Comments submitted by Celeste Landry
Colorado voter since 1994

Page numbers refer to the proposed rules packet.

Page 39 – Queuing Ballots for Adjudication in an Instant-Runoff Voting (IRV) Contest

21.11.6 Ballot adjudication requirements
(a) The voting system must allow the user to queue ballots with the following conditions for adjudication by election judges:
(1) Any ambiguous mark in any ranking;.
(2) Any ranking that results in an overvote;.
(3) Any skipped ranking;.
(4) Any duplicate ranking; AND.
(5) Any contest in which a voter has ranked fewer candidates than the contest's maximum permitted number of rankings.

I suggest that you change the language in (5) above to
(5) Any contest in which a voter has ranked fewer candidates than THE LESSER OF the contest's maximum permitted number of rankings OR THE TOTAL NUMBER OF CANDIDATES MINUS ONE.
Rationale: If three candidates are in the contest, then one candidate is ranked #1. A different candidate can be ranked #2. There is no point in ranking the third candidate. A #3 ranking will never be counted in a 3-candidate contest. Changing the language can save election administrators some time and work.

Page 20 – What about Canvassing and Reporting Results for Round-by-Round Tabulation like IRV?

10.14 Canvass and reporting results for a recount
10.14.1 Totals of recounted ballots must be reported AS ~~in summary form as follows:~~
~~(a) Sum~~ cOMBINED total of votes for each race or measure recounted, under-votes, BLANK VOTES, VALID WRITE-IN VOTES, and over-votes FOR THE RACE RECOUNTED ~~for each location;~~
~~(b) The totals must be a combined total, not totaled by individual precincts or location, unless the tabulation system allows.~~

Rule 21.11.1 "Standards for certifying instant runoff functionality" mentions functionality that is not mentioned in Rule 10.14, but perhaps those areas of functionality – multiple rounds, exhausted ballots, etc – should also be reported in recounts. If Rule 10.14.1 only applies to plurality contests, perhaps that should be specifically noted.

Page 24 – Typo about signature discrepancies

15.1.4 (e) ~~Secretary~~ THE DEPARTMENT of State or DEO staff will not use any of the following discrepancies as the sole reason to reject an entry:
(1) The name on an entry matches or is substantially similar to the information in SCORE, or if the signature on an entry is a common variant of the name;

Rationale: Shouldn't the text read "The name on an entry DOES NOT MATCH, BUT is substantially…"? If the names match, what is the discrepancy?

Removing entire sections because of duplication with statute

A few rule sections are entirely removed with the comment that they are duplicative of statute. Wanting to reduce duplication is understandable, but if the C.R.S. section numbers are not included in the Sec of State rules, then the statute might be overlooked and not followed. An example of

repealing language duplicative to statute is Rule 10.12.2. A good compromise is the amendment to Rule 7.4.5 that reads, "(B) The county clerk may meet the requirements of this Rule by FOLLOWING THE REQUIREMENTS OF SECTION 1-7.5-107 (4.3)(C)(II), C.R.S."

Page 21 – Counties use the SoS's Election Night Reporting system

11.9 Election Night Reporting. The county must use the Secretary of State's Election Night Reporting (ENR) system to report results for all primary, general, coordinated, and recall elections in accordance with this Rule.

Page 2 – Definition of Voting System
1.1.62 "Voting system" as defined in section 1-1-104(50.8), C.R.S., means:
(a) The total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to:
(1) Define ballots;
(2) Cast and count votes;
(3) Report or display election results; and
(4) Maintain and produce any audit trail information.

The Sec of State has received a request for ENR to report multi-winner plurality contest results not only as a percent of the votes cast, but also as a percent of the ballots cast in order to show a candidate's true support. Here is an example: Suppose there are 100 voters. Each voter casts 5 votes in a city council contest so there are 500 votes cast. Suppose that everyone votes for Susie. She gets 100 votes. Even though everyone supported her and she got the maximum number of votes, her percentage is reported as 20% when a better indication of her support would be 100%. Please consider reporting election results by dividing by the number of votes a candidate receives by the number of ballots cast. Broomfield recently reported passage of a ballot measure with 48% so this reporting can be done even for a yes-no ballot measure, but it seems particularly enlightening for a multi-winner contest.

Page 17 – Disenfranchising Under-18 Voters

9.1.4 Age. ~~For a primary election, the election judge must ask the elector, "Are you at least 17 years of age and will you be 18 years of age or older on or before the date of the next general election?" For any other election,~~ Tthe election judge must ask the elector, "Will you be 18 years of age or older on election day?"

SB23-276 had many provisions about disenfranchising primary voters who would turn 18 on or before the November election date. Most of those provisions were removed in bill amendment L.023, but the oath of office change was left in and is addressed in these proposed rules changes.

The Attorney General interpreted Amendment 76 to disenfranchise anyone not yet 18 on primary election day. The Sec of State has received a request to ask the Attorney General to revisit its interpretation and laid out arguments explaining why Amendment 76 was incorrectly interpreted. The Sec of State has not yet responded to the request.

Echoing comments by Harvie Branscomb
Harvie Branscomb shared with me a preliminary draft of his proposed comments. I am in general support of his comments. I particularly appreciate his comments on Rules 7.17.2 about ballot styles and ballot anonymity and his praise for removing Rule 10.9.6.

-------------------- the end ----------------------------