

## Dwight Shellman

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**From:** Andrea Gyger  
**Sent:** Tuesday, October 08, 2013 4:40 PM  
**To:** Dwight Shellman  
**Subject:** Fwd: Written comments - proposed election rule recodification

Sent from my iPhone

Begin forwarded message:

**Resent-From:** <[SoS.Rulemaking@sos.state.co.us](mailto:SoS.Rulemaking@sos.state.co.us)>  
**From:** Sheri Davis <[sdavis1@douglas.co.us](mailto:sdavis1@douglas.co.us)>  
**Date:** October 8, 2013 at 4:16:18 PM MDT  
**To:** SoS Rulemaking <[SoS.Rulemaking@SOS.STATE.CO.US](mailto:SoS.Rulemaking@SOS.STATE.CO.US)>  
**Cc:** Jack Arrowsmith <[JArrowsm@douglas.co.us](mailto:JArrowsm@douglas.co.us)>  
**Subject:** **Written comments - proposed election rule recodification**

Dear Secretary Gessler,

RE: Notice of Revised Draft Proposed Election Rules for consideration – 9/26/2013

Thank you for the opportunity to review and offer feedback for the above referenced proposed rules. We've taken the opportunity to become more familiar with current rules and examine our systems in concert with the proposed changes. While most of the changes seem to be welcome improvements, we did have some questions and concerns regarding a couple of items:

Our first concern centers on proposed change 7.5.3 which states that:

AN ELECTION OFFICIAL MUST DATE-STAMP AND RECEIVE THE RETURNED BALLOT ENVELOPES INTO SCORE IMMEDIATELY UPON RECEIPT.

Our county employs ballot round-up teams made up of bi-partisan election workers who gather the ballots from our numerous drop-off locations and return them to our office for processing. As an added service to our customers, Douglas County offers several 24-hour ballot drop-off locations that will require ongoing ballot round-ups after hours and on weekends. This section of the proposed changes would have the unintended consequence of forcing us to leave live ballots in the field on weekends and overnight as we will have no way of receiving the ballots into the SCORE system until we resume normal business hours.

Our second concern is regarding proposed change 8.4.2:

As I read the enhanced rule, I have grave concerns regarding the suggested wording. This proposed change seems to conflict with 24-72-204(8) (a) C.R.S. which states:

A designated election official shall not allow any person, other than the person in interest, to inspect the election records of any person that contain the original signature, social security number, month of birth, day of the month of birth, or identification of that person, including electronic, digital, or scanned images of a person's signature, social security number, month of birth, day of the month of birth, or identification.

By allowing watchers to observe and verify some of the documents completed by voters, which include the above stated items, and witnessing signature verification of mail ballot envelopes at close enough distance to verify or challenge the signature, the elections staff and workers are in direct violation of a statute that prohibits sharing of this information. While the statute allows for access by employees and election judges, there appears, there is not language that would allow access to watchers in 24-72-204(8) (b) (2) C.R.S:

Making such election records available to employees or election judges appointed by the designated election official as necessary for those employees or election judges to carry out the duties and responsibilities connected with the conduct of any election;...

Additionally, what is the controlling factor related to space. In 8.4.3, this rule implies each candidate/issue may have more than one watcher at a time which may have a compounding effect.

Regards,

Jack Arrowsmith  
Douglas County Clerk & Recorder