

August 8, 2023

To whom it may concern:

I am submitting the following comments concerning the proposed election rules:

Rule 2.11 List maintenance under section 8 of NVRA

- 11.1 please keep the fifth business day of the month as there is benefits and also staffing that counties do when we get this list by the fifth business day. Not knowing when we will be getting it is not very helpful for our planning and processing of this data.

Rule 12.1 Voter registration at a VSPC must be an election judge, a permanent or temporary county employee, state employee of the department of state, or a temporary staff hired by the county clerk.

- I support this rule and is a nice clarification.

Rule 6.1 Appointment of election judges

Current Rule 6.1 requires that 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 from each party.

The proposed rule entirely removes the clerk’s latitude in assigning judges once the party list has 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 in many instances is too late to receive a list from parties. Requiring a clerk to wait for a second list after the 60th day creates an impediment for election judges hiring and training that will result in vacancies that could be filled with unaffiliated or minor party judges.

Proposed rule 6.1.3 allows a county clerk to consider a list exhausted on the basis of availability alone and not on skill level. It is possible for the list to be exhausted for a given position based on skill level.

Latitude is needed when assigning judges to positions skill basis not just a cumulative count for positions needed.

- **Rule 6.1.2** providing an estimate and the positions for each person that might be needed.
 - This is a very long-shot request to be asked of the county. I think this rule should be stricken from the rules. It is added work to the counties and a best guess at best and for what reasoning?

- **Rule 6.1.3** with Colorado being at 47% unaffiliated why can't unaffiliated voters be allowed to fill in where needed. Instead of having to ask for another supplement and before using unaffiliated voters or minor party voters.
- **Rule 6.2.2** Please clarify review any data available for that judge's signature verification work in previous elections. What data is supposed to be reviewed? Where is this data?
- CCCA is working on a signature verification capture process committee. This rule would be better served when the committee has time to test and propose possible best practices with a tool to capture this information. Unless the state has a tool for use in this area?

Rule 7.2.9 an unaffiliated voter who wants to receive the mail ballot of a participating minor political party in the mail must request a replacement ballot or in person ballot for that minor political party.

- Would this not need to be a SCORE development?

Rule 7.2.16 places responsibility on DEOs to provide up to date and accurate list of eligible property owner electors. Many of the DEO's have limited or no familiarity with voter registration data eligibility requirements. Most experienced DEOs 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. The increased scrutiny for mistakes made by DEOs would have a great impact on county elections.

- Please strike this rule in its entirety.

Rule 7.4.1 (e) Drop Box video for 120 days retention – This conflict with CRS and 25-month retention. Keep all retention at 25 months.

Rule 7.4.10 (3) Create an entry in a log which records the date etc....

- Without SCORE development this would be very cumbersome and time consuming for any size county to do a tracking of this magnitude. When the goal is to get the ballots to the correct county to process and count.

Rule 7.7.1 (B) The requirement that a bi-partisan team of election judges review a rejected signature. That bi-partisan team MAY NOT include the election judge who made the first decision to reject a signature.

- This rule is not practical or feasible – even with a county that has a signature machine ballot sorter there is no way to make sure that the first judge might not be in on the initial review. For counties that do this as a manual process you have just made it where we would need additional judges. For smaller counties this additional judge is another cost.
- Please clarify the reasoning for this rule.

Rule 7.7.8 (a) (1) (2)(3)(4) (5) These rules need to be done after SCORE development to track what is being required if this is wanted in real-time.

- This rule needs to be clarified as it is very unclear and very time consuming and will need to hire someone just to comply with this rule alone without SCORE development.
- There is no current definition or criteria of what constitutes and overturn rate; no related data in a report can be furnished.
- Would like to these rules stricken until SCORE development is established.

Rule 7.8.2 When determining where in a county a VSPC or drop box should be placed in a general election, a county clerk **MUST** take into consideration the recommendations given by the voter center siting tool.

- This tool was used previously or tested previously, and it was not a reliable tool in determining. Unless the tool has been upgraded this tool is not very reliable.
- Maybe it would be better to say shall instead of must.

Rule 7.17 SCORE data entry

- Please clarify why these rules are being proposed for name conventions for districts and positions? Many school districts and city boards want them a certain way and that way is not the way they are listed in DOLA.

Rules 10.3.2 and 10.6 The canvass board's only duties

- Thank you for these rules for clarification.

Rule 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 and allow the losing candidate with the most votes, or an interested party, to request that the county re-scan the ballots.

The proposed rule 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 are usually smaller in size and may not have the money to cover this cost burden.

It should not matter if the recount is mandatory or requested and should be allowed to do re-adjudication instead or rescanning.

Please reconsider this rule change to make it reasonable for coordinating entities.

Rule 18.4.1 County clerks must periodically review duplicated ballots with a separate team of two judges.

- This rule is in conflict with SB23-276 which says duplication is done by a bi partisan team of judges.
- Please clarify periodically – once a batch, once a day, once every other day, once an election

Rule 18.4.6 A county clerk must batch duplicated ballots separately from all other ballots.

- Please explain this rule, why batch duplicated ballot separately.
- Please clarify if this once-a-day batch or one batch per election with all duplicated ballots in the batch.
- Would this not cause a voter anonymity issues due to most of the ballots being duplicated are UOCOVA, Emergency ballots etc.?

Election rules are important to help clarify process and procedures where CRS might be lacking. The rules also need to be able to be implemented with reasonable expectations or programming changes otherwise it is setting election departments up to not be able to comply with the rules.

Thank you for all you do! I appreciate your consideration on these!

Sincerely,

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