

Andrea Gyger

From: Mary Eberle [REDACTED]
Sent: Monday, February 20, 2012 11:18 PM
To: Andrea Gyger
Subject: Re: Election Rules: Post Rulemaking Hearing Update

Categories: Rules

Dear Andrea,

I would like to make the following comments concerning the proposed Election Rule 43.

Line 35, p. 26: 43.2.1 General Requirements:

(c) Only deputized clerks, election judges, or canvass board members sworn under oath are allowed to handle ballots, which include V-VPAT records.

I think that this restriction should include watchers and citizens acting on a CORA request of ballots. Of course an oath should be administered to these people. Clerks should have the discretion to allow more handling of ballots for convenience and better logistics, if election judges and cameras monitor the situation. Excessive control by the Secretary's rules will stifle efficiency in reviews of ballots and informal recounts as allowed under CORA.

Line 21, p. 2: Rule 27.8 REPEALED. Written Plan for Alternative Counting Method.

Hand counting, particularly the sort and stack method, is quick and accurate if done with four people. The traditional mark and tally method, if no one is paired with the "caller" to check that person's work, is not only less efficient, it is not a verified method of counting. The sort and stack method should be approved for use in Colorado.

Finally, I support the need to hold a public hearing on the Conditions for Use of election equipment if changes are contemplated. And I support the concept of "First do no harm," so I am asking the Secretary's office to please aim at constantly improving our elections' transparency and verifiability when changes are contemplated. Along that line, I see that the rules are still inviting the thieves to come in the night to tamper with equipment and possibly ballots by not requiring light where video surveillance is ongoing and by not forcing that surveillance to be continuous. (See Saguache County, 2010.) I hope the Secretary and staff will reconsider.

Thank you for your kind assistance.

Sincerely,
Mary

Mary C. Eberle
[REDACTED]
[REDACTED]
[REDACTED]

On 2/16/2012 9:50 AM, Andrea Gyger wrote:
Good morning,

On Tuesday, February 14, 2012, the Secretary of State held a hearing to consider amendments to Election Rule 43 concerning county security procedures.

An audio recording of the rulemaking hearing is available online: [Click here for audio recording](#). All notices, draft rules, written comments, and other documents relating to this rulemaking are and will continue to be posted online at www.sos.state.co.us/pubs/rule_making/hearings/2012/RulesHearing20120214.html.

As requested by the public during the rulemaking hearing, a document containing both redline and clean versions of the February 9, 2012 revised draft rules is attached and posted online. The redline shows proposed additions and deletions from current rules (in SMALL CAPS and ~~stricken type~~). The clean version shows the final text and organization of the proposed rules if adopted.

Please submit written comments by the close of business Tuesday, February 21, 2012. 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. You may submit your comments by mail, email (mail to: Andrea.Gyger@sos.state.co.us), or in person to our office. All written comments are posted online at the Secretary of State website. Prior to posting online, contact information including home address, email address, and telephone number(s) will be redacted from submissions unless otherwise directed by the contributor.

If you have any questions or would like to submit written comments, please do not hesitate to contact me.

Thank you,

Andrea Gyger

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