verified, and logs will be signed and dated by the county
2 election official receiving the equipment. If there is any evidence
3 of possible tampering with a seal, or if the serial numbers do not
4 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. THE PERSON RECEIVING THE EQUIPMENT MUST VERIFY THE
8 SEALS AND SIGN AND DATE THE LOGS.

9 (C) (3) Upon confirmation that the seals are intact and bear the correct
10 numbers, election judges OR THE COUNTY PERSONNEL shall MUST
11 remove and upload the memory cards/cartridges into the central
12 count system.

13 (D) (4) To secure the equipment, election judges shall MUST place a
14 tamper-evident seal over the memory card slot and update the
15 chain-of-custody log to reflect the new seal number(s).

16 (e) 20.10.3 Required procedures for transportation of ballot boxes:

17 (A) Election judges shall MUST seal all ballot boxes that contain voted ballots
18 so that no person can access the ballots without breaking a seal. The
19 election judges shall MUST record all seals in the chain-of-custody log and
20 two election judges shall MUST verify, and indicate by signing and dating
21 the log, that the required seals are intact.

22 (B) Two county personnel or election judges shall MUST accompany all ballot
23 boxes that contain voted ballots at all times, except when the ballot box is
24 located in a vault or secure physical location.

25 (C) The ballot box exchange requirements of section 1-7-305, C.R.S., are met
26 if a chain-in-custody log is completed for each ballot box.

27 (D) IF A SEAL IS BROKEN OR CHAIN-OF-CUSTODY CANNOT BE VERIFIED, THE
28 COUNTY CLERK MUST INVESTIGATE, DOCUMENT THEIR FINDINGS, AND
29 REPORT THE INCIDENT TO THE SECRETARY OF STATE, AS APPROPRIATE.

30 20.11 ELECTRONIC POLLBOOKS.

31 38.3.20.11.1 The designated election official shall COUNTY MUST establish written
32 security procedures covering, WHICH COVER:

33 (A) The transference TRANSFER of Vote Center VOTER SERVICE AND POLLING
34 CENTER teleprocessing information;

35 38.3.2 (B) Such procedures shall include security covering The transmission
36 of elector data processed through the electronic pollbook; and

1 (C) Reconciliation of the registration and history of voters casting ballots at a
2 ~~Vote Center~~ VOTER SERVICE AND POLLING CENTER.

3 38.5.3-20.11.2 The county shall MUST submit ~~in the security plan~~ the system data transfer
4 requirements to completely process a single voter record. This shall MUST include
5 at a minimum the following:

6 a.(A) ~~The data stream information on both send~~ SENDING and receiving data
7 ~~STREAM INFORMATION~~ for all points of the transaction until the transaction
8 is complete;

9 b.(B) Information on all points where the connection is closed and the data
10 stream released between the remote computer and the server; and

11 e.(C) The proposed method of securing transmissions across public networks.

12 38.5.4-20.11.3 The county shall MUST submit ~~in the security plan~~ a detailed list of all ~~vote~~
13 ~~centers~~ VOTER SERVICE AND POLLING CENTERS, with a proposed number of
14 workstations connecting to the database and the proposed connection (including
15 bandwidth and security) for each location.

16 43.2.8 20.12 Contingency plans.

17 (a) 20.12.1 ~~Emergency~~ THE COUNTY MUST DEVELOP EMERGENCY contingency plans
18 for voting equipment and voting locations IN ACCORDANCE WITH RULE ~~45-21~~.

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

25 (2) 20.12.2 In the event of a serious or catastrophic equipment failure, or when
26 equipment is removed from service ~~at one or more polling locations~~, or there is
27 not adequate backup equipment to meet the requirements of section 1-5-501,
28 C.R.S., the county ~~clerk and recorder shall~~ MUST notify the Secretary of State that
29 the county is using provisional ballots or mail-in ballots as an emergency voting
30 method.

31 (b) ~~A security plan must contain a section entitled "contingency plan" that includes~~
32 ~~the following:~~

33 (1) ~~Evacuation procedures for emergency situations including fire, bomb~~
34 ~~threat, civil unrest, and any other emergency situations identified by the~~
35 ~~designated election official;~~

1 ~~(2)~~20.12.3 ~~Back-up plans for~~ THE COUNTY CONTINGENCY PLANS AND
2 EVACUATION PROCEDURES MUST ADDRESS emergency situations including
3 fire, severe weather, bomb threat, civil unrest, electrical blackout,
4 equipment failure, and any other emergency situations identified by the
5 designated election official;

6 ~~(3)~~—An emergency checklist for election judges; and

7 ~~(4)~~—A list of emergency contact numbers provided to election judges.

8 ~~38.3.3~~20.12.4 Such procedures shall include contingency procedures for network
9 and power failure. Such procedures shall at a minimum include procedures
10 THE COUNTY MUST DEVELOP PROCEDURES to address all single point
11 failures OF SCORE CONTINUITY, ~~including:~~ WHICH INCLUDES

12 a. ~~network failure,~~

13 b. ~~power failure that lasts less than one (1) hour, and~~

14 c. ~~Power failure that lasts more than one (1) hour.~~

15 ~~38.3.4~~ Acceptable alternatives for addressing such failures include either:

16 a. ~~A paper backup of the pollbook with the minimum information~~
17 ~~required to verify a voter's eligibility; or~~

18 b. ~~A sufficient number of computers per vote center to ensure that the~~
19 ~~voter check in continues in an efficient manner. The computers~~
20 ~~shall have the ability to function on batteries or an external power~~
21 ~~source for up to two (2) hours. In addition, each computer shall~~
22 ~~have an electronic backup of the current pollbook in one (1) of the~~
23 ~~following formats:~~

24 i. ~~A Portable Document File (PDF);~~

25 ii. ~~A spreadsheet that is limited to sixty four thousand~~
26 ~~(64,000) lines if in Excel; or~~

27 iii. ~~A database with a basic look-up interface.~~

28 ~~38.3.5~~20.12.5 In addition to acceptable backup pollbook procedures, the security
29 procedures shall address contingency procedures PROCEDURES to protect
30 against activities such as voting twice, including but not limited to the use
31 of an affidavit that the voter has not and will not cast another ballot.

32 *[Current Rules 38.3.3-38.3.5 and 43.2.8 are amended and moved to new Rule 20.12.]*

1 ~~11.6.20.13~~ Procedures for ~~Voter Verifiable Paper Audit Trail (V-VPAT)~~ VOTER VERIFIABLE
2 PAPER RECORD (VVPAT). THE FOLLOWING REQUIREMENTS APPLY ONLY TO DRES WITH A
3 VVPAT.

4 ~~11.6.10.13.1~~ Security. ~~11.6.1.1~~—The ~~V-VPAT~~ VVPAT record is considered an
5 official record of the election, ~~pursuant to~~ IN ACCORDANCE WITH section 1-5-802,
6 C.R.S. All security procedures related to election ballots ~~shall~~ MUST apply to ~~V-~~
7 ~~VPAT~~ VVPAT records.

8 ~~11.6.1.2~~(A) The housing unit for any ~~V-VPAT~~ VVPAT record to be used in the
9 election ~~shall~~ MUST be sealed and secured prior to any votes being cast for
10 the election. ~~Documentation of the seal number(s) must be maintained and~~
11 ~~noted prior to voting, and at the conclusion of voting.~~ (a)—Election
12 judges ~~shall~~ MUST attest to the ~~V-VPAT~~ VVPAT record having no votes
13 included on the paper record prior to the start of voting, and prior to the
14 installation or replacement of a new ~~V-VPAT~~ VVPAT record.
15 DOCUMENTATION OF THE SEAL NUMBER(S) MUST BE MAINTAINED AND
16 NOTED PRIOR TO VOTING, AND AT THE CONCLUSION OF VOTING.

17 ~~11.6.1.3~~(B) If a DRE with ~~V-VPAT~~ VVPAT is used during early voting, the
18 seal number(s) must be recorded at the beginning and end of each voting
19 day.

20 ~~11.6.1.4~~(C) At the close of the polls, the ~~V-VPAT~~ VVPAT records will be
21 transferred to the ~~central~~ ELECTION office in the same manner as any paper
22 ballots. In the absence of paper ballots, the ~~V-VPAT~~ VVPAT records will
23 be transferred to the ~~central~~ ELECTION office in the same manner as ~~any~~
24 memory cards ~~containing electronic ballots~~.

25 ~~11.6.20.13.2~~ Anonymity. ~~11.6.2.1~~—The ~~Election Official~~ DESIGNATED ELECTION
26 OFFICIAL ~~shall put~~ MUST IMPLEMENT measures in place to protect the anonymity of
27 voters choosing to vote on DREs ~~during the voting periods. These measures shall~~
28 ~~include:~~

29 (A) MEASURES TO PROTECT THE ANONYMITY MAY INCLUDE:

30 (a)—~~Encouraging poll workers to personally vote on DREs when~~
31 ~~possible to ensure more than one vote will be cast on the device.~~

32 (b)(1) Appropriate marking in ~~Poll Book~~ POLLBOOK or other voting list
33 indicating ~~voters~~ VOTER'S choice to vote on DRE with the words:
34 "Voted DRE", or similar in place of paper ballot information. ~~THE~~
35 ~~COUNTY MAY NOT KEEP ANY~~ ~~No~~ record ~~shall~~ ~~MAY be kept~~
36 indicating the order in which people voted on the DRE, or which
37 ~~V-VPAT~~ VVPAT record is associated with the voter.

1 (e)-(2) When more than one DRE is available at a voting location, the
2 voter shall MUST be given the choice as to which DRE they would
3 like to vote on, to the extent practical.

4 (d) ~~Encouraging or allowing any and all voters the opportunity to vote~~
5 ~~on a DRE if desired.~~

6 11.6.2.2(B) THE COUNTY CLERK MUST REMOVE THE DATE/TIME STAMP FROM
7 ANY Any report or export (electronic or paper based) generated from an
8 electronic pollbook. shall MUST remove the date/time stamp from the
9 record and THE COUNTY CLERK MAY not use this field as a sort method.
10 THE COUNTY CLERK MUST RANDOMLY ASSIGN ANY Any assignment of
11 Record ID IDs, Key ID, or Serial Number stored in the database of votes
12 shall be randomly assigned.

13 11.6.2.3 ~~Any Pollbook, electronic, paper or otherwise shall not be exposed~~
14 ~~to the same people at the same place who have exposure to the V VPAT~~
15 ~~VVPAT records.~~

16 (C) ~~ELECTION JUDGES MAY NOT ACCESS VVPAT RECORDS AT THE TIME OF~~
17 ~~VOTING. AT NO TIME MAY AN ELECTION JUDGE SIMULTANEOUSLY ACCESS A~~
18 ~~VVPAT AND THE LIST OF VOTERS.~~

19 11.6.2.4 ~~The Examination of the V VPAT-VVPAT record shall always be~~
20 ~~done~~ PERFORMED by at least two witnesses ELECTION JUDGES.

21 11.6.3-20.13.3 Storage.11.6.3.1 ~~The storage of the V VPAT-VVPAT records must~~
22 ~~be consistent with storage of paper ballots pursuant to section 1-7-802, C.R.S.~~

23 11.6.3.2(A) Individual spools containing V VPAT-VVPAT records must
24 contain the following catalog information affixed to the spool:

25 (a)-(1) Date and name of election;

26 (b)-(2) Name of voting location;

27 (c)-(3) Date(s) and time(s) of voting;

28 (d)-(4) Machine serial number of DRE associated with the record; and

29 (e)-(5) Number of spools associated with this machine for this election
30 (i.e. "Spool 1 of 1", or "Spool 1 of 2", etc.).

31 11.6.3.3(B) Light sensitive storage containers shall MUST be used for the 25
32 month storage period to ensure the integrity of the V VPAT-VVPAT
33 paper record. Containers shall MUST be sealed, with record of the seal
34 numbers maintained on file and signed by two elections officials JUDGES.

1 MUST investigate, complete and submit to the Secretary of State an internal
2 incident report, and follow the appropriate remedy as indicated in this rule or as
3 directed by the Secretary of State. REMEDY THE DISCREPANCY AS FOLLOWS:

4 ~~(b) If the county clerk and recorder conducts an investigation in accordance with Rule~~
5 ~~43.2.11(a) and is unable to determine why a seal was broken or why a discrepancy~~
6 ~~exists in a chain-of-custody log, then the county clerk and recorder shall file an~~
7 ~~incident report with the Secretary of State as soon as practicable, but no later than~~
8 ~~the close of the canvass period for the election. Any unit involved must undergo~~
9 ~~the reinstatement or verification of the trusted build, in accordance with State~~
10 ~~instructions. The following remedial actions are required if a device was tampered~~
11 ~~with (the county clerk and recorder may determine additional requirements based~~
12 ~~on the details of the incident report):~~

13 ~~(1)(A) THE COUNTY OR SECRETARY OF STATE MUST REINSTATE OR VERIFY THE~~
14 ~~TRUSTED BUILD. For instances where the county can display, verify, or~~
15 ~~print the trusted build hash value (MD5 or SHA-1) of the firmware or~~
16 ~~software, the election official shall MUST document and verify that the~~
17 ~~hash value matches the documented number ALPHANUMERIC STRING~~
18 ~~associated with the trusted build for the software or firmware of that~~
19 ~~device.~~

20 ~~(2)(B) If the evidence indicates that the tampering DISCREPANCY occurred prior to~~
21 ~~BEFORE the start of voting:~~

22 ~~(A)(1) The election judges shall MUST seal the device and securely deliver~~
23 ~~it to the county clerk and recorder.~~

24 ~~(B)(2) The county clerk and recorder or his or her designee shall remove~~
25 ~~and secure the memory card following the procedures in Rule~~
26 ~~43.2.2(d). The county clerk and recorder or his or her designee~~
27 ~~shall follow the State instructions for installing/verifying the~~
28 ~~trusted build for the specific device. The county clerk and recorder~~
29 ~~or his or her designee shall OR THE SECRETARY OF STATE MUST~~
30 ~~install a new, secure memory card into the device, conduct a~~
31 ~~hardware diagnostics test as prescribed in Rule 11, and proceed to~~
32 ~~conduct a logic and accuracy AN ACCEPTANCE test on the machine~~
33 ~~in full election mode, casting at least 25 ballots on the device. The~~
34 ~~county shall MUST maintain on file all documentation of testing and~~
35 ~~chain-of-custody CHAIN-OF-CUSTODY for each specific device.~~

36 ~~(C)(3) The county shall MUST complete the necessary seal process and~~
37 ~~documentation to re-establish the chain-of-custody CHAIN-OF-~~
38 ~~CUSTODY for the device and new memory card.~~

39 ~~(D)(4) The county shall MUST set the machine to election mode ready for~~
40 ~~a zero report.~~

- 1 ~~(E)~~ — Repealed.
- 2 ~~(3)~~(C) If the evidence indicates that the ~~tampering~~ DISCREPANCY occurred after
3 votes were cast on the device ~~but before the close of polls~~:
- 4 ~~(H)~~(1) THE COUNTY MAY NOT CONTINUE TO USE THE MACHINE UNTIL
5 VERIFICATION OR REINSTALLATION OF TRUSTED BUILD AND
6 ACCEPTANCE TESTING IS COMPLETE. The county ~~shall~~ MUST set the
7 machine to election mode ready for a zero report BEFORE
8 RESUMING VOTING ON THE DEVICE.
- 9 ~~(A)~~(2) The election judges ~~shall~~ MUST seal the device and securely deliver
10 it to the county ~~clerk and recorder~~.
- 11 ~~(B)~~(3) The county ~~clerk and recorder or his or her designee~~ ~~shall~~ MUST
12 close the election on that device, and perform a complete manual
13 verification of the paper ballots (or VVPAT records) to the
14 summary tape printed on the device that represents the record of
15 votes on the memory card.
- 16 ~~(C)~~(4) If the totals do not match then only the paper record will be
17 accepted as the official results for that device. The county ~~clerk~~
18 ~~and recorder~~ ~~shall~~ MUST re-seal and secure the device and
19 immediately report the discrepancy to the Secretary of State. The
20 county must not use the device for the remainder of the election
21 unless the trusted build is ~~reinstalled~~ REINSTATED.
- 22 ~~(D)~~(5) If the totals match, the county may upload the memory card into
23 the tally software at the close of polls.
- 24 ~~(E)~~(6) After verifying the totals, the county ~~shall~~ MUST secure the paper
25 records and memory card with seals and a chain-of-custody log.
- 26 ~~(F)~~ — The county shall place a new and secure memory card in the
27 device. The county clerk and recorder or his or her designee shall
28 follow the State instructions for installing/verifying the trusted
29 build for the specific device. The county clerk and recorder or his
30 or her designee shall conduct a hardware diagnostics test as
31 prescribed in Rule 11. The county shall maintain on file all
32 documentation of testing and chain of custody for the device.
- 33 ~~(G)~~(7) The county ~~shall~~ MUST complete the necessary seal process and
34 documentation to establish the ~~chain of custody~~ CHAIN-OF-
35 CUSTODY for the device and memory card.
- 36 ~~(H)~~ — The county shall set the machine to election mode ready for a zero
37 report.

1 *[Current Rule 43.2.11(a)(3)(H) is amended and moved to 20.15(c)(1)*
2 *above]*

3 ~~(I)(8) At the conclusion of the election PRIOR TO CERTIFYING ELECTION~~
4 ~~RESULTS, the county shall MUST conduct a full (all races) post-~~
5 ~~election audit on the device and report results to the Secretary of~~
6 ~~State as required by Rule 11. This requirement is in addition to the~~
7 ~~random selection conducted by the Secretary of State.~~

8 ~~(J) Repealed.~~

9 ~~(4) If the evidence indicates that the tampering occurred after the close of~~
10 ~~polls:~~

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

13 ~~(B) The county clerk and recorder or his or her designee shall perform~~
14 ~~a complete manual verification of the paper ballots (or V VPAT~~
15 ~~records) to the summary tape printed on the device that represents~~
16 ~~the record of votes on the memory card.~~

17 ~~(C) If the totals do not match then only the paper record will be~~
18 ~~accepted as the official results for that device. The county clerk~~
19 ~~and recorder shall re seal and secure the device and immediately~~
20 ~~report the discrepancy to the Secretary of State. The county must~~
21 ~~not use the device for the remainder of the election unless trusted~~
22 ~~build is reinstalled.~~

23 ~~(D) If the totals match, the county may upload the memory card into~~
24 ~~the tally software at the close of polls.~~

25 ~~(E) After verifying the totals, the county shall secure the paper records~~
26 ~~and memory card with seals and a chain of custody log~~

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

31 ~~(G) During the canvass process, the county shall conduct a full (all~~
32 ~~racess) post election audit on the device and report results to the~~
33 ~~Secretary of State as required by Rule 11. This requirement is in~~
34 ~~addition to the random selection conducted by the Secretary of~~
35 ~~State.~~

36 ~~(H) Repealed.~~

1 ~~(e)~~ 20.15.3 The county ~~shall~~ MUST make all documentation related to the voting
2 system and for every device used in the election available for Secretary of State
3 inspection.

4 ~~43.2.12~~ The county ~~shall~~ MUST submit any additional physical security procedures not
5 discussed in this rule to the Secretary of State for approval prior to the election.

6 ~~43.3~~ The county shall submit with the security plan sample copies of all referenced forms,
7 schedules, logs, and checklists.

8 *[Current Rule 43.3 is moved to Rule 20.3.6]*

9 43.4-20.16 Amendments and review of security plans.

10 ~~43.4.1~~ 20.16.1 If no changes have occurred since the last security plan was filed, THEN the
11 county ~~shall~~ MUST file a statement to that effect.

12 ~~43.4.2~~ 20.16.2 The county ~~shall~~ MUST clearly identify and describe any revisions to a
13 previously filed security plan.

14 ~~43.4.3~~ 20.16.3 The county may change the security plan within 60 days of an election as
15 a result of an emergency situation or other unforeseen circumstance. The county
16 must document the changes and file the revisions with the Secretary of State
17 within five days of the change.

18 ~~43.4.4~~ If, under section 1-5-616(5)(b), C.R.S., the Secretary of State is unable to
19 complete its review, the Secretary will notify the county that the security plan or
20 revisions are temporarily approved until the review is complete.

21 ~~43.5~~ 20.17 Lease, LOAN, OR RENTAL OF ELECTION EQUIPMENT. ~~43.5.1~~ Nothing in this rule
22 requires a county ~~clerk~~ to lease, loan, or rent any election equipment to any municipality,
23 special district or other local jurisdiction.

24 ~~43.5.2~~ 20.17.1 A county ~~clerk who~~ THAT chooses to lease, loan, or rent any certified
25 election equipment to a municipality, special district, or other local jurisdiction
26 for use in their elections ~~shall~~ MUST follow at least one of the following
27 ~~procedures in order to~~ maintain or reestablish an acceptable ~~chain of custody~~
28 CHAIN-OF-CUSTODY and appropriate documentation in accordance with Rule
29 ~~43.2.1~~ 20.3.

30 ~~43.5.3~~ 20.17.2 Upon return of the ~~certified~~ voting equipment to the county ~~clerk and~~
31 ~~recorder, the county clerk is required to verify the trusted build, in accordance~~
32 ~~with State instructions, if the documentation and chain of custody~~ CHAIN-OF-
33 CUSTODY does not support the proper maintenance of the trusted build software
34 ~~and chain of custody~~ THEN THE COUNTY MUST REINSTATE OR VERIFY THE TRUSTED
35 BUILD BEFORE USING THE EQUIPMENT.

1 (a) 20.17.3 ~~After the local jurisdiction returns the certified equipment to the county~~
2 ~~clerk, the county clerk must reinstate or verify the trusted build in accordance~~
3 ~~with Rule 43 before the equipment is used in any primary, general, congressional~~
4 ~~vacancy, statewide ballot issue (including recall), or special election conducted by~~
5 ~~the county clerk. TO REINSTATE OR VERIFY THE TRUSTED BUILD, THE COUNTY MUST~~
6 ~~IMPLEMENT ONE OF THE FOLLOWING PROCEDURES:~~

7 ~~(b)(A) The county clerk or their deputized representative shall~~MUST:

- 8 (1) Deliver the ~~certified~~ equipment to the jurisdiction;
- 9 (2) Witness and document the installation of the memory card(s) or
10 cartridge(s) used by the jurisdiction;
- 11 (3) Place one or more secure and numbered seals on the voting
12 equipment in accordance with Rule ~~43.2.2~~20.4. If during the
13 course of the jurisdiction’s election, the designated election official
14 requires removal of a memory card or cartridge as a function of the
15 election process, the county clerk ~~or their deputized representative~~
16 ~~shall~~MUST witness and document the removal and proper resealing
17 of the memory card or cartridge; and
- 18 (4) Upon return of the equipment to the county ~~clerk and recorder,~~ the
19 county ~~clerk shall~~MUST verify, and indicate by signing and dating
20 the chain-of-custody log, that all seals are intact. If any seal is
21 damaged or removed, the county ~~clerk shall reinstall~~MUST
22 REINSTATE or verify the trusted build ~~in accordance with this Rule~~
23 43.

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

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

- 33 (1) Sign and submit to the county ~~clerk and recorder~~ an affirmation
34 that he/she will ensure the security and integrity of the ~~certified~~
35 voting equipment at all times;
- 36 (2) Affirm that the use of the ~~certified~~ voting equipment is conducted
37 in accordance with THIS Rule ~~43-20~~ the specific Conditions for Use
38 of the ~~certified~~ voting equipment; and

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

3 ~~43.5.3 Upon return of the certified voting equipment to the county clerk and recorder, the~~
4 ~~county clerk is required to verify the trusted build, in accordance with State~~
5 ~~instructions, if the documentation and chain of custody does not support the~~
6 ~~proper maintenance of the trusted build software and chain of custody.~~

7 *[Current Rule 43.5.3 is amended and moved to New Rule 20.18.2]*

8 20.18 BALLOT ON DEMAND

9 20.18.1 THE COUNTY MUST USE THE STATE-PROVIDED LAPTOP FOR BALLOT ON
10 DEMAND PURPOSES ONLY.

11 20.18.2 SOFTWARE ACCESS, SECURITY, AND STORAGE.

12 (A) THE COUNTY MUST CHANGE ALL WINDOWS AND BALLOT ON DEMAND
13 APPLICATION PASSWORDS AT LEAST ONCE PER CALENDAR YEAR.

14 (B) ONLY THE COUNTY, ELECTION JUDGES, SECRETARY OF STATE STAFF, OR
15 AUTHORIZED VENDOR REPRESENTATIVES MAY OPERATE THE BALLOT ON
16 DEMAND SYSTEM.

17 (C) THE COUNTY MAY CONNECT THE BALLOT ON DEMAND LAPTOP TO AN
18 EXTERNAL NETWORK FOR THE PURPOSE OF CONNECTING TO SCORE ONLY
19 IF THE COUNTY MAINTAINS CURRENT VIRUS PROTECTION AND IMPLEMENTS
20 FIREWALLS TO PREVENT UNAUTHORIZED ACCESS.

21 (D) THE COUNTY MUST STORE THE STATE-PROVIDED LAPTOP(S) AND UNUSED
22 PAPER BALLOT STOCK IN A LOCKED STORAGE AREA WHEN THE PRINTER IS
23 NOT IN USE.

24 20.18.3 BALLOT RECONCILIATION.

25 (A) THE COUNTY MUST RECONCILE BALLOTS PRINTED ON DEMAND IN
26 ACCORDANCE WITH RULES ~~41.4 AND 41.5~~ 20.4 AND 20.5.

27 (B) THE COUNTY MUST MAINTAIN DAMAGED, MISPRINTED, OR UNUSABLE
28 BALLOTS AS ELECTION RECORDS.

29 ~~Rule 45.~~ **Rule 21. Rules Concerning Voting System Standards for Certification**

30 ~~45.1-21.1~~ 21.1 Definitions. The following definitions apply to their use in this rule only, unless
31 otherwise stated.

32 ~~45.1-21.1.1~~ 21.1.1 “Audio ballot” means a voter interface containing the list of all candidates,
33 ballot issues, and ballot questions upon which an eligible elector is entitled to vote

1 in an election. It also provides the voter with audio stimuli and allows the voter to
2 communicate voting intent to the voting system through vocalization or physical
3 actions.

4 ~~45.1.2~~ 21.1.2 “Audit log” means a system-generated record, in printed ~~and~~ or electronic
5 format, providing a record of activities and events relevant to initializing election
6 software and hardware, the identification of files containing election parameters,
7 initializing the tabulation process, processing voted ballots and terminating the
8 tabulation process.

9 ~~45.1.3~~ 21.1.3 “Ballot image” means a corresponding representation in electronic form of
10 the marks or vote positions of a cast ballot that are captured by a ~~direct recording~~
11 ~~electronic voting device~~ DRE.

12 ~~45.1.4~~ 21.1.4 “BALLOT MARKING DEVICE” OR “BMD” MEANS A DEVICE THAT USES
13 ELECTRONIC TECHNOLOGY TO:

- 14 (A) MARK AN OPTICAL SCAN BALLOT AT VOTER DIRECTION,
- 15 (B) INTERPRET THE BALLOT SELECTIONS,
- 16 (C) COMMUNICATE THE INTERPRETATION FOR VOTER VERIFICATION, AND THEN
- 17 (D) PRINT A VOTER-VERIFIED BALLOT.

18 A BMD INTEGRATES COMPONENTS SUCH AS AN OPTICAL SCANNER, PRINTER,
19 TOUCH-SCREEN MONITOR, AND A NAVIGATIONAL KEYPAD.

20 ~~45.1.4~~ 21.1.5 “Ballot style” means a specific ballot layout or content for an election. The
21 ballot style is the presentation of the unique combination of contests and
22 candidates for which the voter is eligible to vote. It includes the order of contests
23 and candidates, the list of ballot positions for each contest, and the binding of
24 candidate names to ballot positions within the presentation. Multiple precincts
25 may use a single ballot style. Multiple styles may appear in a single precinct
26 where voters are split between two or more districts or other categories defining
27 voter eligibility for particular contests and candidates.

28 ~~45.1.5~~ 21.1.6 “Closed network” means a network structure in which devices are not
29 connected to the internet or other office automation networks, except as allowable
30 under THIS Rule ~~45.5.2.7~~ 21.

31 ~~45.1.6~~ “Communications devices” means ~~devices that may be incorporated in, or~~
32 ~~attached to, components of the voting system for the purpose of transmitting~~
33 ~~tabulation data between components or to another data processing system,~~
34 ~~printing system or display device.~~

35 ~~45.1.7~~ 21.1.7 “DRE” means a direct recording electronic voting device. A DRE is a
36 voting device that records votes by means of a ballot display OR AN AUDIO BALLOT

1 provided with mechanical or electro-optical components ~~or an audio ballot that~~
2 ~~can be activated by the voter~~, processes data by means of a ~~computer~~-SOFTWARE
3 program and records voting data and ballot images in memory components or
4 other media. The device may produce a tabulation of the voting data stored in a
5 removable memory component and as printed copy. The device may also provide
6 a means for transmitting individual ballots or vote totals to a central location for
7 consolidating and reporting results from remote sites to the central location.

8 ~~45.1.8~~-21.1.8 “EAC” means the United States Election Assistance Commission.

9 ~~45.1.9~~-21.1.9 “Election management system” includes, but is not limited to, the ballot
10 definition subsystem and the election reporting subsystem. The election
11 management system may provide utilities for other election administration tasks,
12 including maintaining equipment inventories, estimating ballot printing needs and
13 maintaining information on ~~polling places~~-VOTER SERVICE AND POLLING CENTERS.

14 ~~45.1.10~~-21.1.10 “Election media” means any device including a cartridge, card,
15 memory device or hard drive used in a voting system for the purposes of
16 programming ballot image data (ballot or card styles), recording voting results
17 from electronic vote tabulating equipment or any other data storage required by
18 the voting system for a particular election function. The election management
19 system typically downloads ballot style information to the election media and
20 uploads results and ballot images from the election media.

21 ~~45.1.11~~-21.1.11 “Equipment” or “device” means a complete, AND inclusive term to
22 represent all items submitted for certification by the voting system provider. This
23 can include, but is not limited to, any voting device, accessory to voting device,
24 DRE, touch screen voting device, card programming device, software and
25 hardware. “Equipment” may also mean a complete end to end voting system
26 solution.

27 ~~45.1.12~~-21.1.12 “MODIFICATION” MEANS A REVISION OR A NEW RELEASE OF AN
28 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM.

29 21.1.13 “OPTICAL SCANNER” MEANS AN OPTICAL OR DIGITAL BALLOT SCANNER.

30 ~~45.1.12~~-21.1.14 “Remote site” means any physical location identified by a
31 designated election official as a location where the jurisdiction shall conduct the
32 casting of ballots for a given election. A remote site includes, but is not limited to,
33 locations such as ~~precinct polling places, vote centers, early voting sites and mail-~~
34 ~~in ballot counting sites~~-VOTER SERVICE AND POLLING CENTERS.

35 ~~45.1.13~~-21.1.15 ~~“Removable Storage Media”~~“REMOVABLE STORAGE MEDIA” means
36 storage devices that can be removed from the system and transported to another
37 location for readout and report generation. Examples of removable storage media
38 include, but are not limited to, programmable read-only memory (PROM),
39 random access memory (RAM) with battery backup, thumb drives, magnetic
40 media and optical media.

1 45.1.14-21.1.16 “Secretary of State” ~~within the context of this rule,~~ means the
2 Colorado Secretary of State and his or her ~~designated~~ agents including employees,
3 contractors and volunteers.

4 45.1.15-21.1.17 “Security” means the ability of a voting system to protect election
5 information and election system resources with respect to confidentiality, integrity
6 and availability.

7 45.1.16-21.1.18 ~~“Split Precinct”~~“SPLIT PRECINCT” means a precinct that has a
8 geographical divide between one or more political jurisdictions which results in
9 each jurisdiction within the precinct to be assigned different ballot styles for a
10 specific election.

11 45.1.17-45.1.19 ~~“Test Log” or “Test Records”~~“TEST LOG” OR “TEST RECORDS”
12 means the documentation of certification testing and processes. This
13 documentation may include, but is not limited to, certification testing reports, test
14 plans, requirements matrices, photographs, written notes, video and/or audio
15 recordings.

16 45.1.18-21.1.20 ~~“Trusted Build”~~“TRUSTED BUILD” means the write-once
17 installation disk or disks for software and firmware for which the Secretary of
18 State or his/her agent has established the chain of evidence to the building of a
19 disk, which is then used to establish and/or re-establish the ~~chain of custody~~
20 CHAIN-OF-CUSTODY of any component of the voting system which contains
21 firmware or software. The trusted build is the origin of the chain of evidence for
22 any software and firmware component of the voting system.

23 45.1.20 ~~“VOTING SYSTEM” MEANS:~~

24 (A) ~~THE TOTAL COMBINATION OF MECHANICAL, ELECTROMECHANICAL, OR~~
25 ~~ELECTRONIC EQUIPMENT (INCLUDING THE SOFTWARE, FIRMWARE, AND~~
26 ~~DOCUMENTATION REQUIRED TO PROGRAM, CONTROL, AND SUPPORT THE~~
27 ~~EQUIPMENT) THAT IS USED TO:~~

28 (1) ~~DEFINE BALLOTS;~~

29 (2) ~~CAST AND COUNT VOTES;~~

30 (3) ~~REPORT OR DISPLAY ELECTION RESULTS; AND~~

31 (4) ~~MAINTAIN AND PRODUCE ANY AUDIT TRAIL INFORMATION; AND~~

32 (B) ~~THE PRACTICES AND ASSOCIATED DOCUMENTATION USED TO:~~

33 (1) ~~IDENTIFY SYSTEM COMPONENTS AND VERSIONS OF SUCH~~
34 ~~COMPONENTS;~~

35 (2) ~~TEST THE SYSTEM DURING ITS DEVELOPMENT AND MAINTENANCE;~~

1 ~~(3) MAINTAIN RECORDS OF SYSTEM ERRORS AND DEFECTS;~~

2 ~~(4) DETERMINE SPECIFIC SYSTEM CHANGES TO BE MADE TO A SYSTEM~~
3 ~~AFTER THE INITIAL QUALIFICATION OF THE SYSTEM; AND~~

4 ~~(5) MAKE AVAILABLE ANY MATERIALS TO THE VOTER (SUCH AS~~
5 ~~NOTICES, INSTRUCTIONS, FORMS, OR PAPER BALLOTS).~~

6 *[Relocated to new Rule 1.1.33]*

7 ~~45.1.19-21.1.22~~ “Voting System Test Laboratory” or “VSTL” means a “Federally
8 Accredited Laboratory” “VOTING SYSTEM TEST LABORATORY” OR “VSTL” MEANS
9 A “FEDERALLY ACCREDITED LABORATORY”, as defined in section 1-1-104(16.5),
10 C.R.S., which is accredited by the EAC to conduct certification testing for voting
11 systems.

12 ~~45.5.2.9-21.1.23~~ V-VPAT shall refer to a Voter verified “VOTER-VERIFIED PAPER
13 AUDIT TRAIL” OR “VVPAT” MEANS A DEVICE CAPABLE OF PRODUCING A VOTER-
14 VERIFIED paper record as defined in section 1-1-104(50.6)(a), C.R.S.

15 ~~45.2-21.2~~ Introduction

16 ~~45.2.1-21.2.1~~ Definition of voting system for certification purposes

17 ~~45.2.1-21.2.1~~ The definition of a voting system for the purposes of this rule shall be as
18 the term is defined in HAVA Section 301(b). For Colorado purposes, no single
19 component of a voting system, or device, meets the definition of a voting system
20 except that nothing in this rule shall MAY be interpreted to require the testing of an
21 entire modified system if the Secretary of State determines pursuant to IN
22 ACCORDANCE WITH section 1-5-618, C.R.S., that a modification to any certified
23 voting system requires testing for security and accuracy. only ONLY the
24 modification shall be required to be tested to ensure compliance with this Rule 45.

25 ~~45.2.1.2-21.2.2~~ Sufficient components shall MUST be assembled to create a
26 configuration that allows the system or modification as a whole to meet the
27 requirements as described for a voting system in this rule.

28 ~~45.2.3-21.2.3~~ THE CERTIFICATION OF A VOTING SYSTEM SHALL MAY NOT BE INTERPRETED
29 AS A REQUIREMENT THAT A COUNTY PURCHASE OR LEASE ALL OF THE COMPONENTS
30 OF THE VOTING SYSTEM. COUNTIES MAY CHOOSE TO CONFIGURE AND USE A SUBSET
31 OF THE CERTIFIED VOTING SYSTEM AND MAY USE THE SERVICES OF A VENDOR OR
32 THIRD PARTY TO PROVIDE BALLOT DEFINITION AND ELECTION PROGRAMMING OF
33 MEMORY CARDS. COUNTIES ARE NOT REQUIRED TO USE A PAPER BALLOT
34 TABULATION DEVICE IF THEY CHOOSE TO MANUALLY TABULATE THE ELECTION
35 RESULTS.

36 ~~45.2.2-21.2.2~~ Authority

1 45.2.2.1 ~~Pursuant to Articles 5 and 7 of Title 1, C.R.S., the Secretary of~~
2 State is expressly authorized to adopt this rule.

3 45.2.3 ~~Documents Incorporated by Reference~~

4 45.2.3.1 ~~All documents incorporated by reference in this Rule 45 do not~~
5 include any later amendments or editions of those documents.

6 45.2.3.2 ~~All documents incorporated by reference in this Rule 45 may be~~
7 viewed on the “Voting Systems” page of the “Elections Center” on the
8 Secretary of State’s website at www.sos.state.co.us, or by contacting the
9 Secretary of State Voting Equipment Certification Program/1700
10 Broadway Suite 200/Denver, CO 80290.

11 45.3-21.3 Certification Process Overview and Timeline

12 45.3.1-21.3.1 The voting system ~~shall~~ **WILL** be considered as a unit, and all components
13 of such system ~~shall be~~ tested at once, unless the circumstances necessitate
14 otherwise. Any change made to individual components of a voting system ~~shall~~
15 **WILL** require the entire voting system TO be recertified ~~in accordance with this rule~~
16 unless the change is a modification that can be approved under ~~the provisions of~~
17 section 1-5-618(1.5), C.R.S.

18 45.3.2-21.3.2 For a voting system to be certified, the voting system provider ~~shall~~ **MUST**
19 successfully complete all phases of the certification process, ~~to include submitting~~
20 a complete application, a review of the documentation to evaluate whether the
21 system meets the requirements of this rule, a public demonstration of the system,
22 functional testing of the voting system to demonstrate substantial compliance with
23 the requirements of this rule and Colorado Election Code as well as any additional
24 testing that is deemed necessary by the Secretary of State. THE CERTIFICATION
25 PROCESS INCLUDES: SUBMISSION OF A COMPLETE APPLICATION, A DOCUMENTATION
26 REVIEW, A PUBLIC DEMONSTRATION OF THE SYSTEM, AND FUNCTIONAL TESTING.

27 45.3.3 21.3.3 The flow of each phase of certification is as follows:

- 28 (a) Phase I – ~~Voting~~ THE VOTING system provider ~~submits~~ **MUST SUBMIT** an
29 application and all documentation required in Rule 45.4. The Secretary of
30 State ~~reviews~~ **WILL REVIEW** the ~~applicaton~~ **APPLICATION** and ~~informs~~
31 **INFORM** the voting system provider whether or not the application is
32 complete. ~~If the application is complete, the Secretary of State makes~~
33 arrangements with the voting system provider for a public demonstration.
34 If the application is incomplete, the Secretary of State ~~shall~~ **WILL** identify
35 the deficiencies and the voting system provider will have 30 days to
36 remedy the deficiencies and make the application complete. **WHEN THE**
37 **APPLICATION IS COMPLETE, THE SECRETARY OF STATE WILL MAKE**
38 **ARRANGEMENTS WITH THE VOTING SYSTEM PROVIDER FOR A PUBLIC**
39 **DEMONSTRATION.**

1 (b) Phase II – The Secretary of State ~~reviews~~ WILL REVIEW the submitted
2 documentation, ~~conducts the review of~~ VSTL REPORTS FROM PREVIOUS
3 TESTING, AND ~~or~~ evaluations provided by ~~another State under Rule~~
4 ~~45.5.1.3~~, ~~prepares a certification test plan for the system and presents the~~
5 ~~test plan to the voting system provider~~ OTHER STATES.

6 (c) PHASE III – THE SECRETARY OF STATE WILL PREPARE A CERTIFICATION
7 TEST PLAN. IF A VSTL IS CONTRACTED TO TEST THE VOTING SYSTEM, THE
8 VSTL WILL WORK WITH THE SECRETARY OF STATE TO PREPARE A
9 CERTIFICATION TEST PLAN. THE CERTIFICATION TEST PLAN WILL BE
10 PRESENTED TO THE VOTING SYSTEM PROVIDER FOR REVIEW PRIOR TO THE
11 START OF FUNCTIONAL TESTING.

12 (e)(D) Phase ~~III~~ IV – Upon receipt of the voting system provider’s agreement to
13 the CERTIFICATION test plan, the Secretary of State ~~performs~~ OR THE VSTL
14 WILL PERFORM the functional tests.

15 (d)(E) Phase ~~IV~~ V – The Secretary of State ~~reviews~~ WILL REVIEW the results of
16 the functional tests and ~~decides~~ DETERMINE whether ~~to certify or not to~~
17 ~~certify~~ the voting system SUBSTANTIALLY MEETS THE REQUIREMENTS FOR
18 CERTIFICATION. Within 30 days of ~~the~~ THIS decision ~~to certify or not~~
19 ~~certify the voting system~~, the certification test report for the voting system
20 shall be posted on the Secretary of State’s website.

21 ~~45.6.3~~ 21.3.4 The Secretary of State shall certify voting systems that substantially
22 comply with the requirements in this Rule 21, Colorado Election Code, and any
23 additional testing that is deemed necessary by the Secretary of State.

24 ~~45.4~~ 21.4 Application Procedure

25 ~~45.4.1~~ 21.4.1 Any voting system provider may apply to the Secretary of State for
26 certification at any time.

27 ~~45.4.2~~ 21.4.2 A voting system provider that ~~submits~~ DESIRES TO SUBMIT a voting system
28 for certification shall complete the Secretary of State’s “Application for
29 Certification of Voting System” WHICH IS AVAILABLE ON THE SECRETARY OF
30 STATE’S WEBSITE.

31 ~~45.4.3~~ 21.4.3 The Secretary of State, in accordance with section 24-21-104(1)(a),
32 C.R.S., ~~shall~~ WILL charge the voting system provider all direct and indirect costs
33 associated with the testing of a voting system submitted for certification. The
34 Secretary of State ~~shall~~ WILL provide, ~~upon request~~, an estimate of costs for
35 certification testing ~~at the conclusion of Phase II evaluation.~~ ~~PRIOR TO~~ ~~BEFORE~~ THE
36 COMMENCEMENT OF FUNCTIONAL TESTING. IN ORDER TO BEGIN FUNCTIONAL
37 TESTING, THE VOTING SYSTEM PROVIDER ~~SHALL~~ MUST PROVIDE A WRITTEN
38 APPROVAL OF THE COST ESTIMATE. All costs shall be paid in full prior to the
39 issuance of a final determination by the Secretary of State.

1 45.4.4-21.4.4 Along with the application, the voting system provider shall MUST submit
2 all documentation required in this Rule 45-21 IN ELECTRONIC FORMAT. The
3 requirements include documentation necessary for the identification of the full
4 system configuration submitted for certification. Documentation shall include
5 information that defines the voting system design, method of operation and
6 related resources. It shall also include a system overview and documentation of
7 the voting system's functionality, accessibility, hardware, software, security, test
8 and verification specifications, operations procedures, maintenance procedures
9 and personnel deployment and training requirements. In addition, the
10 documentation submitted shall include the voting system provider's configuration
11 management plan and quality assurance program.

12 45.4.5 Electronic copies of documentation are preferred and shall be submitted in lieu of
13 a hard copy when possible.

14 45.4.6-21.4.5 The vendor shall MUST identify any material it asserts is exempt from
15 public disclosure under the Colorado Open Records Act, section 24-72-204, et.
16 seq., C.R.S., together with a citation to the specific grounds for exemption. The
17 request shall MUST be made prior to BEFORE the start of Phase III-IV of the
18 certification process.

19 45.4.7 If the EAC has established a trusted build for the system submitted for
20 certification, the trusted build shall be provided by the EAC. The voting system
21 provider shall execute and submit to the EAC any necessary releases for the EAC
22 to provide the same and provide the Secretary of State with a copy of such
23 executed releases. The voting system provider shall pay directly to the EAC any
24 cost associated with same. In addition, the voting system provider shall submit all
25 documentation and instructions necessary for the creation and guided installation
26 of files contained in the trusted build which will be created at the start of
27 functional testing and will be the model tested. The Secretary of State reserves the
28 right to add additional instructions or guidance for the use of the trusted build
29 when initiating the chain of custody process for a jurisdiction using the specified
30 equipment.

31 45.4.8 21.4.6 If the EAC does not have a trusted build for the voting system submitted
32 for certification, the THE voting system provider shall MUST coordinate with the
33 Secretary of State for the establishment of the trusted build. THE VOTING SYSTEM
34 PROVIDER SHALL MUST SUBMIT ALL DOCUMENTATION AND INSTRUCTIONS
35 NECESSARY FOR THE CREATION AND GUIDED INSTALLATION OF FILES CONTAINED IN
36 THE TRUSTED BUILD WHICH WILL BE CREATED AT THE START OF FUNCTIONAL
37 TESTING AND WILL BE THE MODEL TESTED. At a minimum, this THE TRUSTED BUILD
38 shall MUST include a compilation of files placed on write-once media for which
39 the Secretary of State has observed the chain of evidence from the time of source
40 code compilation through delivery, and an established hash file distributed from a
41 VSTL or the National Software Reference Library to compare federally certified
42 versions. All or any part of the THE trusted build disks may be encrypted. If
43 applicable, they should all be labeled as proprietary information and with

1 identification of the voting system provider's name and release version based on
2 the voting system provider's release instructions.

3 ~~45.4.9-21.4.7~~ All materials submitted to the Secretary of State shall MUST remain in the
4 custody of the Secretary of State during the life of the certification and for 25
5 months after the last election in which the system is used with the exception of
6 any equipment provided by the voting system provider for the purposes of
7 testing. AS FOLLOWS:

8 (A) FOR CERTIFIED SYSTEMS, UNTIL THE CERTIFICATION IS PERMANENTLY
9 REVOKED, OR UNTIL NO COMPONENTS OF THE CERTIFIED SYSTEM ARE USED
10 IN THE STATE OF COLORADO; AND

11 (B) FOR SYSTEMS THAT ARE NOT CERTIFIED, A PERIOD OF 25 MONTHS.

12 ~~45.4.10-21.4.8~~ In addition to the application and the documentation specified above, the
13 THE Secretary of State may request additional information from the applicant; as
14 deemed necessary.

15 45.5-21.5 Voting System Standards

16 45.5.1 Federal Standards

17 ~~45.5.1.1-21.5.1~~ All voting systems shall MUST meet the voting systems standards
18 pursuant to section 1-5-601.5, C.R.S., and Secretary of State Rule 37.3-2002
19 VOTING SYSTEM STANDARDS.

20 ~~45.5.1.2-21.5.2~~ All voting system software, hardware and firmware shall MUST meet all
21 requirements of federal law that address accessibility for the voter interface of the
22 voting system. These laws include, but are not limited to, (a) the Help America
23 Vote Act, (b) the Americans with Disabilities Act and (c) the Federal
24 Rehabilitation Act. The voting system provider shall MUST explicitly acknowledge
25 that their proposed software, hardware and firmware are all in compliance with
26 the relevant accessibility portions of these laws.

27 ~~45.5.1.3~~ The Secretary of State may use and rely upon the testing of a
28 voting system performed by a VSTL or by another state upon satisfaction
29 of the following conditions:

30 (a) The Secretary of State has complete access to any documentation,
31 data, reports or similar information upon which the VSTL or
32 another state relied in performing its tests and will make such
33 information available to the public subject to any redaction
34 required by law; and

35 (b) The Secretary of State makes written findings and certifies that he
36 or she has reviewed such information and determines that the tests
37 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.

[Current rule 45.5.1.3 is mended and moved to Rule 21.5.12(a).]

~~45.5.2 State Standards~~

~~45.5.3~~ 21.5.3 INDEPENDENT ANALYSIS

~~45.5.2.4.3~~(A) ~~Prior to~~ BEFORE completion of functional testing, all voting system providers submitting a voting system shall MUST COMPLETE an independent analysis of the system, WHICH SHALL INCLUDES:

~~(a) The independent analysis shall include:~~

~~(i)~~(1) 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 MUST involve active exploitation of security vulnerabilities of the voting system, whether or not the vulnerabilities can be mitigated through compensating controls.

~~(ii)~~(2) 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 IN ACCORDANCE WITH SOFTWARE DESIGN AND CODING STANDARDS OF THE 2002 VOTING SYSTEM STANDARD OR THE MOST CURRENT VERSION OF THE VOLUNTARY VOTING SYSTEM GUIDELINES THAT HAS BEEN APPROVED AFTER JANUARY 1, 2008.

~~(b)~~(3) A complete report detailing all findings and recommended compensating controls for vulnerabilities and deficiencies identified.

~~(e)~~(4) The vendor VOTING SYSTEM PROVIDER shall MUST use an EAC approved VSTL AT LEAST ONE OF THE FOLLOWING 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.:

~~(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.

1 (d)-(5) The Secretary of State OR VSTL ~~shall~~ **WILL** conduct a
2 quality review of all work under this section. The review may include
3 an examination of the testing records, interviews of the individuals
4 who performed the work, or both. Review of testing records may be
5 conducted at the VSTL, the state in which the testing was conducted,
6 or at the site of any contractor or subcontractor utilized by another
7 state to conduct the testing.

8 ~~(e)-(6) When an analysis performed by another state is used, the~~
9 THE Secretary of State ~~has the right to~~ **MAY** reject any evaluation if
10 not satisfied with the work product and to require additional analysis
11 to meet the requirements of section 1-5-608.5, C.R.S., and this Rule.

12 *[Rule 45.5.2.4.3 is amended and moved to New Rule 21.5.3(a). Amendments are shown above.]*

13 45.5.2.1-21.5.4 Functional ~~requirements~~ REQUIREMENTS

14 45.5.2.1.1(A) Functional requirements ~~shall~~ **MUST** address ~~any and~~ all detailed
15 operations of the voting system related to the management and controls
16 required to successfully conduct an election ~~on the voting system.~~

17 45.5.2.1.2-(B) The voting system ~~shall~~ **MUST** provide for appropriately authorized
18 users to:

19 ~~(a) — Prepare the system for an election;~~

20 ~~(b) (1) Setup~~ SET UP and prepare ballots for an election;

21 ~~(c) (2) Lock and unlock system to prevent or allow changes to ballot~~
22 design;

23 ~~(d) (3) Conduct hardware and diagnostic testing as required herein;~~

24 ~~(e) (4) Conduct logic and accuracy testing as required herein;~~

25 ~~(f) (5) Conduct an election and meet additional requirements as identified~~
26 in this ~~section~~ ~~RULE 45 21~~ for procedures for voting, auditing
27 information, inventory control, counting ballots, opening and
28 closing polls, recounts, reporting and accumulating results ~~as~~
29 ~~required herein;~~

30 ~~(g) (6) Conduct the post election audit as required herein; and~~

31 ~~(h) (7) Preserve the system for future election use.~~

32 45.5.2.1.3-(C) The voting system ~~shall~~ **MUST** integrate ~~Election Day~~ ELECTION
33 DAY voting results with ~~mail-in, early voting~~ MAIL, and provisional ballot
34 results.

1 45.5.2.1.4 ~~— The voting system shall be able to count all of an elector’s~~
2 ~~votes on a provisional ballot or only federal and statewide offices~~
3 ~~and statewide ballot issues and questions, as provided under~~
4 ~~section 18.5-108(2), C.R.S.~~

5 45.5.2.1.5 ~~— The voting system shall provide for the tabulation of votes~~
6 ~~cast in split precincts where all voters residing in one precinct are~~
7 ~~not voting the same ballot style.~~

8 45.5.2.1.6(D) The voting system shall MUST provide for the tabulation of votes
9 cast in combined precincts at remote sites, where more than one precinct is
10 voting at the same location, on either the same ballot style or ON a
11 different ballot style.

12 45.5.2.1.7(E) ~~The voting system application—ELECTION MANAGEMENT SYSTEM~~
13 ~~shall MUST provide authorized users with the capability to produce~~
14 ~~electronic files including election results in either ASCII (both comma-~~
15 ~~delimited and fixed-width) or web-based format that shall contain (a) all~~
16 ~~data or (b) any user selected data elements from the database. The~~
17 ~~software shall provide authorized users with the ability to generate these~~
18 ~~files on an “on-demand” basis. After creating such files, the authorized~~
19 ~~users shall MUST, at their discretion, have the capability to copy the files to~~
20 ~~diskette, tape, CD-ROM or to transmit the files to another information~~
21 ~~system OTHER MEDIA TYPE.~~

22 (a)(1) Exports necessary for the Secretary of State shall MUST conform to
23 a format agreed upon by the Secretary of State and the voting
24 system provider. If the voting system provider and the Secretary of
25 State have not previously agreed upon a format, the voting system
26 provider shall MUST provide the Secretary of State with
27 specifications for all available export file formats. ~~As part of the~~
28 ~~certification test, the voting system provider will demonstrate that~~
29 ~~preliminary and canvassing level election result data, using one or~~
30 ~~more of the provided formats, can be imported to a commercially~~
31 ~~available data management program such as a spreadsheet,~~
32 ~~database, or report generator which can accept that format and~~
33 ~~which is used and selected by the Secretary of State’s office. Using~~
34 ~~the imported data, the Secretary of State’s test team shall confirm~~
35 ~~that the election results data may be consolidated with results from~~
36 ~~one or more additional election jurisdictions, searched, selected,~~
37 ~~sorted, generate totals from selected subsets of the data, and~~
38 ~~formatted for reporting.~~

39 (b) ~~Export files shall be generated so that election results can be~~
40 ~~communicated to the Secretary of State on election night both~~
41 ~~during the accumulation of results and after all results have been~~
42 ~~accumulated.~~

1 *[Current Rule 45.2.1.7(b) is amended and moved to Rule 11]*

2 (2) THE VOTING SYSTEM PROVIDER ~~SHALL~~ **MUST** DEMONSTRATE THAT
3 PRELIMINARY AND CANVASSING LEVEL ELECTION RESULT DATA CAN
4 BE IMPORTED TO A COMMERCIALY AVAILABLE DATA MANAGEMENT
5 PROGRAM SUCH AS A SPREADSHEET, DATABASE, OR REPORT
6 GENERATOR.

7 ~~45.5.2.1.8~~(F) The voting system ~~shall~~ **MUST** include hardware and software to
8 enable the closing of the remote voting location and disabling the
9 acceptance of ballots on all vote tabulation devices to allow for the
10 following:

11 ~~(a)~~(1) ~~Machine-generated paper record~~ PRINTOUT of the time the voting
12 system was closed.

13 ~~(b)~~(2) ~~Readings~~ PRINTOUT of the public counter and protective counter
14 ~~shall become a part of the paper audit record~~ upon disabling the
15 voting system ~~to prevent further voting.~~

16 ~~(c)~~(3) Ability to print ~~an abstract of the count of votes~~ A REPORT which
17 shall contain:

18 ~~(i)~~(A) Names of the offices;

19 ~~(ii)~~(B) Names of the candidates and party, when applicable;

20 ~~(iii)~~(C) A tabulation of votes from ballots of different
21 political parties at the same voting location in a primary
22 election;

23 ~~(iv)~~(D) Ballot titles;

24 ~~(v)~~(E) Submission clauses of all initiated, referred or other ballot
25 issues or questions; and

26 ~~(vi)~~(F) The number of votes counted for or against each candidate
27 or ballot issue.

28 ~~(d)~~ ~~Abstract shall include an election judge's certificate and statement~~
29 ~~that contains:~~

30 ~~(i)~~(G) Date of election (day, month and year);

31 ~~(ii)~~(H) Precinct ~~Number~~ NUMBER (ten digit format);

32 ~~(iii)~~(I) County or ~~Jurisdiction Name~~ JURISDICTION NAME;

33 ~~(iv)~~(J) ~~State of Colorado~~ AREA FOR "STATE OF COLORADO";

1 (v)-(K) Count of votes as indicated in this section FOR EACH
2 CONTEST; and

3 (vi)-(L) ~~Area~~ AN ELECTION JUDGE'S CERTIFICATE WITH AN AREA for
4 judges' signatures with the words similar to: "Certified by
5 us", and "Election Judges" . Space should allow for a
6 minimum of two signatures.

7 (e)-(4) Votes counted by a summary of the voting location and by
8 individual precincts.

9 (f)-(5) Ability to produce multiple copies of the unofficial results at the
10 close of the election.

11 (g) ~~Ability to accommodate a two page ballot (races on four faces) is~~
12 ~~required.~~

13 *[Current Rule 45.5.2.1.8(g) is amended and moved to new Rule 21.5.6(c).]*

14 ~~45.5.2.1.9 Voters voting on a DRE shall be able to navigate through the~~
15 ~~screens without the use of page scrolling. Features such as next or~~
16 ~~previous page options shall be used.~~

17 ~~45.5.2.1.10~~ (G) ~~The voting system application~~ ELECTION MANAGEMENT SYSTEM
18 ~~shall~~ MUST ensure that an election setup may not be changed once ballots
19 are printed and/or election media devices are downloaded for votes to be
20 ~~conducted~~ without proper authorization and acknowledgement by the
21 application administrative account. The application and database audit
22 transaction logs ~~shall~~ MUST accurately reflect the name of the system
23 operator making the change(s), the date and time of the change(s), and the
24 "old" and "new" values of the change(s).

25 ~~45.5.2.1.11 The voting system shall ensure that all tabulated results will be~~
26 ~~accurately captured, interpreted, and reported to the level of accuracy~~
27 ~~required in the 2002 Voting System Standards.~~

28 ~~45.5.2.3.13~~ (H) All DRE OR BMD voting devices ~~shall~~ MUST use touch screen
29 technology or other technology providing visual ballot display and
30 selection.

31 ~~45.5.2.3.14~~ (I) All electronic voting devices supplied by the voting system
32 provider AND USED AT VOTER SERVICE AND POLLING CENTERS ~~shall~~ MUST
33 have the capability to continue ALL NORMAL VOTING operations and
34 provide continuous device availability during a 2-HOUR period of electrical
35 outage without any loss of election data.

36 ~~45.5.2.3.16~~ (J) The voting system ~~shall~~ MUST provide capabilities to protect the
37 confidentiality of voters' ballot choices.

1 (a)(1) All optical scan devices, associated ballot boxes and V-VPAT
2 storage devices ~~shall~~ MUST provide physical locks and procedures
3 to prevent disclosure of voters' confidential ballot choices during
4 and after the vote casting operation.

5 (b)(2) All DRE devices ~~shall~~ MUST provide randomization of all voter
6 choices and stored electronic ballot information, ~~regardless of~~
7 ~~format~~, to prevent disclosure of voters' confidential ballot choices
8 during and after storage of the voters' ballot selections.

9 ~~45.5.2.2 Performance Level~~

10 ~~45.5.2.2.1 Performance Level shall refer to any operation related to~~
11 ~~the speed and efficiency required from the voting system to~~
12 ~~accomplish the successful conduct of an election on the voting~~
13 ~~system.~~

14 ~~45.5.2.2.2 The voting system shall meet the requirements for casting~~
15 ~~ballots as detailed in the vendor documentation required for~~
16 ~~certification.~~

17
18 ~~45.5.2.2.3 The voting system provider shall publish and specify~~
19 ~~processing standards for each component of the voting system as~~
20 ~~part of the documentation required for certification.~~

21 *[Current Rule 45.5.2.2.3 is amended and moved to new Rule 21.5.12(l)]*

22 ~~45.5.2.2.4 For the purpose of evaluating software, the voting system~~
23 ~~provider shall be required to provide detailed information as to the~~
24 ~~type of hardware required to execute the software.~~

25 *[Current Rule 45.5.2.2.4 is amended and moved to new Rule 21.5.12(m)]*

26 ~~45.5.2.2.5 At no time shall third party hardware or software have a~~
27 ~~negative effect on performance levels of the voting system~~
28 ~~application, unless, through documentation, a voting system~~
29 ~~provider specifically details the specific hardware or software, the~~
30 ~~performance effect and a workaround for the end user to overcome~~
31 ~~the issue.~~

32 *[Rule 45.5.2.1 is amended and moved to New Rule 21.5.4. Amendments are shown above.]*

33 ~~45.5.2.3~~ 21.5.5 Physical and ~~Design Characteristics~~ DESIGN CHARACTERISTICS

34 45.5.2.3-1(A) Physical and design characteristics ~~shall~~ MUST address any and all
35 external or internal construction of the physical environment of the voting

1 system or the internal workings of the software necessary for the voting
2 system to function. The voting system ~~shall~~ MUST substantially comply
3 with these requirements to be considered successful in the conduct of an
4 election on the voting system.

5 ~~45.5.2.3.2~~ The voting system shall meet the following environmental controls
6 allowing for storage and operation in the following physical ranges:

7 ~~(a) Operating Temperature~~ Maximum 95 Degrees Fahrenheit;
8 Minimum 50 Degrees Fahrenheit, with maximum humidity of
9 90%, normal or minimum operating humidity of 15%.

10 ~~(b) Non-Operating Temperature~~ Maximum 140 Degrees Fahrenheit;
11 Minimum minus 4 Degrees Fahrenheit. Non-operating humidity
12 ranges from 5% to 90% for various intervals throughout the day.

13 The documentation supplied by the voting system provider shall include a
14 statement of all requirements and restrictions regarding environmental
15 protection, electrical service, telecommunications service and any other
16 facility or resource required for the installation, operation and storage of
17 the voting system.

18 *[Part of current Rule 45.5.2.3.2 is relocated to new Rule 21.5.12(n)]*

19 ~~45.5.2.3.17(B)~~ The voting system provider ~~shall~~ MUST submit drawings,
20 photographs and any related brochures or documents to assist with the
21 evaluation of the physical design of the use of the voting system.

22 ~~45.5.6~~ 21.5.6 BALLOT DEFINITION SUBSYSTEM

23 ~~45.5.2.3.3(A)~~ The ballot definition subsystem of the voting system application
24 consists of hardware and software required to accomplish the functions
25 outlined in this Rule ~~45.5.2.3~~ 21.5.6. System databases contained in the
26 ballot definition subsystem may be constructed individually or they may
27 be integrated into one database. These databases are treated as separate
28 databases to identify the necessary types of data to be handled and to
29 specify, where appropriate, those attributes that can be measured or
30 assessed for determining compliance with the requirements of this
31 standard.

32 ~~45.5.2.3.4~~ The ballot definition subsystem shall be capable of formatting
33 ballot styles in English and any alternate languages as are necessary to
34 comply with The "Voting Rights Act of 1965" 42 U.S.C. § 1973c et seq.
35 (1965).

36 ~~45.5.2.3.5~~ The voting system application shall allow the operator to generate
37 and maintain an administrative database containing the definitions and
38 descriptions of political subdivisions and offices within the jurisdiction.

1 ~~45.5.2.3.6~~ — ~~The ballot definition subsystem shall provide for the definition of~~
2 ~~political and administrative subdivisions where the list of candidates or~~
3 ~~contests may vary within the remote site and for the activation or~~
4 ~~exclusion of any portion of the ballot upon which the entitlement of a~~
5 ~~voter to vote may vary by reason of place of residence or other such~~
6 ~~administrative or geographical criteria. This database shall be used by the~~
7 ~~system with the administrative database to format ballots or edit formatted~~
8 ~~ballots within the jurisdiction.~~

9 ~~45.5.2.3.7~~ — ~~For each election, the subsystem shall allow the user to generate~~
10 ~~and maintain a candidate and contest database and provide for the~~
11 ~~production and/or definition of properly formatted ballots and software.~~

12 ~~45.5.2.3.8(B)~~ The ballot definition subsystem ~~shall~~ **MUST** be capable of handling
13 at least 500 200 potentially active voting positions, arranged to identify
14 party affiliations in a primary election, offices with their associated labels
15 and instructions, candidate names with their associated labels and
16 instructions and ballot issues or questions with their associated text and
17 instructions.

18 ~~45.5.2.3.9~~ — ~~The ballot display may consist of a matrix of rows or columns~~
19 ~~assigned to political parties or non partisan candidates and columns or~~
20 ~~rows assigned to offices and contests. The display may consist of a~~
21 ~~contiguous matrix of the entire ballot or it may be segmented to present~~
22 ~~portions of the ballot in succession.~~

23 ~~45.5.2.1.8(g)(C)~~ ~~Ability to~~ — ~~THE VOTING SYSTEM MUST accommodate a~~
24 ~~SINGLE PAGE BALLOTS (RACES ON ONE FACE OR BOTH FACES) AND two page~~
25 ~~ballot PAPER BALLOTS (races on THREE OR four faces) is required.~~

26 ~~45.5.2.3.10(D)~~ ~~The voting system application shall~~ ~~BALLOT DEFINITION~~
27 ~~SUBSYSTEM MUST:~~

28 (1) ~~provide~~ ~~PROVIDE~~ a facility for the definition of the ballot, including
29 the definition of the number of allowable choices for each office
30 and contest and for special voting options such as write-in
31 candidates. ~~It shall provide for all voting options and specifications~~
32 ~~as provided for in Articles 5 and 7, Title 1, C.R.S.;~~

33 (2) ~~The system shall generate~~ ~~GENERATE~~ all required masters and
34 distributed copies of the ~~voting program in conformance with the~~
35 ~~definition of the ballot for each voting device and remote site~~
36 ~~ELECTION MANAGEMENT SOFTWARE. The distributed copies,~~
37 ~~resident or installed, in each voting device shall include all~~
38 ~~software modules required to monitor system status and generate~~
39 ~~machine level audit reports, accommodate device control functions~~

1 performed by remote location officials and maintenance personnel
2 and register and accumulate votes.

3 45.5.7 21.5.7 TRUSTED BUILD

4 ~~45.5.2.3.11—The trusted build of the voting system software, installation~~
5 ~~programs and third party software used to install or to be installed on~~
6 ~~voting system devices shall be distributed on a write once media.~~

7 ~~45.5.2.3.12—The voting system shall allow the system administrative account to~~
8 ~~verify that the software installed is the certified software by comparing it~~
9 ~~to the trusted build or other reference information.~~

10 ~~45.5.2.3.13—All DRE voting devices shall use touch screen technology or other~~
11 ~~technology providing visual ballot display and selection. The voting~~
12 ~~system provider shall provide documentation concerning the use of touch~~
13 ~~screen or other display and selection technology including, but not limited~~
14 ~~to:~~

15 ~~(a)—Technical documentation describing the nature and sensitivity of~~
16 ~~the tactile device (if the system uses touch screen technology);~~

17 ~~(b)—Technical documentation describing the nature and sensitivity of~~
18 ~~any other technology used to display and select offices, candidates~~
19 ~~or issues;~~

20 *[Current Rule 45.5.2.3.13 is amended and moved to new Rule 21.5.4(h).*
21 *Current Rule 45.5.2.3.13(a)-(b) are amended and moved to new Rule*
22 *21.5.12(c).]*

23 ~~(c)—Any mean time between failure (MTBF) data collected on the vote~~
24 ~~recording devices; and~~

25 ~~(d)—Any available data on problems caused for persons who experience~~
26 ~~epileptic seizures due to the DRE voting device's screen refresh~~
27 ~~rate.~~

28 *[Current Rule 45.5.2.3.13(d) amended and moved to new Rule*
29 *21.5.12(o).]*

30 ~~45.5.2.3.14—All electronic voting devices supplied by the voting system~~
31 ~~provider shall have the capability to continue operations and~~
32 ~~provide continuous device availability during a period of electrical~~
33 ~~outage without any loss of election data.~~

1 *[Current Rule 45.5.2.3.14 amended and moved to new Rule 21.5.4(i)]*

2 ~~(a) — For optical scan devices, this capability shall include, at a~~
3 ~~minimum, for a period of not less than two hours the ability~~
4 ~~to:~~

5 ~~(i) — Continue to scan or image voters' ballots;~~

6 ~~(ii) — Accurately tabulate voters' choices from the ballots;~~

7 ~~(iii) — Accurately store voters' ballot choices; and~~

8 ~~(iv) — Transmit required results files accurately if power~~
9 ~~failure occurs during transmittal of results.~~

10 ~~(b) — For DRE devices, this capability shall include, at a~~
11 ~~minimum, for a period of not less than two hours the ability~~
12 ~~to:~~

13 ~~(i) — Continue to present ballots accurately to voters;~~

14 ~~(ii) — Accept voters' choices accurately on the devices;~~

15 ~~(iii) — Tabulate voters' choices accurately;~~

16 ~~(iv) — Store voters' choices accurately in all storage~~
17 ~~locations on the device; and~~

18 ~~(v) — Transmit required results files accurately if power~~
19 ~~failure is experienced during transmittal of results.~~

20 ~~(c) — For V VPAT devices connected to DREs, this capability~~
21 ~~shall include, at a minimum, for a period of not less than~~
22 ~~two hours the ability to:~~

23 ~~(i) — Continue to print voters' choices on the DRE~~
24 ~~accurately and in a manner that is identical to the~~
25 ~~manner of the printers' operations during a period~~
26 ~~of normal electrical operations; and~~

27 ~~(ii) — Continue to store the printed ballots in a secure~~
28 ~~manner that is identical to the manner of the~~
29 ~~printers' operations during a period of normal~~
30 ~~electrical operations.~~

31 ~~(d) — The voting system provider shall deliver to the Secretary of~~
32 ~~State documentation detailing estimated time of battery~~
33 ~~operation for each type of optical scanner, ballot imager,~~

1 ~~DRE and V-VPAT they provide, assuming continuous use~~
2 ~~of the devices by voters during an interruption of normal~~
3 ~~electrical power.~~

4 ~~(e) The voting system provider shall deliver to the Secretary of~~
5 ~~State documentation specifying the steps and times~~
6 ~~required for charging batteries for each type of optical~~
7 ~~scanner, ballot imager, DRE and V-VPAT they provide.~~

8 *[Current 45.5.2.3.14 (d) and (e) are amended and moved to new rule*
9 *21.5.12(e) and (p) and (q).]*

10 ~~45.5.2.3.15 The voting system provider's software application shall be~~
11 ~~able to recover operations after a power outage or other abnormal~~
12 ~~shutdown of the system on which that application and database are~~
13 ~~operating without loss of more than the current transaction data~~
14 ~~record on which the administrative account or authorized operator~~
15 ~~account is currently working.~~

16 *[Current 45.5.2.3.15 is amended and moved to new Rule 21.5.4(j)]*

17 ~~45.5.2.3.16 The voting system shall provide capabilities to protect the~~
18 ~~confidentiality of voters' ballot choices.~~

19 ~~(a) All optical scan devices, associated ballot boxes and V-~~
20 ~~VPAT storage devices shall provide physical locks and~~
21 ~~procedures to prevent disclosure of voters' confidential~~
22 ~~ballot choices during and after the vote casting operation.~~

23 ~~(b) All DRE devices shall provide randomization of all voter~~
24 ~~choices and stored electronic ballot information, regardless~~
25 ~~of format, to prevent disclosure of voters' confidential~~
26 ~~ballot choices during and after storage of the voters' ballot~~
27 ~~selections.~~

28 *[Current 45.5.2.3.16 is amended and moved to new Rule 21.5.4(j)]*

29 ~~45.5.2.3.17 The voting system provider shall submit drawings,~~
30 ~~photographs and any related brochures or documents to assist with~~
31 ~~the evaluation of the physical design of the use of the voting~~
32 ~~system.~~

33 *[Current 45.5.2.3.17 is moved to new Rule 21.5.5(b).]*

34 ~~45.5.2.4 Documentation Requirements~~

1 ~~45.5.2.4.1 — In addition to other documentation requirements in this~~
2 ~~rule, the voting system provider shall provide the following~~
3 ~~documents:~~

4 ~~(a) — Standard Issue Users/Operator Manual;~~

5 ~~(b) — System Administrator's/Application Administration~~
6 ~~Manual;~~

7 ~~(c) — Training Manual and related materials;~~

8 ~~(d) — Systems Programming and Diagnostics Manuals; and~~

9 ~~(e) — A list of minimum services needed for the successful,~~
10 ~~secure and hardened operation of all components of voting~~
11 ~~system.~~

12 *[Current Rule 45.5.2.4 amended and moved to new rule 21.5.12.]*

13 ~~45.5.2.4.2 — For the review of VSTL or other state testing in Rule~~
14 ~~45.5.1.3 copies of all VSTL or state qualification reports, test logs~~
15 ~~and technical data packages shall be provided to the Secretary of~~
16 ~~State.~~

17 ~~(a) — The voting system provider shall execute and submit any~~
18 ~~necessary releases for the applicable VSTL, state and/or~~
19 ~~EAC to discuss any and all procedures and findings~~
20 ~~relevant to the voting system submitted for certification~~
21 ~~with the Secretary of State and allow the review by the~~
22 ~~Secretary of State of any documentation, data, reports or~~
23 ~~similar information upon which the VSTL or other state~~
24 ~~relied in performing its testing. The voting system provider~~
25 ~~shall provide a copy of the same to the Secretary of State.~~

26 ~~(b) — The voting system provider, the VSTL, the state and/or the~~
27 ~~EAC will identify to the Secretary of State any specific~~
28 ~~sections of documents for which they assert a legal~~
29 ~~requirement for redaction.~~

30 *[Current Rule 45.5.2.4.2 amended and moved to new rule 21.5.12(d).]*

31 ~~45.5.2.4.3 — Prior to completion of functional testing, all voting system~~
32 ~~providers submitting a voting system shall have completed an~~
33 ~~independent analysis of the system.~~

34 ~~(a) — The independent analysis shall include:~~

1 (i) ~~An application penetration test conducted to analyze~~
2 ~~the system for any potential vulnerabilities that may~~
3 ~~result from poor or improper system configuration,~~
4 ~~known and/or unknown hardware or software flaws,~~
5 ~~or operational weaknesses in process or technical~~
6 ~~countermeasures. The test shall involve active~~
7 ~~exploitation of security vulnerabilities of the voting~~
8 ~~system, whether or not the vulnerabilities can be~~
9 ~~mitigated through compensating controls.~~

10 (ii) ~~A source code evaluation conducted pursuant to the~~
11 ~~requirements identified in Rule 45.5.2.6.1(f),~~
12 ~~requiring compliance with the 2002 voting system~~
13 ~~standards.~~

14 (b) ~~A complete report detailing all findings and recommended~~
15 ~~compensating controls for vulnerabilities and deficiencies~~
16 ~~identified.~~

17 (c) ~~The vendor shall use an EAC approved VSTL to perform~~
18 ~~the independent analysis, or submit the results of testing~~
19 ~~conducted in another state, or some combination of such~~
20 ~~VSTL and state testing that meets the requirements of this~~
21 ~~rule.~~

22 (d) ~~The Secretary of State shall conduct a quality review of all~~
23 ~~work under this section. The review may include an~~
24 ~~examination of the testing records, interviews of the~~
25 ~~individuals who performed the work, or both. Review of~~
26 ~~testing records may be conducted at the VSTL, the state in~~
27 ~~which the testing was conducted, or at the site of any~~
28 ~~contractor or subcontractor utilized by another state to~~
29 ~~conduct the testing.~~

30 (e) ~~When an analysis performed by another state is used, the~~
31 ~~Secretary of State has the right to reject any evaluation if~~
32 ~~not satisfied with the work product and to require~~
33 ~~additional analysis to meet the requirements of section 1-5-~~
34 ~~608.5, C.R.S., and this Rule.~~

35 *[Current Rule 45.5.2.4.3 amended and moved to New Rule 21.5.3.]*

36 45.5.2.4.4 ~~Documentation submitted to the Secretary of State shall be~~
37 ~~reviewed to determine the extent to which the voting system has~~
38 ~~been tested to federal standards.~~

1 *[Current Rule 45.5.2.4.4 amended and moved to new rule 21.5.12(f)]*

2 ~~45.5.2.4.5 — Documentation shall include the financial statements set~~
3 ~~forth in Rule 45.13, which shall be for the prior fiscal year, and any~~
4 ~~quarterly financial statements for the period following the prior~~
5 ~~fiscal year and preceding the date of application for certification.~~

6 *[Current Rule 45.5.2.4.5 amended and moved to new rule 11]*

7 ~~45.5.2.4.6 — Failure by the voting system provider to provide any~~
8 ~~documentation with their application for certification will delay~~
9 ~~processing the application until the documentation is provided.~~

10 *[Current Rule 45.5.2.4.6 amended and moved to new rule 21.5.12 (g)]*

11 ~~45.5.2.5~~ 45.5.8 Audit capacity-CAPACITY

12 ~~45.5.2.5.1 — The voting system shall be capable of producing electronic and~~
13 ~~printed audit logs of system operation and system operators' actions which~~
14 ~~shall be substantially compliant to allow operations and input commands~~
15 ~~to be audited.~~

16 ~~45.5.2.5.2 — The voting system shall include detailed documentation as to the~~
17 ~~level, location and programming of audit trail information throughout the~~
18 ~~system. The audit information shall apply to:~~

19 ~~(a) — Operating Systems (workstation, server and/or DRE);~~

20 ~~(b) — Election Programming Software;~~

21 ~~(c) — Election Tabulation Devices — optical scan and DRE; and~~

22 ~~(d) — Election Reporting Subsystem.~~

23 *[Current Rule 45.5.2.5.2 amended and moved to new rule 21.5.12 (h)]*

24 ~~45.5.2.5.3~~-(A) The voting system ~~shall~~ **MUST** track and maintain audit information
25 of the following ~~voting system application~~—ELECTION MANAGEMENT
26 SYSTEM events:

27 ~~(a)~~-(1) Log on and log off activity;

28 ~~(b)~~-(2) Application start and stop;

29 ~~(c)~~-(3) Printing activity, where applicable;

30 ~~(d)~~-(4) Election events – setup, set for election, unset for election, open
31 polls, close polls, end election, upload devices, download devices,
32 create ballots, create precincts, create districts, create ~~poll places~~

1 ~~(or Vote Centers)~~ VOTER SERVICE AND POLLING CENTERS, initialize
2 devices, backup devices and voting activity; and

3 ~~(e)~~(5) Hardware events – add hardware, remove hardware, initialize
4 hardware and change hardware properties.

5 45.5.2.5.4(B) All tabulation devices ~~shall~~ MUST display the unit serial number(s)
6 both physically and within any applicable software, logs or reports.

7 45.5.2.5.5(C) Vote tabulation devices ~~shall~~ MUST allow for an alternate method
8 of transfer of audit records if the device or a memory storage device is
9 damaged or destroyed.

10 45.5.2.5.6(D) All transaction audit records of the ~~voting system application~~
11 ELECTION MANAGEMENT SYSTEM database ~~shall~~ MUST be maintained in a
12 file outside of or separate from the database IN A READ-ONLY FORMAT;
13 ~~which is not accessible by user/operator accounts.~~

14 ~~45.5.2.6~~ 45.5.9 Security Requirements REQUIREMENTS

15 45.5.2.6.1(A) All voting systems ~~submitted for certification~~ ~~shall~~ MUST meet the
16 following minimum system security requirements:

17 ~~(a)~~(1) The voting system ~~shall~~ MUST MEET THE FOLLOWING
18 REQUIREMENTS TO accommodate a general system of access by
19 least privilege and ~~role based~~ ROLE-BASED access control. ~~The~~
20 ~~following requirements shall apply:~~

21 ~~(i)~~(A) ~~The operating~~ OPERATING system administrative ~~account~~
22 ACCOUNTS ~~shall~~ MAY not have access to read or write data
23 to the database ~~and shall not have the ability or knowledge~~
24 ~~of the database administrator password;~~

25 ~~(ii)~~ ~~The operating system administrative account shall not be~~
26 ~~required to use any function of the voting system during~~
27 ~~normal operations;~~

28 ~~(iii)~~(B) A ~~unique~~ OPERATING system user/operator ~~account~~
29 ACCOUNTS ~~shall~~ MUST be ABLE TO BE created ~~for operating~~
30 ~~system use that is~~ ARE restricted from the following aspects
31 of the operating system:

32 a-(I) No access to system root directory;

33 b-(II) No access to operating system specific folders;

34 e-(III) No access to install or remove programs; and

1 ~~(IV)~~ No access to modify other user accounts on the
2 system.

3 ~~(iv)-(C)~~ A unique application APPLICATION administrative account
4 ACCOUNTS shall MUST be created which has HAVE full
5 access and rights to the application and database;

6 ~~(v)-(D)~~ A unique application APPLICATION user/operator account
7 ACCOUNTS shall MUST be created with HAVE limited rights
8 specifically designed to perform functional operation
9 within the scope of the application. This user/operator shall
10 MUST be restricted in the creation or modification of any
11 user/operator accounts.; and

12 ~~(vi)~~ The voting system provider shall not have an administrative
13 account or administrative account access.

14 *[Current Rule 45.5.2.6.1(a)(vi) Moved to Rule 20]*

15 ~~(b)~~(2) The voting system shall MUST meet the following requirements for
16 network security:

17 ~~(i)-(A)~~ All components of the voting system shall MUST have the
18 ability to operate on a closed network dedicated to the
19 voting system;

20 ~~(ii)-(B)~~ All components of the voting system shall MUST include the
21 limited use of non-routable IP address configurations for
22 any device connected to the closed network. For the
23 purposes of this requirement, non-routable IP addresses are
24 those defined in the RFC 1918 Address base; and

25 ~~(iii)-(C)~~ The voting system shall MUST be tested to contain
26 provisions for updating security patches, software and/or
27 service packs without access to the open network.

28 ~~(e)~~(3) All voting systems submitted for certification THAT USE
29 DATABASES shall MUST meet the following requirements for
30 database security:

31 ~~(i)~~ All voting systems submitted for certification shall have
32 HAVE databases hardened to specifications developed by
33 the voting system provider. Documentation included with
34 the application shall MUST provide a detailed prescription
35 PROCEDURE for hardening and the procedure used to harden
36 the system. Any government or industry guidelines adopted
37 in whole, or in part, are to be identified in the
38 documentation.

1 (d)(4) The voting system shall MUST meet the following requirements for
2 operating system security:

3 (i)-(A) All voting systems ~~submitted for certification~~ shall MUST
4 have all operating systems hardened to specifications
5 developed by the voting system provider. Documentation
6 included with the application shall MUST provide a detailed
7 ~~prescription~~ PROCEDURE for hardening ~~and the procedure~~
8 ~~used to harden the system~~. Any government or industry
9 guidelines adopted in whole, or in part, are to be identified
10 in the documentation.

11 (ii) ~~The voting system provider shall submit documentation~~
12 ~~containing a list of minimum services and executables~~
13 ~~required to run the voting system application.~~

14 [Current Rule 45.5.2.6.1(d)(ii) is amended and moved to new Rule 21.5.12
15 (r)]

16 (iii)-(B) The voting system provider shall MUST configure
17 the voting system operating system of the workstation
18 and/or server used for the election management software to
19 the following requirements:

20 a-(I) The ability for the system to take an action upon
21 inserting a removable media (Auto-AUTO run) shall
22 MUST be disabled; and

23 b-(II) The ~~voting~~ OPERATING system shall MUST only boot
24 from the drive or device identified as the primary
25 drive. ~~The voting system shall not boot from any~~
26 ~~alternative device.~~

27 (iv)-(C) The voting system provider shall MUST use a virus
28 protection/prevention application on the election
29 management server(s)/workstations which shall MUST be
30 capable of manual updates without the use of DIRECT
31 CONNECTION TO the internet.

32 (e)(5) The voting system shall MUST meet the following requirements for
33 password security:

34 (i)-(D) All passwords shall MUST be stored and used in a non-
35 reversible format;

36 (ii)-(E) Passwords to THE database shall MUST not be stored in THE
37 database;

- 1 (iii)-(F) Password to THE database ~~shall~~ MUST be owned and only
2 known by the application;
- 3 (iv) (G) The application's database management system
4 ~~shall~~ MUST require separate passwords for the
5 administrative account and each operator account ~~with~~
6 ~~access to the application;~~
- 7 (v) (H) The system ~~shall~~ MUST be designed in such a way to ensure
8 THAT the use of the administrative account password ~~shall~~
9 IS not be required for normal operating functions ~~at any~~
10 ~~remote location;~~
- 11 (vi)-(I) The system ~~shall~~ MUST be designed in such a way to
12 facilitate the ~~changing of passwords for each election cycle;~~
- 13 (vii) (J) The use of blank or empty passwords ~~shall~~ MUST not be
14 permitted at any time with the exception of a limited one-
15 time use startup password which requires a new password
16 to be assigned before the system can be used; and
- 17 (viii)-(K) All voting systems ~~submitted for certification~~ ~~shall~~
18 MUST have all components of THE voting system capable of
19 supporting passwords of a minimum of eight characters,
20 ~~which~~ AND shall be capable of including numeric, alpha and
21 special characters in upper case or lower case used in any
22 combination.
- 23 (f) ~~All voting system software submitted for certification shall be in~~
24 ~~compliance with the Software Design and Coding Standards of the~~
25 ~~Voting System Standards adopted in Rule 37.3.~~
- 26 (g)(6) All modules of the system ~~shall~~ MUST meet the following 2002
27 VOTING SYSTEM STANDARDS requirements for installation of
28 software, including hardware with embedded firmware:
- 29 (i) ~~If software is resident in the system as firmware, the voting~~
30 ~~system provider shall provide documentation that describes~~
31 ~~how devices may be retested to validate each ROM prior to~~
32 ~~the start of elections operations.~~
- 33 (ii) ~~No software shall be permanently installed or resident in~~
34 ~~the voting system unless the system documentation states~~
35 ~~that the jurisdiction shall provide a secure physical and~~
36 ~~procedural environment for the storage, handling,~~
37 ~~preparation and transportation of the system hardware.~~

1 ~~(iii) The voting system bootstrap, monitor and device controller~~
2 ~~software may be resident permanently as firmware,~~
3 ~~provided that this firmware has been shown to be~~
4 ~~inaccessible to activation or control by any means other~~
5 ~~than by the authorized initiation and execution of the vote~~
6 ~~counting program and its associated exception handlers.~~

7 ~~(iv) The election specific programming may be installed and~~
8 ~~resident as firmware, provided that such firmware is~~
9 ~~installed on a component (such as a computer chip) other~~
10 ~~than the component on which the operating system resides.~~

11 ~~(v) After initiation of Election Day testing under Rule 11.5.3,~~
12 ~~no source code, compilers or assemblers shall be resident or~~
13 ~~accessible.~~

14 ~~(vi)(A) Where the system includes a feature to interpret and~~
15 ~~control execution using data from a script, code tokens, or~~
16 ~~other form of control data file separate from the source~~
17 ~~code, the human-readable source information shall MUST be~~
18 ~~made available as part of the A source code review and the~~
19 ~~data files used shall be defined and controlled as part of the~~
20 ~~Trusted Build as if it were part of the executable code.~~

21 ~~(vii)(B) Security features and procedures shall MUST be~~
22 ~~defined and implemented to prevent any changes of~~
23 ~~interpreted data files after the initial election testing of the~~
24 ~~final election definition and only allow authorized~~
25 ~~replacement REPLACEMENT of the data files with tested and~~
26 ~~approved files from the Trusted Build TRUSTED BUILD~~
27 ~~SHALL BE by authorized personnel before the election~~
28 ~~definition is finalized for an election.~~

29 ~~(viii)(C) The introduction of interpreted data during~~
30 ~~execution shall MUST not be permitted unless defined as a~~
31 ~~pre-defined PREDEFINED set of commands or actions subject~~
32 ~~to security review and the interpretation function provides~~
33 ~~security edits on input to prevent the introduction of other~~
34 ~~commands or the modification or replacement of existing~~
35 ~~code.~~

36 ~~(ix) Independent analysis will test for the following conditions~~
37 ~~and report on absence or presence of the following input~~
38 ~~validations in accordance with Rule 45.5.2.4.3:~~

39 a. ~~Path manipulation;~~

40 b. ~~Cross Site Scripting;~~

- 1 e. ~~Resource Injection;~~
- 2 d. ~~OS Command Injection (also called “Shell~~
- 3 ~~Injection”); and~~
- 4 e. ~~SQL Injection.~~
- 5 (x) ~~Independent analysis will test for the following conditions~~
- 6 ~~and report on their absence or presence of the following~~
- 7 ~~range errors in accordance with Rule 45.5.2.4.3:~~
- 8 a. ~~Stack Overflow;~~
- 9 b. ~~Heap Overflow;~~
- 10 c. ~~Format string vulnerability; and~~
- 11 d. ~~Improper Null Termination.~~
- 12 (xi) ~~Independent analysis will test for the following conditions~~
- 13 ~~and report on their absence or presence of the following~~
- 14 ~~Application Programming Interface (API) abuses in~~
- 15 ~~accordance with Rule 45.5.2.4.3:~~
- 16 a. ~~Heap Inspection; and~~
- 17 b. ~~String Management/Manipulation.~~
- 18 (xii) ~~Independent analysis will test for the following conditions~~
- 19 ~~and report on the absence or presence of the following time~~
- 20 ~~and state conditions in accordance with Rule 45.5.2.4.3:~~
- 21 a. ~~Time of check/Time of use race condition; and~~
- 22 b. ~~Unchecked Error Condition.~~
- 23 (xiii) ~~Independent analysis will test for the following conditions~~
- 24 ~~and report on the absence or presence of the following code~~
- 25 ~~quality conditions accordance with Rule 45.5.2.4.3:~~
- 26 a. ~~Memory Leaks;~~
- 27 b. ~~Unrestricted Critical Resource Lock;~~
- 28 c. ~~Double Free;~~
- 29 d. ~~Use After Free;~~
- 30 e. ~~Uninitialized variable;~~

- 1 f. ~~Unintentional pointer scaling;~~
- 2 g. ~~Improper pointer subtraction; and~~
- 3 h. ~~Null Dereference.~~
- 4 ~~(xiv) Independent analysis will test for the following conditions~~
5 ~~and report on the absence or presence of the following~~
6 ~~encapsulation conditions in accordance with Rule~~
7 ~~45.5.2.4.3:~~
- 8 a. ~~Private Array Typed Field Returned from a Public~~
9 ~~Method;~~
- 10 b. ~~Public Data Assigned to Private Array Typed Field;~~
- 11 e. ~~Overflow of static internal buffer; and~~
- 12 d. ~~Leftover Debug Code.~~
- 13 ~~(xv)(D) The application shall MUST not open database tables~~
14 ~~for direct editing.~~
- 15 (h) All voting systems ~~submitted for certification shall MUST~~ meet the
16 following minimum requirements for removable storage media
17 with data controls:
- 18 (i) All voting data stored that includes ~~vote records, ballot~~
19 ~~images, tally data and cast votes~~ VOTE RECORDS ~~shall MUST~~
20 be authenticated and validated.
- 21 (ii) All non-voting data stored ~~shall MUST~~ be authenticated,
22 encrypted, and validated.
- 23 (iii) All removable media, upon insertion ~~of media or media~~
24 ~~device on server and/or workstations~~ hosting the elections
25 management software, ~~shall MUST~~ AUTOMATICALLY be
26 scanned by antivirus software.
- 27 ~~45.5.2.6.2 The voting system provider shall provide documentation detailing~~
28 ~~voting system security in the areas listed below. The system shall contain~~
29 ~~documented configurations, properties and procedures to prevent, detect~~
30 ~~and log changes to system capabilities for:~~
- 31 (a) ~~Defining ballot formats;~~
- 32 (b) ~~Casting and recording votes;~~
- 33 (c) ~~Calculating vote totals consistent with defined ballot formats;~~

- 1 (d) — Reporting vote totals;
- 2 (e) — Altering of voting system audit records;
- 3 (f) — Changing or preventing the recording of a vote;
- 4 (g) — Introducing data for a vote not cast by a registered voter;
- 5 (h) — Changing calculated vote totals;
- 6 (i) — Preventing access to vote data, including individual votes and vote
- 7 totals, to unauthorized individuals; and
- 8 (j) — Preventing access to voter identification data and data for votes
- 9 cast by the voter such that an individual can determine the content
- 10 of specific votes cast by the voter.

11 *[Current Rule 45.5.2.6.2 amended and moved to new Rule 21.5.12(i)]*

12 ~~45.5.2.6.3 — The voting system provider shall submit to the Secretary of State~~

13 ~~its recommended policies or guidelines governing:~~

- 14 (a) — Software access controls;
- 15 (b) — Hardware access controls;
- 16 (c) — Data communications;
- 17 (d) — Effective password management;
- 18 (e) — Protection abilities of a particular operating system;
- 19 (f) — General characteristics of supervisory access privileges;
- 20 (g) — Segregation of duties; and
- 21 (h) — Any additional relevant characteristics.

22 ~~45.5.2.6.4 — The voting system shall include detailed documentation regarding~~

23 ~~the security measures it has in place for all systems, applicable software,~~

24 ~~devices that act as connectors (upload, download, and other programming~~

25 ~~devices) and any security measures the voting system provider~~

26 ~~recommends to the jurisdictions that purchase the voting system.~~

27 *[Current Rule 45.5.2.6.4 amended and moved to New Rule 21.5.12(j).]*

28 ~~45.5.2.7~~21.5.10 Telecommunications Requirements-REQUIREMENTS

1 45.5.2.7.1(A) Telecommunications includes all components of the system that
2 transmit data outside of the closed network as defined in this Rule ~~45-21~~.

3 45.5.2.7.2(B) All electronic transmissions from a voting system ~~shall~~ MUST meet
4 the following ~~minimum standards~~ 2002 VOTING SYSTEM STANDARDS.

5 (a)(C) Modems from remote devices ~~shall~~ MUST be PROGRAMMED TO BE “dial
6 only” and ~~cannot be programmed to~~ NOT receive a call;

7 (b) ~~Use an encryption standard currently documented and validated for~~
8 ~~use by an agency of the United States Federal Government; and~~

9 (c) ~~Provide a means to detect the presence of an intrusive process,~~
10 ~~such as an Intrusion Detection System.~~

11 45.5.2.7.3(D) Any modem ~~in any component failing~~ THAT FAILS to meet ~~these~~
12 ~~criteria~~ THE REQUIREMENTS OF THIS RULE ~~shall~~ MAY not be used by any
13 voting system.

14 45.5.2.7.4(E) All wireless components ~~in voting systems shall be disabled with~~
15 ~~the exception of line~~ LINE of sight infrared technology ~~SHALL~~ MAY ONLY
16 BE used in a closed environment where the transmission and reception is
17 shielded from external infrared signals and can only accept infrared
18 signals generated from within the system.

19 45.5.2.7.5(F) All systems that transmit data over public telecommunications
20 networks ~~shall~~ MUST maintain a clear audit trail ~~that can be provided to the~~
21 ~~Secretary of State~~ when election results are transmitted ~~by telephone,~~
22 ~~microwave or other type of electronic communication.~~

23 45.5.2.7.6 ~~Systems designed for transmission of voter information over public~~
24 ~~networks shall meet security standards that address the security risks~~
25 ~~attendant with the casting of ballots at remote sites controlled by election~~
26 ~~officials using the voting system configured and installed by election~~
27 ~~officials and/or their voting system provider or contractor, and using in-~~
28 ~~person authentication of individual voters.~~

29 45.5.2.7.7 ~~Any voting system provider of systems that cast individual ballots~~
30 ~~over a public telecommunications network shall provide detailed~~
31 ~~descriptions of:~~

32 (a) ~~All activities mandatory to ensure effective system security to be~~
33 ~~performed in setting up the system for operation, including testing~~
34 ~~security before an election.~~

35 (b) ~~All activities that should be prohibited during system setup and~~
36 ~~during the time frame for voting operations, including the hours~~
37 ~~when polls are open and when polls are closed.~~

1 45.5.2.7.8(G) ~~In any situation in which the voting system provider's system~~
2 ~~transmits~~ VOTING SYSTEMS THAT TRANSMIT data through any
3 telecommunications medium, ~~the system shall~~ MUST be able to recover,
4 either automatically or with manual intervention, from incomplete or
5 failed transmission sessions and resume transmissions ~~automatically~~ when
6 telecommunications are ~~re-established~~ REESTABLISHED.

7 (a)-(1) Recovery of transmissions ~~shall~~ MUST include notations of the
8 interrupted transmission session and the resumed transmission
9 session in the system and application transaction logs.

10 (b)-(2) Failure and recovery of transmissions ~~shall~~ MUST not cause any
11 error in data transmitted from the ~~polling place~~ VOTER SERVICE AND
12 POLLING CENTERS to the central election site during a recovered
13 transmission session.

14 45.5.2.7.9 ~~Voting systems that use public telecommunications networks shall~~
15 ~~provide system documentation that clearly identifies all COTS hardware~~
16 ~~and software products and communications services used in the~~
17 ~~development and/or operation of the voting system, including operating~~
18 ~~systems, communications routers, modem drivers and dial-up networking~~
19 ~~software. Documentation shall identify the name, voting system provider~~
20 ~~and version used for each such component.~~

21 45.5.2.7.10 ~~Voting systems providers shall document how they plan to monitor~~
22 ~~and respond to known threats to which their voting systems are vulnerable.~~
23 ~~This documentation shall provide a detailed description, including~~
24 ~~scheduling information, of the procedures the voting system provider will~~
25 ~~use to:~~

26 (a) ~~Monitor threats, such as through the review of assessments,~~
27 ~~advisories and alerts for COTS components;~~

28 (b) ~~Evaluate the threats and, if any, proposed responses;~~

29 (c) ~~Develop responsive updates to the system and/or corrective~~
30 ~~procedures; and~~

31 (d) ~~As part of the certification requirements of the proposed system,~~
32 ~~provide assistance to customers, either directly or through detailed~~
33 ~~written procedures, how to update their systems and/or to~~
34 ~~implement the corrective procedures within the timeframe~~
35 ~~established by the Secretary of State.~~

36 45.5.2.8 ~~Repealed.~~

37 45.5.2.9 21.5.11 ~~Voter Verifiable Paper Record Requirements (V-VPAT) VOTER-~~
38 ~~VERIFIABLE PAPER RECORD REQUIREMENTS~~

1 45.5.2.9.1 ~~V VPAT shall refer to a Voter verified paper record as defined in~~
2 ~~section 1-104(50.6)(a), C.R.S.~~

3 *[Current Rule 45.5.2.9.1 is amended and moved to New Rule 21.1.22.]*

4 45.5.2.9.2(A) Existing systems that are retrofitted to comply with ~~this law~~
5 SECTION 1-5-802(1), C.R.S., ~~shall~~ MUST be examined for certification by
6 the Secretary of State. Any retrofitted voting system ~~shall~~ MUST comply
7 with the process and application for certification as identified by this Rule
8 45-21.

9 45.5.2.9.3(B) The ~~V VPAT~~ VVPAT ~~shall consist of~~ MUST INCLUDE the following
10 ~~minimum~~ components:

11 (a)(1) ~~The voting device shall contain a~~ A paper audit trail writer or
12 printer that ~~shall~~ MUST be attached, built into or used in
13 conjunction with the DRE, ~~The printer AND shall~~ MUST duplicate a
14 voter's selections from the DRE onto a paper record;

15 (b)(2) ~~The unit or device shall have a~~ A paper record display unit or area
16 that ~~shall~~ MUST allow a voter to view his or her paper record; AND

17 (c)(3) ~~The V VPAT unit shall contain a~~ A paper record storage unit that
18 ~~shall~~ MUST store cast and spoiled paper record copies securely; ~~and~~

19 (d) ~~These devices may be integrated as appropriate to their operation.~~

20 45.5.2.9.4 ~~V VPAT devices shall allow voters to verify his or her selections~~
21 ~~on a paper record prior to casting ballots. The voter shall either accept or~~
22 ~~reject the choices represented on the paper record. Both the electronic~~
23 ~~record and the paper record shall be stored and retained when the ballot is~~
24 ~~cast.~~

25 45.5.2.9.5 ~~The V VPAT printer connection may be any standard, publicly~~
26 ~~documented printer port (or the equivalent) using a standard~~
27 ~~communication protocol.~~

28 (C) THE VVPAT ~~SHALL~~ MUST MEET THE FOLLOWING FUNCTIONAL
29 REQUIREMENTS:

30 45.5.2.9.6(1) The printer ~~shall not be permitted to~~ MAY ONLY
31 communicate with ~~any device other than~~ the voting device to
32 which it is connected;

33 45.5.2.9.7(2) The printer ~~shall only be able to~~ MAY ONLY function as a
34 printer, and not perform any other non-printer related services; ;

1 ~~45.5.2.9.8(3) Every electronic voting record shall have a corresponding~~
2 ~~paper record.—PRODUCE A PAPER RECORD FOR EVERY~~
3 ~~CORRESPONDING ELECTRONIC VOTING RECORD;~~

4 ~~45.5.2.9.9—The paper record shall be considered an official record of~~
5 ~~the election available for recounts, and shall be sturdy, clean, and~~
6 ~~of sufficient durability to be used for this purpose.~~

7 ~~45.5.2.9.16(4)The V-VPAT unit shall provide—PROVIDE a “low supply”~~
8 ~~warning to the election judge to add paper, ink, toner,~~
9 ~~ribbon or other like supplies. In the event that an election judge is~~
10 ~~required to change supplies during the process of voting, the voter~~
11 ~~shall MUST be allowed to reprint and review the paper audit trail~~
12 ~~RECORD without having to re-mark—MARK his or her ballot, and the.~~
13 ~~THE device shall MUST prevent the election judge from seeing any~~
14 ~~voters’ ballots A VOTER’S BALLOT.~~

15 ~~45.5.2.9.17(5)All voting systems submitted for certification shall stop the~~
16 ~~V-VPAT printer of all forward operations of the DRE—STOP ALL~~
17 ~~OPERATIONS if the printer is not working due to paper jams, out of~~
18 ~~other consumables or any other issue which may cause the correct~~
19 ~~readable printing of information on the V-VPAT record—as~~
20 ~~designed.~~

21 ~~45.5.2.9.20(6)The V-VPAT shall allow—ALLOW a voter to spoil his or her~~
22 ~~paper record no more than two times. Upon spoiling, the voter~~
23 ~~shall MUST be able to modify and verify selections on the DRE~~
24 ~~without having to reselect all of his or her choices.~~

25 ~~45.5.2.9.21(7)Before the voter causes a third and final record to be~~
26 ~~printed, the voter shall be presented—THE VVPAT MUST PRESENT~~
27 ~~THE VOTER with a warning notice that the selections made on~~
28 ~~screen shall be final and the voter shall MAY see and verify a~~
29 ~~printout of his or her vote, but shall MAY not be given additional~~
30 ~~opportunities to change their vote.~~

31 ~~45.5.2.9.22(8)When V-VPAT—VVPAT components are integrated into A~~
32 ~~PREVIOUSLY CERTIFIED voting systems—SYSTEM the new~~
33 ~~configuration of the VOTING system must comply with existing~~
34 ~~state testing and auditing requirements.~~

35 ~~45.5.2.9.23(9)The V-VPAT component should print—PRINT a barcode with~~
36 ~~each record that contains the human readable contents of the paper~~
37 ~~record and digital signature information. The voting system~~
38 ~~provider SHALL MUST include documentation of the barcode type,~~
39 ~~protocol, and/or description of barcode and the method of reading~~
40 ~~the barcode as applicable to the voting system.~~

1 45.5.2.9.25(10) If used for provisional ballots, the ~~V~~VPAT system
2 VVPAT shall be able to mark paper records as a provisional ballot
3 through the use of human readable text and optionally printing
4 barcode and/or serial number information, which ~~SHALL~~ MUST
5 provide for mapping the record back to the electronic record and
6 the provisional voter for processing after verification in accordance
7 with Article 8.5 of Title 1, C.R.S.

8 (D) THE VVPAT ~~SHALL~~ MUST MEET THE FOLLOWING DESIGN REQUIREMENTS:

9 ~~45.5.2.9.10(1)The V~~VPAT device shall be designed to allow ALLOW
10 every voter to review and accept or reject his/her paper record in as
11 private and independent manner as possible for ~~both disabled and~~
12 ~~non-disabled voters~~ REGARDLESS OF WHETHER THE VOTER HAS
13 DISABILITY.

14 ~~45.5.2.9.11 The V~~VPAT system shall be designed in conjunction with
15 state law to ensure the secrecy of votes so that it is not possible to
16 determine which voter cast which paper record.

17 ~~45.5.2.9.12(2)The V~~VPAT printer shall print PRINT at a font size no less
18 than ~~ten point~~ 14-POINT SANS-SERIF ARIAL for ease of readability.
19 Any protective covering intended to be transparent shall be in such
20 condition that it can be made transparent by ordinary cleaning of
21 its exposed surface.

22 ~~45.5.2.9.13(3)The V~~VPAT system shall be designed to allow ALLOW
23 each voter to verify his or her vote on a paper record in the same
24 language THAT they voted in on the DRE.

25 ~~45.5.2.9.14(4)The V~~VPAT system shall be designed to prevent PREVENT
26 tampering with unique keys and/or seals for the compartment that
27 stores the paper record as well as meet the security requirements of
28 this rule. Additional security measures may be in place on the
29 printer to prevent tampering with the device.

30 ~~45.5.2.9.15(5)The V~~VPAT system shall be capable of printing and
31 ~~storing~~ PRINT AND STORE paper record copies for at least 75 ballots
32 cast without requiring the paper supply source, ink or toner supply,
33 or any other similar consumable supply to be changed, assuming a
34 fully printed double sided 18 inch ballot with a minimum of 20
35 contests.

36 ~~45.5.2.9.16 The V~~VPAT unit shall provide a "low supply"
37 ~~warning to the election judge to add paper, ink, toner,~~
38 ~~ribbon or other like supplies. In the event that an election judge is~~
39 ~~required to change supplies during the process of voting, the voter~~
40 ~~shall be allowed to reprint and review the paper audit trail without~~

1 ~~having to re-mark his or her ballot, and the device shall prevent the~~
2 ~~election judge from seeing any voters' ballots.~~

3 *[Current Rule 45.5.2.9.16 is amended and moved to New Rule*
4 *21.5.11(c)(4).]*

5 ~~45.5.2.9.17—All voting systems submitted for certification shall stop the~~
6 ~~V-VPAT printer of all forward operations of the DRE if the printer~~
7 ~~is not working due to paper jams, out of other consumables or any~~
8 ~~other issue which may cause the correct readable printing of~~
9 ~~information on the V-VPAT record as designed.~~

10 *[Current Rule 45.5.2.9.17 amended and moved to New Rule*
11 *21.5.11(c)(5).]*

12 ~~45.5.2.9.18—The voting system provider shall provide procedures and~~
13 ~~documentation for the use of the V-VPAT device.~~

14 *[Current Rule 45.5.2.9.18 amended and moved to New Rule 21.5.12(k).]*

15 ~~45.5.2.9.19(6) The printed information on the printed ballot or verification~~
16 ~~portion of the V-VPAT device PAPER RECORD **SHALL** **MUST** contain~~
17 ~~at least the following items:~~

18 ~~(a)-(A) Name or header information of race, question or issue;~~

19 ~~(b)-(B) Voter's selections for the race information;~~

20 ~~(c)-(C) Write-in candidate's names if selected;~~

21 ~~(d)-(D) Undervote or overvote information—this is in addition to~~
22 ~~the information on the review screen of the DRE;~~

23 ~~(e)-(E) Ability to optionally produce a unique serial number~~
24 ~~(randomized to protect privacy); and~~

25 ~~(f)-(F) Identification that the ballot was cancelled or cast.~~

26 ~~45.5.2.9.20—The V-VPAT shall allow a voter to spoil his or her paper~~
27 ~~record no more than two times. Upon spoiling, the voter shall be~~
28 ~~able to modify and verify selections on the DRE without having to~~
29 ~~reselect all of his or her choices.~~

30 *[Current Rule 45.5.2.9.20 amended and moved to New Rule*
31 *21.5.11(c)(6).]*

32 ~~45.5.2.9.21—Before the voter causes a third and final record to be~~
33 ~~printed, the voter shall be presented with a warning notice that the~~

1 selections made on screen shall be final and the voter shall see and
2 verify a printout of his or her vote, but shall not be given additional
3 opportunities to change their vote.

4 *[Current Rule 45.5.2.9.21 amended and moved to New Rule*
5 *21.5.11(c)(7).]*

6 ~~45.5.2.9.22~~ When V-VPAT components are integrated into voting
7 systems the new configuration of the system must comply with
8 existing state testing and auditing requirements.

9 *[Current Rule 45.5.2.9.22 amended and moved to New Rule*
10 *21.5.11(c)(8).]*

11 ~~45.5.2.9.23~~ The V-VPAT component should print a barcode with each
12 record that contains the human readable contents of the paper
13 record and digital signature information. The voting system
14 provider shall include documentation of the barcode type, protocol,
15 and/or description of barcode and the method of reading the
16 barcode as applicable to the voting system.

17 *[Current Rule 45.5.2.9.23 amended and moved to New Rule*
18 *21.5.11(c)(9).]*

19 ~~45.5.2.9.24(7)~~ The V-VPAT component shall be designed such that a
20 voter shall not be able to leave PROHIBIT THE VOTER FROM LEAVING
21 the voting area with the paper record.

22 ~~45.5.2.9.25~~ If used for provisional ballots, the V-VPAT system shall be
23 able to mark paper records as a provisional ballot through the use
24 of human readable text and optionally printing barcode and/or
25 serial number information which shall provide for mapping the
26 record back to the electronic record and the provisional voter for
27 processing after verification in accordance with Article 8.5 of Title
28 1, C.R.S.

29 *[Current Rule 45.5.2.9.25 amended and moved to New Rule*
30 *21.5.11(c)(10).]*

31 ~~45.5.2.9.26(8)~~ The voting system provider **SHALL** **MUST** provide
32 procedures to the Secretary of State with the application for
33 certification which describe DOCUMENTATION DESCRIBING how to
34 investigate and resolve malfunctions including, but not limited to
35 the following: misreporting votes, unreadable paper records, paper
36 jams, low ink, misfeeds, preventing the V-VPAT from being a
37 single point of failure, recovering votes in the case of malfunction
38 and power failures.

- 1 (A) MISREPORTING VOTES;
- 2 (B) UNREADABLE PAPER RECORDS;
- 3 (C) PAPER JAMS;
- 4 (D) LOW-INK;
- 5 (E) MISFEEDS;
- 6 (F) LOST VOTES; AND
- 7 (G) POWER FAILURES.

8 ~~45.5.2.4~~ 21.5.12 Documentation ~~Requirements~~ REQUIREMENTS

9 45.5.1.3(A) The Secretary of State may ~~use and~~ rely upon the testing of a
 10 voting system performed by a VSTL or by another state upon satisfaction
 11 of the following conditions:

12 ~~(a)~~(1) The Secretary of State has ~~complete~~ access to any
 13 documentation, data, reports or similar information upon
 14 which the VSTL or another state relied in performing its
 15 tests and will make such information available to the public
 16 subject to any redaction required by law; and

17 ~~(b)~~(2) The Secretary of State ~~makes written findings and certifies~~
 18 ~~that he or she has reviewed such information and~~
 19 ~~determines~~ HAS DETERMINED that the tests were conducted
 20 in accordance with appropriate engineering standards ~~in use~~
 21 ~~when the tests were conducted~~, and the extent to which the
 22 tests satisfy the requirements of sections 1-5-615 and
 23 1-5-616, C.R.S., and all rules promulgated under those
 24 sections.

25 45.5.2.4.1(B) In addition to other documentation requirements in this rule, the
 26 voting system provider ~~SHALL~~ ~~MUST~~ provide the following documents:

27 ~~(a)~~(1) Standard ~~Issue~~ ~~Users/Operator~~ ~~Manual~~ ~~ISSUE~~
 28 USERS/OPERATOR MANUAL;

29 ~~(b)~~(2) System ~~Administrator's/Application~~ ~~Administration~~
 30 ~~Manual~~ ~~ADMINISTRATOR'S/APPLICATION~~ ADMINISTRATION
 31 MANUAL;

32 ~~(c)~~(3) Training ~~Manual~~ MANUAL and related materials;

1 (d)(4) Systems ~~Programming~~—PROGRAMMING and ~~Diagnostics~~
2 ~~Manuals~~—DIAGNOSTICS MANUALS; and

3 (e)(5) A list of minimum services needed for the successful,
4 secure and hardened operation of all components of THE
5 voting system.

6 45.4.2.13(C) The voting system provider ~~SHALL~~ **MUST** provide documentation
7 concerning the use of touch screen or other display and selection
8 technology including, but not limited to:

9 (a)(1) Technical documentation describing the nature and
10 sensitivity of the tactile device (if the system uses touch
11 screen technology);

12 (b)(2) Technical documentation describing the nature and
13 sensitivity of any other technology used ~~to display and~~
14 ~~select offices, candidates or issues;~~

15 45.5.2.4.2(D) For the review of VSTL or other state testing in Rule 45.5.1.3
16 21.5.12(A) copies of all VSTL or state qualification reports, test logs and
17 technical data packages shall be provided to the Secretary of State.

18 (a)(1) The voting system provider ~~SHALL~~ **MUST** execute and
19 submit any necessary releases for the applicable VSTL,
20 state and/or EAC to discuss any and all procedures and
21 findings relevant to the voting system ~~submitted for~~
22 ~~certification~~ with the Secretary of State and allow the
23 review by the Secretary of State of any documentation,
24 data, reports or similar information upon which the VSTL
25 or other state relied in performing its testing. The voting
26 system provider ~~SHALL~~ **MUST** provide a copy of the same to
27 the Secretary of State.

28 (b)(2) The voting system provider, the VSTL, the state ~~and~~ or the
29 EAC will identify to the Secretary of State any specific
30 sections of documents for which they assert a legal
31 requirement for redaction.

32 45.5.2.3.14(d)(E) The voting system provider ~~SHALL~~ **MUST** ~~deliver to the~~
33 ~~Secretary of State documentation detailing estimated time of battery~~
34 ~~operation for each type of optical scanner, ballot imager, DRE and V-~~
35 ~~VPAT they provide, assuming continuous use of the devices by voters~~
36 ~~during an interruption of normal electrical power. 45.5.2.3.14(e) The~~
37 ~~voting system provider shall deliver~~ PROVIDE to the Secretary of State
38 documentation specifying the steps and times required for charging
39 batteries, AND THE TIME OF BATTERY OPERATION for each type of ~~optical~~
40 ~~scanner, ballot imager, DRE and V-VPAT-DEVICE~~ they provide, ASSUMING

1 CONTINUOUS USE OF THE DEVICES BY VOTERS DURING AN INTERRUPTION OF
2 NORMAL ELECTRICAL POWER.

3 ~~45.5.2.4.4(F) Documentation submitted to the~~ THE Secretary of State ~~shall be~~
4 ~~reviewed~~ **WILL** REVIEW SUBMITTED DOCUMENTATION to determine the
5 extent to which the voting system has been tested to federal standards.

6 ~~45.5.2.4.6(G) Failure by the voting system provider to provide any~~
7 ~~documentation with their application for certification will delay processing~~
8 ~~the application until the documentation is provided~~ AND MAY BE CAUSE
9 FOR DENIAL OF CERTIFICATION.

10 ~~45.5.2.5.2(H) The voting system shall~~ **MUST** include detailed documentation,
11 WHICH INCLUDES ~~as to the level, location and programming~~ A DESCRIPTION
12 OF THE CONTENT OF THE of audit trail information throughout the system.
13 The audit information ~~shall apply~~ **APPLIES** to:

14 ~~(a)~~(1) Operating Systems (workstation, server, OPTICAL SCANNER,
15 BDM, and ~~or~~ DRE);

16 ~~(b)~~(2) Election ~~Programming Software~~ MANAGEMENT SYSTEM;
17 AND

18 ~~(c)~~(3) Election Tabulation Devices – optical scan and DRE.; ~~and~~

19 ~~(d)~~ — Election Reporting Subsystem.

20 ~~45.5.2.6.2(I) The voting system provider shall~~ **MUST** provide documentation
21 detailing voting system security ~~in the areas listed below~~. The ~~system~~
22 DOCUMENTATION shall contain ~~documented~~ configurations, properties and
23 procedures to prevent, detect and log changes to system capabilities for:

24 ~~(a)~~(1) Defining ballot formats;

25 ~~(b)~~(2) Casting and recording votes;

26 ~~(c)~~(3) Calculating vote totals consistent with defined ballot
27 formats;

28 ~~(d)~~(4) Reporting vote totals;

29 ~~(e)~~(5) Altering of voting system audit records;

30 ~~(f)~~(6) Changing or preventing the recording of a vote;

31 ~~(g)~~(7) Introducing data for a vote not cast by a registered voter;

32 ~~(h)~~(8) Changing calculated vote totals;

1 (i)(9) Preventing access to vote data, including individual votes
2 and vote totals, to unauthorized individuals; and

3 (j)(10) Preventing access to voter identification data and data for
4 votes cast by the voter such that an individual can
5 determine the content of specific votes cast by the voter.

6 45.5.2.6.4(J) The voting system PROVIDER ~~shall~~ **MUST** ~~include detailed~~ PROVIDE
7 documentation ~~regarding~~ DETAILING the security measures it has in place
8 for all systems, ~~applicable~~ software, devices that act as connectors
9 (upload, download, and other programming devices) and any
10 RECOMMENDED security measures ~~the voting system provider recommends~~
11 ~~to the jurisdictions that purchase the voting system.~~

12 45.5.2.9.18(K) The voting system provider ~~shall~~ **MUST** provide procedures and
13 documentation for the use of the ~~V-VPAT device~~ VVPAT.

14 45.5.2.2.3(L) The voting system provider ~~shall~~ **MUST** publish and specify
15 processing standards for each component of the voting system as part of
16 the documentation required for certification.

17 45.5.2.2.4(M) For the purpose of evaluating software, the voting system provider
18 ~~shall~~ **MUST** ~~be required to~~ provide detailed information as to the type of
19 hardware required to execute the software.

20 45.5.2.3.2(N) The documentation supplied by the voting system ~~shall~~ **MUST**
21 include a statement of all requirements and restrictions regarding
22 environmental protection, electrical service, telecommunications service
23 and any other facility or resource required for the installation, operation
24 and storage of the voting system.

25 45.5.2.3.13(d)(O) ~~Any~~ THE VOTING SYSTEM PROVIDER ~~SHALL~~ **MUST** PROVIDE
26 ANY available data on problems caused for persons who experience
27 epileptic seizures due to the DRE voting device's screen refresh rate.

28 45.5.2.3.14(d)(P) The voting system provider ~~shall~~ **MUST** deliver to the
29 Secretary of State documentation detailing estimated time of battery
30 operation for each type of ~~optical scanner, ballot imager, DRE and V-~~
31 ~~VPAT they provide~~ DEVICE SUBMITTED FOR CERTIFICATION, assuming
32 continuous use of the devices by voters during an interruption of normal
33 electrical power.

34 45.5.2.3.14(e)(Q) The voting system provider ~~shall~~ **MUST** deliver to the
35 Secretary of State documentation specifying the steps and times required
36 for charging batteries for each type of ~~optical scanner, ballot imager, DRE~~
37 ~~and V-VPAT they provide~~ DEVICE SUBMITTED FOR CERTIFICATION.

1 45.5.2.6.1(d)(ii)(R) The voting system provider shall MUST submit
2 documentation containing a list of minimum services and executables
3 required to run the ~~voting system application~~-ELECTION MANAGEMENT
4 SYSTEM.

5 ~~45.6~~ 21.6 Testing PREPARATION PROCEDURES

6 ~~45.6.1~~ 21.6.1 Voting System Provider Demonstration SYSTEM PROVIDER
7 DEMONSTRATION

8 ~~45.6.1.1~~(A) The voting system provider shall MUST demonstrate the ~~exact~~
9 ~~proposed~~ SUBMITTED voting system to the Secretary of State prior to any
10 functional testing.

11 ~~45.6.1.2~~(B) The demonstration period does not have a ~~pre-determined~~
12 PREDETERMINED agenda for the voting system provider to follow;
13 however, presentations should be prepared to address and demonstrate,
14 ~~within the specific system~~, the following items as they pertain to each area
15 and use within the voting system, IF APPLICABLE:

16 ~~(a)~~(1) System overview;

17 ~~(b)~~(2) Verification of complete system matching EAC certification;

18 ~~(c)~~(3) Ballot definition creation;

19 ~~(d)~~(4) Printing ballots on demand;

20 ~~(e)~~(5) Hardware ~~diagnostics~~-DIAGNOSTIC testing;

21 ~~(f)~~(6) Programming election media devices for various ~~count~~ COUNTING
22 methods INCLUDING:

23 ~~(i)~~(A) Mail ~~in~~ Ballots-BALLOTS;

24 ~~(ii)~~(B) ~~Early Voting~~ IN-PERSON BALLOTS; AND

25 ~~(iii)~~(C) ~~Precinct/Poll Place~~;

26 ~~(iv)~~(D) Provisional; and

27 ~~(v)~~(E) ~~Vote Center~~.

28 ~~(g)~~(7) Sealing and securing system devices;

29 ~~(h)~~(8) Logic and accuracy testing;

30 ~~(i)~~(9) Processing ballots;

- 1 (j)-(10) Accessible use;
- 2 (k)-(11) Accumulating results;
- 3 (l)-(12) Post-election audit;
- 4 (m)-(13) Canvass process handling;
- 5 (n)-(14) Audit steps and procedures throughout all processes;
- 6 (o)-(15) Certification of results; and
- 7 (p)-(16) Troubleshooting.

8 45.6.1.3(C) The voting system provider shall WILL have access to the
9 demonstration room for one day prior to the start of the demonstration to
10 provide time for setup of the voting system.

11 45.6.1.4(D) A maximum of one business day is normally allowed for the
12 demonstration. If the voting system provider requests more time for the
13 demonstration or, if the Secretary of State finds that the complexity of the
14 system is such that more time is needed for a demonstration, more time
15 may be granted.

16 45.6.1.5(E) The demonstration shall WILL be open to representatives of the
17 press and the public to the extent allowable. The Secretary of State may
18 limit the number of representatives from each group to accommodate
19 space limitations and other considerations.

20 45.6.1.6(F) The Secretary of State shall WILL post notice of the fact that the
21 demonstration will take place in the designated public place for posting
22 such notices for at least seven days prior to the demonstration. The notice
23 shall MUST indicate the general time frame during which the demonstration
24 may take place and the manner in which members of the public may
25 obtain specific information about the time and place of the test.

26 45.6.1.7(G) The voting system provider shall MUST provide the same class of
27 workstation and/or server for testing the voting system as the normal
28 production environment for the State of Colorado.

29 ~~45.6.2 Functional Testing~~

30 ~~45.6.2.1 Voting system provider requirements for testing~~

31 45.6.2.1.1(H) Based upon the review of VSTL or other state reports and test
32 records, the Secretary of State will prepare a test plan. The test plan shall
33 WILL be designed to test for any requirements specific to Colorado law
34 which were not addressed in prior testing and for any federal or Colorado

1 requirements which were not addressed to the satisfaction of the Secretary
2 of State in the reports and records from prior testing.

3 45.6.2.1.2-(I) The test plan shall MUST include the election definitions to be used
4 in testing and specifications for test ballots. Test ballots and election
5 definitions shall MUST generally follow all requirements for election
6 definitions, ballot layout and printing to verify the system's ability to meet
7 those requirements. Some election definitions and ballots may depart from
8 the requirements in order to test specific functions.

9 45.6.2.1.3-(J) For each system tested, a requirements matrix shall MUST be
10 prepared to identify those requirements satisfied by the review of VSTL or
11 other state reports and test data and how those requirements not satisfied
12 are to be tested or otherwise satisfied. If during test planning or testing one
13 of the requirements in the voting systems standards or in this rule are
14 determined to be not applicable to the system under test, the reason for the
15 determination will be documented.

16 45.6.2.1.4-(K) The voting system provider shall MUST submit for testing the
17 specific system configuration that will be offered to jurisdictions including
18 the components with which the voting system provider recommends the
19 system be used.

20 45.6.2.1.5-(L) The voting system provider is not required to have a representative
21 present during the functional testing, but shall MUST provide a point of
22 contact for technical support. After the delivery, unpacking and initial
23 inspection of the equipment for shipping damage and missing components,
24 a vendor representative shall only be allowed to operate or touch the
25 equipment when approved by the Secretary of State. All such activity by a
26 vendor representative shall be documented on video ~~and~~ OR in writing.

27 45.6.2.1.6-(M) The proprietary software shall MUST be installed on the
28 workstation/server and all applicable voting system components by the
29 Secretary of State OR THE VSTL using the trusted build and the installation
30 procedures provided by the voting system provider. After installation,
31 hash values for the software and firmware shall MUST be compared to any
32 published hash values of the trusted build. Any mismatches in hash values
33 will be investigated and resolved before proceeding with testing.

34 45.6.2.1.7-(N) All equipment shall MUST be hardened using the voting system
35 provider's procedures and specifications.

36 45.6.2.1.8-(O) Testing shall MUST be performed with test election definitions and
37 test ballots as required in the test plan.

38 45.6.2.1.9-(P) The results of all testing shall MUST be recorded in the
39 requirements matrix. The requirements matrix shall be the primary record
40 describing which requirements were met and specifying which were not. It

1 ~~shall~~ MUST be supplemented as necessary to support the findings with test
2 team notes and system reports. Supplemental information may include
3 photographs and audio or video recordings.

4 45.6.2.1.10(Q) Functional testing ~~shall~~ MUST be completed according to the phases
5 identified in Rule ~~45.3.3~~ 21.3.3.

6 ~~45.6.2.2 Secretary of State requirements for testing~~

7 45.6.2.2.1(R) The Secretary of State OR THE VSTL ~~shall~~ MUST conduct functional
8 testing on the voting system based on this Rule 45 ~~and additional testing~~
9 ~~procedures as determined by the Secretary of State.~~

10 45.6.2.2.2(S) The voting system ~~shall~~ MUST receive a pass, fail or not applicable
11 for each requirement with appropriate notation in the requirements matrix.

12 45.6.2.2.3(T) Records of the test procedures ~~shall~~ MUST be maintained ~~and~~
13 ~~recorded on file with the Secretary of State~~ IN ACCORDANCE WITH RULE
14 ~~45.4.7~~ 21.4.7. The records ~~shall~~ MUST identify the system and all
15 components by voting system provider name, make, model, serial number,
16 software version, firmware version, date tested, test number, test plan,
17 requirements matrix, test team notes and other supplemental information,
18 and results of test. The test environment conditions ~~shall~~ MUST be
19 described.

20 45.6.2.2.4(U) In the event that a deviation from the test plan is required, it ~~shall~~
21 ~~MUST~~ be documented in a test team note. The note ~~shall~~ MUST provide a
22 description of the deviation, the reason for the deviation and effect of the
23 deviation on testing and determining compliance with requirements.

24 ~~45.6.2.3~~ 21.6.2 General Testing Procedures and Instructions TESTING PROCEUDRES
25 AND INSTRUCTIONS

26 45.6.2.3.1(A) Certification tests ~~shall~~ MUST be used to determine compliance
27 with applicable performance standards for the system and its components.
28 The general procedure for these tests shall:

29 (a)(1) Verify, by means of the ~~applicant's~~ VOTING SYSTEM PROVIDER'S
30 standard operating procedure, that the device is in a normal
31 condition and status;

32 (b)(2) Establish the standard test environment or the special environment
33 required to perform the test;

34 (c)(3) Invoke all operating modes or conditions necessary to initiate or to
35 establish the performance characteristic to be tested;

1 (d)-(4) Measure and record the value or the range of values of the
2 performance characteristic to be tested; and

3 (e)-(5) Verify all required measurements have been obtained, and that the
4 device is still in a normal condition and status.

5 45.6.2.3.2(B) All tests shall be generally conducted in regular election mode.
6 Tests of test mode and diagnostic functions may be conducted in the
7 appropriate test mode.

8 45.6.2.3.3(C) The voting system provider ~~is required to~~ **MUST** produce ballots
9 and assemble marked test decks and spare ballots as specified in the test
10 plan.

11 ~~45.6.2.3.4 The voting system provider shall provide a minimum of ten ballot~~
12 ~~marking pens/pencils/markers as defined by their system for marking~~
13 ~~ballots by the Secretary of State.~~

14 45.6.2.3.5(D) For mark-sense or optical scan devices, the Secretary of State OR
15 THE VSTL will prepare 100 or more test ballots with marking devices of
16 various color, weight and consistency to determine the range of marks that
17 can be read and the range and consistency of reading marginal marks.

18 45.6.2.3.6(E) Ballots ~~shall~~ **MUST** be cast and counted in all applicable counter
19 types (or counter groups) as necessary based on the parts included in the
20 voting system. These are, at a minimum, ~~Poll Place (or Vote Center),~~
21 ~~Mail-in, Provisional and Early Voting~~ **POLLING PLACE (OR VOTE CENTER),**
22 ~~MAIL-IN~~ **IN-PERSON, MAIL, AND PROVISIONAL AND EARLY VOTING-BALLOTS.**
23 Ballots may be run through components more than one time depending on
24 components and counter group being tested to achieve a minimum number
25 of ballots cast as follows for each group:

26 (a) Polling ~~Place~~ **PLACE** / OS = 1,000;

27 (b) Polling ~~Place~~ **PLACE** / DRE = 500;

28 (c) Vote ~~Center~~ **CENTER** and ~~Early Voting~~ **EARLY VOTING** / OS =
29 2,500;

30 (d) Vote ~~Center~~ **CENTER** and ~~Early Voting~~ **EARLY VOTING** / DRE = 500;

31 (e) Mail-in = 1, 500; and

32 (f) Provisional = 500.

33 45.6.2.3.7(F) Ballot design ~~shall~~ **MUST** be sufficient to verify the scope of
34 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 MUST include the following
7 requirements for election definitions and ballots to simulate and test “real
8 world” situations in the State of Colorado. Election definitions and ballots
9 shall MUST 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 voting on
23 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/ OR HER designated
28 representative may observe the functional testing of a voting system. The
29 representative may assist at the request of the Secretary of State. All such
30 activity by a county representative shall be documented on video and in
31 writing.

32 45.6.2.3.13(I) The public shall MUST be allowed to view all functional testing
33 conducted by the Secretary of State. However, legal limitations may
34 require that certain testing, including but not limited to proprietary
35 information and system security, be done outside the view of the public. If
36 the functional testing is outsourced to a testing lab or contractor, public

1 viewing ~~shall be~~ **IS** subject to limitations set forth by the testing lab or
2 contractor.

3 45.6.2.3.14(J) If any malfunction or data error is detected, its occurrence and the
4 duration of operating time preceding it ~~shall~~ **MUST** be recorded for
5 inclusion in the analysis ~~and the test shall be interrupted~~. If corrective
6 action is taken to restore the devices to a fully operational condition within
7 eight hours, then the test may be resumed at the point of suspension.

8 ~~45.6.3 The Secretary of State shall certify voting systems that substantially comply with~~
9 ~~the requirements in this Rule 45, Colorado Election Code, and any additional~~
10 ~~testing that is deemed necessary by the Secretary of State.~~

11 *[Current Rule 45.6.3 moved to New Rule 21.3.4]*

12 ~~45.7~~ 21.7 Temporary Use-USE

13 ~~45.7.1~~ 21.7.1 If a voting system provider has a system that has not yet been approved for
14 certification through the Secretary of State, the voting system provider or the
15 designated election official may apply to the Secretary of State for temporary
16 approval of the system to be used for up to one year.

17 ~~45.7.2~~ 21.7.2 Upon approval of temporary use, a jurisdiction may use the voting system,
18 or enter into a contract to rent or lease the voting system for a specific election
19 upon receiving written notice from the Secretary of State's office. At no time ~~shall~~
20 **MAY** a jurisdiction enter into a contract to purchase a voting system that has been
21 approved for temporary use.

22 ~~45.7.3 The Secretary of State shall approve use of a temporarily approved voting system~~
23 ~~for each election that a jurisdiction requests permission to conduct with the voting~~
24 ~~system.~~

25 ~~45.7.4~~ 21.7.3 Temporary use does not supersede the certification requirements and/or
26 process, and may be revoked at any time at the discretion of the Secretary of
27 State.

28 ~~45.8~~ Periodic Review

29 ~~45.8.1 The Secretary of State shall periodically review the voting systems in use in~~
30 ~~Colorado to determine if the system(s):~~

31 (a) ~~Are defective, obsolete or unacceptable for use based on the requirements~~
32 ~~of this Rule 45; and~~

33 (b) ~~Have been modified from certified and trusted build versions of hardware~~
34 ~~or software;~~

1 ~~45.8.2 The Secretary of State shall review a minimum of two randomly selected~~
2 ~~jurisdictions and voting systems per calendar year at the choosing of the Secretary~~
3 ~~of State.~~

4 ~~45.8.3 The Secretary of State shall conduct an annual visual inspection of all software~~
5 ~~incident records maintained by each voting system provider certified for use in the~~
6 ~~State of Colorado.~~

7 ~~45.8.4 After such review, certification or temporary approval for use may be withdrawn.~~
8 ~~Three months notice shall be given prior to withdrawing certification of any~~
9 ~~voting system unless the Secretary of State shows good cause for a shorter notice~~
10 ~~period.~~

11 ~~45.8.5 All forms, notes and documentation from a periodic review shall be kept on file~~
12 ~~with the Secretary of State.~~

13 *[Current Rule 45.8 amended and moved to New Rule 11]*

14 ~~45.9~~21.8 Decertification

15 ~~45.9.1~~21.8.1 If, after any time the Secretary of State has certified a voting system, it is
16 determined that the voting system fails to substantially meet the standards set
17 forth in this Rule ~~45-21~~, the Secretary of State ~~shall~~ **WILL** notify any jurisdictions
18 in the State of Colorado and the voting system provider of that particular voting
19 system that the certification of that system for future use and sale in Colorado is
20 to be withdrawn.

21 ~~45.9.2~~21.8.2 Certification of a voting system may be revoked ~~and~~ or suspended at the
22 discretion of the Secretary of State based on information that may be provided
23 after the completion of the initial certification. This information may come from
24 any of the following sources:

- 25 (a) The Election Assistance Commission (EAC);
- 26 (b) Voting System Test Laboratory (VSTL);
- 27 (c) The Federal Election Commission (FEC);
- 28 (d) The National Software Reference Library (NSRL);
- 29 (e) National Association of State Election Directors (NASED);
- 30 (f) The National Association of Secretaries of State (NASS);
- 31 (g) Information from any state elections department or Secretary of State;
- 32 (h) Information from Colorado ~~County Clerk and Recorders~~ COUNTY CLERK
33 AND ~~RECORDERS~~ RECORDS or their association;

1 (i) Any other source the Secretary of State deems reliable.

2 ~~45.9.3~~21.8.3 If any voting system provider, provides for use, ~~or~~ installs, or causes to be
3 installed an uncertified or decertified 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~~21.8.4 Pursuant to ~~IN ACCORDANCE WITH~~ section 1-5-621, C.R.S., the Secretary
7 of State ~~shall~~ **WILL** hold a public hearing to consider the decision to decertify a
8 voting system.

9 ~~45.10~~21.9 Modifications and ~~Re-examination~~ REEXAMINATION.

10 ~~45.10.1~~——Any modification, change or other alteration to a certified voting system
11 ~~shall require certification~~ **REQUIRES** CERTIFICATION or review of the modification
12 under section 1-5-618, C.R.S., unless the voting system provider decides to
13 present the modified system for certification under this Rule ~~45~~ 21.

14 ~~45.11~~21.10 Acceptance Testing by Jurisdictions

15 ~~45.11.1~~21.10.1 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~~ **MUST** perform acceptance tests of the
18 system before it may be used to cast or count votes at any election. The voting
19 system ~~shall~~ **MUST** be operating correctly, pass all tests as directed by the
20 acquiring jurisdiction's project manager or contract negotiator and ~~shall~~ **MUST** be
21 identical to the voting system certified by the Secretary of State.

22 ~~45.11.2~~21.10.2 The voting system provider ~~shall~~ **MUST** provide all manuals and
23 training necessary for the proper operation of the system to the jurisdiction, ~~or as~~
24 ~~indicated by their contract.~~

25 ~~45.11.3~~21.10.3 The election jurisdiction ~~shall~~ **MUST** perform a series of functional
26 and programming tests ~~that shall test~~ FOR all functions of the voting system at
27 their 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:

- ~~(a) — The voting system is certified for use within the state;~~
- ~~(b) — Contract contains training and maintenance costs for jurisdiction; and~~
- ~~(c) — Contract identifies components contained in the certified voting system and appears complete with all accessories necessary for successfully conducting an election within the laws and rules of the State of Colorado.~~

~~45.12.2 — The Secretary of State shall maintain on file a list of all components used and purchased for use. The list shall include, at a minimum, the name of the jurisdiction, the date of purchase, the serial number(s) of voting devices and name of the voting systems that was purchased.~~

~~45.13 — Financial Statements of Voting System Providers~~

~~45.13.1 — All voting system providers applying for certification in the State of Colorado, or doing business in the State of Colorado, shall provide quarterly financial statements and an annual auditor's report to the Secretary of State. All financial statements and reports shall be due:~~

- ~~(a) — Prior to the completion of functional testing for any voting system being submitted for certification;~~
- ~~(b) — At the conclusion of each accounting quarter for providers with equipment certified for use in the State of Colorado; and~~
- ~~(c) — Upon issuance of a final auditor's report after the completion of each annual audit.~~

~~45.13.2 — Financial statements submitted to the Secretary of State shall include a Statement of Cash Flow, Statement of Retained Earnings, Balance Sheet, and Income Statement.~~

[Current Rule 45.13 amended and moved to New Rule 11]

~~11.8-21.11 Escrow of Voting System Software by Voting System Provider~~ VOTING SYSTEM SOFTWARE AND FIRMWARE BY VOTING SYSTEM PROVIDER. THE VOTING SYSTEM PROVIDER MUST MEET THE REQUIREMENT FOR SOFTWARE ESCROW PER THE FOLLOWING:

~~11.8.1-21.11.1 Voting System Providers~~ THE VOTING SYSTEM PROVIDER must place in escrow a copy of the election software, FIRMWARE, and supporting documentation being certified with either the Secretary of State or an independent escrow agent approved by the Secretary of State. ~~See section~~ [SECTION 1-7-511, C.R.S.]

~~11.8.2-21.11.2~~ Within ten days of the ~~Voting System~~ VOTING SYSTEM provider receiving notification of examination of voting equipment as part of the certification process, the ~~Voting System Provider shall~~ VOTING SYSTEM PROVIDER MUST arrange for the completion of escrow requirements as indicated by this rule.

1 11.8.13-21.11.13 Any cost of using an alternative third party escrow agent shall
2 MUST be borne by the ~~Voting System~~ VOTING SYSTEM provider

3 *[Current Rule 11.8 is amended and moved to New Rule 21.11. Modifications are shown*
4 *above.]*

5 **Rule 51. Rule 22. Use of approved and recommended election forms**

6 ~~51.1~~ 22.1 Where the Secretary of State has issued ISSUES an approved election form,
7 notice, application, or correspondence provided for by the “Uniform Election Code
8 of 1992”, all designated election officials and registration offices shall MUST use
9 the approved form.

10 ~~51.1.1~~ 22.1.1 A designated election official or registration office that wishes to
11 SUBSTANTIVELY modify the content of any form approved or recommended
12 by the Secretary of State shall MUST submit a written request via email to
13 the Secretary of State’s office stating the requested modification and the
14 reasons it is needed.

15 (a) The Secretary of State shall have WILL APPROVE A REQUEST TO
16 MODIFY AN APPROVED FORM WITHIN five business days, in which to
17 approve or deny the modification request. Failure of the Secretary
18 of State to issue a decision within five business days shall DOES not
19 constitute an approval of the request. If the modification request is
20 denied, the Secretary of State will provide an explanation stating the
21 basis EXPLAIN THE REASON for denying the request.

22 (b) A non-substantive customization OF AN APPROVED FORM, such as
23 placing the form on county letterhead or language translation, shall
24 DOES not require THE SECRETARY OF STATE’S approval.

25 ~~51.2~~ 22.2 The Secretary of State shall WILL approve standard voter registration and
26 ballot application forms recommended for use by political parties and organizations
27 that provide such forms to the public. The Secretary of State will PUBLISH ON THE
28 DEPARTMENT’S WEBSITE ensure that the current approved REGISTRATION forms for
29 registration and ballot request are publicly available on it’s the website.

30 ~~51.2.1~~ 22.2.1 Political parties and organizations may also use the National Mail
31 Voter Registration form. Because the forms approved by the Secretary of
32 State contain all of the information specific to SPECIFICALLY REQUIRED BY
33 Colorado law, the applicants and the organization are afforded greater
34 protection when BY DISTRIBUTING OR USING the standard STATE forms
35 approved by the Secretary of State are used.

36 ~~51.2.2~~ 22.2.2 All political parties and organizations that conduct a mass mailing
37 of either registration or ballot request forms to the public shall MUST
38 identify the party or organization conducting the mailing THEMSELVES by
39 printing the organization name and contact information on the form.

1 ~~51.2.3~~ 22.2.3 Any political party or organization may contact the Secretary of
2 State ~~prior to~~ BEFORE sending a mailing to request a review of the form and
3 information to be mailed.

4 ~~51.3~~ 22.3 ~~In accordance with~~ UNDER section 1-1-107(2)(d), C.R.S., the Secretary of State
5 ~~may~~ WILL seek injunctive action or other ~~penalties as a remedy to~~ REMEDIES FOR
6 violations of this Rule.

7 *[Current Rule 51 is amended and moved to new Rule 22. Amendments are shown above.]*