

Summary of Additional Rule Revisions

- Amended Rule 1.1.4 to read “ballot question” instead of “ballot issue” because a recall question is not a ballot issue.
- Amended Rule 16.2.1(c) to provide that a covered voter must reasonably believe the timely delivery of his or her ballot is not certain to reach the clerk by the close of business on the eighth day after an election. The rule specifies that electronic transmission of a ballot may only be used if timely delivery of a mail ballot is not certain. Since 2006, Colorado law has provided both overseas civilian and military voters with the option to return their ballot electronically if delivery by the mail service is either not available or not feasible. This return method is critical to ensure that all such voters are enfranchised. These voters are pre-identified and tracked by their county clerks. These ballots must still be signed and validated according to state law by comparing them to the signature on file in the state’s voter registration system. This change, together with the addition in Rule 16.2.3, balances Colorado law's requirement to provide covered voters with the opportunity to vote with the need to limit its use to those circumstances where it is necessary. The Secretary will continue to examine more secure ways to accomplish the provisions of the law.
- Proposed Rule 16.2.3, for the first time ever, requires an overseas voter seeking to return their ballot by electronic transmission to sign a legal affirmation acknowledging that they must return the ballot by mail if that method is available to them.
- Proposed Rule 16.2.8 explicitly prohibits internet voting.

Commenter: Amber McReynolds on behalf of the Election Statute Review Committee of the Colorado County Clerks Association

Proposed rule citation with commenter’s suggestion or concern	Department’s action
2.7.1: Amend the rule to add an exception for NCOA, and for when a voter returns a confirmation card.	No changes made. The rule currently has an exception for section 1-2-302.5, C.R.S., which outlines NCOA requirements. Adding an exception for confirmation cards is unnecessary because these cards include the applicable minimum matching criteria that’s required by the rule.
4.3.3: The amendments conflict with section 1-10-202, C.R.S., which provides that canvass board members are appointed according to the intergovernmental agreement.	Amended the proposed rule to clarify that only the canvass board members that will vote on the statewide issue must be appointed in accordance section 1-10-101, C.R.S.
6.4.2: Amend rule to have language correspond to Rule 2.13.1(b).	Accepted suggestion and amended the rule accordingly.
7.2.5: Questions what impact this rule will have considering the current rule expired last month.	No changes made. During the first round of edits to the rule draft, we clarified that this rule will not become effective until January 1, 2016.
7.7.1: Because counties use signature verification procedures on the signed affidavit,	No changes made. Colorado law does not provide a signature verification process for

requiring a copy of identification is not necessary.	missing signature affidavits. If a county rejected a missing signature affidavit because of a discrepant signature, the voter would have no opportunity to cure. Treating missing signatures the same as discrepant signatures ensures that the voter will be given the greatest opportunity to have his or her vote counted.
7.11.3: Amend rule to only prohibit election judges from opening simultaneous sessions of SCORE and WebSCORE.	No change. This rule protects the integrity of the SCORE system by preventing data collisions, which can occur when a county enters data into the original Citrix-based SCORE module at the same time or close to the same time that it enters information into the new web-based SCORE module. For this reason, the rule must apply to all SCORE users, not just election judges.

Commenter: Elena Nunez, Executive Director, Colorado Common Cause

Proposed rule citation with commenter's suggestion or concern	Department's action
2.13.1(b), 6.4.1, 6.5: Opposes striking the background check requirement for election judges processing voter registrations.	No changes made. The legislature expired the rule, reasoning that, because the rule made background checks mandatory, it conflicted with section 24-72-305.6, C.R.S., which makes some background checks mandatory while making others permissive. The Secretary of State will continue to require background checks as a condition for use of the SCORE system.