

Andrea Gyger

From: Mary Eberle [REDACTED]
Sent: Tuesday, October 08, 2013 8:43 AM
To: SoS Rulemaking; Suzanne Staiert; Hilary Rudy; Andrea Gyger; Judd Choate; Al Kolwicz; Marilyn Marks; Margit Johansson; Angie Layton; Joe Richey; Kathryn Wallace; Harvie Branscomb; Ralph Shnelvar; Jeff Orrok; George Leing; Ryan Call; Mark Baisley; Dan Gould; Rick Palacio; Alec Garnett; Representative Dickey Lee Hullinghorst; Representative Jonathan Singer; Senator Rollie Heath; Senator Morgan Carroll; Hillary Hall; Russ Boehm; Dan Martin; Jim Remmert; Larry Singer; Jim Fletcher; Jim August; Joel Leventhal; Lisa Cyriacks; Neal McBurnett; Jillane Hixson; Teresa Benns; Michael De Yoanna; Bill Hugenberg; Ken Gordon; Joe Neguse; Wayne Williams
Subject: Emailing: 20130926_Elections_RevisedDraft_Recod_Mary Eberle suggestions_7.pdf
Attachments: 20130926_Elections_RevisedDraft_Recod_Mary Eberle suggestions_7.pdf

Dear SOS Staff and Citizens and Politicians Interested in Good Election Practices,

In the attached pdf file, I am submitting my comments on the proposed election rules.

Because of the extremely critical nature of Rule 21 (old Rule 45), I defer to the suggestions of Al Kolwicz and Harvie Branscomb, acknowledged experts on systems and particularly on election systems. Certain word choices used in rules can have huge, detrimental effects on election integrity and overall quality, and Al and Harvie are attuned to such problems. They also understand the practical workings of an election from start to finish and from the outside and the inside of the process. I urge you to adopt the changes Al and Harvie suggest.

Further, when you hear from others in the election-quality community, such as Marilyn Marks, Margit Johansson, or Ralph Shnelvar, for example, please heed their advice in support of good election practices. Concerns of the parties must also be addressed, such as the watering down of the roles of election judges and canvass boards, the citizens' overseers of the election processes. Watcher rights need to be guarded better than some of the wording in the proposed rules would indicate. UOCAVA and overseas voters need to be cautioned about the statutory restriction on use of email or fax or web-based methods to return a voted ballot.

Note especially that these rules need to list the residency requirements for the various types of choices voters must address in November's election. The residency problems caused by HB-1303 are not understood "in the field," and the statutory requirements for particular residency lengths must not be allowed to be ignored.

The residency rules need to be more rigorous because of the chaos occasioned by 1303. The minimum residency periods are as follows (as confirmed by Judd Choate):

State elections--22 days

County elections--22 days for new electors, but -0- days for moving Colorado electors

School Tax questions--22 days

School Director election--25 days

Statutory) Municipal elections--30 days

(Home Rule Municipal elections--may vary by municipality)

Special District election--30 days

After the November 5, 2013, election, I hope you will reopen the rules for further public input and hold

conversation-style hearings with SOS and AG staff present and engaged, instead of the formal hearing format typically used. Perhaps separate hearings could address particular rules so that not too much content need be covered in a single hearing. [For the SOS Staff: Hire one or more communications interns to take high-quality cordless microphones around to participants as they contribute and before they contribute have the intern state the participant's name for those listening and for the audio archive.]

I hope that the Secretary of State's office will be very active in 2014 in the attempt to fix the many problems occasioned by HB-1303. These could have been avoided if the drafters had included many of the citizens addressed on this email during the drafting process. I hope that a lesson has been learned.

Thanks all involved for the time and effort expended on these election rules.

Mary C. Eberle

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

**Revised Draft of Proposed Rules
Office of the Colorado Secretary of State
Election Rules
8 CCR 1505-1
September 26, 2013**

Disclaimer:

The proposed draft rules have changed. This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on August 30, 2013. These revised proposed rules will be considered at the October 1, 2013 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.¹

Please note the following formatting key: **headings clearer if you center them as shown here.**

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>[Italic blue font text]</i>	Annotations
Shading	Revisions to the August 30 th preliminary draft.

Bold with yellow highlight	Mary Eberle’s comments and suggestions
Bold with purple font	Additions to rule wording or additional punctuation
Red with strikethrough and underline	Deletions from rule wording

[Current 8 CCR 1505-1 is stricken in its entirety and re-codified as follows:]

Rule 1. Definitions

1.1 ~~As used in these Rules and the “Uniform Election Code of 1992” unless the context otherwise requires, the following terms shall have the meanings indicated:~~

~~“District office of state concern” means any of the following offices: Member of the State Board of Education, Member of the Board of Regents of the University of Colorado, and Member of the Board of Directors of the Regional Transportation District.~~

← Why delete this definition? Are you just deleting it for the current election?

AS USED IN THESE RULES, UNLESS STATED OTHERWISE:

1.1.1 ~~“ACTIVE STATUS” OR “ACTIVE RECORD” MEANS THAT THE RECORD IS NOT MARKED INCOMPLETE, INACTIVE, OR CANCELLED. THERE ARE NO CONDITIONS OR RESTRICTIONS ON THE ELECTOR’S ELIGIBILITY OR REGISTRATION RECORD.~~

[Relocated from 2.20.1 a, with amendments]

¹ Section 24-4-103(4)(a), C.R.S. (2012). “[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 1.1.2 “BALLOT MEASURE” MEANS A BALLOT ISSUE OR BALLOT QUESTION AS DEFINED IN
2 SECTIONS 1-1-104(2.3) AND (2.7), C.R.S.

3 *[Relocated from 27.1.1, with amendments]*

4 1.1.3 “BLANK BALLOT” MEANS A BALLOT THAT WAS NOT GIVEN TO OR USED BY A VOTER.
5 **[Add another definition:]** “BLANK VOTED BALLOT” MEANS A BALLOT ON WHICH THE VOTER HAS MADE
6 NO MARKS IN

7 ANY VOTING POSITION, ~~HAS MARKED WITH AN UNREADABLE MARKER, OR HAS~~
8 ~~CONSISTENTLY MARKED OUTSIDE OF THE “READ” AREA OF THE SCANNER.~~

9 **Not intuitive. Should have an additional definition:** “UNREADABLE BALLOT” MEANS A BALLOT THAT THE
10 VOTER HAS MARKED WITH AN UNREADABLE MARKER OR HAS MARKED CONSISTENTLY OUTSIDE THE
11 “READ” (TARGET) AREA OF THE SCANNER. **[See Harvie Branscomb’s notes on page 130.]**

12 *[Relocated from 27.1.2, with amendments]*

13 1.1.4 “CANCELLED STATUS” OR “CANCELLED RECORD” MEANS THAT THE COUNTY CLERK
14 AND RECORDER CANCELLED THE ELECTOR’S VOTER REGISTRATION RECORD
15 BECAUSE THE ELECTOR:

16 (A) ~~IS WAS NOT ELIGIBLE TO VOTE;~~ **Does this include a voter who has died?**
17 **Add something about that?**

18 (B) ~~IS NOT REGISTERED TO VOTE~~ FAILED TO PROPERLY COMPLETE THE
19 REGISTRATION UNDER SECTIONS 1-2-508 AND 1-2-509(3), C.R.S.; OR

20 (C) ~~HAS WITHDRAWN~~ WITHDREW HIS OR HER REGISTRATION.

21 *[Relocated from 2.20.1 b, with amendments]*

22 1.1.5 ~~“Canvass board” means a committee composed of the county clerk and recorder~~
23 ~~and the registered electors appointed by the major parties in accordance with~~
24 ~~section 1-10-101, C.R.S.;~~ **Why delete this? It is a little-understood term.**

25 **Please keep this term in the definition list.**

26 ~~—————~~ *[Relocated from 41.1.1]*

27 1.1.6 1.1.5 “Canvass workers” means workers appointed or hired by the designated
28 election official to assist in the preparation and conduct of the canvass.

29 *[Relocated from 41.1.2]*

30 1.1.7 ~~“CENTRAL COUNT” MEANS A BALLOT COUNTING PROCESS IN WHICH THE COUNTY~~
31 ~~CLERK AND RECORDER TABULATES CUMULATIVE VOTING TOTALS FOR MULTIPLE~~
32 ~~PRECINCTS AND BALLOT STYLES AT A SINGLE LOCATION.~~

33 *[Relocated from 11.1.1, with amendments]*

34 43.1.1 20.1.1 1.1.6 “Chain-of-custody log” means a written record that shows that the
35 equipment and all associated data are secured according to these procedures
36 OUTLINED IN RULE 20 and in the documented control of an employee or deputized
37 election judge ELECTION OFFICIAL **← bad change. Please do not make this change.**

38 **And why not bipartisan pair of election judges?** through the entire time of ownership by the
39 jurisdiction.

40 *[Relocated from 43.1.1, with amendments]*

1 1.1.8 1.1.7 “DAMAGED BALLOT” MEANS A BALLOT THAT IS TORN, BENT, OR OTHERWISE
2 MUTILATED OR RENDERED UNREADABLE, SO THAT IT CANNOT BE PROCESSED BY
3 THE OPTICAL SCANNER BALLOT READER.

4 (A) DAMAGED BALLOTS INCLUDE ALL BALLOTS THAT CONTAIN A FOREIGN
5 SUBSTANCE THAT COULD INTERFERE WITH THE OPTICAL SCAN MACHINE (~~I.E.~~
6 E.G. FOOD, DRINK, ETC.). **In the Chicago Manual of Style, “e.g.” should be
followed by a comma. Same for i.e. if that is used.**

7 (B) DAMAGED BALLOTS ~~MAY~~ INCLUDE BALLOTS THAT ARE MARKED IN A
8 MEDIUM OR MANNER OTHER THAN ~~THE MEDIUM~~ INDICATED IN THE BALLOT
9 INSTRUCTIONS.

10 (C) DAMAGED BALLOTS INCLUDE BALLOTS THAT THE ELECTOR MARKED IN A
11 WAY THAT WOULD DISCLOSE HIS OR HER IDENTITY.

12 *[Relocated from 27.1.3, with amendments]*

13 1.1.9 1.1.8 “DATA ENTRY COUNTY” MEANS A COUNTY USING AN ELECTION
14 MANAGEMENT SYSTEM THAT EXPORTS A FILE TO BE DIRECTLY UPLOADED TO THE
15 ELECTION NIGHT RESULTS SYSTEM.

16 1.1.10 1.1.9 “DESIGNATED ELECTION OFFICIAL,” ~~AS USED IN RULE 11,~~ INCLUDES THE
17 DESIGNATED ELECTION OFFICIAL’S SWORN, DEPUTIZED DESIGNEE.

18 ~~43.1.2 20.1.2 1.1.10~~ “~~DRE~~” “DIRECT RECORDING ELECTRONIC VOTING DEVICE” (DRE)
19 means a ~~direct recording electronic voting device~~. A ~~DRE~~ is a voting device that
20 VISUALLY DISPLAYS OR AUDIBLY PRESENTS A BALLOT AND RECORDS AN ELECTOR’S
21 VOTES DIRECTLY INTO ELECTRONIC STORAGE MEDIA. ~~records votes by means of a~~
22 ~~ballot display provided with mechanical or electro-optical components or an audio~~
23 ~~ballot that the voter can activate; that processes data by means of a computer~~
24 ~~program; and that records voting data and ballot images in memory components~~
25 ~~or other media. The device may produce a tabulation of the voting data stored in a~~
26 ~~removable memory component and as printed copy. The device may also provide~~
27 ~~a means for transmitting individual ballots or vote totals to a central location for~~
28 ~~consolidating and reporting results from remote sites to the central location.~~

29 *[Relocated from 43.1.2, with amendments]*

30 1.1.11 1.1.11 “DUPLICATED BALLOT” MEANS A BALLOT FOR WHICH A TRUE COPY MUST BE
31 MADE FOR THE BALLOT TO BE PROPERLY PROCESSED AND COUNTED BECAUSE OF
32 DAMAGE, IMPROPER **MARKING**, OR ANY ISSUE THAT WOULD PREVENT A BALLOT
33 TABULATING MACHINE FROM ACCURATELY COUNTING THE BALLOT. **Need serial
comma. Also what about UOCAVA and Provisional ballots—they are duplicated.**

34 *[Relocated from 27.1.4, with amendments]*

35 1.1.12 1.1.12 “ELECTION COMPLAINT” MEANS A COMPLAINT FILED WITH THE SECRETARY
36 OF STATE UNDER ARTICLES 1 THROUGH 13 OF TITLE 1, C.R.S.

1 1.1.14 1.1.13 “ELECTION OFFICIAL” MEANS THE DESIGNATED ELECTION OFFICIAL, HIS OR
2 HER DEPUTY OR DESIGNEE, ELECTION STAFF, SECRETARY OF STATE STAFF, AND
3 ELECTION JUDGES. **Whoa! This definition is sadly lacking. What happened to
the rest of the people? Title 1 says “(10) "Election official" means any county clerk and recorder,
election judge, member of a canvassing board, member of a board of county commissioners,
member or secretary of a board of directors authorized to conduct public elections,
representative of a governing body, or other person contracting for or engaged in the
performance of election duties as required by this code.”**

4 1.1.13 1.1.14 “ELECTION SETUP RECORDS” MEANS THE ELECTRONIC RECORDS, OFTEN IN
5 THE FORM OF A DATABASE OR A SET OF DATABASES, GENERATED BY ELECTION
6 ~~TABULATION~~ SOFTWARE TO CREATE AND DEFINE BALLOTS, TABULATION
7 INSTRUCTION, AND OTHER FUNCTIONS RELATED TO THE ELECTION.

8 *[Relocated from 11.1.2, with amendments]*

9 1.1.14 1.1.15 “ELECTION SOFTWARE” MEANS THE SOFTWARE FOR ELECTION EQUIPMENT
10 OR COMPUTERS THAT CONTROLS ELECTION **SETUP**, VOTE RECORDING, VOTE
11 TABULATION, AND REPORTING. **Comma needed.**

12 *[Relocated from 11.1.4, with amendments]*

13 1.1.15 1.1.16 “ELECTRONIC BALLOT” MEANS A NON-PAPER BALLOT SUCH AS ON A TOUCH
14 SCREEN OR THROUGH AUDIO FEEDBACK. AFTER A VOTER CASTS AN ELECTRONIC
15 BALLOT, THE VOTER’S CHOICES MUST BE:

- 16 (A) MARKED AND PRINTED ON A PAPER BALLOT FOR SUBSEQUENT COUNTING BY
17 A PAPER BALLOT SCANNING DEVICE; OR
18 (B) DIGITALLY RECORDED AND COUNTED BY THE ~~TOUCH SCREEN DEVICE;~~
19 ~~COMMONLY REFERRED TO AS A~~ DIRECT ~~RECORDING—RECORDING~~
20 ELECTRONIC (DRE) DEVICE. **Simple is better.**

21 *[Relocated from 11.1.6, with amendments]*

22 1.1.16 1.1.17 “ELECTRONIC TRANSMISSION” MEANS:

- 23 (A) FOR THE PURPOSE OF SENDING AN UNVOTED ~~BALLOT;~~
24 ~~(1) TO A MILITARY OR OVERSEAS ELECTOR UNDER ARTICLE 8.3 OF TITLE~~
25 ~~1, C.R.S., TO THE ELECTOR FAX, EMAIL, OR ONLINE BALLOT~~
26 ~~DELIVERY;~~
(1) FAX, EMAIL, OR ONLINE BALLOT DELIVERY TO A MILITARY OR
OVERSEAS ELECTOR UNDER ARTICLE 8.3 OF TITLE 1, C.R.S.; ~~TO~~
~~THE ELECTOR~~
(2) FAX OR EMAIL BALLOT DELIVERY TO AN ELECTOR REQUESTING A
REPLACEMENT FOR A MEDICAL EMERGENCY UNDER SECTION 1-7.5-
115, C.R.S.; ~~FAX OR EMAIL;~~
29 (B) FOR THE PURPOSE OF RETURNING A VOTED BALLOT TO THE COUNTY CLERK
30 ~~AND RECORDER FAX AND OR~~ EMAIL.

31 *[Relocated from 25.2.1 and 42.2, with amendments]*

32 1.1.17 1.1.18 “ELECTRONIC VOTING DEVICE” MEANS A DEVICE BY WHICH VOTES ARE
33 RECORDED ELECTRONICALLY, INCLUDING A TOUCH SCREEN SYSTEM.

1 *[Relocated from 11.1.7, with amendments]*

2 ~~1.1.18~~ 1.1.19 “FIRMWARE” MEANS COMPUTER PROGRAMS, STORED ON READ-ONLY
3 MEMORY DEVICES OR OTHER ELECTRONIC CIRCUITRY IN VOTING DEVICES, THAT
4 CONTROL THE BASIC OPERATION AND FUNCTION OF THOSE DEVICES.

5 *[Relocated from 11.1.8, with amendments]*

6 ~~1.1.19~~ 1.1.20 “HELP AMERICA VOTE ACT COMPLAINT” OR “HAVA COMPLAINT” MEANS
7 A COMPLAINT FILED WITH THE SECRETARY OF STATE UNDER TITLE III OF THE HELP
8 AMERICA VOTE ACT (HAVA) AND ARTICLE 1.5 OF TITLE 1, C.R.S.

9 ~~1.1.20~~ 1.1.21 “IMMEDIATE VOTING AREA” MEANS THE AREA THAT IS WITHIN SIX FEET OF
10 THE VOTING EQUIPMENT, VOTING BOOTHS, AND THE BALLOT BOX. **I think the**

**intention here is good, but it would be better to say this in a way that focuses on “immediate” and
“voting” and less on “area”:** “Immediate voting area” means the area within six feet of the voting
equipment, voting booths, and ballot boxes when one or more voters are present and using such equipment
or booths or casting their ballot into the ballot box.

11 *[Relocated from 8.6.1, with amendments]*

12 ~~1.1.21~~ 1.1.22 “INACTIVE STATUS” MEANS A RESTRICTION A COUNTY CLERK ~~AND~~
13 ~~RECORDER~~ PLACES ON AN ELECTOR’S RECORD IF THE UNITED STATES POSTAL
14 SERVICE RETURNS A MAIL BALLOT, ~~VOTER INFORMATION CARD,~~ OR CONFIRMATION
15 CARD TO THE COUNTY ~~CLERK AND RECORDER~~ AS UNDELIVERABLE. **No comma.**

16 *[Relocated from 2.20.1 d, with amendments]*

17 ~~1.1.22~~ “LOGIC AND ACCURACY TEST” OR “LAT” MEANS A STEP-BY-STEP DOCUMENTED
18 REVIEW OF A VOTING DEVICE’S ABILITY, PRIOR TO USE IN ANY ELECTION, TO
19 ACCURATELY **PRODUCE** VOTER CHOICES FOR THE CANDIDATES AND BALLOT
20 MEASURES IN AN ELECTION. THE LOGIC AND ACCURACY TEST MUST FULFILL THE
21 REQUIREMENTS OF THE PUBLIC TEST DESCRIBED IN SECTION 1-7-509 (2), C.R.S. **Why**

**omit this definition? It is not in CRS definition list, so would be helpful to have here. Change
“produce voter choices (????)” and other wording back to what was in the 2012 rule:**

“Logic and Accuracy Test (LAT)” shall mean a step-by-step documented review of a
voting device’s ability, prior to use in any election, to produce accurate results on voter
choices for the candidates and ballot issues in an election. The Logic and Accuracy test
shall fulfill the requirements of the Public Test as identified in section 1-7-509(2), C.R.S.

22 *[Relocated from 11.1.9, with amendments]*

23 ~~1.1.23~~ 1.1.23 “MANUAL ENTRY COUNTY” MEANS A COUNTY THAT DOES NOT USE AN
24 ELECTION MANAGEMENT SYSTEM TO EXPORT DATA ~~TO THE ELECTION NIGHT~~
25 ~~RESULTS SYSTEM.~~

26 ~~1.1.24~~ 1.1.24 “MEDIA OBSERVER” MEANS AN OBSERVER WITH VALID AND CURRENT
27 MEDIA CREDENTIALS. **Why omit this definition? It is not in CRS definition list,**

so would be helpful to have here.

28 *[Relocated from 8.1.3, with amendments]*

29 ~~1.1.25~~ 1.1.24 “OFFICIAL OBSERVER” MEANS EITHER AN OBSERVER APPOINTED BY THE
30 SECRETARY OF STATE OR AN OBSERVER APPOINTED BY THE FEDERAL GOVERNMENT
31 AND APPROVED BY THE SECRETARY OF STATE. OFFICIAL OBSERVERS MAY BE
32 PRESENT IN ALL PHASES OF THE ELECTION PROCESS, BUT ARE SUBJECT TO RULES
33 AND REGULATIONS AS PRESCRIBED BY THE SECRETARY OF STATE AND PERFORM
34 DUTIES AS MAY BE ASSIGNED BY THE SECRETARY OF STATE.

1 *[Relocated from 8.1.1]*

2 ~~1.1.26~~ 1.1.25 “OVERVOTE” MEANS ~~A RACE OR BALLOT MEASURE~~ AN INSTANCE WHERE
3 THE VOTER MARKED VOTES FOR MORE THAN THE **ALLOWED** MAXIMUM
NUMBER OF
4 CANDIDATES OR RESPONSES FOR A BALLOT MEASURE ALLOWED.

5 *[Relocated from 27.1.6, with amendments]*

6 ~~1.1.27~~ 1.1.26 “QUALIFIED POLITICAL ORGANIZATION” MEANS AN ORGANIZATION THAT
7 HAS PLACED A CANDIDATE FOR CONGRESSIONAL OR STATE OFFICE ON THE BALLOT
8 IN A CONGRESSIONAL VACANCY OR GENERAL ELECTION, WHOSE OFFICERS HAVE
9 FILED PROOF OF ORGANIZATION WITH THE SECRETARY OF STATE, AND THAT
10 CONTINUES TO MEET THE REQUIREMENTS OF RULES 3.3 AND 3.4. [*BAER V. MEYER*,
11 728 F.2D 47 (10TH CIR. 1984)]

12 *[Relocated from 3.1, with amendments]*

13 ~~1.1.28~~ 1.1.27 “RELATED TO THE SECOND DEGREE” MEANS SPOUSE, CIVIL UNION PARTNER,
14 PARENTS, CHILDREN, BROTHERS AND SISTERS, GRANDPARENTS, AND
15 GRANDCHILDREN RELATED BY BLOOD OR MARRIAGE.

16 *[Relocated from 42.10, with amendments]*

17 ~~43.1.4~~ ~~20.1.6~~ 1.1.28 “Removable card or cartridge” means ~~any~~ A programming card or
18 cartridge, except a voter activation card, that stores firmware, software, or data.

19 *[Relocated from 43.1.4, with amendments]*

20 ~~1.1.29~~ 1.1.29 “SCORE” MEANS THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM
21 AND THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST DESCRIBED IN
22 PART 3 OF ARTICLE 2 OF TITLE 1.

23 ~~43.1.5~~ ~~20.1.7~~ 1.1.30 “Seal” means a serial-numbered tamper-evident device that
24 indicates a seal is broken or removed, IF BROKEN OR MISSING, INDICATES THAT THE
25 CHAIN OF CUSTODY IS BROKEN AND A DEVICE IS NOT SECURE.

26 *[Relocated from 43.1.5, with amendments]*

27 ~~1.1.30~~ 1.1.31 “Statement of Ballots Form” means the form used at the polling location
28 that accounts for all ballots at that location and includes all information required
29 by ~~this rule~~ **RULE 10**.

30 *[Relocated from 41.1.3, with amendments]*

31 ~~1.1.31~~ 1.1.32 “TARGET AREA” MEANS:

32 (A) ~~THE SQUARE OR OVAL OPPOSITE THE CANDIDATE’S NAME OR BALLOT~~
33 ~~RESPONSE ON A PAPER BALLOT; OR~~

1 (B) THE SQUARE, OVAL, INCOMPLETE LINE, OR INCOMPLETE ARROW OPPOSITE
2 CORRESPONDING TO THE CANDIDATE'S NAME OR BALLOT RESPONSE
3 (EXAMPLES: "YES", "NO", "FOR" OR "AGAINST") ON AN OPTICAL SCAN
4 BALLOT A PAPER BALLOT.

5 *[Relocated from 27.1.8, with amendments]*

6 38.1.2 ~~20.1.8~~ 1.1.33 "Teleprocessing lines" means secure, dedicated communication
7 transmission facilities used for the purpose of transferring elector data between
8 Vote Centers VOTER SERVICE AND POLLING CENTER and a centralized
9 computerized pollbook maintained by the county clerk and recorder ACCESSING
10 SCORE, to ensure the security and integrity of voting information so that no
11 deviation can go undetected.

12 *[Relocated from 38.1.2, with amendments]*

13 43.1.6 ~~20.1.9~~ 1.1.34 "Trusted build" means the write-once installation disk or disks for
14 software and firmware for which the Secretary of State or his/her agent has
15 established the chain of evidence to the building of a the disk(s), which is then
16 used to establish and/or re-establish the chain of custody CHAIN-OF-CUSTODY of
17 any component of a voting system that contains newly installed firmware or
18 software. The trusted build is the origin of the chain of evidence for any software
19 and firmware component of the voting system.

20 *[Relocated from 43.1.6, with amendments]*

21 1.1.32-1.1.35 "UNDERVOTE" MEANS A RACE OR BALLOT MEASURE AN INSTANCE WHERE
22 THE VOTER MARKED VOTES FOR FEWER THAN THE ALLOWED MAXIMUM
23 NUMBER OF CANDIDATES OR RESPONSES FOR A BALLOT MEASURE ALLOWED.

24 *[Relocated from 27.1.7, with amendments]*

25 43.1.7 ~~20.1.10~~ 1.1.36 "Video security surveillance recording" means video monitoring
26 by a device that continuously records a designated location or a system using
27 motion detection that records one frame, or more, per minute until detection of
28 motion triggers continuous recording.

29 *[Relocated from 43.1.7]*

30 1.1.33-1.1.37 "VOTING SYSTEM" AS DEFINED IN 1-1-104(50.8), C.R.S., MEANS:

31 (A) THE TOTAL COMBINATION OF MECHANICAL, ELECTROMECHANICAL, OR
32 ELECTRONIC EQUIPMENT (INCLUDING THE SOFTWARE, FIRMWARE, AND
33 DOCUMENTATION REQUIRED TO PROGRAM, CONTROL, AND SUPPORT THE
34 EQUIPMENT) THAT IS USED TO:

35 (1) DEFINE BALLOTS;

How about produce ballots (EIC and ballot-on-demand systems like Hart and the one bought by the SOS)?

- 1 (2) CAST **BALLOTS** AND COUNT VOTES; **Boulder’s Bell & Howell casts.**
- 2 (3) REPORT OR DISPLAY ELECTION RESULTS; AND
- 3 (4) MAINTAIN AND PRODUCE ANY AUDIT TRAIL INFORMATION; AND
- 4 (B) THE PRACTICES AND ASSOCIATED DOCUMENTATION USED TO:
 - 5 (1) IDENTIFY SYSTEM COMPONENTS AND VERSIONS OF SUCH
 - 6 COMPONENTS;
 - 7 (2) TEST THE SYSTEM DURING ITS DEVELOPMENT AND MAINTENANCE;
 - 8 (3) MAINTAIN RECORDS OF SYSTEM ERRORS AND DEFECTS;
 - 9 (4) DETERMINE SPECIFIC SYSTEM CHANGES TO BE MADE TO A SYSTEM
 - 10 AFTER THE INITIAL QUALIFICATION OF THE SYSTEM; AND
 - 11 (5) MAKE AVAILABLE ANY MATERIALS TO THE VOTER (SUCH AS
 - 12 NOTICES, INSTRUCTIONS, FORMS, OR PAPER BALLOTS).
- 13 (6-C) “VOTING SYSTEM” AS DEFINED IN ~~1-1-104(50.8), C.R.S.,~~ DOES NOT
- 14 INCLUDE ANY OTHER COMPONENT OF ELECTION ADMINISTRATION, SUCH AS,
- 15 VOTER REGISTRATION APPLICATIONS OR ~~SYSTEMS, ELECTRONIC~~
- 16 ~~POLLBOOKS, BALLOT DELIVERY AND RETRIEVAL SYSTEMS, SIGNATURE~~
- 17 ~~VERIFICATION AND BALLOT SORTING DEVICES, BALLOT ON DEMAND~~
- 18 ~~PRINTERS,~~ ELECTION NIGHT REPORTING AND OTHER ELECTION REPORTING
- 19 SYSTEMS, AND OTHER COMPONENTS USED THROUGHOUT THE ELECTION
- 20 PROCESS THAT DO NOT CAPTURE AND TABULATE VOTES. **Bad idea to omit**

parts of the system without which capturing and tabulating votes would not be possible. And add a rule that requires Clerk to go to SOS website and copy her/his county’s reported results, make those into a pdf file, and sign a printout of the file that it exactly matches the results on her system—so that the ENR system can be checked. Then have the Clerk send the signed printout as well as a paper report directly from her tabulation system to the SOS office for cross-checking by SOS staff before the results on the SOS website can be declared official.

21 **1.1.34-1.1.38** “VVPAT” HAS THE SAME MEANING AS IN SECTION 1-1-104 (50.6), C.R.S.

22 *[Relocated from 11.1.3, with amendments]*

23 **1.1.35-1.1.39** “WATCHER” HAS THE SAME MEANING AS IN SECTION 1-1-104(51), C.R.S.

24 ~~MEANS AN ELIGIBLE ELECTOR, OTHER THAN A CANDIDATE ON THE BALLOT,~~

25 ~~SELECTED BY A POLITICAL PARTY CHAIRPERSON ON BEHALF OF THE POLITICAL~~

26 ~~PARTY, BY A PARTY CANDIDATE AT A PRIMARY OR RECALL ELECTION, BY AN~~

27 ~~UNAFFILIATED CANDIDATE AT A GENERAL, CONGRESSIONAL VACANCY,~~

28 ~~NONPARTISAN, OR RECALL ELECTION, OR BY A PERSON DESIGNATED BY EITHER THE~~

29 ~~OPONENTS OR PROPONENTS IN THE CASE OF REGISTERED ISSUE COMMITTEE~~

30 ~~SUPPORTING OR OPPOSING A BALLOT ISSUE OR BALLOT QUESTION. IF SELECTED BY A~~

31 ~~POLITICAL PARTY CHAIRPERSON, A PARTY CANDIDATE, OR AN UNAFFILIATED~~

32 ~~CANDIDATE, THE WATCHER MUST BE AFFILIATED WITH THAT POLITICAL PARTY OR~~

33 ~~UNAFFILIATED AS SHOWN ON THE REGISTRATION BOOKS OF THE COUNTY CLERK~~

34 ~~AND RECORDER.~~

35 (A) A WATCHER MAY BE APPOINTED FOR A RECALL ELECTION IN THE SAME

1 MANNER AS IN A PRIMARY ELECTION.

2 (B) FOR THE PURPOSE OF APPOINTING A WATCHER, THE PROPONENT OR
3 OPPONENT OF A BALLOT ~~ISSUE OR BALLOT QUESTION MEASURE~~ MEANS A
4 REGISTERED ISSUE COMMITTEE SUPPORTING OR OPPOSING THE BALLOT
5 ~~ISSUE OR BALLOT QUESTION MEASURE.~~

6 (C) A DESIGNATED WATCHER NEED NOT BE A RESIDENT OF THE COUNTY HE OR
7 SHE IS DESIGNATED IN AS LONG AS HE OR SHE IS AN ELIGIBLE ELECTOR IN
8 THE STATE OF COLORADO. ~~[SECTION 1-1-104(51, C.R.S.)]~~

9 *[Relocated from 8.9.1 and 8.1.2, with amendments]*

10 ~~1.1.36~~1.1.40 “WRITE-IN VOTE” MEANS A VOTE WHERE THE VOTER PHYSICALLY WRITES
11 IN THE NAME OF A ~~LEGALLY~~ QUALIFIED WRITE-IN CANDIDATE IN THE SPACE
12 RESERVED ON THE BALLOT FOR WRITE-IN VOTES AND PROPERLY MARKS THE
13 TARGET AREA ACCORDING TO VOTER INSTRUCTIONS.

14 ~~1.1.37~~1.1.41 “ZERO TAPE” MEANS A PRINTOUT OF THE INTERNAL DATA REGISTERS IN
15 ELECTRONIC VOTE-TABULATING EQUIPMENT INDICATING A ~~VALUE OF ZERO~~ ZERO
16 VALUE BEFORE VOTING BEGINS ON THAT MACHINE.

17 *[Relocated from 11.1.6, with amendments]*

18 **Rule 2. Rules Concerning Voter Registration**

19 ~~2.20.2~~ 2.1 — Effect of voter registration status designation

20 a. 2.1.1 — A COUNTY CLERK AND RECORDER MUST LIST THE NAME OF SEND A MAIL
21 BALLOT TO EVERY active status or active record voters’ ELECTOR names
22 will appear on LISTED IN SCORE. the poll book POLLBOOK, they will be
23 sent a ballot in AND SEND HIM OR HER a mail ballot election, and they will
24 be sent election NOTICES. notice mailings.

25 b. 2.1.2 — A COUNTY CLERK AND RECORDER MUST ENSURE THAT THE NAME OF EVERY
26 cancelled status or cancelled record voters’ records will remain ELECTOR
27 APPEARS in the statewide voter registration database however, SCORE
28 BUT their names will not appear on the poll book POLLBOOK. They THE
29 COUNTY CLERK AND RECORDER will MAY not be sent SEND a MAIL ballot in
30 a mail ballot election, and they will not be sent OR election notice mailings
31 NOTICES TO AN ELECTOR WHOSE RECORD IS LISTED AS CANCELLED IN
32 SCORE ELECTORS.

33 e. 2.1.3 — Inactive — failed to vote status voters STATUS ELECTORS are eligible voters
34 their ELECTORS WHOSE names will appear on the poll book POLLBOOK and
35 they will be sent election notice mailings BUT THE THE COUNTY CLERK
36 AND RECORDER MAY NOT SEND A MAIL BALLOT TO AN ELECTOR WHOSE
37 RECORD IS LISTED AS INACTIVE IN SCORE UNTIL THE ELECTOR UPDATES HIS

1 ~~OR HER REGISTRATION INFORMATION ELECTORS. Inactive— failed to vote~~
2 ~~voters will be sent a ballot in a mail ballot election where specifically~~
3 ~~required by sections 1-7.5-107 and 1-7.5-108.5(b), C.R.S.~~

4 ~~d. Inactive— returned mail status or inactive— undeliverable status voters are~~
5 ~~eligible voters and their names will appear on the poll book. However,~~
6 ~~they will not be sent ballots in a mail ballot election and they will not be~~
7 ~~sent election notice mailings.~~

8 ~~e. Inactive— undeliverable ballot status voters are eligible voters and their~~
9 ~~names will appear on the poll book. However, they will not be sent a~~
10 ~~ballot in a mail ballot election and they will not be sent election notice~~
11 ~~mailings.~~

12 ~~2.8-2.2.2.1~~ Submission of voter registration forms

13 ~~2.2.1-2.1.1~~ ~~A~~ AN APPLICANT MAY SUBMIT A properly executed voter registration form
14 ~~may be submitted~~ to the county clerk ~~and recorder~~ in person, by mail, by fax, by
15 online voter registration, or as ~~a scanned~~ AN EMAIL attachment. ~~to an email.~~

16 ~~2.8.1-2.2.2.1.2~~ All ~~voter registrations~~ APPLICATIONS submitted by mail, fax, or as a
17 ~~PDF~~ AN EMAIL attachment ~~to an email shall be treated as~~ ARE mail registrations.
18 [Section 1-2-501, C.R.S., ~~Election Rule 30.3~~]

19 ~~2.8.2-2.2.3-2.1.3~~ If any portion of a MAIL APPLICATION ~~voter registration submitted~~
20 ~~by “mail”~~ is illegible, the county clerk ~~and recorder~~ shall ~~MUST~~ notify the
21 applicant of the additional information required in accordance with section 1-2-
22 509, C.R.S.

23 ~~2.8.3-2.2.4-2.1.4~~ For ~~the purpose of~~ submitting ~~voter registration~~ applications by
24 fax, email, or online voter registration, close of business ~~shall be~~ IS 11:59pm MT.

25 ~~2.2.5-2.1.5~~ UNDER SECTION ~~1-5-509-1-2-508~~, C.R.S., THE EFFECTIVE DATE OF A VOTER
26 REGISTRATION APPLICATION RECEIVED BY THE ~~SECRETARY~~ SECRETARY OF STATE
27 STATE IS THE EARLIER OF THE DATE THE APPLICATION IS RECEIVED OR THE DATE OF
28 THE LEGIBLE POSTMARK.

29 ~~2.2.6-2.1.6~~ IF A COUNTY CLERK ~~AND RECORDER~~ RECEIVES A PAPER VOTER
30 REGISTRATION APPLICATION OTHER THAN IN-PERSON BETWEEN 21 AND 7 DAYS
31 BEFORE ELECTION DAY, THE COUNTY CLERK MUST SEND THE APPLICANT
32 NOTIFICATION BY REGULAR MAIL, OR EMAIL IF PROVIDED, WITHIN ONE BUSINESS
33 DAY ~~AFTER RECEIVING THE APPLICATION STATING~~ THAT THE APPLICANT IS
34 REGISTERED TO VOTE APPLICATION IS RECEIVED BUT THE APPLICANT WILL NOT
35 RECEIVE A BALLOT BY MAIL. THE NOTICE MUST STATE THAT, IF THE APPLICANT
36 WISHES TO VOTE IN THE UPCOMING ELECTION, THE APPLICANT MUST ~~EITHER~~
37 REGISTER:

1 (A) ~~ONLINE VIA~~ THROUGH THE ONLINE VOTER REGISTRATION SYSTEM ON OR
2 BEFORE THE EIGHTH DAY BEFORE ELECTION DAY, OR

3 (B) ~~IN~~ IN-PERSON AT THE COUNTY ~~CLERK'S AND RECORDER'S~~ OFFICE OR AT
A
4 VOTER SERVICE AND POLLING CENTER THROUGH ELECTION DAY,
5 ~~WHICHEVER IS APPLICABLE.~~ **Apostrophe needed.**

6 *[Current Rule 2.8 is amended and moved to new Rule 2.1. Amendments are shown above.*
7 *Portions of current Rule 2.14 are included in new Rule 2.1.5.]*

8 ~~2.32.2~~ FOR ~~THE~~ PURPOSES OF PRECINCT CAUCUS LISTS AND REGISTRATION LISTS FOR MUNICIPAL
9 OR SPECIAL DISTRICT ELECTIONS, THE ~~ELECTOR'S LENGTH OF RESIDENCY REQUIREMENT IS~~
10 BASED UPON THE DATE PROVIDED BY THE ELECTOR ON HIS OR HER APPLICATION.

11 ~~2.3.12.2.1~~ THE COUNTY CLERK ~~AND RECORDER MUST~~ **MUST** ENTER THE DATE
PROVIDED BY
12 THE ELECTOR IN THE REGISTRATION RECORD MAINTAINED ~~IN~~ THE STATEWIDE
13 ~~VOTER REGISTRATION SYSTEM SCORE.~~ [SECTIONS 1-3-101, AND 31-10-201, AND
14 32-1-103(5), C.R.S.]

15 ~~2.3.22.2.2~~ IF THE ELECTOR SUBMITS AN APPLICATION AND DOES NOT INCLUDE THE
16 DATE HE OR SHE MOVED, THE COUNTY CLERK MUST ENTER THE DATE THE
17 APPLICATION IS RECEIVED OR POSTMARKED, WHICHEVER IS EARLIER, AS THE DATE
18 MOVED. ~~BUT IF~~ IF THE ELECTOR SUBMITS THE APPLICATION DURING THE 22 DAYS
19 BEFORE AN ELECTION AND DOES NOT PROVIDE THE DATE HE OR SHE MOVED, THE
20 COUNTY CLERK MUST ENTER THE DATE MOVED AS THE 22ND DAY BEFORE THE
21 ELECTION BASED UPON THE AFFIDAVIT. **Why not require the clerk to follow up and
get the correct date the voter moved? Wouldn't that be more accurate?**

22 ~~2.42.3~~ IDENTIFICATION REQUIRED FROM AN APPLICANT FOR VOTER REGISTRATION WHEN AN
23 ELECTOR REGISTERS TO VOTE, THE ELECTOR MUST PROVIDE A VERIFIABLE DRIVER'S
24 LICENSE **NUMBER** OR STATE IDENTIFICATION CARD NUMBER, OR LAST FOUR DIGITS OF
25 HIS OR HER SOCIAL SECURITY NUMBER. IF THE ELECTOR STATES THAT HE OR SHE DOES
26 NOT HAVE A DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER, THE COUNTY CLERK MUST
27 ELECTOR AND MARK THE REGISTRATION RECORD " ID REQUIRED".

28 ~~2.4.1~~ AN APPLICANT FOR VOTER REGISTRATION MUST COMPLETE THE IDENTIFICATION
29 NUMBER PORTION OF THE APPLICATION FOR VOTER REGISTRATION. ~~BUT AN~~
30 APPLICANT REGISTERING TO VOTE IN PERSON IS NOT REQUIRED TO SHOW OR
31 PRESENT A COLORADO DRIVER'S LICENSE OR ~~ID~~ IF HE OR SHE PROVIDES A
32 VERIFIABLE DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER THAT VERIFIES IN
33 ~~SCORE.~~

34 (A) ~~IF THE APPLICANT CANNOT PROVIDE A VERIFIABLE DRIVER'S LICENSE OR~~
35 ~~SOCIAL SECURITY NUMBER THAT VERIFIES IN SCORE, THE APPLICANT MUST~~
36 ~~SHOW IDENTIFICATION UNDER SECTION 1-1-104(19.5), C.R.S., WHEN~~
37 ~~REGISTERING TO VOTE, PROVIDE IDENTIFICATION WHEN VOTING IN PERSON,~~
38 ~~OR PROVIDE A COPY OF IDENTIFICATION WHEN RETURNING THE MAIL~~
39 ~~BALLOT.~~

1 ~~2.4.22.3.1~~ AS USED IN SECTION 1-1-104(19.5), C.R.S., “GOVERNMENT DOCUMENT”
2 MEANS ~~ANY~~ A DOCUMENT ISSUED BY A ~~LOCAL, CITY, COUNTY,~~ STATE OR FEDERAL
3 GOVERNMENT, ~~INCLUDING~~. **← Why not in Definition section? Quotes needed.**

4 (A) A GOVERNMENT DOCUMENT INCLUDES:

5 ~~(B-1)~~ A CERTIFICATE OF DEGREE OF INDIAN OR ALASKAN NATIVE
6 BLOOD;

7 ~~(C-2)~~ A LETTER FROM THE DIRECTOR OR ADMINISTRATOR OF A GROUP
8 RESIDENTIAL FACILITY THAT INDICATES THAT THE ELECTOR IS A
9 RESIDENT OF THE FACILITY AND THAT HE OR SHE RESIDES AT THE
10 STREET ADDRESS LISTED IN ~~THE POLLBOOK SCORE~~; OR

11 ~~(D-3)~~ A DIVISION OF YOUTH CORRECTIONS IDENTIFICATION CARD ISSUED
12 BY DEPARTMENT OF HUMAN SERVICES.

13 (B) A GOVERNMENT DOCUMENT DOES NOT INCLUDE ANY DOCUMENT PRODUCED
14 BY THE SCORE SYSTEM OR USING AN ADDRESS LABEL PRODUCED BY
15 SCORE. **Good! Thank you! When I heard the Oct. 1 testimony about using
SCORE (i.e., clerk)–produced documents as an ID, I thought that election integrity was completely gone.**

16 [SECTIONS 1-1-104(18.5), (19.5)(C), AND (19.5)(D), C.R.S.]

17 ~~2.4.32.3.3~~ AS USED IN SECTION 1-1-104(19.5)(A)(VII), C.R.S., “CURRENT” MEANS THAT
18 THE DATE OF THE DOCUMENT IS WITHIN 60 DAYS OF THE DATE SUBMITTED FOR
19 IDENTIFICATION PURPOSES UNLESS THE DOCUMENT STATES A LONGER BILLING
20 CYCLE.

21 ~~2.4.4~~ A SUSPENDED DRIVER’S LICENSE IS CONSIDERED CURRENT AND VALID. A REVOKED
22 OR EXPIRED LICENSE IS NOT CONSIDERED CURRENT AND VALID AND IS NOT
23 ACCEPTABLE.

24 *[Portions of current Rules 30.1.6(g), 30.1.7, 30.2.2, and 30.8 are included in new Rule 2.3.]*

25 ~~2.7.2.5.2.4~~ Treatment of applications where the ~~ELECTOR FAILS TO PROVIDE~~ required information
26 ~~was not provided~~

27 ~~2.7.1 2.5.12.4.1~~ If an applicant fails to check the box(es) answering the question
28 (s), “Are you a citizen of the United States?” or “Will you be 18 years of age on
29 or before election day?”, the COUNTY CLERK ~~AND RECORDER~~ MUST ACCEPT AND
30 PROCESS THE ~~form shall be accepted for registration~~ APPLICATION AS COMPLETE SO
31 long as it is otherwise complete and the affirmation at the bottom of the form is
32 signed. **Why not require the clerk to follow up and get the voter’s answer? Wouldn’t
that be more accurate?**

33 ~~2.7.2 2.5.22.4.2~~ If an applicant ~~for voter registration~~ fails to complete the required
34 identification portion of the form in accordance with section 1-2-204(2)(f.5) and
35 (3)(c), C.R.S., ~~and rule 2.6.3,~~ the COUNTY CLERK MUST TREAT THE application
36 ~~shall be treated as INCOMPLETE. “incomplete”;~~ however, BUT if the applicant

1 submits a photocopy of his/her HIS OR HER driver's license or identification card,
2 then the county CLERK may MUST enter the ID number from the card into the
3 applicant's record and consider PROCESS the application AS COMPLETE
4 "complete".

5 ~~2.7.3~~ ~~2.5.3~~ ~~2.4.3~~ If an applicant for voter registration fails to provide a date of birth
6 the COUNTY CLERK MUST TREAT THE application shall be treated as INCOMPLETE
7 "incomplete"; however, BUT if the applicant submits a photocopy of his/her HIS
8 OR HER driver's license or other approved form of ID which THAT includes the
9 date of birth, then the county CLERK may MUST enter that information into the
10 applicant's record and consider PROCESS the application AS COMPLETE
11 "complete".

12 *[Current Rule 2.7 is amended and moved to new Rule 2.4. Amendments are shown above.]*

13 ~~2.10~~ ~~2.6~~ ~~2.5~~ Changes to an Elector's Voter Registration Record

14 ~~2.10.1~~ ~~2.6.1~~ ~~2.5.1~~ If an elector submits a change to his or her voter registration record
15 that does not contain all of AND FAILS TO INCLUDE the information required by
16 sections 1-2-216 or 1-2-219, C.R.S., the county clerk and recorder may MUST not
17 make the requested change, unless the county clerk and recorder can confidently
18 identify the voter. otherwise the THE county clerk and recorder shall MUST notify
19 the voter what OF THE additional information THAT is required to process the
20 request.

21 ~~2.10.2~~ ~~2.6.2~~ ~~2.5.2~~ If an elector submits a change to his or her voter registration record
22 and writes or selects a name of an organization that is not a qualified political
23 party or qualified political organization, or writes "none", the elector's affiliation
24 shall MUST be recorded as "Unaffiliated".

25 ~~2.10.3~~ ~~2.6.3~~ ~~2.5.3~~ If an elector submits a change to his or her voter registration record
26 and leaves the affiliation section blank, THE COUNTY CLERK MUST MAKE no change
27 will be made to the voter's affiliation in the registration record.

28 ~~2.6.4~~ ~~2.5.4~~ WHEN THE COUNTY CLERK AND RECORDER PROVIDES A LIST OF ACTIVE
29 ELIGIBLE ELECTORS TO A MUNICIPAL MUNICIPALITY OR SPECIAL DISTRICT FOR AN
30 ELECTION NOT COORDINATED WITH THE COUNTY, THE COUNTY CLERK AND
31 RECORDER MUST REQUEST THE DESIGNATED ELECTION OFFICIAL OF THE
32 MUNICIPALITY OR SPECIAL DISTRICT PROVIDE THE VOTE ←Should this be "voter"?

HISTORY INFORMATION

33 FOLLOWING THE ELECTION. WITHIN TEN DAYS AS SOON AS FEASIBLE AFTER
34 RECEIVING THE INFORMATION, THE COUNTY CLERK MUST ACTIVATE VOTER
35 RECORDS AND REMOVE THE ID REQUIRED FLAGS IN SCO RE FROM THE RECORD OF
36 EACH PERSON WHO VOTED, AS PROVIDED IN SECTION 1-2-605(4)(B), C.R.S.

37 *[Current Rule 2.10 is amended and moved to new Rule 2.5. Amendments are shown above.]*

38 ~~2.11~~ ~~2.7~~ ~~2.6~~ Changes to an elector's voter registration status.

1 ~~2.11.1~~ ~~2.7.12.6.1~~ An elector may update his or her inactive registration status to
2 active status by submitting:

3 (a) A signed written request, by mail, fax, or PDF attachment to an email;

4 (b) An online voter registration application; or

5 (c) An in-person request ~~with identification~~. **ID should be required or people
6 could reactivate long-inactive registrations (of someone else) to commit fraud.**

6 [Section 1-2-605(4)(a), C.R.S.]

7 ~~2.11.2~~ ~~2.7.22.6.2~~ If an elector is unable to sign, another person must witness the
8 elector's mark. An elector may use a signature stamp because of age, disability, or
9 other need. The stamp is treated as a signature and does not require a witness.

10 *[Current Rule 2.11 is amended and moved to new Rule 2.6. Amendments are shown above.]*

11 ~~2.21~~ ~~2.8.2.7~~ Minimum matching criteria

12 ~~2.21.1~~ ~~2.8.12.7.1~~ ~~A record may~~ ~~THE EXCEPT AS PROVIDED IN SECTION 1-2-302.5,~~
13 ~~C.R.S., THE COUNTY CLERK AND RECORDER MUST NOT~~ ~~be transferred, consolidated,~~
14 ~~or cancelled~~ ~~TRANSFER, CONSOLIDATE, OR CANCEL A VOTER REGISTRATION~~
15 ~~RECORD unless the minimum matching criteria as set forth in sections 1-2-603 and~~
16 ~~1-2-604, C.R.S., are met. If the minimum matching criteria are not~~ **met, comma**
17 **needed** the county

18 CLERK MUST ~~may~~ send a letter to the voter requesting confirmation of the missing
19 or non-matching information in order to transfer, consolidate, or cancel the
20 record.

20 ~~2.21.2~~ ~~2.8.22.7.2~~ ~~For the purpose of sections 1-2-603 and 1-2-604, C.R.S., and this~~
21 ~~Rule a~~ A match of the name ~~shall mean~~ MEANS a match of the full name, except
22 that the following ~~shall be~~ ARE sufficient to establish a match:

23 (a) Common variations and nicknames in the first or middle name, ~~i.e.~~ E.G.,
24 Michael and Mike;

25 (b) Explainable and documented change of name, including last name, ~~ie~~
26 E.G., maiden name and married name; and

27 (c) Explainable and documented variations in suffix, except that the absence
28 of a suffix in one of the records ~~shall IS~~ not ~~be~~ considered a variation.
29 Examples of suffix variations that must be explained include junior in one
30 record and III in another.

31 ~~2.21.3~~ ~~2.8.32.7.3~~ ~~For the purpose of sections 1-2-603 and 1-2-604, C.R.S., and this~~
32 ~~Rule a~~ A match of the prior address ~~shall mean~~ MEANS a match of the residential
33 street address.

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1 ~~2.13.1~~2.12.1 INFORMATION ABOUT THE NAME AND LOCATION OF AN AGENCY FOR AN
2 APPLICATION COMPLETED AT A VOTER REGISTRATION AGENCY OR DRIVER'S
3 LICENSE OFFICE IS CONFIDENTIAL. [42 USC §§ 1973GG-3(c)(2)(D)(III)]

4 *[Portions of current Rule 2.4 are included in new Rule 2.12.1.]*

5 ~~2.13.2~~2.12.2 AN ELECTOR MAY, **IN PERSON**, REQUEST HIS OR HER VOTER REGISTRATION
ADDRESS BE
6 CONFIDENTIAL UNDER SECTION 24-72-204(3.5), C.R.S., ~~IN PERSON~~. **← clearer, I
think. Can the request be made other than in person?**

7 (A) THE ELECTOR MUST USE THE APPLICATION PROVIDED BY THE SECRETARY
8 OF STATE AND INCLUDE HIS OR HER NAME, ADDRESS, AND BIRTH DATE ON
9 THE APPLICATION.

10 (B) THE COUNTY CLERK ~~AND RECORDER~~ MUST NOT CHARGE AN ADDITIONAL
11 PROCESSING FEE IF THE ELECTOR CHANGES HIS OR HER ADDRESS.

12 *[Portions of current Rule 2.5 are included in new Rule 2.12.2.]*

13 ~~2.13.3~~2.12.3 REGISTRATION OF ADDRESS CONFIDENTIALITY PROGRAM (ACP) ELECTORS

14 (A) WHEN AN ACP PARTICIPANT REGISTERS TO VOTE BY MAIL, THE ELECTOR
15 MUST PROVIDE A COPY OF HIS/HER ACP AUTHORIZATION CARD.

16 (B) THE COUNTY CLERK ~~AND RECORDER~~ MUST:

17 (1) USE THE ACTUAL RESIDENCE ADDRESS OF THE ACP ELECTOR FOR
18 PRECINCT DESIGNATION.

19 (2) USE THE SUBSTITUTE ADDRESS, AS DEFINED IN SECTION 24-30-
20 2103(14), C.R.S., FOR ALL CORRESPONDENCE AND MAILINGS PLACED
21 IN THE UNITED STATES MAIL.

22 (3) KEEP THE PARTICIPANT'S ADDRESS, COUNTY, AND VOTING PRECINCT
23 AND SPLIT NUMBER CONFIDENTIAL FROM THE PUBLIC.

24 (C) A STATE OR LOCAL GOVERNMENT AGENCY MAY REQUEST ACCESS TO AN
25 ACP PARTICIPANT'S VOTER REGISTRATION RECORD USING THE PROCESS IN
26 SECTION 24-30-2110, C.R.S.

27 (D) EXCEPT AS SPECIFICALLY PROVIDED BY PART 21 OF ARTICLE 30 OF TITLE
28 24, C.R.S., A PROGRAM PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE
29 NUMBER IS NOT A PUBLIC RECORD UNDER PART 2 OF ARTICLE 72 OF TITLE
30 24, C.R.S.

31 *[Portions of current Rule 2.12 are included in new Rule 2.12.3.]*

32 ~~2.18~~ ~~2.14~~2.13 List Maintenance Pursuant to UNDER section 8 of the National Voter Registration
33 Act of 1993

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1 ~~2.14.4~~2.13.4 AN ELECTOR WHOSE REGISTRATION RECORD WAS CANCELLED DURING THE
2 PREVIOUS SIX YEARS UNDER SECTION 1-2-605(7), C.R.S., AND ~~RULE 2.12.2~~ RULE
3 2.11.2, MAY REQUEST REINSTATEMENT OF THE RECORD. THE ELECTOR MUST
4 ~~PROVIDE PROOF~~ AFFIRM THAT HE OR SHE HAS CONTINUOUSLY RESIDED AT THE
5 ADDRESS SHOWN ON THE REGISTRATION RECORD SINCE THE RECORD WAS
6 CANCELLED.

7 ~~2.22~~ ~~2.14.5~~2.13.5 ~~Effective January 1, 2012, no~~ NO county may consolidate or cancel
8 duplicate records in accordance with section 1-2-604, C.R.S., within the period
9 beginning 90 days ~~prior to~~ BEFORE a Primary or General Election.

10 *[Current Rule 2.22 is amended and moved to new Rule 2.13. Amendments are shown above.]*

11 ~~2.15~~2.14 VOTER REGISTRATION AT A VOTER SERVICE AND POLLING CENTER

12 ~~2.15.1~~2.14.1 A PERSON REGISTERING VOTERS OR UPDATING VOTER REGISTRATION
13 INFORMATION IN A VOTER SERVICE AND POLLING CENTER MUST:

14 (A) BE A PERMANENT OR TEMPORARY COUNTY EMPLOYEE, ~~OR~~ STATE
15 EMPLOYEE, OR TEMPORARY STAFF HIRED BY ~~OF~~ THE COUNTY CLERK AND
16 RECORDER'S OFFICE;

17 (B) SUCCESSFULLY PASS THE CRIMINAL BACKGROUND CHECK DESCRIBED IN
18 RULE 6.4. ANY PERSON WHO HAS BEEN CONVICTED OF AN ELECTION
19 OFFENSE OR AN OFFENSE WITH AN ELEMENT OF FRAUD IS PROHIBITED FROM
20 HANDLING VOTER REGISTRATION APPLICATIONS OR CONDUCTING VOTER
21 REGISTRATION AND LIST MAINTENANCE ACTIVITIES; AND

22 (C) SUCCESSFULLY COMPLETE A TRAINING COURSE PROVIDED BY THE
23 SECRETARY OF STATE. **I like this rule, but hope that it will work easily in**

practice. I was not convinced by all the arguments against it on Tuesday, October 1, but there may be
changes or variations to make it work for all users.

24 ~~2.15.2~~2.14.2 THE PERSON REGISTERING VOTERS OR UPDATING VOTER REGISTRATION
25 INFORMATION IN A VOTER SERVICE AND POLLING CENTER MUST VERBALLY
26 CONFIRM EACH ELECTOR'S NAME AND RESIDENTIAL ADDRESS.

27 ~~2.16~~2.15 VOTER REGISTRATION RECORDS AND DATA

28 ~~2.13~~ ~~2.16.1~~2.15.1 ~~Preservation of Voter Registration Records.~~ Notwithstanding the
29 retention timelines specified in section 1-2-227, C.R.S., THE COUNTY CLERK AND
30 RECORDER MAY DESTROY paper voter registration records ~~may be destroyed~~ as
31 soon as they have been digitally recorded in ~~the statewide voter registration~~
32 ~~database known as "SCORE"~~. ~~Such records shall be retained~~ THE STATEWIDE
33 VOTER REGISTRATION SCORE SYSTEM MUST RETAIN DIGITAL IMAGES OF VOTER
34 REGISTRATION APPLICATIONS in perpetuity ~~in digital format by the voter~~
35 ~~registration database~~ in accordance with Title 1, C.R.S. and this rule.

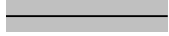
36 *[Current Rule 2.13 is amended and moved to new Rule 2.15.1. Amendments are shown above.]*

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1 ~~10.6.1~~(A) If a major political party, as defined in section 1-1-104(22.5),
2 C.R.S., nominates more than one candidate for any office, the county clerk
3 ~~and recorder~~ must conduct the primary election for all major political
4 parties.

5 (a)-(I) The county clerk must include on the ballot all offices to which
6 candidates may be nominated in the primary election.

7 (b)-(II) If there are no candidates for any particular office, the county clerk
8 must print on the ballot "There are no candidates for this office".

9 [Sections 1-4-101 and 1-4-104.5, C.R.S.; Election Rule 10.3]

10 ~~10.6.2~~(B) If a minor political party, as defined in section 1-1-104(23), C.R.S.,
11 ~~has~~ NOMINATES more than one candidate for any office, the county clerk
12 ~~and recorder~~ may conduct the primary election for that party only.

13 (a)-(1) The county clerk must include on the ballot only the offices for
14 which there is more than one candidate designated.

15 (b)-(2) If there is only one minor party candidate designated for any
16 office, the candidate will be certified to the general election ballot.

17 [Sections 1-4-101, 1-4-104.5(3), and 1-4-1304, C.R.S.]

18 *[Current Rule 10.6 is amended and moved to new Rule 4.8.3. Amendments are shown*
19 *above.]*

~~10.8~~4.8.4 Use of unique numbers on ballots.

20 ~~10.8.1~~(A) Except for ballots sent **BY ELECTRONIC TRANSMISSION UNDER RULES**
21 **16.2 OR 7.4.4** to military or overseas electors **OR TO ELECTORS HAVING A MEDICAL EMERGENCY**, by electronic
22 transmission under Rule 16.2, ~~no~~ A county may NOT print a ballot for use
23 in a state or federal election that has a unique number, or a barcode
containing a unique number, that is specific to a single ballot.

24 (a)-(1) A county that uses rotating numbers must print at least ten ballots
25 of each ballot style for each number.

26 (b)-(2) Nothing in this rule prohibits a county from printing a unique
27 number or barcode on the removable stub.

28 ~~10.8.2~~(B) After AN election judges have dissociated ~~JUDGE OFFICIAL~~
29 DISSOCIATES **←This is a bad change. Election judges appointed by the parties**
have a critical role in handling ballots. Please do not make this change. An official is often staff or a
temporary employee of the partisan clerk. Balanced pairs of judges are the only people who should handle
ballots. a voted ballot from its envelope and REMOVES the stub, is
30 removed, the county may write or print unique numbers on the voted
31 ballot for auditing and accounting purposes, including duplication of
32 damaged ballots and risk limiting audits. **IF HAND-WRITTEN NUMBERS ARE**
ADDED, THEY MUST BE ADDED IN RED OR GREEN INK. ←VERY IMPORTANT!

1 ~~10.8.3~~(c) For ballots printed before the adoption of this rule that are in a
2 county's possession, the county must redact unique numbers, or barcodes
3 containing unique numbers, before providing ballots in response to a
4 request for inspection under the Colorado Open Records Act (Section 24-
5 72-205.5(4)(b)(II), C.R.S.).

6 *[Current Rule 10.8 is amended and moved to new Rule 4.8.4. Amendments are shown*
7 *above.]*

8 ~~10.2~~4.8.5 If a ballot has been printed in error, the designated election official shall
9 consult, as soon as the error is discovered, with the Secretary of State and
10 follow the direction of the Secretary of State on the appropriate method of
11 correction. IF THE DESIGNATED ELECTION OFFICIAL DISCOVERS A BALLOT
12 LAYOUT, PRINTING, OR PROGRAMMING ERROR, HE OR SHE MUST IMMEDIATELY
13 REPORT THE ISSUE TO ~~SEEK AND FOLLOW~~ THE SECRETARY OF STATE'S OFFICE
14 ~~ADVICE ON HOW AND WORK IN CONJUNCTION TO CORRECT THE ERROR.~~

15 *[Current Rule 10.2 is amended and moved to new Rule 4.8.5. Amendments are shown*
16 *above.]*

17 6.6-4.9 Colorado Constitution Article X, Section 20 notice requirements.

18 ~~6.6.1~~4.9.1 The state and local governments, excluding enterprises, have sole
19 responsibility for drafting and distribution of the notice required by Article X,
20 Section 20. ~~Any or all of the~~ THESE responsibilities may be delegated to the
21 coordinated election official in the intergovernmental agreement.

22 ~~6.6.2~~4.9.2 The notice shall ~~MUST be mailed to "All Registered Voters" at the mailing~~
23 ~~addresses of active registered electors in the county, as indicated on the voting~~
24 ~~record IN SCORE.~~ MAILING BALLOT ISSUE NOTICES.

25 (a) Nothing shall ~~preclude~~ PRECLUDES the coordinated or designated election
26 official from sending notice of various elections to persons who are not
27 eligible electors if the notice sent is part of the coordinated notice and if the
28 sending arises from the official's efforts to mail the notice at "least cost".

29 (b) Nothing shall ~~preclude~~ PRECLUDES the coordinated or designated election
30 official from sending notice to each household in the county or political
31 subdivision whether or not registered electors reside at that household as
32 long as notice is sent which ~~assures~~ ENSURES that all active registered
33 electors are included on the mailing list. **I think this rule will encourage people
to late register who may disregard the current residency requirements. I don't know what to do about that
potential problem, however.**

34 (c) Nothing shall ~~preclude~~ PRECLUDES the coordinated or designated election
35 official from sending notice to each registered elector in a particular political
36 subdivision.

37 ~~(a)~~(D) The coordinated or designated election official may include the
38 following statement with the ballot issue notice: "This notice is mailed to

1 each address with one or more active, registered electors. You may not be
2 eligible to vote on all issues presented in this notice.”

3 *[Current Rule 6.5.3(a) is amended and moved to new Rule 4.9.2(d). Amendments*
4 *are shown above.]*

5 ~~6.6.3 4.9.3~~ The coordinated election official must include information in the package
6 sent with the notice that tells electors whether the election is a mail ballot
7 election, a OR polling place election, a vote center election or a combination of
8 election forms.

9 ~~(a) If the election is a polling place election or a vote center election, the THE~~
10 ~~notice of the location of the polling place or vote center VOTER SERVICE AND~~
11 ~~POLLING CENTERS OR POLLING LOCATIONS may be included in the~~
12 ~~consolidated mailing.~~

13 ~~(b) If a separate mail ballot election is being held by a political subdivision in~~
14 ~~the county at the same time as a polling place election or a vote center~~
15 ~~election, the notice shall include that information. Section 1 5 205, C.R.S.~~

16 ~~(b) The coordinated or designated election official may include the following~~
17 ~~statement on the ballot issue notice: “The following is a summary of~~
18 ~~comments filed in favor of, or opposed to, the ballot issue.”~~

19 *[Current Rule 6.5.3(b) is amended and moved to new Rule 4.9.3(b). Amendments*
20 *are shown above.]*

21 ~~6.6.4 4.9.3~~ If state statute allows the ballot issue notice and the ballot to be mailed at
22 the same time, the ballot for the mail ballot election may be included with the
23 notice.

24 ~~6.6.5 4.9.4~~ The political subdivisions must provide all completed Article X, Section
25 20 notices in **CAMERA-READY** format or as otherwise specified.

26 ~~6.6.6 4.9.5~~ The coordinated election official ~~shall~~ IS NOT BE responsible for failure to
27 meet the Article X, Section 20 constraints if the POLITICAL SUBDIVISION FAILS
28 TO SUBMIT THE notice and summaries ~~are not submitted by the political~~
29 ~~subdivision~~ within the deadline and in the form required by the coordinated
30 election official.

31 (a) The summaries of comments for and against ballot issues ~~shall~~ MUST not
32 include language of a generally recognized profane, indecent, immoral,
33 offensive, scandalous or libelous character. No names of persons or private
34 groups ~~shall~~ MAY be included in any summary.

35 (b) For purposes of counting words and to verify the five hundred constitutional
36 limit for each “pro” and each “con” summary, a hyphenated word, unless it
37 is divided by a continuation hyphen at the end of a line, counts as two or

See how this wording continues on next page, where there is a comment.

1 more words. ← This approach is not what Word normally does when
2 presenting word counts; normally Word counts a two-word hyphenated compound as one word.
3 Therefore, this approach makes for much extra work. Is it worthwhile? A number counts as one
4 word, regardless of dollar signs,
5 commas or periods within the number.

6 6.7.4.9.6 ~~Written~~—NO PERSON MAY WITHDRAW WRITTEN comments concerning ballot
7 issues submitted to the designated election official for the political subdivision
8 shall not be withdrawn after the end of the business day on the last Friday
9 immediately preceding the forty-fifth day before the election.

10 *[Current Rules 6, 10, and 21 are amended and moved to new Rule 4. Amendments are
11 shown above.]*

12 **Rule 5. Rules Concerning Non-Partisan NONPARTISAN Elections not Coordinated by the
13 County Clerk**

14 ~~12.3.1~~ 5.1 Call and notice. ELECTION NOTICE

15 (a) 5.1.1 THE DESIGNATED ELECTION OFFICIAL MUST SEND ~~Notice~~—NOTICE of the
16 election is to be sent to the clerk and recorder of the county in which the election
17 is to—WILL be held. The notice is to—MUST include the date by which the list of
18 registered electors is to—MUST be submitted to the political subdivision.

19 (b) 5.1.2 For multi-county political subdivisions, the notice sent to each clerk and
20 recorder shall—MUST also include the names of all other counties in which the
21 election will be held.

22 *[Current Rule 12.3.1 is amended and moved to new Rule 5.1. Amendments are shown
23 above.]*

24 5.2 MAIL BALLOT ELECTIONS

25 5.2.1 IF A POLITICAL SUBDIVISION COORDINATES WITH THE COUNTY CLERK AND
26 RECORDER, THE DESIGNATED ELECTION OFFICIAL IS NOT REQUIRED TO SUBMIT A
27 SEPARATE MAIL BALLOT PLAN FOR THE ELECTION.

28 *[Portions of current Rule 12.1.2 are included in new Rule 5.2.1.]*

29 ~~12.4.1~~ 5.2.2 ~~Coordinated and non-partisan elections.~~ (a) ~~Written plan.~~ ~~The~~ IF A LOCAL
30 GOVERNING BOARD DETERMINES AN ELECTION WILL BE CONDUCTED BY MAIL BALLOT,
31 THE designated election official must submit a mail ballot plan to the Secretary of State
32 no later than 55 days before any nonpartisan—THE election, and 90 days before any
33 election that is coordinated with or conducted by the county clerk and recorder. The
34 designated election official must use the approved mail ballot plan template. ~~that~~
35 ~~includes the following:~~

(A) THE DESIGNATED ELECTION OFFICIAL MUST INCLUDE AN ACTUAL SAMPLE OF
THE SECRECY SLEEVE OR SECRECY ENVELOPE THAT THE DESIGNATED
ELECTION OFFICIAL PLANS TO USE IN THE ELECTION.

There is something the matter with the formatting of the next line. It is grayed-out and not editable. Why?

(B) A HOME RULE MUNICIPALITY MUST CHECK THE APPROPRIATE BOX ON THE

1 PLAN INDICATING WHETHER THERE ARE LOCALLY ADOPTED ELECTION
2 PROCEDURES DIFFERENT FROM THOSE SET FORTH IN TITLE 1, C.R.S. THE
3 SECRETARY OF STATE WILL NOT REVIEW THE MAIL BALLOT PLAN OF ANY
4 HOME RULE MUNICIPALITY THAT FAILS TO INCLUDE THIS INFORMATION.

5 *[Current Rule 12.4.1(a) is amended and moved to new Rule 5.2.2. Amendments between*
6 *the current and new rule language are shown above.]*

7 5.2.3 BALLOTS AND BALLOT PACKETS

8 (A) IN ANY ELECTION WHERE A **MULTIPLE-PAGE** PRINTED BALLOT IS USED, A
9 VOTER MUST ~~VOTE AND~~ RETURN ALL PAGES OF THE BALLOT AT THE SAME
10 TIME. ANY VOTER WHO ~~HAS RETURNED~~ RETURNS AT LEAST ONE PAGE OF A
11 **MULTIPLE-PAGE** PRINTED BALLOT ~~WILL BE CONSIDERED TO HAVE~~ HAS
12 VOTED.

13 ~~12.5.2-~~ (B) For non-partisan elections where multiple ballots will be included
14 in the same packet or will be sent in separate packets, the ballots and
15 return envelopes ~~shall~~ MUST include distinctive markings or colors to
16 identify political subdivisions when the colors or distinctive markings will
17 aid in the distribution and tabulation of the ballots.

18 ~~12.5.3-~~ (C) The designated election official for each political subdivision for
19 whom one or more county clerkS and recorders are conducting the election
20 ~~shall assure that~~ MUST PROVIDE a complete list of eligible electors in their
21 political subdivision ~~is sent~~ to each appropriate county clerk and recorder,
22 unless otherwise provided in the intergovernmental agreement. The
23 political subdivision ~~shall~~ MUST list each elector only once to assure
24 ENSURE that each elector receives one and only one ballot unless otherwise
25 authorized.

26 *[Current Rules 12.5.2 and 12.5.3 are amended and moved to new Rule 5.2.3.*
27 *Amendments between the current and new rule language are shown above.]*

28 ~~13.1-~~ (D) All election materials prepared by the designated election official,
29 including the Article X, Section 20 notice, may be included in the ~~mail in~~
30 MAIL ballot packet.

31 *[Current Rule 13.1 is moved to new Rule 5.2.3.]*

32 ~~12.7.5.2.4~~ Receipt of Ballots

33 ~~12.7.1-~~ (A) ~~One or more~~ THE DESIGNATED ELECTION OFFICIAL MUST APPOINT
34 SUFFICIENT ELECTION OFFICIALS ~~judges~~ TO PROCESS BALLOTS ~~shall be~~
35 ~~appointed for the site to which ballots are to be mailed to receive the ballots~~
~~as mailed.~~ ← I think this removal of the word “judges” (in 5.2.4 (A)—the part

about officials instead of judges) is a bad change. Judges, appointed by their parties, are critical players in determining that there is no hanky panky at a central-counting facility. This change further erodes the responsibilities of parties, which is a bad thing. Please do not make this change or the similar one in line 36 that deletes “a judge.” The line can’t be read here; the line should read “(B) Each day when ballots come in, a judge shall”; the change I don’t like reads “(B) Each day when ballots come in, an election [official must...].”

36 ~~12.7.2-~~ (B) Each day when ballots come in, ~~_____ shall~~ AN ELECTION

1 OFFICIAL MUST count the ballots, batch them and record the number of
2 ballots received. **←This is a bad change. Please do not make this change.**

3 ~~12.7.3 (C) The ballots shall be date stamped when received.~~ AN ELECTION
4 ~~JUDGE OFFICIAL~~ **←I think this is also a bad change. Please do not make this**
change. MUST DATE-STAMP THE ~~BALLOTS-ENVELOPES~~ **←Good!** UPON RECEIPT. **←Good!**

5 If any ballot is received after the time set for the closing of the elections, the
6 ballot ~~shall-ENVELOPE~~ MUST be date-stamped but the ballot ~~shall-~~MUST not be
7 counted.

8 ~~12.7.4 (D) Records shall also be kept of~~ ELECTION ~~JUDGES OFFICIALS~~ **←I**
think this is also a bad change. Please do not make this change. MUST RECORD **← How often? Daily?** the
[line] 9 number of ballot packets returned as undeliverable.

10 ~~12.7.5 (E) Ballot packets shall then be placed~~ THE DESIGNATED ELECTION
11 OFFICIAL MUST SEAL AND STORE BALLOTS in a safe, secure place until the
12 counting of the ballots. **← Is it clear that the storage area must have video? I**
think that should be made clear.

13 *[Current Rule 12.7 is amended and moved to new Rule 5.2.4. Amendments between the*
14 *current and new rule language are shown above.]*

15 ~~5.2.4~~ 5.2.5 RECALL ELECTIONS. THE DESIGNATED ELECTION OFFICIAL MUST SUBMIT A
16 WRITTEN PLAN TO THE SECRETARY OF STATE WITHIN FIVE DAYS AFTER THE
17 DESIGNATED ELECTION OFFICIAL SETS THE DATE OF THE ELECTION. THE SECRETARY
18 OF STATE WILL APPROVE OR DISAPPROVE THE PLAN WITHIN FIVE DAYS FROM THE
19 DATE IT IS RECEIVED. [SECTION 1-12-111.5, C.R.S.]

20 *[Portions of current Rule 12.4(b) are included in new Rule 5.2.4]*

21 ~~5.1-5.3 For elections conducted on days~~ IF A DESIGNATED ELECTION OFFICIAL CONDUCTS AN
22 ELECTION ON A DAY other than described in section 1-7-116(1), C.R.S., ~~nothing shall~~
23 ~~preclude the designated election official from mailing~~ THE DESIGNATED ELECTION
24 OFFICIAL MAY MAIL the notice required by Article X, Section 20 of the Colorado
25 Constitution to ~~persons~~ PEOPLE who are not eligible electors if ~~such~~ THE mailing is done
26 at the “least cost” possible. **I think this rule will encourage people to late register who may**
disregard the current residency requirements. I don’t know what to do about that potential problem,
however.

27 ~~5.2-5.4 If there are no appropriate polling place locations~~ THE DESIGNATED ELECTION OFFICIAL
28 FOR THE POLITICAL SUBDIVISION IS UNABLE TO ESTABLISH A ~~VOTER SERVICE AND~~ POLLING
29 ~~CENTER LOCATION~~ within the political subdivision, ~~conducting the election, a polling~~
30 ~~place may be designated~~ THE DESIGNATED ELECTION OFFICIAL MAY DESIGNATE A ~~VOTER~~
31 ~~SERVICE AND~~ POLLING ~~CENTER LOCATION~~ outside of the political subdivision ~~in a~~ IF THE
32 location ~~that~~ is convenient for the eligible electors. ~~of such political subdivision.~~

33 ~~5.3-5.5 For elections not conducted in November and not coordinated with the county clerk and~~
34 ~~recorder,~~ the ballot issue or question ~~shall-~~MUST be identified by the name of the
35 jurisdiction submitting the ballot issue or ballot question followed by a number in the
36 case of initiatives or by a letter in the case of referred measures.

37 5.4-5.6 Elections authorized ~~under~~ BY Part 1, Article 45 of Title 37, C.R.S., (~~Water Conservancy~~
38 ~~Act~~), ~~shall-~~MUST be conducted in accordance with Articles 1 through 13 of Title 1,

No changes suggested on this page

1 ~~5.4.5~~, shall be in conformance with the form and procedures required for special
2 districts MUST BE CONDUCTED under Article 1, Title 32, C.R.S., unless otherwise
3 ordered by the ~~Court~~ COURT.

4 ~~5.5-5.7~~ Non-Partisan Elections: Polling ~~Place~~ LOCATION Procedures.

5 ~~5.5.1-5.7.1~~ For polling place elections being conducted in accordance with Article 1,
6 Title 32, C.R.S., upon execution of the self-affirming oath or affirmation
7 pursuant to UNDER section 32-1-806(2), C.R.S., the ~~A~~ AN eligible elector
8 desiring to vote shall MUST show his or her identification as defined in section
9 1-1-104(19.5), C.R.S., to one of the election judges. See section 1-7-110(1),
10 C.R.S.

11 ~~5.5.2~~ If the eligible elector has executed the self-affirming oath or affirmation and
12 provided his or her identification, such eligible elector may be allowed to vote,
13 if such vote is not challenged. See sections 1-7-110(2) and 32-1-806(4), C.R.S.

14 ~~5.5.3-5.7.2~~ The election supplies provided to the supply judge of each polling place
15 shall include an adequate number of provisional ballot envelopes that include
16 the affidavit set forth in Rule 26.8. THE DESIGNATED ELECTION OFFICIAL MUST
17 ENSURE THAT EACH POLLING ~~PLACE~~ LOCATION HAS AN ADEQUATE NUMBER OF
18 PROVISIONAL BALLOTS.

19 ~~5.5.4~~ The signature and date on the provisional ballot affidavit envelope shall remain
20 on the outside of the envelope.

21 ~~5.5.6~~ The provisional ballot affidavit envelope shall be numbered to correspond to the
22 number of the provisional elector's name in the poll book, and the word
23 "provisional" shall be marked on the ballot.

24 ~~5.5.7-5.7.3~~ Verification of Information in Provisional Ballot Affidavit: The designated
25 election official shall verify the information contained in the provisional ballot
26 affidavit pursuant to Rule 26. If the information contained in the affidavit
27 provides adequate criteria such that the designated election official, using the
28 Rule 26 search, can ascertain the registration of the elector, the provisional
29 ballot shall count. If the information cannot be verified, the ballot shall be
30 rejected. See MUST FOLLOW THE PROVISIONAL BALLOT PROCEDURES CONTAINED
31 IN ARTICLES 1 THROUGH 13 OF TITLE 1 sections ~~1-8.5-105~~ and ~~1-8.5-106~~, C.R.S.,
32 and Rule ~~26~~ 17.

33 ~~5.5.8~~ The verification and counting of all provisional ballots shall be completed prior
34 to the certification of the official abstract of votes cast in the election by the
35 canvassing board, pursuant to Section ~~1-10-203(1)~~, C.R.S. **Is this rule someplace**

else? It should be.

36 ~~5.5.9~~ Canvassing Board's Count of Provisional Ballots. If, after the expiration of
37 twelve days following an election, the election judges cannot complete the
38 count of the provisional ballots cast, the canvassing board appointed pursuant to
39 Section ~~1-10-201(1.5)~~, C.R.S., shall complete the count of such provisional

1 ballots. **Is this rule someplace else? Do not tamper with canvass board's**
prerogatives.

2 5.5.10 ~~If 25 or more provisional ballots have been cast and counted, the results shall be~~
3 ~~reported as one total. If less than 25 provisional ballots have been cast and~~
4 ~~counted, the results shall be included in the results of the mail-in ballots counted~~
5 ~~in the election.~~ **Elsewhere? Why the cutoff at 25? Why not 10, as is the magic**
number in other cases where anonymity is a concern? Conversely, why not change those "10"
places to 25? I would like that better.

6 5.5.11 ~~The provisional ballot shall not be counted if the elector failed to complete the~~
7 ~~affidavit on the envelope or the elector was not registered by the deadline in the~~
8 ~~State of Colorado.~~

9 5.5.12 ~~A copy of the provisional ballot affidavit shall be provided to the county clerk~~
10 ~~and recorder of the county of the elector's residence, and shall constitute a voter~~
11 ~~registration for future elections. See section 1-8.5-108, C.R.S.~~

12 5.8 THE COUNTY CLERK ~~AND RECORDER~~ FOR A COUNTY THAT CONTAINS ANY PORTION OF A
13 POLITICAL SUBDIVISION WITHIN ITS BORDERS MUST PROVIDE ELECTION DAY REGISTRATION
14 FOR THE POLITICAL SUBDIVISION.

15 5.8.1 THE COUNTY CLERK ~~AND RECORDER~~ MUST PROVIDE VOTER REGISTRATION
16 THROUGH THE 22-DAY ~~ELECTION PERIOD BEFORE THE ELECTION~~ DURING NORMAL
17 BUSINESS HOURS, MONDAY THROUGH FRIDAY, AND 7:00 AM TO 7:00 PM ON
18 ELECTION DAY.

19 5.8.2 THE COUNTY CLERK ~~AND RECORDER~~ MUST PROVIDE DAILY REGISTRATION UPDATES
20 22 DAYS THROUGH THE DAY BEFORE ELECTION DAY, TO THE DESIGNATED ELECTION
21 OFFICIAL BY SECURE TRANSMISSION AS OUTLINED IN ~~RULE 43-20~~ AND PROVIDE A
22 CERTIFICATE OF REGISTRATION TO THE APPLICANT ON ELECTION DAY

23 5.8.3 ON ELECTION DAY, THE COUNTY CLERK ~~AND RECORDER~~ MUST PROVIDE A
24 CERTIFICATE OF REGISTRATION TO ANY ELECTOR WHO REGISTERS TO VOTE OR
25 UPDATES HIS OR HER REGISTRATION.

26 **Rule 6. ~~Rules Concerning Election Judges~~**

27 ~~28.1-6.1~~ For purposes of training election judges, an "election cycle" ~~shall mean~~ MEANS all
28 elections held during a calendar year beginning with January 1 and ending December 31.

29 ~~28.2-6.2~~ In lieu of the oath for other election judges prescribed in section 1-6-114, C.R.S.,
30 each person appointed to serve as a student election judge ~~shall~~ MUST take a self-
31 affirming oath or affirmation before ~~beginning their duties~~ SERVING as a student election
32 judge, in substantially the following form:

33 "I, _____ do solemnly swear (or affirm) that I am a citizen of the United
34 States and state of Colorado; that I am at least 16 years of age and a High School Junior
35 or Senior; that I will perform the duties of an election judge according to law and to the
36 best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in
37 conducting the same; that I will not try to determine how any elector voted, nor will I

1 disclose how any elector voted if in the discharge of my duties as a student election judge
2 such knowledge shall come to me, unless called upon to disclose the same before some
3 court of justice; that I have never been convicted of election fraud, any other election
4 offense, or fraud and that, if any ballots are counted before the polls close on the date of
5 the election, I will not disclose the result of the votes until after the polls have closed and
6 the results are formally announced by the designated election official.”

7 6.3 A SUPERVISOR JUDGE IN A VOTER SERVICE AND POLLING CENTER MUST:

8 ~~a.~~ 6.3.1 SUCCESSFULLY PASS THE CRIMINAL BACKGROUND CHECK DESCRIBED IN
9 RULE ~~28.56.4~~. ANY PERSON WHO HAS BEEN CONVICTED OF AN ELECTION OFFENSE
10 OR FRAUD IS PROHIBITED FROM ~~HANDLE~~—HANDLING VOTER REGISTRATION
11 APPLICATIONS OR ~~CONDUCT~~—CONDUCTING VOTER REGISTRATION AND LIST
12 MAINTENANCE ACTIVITIES.

13 ~~b.~~ 6.3.2 SUCCESSFULLY COMPLETE A TRAINING COURSE PROVIDED BY THE
14 SECRETARY OF STATE.

15 6.4 THE COUNTY CLERK ~~AND RECORDER~~ MUST ARRANGE FOR A CRIMINAL BACKGROUND CHECK
16 ON A SUPERVISOR JUDGE AND ANY A PERSON REGISTERING VOTERS IN A VOTER SERVICE
17 AND POLLING CENTER. THE CRIMINAL BACKGROUND CHECK MUST BE CONDUCTED BY OR
18 THROUGH THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC
19 SAFETY OR BY THE COUNTY SHERIFF’S DEPARTMENT FOR THE COUNTY IN WHICH THE
20 COUNTY CLERKS ~~AND RECORDER’S~~ OFFICE IS LOCATED.

21 *[Current Rule 28 is amended and moved to new Rule 6. Amendments are shown above.]*

22 **RULE 7. ELECTIONS CONDUCTED BY THE COUNTY CLERK AND RECORDER**

23 7.1 MAIL BALLOT PLANS **Sorry, the next paragraph has deletions that do not track with the**
words to be deleted. Please add “, except for a recall election,” between “For every election” and
“conducted by the county clerk” just in case another recall election happens soon.

24 ~~(a) 7.1.1 Written plan. The~~ FOR EVERY ELECTION, **EXCEPT A RECALL ELECTION,**
25 ~~CONDUCTED BY THE COUNTY CLERK,~~ ~~CONDUCTED BY THE county clerk and~~
26 ~~recorder,~~ THE CLERK must submit a mail ballot plan to the Secretary of State BY
27 EMAIL no later than 90 days before the election. ~~The county clerk must use the~~
~~approved mail ballot plan template, that includes the following:~~

28 (A) FOR RECALL ELECTIONS, THE COUNTY CLERK MUST SUBMIT A MAIL BALLOT
29 PLAN TO THE SECRETARY OF STATE BY EMAIL WITHIN FIVE DAYS AFTER THE
30 APPROPRIATE OFFICIAL SETS THE ELECTION. WITHIN FIVE DAYS AFTER
31 RECEIVING THE RECALL ELECTION PLAN, THE SECRETARY OF STATE WILL
32 APPROVE OR DISAPPROVE. **Didn’t we just discover that Recall Elections cannot be**
held by mail ballot according to Article XXI of the Colorado Constitution? Remove this (A)?

33 (B) THE COUNTY CLERK MUST SUBMIT WITH THE MAIL BALLOT PLAN THE
34 SECRECY SLEEVE OR ENVELOPE THAT THE CLERK INTENDS TO USE IN THE
35 ELECTION.

36 *[Current Rule 12.4.2(a) is amended and moved to new Rule 7.1. Amendments are shown*
37 *above.]*

1 ~~12.4.3~~ 7.1.2 Approval of mail ballot plans and submission of amendments

2 (a) If the Secretary of State requests modifications to a plan prior to approval,
3 the ~~designated election official shall~~ COUNTY CLERK AND RECORDER MUST
4 submit the modified plan within ten days from the request. The ~~secretary~~
5 SECRETARY of ~~state~~ STATE will approve or disapprove the modified plan
6 within 15 days from the date it is received.

7 (b) A ~~designated election official shall~~ COUNTY CLERK AND RECORDER may
8 amend a timely submitted mail ballot plan by submitting a written statement
9 outlining the ~~amendment(s) to the plan~~ AMENDMENT. The amendment must
10 state the specific section of the plan amended and the ~~reason(s)~~ REASON for
11 the amendment. The ~~secretary~~ SECRETARY of ~~state~~ STATE will approve or
12 disapprove the amendment within 15 days from the date it is received. If the
13 amendment is received within 30 days before the election, the Secretary of
14 State will approve or disapprove the amendment within two business days.

15 *[Current Rule 12.4.3 is amended and moved to new Rule 7.1.2. Amendments are shown*
16 *above.]*

17 ~~12.3.3~~ 7.1.3 For elections coordinated by the THE county clerk and recorder, MUST
18 SUBMIT a security plan ~~shall be submitted in accordance with~~ UNDER Rule ~~43-20~~ in
19 addition to the mail ballot plan submitted in accordance with this Rule.

20 *[Current Rule 12.3.3 is amended and moved to new Rule 7.1.3. Amendments are shown*
21 *above.]*

22 ~~12.5~~ 7.2 ~~Ballots~~ BALLOTS AND BALLOT PACKETS

23 ~~12.5.1~~ 7.2.1 In any election where a **multiple-page** printed ballot is used, a voter must
24 vote and return all pages of the ballot at the same time. Any voter who has
25 returned at least one page of a **multiple-page** printed ballot will be considered to
26 have voted. **[Note]**

27 *[Current Rule 12.5.1 is amended and moved to new Rule 7.2.1]*

28 ~~12.5.5~~ 7.2.2 In accordance with section 1-7-116(1), C.R.S., for all ~~Coordinated~~
29 COORDINATED elections, the outgoing envelope as well as the instructions or
30 other notice ~~shall~~ MUST include a notice advising electors that they may receive
31 a ballot from another political subdivision conducting a mail ballot election.

32 ~~12.5.6~~ 7.2.3 If the ballot is returned to the election official as undeliverable, the ~~official~~
33 ~~shall not be~~ COUNTY CLERK AND RECORDER IS NOT required to ~~re-mail~~ **remail** the
34 ballot **[Note]** packet.

35 *[Current Rules 12.5.5 and 12.5.6 are amended and moved to new Rules 7.2.2 and 7.2.3]*
36 7.2.4 IN ACCORDANCE WITH SECTION 1-7.5-107(3), C.R.S., THE COUNTY CLERK AND

No changes suggested on this page

1 *[Current Rule 10.7 is amended and moved to new Rule 7.2.5. Amendments are shown*
2 *above.]*

3 7.3 ABSENTEE VOTING

4 7.3.1 AN ELECTOR MAY REQUEST THAT THE COUNTY CLERK MAIL HIS OR HER BALLOT
5 TO AN ADDRESS OTHER THAN THE ELECTOR'S ADDRESS OF RECORD BY
6 SUBMITTING AN APPLICATION IN ACCORDANCE WITH SECTION 1-7.5-116, C.R.S.

7 7.3.2 THE COUNTY CLERK MUST MAIL THE BALLOT TO THE ADDRESS PROVIDED UNTIL
8 THE ELECTOR INDICATES OTHERWISE. ~~ELECTOR INDICATES OTHERWISE.~~

9 7.4 EMERGENCY BALLOT TRANSMISSION

10 ~~42.1~~7.4.1 The county clerk ~~and recorder~~ may deliver a REPLACEMENT ballot ON
11 ELECTION DAY to an elector's authorized representative or to the elector by
12 electronic transmission IN THE CASE OF ~~an administrative or a~~ **[←Note]** medical
emergency
13 UNDER SECTION 1-7.5-115, C.R.S.

14 (A) THE APPLICANT MUST SUBMIT AN APPLICATION FOR EMERGENCY BALLOT
15 BEFORE THE COUNTY CLERK MAY SEND THE BALLOT.

16 (B) If THE COUNTY CLERK DELIVERS a ~~mail-in~~ ballot ~~is delivered~~ to an elector
17 by ~~facsimile~~ ELECTRONIC transmission, the elector may return the ballot
18 by ~~facsimile~~ ELECTRONIC transmission. **Not a good rule. Should add
something about the insecurity of transmitting a voted ballot this way and state that hand delivery is
preferable if at all possible.**

19 *[Portions of current Rules 42.1 and 42.3 are included in new Rule 7.4.2.]*

20 ~~42.4~~7.4.2 ~~Mail-in ballots~~ BALLOTS sent **TO VOTERS** by ~~facsimile~~ ELECTRONIC
transmission shall

21 MUST include all races, ballot issues, and questions ~~on~~ FOR which the elector
22 may IS ELIGIBLE TO vote. ~~Counties are encouraged to work with their vendors to~~
23 ~~develop a~~ THE ballot that is clearly MUST BE legible to the elector to increase the
24 readability of the ballot and to avoid possible misinterpretations of the elector's
25 intended choice because of poor transmission of the document.

26 *[Current Rule 42.4 is amended and moved to new Rule 7.4.3. Amendments are shown*
27 *above.]*

28 7.4.3 THE ELECTRONIC TRANSMISSION MUST INCLUDE:

29 (A) THE COUNTY CLERK'S CONTACT INFORMATION INCLUDING MAILING
30 ADDRESS, EMAIL ADDRESS, PHONE, AND FAX NUMBER;

31 (B) A NOTICE THAT THE BALLOT MAY NOT BE DUPLICATED FOR ANY OTHER
32 ELECTOR; **How about a warning of life in prison if duplicated for any other
elector? Just joking, but this rule needs some strength added. At least change "notice" to "warning that it is
illegal" – if it is! Why not require two paired-party election judges to hand deliver a ballot to the voter and
return it to the clerk? There must be better ways to handle medical emergency ballots.**

33 (C) INSTRUCTIONS FOR COMPLETING AND RETURNING THE BALLOT;

1

No changes suggested on this page

- 1 (A) THE NAME OF THE VOTER;
 - 2 (B) THE FAX NUMBER OR EMAIL ADDRESS TO WHICH THE BALLOT WAS
 - 3 TRANSMITTED (AS APPLICABLE);
 - 4 (C) THE UNIQUE IDENTIFICATION NUMBER OF THE BALLOT;
 - 5 (D) THE DATE THE BALLOT PACKET WAS TRANSMITTED; AND
 - 6 (E) THE INITIALS OF THE EMPLOYEE TRANSMITTING THE BALLOT. **←Should the**
- initials be handwritten?**

7 *[Portions of current Rule 42.7.2 are included in new Rule 7.4.5.]*

8 ~~42.8 7.4.7-7.4.6~~ The designated election official shall fax the blank ballot with the
 9 instructions to the fax number provided by the elector. If THE COUNTY CLERK
 10 TRANSMITS A BALLOT PACKET TO AN ELECTOR BY FAX AND the transmission is
 11 unsuccessful, the designated election official shall COUNTY CLERK MUST attempt
 12 to fax THE BALLOT at least two more times and make reasonable effort, if possible,
 13 to ensure the transmission was successful.

14 *[Current Rule 42.8 is amended and moved to new Rule 7.4.6. Amendments are shown*
 15 *above.]*

16 ~~42.9 7.4.8-7.4.7~~ Upon receipt of the ballot, THE COUNTY CLERK MUST VERIFY THE
 17 SIGNATURE ON THE AFFIDAVIT UNDER RULE ~~7.6-7.7~~, when the information from the
 18 signed AFTER THE affidavit has been verified, a bipartisan team of judges shall
 19 MUST duplicate the ballot. Duplicating judges shall MUST not reveal how the
 20 elector has cast his or her ballot.

21 *[Current Rule 42.8 is amended and moved to new Rule 7.4.9. Amendments are shown*
 22 *above.]*

23 7.5 RECEIPT AND PROCESSING OF BALLOTS

24 ~~12.10.4-7.5.1~~ Monitoring drop-off locations. All drop-off locations must be monitored by
 25 an ~~election judge~~ ELECTION OFFICIAL **← bad change. Please do not make this**
 26 **change.** or video security surveillance recording
 27 system, as defined in Rule 20.

- 27 (a) Freestanding drop-off locations must be monitored at all times.
- 28 (b) If the drop-off location utilizes a drop-slot into a building, the ballots must
- 29 be collected in a locked container, and both the drop-slot and container
- 30 must be monitored at all times.

31 *[Current Rule 12.10.4 is amended and moved to new Rule 7.5.1. Amendments are shown*
 32 *above.]*

33 ~~42.7.2-7.5.2~~ Each day when ballots come in, a judge **← why not bipartisan team of**
election judges for best security of the ballots? shall MUST count the ballots, batch

1 them and record the number of ballots received.

2 ~~12.7.3-7.5.3~~ The ballots shall be date stamped when received. AN ELECTION JUDGE
3 OFFICIAL MUST DATE-STAMP AND RECEIVE THE BALLOTS RETURNED BALLOT
4 ENVELOPES INTO ~~THE STATEWIDE VOTER REGISTRATION SYSTEM SCORE~~
5 IMMEDIATELY UPON RECEIPT. If any ballot is received after the time set for the
6 closing of the elections, the ballot shall ~~MUST~~ be date-stamped but ~~the ballot~~
7 ~~shall not be counted.~~ ← bad change in lines 2 and 3 about election judges. Please do
not make this change. And why not bipartisan pair of election judges?

8 ~~(A)-7.5.4~~ THE COUNTY CLERK MUST COLLECT BALLOTS FROM ALL DROP-OFF LOCATIONS
9 AND RECEIVE THEM INTO SCORE; ~~INCLUDING FREE STANDING BALLOT BOXES;~~
10 ~~HOURLY DURING REGULAR BUSINESS HOURS (INCLUDE OR MORE AS NEEDED?).~~

11 ~~(1-A)~~ AT LEAST ONCE EVERY 72 HOURS AFTER BALLOTS ARE MAILED UNTIL THE
12 DATE THAT VOTER SERVICE AND POLLING CENTERS MUST OPEN;

13 ~~(2-B)~~ AT LEAST ONCE EVERY 24 HOURS DURING THE DAYS THAT VOTER SERVICE
14 AND POLLING CENTERS MUST BE OPEN; AND

15 ~~(3-C)~~ AT LEAST TWICE ON ELECTION DAY, AT APPROXIMATELY 1PM AND 7PM.

16 ~~(B-D)~~ THE COUNTY CLERK MAY MEET THE REQUIREMENTS OF THIS RULE BY:

17 (1) COLLECTING AND TRANSPORTING THE BALLOTS TO THE CENTRAL
18 COUNTING LOCATION FOR RECEIPT INTO SCORE;

19 (2) COLLECTING AND TRANSPORTING THE BALLOTS TO THE NEAREST
20 VOTER SERVICE AND POLLING CENTER FOR RECEIPT INTO
21 SCORE; OR

22 (3) RECEIVING THE BALLOTS INTO SCORE AT THE BALLOT DROP-OFF
23 LOCATION.

24 ~~12.7.4-7.5.4-7.5.5~~ Records shall also be kept of ELECTION JUDGES OFFICIALS MI
25 RECORD the number of ballot packets returned as undeli ←
bad change. Please do not make this change. And why not bipartisan pair of election judges? RECEIPT

26 ~~12.7.5-7.5.5-7.5.6~~ Ballot packets shall then be placed THE DESIGNATED ELECTION
27 OFFICIAL MUST SEAL AND STORE BALLOTS AND RETURN ENVELOPES in a safe,
28 secure place until the counting of the ballots. ← mention that "secure" means
video?

29 *[Current Rule 12.7 is amended and moved to new Rule 7.5.2 through 7.5.6. Amendments*
30 *are shown above.]*

31 ~~13.2-7.5.6-7.5.7~~ The county clerk and recorder shall MUST keep a list, to the extent
32 possible, of the names and mailing addresses of all individuals who deliver
33 more than ~~ten (10)-10~~ voted mail-in ballots to the ~~designated or coordinated~~
34 election official's COUNTY CLERK'S office, DROP-OFF LOCATION, OR VOTER
35 SERVICE AND POLLING CENTER ~~or the designated drop site for mail-in ballots.~~

← What a loophole: To the extent possible? Why not require any ballots dropped off by other than the voter to have a line on the envelope signed and dated by the person doing the drop off—also with printed name and address?

1 ~~13.3 7.5.7 7.5.8~~ The county clerk ~~and recorder shall~~ MUST notify each individual on
2 the list required by ~~13.2 7.5.6 7.5.7~~ by letter that they have violated section ~~1-8-~~
3 ~~13-1-7.5-107(4)(B)~~, C.R.S., by delivering more than ten (10) ~~mail in~~-ballots to
4 the ~~designated election official~~-COUNTY CLERK. **← could the SOS office put some
teeth into this via an election clean-up bill in 2014?**

5 *[Current Rules 13.2 and 13.3 are amended and moved to new Rules 7.5.7 and 7.5.8.*
6 *Amendments are shown above.]*

7 ~~10.9 7.5.8 7.5.9~~ Tracking ballot batches. The county clerk must dissociate any
8 batch number that could trace a ballot back to the specific voter who cast it from
9 the counted ballots no later than the final certification of the abstract of votes
10 cast. **← bad rule. Should dissociate ballot from voter as soon as ballot is taken out
of secrecy sleeve. Dissociation should preferably be by shuffling and mixing with other mail ballot batches
before putting into counting queue. If not, why not? We deserve anonymous ballots, and they should be
anonymous from the moment they leave their secrecy sleeve! I am already hearing people say they don't
want to vote this fall because of batching.**

11 *[Current Rule 10.9 is amended and moved to new Rule 7.5.9. Amendments are shown*
12 *above.]*

13 7.6 MISSING SIGNATURE

14 ~~29.1~~ ~~Missing Signature on Mail Ballot, Provisional Ballot or Mail in Ballot Envelope~~

15 ~~29.1.1~~ 7.6.1 If a mail, ~~mail in~~, or provisional ballot return envelope lacks a signature,
16 the election ~~judge~~ OFFICIAL must contact the elector in writing no later than two
17 calendar days after election day. The designated election official must use the
18 letter and form prescribed by the Secretary of State and keep a copy as part of the
19 official election record. Nothing in this rule prohibits the designated election
20 official from calling the elector. But a phone call may not substitute for written
21 contact. If the designated election official calls any elector he or she must call all
22 electors whose affidavits are unsigned.

23 [Sections 1-7.5-107.3, 1-8-114.5, and 1-8.5-105(3)(a), C.R.S.]

24 ~~29.1.2~~ 7.6.2 The letter ~~shall~~ MUST inform the eligible elector that ~~he/she~~ THE ELECTOR
25 must come to the office of the ~~county clerk and recorder~~-DESIGNATED ELECTION
26 OFFICIAL to sign the mail ~~ballot, OR~~ provisional ballot, ~~or mail in ballot~~ envelope
27 no later than eight calendar days after election day. The letter ~~shall~~ MUST inform
28 military, overseas, and other electors who are absent from the state that they may
29 sign the affidavit and return the form by mail, fax, or email, and that the county
30 must receive the form no later than eight calendar days after the election.

31 ~~29.1.3~~ 7.6.3 The letter and missing signature affidavit form does not violate section 1-
32 13-801, C.R.S.

33 ~~29.1.4~~ 7.6.4 The letter or missing signature affidavit form must include the following
34 language: **← Could the following strong language be placed on the ballot return
envelope next to or above where a returning person other than the voter would sign the envelope?**

35 “Any person who knowingly violates any of the provisions of the election code
36 relative to the casting of ballots or who aids or abets fraud in connection with any
37 vote cast, or to be cast, or attempted to be cast _____ be punished by a fine of

1 not more than five thousand dollars or by imprisonment in the county jail for not
2 more than eighteen months, or by both such fine and imprisonment. Section 1-13-
3 803, C.R.S.”

4 7.7 SIGNATURE VERIFICATION PROCEDURES

5 ~~29.2-7.7.1~~ In accordance with section 1-8-114.5, C.R.S., for mail in ballots and section
6 ~~1-7.5-107.3, C.R.S., for mail ballots, the election judges shall AN-THE ELECTION~~
7 ~~JUDGE OFFICIALS~~ ← bad change. Please do not make this change. And why not

bipartisan pair of election judges? MUST compare the signature on the self-affirmation on each
8 respective return envelope with the signature stored in the statewide voter
9 registration system SCORE. Signatures shall require further THE ELECTION JUDGE
10 OFFICIALS ← bad change. Please do not make this change. And why not bipartisan

pair of election judges? MUST research THE SIGNATURE FURTHER if any of the following
11 discrepancies are discovered THERE IS: ← The last change here is a bad change.
Please do not make this change. It is poor writing style.

12 Code 1— (A) An obvious change in the slant of the signature.

13 Code 2— (B) A printed signature on one document and a cursive signature on the
14 other document.

15 Code 3— (C) Differences A DIFFERENCE in the size or scale of the signature
16 SIGNATURES.0

17 Code 4— (D) Differences A DIFFERENCE in the individual characteristics of the
18 signatures, such as how the “t’s” are crossed, “i’s” are dotted, loops are made on
19 “y’s” or “j’s”.

20 Code 5— (E) Differences A DIFFERENCE in the voter’s signature style, such as how
21 the letters are connected at the top and bottom.

22 Code 6— (F) EVIDENCE THAT ballots or envelopes from the same household have
23 been switched.

24 Code 7— (G) ‘Other,’ ANY OTHER NOTICEABLE DISCREPANCY including SUCH AS
25 misspelled names. & description of discrepancy

26 ~~29.3-7.7.2~~ If IN CONDUCTING further research is necessary, the election judge
27 OFFICIALS ← bad change. Please do not make this change. And why not bipartisan

pair of election judges? shall MUST check the county clerk’s or election official’s file SCORE
28 for at least two additional documents signed by the voter, if available. THE JUDGE
29 OFFICIALS ← bad change. Please do not make this change. And why not bipartisan

pair of election judges? MAY COMPARE additional information written by the voter on the return
30 envelope, such as the voter’s address and date of signing. may be compared for
31 similarities. Any similarities noted when comparing this other information may
32 be used as part of the signature verification decision process.

33 29.3-1(A) If it appears to the judges ← Note verifying the self-affirmation
on the
34 return envelopes that members of the same household who have applied for
35 mail in ballots or have been sent mail ballots have inadvertently switched
36 envelopes or ballots, the ballot or ballots shall MUST be counted and no letter
37 of advisement to the elector is necessary.

1 ~~29.4.7.7.3~~ Whenever IF THE ELECTION ~~JUDGE-OFFICIALS~~ ← bad change. Please do not
make this change. And why not bipartisan pair of election judges? Check subject and verb agreement
here. DISPUTE DISPUTES THE a

2 signature is ~~disputed~~, the election judge shall HE OR SHE THEY MUST document the
3 discrepancy ~~by completing~~ AND THE RESEARCH STEPS TAKEN IN a log. The log
4 shall provide a record of the research steps taken to resolve the issue. The ~~JUDGE~~
5 OFFICIALS ← bad change. Please do not make this change. And why not bipartisan

pair of election judges? MUST IDENTIFY THE ELECTOR IN THE log will identify the voter using a
6 unique tracking number. This THE tracking number shall MAY not contain the
7 voter's ELECTOR'S social security number; Colorado issued driver's license
8 number, or the identification number issued by the Department of Revenue. THE
9 LOG MAY NOT CONTAIN THE ELECTOR'S SIGNATURE. THE ~~JUDGE-OFFICIALS~~ ← bad
change. Please do not make this change. And why not bipartisan pair of election judges? MUST

10 NOTE THE FINAL RESOLUTION AND BALLOT DISPOSITION ON THE RESEARCH LOG.

11 ~~29.5~~ The log shall be approved by the Secretary of State pursuant to section 1-1-109, C.R.S.

12 ~~29.6~~ There shall be no document containing the voter's signature attached to the research log.

13 ~~29.7~~ If both sets of election judges agree that the signatures do not match, the county clerk and
14 recorder shall within two days after the election, send a letter to the eligible elector at the
15 address indicated in the registration records and the address where the mail-in ballot or
16 mail ballot was mailed explaining the discrepancy in signatures and a form for the
17 eligible elector to confirm that the elector returned a ballot to the county clerk and
18 recorder. (Sections 1-7.5-107.3(2)(a) and 1-8-114.5(2)(a), C.R.S.) The voted ballot itself
19 should not under any circumstances be returned with this letter.

20 ~~29.8.7.7.4~~ The election official must use the letter ← what letter? It looks like the
reference to the letter has been deleted. Please check, and the signature verification form

21 approved by the Secretary of State. (SECTIONS 1-7.5-107.3(2)(A) AND 1-8-
22 114.5(2)(A), C.R.S.) THE LETTER AND SIGNATURE VERIFICATION FORM DOES NOT
23 VIOLATE SECTION 1-13-801 C.R.S.

24 ~~29.9~~ The letter and signature verification form does not violate section 1-13-801 C.R.S.

25 ~~29.10~~ The final signature verification resolution and ballot disposition shall be noted on the
26 research log.

27 ~~29.11.7.7.5~~ Any ALL uncounted ballot BALLOTS shall MUST remain sealed in the return
28 envelope and stored under seal with all other uncounted ballots as part of the
29 election record pursuant to IN ACCORDANCE WITH section 1-7-802, C.R.S., and
30 may be removed only under the authority of a district attorney or by order of a
31 court having jurisdiction.

32 7.7.6 USE OF BALLOT ENVELOPE SORTERS AND SIGNATURE CAPTURE DEVICES.

33 (A) IF THE COUNTY CLERK ~~AND RECORDER~~ USES A BALLOT SORTING
AND ← and/or?

34 SIGNATURE CAPTURE DEVICE, THE COUNTY MUST TEST ← Please put some teeth into "test"—what
type of test? Jim August has offered ideas on this topic. I am shocked by the general nature of this rule.
Maybe Harvie Branscomb has offered rewording. //

THE DEVICE BEFORE

35 USING IT IN AN ELECTION TO ENSURE THAT IT PROPERLY SORTS ENVELOPES,

36 AND ACCURATELY, COMPLETELY, ← The Boulder County machine (Bell &
Howell) cut off the tops of the signatures in 2012. AND CLEARLY ← The Boulder County machine (Bell &
Howell) put the black signature on a gray background, which decreased clarity. The signature should be
displayed in the color of the ink used by the elector. Please add wording. CAPTURES THE SIGNATURE

ON THE

37 ENVELOPE FOR COMPARISON TO THE CORRECT VOTER RECORD.

1 ~~29.12~~7.7.7 Use of AUTOMATED Signature Verification Devices UNDER SECTION 1-7.5-
2 107.3(5)(B), C.R.S.

3 (A) IF THE COUNTY CLERK ~~AND RECORDER~~ USES A SIGNATURE VERIFICATION
4 DEVICE FOR AUTOMATED SIGNATURE VERIFICATION ON BALLOT ENVELOPES,
5 THE COUNTY MUST TEST THE DEVICE BEFORE USING IT IN AN ELECTION.

6 (1) THE TESTING MUST VERIFY THE ACCURACY OF THE DEVICE AND ENSURE
7 THAT THE DEVICE WILL NOT ACCEPT A SIGNATURE THAT A ~~REASONABLE~~
8 ~~REASONABLY~~ TRAINED ELECTION ~~JUDGE OFFICIAL~~ WOULD REJECT.

9 (2) THE COUNTY MUST PULL AND TEST A MINIMUM OF 150 BALLOT
10 ENVELOPES RECEIVED IN THE ELECTION AND CONDUCT AN AUDIT OF THE
11 MACHINE-VERIFIED SIGNATURES.

12 (A) A TEAM OF BI-PARTISAN ELECTION ~~JUDGES OFFICIALS~~ **← bad**
change. Please do not make this change. And why not bipartisan pair of election judges? // MUST
13 MANUALLY REVIEW THE SIGNATURES IDENTIFIED ON THE AUTOMATED
14 SIGNATURE RECOGNITION REPORT FOLLOWING THE PROCEDURES IN
15 SECTION 1-7.5-107.3, C.R.S., AND THIS RULE.

16 (B) THE ~~JUDGES~~ ELECTION OFFICIALS **← bad change. Please do not make**
this change. And why not bipartisan pair of election judges? // CONDUCTING THE AUDIT MUST SIGN
17 AND DATE THE AUTOMATED SIGNATURE RECOGNITION REPORT AND
18 THE REPORT MUST BE MAINTAINED WITH ALL OTHER ELECTION
19 RECORDS UNDER SECTION 1-7-802, C.R.S.

20 (B) IN ADDITION TO THE INITIAL TEST, THE COUNTY MUST CONDUCT A REGULAR
218.3 AUDIT OF THE DEVICE DURING ITS USE.

Line 22 (1) ~~THE COUNTY~~ **A BIPARTISAN TEAM OF ELECTION JUDGES** MUST PULL A
RANDOM SAMPLING OF NO FEWER THAN ONE IN
23 EVERY FIFTY MACHINE-VERIFIED SIGNATURES DAILY. **← Judges need to be**
on top of the machine's operation, not just staff.

24 (2) A TEAM OF BI-PARTISAN ELECTION ~~JUDGES OFFICIALS~~ **← bad change.**
Please do not make this change. And why not bipartisan pair of election judges? // MUST MANUALLY
25 REVIEW THE SIGNATURES IDENTIFIED ON THE AUTOMATED SIGNATURE
26 RECOGNITION REPORT FOLLOWING THE PROCEDURES IN SECTION 1-7.5-
27 107.3, C.R.S., AND THIS RULE.

28 (3) THE ~~JUDGES~~ ELECTION OFFICIALS **← bad change. Please do not make this**
change. And why not bipartisan pair of election judges? // CONDUCTING THE AUDIT MUST SIGN
29 AND DATE THE AUTOMATED SIGNATURE RECOGNITION REPORT AND THE
30 REPORT MUST BE MAINTAINED WITH ALL OTHER ELECTION RECORDS
31 UNDER SECTION 1-7-802, C.R.S.

32 (4) IF THE DEVICE FAILS THE AUDIT, THE COUNTY MUST IMMEDIATELY CEASE
33 USE OF AUTOMATED SIGNATURE VERIFICATION AND NOTIFY THE
34 SECRETARY OF STATE. THE SECRETARY OF STATE AND THE COUNTY
35 MUST WORK IN COORDINATION TO IDENTIFY THE ISSUE AND IMPLEMENT A
36 SOLUTION.

37 (C) THE COUNTY MUST ENSURE THAT THE DEVICE IS OPERATED ON A DEDICATED

1 AND SECURE NETWORK.

2 (1) THE COUNTY MAY CONNECT THE DEVICE TO THE COUNTY NETWORK FOR
3 MAINTENANCE AND SUPPORT.

4 (2) THE DEVICE MUST BE SECURED BY THE COUNTY FIREWALL.

5 (3) THE COUNTY MUST MAINTAIN A MAINTENANCE AND SUPPORT LOG THAT
6 INCLUDES THE NAME OF THE PERSON PROVIDING MAINTENANCE OR
7 SUPPORT, THE DATE AND TIME THE DEVICE WAS ACCESSED, THE SPECIFIC
8 REASON FOR ACCESS.

9 *[Current Rule 29 is amended and moved to new Rules 7.6 and 7.7. Amendments*
10 *are shown above.]*

11 7.7.8 IF A COUNTY USES A SIGNATURE CAPTURE DEVICE TO COMPARE A BALLOT
12 ENVELOPE SIGNATURE TO A SIGNATURE MAINTAINED IN SCORE, THE SYSTEM
13 MAY DISPLAY ONLY ONE VOTER’S SIGNATURE AT A TIME. ← GOOD!

14 7.8 VOTER SERVICE AND POLLING CENTERS

15 7.8.1 THE COUNTY CLERK AND RECORDER MUST DESIGNATE AND OPEN THE MINIMUM
16 NUMBER OF VOTER SERVICE AND POLLING CENTERS, ← comma needed. AND THE
LOCATIONS MUST BE
17 OPEN DURING REASONABLE BUSINESS HOURS FOR THE MINIMUM NUMBER OF DAYS
18 OUTLINED IN SECTION 1-5-102.9, C.R.S., FOR A GENERAL ELECTION AND 1-7.5-
19 107(4.5), C.R.S., FOR ALL OTHER ELECTIONS.

20 (A) REASONABLE BUSINESS HOURS MEANS AT LEAST EIGHT HOURS PER DAY
21 MONDAY THROUGH FRIDAY, AND AT LEAST FOUR HOURS ON SATURDAY.

22 (B) ALL VOTER SERVICE AND POLLING CENTERS MUST BE OPEN FROM 7:00AM
23 THROUGH 7:00 PM ON ELECTION DAY.

24 (C) THE COUNTY CLERK MUST PROVIDE ALL SERVICES OUTLINED IN SECTION 1-2-
25 509, C.R.S., AT EVERY DESIGNATED VOTER SERVICE AND POLLING CENTER.

26 ~~7.1-7.8.2 Polling place~~ VOTER SERVICE AND POLLING CENTER materials shall include,
27 ~~where applicable,~~ SUFFICIENT COMPUTER STATIONS FOR SCORE ACCESS, HAVA
28 information, A voting demonstration display, A signature card table, registration
29 records or lists, poll books, electronic or paper, or completed signature cards,
30 paper ballots, and voting booths or DRES, provisional voting area or procedure,
31 and A ballot box if provided.

32 *[Current Rule 7.1 is amended and moved to new Rule 7.8.2. Amendments are shown*
33 *above.]*

34 7.8.3 VOTER CHECK-IN AT THE VOTER SERVICE AND POLLING CENTER

1 (A) EACH VOTER SERVICE AND POLLING CENTER MUST INCLUDE AND
2 ADEQUATELY STAFF A DESIGNATED VOTER CHECK-IN TABLE OR AREA.

3 (B) THE CHECK-IN JUDGE MUST VERIFY EACH ELECTOR'S REGISTRATION
4 INFORMATION, INCLUDING ADDRESS.

5 (C) IF AN ELECTOR HAS MOVED OR IS NOT REGISTERED, THE CHECK-IN JUDGE
6 MUST DIRECT THE ELECTOR TO THE REGISTRATION AREA. IF THE ELECTOR IS
7 REGISTERED AND HAS NO UPDATES, THE CHECK-IN JUDGE MUST DIRECT THE
8 ELECTOR TO THE VOTING TABLE.

9 7.8.4 EXCEPT FOR VOTERS WITH DISABILITIES, THE MAXIMUM ALLOWABLE TIME IN A
10 VOTING BOOTH IS 15 MINUTES IF THERE ARE VOTERS WAITING. THE SECRETARY
11 OF STATE MAY ORDER ADDITIONAL TIME BASED ON THE LENGTH OF THE BALLOT.
12 [SECTION 1-7-115, C.R.S.]

13 *[Portions of current Rule 7.6 are included in new Rule 7.8.3.]*

14 7.8.5 ANY ELIGIBLE ELECTOR MAY VOTE IN-PERSON AT A VOTER SERVICE AND POLLING
15 CENTER THE ELECTION JUDGE OFFICIAL MUST VOID-MARK THE ELECTOR'S MAIL
16 BALLOT "SURRENDERED" IN SCORE BEFORE ISSUING AN IN-PERSON BALLOT.

17 ~~47.2~~7.8.6 If a voter leaves the voting area without completing the voting process,
18 two judges of different affiliation ~~shall~~ MUST, to the extent possible, cover the
19 voter's choices, and cast the ballot as the voter left it.

20 *[Current Rule 47.2 is amended and moved to new Rule 7.8.6. Amendments are shown*
21 *above.]*

22 7.8.7 ~~Any individual who~~ IF AN ELECTOR votes AFTER THE CLOSE OF POLLS BECAUSE
23 ~~in an election for federal office as a result of a federal or state court ISSUES AN~~
24 ~~order EXTENDING or any other order that is in effect 10 days before that election~~
25 ~~and which extends the time established for closing the polls by state law, may~~
26 ~~only vote in that election by casting a~~ THE ELECTOR MUST VOTE BY provisional
27 ballot pursuant to state law and the rules and regulations prescribed by the
28 Secretary of State. THE COUNTY CLERK MUST KEEP ALL PROVISIONAL BALLOTS
29 CAST UNDER THIS RULE SEPARATE FROM PROVISIONAL BALLOTS NOT AFFECTED
30 BY THE COURT ORDER. ← How would a disabled person vote a provisional ballot—

not available on DRE at the present time? //

31 7.9 NO LATER THAN 90 DAYS BEFORE AN ELECTION, THE COUNTY CLERK AND RECORDER MUST
32 DESIGNATE DROP-OFF LOCATIONS AND VOTER SERVICE AND POLLING CENTERS, AND
33 COMPLETE AN ACCESSIBILITY SURVEY FOR ALL DROP-OFF AND VOTER SERVICE AND
34 POLLING CENTER VOTER SERVICE AND POLLING CENTER LOCATIONS ANNUALLY BEFORE
35 DESIGNATING A LOCATION FOR USE.

36 7.9.1 FOR THE FIRST SURVEY OF A LOCATION, THE COUNTY CLERK MUST COMPLETE THE
37 FULL ADA CHECKLIST FOR VOTER SERVICE AND POLLING PLACES CENTERS. THE
38 COUNTY CLERK MUST COMPLETE THE ANNUAL VOTER SERVICE AND POLLING

No changes suggested on this page

NOTICE
VOTING ASSISTANCE FOR ELECTORS WITH DISABILITIES

Colorado law protects a voter's legal right to assistance in voting if assistance is needed because of a disability.

1. If you require assistance, please inform an election judge.
2. Any person, including an election judge, may assist you.
3. If you select a person other than an election judge, he or she must complete a Voter Assistance Form, which includes an oath that states:
I,, certify that I am the individual chosen by the elector to assist the elector in casting a ballot.'
4. The person you select may provide any assistance you need, including entering the voting booth, preparing the ballot, or operating the voting machine.
5. The person assisting you may not seek to persuade you or induce you to vote in a particular manner.
6. The election judge must record the name of each voter who receives assistance and the name of the person who provides assistance ~~in the pollbook or list of eligible electors (or on the signature card if preprinted signature cards are used in the place of a pollbook and list of eligible electors).~~

9.2-7.11.2 ~~When~~ IF a voter has spoiled two ballots and requests a third ballot, an election judge shall OFFICIAL ← bad change. Please do not make this change. And why not bipartisan pair of election judges? MUST offer assistance in voting procedures and casting the ballot.

[Current Rule 9 is amended and moved to Rules 7.11. Amendments are shown above.]

Rule 8. Rules Concerning Watchers

~~8.2-8.1 Qualification of Watchers.~~ Watchers shall MUST certify THAT they are qualified pursuant to UNDER sections 1-1-104(51), 1-7-105, 1-7-106, 1-7-107, and 1-7-108(2), C.R.S., AS APPLICABLE. Watchers shall MUST take an THE oath as provided DESCRIBED in section 1-7-108(1), C.R.S. and shall, upon first entering the precinct place VOTER SERVICE AND POLLING CENTER or location, surrender THE CERTIFICATE OF APPOINTMENT to the election official or election judges SUPERVISOR JUDGE a certificate of appointment at each precinct polling place VOTER SERVICE AND POLLING CENTER or location where the watcher has been IS designated to act OBSERVE. ← bad change. Please do not make this change. "Observe" is passive. Watchers have the right to witness and verify (both are strong words and imply action) and help correct discrepancies.

~~8.2-1-8.1.1~~ If a watcher leaves a precinct and the same watcher VOTER SERVICE AND POLLING CENTER LOCATION BUT returns later in the day to the same precinct LOCATION, another certificate of appointment is not necessary. and shall not be required. The original certificate of appointment will suffice.

1 ~~8.2.2-8.1.2~~ If a watcher is replaced during the day, the watcher replacing the original
2 watcher must have an original certificate of appointment for that precinct. A NEW
3 WATCHER WHO IS REPLACING AN ORIGINAL WATCHER MUST PROVIDE AN ORIGINAL
4 CERTIFICATE OF APPOINTMENT FOR THAT VOTER SERVICE AND POLLING CENTER
5 LOCATION.

6 ~~8.2.3-8.1.3~~ Certificate—A CERTIFICATE of appointment as a watcher is not transferable
7 to another individual.

8 ~~8.3-8.2~~ A political party attorneys are not allowed—ATTORNEY MAY NOT BE in the polling place
9 VOTER SERVICE AND POLLING CENTER LOCATION unless they are—HE OR SHE IS A duly
10 appointed as watchers WATCHER.

11 ~~8.4~~ Watchers are not allowed to have cell phones, cameras, recording devices, laptops or
12 PDAs (Palm Pilot, Blackberry, etc.) in the polling place. A WATCHER MAY NOT HAVE A
13 CELL PHONE, CAMERA, RECORDING DEVICE, COMPUTER, TABLET, OR OTHER PERSONAL
14 ELECTRONIC EQUIPMENT IN THE VOTER SERVICE AND POLLING CENTER. ← GOOD deletion—

we need our tools!

15 ~~8.5-8.3~~ List of Eligible Electors. To assist Watchers in performing their tasks, the election
16 official or election judge shall—THE SUPERVISOR JUDGE MUST provide TO EACH WATCHER a
17 list, log, check-in card, or other similar information of voters who have appeared in the
18 precinct polling place—APPEARING IN THE VOTER SERVICE AND POLLING CENTER LOCATION
19 to vote. The WATCHER MAY NOT REMOVE THE information or documents shall not be
20 removed from the polling place or voting location—FROM THE VOTER SERVICE AND
21 POLLING CENTER LOCATION. Watchers—A WATCHER may maintain a list of eligible
22 electors who have voted by utilizing—USING only that information provided by the election
23 official or election SUPERVISOR judge ← bad change. Please do not make this change. ...
24 polling place or location—OR a list of electors previously maintained by the watcher.
25 [Section 1-7-108(3), C.R.S.]

26 *[Current Rule 8.1 is moved to Rule 1. Current Rules 8.2, 8.3, 8.4, and 8.5 are amended*
27 *and moved to new Rules 8.1, 8.2, and 8.3. Amendments are shown above.]*

28 ~~8.6-8.4~~ Watchers are subject to the provisions of section 1-5-503, C.R.S.

29 ~~8.6.2-8.4.1~~ The designated election official must position the voting equipment,
30 voting booths, and the ballot box so that they are in plain view of the election
31 officials and watchers.

32 ~~8.6.3-8.4.2~~ Watchers are permitted to—A WATCHER MAY witness and verify the conduct
33 of elections and recount activities.—WATCHERS MUST BE PERMITTED ACCESS THAT
34 WOULD ALLOW THEM TO ATTEST TO THE ACCURACY OF ELECTION-RELATED
35 ACTIVITIES, INCLUDING RECALL ELECTIONS. THIS INCLUDES PERSONAL VISUAL
36 ACCESS AT A REASONABLE PROXIMITY TO READ DOCUMENTS, WRITINGS,

← Needs comma. OR

ELECTRONIC SCREENS AND REASONABLE PROXIMITY TO HEAR ELECTION-RELATED
37 DISCUSSIONS. Witness and verify means to personally observe actions of election
38 judges OFFICIALS in each step of the conduct of an election.
39

← Last sentence is a bad definition. Should say

“WITNESS AND VERIFY” MEANS TO PERSONALLY WITNESS AND VERIFY THE ACTIONS OF VOTERS, ELECTION
JUDGES, AND OTHER ELECTION OFFICIALS SUCH THAT THE WATCHER COULD SIGN A STATEMENT ABOUT
ACTIONS TAKEN IN EACH STEP OF THE CONDUCT OF AN ELECTION.

1 (a) ~~The conduct of election ELECTIONS includes polling place and early voting~~
2 ~~ELECTION-RELATED ACTIVITIES INCLUDE~~ STEPS IN THE CONDUCT OF THE ELECTION INCLUDE
3 ALL ACTIVITIES IN A VOTER

4 ~~SERVICE AND POLLING CENTER LOCATION and ballot processing and~~
5 counting, ~~SUCH AS:~~

6 (0) BALLOT PRINTING, ENVELOPE STUFFING, AND MAILING, REGARDLESS OF WHERE DONE.

7 (1) ~~OBSERVING~~ VOTER CHECK-IN AND REGISTRATION ACTIVITIES.

8 (2) ~~WITNESSING THE~~ SIGNATURE VERIFICATION OF MAIL

9 BALLOT

10 ENVELOPES AT CLOSE ENOUGH DISTANCE AND FOR A LONG ENOUGH TIME TO VERIFY OR CHALLENGE
11 THE SIGNATURE.

12 (3) ~~WITNESSING THE~~ DUPLICATION OF BALLOTS TO VERIFY

13 ~~ACCURACY~~

14 ~~OF THAT VOTER INTENT IS CORRECTLY CAPTURED AND DUPLICATED~~
15 AND ONLY THE QUESTIONS THE VOTER WAS ELIGIBLE TO VOTE ON BY VIRTUE OF RESIDENCY ARE
16 DUPLICATED.

17 (4) ~~OBSERVING THE~~ TABULATION PROCESS OR DISPLAY SCREENS OF
18 VOTING EQUIPMENT AT ANY TIME THAT THE VOTER IS NOT IN THE
19 IMMEDIATE VOTING AREA FOR PURPOSES OF VOTING OR CASTING HIS
20 BALLOT.

21 OR HERE ← NOTE

22 (5) ~~WITNESSING~~ HAND COUNT TABULATIONS AS THEY ARE BEING
23 CONDUCTED.

24 (6) VISUAL ACCESS TO ALL DOCUMENTS AND MATERIALS DURING THE
25 LAT AND POST-ELECTION AUDIT.

26 (b) Watchers must remain outside the immediate voting area WHILE AN
27 ELECTOR IS VOTING.

28 (c) Watchers may be present at each ~~stage~~ STEP of the conduct of the election,
29 including the SETUP AND BREAKDOWN OF POLLING LOCATIONS AND
30 ~~receiving~~ BALLOT TRANSPORT, RECEIPT, AND ~~bundling~~ PROCESSING of the ballots
31 ~~received by the designated election official.~~

32 (d) Watchers may be present during provisional ballot processing, SIGNATURE
33 VERIFICATION, AND UOCAVA BALLOT PROCESSING, but may not have
34 access to confidential voter information. ← bad wording. As provided by

35 statute, watchers need to have same access as election judges, just not while voter is voting in immediate
36 voting area. Else how do the elections remain under citizen rather than clerk and staff oversight? Watcher
oath could stress (as could judge oath) that confidential information if learned must never be divulged.

37 (e) The number of watchers permitted in any room at one time is subject to
38 local safety codes, WHICH MUST BE POSTED BY THE LOCAL SAFETY OFFICIAL SUCH AS THE FIRE
39 MARSHAL.

40 8.6.4-8.4.3 ~~Watchers~~—A WATCHER may witness and verify activities described in
41 ~~Article I~~—ARTICLE 1, Section 7, that are outside the immediate voting area,
42 including ballot processing and counting. IF ELECTION OFFICIALS OR ELECTION
43 JUDGES ← bad change. Please do not make this change. ARE CONDUCTING ELECTIONS
44 ACTIVITIES IN SEPARATE ROOMS OR AREAS OF

45 A BUILDING OR BUILDINGS, THE COUNTY CLERK AND ~~RECORDER MUST~~ ALLOW

46 ADDITIONAL WATCHERS TO ~~OBSERVE~~ WITNESS ACTIVITIES—AND VERIFY EACH SEPARATE
47 ACTIVITY IN EACH ROOM OR AREA IN THE BUILDING OR BUILDINGS. ← GOOD!

1 8.6.5-8.4.4 Watchers appointed under ~~section 1-10.5-101(1)(a), C.R.S.,~~ THIS RULE 8
2 may observe WITNESS AND VERIFY THE WORK OF the canvass board while it performs its duties.

3 8.6.6-8.4.5 ~~Watchers~~—A WATCHER may track the names of electors who have cast
4 ballots, challenge electors under section 1-9-203, C.R.S., and Rule ~~48-9~~, and
5 submit written complaints in accordance with section 1-1.5-105, C.R.S., and Rule
6 ~~31.8.7-13. What Watchers May Observe. Duly appointed Watchers~~—A WATCHER
7 may observe WITNESS AND VERIFY ~~polling place voting, early voting~~ ALL ACTIVITIES DURING
8 MAIL-BALLOT PRINTING, ENVELOPE ADDRESSING AND STUFFING, AND PRESORTING; IN A VOTER
9 SERVICE AND POLLING CENTER LOCATION; and DURING the processing and counting of
10 precinct, provisional, mail, and mail-in ballots. For mail ballot elections, or mail-
11 in ballot processing, ~~watchers~~ A WATCHER may be present at each stage of the
12 election including the receiving and bundling of the ballots, received by the
13 designated election official. Watchers ~~A WATCHER may be present during~~
14 provisional ballot processing but may not have access to confidential voter
15 information. **← Redundant with what is on previous page.**

16 *[Current Rule 8.6.1 is amended and moved to new Rule 1. Current Rule 8.6 is amended*
17 *and moved to new Rule 8.4. Amendments are shown above.]*

18 8.7-8.5 Watcher oath.—In addition to the oath required by section 1-7-108(1), C.R.S., a watcher
19 must affirm that he or she will not:

20 8.7.1-8.5.1 Attempt to determine how any elector voted ~~or review confidential voter~~
21 information; **← Not statutory.**

22 8.7.2-8.5.2 Disclose any confidential voter information that he or she may observe; or

23 8.7.3-8.5.3 Disclose any results before the polls are closed ~~and the designated election~~
24 official has formally announced results.

25 8.8-8.6 Limitations of Watchers.—~~Watchers~~—A WATCHER may not:

26 8.8.1-8.6.1 Interrupt or disrupt the processing, **verification, and counting** of any ballots
27 or any other stage of the election, **EXCEPT TO CHALLENGE, INQUIRE ABOUT, OR**
28 **VERIFY A STEP IN THE ELECTION.** **← Why not “interrupt”? How are watchers to exercise their rights**
29 **to witness and verify and assist in the correction of discrepancies?**

30 8.8.2-8.6.2 Write down any ballot numbers **← Bad rule. Why not? Aren’t they either**
31 **identical throughout a style or appear in groups of at least ten ballots? or any other identifying** **← Numbers**
32 **should not be identifying information about electors. Is something nefarious still going on? information-**
33 about
34 the electors.

35 8.8.3-8.6.3 ~~Handle~~ TOUCH OR HANDLE the poll books ~~POLLBOOKS~~, official signature
36 cards, ballots, mail ballot envelopes, ~~mail-in ballot envelopes,~~ provisional ballot
37 envelopes, voting or counting machines, or machine components, **EXCEPT AS NEEDED TO**
38 **VERIFY A STEP IN THE ELECTION, CHALLENGE INELIGIBLE ELECTORS, OR ASSIST IN THE CORRECTION OF**
39 **DISCREPANCIES.**

40 8.8.4-8.6.4 Interfere with the orderly conduct of any election process, including
41 issuance of ballots, receiving of ballots, and voting or counting of ballots, **EXCEPT AS**
42 **NEEDED TO VERIFY A STEP IN THE ELECTION, CHALLENGE INELIGIBLE ELECTORS, OR ASSIST IN THE**
43 **CORRECTION OF DISCREPANCIES.**

44 8.8.5-8.6.5 Interact with election officials or ~~election judges~~ as defined in section 1-1-
45 104(10) AND (47), C.R.S., except for the individual designated by the election
46 official SUPERVISOR JUDGE. **← Why not “interact”? How are watchers to exercise their**
47 **rights to witness and verify and assist in the correction of discrepancies? This is a bad rule that inhibits watchers from**
48 **carrying out the duties that are their statutory right. Perhaps add a rule about mutual politeness instead.**

1 8.6.6 USE A MOBILE PHONE TO MAKE OR RECEIVE A CALL IN ANY POLLING LOCATION OR
2 OTHER PLACE ELECTION ACTIVITIES ARE CONDUCTED. **← This rule should end at 7:00 p.m. on election night.**

3 8.6.7 USE ANY ELECTRONIC DEVICE TO TAKE PICTURES, VIDEO, OR AUDIO RECORDING IN
4 ANY POLLING LOCATION OR OTHER PLACE ELECTION ACTIVITIES ARE CONDUCTED. **←**

This wording is an improvement because it doesn't ban vital equipment. But why prohibit audio recordings? I would really like to know the rationale. It might help a watcher reconstruct a problem that needs correcting. Better wording would just say "No video or photos of ballots, voters included."

5 ~~8.9.1 8.8~~ ~~————— A major and OR minor political parties — PARTY with candidates — A~~
6 ~~CANDIDATE on the ballot, OR A REGISTERED ISSUE COMMITTEE SUPPORTING OR OPPOSING A~~
7 ~~BALLOT MEASURE OR QUESTION ON THE BALLOT may appoint one Watcher each to be~~
8 ~~present OR MORE WATCHERS to observe polling place voting, early voting, and the~~
9 ~~processing and counting of regular, provisional, mail and mail-in ballots ELECTION~~
10 ~~ACTIVITIES. See [sections 1-7-105 and 1-7-106, C.R.S., AND RULE 8.6.4.] **← bad change.**~~

Please do not make this change.

11 ~~8.10.8.7~~ ~~Official Observers Appointed by the Federal Government. THE~~
12 ~~SECRETARY OF STATE MUST APPROVE Official Observers appointed by the federal~~
13 ~~government. shall be approved by the Secretary of State and shall be OFFICIAL~~
14 ~~OBSERVERS ARE subject to Colorado law and these rules as they apply to Watchers.;~~
15 ~~however, they need not BUT AN OFFICIAL OBSERVER IS NOT REQUIRED TO be AN eligible~~
16 ~~ELECTOR electors in the jurisdiction in which they act as Watchers. This Rule shall DOES~~
17 ~~not apply to Official Observers appointed by the United States Department of Justice.~~
18 ~~Official Observers appointed by the Secretary of State shall be ARE subject to the rules~~
19 ~~and regulations as prescribed by the Secretary of State. Official Observers shall MUST~~
20 ~~obtain A LETTER OF AUTHORITY from the Secretary of State, or his or her designee, duly~~
21 ~~executed letters of authority. The Official Observers shall MUST surrender such THE letter~~
22 ~~of authority to the COUNTY CLERK AND RECORDER designated election official in the~~
23 ~~jurisdiction in which they act as Watchers.~~

24 *[Current Rule 8.10 is amended and moved to rule 8.7. Amendments are shown above.]*

25 ~~8.11.8.8~~ ~~Watchers, Official Observers and Media Observers at a Recount.~~
26 ~~Watchers, Official Observers, and Media Observers may be present at DURING a recount.~~
27 ~~Watchers, Official Observers, and Media Observers must be qualified and sworn IN for a~~
28 ~~recount in the same manner as provided AS DESCRIBED in Rule **8.2 8.1** and are subject to~~
29 ~~all other provisions related to the recount process. Any political party OR candidate~~
30 ~~involved in the recount or proponents or opponents of an issue or question involved in the~~
31 ~~recount may appoint one Watcher OR MORE WATCHERS to be present at any time during~~
32 ~~the recount. The A candidate who is subject to a recount may appoint him or her self~~
33 ~~HIMSELF OR HERSELF, or a member of the candidate's family by blood, or marriage, OR~~
34 ~~CIVIL UNION, as a watcher at a recount. See sections [SECTIONS 1-7-105 and 1-7-106,~~
35 ~~C.R.S. AND RULE 8.6.4.]~~

36 ~~8.12.8.9~~ ~~Media Observers. Media Observers with valid and current media~~
37 ~~credentials may be present to witness early voting, election day voting and the processing~~
38 ~~and counting of provisional, mail and mail-in ballots ALL ELECTION ACTIVITIES. However,~~
39 ~~at the discretion of the county clerk and recorder, Media Observers may be required A~~
40 ~~COUNTY CLERK AND RECORDER MAY, IN HIS OR HER DISCRETION, REQUIRE A MEDIA~~
41 ~~OBSERVER to appoint one member of the media as a pool reporter and one member as a~~

No changes suggested on this page

1 do not disrupt the counts and do nothing to compromise the integrity of
2 the process. Your cooperation in following these standards will help us to
3 meet all these goals.

4 *[Current Rules 8.11 and 8.12 are amended and moved to new Rules 8.8 and 8.9.*
5 *Amendments are shown above.]*

6 ~~8.13~~ 8.10 ~~Watchers at Vote Centers.~~ To assist Watchers in performing their tasks ~~when a~~
7 ~~vote center election is held~~ AT A VOTER SERVICE AND POLLING CENTER LOCATION, the
8 ~~designated election official shall~~ COUNTY CLERK MUST provide **AT NO CHARGE** a list of all voters who
9 have VOTED OR RETURNED A BALLOT IN THE COUNTY ~~appeared in the vote centers to vote.~~
10 ~~This list shall be made~~ THE COUNTY CLERK MUST MAKE THE LIST available at the
11 ~~designated election official's main office.~~ **THE COUNTY CLERK MAY ALSO PROVIDE THE**
12 **LIST ELECTRONICALLY. THE CLERK MAY MAKE THE** Such list may be made available to a
13 ~~requesting Watcher(s) in the form of data files, paper, or reports, and furnished to all~~
14 ~~interested parties via email, paper reports, or faxed copies as may be available to the~~
15 ~~designated election official.~~

16 ~~8.14~~ 8.11 ~~A designated election official shall~~ THE COUNTY CLERK **OR HIS OR HER**
DESIGNEE MUST **certify** (**←No certification is in statute.**) SIGN the
17 appointment of all eligible watchers duly designated by a political party, candidate, OR
18 committee pursuant to UNDER sections 1-1-104(51), 1-7-105, 1-7-106, or 1-7-107, C.R.S.,
WITHIN 1 BUSINESS DAY (INCLUDING WEEKEND DAYS DURING EARLY VOTING) OF RECEIVING THE
APPOINTMENT FORM.

19 ~~8.15~~ 8.12 Removal of Watchers.

20 ~~8.15.1~~ 8.12.1 A ~~designated election official~~ COUNTY CLERK OR DESIGNEE may remove a
21 watcher upon finding that the watcher:

22 (a) Commits or encourages fraud in connection with his or her duties;

~~23 (b) Violates any of the limitations outlined in Rule 8.8 8.6;~~

~~24 (c) Violates his or her oath; or~~

~~25 (d) Is abusive or threatening toward election officials or voters.~~ **← These are bad rules without any**
standards. Please remove b, c, and d. The prohibition of fraud is enough.

26 ~~8.15.2~~ 8.12.2 Upon removal of a watcher, the ~~designated election official~~ COUNTY
27 CLERK must inform the political party, candidate, or committee who appointed the
28 watcher.

29 ~~8.15.3~~ 8.12.3 A removed watcher may be replaced by an alternate watcher duly
30 designated in accordance with sections 1-7-105, 1-7-106, or 1-7-107, C.R.S. Any
31 ~~designated election official~~ COUNTY CLERK who removes a watcher must, to the
32 best of the ~~official's~~ CLERK'S ability, expeditiously certify the appointment.

33 ~~8.16~~ 8.13 Watchers may be designated to observe more than one ~~precinct or polling place~~
34 ~~VOTER SERVICE AND POLLING CENTER LOCATION. but in no event shall more than one~~
35 ~~watcher be designated for any single polling place.~~ See section 1-7-106, C.R.S.

1 8.178.14 Watchers may be appointed to observe recall elections held pursuant to UNDER
2 article 12, title I, C.R.S., and shall MUST be designated in accordance with sections 1-7-
3 106 and 1-7-107, C.R.S.

4 *[Current Rules 8.13-8.17 are amended and moved to new Rules 8.10-8.14. Amendments*
5 *are shown above.]*

6 **Rule 9. VOTING CHALLENGES**

7 ~~48.49.1~~ UNDER SECTION 1-9-201, C.R.S., AN ELECTION JUDGE OFFICIAL, POLL WATCHER, OR
8 ELIGIBLE ELECTOR OF THE PRECINCT MAY CHALLENGE AN ELECTOR'S RIGHT TO VOTE.
9 Pursuant to section 1-9-203 (7), C.R.S., a A person WHOSE ELIGIBILITY IS CHALLENGED ON
10 the grounds of residency shall MUST be offered a regular ballot by the AN election judge
11 OFFICIAL ← bad change. Please do not make this change. when IF the person challenged
12 satisfactorily answers the APPLICABLE challenge
13 questions specified in section 1-9-203(3)(a)-(e), C.R.S. The following demonstrate when
14 a person challenged satisfactory answered ANSWERS TO THE CHALLENGE QUESTIONS. the
15 challenge questions and action to be taken by the election judge based on the elector's
16 response: IF THE PERSON CHALLENGED PROVIDES UNSATISFACTORY ANSWERS OR REFUSES
17 TO ANSWER THE CHALLENGE QUESTIONS, AN ELECTION JUDGE OFFICIAL ← bad change.
18 Please do not make this change. MUST OFFER THE
19 PERSON A PROVISIONAL BALLOT.

18 9.2 CITIZENSHIP ← Revise all Rule 9 sections so that "must offer the person a regular ballot" only
19 would happen after all the questions are answered affirmatively.

19 A. ARE YOU A CITIZEN OF THE UNITED STATES?
20 SATISFACTORY ANSWER: YES.
21 IF THE PERSON CHALLENGED ANSWERS YES, AN ELECTION JUDGE OFFICIAL _____
22 MUST OFFER THE PERSON A REGULAR BALLOT.
23 UNSATISFACTORY ANSWER: NO.
24 IF THE PERSON CHALLENGED ANSWERS NO, AN ELECTION JUDGE OFFICIAL _____
25 MUST OFFER THE PERSON A PROVISIONAL BALLOT.

26 9.3 RESIDENCY

27 A. Have you WILL YOU HAVE resided in this state and precinct COLORADO for the
28 PAST thirty 22 days BEFORE ELECTION DAY immediately preceding this election?
29 Satisfactory response- ANSWER: Yes, he/she THE ELECTOR has resided in this state
30 COLORADO and precinct for the entire thirty 22-day period immediately preceding
31 this election. (In other words, his/her HIS OR HER primary home or place of abode
32 was in this state-COLORADO and precinct during the entire thirty 22-day period in
33 accordance with sections 1-1-104(43) and 1-2-102, C.R.S.)
34 IF THE PERSON CHALLENGED ANSWERS YES, Proceed CONTINUE to challenge
35 question B.

← The residency rules need to be more rigorous because of the chaos occasioned by 1303.

The minimum residency periods are as follows:

State elections--22 days

County elections--22 days for new electors, but -0- days for moving Colorado electors

School Tax questions--22 days

School Director election--25 days

Statutory) Municipal elections-- 30 days

(Home Rule Municipal elections-may vary by municipality)

Special District election--30 days

No changes suggested on this page

No changes suggested on this page

1 *[Current Rule 48 is amended and moved to Rule 9. Amendments are shown below.]*

2 **Rule 10. CANVASSING AND RECOUNT**

3 ~~41.1—Definitions~~

4 ~~41.1.1 “Canvass board” means a committee composed of the county clerk and recorder~~
5 ~~and the registered electors appointed by the major parties in accordance with~~
6 ~~section 1-10-101, C.R.S.~~

7 ~~41.1.2 “Canvass workers” means workers appointed or hired by the designated election~~
8 ~~official to assist in the preparation and conduct of the canvass.~~

9 ~~41.1.3 “Statement of Ballots Form” means the form used at the polling location that~~
10 ~~accounts for all ballots at that location and includes all information required by~~
11 ~~this rule.~~

12 *[Current Rule 41.1 is inaccurately moved to new Rule 1]*

13 ~~41.2-10.1~~ Appointment to the Canvass Board

14 ~~41.2.1~~ 10.1.1 In all cases, the canvass board must consist of an odd number of members,
15 and each member has equal voting rights.

16 ~~41.2.2~~ 10.1.2 For a partisan election, each major party may have no more than two
17 representatives on the canvass board. The board must include an equal number
18 of representatives from each major party, unless a major party fails to certify
19 representatives for appointment.

20 ~~41.2.3~~ 10.1.3 Each major party representative on the canvass board must be registered to
21 vote in the county where the representative will serve and affiliated with the
22 party he or she represents. **← Why? Not a good rule. Let parties choose anyone.**

23 ~~41.2.4~~ 10.1.4 A candidate for office and members of the candidate’s immediate family
24 may not serve on the canvass board.

25 ~~41.3-10.2~~ Duties of the Canvass Board

26 ~~41.3.1~~ 10.2.1 The canvass board must make its determinations by majority vote in
27 accordance with section ~~1-10-101.5(3)-1-10-101.5(1)(c)~~, C.R.S.

28 ~~41.3.2~~ 10.2.2 The canvass board’s duties are: **← The duties should exactly mirror statute.**
Curiously, no mention is made here of precincts. I think you could just repeat the statute’s wording here.

29 (a) Conduct the canvass in accordance with section ~~1-10.5-101-1-10-101.5~~,
30 C.R.S., including:

31 (i-1) **Account** and **balance** **← These terms should be defined in the first**
part of the Rules. the election and certify the official abstract of
32 votes;

1 (i-2). Reconcile ← This term should be defined in the first part of the
Rules. the number of ballots counted to the number of ballots
2 cast; and
3 (iii-3) Reconcile the number of ballots cast to the number of voters who
4 voted by reviewing the reconciled detailed ballot logs and Statement of
5 Ballots; ← And other statutory duties if a recount.
6 (b) Observe the post-election audit in accordance with section 1-7-514(4),
7 C.R.S., and Election Rule 41.5-4-11.4.3(K);
8 (c) In coordination with the county clerk and recorder
9 , investigate and report discrepancies found in the audit under section 1-7-
10 514(2), C.R.S.; and
11 (d) Conduct any recount in accordance with section 1-10.5-107, C.R.S., and
12 Election THIS Rule 44. The canvass board's role in conducting a recount
13 includes selecting ballots for the random test, observing the recounting of
14 ballots, and certifying the results.
15 41.3.3 10.2.3 If the board identifies a discrepancy in the Statement of Ballots, the Board
16 may review the particular ballots at issue to identify, correct, and account for
17 the error.

~~18 41.3.4 10.2.4 The canvass board may not perform duties typically reserved for election
19 judges, including: ← What is the purpose here? Election integrity is harmed. Delete.
20 (a) Determining voter intent;
21 (b) evaluating EVALUATING voter eligibility; and
22 (c) Requesting new logs or reports that were not created to conduct the election.~~

10.2.5 THE CANVASS BOARD MAY TAKE INTO ACCOUNT WATCHER REPORTS THAT INDICATE UNRESOLVED PROBLEMS IN THE AREAS COVERED IN RULE 10.2.4 WHEN DETERMINING THE NUMBER OF BALLOTS CAST, PARTICULARLY IN THE CASE OF MAIL BALLOTS, THE NUMBERS OF WHICH MAY BE SUBJECT TO DISPUTE BECAUSE THEY ARE NOT CONSIDERED CAST UNTIL THE SIGNATURE IS VERIFIED.

23 41.4 10.3 Detailed Ballot Log

24 41.4.1 10.3.1 The designated election official must keep a detailed ballot log that
25 accounts for every ballot issued and received beginning when ballots are
26 ordered and received. The election judges OFFICIALS must reconcile the log at
27 the conclusion of each workday.

28 41.4.2 10.3.2 The designated election official must keep and reconcile BALLOT daily
29 logs of mail-in, mail, and early voting ballots.

30 41.4.3 10.3.3 The designated election official must indicate in the detailed log the
31 number of paper ballots that are sent to each polling location for use on election
32 day.

33 41.4.4 10.3.4 The designated election official must keep required logs in either

1 electronic or manual format.

2 ~~41.5~~ 10.4 Election Day Tracking Process

3 ~~41.5.1~~ 10.4.1 The designated election official must supply each polling location with a
4 Statement of Ballots Form. ~~Combined precincts may use one form.~~ The form
5 must include a place for the ~~judges~~ ELECTION OFFICIALS to account for the
6 following information:

7 (a) The name or number(s) of the ~~precinct or vote center~~ POLLING LOCATION;
8 (b) The number of ballots provided to the polling location;
9 (c) The number of ballots cast;
10 (d) The number of unvoted ballots;
11 (e) The number of damaged or spoiled ballots; and
12 (f) The number of voted provisional ballots.

13 ~~41.5.2~~ 10.4.2 The election ~~judge~~ OFFICIAL **← bad change. Please do not make this**
14 **change. And why not bipartisan pair of election judges?** must reconcile the total number of voted
ballots with the number of voters who voted.

15 ~~41.5.3~~ 10.4.3 The election ~~judge~~ OFFICIAL **← bad change. Please do not make this change.**
16 **And why not bipartisan pair of election judges?** must verify that the total number of voted
17 ballots, spoiled or damaged ballots, provisional ballots, and unvoted ballots is
the same as the number of total ballots supplied to the polling location.

18 ~~41.5.4~~ 10.4.4 The election judge OFFICIAL **← bad change. Please do not make this change.**
19 **And why not bipartisan pair of election judges?** must reconcile the number
of people who ~~—~~
signed the ~~pollbook~~ SIGNATURE CARDS to the total of the number of ballots cast.

20 ~~41.5.5~~ 10.4.5 If there is a discrepancy in the numbers on the Statement of Ballots form,
21 the ~~judge~~ ELECTION OFFICIAL **← bad change. Please do not make this change.**
22 **And why not bipartisan pair of election judges?** must explain the discrepancy in writing (for
23 example, the voter signed in but left the polling place LOCATION without voting,
etc.).

24 ~~41.5.6~~ 10.4.6 The ~~judge~~ ELECTION OFFICIAL **← bad change. Please do not make this**
25 **change. And why not bipartisan pair of election judges?** must return the completed Statement of
26 Ballots form to the designated election official with the other precinct supplies
and mail a duplicate copy to the designated election official's office.

27 ~~41.6~~ 10.5 Designated Election Official's Disposition of Forms

28 ~~41.6.1~~ 10.5.1 The designated election official must review the Statement of Ballots form
29 for completion and accuracy.

30 ~~41.6.2~~ 10.5.2 If the designated election official or the canvass board discovers a problem
31 with the Statement of Ballots form that cannot be easily resolved, they may
32 contact the election ~~judges~~ OFFICIALS **← bad change. Please do not make this**
change. for an explanation or correction.

1 41.7 10.6 Procedures for ~~the Day of~~ the Canvass **← bad wording. Canvass board work can take many days.**

2 41.7.1 10.6.1 The designated election official must provide the following information to
3 the canvass board:

4 (a) The name of each candidate, office, and votes received; **← and undervotes and overvotes.**

5 (b) The number/OR letter of each ballot issue or question and votes received;

6 ~~(c) The number of voters who voted early;~~ **← Why are you taking this out?**

7 ~~(d) The number of mail-in-or-mail ballots cast, including the number OF~~
8 ~~accepted and rejected MAIL BALLOTS; and~~ **← + paper ballots in VSPC and DRE.**

9 ~~(e) The number of provisional ballots counted-CAST, INCLUDING THE NUMBER~~
10 ~~ACCEPTED AND REJECTED~~ **AND THE NUMBER OF EACH TYPE OF CODE APPLIED TO THESE BALLOTS.** **← Need to know why. I see that this topic comes up in 10.7.3(g). Consolidate?**

11 41.7.2 10.6.2 Any written documentation regarding official numbers is included as part
12 of the canvass.

13 41.8 10.7 Official Abstract AND REPORTING TO THE SECRETARY OF STATE

14 41.8.1 10.7.1 ~~The designated election official must include the number of eligible~~
15 ~~ACTIVE REGISTERED voters AND THE NUMBER OF REGISTERED VOTERS (ACTIVE~~
16 ~~AND INACTIVE) on election day on the official abstract.~~ **← Why are you taking this out?**

17 41.8.2 10.7.2 The canvass board must use the official abstract in a format approved by
18 the Secretary of State.

19 41.8.3 10.7.3 The official COUNTY abstract must include, by precinct/~~OR ballot style~~ or
20 ~~vote center, where applicable;~~ **← All elections should be reported by precinct as a safeguard to election integrity. Vote center counties and places like Pueblo County during the recent recall have been getting a pass on this step, but it is crucial. Style doesn't mean anything, especially in the November 2013 election.**

21 (a) THE TOTAL NUMBER OF ACTIVE REGISTERED ELECTORS ON ELECTION DAY;

22 (B) THE TOTAL NUMBER OF REGISTERED ELECTORS (ACTIVE AND INACTIVE) ON
23 ELECTION DAY;

24 (C) The statement of votes counted by race and ballot question or issue;

25 ~~(b) The total active registered electors in the precinct and the total for the~~
26 ~~jurisdiction holding the election;~~ **← bad change. Please do not make this change.**

27 (c) The total number of ~~electors voting in each precinct and the total for the~~
28 ~~jurisdiction holding the election;~~ BALLOTS CAST IN THE ELECTION **← bad change. Please do not make this change.**

29 ~~(d) The number of voters who voted early;~~

30 ~~(e) The number of emergency registrations;~~

← bad change. Please do not make this change.

- 1 (f) The number of ~~mail-in or~~ mail ballots counted and the number rejected;
2 (g) The number of provisional ballots counted and the number rejected listed by
3 each rejection code; and
4 (h) The number of damaged and spoiled ballots.

5 10.7.4 THE STATE PORTION OF THE ABSTRACT, WHICH THE COUNTY MUST TRANSMIT TO
6 THE SECRETARY OF STATE, MUST INCLUDE:

7 (A) THE TOTAL NUMBER OF ACTIVE REGISTERED ELECTORS ON ELECTION DAY;

8 (B) THE TOTAL NUMBER OF REGISTERED ELECTORS (ACTIVE AND INACTIVE) ON
9 ELECTION DAY;

10 (C) THE STATEMENT OF VOTES COUNTED BY RACE AND BALLOT QUESTION OR
11 ISSUE;

12 (D) THE TOTAL NUMBER OF BALLOTS CAST IN THE ELECTION; AND

13 (E) THE CANVASS **ELECTION NIGHT REPORTING (ENR)** ~~ENR~~ **ENR** UPLOAD
14 REQUIRED UNDER RULE **RULE 11.11.4**.

14 ~~41.9~~ 10.8 The COUNTY Abstract is the Official Permanent Record.

15 ~~41.9.1~~ 10.8.1 The designated election official must keep all official canvass reports and
16 forms as part of the official permanent election record.

17 ~~41.9.2~~ 10.8.2 Once the canvass board certifies the abstract it may not withdraw the
18 certification. In the event of a recount, the canvass board may only affirm or
19 amend the abstract.

20 ~~41.10~~ 10.9 Appointment of Canvass Workers.

21 10.9.1 The designated election official may appoint canvass workers to help prepare and
22 conduct the canvass.

23 ~~41.11~~ 10.10 Voter History.

24 ~~41.11.1~~ 10.10.1 After the canvass, the designated election official must give VOTE
25 credit to each voter **WHO VOTED**. ~~who votes by mail, at an early voting site, or~~
26 ~~at a polling location.~~

27 ~~41.11.2~~ 10.10.2 If the voter history records do not match the number of voters who
28 voted at that election, the designated election official must ensure the following:

29 (a) Each voter received credit for voting; and

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

1 ~~41.11.3~~ 10.10.3 All research concerning discrepancies must be explained and
2 documented.

3 ~~41.12~~ 10.11 Written Complaints.

4 10.11.1 The designated election official must provide the canvass board with any written
5 complaint submitted by a registered elector about a voting device **OR OTHER EQUIPMENT.** [Note]

6 ~~41.12.1~~ 10.11.2 If the complaint is resolved, the designated election official must provide
7 the details of the **RESOLUTION.** [Note]

8 ~~41.12.2~~ 10.11.3 If the complaint is pending resolution when the board meets to conduct
9 the canvass, the designated election official must provide **A NONBINDING** proposal for how the
10 **issue** **THE CANVASS BOARD** will ~~be resolved~~ **resolve** **THE ISSUE.**

11 ~~41.13~~ 10.12 Role of Watchers.

12 10.12.1 Watchers appointed under section ~~1-10-5-101(1)(a)~~ 1-10-101(1)(a), C.R.S., may
13 ~~observe~~ **WITNESS AND VERIFY THE CANVASS BOARD STEP OF THE ELECTION, INCLUDING WATCHING** the
board while it performs its duties **IN A PROPERLY NOTICED PUBLIC MEETING**, subject to Rule 8.

15 ~~41.14~~ 10.13 Role of the Secretary of State.

17 10.13.1 As part of the Secretary's duties under section 1-1-107, C.R.S., the Secretary may
18 provide guidance and investigate imperfections as outlined below.

20 ~~41.14.1~~ 10.13.2 The county clerk ~~and recorder~~ or the canvass board may request
21 that the Secretary of State provide guidance and support to the canvass board in
22 the exercise of the board's duties.

24 ~~41.14.2~~ 10.13.3 If, in the course of assisting a canvass board, the Secretary of State
25 discovers an imperfection, several courses of action may follow:

(a) ~~that the~~ **THE Secretary MAY OFFER INDEPENDENT ADVICE TO THE CANVASS BOARD AS TO HOW TO
PROCEED, WITHOUT REQUIRING A MOTION FROM A CANVASS BOARD MEMBER OR THE COUNTY CLERK.**

(b) **IF THE SECRETARY** believes **THAT THE IMPERFECTION** may affect the conduct of
26 other canvass boards, the Secretary may provide notice to other counties
27 regarding the nature of the imperfection.

29 ~~41.14.4~~ 10.13.4 Imperfect returns or failure to certify. **These are bad rules; the SOS
needs to work with the canvass board, including the clerk, to achieve a resolution. The canvass board
(excluding the clerk?) may not have all the expertise or all the data needed to do that without the SOS's
office stepping in to help. The canvass board should be offered that help even without having to ask for it.
Can you make a rule that says that?**

~~30~~
~~31~~ (a) ~~If the canvass board fails to certify or certifies imperfect returns that have~~
~~32~~ ~~no reasonable potential to change the outcome of any race or ballot~~
~~33~~ ~~measure, the Secretary of State and county clerk must certify the election~~
~~34~~ ~~and order recounts, if any, in accordance with Part 1, Article 11 of Title 1,~~
~~35~~ ~~C.R.S.~~

~~36~~
~~37~~ (b) ~~If the canvass board fails to certify or certifies imperfect returns that have~~
~~38~~ ~~a reasonable potential to change the outcome of any race or ballot~~
~~39~~ ~~measure, the Secretary of State will conduct an investigation to identify~~
~~40~~ ~~the nature of, and advise the county clerk and recorder in correcting, the~~
~~41~~ ~~inaccuracy.~~

1 *[Current Rule 41 moved to new Rule 10. Amendments between the current and new rule*
2 *language are shown above.]*

3 14.3 10.14 RECOUNT GENERALLY.

4 10.14.1 The purpose of a recount is to **RE-TABULATE** THE BALLOTS. ~~review the ballots~~
to
5 assure they were counted properly. Unless directed otherwise by the Secretary of
6 State, all procedures of election night shall be followed as closely as possible
7 during the recount, including an examination of the ballots.

RE-TABULATE - not defined anywhere in this pdf.

tab·u·late 'tabyə lāt, verb. 1.arrange (data) in tabular form. ... From Matthew Hess: rearranging data has nothing to do with recounting to verify or build a new dataset. ... Also, the goal is accuracy.

Suggest:

10.14.1 THE PURPOSE OF A RECOUNT IS TO VERIFY OR CORRECT THE INITIAL COUNT BY BUILDING A NEW DATASET CREATED BY DIFFERENT MEANS THAN THE INITIAL COUNT AND PREFERABLY BY HAND COUNTING IF THE NUMBER OF BALLOTS CONTAINING THE BALLOT QUESTION TO BE RECOUNTED IS LESS THAN 2,000 OR IF CANVASS BOARD PREFERENCES HAND COUNT. CHECK ALL PARTS OF THE ELECTION TO ASSURE THAT ALL BALLOTS ARE COUNTED THAT SHOULD BE AND NONE ARE COUNTED THAT SHOULD NOT BE. ← The rules below would have to be modified to permit a hand count even if originally done by machine. The statute gives authority to do a hand count as follows (and in the case of a hand count, a LAT could be skipped):

1-10.5-102(b) If the results of the comparison of the machine count and the manual count in accordance with the requirements of subparagraph (I) or (II) of paragraph (a) of this subsection (3) are identical, or if any discrepancy is able to be accounted for by voter error, then the recount may be conducted in the same manner as the original ballot count.

[Note I cut out material here to keep pagination as in original.]

12 10.15 RECOUNT COST ESTIMATES AND REIMBURSEMENTS

13 10.15.1 A COUNTY MUST SUBMIT A REQUEST FOR REIMBURSEMENT FOR A MANDATORY
14 RECOUNT IN A STATEWIDE OR FEDERAL RACE **←Is that all?** USING THE
SECRETARY OF **STATE'S**

15 APPROVED FORM. THE COUNTY MAY NOT REQUEST REIMBURSEMENT FOR MEALS

Note I cut out material here to keep pagination as in original.]

23 10.15.2 REQUESTED RECOUNTS

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

27 (B) IN PREPARING A COST ESTIMATE FOR A REQUESTED RECOUNT, THE COUNTY
28 MUST USE THE SECRETARY OF **[Note:] STATE'S APPROVED FORM.** THE
ESTIMATE MUST

29 INCLUDE REASONABLE ITEMIZED COSTS FOR CONDUCTING THE RECOUNT.
30 THE COUNTY MAY NOT REQUEST REIMBURSEMENT FOR NORMAL OVERHEAD
31 COSTS.

32 (C) ANY OTHER COSTS AGREED TO BY THE REQUESTING PARTY. **←Looks expensive. Delete?**

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

1 10.16 IN ACCORDANCE WITH SECTION 1-10.5-107, C.R.S., AND RULE 10.2.2(D), THE CANVASS
2 BOARD'S ROLE IN CONDUCTING A RECOUNT INCLUDES SELECTING BALLOTS AND SCANNERS FOR THE TEST,
3 OBSERVING THE RECOUNTING OF BALLOTS, AND CERTIFYING THE RESULTS.

4 ~~14.4~~10.17 ~~General Provisions~~ WATCHERS AND OBSERVERS

5 14.4.1 10.17.1 The Secretary of State may ~~have~~APPOINT an official observer
6 OBSERVERS at every recount location IN ANY RECOUNT.

7 14.4.2 ~~Any candidate who is subject to the recount may be present and observe the~~
8 ~~recount at any recount location or designate one Watcher to observe the recount~~
9 ~~at any recount location. Watchers must provide the election official with a~~
10 ~~certificate signed by the candidate, except that an officer of the county party~~
11 ~~may be accepted as a candidate's watcher without a certificate if no other person~~
12 ~~is designated by the candidate for that location.~~

13 14.4.3-10.17.2 Each candidate, ~~his or her watcher,~~ OR THE CANDIDATE'S WATCHER,
14 ~~members of the media~~ OBSERVERS, and official observers as defined in Rule 8.1,
15 may be present in the room when a AND WITNESS THE recount is conducted IN
16 ACCORDANCE WITH RULE 8. ~~During the recount the candidate, watcher,~~
17 ~~members of the media, and official observers may not interfere with the recount~~
18 ~~process.~~ ← What about the canvass board and watchers to the canvass board? //

19 14.4.4-10.17.3 The recount board, candidates, AND watchers, ~~members of the media, and~~
20 ~~official observers will~~ MUST take an oath NOT TO REVEAL HOW A VOTER VOTED
SHOULD THEY DISCOVER THAT IN THE COURSE OF THE RECOUNT.

21 10.17.4 COMPLAINTS. A WATCHER MAY SUBMIT A COMPLAINT IN WRITING TO THE
22 COUNTY CLERK OR DESIGNEE. WRITTEN COMPLAINTS DURING A RECOUNT WILL
23 BE ADDRESSED IN ACCORDANCE WITH RULE 4 13.

24 10.18 TESTING RECOUNT EQUIPMENT

25 10.18.1 THE CANVASS BOARD MUST REVIEW THE POST-ELECTION AUDIT BEFORE
26 SELECTING THE EQUIPMENT FOR TESTING UNDER SECTION 1-10.5-102(3), C.R.S.
27 TO THE EXTENT FEASIBLE, THE BOARD MUST SELECT EQUIPMENT FOR TESTING
28 THAT WAS NOT INCLUDED IN THE POST-ELECTION AUDIT.

29 10.18.2 THE COUNTY CLERK CANVASS BOARD MUST TEST ALL SCANNERS THAT WILL BE USED IN THE
30 RECOUNT. THE PURPOSE OF THE TEST IS TO ENSURE THAT THE TABULATION
31 MACHINES ARE COUNTING PROPERLY.

32 (A) THE TEST DECK MUST INCLUDE 50 BALLOTS OR 1% OF THE TOTAL NUMBER
33 OF BALLOTS CAST IN THE ELECTION, WHICHEVER IS GREATER, EXCEPT THAT
34 THE TOTAL NUMBER OF BALLOTS TESTED MAY NOT EXCEED THE TOTAL
35 NUMBER OF BALLOTS TESTED IN THE LOGIC AND ACCURACY TEST BEFORE
36 THE ELECTION. ← May be good to do more testing before a recount. THE BALLOTS MUST BE
MARKED TO TEST EVERY OPTION FOR

37 THE RACE OR MEASURE THAT WILL BE RECOUNTED.

1 (1) IN A MANDATORY RECOUNT, THE CANVASS BOARD MUST SELECT THE
2 BALLOTS TO BE TESTED ~~FROM THE PRE-ELECTION PUBLIC LOGIC AND~~
3 ~~ACCURACY TEST DECK.~~ ← Why? It could be deficient.

4 (2) IN A REQUESTED RECOUNT, THE PERSON REQUESTING THE RECOUNT
5 MAY MARK UP TO 25 BALLOTS. ANY OTHER CANDIDATE IN THE RACE
6 MAY ALSO MARK UP TO 25 BALLOTS. ~~THE CANVASS BOARD MAY SELECT MORE BALLOTS TO~~
~~ENSURE THE MINIMUM NUMBER OF BALLOTS REQUIRED BY THIS RULE; MORE THAN THE MINIMUM MAY BE~~
~~SELECTED. THE CANVASS BOARD MUST~~
7 ~~RANDOMLY SELECT BALLOTS FROM THE PRE-ELECTION PUBLIC LOGIC~~
8 ~~AND ACCURACY TEST DECK TO ENSURE THE MINIMUM NUMBER OF~~
9 ~~TEST BALLOTS REQUIRED BY THIS RULE.~~

10 (B) SWORN JUDGES ~~OR STAFF~~ MUST HAND TALLY THE TEST BALLOTS FOR
11 COMPARISON TO THE TABULATION RESULTS.

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

13 10.18.3 THE COUNTY CLERK MUST TEST THE VVPAT RECORDS FROM 1% OF THE DRES
14 THAT HAD VOTES CAST FOR THE RACE OR MEASURE BEING RECOUNTED.

15 (A) SWORN JUDGES ~~OR STAFF~~ MUST MANUALLY VERIFY THE RESULTS ON THE
16 MACHINES SELECTED FOR THE TEST.

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

18 10.19 COUNTING ~~OF~~ BALLOTS

19 ~~10.19.1 IN ACCORDANCE WITH SECTION 1-10.5-102(3)(B), C.R.S., IF THERE ARE NO~~
20 ~~DISCREPANCIES IN THE TEST UNDER RULE 14.6-10.18, THE RECOUNT MUST BE~~
21 ~~CONDUCTED IN THE SAME MANNER AS THE BALLOTS WERE COUNTED IN THE~~
22 ~~ELECTION EXCEPT AS OUTLINED IN THIS RULE.~~ ← This should be deleted. It can result in an
incorrect recount result and outcome.

23 14.6.5 10.19.2 A clear audit trail ~~shall~~ MUST be maintained throughout the recount
24 including, but not limited to, a log of seal numbers on transfer cases or ballot
25 boxes ~~as defined in section 1-7-505, C.R.S., and the corresponding numbered~~
26 ~~seal used as a replacement for the original seal, upon completion of the recount~~
27 ~~of ballots within that~~ FOR EACH transfer case or ballot box.

28 *[Current Rule 14.6.5 is amended and moved to new Rule 10.19.2. Amendments*
29 *between the current and new rule language are shown above.]*

30 10.19.3 BALLOTS MUST BE REVIEWED FOR VOTER INTENT USING THE STANDARDS IN RULE
31 18.

32 (A) ~~EVERY BALLOT WITH AN~~ OVER-VOTE OR UNDER-VOTE IN THE RACE(S) OR
33 MEASURE(S) SUBJECT TO THE RECOUNT MUST BE REVIEWED FOR VOTER
34 INTENT UNDER RULE 18 ~~USING THE SAME GUIDELINES THAT WERE USED~~
35 ~~DURING THE ELECTION.~~

1 (B) THE JUDGES CONDUCTING THE VOTER INTENT REVIEW MAY RESOLVE THE
2 INTENT DIFFERENTLY THAN THE JUDGES IN THE ELECTION. ← GOOD!

3 10.19.4 TO RECOUNT BALLOTS ON OPTICAL SCANNERS:

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

6 (B) IF THE ORIGINAL COUNT WAS BY PRECINCT COUNT, THE COUNTY MUST USE
7 ONE OR MORE BLANK PROM CARTRIDGES, ROM CARTRIDGES, OR MEMORY
8 CARDS.

9 (C) ALL PRECINCT BALLOTS MAY BE TABULATED CENTRALLY REGARDLESS OF
10 WHETHER THE COUNTY USED PRECINCT OR CENTRAL TABULATION WAS USED
11 ON ELECTION DAY.

12 *[Portions of Current Rules 14.6.9 – 14.6.12 are moved to new Rules 10.19.3 and*
13 *10.19.4]*

14 10.19.5 ~~14.7.3~~ Ballots for the recount shall be processed following the State of Colorado
15 Procedures for the use of the Ballot Now Voting System in conjunction with the
16 following procedures: TO RECOUNT BALLOTS USING “BALLOT NOW”:

17 (A) BACK UP THE OFFICIAL ELECTION DATABASE.

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

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

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

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

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

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

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

32 *[Portions of current Rule 14.7.1 and 14.7.2 are moved to Rule 10.19.5. Current*
33 *Rule 14.7.3 is amended and moved to new Rules 10.19.5. Amendments are*

1 *shown above.]*

2 10.19.6 TO RECOUNT BALLOTS BY HAND COUNT.

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

5 ~~14.5.4~~(B) Ballots ~~shall~~MUST be counted ~~into groups~~IN BATCHES of 25 to
6 ensure that the number of ballots recounted matches the number originally
7 counted. **←It would be better to make batches of 50. That allows crisscrossing
of groups of ten, so is easier to find mistakes in the creation of the original batches to count.**

8 ~~14.5.5~~(C) Votes ~~shall~~MUST be counted by individual hash marks in 25-count
9 sections by two different judges. **←Again, use 50 ballots. It would be better
to use the sort-and-stack method, because it is faster and more easily verified. The second team of
judges can just verify the sorting and the number of ballots in each stack.**

**The hash-mark method is tedious and leads to much recounting (on the basis of my watcher
experience in Kiowa, Jackson, Saguache, and Boulder counties since 2010). Boulder staff thinks
differently, but during the risk-limiting audit, they only recount twice by the hash-mark method;
if the second count differs from the first count, they go to the sort-and-stack method for the
definitive count.**

10 *[Current Rules 14.5.4 and 14.5.5 are amended and moved to new Rules*
11 *10.19.6(a) and (b). Amendments between the current and new rule language are*
12 *shown above.]*

13 10.19.7 FOR TABULATION OF DREs, IF THERE ARE NO DISCREPANCIES IN THE TEST UNDER
14 RULE ~~14.6~~ 10.18.3, THE COUNTY CLERK ~~MUST~~ MAY UPLOAD THE MEMORY CARDS.

**← It would be better to recount the VVPATs where available, but election judges under oath need to cut
the tapes apart and shuffle them or otherwise destroy the original order the tapes were in to preserve voter
anonymity. Writing (circling) the race or issue being recounted on the tapes with red or green ink would
help keep things straight. Again, sort and stack is the best method.**

15 10.19.8 TABULATION OF BALLOTS CAST ~~BY ONE METHOD~~MUST BE COMPLETED THROUGH
16 A PRECISE, CONTROLLED PROCESS THAT ENSURES EACH CONTAINER OF BALLOTS
17 IS RECOUNTED, RETABULATED **← bad change. Please do not make this change.**
AND RESEALED, ~~AND~~ RETABULATED **← bad change. Please do not make this change.** BEFORE
18 TABULATION OF THE NEXT ~~METHOD~~CONTAINER BEGINS. ~~EXCEPT THAT, IF MAIL IN~~
19 ~~BALLOTS WERE ORIGINALLY COUNTED WITH EARLY VOTING BALLOTS, THE~~
20 ~~RECOUNT MUST BE CONDUCTED IN THE SAME MANNER.~~

21 ~~14.6.6~~ 10.19.9 The number of ballots counted ~~by a METHOD AND~~precinct according to the
22 ~~election night report~~ shall FINAL RESULTS FOR THAT RACE OR MEASURE MUST be
23 available ~~during~~ AFTER the recount for comparison purposes.

24 *[Current Rule 14.6.6 moved to new Rule 10.19.9. Amendments between the*
25 *current and new rule language are shown above.]*

26 10.20 CANVASS AND REPORTING RESULTS

27 ~~14.6.7~~ 10.20.1 Totals of recounted ballots ~~shall be processed, counted, and~~ MUST BE
28 reported in summary form as follows:

29 (a) Sum total of votes cast for each ~~candidate, ballot issue or ballot question~~
30 ~~subject to the recount~~RACE OR MEASURE RECOUNTED, under-votes, and over-
31 votes for all ~~precincts~~FOR EACH LOCATION; **[Note I cut out two lines here**
32 ~~combined total, not totaled by individual precincts or location, unless your~~
33 ~~system allows]; **to keep pagination as in original.]**~~

1 (e) ~~Sum total of votes cast for each candidate, ballot issue or ballot question,~~
2 ~~subject to the recount, under votes, and over votes for all early voting~~
3 ~~locations (a combined total, not totaled by individual precinct or locations,~~
4 ~~unless the voting system so allows);~~

5 (d) ~~Determine the grand total of ballots cast in early, mail in, and precinct~~
6 ~~voting.~~

7 (E-B) THE TOTALS MUST BE A COMBINED TOTAL, NOT TOTALED BY INDIVIDUAL
8 PRECINCTS OR LOCATION, UNLESS THE TABULATION SYSTEM ALLOWS. ← bad

change. Consider doing everything possible to report by precincts.

9 *[Current Rules 14.5.1 and 14.6.7 are amended and moved to new Rule 10.20.1.*
10 *Amendments are shown above.]*

11 10.20.2 IN ACCORDANCE WITH SECTION 1-10.5-107, C.R.S., AND THIS RULE 10, THE
12 CANVASS BOARD MUST AMEND, IF NECESSARY, AND RE-SUBMIT THE ABSTRACT OF
13 VOTES CAST.

14 Rule 11. Rules Concerning Voting Systems

15 11.1 Voting system access.

16 ~~11.2.1 The county clerk and recorder shall not program or operate the voting system~~
17 ~~subject to section 1-5-607, C.R.S.~~

18 ~~11.2.2 11.1.1 Any election setup materials shall be stored by the~~ THE county clerk and
19 ~~recorder~~ DESIGNATED ELECTION OFFICIAL MUST SECURELY STORE ELECTION SETUP
20 RECORDS under security with access limited to the person or persons so authorized
21 in writing by the county clerk and recorder. NO PERSON MAY ACCESS THE RECORDS
22 WITHOUT THE CLERK'S WRITTEN AUTHORIZATION.

23 ~~11.2.3 11.1.2 Employees of the county clerk and recorder~~ THE COUNTY CLERK MUST
24 ~~DEPUTIZE EMPLOYEES~~ who are authorized by the county clerk and recorder to
25 prepare or maintain the voting system or election setup materials shall RECORDS
26 MUST be deputized by the county clerk and recorder for this specific purpose and
27 so sworn prior to BEFORE the first election. of the calendar year in which they will
28 be performing one or more of these activities.

29 ~~11.2.4 11.1.3 The county clerk and recorder shall request an Internet Criminal History~~
30 ~~Check (ICHC) from the Colorado Bureau of Investigation (CBI) for all full-time,~~
31 ~~part-time, permanent and contract employees of the county who staff the counting~~
32 ~~center and OR who have any access to the electromechanical voting systems or~~
33 ~~electronic vote tabulating equipment. At the direction of the county clerk and~~
34 ~~recorder, an ICHC check may be conducted on election judges. The county clerk~~
35 ~~and recorder shall request the ICHC once per calendar year for such employees~~
36 ~~prior to the first election of the year.~~ IN ACCORDANCE WITH SECTION 24-72-305.6,
37 C.R.S., ALL PERMANENT AND TEMPORARY COUNTY STAFF AND ALL VENDOR STAFF
38 WHO HAVE ACCESS TO THE VOTING SYSTEM OR ANY VOTING OR COUNTING

No changes suggested on this page

1 11.2.3 The voting system provider shall MUST update all bond documents for each
2 contract or election. performed.

3 11.3.4 Copies of the performance bond for the secretary of state's office shall be sent to:
4 Colorado Department of State, Voting Systems Specialist, 1700 Broadway, Suite
5 270, Denver, Colorado 80290, or to voting.systems@sos.state.co.us

6 11.3 Voting System Inventory.

7 11.3.1 The designated election official shall MUST maintain an inventory record for each
8 electronic vote-tabulating device used in an election. Such records shall THE
9 RECORD MUST include, but not be IS NOT limited to, the manufacturer, make,
10 model, serial number, hardware/firmware/software version or release number,
11 hash value documentation where applicable, date of acquisition, description of
12 any services, repairs, maintenance, upkeep, and version upgrades, and the dates of
13 performance of such services as of the date of adoption of these rules THE
14 SERVICES WERE PERFORMED, AS WELL AS COPIES OF ANY WRITTEN COMPLAINTS ON
THE DEVICE. [Note]

15 11.3.2 IF THE INVENTORY IS IN ELECTRONIC FORMAT, IT MUST BE EXPORTABLE TO A
16 COMMA SEPARATED (CSV), EXCEL SPREADSHEET (XLS OR XLSX), OR QUOTE OR
17 TAB QUOTE OR TAB SEPARATED (TXT) FILE BEFORE DELIVERY TO THE SECRETARY
18 OF STATE.

19 11.4.2 11.4.3 11.3.3 The designated election official shall MUST furnish FILE THE
20 INVENTORY WITH the Secretary of State with an extract or copy of the inventory
21 NO LATER THAN 10 TEN DAYS BEFORE THE ELECTION for use in the Logic and
22 Accuracy Test and the Post-Election Audit Test. The requirements for this extract
23 are:

24 (a) — Be in either electronic or paper format;

25 (b) — Contain information regarding: make, model, serial number, type (optical
26 scanner or DRE), AND specific location of use, and specific precincts
27 programmed on each device or card;

28 (c) — Inventories maintained in electronic format shall be exportable to an
29 industry standard file type — comma separated (CSV), excel spreadsheet
30 (XLS OR XLSX), or Quote or Tab separated (TXT) file prior to electronic
31 delivery to the Secretary of State; and

32 (d) — The designated election official shall send the inventory list to the
33 Secretary of State's office not less than ten (10) days prior to an election to
34 the attention of the Voting Systems Specialist. Inventory lists may be sent
35 BY MAIL, E-MAIL, OR FAX. in one of three means: E-mail:
36 voting.systems@sos.state.co.us Subject line = County Number, County
37 Name, HARDWARE INVENTORY LIST; or Via facsimile to: 303-869-
38 4861 attn: Secretary of State, Voting Systems Specialist; or via First Class

No changes suggested on this page

1 (k) (11) Date, time and calibration of systems.

2 11.5.2.2 (B) THE ~~CLERK~~ DESIGNATED ELECTION OFFICIAL MUST SEAL each device
3 tested ~~shall be sealed~~ upon the successful completion of the test
4 AND RETAIN documentation of the seal information and all records
5 ~~from testing must be maintained for each device~~ IN ACCORDANCE
6 WITH SECTION 1-7-802, C.R.S.

7 11.5.3 11.4.2 Logic and Accuracy Test. ~~The designated election official shall conduct a~~
8 ~~Logic and Accuracy Test according to the following requirements.~~

9 11.5.3.1 (A) The designated election official ~~shall~~ MUST create a Testing Board
10 ~~consisting of at least two persons~~ PARTY NOMINEES, ONE REGISTERED ELECTOR
11 ~~AFFILIATED WITH THE~~ FROM EACH OF THE MAJOR POLITICAL
12 PARTIES, AS DEFINED IN SECTION 1-1-104(22), C.R.S., ~~AND one~~
13 ~~REGISTERED ELECTOR from each OTHER major political party, IF~~
14 APPOINTED. ~~TESTING BOARD MEMBERS MUST BE REGISTERED TO~~
15 ~~VOTE IN THE COUNTY.~~ ← Why? No need. Let parties choose best persons.

16 11.5.3.2 (B) ~~Prior to the commencement of voting,~~ The designated election
17 official ~~shall~~ MUST conduct the public Logic and Accuracy Test
18 BEFORE VOTING.

19 11.5.3.3 (C) The DESIGNATED ELECTION OFFICIAL MUST ENSURE THAT THE Logic
20 and Accuracy Test ~~shall be~~ IS open to ~~representatives of the press~~
21 ~~and~~ THE MEDIA AND the public to the extent allowable ~~and pursuant~~
22 ~~to~~ IN ACCORDANCE WITH section 1-7-509(2)(b), C.R.S. The
23 designated election official may limit the number of
24 representatives from each group ~~to accommodate for~~ BECAUSE OF
25 space limitations ~~and~~ OR other considerations; **HOWEVER, THE GOAL**
26 **IS TO INCLUDE AS MANY MEDIA AND MEMBERS OF THE PUBLIC AS APPEAR.** [Note]

26 11.5.3.4 (D) ~~Testing Board Test Ballots~~ — In preparation for the ~~Logic and~~
27 ~~Accuracy Test,~~ The designated election official ~~shall~~ MUST provide
28 ~~to each member of the Testing Board,~~ at least ~~twenty five (25)~~ 25
29 CLEARLY-MARKED TEST ballots ~~that are clearly marked as test~~
30 ~~ballots~~ TO EACH TESTING BOARD MEMBER ~~to be used for the Logic~~
31 ~~and Accuracy Test.~~

32 11.5.3.5 (E) ~~The members of the Testing Board~~ MEMBERS ~~shall~~ MUST secretly
33 vote their ~~position~~ BALLOTS IN ACCORDANCE WITH THE
34 INSTRUCTIONS PRINTED ON THE BALLOTS and retain a record of the
35 tally. ~~of their test votes.~~ ~~The test ballots shall MUST have a known~~
36 ~~predetermined outcome by the members of the Testing Board's~~
37 ~~secret vote and tally.~~ Of the ~~twenty five~~ 25 test ballots, two ~~shall~~
38 MUST be tested as audio ballots where applicable.

39 11.5.3.6 (F) ~~County Test Ballots~~ — In preparation for the ~~Logic and Accuracy~~
40 ~~Test,~~ The designated election official ~~shall~~ MUST prepare a

1 sufficient number of test ballots that represent every precinct
2 which shall include AND every ballot style AND PRECINCT, IF
3 APPLICABLE, allow for a sufficient number of ballots to mark every
4 vote position for every candidate on every race including write-in
5 candidates, allow for situations where a race may permit an elector
6 to vote for two or more positions, WHERE APPLICABLE, and include
7 overvotes and undervotes for each race.

8 11.5.3.7 (G) The test ballots shall TESTING BOARD MUST be tested TEST THE
9 BALLOTS on each type of voting device utilized USED in a given
10 THE election and each method of counting. TYPE OF BALLOT
11 INCLUDING The tests shall include testing of mail in ballot counting
12 methods, election day counting methods MAIL, REGULAR,
13 provisional, ballot, counting methods, early voting counting
14 methods and audio ballots, if applicable, AND IT IS PREFERABLE TO
HAVE A PERSON WHO HAS A SIGHT IMPAIRMENT DO THE AUDIO TESTING. ← This has been suggested by
Boulder County LAT Board before. It makes a lot of sense.

15 11.5.3.8 (H) Conducting the Test.

16 11.5.3.8.1 (1) The designated election official and Testing Board shall
17 MUST observe the tabulation of all test ballots by means of
18 the voting device and compare the tabulation with the
19 previously retained records of the test vote count The cause
20 of AND MUST CORRECT any discrepancies shall be corrected
21 prior to the start of BEFORE vote tabulation.

22 11.5.3.8.2 (2) Prior to the start of testing, THE DESIGNATED ELECTION
23 OFFICIAL MUST all devices used will have the public counter
24 reset THE PUBLIC COUNTER to zero ON ALL DEVICES, and
25 PRESENT ZERO TAPES presented to the Testing Board for
26 verification. For any device capable of producing OR
27 VERIFYING the trusted build hash value (MD5 or SHA-1) of
28 the firmware or software, the DESIGNATED Election Official
29 shall MUST verify and document the accuracy of the value
30 to be included with the records for the device.

31 11.5.3.8.3 (3) THE DESIGNATED ELECTION OFFICIAL MUST MAKE an
32 appropriate number of voting devices will be available and the
33 Testing Board may witness the necessary programming and/or
34 downloading of memory devices necessary to FOR THE test. the
35 specific precincts.

36 11.5.3.8.4 (4) The Testing Board and designated election official or his or
37 her designated deputized clerks, as necessary, shall MUST count
38 the test ballots as follows:

39 (a) Mail in Ballots:

No changes suggested on this page

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~~(2) (3) All THE TESTING BOARD MUST COUNT THE BOARD’S AND THE COUNTY’S test ballots~~ ~~Ballot batches shall be counted individually~~ SEPARATELY AND GENERATE REPORTS ~~with reports generated~~ to verify THAT the machine count IS IDENTICAL to the predetermined tally. ~~of the test ballots.~~

~~(3) The testing board shall randomly select the machines to be tested.~~

(d) (B) ~~Vote Center Count Ballots~~—DREs:

(1) ~~All testing board~~ THE TESTING BOARD MUST COUNT THE test ballots ~~shall be counted~~ on at least one, but not more than 5 FIVE DREs. ~~designated for Vote Center Counting and have the predetermined total verified to the machine total.~~

(2) THE TESTING BOARD MUST RANDOMLY SELECT THE MACHINES TO TEST.

(3) THE TESTING BOARD MUST IDENTIFY AND TEST TWO BALLOTS AS AUDIO BALLOTS, AND IT IS PREFERABLE

TO HAVE A PERSON WHO HAS A SIGHT IMPAIRMENT DO THE AUDIO TESTING. ← This has been suggested by Boulder County LAT Board before. It makes a lot of sense. Please talk to the person who took Faith’s place to see how this step might be accomplished.

~~(2) (4) All THE TESTING BOARD MUST COUNT THE BOARD’S AND THE COUNTY’S test ballots~~ ~~Ballot batches shall be counted individually~~ SEPARATELY AND GENERATE REPORTS ~~with reports generated~~ to verify THAT the machine count IS IDENTICAL to the predetermined tally ~~of the test ballots.~~ FOR DREs WITH VVPAT DEVICES, THE TESTING BOARD MUST MANUALLY COUNT THE PAPER RECORD TO VERIFY THAT THE PRE-DETERMINED TOTALS OF THE TESTING BOARD AND COUNTY TEST BALLOT BATCHES MATCH THE VVPAT TOTAL.

~~(3) The testing board shall randomly select the machines to be tested.~~

~~(e) Early Voting and Provisional Ballots Counted on Optical Scan Devices:~~

~~(1) All test ballots shall be counted on at least one, but not more than five, optical scan devices designated for Early Voting or Provisional Ballot Counting and have the predetermined total verified to the machine total.~~

No changes suggested on this page

1 11.5.3.8.9 Upon completion of the testing, the Testing Board shall witness
2 the resetting and sealing of each tested voting device.

3 11.5.4 11.4.3 Post-Election Audit

4 11.5.4.1 (A) ~~Within forty eight (48)~~ NO LATER THAN 48 hours of AFTER the
5 close of polls on election night, the Secretary of State shall MUST
6 notify the designated election official which voting devices and
7 which race or races on the ballots ~~have been selected for auditing~~
8 ~~purposes~~ WILL BE AUDITED based on the submitted hardware
9 inventory list referred to in Rule ~~11.4.2~~ 11.3.

10 11.5.4.2 (B) The ~~selection of~~ SECRETARY OF STATE WILL RANDOMLY SELECT
11 ~~equipment will be based on a random selection of~~ five (5) percent
12 of ~~precinct COUNT BALLOT SCANNERS scanner based voting~~
13 ~~equipment, at least one central count scanner/vote center,~~ and five
14 (5) percent of ~~Direct Record Electronic (DRE) DRE~~ voting
15 devices.

16 (1) IF THE COUNTY USED A SCANNER IN **EACH ANY VOTER SERVICE**
17 **AND POLLING CENTER, AT LEAST ONE OF THOSE SCANNERS SCANNER MUST BE**
18 **INCLUDED IN THE AUDIT ALONG WITH ONE OR MORE CENTRAL COUNT SCANNERS.**

19 (2) IF THE SECRETARY OF STATE RECEIVES CREDIBLE REPORTS
20 OF EQUIPMENT MALFUNCTION, THE SECRETARY MAY SELECT
21 ADDITIONAL EQUIPMENT FOR INCLUSION IN THE AUDIT. ←

GOOD!

22 11.5.4.3 (C) ~~Pursuant to~~ IN ACCORDANCE WITH section 1-7-514, C.R.S., THE
23 SECRETARY OF STATE MAY only SELECT devices used in the
24 election. ~~shall be selected for the audit.~~

25 (D) THE SECRETARY OF STATE MUST RANDOMLY SELECT AT LEAST TWO
26 RACES PER **VOTED-ON** DEVICE FOR VERIFICATION TO ENSURE THAT EACH RACE
27 OR MEASURE ON THE BALLOT IS AUDITED IN ACCORDANCE WITH
28 SECTION 1-7-514, C.R.S.

29 11.5.4.4 ~~For optical scanners used for any function of counting ballots except for~~
30 ~~Central Count/vote center as defined herein, the designated election~~
31 ~~official shall manually verify all of the ballots that were counted on the~~
32 ~~randomly selected device(s) with the election summary report that was~~
33 ~~generated from the device(s) at the close of the polls. The Secretary of~~
34 ~~State shall randomly select a minimum of two (2) races per device to be~~
35 ~~manually verified to ensure that each office, issue, and question on the~~
36 ~~ballot is audited in accordance with section 1 7 514, C.R.S.~~

37 11.5.4.5 (E) For optical scanners used for the purpose of counting ballots in a
38 Central Count/vote center environment as defined herein, the
39 designated election official shall MUST randomly select EITHER OF

1 THE FOLLOWING AMOUNTS BASED UPON THE TOTAL NUMBER OF
2 BALLOTS COUNTED:

3 (1) IF ~~LESS-FEWER~~ THAN 500 BALLOTS WERE COUNTED, THEN A
4 MINIMUM OF 20 PERCENT OF THE BALLOTS COUNTED ON THE
5 DEVICE.

6 (2) IF 500 OR MORE BALLOTS WERE COUNTED, THEN A MINIMUM
7 OF 100 BALLOTS PLUS five (~~5~~) percent OF THE DIFFERENCE
8 BETWEEN THE NUMBER OF BALLOTS COUNTED AND 500, but
9 not more than 500. **← For large counties, this is an**

insignificant number. It should be the statutory percentage. ~~five hundred (500) ballots of all the
10 ballots counted on the specific audited device. If the
11 amount of ballots is less than five hundred (500) on the
12 audited device, then a minimum of twenty percent (20%) of
13 the ballots counted on the device will be manually verified.~~

14 (F) The DESIGNATED ELECTION OFFICIAL MUST RESET THE public
15 counter for ~~that~~ THE voting device ~~shall be reset~~ to zero and
16 RECOUNT the ballots. ~~shall be recounted on the voting device.~~

17 (G) ~~A~~ THE DESIGNATED ELECTION OFFICIAL MUST MANUALLY VERIFY
18 THE new report ~~will be generated~~ from the electronic count. ~~of the~~
19 ~~ballots and shall be manually verified.~~

20 (H) The DESIGNATED ELECTION OFFICIAL MUST SEAL THE ballots and a
21 copy of the report ~~shall be sealed~~ in a separate container. ~~and~~
22 ~~secured with the remainder of the official election records for the~~
23 ~~election. The Secretary of State shall randomly select a minimum~~
24 ~~of two (2) races per device to be manually verified to ensure that~~
25 ~~each office, issue, and question on the ballot is audited in~~
26 ~~accordance with section 1-7-514, C.R.S.~~

27 11.5.4.6 (i) For ~~Direct Record Electronic Devices (DREs)~~ DRES that do not
28 ~~meet the requirements of section 1-5-802, C.R.S.~~ WITHOUT A
29 VVPAT, used for any function of counting ballots in an election,
30 the designated election official ~~will~~ MUST manually verify the
31 image of all the ballots contained in the ~~Ballot Log or Ballot Audit~~
32 ~~BALLOT LOG OR BALLOT AUDIT that were counted on the specific~~
33 ~~THE device COUNTED ALONG with the report generated for that~~
34 ~~specific device at the close of polls.~~ **← I don't understand this.**

~~which contains the election~~

~~summary report. The Secretary of State shall randomly select a
35 minimum of two (2) races per device to be manually verified to
36 ensure that each office, issue, and question on the ballot is audited
37 in accordance with section 1-7-514, C.R.S.~~

38 11.5.4.6.1 (1) For any device capable of producing OR VERIFYING the
39 trusted build hash value (MD5 or SHA-1) of the firmware
40

1 or software, the designated election official shall MUST
2 verify and document the accuracy of the value to be
3 included with the records for the device prior to conducting
4 the audit.

5 11.5.4.7 (J) For ~~Direct Electronic Devices (DREs)~~ DREs that WITH A VVPAT
6 do meet the requirement of section 1-5-802, C.R.S., used for any
7 function of counting ballots in an election, after the close of the
8 polls, the designated election official will MUST manually verify all
9 of the ENTIRE voter verified paper VVPAT record produced with the
10 report generated for that specific device. which contains the election
11 summary report. The Secretary of State shall randomly select a
12 minimum of two races on each device to be manually verified to
13 ensure that each office, issue, and question on the ballot is audited
14 in accordance with section 1-7-514, C.R.S. ← as stated for recounts,
the tape should be cut apart by judges under oath and the parts shuffled to preserve voter anonymity.

15 11.5.4.7.1(1) For any device capable of producing OR VERIFYING
16 the trusted build hash value (MD5 or SHA-1) of the
17 firmware or software, the designated election official shall
18 MUST verify and document the accuracy of the value to be
19 included with the records for the device prior to conducting
20 the audit.

21 11.5.4.8 (K) AT LEAST TWO CANVASS BOARD MEMBERS MUST OBSERVE the
22 actions of the random audit. ← Put this in the CB rule as well. as
23 identified in this section are to be
24 observed by at least two members of the canvass board. The
25 designated election official may appoint additional deputized
clerks to assist WITH in the functions of the audit.

26 11.5.4.9 (L) If there are discrepancies in the audit, the Canvass Board or the
27 designated election official's deputized clerks shall OFFICIAL MUST:
28 11.5.4.9.1(1) First, manually verify the results as many times as
29 necessary to Confirm that there is no discrepancy in the
30 manual count;
31 11.5.4.9.2(2) Second, Take any additional steps as necessary to
32 check for voter error, which shall MUST include but IS not
33 be limited to: overvotes, stray marks on the ballot, or other
34 voter intent indicia; and
35 11.5.4.9.3(3) Third, review the situation and Take ANY action as
36 necessary in accordance with the Canvass Board's powers
37 as set forth DESCRIBED in part 1 of Article 10 of Title 1,
38 Colorado Revised Statutes.

39 11.5.4.10 (M) At all times relevant to the Post-Election DURING THE audit, the
40 designated election official or the deputized clerks or the Canvass

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37 11.7 METHODS OF SUBMISSION ARE:

No changes suggested on this page

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1 are is eligible for purchase, lease, or rent for use by jurisdictions within the State
2 of Colorado providing ~~if~~ the contract contains the following items:

3 (a) ~~The voting system is certified for use within the state;~~

4 (b) (A) The contract contains training and maintenance costs ~~for the jurisdiction;~~
5 and

6 (e) (B) ~~The contract identifies components contained in the certified~~ THE voting
7 system COMPONENTS and ~~appears complete with all accessories necessary~~
8 APPEAR COMPLETE AND CAPABLE OF ~~for~~ successfully conducting an
9 election ~~within the laws and rules of the State of~~ ~~IN~~ ACCORDING TO

Colorado's CONSTITUTION, STATUTES, AND RULES. **← Critical to mention the state constitution.**

10 ~~45.12.2~~ 11.10.3 The Secretary of State ~~shall~~ WILL maintain ~~on file~~ a list of all
11 components used and purchased ~~for use~~. The list ~~shall~~ WILL include, at a
12 minimum, the name of the jurisdiction, the date of purchase, the serial number(s)
13 of voting devices and name of the voting systems that ~~was~~ WERE purchased.

14 *[Rule 45.12 is amended and moved to New Rule 11.10. Amendments are shown above]*

15 11.11 ELECTION NIGHT REPORTING (ENR). THE COUNTY MUST REPORT ELECTION NIGHT
16 RESULTS FOR ALL PRIMARY, GENERAL, COORDINATED, AND RECALL ELECTIONS. **[Note]**

17 11.11.1 A DATA ENTRY COUNTY MUST PROGRAM THE ELECTION TO SUPPORT THE
18 EXPORTING OF ELECTION NIGHT RESULTS IN ACCORDANCE WITH THE FOLLOWING
19 ENR VENDOR'S DATA UPLOAD REQUIREMENTS:

20 (A) LIST CONTEST NAMES AND CANDIDATE NAMES EXACTLY AS PROVIDED ON
21 THE CERTIFIED LIST.

22 (B) PROVIDE CONTEST NAMES IN ALL UPPERCASE LETTERS.

23 (C) FOR COUNTIES THAT USE THE ES&S AND PREMIER VOTING SYSTEMS,
24 ARRANGE THE CONTESTS IN THE ORDER PRESCRIBED BY SECTION 1-5-
25 403(5), C.R.S.

26 (D) CAPITALIZE CANDIDATE NAMES (E.G., JOHN A. SMITH).

27 (E) PRESENT A PRECINCT NAME AS A TEN-DIGIT PRECINCT NUMBER.

28 (F) FOR COUNTIES THAT USE THE HART VOTING SYSTEMS, USE THE
29 "SPLIT_NAME" FIELD SPLIT PRECINCT NAMING PURPOSES. **← Is this wording**

correct?

30 (G) CREATE A "PROVISIONAL" PRECINCT.

31 (H) USE ONLY THE PARTY CODES CERTIFIED BY THE SECRETARY OF STATE.

32 (I) DO NOT INCLUDE THE PARTY NAME OR CODE IN THE CANDIDATE NAME
33 FIELD.

1 11.11.2 NO LATER THAN EIGHT DAYS BEFORE THE ELECTION, A COUNTY MUST SEND
2 THE FOLLOWING INFORMATION TO THE SECRETARY OF STATE, AT THE ADDRESS IN
3 RULE 11.8:

4 (A) A DATA ENTRY COUNTY MUST EMAIL A SAMPLE OR "ZERO" FILE.

5 (B) A MANUAL ENTRY COUNTY MUST SEND A LIST OF ALL BALLOT CONTENT
6 CONTESTS TITLES, CANDIDATES, AND PARTY AFFILIATION.

7 11.11.3 THE COUNTY MUST EXPORT OR PRODUCE ELECTION RESULTS AND UPLOAD
8 THEM TO THE ENR SYSTEM A MINIMUM OF THREE TIMES ON ELECTION NIGHT:

9 (A) AFTER THE CLOSE OF POLLS BUT NO LATER THAN 7:30 PM.

10 (B) AT OR AROUND 9:00 PM.

11 (C) ~~AT THE CONCLUSION OF TABULATION, THE~~ THE COUNTY MUST INDICATE
12 THAT ~~ELECTION NIGHT~~ REPORTING IS COMPLETE IN THE ENR SYSTEM FOR
13 ELECTION DAY AFTER THE COUNTY UPLOADS THE LAST RESULTS ON
14 ELECTION NIGHT.

15 11.11.4 AFTER CANVASS THE COUNTY MUST EXPORT OR PRODUCE ELECTION RESULTS,
16 AND CHECK THE APPROPRIATE BOX IN THE ENR SYSTEM TO INDICATE THAT THE
17 CANVASS UPLOAD IS COMPLETE.

18 Rule 12. RECALL

19 ~~32.2~~-12.1 Signature requirements

20 ~~32.2.1~~-12.1.1 For petitions to recall school district directors the petition must be signed
21 by the eligible electors of the director's district equal in number to at least 40%
22 of the ballots cast in the district in the last preceding election at which the
23 director to be recalled was elected as indicated by the pollbook or abstract for
24 the election. See section 1-12-105, C.R.S.

25 ~~32.2.2~~-12.1.2 When determining the number of required valid signatures for an elected
26 office for which electors were allowed to vote for more than one candidate in a
27 single race, the signature requirements ~~shall be~~ IS based on the number of ballots
28 cast for that race as indicated by the ~~pollbook or~~ abstract for the election.

29 ~~32.6 12.2~~ — In accordance with section 3 of article XXI of the Colorado constitution and
30 section 1-12-117 (1), C.R.S., for partisan recall elections involving a state officer, in
31 order to appear on the ballot a successor candidate must file a nomination petition with
32 the Secretary of State no later than ten calendar days after the Governor sets the election
33 date. A write-in candidate must file an affidavit of intent to run as a write-in candidate no
34 later than the fifteenth day before the election.

35 ~~32.6 12.3~~ [~~← Note wrong strikeout~~] — In accordance with section 3 of article XXI of the
36 Colorado constitution and
section 1-12-117(1), C.R.S., for partisan recall elections involving a state officer, in order

1 to appear on the ballot a successor candidate must file a nomination petition with the
2 Secretary of State no later than ten calendar days after the Governor sets the election date.
3 A write-in candidate **← just a write-in candidate?**, must file an affidavit of intent to run as a
write-in candidate no later
4 than the fifteenth day before the election.

5 *[Current Rule 32.6, adopted on a temporary basis on July 22, 2013.is moved to new Rule 12.3]* **←**
It looks just struck out (see above). Confusing. Please check.

6 Rule 13. ELECTION AND HAVA COMPLAINTS

7 13.1 ELECTION COMPLAINT PROCEDURES **← Follow HAVA but make definition of election equipment comprehensive.**

8 13.1.1 ANY PERSON WHO HAS PERSONALLY WITNESSED **← Why?** IS AWARE OF A
VIOLATION OF TITLE 1, C.R.S.

9 MAY FILE AN ELECTION COMPLAINT.

10 13.1.2 AN ELECTION COMPLAINT MUST INCLUDE THE APPROVED SECRETARY OF STATE'S
11 ELECTION COMPLAINT COVER SHEET.

12 13.1.3 PROCESSING AND DOCKETING ELECTION COMPLAINTS

13 (A) WITHIN THREE BUSINESS DAYS OF RECEIVING A COMPLAINT, ~~ELECTION~~
14 ~~DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL REVIEW THE COMPLAINT
15 TO DETERMINE IF IT SATISFIES RULE ~~31.2~~ 13.1.2 AND SUFFICIENTLY
16 ALLEGES A VIOLATION.

17 (1) IF THE COMPLAINT DOES NOT MEET THE CRITERIA, ~~ELECTION DIVISION~~
18 ~~STAFF~~ THE SECRETARY'S DESIGNEE WILL NOTIFY THE COMPLAINANT
19 OF THE DISCREPANCY.

20 (2) IF A COMPLAINT MEETS THE CRITERIA, ~~ELECTION DIVISION STAFF~~ THE
21 ~~SECRETARY'S DESIGNEE~~ WILL ASSIGN A COMPLAINT NUMBER, NOTIFY
22 THE COMPLAINANT, AND SEND A COPY OF THE COMPLAINT TO THE
23 PERSON OR ENTITY ALLEGED TO HAVE COMMITTED A VIOLATION.

24 (B) AFTER NOTIFICATION, THE PERSON OR ENTITY ALLEGED TO HAVE
25 COMMITTED THE VIOLATION WILL HAVE 15 BUSINESS DAYS TO SUBMIT A
26 WRITTEN RESPONSE TO THE SECRETARY OF STATE'S OFFICE.

27 13.1.4 AMENDING AN ELECTION COMPLAINT

28 (A) A COMPLAINANT MAY AMEND A COMPLAINT WITHIN SEVEN DAYS AFTER
29 FILING IF HE OR SHE DISCOVERS NEW FACTS RELATING TO THE EXISTING
30 COMPLAINT.

31 (B) AN AMENDMENT MAY NOT CONTAIN ALLEGATIONS OF A NEW VIOLATION.

32 13.1.5 INVESTIGATION

33 (A) AFTER THE RESPONSE PERIOD OUTLINED IN RULE ~~31.3.2~~ 13.1.3, ~~ELECTION~~

~~DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL INVESTIGATE THE COMPLAINT.

(B) IF THE SECRETARY OF STATE DETERMINES AN IMMEDIATE INVESTIGATION IS REQUIRED, ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL BEGIN INVESTIGATING BEFORE THE RESPONSE PERIOD HAS CLOSED. IN MAKING THE DETERMINATION, THE SECRETARY WILL CONSIDER WHETHER THE ISSUE HAS THE POTENTIAL TO AFFECT AN UPCOMING ELECTION.

(C) DEPENDING ON THE VIOLATION ALLEGED, ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE MAY:

- (1) REVIEW DOCUMENTS;
- (2) VISIT THE COUNTY;
- (3) CONDUCT INTERVIEWS;
- (4) TEST EQUIPMENT; OR
- (5) TAKE OTHER STEPS NECESSARY.

(D) WHILE AN INVESTIGATION IS ONGOING, COUNTY CLERKS AND RECORDERS AND STAFF MUST ACCOMMODATE REQUESTS BY ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE IN THE TIMEFRAME REQUESTED BY STAFF.

13.1.6 RESOLUTION OF ELECTION COMPLAINTS

(A) AFTER AN INVESTIGATION AND HEARING, IF APPLICABLE, ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL:

- (1) DISMISS THE COMPLAINT AS NOT SUPPORTED BY CREDIBLE EVIDENCE;
- (2) REFER THE COMPLAINT TO A PROSECUTING AUTHORITY UNDER ARTICLE 13 OF TITLE 1, C.R.S.; OR
- (3) FIND A VIOLATION, AND RECOMMEND A RESOLUTION, AND ~~(B) —ELECTION DIVISION STAFF WILL—~~ FORWARD THE RECOMMENDATION FOR RESOLUTION TO THE SECRETARY OF STATE, WHO WILL ADOPT, AMEND, OR REJECT THE RECOMMENDATION.

13.1.7 THE SECRETARY OF STATE'S DETERMINATION IS A FINAL AGENCY ACTION. [Note]

13.2 HELP AMERICA VOTE ACT (HAVA) COMPLAINT PROCEDURES

13.2.1 ANY PERSON WHO ~~HAS BEEN PERSONALLY AGGRIEVED BY OR HAS PERSONALLY WITNESSED~~ BELIEVES THAT A VIOLATION OF TITLE III OF ~~THE HELP AMERICA VOTE ACT (HAVA)~~ HAS OCCURRED, IS OCCURRING, OR IS ABOUT TO OCCUR, MAY FILE A HAVA COMPLAINT WITH THE SECRETARY OF STATE.

No changes suggested on this page

No changes suggested on this page

- (a) The name of the group conducting the VRD, and the name and contact information of the individual organizing the VRD;
- (b) The name of the agent (who is required to be a Colorado resident) and the contact information for that agent, if different from the person organizing the VRD;
- (c) A statement specifying that the VRD intends to operate within the State of Colorado;
- (d) A notice that the VRD number expires at the end of the calendar year; and
- (e) A signature line requiring the organizer's signature.

~~44.1.2~~ 14.1.2 ~~Any amendments to the Statement of Intent shall be filed in writing. A~~
VRD ORGANIZER MUST FILE AMENDMENTS TO THE STATEMENT OF INTENT AND
TRAINING ACKNOWLEDGMENT FORM with the Secretary of State no later than
three business days after the change(s) occurs. Amendments may be made by fax,
email, mail or in person.

~~44.1.3~~ 14.1.3 The Secretary of State ~~shall~~ WILL immediately attempt to verify the
information provided in the Statement of Intent AND TRAINING
ACKNOWLEDGMENT FORM prior to issuing a number to the VRD organizer. The
Secretary of State may deny a number to the ~~voter registration drive~~ VRD
organizer if the information provided on the Statement of Intent cannot be
verified.

~~44.1.4~~ 14.1.4 ~~The last day for a VRD to file a Statement of Intent AND TRAINING~~
ACKNOWLEDGMENT FORM with the Secretary of State shall be ~~IS THE 22ND days~~
~~before the A COORDINATED, PRIMARY, OR General Election in a given calendar~~
~~year.~~

44.2-14.2 Training

~~44.2.1~~ 14.2.1 ~~In order to be issued~~ TO RECEIVE a VRD number, the organizer VRD shall
MUST successfully complete the online training and test provided by the Secretary
of State, and submit a Statement of Intent ~~along with a~~ AND Training
Acknowledgment form to the Secretary of State. **← GOOD! Work with the VRD**
groups to make the online approach easier than they fear.

~~44.2.2~~ 14.2.2 ~~In addition to training for the organizer, the Secretary of State shall make~~
~~available information for the organizer to train individual circulators. Organizers~~
~~shall provide training to all circulators. Organizers shall obtain and maintain on~~
~~file~~ ~~RETAIN~~ signed attestations from each circulator that he or she will adhere to
all the requirements of the Secretary of State election rules and the Colorado
Revised Statutes pertaining to elections, and that they are aware of the penalties
associated with the mishandling of voter registration application forms. The
organizers shall furnish the circulator attestations to the secretary of state
~~SECRETARY OF STATE~~ upon request. BEGINNING JANUARY 1, 2014, A CIRCULATOR

1 MUST SUCCESSFULLY COMPLETE THE ONLINE TRAINING AND TEST PROVIDED BY THE
2 SECRETARY OF STATE. **← GOOD! Work with the VRD groups to make the
online approach easier than they fear.**

3 (A) THE SECRETARY OF STATE WILL ISSUE A COMPLETION CERTIFICATE WHEN
4 THE CIRCULATOR COMPLETES THE TRAINING AND TEST.

5 (B) A COMPLETION CERTIFICATE IS VALID UNTIL THE END OF THE CALENDAR
6 YEAR IN WHICH IT WAS ISSUED.

7 (C) A CIRCULATOR MUST PRESENT THE COMPLETION CERTIFICATE TO THE VRD
8 ORGANIZER BEFORE CIRCULATING WITH THE VOTER REGISTRATION DRIVE
9 VRD.

10 (D) A VRD CIRCULATOR MAY PRESENT THE COMPLETION CERTIFICATE TO MORE
11 THAN ONE VRD ORGANIZER.

12 ~~44.2.3~~14.2.3 The mandatory training provided by the Secretary of State ~~shall~~ will
13 include, ~~but not be limited to:~~

14 (a) The use of the VRD Application;

15 (b) Information on where to obtain the VRD Application;

16 (c) Information on how to ensure that a VRD Application is filled out
17 completely; including which fields are optional and which are required,
18 ~~and how to fill out the circulator portion of the Application;~~

19 (d) Notice of statutory deadlines relating to Voter Registration Applications
20 and VRDs;

21 (e) The requirements for ~~when and where~~ DELIVERING the COMPLETED Voter
22 Registration Applications ~~must be turned in;~~

23 (f) Penalties for violating statutory prohibitions including fraud, intimidation,
24 mishandling Applications, failing to turn in Applications and other
25 penalties relevant to VRDs;

26 (g) The handling and treatment of confidential information on the Voter
27 Registration Applications; and

28 (h) Notice that circulators ~~shall not~~ CANNOT be paid per Voter Registration
29 Application, but if compensated, ~~shall~~ THEY MUST be paid by the hour or
30 day.

31 ~~44.2.4~~14.2.4 The training ~~shall be~~ IS provided online., BUT ~~if~~ if a VRD organizer OR
32 CIRCULATOR prefers, he or she may schedule a time to view the training at the
33 office of the Secretary of State's OFFICE. **← GOOD! Work with the VRD groups to
make the online approach easier than they fear.**

No changes suggested on this page

No changes suggested on this page

1 f-(F) Other applicable or relevant information

2 ~~44.6.3~~ Repealed.

3 ~~44.6.4~~ 14.5.3 The Secretary of State ~~shall~~ WILL review all complaints submitted in
4 writing and conduct such investigations as may be necessary and appropriate. If
5 the Secretary of State determines that a violation has occurred, the Secretary of
6 State ~~shall~~ WILL impose a fine in accordance with section 1-2-703, C.R.S., and
7 notify the VRD organizer of:

8 44.6.4.1(A) The date and factual basis of each act with which the VRD
9 organizer is being charged;

10 44.6.4.2(B) The particular provision of the statute violated; and

11 44.6.4.3(C) The amount of the fine imposed.

12 ~~44.6.5~~ 14.5.4 Notification of violation ~~shall~~ WILL be sent by certified or registered mail,
13 return receipt requested, to the last known address of the VRD organizer.

14 ~~44.6.6~~ 14.5.5 The VRD organizer may appeal a fine and ~~shall have~~ HAS ~~thirty (30)~~ 30
15 days following receipt of notification to submit a written response setting forth the
16 reason(s) that the VRD organizer is appealing the fine. The VRD organizer may
17 request, within the ~~thirty (30)~~ 30 days, a hearing with the ~~secretary~~ SECRETARY of
18 ~~state~~ STATE to dispute the fine.

19 ~~44.6.7~~ 14.5.6 Within ~~thirty (30)~~ 30 days after receipt of the written response, or hearing
20 procedures, the ~~secretary~~ SECRETARY of ~~state~~ STATE ~~shall~~ WILL issue an order
21 affirming or dismissing the imposed fine.

22 *[Current Rule 44 is amended and moved to new Rule 14. Amendments between the current and*
23 *new rule language are shown below.]*

24 **Rule 15. ~~Rules Concerning~~ Preparation, Filing, and Verification of Statewide Initiative**
25 **Petitions**

This rule is deleted here as my comments focus on the election itself.

3 **Rule 16. MILITARY AND OVERSEAS VOTERS (UOCAVA)**

This rule is deleted here because I support the comments made by Margit Johansson, a recognized expert on UOCAVA. I especially ask that Rule 16 quote the statute about methods of ballot return being the most secure available. I also think that Marilyn Marks has made excellent comments that should be taken into account. Harvie Branscomb may have also. Please incorporate their suggestions.

8 **Rule 17. PROVISIONAL VOTING**

9 17.1 PROVISIONAL VOTING IN THE VOTER SERVICE AND POLLING CENTER

10 17.1.1 THE COUNTY CLERK ~~AND RECORDER~~ MUST USE THE APPROVED PROVISIONAL
11 BALLOT ~~AFFIDAVIT~~ FORM.

12 17.1.2 IF A VOTER SERVICE AND POLLING CENTER LOSES CONNECTIVITY TO SCORE, THE
13 JUDGES MUST ISSUE PROVISIONAL BALLOTS UNTIL THE COUNTY RESTORES
14 CONNECTIVITY.

15 ~~26.3.3~~ 17.1.3 The word “provisional” ~~shall~~ MUST be marked on the provisional ballot
16 and on the ~~pollbook or signature card, PROVISIONAL BALLOT LOG IF APPLICABLE,~~
17 next to the elector’s name.

18 *[Current Rule 26.3.3 is amended and moved to new Rule 17.1.3. Amendments between*
19 *the current and new rule language are shown above.]*

20 ~~26.4~~ 17.2 Verification of Provisional Ballots

21 17.2.1 THE COUNTY CLERK ~~AND RECORDER~~ MUST PROCESS AND TABULATE ALL REGULAR
22 MAIL AND IN-PERSON BALLOTS BEFORE PROCESSING PROVISIONAL BALLOTS.

23 ~~26.12~~ 17.2.2 The county ~~clerk and recorder~~ must process all ~~pollbooks or signature~~
24 cards in ~~the statewide voter registration database~~ ~~SYSTEM SCORE~~ before
25 processing provisional ballots. **Leave “clerk” in Line 23.**

26 *[Current Rule 26.12 is moved to new Rules 17.2.]*

27 ~~26.4.2~~ 17.2.3 Verification of an elector’s eligibility to have his or her provisional ballot
28 counted ~~shall be~~ IS limited to the following sources:

29 (a) Sources provided by the Secretary of State or law enforcement agencies
30 regarding felons who are serving a sentence of detention or confinement
31 or on parole;

32 (b) ~~The State of Colorado Statewide Voter Registration Database SCORE;~~
33 AND

1 ~~(e) The DMV Motor Voter database (Note: Possession of a driver's license is~~
2 ~~not conclusive proof of voter registration; elector must have registered to~~
3 ~~vote through the DMV); and~~

4 ~~(d-c) The information provided on the provisional ballot envelope, including the~~
5 ~~affidavit.~~

6 ~~26.4.3-17.2.4~~ When verifying provisional ballots, the designated election official ~~shall~~
7 ~~MUST~~ check ~~the State of Colorado Statewide voter registration database SCORE~~ to
8 determine whether the elector has already voted in the election.

9 *[Current Rules 26.4.2 and 26.4.3 are amended and moved to new Rules 17.2.3 and*
10 *17.2.4. Amendments between the current and new rule language are shown above.]*

11 ~~26.4.5-17.2.5~~ If during verification it appears that the elector's record was cancelled or
12 consolidated as a duplicate in error, the ballot ~~shall~~ ~~MUST~~ be counted so long as
13 the elector has not cast a ballot in the election, the affidavit is complete, and the
14 elector is otherwise eligible. THE COUNTY CLERK ~~AND RECORDER~~ ~~MUST~~ REINSTATE
15 OR UNCONSOLIDATE THE elector's record AND UPDATE THE ELECTOR'S RECORD
16 BEFORE MARKING THE ELECTOR'S PROVISIONAL BALLOT AS ACCEPTED OR REJECTED
17 IN ~~THE STATEWIDE VOTER REGISTRATION SYSTEM SCORE~~ AND BEFORE LINKING IT
18 TO THE ELECTOR'S RECORD ~~shall be reinstated or unconsolidated.~~

19 ~~26.4.6-17.2.6~~ When the ~~designated election official~~ has received ~~COUNTY CLERK~~
20 RECEIVES both a ~~mail-in~~ MAIL ballot and a provisional ballot from an elector, but
21 there is a discrepancy between the signature on the returned ~~mail-in~~ MAIL ballot
22 envelope and the elector's signature stored in ~~the statewide voter registration~~
23 ~~system~~ SCORE, the discrepancy must be resolved. Before the ~~COUNTY CLERK~~
24 MAY VERIFY THE provisional ballot ~~AFFIDAVIT may be counted~~ VERIFIED, the
25 elector must affirm that the signature on the ~~mail-in~~ MAIL ballot envelope is not
26 his or her signature. Sections ~~1-8.5-105(4) and (5), C.R.S.~~

27 *[Current Rules 26.4.5 and 26.4.6 are amended and moved to new Rules 17.2.5 and*
28 *17.2.6. Amendments between the current and new rule language are shown above.]*

29 ~~26.4.9-17.2.7~~ If ~~An~~ AN elector ~~whose voter registration record is tagged ID required~~
30 casts a provisional ballot without providing valid identification, the COUNTY
31 CLERK ~~MUST~~ VERIFY AND COUNT THE PROVISIONAL ballot ~~shall~~ ~~MUST~~ be verified
32 ~~and counted~~ as follows:

33 (a) The COUNTY CLERK ~~AND RECORDER~~ ~~MUST~~ SEND THE elector ~~shall be sent~~ a
34 letter within three days after the ballot is cast, and no later than ~~three~~ TWO
35 days after election day, explaining that he/ OR she ~~has not provided~~ ~~MUST~~
36 PROVIDE the required identification. Nothing in this rule ~~shall be construed~~
37 ~~to prohibit the designated election official~~ PROHIBITS THE COUNTY CLERK
38 from calling the elector; however, a phone call ~~shall~~ DOES not substitute
39 for notification to the elector in writing. IF THE ~~DESIGNATED ELECTION~~

1 ~~OFFICIAL~~ COUNTY CLERK CALLS ANY ELECTOR HE OR SHE MUST CALL ALL
2 ELECTORS WHOSE AFFIDAVITS ARE UNSIGNED.

3 (b) If the elector provides a copy of valid identification within eight days after
4 election day, the COUNTY CLERK MUST COUNT THE ballot ~~shall MUST be~~
5 ~~counted~~ so long as the elector has not cast another ballot in the election,
6 the affidavit is complete, and the elector is otherwise eligible.

7 *[Current Rule 26.4.9 is amended and moved to new Rule 17.2.7. Amendments between*
8 *the current and new rule language are shown above.]*

9 ~~26.5.1-17.2.8~~ If the information contained in the provisional ballot ~~envelope and~~
10 affidavit provides adequate criteria so that the ~~designated election official~~ COUNTY
11 CLERK is able to confirm ~~under election Rule 26~~ that the elector is eligible to cast
12 a ballot, the provisional ballot ~~shall MUST~~ count.

13 *[Current Rule 26.5.1 is amended and moved to new Rule 17.2.8. Amendments between*
14 *the current and new rule language are shown above.]*

15 ~~26.5.3-17.2.9~~ Acceptance Codes (~~Any provisional ballot given an acceptance code shall~~
16 ~~have all~~ THE COUNTY CLERK ~~AND RECORDER~~ MUST COUNT ALL races ~~counted~~
17 ~~unless otherwise indicated~~ ON BALLOTS GIVEN AN ACCEPTANCE CODE.)

18 AOK Reviewed and confirmed voter’s eligibility.

19 ALC ELECTOR VOTED A PROVISIONAL BALLOT BECAUSE THE VOTER SERVICE
20 AND POLLING CENTER LOST CONNECTIVITY. ELECTOR’S ELIGIBILITY IS
21 CONFIRMED.

22 ~~26.5.4-17.2.10~~ Rejection Codes (~~Any~~ THE COUNTY CLERK ~~AND RECORDER~~ MUST NOT
23 COUNT A ballot given a rejection code ~~shall not be counted~~):

24 RNS (~~REJECTION—NOT SIGNED~~) Provisional Ballot Affidavit not signed. ← use a
dash for better clarity

25 RIN (~~REJECTION—INCOMPLETE INFORMATION PROVIDED~~) Required information is
26 incomplete and the designated election official is unable to confirm voter’s
27 eligibility.

28 REE (~~ReJECTION—ENVELOPE~~ empty) Provisional ballot envelope is empty.

29 RAB (~~Rejection—VOTER~~ voted mail in—MAIL ballot) Designated election official
30 has confirmed that voter voted a mail in—MAIL ballot.

31 RED (~~Rejection based upon~~ ~~REJECTION—BALLOT CAST~~ on election day—IN PERSON) Voter voted
32 in a ~~polling place~~ VOTER SERVICE CENTER OR POLLING CENTER.

33 RIP (~~Rejection based on~~ ~~REJECTION—INCORRECT PARTY~~) Incorrect Party in
Primary Election.

1 RFE (~~REJECTION~~—felon not eligible to vote) Individual was convicted of a felony
2 and is either serving a sentence of confinement or detention or is on
3 parole.

4 RWC (~~REJECTION~~—elector not A RESIDENT OF THE DISTRICT, registered in county, or
5 A RESIDENT OF THE State of Colorado) Non-county or non-state VOTER IS
6 NOT A STATE resident; therefore voter THE INDIVIDUAL DOES NOT RESIDE
7 WITHIN THE DISTRICT, COUNTY, OR STATE, AS APPLICABLE, ~~AND IS not~~
8 ~~eligible to vote in the county where the provisional ballot was voted.~~ ← Delete OK?

Maybe change code to RNR for Rejection—elector not a resident of the...?

9 RID (~~REJECTION~~—~~FIRST-TIME~~ voter has not supplied identification upon registration
10 or thereafter prior to and during time voter voted) ~~FIRST-TIME VOTER~~ who
11 ~~registered by mail or through a voter registration drive~~, is tagged as id-ID
12 deficient; and did not provide id-ID at the time of voting.

13 *[Current Rules 26.5.3 and 26.5.4 are amended and moved to new Rules 17.2.9 and*
14 *17.2.10. Amendments between the current and new rule language are shown above.]*

15 ~~26.6~~-17.3 The provisional ballot log required by section 1-8.5-110(4), C.R.S., may be
16 prepared by the ~~designated election official~~ COUNTY CLERK in handwritten or computer-
17 generated form.

18 ~~26.7~~-17.4 Recount procedures for provisional ballots ~~shall be~~ ARE the same as the recount
19 procedures for other ballots as directed by the Secretary of State.

20 *[Current Rules 26.6 and 26.7 are amended and moved to new Rules 17.3 and 17.4.*
21 *Amendments between the current and new rule language are shown above.]*

22 ~~26.11~~-17.5 Processing provisional ballot affidavits in the ~~statewide voter registration~~
23 ~~database~~ SCORE. Before closing an election, the county clerk ~~and recorder~~ must:

24 ~~26.11.1~~-17.5.1 Enter all provisional ballot affidavits into the SCORE provisional module
25 ~~of the statewide voter registration database.~~

26 ~~26.11.2~~-17.5.2 PROCESS ALL VOTER REGISTRATION UPDATES.

27 17.5.3 Link all provisional ballot affidavits to the appropriate elector's record.

28 *[Current Rule 26.11 is amended and moved to new Rule 17.5. Amendments between the*
29 *current and new rule language are shown above.]*

30 17.6 PUBLIC ACCESS TO PROVISIONAL BALLOT INFORMATION ← But please specify that these rules
do not apply to Canvass Board, Election Judges, or Watchers.

31 17.6.1 THE LIST OF VOTERS WHO CAST A PROVISIONAL BALLOT AND THE ACCEPT/REJECT
32 CODE FOR THE BALLOT IS AVAILABLE FOR PUBLIC INSPECTION.

33 17.6.2 IN ACCORDANCE WITH SECTION 24-72-204(8), C.R.S., THE COUNTY CLERK AND
34 RECORDER MUST NOT RELEASE AN ORIGINAL OR COPY OF THE ELECTOR'S:

- 1 (A) MONTH AND DAY OF DATE OF BIRTH;
- 2 (B) DRIVER'S LICENSE OR DEPARTMENT OF REVENUE IDENTIFICATION NUMBER;
- 3 (C) SOCIAL SECURITY NUMBER; ~~OR~~
- 4 (D) EMAIL ADDRESS; OR
- 5 (E) SIGNATURE.

6 17.6.3 IF A VOTER HAS REQUESTED CONFIDENTIALITY UNDER SECTION 24-72-204(3.5),
 7 C.R.S., THE COUNTY CLERK ~~AND RECORDER~~ MUST NOT RELEASE THE ELECTOR'S
 8 ADDRESS OR TELEPHONE NUMBER.

9 17.6.4 IF A VOTER HAS REQUESTED CONFIDENTIALITY UNDER SECTION 24-30-2101,
 10 C.R.S., THE COUNTY CLERK ~~AND RECORDER~~ MUST NOT RELEASE THE
 11 PROVISIONAL BALLOT AFFIDAVIT.

12 ~~26.13~~-17.7 Voter Access to Provisional Ballot Information

13 ~~26.13.1~~-17.7.1 The Secretary of State will provide a provisional ballot lookup on the
 14 Secretary's website.

15 ~~26.13.2~~-17.7.2 The county clerk ~~and recorder~~ must number the provisional ballot
 16 envelope or affidavit stock using the standard numbering convention approved
 17 by the Secretary of State.

18 ~~26.13.3~~-17.7.3 An elector may access the system during the 45 days following the
 19 election.

20 [Section 1-8.5-111, C.R.S.]

21 *[Current Rule 26.13 is amended and moved to new Rule 17.7. Amendments between the*
 22 *current and new rule language are shown above.]*

23 *[Current Rule 26 is amended and moved to new Rule 17. Amendments between the current and*
 24 *new rule language are shown above.]*

25 **Rule 18. UNIFORM BALLOT COUNTING STANDARDS**

26 ~~27.2~~-18.1 ~~Multiple Page Ballots.~~ In any election where a **MULTIPLE-PAGE** printed ballot is
 27 used, a voter must vote and return all pages of the ballot at the same time. Any voter who
 28 ~~has returned~~ RETURNS at least one page of a **MULTIPLE-PAGE** printed ballot will be
 29 considered to have **VOTED, AND** the COUNTY CLERK ~~AND RECORDER~~ MUST COUNT THE votes
 30 on the submitted PAGES ~~page(s) shall be counted.~~ Any THE COUNTY CLERK MUST NOT
 31 COUNT VOTES ON additional ~~page~~ PAGES returned at a later time ~~shall not be counted.~~ but
 32 ~~shall be~~ THE COUNTY CLERK MUST appropriately ~~marked~~ MARK, set aside, and ~~preserved~~

1 PRESERVE THE BALLOTS as ~~other election materials~~ RECORDS in accordance with section 1-
2 7-802, C.R.S.

3 27.3-18.2 Uniform Counting Standards for ~~hand-counted~~ HAND-COUNTED Paper Ballots ←
Please refer to Harvie Branscomb's comments on this section. I support them and will generally not copy
them here.

4 ~~27.3.1~~ 18.2.1 Pursuant to IN ACCORDANCE WITH section 1-7-309, C.R.S., AND RULE ~~27.7~~
5 18.6, judges counting ballots on election day shall MUST take into consideration
6 CONSIDER the intent of the voter in accordance with Rule 27.7. ← Please follow
Harvie Branscomb's suggestions concerning the term "election day."

7 ~~27.3.2~~ 18.2.2 If a RACE OR BALLOT MEASURE IS OVERVOTED ~~ballot contains markings for~~
8 ~~more than the maximum votes allowed in a candidate race or for a ballot measure,~~
9 THE JUDGES MUST NOT ~~no vote shall~~ count ANY VOTE for that race or ballot
10 measure. ← Please follow Harvie Branscomb's suggestions concerning the term
"race."

11 ~~27.3.3~~ 18.2.3 If a ~~candidate~~ race or ballot measure contains no markings by the voter, no
12 tally will be made for that race or ballot measure. ~~, but~~ BUT all other candidate
13 races or ballot measures properly marked by the voter on the ballot shall MUST be
14 counted.

15 ~~27.3.4~~ 18.2.4 A ballot which has no markings for any candidate races or ballot measures
16 shall MUST be tallied as a blank ballot, but the voter shall MUST be given credit for
17 voting.

18 27.4-18.3 Uniform Counting Standards for Optical Scan Ballots

19 ~~27.4.1~~ 18.3.1 ~~Precinct~~ Optical Scan Procedures AT A VOTER SERVICE AND POLLING
20 CENTER

21 (a) Voters whose ballots are rejected or sorted by ~~the precinct counter~~ A
22 VOTER SERVICE AND POLLING CENTER SCANNER as a blank or overvoted
23 ballot shall MUST be given the opportunity to correct their ballot.

24 (b) Ballots sorted to a write-in bin shall MUST be tallied at the conclusion of
25 the voting and delivered to the central counting center in a secure
26 container.

27 ~~27.4.2~~ 18.3.2 Central Count Optical Scan Procedures

28 (a) ~~A~~ JUDGES SHOULD COMPLETE A visual inspection of every ballot ~~should be~~
29 ~~completed~~ for the limited purpose of separating damaged ballots into a
30 unique batch.

31 (b) JUDGES MUST RESOLVE, AND WHERE APPLICABLE, DUPLICATE, ~~Every~~ EVERY
32 damaged ballot and all ballots sorted ← The word "sorted" seems to be used
here in a jargon sort of way. Please either define the use or change to another term. Do you mean
"separated for resolution"? See Harvie Branscomb's excellent changes regarding duplication to protect
voter privacy and ballot anonymity also. by the optical scan machine shall be
33 resolved, and where applicable duplicated, in accordance with this rule.

34 (c) A resolution board, consisting of a BI-PARTISAN team(s) of ~~one~~ (1)
35 ~~Republican and one~~ (1) Democrat TWO ELECTION JUDGES for partisan

1 elections or two (2) qualified election judges for nonpartisan elections,
2 shall—MUST resolve all ballots sorted by the central count optical scan
3 equipment.

4 (1) The board shall—MUST be observed by two (2)—witnesses, who in
5 any partisan election shall—MUST be representatives of each major
6 political party;. THE WITNESSES who may not handle or process
7 ballots.

8 (2) ~~All persons engaged in the counting and processing of ballots shall~~
9 IN ADDITION TO ELECTION JUDGES OFFICIALS, ALL WITNESSES MUST
10 be deputized or take an oath to faithfully perform their duties.

11 (3) The resolution board shall—MUST maintain a log for each step of
12 verification, duplication, and counting.

13 (d) Sequence of Resolution Procedures

14 (1) ~~A THE RESOLUTION BOARD MUST RUN A zero tape, or similar report,~~
15 ~~shall be run~~ indicating no votes cast or counted before the counting
16 begins.

17 (2) ~~Official ballots shall be processed through~~ THE BOARD MUST
18 REVIEW ALL BALLOTS WITH OVERVOTES, BLANK BALLOTS, AND
19 WRITE-IN BALLOTS SORTED BY the optical scanner; ~~with sorted~~
20 ~~overvotes, blank ballots, and write-in ballots viewed and resolved~~
21 ~~by the resolution board~~. Ballots sorted by the optical scan
22 equipment shall be—ARE subject to review by the resolution board.
23 If there are no legally qualified write-in candidates, the write-in
24 sort option shall—MUST not be utilized.

25 (3) A voter's intent shall—MUST be reviewed for every ballot that
26 requires resolution.

27 (4) All ballots which are sorted by the optical scanner and resolved by
28 the resolution board by duplication are to be indicated as such
29 MUST BE MARKED AS DUPLICATED.

30 (5) The resolution board shall—MUST maintain an official audit log for
31 all ballots resolved setting forth the precinct number, ← and

style number? duplicate

32 ballot number (where applicable), SPECIFIC reason (with
33 specificity) that the ballot was resolved, date of resolution, and the
34 initials of the members of the duplication board responsible for
35 resolving the ballot.

36 (6) The precinct judge's ballot reconciliation form is—MUST BE
37 compared to the number of scanned ballots for the precinct.

1 (7) After the final precinct has been tallied, the total write-in votes
2 shall ~~MUST~~ be indicated on the final summary along with the seal
3 numbers for each sealed box of scanned ballots.

4 (e) Resolution of damaged ballots

5 (1) THE RESOLUTION BOARD MUST DUPLICATE ~~Damaged~~ ballots
6 DAMAGED or defective ballots shall ~~be duplicated~~ BY [~~←~~Note]

utilizing the

7 ballot duplication procedures as ~~provided~~ in Rule 27.6-18.5

8 (2) THE RESOLUTION BOARD MUST EXAMINE ~~Blank~~ BLANK ballots shall
9 ~~be examined by the resolution board~~ to determine if the ballot is a
10 true blank ballot or one that has been marked with a non-detectable
11 mark. Resolution board members must make a duplicate copy of
12 the ballot which has been marked with a non-detectable mark
13 BY [~~←~~Note] utilizing the ballot duplication procedures as ~~set forth~~
in Rule 27.6

14 18.5. If a ballot is truly blank, THE BOARD MUST ~~SEND-RESCAN it~~
15 ~~shall be sent back for the resolution pass through the scanner, and~~
16 the ballot ~~MUST BE-AND~~ TABULATE IT ~~tabulated~~ with no races or
17 ballot measures voted.

18 (3) THE RESOLUTION BOARD MUST INSPECT AND RESOLVE ~~Overvoted~~
19 OVERVOTED ballots shall ~~be inspected by the resolution board and~~
20 ~~resolved~~ in accordance with Rule 27.7-18.6.

21 (4) Write-in votes sorted by the optical scan equipment on election day
22 shall ~~MUST~~ be delivered to the assigned write-in board for hand
23 counting.

24 (i) During the initial ballot count, ~~in order to be counted,~~ the
25 oval must be darkened or the arrow connected according to
26 the appropriate voting instructions. THE COUNTY MAY COUNT
27 ONLY ~~Only~~ votes for legally qualified write-in candidates
28 shall ~~MAY~~ be counted.

29 (ii) If, following the initial count, the number of undervotes in
30 that race could change the outcome or force the election into
31 a mandatory recount if attributed to a legally qualified write-
32 in candidate, THE COUNTY MUST ~~NOT~~ [~~←~~Note] COUNT votes

for that

33 candidate shall ~~MUST~~ be counted whether or not the target
34 area designating the selection of a write-in candidate has
35 been marked, provided that the number of candidates chosen
36 does not exceed the number permitted in that office.

37 (5) The resolution board shall ~~MUST~~ duplicate ballots by clearly
38 labeling the new duplicate ballot as a "DUPLICATE" and assign a
39 serial number which shall be recorded on both the original and
40 duplicate ballot. For example, the first ballot in Precinct # 1 to be

1 duplicated could be labeled as #1/001 with the duplicate labeled
2 D#1/001. Original ballots ~~shall~~—MUST be separated from the
3 duplicate ballots and placed in a sealable container clearly marked
4 “ORIGINAL BALLOTS.” The duplicate ballots ~~shall~~—MUST be
5 counted in lieu of the original ballots.

6 (6) The resolution board ~~shall~~—MUST maintain an official audit log
7 setting forth the precinct number, duplicate ballot number, reason
8 (with specificity) that the ballot was duplicated, date of
9 duplication, and the initials of the members of the duplication
10 board responsible for duplicating the ballot.

11 (f) Recount Procedures for Optical Scan

12 (1) Optical scan equipment must be set to consistent sensitivity
13 standards for each system type, must be tested ~~prior to~~ BEFORE the
14 recount, and ~~shall~~ MUST be programmed to sort undervotes for the
15 individual race(s) or ballot measure(s) being recounted.

16 (2) The county will conduct a recount of a race with a write-in
17 candidate as outlined in Rule ~~27.7.4~~ 18.6.4.

18 ~~27.5~~ 18.4 Uniform Counting Standards for DREs. A vote that is properly recorded, as
19 specified by the voting instructions, on the voting device for an office or ballot measure
20 ~~shall~~—MUST be counted.

21 ~~27.6~~ 18.5 Duplication of Ballots.

22 (a) Using the damaged ballot as the guide, THE DUPLICATING TEAM MUST MARK a
23 blank ballot ~~shall be marked by a duplicating team,~~ so that the votes recorded are
24 identical to those indicated on the damaged ballot. ~~and shall~~—THE DUPLICATION
25 MUST be proofed to ensure it is marked properly and accurately.

26 (b) Every duplicated ballot ~~shall~~—MUST be subject to the process for determining voter
27 intent outlined in Rule ~~27.7~~ 18.6.

28 (c) A unique number ~~shall~~—MUST be assigned to both the original and duplicated
29 ballot. This will reference the two ballots together and provide an audit trail.
30 (Example: the ballots may be marked XX-NNN, where XX is the precinct
31 number and NNN are consecutive numbers starting with the number one.) [~~As~~

**Harvie Branscomb (I'll use “HB” below) has noted, an exception needs to be made to not number
duplicated ballot pairs made to achieve ballot anonymity.]**

32 (d) The duplicated ballots ~~shall~~—MUST be counted in the same manner as all other
33 ballots to be counted.

34 (e) The damaged or unreadable original ballot ~~shall~~—MUST be marked
35 “DUPLICATED” to indicate that the ballot has been duplicated and the
36 duplication is completed. All duplicated original ballots for a precinct along with

1 any applicable printed material ~~shall~~MUST be placed in a sealable container and
2 clearly marked "ORIGINAL BALLOTS."

3 ~~27.7~~-18.6 Determination of Voter Intent

4 ~~27.7.1~~18.6.1 If a voter uses a consistent alternate ballot marking method that deviates
5 from the method specified by the voting instructions (such as circling or placing a
6 check mark behind a candidate's name or ballot response) and does not place an
7 "X", check or other appropriate mark in the target ~~area(s)~~ AREA, the voter will be
8 considered to have voted for the appropriate candidates and or ballot responses
9 and the ballot ~~shall~~MUST be duplicated. ~~; except that,~~ BUT if a voter marks any of
10 his/her HIS OR HER choices by placing an "X", check or other appropriate mark in
11 any target area on the voter's ballot, only those choices where the target area ~~has~~
12 ~~been~~IS marked ~~shall~~MAY be counted.

13 ~~27.7.2~~18.6.2 A ballot that has a mark correctly in the target area that partially extends
14 into another target area ~~shall~~MUST be counted as a vote for the candidate or ballot
15 response so marked.

16 ~~27.7.3~~18.6.3 When resolving an overvoted race, marks indicating the voter's intent
17 ~~shall~~include, ~~but not be limited to,~~ circling the candidate's name and strike-outs
18 or corrections of choices.

19 ~~27.7.4~~18.6.4 Write-in votes

20 ~~27.7.4.1~~(A) If a voter designates a vote for a named candidate on the ballot and
21 writes in the name of the same candidate in the write-in area, the vote
22 ~~shall~~MUST be counted.

23 ~~27.7.4.2~~(B) If a voter designates a named candidate on the ballot and writes in
24 the name of a different candidate in the write-in area, it ~~shall~~MUST be
25 considered an overvote for that office if the number of chosen
26 candidates exceeds the number permitted to be voted for in that office
27 and no vote ~~shall~~MAY be counted. [**←I disagree with HB's comment**

here. I think a ballot with such a collection of marks should be duplicated by the resolution team.]

28 ~~27.7.4.3~~(C) During any recount of votes, if the number of undervotes in that
29 race could change the outcome if attributed to a legally qualified write-
30 in candidate, votes for that candidate ~~shall~~MUST be counted whether or
31 not the target area designating the selection of a write-in candidate has
32 been marked, provided that the number of candidates chosen does not
33 exceed the number permitted in that office.

34 ~~Rule 40.~~ **Rule 19. Rules Concerning Certification and Education of Designated Election**
35 **Officials**

36 ~~40.1~~19.1 Purpose and Definitions.

37 ~~40.1.1~~19.1.1 The Secretary of State recognizes that the oversight of elections is a

1 profession that requires thorough knowledge of complex state and federal
2 election law and election procedures. Considering the complexity of state and
3 federal law, voting equipment, and election procedures, extensive training is
4 necessary. The certification program standardizes election procedures and
5 education. The program also promotes Colorado voters' confidence in their
6 election officials and the election process.

7 ~~40.1.2~~19.1.2 "Local election official" means a county clerk ~~and recorder~~. (Section
8 1-1-301(1), C.R.S.) [**←Per HB: These rules must also work for municipal, special
district and school district designated election officials. I agree.**]

9 ~~40.1.3~~19.1.3 "Persons required to complete certification" means:

- 10 (a) The county clerk ~~and recorder~~; and
- 11 (b) Employees in the ~~COUNTY~~ clerk's ~~and recorder's~~ office who are directly
12 responsible for overseeing election activities, including but not limited to:
13 voter registration, candidate qualifications and ballot certification, poll
14 worker training, ballot design and setup, ballot counting, and canvassing.

15 (Section 1-1-302, C.R.S.)

16 ~~40.2~~19.2 Advisory Board.

17 19.2.1 The advisory board must meet at least twice each calendar year to approve the
18 curriculum and make necessary changes. The advisory board must also review
19 evaluations and recommend changes to the certification program.

20 ~~40.2.2~~19.2.2 The advisory board must review individual applications for certification
21 and must approve applications that are accurate and complete. The advisory
22 board may take into account special circumstances in reviewing and approving
23 applications.

24 ~~40.2.3~~19.2.3 The Secretary of State will appoint the following as board members:

- 25 (a) Four county clerks or designated staff members;
- 26 (b) Two Secretary of State Office representatives; and
- 27 (c) Any individual(s) whom the Secretary of State believes could make a
28 valuable contribution to the Board.

29 ~~40.2.4~~19.2.4 Board members serve at least a two-year term.

30 ~~40.2.5~~19.2.5 The Secretary of State may terminate board members without cause.
31 Failure to attend meetings or meaningfully contribute may result in termination.

32 ~~40.3~~19.3 Curriculum.

33 ~~40.3.1~~19.3.1 The Secretary of State will develop the core and elective curriculum

No changes suggested on this page

1 assessment requirement outlined in Rule ~~40.5.2~~ 19.5.2 and will receive credit for
2 the course.

3 40.5.4-19.5.4 No election official may receive credit toward his or her Colorado
4 certification for training offered by other agencies or organizations.

5 40.6-19.6 Application Review, Certification, and Maintenance of Records.

6 40.6.1-19.6.1 Once a person completes the required coursework, he or she must
7 promptly submit an application for certification or continuing certification to the
8 Secretary of State's office on the form approved by the Secretary of State.

9 40.6.2-19.6.2 The Secretary of State must review the application with reference to the
10 Secretary of State records. If the application is complete and accurate, the
11 Secretary of State must forward it to the advisory board for its review and
12 approval. Upon approval by the advisory board, the Secretary of State must
13 issue a certificate that the person is a Certified Colorado Election Official.

14 40.6.3-19.6.3 The Secretary of State must track attendance at all classes and keep
15 records of attendance, continuing elections education, and records of those
16 persons who are certified and persons who are in the certification process.

17 40.9-19.7 Decertification. A person who fails to satisfy continuing education requirements
18 will lose certification.

19 *[Current Rule 40 is amended and moved to new Rule 19. Amendments are shown above.]*

20 **Rule 43—Rule 20. County Security Procedures** Good comments by HB on this rule. I would like
some outside (non SOS) security people to review it as well.

21 ~~43.1 20.1~~ Definitions.

22 43.1.1 20.1.1 “Chain of custody log” means a written record that shows that the
23 equipment and all associated data are secured according to these procedures and
24 in the documented control of an employee or deputized election judge through the
25 entire time of ownership by the jurisdiction.

26 43.1.2 20.1.2 “DRE” means a direct recording electronic voting device. A DRE is a
27 voting device that records votes by means of a ballot display provided with
28 mechanical or electro-optical components or an audio ballot that the voter can
29 activate; that processes data by means of a computer program; and that records
30 voting data and ballot images in memory components or other media. The device
31 may produce a tabulation of the voting data stored in a removable memory
32 component and as printed copy. The device may also provide a means for
33 transmitting individual ballots or vote totals to a central location for consolidating
34 and reporting results from remote sites to the central location.

35 38.1.3 20.1.3 “Elector data” means voting information, including but not limited to,
36 voter registration, voting history, and voting tabulations.

1 ~~38.1.4 20.1.4~~ “Electronic pollbook” is a list of eligible electors in electronic format who
2 are permitted to vote at a polling place LOCATION in an election conducted under
3 the Election Code, which shall be processed by a computer at a Vote Center
4 VOTER SERVICE AND POLLING CENTER to be immediately accessible to all other
5 computers at all Vote Centers VOTER SERVICE AND POLLING CENTERS in the
6 county.

7 ~~43.1.3 20.1.5 20.1.4~~ “Employee” means all full time, part time, permanent, and
8 contract employees of the county who have had PASSED a COLORADO BUREAU OF
9 INVESTIGATION (CBI) INTERNET criminal history check (ICHC) conducted in
10 accordance with Rule 11.2 6.4 and are deputized by the county clerk and recorder
11 to prepare or maintain the voting system or election setup materials, staff the
12 counting center and who have any access to the electromechanical voting systems
13 or electronic vote tabulating equipment.

14 ~~43.1.4 20.1.6 20.1.5~~ “Removable card or cartridge” means any A programming card or
15 cartridge, except a voter activation card, that stores firmware, software, or data.

16 ~~43.1.5 20.1.7 20.1.6~~ “Seal” means a serial-numbered tamper-evident device that
17 indicates a seal is broken or removed, IF BROKEN OR MISSING, INDICATES THAT THE
18 CHAIN OF CUSTODY IS BROKEN A DEVICE IS NOT SECURE.

19 ~~38.1.2 20.1.8 20.1.7~~ “Teleprocessing lines” means secure, dedicated communication
20 transmission facilities used for the purpose of transferring elector data between
21 Vote Centers VOTER SERVICE AND POLLING CENTER and a centralized
22 computerized pollbook maintained by the county clerk and recorder, to ensure the
23 security and integrity of voting information so that no deviation can go
24 undetected.

25 ~~43.1.6 20.1.9 20.1.8~~ “Trusted build” means the write once installation disk or disks for
26 software and firmware for which the Secretary of State or his/her agent has
27 established the chain of evidence to the building of a the disk(s), which is then
28 used to establish and/or re-establish the chain of custody CHAIN OF CUSTODY of
29 any component of a voting system that contains newly installed firmware or
30 software. The trusted build is the origin of the chain of evidence for any software
31 and firmware component of the voting system.

32 ~~43.1.7 20.1.10 20.1.9~~ “Video security surveillance recording” means video monitoring
33 by a device that continuously records a designated location or a system using
34 motion detection that records one frame, or more, per minute until detection of
35 motion triggers continuous recording.

36 *[Definitions moved to Rule 1, with amendments]*

37 ~~43.2 20.2 20.1~~ Annual security plan. In accordance with section 1-5-616(5), C.R.S., AND USING
38 THE FORM PRESCRIBED BY THE SECRETARY OF STATE, each A county must ANNUALLY
39 submit a security plan to the Secretary of State annually and no later than 60 days prior to

1 BEFORE the first election in which the COUNTY WILL IMPLEMENT THE security plan
2 procedures. ~~are used. The plan must, at a minimum, include the following:~~

3 ~~43.2.1~~ ~~20.3~~ ~~20.2~~ General requirements CONCERNING CHAIN-OF-CUSTODY.

4 (a) ~~20.3.1~~ ~~20.2.1~~ The county ~~clerk and recorder shall~~ MUST maintain on file all
5 documentation of seals, ~~chain of custody~~ CHAIN-OF-CUSTODY, and other
6 documents related to the transfer of equipment between parties. These documents
7 are subject to inspection by the Secretary of State.

8 (b) ~~20.3.2~~ ~~20.2.2~~ The county must maintain and document the ~~chain of custody~~
9 CHAIN-OF-CUSTODY for each voting device throughout the county's ownership or
10 leasing of the device.

11 (c) ~~20.3.3~~ ~~20.2.3~~ Only ~~deputized clerks, election judges,~~ ELECTION OFFICIALS or
12 canvass board members sworn under oath are allowed to handle ballots, which
13 include VVPAT records.

14 (d) ~~20.3.4~~ ~~20.2.4~~ The county may install additional or modified software developed
15 by the vendor on any component of the voting system only if the software is
16 specifically listed on the Secretary of State's certificate and verified against the
17 state trusted build. Nothing in this rule ~~shall preclude~~ PRECLUDES the use of
18 commercial off-the-shelf software, provided that the software is included in the
19 certified list of services and executables for the certified voting systems.

20 (e) ~~20.3.5~~ ~~20.2.5~~ Any form or log containing "date" means to note the month,
21 calendar day, year, hour, minute, and whether the time is a.m. or p.m.

22 ~~43.3~~ ~~20.3.6~~ ~~20.2.6~~ The county ~~shall~~ MUST submit ~~with the security plan~~ sample copies
23 of all referenced forms, schedules, logs, and checklists WITH THE SECURITY PLAN.

24 ~~43.2.2~~ ~~20.4~~ ~~20.3~~ Physical locking mechanisms and seals. The county must record the serial
25 number of every seal on the appropriate chain-of-custody log. Two individuals must
26 verify, and indicate by signing and dating the log, that the seal serial numbers match the
27 logged serial numbers. If a seal is inaccessible and cannot be removed, then it is not
28 necessary to verify that seal serial number.

29 (a) ~~20.4.1~~ ~~20.3.1~~ DREs AND BALLOT MARKING DEVICES. ~~The county must seal DRE~~
30 ~~voting devices as follows:~~

31 (1)(A) The county must place a seal over ~~any~~ A removable card or cartridge that
32 is inserted into the unit, or over the slot or door covering the card or
33 cartridge.

34 (2)(B) The county must place a seal over any removable card slot or cartridge
35 slot when no card or cartridge is inserted into the unit.

- 1 (3)(C) If the county cannot verify the firmware or software hash value (MD5 or
2 SHA-1), the county must seal the DRE case. To detect unauthorized
3 access, the county must use seals at either the seams of the case or at key
4 entry points such as screw access points.
- 5 (4)(D) If the voting device contains one or more slots for a flash memory card,
6 the county shall—MUST affix a seal over each each flash card slot, door, or
7 access panel.
- 8 (5)(E) These same procedures also apply to the Judge’s Booth Controller (JBC)
9 unit for the Hart InterCivic System.
- 10 (6)(F) Two ~~employees or~~ election ~~judges~~ OFFICIALS must verify, and indicate by
11 signing and dating the chain-of-custody log, that all seal serial numbers
12 match the logged serial numbers.
- 13 (b) ~~20.4.2-20.3.2~~ VVPATs. ~~Prior to~~ BEFORE attaching a VVPAT to a specific voting
14 device, the ~~judges shall~~ COUNTY MUST seal the unit after verifying that no votes
15 were cast. At least two election ~~judges~~ OFFICIALS must verify that seals are intact
16 ~~prior to~~ BEFORE the start of voting, and at the close of voting. VVPAT records
17 shall—MUST either remain in the VVPAT canister, or be sealed and secured in a
18 suitable device for protecting privacy or as described in Rule ~~11-43.2.10-20.12~~.
- 19 (c) ~~20.4.3-20.3.3~~ Remote or central count optical scanners. Optical scanners. used in
20 a remote or central tabulating location shall meet the following seal requirements:
- 21 (1)(A) The county must place a seal over each card or cartridge inserted into the
22 unit, or over any door or slot containing the card or cartridge.
- 23 (2)(B) The county must place a seal over each empty card or cartridge slot or
24 door covering the area where the card or cartridge is inserted.
- 25 (3)(C) ~~Prior to~~ BEFORE the start of voting and after the close of voting, two
26 ~~employees or~~ election ~~judges~~ OFFICIALS must visually confirm that all
27 seals are intact and that the seal serial numbers match those logged in the
28 chain-of-custody log.
- 29 (d) ~~20.4.4-20.3.4~~ Memory Cards/Cartridges CARDS OR CARTRIDGES.
- 30 (1)(A) The county must assign and securely affix a permanent serial number to
31 each removable card or cartridge. The county may use the manufacturer
32 assigned serial number for this purpose.
- 33 (2)(B) The county must handle removable memory cards and cartridges in a
34 secure manner at all times. The county must transfer and store any
35 removable card and/or cartridge that is not sealed in a voting machine in a
36 secure container with at least one seal. Upon delivery and receipt, election
37 judges or county personnel must verify, and indicate by signing and dating

1 the chain-of custody log, that all seal serial numbers match those listed in
2 the log.

3 ~~(3)(C)~~ The county ~~clerk and recorder~~ must maintain a written or electronic log to
4 record card or cartridge seal serial numbers and track seals for each voting
5 unit. ~~The county clerk and recorder must be notified if control of a~~
6 ~~card/cartridge or door or slot for a card/cartridge is breached before an~~
7 ~~election, and he/she must follow the procedures specific to the incident~~
8 ~~outlined in Rule 43.2.11.~~

9 ~~43.2.3~~ ~~20.5~~ 20.4 Individuals with access to keys, door codes, and vault combinations.

10 (a) ~~20.5.1~~ 20.4.1 For employees with access to areas addressed in Rule ~~43.2.3(e)~~
11 ~~43.5.3~~ 20.4.3, the county must state IN THE SECURITY PLAN ~~the employees' titles~~
12 EACH EMPLOYEE'S TITLE and the dates of ~~CBI background checks~~ THE ICHC.
13 [Section 24-72-305.6, C.R.S.]

14 (b) ~~20.5.2~~ 20.4.2 The county must change all keypad door codes or locks, vault
15 combinations, computer and server passwords, encryption key codes, and
16 administrator passwords at least once per calendar year prior to the first election
17 of the year.

18 (c) ~~20.5.3~~ 20.4.3 Employee access.

19 (1) —The county may grant employees access to the codes, combinations,
20 passwords, and encryption keys described in this Rule ~~43.2.3~~ 20.5 in
21 accordance with the following limitations:

22 (A) —~~Access to the code, combination, password, or encryption key for the~~
23 ~~storage area for voting equipment and the mail in ballot counting areas is~~
24 ~~restricted to employees as defined in Rule 43.1.3.~~

25 (B) (A) Access to the code, combination, password, or encryption key for the
26 ~~mail in~~ VOTING EQUIPMENT, ~~AND~~ ballot storage ~~area~~ AREAS, ~~and~~ counting
27 room, or tabulation workstations is restricted to ~~ten employees as defined~~
28 ~~in Rule 43.1.3~~ WHO HAVE SUCCESSFULLY PASSED A COLORADO BUREAU OF
29 INVESTIGATION (CBI) INTERNET CRIMINAL HISTORY CHECK (ICHC)
30 CRIMINAL BACKGROUND CHECK DESCRIBED IN RULE 6.4. ANY PERSON WHO
31 HAS BEEN CONVICTED OF AN ELECTION OFFENSE OR FRAUD IS PROHIBITED
32 FROM HAVING ACCESS TO A CODE, COMBINATION, PASSWORD, OR
33 ENCRYPTION KEY FOR THE VOTING EQUIPMENT, BALLOT STORAGE AREAS,
34 COUNTING ROOM, OR TABULATION WORKSTATIONS.

35 (C) (B) Except for emergency personnel, no other individuals ~~shall~~ MAY be present
36 in these locations unless supervised by one or more employees ~~as defined~~
37 ~~in Rule 43.1.3.~~

1 (i) ~~Each individual who has access to the central election management~~
2 ~~system or central tabulator shall MUST have their own unique~~
3 ~~username and password. No individual shall MAY use any other~~
4 ~~individuals INDIVIDUAL'S username or password. Shared accounts~~
5 ~~are prohibited.~~

6 (ii) ~~The county shall maintain a log of each person who enters the~~
7 ~~ballot storage room, including the person's name, signature, and~~
8 ~~date and time of entry. If access to the ballot storage room is~~
9 ~~controlled by use of key card or similar door access system that is~~
10 ~~capable of producing a printed paper log including the person's~~
11 ~~name and date and time of entry, such a log shall meet the~~
12 ~~requirements of this rule.~~

13 ~~(2)(C) In extreme circumstance, the county may request and the Secretary of~~
14 ~~State may grant exemption from the requirements outlined in Rule~~
15 ~~43.2.3(e)(1) 43.5.3 20.5.3.~~

16 ~~(d) 20.5.4 20.4.5 Computer room Access TO WHERE ELECTION MANAGEMENT~~
17 ~~SOFTWARE IS USED is limited to authorized employees and election judges~~
18 ~~OFFICIALS only. Messengers or runners delivering ballots between the preparation~~
19 ~~room and computer room shall MUST wear distinguishing identification. This rule~~
20 ~~does not supersede access by watchers, official observers, and media observers in~~
21 ~~accordance with Rule 8.~~

22 43.2.9 20.6 20.5 Internal Controls for the Voting System

23 (a) 20.6.1 20.5.1 The County COUNTY must enable, create, and use passwords.

24 (b) 20.6.2 20.5.2 In addition to the access controls discussed in Rule 43.2.3(e) 20.5,
25 the county shall MUST change all passwords and limit access to the following
26 areas:

27 (1)(A) Software. The county shall MUST change all software passwords once per
28 calendar year prior to the first election. This includes any boot or startup
29 passwords in use, as well as any administrator and user passwords and
30 remote device passwords.

31 (2)(B) Hardware. The county shall MUST change all hardware passwords once per
32 calendar year prior to the first election. This includes any encryption keys,
33 key card tools, supervisor codes, poll worker passwords on smart cards,
34 USB keys, tokens, and voting devices themselves as it applies to the
35 specific system.

36 (3)(C) Password Management. The county shall MUST limit access to the
37 administrative passwords to the election management software to two
38 employees. The county shall MUST limit access to passwords for all
39 components of the election software and hardware to two employees. The

1 county may provide an additional ten employees with access to the
2 administrative passwords for the software components, and an additional
3 ten employees with access to the administrative passwords for the
4 hardware components of the voting system. THE VOTING SYSTEM
5 PROVIDER MAY NOT HAVE AN ADMINISTRATIVE OR APPLICATION
6 USER/OPERATOR ACCOUNT, OR ADMINISTRATIVE ACCOUNT ACCESS TO THE
7 ACCOUNTS.

8 *[Language from current Rule 45.5.2.6.1(a)(vi) is amended and relocated*
9 *to Rule 20.6.2]*

10 (4)(D) Internet Access. The county must never connect or allow a connection of
11 any voting system component to the Internet.

12 (5)(E) Modem Transmission. The county must never connect any component of
13 the voting system to another device by modem except for the vote tally
14 software as allowable by the certification of the specific device.

15 (6)(F) Remote sites VOTER SERVICE AND POLLING CENTERS. AT REMOTE VOTER
16 SERVICE AND POLLING CENTERS, THE COUNTY may use modem functions of
17 optical scanners and DREs only for the purpose of transmitting unofficial
18 results, as permitted by the Secretary of State's certification documents
19 for the specific systems. A county using modem devices to transmit results
20 shall meet the following requirements:

21 (A) A county may use a modem device only after all steps to close the
22 polls are complete and summary tapes are printed, and may only
23 use the device to transmit test data or unofficial results.

24 (B) The county shall not use a modem for any programming, setup, or
25 individual ballot casting transmissions.

26 (C) The county shall change the receiving telephone number for the
27 modem transmission at least once per calendar year prior to the
28 first election.

29 (D) The county may provide the telephone number of the modem
30 receiving the transmission to no more than six employees. The
31 county shall not publish or print the receiving modem telephone
32 number for any election judge. To the extent possible, the county
33 shall program the telephone number into the device and use the
34 device in a way that hides the display of the number from the view
35 of election judges and voters at all times.

36 (7)(G) Authorized Employees. The county shall MUST include in their ITS security
37 plan the employees' titles EACH EMPLOYEE'S TITLE and the dates DATE of
38 CBI background checks ICHC for employees with access to any of the
39 areas or equipment set forth in this Rule. Each county shall MUST maintain

No changes suggested on this page

1 exceed 80% humidity for a period of more than 24 hours. The county shall
2 maintain temperature at a minimum of 50 degrees Fahrenheit and a maximum of
3 90 degrees Fahrenheit. The county shall store video data records at least four
4 inches above the finished floor, for a period of 25 months following the election.

5 ~~43.2.5~~ ~~20.8~~-20.7 Security cameras or other surveillance.

6 ~~43.2.3(e)(1)(C)(ii)~~ ~~20.8.1~~-20.7.1 The county shall MUST maintain a log of each
7 person who enters the ~~ballot storage room~~-THE SPECIFIED AREAS SPECIFIED IN
8 RULE ~~20.8.3~~-20.7.3, including the person's name, signature, and date and time of
9 entry. If access to the ~~ballot storage room~~ SPECIFIED AREAS is controlled by use of
10 key card or similar door access system that is capable of producing a printed
11 paper log including the person's name and date and time of entry, such a log shall
12 MUST meet the requirements of this rule.

13 (a) ~~20.8.2~~ 20.7.2 Unless otherwise instructed, the county shall-MUST make video
14 security surveillance recordings of ~~specified~~-THE areas SPECIFIED IN RULE ~~20.8.3~~
15 20.7.3 beginning at least 60 days prior to the election [**←Note HB's suggestion.**]

and continuing through at

16 least 30 days after the election, ~~unless there is a recount or contest~~. IF A RECOUNT
17 OR CONTEST [**←Note HB's suggestion.**] OCCURS, THE RECORDING MUST CONTINUE
18 THROUGH THE CONCLUSION

19 OF ALL SUCH ACTIVITY. The recording system shall-MUST ensure that records are
20 not written over when the system is full. The recording system shall-MUST provide
21 a method to transfer the video records to a different recording device or to replace
22 the recording media. If replaceable media is used then the county shall-MUST
23 provide a process that ensures that the media is replaced often enough to prevent
24 periods when recording is not available. ~~If a recount or contest occurs, the
recording shall continue through the conclusion of all such activity.~~

25 ~~20.8.3~~-20.7.3 The following are the specific minimum requirements:

26 (A) (A) If the county has 50,000 or more registered voters, then the county shall
27 MUST MAINTAIN A LOG AND make video security surveillance recordings of
28 the following areas, excluding voting booths:

29 (A)-(1) All areas in which election management software is used,
30 including but not limited to programming, downloading memory
31 cards, uploading memory cards, tallying results, and results
32 reporting.

33 (B) (2) All areas used for processing ~~mail-in~~ ballots, including but not
34 limited to areas used for Signature Verification, tabulation, or
35 storage of voted ballots beginning at least 35 days prior to the
36 election and continuing through at least 30 days after the election,
37 unless there is a recount or contest. [**←Note HB's suggestion.**] If a
recount or contest [**←Note HB's suggestion.**] occurs,
38 the recording shall-MUST continue through the conclusion of all
39 such activity.

40 (C) (3) The storage area for all voting equipment.

1 (2) (B) If the county has fewer than 50,000 registered voters then the county ~~shall~~
2 MUST MAINTAIN A LOG AND make video security surveillance recordings of
3 all areas, ~~excluding voting booths~~, in which election management software
4 is used, including but not limited to programming, downloading memory
5 cards, uploading memory cards, tallying results, and results reporting.

6 (6) (C) The county must adequately ~~and continuously~~ light the area(s) subject to
7 video surveillance to provide visibility for video recording. [**←Gotta have
light for video. Please address this requirement wherever the rules mention video.**]

8 43.2.6 ~~20.9-20.8~~ Equipment maintenance procedures. In addition to the requirements for voting
9 systems INVENTORY specified in Rule ~~11.4-11.3~~, the county ~~shall~~ MUST adhere to the
10 following minimum standards:

11 (a) ~~20.9.1-20.8.1~~ The county ~~shall~~ MUST store all equipment throughout the year
12 with seals over the memory card slots for each device. The county ~~shall~~ MUST
13 maintain a log of the seals used for each device consistent to the logs used for
14 tracking ~~Election Day~~ seals.

15 (b) ~~20.9.2-20.8.2~~ For equipment being sent to the vendor for offsite
16 repairs/replacements, the county must keep a maintenance log for the device that
17 ~~shall~~ MUST contain the following: the model number, serial number, and the type
18 of device; the firmware version; the software version (as applicable); the printed
19 name and signature of the person sending the equipment; and the date of
20 submission to the vendor.

21 (c) ~~20.9.3-20.8.3~~ ~~When a vendor provides on-site maintenance of equipment, vendor~~
22 ~~personnel shall annually provide to the county a CBI or equivalent background~~
23 ~~check for all vendor personnel that will have access to any component of the~~
24 ~~voting system. The county must keep current CBI or equivalent background check~~
25 ~~information on file. Additionally, an AN employee shall MUST escort the vendor's~~
26 representative at all times while on-site. At no time ~~shall~~ MAY the voting system
27 vendor have access to any component of the voting system without supervision by
28 an employee. [Section 24-72-305.6, C.R.S.]

29 (d) ~~20.9.4-20.8.4~~ Upon completion of any maintenance, the county ~~shall~~ MUST verify
30 or reinstate the trusted build and conduct a full acceptance test of equipment that
31 ~~shall~~ MUST, at a minimum, include the hardware diagnostics test, as indicated in
32 Rule 11, and conduct a mock election in which an employee(s) ~~shall~~ MUST cast a
33 minimum of five ballots on the device to ensure tabulation of votes is working
34 correctly. The county ~~shall~~ MUST maintain all documentation of the results of the
35 acceptance testing on file with the specific device.

36 (e) ~~20.9.5-20.8.5~~ The Secretary of State will annually inspect county maintenance
37 records on a randomly selected basis.

38 43.2.7 ~~20.10-20.9~~ Transportation of equipment, memory cards, ballot boxes, and ballots.

1 (a) ~~20.10.1-20.9.1~~ **No changes suggested on this page** led plans to the Secretary of
2 State prior to an election regarding the transportation of equipment and ballots
3 both to remote voting sites and back to the central elections office or storage
4 facility. IF THERE IS ANY EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF
5 THE SERIAL NUMBERS DO NOT MATCH THOSE LISTED IN THE CHAIN-OF-CUSTODY
6 LOG, THE COUNTY CLERK MUST BE IMMEDIATELY NOTIFIED AND MUST FOLLOW THE
7 PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN RULE ~~20.15.1-20.13.~~
8 While the method of transportation of equipment may vary, the following
9 standards ~~shall apply when transporting voting equipment to the voting location~~
10 APPLY:

11 (1) (A) Transportation by county personnel. County personnel ~~shall~~ MUST at all
12 times display a ~~badge or other~~ identification provided by the County. Two
13 EMPLOYEE signatures and date ~~of employees~~ are required at the departure
14 location verifying that the equipment, including memory card or cartridge,
15 is sealed to prevent tampering. Upon delivery of equipment, at least two
16 ~~employees or~~ election judges OFFICIALS shall MUST verify, and indicate by
17 signing and dating the chain-of-custody log, that all seals are intact and
18 that the serial numbers on the seals match the logged serial numbers. ~~If~~
19 ~~there is any evidence of possible tampering with a seal, or if the serial~~
20 ~~numbers do not match those listed in the chain-of-custody log, they shall~~
21 ~~immediately notify the county clerk and recorder who shall follow the~~
22 ~~procedures specific to the incident as described in Rule 43.2.11.~~

23 (2) (B) Transportation by election judges. Election judges OFFICIALS that are
24 receiving equipment ~~from county personnel shall~~ MUST inspect all
25 components of voting devices and verify the specific numbers by signature
26 and date on the chain-of-custody log for the device. ~~The election judge~~
27 ~~receiving the equipment shall request two election judges at the voting~~
28 ~~location to inspect the devices and to sign and date the chain-of-custody~~
29 ~~log indicating that all seals are intact and that the serial numbers on the~~
30 ~~seals match with those on the seal tracking log. If there is any evidence of~~
31 ~~possible tampering with a seal, or if the serial numbers do not match those~~
32 ~~listed in the chain-of-custody log, they shall immediately notify the county~~
33 ~~clerk and recorder who shall follow the procedures specific to the incident~~
34 ~~as described in Rule 43.2.11.~~

35 (3) (C) Transportation by contract. A county electing to contract the delivery of
36 equipment to remote voting locations ~~shall~~ MUST perform AN CBI
37 ~~background checks~~ ICHC on EACH OF the specific individuals ~~who will be~~
38 ~~delivering the equipment. Two~~ ~~employees or~~ election judges OFFICIALS
39 ~~shall~~ MUST verify, sign, and date the chain-of-custody log upon release of
40 the equipment to the individual(s) delivering the equipment. ~~Two other~~
41 ~~employees or election judges shall verify, sign, and date the chain-of-~~
42 ~~custody log after delivery of the equipment, and prior to the opening of the~~
43 ~~polls. If there is any evidence of possible tampering with a seal, or if the~~
44 ~~serial numbers do not match those listed in the chain-of-custody log, they~~

1 shall follow

shall in **No changes suggested on this page** nty clerk and recorder who

2 the procedures specific to the incident as described in Rule 43.2.11.
3 [~~Section 24-72-305.6, C.R.S.~~]

4 (b) ~~20.10.2-20.9.2~~ Standards for transporting voting equipment to and from the voting
5 location:

6 (A) Required procedures if memory cards or cartridges are removed from
7 voting devices at remote voting locations:

8 (A)(1) Before removing a memory card or cartridge, two election **judges**
9 **OFFICIALS** shall ~~shall~~ MUST inspect and verify that all seals on the device
10 are intact and that the serial numbers on the seals match those
11 listed on the chain-of-custody log. Both election **judges** **OFFICIALS**
12 shall ~~shall~~ MUST sign and date the chain-of-custody log prior to breaking
13 the seal. ~~If there is any evidence of possible tampering with a seal,~~
14 ~~or if the serial numbers do not match those listed in the chain-of-~~
15 ~~eustody log, they shall immediately notify the county clerk and~~
16 ~~recorder who shall follow the procedures specific to the incident as~~
17 ~~described in Rule 43.2.11.~~

18 (B)(2) Election **judges** **OFFICIALS** shall ~~shall~~ MUST place the memory cards or
19 cartridges in a sealable transfer case and must seal the case ~~with at~~
20 ~~least one seal.~~ The election **judges** **OFFICIALS** shall ~~shall~~ MUST maintain a
21 chain-of-custody log for the transfer case of the memory cards or
22 cartridges.

23 (C)(3) Election **judges** **OFFICIALS** shall ~~shall~~ MUST place new seals over the
24 empty memory card/cartridge slot and/or door and document the
25 seal numbers used.

26 (D)(4) At least two ~~county personnel or~~ election **judges** **OFFICIALS** shall
27 MUST accompany the transfer case ~~containing the memory~~
28 ~~cards/cartridges to the drop-off PROCESSING location.~~ The election
29 **judges** **OFFICIALS** who receive the equipment must verify, and
30 indicate by signing and dating the chain-of-custody log, that the
31 seals are intact and seal serial numbers match those listed in the
32 log. ~~If there is any evidence of possible tampering with a seal, or if~~
33 ~~the serial numbers do not match those listed in the chain-of-~~
34 ~~eustody log, the county personnel or election judges shall~~
35 ~~immediately notify the county clerk and recorder who shall follow~~
36 ~~the procedures specific to the incident as described in Rule~~
37 ~~43.2.11.~~

38 (E)(5) ~~County personnel or election judges~~ **ELECTION OFFICIALS**
39 transporting secured voting equipment must maintain chain-of-
40 custody logs. ~~If there is any evidence of possible tampering with a~~

1 seal, or if **No changes suggested on this page** do not ~~....chain-~~
2 of custody log, they shall immediately notify the county clerk and
3 recorder who shall follow the procedures specific to the incident as
4 described in Rule 43.2.11.

5 (2) (B) Required procedures if devices are delivered with memory
6 cards/cartridges intact:

7 (A) (1) Two ~~county personnel or~~ election ~~judges~~ OFFICIALS shall ~~shall~~ MUST
8 verify that all seals are intact at the close of polls. Election judges
9 shall MUST sign and date the chain-of-custody log with such
10 indication. ~~If there is any evidence of possible tampering with a~~
11 ~~seal, or if the serial numbers do not match those listed in the chain-~~
12 ~~of custody log, they shall immediately notify the county clerk and~~
13 ~~recorder who shall follow the procedures specific to the incident as~~
14 ~~described in Rule 43.2.11.~~

15 (B) (2) At least two ~~county personnel or~~ election ~~judges~~ OFFICIALS shall
16 MUST accompany the secured equipment to the drop-off location.
17 ~~Seals will be verified, and logs will be signed and dated by the~~
18 ~~county election official receiving the equipment. If there is any~~
19 ~~evidence of possible tampering with a seal, or if the serial numbers~~
20 ~~do not match those listed in the chain-of-custody log, they shall~~
21 ~~immediately notify the county clerk and recorder who shall follow~~
22 ~~the procedures specific to the incident as described in Rule~~
23 ~~43.2.11. THE PERSON RECEIVING THE EQUIPMENT MUST VERIFY THE~~
24 ~~SEALS AND SIGN AND DATE THE LOGS.~~

25 (C) (3) Upon confirmation that the seals are intact and bear the correct
26 numbers, ~~election judges OR THE COUNTY PERSONNEL~~ shall
27 ~~ELECTION OFFICIALS~~ MUST remove and upload the memory
28 cards/cartridges into the central count system.

29 (D) (4) To secure the equipment, election ~~judges~~ OFFICIALS shall ~~shall~~ MUST
30 place a tamper-evident seal over the memory card slot and update
31 the chain-of-custody log to reflect the new seal number(s).

32 (e) ~~20.10.3-20.9.3~~ Required procedures for transportation of ballot boxes:

33 (1) (A) Election ~~judges~~ OFFICIALS shall ~~shall~~ MUST seal all ballot boxes that contain
34 voted ballots so that no person can access the ballots without breaking a
35 seal. The election ~~judges~~ OFFICIALS shall ~~shall~~ MUST record all seals in the
36 chain-of-custody log and two election judges shall ~~shall~~ MUST verify, and
37 indicate by signing and dating the log, that the required seals are intact.

38 (2) (B) Two ~~county personnel or~~ election ~~judges~~ OFFICIALS shall ~~shall~~ MUST accompany
39 all ballot boxes that contain voted ballots at all times, except when the
40 ballot box is located in a vault or secure physical location.

1 (3) (C) The ballot box exchange requirements of section 1-7-305, C.R.S., are met
2 if a chain-in-custody log is completed for each ballot box.

3 (D) IF A SEAL IS BROKEN OR CHAIN-OF-CUSTODY CANNOT BE VERIFIED, THE
4 COUNTY CLERK MUST INVESTIGATE, DOCUMENT ~~THEIR~~ HIS OR HER
5 FINDINGS, AND REPORT THE INCIDENT TO THE SECRETARY OF STATE, AS
6 APPROPRIATE.

7 20.9.4 BALLOT SECURITY AT A VOTER SERVICE AND POLLING CENTER [~~←HB: “I~~
8 ~~would use the word “blank” ballots here instead of “unvoted” that is not defined. Sorry to say, all this~~
9 ~~chain of custody control of the blank ballots at polling locations is absurd when compared to the total lack~~
10 ~~of control over the ballots sent by mail. I agree that ballot security is important- so it must be solved for~~
11 ~~the mail ballot case. One way is to absolutely depend on ballot stubs for identification of returned ballots~~
12 ~~with the ballot sent to the elector.”]~~

8 (A) THE COUNTY MUST SECURE UNVOTED PAPER BALLOTS DURING PRE-
9 ELECTION STORAGE, TRANSPORTATION, AND AT POLLING LOCATIONS.

10 (1) EXCEPT WHEN ELECTION OFFICIALS ARE ACTIVELY ISSUING BALLOTS
11 THE BALLOT CONTAINERS MUST BE SEALED AND SECURE.

12 (2) THE COUNTY MUST MAINTAIN CHAIN-OF-CUSTODY LOGS FOR ALL
13 BALLOT CONTAINERS,

14 (B) UNVOTED PAPER BALLOTS MUST BE TRANSPORTED TO POLLING LOCATIONS
15 IN SEALED CONTAINERS. THE COUNTY CLERK MUST RECORD THE SEAL
16 NUMBER ON A CHAIN-OF-CUSTODY LOG FOR VERIFICATION BY THE
17 RECEIVING ELECTION OFFICIALS. THE RECEIVING ELECTION OFFICIAL MUST
18 VERIFY THE BALLOT CONTAINER SEAL NUMBER BEFORE ISSUING BALLOTS.

19 (C) WHEN ELECTION OFFICIALS ARE ACTIVELY ISSUING BALLOTS, THE UNVOTED
20 BALLOTS MUST BE IN CLEAR VIEW OF A MINIMUM OF TWO ELECTION
21 OFFICIALS OF DIFFERENT PARTY AFFILIATIONS AND ONE OF THE ELECTION
22 OFFICIALS MUST ACTIVELY MONITOR THE BALLOTS UNLESS THE BALLOTS
23 ARE STORED IN A LOCKED LOCATION ACCESSIBLE ONLY TO ELECTION
24 OFFICIALS.

25 (D) A MINIMUM OF TWO ELECTION OFFICIALS OF DIFFERENT PARTY
26 AFFILIATIONS MUST RECONCILE AND DOCUMENT ALL UNVOTED, ISSUED,
27 AND SPOILED PAPER BALLOTS AT THE END OF EACH DAY THE POLLING
28 CENTER IS OPEN, AND IMMEDIATELY REPORT ANY INVENTORY
29 DISCREPANCIES TO THE COUNTY CLERK.

30 (E) IF UNVOTED PAPER BALLOTS ARE STORED OVERNIGHT AT THE POLLING
31 LOCATION, THE BALLOTS MUST BE SEALED IN CONTAINERS AND STORED IN A
32 LOCKED LOCATION ACCESSIBLE ONLY TO ELECTION OFFICIALS.

33 ~~20.11 ELECTRONIC POLLBOOKS.~~

34 ~~38.3.20.11.1 The designated election official shall COUNTY MUST establish written~~
35 ~~security procedures covering, WHICH COVER:~~

1 ~~(A) The transference TRANSFER of Vote Center VOTER SERVICE AND POLLING~~
2 ~~CENTER teleprocessing information.;~~

3 ~~38.3.2 (B) Such procedures shall include security covering The transmission~~
4 ~~of elector data processed through the electronic pollbook; and~~

5 ~~(C) Reconciliation of the registration and history of voters casting ballots at a~~
6 ~~Vote Center VOTER SERVICE AND POLLING CENTER.~~

7 ~~38.5.3 20.11.2 The county shall MUST submit in the security plan the system data transfer~~
8 ~~requirements to completely process a single voter record. This shall MUST include~~
9 ~~at a minimum the following:~~

10 ~~a.(A) The data stream information on both send SENDING and receiving data~~
11 ~~STREAM INFORMATION for all points of the transaction until the transaction~~
12 ~~is complete;~~

13 ~~b.(B) Information on all points where the connection is closed and the data~~
14 ~~stream released between the remote computer and the server; and~~

15 ~~e.(C) The proposed method of securing transmissions across public networks.~~

16 ~~38.5.4 20.11.3 The county shall MUST submit in the security plan a detailed list of all vote~~
17 ~~centers VOTER SERVICE AND POLLING CENTERS, with a proposed number of~~
18 ~~workstations connecting to the database and the proposed connection (including~~
19 ~~bandwidth and security) for each location. [**←HB: “What happened to concern for**~~
security of electronic pollbook and devices that access SCORE?” Right! Like the malfunctioning Bell &
Howell envelope sorter/scanner in Boulder County.]

20 *[Provisions relating to connectivity requirements for Voter Service and Polling Centers*
21 *moved to new Rule 2.18]*

22 ~~43.2.8 20.12-20.10~~ Contingency plans.

23 ~~(a) 20.12.1 20.10.1~~ **Emergency** THE COUNTY MUST DEVELOP EMERGENCY contingency
24 plans for voting equipment and voting locations IN ACCORDANCE WITH RULE 45
25 21.

26 ~~(1) All remote devices used in an election shall have sufficient battery backup~~
27 ~~for at least two hours of use. If this requirement is met by reliance on the~~
28 ~~internal battery of the voting device, then the county clerk and recorder~~
29 ~~shall verify that all batteries are fully charged and in working order prior~~
30 ~~to the opening of polls at the voting location. The use of third party battery~~
31 ~~backup systems also meets this requirement.~~

32 ~~(2) 20.12.2 20.10.2~~ In the event of a serious or catastrophic equipment failure, or when
33 equipment is removed from service at one or more polling locations, or there is
34 not adequate backup equipment to meet the requirements of section 1-5-501,
35 C.R.S., the county clerk and recorder shall MUST notify the Secretary of State that

1 **No changes suggested on this page** the county is using provisional ballots or mail-in
ballots as an emergency voting
2 method.

3 ~~(b) — A security plan must contain a section entitled “contingency plan” that includes~~
4 ~~the following:~~

5 ~~(1) — Evacuation procedures for emergency situations including fire, bomb~~
6 ~~threat, civil unrest, and any other emergency situations identified by the~~
7 ~~designated election official;~~

8 ~~(2) 20.12.3 20.10.3 Back up plans for THE COUNTY CONTINGENCY PLANS AND~~
9 ~~EVACUATION PROCEDURES MUST ADDRESS emergency situations including fire,~~
10 ~~severe weather, bomb threat, civil unrest, electrical blackout, equipment failure,~~
11 ~~and any other emergency situations identified by the designated election official.;~~

12 ~~(3) — An emergency checklist for election judges; and~~

13 ~~(4) — A list of emergency contact numbers provided to election judges.~~

14 ~~38.3.3 20.12.4 20.10.4 Such procedures shall include contingency procedures for network~~
15 ~~and power failure. Such procedures shall at a minimum include procedures THE~~
16 ~~COUNTY MUST DEVELOP PROCEDURES to address all single point failures OF~~
17 ~~SCORE CONTINUITY, including: WHICH INCLUDES;~~

18 ~~(a)- network failure,~~

19 ~~(b)- power failure that lasts less than one (1) hour, and~~

20 ~~(c)- Power failure that lasts more than one (1) hour.~~

21 ~~38.3.4 Acceptable alternatives for addressing such failures include either:~~

22 ~~a. — A paper backup of the pollbook with the minimum information~~
23 ~~required to verify a voter’s eligibility; or~~

24 ~~b. — A sufficient number of computers per vote center to ensure that the~~
25 ~~voter check in continues in an efficient manner. The computers~~
26 ~~shall have the ability to function on batteries or an external power~~
27 ~~source for up to two (2) hours. In addition, each computer shall~~
28 ~~have an electrotnic backup of the current pollbook in one (1) of the~~
29 ~~following formats:~~

30 ~~i. — A Portable Document File (PDF);~~

31 ~~ii. — A spreadsheet that is limited to sixty four thousand~~
32 ~~(64,000) lines if in Excel; or~~

33 ~~iii. — A database with a basic look up interface.~~

1 38.3.5 20.12.5 20.10.5 In addition to acceptable backup pollbook procedures, the security
2 procedures shall address contingency procedures. PROCEDURES THE COUNTY MUST
3 DEVELOP PROCEDURES to protect against activities such as voting twice, including
4 but not limited to the use of an affidavit that the voter has not and will not cast
5 another ballot. **No changes suggested on this page**

6 *[Current Rules 38.3.3-38.3.5 and 43.2.8 are amended and moved to new Rule 20.10.]*

7 11.6 20.13 20.11 Procedures for ~~Voter Verifiable Paper Audit Trail (V-VPAT)~~ VOTER
8 VERIFIABLE PAPER RECORD (VVPAT). THE FOLLOWING REQUIREMENTS APPLY ONLY TO
9 DRES WITH A VVPAT.

10 11.6.1 20.13.1 20.11.1 Security. 11.6.1.1—The ~~V-VPAT~~ VVPAT record is considered
11 an official record of the election, pursuant to IN ACCORDANCE WITH section 1-5-
12 802, C.R.S. All security procedures related to election ballots shall MUST apply to
13 ~~V-VPAT~~ VVPAT records.

14 11.6.1.2 (A) The housing unit for any ~~V-VPAT~~ VVPAT record to be used in the
15 election shall MUST be sealed and secured prior to any votes being cast for
16 the election. Documentation of the seal number(s) must be maintained and
17 noted prior to voting, and at the conclusion of voting. (a)—Election
18 judges OFFICIALS shall MUST attest to the ~~V-VPAT~~ VVPAT record having
19 no votes included on the paper record prior to the start of voting, and prior
20 to the installation or replacement of a new ~~V-VPAT~~ VVPAT record.
21 DOCUMENTATION OF THE SEAL NUMBER(S) MUST BE MAINTAINED AND
22 NOTED PRIOR TO VOTING AND AT THE CONCLUSION OF VOTING.

23 11.6.1.3 (B) If a DRE with ~~V-VPAT~~ VVPAT is used during early voting, the
24 seal number(s) must be recorded at the beginning and end of each voting
25 day.

26 11.6.1.4 (C) At the close of the polls, the ~~V-VPAT~~ VVPAT records will be
27 transferred to the central ELECTION office in the same manner as any paper
28 ballots. In the absence of paper ballots, the ~~V-VPAT~~ VVPAT records will
29 be transferred to the central ELECTION office in the same manner as any
30 memory cards containing electronic ballots.

31 11.6.2 20.13.2 20.11.2 Anonymity. 11.6.2.1—The Election Official DESIGNATED ELECTION
32 OFFICIAL shall put MUST IMPLEMENT measures in place to protect the anonymity of
33 voters choosing to vote on DREs during the voting periods. These measures shall
34 include:

35 (A) MEASURES TO PROTECT THE ANONYMITY MAY INCLUDE:

36 (a)—Encouraging poll workers to personally vote on DREs when
37 possible to ensure more than one vote will be cast on the device.

1 (b)(1) Appropriate marking in ~~Poll Book~~ POLLBOOK or other voting list
2 indicating ~~voters~~ VOTER'S choice to vote on DRE with the words:
3 "Voted DRE", or similar in place of paper ballot information. THE
4 COUNTY MAY NOT KEEP ANY ~~No~~ record ~~shall~~ ~~MAY be kept~~
5 indicating the order in which people voted on the DRE, or which
6 ~~V-VPAT-VVPAT~~ record is associated with the voter.

No changes suggested on this page

7 (e)(2) When more than one DRE is available at a voting location, the
8 voter ~~shall~~ MUST be given the choice as to which DRE they would
9 like to vote on, to the extent ~~practical~~ PRACTICABLE.

10 (d) ~~Encouraging or allowing any and all voters the opportunity to vote~~
11 ~~on a DRE if desired.~~

12 11.6.2.2(B) THE COUNTY CLERK MUST REMOVE THE DATE/TIME STAMP FROM
13 ANY ~~Any~~ report or export (~~electronic or paper based~~) generated from an
14 electronic pollbook. ~~shall~~ MUST remove the date/time stamp from the
15 ~~record and~~ THE COUNTY CLERK MAY not use this field as a sort method.
16 THE COUNTY CLERK MUST RANDOMLY ASSIGN ANY ~~Any assignment of~~
17 Record ID ~~IDs~~, Key ID, or Serial Number stored in the database of votes
18 ~~shall be randomly assigned.~~

19 11.6.2.3 ~~Any Pollbook, electronic, paper or otherwise shall not be exposed~~
20 ~~to the same people at the same place who have exposure to the V-VPAT~~
21 ~~VVPAT records.~~

22 (C) ~~ELECTION JUDGES MAY NOT ACCESS VVPAT RECORDS AT THE TIME OF~~
23 ~~VOTING. AT NO TIME MAY AN ELECTION~~ JUDGE OFFICIAL SIMULTANEOUSLY
24 ACCESS A VVPAT AND THE LIST OF VOTERS.

25 11.6.2.4 The Examination of the ~~V-VPAT-VVPAT~~ record ~~shall always~~
26 MUST be ~~done~~ PERFORMED by at least two ~~witnesses~~ ELECTION JUDGES
27 OFFICIALS.

28 11.6.3 ~~20.13.3 20.11.3~~ Storage. 11.6.3.1 ~~The storage of the V-VPAT-VVPAT~~
29 records must be consistent with storage of paper ballots pursuant to ~~section~~
30 1-7-802, C.R.S.

31 11.6.3.2(A) Individual spools containing ~~V-VPAT-VVPAT~~ records must
32 contain the following catalog information affixed to the spool:

33 (a)(1) Date and name of election;

34 (b)(2) Name of voting location;

35 (c)(3) Date(s) and time(s) of voting;

36 (d)(4) Machine serial number of DRE associated with the record; and

1 (e) (5) Number of spools associated with this machine for this election
2 (i.e. “Spool 1 of 1”, or “Spool 1 of 2”, etc.).

No changes suggested on this page

3 11.6.3.3(B) Light sensitive storage containers shall—MUST be used for the 25
4 month storage period to ensure the integrity of the ~~V-VPAT~~VVPAT
5 paper record. Containers shall—MUST be sealed, with record of the seal
6 numbers maintained on file and signed by two ~~elections~~ ELECTION officials
7 ~~JUDGES~~.

8 11.6.3.4(C) A master catalog shall—MUST be maintained for the election
9 containing the complete total number of ~~V-VPAT~~VVPAT spools used in
10 the election.

11 *[Current Rule 11.6 is amended and relocated to New Rule 20.11. Amendments are shown*
12 *above.]*

13 ~~43.2.10~~ ~~20.14~~20.12 Security training for election ~~judges~~OFFICIALS. (a)—The county shall
14 MUST include in ~~their~~ ITS security plan the details of ~~their~~ ITS security training for ~~their~~
15 election ~~judges~~ IN ACCORDANCE WITH RULE XX. The county must address the anticipated
16 time of training, location of training, and number of election ~~judges~~OFFICIALS receiving
17 the security training, as it applies to the following requirements:

18 (1) (A) The county shall—MUST conduct a separate training module for field technicians
19 and election ~~judges~~OFFICIALS responsible for overseeing the transportation and
20 use of the voting systems, picking up supplies, and troubleshooting device
21 problems throughout the Election Day.

22 (2) (B) Security training shall—MUST include the following components:

23 (A) (1) Proper application and verification of seals and chain-of-custody logs;

24 (B) (2) How to detect tampering with voting equipment, memory cards/cartridges,
25 or election data on the part of anyone coming in contact with voting
26 equipment, including ~~employees, other~~ election ~~judges~~OFFICIALS, vendor
27 personnel, or voters;

28 (C) (3) Ensuring privacy in voting booths;

29 (D) —The nature of and reasons for the steps taken to mitigate the security
30 vulnerabilities of voting systems;

31 (E) (4) ~~V-VPAT~~VVPAT requirements;

32 (F) (5) Chain-of-custody requirements for voting equipment, memory
33 cards/cartridges, and other election materials;

34 (G) (6) Ballot security;

(H) (7) Voter **PRIVACY AND BALLOT** [**←Note, critical addition**] anonymity; and

(H) (8) Recognition and reporting of security incidents.

43.2.11 ~~20.15~~ 20.13 Remedies.

(a) ~~41.15.1 20.13.1~~ If a seal is broken, or if there is a **ANOTHER** discrepancy in a chain of custody log, ~~OR OTHER DISCREPANCY FOR ELECTRONIC VOTING EQUIPMENT~~, the election judges shall ~~JUDGE OFFICIAL~~ **MUST** immediately notify the county

CLERK [**←Note**]

and recorder, who shall ~~MUST investigate, complete and submit to the Secretary of State an internal incident report, and follow the appropriate remedy as indicated in this rule or as directed by the Secretary of State.~~ **REMEDY THE DISCREPANCY AS FOLLOWS:**

(b) ~~If the county clerk and recorder conducts an investigation in accordance with Rule 43.2.11(a) and is unable to determine why a seal was broken or why a discrepancy exists in a chain of custody log, then the county clerk and recorder shall file an incident report with the Secretary of State as soon as practicable, but no later than the close of the canvass period for the election. Any unit involved must undergo the reinstatement or verification of the trusted build, in accordance with State instructions. The following remedial actions are required if a device was tampered with (the county clerk and recorder may determine additional requirements based on the details of the incident report):~~

(1)(A) THE COUNTY OR SECRETARY OF STATE **MUST REINSTATE OR VERIFY THE TRUSTED BUILD.** For instances where the county can display, verify, or print the ~~trusted build~~ hash value (MD5 or SHA-1) of the firmware or software, the election official shall ~~MUST~~ document and verify that the hash value matches the documented ~~number~~ **ALPHANUMERIC STRING** associated with the trusted build for the software or firmware of that device.

(2)(B) If the evidence indicates that the ~~tampering~~ **DISCREPANCY** occurred ~~prior to~~ **BEFORE** the start of voting:

(A)(1) The election ~~judges~~ **OFFICIALS** shall ~~MUST~~ seal the device and securely deliver it to the county **CLERK** [**←Note**] ~~clerk and recorder.~~

(B)(2) ~~The county clerk and recorder or his or her designee shall remove and secure the memory card following the procedures in Rule 43.2.2(d). The county clerk and recorder or his or her designee shall follow the State instructions for installing/verifying the trusted build for the specific device.~~ The county **CLERK** [**←Note**]

~~clerk and recorder~~

~~or his or her designee shall~~ **OR THE SECRETARY OF STATE MUST** install a new, secure memory card into the device, conduct a hardware diagnostics test as prescribed in Rule 11, and proceed to conduct a ~~logic and accuracy~~ **AN ACCEPTANCE** test on the machine in full election mode, casting at least 25 ballots on the device. The

1 county ~~shall~~ **[←Note HB's suggestions throughout.]** MUST maintain on
file all documentation of testing and

2 ~~chain-of-custody~~ CHAIN-OF-CUSTODY for each specific device.

3 ~~(C)~~(3) The county ~~shall~~ MUST complete the necessary seal process and
4 documentation to re-establish the ~~chain-of-custody~~ CHAIN-OF-
5 CUSTODY for the device and new memory card.

6 ~~(D)~~(4) The county ~~shall~~ MUST set the machine to election mode ready for
7 a zero report.

8 ~~(E)~~ — Repealed.

9 ~~(3)~~(C) If the evidence indicates that the ~~tampering~~ DISCREPANCY occurred after
10 votes were cast on the device ~~but before the close of polls:~~

11 ~~(H)~~(1) THE COUNTY MAY NOT CONTINUE TO USE THE MACHINE UNTIL
12 VERIFICATION OR REINSTALLATION OF TRUSTED BUILD AND
13 ACCEPTANCE TESTING IS COMPLETE. The county ~~shall~~ MUST set the
14 machine to election mode ready for a zero report BEFORE
15 RESUMING VOTING ON THE DEVICE.

16 ~~(A)~~(2) The election ~~judges~~ OFFICIALS ~~shall~~ MUST seal the device and
17 securely deliver it to the county ~~clerk and recorder.~~

18 ~~(B)~~(3) The county ~~clerk and recorder or his or her designee~~ shall MUST
19 close the election on that device, and perform a complete manual
20 ~~verification~~ COUNT of the paper ballots (or VVPAT records) to **COMPARE TO** the
21 summary tape printed on the device that represents the record of
22 votes on the memory card. **[←Note HB's suggestion.]**

23 ~~(C)~~(4) If the totals do not **match, THEN** only the paper record **COUNT**
will be
24 accepted as the official results for that device. The county

CLERK
25 ~~and recorder~~ shall MUST re-seal and secure the device and
26 immediately report the discrepancy to the Secretary of State. **NO USE MAY BE MADE OF The**
27 ~~county must not use~~ the device for the remainder of the election
28 unless the trusted build is ~~reinstalled~~ REINSTATED.

29 ~~(D)~~(5) If the totals match, the county may upload the memory card into
30 the tally software at the close of polls.

31 ~~(E)~~(6) After verifying the totals, the county ~~shall~~ MUST secure the paper
32 records and memory card with seals and a chain-of-custody log.

33 ~~(F)~~ — The county shall place a new and secure memory card in the
34 device. The county clerk and recorder or his or her designee shall
35 follow the State instructions for installing/verifying the trusted
36 build for the specific device. The county clerk and recorder or his
37 or her designee shall conduct a hardware diagnostics test as

1 ~~prescribed in Rule 11. The county shall maintain on file all~~
2 ~~documentation of testing and chain of custody for the device.~~

[Note HB's suggestions on this page.]

3 ~~(G)(7) The county shall MUST complete the necessary seal process and~~
4 ~~documentation to establish the chain of custody CHAIN-OF-~~
5 ~~CUSTODY for the device and memory card.~~

6 ~~(H) The county shall set the machine to election mode ready for a zero~~
7 ~~report.~~

8 *[Current Rule 43.2.11(a)(3)(H) is amended and moved to 20.13(c)(1)*
9 *above]*

10 ~~(I)(8) At the conclusion of the election PRIOR TO CERTIFYING ELECTION~~
11 ~~RESULTS, the county shall MUST conduct a full (all races) post-~~
12 ~~election audit on the device and report results to the Secretary of~~
13 ~~State as required by Rule 11. This requirement is in addition to the~~
14 ~~random selection conducted by the Secretary of State.~~

15 ~~(J) Repealed.~~

16 ~~(4) If the evidence indicates that the tampering occurred after the close of~~
17 ~~polls:~~

18 ~~(A) The election judges shall seal the device and securely deliver it to~~
19 ~~the county clerk and recorder.~~

20 ~~(B) The county clerk and recorder or his or her designee shall perform~~
21 ~~a complete manual verification of the paper ballots (or V VPAT~~
22 ~~records) to the summary tape printed on the device that represents~~
23 ~~the record of votes on the memory card.~~

24 ~~(C) If the totals do not match then only the paper record will be~~
25 ~~accepted as the official results for that device. The county clerk~~
26 ~~and recorder shall re seal and secure the device and immediately~~
27 ~~report the discrepancy to the Secretary of State. The county must~~
28 ~~not use the device for the remainder of the election unless trusted~~
29 ~~build is reinstalled.~~

30 ~~(D) If the totals match, the county may upload the memory card into~~
31 ~~the tally software at the close of polls.~~

32 ~~(E) After verifying the totals, the county shall secure the paper records~~
33 ~~and memory card with seals and a chain of custody log~~

34 ~~(F) The county clerk and recorder or his or he designee shall follow~~
35 ~~the State instructions for installing/verifying the trusted build for~~

1 the specific device and complete the necessary seal process and
2 documentation to establish the chain of custody for the device.

3 (G) ~~During the canvass process, the county shall conduct a full (all~~
4 ~~raees) post election audit on the device and report results to the~~
5 ~~Secretary of State as required by Rule 11. This requirement is in~~
6 ~~addition to the random selection conducted by the Secretary of~~
7 ~~State.~~

8 (H) ~~Repealed.~~

9 (e) ~~20.15.3-20.13.2~~ The county CLERK [**←Note**] shall ~~shall~~ MUST make all documentation
10 related to the
11 voting system and for every device used in the election available for Secretary of
12 State inspection.

12 ~~43.2.12 The county shall MUST submit any additional physical security procedures not~~
13 ~~discussed in this rule to the Secretary of State for approval prior to the election.~~

14 ~~43.3 The county shall submit with the security plan sample copies of all referenced forms,~~
15 ~~schedules, logs, and checklists.~~

16 *[Current Rule 43.3 is moved to Rule 20.3.6]*

17 ~~43.4 20.16-20.14~~ Amendments and review of security plans.

18 ~~43.4.1 20.16.1-20.14.1~~ If no changes have occurred since the last security plan was filed,
19 THEN the county shall ~~shall~~ MUST file a statement to that effect.

20 ~~43.4.2 20.16.2-20.14.2~~ The county shall ~~shall~~ MUST clearly identify and describe any revisions
21 to a previously filed security plan.

22 ~~43.4.3 20.16.3-20.14.3~~ The county may change the security plan within 60 days of an
23 election as a result of an emergency situation or other unforeseen circumstance.
24 The county must document the changes and file the revisions with the Secretary
25 of State within five days of the change.

26 ~~43.4.4 If, under section 1-5-616(5)(b), C.R.S., the Secretary of State is unable to~~
27 ~~complete its review, the Secretary will notify the county that the security plan or~~
28 ~~revisions are temporarily approved until the review is complete.~~

29 ~~43.5 20.17-20.15~~ Lease, LOAN, OR RENTAL OF ELECTION EQUIPMENT. ~~43.5.1~~ Nothing in
30 this rule requires a county clerk to lease, loan, or rent any election equipment to any
31 municipality, special district or other local jurisdiction.

32 ~~43.5.2 20.17.1-20.15.1~~ A county clerk who THAT chooses to lease, loan, or rent any
33 certified election equipment to a municipality, special district, or other local
34 jurisdiction for use in their elections shall ~~shall~~ MUST follow at least one of the
35 following procedures in order to maintain or reestablish an acceptable chain of

1 ~~custody~~ CHAIN-OF-CUSTODY and appropriate documentation in accordance with
2 Rule 43.2.1 ~~20.3~~ 20.2. **No changes suggested on this page**

3 43.5.3 ~~20.17.2~~ 20.15.2 Upon return of the ~~certified~~ voting equipment to the county clerk
4 and recorder, the county clerk is required to verify the trusted build, in accordance
5 with State instructions, if the documentation and ~~chain of custody~~ CHAIN-OF-
6 CUSTODY does not support the proper maintenance of the trusted build software
7 and ~~chain of custody~~ THEN THE COUNTY MUST REINSTATE OR VERIFY THE TRUSTED
8 BUILD BEFORE USING THE EQUIPMENT.

9 (a) ~~20.17.3~~ 20.15.3 After the local jurisdiction returns the ~~certified~~ equipment to the
10 county clerk, the county clerk must reinstate or verify the trusted build in
11 accordance with Rule 43 before the equipment is used in any primary, general,
12 congressional vacancy, statewide ballot issue (including recall), or special
13 election conducted by the county clerk. TO REINSTATE OR VERIFY THE TRUSTED
14 BUILD, THE COUNTY MUST IMPLEMENT ONE OF THE FOLLOWING PROCEDURES:

15 (b)(A) The county clerk ~~or their deputized representative shall~~ MUST:

- 16 (1) Deliver the ~~certified~~ equipment to the jurisdiction;
- 17 (2) Witness and document the installation of the memory card(s) or
18 cartridge(s) used by the jurisdiction;
- 19 (3) Place one or more secure and numbered seals on the voting
20 equipment in accordance with Rule 43.2.2 ~~20.4~~ 20.3. If during the
21 course of the jurisdiction's election, the designated election official
22 requires removal of a memory card or cartridge as a function of the
23 election process, the county clerk ~~or their deputized representative~~
24 ~~shall~~ MUST witness and document the removal and proper resealing
25 of the memory card or cartridge; and
- 26 (4) Upon return of the equipment to the county clerk and recorder, the
27 county clerk ~~shall~~ MUST verify, and indicate by signing and dating
28 the chain-of-custody log, that all seals are intact. If any seal is
29 damaged or removed, the county clerk ~~shall~~ ~~reinstall~~ MUST
30 REINSTATE or verify the trusted build in accordance with this Rule
31 43.

32 (e)(B) The county clerk and recorder ~~shall~~ MUST designate and station deputized
33 county staff with the loaned ~~certified~~ equipment at all times while the
34 equipment is under control of the designated election official. The
35 deputized county staff must maintain physical custody of the ~~certified~~
36 equipment at all times to ensure that no unauthorized access occurs.

37 (d)(C) In accordance with section 1-5-605.5, C.R.S., the county clerk ~~shall~~ MUST
38 appoint the designated election official as a deputy for the purposes of

1 supervising the ~~certified~~-voting equipment. The designated election
2 official ~~shall~~ MUST:

- 3 (1) Sign and submit to the county ~~clerk and recorder~~ an affirmation
4 that he/she will ensure the security and integrity of the ~~certified~~
5 voting equipment at all times;
6 (2) Affirm that the use of the ~~certified~~-voting equipment is conducted
7 in accordance with THIS Rule 43-20 the specific Conditions for Use
8 of the ~~certified~~-voting equipment; and
9 (3) Agree to maintain all chain-of-custody logs for the voting
10 device(s).

11 ~~43.5.3 Upon return of the certified voting equipment to the county clerk and recorder, the~~
12 ~~county clerk is required to verify the trusted build, in accordance with State~~
13 ~~instructions, if the documentation and chain of custody does not support the~~
14 ~~proper maintenance of the trusted build software and chain of custody.~~

15 ~~20.18.20.16~~ BALLOT ON DEMAND [**←Note HB's suggestions. I think I have more computer
security at my home than this rule requires. Define the specific virus protection plan, for example. They are
not all created equal.**]

16 ~~20.18.1-20.16.1~~ THE COUNTY MUST USE THE STATE-PROVIDED LAPTOP FOR BALLOT
17 ON DEMAND PURPOSES ONLY.

18 ~~20.18.2-20.16.2~~ SOFTWARE ACCESS, SECURITY, AND STORAGE.

19 (A) THE COUNTY MUST CHANGE ALL WINDOWS AND BALLOT ON DEMAND
20 APPLICATION PASSWORDS AT LEAST ONCE PER CALENDAR YEAR.

21 (B) ~~ONLY THE COUNTY, ELECTION JUDGES, SECRETARY OF STATE STAFF,~~
22 ~~ELECTION OFFICIALS~~ OR AUTHORIZED VENDOR REPRESENTATIVES MAY
23 OPERATE THE BALLOT ON DEMAND SYSTEM.

24 (C) THE COUNTY MAY CONNECT THE BALLOT ON DEMAND LAPTOP TO AN
25 EXTERNAL NETWORK FOR THE PURPOSE OF CONNECTING TO SCORE ONLY
26 IF THE COUNTY MAINTAINS CURRENT VIRUS PROTECTION AND IMPLEMENTS
27 FIREWALLS TO PREVENT UNAUTHORIZED ACCESS.

28 (D) THE COUNTY MUST STORE THE STATE-PROVIDED LAPTOP(S) AND UNUSED
29 PAPER BALLOT STOCK IN A LOCKED STORAGE AREA WHEN THE PRINTER IS
30 NOT IN USE.

31 ~~20.18.3-20.16.3~~ BALLOT RECONCILIATION.

32 (A) THE COUNTY MUST RECONCILE BALLOTS PRINTED ON DEMAND IN
33 ACCORDANCE WITH RULES ~~41.4 AND 41.5~~ 20.4 AND 20.5.

1 (B) THE COUNTY MUST MAINTAIN DAMAGED, MISPRINTED, OR UNUSABLE
2 BALLOTS AS ELECTION RECORDS.

Note: I cut out the rest of the document at this point because I knew I would not have time to review Rule 21 or 22 and I am not a systems expert.

Because of the extremely critical nature of Rule 21 (old Rule 45), I defer to the suggestions of Al Kolwicz and Harvie Branscomb, acknowledged experts on systems and particularly on election systems. Certain word choices used in rules can have huge, detrimental effects on election integrity and overall quality, and Al and Harvie are attuned to such problems. They also understand the practical workings of an election from start to finish and from the outside and the inside of the process. I urge you to adopt the changes Al and Harvie suggest.

Further, if you hear from others in the election-quality community, such as Marilyn Marks, Margit Johansson, or Ralph Shnelvar, for example, please heed their advice in support of good election practices.

Note especially that these rules need to list the residency requirements for the various types of choices voters must address in November's election. The residency problems caused by HB-1303 are not understood "in the field," and the statutory requirements for particular residency lengths must not be allowed to be ignored.

After the November 5, 2013, election, I hope you will reopen the rules you adopt for further public input and hold conversation-style hearings with SOS and AG staff present and engaged, instead of the formal hearing format typically used. Perhaps separate hearings could address particular rules so that not too much content need be covered in a single hearing.

Hire a communications intern to take a high-quality cordless microphone around to participants as they contribute and before they contribute have the intern state the participant's name for those listening and for the audio archive.

I hope that the Secretary of State's office will be very active in 2014 in the attempt to fix the many problems occasioned by HB-1303.

Thanks all involved for the time and effort expended on these election rules.

Mary C. Eberle
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]