



Notice of Proposed Rulemaking

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

May 31, 2017

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. The hearing is scheduled for **July 11, 2017 from 10:00 a.m. - 12:00 p.m.** in the Aspen Conference Room on the 3rd floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290.

II. Subject

The Secretary is considering amendments to the election rules² to improve the administration and enforcement of Colorado election law.³

Specifically, the Secretary is considering rule revisions necessary to ensure proper administration of legislation recently passed by the Colorado General Assembly; establish uniformity in the administration of current law; organize existing rules for clarity; eliminate obsolete provisions; simplify the language of existing rules; remove language that is duplicative of statute; and ensure consistency with Department rulemaking standards. The Secretary may consider additional rule amendments.

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

III. Statutory authority

The Secretary proposes the rule revisions and amendments in accordance with the following statutory provisions:

¹ Section 24-4-103(3)(a), C.R.S. (2016).

² 8 CCR 1505-CCR 1.

³ 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.

- Section 1-1-107(2)(a), C.R.S., (2016), 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.”
- Section 1-1-109, C.R.S., (2016), which authorizes the Secretary of State to “promulgate 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 specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms.”
- Section 1-1.5-104(1)(b), C.R.S., (2016), which authorizes the Secretary of State to “[p]romulgate, oversee, and implement changes in the statewide voter registration system as specified in part 3 of article 2 of this title.”
- Section 1-1.5-104(1)(e), C.R.S., (2016), 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 [Article 1.5 of Title 1].”
- Section 1-2-701(1) and (2), C.R.S., (2016), which authorizes the Secretary of State to promulgate rules in accordance with article 4 of title 24, C.R.S. for commencing and conducting voter registration drives, and for fulfilling training requirements.
- Section 1-2-217.7(7), C.R.S., (2016), which states that “[t]he secretary of state shall promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to implement this section” concerning registration on or immediately before election day.
- Section 1-4-101(2)(b), C.R.S., (2017), which authorizes the Secretary of State to “by rule adopt additional ballot requirements necessary to avoid voter confusion in voting in primary elections.
- Section 1-4-1203(6), C.R.S. (2017), which authorizes the Secretary of State to “by rule adopt additional ballot requirements necessary to avoid voter confusion in voting in presidential primary elections.”
- Section 1-7-515(4), C.R.S. (2016), which requires the Secretary of State to promulgate rules necessary to implement and administer risk-limiting audits.
- Section 1-7.5-104, C.R.S. (2016), which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”
- Section 1-7.5-105, C.R.S. (2016), which requires the county clerk and recorder to supervise the distribution, handling, and counting of ballots and the survey of returns in accordance with “rules promulgated by the secretary of state as provided in section 1-7.5-106(2).”

- Section 1-7.5-106, C.R.S., (2016), which requires the Secretary of State to establish procedures for and supervise the conduct of mail ballot elections, including adopting “rules governing procedures and forms necessary to implement [Article 7.5 of Title 1, C.R.S.]”
- Section 1-7.5-107(6), C.R.S., (2016), which requires all deposited ballots be counted as provided “by rules promulgated by the secretary of state.”

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/2017/ElectionsRulesHearing20170711.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,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by July 6, 2017.

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.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

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/2017/ElectionsRulesHearing20170711.html.

We will redact contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor.

⁴ Section 24-4-103(3)(a), C.R.S. (2016). “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.”

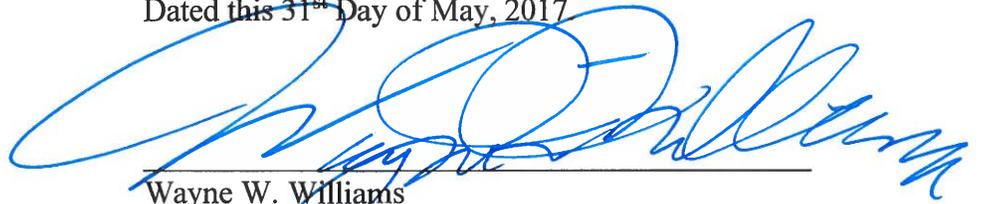
VI. Broadcast and audio recording of hearing

If you are unable to attend the hearing, you may listen to the live broadcast from the Aspen Conference Room online at 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 or (303) 894-2200 ext. 6329.

Dated this 31st Day of May, 2017



Wayne W. Williams
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

May 31, 2017

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Secretary of State Election Rules. The Secretary is considering other amendments to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws,¹ improve elections administration in Colorado, and increase the transparency and security of the election process.

On May 15, 2017, 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: www.sos.state.co.us/pubs/rule_making/ruleComments.html and are incorporated into the official rulemaking record.

Specific proposed changes include:

- New Rule 1.1.10 to define the term “cast vote record”.
- New Rule 1.1.33 to define the term “personally identifiable information”.
- Amendments to Rule 2.3.1 to clarify the language of existing rule.
- New Rule 2.5.4 to ensure proper administration of Propositions 107 and 108 and SB 17-305, and to guarantee that an elector affiliated with one party does not cast a ballot in another party’s primary election.
- Amendments to Rule 2.12.1 to clarify the language of existing rule.
- Repeal of Rule 2.13.2 to establish uniformity in the administration of current law.

¹ 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.

- New Rules 2.14.4 and 2.14.5 to ensure the proper administration of the statewide voter registration database.
- Amendments to Rule 2.15.1 to establish uniformity in the administration of current law.
- New Rule 2.17 to ensure proper administration of Propositions 107 and 108 and SB 17-305.
- Amendments to Rule 4.5.2(d) to establish uniformity in the administration of current law.
- Amendments to Rule 4.8.3(a) to ensure proper administration of Propositions 107 and 108.
- Amendments to Rule 7.2.5 to eliminate obsolete provisions.
- Amendments to Rule 7.2.7 to eliminate an unnecessary citation.
- Amendments to Rule 7.2.9 to eliminate obsolete provisions.
- New Rule 7.2.10 to ensure proper administration of Propositions 107 and 108 and SB 17-305.
- New Rule 7.2.11 to ensure proper administration of Propositions 107 and 108 and SB 17-305.
- New Rule 7.2.12 to ensure proper administration of Propositions 107 and 108 and SB 17-305.
- New Rule 7.5.5 to establish uniformity in the administration of current law, and to allow access to drop-off locations that are not near an office, VSPC, or other drop-box.
- Amendments to Rule 7.5.9 to establish uniformity in the administration of current law.
- Amendments to Rule 7.5.10 to establish uniformity in the administration of current law and organize existing rules for clarity. The amendments to this rule ensure ballot secrecy as required by the Colorado Constitution.
- Amendments to Rule 7.5.11 to establish uniformity in the administration of current law and organize existing rules for clarity.
- New Rule 7.5.12 to establish uniformity in the administration of current law and organize existing rules for clarity.
- New Rule 7.5.13 to ensure proper administration of Propositions 107 and 108 and SB 17-305.
- New Rule 7.5.14 to ensure proper administration of Propositions 107 and 108 and SB 17-305.

- Amendments to Rule 7.6.1 to establish uniformity in the administration of current law and organize existing rules for clarity.
- Amendments to Rule 7.7 and 7.7.3 to establish uniformity in the administration of current law and organize existing rules for clarity.
- Amendments to Rule 7.8.2 to establish uniformity in the administration of current law and organize existing rules for clarity.
- Amendments to Rule 7.9.1(c) to correct an incorrect citation.
- Amendments to Rule 7.9.3 to establish uniformity in the administration of current law and organize existing rules for clarity.
- New Rule 7.9.8 to ensure proper administration of Propositions 107 and 108 and SB 17-305.
- New Rule 7.9.9 to establish uniformity in the administration of current law.
- New Rule 7.9.10 to establish uniformity in the administration of current law.
- New Rule 7.11 to establish uniformity in the administration of current law and provide more voting options to voters.
- New Rule 7.16 to establish uniformity in the administration of current law.
- Amendments to Rule 8.1.5 to establish uniformity in the administration of current law.
- Amendments to Rule 8.7.4 to correct an incorrect cross-reference.
- New Rule 8.15.8 to establish uniformity in the administration of current law.
- Amendments to rule 10.3.2(b) to correct an incorrect cross-reference.
- New Rule 10.4 to ensure proper administration of risk-limiting audits.
- Amendments to Rule 10.5.1 to establish uniformity in the administration of current law, organize existing rules for clarity, and to ensure proper administration of Propositions 107 and 108 and SB 17-305.
- Amendments to Rule 10.13.1 and 10.13.2 to correct incorrect cross-references.
- Amendments to Rule 11.3.2(c)(1) to establish uniformity in the administration of current law.
- Amendments to Rule 11.10.1(b)(2) to correct an incorrect cross-reference.
- Amendments to Rule 11.10.3 establish uniformity in the administration of current law.

- Repeal of Rule 13.1.7 to establish uniformity in the administration of current law.
- Amendments to Rule 13.2.9(a) to establish uniformity in the administration of current law.
- Amendments to Rule 14.1.1(a) establish uniformity in the administration of current law.
- New Rule 14.3.4 to establish uniformity in the administration of current law.
- Amendments to Rule 16.1.6 to establish uniformity in the administration of current law and organize existing rules for clarity.
- Amendments to Rule 20.13.1(c)(8) to establish uniformity in the administration of current law and correct an incorrect cross-reference.
- Amendments to Rule 20.16.3 to correct an incorrect cross-reference.
- Amendments to Rule 20.17.3 to establish uniformity in the administration of current law.
- Amendments to Rule 21.4.5 to establish uniformity in the administration of current law and organize existing rules for clarity.
- Amendments to Rule 21.4.14 to organize existing rules for clarity and establish uniformity in the administration of current law.
- New Rule 24 to establish uniformity in the administration of current law.
- New Rule 25.1 to ensure proper administration of risk-limiting audits.
- New Rule 25.2 to ensure proper administration of risk-limiting audits.
- Recodification of Rule 11.3.3 as Rule 25.3 to ensure uniformity in the administration of post-election random audits.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

II. Rulemaking Authority

The statutory and constitutional authority is as follows:

1. Section 1-1-107(2)(a), C.R.S., (2016), 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 1-1-109, C.R.S., (2016), which authorizes the Secretary of State to “promulgate 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 specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms.”
3. Section 1-1.5-104(1)(b), C.R.S., (2016), which authorizes the Secretary of State to “[p]romulgate, oversee, and implement changes in the statewide voter registration system as specified in part 3 of article 2 of this title.”
4. Section 1-1.5-104(1)(e), C.R.S., (2016), 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 [Article 1.5 of Title 1].”
5. Section 1-2-701(1) and (2), C.R.S., (2016), which authorizes the Secretary of State to promulgate rules in accordance with article 4 of title 24, C.R.S. for commencing and conducting voter registration drives, and for fulfilling training requirements.
6. Section 1-2-217.7(7), C.R.S., (2016), which states that “[t]he secretary of state shall promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to implement this section” concerning registration on or immediately before election day.
7. Section 1-4-101(2)(b), C.R.S., (2017), which authorizes the Secretary of State to “by rule adopt additional ballot requirements necessary to avoid voter confusion in voting in primary elections.
8. Section 1-4-1203(6), C.R.S. (2017), which authorizes the Secretary of State to “by rule adopt additional ballot requirements necessary to avoid voter confusion in voting in presidential primary elections.”
9. Section 1-7-515(4), C.R.S. (2016), which requires the Secretary of State to promulgate rules necessary to implement and administer risk-limiting audits.
10. Section 1-7.5-104, C.R.S. (2016), which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”
11. Section 1-7.5-105, C.R.S. (2016), which requires the county clerk and recorder to supervise the distribution, handling, and counting of ballots and the survey of returns in accordance with “rules promulgated by the secretary of state as provided in section 1-7.5-106(2).”
12. Section 1-7.5-106, C.R.S., (2016), which requires the Secretary of State to establish procedures for and supervise the conduct of mail ballot elections, including adopting “rules governing procedures and forms necessary to implement [Article 7.5 of Title 1, C.R.S.]”
13. Section 1-7.5-107(6), C.R.S., (2016), which requires all deposited ballots be counted as provided “by rules promulgated by the secretary of state.”

Preliminary Draft of Proposed Rules

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

May 31, 2017

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.¹

This is a preliminary draft of the proposed rules that may be revised before the July 11, 2017 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 6, 2017**.²

Please note the following formatting key:

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

1 *Amendments to 8 CCR 1505-1 follow:*

2 *Amendments to Rule 1 concerning definitions and numbering:*

3 *New Rule 1.1.10:*

4 1.1.10 "CAST VOTE RECORD" OR "CVR" MEANS THE AGGREGATED BALLOT-LEVEL DATA ON
5 BALLOTS COUNTED, CONSISTING OF A SINGLE RECORD FOR EACH BALLOT TABULATED,
6 SHOWING THE MANNER IN WHICH THE VOTING SYSTEM INTERPRETED AND TABULATED
7 THE VOTER'S MARKINGS ON THE BALLOT, AS ADJUDICATED AND RESOLVED BY ELECTION
8 JUDGES, IF APPLICABLE.

9 *[Not shown: renumbering Current Rules 1.1.10-1.1.31 as Rules 1.1.11-1.1.32]*

10 *New Rules 1.1.33 and 1.1.34:*

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2016). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2016). "[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 1.1.33 “PERSONALLY IDENTIFIABLE INFORMATION” MEANS INFORMATION ABOUT AN
2 INDIVIDUAL THAT CAN BE USED TO DISTINGUISH OR TRACE AN INDIVIDUAL’S IDENTITY,
3 SUCH AS AN ELECTOR’S SOCIAL SECURITY NUMBER, DRIVER’S LICENSE NUMBER, EMAIL
4 ADDRESS, MONTH AND DAY OF BIRTH, AND SIGNATURE.

5 *[Not shown: renumbering Current Rules 1.1.32-1.1.49 as Rules 1.1.34-1.1.51]*

6 *Amendments to Rule 2.3.1 concerning voter registration:*

7 2.3.1 The county must process the Help America Vote Verification file on at least a monthly
8 basis by verifying social security numbers and ~~remove~~—REMOVING the “ID required”
9 FLAG FROM verified records.

10 *New Rule 2.5.4 concerning affiliation in primary elections:*

11 2.5.4 IF AN UNAFFILIATED ELECTOR WHO HAS ALREADY BEEN MAILED A PRIMARY ELECTION
12 BALLOT PACKET SUBMITS AN AFFILIATION DECLARATION, THE COUNTY CLERK MUST
13 DEFER PROCESSING THE AFFILIATION CHANGE UNTIL AFTER THE PRIMARY ELECTION;
14 EXCEPT THAT AN UNAFFILIATED ELECTOR WHO APPEARS IN PERSON TO VOTE MAY
15 AFFILIATE AND VOTE A PARTY BALLOT IF THE COUNTY CLERK HAS NOT RECEIVED THE
16 ELECTOR’S VOTED MAIL BALLOT.

17 *Amendments to Rule 2.12.1 concerning list maintenance:*

18 2.12 List Maintenance under section 8 of the National Voter Registration Act of 1993

19 2.12.1 The Secretary of State will provide monthly National Change of Address (NCOA) data
20 under section 1-2-302.5, C.R.S., to the county clerk by the fifth BUSINESS DAY of each
21 month.

22 *Amendments to Rule 2.13 concerning voter registration at VSPCs and repeal of Rule 2.13.2:*

23 2.13 Voter registration at a voter service and polling center.

24 ~~2.13.1~~—A person registering voters or updating voter registration information in a voter service
25 and polling center must:

26 ~~(a)~~-2.13.1 Be an election judge, a permanent or temporary county employee, state
27 employee, or temporary staff hired by the county clerk; and

28 ~~(b)~~-2.13.2 Complete a training course provided by or approved by the Secretary of
29 State.

30 ~~2.13.2~~—For the purpose of providing information to watchers, the person registering voters or
31 updating voter registration information in a voter service and polling center must
32 maintain a log that includes the name and residential address of each elector who
33 registers or updates his or her registration record, or verbally confirm each elector’s name
34 and residential address.

35 *New Rules 2.14.4 and 2.14.5 concerning voter registration records and data and renumbering:*

1 2.14.4 WITHOUT WRITTEN AUTHORIZATION FROM THE SECRETARY OF STATE, THE COUNTY
2 CLERK MAY NOT RUN OR SCHEDULE TO RUN SCORE REPORTS OR EXPORTS THAT
3 INCLUDE VOTER OR ELECTION DETAIL DURING REGULAR BUSINESS HOURS BEGINNING 22
4 DAYS BEFORE ELECTION DAY AND FROM 7:00 AM TO 7:00 PM ON ELECTION DAY.

5 2.14.5 THE COUNTY CLERK MUST SUBMIT ANY REQUEST FOR SCORE STATEWIDE REPORTS OR
6 EXPORTS TO THE SECRETARY OF STATE.

7 ~~2.14.4~~2.14.6 Custodianship of Voter Registration Information

8 (a) The Secretary of State is the official custodian of the information contained in the
9 centralized statewide registration system and the computerized statewide voter
10 registration list created and maintained under section 1-2-301, C.R.S.

11 (b) Each county clerk is the official custodian of the voter registration information
12 only for electors within his or her county.

13 ~~2.14.5~~2.14.7 If a person requests a certificate of registration or other election record that
14 contains personally identifiable information, he or she must provide a copy of
15 identification as defined in section 1-1-104(19.5), C.R.S.

16 *Amendments to Rule 2.15.1 concerning SCORE username and password administration:*

17 2.15.1 The state user administrator assigns county user administrator privileges to the individual
18 designated in each county by the county clerk. The county clerk OR ELECTION
19 ADMINISTRATOR must submit a request for county user administrator privilege to the
20 state user administrator in writing. The request must specifically state the full name of the
21 county employee that is being assigned as a county user administrator.

22 *New Rule 2.17 concerning ballot preference for unaffiliated voters:*

23 2.17 IF AN UNAFFILIATED ELECTOR INDICATES A POLITICAL PARTY BALLOT PREFERENCE AT ANY TIME
24 UP TO AND INCLUDING THE TWENTY-NINTH DAY BEFORE A PRIMARY ELECTION, THE COUNTY
25 CLERK MUST RECORD THE SELECTION IN SCORE AND MAIL ONLY THE BALLOT OF THAT
26 POLITICAL PARTY TO THE ELECTOR IN THE NEXT PRIMARY ELECTION. AN ELECTOR'S POLITICAL
27 PARTY BALLOT PREFERENCE IS ONLY EFFECTIVE FOR A SINGLE PRIMARY ELECTION.

28 *Repeal of Rule 4.5.2(d) concerning determination of ballot issues and texts:*

29 4.5.2 Each political subdivision must determine the order of the ballot issues for their political
30 subdivision in accordance with the requirements of Colorado Constitution Article X,
31 Section 20 and Title 1.

32 ~~(d) For statewide measures, initiatives must be numbered in the order in which the~~
33 ~~statements of sufficiency are issued. The numbers one through five must be~~
34 ~~reserved for initiatives to increase taxes; the numbers six through ten must be~~
35 ~~reserved for initiatives to retain excess revenues; the numbers eleven through~~
36 ~~fifteen must be reserved for initiatives to increase debt; all other citizen petitions~~
37 ~~must be numbered consecutively beginning with sixteen.~~

1 (e)-(D) In accordance with section 1-5-407(5)(b), C.R.S., whether initiated or referred,
2 every proposed change to the Colorado Constitution must be called an
3 “amendment” and every proposed change to the Colorado Revised Statutes must
4 be called a “proposition”

5 (f)-(E) Ballot issues from the various political subdivisions must be ordered on the ballot
6 as provided in section 1-5-407(5), C.R.S:

7 *Amendments to Rule 4.8.3(a) concerning ballot format and printing:*

8 4.8.3 Printing primary election ballots

9 (a) If a major political party, as defined in section 1-1-104(22.5), C.R.S., nominates
10 more than one candidate for any office, the county clerk must conduct the
11 primary election for all major political parties UNLESS THE PARTY CHOOSES TO
12 NOMINATE CANDIDATES IN ACCORDANCE WITH SECTION 1-4-702, C.R.S.

13 (1) The county clerk must include on the ballot all offices to which
14 candidates may be nominated in the primary election.

15 (2) If there are no candidates for any particular office, the county clerk must
16 print on the ballot “There are no candidates for this office”.

17 [Sections 1-4-101 and 1-4-104.5, C.R.S.; Election Rule 10.1.1]

18 *Amendments to Rules 7.2.5, 7.2.7, 7.2.9, and New Rules 7.2.10 through 7.2.12 concerning ballots and*
19 *ballot packets in primary elections:*

20 7.2.5 ~~Effective January 1, 2016, each~~ EACH mail ballot return envelope and mail ballot
21 instruction must include a statement informing voters that it is a violation of law to
22 receive more than ten ballots for mailing or delivery in any election.

23 7.2.7 A county must issue a mail ballot to any eligible elector who requests one in person at the
24 county clerk’s office or the office designated in the county’s mail ballot plan beginning
25 32 days before an election. ~~{Section 1-7.5-107(2.7), C.R.S.}~~

26 7.2.9 ~~On all ballot return envelopes printed after April 1, 2016, the~~ THE county clerk must
27 provide a space on the ballot-return envelope for a witness to the elector’s mark to
28 provide his or her full legal name.

29 7.2.10 MAIL BALLOT RETURN ENVELOPES FOR UNAFFILIATED VOTERS IN A PRIMARY ELECTION
30 MAY PROVIDE A MEANS FOR THE COUNTY TO DETERMINE, BEFORE OPENING THE
31 ENVELOPE, WHICH PARTY’S PRIMARY ELECTION THE ELECTOR VOTED IN. IF THE MAIL
32 BALLOT RETURN ENVELOPE DOES NOT PROVIDE SUCH A MEANS, THE COUNTY MUST
33 FOLLOW THE PROCESS OUTLINED IN RULE 7.5.13.

34 7.2.11 EACH MAIL BALLOT RETURN ENVELOPE AND MAIL BALLOT INSTRUCTION FOR AN
35 UNAFFILIATED VOTER IN A PRIMARY ELECTION MUST INCLUDE A STATEMENT
36 INSTRUCTING THE VOTER TO RETURN ONLY ONE BALLOT.

1 7.2.12 THE COUNTY CLERK MUST ISSUE A REPLACEMENT MAIL BALLOT PACKET TO AN
2 UNAFFILIATED ELECTOR IN A PRIMARY ELECTION WHO REQUESTS ONE IF THE ELECTOR
3 HAS NOT ALREADY VOTED. THE REPLACEMENT MAIL BALLOT PACKET MUST CONTAIN
4 THE BALLOTS OF ALL PARTICIPATING MAJOR POLITICAL PARTIES, OR IF THE ELECTOR HAS
5 PROVIDED A BALLOT PREFERENCE, THE BALLOT OF THE ELECTOR'S PREFERRED
6 POLITICAL PARTY.

7 *New Rule 7.5.5 concerning remote drop off locations and amendments to Current Rules 7.5.5 through*
8 *7.5.8 concerning renumbering:*

9 7.5.5 THE COUNTY CLERK MAY REQUEST A WAIVER FROM THE SECRETARY OF STATE FOR
10 REMOTE DROP OFF LOCATIONS, EXEMPTING THEM FROM THE BALLOT COLLECTION
11 REQUIREMENTS IN RULE 7.5.4. IF THE SECRETARY OF STATE GRANTS THE WAIVER:

12 (A) THE COUNTY CLERK MUST ARRANGE FOR THE COLLECTION OF BALLOTS BY
13 BIPARTISAN TEAMS OF ELECTION JUDGES FROM ALL EXEMPT DROP-OFF
14 LOCATIONS AS OFTEN AS NECESSARY, BUT AT LEAST:

15 (1) ONCE EACH WEEK AFTER BALLOTS ARE MAILED UNTIL THE FRIDAY
16 BEFORE ELECTION DAY; AND

17 (2) ON THE FRIDAY AND MONDAY BEFORE ELECTION DAY AND ON
18 ELECTION DAY AT 7:00 P.M. MT.

19 (B) THE COUNTY CLERK MUST POST A NOTICE ON EACH EXEMPT DROP BOX OF THE
20 DATES AND APPROXIMATE TIMES BALLOTS WILL BE COLLECTED.

21 (C) IF THE SECRETARY OF STATE DETERMINES THAT THE COUNTY FAILED TO
22 COLLECT BALLOTS FROM A REMOTE DROP-OFF LOCATION AS OFTEN AS
23 NECESSARY, THE SECRETARY OF STATE MAY REVOKE OR MODIFY THE WAIVER.

24 ~~7.5.5~~7.5.6 Election officials must record the number of ballot packets returned as
25 undeliverable and receive the ballot packets in SCORE upon receipt.

26 ~~7.5.6~~7.5.7 The designated election official must seal and store ballots and return envelopes
27 in a safe, secure place until the counting of the ballots.

28 ~~7.5.7~~7.5.8 After election judges verify the elector's eligibility and signature, the county
29 clerk must dissociate and segregate the mail ballot return envelope from the secrecy
30 sleeve and a voted ballot in a manner that ensures no person is able to determine how an
31 individual voted.

32 *Amendments to Rules 7.5.9, 7.5.10, 7.5.11 and New Rules 7.5.12 and 7.5.13 concerning receipt and*
33 *processing of ballots:*

34 ~~7.5.8~~7.5.9 If the county clerk discovers a violation of section 1-7.5-107(4)(b), C.R.S.,
35 prohibiting any person from ~~delivering~~RECEIVING more than 10 ballots in addition to his
36 or her own in any election, the county clerk must refer the information to the District
37 Attorney.

1 ~~7.5.9~~ 7.5.10 ~~The~~ BEFORE TABULATING BALLOTS, THE county clerk must dissociate COUNTING
2 BATCHES FROM any SCORE batch number that could trace a ballot back to the specific
3 voter who cast it ~~from the counted ballots or any reports generated by the tabulation~~
4 ~~software no later than the final certification of the abstract of votes cast.~~

5 ~~7.5.10~~ 7.5.11 If an elector delivers a ballot to the wrong county, that county must date stamp
6 the ballot envelope AND TIMELY FORWARD IT TO THE CORRECT COUNTY. BEGINNING THE
7 THURSDAY BEFORE ELECTION DAY, THE COUNTY MUST NOTIFY THE CORRECT COUNTY
8 OF RECEIPT BY SECURE ELECTRONIC TRANSMISSION WITH A SCANNED IMAGE OF THE
9 OUTSIDE OF THE MAIL BALLOT ENVELOPE INCLUDING THE SIGNATURE, and forward it to
10 the correct county NO LATER THAN THE NEXT BUSINESS DAY. A COUNTY THAT
11 PHYSICALLY DELIVERS BALLOTS TO ANOTHER COUNTY NO LATER THAN THE NEXT
12 BUSINESS DAY IS NOT REQUIRED TO SCAN THE ENVELOPE. The correct county must treat
13 the ballot as received as of the date and time of the date stamp.

14 7.5.12 COUNTY CLERKS PICKING UP BALLOTS ON BEHALF OF ANOTHER COUNTY FROM THE U.S.
15 POSTAL SERVICE ON ELECTION NIGHT MUST LOG THE NUMBER OF BALLOTS COLLECTED
16 BY COUNTY AND PROVIDE THE LOG TO THE SECRETARY OF STATE'S OFFICE WITHIN 48
17 HOURS. THE COUNTY CLERK MUST DATE STAMP EACH BALLOT ENVELOPE AND
18 IMMEDIATELY FORWARD IT TO THE CORRECT COUNTY. THE CORRECT COUNTY MUST
19 TREAT THE BALLOT AS RECEIVED AS OF THE DATE AND TIME OF THE DATE STAMP.

20 7.5.13 UNAFFILIATED VOTERS IN A PRIMARY ELECTION. IF AN ELECTION JUDGE IS UNABLE TO
21 DETERMINE, BEFORE OPENING THE ENVELOPE. WHICH PARTY'S ELECTION THE ELECTOR
22 VOTED IN, THE COUNTY MUST SEPARATE THE ELECTOR'S BALLOT FROM THE ENVELOPE
23 IN THE FOLLOWING MANNER:

24 (A) AN ELECTION JUDGE MUST REMOVE THE BALLOT, ENCLOSED IN A SECRECY
25 SLEEVE, FROM THE MAIL BALLOT RETURN ENVELOPE AND PASS IT TO A
26 BIPARTISAN TEAM OF JUDGES WITHOUT ALLOWING THE TEAM OF JUDGES TO
27 DETERMINE THE IDENTITY OF THE ELECTOR.

28 (B) THE BIPARTISAN TEAM OF ELECTION JUDGES MUST REMOVE THE BALLOT FROM
29 THE SECRECY SLEEVE, REVIEW THE BALLOT, AND AUDIBLY REPORT TO THE FIRST
30 ELECTION JUDGE WHICH POLITICAL PARTY'S ELECTION THE ELECTOR VOTED IN.

31 (C) THE FIRST ELECTION JUDGE MUST RECORD IN SCORE WHICH POLITICAL PARTY'S
32 ELECTION THE ELECTOR VOTED IN, OR MARK THE MAIL BALLOT RETURN
33 ENVELOPE WITH THE PROPER PARTY INFORMATION FOR LATER RECORDING IN
34 SCORE.

35 7.5.14 IF AN UNAFFILIATED ELECTOR RETURNS MORE THAN ONE BALLOT IN A PRIMARY
36 ELECTION, A BIPARTISAN TEAM OF ELECTION JUDGES MUST REVIEW THE BALLOTS TO
37 DETERMINE THE ELECTOR'S INTENT IN ACCORDANCE WITH THE SECRETARY OF STATE'S
38 VOTER INTENT GUIDE.

39 (A) IF THE BIPARTISAN TEAM DETERMINES THE ELECTOR VOTED IN ONLY ONE
40 PARTY'S PRIMARY ELECTION, THE FIRST ELECTION JUDGE MUST RECORD THE
41 DISPOSITION IN SCORE UNDER RULE 7.5.13(C). THE COUNTY MUST RETAIN ANY
42 UNVOTED BALLOT AS AN ELECTION RECORD.

1 (B) IF THE BIPARTISAN TEAM DETERMINES THE ELECTOR VOTED IN MORE THAN ONE
2 PARTY'S PRIMARY ELECTION, OR RETURNED ONLY BLANK BALLOTS, THE
3 COUNTY MUST REJECT THE BALLOTS AND RETAIN THEM IN THE MAIL BALLOT
4 RETURN ENVELOPE AS AN ELECTION RECORD.

5 *Amendments to Rule 7.6.1 concerning ballots returned in unofficial envelope:*

6 7.6.1 If the county timely receives a mail ballot from an eligible elector in an envelope ~~other~~
7 ~~than the official ballot return envelope for that particular election~~ THAT IS MISSING OR
8 LACKS THE CORRECT SELF-AFFIRMATION, the county must contact the elector in writing
9 within three calendar days of receiving the ballot but no later than two calendar days after
10 election day. The county must use the letter and affidavit prescribed by the Secretary of
11 State and keep a copy as part of the official election record. If the county receives the
12 completed affidavit no later than the eighth day after election day, the county must count
13 the ballot.

14 *Amendments to Rule 7.7 concerning mail ballot cure procedures:*

15 7.7 ~~Missing signature~~ MAIL BALLOT CURE PROCEDURES

16 7.7.3 ~~Nothing in this Rule prohibits the county clerk from calling the elector, but a phone call~~
17 ~~may not substitute for written contact.~~ If the county clerk ~~calls~~ USES ANY MEANS IN
18 ADDITION TO MAIL TO CONTACT any elector REGARDING A MISSING OR DISCREPANT
19 SIGNATURE OR MISSING ID, he or she must attempt to ~~call~~ CONTACT all SIMILARLY
20 SITUATED electors whose ~~affidavits are unsigned~~ REGISTRATION RECORDS HAVE THE
21 SAME TYPE OF CONTACT INFORMATION.

22 *Amendments to Rule 7.8.2 concerning signature verification procedures:*

23 7.8.2 If the elector's signature appears anywhere on ~~the back of~~ the ballot return envelope, the
24 election judge must ~~review the~~ VERIFY THE signature IN ACCORDANCE WITH SECTION 1-
25 7.5-107.3, C.R.S.

26 *Amendments to Rule 7.9.1(c) and 7.9.3 and New Rules 7.9.8, 7.9.9, and 7.9.10 concerning VSPCs:*

27 7.9.1 The county clerk must designate and open the minimum number of voter service and
28 polling centers. The centers must be open during reasonable business hours for the
29 minimum number of days outlined in section 1-5-102.9, C.R.S., for a general election and
30 1-7.5-107(4.5), C.R.S., for all other elections.

31 (c) The county clerk must provide all services outlined in section ~~1-2-509~~ 1-5-102.9,
32 C.R.S., at every designated voter service and polling center.

33 7.9.3 In order to assist applicants and electors efficiently, a county clerk must configure voter
34 service and polling centers ~~to provide~~ WITH sufficient election judges, WebSCORE work
35 stations, voting equipment, AND SUFFICIENT NUMBERS OF mail and in-person ballots
36 THAT CAN BE TABULATED BY THE COUNTY'S VOTING SYSTEM WITHOUT FURTHER
37 DUPLICATION, and other supplies. A COUNTY MAY SATISFY THIS RULE BY PROVIDING A
38 SUFFICIENT NUMBER OF BALLOT MARKING DEVICES OR BALLOT ON DEMAND PRINTERS.

1 7.9.8 AN UNAFFILIATED ELECTOR VOTING IN PERSON AT A VOTER SERVICE AND POLLING
2 CENTER IN A PRIMARY ELECTION MUST STATE WHICH PARTY'S ELECTION HE OR SHE
3 CHOOSES TO VOTE IN, AND THE ELECTION JUDGE MUST INDICATE THE VOTER'S
4 SELECTION IN WEBScore AND PROVIDE THE VOTER WITH THAT PARTY'S BALLOT.

5 7.9.9 ON ELECTION DAY DURING EACH GENERAL ELECTION, A COUNTY WITH AT LEAST FIFTY
6 THOUSAND ACTIVE ELECTORS MUST MEASURE AND RECORD THE WAIT TIME AT EACH OF
7 ITS VOTER SERVICE AND POLLING CENTERS, AT LEAST ONCE PER HOUR, FROM THE TIME A
8 PERSON ENTERS THE LOCATION OR THE LINE TO THE TIME THAT THE PERSON BEGINS THE
9 CHECK-IN PROCESS.

10 7.9.10 EACH COUNTY REQUIRED TO MEASURE UNDER RULE 7.9.9 MUST REPORT ITS RESULTS TO
11 THE SECRETARY OF STATE NO LATER THAN 30 DAYS AFTER THE ELECTION.

12 *New Rule 7.11 concerning cross-jurisdictional voter service and polling center pilot program:*

13 7.11 CROSS-JURISDICTIONAL VOTER SERVICE AND POLLING CENTER PILOT PROGRAM

14 7.11.1 THE COUNTY CLERK MAY APPLY TO THE SECRETARY OF STATE TO PARTICIPATE IN A
15 PILOT PROGRAM ALLOWING A COUNTY TO AGREE WITH ANOTHER COUNTY OR COUNTIES
16 TO PROVIDE THE COUNTY'S SERVICES AT THE OTHER COUNTY'S VOTER SERVICE AND
17 POLLING CENTERS. THE SECRETARY OF STATE MUST RECEIVE THE APPLICATION NO
18 LATER THAN 110 DAYS BEFORE ELECTION DAY.

19 7.11.2 IN REVIEWING THE COUNTY CLERK'S APPLICATION, THE SECRETARY OF STATE WILL
20 CONSIDER THE FOLLOWING:

21 (A) THE COUNTY'S PLAN TO PROVIDE ALL SERVICES OUTLINED IN SECTION 1-5-
22 102.9, C.R.S. FOR EACH PARTICIPATING COUNTY AT EACH VOTER SERVICE AND
23 POLLING CENTER.

24 (B) WHETHER THE COUNTIES SHARE A COMMON BORDER AND THE GEOGRAPHICAL
25 LOCATION OF PROPOSED MULTI-COUNTY VOTER SERVICE AND POLLING CENTERS.

26 (C) ANY PUBLIC COMMENT PROVIDED UNDER SECTION 1-5-102.9(1)(C)(II), C.R.S.
27 AND THE INPUT, IF ANY, OF THE GOVERNING BOARD OF THE COUNTY.

28 7.11.3 WHEN DESIGNATING VOTER SERVICE AND POLLING CENTERS, AT LEAST TWO-THIRDS OF
29 THE VOTER SERVICE AND POLLING CENTERS REQUIRED UNDER SECTIONS 1-5-102.9 AND
30 1-7.5-107, C.R.S., MUST BE LOCATED WITHIN THE COUNTY BOUNDARIES; EXCEPT THAT
31 EACH PARTICIPATING COUNTY MUST HAVE THE MINIMUM NUMBER OF VOTER SERVICE
32 AND POLLING CENTERS REQUIRED UNDER SECTION 1-5-102.9 AND 1-7.5-107, C.R.S. OPEN
33 WITHIN ITS BOUNDARIES ON THE MONDAY BEFORE ELECTION DAY AND ELECTION DAY.

34 *New Rule 7.16 concerning voter registration post-election scanning:*

35 7.16 FOLLOWING EACH ELECTION, THE COUNTY CLERK MUST SCAN INTO SCORE THE ELECTOR'S
36 SIGNATURE AND DATE ON EACH ACCEPTED MAIL BALLOT RETURN ENVELOPE.

37 *Amendments to Rule 8 concerning watchers:*

1 8.1.5 A watcher must complete a training provided by or approved by the Secretary of State
2 before observing election activities where confidential or personally identifiable
3 information may be within view. To verify completion of the training, a watcher must
4 provide his or her training certificate of completion with the Certificate of Appointment.
5 A TRAINING CERTIFICATE OF COMPLETION IS VALID UNTIL DECEMBER 31 OF THE
6 FOLLOWING YEAR. AN APPROVED TRAINING MAY BE USED FOR ONE CALENDAR YEAR
7 FROM THE DATE APPROVED.

8 8.7.4 Watchers must remain outside the immediate voting area while an elector is voting. The
9 six-foot limit in Rule ~~4.1.27~~1.1.28 applies only to voting.

10 8.15 A watcher may not:

11 8.15.8 UNLESS OTHERWISE APPROVED BY THE COUNTY CLERK, HAVE IN HIS OR HER POSSESSION
12 ANY MOBILE PHONE OR OTHER ELECTRONIC DEVICE WHILE WATCHING ELECTION
13 ACTIVITIES WHERE VOTERS' CONFIDENTIAL OR PERSONALLY IDENTIFIABLE
14 INFORMATION MAY BE WITHIN VIEW.

15 ~~8.15.8~~8.15.9 Attempt to determine how any elector voted.

16 ~~8.15.9~~8.15.10 Disclose or record any confidential voter information as defined in section 24-72-
17 204(8), C.R.S., that he or she may observe.

18 ~~8.15.10~~8.15.11 Disclose any results before the polls have closed.

19 *Amendments to Rule 10.3.2(b) concerning correcting cross-reference:*

20 10.3.2 The canvass board's duties are to:

21 (b) Observe the post-election audit in accordance with section 1-7-514(4), C.R.S.,
22 and Election Rule ~~11.3.3(k)~~25.3.2;

23 *New Rule 10.4 concerning the date for conducting canvass:*

24 10.4 NO CANVASS BOARD MAY CERTIFY OFFICIAL RESULTS UNTIL AUTHORIZED TO DO SO BY THE
25 SECRETARY OF STATE. THE SECRETARY OF STATE MAY EXTEND THE CANVASS DEADLINE FOR
26 ONE OR MORE COUNTIES IN ORDER TO COMPLETE THE RISK-LIMITING AUDIT IN ACCORDANCE
27 WITH RULE 25.2. BEFORE CERTIFYING OFFICIAL RESULTS, A COUNTY THAT CONDUCTS A
28 COMPARISON AUDIT AS DEFINED IN RULE 25.1.4 MUST MANUALLY ADJUST THE PRELIMINARY
29 RESULTS TO REFLECT ALL DISCREPANCIES IDENTIFIED IN THE RISK-LIMITING AUDIT.

30 *Amendments to Rule 10.5 concerning procedures for canvass:*

31 ~~10.4~~10.5 Procedures for the day of the Canvass

32 ~~10.4.1~~10.5.1 The designated election official must provide the following information to the
33 canvass board:

34 (a) The name of each candidate, office, and votes received;

35 (b) The number or letter of each ballot issue or question and votes received;

- 1 (c) The TOTAL number of ballots cast, ~~including the number of accepted and rejected~~
2 ~~mail ballots;~~
- 3 (d) The number of provisional ballots cast, including ~~the number accepted and~~
4 ~~rejected;~~ TOTALS FOR:
- 5 (1) BALLOTS ACCEPTED BY EACH CODE; AND
- 6 (2) BALLOTS REJECTED BY EACH CODE.
- 7 (e) The number of mail ballots ~~counted and the number rejected;~~ CAST, INCLUDING
8 TOTALS FOR:
- 9 (1) BALLOTS ACCEPTED; AND
- 10 (2) BALLOTS REJECTED BY EACH CODE.
- 11 (f) The number of in-person ballots counted;
- 12 ~~(g) The number of provisional ballots counted and the number rejected listed by each~~
13 ~~rejection code; and~~
- 14 (G) THE NUMBER OF EMERGENCY REPLACEMENT BALLOTS, INCLUDING TOTALS FOR:
- 15 (1) BALLOTS ACCEPTED; AND
- 16 (2) BALLOTS REJECTED BY EACH CODE.
- 17 (h) The number of damaged and spoiled ballots.
- 18 (I) IF APPLICABLE, THE NUMBER OF BALLOTS CAST IN EACH PARTY'S PRIMARY
19 ELECTION, INCLUDING TOTALS FOR:
- 20 (1) BALLOTS ACCEPTED IN EACH PARTY'S PRIMARY ELECTION BY
21 AFFILIATED AND UNAFFILIATED VOTERS; AND
- 22 (2) BALLOTS REJECTED BY EACH CODE.
- 23 ~~10.4.2-10.5.2~~ Any written documentation regarding official results must be included as part of
24 the canvass.
- 25 ~~10.4.3-10.5.3~~ Written Complaints
- 26 (a) The designated election official must provide the canvass board with any written
27 complaint submitted by a registered elector about a voting device.
- 28 (b) If the complaint is resolved, the designated election official must provide the
29 details of the resolution.
- 30 (c) If the complaint is pending resolution when the board meets to conduct the
31 canvass, the designated election official must provide a proposal for how the
32 issue will be resolved.

1 *[Not shown: current Rules 10.5 through 10.13 are renumbered as Rules 10.6 through 10.14]*
2 *Additional cross reference amendments to current Rules 10.13.1 and 10.13.6 (renumbered as 10.13.1 and*
3 *10.13.6) follow:*

4 ~~10.12.1~~ 10.13.1 In accordance with section 1-10.5-102(3)(b), C.R.S., if there are no discrepancies
5 in the test under Rule ~~10.11~~ 10.12, the recount must be conducted in the same manner as
6 the ballots were counted in the election except as outlined in this Rule. If there are
7 unresolvable discrepancies in the test, the recount must be conducted as a hand count
8 under Rule ~~10.12.5~~ 10.13.5.

9 ~~10.12.6~~ 10.13.6 For tabulation of DREs, if there are no discrepancies in the test under Rule
10 ~~10.11.3~~ 10.12.3, the county clerk must upload the memory cards.

11 *Amendments to Rule 11.3 concerning hardware diagnostic testing and LAT:*

12 11.3 The clerk must perform a hardware diagnostic test, AND a logic and accuracy test, ~~and a post-~~
13 ~~election audit.~~

14 11.3.2 Logic and Accuracy Test

15 (c) Preparing for the Logic and Accuracy Test

16 (1) The county must prepare a test deck of ballots that includes every ballot
17 style and, where applicable, precinct. The county test deck must include
18 a sufficient number of ballots to mark every vote position for every
19 contest including write-in candidates, allow for situations where a contest
20 permits an elector to vote for two or more positions, and include
21 overvotes and undervotes for each contest. THE COUNTY TEST DECK
22 MUST INCLUDE AT LEAST ONE WRITE-IN VOTE FOR EACH QUALIFIED
23 WRITE-IN CANDIDATE SO THAT ALL QUALIFIED WRITE-IN CANDIDATE
24 NAMES WILL APPEAR IN THE LAT RESULT UPLOADED TO ENR AS
25 REQUIRED BY RULE 11.10.3.

26 *[Current Rule 11.3.3 is amended and recodified as New Rule 25.3.]*

27 *Amendments to Rule 11.10.1(b)(2) concerning renumbering of cross-reference and 11.10.3 concerning*
28 *election night reporting:*

29 11.10.1 A data entry county must upload a results data file to ENR containing the election results
30 on the dates and times specified in Rules 11.10.3 through 11.10.5. The county must
31 program its election database so that the results file exported from the voting system is
32 formatted in accordance with the following requirements:

33 (b) Contest order: Except as otherwise provided in subsections (1) – (4) of this Rule,
34 the results file must list the contests in the same order as they are certified for the
35 ballot.

36 (2) The results file must list ballot measures in the order certified by the
37 Secretary of State, followed by the ballot measures certified by other

1 participating political subdivisions in the order and using the numbering
2 conventions specified in Rule ~~4.5.2(f)~~ 4.5.2(E).

3 11.10.3 No later than 14 days before the election, a data entry county must upload the LAT
4 results file to ENR. At a minimum, the LAT results file must contain the results of the
5 complete county test deck required under Rule 11.3.2(c)(1). ~~The county must also provide~~
6 ~~the Secretary of State with a summary results report for the LAT results file.~~

7 *Repeal of Rule 13.1.7 and Amendment of Rule 13.2.9(a) concerning election complaint procedures:*

8 ~~13.1.7 The Secretary of State's determination is a final agency action.~~

9 13.2.9 Hearing and Resolution of HAVA complaints

- 10 (a) ~~If the complainant requests, the~~ THE Secretary of State or his or her designee will
11 hold a hearing IF THE COMPLAINANT REQUESTS ONE AT THE TIME OF FILING THE
12 COMPLAINT, UNLESS THE COMPLAINANT LATER WITHDRAWS THE REQUEST.

13 *Amendments to Rules 14.1.1(a) and New Rule 14.3.4 concerning voter registration drives:*

14 14.1.1 In accordance with Part 7, Article 2 of Title 1, C.R.S., the organizer of a Voter
15 Registration Drive ("VRD") must file a Statement of Intent and Training
16 Acknowledgment Form with the Secretary of State to conduct a voter registration drive.
17 The Statement of Intent and Training Acknowledgment Form must include the following
18 information:

- 19 (a) The name of the group conducting the VRD, and the name ~~and contact~~
20 ~~information~~ ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER of the
21 individual organizing the VRD;

22 14.3.4 THE VRD MUST PROVIDE THE SECRETARY OF STATE WITH THE NAME OF THE
23 CIRCULATOR ASSOCIATED WITH A PARTICULAR IDENTIFICATION NUMBER, UPON
24 REQUEST.

25 *Amendments to Rule 16.1.6 concerning military and overseas electors:*

26 16.1.6 The county clerk must send a minimum of one correspondence no later than 60 days
27 before the Primary Election OR PRESIDENTIAL PRIMARY ELECTION, IF APPLICABLE, to
28 each elector whose record is marked "Inactive." The correspondence may be sent by
29 email or mail and, at a minimum, must notify the electors of:

- 30 (a) The status of the elector's record and ballot request;
31 (b) The upcoming federal elections;
32 (c) How to update the elector's mailing information and request a ballot; and
33 (d) Any other information the county clerk deems appropriate.

34 *Amendments to Rules 20.13.1(c)(8) and 20.16.3(a) concerning correction of cross-references:*

1 20.13.1 If a seal is broken, or there is another discrepancy, the election official must immediately
2 notify the county, who must remedy the discrepancy as follows:

3 (c) If the evidence indicates that the discrepancy occurred after votes were cast on
4 the device:

5 (8) Before certifying election results, the county must conduct a full (all
6 ~~raees~~CONTESTS) post-election audit on the device and report results to
7 the Secretary of State as required by Rule ~~44~~25.3. This requirement is in
8 addition to the random selection conducted by the Secretary of State.

9 20.16.3 Ballot reconciliation

10 (a) The county must reconcile ballots printed on demand in accordance with Rules
11 ~~10.4 and 10.5~~10.1.1 AND 10.1.2.

12 (b) The county must maintain damaged, misprinted, or unusable ballots as election
13 records.

14 *Amendments to Rule 20.17.3 concerning voting system conditions for use:*

15 20.17.3 The county must create a backup copy of the election setup records on a read-only, write-
16 once ~~CD~~ELECTRONIC STORAGE MEDIA, immediately after completing the Logic and
17 Accuracy Test.

18 (a) The county must identify the master database name and date of election on the
19 label of the backup ~~CD~~.

20 (b) The county must store the backup ~~CD~~ in a sealed container. Two election
21 officials of different party affiliations must sign and date entries to the chain-of-
22 custody log for the sealed container.

23 *Amendments to Rule 21.4.5(e) and New Rule 21.4.14 concerning voting system standards for certification:*

24 21.4.5 Functional Requirements

25 (e) The voting system must include hardware or software to enable the closing of ~~the~~
26 ~~voting location and disabling the acceptance of ballots on~~ all vote tabulation
27 devices AT POLLING LOCATIONS to allow for the following:

28 21.4.14 Ballot-level Cast Vote Records and Exports. All voting systems certified by the Secretary
29 of State for use in Colorado on or after January 1, 2016 must meet the following
30 requirements for ballot-level cast vote records and exports on or before December 31,
31 2016:

32 (a) The voting system must capture a ballot-level cast vote record (CVR) ~~consisting~~
33 ~~of a single record for each ballot tabulated, showing the manner in which the~~
34 ~~voting system interpreted and tabulated the voter's markings on the ballot, as~~
35 ~~adjudicated and resolved by election judges, if applicable.~~

1 (c) The CVR export must contain the following fields, with values or data populated
2 by the voting system:

3 (8) NUMBER OF VALID CHOICES. THE NUMBER OF VALID CHOICES (E.G.,
4 "VOTE FOR 3") FOR EACH CONTEST.

5 *New Rule 24 concerning presidential electors:*

6 **RULE 24. PRESIDENTIAL ELECTORS**

7 24.1 OATH

8 24.1.1 AS USED IN SECTION 1-4-304 (1), C.R.S., "THE OATH REQUIRED BY LAW FOR
9 PRESIDENTIAL ELECTORS" MUST BE IN SUBSTANTIALLY THE FOLLOWING FORM:

10 "I,, DO SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE
11 CONSTITUTION OF THE UNITED STATES AND OF THE STATE OF COLORADO, THAT
12 I WILL FAITHFULLY PERFORM THE DUTIES OF THE OFFICE OF PRESIDENTIAL
13 ELECTOR THAT I AM ABOUT TO ENTER, AND THAT I WILL VOTE FOR THE
14 PRESIDENTIAL CANDIDATE AND VICE-PRESIDENTIAL CANDIDATE WHO RECEIVED
15 THE HIGHEST NUMBER OF VOTES AT THE PRECEDING GENERAL ELECTION IN THIS
16 STATE."

17 24.1.2 IF A PRESIDENTIAL ELECTOR-ELECT REFUSES OR OTHERWISE FAILS TO TAKE AND
18 SUBSCRIBE THE OATH IN RULE 24.1.1, THE REFUSAL OR FAILURE CREATES A VACANCY IN
19 THE OFFICE OF PRESIDENTIAL ELECTOR. A VACANCY CREATED IN ACCORDANCE WITH
20 THIS RULE MUST BE FILLED BY THE REMAINING PRESIDENTIAL ELECTORS PRESENT AS
21 SPECIFIED IN SECTION 1-4-304 (1), C.R.S.

22 24.2 VOTING

23 24.2.1 AS SPECIFIED IN SECTION 1-4-304 (5), C.R.S., EACH PRESIDENTIAL ELECTOR MUST VOTE
24 FOR THE PRESIDENTIAL CANDIDATE AND VICE-PRESIDENTIAL CANDIDATE WHO RECEIVED
25 THE HIGHEST NUMBER OF VOTES AT THE PRECEDING GENERAL ELECTION IN THIS STATE.

26 24.2.2 IF A PRESIDENTIAL ELECTOR-ELECT REFUSES OR OTHERWISE FAILS TO VOTE FOR THE
27 PRESIDENTIAL CANDIDATE AND VICE-PRESIDENTIAL CANDIDATE WHO RECEIVED THE
28 HIGHEST NUMBER OF VOTES AT THE PRECEDING GENERAL ELECTION IN THIS STATE, THE
29 REFUSAL OR FAILURE CONSTITUTES A "REFUSAL TO ACT" AS THAT TERM IS USED IN
30 SECTION 1-4-304 (1), C.R.S., AND CREATES A VACANCY IN THE OFFICE OF PRESIDENTIAL
31 ELECTOR. A VACANCY CREATED IN ACCORDANCE WITH THIS RULE MUST BE FILLED BY
32 THE REMAINING PRESIDENTIAL ELECTORS PRESENT AS SPECIFIED IN SECTION 1-4-304 (1),
33 C.R.S.

34 24.3 FILLING VACANCIES

35 24.3.1 AS SPECIFIED IN SECTION 1-4-304 (1), C.R.S., THE PRESIDENTIAL ELECTORS PRESENT
36 MUST IMMEDIATELY PROCEED TO FILL ANY VACANCY IN THE ELECTORAL COLLEGE. A
37 QUORUM IS NOT REQUIRED TO FILL A VACANCY. IN THE EVENT OF A TIE VOTE, THE
38 VACANCY WILL BE FILLED BY LOT.

1 24.3.2 IF A REMAINING PRESIDENTIAL ELECTOR REFUSES TO FILL A VACANCY IN THE
2 ELECTORAL COLLEGE, THE REFUSAL CONSTITUTES A “REFUSAL TO ACT” AS THAT TERM
3 IS USED IN SECTION 1-4-304 (1), C.R.S., AND CREATES A VACANCY IN THE OFFICE OF
4 PRESIDENTIAL ELECTOR. A VACANCY CREATED IN ACCORDANCE WITH THIS RULE MUST
5 BE FILLED BY THE REMAINING PRESIDENTIAL ELECTORS PRESENT AS SPECIFIED IN
6 SECTION 1-4-304 (1), C.R.S.

7 24.3.3 NOMINEES TO FILL VACANCIES MUST BE SELECTED IN ACCORDANCE WITH SECTION 1-4-
8 302 (2), C.R.S. THERE MUST BE MORE VACANCY NOMINEES THAN VACANCIES TO BE
9 FILLED.

10 *New Rule 25 concerning post-election audit:*

11 **RULE 25. POST-ELECTION AUDIT**

12 25.1 DEFINITIONS. AS USED IN THIS RULE, UNLESS STATED OTHERWISE:

13 25.1.1 “AUDIT CENTER” MEANS THE PAGE OR PAGES OF THE SECRETARY OF STATE’S WEBSITE
14 DEVOTED TO RISK-LIMITING AUDITS.

15 25.1.2 “AUDITED CONTEST” MEANS A CONTEST SELECTED BY THE SECRETARY OF STATE FOR A
16 RISK-LIMITING AUDIT. THE AUDITED CONTEST DETERMINES THE NUMBER OF BALLOTS
17 THAT MUST BE EXAMINED AND VERIFIED DURING THE RLA.

18 25.1.3 “BALLOT POLLING AUDIT” MEANS A TYPE OF RISK-LIMITING AUDIT IN WHICH THE AUDIT
19 BOARD EXAMINES AND REPORTS TO THE SECRETARY OF STATE VOTER MARKINGS ON
20 RANDOMLY SELECTED BALLOTS.

21 25.1.4 “COMPARISON AUDIT” MEANS A TYPE OF RISK-LIMITING AUDIT IN WHICH THE AUDIT
22 BOARD EXAMINES AND REPORTS TO THE SECRETARY OF STATE VOTER MARKINGS ON
23 RANDOMLY SELECTED BALLOTS, AND THEN COMPARED TO THE VOTING SYSTEM’S
24 TABULATION AS REFLECTED IN THE CORRESPONDING CAST VOTE RECORDS.

25 25.1.5 “DILUTED MARGIN” OF AN AUDITED CONTEST MEANS THE SMALLEST REPORTED MARGIN
26 IN VOTES BETWEEN THE REPORTED CONTEST WINNER WITH THE LEAST VOTES IN THE
27 CONTEST, AND THE REPORTED CONTEST LOSER WITH THE MOST VOTES IN THE CONTEST,
28 DIVIDED BY THE NUMBER OF BALLOTS COUNTED IN THAT CONTEST. FOR EXAMPLE, IF
29 THE VOTING SYSTEM TABULATED 10,000 BALLOTS IN AN AUDITED CONTEST, AND THE
30 REPORTED WINNING CANDIDATE WITH THE LEAST NUMBER OF VOTES RECEIVED 4,000
31 VOTES, AND THE REPORTED LOSING CANDIDATE WITH THE MOST NUMBER OF VOTES
32 RECEIVED 3,500 VOTES, THE DILUTED MARGIN OF THE CONTEST IS 5% $[(4,000 - 3,500) /$
33 $10,000]$.

34 25.1.6 “MARGIN OVERSTATEMENT” MEANS A CIRCUMSTANCE IN WHICH THE AUDIT BOARD’S
35 INTERPRETATION OF BALLOT MARKINGS REVEALS THAT THE WINNER WITH THE LEAST
36 NUMBER OF VOTES RECEIVED FEWER VOTES THAN THE VOTING SYSTEM’S
37 INTERPRETATION OF THE SAME MARKINGS AS REFLECTED IN THE CVR. FOR EXAMPLE, IF
38 THE CVR REFLECTS AN UNDERVOTE IN THE AUDITED CONTEST, AND THE AUDIT BOARD’S
39 INTERPRETATION OF THE CORRESPONDING PAPER BALLOT REFLECTS A VOTE FOR THE
40 LOSER WITH THE MOST VOTES IN THAT CONTEST, THE CVR CONTAINS A ONE-VOTE
41 OVERSTATEMENT. IF THE CVR REFLECTS A VOTE FOR THE WINNER WITH THE LEAST

1 VOTES, AND THE AUDIT BOARD’S INTERPRETATION OF THE PAPER BALLOT REFLECTS A
2 VOTE FOR THE LOSER WITH THE MOST VOTES, THE PRELIMINARY RESULTS CONTAIN A
3 TWO-VOTE OVERSTATEMENT.

4 25.1.7 “MARGIN UNDERSTATEMENT” MEANS A CIRCUMSTANCE IN WHICH THE AUDIT BOARD’S
5 INTERPRETATION OF BALLOT MARKINGS REVEALS THAT THE CONTEST WINNER WITH THE
6 LEAST NUMBER OF VOTES RECEIVED MORE VOTES THAN THE VOTING SYSTEM’S
7 INTERPRETATION OF THE SAME MARKINGS AS REFLECTED IN THE CVR. FOR EXAMPLE, IF
8 THE CVR REFLECTS AN UNDERVOTE IN THE AUDITED CONTEST, AND THE AUDIT BOARD’S
9 INTERPRETATION OF THE CORRESPONDING PAPER BALLOT REFLECTS A VOTE FOR THE
10 WINNER WITH THE LEAST NUMBER OF VOTES IN THAT CONTEST, THE CVR CONTAINS A
11 ONE-VOTE UNDERSTATEMENT. IF THE CVR REFLECTS A VOTE FOR THE LOSER WITH THE
12 MOST VOTES, AND THE AUDIT BOARD’S INTERPRETATION OF THE PAPER BALLOT
13 REFLECTS A VOTE FOR THE WINNER WITH THE LEAST VOTES, THE CVR CONTAINS A TWO-
14 VOTE UNDERSTATEMENT.

15 25.1.8 “REPORTED OUTCOME” MEANS THE PRESUMED WINNING AND LOSING CANDIDATES OR
16 VOTING CHOICES OF A BALLOT CONTEST AS REFLECTED IN PRELIMINARY RESULTS.

17 25.1.9 “RISK LIMIT” MEANS THE LARGEST STATISTICAL PROBABILITY THAT AN INCORRECT
18 REPORTED OUTCOME IS NOT DETECTED AND CORRECTED IN A RISK-LIMITING AUDIT.

19 25.1.10 “RISK-LIMITING AUDIT” OR “RLA” MEANS A POST-ELECTION AUDIT OF VOTES ON PAPER
20 BALLOTS AND VVPAT RECORDS, CONDUCTED IN ACCORDANCE WITH SECTION 1-7-515,
21 C.R.S., AND RULE 25.2, WHICH HAS A PRE-SPECIFIED MINIMUM CHANCE OF REQUIRING A
22 FULL HAND COUNT IF THE OUTCOME OF A FULL HAND COUNT WOULD DIFFER FROM THE
23 REPORTED OUTCOME.

24 25.1.11 “RLA TOOL” MEANS THE SOFTWARE AND USER INTERFACE PROVIDED BY THE
25 SECRETARY OF STATE IN ORDER FOR COUNTIES TO CONDUCT RLAs.

26 25.2 RISK LIMITING AUDIT. THE DESIGNATED ELECTION OFFICIAL MUST CONDUCT A RISK-LIMITING
27 AUDIT IN ACCORDANCE WITH SECTION 1-7-515, C.R.S. AND THIS RULE.

28 25.2.1 RLA METHODS

29 (A) COUNTIES THAT USE A VOTING SYSTEM CAPABLE OF EXPORTING CVRS MUST
30 CONDUCT A COMPARISON AUDIT.

31 (B) COUNTIES THAT USE A VOTING SYSTEM INCAPABLE OF EXPORTING CVRS MUST
32 CONDUCT A BALLOT POLLING AUDIT.

33 25.2.2 PREPARING FOR THE AUDIT

34 (A) RISK LIMIT. NO LATER THAN 30 DAYS BEFORE ELECTION DAY, THE SECRETARY
35 OF STATE WILL ESTABLISH AND PUBLISH ON THE AUDIT CENTER THE RISK
36 LIMIT(S) THAT WILL APPLY IN RLAs FOR THAT ELECTION. THE SECRETARY OF
37 STATE MAY ESTABLISH DIFFERENT RISK LIMITS FOR COMPARISON AUDITS AND
38 BALLOT POLLING AUDITS, BUT IN NO EVENT WILL THE RISK LIMIT EXCEED FIVE
39 PERCENT.

1 (B) AUDIT BOARD. NO LATER THAN 15 DAYS BEFORE ELECTION DAY, THE
2 DESIGNATED ELECTION OFFICIAL MUST APPOINT AN AUDIT BOARD TO CONDUCT
3 THE RISK-LIMITING AUDIT. THE AUDIT BOARD MUST CONSIST OF ELECTORS
4 NOMINATED BY THE MAJOR POLITICAL PARTY COUNTY CHAIRPERSONS. THE
5 DESIGNATED ELECTION OFFICIAL MUST GIVE WRITTEN NOTICE TO THE COUNTY
6 CHAIRPERSONS OF THEIR OBLIGATION TO NOMINATE AUDIT BOARD MEMBERS
7 AND MAY DESIGNATE APPROPRIATELY AFFILIATED ELECTORS AS AUDIT BOARD
8 MEMBERS IF ONE OR BOTH COUNTY CHAIRPERSONS FAIL TO DO SO IN A TIMELY
9 MANNER. AT LEAST TWO CANVASS BOARD MEMBERS MUST OBSERVE THE RLA,
10 AND MEMBERS OF THE CANVASS BOARD MAY SERVE AS MEMBERS OF THE AUDIT
11 BOARD. THE DESIGNATED ELECTION OFFICIAL, MEMBERS OF HIS OR HER STAFF,
12 AND OTHER DULY APPOINTED ELECTION JUDGES MAY ASSIST THE AUDIT BOARD
13 IN CONDUCTING THE AUDIT.

14 (C) BALLOT MANIFEST. WHILE TABULATING BALLOTS, THE COUNTY MUST
15 MAINTAIN AN ACCURATE BALLOT MANIFEST IN A FORM APPROVED BY THE
16 SECRETARY OF STATE. AT A MINIMUM, THE BALLOT MANIFEST MUST UNIQUELY
17 IDENTIFY FOR EACH TABULATED BALLOT THE SCANNER ON WHICH THE BALLOT
18 IS SCANNED, THE BALLOT BATCH OF WHICH THE BALLOT IS A PART, THE NUMBER
19 OF BALLOTS IN THE BATCH, AND THE STORAGE CONTAINER IN WHICH THE
20 BALLOT BATCH IS STORED AFTER TABULATION. THE COUNTY MUST SECURE AND
21 MAINTAIN IN SEALED BALLOT CONTAINERS ALL TABULATED BALLOTS IN THE
22 BATCHES AND ORDER THEY ARE SCANNED. THE COUNTY MUST MAINTAIN AND
23 DOCUMENT UNINTERRUPTED CHAIN-OF-CUSTODY FOR EACH BALLOT STORAGE
24 CONTAINER.

25 (D) RLA TABULATION. ON THE NINTH DAY AFTER ELECTION DAY, THE COUNTY
26 MUST FINISH TABULATING ALL BALLOTS OTHER THAN PROVISIONAL BALLOTS
27 AND PROPERTY OWNER BALLOTS. IMMEDIATELY AFTER COMPLETING THE RLA
28 TABULATION, AND TO THE EXTENT PERMITTED BY ITS VOTING SYSTEM, THE
29 COUNTY MUST ALSO GENERATE AND PRESERVE:

30 (1) A SUMMARY RESULTS REPORT, SHOWING OVERVOTES, UNDERVOTES,
31 BLANK-VOTED CONTESTS, AND VALID WRITE-IN VOTES;

32 (2) A RESULTS FILE EXPORT SUITABLE FOR UPLOADING TO THE SECRETARY
33 OF STATE'S ELECTION NIGHT REPORTING SYSTEM; AND

34 (3) A CVR EXPORT.

35 (E) CVR EXPORT VERIFICATION. COUNTIES CONDUCTING A COMPARISON AUDIT
36 MUST VERIFY THAT:

37 (1) THE NUMBER OF INDIVIDUAL CVRS IN ITS CVR EXPORT EQUALS THE
38 AGGREGATE NUMBER OF BALLOTS REFLECTED IN THE COUNTY'S BALLOT
39 MANIFEST AS OF THE NINTH DAY AFTER ELECTION DAY;

40 (2) THE NUMBER OF INDIVIDUAL CVRS IN ITS CVR EXPORT EQUALS THE
41 NUMBER OF BALLOTS TABULATED AS REFLECTED IN THE SUMMARY
42 RESULTS REPORT FOR THE RLA TABULATION;

- 1 (3) THE NUMBER OF INDIVIDUAL CVRs IN ITS CVR EXPORT EQUALS THE
2 NUMBER OF IN-PERSON BALLOTS ISSUED PLUS THE NUMBER OF MAIL
3 BALLOTS IN VERIFIED-ACCEPTED STAGE IN SCORE, PLUS THE NUMBER
4 OF PROVISIONAL BALLOTS AND PROPERTY OWNER BALLOTS INCLUDED
5 IN THE RLA TABULATION, IF ANY; AND
- 6 (4) THE VOTE TOTALS FOR ALL CHOICES IN ALL BALLOT CONTESTS IN THE
7 CVR EXPORT EQUALS THE VOTE TOTALS IN THE SUMMARY RESULTS
8 REPORT FOR THE RLA TABULATION.
- 9 (5) AFTER VERIFYING THE ACCURACY OF THE CVR EXPORT, THE COUNTY
10 MUST APPLY A HASH VALUE TO THE CVR EXPORT FILE USING THE HASH
11 VALUE UTILITY PROVIDED BY THE SECRETARY OF STATE.
- 12 (F) COMPARISON AUDIT UPLOADS. NO LATER THAN 11:59 P.M. MT ON THE NINTH
13 DAY AFTER ELECTION DAY, EACH COUNTY CONDUCTING A COMPARISON AUDIT
14 MUST UPLOAD:
- 15 (1) ITS BALLOT MANIFEST TO THE RLA TOOL;
- 16 (2) ITS VERIFIED AND HASHED CVR EXPORT TO THE RLA TOOL; AND
- 17 (3) ITS RLA TABULATION RESULTS EXPORT TO THE SECRETARY OF STATE'S
18 ELECTION NIGHT REPORTING SYSTEM.
- 19 (G) BALLOT POLLING AUDIT UPLOADS. NO LATER THAN 11:59 P.M. MT ON THE
20 NINTH DAY AFTER ELECTION DAY, EACH COUNTY CONDUCTING A BALLOT
21 POLLING AUDIT MUST UPLOAD:
- 22 (1) ITS BALLOT MANIFEST TO THE RLA TOOL; AND
- 23 (2) ITS RLA TABULATION RESULTS EXPORT TO THE SECRETARY OF STATE'S
24 ELECTION NIGHT REPORTING SYSTEM.
- 25 (H) RANDOM SEED. THE SECRETARY OF STATE WILL CONVENE A PUBLIC MEETING
26 ON THE TENTH DAY AFTER ELECTION DAY TO ESTABLISH A RANDOM SEED FOR
27 USE WITH THE SECRETARY OF STATE'S RLA TOOL'S PSEUDO-RANDOM NUMBER
28 GENERATOR BASED ON PHILIP STARK'S ONLINE TOOL, *PSEUDO-RANDOM*
29 *NUMBER GENERATOR USING SHA-256*. THIS MATERIAL IS INCORPORATED BY
30 REFERENCE IN THE ELECTION RULES AND DOES NOT INCLUDE LATER
31 AMENDMENTS OR EDITIONS. THE FOLLOWING MATERIAL INCORPORATED BY
32 REFERENCE IS POSTED ON THE SECRETARY OF STATE WEBSITE AND AVAILABLE
33 FOR REVIEW BY THE PUBLIC DURING REGULAR BUSINESS HOURS AT THE
34 COLORADO SECRETARY OF STATE'S OFFICE: *PSEUDO-RANDOM NUMBER*
35 *GENERATOR USING SHA-256* AVAILABLE AT
36 [HTTPS://WWW.STAT.BERKELEY.EDU/~STARK/JAVA/HTML/SHA256RAND.HTM](https://www.stat.berkeley.edu/~stark/java/html/sha256rand.htm).
37 THE SECRETARY OF STATE WILL GIVE PUBLIC NOTICE OF THE MEETING AT LEAST
38 SEVEN CALENDAR DAYS IN ADVANCE. THE SEED IS A NUMBER CONSISTING OF AT
39 LEAST 20 DIGITS, AND EACH DIGIT WILL BE SELECTED IN ORDER BY SEQUENTIAL
40 ROLLS OF A 10-SIDED DIE. THE SECRETARY OF STATE WILL RANDOMLY SELECT
41 MEMBERS OF THE PUBLIC WHO ATTEND THE MEETING TO TAKE TURNS ROLLING

1 THE DIE, AND DESIGNATE ONE OR MORE STAFF MEMBERS TO TAKE TURNS
2 ROLLING THE DIE IN THE EVENT THAT NO MEMBERS OF THE PUBLIC ATTEND THE
3 MEETING. THE SECRETARY OF STATE WILL PUBLISH THE SEED ON THE AUDIT
4 CENTER IMMEDIATELY AFTER IT IS ESTABLISHED.

5 (I) SELECTION OF AUDITED CONTESTS. NO LATER THAN 5:00 P.M. MT ON THE
6 FRIDAY AFTER ELECTION DAY, THE SECRETARY OF STATE WILL SELECT FOR
7 AUDIT AT LEAST ONE STATEWIDE CONTEST, AND FOR EACH COUNTY AT LEAST
8 ONE COUNTYWIDE CONTEST. THE SECRETARY OF STATE WILL SELECT OTHER
9 BALLOT CONTESTS FOR AUDIT IF IN ANY PARTICULAR ELECTION THERE IS NO
10 STATEWIDE CONTEST OR A COUNTYWIDE CONTEST IN ANY COUNTY. THE
11 SECRETARY OF STATE WILL PUBLISH A COMPLETE LIST OF ALL AUDITED
12 CONTESTS ON THE AUDIT CENTER. THE SECRETARY OF STATE WILL CONSIDER
13 THE FOLLOWING FACTORS IN DETERMINING WHICH CONTESTS TO AUDIT:

- 14 (1) THE CLOSENESS OF THE REPORTED OUTCOME OF THE CONTESTS;
- 15 (2) THE GEOGRAPHICAL SCOPE OF THE CONTESTS;
- 16 (3) ANY CAUSE FOR CONCERN REGARDING THE ACCURACY OF THE
17 REPORTED OUTCOME OF THE CONTESTS;
- 18 (4) ANY BENEFITS THAT MAY RESULT FROM OPPORTUNISTICALLY AUDITING
19 CERTAIN CONTESTS; AND
- 20 (5) THE ABILITY OF THE COUNTY CLERKS TO COMPLETE THE AUDIT BEFORE
21 THE CANVASS DEADLINE.

22 (J) NUMBER OF BALLOTS TO AUDIT. THE SECRETARY OF STATE WILL DETERMINE
23 THE NUMBER OF BALLOTS TO AUDIT TO SATISFY THE RISK LIMIT FOR THE
24 AUDITED CONTESTS BASED ON THE BALLOT MANIFESTS SUBMITTED BY THE
25 COUNTIES. THE NUMBER OF BALLOTS TO AUDIT WILL BE DETERMINED
26 ACCORDING TO THE FORMULAS AND PROTOCOLS PUBLISHED BY MARK
27 LINDEMAN AND PHILIP B. STARK IN *A GENTLE INTRODUCTION TO RISK-LIMITING*
28 *AUDITS*, AS APPLIED IN PHILIP STARK'S *TOOLS FOR COMPARISON RISK-LIMITING*
29 *ELECTION AUDITS*, AND *TOOLS FOR BALLOT-POLLING RISK-LIMITING ELECTION*
30 *AUDITS*. THESE MATERIALS ARE INCORPORATED BY REFERENCE IN THE ELECTION
31 RULES AND DO NOT INCLUDE LATER AMENDMENTS OR EDITIONS OF THE
32 INCORPORATED MATERIAL. THE FOLLOWING MATERIALS INCORPORATED BY
33 REFERENCE ARE POSTED ON THE SECRETARY OF STATE WEBSITE AND
34 AVAILABLE FOR REVIEW BY THE PUBLIC DURING REGULAR BUSINESS HOURS AT
35 THE COLORADO SECRETARY OF STATE'S OFFICE:

- 36 (1) MARK LINDEMAN AND PHILIP B. STARK, *A GENTLE INTRODUCTION TO*
37 *RISK-LIMITING AUDITS*, IEEE SECURITY AND PRIVACY, SPECIAL ISSUE ON
38 ELECTRONIC VOTING, (MAR. 16, 2012), AT
39 [HTTP://WWW.STAT.BERKELEY.EDU/~STARK/PREPRINTS/GENTLE12.PDF](http://www.stat.berkeley.edu/~stark/preprints/gentle12.pdf).
- 40 (2) PHILIP B. STARK, *TOOLS FOR COMPARISON RISK-LIMITING ELECTION*
41 *AUDITS*, (FEB. 26, 2017), AT
42 [HTTP://WWW.STAT.BERKELEY.EDU/~STARK/VOTE/AUDITTOOLS.HTM](http://www.stat.berkeley.edu/~stark/vote/audittools.htm).

1 (3) PHILIP B. STARK, *TOOLS FOR BALLOT-POLLING RISK-LIMITING ELECTION*
2 *AUDITS*, (FEB. 16, 2017), AT
3 [HTTPS://WWW.STAT.BERKELEY.EDU/~STARK/JAVA/HTML/BALLOTPOLL](https://www.stat.berkeley.edu/~stark/java/html/ballotpolls.html)
4 [TOLS.HTM.](https://www.stat.berkeley.edu/~stark/java/html/ballotpolls.html)

5 (K) RANDOM SELECTION OF BALLOTS FOR AUDIT. THE SECRETARY OF STATE WILL
6 RANDOMLY SELECT THE INDIVIDUAL BALLOTS TO AUDIT. THE SECRETARY OF
7 STATE WILL USE A PSEUDO-RANDOM NUMBER GENERATOR WITH THE SEED
8 ESTABLISHED UNDER SUBSECTION (H) OF THIS RULE TO IDENTIFY INDIVIDUAL
9 BALLOTS AS REFLECTED IN THE COUNTY BALLOT MANIFESTS. THE SECRETARY
10 OF STATE WILL NOTIFY EACH COUNTY OF, AND PUBLISH ON THE AUDIT CENTER,
11 THE RANDOMLY SELECTED BALLOTS THAT EACH COUNTY MUST AUDIT NO LATER
12 THAN 11:59 P.M. MT ON THE TENTH DAY AFTER ELECTION DAY.

13 25.2.3 CONDUCTING THE AUDIT

14 (A) THE AUDIT BOARD MUST LOCATE AND RETRIEVE FROM THE APPROPRIATE
15 STORAGE CONTAINER EACH RANDOMLY SELECTED BALLOT. THE AUDIT BOARD
16 MUST VERIFY THAT THE SEALS ON THE APPROPRIATE STORAGE CONTAINERS ARE
17 THOSE RECORDED ON THE APPLICABLE CHAIN-OF-CUSTODY LOGS.

18 (B) WITHOUT EXAMINING THE CVR, THE AUDIT BOARD MUST EXAMINE EACH
19 RANDOMLY SELECTED BALLOT OR VVPAT AND REPORT THE VOTER MARKINGS
20 OR CHOICES USING THE RLA TOOL OR OTHER MEANS SPECIFIED BY THE
21 SECRETARY OF STATE. IF SUPPORTED BY THE COUNTY'S VOTING SYSTEM, THE
22 AUDIT BOARD MAY REFER TO THE DIGITAL IMAGE OF THE AUDITED BALLOT
23 CAPTURED BY THE VOTING SYSTEM IN ORDER TO CONFIRM IT HAD RETRIEVED
24 THE CORRECT BALLOT RANDOMLY SELECTED FOR AUDIT. IF THE SCANNED
25 BALLOT WAS DUPLICATED PRIOR TO TABULATION, THE AUDIT BOARD MUST ALSO
26 RETRIEVE AND COMPARE THE MARKINGS ON THE ORIGINAL BALLOT. THE AUDIT
27 BOARD MUST COMPLETE ITS REPORTS OF ALL BALLOTS RANDOMLY SELECTED
28 FOR AUDIT NO LATER THAN 5:00 P.M. MT ONE BUSINESS DAY BEFORE THE
29 CANVASS DEADLINE.

30 (C) THE AUDIT BOARD MUST INTERPRET VOTER MARKINGS ON BALLOTS SELECTED
31 FOR AUDIT IN ACCORDANCE WITH THE SECRETARY OF STATE'S VOTER INTENT
32 GUIDE.

33 (D) TO THE EXTENT APPLICABLE, THE SECRETARY OF STATE WILL COMPARE THE
34 AUDIT BOARD'S REPORTS OF THE AUDITED BALLOTS TO THE CORRESPONDING
35 CVRS AND POST THE RESULTS OF THE COMPARISON AND ANY MARGIN
36 OVERSTATEMENTS OR UNDERSTATEMENTS ON THE AUDIT CENTER. THE RLA
37 WILL CONTINUE UNTIL THE RISK LIMIT FOR THE AUDITED CONTESTS IS MET OR
38 UNTIL A FULL HAND COUNT RESULTS. IF THE COUNTY AUDIT REPORTS REFLECT
39 THAT THE RISK LIMIT HAS NOT BEEN SATISFIED IN AN AUDITED CONTEST, THE
40 SECRETARY OF STATE WILL RANDOMLY SELECT ADDITIONAL BALLOTS FOR
41 AUDIT.

42 25.2.4 FOR THE 2017 COORDINATED ELECTION, THE SECRETARY OF STATE MAY, BY ORDER,
43 ALTER ANY OF THE REQUIREMENTS OUTLINED IN RULE 25.2.

1 *Current Rule 11.3.3 is amended and recodified as New Rule 25.3 as follows:*

2 ~~11.3.3~~ 25.3 ~~Post-Election~~ RANDOM Audit. ~~The~~ IF THE SECRETARY OF STATE WAIVES THE
3 REQUIREMENT TO CONDUCT AN RLA UNDER SECTION 1-7-515(2)(B), C.R.S., THE designated
4 election official must conduct the ~~post-election~~ RANDOM audit mandated by sections 1-7-
5 509(1)(b) and 1-7-514, C.R.S., in accordance with this rule.

6 ~~(a)~~ 25.3.1 Selected voting devices

7 ~~(1)~~(A) No later than 48 hours after the close of polls on election night, the Secretary of
8 State must notify the designated election official of the voting devices randomly
9 selected for audit, based on the submitted hardware inventory list referred to in
10 Rule 11.2.

11 ~~(2)~~(B) The Secretary of State will randomly select, from the voting devices used in the
12 election, at least five percent of the central count ballot scanners; at least one
13 ballot scanner used at a polling location; and five percent of DREs.

14 ~~(b)~~ 25.3.2 The designated election official must appoint an audit board to conduct the post-
15 election audit in accordance with section 1-7-509(1)(c), C.R.S. At least two canvass
16 board members must observe the random audit. The designated election official,
17 members of his or her staff, and other duly appointed election judges, may assist with the
18 audit.

19 ~~(c)~~ 25.3.3 Number of ballots to audit

20 ~~(1)~~(A) Paper ballots tabulated on ballot scanners. The board must audit at least 500
21 ballots or 20 percent of the ballots tabulated on each selected ballot scanner,
22 whichever is less. The board may audit more than the minimum number of
23 ballots required.

24 ~~(2)~~(B) Electronic ballots tabulated on DREs. The board must audit all ballots tabulated
25 on the selected DREs.

26 ~~(d)~~ 25.3.4 Conducting the audit

27 ~~(1)~~(A) Paper ballots tabulated on ballot scanners

28 ~~(A)~~(1) If the voting system is capable of generating batch-level tabulation
29 reports for a selected ballot scanner, the board must randomly select a
30 number of ballot batches tabulated on the ballot scanner that, in the
31 aggregate, contain the minimum number of ballots to be audited. The
32 board must manually verify that the votes on the ballots contained in
33 each randomly selected batch match the voting system's tabulation of
34 votes for that batch.

35 ~~(B)~~(2) If the voting system is not capable of generating batch-level tabulation
36 reports for a selected ballot scanner, the board can choose to audit all of
37 the ballots that were tabulated on the selected scanner, or randomly select
38 and rescan the minimum number of ballots to be audited. If the board
39 chooses to rescan the minimum number of ballots, the board also must:

