Working Draft of Proposed Rules

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

June 17, 2019

Disclaimer:

The following is a working draft concerning the Election Rules. The Secretary values your input and is seeking feedback about the proposed revisions before a formal notice of rulemaking.

Please send your feedback by 5:00 PM on June 24, 2019. Please reference the specific page and line number in your comments. We will consider all comments submitted by this date for inclusion in the official rulemaking draft.

Please note the following formatting key:

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

1 *Amendments to 8 CCR 1505-1 follow:*

2 *Amendments to Rule 1 concerning definitions:*

3 *Amendments to Rule 1.1.26:*

4   1.1.26 "Electronic Transmission" means:

5   (a) ~~For the purpose of sending~~ SENDING an unvoted ballot by fax, email, or online
6   delivery to:

7   (1) A military or overseas elector under Article 8.3 of Title 1, C.R.S.

8   (2) An elector requesting a replacement for an emergency under section 1-
9   7.5-115, C.R.S.

10   ~~(3)   An affected elector requesting a ballot because of a disaster emergency.~~

11   (3) AN ELECTOR WITH A DISABILITY WHO REQUESTS A BALLOT UNDER
12   SECTION 1-5-706, C.R.S.

1   (b)   ~~For the purpose of returning a voted ballot to the county clerk fax or email.~~
2   RETURNING A VOTED BALLOT BY FAX, EMAIL, OR OTHER ELECTRONIC MEANS.

3 *Amendments to Rule 1.1.41:*

4   1.1.41   "Target area" means the square~~,~~ OR oval, ~~incomplete line, or incomplete arrow~~
5   corresponding to the candidate's name or ballot response (examples: "Yes", "No", "For"
6   or "Against") on a paper ballot.

7 *Repeal of Rule 1.1.42:*

8   1.1.42   ~~"Teleprocessing lines" means secure, dedicated communication transmission facilities~~
9   ~~used for the purpose of accessing SCORE, and ensuring the security and integrity of~~
10   ~~voting information so that no deviation can go undetected.~~

11 *[Not shown: renumbering Current Rules 1.1.43-1.1.51 as Rules 1.1.42-1.1.50]*

12 *Amendments to Current Rule 2.10 concerning voter registration:*

13 2.10   A county clerk may cancel a registration record based upon information from a local law
14   enforcement agency only if:

15   2.10.1   The information states that the individual is currently serving a sentence ~~of incarceration~~
16   ~~or parole~~ OF DETENTION OR CONFINEMENT IN A CORRECTIONAL FACILITY, JAIL, OR
17   OTHER LOCATION for a felony conviction; and

18   2.10.2   Minimum matching criteria outlined in Rule 2.7 are met.

19 *Cross reference update in Current Rule 2.17.2(b)(1):*

20   (1)   The Secretary of State will audit the county AUP records for each county
21   selected for annual inspection of its voting system maintenance records
22   under Rule ~~20.9.5~~ 20.10.5.

23 *Amendments to Current Rule 2.19:*

24 2.19   Registration of electors who are confined in a county jail or detention facility

25   2.19.1   Before each election, ~~beginning with the 2018 general election,~~ the county clerk must
26   make efforts to coordinate with the sheriff or his or her designee at each county jail or
27   detention center in the county to provide confined eligible individuals an opportunity to
28   register to vote.

29 *Amendments to Current Rule 4.1.3 concerning participation in coordinated elections:*

30   4.1.3   The county clerk must include all coordinating districts in the SCORE districts and
31   precincts module and election setup module before conducting a coordinated election. If
32   the county clerk is unable to include one or more districts in SCORE, the clerk must list
33   the districts and explain the issue in the ~~mail ballot plan~~ ELECTION PLAN required under
34   Rule 7.1.1.

35 *New Rule 4.5.2(f) concerning determination of ballot issues and texts:*

1   (F)   THE SECRETARY OF STATE WILL PLACE ANY MEASURES REFERRED BY THE
2   LEGISLATURE OR BY THE PEOPLE UNDER ARTICLE V, SECTION 1 OF THE
3   COLORADO CONSTITUTION ON THE BALLOT IN THE ORDER THEY ARE RECEIVED.

4   *Amendments to Current Rules 4.8.4 and 4.8.5:*

5   4.8.4   Printing primary election ballots

6   (a)   If a major political party, as defined in section 1-1-104(22.5), C.R.S., nominates
7   more than one candidate for any office, the county clerk must conduct the
8   primary election for all major political parties unless the party chooses to
9   nominate candidates in accordance with section 1-4-702, C.R.S.

10   (1)   The county clerk must include on the ballot all offices to which
11   candidates may be nominated in the primary election.

12   *[Formatting; spacing correction in Rule 4.8.4(a)(2):]*

13   (2)   If there are no candidates for any particular office, the county clerk must
14   print on the ballot "There are no candidates for this office". [Sections 1-4-101
15   and 1-4-104.5, C.R.S.; Election Rule 10.1.1]

16   (b)   If a minor political party, as defined in section 1-1-104(23), C.R.S., nominates
17   more than one candidate for any office, the county clerk may conduct the primary
18   election for that party only.

19   (1)   The county clerk must include on the ballot only the offices for which
20   there is more than one candidate designated.

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

23   (C)   THIS RULE DOES NOT APPLY TO PRESIDENTIAL PRIMARY ELECTIONS CONDUCTED
24   UNDER SECTIONS 1-4-1201, C.R.S. ET SEQ.

25

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

27   4.8.5   Use of unique numbers on ballots

28   (a)   Except for ballots sent to military or overseas electors by electronic transmission
29   under Rule 16.2, a county may not print a ballot for use in a state or federal
30   election that has a unique number, or a barcode containing a unique number, that
31   is specific to a single ballot.

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

34   (2)   Nothing in this Rule prohibits a county from printing a unique number or
35   barcode on a removable stub.

(b) After an election official dissociates a voted ballot from its envelope and removes the stub, if any, the county may write or print unique numbers on the voted ballot for auditing and accounting purposes, including duplication of damaged ballots and risk limiting audits.

(c) ~~For ballots printed before the adoption of this Rule that are in a county's possession, the~~ THE county must redact unique numbers~~, or barcodes containing unique numbers,~~ OR ANY OTHER INFORMATION THAT COULD IDENTIFY AN INDIVIDUAL VOTER before providing ballots in response to a request for inspection under the Colorado Open Records Act (Section 24-72-205.5(4)(b)(II), C.R.S.).

Amendments to Current Rule 5.3 concerning nonpartisan elections not coordinated by the County Clerk:

5.3 If a political subdivision coordinates with the county clerk, the designated election official is not required to submit a separate ~~mail ballot plan~~ ELECTION PLAN for the election.

Amendments to Current Rule 6.1.2 concerning appointment of election judges under section 1-6-104, C.R.S.:

6.1.2 The county clerk must reasonably attempt to exhaust the updated list provided by the major parties before supplementing with additional major party judges or minor party or unaffiliated judges. WHEN THE COUNTY CLERK IS FILLING ELECTION JUDGE VACANCIES UNDER SECTION 1-6-113 (1), C.R.S., THE CLERK MAY CHOOSE FROM ANY OF THE AVAILABLE LISTS.

Amendments to Current Rule 6.4:

6.4 Except for UOCAVA ballots and ballots received for counting after election day:

6.4.1 Absent written consent by each major party county chair, a county with more than 5,000 active electors ~~by~~ ON the 90th day before election day may not use regular staff as signature verification judges.

6.4.2 A county with fewer than ~~5,001~~ 5,000 active electors ~~by~~ ON the 90th day before election day may use regular county staff that are sworn in as election judges to conduct signature verification.

Amendments to Current Rule 7.1 concerning elections conducted by the County Clerk and Recorder:

7.1 ~~Mail ballot plans~~ ELECTION PLANS

7.1.1 The county clerk must submit ~~a mail ballot plan~~ AN ELECTION PLAN to the Secretary of State ~~by email~~ no later than ~~90~~ 120 days before every election. The county clerk must submit with the ~~mail ballot plan~~ ELECTION PLAN ALL INFORMATION REQUIRED BY SECTION 1-7.5-105 (1.3), C.R.S. ~~the voter instructions and secrecy sleeve, if applicable, that the clerk intends to use in the election.~~

7.1.2 ~~The county clerk must list in the mail ballot plan all materials it will include in its mail ballot packet.~~ THE COUNTY CLERK MUST USE THE SECRETARY OF STATE'S APPROVED SIGNATURE CARD FORM AT EVERY VSPC AND SUBMIT A COPY WITH THE ELECTION PLAN.

1   7.1.3   TO REQUEST A WAIVER FROM THE REQUIREMENTS OF SECTION 1-5-102.9 (C)(III)(A),
2   C.R.S., A COUNTY CLERK MUST COMPLETE AND SUBMIT THE APPROVED WAIVER FORM
3   WITH THEIR ELECTION PLAN.

4   ~~7.1.3~~ 7.1.4   Approval of ~~mail ballot plans~~ ELECTION PLANS and submission of amendments

5   (a)   If the Secretary of State requests modifications to a plan before approval, the
6   county clerk must submit the modified plan within ten days from the request. The
7   Secretary of State will approve or disapprove the modified plan within 15 days
8   from the date it is received.

9   (b)   A county clerk may amend a timely submitted ~~mail ballot~~ ELECTION plan by
10   submitting a written statement outlining the amendment. The amendment must
11   state the specific section of the plan amended and the reason for the amendment.
12   The Secretary of State will approve or disapprove the amendment within 15 days
13   from the date it is received. If the amendment is received within 30 days before
14   the election, the Secretary of State will approve or disapprove the amendment
15   within two business days.

16   ~~7.1.4   The county clerk must submit a security plan under Rule 20 in addition to the mail ballot~~
17   ~~plan submitted in accordance with this Rule.~~

18 *Amendments to Current Rules 7.2.7 and 7.2.9 concerning ballots and ballot packets:*

19   7.2.7   Where practicable, the county must print the elector's full name under or near the self-
20   affirmation signature line on each ballot return envelope. If not practicable for some or all
21   ballot return envelopes, the county must explain why in its ~~mail ballot plan~~ ELECTION
22   PLAN.

23   *[No changes to Current Rule 7.2.8]*

24   7.2.9   The mail ballot packet required under sections 1-4-101(2)(b) and 1-4-1203(4)(c), C.R.S.
25   must contain only the ballots of each participating major political party UNLESS A MAJOR
26   PARTY'S PRESIDENTIAL PRIMARY ELECTION HAS BEEN CANCELED UNDER SECTION 1-4-
27   1203(5), C.R.S.

28 *Cross-reference update in Current Rule 7.2.14:*

29   7.2.14 The mail ballot return envelope for each unaffiliated voter in a primary election may
30   provide a means for the county to determine, before opening the envelope, which party's
31   primary election ballot the elector returned. If the mail ballot return envelope does not
32   provide such a means, or the county cannot determine which party's ballot the elector
33   returned before opening the envelope, the county must follow the process outlined in
34   Rule ~~7.5.13~~ 7.5.14. The county's determination under this Rule may not rely solely on a
35   voter's self-reported selection (for example, a checkbox).

36 *Amendments to Current Rules 7.4-7.7:*

37 7.4   ~~Beginning in the 2018 general election, the~~ THE county clerk must make efforts to coordinate
38   with the sheriff or his or her designee at each county jail or detention center to facilitate voting for
39   all confined eligible electors.

7.4.1   The county clerk must describe the following in its ~~mail ballot~~ ELECTION plan:

    (a)   How the county clerk will provide each county jail or detention center voter information materials consistent with materials provided to non-confined eligible electors, including at a minimum a list of acceptable forms of identification under section 1-1-104(19.5), C.R.S., and the information required by sections 1-40-124.5 and 1-40-125, C.R.S.

    (b)   The process by which the county clerk and the sheriff or his or her designee will facilitate voter registration, and delivery and retrieval of mail ballots for confined eligible electors.

7.5   Receipt and processing of ballots

7.5.1   The county clerk must adequately light all ~~stand-alone drop-off~~ DROP BOX locations and use ~~either an election official or~~ a video security surveillance recording system as defined in Rule ~~1.1.45~~ 1.1.44 to monitor each location.

    (a)   ~~Freestanding drop-off~~ DROP BOX locations must be monitored when they are open to receive ballots.

    (b)   If the ~~drop-off~~ DROP BOX location utilizes a drop-slot into a building, the ballots must be collected in a locked container, and both the drop-slot and container must be monitored.

    (c)   Signage at each ~~drop-off~~ DROP BOX location must inform voters that it is a violation of law for any person to collect more than ten ballots for mailing or delivery in any election, and that electioneering is prohibited within 100 feet of any drop-box.

    (d)   The minimum number of ~~drop-off~~ DROP BOX locations must be open ~~during reasonable business hours as defined in Rule 7.9.1(a) and from 7:00 a.m.~~ 24 HOURS A DAY through 7:00 p.m. on election day.

    (e)   Video security surveillance ~~is an election record under section 1-1-104(11), C.R.S. and~~ must be retained by the county clerk ~~in accordance with section 1-7-802, C.R.S.~~ THROUGH THE POST-ELECTION CONTEST PERIOD; EXCEPT THAT IF THE COUNTY CLERK KNOWS OR REASONABLY SHOULD KNOW THAT THERE IS A POTENTIAL VIOLATION OF LAW WHERE THE SURVEILLANCE COULD BE USED AS EVIDENCE, IT MUST BE RETAINED THROUGH THE APPLICABLE STATUTE OF LIMITATIONS OR THE CONCLUSION OF ANY JUDICIAL PROCEEDING RELATED TO THE ELECTION, WHICHEVER IS LATER.

7.5.2   Each day when ballots come in, an election official must count the ballot envelopes, batch them and record the number of ballots received.

7.5.3   A COUNTY CLERK WHO RECEIVES AN APPLICATION AND BALLOT FROM A VOTER WITH A DISABILITY COVERED UNDER SECTION 1-5-706, C.R.S. MUST MAINTAIN A LOG OF EACH BALLOT AND APPLICATION RECEIVED UNDER THIS SECTION. THE COUNTY CLERK MUST RETAIN THE LOG AS PART OF THE OFFICIAL ELECTION RECORD. THE LOG MUST INCLUDE:

THE NAME OF THE VOTER; THE DATE THE BALLOT PACKET WAS RECEIVED; AND THE INITIALS OF THE EMPLOYEE WHO RECEIVED THE BALLOT.

7.5.3 7.5.4   An election official must date-stamp and process the returned ballot envelopes in SCORE immediately upon receipt at the ballot processing location. Except for ballots submitted by military or overseas electors, any ballot received after the close of polls must be date-stamped but not counted.

7.5.4 7.5.5   The county clerk must arrange for the collection of ballots by bipartisan teams, of election judges and/or staff, from all DROP BOX drop-off locations and receive them into SCORE:

(a)   At least once every 72 hours after ballots are mailed until the date that voter service and polling centers must open;

(b)   At least once every 24 hours during the days that voter service and polling centers must be open; and

(c)   At least twice on election day, at approximately 1:00 p.m. and 7:00 p.m.

(d)   The county clerk may meet the requirements of this Rule by:

(1)   Collecting and transporting the ballots to the central counting location for receipt into SCORE; OR

(2)   Collecting and transporting the ballots to the nearest voter service and polling center for receipt into SCORE.; or

(3)   Receiving the ballots into SCORE at the ballot drop-off location.

7.5.5 7.5.6   The county clerk may request a waiver from the Secretary of State for remote drop-off DROP BOX locations in the county's mail ballot ELECTION plan or amended mail ballot ELECTION plan, exempting them from the ballot collection requirements in Rule 7.5.4 7.5.5. If the Secretary of State grants the waiver:

(a)   The county clerk must arrange for the collection of ballots by bipartisan teams of election judges from all exempt drop-off DROP BOX locations as often as necessary, but at least:

(1)   Once each week after the initial mailing of non-UOCAVA ballots until the Friday before election day; and

(2)   On the Friday and Monday before election day and on election day at 7:00 p.m. MT.

(b)   The county clerk must post a notice on each exempt drop box of the dates and approximate times ballots will be collected.

(c)   If the Secretary of State determines that the county failed to collect ballots from a remote drop-off DROP BOX location as often as necessary, the Secretary of State may revoke or modify the waiver.

7.5.12 7.5.13 ~~County clerks picking up ballots on behalf of another county from a U.S. Postal Service general mail facility on election night must log the number of ballots collected by county and provide the log to the Secretary of State's office within 48 hours.~~ The county clerk must date stamp each ballot envelope as received on or before 7:00 PM on election day and immediately forward it to the correct county. The correct county must treat the ballot as received as of the date and time of the date stamp.

7.5.13 7.5.14 Unaffiliated voters in a primary election. If an election judge is unable to determine, before opening the envelope, which party's ballot the elector returned as outlined in Rule 7.2.9, the county must separate the elector's ballot from the envelope in the following manner:

(a) An election judge must remove the ballot from the mail ballot return envelope and pass it to a bipartisan team of judges without allowing the team of judges to determine the identity of the elector.

(b) The bipartisan team of election judges must review the ballot and audibly report to the first election judge which political party's election the elector voted in.

(c) The first election judge must record in SCORE which political party's election the elector voted in, or document the proper party information for later recording in SCORE.

7.5.14 7.5.15 If an unaffiliated elector returns more than one ballot in a primary election, a bipartisan team of election judges must review the ballots to determine the elector's intent in accordance with the Secretary of State's Voter Intent Guide.

(a) If the bipartisan team determines the elector voted in only one party's primary election, the election judge with access to the envelope must record the party chosen in SCORE under Rule ~~7.5.13(c)~~ 7.5.14(C) and the ballot must be counted. The county must retain any unvoted ballot as an election record.

(b) If the bipartisan team determines the elector voted in more than one party's primary election, or returned only blank ballots, the county must reject the ballots, not count them, and retain them in the mail ballot return envelope as an election record.

7.6 Ballot returned in unofficial envelope

7.6.1 If the county timely receives a mail ballot from an eligible elector in an envelope that is missing or lacks the correct self-affirmation, the county must contact the elector BY MAIL AND BY ELECTRONIC MAIL, IF AVAILABLE, ~~in writing~~ within three calendar days of receiving the ballot but no later than two calendar days after election day. The county must use the letter and affidavit prescribed by the Secretary of State and keep a copy as part of the official election record. If the county receives the completed affidavit no later than the eighth day after election day, the county must count the ballot. A COUNTY THAT RECEIVES A BALLOT FROM A VOTER WITH A DISABILITY COVERED UNDER SECTION 1-5-706, C.R.S., IN AN UNOFFICIAL ENVELOPE MUST ACCEPT THE BALLOT FOR PROCESSING IF THE ENVELOPE ALSO CONTAINS A SIGNED APPLICATION FROM THE VOTER.

1   7.7   Mail ballot cure procedures

2   7.7.1   If a mail or provisional ballot return envelope lacks a signature, OR A BALLOT FROM A
3   VOTER WITH A DISABILITY COVERED UNDER SECTION 1-5-706, C.R.S. IS RETURNED
4   WITHOUT AN APPLICATION, OR IS RETURNED WITH AN APPLICATION THAT IS NOT SIGNED,
5   the county clerk must follow the procedures for discrepant signatures outlined in section
6   1-7.5-107.3(2)(a), C.R.S., except as provided in Rule 7.7.4.

7   7.7.2   The county clerk must use the letter and form prescribed by the Secretary of State and
8   keep a copy as part of the official election record.

9   7.7.3   If the county clerk uses any means in addition to mail OR ELECTRONIC MAIL to contact
10   any elector regarding a missing or discrepant signature or missing ID, he or she must
11   attempt to contact all similarly situated electors whose registration records have the same
12   type of contact information.

13   7.7.4   If an elector fails to cure a missing signature, the county clerk need not send a copy of the
14   mail ballot return envelope to the district attorney for investigation.

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

16   7.7.5   The county clerk must accept any completed cure form for a missing or discrepant
17   signature, or a missing ID, that the county receives by 11:59 pm MT on the eighth day
18   after the election.

19   *Amendments to Current Rule 7.9:*

20   7.9   Voter service and polling centers

21   7.9.1   The county clerk must designate and open the minimum number of voter service and
22   polling centers. ~~The centers must be open during reasonable business hours for the~~
23   ~~minimum number of days outlined in section~~ AS REQUIRED IN SECTION 1-5-102.9, C.R.S.,
24   for a general election and SECTION 1-7.5-107(4.5), C.R.S., for all other elections.

25   (a)   ~~Reasonable business hours means at least eight hours per day Monday through~~
26   ~~Friday, and at least four hours on Saturday.~~ FOR A GENERAL ELECTION, VOTER
27   SERVICE AND POLLING CENTERS MUST BE OPEN BEGINNING 15 DAYS BEFORE
28   ELECTION DAY DURING THE FOLLOWING HOURS:

29   (1)   IN A COUNTY DESCRIBED IN SECTION 1-5-102.9 (1)(A)(I) OR (1)(A)(II),
30   C.R.S., VOTER SERVICE AND POLLING CENTERS MUST BE OPEN FROM 8
31   A.M, TO 5 P.M. MONDAY THROUGH FRIDAY, AND THE SECOND
32   SATURDAY.

33   (2)   IN ALL OTHER COUNTIES, VOTER SERVICE AND POLLING CENTERS MUST
34   BE OPEN DURING NORMAL BUSINESS HOURS, WHICH MEANS AT LEAST
35   EIGHT HOURS PER DAY MONDAY THROUGH FRIDAY, AND AT LEAST FOUR
36   HOURS CONTINUOUSLY ON THE SECOND SATURDAY.

37   (B)   FOR ANY PRIMARY OR NOVEMBER COORDINATED ELECTION, VOTER SERVICE
38   AND POLLING CENTERS MUST BE OPEN BEGINNING 8 DAYS BEFORE ELECTION

DAY DURING NORMAL BUSINESS HOURS, WHICH MEANS AT LEAST EIGHT HOURS
MONDAY THROUGH FRIDAY, AND AT LEAST FOUR HOURS CONTINUOUSLY ON
SATURDAY.

(b)(C)   All voter service and polling centers must be open from 7:00 a.m. through 7:00
p.m. on election day.

(c)(D)   The county clerk must provide all services outlined in section 1-5-102.9, C.R.S.,
at every designated voter service and polling center.

(d)(E)   Signage at each voter service and polling center must indicate that it is a violation
of law for any person to collect more than ten ballots for delivery in any election.

[No changes to Current Rules 7.9.2-7.9.6]

Repeal of Current Rule 7.9.7:

7.9.7   ~~If an elector votes after the close of polls because a federal or state court issues an order
extending the time established for closing the polls by state law, the elector must vote by
provisional ballot. The county clerk must keep all provisional ballots cast under this Rule
separate from provisional ballots not affected by the court order.~~

7.9.8 7.9.7   An unaffiliated elector voting in person at a voter service and polling center in a
primary election must state which party's election he or she chooses to vote in, and the
election judge must indicate the voter's selection in WebSCORE and provide the voter
with that party's ballot.

7.9.9 7.9.8   On election day ~~during each general election~~, a county ~~with at least fifty thousand
active electors~~ must measure and record the wait time at each of its voter service and
polling centers~~, at least once per hour, from the time a person enters the location or the
line to the time that the person begins the check-in process.~~ IN ACCORDANCE WITH
GUIDANCE PROVIDED BY THE SECRETARY OF STATE.

7.9.10 7.9.9   Each county ~~required to measure under Rule 7.9.9~~ must report its results to the
Secretary of State no later than 30 days after the election.

New Rule 7.9.11:

7.9.11   A COUNTY CLERK THAT RECEIVES NOTICE OF A PETITION FOR EXTENDING THE HOURS OF
ANY VOTER SERVICE AND POLLING CENTER ON ELECTION DAY MUST IMMEDIATELY
NOTIFY THE SECRETARY OF STATE OF THE ORDER. IF AN ORDER IS ENTERED BY ANY
COURT THAT EXTENDS THE HOURS OF ANY VOTER SERVICE AND POLLING CENTER IN THE
STATE, ALL COUNTIES MUST WAIT TO POST ELECTION NIGHT RESULTS UNTIL THE TIME
FOR THE EXTENSION HAS PASSED.

Amendments to Current Rules 7.10 and 7.12:

7.10   The county clerk must complete an accessibility survey for all ~~drop-off~~ DROP BOX and voter
service and polling center locations annually before designating a location for use, and no later
than ~~90~~ 120 days before an election, the county clerk must designate drop~~–~~off ~~locations,~~ DROP
BOX, and voter service and polling center~~s~~ LOCATIONS.

7.10.1   For the first survey of a location, the county clerk must complete the full ADA Checklist for voter service and polling centers. The county clerk must complete the Annual Voter Service and Polling Center Accessibility Survey form for each location designated for use in an election year after the initial survey is completed. ~~[Section 1-5-703, C.R.S.]~~

[No changes to Current Rules 7.10.2 and 7.10.3]

[No changes to Current Rule 7.11]

7.12   At each Voter Service and Polling Center, election judges and, if appropriate, election staff, must:

7.12.1   Provide all services outlined in 1-5-102.9, C.R.S.; AND

7.12.2   Use WebSCORE to register voters; update existing voter registrations; issue and replace mail ballots; ~~and~~ issue, spoil, and replace in-person ballots; AND ISSUE A STATEWIDE MAIL BALLOT TO ELECTORS WHO HAVE APPEARED IN THE WRONG COUNTY. ~~and~~

7.12.3   ~~Offer an in-person voter the opportunity to obtain a replacement mail ballot rather than a provisional ballot in the event the voter service and polling center loses connectivity to WebSCORE but retains connectivity to SCORE.~~

Amendments to Current Rule 8.7.4 concerning watcher accommodation plans:

8.7.4   Watchers must remain outside the immediate voting area while an elector is voting. The six-foot limit in Rule ~~1.1.29~~ 1.1.30 applies only to voting.

Amendments to Current Rule 9.1.4 concerning challenging an in-person voter:

9.1.4   Age. The election judge must ask the elector, "ARE YOU AT LEAST 17 YEARS OF AGE AND ~~Will~~ WILL you be 18 years of age or older on OR BEFORE THE DATE OF THE NEXT GENERAL ELECTION ~~election day~~?"

Amendments to Current Rule 9.2:

9.2   ~~challenging~~ CHALLENGING a mail ballot voter

Amendments to Current Rule 10.1.4 concerning precanvass accounting:

10.1.4   After the voter service and polling center closes on election night, election judges must return the completed Statement of Ballots form for each day the location was open along with all voted ballots to one of the election offices designated in the ~~mail ballot~~ ELECTION plan.

Amendments to Current Rule 10.5.1 concerning procedures for canvass:

10.5.1   The designated election official must provide the following information to the canvass board:

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

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

| 1 | | (c) | The total number of ballots cast; |

1   (c)   The total number of ballots cast;

2   (d)   The number of provisional ballots cast, including totals for:

3   (1)   Ballots accepted by each code; and

4   (2)   Ballots rejected by each code.

5   (e)   The number of mail ballots cast, including totals for:

6   (1)   Ballots accepted; and

7   (2)   Ballots rejected by each code.

8   (f)   The number of in-person ballots counted;

9   (g)   The number of emergency replacement ballots, including totals for:

10   (1)   Ballots accepted; and

11   (2)   Ballots rejected by each code.

12   (H)   THE NUMBER OF BALLOTS RETURNED BY VOTERS WITH A DISABILITY COVERED
13   UNDER SECTION 1-5-706 C.R.S.

14   ~~(h)~~(I)   The number of damaged and spoiled ballots.

15   ~~(i)~~(J)   If applicable, the number of ballots cast in each party's primary election,
16   including totals for:

17   (1)   Ballots accepted in each party's primary election by affiliated and
18   unaffiliated voters; and

19   (2)   Ballots rejected by each code.

20 *Cross-reference updates in Current Rule 10.6.2:*

21   10.6.2   A county must submit the state portion of the abstract and the ENR upload required by
22   Rule ~~11.9.5~~11.9.6 to the Secretary of State in the format approved by the Secretary of
23   State. The state portion of the abstract must include:

24   (a)   The summary of votes cast for each state race and each ballot question or issue;
25   and

26   (b)   The total number of ballots counted in the election.

27 *Amendments to Current Rule 11.2:*

28   11.2   Voting System Inventory

29   11.2.1   The designated election official must maintain an inventory record for each ~~electronic~~
30   ~~vote-tabulating device used in an election~~ COMPONENT OF THE VOTING SYSTEM. The

1   record must include the manufacturer, make, model, serial number,
2   ~~hardware/firmware/software version or release number, hash value documentation where~~
3   ~~applicable,~~ AND date of acquisition~~,. description of any services, repairs, maintenance,~~
4   ~~upkeep, and version upgrades, and the dates the services were performed.~~

11.2.2 ~~If the~~ THE inventory ~~is~~ MUST BE in AN electronic format~~, it must be~~ AND exportable to a comma separated VALUE (CSV), ~~excel~~ EXCEL spreadsheet (XLS or XLSX), or quote or tab separated (TXT) file before delivery to the Secretary of State.

11.2.3 The designated election official must file a complete voting system inventory, noting which equipment will be used for the election with the Secretary of State no later than ten days before the election.

Amendments to Current Rule 11.3.2:

11.3.2 Logic and Accuracy Test

(a)   The county clerk must conduct the public Logic and Accuracy Test no later than the ~~18th~~ 29TH day before election day.

(b)   The county must ensure that the Logic and Accuracy Test is open to the extent allowable in accordance with section 1-7-509(2)(b), C.R.S. The county clerk may limit the number of representatives from each group because of space limitations.

(c)   Preparing for the Logic and Accuracy Test

(1)   The county must prepare a test deck of ballots that includes every ballot style and, where applicable, precinct. The county test deck must include a sufficient number of ballots to mark every vote position for every contest including write-in candidates, allow for situations where a contest permits an elector to vote for two or more positions, and include overvotes and undervotes for each contest. The county test deck must include at least one write-in vote for each qualified write-in candidate so that all qualified write-in candidate names will appear in the LAT result uploaded to ENR as required by Rule 11.9.3. THE COUNTY TEST DECK MUST INCLUDE BALLOTS PRINTED FROM A BALLOT-ON-DEMAND PRINTER AND COMMERCIALLY PRINTED BALLOTS.

[No changes to the rest of Rule 11.3.2]

Amendments to Current Rule 11.4:

11.4 ~~The county~~ A COUNTY THAT ELECTRONICALLY TABULATES ELECTION RESULTS must submit election setup records to the Secretary of State so that they are received no later than 5:00 p.m. on the seventh day before election day.

11.4.1 ~~Jurisdictions that contract with either another county or voting system vendor may choose to have the other county or vendor deliver the election setup records.~~

11.4.2 11.4.1   Election setup records must be in an electronic media format that is native to the jurisdiction's specific ballot creation and tabulation system. Acceptable media formats include CD-ROM, DVD-ROM, or flash media.

11.4.2   THE COUNTY MUST CREATE A HASH VALUE USING AN SHA-256 ALGORITHM OF THE SETUP RECORDS FILE AND TRANSMIT THE HASH VALUE TO THE SECRETARY OF STATE BY E-MAIL TO VOTING.SYSTEMS@SOS.STATE.CO.US

11.4.3   The designated election official must include a point of contact and method of contact (phone, ~~fax,~~ email, etc.).

11.4.4   Within ~~24 hours~~ ONE BUSINESS DAY of receipt of the election setup records, the Secretary of State's office will contact the jurisdiction to confirm receipt.

11.4.5   The Secretary of State's office will store the election setup records in a secured, ~~fire proof,~~ limited-access location.

11.4.6   All parties must treat as confidential all escrowed materials and any other related information that comes into their possession, control, or custody.

Amendment (numbering correction) to Current Rule 11.8.4(h):

~~(h)~~(G)   The voting system provider's software and hardware license agreements expressly permit the Secretary of State, or political subdivisions that license the hardware and software applications necessary to program elections and voting devices, to perform those services without charge for other political subdivisions that are licensed to use the voting system.

Amendments to Current Rule 11.9.1(d) concerning election night reporting:

(d)   Precinct names: If a county reports results by precinct, its results file ~~may~~ MUST only include the ten-digit precinct number from SCORE, FOLLOWED BY A DASH AND ANY SPLIT PRECINCT INDICATION (E.G., 1234567890-1).

Amendments to Current Rules 11.9.2-11.9.4. New Rule 11.9.5 and subsequent Rule renumbering:

11.9.2   No later than ~~21~~ 35 days before the election, a county must provide the following information to the Secretary of State:

(a)   A data entry county must email a sample or "zero" file. Except in the case of withdrawn or deceased candidates, a data entry county may not change or alter the election database or export file after submitting its zero file.

(b)   A manual entry county must send a list of all ballot content.

11.9.3   No later than ~~14~~ 21 days before the election, a data entry county must upload the LAT results file to ENR. At a minimum, the LAT results file must contain the results of the complete county test deck required under Rule 11.3.2(c)(1).

11.9.4   Election night uploads. ~~Manual entry counties must produce preliminary election results and upload them to the ENR system once counting is completed.~~ All ~~other~~ counties

OTHER THAN MANUAL ENTRY COUNTIES must export or produce preliminary election
results and upload them to the ENR system. a minimum of three times on election night:

    (A)   WHILE TABULATING, COUNTIES MUST UPLOAD TO THE ENR SYSTEM ACCORDING
        TO THE FOLLOWING SCHEDULE:

        (a)(1)   After the close of polls but no later than 8:00 p.m.; AND

        (b)(2)   At or around NO LATER THAN 9:00 p.m.

    (c)(B)   The county must indicate that election night reporting is complete in the ENR
        system after the county uploads the last results on election night. IF THE COUNTY
        BELIEVES IT WILL BE UNABLE TO MEET THE SCHEDULE OUTLINED IN THIS RULE,
        IT MUST CONTACT THE VOTING SYSTEMS TEAM BEFORE THE DEADLINE.

    (C)   THE SECRETARY OF STATE MAY, AT HIS OR HER DISCRETION, WAIVE OR MODIFY
        THIS RULE.

11.9.5   A COUNTY MUST PRODUCE PRELIMINARY ELECTION RESULTS AND UPLOAD THEM TO THE
      ENR SYSTEM AFTER COUNTING IS COMPLETED ON ELECTION NIGHT, INDICATE IN THE
      ENR SYSTEM THAT COUNTING IS COMPLETED FOR THE EVENING, AND NOTIFY THE
      VOTING SYSTEMS TEAM BY EMAIL THAT COUNTING IS COMPLETED FOR THE EVENING.

11.9.5 11.9.6   Canvass upload. The county must export or produce official election results, and
      check the appropriate box in the ENR system to indicate that the canvass upload is
      complete, not later than close of business of the first business day after the statutory
      deadline for completing the canvass.

*Amendments to Current Rules 15.1.4(d) and (e) concerning verification of petitions; specifically,
verifying individual entries:*

    (d)   Secretary of State or DEO staff will reject the entry if:

        (1)   The name on the entry is not in SCORE;

        (2)   The middle initial or middle name on the entry does not match the
           middle initial or middle name in SCORE;

        (3)   The address on the entry does not match the ANY address FOR THE
           ELECTOR in SCORE;

        (4)   The address on the entry is a post office box;

        (5)(4)   The entry is incomplete;

        (6)(5)   The signer completed the entry before the designated election official
           approved the petition format;

        (7)(6)   The signer was not an eligible elector at the time he or she completed the
           entry;

        (8)(7)   The signer completed the entry after the date on the circulator affidavit;

1   (9) (8) Evidence exists that some other person assisted the signer in completing
2   the entry but no statement of assistance accompanies the entry;

3   (10) (9) The name and signature on the entry is illegible and cannot be verified in
4   SCORE;

5   (11) 10) The entry is a duplicate of a previously accepted entry on the same
6   petition; or

7   (12) (11)   For a candidate petition where an elector may sign only one
8   petition for the same office, the entry is a duplicate of a previously
9   accepted entry on a previously filed petition for the same office.

10   (13) (12)   The signer's information appears outside of a numbered
11   signature block on a petition section.

12   (e)   Secretary of State or DEO staff will accept the entry if:

13   (1)   The name on an entry matches or is substantially similar to the
14   information in SCORE, or if the signature on an entry is a common
15   variant of the name;

16   (2)   A middle initial or middle name is present on the entry but not in
17   SCORE, or present in SCORE but not on the entry;

18   (3)   A name suffix is present on the entry but not in SCORE, or present in
19   SCORE but not on the entry; or

20   (4)   The address on the entry is missing an apartment letter or number or a
21   street direction.

22   (5)   THE ADDRESS PROVIDED DID NOT MATCH THE RESIDENCE ADDRESS
23   INFORMATION IN SCORE, BUT DID MATCH THE MAILING ADDRESS
24   INFORMATION IN SCORE

25   *Amendments to Current Rule 17.1.2 concerning provisional voting in the voter service and polling center:*

26   17.1.2 If a voter service and polling center loses connectivity to SCORE, the judges must issue
27   provisional ballots until the county restores connectivity unless the election officials are
28   able to contact the elections office to issue vote credit in SCORE immediately AN
29   ELECTION JUDGE MUST ATTEMPT TO VERIFY THE ELECTOR'S ELIGIBILITY BY
30   CONTACTING THE COUNTY CLERK AND RECORDER'S OFFICE BY TELEPHONE OR
31   ELECTRONIC MAIL. IF THE ELECTOR'S ELIGIBILITY CAN BE DETERMINED, THE JUDGE
32   MUST ISSUE THE VOTER A MAIL BALLOT OR REPLACEMENT MAIL BALLOT AND THE
33   COUNTY CLERK'S OFFICE MUST ASSIGN VOTE CREDIT IN SCORE IMMEDIATELY. IF AN
34   ELECTOR'S ELIGIBILITY CANNOT BE DETERMINED, THE ELECTION JUDGE MUST ISSUE THE
35   VOTER A PROVISIONAL BALLOT.

36   *Amendments to Current Rule 17.2.9 concerning verification of provisional ballots specifically acceptance*
37   *codes:*

| | ALC | Elector voted a provisional ballot because the voter service and polling center lost connectivity AND THE VOTER'S ELIGIBILITY COULD NOT BE OTHERWISE DETERMINED. Elector's eligibility is confirmed. |

Amendments to Current Rule 17.2.10 concerning verification of provisional ballots specifically rejections codes:

| | RFE | (Rejection ~~felon~~ not eligible to vote DUE TO FELONY INCARCERATION) Individual was convicted of a felony and is ~~either~~ serving a sentence of confinement or detention ~~or is on parole~~. |

Amendments to Current Rule 20 concerning county security procedures:

20.1   The county must submit its ~~annual~~ security plan on the form prescribed by the Secretary of State in accordance with section 1-5-616(5), C.R.S., NOT LESS THAN 60 DAYS BEFORE AN ELECTION. A county must also submit a comprehensive procedure for ballot delivery in an emergency under section 1-7.5-115(1), C.R.S.

20.2   THE COUNTY MAY NOT INSTALL ANY SOFTWARE ON ANY COMPONENT OF THE VOTING SYSTEM UNLESS DIRECTED TO, OR APPROVED BY, THE SECRETARY OF STATE.

~~20.2~~ 20.3   General requirements concerning ~~chain-of-custody~~ SECURITY DOCUMENTATION

~~20.2.1~~ 20.3.1   The county must maintain on file all documentation of seals, chain-of-custody, ACCESS LOGS, TRUSTED BUILD, and other documents related to the transfer of equipment between parties. These documents are subject to inspection by the Secretary of State. ALL WRITTEN ENTRIES MUST BE COMPLETED IN PERMANENT INK.

~~20.2.2~~ 20.3.2   The county must maintain and document uninterrupted chain-of-custody for each voting device from the installation of trusted build to the present, throughout the county's ownership or leasing of the device. For ballot scanners approved for use under section 1-5-613(2), C.R.S. but for which no trusted build exists, the county must maintain and document uninterrupted chain-of-custody for each voting device from the successful completion of acceptance testing conducted according to Rule ~~20.9.4~~ 20.10.4.

~~20.2.3~~ 20.3.3   Only election officials or canvass board members sworn under oath are allowed to handle ballots, which include VVPAT records.

~~20.2.4   The county may install additional or modified software developed by the vendor on any component of the voting system only if the software is specifically listed on the Secretary of State's certificate and verified against the state trusted build. Nothing in this Rule precludes the use of commercial off-the-shelf software, provided that the software is included in the certified list of services and executables for the certified voting systems.~~

~~20.2.5~~ 20.3.4   Any form or log containing "date" means to note the month, calendar day, year, hour, minute, and whether the time is a.m. or p.m.

~~20.2.6~~ 20.3.5   The county must submit sample copies of all referenced forms, schedules, logs, and checklists with the security plan.

20.3 20.4   Physical locking mechanisms and seals. The county must record the serial number of every seal on the appropriate chain-of-custody log. Two individuals must verify, and indicate by signing and dating the log, that the seal serial numbers match the logged serial numbers. If a seal is inaccessible and cannot be removed, then it is not necessary to verify that seal serial number.

20.3.1 20.4.1   DREs, BMDs, and Judge's Booth Controllers (JBCs)

(a)   The county must place a seal over a removable card or cartridge that is inserted into the unit, or over the slot or door covering the card or cartridge.

(b)   The county must place a seal over any data port when the port is not being used, except slots for activation cards.

(c)   If the county cannot verify the firmware or software hash value (MD5 or SHA-1), the county must seal the DRE or BMD case. To detect unauthorized access, the county must use seals at either the seams of the case or at key entry points such as screw access points.

(d)   In each voter service and polling center, the county must provide a minimum of one accessible DRE or BMD that complies with section 1-5-704, C.R.S.

20.3.2 20.4.2   Before attaching a VVPAT to a specific voting device, the county must seal the unit after verifying that no votes were cast. At least two election officials must verify that seals are intact before the start of voting, and at the close of voting. VVPAT records must either remain in the VVPAT canister, or be sealed and secured in a suitable device for protecting privacy or as described in Rule 20.12 20.13.

20.3.3 20.4.3   Ballot scanners

(a)   The county must place a seal over each card or cartridge inserted into the unit, or over any door or slot containing the card or cartridge.

(b)   The county must place a seal over each empty card or cartridge slot or door covering the area where the card or cartridge is inserted.

(c)   Before the start of voting and after the close of voting, two election officials must visually confirm that all seals are intact and that the seal numbers match those logged in the chain-of-custody log.

20.3.4 20.4.4   Memory cards and activation cards

(a)   The county must assign and securely affix a permanent unique identifier to each removable card or activation card. The county may use the manufacturer assigned serial number for this purpose.

(b)   The county must handle memory cards and activation cards in a secure manner at all times. The county must transfer and store any card or activation card that is not sealed in a voting machine in a secure container with at least one seal. Upon delivery and receipt, election judges or county personnel must verify, and indicate by signing and dating the chain-of custody log, that all seal numbers match those listed in the log.

	(c)	The county must maintain a written or electronic log to record memory card or activation card seals and track seals for each voting unit.

(d) The county must maintain a complete inventory of memory cards and activation cards, including which VSPC they are assigned to during an election. Before and after a VSPC opens and closes each day, the supervisor judge must verify that all cards issued to the VSPC are present. If at any time the supervisor judge cannot account for all activation cards issued to the VSPC, the supervisor judge or a member of the county election staff must immediately submit an incident report to the Secretary of State under Rule 11.6 11.7.

20.4 20.5   Individuals with access to keys, door codes, and vault combinations ACCESS TO SECURE AREAS

Reorganizing Current Rules 20.4.1 and 20.4.2 (renumbered as Rules 20.5.2 and 20.5.1 as shown below) including amendments:

20.4.2 20.5.1   The county must change all keypad door codes or locks and vault combinations TO SECURE AREAS AS OUTLINED IN RULE 20.9.3, at least once per calendar year prior to the first election of the year.

20.4.1 20.5.2   For employees with access to areas addressed in Rule 20.4.3, the county must state in the security plan the name of each employee, their title, and the date the criminal background check was performed. [Section 24-72-305.6, C.R.S.] THE COUNTY MUST STATE IN ITS SECURITY PLAN THE NAME, TITLE, AND DATE OF MOST RECENT BACKGROUND CHECK FOR EACH EMPLOYEE WITH ACCESS TO AREAS IDENTIFIED IN RULE 20.5.3.

20.4.3 20.5.3   COUNTY Employee EMPLOYEE access. The county may grant employees access to the codes or locks and combinations described in this Rule in accordance with the following limitations:

(a) Access to the code, lock, or combination to ballot storage areas, counting room, location of adjudication, or tabulation workstations is restricted to employees who have successfully passed a criminal background check. Any person who has been convicted of an election offense or an offense with an element of fraud is prohibited from having access to the above areas.

(b) Except for emergency personnel, no other individuals may be present in these locations unless supervised by one or more employees with authorized access.

(c) In extreme circumstances, the county may request and the Secretary of State may grant exemption from the requirements outlined in this Rule.

20.5.4   NON-COUNTY EMPLOYEE ACCESS

(A) ALL VENDORS WHO CONDUCT WORK ON ANY COMPONENT OF A COUNTY'S VOTING SYSTEM MUST CONDUCT A CRIMINAL BACKGROUND CHECK ON EACH EMPLOYEE PRIOR TO THE EMPLOYEE'S WORK WITH THE VOTING SYSTEM. THE VENDOR MUST AFFIRM THAT THE CHECK WAS CONDUCTED IN WRITING TO THE SECRETARY OF STATE PRIOR TO THE EMPLOYEE CONDUCTING ANY WORK. ANY

1   PERSON CONVICTED OF AN ELECTION OFFENSE OR AN OFFENSE WITH AN
2   ELEMENT OF FRAUD IS PROHIBITED FROM WORKING ON ANY COMPONENT OF A
3   COUNTY'S VOTING SYSTEM.

20.4.5 20.5.5   Access to where election management software is used is limited to authorized election officials and watchers only. Messengers or runners delivering ballots between the preparation room and computer room must wear distinguishing identification.

20.5 20.6   Internal Controls for the Voting System

20.5.1   ~~The county must enable, create, and use passwords.~~

20.5.2 20.6.1   In addition to the access controls discussed in Rule 20.4 20.5, the county must change all passwords and limit access to the following areas:

   (a)   The county must change ~~all software passwords once per calendar year prior to the first election. This includes any boot or startup passwords in use, as well as any administrator and user passwords and remote device passwords.~~ ANY PASSWORDS ASSOCIATED WITH A VOTING SYSTEM ACCORDING TO THE CONDITIONS OF USE.

   (b)   ~~The county must change all hardware passwords once per calendar year prior to the first election. This includes any encryption keys, key card tools, supervisor codes, poll worker passwords on smart cards, USB keys, and voting devices themselves as it applies to the specific system.~~

[Not shown: Current Rules 20.5.2 (c)-(h) are renumbered as Rules 20.6.1(b)-(g)]

20.5.3 20.6.2   Removable storage devices

   (a)   The county must reformat all removable storage devices immediately before inserting them into any component of the voting system, except as provided in Rule 20.5.3 20.6.2 (b)-~~(d)~~ (E), or in the conditions of use.

[No changes to (b) and (c)]

   (d)   The county may insert a removable storage device without first reformatting it if the removable storage device contains only election database or project files remotely programmed by the voting system provider in accordance with Rule 20.7 20.8.

   (E)   THE COUNTY MAY INSERT A REMOVABLE STORAGE DEVICE WITHOUT FIRST REFORMATTING IT IF THE REMOVABLE STORAGE DEVICE CONTAINS ONLY ELECTION DATABASE BACKUP FILES CREATED BY THE COUNTY AND:

      (1)   THE COUNTY SUBMITS AN ATTACHMENT WITH THEIR SECURITY PLAN STATING SECURITY PROCEDURES FOR THE REMOVABLE STORAGE DEVICE THAT ADDRESSES STORAGE OF THE DEVICE WHEN NOT IN USE; AND

      (2)   THE PLAN IN THE ATTACHMENT IS APPROVED BY THE SECRETARY OF STATE.

20.6 20.7   The county must keep all components of the voting system, ballots, servers, workstations, DREs, ballot scanners, BMDs, VVPAT records, and video data records in a temperature-controlled storage environment that maintains a minimum temperature of 50 degrees Fahrenheit and a maximum temperature of 90 degrees Fahrenheit. The storage environment must be dry with storage at least four inches above the floor. The county must provide the Secretary of State with a description of the specific environment used for each type of component.

20.7 20.8   Remote election programming services.

20.7.1 20.8.1   A county may not install or import into its voting system an election database or project programmed or created by the voting system provider using voting system components other than those owned or leased by the county and situated in the county's secure elections facility, unless the voting system provider first affirms on a form provided by the Secretary of State that:

(a)   At all times during the election database or project programming, the voting system provider used only hardware and software certified for use in Colorado, as configured and verified during trusted build by the Secretary of State;

(b)   At all times after installation of trusted build, the voting system provider operated all hardware utilized to program the election on a closed network, and did not connect the hardware to the internet or any internet-connected device;

(c)   At all times during the election programming process, the voting system provider complied with the security protocols for removable storage devices in Rule 20.5.3 20.6.2(a) – (c); and

(d)   The voting system provider physically delivered to the county removable storage media containing the finished election database or project, and did not transmit using any method connected or exposed to the internet.

20.8 20.9   Security cameras or other surveillance

20.8.1 20.9.1   The county must maintain a log of each person who enters the areas specified in Rule 20.8.3 20.9.3, including the person's name, signature, and date and time of entry. If access to the specified areas is controlled by use of key card or similar door access system that is capable of producing a printed paper log including the person's name and date and time of entry, the log must meet the requirements of this Rule.

20.8.2 20.9.2   Unless otherwise instructed, the county must make video security surveillance recordings of the areas specified in Rule 20.8.3 20.9.3 beginning at least 60 days before election day and continuing through at least 30 days after election day. If a recount or contest occurs, the recording must continue through the conclusion of all related activity. The recording system must ensure that records are not written over when the system is full. The recording system must provide a method to transfer the video records to a different recording device or to replace the recording media. If replaceable media is used then the county must provide a process that ensures that the media is replaced often enough to prevent periods when recording is not available.

20.8.3 20.9.3   The following are the specific minimum requirements:

1   *[No changes to (a)-(c)]*

2   *[Not shown: renumbering Current Rule 20.9 as Rule 20.10]*

3   ~~20.10~~ 20.11   Transportation of equipment, memory cards, ballot boxes, and ballots

4   ~~20.10.1~~ 20.11.1 The county must submit detailed plans to the Secretary of State before an
5   election regarding the transportation of equipment and ballots both to remote voting sites
6   and back to the central elections office or storage facility. If there is any evidence of
7   possible tampering with a seal, or if the seal numbers do not match those listed in the
8   chain-of-custody log, the county clerk must be immediately notified and must follow the
9   procedures specific to the incident as described in Rule ~~20.14~~ 20.15. While the method of
10   transportation of equipment may vary, the following standards apply:

11   *[No changes to (a)-(c)]*

12   *[Not shown: renumbering Current Rules 20.10.2-20.10.4 as Rules 20.11.2-20.11.4]*

13   *[Not shown: renumbering Current Rules 20.11-20.16 as Rules 20.12-20.17]*

14   *Cross-reference update in Rule 20.15.1(b)(3) (formerly Rule 20.14.1(b)(3)):*

15   (3)   The county must reinstall the election programming into the device,
16   conduct a hardware diagnostics test as prescribed in Rule 11, and
17   conduct an acceptance test according to Rule ~~20.8.4~~ 20.10.4, except that
18   the device must be in full election mode, if applicable, and instead of
19   casting or printing five ballots, the county must cast or print at least 25
20   ballots on the device. The county must maintain on file all
21   documentation of testing and chain-of-custody for each specific device.

22   *Cross-reference update:*

23   ~~20.16.1~~ 20.17.1   A county that chooses to lease, loan, or rent any certified election equipment to a
24   municipality, special district, or other local jurisdiction for use in their elections must
25   maintain or reestablish an acceptable chain-of-custody and appropriate documentation in
26   accordance with Rule ~~20.2~~ 20.3.

27   *Cross-reference update in Rule 20.17.3(a)(3) (formerly Rule 20.16.3(a)(3)):*

28   (3)   Place one or more secure and numbered seals on the voting equipment in
29   accordance with Rule ~~20.3~~ 20.4. If during the course of the jurisdiction's
30   election, the designated election official requires removal of a memory
31   card or flash media as a function of the election process, the county clerk
32   must witness and document the removal and proper resealing of the
33   memory card or flash media; and

34   *[Not shown: renumbering Current Rules 20.17-20.20 as Rules 20.18-20.21]*

35   *Amendments to Current Rule 21 concerning voting system standards for certification:*

36   21.1   Introduction

21.1.1 ~~For Colorado purposes, no single component of a voting system, or device, meets the definition of a voting system except that nothing in this Rule requires the testing of an entire modified system if the Secretary of State determines in accordance with section 1-5-618, C.R.S., that a modification to any certified voting system requires testing for security and accuracy. Only the modification and any affected features or capabilities must be tested to ensure compliance with this Rule.~~ THE STANDARDS FOR CERTIFYING A VOTING SYSTEM IN THIS RULE APPLY TO APPLICATIONS FOR NEW CERTIFICATIONS. VOTING SYSTEM PROVIDERS MAY SUBMIT AN APPLICATION TO MODIFY A SYSTEM PREVIOUSLY CERTIFIED BY THE SECRETARY OF STATE IN ACCORDANCE WITH SECTION 1-5-618, C.R.S.

    (A) THE SECRETARY OF STATE WILL ONLY APPROVE AN APPLICATION FOR MODIFICATION IF TESTING DETERMINES THAT THE CHANGES PROPOSED DO NOT ADVERSELY AFFECT ANY ONE OR MORE OF THE FOLLOWING:

        (1) PERFORMANCE OF VOTING SYSTEM FUNCTIONS;

        (2) VOTING SYSTEM SECURITY AND PRIVACY;

        (3) OVERALL FLOW OF SYSTEM CONTROL; OR

        (4) THE MANNER IN WHICH BALLOTS ARE DEFINED AND INTERPRETED, AND VOTING DATA IS PROCESSED.

    (B) THE SECRETARY OF STATE MAY APPROVE A TEST PLAN FOR A MODIFIED VOTING SYSTEM LIMITED TO THE CORRECTION OF DEFECTS; THE INCORPORATION OF IMPROVEMENTS; THE ENHANCEMENT OF PORTABILITY AND FLEXIBILITY; AND THE INTEGRATION OR COMPATIBILITY OF DATA EXPORTED FROM THE VOTING SYSTEM WITH OTHER ELECTIONS SYSTEMS.

21.1.2 Sufficient components must be assembled to create a configuration that allows the system or modification as a whole to meet the requirements as described for a voting system in this Rule.

21.1.3 The certification of a voting system is not a requirement that a county purchase or lease all of the components of the voting system. Counties may choose to configure and use a subset of the certified voting system and may use the services of a vendor or third party to provide ballot definition and election programming of memory cards. Counties are not required to use a paper ballot tabulation device if they choose to manually tabulate the election results.

21.2 Certification Process Overview and Timeline

21.2.1 The voting system will be considered as a unit, and all components tested at once, unless the circumstances necessitate otherwise. Any change made to individual components of a voting system will require the entire voting system to be recertified unless the change is a modification that can be approved under section 1-5-618(1.5), C.R.S.

21.2.2 For a voting system to be certified, the voting system provider must successfully complete all phases of the certification process. The certification process includes:

1   submission of a complete application, a documentation review, a public demonstration of
2   the system, and functional testing.

3   21.2.3 The flow of each phase of certification is as follows:

4   (a) Phase I – The voting system provider must submit an application ~~and~~ WITH all
5   documentation required in Rule 21.3 AND A COMPLETED REQUIREMENTS MATRIX
6   PROVIDED BY THE VOTING SYSTEMS TEAM. The Secretary of State will review the
7   application and inform the voting system provider whether or not the application
8   is complete. If the application is incomplete, the Secretary of State will identify
9   the deficiencies and the voting system provider will have 30 days to remedy the
10   deficiencies and make the application complete. When the application is
11   complete, the Secretary of State will make arrangements with the voting system
12   provider for a public demonstration.

13   (b) Phase II – The Secretary of State will review the submitted documentation,
14   COLORADO REQUIREMENTS MATRIX, VSTL reports from previous testing, and
15   evaluations provided by other states. IF THE SUBMITTED DOCUMENTATION OR
16   REQUIREMENTS MATRIX IS INCOMPLETE, THE SECRETARY OF STATE WILL
17   IDENTIFY THE DEFICIENCIES AND THE VOTING SYSTEM PROVIDER WILL HAVE 30
18   DAYS TO REMEDY THE DEFICIENCIES AND MAKE THEM COMPLETE.

19   (c) Phase III – The Secretary of State ~~will prepare~~ MUST APPROVE a certification test
20   plan. If a VSTL is contracted to test the voting system, the VSTL will work with
21   the ~~Secretary of State~~ VOTING SYSTEM PROVIDER to prepare a certification test
22   plan. The certification test plan will be presented to the ~~voting system provider~~
23   SECRETARY OF STATE for review ~~before execution of the test plan~~ AND
24   APPROVAL.

25   (d) Phase IV– Upon receipt of the ~~voting system provider's~~ SECRETARY OF STATE'S
26   ~~agreement to~~ APPROVAL OF the certification test plan, the ~~Secretary of State or~~
27   ~~the~~ VSTL will execute the test plan.

28   (e) Phase V – The Secretary of State will review the test results and determine
29   whether the voting system substantially meets the requirements for certification.
30   Within 30 days of a decision, the Secretary of State will post the certification test
31   report for the voting system on its website.

32   21.2.4 The Secretary of State will certify voting systems that substantially comply with the
33   requirements in this Rule 21, ~~Colorado Election Code,~~ and any additional testing the
34   Secretary of State finds necessary.

35 21.3 Application Procedure

36   21.3.1 Any voting system provider may apply to the Secretary of State for certification at any
37   time.

38   21.3.2 A voting system provider that desires to submit a voting system for certification must
39   complete the Secretary of State's "Application for Certification of Voting System" that is
40   available on the Secretary of State's website.

21.3.3 ~~The Secretary of State, in accordance with section 24-21-104(1)(a), C.R.S., will charge~~
~~the voting system provider all direct and indirect costs associated with the testing of a~~
~~voting system submitted for certification. The Secretary of State will provide an estimate~~
~~of costs for certification testing before the certification process begins. In order to begin~~
~~testing, the voting system provider must provide a written approval of the cost estimate.~~
~~The voting system provider must pay all costs before the Secretary of state will issue a~~
~~final determination.~~

~~21.3.4~~ 21.3.3   Along with the application, the voting system provider must submit all
documentation ~~required in this Rule 21~~ REQUIRED IN THE APPLICATION FOR
CERTIFICATION IN A SEARCHABLE electronic format. THE SECRETARY OF STATE MAY
DELAY THE CERTIFICATION PROCESS IF THE DOCUMENTATION IS INSUFFICIENT OR
INCOMPLETE UNTIL REMEDIED BY THE VOTING SYSTEM PROVIDER.

21.3.4   THE VOTING SYSTEM PROVIDER MUST SUBMIT THE COMPLETED COLORADO
REQUIREMENTS MATRIX TO THE SECRETARY OF STATE IN A TIMELY MANNER AFTER
SUBMISSION OF THE APPLICATION FOR CERTIFICATION.

(A)   THE VOTING SYSTEM PROVIDER MUST SPECIFY WHERE EACH REQUIREMENT IS
MET IN THE DOCUMENTATION, INCLUDING SECTION OR PAGE NUMBER.

(B)   THE VOTING SYSTEM PROVIDER MUST SPECIFY WHICH REQUIREMENTS WILL BE
FULFILLED BY TESTING INSTEAD OF DOCUMENTATION.

(C)   ALL REQUIREMENTS IN THE COLORADO REQUIREMENTS MATRIX MUST BE
ADDRESSED.

21.3.5   The vendor must identify any material it asserts is exempt from public disclosure under
the Colorado Open Records Act, Part 2, Article 72 of Title 24, C.R.S., together with a
citation to the specific grounds for exemption before beginning Phase III of the
certification process.

21.3.6   The voting system provider must coordinate with the Secretary of State for the
establishment of the trusted build. The voting system provider must submit all
documentation and instructions necessary for the creation and guided installation of files
contained in the trusted build which will be created at the start of functional testing and
will be the model tested. At a minimum, the trusted build must include a compilation of
files placed on write-once ~~or removable~~ media, and an established hash file distributed
from a VSTL or the National Software Reference Library to compare federally certified
versions. The trusted build disks should all be labeled with identification of the voting
system provider's name and release version.

21.3.7   All materials submitted to the Secretary of State must remain in the custody of the
Secretary of State as follows:

(a)   For certified systems, until the certification is permanently revoked, or until no
components of the certified system are used in the State of Colorado; and

(b)   For systems that are not certified, a period of 25 months.

21.4   Voting System Standards

1   *[No changes to Current Rules 21.4.1-21.4.10]*

2   21.4.11 Documentation Requirements

3   (a)   The Secretary of State may rely upon the testing of a voting system performed by
4   a VSTL or by another state upon satisfaction of the following conditions:

5   (1)   The Secretary of State has access to any documentation, data, TEST CASE
6   reports or similar information upon which the VSTL or another state
7   relied in performing its tests and will make such information available to
8   the public subject to any redaction required by law; and

9   *[No additional changes to Current Rule 21.4]*

10   *Amendments to Current Rule 21.5.1(c) concerning voting system provider demonstration:*

11   (c)   AT THE TIME OF APPLICATION, ~~The~~ THE voting system provider ~~will have~~ MUST
12   ARRANGE A TIME WITH THE SECRETARY OF STATE TO access ~~to~~ the
13   demonstration room ~~for one day prior to the start of the demonstration~~ to ~~provide~~
14   ~~time for~~ setup ~~of~~ the voting system.

15   *New Rule 22.4 concerning the use of approved and recommended election forms:*

16   22.4   IF AN ELECTOR'S ELIGIBILITY TO VOTE AT A PRECINCT CAUCUS CANNOT BE VERIFIED UPON
17   EXAMINATION OF THE LIST OF REGISTERED ELECTORS, THE ELECTOR MUST COMPLETE THE
18   SECRETARY OF STATE'S APPROVED FORM ATTESTING TO THE ELECTOR'S ELIGIBILITY.

19   *Amendments to Current Rule 26.4.2 concerning ranked voting method:*

20   26.4.2 In a coordinated election, the county clerk must include the instructions in the county's
21   ~~mail ballot~~ ELECTION plan.