

## Andrea Gyger

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**From:** Marilyn Marks <marilyn@aspenoffice.com>  
**Sent:** Friday, July 20, 2012 4:42 PM  
**To:** Andrea Gyger; Andrew Cole  
**Cc:** Suzanne Staiert  
**Subject:** Comments on election rule proposals  
**Attachments:** MarilynMarksComments\_ProposedRules.pdf

**Categories:** Rules

Andrea,

Attached are some informal comments on the proposed rule changes. I object to the over-reaching of the Secretary to strip citizens of their election oversight rights and the attempt to concentrate more power in the hands of the clerks and in his office in these proposals. I urge that they not be considered for adoption. I expect to submit a letter to accompany these comments before Monday morning.

Please let me know if you have questions.

Marilyn Marks  
Aspen, CO

Comments below are informal and conceptual in nature. They focus primarily on watcher and canvass board provisions.  
Marilyn Marks  
Aspen, CO  
Marilyn ( at ) AspenOffice.com

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

**July 18, 2012**

**Disclaimer:**

The proposed draft rules have changed. This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on June 15, 2012. These revised proposed rules will be considered at the July 23, 2012 rulemaking hearing.

In accordance with the State Administrative Procedure Act, this revised copy of the proposed rules is made available to the public and posted on the Department of State’s website.<sup>1</sup>

Proposed additions to the current rules are reflected in SMALL CAPS.

Proposed deletions from current rules are shown in ~~stricken type~~.

**Shading** indicates revisions from the previous draft.

*(Annotations)* may be included.

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1 Amendments to Rule 2.7.4:

2           2.7.4 ~~If an applicant for voter registration fails to provide his or her gender the application shall~~  
3 ~~be treated as “incomplete; however, if the applicant submits a photocopy of his/her~~  
4 ~~driver’s license or other approved form of ID which includes the applicant’s gender, then~~  
5 ~~the county may enter “male” or “female” as reflected on the card into the applicant’s~~  
6 ~~record and consider the application “complete”.~~ REPEALED.

7 New Rule 2.7.5:

8           2.7.5 IF THE COUNTY CLERK AND RECORDER NOTIFIES AN APPLICANT THAT HIS OR HER  
9 APPLICATION IS INCOMPLETE, AND THE APPLICANT DOES NOT PROVIDE THE ADDITIONAL  
10 INFORMATION NECESSARY TO COMPLETE THE APPLICATION WITHIN 24 MONTHS AFTER  
11 THE COUNTY CLERK SENT THE NOTIFICATION, THE APPLICANT MUST REAPPLY IN ORDER  
12 TO REGISTER TO VOTE. (SECTION 1-2-509(2), C.R.S.)

13 Amendments to Rule 2.11:

14 2.11 CHANGES TO AN ELECTOR’S VOTER REGISTRATION STATUS.

15           2.11.1 ~~For the purposes of section 1-2-605(4)(a), C.R.S., an~~ AN ELECTOR MAY update to a  
16 ~~voter’s~~ HIS OR HER INACTIVE registration information to change the voter’s STATUS TO  
17 ACTIVE status ~~from inactive to active must be provided~~ BY SUBMITTING to the county  
18 ~~clerk and recorder by any of the following ways:~~

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<sup>1</sup> Section 24-4-103(4)(a), C.R.S. (2011). “[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 (a-) A signed written request, ~~delivered in person or by U.S. mail, fax, or PDF~~  
2 attachment to an email; ~~or~~

3 (b-) AN ONLINE VOTER REGISTRATION APPLICATION; OR

4 (c) AN ~~Oral~~-IN-PERSON request ~~in person when voter presents~~ WITH identification.

5 [SECTION 1-2-605(4)(A), C.R.S.]

6 2.11.12 ~~In the case of the applicant's~~ IF AN ELECTOR IS UNABLE to sign, ANOTHER PERSON MUST  
7 WITNESS the elector's mark ~~shall be witnessed by another person~~. An elector may use a  
8 signature stamp because of age, disability, or other need, ~~which shall be~~. THE STAMP IS  
9 treated as a signature and does not require a witness.

10 Amendments to Rule 2.19.1:

11 2.19.1 "Confirmation card" means a FORWARDABLE, POSTAGE PREPAID mailing USING THE FORM  
12 PRESCRIBED BY THE SECRETARY OF STATE ~~by forwardable mail that includes a registration form~~  
13 ~~so that the voter may update his or her registration or request a mail in ballot. The mailing shall~~  
14 ~~be postage prepaid and have a returnable portion that is preaddressed to the sending county clerk~~  
15 ~~and recorder.~~

16 Amendments to Rule 8.6:

17 8.6 WATCHERS ARE SUBJECT TO THE PROVISIONS OF SECTION 1-5-503, C.R.S.

These watcher provisions attempt to reduce citizen oversight, election transparency and are contrary to statutory rights of watchers.

18 8.6.1 THE "IMMEDIATE VOTING AREA" IS THE AREA THAT IS WITHIN SIX FEET OF THE VOTING  
19 EQUIPMENT, VOTING BOOTHS, AND THE BALLOT BOX.

this is NOT the long term statutory meaning of the "immediate voting area."

20 8.6.2 THE DESIGNATED ELECTION OFFICIAL MUST POSITION THE VOTING EQUIPMENT, VOTING  
21 BOOTHS, AND THE BALLOT BOX SO THAT THEY ARE IN PLAIN VIEW OF THE ELECTION  
22 OFFICIALS AND WATCHERS.

Watchers MUST be able to "WITNESS and VERIFY" In most cases that cannot be done at a distance of 6 feet. This rule violates statutory rights of watchers.

23 8.6.3 WATCHERS ARE PERMITTED TO VIEW THE CONDUCT OF ELECTIONS DESCRIBED IN  
24 ARTICLE I, SECTION 7 FROM A DISTANCE OF SIX FEET UNLESS THE SIZE OR  
25 CONFIGURATION OF THE ROOM DOES NOT ALLOW.

26 8.6.4 THE DESIGNATED ELECTION OFFICIAL MAY, WITHIN HIS OR HER DISCRETION, ALLOW  
27 WATCHERS WITHIN SIX FEET OF ~~OTHER~~ ACTIVITIES DESCRIBED IN ARTICLE I, SECTION 7  
28 THAT ARE OUTSIDE THE IMMEDIATE VOTING AREA, INCLUDING BALLOT PROCESSING AND  
29 COUNTING.

as a practical matter, this prevents watchers from having meaningful access.

30 Amendments to Rule 9.1:

31 **Rule 9. Rules Concerning VOTING Assistance to ~~Disabled Voters~~ FOR ELECTORS WITH DISABILITIES**

32 9.1 ~~A~~-THE COUNTY CLERK AND RECORDER MUST POST A sign AT THE POLLING PLACE/VOTE CENTER,  
33 ~~providing substantially as follows shall be posted at the polling place/vote center~~ THAT  
34 SUBSTANTIALLY STATES:

35 *NOTICE*  
36 *VOTING ASSISTANCE FOR ELECTORS WITH DISABILITIES*

By statute, watchers cannot be limited to only Section 7 activities. The conduct of elections takes place far beyond section 7 and needs oversight.

1 Colorado law ~~provides that a voter has~~ PROTECTS a VOTER'S legal right to assistance ~~in voting if~~  
2 ~~assistance is needed because of blindness, INABILITY TO READ OR WRITE, or other physical~~  
3 ~~disability, or inability to read or write. The following procedures apply:~~

4 1. ~~The voter must~~ IF YOU REQUIRE ASSISTANCE, PLEASE inform AN ELECTION JUDGE. ~~one of~~  
5 ~~the election judges that he or she needs assistance.~~

6 2. ~~The voter may be assisted by any ANY election judge or by any eligible elector PERSON~~  
7 ~~selected by the voter MAY ASSIST YOU.~~

8 3. ~~The person selected~~ IF YOU SELECT A PERSON OTHER THAN AN ELECTION JUDGE, HE OR SHE  
9 must complete a 'voter assistance/disabled voter self-affirmation form' ~~if all of the~~  
10 ~~following apply THAT STATES:~~

11 ● ~~— The person selected is not an election judge; and~~

12 ● ~~— The person selected is not the spouse, parent, grandparent, sibling or child~~  
13 ~~eighteen years of age or older, of the voter requesting assistance; and~~

14 ● ~~— The person selected has assisted any other voter at the same election in the same~~  
15 ~~precinct. Section 1-7-111(1)(b), C.R.S.~~

16 ● ~~— The self affirmation form states, 'I, ....., certify that I am the individual~~  
17 ~~chosen by the disabled elector to assist the disabled elector in casting a ballot.'~~

18 4. ~~The person selected~~ YOU SELECT may provide any assistance ~~needed by the voter~~ YOU  
19 NEED, including entering the voting booth, ~~and~~ preparing the ballot, or operating the  
20 voting machine.

21 5. ~~The person providing assistance shall~~ ASSISTING YOU MAY not seek to persuade YOU or  
22 induce ~~the voter~~ YOU to vote in a particular manner.

23 6. ~~The election judges~~ JUDGE shall MUST record the name of each ~~eligible elector assisted~~  
24 VOTER WHO RECEIVES ASSISTANCE and the name of ~~each~~ THE person ~~assisting~~ WHO  
25 PROVIDED ASSISTANCE ~~by making an entry in the pollbook or list of eligible electors (or by~~  
26 ~~making an entry on the signature card when~~ IF preprinted signature cards are used in the  
27 place of a pollbook and list of eligible electors).

28 Amendments to Rule 10.6:

29 10.6 PRINTING PRIMARY ELECTION BALLOTS.

30 10.6.1 IF A MAJOR POLITICAL PARTY, AS DEFINED IN SECTION 1-1-104(22.5), C.R.S., ~~HAS~~  
31 ~~NOMINATES~~ MORE THAN ONE CANDIDATE FOR ANY OFFICE, THE COUNTY CLERK AND  
32 RECORDER MUST CONDUCT THE PRIMARY ELECTION FOR ALL MAJOR POLITICAL PARTIES.

33 (A) THE COUNTY CLERK MUST INCLUDE ON THE BALLOT ALL OFFICES TO WHICH  
34 CANDIDATES MAY BE NOMINATED IN THE PRIMARY ELECTION.

35 (B) IF THERE ARE NO CANDIDATES FOR ANY PARTICULAR OFFICE, THE COUNTY  
36 CLERK MUST PRINT ON THE BALLOT "THERE ARE NO CANDIDATES FOR THIS

1 OFFICE”.

2 [SECTIONS 1-4-101 AND 1-4-104.5, C.R.S.; ELECTION RULE 10.3]

3 10.6.2 IF A MINOR POLITICAL PARTY, AS DEFINED IN SECTION 1-1-104(23), C.R.S., HAS MORE  
4 THAN ONE CANDIDATE FOR ANY OFFICE, THE COUNTY CLERK AND RECORDER MAY  
5 CONDUCT THE PRIMARY ELECTION FOR THAT PARTY ONLY.

6 (A) THE COUNTY CLERK MUST INCLUDE ON THE BALLOT ONLY THE OFFICES FOR  
7 WHICH THERE IS MORE THAN ONE CANDIDATE DESIGNATED.

8 (B) IF THERE IS ONLY ONE MINOR PARTY CANDIDATE DESIGNATED FOR ANY OFFICE,  
9 THE CANDIDATE WILL BE CERTIFIED TO THE GENERAL ELECTION BALLOT.

10 [SECTIONS 1-4-101, 1-4-104.5(3), AND 1-4-1304, C.R.S.]

11 **New Rule 10.7**

12 **10.7 VOIDING BALLOTS DUE TO TIMELY CHANGES IN ADDRESS OR AFFILIATION.**

13 **10.7.1 IF AN ELECTOR SUBMITS A TIMELY ADDRESS OR AFFILIATION CHANGE AFTER THE**  
14 **COUNTY SENDS THE VOTER FILE TO THE VENDOR OR MAILS BALLOTS, THE COUNTY MUST**  
15 **VOID THE FIRST BALLOT AND GENERATE A SECOND BALLOT.**

16 (A) IF THE COUNTY PROCESSES THE CHANGE TO THE ELECTOR’S RECORD AFTER IT  
17 SENDS THE VOTER FILE TO THE VENDOR BUT BEFORE IT PRINTS BALLOTS, THE  
18 COUNTY MUST PROVIDE THE VENDOR A VOIDED BALLOT FILE TO PREVENT THE  
19 VENDOR FROM PRINTING AND PREPARING VOIDED BALLOTS FOR MAILING.

20 (B) IF THE COUNTY PROCESSES THE CHANGE TO THE ELECTOR’S RECORD AFTER IT  
21 SENDS THE VOIDED BALLOT FILE TO THE VENDOR BUT BEFORE IT MAILS  
22 BALLOTS, THE COUNTY MUST WORK WITH THE VENDOR TO MAKE EVERY  
23 REASONABLE EFFORT TO PULL VOIDED BALLOTS BEFORE THEY ENTER THE MAIL  
24 STREAM.

25 **10.7.3 IF THE COUNTY MAILS ITS OWN BALLOTS, THE COUNTY CLERK MUST PULL ALL VOIDED**  
26 **BALLOTS BEFORE MAILING.**

27 **10.7.4 IF THE COUNTY PROCESSES THE CHANGE TO THE ELECTOR’S RECORD AFTER IT MAILS**  
28 **BALLOTS, THE COUNTY MUST COUNT THE FIRST BALLOT RETURNED BY THE ELECTOR**  
29 **EXCEPT AS FOLLOWS:**

30 (A) IN THE CASE OF AN AFFILIATION CHANGE, THE COUNTY MUST COUNT THE  
31 BALLOT ISSUED FOR THE NEW PARTY AFFILIATION.

32 (B) IN THE CASE OF AN ADDRESS CHANGE THAT RESULTS IN A CHANGE OF PRECINCT,  
33 THE COUNTY MUST COUNT THE BALLOT ISSUED FOR THE ELECTOR’S NEW  
34 ADDRESS.

35 Amendments to Rule 12.4.1(a):

36 12.4 Mail Ballot Plans

1           12.4.1   Coordinated and non-partisan elections.

2                   (a) ~~Written plan. As soon as possible, but~~ THE DESIGNATED ELECTION OFFICIAL MUST  
3                   SUBMIT A MAIL BALLOT PLAN TO THE SECRETARY OF STATE no later than 55 days  
4                   ~~prior to~~ BEFORE any other election, not including NONPARTISAN ELECTION, AND 90  
5                   DAYS BEFORE ANY ELECTION THAT IS COORDINATED WITH OR CONDUCTED BY THE  
6                   COUNTY CLERK AND RECORDER., ~~a Primary Election, a written plan~~ THE  
7                   DESIGNATED ELECTION OFFICIAL must ~~be submitted to the Secretary of State which~~  
8                   USE THE APPROVED MAIL BALLOT PLAN TEMPLATE THAT includes the following:

9    Amendments to Rule 12.4.1(b)(2):

10                   (2)       Recall election. If a non-partisan recall election ~~is to~~ WILL be held as a mail  
11                   ballot election, ~~the governing body~~ THE DESIGNATED ELECTION OFFICIAL  
12                   ~~shall~~ MUST submit a written plan to the Secretary of State within ~~three~~  
13                   ~~business~~ FIVE CALENDAR days ~~of~~ AFTER calling the election. The Secretary  
14                   of State WILL ~~shall~~ notify the governing body of the approval or  
15                   ~~disapproval~~ APPROVE OR DISAPPROVE of the plan within ~~two business~~ FIVE  
16                   CALENDAR days OF RECEIPT IN ACCORDANCE WITH SECTION 1-12-111.5,  
17                   C.R.S.

18   New Rule 12.4.1(d):

19                   (D) REQUEST FOR BALLOT BY INACTIVE – FAILED TO VOTE ELECTOR. IN A  
20                   COORDINATED OR NONPARTISAN ELECTION, THE DESIGNATED ELECTION OFFICIAL  
21                   MAY NOT MAIL A BALLOT TO AN ELECTOR WHOSE REGISTRATION RECORD IS  
22                   MARKED INACTIVE – FAILED TO VOTE UNTIL THE ELECTOR SUBMITS A  
23                   REGISTRATION UPDATE OR A REQUEST FOR A BALLOT UNDER SECTION 1-7.5-  
24                   107(3), C.R.S., AND RULE 12.11.

25   Amendments to Rule 12.4.2(a):

26           12.4.2   Primary Elections conducted as a mail ballot election.

27                   (a) ~~Written plan. Pursuant to Article 7.5 of Title 1, C.R.S., no later than 120 days prior~~  
28                   ~~to the election~~ The county clerk and recorder must submit a ~~written~~ MAIL BALLOT  
29                   plan to the Secretary of State NO LATER THAN 90 DAYS BEFORE THE ELECTION. THE  
30                   COUNTY CLERK MUST USE THE APPROVED MAIL BALLOT PLAN TEMPLATE that  
31                   includes the following:

32   Amendments to Rule 12.11:

33   12.11   Request for a replacement ballot by an active elector and request for a ballot by an inactive  
34            elector

35           12.11.1   ~~Requests may be made~~ AN ELECTOR MAY REQUEST A REPLACEMENT BALLOT in-person  
36            beginning on the twenty-second day before the election and ~~until~~ ENDING AT 7:00 p.m.,  
37            MT on election day. If the elector ~~wishes~~ REQUESTS to receive the ballot by mail, the  
38            HE OR SHE MUST MAKE THE request ~~must be received~~ no later than the close of business  
39            on the seventh day before the election.

1 ~~(a) An active elector may request a replacement ballot in person, by mail, fax, email,~~  
2 ~~or telephone.~~

3 ~~(i) The elector shall complete a self affidavit, as required by section 1-7.5-~~  
4 ~~107(3)(d)(I), C.R.S., on a form provided by the designated election official.~~

5 ~~(ii) If the elector requests that the replacement ballot be mailed, the self-~~  
6 ~~affidavit may be included in the ballot packet, and must be completed and~~  
7 ~~received by the designated election official on or before 7:00 p.m. MT on~~  
8 ~~election day.~~

9 ~~(iii) The outside of the return envelope shall indicate that the self affidavit~~  
10 ~~required by this Rule must be returned with the voted ballot. No~~  
11 ~~replacement ballot shall be counted until it has been determined that an~~  
12 ~~affidavit has been completed and returned by the deadline.~~

13 ~~(b) Except as otherwise provided in section 1-7.5-107(3)(c), C.R.S., an inactive elector~~  
14 ~~may make a written request for a ballot in person, by mail, fax, or email. The~~  
15 ~~request must include the elector's name, date of birth, residence address, and~~  
16 ~~signature, and must be received by the designated election official before the ballot~~  
17 ~~is issued. At the time the request is received the elector's record will be marked~~  
18 ~~active.~~

19 12.11.2 If an elector moved at least 30 days before the election, he or she may include the  
20 address change with the ballot request.

21 12.11.3 REQUEST FOR A REPLACEMENT BALLOT BY AN ACTIVE ELECTOR. AN ACTIVE ELECTOR  
22 MAY REQUEST A REPLACEMENT BALLOT IN PERSON, BY MAIL, FAX, EMAIL, OR  
23 TELEPHONE.

24 (A) THE ELECTOR MUST COMPLETE THE SELF-AFFIDAVIT ON THE APPROVED FORM.

25 (B) IF THE ELECTOR REQUESTS TO RECEIVE THE REPLACEMENT BALLOT BY MAIL,  
26 THE DESIGNATED ELECTION OFFICIAL MAY INCLUDE THE SELF-AFFIDAVIT IN THE  
27 MAIL BALLOT PACKET. THE ELECTOR MUST COMPLETE AND RETURN THE SELF-  
28 AFFIDAVIT NO LATER THAN 7:00 P.M. ON ELECTION DAY.

29 (C) THE DESIGNATED ELECTION OFFICIAL MUST INDICATE ON THE OUTSIDE OF THE  
30 RETURN ENVELOPE THAT THE ELECTOR MUST COMPLETE AND RETURN THE SELF-  
31 AFFIDAVIT. (D) THE DESIGNATED ELECTION OFFICIAL MAY NOT COUNT A  
32 REPLACEMENT BALLOT UNLESS THE ELECTOR COMPLETED AND RETURNED THE  
33 SELF-AFFIDAVIT BY THE DEADLINE.

34 12.11.4 ~~REQUEST FOR A BALLOT BY AN AN~~ INACTIVE ELECTOR IN A NONPARTISAN MAIL  
35 ~~BALLOT ELECTION WILL BE ISSUED A BALLOT IF THE ELECTOR SUBMITS A~~  
36 ~~REGISTRATION UPDATE OR A BALLOT REQUEST.~~

37 (A) THE INACTIVE ELECTOR MUST SUBMIT ~~A REGISTRATION UPDATE OR~~ A WRITTEN  
38 REQUEST FOR A BALLOT BEFORE THE DESIGNATED ELECTION OFFICIAL MAY  
39 MARK THE ELECTOR'S RECORD ACTIVE AND ISSUE THE BALLOT.

1 (B) THE ELECTOR MAY SUBMIT A REGISTRATION UPDATE OR ~~THE~~ WRITTEN REQUEST  
2 FORM IN PERSON, BY MAIL, FAX, OR EMAIL.

3 (C) THE WRITTEN REQUEST FORM MUST INCLUDE THE ELECTOR'S NAME, DATE OF  
4 BIRTH, RESIDENCE ADDRESS, AND SIGNATURE.

5 12.11.5 IF A COUNTY CLERK AND RECORDER CONDUCTS A PRIMARY ELECTION BY MAIL  
6 BALLOT, HE OR SHE MUST MAIL A BALLOT TO AN ELECTOR WHOSE RECORD IS MARKED  
7 INACTIVE – FAILED TO VOTE IN ACCORDANCE WITH SECTION 1-7.5-107(3)(A)(II)(A),  
8 C.R.S.

9 New Rule 13.19:

10 13.19 FOR ANY ELECTION THAT IS NOT A PRIMARY MAIL BALLOT ELECTION, THE DESIGNATED  
11 ELECTION OFFICIAL MAY NOT ISSUE A MAIL-IN BALLOT TO AN ELECTOR WHOSE RECORD IS  
12 MARKED INACTIVE – FAILED TO VOTE UNTIL THE ELECTOR SUBMITS A TIMELY APPLICATION FOR  
13 A MAIL-IN BALLOT.

14 Repeal and relocate Rule 26.1.6

15 26.1.6 ~~Voter Access to Provisional Ballot Information Required by section 1-8.5-111, C.R.S.~~

16 26.1.6.1 ~~The system shall be made available to the voter for no less than thirty (30) days~~  
17 ~~following the date of the election.~~

18 26.1.6.2 ~~The system shall provide access to information at no cost to the voter, regardless~~  
19 ~~of the voter's location, by toll free telephone call, internet website, or other~~  
20 ~~suitable medium, pursuant to 1-8.5-111, C.R.S. REPEALED.~~

21 *[This rule is relocated to new Rule 26.13]*

22 Amendments to Rule 26.10:

23 26.10 Treatment of the provisional ballot affidavit as an application for, or a change to registration

24 26.10.1 IF AN ELECTOR IS NOT REGISTERED TO VOTE AND HE OR SHE COMPLETES a provisional  
25 ballot affidavit, ~~is treated as~~ THE COUNTY CLERK AND RECORDER MUST TREAT THE  
26 AFFIDAVIT AS an application for registration for future elections. ~~in accordance with~~  
27 ~~section 1-8.5-103(2), C.R.S., such~~ THE application ~~shall be~~ IS subject to the requirements  
28 ~~for~~ OF any other voter registration application.

29 26.10.2 ~~In the case of an~~ IF A REGISTERED elector ~~who is registered, if the~~ COMPLETES A  
30 provisional ballot affidavit THAT contains changes to the elector's registration, ~~his or her~~  
31 ~~record shall be updated~~ THE COUNTY CLERK AND RECORDER MUST UPDATE THE  
32 ELECTOR'S REGISTRATION RECORD accordingly BEFORE MARKING THE PROVISIONAL  
33 BALLOT AS ACCEPTED OR REJECTED IN THE STATEWIDE VOTER REGISTRATION DATABASE  
34 AND BEFORE LINKING IT TO THE ELECTOR'S RECORD.

35 26.10.3 IF THE COUNTY CLERK AND RECORDER COUNTS a provisional ballot ~~is counted~~ because it  
36 ~~was determined that an~~ THE elector was cancelled or consolidated in error, THE CLERK  
37 MUST REINSTATE OR UNCONSOLIDATE AND UPDATE the elector's record ~~shall be~~



1 ~~reinstated or unconsolidated and updated~~ accordingly BEFORE MARKING THE  
2 PROVISIONAL BALLOT AS ACCEPTED OR REJECTED IN THE STATEWIDE VOTER  
3 REGISTRATION DATABASE AND BEFORE LINKING IT TO THE ELECTOR'S RECORD.

4 New Rule 26.11:

5 26.11 PROCESSING PROVISIONAL BALLOT AFFIDAVITS IN THE STATEWIDE VOTER REGISTRATION  
6 DATABASE. BEFORE CLOSING AN ELECTION, THE COUNTY CLERK AND RECORDER MUST:

7 26.11.1 ENTER ALL PROVISIONAL BALLOT AFFIDAVITS INTO THE PROVISIONAL MODULE OF THE  
8 STATEWIDE VOTER REGISTRATION DATABASE.

9 26.11.2 LINK ALL PROVISIONAL BALLOT AFFIDAVITS TO THE APPROPRIATE ELECTOR'S RECORD.

10 New Rule 26.12:

11 26.12 THE COUNTY CLERK AND RECORDER MUST PROCESS ALL POLLBOOKS OR SIGNATURE CARDS IN  
12 THE STATEWIDE VOTER REGISTRATION DATABASE BEFORE TABULATING PROVISIONAL BALLOTS.

13 New Rule 26.13:

14 26.13 VOTER ACCESS TO PROVISIONAL BALLOT INFORMATION

Provisional ballot voter needs to be able to learn whether his entire ballot counted or merely federal and state races. Not possible under the current system.

15 26.13.1 THE SECRETARY OF STATE WILL PROVIDE A PROVISIONAL BALLOT LOOKUP ON THE  
16 SECRETARY'S WEBSITE.

17 26.13.2 THE COUNTY CLERK AND RECORDER MUST NUMBER THE PROVISIONAL BALLOT STOCK  
18 USING THE STANDARD NUMBERING CONVENTION APPROVED BY THE SECRETARY OF  
19 STATE.

20 26.13.3 AN ELECTOR MAY ACCESS THE SYSTEM DURING THE 30 DAYS FOLLOWING THE ELECTION.

21 [SECTION 1-8.5-111, C.R.S.]

22 Amendments to Rule 29.1.1:

23 29.1.1 ~~When the election judge reviews the~~ If A mail, MAIL-IN, OR PROVISIONAL ballot return  
24 envelope ~~pursuant to section 1-7.5-107.3, C.R.S., or mail in ballot return envelope~~  
25 ~~pursuant to section 1-8-114.5, C.R.S., or the provisional ballot return envelope pursuant~~  
26 ~~to section 1-8.5-105(3)(a), C.R.S., and notices that the envelope lacks a signature, the~~  
27 election judge ~~shall~~ MUST contact the eligible elector in writing no later than two calendar  
28 days after election day. THE DESIGNATED ELECTION OFFICIAL MUST USE THE LETTER AND  
29 FORM PRESCRIBED BY THE SECRETARY OF STATE AND KEEP A COPY ~~of the written~~  
30 ~~notification shall be kept in an official file, which shall become~~ AS part of the official  
31 election record. Nothing in this rule ~~shall be construed to~~ prohibits the designated  
32 election official from calling the elector; ~~however,~~ BUT a phone call ~~shall~~ MAY not  
33 substitute for ~~notification to the elector in writing~~ THE WRITTEN CONTACT.

34 [SECTIONS 1-7.5-107.3, 1-8-114.5, AND 1-8.5-105(3)(A), C.R.S.]

35 Amendments to Rules 29.1.3 and 29.1.4:

1 29.1.3 The letter AND MISSING SIGNATURE AFFIDAVIT FORM ~~sent by the election official shall~~  
2 DOES not constitute a violation of VIOLATE section 1-13-801, C.R.S.

3 29.1.4 The LETTER OR MISSING SIGNATURE AFFIDAVIT form ~~shall~~ MUST include the following  
4 language:

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

10 Amendments to Rule 29.8:

11 29.8 The ELECTION OFFICIAL MUST USE THE ~~form of the letter as well as~~ AND the SIGNATURE  
12 VERIFICATION form ~~sent to the elector shall be approved by the Secretary of State, pursuant to~~  
13 ~~section 1-1-109, C.R.S.~~

14 29.9 The letter AND SIGNATURE VERIFICATION FORM ~~sent by the election official shall~~ DOES not  
15 constitute a violation of VIOLATE section 1-13-801 C.R.S.

16 Amendments to Rule 30.1.6(a):

17 30.1.6 “ID” as used in these rules ~~shall~~ means A COPY OF ANY OF THE FOLLOWING identification  
18 as defined in ~~compliance with~~ section 1-1-104(19.5), C.R.S., ~~as a copy of one of the~~  
19 ~~following:~~

20 (a) A valid Colorado driver’s license;

21 (b) A valid identification card issued by the Department of Revenue in accordance  
22 with the requirements of Part 3 of Article 2 of Title 42, C.R.S.;

23 (c) A valid U.S. passport;

24 (d) A valid employee identification card with a photograph of the eligible elector  
25 issued by any branch, department, agency, or entity of the United States  
26 government or of this state, or by any county, municipality, board, authority, or  
27 other political subdivision of this state;

28 (e) A valid pilot’s license issued by the federal aviation administration or other  
29 authorized agency of the United States;

30 (f) A valid U.S. military identification card with a photograph of the eligible elector;

31 (g) A copy of a current utility bill, bank statement, government check, paycheck, or  
32 other government document that shows the name and address of the elector. For  
33 example:

34 (H) A cable bill or telephone bill;

- 1                                   ~~(II) Documentation from a public institution of higher education in Colorado~~  
2                                   ~~containing at least the name, date of birth, and legal residence address of~~  
3                                   ~~the student elector;~~
- 4                                   ~~(III-II) A paycheck from a government institution or private company; OR~~
- 5                                   ~~(IV-III) A Certificate of Degree of Indian or Alaskan Native Blood.; or~~
- 6                                   ~~(V) A valid identification card issued by a federally recognized tribal~~  
7                                   ~~government certifying tribal membership.~~
- 8                                   (h) A valid Medicare or Medicaid card issued by the Centers for Medicare and  
9                                   Medicaid Services (formerly the United States Health Care Financing  
10                                   Administration);
- 11                                   (i) A certified copy of a U.S. birth certificate for the elector issued in the United  
12                                   States;
- 13                                   (j) Certified documentation of naturalization; ~~or~~
- 14                                   (k) A valid student identification card with a photograph of the eligible elector issued  
15                                   by an institute of higher education in Colorado, as defined in section  
16                                   23-3.1-102(5), C.R.S.;
- 17                                   (L) A VALID VETERAN IDENTIFICATION CARD ISSUED BY THE UNITED STATES  
18                                   DEPARTMENT OF VETERANS AFFAIRS VETERANS HEALTH ADMINISTRATION WITH  
19                                   A PHOTOGRAPH OF THE ELIGIBLE ELECTOR; OR
- 20                                   (M) A VALID IDENTIFICATION CARD ISSUED BY A FEDERALLY RECOGNIZED TRIBAL  
21                                   GOVERNMENT CERTIFYING TRIBAL MEMBERSHIP.

22 Repeal and renumber Rules 32.1, 32.2, 32.3, and 32.4:

- 23 32.1 ~~In any recall election of a partisan office, the successor nominee's party affiliation shall be listed~~  
24 ~~with his or her name on the ballot. REPEALED.~~
- 25 32.23 ~~Petition sufficiency occurs when upon review, it is established that the petition contains the~~  
26 ~~required number of valid signatures. REPEALED.~~
- 27 32.34 ~~When a protest is filed, petition sufficiency is sustained upon conclusion of the protest when the~~  
28 ~~designated election official or the district judge maintains that there are sufficient valid~~  
29 ~~signatures. REPEALED.~~
- 30 32.45 ~~When an officer subject to being recalled resigns within the five days after the sufficiency of the~~  
31 ~~recall petition has been sustained, the recall election does not go forward, and the position is~~  
32 ~~declared vacant and filled according to statute. REPEALED.~~

33 Amendments to Rule 41:

34 **Rule 41. Rules Concerning Canvassing**

35 41.1 Definitions

1 (a)41.1.1 “Canvass” ~~shall~~ means the ~~audit function of the election and the process of~~  
2 ACCOUNTING AND BALANCING OF THE ELECTION, AND THE CERTIFICATION OF THE  
3 OFFICIAL ABSTRACT OF VOTES. CANVASS INCLUDES reconciling the number of ballots  
4 counted to the number of BALLOTS CAST, AND RECONCILING THE NUMBER OF BALLOTS  
5 CAST TO THE NUMBER OF voters who voted. ~~The canvass also includes the process of~~  
6 BY REVIEWING THE ~~reconciling~~ RECONCILED detailed ballot logs and Statement of  
7 Ballots Forms. (SECTION 1-10-101.5, C.R.S.)

clerk does not have the  
statutory authority to  
appoint canvass board  
members.

41.1.2 “CANVASS BOARD” MEANS A COMMITTEE COMPOSED OF THE COUNTY CLERK AND  
RECORDER AND THE REGISTERED ELECTORS APPOINTED BY THE COUNTY CLERK AND  
RECORDER THAT RECONCILES THE STATEMENT OF BALLOTS FORMS AND CERTIFIES  
THE ABSTRACT OF VOTES CAST.

Statutory duties are far greater than this definition. Should not attempt to limit  
canvass board duties by rule.

12 (b)41.1.3 “Canvass workers” ~~shall~~ means workers appointed or hired by the designated election  
13 official to assist in the preparation and conduct of the canvass.

14 (c)41.1.4 “DETAILED BALLOT LOG” MEANS A LOG THAT ACCOUNTS FOR EVERY BALLOT  
15 RECEIVED AND DISTRIBUTED, INCLUDING THE BALLOT STYLE, POLLING LOCATION, AND  
16 PRECINCT NUMBER.

17 41.1.5 “Statement of Ballots Forms” ~~shall~~ means the form used at the polling location  
18 ~~pursuant to sections 1-7-505(2) and 1-7-601(2), C.R.S.,~~ that accounts for all ballots at  
19 that location AND INCLUDES ALL INFORMATION REQUIRED BY THIS RULE. ~~The form~~  
20 ~~includes information required by this rule.~~

21 41.2 APPOINTMENT TO THE CANVASS BOARD

22 41.2.1 FOR A PARTISAN ELECTION, EACH MAJOR PARTY MAY HAVE NO MORE THAN TWO  
REPRESENTATIVES ON THE CANVASS BOARD. THE BOARD MUST INCLUDE AN EQUAL  
NUMBER OF REPRESENTATIVES FROM EACH MAJOR PARTY, UNLESS A MAJOR PARTY  
FAILS TO CERTIFY REPRESENTATIVES FOR APPOINTMENT. \*

does the clerk count as  
a party representative?

this goes beyond statutory  
authority. Clerk should  
never appoint any member.  
Minor parties should only be  
seated under statutory  
authority.

41.2.2 THE COUNTY CLERK AND RECORDER MAY ACCEPT APPLICATIONS FROM, AND  
SUBSEQUENTLY APPOINT, ADDITIONAL REPRESENTATIVES FROM AMONG MINOR PARTY  
AND UNAFFILIATED ELECTORS.

41.2.3 EACH MAJOR AND MINOR PARTY REPRESENTATIVE ON THE CANVASS BOARD MUST BE  
REGISTERED TO VOTE IN THE COUNTY WHERE THE REPRESENTATIVE WILL SERVE AND  
AFFILIATED WITH THE PARTY HE OR SHE REPRESENTS.

this is matter to legislature to decide---not SOS.

32 41.2.4 EACH UNAFFILIATED REPRESENTATIVE ON THE CANVASS BOARD MUST BE REGISTERED  
33 TO VOTE IN THE COUNTY WHERE THE REPRESENTATIVE WILL SERVE.

matter for legislature--not SOS

exceeds authority of SOS  
to make this rule.  
Jurisdictions should not  
have seat unless their  
issue opponents have  
seats.

41.2.5 IN A CANVASS OF A NON-PARTISAN ELECTION, THE COUNTY CLERK AND RECORDER  
MUST ACCEPT THE APPOINTMENT OF ONE REGISTERED ELECTOR APPOINTED BY ANY  
PARTICIPATING JURISDICTION, UNLESS THE JURISDICTION FAILS TO SUBMIT A  
REPRESENTATIVE FOR APPOINTMENT.

38 41.2.6 A CANDIDATE FOR OFFICE AND MEMBERS OF THE CANDIDATE’S IMMEDIATE FAMILY  
39 MAY NOT SERVE ON THE CANVASS BOARD.

1 41.2.7 IN ALL CASES, THE CANVASS BOARD MUST CONSIST OF AN ODD NUMBER OF MEMBERS,  
2 AND EACH MEMBER HAS EQUAL VOTING RIGHTS.

this is legislative matter-not SOS.  
Clerks should not have voting seat in the future.

3 41.3 DUTIES OF THE CANVASS BOARD

4 41.3.1 THE CANVASS BOARD'S SOLE DUTY IS TO CONDUCT THE CANVASS AS DEFINED IN RULE  
5 41.1.1.

Contrary to statute. There are many statutory duties of the canvass board beyond the conduct of  
the canvass. Such as post-election audit, complaint investigation and conduct of the recount.

6 41.3.2 THE CANVASS BOARD MUST CONFIRM THAT THE NUMBER OF BALLOTS CAST IS LESS  
7 THAN OR EQUAL TO THE NUMBER OF PEOPLE WHO ACTUALLY VOTED IN THE ELECTION  
8 BY REVIEWING AND VERIFYING THE JUDGES RECONCILIATION. 41.3.4 IF THE BOARD  
9 IDENTIFIES A DISCREPANCY IN THE STATEMENT OF BALLOTS, THE BOARD MAY REVIEW  
10 THE PARTICULAR BALLOTS AT ISSUE TO IDENTIFY, CORRECT, AND ACCOUNT FOR THE  
11 ERROR.

Contrary to statute and  
logic. SOS does not have  
authority to implement this  
terrible practice.

41.3.4 THE CANVASS BOARD MUST CERTIFY AND TRANSMIT THE RESULTS TO THE SECRETARY  
OF STATE REGARDLESS OF WHETHER THE BOARD IS ABLE TO RESOLVE ERRORS OR  
INACCURACIES IN THE STATEMENT OF BALLOTS FORMS OR DETAILED BALLOT LOGS.

15 41.3.5 THE CANVASS BOARD MAY NOT PERFORM DUTIES TYPICALLY RESERVED FOR ELECTION  
16 JUDGES, INCLUDING DETERMINING VOTER INTENT, EVALUATING VOTER ELIGIBILITY,  
17 AND REVIEWING LOGS OR REPORTS THAT WERE NOT GENERATED WHILE CONDUCTING  
18 THE ELECTION.

contrary to good practice and statute. This proposal should be  
deleted.

19 41.24 Detailed Ballot Log

20 41.24.1 The designated election official ~~shall~~ MUST keep a detailed BALLOT log of all ballots.  
21 ~~The designated election official shall begin~~NING the log as soon as WHEN ballots are  
22 ordered and received. ~~The log shall include the polling location and/or precinct~~  
23 ~~number(s), ballot style(s), and account for every ballot that is received and distributed.~~  
24 The ELECTION JUDGES MUST RECONCILE THE ~~detailed ballot log shall be reconciled~~ at  
25 the conclusion of each workday.

26 41.24.2 The designated election official ~~shall~~ MUST keep and reconcile daily logs of mail-in,  
27 mail, and early voting ballots.

28 41.24.3 The designated election official ~~shall~~ MUST indicate in the detailed log the number of  
29 paper ballots that are sent to each polling location for use on election day.

30 41.24.4 THE DESIGNATED ELECTION OFFICIAL MAY KEEP All required logs ~~may be kept either~~  
31 ~~by~~ IN electronic or manual ~~means~~ FORMAT.

32 *[The details of what the log must include in Rule 41.4.1 are relocated to New Rule 41.1.5 in the*  
33 *definitions]*

34 41.35 Election Day Tracking Process

35 41.35.1 The designated election official ~~shall~~ MUST supply each polling location with a  
36 Statement of Ballots Form. -Combined precincts may use one form. -The form MUST  
37 include a place for the judges to account for the following information:

- 1 (a) The name or number(s) of the precinct or vote center;
- 2 (b) The number of ballots provided to the polling location;
- 3 (c) The number of ballots cast;
- 4 (d) The number of unvoted ballots;
- 5 (e) The number of damaged or spoiled ballots; and
- 6 (f) The number of voted provisional ballots.
- 7 41.35.2 The ELECTION JUDGE MUST RECONCILE THE total number of voted ballots ~~should be~~  
8 ~~reconciled to~~ WITH the number of voters who voted.
- 9 41.35.3 The ELECTION JUDGE MUST VERIFY THAT THE total number of voted ballots, spoiled or  
10 damaged ballots, provisional ballots, and unvoted ballots ~~should be reconciled to be the~~  
11 ~~same as~~ IS THE SAME AS the number of total ballots ~~received at~~ SUPPLIED TO the polling  
12 location ~~before voting begins~~.
- 13 41.35.4 The designated election official ~~shall~~ MUST ensure that the total of RECONCILE the  
14 number of people who signed the pollbook ~~is reconciled to~~ the total of the number of  
15 ballots cast.
- 16 41.35.5 If there is a discrepancy in the numbers on the Statement of Ballots form, the judge  
17 ~~shall~~ MUST EXPLAIN THE DISCREPANCY IN WRITING. ~~make written notation explaining~~  
18 ~~why the numbers do not balance~~ (for example, THE voter signed in but left the polling  
19 place without voting, etc.).
- 20 41.35.6 The ~~judges~~ JUDGE ~~shall~~ MUST return the completed Statement of Ballots form to the  
21 designated election official with the other precinct supplies and mail a duplicate copy  
22 ~~pursuant to section 1-7-505, C.R.S.~~ TO THE DESIGNATED ELECTION OFFICIAL'S OFFICE.
- 23 41.46 Designated Election Official's Disposition of Forms
- 24 41.46.1 The designated election official ~~shall~~ MUST review the Statement of Ballots form ~~and~~  
25 ~~ensure that it is complete and correct~~ FOR COMPLETION AND ACCURACY.
- 26 41.46.2 If the designated election official or the canvass board discovers a problem with the  
27 Statement of Ballots form that cannot be easily resolved, he or she ~~shall have the right~~  
28 ~~to~~ MAY contact the election judges ~~and ensure that~~ FOR AN EXPLANATION OR  
29 CORRECTION ~~the~~ discrepancy is explained or corrected.
- 30 41.57 Procedures for the Day of the Canvass
- 31 41.57.1 ~~In order for the canvass board established pursuant to section 1-10-101, C.R.S., to~~  
32 ~~perform its duties, pursuant to section 1-10-101.5, C.R.S.,~~ THE designated election  
33 official ~~shall~~ MUST provide the following information TO THE CANVASS BOARD:
- 34 (a) The name of each candidate ~~receiving votes, the~~ office, and ~~the total number of~~  
35 votes received;

- 1 (b) The number/letter of each ballot issue or question and ~~the~~ votes received;
- 2 (c) The number of voters who voted early;
- 3 (d) The number of mail-in or mail ballots cast, including the number accepted and  
4 rejected; AND
- 5 (e) The number of provisional ballots counted.
- 6 ~~41.5.2 The canvass board shall confirm that the number of ballots cast is less than or equal to~~  
7 ~~the number of people who actually voted in each precinct or vote center.~~
- 8 ~~41.5.3 The designated election official shall use a canvass form that is approved by the~~  
9 ~~Secretary of State.~~
- 10 ~~41.57.4.2~~ Any written documentation regarding official numbers ~~shall be~~ IS included as part of  
11 the canvass.
- 12 41.68 Official Abstract
- 13 41.68.1 The designated election official ~~shall~~ MUST ensure that INCLUDE the number of active  
14 ELIGIBLE voters on election day pursuant to section 1-10-105(5)(c), C.R.S., is the  
15 ~~number used~~ on the official abstract.
- 16 41.68.2 The CANVASS BOARD MUST CERTIFY THE official abstract ~~shall be compiled on~~ IN a  
17 format approved by the Secretary of State.
- 18 41.68.3 The official abstract ~~shall~~ MUST include, by precinct/ballot style or vote center, where  
19 applicable:
- 20 (a) The statement of votes counted by race and ballot question or issue;
- 21 (b) The total active registered electors in the precinct and the total for the jurisdiction  
22 holding the election;
- 23 (c) The total number of electors voting in each precinct; and the total for the  
24 jurisdiction holding the election;
- 25 (d) The number of voters who voted early;
- 26 (e) The number of emergency registrations;
- 27 (f) The number of mail-in or mail ballots counted and the number rejected;
- 28 (g) The number of provisional ballots counted and the number rejected listed by each  
29 rejection code pursuant to Rule 26.5.4; and
- 30 (h) The number of damaged and spoiled ballots.
- 31 41.79 The Abstract ~~shall be~~ IS the Official, Permanent Record.
- 32 41.79.1 The designated election official ~~shall~~ MUST keep all official canvass reports and forms

1 as part of the official permanent election record.

2 41.9.2 ONCE THE CANVASS BOARD CERTIFIES THE ABSTRACT MAY NOT WITHDRAW THE  
3 CERTIFICATION. IN THE EVENT OF A RECOUNT, THE CANVASS BOARD MAY ONLY  
4 AFFIRM OR AMEND THE ABSTRACT.

there is no statutory basis for this bad policy. Circumstances may arise where certification should be withdrawn, based on information revealed in the recount.

5 41.810 Appointment of Canvass Workers. ~~41.10.1~~  
6 APPOINT canvass workers to assist in the preparation-HELP PREPARE and conduct of the  
7 canvass.

8 41.911 Voter History

9 41.911.1 After the canvass process is completed, the designated election official ~~shall~~-MUST give  
10 credit to each voter who votes by mail, at an early voting site, or at a polling location.

11 41.911.2 If the voter history records do not match the number of voters who voted at that  
12 election, the designated election official ~~shall~~-MUST ensure the following:

13 (a) Each voter ~~was given~~-RECEIVED credit for voting; and

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

15 41.911.3 All research concerning discrepancies ~~shall~~-MUST be explained and documented.

16 41.4012 Written Complaints. ~~In accordance with section 1-7-514(2)(b), C.R.S., the~~-THE designated  
17 election official ~~shall~~-MUST provide to the canvass board WITH any written complaint about a  
18 voting device submitted by a registered elector, and, if resolved, how it was resolved and if  
19 pending, a proposal for how the issue will be resolved.

seems inconsistent with 8.6 above

41.13 ROLE OF WATCHERS. THE CANVASS BOARD MUST GRANT WATCHERS A REASONABLE OPPORTUNITY TO OBSERVE THE BOARD WHILE IT PERFORMS ITS DUTIES, SUBJECT TO RULE 8.

22 41.14 ROLE OF THE SECRETARY OF STATE

ANY authorized watcher should be allowed to observe and they must be allowed to "witness and verify" and have meaningful access.

23 41.14.1 THE COUNTY CLERK AND RECORDER OR A MAJORITY OF THE APPOINTED CANVASS  
24 BOARD MEMBERS MAY REQUEST THAT THE SECRETARY OF STATE PROVIDE GUIDANCE  
25 AND SUPPORT TO THE CANVASS BOARD IN THE EXERCISE OF THE BOARD'S DUTIES.

26 41.14.2 IF, IN THE COURSE OF ASSISTING A CANVASS BOARD, THE SECRETARY OF STATE  
27 DISCOVERS AN ERROR OR ABNORMALITY THAT THE SECRETARY BELIEVES MAY AFFECT  
28 THE CONDUCT OF OTHER CANVASS BOARDS, THE SECRETARY MAY PROVIDE NOTICE TO  
29 OTHER COUNTIES REGARDING THE NATURE OF THE ERROR OR ABNORMALITY.

30 41.14.3 INVESTIGATION OF CANVASS BOARD'S CERTIFICATION OF IMPERFECT RETURNS BEFORE  
31 STATEWIDE CERTIFICATION.

32 (A) IMPERFECT RETURNS WITH NO POTENTIAL TO AFFECT RESULT. IF THE CANVASS  
33 BOARD CERTIFIES IMPERFECT RETURNS THAT DO NOT HAVE THE POTENTIAL TO  
34 CHANGE THE OUTCOME OF ANY RACE OR BALLOT MEASURE, THE SECRETARY OF  
35 STATE AND COUNTY CLERK MUST CERTIFY THE ELECTION AND ORDER  
36 RECOUNTS, IF ANY.

There should be no requirement to certify imperfect returns.

This exceeds SOS statutory authority. The decision should not be the Secretary's alone as to the potential to affect results.



SOS should not have this level of authority and is contrary to statute.

(B) IMPERFECT RETURNS WITH POTENTIAL TO AFFECT RESULT. IF THE CANVASS BOARD CERTIFIES IMPERFECT RETURNS THAT HAVE THE POTENTIAL TO CHANGE THE OUTCOME OF ANY RACE OR BALLOT MEASURE, THE SECRETARY OF STATE WILL CONDUCT AN INVESTIGATION TO IDENTIFY THE NATURE OF, AND ADVISE THE COUNTY CLERK AND RECORDER IN CORRECTING, THE INACCURACY.

5

6 Amendments to Rule 42.2:

7 42.2 “Electronic Transfer” ~~shall mean the use of facsimile and shall not include the use of FAX OR e-~~  
8 mail ~~under~~ (section 1-8-115, C.-R.-S.).

9 Amendments to Rule 42.6:

10 42.6 The transmission ~~shall~~ MUST also include a mail-in ballot self-affirmation ~~pursuant to 1-8-114 (1)~~  
11 ~~C. R. S.~~

12 Amendments to Rule 42.11.2:

13 42.11.2 If the designated election official is unable to provide a mail-in ballot to an elector by any  
14 other means, the designated election official may ~~seek authority from the Secretary of~~  
15 ~~State to provide a~~ SEND AN EMERGENCY mail-in ballot to the elector ~~under section~~  
16 ~~1-8-115(4), C.R.S., and this Rule.~~

17 Repeal Rules 42.11.3, 42.11.4, 42.11.5, 42.11.6, and 42.11.7:

18 42.11.3 ~~No later than 21 days prior to the election, the Secretary of State will post on its website~~  
19 ~~and email counties a designated point of contact for each election for Emergency~~  
20 ~~Electronic Transfer Requests. REPEALED.~~

21 42.11.4 ~~A request to send a ballot by electronic transfer must be submitted to the designated point~~  
22 ~~of contact via email using the approved Emergency Electronic Transfer form posted on~~  
23 ~~the Secretary of State website. If possible, the designated election official should attempt~~  
24 ~~to consolidate requests to the Secretary of State. REPEALED.~~

25 42.11.5 ~~At a minimum, a request for an emergency electronic transfer shall include:~~

26 (a) ~~Contact information, including name, address, phone number, fax number, and e-~~  
27 ~~mail address for the designated election official or their designee;~~

28 (b) ~~Date and time of request sent by designated election official;~~

29 (c) ~~Confirmation e-mail to designated election official by Secretary of State upon~~  
30 ~~receipt of request~~

31 (d) ~~Justification as to why the ballot(s) need to be sent by fax, which includes the~~  
32 ~~following required information:~~

33 (i) ~~The elector’s name;~~

34 (ii) ~~When the elector applied for the mail in ballot;~~

35 (iii) ~~The date when the designated election official sent the mail in ballot to~~

- 1 ~~the elector (if applicable);~~
- 2 ~~(iv) The date the elector contacted the designated election official with~~  
3 ~~information regarding failure to receive the ballot;~~
- 4 ~~(v) A suggested timeframe for the Secretary of State to respond;~~
- 5 ~~(vi) The quantity of ballots to be sent by fax; and~~
- 6 ~~(vii) Approval or disapproval by the Secretary of State; if denied, reason for~~  
7 ~~the denial.~~
- 8 ~~(e) Confirmation e-mail from the designated election official to Secretary of State~~  
9 ~~upon receipt of approval or disapproval. REPEALED.~~
- 10 42.11.6 ~~The Secretary of State shall respond in writing to the designated election official as soon~~  
11 ~~as possible, but no later than eight business hours after receipt of the request. REPEALED.~~
- 12 42.11.7 ~~The Secretary of State shall have the ability to issue a blanket approval by electronic~~  
13 ~~transfer. REPEALED.~~