



Notice of Proposed Rulemaking

Colorado Department of State Election Rules 8 CCR 1505-1

Date of notice: July 15, 2024

Date and time of public hearing: August 15, 2024 at 9:00AM

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Colorado Department of State gives notice of proposed rulemaking. The hearing is scheduled for August 15, 2024 at 9:00AM. **This meeting will be conducted in person and via webinar.** Details regarding how to join the online and testify during the hearing are outlined in section VI of this notice.

II. Subject

The Department is considering amendments to the election rules² to ensure uniform and proper administration, implementation, and enforcement of Colorado election law³, improve elections administration in Colorado, increase transparency and security of the election process, and implement amendments to the election laws made during the 2024 regular session of the 74th General Assembly.

Specifically, the Department proposes permanent rule revisions necessary to: implement Senate Bills 24-072 and 24-210; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. The Department 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 Department proposes the rule revisions and amendments in accordance with the following statutory provisions:

¹ Section 24-4-103(3)(a), C.R.S. (2023).

² 8 CCR 1505-1.

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.

- Senate Bill 24-072, enacted May 31, 2024.
- Senate Bill 24-210, enacted June 6, 2024.
- Section 1-1-107(2)(a), C.R.S., (2023), 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 1-1-110(1), C.R.S., (2023), which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-1-301, C.R.S., (2023), which requires the secretary of state to “establish and operate” a certification program for local election officials on the conduct of elections, to establish by rule a, “curriculum for the certification program . . . and methods for continuing education,” and to prescribe the continuing education requirements for the program by rule.
- Section 1-1.5-104(1)(b), C.R.S., (2023), 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., (2023), which gives the Secretary of State the power to “[p]romulgate rules...as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of [Article 1.5].”
- Section 1-4-905.5(4)(a), C.R.S., (2023), which requires a petition entity to submit an application on a form “prescribed by the secretary.”
- Section 1-4-908(1), C.R.S., (2023), which authorizes the Secretary of State, “to establish guidelines for verifying petition entries,” for candidate petitions.
- Section 1-4-908(1.5)(b)(III), C.R.S., (2023), which authorizes the Secretary of State to “promulgate rules, in accordance with article 4 of title 24, to implement [review of candidate petition signatures].”
- Section 1-5-102.9(5)(d)(I), C.R.S., (2023), which requires counties to follow, “the secretary of state’s current security rules . . .” regarding drop boxes.
- Section 1-5-616(1), C.R.S., (2023), which requires the Secretary of State to adopt rules “that establish minimum standards for electronic and electromechanical voting systems.” This includes the authority to adopt rules regarding “documentation requirements”, “security requirements”, and “accessibility” for those voting systems.
- Section 1-5-616(4), C.R.S., (2023), which requires the Secretary of State to “adapt the standards for certification of electronic or electromechanical voting systems established by rule . . . to ensure that new technologies that meet the requirements for such systems are certified in a timely manner...”

- Section 1-5-616(5), C.R.S., (2023), which requires the designated election official to submit security procedures to the secretary of state no later than 60 days before an election.
- Section 1-5-623(4), C.R.S., (2023), which requires the Secretary of State to promulgate rules necessary “to specify permissible conditions of use governing electronic voting devices or systems or related components of such devices or systems...”
- Section 1-7-513.5(6), C.R.S., (2023), which requires the Secretary of State to promulgate rules necessary to implement the section regarding voting system equipment security and surveillance.
- Section 1-7-515(4)(a), C.R.S., (2023), which requires the Secretary of State to promulgate rules “necessary to implement and administer by this section” regarding risk-limiting audits.
- Section 1-7.5-104, C.R.S., (2023), 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(3), C.R.S., (2023), 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..."
- Section 1-7.5-106(2), C.R.S., (2023), which authorizes the Secretary of State to “adopt rules governing procedures and forms necessary to implement [mail ballot elections]...”
- Section 1-7.5-107(1), C.R.S. (2023), which requires ballots to be prepared, “by law or rules promulgated by the secretary of state.”
- Section 1-7.5-107(4.3)(a)(I), C.R.S., (2023), which requires drop boxes to “comply with the secretary of state’s current security rules.”
- Section 1-7.5-107(6), C.R.S., (2023), which requires that mail ballots be counted as provided in “rules promulgated by the secretary of state.”
- Section 1-7.5-113.5(6), C.R.S. (2024), which authorizes the Secretary of State to promulgate rules “as may be necessary to administer and enforce the requirements of” voting at county jails or detention centers.
- Section 1-8.5-102 (2), C.R.S. (2023), which requires the Secretary of State to prescribe by rules, “the language of the affidavit, information, and instructions [for provisional ballots].”
- Section 1-8.5-105 (1), C.R.S. (2023), which requires a designated election official to follow the procedures and databases prescribed by Secretary of State by rule when verifying a provisional ballot cast by a voter.

- Section 1-8.5-112, C.R.S. (2023), which requires the Secretary of State to “promulgate all appropriate rules . . . for the purpose of ensuring the uniform application [of laws related to provisional ballots].”
- Section 1-10.5-102(2), C.R.S., (2023), which requires the Secretary of State to “promulgate and provide each county clerk and recorder with the necessary rules and regulations to conduct the recount in a fair, impartial, and uniform manner...”
- Section 1-40-116(3), C.R.S., (2023), which allows the Secretary of State to adopt rules for the examination and verification of signer lines on an initiative petition.
- Section 1-40-116(4)(a), C.R.S., (2023), which authorizes the Secretary of State to "engage in rule-making to establish the appropriate methodology” to review initiative petitions by random sample.
- Section 1-40-132, C.R.S., (2023), which charges the Secretary of State with the administration and enforcement of initiatives and referred measures, including the authority to “promulgate rules as may be necessary to administer and enforce any provisions of [Article 40] . . .”
- Section 1-40-135(4), C.R.S., (2023), which requires petition entities to apply for a license “on a form prescribed by the secretary of state.”

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Department of State’s [rules and notices of rulemaking website](#).

You may also contact our office to request an 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 August 9, 2024.

V. Opportunity to testify and submit written comments

The Department 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. You may submit written comments to SoS.Rulemaking@coloradosos.gov any time before and during the hearing. If you attend the hearing in person, you may submit written comments to the hearing panel as well. An additional opportunity to comment in writing will be

⁴ Section 24-4-103(3)(a), C.R.S. (2023). “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.”

announced at the conclusion of the hearing. Information regarding how to testify during the hearing is providing in section VI of this notice.

As soon as possible after receipt, written comments will be posted online at this [election rulemaking's webpage](#) on the Colorado Department of State's website.

We will redact apparent personal contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor. All written comments will be added to the official rulemaking record.

VI. Webinar and audio recording of hearing

Register for the hearing online

To join and listen to the hearing online, you must [register](#).

When you register, you must provide your full name and email address. Please provide additional contact information including your address and telephone number. You may also provide your job title and organization. Lastly, indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the webinar.

Hearing procedures

After the introduction and a brief summary of the rulemaking, we will open the hearing to testimony as follows:

- In-person attendees will be called upon first to provide their public comment, for the sake of efficiency. We will reference the sign-in sheet provided and individually call upon attendees who wish to provide their testimony. Once we have exhausted the in-person sign-in sheet, we will move forward with the testimony of online attendees.
- Referencing online registration records, we will identify and individually unmute online attendees who indicated that their intent to testify during the hearing.
- Once we have exhausted that list, we will ask whether any additional attendees wish to testify. In-person attendees may raise their hands to indicate their intention to testify, and online attendees may raise/lower their virtual hand by clicking the icon in their control panel.
- To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

Before the hearing concludes, we will announce an additional opportunity to submit written comments and the associated deadline.

Webinar audio requirements

Please be advised: we strongly encourage attendees to join the webinar through their computer or the Zoom app, even if they use their telephone to dial in for audio. To testify during the hearing, it is best to use your computer or the Zoom app to be unmuted and to utilize the “raise hand” feature

within the webinar. If you access the webinar only by telephone, you may not appear in our webinar attendee list, meaning we may not be able to unmute you to provide testimony. Moreover, the raise your hand feature is only available to attendees who access the webinar by computer or by app. For the best audio, it is best to use your computer microphone and speakers or a headset or headphones, if you choose to testify. As outlined above, we will receive testimony from online attendees whose registration indicates that they plan to provide testimony before we offer both in-person and online attendees the option to raise their hand.

Audio recording

After the hearing concludes, a recording will be available on the Department's [upcoming events and audio broadcasts webpage](#).

VII. Office contact

If you have any questions, would like to submit written comments, or require a reasonable accommodation, please contact the Rulemaking Policy Analyst at SoS.Rulemaking@coloradosos.gov or (303) 894-2200 ext. 6124.

Dated this 15th day of July, 2024,



Christopher P. Beall
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Colorado Department of State Election Rules 8 CCR 1505-1

July 15, 2024

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Department of State Election Rules [8 CCR 1505-1]. The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of federal and Colorado election laws,¹ improve elections administration in Colorado and implement Senate Bills 24-072, enacted May 31, 2024, and 24-210, enacted June 6, 2024.

Specific changes include:

- Amendments to Rule 1 concerning definitions.
 - New Rule 1.1.46 defines “resolution board” as is used in these rules.
 - Amendments to current Rule 1.66, renumbered to Rule 1.67, remove language related to outdated practices for write-in votes.
- Amendments to Rule 2 concerning voter registration.
 - New Rule 2.13.8 clarifies the effective date for voter cancellation due to a felony incarceration at the Colorado Department of Corrections.
- Amendments to Rule 3 concerning qualified political organizations.
 - Amendments to Rules 3.3 and 3.4 clarify the type of candidate which a qualified political organization must certify to the ballot to remain in good standing.
- Amendments to Rule 4 concerning coordinated elections.
 - Amendments to Rule 4.5.2 add a new number and letter convention for ballot placement for political subdivisions which cross county lines and which have their

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.

ballot content certified by the Secretary of State.

- Amendments to Rule 4.8.4 remove outdated rule references and unnecessary statutory references.
- Amendments to Rule 6 concerning election judges.
 - Amendments to Rule 6.1 alter the date a party must provide a list of election judges to their county clerk due to changes in law with the passage of Senate Bill 24-210.
 - New Rule 6.7 clarifies that student election judges may be appointed to conduct any required election activity unless it is otherwise prohibited under Colorado law.
- Amendments to Rule 7 concerning elections conducted by the county clerk and recorder.
 - Amendments to Rule 7.4.13 remove an unnecessary internal rule reference.
 - Amendments to Rule 7.7.10 remove language of a beginning date that has now passed.
 - New Rule 7.7.14 require county clerks to send a separate correspondence no later than 60 days before a general election to all active voters who have one or fewer reference signatures in SCORE, asking those voters to provide an additional reference signature.
 - Amendments to Rule 7.16.3 clarify that voter service and polling centers must be set up to allow for private voting via any method of voting.
 - New Rule 7.16.4 requires the county clerk to set up a voter service and polling center in a manner that does not allow, or appear to allow, a video surveillance camera to see how a voter is voting.
 - Amendments to Rule 7.17 remove language of a beginning date that has now passed.
 - Amendments to Rule 7.17.3 alter the ballot style naming convention for some ballot styles in SCORE.
- Amendments to Rule 8 concerning watchers.
 - Amendments to Rule 8.2 clarifies that the only watchers allowed to be present at recount activities are watchers appointed by an interested party to that recount.
 - Amendments to Rule 8.9, including Rule 8.9.1 and New Rule 8.9.2, which allows watchers to be present at in-person voting at a county jail or detention center only if allowed by both the county clerk and county sheriff. If watchers are allowed to be present, the rule specifies that they are subject to any rules or guidelines imposed by the county clerk or sheriff, even if those rules otherwise differ from normal rules

applicable to watchers.

- Amendments to Rule 10 concerning canvassing and recount and updating an internal rule reference.
- Amendments to Rule 11 concerning voting systems.
 - Amendments to Rule 11.3.2 alter the requirement for the composition of the logic and accuracy test deck to include enough ballots so that each vote position in each contest receives a unique, known vote total for that contest.
 - New Rule 11.8.8 imposes new conditions on the Secretary of State's approval of a county application for the purchase, lease, or use of a voting system. The rule specifies that the Secretary will not approve a county application for the system if the contract for the system will expire within a time period immediately surrounding an election.
 - New Rule 11.8.9 does not allow a county or voting system vendor to terminate an existing contract without the Secretary's permission during the time period immediately surrounding an election.
 - New Rule 11.8.10 requires a county who cannot procure a voting system during an election and who is otherwise required by law to tabulate via use of a voting system to contract with a nearby county to undertake those activities it will be unable to fulfill.
- Amendments to Rule 15 concerning preparation, filing, and verification of petitions.
 - Amendments to Rule 15.1.1 clarify the specific procedures that groups or people circulating a petition must follow to have their petition formally approved for circulation. The amendments also clarify that any petition section circulated prior to receiving a formal approval letter will be rejected by the Department.
 - Amendments to Rule 15.1.2 clarify that a signer line is considered reviewable if it contains a legible signature but no printed name.
 - Amendments to Rule 15.2.1 alter the date that a petition license application must include information regarding petition circulators hired by the entity. Amendments also require that an entity provide proof that a circulator has completed the Secretary of State training for petition circulation as evidence that the circulator understands the laws pertaining to petition circulation.
 - Amendments to Rule 15.2.2 clarify that compensation to a circulator includes both payment to a circulator and a promise to provide payment to a circulator at a later date.
 - Repeal of Rule 15.2.4 due to outdated language. Petition entities reapply for new licenses every two years.

- Amendments to Rule 15.2.5, renumbered to Rule 15.2.4, removing a deadline that has passed.
- Amendments to Rule 15.2.6, renumbered to Rule 15.2.5, which clarifies that beginning December 1, 2025, an update to an entity license includes hiring new circulators by the entity.
- Amendments to Rule 15.3.1 remove language regarding the circulation period of a statewide initiative.
- Amendments to Rule 17 concerning provisional voting.
 - Amendments to Rule 17.2.3 to remove an outdated reference to cancellation due to serving a parole sentence.
 - Amendments to Rule 17.2.9 clarify that a provisional ballot may be accepted for a vote for President for voters who have not been residents in Colorado for 22 days prior to a general election, as required by federal law.
- Amendments to Rule 19 concerning certification and education of designated election officials.
 - Amendments to Rule 19.7.1 clarify that decertification may occur if the Secretary of State discovers that initial certification requirements were not met.
 - New Rules 19.7.2 through 19.7.4 create new procedures for decertification due to failure to satisfy initial certification requirements include notice and the opportunity to be heard before decertification.
- Amendments to Rule 20 concerning county security procedures.
 - Amendments to Rule 20.1.2 remove the requirement that in the county's security plan, the county provides the number of election officials who are receiving security training. Amendments also require the county to provide the names of employees with administrative privileges to the voting system in the county's security plan.
 - Amendments to Rule 20.2.4 require a voting system provider to arrange for a national background check for any employee or contractor who conducts work on a voting system.
 - Amendments to Rule 20.4.2 would require county clerks to include additional information during planned outages of required video surveillance.
 - New Rule 20.4.5 would require all county clerks to request a physical security assessment of their central count facility and main office from a federal agency at least once every 3 years.
 - Amendments to Rule 20.5.2 would allow an acceptable use policy agreement

signed in December immediately before a presidential primary to be valid in the following year.

- Amendments to Rule 20.5.3 would impose new security requirements for network switches used on a closed network voting system. Amendments would also clarify that a device inserted into a voting system during trusted build must have a verifiable chain of custody.
- Amendments to Rule 20.6.3 update terminology and rule number used for an internal rule reference.
- Amendments to Rule 20.7.2 would require a tamper evident seal to be placed over the door or other opening in a drop box from where ballots are retrieved. Election judges would also be required to fill out a chain of custody log with the seal information every time ballots are retrieved from a box.
- Amendments to Rule 20.8.1 clarify that the affirmation required of voting system programmers must be signed by the individual programmer and submitted separately for each individual county.
- New Rule 20.10.3 would require county clerks to take specific steps to control the custody of voted ballots if those ballots were removed from their sealed contains for any reason.
- Amendments to Rule 20.11.1 specify the minimum regular intervals at which video surveillance recording equipment must be checked to confirm that there has not been an outage of the equipment. Amendments also specify that a contingency plan created by a county clerk must include a contact information sheet identifying the government agency the clerk would contact in an emergency.
- Amendments to Rule 20.12.2 clarify the timing of filing an incident report and allow the clerk to file, or Department of State to require a clerk to file, an incident report even if the incident is not a violation of security rules.
- Amendments to Rule 21 concerning voting system standards for certification.
 - New Rule 21.3.6 requires a voting system provider applying for certification or modification to provide materials in an accessible format.
 - Amendments to Rule 21.4.5 require any ballot marking device certified for use in Colorado to produce a ballot identical to a hand marked paper ballot.
 - Amendments to Rule 21.11.3 require a voting system certified for use for ranked voting contests to allow up to 10 candidates total to be ranked, including up to two write-in candidates. It also requires the system to allow rankings to be listed in columns and candidates to be listed in rows only.
- Amendments to Rule 25 concerning post-election audit.

- Amendments to Rule 25.2.2 allow county clerks to begin the risk-limiting audit practice period after the completion of their logic and accuracy test. Amendments also do not allow an audit board to consist of clerk staff unless the Secretary of State permits it. Finally, amendments require county clerks to upload for the audit by 2:00PM on the tenth day after election day.
- Amendments to Rule 26 concerning ranked voting method.
 - Amendments to Rule 26.5.4 allow, but not require, for simultaneous elimination of candidates in a ranked voting contest.
 - New Rule 26.7.4 clarifies how voter intent issues in a ranked voting election should be resolved.

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 authority is as follows:

- Senate Bill 24-072, enacted May 31, 2024.
- Senate Bill 24-210, enacted June 6, 2024.
- Section 1-1-107(2)(a), C.R.S., (2023), 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 1-1-110(1), C.R.S., (2023), which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-1-301, C.R.S., (2023), which requires the secretary of state to “establish and operate” a certification program for local election officials on the conduct of elections, to establish by rule a, “curriculum for the certification program . . . and methods for continuing education,” and to prescribe the continuing education requirements for the program by rule.
- Section 1-1.5-104(1)(b), C.R.S., (2023), 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., (2023), which gives the Secretary of State the power to “[p]romulgate rules...as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of [Article 1.5].”

- Section 1-4-905.5(4)(a), C.R.S., (2023), which requires a petition entity to submit an application on a form “prescribed by the secretary.”
- Section 1-4-908(1), C.R.S., (2023), which authorizes the Secretary of State, “to establish guidelines for verifying petition entries,” for candidate petitions.
- Section 1-4-908(1.5)(b)(III), C.R.S., (2023), which authorizes the Secretary of State to “promulgate rules, in accordance with article 4 of title 24, to implement [review of candidate petition signatures].”
- Section 1-5-102.9(5)(d)(I), C.R.S., (2023), which requires counties to follow, “the secretary of state’s current security rules . . .” regarding drop boxes.
- Section 1-5-616(1), C.R.S., (2023), which requires the Secretary of State to adopt rules “that establish minimum standards for electronic and electromechanical voting systems.” This includes the authority to adopt rules regarding “documentation requirements”, “security requirements”, and “accessibility” for those voting systems.
- Section 1-5-616(4), C.R.S., (2023), which requires the Secretary of State to “adapt the standards for certification of electronic or electromechanical voting systems established by rule . . . to ensure that new technologies that meet the requirements for such systems are certified in a timely manner...”
- Section 1-5-616(5), C.R.S., (2023), which requires the designated election official to submit security procedures to the secretary of state no later than 60 days before an election.
- Section 1-5-623(4), C.R.S., (2023), which requires the Secretary of State to promulgate rules necessary “to specify permissible conditions of use governing electronic voting devices or systems or related components of such devices or systems...”
- Section 1-7-513.5(6), C.R.S., (2023), which requires the Secretary of State to promulgate rules necessary to implement the section regarding voting system equipment security and surveillance.
- Section 1-7-515(4)(a), C.R.S., (2023), which requires the Secretary of State to promulgate rules “necessary to implement and administer by this section” regarding risk-limiting audits.
- Section 1-7.5-104, C.R.S., (2023), 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(3), C.R.S., (2023), 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..."

- Section 1-7.5-106(2), C.R.S., (2023), which authorizes the Secretary of State to “adopt rules governing procedures and forms necessary to implement [mail ballot elections]...”
- Section 1-7.5-107(1), C.R.S. (2023), which requires ballots to be prepared, “by law or rules promulgated by the secretary of state.”
- Section 1-7.5-107(4.3)(a)(I), C.R.S., (2023), which requires drop boxes to “comply with the secretary of state’s current security rules.”
- Section 1-7.5-107(6), C.R.S., (2023), which requires that mail ballots be counted as provided in “rules promulgated by the secretary of state.”
- Section 1-7.5-113.5(6), C.R.S. (2024), which authorizes the Secretary of State to promulgate rules “as may be necessary to administer and enforce the requirements of” voting at county jails or detention centers.
- Section 1-8.5-102 (2), C.R.S. (2023), which requires the Secretary of State to prescribe by rules, “the language of the affidavit, information, and instructions [for provisional ballots].”
- Section 1-8.5-105 (1), C.R.S. (2023), which requires a designated election official to follow the procedures and databases prescribed by Secretary of State by rule when verifying a provisional ballot cast by a voter.
- Section 1-8.5-112, C.R.S. (2023), which requires the Secretary of State to “promulgate all appropriate rules . . . for the purpose of ensuring the uniform application [of laws related to provisional ballots].”
- Section 1-10.5-102(2), C.R.S., (2023), which requires the Secretary of State to “promulgate and provide each county clerk and recorder with the necessary rules and regulations to conduct the recount in a fair, impartial, and uniform manner...”
- Section 1-40-116(3), C.R.S., (2023), which allows the Secretary of State to adopt rules for the examination and verification of signer lines on an initiative petition.
- Section 1-40-116(4)(a), C.R.S., (2023), which authorizes the Secretary of State to "engage in rule-making to establish the appropriate methodology” to review initiative petitions by random sample.
- Section 1-40-132, C.R.S., (2023), which charges the Secretary of State with the administration and enforcement of initiatives and referred measures, including the authority to “promulgate rules as may be necessary to administer and enforce any provisions of [Article 40] . . .”
- Section 1-40-135(4), C.R.S., (2023), which requires petition entities to apply for a license “on a form prescribed by the secretary of state.”

Preliminary Draft of Proposed Rules

Colorado Department of State Election Rules 8 CCR 1505-1

July 15, 2024

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Colorado Department 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 August 15, 2024 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 **August 10, 2024**.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

Table 1 - Formatting Key

Amendments to 8 CCR 1505-1 are as follows:

Amendments to Rule 1 are as follows:

New Rule 1.1.46 defines resolution board, as is used in Rule 18:

- 1.1.46 "RESOLUTION BOARD" MEANS A BIPARTISAN TEAM OF ELECTION JUDGES DIRECTED BY THE COUNTY CLERK TO CONDUCT BALLOT RESOLUTION ACTIVITIES DESCRIBED IN RULE 18.

[Not shown: current Rules 1.1.46 through 1.1.65 are renumbered to Rules 1.1.47 through 1.1.66.]

Amendments to Rule 1.1.67, renumbered from current Rule 1.1.66, removing language of outdated practices:

- ~~4.1.66~~1.1.67 "Write-in vote" means a vote where the voter physically writes in the name of a qualified write-in candidate in the space reserved on the ballot for write-in votes ~~and properly marks the target area according to voter instructions.~~

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2023). 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. (2023). "[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."

Amendments to Rule 2 are as follows:

New Rule 2.13.8 concerning the effective date for voter cancellation due to felony incarceration:

- 2.13.8 THE EFFECTIVE DATE OF A VOTER REGISTRATION CANCELLATION DUE TO FELONY INCARCERATION IS THE DATE THE INFORMATION REGARDING INCARCERATION IS PROVIDED TO THE SECRETARY OF STATE FROM THE DEPARTMENT OF CORRECTIONS.

Amendments to Rule 3 are as follows:

Amendments to Rules 3.3 and 3.4 concerning the requirements that a qualified political organization must adhere to for it to remain in good standing and continue to qualify as a qualified political organization:

- 3.3 To remain in good standing, a qualified political organization must place a candidate, CERTIFIED TO THE BALLOT BY THE SECRETARY OF STATE, on the general election ballot every two years. A write-in candidate alone is not sufficient to meet this requirement.
- 3.4 The Secretary of State will qualify a political organization if the organization:

[Not shown: no changes to Rules 3.4.1 and 3.4.3.]

- 3.4.3 ~~Certifies a candidate to~~ PLACES A CANDIDATE, CERTIFIED TO THE BALLOT BY THE SECRETARY OF STATE, ON the general election ballot.

Amendments to Rule 4 are as follows:

Amendments to Rule 4.5.2 concerning ballot measures for other political subdivisions that are greater than a county whose content is certified by the Department and technical changes:

- 4.5.2 Each political subdivision must determine the order of the ballot issues for their political subdivision in accordance with the requirements of ~~Colorado Constitution~~ Article X, Section 20 OF THE COLORADO CONSTITUTION and Title 1, C.R.S.

[Not shown: no changes to sections (a)-(d).]

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

[Not shown: no changes to subsections (1)-(2).]

- (3) Each category of local referred ballot issues and questions must be designated by a letter or a number and a letter in the following series:

1A-1Z	County measures
2A-2Z	Municipal measures wholly within a county
3A-3Z	Municipal measures greater than a county
4A-4Z	School District measures wholly within a county
5A-5Z	School District measures greater than a county
6A-6Z	Ballot measures CERTIFIED BY DEOS OF for other political subdivisions wholly within a county
7A-7Z	Ballot measures CERTIFIED BY DEOS OF for other political subdivisions which are greater than a county
8A-8Z	BALLOT MEASURES FOR OTHER POLITICAL SUBDIVISIONS WHICH ARE GREATER THAN A COUNTY WHOSE CONTENT IS CERTIFIED BY THE SECRETARY OF STATE.

Table 2- Local Referred Ballot Issues and Questions Order

Amendments to Rule 4.8.4(a)(2) removing an outdated internal rule reference and unnecessary statutory reference:

4.8.4 Printing primary election ballots

- (a) If a major political party, as defined in section 1-1-104(22.5), C.R.S., nominates more than one candidate for any office, the county clerk must conduct the primary election for all major political parties unless the party chooses to nominate candidates in accordance with section 1-4-702, C.R.S.
 - (1) The county clerk must include on the ballot all offices to which candidates may be nominated in the primary election.
 - (2) If there are no candidates for any particular office, the county clerk must print on the ballot "There are no candidates for this office". ~~[Sections 1-4-101 and 1-4-104.5, C.R.S.; Election Rule 10.1.1]~~

[Not shown: no changes to sections (b)-(c).]

Amendments to Rule 6 are as follows:

Amendments to Rule 6.1.1 concerning the date in which each major political party must provide a list of election judges to the county clerk and as required by the passage of Senate Bill 24-210:

6.1 Appointment of election judges under section 1-6-104, C.R.S.

- 6.1.1 Except for a state primary election, the county clerk must request an updated list of election judges from each major party before each election the clerk conducts under the Uniform Election Code. Each party must provide that list to the county clerk no later than 90 days before election day. For the state primary election, each party must provide a list

of election judges no later than the ~~last~~^{FIRST} Tuesday of April preceding the election, as required by section 1-6-103, C.R.S.

New Rule 6.7 concerning the appointment of, and tasks assigned to, student election judges:

- 6.7 SUBJECT TO THE LIMITATIONS PROVIDED IN SECTION 1-6-111(1), C.R.S., A COUNTY CLERK MAY APPOINT STUDENT ELECTION JUDGES TO COMPLETE ANY TASK ASSIGNED TO ANY OTHER ELECTION JUDGE. STUDENT ELECTION JUDGES ARE NOT SUBJECT TO THE PARTY AFFILIATION REQUIREMENTS OTHERWISE APPLICABLE TO OTHER ELECTION JUDGES.

[Not shown: current Rules 6.7 through 6.9 are renumbered to Rules 6.8 through 6.10.]

Amendments to Rule 7 are as follows:

Amendments to Rule 7.4 necessary renumbering, technical changes, and internal rule reference updates:

7.4 Receipt and processing of ballots

- 7.4.1 The county clerk must adequately light all drop box locations and use a video security surveillance recording system as defined in Rule ~~4.4.6~~^{4.1.1} 4.1.62 to monitor each location.

[Not shown: no changes to sections (a)-(e).]

Amendments to Rule 7.4.12 updating an internal rule reference:

- 7.4.12 If an election judge is unable to determine, before opening the envelope, which party's ballot an unaffiliated elector returned as outlined in Rule ~~7.2.9~~^{7.2.12} 7.2.12, the county must separate the elector's ballot from the envelope in the following manner:

[Not shown: no changes to sections (a)-(c).]

Amendments to Rule 7.4.13 removing unnecessary internal rule reference:

- 7.4.13 If an unaffiliated elector returns more than one ballot in a primary election, a bipartisan team of election judges must review the ballots to determine the elector's intent in accordance with the Secretary of State's Voter Intent Guide.
- (a) If the bipartisan team determines the elector voted in only one party's primary election, the election judge with access to the envelope must record the party chosen in SCORE ~~under Rule 7.4.5(c)~~ and the ballot must be counted. The county must retain any unvoted ballot as an election record.

[Not shown: no changes to section (b).]

Amendments to Rule 7.7.10 concerning removal of a deadline that has passed:

- 7.7.10 If the county uses a ballot sorting and signature capture device, the county clerk must test the device before using it in an election to ensure that it properly sorts envelopes, and accurately and clearly captures the signature on the envelope for comparison to the correct voter record. ~~Beginning on January 1, 2024, the~~ THE device must also capture an image of the full side of the mail ballot envelope that contains the signature.

New Rule 7.7.14 concerning the county clerks sending out correspondence to voters with one or fewer reference signatures no later than 60 days before a general election:

- 7.7.14 NO LATER THAN 60 DAYS BEFORE A GENERAL ELECTION, THE COUNTY CLERK MUST SEND CORRESPONDENCE ON A FORM APPROVED FOR USE BY THE SECRETARY OF STATE TO ALL ACTIVE VOTERS IN THEIR COUNTY WHO HAVE ONE OR FEWER REFERENCE SIGNATURES IN SCORE. THE CORRESPONDENCE MUST PROVIDE THE VOTER WITH AN OPPORTUNITY TO PROVIDE A REFERENCE SIGNATURE IN ADVANCE OF THE UPCOMING ELECTION.

Amendments to Rule 7.16.3 concerning a technical change to clarify the anonymity of in-person voting:

- 7.16.3 The county CLERK must arrange A voter service and polling center ~~BMDs~~ in a manner that prevents election officials and other voters from observing how ~~a BMD~~ ANY voter marks or casts their ballot.

New Rule 7.16.4 concerning the removal of the ability or the appearance of the ability of a video surveillance camera to be able to record a voter's marking or casting of their ballot:

- 7.16.4 THE COUNTY CLERK MUST ARRANGE VOTER SERVICE AND POLLING CENTERS IN A MANNER THAT PREVENTS A VIDEO SURVEILLANCE CAMERA FROM BEING ABLE TO RECORD, OR APPEARING TO RECORD, HOW A VOTER MARKS OR CASTS THEIR BALLOT.

Amendments to Rule 7.17 removal of a deadline that has passed:

- 7.17 Data entry standards for district, position, and ballot style names in SCORE. ~~Beginning January 1, 2024, authorized~~ AUTHORIZED SCORE users must comply with the data entry standards set forth in this Rule when naming districts, positions, and ballot styles in SCORE's Districts & Precincts and Election Management modules.

Amendments to Rule 7.17.3(a) concerning technical revisions to ballot style naming in SCORE:

- 7.17.3 Ballot style names:

- (a) If a county reports results for any election by precinct, the county must rename its ballot styles in SCORE according to the convention of xxx-yyy ~~or xxx-yy~~, where xxx is the final three digits of the ten-digit precinct number, and yyy ~~or yy~~ is the ~~one or two digit~~ district style number. A county clerk may elect to use a two OR THREE-digit number for the district style component of the ballot style name even if in any election SCORE generates fewer than 10 district styles. By way of example, if SCORE generates a single district style and the county has 3 precincts, the county must name the precinct styles as 001-1, 002-1, and 003-1; or 001-01, 002-01, and 003-01; OR 001-001, 002-002, 003-003.

[Not shown: no changes to sections (b)-(c).]

Amendments to Rule 8 are as follows:

Amendments to Rule 8.2 concerning interested parties appointing and certifying watcher to observe a recount:

- 8.2 Interested parties may appoint and certify watchers to observe recall elections held under Article 12, Title I, C.R.S., in accordance with sections 1-7-106 and 1-7-107, C.R.S. ONLY AN INTERESTED PARTY TO A RECOUNT AS DEFINED BY SECTION 1-10.5-109(1), C.R.S. MAY APPOINT AND CERTIFY WATCHERS TO OBSERVE RECOUNT ACTIVITIES TO THAT RECOUNT.

Amendments to Rule 8.9 concerning necessary restructuring of Rule 8.9 into Rule 8.9.1 and including New Rule 8.9.2 and a title for Rule 8.9:

8.9 OBSERVATION OF OFF-SITE ACTIVITY

- 8.9.1 A watcher may observe election activities at a group residential facility, as defined in section 1-1-104(18.5), C.R.S., only if the watcher contacts the county clerk beforehand to arrange the time and location. While at a group residential facility, a watcher must maintain an adequate distance from the elector so the elector may mark or receive assistance marking his or her ballot in private. A watcher may not enter a voter's private room or apartment unless the voter consents.

New Rule 8.9.2 concerning watcher activity inside a county jail or detention center, if watcher activity is permitted by the county clerk and county sheriff:

- 8.9.2 IF PERMITTED BY THE COUNTY CLERK AND COUNTY SHERIFF, A WATCHER MAY OBSERVE ELECTION ACTIVITIES INSIDE A COUNTY JAIL OR DETENTION CENTER. IF PERMITTED TO ATTEND THOSE ACTIVITIES, THE WATCHER MUST FOLLOW ALL RULES AND PROCEDURES PRESCRIBED BY THE COUNTY CLERK AND COUNTY SHERIFF. THOSE RULES AND PROCEDURES PRESCRIBED BY THE CLERK AND SHERIFF MAY BE DIFFERENT THAN THOSE RULES IN PLACE FOR WATCHERS WATCHING OTHER ELECTION ACTIVITY.

Amendments to Rule 10 are as follows:

Amendments to Rule 10.11 concerning updates to an internal rule reference:

- 10.11 In accordance with section 1-10.5-107, C.R.S., and Rule 10.3.2(d)(c), the canvass board's role in conducting a recount includes selecting ballots for the test, observing the recounting of ballots, and certifying the results.

Amendments to Rule 11 are as follows:

Amendments to Rule 11.2.4 concerning updates to an internal rule reference:

- 11.2.4 A county clerk must notify the Secretary of State if a license agreement with a voting system vendor is terminated within one week after the agreement is terminated. A county clerk must also notify the Secretary if a voting system component is no longer going to be used as part of the voting system, but the component will be retained by the county. The county clerk must follow the requirements found in Rule 20-5-720.5.6 for all retained components.

Amendments to Rule 11.3.2(c)(1) concerning the sufficient number of ballots in a test deck of ballots for Logic and Accuracy Tests and updating the internal rule reference:

11.3.2 Logic and Accuracy Test

[Not shown: no changes to sections (a)-(b).]

- (c) Preparing for the Logic and Accuracy Test
 - (1) A county that is conducting an election with at least one plurality voting contest must prepare a test deck of ballots that:
 - (A) Includes every ballot style and, where applicable, precinct;
 - (B) Includes a sufficient number of ballots ~~to mark every vote position for every contest~~ SO THAT EACH VOTE POSITION IN EACH CONTEST RECEIVES A UNIQUE, KNOWN VOTE TOTAL FOR THAT

CONTEST, including write-in candidates, contests that permit an elector to vote for two or more positions, and overvotes and undervotes for each contest;

- (C) Includes at least one write-in vote for each qualified write-in candidate so that all qualified write-in candidate names will appear in the LAT result uploaded to ENR as required by Rule ~~11.9.3~~11.9.4; and

[Not shown: no changes to subsections (2)-(7).]

[Not shown: no changes to section (d).]

Amendments to Rule 11.3.2(e)(3) concerning updates to an internal rule reference:

- (e) Completing the test

[Not shown: no changes to subsections (1)-(2).]

- (3) The county must upload the test results file during the ENR test required under Rule ~~11.9.3~~11.9.4. The county must hash and upload the CVR and ballot manifest to the RLA software during the RLA practice period, as required under Rule 25.2.2(b).

New Rule 11.8.8 concerning the requirements for approval of a county's application to purchase, lease, or use a voting system by the Department:

- 11.8.8 THE SECRETARY OF STATE WILL NOT APPROVE A COUNTY'S APPLICATION TO PURCHASE, LEASE, OR USE A VOTING SYSTEM IF THE TERM OF THE CONTRACT EXPIRES 90 DAYS BEFORE AN ELECTION THROUGH THE CONCLUSION OF ANY POTENTIAL RECOUNTS FOR THAT ELECTION.
 - (A) A COUNTY MAY NOT EXTEND AN AGREEMENT WITH A VOTING SYSTEM PROVIDER FOR A VOTING SYSTEM FOR A TERM THAT EXPIRES FROM 90 DAYS BEFORE AN ELECTION THROUGH THE CONCLUSION OF ANY POTENTIAL RECOUNTS FOR THAT ELECTION.
 - (B) IF A CONGRESSIONAL VACANCY ELECTION OR RECALL ELECTION WHERE A COUNTY CLERK IS THE DESIGNATED ELECTION OFFICIAL IS SCHEDULED TO OCCUR OVER A TIME PERIOD IN WHICH THAT COUNTY'S CONTRACT WITH A VOTING SYSTEM PROVIDER WOULD EXPIRE, THE VOTING SYSTEM PROVIDER AND COUNTY CLERK MUST TEMPORARILY EXTEND THE EXISTING CONTRACT TO COVER THE ELECTION IN QUESTION FOR A REASONABLE FEE UNLESS THE COUNTY CLERK HAS AN AGREEMENT FOR PURCHASE, LEASE, OR USE OF ANOTHER VOTING SYSTEM THAT COVERS THE ELECTION IN QUESTION.

New Rule 11.8.9 concerning the prohibition of terminating a contract for the purchase, lease, or use of a voting systems 90 days before an election:

- 11.8.9 NO COUNTY OR VOTING SYSTEM PROVIDER MAY VOLUNTARILY TERMINATE A CONTRACT FOR PURCHASE, LEASE, OR USE OF A VOTING SYSTEM WITHOUT THE SECRETARY OF STATE'S PERMISSION BEGINNING 90 DAYS BEFORE AN ELECTION THROUGH THE CONCLUSION OF ANY RECOUNTS FOR THAT ELECTION.

New Rule 11.8.10 concerning the requirement of a county to contract with a nearby county if that county cannot procure or have access to a voting system for an election:

11.8.10 IF A COUNTY COVERED BY SECTION 1-5-612(1)(B), C.R.S., CANNOT PROCURE A VOTING SYSTEM OR OTHERWISE DOES NOT HAVE ACCESS TO A VOTING SYSTEM AS REQUIRED FOR AN ELECTION, THAT COUNTY MUST CONTRACT WITH A NEARBY COUNTY TO UNDERTAKE ALL ELECTION ACTIVITIES IT IS UNABLE TO FULFILL. THE SECRETARY OF STATE MAY ISSUE AN ORDER TO COMPEL COMPLIANCE WITH THIS RULE.

Amendments to Rule 15 are as follows:

Amendments to Rule 15.1.1(a) concerning clarifying the Department's approval process for a petition format:

15.1 The following requirements apply to candidate, statewide initiative, recall, minor party creation, and referendum petitions, unless otherwise specified.

15.1.1 Petition template for state petitions

- (a) Petition proponents OR THEIR DESIGNEES MUST REQUEST THEIR PETITION FORMAT BY SENDING AN EMAIL WITH THE INFORMATION REQUESTED BY THE DEPARTMENT TO DRAFT A PETITION FORMAT TO BALLOT.ACCESS@COLORADOSOS.GOV. ONCE THAT INFORMATION IS PROVIDED, THE DEPARTMENT OF STATE WILL RETURN A PETITION FORMAT WITH THE INFORMATION INCLUDED. PETITION PROponents MUST THEN PRINT A PHYSICAL COPY OF THE PETITION PROVIDED BY THE DEPARTMENT OF STATE AND RETURN A COPY, SCANNED IMAGE, OR PICTURE OF THE PRINTED FORMAT FOR FINAL APPROVAL BY THE DEPARTMENT OF STATE ~~must use the Secretary of State's fillable .pdf petition template to create their petition format.~~
- (b) After approval of the petition format as to form, proponents must print all petition sections in accordance with the Secretary of State's petition-printing guidelines. THE DEPARTMENT OF STATE WILL REJECT ANY PETITION SECTIONS CIRCULATED PRIOR TO RECEIVING A FORMAL APPROVAL LETTER FOR THE PETITION FORMAT.

[Not shown: no changes to sections (c)-(d).]

Amendments to Rule 15.1.2(c) concerning the reviewability of a legible signature but has no printed name on the petition:

15.1.2 Petition submission

[Not shown: no changes to sections (a)-(b).]

- (c) The Department of State or DEO will not consider a signer line as a reviewable line, if the line is incomplete or partially crossed out and the information missing or crossed out is the name, signature, or address of the signer. IF A LINE CONTAINS A SIGNATURE THAT IS LEGIBLE, BUT HAS NO PRINTED NAME, IT IS CONSIDERED REVIEWABLE.

[Not shown: no changes to sections (d)-(f).]

Amendments to Rule 15.2.1(d) concerning the delay in implementation date of the rule and requiring a petition entity to provide proof of completion of circulator training by their petition circulators in their applications and necessary technical changes:

15.2 Petition entity license, registration, filing, and circulation

15.2.1 A petition entity that intends to pay petition circulators must obtain a petition entity license, pay a fee, and register with the Secretary of State's Office before circulating initiative, candidate, and recall petitions. The license application must include:

[Not shown: no changes to sections (a)-(c).]

- (d) For those applications submitted after December ~~31, 2024~~ 1, 2025, the following information regarding petition circulators:
 - (1) The name, address, and signature of any petition circulators the entity has hired or contracted with to circulate a petition in Colorado; ~~and~~
 - (2) The petitions each circulator will circulate in Colorado; and
 - (3) PROOF THAT EACH CIRCULATOR HAS COMPLETED THE CIRCULATOR TRAINING OFFERED BY THE SECRETARY OF STATE WITHIN THE LAST YEAR AS EVIDENCE THAT THE CIRCULATOR HAS READ AND UNDERSTOOD LAWS PERTAINING TO PETITION CIRCULATION; AND

[Not shown: no changes to section (e).]

Amendments to Rule 15.2.2 concerning compensation to a circulator:

15.2.2 Before compensating a circulator, the designated agent must register with the Secretary of State's Office by submitting a signed form that includes a list of the proposed initiatives, candidate or candidate committee's name, minor party petition, or recall petition the petition entity will circulate. A designated agent must complete the Secretary of State's circulator training program prior to applying for a license. FOR THE PURPOSE OF THIS RULE COMPENSATING A CIRCULATOR INCLUDES PROVIDING COMPENSATION TO A CIRCULATOR FOR CIRCULATING A PETITION IN COLORADO OR ENTERING INTO AN AGREEMENT WITH A CIRCULATOR TO PROVIDE COMPENSATION FOR CIRCULATING A PETITION IN COLORADO.

Rule 15.2.4 is repealed since petition entities reapply for new licenses every two years:

~~15.2.4 A petition entity may renew an expired license without a fee by submitting a new license application.~~

Amendments to current Rule 15.2.5, renumbered to Rule 15.2.4, concerning a deadline reference that has passed:

~~15.2.5~~ 15.2.4 ~~Beginning January 2, 2024, a~~ A petition entity license is only valid for two years from the date the license was approved by the Secretary of State. Once a license expires, a petition entity must submit a new license application and fee.

Amendments to current Rule 15.2.6, renumbered to Rule 15.2.5, concerning the date that petition entities must provide the names of their petition circulators beginning December 1, 2025:

~~15.2.6~~ 15.2.5 In accordance with sections 1-4-905.5(4)(a) and 1-40-135(5)(a), C.R.S., a petition entity must update their entity license no later than 20 days after a change to any information provided in their initial application. BEGINNING DECEMBER 1, 2025, THIS INCLUDES THE INFORMATION REQUIRED BY RULE 15.2.1(D) FOR CIRCULATORS HIRED BY THE ENTITY AFTER THE ENTITY HAS OBTAINED THEIR LICENSE.

Amendments to Rule 15.3.1 repealing language regarding the circulation period of a statewide initiative:

- 15.3.1 Petition circulation may begin after the title board's final decision, including disposition of any rehearing motion, after the time for filing a rehearing motion, and after the Secretary of State has approved the petition format. ~~If an appeal is filed with the Supreme Court, the six-month period specified in section 1-40-108(1), C.R.S., begins on the date the petition is first signed or on the date the Supreme Court's decision becomes final, whichever is first. Signatures gathered outside of this period are invalid.~~

Amendments to Rule 15.3.2(c) concerning updates to an internal rule reference:

- 15.3.2 The petition circulator must provide a permanent residence address on the circulator affidavit.

[Not shown: no changes to sections (a)-(b).]

- (c) For the purposes of sections 1-40-106(4)(b), 1-40-111(3)(a), 1-40-121(2)(a), and 1-40-135(2)(c), C.R.S., a circulator's permanent residence address that does not comply with this Rule ~~15.4.2~~ 15.3.2 is a "false address".

Amendments to Rule 17 are as follows:

Amendments to Rule 17.2, concerning technical revisions:

17.2 Verification of PProvisional BBallots

Amendments to Rule 17.2.3(a) concerning a technical revision:

- 17.2.3 Verification of an elector's eligibility to have his or her provisional ballot counted is limited to the following sources:
- (a) Sources provided by the Secretary of State or law enforcement agencies regarding felons who are serving a sentence of detention or confinement ~~or on parole~~;

[Not shown: no change to sections (b)-(c).]

Amendments to Rule 17.2.9 concerning the acceptance of a provisional ballot for President as required by federal law:

17.2.9 Acceptance Codes (The county clerk must count all races.)

- AOK Reviewed and confirmed voter's eligibility, INCLUDING VOTERS ELIGIBLE TO VOTE ONLY FOR PRESIDENT IN A PRESIDENTIAL GENERAL ELECTION, AS PROVIDED BY 52 U.S.C. § 10502 (c).

[Not shown: no changes to ADB and ALC codes.]

Amendments to Rule 19 are as follows:

Amendments to Rule 19.7 concerning amendments to Rule 19.7 regarding decertification of a designated election official, necessary renumbering, and New Rules 19.7.1 through 19.7.4:

19.7 Decertification-

- 19.7.1 A person who fails to satisfy continuing education requirements, OR WHO THE SECRETARY OF STATE DISCOVERS FAILED TO SATISFY THE REQUIREMENTS FOR INITIAL CERTIFICATION will lose certification.

New Rule 19.7.2 concerning notifying a person in writing or mail if it is believed that they should be decertified:

- 19.7.2 THE SECRETARY OF STATE WILL NOTIFY A PERSON IN WRITING VIA EMAIL OR MAIL IF THE SECRETARY BELIEVES THAT PERSON SHOULD BE DECERTIFIED BECAUSE THEY FAILED TO SATISFY THE REQUIREMENTS FOR INITIAL CERTIFICATION UNDER THIS RULE.

New Rule 19.7.3 concerning a 15-business day deadline to provide a response to the Department describing why they should not be decertified:

- 19.7.3 A PERSON WHO IS NOTIFIED IN WRITING THAT THEY WILL BE DECERTIFIED BECAUSE THEY FAILED TO SATISFY THE REQUIREMENTS FOR INITIAL CERTIFICATION UNDER THIS RULE HAS 15 BUSINESS DAYS TO PROVIDE A RESPONSE TO THE SECRETARY DESCRIBING WHY THEY SHOULD NOT BE DECERTIFIED.

New Rule 19.7.4 concerning the Secretary's final determination in a person's decertification:

- 19.7.4 AFTER RECEIVING A RESPONSE, OR UPON A PERSON'S FAILURE TO TIMELY RESPOND, THE SECRETARY WILL MAKE A FINAL DETERMINATION REGARDING DECERTIFICATION. THE SECRETARY MAY REQUEST ADDITIONAL INFORMATION AS NECESSARY TO MAKE THAT DETERMINATION.

Amendments to Rule 20 are as follows:

Amendments to Rule 20.1.2 concerning amendments to sections (c), (e), (f), and (h)—renumbered from (g)—, New Rule 20.1.2(g), and technical changes:

- 20.1.2 In the security plan, the county clerk must provide the following information:

[Not shown: no changes to (a)-(b).]

- (c) The details of the security training it will provide, including the time, AND location, ~~and number of election officials receiving the training~~, in accordance with Rule 20.3;

[Not shown: no changes to (d).]

- (e) All voting system acceptable use policy agreements signed by county staff which had not previously been provided in a security plan that calendar year, EXCEPT AS PROVIDED IN RULE 20.5.2(A)(1) ;
- (f) A description of the environment in which voting system components will be kept in accordance with Rule 20.5.5; ~~and~~

New Rule 20.1.2(g) concerning the inclusion of the names of employees with administrative privileges to the voting system to be provided in the security plan:

- (G) THE NAMES OF EMPLOYEES WITH ADMINISTRATIVE PRIVILEGES TO THE VOTING SYSTEM AS REQUIRED BY RULE 20.5.2(C)(5); AND
- ~~(g)~~(H) Any other information required in the published security plan.

Amendments to Rule 20.2.4 concerning the requirement of a voting system provider to provide a national background check of an employee or contractor conducting work on any component of a county's voting system:

- 20.2.4 A voting system provider must arrange for a NATIONAL background check, sufficient to determine if the individual has ever been convicted of an election offense or an offense with an element of fraud for each employee or contractor who conducts work on any component of a county's voting system. The provider must affirm that the check was conducted in writing to the Secretary of State prior to the employee conducting any work.

Amendments to Rule 20.4.2 concerning the inclusion of an agreement by the county clerk when submitting their planned maintenance of video surveillance's detailed plans and internal rule reference updates:

20.4.2 Surveillance of secure areas

- (a) The county clerk must make video security surveillance recordings of secure equipment areas, as defined by Rule ~~1.1.49~~1.1.50, in accordance with the requirements of section 1-7-513.5, C.R.S.
- (b) The county clerk of a county with 50,000 or more registered voters must also make video security surveillance recordings of secure ballot areas, as defined by Rule ~~1.1.49~~1.1.49, if those areas do not contain any components of a voting system, beginning at least 35 days before election day and continuing uninterrupted through at least 30 days after election day. If a recount or contest occurs, the recording must continue through the conclusion of all related activity.

[Not shown: no changes to sections (c)-(d).]

- (e) Planned maintenance of video surveillance

[Not shown: no changes to subsection (1).]

- (2) Before the planned outage, the county clerk must notify and submit detailed plans to the Secretary of State which describe security measures the clerk will take to ensure the security of the voting system components or areas during the planned outage. THOSE PLANS MUST INCLUDE, AT A MINIMUM, AN AGREEMENT BY THE COUNTY CLERK THAT:
 - (A) THE COUNTY WILL REVIEW KEY CARD SYSTEM ACCESS LOGS AFTER THE SURVEILLANCE SYSTEM MAINTENANCE IS COMPLETE TO VERIFY THAT NO UNEXPLAINED OR UNAUTHORIZED ACCESS OCCURRED. IF THE COUNTY DISCOVERS UNEXPLAINED OR UNAUTHORIZED ACCESS OCCURRED DURING THE OUTAGE, THE COUNTY WILL NOTIFY THE DEPARTMENT OF STATE'S ELECTIONS SECURITY TEAM WITHIN TWO BUSINESS DAYS;
 - (B) IF PHYSICAL ACCESS TO A SECURE EQUIPMENT OR SECURE BALLOT AREA IS NECESSARY DURING THE OUTAGE, AT LEAST TWO COUNTY STAFF MEMBERS AUTHORIZED BY RULE 20.4.1 WILL BE PRESENT; AND
 - (C) WHEN FEASIBLE, THE COUNTY WILL IMPLEMENT TEMPORARY SURVEILLANCE SYSTEMS DURING PLANNED OUTAGES, INCLUDING USE OF PORTABLE RECORDING DEVICES SUCH AS CAMERAS, PHONES, OR TABLETS.

Amendments to Rule 20.4.3 concerning internal rule reference updates:

20.4.3 Access logs to secure areas

- (a) The county clerk must maintain a log of each person who enters a location which contains components of a voting system in accordance with the requirements of section 1-7-513.5, C.R.S.
- (b) The county clerk must otherwise maintain a log of each person who enters a secure ballot area, as defined by Rule ~~4.1.48~~1.1.49, if that area does not contain any components of a voting system. This does not include members of the public who access areas of a county clerk's office that are regularly available to the public outside of an election.

[Not shown: no changes to sections (c)-(d).]

Amendments to Rule 20.4.4 concerning internal rule reference updates:

20.4.4 Restrictions on physical access

- (a) General restrictions
 - (1) No person may be present in a secure ballot area, as defined by Rule ~~4.1.48~~1.1.49, or secure equipment area, as defined by Rule ~~4.1.49~~1.1.50, unless:

[Not shown: no changes to subsection (2).]

[Not shown: no changes to section (b).]

New Rule 20.4.5 concerning a physical security assessment that county clerks must request from a federal agency:

20.4.5 PHYSICAL SECURITY ASSESSMENT

- (A) EVERY COUNTY CLERK MUST REQUEST A PHYSICAL SECURITY ASSESSMENT OF THEIR CENTRAL COUNT FACILITY, AND IF SEPARATE, THE CLERK'S MAIN OFFICE.
- (B) THE PHYSICAL SECURITY ASSESSMENT REQUESTED UNDER THIS RULE MUST BE CONDUCTED BY A FEDERAL AGENCY CHARGED WITH THE SECURITY OF CRITICAL INFRASTRUCTURE.
- (C) A REQUEST UNDER THIS RULE MUST BE MADE, AT A MINIMUM, ONCE EVERY THREE YEARS, OR WITHIN SIX MONTHS OF THE COMPLETION OF A SIGNIFICANT ALTERATION MADE TO A CENTRAL COUNTY FACILITY OR CLERK'S MAIN OFFICE. EACH CLERK MUST HAVE REQUESTED AN INITIAL ASSESSMENT NO LATER THAN JUNE 30, 2025.

[Not shown: current Rule 20.4.5 is renumbered to Rule 20.4.6.]

Amendments to Rule 20.5.2(a)(1) concerning the date in which an election official may sign the voting system AUP in years in which there is a presidential primary election:

20.5.2 Accessing the voting system

- (a) Acceptable use policy agreement

- (1) All election officials, who as part of their duties may be required to access any component of the voting system, must sign the voting system acceptable use policy agreement provided by the Secretary of State every year prior to using the system. IN YEARS IN WHICH THERE WILL BE A PRESIDENTIAL PRIMARY ELECTION, AN ELECTION OFFICIAL MAY SIGN THE VOTING SYSTEM ACCEPTABLE USE POLICY AGREEMENT THE DECEMBER IMMEDIATELY PRIOR TO THE PRESIDENTIAL PRIMARY.

[Not shown: no changes to subsection (2).]

[Not shown: no changes to sections (b)-(d).]

Amendments to Rule 20.5.3(b)(1) concerning the prohibition of using a network switch on a voting system if it has been used for another network or does not have an intact chain of custody:

20.5.3 Connecting to the voting system

[Not shown: no changes to section (a).]

- (b) External network connection forbidden
 - (1) The county clerk must use the voting system only on a closed network or in a standalone fashion.
 - (A) ANY NETWORK SWITCH USED WITHIN THE CLOSED NETWORK FOR THE VOTING SYSTEM MAY NOT HAVE PREVIOUSLY BEEN USED FOR ANOTHER NETWORK.
 - (B) ANY NETWORK SWITCH USED WITHIN A CLOSED NETWORK FOR THE VOTING SYSTEM MAY ONLY BE MANAGED FROM A COMPONENT OF THE VOTING SYSTEM WITH AN INTACT CHAIN-OF-CUSTODY.

- (c) Removable storage device

[Not shown: no changes to subsections (1)-(5).]

New Rule 20.5.3(c)(6) concerning the prohibition to insert a removable storage device into any component of a voting system during a trusted build:

- (6) NO ONE MAY INSERT A REMOVABLE STORAGE DEVICE INTO ANY COMPONENT OF THE VOTING SYSTEM DURING A TRUSTED BUILD UNLESS THAT DEVICE HAS A VERIFIABLE CHAIN OF CUSTODY.

[Not shown: no changes to sections (d)-(f).]

Amendments to Rule 20.6.2(a)(3) concerning an update to an internal rule reference:

20.6.2 Attendance at trusted build

- (a) The only individuals who may be present at a trusted build in a county include:

[Not shown: no changes to subsections (1)-(2).]

- (3) The county clerk, employees of the county clerk, or the designated election official of the county, as long as those individuals are authorized

to access the voting system under Rule 20.5.2(b) have signed the voting system acceptable use policy agreement, and subject to the restrictions of Rule 20.4.4(e)(B). At least one individual listed in this Rule 20.6.2(a)(3) must be present during the trusted build.

[Not shown: no changes to sections (b)-(e).]

Amendments to Rule 20.6.3(b)(1) concerning an update to an internal rule reference:

20.6.3 Security at trusted build

[Not shown: no changes to section (a).]

(b) Video surveillance recording

- (1) The county clerk must ensure that the trusted build is conducted under video SECURITY surveillance RECORDING as defined by Rule 4-1.641.1.62.

Amendments to Rule 20.7.2, including new section (d), concerning seals on ballot drop boxes:

20.7.2 Voted ballots

[Not shown: no changes to sections (a)-(c).]

- (d) A TAMPER-EVIDENT SEAL MUST BE PLACED OVER THE DOOR OR OTHER OPENING FROM WHERE BALLOTS ARE RETRIEVED FROM A BALLOT DROP BOX. ELECTION JUDGES RETRIEVING BALLOTS FROM A DROP BOX MUST FILL OUT A CHAIN-OF-CUSTODY LOG WITH THAT SEAL INFORMATION EACH TIME THEY RETRIEVE BALLOTS.

Amendments to Rule 20.8.1 concerning a clarification of the rule title and additional information required in the affirmation provided by a voting system provider:

20.8 Security for voting system providers and vendors

20.8.1 ~~Remote~~-VENDOR-PROVIDED election programming services

- (a) A county clerk may not install or import into its voting system an election database or project programmed or created by the voting system provider using voting system components other than those owned or leased by the county and situated in the county's secure elections facility.
- (b) Rule 20.8.1(a) does not apply if the voting system provider first affirms on a form provided by the Secretary of State AND SUBMITTED SEPARATELY FOR EACH INDIVIDUAL COUNTY, AND SIGNED BY THAT COUNTY'S PROGRAMMER that:

[Not shown: no changes to subsections (1)-(4).]

Amendments to Rule 20.10.1(c) concerning an update to an internal rule reference:

20.10 Retention and election project backups

20.10.1 Election project backup security

[Not shown: no changes to sections (a) and (b).]

- (c) Removeable media used to store election project backups must conform to the removeable media security standards in Rule ~~20.5.4(c)~~20.5.3(c). The media may only be connected to a component of a voting system with an intact trusted build.

New Rule 20.10.3 concerning the retention of voted ballots and its process:

20.10.3 RETENTION OF VOTED BALLOTS

- (A) TO PRESERVE AND MAINTAIN BALLOTS AS AN ELECTION RECORD, A COUNTY CLERK MUST FOLLOW THE REQUIREMENTS OF THIS RULE WHEN REMOVING BALLOTS FROM THEIR SEALED CONTAINERS FOR AN INSPECTION UNDER THE COLORADO OPEN RECORDS ACT, FOR AN UNOFFICIAL RECOUNT, OR FOR ANY OTHER REASON.
- (B) REMOVAL OF BALLOTS FROM THEIR CONTAINERS MUST BE COMPLETED THROUGH A PRECISE, CONTROLLED PROCESS. THE PROCESS MUST INCLUDE:
 - (1) CONFIRMING THE SEAL LOG ON A CONTAINER OF BALLOTS BEFORE OPENING THE CONTAINER;
 - (2) OPENING AND REMOVING BALLOTS FROM THE CONTAINER IN AN ORDERLY FASHION;
 - (3) MAINTAINING THE ORDER AND INTEGRITY OF EACH BALLOT BATCH; AND
 - (4) RETURNING AND RESEALING BALLOTS INSIDE A CONTAINER BEFORE OPENING THE NEXT CONTAINER OF BALLOTS.
- (C) A COUNTY CLERK MAY ALLOW MULTIPLE TEAMS OF ELECTION WORKERS TO REMOVE BALLOTS FROM THEIR CONTAINERS SIMULTANEOUSLY FOLLOWING THE PROCESS DESCRIBED IN THIS RULE.
- (D) BALLOTS AND BALLOT CONTAINERS MAY ONLY BE HANDLED BY COUNTY ELECTION STAFF OR ELECTION JUDGES.
- (E) ANY ROOM IN WHICH A COUNTY CLERK CONDUCTS THE ACTIVITIES DESCRIBED IN THIS RULE IS A SECURE BALLOT AREA, AS DEFINED BY RULE 1.1.49.
- (F) THE COUNTY CLERK MUST OPERATE VIDEO SECURITY SURVEILLANCE RECORDINGS AS DEFINED BY RULE 1.1.62 OF THE ACTIVITIES DESCRIBED IN THIS RULE. THOSE RECORDINGS MUST BE MAINTAINED AS AN ELECTION RECORD FOR 25 MONTHS FOLLOWING THE CONCLUSION OF THE BALLOT REMOVAL PROCESS.
- (G) EXCEPT AS OTHERWISE REQUIRED DUE TO THE POST-ELECTION RISK-LIMITING AUDIT, A RECOUNT, AN ELECTION CONTEST, OR ANOTHER COURT ORDER, A COUNTY CLERK MAY NOT REMOVE BALLOTS FROM THEIR CONTAINERS UNTIL THE CONCLUSION OF THE CANVASS OR REQUESTED OR REQUIRED RECOUNT, WHICHEVER IS LATER.
- (H) UNLESS CONDUCTING REQUIRED TABULATION, THE POST-ELECTION RISK-LIMITING AUDIT, A RECOUNT, ACTIVITIES RELATED TO AN ELECTION CONTEST, OR ACTIVITIES RELATED TO ANOTHER COURT ORDER, A COUNTY CLERK WHO IS REMOVING BALLOTS FROM THEIR CONTAINERS FOR ANY REASON MUST NOTIFY THE SECRETARY OF STATE AT LEAST TWO WEEKS PRIOR TO THE REMOVAL AND MUST ALLOW OBSERVERS FROM THE SECRETARY OF STATE TO BE PRESENT TO OBSERVE ALL ACTIVITIES ASSOCIATED WITH THE REMOVAL.

[Not shown: current Rule 20.10.3 is renumbered to Rule 20.10.4.]

Amendments to Rule 20.11.1 concerning the timeframe of a regular interval for contingency plans submitted to the Department and new section (g), concerning the inclusion of certain contact information in that contingency plan:

20.11 Security of operations

20.11.1 Contingency plans

[Not shown: no changes to sections (a)-(e).]

- (f) The county clerk must develop contingency plans which address an unexpected outage of any required video surveillance. The plan must include regular intervals, BUT NOT LESS THAN ONCE PER BUSINESS DAY AND THE SATURDAY AND SUNDAY BEFORE ELECTION DAY, at which the county will confirm that all required video surveillance is operational.
- (G) THE COUNTY CLERK MUST INCLUDE A CONTACT INFORMATION SHEET THAT IDENTIFIES THE CONTACT INFORMATION FOR ANY GOVERNMENT AGENCY THE CLERK WOULD CONTACT IN THE EVENT OF AN EMERGENCY OR INCIDENT CONTEMPLATED IN THE CLERK'S CONTINGENCY PLAN.

Amendments to Rule 20.12.2(a)(1) and (a)(3) concerning a feasible deadline for submitting an incident report and issues that are not a violation of Rule 20 but in which an incident report should be submitted to the Department:

20.12.2 Remedies

(a) Incident report

- (1) If a county clerk discovers or determines that a violation of any provision of Rule 20 has occurred, they must file an incident report with the Department of State as soon as feasible, BUT NOT LATER THAN TWO BUSINESS DAYS, following the incident. The incident report must describe in detail the incident and the rule that may have been violated and any other information the Department may require. IF AN ISSUE ARISES THAT DOES NOT CONSTITUTE A VIOLATION OF RULE 20, BUT THE COUNTY CLERK OR DEPARTMENT BELIEVES AN INCIDENT REPORT SHOULD BE FILED, THE CLERK MUST FILE AN INCIDENT REPORT AS SOON AS FEASIBLE.

[Not shown: no changes to subsection (2).]

- (3) A county clerk must cooperate with the investigation of a violation of Rule 20 OR SEPARATE ISSUE THAT RESULTS FROM A FILED INCIDENT REPORT. This includes providing any documentation or answers requested by the Department during the course of the Department's investigation.

[Not shown: no changes to subsections (4) and (5).]

Amendments to Rule 21 are as follows:

New Rule 21.3.6 concerning the accessibility of materials provided to the Department by voting system providers:

21.3.6 ANY MATERIAL THAT IS SUBMITTED AS PART OF THE TECHNICAL DATA PACKAGE THAT IS NOT EXEMPT FROM PUBLIC DISCLOSURE AND IS CREATED BY THE VOTING SYSTEM PROVIDER MUST BE SUBMITTED TO THE SECRETARY OF STATE IN AN ACCESSIBLE FORMAT.

[Not shown: current Rules 21.3.6 and 21.3.7 are renumbered to Rules 21.3.7 and 21.3.8.]

Amendments to Rule 21.4 concerning technical changes:

21.4 Voting System Standards

Amendments to Rule 21.4.5 concerning the production of ballots that are identical to hand marked paper ballots by all BMDs, technical changes, and necessary renumbering:

21.4.5 Functional Requirements

[Not shown: no changes to sections (a)-(f).]

- (G) ALL BMD VOTING DEVICES MUST BE ABLE TO PRODUCE A BALLOT THAT IS IDENTICAL TO A HAND MARKED PAPER BALLOT.

[Not shown: current section (g) is renumbered to section (h).]

Amendments to Rule 21.5.2(n) concerning an internal rule reference update:

21.5.2 Certification testing

[Not shown: no changes to sections (a)-(m).]

- (n) The Secretary of State will maintain records of the test procedures in accordance with Rule ~~21.3.7~~21.3.8. The records must identify the system and all components by voting system provider name, make, model, serial number, software version, firmware version, date tested, test number, test plan, requirements matrix, test team notes, and other supplemental information, and results of test. The test environment conditions must be described.

Amendments to Rule 21.11.3 concerning ballot layout requirements:

21.11.3 Ballot layout requirements

[Not shown: no changes to sections (a) and (b).]

- (c) The voting system must be able to support ranking at least ten named candidates ~~and~~ INCLUDING up to two write-in candidates per instant runoff contest.
- (d) The voting system must allow the ranked voting contests to be formatted on paper ballots ~~WITH-in the following ways:~~
- ~~(1) — Candidates listed in columns and rankings listed in rows.~~
 - ~~(2) — Rankings RANKINGS listed in columns and candidates listed in rows.~~

Amendments to Rule 25 are as follows:

Amendments to Rule 25.2. concerning a technical change:

- 25.2 Risk limiting audit. The designated election official must conduct a risk-limiting audit in accordance with section 1-7-515, C.R.S., and this Rule.

Amendments to Rule 25.2.2(b) concerning when a county can practice conducting the audit and a technical change:

25.2.2 Preparing for the audit

[Not shown: no changes to section (a).]

- (b) Practice Period. ~~Beginning 20 days before the election~~ UPON COMPLETION OF THE LOGIC AND ACCURACY TEST, counties may practice conducting the audit. The county must, at a minimum, hash and upload the ballot manifest and CVR file from the logic and accuracy test to the RLA software.

Amendments to Rule 25.2.2(c) concerning the makeup of the audit board:

- (c) Audit board. No later than 15 days before election day, the designated election official must appoint an audit board MEMBERS to conduct the risk-limiting audit. The audit board must consist of electors nominated by the major political party county chairpersons. The designated election official must give written notice to the county chairpersons of their obligation to nominate audit board members and may designate appropriately affiliated electors as audit board members if one or both county chairpersons fail to do so in a timely manner.
- (1) At least two canvass board members must observe at least the first round of the RLA, and members of the canvass board may serve as members of the audit board. The designated election official, members of his or her staff, and other duly appointed election judges may assist the audit board in conducting the audit. ~~To the extent practicable~~ UNLESS GIVEN PERMISSION BY THE DEPARTMENT OF STATE, the audit board ~~should~~ MUST not consist of COUNTY CLERK STAFF OR individuals who participated in ballot resolution or adjudication during the election being audited. Each member of the audit board must take the election judge oath.

[Not shown: no changes to subsection (2).]

[Not shown: no changes to sections (d)-(f).]

Amendments to Rules 25.2.2(g) and (h) concerning the times of audit uploads:

- (g) Comparison audit uploads. No later than 25:00 p.m. MT on the tenth day after election day, each county conducting a comparison audit must upload:

[Not shown: no changes to subsections (1)-(3).]

- (h) Ballot polling audit uploads. No later than 25:00 p.m. MT on the tenth day after election day, each county conducting a ballot polling audit must submit or upload:

[Not shown: no changes to subsections (1)-(3).]

[Not shown: no changes to sections (i)-(k).]

Amendments to Rule 26 are as follows:

Amendments to Rule 26.5.4 concerning the tabulation of instant runoff elections and the elimination of the candidates with the lowest vote totals:

- 26.5.4 At the end of Round one and in any subsequent rounds, if the combined votes of two or more candidates with the lowest vote totals in the current round are less than the number of votes for the continuing candidate with the next-highest number of votes, then the candidates in the lowest-vote group ~~are~~ MAY ALL BE eliminated.

New Rule 26.7.4 concerning how a designated election official must resolve multiple ballot errors:

- 26.7 After determining voter intent in accordance with the Secretary of State's Voter Intent Guide, the designated election official must count improperly marked ballots as follows:

[Not shown: no changes to Rules 26.7.1 through 26.7.3.]

- 26.7.4 IF A VOTER MARKED THEIR BALLOT IN A WAY THAT CREATES MORE THAN ONE TYPE OF IMPROPER MARK AS LISTED IN RULES 26.7.1 TO 26.7.3, THE DESIGNATED ELECTION OFFICIAL MUST FIRST RESOLVE SKIPPED RANKINGS, FOLLOWED BY DUPLICATE RANKINGS, AND LASTLY RESOLVE ANY REMAINING OVERVOTES.