

**From:** [Vigil-Tapia, Justine](#)  
**To:** [SoS Rulemaking](#)  
**Subject:** Rule Comments  
**Date:** Wednesday, August 7, 2019 4:21:36 PM  
**Attachments:** [Rule Comments.docx](#)

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Attached rule comments provided by Boulder County.

Regards,  
Justine

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#### 7.9.11

1. If there could be other conditions for which this would apply, please include such conditions in this rule. For example: would a state of emergency declared by the governor be an applicable condition?
2. We recommend striking the word “Publish” and adding language that allows counties the ability to post and/or disclose results only for races or measures fully contained within the county or shared with districts not otherwise impacted by the court order.
  - a. This would eliminate the terminology confusion given the Dominion Voting System includes process step labeled “publish results”.

#### 9.1.4

1. Existing language is still applicable to special and coordinated elections, current language should be retained so it doesn’t suggest a 17-year-old can vote in the upcoming coordinated elections. Then we suggest adding the proposed language with the addition of “FOR PRIMARY ELECTIONS, the election judge must ask the elector,....”

#### 11.3.2(a)

1. The zero file is due 35 days prior to an election and can be provided without requiring the LAT to be complete.
2. Moving the LAT deadline to 29 days preceding election day would make it difficult or impossible for Boulder County to continue the current testing process. To continue pre-election LAT testing to the rigorous standard we feel is necessary for successful elections, Boulder County respectfully requests that the Office of the Secretary of State change the LAT deadline proposed in rule from 29 days preceding the election to 21 days preceding the election, aligning to the date LAT result files are also due. This change will better align with current rule (C.R.S 1-7-509 (1) (b), (2) (a), and Rule 11. (c) (5)), which requires the inclusion of each type of voting device, each type of ballots, and that we ensure the voting system will accurately count each type of ballot. It also allows best practices to remain in place while supporting the growing number of counties that get their ballots printed out of state.
3. Boulder County has established a highly effective LAT best practice (as noted by SOS office) process that includes the testing of ballots pulled from the “live” production of ballots by the print vendor, rather than a separately printed test deck. Boulder does this because print vendor ballots account for approximately 98.5% of all ballots distributed to voters and if there is an issue the impact is large. The use of production ballots in testing results in the detection of ballot quality issues that may otherwise be undetected when exclusively using a purpose-created test deck. For example, a roller head may have no issues when a test deck is generated, but any issues that arose during the printing of ballots used for voting would be undetected if no production ballots were tested. While print vendors must adhere to quality procedures, on more than one occasion, Boulder Counties practice has allowed for the detection and correction of print quality issues. Using ourselves as the example, had the practice been in place prior to the 2008 General Election, we believe it may have allowed for the detection and mitigation of issues that led to the manual visual inspection of approximately 180,000 four column ballots. Decreasing the LAT window impacts our ability to continue our LAT best practices.

### 20.3.1

1. Add language to clarify that the rule is intended to require the use of ink for physical chain-of-custody documents and should not be construed as limiting the use electronic chain-of-custody systems.

### SB 19-202 (CRS 1-5-706)

1. Please clarify scope of this rule. Will this be an on-line service only or a service available via mail ballot request, in-person, and HCF voters?
2. Propose adding language that requires all software programs and application forms used by a voter with disabilities covered under CRS 1-5-706 to receive an electronically delivered ballot should contain the disclaimer stating that only voters with a disability are entitled to receive a ballot via electronic transmission and require the voter to affirm that they are a voter with a disability covered under CRS 1-5-706, before they can view ballot content via the software program. It should also include affirmation that the voter waives their right to a secret ballot and understand a bi-partisan team must access their choices for duplication.
3. To provide the most uniform voting experience possible, all disclaimers and features noted above should include relevant information regarding all other valid reason's voters may opt to receive a ballot via electronic transmission.

### New rule proposal:

Several references to what the state will provide guidance on but no deadline to when that must be provided. We would like the state to commit to a deadline for Conditions of Use to allow counties adequate time to respond and implement these conditions and mitigate inability to comply as occurred in 2016.