

August 9, 2023

Secretary of State Jena Griswold
Department of State
1700 Broadway, Suite 550
Denver, CO 80290

Submitted via email to SoS.Rulemaking@coloradosos.gov

Dear Secretary Griswold:

The Jefferson County Clerk and Recorder's office is submitting these comments to the Notice of Proposed Rulemaking issued by the Department of State on June 30, 2023. In general, our office supports the points raised in the comments submitted by the Colorado County Clerks Association and we offer these additional comments to highlight some particular issues from our perspective in administering elections in a diverse community of over 425,000 active registered Coloradans in the Denver metro area.

Rule 6.1 Appointment of election judges

Title 1 provides that major party chairs provide a list of recommended individuals to serve as election judges by the last Tuesday in April in even-numbered years. C.R.S. 1-6-103(1)(a). Then, when the County Clerk is appointing and assigning election judges to positions, the Clerk may hire additional major party, minor party, or unaffiliated individuals as election judges if that list provided by county chairs does not provide sufficient names to fill all positions. C.R.S. 1-6-104. In Jefferson County, where the 2024 Presidential Election is expected to require at least 37 ballot drop boxes and 34 Voter Service and Polling Centers (VSPCs) to serve potentially 90% turnout, we are likely to hire approximately 900 election judges. We work closely with party chairs as well as community leaders and long-serving election judges to recruit and train these election judges. While we appreciate the intent of the proposed revisions to Rule 6.1 to assist filling these positions, the specific timing and requirements of the proposed changes are likely to make the process more difficult for both the Clerk's office and party chairs.

- **6.1.2** – This proposal requires too much specificity for a 2-year period, instead the rule should only generally require an estimate of the number of election judges needed for each election, the types of positions and the general time commitment required for each position (e.g. Election day only, 15 days prior to Election Day, etc.). Many counties already provide this information so that caucus recruitment can be more informed based on individual's availability and this is more realistic to estimate that exact day and time schedules so far in advance.
- **6.1.3** – The adjustments add a series of lists beyond the Title 1 caucus list and require the county clerk to exhaust ALL of these lists (caucus list, updated list, and supplemental list) BEFORE being able to hire anyone off that list. This means major party election

judges from previous election cycles, not just new minor party or unaffiliated judges, could not be assigned until the final days of an election cycle. Because the updated and supplemental lists do not even arrive until 60-days (or less) before an election, this intrudes on election judge training and work time. We recommend the rule allow dual tracks of consideration of judges after the initial caucus list is exhausted so that updated and supplemental lists are being pursued at the same time as others are onboarded to meet training and work deadlines within the last 60 days before Election Day. We also recommend that the final list arrive at least 90 days before an election

Onboarding, training and deploying 900 judges for work that starts weeks before election day in ballot processing, drop box pickup, and early vote VSPCs requires work months in advance of election day. The timing and sequencing in the proposed rule would not work in that process.

Rule 7.4.10 – Intercounty transfer of ballots

- To serve voters, secure chain of custody, and get ballot track notification faster for voter piece of mind, metro counties have developed a system of in-person bipartisan team ballot swaps during the 2 weeks leading up to Election Day.
- Some metro counties share cities, have co-branded drop boxes, voter mobility all lead to 1000s of ballots being swapped between our counties daily.
- Many proposed edits to this rule do not appear to apply to ballots swapped in this manner before election day.
- Care already taken with these – date stamp received, sealed ballot bags/boxes with chain of custody, bipartisan teams swapping daily or near-daily.
- Log requirements would be onerous and add time when dealing with 100s per day in-person trades in metro area.
- Not as risky as fed-ex or mail when doing in-person swap, so no need for same log details.
- SCORE development would greatly benefit this process so we could scan in as received in separate county – send ballot track – and then swap and the correct county could scan in received – send ballot track – and process. More transparency to voter.
- Will need to hire election judges who do nothing but create the log on election day and night instead of processing ballots because of the number we receive and swap with other metro counties on Wednesday morning.

Rule 7.7.10 – Scanning ballot envelope

- Unclear if this proposed rule wants the entire side of the envelope WITH the signature or if it wants counties to start capturing BOTH sides of the ballot envelope. Rule needs to define what “full back” means.
- If it is both sides of the envelope, our machine cannot do that without purchasing a second camera and upgrading software – very expensive.
- If it is the full side of the envelope where the signature is – we can do that (and already do), but need SCORE development to allow to upload the entire scan – right now only allowed to upload the cropped signature.
- Not sure what information is needed on the two sides of envelope since originals are retained and used if needed.

Thank you for this opportunity to provide feedback on the proposed Election Rules. I'm happy to answer further questions during testimony at the public hearing.

Respectfully Submitted,

A handwritten signature in black ink that reads "Amanda Gonzalez". The signature is written in a cursive, flowing style.

Amanda M. Gonzalez
Jefferson County Clerk and Recorder