



Help Shape Colorado's Election Rules

Topic: Rules Concerning Recount

May 14, 2013

What is this about?

Secretary Gessler is considering whether to propose permanent rulemaking to amend Election Rule 14 concerning recount. We invite you to share your thoughts and recommendations as we develop a preliminary draft of proposed rules.

Please see the attached working draft rules. It is the Secretary's intent to clarify the recount procedures in light of questions from election officials and individuals who requested recounts in the last election. Our office hopes to make Election Rule 14 clearer and more concise. The following highlights the main goals of the proposed rulemaking:

- Clarify vague or unclear provisions and provide uniform guidance
- Reorganize rules into clear, chronological order
- Clarify what may be reimbursed in a mandatory recount and what may be included in a cost estimate for a requested recount
- Harmonize watcher and observer rules with the provisions of Election Rule 8
- Clarify testing requirements and afford requesting parties the opportunity to mark ballots for the test
- Clarify counting and canvassing processes

Why does the Secretary need my help?

The Secretary values your feedback and we would very much like to hear your thoughts. We need your help to identify necessary revisions or additional guidance in order to propose a constructive and comprehensive draft rule for consideration during the rulemaking proceedings. Overall, your opinions and recommendations are invited to help shape Colorado's Election Rules.

How do I submit my comments and what is the deadline?

You may email your comments to SOS.Rulemaking@sos.state.co.us. To ensure consideration of your comments before the proposed draft is issued, we must receive your comments by 5:00 p.m. on May 27, 2013.

Will my comments become part of the official record for the anticipated rulemaking?

Yes, we will incorporate your comments into the official record when we commence with formal rulemaking. Our office will identify your comments as information received in anticipation of rulemaking to support the development of the proposed draft rule. Please note that you will have an additional opportunity to provide testimony and/or written comments regarding the proposed rule during the rulemaking proceeding.

To promote transparency and to help generate discussion, our office will post a copy of your comments on the Secretary of State's website. We appreciate privacy concerns and will redact personal contact information that may appear in your comments prior to posting (including your home address, personal email address, and telephone number). To view the comments that we receive, please visit: www.sos.state.co.us/pubs/rule_making/ruleComments.html.

Working Draft of Proposed Rules

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

Revised May 14, 2013

SMALL CAPS indicate proposed additions to the current rules.
~~Stricken type~~ indicates proposed deletions from current rules.
(Annotations) may be included.

1 **Rule 14. Rules Concerning Recount**

2 ~~14.1 Each designated election official who conducts a recount shall follow the specific~~
3 ~~procedures outlined by the Secretary of State for the equipment used for the election.~~

4 ~~14.2 The Secretary of State shall prepare a letter that specifies the procedures to be used for~~
5 ~~the recount which shall be sent to the designated election official upon receipt of the~~
6 ~~notice of a recount.~~

7 ~~14.3~~14.1 The purpose of a recount is to RE-TABULATE THE BALLOTS. ~~review the ballots to~~
8 ~~assure they were counted properly. Unless directed otherwise by the Secretary of State,~~
9 ~~all procedures of election night shall be followed as closely as possible during the~~
10 ~~recount, including an examination of the ballots.~~

11 14.2 FOR STATEWIDE OR FEDERAL RACES, BALLOT ISSUES OR BALLOT QUESTIONS, THE COUNTY
12 CLERK AND RECORDER MUST COORDINATE SCHEDULING THE RECOUNT THROUGH THE
13 SECRETARY OF STATE'S OFFICE SO THAT IT CAN ENSURE ADEQUATE OBSERVER COVERAGE.

14 14.3 COST ESTIMATES AND REIMBURSEMENTS

15 14.3.1 A COUNTY MUST SUBMIT A REQUEST FOR REIMBURSEMENT FOR A MANDATORY
16 RECOUNT IN A STATEWIDE OR FEDERAL RACE USING THE SECRETARY OF STATE
17 APPROVED FORM. THE COUNTY MAY NOT REQUEST REIMBURSEMENT FOR MEALS
18 OR NORMAL OVERHEAD COSTS OR REGULAR EMPLOYEE COMPENSATION. THE
19 COUNTY MUST INCLUDE ITEMIZED COSTS FOR REASONABLE EXPENDITURES,
20 INCLUDING:

21 (A) MAILINGS AND NOTICES;

22 (B) ELECTION JUDGE, TEMPORARY STAFF, CANVASS BOARD PAY, AND OVERTIME
23 PAY; AND

24 (C) COPIES AND OTHER OFFICE EXPENSES RELATED TO THE RECOUNT.

25 14.3.2 REQUESTED RECOUNTS

1 (A) THE COUNTY CLERK MUST PROVIDE A COST ESTIMATE IN ACCORDANCE
2 WITH SECTION 1-10.5-106, C.R.S., UPON SUBMISSION OF A FORMAL
3 REQUEST FOR A RECOUNT.

4 (B) IN PREPARING A COST ESTIMATE FOR A REQUESTED RECOUNT, THE COUNTY
5 MUST USE THE SECRETARY OF STATE APPROVED FORM. THE ESTIMATE MUST
6 INCLUDE REASONABLE ITEMIZED COSTS FOR CONDUCTING THE RECOUNT.
7 THE COUNTY MAY NOT REQUEST REIMBURSEMENT FOR NORMAL OVERHEAD
8 COSTS.

9 (C) ANY OTHER COSTS AGREED TO BY THE REQUESTING PARTY.

10 (D) THE COUNTY CLERK MUST SUBMIT A COST ESTIMATE TO THE SECRETARY OF
11 STATE WHEN THE CLERK PROVIDES IT TO A REQUESTING PARTY.

12 14.4 IN ACCORDANCE WITH SECTION 1-10.5-107, C.R.S., AND RULE 41.3.2(D), THE CANVASS
13 BOARD'S ROLE IN CONDUCTING A RECOUNT INCLUDES SELECTING BALLOTS FOR THE TEST,
14 OBSERVING THE RECOUNTING OF BALLOTS, AND CERTIFYING THE RESULTS.

15 ~~14.4~~ 14.5 ~~General Provisions~~ WATCHERS AND OBSERVERS

16 ~~14.4.1~~ 14.5.1 The Secretary of State may ~~have~~ APPOINT an official observer ~~at every~~
17 ~~recount location~~ IN ANY RECOUNT.

18 ~~14.4.2~~ Any candidate who is subject to the recount may be present and observe the
19 recount at any recount location or designate one Watcher to observe the recount
20 at any recount location. Watchers must provide the election official with a
21 certificate signed by the candidate, except that an officer of the county party
22 may be accepted as a candidate's watcher without a certificate if no other person
23 is designated by the candidate for that location.

24 ~~14.4.3~~ 14.5.2 Each candidate, ~~his or her watcher,~~ OR THE CANDIDATE'S WATCHER,
25 ~~members of the media~~ OBSERVERS, and official observers ~~as defined in Rule 8.1,~~
26 may be present ~~in the room when a~~ AND WITNESS THE recount ~~is conducted~~ IN
27 ACCORDANCE WITH RULE 8. ~~During the recount the candidate, watcher,~~
28 ~~members of the media, and official observers may not interfere with the recount~~
29 ~~process.~~

30 ~~14.4.4~~ 14.5.3 The recount board, candidates, AND watchers, ~~members of the media, and~~
31 ~~official observers will~~ MUST take an oath.

32 14.5.4 COMPLAINTS. A WATCHER MAY SUBMIT A COMPLAINT IN WRITING TO THE
33 COUNTY CLERK. WRITTEN COMPLAINTS DURING A RECOUNT WILL BE ADDRESSED
34 IN ACCORDANCE WITH RULE 41.12.

35 ~~14.4.5~~ Candidates, watchers, members of the media, and official observers who enter
36 the recount room after the recount begins must stay until the recount is
37 complete. Anyone who must leave the recount room will not be allowed to re-

1 ~~enter the recount room without the specific consent or authorization of the~~
2 ~~designated election official.~~

3 ~~14.4.6—All votes for all candidates in any race subject to a recount shall be counted.~~

4 ~~14.5—Hand Count of Paper Ballots—Recount~~

5 ~~14.5.1—Totals of recounted ballots shall be processed, counted, and reported in~~
6 ~~summary form as follows:~~

7 ~~(a) Sum total of votes cast for each candidate, under votes, and over votes for~~
8 ~~all precincts;~~

9 ~~(b) Sum total of votes cast for each candidate, under votes, and over votes for~~
10 ~~all mail-in ballots (a combined total, not totaled by individual precincts or~~
11 ~~locations, unless the voting system so allows.);~~

12 ~~(c) Sum total of votes cast for each candidate, under votes, and over votes for~~
13 ~~all early voting precincts (a combined total, not totaled by individual~~
14 ~~precinct or locations, unless the voting system so allows.);~~

15 ~~(d) Determine grand total of ballots cast by early voting, mail-in voting, and~~
16 ~~precinct voting.~~

17 ~~*[Current Rule 14.5.1 moved to new Rule 14.8.1]*~~

18 ~~14.5.2—If mail-in ballots were originally counted with early voting ballots, then the~~
19 ~~recount will be of a combined total of early and mail-in ballots.~~

20 ~~14.5.3—Ballot boxes or containers shall be opened one at a time.~~

21 ~~*[Current Rules 14.5.2 and 14.5.3 are amended and moved to new Rule 14.7.8]*~~

22 ~~14.5.4—Ballots shall be counted into groups of 25 to ensure that the number of ballots~~
23 ~~recounted matches the number originally counted.~~

24 ~~14.5.5—Votes shall be counted by individual hash marks in 25 count sections by two~~
25 ~~different judges.~~

26 ~~*[Current Rules 14.5.4 and 14.5.5 are amended and moved to new Rules*~~
27 ~~*14.7.6(a) and (b).]*~~

28 ~~14.6—Counting of Ballots—Recount~~

29 ~~14.6.1—All voting equipment to be used in the recount must be tested prior to the~~
30 ~~recount, utilizing the procedures set forth in this section. Prior to the recount,~~
31 ~~the canvass board shall choose at random and test Voting Devices and~~
32 ~~precinct(s) to be utilized as a test deck for purposes of section 1-10.5-102. The~~
33 ~~purpose of a test deck is to assure the tabulation machines are counting~~

1 properly. The devices chosen shall contain at least five (5) ballots cast. A hand
2 tally shall be conducted of the selected devices pursuant to section 1-10.5-
3 102(3)(a). The totals of the recounted contest obtained from the test devices
4 and precinct(s) reports from close of polls shall be compared to the hand tallied
5 total.

6 ~~14.6.2 The canvass board shall choose at random five percent (5%) of voting devices~~
7 ~~containing votes from the election, which are affected by the recount, for the~~
8 ~~test.~~

9 ~~(a) Prior to the start of the test, the canvass board shall verify that devices~~
10 ~~randomly chosen were not used in the audit conducted pursuant to section 1-~~
11 ~~7-514(1)(b).~~

12 ~~(b) The proportion of Optical Scan devices to DRE/electronic voting devices~~
13 ~~selected for the test shall match the proportion of machines used in the~~
14 ~~election by the designated election official.~~

15 ~~(c) At least one device selected for the test shall be a central count/mail in~~
16 ~~ballot scanner.~~

17 ~~14.6.3 For testing central count/mail in scanners the canvass board shall randomly~~
18 ~~select one percent (1%) or fifty (50) ballots, whichever is greatest. A blank~~
19 ~~prom cartridge, rom cartridge or memory card shall be utilized for the test. The~~
20 ~~ballots selected shall be processed through the central count/mail in scanner and~~
21 ~~compared to the hand tallied total.~~

22 ~~14.6.4 If the test deck totals differ from the hand count totals, and the discrepancy~~
23 ~~cannot be accounted for by voter error, all ballots containing the recounted~~
24 ~~contest shall be tallied by hand following procedures for paper ballot recounts.~~
25 ~~If the test deck totals are exactly the same, the recount tabulation shall be~~
26 ~~conducted in the same manner as the original ballot count in accordance with~~
27 ~~section 1-10.5-102(3)(b).~~

28 *[Testing Rules moved to new Rule 14.6]*

29 ~~14.6.5 A clear audit trail shall be maintained throughout the recount including, but not~~
30 ~~limited to, a log of seal numbers on transfer cases or ballot boxes as defined in~~
31 ~~section 1-7-505, C.R.S., and the corresponding numbered seal used as a~~
32 ~~replacement for the original seal, upon completion of the recount of ballots~~
33 ~~within that transfer case or ballot box.~~

34 *[Current Rule 14.6.5 is amended and moved to new Rule 14.7.2]*

35 ~~14.6.6 The number of ballots counted by a precinct according to the election night~~
36 ~~report shall be available during the recount for comparison purposes.~~

37 *[Current Rule 14.6.6 is amended and moved to new Rule 14.7.9]*

1 ~~14.6.7 Totals of recounted ballots shall be processed, counted, and reported in~~
2 ~~summary form as follows:~~

3 ~~(a) Sum total of votes cast for each candidate, ballot issue or ballot question~~
4 ~~subject to the recount, under votes, and over votes for all precincts;~~

5 ~~(b) Sum total of votes cast for each candidate, ballot issue or ballot question~~
6 ~~subject to the recount, under votes and over votes for all mail-in ballots (a~~
7 ~~combined total, not totaled by individual precincts or location, unless your~~
8 ~~system allows);~~

9 ~~(c) Sum total of votes cast for each candidate, ballot issue or ballot question,~~
10 ~~subject to the recount, under votes, and over votes for all early voting~~
11 ~~locations (a combined total, not totaled by individual precinct or locations,~~
12 ~~unless the voting system so allows);~~

13 ~~(d) Determine the grand total of ballots cast in early, mail-in, and precinct~~
14 ~~voting.~~

15 *[Current Rule 14.6.7 is amended and moved to new Rule 14.8.1]*

16 ~~14.6.8 If mail-in ballots were originally counted with early voting ballots, then the~~
17 ~~recount will be of a combined total of early and mail-in ballots.~~

18 *[Current Rule 14.6.8 moved to new Rule 14.7.8]*

19 ~~14.6.9 Ballots shall be reviewed for voter intent in accordance with this Rule 14 and~~
20 ~~Rule 27.~~

21 ~~14.6.10 Utilizing one or more blank prom cartridge, rom cartridges, or memory card, all~~
22 ~~precinct ballots shall be counted within all precincts. After the individual~~
23 ~~precinct is counted, the ballots shall be returned to the ballot container and~~
24 ~~sealed.~~

25 ~~14.6.11 Utilizing one or more blank prom cartridge, rom cartridges, or memory card, all~~
26 ~~early voting ballots shall be counted. After an individual ballot container is~~
27 ~~counted, the ballots shall be returned to the ballot container and sealed.~~

28 ~~14.6.12 Utilizing one or more blank prom cartridges, rom cartridges, or memory card,~~
29 ~~all mail-in ballots shall be counted. After an individual ballot container is~~
30 ~~counted, the ballots shall be returned to the ballot container and sealed.~~

31 *[Portions of Rules 14.6.9 – 14.6.12 are moved to new Rule 14.7.3 and 14.7.4]*

32 **14.6 TESTING**

33 **14.6.1 THE CANVASS BOARD MUST REVIEW THE POST-ELECTION AUDIT BEFORE**
34 **SELECTING THE EQUIPMENT FOR TESTING UNDER SECTION 1-10.5-102, C.R.S. TO**

1 THE EXTENT FEASIBLE, THE BOARD MUST SELECT EQUIPMENT FOR TESTING THAT
2 WAS NOT INCLUDED IN THE POST-ELECTION AUDIT.

3 14.6.2 THE COUNTY CLERK MUST TEST ALL SCANNERS THAT WILL BE USED IN THE
4 RECOUNT. THE PURPOSE OF THE TEST IS TO ENSURE THAT THE TABULATION
5 MACHINES ARE COUNTING PROPERLY.

6 (A) THE TEST DECK MUST INCLUDE 50 BALLOTS OR 1% OF THE TOTAL NUMBER
7 OF BALLOTS CAST IN THE ELECTION, WHICHEVER IS GREATER, EXCEPT THAT
8 THE TOTAL NUMBER OF BALLOTS TESTED MAY NOT EXCEED THE TOTAL
9 NUMBER OF BALLOTS TESTED IN THE LOGIC AND ACCURACY TEST BEFORE
10 THE ELECTION. THE BALLOTS MUST BE MARKED TO TEST EVERY OPTION FOR
11 THE RACE OR MEASURE THAT WILL BE RECOUNTED

12 (1) IN A MANDATORY RECOUNT, THE CANVASS BOARD MUST SELECT THE
13 BALLOTS TO BE TESTED FROM THE PRE-ELECTION PUBLIC LOGIC AND
14 ACCURACY TEST DECK.

15 (2) IN A REQUESTED RECOUNT, THE PERSON REQUESTING THE RECOUNT
16 MAY MARK UP TO 25 BALLOTS. ANY OTHER CANDIDATE IN THE RACE
17 MAY ALSO MARK UP TO 25 BALLOTS. THE CANVASS BOARD MUST
18 RANDOMLY SELECT BALLOTS FROM THE PRE-ELECTION PUBLIC LOGIC
19 AND ACCURACY TEST DECK TO ENSURE THE MINIMUM NUMBER OF
20 TEST BALLOTS REQUIRED BY THIS RULE.

21 (B) SWORN JUDGES OR STAFF MUST HAND TALLY THE TEST BALLOTS FOR
22 COMPARISON TO THE TABULATION RESULTS.

23 (C) THE TEST IS LIMITED TO THE RACE OR MEASURE THAT IS RECOUNTED.

24 14.6.3 THE COUNTY CLERK MUST TEST THE VVPAT RECORDS FROM 1% OF THE DRES
25 THAT HAD VOTES CAST FOR THE RACE OR MEASURE BEING RECOUNTED.

26 (A) SWORN JUDGES OR STAFF MUST MANUALLY VERIFY THE RESULTS ON THE
27 MACHINES SELECTED FOR THE TEST.

28 (B) THE TEST IS LIMITED TO THE RACE OR MEASURE THAT IS RECOUNTED.

29 ~~14.7—Counting of Ballots Using the “Ballot Now” Voting System~~

30 ~~14.7.1—In the case of a recount, the designated election official shall identify all~~
31 ~~precincts with the contest(s) designated for a recount using the following~~
32 ~~procedures:~~

33 ~~(a)—Using the Ballot Now Scanned Ballots by Precinct report from the original~~
34 ~~election database, locate the batches containing any ballot type (Election,~~
35 ~~Mail in, and Provisional) for the recount.~~

1 ~~(b) Remove recount ballots, or batches that include recount ballots, from~~
2 ~~secured storage. As each batch is rescanned the batch shall be placed in a~~
3 ~~sealable container marked as “RECOUNT” and sealed.~~

4 ~~14.7.2 Required scanner testing shall be performed using a test deck from at least three~~
5 ~~(3) randomly chosen precinct(s) with at least 150 ballots total as prescribed by~~
6 ~~statute, following testing procedures outlined in the State of Colorado~~
7 ~~Procedures for the use of the Ballot Now Voting System. A Recount Test~~
8 ~~spreadsheet shall be created based on the chosen precinct in the same fashion as~~
9 ~~the ballot options test spreadsheet.~~

10 *[Portions of Rule 14.7.1 and 14.7.2 are moved to Rule 14.7.5.]*

11 14.7 COUNTING OF BALLOTS

12 14.7.1 IN ACCORDANCE WITH SECTION 1-10.5-102(3)(B), C.R.S., IF THERE ARE NO
13 DISCREPANCIES IN THE TEST UNDER RULE 14.6, THE RECOUNT MUST BE
14 CONDUCTED IN THE SAME MANNER AS THE BALLOTS WERE COUNTED IN THE
15 ELECTION EXCEPT AS OUTLINED IN THIS RULE.

16 ~~14.6.5~~ 14.7.2 A clear audit trail shall ~~MUST~~ be maintained throughout the recount
17 including, but not limited to, a log of seal numbers on transfer cases or ballot
18 boxes ~~as defined in section 1-7-505, C.R.S.~~, and the corresponding numbered
19 seal ~~used as a replacement for the original seal, upon completion of the recount~~
20 ~~of ballots within that~~ FOR EACH transfer case or ballot box.

21 *[Current Rule 14.6.5 is amended and moved to new Rule 14.7.2. Amendments*
22 *between the current and new rule language are shown above.]*

23 14.7.3 BALLOTS MUST BE REVIEWED FOR VOTER INTENT USING THE STANDARDS IN RULE
24 27.

25 (A) EVERY BALLOT WITH AN OVER-VOTE OR UNDER-VOTE IN THE RACE(S) OR
26 MEASURE(S) SUBJECT TO THE RECOUNT MUST BE REVIEWED FOR VOTER
27 INTENT USING THE SAME GUIDELINES THAT WERE USED DURING THE
28 ELECTION.

29 (B) THE JUDGES CONDUCTING THE VOTER INTENT REVIEW MAY RESOLVE THE
30 INTENT DIFFERENTLY THAN THE JUDGES IN THE ELECTION.

31 14.7.4 TO RECOUNT BALLOTS ON OPTICAL SCANNERS:

32 (A) IF THE ORIGINAL COUNT METHOD WAS CENTRAL COUNT, THE COUNTY MUST
33 CREATE A NEW ELECTION DATABASE.

34 (B) IF THE ORIGINAL COUNT WAS BY PRECINCT COUNT, THE COUNTY MUST USE
35 ONE OR MORE BLANK PROM CARTRIDGE, ROM CARTRIDGES, OR MEMORY
36 CARD.

1 (C) ALL PRECINCT BALLOTS MAY BE TABULATED CENTRALLY REGARDLESS OF
2 WHETHER PRECINCT OR CENTRAL TABULATION WAS USED ON ELECTION DAY.

3 *[Portions of Rules 14.6.9 – 14.6.12 are moved to new Rules 14.7.3 and 14.7.4]*

4 ~~14.7.3~~14.7.5 Ballots for the recount shall be processed following the State of Colorado
5 Procedures for the use of the Ballot Now Voting System in conjunction with the
6 following procedures: TO RECOUNT BALLOTS USING “BALLOT NOW”:

7 (A) BACK UP THE OFFICIAL ELECTION DATABASE.

8 (aB) Open Ballot Now with an unused MBB (Mobile Ballot Box) from the
9 election and create a Ballot Now recount database.

10 (bC) Scan and resolve all recount ballots following original election procedures
11 ACCORDING TO THIS RULE 14.

12 (c) Use the Audit Trail Report and Original Scan Batch Reports with notes to
13 ensure that resolution action follows the original resolution.

14 (d) Save all recount CVRs (Cast Vote Records) to the MBBS (Mobile Ballot
15 Box) after verifying that the number of ballots processed matches the
16 number of ballots cast in the recount contest(s).

17 (e) Open a new recount election in “Tally” and process the recount MBBS
18 following the tabulation procedures above.

19 (f) Compare recount results to original results and document any differences.

20 (g) Backup the test database and the official recount database following the
21 “Archive” procedures.

22 *[Portions of current Rule 14.7.1 and 14.7.2 are moved to Rule 14.7.5. Current*
23 *Rule 14.7.3 is amended and moved to new Rules 14.7.5. Amendments between*
24 *the current and new rule language are shown above.]*

25 14.7.6 TO RECOUNT BALLOTS BY HAND COUNT.

26 (A) IF THE TABULATION OF THE ORIGINAL COUNT WAS CONDUCTED BY HAND
27 COUNT, THE RECOUNT MUST BE CONDUCTED BY HAND COUNT.

28 ~~14.5.4~~(B) Ballots shall MUST be counted into groups IN BATCHES of 25 to
29 ensure that the number of ballots recounted matches the number originally
30 counted.

31 ~~14.5.5~~(C) Votes shall MUST be counted by individual hash marks in 25-count
32 sections by two different judges.

33 *[Current Rules 14.5.4 and 14.5.5 are amended and moved to new Rules*

1 14.7.6(a) and (b). Amendments between the current and new rule language are
2 shown above.]

3 14.7.7 FOR TABULATION OF DREs, IF THERE ARE NO DISCREPANCIES IN THE TEST UNDER
4 RULE 14.6, THE COUNTY CLERK MUST UPLOAD THE MEMORY CARDS.

5 14.7.8 TABULATION OF BALLOTS CAST BY ONE METHOD MUST BE COMPLETED THROUGH
6 A PRECISE, CONTROLLED PROCESS THAT ENSURES EACH CONTAINER OF BALLOTS
7 IS RECOUNTED, RESEALED, AND RETABULATED BEFORE TABULATION OF THE NEXT
8 METHOD BEGINS. EXCEPT THAT, IF MAIL-IN BALLOTS WERE ORIGINALLY COUNTED
9 WITH EARLY VOTING BALLOTS, THE RECOUNT MUST BE CONDUCTED IN THE SAME
10 MANNER.

11 ~~14.6.6~~—14.7.9 The number of ballots counted by ~~a~~METHOD AND precinct
12 according to the ~~election night report shall~~FINAL RESULTS FOR THAT RACE OR
13 MEASURE MUST be available during the recount for comparison purposes.

14 [Current Rule 14.6.6 moved to new Rule 14.7.9. Amendments between the
15 current and new rule language are shown above.]

16 14.8 CANVASS AND REPORTING RESULTS

17 ~~14.6.7~~—14.8.1 Totals of recounted ballots ~~shall be processed, counted, and~~MUST
18 BE reported in summary form as follows:

19 (a) Sum total of votes cast for each ~~candidate, ballot issue or ballot question~~
20 ~~subject to the recount~~RACE OR MEASURE RECOUNTED, under-votes, and over-
21 votes for all precincts;

22 (b) Sum total of votes cast for ~~each candidate, ballot issue or ballot question~~
23 ~~subject to the recount~~RACE OR MEASURE RECOUNTED, under-votes and over-
24 votes for all mail-in ballots ~~(a combined total, not totaled by individual~~
25 ~~precincts or location, unless your system allows);~~

26 (c) Sum total of votes cast for ~~each candidate, ballot issue or ballot question,~~
27 ~~subject to the recount~~RACE OR MEASURE RECOUNTED, under-votes, and over-
28 votes for all early voting locations ~~(a combined total, not totaled by~~
29 ~~individual precinct or locations, unless the voting system so allows);~~

30 (d) ~~Determine the~~THE grand total of ballots cast in early, mail-in, and precinct
31 voting.

32 (E) THE TOTALS MUST BE A COMBINED TOTAL, NOT TOTALED BY INDIVIDUAL
33 PRECINCTS OR LOCATION, UNLESS THE TABULATION SYSTEM ALLOWS.

34 [Current Rules 14.5.1 and 14.6.7 are amended and moved to new Rule 14.8.1.
35 Amendments between the current and new rule language are shown above.]

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14.8.2 IN ACCORDANCE WITH SECTION 1-10.5-107, C.R.S., AND RULE 41, THE CANVASS BOARD MUST AMEND, IF NECESSARY, AND RE-SUBMIT THE ABSTRACT OF VOTES CAST.

DRAFT