



## Notice of Permanent Adoption

### Colorado Department of State

### Election Rules

### 8 CCR 1505-1

December 29, 2025

#### I. Adopted Rule Amendments

As authorized by the State Administrative Procedure Act,<sup>1</sup> the Colorado Department of State gives notice that the following amendments to Election rules<sup>2</sup> are adopted on a permanent basis. A version with the incorporation of these permanently adopted amendments can be found on the [Department's rules and notices of rulemaking webpage](#).

The rules were considered at the December 5, 2025 rulemaking hearing in accordance with the State Administrative Procedure Act.<sup>3</sup> The adopted amendments are shown in track changes, and the associated publication instructions/notes are **dark green** and *italicized*.

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

*Amendments to Rule 1 are as follows:*

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

1.1.47 "Runoff tabulation entity" means the election jurisdiction that will conduct the round-by-round count for a ranked voting contest. For a contest that is

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<sup>1</sup> Section 24-4-103, C.R.S.

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

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

wholly within a single county, the county clerk and recorder or designated election official appointed by the municipality holding the ranked voting contest is the runoff tabulation entity. For a contest that is shared by more than a single county, the controlling county, as defined by Rule 4.2.2, is the runoff tabulation entity.

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

*Amendments to Rule 7 are as follows:*

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

#### 7.4 Receipt and processing of ballots

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

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

*Amendments to Rule 10 are as follows:*

*Amendments to Rule 10.3.2 require the canvass board of a controlling county with an instant runoff voting contest to review the tabulated results of that contest and certify a winner, and technical changes:*

#### 10.3 Duties of the Canvass Board

*[Not shown: no changes to Rule 10.3.1]*

10.3.2 The canvass board's only duties are to:

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

- (b) Observe the post-election audit in accordance with section 1-7-514(4), C.R.S., and Election Rule 25.2 or 25.3; ~~and~~
- (c) Conduct any recount in accordance with section 1-10.5-107, C.R.S., and this Rule; ~~and~~ and
- (d) For a canvass board of a controlling county with an instant runoff voting contest that is contained in more than one county, review the

final ranking data for that contest from each county to certify a winner of the instant runoff voting contest to the local jurisdiction.

*Amendments to Rule 10.5.1 clarify the information a canvass board must review for an instant runoff voting contest located in more than one county:*

## 10.5 Procedures for Canvass

10.5.1 The designated election official must provide the following information to the canvass board:

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

- (h) If applicable, the number of ballots cast in each party's primary election, including totals for:
  - (1) Ballots accepted in each party's primary election by affiliated and unaffiliated voters; and
  - (2) Ballots rejected by each code~~:-~~
- (i) If applicable, the ranked voting results report required by section 1-71003(7)(a)(I) and (III), C.R.S.; and
- (j) For a canvass board of a controlling county with an instant runoff voting contest that is contained in more than one county, the final, certified, ranking data for the instant runoff voting contest from each county with that contest to allow the canvass board of the controlling county to certify a winner to the local jurisdiction.

*Amendments to Rule 10.6.1 add new sections (e) and (f), which require round-by-round tabulation results for each race in an instant runoff voting contest to be included in the official county abstract, and necessary grammatical changes:*

## 10.6 Official abstract and reporting to the Secretary of State

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; ~~and~~

- (d) The total number of ballots cast in the election; ~~and~~
- (e) For instant runoff voting contests conducted by a county clerk that are within a single county, the round-by-round tabulation results of each race; and
- (f) For instant runoff voting contests conducted by a county clerk that are contained in more than one county, a report detailing the rankings each candidate received in the county.

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

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

- (a) The summary of votes cast for each state race and each ballot question or issue; ~~and~~
- (b) The total number of ballots counted in the election; and
- (c) For instant runoff voting contests conducted by a county clerk that are contained in more than one county, the final, tabulated results of that contest.

*New Rule 10.9.6 pertains to recounts for instant runoff voting contests:*

## 10.9 Recount generally

*[Not shown: no changes to Rules 10.9.1 through 10.9.5.]*

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

- (a) If a recount must be held, the county clerk or designated election official appointed by the municipality holding the ranked voting contest must order a recount of an instant runoff voting contest within a single county, following the canvass of results by the county canvass board or designated election official, as applicable.
- (b) If a recount must be held, each county clerk must order a recount of an instant runoff voting contest contained in more than one county following the canvass of results by the controlling county of the election.

*[Not shown: no changes to Rules 10.10 through 10.14.]*

*Amendments to Rule 11 are as follows:*

*Amendments to Rule 11.3 update Rule 11.3.2 about logic and accuracy tests for instant runoff voting contests wholly within one county, include the addition of New Rule 11.3.3, which pertains to logic and accuracy tests for multi-jurisdictional ranked voting contests, and a technical cleanup to the title Rule:*

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

*[Not shown: no changes to Rule 11.3.1.]*

#### 11.3.2 Logic and Accuracy Test

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

- (c) Preparing for the Logic and Accuracy Test

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

- (2) ~~A county that is conducting an election with at least one instant runoff voting contest must, for each voting contest~~For a county that is conducting an instant runoff voting contest that is wholly within the county, each contest must:

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

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

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

### 11.3.3 Logic and accuracy test for multi-jurisdictional ranked voting contests

- (a) In addition to the logic and accuracy test conducted pursuant to Rule 11.3.2, an additional logic and accuracy test described by this Rule must be performed if two or more county clerks are conducting an instant runoff voting contest for each local jurisdiction and for each of these local jurisdiction's contests.
- (b) In preparation for a logic and accuracy test under this Rule, the runoff tabulation entity must provide a marking pattern for an additional test deck of at least 25 ballots, per county, to each county clerk sharing the contest. The deck, as a whole, must conform to the requirements of Rule 11.3.2(c)(2).
- (c) At each county clerk's logic and accuracy test, the county clerk must scan the additional test deck and provide the cast vote record of the test deck to the runoff tabulation entity in the manner prescribed by the runoff tabulation entity. The test deck must be preserved as an election record alongside any other logic and accuracy materials that are preserved as election records for that election.
- (d) At a public meeting, which conforms as closely as practicable to the requirements of section 1-7-509(2)(b), C.R.S., the runoff tabulation entity must use the cast vote records received from each county clerk during their logic and accuracy test to tabulate the instant runoff voting contest or contests that are subject to this Rule. The contest or contests must be tabulated using the third-party software that has been certified for use under Rule 21.12. The runoff tabulation entity must confirm that the round-by-round tabulation corresponds to the known results of the test decks provided to each county clerk.
- (e) Following the logic and accuracy 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~~ following 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 contests contained in more than one county:*

### 21.12 Amendments to certifications for instant runoff voting functionality for instant runoff voting contests contained in more than one county

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

- (a) Only software components whose purpose is to aggregate and resolve instant runoff voting contests that take place across more than a single jurisdiction may be submitted according to this Rule.
- (b) A voting system vendor may not prohibit an amendment to the certification in accordance with this Rule.
- (c) A voting system vendor is not responsible for integrating software that is submitted as an amendment into their voting system.
- (d) A voting system vendor is not responsible for the costs associated with amending a certification.
- (e) At the request of the Department of State, a voting system vendor that has a system that has instant runoff voting functionality, or is undergoing certification for instant runoff voting functionality, must provide files required by the Department for an amendment to their system in accordance with this Rule.

#### 21.12.2 Functional requirements of third-party amendment certifications

- (a) The software must be able to import data ranking files from all voting systems that are certified for use for instant runoff voting capability under Rule 21.11.
- (b) The software must allow a user to standardize the names of contests and choices across jurisdictions.
- (c) The software must meet the requirements of Rule 21.11.4, with the exception of Rules 21.11.1(a) and 21.11.4(a) and (g).
- (d) The software must export data in the formats specified in Rule 21.11.2(a).

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

#### 21.12.4 Testing

- (a) For software amendments that are submitted with a voting system currently under consideration, the test plan must include an

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

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

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

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

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

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

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

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

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

*Amendments to Rule 25 are as follows:*

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

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

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

#### 25.2.2 Preparing for the audit

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

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

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

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

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

*Amendments to Rule 26 are as follows:*

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

26.2 A local government conducting a ranked voting contest in an election that is coordinated ~~ing~~ with the county clerk must give notice to the county clerk no later than 100 days before ~~the~~that election. If ~~the~~any county's voting system in which the local government is located is not capable of conducting a ranked voting

election, then none of the counties in which that local government is located  
~~are the county clerk is not~~ required to coordinate.

*Amendments to Rule 26.5 concern a grammatical update:*

26.5 Tabulation of instant-~~run-off~~ elections~~contests~~

*Amendments to Rules 26.5.1 through 26.5.3 include the use of the new definition of “runoff tabulation entity,” replacing “designated election official” and other grammatical changes:*

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

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

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

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

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

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

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

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

*Repeal and replacement of Rule 26.5.5 with New Rule 26.5.5, which concerns the resolution of ties in any ranked voting contest:*

~~26.5.5 At the end of Round one and in any subsequent rounds, if two or more candidates tie for the lowest number of votes, the eliminated candidate~~

~~must be chosen by lot, unless the candidates may be eliminated simultaneously under Rule 26.5.4.~~

26.5.5 For any instant runoff voting contest, the designated election official certifying content to the county clerk conducting the election with that contest, or their designee, must randomly determine the tie-breaker elimination order for all candidates and include that tie-breaker elimination order as a part of the certification.

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

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

*Repeal of Rules 26.5.6 and 26.5.7:*

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

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

*Amendments to Rule 26.6 use the new definition of “runoff tabulation entity,” replacing “designated election official” and include grammatical changes:*

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

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

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

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

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

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

- (b) After the votes are transferred, if the number of winning candidates is less than the number of seats to be filled, the ~~designated election official~~ runoff tabulation entity must eliminate the continuing candidate with the fewest first-choice votes, surplus votes from winning candidates, and, when applicable, votes transferred from eliminated candidates. The eliminated candidate's votes must then be transferred to each active ballot's next-highest-ranked continuing candidate.

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

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

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

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

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

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

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

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

*New Rule 26.8 concerns the transfer of data in multi-jurisdictional ranked voting contests:*

## 26.8 Consolidating data in multi-jurisdictional ranked voting contests

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

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

26.8.3 Upon receipt of the ranking data file and associated hash value, the runoff tabulation entity must transfer the ranking data file to a workstation that contains software for conducting the round-by-round stages of tabulation.

- (a) The media that the runoff tabulation entity uses to transfer the ranking data file must conform with Rule 20.5.3(c).
- (b) The runoff tabulation entity must verify that the hash value of the received ranking data file matches the hash value transmitted by the county clerk on the workstation that contains software for conducting the round-by-round stages of tabulation.
- (c) The runoff tabulation entity must only use ranking data files that have been verified by the method in Rule 26.8.3(b) to conduct round-by-round stages of tabulation.

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

26.~~8~~9 Reporting results of a ranked voting ~~election~~contest

26.9.1 For a ranked voting contest contained in more than one county, the clerk and recorder of each participating county that is not the runoff tabulation entity may choose to only publicly report first-choice ranks, rather than all ranks.

26.~~8.4~~9.2 The ~~designated election official~~runoff tabulation entity must ensure anonymity of a voter’s rankings in the ballot image report required by section 1-7-1003(7)(a)(II), C.R.S. In precincts with ten or fewer voters, the ballot image reports must be combined with another precinct.

26.~~8.2~~9.3 For any ranked voting ~~election~~contest, if the state election night reporting website in Rule 11.9 lacks functionality to report the results of a ranked voting contest, the runoff tabulation entity is responsible for posting

results to a public website. If the website used to report results is not the election night reporting website in Rule 11.9, the runoff tabulation entity coordinated with a county clerk, the coordinated election official must publish preliminary and final result reports of a ranked voting election on a website. The reports must comply with section 1-7-1003(7)(a)(I) — (III), C.R.S. The coordinated election official must provide to the Secretary of State the website where results will be posted no later than a week before election day.

26.9.4 The schedule to post results on election night for a ranked voting contest is exempt from the requirements of Rule 11.9. Instead, the runoff tabulation entity must report results at least once on election night and at least once each day when ballots are tabulated thereafter. All counties conducting an instant runoff voting contest that are not the runoff tabulation entity must provide the runoff tabulation entity with an updated ranking data file at least once per day while ballot tabulation is still occurring.

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

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

26.10.1            Instant runoff contests tabulated in accordance with Rule 26.5 are eligible to be targeted, as described in Rule 25.2.2(j), in the state-administered risk-limiting audit, if the election that includes instant runoff contests is covered by section 1-7-515(2)(a), C.R.S.

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

## **II. Basis, Purpose, and Specific Statutory Authority**

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

## **III. Effective Date of Adopted Rules**

The amended rule will become permanently effective twenty days after publication in the Colorado Register.<sup>4</sup>

Dated this 29<sup>th</sup> of December, 2025,

A handwritten signature in black ink, appearing to read "Andrew Kline", with a long horizontal flourish extending to the right.

Andrew J. Kline  
Deputy Secretary of State

For

Jena Griswold  
Colorado Secretary of State

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<sup>4</sup> Section 24-4-103(5), C.R.S.



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

### **Colorado Department of State**

### **Election Rules**

### **8 CCR 1505-01**

**December 29, 2025**

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

This statement explains amendments to the Colorado Department of State's Election rules.<sup>5</sup> The Department permanently adopts amendments to ensure uniform and proper administration, implementation, and enforcement of Colorado election laws.<sup>6</sup>

Specific adopted 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 the county responsible for conducting the round-by-round count of a ranked voting contest.
  - 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.

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<sup>5</sup> 8 CCR 1505-1.

<sup>6</sup> Title 1, C.R.S.

- Amendments to Rule 10.3.2 require the canvass board of the controlling county with an instant runoff voting contest that is located in more than one county to review the tabulated results of that contest and certify a winner.
- Amendments to Rule 10.5 clarify the information a canvass board must review for an instant runoff voting contest located in more than one county.
- 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.
- New Rule 10.9.6 clarifies when 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, then a recount must be held. The smallest margin is determined by calculating the minimum number of votes that would change the round-by-round count, such that there would be a different ultimate winner in the final round of tabulation. 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 contest 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 the canvass of results by the controlling county.
- Amendments to Rule 11.
  - Amendments to Rule 11.3 update the Rule for consistency with Department rulemaking standards.
  - Amendments to Rule 11.3.2 update language to specify the logic and accuracy test requirements for instant runoff voting contests that are wholly within one county.

- New Rule 11.3.3 details the logic and accuracy test for multi-jurisdictional ranked voting contests. 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 marking pattern for an additional test deck of 25 ballots per county 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 and confirm that the round-by-round tabulation corresponds to the known results of the test decks originally provided to the clerks. 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 contests 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 alongside another previously certified voting system, or as a separate component part of a voting system going through its initial certification. The software must be able to aggregate and resolve instant runoff voting contests 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, and the Department may require a voting system vendor to provide files necessary to certify the third-party 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 ranking 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. 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 a copy of 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 on how to prepare for the risk-limiting audit. 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 contest in the election, then 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 round-by-round count of instant runoff contests.
- Repeal and replacement of Rule 26.5.5 pertains to the tie-breaker elimination order for all candidates in a ranked voting contest. The tie-breaker elimination order must be randomly determined by the designated election official or their designee and then included in the official’s certification of ballot content. In the event of a tie, the runoff tabulation entity must eliminate candidate(s) according to the tie-breaker elimination order defined by the designated election official.
- 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 round-by-round count of ranked voting contests 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 transfer of data in multi-jurisdictional ranked voting contests.
  - New Rule 26.8.1 requires the county clerk to transmit to the runoff tabulation entity the ranking data of a ranked voting contest that is in multiple counties at least once on election night and once each day afterward while ballots are being tabulated using a secure data transfer method provided by the Department.
  - 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 ranking data file and associated hash value to a workstation that contains certified third-party software to verify the hash value and conduct the round-by-round 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-choice ranks if their county is conducting a ranked voting contest that is shared amongst multiple counties in an election.
  - 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 contest. 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 contests 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. All counties conducting an instant runoff voting contest that are not the runoff tabulation entity must provide the runoff tabulation entity with an updated ranking data file at least once per day while 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 that conducts an election that includes a ranked voting contest in a manner other than the instant runoff method prescribed in Rule 26.6, must conduct an independent audit that does not interfere with the state-administered prior to when 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.

Public comments received during the formal rulemaking process are available online at the [12/5 elections rulemaking hearing webpage](#). All comments are incorporated into the official rulemaking record.

## **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."