

# Secretary of State Proposed Rulemaking – September 16, 2025

## Submission of Comments – Larimer County, CO

September 12, 2025

### Rule 7.7.8

We welcome a consistent statewide signature verification audit standard. However, there are certain aspects of this proposed rule that place a significant burden on counties at a critical time when other deadlines that directly affect voters should be the priority.

- **7.7.8(b)(1):** This is a reasonable standard during the first couple weeks signature verification is occurring and when new or less experienced judge decisions need to be closely monitored. However, given the primary reason of an audit is to ensure judges are making proper decisions, and to retrain or dismiss them as necessary, it does not make logical sense to mandate that an audit be completed within one day of decisions being made the day before Election Day, on Election Day, or the day after. There is no opportunity for corrective training if poor decisions are uncovered because these judges will already have completed their role. Of course, an audit of those decisions must happen at some point, but the priority should be processing incoming and outgoing cures and any other potential ballot status update that voters are waiting on.
- **7.7.8(b)(2):** We have previously audited by selecting a variable percentage of signatures to review based on a judge's experience and/or the point in time we're at during an election cycle. Reviewing more signatures towards the beginning when judges are more likely to need retraining is beneficial. Once we get close to Election Day, the variance between judge acceptance rates is much less. If we verify 40,000 signatures on Election Day, there would be 1,200 decisions to review the following day. Auditing signature verification is a much more time-intensive endeavor than the initial decision-making process because there is no built-in module for auditors to easily click through, making it a laborious and manual process. We estimate it takes about 30 seconds to complete the audit of one decision (and that ignores the preparation required to set up a spreadsheet to track these decisions, assign auditors to judges, randomize the decisions they're reviewing, etc.). That's 10 hours of audit work that must be done the day after Election Day, which has no immediate impact outside of future analysis of the election. It's important data to have on hand when making hiring decisions for the next election but there's no need to complete that review in as tight a turnaround as currently proposed.
- **7.7.8(b)(3):** Duplicative. Adjust 7.7.8(a) to "The county clerk must audit decisions made by each election judge or bipartisan team of judges conducting signature verification."
- **7.7.8(b)(4):** Agreed, best practice. Consider if the role of county election staff in this process could be inhibited by Rule 6.4.1.
- **7.7.8(b)(6):** Agreed, best practice.
- **7.7.8(b)(7):** We ask that any form allow for bulk entry submission (i.e. by uploading a spreadsheet).
- **7.7.8(b)(8):** Our system (Agilis) does not support the generation of a truly random sample of decisions for audit, with "random" understood as an outcome that is "unpredictable and cannot be reasonably foreseen." The system will not produce a random list of 3% of signatures to be audited; the auditor must choose the signatures to be audited, even if by some random methodology.

## Rule 7.7.15

Rule 7.7.15 is superfluous when combined with Rule 7.7.14. Our recommendations follow below:

- Align the deadline for the mailing to an “E-” date rather than “the last business day of the following month.”
- Align the deadline with the UOCAVA mailing required by Rule 16.1.6, which is conducted 60 days before the first election of the year. This realignment would give electors the ability to add signatures to their voter records before the mailing required in Rule 7.7.14. This will prevent confusion caused when a voter receives both mailings too close together or even simultaneously.
  - Note: Colorado State University’s fall semester move-in occurs in mid-August. A large number of the target demographic for this mailing may be between residences at the time this mailing is scheduled to be sent.
- Narrow the parameters of this mailing to only include electors with less than four signatures on record.
- Strike “and text” or clarify that the Department of State will satisfy this requirement. Counties do not currently have infrastructure for text message communication campaigns.

## Rule 7.8.5

Rewrite: The county must make available to all electors who appear at a voter service and polling center the option to use a ballot marking device, a hand marked paper ballot, or to receive a mail ballot.

- We agree that a county must make all voting options available at every voting location.
- The current wording, “an election judge must offer all electors . . .”, suggests a requirement to verbally offer all three voting options at every voter transaction. This could add time to each voter transaction and increase delays at the voting location.

## Rule 7.8.12(c)

The requirement to provide video services may carry an implementation cost and raise logistical challenges for counties that do not already have supportive technology. We ask that the State provide additional guidance that takes into consideration the following logistical concerns:

- Will the video be expected to capture the voter, or will it need to be able to provide a clear visual of the ballot through the video relay? If it's not meant to provide a visual of the ballot, will we need to prevent it from doing so?
- As the multilingual hotline is a traditional phone line, and thus doesn't have a visual component, we'll need a dedicated, separate software to relay video. Will such a platform be prescribed by the Secretary of State's office? And will this be in replacement of the currently existing line, or in addition to it? As in, if a voter requires a video relay interpretation, will they be on the traditional line and on a video call simultaneously, or just a video call, without being on the traditional hotline?
- While a screen that is capable of displaying and sharing video is one component of this, a sufficient network connection is equally important. The internet connection at some of our voting locations may not be able to support high definition video. Additionally, at these more remote voting locations, if multiple voters are expected to be able to use this video line at the same time, the video quality on each might degrade even further.
- Add “To the extent feasible,” to 7.8.12(c). Otherwise, counties may be required to remove voting locations (especially remote locations) that lack sufficient internet connection to stream video content.

## Rule 16.1.3

We ask that the State consider the following revision:

- 16.1.3(b)(1) Update “Votes in-person in any election” to “votes in-person in two consecutive elections.”

- It is not uncommon for covered voters to be in-person in October/November. These may be overseas citizens who are visiting local family or military who have returned on leave.
- These voters often choose to vote in-person rather than sign a mail ballot envelope that requires them to swear or affirm, under penalty of perjury, that they are “on active duty” or “outside the U.S.”
- Taking the above into account, we suggest that in-person voting align with the “two consecutive election standard” in Rule 16.1.3(b)(2).

## Rule 16.1.6

We ask that the State consider the following revisions:

- 16.1.6: Replace “and” from “by email, if available, and mail” with “or.”
  - In our most recent UOCAVA email campaign, we had a high open rate of 68.9%, a click rate of just 3.7%, and an exceptionally low bounce back rate of 1.7%. This data indicates that electors are receiving and reading these emails and choosing not to act upon them.
  - We receive a far lower response to the corresponding mail campaign.
- 16.1.7: Strike. This has a disproportionate negative impact on voters who reside in countries where mail service from the United States may be disrupted or outright blocked.

## Rule 21.3.1(a)

Typo: Update “de minimums” to “de minimis”.

### **Contact:**

Michele Mihulka, Elections Director

970-498-7932

michele.mihulka@larimer.gov