Secretary of State Proposed Rulemaking – August 3, 2023
Submission of Comments
Larimer County, Colorado
July 27, 2023

VOTE LARIMER

Page #	Line #	Rule	Comment
3	7	2.5.5	Typo: "…voter. If no response is received, the clerk may not ~~make~~ remove the elector's…"
6		6.1.3	Current Rule 6.1 requires the clerk to "reasonably attempt to exhaust the updated list" from each major party before supplementing with additional major party, minor party, or unaffiliated judges. This rule, as written, allows the Clerk latitude in determining the point at which they have "reasonably exhausted" the list of judges received from each party.

Proposed rule entirely removes the Clerk's latitude in assigning judges once the party lists have been exhausted, by requiring that the Clerk request a supplemental list from the parties before supplementing with additional applicants. When assigning and training judges for an Election, the 60th day before the Election is already "too late" to be receiving a list from the parties. Requiring the Clerk to subsequently wait for a *second* list after the 60th day creates an impediment for election judge hiring/training that is likely to result in unfilled vacancies across all processes.

As well, proposed Rule 6.1.3 allows a County Clerk to consider a list exhausted on the basis of availability but not on the basis of appropriate skill level (as otherwise allowed by Rule 6.2.1). It is possible for the list to be "exhausted" for a given position (i.e. computer registration at a VSPC) based on skill level (if all remaining candidates have self-identified as being unable or unwilling to use a computer), but not for other positions (perhaps those same candidates are qualified to man a ballot box). Latitude is needed when assigning judges on a position-by-position basis, rather than as a cumulative count of positions across the entire election.

We suggest that Rule 6.1.3 be rewritten as follows: The County Clerk must reasonably attempt to exhaust the precinct caucus and updated list provided by the major parties by the 60th day before an election. If, by the 60th day before an election, a major political party fails to provide a sufficient list of election judges who are appropriately qualified and available for the county to staff each election judge position needed by the county for that election, the county clerk may consider a supplemental list from that major political party. The clerk may also supplement with additional major party, minor party, or unaffiliated judges. |
| 9 | | 7.2.16 | Rule 7.2.16 places significant responsibility on DEOs to provide up-to-date and accurate lists of eligible property owner electors. Depending on the district, these DEOs may have limited (or no) familiarity with voter registration data/eligibility requirements. Even the |

			most experienced DEOs still face challenges when navigating Assessor data, which provides only a name and mailing address by which to match a property owner to a registered voter in SCORE. For properties with multiple owners (and only one mailing address), as is often the case in mountain/vacation communities, the challenge of accurately matching an owner to a voter becomes almost impossible. Although the coordinating districts (rather than the counties) would be legally liable for errors made in the identification of property owner ballots, the increased scrutiny for mistakes made by DEOs would nonetheless have a profound impact on county elections. Errors made in the conduct of an election, irrespective of who made the error, result in a loss of public credibility, and recovery from that loss can take years, if not decades. We ask that proposed Rule 7.2.16 be struck in its entirety.
9	4	7.2.16	Typo: "...certified as- eligible by the district's designated election official."
9	3	7.4.1	Typo: "The system must continuously record the box a system using motion detection that…"
11	2	7.4.10 (3)	Rule 7.4.10 (3) requires the recording of log entries, which include "the voter identification number for the ballot". Need more concise language on whether this refers to the Voter ID or Ballot Tracking #.
12		7.7.1 (B)	Not achievable within the scope of available resources without additional Agilis console software development by Runbeck. Currently, the signature verification software does not indicate which First Tier judge rejected a given signature. Furthermore, the software does not support an option to "pass" a signature along to another Second Tier team; they must be resolved as they are queued by the system. Since Second Tier judges are not only working as a team, but with access to the full library of the voter's signature history, and since the second review process is much more detailed than the first, inclusion of the original First Tier judge should be inconsequential to the ultimate acceptance or rejection of the signature.
13		7.7.3	This rule states in line 1 that we "must compare the signature on the self-affirmation" which appears to conflict with lines 3-4, "a signature on a mail ballot envelope", and lines 4-5 of 7.7.10 which is now asking to "capture an image of the full back of the mail ballot envelope". If a voter's signature is found on the backside of the envelope, best practice would be not to assume that the voter's intention was to sign the self-affirmation.
13		7.7.8 (A)	Runbeck's Agilis software does not currently produce reports that match these recording requirements; the data is available through navigating the console dashboard, but cannot be generated in order to match these stipulations in any report format. 7.7.8 (A) (5) would require additional development and labor to match tasks between the Agilis software and SCORE.

13		7.7.8 (B)	7.7.8 (A) (1-4) are searchable in the Agilis software at a micro level. However, compiling these records in a report format would be a manual process, requiring that each record be individually logged and ultimately nullifying their use as "real-time records." There is currently not an exportable report type in the Agilis software for the aforementioned records.
13		7.7.8 (C)	No current definition/criteria of what constitutes an "overturn" rate; therefore, we cannot furnish related data in a report.
13		7.7.10	Please see notes from 7.7.3 above. Currently, neither Runbeck's Agilis software nor hardware are capable of capturing "an image of the full back of the mail ballot envelope," much less matching that image to the other face of the envelope or the voter's record in SCORE. Extensive (years) of development would be required to accommodate this rule.
18		10.9.2	Current rule allows a county that has successfully completed a comparison audit and reported no discrepancies in the recount contest to conduct the recount by the process of re-adjudication. Rule further allows the losing candidate with the most votes, or an interested party, to request that the county re-scan the ballots. This rule, as written, enables interested parties to make an informed decision about the conduct of a recount. Rule 10.9.2, however, would require the re-scanning of all ballots involved in a mandatory recount. This requirement will place a significant cost burden on coordinating entities who otherwise, dependent upon the success of the comparison audit and at the discretion of interested parties, would have the option of conducting the recount by the process of re-adjudication. If a comparison audit that reports no discrepancies provides sufficient evidence that a recount may be conducted by the process of re-adjudication, it should not matter whether that recount is mandatory or at the request of an interested party. We ask that the addition of the word REQUESTED to Rule 10.9.2 be struck.
29	1	17.5	Typo: "Processing provisional ballot affidavits in ~~the~~ SCORE. Before closing an election, the county clerk…"

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