

**From:** [Gaythia Weis](#)  
**To:** [SoS Rulemaking](#)  
**Subject:** [EXTERNAL] Election Rules Written Comments  
**Date:** Monday, May 30, 2022 9:05:10 PM

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May 30,2022

**To: Christopher Beall**  
Deputy Secretary of State of Colorado  
and Colorado Secretary of State Staff

**Re: Draft Proposed Election Rules as of 5/18/22**

I am writing today as an individual. My background in elections stems from my work as a member of the League of Women Voters of Colorado (LWVCO) Legislative Action Committee and also as part of the team that developed an LWVCO Election Security position statement..

I am very pleased to be able to hold up Colorado's current election system as a model for other states, still recognizing that there is always room for improvement. However, I am concerned that in attempts to secure the Colorado election system from insider threats, the proposed amendments under New Rule 20, election security procedures, as given in the 5/18/2022 draft rules here:

[https://www.coloradosos.gov/pubs/rule\\_making/files/2022/20220518ElectionsPreliminaryDraftRules.pdf](https://www.coloradosos.gov/pubs/rule_making/files/2022/20220518ElectionsPreliminaryDraftRules.pdf), concentrate too much power with the Office of the Secretary of State, and fail to provide sufficient transparency.

I think that special attention needs to be paid to the testimony at the May 24, 2022 rule making hearing by Blake Reid, Clinical Professor at Colorado Law UC Boulder, Director of the [Samuelson-Glushko Technology Law & Policy Clinic \(TLPC\)](#) and Faculty Director of the Telecom and Platforms Initiative at the [Silicon Flatirons Center](#); and Alex Halderman, Professor at the Center for Computer Security and Society at the University of Michigan. The State of Colorado should not create legal liability for good faith security researchers. Their expertise, and outsider perspectives can provide vital security insights and ought to be facilitated by these rules. I agree with the LWVCO position statement "The public should have access to copies of election equipment source code, samples of election equipment, copies of ballots (with personally identifying information removed), and copies of procedures." It is unrealistic to depend on secrecy to protect security. Transparency also builds public confidence..

We also need to support high quality and dedicated county clerks, election workers, and election volunteers by ensuring that we treat them with appropriate respect and do not create unnecessary bureaucratic burdens. Training and strict chain of custody protocols are crucial, but so is motivation. While ensuring that they have the needed tools and resources to handle their jobs correctly, we need to create transparent systems that allow oversight and recognition of jobs well done, as well as revealing any troubling issues.

Risk limiting audits provide needed evidence to ensure that our computerized systems are operating as intended. Transparency in this process builds trust.

Public transparency is essential for democracy. As noted in the LWVCO position: Processes should be designed so that the public can observe the election, auditing, and testing processes closely enough to verify their integrity, but without interfering in an ongoing process. The public should have a mechanism to address election process flaws, if possible while an election is still underway, without interfering in

ongoing elections.

I also have some questions regarding the amendments under Rule 8 concerning watchers and their duties, specifically poll watchers at drop boxes. I personally have two nearby drop box choices. The one I generally use is in downtown Longmont, on the corner of 6<sup>th</sup> and Coffman, right next to the entrance to the County Clerk and Recorder office. There are a lot of people passing by, or entering the building. Maybe even some people standing around waiting outside for someone else to complete their business inside the Clerk's office. My other convenient choice is in an isolated location at the Boulder County Fairgrounds. Here, seeing anyone loitering nearby would seem quite odd at best. How would unauthorized poll watching at drop boxes be regulated? Could it be? It seems to me to be a very different situation than inside a polling place, where I have past experience as a poll watcher.

Thank you very much for your consideration.

Sincerely,

Gaythia Weis

A solid black rectangular redaction box covering the signature area.

Longmont CO 80503