

New Election Rule Objections/Concerns

6.9 This needs further definition. Removal for what reason? End of elections? End of day? For Cause? Inability to do assigned tasks? Removal of judges is clearly bestowed upon clerks by statute. The County Clerk, as the designated election official for the county, is responsible for (among other responsibilities for election judges):

CRS 1-6-104(1) Appoint of election judges

CRS 1-6-106 Confirmation and acceptance of election judge appointment

CRS 1-6-109 Appointment of supervisor judge

CRS 1-6-113 Filling election judge vacancies

CRS 1-6-119 Removal of election judge

While the Secretary of State has oversight of elections, the county clerk has direct oversight of election judges.

8.8.4 How is the clerk to monitor this rule?

8.10.2 (A) (3) How is the clerk to monitor this rule? For both 8.8.4 and 8.10.2(A)(3), if these boxes are in a public place, what authority do we have to monitor someone in a public place? NONE

20.1.2 If the security plan is subject to CORA, why would we want to outline when and where equipment is being transported and where sensitive information is stored in our offices.

20.3.2 Wouldn't this make more sense for this to be one of the online training modules that all election judges must take?

20.4.2(B) In the event the County is not financially able to comply with this rule, there needs to be a caveat to put the rule on hold until the funds from SB 22-153 are available. If the county does go ahead and install cameras before SB 22-153 funds are available, will the funds be able to be reimbursed after they have been installed?

20.5.2(d) There needs to be further definition of what constitutes access. This rule is going to be cumbersome to elections personnel while conducting an election. In all the activity involved in the election, this will undoubtedly be missed. With the computer logs and the video surveillance requirements, a paper log seems excessive.

20.5.3 (A) (1) This rule will only show a snapshot in time; the time the check was conducted, and thus inadequate. The only way to ensure the devices were not ever connected and accessed by the internet is to view the log files for the operating system. This is critical.

20.5.3 (B) (2) How can a Clerk stop a remote access to the System, since there are known wireless connectivity devices imbedded in the system? The only way a clerk can verify that there was not outside connectivity through the wireless devices is to have access to the operating system log files.

20.5.3 (E) (4) Why should judges contact the SOS directly? This violates chain of command protocol. Many potential issues will arise because the judges do not know everything and this turns them into policing the process. Not their role. Watchers have been assigned that role.

20.6.1 (A) This rule does not allow for the County Clerk to request a Trusted Build on a device. Why would the SOS be the only party that determines if a Trusted Build is completed or not?

20.10.2 (B) (5) There is no reason to exclude logs generated in the Operating System. Everything else is being logged, (down to activation cards) so why are we not concerned with the OS logs?

20.10.3 If the SOS is interested in transparency, the log files to the Operating System are vital. By prohibiting the Clerks from making a log file, it is a laugh in the face of transparency.

20.12.1(A)(4) This only gives a snapshot in time. Not the entire picture. If someone took advantage of the wireless status, how would we know? What if they left it on, either by design or accident? The Clerk is in trouble and has no ability to investigate the OS log files to see if there was remote access.

20.12.2 This entire section sets up the SOS as judge, jury and executioner. What happened to checks and balances, separation of duties, and the time honored principle of innocent until proven guilty? How do we know this section will not be used by this Secretary or future secretaries in a political manner to silence and intimidate Clerks, Election workers and Judges into lambs afraid to challenge the status quo? This also silences serious questions as perceived punishment might or will occur.