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September 9, 2025

Colorado Secretary of State
Attn.: Colorado Secretary of State Rules Hearing Board
1700 Broadway, Suite 550
Denver, CO 80290

RE: **Comments on Proposed Amendments to Rule 7.7.8 – Signature Verification Judge Audits (2025 Election Rules).**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to provide comments on the proposed amendments to Rule 7.7.8 regarding audits of signature-verification decisions made by election judges. El Paso County supports accountability and continuous quality improvement in signature verification. We also must ensure that any audit regime is operationally feasible, cost-effective, data-secure, and perceived by voters and parties as neutral and fair.

Below are my comments organized by operational burden, financial impact, data/records concerns, fairness and perception, and requested edits/clarifications, followed by proposed alternative language.

Summary position:
- Support the concept of daily, random audits to monitor signature-verification quality.
- Request modifications to timing, sampling mechanics, documentation requirements, and performance thresholds so counties can comply without slowing ballot processing, especially on the final pre-Election Day surge and Election Day itself.
- Request clarity on data elements, privacy, retention, and public reporting to avid unintended disclosure of confidential information or creation of partisan narratives around individual judges.

Operational burden:
- Daily cadence (b)(1):
  - o Requiring audits "the same day or the day after" is workable for most days but is challenging the day before Election Day and on Election Day, when intake, verification, and tabulation volumes peak and staff are already operating extended hours. Strict next-day audits in those two windows will pull scarce personnel off core processing.
- Sample size (b)(2) & coverage (b)(3):
  - o The rule requires reviewing the greater of 3% of a judge's decisions or 5 decisions for each judge/team, every day they verify. In medium/large counties, that can produce hundreds of re-verifications per day, each requiring retrieval, blind review, adjudication, and detailed logging. This is materially more than legacy practices where county staff conducted smaller, periodic spot-checks.
- Who conducts the audit (b)(4)-(6):

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- o We appreciate that audits may be conducted by trained election judges or county election staff who have completed SOS-approved training, and that no one may audit their own work. However, with the increased volume, additional auditors (beyond the verification flow) will likely be needed and must be trained, scheduled, and supervised, particularly if audits are conducted by bipartisan pairs.

- Randon selection (b)(8):
  - o "Random" should be defined (e.g., software-generated, reproducible PRNG (a seeded algorithm that generates reproducible, statistically random-looking numbers), or statistically valid manual method). Counties also need flexibility to stratify samples (accepted vs. rejected, high-risk batches, new judges) to make the audit more diagnostic without introducing selection bias.

- Edge-day flexibility:
  - o On pre-Election Day and Election Day, counties need a 48-hour window (or "next business day" flexibility after close of polls) to complete the audit without delaying outbound cure notices, tabulation, or canvass-critical tasks.

Financial Impact:
- Staffing & overtime:
  - o The increase in sample size, daily cadence, and detailed logging will require additional auditory hours beyond the verification floor.
  - o If audits must be performed by bipartisan teams (permissible under (b)(5)), labor costs rise further, as does scheduling complexity.
  - o Peak-day flexibility will reduce overtime and backfill costs.

- Training:
  - o New or repurposed auditors must complete SOS-approved signature-verification training and an audit-specific module (how to conduct a blind review, reason codes, form completion).
  - o Counties will need training time, materials, and supervisor capacity.

- Systems/process updates:
  - o "Detailed information on an SOS-approved form" will likely require software changes, additional data entry time, and records-management updates.
  - o If the SOS provides a statewide digital template/API, that will reduce county IT spending.

Data governance, privacy, and records:
- Form content (b)(7):
  - o Enumerate the minimum required fields and confirm whether counties may capture them electronically. Recommended minimums to keep the record useful but privacy-protective:
    - Unique envelope/transaction ID (no full SSN/DOB; redact non-essential PII)
    - Original judge/team ID and original disposition (accept/refer for cure/reject)
    - Audit disposition and reason code(s) (from a statewide list)
    - Auditor ID(s) and attestations; date/time of audit; batch/source

- Whether the audit overturned the original decision and any follow-up (retrain/remove) under (c)

- Confidentiality:
  - Signature images and exemplars are sensitive. Clarify that audit artifacts are election records with limited disclosure and provide model language for CORA responses/redactions, so counties don't inadvertently publish signature images, judge identifiers, or voter-level outcomes.

- Retention:
  - Please specify a retention period harmonized with state/federal election-records requirements and clarify whether the SOS form is considered part of the official election record.

Fairness, neutrality, and perception:
- Avoid individual "league tables":
  - Publishing per-judge acceptance/rejection/overturn rates without statistical context can mislead the public and chill recruitment. If SOS intends any public reporting, we recommend aggregate, county-level metrics with standardized context (e.g., confidence intervals, sample sizes) and no individual names.

- Objective performance thresholds (c):
  - "Unexplained, irregular acceptance, rejection, or overturn rate" needs a quantitative definition so actions are consistent statewide. Suggestions:
    - Evaluate a judge after ≥ 100 audited decisions (to avoid small-number artifacts).
    - Flag if the judge's audited error rate is >2 standard deviations from the county mean after adjusting for envelope mix (e.g., cure-eligible vs. straightforward accepts).
    - Require a documented remedial path (coaching, retraining, second-level review) before removal, unless misconduct is evident.

- Blind auditing:
  - To minimize confirmation bias, audits should, where practicable, be blind to the original decision during review, with the system revealing the original decision only after the auditor records theirs.

- Bipartisan touchpoints:
  - While (b)(5) permits a single auditor, consider requiring that any overturn of a reject-accept or accept-reject be confirmed by a bipartisan pair before finalizing.

Requested clarifications (quick list):
1. Define "random" and permit stratified random sampling.
2. Provide the exact fields for the SOS audit form and confirm electronic capture is allowed.
3. Clarify retention and public disclosure rules for audit records and signature images.

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4. Specify quantitative thresholds and minimum sample sized for "unexplained, irregular rate" in (c).
5. Allow a 48-hour audit window for the day before Election Day and Election Day (or "next business day" after close of polls).
6. Confirm that county staff (who did not perform the original verification) may serve as auditors in lieu of hiring additional judges when appropriate.
7. Confirm that blind re-verification satisfies the audit requirement.
8. Clarify whether audits must include a fixed proportion of accepts and rejects or are purely random across all decisions.

Proposed alternative language:
- 7.7.8 Signature verification judge audits
    a. The county clerk must audit decisions made by election judges conducting signature verification.
    b. The audit must:
        o Occur each day that signature verification is conducted and completed no later than the next business day; provided that for the day before Election Day and Election Day, the audit may be completed within 48 hours after close of polls.
        o Review the greater of three percent (3%) of decisions made by each election judge or team, or five (5) decisions; counties may satisfy this requirement by drawing a random, reproducible sample per judge/team or by allocating a county-level random sample that ensures the minimum for each judge-team is met.
        o Review the decisions of each election judge or bipartisan team who conducted signature verification.
        o Be conducted by a trained election judge or county election staff who have completed the signature-verification training program provided or approved by the Secretary of State.
        o Be conducted by a single auditor or a team of two auditors; any overturn of a prior decision must be confirmed by a bipartisan team.
        o Not allow an election judge or staff member to audit their own verification work.
        o Be recorded with the detailed information provided on a form approved by the Secretary of State; the Secretary shall publish the required data elements, retention schedule, and confidentiality guidance; and
        o Randomly select a sample of decisions; random selection must be reproducible and may be stratified.
            ▪ The county clerk must audit all signature-verification judges on each day the judge conducts signature verification. A judge or team will be evaluated after at least 100 audited decisions. If the audited variance from county benchmarks exceeds a threshold set by the Secretary (e.g., >2 standard deviations after case-mix adjustment), the clerk must retrain or remove that judge or team from conducting signature verification and document the action.

Conclusion:

The proposed Rule 7.7.8 advances a worthy aim, measuring and improving the consistency of signature verification. With the adjustments outlined above, particularly around timing flexibility, clear sampling standards, defined performance thresholds, and precise data requirements, counties can deliver a robust audit without jeopardizing throughput, cure timelines, or public confidence.

Thank you for your consideration. I am available to work with the Secretary's office and peer counties on template forms, training materials, and sampling procedures that meet these goals.

Respectfully submitted,

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RE: **Comments on Proposed Amendments to Rule 7.7.15 – Annual Campaign to Collect Reference Signatures from Electors Aged 17-25**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 7.7.15, which would require an annual July–August outreach campaign to collect *additional* reference signatures from electors aged 17 to 25 via mail (and email/text when available). El Paso County strongly supports improving reference-signature depth to reduce cure rates and protect voters from unnecessary ballot delays. However, as drafted, Rule 7.7.15 creates significant operational, financial, and data-governance burdens, and raises fairness and perception concerns that could be addressed with targeted revisions.

Below are our comments organized by the requested dimensions, followed by requested clarifications and proposed alternative language.

Summary position:
- Goal aligned: More high-quality reference signatures improve matching confidence and reduce cures.
- Method needs adjustment: The rule should be criteria-based (fewer than two references) rather than age-based, and it should leverage existing Rule 7.7.14 processes.
- Right-size the burden: Centralize or streamline logistics, avoid duplicate requests to electors who already have ≥2 references, and clarify reimbursement and data standards.

Operational burden:
- Volume & timing:
  - El Paso County currently has 76,555 electors in the 17-25 cohort. Under the proposal, we must contact everyone annually, even if many already have adequate references (e.g., DMV pen-to-paper, signed ballot envelopes, paper forms).
  - The campaign runs mid-July through August, alongside ramp-up for the November coordinated/general election. Standing up a mass outreach (print/insert, email, SMS, inbound handling, and intake of returns) during this window will pull staff off core pre-election tasks.

- Duplication with Rule 7.7.14:
  - Current Rule 7.7.14 already authorizes outreach to electors with fewer than two reference signatures. A blanket age-based campaign would duplicate and expand outreach to many who already meet the two-reference standard.

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- Inbound processing:
  - Returned signature cards/images must be quality-checked, indexed, and safely attached to voter files. Absent standardized intake (file formats, image quality, naming, metadata), counties will face manual, error-prone workflows.

- Multi-channel execution:
  - The proposal requires mail, plus email and text if available. Counties vary widely in the completeness of email/mobile fields and in SMS tooling. Standing up a secure, opted-in texting workflow (templated, sender IDs, unsubscribe handling) is non-trivial during election season.

Financial Impact:
- Outbound mail:
  - Mailing to 76,555 electors each year, regardless of signature sufficiency, creates recurring costs. Using typical all-in ranges (postage + print + envelope + handling) of $0.65 - $1.10 per piece yields an annual county cost between approximately:
    - $49,761 (@ $0.65)
    - $61,244 (@ $0.80)
    - $72,727 (@ $0.95)
    - $84,211 (@ $1.10)

- Digital outreach:
  - Email is low marginal cost but still requires list hygiene and bounce handling. SMS generally incurs per-message fees and possibly new platform costs (short/long code, compliance services).

- Staffing & overtime:
  - Processing returns, adjudicating quality, and updating voter files will require additional staff hours and supervisor QA, particularly if counties implement image-quality standards.

- Reimbursement:
  - Because this is a mandated, annual program, please clarify whether costs are reimbursable as election-related expenses. Without reimbursement, the rule effectively creates an unfunded mandate.

Data, privacy, and records concerns:
- Unclear intake standards:
  - The propose is silent on what constitutes an acceptable "additional reference signature." Counties need a uniform standard (e.g., dark-ink, unlined white paper, full signature within defined bounding box, minimum DPT if submitted digitally) to avoid storing unusable images that can lower match quality.

- File security and PII:
  - Returned signatures (by mail or digital upload) must be protected in transit and rest; guidance should specify secure portals, encryption expectations, no email attachments with sensitive PII, and standardized redaction practices where applicable.

- Retention & disclosure:
  - Please specify retention periods and CORA/public-disclosure guidance for reference signatur5es and outreach logs so counties respond consistently while safeguarding sensitive materials.

- De-duplication logic:
  - The rule should require exclusion of electors who already have ≥2 high-quality reference signatures (e.g., DMV + accepted ballot envelope) to prevent repeated solicitations, confusion, and unnecessary data growth.

Fairness & perception of partisanship:
- Age-based targeting:
  - Limiting the campaign to 17-25 creates optics and legal risk questions: why are only young electors singled out for extra outreach? Many electors over 25 also lack two references or generate cure referrals at comparable rates (e.g., signature drift, name changes).
  - In a polarized environment, an age-defined rule may be perceived as advantaging or disadvantaging particular partisan cohorts. A neutral, criteria-based trigger (electors with <2 references, regardless of age) avoids that risk while better aligning with the stated quality objective.

- Already-engaged voters:
  - In our file, 40,388 young electors have participated in at least one election and thus already supplied a ballot-envelope signature; many also provided a pen-to-paper registration signature. Contacting them annually risks message fatigue and "cry-wolf" effects that reduce response rates.

- Language access & accessibility:
  - If adopted, the rule should specify language access expectations and accessible formats (large print, screen-readers friendly digital forms) to ensure equity across the cohort.

Requested clarifications (quick list):
- Reimbursable:
  - Confirm whether annual costs (mail, SMS, labor, systems) are state-reimbursable.

- De-duplication:
  - Allow or require counties to exclude electors already having ≥2 usable reference signatures.

- Standards:
    - Publish statewide intake specifications (paper/digital), quality criteria, and a reason-code framework for rejected uploads.

- Data capture:
    - Define minimum data elements for logging (voter ID, channel, date, status) and retention periods; clarify CORA posture.

- Digital option:
    - Permit counties (or the State) to offer a secure online portal for voluntary submission, with clear identity attestation language.

- Centralization:
    - Allow the Department of State to conduct the mailing/digital outreach centrally (on counties' behalf) to reduce costs and ensure uniform messaging.

- Coordination with Rule 7.7.14:
    - Clarify how 7.7.15 interacts with 7.7.14 to avoid duplicate/not-applicable contacts.

- Texting compliance:
    - Confirm acceptable consent practices and opt-out requirements if SMS is used (text STOP to unsubscribe") and allow counties without SMS capability to satisfy the rule via mail/email.

Proposed alternative language:
- 7.7.15 Annual reference-signature outreach:
    - a. Each July, the Department of State will provide each county clerk with a list of electors who, as of the second Wednesday of July, have fewer than two reference signatures in the statewide voter registration system.
    - b. No later than the last business day of August, the county clerk or the Department of State on behalf of the county must send correspondence on a form and in formats approved by the Department of State to request an additional reference signature. The correspondence must be sent to the elector's mailing address and may also be sent by email and text message if available and in compliance with applicable consent requirements.
    - c. The Department of State will publish intake standards for acceptable reference signatures (paper and electronic), data elements, retention, and confidentiality requirements.
    - d. Counties must not send correspondence under this rule to electors who already have two or more acceptable reference signatures on file, including accepted ballot-envelope signatures or DMV pen-to-paper signatures.
    - e. Any signature returned by an elector that meets intake standards must be added as a reference signature to the elector's voter file.
    - f. The Department of State will specify whether costs incurred under this rule are eligible for reimbursement and will publish uniform message templates in English and Spanish.

Conclusion:

We agree with the objective of strengthening reference-signature depth to improve verification accuracy and reduce cure burdens. As drafted, however, Rule 7.7.15 imposes recurring, unfunded workload on counties, duplicates existing authority under Rule 7.7.14, and introduces age-based optics that can undermine public confidence. A neutral, criteria-based approach, targeting only electors with fewer than two reference signatures; allowing centralized outreach; setting clear intake/records standards; and confirming reimbursement, would achieve the State's goal while protecting county capacity and voter trust.

Thank you for your consideration. I'm available to work with the Department on templates, intake standards, and an implementation plan that is effective, equitable, and feasible.

Respectfully submitted,

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Colorado Secretary of State
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RE: **Comments on Proposed Amendments to Rule 7.8.5 – Options Offered at Voter Service & Polling Centers (VSPCs).**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 7.8.5. El Paso County supports providing voters with clear, equitable choices at VSPCs. As drafted, the rule would require judges to void a voter's mail ballot in SCORE before issuing an in-person ballot and to offer every elector three options: (1) ballot-marking device (BMD), (2) hand-marked paper ballot (HMPB), or (3) a mail ballot. We offer the following feedback on operational burden, financial impact, data/records, fairness & perception, and suggested clarifications/edits.

Summary position:
- Support the goal of informing voters of their options and preventing duplicate ballots.

- Clarify how "offer" is satisfied (prominent multilingual signage + a short, neutral script), rather than a lengthy, repeated verbal explanation for every elector.

- Add contingency when SCORE is down so "void before issuing" does not halt voting.

- Define remedial triggers to avoid subjective enforcement.

Operational burden:
- Verbal offer vs. posted notice:
  o Requiring judges to verbally enumerate and explain all three options to every elector will slow check-in and issuance, especially at peak times. Even 20-30 extra seconds per voter compounds into longer lines and additional booths/judges. A better approach: require prominent signage at check-in and issuance stations (English/Spanish) and a concise, neutral script (one sentence) to confirm the voter's choice.

- Explaining the "mail ballot" option at a VSPC:
  o Offering to "receive a mail ballot" inside a VSPC can confuse voters who arrived intending to vote and deposit onsite. This option property exists for replacements or take-home preference, but pitching it to all can increase abandoned transactions, chain-of-custody questions, and follow-up calls. Counties should t allowed to satisfy the requirement via signage and upon-request issuance rather than a universal verbal offer.

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- BMD/HMPB throughput:
  - Universal verbal offers drive more questions about device operation, paper paths, and privacy sleeves; judges then provide mini tutorials, slowing adjacent stations. Clear signage and a simple A/B choice ("hand-mark or use the device?") keeps lines moving while preserving choice.

- SCORE dependency:
  - "Void in SCORE before issuing" is correct in principle, but during a SCORE outage or degraded connectivity, this would halt issuance. The rule should allow a documented contingency (e.g., provisional/emergency issuance with later void & reconciliation) so voting continues lawfully.

- Remedial program ambiguity:
  - The reference to a "remedial" program similar to Rule 16.1.8" lacks triggers, metrics, and timelines. Without clarity, counties face uncertainty in mid-election.

Financial impact:
- Staffing/overtime:
  - Longer transactions require more election judges or extended hours to maintain throughput.

- Equipment & supplies:
  - If more voters choose BMDs when universally pitched, counties may need additional BMD seats, privacy screens, audio headsets, and consumables.

- Signage & translation:
  - Designing, printing, and posting conspicuous multilingual signage at each VSPC (plus training materials) is a recurring cost, but far cheaper than increasing staffing to support lengthy verbal scripts.

- Training:
  - Judges need a standard one-line script, accessibility etiquette, and procedures for SCORE down contingencies. Small dollars per judge, but necessary.

Date & records concerns:
- Void logging:
  - Define standard codes for void reasons (surrendered, lost, spoiled, in-person conversion, etc.) to ensure consistent reporting and reconciliation.

- Transaction audit trail:
  - Make clear that the system must record who vided, when, and which ballot style was then issued.

- Outage procedures:
  - Permit a paper/contingency log during SCORE outages with post-restoration entry to preserve the "void before issuing" intent without stopping voting.

Fairness & perception of partisanship:
- Neutral presentation:
  - A universal script reduces variation and any appearance of steering (e.g., emphasizing BMDs to some voters and not others).

- Accessibility:
  - The rule should reaffirm that BMDs are available for any voter and are essential for many voters with disabilities, without implying that voters are required to use them.

- Language access:
  - Posting options in plain-language English and Spanish promotes equal understanding.

Specific clarifications requested:
- How to "offer" the options:
  - Please confirm that counties may satisfy the requirement by:
    - Posting conspicuous signage at check-in and issuance, and
    - Using a short, neutral script rather than a full verbal explanation for every voter.

- Mail-ballot offer:
  - Clarify that "receive a mail ballot" may be satisfied by signage and electors' request, not a mandatory verbal pitch to all.

- SCORE outages:
  - Add language allowing contingency issuance with later void entry and reconciliation when SCORE is unavailable.

- Remedial triggers:
  - Define objective thresholds (e.g., documented failures found in SOS observation or voter complaints corroborated by site logs), notice to the county, and a corrective timeline, not during live voting unless exigent.

Suggested alternative language:
- 7.8.5 Any eligible elector may vote in person at voter service and polling centers. An election judge must surrender and void the elector's mail ballot in SCORE prior to tabulation of any in-person ballot and before issuing an in-person ballot; if SCORE is unavailable, the county must follow Department approved contingency procedures and complete the void as soon as practicable after restoration.

- Counties must make available and conspicuously post at each VSPC that electors may: (1) mark a ballot using a ballot-marking device, (2) mark a hand-marked paper ballot, or (3) upon request, receive a mail ballot in accordance with law. Counties may use a concise, neutral script to confirm the elector's choice.

- If a county fails to make these options available or to provide required notice, the Department may implement a remedial program under Rule 16.1.8 after providing written notice describing the deficiency, objective criteria for remediation, and a reasonable opportunity to cure.

Sample implementation (for judge training & signage):
- Neutral script (check-in/issuance):
  - "You can mark your ballot by hand or on our ballot-marking device. If you prefer a replacement mail ballot to return later, we can issue one. Which do you prefer?"

- Signage (English/Spanish):
  - "At this center you may: hand-mark a paper ballot; use a ballot-marking device; or request a replacement amil ballot to return later."

  - "Accessible ballot-marking devices are available to all voters."

Conclusion:
The rule's intent, ensuring electors know their options and preventing duplicate ballots, is sound. With clear guidance on how to "offer" choices (signage + short script), a SCORE-down contingency, and objective remedial triggers, counties can meet the goal without unnecessary queues, confusion, or costs. We respectfully request the clarifications and edits above to keep VSPCs efficient, accessible, and neutral.

Respectfully submitted,

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RE: **Comments on Proposed Amendments to Rule 7.8.12(c) – Video Relay Access at VSPCs**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 7.8.12(c), which would require each Voter Service and Polling Center (VSPC) to provide "a screen that is capable of displaying and sharing video to access video relay interpretation through the multilingual hotline." El Paso County supports expanding language access and ASL video interpretation. To make this requirement workable, we request clarification on device standards, privacy, security, and funding.

Summary position:
- Support the goal of reliable video relay access at every VSPC.
- Request clear minimum specifications (device, audio, bandwidth) and privacy safeguards.
- Ask for state reimbursement or centralized procurement to avoid an unfunded mandate.
- Allow flexible hardware (table/laptop/phone) with a recommended minimum, not one-size fits all.

Operational burden:
- Device standards not specified:
  - o With clear specs, counties risk purchase/configuration mismatches. We recommend the SOS specify:
    - Two-way video (front camera + mic + speaker/headset jack), WebRTC-capable browser/app, and stable internet (e.g., ≥5 Mbps down/1.5 Mbps up per device).
    - Hands-free mounting/stand so voters don't have to hold the device while communicating.
    - Headset option (with disposable covers) and/or directional speakers.
- Workflows & downtime:
  - o Judges need a simple, consistent process to summon the hotline, plus fallback when video is unavailable (temporary audio-only interpretation so voters aren't delayed).
- Placement & privacy:
  - o The device must be placed to avoid line-of-sight to ballots and to keep the interpreter from seeing any marked ballot. A private shield or acoustic panel may be necessary in smaller rooms.
- Judge training:
  - o Brief, standardized training: powering/connectivity checks, launching the hotline, swapping headsets, sanitation, privacy scripting, and what to do if the call drops.

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Financial impact (illustrative per VSPC):
- Hardware:
  - Table or Chromebook/laptop ($300-$900), stand/mount ($40-$120), wired headset(s) ($25-$60), privacy screen/shield ($30-$150).
- Connectivity:
  - If site bandwidth is constrained, a dedicated hotspot or QoS configuration ($20-$40/month per active month).
- Supplies & cleaning:
  - Disposable headset covers, disinfectant wipes, spare cables ($50-$100 per election).
- Staff Time:
  - Setup, testing, and training hours per VSPC.
- Request:
  - Clarify that these are reimbursable election accessibility costs; alternatively, provide statewide procurement (devices, stands, headsets) and a standard kit.

Data, security, and privacy:
- No recording:
  - Devices must be configured so no audio/video is recorded locally; disable OS-level call recording and prevent storage of session logs with voter identifiers on the device.
- Camera angle:
  - Ensure the camera cannot capture ballots or the voting booth interior; position the device away from voting surfaces.
- Acoustic privacy:
  - Provide wired headsets (preferred accessibility practice) with disposable covers; where headsets are not feasible, use directional speakers and ambient sound masking to reduce overheard content.
- Sanitation & turnover:
  - Include cleaning steps between users.
- Minimal data capture:
  - Avoid entering PII into the device/app beyond what the hotline requires for language routing.

Fairness & perception of partisanship:
- Uniform availability:
  - The service must be readily available to all voters who request language or ASL support, with neutral signage and a simple script so access isn't dependent on individual judge discretion.
- Queue equity:
  - If only one device is available, set a fair queue (e.g., take a number) and offer audio-only as a temporary alternative to avoid disparate delays for LEP/ASL voters.
- Clear messaging:
  - Post signage that states: "Interpreter services are available. No video or audio is recorded." To avoid concerns that voters are being filmed.

Specific clarifications requested:
- Device type:
  - Confirm that smartphones, tablets, or laptops all satisfy the rules, and provide a recommended minimum screen size (e.g., ≥7" recommended for ASL legibility).
- Reimbursable:
  - Confirm the purchase/maintenance of devices, stands, headsets, hotspots, and privacy panels are state-reimbursable under election accessibility costs.
- Privacy standards:
  - Publish privacy placement guidance (camera angle, distance from booths), headset use, and signage text.
- Bandwidth & platform:
  - Specify minimum network bandwidth and the supported hotline platform/browser to ensure compatibility.
- Fallback:
  - Allow audio-only interpretation when video is temporarily unavailable
- Testing & readiness:
  - Provide a pre-election test script counties must run (call connection, audio, video, headset swap, signage posted), with a simple checklist.

Suggested alternative language:

7.8.12(c): Each VSPC must provide a video-capable device (smartphone, tablet, or computer) with camera, microphone, and speaker or headset that can access the multilingual hotline's video relay service.

Devices must:
1. Support the Department approved application or browser;
2. Be positioned to protect ballot secrecy and voter privacy;
3. Be configured so that no audio or video is recorded or stored on the device; and
4. Provide a headset option or other reasonable acoustic privacy measure.

If video relay is temporarily unavailable, the county may provide audio-only interpretation until video service is restored. The Department will publish minimum technical specifications, privacy/placement guidance, and a readiness checklist. Costs incurred to comply with this subsection are eligible for state reimbursement.

Practical implementation notes for judge training and signage:
- Neutral script: "Interpreter services are available by video or phone – just let us know if you'd like to use them."
- Signage (English/Spanish): "free interpreter services (including ASL) available. No calls are recorded. Ask an election judge for assistance."
- Setup checklist: Power/updates complete; hotspot/QoS verified; privacy shield in place; test call completed; headsets with fresh covers available.

Conclusion:

We support the intent of Rule 7.8.12(c). Clear device standards, explicit privacy protections, allowance for flexible hardware (including phones/tablets), and confirmed reimbursement will let counties implement video relay access consistently and responsibly, without disrupting voter flow or compromising ballot secrecy. We respectfully request the clarifications and language above to deliver reliable, private, and equitable experience for all voters.

Respectfully submitted,

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September 9, 2025

Colorado Secretary of State
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1700 Broadway, Suite 550
Denver, CO 80290

RE: **Comments on Proposed Amendments to Rule 7.9.4 – County Accessibility Coordinator for Voting (and related changes to Rule 7.15).**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 7.9.4, which would require each county to designate an accessibility coordinator for voting prior to each election, and on the related amendments to Rule 7.15 that remove waiver authority. El Paso County supports robust accessibility. We already ensure ADA compliance at our VSPCs and ballot drop boxes; conduct annual ADA surveys; embed accessibility in each election workstream; and leverage our County ADA Department for facility standards and technical guidance. The new requirement, as drafted, introduces duplication and ambiguity that could create avoidable cost and operational risk.

Below are comments organized by operational burden, financial impact, data & privacy concerns, fairness & perception, and requested edits/clarifications—followed by proposed alternative language.

Summary position:
- Support the goal of a clear accessibility point-of-contact.
- Avoid duplication with existing ADA roles, annual surveys, and current rules that already require ADA-compliant VSPCs and drop boxes.
- Clarify scope (what the coordinator must do vs. what is already handled by County ADA, Facilities, and Elections).
- Right-size the cadence (annual designation vs. before *every* election) and provide reimbursement for any incremental costs.
- Preserve a narrow waiver/alternative-compliance path in extraordinary circumstances.

Operational burden:
- Redundant structure:
  - We already have (a) ADA-compliant sites; (b) yearly ADA surveys; (c) election workstream leads who ensure accessibility; and (d) a County ADA Department for facilities. Creating a new, separate coordinator risks overlap unless responsibilities are precisely defined.
- Cadence & timing:
  - "Prior to each election" requires repeated paperwork and re-designation. An annual designation (with updates only if personnel change) would provide continuity while reducing administrative churn.

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- Authority & span:
  - The rule assigns responsibility for "ensuring compliance," including "creating policies and materials." County-wide ADA policies already exist. Elections should adopt or adapt state model materials, not invent new local policies for the sake of compliance paperwork.
- Coverage across modalities:
  - The coordinator's scope should be explicit: VSPCs, drop boxes (including curbside access), ballot-by-mail processes (telecom support, relay/captioning), websites/portals used for election services, and judge training. Ambiguity here leads to fragmented ownership.
- Small-county scalability:
  - A "named person per election" can be impractical for small jurisdictions with limited staff. The rule should explicitly allow using the existing County ADA Officer or a shared role (e.g., Elections ADA Liaison + County ADA Department).

Financial impact:
- Staff time. Coordinator duties (pre-election audits, documentation, signage review, incident response, training checks, escalations) consume dozens of staff hours each cycle, especially in statewide elections.
- Training. If SOS mandates new training for coordinators, provide it centrally at no cost; otherwise, counties incur curriculum and backfill costs.
- Remediation. If the coordinator is responsible for fixes (temporary ramps, privacy panels, signage updates, audio equipment), costs can arise late in the cycle.
- Request: Clarify whether coordinator costs, equipment and remediation are reimbursable election accessibility expenses. Without reimbursement, this is an unfunded mandate.

Data & privacy concerns:
- Accommodation logs. If the coordinator must track accommodation requests or incidents, the rule should limit PII collection to what is strictly necessary (no medical details), set retention aligned to election-record schedules, and provide CORA guidance to prevent inadvertent disclosure.
- Standardized forms. Please provide state model templates: pre-election accessibility checklist, Election-Day incident log, post-election summary, so counties collect consistent minimal data.

Fairness & perception of partisanship:
- Neutral implementation. A single, clearly identified, trained coordinator improves consistency and reduces the chance that individual judge discretion leads to uneven service, which can be misinterpreted as partisan.
- Public messaging. Publishing a neutral notice ("Accessibility assistance available; ask any election judge or contact the coordinator") helps voters understand assistance is universally available.

Requested clarifications:
- Confirm counties may designate the County ADA Officer/Department or an elections staff member as coordinator, and that a single annual designation covers all elections in that year unless updated.

- Scope & deliverables: Define the coordinator's minimum duties (e.g., pre-election facility verification; VSPC/ballot-box readiness; equipment checks for BMD audio/keypads; judge training verification; Election-Day escalation contact; post-election summary).
- Policies & materials: Clarify that counties may adopt SOS model policies/materials rather than develop new local policies, to avoid duplication.
- Training: Provide state-hosted training (with certification) for coordinators and confirm acceptance of equivalent County ADA training.
- Reimbursable: Confirm state reimbursement for coordinator-related expenses (training time, remediation purchases, accessibility supplies).
- Waiver/alternative compliance: With Rule 7.15 waiver removal, specify an alternative-compliance path for unforeseen circumstances (e.g., mid-cycle vacancy, disaster relocation) so a county remains compliant while backfilling.
- Contact publication: Clarify whether the coordinator's name/email/phone must be public or only on file with SOS; if public, allow use of a role inbox to protect privacy and continuity.

Suggest alternative language:
7.9.4 Accessibility Coordinator for Voting.
(a) Annual designation. By January 31 each year (or within 30 days of change), the county clerk shall designate an Accessibility Coordinator for Voting and provide the coordinator's name or role inbox and contact information to the Department of State on a Department-approved form.
(b) Eligible designees. The coordinator may be an elections staff member, the County ADA Officer/Department, or another qualified county official.
(c) Scope of duties. The coordinator is responsible for coordinating county compliance with federal and state accessibility requirements related to voting, including:
  (1) Pre-election verification that VSPCs and ballot drop boxes meet posted accessibility standards;
  (2) Confirmation that required accessibility equipment (e.g., BMD audio/keypads, privacy shields) is present, powered, and tested;
  (3) Ensuring judge training on accessibility procedures is completed;
  (4) Serving as the point of contact for accessibility escalations during voting; and
  (5) Completing a post-election summary using a Department template.
(d) Policies and materials. Counties may adopt Department-published model policies and materials in lieu of creating unique county documents.
(e) Records. The Department will publish minimal data elements, retention, and confidentiality guidance for accessibility checklists and incident logs; counties must avoid collecting medical details.
(f) Support and reimbursement. The Department will provide training and templates at no cost and will identify reimbursable expenses associated with this subsection.
(g) Alternative compliance. In extraordinary circumstances (e.g., vacancy within 14 days of an election, emergency facility relocation), the clerk may temporarily designate an acting coordinator and notify the Department within 2 business days.

Practical implementation notes:
- Single point of contact: Role inbox (e.g., elections-access@...) routed to the coordinator and deputy.

- Checklists: Pre-election accessibility checklist completed for each VSPC and drop box (ramp, door weights, signage, lighting, accessible parking, pathway, curbside process).
- Equipment tests: BMD audio/headsets/keypads tested and documented; spare headsets/privacy panels available.
- Training verification: 100% of judges complete the SOS accessibility module; quick-reference cards at each station.
- Election-Day escalation: Coordinator on-call with Facilities/ADA to remediate issues rapidly.
- Post-election summary: Close-out report (issues found/resolved, improvements for next cycle).

Conclusion:
We share the Department's commitment to accessible elections. A clear, coordinated role can strengthen what counties already do—without duplicating existing ADA structures or creating paperwork for its own sake. We respectfully request: (1) annual (not per-election) designation; (2) explicit permission to use the County ADA Officer/Department as the designee; (3) model policies/forms/training from the state; (4) reimbursable costs; and (5) a narrow alternative-compliance pathway. With these adjustments, Rule 7.9.4 will improve accountability and service while remaining feasible for counties of all sizes.

Respectfully submitted,

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El Paso County Clerk and Recorder

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September 9, 2025

Colorado Secretary of State
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RE: **Comments on Proposed Amendments to Rule 16.1.3 – Removal of Covered-Voter (UOCAVA) Status.**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 16.1.3 clarifying when a county may remove an elector's covered (UOCAVA) status. El Paso County strongly supports accurate rolls and timely ballot delivery for military and overseas voters. As drafted, portions of 16.1.3 would be difficult to administer, risk erroneous removals, and impose unfunded communication requirements, especially where UOCAVA electors cannot receive postal mail.

Below are comments on operational burden, financial impact, data/records, and fairness & perception, followed by requested clarifications and proposed alternative language.

Summary position:
- Goal aligned: Keep covered status accurate and up to date.
- Concern: Triggers in (b)(1)– (2) rely on data counties do not reliably capture (e.g., whether a ballot was dropped off vs. mailed, whether an in-person vote occurred *before* departure).
- Request: Use verifiable, objective evidence (e.g., elector attestation at check-in, explicit change of delivery preference/residence) and contact electors via their documented preferred channel (email permissible without mandatory postal mail where mail is not feasible).

Operational burden:
- Volume & tracking limitations. We currently have 7,595 UOCAVA electors. We do not track the physical return path of mail ballots with sufficient granularity to distinguish drop box vs. mail for individual voters, and we cannot reliably know whether an elector who appears in person did so before departing the state for that election.
- In-person trigger practicality. Front-line judges cannot determine a voter's travel status. Without a simple attestation prompt at check-in, counties risk inconsistent application or after-the-fact research to avoid mistaken removals.
- Dual-channel notice requirement. Subsection (c) requires email and mail notice upon removal. Many UOCAVA electors cannot receive postal mail; forcing a physical mailer adds work with little benefit and may never reach the elector.

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Financial impact:
- Notices. If a conservative share of UOCAVA electors were flagged and required dual notices, printing/postage at $0.65–$1.10 per piece could add thousands of dollars per cycle, plus staff time to prepare and handle returns/undeliverables.
- Staff time. Research to determine return mode (mail vs. drop-off) or travel timing is labor-intensive and often inconclusive; training judges on new scripts and managing post-election audits adds further cost.

Data & records concerns:
- Unavailable/ambiguous fields. Counties generally lack reliable metadata by tying a specific envelope to drop box vs. mail return. Similarly, the system does not automatically capture whether an in-person vote preceded departure. Using these as removal triggers invites false positives.
- Contact channels. Many UOCAVA electors explicitly choose email-only delivery for election materials. Requiring postal notice even when email is the documented, working channel is inefficient and yields undeliverable mail.
- Record integrity. Any removal must be auditable (who removed, when, and on what evidence/attestation), and easily reversible if the elector re-affirms eligibility.

Fairness & perception of partisanship:
- Risk of unintended disenfranchisement. Erroneous removals of military/overseas voters can quickly become high-profile issues and undermine confidence.
- Neutral, elector-driven standard. Basing removals on elector attestation (at check-in or via portal) and verifiable changes (e.g., updated Colorado residential status and domestic ballot delivery preference) avoids perceptions that counties are "looking for reasons" to remove certain voters.

Requested clarifications:
1. Objective evidence. Define what objective evidence is sufficient to remove covered status (e.g., signed attestation by the elector at check-in that they have re-established in-state presence and wish to convert to domestic status).
2. Return-mode reliance. Clarify that counties need not remove status based on return mode when the system cannot reliably distinguish drop box vs. mail.
3. Notice channels. Permit notice by the elector's documented preferred method(s); do not require physical mail where the voter has opted for email and/or where mail is known to be unreliable.
4. Rapid reinstatement. Confirm that electors may self-reaffirm covered status (electronically) without delay if removed in error.
5. Uniform scripts/forms. Provide a statewide check-in script and a one-page attestation form to standardize practice and reduce line impacts.
6. Reimbursable. Clarify whether required notices and any system changes/training are state-reimbursable.

Suggested alternative language:
16.1.3 Covered voter status eligibility and removal.
(a) An elector requesting covered-voter status must submit an application affirming eligibility under §§ 1-8.3-102(2), 1-8.3-108(5), C.R.S.
(b) The county clerk may remove covered-voter status only upon objective evidence that the elector no longer

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meets eligibility requirements, including one of the following:

(1) The elector personally attests in writing at a VSPC that they are present in the state for the election and request conversion to domestic status; or

(2) The elector updates their delivery preference and residence to a Colorado address for domestic ballot delivery in the statewide voter registration system; or

(3) The Department provides verifiable information demonstrating the elector no longer meets covered-voter criteria.

Note: The clerk must not rely solely on ballot return path (mail vs. drop-off) unless such information is reliably captured and attributable to the elector.

(c) Upon removal, the clerk must notify the elector using the elector's documented preferred contact method(s) on file (email, mail, or both). If postal mail is known to be unreliable or undeliverable, email-only notice satisfies this subsection. The notice must inform the elector of the ability to submit a new application to reinstate covered-voter status.

(d) The clerk must maintain an audit trail of the basis for removal and promptly reinstate covered-voter status upon elector request and eligibility affirmation.

Conclusion:

We support the Department's aim of maintaining accurate covered-voter designations while ensuring every eligible military and overseas elector can vote without interruption. To achieve that goal, removal should hinge on elector-provided or otherwise verifiable evidence, not proxies counties cannot reliably measure. Notices should use the channels that actually reach UOCAVA voters, and counties should have clear scripts and forms—backed by reimbursable implementation costs.

With these adjustments, Rule 16.1.3 will be accurate, auditable, and voter-centric—protecting both election integrity and voter access.

Respectfully submitted,

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RE: **Comments on Proposed Amendments to Rule 7.9.4 – County Accessibility Coordinator for Voting (and related changes to Rule 7.15).**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 7.9.4, which would require each county to designate an accessibility coordinator for voting prior to each election, and on the related amendments to Rule 7.15 that remove waiver authority. El Paso County supports robust accessibility. We already ensure ADA compliance at our VSPCs and ballot drop boxes; conduct annual ADA surveys; embed accessibility in each election workstream; and leverage our County ADA Department for facility standards and technical guidance. The new requirement, as drafted, introduces duplication and ambiguity that could create avoidable cost and operational risk.

Below are comments organized by operational burden, financial impact, data & privacy concerns, fairness & perception, and requested edits/clarifications—followed by proposed alternative language.

Summary position:
- Support the goal of a clear accessibility point-of-contact.
- Avoid duplication with existing ADA roles, annual surveys, and current rules that already require ADA-compliant VSPCs and drop boxes.
- Clarify scope (what the coordinator must do vs. what is already handled by County ADA, Facilities, and Elections).
- Right-size the cadence (annual designation vs. before *every* election) and provide reimbursement for any incremental costs.
- Preserve a narrow waiver/alternative-compliance path in extraordinary circumstances.

Operational burden:
- Redundant structure:
  - We already have (a) ADA-compliant sites; (b) yearly ADA surveys; (c) election workstream leads who ensure accessibility; and (d) a County ADA Department for facilities. Creating a new, separate coordinator risks overlap unless responsibilities are precisely defined.
- Cadence & timing:
  - "Prior to each election" requires repeated paperwork and re-designation. An annual designation (with updates only if personnel change) would provide continuity while reducing administrative churn.

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- Authority & span:
  - The rule assigns responsibility for "ensuring compliance," including "creating policies and materials." County-wide ADA policies already exist. Elections should adopt or adapt state model materials, not invent new local policies for the sake of compliance paperwork.
- Coverage across modalities:
  - The coordinator's scope should be explicit: VSPCs, drop boxes (including curbside access), ballot-by-mail processes (telecom support, relay/captioning), websites/portals used for election services, and judge training. Ambiguity here leads to fragmented ownership.
- Small-county scalability:
  - A "named person per election" can be impractical for small jurisdictions with limited staff. The rule should explicitly allow using the existing County ADA Officer or a shared role (e.g., Elections ADA Liaison + County ADA Department).

Financial impact:
- Staff time. Coordinator duties (pre-election audits, documentation, signage review, incident response, training checks, escalations) consume dozens of staff hours each cycle, especially in statewide elections.
- Training. If SOS mandates new training for coordinators, provide it centrally at no cost; otherwise, counties incur curriculum and backfill costs.
- Remediation. If the coordinator is responsible for fixes (temporary ramps, privacy panels, signage updates, audio equipment), costs can arise late in the cycle.
- Request: Clarify whether coordinator costs, equipment and remediation are reimbursable election accessibility expenses. Without reimbursement, this is an unfunded mandate.

Data & privacy concerns:
- Accommodation logs. If the coordinator must track accommodation requests or incidents, the rule should limit PII collection to what is strictly necessary (no medical details), set retention aligned to election-record schedules, and provide CORA guidance to prevent inadvertent disclosure.
- Standardized forms. Please provide state model templates: pre-election accessibility checklist, Election-Day incident log, post-election summary, so counties collect consistent minimal data.

Fairness & perception of partisanship:
- Neutral implementation. A single, clearly identified, trained coordinator improves consistency and reduces the chance that individual judge discretion leads to uneven service, which can be misinterpreted as partisan.
- Public messaging. Publishing a neutral notice ("Accessibility assistance available; ask any election judge or contact the coordinator") helps voters understand assistance is universally available.

Requested clarifications:
- Confirm counties may designate the County ADA Officer/Department or an elections staff member as coordinator, and that a single annual designation covers all elections in that year unless updated.

- Scope & deliverables: Define the coordinator's minimum duties (e.g., pre-election facility verification; VSPC/ballot-box readiness; equipment checks for BMD audio/keypads; judge training verification; Election-Day escalation contact; post-election summary).
- Policies & materials: Clarify that counties may adopt SOS model policies/materials rather than develop new local policies, to avoid duplication.
- Training: Provide state-hosted training (with certification) for coordinators and confirm acceptance of equivalent County ADA training.
- Reimbursable: Confirm state reimbursement for coordinator-related expenses (training time, remediation purchases, accessibility supplies).
- Waiver/alternative compliance: With Rule 7.15 waiver removal, specify an alternative-compliance path for unforeseen circumstances (e.g., mid-cycle vacancy, disaster relocation) so a county remains compliant while backfilling.
- Contact publication: Clarify whether the coordinator's name/email/phone must be public or only on file with SOS; if public, allow use of a role inbox to protect privacy and continuity.

Suggest alternative language:

7.9.4 Accessibility Coordinator for Voting.

(a) Annual designation. By January 31 each year (or within 30 days of change), the county clerk shall designate an Accessibility Coordinator for Voting and provide the coordinator's name or role inbox and contact information to the Department of State on a Department-approved form.

(b) Eligible designees. The coordinator may be an elections staff member, the County ADA Officer/Department, or another qualified county official.

(c) Scope of duties. The coordinator is responsible for coordinating county compliance with federal and state accessibility requirements related to voting, including:

(1) Pre-election verification that VSPCs and ballot drop boxes meet posted accessibility standards;

(2) Confirmation that required accessibility equipment (e.g., BMD audio/keypads, privacy shields) is present, powered, and tested;

(3) Ensuring judge training on accessibility procedures is completed;

(4) Serving as the point of contact for accessibility escalations during voting; and

(5) Completing a post-election summary using a Department template.

(d) Policies and materials. Counties may adopt Department-published model policies and materials in lieu of creating unique county documents.

(e) Records. The Department will publish minimal data elements, retention, and confidentiality guidance for accessibility checklists and incident logs; counties must avoid collecting medical details.

(f) Support and reimbursement. The Department will provide training and templates at no cost and will identify reimbursable expenses associated with this subsection.

(g) Alternative compliance. In extraordinary circumstances (e.g., vacancy within 14 days of an election, emergency facility relocation), the clerk may temporarily designate an acting coordinator and notify the Department within 2 business days.

Practical implementation notes:
- Single point of contact: Role inbox (e.g., elections-access@...) routed to the coordinator and deputy.

- Checklists: Pre-election accessibility checklist completed for each VSPC and drop box (ramp, door weights, signage, lighting, accessible parking, pathway, curbside process).
- Equipment tests: BMD audio/headsets/keypads tested and documented; spare headsets/privacy panels available.
- Training verification: 100% of judges complete the SOS accessibility module; quick-reference cards at each station.
- Election-Day escalation: Coordinator on-call with Facilities/ADA to remediate issues rapidly.
- Post-election summary: Close-out report (issues found/resolved, improvements for next cycle).

Conclusion:
We share the Department's commitment to accessible elections. A clear, coordinated role can strengthen what counties already do—without duplicating existing ADA structures or creating paperwork for its own sake. We respectfully request: (1) annual (not per-election) designation; (2) explicit permission to use the County ADA Officer/Department as the designee; (3) model policies/forms/training from the state; (4) reimbursable costs; and (5) a narrow alternative-compliance pathway. With these adjustments, Rule 7.9.4 will improve accountability and service while remaining feasible for counties of all sizes.

Respectfully submitted,

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September 9, 2025

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RE: **Comments on Proposed Amendments to Rule 16.1.6 – Covered-Voter (UOCAVA) Outreach Channels.**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 16.1.6, which would require counties to send both email (if available) and postal mail to each covered voter no later than 60 days before the first primary or coordinated election each year. El Paso County fully supports timely, reliable communication to military and overseas voters (UOCAVA). As drafted, however, the dual-channel mandate creates avoidable operational burden and cost, and it may reduce—not improve—successful contact for voters who have explicitly chosen email as their reliable channel.

Below are comments on operational burden, financial impact, data/records, fairness & perception, followed by requested clarifications and proposed alternative language.

Summary position:
- Support the goal of proactive 60-day outreach to covered voters.
- Recommend channel choice based on the elector's documented delivery preference: send email-only to electors who elected email; send mail where no email exists or where email bounces.
- Avoid unfunded duplication (email and mail to the same elector) that adds cost, workload, and confusion—especially for voters in locations where postal delivery is unreliable.

Operational burden:
- Volume and timing. We currently have 7,595 UOCAVA electors. Preparing two notices per elector (email + postal) during the 60-day window adds printing, assembly, QA, and returned-mail handling on top of standard election ramp-up.
- Redundant contact to email requesters. Many UOCAVA electors cannot receive mail and have expressly selected email, sending paper to those addresses yields undeliverables and staff rework without improving reach.
- Bounce/undeliverable workflows. What improves reach is smart fallback: if an email bounces, generate a mail piece (or vice versa)—not sending both by default.
- Multiple elections in a year. The text ("before the first primary or coordinated election each year") should confirm a single annual outreach satisfies the requirement for that calendar year unless content materially changes.

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Financial impact:
If the rule compels postal mail to every covered voter in addition to email, annual costs are scaled with volume:
- Printing & postage @ $0.65–$1.10 per piece × 7,595 electors ≈ $4,937–$8,355 per year, plus staff time for prep and undeliverables.
- Staff time for list hygiene, export/merge, QA, and returned-mail processing (dozens of hours).
- Translation/layout for multilingual content; template updates; envelope stock.

These are recurring duplicative costs where an elector has already opted into email—the channel with the highest delivery reliability for UOCAVA.

Data & records concerns:
- Contact preference integrity. Electors designate preferred delivery channels, overriding that with mandatory dual mail risks confusion and needless PII distribution to foreign addresses.
- Privacy and CORA. Email distributions must avoid exposing recipient lists (use BCC or a state platform). Counties need clear retention and redaction guidance for outreach logs while minimizing PII collected and stored.
- Bounce logic. Standardize minimal fields to log a hard bounce and trigger postal fallback, without storing sensitive routing data longer than necessary.

Fairness & perception of partisanship:
- Neutral, voter-centric policy. Using the elector's documented preference avoids perceptions that counties are creating barriers (e.g., insisting on postal delivery to remote locations) or selectively over-communicating with certain groups.
- Accessibility & language access. Email templates can readily include links to language resources and accessible formats; postal notices should use plain language and required translations.

Requested clarifications:
1. Channel rule: Allow email-only for electors who have an email on file and have elected email delivery; require postal mail when no email exists or after an email bounce.
2. Annual cadence: Confirm one notice before the first primary or coordinated election of the calendar year satisfies the rule.
3. Content & templates: Provide SOS model templates (email and print) to ensure consistency and reduce county layout burden.
4. Reimbursable: Clarify whether print/postage and system/training costs are state-reimbursable.
5. SMS optionality: Permit SMS as a supplemental channel only with voter consent, not as a mandate.
6. Undeliverable handling: Treat returned mail and hard email bounces as a list-maintenance signal, not a violation; allow reasonable follow-up timelines.

Suggested alternative language:
16.1.6 Covered-voter outreach.
The county clerk must send a minimum of one correspondence no later than 60 days before the first primary or coordinated election each calendar year to each covered voter. The correspondence must be sent using the elector's preferred delivery method on file: email if available; otherwise, postal mail. If an email is returned as undeliverable (hard bounce), the county must send the correspondence by postal mail if a mailable address is on

file. Counties may also provide correspondence by text message where the elector has consented to SMS. The Department should provide model templates and prescribe minimal logging requirements for delivery outcomes. Nothing in this rule prevents a county from sending additional reminders consistent with law.

Conclusion:

We share the Department's commitment to proactive communication with covered voters. A preference-based approach—email where voters have opted for email; mail where they have not or where email fails—advances that goal with higher reach, lower cost, and less administrative burden than a blanket dual-channel mandate. We respectfully request the clarifications and alternative language above so counties can deliver timely, reliable notices to UOCAVA voters while being prudent stewards of public funds.

Respectfully submitted,

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September 9, 2025

Colorado Secretary of State
Attn.: Colorado Secretary of State Rules Hearing Board
1700 Broadway, Suite 550
Denver, CO 80290

RE: **Comments on Proposed Amendments to Rule 16.1.7 – Treatment of Undeliverable Covered-Voter Correspondence.**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 16.1.7, which would require that if a letter sent under Rule 16.1.6 is returned as undeliverable, the county clerk must mark the record inactive and send a confirmation card (per §1-1-104(2.8), C.R.S.). El Paso County supports accurate lists and reliable communication with military and overseas (UOCAVA/covered) voters. As drafted, however, 16.1.7 would erroneously inactivate many covered voters who have affirmatively chosen email delivery because postal service is not viable, and it would create avoidable operational and financial burden without improving contact success.

Below are comments on operational burden, financial impact, data/records, and fairness & perception, followed by requested clarifications and proposed alternative language.

Summary position:
- Goal aligned: We agree with promptly following up when contact fails.
- Problem: Making postal undeliverable = Inactive for covered voters—many of whom cannot receive mail—will wrongly suppress ballot delivery and drive complaint/cure volume.
- Fix: Treat channel failure as channel specific. If email succeeds, do not inactivate solely because postal mail fails. Use a tiered, preference-based confirmation process consistent with federal list-maintenance protections.

Operational burden:
- Volume & inevitability of returns. We currently have 7,595 covered voters. For a meaningful share, foreign or military postal routes are unreliable; returns are expected even when the voter remains eligible and reachable by email. Marking these voters Inactive would trigger large numbers of status changes, confirmation mailings, and voter inquiries—without any real address change.
- Election-time churn. Bulk inactivation off returned post can hit near the 60-day outreach window, colliding with ballot build, UOCAVA transmission, and VSPC ramp-up—diverting staff from core tasks.
- Confirmation processing. Sending physical confirmation cards internationally adds long transit, complex handling, and a high rate of additional returns, yielding little actionable data and more follow-up work.

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Financial impact:
- Mail & handling: If even half of covered-voter letters return undeliverable in a cycle and each triggers a confirmation card, expect thousands of additional print/postage pieces (approx. $0.65–$1.10 per piece) plus staff time for batching, logging, and processing returned mail.
- Staffing & training: Workflows to inactivate, send confirmations, track responses, and later reactivate on elector contact will require additional hours and supervisor QA—especially during statewide elections.
- Downstream costs: Erroneous inactivation's generate calls, emails, and in-person remediation at VSPCs (judge time, provisional handling), increasing costs where the elector was reachable by email all along.

Data & records concerns:
- Channel-specific signals. A postal return is not reliable evidence about a covered voter's eligibility if email contact is successful. The rule should distinguish contact-channel failure from residency/eligibility evidence.
- Auditability. Any status change must be based on objective, recorded evidence (e.g., "postal return code," "email hard bounce"). Systems should capture who, when, which signal, and what follow-up occurred, with minimal PII and clear retention rules.
- Consistency with preferences. Covered voters explicitly choose email delivery because it reaches them. Treating a returned letter as dispositive contradicts their documented preference and risks inconsistent records.

Fairness & perception of partisanship:
- Military/overseas optics. Mass inactivation of UOCAVA electors due to postal returns will be perceived as disenfranchising service members and overseas citizens, even where we have a working email.
- Voter-centric neutrality. A preference-based, tiered approach (email first if chosen; postal only when needed) is neutral, improves contact success, and avoids the appearance of looking for technicalities to inactivate voters.

Requested clarifications:
1. Channel hierarchy: Confirm that counties may rely on the elector's documented preference (email) and that a successful email means no inactivation solely because a postal piece returned.
2. Bounce definitions: Standardize what constitutes "undeliverable" for email (hard bounce) and postal (USPS/foreign return codes) to prevent inconsistent practice.
3. Confirmation method: Allow an electronic confirmation notice/portal for covered voters in lieu of postal confirmation when postal is known unreliable.
4. Rapid reinstatement: Provide a simple path to re-activate upon elector reply via email/portal, with clear audit trail.
5. Reimbursable: Clarify whether the additional confirmation mailings and system changes are state-reimbursable.

Suggested alternative language:
16.1.7 Treatment of undeliverable correspondence to covered voters.
If correspondence sent under Rule 16.1.6 is returned as undeliverable, the county clerk must:
(a) Record the undeliverable event with the appropriate return/bounce code;

(b) Attempt confirmation using the elector's preferred contact method on file (e.g., email for electors who have elected email delivery), and may send a forwardable confirmation card to any mailable address on file; and
(c) Not mark the elector Inactive solely on the basis of a postal return where the county has successful electronic contact (e.g., no email hard bounce) or receives an electronic confirmation from the elector.
If both postal mail is undeliverable and email produces a hard bounce (or no preferred contact method is available), the clerk must send a forwardable confirmation card consistent with §1-1-104(2.8), C.R.S., and may mark the elector Inactive in accordance with law if no confirmation is received. The Department shall provide model templates and minimal logging requirements for this process.

Conclusion:
We share the Department's commitment to accurate rolls and dependable communication with covered voters. The proposed "postal return → inactivate" rule will misclassify reachable UOCAVA voters who deliberately use email. A preference-based, tiered confirmation process—using email where the elector has chosen it, with postal as fallback—achieves the policy goal while protecting eligible military and overseas electors from erroneous inactivation and avoiding unnecessary costs.

We respectfully request the clarifications and alternative language above so counties can maintain accurate lists and voter confidence without penalizing electors for postal limitations beyond their control.

Respectfully submitted,

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Colorado Secretary of State
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RE: **Comments on Proposed Amendments to Rule 19.3.4 – Continuing Elections Education & In-Person Training.**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 19.3.4, which we understand would change the in-person requirement from once every two years to at least one in-person class every year, while keeping the requirement of four Continuing Elections Education (CEE) courses by July 31 each year. El Paso County supports robust, consistent training. However, annual in-person mandate—without corresponding scheduling, funding, and flexibility—creates avoidable operational and financial strain, especially in statewide and presidential years.

Below are our comments by category, followed by specific requests and suggested language.

Summary position:
- Support maintaining a strong certification standard and periodic in-person training.
- Concern that an annual in-person mandate is not feasible given current SOS course frequency, geography, and election-year workload.
- Request to retain biennial in-person training (or allow high-quality synchronous virtual alternatives), pair it with quarterly regional offerings, and provide reimbursement and blackout-date protections.

Operational burden:
- Course availability & geography. SOS in-person classes are offered infrequently and often along the Front Range. Counties must pull staff off critical tasks, arrange travel, and cover position challenging for small and rural counties and during presidential cycles.
- Staffing coverage. Even for large counties, sending multiple officials in person requires backfill, cross-training, and overtime. During peak windows (UOCAVA transmission, ballot build, testing, canvass), this degrades throughput.
- Weather/seasonality. Statewide winter travel adds risk and cancellations; an annual mandate increases exposure to uncontrollable disruptions.
- Capacity constraints. If every county must attend annually, classes must scale in frequency, seats, and regions (Front Range, Western Slope, Southern, Northern) to avoid waitlists that force last-minute attendance.

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Financial impact:
Per attendee, typical direct costs include registration (if any), mileage/transport, lodging, per diem, and backfill/overtime. Even at conservative in-state rates, a single trip can cost $300–$900 per staff member (higher with lodging). Multiplied across required officials, this becomes a recurring annual expense, plus the indirect cost of reduced on-site capacity. An annual mandate without state reimbursement functions as an unfunded mandate.

Data & records concerns:
- Tracking & auditability. Counties need a centralized SOS dashboard that shows who attended, when, and which curriculum, with exportable certificates—so counties don't maintain shadow spreadsheets.
- Standard curricula. In-person classes should have published learning objectives and be content-equivalent to virtual offerings to ensure uniformity statewide.
- Privacy & security. Please avoid publishing staff travel details and personal contact info in public portals; use role-based identifiers where feasible.

Fairness & perception of partisanship:
- Geographic equity. Requiring annual in-person attendance without broad regional access disproportionately burdens rural and Western Slope counties; it can appear that training access favors certain jurisdictions.
- Neutral content and timing. Classes scheduled near live elections should avoid topics or guest speakers that could be perceived as partisan; offer multiple neutral dates/locations to avoid any appearance of selective access.

Requested clarifications & commitments:
1. Cadence: Confirm whether the amendment truly requires annual in-person attendance or retains biennial (as the current text suggests).
2. Scheduling: If annual is adopted, SOS to publish by January 31 a year-long calendar with quarterly regional sessions in at least four regions, with seat guarantees proportional to county size.
3. Blackout windows: Establish statewide no-class windows (e.g., 60 days before and 30 days after statewide elections; UOCAVA transmission week; LAT week; canvass week).
4. Equivalency: Allow synchronous virtual (live, instructor-led with verified attendance) or regional conference sessions to count as the "in-person" equivalent, particularly in presidential years or during emergencies.
5. Reimbursement: Confirm state reimbursement (or SOS-funded delivery) for travel, lodging, per diem, and backfill/overtime where attendance is mandated.
6. Make-up: Provide on-demand make-up options or rotating roadshows when weather or capacity prevents attendance.
7. Role scope: Clarify which positions must meet the in-person requirement (e.g., designated election official and core managers vs. all seasonal staff).

Suggested alternative language:
19.3.4 Certification maintenance.
To maintain Colorado certification, a person must complete at least four (4) Continuing Elections Education courses by July 31 of each year and complete at least one (1) in-person or Department-approved synchronous

virtual class every two (2) years.

(a) The Department will publish by January 31 an annual training calendar with quarterly regional offerings and capacity sufficient for all required officials.

(b) The Department will designate blackout periods during which attendance is not required (including the 60 days before and 30 days after statewide elections) and will provide make-up options for weather/capacity disruptions.

(c) Costs reasonably incurred to comply with this subsection, including travel and backfill, are eligible for state reimbursement.

(d) The Department will maintain a centralized attendance portal and issue certificates for audit purposes.

(If the Department insists on an annual in-person requirement, replace "every two (2) years" above with "each calendar year," but retain (a)–(c) to make compliance feasible.)

Conclusion:

We endorse rigorous, consistent training for Colorado election officials. To keep the standard workable statewide, especially in presidential cycles—we urge the Department to (1) retain biennial in-person (or allow synchronous virtual equivalency); (2) publish quarterly regional schedules with seat guarantees; (3) protect blackout windows around live elections; and (4) provide reimbursement for mandated travel and backfill. With these adjustments, Rule 19.3.4 will strengthen competence and consistency without compromising election operations.

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Colorado Secretary of State
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RE: **Comments on Proposed Amendments to Rule 20.4.4 – Physical Access, Identification & Key Card Practices:**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 20.4.4. El Paso County fully supports secure, auditable control of election facilities and clear visual identification of personnel. As drafted, however, subsection (c)requiring identification to be carried separately from any door-access key card—conflicts with standard county security architectures (including ours), creates avoidable cost and complexity, and may inadvertently reduce security by increasing items lost, swapped, or tailgated at doors. Below are our comments by category, followed by requested clarifications and alternative language.

Summary position:
- Support: Clear, visible role identification for judges and staff while performing election duties.
- Concern: A blanket ban on integrated photo ID + access cards (subsection (c)) conflicts with county systems that already provide strong, logged, role-based access (with cipher locks and alarm codes as secondary controls).
- Request: Allow equivalent security through integrated badges where counties have layered controls, logging, and robust loss/disable procedures; define what must be shown on ID to protect staff privacy while preserving public trust.

Operational burden:
- Two credentials per person. Requiring a separate printed ID and a separate access card doubles issuance, tracking, replacements, and end-of-season retrieval for large judge cohorts.
- Human factors at doors. Staff juggling clipboards, bins, and ballots now must manage two items. More objects = more drops, swaps, forgotten cards, and door holds—ironically increasing tailgating risk.
- County procedures are already layered. Our system uses: per-person programmed access, cipher locks, alarm codes, camera coverage, visitor logs, and escort rules. A "separate card" rule does not add meaningful security on top of these controls.

Financial impact:
For a general election, counties often onboard hundreds of temporary election judges.
- Separate printed ID: $6–$10 each (card, print, lanyard/holder)
- Separate prox/access card: $12–$20 each (card, encoding, admin time)
- Initial issue per person: $18–$30

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- Example: 600 judges/staff ⇒ $10,800–$18,000 initial, plus 10–15% annual re-issue/replacement ($1,600–$2,700) and added admin hours (inventory, programming, retrieval).
  A single integrated badge avoids duplicative costs and lowers loss rates.

Data, records & privacy concerns:
- Badge content. Requiring "identification" without limits can expose full names of temporary staff and judges, inviting targeted harassment. We recommend first name + role (e.g., "Election Judge," "Election Staff") and an employee/judge ID number—with a secure internal roster mapping the ID to the full identity.
- Public areas vs. secure rooms. Displaying visible ID in public-facing areas is important; in restricted rooms with no public present, requiring constant display adds little benefit.
- Loss/disable procedures. The rule should emphasize immediate reporting and same-day deactivation of lost credentials—far more impactful than separating badges from access cards.

Fairness & perception of partisanship:
- Uniform visual cues. Standardized, neutral "Election Judge/Staff" badges improve voter and observer confidence and reduce allegations that "unauthorized people" are handling ballots.
- Privacy parity. Limiting badges to first name + role protects staff and judges equally across parties and precincts, avoiding perceptions of selective exposure.

Specific clarifications requested:
1. What satisfies "distinguishing identification"? Please specify minimum visible elements (role, first name, county seal or standardized design) and confirm that integrated photo ID + access cards are acceptable if displayed while on duty.
2. Integrated systems. Confirm that counties with integrated photo ID/access cards, plus layered controls (audit logs, cipher locks, alarm codes, cameras), may continue those systems in lieu of separate cards.
3. Display contexts. Clarify that IDs must be displayed in public-facing or mixed areas and while transporting ballots between rooms, but not necessarily inside restricted, staff-only rooms absent visitors/observers.
4. Loss & disable. Require counties to maintain same day disable procedures and logs for lost credentials (this is more effective than physical separation).
5. Reimbursable. If new card formats or signage are required, confirm whether costs are state-reimbursable.

Suggested alternative language:
20.4.4 Restrictions on physical access
(b) Election judges and staff performing election-related duties in public-facing areas or while transporting ballots between rooms must display distinguishing identification identifying them as an election judge or election staff. The Department shall provide a model badge layout; counties may include first name and role and a county seal or standardized design.
(c) Counties may use either integrated photo identification/access badges or separate identification and access cards. Where integrated credentials are used, counties must maintain role-based door access, access logs, prompt deactivation procedures for lost/stolen badges, and any additional secondary controls required by county policy

(e.g., cipher locks or alarm codes).
(If separate cards are used, the access card need not display name/role and may be kept concealed for security.)

Conclusion:
The security objective is sound: ensure only authorized personnel enter secure areas and that voters/observers can readily recognize judges and staff. A rigid requirement to separate identification from access cards will increase cost and complexity without measurably improving security in counties—like ours—that already deploy layered, logged, role-based access. We respectfully request flexibility that recognizes modern integrated badge systems, sets clear, privacy-protective identification standards, and focuses on the controls that matter most: who can enter, how it's logged, and how quickly lost credentials are disabled.

Respectfully submitted,

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RE: **Comments on Proposed Amendments to Rule 20.4.5 – Physical Security Assessments.**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 20.4.5 regarding physical security assessments. El Paso County supports periodic, expert review of election facilities. As drafted, however, the rule raises feasibility, cost, clarity, and confidentiality questions that should be addressed so counties can comply without disrupting election operations or disclosing sensitive security details.

Summary position:
- Support regular professional security assessments with clear standards.
- Request: (1) state-funded or reimbursable assessments; (2) minimum qualifications and independence criteria for "Department-approved" assessors; (3) clear scope/deliverables and data-handling rules; (4) scheduling protections around live elections; (5) precise definition of "significant alteration"; and (6) flexibility for counties that already use integrated badge/door/alarm programs and county security teams.

Operational burden:
- Scheduling: A three-year cadence plus 6-month post-alteration assessments will collide with ballot build, UOCAVA transmission, LAT, VSPC operations, and canvass. We need blackout windows (e.g., no on-site assessments from 60 days before through 30 days after a statewide election).
- Coordination: Assessments touch central count, Clerk's main office, secure storage, transport paths, drop boxes, and sometimes VSPCs. That requires coordinated access with Facilities, IT, Sheriff's Office, and alarm vendors—time-intensive during election season.
- Department accompaniment: If the Department intends to send staff with the assessor, please specify when this is required, how many attendees, and notice lead time (we recommend 7 business days).

Financial impact:
- Who pays? Please clarify whether the assessment is state-funded or reimbursable. If counties must procure assessors from an approved list, costs include day rates, travel, and staff time.
- Remediation: Assessments generate recommended fixes (locks, cameras, cages, bollards, privacy panels, cabling, access-control changes). Without a funding path, the rule becomes an unfunded mandate. We recommend explicit reimbursement eligibility for both assessments and priority remediation items.

Data, records & confidentiality:
- Sensitive work product: Reports will include floor plans, camera views, door schedules, alarm zones, and transport routes. The rule should designate reports as security-sensitive with specific CORA guidance

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(e.g., limited disclosure, redaction standards) and require no audio/video recording by assessors absent county approval.

- Deliverables: Require a two-part report (1) a confidential technical annex and (2) a non-sensitive executive summary suitable for public/board briefings.
- Retention & handling: Define retention period, distribution (named officials only), encryption, and destruction on contract closeout.
- Independence & conflicts: "Department-approved" assessors should attest they do not sell or receive commission on the products they recommend.

Fairness & perception of partisanship:
- Uniform standards: A transparent approval process and published minimum criteria for assessors (e.g., relevant certifications like CPP/PSP, CPTED credentialing, experience with critical infrastructure/public sector facilities) will prevent perceptions of vendor favoritism.
- Geographic equity: Ensure assessors are available statewide (Front Range, Southern, Western Slope, Mountain regions) so rural counties are not disadvantaged by travel costs or long waitlists.

Specific clarifications requested:
1. Cost coverage: Are assessment and follow-up remediation state-funded or reimbursable?
2. Assessor approval: Publish the minimum qualifications, conflict-of-interest policy, and approval/renewal process for assessors.
3. Department presence: Will SOS staff accompany assessors? If so, under what conditions and with what notice?
4. Scope: Define required facilities (e.g., central count, secure storage, Clerk's main office, ballot transport routes, drop boxes) and whether a sample of VSPCs suffices.
5. Deliverables: Specify a standard template (risk ratings, prioritized recommendations with cost bands, photos/schematics in the confidential annex).
6. "Significant alteration": Provide a clear threshold (e.g., changes that materially affect ingress/egress, alarm zones, camera coverage, secure storage, or central count layout). Minor repairs should not reset the clock.
7. Equivalency: Allow recent DHS/CISA or Sheriff/County Risk Management assessments (within 36 months) that meet the state template to count.
8. Blackout windows: Adopt statewide no-assessment windows around major elections.
9. Follow-up: Clarify expectations for remediation timelines (e.g., fix "High" risks within a defined period subject to funding).

Suggested alternative language:
20.4.5 Physical security assessment

(b) The physical security assessment must be conducted by an individual or entity approved by the Department. The Department shall publish minimum qualifications, conflict-of-interest standards, and a current list of approved assessors. Assessments completed by DHS/CISA or a County public-safety/risk unit within the past 36 months that meet Department templates satisfy this requirement.

(c) A request must be made at least once every three (3) years, or within six (6) months after a significant alteration to the central count facility or Clerk's main office (a change materially affecting access control, alarm

coverage, camera coverage, or secure storage). Minor repairs do not trigger reassessment.

(d) The Department will identify reimbursable costs for assessments and priority remediation.

(e) Assessments must produce: (1) a confidential technical annex (security-sensitive) and (2) a non-sensitive executive summary. The Department shall publish retention and disclosure guidance for these records.

(f) The Department may observe assessments with 7 business days' notice.

(g) Assessments should not be scheduled during blackout periods from 60 days before through 30 days after a statewide election, absent exigent circumstances.

Practical implementation notes:

- Use a checklist-based template aligned to best practices (perimeter, doors, alarms, cameras, access control, visitor procedures, chain-of-custody routes, environmental/backup power, and training).
- Require risk ranking (High/Med/Low) with cost bands (low <$5k, medium $5–50k, high >$50k) to aid budgeting.
- Include a verification step (photo or log evidence) for completed remediations—without publishing sensitive details.

Conclusion:

We support periodic, professional security assessments that strengthen election integrity. To make Rule 20.4.5 workable, counties need funding clarity, qualified and independent assessors, confidential handling of sensitive findings, clear scope and timing, and equivalency for recent assessments already performed. With these adjustments, the rule will improve security uniformly across Colorado without creating operational bottlenecks or unfunded mandates.

Respectfully submitted,

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El Paso County Clerk and Recorder

OFFICE OF THE CLERK AND RECORDER

EL PASO COUNTY
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September 9, 2025

Colorado Secretary of State
Attn.: Colorado Secretary of State Rules Hearing Board
1700 Broadway, Suite 550
Denver, CO 80290

RE: **Comments on Proposed Amendments to Rule 20.5.1 – Physical Security Assessments.**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 20.5.1, which clarifies that counties may not remove a seal to access a voting system computer case or hard-drive slot without the Secretary of State's written permission. El Paso County supports this change. It aligns with our current practices and strengthens public confidence by creating a clear, auditable approval step before any internal access to sealed equipment.

Below are brief notes on operational burden, financial impact, data/records, fairness & perception, and a short conclusion, followed by a few practical clarifications that would aid implementation.

Operational burden:
- Day-to-day impact: Minimal. We already maintain sealed components after trusted build and treat any internal access as an exceptional event with dual custody and logging.
- Time-critical failures: The one area to watch is turnaround time for permission during live election operations (e.g., hardware fault at central count). To avoid downtime, we recommend the Department provide a 24/7 on-call permission channel (phone + ticket/email) with an SLA (e.g., within 2 hours during active voting/counting periods).
- Post-access steps: After any authorized access, we would reseal with a new serialized seal, update logs, and run appropriate post-maintenance verification (e.g., re-hash/validation and targeted LAT on the affected device).

Financial impact:
- Low/incremental. Costs are limited to:
  - Maintaining a supply of serialized tamper-evident seals and holders.
  - Training minutes for judges/staff on the updated "do not open without written permission" rule and the request workflow.
  - Occasional shipping/vendor service if a unit is swapped under RMA.
- A state-provided loaner equipment pool (or vendor loaners) would further mitigate any downtime costs for rural counties.

Data & records concerns:
- We will retain the written permission (ticket/email/letter) with the device's chain-of-custody packet, plus:
  - Photos of the original seal, seal break, and reseal (showing serial numbers).
  - Names/IDs of the two observers present, timestamps, and reason for access.

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- Please confirm these artifacts are election records with standard retention and that the permission document itself satisfies audit needs without duplicative reporting.

Fairness & perception of partisanship:
- The rule is uniform and neutral statewide. It reduces discretion, limits rumor or speculation about "back-room access," and provides a simple, consistent story to observers: *no one opens sealed cases without written authorization from the State*.
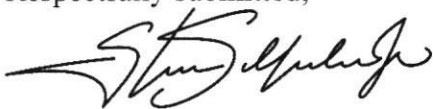
Requested clarifications:
1. Emergency safety carve-out: Allow immediate power-down/isolation (not opening) without prior permission if there is a life/safety hazard (e.g., smoking PSU, burning smell). Clerk must notify SOS as soon as practicable.
2. Permission mechanics & SLA: Publish an on-call contact and expected response times, especially:
   - UOCAVA transmission week, early voting, Election Day, and central count.
3. Scope boundary: Confirm that this restriction applies to internal access (case/hard-drive bay) and does not alter existing, lawful handling of external/removable media or seal-checks performed under conditions of use.
4. Reseal protocol: Specify that resealing must use new serialized seals, with numbers logged; and that counties must perform post-access verification appropriate to the component (hash validation and/or targeted LAT).
5. Documentation sufficiency: State that the SOS permission ticket/email + county chain-of-custody log and photos satisfy documentation, absent extraordinary circumstances.
6. Vendor/RMA coordination: Clarify that vendor onsite work also requires the same prior written permission, with vendor identity recorded in the log.

Conclusion:
El Paso County has no objection to the proposed 20.5.1 language. It codifies a prudent, auditable control that we already follow and will further reinforce public trust. With clear after-hours permission pathways, an emergency safety carve-out, and explicit reseal/verification expectations, counties can comply seamlessly without impairing election operations.

Respectfully submitted,

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1700 Broadway, Suite 550
Denver, CO 80290

RE: **Comments on Proposed Amendments to Rule 21.1.1(c)(5) – Notification for Changes to Voting System "Peripherals".**

Rules Chairperson and Members of the Hearing Board:

Thank you for the opportunity to comment on proposed Rule 21.1.1(c)(5) concerning notification to the Secretary of State (SOS) for changes to voting-system peripherals (e.g., monitors, keyboards, mice, card readers, routers, switches). El Paso County supports tight configuration control for security-relevant components. We also want the rule to reflect how counties procure and replace commodity items without introducing delays, vendor lock-in, or unfunded overhead.

Below are impacts and suggested edits.

Summary position:
- Support notification/approval when a provider changes security-relevant peripherals they supply or specify (e.g., card readers, scanners, routers/switches on election networks).
- Do not require SOS/provider notification for routine replacement of commodity human-interface devices (HIDs) such as monitors, keyboards, mice the county procures—provided they meet published minimum specs and the provider's compatibility list.
- Add an emergency break/fix allowance with prompt after-the-fact notice so voting operations aren't delayed.

Operational burden:
- Real-world procurement: Counties routinely replace failed monitors/keyboards/mice from local stock; these are not ordered through the voting-system vendor. Requiring provider/SOS notification for every HID swap would create ticket traffic and downtime without improving security.
- Where control matters: Peripherals that process, read, or route election data (e.g., card readers, network switches/routers, device-specific scanners) do affect the trusted path and should remain under provider + SOS notification and documentation.
- Continuity of operations: If a monitor fails at central count, staff must swap a like-for-like quickly. Waiting for pre-clearance risks operational delays during statutory timelines.

Financial impact:
- Commodity HIDs: Forcing purchases through vendors can raise costs (pricing, shipping, lead time). Counties already maintain spares; allowing local procurement that meets spec avoids unnecessary expense.

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- Admin overhead: Universal notification for every HID change adds staff time (tracking, requests, receipts) with no security gain.
- Security-relevant items: We accept documentation/notification for card readers/network gear, which we typically obtain through the vendor.

Data, security, and records:
- Risk-based scope: Treat HIDs (no storage, no firmware interaction with ballots, wired per conditions of use) as low-risk; treat data-path components as high-risk and require provider/SOS notification with model/firmware details.
- Asset control: Counties will continue logging into making/model/serial for all peripherals and maintaining chain-of-custody in equipment packets, with photos/labels where required.
- Compatibility: Publish minimum specifications (e.g., wired USB only; monitor resolution/ports/EDID), and require the provider to maintain a compatibility list. Counties can then buy qualified equivalents without pre-approval.

Fairness & perception of partisanship:
- Uniform, practical rule: A risk-based standard applies evenly to all counties and avoids the appearance of vendor lock-in or selective enforcement.
- Public confidence: Keeping tight control over data-path components while allowing pragmatic HID replacements preserves both security and throughput.

Requested clarifications:
1. Scope line: Confirm that security-relevant peripherals (card readers, scanners integral to the certified system, routers/switches on election networks) require provider/SOS notification; commodity HIDs do not, if they meet SOS minimum specs and the provider's compatibility list.
2. Vendor channel: Clarify that notification is required when peripherals are "replaced through the vendor" or are specified by the vendor as part of the certified configuration.
3. Emergency break/fix: Allow immediate swap with functionally equivalent hardware and notify within two business days, logging serials and updating the asset record.
4. Specs & list: Direct the provider to publish a compatibility list and the SOS to publish minimum HID specs (wired only, no Bluetooth; monitor resolution/ports; no on-device storage), so counties can self-service safely.
5. Documentation sufficiency: For notified items, specify the minimal artifacts (model/firmware, integration note, updated inventory), avoiding duplicative paperwork.

Suggested alternative language:
21.1.1(c)(5) A voting system provider must notify the Secretary of State of changes to system peripherals supplied by or specified through the provider that interface with election data paths or access controls (including, but not limited to, card readers, certified scanners, and network routers or switches). The Secretary of State may require supporting documentation before allowing a county clerk to use such a new peripheral.
Commodity human-interface peripherals (e.g., monitors, keyboards, mice) that are not supplied through the provider may be replaced by the county without prior notification, provided they meet Department-published

minimum specifications and appear on the provider's compatibility list. The county must update asset records (make/model/serial) for any replacement.

In an operational emergency, a county may install a functionally equivalent replacement peripheral and notify the Department and provider within two (2) business days, updating inventory and documenting the change.

Conclusion:
El Paso County supports the intent of 21.1.1(c)(5): keep the Secretary and the provider informed when security-relevant peripherals change. A risk-based approach—notification for provider-supplied/spec'd, data-path peripherals; streamlined self-service for commodity HIDs that meet published specs—delivers the security objective without unnecessary delays or costs. We respectfully request adoption of the clarifications and redline above.

Respectfully submitted,

Steve Schleiker
El Paso County Clerk and Recorder