



Notice of Proposed Rulemaking

Colorado Department of State

Election Rules

8 CCR 1505-01

Date of notice: October 31, 2025

Date and time of public hearing: December 5, 2025 at 9:00AM

Location of public hearing: 5th Floor, 1700 Broadway Denver, CO 80290 and [online](#) (Zoom)

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 December 5, 2025 at 9:00AM and will be conducted in person and online. The in-person location is the Red Rocks Conference Room on the fifth 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 to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws.² Specifically, the Department proposes permanent rule revisions for instant runoff voting contests, including requirements for tabulation, reporting, canvassing of results, and risk-limiting audits for local jurisdictions located in more than one county, as required by

¹ Article 4 of Title 24, C.R.S.

² Article VII of the Colorado Constitution and Title 1, C.R.S.

sections 1-7-118(5) and 1-7-515(4)(b)(I), C.R.S. 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 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:

- 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 1-1-110(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 1-5-601.5, C.R.S., which authorizes the Secretary of State to develop "minimum standard and specifications... in accordance with section 1-5-616(1.5) [of the Colorado Revised Statutes]" for a voting system or voting equipment for sale or for lease of use in an instant runoff election contest.
- Section 1-5-601.5(2), C.R.S., which allows the Secretary of State to "...require by rule that a voting system or voting equipment used to conduct an election using instant runoff voting meet [] federal standards, so long as the federal standards meet or exceed those promulgated by the secretary of state."
- Section 1-5-616, C.R.S., which requires the Secretary of State to adopt rules “that establish minimum standards for electronic and electromechanical voting systems.”
- Section 1-5-616(1.5), C.R.S., which requires the Secretary of State to adopt rules establishing, “minimum system requirements and specifications for electronic and electromechanical voting systems used to conduct elections using instant runoff voting.”
- 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 1-7-118(5), C.R.S., which requires the Secretary of State to promulgate rules, by January 1, 2026, which concern the tabulation, reporting, and canvassing of results for a coordinated election using instant runoff voting conducted by multiple counties.
- Section 1-7-509(6), C.R.S., which requires the Secretary of State to promulgate rules that "must include standards and procedures for conducting logic and accuracy testing on voting equipment to be used in an election using instant runoff voting."
- Section 1-7-515, C.R.S., which requires the Secretary of State to promulgate rules "to conduct risk limiting audits in an election using instant runoff voting."
- Section 1-7-1004, C.R.S., which requires the Secretary of State to adopt rules consistent with section 1-7-1003, C.R.S., "on the conduct of elections using ranked voting methods. The rules shall prescribe the methods and procedures for tabulating, auditing, and reporting results in an election using a ranked voting method."
- Section 1-7.5-104, C.R.S., which requires the county clerk to conduct a "coordinated" election by mail under the supervision of, and "subject to rules promulgated... by, the secretary of state."
- Section 1-7.5-106, C.R.S., which allows the Secretary of State to adopt rules governing procedures and forms necessary to implement mail ballot elections, and allowing the Secretary to appoint, "any county clerk and recorder as an agent of the secretary to carry out the duties prescribed..."
- Section 1-13-708, C.R.S., which gives the Secretary of State the authority to promulgate rules regarding authorization to access, "electronic or electromechanical voting equipment or an election-night reporting system before, during, or after any election provided by law."
- Section 1-13.5-617(1), C.R.S., which allows a local government to use a ranked voting method of election if they follow, "the rules adopted by the secretary of state pursuant to section 1-7-1004 [of the Colorado Revised Statute]."

IV. Copies of Draft Rules

A preliminary draft of the proposed rules is included at the end of this notice. Also, the 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 proposed rules.

As required by the State Administrative Procedure Act,³ 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 November 30, 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 at the bottom of 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 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).

³ Section 24-4-103(4)(a), C.R.S.

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 is limited to three minutes.

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 oral testimony during their registration will be given their opportunity to provide oral 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 and 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 or (303) 894-2200 ext. 6124.

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

Dated this October 31, 2025



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 1505-01

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Department of State Election rules.¹ The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws.²

Specific changes include:

- Amendments to Rule 1.
 - New Rule 1.1.47 defines “runoff tabulation entity.” This is a new term used throughout the Election rules to clarify which county is responsible for conducting the elimination sequences of a ranked voting election.
 - Current Rules 1.1.47 through 1.1.67 are renumbered to Rules 1.1.48 through 1.1.68 to accommodate the inclusion of New Rule 1.1.47.
- Amendments to Rule 7.
 - Amendments to Rule 7.4.1 remove an internal rule reference to a defined term found in Rule 1. Internal rule references are not needed for defined terms.
- Amendments to Rule 10.

¹ 8 CCR 1505-1.

² Title 1, C.R.S.

- Amendments to Rule 10.6.1 include new sections (e) and (f). The requirements for official county abstracts provided by county canvass boards now include, if applicable: (1) the round-by-round tabulation results of each race of instant runoff voting contests that takes place in a single county and (2) a report detailing the ranking of each candidate received in the county of an instant runoff voting contest that takes place in more than one county.
- Amendments to Rule 10.6.2 include new section (c). The state portion of the abstract that a county provides to the Department of State must now include the final, tabulated results of instant runoff voting contests that take place in more than one county, which are to be used by the combined canvass board created by New Rule 10.9.
- New Rule 10.9, which includes New Rules 10.9.1 through 10.9.5, pertains to the creation of a canvass board for instant runoff voting contests that take place in more than one county and the certification of election results.
- New Rule 10.9.1 states that 15 days before an election that includes an instant runoff voting contest that takes place in more than one county, the runoff tabulation entity will appoint a combined canvass board to canvass the results of that contest. The combined canvass board will include the county clerk, or their designee, from each county in which the instant runoff contest was conducted and a representative from the local jurisdiction whose office is up for election in that contest.
 - New Rule 10.9.2 requires the combined canvass board to meet after the canvassing of results in each county on a date noticed by the runoff tabulation entity.
 - New Rule 10.9.3 states that the combined canvass board's only duty is to review the final, tabulated results submitted by each county canvass board and to certify the winner of the instant runoff contest by majority vote. The combined canvass board must also review the combined tabulated results to certify the winner of the instant runoff contest. The Secretary of State, or their designee, will be the tiebreaker, if necessary.
 - New Rule 10.9.4 requires the combined canvass board to submit the certified results to the local jurisdiction which certified the instant runoff voting contest on the ballot.
- Amendments to Current Rule 10.9 include renumbering to Rule 10.10. Additionally, Current Rule 10.9.1 through 10.9.5 are renumbered to

10.10.1 through 10.10.5. Internal rule references are updated in Current Rule 10.9.2.

- New Rule 10.10.6 clarifies how an instant runoff contest must be recounted. If the smallest margin between two candidates in an instant runoff contest is less than or equal to 0.5% of the votes cast in the contest and a different candidate being eliminated would change the ultimate winner, then a recount must be held. If the instant runoff voting contest takes place within one county, then the county clerk or designated official appointed by the municipality holding the ranked voting election must order a recount of the contest, as applicable, after receiving the canvass of results. If the instant runoff voting contest takes place within multiple counties, then each county clerk must order a recount after receiving the canvass of results from the combined canvass board, as applicable.
- Current Rules 10.10 through 10.14 are renumbered to Rules 10.11 through 10.15.
- Amendments to Rule 11.
 - Amendments to Rule 11.3 update the Rule for consistency with Department rulemaking standards.
 - New Rule 11.3.3 pertains to how to complete a logic and accuracy test for multi-jurisdictional ranked voting elections. If an instant runoff voting contest takes place in multiple counties, then the county clerks conducting that local jurisdiction's instant runoff voting contest must perform an additional logic and accuracy test. To prepare for that additional logic and accuracy test, the runoff tabulation entity must provide a test deck of 25 ballots to each county clerk involved. The county, in turn, must then scan the additional test deck and provide the cast vote record of the test deck to the runoff tabulation entity. Then, at a public meeting, the runoff tabulation entity must use the cast vote records received from each county clerk during their logic and accuracy test to tabulate the contest(s) using the certified third-party software that will be used in the election. The test deck, any other logic and accuracy materials, and the round-by-round results report are election records.
- Amendments to Rule 20.

- Amendments to Rules 20.4.2, 20.4.3, 20.4.4, 20.6.3, 20.10.3 remove internal rule references to defined terms found in Rule 1. Internal rule references are not needed for defined terms.
- Amendments to Rule 21.
 - New Rule 21.12 addresses the certification of third-party software for use in instant runoff voting elections conducted in more than one county.
 - New Rule 21.12.1 states that the Department may submit a third-party software component to a federally certified voting system test laboratory for certification for use along with another previously certified voting system, or as part of that voting system for its initial certification. The software must be able to aggregate and resolve instant runoff voting elections in multiple jurisdictions. Additionally, the voting system vendor is not responsible for integrating the software that is submitted for certification into their voting system, nor is it responsible for the associated costs with amending a certification. However, the voting system vendor may not prohibit an amendment to the certification of the software.
 - New Rule 21.12.2 lists the functional requirements of third-party amendment certifications, including that the software: (1) must be able to import results files from all voting systems that are certified for use for instant runoff voting capability; (2) allow a user to standardize names of contests and choices across jurisdictions; (3) meet the tabulation requirements for instant runoff races that exist in rule; and (4) export data in the formats required by rule.
 - New Rule 21.12.3 provides that the Department will determine the security requirements that must be tested for the third-party software, after consulting with the voting system test laboratories.
 - New Rule 21.12.4 details the general testing requirements that will be followed for this third-party software. This includes the creation of a test plan and test report that is separate from any previously certified equipment. This rule requires the Department to publish the test report and other appropriate certification artifacts after the software is certified for use.
 - New Rule 21.12.5 requires the Department to hold the certified third-party software in escrow until it has been decertified.
 - New Rule 21.12.6 requires that third-party software only be installed on computer workstations with no wireless connectivity enabled.

- New Rule 21.12.7 permits the Department to decertify software that has been certified as an amendment to a certified voting system at any time. Decertifying the software does not otherwise decertify the fully certified voting system. Additionally, the decertification and the reasons for decertification will be posted on the Department’s public website.
- Amendments to Rule 25.
 - Amendments to Rule 25.2 include changes to Rule 25.2.2, which includes a new section (d) and the necessary renumbering of current sections (d) through (l) to sections (e) through (m). The new section (d) provides information to counties for how to prepare for the risk-limiting audit following instant runoff voting contests. Specifically, section (d) pertains to sample size estimates for the audit.
- Amendments to Rule 26.
 - Amendments to Rule 26.2 specify that if any county in which a local government is located does not have a voting system that is capable of conducting a ranked voting election, none of the counties in which the local government is located are required to coordinate that election.
 - Amendments to Rule 26.5
 - Amendments to Rules 26.5.1, 26.5.2, and 26.5.3 replace “designated election official” with the new defined term “runoff tabulation entity” to specify who is responsible for the tabulation of instant runoff elections.
 - Repeal and replacement of Rule 26.5.5 pertains to the tie-breaker elimination order for all candidates in a ranked voting election. The tie-breaker elimination order must be completed before any logic and accuracy testing and randomly determined by the election official, or their designee. The runoff tabulation entity must eliminate candidate(s) according to the tie-breaker order.
 - Repeal of Rules 26.5.6 and 26.5.7 as they are no longer necessary with the proposed amendments to other rules.
 - Amendments to Rule 26.6
 - Amendments to Rules 26.6.2, 26.6.3, 26.6.4, and 26.6.5 replace “designated election official” with the new defined term “runoff tabulation entity” to specify who is responsible for the tabulation of ranked voting elections using the single transferable vote method.

- Amendments to Rule 26.7 replace “designated election official” with the new defined term “runoff tabulation entity” to specify who is responsible for counting improperly marked ballots in an instant runoff voting contest.
- New Rule 26.8 concerns the tabulation of multi-jurisdictional ranked voting elections.
 - New Rule 26.8.1 requires the county clerk to transmit to the runoff tabulation entity the results of a ranked voting election that is in multiple counties at least once on election night and once each day afterward while ballots are being tabulated.
 - New Rule 26.8.2 requires the county clerk to hash the results file by using SHA-256 algorithm. The generated hash value must be emailed to the runoff tabulation entity.
 - New Rule 26.8.3 requires the runoff tabulation entity to transfer the received results file and associated hash value to a workstation that contains certified third-party software for conducting the elimination stages of tabulation.
- Amendments to Current Rule 26.8, renumbered Rule 26.9.
 - New Rule 26.9.1 permits the county clerk to publicly report only the first rankings if their county is conducting a ranked voting election that is shared amongst multiple counties.
 - Amendments to Current Rule 26.8.1, renumbered to Rule 26.9.2, replace “designated election official” with the new defined term “runoff tabulation entity” to specify who is responsible for ensuring anonymity of a voter’s ranking in the ballot image report.
 - Amendments to Current Rule 26.8.2, renumbered to Rule 26.9.3, provides a reporting alternative for the runoff tabulation entity if the state election night reporting website lacks the functionality to report the results of a ranked voting election. It is the responsibility of the runoff tabulation entity to post the results on a public website and to provide the Department with the URL of that website no later than a week before election day.
 - New Rule 26.9.4 exempts ranked voting elections from the election night reporting requirements of Rule 11.9. Alternatively, the runoff tabulation entity must report the results at least once on election night and once each day when ballots are being tabulated.

- Amendments to Current Rule 26.9, renumbered to Rule 26.10, remove language that is no longer needed with the addition of new Rules 26.10.1 and 26.10.2.
 - New Rule 26.10.1 states that instant runoff voting contests are eligible to be selected for additional auditing by the Department, as outlined in Rule 25.2.2(j).
 - New Rule 26.10.2 requires any jurisdiction to conduct an audit of a ranked voting election independent of the state-administered risk-limiting audit if the jurisdiction does not conduct a ranked voting election as prescribed in Rule 26.5. This audit must not interfere with the state-administered audit that is conducted before the canvass board certifies official election results.

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 statutory authority is as follows:

- 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 1-1-110(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 1-5-601.5, C.R.S., which authorizes the Secretary of State to develop "minimum standard and specifications... in accordance with section 1-5-616(1.5)" for a voting system or voting equipment for sale or for lease of use in an instant runoff election contest.
- Section 1-5-601.5(2), C.R.S., which allows the Secretary of State to " . . . require by rule that a voting system or voting equipment used to conduct an election using instant runoff voting meet [] federal standards, so long as the federal standards meet or exceed those promulgated by the secretary of state."
- Section 1-5-616, C.R.S., which requires the Secretary of State to adopt rules "that establish minimum standards for electronic and electromechanical voting systems."
- Section 1-5-616(1.5), C.R.S., which requires the Secretary of State to adopt rules establishing, "minimum system requirements and specifications for electronic and

electromechanical voting systems used to conduct elections using instant runoff voting.”

- 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 1-7-118(5), C.R.S., which requires the Secretary of State to promulgate rules, by January 1, 2026, which concern the tabulation, reporting, and canvassing of results for a coordinated election using instant runoff voting conducted by multiple counties.
- Section 1-7-509(6), C.R.S., which requires the Secretary of State to promulgate rules that "must include standards and procedures for conducting logic and accuracy testing on voting equipment to be used in an election using instant runoff voting."
- Section 1-7-515, C.R.S., which requires the Secretary of State to promulgate rules “to conduct risk limiting audits in an election using instant runoff voting.”
- Section 1-7-1004, C.R.S., which requires the Secretary of State to adopt rules consistent with section 1-7-1003, C.R.S., “on the conduct of elections using ranked voting methods. The rules shall prescribe the methods and procedures for tabulating, auditing, and reporting results in an election using a ranked voting method.”
- Section 1-7.5-104, C.R.S., which requires the county clerk to conduct a “coordinated” election by mail under the supervision of, and “subject to rules promulgated... by, the secretary of state.”
- Section 1-7.5-106, C.R.S., which allows the Secretary of State to adopt rules governing procedures and forms necessary to implement mail ballot elections, and allowing the Secretary to appoint, “any county clerk and recorder as an agent of the secretary to carry out the duties prescribed . . .”
- Section 1-13-708, C.R.S., which gives the Secretary of State the authority to promulgate rules regarding authorization to access, “electronic or electromechanical voting equipment or an election-night reporting system before, during, or after any election provided by law.”
- Section 1-13.5-617(1), C.R.S., which allows a local government to use a ranked voting method of election if they follow, "the rules adopted by the secretary of state pursuant to section 1-7-1004."

Preliminary Draft of Proposed Rules

Colorado Department of State

Election Rules

8 CCR 1505-1

October 31, 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.¹

This is a preliminary draft of the proposed rules that may be revised before the rulemaking hearing on December 5, 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 November 30, 2025.²

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

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

2 *Amendments to Rule 1 are as follows:*

3 *New Rule 1.1.47 defines "runoff tabulation entity":*

4 1.1.47 "Runoff tabulation entity" means the election jurisdiction that will conduct
5 the elimination sequences for a ranked voting election. For an election that
6 is wholly within a single county, the county clerk and recorder or
7 designated election official appointed by the municipality holding the
8 ranked voting election is the runoff tabulation entity. For an election that is
9 shared by more than a single county, the controlling county, as defined by
10 Rule 4.2.2, is the runoff tabulation entity.

11 *[Not shown: Current Rules 1.1.47 through 1.1.67 are renumbered to Rules 1.1.48*
12 *through 1.1.68.]*

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

² 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 7 are as follows:*

2 *Amendments to Rule 7.4.1 remove an internal rule reference:*

3 7.4 Receipt and processing of ballots

4 7.4.1 The county clerk must adequately light all drop box locations and use a
5 video security surveillance recording system ~~as defined in Rule 1.1.62~~ to
6 monitor each location.

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

8 *Amendments to Rule 10 are as follows:*

9 *Amendments to Rule 10.6.1 add new sections (e) and (f) which now include the*
10 *requirements for official county abstracts for instant runoff voting contests that take*
11 *place in single counties and in more than one county, and necessary grammatical*
12 *changes:*

13 10.6 Official abstract and reporting to the Secretary of State

14 10.6.1 The official county abstract must include, by precinct or ballot style, where
15 applicable:

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

17 (c) The statement of votes counted by race and ballot question or
18 issue; ~~and~~

19 (d) The total number of ballots cast in the election; ~~and~~

20 (e) For instant runoff voting contests conducted by a county clerk which
21 are within a single county, the round-by-round tabulation results of
22 each race; and

23 (f) For instant runoff voting contests conducted by a county clerk which
24 are contained in more than one county, a report detailing the
25 ranking each candidate received in the county.

26 *Amendments to Rule 10.6.2 include new section (c) which requires the Department, for*
27 *the state's portion of the abstract, to include the final, tabulated results of an instant*
28 *runoff voting contest that are contained in more than one county, and necessary*
29 *grammatical changes:*

1 10.6.2 A county must submit the state portion of the abstract and the ENR upload
2 required by Rule 11.9.6 to the Secretary of State in the format approved
3 by the Secretary of State. The state portion of the abstract must include:

4 (a) The summary of votes cast for each state race and each ballot
5 question or issue; ~~and~~

6 (b) The total number of ballots counted in the election; and

7 (c) For instant runoff voting contests conducted by a county clerk which
8 are contained in more than one county, final, tabulated results of
9 that race to be used by the combined canvass board appointed in
10 Rule 10.9.

11 *New Rule 10.9 concerns the canvass of instant runoff voting contests that are contained*
12 *in more than one county:*

13 10.9 Canvass of instant runoff voting contests contained in more than one county

14 10.9.1 No later than 15 days before an election which will include an instant
15 runoff voting contest contained in more than one county, the runoff
16 tabulation entity will appoint a combined canvass board to canvass the
17 results of the instant runoff voting contest. The board must consist of:

18 (a) The county clerk, or the county clerk's designee, from each county
19 in which the instant runoff voting contest was conducted; and

20 (b) A representative from the local jurisdiction whose office is up for
21 election in the instant runoff voting contest.

22 10.9.2 The combined canvass board appointed in this Rule will meet on a date
23 noticed by the runoff tabulation entity following the canvassing of results in
24 each county as required by section 1-10-102, C.R.S.

25 10.9.3 The combined canvass board's only duty is to review the final, tabulated
26 results submitted by each county canvass board to certify a winner of the
27 instant runoff voting contest. To certify a winner, the combined canvass
28 board must also review the combined tabulated results generated in
29 accordance with Rule 26.8. The combined canvass board must make its
30 determinations by a majority vote, with the Secretary of State, or their
31 designee, casting a vote only in the event of a tie.

1 10.9.4 After meeting, the combined canvass board must submit the certified
2 results to the local jurisdiction which certified the instant runoff voting
3 contest to the ballot.

4 *Amendments to Current Rule 10.9, renumbered to Rule 10.10, include New Rule*
5 *10.10.6--which pertains to recounts for instant runoff voting contests, update to internal*
6 *references, and necessary renumbering:*

7 10.~~9~~10 Recount generally

8 10.~~9~~10.1 The purpose of a recount is to re-tabulate the ballots.

9 10.~~9~~10.2 A county that has successfully completed a comparison audit under
10 Rule 25.2 and reported no discrepancies in the recount contest need not
11 re-scan ballots during a requested recount, except as provided in Rule
12 ~~10.9.3~~10.10.3. In all cases, the county must re-adjudicate ballot images for
13 voter intent in accordance with Rule ~~10.13.3~~10.14.2.

14 *[Not shown: Current Rules 10.9.3 through 10.9.5 are renumbered to Rules 10.10.3*
15 *through 10.10.5.]*

16 10.10.6 Recounts for instant runoff voting contests. If the smallest margin
17 between two candidates in an instant runoff voting contest is less than or
18 equal to one-half of one percent of the votes cast in the contest, then a
19 recount must be held in accordance with section 1-10.5-103, C.R.S. The
20 smallest margin will be determined by calculating the minimum number of
21 votes that would have to be different to change the elimination order such
22 that the winner in the final round of tabulation would be different.

23 (a) The county clerk or designated election official appointed by the
24 municipality holding the ranked voting election must order a recount
25 of an instant runoff voting contest within a single county, following
26 the canvass of results by the county canvass board or designated
27 election official, as applicable.

28 (b) Each county clerk must order a recount of an instant runoff voting
29 contest contained in more than one county following canvass of
30 results by the combined canvass board under Rule 10.9, as
31 applicable.

32 *[Not shown: Current Rules 10.10 through 10.14 are renumbered to Rules 10.11 through*
33 *10.15.]*

1 *Amendments to Rule 11 are as follows:*

2 *Amendments to Rule 11.3 include the addition of New Rule 11.3.3, which pertains to*
3 *logic and accuracy tests for multi-jurisdictional ranked voting elections, and a technical*
4 *cleanup to the title Rule:*

5 11.3 ~~The clerk must perform a h~~Hardware diagnostic ~~test~~ and a logic and accuracy
6 test.

7 *[Not shown: no changes to Rules 11.3.1 and 11.3.2.]*

8 11.3.3 Logic and accuracy test for multi-jurisdictional ranked voting elections

9 (a) In addition to the logic and accuracy test conducted pursuant to
10 Rule 11.3.2, an additional logic and accuracy test described by this
11 Rule must be performed if two or more county clerks are
12 conducting an instant runoff voting contest for a single, local
13 jurisdiction.

14 (b) In preparation for a logic and accuracy test under this Rule, the
15 runoff tabulation entity must provide an additional test deck of 25
16 ballots to each county clerk. The deck must conform to the
17 requirements of Rule 11.3.2(c).

18 (c) At each county clerk's logic and accuracy test, the county clerk
19 must scan the additional test deck and provide the cast vote record
20 of the test deck to the runoff tabulation entity in the manner
21 prescribed by the runoff tabulation entity. The test deck must be
22 preserved as an election record alongside any other logic and
23 accuracy materials which are preserved as election records for that
24 election.

25 (d) At a public meeting which conforms as closely as practicable to the
26 requirements of section 1-7-509(2)(b), C.R.S., the runoff tabulation
27 entity must use the cast vote records received from each county
28 clerk during their logic and accuracy test to tabulate the instant
29 runoff voting contest or contests which are subject to this Rule. The
30 contest or contests must be tabulated using the third-party software
31 which has been certified for use under Rule 21.12. The runoff
32 tabulation entity must confirm that the round-by-round tabulation
33 corresponds to the known results of the test decks provided to each
34 county clerk.

(e) Following the tabulation, the runoff tabulation entity must maintain the round-by-round results report as an election record.

Amendments to Rule 20 are as follows:

Amendments to Rule 20.4.2 remove internal rule references:

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 1.1.50,~~ 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,~~ 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) through (e).]

Amendments to Rule 20.4.3 remove an internal rule reference:

20.4.3 Access logs to secure areas

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

(b) The county clerk must otherwise maintain a log of each person who enters a secure ballot area, ~~as defined by Rule 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) and (d).]

Amendments to Rule 20.4.4 remove internal rule references:

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 1.1.49,~~ or secure equipment area, ~~as defined by Rule 1.1.50,~~ unless:

[Not shown: no changes subsections (A) through (C).]

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

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

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 1.1.62.~~

[Not shown: no changes to subsections (2) through (4).]

Amendments to Rule 20.10.3 remove internal rule references:

20.10.3 Retention of voted ballots

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

(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.

[Not shown: no changes to (g) and (h).]

Amendments to Rule 21 are as follows:

New Rule 21.12 addresses the certification of third-party software only for use with instant runoff voting elections contained in more than one county:

[21.12 Amendments to certifications for instant runoff voting functionality](#)

1 21.12.1 The Department of State may submit a third-party software
2 component to a federally certified voting system test laboratory for
3 certification for use with another previously certified voting system or as
4 part of a system that is under consideration for certification.

5 (a) Only software components whose purpose is to aggregate and
6 resolve instant runoff voting elections that take place across more
7 than a single jurisdiction may be submitted according to this Rule.

8 (b) A voting system vendor may not prohibit an amendment to the
9 certification according to this Rule.

10 (c) A voting system vendor is not responsible for integrating software
11 that is submitted as an amendment into their voting system.

12 (d) A voting system vendor is not responsible for the costs associated
13 with amending a certification.

14 21.12.2 Functional requirements of third-party amendment certifications

15 (a) The software must be able to import results files from all voting
16 systems that are certified for use for instant runoff voting capability
17 under Rule 21.11.

18 (b) The software must allow a user to standardize the names of
19 contests and choices across jurisdictions.

20 (c) The software must meet the requirements of Rule 21.11.4, with the
21 exception of Rule 21.11.4(a).

22 (d) The software must export data in the formats specified in Rule
23 21.11.2(a).

24 21.12.3 Upon submission of an amendment under this Rule, the
25 Department of State will consult with the voting system test laboratory to
26 determine which security requirements are applicable to the third-party
27 software.

28 21.12.4 Testing

29 (a) For amendments that are submitted with a voting system currently
30 under consideration, the test plan must include an appendix
31 addressing the third-party software amendment. Upon completion

1 of testing, the test report must include an appendix addressing the
2 third-party software amendment.

3 (b) For amendments that are submitted for a voting system that has
4 been previously certified, the Department of State will work with the
5 voting system test laboratory to develop a separate test plan for the
6 amendment. Upon conclusion of testing, the laboratory must
7 produce a test report.

8 (c) If the third-party software meets the requirements in Rule 21.12, the
9 Department of State will certify the third-party software as part of an
10 amendment to a voting system. If the requirements are not met
11 sufficiently for certification of the third-party software with the
12 amendment, it does not preclude the voting system from being
13 certified without the amendment.

14 (d) The Department of State will publish its determination of
15 certification for the amendment on its public website along with the
16 test report and any other appropriate certification artifacts.

17 21.12.5 Once software has been certified as a third-party amendment, the
18 Department of State must hold that software in escrow until such time that
19 it has been decertified.

20 21.12.6 Third-party software components that are certified as amendments
21 must only be installed on a computer workstation that has no wireless
22 connectivity enabled.

23 21.12.7 The Department of State may decertify software that has been
24 certified as an amendment to a certified voting system at any time.

25 (a) When software that is certified using this Rule is decertified, the
26 Department of State must publish the decertification on its public
27 website along with any reasons for decertification.

28 (b) In the event the Department of State decertifies software that has
29 been certified as an amendment to a fully certified voting system,
30 that decertification shall only apply to the amendment and shall not
31 apply to the otherwise fully certified voting system.

32 *Amendments to Rule 25 are as follows:*

1 *Amendments to Rule 25.2.2 include new section (d) which pertains to the sample size*
2 *estimates used for the risk-limiting audit of instant runoff voting contests and necessary*
3 *renumbering:*

4 25.2 Risk limiting audit. The designated election official must conduct a risk-limiting
5 audit in accordance with section 1-7-515, C.R.S., and this Rule.

6 *[Not shown: no changes to Rule 25.2.1.]*

7 25.2.2 Preparing for the audit

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

9 (d) Sample size estimates. Upon completion of tabulation on election
10 night, counties are required to export an initial CVR export from
11 their voting system and hash and upload the export and hash value
12 to the RLA tool. Counties are not required to upload a ballot
13 manifest to the RLA tool for the purposes of creating sample size
14 estimates.

15 (1) The Department of State will use the election night CVRs to
16 create sample size estimates to facilitate the selection of
17 target contests.

18 (2) Counties are not required to upload a CVR export again
19 during the same election to the RLA tool unless requested to
20 do so by the Department to facilitate an updated sample size
21 estimate.

22 *[Not shown: sections (d) through (l) are recodified to sections (e) through (m).]*

23 *Amendments to Rule 26 are as follows:*

24 *Amendments to Rule 26.2 specify that if any county in which a local government is*
25 *located does not have a voting system that can conduct a ranked voting election, then*
26 *none of the counties in which that local government is located are required to coordinate*
27 *that election:*

28 26.2 A local government conducting a ranked voting election that is coordinating with
29 the county clerk must give notice to the county clerk no later than 100 days
30 before the election. If ~~the~~ any county's voting system in which the local
31 government is located is not capable of conducting a ranked voting election, the
32 county clerk is not required to coordinate.

1 *Amendments to Rule 26.5 concern a grammatical update:*

2 26.5 Tabulation of instant-run-off elections

3 *Amendments to Rules 26.5.1 through 26.5.3 include the use of the new definition of*
4 *“runoff tabulation entity,” replacing “designated election official.”*

5 26.5.1 In any ranked voting election in which only one candidate will be elected to
6 office, the ~~designated election official~~ runoff tabulation entity must follow
7 the tabulation procedures described in this rule.

8 26.5.2 During the first round of tabulation, the ~~designated election official~~ runoff
9 tabulation entity must tabulate the first-choice ranks on each ballot.

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

11 (b) If no candidate receives over 50 percent of the first-choice ranks for
12 a contest across all ballots tabulated, the ~~designated election~~
13 ~~official~~ runoff tabulation entity must continue to the next round of
14 tabulation.

15 26.5.3 At the beginning of the next round of tabulation, the candidate with the
16 fewest first-choice ranks in the prior round is eliminated and the eliminated
17 candidate’s votes are transferred to each ballot’s next-ranked continuing
18 candidate and tabulated.

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

20 (b) If no candidate has over 50 percent of the votes cast on active
21 ballots after the second round, the ~~designated election official~~ runoff
22 tabulation entity must repeat additional rounds of tabulation as
23 described in this Rule, until there is a winning candidate.

24 *[Not shown: no changes to Rules 25.5.4.]*

25 *Repeal and replacement of Rule 26.5.5 with New Rule 26.5.5, which concerns the logic*
26 *and accuracy test for any ranked voting election:*

27 ~~26.5.5 At the end of Round one and in any subsequent rounds, if two or more~~
28 ~~candidates tie for the lowest number of votes, the eliminated candidate~~
29 ~~must be chosen by lot, unless the candidates may be eliminated~~
30 ~~simultaneously under Rule 26.5.4.~~

1 26.5.5 Before any logic and accuracy test for any ranked voting election, the
2 designated election official, or their designee, must randomly determine
3 the tie-breaker elimination order for all candidates.

4 (a) The tie-breaker elimination order must consist of a list of all
5 candidates with each candidate assigned a unique ranking.

6 (b) In any round of tabulation, if there is a tie that needs to be resolved
7 to determine which candidate or candidates will be eliminated,
8 including the round that determines the winner, the runoff tabulation
9 entity must eliminate the candidate or candidates according to the
10 tie-breaker elimination order.

11 *Repeal of Rules 26.5.6 and 26.5.7:*

12 ~~26.5.6 If only two continuing candidates remain after a round and they have the~~
13 ~~same number of votes, the winning candidate must be chosen by lot.~~

14 ~~26.5.7 The designated election official need not report election night results~~
15 ~~under Rule 11.9.4, unless directed by the Secretary of State.~~

16 *Amendments to Rule 26.6 use the new definition of “runoff tabulation entity,” replacing*
17 *“designated election official.”*

18 26.6 Tabulation of ranked voting elections using the single transferable vote method

19 *[Not shown: no changes Rule 26.6.1.]*

20 26.6.2 During the first round of tabulation, the ~~designated election official~~runoff
21 tabulation entity must tabulate the first-choice ranks on each ballot.

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

23 26.6.3 During the second round of tabulation, the ~~designated election official~~
24 runoff tabulation entity must calculate each winning candidate’s surplus
25 votes, as described in Rule 26.6.4, and transfer those votes
26 proportionately to any continuing candidate.

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

28 (b) After the votes are transferred, if the number of winning candidates
29 is less than the number of seats to be filled, the ~~designated election~~
30 ~~official~~runoff tabulation entity must eliminate the continuing
31 candidate with the fewest first-choice votes, surplus votes from

1 winning candidates, and, when applicable, votes transferred from
2 eliminated candidates. The eliminated candidate's votes must then
3 be transferred to each active ballot's next-highest-ranked continuing
4 candidate.

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

6 26.6.4 To calculate a winning candidate's surplus votes in any round, the
7 ~~designated election official~~ runoff tabulation entity must:

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

9 26.6.5 In any round, if two or more candidates tie for the lowest number of votes,
10 the ~~designated election official~~ runoff tabulation entity must determine the
11 eliminated candidate by lot.

12 *[Not shown: no changes to Rule 26.6.6.]*

13 *Amendments to Rule 26.7 use the new definition of "runoff tabulation entity," replacing*
14 *"designated election official:"*

15 26.7 After determining voter intent in accordance with the Secretary of State's Voter
16 Intent Guide, the ~~designated election official~~ runoff tabulation entity must count
17 improperly marked ballots as follows:

18 *[Not shown: no changes to Rules 26.7.1 through 26.7.4.]*

19 *New Rule 26.8 concerns tabulating multi-jurisdictional ranked voting elections:*

20 26.8 Tabulating multi-jurisdictional ranked voting elections

21 26.8.1 For ranked voting elections contained in more than one county, at least
22 once on election night and once each day where ballots are being
23 tabulated thereafter, each county clerk must transmit results in an
24 approved format to the runoff tabulation entity using a secure data transfer
25 method provided by the Department of State.

26 26.8.2 As part of the data results transfer process, the county clerk must hash the
27 results file using a SHA-256 algorithm. The generated hash value must be
28 emailed to the runoff tabulation entity. The county clerk must not send the
29 hash value to the runoff tabulation entity using the same data transfer
30 method used to send the results file.

1 26.8.3 Upon receipt of the results file and associated hash value, the runoff
2 tabulation entity must transfer the results file to a workstation that contains
3 software for conducting the elimination stages of tabulation.

4 (a) The media that the runoff tabulation entity uses to transfer the
5 results file must conform with Rule 20.5.3(c).

6 (b) The runoff tabulation entity must verify that the hash value of the
7 received results file matches the hash value transmitted by the
8 county clerk on the workstation that contains software for
9 conducting the elimination stages of tabulation.

10 (c) The runoff tabulation entity must only use results files that have
11 been verified by the method in Rule 26.8.3(b) to conduct elimination
12 stages of tabulation.

13 *Amendments to Current Rule 26.8, renumbered to Rule 26.9, include using the new*
14 *definition of “runoff tabulation entity” to replace “designated election official” and New*
15 *Rules 26.9.1 and 26.9.4, which pertain to the reporting result requirements and*
16 *exemptions for counties that have ranked voting elections which are contained in more*
17 *than one county:*

18 26.89 Reporting results of a ranked voting election

19 26.9.1 For ranked voting elections contained in more than one county, the clerk
20 and recorder of each participating county may only publicly report first
21 rankings.

22 ~~26.8.19.2~~ The runoff tabulation entity must ensure
23 anonymity of a voter’s rankings in the ballot image report required by
24 section 1-7-1003(7)(a)(II), C.R.S. In precincts with ten or fewer voters, the
25 ballot image reports must be combined with another precinct.

26 ~~26.8.29.3~~ For any ranked voting election, if the state election night reporting
27 website in Rule 11.9 lacks functionality to report the results of a ranked
28 voting election the runoff tabulation entity is responsible for posting results
29 to a public website. If the website used to report results is not the election
30 night reporting website in Rule 11.9, the runoff tabulation entity
31 ~~coordinated with a county clerk, the coordinated election official must~~
32 ~~publish preliminary and final result reports of a ranked voting election on a~~
33 ~~website. The reports must comply with section 1-7-1003(7)(a)(I) — (III),~~
34 ~~C.R.S. The coordinated election official~~ must provide to the Secretary of

1 State the website where results will be posted no later than a week before
2 election day.

3 26.9.4 The schedule to post results on election night for a ranked voting election
4 are exempt from the requirements of Rule 11.9. Instead, the runoff
5 tabulation entity must report results at least once on election night and at
6 least once each day when ballots are tabulated thereafter.

7 *Amendments to Current Rule 26.9, renumbered to Rule 26.10, pertain to auditing a*
8 *ranked voting race:*

9 26.9~~10~~ Auditing a ranked voting ~~election or race. The designated election~~
10 ~~official must audit each ranked voting race before the canvass board certifies~~
11 ~~official election results in a manner which will not interfere with the audit required~~
12 ~~by section 1-7-515, C.R.S.~~

13 26.10.1 Instant runoff races tabulated according to Rule 26.5 are eligible to
14 be targeted according to Rule 25.2.2(j) in the state-administered risk-
15 limiting audit if the election is covered by section 1-7-515(2)(a), C.R.S.

16 26.10.2 Any jurisdiction that conducts a ranked voting election in a manner
17 other than the instant runoff method in Rule 26.5 must conduct an audit of
18 the race independent of the state-administered risk-limiting audit that does
19 not interfere with the state-administered audit before the canvass board
20 certifies official election results, if the election is covered by section 1-7-
21 515(2)(a), C.R.S.