

**POSSIBLE CHANGES IN SECRETARY OF STATE'S LEGAL AUTHORITY  
RE: CANVASS BOARDS**

(1) THE COUNTY CLERK AND RECORDER OR A MAJORITY OF THE APPOINTED CANVASS BOARD MEMBERS, BY UNANIMOUS VOTE INCLUDING THAT OF THE COUNTY CLERK, MAY REQUEST THAT THE SECRETARY OF STATE PROVIDE INFORMAL, NON-BINDING GUIDANCE AND SUPPORT TO THE CANVASS BOARD IN THE EXERCISE OF THE BOARD'S DUTIES CONCERNING THOSE ISSUES SPECIFICALLY DESIGNATED BY THE BOARD PURSUANT TO ITS DUTIES UNDER ARTICLE 10 OF TITLE 1 OF THE COLORADO REVISED STATUTES.

(2) THE CANVASS BOARD MAY ACCEPT OR REJECT ANY PORTION OF THE SECRETARY'S GUIDANCE AND SUPPORT, AS PROVIDED HEREIN. THE BOARD, IN ITS SOLE DISCRETION, MAY DETERMINE WHEN SUCH INVOLVEMENT OF THE SECRETARY IS NO LONGER NECESSARY.

(3) IF THE SECRETARY BECOMES INVOLVED IN THIS MANNER, HE SHALL NOT DISPLACE ANY PORTION OF THE DECISION MAKING ROLE OR STATUTORY REPONSIBILITY OF THE CANVASS BOARD.

(4) IN THE COURSE OF PROVIDING SUCH GUIDANCE AND SUPPORT TO THE CANVASS BOARD, THE SECRETARY SHALL NOT PERFORM DUTIES TYPICALLY RESERVED FOR ELECTION JUDGES, INCLUDING DETERMINING VOTER INTENT, EVALUATING VOTER ELIGIBILITY, AND REVIEWING LOGS OR REPORTS THAT WERE NOT GENERATED WHILE CONDUCTING THE ELECTION.

(5) IF, IN THE COURSE OF ASSISTING A CANVASS BOARD, THE SECRETARY OF STATE DISCOVERS AN ERROR OR ABNORMALITY THAT THE SECRETARY BELIEVES MAY AFFECT THE CONDUCT OF OTHER CANVASS BOARDS, THE SECRETARY MAY PROVIDE NOTICE TO OTHER COUNTIES REGARDING THE NATURE OF THE ERROR OR ABNORMALITY WHO ARE REQUIRED TO ADOPT THE SECRETARY'S CORRECTIONS FOR SUCH ERRORS OR ABNORMALITIES AFTER THE SECRETARY COMPLIES WITH THE RULE MAKING PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT.

(6) 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, SOLELY AS AUTHORIZED BY COLO. REV. STAT., § 1-10.5-109.

(7) ALL OF THE SECRETARY'S COMMUNICATIONS CONCERNING ANY ROLE FOR HIMSELF OR HIS STAFF WITH A CANVASS BOARD ARE OPEN RECORDS, SUBJECT TO COLO. REV. STAT., § 24-72-203.