



## **Notice of Proposed Rulemaking**

**Office of the Secretary of State**  
**Election Rules**  
**8 CCR 1505-1**

**June 12, 2014**

### **I. Notice of hearing**

As required by the State Administrative Procedure Act,<sup>1</sup> the Secretary of State gives notice of proposed rulemaking. A hearing is scheduled for **July 17, 2014 from 1:00 p.m. to 4:00 p.m.** in the Blue Spruce Conference Room on the second floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290.

### **II. Subject of the proposed rulemaking**

The Secretary is considering amendments to the election rules<sup>2</sup> in order to improve the administration and enforcement of Colorado elections law<sup>3</sup> and to increase the transparency and security of the election process. Specifically, the Secretary is considering permanent adoption of rules concerning Colorado's certified voting equipment conditions for use.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

### **III. Statutory authority for proposed rulemaking**

The rule revisions and amendments are proposed under the following statutory provisions:

1. Section 1-1-107(2)(a), C.R.S., (2013), which authorizes the Secretary of State "[t]o promulgate, publish and distribute...such rules as the secretary finds necessary for the proper administration and enforcement of the election laws."

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<sup>1</sup> Section 24-4-103(3)(a), C.R.S. (2013).

<sup>2</sup> 8 CCR 1505-1.

<sup>3</sup> Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

2. Section 1-1.5-104(1)(e), C.R.S., (2013), which authorizes the Secretary of State to “[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the “Help America Vote Act of 2002”, 42 U.S.C. §§ 15301-15545] of this article.”
3. Section 1-5-608.5(3)(b), C.R.S., (2013), which authorizes the Secretary of State to adopt conditions for use as appropriate to mitigate any voting systems deficiencies identified during the certification process.
4. Section 1-5-601.5, C.R.S., (2013), which authorizes the Secretary of State to require by rule that voting systems and voting equipment satisfy certain voting system standards promulgated by the federal Election Assistance Commission.
5. Section 1-5-616, C.R.S., (2013), which authorizes the Secretary of State to adopt rules establishing minimum standards for voting systems and voting, including write-in voting, and of counting, tabulating, and recording votes.
6. Section 1-5-623(4), C.R.S., (2013), which authorizes the Secretary of State to “promulgate rules...as may be necessary to administer and enforce any requirements of this section, including any rules necessary to specify permissible conditions of use governing electronic voting devices or systems related components of such devices or systems in accordance with the requirements of this part 6.”
7. Section 1-7-510(6), C.R.S., (2013), which requires the Secretary of State to adopt rules to carry out the statutory requirements governing election setup records.
8. Section 1-7-513(2), C.R.S., (2013), which requires the Secretary of State to adopt rules outlining the procedures for maintaining voting equipment records.

#### **IV. Copies of draft rules**

A preliminary draft of the proposed rules is posted on the Secretary of State’s rules and notices of rulemaking website at:

[www.sos.state.co.us/pubs/rule\\_making/hearings/2014/ElectionRulesHearing20140717.html](http://www.sos.state.co.us/pubs/rule_making/hearings/2014/ElectionRulesHearing20140717.html).

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,<sup>4</sup> if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by July 11, 2014.

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<sup>4</sup> Section 24-4-103(3)(a), C.R.S. (2013). “Any 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.”

## **V. Opportunity to testify and submit written comments**

The Secretary values your feedback in our rulemaking process, and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

All interested people will have the opportunity to testify and provide written comment concerning the rule amendments. Oral testimony may be time-limited to ensure that the hearing is prompt and efficient.

You may submit written comments by mail, email, or in person to our office any time before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website [www.sos.state.co.us/pubs/rule\\_making/hearings/2014/ElectionRulesHearing20140717.html](http://www.sos.state.co.us/pubs/rule_making/hearings/2014/ElectionRulesHearing20140717.html). Before comments are posted online, contact information including home address, email address, and telephone number are redacted from submissions unless otherwise directed by the contributor.

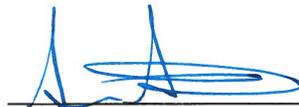
## **VI. Broadcast and audio recording of hearing**

If you are unable to attend the hearing, you may listen to the live broadcast from the Blue Spruce Conference Room online at [www.sos.state.co.us/pubs/info\\_center/audioBroadcasts.html](http://www.sos.state.co.us/pubs/info_center/audioBroadcasts.html). After the hearing, visit the same website and click on “archived recordings” to access an audio recording of the hearing.

## **VII. Office contact**

If you have any questions or would like to submit written comments, please contact Andrea Gyger with the Administration Division at [SoS.Rulemaking@sos.state.co.us](mailto:SoS.Rulemaking@sos.state.co.us) or (303) 894-2200 ext. 6329.

Dated this 12th Day of June, 2014.



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Suzanne Staiert  
Deputy Secretary of State

For

Scott Gessler  
Colorado Secretary of State





## **Draft Statement of Basis, Purpose, and Specific Statutory Authority**

**Office of the Secretary of State**  
**Election Rules**  
**8 CCR 1505-1**

**June 12, 2014**

### **I. Basis and Purpose**

This statement explains amendments to the Colorado Secretary of State Election Rules. The Secretary of State intends to adopt rules concerning Colorado's certified voting equipment conditions for use. The Secretary is also considering other amendments to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws,<sup>1</sup> improve elections administration in Colorado, and increase the transparency and security of the election process.

On May 29, 2014, the Secretary issued a request for public comment to help our office develop preliminary draft rules. The comments we received in anticipation of rulemaking are available online at: [http://www.sos.state.co.us/pubs/rule\\_making/ruleComments.html](http://www.sos.state.co.us/pubs/rule_making/ruleComments.html) and are incorporated into the official rulemaking record.

Details about changes to the rules follow:

- Amendments to Rule 20.1 correspond to Senate Bill 14-161's revision of section 1-7.5-115(1), C.R.S.
- Amendments to Rule 20.2.2 clarify that optical scanners approved for use under section 1-5-613(2), C.R.S., for which no trusted build exists are not required to have trusted build installed. The amendments also clarify the safeguards the county must implement before using those optical scanners.
- Current Rule 20.3.1(e), which extends DRE security provisions to Hart's Judge's Booth Controller unit, has been repealed as redundant because it is covered by existing Rule 20.3.4.

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<sup>1</sup> Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

- Proposed Rule 20.3.1(e) establishes that every voter service and polling center must have at least one DRE with a headset that has adjustable volume control.
- Amendments to current Rule 20.5.2(c) include the following:
  - The portions of current Rule 20.5.2(c) which generally lists the requirements for password management for hardware and software components were repealed because the topic is covered by existing Rule 20.5.2(a) and (b) and proposed Rule 20.5.2(c) and (d).
  - The remaining portion of current Rule 20.5.2(c) was moved to proposed Rule 20.5.2(d) and amended to clarify that voting system providers may not have administrative or user account access to a county's election management system.
  - Proposed Rule 20.5.2(c) clarifies how a county may use administrator user accounts and requires that each individual user account have a unique password to ensure audit-log consistency.
- Proposed Rule 20.5.2(f) provides that a county must disable any WiFi capability on any election management system workstation that is equipped with such capability. This provision was added to provide for network hardening due to increased county use of laptops with WiFi capability as election management system workstations.
- Current Rule 20.5.2(e), now proposed Rule 20.5.2(g), was amended to eliminate an obsolete exception to modem transmission.
- Current Rule 20.5.2(f) that generally discusses transmission of results by modem is repealed as obsolete. Transmitting preliminary results by modem is now completely prohibited by proposed Rule 20.5.2(g).
- Proposed Rule 20.11.1(d) is added to incorporate a global condition requiring a county to secure the connection between an external VVPAT and a DRE with tamper-evident seals and maintain a chain-of-custody log.
- Amendments to current Rule 20.11.2(b) provide that a county may not release a report generated from SCORE that could potentially identify a voter who casts a specific ballot. This provision corresponds to the requirement that counties process voters real-time in SCORE while ensuring voter anonymity.
- Proposed Rule 20.11.2(d) requires a county to arrange DREs in order to prevent election officials and other voters from observing how a DRE voter cast his or her ballot. This provision has been added as an alternative method for resolving design deficiencies identified in the conditions for use.
- Current Rule 20.11.3(c), requires a county to maintain a catalog of the total number VVPAT spools use in an election, was repealed.

- Proposed Rules 20.17 through 20.20 clarify that the requirements for using a certified voting system in Colorado are not optional, but rather have the force and effect of law, eliminate redundant requirements that currently appear in each separate conditions-for-use document or in the Secretary of State’s Election Rules, provide counties with easy-to-follow voting-system requirements in Colorado, and create a single source for counties to access voting system conditions for use.

Other changes to rules not specifically listed are entirely non-substantive and necessary for consistency with Department rulemaking format/style. Some words and phrases are changed to simplify or clarify, but the meaning is not intended to be altered unless as described above. Cross-references in rules are also corrected or updated. Please see [http://www.sos.state.co.us/pubs/rule\\_making/files/2014/20140611\\_VotingSystemsConditionsTracking.pdf](http://www.sos.state.co.us/pubs/rule_making/files/2014/20140611_VotingSystemsConditionsTracking.pdf) for a copy of the current conditions-for-use documents that include annotations explaining where each condition is or will be addressed—whether in the working draft of proposed rules or in current election rules.

## **II. Rulemaking Authority**

The statutory and constitutional authority is as follows:

1. Section 1-1-107(2)(a), C.R.S., (2013), which authorizes the Secretary of State “[t]o promulgate, publish and distribute . . . such rules as the secretary finds necessary for the proper administration and enforcement of the election laws.”
2. Section 1-1.5-104(1)(e), C.R.S., (2013), which authorizes the Secretary of State to “[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the “Help America Vote Act of 2002”, 42 U.S.C. §§ 15301-15545] of this article.”
3. Section 1-5-608.5(3)(b), C.R.S., (2013), which authorizes the Secretary of State to adopt conditions for use as appropriate to mitigate any voting systems deficiencies identified during the certification process.
4. Section 1-5-601.5, C.R.S., (2013), which authorizes the Secretary of State to require by rule that voting systems and voting equipment satisfy certain voting system standards promulgated by the federal Election Assistance Commission.
5. Section 1-5-616, C.R.S., (2013), which authorizes the Secretary of State to adopt rules establishing minimum standards for voting systems and voting, including write-in voting, and of counting, tabulating, and recording votes.
6. Section 1-5-623(4), C.R.S., (2013), which authorizes the Secretary of State to “promulgate rules...as may be necessary to administer and enforce any requirements of this section, including any rules necessary to specify permissible conditions of use governing electronic voting devices or systems related components of such devices or systems in accordance with the requirements of this part 6.”

7. Section 1-7-510(6), C.R.S., (2013), which requires the Secretary of State to adopt rules to carry out the statutory requirements governing election setup records.
8. Section 1-7-513(2), C.R.S., (2013), which requires the Secretary of State to adopt rules outlining the procedures for maintaining voting equipment records.

# Preliminary Draft of Proposed Rules

## Office of the Colorado Secretary of State Election Rules 8 CCR 1505-1

June 12, 2014

### Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.<sup>1</sup>

This is a preliminary draft of the proposed rules that may be revised before the July 17, 2014 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State's website no later than **July 11, 2014**.<sup>2</sup>

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
<del>Strikethrough</del>	Deletions
<i>Italic blue font text</i>	Annotations

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1 *Amendments to Rule 20.1:*

2 20.1 The county ~~clerk~~ must submit its annual security plan on the form prescribed by the  
3 Secretary of State in accordance with section 1-5-616(5), C.R.S. A COUNTY MUST ALSO  
4 SUBMIT A COMPREHENSIVE PROCEDURE FOR BALLOT DELIVERY IN AN EMERGENCY UNDER  
5 SECTION 1-7.5-115(1), C.R.S.

6 *Amendments to Rule 20.2.2, regarding general requirements concerning chain-of-custody:*

7 20.2.2 The county must maintain and document ~~the~~ UNINTERRUPTED chain-of-custody  
8 for each voting device FROM THE INSTALLATION OF TRUSTED BUILD TO THE  
9 PRESENT, throughout the county's ownership or leasing of the device. FOR  
10 OPTICAL SCANNERS APPROVED FOR USE UNDER SECTION 1-5-613(2), C.R.S. BUT  
11 FOR WHICH NO TRUSTED BUILD EXISTS, THE COUNTY MUST MAINTAIN AND  
12 DOCUMENT UNINTERRUPTED CHAIN-OF-CUSTODY FOR EACH VOTING DEVICE FROM

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<sup>1</sup> Sections 24-4-103(2.5) and (3)(a), C.R.S. (2013). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

<sup>2</sup> Section 24-4-103(4)(a), C.R.S. (2013). "[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."

1 THE SUCCESSFUL COMPLETION OF ACCEPTANCE TESTING CONDUCTED ACCORDING  
2 TO RULE 20.8.4.

3 *Amendments to Rule 20.3.1(e), regarding physical locking mechanisms and seals for DREs and*  
4 *ballot marking devices:*

5 (e) ~~These same procedures also apply to the Judge's Booth Controller (JBC)~~  
6 ~~unit for the Hart InterCivic System.~~ IN EACH VOTER SERVICE AND POLLING  
7 CENTER, THE COUNTY MUST PROVIDE A MINIMUM OF ONE ACCESSIBLE DRE  
8 WITH A HEADSET THAT HAS ADJUSTABLE VOLUME CONTROL.

9 *Amendments to Rule 20.4:*

10 20.4 Individuals with access to keys, door codes, and vault combinations:

11 20.4.1 For employees with access to areas addressed in Rule 20.4.3, the county must  
12 state in the security plan each employee's title and the date of the ~~the~~ criminal  
13 background check PERFORMED UNDER RULE 6.5. [Section 24-72-305.6, C.R.S.]

14 *Amendments to Rule 20.5.2, regarding internal controls for the Voting System:*

15 20.5.2 In addition to the access controls discussed in Rule 20.4, the county must change  
16 all passwords and limit access to the following areas:

17 (a) ~~Software.~~ The county must change all software passwords once per  
18 calendar year prior to the first election. This includes any boot or startup  
19 passwords in use, as well as any administrator and user passwords and  
20 remote device passwords.

21 (b) ~~Hardware.~~ The county must change all hardware passwords once per  
22 calendar year prior to the first election. This includes any encryption keys,  
23 key card tools, supervisor codes, poll worker passwords on smart cards,  
24 USB keys, tokens, and voting devices themselves as it applies to the  
25 specific system.

26 (c) ~~Password Management~~ The county must limit access to the administrative  
27 passwords to the election management software to two employees. The  
28 county must limit access to passwords for all components of the election  
29 software and hardware to two employees. The county may provide an  
30 additional ten employees with access to the administrative passwords for  
31 the software components, and an additional ten employees with access to  
32 the administrative passwords for the hardware components of the voting  
33 system. The voting system provider may not have an administrative or  
34 application user/operator account, or administrative account access to the  
35 account.

36 (C) ADMINISTRATIVE AND USER ACCOUNTS FOR ELECTION MANAGEMENT  
37 SYSTEM AND ELECTION DATABASES.

- 1 (1) THE COUNTY MAY USE THE ADMINISTRATIVE USER ACCOUNT ONLY  
2 TO CREATE INDIVIDUAL USER ACCOUNTS FOR EACH ELECTION  
3 DATABASE.
- 4 (2) THE COUNTY MUST CREATE INDIVIDUAL USER ACCOUNTS THAT ARE  
5 ASSOCIATED AND IDENTIFIED WITH EACH INDIVIDUAL AUTHORIZED  
6 USER OF THE ELECTION MANAGEMENT SYSTEM OR ELECTION  
7 DATABASE.
- 8 (3) THE COUNTY MUST RESTRICT ACCESS TO EACH INDIVIDUAL USER  
9 ACCOUNT WITH A UNIQUE PASSWORD KNOWN ONLY TO EACH  
10 INDIVIDUAL USER. AUTHORIZED USERS MUST ACCESS THE ELECTION  
11 MANAGEMENT SYSTEM AND ELECTION DATABASE USING HIS OR HER  
12 INDIVIDUAL USER ACCOUNT AND UNIQUE PASSWORD.
- 13 (4) THE COUNTY MAY GRANT ADMINISTRATIVE PRIVILEGES TO NO MORE  
14 THAN TEN INDIVIDUAL USER ACCOUNTS PER ELECTION.
- 15 (D) OTHER THAN FOR THE PURPOSE OF PROGRAMMING THE ELECTION, THE  
16 VOTING SYSTEM PROVIDER MAY NOT HAVE ADMINISTRATIVE OR USER  
17 ACCESS TO THE COUNTY'S ELECTION MANAGEMENT SYSTEM.
- 18 ~~(d)-(E) Internet Access.~~ The county ~~must never~~ MAY NOT connect or allow a  
19 connection of any voting system component to the Internet.
- 20 (F) IF THE ELECTION MANAGEMENT SYSTEM WORKSTATION IS EQUIPPED WITH  
21 WI-FI CAPABILITY OR A WIRELESS DEVICE, THE COUNTY MUST DISABLE THE  
22 WIRELESS DEVICE.
- 23 ~~(e)-(G) Modem Transmission.~~ The county ~~must never~~ MAY NOT connect any  
24 component of the voting system to another device by modem ~~except for~~  
25 ~~the vote tally software.~~
- 26 ~~(f) Remote voter service and polling centers.~~ At remote voter service and  
27 ~~polling centers, the county may use modem functions of optical scanners~~  
28 ~~and DREs only for the purpose of transmitting unofficial results.~~
- 29 ~~(g)-(H) Authorized Employees.~~ The county must include in its security plan each  
30 ~~employee's~~ THE title and the date of background checks for employees  
31 EACH EMPLOYEE with access to any of the areas or equipment set forth in  
32 this Rule. ~~Each~~ THE county must maintain a storage facility access log that  
33 details employee name, date, and time of access to the storage facility in  
34 which the software, hardware, or components of any voting system are  
35 maintained. If access to the storage facility is controlled by use of key card  
36 or similar door access system that is capable of producing a printed paper  
37 log including the person's name and date and time of entry, such a log  
38 must meet the requirements of this Rule. [Section 24-72-305.6, C.R.S.]

1 *Amendments to Rules 20.8.4 and 20.8.5, regarding equipment maintenance procedures:*

2 20.8.4 Upon completion of any maintenance, the county must verify or reinstate the  
3 trusted build and conduct a full acceptance test of equipment that must, at a  
4 minimum, include the hardware diagnostics test, as indicated in Rule 11, and  
5 ~~conduct~~ a mock election in which an employee(s) must cast a minimum of five  
6 ballots on the device to ensure tabulation of votes is working correctly. The  
7 county must maintain all documentation of the results of the acceptance testing on  
8 file with the specific device.

9 20.8.5 The Secretary of State will annually inspect county maintenance AND CHAIN-OF-  
10 CUSTODY records and verify THE INTEGRITY OF trusted build ~~installation~~ on a  
11 randomly selected basis.

12 *Amendments to Rule 20.9.3(d):*

13 ~~(D)~~(D) If a seal is broken or chain-of-custody ~~cannot be verified~~ IS UNVERIFIABLE,  
14 the county clerk must investigate, document his or her findings, and report  
15 the incident to the Secretary of State, as appropriate.

16 *New Rule 20.11.1(d), regarding VVPAT security:*

17 (D) IF THE VVPAT IS EXTERNAL, THE COUNTY MUST SECURE THE CONNECTION  
18 BETWEEN THE VVPAT AND THE DRE WITH TAMPER-EVIDENT SEALS, AND  
19 MUST MAINTAIN CHAIN-OF-CUSTODY LOGS.

20 *Amendments to Rule 20.11.2:*

21 20.11.2 Anonymity. The designated election official must implement measures to  
22 protect the anonymity of voters choosing to vote on DREs.

23 (a) Measures to protect anonymity include:

24 (1) The county may not keep any record indicating the order in which  
25 people voted on the DRE, or which VVPAT record is associated  
26 with the voter.

27 (2) When more than one DRE is available at a voting location, the  
28 COUNTY MUST, TO THE EXTENT PRACTICABLE, ALLOW THE voter  
29 ~~must be given the choice as to which~~ TO CHOOSE THE DRE they  
30 ~~would like~~ HE OR SHE WISHES to vote on, ~~to the extent practicable~~.

31 (b) ~~The county clerk must remove the date/time stamp from any report or~~  
32 ~~export generated from an electronic pollbook. The county clerk may not~~  
33 ~~use this field as a sort method. The county clerk must randomly assign any~~  
34 ~~Record ID, Key ID, or Serial Number stored in the database of votes. THE~~  
35 COUNTY CLERK MAY NOT RELEASE A REPORT GENERATED FROM SCORE

1 THAT INCLUDES A DATE AND TIME STAMP THAT COULD POTENTIALLY  
2 IDENTIFY A VOTER WHO CAST A SPECIFIC BALLOT.

3 (c) At no time may an election official simultaneously access a VVPAT and  
4 the list of voters. ~~Examination of~~ IF the VVPAT record REQUIRES  
5 INSPECTION, AT LEAST TWO ELECTION OFFICIALS must ~~be performed by at~~  
6 ~~least two election officials~~ CONDUCT THE EXAMINATION.

7 (D) THE COUNTY MUST ARRANGE VOTER SERVICE AND POLLING CENTER DRES  
8 IN A MANNER THAT PREVENTS ELECTION OFFICIALS AND OTHER VOTERS  
9 FROM OBSERVING HOW A DRE VOTER CASTS HIS OR HER BALLOT.

10 *Repeal of Rule 20.11.3(c), regarding VVPAT storage:*

11 ~~(e) A master catalog must be maintained for the election containing the~~  
12 ~~complete total number of VVPAT spools used in the election.~~

13 *New Rule 20.17:*

14 20.17 VOTING SYSTEM CONDITIONS FOR USE

15 20.17.1 THE COUNTY MUST USE THE VOTING SYSTEM ONLY ON A CLOSED NETWORK  
16 AS DEFINED IN RULE 21.1.6 OR IN A STANDALONE FASHION.

17 20.17.2 ACCESS LOGS.

18 (A) IN ADDITION TO THE AUDIT LOGS GENERATED BY THE ELECTION  
19 MANAGEMENT SYSTEM, THE COUNTY MUST MAINTAIN ACCESS LOGS THAT  
20 RECORD THE FOLLOWING:

21 (1) THE DATE, TIME, AND USER'S NAME FOR EACH INSTANCE THAT A  
22 USER ENTERS OR EXITS THE SYSTEM OR THE SYSTEM'S REPORT  
23 PRINTING FUNCTIONS; AND

24 (2) MODIFICATIONS TO THE SYSTEM'S HARDWARE, INCLUDING  
25 INSERTION OR REMOVAL OF REMOVABLE STORAGE MEDIA, AS  
26 DEFINED IN RULE 21.1.15, OR CHANGES TO HARDWARE DRIVERS.

27 (B) THE COUNTY MAY CREATE AND MAINTAIN THE ACCESS LOGS IN THE  
28 MANNER THE COUNTY DEEMS MOST SUITABLE, INCLUDING KEY STROKE  
29 RECORDING SOFTWARE, VIDEO SURVEILLANCE RECORDINGS, MANUALLY OR  
30 ELECTRONICALLY WRITTEN RECORDS, OR A COMBINATION OF THESE  
31 METHODS.

32 20.17.3 THE COUNTY MUST CREATE A BACKUP COPY OF THE ELECTION SETUP  
33 RECORDS ON A READ-ONLY, WRITE-ONCE CD, IMMEDIATELY AFTER COMPLETING  
34 THE LOGIC AND ACCURACY TEST.

1 (A) THE COUNTY MUST IDENTIFY THE MASTER DATABASE NAME AND DATE OF  
2 ELECTION ON THE LABEL OF THE BACKUP CD.

3 (B) THE COUNTY MUST STORE THE BACKUP CD IN A SEALED CONTAINER. TWO  
4 ELECTION OFFICIALS OF DIFFERENT PARTY AFFILIATIONS MUST SIGN AND  
5 DATE ENTRIES TO THE CHAIN-OF-CUSTODY LOG FOR THE SEALED  
6 CONTAINER.

7 20.17.4 DREs.

8 (A) THE COUNTY'S ELECTION JUDGES MUST:

9 (1) TEST THE VVPAT PRINTER IMMEDIATELY AFTER CHANGING THE  
10 VVPAT PAPER; AND

11 (2) LOCK AND RE-SEAL THE VVPAT CANISTER, AND MAKE  
12 APPROPRIATE ENTRIES ON THE VVPAT CHAIN-OF-CUSTODY LOG,  
13 BEFORE VOTING RESUMES ON THE DRE.

14 (B) AT LEAST ONE DRE IN EACH VOTER SERVICE AND POLLING CENTER MUST  
15 HAVE OR BE CONNECTED TO AN UNINTERRUPTIBLE POWER SUPPLY  
16 SUFFICIENT TO SUSTAIN CONTINUOUS OPERATION FOR A MINIMUM OF TWO  
17 HOURS IN THE EVENT OF POWER LOSS.

18 (C) THE COUNTY MUST MAINTAIN LOGS INDICATING ADMINISTRATOR FUNCTION  
19 USE.

20 20.17.5 OPTICAL SCANNERS AS DEFINED IN RULE 21.1.13:

21 (A) WHEN ISSUING BALLOTS, THE COUNTY MUST PROVIDE IN-PERSON VOTERS  
22 WITH A SECRECY SLEEVE SUFFICIENT TO CONCEAL A VOTER'S MARKED  
23 BALLOT FROM OTHERS IN THE POLLING LOCATION, INCLUDING ELECTION  
24 OFFICIALS.

25 (B) THE COUNTY MUST RECORD THE OPTICAL SCANNER SERIAL NUMBER ON ALL  
26 CHAIN-OF-CUSTODY LOGS AND REPORTS GENERATED BY THE DEVICE.

27 (C) EACH OPTICAL SCANNER MUST HAVE OR BE CONNECTED TO AN  
28 UNINTERRUPTIBLE POWER SUPPLIES SUFFICIENT TO SUSTAIN CONTINUOUS  
29 OPERATION FOR A MINIMUM OF TWO HOURS IN THE EVENT OF POWER LOSS.

30 (D) THE COUNTY MUST MAINTAIN LOGS INDICATING ADMINISTRATOR FUNCTION  
31 USE.

32 (E) THE COUNTY MUST PROGRAM EACH OPTICAL SCANNER TO PERMIT AN  
33 ELECTION JUDGE TO OVERRIDE REJECTION OF OVERVOTED BALLOTS THAT  
34 CANNOT BE DUPLICATED IN ACCORDANCE WITH RULE 18.

1 20.18 ES&S VOTING SYSTEM CONDITIONS

2 20.18.1 IF THE COUNTY MUST PROVIDE LANGUAGE MINORITY ASSISTANCE UNDER  
3 SECTION 203 OF THE VOTING RIGHTS ACT (42 U.S.C. §§ 1973 to 1973bb-1), IT  
4 MAY NOT USE AN ES&S VOTING SYSTEM.

5 20.18.2 DRES. THE COUNTY MAY ONLY USE THE NINE INCH SCREEN ON THE  
6 VVPAT.

7 20.18.3 FOR OPTICAL SCANNERS WITH A ZIP DISK DRIVE, THE COUNTY MUST SAVE  
8 THE CAST VOTE RECORDS FOR EACH BATCH OF TABULATED BALLOTS TO A ZIP DISK.

9 20.19 HART DRE CONDITIONS. IF A COUNTY SHORTENS A LENGTHY CANDIDATE NAME ON THE  
10 VVPAT, IT MUST PROVIDE PRINTED NOTICE OF THE CHANGE TO VOTERS AT THE VOTER  
11 SERVICE AND POLLING CENTER.

12 20.20 SEQUOIA DRE CONDITIONS

13 20.20.1 THE COUNTY MUST ADD CLARIFYING TEXT TO THE DISPLAY SCREEN DURING  
14 THE VVPAT REVIEW PROCESS THAT INSTRUCTS THE VOTER TO REVIEW HIS OR HER  
15 BALLOT CHOICES.

16 20.20.2 THE COUNTY MUST LOCK THE ACTIVATE BUTTON TO PREVENT ITS USE  
17 DURING AN ELECTION.

18 20.20.3 A COUNTY MAY NOT MODIFY THE SCREEN DISPLAY USING AN OVERRIDE.INI  
19 FILE WITHOUT APPROVAL FROM THE SECRETARY OF STATE.