



Office of the Clerk & Recorder

1750 33rd Street · Boulder, CO 80301 · www.BoulderCounty.org

Hillary Hall, Boulder County Clerk & Recorder

August 14, 2014

Colorado Department of State
Judd Choate
Elections Division
1700 Broadway, Ste 200
Denver, CO 80290
VIA EMAIL

Dear Mr Choate,

Boulder County submits the following comments in response to the proposed election rules issued August 7, 2014. The majority of our comments were included in the comments submitted by the Election Statue Review Committee on behalf of the Colorado County Clerk's Association. There are two proposed rules that we believe exceed what statute requires and one proposed rule that is direct conflict with the SCORE security policy required by your office .

The first rule that appears to be a legislative change as opposed to a rule making is proposed rule 9.2. In this rule it attempts to take in person challenge process outlined in C.R.S. 1-9-201 and apply it to the mail ballot challenge process. The mail ballot challenge process is clearly spelled out in 1-9-207. This proposed policy is a legislative change an not a rule change.

The second rule that exceeds statute is proposed rule 7.2.6 requires voters to sign an additional affirmation on the back of the ballot return envelope if they are giving their ballot to a third party for delivery. C.R.S. 1-7.5-107(b) is clear on what is required on the mail ballot envelope. If additional requirements are needed on the envelope, the requirements should be made through the legislative process. In addition, the issue being addressed by the proposed rule would be better addressed with training and collection requirements similar to what is place for voter registration drives. Again, this is a legislative change and outside the ruel making process.

The last item is propose rule proposed rule 8.6.8 states that watchers may not attempt to determine how any elector voted or "obtain" confidential information. Proposed Rule 8.6.9 then goes on to say that the watcher cannot disclose or record any confidential information he or she may observe. These rules are in conflict with each other. In addition, proposed rule 8.6.9 is in direct conflict with the SCORE security policy which requires all users to keep SCORE information like date of birth, dirvers license numbers and social security numbers confidential.

Thank you for considering these comments,

Hillary Hall
Boulder County Clerk and Recorder