

# Working Draft of Proposed Rules

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

May 15, 2017

## Disclaimer:

The following is a working draft concerning the Election Rules. The Secretary values your input and is seeking feedback about the proposed revisions before a formal notice of rulemaking.

Please send your feedback by 5:00 PM on May 22, 2017. Please reference the specific page and line number in your comments. We will consider all comments submitted by this date for inclusion in the official rulemaking draft.

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
<del>Strikethrough</del>	Deletions
<i>Italic blue font text</i>	Annotations

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1 *Amendments to 8 CCR 1505-1 follow:*

2 *Amendments to Rule 1 concerning definitions and numbering:*

3 *New Rule 1.1.10:*

4 1.1.10 “CAST VOTE RECORD” OR “CVR” MEANS THE AGGREGATED BALLOT-LEVEL DATA ON BALLOTS  
5 COUNTED, CONSISTING OF A SINGLE RECORD FOR EACH BALLOT TABULATED, SHOWING THE  
6 MANNER IN WHICH THE VOTING SYSTEM INTERPRETED AND TABULATED THE VOTER’S MARKINGS ON  
7 THE BALLOT, AS ADJUDICATED AND RESOLVED BY ELECTION JUDGES, IF APPLICABLE.

8 *[Not shown: renumbering Current Rules 1.1.10-1.1.31 as Rules 1.1.11-1.1.32]*

9 *New Rules 1.1.33 and 1.1.34:*

10 1.1.33 “PERSONALLY IDENTIFIABLE INFORMATION” MEANS INFORMATION ABOUT AN INDIVIDUAL THAT  
11 CAN BE USED TO DISTINGUISH OR TRACE AN INDIVIDUAL’S IDENTITY, SUCH AS AN ELECTOR’S  
12 SOCIAL SECURITY NUMBER, DRIVER’S LICENSE NUMBER, EMAIL ADDRESS, MONTH AND DAY OF  
13 BIRTH, AND SIGNATURE.

14 1.1.34 “PROPERTY OWNER BALLOT” MEANS A BALLOT THAT ONLY CERTAIN PERSONS WHO RESIDE OUTSIDE  
15 OF THE CERTIFYING POLITICAL SUBDIVISION ARE ELIGIBLE TO VOTE UNDER COLORADO LAW.

16 *[Not shown: renumbering Current Rules 1.1.32-1.1.49 as Rules 1.1.35-1.1.52]*

17 *Amendments to Rule 2.3.1 concerning voter registration:*

1           2.3.1    The county must process the Help America Vote Verification file on at least a monthly basis by  
2                    verifying social security numbers and remove the “ID required” FLAG FROM verified records.

3    *New Rule 2.5.4 concerning affiliation in primary elections:*

4           2.5.4    IF AN UNAFFILIATED ELECTOR WHO HAS ALREADY BEEN MAILED A PRIMARY ELECTION BALLOT  
5                    SUBMITS AN AFFILIATION DECLARATION, THE COUNTY CLERK MUST DEFER PROCESSING THE  
6                    AFFILIATION CHANGE UNTIL AFTER THE PRIMARY ELECTION; EXCEPT THAT AN UNAFFILIATED  
7                    ELECTOR WHO APPEARS IN PERSON TO VOTE MAY AFFILIATE AND VOTE A PARTY BALLOT IF THE  
8                    COUNTY CLERK HAS NOT RECEIVED THE ELECTOR’S VOTED MAIL BALLOT.

9    *Amendments to Rule 2.12.1 concerning list maintenance:*

10           2.12.1   The Secretary of State will provide monthly National Change of Address (NCOA) data under  
11                    section 1-2-302.5, C.R.S., to the county clerk by the fifth BUSINESS DAY of each month.

12    *Amendments to Rule 2.13 concerning voter registration at VSPCs and repeal of Rule 2.13.2:*

13    2.13    Voter registration at a voter service and polling center.

14           2.13.1—A person registering voters or updating voter registration information in a voter service and  
15                    polling center must:

16                   (a)-2.13.1        Be an election judge, a permanent or temporary county employee, state  
17                            employee, or temporary staff hired by the county clerk; and

18                   (b)-2.13.2        Complete a training course provided by or approved by the Secretary of State.

19           ~~2.13.2—For the purpose of providing information to watchers, the person registering voters or updating  
20                    voter registration information in a voter service and polling center must maintain a log that  
21                    includes the name and residential address of each elector who registers or updates his or her  
22                    registration record, or verbally confirm each elector’s name and residential address.~~

23    *New Rules 2.14.4 and 2.14.5 concerning voter registration records and data and renumbering:*

24           2.14.4    THE COUNTY CLERK MAY NOT RUN OR SCHEDULE TO RUN SCORE REPORTS OR EXPORTS THAT  
25                    INCLUDE VOTER OR ELECTION DETAIL DURING VOTING HOURS, BEGINNING 22 DAYS BEFORE  
26                    ELECTION DAY THROUGH ELECTION DAY.

27           2.14.5    THE COUNTY CLERK MUST SUBMIT ANY REQUEST FOR SCORE STATEWIDE REPORTS OR EXPORTS TO  
28                    THE SECRETARY OF STATE.

29    ~~2.14.4~~-2.14.6    Custodianship of Voter Registration Information

30                   (a)    The Secretary of State is the official custodian of the information contained in the  
31                            centralized statewide registration system and the computerized statewide voter  
32                            registration list created and maintained under section 1-2-301, C.R.S.

33                   (b)    Each county clerk is the official custodian of the voter registration information only for  
34                            electors within his or her county.

35           ~~2.14.5~~-2.14.7    If a person requests a certificate of registration or other election record that contains  
36                    personally identifiable information, he or she must provide a copy of identification as defined in  
37                    section 1-1-104(19.5), C.R.S.

1 *Amendments to Rule 2.15.1 concerning SCORE username and password administration:*

2 2.15.1 The state user administrator assigns county user administrator privileges to the individual  
3 designated in each county by the county clerk. The county clerk OR ELECTION ADMINISTRATOR  
4 must submit a request for county user administrator privilege to the state user administrator in  
5 writing. The request must specifically state the full name of the county employee that is being  
6 assigned as a county user administrator.

7 *Repeal of Rule 4.5.2(d) concerning determination of ballot issues and texts:*

8 4.5.2 Each political subdivision must determine the order of the ballot issues for their political  
9 subdivision in accordance with the requirements of Colorado Constitution Article X, Section 20  
10 and Title 1.

11 ~~(d) — For statewide measures, initiatives must be numbered in the order in which the statements~~  
12 ~~of sufficiency are issued. The numbers one through five must be reserved for initiatives~~  
13 ~~to increase taxes; the numbers six through ten must be reserved for initiatives to retain~~  
14 ~~excess revenues; the numbers eleven through fifteen must be reserved for initiatives to~~  
15 ~~increase debt; all other citizen petitions must be numbered consecutively beginning with~~  
16 ~~sixteen.~~

17 ~~(e)~~(D) In accordance with section 1-5-407(5)(b), C.R.S., whether initiated or referred, every  
18 proposed change to the Colorado Constitution must be called an “amendment” and every  
19 proposed change to the Colorado Revised Statutes must be called a “proposition”

20 ~~(f)~~(E) Ballot issues from the various political subdivisions must be ordered on the ballot as  
21 provided in section 1-5-407(5), C.R.S:

22 *Amendments to Rule 4.8.3(a) concerning ballot format and printing:*

23 4.8.3 Printing primary election ballots

24 (a) If a major political party, as defined in section 1-1-104(22.5), C.R.S., nominates more  
25 than one candidate for any office, the county clerk must conduct the primary election for  
26 all major political parties UNLESS THE PARTY CHOOSES TO NOMINATE CANDIDATES IN  
27 ACCORDANCE WITH SECTION 1-4-702, C.R.S.

28 (1) The county clerk must include on the ballot all offices to which candidates may  
29 be nominated in the primary election.

30 (2) If there are no candidates for any particular office, the county clerk must print  
31 on the ballot “There are no candidates for this office”.

32 [Sections 1-4-101 and 1-4-104.5, C.R.S.; Election Rule 10.1.1]

33 *Amendments to Rules 7.2.5, 7.2.7, 7.2.9, and New Rule 7.2.10 concerning ballots and ballot packets in primary*  
34 *elections:*

35 7.2.5 ~~Effective January 1, 2016, each~~ EACH mail ballot return envelope and mail ballot instruction must  
36 include a statement informing voters that it is a violation of law to receive more than ten ballots  
37 for mailing or delivery in any election.

38 7.2.7 A county must issue a mail ballot to any eligible elector who requests one in person at the county  
39 clerk’s office or the office designated in the county’s mail ballot plan beginning 32 days before an  
40 election. ~~[Section 1-7.5-107(2.7), C.R.S.]~~

1 7.2.9 ~~On all ballot return envelopes printed after April 1, 2016, the~~ THE county clerk must provide a  
2 space on the ballot-return envelope for a witness to the elector's mark to provide his or her full  
3 legal name.

4 7.2.10 *[Option 1 or 3, available in attachment #1]*

5 *New Rule 7.5.5 concerning remote drop off locations and amendments to Current Rules 7.5.5 through 7.5.8*  
6 *concerning renumbering:*

7 7.5.5 THE COUNTY CLERK MAY REQUEST A WAIVER FROM THE SECRETARY OF STATE FOR REMOTE DROP  
8 OFF LOCATIONS, EXEMPTING THEM FROM THE BALLOT COLLECTION REQUIREMENTS IN RULE 7.5.4.  
9 IF THE SECRETARY OF STATE GRANTS THE WAIVER:

10 (A) THE COUNTY CLERK MUST ARRANGE FOR THE COLLECTION OF BALLOTS BY BIPARTISAN  
11 TEAMS OF ELECTION JUDGES FROM ALL EXEMPT DROP-OFF LOCATIONS AS OFTEN AS  
12 NECESSARY, BUT AT LEAST:

13 (1) ONCE EACH WEEK AFTER BALLOTS ARE MAILED UNTIL THE FRIDAY BEFORE  
14 ELECTION DAY; AND

15 (2) ON THE FRIDAY AND MONDAY BEFORE ELECTION DAY AND ON ELECTION DAY AT  
16 7:00 P.M. MT.

17 (B) THE COUNTY CLERK MUST POST A NOTICE ON EACH EXEMPT DROP BOX OF THE DATES AND  
18 APPROXIMATE TIMES BALLOTS WILL BE COLLECTED.

19 ~~7.5.5-7.5.6~~ Election officials must record the number of ballot packets returned as undeliverable and  
20 receive the ballot packets in SCORE upon receipt.

21 ~~7.5.6-7.5.7~~ The designated election official must seal and store ballots and return envelopes in a safe,  
22 secure place until the counting of the ballots.


23 ~~7.5.7-7.5.8~~ After election judges verify the elector's eligibility and signature, the county clerk must  
24 dissociate and segregate the mail ballot return envelope from the secrecy sleeve and a voted ballot  
25 in a manner that ensures no person is able to determine how an individual voted.

26 *Amendments to Rules 7.5.9, 7.5.10, 7.5.11 and New Rules 7.5.12 and 7.5.13 concerning receipt and processing of*  
27 *ballots:*

28 ~~7.5.8-7.5.9~~ If the county clerk discovers a violation of section 1-7.5-107(4)(b), C.R.S., prohibiting  
29 any person from ~~delivering~~ RECEIVING more than 10 ballots in addition to his or her own in any  
30 election, the county clerk must refer the information to the District Attorney.


31 ~~7.5.9-7.5.10~~ ~~The~~ BEFORE TABULATING BALLOTS, THE county clerk must dissociate any batch number  
32 that could trace a ballot back to the specific voter who cast it ~~from the counted ballots or any~~  
33 ~~reports generated by the tabulation software no later than the final certification of the abstract of~~  
34 ~~votes cast.~~

35 ~~7.5.10-7.5.11~~ If an elector delivers a ballot to the wrong county, that county must date stamp the ballot  
36 envelope, NOTIFY THE CORRECT COUNTY OF RECEIPT BY SECURE ELECTRONIC TRANSMISSION  
37 INCLUDING A SCANNED IMAGE OF THE OUTSIDE OF THE MAIL BALLOT ENVELOPE, and forward it to  
38 the correct county NO LATER THAN THE NEXT BUSINESS DAY. The correct county must treat the  
39 ballot as received as of the date and time of the date stamp.


1 7.5.12 COUNTY CLERKS PICKING UP BALLOTS FROM THE U.S. POSTAL SERVICE ON ELECTION NIGHT MUST  
2 LOG THE NUMBER OF BALLOTS COLLECTED BY COUNTY AND PROVIDE THE LOG TO THE SECRETARY  
3 OF STATE'S OFFICE WITHIN 24 HOURS. THE COUNTY MUST DATE STAMP EACH BALLOT ENVELOPE  
4 AND IMMEDIATELY FORWARD IT TO THE CORRECT COUNTY. THE CORRECT COUNTY MUST TREAT  
5 THE BALLOT AS RECEIVED AS OF THE DATE AND TIME OF THE DATE STAMP. 

6 7.5.13 *[Option 2 or 3, available in attachment #1]*

7 *Amendments to Rule 7.6.1 concerning ballots returned in unofficial envelope:*

8 7.6.1 If the county timely receives a mail ballot from an eligible elector in an envelope ~~other than the~~  
9 ~~official ballot return envelope~~ THAT DOES NOT HAVE AN AFFIDAVIT OR DOES NOT HAVE THE  
10 CORRECT AFFIDAVIT for that particular election, the county must contact the elector in writing  
11 within three calendar days of receiving the ballot but no later than two calendar days after election  
12 day. The county must use the letter and affidavit prescribed by the Secretary of State and keep a  
13 copy as part of the official election record. If the county receives the completed affidavit no later  
14 than the eighth day after election day, the county must count the ballot. 

15 *Amendments to Rule 7.7 concerning mail ballot cure procedures:*


16 7.7 ~~Missing signature~~-MAIL BALLOT CURE PROCEDURES 

17 7.7.3 ~~Nothing in this Rule prohibits the county clerk from calling the elector, but a phone call may not~~  
18 ~~substitute for written contact.~~ If the county clerk ~~calls~~-USES ANY MEANS IN ADDITION TO MAIL TO  
19 CONTACT any elector he or she must attempt to ~~call~~-CONTACT all SIMILARLY SITUATED electors  
20 ~~whose affidavits are~~-WITH unsigned OR DISCREPANT SIGNATURES.


21 *Amendments to Rule 7.8.2 concerning signature verification procedures:*

22 7.8.2 If the elector's signature appears anywhere on the back of the ballot return envelope, the election  
23 judge must ~~review the~~-VERIFY THE signature IN ACCORDANCE WITH SECTION 1-7.5-107.3, C.R.S.

24 *Amendments to Rule 7.9.1(c) and 7.9.3 and New Rules 7.9.6, 7.9.8, and 7.9.9 concerning VSPCs:*

25 7.9.1 The county clerk must designate and open the minimum number of voter service and polling  
26 centers. The centers must be open during reasonable business hours for the minimum number of  
27 days outlined in section 1-5-102.9, C.R.S., for a general election and 1-7.5-107(4.5), C.R.S., for all  
28 other elections. 

29 (c) The county clerk must provide all services outlined in section ~~1-2-509~~-1-5-102.9, C.R.S.,  
30 at every designated voter service and polling center.

31 7.9.3 In order to assist applicants and electors efficiently, a county clerk must configure voter service  
32 and polling centers to provide: sufficient election judges, WebSCORE work stations, voting  
33 equipment, A SUFFICIENT NUMBER OF mail and in-person ballots THAT CAN BE TABULATED BY THE  
34 COUNTY'S VOTING SYSTEM WITHOUT FURTHER DUPLICATION, ~~and other supplies.~~ 

35 7.9.6 AN UNAFFILIATED ELECTOR VOTING IN PERSON AT A VOTER SERVICE AND POLLING CENTER IN A  
36 PRIMARY ELECTION MUST STATE WHICH PARTY'S ELECTION HE OR SHE CHOOSES TO VOTE IN, AND  
37 THE COUNTY CLERK MUST INDICATE THE VOTER'S SELECTION IN SCORE AND PROVIDE THE VOTER  
38 WITH THAT PARTY'S BALLOT.

39 7.9.8 DURING EACH GENERAL ELECTION, A COUNTY WITH AT LEAST TWENTY-FIVE THOUSAND ACTIVE  
40 ELECTORS MUST MEASURE AND RECORD THE WAIT TIME AT EACH OF ITS VOTER SERVICE AND

# Summary of Comments on Code of Colorado Regulations

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Page: 5


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 Number: 1 Author: Brandy Subject: Sticky Note Date: 5/19/2017 2:43:32 PM

Last year we received a ballot that was date and time stamped with something similar to date: November 8, 2016 time: 7:24 pm. We called to ask them about the time because to us that is after the 7pm time. They said they had picked it up by 7 but it was stamped with their actual time stamper. We accepted the ballot but I wonder if an audit on this envelope could cause an issue. How is this normally addressed for issues with voters in line at 7 but the time stamp doesn't get on until afterwards? It makes sense that this would happen but feel that some type of affidavit be signed with the ballot stating voter had ballot to VSPC by 7pm but was in a line or something similar.

 Number: 2 Author: Brandy Subject: Sticky Note Date: 5/19/2017 2:45:58 PM


I believe that affidavit should be self-affirmation according to C.R.S. 1-7.5-107(3)(b.5)

 Number: 3 Author: Brandy Subject: Sticky Note Date: 5/19/2017 2:50:52 PM

I like the new wording on this one.

 Number: 4 Author: Brandy Subject: Sticky Note Date: 5/19/2017 3:06:14 PM

Great catch.

 Number: 5 Author: Brandy Subject: Sticky Note Date: 5/19/2017 3:13:54 PM

Original rule 7.9.6 relates to a whole different topic/situation. Is the old rule actually replaced here or should it have been renumbered?

1 POLLING CENTERS, AT LEAST ONCE PER HOUR, FROM THE TIME A PERSON ENTERS THE LOCATION OR  
2 THE LINE TO THE TIME THAT THE PERSON BEGINS THE CHECK-IN PROCESS.

3 7.9.9 EACH COUNTY REQUIRED TO MEASURE UNDER RULE 7.9.8 MUST REPORT ITS RESULTS TO THE  
4 SECRETARY OF STATE NO LATER THAN 30 DAYS AFTER THE ELECTION.

5 *New Rule 7.16 concerning voter registration post-election scanning:*

6 7.16 FOLLOWING EACH ELECTION, THE COUNTY CLERK MUST SCAN MAIL BALLOT RETURN ENVELOPES INTO  
7 SCORE AND CROP THE ELECTOR'S MOST RECENT SIGNATURE.



8 *Amendments to Rule 8 concerning watchers:*

9 8.1.5 A watcher must complete a training provided by or approved by the Secretary of State before  
10 observing election activities where confidential or personally identifiable information may be  
11 within view. To verify completion of the training, a watcher must provide his or her training  
12 certificate of completion with the Certificate of Appointment. A TRAINING CERTIFICATE OF  
13 COMPLETION IS VALID UNTIL DECEMBER 31 OF THE FOLLOWING YEAR. AN APPROVED TRAINING  
14 MAY BE USED FOR ONE CALENDAR YEAR FROM THE DATE APPROVED.

15 8.7.4 Watchers must remain outside the immediate voting area while an elector is voting. The six-foot  
16 limit in Rule ~~4-1-27~~-1.1.28 applies only to voting.

17 8.15.8 HAVE IN HIS OR HER POSSESSION ANY MOBILE PHONE OR OTHER ELECTRONIC DEVICE WHILE  
18 WATCHING ELECTION ACTIVITIES WHERE VOTERS' CONFIDENTIAL OR PERSONALLY IDENTIFIABLE  
19 INFORMATION MAY BE WITHIN VIEW.

20 ~~8-15-8~~-8.15.9 Attempt to determine how any elector voted.

21 ~~8-15-9~~-8.15.10 Disclose or record any confidential voter information as defined in section 24-72-204(8),  
22 C.R.S., that he or she may observe.

23 ~~8-15-10~~-8.15.11 Disclose any results before the polls have closed.

24 *Amendments to Rule 10.3.2(b) concerning correcting cross-reference:*

25 10.3.2 The canvass board's duties are to:

26 (b) Observe the post-election audit in accordance with section 1-7-514(4), C.R.S., and  
27 Election Rule ~~11-3-3(k)~~-25.3.2;


28 *New Rule 10.4 concerning the date for conducting canvass:*

29 10.4 NO COUNTY MAY CONDUCT ITS CANVASS OR CERTIFY OFFICIAL RESULTS UNTIL AUTHORIZED TO DO SO BY  
30 THE SECRETARY OF STATE. THE SECRETARY OF STATE MAY EXTEND THE CANVASS DEADLINE FOR ONE OR  
31 MORE COUNTIES IN ORDER TO COMPLETE THE RISK-LIMITING AUDIT IN ACCORDANCE WITH RULE 25.2.  
32 BEFORE CERTIFYING OFFICIAL RESULTS, THE COUNTY MUST MANUALLY ADJUST THE RESULTS OF THE  
33 AUDITED CONTESTS TO REFLECT ALL VARIANCES AND DISCREPANCIES IDENTIFIED IN THE RISK-LIMITING  
34 AUDIT.

35 *Amendments to Rule 10.5 concerning procedures for canvass:*

36 ~~10-4~~-10.5 Procedures for the day of the Canvass

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 Number: 1      Author: Brandy      Subject: Sticky Note      Date: 5/19/2017 3:18:47 PM  
..must scan all accepted mail ballot return envelopes into SCORE..

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Is there a time limit to doing this? If the mail ballots are scanned into SCORE, do they still have to be kept as official election records?



1           ~~10.4.1~~-10.5.1    The designated election official must provide the following information to the canvass  
2                            board:

3                            (a)       The name of each candidate, office, and votes received;

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

5                            (c)       The number of ballots cast, ~~including the number of accepted and rejected mail ballots;~~

6                            (d)       The number of provisional ballots cast, including the number accepted and rejected;

7                            (e)       The number of mail ballots counted and the number rejected;

8                            (f)       The number of in-person ballots counted;

9                            (g)       THE NUMBER OF EMERGENCY BALLOTS COUNTED AND THE NUMBER REJECTED;

10                          ~~(g)~~(h)    The number of provisional ballots counted and the number rejected listed by each  
11                            rejection code; and

12                          ~~(h)~~(i)    The number of damaged and spoiled ballots.

13           ~~10.4.2~~-10.5.2    Any written documentation regarding official results must be included as part of the  
14                            canvass.

15           ~~10.4.3~~-10.5.3    Written Complaints

16                            (a)       The designated election official must provide the canvass board with any written  
17                            complaint submitted by a registered elector about a voting device.

18                            (b)       If the complaint is resolved, the designated election official must provide the details of  
19                            the resolution.

20                            (c)       If the complaint is pending resolution when the board meets to conduct the canvass, the  
21                            designated election official must provide a proposal for how the issue will be resolved.

22           *[Not shown: current Rules 10.5 through 10.13 are renumbered as Rules 10.6 through 10.14]*

23           *Additional cross reference amendments to current Rules 10.13.1 and 10.13.6 (renumbered as 10.13.1 and 10.13.6)*  
24           *follow:*

25           ~~10.12.1~~-10.13.1    In accordance with section 1-10.5-102(3)(b), C.R.S., if there are no discrepancies in the  
26                            test under Rule ~~10.11~~-10.12, the recount must be conducted in the same manner as the ballots were  
27                            counted in the election except as outlined in this Rule. If there are unresolvable discrepancies in  
28                            the test, the recount must be conducted as a hand count under Rule ~~10.12.5~~-10.13.5.


29           ~~10.12.6~~-10.13.6    For tabulation of DREs, if there are no discrepancies in the test under Rule ~~10.11.3~~  
30                            10.12.3, the county clerk must upload the memory cards.

31           *Amendments to Rule 11.3 concerning hardware diagnostic testing and LAT:*

32           11.3       The clerk must perform a hardware diagnostic test, AND a logic and accuracy test, ~~and a post-election audit.~~

33           11.3.2    Logic and Accuracy Test

1 (c) Preparing for the Logic and Accuracy Test

- 2 (1) The county must prepare a test deck of ballots that includes every ballot style  
3 and, where applicable, precinct. The county test deck must include a sufficient  
4 number of ballots to mark every vote position for every contest including write-  
5 in candidates, allow for situations where a contest permits an elector to vote for  
6 two or more positions, and include overvotes and undervotes for each contest.  
7 THE COUNTY TEST DECK MUST INCLUDE AT LEAST ONE WRITE-IN VOTE FOR EACH  
8 QUALIFIED WRITE-IN CANDIDATE SO THAT ALL QUALIFIED WRITE-IN CANDIDATE  
9 NAMES WILL APPEAR IN THE LAT RESULT UPLOADED TO ENR AS REQUIRED BY  
10 RULE 11.10.3. 

11 *[Current Rule 11.3.3 is amended and recodified as New Rule 25.3.]*

12 *Amendments to Rule 11.10.1(b)(2) concerning renumbering of cross-reference and 11.10.3 concerning election*  
13 *night reporting:*

14 11.10.1 A data entry county must upload a results data file to ENR containing the election results on the  
15 dates and times specified in Rules 11.10.3 through 11.10.5. The county must program its election  
16 database so that the results file exported from the voting system is formatted in accordance with  
17 the following requirements:

18 (b) Contest order: Except as otherwise provided in subsections (1) – (4) of this Rule, the  
19 results file must list the contests in the same order as they are certified for the ballot.

- 20 (2) The results file must list ballot measures in the order certified by the Secretary  
21 of State, followed by the ballot measures certified by other participating political  
22 subdivisions in the order and using the numbering conventions specified in Rule  
23 4.5.2(f) 4.5.2(E).

24 11.10.3 No later than 14 days before the election, a data entry county must upload the LAT results file to  
25 ENR. At a minimum, the LAT results file must contain the results of the complete county test  
26 deck required under Rule 11.3.2(c)(1). ~~The county must also provide the Secretary of State with a~~  
27 ~~summary results report for the LAT results file.~~

28 *Repeal of Rule 13.1.7 and Amendment of Rule 13.2.9(a) concerning election complaint procedures:*

29 ~~13.1.7—The Secretary of State’s determination is a final agency action.~~

30 13.2.9 Hearing and Resolution of HAVA complaints

- 31 (a) ~~If the complainant requests, the~~ THE Secretary of State or his or her designee will hold a  
32 ~~hearing IF THE COMPLAINANT REQUESTS ONE AT THE TIME OF FILING THE COMPLAINT.~~

33 *Amendments to Rules 14.1.1(a) and New Rule 14.3.4 concerning voter registration drives:*

34 14.1.1 In accordance with Part 7, Article 2 of Title 1, C.R.S., the organizer of a Voter Registration Drive  
35 (“VRD”) must file a Statement of Intent and Training Acknowledgment Form with the Secretary  
36 of State to conduct a voter registration drive. The Statement of Intent and Training  
37 Acknowledgment Form must include the following information:

- 38 (a) The name of the group conducting the VRD, and the name ~~and contact information,~~  
39 ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER of the individual organizing the  
40 VRD;

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Number: 1      Author: Brandy      Subject: Sticky Note      Date: 5/19/2017 3:47:06 PM

I don't see where in the rule referred to 11.10.3 in these new rules or old rules that indicates a requirement about write-in candidates at all, let alone, anything about having to have at least one write-in vote for each qualified write-in candidate. 11.3.2(C)(1) and 11.10.3 refer to each other, that is contradictory. Seems 11.10.3 should only refer to this one.

1 14.3.4 THE VRD MUST PROVIDE THE SECRETARY OF STATE WITH THE NAME OF THE CIRCULATOR  
2 ASSOCIATED WITH A PARTICULAR IDENTIFICATION NUMBER, UPON REQUEST.

3 *Amendments to Rule 16.1.6 concerning military and overseas electors:*



4 16.1.6 The county clerk must send a minimum of one correspondence no later than 60 days before the  
5 FIRST Primary Election to each elector whose record is marked “Inactive.” The correspondence  
6 may be sent by email or mail and, at a minimum, must notify the electors of:

- 7 (a) The status of the elector’s record and ballot request;
- 8 (b) The upcoming federal elections;
- 9 (c) How to update the elector’s mailing information and request a ballot; and
- 10 (d) Any other information the county clerk deems appropriate.

11 *Amendments to Rules 20.13.1(c)(8) and 20.16.3(a) concerning correction of cross-references:*

12 20.13.1 If a seal is broken, or there is another discrepancy, the election official must immediately notify  
13 the county, who must remedy the discrepancy as follows:

- 14 (c) If the evidence indicates that the discrepancy occurred after votes were cast on the  
15 device:
  - 16 (8) Before certifying election results, the county must conduct a full (all races) post-  
17 election audit on the device and report results to the Secretary of State as  
18 required by Rule 44-25. This requirement is in addition to the random selection  
19 conducted by the Secretary of State.

20 20.16.3 Ballot reconciliation

- 21 (a) The county must reconcile ballots printed on demand in accordance with Rules ~~10.4 and~~  
22 ~~10.5-10.1.1~~ AND 10.1.2.
- 23 (b) The county must maintain damaged, misprinted, or unusable ballots as election records.

24 *Amendments to Rule 20.17.3 concerning voting system conditions for use:*

25 20.17.3 The county must create a backup copy of the election setup records on a read-only, write-once ~~CD~~  
26 ELECTRONIC STORAGE MEDIA, immediately after completing the Logic and Accuracy Test.

- 27 (a) The county must identify the master database name and date of election on the label of  
28 the backup ~~CD~~.
- 29 (b) The county must store the backup ~~CD~~ in a sealed container. Two election officials of  
30 different party affiliations must sign and date entries to the chain-of-custody log for the  
31 sealed container.

32 *Amendments to Rule 21.4.5(e) and New Rule 21.4.14(c)(8) concerning voting system standards for certification:*

33 21.4.5 Functional Requirements

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Number: 1      Author: Brandy      Subject: Sticky Note      Date: 5/23/2017 8:17:44 AM

The First in this makes it sound like more than one primary is going to happen, which I assume they are including the Presidential Primary, however, better wording may be: ...no later than 60 days before the Primary Election or Presidential Primary Election depending on the year, to each...

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Author: Brandy      Subject: Sticky Note      Date: 5/19/2017 3:59:58 PM

I'm assuming that one is saying that the presidential primary may be the first primary, but I think that this is confusing.

Perhaps just change it to say ...60 days before the primary election or in years that a presidential primary is held, 60 days before the presidential primary only to each elector...

1 (e) The voting system must include hardware or software to enable the closing of ~~the voting~~  
2 ~~location and disabling the acceptance of ballots on all~~ vote tabulation devices AT POLLING  
3 LOCATIONS to allow for the following:

4 21.4.14 Ballot-level Cast Vote Records and Exports. All voting systems certified by the Secretary of State  
5 for use in Colorado on or after January 1, 2016 must meet the following requirements for ballot-  
6 level cast vote records and exports on or before December 31, 2016:

7 (c) The CVR export must contain the following fields, with values or data populated by the  
8 voting system:

9 (8) NUMBER OF VALID CHOICES. THE NUMBER OF VALID CHOICES (E.G., “VOTE FOR  
10 3”) FOR EACH CONTEST.

11 *New Rule 24 concerning presidential electors:*

12 **RULE 24. PRESIDENTIAL ELECTORS**

13 24.1 OATH

14 24.1.1 AS USED IN SECTION 1-4-304 (1), C.R.S., “THE OATH REQUIRED BY LAW FOR PRESIDENTIAL  
15 ELECTORS” MUST BE IN SUBSTANTIALLY THE FOLLOWING FORM:

16 “I, ....., DO SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION  
17 OF THE UNITED STATES AND OF THE STATE OF COLORADO, THAT I WILL FAITHFULLY  
18 PERFORM THE DUTIES OF THE OFFICE OF PRESIDENTIAL ELECTOR THAT I AM ABOUT TO  
19 ENTER, AND THAT I WILL VOTE FOR THE PRESIDENTIAL CANDIDATE AND VICE-  
20 PRESIDENTIAL CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF VOTES AT THE  
21 PRECEDING GENERAL ELECTION IN THIS STATE.”

22 24.1.2 IF A PRESIDENTIAL ELECTOR-ELECT REFUSES OR OTHERWISE FAILS TO TAKE AND SUBSCRIBE THE  
23 OATH IN RULE 24.1.1, THE REFUSAL OR FAILURE CREATES A VACANCY IN THE OFFICE OF  
24 PRESIDENTIAL ELECTOR. A VACANCY CREATED IN ACCORDANCE WITH THIS RULE MUST BE FILLED  
25 BY THE REMAINING PRESIDENTIAL ELECTORS PRESENT AS SPECIFIED IN SECTION 1-4-304 (1), C.R.S.

26 24.2 VOTING

27 24.2.1 AS SPECIFIED IN SECTION 1-4-304 (5), C.R.S., EACH PRESIDENTIAL ELECTOR MUST VOTE FOR THE  
28 PRESIDENTIAL CANDIDATE AND VICE-PRESIDENTIAL CANDIDATE WHO RECEIVED THE HIGHEST  
29 NUMBER OF VOTES AT THE PRECEDING GENERAL ELECTION IN THIS STATE.

30 24.2.2 IF A PRESIDENTIAL ELECTOR-ELECT REFUSES OR OTHERWISE FAILS TO VOTE FOR THE PRESIDENTIAL  
31 CANDIDATE AND VICE-PRESIDENTIAL CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF VOTES  
32 AT THE PRECEDING GENERAL ELECTION IN THIS STATE, THE REFUSAL OR FAILURE CONSTITUTES A  
33 “REFUSAL TO ACT” AS THAT TERM IS USED IN SECTION 1-4-304 (1), C.R.S., AND CREATES A  
34 VACANCY IN THE OFFICE OF PRESIDENTIAL ELECTOR. A VACANCY CREATED IN ACCORDANCE WITH  
35 THIS RULE MUST BE FILLED BY THE REMAINING PRESIDENTIAL ELECTORS PRESENT AS SPECIFIED IN  
36 SECTION 1-4-304 (1), C.R.S.

37 24.3 FILLING VACANCIES

38 24.3.1 AS SPECIFIED IN SECTION 1-4-304 (1), C.R.S., THE PRESIDENTIAL ELECTORS PRESENT MUST  
39 IMMEDIATELY PROCEED TO FILL ANY VACANCY IN THE ELECTORAL COLLEGE. A QUORUM IS NOT  
40 REQUIRED TO FILL A VACANCY. IN THE EVENT OF A TIE VOTE, THE VACANCY WILL BE FILLED BY  
41 LOT.

1 24.3.2 IF A REMAINING PRESIDENTIAL ELECTOR REFUSES TO FILL A VACANCY IN THE ELECTORAL COLLEGE,  
2 THE REFUSAL CONSTITUTES A “REFUSAL TO ACT” AS THAT TERM IS USED IN SECTION 1-4-304 (1),  
3 C.R.S., AND CREATES A VACANCY IN THE OFFICE OF PRESIDENTIAL ELECTOR. A VACANCY CREATED  
4 IN ACCORDANCE WITH THIS RULE MUST BE FILLED BY THE REMAINING PRESIDENTIAL ELECTORS  
5 PRESENT AS SPECIFIED IN SECTION 1-4-304 (1), C.R.S.

6 24.3.3 NOMINEES TO FILL VACANCIES MUST BE SELECTED IN ACCORDANCE WITH SECTION 1-4-302 (2),  
7 C.R.S. THE PARTY SELECTING NOMINEES TO FILL VACANCIES MUST SELECT AT LEAST ONE MORE  
8 PERSON THAN THERE ARE VACANCIES.

9 *New Rule 25 concerning post-election audit:*

10 **RULE 25. POST-ELECTION AUDIT**

11 25.1 DEFINITIONS. AS USED IN THIS RULE, UNLESS STATED OTHERWISE:

12 25.1.1 “AUDIT CENTER” MEANS THE PAGE OF THE SECRETARY OF STATE’S WEBSITE DEVOTED TO RISK-  
13 LIMITING AUDITS.

14 25.1.2 “AUDITED CONTEST” MEANS A CONTEST SELECTED BY THE SECRETARY OF STATE FOR A RISK-  
15 LIMITING AUDIT. THE AUDITED CONTEST DETERMINES THE NUMBER OF BALLOTS THAT MUST BE  
16 EXAMINED AND VERIFIED DURING THE RLA.

17 25.1.3 “BALLOT POLLING AUDIT” MEANS A TYPE OF RISK-LIMITING AUDIT IN WHICH THE AUDIT BOARD  
18 EXAMINES AND REPORTS TO THE SECRETARY OF STATE VOTER MARKINGS ON RANDOMLY SELECTED  
19 BALLOTS.

20 25.1.4 “COMPARISON AUDIT” MEANS A TYPE OF RISK-LIMITING AUDIT IN WHICH THE AUDIT BOARD  
21 EXAMINES AND COMPARES VOTER MARKINGS ON RANDOMLY SELECTED BALLOTS TO THE VOTING  
22 SYSTEM’S TABULATION AS REFLECTED IN THE CORRESPONDING CAST VOTE RECORDS.

23 25.1.5 “DILUTED MARGIN” OF AN AUDITED CONTEST MEANS THE SMALLEST REPORTED MARGIN IN VOTES  
24 BETWEEN THE REPORTED CONTEST WINNER WITH THE LEAST VOTES IN THE CONTEST, AND THE  
25 REPORTED CONTEST LOSER WITH THE MOST VOTES IN THE CONTEST, DIVIDED BY THE NUMBER OF  
26 BALLOTS COUNTED IN THAT CONTEST. FOR EXAMPLE, IF THE VOTING SYSTEM TABULATED 10,000  
27 BALLOTS IN AN AUDITED CONTEST, AND THE REPORTED WINNING CANDIDATE WITH THE LEAST  
28 NUMBER OF VOTES RECEIVED 4,000 VOTES, AND THE REPORTED LOSING CANDIDATE WITH THE MOST  
29 NUMBER OF VOTES RECEIVED 3,500 VOTES, THE DILUTED MARGIN OF THE CONTEST IS 5%  $[(4,000 -$   
30  $3,500) / 10,000]$ .

31 25.1.6 “MARGIN OVERSTATEMENT” MEANS A CIRCUMSTANCE IN WHICH THE AUDIT BOARD’S  
32 INTERPRETATION OF BALLOT MARKINGS REVEALS THAT THE WINNER WITH THE LEAST NUMBER OF  
33 VOTES RECEIVED FEWER VOTES THAN THE VOTING SYSTEM’S INTERPRETATION OF THE SAME  
34 MARKINGS AS REFLECTED IN THE CVR. FOR EXAMPLE, IF THE CVR REFLECTS AN UNDERVOTE IN  
35 THE AUDITED CONTEST, AND THE AUDIT BOARD’S INTERPRETATION OF THE CORRESPONDING PAPER  
36 BALLOT REFLECTS A VOTE FOR THE LOSER WITH THE MOST VOTES IN THAT CONTEST, THE CVR  
37 CONTAINS A ONE-VOTE OVERSTATEMENT. IF THE CVR REFLECTS A VOTE FOR THE WINNER WITH  
38 THE LEAST VOTES, AND THE AUDIT BOARD’S INTERPRETATION OF THE PAPER BALLOT REFLECTS A  
39 VOTE FOR THE LOSER WITH THE MOST VOTES, THE PRELIMINARY RESULTS CONTAIN A TWO-VOTE  
40 OVERSTATEMENT.

41 25.1.7 “MARGIN UNDERSTATEMENT” MEANS A CIRCUMSTANCE IN WHICH THE AUDIT BOARD’S  
42 INTERPRETATION OF BALLOT MARKINGS REVEALS THAT THE CONTEST WINNER WITH THE LEAST  
43 NUMBER OF VOTES RECEIVED MORE VOTES THAN THE VOTING SYSTEM’S INTERPRETATION OF THE  
44 SAME MARKINGS AS REFLECTED IN THE CVR. FOR EXAMPLE, IF THE CVR REFLECTS AN UNDERVOTE

1 IN THE AUDITED CONTEST, AND THE AUDIT BOARD'S INTERPRETATION OF THE CORRESPONDING  
2 PAPER BALLOT REFLECTS A VOTE FOR THE WINNER WITH THE LEAST NUMBER OF VOTES IN THAT  
3 CONTEST, THE CVR CONTAINS A ONE-VOTE UNDERSTATEMENT. IF THE CVR REFLECTS A VOTE FOR  
4 THE LOSER WITH THE MOST VOTES, AND THE AUDIT BOARD'S INTERPRETATION OF THE PAPER  
5 BALLOT REFLECTS A VOTE FOR THE WINNER WITH THE LEAST VOTES, THE CVR CONTAINS A TWO-  
6 VOTE UNDERSTATEMENT.

7 25.1.8 "REPORTED OUTCOME" MEANS THE WINNING AND LOSING CANDIDATES OR VOTING CHOICES OF A  
8 BALLOT CONTEST AS REFLECTED IN PRELIMINARY RESULTS.

9 25.1.9 "RISK LIMIT" MEANS THE LARGEST STATISTICAL PROBABILITY THAT AN INCORRECT REPORTED  
10 OUTCOME IS NOT DETECTED AND CORRECTED IN A RISK-LIMITING AUDIT.

11 25.1.10 "RISK-LIMITING AUDIT" OR "RLA" MEANS A POST-ELECTION AUDIT CONDUCTED IN ACCORDANCE  
12 WITH SECTION 1-7-515, C.R.S., AND RULE 25.3, WHICH HAS A PRE-SPECIFIED MINIMUM CHANCE OF  
13 REQUIRING A FULL HAND COUNT IF THE REPORTED OUTCOME OF AN AUDITED CONTEST IS  
14 INCORRECT.

15 25.1.11 "RLA TOOL" MEANS THE SOFTWARE AND USER INTERFACE PROVIDED BY THE SECRETARY OF  
16 STATE IN ORDER FOR COUNTIES TO CONDUCT COMPARISON AUDITS.

17 25.2 RISK LIMITING AUDIT. THE DESIGNATED ELECTION OFFICIAL MUST CONDUCT A RISK-LIMITING AUDIT IN  
18 ACCORDANCE WITH SECTION 1-7-515, C.R.S. AND THIS RULE.

19 25.2.1 RLA METHODS

20 (A) COUNTIES THAT USE A VOTING SYSTEM CAPABLE OF EXPORTING CVRs MUST CONDUCT A  
21 COMPARISON AUDIT.

22 (B) COUNTIES THAT USE A VOTING SYSTEM INCAPABLE OF EXPORTING CVRs MUST CONDUCT  
23 A BALLOT POLLING AUDIT.

24 25.2.2 PREPARING FOR THE AUDIT

25 (A) RISK LIMIT. NO LATER THAN 30 DAYS BEFORE ELECTION DAY, THE SECRETARY OF STATE  
26 WILL ESTABLISH AND PUBLISH ON THE AUDIT CENTER THE RISK LIMIT(S) THAT WILL APPLY  
27 IN RLAs FOR THAT ELECTION. THE SECRETARY OF STATE MAY ESTABLISH DIFFERENT RISK  
28 LIMITS FOR COMPARISON AUDITS AND BALLOT POLLING AUDITS, BUT IN NO EVENT WILL  
29 THE RISK LIMIT EXCEED FIVE PERCENT.

30 (B) RANDOM SEED. NO LATER THAN 30 DAYS BEFORE ELECTION DAY, THE SECRETARY OF  
31 STATE WILL CONVENE A PUBLIC MEETING TO ESTABLISH A RANDOM SEED FOR USE WITH  
32 THE SECRETARY OF STATE'S RLA TOOL'S RANDOM NUMBER GENERATOR BASED ON  
33 PHILIP STARK'S ONLINE TOOL, *PSEUDO-RANDOM NUMBER GENERATOR USING SHA-256*.  
34 THIS MATERIAL IS INCORPORATED BY REFERENCE IN THE ELECTION RULES AND DOES NOT  
35 INCLUDE LATER AMENDMENTS OR EDITIONS. THE FOLLOWING MATERIAL INCORPORATED  
36 BY REFERENCE IS POSTED ON THE SECRETARY OF STATE WEBSITE AND AVAILABLE FOR  
37 REVIEW BY THE PUBLIC DURING REGULAR BUSINESS HOURS AT THE COLORADO  
38 SECRETARY OF STATE'S OFFICE: *PSEUDO-RANDOM NUMBER GENERATOR USING SHA-256*  
39 AVAILABLE AT  
40 [HTTPS://WWW.STAT.BERKELEY.EDU/~STARK/JAVA/HTML/SHA256RAND.HTM](https://www.stat.berkeley.edu/~stark/java/html/sha256rand.htm). THE  
41 SECRETARY OF STATE WILL GIVE PUBLIC NOTICE OF THE MEETING AT LEAST SEVEN  
42 CALENDAR DAYS IN ADVANCE. THE SEED IS A NUMBER CONSISTING OF AT LEAST 20 DIGITS,  
43 AND EACH DIGIT WILL BE SELECTED IN ORDER BY SEQUENTIAL ROLLS OF A 10-SIDED DIE.  
44 THE SECRETARY OF STATE WILL RANDOMLY SELECT MEMBERS OF THE PUBLIC WHO



1 ATTEND THE MEETING TO TAKE TURNS ROLLING THE DIE, AND DESIGNATE ONE OR MORE  
2 STAFF MEMBERS TO TAKE TURNS ROLLING THE DIE IN THE EVENT THAT NO MEMBERS OF  
3 THE PUBLIC ATTEND THE MEETING. THE SECRETARY OF STATE WILL PUBLISH THE SEED ON  
4 THE AUDIT CENTER IMMEDIATELY AFTER IT IS ESTABLISHED.



5 (C) AUDIT BOARD. NO LATER THAN 15 DAYS BEFORE ELECTION DAY, THE DESIGNATED  
6 ELECTION OFFICIAL MUST APPOINT AN AUDIT BOARD TO CONDUCT THE RISK-LIMITING  
7 AUDIT. THE AUDIT BOARD MUST CONSIST OF ELECTORS NOMINATED BY THE MAJOR  
8 POLITICAL PARTY COUNTY CHAIRPERSONS. AT LEAST TWO CANVASS BOARD MEMBERS  
9 MUST OBSERVE THE RLA. THE DESIGNATED ELECTION OFFICIAL, MEMBERS OF HIS OR HER  
10 STAFF, AND OTHER DULY APPOINTED ELECTION JUDGES MAY ASSIST THE AUDIT BOARD IN  
11 CONDUCTING THE AUDIT.

12 (D) BALLOT MANIFEST. WHILE TABULATING BALLOTS, THE COUNTY MUST MAINTAIN AN  
13 ACCURATE BALLOT MANIFEST IN A FORM APPROVED BY THE SECRETARY OF STATE. AT A  
14 MINIMUM, THE BALLOT MANIFEST MUST UNIQUELY IDENTIFY FOR EACH TABULATED  
15 BALLOT THE SCANNER ON WHICH THE BALLOT IS SCANNED, THE BALLOT BATCH OF WHICH  
16 THE BALLOT IS A PART, THE NUMBER OF BALLOTS IN THE BATCH, AND THE STORAGE  
17 CONTAINER IN WHICH THE BALLOT BATCH IS STORED AFTER TABULATION. THE COUNTY  
18 MUST SECURE AND MAINTAIN IN SEALED BALLOT CONTAINERS ALL TABULATED BALLOTS  
19 IN THE BATCHES AND ORDER THEY ARE SCANNED. THE COUNTY MUST MAINTAIN AND  
20 DOCUMENT UNINTERRUPTED CHAIN-OF-CUSTODY FOR EACH BALLOT STORAGE  
21 CONTAINER.

22 (E) SELECTION OF AUDITED CONTESTS. NO LATER THAN 5:00 P.M. MT ON THE FRIDAY AFTER  
23 ELECTION DAY, THE SECRETARY OF STATE WILL SELECT FOR AUDIT AT LEAST ONE  
24 STATEWIDE CONTEST, AND FOR EACH COUNTY AT LEAST ONE COUNTYWIDE CONTEST. THE  
25 SECRETARY OF STATE WILL SELECT OTHER BALLOT CONTESTS FOR AUDIT IF IN ANY  
26 PARTICULAR ELECTION THERE IS NO STATEWIDE CONTEST OR A COUNTYWIDE CONTEST IN  
27 ANY COUNTY. THE SECRETARY OF STATE WILL PUBLISH A COMPLETE LIST OF ALL AUDITED  
28 CONTESTS ON THE AUDIT CENTER. THE SECRETARY OF STATE WILL CONSIDER THE  
29 FOLLOWING FACTORS IN DETERMINING WHICH CONTESTS TO AUDIT:

30 (1) THE DILUTED MARGIN OF THE CONTESTS; AND

31 (2) THE ABILITY OF THE COUNTY CLERKS TO COMPLETE THE AUDIT BEFORE THE  
32 CANVASS DEADLINE.

33 (F) RLA TABULATION. ON THE NINTH DAY AFTER ELECTION DAY, THE COUNTY MUST FINISH  
34 TABULATING ALL BALLOTS EXCEPT FOR PROVISIONAL BALLOTS AND PROPERTY OWNER  
35 BALLOTS. IMMEDIATELY AFTER COMPLETING THE RLA TABULATION, AND TO THE EXTENT  
36 PERMITTED BY ITS VOTING SYSTEM, THE COUNTY MUST ALSO GENERATE AND PRESERVE:

37 (1) A SUMMARY RESULTS REPORT;

38 (2) A RESULTS FILE EXPORT SUITABLE FOR UPLOADING TO THE SECRETARY OF  
39 STATE'S ELECTION NIGHT REPORTING SYSTEM; AND

40 (3) A CVR EXPORT.

41 (G) CVR EXPORT VERIFICATION. COUNTIES CONDUCTING A COMPARISON AUDIT MUST VERIFY  
42 THAT:

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Number: 1      Author: Brandy      Subject: Sticky Note      Date: 5/23/2017 8:19:35 AM

This does not give the exact make up of the audit board. should it be a bi-partisan team or does it not matter since the canvass board is overseeing? Or since it states that the audit board is electorS nominated by the major political parties can it be any combination of numbers from all major parties involved? Can the audit board and canvass board be the same?

- 1 (1) THE NUMBER OF INDIVIDUAL CVRS IN ITS CVR EXPORT EQUALS THE AGGREGATE  
2 NUMBER OF BALLOTS REFLECTED IN THE COUNTY'S BALLOT MANIFEST AS OF THE  
3 NINTH DAY AFTER ELECTION DAY;
- 4 (2) THE NUMBER OF INDIVIDUAL CVRS IN ITS CVR EXPORT EQUALS THE NUMBER OF  
5 BALLOTS TABULATED AS REFLECTED IN THE SUMMARY RESULTS REPORT FOR THE  
6 RLA TABULATION;
- 7 (3) THE NUMBER OF INDIVIDUAL CVRS IN ITS CVR EXPORT EQUALS THE NUMBER OF  
8 IN-PERSON BALLOTS ISSUED PLUS THE NUMBER OF MAIL BALLOTS IN VERIFIED-  
9 ACCEPTED STAGE IN SCORE; AND
- 10 (4) THE VOTE TOTALS FOR ALL CHOICES IN ALL BALLOT CONTESTS IN THE CVR  
11 EXPORT EQUALS THE VOTE TOTALS IN THE SUMMARY RESULTS REPORT FOR THE  
12 RLA TABULATION.
- 13 (5) AFTER VERIFYING THE ACCURACY OF THE CVR EXPORT, THE COUNTY MUST  
14 APPLY A HASH VALUE TO THE CVR EXPORT FILE USING THE HASH VALUE UTILITY  
15 PROVIDED BY THE SECRETARY OF STATE.
- 16 (H) COMPARISON AUDIT UPLOADS. NO LATER THAN 11:59 P.M. MT ON THE NINTH DAY AFTER  
17 ELECTION DAY, EACH COUNTY CONDUCTING A COMPARISON AUDIT MUST UPLOAD:
- 18 (1) ITS BALLOT MANIFEST TO THE RLA TOOL;
- 19 (2) ITS VERIFIED AND HASHED CVR EXPORT TO THE RLA TOOL; AND
- 20 (3) ITS RLA TABULATION RESULTS EXPORT TO THE SECRETARY OF STATE'S  
21 ELECTION NIGHT REPORTING SYSTEM.
- 22 (I) BALLOT POLLING AUDIT UPLOADS. NO LATER THAN 11:59 P.M. MT ON THE NINTH DAY  
23 AFTER ELECTION DAY, EACH COUNTY CONDUCTING A BALLOT POLLING AUDIT MUST  
24 UPLOAD:
- 25 (1) ITS BALLOT MANIFEST TO THE COUNTY'S RLA FOLDER IN THE SECRETARY OF  
26 STATE'S SECURE FILE TRANSFER PROTOCOL (SFTP) SYSTEM; AND
- 27 (2) ITS RLA TABULATION RESULTS EXPORT TO THE SECRETARY OF STATE'S  
28 ELECTION NIGHT REPORTING SYSTEM.
- 29 (J) NUMBER OF BALLOTS TO AUDIT. THE SECRETARY OF STATE WILL DETERMINE THE  
30 NUMBER OF BALLOTS TO AUDIT TO SATISFY THE RISK LIMIT FOR THE AUDITED CONTESTS  
31 BASED ON THE BALLOT MANIFESTS SUBMITTED BY THE COUNTIES. THE NUMBER OF  
32 BALLOTS TO AUDIT WILL BE DETERMINED ACCORDING TO THE FORMULAS AND PROTOCOLS  
33 PUBLISHED BY MARK LINDEMAN AND PHILIP B. STARK IN *A GENTLE INTRODUCTION TO*  
34 *RISK-LIMITING AUDITS*, AS APPLIED IN PHILIP STARK'S *TOOLS FOR COMPARISON RISK-*  
35 *LIMITING ELECTION AUDITS*, AND *TOOLS FOR BALLOT-POLLING RISK-LIMITING ELECTION*  
36 *AUDITS*. THESE MATERIALS ARE INCORPORATED BY REFERENCE IN THE ELECTION RULES  
37 AND DO NOT INCLUDE LATER AMENDMENTS OR EDITIONS OF THE INCORPORATED  
38 MATERIAL. THE FOLLOWING MATERIALS INCORPORATED BY REFERENCE ARE POSTED ON  
39 THE SECRETARY OF STATE WEBSITE AND AVAILABLE FOR REVIEW BY THE PUBLIC DURING  
40 REGULAR BUSINESS HOURS AT THE COLORADO SECRETARY OF STATE'S OFFICE:
- 41 (1) MARK LINDEMAN AND PHILIP B. STARK, *A GENTLE INTRODUCTION TO RISK-*  
42 *LIMITING AUDITS*, IEEE SECURITY AND PRIVACY, SPECIAL ISSUE ON ELECTRONIC

1 VOTING, (MAR. 16, 2012), AT  
2 [HTTP://WWW.STAT.BERKELEY.EDU/~STARK/PREPRINTS/GENTLE12.PDF.](http://www.stat.berkeley.edu/~stark/preprints/gentle12.pdf)

3 (2) PHILIP B. STARK, *TOOLS FOR COMPARISON RISK-LIMITING ELECTION AUDITS*,  
4 (FEB. 26, 2017), AT  
5 [HTTP://WWW.STAT.BERKELEY.EDU/~STARK/VOTE/AUDITTOOLS.HTM.](http://www.stat.berkeley.edu/~stark/vote/audittools.htm)

6 (3) PHILIP B. STARK, *TOOLS FOR BALLOT-POLLING RISK-LIMITING ELECTION AUDITS*,  
7 (FEB. 16, 2017), AT  
8 [HTTPS://WWW.STAT.BERKELEY.EDU/~STARK/JAVA/HTML/BALOTPOLLTTOOLS.HT](https://www.stat.berkeley.edu/~stark/java/html/balotpolltools.htm)  
9 [M.](https://www.stat.berkeley.edu/~stark/java/html/balotpolltools.htm)

10 (K) RANDOM SELECTION OF BALLOTS FOR AUDIT. FOR COMPARISON AUDITS, THE SECRETARY  
11 OF STATE WILL RANDOMLY SELECT THE INDIVIDUAL BALLOTS TO AUDIT. FOR BALLOT  
12 POLLING AUDITS, THE SECRETARY OF STATE WILL RANDOMLY SELECT BALLOT BATCHES  
13 TO AUDIT. THE SECRETARY OF STATE WILL USE A RANDOM NUMBER GENERATOR WITH  
14 THE SEED ESTABLISHED UNDER SUBSECTION (B) OF THIS RULE TO IDENTIFY INDIVIDUAL  
15 BALLOTS OR BALLOT BATCHES AS REFLECTED IN THE COUNTY BALLOT MANIFESTS. THE  
16 SECRETARY OF STATE WILL NOTIFY EACH COUNTY OF, AND PUBLISH ON THE AUDIT  
17 CENTER, THE RANDOMLY SELECTED BALLOTS OR BALLOT BATCHES THAT EACH COUNTY  
18 MUST AUDIT NO LATER THAN 11:59 P.M. MT ON THE TENTH DAY AFTER ELECTION DAY.

19 25.2.3 CONDUCTING THE AUDIT

20 (A) THE COUNTY MUST COMPLETE THE AUDIT ON OR BEFORE 5:00 P.M. MT ON THE BUSINESS  
21 DAY BEFORE THE CANVASS DEADLINE.

22 (B) THE AUDIT BOARD MUST LOCATE AND RETRIEVE FROM THE APPROPRIATE STORAGE  
23 CONTAINER EACH RANDOMLY SELECTED BALLOT OR BATCH. THE AUDIT BOARD MUST  
24 VERIFY THAT THE SEALS ON THE APPROPRIATE STORAGE CONTAINERS ARE THOSE  
25 RECORDED ON THE APPLICABLE CHAIN-OF-CUSTODY LOGS.

26 (C) IN COUNTIES CONDUCTING COMPARISON AUDITS, THE AUDIT BOARD MUST RETRIEVE EACH  
27 RANDOMLY SELECTED BALLOT AND COMPARE THE VOTER MARKINGS ON THE PAPER  
28 BALLOT TO THE VOTING SYSTEM'S INTERPRETATION OF THOSE MARKINGS AS REFLECTED  
29 IN THE CORRESPONDING CVR. IF THE SCANNED BALLOT WAS DUPLICATED PRIOR TO  
30 TABULATION, THE AUDIT BOARD MUST ALSO RETRIEVE THE ORIGINAL BALLOT AND  
31 COMPARE THEM TO THE MARKINGS ON THE SCANNED BALLOT. THE AUDIT BOARD MUST  
32 PREPARE A SEPARATE AUDIT REPORT FOR THE AUDITED STATEWIDE CONTEST AND THE  
33 AUDITED COUNTYWIDE OR OTHER CONTEST, DETAILING THE RESULTS OF ITS COMPARISON  
34 OF VOTER MARKINGS ON SCANNED BALLOTS TO CVRS, AND ON ORIGINAL BALLOTS TO  
35 SCANNED BALLOTS.

36 (D) IN COUNTIES CONDUCTING BALLOT POLLING AUDITS, THE AUDIT BOARD MUST RECORD ITS  
37 INTERPRETATION OF THE VOTER MARKINGS ON EACH BALLOT CONTAINED IN THE  
38 RANDOMLY SELECTED BALLOT BATCHES. IF A BALLOT WITHIN THE BATCH WAS  
39 DUPLICATED PRIOR TO TABULATION, THE AUDIT BOARD MUST ALSO RETRIEVE, EXAMINE,  
40 AND COMPARE THE VOTER MARKINGS ON THE ORIGINAL BALLOT TO THE MARKINGS ON  
41 THE SCANNED BALLOT. THE AUDIT BOARD MUST PREPARE A SEPARATE AUDIT REPORT FOR  
42 THE AUDITED STATEWIDE CONTEST AND THE AUDITED COUNTYWIDE OR OTHER CONTEST  
43 DETAILING ITS INTERPRETATION OF THE VOTER MARKINGS IN THE AUDITED CONTESTS ON  
44 EACH BALLOT IN THE RANDOMLY SELECTED BATCH OR BATCHES.

45 (E) THE AUDIT BOARD MUST INTERPRET VOTER MARKINGS ON BALLOTS SELECTED FOR AUDIT  
46 IN ACCORDANCE WITH THE SECRETARY OF STATE'S VOTER INTENT GUIDE.

- 1 (F) NO LATER THAN 5:00 P.M. MT ONE BUSINESS DAY BEFORE THE CANVASS DEADLINE, THE  
 2 AUDIT BOARD MUST SUBMIT ITS AUDIT REPORTS TO THE SECRETARY OF STATE. THE AUDIT  
 3 REPORTS MUST CONTAIN OR IDENTIFY:
- 4 (1) THE AUDITED CONTESTS;
- 5 (2) THE NUMBER OF BALLOTS AUDITED;
- 6 (3) FOR COUNTIES CONDUCTING COMPARISON AUDITS, ANY DISCREPANCY BETWEEN  
 7 THE AUDIT BOARD'S INTERPRETATION OF VOTER MARKINGS ON THE PAPER  
 8 BALLOT AND THE VOTING SYSTEM'S INTERPRETATION OF THOSE MARKINGS AS  
 9 REFLECTED IN THE CORRESPONDING CVR, AND IN THE CASE OF AUDITED  
 10 CONTESTS, WHETHER THE DISCREPANCY RESULTED IN A ONE-VOTE OR TWO-VOTE  
 11 MARGIN OVERSTATEMENT OR MARGIN UNDERSTATEMENT;
- 12 (4) FOR COUNTIES CONDUCTING BALLOT POLLING AUDITS, THE AUDIT BOARD'S  
 13 INTERPRETATION OF VOTER MARKINGS IN AUDITED CONTESTS ON EACH BALLOT  
 14 CONTAINED IN THE RANDOMLY SELECTED BATCHES; AND
- 15 (5) THE DATE OF THE REPORT AND THE NAMES AND SIGNATURES OF THE AUDIT  
 16 BOARD, THE CANVASS BOARD MEMBERS WHO OBSERVED THE AUDIT, AND THE  
 17 COUNTY CLERK.
- 18 (G) THE RLA WILL CONTINUE UNTIL THE RISK LIMIT FOR THE AUDITED CONTESTS IS MET OR  
 19 UNTIL A FULL HAND COUNT RESULTS. IF THE COUNTY AUDIT REPORTS REFLECT THAT THE  
 20 RISK LIMIT HAS NOT BEEN SATISFIED IN AN AUDITED CONTEST, THE SECRETARY OF STATE  
 21 WILL RANDOMLY SELECT ADDITIONAL BALLOTS FOR AUDIT.

22 25.2.4 FOR THE 2017 COORDINATED ELECTION, THE SECRETARY OF STATE MAY, BY ORDER, ALTER ANY OF  
 23 THE REQUIREMENTS OUTLINED IN RULE 25.3.

24 *Current Rule 11.3.3 is amended and recodified as New Rule 25.3 as follows:*

25 ~~11.3.3-25.3~~ ~~Post Election~~ ~~RANDOM Audit.~~ ~~The~~ IF THE SECRETARY OF STATE WAIVES THE REQUIREMENT TO  
 26 CONDUCT AN RLA UNDER SECTION 1-7-515(2)(B), C.R.S., THE DESIGNATED ELECTION OFFICIAL MUST CONDUCT THE  
 27 ~~post-election~~ ~~RANDOM~~ audit mandated by sections 1-7-509(1)(b) and 1-7-514, C.R.S., in accordance with  
 28 this rule.

29 ~~(a)-25.3.1~~ Selected voting devices

30 ~~(1)-(A)~~ No later than 48 hours after the close of polls on election night, the Secretary of State  
 31 must notify the designated election official of the voting devices randomly selected for  
 32 audit, based on the submitted hardware inventory list referred to in Rule 11.2.

33 ~~(2)-(B)~~ The Secretary of State will randomly select, from the voting devices used in the election,  
 34 at least five percent of the central count ballot scanners; at least one ballot scanner used at  
 35 a polling location; and five percent of DREs.

36 ~~(b)-25.3.2~~ The designated election official must appoint an audit board to conduct the post-election  
 37 audit in accordance with section 1-7-509(1)(c), C.R.S. At least two canvass board members must  
 38 observe the random audit. The designated election official, members of his or her staff, and other  
 39 duly appointed election judges, may assist with the audit.

40 ~~(e)-25.3.3~~ Number of ballots to audit

1                    ~~(1)~~(A) Paper ballots tabulated on ballot scanners. The board must audit at least 500 ballots or 20  
2                    percent of the ballots tabulated on each selected ballot scanner, whichever is less. The  
3                    board may audit more than the minimum number of ballots required.

4                    ~~(2)~~(B) Electronic ballots tabulated on DREs. The board must audit all ballots tabulated on the  
5                    selected DREs.

6                    ~~(d)~~-25.3.4            Conducting the audit

7                    ~~(1)~~(A) Paper ballots tabulated on ballot scanners

8                    ~~(A)~~(1) If the voting system is capable of generating batch-level tabulation reports for a  
9                    selected ballot scanner, the board must randomly select a number of ballot  
10                    batches tabulated on the ballot scanner that, in the aggregate, contain the  
11                    minimum number of ballots to be audited. The board must manually verify that  
12                    the votes on the ballots contained in each randomly selected batch match the  
13                    voting system's tabulation of votes for that batch.

14                    ~~(B)~~(2) If the voting system is not capable of generating batch-level tabulation reports  
15                    for a selected ballot scanner, the board can choose to audit all of the ballots that  
16                    were tabulated on the selected scanner, or randomly select and rescan the  
17                    minimum number of ballots to be audited. If the board chooses to rescan the  
18                    minimum number of ballots, the board also must:

19                    ~~(i)~~(A) Reset the selected ballot scanner's results to zero and generate a zero  
20                    report;

21                    ~~(ii)~~(B) Rescan the randomly selected ballots for audit and generate a tabulation  
22                    report from the selected ballot scanner; and

23                    ~~(iii)~~(C) Manually verify that the votes on the randomly selected ballots match  
24                    the tabulation report for those ballots generated from the selected ballot  
25                    scanner.

26                    ~~(2)~~(B) Ballots tabulated on DREs. The board must examine the VVPAT record of each selected  
27                    DRE and manually verify that the votes reflected on the VVPAT match the tabulation  
28                    report.

29                    ~~(e)~~-25.3.5            If the board discovers discrepancies during the audit, the board must:

30                    ~~(1)~~(A) Confirm that the manual count of the votes contained in the audited ballots is correct;

31                    ~~(2)~~(B) Confirm that the manual count of the votes contained in the audited ballots properly  
32                    reflects overvotes, stray marks on the ballot, and other indications of voter intent;

33                    ~~(3)~~(C) Determine whether any discrepancy is attributable to a damaged ballot; and

34                    ~~(4)~~(D) Take any other action necessary in accordance with the canvass board's powers as  
35                    described in Part 1, Article 10 of Title 1, C.R.S.

36                    ~~(f)~~-25.3.6            The designated election official must report the results of the audit in writing to the  
37                    Secretary of State by 5:00 p.m. on the last day to canvass. The audit report may be submitted by  
38                    mail, fax, or email. The audit report must contain:

39                    ~~(1)~~(A) The make, model, and serial number of the voting devices audited;

- 1           ~~(2)~~(B) The number of ballots originally counted on each device or the number of ballots audited;
- 2           ~~(3)~~(C) The count of the specific races on the summary report printed at the close of polls or the
- 3           report generated for the audit;
- 4           ~~(4)~~(D) The count of the specific races as manually verified;
- 5           ~~(5)~~(E) Any other information required by section 1-7-514, C.R.S.; and
- 6           ~~(6)~~(F) The signatures of the audit board, the canvass board members who observed the audit,
- 7           and the designated election official.
- 8           ~~(g)~~25.3.7 The designated election official must segregate and seal the materials used during the
- 9           post-election audit, including all tabulation reports, the audited ballots, and the audit report.