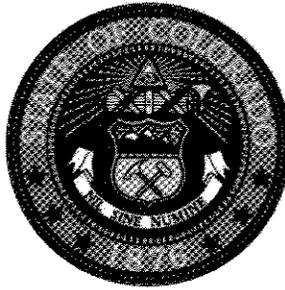


STATE OF COLORADO
Department of State
1700 Broadway
Suite 250
Denver, CO 80290



Mike Coffman
Secretary of State

Holly Z. Lowder
Director, Elections Division

NOTICE OF ADOPTION
May 30, 2007

Pursuant to sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2006) and the rulemaking provisions of the State Administrative Procedure Act, section 24-4-103 C.R.S. (2006), I, Mike Coffman, Colorado Secretary of State, do hereby adopt and give **NOTICE** of the permanent rule adoption this 30th day of May, 2007, of the amendments to the attached Secretary of State Election Rules (8 CCR 1505-1).

The permanent adoption of these rules shall take effect twenty (20) days after publication in the Colorado Register in accordance with the State Administrative Procedure Act.

Dated this 30th Day of May, 2007.

A handwritten signature in cursive script, reading "William A. Hobbs".

William A. Hobbs
Deputy Secretary of State

For

Mike Coffman
Colorado Secretary of State

STATE OF COLORADO
Department of State

1700 Broadway
Suite 250
Denver, CO 80290



Mike Coffman
Secretary of State

Holly Z. Lowder
Director, Elections Division

Statements of Basis, Purpose and Specific Statutory Authority

Office of the Secretary of State Election Rules

1. Basis and Purpose

This statement pertains to the amendments and revisions to the Colorado Secretary of State Election Rules for the administration of Colorado State Constitution Article VII, and Title 1 of the Colorado Revised Statutes. The amendments are implemented to achieve the uniform and proper administration and enforcement of the election laws of the State of Colorado, including the requirements of the federal Help America Vote Act of 2002 (“HAVA”), P.L. No. 107-252. See sections 1-1.5-101 *et seq.*, C.R.S. (2006).

The amendments to these rules are necessary for the implementation of Article VII of the Colorado Constitution and Title 1 of the Colorado Revised Statutes. Such amendments and revisions to the Election Rules are necessary to improve the administration of elections in Colorado and answer questions arising under Title 1 of the Colorado Revised Statutes. The adoption of the amendments and revisions to the Rules is further necessary to increase the transparency and security of the election process.

The adoption of specific amendments to the Election Rules is necessary as follows:

- The adoption of Rule 2.9 is necessary to clarify what may constitute a residence for homeless voters for the purpose of voter registration. The will clarify that homeless voters may use a non-traditional residence to register to vote so long as their precinct can be established by physical presence.
- The adoption of the amendments to Rule 10.4 is necessary to provide uniform, reasonable deadlines to all candidates for statewide office for the submission of required information to the Secretary of State. Such amendments are further necessary to ensure that the counties and their vendors have sufficient time to program the audio ballot required by section 1-5-704, C.R.S.
- The adoption of the amendments to Rule 11 is necessary to make numbering corrections and to clarify the devices selected for post election audit in accordance with section 1-7-514, C.R.S. Such rules are necessary to ensure that the devices used in the election are those audited following the election.
- The adoption of the amendments to Rule 12 is necessary to make technical corrections and implement the requirement under HAVA and Colorado law, in accordance with a federal Election Assistance Commission opinion, that accessible

walk-in polling places and equipment be available in every election coordinated by the county clerk and recorder. Such amendments are necessary to ensure that all Colorado voters are afforded the same opportunity to vote in a private and independent manner in accordance with HAVA.

- The amendments to Rule 14 are necessary to establish uniform recount and pre-recount testing procedures for Direct Record Electronic voting systems. The Secretary of State is required under section 1-10.5-102, C.R.S., to establish uniform recount and pre-recount testing procedures for voting systems.
- The adoption of amendments to Rule 32 is necessary to clarify the method of calculating the required number of signatures for a school board director recall petition. The proposed amendments to this rule are necessary to ensure that the number of signatures required for a petition to recall a school board director does not exceed the number of votes cast to elect the director.
- The amendments to Rule 43 are necessary to implement uniform county security procedures. The Secretary of State is required to establish such minimum security standards under section 1-5-616, C.R.S. In developing the proposed amendments to this rule, several national reports were reviewed to ensure that identified security vulnerabilities were addressed. The amendments to Rule 43 are necessary to mitigate known security risks and establish consistent statewide standards for ensuring the integrity and transparency of elections in Colorado.

The Secretary of State therefore finds that in order to ensure the uniform and proper administration and enforcement of the election laws, the permanent adoption of the amendments to the Rules is necessary both to comply with law and to preserve the public welfare generally.

2. Statutory Authority

Amendments to the Colorado Secretary of State Election Rules are adopted pursuant to the following statutory provisions:

1. Section 1-1-107(2)(a), C.R.S. (2006), which authorizes the Secretary of State:
“[t]o promulgate, publish, and distribute . . . such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
2. Section 1-1.5-104(1), C.R.S. (2006), which provides that:
“The secretary may exercise such powers and perform such duties as reasonably necessary to ensure that the state is compliant with all requirements imposed upon it pursuant to HAVA . . . including, without limitation, the power and duty to:
(e) Promulgate rules in accordance with the requirements of article 4 of title 24, C.R.S., as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of this article.”
3. Section 1-5-616(1)(g), C.R.S. (2006), which provides that:
“The secretary of state shall adopt rules in accordance with article 4 of title 24, C.R.S., that establish minimum standards for electronic and electromechanical voting systems regarding:

(g) Security requirements.”

4. Section 1-7-514(5), C.R.S. (2006), which provides that:

“The secretary of state shall promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to administer and enforce any requirement of this section, including any rules necessary to provide guidance to the counties in conducting any audit required by this section.”

5. Section 1-10.5-102, C.R.S. (2006), which provides that:

“The secretary of state shall promulgate such rules, in accordance with article 4 of title 24, C.R.S., as may be necessary to administer and enforce any requirement of this section, including any rules necessary to provide guidance to the counties in conducting the test of voting devices for the recount required by paragraph (a) of this subsection (3).”

Amendments Adopted May 30, 2007

COLORADO SECRETARY OF STATE

8 CCR 1505-1

ELECTION RULES

Additions to the current rules are reflected in SMALL CAPS AND deletions from current rules are shown in ~~stricken type~~. Changes to the draft posted on the Department of State's web site April 26, 2007 are underlined.

1 New Rule 2.9 is adopted as follows:

2 2.9 REGISTRATION OF HOMELESS VOTERS.

3 2.9.1 FOR THE PURPOSE OF VOTER REGISTRATION RESIDENCE ~~AA~~ HOMELESS VOTER MAY
4 IDENTIFY A SPECIFIC LOCATION WITHIN A PRECINCT THAT THE VOTER CONSIDERS
5 HIS HOME BASE TO WHICH THE VOTER RETURNS REGULARLY AND MANIFESTS AN
6 INTENT TO REMAIN, AND A PLACE FROM WHICH HE OR SHE CAN RECEIVE MESSAGES
7 AND BE CONTACTED. A HOME BASE MAY INCLUDE A HOMELESS SHELTER, A
8 HOMELESS PROVIDER, A PARK, A CAMPGROUND, A VACANT LOT, A BUSINESS
9 ADDRESS, OR ANY OTHER PHYSICAL LOCATION.

10 2.9.2 IF THE HOME BASE DOES NOT INCLUDE A MAILING ADDRESS, THEN THE HOMELESS
11 VOTER MUST PROVIDE A MAILING ADDRESS PURSUANT TO SECTION 1-2-204(2)(F),
12 C.R.S.

13 2.9.3 A POST OFFICE BOX OR GENERAL DELIVERY AT A POST OFFICE SHALL NOT BE
14 DEEMED A HOME BASE.

15

16 Rule 10.4 is amended as follows:

17 10.4 ~~On or after January 1, 2006, political organizations or individuals whose candidate(s)~~
18 CANDIDATES WHOSE names are listed on a ballot must provide an audio recording of the
19 pronunciation of ~~the~~ THEIR name to the Secretary of State ~~at least sixty (60) days~~ prior to
20 the election for offices that are voted on by the electors of the entire state, or of a
21 congressional district, or for the offices of members of the general assembly or district
22 attorney or a district office of state concern.

23 10.4.1 FOR CANDIDATES DESIGNATED BY A MAJOR OR MINOR PARTY, SUCH AUDIO
24 RECORDING SHALL BE PROVIDED NO LATER THAN THE LAST DAY UPON WHICH THE
25 CANDIDATE ACCEPTANCE MAY BE FILED WITH THE SECRETARY OF STATE IN
26 ACCORDANCE WITH ARTICLE 4 OF TITLE 1, C.R.S.

27 10.4.2 FOR CANDIDATES NOMINATED BY PETITION, SUCH AUDIO RECORDING SHALL BE

1 PROVIDED NO LATER THAN THE LAST DAY UPON WHICH THE PETITION OF
2 NOMINATION AND CANDIDATE ACCEPTANCE MAY BE FILED WITH THE SECRETARY
3 OF STATE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 1, C.R.S.

4 10.4.3 FOR ~~WRITE-IN UNAFFILIATED~~ CANDIDATES FOR PRESIDENT WHO SEEK PLACEMENT
5 ON THE GENERAL ELECTION BALLOT BY SUBMITTING A CANDIDATE'S STATEMENT
6 OF INTENT AND A FILING FEE TO THE SECRETARY OF STATE IN ACCORDANCE WITH
7 SECTION 1-4-303(1), C.R.S., SUCH AUDIO RECORDING SHALL BE PROVIDED NO
8 LATER THAN THE LAST DAY UPON WHICH THE ~~WRITE-IN CANDIDATE'S AFFIDAVIT~~
9 ~~STATEMENT OF INTENT MAY BE FILED WITH THE SECRETARY OF STATE IN~~
10 ~~ACCORDANCE WITH SECTION 1-4-1102, C.R.S.~~

11 10.4.4 FOR DISTRICT AND COUNTY JUDGES SEEKING RETENTION, SUCH AUDIO RECORDING
12 SHALL BE PROVIDED NO LATER THAN THE DATE UPON WHICH THE DECLARATION OF
13 INTENT TO RUN FOR RETENTION IN A JUDICIAL OFFICE MAY BE FILED WITH THE
14 SECRETARY OF STATE IN ACCORDANCE WITH ARTICLE VI, SECTION 25 OF THE
15 COLORADO CONSTITUTION.
16

17 New Rules 11.5.4.3 and 11.5.4.7 is adopted as follows:

18 11.5.4.3 PURSUANT TO SECTION 1-7-514, ONLY DEVICES USED IN THE ELECTION SHALL BE
19 SELECTED FOR THE AUDIT.

20 Succeeding sections of Rule 11.5.4 are renumbered accordingly.

21 ~~11.5.4.7 FOR EACH DEVICE SELECTED BY THE SECRETARY OF STATE, RACES WILL BE~~
22 ~~RANDOMLY RESELECTED FROM THE FULL LIST OF AVAILABLE RACES FOR THAT~~
23 ~~DEVICE.~~
24

25 Rule 11.6.3 is amended as follows:

26 11.6.3 Storage

27 11.6.2.3.1 The storage of the V-VPAT records must be consistent with storage of
28 Paper Ballots pursuant to section 1-7-802.

29 11.6.3.2.4 Individual spools containing V-VPAT records must contain the
30 following catalog information affixed to the spool:

- 31 (a) Date and Name of Election;
- 32 (b) Name of Voting Location;
- 33 (c) Date(s) and Time(s) of Voting;
- 34 (d) Machine Serial Number of DRE Associated with the Record; and

1 (e) Number of spools associated with this machine for this election (i.e. "Spool 1
2 of 1", or "Spool 1 of 2", etc.).

3 11.6.3.3~~2-4~~ Light sensitive storage containers shall be used for the 25 month storage
4 period to ensure the integrity of the V-VPAT paper record. Containers shall be
5 sealed, with record of the seal numbers maintained on file and signed by two
6 elections officials.

7 11.6.3.4~~2-5~~ A master catalog shall be maintained for the election containing the
8 complete total number of V-VPAT spools used in the election.
9

10 Rule 12.1 is amended as follows:

11 12.1 Definitions.

12 12.1.1 A secrecy sleeve or secrecy envelope shall be sealed or closed on at least two
13 sides, one of which shall be the bottom of the sleeve.

14 12.1.1.1 The secrecy sleeve or secrecy envelope shall be uniform within each
15 type of absentee or mail ballot voting system used in the State of
16 Colorado. Each secrecy sleeve or secrecy envelope used in the State
17 of Colorado in any mail ballot or absentee ballot election shall contain
18 the following required language, approved by the Secretary of State,
19 regarding identification requirements of voters who have registered by
20 mail:

21 (a) "First Time Voters Who Register By Mail"

22 If you registered in your county by mail, and did not provide
23 identification with your registration application, a copy of one of
24 the forms of identification listed in Rule 2.7~~(a)~~ is required with
25 your mail ballot or your absentee ballot.
26

27 Rule 12.3 is amended as follows:

28 12.3 Notice of elections.

29 12.3.1 Call and notice.

30 (a) Notice of the election is to be sent to the clerk and recorder of the county in
31 which the election is to be held. The notice is to include the date by which
32 the list of registered electors is to be submitted to the political subdivision.

33 (b) For multi-county political subdivisions, the notice sent to each clerk and
34 recorder shall also include the names of all other counties in which the
35 election will be held.

1 12.3.2 As soon as possible, but no later than 55 days prior to an election, a written plan
2 must be submitted to the Secretary of State which includes the following:

3 (a) Date of the election;

4 (b) Type and name of jurisdiction involved in the election;

5 (c) Description of the type of election to be conducted;

6 (d) Citation of the statute or home rule charter provisions authorizing the
7 election;

8 (e) Estimated number of eligible electors;

9 (f) Name of the designated election official who will be responsible for all
10 aspects of the election;

11 (g) Indication of whether the county clerk and recorder will assist in the election
12 for the entity other than by providing a list of registered electors and other
13 information required by statute;

14 (h) Total number of “places of deposit”. For security reasons, unmonitored
15 freestanding places of deposit located outside will not be allowed;-

16 (I) FOR ELECTIONS COORDINATED BY THE COUNTY CLERK AND RECORDER, THE
17 TOTAL NUMBER OF WALK-IN ~~BALLOTING~~-VOTING LOCATIONS;

18 (J) NUMBER OF ACCESSIBLE VOTING MACHINES ANTICIPATED BEING USED FOR
19 WALK-IN ~~BALLOTING~~-VOTING LOCATIONS IN ELECTIONS COORDINATED BY THE
20 COUNTY CLERK AND RECORDER;

21 (K) LENGTH OF TIME ACCESSIBLE VOTING MACHINES WILL BE AVAILABLE FOR
22 WALK-IN VOTING IN ELECTIONS COORDINATED BY THE COUNTY CLERK AND
23 RECORDER;

24 (L) Written timetable for the conduct of the election in accordance with the
25 statute;-

26 (M) Indication of how postage will be handled for ballot packets returned as
27 undeliverable (e.g. “return postage guaranteed”);

28 (N) Indication of procedures to be followed to ensure compliance with statutes
29 and rules, including persons responsible for each stage;

30 (O) Description of procedures to be used to ensure ballot security at all stages
31 of the process;

32 (P) DESCRIPTION OF PROCEDURES FOR MAINTAINING PRIVACY AND SECURITY OF
33 ACCESSIBLE ~~VOTING~~ MACHINES ~~TO BE USED IN AN ELECTION COORDINATED BY~~

1 (10) FOR ELECTIONS COORDINATED BY THE COUNTY CLERK AND RECORDER,
2 DATE NOTICE WILL BE GIVEN TO VOTERS OF WALK-IN ~~BALLOTING~~
3 VOTING AND ACCESSIBLE VOTING OPTIONS;

4 (11~~0~~)Date ballots will be mailed;

5 (12~~1~~)Date verification and counting of ballots will begin; AND

6 (13~~2~~)Date of the election.
7

8 Rule 12.9 is amended as follows:

9 12.9 Ballots Delivered in Person.

10 12.9.1 ALL "PLACES OF DEPOSIT" SHALL BE ACCESSIBLE TO DISABLED ELECTORS.

11 12.9.2 ALL "PLACES OF DEPOSIT" AND ANY WALK-IN VOTING LOCATIONS SHALL BE
12 LOCATED WITHIN THE POLITICAL SUBDIVISION WHERE FEASIBLE. If a political
13 subdivision desires to establish a "PLACE OF DEPOSIT" OR A site for walk-in
14 voting outside of the county, municipality or district, permission must be
15 obtained from the Secretary of State.

16 (A) THE DESIGNATED ELECTION OFFICIAL SHALL STATE THE REASONS FOR
17 REQUESTING SUCH EXCEPTION IN THE MAIL BALLOT PLAN SUBMITTED TO THE
18 SECRETARY OF STATE FOR APPROVAL.

19 (B) THE ALTERNATE LOCATION PROPOSED BY THE DESIGNATED ELECTION
20 OFFICIAL SHALL BE WITHIN REASONABLE PROXIMITY TO THE POLITICAL
21 SUBDIVISION OR THE MAJORITY OF THE ELECTORS OF THE POLITICAL
22 SUBDIVISION.

23 12.9.23 Any eligible elector may deliver in person to the designated or coordinated
24 election official's office no more than 5 voted mail ballots from members of his
25 or her household.

26 12.9.3 THE COUNTY CLERK AND RECORDER SHALL KEEP A LIST, TO THE EXTENT
27 POSSIBLE, OF THE NAMES AND MAILING ADDRESSES OF ALL INDIVIDUALS WHO
28 DELIVER MORE THAN FIVE VOTED MAIL BALLOTS TO THE DESIGNATED OR
29 COORDINATED ELECTION OFFICIAL'S OFFICE.

30 12.9.4 THE COUNTY CLERK AND RECORDER SHALL NOTIFY EACH INDIVIDUAL ON THE
31 LIST REQUIRED BY 12.9.3 BY LETTER THAT THEY HAVE VIOLATED THIS RULE BY
32 DELIVERING MORE THAN FIVE ABSENTEE BALLOTS TO THE DESIGNATED ELECTION
33 OFFICIAL.
34

35 Rule 12.10.4 is amended as follows:

1 12.10.4 The election judge issuing a replacement ballot shall indicate on the outside of
2 the return-~~verification~~ envelope whether a sworn statement must be returned
3 with the voted ballot. No replacement ballot shall be counted until it has been
4 determined that an affidavit has been completed by the voter and has been
5 received on or before election day by the election official.

6 New Rule 12.11 is adopted as follows:

7 12.11 SURRENDER OF MAIL BALLOT

8 12.11.1 IN AN ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER, ANY
9 VOTER MAY SURRENDER A MAIL BALLOT TO THE DESIGNATED ELECTION OFFICIAL
10 AND VOTE IN-PERSON ON THE ACCESSIBLE DEVICE PROVIDED FOR THE ELECTION
11 AS REQUIRED BY SECTION 1-5-705 C.R.S.

12 12.11.2 THE ELECTION JUDGE RECEIVING THE SURRENDERED BALLOT SHALL INDICATE ON
13 THE OUTSIDE ENVELOPE THAT THE BALLOT ~~ISSUED~~ IS CANCELLED. THE VOTER'S
14 RECORD SHALL BE UPDATED WITH THE SAME VOTE CREDIT AS ASSIGNED TO
15 VOTERS WHO RETURNED BALLOTS BY MAIL TO GIVE THE VOTER CREDIT FOR
16 VOTING IN A MANNER THAT MAINTAINS THE SECRECY OF THE BALLOT.

17 12.11.3 ANY ACCESSIBLE DEVICE USED ~~FOR THE PURPOSES UNDER~~ IN ACCORDANCE WITH
18 THIS RULE SHALL BE HANDLED WITH SUBJECT TO THE SAME PRIVACY, SECURITY
19 AND ACCURACY CONCERNS STANDARDS AS REQUIRED PURSUANT TO SET FORTH IN
20 THE SECRETARY OF STATE ELECTION RULES AND TITLE 1, C.R.S.
21

22 Rule 12.12 is amended as follows:

23 ~~12.4213~~ Judges Duties.

24 ~~12.4213.1~~ The judges shall record the results of the election on the judges' certificate
25 and statement.

26 ~~12.4213.2~~ The judges shall deliver the results of the election to the designated
27 election official along with all election materials.

28 ~~12.4213.3~~ The judges shall deliver all election materials bound separately as follows:

- 29 (a) Ballots which were counted;
- 30 (b) Ballots which were defective, as defined in 1-7-309(4);
- 31 (c) Additional ballot pages returned after the voter cast his/her ballot that were
32 appropriately marked and not counted in accordance with rule 12.4.1;
- 33 (d) Ballots/~~verification~~ RETURN envelopes which may be challenged;
- 34 (e) ~~Verification~~ RETURN envelopes with ballots removed;

- (f) Defective ~~verification~~-RETURN envelopes with ballots inside;
- (g) Ballot packets which were returned as undeliverable.

Succeeding subsections of Rule 12 would be renumbered accordingly.

Rule 14.6 is amended as follows:

14.6 Counting of ~~Optical Scan~~ Ballots - Recount

14.6.1 All ~~optical scan tabulation machines~~-VOTING EQUIPMENT to be used in the recount must be tested prior to the recount, utilizing the procedures set forth in this section. Prior to the recount, the canvass board shall choose at random and test Voting Devices and precinct(s) to be utilized as a test deck for purposes of section 1-10.5-102. The purpose of a test deck is to assure the tabulation machines are counting properly. The ~~precinct~~-DEVICES chosen shall contain at least ~~50~~-five (5) ballots CAST. A hand tally shall be conducted of the selected DEVICES PURSUANT TO SECTION 1-10.5-102(3)(A).~~precinct or of a minimum of fifty ballots contained within the selected precinct. A blank prom cartridge, rom cartridge, or memory card shall be utilized for the test deck. The ballots from the selected precinct test deck shall be processed through all scan tabulation machines that will be utilized for the recount.~~—The totals of the recounted contest obtained from the test ~~precinct~~-DEVICES AND PRECINCT(S) REPORTS FROM CLOSE OF POLLS shall be compared to the hand-tallied total.

14.6.2 THE CANVASS BOARD SHALL CHOOSE AT RANDOM FIVE PERCENT (5%) OF VOTING DEVICES CONTAINING VOTES FROM THE ELECTION, WHICH ARE AFFECTED BY THE RECOUNT, FOR THE TEST.

(A) PRIOR TO THE START OF THE TEST, THE CANVASS BOARD SHALL VERIFY THAT DEVICES RANDOMLY CHOSEN WERE NOT USED IN THE AUDIT CONDUCTED PURSUANT TO SECTION 1-7-514 (1)(B).

(B) THE PROPORTION OF OPTICAL SCAN DEVICES TO ~~DRE/E~~ELECTRONIC VOTING DEVICES SELECTED FOR THE TEST SHALL MATCH THE PROPORTION OF MACHINES USED IN THE ELECTION BY THE DESIGNATED ELECTION OFFICIAL.

(C) AT LEAST ONE DEVICE SELECTED FOR THE TEST SHALL BE A CENTRAL COUNT/ABSENTEE BALLOT SCANNER.

14.6.3 FOR TESTING CENTRAL COUNT/ABSENTEE SCANNERS THE CANVASS BOARD SHALL RANDOMLY SELECT ONE PERCENT (1%) OR ~~300~~-FIFTY (50) BALLOTS, WHICHEVER IS GREATEST. A BLANK PROM CARTRIDGE, ROM CARTRIDGE OR MEMORY CARD SHALL BE UTILIZED FOR THE TEST. THE BALLOTS SELECTED SHALL BE PROCESSED THROUGH THE CENTRAL COUNT/ABSENTEE SCANNER AND COMPARED TO THE HAND-TALLIED TOTAL.

1 14.6.24 If the test deck ~~precinct~~ totals differ from the hand count totals, and the
2 discrepancy cannot be accounted for by voter error, all ballots containing the
3 recounted contest shall be tallied by hand following procedures for paper ballot
4 recounts. If the test deck ~~precinct~~ totals are exactly the same, the recount
5 tabulation shall be conducted by machines IN THE SAME MANNER AS THE
6 ORIGINAL BALLOT COUNT IN ACCORDANCE WITH SECTION 1-10.5-102(3)(B).
7

8 Succeeding subsections of Rule 14.6 would be renumbered accordingly.
9

10
11 Rule 14.7 is amended as follows:

12 14.7 Counting of Ballots Using the “Ballot Now” Voting System

13 14.7.1 In the case of a recount, the designated election official shall identify all precincts
14 with the contest(s) designated for a recount using the following procedures:

- 15 (a) Using the Ballot Now Scanned Ballots by Precinct report from the original
16 election database, locate the batches containing any ballot type (Election,
17 Absentee, and Provisional) for the recount.
- 18 (b) Remove ballots from each batch and label them as “Recount”.

19 14.7.2 Required scanner testing shall be performed using a test deck from ~~a~~AT LEAST
20 THREE (3) randomly chosen precinct(s) with at least ~~50~~–150 ballots TOTAL as
21 prescribed by statute, following testing procedures outlined in the State of
22 Colorado Procedures for the use of the Ballot Now Voting System. A Recount
23 Test spreadsheet shall be created based on the chosen precinct in the same fashion
24 as the ballot options test spreadsheet.

25
26 Rule 32.2 is amended as follows:

27 32.2 Signature requirements

28 32.2.1 For petitions to recall school district directors the petition must be signed by the
29 eligible electors of the ~~school~~ DIRECTOR’S district equal in number to at least
30 40% of the ballots cast in the district in the last preceding election at which the
31 director to be recalled was elected as indicated by the pollbook or abstract for
32 the election. See section 1-12-105, C.R.S.
33

34 32.2.2 When determining the number of required valid signatures for an elected office
35 for which electors were allowed to vote for more than one candidate in a single
36 race, the signature requirements shall be based on the number of ballots cast for
37 that race as indicated by the pollbook or abstract for the election.

1 Rule 43 is amended as follows:

2 **Rule 43. County Security Procedures**

3 43.1 DEFINITIONS

4
5 43.1.1 “CHAIN OF CUSTODY LOG” SHALL, FOR THE PURPOSES OF THIS RULE MEAN A
6 WRITTEN RECORD THAT SHOWS THAT THE EQUIPMENT AND ALL ASSOCIATED DATA
7 ~~IS SECURE~~ ARE SECURED ACCORDING TO THESE PROCEDURES AND IN THE
8 DOCUMENTED CONTROL OF AN ~~COUNTY~~ EMPLOYEE OR DEPUTIZED ELECTION
9 JUDGE THROUGH THE ENTIRE TIME OF OWNERSHIP BY THE JURISDICTION ~~FROM~~
10 ~~THE TIME THE EQUIPMENT IS DEEMED READY FOR THE ELECTION THROUGH THE~~
11 ~~TIME THE RESULTS OF THE ELECTION ARE OFFICIALLY CERTIFIED.~~
12

13 43.1.2 “CONTINUOUS VIDEO SECURITY SURVEILLANCE RECORDING” SHALL, FOR THE
14 PURPOSES OF THIS RULE, MEAN VIDEO MONITORING BY A DEVICE WHICH
15 CONTINUOUSLY RECORDS A DESIGNATED LOCATION. ALTERNATIVELY, THIS
16 DEFINITION MAY BE MET BY THE USE OF A “NON-CONTINUOUS” RECORDING,
17 PROVIDED THAT A DEVICE IS USED WHICH SAMPLES THE ~~REGULATED PARAMETER~~
18 ~~FUNCTIONALITY OF THE VIDEO RECORDER~~ WITHOUT INTERRUPTION, EVALUATES
19 THE DETECTOR RESPONSE AT LEAST ONCE EVERY 15 SECONDS, AND COMPUTES
20 AND RECORDS THE AVERAGE VALUE AT LEAST EVERY 60 SECONDS, EXCEPT
21 DURING ALLOWABLE PERIODS OF CALIBRATION.
22

23 43.1.3 “DRE” MEANS A DIRECT RECORDING ELECTRONIC VOTING DEVICE. A DRE IS A
24 VOTING DEVICE THAT RECORDS VOTES BY MEANS OF A BALLOT DISPLAY
25 PROVIDED WITH MECHANICAL OR ELECTRO-OPTICAL COMPONENTS OR AN AUDIO
26 BALLOT THAT CAN BE ACTIVATED BY THE VOTER; THAT PROCESSES DATA BY
27 MEANS OF A COMPUTER PROGRAM; AND THAT RECORDS VOTING DATA AND
28 BALLOT IMAGES IN MEMORY COMPONENTS OR OTHER MEDIA. THE DEVICE MAY
29 PRODUCE A TABULATION OF THE VOTING DATA STORED IN A REMOVABLE
30 MEMORY COMPONENT AND AS PRINTED COPY. THE DEVICE MAY ALSO PROVIDE A
31 MEANS FOR TRANSMITTING INDIVIDUAL BALLOTS OR VOTE TOTALS TO A CENTRAL
32 LOCATION FOR CONSOLIDATING AND REPORTING RESULTS FROM REMOTE SITES TO
33 THE CENTRAL LOCATION.
34

35 43.1.4 “EMPLOYEE” SHALL, FOR THE PURPOSES OF THIS RULE, MEAN ALL FULL-TIME,
36 PART-TIME, PERMANENT AND CONTRACT EMPLOYEES OF THE COUNTY WHO HAVE
37 HAD A CRIMINAL HISTORY CHECK CONDUCTED IN ACCORDANCE WITH RULE 11.2
38 AND ARE DEPUTIZED BY THE COUNTY CLERK AND RECORDER TO PREPARE OR
39 MAINTAIN THE VOTING SYSTEM OR ELECTION SETUP MATERIALS, STAFF THE
40 COUNTING CENTER AND WHO HAVE ANY ACCESS TO THE ELECTROMECHANICAL
41 VOTING SYSTEMS OR ELECTRONIC VOTE TABULATING EQUIPMENT.
42

43 43.1.5 “REMOVABLE²² CARD OR CARTRIDGE” SHALL, FOR THE PURPOSES OF THIS RULE,
44 MEAN ALL PROGRAMMING CARDS OR CARTRIDGES EXCEPT VOTER_ACTIVATION
45 CARDS THAT STORE FIRMWARE, SOFTWARE OR DATA.

1
2 43.1.6 "TRUSTED BUILD" MEANS THE WRITE-ONCE INSTALLATION DISK OR DISKS FOR
3 SOFTWARE AND FIRMWARE FOR WHICH THE SECRETARY OF STATE OR HIS/HER
4 AGENT HAS ESTABLISHED THE CHAIN OF EVIDENCE TO THE BUILDING OF A DISK,
5 WHICH IS THEN USED TO ESTABLISH AND/OR RE-ESTABLISH THE CHAIN OF
6 CUSTODY OF ANY COMPONENT OF THE VOTING SYSTEM WHICH CONTAINS
7 FIRMWARE OR SOFTWARE. THE TRUSTED BUILD IS THE ORIGIN OF THE CHAIN OF
8 EVIDENCE FOR ANY SOFTWARE AND FIRMWARE COMPONENT OF THE VOTING
9 SYSTEM.

10 43.12 Pursuant to section 1-5-616(5), C.R.S., each county shall file with the Secretary of State A
11 security ~~procedures~~-PLAN that meets OR EXCEEDS the ~~minimum~~ standards set forth in this
12 rule. THE PLAN FILED WITH THE SECRETARY OF STATE IN ACCORDANCE WITH THIS RULE
13 SHALL PROVIDE A POINT BY POINT DETAILED RESPONSE WITH A PROPOSED SOLUTION TO
14 EACH OF THE REQUIREMENTS SET FORTH IN THIS RULE.

15 43.23 The county shall file security procedures annually no later than sixty (60) days prior to
16 the first election in which the procedures will be used.

17 43.34 If no changes have occurred since the last security procedures filed, the county shall file a
18 statement to that effect.

19 43.45 Revisions to previously filed security procedures shall clearly state which part of the
20 procedures previously filed have been revised.

21 43.56 Each designated election official may change the security procedures within sixty (60)
22 days of an election as a result of an emergency situation or other unforeseen
23 circumstance, and document any changes. The designated election official shall file any
24 revisions with the Secretary of State within five (5) days of the change.

25 43.67 If, pursuant to section 1-5-616(5)(b), C.R.S., the Secretary of State is unable to complete
26 its review, the procedures or revisions shall be temporarily approved until such time as
27 the review is completed. ~~The secretary of state shall notify the county of temporary~~
28 ~~approval.~~ THE SECRETARY OF STATE SHALL NOTIFY THE COUNTY OF TEMPORARY
29 APPROVAL.-

30 43.78 Security Procedures shall at a minimum include, if applicable:

31
32 43.8.1 GENERAL REQUIREMENTS:

- 33
34 A. AT ALL TIMES ~~V-VPAT RECORDS AND~~ REMOVABLE MEMORY CARDS AND
35 CARTRIDGES SHALL BE HANDLED IN A SECURE MANNER ~~SIMILAR TO THE~~
36 ~~HANDLING OF PAPER BALLOTS~~ AS FOLLOWS. WHEN NOT SEALED IN VOTING
37 MACHINES, ALL REMOVABLE CARDS AND CARTRIDGES SHALL BE
38 TRANSFERRED AND STORED IN SECURE CONTAINERS WITH AT LEAST ~~TWO~~
39 ONE TAMPER-EVIDENT SEALS WITH PRINTED SERIAL NUMBERS.; ~~AND THE~~
40 INTEGRITY AND SERIAL NUMBER OF EACH SEAL SHALL BE VERIFIED BY

1 ELECTION ~~OFFICIALS~~ JUDGES OR COUNTY PERSONNEL AT SHIPPING AND
2 RECEIVING LOCATIONS.

- 3
- 4 B. ALL DOCUMENTATION OF SEALS, CHAIN OF CUSTODY, AND OTHER
5 DOCUMENTS RELATED TO THE TRANSFER OF EQUIPMENT BETWEEN PARTIES
6 SHALL BE MAINTAINED ON FILE BY THE COUNTY CCLERK AND RRECORDER
7 AND IS SUBJECT TO INSPECTION BY THE SECRETARY OF STATE.
8
- 9 C. THE CHAIN OF CUSTODY FOR EACH VOTING DEVICE MUST BE MAINTAINED
10 AND DOCUMENTED THROUGHOUT OWNERSHIP OR LEASING OF THE DEVICE
11 BY THE COUNTY CCLERK AND RRECORDER.
12
- 13 D. ONLY DEPUTIZED CLERKS, ELECTION JUDGES, OR CANVASS BOARD
14 MEMBERS SWORN UNDER OATH ARE ALLOWED TO HANDLE BALLOTS, WHICH
15 INCLUDE V-VPAT RECORDS.
16
- 17 E. NO ADDITIONAL OR MODIFIED SOFTWARE DEVELOPED BY THE VENDOR
18 THAT IS NOT SPECIFICALLY LISTED ON THE SECRETARY OF STATE'S
19 CERTIFICATE AND VERIFIED AGAINST THE STATE TRUSTED BUILD SHALL BE
20 INSTALLED ON ANY COMPONENT OF THE VOTING SYSTEM. NOTHING IN THIS
21 RULE SHALL PRECLUDE THE USE OF COMMERCIAL OFF-THE-SHELF-
22 SOFTWARE, PROVIDED THAT THE COTS SOFTWARE IS INCLUDED IN THE
23 CERTIFIED LIST OF SERVICES AND EXECUTABLES FOR THE CERTIFIED VOTING
24 SYSTEMS.
25
- 26 F. ANY FORM OR LOG CONTAINING "DATE" MEANS TO NOTE THE MONTH,
27 CALENDAR DAY, YEAR, HOUR, MINUTE, AND WHETHER THE TIME IS A.M. OR
28 P.M.

29 43.8.2 PHYSICAL LOCKING MECHANISMS AND SEALS
30

- 31 A. DRES. ALL ~~DIRECT-RECORD ELECTRONIC~~ VVOTING DEVICES SHALL HAVE
32 INDUSTRY STANDARD, COMMERCIAL OFF THE SHELF TAMPER-EVIDENT
33 SEALS WITH PRINTED, UNIQUE SERIAL NUMBERS AFFIXED AS FOLLOWS:
34
- 35 I. A SEAL ~~IS TO~~ SHALL BE PLACED OVER ANY REMOVABLE CARD OR
36 CARTRIDGE THAT IS INSERTED INTO THE UNIT, OR OVER THE SLOT OR
37 DOOR COVERING THE CARD OR CARTRIDGE.
38
- 39 II. A SEAL IS TO BE PLACED OVER ANY REMOVABLE CARD OR CARTRIDGE
40 SLOT WHEN NO CARD OR CARTRIDGE IS INSERTED INTO THE UNIT.
41
- 42 III. TAMPER-EVIDENT, NUMBERED SEALS SHALL BE AFFIXED ACROSS THE
43 SEAM AT WHICH THE TWO SIDES OF THE ~~EXTERIOR~~ CASE OF THE
44 ELECTRONIC COMPONENTS OF THE VOTING UNIT JOIN, WITH AT LEAST
45 ONE SEAL FOR EACH OF THE FOUR SIDES OF THE DEVICE.
46

1 IV. IF THE VOTING DEVICE CONTAINS ONE OR MORE SLOTS FOR A FLASH
2 MEMORY CARD, A SEAL SHALL BE AFFIXED OVER EACH FLASH CARD OR
3 EACH FLASH CARD SLOT, DOOR, OR ACCESS PANEL.
4

5 V. THESE SAME PROCEDURES ALSO APPLY TO THE JUDGE'S BOOTH
6 CONTROLLER (JBC) UNIT FOR THE HART INTERCIVIC SYSTEM.
7

8 VI. ALL SEALS ARE TO BE VERIFIED BY TWO EMPLOYEES OR ELECTIONS
9 OFFICIALS ~~JUDGES~~.
10

11 B. V-VPATs. ALL V-VPAT UNITS SHALL BE SEALED UPON VERIFICATION OF
12 NO VOTES ~~BEING~~ HAVING BEEN CAST ON THE PAPER RECORD PRIOR TO BEING
13 ATTACHED TO A SPECIFIC VOTING DEVICE. SEALS MUST BE VERIFIED AS
14 BEING INTACT BY AT LEAST TWO ELECTION ~~OFFICIALS~~ JUDGES PRIOR TO THE
15 START OF VOTING, AND AT THE CLOSE OF VOTING. V-VPAT RECORDS
16 SHALL EITHER REMAIN IN THE V-VPAT CANISTER, OR BE SEALED AND
17 SECURED IN A SUITABLE DEVICE FOR PROTECTING PRIVACY OR AS
18 DESCRIBED IN ELECTION RULE 11.
19

20 C. REMOTE OR CENTRAL-COUNT OPTICAL SCANNERS. OPTICAL SCANNERS
21 USED IN A REMOTE OR CENTRAL TABULATING LOCATION SHALL HAVE
22 TAMPER-EVIDENT SEALS AS FOLLOWS:
23

24 I. A SEAL IS TO BE PLACED OVER EACH CARD OR CARTRIDGE INSERTED
25 INTO THE UNIT, OR OVER ANY DOOR OR SLOT CONTAINING THE CARD OR
26 CARTRIDGE.
27

28 II. A SEAL IS TO BE PLACED OVER EACH EMPTY CARD OR CARTRIDGE SLOT
29 OR DOOR COVERING THE AREA WHERE THE CARD OR CARTRIDGE IS
30 INSERTED.
31

32 III. PRIOR TO THE START OF VOTING AND AFTER THE CLOSE OF VOTING,
33 ~~A~~ALL SEALS ARE TO BE VERIFIED AS BEING INTACT BY TWO EMPLOYEES
34 OR ELECTIONS ~~OFFICIALS~~ JUDGES.
35

36 D. MEMORY CARDS/CARTRIDGES. EACH REMOVABLE CARD OR CARTRIDGE
37 SHALL HAVE A PERMANENT SERIAL NUMBER ASSIGNED AND SECURELY
38 AFFIXED TO IT. THE MANUFACTURER ASSIGNED SERIAL NUMBER MAY BE
39 UTILIZED FOR THIS PURPOSE.
40

41 E. THE COUNTY ~~C~~CLERK AND RECORDER SHALL MAINTAIN A WRITTEN OR
42 ELECTRONIC LOG THAT RECORDS WHICH CARD OR CARTRIDGE AND WHICH
43 SEAL NUMBER IS ASSIGNED TO EACH VOTING UNIT. ANY BREACH OF
44 CONTROL OVER A CARD/CARTRIDGE OR DOOR OR SLOT FOR A
45 CARD/CARTRIDGE BEFORE AN ELECTION SHALL REQUIRE THAT THE
46 COUNTY ~~C~~CLERK AND RECORDER BE NOTIFIED AND FOLLOW THE

1 PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN ~~SECTION 10 OF~~
2 ~~THESE SECURITY REQUIREMENTS~~ SECTION 43.8.11 OF THIS RULE.

3 43.8.3 INDIVIDUALS WITH ACCESS TO KEYS, DOOR CODES, AND VAULT COMBINATIONS

4
5 43.8.3.1 COUNTIES ARE REQUIRED TO STATE THE POSITIONS AND DATES OF CBI
6 BACKGROUND CHECK FOR EMPLOYEES WITH ACCESS TO THE FOLLOWING
7 AREAS ADDRESSED IN THIS RULE 43.8.3.

8
9 43.8.3.2 FOR ALL COUNTIES, USE OF KEYPAD DOOR CODES OR LOCKS, VAULT
10 COMBINATIONS, COMPUTER AND SERVER PASSWORDS, ENCRYPTION KEY
11 CODES, AND ADMINISTRATOR PASSWORDS SHALL BE CHANGED AT LEAST
12 ONCE PER CALENDAR YEAR PRIOR TO THE FIRST ELECTION OF THE YEAR.
13 ONLY COUNTY EMPLOYEES MAY BE GIVEN ACCESS TO SUCH CODES,
14 COMBINATIONS, PASSWORDS, AND ENCRYPTION KEYS, PURSUANT TO
15 THE FOLLOWING LIMITATIONS. COUNTIES MAY REQUEST A VARIANCE
16 FROM THE SECRETARY OF STATE VARIANCE WITH FOR THE FOLLOWING
17 REQUIREMENTS SET FORTH IN THIS RULE 43.8.3 ONLY IN EXTREME
18 CIRCUMSTANCES.

19
20 43.8.3.3 THE REQUIREMENTS FOR AN ~~COUNTY~~ EMPLOYEE TO BE GIVEN ACCESS
21 TO A CODE, COMBINATION, PASSWORD, OR ENCRYPTION KEY ARE AS
22 FOLLOWS:

23
24 A. ACCESS TO THE STORAGE AREA FOR VOTING EQUIPMENT, THE
25 COUNTING ROOM OR TABULATION WORKSTATIONS, THE ABSENTEE
26 BALLOT STORAGE AND COUNTING AREAS, AND THE ELECTION
27 PROGRAMMING WORKSTATIONS SHALL BE RESTRICTED TO COUNTY
28 EMPLOYEES AS DEFINED IN RULE 43.1.4. ACCESS TO THE STORAGE
29 AREA FOR VOTING EQUIPMENT AND THE ABSENTEE BALLOT
30 COUNTING AREAS SHALL BE RESTRICTED TO EMPLOYEES AS DEFINED
31 IN RULE 43.1.4.

32
33 B. ACCESS TO THE ABSENTEE BALLOT STORAGE AREA AND COUNTING
34 ROOM OR TABULATION WORKSTATIONS SHALL BE RESTRICTED TO
35 TEN (10) EMPLOYEES AS DEFINED IN RULE 43.1.4.

36
37 BC. EXCEPT FOR EMERGENCY PERSONNEL, NO OTHER INDIVIDUALS
38 SHALL BE PRESENT IN THESE LOCATIONS UNLESS SUPERVISED BY
39 ONE OR MORE COUNTY EMPLOYEES AS DEFINED IN RULE 43.1.4.

40
41 IV. EACH INDIVIDUAL WHO HAS ACCESS TO THE CENTRAL ELECTION
42 MANAGEMENT SYSTEM OR CENTRAL TABULATOR SHALL HAVE
43 THEIR OWN UNIQUE USERNAME AND PASSWORD. NO
44 INDIVIDUAL SHALL USE ANY OTHER INDIVIDUAL'S USERNAME OR
45 PASSWORD. SHARED ACCOUNTS SHALL BE PROHIBITED.
46

1 vii. THE COUNTY SHALL MAINTAIN A LOG OF EACH PERSON WHO
2 ENTERS THE BALLOT STORAGE ROOM, INCLUDING THE PERSON'S
3 NAME, SIGNATURE, AND DATE AND TIME OF ENTRY. IF ACCESS
4 TO THE BALLOT STORAGE ROOM IS CONTROLLED BY USE OF KEY
5 CARD OR SIMILAR DOOR ACCESS SYSTEM THAT IS CAPABLE OF
6 PRODUCING A PRINTED PAPER LOG INCLUDING THE PERSON'S
7 NAME AND DATE AND TIME OF ENTRY, SUCH A LOG SHALL MEET
8 THE REQUIREMENTS OF THIS RULE.
9

10 ~~43.8.3.443.10.11~~ Computer room access shall be limited to ~~authorized~~
11 ~~personnel~~ COUNTY EMPLOYEES AND ELECTION JUDGES only, and the
12 delivery of ballots between the preparation room and computer room
13 shall be performed by messengers or runners wearing distinguishing
14 identification.
15

16 43.8.4 TEMPERATURE-CONTROLLED STORAGE
17

18 43.8.4.1 COUNTIES ~~ARE REQUIRED TO SHALL~~ ATTEST ~~THAT TO~~ THE
19 TEMPERATURE-CONTROL SETTINGS USED WITH THE FOLLOWING
20 COMPONENTS OF A VOTING SYSTEM. INFORMATION SUBMITTED TO THE
21 SECRETARY OF STATE SHALL INDICATE THE SPECIFICS FOR EACH TYPE
22 OF COMPONENT, AS WELL AS THE SPECIFIC ENVIRONMENT USED, WHICH
23 MAY INCLUDE, BUT IS NOT LIMITED TO CONTROLLED OFFICES,
24 CONTROLLED VAULTS, AND CONTROLLED WAREHOUSES. THE SETTINGS
25 FOR TEMPERATURE CONTROL MUST BE AT LEAST THE FOLLOWING:
26

- 27 A. SERVERS AND WORKSTATIONS. SERVERS AND WORKSTATIONS
28 SHALL BE MAINTAINED IN A TEMPERATURE-CONTROLLED
29 ENVIRONMENT. MAXIMUM TEMPERATURE SHALL AT NO TIME
30 EXCEED 90 DEGREES FAHRENHEIT.
31
- 32 B. DRES. DRES SHALL BE MAINTAINED IN A TEMPERATURE-
33 CONTROLLED ENVIRONMENT. THE TEMPERATURE SETTINGS SHALL
34 BE MAINTAINED AT A MINIMUM OF 60 DEGREES FAHRENHEIT AND A
35 MAXIMUM OF 90 DEGREES FAHRENHEIT.
36
- 37 C. OPTICAL SCANNERS. OPTICAL SSCANNERS SHALL BE MAINTAINED
38 IN A TEMPERATURE-CONTROLLED ENVIRONMENT. THE
39 TEMPERATURE SETTINGS SHALL BE MAINTAINED AT A MINIMUM OF
40 50 DEGREES FAHRENHEIT AND A MAXIMUM OF 90 DEGREES
41 FAHRENHEIT.
42
- 43 D. V-VPAT RECORDS. IN ADDITION TO THE REQUIREMENTS SET FORTH
44 IN ~~SOS ELECTION~~ RULE 11, V-VPAT RECORDS SHALL BE
45 MAINTAINED IN A TEMPERATURE-CONTROLLED ENVIRONMENT. THE
46 TEMPERATURE SETTINGS SHALL BE MAINTAINED AT A MINIMUM OF

1 50 DEGREES FAHRENHEIT AND A MAXIMUM OF 80 DEGREES
2 FAHRENHEIT. V-VPAT RECORDS SHALL ALSO BE MAINTAINED IN A
3 DRY ENVIRONMENT, WITH STORAGE AT LEAST 4 INCHES ABOVE THE
4 FINISHED FLOOR, FOR A PERIOD OF 25 MONTHS FOLLOWING THE
5 ELECTION. THE HUMIDITY OF THE ENVIRONMENT SHALL NOT
6 EXCEED 80% HUMIDITY FOR A PERIOD OF MORE THAN 24 HOURS. V-
7 VPAT RECORDS SHALL BE STORED IN A MANNER THAT PREVENTS
8 EXPOSURE TO LIGHT, EXCEPT AS NECESSARY DURING RECOUNTS AND
9 AUDITS.

10
11 E. PAPER BALLOTS. PAPER BALLOTS SHALL BE MAINTAINED IN A DRY,
12 HUMIDITY-CONTROLLED ENVIRONMENT. THE HUMIDITY OF THE
13 ENVIRONMENT SHALL NOT EXCEED 80% HUMIDITY FOR A PERIOD OF
14 MORE THAN 24 HOURS. ADDITIONALLY, PAPER BALLOTS SHALL BE
15 STORED AT LEAST 4 INCHES ABOVE THE FINISHED FLOOR, FOR A
16 PERIOD OF TWENTY-FIVE (25) MONTHS FOLLOWING THE ELECTION.

17
18 F. VIDEO DATA RECORDS. VIDEO DATA RECORDS SHALL BE
19 MAINTAINED IN A DRY, TEMPERATURE-CONTROLLED ENVIRONMENT.
20 THE HUMIDITY OF THE ENVIRONMENT SHALL NOT EXCEED 80%
21 HUMIDITY FOR A PERIOD OF MORE THAN 24 HOURS. TEMPERATURE
22 SETTINGS SHALL BE MAINTAINED AT A MINIMUM OF 40 DEGREES
23 FAHRENHEIT AND A MAXIMUM OF 80 DEGREES FAHRENHEIT.
24 ADDITIONALLY, VIDEO DATA RECORDS SHALL BE STORED AT LEAST
25 4 INCHES ABOVE THE FINISHED FLOOR, FOR A PERIOD OF TWENTY-
26 FIVE (25) MONTHS FOLLOWING THE ELECTION.

27 43.8.5 SECURITY CAMERAS OR OTHER SURVEILLANCE

28
29 43.8.5.1 UNLESS OTHERWISE INSTRUCTED, CONTINUOUS VIDEO SECURITY
30 ~~CAMERA~~-SURVEILLANCE RECORDINGS OF SPECIFIED AREAS SHALL BE
31 MADE BEGINNING AT LEAST SIXTY (60) DAYS PRIOR TO THE ELECTION
32 AND CONTINUING THROUGH AT LEAST THIRTY (30) DAYS AFTER THE
33 ELECTION, UNLESS THERE IS A RECOUNT OR CONTEST. IF A RECOUNT OR
34 CONTEST OCCURS, THE RECORDING SHALL CONTINUE THROUGH THE
35 CONCLUSION OF ALL SUCH ACTIVITY. THE FOLLOWING ARE THE
36 SPECIFIC MINIMUM REQUIREMENTS:

37
38 A. COUNTIES OVER 50,000 REGISTERED VOTERS SHALL MAKE
39 CONTINUOUS VIDEO SECURITY ~~CAMERA~~-SURVEILLANCE RECORDINGS
40 OF THE FOLLOWING AREAS:

41
42 I. ALL AREAS IN WHICH ELECTION SOFTWARE IS USED, INCLUDING
43 BUT NOT LIMITED TO PROGRAMMING, DOWNLOADING MEMORY
44 CARDS, UPLOADING MEMORY CARDS, TALLYING RESULTS, AND
45 RESULTS REPORTING.
46

1 II. ~~CONTINUOUS SECURITY CAMERA SURVEILLANCE RECORDINGS~~
2 ~~SHALL BE MADE OF A~~ ALL AREAS USED FOR PROCESSING
3 ABSENTEE BALLOTS, INCLUDING BUT NOT LIMITED TO AREAS
4 USED FOR SIGNATURE VERIFICATION, TABULATION, OR
5 STORAGE OF VOTED BALLOTS BEGINNING AT LEAST THIRTY-FIVE
6 (35) DAYS PRIOR TO THE ELECTION AND CONTINUING THROUGH
7 AT LEAST THIRTY (30) DAYS AFTER THE ELECTION, UNLESS
8 THERE IS A RECOUNT OR CONTEST. IF A RECOUNT OR CONTEST
9 OCCURS, THE RECORDING SHALL CONTINUE THROUGH THE
10 CONCLUSION OF ALL SUCH ACTIVITY.

11 III. THE STORAGE AREA FOR ALL VOTING EQUIPMENT.

12 B. COUNTIES UNDER 50,000 REGISTERED VOTERS SHALL MAKE
13 CONTINUOUS VIDEO SECURITY CAMERA SURVEILLANCE RECORDINGS
14 OF THE FOLLOWING AREAS:

15 I. ALL AREAS IN WHICH ELECTION SOFTWARE IS USED, INCLUDING
16 BUT NOT LIMITED TO PROGRAMMING, DOWNLOADING MEMORY
17 CARDS, UPLOADING MEMORY CARDS, TALLYING RESULTS, AND
18 RESULTS REPORTING.

19 43.8.6. EQUIPMENT MAINTENANCE PROCEDURES

20 43.8.6.1 IN ADDITION TO THE REQUIREMENTS FOR VOTING SYSTEMS SPECIFIED IN
21 ELECTION RULE 11, THE FOLLOWING MINIMUM STANDARDS SHALL BE
22 ADHERED TO:

23 A. ALL EQUIPMENT SHALL BE STORED THROUGHOUT THE YEAR WITH
24 SERIALY-NUMBERED, TAMPER-EVIDENT SEALS OVER THE MEMORY
25 CARD SLOTS FOR EACH DEVICE. THE COUNTY SHALL MAINTAIN A
26 LOG OF THE SEALS USED FOR EACH DEVICE CONSISTENT TO THE LOGS
27 USED FOR TRACKING ELECTION DAY SEALS.

28 B. FOR EQUIPMENT BEING SENT TO THE VENDOR FOR OFFSITE
29 REPAIRS/REPLACEMENTS, THE COUNTY MUST MAINTAIN A LOG FILE
30 FOR THE DEVICE THAT SHALL CONTAIN THE FOLLOWING: THE
31 MODEL NUMBER, SERIAL NUMBER, AND THE TYPE OF DEVICE; THE
32 FIRMWARE VERSION; THE SOFTWARE VERSION (AS APPLICABLE);
33 DATE OF SUBMISSION TO THE VENDOR.

34 C. FOR EQUIPMENT RECEIVING MAINTENANCE ON-SITE BY THE
35 VENDOR, THE COUNTY SHALL VERIFY THAT A CBI BACKGROUND
36 CHECK HAS BEEN CONDUCTED ON ALL VENDOR PERSONNEL WITH
37 ACCESS TO ANY COMPONENT OF THE VOTING SYSTEM. CBI
38 INFORMATION SHALL BE UPDATED AND MAINTAINED ON FILE
39 ANNUALLY. ADDITIONALLY, THE VENDOR'S REPRESENTATIVE
40
41
42
43
44
45
46

1 SHALL BE ESCORTED AT ALL TIMES BY AN ~~COUNTY~~ EMPLOYEE WHILE
2 ON-SITE. AT NO TIME SHALL THE VOTING SYSTEM VENDOR HAVE
3 ACCESS TO ANY COMPONENT OF THE VOTING SYSTEM WITHOUT
4 SUPERVISION BY AN ~~COUNTY~~ EMPLOYEE.
5

6 D. UPON COMPLETION OF ANY MAINTENANCE, THE COUNTY SHALL
7 VERIFY OR REINSTATE THE TRUSTED BUILD AND CONDUCT A FULL
8 ACCEPTANCE TEST OF EQUIPMENT THAT SHALL, AT A MINIMUM,
9 INCLUDE THE HARDWARE DIAGNOSTICS TEST, AS INDICATED IN
10 RULE 11, AND CONDUCT A MOCK ELECTION IN WHICH ~~A COUNTY~~
11 ~~ELECTION OFFICIAL~~ AN EMPLOYEE SHALL CAST A MINIMUM OF TEN
12 (10) BALLOTS ON THE DEVICE TO ENSURE TABULATION OF VOTES IS
13 WORKING CORRECTLY. ALL DOCUMENTATION OF RESULTS OF THE
14 ACCEPTANCE TESTING SHALL BE MAINTAINED ON FILE WITH THE
15 SPECIFIC DEVICE.
16

17 E. THE SECRETARY OF STATE SHALL BE REQUIRED TO INSPECT THE
18 COUNTIES' MAINTENANCE RECORDS ON A RANDOMLY SELECTED
19 ONE PERCENT (1%) OF ALL VOTING DEVICES IN POSSESSION OF THE
20 COUNTIES THROUGHOUT THE STATE IN EVEN-NUMBERED YEARS,
21 AND TO INSPECT THE MAINTENANCE RECORDS ON A RANDOMLY
22 SELECTED FIVE PERCENT (5%) OF ALL VOTING DEVICES IN
23 POSSESSION OF THE COUNTIES THROUGHOUT THE STATE IN ODD-
24 NUMBERED YEARS.

25 43.8.7. TRANSPORTATION OF EQUIPMENT, BALLOT BOXES, AND BALLOTS
26

27 43.8.7.1 COUNTIES ARE REQUIRED TO SUBMIT DETAILED PLANS TO THE
28 SECRETARY OF STATE PRIOR TO AN ELECTION REGARDING THE
29 TRANSPORTATION OF EQUIPMENT AND BALLOTS BOTH TO REMOTE
30 VOTING SITES AND BACK TO THE CENTRAL ELECTIONS OFFICE OR
31 STORAGE FACILITY. WHILE ~~THIS~~ TRANSPORTATION OF EQUIPMENT MAY
32 BE HANDLED IN A MULTITUDE OF METHODS, THE FOLLOWING
33 STANDARDS SHALL BE FOLLOWED WHEN TRANSPORTING VOTING
34 EQUIPMENT TO THE VOTING LOCATION:
35

36 A. TRANSPORTATION BY COUNTY PERSONNEL. COUNTY PERSONNEL
37 SHALL AT ALL TIMES DISPLAY A BADGE OR OTHER IDENTIFICATION
38 PROVIDED BY THE COUNTY. TWO (2) SIGNATURES AND DATE OF
39 ~~COUNTY PERSONNEL EMPLOYEES~~ SHALL BE REQUIRED AT THE
40 DEPARTURE LOCATION VERIFYING THAT THE EQUIPMENT,
41 INCLUDING MEMORY CARD OR CARTRIDGE, IS SEALED TO PREVENT
42 TAMPERING. UPON DELIVERY OF EQUIPMENT, AT LEAST TWO (2)
43 ~~COUNTY ELECTIONS PERSONNEL EMPLOYEES~~ OR ~~ELECTION JUDGES~~
44 SHALL VERIFY THAT ALL SEALS ARE INTACT AND THAT THE SERIAL
45 NUMBERS ON THE SEALS AGREE WITH THOSE ON THE SEAL-
46 TRACKING LOG, AND SIGN AND DATE THE SEAL-TRACKING LOG. IF

1 THERE IS ANY EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR
2 IF THE SERIAL NUMBERS DO NOT AGREE, THEY SHALL IMMEDIATELY
3 NOTIFY THE COUNTY CLERK AND RECORDER WHO SHALL FOLLOW
4 THE PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN
5 SECTION 43.8.11 OF THIS RULE.
6

7 B. TRANSPORTATION BY ELECTION JUDGES. ELECTION JUDGES THAT
8 ARE RECEIVING EQUIPMENT FROM COUNTY PERSONNEL SHALL
9 INSPECT ALL COMPONENTS OF VOTING DEVICES AND VERIFY THE
10 SPECIFIC NUMBERS BY SIGNATURE AND DATE ON THE SEAL-
11 TRACKING LOG FOR THE DEVICE. THE ELECTION JUDGE
12 RECEIVING THE EQUIPMENT SHALL REQUEST TWO (2) ELECTION
13 JUDGES AT THE VOTING LOCATION TO INSPECT THE DEVICES AND TO
14 SIGN AND DATE THE SEAL-TRACKING LOG INDICATING THAT ALL
15 SEALS ARE INTACT AND THAT THE SERIAL NUMBERS ON THE SEALS
16 AGREE WITH THOSE ON THE SEAL-TRACKING LOG. IF THERE IS ANY
17 EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF THE SERIAL
18 NUMBERS DO NOT AGREE, THEY SHALL IMMEDIATELY NOTIFY THE
19 COUNTY CLERK AND RECORDER WHO SHALL FOLLOW THE
20 PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN ~~SECTION~~
21 ~~10 OF THESE SECURITY REQUIREMENTS~~ SECTION 43.8.11 OF THIS
22 RULE.
23

24 C. TRANSPORTATION BY CONTRACT. COUNTIES ELECTING TO
25 CONTRACT THE DELIVERY OF EQUIPMENT TO REMOTE VOTING
26 LOCATIONS SHALL PERFORM CBI BACKGROUND CHECKS ON THE
27 SPECIFIC INDIVIDUALS WHO WILL BE DELIVERING THE EQUIPMENT.
28 TWO (2) COUNTY PERSONNEL EMPLOYEES OR ELECTION JUDGES
29 SHALL VERIFY, SIGN, AND DATE THE SEAL-TRACKING LOG UPON
30 RELEASE OF THE EQUIPMENT AND TWO OTHER COUNTY PERSONNEL
31 EMPLOYEES OR ELECTION JUDGES SHALL VERIFY, SIGN, AND DATE
32 THE SEAL-TRACKING LOG UPON ACCEPTANCE OF THE EQUIPMENT AT
33 THE DELIVERY POINT. IF THERE IS ANY EVIDENCE OF POSSIBLE
34 TAMPERING WITH A SEAL, OR IF THE SERIAL NUMBERS DO NOT
35 AGREE, THEY SHALL IMMEDIATELY NOTIFY THE COUNTY CLERK
36 AND RECORDER WHO SHALL FOLLOW THE PROCEDURES SPECIFIC TO
37 THE INCIDENT AS DESCRIBED IN SECTION 43.8.11 OF THIS RULE.
38

39 43.8.7.2 THE FOLLOWING STANDARDS SHALL BE FOLLOWED WHEN
40 TRANSPORTING VOTING EQUIPMENT FROM THE VOTING LOCATION:
41

42 A. IF MEMORY CARDS OR CARTRIDGES ARE TO BE REMOVED FROM
43 VOTING DEVICES AT REMOTE VOTING LOCATIONS, THE FOLLOWING
44 PROCEDURES ARE TO BE FOLLOWED:
45

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

- I. BEFORE REMOVING A MEMORY CARD OR CARTRIDGE, TWO (2) ELECTION JUDGES SHALL INSPECT AND VERIFY THAT ALL SEALS ON THE DEVICE ARE INTACT AND THAT THE SERIAL NUMBERS ON THE SEALS AGREE WITH THOSE LISTED ON THE SEAL-TRACKING LOG. BOTH ELECTION JUDGES SHALL SIGN AND DATE THE SEAL-TRACKING LOG PRIOR TO BREAKING THE SEAL. IF THERE IS ANY EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF THE SERIAL NUMBERS DO NOT AGREE, THEY SHALL IMMEDIATELY NOTIFY THE COUNTY CLERK AND RECORDER WHO SHALL FOLLOW THE PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN ~~SECTION 10 OF THESE SECURITY REQUIREMENTS~~ SECTION 43.8.11 OF THIS RULE.

- II. ELECTION JUDGES SHALL PLACE THE MEMORY CARDS OR CARTRIDGES IN A SEALABLE TRANSFER CASE THAT SHALL BE SEALED WITH ~~TWO~~ AT LEAST ONE (1) SEALS. ADDITIONAL SEAL LOGS SHALL BE MAINTAINED FOR THE TRANSFER CASE OF THE MEMORY CARDS OR CARTRIDGES.

- III. ELECTION JUDGES SHALL PLACE NEW SEALS OVER THE EMPTY MEMORY CARD/CARTRIDGE SLOT AND/OR DOOR AND DOCUMENT THE SEAL NUMBERS USED.

- IV. AT LEAST TWO (2) COUNTY ~~EMPLOYEES—PERSONNEL~~ OR ELECTION JUDGES SHALL ACCOMPANY THE TRANSFER CASE CONTAINING THE MEMORY CARD/CARTRIDGE TO THE DROP OFF LOCATION. SEAL INTEGRITY AND SERIAL NUMBERS WILL BE VERIFIED, AND LOGS WILL BE SIGNED AND DATED BY COUNTY ELECTION ~~OFFICIALS—JUDGES~~ RECEIVING THE EQUIPMENT. IF THERE IS ANY EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF THE SERIAL NUMBERS DO NOT AGREE, ~~THEY~~ THE COUNTY ~~EMPLOYEES—PERSONNEL~~ OF—OR ELECTION JUDGES SHALL IMMEDIATELY NOTIFY THE COUNTY CLERK AND RECORDER WHO SHALL FOLLOW THE PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN SECTION 43.8.11 OF THIS RULE.

- V. COUNTY PERSONNEL OR ELECTION JUDGES TRANSPORTING SECURED VOTING EQUIPMENT MUST MAINTAIN CHAIN OF CUSTODY LOGS AND SEAL-TRACKING LOGS. IF THERE IS ANY EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF THE SERIAL NUMBERS DO NOT AGREE, THEY SHALL IMMEDIATELY NOTIFY THE COUNTY CLERK AND RECORDER WHO SHALL FOLLOW THE PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN SECTION 43.8.11 OF THIS RULE.

1 B. IF DEVICES ARE TO BE DELIVERED WITH MEMORY
2 CARDS/CARTRIDGES INTACT, THE FOLLOWING PROCEDURES SHALL
3 BE FOLLOWED:
4

5 I. TWO (2) COUNTY ~~EMPLOYEES-PERSONNEL~~ OR ELECTION JUDGES
6 SHALL VERIFY THAT ALL SEALS ARE INTACT AT THE CLOSE OF
7 POLLS. ~~ELECTION JUDGES WILL~~-SHALL SIGN THE SEAL-
8 TRACKING LOG WITH SUCH INDICATION. IF THERE IS ANY
9 EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF THE
10 SERIAL NUMBERS DO NOT AGREE, THEY SHALL IMMEDIATELY
11 NOTIFY THE ~~COUNTY CLERK AND RECORDER~~ WHO SHALL
12 FOLLOW THE PROCEDURES SPECIFIC TO THE INCIDENT AS
13 DESCRIBED IN SECTION 43.8.11 OF THIS RULE.
14

15 II. AT LEAST TWO (2) COUNTY ~~EMPLOYEES-PERSONNEL~~ OR
16 ~~ELECTION~~ JUDGES SHALL ACCOMPANY THE SECURED EQUIPMENT
17 TO THE DROP-OFF LOCATION. SEALS WILL BE VERIFIED, AND
18 LOGS WILL BE SIGNED AND DATED BY THE COUNTY ELECTION
19 OFFICIAL RECEIVING THE EQUIPMENT. IF THERE IS ANY
20 EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF THE
21 SERIAL NUMBERS DO NOT AGREE, THEY SHALL IMMEDIATELY
22 NOTIFY THE ~~COUNTY CLERK AND RECORDER~~ WHO SHALL
23 FOLLOW THE PROCEDURES SPECIFIC TO THE INCIDENT AS
24 DESCRIBED IN SECTION 43.8.11 OF THIS RULE.
25

26 III. UPON CONFIRMATION THAT THE SEALS ARE INTACT AND BEAR
27 THE CORRECT NUMBERS, THE MEMORY CARD OR CARTRIDGE
28 SHALL BE REMOVED AND UPLOADED INTO THE CENTRAL COUNT
29 SYSTEM.
30

31 IV. ~~ELECTION OFFICIALS~~ JUDGES SHALL SECURE THE EQUIPMENT BY
32 PLACING A TAMPER-EVIDENT SEAL OVER THE MEMORY CARD
33 SLOT AND BY UPDATING THE DOCUMENTATION TO REFLECT THE
34 NEW SEAL NUMBERS.

35 43.8.8. EMERGENCY CONTINGENCY PLANS FOR VOTING EQUIPMENT AND VOTING
36 LOCATIONS
37

38 43.8.8.1 ALL REMOTE DEVICES USED IN AN ELECTION SHALL HAVE SUFFICIENT
39 BATTERY BACKUP FOR AT LEAST TWO (2) HOURS OF USE. IF THIS
40 REQUIREMENT IS MET BY RELIANCE ON THE INTERNAL BATTERY OF THE
41 VOTING DEVICE, THEN THE COUNTY CLERK AND RECORDER SHALL
42 VERIFY THAT ALL BATTERIES ARE FULLY CHARGED AND IN WORKING
43 ORDER PRIOR TO THE OPENING OF POLLS AT THE VOTING LOCATION.
44 THIS REQUIREMENT ALSO CAN BE MET WITH THE PURCHASE OF THIRD-
45 PARTY BATTERY BACKUP SYSTEMS.
46

1 43.8.8.2 IN THE EVENT OF A SERIOUS OR CATASTROPHIC EQUIPMENT FAILURE OR
2 EQUIPMENT BEING REMOVED FROM SERVICE AT ONE OR MORE POLLING
3 LOCATIONS, OR THERE IS NOT ADEQUATE BACKUP EQUIPMENT TO MEET
4 THE REQUIREMENTS OF SECTION 1-5-501, C.R.S., THE COUNTY CLERK
5 AND RECORDER SHALL CONTACT THE SECRETARY OF STATE FOR
6 AUTHORIZATION TO USE PROVISIONAL BALLOTS OR ABSENTEE BALLOTS
7 AS AN EMERGENCY VOTING METHOD.

8 43.8.9. INTERNAL CONTROLS FOR THE VOTING SYSTEM
9

10 43.8.9.1 IN ADDITION TO THE ACCESS CONTROLS DISCUSSED IN SECTION 43.8.3
11 OF THIS RULE, COUNTIES ARE REQUIRED TO CHANGE ALL PASSWORDS
12 AND LIMIT ACCESS TO THE FOLLOWING AREAS:
13

14 A. SOFTWARE. ALL SOFTWARE PASSWORDS SHALL BE CHANGED ONCE
15 PER CALENDAR YEAR PRIOR TO THE FIRST ELECTION. THIS
16 INCLUDES ANY BOOT OR STARTUP PASSWORDS IN USE, AS WELL AS
17 ANY ADMINISTRATOR AND USER PASSWORDS AND REMOTE DEVICE
18 PASSWORDS.
19

20 B. HARDWARE. ALL HARDWARE PASSWORDS SHALL BE CHANGED
21 ONCE PER CALENDAR YEAR PRIOR TO THE FIRST ELECTION. THIS
22 INCLUDES ANY ENCRYPTION KEYS, KEY CARD TOOLS, SUPERVISOR
23 CODES, POLL WORKER PASSWORDS ON SMART CARDS, USB KEYS,
24 TOKENS, AND VOTING DEVICES THEMSELVES AS IT APPLIES TO THE
25 SPECIFIC SYSTEM.
26

27 C. PASSWORD MANAGEMENT. ACCESS TO THE ADMINISTRATIVE
28 PASSWORDS TO THE ELECTION MANAGEMENT SOFTWARE SHALL BE
29 LIMITED TO TWO (2) ~~COUNTY~~ EMPLOYEES. ACCESS TO PASSWORDS
30 FOR ALL COMPONENTS ~~OF THE~~ OF THE ELECTION SOFTWARE AND
31 HARDWARE SHALL BE LIMITED TO TWO (2) ~~COUNTY~~ EMPLOYEES.
32 AN ADDITIONAL TEN (10) ~~PEOPLE~~ EMPLOYEES MAY HAVE ACCESS
33 TO THE ADMINISTRATIVE PASSWORDS FOR THE SOFTWARE
34 COMPONENTS AND AN ADDITIONAL TEN (10) ~~PEOPLE~~ EMPLOYEES
35 MAY HAVE ACCESS TO THE ADMINISTRATIVE PASSWORDS FOR THE
36 HARDWARE COMPONENTS OF THE VOTING SYSTEM.
37

38 D. INTERNET ACCESS. AT NO TIME SHALL ANY COMPONENT OF THE
39 VOTING SYSTEM BE CONNECTED, DIRECTLY OR INDIRECTLY, TO THE
40 INTERNET.
41

42 E. MODEM TRANSMISSION. AT NO TIME SHALL ANY COMPONENT OF
43 THE VOTING SYSTEM BE CONNECTED TO ANOTHER DEVICE EXCEPT
44 FOR THE VOTE TALLY SOFTWARE, DIRECTLY OR INDIRECTLY, BY
45 MODEM AS ALLOWABLE BY THE CERTIFICATION OF THE SPECIFIC
46 DEVICE.

1
2 F. REMOTE SITES MAY USE MODEM FUNCTIONS OF OPTICAL SCANNERS
3 AND DREs ONLY FOR THE PURPOSE OF TRANSMITTING UNOFFICIAL
4 RESULTS, AS PERMITTED BY THE SECRETARY OF STATE'S
5 CERTIFICATION DOCUMENTS FOR THE SPECIFIC SYSTEMS. COUNTIES
6 USING MODEM DEVICES TO TRANSMIT RESULTS SHALL MEET THE
7 FOLLOWING REQUIREMENTS:

8
9 I. TRANSMISSIONS MAY BE USED ONLY FOR SENDING TESTING
10 DATA OR UNOFFICIAL RESULTS; AFTER ALL OTHER STEPS HAVE
11 BEEN TAKEN TO CLOSE THE POLLS. ALL SUMMARY TAPES
12 ~~SHOULD~~ SHALL BE PRINTED BEFORE CONNECTING ANY OF THE
13 MACHINES TO A MODEM OR TELEPHONE LINE.

14
15 II. MODEMS ~~CANNOT~~ SHALL NOT BE USED FOR ANY PROGRAMMING,
16 SETUP, OR INDIVIDUAL BALLOT-CASTING TRANSMISSIONS.

17
18 III. THE RECEIVING TELEPHONE NUMBER FOR THE MODEM
19 TRANSMISSION SHALL BE CHANGED AT LEAST ONCE PER
20 CALENDAR YEAR PRIOR TO THE FIRST ELECTION.

21
22 IV. A MAXIMUM OF SIX (6) ~~COUNTY~~ EMPLOYEES SHALL ~~BE MADE~~
23 ~~AWARE OF~~ HAVE ACCESS TO THE TELEPHONE NUMBER
24 RECEIVING THE TRANSMISSION. COUNTIES SHALL NOT PUBLISH
25 OR PRINT THE RECEIVING TELEPHONE NUMBER FOR ANY
26 ELECTION JUDGE. TO THE EXTENT POSSIBLE, THE TELEPHONE
27 NUMBER SHALL BE PROGRAMMED INTO THE DEVICE AND USED
28 BY THE DEVICE IN A WAY THAT IS HIDDEN FROM ELECTION
29 JUDGES AND VOTERS FROM SEEING THE DISPLAY OF THE NUMBER
30 AT ANY TIME.

31
32 G. AUTHORIZED ~~COUNTY PERSONNEL EMPLOYEES~~. COUNTIES ~~ARE~~
33 ~~REQUIRED TO SHALL~~ INCLUDE IN THEIR SECURITY PLANS THE
34 POSITIONS AND DATES OF CBI BACKGROUND CHECKS FOR
35 EMPLOYEES WITH ACCESS TO ANY OF THE ~~ABOVE~~ AREAS OR
36 EQUIPMENT SET FORTH IN THIS RULE. EACH COUNTY SHALL
37 MAINTAIN A STORAGE-FACILITY ACCESS LOG THAT DETAILS
38 EMPLOYEE NAME, DATE, AND TIME OF ACCESS TO THE STORAGE
39 FACILITY IN WHICH THE SOFTWARE, HARDWARE, OR COMPONENTS
40 OF ANY VOTING SYSTEM ARE MAINTAINED. IF ACCESS TO THE
41 STORAGE FACILITY IS CONTROLLED BY USE OF KEY CARD OR
42 SIMILAR DOOR ACCESS SYSTEM THAT IS CAPABLE OF PRODUCING A
43 PRINTED PAPER LOG INCLUDING THE PERSON'S NAME AND DATE AND
44 TIME OF ENTRY, SUCH A LOG SHALL MEET THE REQUIREMENTS OF
45 THIS RULE.

46 43.8.10. SECURITY TRAINING FOR ELECTION JUDGES

1
2 43.8.10.1 COUNTIES ~~ARE REQUIRED TO~~ SHALL INCLUDE IN THEIR SECURITY PLAN
3 THE DETAILS OF THEIR SECURITY TRAINING FOR THEIR ELECTION
4 JUDGES, WHICH SHALL INCLUDE THE ANTICIPATED TIME OF TRAINING,
5 LOCATION OF TRAINING, AND NUMBER OF ELECTION JUDGES RECEIVING
6 THE SECURITY TRAINING, AS IT APPLIES TO THE FOLLOWING
7 REQUIREMENTS:
8

9 A. THE COUNTY SHALL CONDUCT A SEPARATE TRAINING MODULE FOR
10 FIELD TECHNICIANS AND ELECTION JUDGES WHO WILL BE
11 RESPONSIBLE FOR OVERSEEING THE TRANSPORTATION AND USE OF
12 THE VOTING SYSTEMS, PICKING UP SUPPLIES, AND
13 TROUBLESHOOTING DEVICE PROBLEMS THROUGHOUT THE ELECTION
14 DAY.
15

16 B. SECURITY TRAINING SHALL INCLUDE THE FOLLOWING COMPONENTS:
17

18 I. PROPER APPLICATION AND VERIFICATION OF SEALS AND SEAL-
19 TRACKING LOGS;
20

21 II. HOW TO DETECT TAMPERING WITH VOTING EQUIPMENT,
22 MEMORY CARDS/CARTRIDGES, OR ELECTION DATA ON THE PART
23 OF ANYONE COMING IN CONTACT WITH VOTING EQUIPMENT,
24 INCLUDING ~~COUNTY PERSONNEL~~ EMPLOYEES, OTHER ELECTION
25 JUDGES, VENDOR PERSONNEL, OR VOTERS;
26

27 III. ENSURING PRIVACY IN VOTING BOOTHS;
28

29 IV. THE NATURE OF AND REASONS FOR THE STEPS TAKEN TO
30 MITIGATE THE SECURITY VULNERABILITIES OF ~~DREs~~ VOTING
31 SYSTEMS;
32

33 V. V-VPAT REQUIREMENTS;
34

35 VI. CHAIN-OF-CUSTODY REQUIREMENTS FOR VOTING EQUIPMENT,
36 MEMORY CARDS/CARTRIDGES, AND OTHER ELECTION
37 MATERIALS;
38

39 VII. BALLOT SECURITY;
40

41 VIII. VOTER ANONYMITY-; AND
42

43 IX. RECOGNITION AND REPORTING OF SECURITY INCIDENTS.
44

45 43.8.11. REMEDIES

1 43.8.11.1 IF IT IS DETECTED THAT THE SEAL HAS BEEN BROKEN OR IF THERE IS A
2 DISCREPANCY BETWEEN THE LOG AND THE SERIAL NUMBER OF EITHER A
3 VOTING DEVICE, OR A MEMORY CARD OR CARTRIDGE, THE CONDITION
4 MUST BE CONFIRMED BY ONE OR MORE OF THE REMAINING ELECTION
5 JUDGES FOR THE LOCATION. THE ELECTION JUDGES SHALL
6 IMMEDIATELY NOTIFY THE COUNTY CLERK AND RECORDER, WHO
7 SHALL INVESTIGATE, REPORT THE INCIDENT TO THE SECRETARY OF
8 STATE, AND FOLLOW THE APPROPRIATE REMEDY AS INDICATED IN THIS
9 RULE OR AS DIRECTED BY THE SECRETARY OF STATE.

10
11 43.8.11.2 IF A SEAL HAS BEEN BROKEN OR REMOVED UNDER THE FOLLOWING
12 CONDITIONS:

- 13
14 A. ~~D~~DURING EITHER THE TRANSPORTATION, SETUP, OPENING POLLS, OR
15 CLOSING POLLS FOR THE DEVICE;
16
17 B. ~~T~~TWO ELECTION JUDGES CAN VERIFY THE BREAKING OR REMOVING
18 OF THE SEAL; AND
19
20 C. THE CHAIN OF CUSTODY HAS NOT BEEN BROKEN, MEANING THE
21 DEVICE HAS BEEN WITHIN OWNERSHIP OF ELECTION JUDGES OR
22 COUNTY-EMPLOYEES ONLY DURING THIS TIME;

23
24 THE COUNTY CLERK AND RECORDER SHALL INSTRUCT THE ELECTION
25 JUDGES TO COMPLETE A SECURITY INCIDENT REPORT DETAILING THE
26 INCIDENT, REPLACING THE SEALS, AND UPDATING THE CHAIN OF
27 CUSTODY LOG AS APPROPRIATE.

28
29 THE SECURITY INCIDENT REPORT SHALL BE FILED WITH THE SECRETARY
30 OF STATE DURING THE CANVASS PERIOD.

31
32 43.8.11.23 IF A SEAL HAS BEEN BROKEN OR REMOVED OUTSIDE OF THE SITUATION
33 IN 43.8.11.2, ANY UNIT INVOLVED MUST UNDERGO THE REINSTATEMENT
34 OR VERIFICATION OF THE TRUSTED BUILD. ~~C~~COUNTY ~~C~~CLERK AND
35 ~~R~~RECORDER~~S~~ WILL BE REQUIRED TO COMPLETE A SECURITY INCIDENT
36 REPORT. THE MINIMUM ~~S~~SPECIFIC REQUIREMENTS ON THE REMEDY ARE
37 AS FOLLOWS (ADDITIONAL REQUIREMENTS MAY BE DETERMINED BASED
38 ON THE DETAILS OF THE INCIDENT REPORT):

- 39
40 A. IF THE EVIDENCE IS PRIOR TO THE START OF VOTING:
41
42 I. THE DEVICE SHALL BE SEALED AND SECURELY DELIVERED TO THE
43 COUNTY CLERK AND RECORDER.
44
45 ~~II. IF THE SEAL IS NOT OVER THE MEMORY CARD, THE CLERK AND~~
46 ~~RECORDER SHALL RESET THE MACHINE TO PRE-ELECTION MODE,~~

1 CONDUCT HARDWARE DIAGNOSTICS TESTING AS PRESCRIBED IN
2 RULE 11, AND PROCEED TO CONDUCT A LOGIC AND ACCURACY
3 TEST ON THE MACHINE IN FULL ELECTION MODE, CASTING AT
4 LEAST 25 BALLOTS FOR COUNTIES WITH LESS THAN 50,000
5 REGISTERED VOTERS, 50 BALLOTS FOR COUNTIES WITH MORE
6 THAN 50,000 REGISTERED VOTERS ON THE DEVICE. THE TOTALS
7 FROM THE DEVICE SHALL BE VERIFIED THROUGH THE UPLOADING
8 PROCESS AND DETERMINED TO BE ACCURATE.
9

10 II. ~~III. IF THE SEAL IS OVER THE MEMORY CARD, THE COUNTY~~
11 ~~C~~CLERK AND ~~R~~RECORDER OR HIS OR HER DESIGNEE SHALL
12 REMOVE AND SECURE THE MEMORY CARD FOLLOWING THE
13 PROCEDURES IN SECTION 43.8.1(A). THE ~~C~~OUNTY ~~C~~CLERK AND
14 ~~R~~RECORDER OR HIS OR HER DESIGNEE SHALL FOLLOW THE
15 STATE INSTRUCTIONS FOR INSTALLING/VERIFYING THE TRUSTED
16 BUILD FOR THE SPECIFIC DEVICE., AND INSERT A SECURED
17 MEMORY CARD INTO THE DEVICE. THE ~~C~~OUNTY ~~C~~CLERK AND
18 ~~R~~RECORDER OR HIS OR HER DESIGNEE SHALL INSTALL A NEW,
19 SECURE MEMORY CARD INTO THE DEVICE, CONDUCT A
20 HARDWARE DIAGNOSTICS TEST AS PRESCRIBED IN RULE 11, AND
21 PROCEED TO CONDUCT A LOGIC AND ACCURACY TEST ON THE
22 MACHINE IN FULL ELECTION MODE, CASTING AT LEAST 25
23 BALLOTS. FOR COUNTIES WITH LESS THAN 50,000 REGISTERED
24 VOTERS, 50 BALLOTS FOR COUNTIES WITH MORE THAN 50,000
25 REGISTERED VOTERS ON THE DEVICE. THE TOTALS FROM THE
26 DEVICE SHALL BE VERIFIED THROUGH THE UPLOADING PROCESS
27 AND DETERMINED TO BE ACCURATE. ALL DOCUMENTATION OF
28 TESTING AND CHAIN OF CUSTODY SHALL BE MAINTAINED ON FILE
29 FOR EACH SPECIFIC DEVICE.
30

31 ~~III~~ COMPLETE THE NECESSARY SEAL PROCESS AND
32 DOCUMENTATION TO RE-ESTABLISH THE CHAIN OF CUSTODY FOR
33 THE DEVICE AND NEW MEMORY CARD.
34

35 IV. SET THE MACHINE TO ELECTION MODE READY FOR A ZERO
36 REPORT.
37

38 ~~VI. AT THE CONCLUSION OF THE ELECTION A FULL (ALL RACES)~~
39 ~~POST-ELECTION AUDIT SHALL BE CONDUCTED ON THE DEVICE~~
40 ~~AND RESULTS REPORTED TO THE SECRETARY OF STATE AS~~
41 ~~REQUIRED BY RULE 11. THIS REQUIREMENT IS IN ADDITION TO~~
42 ~~THE RANDOM SELECTION CONDUCTED BY THE SECRETARY OF~~
43 ~~STATE.~~
44

45 VII. COMPLETE NECESSARY REPORTS FOR THE SECRETARY OF STATE
46 REGARDING THE INCIDENT WITHIN TWO (2) HOURS OF THE

~~INCIDENT~~ AS SOON AS PRACTICABLE, BUT PRIOR TO THE CLOSE OF THE CANVASS PERIOD FOR THE ELECTION.

B. IF THE EVIDENCE IS AFTER VOTES HAVE BEEN CAST ON THE DEVICE BUT BEFORE THE CLOSE OF POLLS:

I. THE DEVICE SHALL BE SEALED AND SECURELY DELIVERED TO THE COUNTY CCLERK AND RRECORDER.

II. THE COUNTY CCLERK AND RRECORDER OR HIS OR HER DESIGNEE SHALL CLOSE THE ELECTION ON THAT DEVICE, AND PERFORM A COMPLETE MANUAL VERIFICATION OF THE PAPER BALLOTS (OR V-VPAT RECORDS) TO THE SUMMARY TAPE PRINTED ON THE DEVICE THAT REPRESENTS THE RECORD OF VOTES ON THE MEMORY CARD.

III. IF THE TOTALS DO NOT MATCH THEN ONLY THE PAPER RECORD WILL BE ACCEPTED ~~IN~~ AS THE OFFICIAL RESULTS FOR THAT DEVICE, AND THE DEVICE SHALL BE RE-SEALED, SECURED AND REPORTED TO THE SECRETARY OF STATE IMMEDIATELY. ~~THE DEVICE CAN NO LONGER SHALL NOT BE USED IN FOR THE REMAINDER OF THE ELECTION UNTIL UNLESS~~ THE FIRMWARE AND/OR SOFTWARE HAVE BEEN REFORMATTED WITH THE TRUSTED BUILD.

IV. IF THE TOTALS MATCH, THE MEMORY CARD MAY BE UPLOADED INTO THE TALLY SOFTWARE AT THE CLOSE OF POLLS.

V. AFTER VERIFYING THE TOTALS, THE PAPER RECORDS AND MEMORY CARD SHALL BE SECURED WITH SEALS AND DOCUMENTED PROPERLY.

VI. A NEW SECURED MEMORY CARD SHALL BE PLACED IN THE DEVICE. THE COUNTY CCLERK AND RRECORDER OR HIS OR HER DESIGNEE SHALL FOLLOW THE STATE INSTRUCTIONS FOR INSTALLING/VERIFYING THE TRUSTED BUILD FOR THE SPECIFIC DEVICE. THE COUNTY CCLERK AND RRECORDER OR HIS OR HER DESIGNEE SHALL CONDUCT A HARDWARE DIAGNOSTICS TEST AS PRESCRIBED IN RULE 11. ALL DOCUMENTATION OF TESTING AND CHAIN OF CUSTODY SHALL BE MAINTAINED ON FILE FOR EACH SPECIFIC DEVICE.

~~THE CLERK AND RECORDER SHALL CONDUCT A HARDWARE DIAGNOSTICS TEST AS PRESCRIBED IN RULE 11, AND PROCEED TO CONDUCT A LOGIC AND ACCURACY TEST ON THE MACHINE IN FULL ELECTION MODE, CASTING AT LEAST 25 BALLOTS FOR COUNTIES WITH LESS THAN 50,000 REGISTERED VOTERS, 50~~

1 ~~BALLOTS FOR COUNTIES WITH MORE THAN 50,000 REGISTERED~~
2 ~~VOTERS ON THE DEVICE. THE TOTALS FROM THE DEVICE SHALL~~
3 ~~BE VERIFIED THROUGH THE UPLOADING PROCESS AND~~
4 ~~DETERMINED TO BE ACCURATE.~~

5
6 VII. COMPLETE THE NECESSARY SEAL PROCESS AND
7 DOCUMENTATION TO ESTABLISH THE CHAIN OF CUSTODY FOR
8 THE DEVICE AND MEMORY CARD.

9
10 VIII. SET THE MACHINE TO ELECTION MODE READY FOR A ZERO
11 REPORT.

12
13 IX. AT THE CONCLUSION OF THE ELECTION A FULL (ALL RACES)
14 POST-ELECTION AUDIT SHALL BE CONDUCTED ON THE DEVICE
15 AND RESULTS REPORTED TO THE SECRETARY OF STATE AS
16 REQUIRED BY ELECTION RULE 11. THIS REQUIREMENT IS IN
17 ADDITION TO THE RANDOM SELECTION CONDUCTED BY THE
18 SECRETARY OF STATE.

19
20 X. COMPLETE NECESSARY REPORTS FOR THE SECRETARY OF STATE
21 REGARDING THE INCIDENT WITHIN TWO (2) HOURS OF THE
22 ~~INCIDENT~~ AS SOON AS PRACTICABLE, BUT PRIOR TO THE CLOSE
23 OF THE CANVASS PERIOD FOR THE ELECTION.

24
25 C. IF THE EVIDENCE IS AFTER THE CLOSE OF POLLS:

26
27 I. THE DEVICE SHALL BE SEALED AND SECURELY DELIVERED TO THE
28 COUNTY CCLERK AND RRECORDER.

29
30 II. THE COUNTY CCLERK AND RRECORDER OR HIS OR HER
31 DESIGNEE SHALL PERFORM A COMPLETE MANUAL VERIFICATION
32 OF THE PAPER BALLOTS (OR V-VPAT RECORDS) TO THE
33 SUMMARY TAPE PRINTED ON THE DEVICE THAT REPRESENTS THE
34 RECORD OF VOTES ON THE MEMORY CARD.

35
36 III. IF THE TOTALS DO NOT MATCH THEN ONLY THE PAPER RECORD
37 WILL BE ACCEPTED ~~IN~~ AS THE OFFICIAL RESULTS FOR THAT
38 DEVICE, AND THE DEVICE SHALL BE RE-SEALED, SECURED AND
39 REPORTED TO THE SECRETARY OF STATE IMMEDIATELY. ~~IF THE~~
40 DEVICE CAN NO LONGER SHALL NOT BE USED ~~IN FOR~~ THE
41 REMAINDER OF THE ELECTION UNTIL UNLESS THE FIRMWARE
42 AND/OR SOFTWARE HAVE BEEN REFORMATTED WITH THE
43 TRUSTED BUILD.

44
45 IV. IF THE TOTALS MATCH, THE MEMORY CARD MAY BE UPLOADED
46 INTO THE TALLY SOFTWARE AT THE CLOSE OF POLLS.

1
2 V. AFTER VERIFYING THE TOTALS, THE PAPER RECORDS AND
3 MEMORY CARD SHALL BE SECURED WITH SEALS AND
4 DOCUMENTED PROPERLY.
5

6 VI. ~~COMPLETE THE NECESSARY SEAL PROCESS AND~~
7 ~~DOCUMENTATION TO ESTABLISH THE CHAIN OF CUSTODY FOR~~
8 ~~THE DEVICE. THE COUNTY CLERK AND RECORDER OR HIS OR~~
9 HE DESIGNEE SHALL FOLLOW THE STATE INSTRUCTIONS FOR
10 INSTALLING/VERIFYING THE TRUSTED BUILD FOR THE SPECIFIC
11 DEVICE AND COMPLETE THE NECESSARY SEAL PROCESS AND
12 DOCUMENTATION TO ESTABLISH THE CHAIN OF CUSTODY FOR
13 THE DEVICE.
14

15 VII. DURING THE CANVASS PROCESS, A FULL (ALL RACES) POST-
16 ELECTION AUDIT SHALL BE CONDUCTED ON THE DEVICE AND
17 RESULTS REPORTED TO THE SECRETARY OF STATE AS REQUIRED
18 BY ELECTION RULE 11. THIS REQUIREMENT IS IN ADDITION TO
19 THE RANDOM SELECTION CONDUCTED BY THE SECRETARY OF
20 STATE.
21

22 VIII. COMPLETE NECESSARY REPORTS FOR THE SECRETARY OF
23 STATE REGARDING THE INCIDENT PRIOR TO THE CLOSE OF THE
24 CANVASS PERIOD FOR THE ELECTION.
25

26 43.8.11.34 PRIOR TO THE SUBMISSION OF CERTIFIED RESULTS FROM THE COUNTY,
27 THE COUNTY CLERK AND RECORDER ~~WILL~~ SHALL PROVIDE A WRITTEN
28 REPORT TO THE SECRETARY OF STATE ADDRESSING THE EXISTENCE OR
29 ABSENCE OF ANY SECURITY ISSUES RELATED TO THE IMPLEMENTATION
30 AND OPERATION OF THE VOTING SYSTEM. ALL COUNTY
31 DOCUMENTATION RELATED TO THE VOTING SYSTEM SHALL BE
32 AVAILABLE FOR INSPECTION BY ~~THE OFFICE OF~~ THE SECRETARY OF
33 STATE FOR ALL DEVICES USED IN THE ELECTION.

34 43.8.12 ANY ADDITIONAL PHYSICAL SECURITY PROCEDURES NOT DISCUSSED IN
35 THESE MANDATORY PROCEDURES SHALL BE SUBMITTED TO THE SECRETARY
36 OF STATE FOR APPROVAL PRIOR TO THE ELECTION.

37 ~~43.7.1 The physical security of election equipment, software and firmware, election~~
38 ~~materials, polling places and counting centers, and equipment storage locations,~~
39 ~~including but not limited to:~~

- 40 (a) ~~Locking mechanisms and seals;~~
41 (b) ~~Individuals with Access to keys, door codes, vault combinations;~~
42 (c) ~~Temperature control (if necessary);~~

- 1 (d) ~~Security cameras or other surveillance;~~
- 2 (e) ~~Equipment maintenance procedures (See rule 11);~~
- 3 (f) ~~Transportation of equipment, ballot boxes, and ballots on election day;~~
- 4 (g) ~~Emergency contingency plans for equipment and polling places;~~
- 5 (h) ~~Any other procedures used to maintain physical security;~~
- 6 (i) ~~Internal controls for the voting system including software and hardware~~
7 ~~access controls and password management; and~~
- 8 (j) ~~Security Training for election judges.~~

9 43.89 The designated election official shall SUBMIT WITH THE SECURITY PLAN SAMPLE COPIES OF
10 ~~maintain a file containing all~~ referenced forms, schedules, logs, and checklists. ~~The~~
11 ~~Secretary of State has the authority to inspect the file.~~

12 43.910 Included in the security procedures filed with the secretary of state shall be a section
13 entitled "contingency plan." The contingency plan shall include:

- 14 (a) Evacuation procedures for emergency situations including fire, bomb threat, civil
15 unrest, and any other emergency situations identified by the designated election
16 official;
- 17 (b) Back up plans for emergency situations including fire, severe weather, bomb threat,
18 civil unrest, electrical blackout, equipment failure, and any other emergency
19 situations identified by the designated election official;
- 20 (c) An emergency checklist for election judges; and
- 21 (d) A list of emergency contact numbers provided to election judges.

22 43.10.11 ~~Computer room access shall be limited to authorized personnel only, and the~~
23 ~~delivery of ballots between the preparation room and computer room shall be performed~~
24 ~~by messengers or runners wearing distinguishing identification.~~