

**STATE OF COLORADO**  
**Department of State**  
1700 Broadway, Suite 550  
Denver, CO 80290

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**Jena M. Griswold**  
**Secretary of State**  
Andrew J. Kline  
Deputy Secretary of State

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## **Notice of Proposed Rulemaking**

**Colorado Department of State**  
**Elections**  
**8 CCR 1505-1**

**Date of notice: August 15, 2025**

**Date and time of public hearing: September 16, 2025 at 9:00AM**

### **I. Hearing Notice**

As required by the State Administrative Procedure Act,<sup>1</sup> the Colorado Department of State gives notice of proposed rulemaking. The hearing is scheduled for September 16, 2025 at 9:00AM, and will be conducted in person and online. The in-person location is the Red Rocks Conference Room on the 5<sup>th</sup> floor of 1700 Broadway, Denver, CO 80290. Details regarding how to attend online and testify during the hearing are outlined in section VI of this notice.

### **II. Subject**

The Department is considering amendments to the Election rules<sup>2</sup> to ensure uniform and proper administration, implementation, and enforcement of federal and Colorado election laws,<sup>3</sup> improve elections administration in Colorado, increase transparency and security of the election process, and implement amendments to election laws made during the 2025 regular session of the 75<sup>th</sup> General Assembly.

Specifically, the Department proposes permanent rule revisions to implement Senate Bill 25-001 and House Bills 25-1155, 25-1195, 25-1315, and 25-1319, improve the

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<sup>1</sup> Article 4 of Title 24, C.R.S.

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

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

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Main Number (303) 894-2200  
Administration (303) 860-6900  
Fax (303) 869-4860

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TDD/TTY (303) 869-4867  
Website [www.coloradosos.gov](http://www.coloradosos.gov)  
E-mail [administration@coloradosos.gov](mailto:administration@coloradosos.gov)

auditing process of signature verification judges, clarify the requirements for petition entity licenses and petition formats and submissions, update the process to remove electors ineligible for continued use of their “covered voter” status, establish a yearly in-person requirement for election official training, and update voting system requirements and voting system provider applications. Additional proposed rule revisions may be necessary to: 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 draft Statement of Basis, Purpose and Statutory Authority follows this notice and is incorporated by reference.

### **III. Rulemaking Authority**

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

- Senate Bill 25-001 and House Bills 25-1155, 25-1195, 25-1315, and 25-1319.
- Article V, Section 1(6) of the Colorado Constitution, which authorizes the Secretary of State to designate or prescribe the form of petition sections for use by ballot initiatives.
- Section 1-1-107(2)(a), C.R.S., which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
- Section 1-1-109(3), C.R.S., which requires the Secretary of State “to promulgate rules...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 1-1-110(1), C.R.S., 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., 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., 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., 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 1-4-101(2)(c), C.R.S., which allows the Secretary of State to adopt rules “necessary to avoid voter confusion in voting in primary elections.”
- Section 1-4-905.5(4)(a), C.R.S., which requires a petition entity to submit an application on a form “prescribed by the secretary.”
- Section 1-4-908(1), C.R.S., 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., 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 1-5-601.5, C.R.S., which allows the Secretary of State to “require by rule that voting systems and voting equipment satisfy voting systems standards promulgated after January 1, 2008, by the federal election assistance commission as long as such standards meet or exceed those promulgated in 2002.”
- Section 1-5-616(1), C.R.S., 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., 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 1-5-623(4), C.R.S. which requires the Secretary of State to “promulgate rules... including any rules necessary to specify permissible conditions of use governing electronic voting devices or systems or related components of such devices or systems...”
- Section 1-5-904(4), C.R.S., which requires the Secretary of State to “promulgate rules...as may be necessary to create and administer the multilingual ballot hotline...”

- Section 1-7.5-104, C.R.S., 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 [A]rticle 4 of [T]itle 24, C.R.S., by, the secretary of state.”
- Section 1-7.5-105(3), C.R.S., 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, C.R.S., 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 1-8.3-104(1), C.R.S., which designates the Secretary of State as the, “official responsible for implementing this [Article 8.3] and the state’s responsibilities under the federal ‘Uniformed and Overseas Citizens Absentee Voting Act’ . . .”
- Section 1-8.3-104(3), C.R.S., which authorizes the Secretary of State to “establish an electronic transmission system through which a [UOCAVA] voter may apply for and receive” ballots and other associated materials.
- Section 1-10-104.5, C.R.S., which requires the Secretary of State to promulgate rules, “for the purpose of establishing equitable uniformity in the appointment and operation of canvass boards.”
- Section 1-40-113(1)(a), C.R.S., which authorizes the Secretary of State to prescribe the form of ballot initiative petitions.
- Section 1-40-132(1), C.R.S., which authorizes the Secretary of State to promulgate rules as may be necessary, “to administer and enforce any provision of [Article 40] that relates to initiated or referred measures and state constitutional amendments.”
- Section 1-40-135(4), C.R.S., 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 included at the end of this notice. Also, this notice is posted on the Department of State’s [rules and notices of rulemaking webpage](#).

You may also contact our office to request an editable electronic copy of the draft of the proposed rules.

As required by the State Administrative Procedure Act, if changes are made before the rulemaking hearing, a revised draft of the proposed rule amendments will be available to the public and posted on the website by September 11, 2025.

## **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 proposed changes to Election rules. The preliminary draft is included in this notice.

Everyone will have the opportunity to testify and provide written comments concerning the proposed rule amendments. You may submit written comments to [SOS.Rulemaking@coloradosos.gov](mailto:SOS.Rulemaking@coloradosos.gov) for the Department to consider prior to the conclusion of the written comment period, which is announced during the rulemaking hearing. Written comments will be posted online in the order in which they are received and as soon as possible after receipt. They will be available to view on the Department's [rules and notices of rulemaking webpage](#). The Department 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.

Written comments may also be submitted directly to the hearing panel on the day of the hearing, if you attend the hearing in person. Information regarding how to testify during the hearing is provided in section VI of this notice.

## **VI. Registration and Hearing Recording**

### *Online registration of the hearing*

To join the hearing online, you must [register](#) (Zoom).

When you register, you must provide your full name, email address, physical address, and telephone number. You may also provide your job title and organization, if desired. Lastly, please indicate how you plan to attend the hearing (in person or online) and whether you plan to testify regarding the proposed amendments. You should receive a confirmation email including details about how to join the hearing online once you submit your registration.

### *Hearing procedures*

After the introduction and a brief summary of the rulemaking, the Department will open the hearing to public testimony. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

Those who attend the hearing in person will be called upon first to provide their testimony, if desired and indicated on the sign-in sheet. Then, online attendees who indicated their intent to provide verbal testimony during their registration will be given their opportunity to provide testimony in the order they registered.

Once we have exhausted the list of pre-registered speakers, we will ask whether additional attendees wish to provide testimony. In-person attendees may raise their hands to indicate their intention to testify, and online attendees may raise their virtual hand by clicking the icon in their control panel.

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

### *Webinar audio requirements*

**Please be advised:** The Department strongly encourages all attendees to join the webinar through a computer or Zoom app, even if using a 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. The raise hand feature is only available to attendees who access the webinar by computer or by the Zoom app. 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. If you choose to testify, it is best to use your computer microphone and speakers, a headset, or headphones. 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 hands.

### *Audio recording*

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

## **VII. Office Contact Information and Accessibility Accommodations Requests**

If you have any questions or would like to submit written comments, please contact the Rulemaking Policy Analyst at [SOS.Rulemaking@coloradosos.gov](mailto:SOS.Rulemaking@coloradosos.gov) or (303) 894-2200 ext. 6124.

If you require a reasonable accommodation, please email [accessibility@coloradosos.gov](mailto:accessibility@coloradosos.gov) or call (303) 894-2200. Accommodation requests should be submitted at least one week prior to the rulemaking hearing.

Dated 15<sup>th</sup> of August, 2025

A handwritten signature in black ink, appearing to read "Andrew Kline", with a horizontal line extending from the end of the signature.

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Andrew J. Kline

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**

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

This statement explains proposed amendments to the Colorado Department of State Election rules.<sup>1</sup> The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of federal and Colorado election laws,<sup>2</sup> improve elections administration in Colorado, increase transparency and security of the election process, and implement amendments from the election laws made during the 2025 regular session of the 75<sup>th</sup> General Assembly.

Specific changes include:

- Amendments to Rule 1.
  - Amendments to Rule 1.1.42 clarify the definition of “qualified political organization.”
  - Amendments to Rule 1.1.48 clarify the definition of “seal.”
- Amendments to Rule 2.
  - Amendments to Rule 2.10 include the repeal of current Rules 2.10.1 through 2.10.3 because they are now contradicted by or repetitive of statute, and renumbering current Rule 2.10.3 to Rule 2.10. These amendments include necessary adjustments to numbering for the sections

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

<sup>2</sup> Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 (“HAVA”), P.L. No. 107-252.



within current Rule 2.10.3 to conform with departmental stylistic and formatting standards.

- Amendments to Rule 6.
  - New Rule 6.1.8 permits the county clerk to use a request from an unaffiliated elector to serve as an election judge for multiple elections.
- Amendments to Rule 7.
  - Amendments to Rule 7.2.4 clarify how a county clerk must treat ballots returned in a general assembly or county commissioner vacancy election as a result of the passage of House Bills 25-1315 and 25-1319.
  - Amendments to Rule 7.3.1 concern when an emergency replacement ballot can be delivered to an elector by the county clerk, in compliance with section 1-7.5-115, C.R.S.
  - Amendments to Rule 7.7.8 update the process of auditing signature verification decisions made by election judges.
  - Amendments to Rule 7.7.14 are technical revisions to remain consistent with statute.
  - New Rule 7.7.15 establishes a new annual campaign for county clerks to contact young electors between the ages of 17 to 25 to request an additional reference signature for their voter file.
  - Amendments to Rule 7.8.5 require election judges to offer three ways to vote while at a voting center: use of a ballot marking device, a hand marked paper ballot, or receipt of a mail ballot. A remedial program may be implemented if a county fails to offer these options to their electors.
  - Amendments to Rule 7.8.12 require county clerks to provide a screen capable of displaying and sharing video to access video relay interpretation at voter service polling centers in any election when section 1-5-904, C.R.S is in operation
  - New Rule 7.9.4 requires each county to designate an individual who will serve as the county's accessibility coordinator for voting, and to provide the name of that individual to the Department.
  - Amendments to Rule 7.15 continue to require counties to comply with scanning signatures on mail ballots into SCORE, but remove the possibility of a waiver from this process.
  - Amendments to Rule 7.16.4 include technical revisions.
- Amendments to Rule 10.

- Amendments to Rule 10.2.2 clarify the appointment of canvass board members in elections conducted with partisan ballot content in response to the passage of House Bills 25-1315 and 25-1319.
- Amendments to Rule 10.3.2 include technical revisions due to the passage of Senate Bill 25-001, clarifying the role of the canvass board in a recount.
- Amendments to Rule 10.6.1 clarify that write-in votes cast for each qualified write-in candidate must be included in the official county abstract.
- Amendments to Rule 10.6.3 clarify the composition of canvass boards for elections that contain partisan content in response to the passage of House Bills 25-1315 and 25-1319.
- Amendments to Rule 10.11 include technical revisions due to the passage of Senate Bill 25-001, clarifying the role of the canvass board in a recount.
- Amendments to Rule 10.12 renumber Rule 10.12.1 to Rule 10.12 to adhere to departmental stylistic standards.
- Amendments to Rule 11.
  - Amendments to Rule 11.2.1 update the inventory record requirements by removing the date of acquisition and replacing it with the date of last trusted build.
  - Amendments to Rule 11.2.2 concern technical revisions to the electronic format requirement of the inventory record provided by a county to the Department.
  - Amendments to Rule 11.3.1 repeal the use of outdated technology. Voting systems in Colorado no longer include system modems.
- Amendments to Rule 15.
  - Amendments to Rule 15.1.1 clarify format and submission requirements for state petitions. Petition formats can be no smaller than 10-point font. Final versions of initiative petitions must be provided to the Department in Word and PDF format.
  - Amendments to Rule 15.2.1 include new licensing application requirements for a petition entity that intends to pay individuals circulating a petition for a referendum, minor party, and vacancy candidates and require all petition entities that intend to pay petition circulators to provide a copy of each circulator's identification and proof of each circulator's training completion as part of the entity's application.

- Amendments to Rule 15.2.2 remove duplicative language found in another rule within the Election rules pertaining to circulator training.
- Repeal of Rule 15.2.3 as it is no longer necessary due to the biennial license reapplication requirement found in current Rule 15.2.4. These amendments include necessary adjustments to the numbering of current Rules 15.2.4 and 15.2.5.
- Amendments to Rule 15.4.3 concern a technical clarification of what is considered a “line” when reviewing a petition section.
- Amendments to Rule 16.
  - Amendments to Rule 16.1.3 clarify when a county clerk must remove the covered status from an elector, including when an elector with covered status votes in-person in any election or when an elector with covered status returns their ballot by drop box, drop-off location, or in-person for two consecutive elections. The amendments also require a county clerk to notify an elector by email or mail when their covered status is removed, and how the elector may renew it, if eligible.
  - Amendments to Rule 16.1.6 require that correspondence sent to covered voters prior to a primary or coordinated election must be by both email, if available, and physical mail.
  - New Rule 16.1.7 clarifies that if a letter is sent under Rule 16.1.6 is returned as undeliverable, a county clerk must mark the voter record as inactive and send a confirmation card. These amendments include necessary adjustments to the numbering of current Rules 16.1.7 and 16.1.8.
  - Amendments to Rule 16.2.2 remove outdated processes for how UOCAVA electors receive their electronic ballots, and include other necessary renumbering.
  - Repeal of Rule 16.2.6 as it is an outdated process due to the improvements in SCORE. These amendments include necessary adjustments to the numbering of current Rules 16.2.7 through 16.2.9.
- Amendments to Rule 18.
  - Amendments to Rule 18.3.3 clarify the composition of resolution boards in elections when they do or do not contain partisan ballot content, as a result of the passage of House Bills 25-1315 and 25-1319.
  - New Rule 18.4.2 clarifies how to treat ballots returned by voters who were ineligible to vote based on their affiliation in a general assembly or county commissioner vacancy election, as a result of the passage of House Bills

25-1315 and 25-1319. These amendments include necessary adjustments to the numbering of current Rules 18.4.2 through 18.4.7.

- Amendments to Rule 19.
  - Amendments to Rule 19.3.4 require election officials to attend at least one in-person training class every year.
- Amendments to Rule 20.
  - Amendments to Rule 20.1.2 include the requirement that county clerks provide the number of operational surveillance cameras for the upcoming election in their security plans submitted to the Department.
  - Amendments to Rule 20.4.2 establish that county clerks use forms prescribed by the Department for their detailed video surveillance maintenance plans.
  - Amendments to Rule 20.4.4 require election judges and staff to wear identification while working and require identification to be carried separately from a key card that accesses a door system.
  - Amendments to Rule 20.4.5 require security assessment under the rule to be conducted by an individual or entity approved by the Department and remove otherwise outdated language.
  - Amendments to Rule 20.5.1 prohibit a county clerk from removing a seal to access a computer case or hard drive without the written permission of the Department of State.
  - Amendments to Rule 20.12.2 clarify that incident reports must be filed on a form prescribed by the Department.
- Amendments to Rule 21.
  - Amendments to Rule 21.1.1 contain alterations to the rules for de minimus changes for currently certified voting equipment. This includes allowing for the Department of State to determine if integration testing is necessary and requiring a voting system vendor to provide information regarding changes to peripheral system equipment, as well as technical revisions.
  - Amendments to Rule 21.3.1 require voting system providers to request a meeting with the Department's voting system team prior to applying for certification or modification of a certified voting system. Changes also include allowing the Department to reject or delay requests for voting system certification in the event that the deadlines specified in the rule are not met.

- Amendments to Rule 21.3.2 require a voting system provider that desires to submit a voting system for certification to request an “Application for Certification of Voting System” from the Department.
- Amendments to Rule 21.3.7 clarify that a trusted build may only be installed on a voting system component by staff who have undergone a background check, as required by Rule 20.2.5.
- Amendments to Rule 21.4.1 incorporate by reference the Voluntary Voting System Guidelines 2.0, adopted on February 10, 2021, and updates the 2002 Voting Systems Standards incorporation by reference to be compliant with section 24-4-103(12.5), C.R.S.
- Amendments to Rule 21.4.2 require all voting systems submitted for certification after January 1, 2026 to meet the Voluntary Voting System Guidelines 2.0 adopted by the Election Assistance Commission on February 10, 2021. Any voting system certified by January 1, 2026, are considered to be under a “legacy standard.” After January 1, 2026, no modifications to a certified voting system under this legacy standard will be considered unless the modification is considered de minimus, or addresses a serious defect or vulnerability.
- Amendments to Rule 21.4.4 conform to prior changes adopting the Voluntary Voting System Guidelines 2.0.
- Amendments to Rule 21.4.5 remove reference to an outdated practice for the functional requirements of a voting system.
- Amendments to Rule 21.4.10 update the requirement for password capability for certified voting systems, and other technical changes.
- Amendments to Rule 21.4.12 clarify that voting systems certified for use must be capable of creating a CVR export which is compatible with the Department of State’s post-election audit software.
- Amendments to Rule 21.5.3 remove references to voting system capabilities no longer in use in Colorado.
- Amendments to Rule 21.11.4 clarify that a voting system certified for use in a ranked voting election must be capable of allowing simultaneous elimination in a single round.

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

## II. Rulemaking Authority

The constitutional and statutory authority is as follows:

- Senate Bill 25-001 and House Bills 25-1155, 25-1195, 25-1315, and 25-1319.
- Article V, Section 1(6) of the Colorado Constitution, which authorizes the Secretary of State to designate or prescribe the form of petition sections for use by ballot initiatives.
- Section 1-1-107(2)(a), C.R.S., which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws.”
- Section 1-1-109(3), C.R.S., which requires the Secretary of State “to promulgate rules...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 1-1-110(1), C.R.S., 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., 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., 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., 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 1-4-101(2)(c), C.R.S., which allows the Secretary of State to adopt rules “necessary to avoid voter confusion in voting in primary elections.”
- Section 1-4-905.5(4)(a), C.R.S., which requires a petition entity to submit an application on a form “prescribed by the secretary.”
- Section 1-4-908(1), C.R.S., 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., 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 1-5-601.5, C.R.S., which allows the Secretary of State to “require by rule that voting systems and voting equipment satisfy voting systems standards promulgated after January 1, 2008, by the federal election assistance commission as long as such standards meet or exceed those promulgated in 2002.”
- Section 1-5-616(1), C.R.S., 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., 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 1-5-623(4), C.R.S. which requires the Secretary of State to “promulgate rules... including any rules necessary to specify permissible conditions of use governing electronic voting devices or systems or related components of such devices or systems...”
- Section 1-5-904(4), C.R.S., which requires the Secretary of State to “promulgate rules...as may be necessary to create and administer the multilingual ballot hotline...”
- Section 1-7.5-104, C.R.S., 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 [A]rticle 4 of [T]itle 24, C.R.S., by, the secretary of state.”
- Section 1-7.5-105(3), C.R.S., 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, C.R.S., 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 1-8.3-104(1), C.R.S., which designates the Secretary of State as the “official responsible for implementing this [Article 8.3] and the state’s

responsibilities under the federal 'Uniformed and Overseas Citizens Absentee Voting Act'..."

- Section 1-8.3-104(3), C.R.S., which authorizes the Secretary of State to "establish an electronic transmission system through which a [UOCAVA] voter may apply for and receive" ballots and other associated materials.
- Section 1-10-104.5, C.R.S., which requires the Secretary of State to promulgate rules, "for the purpose of establishing equitable uniformity in the appointment and operation of canvass boards."
- Section 1-40-113(1)(a), C.R.S., which authorizes the Secretary of State to prescribe the form of ballot initiative petitions.
- Section 1-40-132(1), C.R.S., which authorizes the Secretary of State to promulgate rules as may be necessary, "to administer and enforce any provision of [Article 40] that relates to initiated or referred measures and state constitutional amendments."
- Section 1-40-135(4), C.R.S., 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

August 15, 2025

#### Disclaimer:

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

This is a preliminary draft of the proposed rules that may be revised before the rulemaking hearing on September 16, 2025. 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 September 11, 2025.<sup>2</sup>

The proposed amendments in this preliminary draft are shown with track changes. Associated publication instructions/notes are blue and italicized.

1 *Amendments to 8 CCR 1505-1 are as follows:*

2 *Amendments to Rule 1 are as follows*

3 *Amendments to Rule 1.1.42 clarify the definition of qualified political organization:*

4 1.1.42 "Qualified political organization" means an organization that has placed a  
5 partisan candidate, certified to the ballot by the Secretary of State, ~~for~~  
6 ~~congressional or state office on the ballot~~ in a congressional vacancy or  
7 general election, whose officers have filed proof of organization with the  
8 Secretary of State, and that continues to meet the requirements of Rules  
9 3.3 and 3.4.

10 *Amendments to Rule 1.1.48 clarify the definition of seal:*

11 1.1.48 "Seal" means a serial-numbered tamper-evident device ~~that, if broken or~~  
12 ~~missing, indicates that the chain of custody is broken and a device is not~~  
13 ~~secure.~~

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<sup>1</sup> Sections 24-4-103(2.5) and (3)(a), C.R.S.

<sup>2</sup> Section 24-4-103(4)(a), C.R.S. "[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 *Amendments to Rule 2 are as follows:*

2 *Amendments to Rule 2.10 repeal current Rules 2.10.1 and 2.10.2 because they are now*  
3 *contradicted by or repetitive of statute, renumber current Rule 2.10.3 to Rule 2.10, and*  
4 *other necessary renumbering:*

5 ~~2.10—Voter registration confidentiality~~

6 ~~2.10.1 Information about an agency's name and location for an application~~  
7 ~~completed at a voter registration agency or driver's license office is~~  
8 ~~confidential.~~

9 ~~2.10.2 An elector may request his or her voter registration address be~~  
10 ~~confidential under section 24-72-204(3.5), C.R.S., in person.~~

11 ~~(a) The elector must use the application provided by the Secretary of~~  
12 ~~State and include his or her name, address, and birth date on the~~  
13 ~~application.~~

14 ~~(b) The county clerk must not charge an additional processing fee if the~~  
15 ~~elector changes his or her address.~~

16 ~~2.10.3~~Registration of Address Confidentiality Program (ACP) electors

17 ~~(a)~~2.10.1 When an ACP participant registers to vote by mail, the participant  
18 must provide a copy of his/her ACP Authorization Card.

19 ~~(b)~~2.10.2 The county clerk must:

20 ~~(1)~~(a) Use the actual residence address of the ACP elector for precinct  
21 designation.

22 ~~(2)~~(b) Use the substitute address, as defined in section 24-30-2103(14),  
23 C.R.S., for all correspondence and mailings placed in the United  
24 States mail.

25 ~~(3)~~(c) Keep the participant's address, county, voting precinct, and split  
26 number confidential from the public.

27 ~~(e)~~2.10.3 A state or local government agency may request access to an ACP  
28 participant's voter registration record using the process in section 24-30-  
29 2110, C.R.S.

~~(d)~~ 2.10.4 Except as specifically provided by Part 21 of Article 30 of Title 24, C.R.S., a program participant's actual address and telephone number is not a public record under Part 2 of Article 72 of Title 24, C.R.S.

*Amendments to Rule 6 are as follows:*

*New Rule 6.1.8 permits the county clerk to use a request from an unaffiliated elector to serve as an election judge for multiple elections:*

6.1.8 The county clerk may consider an unaffiliated elector's service as an election judge in a previous election as a request under section 1-6-103.7, C.R.S.

*Amendments to Rule 7 are as follows:*

*Amendments to Rule 7.2.4 concern ballot packets and include new subsection (d) which clarifies how a county clerk must treat ballots returned in a general assembly or county commissioner vacancy election:*

7.2.4 Voiding ballots due to timely changes in address or affiliation.

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

(c) In a primary election, if the county processes the change to the elector's record after it mails ballots, the county must count the first ballot returned by the elector in accordance with section 1-7.5-107(6), C.R.S., except where an elector affiliated with a political party, the county may only count the ballot issued for the elector's new party affiliation.

(d) In a coordinated election which includes a general assembly vacancy race or county commissioner vacancy race, if the county clerk processes the change to the elector's record after the vendor prints ballots, or after the county mails its ballots, the county must:

(1) Count the first ballot returned by the elector in accordance with section 1-7.5-107(6), C.R.S.; or

(2) Where an elector affiliated with a political party that would allow that voter to vote in the general assembly vacancy race or county commissioner vacancy race, or the elector unaffiliated, wait until all ballots are received to determine if the voter returned the ballot associated with the elector's

1 new affiliation. If the elector returns the ballot associated with  
2 their new affiliation, or their unaffiliated ballot, the county  
3 may only count that ballot.

4 *Amendments to Rule 7.3.1 update when an emergency replacement ballot can be*  
5 *delivered by the county clerk to comply with section 1-7.5-115, C.R.S.:*

6 7.3.1 The county clerk may deliver a replacement ballot as required by section  
7 1-7.5-115, C.R.S., ~~on election day~~ to an elector's authorized  
8 representative or to the elector by electronic transmission in the case of an  
9 emergency replacement ballot under section 1-7.5-115, C.R.S., upon  
10 receipt of a completed application by the elector. If the county clerk  
11 delivers an emergency replacement ballot to an elector by electronic  
12 transmission, the elector may return the ballot by electronic transmission.

13 *Amendments to Rule 7.7.8 update the process auditing signature verification decisions*  
14 *made by election judges:*

15 7.7.8 Signature verification judge audits

16 (a) The county clerk must audit decisions made by election judges  
17 conducting signature verification.

18 (b) The audit must:

19 (1) Occur each day that signature verification is conducted on  
20 the same day or the day after;

21 (2) Review three percent of decisions made or five decisions  
22 made for each election judge or bipartisan team of election  
23 judges, whichever is greater;

24 (3) Review the decisions of each election judge or bipartisan  
25 team of judges who conducted signature verification;

26 (4) Be conducted by trained election judge or county election  
27 staff who have completed the signature verification training  
28 program provided by the Secretary of State or approved by  
29 the Secretary of State;

30 (5) Be conducted by a single auditor or a team of two auditors;

(6) Not allow an election judge or staff member to audit their own verification work;

(7) Be recorded with the detailed information provided on a form approved by the Secretary of State; and

(8) Randomly select a sample of decisions.

(c) ~~The county clerk must audit all signature verification judges who are conducting signature verification every day the judge conducts signature verification. If a judge or team of judges has an unexplained, irregular acceptance, rejection, or overturn rate, After~~ conducting the audit, if the county clerk determines that an election judge or team of election judges is incorrectly applying signature verification procedures, the clerk must retrain or remove that judge or team of judges from conducting signature verification.

*Amendments to Rule 7.7.14 concern technical revisions:*

7.7.14 Between 100 to 75 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~~ registered electors in their county who have fewer than two reference signatures in SCORE. The correspondence must be sent to the ~~voter's~~ elector's mailing address on file and may also be sent via text or email. The correspondence must also provide the ~~voter~~ elector with an opportunity to provide a reference signature in advance of the upcoming election.

*New Rule 7.7.15 established a new annual campaign to collect reference signatures from young, eligible electors:*

7.7.15 On the third Wednesday of every July, the Department of State will provide to each county clerk a list of active registered and pre-registered electors aged 17 to 25. No later than the last business day of the following month, the county clerk must send correspondence on a form approved for use by the Department of State to every individual on the list provided by the Department of State to request an additional reference signature. The correspondence must be sent to the elector's mailing address on file and must also be sent by email and text, if available. Any signature returned by an elector must be added as a reference signature to the elector's voter file.

1 *Amendments to Rule 7.8.5 require that election judges provide the three voting options*  
2 *available to an elector when they appear at a voter service and polling center:*

3 7.8.5 ~~Any eligible elector may vote in-person at a voter service and polling~~  
4 ~~center. An election judge must void the elector's mail ballot in SCORE~~  
5 ~~before issuing an in-person ballot.~~ An election judge must offer all electors  
6 who appear at a voter service and polling center the option to use a ballot  
7 marking device, a hand marked paper ballot, or to receive a mail ballot. If  
8 a county fails to offer its electors the options available at a voter service  
9 and polling center, the Department may implement a remedial program  
10 similar to that described in Rule 16.1.8.

11 *Amendments to Rule 7.8.12 include new section (c) that requires new technology for*  
12 *use with the multilingual hotline and necessary renumbering:*

13 7.8.12 In any election in which the multilingual hotline created by section 1-5-904,  
14 C.R.S., is in operation, the county clerk must provide the following at each  
15 voter service and polling center:

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

17 (c) A screen that is capable of displaying and sharing video to access  
18 video relay interpretation through the multilingual hotline;

19 ~~(e)~~(d) A designated staff person or election judge who can assist the voter  
20 to access and use the multilingual hotline; and

21 ~~(d)~~(e) To the extent feasible, an area where the voter may utilize the  
22 multilingual hotline while privately marking their ballot.

23 *New Rule 7.9.4 requires each county clerk to designate an individual as their county's*  
24 *accessibility coordinator for voting:*

25 7.9.4 Prior to each election the county clerk shall identify an individual who will  
26 serve as that county's accessibility coordinator for voting and shall provide  
27 the name of that coordinator to the Department of State on a form  
28 provided by the Department of State. The accessibility coordinator shall be  
29 responsible for ensuring that the county clerk complies with federal and  
30 state law requirements regarding accessibility and voting, including  
31 creating policies and materials to provide reasonable accommodation to  
32 voters as needed.

*Amendments to Rule 7.15 remove the ability for the Department of State to waive the requirements of the Rule for counties who applied for a waiver:*

7.15 Within 120 days after election day, or before the first day to conduct signature verification at the next county or municipal mail ballot election, whichever is sooner, the county clerk must scan into SCORE the elector's signature and signature date on each accepted mail ballot return envelope and on any cure letter returned by the elector. In a presidential primary year, the deadline for scanning signatures and signature dates from all prior elections that year is extended to 120 days after the state primary election. ~~A county that is unable to scan the signature and/or signature date into SCORE may apply to the Secretary of State for a waiver from these requirements.~~

*Amendments to Rule 7.16.4 include technical revisions:*

7.16.4 The county clerk must arrange voter service and polling centers in a manner that prevents a video surveillance camera from recording a voter markings or castings their ballot.

*Amendments to Rule 10 are as follows:*

*Amendments to Rule 10.2.2 clarify the appointment of canvass board members for elections with partisan ballot content:*

10.2.2 For an n election conducted with any partisan ballot content~~election~~, each major party may have no more than two representatives on the canvass board. The board must include an equal number of representatives from each major party, unless a major party fails to certify representatives for appointment.

*Amendments to Rule 10.3.2(c) clarifying the role of the canvass board in a recount, due to the passage of Senate Bill 25-001:*

10.3.2 The canvass board's only duties are to:

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

(c) Observe the ~~C~~conduct of any recount in accordance with section 1-10.5-107, C.R.S., and this Rule.

*Amendments to Rule 10.6.1(c) clarify the data which must be included in the official county abstract:*

10.6.1 The official county abstract must include, by precinct or ballot style, where applicable:

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

- (c) The statement of votes counted by race and ballot question or issue, including the number of write-in votes cast for each qualified write-in candidate certified to the ballot by the Secretary of State; and

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

*Amendments to Rule 10.6.3(c) clarify the compositions of the canvass board for elections that contain partisan ballot content:*

10.6.3 A county must notify the Secretary of State immediately after the meeting of the canvass board if:

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

- (c) In an election conducted with partisan ballot content ~~partisan election~~, the composition of the canvass board did not consist of:

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

*Amendments to Rule 10.11 clarify the role of the canvass board in a recount, due to the passage of Senate Bill 25-001:*

10.11 In accordance with section 1-10.5-107, C.R.S., and Rule 10.3.2(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~~ issuing an amended abstract of results, if necessary.

*Amendments to Rule 10.12 concern renumbering due to departmental stylistic standards:*

10.12 ~~Testing recount equipment~~

~~10.12.1~~ — The canvass board must review the post-election audit before selecting the equipment for testing under section 1-10.5-102(3), C.R.S.

*Amendments to Rule 11 are as follows:*



*Amendments to Rule 11.2.1 update inventory record requirements by removing the date of acquisition and replacing it with the date of last trusted build.*

11.2.1 The designated election official must maintain an inventory record for each component of the voting system. The record must include the manufacturer, make, model, serial number, and ~~date of acquisition~~date of last trusted build.

*Amendments to Rule 11.2.2 concern a technical revision to the electronic format requirement of the inventory record provided by a county to the Department:*

11.2.2 The inventory must be in an electronic format and exportable to a comma separated value (CSV or TXT), or Excel spreadsheet (XLS or XLSX) file; ~~or quote or tab separated (TXT) file before delivery to the Secretary of State.~~

*Amendments to Rule 11.3.1(a) repeal subsection (4) because voting systems utilized in Colorado no longer include system modems, and necessary renumbering:*

#### 11.3.1 Hardware Diagnostic Test

- (a) The designated election official must perform the Hardware Diagnostic Test before the election on each device that the designated election official will use in the election, including spare or back up devices. The test must include the following devices and provide the following information:

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

~~(4) — System modems when applicable;~~

~~(5)~~(4) System screen displays;

~~(6)~~(5) Boot performance and initializations;

~~(7)~~(6) Display of firmware or software hash value (MD5 or SHA-1) when possible;

~~(8)~~(7) Confirmation that screen displays are functioning;

~~(9)~~(8) Date, time and calibration of systems, if applicable; and

~~(10)~~(9) Scanner calibration, if applicable.

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

2 *Amendments to Rule 15 are as follows:*

3 *Amendments to Rule 15.1.1 clarify format and submission requirements for state*  
4 *petitions:*

5 15.1.1 Petition template for state petitions

- 6 (a) Petition proponents or their designees must request their petition  
7 format by sending an email with the information requested by the  
8 Department to draft a petition format to  
9 [ballot.access@coloradosos.gov](mailto:ballot.access@coloradosos.gov). Once that information is provided,  
10 the Department of State will return a petition format with the  
11 information included in no smaller than ten-point font. Petition  
12 proponents must then print a physical copy of the petition provided  
13 by the Department of State and return a copy, scanned image, or  
14 picture of the printed format for final approval by the Department of  
15 State.

16 *[Not shown: no changes sections (b) and (c).]*

- 17 (d) Petition proponents for initiative petitions must provide a Word and  
18 PDF version of the final text of the measure to the Secretary of  
19 State.

20 *Amendments to Rule 15.2.1 include other forms of petitions subject to petition entity*  
21 *license requirements and require petition entities to provide a copy of each circulator's*  
22 *identification and proof of each circulator's training completion as part of the entity's*  
23 *application:*

24 15.2.1 A petition entity that intends to pay petition circulators must obtain a  
25 petition entity license, pay a fee, and register with the Secretary of State's  
26 Office before circulating initiative, referendum, minor party, candidate,  
27 vacancy candidate, and recall petitions. The license application must  
28 include:

29 *[Not shown: no changes to sections (a) through (c).]*

- 30 (d) For those applications submitted after December 1, 2025, the  
31 following information regarding petition circulators:

- (1) The name, address, copy of identification each circulator will use for the purpose of having a petition section notarized, and signature of any petition circulators the entity has hired or contracted with to circulate a petition in Colorado;
- (2) The petitions each circulator will circulate in Colorado; and
- (3) ~~Proof that each circulator has completed the circulator~~ A copy of the certificate of completion of the 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 to remove a duplicative requirement that is otherwise found in Rule 15.2.1(e), pertaining to circulator training:*

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.

*Repeal of Rule 15.2.3 to align with current Rule 15.2.4 which requires that petitions entities must reapply for a license every two years:*

~~15.2.3 If a petition entity fails to register a proposed initiative, recall petition, or candidate petition over any two-year period, the license expires. The Secretary of State will notify a petition entity that its license has expired within 30 days after the date of expiration.~~

*[Not shown: current Rules 15.2.4 and 15.2.5 are renumbered to Rules 15.2.3 and 15.2.4.]*

*Amendments to Rule 15.4.3 concern a technical clarification of what is considered a "line" when reviewing a petition section:*

1 15.4.3 Staff will consecutively number each line on each petition section. For  
2 purposes of this Rule, "line" means the block of information ~~that~~  
3 ~~contains~~where a signer could fill in the last name, first name, middle initial,  
4 county, signing date, street address, city, and signature of a petition signer.

5 *Amendments to Rule 16 are as follows:*

6 *Amendments to Rule 16.1.3 clarify when a county clerk can remove covered status from*  
7 *an elector:*

8 16.1.3 ~~The county clerk must mail or electronically transmit a ballot to all active~~  
9 ~~eligible electors.~~ Covered voter status eligibility

10 (a) An elector who requests covered-voter status must submit an  
11 application affirming his or her eligibility to do so in accordance with  
12 section ~~4-8.3-102(2)~~, 1-8.3-108(5), C.R.S.

13 (b) The county clerk must remove the covered voter status of any  
14 elector who:

15 (1) Votes in-person in any election, unless the county clerk is  
16 aware that the voter cast their ballot prior to their departure  
17 from the state for that election; or

18 (2) Returns their ballot in a drop box, drop-off location, or in-  
19 person in two consecutive elections;

20 (c) The county clerk must send correspondence by email, if available,  
21 and by mail to an elector who has had their status as a covered  
22 voter removed which notifies them that their status as a covered  
23 voter has been removed and informs them of their ability to submit  
24 a new application affirming their eligibility as a covered voter.

25 *Amendments to Rule 16.1.6 require correspondence sent to covered voters to be sent*  
26 *by both email, if possible, and mail prior to a primary or coordinated election:*

27 16.1.6 The county clerk must send a minimum of one correspondence no later  
28 than 60 days before the first primary or coordinated election each year to  
29 each covered voter. The correspondence ~~may~~must be sent by email, if  
30 available. ~~or and~~ mail and, at a minimum, must notify the electors of:

31 *[Not shown: no changes to sections (a) through (d).]*

1 *New Rule 16.1.7 clarifies how a county clerk must treat a letter sent under Rule 16.1.6*  
2 *that is returned as undeliverable under this Rule:*

3 16.1.7 If a letter sent under Rule 16.1.6 is returned as undeliverable, the county  
4 clerk must mark the record inactive and send a confirmation card as  
5 defined by section 1-1-104(2.8), C.R.S.

6 *[Not shown: current Rules 16.1.7 and 16.1.8 are renumbered to Rules 16.1.8 and*  
7 *16.1.9.]*

8 *Amendments to Rule 16.2.2 include the repeal of subsections (c), (e), (f), and (h) to*  
9 *reflect how UOCAVA electors actually receive their electronic ballots and necessary*  
10 *renumbering:*

11 16.2.2 The electronic transmission must include:

12 (a) Directions for the voter to access their ballot and materials online at  
13 the website approved by the Secretary of State; ~~or~~

14 (b) The county clerk's contact information including mailing address,  
15 email address, phone, and fax number;

16 ~~(c) — A notice that the ballot may not be duplicated for any other elector;~~

17 ~~(d)~~(c) Instructions for completing and returning the ballot;

18 ~~(e) — A notice regarding the ballot return deadline;~~

19 ~~(f) — Information regarding how the elector may verify that his or her~~  
20 ~~ballot has been received by the county clerk; and~~

21 ~~(g)~~(d) Any other information deemed necessary by the Secretary of State  
22 or the county clerk.

23 ~~(h) — The ballot packet, which must be in text format on 8 ½" x 11" white~~  
24 ~~paper and must include:~~

25 ~~(1) — An electronic transmission affidavit and coversheet to protect~~  
26 ~~voter privacy;~~

27 ~~(2) — The unvoted ballot; and~~

28 ~~(3) — The electronic transmission ballot instructions.~~

1 *Repeal of Rule 16.2.6 as it is no longer necessary now that this information is otherwise*  
2 *tracked through SCORE:*

3 ~~16.2.6 The county clerk must maintain a log of each ballot sent by electronic~~  
4 ~~transmission. The county clerk must maintain the log as an election record~~  
5 ~~along with any other email or fax records. The log must include:~~

6 ~~(a) The name of the elector;~~

7 ~~(b) The fax number or email address to which the ballot packet was~~  
8 ~~transmitted (as applicable);~~

9 ~~(c) The date the ballot packet was transmitted; and~~

10 ~~(d) The initials of the election official transmitting the ballot.~~

11 *[Not shown: current Rules 16.2.7 through 16.2.9 are renumbered to Rules 16.2.6*  
12 *through 16.2.8.]*

13 *Amendments to Rule 18 are as follows:*

14 *Amendments to Rule 18.3.3 clarify the composition of resolutions boards in elections*  
15 *which do and do not contain partisan ballot content:*

16 18.3.3 A resolution board must resolve ballots sorted or rejected for resolution.

17 (a) In ~~partisan elections~~an election conducted with any partisan ballot  
18 content, a resolution board must consist of at least two election  
19 judges affiliated with different major political parties.

20 (b) In ~~nonpartisan elections~~an election conducted without any partisan  
21 ballot content, a resolution board must consist of at least two  
22 election judges.

23 *New Rule 18.4.2 clarifies how to treat ballots returned by voters in a general assembly*  
24 *or county commissioner vacancy election, but were ineligible to vote in that contest due*  
25 *to their affiliation:*

26 18.4.2 A county conducting a general assembly or county commissioner vacancy  
27 election must duplicate the ballot of a voter who voted in the vacancy  
28 contest, but who, based on their affiliation as of 22 days before election  
29 day, was not eligible to vote in the contest. The ballot must be duplicated  
30 with the ineligible contest undervoted.

*[Not shown: current Rules 18.4.2 through 18.4.7 are renumbered to Rules 18.4.3 through 18.4.8.]*

*Amendments to Rule 19 are as follows:*

*Amendments to Rule 19.3.4 require election officials to attend at least one in-person training class every year:*

19.3.4 To maintain Colorado certification, a person must complete at least four Continuing Elections Education courses by July 31 of every year and complete at least one in-person class every ~~two~~-years.

*Amendments to Rule 20 are as follows:*

*Amendments to Rule 20.1.2 include new section (h) which requires the county clerk to provide the number of surveillance cameras they will have operational in their security plan, and other necessary renumbering and technical changes:*

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

*[Not shown: no changes sections (a) through (f).]*

(g) The names of employees with administrative privileges to the voting system as required by Rule 20.5.2(c)(5); ~~-and~~

(h) The number of required surveillance cameras for the upcoming election; and

~~(h)~~(i) Any other information required in the published security plan.

*Amendments to Rule 20.4.2 require county clerks to use forms prescribed by the Department in their detailed video surveillance maintenance plans:*

20.4.2 Surveillance of secure areas

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

(e) Planned maintenance of video surveillance

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

(2) Before the planned outage, the county clerk must notify and submit detailed plans to the Secretary of State, on a form

prescribed by the Department 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:

*[Not shown: no changes to sub-subsections (A) through (C).]*

*[Not shown: no changes to subsection (3).]*

*Amendments to Rule 20.4.4 update section (b) to require election judges and staff to wear identification while working and include new section (c) to require identification to be carried separately from a key card that accesses a door system:*

#### 20.4.4 Restrictions on physical access

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

(b) ~~Individuals delivering ballots between separate rooms~~ Election judges or staff performing election-related duties must wear ~~distinguishing~~ identification which identifies them as either an election judge or staff.

(c) Identification badges or other similar forms of identification must be carried separately from a key card or similar door access system to a secure area.

*Amendments to Rule 20.4.5 require security assessment under this rule to be conducted by an individual or entity entities approved by the Department and remove otherwise outdated language:*

#### 20.4.5 Physical security assessment

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

(b) The physical security assessment requested under this Rule must be conducted by an individual or entity approved by the Department of State ~~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, unless the county clerk has already had an initial assessment completed, in which case the clerk must have a new assessment completed no later than 3 years following that initial assessment or within six months of the completion of a significant alteration made to the central count facility or the clerk's main office.~~

*Amendments to Rule 20.5.1 prohibit a county clerk from removing a seal to access a computer case or hard drive without the written permission of the Department of State:*

#### 20.5.1 Chain-of-custody requirements

- (a) County clerks must continuously comply with the seal requirements of the most recent conditions of use issued by the Secretary of State for the county's voting system. County clerks may not allow any unattended voting system component to remain unsealed at any point after trusted build has been installed on a component. A county clerk may not remove a seal to allow access to a computer case or hard drive slot without the express written permission of the Secretary of State.

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

*Amendments to Rule 20.12.2(a) clarify that incident reports must be filed on a form prescribed by 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 discovery or determination of 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. The

incident report must be filed on a form prescribed by the Department of State.

*[Not shown: no changes subsections (2) through (5).]*

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

*Amendments to Rule 21 are as follows:*

*Amendments to Rule 21.1.1 contain alterations to the rules for de minimus changes for currently certified voting equipment. This includes allowing for the Department of State to determine if integration testing is necessary and requiring a voting system vendor to provide information regarding changes to system peripheral equipment, as well as technical revisions:*

21.1.1 The standards for certifying a voting system in this Rule apply to applications for new certifications. Voting system providers may submit an application to modify a system previously certified by the Secretary of State in accordance with section 1-5-618, C.R.S.

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

(c) A voting system provider may apply for modification to a currently certified voting system to address de minimis commercial off-the-shelf hardware changes using the process laid out in this Rule.

(1) The provider must submit an application package that includes an application for modification provided by the Secretary of State, internal testing documentation, VSTL determination of de minimis changes, specification documents for existing and new equipment, and any of the following supporting documentation as applicable: updated TDP documents ~~as applicable~~, other engineering change order documents, an integration testing plan, hardware manufacturer specification changes, and any other documentation requested by the Secretary of State. If the submitted application package is incomplete the Secretary of State will identify the deficiencies and the voting system provider must remedy the deficiencies within ten days.

(2) If the Secretary of State reviews the application package and determines that the modification requires any additional testing from the VSTL, the provider will work with the

Secretary of State to create a test plan for the modification.  
The Secretary of State makes the final determination as to  
whether the change is de minimis or not.

(3) If the Secretary of State reviews the application package and determines that the modification does not require testing by the VSTL, the provider will coordinate with the Secretary of State to perform integration testing overseen by the Secretary of State using the plan provided in the application package if the Secretary of State determines that an integration test is required.

(4) Upon completion of testing the Secretary of State will review the outcomes of the integration testing and determine if the modification complies with section 1-5-618(1.5), C.R.S. and approve or deny the modification request.

(5) A voting system provider must notify the Secretary of State of changes to system peripherals such as monitors, keyboards, mice, card readers, routers or switches etc. The Secretary of State may require the provider to submit supporting documentation before allowing a county clerk to use the new peripheral.

*Amendments to Rule 21.3.1 require voting system providers to request a meeting with the Department's voting systems team prior to applying for certification or modification of a voting system. Changes also include allowing the Department to reject or delay requests for voting system certification in the event that the deadlines specified in the rule are not met.*

21.3.1 Any voting system provider that wants to apply for certification or modification of a certified voting system must request a meeting with the voting system team to communicate their timing and intent to apply ~~with the voting systems team~~ prior to submitting a complete application package. If the ~~timing of the~~ proposed timeline presented for the submission would present a hardship for the Secretary of State or counties, the Secretary may ~~request~~ require the provider to delay submission of the application to a later date agreed upon by all parties.

(a) The Secretary of State will not consider submissions for that year that have not been communicated with a meeting mentioned in Rule 21.3.1 before January 15th. No submission will be considered

1 in a year that includes a Presidential Election. This does not include  
2 de minimus modifications as outlined in Rule 21.1.1(c).

3 (b) If during the certification process a vendor is substantially unable to  
4 meet the deadlines laid out during the meeting as required in Rule  
5 21.3.1, the Secretary of State may halt the voting system  
6 certification or modification. The provider may restart the  
7 certification or modification process at an appropriate time  
8 according to subsection (a) of this Rule.

9 (c) The Secretary of State may waive the restriction provided in Rule  
10 21.3.1(a) if a serious defect or vulnerability requires a modification  
11 of a voting system for its continued use.

12 *Amendments to Rule 21.3.2 allows the “Application for Certification of Voting System”*  
13 *form to be made available upon request by the voting system provider to the*  
14 *Department:*

15 21.3.2 A voting system provider that desires to submit a voting system for  
16 certification must complete the Secretary of State’s “Application for  
17 Certification of Voting System” that is available upon request from ~~on the~~  
18 Secretary of State’s ~~website~~.

19 *Amendments to Rule 21.3.7 clarify that a trusted build may only be installed on a voting*  
20 *system component by staff who have undergone a background check:*

21 21.3.7 The voting system provider must coordinate with the Secretary of State for  
22 the establishment of the trusted build. The voting system provider must  
23 submit all documentation and instructions necessary for the creation and  
24 guided installation of files contained in the trusted build which will be  
25 created at the start of functional testing and will be the model tested. At a  
26 minimum, the trusted build must include a compilation of files placed on  
27 write-once media, and an established hash file distributed from a VSTL or  
28 the National Software Reference Library to compare federally certified  
29 versions. The trusted build disks should all be labeled with identification of  
30 the voting system provider’s name and release version. Once established,  
31 the trusted build may only be installed on a voting system component by  
32 members of staff for the Secretary of State that have undergone a  
33 background check as required by Rule 20.2.5.

1 *Amendments to Rule 21.4.1 incorporate by reference the Voluntary Voting System*  
2 *Guidelines 2.0 adopted on February 10, 2021, and other updates to the existing*  
3 *incorporation by reference for the 2002 Voting Systems Standards:*

4 21.4.1 Materials incorporated by reference

5 (a) The 2002 Voting Systems Standards as adopted April 30, 2002 by  
6 the Federal Election Commission are incorporated by reference.  
7 Material incorporated by reference in the Election Rules does not  
8 include later amendments or editions of the incorporated material.  
9 Copies of the ~~material incorporated by reference~~ 2002 Voting  
10 Systems Standards may be obtained ~~by contacting~~ at no cost in  
11 electronic form on the Federal United States Election Assistance  
12 Commission's website: <https://www.eac.gov/>, 999 E Street NW,  
13 Washington, DC, 20463, 800-424-9530.

14 (b) The Voluntary Voting System Guidelines 2.0 (VMSG 2.0) as  
15 adopted on February 10, 2021 by the United States Election  
16 Assistance Commission, and updated July 10, 2023 are  
17 incorporated by reference. No future changes to the VMSG 2.0 are  
18 incorporated by reference in these Election Rules. Copies of the  
19 VMSG 2.0 may be obtained at no cost in electronic form on the  
20 United States Election Commission's website:  
21 [https://www.eac.gov/voting-equipment/voluntary-voting-system-](https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines)  
22 [guidelines](https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines).

23 (c) The Department of State also maintains a copy of the materials  
24 incorporated by reference into these Election Rules available for  
25 public inspection during regular business hours at the Department's  
26 office at 1700 Broadway, Suite 550, Denver, CO 80290.

27 *Amendments to Rule 21.4.2 require all voting systems submitted for certification on and*  
28 *after January 1, 2026, to meet the Voluntary Voting System Guidelines 2.0 adopted by*  
29 *the Election Assistance Center on February 10, 2021. Amendments also do not allow*  
30 *for modification of a system adopted under prior standards after January 1, 2026,*  
31 *unless the modification is considered de minimus:*

32 21.4.2 All voting systems must meet the requirements of the 2002 Voting  
33 Systems Standards, ~~p~~ Parts 5 – 7, of a ~~Article 5 of t~~ Title 1, C.R.S., as  
34 amended, and this Rule 21. Starting on January 1, 2026, all voting  
35 systems submitted for certification must meet the requirements of the  
36 Voluntary Voting System Guidelines 2.0 as adopted on February 10, 2021

1 and updated on July 10, 2023 instead of the 2002 Voting Systems  
2 Standard.

3 (a) Any system that has been certified by January 1, 2026, under a  
4 legacy standard does not lose its current certification.

5 (b) Starting January 1, 2026, no modification will be considered for a  
6 system that was certified using the 2002 Voting System Standards  
7 unless it is a de minimus hardware modification or to address a  
8 serious defect or vulnerability.

9 *Amendments to Rule 21.4.4(b) conform to prior changes adopting the Voluntary Voting*  
10 *System Guidelines 2.0:*

11 21.4.4 Independent Analysis. Before completion of functional testing, all voting  
12 system providers submitting a voting system must complete an  
13 independent analysis of the system, which includes:

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

15 (b) A source code evaluation conducted in accordance with Software  
16 Design and Coding Standards of the 2002 Voting System Standard  
17 or ~~the most current version of the Voluntary Voting System~~  
18 ~~Guidelines approved after January 1, 2008.~~ after January 1, 2026,  
19 the Voluntary Voting System Guidelines 2.0 as incorporated by  
20 reference in Rule 21.4.1(b).

21 *[Not shown: no changes to sections (c) through (f).]*

22 *Amendments to Rule 21.4.5 remove reference to an outdated practice for functional*  
23 *requirements of a voting system:*

24 21.4.5 Functional requirements

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

26 ~~(c) The voting system must integrate election-day voting results with~~  
27 ~~mail and provisional ballot results.~~

28 *[Not shown: current sections (d) through (h) are renumbered to sections (c)*  
29 *through (g).]*

30 *Amendments to Rule 21.4.10 update the requirement for password capability for*  
31 *certified voting systems, and other technical changes:*

21.4.10 Security requirements. All voting systems must meet the following minimum system security requirements:

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

(e) The voting system must meet the following requirements for password security:

*[Not shown: no changes subsections (1) through (7).]*

(8) All voting systems must have all components of the voting system capable of supporting passwords of a minimum of ~~eight~~ 15 characters, and must be capable of including numeric, alpha and special characters in upper case or lower case used in any combination.

(f) All modules of the system must meet the ~~2002-voting-system standards~~ following requirements for installation of software, including hardware with embedded firmware:

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

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

*Amendments to Rule 21.4.12 clarify that voting systems certified for use must be capable of creating a CVR export which is compatible with the Department of State's post-election audit software:*

21.4.12 Ballot-level Cast Vote Records and Exports. All voting systems certified by the Secretary of State for use in Colorado after January 1, 2016 must meet the following requirements for ballot-level cast vote records and exports:

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

(c) The CVR export must be compatible with the Secretary of State's post-election audit software.~~contain the following fields, with values or data populated by the voting system:~~

~~(1) —CVR Number. A sequential number from one to the number of CVRs in the export file. This can be used as an alternate method to identify each CVR.~~

- ~~(2) — Batch ID. Identifies the batch in which the paper ballot corresponding to the CVR is located.~~
- ~~(3) — Ballot Position. Identifies the position of the paper ballot corresponding to the CVR within the batch.~~
- ~~(4) — Imprinted ID. If the scanner model supports imprinting a unique character string on the ballot during the scanning process, the voting system must populate this field with the unique character string.~~
- ~~(5) — Ballot Style. Indicates the ballot style or type of the paper ballot corresponding to the CVR.~~
- ~~(6) — Device or tabulator ID. Identifies the scanning device by device or tabulator ID.~~
- ~~(7) — Contest and Choice Names. Each contest and choice on any ballot in the election must have its own field so that voters' choices in all contests can be easily and independently tabulated after the CVR export is imported into a spreadsheet application.~~
- ~~(8) — Number of Valid Choices. The number of valid choices (e.g., "Vote for 3") for each contest.~~

*[Not shown: no changes to sections (d) and (e).]*

- (f) A vote for a choice must be indicated by a "1." No vote for a choice or an overvoted condition must be indicated by a "0." Choices that are not applicable to the CVR must be left blank.

*Amendments to Rule 21.5.3 which remove references to voting system capabilities no longer in use in Colorado:*

#### 21.5.3 General testing procedures and instructions

*[Not shown: no changes sections (a) through (d).]*

- ~~(e) — Ballots must be cast and counted in all applicable counter types (or counter groups) as necessary based on the parts included in the voting system. These are, at a minimum, in-person, mail, and provisional ballots. Ballots may be run through components more~~



1 ~~than one time depending on components and counter group being~~  
2 ~~tested to achieve a minimum number of ballots counted as follows~~  
3 ~~for each group:~~

4 ~~(1) — Polling location = 500;~~

5 ~~(2) — Mail = 1,500; and~~

6 ~~(3) — Provisional = 500.~~

7 *[Not shown: current section (f) through (i) are renumbered to (e) through (h).]*

8 *Amendments to Rule 21.11.4(d) clarify that a voting system certified for use in a ranked*  
9 *voting election must be capable of allowing simultaneous elimination in a single round:*

10 21.11.4 Tabulation requirements

11 *[Not shown: no changes to sections (a) through (c).]*

- 12 (d) If the combined votes of two or more candidates with the lowest  
13 vote totals in the current round are less than the number of votes  
14 for the continuing candidate with the next-highest number of votes,  
15 then the voting system must be capable of eliminatinge the group of  
16 lowest-vote candidates simultaneously if the user chooses.

17 *[Not shown: no changes to sections (e) through (j).]*