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EL PASO COUNTY

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Date: August 7, 2013
To: Secretary Gessler
From: El Paso County Elections
Re: Comments on Preliminary Draft of Proposed Rules

After reviewing the preliminary draft of proposed rules, El Paso County respectfully submits the following written comments. Please also consider the comments provided in our in-person meeting on 31 July 2013.

- Rule 2.2.6 (pg 8, line 9) – If a county clerk and recorder receives a paper voter registration application between 21 and 7 days before election day, the county clerk must send the applicant notification by regular mail, or email if provided, within one business day after receiving the application that the applicant is registered to vote but will not receive a ballot by mail. Will SCORE be set up to send these notices? Does the voter have to request information by email in order for us to email to them or can we just do it if we have an email on file? What is the definition of one business day after receiving the application?

- Rule 2.2.6 (pg 8, line 19) – For the purposes of precinct caucus lists and registration lists for municipal or special district elections, the residency requirement is based upon the date provided by the elector on his or her application. What if the voter writes only a year or only a month and year? If it doesn't include day, month, and year would we consider that incomplete and use the date as the postmark date or received date?

- Rule 2.5.4 (pg 10, line 25) – Within ten days after receiving the information, the County Clerk must activate voter records and remove ID required flags in SCORE. What would be a reason to activate? Would there be an updated form with a new address? The only inactive voters in SCORE are ones that we received returned mail or ballots back from the postal service.

- Rule 2.8.1 (pg 12, line 10) - A home base may include a homeless shelter, a homeless provider, a park, a campground, a vacant lot, a business address, or any other physical location.

- Rule 2.13.5 (pg 15, line 15) - An elector whose registration was cancelled during the previous six years under section 1-2-605(7), CRS, and Rule 2.12.2, may request reinstatement of the record. The elector must provide proof that he or she has continuously resided at the address shown on the registration record since the record was cancelled. What type of proof? Can they do this anytime though out the year or just during election time?

- Rule 2.14.1 (pg 15, line 34) - Successfully complete a training course provided by the Secretary of State. Will the VSPC staff have to have a Clerks Corner log in to get to the training portion? An email is required to take classes now – we do not set up email accounts for our temps. Will they need this?

- Rule 5.4 (pg 33, line 1) – The designated election official for the political subdivision is unable to establish a voter service and polling center within the political subdivision, the designated election official may designate a voter service and polling center outside the political subdivision if the location is convenient for the electors. If the Clerk and Recorder is not the DEO, how can the DEO establish a VSPC?

- Rule 5.7.2 (pg 35, line 32) – The County Clerk and Recorder must provide daily registration updates 22 days through the day before election day, to the designated election official by secure transmission as outline in Rule 43 and provide a Certificate of Registration to the applicant on Election Day. Does the Clerk's Office follow Rule 2.2.6 which states we must send the applicant notification if they fall between the 21-7 days before the election? If so, do we send the jurisdiction the updated voter information or do we wait until they come in person or register online?

- Rule 6.3 (pg 36, line 23) – should be "handling" instead of "handle" and "conducting instead of "conduct"

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- Rule 6.3 (pg. 36, line 25) – Successfully complete a training course provided by the Secretary of State. Will the supervisor judge have to have a Clerks Corner log in to get to the training portion? An email is required to take classes now – we do not set up email accounts for our judges. Will they need this?

- Rule 7.24 (pg 38, line 19) – The County Clerk must process new online and in-person registration applications and mail registration updates received by the eighth day before the election and mail a ballot with 24 hours after the application is submitted. How does the timelines affect online registrations? Submitted vs. received definitions.

- Rule 7.3.5 (pg 39, line 18) – "the elector indicates otherwise." is repeated

- Rule 7.5.3 (pg 41, 29) – An election judge must date-stamp and receive the ballots into the statewide voter registration system immediately upon receipt. Is the definition of receive the ballots when the ballots are delivered to the ballot processing location?

- Rule 7.5.3 (pg 41, line 33) – The County Clerk and Recorder must collect ballots from all drop-off location, including free standing ballot boxes, hourly during regular business hours. As discussed in our meeting on July 31st, this provision is completely unworkable, prohibitively expensive, and totally unnecessary. We recommend twice weekly pick up for sites opened before the statutory requirement and daily during the statutorily required time frame.

- Rule 7.7.3 (pg 45, line 34) – Voter Check-In at the Voter Service and Polling Center. Do we have to follow the 3 judge set up or can the counties decide what works best for them?

- Rule 7.7.5 (pg 46, line 13) – Any eligible elector may vote in-person at a voter service and polling center. The Election Judge must void the elector's mail ballot before issuing an in-person ballot. The Election Judge should "surrender" the mail ballot, not "void" before issuing an in-person ballot.

- Rule 7.8 (pg 46, line 30) – No later than 90 days before an election, the County and Recorder must designate drop-off locations and voter service and polling centers, and complete an accessibility survey for all voter service and polling center locations annually before designating a location for use. Does an accessibility survey need to be completed on drop-off locations?

- Rule 8.1.1 (pg 48, line 29) – If a watcher leaves a voter service and polling center but returns later in the day to the same location, another certificate of appointment is not necessary. Does a watcher need to complete a new certificate each day even if it's the same VSPC?

- Rule 10.4 (pg 59, line 6) – The designated election official must supply each polling location with a Statement of Ballots Form. Combined precincts may use one form. The form must include…..
Is this still required with the VSPC model?

- Rule 10.7.3 (pg 60, line 26) – The number of emergency registrations; Are we still using emergency registrations?

- Rule 11.4.2 (pg 71, line 25) – The designated election official must create a Testing Board of one registered elector affiliated with the major political parties, as defined in section 1-1-104(22), CRS, and one registered elector from each other major political party, if appointed. Testing Board members must be registered to vote in the county.   This rule is not clear on how many members of what party is required?

- Rule 14.1.4 (pg 92, line 23) – The last day for a VRD to file a Statement of Intent and Training Acknowledgement Form with the Secretary of State is the 22nd days before the General Election. Is this only for the General Election or any election? The last day for a VRD to submit voter registration applications to the clerk is 22 days before the Election.

- Rule 17.1.3 (pg 113, line 11) – The word "provisional" must be marked on the provisional ballot and on the pollbook or signature card next to the elector's name. We are not using a pollbook and a provisional voter does not complete a signature card at the VSPC because they are not voting in person on the DRE or being issued a paper ballot.

- Rule 17.2.2 (pg 113, line 18) – The county clerk and recorder must process all pollbooks or signature cards in the statewide voter registration system before processing provisional ballots. Pollbooks?

- Rule 17.2.10 (pg 115) – RWC (Rejection elector not a resident of the State of Colorado) Voter is not a state resident; therefore voter not eligible to vote in the county where the provisional ballot was voted. What if the voter is from Denver County and votes in El Paso County? The voter is not eligible but is a state resident. Will there be a rejected out of county? Will there be a rejected out of district?

- Rule 18.3.2 (pg 118, line 22) – A resolution board, consisting of a team(s) of one (1) Republican and one (1) Democrat for partisan elections or two (2) qualified election judges for nonpartisan elections, must resolve all ballots sorted by the central count optical scan equipment. Shouldn't it state members of a major political party to include parties that may gain major status?

- Rule 43.1.4 (pg 126, line 17) – "Electronic pollbook" is a list of eligible electors in electronic format who are permitted to vote at a polling location….Is SCORE included in the definition of electronic pollbook?

- Rule 43.1.8 (pg 126, line 35) – "Teleprocessing lines" mean secure, dedicated communication transmission facilities used for the purpose of transferring elector data between voter service and polling center and a centralized computerized pollbook maintained by the county, to ensure the security and integrity of voting information so that no deviation can go undetected. This definition isn't clear. Is this done only if the electronic pollbook being used isn't SCORE?

- Rule 43.11 (pg 138, line 6) – Electronic Pollbooks – Does this rule apply to all electronic pollbooks including SCORE?