

COLORADO SECRETARY OF STATE

8 CCR 1505-1

ELECTION RULES

Preliminary Draft of Proposed Rules

October 31, 2007

Disclaimer: This draft is not yet final. The proposed changes to be considered at the public rulemaking hearing may be different than the proposed changes in this draft. This draft is submitted to the Department of Regulatory Agencies for the purpose of complying with section 24-4-103(2.5), C.R.S., which requires that a draft be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

A final copy of the proposed rule changes will be available to the public no later than November 21, 2007, and a copy will be posted on the Department of State's web site, in compliance with the requirement of section 24-4-103(4)(a), C.R.S., that "[a]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing . . . shall be made available to any person at least five days prior to said hearing."

Proposed additions to the current rules are reflected in SMALL CAPS or underlined. Proposed deletions from current rules are shown in ~~stricken type~~. Annotations may be included.

1 New Rule 2.6.3 would be adopted as follows:

2 2.6.3 THE COUNTY CLERK SHALL NOT REGISTER AN APPLICANT FOR VOTER REGISTRATION WHO
3 PROVIDES A SOCIAL SECURITY NUMBER OR A PORTION OF A SOCIAL SECURITY NUMBER, BUT
4 DOES NOT PROVIDE A DRIVER'S LICENSE NUMBER OR IDENTIFICATION CARD NUMBER AND
5 FAILS TO INDICATE THAT THEY DO NOT HAVE A DRIVER'S LICENSE OR IDENTIFICATION CARD
6 NUMBER.

7 [1-2-204(2)(f.5) and (3)(c)]

8

9 Rule 2.7 would be amended as follows:

10 2.7 First Time Voter Who Registers by Mail.

11 2.7.1 Prior to the implementation of the statewide voter registration database, when a
12 first time voter registers to vote by mail, the voter shall provide a copy of one of
13 the forms of identification set forth in Rule 30.1.6.

14 2.7.2 IF AN APPLICANT FAILS TO CHECK THE BOX(ES) ANSWERING THE QUESTION(S), "ARE
15 YOU A CITIZEN OF THE UNITED STATES?" OR "WILL YOU BE 18 YEARS OF AGE ON
16 OR BEFORE ELECTION DAY?", THE FORM SHALL BE ACCEPTED FOR REGISTRATION SO

1 LONG AS IT IS OTHERWISE COMPLETE AND THE AFFIRMATION AT THE BOTTOM OF
2 THE FORM IS SIGNED.
3

4 New Rule 2.11 would be adopted as follows:

5 2.11 FOR THE PURPOSES OF SECTION 1-2-605(4)(A), C.R.S., AN UPDATE TO A VOTER'S
6 REGISTRATION INFORMATION MUST BE PROVIDED TO THE COUNTY CLERK AND RECORDER IN
7 WRITING IN ORDER TO CHANGE THE VOTER'S STATUS FROM INACTIVE TO ACTIVE. FOR THE
8 PURPOSES OF THIS RULE, "IN WRITING" SHALL INCLUDE CORRESPONDENCE DELIVERED IN
9 PERSON OR BY U.S. MAIL, FAX, OR EMAIL.
10

11 Rule 5.4.1 would be amended as follows:

12 5.4.1 The form and verification of any petition requesting an election conducted by a
13 water conservancy district pursuant to sections 37-45-114—(2) AND 37-45-
14 136(3.5), C.R.S., ("Petition"), shall conform with the requirements of sections 1-
15 40-113 and 1-40-116, C.R.S., and the sections cited therein, and Rule 22 of these
16 rules; except that no prior approval of the form of such election petition needs to
17 be provided by the Secretary of State, the petition shall be filed with the Court and
18 the verification process shall be directed by the water conservancy district named
19 in the petition rather than the Secretary of State, and the "warning" language
20 appearing on the petition shall be applicable to the election requested to be
21 conducted.
22

23 Rules 5.4.5 and 5.4.6 would be amended as follows:

24 5.4.5 Upon final determination of the sufficiency of a petition;

25 (A) REQUESTING AN ELECTION PURSUANT TO SECTION 37-45-114(2), C.R.S.,
26 the court shall order, regardless of the actual expiration date of the term of
27 the office subject to the court-ordered election, the holding of the election
28 to be conducted no more than ONE HUNDRED (100) days nor less than
29 SIXTY (60) days from the date of such Court order, unless the water
30 conservancy district has notified the Court that such election is to be
31 conducted as a coordinated election pursuant to section 1-7-116, C.R.S.

32 (B) REQUESTING AN ELECTION PURSUANT TO 37-45-136(3.5), C.R.S., THE
33 COURT SHALL ORDER THE HOLDING OF THE ELECTION TO BE CONDUCTED
34 PURSUANT TO 34-45-139 TO 37-45-141, C.R.S.

35 5.4.6 The form and procedures for filing candidate nomination forms and call for
36 nominations of persons desiring to be a candidate for the office to be voted upon
37 at the Court-ordered election described in PARAGRAPH A OF Rule 5.4.5—of these
38 rules, shall be in conformance with the form and procedures required for special
39 districts under Article 1, Title 32, C.R.S., unless otherwise ordered by the Court.
40

41 New Rule 7.6 would be adopted as follows:

1
2 7.6 TIME IN VOTING AREA. PURSUANT TO SECTION 1-7-115, C.R.S., IF VOTING BOOTHS IN A
3 POLLING PLACE ARE ALL IN USE AND ELIGIBLE ELECTORS ARE WAITING TO USE THEM, EACH
4 VOTER SHALL BE ALLOWED A MAXIMUM TIME IN A VOTING BOOTH.

5 ***ALTERNATIVE 1:***

6 7.6.1 THE MAXIMUM ALLOWABLE TIME IN A VOTING BOOTH SHALL BE CALCULATED
7 BASED UPON THIRTY (30) SECONDS PER BALLOT ISSUE OR BALLOT QUESTION PLUS
8 FIFTEEN (15) SECONDS PER RACE.

9 ***ALTERNATIVE 2:***

10 7.6.1 THE MAXIMUM ALLOWABLE TIME IN A VOTING BOOTH SHALL BE THE TIME
11 REQUIRED TO READ THE ENTIRE BALLOT AT A RATE OF THREE AND ONE HALF (3.5)
12 WORDS PER SECOND.

13 [*NOTE: BASED UPON AVERAGE ADULT READING TIME OF 200 WORDS PER MINUTE*]

14 ***ALTERNATIVE 3:***

15 7.6.1 THE MAXIMUM ALLOWABLE TIME IN A VOTING BOOTH SHALL BE TWENTY (20)
16 MINUTES.

17

18 7.6.2 NOTWITHSTANDING RULE 7.6.1, THERE SHALL NOT BE A MAXIMUM ALLOWABLE
19 TIME FOR VOTERS WITH DISABILITIES.

20 Rule 12.1.1.1 would be amended as follows:

21 12.1.1.1 The secrecy sleeve or secrecy envelope shall be uniform within
22 each type of mail-in ballot or mail ballot voting system used in the State of
23 Colorado. Each secrecy sleeve, secrecy envelope, or voter instructions
24 used in the State of Colorado in any mail ballot or mail-in ballot election
25 shall INFORM THE VOTER OF THE AMOUNT OF POSTAGE REQUIRED TO
26 RETURN A VOTED BALLOT AND contain the following required language,
27 approved by the Secretary of State, regarding identification requirements
28 of voters who have registered by mail:

29 (a) “First Time Voters Who Register By Mail”

30 “If you registered in your county by mail, and did not submit proof
31 of identification in accordance with section 1-2-501, C.R.S., a copy
32 of one of the forms of identification listed in Rule 30.1.6 is
33 required with your mail ballot or your absentee ballot.”

1 (b) "Failure to provide ID will result in your ballot being treated as a
2 provisional ballot. Provisional ballots are counted when
3 registration is verified." See section 1-7.5-107(3.5)(d), C.R.S.

4
5 Rule 26.1.5 would be amended as follows:

6 26.1.5 For the purposes of Article 8.5 of C.R.S. and this Rule 26, "statewide offices"
7 shall be defined as the following:

- 8 ● Governor-Lieutenant Governor (as a pair)
- 9 ● Attorney General
- 10 ● Secretary of State
- 11 ● Treasurer
- 12 ● Regent of the University of Colorado- At Large
- 13 ● JUSTICE OF THE SUPREME COURT
- 14 ● JUDGE OF THE COURT OF APPEALS

15
16 New Rule 26.1.6 would be adopted as follows:

17
18 26.1.6 VOTER ACCESS TO PROVISIONAL BALLOT INFORMATION REQUIRED BY SECTION 1-8.5-111,
19 C.R.S.

20 26.1.6.1 THE SYSTEM SHALL BE MADE AVAILABLE TO THE VOTER FOR NO
21 LESS THAN THIRTY (30) DAYS FOLLOWING THE DATE OF THE ELECTION.

22 26.1.6.2 A LOCAL TELEPHONE NUMBER BY ITSELF SHALL NOT BE SUFFICIENT
23 TO ESTABLISH "FREE ACCESS" PURSUANT TO SECTION 302 OF THE HELP
24 AMERICA VOTE ACT OF 2002, 42 USC 15482.

25
26 Rule 37.3 would be amended by the addition of a new Rule 37.3.3 and 37.3.4, as follows:

27 **Rule 37. The Acquisition, Purchase or Lease of Voting Systems.**

28 37.3 Adoption of April 30, 2002 Voting Systems Standards promulgated by the Federal
29 Election Commission for voting systems.

30 37.3.1 The Secretary of State hereby adopts the April 30, 2002 Voting Systems
31 Standards promulgated by the Federal Election Commission for voting systems.
32 Therefore, all voting systems, including, but not limited to, optical scan voting
33 systems, direct record electronic voting systems, and touch screens, purchased by

1 the political subdivisions of the State of Colorado are required to meet the
2 qualifications of the Voting Systems Standards promulgated by the Federal
3 Election Commission on April 30, 2002 and be certified by an independent testing
4 authority certified by the National Association of Election Directors until such
5 time, and subsequently thereto, at each time, as the Election Assistance
6 Commission promulgates new Voting Systems Standards.

7 37.3.2 Upon any revision or new release of Voting Systems Standards by the Election
8 Assistance Commission, the Secretary of State hereby automatically adopts such
9 standards as may be promulgated, and any vendor seeking state certification shall
10 follow such adopted voting systems standards and the processes mandated by
11 state law in order to be certified by the Secretary of State.

12 37.3.3 ANY VOTING SYSTEM OR EQUIPMENT SUBMITTED TO THE SECRETARY OF STATE FOR
13 CERTIFICATION SHALL MEET THE FEDERAL VOTING SYSTEM STANDARDS IN EFFECT
14 AT THE TIME THE VOTING SYSTEM OR EQUIPMENT IS SUBMITTED TO THE SECRETARY
15 OF STATE. THE ADOPTION OF ANY NEW OR AMENDED VOTING SYSTEM STANDARDS
16 BY THE ELECTION ASSISTANCE COMMISSION AFTER A VOTING SYSTEM OR
17 EQUIPMENT IS SUBMITTED TO THE SECRETARY OF STATE FOR CERTIFICATION SHALL
18 NOT PRECLUDE CERTIFICATION OR SALE OF THE VOTING SYSTEM OR EQUIPMENT.

19 37.3.4 ON AND AFTER DECEMBER 13, 2007 (THE EFFECTIVE DATE OF THE 2005
20 VOLUNTARY VOTING SYSTEM GUIDELINES OF THE ELECTION ASSISTANCE
21 COMMISSION), THE GOVERNING BODY OR DESIGNATED ELECTION OFFICIAL OF A
22 POLITICAL SUBDIVISION MAY PURCHASE ANY VOTING SYSTEM THAT WAS
23 PREVIOUSLY CERTIFIED UNDER THE 2002 VOTING SYSTEMS GUIDELINES.
24

25 Rule 38 would be amended as follows:

26 **Rule 38. Minimum Security Procedures for Transmission of Election Records by Secure,**
27 **Dedicated Teleprocessing Lines Employed by Vote Centers. See section 1-5-102.7,**
28 **C.R.S.**

29 38.1 Definitions.

30 38.1.1 “Vote Center” means a polling place at which any registered elector in the
31 political subdivision holding the election may vote, regardless of the precinct in
32 which the elector resides.

33 38.1.2 “Teleprocessing Lines” means secure, dedicated communication transmission
34 facilities used for the purpose of transferring Elector Data between Vote Centers
35 and a centralized computerized pollbook maintained by the county clerk and
36 recorder, to ensure the security and integrity of voting information so that no
37 deviation can go undetected.

38 38.1.3 “Elector Data” means voting information, including but not limited to, voter
39 registration, voting history, and voting tabulations.

- 1 38.1.4 “Electronic Pollbook” is a list of eligible electors in electronic format who are
2 permitted to vote at a polling place in an election conducted under the Election
3 Code, which shall be processed by a computer at a Vote Center to be
4 immediately accessible to all other computers at all Vote Centers in the county.
- 5 38.2 This Rule applies to each designated election official who transmits election records via
6 Teleprocessing Lines to a centralized Electronic Pollbook maintained by the county clerk
7 and recorder for the purpose of running an election and compiling complete returns.
- 8 38.3 MINIMUM CONTINGENCY AND SECURITY PROCEDURES
- 9 38.3.1 The designated election official shall establish written ~~minimum~~ security
10 procedures covering the transference of Vote Center teleprocessing information.
- 11 38.3.2 Such procedures shall include security covering the transmission of Elector
12 Data processed through the Electronic Pollbook and reconciliation of the
13 registration and history of voters casting ballots at a Vote Center.
- 14 38.3.3 SUCH PROCEDURES SHALL INCLUDE CONTINGENCY PROCEDURES FOR NETWORK
15 AND POWER FAILURE. SUCH PROCEDURES SHALL AT A MINIMUM INCLUDE
16 PROCEDURES TO ADDRESS ALL SINGLE POINT FAILURES INCLUDING:
- 17 A. NETWORK FAILURE;
- 18 B. POWER FAILURE THAT LASTS LESS THAN ONE (1) HOUR; AND
- 19 C. POWER FAILURE THAT LASTS MORE THAN ONE (1) HOUR.
- 20 38.3.4 ACCEPTABLE ALTERNATIVES FOR ADDRESSING SUCH FAILURES INCLUDE EITHER:
- 21 A. A PAPER BACKUP OF THE POLLBOOK WITH THE MINIMUM INFORMATION
22 REQUIRED TO VERIFY A VOTER’S ELIGIBILITY; OR
- 23 B. A SUFFICIENT NUMBER OF COMPUTERS PER VOTE CENTER TO ENSURE THAT
24 THE VOTER CHECK-IN CONTINUES IN AN EFFICIENT MANNER. THE COMPUTERS
25 SHALL HAVE THE ABILITY TO FUNCTION ON BATTERIES OR AN EXTERNAL
26 POWER SOURCE FOR UP TO TWO (2) HOURS. IN ADDITION, EACH COMPUTER
27 SHALL HAVE AN ELECTRONIC BACKUP OF THE CURRENT POLLBOOK IN ONE (1)
28 OF THE FOLLOWING FORMATS:
- 29 I. A PORTABLE DOCUMENT FILE (PDF);
- 30 II. A SPREADSHEET THAT IS LIMITED TO SIXTY-FOUR THOUSAND (64, 000)
31 LINES IF IN EXCEL; OR
- 32 III. A DATABASE WITH A BASIC LOOK-UP INTERFACE.
- 33 38.3.5 IN ADDITION TO ACCEPTABLE BACKUP POLLBOOK PROCEDURES, THE SECURITY

1 PROCEDURES SHALL ADDRESS CONTINGENCY PROCEDURES TO PROTECT AGAINST
2 ACTIVITIES SUCH AS VOTING TWICE, INCLUDING BUT NOT LIMITED TO THE USE OF
3 AN AFFIDAVIT THAT THE VOTER HAS NOT AND WILL NOT CAST ANOTHER BALLOT.

4 38.4 MINIMUM STANDARDS FOR DATA ENCRYPTION

5 38.4.1 THE DESIGNATED ELECTION OFFICIAL SHALL SUBMIT TO THE SECRETARY OF STATE
6 EVIDENCE THAT THE CONNECTION TO AN ELECTRONIC POLLBOOK IS SECURE
7 INCLUDING DETAILS CONCERNING ENCRYPTION METHODOLOGY. IN ADDITION, THE
8 ELECTRONIC POLLBOOK SHALL MEET OR EXCEED THE FOLLOWING STANDARDS:

9 A. PROVEN, STANDARD ALGORITHMS SUCH AS DES, BLOWFISH, RSA, RC5
10 AND IDEA SHOULD BE USED AS THE BASIS FOR ENCRYPTION TECHNOLOGIES.

11 B. IF AN ELECTRONIC POLLBOOK UTILIZES A VIRTUAL PRIVATE NETWORK
12 (VPN), THE FOLLOWING SHALL APPLY:

13 1. IT IS THE RESPONSIBILITY OF THE COUNTY TO ENSURE THAT
14 UNAUTHORIZED USERS ARE NOT ALLOWED ACCESS TO
15 INTERNAL NETWORKS.

16 2. VPN USE IS TO BE CONTROLLED USING EITHER A ONE-TIME
17 PASSWORD AUTHENTICATION SUCH AS A TOKEN DEVICE OR A
18 PUBLIC/PRIVATE KEY SYSTEM WITH A STRONG PASSPHRASE.

19 3. WHEN ACTIVELY CONNECTED TO THE NETWORK, VPNS WILL
20 FORCE ALL TRAFFIC TO AND FROM THE PC OVER THE VPN
21 TUNNEL: ALL OTHER TRAFFIC WILL BE DROPPED.

22 4. DUAL (SPLIT) TUNNELING IS NOT PERMITTED; ONLY ONE (1)
23 NETWORK CONNECTION IS ALLOWED.

24 5. VPN GATEWAYS WILL BE SET UP AND MANAGED BY THE
25 COUNTY OR ITS DESIGNEE.

26 6. ALL COMPUTERS CONNECTED TO INTERNAL NETWORKS VIA
27 VPN OR ANY OTHER TECHNOLOGY MUST USE UP-TO-DATE
28 ANTI-VIRUS SOFTWARE.

29 7. VPN USERS WILL BE AUTOMATICALLY DISCONNECTED FROM
30 THE NETWORK AFTER THIRTY (30) MINUTES OF INACTIVITY.
31 THE USER MUST THEN LOGON AGAIN TO RECONNECT TO THE
32 NETWORK. PINGS OR OTHER ARTIFICIAL NETWORK
33 PROCESSES ARE NOT TO BE USED TO KEEP THE CONNECTION
34 OPEN.

35 8. THE VPN CONCENTRATOR IS LIMITED TO AN ABSOLUTE
36 CONNECTION TIME OF TWENTY-FOUR (24) HOURS.

1 9. ONLY INFOSEC-APPROVED VPN CLIENTS MAY BE USED.

2 38.5 MINIMUM ELECTRONIC POLLBOOK REQUIREMENTS

3 38.5.1 THE DESIGNATED ELECTION OFFICIAL SHALL ADHERE TO THE FOLLOWING
4 MINIMUM PROCEDURES AND SHALL SUBMIT DOCUMENTATION OF COMPLIANCE
5 AND PRE-ELECTION TESTING TO THE SECRETARY OF STATE NO LATER THAN SIXTY
6 (60) DAYS PRIOR TO THE FIRST DAY ON WHICH THE ELECTRONIC POLLBOOK IS TO
7 BE USED IN THE ELECTION.

8 38.5.2 MINIMUM NUMBER OF COMPUTERS. COUNTIES SHALL ALLOCATE COMPUTERS TO
9 THEIR VOTE CENTERS BASED UPON THE FOLLOWING MINIMUM REQUIREMENTS:

10 A. COUNTIES WITH FEWER THAN TWENTY-FIVE THOUSAND (25,000)
11 REGISTERED VOTERS SHALL ALLOCATE A MINIMUM OF THREE (3)
12 COMPUTERS TO EACH VOTE CENTER.

13 B. COUNTIES WITH BETWEEN TWENTY-FIVE THOUSAND (25,000) AND FIFTY
14 THOUSAND (50,000) REGISTERED VOTERS SHALL ALLOCATE A MINIMUM OF
15 THIRTY-TWO (32) COMPUTERS TO BE DISPERSED AS EQUALLY AS POSSIBLE
16 AMONG ALL VOTE CENTERS.

17 C. COUNTIES WITH BETWEEN FIFTY THOUSAND (50,000) AND SEVENTY-FIVE
18 THOUSAND (75,000) REGISTERED VOTERS SHALL ALLOCATE A MINIMUM OF
19 SIXTY-THREE (63) COMPUTERS TO BE DISPERSED AS EQUALLY AS POSSIBLE
20 AMONG ALL VOTE CENTERS.

21 D. COUNTIES WITH MORE THAN SEVENTY-FIVE THOUSAND (75,000)
22 REGISTERED VOTERS SHALL ALLOCATE A MINIMUM OF NINETY-FIVE (95)
23 COMPUTERS TO BE DISPERSED AS EQUALLY AS POSSIBLE AMONG ALL VOTE
24 CENTERS.

25 38.5.2.1 A COUNTY MAY SUBMIT TO THE SECRETARY OF STATE AN
26 ALTERNATE PLAN ESTABLISHING THE NUMBER OF COMPUTERS ALLOCATED
27 TO EACH VOTE CENTER. SUCH ALTERNATE PLAN SHALL:

- 28 • BE SUBJECT TO REVIEW AND APPROVAL BY THE SECRETARY OF
29 STATE;
- 30 • ESTABLISH THE REASON(S) FOR PROPOSED COMPUTER ALLOCATION
31 AND PROVIDE STATISTICAL INFORMATION BASED ON HISTORICAL
32 VOTER TURNOUT AT EACH VOTE CENTER;
- 33 • PROVIDE INFORMATION RELATING TO POPULATION CENTERS WITHIN
34 THE COUNTY; AND
- 35 • INCLUDE OTHER RELEVANT INFORMATION, AS NECESSARY.

1 IN NO EVENT SHALL AN ALTERNATE PLAN BE APPROVED UNLESS THE
2 MINIMUM AMOUNT OF COMPUTERS ALLOCATED BY A COUNTY IS EQUAL TO
3 OR GREATER THAN THE MINIMUM NUMBER OF COMPUTERS ESTABLISHED IN
4 THIS RULE. ALTERNATIVE PLANS FOR COMPUTER ALLOCATION AT VOTE
5 CENTERS SHALL BE SUBMITTED AND REVIEWED IN ACCORDANCE WITH THE
6 PROCEDURES FOR SUBMITTING AND REVIEWING SECURITY PROCEDURES
7 ESTABLISHED IN SECTION 1-5-616, C.R.S.

8 38.5.3 THE SYSTEM SHALL CONTAIN ENOUGH BANDWIDTH TO HANDLE THE PROCESSING
9 TIME, TAKING INTO ACCOUNT SECURED TRANSACTION METHOD, FOR ANY
10 COMPUTER ON THE SYSTEM AS FOLLOWS:

- 11 A. A MAXIMUM OF FIVE (5) SECONDS TO UPDATE VOTER CREDIT;
- 12 B. A MAXIMUM OF ONE AND A HALF (1.5) SECONDS TO PROCESS A VOTER
13 INQUIRY BY IDENTIFICATION NUMBER; AND
- 14 C. A MAXIMUM OF FORTY-FIVE (45) SECONDS FOR SESSION STARTUP AND
15 PASSWORD VERIFICATION.

16 38.5.4 THE COUNTY SHALL SUBMIT THE SYSTEM DATA TRANSFER REQUIREMENTS TO
17 COMPLETELY PROCESS A SINGLE VOTER RECORD. THIS SHALL INCLUDE AT A
18 MINIMUM THE FOLLOWING:

- 19 A. THE DATA STREAM INFORMATION ON BOTH SEND AND RECEIVING DATA FOR
20 ALL POINTS OF THE TRANSACTION UNTIL THE TRANSACTION IS COMPLETE;
- 21 B. INFORMATION ON ALL POINTS WHERE THE CONNECTION IS CLOSED AND THE
22 DATA STREAM RELEASED BETWEEN THE REMOTE COMPUTER AND THE SERVER;
23 AND
- 24 C. THE PROPOSED METHOD OF SECURING TRANSMISSIONS ACROSS PUBLIC
25 NETWORKS.

26 38.5.5 THE COUNTY SHALL SUBMIT A DETAILED LIST OF ALL VOTE CENTERS, WITH A
27 PROPOSED NUMBER OF WORKSTATIONS CONNECTING TO THE DATABASE AND THE
28 PROPOSED CONNECTION (INCLUDING BANDWIDTH AND SECURITY) FOR EACH
29 LOCATION.

30 38.6 ELECTRONIC POLLBOOK PRE-ELECTION TESTING PROCEDURES

31 38.6.1 THE ELECTRONIC POLLBOOK APPLICATION SHALL BE TESTED TO ENSURE THAT IT
32 MEETS THE MINIMUM SYSTEM REQUIREMENTS PRIOR TO THE FIRST ELECTION IN
33 WHICH IT IS USED.

- 34 A. THE APPLICATION SHALL ALSO BE TESTED AFTER THE IMPLEMENTATION OF
35 ANY SYSTEM MODIFICATIONS.

1 B. IF NO CHANGES HAVE OCCURRED SINCE THE LAST TEST DOCUMENTATION
2 FILED, THE COUNTY SHALL FILE A STATEMENT TO THAT EFFECT.

3 38.6.2 THE TEST SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:

4 A. A LOAD TEST SHALL BE DEMONSTRATED THROUGH EITHER SIXTY PERCENT
5 (60%) OF ACTUAL COMPUTERS RUNNING AT PROPOSED BANDWIDTH AND
6 SECURITY SETTINGS, OR BY SIMULATING A LOAD TEST WITH COMMERCIAL-
7 OFF-THE-SHELF("COTS") TECHNOLOGY DESIGNED FOR LOAD TESTING SUCH
8 AS MERCURY;

9 B. A CONTINGENCY/FAILURE TEST SHALL BE DEMONSTRATED AND DOCUMENTED
10 ILLUSTRATING THE EFFECTS OF FAILURES IDENTIFIED IN RULE 38.3.3; AND

11 C. ALL TESTS SHALL BE CONDUCTED WITH CLIENTS AND SERVERS IN NORMAL,
12 TYPICAL, DEPLOYED OPERATING MODE.

13 38.6.3 THE DESIGNATED ELECTION OFFICIAL SHALL SUBMIT DOCUMENTATION OF THE
14 TESTING WHICH SHALL INCLUDE THE FOLLOWING:

15 A. A FORMAL TEST PLAN CONTAINING ALL TEST SCRIPTS USED;

16 I. THE TEST PLAN SHALL INCLUDE TEST ENVIRONMENT CONTAINING MAKE,
17 MODEL, TYPE OF HARDWARE AND SOFTWARE VERSIONS USED IN
18 TESTING.

19 II. THE TEST PLAN SHALL ALSO INCLUDE THE NUMBER OF CLIENT
20 COMPUTERS, SERVERS, AND PHYSICAL LOCATIONS INVOLVED IN
21 TESTING.

22 B. TEST LOGS OF ALL EVENTS THAT WERE OBSERVED DURING TESTING
23 INCLUDING:

24 I. THE SEQUENCE OF ACTIONS NECESSARY TO SET UP THE TESTS;

25 II. THE ACTIONS NECESSARY TO START THE TESTS;

26 III. THE ACTIONS TAKEN DURING THE EXECUTION OF THE TESTS;

27 IV. ANY MEASUREMENTS TAKEN OR OBSERVED DURING THE TESTS;

28 V. ANY ACTIONS NECESSARY TO STOP AND/OR SHUT DOWN THE TESTS;

29 VI. ANY ACTIONS NECESSARY TO BRING THE TESTS TO A HALT; AND

30 VII. ANY ACTIONS NECESSARY OR TAKEN TO DEAL WITH ANOMALIES
31 EXPERIENCED DURING TESTING.

32 C. PERFORMANCE LOGS AND REPORTS TAKEN FROM BOTH SERVER(S) AND

1 WORKSTATION(S) DURING THE TESTING WHICH CONTAIN PERFORMANCE
2 INFORMATION OF:

- 3 I. NETWORK USAGE (BANDWIDTH);
4 II. PROCESSOR UTILIZATION;
5 III. RANDOM ACCESS MEMORY (RAM) UTILIZATION; AND
6 IV. ANY ADDITIONAL PERFORMANCE MONITORING REPORTS NECESSARY TO
7 EXPLAIN THE PROCESS TAKEN AND TO SUPPORT THE FINDINGS OF THE
8 TESTS.

9 D. ALL TEST LOGS SHALL CONTAIN DATE, TIME, OPERATOR, TEST STATUS (OR
10 OUTCOME), AND ANY ADDITIONAL INFORMATION TO ASSIST THE SECRETARY
11 IN MAKING A DETERMINATION.

12 38.47 ~~Such~~ WRITTEN procedures AND REPORTS REQUIRED BY THIS RULE 38 shall be submitted ~~in~~
13 ~~writing~~ to the Secretary of State and received by that Office for approval no later than
14 sixty (60) days before the election date. The Secretary of State shall either approve the
15 procedures submitted or notify the designated election official of recommended changes.

16 38.58 If the Secretary of State rejects or approves the written procedures, the Secretary of State
17 shall provide written notice of such rejection/approval, including specifics of non-
18 compliance with this Rule, within fifteen (15) days of receiving the written procedures.

19 38.69 IF THE SECRETARY OF STATE REJECTS THE WRITTEN PROCEDURES, ~~The~~The designated
20 election official shall submit a revised procedure within fifteen (15) days thereafter.

21 38.710 The Secretary of State shall permit the filing of the revised procedures at a later date if it
22 is determined that compliance with the fifteen day requirement is impossible.

23 38.811 All reconciliations must be accomplished prior to canvassing board certification of final
24 results and shall be certified by the canvassing board. The certification of reconciliation
25 shall be filed with the Secretary of State at the time the canvassing board certification of
26 official election results is filed.

27 38.912 Where the Elector Data is transmitted via Teleprocessing Lines for the purpose of
28 combining with other such tabulations to produce complete returns, the designated
29 election official shall establish procedures to reconcile received transmitted tabulations so
30 that no deviation can go undetected.

31 38.1013 Prior to January 1, 2008, election judges shall make one certificate for each Vote
32 Center in the form required by section 1-7-601, C.R.S.

33 38.1114 Certificate of Reconciliation

34 (a) In addition to the statutory form required by section 1-7-601, C.R.S., the election

1 judges for each ~~Voter~~-VOTE Center shall submit a certification of reconciliation in
2 substantially the following form:

3 *During the ____ Election held in _____ County on _____*
4 *20____, Elector Data was transmitted using dedicated Teleprocessing Lines. The*
5 *canvassing board hereby certifies that the reconciliation procedures required by*
6 *Rule 38.8, Minimum Security Procedures for Transmission of Election Records by*
7 *Dedicated Teleprocessing Lines in Vote Centers has been complied with.*

8 (b) The Certification of Reconciliation must be signed and dated by the designated
9 election official.

10 38.15 After January 1, 2008, reconciliation shall consist of race-by-race comparison by precinct
11 of the received tabulation to a tabulation report produced from the original tabulations
12 sent from the precinct to those received at the Vote Center. All tabulation reconciliations
13 must be accomplished prior to canvassing board certification of final results and shall be
14 certified by the canvassing board. This certification of reconciliation shall be filed with
15 the Secretary of State at the time the canvassing board certification of official election
16 results is filed.

17
18 New Rule 40.5 would be adopted as follows:

19 40.5 THE ADVISORY BOARD MAY REJECT APPLICATIONS FOR CERTIFICATION IF ANY OF THE
20 EIGHT (8) CORE AND SIX (6) ELECTIVE CREDIT REQUIREMENTS HAVE BEEN ACHIEVED
21 THROUGH A DUPLICATION OF COURSE CREDITS.

22 Succeeding sections would be renumbered according.

23
24 Rule 40.8.2 would be amended as follows:

25 40.8.2 ~~If a certification lapses within 18 months, the person shall be required to make up~~
26 ~~the continuing elections education credits to maintain certification.~~ CERTIFIED
27 ELECTION OFFICIAL FAILS TO SATISFY CONTINUING ELECTIONS EDUCATION
28 REQUIREMENTS IN ONE (1) CALENDAR YEAR, THEN THE ELECTION OFFICIAL SHALL
29 HAVE A MAXIMUM OF TWELVE (12) MONTHS TO COMPLETE CONTINUING EDUCATION
30 REQUIREMENTS FOR THE PREVIOUS CALENDAR YEAR AND THE CURRENT CALENDAR
31 YEAR.

32 Rule 40.8.3 would be amended as follows:

33 40.8.3 ~~If a certification lapses after a period greater than 18 months, the person shall be~~
34 ~~required to fulfill all the necessary certification requirements and re apply for~~
35 ~~certification.~~ FAILURE TO SATISFY CONTINUING EDUCATION REQUIREMENTS FOR
36 TWO (2) CONSECUTIVE YEARS WILL RESULT IN DE-CERTIFICATION.

37 Rule 40.8.4 would be repealed as follows:

1 ~~40.8.4 The advisory board created shall have the authority to review all de-certifications~~
2 ~~and take into account any extenuating circumstances regarding re-certification.~~

3
4 Rule 40.9 would be repealed as follows:

5
6 ~~40.9 Applications for certification received in the Year 2006~~

7 ~~40.9.1 For applications for certification received by the secretary of state in the Year~~
8 ~~2006, the advisory board may grant approval of certification if the applicant has~~
9 ~~met the following requirements:~~

10 Rule 43.8.7.1(c) would be amended as follows:

- 11 c. Transportation by Contract. Counties electing to contract the delivery
12 of equipment to remote voting locations shall perform CBI
13 background checks on the specific individuals who will be delivering
14 the equipment. Two (2) employees or election judges shall verify,
15 sign, and date the seal-tracking log upon release of the equipment TO
16 THE INDIVIDUALS DELIVERING THE EQUIPMENT. ~~and two~~ Two (2) other
17 employees or election judges shall verify, sign, and date the seal-
18 tracking log ~~upon acceptance of~~ AFTER the equipment ~~at the delivery~~
19 ~~point~~ HAS BEEN DELIVERED, AND PRIOR TO THE OPENING OF THE POLLS.
20 If there is any evidence of possible tampering with a seal, or if the
21 serial numbers do not agree, they shall immediately notify the county
22 clerk and recorder who shall follow the procedures specific to the
23 incident as described in section 43.8.11 of this Rule.

24 Rule 44.4.5 would be amended as follows:

25 44.4.5 The VRD organizer is not eligible to receive ~~standard~~ THE APPROVED Colorado
26 Voter Registration DRIVE Application Forms until the organizer has completed
27 training, signed the statement of intent, completed and signed the
28 Acknowledgement, and been assigned a number.

29 New Rules 44.5 and 44.6 would be adopted as follows:

30 44.5 RENEWAL PROCEDURES

31 44.5.1 PRIOR TO CONDUCTING A VRD IN THE NEXT CALENDAR YEAR, A VRD ORGANIZER
32 THAT COMPLETED TRAINING AND WAS ASSIGNED A UNIQUE VRD NUMBER IN A
33 PRIOR YEAR MUST APPLY FOR RENEWAL AND RECEIVE A NEW VRD NUMBER.

34 44.5.2 TO RECEIVE A VRD NUMBER FOR THE NEXT CALENDAR YEAR, THE VRD ORGANIZER
35 MAY COMPLETE AN ONLINE RENEWAL WITHIN SIXTY (60) DAYS AFTER EXPIRATION
36 OF THE VRD NUMBER, OR ATTEND TRAINING OFFERED BY THE SECRETARY OF STATE
37 IN ACCORDANCE WITH RULE 44.2.

38 44.5.3 FOR ONLINE RENEWAL, THE VRD ORGANIZER SHALL COMPLETE THE RENEWAL
39 EXERCISE PROVIDED ON THE SECRETARY OF STATE WEBSITE. THE VRD

1 ORGANIZER SHALL THEN SUBMIT TO THE SECRETARY OF STATE A COMPLETED
2 STATEMENT OF INTENT IN ACCORDANCE WITH SECTION 1-2-701, C.R.S., AND RULE
3 44.1.

4 A. A VRD ORGANIZER WHO CORRECTLY ANSWERS ONE HUNDRED PERCENT
5 (100%) OF THE RENEWAL EXERCISE QUESTIONS SHALL BE ISSUED A VRD
6 NUMBER FOR THE NEXT CALENDAR YEAR.

7 B. A VRD ORGANIZER WHO DOES NOT CORRECTLY ANSWER ONE HUNDRED
8 PERCENT (100%) OF THE RENEWAL EXERCISE QUESTIONS SHALL NOT BE
9 ISSUED A VRD NUMBER FOR THE NEXT CALENDAR YEAR UNTIL HE OR SHE
10 ATTENDS A TRAINING OFFERED BY THE SECRETARY OF STATE.

11 44.5.4 A VRD ORGANIZER THAT ATTENDED TRAINING IN PERSON OR VIA CONFERENCE CALL
12 IN THE PREVIOUS YEAR IS ELIGIBLE TO COMPLETE THE ONLINE RENEWAL IN THE
13 CURRENT YEAR.

14 44.6 VOTER REGISTRATION DRIVE COMPLAINTS AND FINES

15 44.6.1 ANY PERSON, INCLUDING THE SECRETARY OF STATE, WHO BELIEVES A VRD
16 ORGANIZER OR CIRCULATOR HAS NOT COMPLIED WITH THE REQUIREMENTS OF
17 SECTION 1-2-701 *ET SEQ.*, C.R.S., OR THIS RULE 44 MAY FILE A WRITTEN
18 COMPLAINT WITH THE SECRETARY OF STATE.

19 44.6.2 A WRITTEN COMPLAINT FILED WITH THE SECRETARY OF STATE SHALL CONTAIN THE
20 FOLLOWING INFORMATION:

21 A. THE COMPLAINANT'S NAME;

22 B. THE COMPLAINANT'S FULL RESIDENCE ADDRESS AND MAILING ADDRESS (IF
23 DIFFERENT FROM RESIDENCE);

24 C. A DESCRIPTION OF THE ALLEGED VIOLATION, WHICH MAY INCLUDE A
25 REFERENCE TO THE PARTICULAR STATUTE OR RULE;

26 D. THE NAME AND ASSIGNED NUMBER OF THE VRD, IF KNOWN;

27 E. THE DATE AND LOCATION OF THE ALLEGED VIOLATION, IF KNOWN; AND

28 F. OTHER APPLICABLE OR RELEVANT INFORMATION

29 44.6.3 THE SECRETARY OF STATE SHALL REVIEW ALL COMPLAINTS SUBMITTED IN WRITING
30 AND CONDUCT SUCH INVESTIGATIONS AS MAY BE NECESSARY AND APPROPRIATE. IF
31 THE SECRETARY OF STATE DETERMINES THAT A VIOLATION HAS OCCURRED, THE
32 SECRETARY OF STATE SHALL IMPOSE A FINE IN ACCORDANCE WITH SECTION 1-2-
33 703, C.R.S.

34 44.6.4 THE SECRETARY OF STATE SHALL REVIEW ALL COMPLAINTS SUBMITTED IN WRITING

1 AND CONDUCT SUCH INVESTIGATIONS AS MAY BE NECESSARY AND APPROPRIATE. IF
2 THE SECRETARY OF STATE DETERMINES THAT A VIOLATION HAS OCCURRED, THE
3 SECRETARY OF STATE SHALL IMPOSE A FINE IN ACCORDANCE WITH SECTION 1-2-
4 703, C.R.S., AND NOTIFY THE VRD ORGANIZER OF:

5 44.6.4.1 THE DATE AND FACTUAL BASIS OF EACH ACT WITH WHICH THE VRD
6 ORGANIZER IS BEING CHARGED;

7 44.6.4.2 THE PARTICULAR PROVISION OF THE STATUTE VIOLATED; AND

8 44.6.4.3 THE AMOUNT OF THE FINE IMPOSED.

9 44.6.5 NOTIFICATION OF VIOLATION SHALL BE SENT BY CERTIFIED OR REGISTERED MAIL,
10 RETURN RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF THE VRD
11 ORGANIZER.

12 44.6.6 THE VRD ORGANIZER MAY APPEAL A FINE AND SHALL HAVE THIRTY (30) DAYS
13 FOLLOWING RECEIPT OF NOTIFICATION TO SUBMIT A WRITTEN RESPONSE SETTING
14 FORTH THE REASON(S) THAT THE VRD ORGANIZER IS APPEALING THE FINE. THE
15 VRD ORGANIZER MAY REQUEST, WITHIN THE THIRTY (30) DAYS, A HEARING WITH
16 THE SECRETARY OF STATE TO DISPUTE THE FINE.

17 44.6.7 WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THE WRITTEN RESPONSE, OR HEARING
18 PROCEDURES, THE SECRETARY OF STATE SHALL ISSUE AN ORDER AFFIRMING OR
19 DISMISSING THE IMPOSED FINE.