



ARAPAHOE COUNTY
COLORADO'S FIRST

Joan Lopez
Clerk and Recorder

OFFICE OF THE CLERK AND RECORDER
Elections Division

5334 South Prince Street
Littleton, Colorado 80120-1136
Phone: 303-795-4511
Fax: 303-794-4625
TDD: 303-738-7890
www.arapahoevotes.com
elections@arapahoegov.com

July 29, 2019

The Honorable Jena Griswold, Secretary of State
Colorado Department of State
1700 Broadway
Denver, Colorado 80290

Re: Working Draft of Proposed Rules

Dear Secretary Griswold:

The Arapahoe County Elections Office would like to thank you for the opportunity to comment on the proposed elections rules; our office appreciates this opportunity. Our office has reviewed the June 28, 2019 Notice of Proposed Rulemaking. Please see Arapahoe County's following comments and concerns on the proposed rules for your consideration.

Thank you for your time and please feel free to reach out for any concerns or questions.

Respectfully submitted,

Stephanie Wenholz
Acting Voter Service Manager
Office of the Arapahoe County Clerk and Recorder

Page	Line	Rule	Comments
		1-5-706	<p>“The Secretary of State shall establish procedures to enable voters with disabilities to independently mark a paper ballot using nonvisual access or low vision access technology whether the voter is voting in a mail ballot election pursuant to article 7.5 of this Title 1 or voting at a polling location.”</p> <p>CRS is unclear with respect to in-person voting. Is an ICX ballot considered a paper ballot?</p>
2	2-3	1.1.26(a)(3)	<p>The rule change is not clear as to how folks with disabilities (as defined in 1-5-706) will apply for an electronic ballot. The rule seems to imply that they would do this in a similar way to UOCAVA voters, but does not specify how this request will be logged in SCORE. Suggestion would be to modify the state provided UOCAVA Electronic Ballot Application to include disabled voters.</p>
4/5	35-2	7.1.1	<p>The county clerk must submit AN ELECTION PLAN to the Secretary of State no later than 120 days before every election . . .</p> <p>The election calendar indicates July 8, 2019 as the preferred date to submit this plan for the coordinated election, There is no other date listed (90 days prior). Needs clarification</p>
8	15-18	7.5.14	<p>COUNTY CLERKS WHO DELIVER OR RECEIVE BALLOTS FROM ELECOTRS WHO ARE CONFINED IN A COUNTY JAIL . . . PROVIDE THE LOG TO THE SECRETARY OF STATE’S OFFICE FOLLOWING THE ELECTION</p> <p>How is this information to be provided? Is there a specific format/delivery method?</p>
10	28-32	7.9.8	<p>“On election day [not just General Election Day], a county must measure and record the wait time at each of its voter service and polling centers, in accordance with written guidance provided by the Secretary of State.”</p> <p>When does this go into effect? Will the SoS provide guidance on the methodology, the measuring tool, or both? As it stands, there is enormous variability in how counties measure and report wait times</p>
12	22-23	10.5.1 (H)	<p>[The designated election official must provide the following information to the canvass board.....]</p> <p>“The number of ballots returned by voters with a disability covered under section 1-5-706 CRS.”</p> <p>Does this include in-person voters? How would we capture that information? Will the judges mark a field in webSCORE (as with recording Unaffiliated preferences)? Will the Tech judges keep a manual tally of accessible sessions? Will we need to pull the number of accessible sessions from each tablet’s audit log? Will the voter sign a form designating themselves as disabled? Since any tablet voter can request an accessible session, how would we know which ones were disabled? Would we violate any HIPAA regulations in tracking information on disabled voters?</p>
17	7-16	17.1.2	<p>“If a voter service and polling center loses connectivity to SCORE, an election judge must attempt to verify the elector’s eligibility by contacting the county clerk and recorder’s office by telephone or electronic mail. If the elector’s eligibility can be determined, the judge must issue the elector a mail ballot or replacement mail ballot and the county clerk’s office must issue the elector a mail ballot or replacement mail ballot in SCORE....”</p> <p>In the unlikely event the VSPC loses access to webSCORE—but VR or hotline staff do not lose access to SCORE—how would the judge issue a mail ballot instead of a provisional ballot? Would they print a ballot directly off the MBP, give the voter a packet instead of a provisional envelope, and record the transaction so someone could later enter it into SCORE? If the “county clerk’s office must issue the elector a mail ballot or replacement mail ballot in SCORE,” does that mean the voter would have to visit the Admin building?</p>