

Revised Draft of Proposed Rules

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

September 26, 2013

Rules are written as if
County is is always the
designated election
official. SOS Rules apply
to municipal and SD mail
ballot elections as well
as county elections.

Disclaimer:

The proposed draft rules have changed. This draft supersedes the Preliminary Draft Rules issued with the Notice of Proposed Rulemaking on August 30, 2013. The proposed rules will be considered at the October 1, 2013 rulemaking hearing.

"Staff" should not be used without a modifier to indicate which staff is responsible for task.

In accordance with the State Administrative Procedure Act, this revised draft of rules is made available to the public and posted on the Department of

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>[Italic blue font text]</i>	Annotations
Shading	Revisions to the August 30 th preliminary draft.

[Current 8 CCR 1505-1 is stricken in its entirety and re-codified as follows:]

Rule 1. Definitions

1.1 ~~As used in these Rules and the “Uniform Election Code of 1992” unless the context otherwise requires, the following terms shall have the meanings indicated:~~

~~“District office of state concern” means any of the following offices: Member of the State Board of Education, Member of the Board of Regents of the University of Colorado, and Member of the Board of Directors of the Regional Transportation District.~~
AS USED IN THESE RULES, UNLESS STATED OTHERWISE:

1.1.1 “ACTIVE STATUS” OR “ACTIVE RECORD” MEANS THAT THE RECORD IS NOT MARKED INCOMPLETE, INACTIVE, OR CANCELLED. ~~THERE ARE NO CONDITIONS OR RESTRICTIONS ON THE ELECTOR’S ELIGIBILITY OR REGISTRATION RECORD.~~

[Relocated from 2.20.1 a, with amendments]

¹ Section 24-4-103(4)(a), C.R.S. (2012). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

1.1.2 “BALLOT MEASURE” MEANS A BALLOT ISSUE OR BALLOT QUESTION AS DEFINED IN SECTIONS 1-1-104(2.3) AND (2.7), C.R.S.

[Relocated from 27.1.1, with amendments]

1.1.3 “BLANK BALLOT” MEANS A BALLOT ON WHICH THE VOTER HAS MADE NO MARKS IN ANY VOTING POSITION, HAS MARKED WITH AN UNREADABLE MARKER, OR HAS CONSISTENTLY MARKED OUTSIDE OF THE “READ” AREA OF THE SCANNER.

[Relocated from 27.1.2, with amendments]

1.1.4 “CANCELLED STATUS” OR “CANCELLED RECORD” MEANS THAT THE COUNTY CLERK ~~AND RECORDER~~ CANCELLED THE ELECTOR’S VOTER REGISTRATION RECORD BECAUSE THE ELECTOR:

(A) ~~IS~~ WAS NOT ELIGIBLE TO VOTE;

(B) ~~IS NOT REGISTERED TO VOTE~~ FAILED TO PROPERLY COMPLETE THE REGISTRATION UNDER SECTIONS 1-2-508 AND 1-2-509(3), C.R.S.; OR

(C) ~~HAS WITHDRAWN~~ WITHDREW HIS OR HER REGISTRATION.

[Relocated from 2.20.1 b, with amendments]

~~1.1.5 “Canvass board” means a committee composed of the county clerk and recorder and the registered electors appointed by the major parties in accordance with section 1-10-101, C.R.S.,~~

~~*[Relocated from 41.1.1]*~~

~~1.1.6~~ 1.1.5 “Canvass workers” means workers appointed or hired by the designated election official to assist in the preparation and conduct of the canvass.

[Relocated from 41.1.2]

~~1.1.7 “CENTRAL COUNT” MEANS A BALLOT COUNTING PROCESS IN WHICH THE COUNTY CLERK AND RECORDER TABULATES CUMULATIVE VOTING TOTALS FOR MULTIPLE PRECINCTS AND BALLOT STYLES AT A SINGLE LOCATION.~~

[Relocated from 11.1.1, with amendments]

~~43.1.1 20.1.1~~ 1.1.6 “Chain-of-custody log” means a written record that shows that the equipment and all associated data are secured according to these procedures OUTLINED IN RULE 20 and in the documented control of an ~~employee or deputized election judge~~ ELECTION OFFICIAL through the entire time of ownership by the jurisdiction.

[Relocated from 43.1.1, with amendments]

1 ~~1.1.8~~1.1.7 “DAMAGED BALLOT” MEANS A BALLOT THAT IS TORN, BENT, OR OTHERWISE
2 MUTILATED OR RENDERED UNREADABLE, SO THAT IT CANNOT BE PROCESSED BY
3 THE OPTICAL SCANNER BALLOT READER.

4 (A) DAMAGED BALLOTS INCLUDE ALL BALLOTS THAT CONTAIN A FOREIGN
5 SUBSTANCE THAT COULD INTERFERE WITH THE OPTICAL SCAN MACHINE (~~H.E.~~
6 ~~E.G.~~ FOOD, DRINK, ETC.).

7 (B) DAMAGED BALLOTS ~~MAY~~ INCLUDE BALLOTS THAT ARE MARKED IN A
8 MEDIUM OR MANNER OTHER THAN ~~THE MEDIUM~~ INDICATED IN THE BALLOT
9 INSTRUCTIONS.

10 (C) DAMAGED BALLOTS INCLUDE BALLOTS THAT THE ELECTOR MARKED IN A
11 WAY THAT WOULD DISCLOSE HIS OR HER IDENTITY.

12 *[Relocated from 27.1.3, with amendments]*

13 ~~1.1.9~~1.1.8 “DATA ENTRY COUNTY” MEANS A COUNTY USING AN ELECTION
14 MANAGEMENT SYSTEM THAT EXPORTS A FILE TO BE DIRECTLY UPLOADED TO THE
15 ELECTION NIGHT RESULTS SYSTEM.

16 ~~1.1.10~~1.1.9 “DESIGNATED ELECTION OFFICIAL,” ~~AS USED IN RULE 11,~~ INCLUDES THE
17 DESIGNATED ELECTION OFFICIAL’S SWORN, DEPUTIZED DESIGNEE.

18 ~~43.1.2~~ ~~20.1.2~~ 1.1.10 ~~“DRE”~~ “DIRECT RECORDING ELECTRONIC VOTING DEVICE” (DRE)
19 means a ~~direct recording electronic voting device. A DRE is a voting device that~~
20 VISUALLY DISPLAYS OR AUDIBLY PRESENTS A BALLOT AND RECORDS AN ELECTOR’S
21 VOTES DIRECTLY INTO ELECTRONIC STORAGE MEDIA. ~~records votes by means of a~~
22 ~~ballot display provided with mechanical or electro-optical components or an audio~~
23 ~~ballot that the voter can activate; that processes data by means of a computer~~
24 ~~program; and that records voting data and ballot images in memory components~~
25 ~~or other media. The device may produce a tabulation of the voting data stored in a~~
26 ~~removable memory component and as printed copy. The device may also provide~~
27 ~~a means for transmitting individual ballots or vote totals to a central location for~~
28 ~~consolidating and reporting results from remote sites to the central location.~~

29 *[Relocated from 43.1.2, with amendments]*

30 ~~1.1.11~~1.1.11 “DUPLICATED BALLOT” MEANS A BALLOT FOR WHICH A TRUE COPY MUST BE
31 MADE FOR THE BALLOT TO BE PROPERLY PROCESSED AND COUNTED BECAUSE OF
32 DAMAGE, IMPROPER MARKING OR ANY ISSUE THAT WOULD PREVENT A BALLOT
33 TABULATING MACHINE FROM ACCURATELY COUNTING THE BALLOT.

34 *[Relocated from 27.1.4, with amendments]*

35 ~~1.1.12~~1.1.12 “ELECTION COMPLAINT” MEANS A COMPLAINT FILED WITH THE SECRETARY
36 OF STATE UNDER ARTICLES 1 THROUGH 13 OF TITLE 1, C.R.S.

1 ~~1.1.14~~1.1.13 “ELECTION OFFICIAL” MEANS THE DESIGNATED ELECTION OFFICIAL, HIS OR
2 HER DEPUTY OR DESIGNEE, ELECTION STAFF, SECRETARY OF STATE STAFF, AND
3 ELECTION JUDGES.

4 ~~1.1.13~~1.1.14 “ELECTION SETUP RECORDS” MEANS THE ELECTRONIC RECORDS, OFTEN IN
5 THE FORM OF A DATABASE OR A SET OF DATABASES, GENERATED BY ELECTION
6 ~~TABULATION~~ SOFTWARE TO CREATE AND DEFINE BALLOTS, TABULATION
7 INSTRUCTION, AND OTHER FUNCTIONS RELATED TO THE ELECTION.

8 *[Relocated from 11.1.2, with amendments]*

9 ~~1.1.14~~1.1.15 “ELECTION SOFTWARE” MEANS THE SOFTWARE FOR ELECTION EQUIPMENT
10 OR COMPUTERS THAT CONTROLS ELECTION SETUP VOTE RECORDING, VOTE
11 TABULATION, AND REPORTING.

12 *[Relocated from 11.1.4, with amendments]*

13 ~~1.1.15~~1.1.16 “ELECTRONIC BALLOT” MEANS A NON-PAPER BALLOT SUCH AS ON A TOUCH
14 SCREEN OR THROUGH AUDIO FEEDBACK. AFTER A VOTER CASTS AN ELECTRONIC
15 BALLOT, THE VOTER’S CHOICES MUST BE:

- 16 (A) MARKED AND PRINTED ON A PAPER BALLOT FOR SUBSEQUENT COUNTING BY
17 A PAPER BALLOT SCANNING DEVICE; OR
- 18 (B) DIGITALLY RECORDED AND COUNTED BY THE TOUCH SCREEN DEVICE,
19 COMMONLY REFERRED TO AS A DIRECT ~~RECORDING~~—RECORDING
20 ELECTRONIC (DRE) DEVICE.

21 *[Relocated from 11.1.6, with amendments]*

22 ~~1.1.16~~1.1.17 “ELECTRONIC TRANSMISSION” MEANS:

- 23 (A) FOR THE PURPOSE OF SENDING AN UNVOTED BALLOT:
- 24 (1) TO A MILITARY OR OVERSEAS ELECTOR UNDER ARTICLE 8.3 OF TITLE
25 1, C.R.S., ~~TO THE ELECTOR~~—FAX, EMAIL, OR ONLINE BALLOT
26 DELIVERY.
- 27 (2) TO AN ELECTOR REQUESTING A REPLACEMENT FOR A MEDICAL
28 EMERGENCY UNDER SECTION 1-7.5-115, C.R.S., FAX OR EMAIL.
- 29 (B) FOR THE PURPOSE OF RETURNING A VOTED BALLOT TO THE COUNTY CLERK
30 ~~AND RECORDER~~—FAX ~~AND OR~~ EMAIL.

31 *[Relocated from 25.2.1 and 42.2, with amendments]*

32 ~~1.1.17~~1.1.18 “ELECTRONIC VOTING DEVICE” MEANS A DEVICE BY WHICH VOTES ARE
33 RECORDED ELECTRONICALLY, INCLUDING A TOUCH SCREEN SYSTEM.

[Relocated from 11.1.7, with amendments]

~~1.1.18~~ 1.1.19 “FIRMWARE” MEANS COMPUTER PROGRAMS, STORED ON READ-ONLY MEMORY DEVICES OR OTHER ELECTRONIC CIRCUITRY IN VOTING DEVICES, THAT CONTROL THE BASIC OPERATION AND FUNCTION OF THOSE DEVICES.

[Relocated from 11.1.8, with amendments]

~~1.1.19~~ 1.1.20 “HELP AMERICA VOTE ACT COMPLAINT” OR “HAVA COMPLAINT” MEANS A COMPLAINT FILED WITH THE SECRETARY OF STATE UNDER TITLE III OF THE HELP AMERICA VOTE ACT (HAVA) AND ARTICLE 1.5 OF TITLE 1, C.R.S.

~~1.1.20~~ 1.1.21 “IMMEDIATE VOTING AREA” MEANS THE AREA THAT IS WITHIN SIX FEET OF THE VOTING EQUIPMENT, VOTING BOOTHS, AND THE BALLOT BOX.

[Relocated from 8.6.1, with amendments]

~~1.1.21~~ 1.1.22 “INACTIVE STATUS” MEANS A RESTRICTION A COUNTY CLERK ~~AND RECORDER~~ PLACES ON AN ELECTOR’S RECORD IF THE UNITED STATES POSTAL SERVICE RETURNS A MAIL BALLOT, ~~VOTER INFORMATION CARD~~, OR CONFIRMATION CARD TO THE COUNTY ~~CLERK AND RECORDER~~ AS UNDELIVERABLE.

[Relocated from 2.20.1 d, with amendments]

~~1.1.22 “LOGIC AND ACCURACY TEST” OR “LAT” MEANS A STEP-BY-STEP DOCUMENTED REVIEW OF A VOTING DEVICE’S ABILITY, PRIOR TO USE IN ANY ELECTION, TO ACCURATELY PRODUCE VOTER CHOICES FOR THE CANDIDATES AND BALLOT MEASURES IN AN ELECTION. THE LOGIC AND ACCURACY TEST MUST FULFILL THE REQUIREMENTS OF THE PUBLIC TEST DESCRIBED IN SECTION 1-7-509 (2), C.R.S.~~

[Relocated from 11.1.9, with amendments]

~~1.1.23~~ 1.1.23 “MANUAL ENTRY COUNTY” MEANS A COUNTY THAT DOES NOT USE AN ELECTION MANAGEMENT SYSTEM TO EXPORT DATA TO THE ELECTION NIGHT RESULTS SYSTEM.

~~1.1.24 1.1.24 “MEDIA OBSERVER” MEANS AN OBSERVER WITH VALID AND CURRENT MEDIA CREDENTIALS.~~

[Relocated from 8.1.3, with amendments]

~~1.1.25~~ 1.1.24 “OFFICIAL OBSERVER” MEANS EITHER AN OBSERVER APPOINTED BY THE SECRETARY OF STATE OR AN OBSERVER APPOINTED BY THE FEDERAL GOVERNMENT AND APPROVED BY THE SECRETARY OF STATE. OFFICIAL OBSERVERS MAY BE PRESENT IN ALL PHASES OF THE ELECTION PROCESS, BUT ARE SUBJECT TO RULES AND REGULATIONS AS PRESCRIBED BY THE SECRETARY OF STATE AND PERFORM DUTIES AS MAY BE ASSIGNED BY THE SECRETARY OF STATE.

1 *[Relocated from 8.1.1]*

2 ~~1.1.26~~ 1.1.25 “OVERVOTE” MEANS ~~A RACE OR BALLOT MEASURE~~ AN INSTANCE WHERE
3 THE VOTER MARKED VOTES FOR MORE THAN THE MAXIMUM NUMBER OF
4 CANDIDATES OR RESPONSES FOR A BALLOT MEASURE ALLOWED.

5 *[Relocated from 27.1.6, with amendments]*

6 ~~1.1.27~~ 1.1.26 “QUALIFIED POLITICAL ORGANIZATION” MEANS AN ORGANIZATION THAT
7 HAS PLACED A CANDIDATE FOR CONGRESSIONAL OR STATE OFFICE ON THE BALLOT
8 IN A CONGRESSIONAL VACANCY OR GENERAL ELECTION, WHOSE OFFICERS HAVE
9 FILED PROOF OF ORGANIZATION WITH THE SECRETARY OF STATE, AND THAT
10 CONTINUES TO MEET THE REQUIREMENTS OF RULES 3.3 AND 3.4. [*BAER V. MEYER*,
11 728 F.2D 47 (10TH CIR. 1984)]

12 *[Relocated from 3.1, with amendments]*

13 ~~1.1.28~~ 1.1.27 “RELATED TO THE SECOND DEGREE” MEANS SPOUSE, CIVIL UNION PARTNER,
14 PARENTS, CHILDREN, BROTHERS AND SISTERS, GRANDPARENTS, AND
15 GRANDCHILDREN RELATED BY BLOOD OR MARRIAGE.

16 *[Relocated from 42.10, with amendments]*

17 ~~43.1.4~~ ~~20.1.6~~ 1.1.28 “Removable card or cartridge” means ~~any~~ A programming card or
18 cartridge, except a voter activation card, that stores firmware, software, or data.

19 *[Relocated from 43.1.4, with amendments]*

20 ~~1.1.29~~ 1.1.29 “SCORE” MEANS THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM
21 AND THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST DESCRIBED IN
22 PART 3 OF ARTICLE 2 OF TITLE 1.

23 ~~43.1.5~~ ~~20.1.7~~ 1.1.30 “Seal” means a serial-numbered tamper-evident device that
24 ~~indicates a seal is broken or removed~~, IF BROKEN OR MISSING, INDICATES THAT THE
25 CHAIN OF CUSTODY IS BROKEN AND A DEVICE IS NOT SECURE.

26 *[Relocated from 43.1.5, with amendments]*

27 ~~1.1.30~~ 1.1.31 “Statement of Ballots Form” means the form used at the polling location
28 that accounts for all ballots at that location and includes all information required
29 by ~~this rule~~ RULE 10.

30 *[Relocated from 41.1.3, with amendments]*

31 ~~1.1.31~~ 1.1.32 “TARGET AREA” MEANS:

32 (A) ~~THE SQUARE OR OVAL OPPOSITE THE CANDIDATE’S NAME OR BALLOT~~
33 ~~RESPONSE ON A PAPER BALLOT; OR~~

(B) THE SQUARE, OVAL, INCOMPLETE LINE, OR INCOMPLETE ARROW OPPOSITE CORRESPONDING TO THE CANDIDATE'S NAME OR BALLOT RESPONSE (EXAMPLES: "YES", "NO", "FOR" OR "AGAINST") ON AN OPTICAL SCAN BALLOT A PAPER BALLOT.

[Relocated from 27.1.8, with amendments]

38.1.2 20.1.8 1.1.33 "Teleprocessing lines" means secure, dedicated communication transmission facilities used for the purpose of transferring elector data between Vote Centers VOTER SERVICE AND POLLING CENTER and a centralized computerized pollbook maintained by the county clerk and recorder ACCESSING SCORE, to ensure the security and integrity of voting information so that no deviation can go undetected.

[Relocated from 38.1.2, with amendments]

43.1.6 20.1.9 1.1.34 "Trusted build" means the write-once installation disk or disks for software and firmware for which the Secretary of State or his/her agent has established the chain of evidence to the building of a the disk(s), which is then used to establish and/or re-establish the chain of custody CHAIN-OF-CUSTODY of any component of a voting system that contains newly installed firmware or software. The trusted build is the origin of the chain of evidence for any software and firmware component of the voting system.

[Relocated from 43.1.6, with amendments]

1.1.32 1.1.35 "UNDERVOTE" MEANS A RACE OR BALLOT MEASURE AN INSTANCE WHERE THE VOTER MARKED VOTES FOR FEWER THAN THE MAXIMUM NUMBER OF CANDIDATES OR RESPONSES FOR A BALLOT MEASURE ALLOWED.

[Relocated from 27.1.7, with amendments]

43.1.7 20.1.10 1.1.36 "Video security surveillance recording" means video monitoring by a device that continuously records a designated location or a system using motion detection that records one frame, or more, per minute until detection of motion triggers continuous recording.

[Relocated from 43.1.7]

1.1.33 1.1.37 "VOTING SYSTEM" AS DEFINED IN 1-1-104(50.8), C.R.S., MEANS:

(A) THE TOTAL COMBINATION OF MECHANICAL, ELECTROMECHANICAL, OR ELECTRONIC EQUIPMENT (INCLUDING THE SOFTWARE, FIRMWARE, AND DOCUMENTATION REQUIRED TO PROGRAM, CONTROL, AND SUPPORT THE EQUIPMENT) THAT IS USED TO:

(1) DEFINE BALLOTS;

- (2) CAST AND COUNT VOTES;
- (3) REPORT OR DISPLAY ELECTION RESULTS; AND
- (4) MAINTAIN AND PRODUCE ANY AUDIT TRAIL INFORMATION; AND

(B) THE PRACTICES AND ASSOCIATED DOCUMENTATION USED TO:

- (1) IDENTIFY SYSTEM COMPONENTS AND VERSIONS OF SUCH COMPONENTS;
- (2) TEST THE SYSTEM DURING ITS DEVELOPMENT AND MAINTENANCE;
- (3) MAINTAIN RECORDS OF SYSTEM ERRORS AND DEFECTS;
- (4) DETERMINE SPECIFIC SYSTEM CHANGES TO BE MADE TO A SYSTEM AFTER THE INITIAL QUALIFICATION OF THE SYSTEM; AND
- (5) MAKE AVAILABLE ANY MATERIALS TO THE VOTER (SUCH AS NOTICES, INSTRUCTIONS, FORMS, OR PAPER BALLOTS).

(6-C) “VOTING SYSTEM” AS DEFINED IN 1-1-104(50.8), C.R.S., DOES NOT INCLUDE ANY OTHER COMPONENT OF ELECTION ADMINISTRATION, SUCH AS, VOTER REGISTRATION APPLICATIONS OR SYSTEMS, ELECTRONIC POLLBOOKS, BALLOT DELIVERY AND RETRIEVAL SYSTEMS, SIGNATURE VERIFICATION AND BALLOT SORTING DEVICES, BALLOT ON DEMAND PRINTERS, ELECTION NIGHT REPORTING AND OTHER ELECTION REPORTING SYSTEMS, AND OTHER COMPONENTS USED THROUGHOUT THE ELECTION PROCESS THAT DO NOT CAPTURE AND TABULATE VOTES.

1.1.34-1.1.38 “VVPAT” HAS THE SAME MEANING AS IN SECTION 1-1-104 (50.6), C.R.S.

[Relocated from 11.1.3, with amendments]

1.1.35-1.1.39 “WATCHER” HAS THE SAME MEANING AS IN SECTION 1-1-104(51), C.R.S. ~~MEANS AN ELIGIBLE ELECTOR, OTHER THAN A CANDIDATE ON THE BALLOT, SELECTED BY A POLITICAL PARTY CHAIRPERSON ON BEHALF OF THE POLITICAL PARTY, BY A PARTY CANDIDATE AT A PRIMARY OR RECALL ELECTION, BY AN UNAFFILIATED CANDIDATE AT A GENERAL, CONGRESSIONAL VACANCY, NONPARTISAN, OR RECALL ELECTION, OR BY A PERSON DESIGNATED BY EITHER THE OPPONENTS OR PROPONENTS IN THE CASE OF REGISTERED ISSUE COMMITTEE SUPPORTING OR OPPOSING A BALLOT ISSUE OR BALLOT QUESTION. IF SELECTED BY A POLITICAL PARTY CHAIRPERSON, A PARTY CANDIDATE, OR AN UNAFFILIATED CANDIDATE, THE WATCHER MUST BE AFFILIATED WITH THAT POLITICAL PARTY OR UNAFFILIATED AS SHOWN ON THE REGISTRATION BOOKS OF THE COUNTY CLERK AND RECORDER.~~

- (A) A WATCHER MAY BE APPOINTED FOR A RECALL ELECTION IN THE SAME

1 MANNER AS IN A PRIMARY ELECTION.

2 (B) FOR THE PURPOSE OF APPOINTING A WATCHER, THE PROPONENT OR
3 OPPONENT OF A BALLOT ~~ISSUE OR BALLOT QUESTION MEASURE~~ MEANS A
4 REGISTERED ISSUE COMMITTEE SUPPORTING OR OPPOSING THE BALLOT
5 ~~ISSUE OR BALLOT QUESTION MEASURE~~.

6 (C) A DESIGNATED WATCHER NEED NOT BE A RESIDENT OF THE COUNTY HE OR
7 SHE IS DESIGNATED IN AS LONG AS HE OR SHE IS AN ELIGIBLE ELECTOR IN
8 THE STATE OF COLORADO. ~~[SECTION 1-1-104(51, C.R.S.)]~~

9 *[Relocated from 8.9.1 and 8.1.2, with amendments]*

10 ~~1.1.36-1.1.40~~ “WRITE-IN VOTE” MEANS A VOTE WHERE THE VOTER PHYSICALLY WRITES
IN THE NAME OF A ~~LEGALLY~~ QUALIFIED WRITE-IN CANDIDATE IN THE SPACE
RESERVED ON THE BALLOT FOR WRITE-IN VOTES AND PROPERLY MARKS THE
TARGET AREA ACCORDING TO VOTER INSTRUCTIONS.

11 ~~1.1.37-1.1.41~~ “ZERO TAPE” MEANS A PRINTOUT OF THE INTERNAL DATA REGISTERS IN
15 ELECTRONIC VOTE-TABULATING EQUIPMENT INDICATING A ~~VALUE OF ZERO~~ ZERO
16 VALUE BEFORE VOTING BEGINS ON THAT MACHINE.

17 *[Relocated from 11.1.6, with amendments]*

18 **Rule 2. Rules Concerning Voter Registration**

19 ~~2.20.2 2.1~~ Effect of voter registration status designation

20 a. ~~2.1.1~~ A COUNTY CLERK AND RECORDER MUST LIST THE NAME OF SEND A MAIL
21 BALLOT TO EVERY active status or active record voters’ ELECTOR names
22 will appear on LISTED IN SCORE. the poll book POLLBOOK, they will be
23 sent a ballot in AND SEND HIM OR HER a mail ballot election, and they will
24 be sent election NOTICES. notice mailings.

25 b. ~~2.1.2~~ A COUNTY CLERK AND RECORDER MUST ENSURE THAT THE NAME OF EVERY
26 cancelled status or cancelled record voters’ records will remain ELECTOR
27 APPEARS in the statewide voter registration database however, SCORE
28 BUT their names will not appear on the poll book POLLBOOK. They THE
29 COUNTY CLERK AND RECORDER will MAY not be sent SEND a MAIL ballot in
30 a mail ballot election, and they will not be sent OR election notice mailings
31 NOTICES TO AN ELECTOR WHOSE RECORD IS LISTED AS CANCELLED IN
32 SCORE ELECTORS.

33 c. ~~2.1.3~~ Inactive failed to vote status voters STATUS ELECTORS are eligible voters
34 their ELECTORS WHOSE names will appear on the poll book POLLBOOK and
35 they will be sent election notice mailings BUT THE THE COUNTY CLERK
36 AND RECORDER MAY NOT SEND A MAIL BALLOT TO AN ELECTOR WHOSE
37 RECORD IS LISTED AS INACTIVE IN SCORE UNTIL THE ELECTOR UPDATES HIS

there is case law requiring that voter intent be determined and target area does not have to be completed to be defined as write in vote.

OR HER REGISTRATION INFORMATION ELECTORS. Inactive failed to vote voters will be sent a ballot in a mail ballot election where specifically required by sections 1-7.5-107 and 1-7.5-108.5(b), C.R.S.

d. Inactive returned mail status or inactive undeliverable status voters are eligible voters and their names will appear on the poll book. However, they will not be sent ballots in a mail ballot election and they will not be sent election notice mailings.

e. Inactive undeliverable ballot status voters are eligible voters and their names will appear on the poll book. However, they will not be sent a ballot in a mail ballot election and they will not be sent election notice mailings.

2.8-2.2-2.1 Submission of voter registration forms

2.2-1-2.1.1 A-AN APPLICANT MAY SUBMIT A properly executed voter registration form may be submitted to the county clerk and recorder in person, by mail, by fax, by online voter registration, or as a scanned AN EMAIL attachment. to an email.

2.8-1-2.2-2.1.2 All voter registrations APPLICATIONS submitted by mail, fax, or as a PDF AN EMAIL attachment to an email shall be treated as ARE mail registrations. [Section 1-2-501, C.R.S., Election Rule 30.3]

2.8-2-2.2-3-2.1.3 If any portion of a MAIL APPLICATION voter registration submitted by "mail" is illegible, the county clerk and recorder shall MUST notify the applicant of the additional information required in accordance with section 1-2-509, C.R.S.

2.8-3-2.2-4-2.1.4 For the purpose of submitting voter registration applications by fax, email, or online voter registration, close of business shall be IS 11:59pm MT.

2.2-5-2.1.5 UNDER SECTION 1-5-509-1-2-508, C.R.S., THE EFFECTIVE DATE OF A VOTER REGISTRATION APPLICATION RECEIVED BY THE SECRETARY SECRETARY OF STATE STATE IS THE EARLIER OF THE DATE THE APPLICATION IS RECEIVED OR THE DATE OF THE LEGIBLE POSTMARK.

2.2-6-2.1.6 IF A COUNTY CLERK AND RECORDER RECEIVES A PAPER VOTER REGISTRATION APPLICATION OTHER THAN IN-PERSON BETWEEN 21 AND 7 DAYS BEFORE ELECTION DAY, THE COUNTY CLERK MUST SEND THE APPLICANT NOTIFICATION BY REGULAR MAIL, OR EMAIL IF PROVIDED, WITHIN ONE BUSINESS DAY AFTER RECEIVING THE APPLICATION STATING THAT THE APPLICANT IS REGISTERED TO VOTE APPLICATION IS RECEIVED BUT THE APPLICANT WILL NOT RECEIVE A BALLOT BY MAIL. THE NOTICE MUST STATE THAT, IF THE APPLICANT WISHES TO VOTE IN THE UPCOMING ELECTION, THE APPLICANT MUST EITHER REGISTER.

(A) ~~ONLINE VIA~~ THROUGH THE ONLINE VOTER REGISTRATION SYSTEM ON OR BEFORE THE EIGHTH DAY BEFORE ELECTION DAY, OR

(B) ~~IN~~ IN-PERSON AT THE COUNTY CLERKS AND RECORDER'S OFFICE OR AT A VOTER SERVICE AND POLLING CENTER THROUGH ELECTION DAY, ~~WHICHEVER IS APPLICABLE.~~

[Current Rule 2.8 is amended and moved to new Rule 2.1. Amendments are shown above. Portions of current Rule 2.14 are included in new Rule 2.1.5.]

~~2.32.2~~ FOR ~~THE~~ PURPOSES OF PRECINCT CAUCUS LISTS AND REGISTRATION LISTS FOR MUNICIPAL OR SPECIAL DISTRICT ELECTIONS, THE ELECTOR'S LENGTH OF RESIDENCY ~~REQUIREMENT~~ IS BASED UPON THE DATE PROVIDED BY THE ELECTOR ON HIS OR HER APPLICATION.

~~2.3.12.2.1~~ THE COUNTY CLERK ~~AND RECORDER MUST~~ ENTER THE DATE PROVIDED BY THE ELECTOR IN THE REGISTRATION RECORD MAINTAINED IN ~~THE STATEWIDE VOTER REGISTRATION SYSTEM SCORE.~~ [SECTIONS 1-3-101, ~~AND~~ 31-10-201, ~~AND~~ 32-1-103(5), C.R.S.]

~~2.3.22.2.2~~ IF THE ELECTOR SUBMITS AN APPLICATION AND DOES NOT INCLUDE THE DATE HE OR SHE MOVED, THE COUNTY CLERK MUST ENTER THE DATE THE APPLICATION IS RECEIVED OR POSTMARKED, WHICHEVER IS EARLIER, AS THE DATE MOVED. ~~BUT IF~~ IF THE ELECTOR SUBMITS THE APPLICATION DURING THE 22 DAYS BEFORE AN ELECTION AND DOES NOT PROVIDE THE DATE HE OR SHE MOVED, THE COUNTY CLERK MUST ENTER THE DATE MOVED AS THE 22ND DAY BEFORE THE ELECTION BASED UPON THE AFFIDAVIT.

~~2.42.3~~ IDENTIFICATION REQUIRED FROM AN APPLICANT FOR VOTER REGISTRATION—WHEN AN ELECTOR REGISTERS TO VOTE, THE ELECTOR MUST PROVIDE A VERIFIABLE DRIVER'S LICENSE OR STATE IDENTIFICATION CARD NUMBER, OR LAST FOUR DIGITS OF HIS OR HER SOCIAL SECURITY NUMBER. IF THE ELECTOR STATES THAT HE OR SHE DOES NOT HAVE A DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER, THE COUNTY CLERK MUST REGISTER THE ELECTOR AND MARK THE REGISTRATION RECORD "ID REQUIRED".

~~2.4.1~~ AN APPLICANT FOR VOTER REGISTRATION MUST COMPLETE THE IDENTIFICATION NUMBER PORTION OF THE APPLICATION FOR VOTER REGISTRATION. BUT AN APPLICANT REGISTERING TO VOTE IN PERSON IS NOT REQUIRED TO SHOW OR PRESENT A COLORADO DRIVER'S LICENSE OR ID IF HE OR SHE PROVIDES A VERIFIABLE DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER THAT VERIFIES IN SCORE.

(A) ~~IF THE APPLICANT CANNOT PROVIDE A VERIFIABLE DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER THAT VERIFIES IN SCORE, THE APPLICANT MUST SHOW IDENTIFICATION UNDER SECTION 1-1-104(19.5), C.R.S., WHEN REGISTERING TO VOTE, PROVIDE IDENTIFICATION WHEN VOTING IN PERSON, OR PROVIDE A COPY OF IDENTIFICATION WHEN RETURNING THE MAIL BALLOT.~~

1 ~~2.4.22.3.1~~ AS USED IN SECTION 1-1-104(19.5), C.R.S., GOVERNMENT DOCUMENT
2 MEANS ~~ANY~~ A DOCUMENT ISSUED BY A ~~LOCAL~~, CITY, COUNTY, STATE OR FEDERAL
3 GOVERNMENT, ~~INCLUDING~~.

4 (A) A GOVERNMENT DOCUMENT INCLUDES:

5 The rule should state that a
6 government issued
document should be one
7 issued for the purpose of
8 identification. [not merely a
9 piece of mail.] Utility bill
10 should be defined as
electric, gas, water.

(B-1) A CERTIFICATE OF DEGREE OF INDIAN OR ALASKAN NATIVE BLOOD;

(C-2) A LETTER FROM THE DIRECTOR OR ADMINISTRATOR OF A GROUP RESIDENTIAL FACILITY THAT INDICATES THAT THE ELECTOR IS A RESIDENT OF THE FACILITY AND THAT HE OR SHE RESIDES AT THE STREET ADDRESS LISTED IN ~~THE POLLBOOK SCORE~~; OR

(D-3) A DIVISION OF YOUTH CORRECTIONS IDENTIFICATION CARD ISSUED BY DEPARTMENT OF HUMAN SERVICES.

(B) A GOVERNMENT DOCUMENT DOES NOT INCLUDE ANY DOCUMENT PRODUCED BY THE SCORE SYSTEM OR USING AN ADDRESS LABEL PRODUCED BY SCORE.

[SECTIONS 1-1-104(18.5), (19.5)(C), AND (19.5)(D), C.R.S.]

17 ~~2.4.32.3.3~~ AS USED IN SECTION 1-1-104(19.5)(A)(VII), C.R.S., CURRENT MEANS THAT
18 THE DATE OF THE DOCUMENT IS WITHIN 60 DAYS OF THE DATE SUBMITTED FOR
19 IDENTIFICATION PURPOSES UNLESS THE DOCUMENT STATES A LONGER BILLING
20 CYCLE.

21 ~~2.4.4~~ A SUSPENDED DRIVER'S LICENSE IS CONSIDERED CURRENT AND VALID. A REVOKED
22 OR EXPIRED LICENSE IS NOT CONSIDERED CURRENT AND VALID AND IS NOT
23 ACCEPTABLE.

24 *[Portions of current Rules 30.1.6(g), 30.1.7, 30.2.2, and 30.8 are included in new Rule 2.3.]*

25 ~~2.7~~ ~~2.5~~ 2.4 Treatment of applications where the ELECTOR FAILS TO PROVIDE required information
26 was not provided

32 7.1 ~~2.5~~ 2.4.1 If an applicant fails to check the box ~~(es)~~ answering the question
(s), "Are you a citizen of the United States?" or "Will you be 18 years of age on
or before election day?", the COUNTY CLERK ~~AND RECORDER~~ MUST ACCEPT AND
PROCESS THE form ~~shall be accepted for registration~~ APPLICATION AS COMPLETE SO
long as it is otherwise complete and the affirmation at the bottom of the form is
signed.

33 2.7.2 ~~2.5~~ 2.4.2 If an applicant ~~for voter registration~~ fails to complete the required
34 identification portion of the form in accordance with section 1-2-204(2)(f.5) and
35 (3)(c), C.R.S., ~~and rule 2.6.3~~, the COUNTY CLERK MUST TREAT THE application
36 ~~shall be treated as INCOMPLETE. "incomplete"; however, BUT~~ if the applicant

1 submits a photocopy of his/her HIS OR HER driver's license or identification card,
2 then the county CLERK ~~may~~ MUST enter the ID number from the card into the
3 applicant's record and ~~consider~~ PROCESS the application AS COMPLETE
4 "complete".

5 ~~2.7.3~~ ~~2.5.32.4.3~~ If an applicant ~~for voter registration~~ fails to provide a date of birth
6 the COUNTY CLERK MUST TREAT THE application ~~shall be treated as~~ INCOMPLETE
7 "~~incomplete~~"; ~~however, BUT~~ if the applicant submits a photocopy of his/her HIS
8 OR HER driver's license or other approved form of ID ~~which~~ THAT includes the
9 date of birth, then the county CLERK ~~may~~ MUST enter that information into the
10 applicant's record and ~~consider~~ PROCESS the application AS COMPLETE
11 "complete".

12 *[Current Rule 2.7 is amended and moved to new Rule 2.4. Amendments are shown above.]*

13 ~~2.10~~ ~~2.62.5~~ Changes to an Elector's Voter Registration Record

14 ~~2.10.1~~ ~~2.6.12.5.1~~ If an elector submits a change to his or her voter registration record
15 ~~that does not contain all of~~ AND FAILS TO INCLUDE the information required by
16 sections 1-2-216 or 1-2-219, C.R.S., the county clerk ~~and recorder~~ ~~may~~ MUST not
17 make the requested change, unless the county clerk ~~and recorder~~ can confidently
18 identify the voter. ~~otherwise the~~ THE county clerk ~~and recorder~~ ~~shall~~ MUST notify
19 the voter ~~what OF THE~~ additional information ~~THAT~~ is required to process the
20 request.

21 ~~2.10.2~~ ~~2.6.22.5.2~~ If an elector submits a change to his or her voter registration record
22 and writes or selects a name of an organization that is not a qualified political
23 party or qualified political organization, or writes "none", the elector's affiliation
24 ~~shall~~ MUST be recorded as "Unaffiliated".

25 ~~2.10.3~~ ~~2.6.32.5.3~~ If an elector submits a change to his or her voter registration record
26 and leaves the affiliation section blank, THE COUNTY CLERK MUST MAKE no change
27 ~~will be made~~ to the voter's affiliation in the registration record.

28 ~~2.6.42.5.4~~ WHEN THE COUNTY CLERK ~~AND RECORDER~~ PROVIDES A LIST OF ACTIVE
29 ELIGIBLE ELECTORS TO A ~~MUNICIPAL~~ MUNICIPALITY OR SPECIAL DISTRICT FOR AN
30 ELECTION NOT COORDINATED WITH THE COUNTY, THE COUNTY CLERK ~~AND~~
31 ~~RECORDER~~ MUST REQUEST THE DESIGNATED ELECTION OFFICIAL OF THE
32 MUNICIPALITY OR SPECIAL DISTRICT PROVIDE THE VOTE HISTORY INFORMATION
33 FOLLOWING THE ELECTION. ~~WITHIN TEN DAYS~~ AS SOON AS FEASIBLE AFTER
34 RECEIVING THE INFORMATION, THE COUNTY CLERK ~~MUST~~ ~~ACTIVATE VOTER~~
35 ~~RECORDS AND REMOVE THE ID REQUIRED FLAGS IN SCORE~~ FROM THE RECORD OF
36 EACH PERSON WHO VOTED, AS PROVIDED IN SECTION 1-2-605(4)(B), C.R.S.

37 *[Current Rule 2.10 is amended and moved to new Rule 2.5. Amendments are shown above.]*

38 ~~2.11~~ ~~2.72.6~~ Changes to an elector's voter registration status.

~~2.11.1~~ ~~2.7.12.6.1~~ An elector may update his or her inactive registration status to active status by submitting:

- (a) A signed written request, by mail, fax, or PDF attachment to an email;
- (b) An online voter registration application; or
- (c) An in-person request ~~with identification~~.

[Section 1-2-605(4)(a), C.R.S.]

~~2.11.2~~ ~~2.7.22.6.2~~ If an elector is unable to sign, another person must witness the elector's mark. An elector may use a signature stamp because of age, disability, or other need. The stamp is treated as a signature and does not require a witness.

[Current Rule 2.11 is amended and moved to new Rule 2.6. Amendments are shown above.]

~~2.21~~ ~~2.8.2.7~~ Minimum matching criteria

~~2.21.1~~ ~~2.8.12.7.1~~ ~~A record may~~ ~~THE EXCEPT AS PROVIDED IN SECTION 1-2-302.5, C.R.S., THE COUNTY CLERK AND RECORDER~~ MUST not ~~be transferred, consolidated, or cancelled~~ TRANSFER, CONSOLIDATE, OR CANCEL A VOTER REGISTRATION RECORD unless the minimum matching criteria as set forth in sections 1-2-603 and 1-2-604, C.R.S., are met. If the minimum matching criteria are not met the county CLERK MUST ~~may~~ send a letter to the voter requesting confirmation of the missing or non-matching information in order to transfer, consolidate, or cancel the record.

~~2.21.2~~ ~~2.8.22.7.2~~ ~~For the purpose of sections 1-2-603 and 1-2-604, C.R.S., and this Rule a~~ A match of the name ~~shall mean~~ MEANS a match of the full name, except that the following ~~shall be~~ ARE sufficient to establish a match:

- (a) Common variations and nicknames in the first or middle name, ~~ie~~ E.G., Michael and Mike;
- (b) Explainable and documented change of name, including last name, ~~ie~~ E.G., maiden name and married name; and
- (c) Explainable and documented variations in suffix, except that the absence of a suffix in one of the records ~~shall IS~~ not ~~be~~ considered a variation. Examples of suffix variations that must be explained include junior in one record and III in another.

~~2.21.3~~ ~~2.8.32.7.3~~ ~~For the purpose of sections 1-2-603 and 1-2-604, C.R.S., and this Rule a~~ A match of the prior address ~~shall mean~~ MEANS a match of the residential street address.

1 ~~2.21.4~~ ~~2.8.4~~ ~~2.7.4~~ The county clerk ~~and recorder~~ may use the DMV Motor Voter
2 database to verify prior name or residence address history for the purpose of
3 meeting the minimum matching criteria. The COUNTY CLERK MUST SCAN AND
4 RETAIN THE information ~~gathered must be scanned and retained~~ in the elector's
5 record ~~in order~~ to document how the criteria ~~was~~ WERE met.

6 *[Current Rule 2.21 is amended and moved to new Rule 2.7. Amendments are shown above.]*

7 ~~2.9.2.8~~ Registration of ~~Homeless Voters~~ ELECTORS WHO HAVE NO FIXED PERMANENT
8 HOME

9 ~~2.9.12.8.1~~ For the purpose of voter registration residence ~~a homeless voter may~~ AN
10 ELECTOR WHO HAS NO FIXED PERMANENT HOME MUST identify a specific location
11 within a precinct that the ~~voter~~ APPLICANT considers his OR HER home base.

12 (A) A HOME BASE IS A LOCATION THE APPLICANT ~~to which the voter returns~~ TO
13 regularly and ~~manifests an intent~~ INTENDS to remain, and a place ~~from~~
14 ~~which~~ WHERE he or she can receive messages and be contacted.

15 (B) A home base may include a homeless shelter, a homeless provider, a park,
16 a campground, a vacant lot, a business address, or any other physical
17 location.

18 (C) FOR AN ELECTOR WHOSE HOME IS IN FORECLOSURE, THE ELECTOR MAY
19 REGISTER TO VOTE OR REMAIN REGISTERED TO VOTE, AT THE FORECLOSED
20 ADDRESS UNTIL THE ELECTOR ESTABLISHES A NEW PERMANENT RESIDENCE.

21 ~~2.9.22.8.2~~ If the home base does not include a mailing address, THE APPLICANT ~~then~~
22 ~~the homeless voter~~ must provide a mailing address ~~pursuant to~~ IN ACCORDANCE
23 WITH section 1-2-204(2)(f), C.R.S.

24 ~~2.9.32.8.3~~ A post office box or general delivery at a post office ~~shall not be deemed~~
25 IS NOT a home base.

26 *[Current Rule 2.8 is amended as are shown above.]*

27 ~~2.10.2.9~~ A COUNTY CLERK ~~AND RECORDER~~ MAY CANCEL A REGISTRATION RECORD BASED
28 UPON INFORMATION FROM A LOCAL LAW ENFORCEMENT ~~ONLY~~ AGENCY ONLY IF:

29 ~~2.10.1~~ ~~2.9.1~~ THE INFORMATION STATES THAT THE INDIVIDUAL IS CURRENTLY SERVING A
30 SENTENCE OF INCARCERATION OR PAROLE FOR A FELONY CONVICTION; AND

31 ~~2.10.2~~ ~~2.9.2~~ MINIMUM MATCHING CRITERIA OUTLINED IN RULE ~~2.6~~ ~~2.5~~ ARE MET.

32 ~~2.16~~ ~~2.11~~ ~~2.10~~ An elector who has received notice that his or her application for registration may
33 not be processed or whose registration was cancelled because his or her name was
34 matched with a record bearing the same name, date of birth, and social security number
35 in the databases provided by Colorado Department of Corrections or Colorado

1 Department of Public Health and Environment, and who believes that the match was
2 erroneous, may request that his or her application be processed or registration be
3 reinstated if he or she:

4 a. ~~2.11.1-2.10.1~~ Appears in person at the office of the county clerk ~~and recorder~~ and
5 presents identification; or

6 b. ~~2.11.2-2.10.2~~ ~~Returns to the office of the county clerk and recorder a signed,~~
7 ~~notarized, and dated~~ SUBMITS A statement TO THE COUNTY CLERK affirming that he
8 or she THE APPLICANT believes the match was in error. THE APPLICANT MUST
9 INCLUDE HIS OR HER ~~This statement must contain the elector's~~ printed name,
10 residential address, and date of birth ON THE SIGNED, ~~AND~~ DATED, ~~AND NOTARIZED~~
11 STATEMENT.

12 *[Current Rule 2.16 is amended and moved to new Rule 2.10. Amendments are shown above.]*

13 ~~2.17-2.12-2.11~~ 20-DAY APPLICANTS UNDER SECTION 1-2-509(3), C.R.S.

14 ~~2.12.1-2.11.1~~ When a county clerk ~~and recorder~~ deems an applicant “not registered”
15 upon receipt of an undeliverable new voter notification in accordance with section
16 1-2-509(3), C.R.S., the ~~applicant shall be mailed~~ COUNTY CLERK MUST MAIL a
17 confirmation card ~~by forwardable mail~~. The confirmation card MUST MEET THE
18 REQUIREMENTS OF SECTION 1-1-104(2.8), C.R.S. ~~shall have a postage prepaid~~
19 ~~returnable portion that is preaddressed to the sending county clerk and recorder.~~

20 ~~2.17.1-2.12.2-2.11.2~~ If the ~~county clerk and recorder receives a~~ APPLICANT RETURNS THE
21 signed confirmation card within 90 days ~~from an applicant who was deemed “not~~
22 ~~registered” in accordance with section 1-2-509(3), C.R.S., the applicant shall be~~
23 ~~deemed registered as of the~~ THE COUNTY CLERK MUST REGISTER THE APPLICANT
24 USING THE date of the original application.

25 ~~2.17.2~~ During the 28 days prior to an election, if an applicant who has been deemed “not
26 registered” in accordance with section 1-2-509(3), C.R.S., completes a certificate
27 of registration and presents identification in person at the office of the county
28 clerk and recorder, the applicant shall be deemed registered as of the date of the
29 original application.

30 ~~2.12.3-2.11.3~~ DURING THE 22 DAYS BEFORE AN ELECTION, THE COUNTY CLERK ~~AND~~
31 ~~RECORDER~~ MUST DEFER PROCESSING UNDELIVERABLE ~~NEW VOTER~~ 20-DAY
32 NOTIFICATIONS. AFTER THE ELECTION IS CLOSED, THE CLERK MUST DEEM AN
33 APPLICANT “NOT REGISTERED” UNDER SECTION 1-2-509(3), C.R.S., ONLY IF THE
34 APPLICANT DID NOT VOTE IN THE ELECTION.

35 *[Current Rule 2.17 is amended and moved to new Rule 2.11. Amendments are shown above.]*

36 ~~2.4-2.13-2.12~~ Confidentiality of Agency in Voter Registration. VOTER REGISTRATION
37 CONFIDENTIALITY

~~2.13.1~~ 2.12.1 INFORMATION ABOUT THE NAME AND LOCATION OF AN AGENCY FOR AN APPLICATION COMPLETED AT A VOTER REGISTRATION AGENCY OR DRIVER'S LICENSE OFFICE IS CONFIDENTIAL. [42 USC §§ 1973GG-3(C)(2)(D)(III)]

[Portions of current Rule 2.4 are included in new Rule 2.12.1.]

~~2.13.2~~ 2.12.2 AN ELECTOR MAY REQUEST HIS OR HER VOTER REGISTRATION ADDRESS BE CONFIDENTIAL UNDER SECTION 24-72-204(3.5), C.R.S., IN PERSON.

(A) THE ELECTOR MUST USE THE APPLICATION PROVIDED BY THE SECRETARY OF STATE AND INCLUDE HIS OR HER NAME, ADDRESS, AND BIRTH DATE ON THE APPLICATION.

(B) THE COUNTY CLERK ~~AND RECORDER~~ MUST NOT CHARGE AN ADDITIONAL PROCESSING FEE IF THE ELECTOR CHANGES HIS OR HER ADDRESS.

[Portions of current Rule 2.5 are included in new Rule 2.12.2.]

~~2.13.3~~ 2.12.3 REGISTRATION OF ADDRESS CONFIDENTIALITY PROGRAM (ACP) ELECTORS

(A) WHEN AN ACP PARTICIPANT REGISTERS TO VOTE BY MAIL, THE ELECTOR MUST PROVIDE A COPY OF HIS/HER ACP AUTHORIZATION CARD.

(B) THE COUNTY CLERK ~~AND RECORDER~~ MUST:

(1) USE THE ACTUAL RESIDENCE ADDRESS OF THE ACP ELECTOR FOR PRECINCT DESIGNATION.

(2) USE THE SUBSTITUTE ADDRESS, AS DEFINED IN SECTION 24-30-2103(14), C.R.S., FOR ALL CORRESPONDENCE AND MAILINGS PLACED IN THE UNITED STATES MAIL.

(3) KEEP THE PARTICIPANT'S ADDRESS, COUNTY, AND VOTING PRECINCT AND SPLIT NUMBER CONFIDENTIAL FROM THE PUBLIC.

(C) A STATE OR LOCAL GOVERNMENT AGENCY MAY REQUEST ACCESS TO AN ACP PARTICIPANT'S VOTER REGISTRATION RECORD USING THE PROCESS IN SECTION 24-30-2110, C.R.S.

(D) EXCEPT AS SPECIFICALLY PROVIDED BY PART 21 OF ARTICLE 30 OF TITLE 24, C.R.S., A PROGRAM PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER IS NOT A PUBLIC RECORD UNDER PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

[Portions of current Rule 2.12 are included in new Rule 2.12.3.]

~~2.18~~ ~~2.14~~ 2.13 List Maintenance Pursuant to UNDER section 8 of the National Voter Registration Act of 1993

~~2.18.1 2.14.1 2.13.1~~ When THE UNITED STATES POSTAL SERVICE RETURNS ~~a voter information card~~ A NEW VOTER NOTIFICATION or confirmation card is returned TO THE COUNTY CLERK as undeliverable, or PROVIDES THE CLERK WITH a postcard notice of mail forwarding ~~is provided by the United States Postal Service to the county clerk and recorder~~, the county clerk ~~and recorder~~ shall MUST mark the voter's record "Inactive – returned mail" and shall mail a confirmation card. Where a confirmation card sent under this rule is returned as undeliverable, the county is not required to mail another card.

~~2.18.2 2.14.2 2.13.2~~ National Change of Address (NCOA). ~~Counties may utilize the NCOA to send mailings to electors who may have moved to request that the electors update their voter registration records. However, no county may update the registration address of any registration record or change the status of an elector to "inactive" based solely upon the information provided by NCOA. THE SECRETARY OF STATE WILL PROVIDE MONTHLY NATIONAL CHANGE OF ADDRESS (NCOA) DATA UNDER SECTION 1-2-302.5, C.R.S., TO THE COUNTY CLERK BY THE FIFTH OF EACH MONTH.~~

(A) THE COUNTY MUST PROCESS THE DATA TO UPDATE REGISTRATION RECORDS AND SEND NOTIFICATIONS IN ACCORDANCE WITH SECTION 1-2-302.5, C.R.S., BY THE END OF EACH MONTH.

(1) THE COUNTY MAY NOT AUTOMATICALLY UPDATE A VOTER REGISTRATION RECORD DURING THE 60 DAYS BEFORE ANY ELECTION CONDUCTED BY THE COUNTY CLERK ~~AND RECORDER~~ UNDER TITLE 1, C.R.S.

(2) IF THE NCOA DATA INDICATES THAT AN ELECTOR HAS MOVED OUT OF THE COUNTY OR STATE, THE RECORD IS MARKED INACTIVE, AND THE COUNTY HAS SENT A CONFIRMATION CARD UNDER SECTION 1-2-605, C.R.S., THE COUNTY IS NOT REQUIRED TO MAIL ANOTHER CONFIRMATION CARD.

(B) WHEN THE COUNTY UPDATES A VOTER REGISTRATION RECORD USING NCOA DATA, THE COUNTY MUST USE THE NCOA TRANSACTION SOURCE.

~~2.18.3 2.14.3 2.13.3~~ In accordance with section 1-2-605(7), C.R.S., no later than 90 days following a General Election, the county clerk ~~and recorder~~ in each county shall MUST cancel ~~only~~ the registrations of electors who have met the following requirements:

~~a.~~(A) Whose records have been marked "Inactive – returned mail", "~~inactive~~ INACTIVE – undeliverable", ~~or~~ "Inactive – undeliverable ballot", OR INACTIVE – NCOA";

~~b.~~(B) Who have been mailed a confirmation card; and

~~c.~~(C) Who have since failed to vote in two consecutive General elections.

1 ~~2.14.4~~2.13.4 AN ELECTOR WHOSE REGISTRATION RECORD WAS CANCELLED DURING THE
2 PREVIOUS SIX YEARS UNDER SECTION 1-2-605(7), C.R.S., AND ~~RULE 2.12.2~~ RULE
3 2.11.2, MAY REQUEST REINSTATEMENT OF THE RECORD. THE ELECTOR MUST
4 ~~PROVIDE PROOF~~ AFFIRM THAT HE OR SHE HAS CONTINUOUSLY RESIDED AT THE
5 ADDRESS SHOWN ON THE REGISTRATION RECORD SINCE THE RECORD WAS
6 CANCELLED.

7 ~~2.22~~ ~~2.14.5~~2.13.5 ~~Effective January 1, 2012, no~~ NO county may consolidate or cancel
8 duplicate records in accordance with section 1-2-604, C.R.S., within the period
9 beginning 90 days ~~prior to~~ BEFORE a Primary or General Election.

10 *[Current Rule 2.22 is amended and moved to new Rule 2.13. Amendments are shown above.]*

11 ~~2.15~~2.14 VOTER REGISTRATION AT A VOTER SERVICE AND POLLING CENTER

12 ~~2.15.1~~2.14.1 A PERSON REGISTERING VOTERS OR UPDATING VOTER REGISTRATION
13 INFORMATION IN A VOTER SERVICE AND POLLING CENTER MUST:

14 (A) BE A PERMANENT OR TEMPORARY COUNTY EMPLOYEE, ~~OR~~ STATE
15 EMPLOYEE, OR TEMPORARY STAFF HIRED BY ~~OF THE~~ COUNTY CLERK ~~AND~~
16 RECORDER'S OFFICE;

17 (B) SUCCESSFULLY PASS THE CRIMINAL BACKGROUND CHECK DESCRIBED IN
18 RULE 6.4. ANY PERSON WHO HAS BEEN CONVICTED OF AN ELECTION
19 OFFENSE OR AN OFFENSE WITH AN ELEMENT OF FRAUD IS PROHIBITED FROM
20 HANDLING VOTER REGISTRATION APPLICATIONS OR CONDUCTING VOTER
21 REGISTRATION AND LIST MAINTENANCE ACTIVITIES; AND

22 (C) SUCCESSFULLY COMPLETE A TRAINING COURSE PROVIDED BY THE
23 SECRETARY OF STATE.

24 ~~2.15.2~~2.14.2 THE PERSON REGISTERING VOTERS OR UPDATING VOTER REGISTRATION
25 INFORMATION IN A VOTER SERVICE AND POLLING CENTER MUST VERBALLY
26 CONFIRM EACH ELECTOR'S NAME AND RESIDENTIAL ADDRESS.

27 ~~2.16~~2.15 VOTER REGISTRATION RECORDS AND DATA

28 ~~2.13~~ ~~2.16.1~~2.15.1 ~~Preservation of Voter Registration Records.~~ Notwithstanding the
29 retention timelines specified in section 1-2-227, C.R.S., THE COUNTY CLERK ~~AND~~
30 RECORDER MAY DESTROY paper voter registration records ~~may be destroyed~~ as
31 soon as they have been digitally recorded in ~~the statewide voter registration~~
32 ~~database known as "SCORE". Such records shall be retained~~ THE STATEWIDE
33 ~~VOTER REGISTRATION SCORE~~ SYSTEM MUST RETAIN DIGITAL IMAGES OF VOTER
34 REGISTRATION APPLICATIONS in perpetuity ~~in digital format by the voter~~
35 ~~registration database~~ in accordance with Title 1, C.R.S. and this rule.

36 *[Current Rule 2.13 is amended and moved to new Rule 2.15.1. Amendments are shown above.]*

1 ~~2.2 2.16.2 2.15.2~~ After a receipt of request, the fee for providing the information
2 shall be determined. The fee must be paid prior to the request being filled.
3 UNDER SECTION 24-21-104(3), C.R.S., THE SECRETARY OF STATE MUST CHARGE A
4 FEE FOR VOTER INFORMATION REPORTS AND RELATED SERVICES. A REQUEST FOR
5 ELECTIONS DATA MUST BE SUBMITTED USING THE ELECTIONS DATA REQUEST
6 FORM. THE SECRETARY OF STATE WILL PROVIDE THE REQUESTED DATA AFTER
7 PAYMENT OF THE FEE AS OUTLINED IN THE FEE SCHEDULE ON THE SECRETARY'S
8 WEBSITE.

9 *[Current Rule 2.2 is amended and moved to new Rule 2.15.2. Amendments are shown above.]*
10 *[Portions of current Rule 49.3.1 are included in Rule 2.15.2]*

11 ~~49.3.2 2.16.3 2.15.3~~ The county clerk ~~and recorder~~ of each county may charge fees for
12 county voter information reports and related services, such as the printing of
13 labels provided by the centralized statewide registration system. ~~However,~~ BUT in
14 accordance with federal requirements governing the use of federal funds, fees
15 ~~shall~~ MUST not exceed county direct and indirect costs for providing such reports
16 and services.

17 *[Current Rule 49.3.2 is amended and moved to new Rule 2.15.3. Amendments are shown above.]*

18 ~~49.2 2.16.4 2.15.4~~ Custodianship of Voter Registration Information

19 ~~49.2.1~~(A) The Secretary of State ~~shall be~~ IS the official custodian of the
20 information contained in the centralized statewide registration system and
21 the computerized statewide voter registration list created and maintained
22 ~~pursuant to~~ UNDER section 1-2-301, C.R.S.

23 ~~49.2.2~~(B) ~~The EACH~~ county clerk ~~and recorder~~ ~~for each county~~ shall be IS the
24 official custodian of the voter registration information only for electors
25 within ~~that~~ HIS OR HER county.

26 *[Current Rule 49.2 is amended and moved to new Rule 2.15.4. Amendments are shown above.]*

27 ~~49.1 2.17 2.16~~ SCORE username and password administration

28 ~~49.1.1 2.17.1 2.16.1~~ The state user administrator ~~shall assign~~ ASSIGNS county USER
29 administrator privileges to the individual designated in each county by the county
30 clerk ~~and recorder~~. ~~49.1.1.1~~ The county clerk ~~and recorder~~ shall MUST submit the
31 A request for county USER administrator privilege to the state user administrator in
32 writing. The request ~~shall~~ MUST specifically state the full name of the county
33 employee that is being assigned as a county USER administrator.

34 ~~49.1.2 2.17.2 2.16.2~~ Each county ~~may have~~ IS LIMITED TO ~~ONE TWO~~ COUNTY USER
35 administrators. ~~privileges assigned to no more than one (1) individual, except that~~
36 ~~any~~ BUT A county clerk ~~and recorder~~ may apply to the Secretary of State for an
37 additional county USER administrator.

1 ~~49.1.2.1~~(A) ~~Such~~THE application ~~shall~~MUST be submitted by the county clerk
2 ~~and recorder~~ in writing to the state user administrator and ~~shall~~MUST state
3 the name of the county employee for which county ~~USER~~ administrator
4 privilege is being sought. The application ~~shall~~MUST also state the specific
5 reasons the county clerk ~~and recorder~~ is requesting the additional ~~USER~~
6 administrator.

7 ~~49.1.2.2~~(B) The state user administrator ~~shall~~WILL notify the county clerk ~~and~~
8 ~~recorder~~ in writing whether the request is approved within five ~~(5)~~
9 business days ~~from receipt of~~ AFTER RECEIVING the application.

10 ~~49.1.3~~ ~~2.17.3~~ ~~2.16.3~~ The county ~~USER~~ administrator is responsible for security
11 administration and ~~shall~~MUST assign all access privileges, as well as usernames
12 and passwords for county employees and temporary election workers.

13 ~~49.1.3.1~~(A) For county employees, the county ~~USER~~ administrator ~~shall~~MUST
14 assign a unique username in accordance with the naming conventions
15 provided by the Secretary of State.

16 ~~49.1.3.2~~(B) Passwords ~~shall~~MUST be assigned by the county ~~USER~~
17 administrator upon initial authorization and ~~shall~~MUST be changed by
18 users and maintained confidentially.

19 ~~49.1.4~~ ~~2.17.4~~ ~~2.16.4~~ If a county employee or temporary election worker is no longer
20 employed by the county, the county ~~USER~~ administrator ~~shall~~MUST IMMEDIATELY
21 inactivate the username ~~within a reasonable timeframe, not to exceed one (1)~~
22 ~~business week~~.

23 *[Current Rule 49.1 is amended and moved to new Rule 2.16. Amendments are shown above.]*

24 2.17 SCORE NETWORK SECURITY REQUIREMENTS

25 2.17.1 THE COUNTY CLERK MUST USE ONLY COUNTY-CONTROLLED NETWORKS WITH
26 PROPER NETWORK SECURITY CONTROLS IN PLACE TO ACCESS SCORE. THE COUNTY
27 MAY NEVER USE AN OPEN OR SHARED PUBLIC-USE NETWORK TO ACCESS SCORE.

28 (A) ALL WIRELESS NETWORKS MUST MEET THE FOLLOWING MINIMUM
29 REQUIREMENTS:

30 (1) WPA2 OR ABOVE SECURITY MUST BE ENABLED.

31 (2) SHARED WIRELESS PASSWORDS OR SECRETS MUST BE CHANGED
32 EVERY THREE MONTHS, AT A MINIMUM.

33 (3) WIRELESS KEYS MUST BE A MINIMUM OF 14 CHARACTERS IN LENGTH
34 AND MUST INCLUDE AT LEAST ONE NUMBER AND MIXED CASE
35 LETTERS.

HAVA requires all local
officials to have access

(B) ALL NETWORKS MUST EMPLOY PROPER SECURITY CONTROLS TO ENSURE MALICIOUS USERS CANNOT CONNECT TO THE NETWORK, INTERCEPT SCORE COMMUNICATIONS, OR OTHERWISE ATTACK THE SCORE SYSTEM. THESE CONTROLS MUST INCLUDE, AT A MINIMUM, NETWORK FIREWALLS AND SECURELY CONFIGURED NETWORK EQUIPMENT TO PREVENT COMMON ATTACK MECHANISMS.

2.17.2 ALL ELECTION OFFICIALS WHO ACCESS THE SCORE SYSTEM MUST SIGN A SCORE ACCEPTABLE USE POLICY (AUP) BEFORE THE COUNTY PROVIDES A SCORE USERNAME.

(A) THE COUNTY CLERK, COUNTY SCORE USER-ADMINISTRATOR, AND COUNTY ELECTIONS IT MANAGER, IF APPLICABLE, MUST SUBMIT THEIR SIGNED AUP TO THE SECRETARY OF STATE.

(B) THE COUNTY CLERK MUST RETAIN THE AUP FOR EACH INDIVIDUAL WHO IS ASSIGNED A SCORE USERNAME.

(1) THE SECRETARY OF STATE WILL AUDIT THE COUNTY AUP RECORDS FOR EACH COUNTY SELECTED FOR ANNUAL INSPECTION OF ITS VOTING SYSTEM MAINTENANCE RECORDS UNDER RULE 20.8.5

(2) THE SECRETARY WILL SUSPEND ACCESS TO SCORE FOR ANY INDIVIDUAL WHOSE AUP IS NOT ON FILE WITH THE COUNTY CLERK.

Rule 3. Rules Concerning Qualified Political Organizations

~~3.2.3.1 The required proof of organization, which may be filed at any time after organization, shall include, but shall not be limited to:~~ A QUALIFIED POLITICAL ORGANIZATION, AS DEFINED IN RULE ~~1.1.1.1~~, MUST FILE PROOF OF ORGANIZATION WITH THE SECRETARY OF STATE. THE PROOF MUST INCLUDE, BUT IS NOT LIMITED TO:

~~a. 3.1.1 By laws of the Colorado political organization which shall~~ THE ORGANIZATION'S BYLAWS, WHICH MUST include the method for selecting officers, selecting delegates to county, state, and national conventions, and selecting candidates planning to petition onto the state's general election ballot; AND ~~using the name of the Colorado political organization;~~

~~b. 3.1.2~~ The names, addresses, and telephone numbers of the elected ORGANIZATION'S Colorado chairperson, vice chairperson, and secretary, together with the names, addresses, and telephone numbers of all other members elected or appointed to other offices or committees authorized by the ~~by laws~~ BYLAWS.

~~3.3.3.2 A qualified political organizations shall~~ ORGANIZATION MUST meet AT LEAST once a EACH CALENDAR year.

~~3.3.4~~ 3.2.1 DURING the meeting in the odd-numbered year, THE ORGANIZATION MUST ELECT ~~shall be held for the purpose of electing~~ a chairperson, vice-chairperson,

1 secretary, and other officers or committees as ~~shall be provided for in the by-laws~~
2 ~~on file with the Secretary of State~~ REQUIRED BY THE ORGANIZATION'S BYLAWS.

3 (a) ~~For new political organizations~~ IF THE POLITICAL ORGANIZATION IS A NEW
4 ORGANIZATION, THE ORGANIZATION MUST HOLD this meeting ~~must take~~
5 ~~place prior to~~ BEFORE placing a candidate on the ballot. ~~Therefore, this~~
6 ~~meeting may occur~~ IN THIS INSTANCE, THE ORGANIZATION MAY HOLD THIS
7 MEETING in an even-numbered year AND MAY SELECT CANDIDATES AS
8 DESCRIBED IN RULE 3.3.3.

9 ~~3.3.2~~ 3.2.2 The ORGANIZATION'S chairperson and ~~the~~ secretary ~~shall~~ MUST file WITH
10 THE SECRETARY OF STATE a full and complete list, under oath, of the persons
11 elected or appointed ~~pursuant to Rule 3.2~~ UNDER THIS RULE 3.2, together with any
12 amendments to the ~~by-laws~~ BYLAWS adopted at the meeting.

13 ~~3.3.3~~ 3.2.3 DURING the meeting in the even-numbered year, THE ORGANIZATION MUST
14 SELECT ~~shall be held for the purpose of selecting~~ candidates who ~~wish to use the~~
15 ~~name of the political organization on petitions for~~ WILL ATTEMPT TO PETITION ON
16 TO THE BALLOT FOR THE next general election.

17 ~~(a) — A political organization which has not yet been qualified may select its~~
18 ~~candidate at the same meeting where the officers of the organization are~~
19 ~~named.~~

20 ~~3.4.3~~ 3.3 TO REMAIN IN GOOD STANDING, a qualified political organization ~~shall~~ MUST place a
21 candidate ~~or candidates~~ on the general election ballot every two years. A WRITE-IN
22 CANDIDATE ALONE IS NOT SUFFICIENT TO MEET THIS REQUIREMENT.

23 ~~3.4.1~~ 3.3.1 ORGANIZATION candidates ~~wishing to represent a qualified political~~
24 ~~organization on the general election ballot shall be placed in nomination by~~
25 ~~nominating petition pursuant to~~ MUST BE NOMINATED IN ACCORDANCE WITH
26 section 1-4-802, C.R.S.

27 ~~3.4.~~ 23.3.2 Each petition ~~shall~~ MUST contain the name of one candidate and ~~shall have~~
28 ~~attached~~ an affidavit signed under oath by the chairperson and secretary of the
29 qualified political organization. The affidavit form ~~shall~~ MUST be approved by the
30 Secretary of State. ~~and will include the date of the meetings required in Rule 3.3.~~

31 ~~3.4.3~~ 3.3.3 ~~For a candidate~~ To qualify for the ballot, ~~the~~ A candidate must have been
32 affiliated with the qualified political organization for one year or, if the ~~political~~
33 organization has not ~~previously~~ been qualified FOR ONE YEAR, the candidate must
34 have been registered as unaffiliated for one year.

35 ~~3.4.4~~ ~~Having the name of a candidate from the qualified political organization appear~~
36 ~~on the ballot by the use of the write-in candidacy process shall not be considered~~
37 ~~as, nor meeting the requirements of, placing a qualified candidate on the general~~
38 ~~election ballot.~~

1 ~~3.5~~ 3.4 A political organization shall be qualified as soon as it THE SECRETARY OF STATE WILL
2 QUALIFY A POLITICAL ORGANIZATION IF THE ORGANIZATION:

3 (a) 3.4.1 Files proof of organization with the Secretary of State;

4 (b) 3.4.2 Meets to name AND NAMES a candidate to the general election ballot; and

5 (c) 3.4.3 Certifies a candidate to the general election ballot.

6 ~~3.6~~ 3.5 Once a political organization becomes a qualified political organization, eligible electors
7 shall be able to MAY register as affiliated AFFILIATE with the political organization.

8 ~~3.6.1~~ When an individual appears at any office or location for the purpose of voter
9 registration, the questions asked and the information recorded shall be amended
10 to reflect "political organization" affiliation.

11 ~~3.6.2~~ The opportunity to declare or change a political affiliation shall be provided
12 exactly as the law provides for political parties in sections 1-2-204(2)(j) and 1-
13 2-219, C.R.S.

14 ~~3.6.3~~ At any time a declaration or change in affiliation is requested, the same
15 procedure shall be used for declaring a political party or political organization
16 affiliation.

17 ~~3.6.4~~ In recording the information on the voter registration page, or affidavit, the
18 affiliation with a political organization shall be listed by the name entry of the
19 organization.

20 ~~3.6.5~~ In converting information on the voter registration page to lists, submissions for
21 data entry, the Secretary of State's master voter registration list, etc., standard
22 abbreviations shall be used and will be furnished to the county clerk and
23 recorders by the Secretary of State.

24 ~~3.7~~ 3.6 THE SECRETARY OF STATE WILL REVOKE THE QUALIFIED STATUS OF A political
25 organizations ORGANIZATION IF THE ORGANIZATION DOES NOT FULLY COMPLY WITH RULES
26 3.3 AND 3.4. shall lose their status as qualified political organizations by failing to do any
27 one of the following:

28 (a) ~~Meet in odd-numbered years and file their list of officers with the Secretary of State,~~
29 ~~unless excused under Rule 3.3.1(a);~~

30 (b) ~~Meet in even-numbered years and select a candidate or candidates who wish to~~
31 ~~appear on the ballot at the next general election;~~

32 (c) ~~Place a candidate on a general election ballot through a nominating petition, meeting~~
33 ~~the requirements of Rule 3.4.~~

34 ~~3.8~~ 3.7 IF the Secretary of State REVOKES THE QUALIFIED STATUS OF A POLITICAL ORGANIZATION,

1 THE SECRETARY will notify the county clerks and recorders by June 1 of each odd-
2 numbered year of the loss of qualified status of a political organization. Upon receiving
3 notification RECEIPT, the county clerk and recorders shall MUST mark on every affected
4 voter registration record RECORDS AS "unaffiliated", WHERE APPLICABLE.

5 ~~3.9~~ 3.8 EXCEPT FOR THE PRECINCT CAUCUS LIST FURNISHED TO MAJOR POLITICAL PARTIES, A
6 QUALIFIED POLITICAL ORGANIZATION MAY OBTAIN print-outs, lists, AND tapes, etc. of voter
7 registration records shall be furnished to qualified political organizations at the same rate
8 or cost as charged to political parties. The only exception to this provision shall be the
9 list furnished to the major political parties prior to the statutory precinct caucus day.

10 ~~3.10~~ 3.9 On all summary reports of voter registration by political party, the A VOTER
11 REGISTRATION SUMMARY report shall list those registered with MUST INCLUDE major
12 political parties, minor political parties, qualified political organizations, or as AND
13 unaffiliated CATEGORIES.

14 ~~3.11~~ Electors, whose voter registration record shows affiliation with a qualified political
15 organization and who appear to vote at a primary election, shall complete a Declaration
16 of Party Affiliation, thus losing affiliation with the qualified political organization.

17 **Rule 4. COORDINATED ELECTIONS**

18 ~~6.1~~ 4.1 Participation in coordinated elections.

19 ~~6.1.1~~ 4.1.1 For elections where the electors do not need to be registered electors,
20 political subdivisions may conduct their own elections and must coordinate with
21 the coordinated election official any ballot issue notice required by Article X,
22 Section 20 of the Colorado Constitution.

23 ~~6.1.2~~ 4.1.2 The affected A COORDINATING political subdivision shall MUST enter into
24 AN intergovernmental agreements AGREEMENT WITH THE COUNTY CLERK AND
25 RECORDER which THAT delineate DELINEATES which tasks shall be ARE the
26 responsibility of the designated election official of the political subdivision and
27 which shall be ARE the responsibility of the coordinated election official
28 COUNTY CLERK AND RECORDER.

29 ~~6.2~~ 4.2 Procedures for Coordinated Elections Involving Jurisdictions Shared by Multiple
30 Counties

31 ~~6.2.1~~ 4.2.1 For each jurisdiction that is shared by multiple counties, a controlling
32 county shall MUST be designated for the purpose of assigning and coordinating
33 the ballot letter/number for the shared races, issues, and questions in
34 coordinated elections.

35 ~~6.2.2~~ 4.2.2 The controlling county shall be IS the county where the administrative
36 office of the political subdivision is maintained at the time that the controlling
37 county is designated.

1 (a) If the administrative office is not maintained within the boundaries of the
2 political subdivision, the controlling county ~~shall~~MUST be the county where
3 the largest number of active registered electors within the jurisdiction reside
4 at the time that the controlling county is designated.

5 (b) Once designated, the controlling county will not change unless approved by
6 the Secretary of State upon request of any of the affected counties.

7 ~~6.2.3~~—~~Repealed.~~

8 ~~6.2.4~~ 4.2.3 The controlling county ~~shall~~MUST coordinate with each county that shares
9 the jurisdiction to assign the ballot number/letter in accordance with **Rule 6.5**
10 **4.5** no later than the date of ballot certification. All counties within the shared
11 jurisdiction ~~shall~~MUST ensure that the shared races, issues, and questions are
12 printed on the ballot as certified by the Secretary of State or designated election
13 official, and in the order assigned by the controlling county

14 ~~6.2.5~~ 4.2.4 If any controlling county fails to fulfill its responsibilities in accordance
15 with this Rule, any of the other counties in the shared jurisdiction may make a
16 written request to the Secretary of State to temporarily assume the duties of the
17 controlling county. The Secretary of State ~~shall have the authority to~~MAY act on
18 behalf of the controlling county or to temporarily designate another county to
19 act as the controlling county ~~in order to IMPLEMENT assure implementation of~~
20 this Rule.

21 ~~6.3~~ 4.3 ~~Form of election for November coordinated elections.~~

22 ~~6.3.1~~ 4.3.1 The county clerk ~~and recorder~~ is the election official for coordinated
23 elections ~~which are held in November of each year AND IS RESPONSIBLE FOR~~
24 MAILING THE ARTICLE X, SECTION 20 BALLOT ISSUE NOTICE.

25 (a) ~~The county clerk and recorder shall be responsible for mailing the Article X,~~
26 ~~Section 20 Ballot Issue notice.~~

27 (b) ~~The county clerk and recorder shall not be required to conduct more than~~
28 ~~one form of election unless he or she so chooses.~~

29 ~~6.3.2~~ ~~School districts that have the opportunity to participate in a coordinated election~~
30 ~~may not elect to hold separate mail ballot elections but must participate in the~~
31 ~~form of election chosen by the county clerk and recorder.~~

32 ~~21.1~~ 4.3.2 Placing measures on the ballot for coordinated odd-year elections.

33 ~~21.1.1~~ (A) For A statewide ~~elections~~ELECTION, the Secretary of State MUST
34 DETERMINE ~~shall be responsible for determining~~ whether ~~the~~ A proposed
35 initiative is eligible to appear on an odd-year election ballot and WHETHER IT
36 concerns state matters arising under Section 20 of Article X of the State
37 Constitution.

1 ~~21.1.2~~(B) For ~~election concerning county or other political subdivision~~ ALL
2 OTHER ELECTIONS, ~~if the election is held as a coordinated election each~~ THE
3 political subdivision CONDUCTING THE ELECTION MUST ~~shall~~ determine
4 whether the proposed initiative or referred measure is a local government
5 matter arising under Section 20 of Article X of the State Constitution.

6 *[Current Rule 21.1 is amended and moved to new Rule 4.3.2. Amendments between the current*
7 *and new rule language are shown above.]*

8 ~~6.4.4.4~~ Form of coordinated elections held other than in November.

9 ~~6.4.1~~4.4.1 For all other elections where political subdivisions hold an election on the
10 same day, the electors or boundaries overlap and ballot issues as defined in
11 ~~Section~~ SECTION 1-1-104 (2.3), C.R.S., appear on the ballot of overlapping
12 jurisdictions, the governing bodies or the designated election officials of ~~such~~
13 THE overlapping jurisdictions must name a coordinated election official who is
14 responsible for assuring that the Article X, Section 20 notice is given.

15 ~~6.4.2~~4.4.2 The political subdivisions may contract with the appropriate county clerk
16 ~~and recorder~~ to be the coordinated election official.

17 ~~6.5~~4.5 Determination of ballot issues and texts.

18 ~~6.5.1~~4.5.1 Each political subdivision ~~shall~~ MUST prepare the list of candidates and the
19 ballot title and text for ballot issues and ballot questions, as required by law.

20 (a) The coordinated election official ~~shall~~ MUST ~~assure that~~ PRINT the ballot title
21 is on each ballot as required by law.

22 (b) Political subdivisions may only require the coordinated election official to
23 print the entire text of a ballot issue or ballot question on the ballot if ~~they~~
24 ~~pay~~ THE POLITICAL SUBDIVISION pays for any additional cost associated with
25 printing and if sufficient space is on the voting equipment to print the entire
26 text given the other issues, questions, and candidates on the ballot. The
27 coordinated election official ~~shall~~ MUST tell the political subdivision how
28 much space is available for text for each position on the ballot. If the
29 required ballot title and text is too long for the voting equipment, the
30 coordinated election official may choose to conduct the election with a
31 different form of ballot.

32 (c) For counties where ballot election material must be printed in languages
33 other than English, the political subdivisions are responsible for assuring
34 proper translation of all election materials related to that political
35 subdivision and must pay their pro-rata share of increased printing costs
36 unless otherwise provided by the intergovernmental agreement.

37 (d) For counties where election material is not required to be printed in
38 languages other than English, the political subdivisions are not required to

1 provide translation of all election materials nor pay a pro-rata share of the
2 printing costs unless they so agree.

3 ~~6.5.2~~4.5.2 Each political subdivision ~~shall~~MUST determine the order of the ballot
4 issues for their political subdivision in accordance with the requirements of
5 Colorado Constitution Article X, Section 20 and Title 1.

6 (a) Referred measures ~~shall~~MUST be designated by a letter or by a number and a
7 letter; initiatives ~~shall~~MUST be designated by a number.

8 (b) For each grouping of ballot issues and ballot questions by a political
9 subdivision, all referred measures ~~shall~~MUST precede all initiatives.

10 (c) For each grouping of ballot issues and ballot questions, the order ~~shall be~~IS
11 as follows:

12 (1)- Referred measures to increase taxes;

13 (2)- Referred measures to retain excess revenues;

14 (3)- Referred measures to increase debt;

15 (4)- Other referred measures;

16 (5)- Initiatives to increase taxes;

17 (6)- Initiatives to retain excess revenues;

18 (7)- Initiatives to increase debt;

19 (8)- Other citizen petitions.

20 (d) For statewide measures, initiatives ~~shall~~MUST be numbered in the order in
21 which the statements of sufficiency are issued. The numbers one through
22 five ~~shall~~MUST be reserved for initiatives to increase taxes; the numbers six
23 through ten ~~shall~~MUST be reserved for initiatives to retain excess revenues;
24 the numbers eleven through fifteen ~~shall~~MUST be reserved for initiatives to
25 increase debt; all other citizen petitions ~~shall~~MUST be numbered
26 consecutively beginning with sixteen.

27 (e) In accordance with section 1-5-407(5)(b), C.R.S., whether initiated or
28 referred, every proposed change to the Colorado Constitution ~~shall~~MUST be
29 called an “amendment” and every proposed change to the Colorado Revised
30 Statutes ~~shall~~MUST be called a “proposition”

31 (f) Ballot issues from the various political subdivisions ~~shall~~MUST be ordered
32 on the ballot as provided in section 1-5-407(5), C.R.S:

(1)- Each category of referred and initiated state amendments and propositions ~~shall~~-MUST be numbered and listed on the ballot in the following series:

A-Z	State Referred Constitutional Amendments
01-99	State Initiated Constitutional Amendments
AA-ZZ	State Referred Statutory Propositions
101-199	State Initiated Statutory Propositions

If a referred or initiated measure contains both a proposed constitutional and statutory change, the measure ~~shall~~-MUST be ordered on the ballot as a constitutional amendment.

(2)- Each category of initiated local ballot issues and questions ~~shall~~-MUST be numbered in the following series:

200-299	County Issues
300-399	Municipal Issues
400-499	School District Issues
500-599	Ballot Issues and Questions for other political subdivisions greater than a county.
600-699	Ballot Issues and Questions for other political subdivisions which are wholly within a county.

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

1A-1Z	County Issues
2A-2Z	Municipal Issues
3A-3Z	School District Issues
4A-4Z	Ballot Issues and Questions for other political subdivisions greater than a county.
5A-5Z	Ballot Issues and Questions for other political subdivisions which are wholly within a county.

(4)-Ballot questions and issues are numbered or lettered in the order in which the measures are certified to the ballot by the designated election official after the protest period has ended, or if a protest was filed after the protest has been completed.

(5)-For other than state issues, if a county has multiple cities ~~and~~-or

multiple discrete school districts and other political subdivisions, the designated election official may either further subdivide the series and assign each political subdivision a specific series of numbers, or when the ballot is certified the designated election official may assign the final numbers/OR letters, making sure that all measures for each political subdivision are grouped together.

(6)-For other than state issues and questions, if the same ballot issue or question will be on the ballot in more than one county, the county clerks ~~shall~~-MUST confer with one another and ~~shall~~-MUST give the same ballot number or letter to the ballot issue or questions.

(7)-Each ballot question or issue ~~shall~~-MUST contain the name of the political subdivision at the beginning of the ballot questions or issue. If the designated election official chooses, the name of the political subdivision may appear before the grouping of questions, such as State Ballot Questions, Arapahoe County Ballot Questions, City of Aurora Ballot Questions, etc.

4.6 CANDIDATE AUDIO RECORDINGS

~~10.4.4.6.1~~ ~~Candidates whose names are listed on a ballot~~ A CANDIDATE FOR STATEWIDE OFFICE, THE GENERAL ASSEMBLY, CONGRESSIONAL OFFICE, REGENT, OR DISTRICT ATTORNEY must provide an audio recording of the pronunciation of their HIS OR HER name to the Secretary of State. ~~prior to the election for offices that are voted on by the electors of the entire state, or of a congressional district, or for the offices of members of the general assembly or district attorney or a district office of state concern.~~ THE CANDIDATE MUST RECORD HIS OR HER NAME EXACTLY AS IT APPEARS ON THE CANDIDATE ACCEPTANCE FORM, STATEMENT OF INTENT, OR DECLARATION OF INTENT TO RUN FOR RETENTION IN A JUDICIAL OFFICE, AS APPLICABLE, AND THE CANDIDATE MUST PROVIDE THE RECORDING TO THE SECRETARY OF STATE NO LATER THAN THE DEADLINE TO FILE THE CANDIDATE ACCEPTANCE FORM, STATEMENT OF INTENT, OR DECLARATION OF INTENT TO RUN FOR RETENTION IN A JUDICIAL OFFICE, AS APPLICABLE.

[Rules 10.4.1 through 10.4.4 are repealed and consolidated into Rule 4.6.1]

~~10.5-4.6.2~~ A CANDIDATE FOR A county, municipal, school district, ~~and~~ or special district ~~OFFICE~~ ~~candidates whose names are listed on a ballot for~~ IN an election coordinated by the county clerk ~~and recorder~~ must provide an audio recording of the pronunciation of their HIS OR HER name to the county clerk ~~and recorder~~, ~~prior to the election for offices that are voted on by the electors of the county, municipality, school district, or special district.~~ THE CANDIDATE MUST RECORD HIS OR HER NAME EXACTLY AS IT APPEARS ON THE STATEMENT OF INTENT, AND MUST PROVIDE THE RECORDING TO THE COUNTY CLERK ~~AND RECORDER~~ NO LATER THAN THE DEADLINE TO FILE THE STATEMENT OF INTENT.

1 *[Rules 10.5.1 through 10.5.2 are repealed and consolidated into Rule 4.6.2]*

2 4.7 CONGRESSIONAL TERM LIMITS DECLARATION

3 ~~24.1~~4.7.1 The Secretary of State ~~shall~~MUST make THE CONGRESSIONAL TERM
4 LIMITS DECLARATION available to every candidate for United States House of
5 Representatives or the United States Senate, ~~the Congressional Term Limits~~
6 ~~Declaration~~—provided in Article XVIII, Section 12a of the Colorado
7 Constitution. The Secretary of State will offer the Congressional Term Limits
8 Declaration to ~~every such~~THESE candidate-CANDIDATES when the candidate files
9 ~~his or her~~A candidate affidavit with the Secretary of State. Any failure of the
10 Secretary of State to offer the Congressional Term Limits Declaration to a
11 candidate ~~shall~~WILL have no effect on ~~such~~THE candidate's candidacy.

12 ~~24.2~~4.7.2 THE SECRETARY OF STATE MUST ACCEPT Part A of the Term Limits
13 Declaration ~~shall be accepted by the Secretary of State~~if Part B of the Term
14 Limits Declaration ~~has not been~~WAS NOT duly executed and submitted. (Art.
15 XVIII, sec. 12a(7) **OF THE COLORADO CONSTITUTION**)

16 ~~24.3~~4.7.3 In the case of a candidate who has qualified as a candidate for a term that
17 would exceed the number of terms set forth in Term Limits Declaration One,
18 the Secretary of State ~~shall~~ MAY not place the words, "Signed declaration to
19 limit service to [3 terms] [2 terms]" after the candidate's name, even if the
20 candidate has executed and submitted Parts A and B of Term Limits Declaration
21 One.

22 *[Current Rule 24 is amended and moved to new Rule 4.7. Amendments are shown*
23 *above.]*

24 4.8 BALLOT FORMAT AND PRINTING

25 ~~10.1~~4.8.1 ~~The text of all ballot issues that are subject to Article X, Section 20 shall~~
26 ~~be printed in all capital letters. The names of all candidates and all other ballot~~
27 ~~issues and questions shall be printed in upper and lower case. THE COUNTY~~
28 ~~CLERK AND RECORDER MUST PRINT THE CANDIDATE NAMES AND THE TEXT OF~~
29 ~~BALLOT ISSUES AND BALLOT QUESTIONS IN UPPER AND LOWER CASE, EXCEPT~~
30 ~~THAT THE CLERK AND RECORDER MUST PRINT THE TEXT OF BALLOT ISSUES~~
31 ~~SUBJECT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION IN ALL~~
32 ~~UPPERCASE TEXT.~~

33 ~~10.3~~4.8.2 If there is no candidate ~~on the ballot for any particular~~ AN office, the ballot
34 ~~shall read~~ MUST STATE, "**NO THERE ARE NO** candidates" for this office."

35 *[Current Rules 10.1 and 10.3 are amended and moved to new Rules 4.8.1 and 4.8.2.*
36 *Amendments are shown above.]*

37 ~~10.6~~4.8.3 Printing primary election ballots.

1 ~~10.6.1~~(A) If a major political party, as defined in section 1-1-104(22.5),
2 C.R.S., nominates more than one candidate for any office, the county clerk
3 ~~and recorder~~ must conduct the primary election for all major political
4 parties.

5 ~~(a)~~(I) The county clerk must include on the ballot all offices to which
6 candidates may be nominated in the primary election.

7 ~~(b)~~(II) If there are no candidates for any particular office, the county clerk
8 must print on the ballot "There are no candidates for this office".

9 [Sections 1-4-101 and 1-4-104.5, C.R.S.; Election Rule 10.3]

10 ~~10.6.2~~(B) If a minor political party, as defined in section 1-1-104(23), C.R.S.,
11 ~~has~~ NOMINATES more than one candidate for any office, the county clerk
12 ~~and recorder~~ may conduct the primary election for that party only.

13 ~~(a)~~(1) The county clerk must include on the ballot only the offices for
14 which there is more than one candidate designated.

15 ~~(b)~~(2) If there is only one minor party candidate designated for any
16 office, the candidate will be certified to the general election ballot.

17 [Sections 1-4-101, 1-4-104.5(3), and 1-4-1304, C.R.S.]

18 *[Current Rule 10.6 is amended and moved to new Rule 4.8.3. Amendments are shown*
19 *above.]*

~~10.8.4.8.4~~ Use of unique numbers on ballots.

20 ~~10.8.1~~(A) Except for ballots sent to military or overseas electors by electronic
21 transmission under Rule 16.2, ~~no~~A county may NOT print a ballot for use
22 in a state or federal election that has a unique number, or a barcode
23 containing a unique number, that is specific to a single ballot.

24 ~~(a)~~(1) A county that uses rotating numbers must print at least ten ballots
25 of each ballot style for each number.

26 ~~(b)~~(2) Nothing in this rule prohibits a county from printing a unique
27 number or barcode on the removable stub.

28 ~~10.8.2~~(B) After AN election ~~judges have dissociated~~ ~~JUDGE OFFICIAL~~
29 DISSOCIATES a voted ballot from its envelope and REMOVES the stub, ~~is~~
30 ~~removed~~, the county may write or print unique numbers on the voted
31 ballot for auditing and accounting purposes, including duplication of
32 damaged ballots and risk limiting audits.

1 ~~10.8.3~~(c) For ballots printed before the adoption of this rule that are in a
2 county's possession, the county must redact unique numbers, or barcodes
3 containing unique numbers, before providing ballots in response to a
4 request for inspection under the Colorado Open Records Act (Section 24-
5 72-205.5(4)(b)(II), C.R.S.).

6 *[Current Rule 10.8 is amended and moved to new Rule 4.8.4. Amendments are shown*
7 *above.]*

8 ~~10.2~~4.8.5 If a ballot has been printed in error, the designated election official shall
9 consult, as soon as the error is discovered, with the Secretary of State and
10 follow the direction of the Secretary of State on the appropriate method of
11 correction. IF THE DESIGNATED ELECTION OFFICIAL DISCOVERS A BALLOT
12 LAYOUT, PRINTING, OR PROGRAMMING ERROR, HE OR SHE MUST IMMEDIATELY
13 REPORT THE ISSUE TO SEEK AND FOLLOW THE SECRETARY OF STATE'S OFFICE
14 ADVICE ON HOW AND WORK IN CONJUNCTION TO CORRECT THE ERROR.

15 *[Current Rule 10.2 is amended and moved to new Rule 4.8.5. Amendments are shown*
16 *above.]*

17 ~~6.6~~4.9 Colorado Constitution Article X, Section 20 notice requirements.

18 ~~6.6.1~~4.9.1 The state and local governments, excluding enterprises, have sole
19 responsibility for drafting and distribution of the notice required by Article X,
20 Section 20. ~~Any or all of the~~ THESE responsibilities may be delegated to the
21 coordinated election official in the intergovernmental agreement.

22 ~~6.6.2~~4.9.2 The notice shall ~~MUST~~ be mailed to "All Registered Voters" at the mailing
23 addresses of active registered electors in the county, as indicated on the voting
24 record in SCORE. MAILING BALLOT ISSUE NOTICES.

25 (a) Nothing ~~shall preclude~~ PRECLUDES the coordinated or designated election
26 official from sending notice of various elections to persons who are not
27 eligible electors if the notice sent is part of the coordinated notice and if the
28 sending arises from the official's efforts to mail the notice at "least cost".

29 (b) Nothing ~~shall preclude~~ PRECLUDES the coordinated or designated election
30 official from sending notice to each household in the county or political
31 subdivision whether or not registered electors reside at that household as
32 long as notice is sent which ~~assures~~ ENSURES that all active registered
33 electors are included on the mailing list.

34 (c) Nothing ~~shall preclude~~ PRECLUDES the coordinated or designated election
35 official from sending notice to each registered elector in a particular political
36 subdivision.

37 ~~(a)~~(D) The coordinated or designated election official may include the
38 following statement with the ballot issue notice: "This notice is mailed to

each address with one or more active, registered electors. You may not be eligible to vote on all issues presented in this notice.”

[Current Rule 6.5.3(a) is amended and moved to new Rule 4.9.2(d). Amendments are shown above.]

~~6.6.3 4.9.3~~ The coordinated election official must include information in the package sent with the notice that tells electors whether the election is a mail ballot election, a OR polling place election, a vote center election or a combination of election forms.

(a) If the election is a polling place election or a vote center election, the THE notice of the location of the polling place or vote center VOTER SERVICE AND POLLING CENTERS OR POLLING LOCATIONS may be included in the consolidated mailing.

(b) If a separate mail ballot election is being held by a political subdivision in the county at the same time as a polling place election or a vote center election, the notice shall include that information. Section 1-5-205, C.R.S.

(b) The coordinated or designated election official may include the following statement on the ballot issue notice: “The following is a summary of comments filed in favor of, or opposed to, the ballot issue.”

[Current Rule 6.5.3(b) is amended and moved to new Rule 4.9.3(b). Amendments are shown above.]

~~6.6.4 4.9.3~~ If state statute allows the ballot issue notice and the ballot to be mailed at the same time, the ballot for the mail ballot election may be included with the notice.

~~6.6.5 4.9.4~~ The political subdivisions must provide all completed Article X, Section 20 notices in camera ready format or as otherwise specified.

~~6.6.6 4.9.5~~ The coordinated election official ~~shall~~ IS not be responsible for failure to meet the Article X, Section 20 constraints if the POLITICAL SUBDIVISION FAILS TO SUBMIT THE notice and summaries ~~are not submitted by the political subdivision~~ within the deadline and in the form required by the coordinated election official.

(a) The summaries of comments for and against ballot issues ~~shall~~ MUST not include language of a generally recognized profane, indecent, immoral, offensive, scandalous or libelous character. No names of persons or private groups ~~shall~~ MAY be included in any summary.

(b) For purposes of counting words and to verify the five hundred constitutional limit for each “pro” and each “con” summary, a hyphenated word, unless it is divided by a continuation hyphen at the end of a line, counts as two or

more words. A number counts as one word, regardless of dollar signs, commas or periods within the number.

~~6.7.4.9.6 Written~~ NO PERSON MAY WITHDRAW WRITTEN comments concerning ballot issues submitted to the designated election official ~~for the political subdivision~~ shall not be withdrawn after the end of the business day on the last Friday immediately preceding the forty-fifth day before the election.

[Current Rules 6, 10, and 21 are amended and moved to new Rule 4. Amendments are shown above.]

Rule 5. ~~Rules Concerning Non-Partisan~~ NONPARTISAN Elections not Coordinated by the County Clerk

~~12.3.1~~ 5.1 ~~Call and notice.~~ ELECTION NOTICE

~~(a)~~ 5.1.1 THE DESIGNATED ELECTION OFFICIAL MUST SEND ~~Notice~~ NOTICE of the election ~~is to be sent to the clerk and recorder~~ of the county in which the election ~~is to~~ WILL be held. The notice ~~is to~~ MUST include the date by which the list of registered electors ~~is to~~ MUST be submitted to the political subdivision.

~~(b)~~ 5.1.2 For multi-county political subdivisions, the notice sent to each clerk ~~and recorder~~ shall MUST also include the names of all other counties in which the election will be held.

[Current Rule 12.3.1 is amended and moved to new Rule 5.1. Amendments are shown above.]

5.2 MAIL BALLOT ELECTIONS

5.2.1 IF A POLITICAL SUBDIVISION COORDINATES WITH THE COUNTY CLERK ~~AND RECORDER~~, THE DESIGNATED ELECTION OFFICIAL IS NOT REQUIRED TO SUBMIT A SEPARATE MAIL BALLOT PLAN FOR THE ELECTION.

[Portions of current Rule 12.1.2 are included in new Rule 5.2.1.]

~~12.4.1~~ 5.2.2 ~~Coordinated and non-partisan elections.~~ (a) ~~Written plan.~~ The IF A LOCAL GOVERNING BOARD DETERMINES AN ELECTION WILL BE CONDUCTED BY MAIL BALLOT, THE designated election official must submit a mail ballot plan to the Secretary of State no later than 55 days before ~~any nonpartisan~~ THE election, ~~and 90 days before any election that is coordinated with or conducted by the county clerk and recorder.~~ The designated election official must use the approved mail ballot plan template. ~~that includes the following:~~

(A) THE DESIGNATED ELECTION OFFICIAL MUST INCLUDE AN ACTUAL SAMPLE OF THE SECRECY SLEEVE OR SECRECY ENVELOPE THAT THE DESIGNATED ELECTION OFFICIAL PLANS TO USE IN THE ELECTION.

(B) A HOME RULE MUNICIPALITY MUST CHECK THE APPROPRIATE BOX ON THE

1 PLAN INDICATING WHETHER THERE ARE LOCALLY ADOPTED ELECTION
2 PROCEDURES DIFFERENT FROM THOSE SET FORTH IN TITLE 1, C.R.S. THE
3 SECRETARY OF STATE WILL NOT REVIEW THE MAIL BALLOT PLAN OF ANY
4 HOME RULE MUNICIPALITY THAT FAILS TO INCLUDE THIS INFORMATION.

5 *[Current Rule 12.4.1(a) is amended and moved to new Rule 5.2.2. Amendments between*
6 *the current and new rule language are shown above.]*

7 5.2.3 BALLOTS AND BALLOT PACKETS

8 (A) IN ANY ELECTION WHERE A MULTIPLE PAGE PRINTED BALLOT IS USED, A
9 VOTER MUST ~~VOTE AND~~ RETURN ALL PAGES OF THE BALLOT AT THE SAME
10 TIME. ANY VOTER WHO ~~HAS RETURNED~~ RETURNS AT LEAST ONE PAGE OF A
11 MULTIPLE PAGE PRINTED BALLOT ~~WILL BE CONSIDERED TO HAVE~~ HAS
12 VOTED.

13 ~~12.5.2~~ (B) For non-partisan elections where multiple ballots will be included
14 in the same packet or will be sent in separate packets, the ballots and
15 return envelopes ~~shall~~ MUST include distinctive markings or colors to
16 identify political subdivisions when the colors or distinctive markings will
17 aid in the distribution and tabulation of the ballots.

18 ~~12.5.3~~ (C) The designated election official for each political subdivision for
19 whom one or more county clerks ~~and recorders~~ are conducting the election
20 ~~shall assure that~~ MUST PROVIDE a complete list of eligible electors in their
21 political subdivision ~~is sent to each appropriate county clerk and recorder,~~
22 unless otherwise provided in the intergovernmental agreement. The
23 political subdivision ~~shall~~ MUST list each elector only once to ~~assure~~
24 ENSURE that each elector receives one and only one ballot unless otherwise
25 authorized.

26 *[Current Rules 12.5.2 and 12.5.3 are amended and moved to new Rule 5.2.3.*
27 *Amendments between the current and new rule language are shown above.]*

28 ~~13.1~~ (D) All election materials prepared by the designated election official,
29 including the Article X, Section 20 notice, may be included in the ~~mail in~~
30 MAIL ballot packet.

31 *[Current Rule 13.1 is moved to new Rule 5.2.3.]*

~~12.7.5.2.4~~ Receipt of Ballots

32 ~~12.7.1~~ (A) ~~One or more~~ THE DESIGNATED ELECTION OFFICIAL MUST APPOINT
33 SUFFICIENT ELECTION OFFICIALS ~~judges~~ TO PROCESS BALLOTS ~~shall be~~
34 ~~appointed for the site to which ballots are to be mailed to receive the ballots~~
35 ~~as mailed.~~

36 ~~12.7.2~~ (B) Each day when ballots come in, ~~a judge shall~~ AN ELECTION

1 OFFICIAL MUST count the ballots, batch them and record the number of
2 ballots received.

3 ~~12.7.3 (C) The ballots shall be date stamped when received.~~ AN ELECTION
4 ~~JUDGE-OFFICIAL~~ MUST DATE-STAMP THE ~~BALLOTS-ENVELOPES~~ UPON RECEIPT.
5 If any ballot is received after the time set for the closing of the elections, the
6 ~~ballot shall-ENVELOPE~~ MUST be date-stamped but the ballot ~~shall-MUST~~ not be
7 counted.

8 ~~12.7.4 (D) Records shall also be kept of~~ ELECTION ~~JUDGES-OFFICIALS~~ MUST
9 RECORD the number of ballot packets returned as undeliverable.

10 ~~12.7.5 (E) Ballot packets shall then be placed~~ THE DESIGNATED ELECTION
11 OFFICIAL MUST SEAL AND STORE BALLOTS in a safe, secure place until the
12 counting of the ballots.

13 *[Current Rule 12.7 is amended and moved to new Rule 5.2.4. Amendments between the*
14 *current and new rule language are shown above.]*

15 ~~5.2.4~~5.2.5 RECALL ELECTIONS. THE DESIGNATED ELECTION OFFICIAL MUST SUBMIT A
16 WRITTEN PLAN TO THE SECRETARY OF STATE WITHIN FIVE DAYS AFTER THE
17 DESIGNATED ELECTION OFFICIAL SETS THE DATE OF THE ELECTION. THE SECRETARY
18 OF STATE WILL APPROVE OR DISAPPROVE THE PLAN WITHIN FIVE DAYS FROM THE
19 DATE IT IS RECEIVED. [SECTION 1-12-111.5, C.R.S.]

20 *[Portions of current Rule 12.4(b) are included in new Rule 5.2.4]*

21 ~~5.1-5.3 For elections conducted on days~~ IF A DESIGNATED ELECTION OFFICIAL CONDUCTS AN
22 ELECTION ON A DAY other than described in section 1-7-116(1), C.R.S., ~~nothing shall~~
23 ~~preclude the designated election official from mailing~~ THE DESIGNATED ELECTION
24 OFFICIAL MAY MAIL the notice required by Article X, Section 20 of the Colorado
25 Constitution to ~~persons~~ PEOPLE who are not eligible electors if ~~such~~ THE mailing is done
26 at the “least cost” possible.

27 ~~5.2-5.4 If there are no appropriate polling place locations~~ THE DESIGNATED ELECTION OFFICIAL
28 FOR THE POLITICAL SUBDIVISION IS UNABLE TO ESTABLISH A ~~VOTER SERVICE AND~~ POLLING
29 ~~CENTER-LOCATION~~ within the political subdivision, ~~conducting the election, a polling~~
30 ~~place may be designated~~ THE DESIGNATED ELECTION OFFICIAL MAY DESIGNATE A ~~VOTER~~
31 ~~SERVICE AND~~ POLLING ~~CENTER-LOCATION~~ outside of the political subdivision ~~in a~~ IF THE
32 location ~~that~~ is convenient for the eligible electors. ~~of such political subdivision.~~

33 ~~5.3-5.5~~ For elections not conducted in November and not coordinated with the county clerk ~~and~~
34 ~~recorder~~, the ballot issue or question ~~shall-MUST~~ be identified by the name of the
35 jurisdiction submitting the ballot issue or ballot question followed by a number in the
36 case of initiatives or by a letter in the case of referred measures.

37 ~~5.4-5.6~~ Elections authorized ~~under~~ BY Part 1, Article 45 of Title 37, C.R.S., (~~Water Conservancy~~
38 ~~Act~~), ~~shall-MUST~~ be conducted in accordance with Articles 1 through 13 of Title 1,

1 C.R.S., where applicable, unless otherwise ordered by the district court having
2 jurisdiction over the water conservancy district, ~~pursuant to~~ UNDER section 37-45-103 (3),
3 C.R.S. (“Court”).

4 ~~5.4.1~~5.6.1 The form and verification of any petition requesting an election conducted
5 by a water conservancy district ~~pursuant to~~ UNDER sections 37-45-114 (2) and
6 37-45-136(3.5), C.R.S., (“Petition”), ~~shall~~ MUST conform with ~~the requirements~~
7 ~~of~~ sections 1-40-113 and 1-40-116, C.R.S., ~~and the sections cited therein, and~~
8 Rule ~~17~~ 15 ~~of these rules~~; except that PETITIONERS NEED NOT SEEK PETITION
9 FORMAT APPROVAL FROM ~~no prior approval of the form of such election petition~~
10 ~~needs to be provided by the Secretary of State. the petition shall be filed with~~
11 ~~the Court and the verification process shall be directed by the water~~
12 ~~conservancy district named in the petition rather than the Secretary of State, and~~
13 ~~the “warning” language appearing on the petition shall be applicable to the~~
14 ~~election requested to be conducted.~~ PETITIONERS MUST FILE THE PETITION WITH
15 THE ~~COURT~~ COURT AND THE WATER CONSERVANCY DISTRICT MUST VERIFY THE
16 SIGNATURES ON THE PETITION.

17 ~~5.4.2~~5.6.2 The procedures for issuing the statement of sufficiency or insufficiency of
18 the petition ~~shall~~ MUST conform ~~to the requirements of~~ WITH section 1-40-117,
19 C.R.S., and Rule ~~18~~ 15 ~~of these rules~~; except that ~~such~~ THE statement ~~shall~~ MUST
20 be issued by the water conservancy district named in the petition, unless
21 otherwise ordered by the ~~Court~~ COURT.

22 ~~5.4.3~~5.6.3 The procedures for cure of a petition deemed insufficient ~~shall~~ MUST
23 conform ~~to the requirements of~~ WITH section 1-40-117, C.R.S., and Rule ~~19~~ 15
24 ~~of these rules~~; except any addendum to the petition ~~shall~~ MUST be filed with
25 both the ~~Court~~ COURT and the water conservancy district named in the petition,
26 unless otherwise ordered by the ~~Court~~ COURT.

27 ~~5.4.4~~5.6.4 The procedures for protesting the determination that a petition is
28 insufficient ~~shall~~ MUST conform ~~to the requirements of~~ WITH section 1-40-118,
29 C.R.S., and Rule ~~20~~ 15 ~~hereof~~, unless otherwise ordered by the ~~Court~~ COURT.

30 ~~5.4.5~~5.6.5 THE DESIGNATED ELECTION OFFICIAL MUST CONDUCT any election ~~pursuant~~
31 ~~to~~ UNDER section 37-45-114(2), C.R.S., ~~shall be conducted no more than one~~
32 ~~hundred (100) days nor less than sixty (60) AFTER THE SIXTIETH BUT BEFORE THE~~
33 ~~ONE HUNDREDTH DAY AFTER days from~~ the date of the ~~Court~~ COURT order,
34 regardless of the actual expiration date of the term of the office, unless the Court
35 order establishes an alternate date or the water conservancy district has notified
36 the ~~Court~~ COURT that ~~such~~ THE election ~~is to be conducted as a coordinated~~
37 ~~election pursuant to~~ MUST BE COORDINATED AND CONDUCTED IN ACCORDANCE
38 WITH section 1-7-116, C.R.S.

39 ~~5.4.6~~5.6.6 The form and procedures for filing candidate nomination forms and call
40 for CANDIDATE nominations ~~of persons desiring to be a candidate~~ for the office
41 to be voted upon at the ~~Court~~ COURT-ordered election described in ~~THIS~~ Rule

1 ~~5.4.5~~, shall be in conformance with the form and procedures required for special
2 districts MUST BE CONDUCTED under Article 1, Title 32, C.R.S., unless otherwise
3 ordered by the ~~Court~~ COURT.

4 ~~5.5.5.7~~ Non-Partisan Elections: Polling ~~Place~~ LOCATION Procedures.

5 ~~5.5.1~~ 5.7.1 For polling place elections being conducted in accordance with Article 1,
6 Title 32, C.R.S., upon execution of the self-affirming oath or affirmation
7 pursuant to UNDER section 32-1-806(2), C.R.S., the ~~A~~ AN eligible elector
8 desiring to vote shall MUST show his or her identification as defined in section
9 1-1-104(19.5), C.R.S., to one of the election judges. See section ~~1-7-110(1)~~,
10 C.R.S.

11 ~~5.5.2~~ If the eligible elector has executed the self-affirming oath or affirmation and
12 provided his or her identification, such eligible elector may be allowed to vote,
13 if such vote is not challenged. See sections ~~1-7-110(2)~~ and ~~32-1-806(4)~~, C.R.S.

14 ~~5.5.3~~ 5.7.2 The election supplies provided to the supply judge of each polling place
15 shall include an adequate number of provisional ballot envelopes that include
16 the affidavit set forth in Rule 26.8. THE DESIGNATED ELECTION OFFICIAL MUST
17 ENSURE THAT EACH POLLING ~~PLACE~~ LOCATION HAS AN ADEQUATE NUMBER OF
18 PROVISIONAL BALLOTS.

19 ~~5.5.4~~ The signature and date on the provisional ballot affidavit envelope shall remain
20 on the outside of the envelope.

21 ~~5.5.6~~ The provisional ballot affidavit envelope shall be numbered to correspond to the
22 number of the provisional elector's name in the poll book, and the word
23 "provisional" shall be marked on the ballot.

24 ~~5.5.7~~ 5.7.3 Verification of Information in Provisional Ballot Affidavit. The designated
25 election official shall verify the information contained in the provisional ballot
26 affidavit pursuant to Rule 26. If the information contained in the affidavit
27 provides adequate criteria such that the designated election official, using the
28 Rule 26 search, can ascertain the registration of the elector, the provisional
29 ballot shall count. If the information cannot be verified, the ballot shall be
30 rejected. See MUST FOLLOW THE PROVISIONAL BALLOT PROCEDURES CONTAINED
31 IN ARTICLES 1 THROUGH 13 OF TITLE 1 sections ~~1-8.5-105~~ and ~~1-8.5-106~~, C.R.S.,
32 and Rule ~~26~~ 17.

33 ~~5.5.8~~ The verification and counting of all provisional ballots shall be completed prior
34 to the certification of the official abstract of votes cast in the election by the
35 canvass board, pursuant to Section ~~1-10-203(1)~~, C.R.S.

36 ~~5.5.9~~ Canvassing Board's Count of Provisional Ballots. If, after the expiration of
37 twelve days following an election, the election judges cannot complete the
38 count of the provisional ballots cast, the canvassing board appointed pursuant to
39 Section ~~1-10-201(1.5)~~, C.R.S., shall complete the count of such provisional

1 ballots.

2 ~~5.5.10 If 25 or more provisional ballots have been cast and counted, the results shall be~~
3 ~~reported as one total. If less than 25 provisional ballots have been cast and~~
4 ~~counted, the results shall be included in the results of the mail-in ballots counted~~
5 ~~in the election.~~

6 ~~5.5.11 The provisional ballot shall not be counted if the elector failed to complete the~~
7 ~~affidavit on the envelope or the elector was not registered by the deadline in the~~
8 ~~State of Colorado.~~

9 ~~5.5.12 A copy of the provisional ballot affidavit shall be provided to the county clerk~~
10 ~~and recorder of the county of the elector's residence, and shall constitute a voter~~
11 ~~registration for future elections. See section 1-8.5-108, C.R.S.~~

12 5.8 THE COUNTY CLERK ~~AND RECORDER~~ FOR A COUNTY THAT CONTAINS ANY PORTION OF A
13 POLITICAL SUBDIVISION WITHIN ITS BORDERS MUST PROVIDE ELECTION DAY REGISTRATION
14 FOR THE POLITICAL SUBDIVISION.

15 5.8.1 THE COUNTY CLERK ~~AND RECORDER~~ MUST PROVIDE VOTER REGISTRATION
16 THROUGH THE 22-DAY ~~ELECTION~~ PERIOD ~~BEFORE THE ELECTION~~ DURING NORMAL
17 BUSINESS HOURS, MONDAY THROUGH FRIDAY, AND 7:00 AM TO 7:00 PM ON
18 ELECTION DAY.

19 5.8.2 THE COUNTY CLERK ~~AND RECORDER~~ MUST PROVIDE DAILY REGISTRATION UPDATES
20 22 DAYS THROUGH THE DAY BEFORE ELECTION DAY, TO THE DESIGNATED ELECTION
21 OFFICIAL BY SECURE TRANSMISSION AS OUTLINED IN RULE ~~43-20~~ AND PROVIDE A
22 CERTIFICATE OF REGISTRATION TO THE APPLICANT ON ELECTION DAY

23 5.8.3 ON ELECTION DAY, THE COUNTY CLERK ~~AND RECORDER~~ MUST PROVIDE A
24 CERTIFICATE OF REGISTRATION TO ANY ELECTOR WHO REGISTERS TO VOTE OR
25 UPDATES HIS OR HER REGISTRATION.

26 **Rule 6. ~~Rules Concerning~~ Election Judges**

27 ~~28.1-6.1~~ For purposes of training election judges, an “election cycle” ~~shall mean~~ MEANS all
28 elections held during a calendar year beginning with January 1 and ending December 31.

29 ~~28.2-6.2~~ In lieu of the oath for other election judges prescribed in section 1-6-114, C.R.S.,
30 each person appointed to serve as a student election judge ~~shall~~ MUST take a self-
31 affirming oath or affirmation before ~~beginning their duties~~ SERVING as a student election
32 judge, in substantially the following form:

33 “I, _____ do solemnly swear (or affirm) that I am a citizen of the United
34 States and state of Colorado; that I am at least 16 years of age and a High School Junior
35 or Senior; that I will perform the duties of an election judge according to law and to the
36 best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in
37 conducting the same; that I will not try to determine how any elector voted, nor will I

disclose how any elector voted if in the discharge of my duties as a student election judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.”

6.3 A SUPERVISOR JUDGE IN A VOTER SERVICE AND POLLING CENTER MUST:

~~A-6.3.1~~ SUCCESSFULLY PASS THE CRIMINAL BACKGROUND CHECK DESCRIBED IN RULE ~~28.56.4~~. ANY PERSON WHO HAS BEEN CONVICTED OF AN ELECTION OFFENSE OR FRAUD IS PROHIBITED FROM ~~HANDLE~~—HANDLING VOTER REGISTRATION APPLICATIONS OR ~~CONDUCT~~—CONDUCTING VOTER REGISTRATION AND LIST MAINTENANCE ACTIVITIES.

~~b-6.3.2~~ SUCCESSFULLY COMPLETE A TRAINING COURSE PROVIDED BY THE SECRETARY OF STATE.

6.4 THE COUNTY CLERK ~~AND RECORDER~~ MUST ARRANGE FOR A CRIMINAL BACKGROUND CHECK ON A SUPERVISOR JUDGE AND ANY A PERSON REGISTERING VOTERS IN A VOTER SERVICE AND POLLING CENTER. THE CRIMINAL BACKGROUND CHECK MUST BE CONDUCTED BY OR THROUGH THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY OR BY THE COUNTY SHERIFF’S DEPARTMENT FOR THE COUNTY IN WHICH THE COUNTY CLERKS ~~AND RECORDER’S~~ OFFICE IS LOCATED.

[Current Rule 28 is amended and moved to new Rule 6. Amendments are shown above.]

RULE 7. ELECTIONS CONDUCTED BY THE COUNTY CLERK AND RECORDER

7.1 MAIL BALLOT PLANS

~~(a) 7.1.1 Written plan. The~~ FOR EVERY ELECTION CONDUCTED BY THE county clerk ~~and recorder~~, THE CLERK must submit a mail ballot plan to the Secretary of State BY EMAIL no later than 90 days before the election. ~~The county clerk must use the approved mail ballot plan template, that includes the following:~~

(A) FOR RECALL ELECTIONS, THE COUNTY CLERK MUST SUBMIT A MAIL BALLOT PLAN TO THE SECRETARY OF STATE BY EMAIL WITHIN FIVE DAYS AFTER THE APPROPRIATE OFFICIAL SETS THE ELECTION. WITHIN FIVE DAYS AFTER RECEIVING THE RECALL ELECTION PLAN, THE SECRETARY OF STATE WILL APPROVE OR DISAPPROVE.

(B) THE COUNTY CLERK MUST SUBMIT WITH THE MAIL BALLOT PLAN THE SECRECY SLEEVE OR ENVELOPE THAT THE CLERK INTENDS TO USE IN THE ELECTION.

[Current Rule 12.4.2(a) is amended and moved to new Rule 7.1. Amendments are shown above.]

~~12.4.3~~ 7.1.2 Approval of mail ballot plans and submission of amendments

(a) If the Secretary of State requests modifications to a plan prior to approval, the ~~designated election official shall~~ COUNTY CLERK ~~AND RECORDER~~ MUST submit the modified plan within ten days from the request. The ~~secretary~~ SECRETARY of ~~state~~ STATE will approve or disapprove the modified plan within 15 days from the date it is received.

(b) A ~~designated election official shall~~ COUNTY CLERK ~~AND RECORDER~~ may amend a timely submitted mail ballot plan by submitting a written statement outlining the ~~amendment(s) to the plan~~ AMENDMENT. The amendment must state the specific section of the plan amended and the ~~reason(s)~~ REASON for the amendment. The ~~secretary~~ SECRETARY of ~~state~~ STATE will approve or disapprove the amendment within 15 days from the date it is received. If the amendment is received within 30 days before the election, the Secretary of State will approve or disapprove the amendment within two business days.

[Current Rule 12.4.3 is amended and moved to new Rule 7.1.2. Amendments are shown above.]

~~12.3.3~~ 7.1.3 ~~For elections coordinated by the~~ THE county clerk ~~and recorder,~~ MUST SUBMIT a security plan ~~shall be submitted in accordance with~~ UNDER Rule ~~43-20~~ in addition to the mail ballot plan submitted in accordance with this Rule.

[Current Rule 12.3.3 is amended and moved to new Rule 7.1.3. Amendments are shown above.]

~~12.5~~ 7.2 Ballots BALLOTS AND BALLOT PACKETS

~~12.5.1~~ 7.2.1 In any election where a multiple page printed ballot is used, a voter must vote and return all pages of the ballot at the same time. Any voter who has returned at least one page of a multiple page printed ballot will be considered to have voted.

[Current Rule 12.5.1 is amended and moved to new Rule 7.2.1]

~~12.5.5~~ 7.2.2 In accordance with section 1-7-116(1), C.R.S., for all ~~Coordinated~~ COORDINATED elections, the outgoing envelope as well as the instructions or other notice ~~shall~~ MUST include a notice advising electors that they may receive a ballot from another political subdivision conducting a mail ballot election.

~~12.5.6~~ 7.2.3 If the ballot is returned to the election official as undeliverable, the ~~official~~ ~~shall not be~~ COUNTY CLERK ~~AND RECORDER~~ IS NOT required to re-mail the ballot packet.

[Current Rules 12.5.5 and 12.5.6 are amended and moved to new Rules 7.2.2 and 7.2.3]

7.2.4 IN ACCORDANCE WITH SECTION 1-7.5-107(3), C.R.S., THE COUNTY CLERK ~~AND~~

1 ~~RECORDER~~ MUST MAIL BALLOTS NO LATER THAN 18 DAYS BEFORE ~~THE~~ ELECTION
2 DAY.

3 (A) THE COUNTY CLERK MUST PROCESS ALL NEW REGISTRATION APPLICATIONS
4 AND UPDATES RECEIVED BY THE 22-DAY DEADLINE TO MAIL APPLICANTS A
5 BALLOT IN ACCORDANCE WITH SECTION 1-7.5-107(3), C.R.S.

6 (B) THE COUNTY CLERK MUST PROCESS NEW ONLINE AND IN-PERSON
7 REGISTRATION APPLICATIONS AND MAIL REGISTRATION UPDATES RECEIVED
8 BY THE EIGHTH DAY BEFORE THE ELECTION AND MAIL A BALLOT WITHIN ONE
9 BUSINESS DAY AFTER RECEIPT ~~24 HOURS~~ AFTER THE APPLICATION IS
10 SUBMITTED.

11 (C) IN COORDINATED ELECTIONS, THE COUNTY CLERK MUST MAIL BALLOTS TO
12 ALL ACTIVE ELIGIBLE ELECTORS OF EACH POLITICAL SUBDIVISION. FOR
13 SPECIAL DISTRICT ELECTIONS, THE DESIGNATED ELECTION OFFICIAL OF EACH
14 DISTRICT MUST CERTIFY TO THE COUNTY CLERK THE LIST OF ELECTORS
15 ELIGIBLE TO VOTE UNDER SECTION 32-1-806, C.R.S.

16 ~~10.7.7.2.5~~ Voiding ballots due to timely changes in address or affiliation.

17 ~~10.7.1~~(A) If an elector ~~submits a~~ timely CHANGES HIS OR HER address or
18 affiliation ~~change~~ after the county mails ballots or sends the voter file to the
19 vendor, the county must void the first ballot and generate a second ballot.

20 ~~(a)~~(1) If the county processes the change to the elector's record after it
21 sends the voter file to the vendor but before the vendor prints ballots,
22 the county must provide the vendor a voided ballot file to prevent the
23 vendor from printing and preparing voided ballots for mailing.

24 ~~(b)~~(2) If the county processes the change to the elector's record after the
25 vendor has printed ballots but before the vendor mails ballots, the
26 county must work with the vendor to make every reasonable effort to
27 remove voided ballots before they enter the mail stream.

28 ~~10.7.3~~(B) If the county mails its own ballots, the county clerk must remove
29 all voided ballots before mailing.

30 ~~10.7.4~~(C) If the county processes the change to the elector's record after it
31 mails ballots, the county must count the first ballot returned by the elector IN
32 ACCORDANCE WITH SECTION 1-7.5-107(6), C.R.S., except as follows:

33 ~~(a)~~(1) ~~In the case of an affiliation change~~ IF THE ELECTOR CHANGED HIS OR
34 HER AFFILIATION, the county must count the ballot issued for the
35 ELECTOR'S new party affiliation.

36 ~~(b)~~ ~~In the case of an address change that results in a change of precinct,~~
37 ~~the county must count the ballot issued for the elector's new address.~~

1 *[Current Rule 10.7 is amended and moved to new Rule 7.2.5. Amendments are shown*
2 *above.]*

3 7.3 ABSENTEE VOTING

4 7.3.1 AN ELECTOR MAY REQUEST THAT THE COUNTY CLERK MAIL HIS OR HER BALLOT
5 TO AN ADDRESS OTHER THAN THE ELECTOR'S ADDRESS OF RECORD BY
6 SUBMITTING AN APPLICATION IN ACCORDANCE WITH SECTION 1-7.5-116, C.R.S.

7 7.3.2 THE COUNTY CLERK MUST MAIL THE BALLOT TO THE ADDRESS PROVIDED UNTIL
8 THE ELECTOR INDICATES OTHERWISE. ~~ELECTOR INDICATES OTHERWISE.~~

9 7.4 EMERGENCY BALLOT TRANSMISSION

10 ~~42.1~~ 7.4.1 The county clerk ~~and recorder~~ may deliver a **REPLACEMENT** ballot **ON**
11 **ELECTION DAY** to an elector's authorized representative or to the elector by
12 electronic transmission IN THE CASE OF ~~an administrative or~~ medical emergency
13 UNDER SECTION 1-7.5-115, C.R.S.

14 (A) THE APPLICANT MUST SUBMIT AN APPLICATION FOR EMERGENCY BALLOT
15 BEFORE THE COUNTY CLERK MAY SEND THE BALLOT.

16 (B) If THE COUNTY CLERK DELIVERS a ~~mail-in ballot is delivered~~ to an elector
17 by ~~facsimile~~ ELECTRONIC transmission, the elector may return the ballot
18 by ~~facsimile~~ ELECTRONIC transmission.

19 *[Portions of current Rules 42.1 and 42.3 are included in new Rule 7.4.2.]*

20 ~~42.4~~ 7.4.2 ~~Mail-in ballots~~ BALLOTS sent by ~~facsimile~~ ELECTRONIC transmission ~~shall~~
21 MUST include all races, ballot issues, and questions ~~on~~ FOR which the elector
22 ~~may~~ IS ELIGIBLE TO vote. ~~Counties are encouraged to work with their vendors to~~
23 ~~develop a~~ THE ballot that is clearly MUST BE legible to the elector to increase the
24 ~~readability of the ballot and~~ to avoid possible misinterpretations of the elector's
25 intended choice because of poor transmission of the document.

26 *[Current Rule 42.4 is amended and moved to new Rule 7.4.3. Amendments are shown*
27 *above.]*

28 7.4.3 THE ELECTRONIC TRANSMISSION MUST INCLUDE:

29 (A) THE COUNTY CLERK'S CONTACT INFORMATION INCLUDING MAILING
30 ADDRESS, EMAIL ADDRESS, PHONE, AND FAX NUMBER;

31 (B) A NOTICE THAT THE BALLOT MAY NOT BE DUPLICATED FOR ANY OTHER
32 ELECTOR;

33 (C) INSTRUCTIONS FOR COMPLETING AND RETURNING THE BALLOT;

(D) A NOTICE REGARDING THE BALLOT RETURN DEADLINE;

(E) INFORMATION REGARDING HOW THE ELECTOR MAY VERIFY THAT HIS OR HER BALLOT HAS BEEN RECEIVED BY THE COUNTY CLERK; AND

(F) ANY OTHER INFORMATION DEEMED NECESSARY BY THE SECRETARY OF STATE OR THE COUNTY CLERK.

~~7.4.3~~(G) THE BALLOT PACKET, ~~WHICH SENT BY ELECTRONIC TRANSMISSION~~ MUST BE IN TEXT FORMAT ON 8 ½" X 11" WHITE PAPER AND MUST INCLUDE:

~~(A-1)~~ AN ELECTRONIC TRANSMISSION COVERSHEET TO PROTECT VOTER PRIVACY;

~~(B-2)~~ THE BLANK BALLOT;

~~(C-3)~~ THE ELECTRONIC TRANSMISSION BALLOT INSTRUCTIONS; AND

~~(D-4)~~ THE SELF-AFFIRMATION REQUIRED BY SECTION 1-7.5-107(3)(B.5), C.R.S.

~~7.4.4 THE ELECTRONIC TRANSMISSION MUST INCLUDE:~~

~~(A) THE COUNTY CLERK AND RECORDER'S CONTACT INFORMATION INCLUDING MAILING ADDRESS, EMAIL ADDRESS, PHONE, AND FAX NUMBER;~~

~~(B) A NOTICE THAT THE BALLOT MAY NOT BE DUPLICATED FOR ANY OTHER ELECTOR;~~

~~(C) INSTRUCTIONS FOR COMPLETING AND RETURNING THE BALLOT;~~

~~(D) A NOTICE REGARDING THE BALLOT RETURN DEADLINE;~~

~~(E) INFORMATION REGARDING HOW THE ELECTOR MAY VERIFY THAT HIS OR HER BALLOT HAS BEEN RECEIVED BY THE COUNTY CLERK AND RECORDER; AND~~

~~(F) ANY OTHER INFORMATION DEEMED NECESSARY BY THE SECRETARY OF STATE OR THE COUNTY CLERK AND RECORDER.~~

~~7.4.5~~7.4.4 ANY BALLOT TRANSMITTED TO AN ELECTOR BY ELECTRONIC TRANSMISSION MUST CONTAIN A UNIQUE IDENTIFICATION NUMBER FOR TRACKING AND AUDITING PURPOSES.

~~7.4.6~~7.4.5 THE COUNTY CLERK ~~AND RECORDER~~ MUST MAINTAIN A LOG OF EACH BALLOT SENT BY ELECTRONIC TRANSMISSION. THE COUNTY CLERK MUST RETAIN THE LOG AS PART OF THE OFFICIAL ELECTION RECORD ALONG WITH ANY OTHER ELECTRONIC TRANSMISSION RECORDS. THE LOG MUST INCLUDE:

- 1 (A) THE NAME OF THE VOTER;
- 2 (B) THE FAX NUMBER OR EMAIL ADDRESS TO WHICH THE BALLOT WAS
- 3 TRANSMITTED (AS APPLICABLE);
- 4 (C) THE UNIQUE IDENTIFICATION NUMBER OF THE BALLOT;
- 5 (D) THE DATE THE BALLOT PACKET WAS TRANSMITTED; AND
- 6 (E) THE INITIALS OF THE EMPLOYEE TRANSMITTING THE BALLOT.

7 *[Portions of current Rule 42.7.2 are included in new Rule 7.4.5.]*

8 ~~42.8 7.4.7 7.4.6~~ The designated election official shall fax the blank ballot with the
9 instructions to the fax number provided by the elector. If THE COUNTY CLERK
10 TRANSMITS A BALLOT PACKET TO AN ELECTOR BY FAX AND the transmission is
11 unsuccessful, the designated election official shall COUNTY CLERK MUST attempt
12 to fax THE BALLOT at least two more times and make reasonable effort, if possible,
13 to ensure the transmission was successful.

14 *[Current Rule 42.8 is amended and moved to new Rule 7.4.6. Amendments are shown*
15 *above.]*

16 ~~42.9 7.4.8 7.4.7~~ Upon receipt of the ballot, THE COUNTY CLERK MUST VERIFY THE
17 SIGNATURE ON THE AFFIDAVIT UNDER RULE ~~7.6 7.7~~. when the information from the
18 signed AFTER the affidavit has been verified, a bipartisan team of judges shall
19 MUST duplicate the ballot. Duplicating judges shall MUST not reveal how the
20 elector has cast his or her ballot.

21 *[Current Rule 42.8 is amended and moved to new Rule 7.4.9. Amendments are shown*
22 *above.]*

23 7.5 RECEIPT AND PROCESSING OF BALLOTS

24 ~~12.10.4 7.5.1~~ Monitoring drop-off locations. All drop-off locations must be monitored by
25 an ~~election judge~~ ELECTION OFFICIAL or video security surveillance recording
26 system, as defined in Rule 20.

- 27 (a) Freestanding drop-off locations must be monitored at all times.
- 28 (b) If the drop-off location utilizes a drop-slot into a building, the ballots must
- 29 be collected in a locked container, and both the drop-slot and container
- 30 must be monitored at all times.

31 *[Current Rule 12.10.4 is amended and moved to new Rule 7.5.1. Amendments are shown*
32 *above.]*

33 ~~42.7.2 7.5.2~~ Each day when ballots come in, a judge shall MUST count the ballots, batch

1 them and record the number of ballots received.

2 ~~12.7.3~~ 7.5.3 ~~The ballots shall be date-stamped when received. AN ELECTION JUDGE~~
3 OFFICIAL MUST DATE-STAMP AND RECEIVE THE ~~BALLOTS~~ RETURNED BALLOT
4 ENVELOPES INTO ~~THE STATEWIDE VOTER REGISTRATION SYSTEM SCORE~~
5 IMMEDIATELY UPON RECEIPT. If any ballot is received after the time set for the
6 closing of the elections, the ballot ~~shall~~ MUST be date-stamped but ~~the ballot~~
7 ~~shall not be~~ counted.

8 ~~(A)~~ 7.5.4 THE COUNTY CLERK MUST COLLECT BALLOTS FROM ALL DROP-OFF LOCATIONS
9 AND RECEIVE THEM INTO SCORE; ~~INCLUDING FREE-STANDING BALLOT BOXES,~~
10 ~~HOURLY DURING REGULAR BUSINESS HOURS (INCLUDE OR MORE AS NEEDED?).~~

11 ~~(1-A)~~ AT LEAST ONCE EVERY 72 HOURS AFTER BALLOTS ARE MAILED UNTIL THE
12 DATE THAT VOTER SERVICE AND POLLING CENTERS MUST OPEN;

13 ~~(2-B)~~ AT LEAST ONCE EVERY 24 HOURS DURING THE DAYS THAT VOTER SERVICE
14 AND POLLING CENTERS MUST BE OPEN; AND

15 ~~(3-C)~~ AT LEAST TWICE ON ELECTION DAY, AT APPROXIMATELY 1PM AND 7PM.

16 ~~(B-D)~~ THE COUNTY CLERK MAY MEET THE REQUIREMENTS OF THIS RULE BY:

17 (1) COLLECTING AND TRANSPORTING THE BALLOTS TO THE CENTRAL
18 COUNTING LOCATION FOR RECEIPT INTO SCORE;

19 (2) COLLECTING AND TRANSPORTING THE BALLOTS TO THE NEAREST
20 VOTER SERVICE AND POLLING CENTER FOR RECEIPT INTO
21 SCORE; OR

22 (3) RECEIVING THE BALLOTS INTO SCORE AT THE BALLOT DROP-OFF
23 LOCATION.

24 ~~12.7.4~~ ~~7.5.4~~ 7.5.5 ~~Records shall also be kept of~~ ELECTION JUDGES OFFICIALS MUST
25 RECORD the number of ballot packets returned as undeliverable UPON RECEIPT.

26 ~~12.7.5~~ ~~7.5.5~~ 7.5.6 ~~Ballot packets shall then be placed~~ THE DESIGNATED ELECTION
27 OFFICIAL MUST SEAL AND STORE BALLOTS AND RETURN ENVELOPES in a safe,
28 secure place until the counting of the ballots.

29 *[Current Rule 12.7 is amended and moved to new Rule 7.5.2 through 7.5.6. Amendments*
30 *are shown above.]*

31 ~~13.2~~ ~~7.5.6~~ 7.5.7 The county clerk ~~and recorder~~ shall MUST keep a list, to the extent
32 possible, of the names and mailing addresses of all individuals who deliver
33 more than ~~ten~~ (10) 10 voted ~~mail-in~~ ballots to the ~~designated or coordinated~~
34 ~~election official's~~ COUNTY CLERK'S office, DROP-OFF LOCATION, OR VOTER
35 SERVICE AND POLLING CENTER ~~or the designated drop site for mail-in ballots.~~

1 ~~13.3~~ ~~7.5.7~~ ~~7.5.8~~ The county clerk ~~and recorder~~ ~~shall~~ MUST notify each individual on
2 the list required by ~~13.2~~ ~~7.5.6~~ ~~7.5.7~~ by letter that they have violated section ~~1-8-~~
3 ~~13-1-7.5-107(4)(B)~~, C.R.S., by delivering more than ten ~~(10)~~ mail-in ballots to
4 the ~~designated election official~~ COUNTY CLERK.

5 *[Current Rules 13.2 and 13.3 are amended and moved to new Rules 7.5.7 and 7.5.8.*
6 *Amendments are shown above.]*

7 ~~10.9~~ ~~7.5.8~~ ~~7.5.9~~ Tracking ballot batches. The county clerk must dissociate any
8 batch number that could trace a ballot back to the specific voter who cast it from
9 the counted ballots no later than the final certification of the abstract of votes
10 cast.

11 *[Current Rule 10.9 is amended and moved to new Rule 7.5.9. Amendments are shown*
12 *above.]*

13 7.6 MISSING SIGNATURE

14 ~~29.1~~ ~~Missing Signature on Mail Ballot, Provisional Ballot or Mail-in Ballot Envelope~~

15 ~~29.1.1~~ 7.6.1 If a mail, ~~mail-in~~, or provisional ballot return envelope lacks a signature,
16 the election ~~judge~~ OFFICIAL must contact the elector in writing no later than two
17 calendar days after election day. The designated election official must use the
18 letter and form prescribed by the Secretary of State and keep a copy as part of the
19 official election record. Nothing in this rule prohibits the designated election
20 official from calling the elector. But a phone call may not substitute for written
21 contact. If the designated election official calls any elector he or she must call all
22 electors whose affidavits are unsigned.

23 [Sections 1-7.5-107.3, 1-8-114.5, and 1-8.5-105(3)(a), C.R.S.]

24 ~~29.1.2~~ 7.6.2 The letter ~~shall~~ MUST inform the eligible elector that ~~he/she~~ THE ELECTOR
25 must come to the office of the ~~county clerk and recorder~~ DESIGNATED ELECTION
26 OFFICIAL to sign the mail ~~ballot, OR~~ provisional ballot, ~~or mail-in ballot~~ envelope
27 no later than eight calendar days after election day. The letter ~~shall~~ MUST inform
28 military, overseas, and other electors who are absent from the state that they may
29 sign the affidavit and return the form by mail, fax, or email, and that the county
30 must receive the form no later than eight calendar days after the election.

31 ~~29.1.3~~ 7.6.3 The letter and missing signature affidavit form does not violate section 1-
32 13-801, C.R.S.

33 ~~29.1.4~~ 7.6.4 The letter or missing signature affidavit form must include the following
34 language:

35 “Any person who knowingly violates any of the provisions of the election code
36 relative to the casting of ballots or who aids or abets fraud in connection with any
37 vote cast, or to be cast, or attempted to be cast ~~shall~~ WILL be punished by a fine of

not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment. Section 1-13-803, C.R.S.”

7.7 SIGNATURE VERIFICATION PROCEDURES

~~29.2-7.7.1~~ In accordance with section 1-8-114.5, C.R.S., for mail in ballots and section 1-7.5-107.3, C.R.S., for mail ballots, the election judges shall ~~AN THE~~ ELECTION JUDGE OFFICIALS MUST compare the signature on the self-affirmation on each respective return envelope with the signature stored in the statewide voter registration system SCORE. Signatures shall require further THE ELECTION JUDGE OFFICIALS MUST research THE SIGNATURE FURTHER if any of the following discrepancies are discovered THERE IS:

~~Code 1~~—(A) An obvious change in the slant of the signature.

~~Code 2~~—(B) A printed signature on one document and a cursive signature on the other document.

~~Code 3~~—(C) Differences A DIFFERENCE in the size or scale of the signature SIGNATURES.

~~Code 4~~—(D) Differences A DIFFERENCE in the individual characteristics of the signatures, such as how the “t’s” are crossed, “i’s” are dotted, loops are made on “y’s” or “j’s”.

~~Code 5~~—(E) Differences A DIFFERENCE in the voter’s signature style, such as how the letters are connected at the top and bottom.

~~Code 6~~—(F) EVIDENCE THAT ballots or envelopes from the same household have been switched.

~~Code 7~~—(G) ‘Other,’ ANY OTHER NOTICEABLE DISCREPANCY including SUCH AS misspelled names. & description of discrepancy

~~29.3-7.7.2~~ IF IN CONDUCTING further research is necessary, the election judge OFFICIALS shall MUST check the county clerk’s or election official’s file SCORE for at least two additional documents signed by the voter, if available. THE JUDGE OFFICIALS MAY COMPARE additional information written by the voter on the return envelope, such as the voter’s address and date of signing. may be compared for similarities. Any similarities noted when comparing this other information may be used as part of the signature verification decision process.

~~29.3-1~~(A) If it appears to the judges verifying the self-affirmation on the return envelopes that members of the same household who have applied for mail in ballots or have been sent mail ballots have inadvertently switched envelopes or ballots, the ballot or ballots shall MUST be counted and no letter of advisement to the elector is necessary.

~~29.4~~ 7.7.3 ~~Whenever~~ IF THE ELECTION ~~JUDGE-OFFICIALS DISPUTE~~ ~~DISPUTES~~ THE a signature is disputed, the election judge shall ~~HE OR SHE-THEY~~ MUST document the discrepancy by completing AND THE RESEARCH STEPS TAKEN IN a log. The log shall provide a record of the research steps taken to resolve the issue. The ~~JUDGE OFFICIALS~~ MUST IDENTIFY THE ELECTOR IN THE log will identify the voter using a unique tracking number. This THE tracking number shall MAY not contain the voter's ELECTOR'S social security number; Colorado issued driver's license number, or the identification number issued by the Department of Revenue. THE LOG MAY NOT CONTAIN THE ELECTOR'S SIGNATURE. THE ~~JUDGE-OFFICIALS~~ MUST NOTE THE FINAL RESOLUTION AND BALLOT DISPOSITION ON THE RESEARCH LOG.

~~29.5~~ The log shall be approved by the Secretary of State pursuant to section 1-1-109, C.R.S.

~~29.6~~ There shall be no document containing the voter's signature attached to the research log.

~~29.7~~ If both sets of election judges agree that the signatures do not match, the county clerk and recorder shall within two days after the election, send a letter to the eligible elector at the address indicated in the registration records and the address where the mail in ballot or mail ballot was mailed explaining the discrepancy in signatures and a form for the eligible elector to confirm that the elector returned a ballot to the county clerk and recorder. (Sections 1-7.5-107.3(2)(a) and 1-8-114.5(2)(a), C.R.S.) The voted ballot itself should not under any circumstances be returned with this letter.

~~29.8~~ 7.7.4 The election official must use the letter and the signature verification form approved by the Secretary of State. (SECTIONS 1-7.5-107.3(2)(A) AND 1-8-114.5(2)(A), C.R.S.) THE LETTER AND SIGNATURE VERIFICATION FORM DOES NOT VIOLATE SECTION 1-13-801 C.R.S.

~~29.9~~ The letter and signature verification form does not violate section 1-13-801 C.R.S.

~~29.10~~ The final signature verification resolution and ballot disposition shall be noted on the research log.

~~29.11~~ 7.7.5 ~~Any~~ ALL uncounted ballot ~~BALLOTS shall~~ MUST remain sealed in the return envelope and stored under seal with all other uncounted ballots as part of the election record pursuant to IN ACCORDANCE WITH section 1-7-802, C.R.S., and may be removed only under the authority of a district attorney or by order of a court having jurisdiction.

7.7.6 USE OF BALLOT ENVELOPE SORTERS AND SIGNATURE CAPTURE DEVICES.

(A) IF THE COUNTY CLERK ~~AND RECORDER~~ USES A BALLOT SORTING AND SIGNATURE CAPTURE DEVICE, THE COUNTY MUST TEST THE DEVICE BEFORE USING IT IN AN ELECTION TO ENSURE THAT IT PROPERLY SORTS ENVELOPES, AND ACCURATELY AND CLEARLY CAPTURES THE SIGNATURE ON THE ENVELOPE FOR COMPARISON TO THE CORRECT VOTER RECORD.

1 AND SECURE NETWORK.

2 (1) THE COUNTY MAY CONNECT THE DEVICE TO THE COUNTY NETWORK FOR
3 MAINTENANCE AND SUPPORT.

4 (2) THE DEVICE MUST BE SECURED BY THE COUNTY FIREWALL.

5 (3) THE COUNTY MUST MAINTAIN A MAINTENANCE AND SUPPORT LOG THAT
6 INCLUDES THE NAME OF THE PERSON PROVIDING MAINTENANCE OR
7 SUPPORT, THE DATE AND TIME THE DEVICE WAS ACCESSED, THE SPECIFIC
8 REASON FOR ACCESS.

9 *[Current Rule 29 is amended and moved to new Rules 7.6 and 7.7. Amendments*
10 *are shown above.]*

11 7.7.8 IF A COUNTY USES A SIGNATURE CAPTURE DEVICE TO COMPARE A BALLOT
12 ENVELOPE SIGNATURE TO A SIGNATURE MAINTAINED IN SCORE, THE SYSTEM
13 MAY DISPLAY ONLY ONE VOTER'S SIGNATURE AT A TIME.

14 7.8 VOTER SERVICE AND POLLING CENTERS

15 7.8.1 THE COUNTY CLERK ~~AND RECORDER~~ MUST DESIGNATE AND OPEN THE MINIMUM
16 NUMBER OF VOTER SERVICE AND POLLING CENTERS AND THE LOCATIONS MUST BE
17 OPEN DURING REASONABLE BUSINESS HOURS FOR THE MINIMUM NUMBER OF DAYS
18 OUTLINED IN SECTION 1-5-102.9, C.R.S., FOR A GENERAL ELECTION AND 1-7.5-
19 107(4.5), C.R.S., FOR ALL OTHER ELECTIONS.

20 (A) REASONABLE BUSINESS HOURS MEANS AT LEAST EIGHT HOURS PER DAY
21 MONDAY THROUGH FRIDAY, AND AT LEAST FOUR HOURS ON SATURDAY.

22 (B) ALL VOTER SERVICE AND POLLING CENTERS MUST BE OPEN FROM 7:00AM
23 THROUGH 7:00 PM ON ELECTION DAY.

24 (C) THE COUNTY CLERK MUST PROVIDE ALL SERVICES OUTLINED IN SECTION 1-2-
25 509, C.R.S., AT EVERY DESIGNATED VOTER SERVICE AND POLLING CENTER.

26 ~~7.1~~ 7.8.2 ~~Polling place~~ VOTER SERVICE AND POLLING CENTER materials shall include,
27 ~~where applicable~~, SUFFICIENT COMPUTER STATIONS FOR SCORE ACCESS, HAVA
28 information, A voting demonstration display, A signature card table, registration
29 records or lists, poll books, electronic or paper, or completed signature cards,
30 paper ballots, and voting booths or DRES, provisional voting area or procedure,
31 and A ballot box if provided.

32 *[Current Rule 7.1 is amended and moved to new Rule 7.8.2. Amendments are shown*
33 *above.]*

34 7.8.3 VOTER CHECK-IN AT THE VOTER SERVICE AND POLLING CENTER

(A) EACH VOTER SERVICE AND POLLING CENTER MUST INCLUDE AND ADEQUATELY STAFF A DESIGNATED VOTER CHECK-IN TABLE OR AREA.

(B) THE CHECK-IN JUDGE MUST VERIFY EACH ELECTOR'S REGISTRATION INFORMATION, INCLUDING ADDRESS.

(C) IF AN ELECTOR HAS MOVED OR IS NOT REGISTERED, THE CHECK-IN JUDGE MUST DIRECT THE ELECTOR TO THE REGISTRATION AREA. IF THE ELECTOR IS REGISTERED AND HAS NO UPDATES, THE CHECK-IN JUDGE MUST DIRECT THE ELECTOR TO THE VOTING TABLE.

7.8.4 EXCEPT FOR VOTERS WITH DISABILITIES, THE MAXIMUM ALLOWABLE TIME IN A VOTING BOOTH IS 15 MINUTES IF THERE ARE VOTERS WAITING. THE SECRETARY OF STATE MAY ORDER ADDITIONAL TIME BASED ON THE LENGTH OF THE BALLOT. [SECTION 1-7-115, C.R.S.]

[Portions of current Rule 7.6 are included in new Rule 7.8.3.]

7.8.5 ANY ELIGIBLE ELECTOR MAY VOTE IN-PERSON AT A VOTER SERVICE AND POLLING CENTER. THE ELECTION JUDGE OFFICIAL MUST VOID-MARK THE ELECTOR'S MAIL BALLOT "SURRENDERED" IN SCORE BEFORE ISSUING AN IN-PERSON BALLOT.

~~47.2~~ 7.8.6 If a voter leaves the voting area without completing the voting process, two judges of different affiliation ~~shall~~ MUST, to the extent possible, cover the voter's choices, and cast the ballot as the voter left it.

[Current Rule 47.2 is amended and moved to new Rule 7.8.6. Amendments are shown above.]

7.8.7 ~~Any individual who~~ IF AN ELECTOR votes AFTER THE CLOSE OF POLLS BECAUSE ~~in an election for federal office as a result of a federal or state court ISSUES AN order EXTENDING or any other order that is in effect 10 days before that election and which extends the time established for closing the polls by state law, may only vote in that election by casting a~~ THE ELECTOR MUST VOTE BY provisional ballot pursuant to state law and the rules and regulations prescribed by the Secretary of State. THE COUNTY CLERK MUST KEEP ALL PROVISIONAL BALLOTS CAST UNDER THIS RULE SEPARATE FROM PROVISIONAL BALLOTS NOT AFFECTED BY THE COURT ORDER.

7.9 NO LATER THAN 90 DAYS BEFORE AN ELECTION, THE COUNTY CLERK ~~AND RECORDER~~ MUST DESIGNATE DROP-OFF LOCATIONS AND VOTER SERVICE AND POLLING CENTERS, AND COMPLETE AN ACCESSIBILITY SURVEY FOR ALL DROP-OFF AND ~~VOTER SERVICE AND POLLING CENTER~~ VOTER SERVICE AND POLLING CENTER LOCATIONS ANNUALLY BEFORE DESIGNATING A LOCATION FOR USE.

7.9.1 FOR THE FIRST SURVEY OF A LOCATION, THE COUNTY CLERK MUST COMPLETE THE FULL ADA CHECKLIST FOR VOTER SERVICE AND POLLING PLACES CENTERS. THE COUNTY CLERK MUST COMPLETE THE ANNUAL VOTER SERVICE AND POLLING

~~PLACE-CENTER~~ ACCESSIBILITY SURVEY FORM FOR EACH ELECTION AFTER THE INITIAL SURVEY IS COMPLETED. [SECTION 1-5-102, C.R.S.]

[Portions of current Rules 7.7.1 and 7.7.2 are included in new Rule 7.9.1.]

~~7.7.3-7.9.2~~ ~~Barrier removal:~~ If, upon assessment, a location fails to meet the minimum accessibility requirements outlined in the ADA Checklist ~~for Polling Places~~, the ~~designated election official~~ COUNTY CLERK must develop a barrier removal plan outlining the ~~permanent and or temporary~~ modifications that ~~will be implemented~~ THE COUNTY CLERK WILL IMPLEMENT to bring the site into compliance ~~in order for the location to be designated an official polling place location~~. THE COUNTY CLERK MUST INDICATE ON THE SURVEY WHETHER THE MODIFICATIONS ARE TEMPORARY OR PERMANENT.

[Current Rule 7.7.3 is amended and moved to new Rule 7.9.2. Amendments between the current and new rule language are shown above.]

7.9.3 THE SECRETARY OF STATE MAY DENY AN APPLICATION FOR ACCESSIBILITY GRANT FUNDS IF A COUNTY CLERK FAILS TO ASSESS LOCATIONS AND TIMELY FILE COMPLETE ACCESSIBILITY SURVEYS, AND DEVELOP AND IMPLEMENT NECESSARY BARRIER REMOVAL PLANS IN ACCORDANCE WITH THIS RULE. THE SECRETARY WILL CONDUCT SITE VISITS TO ASSESS COMPLIANCE AND IDENTIFY ACCESSIBILITY BARRIERS. THE SECRETARY WILL SEEK INJUNCTIVE ACTION OR OTHER PENALTIES UNDER SECTION 1-1-107(2)(D), C.R.S., AS NECESSARY TO REMEDY VIOLATIONS OF THIS RULE.

[Portions of current Rules 7.7.2(d) and 7.7.4 are included in new Rule 7.9.3.]

7.10 VOTER SERVICE AND POLLING CENTER CONNECTIVITY

7.10.1 THE COUNTY MUST HAVE REALTIME ACCESS TO ~~THE STATEWIDE VOTER REGISTRATION SYSTEM SCORE~~ AT EVERY VOTER SERVICE AND POLLING CENTER DESIGNATED BY THE COUNTY CLERK ~~AND RECORDER~~.

7.10.2 AT NO TIME MAY AN ELECTION ~~JUDGE OFFICIAL~~ OPEN BOTH THE SCORE VOTER REGISTRATION SCREEN AND THE VOTING MODULE ON A SINGLE WORKSTATION.

7.10.3 EVERY VOTER SERVICE AND POLLING CENTER DESIGNATED BY THE COUNTY CLERK ~~AND RECORDER~~ MUST MEET THE MINIMUM SECURITY PROCEDURES FOR TRANSMITTING VOTER REGISTRATION DATA AS OUTLINED IN SECTION 1-5-102.9, C.R.S., AND RULE ~~43-20~~.

7.11 ASSISTING VOTERS WITH DISABILITIES IN A VOTER SERVICE AND POLLING CENTER

~~9.1-7.11.1~~ The ~~county clerk and recorder~~ DESIGNATED ELECTION OFFICIAL must post a sign at the ~~polling place or vote center~~ VOTER SERVICE AND POLLING CENTER that states:

NOTICE
VOTING ASSISTANCE FOR ELECTORS WITH DISABILITIES

Colorado law protects a voter's legal right to assistance in voting if assistance is needed because of a disability.

1. If you require assistance, please inform an election judge.
2. Any person, including an election judge, may assist you.
3. If you select a person other than an election judge, he or she must complete a Voter Assistance Form, which includes an oath that states:

I,, certify that I am the individual chosen by the elector to assist the elector in casting a ballot.'
4. The person you select may provide any assistance you need, including entering the voting booth, preparing the ballot, or operating the voting machine.
5. The person assisting you may not seek to persuade you or induce you to vote in a particular manner.
6. The election judge must record the name of each voter who receives assistance and the name of the person who provides assistance ~~in the pollbook or list of eligible electors (or on the signature card if preprinted signature cards are used in the place of a pollbook and list of eligible electors).~~

~~9.2-7.11.2~~ When IF a voter has spoiled two ballots and requests a third ballot, an election judge shall OFFICIAL MUST offer assistance in voting procedures and casting the ballot.

[Current Rule 9 is amended and moved to Rules 7.11. Amendments are shown above.]

Rule 8. Rules Concerning Watchers

~~8.2-8.1~~ ~~Qualification of Watchers.~~ Watchers shall MUST certify THAT they are qualified pursuant to UNDER sections 1-1-104(51), 1-7-105, 1-7-106, 1-7-107, and 1-7-108(2), C.R.S., AS APPLICABLE. Watchers shall MUST take an THE oath as provided DESCRIBED in section 1-7-108(1), C.R.S. and shall, upon first entering the precinct place VOTER SERVICE AND POLLING CENTER or location, surrender THE CERTIFICATE OF APPOINTMENT to the election official or election judges SUPERVISOR JUDGE a certificate of appointment at each precinct polling place VOTER SERVICE AND POLLING CENTER or location where the watcher has been IS designated to act OBSERVE.

~~8.2-1-8.1.1~~ If a watcher leaves a precinct and the same watcher VOTER SERVICE AND POLLING CENTER LOCATION BUT returns later in the day to the same precinct LOCATION, another certificate of appointment is not necessary. and shall not be required. The original certificate of appointment will suffice.

1 ~~8.2.2~~ 8.1.2 If a watcher is replaced during the day, the watcher replacing the original
2 watcher must have an original certificate of appointment for that precinct. A NEW
3 WATCHER WHO IS REPLACING AN ORIGINAL WATCHER MUST PROVIDE AN ORIGINAL
4 CERTIFICATE OF APPOINTMENT FOR THAT ~~VOTER SERVICE AND POLLING CENTER~~
5 LOCATION.

6 ~~8.2.3~~ 8.1.3 ~~Certificate~~ A CERTIFICATE of appointment as a watcher is not transferable
7 to another individual.

8 ~~8.3~~ 8.2 A political party ~~attorneys are not allowed~~ ATTORNEY MAY NOT BE in the ~~polling place~~
9 ~~VOTER SERVICE AND POLLING CENTER LOCATION~~ unless ~~they are~~ HE OR SHE IS A duly
10 appointed as ~~watchers~~ WATCHER.

11 ~~8.4~~ Watchers are not allowed to have cell phones, cameras, recording devices, laptops or
12 PDAs (Palm Pilot, Blackberry, etc.) in the polling place. A WATCHER MAY NOT HAVE A
13 CELL PHONE, CAMERA, RECORDING DEVICE, COMPUTER, TABLET, OR OTHER PERSONAL
14 ELECTRONIC EQUIPMENT IN THE ~~VOTER SERVICE AND POLLING CENTER~~.

15 ~~8.5~~ 8.3 List of Eligible Electors. To assist Watchers in performing their tasks, the election
16 official or election judge shall THE SUPERVISOR JUDGE MUST provide TO EACH WATCHER a
17 list, log, check-in card, or other similar information of voters ~~who have appeared in the~~
18 ~~precinct polling place~~ APPEARING IN THE ~~VOTER SERVICE AND POLLING CENTER LOCATION~~
19 to vote. The WATCHER MAY NOT REMOVE THE information or documents ~~shall not be~~

must be able to
hear and see

~~removed from the polling place or voting location~~ FROM THE ~~VOTER SERVICE AND~~
~~POLLING CENTER LOCATION~~. ~~Watchers~~ A WATCHER may maintain a list of eligible
24 electors who have voted by ~~utilizing~~ USING only that information provided by the **election**
25 **official** or election **SUPERVISOR** judge except that they may bring with them into the
~~polling place or location~~ OR a list of electors previously maintained by the watcher.
[Section 1-7-108(3), C.R.S.]

26 *[Current Rule 8.1 is moved to Rule 1. Current Rules 8.2, 8.3, 8.4, and 8.5 are amended*
27 *and moved to new Rules 8.1, 8.2, and 8.3. Amendments are shown above.]*

28 ~~8.6~~ 8.4 Watchers are subject to the provisions of section 1-5-503, C.R.S.

29 ~~8.6.2~~ 8.4.1 The designated election official must position the voting equipment,
30 voting booths, and the ballot box so that they are in plain view of the election
31 officials and watchers.

32 ~~8.6.3~~ 8.4.2 ~~Watchers are permitted to~~ A WATCHER MAY witness and verify the conduct
33 ~~of elections and recount activities.~~ WATCHERS MUST BE PERMITTED ACCESS THAT
34 WOULD ALLOW THEM TO ATTEST TO THE ACCURACY OF ELECTION-RELATED
35 ACTIVITIES, INCLUDING RECALL ELECTIONS. THIS INCLUDES PERSONAL VISUAL
36 ACCESS AT A REASONABLE PROXIMITY TO READ DOCUMENTS, WRITINGS OR
37 ELECTRONIC SCREENS AND REASONABLE PROXIMITY TO HEAR ELECTION-RELATED
38 DISCUSSIONS. Witness and verify means to personally observe actions of election
39 **judges** **OFFICIALS** in each step of the conduct of an election.

needs to include ballot
printing, issuance and mailing

(a) ~~The conduct of election ELECTIONS includes polling place and early voting~~
ELECTION-RELATED ACTIVITIES INCLUDE ALL ACTIVITIES IN A VOTER
SERVICE AND POLLING CENTER LOCATION and ballot processing and
counting, SUCH AS:

in close enough proximity
to see and hear voter
information.

(1) OBSERVING VOTER CHECK-IN AND REGISTRATION ACTIVITIES

(2) WITNESSING THE SIGNATURE VERIFICATION OF MAIL BALLOT
ENVELOPES AT CLOSE ENOUGH DISTANCE TO VERIFY OR CHALLENGE
THE SIGNATURE.

(3) WITNESSING THE DUPLICATION OF BALLOTS TO VERIFY ACCURACY
OF VOTER INTENT.

of duplication

(4) OBSERVING THE TABULATION PROCESS OR DISPLAY SCREENS OF
VOTING EQUIPMENT AT ANY TIME THAT THE VOTER IS NOT IN THE
IMMEDIATE VOTING AREA FOR PURPOSES OF VOTING OR CASTING HIS
BALLOT.

(5) WITNESSING HAND COUNT TABULATIONS AS THEY ARE BEING
CONDUCTED.

(6) VISUAL ACCESS TO ALL DOCUMENTS AND MATERIALS DURING THE
LAT AND POST-ELECTION AUDIT.

(b) Watchers must remain outside the immediate voting area WHILE AN
ELECTOR IS VOTING.

(c) Watchers may be present at each stage of the conduct of the election,
including the SETUP AND BREAKDOWN OF POLLING LOCATIONS AND
~~receiving~~ BALLOT RECEIPT and ~~bundling~~ PROCESSING ~~of the ballots~~
~~received by the designated election official.~~

(d) Watchers may be present during provisional ballot processing, SIGNATURE
VERIFICATION, AND UOCAVA BALLOT PROCESSING, but may not have
access to confidential voter information.

(e) The number of watchers permitted in any room at one time is subject to
local safety codes.

.4.3 ~~Watchers~~—A WATCHER may witness and verify activities described in
~~Article I~~—ARTICLE 1, Section 7, that are outside the immediate voting area,
including ballot processing and counting. IF ELECTION OFFICIALS ~~OR ELECTION~~
~~JUDGES~~ ARE CONDUCTING ELECTIONS ACTIVITIES IN SEPARATE ROOMS OR AREAS OF
A BUILDING OR BUILDINGS, THE COUNTY CLERK ~~AND RECORDER~~ MUST ALLOW
ADDITIONAL WATCHERS TO OBSERVE ~~ACTIVITIES~~ AND VERIFY EACH SEPARATE
ACTIVITY IN EACH ROOM OR AREA IN THE BUILDING OR BUILDINGS.

"confidential voter
information" should be
defined. Watcher must
be able to witness,
verify and challenge,
and see everything a
judge sees.

1 8.6.5-8.4.4 Watchers appointed under section 1-10.5-101(1)(a), C.R.S., THIS RULE 8
2 may observe the canvass board while it performs its duties.

printing, addressing, sorting,
etc.

3 8.6.6-8.4.5 ~~Watchers~~ A WATCHER may track the names of electors who have cast
4 ballots, challenge electors under section 1-9-203, C.R.S., and Rule 48-9, and
5 submit written complaints in accordance with section 1-1.5-105, C.R.S., and Rule
6 31.8.7-13. ~~What Watchers May Observe. Duly appointed Watchers~~ A WATCHER
may observe ~~polling place voting, early voting~~ ALL ACTIVITIES IN A VOTER
SERVICE AND POLLING CENTER LOCATION and the processing and counting of
precinct, provisional, mail, and mail-in ballots. For mail ballot elections, or mail-
in ballot processing, ~~watchers~~ A WATCHER may be present at each stage of the
election including the receiving and bundling of the ballots. ~~received by the~~
designated election official. ~~Watchers~~ A WATCHER may be present during
provisional ballot processing but may not have access to confidential voter
information.

There is no statutory
authority to constrict
watcher verification.
Anything an election judge
sees, a watcher should be
able to witness and verify.
Additionally there is no
definition of "confidential
voter information."

15 *[Current Rule 8.6.1 is amended and moved to new Rule 1. Current Rule 8.6 is amended*
16 *and moved to new Rule 8.4. Amendments are shown above.]*

17 8.7-8.5 ~~Watcher oath~~ In addition to the oath required by section 1-7-108(1), C.R.S., a watcher
18 must affirm that he or she will not:

19 8.7.1-8.5.1 Attempt to determine how any elector voted or ~~review confidential voter~~
20 ~~information;~~ **watchers should not be limited in what they can review. Confidential**
voter information is not defined.

21 8.7.2-8.5.2 Disclose any confidential voter information that he or she may observe; or

22 8.7.3-8.5.3 Disclose any results before the polls are closed ~~and the designated election~~
23 ~~official has formally announced results.~~

there is NO statutory authority for this. 7 p.m. on election night is only
meaningful cutoff.

24 8.8-8.6 ~~Limitations of Watchers. Watchers~~ A WATCHER may not:

watchers must have
meaningful chance to
question, challenge,
verify. —

8.6.1 **Interrupt or disrupt the processing,** verification and counting of any ballots
or any other stage of the election. **except to challenge, inquire or verify step in processing.**

28 8.6.2 **Write down any ballot numbers or any other identifying information about**
the electors.

there is no statutory authority for this. Ballot numbers are public records. "identifying information" is not
defined. what is the purpose of this?

29 8.8.3-8.6.3 **Handle TOUCH OR HANDLE** the poll books ~~POLLBOOKS~~, official signature
30 cards, ballots, mail ballot envelopes, ~~mail-in ballot envelopes~~, provisional ballot
31 envelopes, voting or counting machines, or machine components. **except to verify step in**
process of election.

32 8.8.4-8.6.4 **Interfere with the orderly** conduct of any election process, including
33 issuance of ballots, receiving of ballots, and voting or counting of ballots.

there is no need
for this, and in
practice it is used
to keep watchers
from inquiring or
verifying.

8.8.5-8.6.5 ~~Interact with election officials or election judges as defined in section 1-1-~~
~~104(10) AND (47), C.R.S., except for the individual designated by the election~~
~~official~~ SUPERVISOR JUDGE.

restrict only to
polling place.

too broad and
no need for this.

8.6.6 USE A MOBILE PHONE TO MAKE OR RECEIVE A CALL IN ANY POLLING LOCATION ~~OR OTHER PLACE ELECTION ACTIVITIES ARE CONDUCTED.~~

8.6.7 **USE ANY ELECTRONIC DEVICE TO TAKE PICTURES, VIDEO, OR AUDIO RECORDING IN ANY POLLING LOCATION OR OTHER PLACE ELECTION ACTIVITIES ARE CONDUCTED.**

~~5 8.9.1 8.8 A major and OR minor political parties PARTY with candidates A~~
~~6 CANDIDATE on the ballot, OR A REGISTERED ISSUE COMMITTEE SUPPORTING OR OPPOSING A~~
~~7 BALLOT MEASURE OR QUESTION ON THE BALLOT may appoint one Watcher each to be~~
~~8 present OR MORE WATCHERS to observe polling place voting, early voting, and the~~
~~9 processing and counting of regular, provisional, mail and mail in ballots ELECTION~~
~~10 ACTIVITIES. See [sections 1-7-105 and 1-7-106, C.R.S, AND RULE 8.6.4.]~~

~~11 8.10 8.7 Official Observers Appointed by the Federal Government. THE~~
~~12 SECRETARY OF STATE MUST APPROVE Official Observers appointed by the federal~~
~~13 government. shall be approved by the Secretary of State and shall be OFFICIAL~~
~~14 OBSERVERS ARE subject to Colorado law and these rules as they apply to Watchers.;~~
~~15 however, they need not BUT AN OFFICIAL OBSERVER IS NOT REQUIRED TO be AN eligible~~
~~16 ELECTOR electors in the jurisdiction in which they act as Watchers. This Rule shall DOES~~
~~17 not apply to Official Observers appointed by the United States Department of Justice.~~
~~18 Official Observers appointed by the Secretary of State shall be ARE subject to the rules~~
~~19 and regulations as prescribed by the Secretary of State. Official Observers shall MUST~~
~~20 obtain A LETTER OF AUTHORITY from the Secretary of State, or his or her designee, duly~~
~~21 executed letters of authority. The Official Observers shall MUST surrender such THE letter~~
~~22 of authority to the COUNTY CLERK AND RECORDER designated election official in the~~
~~23 jurisdiction in which they act as Watchers.~~

[Current Rule 8.10 is amended and moved to rule 8.7. Amendments are shown above.]

~~25 8.11 8.8 Watchers, Official Observers and Media Observers at a Recount.~~
~~26 Watchers, Official Observers, and Media Observers may be present at DURING a recount.~~
~~27 Watchers, Official Observers, and Media Observers must be qualified and sworn IN for a~~
~~28 recount in the same manner as provided AS DESCRIBED in Rule 8.2 8.1 and are subject to~~
~~29 all other provisions related to the recount process. Any political party OR candidate~~
~~30 involved in the recount or proponents or opponents of an issue or question involved in the~~
~~31 recount may appoint one Watcher OR MORE WATCHERS to be present at any time during~~
~~32 the recount. The A candidate who is subject to a recount may appoint him or her self~~
~~33 HIMSELF OR HERSELF, or a member of the candidate's family by blood, or marriage, OR~~
~~34 CIVIL UNION, as a watcher at a recount. See sections [SECTIONS 1-7-105 and 1-7-106,~~
~~35 C.R.S. AND RULE 8.6.4.]~~

~~36 8.12 8.9 Media Observers. Media Observers with valid and current media~~
~~37 credentials may be present to witness early voting, election day voting and the processing~~
~~38 and counting of provisional, mail and mail in ballots ALL ELECTION ACTIVITIES. However,~~
~~39 at the discretion of the county clerk and recorder, Media Observers may be required A~~
~~40 COUNTY CLERK AND RECORDER MAY, IN HIS OR HER DISCRETION, REQUIRE A MEDIA~~
~~41 OBSERVER to appoint one member of the media as a pool reporter and one member as a~~

there should be no
restriction on disclosure
of counts during recount.
this SHOULD be public
process with no ban on
reporting to others.

1 pool photographer to represent all media observers. ALL MEDIA OBSERVERS ARE SUBJECT
2 TO ~~in accordance with~~ the Guidelines established by the Colorado Press Association in
3 conjunction with the Colorado County Clerks' Association and the Secretary of State as
4 ~~set forth herein~~ OUTLINED BELOW:

5 *Guidelines for Member of the Media Who Observe Election Counts and Recounts*
6 *(to be distributed to members of the Colorado Press Association):*

7 *The Colorado State Association of County Clerks and Recordors, Colorado*
8 *Broadcasters' Association and Colorado Press Association have collaborated to*
9 *develop the following guidelines and protocols for use when members of the*
10 *media observe the counting or recounting of ballots. You are strongly*
11 *encouraged to follow these guidelines to allow meaningful media access while not*
12 *disrupting the work of county clerks to count ballots or doing anything to*
13 *compromise the integrity of the election process.*

- 14 1. *If practical, please contact the election official's office prior to coming to*
15 *observe the counting of ballots. If the election official knows you are*
16 *coming, it will be easier to accommodate your request for a place to*
17 *observe the count or to interview an election official.*
- 18 2. *At the discretion of the election official, a specific viewing area for*
19 *members of the media and other observers may be available. To the*
20 *extent practicable, the area will have been designated with sight lines to*
21 *allow you to observe and take pictures or video of the counting process. If*
22 *there are insufficient sight lines for you to take the photos or video you*
23 *need, the election official may be able to make arrangements to*
24 *accommodate your needs.*
- 25 3. *Please observe counting procedures without disrupting the count. Please*
26 *take pictures or video without the use of supplemental lighting. Do not*
27 *talk to people participating in counting ballots. There may be workers*
28 *who ask you not to include their images in your pictures or video. We*
29 *encourage you to honor those requests if you can reasonably do so.*
- 30 4. *The Secretary of State's election rules state that if observers leave the*
31 *area during a recount, they may not reenter without the consent of the*
32 *election official. If you have occasion to leave the area, you may be*
33 *denied re-admittance.*
- 34 5. *Please do not use the information you see when observing vote counts to*
35 *report on partial election results. Please do not report anything that*
36 *could be used to identify the person who casts a particular ballot.*

37 *The Colorado State Association of County Clerks and Recordors,*
38 *Colorado Broadcasters' Association and Colorado Press Association are*
39 *all committed to working together to ensure the media has access to*
40 *election counts and recounts, but that access is afforded in manners that*

do not disrupt the counts and do nothing to compromise the integrity of the process. Your cooperation in following these standards will help us to meet all these goals.

[Current Rules 8.11 and 8.12 are amended and moved to new Rules 8.8 and 8.9. Amendments are shown above.]

without charge

~~8.13-8.10 Watchers at Vote Centers.~~ To assist Watchers in performing their tasks ~~when a vote center election is held~~ AT A VOTER SERVICE AND POLLING CENTER LOCATION, the ~~designated election official shall~~ COUNTY CLERK MUST provide a list of all voters who have VOTED OR RETURNED A BALLOT IN THE COUNTY ~~appeared in the vote centers to vote.~~ This list shall be made **THE COUNTY CLERK MUST MAKE THE LIST** available at the ~~designated election official's main office.~~ **THE COUNTY CLERK MAY ALSO PROVIDE** THE LIST ELECTRONICALLY. ~~THE CLERK MAY MAKE THE~~ Such list may be made available to a requesting Watcher(s) in the form of data files, paper, or reports, and furnished to all interested parties via email, paper reports, or faxed copies as may be available to the ~~designated election official.~~

This certification is not authorized by statute, and is used by clerks to obstruct timely appointment of watchers. Delete.

~~8.11 A designated election official shall~~ THE COUNTY CLERK **MUST certify** the appointment of all eligible watchers duly designated by a political party, candidate or committee ~~pursuant to~~ UNDER sections 1-1-104(51), 1-7-105, 1-7-106, or 1-7-107, C.R.S.

~~8.12~~ Removal of Watchers.

The statute calls for "certification" by the parties, candidates, issue committees, NOT the official.

~~8.15.1-8.12.1~~ A ~~designated election official~~ watcher upon finding that the watcher:

(a) Commits or encourages fraud in connection with his or her duties;

(b) ~~Violates any of the limitations outlined in Rule 8.8-8.6;~~

(c) ~~Violates his or her oath; or~~

(d) ~~Is abusive or threatening toward election officials or voters~~

clerks have abused this authority for purposes of reducing oversight. Instead require person appointing to remove if there are problems.

~~8.15.2-8.12.2~~ Upon removal of a watcher, the ~~designated election official~~ COUNTY CLERK must inform the political party, candidate, or committee who appointed the watcher.

~~8.15.3-8.12.3~~ A removed watcher may be replaced by an alternate watcher duly designated in accordance with sections 1-7-105, 1-7-106, or 1-7-107, C.R.S. Any ~~designated election official~~ COUNTY CLERK who removes a watcher must, to the best of the ~~official's~~ CLERK'S ability, expeditiously certify the appointment.

~~8.16-8.13~~ Watchers may be designated to observe more than one ~~precinct or polling place~~ VOTER SERVICE AND POLLING CENTER LOCATION. ~~but in no event shall more than one watcher be designated for any single polling place.~~ See section 1-7-106, C.R.S.

1 8.178.14 Watchers may be appointed to observe recall elections held pursuant to UNDER
2 article 12, title I, C.R.S., and shall MUST be designated in accordance with sections 1-7-
3 106 and 1-7-107, C.R.S.

4 *[Current Rules 8.13-8.17 are amended and moved to new Rules 8.10-8.14. Amendments*
5 *are shown above.]*

6 Rule 9. VOTING CHALLENGES

7 ~~48.19.1~~ UNDER SECTION 1-9-201, C.R.S., AN ELECTION JUDGE OFFICIAL, POLL WATCHER, OR
8 ELIGIBLE ELECTOR OF THE PRECINCT MAY CHALLENGE AN ELECTOR'S RIGHT TO VOTE.
9 Pursuant to section 1-9-203 (7), C.R.S., a A person WHOSE ELIGIBILITY IS challenged on
10 the grounds of residency shall MUST be offered a regular ballot by the AN election judge
11 OFFICIAL when IF the person challenged satisfactorily answers the APPLICABLE challenge
12 questions specified in section 1-9-203(3)(a)-(e), C.R.S. The following demonstrate when
13 a person challenged satisfactory answered ANSWERS TO THE CHALLENGE QUESTIONS. the
14 challenge questions and action to be taken by the election judge based on the elector's
15 response: IF THE PERSON CHALLENGED PROVIDES UNSATISFACTORY ANSWERS OR REFUSES
16 TO ANSWER THE CHALLENGE QUESTIONS, AN ELECTION JUDGE OFFICIAL MUST OFFER THE
17 PERSON A PROVISIONAL BALLOT.

18 9.2 CITIZENSHIP

19 A. ARE YOU A CITIZEN OF THE UNITED STATES?

20 SATISFACTORY ANSWER: YES.

21 IF THE PERSON CHALLENGED ANSWERS YES, AN ELECTION JUDGE OFFICIAL
22 MUST OFFER THE PERSON A REGULAR BALLOT.

23 UNSATISFACTORY ANSWER: NO.

24 IF THE PERSON CHALLENGED ANSWERS NO, AN ELECTION JUDGE OFFICIAL
25 MUST OFFER THE PERSON A PROVISIONAL BALLOT.

26 9.3 RESIDENCY

27 A. ~~Have you~~ WILL YOU HAVE resided in this state and precinct COLORADO for the
28 PAST thirty 22 days BEFORE ELECTION DAY immediately preceding this election?

Satisfactory response-ANSWER: Yes, he/she THE ELECTOR has resided in this state
COLORADO and precinct for the entire thirty 22-day period immediately preceding
this election. (In other words, his/her HIS OR HER primary home or place of abode
was in this state-COLORADO and precinct during the entire thirty 22-day period in
accordance with sections 1-1-104(43) and 1-2-102, C.R.S.)

34 IF THE PERSON CHALLENGED ANSWERS YES, Proceed CONTINUE to challenge
35 question B.

reference should be
to "election day,"
not "preceding this
election,"--which
has no specific
start/end date.

1 Unsatisfactory ~~response~~ ANSWER: No, for some portion of the ~~thirty~~ 22-day period
2 immediately preceding this election, ~~he/she~~ THE ELECTOR has not resided in this
3 state COLORADO ~~and precinct~~.

4 *IF THE PERSON CHALLENGED ANSWERS NO, THE ELECTION ~~JUDGE~~ OFFICIAL*
5 *MUST CONTINUE TO CHALLENGE QUESTION B-~~Offer the elector a provisional~~*
6 *~~ballot~~.*

7 B. IF YOU ~~Have~~ HAVE ~~you~~ been absent from this ~~state~~ COLORADO during the PAST
8 ~~thirty~~ 22 days ~~immediately preceding this election~~, DID YOU ~~and during that time~~
9 ~~have you maintained~~ maintain a home or domicile elsewhere?

10 Satisfactory ~~response #1~~ ANSWER: No, ~~he/she~~ THE ELECTOR EITHER has not been
11 absent from this ~~state at any time~~ COLORADO during the ~~thirty~~ 22-day period
12 immediately preceding this election: OR HAS BEEN ABSENT BUT HAS NOT
13 MAINTAINED A HOME OR DOMICILE ELSEWHERE.

14 *IF THE PERSON CHALLENGED ANSWERS NO, ~~Offer~~ THE ELECTION ~~JUDGE~~*
15 *~~OFFICIAL~~ MUST OFFER the ~~elector~~ PERSON a regular ballot.*

16 Satisfactory ~~response #2~~: Yes, ~~he/she~~ has been absent from this state during the
17 ~~thirty day period immediately preceding this election~~, but has ~~not maintained a~~
18 ~~home or domicile elsewhere~~.

19 *~~Offer the elector a regular ballot~~.*

20 UNSATISFACTORY ~~Response requiring follow up questions~~ ANSWER: Yes, ~~he/she~~
21 THE ELECTOR has been absent from this ~~state~~ COLORADO during the ~~thirty~~ 22-day
22 period immediately preceding this election, and has maintained a home or
23 domicile elsewhere.

24 *IF THE PERSON CHALLENGED ANSWERS YES, THE ELECTION ~~JUDGE~~ OFFICIAL*
25 *MUST ~~Proceed~~ CONTINUE to challenge question C.*

26 C. HAVE YOU BEEN ABSENT ~~If so, when you left, was it~~ for a temporary purpose with
27 the intent of returning, or did you intend to remain ~~away~~ OUTSIDE COLORADO?

28 Satisfactory ~~response~~ ANSWER: Yes, when ~~he/she~~ THE ELECTOR left, it was for a
29 temporary purpose with the intent of returning.

30 *IF THE PERSON CHALLENGED ANSWERS YES, THE ELECTION ~~JUDGE~~ OFFICIAL*
31 *MUST ~~Proceed~~ CONTINUE to challenge question D.*

32 Unsatisfactory ~~response~~ ANSWER: No, when ~~he/she~~ THE ELECTOR left, ~~he/she~~ HE
33 OR SHE did not intend to return.

34 *IF THE PERSON CHALLENGED ANSWERS NO, THE ELECTION ~~JUDGE~~ OFFICIAL*
35 *MUST ~~Offer~~ OFFER the ~~elector~~ person a provisional ballot.*

1 C. ~~Did you, while~~ While YOU WERE absent, DID YOU ~~look upon and regard~~ CONSIDER
2 ~~this state as~~ COLORADO TO BE your home?

3 Satisfactory ~~response~~—ANSWER: Yes, while absent, ~~he/she~~ THE ELECTOR ~~looked~~
4 ~~upon and regarded~~ CONSIDERED ~~this state as~~ COLORADO TO BE ~~his/her~~ HIS OR HER
5 home.

6 *IF THE PERSON CHALLENGED ANSWERED YES, ~~Proceed~~ CONTINUE to challenge*
7 *question E.*

8 Unsatisfactory ~~response~~—ANSWER: No, while absent, ~~he/she~~ THE ELECTOR did not
9 ~~LOOK UPON AND REGARD~~ CONSIDER ~~this state as~~ COLORADO TO BE ~~his/her~~ HIS OR
10 HER home.

11 *IF THE PERSON CHALLENGED ANSWERS NO, THE ELECTION ~~JUDGE OFFICIAL~~*
12 *MUST ~~Offer~~ OFFER the ~~elector~~ PERSON a provisional ballot.*

13 D. ~~Did you, w~~ While YOU WERE absent, DID YOU vote in any other state or ~~any~~
14 territory of the United States?

15 Satisfactory ~~response~~—ANSWER: No, while absent, ~~he/she~~ THE ELECTOR did not
16 vote in any other state or ~~any~~ territory of the United States.

17 *THE ELECTION ~~JUDGE OFFICIAL~~ MUST ~~Offer~~ OFFER the ~~elector~~ PERSON a*
18 *regular ballot.*

19 Unsatisfactory ~~response~~—ANSWER: Yes, while absent, ~~he/she~~ THE ELECTOR ~~did vote~~
20 VOTED in another state or territory of the United States.

21 *THE ELECTION ~~JUDGE OFFICIAL~~ MUST ~~Offer~~ OFFER the ~~elector~~ PERSON a*
22 *provisional ballot.*

23 9.4 AGE

24 A. WILL YOU BE 18 YEARS OF AGE OR OLDER ON ELECTION DAY?

25 SATISFACTORY ANSWER: YES.

26 *IF THE PERSON CHALLENGED ANSWERS YES, AN ELECTION ~~JUDGE OFFICIAL~~*
27 *MUST OFFER THE PERSON A REGULAR BALLOT.*

28 UNSATISFACTORY ANSWER: NO.

29 *IF THE PERSON CHALLENGED ANSWERS NO, AN ELECTION ~~JUDGE OFFICIAL~~*
30 *MUST OFFER THE PERSON A PROVISIONAL BALLOT.*

31 48.2 ~~If the person challenged answers unsatisfactorily or refuses to answer the challenge~~
32 ~~questions, the elector shall be offered a provisional ballot.~~

[Current Rule 48 is amended and moved to Rule 9. Amendments are shown below.]

Rule 10. CANVASSING AND RECOUNT

~~41.1~~ Definitions

~~41.1.1 “Canvass board” means a committee composed of the county clerk and recorder and the registered electors appointed by the major parties in accordance with section 1-10-101, C.R.S.~~

~~41.1.2 “Canvass workers” means workers appointed or hired by the designated election official to assist in the preparation and conduct of the canvass.~~

~~41.1.3 “Statement of Ballots Form” means the form used at the polling location that accounts for all ballots at that location and includes all information required by this rule.~~

[Current Rule 41.1 is moved to new Rule 1]

~~41.2~~ 10.1 Appointment to the Canvass Board

~~41.2.1~~ 10.1.1 In all cases, the canvass board must consist of an odd number of members, and each member has equal voting rights.

~~41.2.2~~ 10.1.2 For a partisan election, each major party may have no more than two representatives on the canvass board. The board must include an equal number of representatives from each major party, unless a major party fails to certify representatives for appointment.

~~41.2.3~~ 10.1.3 Each major party representative on the canvass board must be registered to vote in the county where the representative will serve and affiliated with the party he or she represents.

~~41.2.4~~ 10.1.4 A candidate for office and members of the candidate’s immediate family may not serve on the canvass board.

~~41.3~~ 10.2 Duties of the Canvass Board

~~41.3.1~~ 10.2.1 The canvass board must make its determinations by majority vote in accordance with section ~~1-10-101.5(3)~~ 1-10-101.5(1)(c), C.R.S.

~~41.3.2~~ 10.2.2 The canvass board’s duties are:

include

(a) Conduct the canvass in accordance with section ~~1-10.5~~ 1-10-101.5, C.R.S., including:

(i) Account and balance the election and certify the official abstract of votes;

there is no statutory authority for this rule. Party may need to select someone from different county to provide necessary skills.

1 (i-2). Reconcile the number of ballots counted to the number of ballots
2 cast; and

3 (iii-3) Reconcile the number of ballots cast to the number of voters who
add--employing any
assistants
necessary (per
statute.) voted by reviewing the reconciled detailed ballot logs and Statement of
Ballots;
(b) Observe the post-election audit in accordance with section 1-7-514(4),
C.R.S., and Election Rule ~~11.5.4~~ 11.4.3(κ);

8 (c) In coordination with the county clerk ~~and recorder~~
9 , investigate and report discrepancies found in the audit under section 1-7-
10 514(2), C.R.S.; and

11 (d) Conduct any recount in accordance with section 1-10.5-107, C.R.S., and
12 ~~Election~~ THIS Rule 14. The canvass board's role in conducting a recount
13 includes selecting ballots for the random test, observing the recounting of
14 ballots, and certifying the results.

15 ~~41.3.3~~ 10.2.3 If the board identifies a discrepancy in the Statement of Ballots, the Board
16 may review the particular ballots at issue to identify, correct, and account for
17 the error.

18 ~~41.3.4~~ 10.2.4 The canvass board may not perform duties typically reserved for election
judges, including:

- There is no need for this rule and is in
direct conflict with some of the
statutory duties of the canvass board.
A canvass board must CONDUCT the
recount, therefore being required to do
these things.
- (a) Determining voter intent;
 - (b) ~~evaluating~~ EVALUATING voter eligibility; and
 - (c) Requesting new logs or reports that were not created to conduct the election.
- this allows election official to avoid
producing required documents and
canvass board cannot object.

23 ~~41.4~~ 10.3 Detailed Ballot Log

24 ~~41.4.1~~ 10.3.1 The designated election official must keep a detailed ballot log that
25 accounts for every ballot issued and received beginning when ballots are
26 ordered and received. The election ~~judges~~ OFFICIALS must reconcile the log at
27 the conclusion of each workday.

28 ~~41.4.2~~ 10.3.2 The designated election official must keep and reconcile BALLOT daily
29 logs of ~~mail in, mail, and early voting~~ ballots.

30 ~~41.4.3~~ 10.3.3 The designated election official must indicate in the detailed log the
31 number of paper ballots that are sent to each polling location for use on election
32 day.

33 ~~41.4.4~~ 10.3.4 The designated election official must keep required logs in either

1 electronic or manual format.

2 ~~41.5~~ 10.4 Election Day Tracking Process

3 ~~41.5.1~~ 10.4.1 The designated election official must supply each polling location with a
4 Statement of Ballots Form. ~~Combined precincts may use one form.~~ The form
5 must include a place for the ~~judges~~ ELECTION OFFICIALS to account for the
6 following information:

7 (a) The name or number(s) of the ~~precinct or vote center~~ POLLING LOCATION;

8 (b) The number of ballots provided to the polling location;

9 (c) The number of ballots cast;

10 (d) The number of unvoted ballots;

11 (e) The number of damaged or spoiled ballots; and

12 (f) The number of voted provisional ballots.

13 ~~41.5.2~~ 10.4.2 The election ~~judge~~ OFFICIAL must reconcile the total number of voted
14 ballots with the number of voters who voted.

15 ~~41.5.3~~ 10.4.3 The election ~~judge~~ OFFICIAL must verify that the total number of voted
16 ballots, spoiled or damaged ballots, provisional ballots, and unvoted ballots is
17 the same as the number of total ballots supplied to the polling location.

18 ~~41.5.4~~ 10.4.4 The election ~~judge~~ OFFICIAL must reconcile the number of people who
19 signed ~~the pollbook~~ SIGNATURE CARDS to the total of the number of ballots cast.

20 ~~41.5.5~~ 10.4.5 If there is a discrepancy in the numbers on the Statement of Ballots form,
21 the ~~judge~~ ELECTION OFFICIAL must explain the discrepancy in writing (for
22 example, the voter signed in but left the polling ~~place~~ LOCATION without voting,
23 etc.).

24 ~~41.5.6~~ 10.4.6 The ~~judge~~ ELECTION OFFICIAL must return the completed Statement of
25 Ballots form to the designated election official with the other precinct supplies
26 and mail a duplicate copy to the designated election official's office.

27 ~~41.6~~ 10.5 Designated Election Official's Disposition of Forms

28 ~~41.6.1~~ 10.5.1 The designated election official must review the Statement of Ballots form
29 for completion and accuracy.

30 ~~41.6.2~~ 10.5.2 If the designated election official or the canvass board discovers a problem
31 with the Statement of Ballots form that cannot be easily resolved, they may
32 contact the election ~~judges~~ OFFICIALS for an explanation or correction.

1 ~~41.7~~ 10.6 Procedures for the Day of the Canvass

2 ~~41.7.1~~ 10.6.1 The designated election official must provide the following information to
3 the canvass board:

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

5 (b) The number/~~OR~~ letter of each ballot issue or question and votes received;

6 (c) ~~The number of voters who voted early;~~

also need to account for the in
person paper ballots and DRE
ballots, not just mail ballots.

(~~d~~-C) The number of ~~mail-in or mail~~ ballots cast, including the number OF
accepted and rejected MAIL BALLOTS; and

9 (~~e~~-D) The number of provisional ballots ~~counted~~-CAST, INCLUDING THE NUMBER
10 ACCEPTED AND REJECTED.

11 ~~41.7.2~~ 10.6.2 Any written documentation regarding official numbers is included as part
12 of the canvass.

13 ~~41.8~~ 10.7 Official Abstract AND REPORTING TO THE SECRETARY OF STATE

14 ~~41.8.1~~ 10.7.1 ~~The designated election official must include the number of eligible~~
15 ~~ACTIVE REGISTERED voters AND THE NUMBER OF REGISTERED VOTERS (ACTIVE~~
16 ~~AND INACTIVE) on election day on the official abstract.~~

17 ~~41.8.2~~ 10.7.2 The canvass board must use the official abstract in a format approved by
18 the Secretary of State.

19 ~~41.8.3~~ 10.7.3 The official COUNTY abstract must include, by precinct/~~OR~~ ballot style/~~or~~
20 ~~vote center~~, where applicable:

21 (a) THE TOTAL NUMBER OF ACTIVE REGISTERED ELECTORS ON ELECTION DAY;

22 (B) THE TOTAL NUMBER OF REGISTERED ELECTORS (ACTIVE AND INACTIVE) ON
23 ELECTION DAY;

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

25 (~~b~~) ~~The total active registered electors in the precinct and the total for the~~
26 ~~jurisdiction holding the election;~~

27 (c) The total number of ~~electors voting in each precinct and the total for the~~
28 ~~jurisdiction holding the election;~~ BALLOTS CAST IN THE ELECTION

29 (~~d~~) ~~The number of voters who voted early;~~

30 (e) ~~The number of emergency registrations;~~

- (f) The number of ~~mail-in or~~ mail ballots counted and the number rejected;
- (g) The number of provisional ballots counted and the number rejected listed by each rejection code; and
- (h) The number of damaged and spoiled ballots.

10.7.4 THE STATE PORTION OF THE ABSTRACT, WHICH THE COUNTY MUST TRANSMIT TO THE SECRETARY OF STATE, MUST INCLUDE:

- (A) THE TOTAL NUMBER OF ACTIVE REGISTERED ELECTORS ON ELECTION DAY;
- (B) THE TOTAL NUMBER OF REGISTERED ELECTORS (ACTIVE AND INACTIVE) ON ELECTION DAY;
- (C) THE STATEMENT OF VOTES COUNTED BY RACE AND BALLOT QUESTION OR ISSUE;
- (D) THE TOTAL NUMBER OF BALLOTS CAST IN THE ELECTION; AND
- (E) THE CANVASS ENR UPLOAD REQUIRED UNDER ~~RULE~~ **RULE** 11.11.4.

~~41.9~~ 10.8 The COUNTY Abstract is the Official Permanent Record.

~~41.9.1~~ 10.8.1 The designated election official must keep all official canvass reports and forms as part of the official permanent election record.

~~41.9.2~~ 10.8.2 Once the canvass board certifies the abstract it may not withdraw the certification. In the event of a recount, the canvass board may only affirm or amend the abstract.

~~41.10~~ 10.9 Appointment of Canvass Workers.

10.9.1 The designated election official may appoint canvass workers to help prepare and conduct the canvass.

~~41.11~~ 10.10 Voter History.

~~41.11.1~~ 10.10.1 After the canvass, the designated election official must give VOTE credit to each voter ~~who votes by mail, at an early voting site, or at a polling location.~~

who voted.

~~41.11.2~~ 10.10.2 If the voter history records do not match the number of voters who voted at that election, the designated election official must ensure the following:

- (a) Each voter received credit for voting; and
- (b) All ~~pollbooks and~~ signature cards are accounted for.

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to

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ta h

ry h

Why?

1 *[Current Rule 41 moved to new Rule 10 Amendments between the current and new rule*
2 *language are shown above.]*

This improperly limits the goals and effectiveness of a recount. Recounts should not assume that initial ballots tabulated are the correct population of ballots.

Rule should be deleted

14 RECOUNT GENERALLY.

10.14.1 The **purpose** of a recount is to RE-TABULATE THE BALLOTS. ~~review the ballots to assure they were counted properly. Unless directed otherwise by the Secretary of State, all procedures of election night shall be followed as closely as possible during the recount, including an examination of the ballots.~~

10.14.2 FOR STATEWIDE OR FEDERAL RACES, BALLOT ISSUES OR BALLOT QUESTIONS, THE COUNTY CLERK ~~AND RECORDER~~ MUST COORDINATE SCHEDULING THE RECOUNT THROUGH THE SECRETARY OF STATE'S OFFICE SO THAT IT CAN ENSURE ADEQUATE OBSERVER COVERAGE.

12 10.15 RECOUNT COST ESTIMATES AND REIMBURSEMENTS

10.15.1 A COUNTY MUST SUBMIT A REQUEST FOR REIMBURSEMENT FOR A MANDATORY RECOUNT IN **A STATEWIDE OR FEDERAL RACE** USING THE SECRETARY OF STATE APPROVED FORM. THE COUNTY MAY NOT REQUEST REIMBURSEMENT FOR MEALS OR NORMAL OVERHEAD COSTS OR REGULAR EMPLOYEE COMPENSATION. THE COUNTY MUST INCLUDE ITEMIZED COSTS FOR REASONABLE EXPENDITURES, INCLUDING:

- (A) MAILINGS AND NOTICES;
- (B) ELECTION JUDGES, TEMPORARY STAFF, CANVASS BOARD PAY, AND OVERTIME PAY; AND
- (C) COPIES AND OTHER OFFICE EXPENSES RELATED TO THE RECOUNT.

10.15.2 REQUESTED RECOUNTS

(A) THE COUNTY CLERK MUST PROVIDE AN ITEMIZED COST ESTIMATE IN ACCORDANCE WITH SECTION 1-10.5-106, C.R.S., UPON SUBMISSION OF A FORMAL REQUEST FOR A RECOUNT.

(B) IN PREPARING A COST ESTIMATE FOR A REQUESTED RECOUNT, THE COUNTY MUST USE THE SECRETARY OF STATE APPROVED FORM. THE ESTIMATE MUST INCLUDE REASONABLE ITEMIZED COSTS FOR CONDUCTING THE RECOUNT. THE COUNTY MAY NOT REQUEST REIMBURSEMENT FOR NORMAL OVERHEAD COSTS.

~~(C) ANY OTHER COSTS AGREED TO BY THE REQUESTING PARTY.~~

(D) THE COUNTY CLERK MUST SUBMIT A COST ESTIMATE TO THE SECRETARY OF STATE WHEN THE CLERK PROVIDES IT TO A REQUESTING PARTY.

Should be ONLY the costs that would be submitted in 10.15.1 and no others.

this gives clerk too much power to discourage recounts by demanding candidate agree to high costs.

and machines

1 10.16 IN ACCORDANCE WITH SECTION 1-10.5-107, C.R.S., AND RULE 10.2.2(D), THE CANVASS
2 BOARD'S ROLE IN CONDUCTING A RECOUNT INCLUDES SELECTING BALLOTS FOR THE TEST,
3 OBSERVING THE RECOUNTING OF BALLOTS, AND CERTIFYING THE RESULTS.

4 ~~14.4~~ 10.17 ~~General Provisions~~ WATCHERS AND OBSERVERS

5 ~~14.4.1~~ 10.17.1 The Secretary of State may ~~have~~ APPOINT an official observer
6 OBSERVERS at every recount location IN ANY RECOUNT.

7 ~~14.4.2~~ Any candidate who is subject to the recount may be present and observe the
8 recount at any recount location or designate one Watcher to observe the recount
9 at any recount location. Watchers must provide the election official with a
10 certificate signed by the candidate, except that an officer of the county party
11 may be accepted as a candidate's watcher without a certificate if no other person
12 is designated by the candidate for that location.

13 ~~14.4.3~~ 10.17.2 Each candidate, ~~his or her watcher~~, OR THE CANDIDATE'S WATCHER,
14 ~~members of the media~~ OBSERVERS, and official observers as defined in Rule 8.1,
15 may be present in the room when a AND WITNESS THE recount is conducted IN
16 ACCORDANCE WITH RULE 8. During the recount the candidate, watcher,
17 ~~members of the media, and official observers may not interfere with the recount~~
18 ~~process.~~

19 ~~14.4.4~~ 10.17.3 The recount board, candidates, AND watchers, ~~members of the media, and~~
20 ~~official observers will~~ MUST take an oath. which oath? has been confusing in past.

21 10.17.4 COMPLAINTS. A WATCHER MAY SUBMIT A COMPLAINT IN WRITING TO THE
22 COUNTY CLERK OR DESIGNEE. WRITTEN COMPLAINTS DURING A RECOUNT WILL
23 BE ADDRESSED IN ACCORDANCE WITH RULE 4-13. what is rule reference? Canvass
board should be required to
resolved before certification.

24 10.18 TESTING RECOUNT EQUIPMENT

25 10.18.1 THE CANVASS BOARD MUST REVIEW THE POST-ELECTION AUDIT BEFORE
26 SELECTING THE EQUIPMENT FOR TESTING UNDER SECTION 1-10.5-102(3), C.R.S.
27 TO THE EXTENT FEASIBLE, THE BOARD MUST SELECT EQUIPMENT FOR TESTING
28 THAT WAS NOT INCLUDED IN THE POST-ELECTION AUDIT.

canvass board should
be testing. Not clerk.

10.18.2 THE COUNTY CLERK MUST TEST ALL SCANNERS THAT WILL BE USED IN THE
RECOUNT. THE PURPOSE OF THE TEST IS TO ENSURE THAT THE TABULATION
MACHINES ARE COUNTING PROPERLY.

no reason for this
restriction. Some LAT's
are deficient

32 (A) THE TEST DECK MUST INCLUDE 50 BALLOTS OR 1% OF THE TOTAL NUMBER
33 OF BALLOTS CAST IN THE ELECTION, WHICHEVER IS GREATER, EXCEPT THAT
34 THE TOTAL NUMBER OF BALLOTS TESTED MAY NOT EXCEED THE TOTAL
35 NUMBER OF BALLOTS TESTED IN THE LOGIC AND ACCURACY TEST BEFORE
36 THE ELECTION. THE BALLOTS MUST BE MARKED TO TEST EVERY OPTION FOR
37 THE RACE OR MEASURE THAT WILL BE RECOUNTED.

(1) IN A MANDATORY RECOUNT, THE CANVASS BOARD MUST SELECT THE BALLOTS TO BE TESTED FROM THE PRE-ELECTION PUBLIC LOGIC AND ACCURACY TEST DECK.

(2) IN A REQUESTED RECOUNT, THE PERSON REQUESTING THE RECOUNT MAY MARK UP TO 25 BALLOTS. ANY OTHER CANDIDATE IN THE RACE MAY ALSO MARK UP TO 25 BALLOTS. THE CANVASS BOARD MUST RANDOMLY SELECT BALLOTS FROM THE PRE-ELECTION PUBLIC LOGIC AND ACCURACY TEST DECK TO ENSURE THE MINIMUM NUMBER OF TEST BALLOTS REQUIRED BY THIS RULE.

(B) SWORN JUDGES OR STAFF MUST HAND TALLY THE TEST BALLOTS FOR COMPARISON TO THE TABULATION RESULTS.

(C) THE TEST IS LIMITED TO THE RACE OR MEASURE THAT IS RECOUNTED.

10.18.3 THE ~~COUNTY CLERK~~ MUST TEST THE VVPAT RECORDS FROM 1% OF THE DRES THAT HAD VOTES CAST FOR THE RACE OR MEASURE BEING RECOUNTED.

(A) SWORN JUDGES OR STAFF MUST MANUALLY VERIFY THE RESULTS ON THE MACHINES SELECTED FOR THE TEST.

(B) THE TEST IS LIMITED TO THE RACE OR MEASURE THAT IS RECOUNTED.

10.19 COUNTING OF BALLOTS

10.19.1 IN ACCORDANCE WITH SECTION 1-10.5-102(3)(B), C.R.S., IF THERE ARE NO DISCREPANCIES IN THE TEST UNDER RULE ~~14.6-10.18~~, THE RECOUNT MUST BE CONDUCTED IN THE SAME MANNER AS THE BALLOTS WERE COUNTED IN THE ELECTION EXCEPT AS OUTLINED IN THIS RULE.

~~14.6.5~~ 10.19.2 A clear audit trail ~~shall~~ MUST be maintained throughout the recount including, but not limited to, a log of seal numbers on transfer cases or ballot boxes ~~as defined in section 1-7-505, C.R.S., and the corresponding numbered seal used as a replacement for the original seal, upon completion of the recount of ballots within that~~ FOR EACH transfer case or ballot box.

[Current Rule 14.6.5 is amended and moved to new Rule 10.19.2. Amendments between the current and new rule language are shown above.]

10.19.3 BALLOTS MUST BE REVIEWED FOR VOTER INTENT USING THE STANDARDS IN RULE 18.

(A) EVERY ~~BALLOT WITH AN~~ OVER-VOTE OR UNDER-VOTE IN THE RACE(S) OR MEASURE(S) SUBJECT TO THE RECOUNT MUST BE REVIEWED FOR VOTER INTENT UNDER RULE 18 ~~USING THE SAME GUIDELINES THAT WERE USED DURING THE ELECTION.~~

(B) THE JUDGES CONDUCTING THE VOTER INTENT REVIEW MAY RESOLVE THE INTENT DIFFERENTLY THAN THE JUDGES IN THE ELECTION.

10.19.4 TO RECOUNT BALLOTS ON OPTICAL SCANNERS:

(A) IF THE ORIGINAL COUNT METHOD WAS CENTRAL COUNT, THE COUNTY MUST CREATE A NEW ELECTION DATABASE.

(B) IF THE ORIGINAL COUNT WAS BY PRECINCT COUNT, THE COUNTY MUST USE ONE OR MORE BLANK PROM CARTRIDGES, ROM CARTRIDGES, OR MEMORY CARDS.

(C) ALL PRECINCT BALLOTS MAY BE TABULATED CENTRALLY REGARDLESS OF WHETHER THE COUNTY USED PRECINCT OR CENTRAL TABULATION WAS USED ON ELECTION DAY.

[Portions of Current Rules 14.6.9 – 14.6.12 are moved to new Rules 10.19.3 and 10.19.4]

10.19.5 ~~14.7.3~~ Ballots for the recount shall be processed following the State of Colorado Procedures for the use of the Ballot Now Voting System in conjunction with the following procedures: TO RECOUNT BALLOTS USING “BALLOT NOW”:

(A) BACK UP THE OFFICIAL ELECTION DATABASE.

(aB) Open Ballot Now with an unused ~~MBB~~ (Mobile Ballot Box) (MBB) from the election and create a Ballot Now recount database.

(bC) Scan and resolve all recount ballots following original election procedures ACCORDING TO THIS RULE ~~14-10~~.

(c) ~~Use the Audit Trail Report and Original Scan Batch Reports with notes to ensure that resolution action follows the original resolution.~~

(d) Save all recount ~~CVRs~~ (Cast Vote Records) to the MBBs (~~Mobile Ballot Box~~) after verifying that the number of ballots processed matches the number of ballots cast in the recount contest(s).

(e) Open a new recount election in “Tally” and process the recount MBBs following the tabulation procedures above.

(f) Compare recount results to original results and document any differences.

(g) Backup the test database and the official recount database following the “Archive” procedures.

[Portions of current Rule 14.7.1 and 14.7.2 are moved to Rule 10.19.5. Current Rule 14.7.3 is amended and moved to new Rules 10.19.5. Amendments are

1 *shown above.]*

2 10.19.6 TO RECOUNT BALLOTS BY HAND COUNT.

3 (A) IF THE TABULATION OF THE ORIGINAL COUNT WAS CONDUCTED BY HAND
4 COUNT, THE RECOUNT MUST BE CONDUCTED BY HAND COUNT.

5 ~~14.5.4(B)~~ Ballots ~~shall~~ MUST be counted ~~into groups~~ IN BATCHES of 25 to
6 ensure that the number of ballots recounted matches the number originally
7 counted.

8 ~~14.5.5(C)~~ Votes ~~shall~~ MUST be counted by individual hash marks in 25-count
9 sections by two different judges.

10 *[Current Rules 14.5.4 and 14.5.5 are amended and moved to new Rules*
11 *10.19.6(a) and (b). Amendments between the current and new rule language are*
12 *shown above.]*

allow for manual count of
DRE VVPAT's if needed in
judgement of canvass
board. Too many potential
security problems with
DRE security.

10.19.7 FOR TABULATION OF DREs, IF THERE ARE NO DISCREPANCIES IN THE TEST UNDER
RULE ~~14.6~~ 10.18.3, THE COUNTY CLERK MUST UPLOAD THE MEMORY CARDS.

10.19.8 TABULATION OF BALLOTS CAST ~~BY ONE METHOD~~ MUST BE COMPLETED THROUGH
A PRECISE, CONTROLLED PROCESS THAT ENSURES EACH CONTAINER OF BALLOTS
IS ~~RECOUNTED~~, RETABULATED AND RESEALED, ~~AND RETABULATED~~ BEFORE
18 TABULATION OF THE NEXT ~~METHOD~~ CONTAINER BEGINS. ~~EXCEPT THAT, IF MAIL-IN~~
19 ~~BALLOTS WERE ORIGINALLY COUNTED WITH EARLY VOTING BALLOTS, THE~~
20 ~~RECOUNT MUST BE CONDUCTED IN THE SAME MANNER.~~

21 ~~14.6.6~~ 10.19.9 The number of ballots counted by a METHOD AND precinct according to the
22 election night report shall FINAL RESULTS FOR THAT RACE OR MEASURE MUST be
23 available during the recount for comparison purposes.

24 *[Current Rule 14.6.6 moved to new Rule 10.19.9. Amendments between the*
25 *current and new rule language are shown above.]*

26 10.20 CANVASS AND REPORTING RESULTS

27 ~~14.6.7~~ 10.20.1 Totals of recounted ballots ~~shall be processed, counted, and~~ MUST BE
28 reported in summary form as follows:

29 (a) Sum total of votes cast for each ~~candidate, ballot issue or ballot question~~
30 ~~subject to the recount~~ RACE OR MEASURE RECOUNTED, under-votes, and over-
31 votes ~~for all precincts~~ FOR EACH LOCATION;

32 (b) ~~Sum total of votes cast for each candidate, ballot issue or ballot question~~
33 ~~subject to the recount, under votes and over votes for all mail-in ballots (a~~
34 ~~combined total, not totaled by individual precincts or location, unless your~~
35 ~~system allows);~~

1 ~~(e) Sum total of votes cast for each candidate, ballot issue or ballot question,~~
2 ~~subject to the recount, under votes, and over votes for all early voting~~
3 ~~locations (a combined total, not totaled by individual precinct or locations,~~
4 ~~unless the voting system so allows);~~

5 ~~(d) Determine the grand total of ballots cast in early, mail in, and precinct~~
6 ~~voting.~~

7 (E-B) THE TOTALS MUST BE A COMBINED TOTAL, NOT TOTALED BY INDIVIDUAL
8 PRECINCTS OR LOCATION, UNLESS THE TABULATION SYSTEM ALLOWS.

9 *[Current Rules 14.5.1 and 14.6.7 are amended and moved to new Rule 10.20.1.*
10 *Amendments are shown above.]*

11 10.20.2 IN ACCORDANCE WITH SECTION 1-10.5-107, C.R.S., AND THIS RULE 10, THE
12 CANVASS BOARD MUST AMEND, IF NECESSARY, AND RE-SUBMIT THE ABSTRACT OF
13 VOTES CAST.

14 **Rule 11. Rules Concerning Voting Systems**

15 11.1 Voting system access.

16 ~~11.2.1 The county clerk and recorder shall not program or operate the voting system~~
17 ~~subject to section 1-5-607, C.R.S.~~

18 ~~11.2.2 11.1.1 Any election setup materials shall be stored by the THE county clerk and~~
19 ~~recorder DESIGNATED ELECTION OFFICIAL MUST SECURELY STORE ELECTION SETUP~~
20 ~~RECORDS under security with access limited to the person or persons so authorized~~
21 ~~in writing by the county clerk and recorder. NO PERSON MAY ACCESS THE RECORDS~~
22 ~~WITHOUT THE CLERK'S WRITTEN AUTHORIZATION.~~

23 ~~11.2.3 11.1.2 Employees of the county clerk and recorder THE COUNTY CLERK MUST~~
24 ~~DEPUTIZE EMPLOYEES who are authorized by the county clerk and recorder to~~
25 ~~prepare or maintain the voting system or election setup materials shall RECORDS~~
26 ~~MUST be deputized by the county clerk and recorder for this specific purpose and~~
27 ~~so sworn prior to BEFORE the first election. of the calendar year in which they will~~
28 ~~be performing one or more of these activities.~~

29 ~~11.2.4 11.1.3 The county clerk and recorder shall request an Internet Criminal History~~
30 ~~Check (ICHIC) from the Colorado Bureau of Investigation (CBI) for all full-time,~~
31 ~~part-time, permanent and contract employees of the county who staff the counting~~
32 ~~center and OR who have any access to the electromechanical voting systems or~~
33 ~~electronic vote tabulating equipment. At the direction of the county clerk and~~
34 ~~recorder, an ICHIC check may be conducted on election judges. The county clerk~~
35 ~~and recorder shall request the ICHIC once per calendar year for such employees~~
36 ~~prior to the first election of the year. IN ACCORDANCE WITH SECTION 24-72-305.6,~~
37 ~~C.R.S., ALL PERMANENT AND TEMPORARY COUNTY STAFF AND ALL VENDOR STAFF~~
38 ~~WHO HAVE ACCESS TO THE VOTING SYSTEM OR ANY VOTING OR COUNTING~~

EQUIPMENT MUST PASS THE CRIMINAL BACKGROUND CHECK DESCRIBED IN **RULE**
RULE 6.4.

~~11.2.5 If the ICHC indicated that the employee or contract employee has been found guilty of a crime involving breach of trust, fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or election offenses pursuant to sections 1-13-101 et seq., C.R.S., the county clerk and recorder shall MUST prohibit such employee or contract employee from preparing, programming, operating, using or having any access whatsoever to electromechanical voting systems or electronic vote tabulating equipment at any time during that person's employment.~~

~~11.2.6 Vendors or their authorized representatives shall provide a criminal history check to the county clerk and recorder for any employee of the vendor who has any access to electromechanical voting systems or electronic vote tabulating equipment. The vendor shall provide the criminal history check ICHC to the county clerk and recorder once per calendar year for such employees prior to the first election of the year.~~

11.2 Performance Bond.

~~11.2.1 Effective upon the date of the adoption of this rule, A voting system provider or service provider that provides election setup or tabulation services to one or more counties shall MUST:~~

(a) ~~Provide the services by~~ **ENTER INTO A WRITTEN FILE A COPY OF THE** contract, **STATEMENT OF WORK, PURCHASE ORDER, OR SIMILAR DOCUMENT, AND FILE** a copy of which shall be kept on file with the county clerk and recorder and the Secretary of State.

(b) Post a performance bond, executed by a corporate surety licensed to transact business in the State of Colorado. The county under contractual obligation with the ~~voting system provider or service provider that provides election setup or tabulation services shall~~ MUST be designated as the NAMED beneficiary of the bond; and. THE BOND AMOUNT MUST BE THE GREATER OF \$10,000 OR THE FULL AMOUNT OF THE CONTRACT WITH THE BENEFICIARY COUNTY AND THE BOND MUST BE ON FILE 30 DAYS BEFORE WORK STARTS.

(c) Provide proof that a ~~OF THE performance bond has been posted with~~ TO the Secretary of State and the ~~office of the designated election official~~ COUNTY CLERK **AND RECORDER**. The amount of the bond shall be the greater of either \$10,000 or the full amount of the contract with the beneficiary county.

~~11.3.2 Performance bonds shall be on file 30 (thirty) days prior to any work commencing under contract with the county.~~

1 11.2.3 The voting system provider ~~shall~~ MUST update all bond documents for each
2 contract or election. ~~performed.~~

3 ~~11.3.4 Copies of the performance bond for the secretary of state's office shall be sent to:~~
4 ~~Colorado Department of State, Voting Systems Specialist, 1700 Broadway, Suite~~
5 ~~270, Denver, Colorado 80290, or to voting.systems@sos.state.co.us~~

6 11.3 Voting System Inventory.

7 11.3.1 The designated election official ~~shall~~ MUST maintain an inventory record for each
8 electronic vote-tabulating device used in an election. ~~Such records shall~~ THE
9 RECORD MUST include, ~~but not be~~ IS NOT limited to, the manufacturer, make,
10 model, serial number, hardware/firmware/software version or release number,
11 hash value documentation where applicable, date of acquisition, description of
12 any services, repairs, maintenance, upkeep, and version upgrades, and the dates ~~of~~
13 ~~performance of such services as of the date of adoption of these rules~~ THE
14 SERVICES WERE PERFORMED.

15 11.3.2 IF THE INVENTORY IS IN ELECTRONIC FORMAT, IT MUST BE EXPORTABLE TO A
16 COMMA SEPARATED (CSV), EXCEL SPREADSHEET (XLS OR XLSX), OR ~~QUOTE OR~~
17 ~~TAB~~-QUOTE OR TAB SEPARATED (TXT) FILE BEFORE DELIVERY TO THE SECRETARY
18 OF STATE.

19 ~~11.4.2~~ ~~11.4.3~~ 11.3.3 The designated election official ~~shall~~ MUST ~~furnish~~ FILE THE
20 INVENTORY WITH the Secretary of State ~~with an extract or copy of the inventory~~
21 NO LATER THAN ~~10~~ TEN DAYS BEFORE THE ELECTION for use in the Logic and
22 Accuracy Test and the Post-Election Audit Test. ~~The requirements for this extract~~
23 ~~are:~~

24 (a) ~~Be in either electronic or paper format;~~

25 (b) ~~Contain information regarding: make, model, serial number, type (optical~~
26 ~~scanner or DRE), AND specific location of use, and specific precincts~~
27 ~~programmed on each device or card;~~

28 (c) ~~Inventories maintained in electronic format shall be exportable to an~~
29 ~~industry standard file type — comma separated (CSV), excel spreadsheet~~
30 ~~(XLS OR XLSX), or Quote or Tab separated (TXT) file prior to electronic~~
31 ~~delivery to the Secretary of State; and~~

32 (d) ~~The designated election official shall send the inventory list to the~~
33 ~~Secretary of State's office not less than ten (10) days prior to an election to~~
34 ~~the attention of the Voting Systems Specialist. Inventory lists may be sent~~
35 ~~BY MAIL, E MAIL, OR FAX. in one of three means: E mail:~~
36 ~~voting.systems@sos.state.co.us Subject line = County Number, County~~
37 ~~Name, HARDWARE INVENTORY LIST; or Via facsimile to: 303-869-~~
38 ~~4861 attn: Secretary of State, Voting Systems Specialist; or via First Class~~

Mail to Colorado Department of State/Attn: Voting Systems
Specialist/1700 Broadway Suite 270/Denver, CO 80290.

11.4 ~~Voting System Testing.~~ 11.5.1 THE CLERK MUST PERFORM A HARDWARE
DIAGNOSTIC TEST, A LOGIC AND ACCURACY TEST, AND A POST-ELECTION AUDIT TEST. ~~Three~~
~~types of voting system testing: shall be performed for each election within a jurisdiction.~~
The three tests are:

- ~~A Hardware Diagnostic Test;~~
- ~~A Logic and Accuracy Test (LAT); and~~
- ~~A Post Election Audit Test.~~

11.5.2 11.4.1 Hardware Diagnostic Test

11.5.2.1 (A) The ~~county clerk and recorder~~ shall commence DESIGNATED
ELECTION OFFICIAL MUST PERFORM the Hardware Diagnostic Test
~~prior to~~ BEFORE the election ON EACH DEVICE THAT THE CLERK
WILL USE IN THE ELECTION, INCLUDING SPARE OR BACK UP DEVICES.
THE TEST MUST INCLUDE THE FOLLOWING DEVICES AND PROVIDE
THE FOLLOWING INFORMATION: ~~and allow time for each electronic~~
~~voting device within the county to be tested. Each device being~~
~~used in the election, including units identified as spare or backup~~
~~units, shall be tested to verify that mechanical components are~~
~~working correctly. This test shall include, but not be limited to, the~~
~~following tests:~~

- (a) (1) All input and output devices;
- (b) (2) Communications ports;
- (c) (3) System printers;
- (d) (4) System modems when applicable;
- (e) (5) System screen displays;
- (f) (6) Boot performance and initializations;
- (g) (7) Firmware loads;
- (h) (8) Software loads;
- (i) (9) Display of firmware OR software hash value (MD5 or SHA-1) when possible;
- (j) (10) Confirmation that screen displays are functioning; and

(k) (11) Date, time and calibration of systems.

11.5.2.2 (B) THE ~~CLERK~~ DESIGNATED ELECTION OFFICIAL MUST SEAL each device tested ~~shall be sealed~~ upon the successful completion of the test AND RETAIN documentation of the seal information and all records ~~from testing must be maintained for each device~~ IN ACCORDANCE WITH SECTION 1-7-802, C.R.S.

11.5.3 11.4.2 Logic and Accuracy Test. ~~The designated election official shall conduct a Logic and Accuracy Test according to the following requirements.~~

11.5.3.1 (A) The designated election official ~~shall~~ MUST create a Testing Board ~~consisting of at least two persons~~ ONE REGISTERED ELECTOR ~~should be nominated by the party~~ AFFILIATED WITH THE FROM EACH OF THE MAJOR POLITICAL PARTIES, AS DEFINED IN SECTION 1-1-104(22), C.R.S., ~~AND one~~ REGISTERED ELECTOR ~~from each OTHER major political party, IF APPOINTED. TESTING BOARD MEMBERS MUST BE REGISTERED TO VOTE IN THE COUNTY.~~

no need for this. No statutory authority for this. Best person may be outside county.

11.5.3.2 (B) ~~Prior to the commencement of voting,~~ The designated election official ~~shall~~ MUST conduct the public Logic and Accuracy Test BEFORE VOTING.

11.5.3.3 (C) The DESIGNATED ELECTION OFFICIAL MUST ENSURE THAT THE Logic and Accuracy Test ~~shall be~~ IS open to ~~representatives of the press and THE MEDIA~~ and the public to the extent allowable ~~and pursuant to~~ IN ACCORDANCE WITH section 1-7-509(2)(b), C.R.S. The designated election official may limit the number of representatives from each group ~~to accommodate for~~ BECAUSE OF space limitations ~~and OR other considerations.~~

11.5.3.4 (D) ~~Testing Board Test Ballots~~ ~~In preparation for the Logic and Accuracy Test,~~ The designated election official ~~shall~~ MUST provide ~~to each member of the Testing Board,~~ at least twenty-five (25) 25 CLEARLY-MARKED TEST ballots ~~that are clearly marked as test ballots~~ TO EACH TESTING BOARD MEMBER ~~to be used for the Logic and Accuracy Test.~~

11.5.3.5 (E) ~~The members of the Testing Board MEMBERS shall~~ MUST secretly vote their ~~position~~ BALLOTS IN ACCORDANCE WITH THE INSTRUCTIONS PRINTED ON THE BALLOTS and retain a record of the tally. ~~of their test votes. The test ballots shall MUST have a known predetermined outcome by the members of the Testing Board's secret vote and tally.~~ Of the ~~twenty-five~~ 25 test ballots, two ~~shall~~ MUST be tested as audio ballots where applicable.

11.5.3.6 (F) ~~County Test Ballots~~ ~~In preparation for the Logic and Accuracy Test,~~ The designated election official ~~shall~~ MUST prepare a

sufficient number of test ballots that represent ~~every precinct~~
~~which shall include~~ AND every ballot style AND PRECINCT, IF
APPLICABLE, allow for a sufficient number of ballots to mark every
vote position for every candidate on every race including write-in
candidates, allow for situations where a race may permit an elector
to vote for two or more positions, WHERE APPLICABLE, and include
overvotes and undervotes for each race.

11.5.3.7 (G) ~~The test ballots shall~~ TESTING BOARD MUST ~~be tested~~ TEST THE
BALLOTS on each type of voting device ~~utilized~~ USED in a ~~given~~
THE election and each ~~method of counting~~. TYPE OF BALLOT
INCLUDING ~~The tests shall include testing of mail-in ballot counting~~
~~methods, election day counting methods~~ MAIL, REGULAR,
~~provisional, ballot, counting methods, early voting counting~~
~~methods and audio ballots, if applicable.~~

11.5.3.8 (H) Conducting the Test.

11.5.3.8.1 (1) The designated election official and Testing Board ~~shall~~
MUST observe the tabulation of all test ballots ~~by means of~~
~~the voting device~~ and compare the tabulation with the
previously retained records of the test vote count ~~The cause~~
~~of~~ AND MUST CORRECT any discrepancies ~~shall be corrected~~
~~prior to the start of~~ BEFORE vote tabulation.

11.5.3.8.2 (2) ~~Prior to the start of testing,~~ THE DESIGNATED ELECTION
OFFICIAL MUST ~~all devices used will have the public counter~~
reset THE PUBLIC COUNTER to zero ON ALL DEVICES, and
PRESENT ZERO TAPES ~~presented~~ to the Testing Board for
verification. For any device capable of producing OR
VERIFYING the trusted build hash value (MD5 or SHA-1) of
the firmware or software, the DESIGNATED Election Official
~~shall~~ MUST verify and document the accuracy of the value
~~to be included with the records~~ for the device.

11.5.3.8.3 (3) THE DESIGNATED ELECTION OFFICIAL MUST MAKE an
appropriate number of voting devices ~~will be~~ available and the
Testing Board may witness the ~~necessary~~ programming and/or
downloading of memory devices necessary ~~to~~ FOR THE test. ~~the~~
~~specific precincts.~~

11.5.3.8.4 (4) The Testing Board and designated election official ~~or his or~~
~~her designated deputized clerks, as necessary, shall~~ MUST count
the test ballots as follows:

(a) ~~Mail in Ballots:~~

(1) ~~All county test ballots shall be counted on at least one, but not more than three, mail-in ballot vote counting devices and have the predetermined total verified to the machine total.~~

~~(2) All Testing Board Member test ballots shall be counted individually with reports generated to verify the machine count to the predetermined hand tally.—~~

~~(b) Precinct Count Ballots (Optical Scan and DRE):~~

~~(1) The Testing Board shall randomly select 20% but not more than 10 ballots representing unique precincts from the Testing Board's test ballots.~~

~~(2) In the event a selected precinct contains a combination of DRE and Optical Scan voting devices, the Testing Board shall decide on the percentage of ballots to be counted on each type of device used for that precinct.~~

~~(3) The precinct specific county test ballots will be added to the testing board test ballots to be counted on the specific precinct device. The testing board shall manually verify the ballots to be counted prior to any machine count.~~

~~(4) — The Testing Board shall verify the manual count to the voting device count.~~

~~(c) (A) Vote Center Count Ballots—Optical Scan SCANNERS:~~

(1) All testing board THE TESTING BOARD test ballots shall ~~MUST BE COUNTED~~ COUNT TEST BALLOTS on at least one, but not more than 5 FIVE voting devices, ~~WHICH MUST REPRESENT AT LEAST ONE DEVICE USED AT A VOTER SERVICE AND POLLING CENTER, AND ONE CENTRAL COUNT DEVICE.~~ IF THE COUNTY WILL USE A SCANNER IN EACH VOTER SERVICE AND POLLING CENTER, AT LEAST ONE MUST BE INCLUDED IN THE TEST. ~~designated for Vote Center Counting and have the predetermined total verified to the machine total.~~

if scanners used in ANY voter center, one should be included in test

(2) THE TESTING BOARD MUST RANDOMLY SELECT THE MACHINES TO TEST.

(2) (3) ~~ALL THE TESTING BOARD MUST COUNT THE BOARD'S AND THE COUNTY'S test ballots~~ BALLOT BATCHES shall be counted individually SEPARATELY AND GENERATE REPORTS with reports generated to verify THAT the machine count IS IDENTICAL to the predetermined tally. of the test ballots.

~~(3) The testing board shall randomly select the machines to be tested.~~

~~(d) (B) Vote Center Count Ballots—DREs:~~

(1) ~~All testing board~~ THE TESTING BOARD MUST COUNT THE test ballots shall be counted on at least one, but not more than 5 FIVE DREs. designated for Vote Center Counting and have the predetermined total verified to the machine total.

(2) THE TESTING BOARD MUST RANDOMLY SELECT THE MACHINES TO TEST.

(3) THE TESTING BOARD MUST IDENTIFY AND TEST TWO BALLOTS AS AUDIO BALLOTS.

(2) (4) ~~ALL THE TESTING BOARD MUST COUNT THE BOARD'S AND THE COUNTY'S test ballots~~ BALLOT BATCHES ~~shall be counted individually~~ SEPARATELY AND GENERATE REPORTS ~~with reports generated~~ to verify THAT the machine count IS IDENTICAL to the predetermined tally ~~of the test ballots~~. FOR DRES WITH VVPAT DEVICES, THE TESTING BOARD MUST MANUALLY COUNT THE PAPER RECORD TO VERIFY THAT THE PRE-DETERMINED TOTALS OF THE TESTING BOARD AND COUNTY TEST BALLOT BATCHES MATCH THE VVPAT TOTAL.

~~(3) The testing board shall randomly select the machines to be tested.~~

~~(e) Early Voting and Provisional Ballots Counted on Optical Scan Devices:~~

~~(1) All test ballots shall be counted on at least one, but not more than five, optical scan devices designated for Early Voting or Provisional Ballot Counting and have the predetermined total verified to the machine total.~~

1 ~~(2) All test ballots shall be counted individually with~~
2 ~~reports generated to verify the machine count to the~~
3 ~~predetermined tally of the test ballots.~~

4 ~~(f) Early Voting and Provisional Ballots Counted on DREs:~~

5 ~~(1) All test ballots shall be counted on at least one, but~~
6 ~~not more than five, DREs designated for Early~~
7 ~~Voting or Provisional Ballot Counting and have the~~
8 ~~predetermined total verified to the machine total.~~

9 ~~(2) All Testing Board Member test ballots shall be~~
10 ~~counted individually with reports generated to~~
11 ~~verify the machine count to the predetermined tally~~
12 ~~of the Testing Board test ballots.~~

13 ~~11.5.3.8.5 DREs equipped with V VPAT devices shall be manually~~
14 ~~verified (by hand) to determine that the pre-determined total of~~
15 ~~the testing board ballots, matches the V VPAT total, which in~~
16 ~~turn matches the machine total.~~

17 ~~11.5.3.8.6 At least two of the testing board ballots shall be identified as~~
18 ~~Audio Ballots to be tested as such, and included with the count.~~

19 ~~11.5.3.8.7 (5) THE DESIGNATED ELECTION OFFICIAL MUST~~
20 ~~KEEP all test materials, when not in use, shall be~~
21 ~~kept in a metal DURABLE, SECURE box with~~
22 ~~individual seals for each member of the Testing~~
23 ~~Board. The designated election official may affix~~
24 ~~his or her own seal in addition to those of the~~
25 ~~Testing Board. The designated election official shall~~
26 ~~MUST be the custodian of the box or boxes but shall~~
27 ~~MAY not open and/or use the test materials outside~~
28 ~~of the TESTING BOARD'S presence. of the Testing~~
29 ~~Board.~~

allow for CORA
requests.

30 ~~(6) AFTER TESTING, THE TESTING BOARD MUST WATCH~~
31 ~~THE DESIGNATED ELECTION OFFICIAL RESET AND~~
32 ~~SEAL EACH VOTING DEVICE.~~

33 ~~11.5.3.8.8 (7) The Testing Board and the designated~~
34 ~~election official shall MUST sign a written statement~~
35 ~~attesting to the qualification of each device that was~~
36 ~~successfully tested, the number of the seal attached~~
37 ~~to the voting device at the end of the test, any~~
38 ~~problems discovered, and provide any other~~
39 ~~documentation as necessary to provide a full and~~
40 ~~accurate account of the condition of a given device.~~

report of any issues should go
to SOS

11.5.3.8.9 ~~Upon completion of the testing, the Testing Board shall witness the resetting and sealing of each tested voting device.~~

11.5.4 11.4.3 Post-Election Audit

11.5.4.1 (A) ~~Within forty eight (48) NO LATER THAN 48 hours of AFTER the close of polls on election night, the Secretary of State shall MUST notify the designated election official which voting devices and which race or races on the ballots have been selected for auditing purposes WILL BE AUDITED based on the submitted hardware inventory list referred to in Rule 11.4.2 11.3.~~

11.5.4.2 (B) ~~The selection of SECRETARY OF STATE WILL RANDOMLY SELECT equipment will be based on a random selection of five (5) percent of precinct COUNT-BALLOT SCANNERS scanner based voting equipment, at least one central count scanner/vote center, and five (5) percent of Direct Record Electronic (DRE) DRE voting devices.~~

any

(1) IF THE COUNTY USED A SCANNER IN EACH VOTER SERVICE AND POLLING CENTER, AT LEAST ONE SCANNER MUST BE INCLUDED IN THE AUDIT.

(2) IF THE SECRETARY OF STATE RECEIVES CREDIBLE REPORTS OF EQUIPMENT MALFUNCTION, THE SECRETARY MAY SELECT ADDITIONAL EQUIPMENT FOR INCLUSION IN THE AUDIT.

11.5.4.3 (C) ~~Pursuant to IN ACCORDANCE WITH section 1-7-514, C.R.S., THE SECRETARY OF STATE MAY only SELECT devices used in the election. shall be selected for the audit.~~

(D) THE SECRETARY OF STATE MUST RANDOMLY SELECT AT LEAST TWO RACES PER DEVICE FOR VERIFICATION TO ENSURE THAT EACH RACE OR MEASURE ON THE BALLOT IS AUDITED IN ACCORDANCE WITH SECTION 1-7-514, C.R.S.

additional machines
should be selected if
machine had no votes
registered.

11.5.4.4 ~~For optical scanners used for any function of counting ballots except for Central Count/vote center as defined herein, the designated election official shall manually verify all of the ballots that were counted on the randomly selected device(s) with the election summary report that was generated from the device(s) at the close of the polls. The Secretary of State shall randomly select a minimum of two (2) races per device to be manually verified to ensure that each office, issue, and question on the ballot is audited in accordance with section 1-7-514, C.R.S.~~

11.5.4.5 (E) ~~For optical scanners used for the purpose of counting ballots in a Central Count/vote center environment as defined herein, the designated election official shall MUST randomly select EITHER OF~~

1 this is an almost meaningless test and
2 does not test the tabulations in the
3 election.

4 the test should test
5 some tabulation as
6 done during the
7 election, not whether
8 the machine tabulates
9 correctly after the
10 election.

THE FOLLOWING AMOUNTS BASED UPON THE TOTAL NUMBER OF
BALLOTS COUNTED: on that machine?

(1) IF ~~LESS-FEWER~~ THAN 500 BALLOTS WERE COUNTED, THEN A
MINIMUM OF 20 PERCENT OF THE BALLOTS COUNTED ON THE
DEVICE.

(2) IF 500 OR MORE BALLOTS WERE COUNTED, THEN A MINIMUM
OF 100 BALLOTS PLUS five (5) percent OF THE DIFFERENCE
BETWEEN THE NUMBER OF BALLOTS COUNTED AND 500, but
not more than 500. ~~five hundred (500) ballots of all the
ballots counted on the specific audited device. If the
amount of ballots is less than five hundred (500) on the
audited device, then a minimum of twenty percent (20%) of
the ballots counted on the device will be manually verified.~~

(F) The DESIGNATED ELECTION OFFICIAL MUST RESET THE public
counter for ~~that~~ THE voting device ~~shall be reset~~ to zero and
RECOUNT the ballots. ~~shall be recounted on the voting device.~~

(G) ~~A~~ THE DESIGNATED ELECTION OFFICIAL MUST MANUALLY VERIFY
THE new report ~~will be generated~~ from the electronic count. ~~of the
ballots and shall be manually verified.~~

(H) The DESIGNATED ELECTION OFFICIAL MUST SEAL THE ballots and a
copy of the report ~~shall be sealed~~ in a separate container. ~~and
secured with the remainder of the official election records for the
election. The Secretary of State shall randomly select a minimum
of two (2) races per device to be manually verified to ensure that
each office, issue, and question on the ballot is audited in
accordance with section 1-7-514, C.R.S.~~

11.5.4.6 (I) For ~~Direct Record Electronic Devices (DREs)~~ DREs ~~that do not
meet the requirements of section 1-5-802, C.R.S.~~ WITHOUT A
VVPAT, used for any function of counting ballots in an election,
the designated election official ~~will~~ MUST manually verify the
image of all the ballots ~~contained in the Ballot Log or Ballot Audit
BALLOT LOG OR BALLOT AUDIT that were counted on the specific
THE device COUNTED ALONG with the report generated for that
specific device at the close of polls. which contains the election
summary report. The Secretary of State shall randomly select a
minimum of two (2) races per device to be manually verified to
ensure that each office, issue, and question on the ballot is audited
in accordance with section 1-7-514, C.R.S.~~

11.5.4.6.1 (1) For any device capable of producing OR VERIFYING the
trusted build hash value (MD5 or SHA-1) of the firmware

1 or software, the designated election official ~~shall~~ MUST
2 verify and document the accuracy of the value to be
3 included with the records for the device prior to conducting
4 the audit.

5 11.5.4.7 (J) For ~~Direct Electronic Devices (DREs)~~ DRES that WITH A VVPAT
6 ~~do meet the requirement of section 1-5-802, C.R.S., used for any~~
7 ~~function of counting ballots in an election, after the close of the~~
8 ~~polls, the designated election official will~~ MUST manually verify all
9 ~~of the ENTIRE voter-verified paper VVPAT record produced with the~~
10 ~~report generated for that specific device. which contains the election~~
11 ~~summary report. The Secretary of State shall randomly select a~~
12 ~~minimum of two races on each device to be manually verified to~~
13 ~~ensure that each office, issue, and question on the ballot is audited~~
14 ~~in accordance with section 1-7-514, C.R.S.~~

15 11.5.4.7.1(1) For any device capable of producing OR VERIFYING
16 the trusted build hash value (MD5 or SHA-1) of the
17 firmware or software, the designated election official ~~shall~~
18 MUST verify and document the accuracy of the value to be
19 included with the records for the device prior to conducting
20 the audit.

21 11.5.4.8 (K) AT LEAST TWO CANVASS BOARD MEMBERS MUST OBSERVE the
22 ~~actions of the random audit. as identified in this section are to be~~
23 ~~observed by at least two members of the canvass board. The~~
24 ~~designated election official may appoint additional deputized~~
25 ~~clerks to assist WITH in the functions of the audit.~~

26 11.5.4.9 (L) If there are discrepancies in the audit, the Canvass Board or the
27 designated election official's ~~deputized clerks shall~~ OFFICIAL MUST:

28 11.5.4.9.1(1) ~~First, manually verify the results as many times as~~
29 ~~necessary to~~ Confirm that there is no discrepancy in the
30 manual count;

31 11.5.4.9.2(2) ~~Second,~~ Take any ~~additional~~ steps as necessary to
32 check for voter error, which ~~shall~~ MUST include but IS not
33 ~~be~~ limited to: overvotes, stray marks on the ballot, or other
34 voter intent indicia; and

35 11.5.4.9.3(3) ~~Third, review the situation and~~ Take ANY action as
36 necessary in accordance with the Canvass Board's powers
37 as ~~set forth~~ DESCRIBED in part 1 of Article 10 of Title 1,
38 Colorado Revised Statutes.

39 11.5.4.10 (M) ~~At all times relevant to the Post Election~~ DURING THE audit, the
40 designated election official ~~or the deputized clerks or the Canvass~~

what does the term
"confidentiality of ballots" mean?
Why confidential?

Board ~~shall~~ MUST take every precaution necessary to protect the confidentiality of the CAST ballots. ~~cast by the electors.~~

~~11.5.4.11~~ (N) Upon ~~completion of~~ AFTER the audit, the designated election official ~~shall~~ MUST promptly report the results of the audit to the Secretary of State's Office by 5:00 PM ON THE LAST DAY TO CANVASS. ~~The report shall MUST be submitted following the completion of the audit and up to and including 5:00 pm on the last day of the canvass.~~ The report ~~shall~~ MUST contain:

(a)-(1) The make, model, and serial number of the voting device DEVICES ~~that was~~ audited;

(b)-(2) The number of ballots originally counted by the EACH device or the number of ballots audited as identified in paragraph ~~(d)~~ (4) of this section;

(c)-(3) The count of the specific race or races as provided on the summary report printed at the close of polls or the report generated for the audit;

(d)-(4) The count of the specific race RACES as manually verified;

(e)-(5) Any other information required by section 1-7-514, C.R.S.; and

the report of investigation much
accompany

(f)-(6) The signature CANVASS BOARD MEMBERS' AND DESIGNATED ELECTION OFFICIAL'S SIGNATURES. ~~of the canvass board and the designated election official.~~

~~11.5.4.12~~ (o) The DESIGNATED ELECTION OFFICIAL MAY SEND THE report may be sent by REGULAR MAIL, E-MAIL, OR FAX. ~~any of the following three methods: E mail: voting.systems@sos.state.co.us; Subject line = County Number, County Name, POST-ELECTION AUDIT; or via facsimile to: 303-869-4861 attn: Secretary of State, Voting Systems Specialist; or via First Class Mail: to Colorado Department of State/ Attn: Voting Systems Specialist/1700 Broadway Suite 270/Denver, CO 80290.~~

[Rule 11.6 is relocated to Rule 20.2.10]

~~11.6~~ Procedures for Voter Verifiable Paper Audit Trail (V-VPAT)

~~11.6.1~~ Security

~~11.6.1.1~~ The V-VPAT record is considered an official record of the election, pursuant to section 1-5-802. All security procedures related to election ballots shall apply to V-VPAT records.

1 ~~11.6.1.2 The housing unit for any V VPAT record to be used in the election shall~~
2 ~~be sealed and secured prior to any votes being cast for the election.~~
3 ~~Documentation of the seal number(s) must be maintained and noted~~
4 ~~prior to voting, and at the conclusion of voting.~~

5 ~~(a) Election Judges shall attest to the V VPAT record having no votes~~
6 ~~included on the paper record prior to the start of voting, and prior~~
7 ~~to the installation or replacement of a new V VPAT record.~~

8 ~~11.6.1.3 If a DRE with V VPAT is used during early voting, the seal number(s)~~
9 ~~must be recorded at the beginning and end of each voting day.~~

10 ~~11.6.1.4 At the Close of the polls, the V VPAT records will be transferred to the~~
11 ~~central office in the same manner as any paper ballots. In the absence of~~
12 ~~paper ballots, the V VPAT records will be transferred to the central~~
13 ~~office in the same manner as any memory cards containing electronic~~
14 ~~ballots.~~

15 ~~11.6.2 Anonymity~~

16 ~~11.6.2.1 The Election Official shall put measures in place to protect the~~
17 ~~anonymity of voters choosing to vote on DREs during the voting~~
18 ~~periods. These measures shall include:~~

19 ~~(a) Encouraging poll workers to personally vote on DREs when~~
20 ~~possible to ensure more than one vote will be cast on the device.~~

21 ~~(b) Appropriate marking in Poll Book or other voting list indicating~~
22 ~~voters choice to vote on DRE with the words: "Voted DRE", or~~
23 ~~similar in place of paper ballot information. No record shall be~~
24 ~~kept indicating the order in which people voted on the DRE, or~~
25 ~~which V VPAT record is associated with the voter.~~

26 ~~(c) When more than one DRE is available at a voting location, the~~
27 ~~voter shall be given the choice as to which DRE they would like to~~
28 ~~vote on, to the extent practical.~~

29 ~~(d) Encouraging or allowing any and all voters the opportunity to vote~~
30 ~~on a DRE if desired.~~

31 ~~11.6.2.2 Any report or export (electronic or paper based) generated from an~~
32 ~~Electronic Pollbook shall remove the date/time stamp from the record~~
33 ~~and not use this field as a sort method. Any assignment of Record IDs,~~
34 ~~Key ID, or Serial Number stored in the database of votes shall be~~
35 ~~randomly assigned.~~

1 ~~11.6.2.3 Any Pollbook, electronic, paper or otherwise shall not be exposed to the~~
2 ~~same people at the same place who have exposure to the V VPAT~~
3 ~~records.~~

4 ~~11.6.2.4 The examination of the V VPAT record shall always be done by at least~~
5 ~~two witnesses.~~

6 ~~11.6.3 Storage~~

7 ~~11.6.3.1 The storage of the V VPAT records must be consistent with~~
8 ~~storage of Paper Ballots pursuant to section 1-7-802.~~

9 ~~11.6.3.2 Individual spools containing V VPAT records must contain the~~
10 ~~following catalog information affixed to the spool:~~

11 ~~(a) Date and Name of Election;~~

12 ~~(b) Name of Voting Location;~~

13 ~~(c) Date(s) and Time(s) of Voting;~~

14 ~~(d) Machine Serial Number of DRE Associated with the Record; and~~

15 ~~(e) Number of spools associated with this machine for this election (i.e.~~
16 ~~“Spool 1 of 1”, or “Spool 1 of 2”, etc.).~~

17 ~~11.6.3.3 Light sensitive storage containers shall be used for the 25 month storage~~
18 ~~period to ensure the integrity of the V VPAT paper record. Containers~~
19 ~~shall be sealed, with record of the seal numbers maintained on file and~~
20 ~~signed by two elections officials.~~

21 ~~11.6.3.4 A master catalog shall be maintained for the election containing the~~
22 ~~complete total number of V VPAT spools used in the election.~~

23 ~~11.7 11.5 Escrow of County Election Setup.~~ THE DESIGNATED ELECTION OFFICIAL MUST
24 SUBMIT ELECTION SETUP RECORDS BY REGULAR MAIL NO LATER THAN 5:00 PM ON
25 THE SEVENTH DAY BEFORE AN ELECTION.

26 ~~11.7.1 No later than 5:00pm on the seventh (7th) day prior to any election, the~~
27 ~~designated election official shall deposit a copy of the election setup records with~~
28 ~~the Secretary of State’s office by mail.~~

29 ~~11.7.2 11.5.1 Jurisdictions that have contracted~~ CONTRACT with either a Software
30 ~~Service Bureau or a Vendor of Electronic Vote Counting Equipment~~
31 SOFTWARE SERVICE BUREAU OR AN ~~VENDOR OF~~ ELECTRONIC VOTE
32 COUNTING EQUIPMENT VENDOR may choose to have the VENDOR DELIVER
33 THE necessary election setup records. ~~delivered to the Secretary of State’s~~
34 ~~office within the specified time frame.~~

1 ~~11.7.3~~ 11.5.2 Election ~~Setup Records~~ SETUP RECORDS ~~shall~~ MUST be ~~contained within~~ IN
2 an electronic media format that is native to the jurisdiction's specific
3 ballot creation and tabulation system. Acceptable media formats ~~range~~
4 ~~from Tape, Diskette, Cartridge, CD-ROM, DVD-ROM, Floppy, External~~
5 ~~Hard Drive, or Flash Media~~ INCLUDE TAPE, DISKETTE, CARTRIDGE, CD-
6 ROM, DVD-ROM, FLOPPY, EXTERNAL HARD DRIVE, OR FLASH MEDIA.

7 ~~11.7.14~~ ——— All copies of electronic media shall be sent to:

8 Colorado Secretary of State
9 Attn: ~~Voting Systems Specialist~~
10 1700 Broadway — Suite 270
11 Denver, CO 80290

12 ~~11.7.5~~ 11.5.3 ~~Jurisdictions will~~ THE DESIGNATED ELECTION OFFICIAL MUST include a
13 point of contact and method of contact (phone, fax, e-mail, etc.). ~~to inform~~
14 ~~the jurisdiction that the Secretary of State's office has received the~~
15 ~~election setup records.~~

16 ~~11.7.6~~ 11.5.4 Within 24 hours of receipt of the election setup ~~files~~ RECORDS, the
17 Secretary of State ~~or his or her designee~~ STATE'S OFFICE will contact the
18 jurisdiction to confirm receipt. ~~of the escrow files.~~

19 ~~11.7.7~~ 11.5.5 The Secretary of State's office will store the ELECTION setup ~~files~~
20 RECORDS in a secured, fire proof, limited-access location. ~~or container.~~

21 ~~11.7.8~~ 11.5.6 All parties ~~shall~~ MUST treat as confidential all escrowed materials and any
22 other related information that comes into their possession, control, or
23 custody. ~~pursuant to this rule.~~

24 *[Rule 11.8 is amended and moved to New Rule 45.12]*

25 ~~11.8~~ — Escrow of Voting System Software by Voting System Provider

26 ~~11.8.1~~ Voting System Providers must place in escrow a copy of the election software and
27 supporting documentation being certified with either the Secretary of State or an
28 independent escrow agent approved by the Secretary of State. ~~See section~~
29 ~~1-7-511, C.R.S.~~

30 ~~11.8.2~~ Within ten days of the Voting System provider receiving notification of
31 examination of voting equipment as part of the certification process, the Voting
32 System Provider shall arrange for the completion of escrow requirements as
33 indicated by this rule.

34 ~~11.8.3~~ Voting System Provider shall sign a sworn affidavit that the election software in
35 escrow is the same as the election software used in its voting systems in this state.
36 An annual update of the affidavit will be on file in a secured location with the
37 Secretary of State's office.

1 ~~11.8.4 A complete copy of the certified election software including any and all~~
2 ~~subsystems of the certified software shall be maintained in escrow.~~

3 ~~11.8.5 Any changes to current configurations or new installations must be approved~~
4 ~~through the certification program of the Secretary of State.~~

5 ~~11.8.6 In addition to the requirements listed below, the Voting System Provider must~~
6 ~~include a cover/instructions sheet for any escrow material to include the Voting~~
7 ~~System Provider Name, Address and pertinent contact information, Software~~
8 ~~Version, Hardware Version, Firmware Revision Number and other uniquely~~
9 ~~identifying numbers of the software submitted for certification.~~

10 ~~11.8.7 Election Software Source Code, maintained in escrow, shall contain internal~~
11 ~~documentation such that a person reasonably proficient in the use of the~~
12 ~~programming language can efficiently use the documentation to understand the~~
13 ~~program structure, control techniques, and error processing logic in order to~~
14 ~~maintain the Source Code should it be removed from escrow for any reason.~~

15 ~~11.8.8 System documentation shall include instructions for converting the escrowed~~
16 ~~Source Code into Object Code, organized and configured to produce an~~
17 ~~executable system, if warranted.~~

18 ~~11.8.9 System documentation shall include technical architecture design, analysis, detail~~
19 ~~design, testing and an installation and configuration guide.~~

20 ~~11.8.10 — A set of schematics and drawings on electronic vote casting and counting~~
21 ~~equipment purchased or in use by the county clerk and recorder shall be on file~~
22 ~~with the Secretary of State.~~

23 ~~11.8.11 — All parties shall treat as confidential the terms of this Section including all~~
24 ~~escrow materials and any other related information that comes into their~~
25 ~~possession, control or custody pursuant to this section.~~

26 ~~11.8.12 — Copies of Electronic media and supporting documentation for Escrow~~
27 ~~within the Secretary of State shall be sent to:~~

28 Colorado Secretary of State
29 Attn: Voting Systems Specialist
30 1700 Broadway—Suite 270
31 Denver, CO 80290
32

33 ~~11.8.13 — Any cost of using an alternative third party escrow agent shall be borne by~~
34 ~~the Voting System provider.~~

35 11.6 THE DESIGNATED ELECTION OFFICIAL MUST RETAIN ALL TESTING RECORDS AND
36 DOCUMENTATION FOR 25 MONTHS.

37 11.7 METHODS OF SUBMISSION ARE:

11.7.1 BY REGULAR MAIL TO:

COLORADO SECRETARY OF STATE
ATTN: VOTING SYSTEMS
1700 BROADWAY – SUITE 200
DENVER, CO 80290

11.7.2 BY EMAIL TO:

VOTING.SYSTEMS@SOS.STATE.CO.US

11.7.3 BY FAX TO:

303-869-4861

11.8 RULES CONCERNING ACCESSIBLE VOTING SYSTEMS

~~34.2~~ 11.8.2 No A political subdivision shall MAY NOT purchase or lease direct recording electronic DRE voting systems or other voting systems equipped for individuals USE BY PEOPLE with disabilities at each polling place unless such voting system(s) THEY are fully certified pursuant to standards and guidelines recommended by the National Institute of Standards and Testing (NIST) and adopted by the U.S. Election Assistance Commission (EAC) IN ACCORDANCE WITH THE 2002 VOTING SYSTEM STANDARDS PROMULGATED BY THE FEDERAL ELECTION COMMISSION.

[Rule 34 is amended and moved to New Rule 11.9. (Amendments are shown above)]

11.9 RULES CONCERNING NOTICE OF VOTING SYSTEM MALFUNCTION

~~36.1~~ 11.9.1 A vendor or the political subdivision DESIGNATED ELECTION OFFICIAL if no private vendor supports their system must give notice to NOTIFY the Secretary of State within 24 hours of a REPORTED OR ACTUAL malfunction of its voting/election system (including, but not limited to, software, firmware, hardware, or other equipment) in preparation for and on an election held in this state. THE NOTICE MUST INCLUDE A DESCRIPTION, DATE, AND THE NAMES OF THOSE WHO WITNESSED THE MALFUNCTION, AS WELL AS THE PROCEDURES FOLLOWED ~~PRIOR TO~~ BEFORE THE MALFUNCTION, AND ANY ERROR MESSAGES DISPLAYED. The notice may be verbal, but must also be in A writing MUST FOLLOW.

copy should go
to witnesses

~~36.2~~ Following the notice, the Secretary of State shall determine whether further information on the malfunction is required. At the request of the Secretary of State, a vendor (or the political subdivision, if no private vendor supports their system) must submit a report to the Secretary of State's office detailing the reprogramming (or any other actions) necessary to correct a voting system malfunction in preparation for and on an election held using the vendor's system. The report shall address whether permanent changes are necessary to prevent similar malfunctions in the future. If the malfunction requires a programming or election setup change to the database or other parts of the voting system, the

1 ~~designated election official shall submit an updated electronic copy of the election~~
2 ~~system database to the Secretary of State's office as set forth in Rule 11.~~

3 11.9.2 IF THE SECRETARY OF STATE REQUIRES ADDITIONAL INFORMATION THE VENDOR OR
4 THE DESIGNATED ELECTION OFFICIAL MUST SUBMIT A REPORT TO THE SECRETARY
5 OF STATE'S OFFICE DETAILING THE REPROGRAMMING OR ANY OTHER ACTIONS
6 NECESSARY TO CORRECT A VOTING SYSTEM MALFUNCTION.

7 (A) THE REPORT MUST ADDRESS WHETHER PERMANENT CHANGES ARE
8 NECESSARY TO PREVENT SIMILAR MALFUNCTIONS IN THE FUTURE.

9 (B) IF THE MALFUNCTION REQUIRES A PROGRAMMING OR ELECTION SETUP
10 CHANGE TO THE DATABASE OR OTHER PARTS OF THE VOTING SYSTEM, THE
11 DESIGNATED ELECTION OFFICIAL MUST SUBMIT AN UPDATED ELECTION
12 SETUP RECORD TO THE SECRETARY OF STATE'S OFFICE AS SET FORTH IN
13 RULE 11.8.

14 ~~36.3~~ (C) The report ~~shall~~ MUST be submitted within 30 days after the date of
15 the request by the Secretary of State. ~~Notwithstanding the foregoing, if~~ IF
16 an election is scheduled within 60 days of the date of request by the
17 Secretary of State, the Secretary of State may set an emergency deadline
18 for filing the report. ~~The request may be verbal, but must also be in~~
19 ~~writing.~~

20 ~~36.4~~ (D) Failure to submit a report within the required period ~~shall~~ IS be
21 grounds to decertify the system.

22 ~~36.5~~ (E) The political subdivision holding the election in which the voting
23 system malfunction occurred may submit the report in lieu of a report
24 from the system's vendor.

25 ~~36.6~~ (F) A copy of this report will be ~~attached to the system's most recent~~
26 ~~certification~~ on file in the Secretary of State's office.

27 ~~36.7~~ (G) The Secretary of State's office will distribute a copy of this report
28 to all counties using the voting system in question.

29 *[Rule 36 is amended and moved to New Rule 11.10. Amendments are shown above]*

30 11.10 PURCHASES AND CONTRACTS

31 11.10.1 IN ACCORDANCE WITH SECTION 1-5-623(3), C.R.S., A POLITICAL
32 SUBDIVISION MAY NOT PURCHASE, LEASE, TRANSFER, OR RECEIVE ~~A NEW~~ AN
33 ELECTRONIC VOTING DEVICE OR SYSTEM OR ANY RELATED COMPONENT OF A
34 DEVICE OR SYSTEM WITHOUT APPROVAL FROM THE SECRETARY OF STATE.

35 ~~45.12.1~~ 11.10.2 ~~Any~~ A POLITICAL SUBDIVISION MAY ONLY PURCHASE OR LEASE A
36 CERTIFIED voting system IF ~~that has been certified under the procedures of Rule 45~~

1 are is eligible for purchase, lease, or rent for use by jurisdictions within the State
2 of Colorado providing if the contract contains the following items:

3 (a) The voting system is certified for use within the state;

4 (b) (A) The contract contains training and maintenance costs for the jurisdiction;
5 and

6 (c) (B) The contract identifies components contained in the certified THE voting
7 system COMPONENTS and appears complete with all accessories necessary
8 should not be APPEAR COMPLETE AND CAPABLE OF for successfully conducting an
9 deleted. election within the laws and rules of the State of IN Colorado.

10 45.12.2 11.10.3 The Secretary of State shall WILL maintain on file a list of all
11 components used and purchased for use. The list shall WILL include, at a
12 minimum, the name of the jurisdiction, the date of purchase, the serial number(s)
13 of all components of voting devices and name of the voting systems that was WERE purchased.

14 *[Rule 45.12 is amended and moved to New Rule 11.10. Amendments are shown above]*

15 11.11 ELECTION NIGHT REPORTING (ENR). THE COUNTY MUST REPORT ELECTION NIGHT
16 RESULTS FOR ALL PRIMARY, GENERAL, COORDINATED AND RECALL ELECTIONS.

17 11.11.1 A DATA ENTRY COUNTY MUST PROGRAM THE ELECTION TO SUPPORT THE
18 EXPORTING OF ELECTION NIGHT RESULTS IN ACCORDANCE WITH THE FOLLOWING
19 ENR VENDOR'S DATA UPLOAD REQUIREMENTS:

20 (A) LIST CONTEST NAMES AND CANDIDATE NAMES EXACTLY AS PROVIDED ON
21 THE CERTIFIED LIST.

22 (B) PROVIDE CONTEST NAMES IN ALL UPPERCASE LETTERS.

23 (C) FOR COUNTIES THAT USE THE ES&S AND PREMIER VOTING SYSTEMS,
24 ARRANGE THE CONTESTS IN THE ORDER PRESCRIBED BY SECTION 1-5-
25 403(5), C.R.S.

26 (D) CAPITALIZE CANDIDATE NAMES (E.G., JOHN A. SMITH).

27 (E) PRESENT A PRECINCT NAME AS A TEN-DIGIT PRECINCT NUMBER.

28 (F) FOR COUNTIES THAT USE THE HART VOTING SYSTEMS, USE THE
29 "SPLIT_NAME" FIELD SPLIT PRECINCT NAMING PURPOSES.

30 (G) CREATE A "PROVISIONAL" PRECINCT.

31 (H) USE ONLY THE PARTY CODES CERTIFIED BY THE SECRETARY OF STATE.

32 (I) DO NOT INCLUDE THE PARTY NAME OR CODE IN THE CANDIDATE NAME
33 FIELD.

1 11.11.2 NO LATER THAN EIGHT DAYS BEFORE THE ELECTION, A COUNTY MUST SEND
2 THE FOLLOWING INFORMATION TO THE SECRETARY OF STATE, AT THE ADDRESS IN
3 RULE 11.8:

4 (A) A DATA ENTRY COUNTY MUST EMAIL A SAMPLE OR "ZERO" FILE.

5 (B) A MANUAL ENTRY COUNTY MUST SEND A LIST OF ALL BALLOT CONTENT
6 CONTESTS TITLES, CANDIDATES, AND PARTY AFFILIATION.

7 11.11.3 THE COUNTY MUST EXPORT OR PRODUCE ELECTION RESULTS AND UPLOAD
8 THEM TO THE ENR SYSTEM A MINIMUM OF THREE TIMES ON ELECTION NIGHT:

9 (A) AFTER THE CLOSE OF POLLS BUT NO LATER THAN 7:30 PM.

10 (B) AT OR AROUND 9:00 PM.

11 (C) ~~AT THE CONCLUSION OF TABULATION, THE~~ THE COUNTY MUST INDICATE
12 THAT ~~ELECTION NIGHT~~ REPORTING IS COMPLETE IN THE ENR SYSTEM FOR
13 ELECTION DAY AFTER THE COUNTY UPLOADS THE LAST RESULTS ON
14 ELECTION NIGHT.

15 11.11.4 AFTER CANVASS THE COUNTY MUST EXPORT OR PRODUCE ELECTION RESULTS,
16 AND CHECK THE APPROPRIATE BOX IN THE ENR SYSTEM TO INDICATE THAT THE
17 CANVASS UPLOAD IS COMPLETE.

18 Rule 12. RECALL

19 ~~32.2~~-12.1 Signature requirements

20 ~~32.2.1~~-12.1.1 For petitions to recall school district directors the petition must be signed
21 by the eligible electors of the director's district equal in number to at least 40%
22 of the ballots cast in the district in the last preceding election at which the
23 director to be recalled was elected as indicated by the pollbook or abstract for
24 the election. See section 1-12-105, C.R.S.

25 ~~32.2.2~~-12.1.2 When determining the number of required valid signatures for an elected
26 office for which electors were allowed to vote for more than one candidate in a
27 single race, the signature requirements ~~shall be~~ IS based on the number of ballots
28 cast for that race as indicated by the ~~pollbook or~~ abstract for the election.

29 ~~32.6 12.2~~ In accordance with section 3 of article XXI of the Colorado constitution and
30 section 1-12-117 (1), C.R.S., for partisan recall elections involving a state officer, in
31 order to appear on the ballot a successor candidate must file a nomination petition with
32 the Secretary of State no later than ten calendar days after the Governor sets the election
33 date. A write-in candidate must file an affidavit of intent to run as a write-in candidate no
34 later than the fifteenth day before the election.

35 ~~32.6 12.3~~ In accordance with section 3 of article XXI of the Colorado constitution and
36 section 1-12-117(1), C.R.S., for partisan recall elections involving a state officer, in order

1 to appear on the ballot a successor candidate must file a nomination petition with the
2 Secretary of State no later than ten calendar days after the Governor sets the election date.
3 A write-in candidate must file an affidavit of intent to run as a write-in candidate no later
4 than the fifteenth day before the election.

5 *[Current Rule 32.6, adopted on a temporary basis on July 22, 2013, is moved to new Rule 12.3]*

6 **Rule 13. ELECTION AND HAVA COMPLAINTS**

7 13.1 ELECTION COMPLAINT PROCEDURES

standard should be same as HAVA. Person cannot personally witness a software error, for example.

8 13.1.1 ANY PERSON WHO HAS ~~PERSONALLY WITNESSED~~ A VIOLATION OF TITLE 1, C.R.S.
9 MAY FILE AN ELECTION COMPLAINT.

10 13.1.2 AN ELECTION COMPLAINT MUST INCLUDE THE APPROVED SECRETARY OF STATE'S
11 ELECTION COMPLAINT COVER SHEET.

12 13.1.3 PROCESSING AND DOCKETING ELECTION COMPLAINTS

13 (A) WITHIN THREE BUSINESS DAYS OF RECEIVING A COMPLAINT, ~~ELECTION~~
14 ~~DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL REVIEW THE COMPLAINT
15 TO DETERMINE IF IT SATISFIES RULE ~~31.2~~ 13.1.2 AND SUFFICIENTLY
16 ALLEGES A VIOLATION.

17 (1) IF THE COMPLAINT DOES NOT MEET THE CRITERIA, ~~ELECTION DIVISION~~
18 ~~STAFF~~ THE SECRETARY'S DESIGNEE WILL NOTIFY THE COMPLAINANT
19 OF THE DISCREPANCY.

20 (2) IF A COMPLAINT MEETS THE CRITERIA, ~~ELECTION DIVISION STAFF~~ THE
21 ~~SECRETARY'S DESIGNEE~~ WILL ASSIGN A COMPLAINT NUMBER, NOTIFY
22 THE COMPLAINANT, AND SEND A COPY OF THE COMPLAINT TO THE
23 PERSON OR ENTITY ALLEGED TO HAVE COMMITTED A VIOLATION.

24 (B) AFTER NOTIFICATION, THE PERSON OR ENTITY ALLEGED TO HAVE
25 COMMITTED THE VIOLATION WILL HAVE 15 BUSINESS DAYS TO SUBMIT A
26 WRITTEN RESPONSE TO THE SECRETARY OF STATE'S OFFICE.

27 13.1.4 AMENDING AN ELECTION COMPLAINT

there should be no
limitation on time for
submitting new
information

(A) A COMPLAINANT MAY AMEND A COMPLAINT WITHIN SEVEN DAYS AFTER
FILING IF HE OR SHE DISCOVERS NEW FACTS RELATING TO THE EXISTING
COMPLAINT.

31 (B) AN AMENDMENT MAY NOT CONTAIN ALLEGATIONS OF A NEW VIOLATION.

32 13.1.5 INVESTIGATION

33 (A) AFTER THE RESPONSE PERIOD OUTLINED IN RULE ~~31.3.2~~ 13.1.3, ~~ELECTION~~

if the complaint alleges improper actions/decisions by SOS, there should be truly independent investigation instead. State auditor? ALJ?

~~DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL INVESTIGATE THE COMPLAINT.

some deadline needed.

(B) IF THE SECRETARY OF STATE DETERMINES AN IMMEDIATE INVESTIGATION IS REQUIRED, ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL BEGIN INVESTIGATING BEFORE THE RESPONSE PERIOD HAS CLOSED. IN MAKING THE DETERMINATION, THE SECRETARY WILL CONSIDER WHETHER THE ISSUE HAS THE POTENTIAL TO AFFECT AN UPCOMING ELECTION.

(C) DEPENDING ON THE VIOLATION ALLEGED, ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE MAY:

- (1) REVIEW DOCUMENTS;
- (2) VISIT THE COUNTY;
- (3) CONDUCT INTERVIEWS;
- (4) TEST EQUIPMENT; OR
- (5) TAKE OTHER STEPS NECESSARY.

(D) WHILE AN INVESTIGATION IS ONGOING, COUNTY CLERKS AND RECORDERS AND STAFF MUST ACCOMMODATE REQUESTS BY ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE IN THE TIMEFRAME REQUESTED BY STAFF.

13.1.6 RESOLUTION OF ELECTION COMPLAINTS

(A) AFTER AN INVESTIGATION AND HEARING, IF APPLICABLE, ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL:

- (1) DISMISS THE COMPLAINT AS NOT SUPPORTED BY CREDIBLE EVIDENCE;
- (2) REFER THE COMPLAINT TO A PROSECUTING AUTHORITY UNDER ARTICLE 13 OF TITLE 1, C.R.S.; OR
- (3) FIND A VIOLATION, AND RECOMMEND A RESOLUTION, AND ~~(B) —ELECTION DIVISION STAFF WILL—~~ FORWARD THE RECOMMENDATION FOR RESOLUTION TO THE SECRETARY OF STATE, WHO WILL ADOPT, AMEND, OR REJECT THE RECOMMENDATION.

with request to prosecute

13.1.7 THE SECRETARY OF STATE'S DETERMINATION IS A FINAL AGENCY ACTION

13.2 HELP AMERICA VOTE ACT (HAVA) COMPLAINT PROCEDURES

13.2.1 ANY PERSON WHO ~~HAS BEEN PERSONALLY AGGRIEVED BY OR HAS PERSONALLY WITNESSED~~ BELIEVES THAT A VIOLATION OF TITLE III OF ~~THE HELP AMERICA VOTE ACT (HAVA)~~ HAS OCCURRED, IS OCCURRING, OR IS ABOUT TO OCCUR, MAY FILE A HAVA COMPLAINT WITH THE SECRETARY OF STATE.

1 13.2.2 A HAVA COMPLAINT MUST INCLUDE THE APPROVED SECRETARY OF STATE'S
2 HAVA COMPLAINT COVER SHEET.

3 13.2.3 PROCESSING AND DOCKETING HAVA COMPLAINTS

4 (A) WITHIN THREE BUSINESS DAYS OF RECEIVING A COMPLAINT, ~~ELECTION~~
5 ~~DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL REVIEW THE COMPLAINT
6 TO DETERMINE IF IT SATISFIES RULE ~~31.2~~ 13.2.1 AND SUFFICIENTLY
7 ALLEGES A VIOLATION.

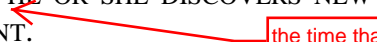
8 (1) IF THE COMPLAINT DOES NOT INCLUDE A COVER SHEET ~~ELECTION~~
9 ~~DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL NOTIFY THE
10 COMPLAINANT OF THE DISCREPANCY.

11 ~~(2) IF A COMPLAINT DOES NOT SUFFICIENTLY ALLEGE A VIOLATION OF~~
12 ~~TITLE III OF HAVA, ELECTION DIVISION STAFF WILL DISMISS THE~~
13 ~~COMPLAINT WITHOUT PREJUDICE.~~

14 ~~(3-2)~~ IF A COMPLAINT MEETS ~~BOTH~~ THE CRITERIA, ~~ELECTION DIVISION~~
15 ~~STAFF~~ THE SECRETARY'S DESIGNEE WILL ASSIGN A COMPLAINT
16 NUMBER, NOTIFY THE COMPLAINANT, AND SEND A COPY OF THE
17 COMPLAINT TO THE PERSON OR ENTITY ALLEGED TO HAVE COMMITTED
18 A VIOLATION.

19 (B) AFTER NOTIFICATION, THE PERSON OR ENTITY ALLEGED TO HAVE
20 COMMITTED THE VIOLATION WILL HAVE 15 BUSINESS DAYS TO SUBMIT A
21 WRITTEN RESPONSE TO THE SECRETARY OF STATE'S OFFICE.

22 13.2.4 AMENDING A HAVA COMPLAINT

23 (A) A COMPLAINANT MAY AMEND A COMPLAINT WITHIN SEVEN DAYS AFTER
24 ~~FILING IF HE~~ OR SHE DISCOVERS NEW FACTS RELATING TO THE EXISTING
25 COMPLAINT. 

26 (B) AN AMENDMENT MAY NOT CONTAIN ALLEGATIONS OF A NEW VIOLATION.

27 13.2.5 INVESTIGATION

28 (A) AFTER THE RESPONSE PERIOD OUTLINED IN RULE ~~31.3.2~~ 13.2.3, ~~ELECTION~~
29 ~~DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL INVESTIGATE THE
30 COMPLAINT.

31 (B) IF THE SECRETARY OF STATE DETERMINES AN IMMEDIATE INVESTIGATION IS
32 REQUIRED, ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL
33 BEGIN INVESTIGATING BEFORE THE RESPONSE PERIOD HAS CLOSED. IN
34 MAKING THE DETERMINATION, THE SECRETARY WILL CONSIDER WHETHER
35 THE ISSUE HAS THE POTENTIAL TO AFFECT AN UPCOMING ELECTION.

(C) DEPENDING ON THE VIOLATION ALLEGED, ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE MAY:

- (1) REVIEW DOCUMENTS;
- (2) VISIT THE COUNTY;
- (3) CONDUCT INTERVIEWS;
- (4) TEST EQUIPMENT; OR
- (5) TAKE OTHER STEPS NECESSARY.

(D) WHILE AN INVESTIGATION IS ONGOING, COUNTY CLERKS ~~AND RECORDERS~~ ~~AND~~ STAFF MUST ACCOMMODATE REQUESTS BY ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE IN THE TIMEFRAME REQUESTED BY STAFF.

13.2.6 HEARING AND RESOLUTION OF HAVA COMPLAINTS

public

(A) IF THE COMPLAINANT REQUESTS, THE SECRETARY OF STATE OR HIS OR HER DESIGNEE WILL HOLD A HEARING.

(B) AFTER THE INVESTIGATION AND HEARING, IF ANY, ~~ELECTION DIVISION STAFF~~ THE SECRETARY'S DESIGNEE WILL:

- (1) DISMISS THE COMPLAINT AS NOT SUPPORTED BY CREDIBLE EVIDENCE;
- (2) REFER THE COMPLAINT TO A PROSECUTING AUTHORITY UNDER ARTICLE 13 OF TITLE 1, C.R.S.;
- (3) FIND A VIOLATION, ~~AND~~ RECOMMEND A RESOLUTION, ~~(C) —ELECTION DIVISION STAFF WILL~~ FORWARD THE RECOMMENDATION FOR RESOLUTION TO THE SECRETARY OF STATE, WHO WILL ADOPT, AMEND, OR REJECT THE RECOMMENDATION.

13.2.7 THE SECRETARY OF STATE'S DETERMINATION IS A FINAL AGENCY ACTION.

[Current Rule 31 is repealed and complaint rules are moved to new Rule 13 as shown above.]

Rule 14. ~~Rules Regulating~~ Voter Registration Drives

~~44.1-14.1~~ 14.1 Statement of Intent

~~44.1-14.1.1~~ 14.1.1 In accordance with ~~section 1-2-701, C.R.S., et seq.~~ PART 7, ARTICLE 2 OF TITLE 1, C.R.S., the organizer of a Voter Registration Drive ("VRD") ~~shall~~ MUST file a Statement of Intent AND TRAINING ACKNOWLEDGMENT FORM with the Secretary of State to conduct a voter registration drive. ~~on a form prescribed by the Secretary of State. The Statement of Intent shall~~ STATEMENT OF INTENT AND TRAINING ACKNOWLEDGMENT FORM MUST include the following information:

- (a) The name of the group conducting the VRD, and the name and contact information of the individual organizing the VRD;
- (b) The name of the agent (who is required to be a Colorado resident) and the contact information for that agent, if different from the person organizing the VRD;
- (c) A statement specifying that the VRD intends to operate within the State of Colorado;
- (d) A notice that the VRD number expires at the end of the calendar year; and
- (e) A signature line requiring the organizer's signature.

~~44.1.2~~ 14.1.2 Any amendments to the Statement of Intent shall be filed in writing. A VRD ORGANIZER MUST FILE AMENDMENTS TO THE STATEMENT OF INTENT AND TRAINING ACKNOWLEDGMENT FORM with the Secretary of State no later than three business days after the change(s) occurs. Amendments may be made by fax, email, mail or in person.

~~44.1.3~~ 14.1.3 The Secretary of State shall WILL immediately attempt to verify the information provided in the Statement of Intent AND TRAINING ACKNOWLEDGMENT FORM prior to issuing a number to the VRD organizer. The Secretary of State may deny a number to the voter registration drive VRD organizer if the information provided on the Statement of Intent cannot be verified.

~~44.1.4~~ 14.1.4 The last day for a VRD to file a Statement of Intent AND TRAINING ACKNOWLEDGMENT FORM with the Secretary of State shall be IS THE 22ND days before the A COORDINATED, PRIMARY, OR General Election in a given calendar year.

~~44.2~~ 14.2 Training

~~44.2.1~~ 14.2.1 In order to be issued TO RECEIVE a VRD number, the organizer VRD shall MUST successfully complete the online training and test provided by the Secretary of State, and submit a Statement of Intent along with a AND Training Acknowledgment form to the Secretary of State.

~~44.2.2~~ 14.2.2 In addition to training for the organizer, the Secretary of State shall make available information for the organizer to train individual circulators. Organizers shall provide training to all circulators. Organizers shall obtain and maintain on file RETAIN signed attestations from each circulator that he or she will adhere to all the requirements of the Secretary of State election rules and the Colorado Revised Statutes pertaining to elections, and that they are aware of the penalties associated with the mishandling of voter registration application forms. The organizers shall furnish the circulator attestations to the secretary of state SECRETARY OF STATE upon request. BEGINNING JANUARY 1, 2014, A CIRCULATOR

1 MUST SUCCESSFULLY COMPLETE THE ONLINE TRAINING AND TEST PROVIDED BY THE
2 SECRETARY OF STATE.

3 (A) THE SECRETARY OF STATE WILL ISSUE A COMPLETION CERTIFICATE WHEN
4 THE CIRCULATOR COMPLETES THE TRAINING AND TEST.

5 (B) A COMPLETION CERTIFICATE IS VALID UNTIL THE END OF THE CALENDAR
6 YEAR IN WHICH IT WAS ISSUED.

7 (C) A CIRCULATOR MUST PRESENT THE COMPLETION CERTIFICATE TO THE VRD
8 ORGANIZER BEFORE CIRCULATING WITH THE ~~VOTER REGISTRATION DRIVE~~
9 ~~VRD~~.

10 (D) A VRD CIRCULATOR MAY PRESENT THE COMPLETION CERTIFICATE TO MORE
11 THAN ONE VRD ORGANIZER.

12 ~~44.2.3~~14.2.3 The mandatory training provided by the Secretary of State ~~shall~~ will
13 include, ~~but not be limited to:~~

14 (a) The use of the VRD Application;

15 (b) Information on where to obtain the VRD Application;

16 (c) Information on how to ensure that a VRD Application is filled out
17 completely; including which fields are optional and which are required;
18 ~~and how to fill out the circulator portion of the Application;~~

19 (d) Notice of statutory deadlines relating to Voter Registration Applications
20 and VRDs;

21 (e) The requirements for ~~when and where~~ DELIVERING the COMPLETED Voter
22 Registration Applications ~~must be turned in;~~

23 (f) Penalties for violating statutory prohibitions including fraud, intimidation,
24 mishandling Applications, failing to turn in Applications and other
25 penalties relevant to VRDs;

26 (g) The handling and treatment of confidential information on the Voter
27 Registration Applications; and

28 (h) Notice that circulators ~~shall not~~ CANNOT be paid per Voter Registration
29 Application, but if compensated, ~~shall~~ THEY MUST be paid by the hour or
30 day.

31 ~~44.2.4~~14.2.4 The training ~~shall be~~ is provided online., BUT ~~IF~~ ~~IF~~ a VRD organizer OR
32 CIRCULATOR ~~prefers, he or she~~ may schedule a time to view the training at the
33 ~~office of the~~ Secretary of State'S OFFICE.

1 ~~44.2.5~~14.2.5 After completing the training, the VRD organizer must complete the
2 training test and answer the questions 100% correctly before THE SECRETARY OF
3 STATE WILL ISSUE a VRD number ~~will be issued~~.

4 ~~44.2.6~~14.2.6 After completing the training and test, the VRD organizer ~~shall~~ MUST sign
5 a STATEMENT OF INTENT AND TRAINING ACKNOWLEDGMENT ~~Training~~
6 Acknowledgement FORM confirming that the training and test have been
7 completed and that he or she ~~has been duly~~ WAS informed of rules, laws and
8 penalties relating to voter ~~registration~~ REGISTRATION drives.

9 ~~44.2.7~~14.2.7 A ~~Voter Registration Drive~~ VRD organizer must complete the training and
10 test every calendar year in which he or she intends to conduct a VRD.

11 ~~44.3~~14.3 Number Assigned

12 ~~44.3.1~~14.3.1 After successful completion of the required training and test, and
13 submission of the ~~required forms~~ STATEMENT OF INTENT AND TRAINING
14 ACKNOWLEDGMENT FORM, the Secretary of State ~~shall~~ WILL assign a unique
15 number to the VRD. After issuing a unique number to the VRD, the Secretary of
16 State ~~shall~~ WILL:

- 17 (a) Advise the VRD organizer of their unique number;
- 18 (b) Notify the county clerks within 24 hours after each VRD number has been
19 issued by the Secretary of State; and
- 20 (c) Post the agent and the name of the group conducting the drive on the
21 Secretary of State website.

22 ~~44.3.2~~14.3.2 All assigned VRD numbers are valid through December 31 of the year that
23 the number is assigned.

24 ~~44.4~~14.4 Voter Registration Drive Voter Application Forms

25 ~~44.4.1~~14.4.1 The Secretary of State ~~shall~~ WILL approve a standard Colorado Voter
26 Registration DRIVE Application Form ~~to be used by the VRD that shall include a~~
27 ~~tear off receipt. (a)~~—The VRD may also use the National Mail Voter
28 Registration Form. ~~Because the National Mail Voter Registration Form does not~~
29 ~~include a tear off receipt, the applicant and VRD are afforded greater protection~~
30 ~~when the standard Colorado form is used.~~

31 ~~44.4.2~~14.4.2 ~~The Secretary of State and county clerks shall make available the official,~~
32 ~~approved Colorado Voter Registration Drive Application Forms to the VRD~~
33 ~~organizer—A VRD ORGANIZER CAN OBTAIN COLORADO VOTER REGISTRATION~~
34 ~~DRIVE APPLICATION FORMS FROM COUNTY CLERKS AND RECORDERS AND THE~~
35 ~~SECRETARY OF STATE.~~

~~44.4.3~~ 14.4.3 The organizer ~~shall be~~ is responsible for placing the VRD number on the application form ~~and the receipt portion of the standard Colorado form.~~

~~44.4.4~~ The person circulating the Voter Registration Application Forms shall ensure that the tear off receipt on the standard Colorado Application is completed and given to the applicant. The person circulating the voter application forms shall advise the applicant that the receipt may be needed when he or she votes.

~~44.4.5~~ 14.4.4 The VRD organizer MUST RECEIVE A VRD NUMBER BEFORE HE OR SHE CAN ~~is not eligible to receive the approved Colorado Voter Registration drive DRIVE Application Forms. until the organizer has completed training, signed the statement of intent, completed and signed the Acknowledgement, and been assigned a number.~~

~~44.4.6~~ 14.4.5 Any voter registration drive that provides a voter registration application on its website or a link to such voter registration form must direct the applicant to return the completed form directly to the county clerk ~~and recorder~~ of the applicant's legal residence. No ~~voter registration drive VRD~~ may provide a voter registration form on its website or a link to such voter registration form which instructs or directs, in any way, the applicant to return the completed form to anyone or any group other than directly to the county clerk ~~and recorder~~ of the applicant's legal residence or, in the case of overseas electors or UOCAVA electors, the county clerk ~~and recorder~~ or the Secretary of State.

~~44.5~~ — Repealed.

~~44.6~~ 14.5 Voter Registration Drive Complaints and fines

~~44.6.1~~ 14.5.1 Any person, including the Secretary of State, who believes a VRD organizer or circulator has not complied with the requirements of section 1-2-701 et seq., C.R.S., or this Rule ~~44-14~~ may file a written complaint with the Secretary of State.

~~44.6.2~~ 14.5.2 A written complaint filed with the Secretary of State ~~shall~~ MUST contain the following information:

~~a.~~ (A) The complainant's name;

~~b.~~ (B) The complainant's full residence address and mailing address (if different from residence);

~~c.~~ (C) A description of the alleged violation, which may include a reference to the particular statute or rule;

~~d.~~ (D) The name and assigned number of the VRD, if known;

~~e.~~ (E) The date and location of the alleged violation, if known; and

f-(F) Other applicable or relevant information

~~44.6.3 Repealed.~~

~~44.6.4~~14.5.3 The Secretary of State ~~shall~~ WILL review all complaints submitted in writing and conduct such investigations as may be necessary and appropriate. If the Secretary of State determines that a violation has occurred, the Secretary of State ~~shall~~ WILL impose a fine in accordance with section 1-2-703, C.R.S., and notify the VRD organizer of:

~~44.6.4.1~~(A) The date and factual basis of each act with which the VRD organizer is being charged;

~~44.6.4.2~~(B) The particular provision of the statute violated; and

~~44.6.4.3~~(C) The amount of the fine imposed.

~~44.6.5~~14.5.4 Notification of violation ~~shall~~WILL be sent by certified or registered mail, return receipt requested, to the last known address of the VRD organizer.

~~44.6.6~~14.5.5 The VRD organizer may appeal a fine and ~~shall have~~ HAS ~~thirty (30)~~30 days following receipt of notification to submit a written response setting forth the reason(s) that the VRD organizer is appealing the fine. The VRD organizer may request, within the ~~thirty (30)~~30 days, a hearing with the ~~secretary~~ SECRETARY of ~~state~~ STATE to dispute the fine.

~~44.6.7~~14.5.6 Within ~~thirty (30)~~30 days after receipt of the written response, or hearing procedures, the ~~secretary~~ SECRETARY of ~~state~~ STATE ~~shall~~WILL issue an order affirming or dismissing the imposed fine.

[Current Rule 44 is amended and moved to new Rule 14. Amendments between the current and new rule language are shown below.]

Rule 15. ~~Rules Concerning~~ Preparation, Filing, and Verification of Statewide Initiative Petitions

15.1 PETITION ENTITY license, registration, ~~and~~ filing, AND CIRCULATION. ~~procedures.~~

15.1.1 ~~In accordance with section 1-40-135, C.R.S., any person or issue committee~~ A PETITION ENTITY that intends to ~~compensate~~ PAY petition circulators must obtain a petition entity license, PAY A FEE, and register with the Secretary of State ~~prior to compensating any circulator~~ BEFORE CIRCULATING PETITIONS. THE LICENSE APPLICATION MUST INCLUDE:

~~15.1.2 To apply for a license the designated agent of a petition entity must pay a fee and submit a signed application including:~~

SECTION MUST LIST THE NAMES OF THE TWO PROPONENTS OR THE NAMES OF THE TWO DESIGNATED REPRESENTATIVES, AS DEFINED IN 1-40-104, C.R.S.

15.2.2 THE TERM "PERSON RESPONSIBLE," AS USED IN ~~For the purposes of section 1-40-118(2.5)(a), C.R.S., the "person responsible" includes but is not necessarily limited to any~~ MEANS A person or entity who circulates a petition, or causes a petition to be circulated, and who commits, authorizes, or knowingly permits fraud as defined in sections 1-40-111(3)(a) and 1-40-135(2)(c), C.R.S., ~~resulting in the collection of~~ THAT RESULTS IN invalid signatures or petition sections.

15.3 Petition circulation.

15.3.1 ~~Proponents may begin circulating a petition for signatures at any time~~ PETITION CIRCULATION MAY BEGIN after the TITLE BOARD'S final decision of the title board, including disposition of any REHEARING motion, ~~for rehearing or the expiration of~~ ~~AND~~ AFTER the time for filing a REHEARING motion, ~~for rehearing,~~ and after the Secretary of State has approved the PETITION format. ~~of the petition as provided in section 1-40-113(1), C.R.S., whether or not an appeal is filed with the Supreme Court pursuant to section 1-40-107(2). If an appeal is filed with the Supreme Court, the six-month period specified in section 1-40-108(1), C.R.S., shall begin~~ BEGINS on the date ~~that the first signature is affixed to the petition~~ IS FIRST SIGNED or on the date ~~that the SUPREME COURT'S decision of the Supreme Court becomes final, whichever date occurs~~ IS first. Signatures ~~shall be counted only if affixed to the petition during the period provided in this rule~~ GATHERED OUTSIDE OF THIS PERIOD ARE INVALID.

15.3.2 The petition circulator ~~shall~~ MUST provide ~~his or her~~ A permanent residence address ~~as defined in paragraph (a) of this rule~~ on the circulator affidavit. ~~In addition to providing his or her permanent residence address,~~ If the circulator is not a permanent COLORADO resident, ~~of Colorado as described in section 1-2-102(1)(a)(i), C.R.S., and paragraph a of this rule,~~ the circulator ~~shall~~ MUST also provide the address in Colorado where he or she is temporarily living. ~~as of the date the affidavit is signed.~~

~~a-~~(A) For purposes of Article 40 of Title 1, C.R.S., and this rule, a circulator's permanent "residence" or "domicile" means his or her principal or primary home or place of abode in which a circulator's habitation is fixed and to which the circulator, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A permanent "residence" or "domicile" is a permanent building or part of a building and may include a house, condominium, apartment, room in house, or mobile home. Except as provided in paragraph (b) of this rule, ~~no~~ A vacant lot, business address, or post office box ~~shall be considered~~ IS NOT a permanent "residence" or "domicile". (Sections 1-2-102(1)(a)(i) and 1-40-121(1)(b), C.R.S.)

1 ~~b.-(B) For the purposes of petition circulator residence address,~~ A homeless
2 circulator ~~shall~~ MUST provide the address or location where he or she is
3 living ~~as of the date the affidavit is signed.~~ The circulator must provide a
4 physical location; a post office box may not be provided.

5 ~~e.-(C) For the purposes of sections 1-40-106(4)(b), 1-40-111(3)(a), 1-40-~~
6 ~~121(2)(a), and 1-40-135(2)(c), C.R.S., a circulator's permanent residence~~
7 ~~address that does not comply with this Rule 15.3.2 is considered a "false~~
8 ~~address".~~

9 15.4 ~~Only one filing of a petition or an addendum is allowed.~~ PROPONENTS MAY FILE A
10 PETITION OR ADDENDUM ONLY ONCE, AND. ~~After a petition or an addendum is filed, the~~
11 ~~petition or the addendum may not be supplemented with~~ SUPPLEMENT additional
12 signatures AFTER FILING THE PETITION OR ADDENDUM, EVEN IF THE ADDITIONAL
13 SIGNATURES ARE OFFERED BEFORE THE DEADLINE TO SUBMIT THE ORIGINAL PETITION OR
14 ADDENDUM. ~~If additional signatures are submitted after the original filing, such~~
15 ~~signatures shall not be counted, even if such signatures are submitted within the time~~
16 ~~permitted by law for the filing of the original petition or addendum.~~

17 ~~17.1-15.5 General procedures concerning verification of petitions.~~ PETITION RECEIPT BY
18 SECRETARY OF STATE.

19 ~~17.1.1-15.5.1 No petition shall be accepted which-~~ EXCEPT AS SPECIFIED IN RULE 15.2.1,
20 THE SECRETARY OF STATE WILL NOT ACCEPT A PETITION THAT lists proponents
21 other than those authorized by law.

22 ~~17.1.2-15.5.2 When the petitions are received, each section shall be date stamped and~~
23 ~~consecutively numbered with a four digit number.~~ UPON RECEIPT OF A PETITION,
24 SECRETARY OF STATE STAFF WILL ~~DATE STAMP AND~~ CONSECUTIVELY NUMBER
25 PETITION SECTIONS ~~WITH A FOUR DIGIT NUMBER.~~ The number may be printed by
26 a printer, hand stamped with a manual stamp, or handwritten.

27 ~~17.1.3 Each petition shall be either an individual sheet for signatures or multiple sheets~~
28 ~~that are stapled together.~~

29 ~~17.1.4-15.5.3 STAFF WILL INSPECT each PETITION section shall be checked~~ for evidence
30 of disassembly. If it appears that the section was disassembled, THE SECRETARY
31 OF STATE WILL REJECT all ~~entries~~ SIGNATURES in the section. ~~shall be rejected.~~

32 ~~17.1.5-15.5.4 STAFF WILL CONSECUTIVELY NUMBER EACH LINE the lines~~ on each petition
33 section. ~~shall be consecutively numbered.~~ FOR PURPOSES OF THIS RULE, "LINE"
34 MEANS the block of information ~~which consists of~~ THAT CONTAINS the printed
35 last name, first name, middle initial, county, signing date, street address, city,
36 and signature OF A PETITION SIGNER. ~~is considered a line.~~

37 ~~17.1.6-15.5.5 If the number of entries~~ LINES is less than the ~~total~~ number of signatures
38 required to certify the measure to the ballot, THE SECRETARY OF STATE WILL
39 ISSUE a statement of insufficiency. ~~shall be issued.~~

~~17.1.7~~ 15.5.6 STAFF WILL COUNT each line with writing ~~shall be counted~~ on each petition SECTION. FOR PURPOSES OF THIS RULE, AN "ENTRY" MEANS A COUNTED LINE WITH WRITING. ~~and shall be considered an entry.~~ AT THE BOTTOM OF EACH PAGE, STAFF WILL WRITE the number of entries ~~for each~~ ON THAT page ~~of the section shall be written on the page~~ and, ON THE FACE OF EACH PETITION SECTION, STAFF WILL WRITE the total NUMBER entries for ~~the~~ THAT section. ~~shall be written on the face of the petition section.~~

a. (A) STAFF WILL NOT COUNT BLANK OR COMPLETELY CROSSED-OUT LINES. A ~~line that has WITH no writing or marks on it OR A LINE WITH COMPLETELY CROSSED-OUT WRITING ON IT AS AN ENTRY. shall not be considered an entry.~~

~~b. A line that has writing on it but is completely crossed out shall not be considered an entry.~~

~~e. (B) STAFF WILL COUNT a line which has WITH INCOMPLETE writing, A PARTIAL CROSS OUT, OR WITH WHAT APPEARS ON ITS FACE TO BE AN INVALID SIGNATURE AS AN ENTRY. on it but is incomplete or on its face contains an invalid signature or which is partially crossed out shall be considered an entry to be included in this count.~~

~~17.1.8~~ 15.5.7 Additional signatures submitted after the original filing of an initiative petition or addendum, or candidate petition ~~shall be rejected, even if such signatures are submitted to the designated election official within the time permitted by law for the original filing.~~ THE SECRETARY OF STATE WILL NOT ACCEPT OR COUNT ADDITIONAL SIGNATURES AFTER PROPONENTS FILE THE ORIGINAL PETITION OR ADDENDUM.

~~17.2~~ 15.6 Checking the circulator's CIRCULATOR affidavit.

15.6.1 ~~17.2.1 The circulator's affidavit shall be checked for each entry. If the affidavit is not attached and completed, all entries in the section shall be rejected. IF A PETITION SECTION DOES NOT HAVE A COMPLETED CIRCULATOR AFFIDAVIT, THE SECRETARY OF STATE WILL REJECT THE ENTIRE SECTION.~~

15.6.2 ~~17.2.2 The notary clause at the end of the affidavit shall be checked for each entry. If any information is missing, or if the date on the notary clause is not the same date as the circulator signed the affidavit, all entries in the section shall be rejected. IF A PETITION SECTION DOES NOT HAVE A COMPLETED NOTARY CLAUSE, OR IF THE DATE OF THE NOTARY CLAUSE DIFFERS FROM THE DATE THE CIRCULATOR SIGNED THE AFFIDAVIT, THE SECRETARY OF STATE WILL REJECT THE ENTIRE SECTION.~~

~~17.2.3~~ 15.6.3 The circulator's affidavit shall be checked to assure it has been completed in accordance with the statutory requirements listed below. If the affidavit was not completed in accordance with the requirements listed below, all entries in the section shall be rejected.

1 a. ~~For candidate petitions, the circulator's affidavit shall be completed in~~
2 ~~accordance with section 1-4-905(1) and (2), C.R.S.~~

3 b. ~~For initiative petitions, the circulator's affidavit shall be completed in~~
4 ~~accordance with section 1-40-111(2), C.R.S.~~

5 ~~15.5-15.7~~ PETITION verification. ~~by Random Sample.~~

6 ~~15.5.1-15.7.1~~ Each petition section shall be verified according to the procedures set forth
7 ~~in Rule 17.1.~~ VERIFICATION BY RANDOM SAMPLE.

8 ~~15.5.2-15.7.2~~ Preliminary count and RANDOM NUMBER generation. ~~of random numbers.~~

9 a.(A) After COUNTING the entries ~~have been counted for~~ ON each petition section,
10 ~~a data entry clerk shall enter the following data into the database;~~
11 SECRETARY OF STATE STAFF WILL ENTER the petition identification
12 number, the petition section number, the page number and the number of
13 entries on the page INTO THE DATABASE.

14 b.(B) STAFF WILL THEN CREATE a record ~~shall then be created~~ for each entry
15 ~~which record shall contain~~ THAT CONTAINS the petition identification
16 number, petition section number, page number, and the entry number.
17 STAFF WILL TALLY the total number of entries. ~~submitted for the petition~~
18 ~~shall be tallied.~~

19 e.(C) If the number of entries is less than the total number of signatures required
20 to certify the measure to the ballot, THE SECRETARY OF STATE WILL ISSUE a
21 statement of insufficiency. ~~shall be issued.~~

22 d. ~~A series of random numbers shall be generated by the database which is~~
23 ~~the greater of four thousand (4,000) signatures or five percent (5%) of the~~
24 ~~total number of entries.~~

25 ~~15.5.3~~ Verification of Selected Entries

26 a. ~~The random numbers selected shall be matched with the appropriate~~
27 ~~petition section, page number, and entry number.~~

28 b. ~~Each entry generated shall be checked for validity in accordance with Rule~~
29 ~~17.1.~~

30 c. ~~Each reason for rejection of an entry shall be recorded by separate code~~
31 ~~and a master record of the rejected entries shall be maintained. A master~~
32 ~~record shall also be maintained of each entry that is accepted.~~

33 15.7.3 RANDOM SAMPLE. THE DATABASE WILL GENERATE A SERIES OF RANDOM NUMBERS
34 EQUAL TO 4,000 SIGNATURES OR FIVE PERCENT OF THE TOTAL NUMBER OF
35 SIGNATURES, WHICHEVER IS GREATER. STAFF WILL CHECK THE VALIDITY OF THE

1 RANDOM SIGNATURES IN ACCORDANCE WITH THIS RULE. STAFF WILL MAINTAIN A
2 MASTER RECORD OF EACH ACCEPTED SIGNATURE AND REJECTED ENTRY, AS WELL
3 AS A RECORD OF EACH REJECTED SIGNATURE ALONG WITH THE REASON CODE FOR
4 THE REJECTION EACH REJECTED ENTRY.

5 ~~15.5.4 15.7.4~~ Checking the circulator's affidavit. The circulator's affidavit shall be
6 checked for each entry in accordance with Rule 17.2. STAFF WILL VERIFY THAT
7 THE CIRCULATOR'S AFFIDAVIT MEETS THE STANDARDS OF THIS RULE 17 15. If the
8 affidavit is not attached and completed, all entries in the section shall be rejected.

9 ~~15.5.5~~ Checking individual signatures. Each individual signature shall be checked in
10 accordance with Rule 17.3.

11 ~~15.5.6 15.7.5~~ Computation of total accepted signatures.

12 a.(A) STAFF WILL KEEP a tally shall be made of the number of accepted
13 signatures and the number of rejected signatures.

14 b.(B) The Secretary of State shall WILL determine the range of signatures by
15 multiplying the constitutionally required number of signatures by 0.90 to
16 compute DETERMINE ninety percent (90%) of the required signatures and
17 by 1.10 to compute DETERMINE one hundred and ten percent (110%) of the
18 required signatures. This number shall be calculated after the general
19 election at which the Secretary of State was elected.

20 c.(C) After completing a petition, the number of signatures checked shall then
21 be divided into the number of accepted signatures. This number will be
22 the percentage of accepted signatures which were submitted. STAFF WILL
23 THEN DIVIDE THE NUMBER OF ACCEPTED SIGNATURES BY THE TOTAL
24 NUMBER OF SIGNATURES SUBMITTED TO DETERMINE THE PERCENTAGE OF
25 ACCEPTED SIGNATURES.

26 d.(D) The percentage calculated in paragraph c of this Rule 15.5.6 shall then be
27 multiplied by the total number of entries which were previously tallied.
28 This number will be the number of presumed valid signatures which were
29 submitted. STAFF WILL THEN MULTIPLY THE PERCENTAGE OF ACCEPTED
30 SIGNATURES BY THE TOTAL NUMBER OF SIGNATURES SUBMITTED TO
31 DETERMINE THE NUMBER OF SIGNATURES PRESUMED TO BE VALID.

32 e.(E) If the number generated is:

33 (i) Ninety percent (90%) or less of the constitutionally required
34 number of signatures as calculated in paragraph b of this Rule
35 15.5.6, then the Secretary of State shall WILL issue a statement of
36 insufficiency. If the number generated is

(II) ~~One hundred and ten percent (110%) or more of the constitutionally required number OF SIGNATURES, then the Secretary of State shall WILL issue a statement of sufficiency.~~

(III) ~~MORE THAN NINETY PERCENT BUT LESS THAN ONE HUNDRED TEN PERCENT OF THE REQUIRED NUMBER OF SIGNATURES, THE SECRETARY OF STATE'S STAFF WILL REVIEW EVERY SIGNATURE TO DETERMINE SUFFICIENCY.~~

f. ~~If the number generated is more than ninety percent (90%) but less than one hundred and ten percent (110%) of the required number, the Secretary of State shall order that each signature on the petition be verified to determine whether the issue or question should be certified to the ballot.~~

~~17.3-15.8~~ Checking VERIFYING Individual signatures.

this is confusing as to whether the intent is to verify signatures or names.

~~17.3.1-15.8.1~~ STAFF WILL CHECK each individual entry ~~shall be checked~~ against the INFORMATION CONTAINED IN SCORE. ~~master voter registration files to assure that the elector was an eligible elector in the political subdivision at the time the petition was signed.~~

~~17.3.2-15.8.2~~ Each reason for rejection of an entry ~~shall be recorded by separate code and a master record of the rejected entries shall be maintained. A master record shall also be maintained of each entry that is accepted.~~ STAFF WILL CREATE AND MAINTAIN A MASTER RECORD OF EACH ACCEPTED AND REJECTED ENTRY, ALONG WITH THE REASON CODE FOR EACH REJECTED ENTRY.

~~17.3.3-15.8.3~~ If the information on the current voter registration file ~~does not match the information on the entry, the elector's voter registration history shall be checked to determine if the information on the entry matches the voter registration file at the time the entry was signed.~~ IF AN ENTRY DOES NOT MATCH THE SIGNOR'S CURRENT INFORMATION IN SCORE, STAFF MUST CHECK THE SIGNOR'S INFORMATION IN SCORE AS OF THE DATE THE SIGNOR SIGNED THE PETITION.

does "information" include the hand written "signature" itself?

~~17.3.4-15.8.4~~ Name of eligible elector. To be accepted, the name on the entry must be in a form similar to that found on the voter registration record. Signatures that are common variants of the name found on the voter record shall be counted. If the signer of the petition is not found on the voter registration file, or if applicable, the county assessors' list, the entry shall be rejected. SECRETARY OF STATE STAFF WILL REJECT THE ENTRY IF:

(A) THE NAME ON THE ENTRY IS NOT IN SCORE;

(B) THE MIDDLE INITIAL OR MIDDLE NAME ON THE ENTRY DOES NOT MATCH THE MIDDLE INITIAL OR MIDDLE NAME IN SCORE;

(C) THE ADDRESS ON THE ENTRY DOES NOT MATCH THE ADDRESS IN SCORE;

seems unfair to circulator. Voter does not have to change address until he votes.

- 1 (D) THE ADDRESS ON THE ENTRY IS A POST OFFICE BOX;
- 2 (E) THE ENTRY IS INCOMPLETE;
- 3 (F) THE SIGNER COMPLETED THE ENTRY BEFORE THE DESIGNATED ELECTION
- 4 OFFICIAL APPROVED THE PETITION FORMAT;
- 5 (G) THE SIGNER WAS NOT AN ELIGIBLE ELECTOR AT THE TIME HE OR SHE
- 6 COMPLETED THE ENTRY;
- 7 (H) THE SIGNER COMPLETED THE ENTRY AFTER THE DATE ON THE CIRCULATOR
- 8 AFFIDAVIT;
- 9 (I) EVIDENCE EXISTS THAT SOME OTHER PERSON ASSISTED THE SIGNER IN
- 10 COMPLETING THE ENTRY BUT NO STATEMENT OF ASSISTANCE ACCOMPANIES
- 11 THE ENTRY;

There should be no signature
"legibility" test for the actual signature.

- (J) THE NAME AND SIGNATURE ON THE ENTRY IS ILLEGIBLE AND CANNOT BE
VERIFIED IN SCORE;

- 14 (K) THE ENTRY IS A DUPLICATE OF A PREVIOUSLY ACCEPTED ENTRY ON THE
- 15 SAME PETITION; OR

- 16 (L) FOR A CANDIDATE PETITION WHERE AN ELECTOR MAY SIGN ONLY ONE
- 17 PETITION FOR THE SAME OFFICE, THE ENTRY IS A DUPLICATE OF A
- 18 PREVIOUSLY ACCEPTED ENTRY ON ANOTHER PETITION FOR THE SAME
- 19 OFFICE.

There should be substantial compliance
standard. If street name slightly misspelled,
etc.

SECRETARY OF STATE STAFF WILL ACCEPT THE ENTRY IF:

- 21 (A) THE NAME ON AN ENTRY MATCHES OR IS SUBSTANTIALLY SIMILAR TO THE
- 22 INFORMATION IN SCORE, OR IF THE SIGNATURE ON AN ENTRY IS A COMMON
- 23 VARIANT OF THE NAME;
- 24 (B) A MIDDLE INITIAL OR MIDDLE NAME IS PRESENT ON THE ENTRY BUT NOT IN
- 25 SCORE, OR PRESENT IN SCORE BUT NOT ON THE ENTRY;
- 26 (C) A SUFFIX IS PRESENT ON THE ENTRY BUT NOT IN SCORE, OR PRESENT IN
- 27 SCORE BUT NOT ON THE ENTRY; OR
- 28 (D) THE ADDRESS ON THE ENTRY IS MISSING AN APARTMENT LETTER OR
- 29 NUMBER OR A STREET DIRECTION.

30 ~~17.4 Final Tally. After all of the sections have been checked, a final tally of all valid~~

31 ~~signatures shall be prepared and the statement of sufficiency or insufficiency issued.~~

32 ~~19.1-15.9 Cure of petitions deemed insufficient.~~ CURING INSUFFICIENT PETITIONS.

33 ~~19.2-15.9.1~~ If the PETITION proponents submit additional signatures within the

permitted time, ~~all signatures submitted in the addendum shall be checked using the process delineated in Rule 16 and Rule 17~~ SECRETARY OF STATE STAFF WILL VERIFY THE ADDITIONAL SIGNATURES IN ACCORDANCE WITH THIS RULE 15.

~~19.3~~ 15.9.2 If THE SECRETARY OF STATE FOUND THE ORIGINAL SUBMISSION INSUFFICIENT BASED ON THE RANDOM SAMPLE VERIFICATION, STAFF WILL ADD the number of ADDITIONAL valid signatures, ~~in the addendum when added to the number of PROJECTED valid signatures given in the statement of insufficiency,~~ IN THE ORIGINAL SUBMISSION.

(A) IF THE NEW PROJECTED NUMBER OF VALID SIGNATURES equals 110% or more of the required signatures, THE SECRETARY OF STATE WILL ISSUE a statement of sufficiency. ~~shall be issued.~~

(B) IF THE NEW PROJECTED NUMBER OF VALID SIGNATURES ~~19.4 15.9.3 If the number of ADDITIONAL valid signatures, in the addendum when added to the number of valid signatures given in the statement of insufficiency,~~ equals more than 90% but less than 110% of the required signatures, ~~and if the initial check was by random sample, all of the previously submitted entries shall be checked~~ SECRETARY OF STATE STAFF WILL VERIFY ALL PREVIOUSLY SUBMITTED SIGNATURES. STAFF WILL ADD the total NUMBER of valid signatures in the original petition ~~shall then be added to the number of ADDITIONAL valid signatures submitted in the addendum~~ IN ORDER TO DETERMINE SUFFICIENCY.

~~19.5 15.9.4 15.9.3~~ If the initial ~~check~~ VERIFICATION was of every ~~entry~~ SIGNATURE, ~~then~~ STAFF WILL ADD THE NUMBER OF ADDITIONAL VALID SIGNATURES TO THE NUMBER OF VALID SIGNATURES IN THE ORIGINAL SUBMISSION IN ORDER TO DETERMINE SUFFICIENCY. ~~the total of valid signatures shall be added to the number of valid signatures submitted in the addendum.~~

~~19.6 15.9.5 15.9.4~~ ~~The designated election official shall then~~ STAFF WILL issue a new statement of insufficiency or sufficiency ~~which~~ THAT reports the total number of valid signatures submitted.

[Current Rule 19 is amended and moved to Rule 15.9. Amendments between the current and new rule language are shown above.]

15.10 PETITION PROTESTS.

~~20.1 15.10.1~~ A PETITION protest ~~shall~~ MUST specifically state the reasons for the ~~challenge to~~ CHALLENGING the determination of sufficiency or insufficiency.

~~20.1.1~~ (A) A protest ~~that alleges~~ ALLEGING THE VIOLATION OF A specific ~~statutes or rules~~ STATUTE OR RULE ~~were improperly applied~~ shall clearly ~~state the specific requirements that were improperly applied~~ MUST CITE THE STATUTE OR RULE AND SPECIFICALLY STATE THE VIOLATION.

SCORE signatures should be made available for public inspection so that forged signatures can be identified.

20.1.2(B) A protest that alleges that entries were improperly accepted or rejected shall clearly identify the specific individual entries at issue and the reason the entries were improperly accepted or rejected. ALLEGING THE IMPROPER ACCEPTANCE OR REJECTION OF INDIVIDUAL ENTRIES MUST CITE THE ENTRY AND PETITION SECTION NUMBER AND SPECIFICALLY STATE WHY THE ENTRY SHOULD BE ACCEPTED OR REJECTED, AS APPLICABLE.

~~20.2 The protest shall be deemed insufficient for each entry or class of entries challenged where the individual entry is not listed or the reason for the challenge is not given.~~

~~20.3 Where a petition verified by random sample is protested, proponents and opponents may protest the process by which the numbers used in the calculations were generated.~~

~~20.4 Individual entries which were not checked by the Secretary of State may not be challenged as sufficient or insufficient.~~

[Current Rule 20 is amended and moved to new Rule 15.10. Amendments between the current and new rule language are shown above.]

15.11 REFERENDUM PETITIONS.

~~23.1~~ 15.11.1 ~~Applicability.~~ This Rule 23 applies to statewide referendum petitions pursuant to UNDER article V, section 1 (3) of the Colorado Constitution.

~~23.2 Relationship to statutory and constitutional provisions.~~

~~23.2.1 The purpose of this Rule 23 is to administer and interpret, but not supersede, the provisions of Article V, Section 1, Colorado Constitution, and Article 40 of Title 1, Colorado Revised Statutes which apply to referendum petitions.~~

~~23.2.2 Where there is an irreconcilable conflict between this Rule 23 and any such statutory or constitutional provision, then such statutory or constitutional provision prevails.~~

~~23.3 Applicability of initiative statutes.~~

~~23.3.1~~ 15.11.2 Except where this Rule 23 STATES otherwise, provides, or where the context otherwise requires, any statutory or constitutional provision that applies specifically to initiative petitions shall also apply APPLIES to referendum petitions.

~~23.3.2~~ 15.11.3 The following procedural steps that apply to initiative petitions do not apply to referendum petitions:

(a) Review and comment by legislative staff on the text of proposed initiated constitutional amendments and initiated laws, pursuant to Article V, Section

1 (5), Colorado Constitution, and section 1-40-105, C.R.S.

2 (b) Title-setting by the title setting review board established in section 1-40-
3 106, C.R.S.

4 ~~23.4 Approval of referendum petition form.~~

5 ~~23.4.1 No referendum petition shall be printed, published, or otherwise circulated~~
6 ~~unless the form and the master original to be used for printing or reproduction~~
7 ~~have been approved by the Secretary of State. Section 1-40-113(1), C.R.S.~~

8 ~~23.4.2~~ 15.11.4 PROPONENTS MAY SUBMIT a referendum petition ~~may be submitted~~ to the
9 Secretary of State for approval at any time after the GENERAL ASSEMBLY HAS
10 PASSED THE bill. ~~has been presented to the governor for approval or disapproval.~~
11 The Secretary of State ~~shall~~ WILL not issue final approval of the referendum
12 petition form until the bill has become law pursuant to article IV, section 11 of
13 the Colorado Constitution.

14 ~~23.4.3~~ 15.11.5 Each referendum petition section ~~shall~~ MUST consist of the following, in
15 the order listed: ~~Sections 1-40-113(1), and 1-40-102(6), C.R.S.~~

16 (a) The warning as specified in Section 1-40-110, C.R.S.

17 (b) The heading "Referendum Petition," followed by the demand upon the
18 Secretary of State in substantially the following form, in which the
19 underlined material is only for example:

20 "To: The Honorable _____, Secretary of State of the State of
21 Colorado

22 We, the undersigned electors of the State of Colorado, do hereby
23 respectfully petition, order, and demand that Sections 1 to 12, inclusive
24 (being the entire Act), of House Bill No. 02-1010, by Representatives
25 Abel, Baker, and Cain, and Senators Smith, Thomas, and Jones, entitled
26 "Concerning registration requirements for motor vehicles, and, in
27 connection therewith, authorizing two- and five-year registration periods
28 and authorizing discretionary vehicle identification number inspections,
29 and making an appropriation", passed by the Sixty-third General
30 Assembly of the State of Colorado, at its regular session in the year
31 2002, shall be submitted to the voters for their adoption or rejection at the
32 next biennial regular general election, to be held on Tuesday, the 5th day
33 of November, 2002, and each of the signers of this petition says:

34 I sign this petition in my own proper person only, and I am a registered
35 elector of the State of Colorado, my residence address and the date of my
36 signing this petition are correctly written immediately after my name, and
37 I do hereby designate the following persons to represent me in all matters
38 affecting this petition."

(c) The name and mailing address of two persons who are designated to represent the signers thereof in all matters. ~~affecting the same.~~

(d) The ballot title and submission clause. ~~in the form required by this Rule 23.~~

(e) The text of the Act, or the ~~item(s)-ITEM, section(s)-SECTION, or part(s)~~ PART of the Act, on which the referendum is demanded. ~~See sections 1-40-110; 1-40-102(6).~~

(f) Succeeding pages that each contain the warning, the ballot title, and submission clause, and ruled lines numbered consecutively for ~~electors'~~ signatures.

(g) A final page that contains the circulator's affidavit required by section 1-40-111(2), C.R.S.

~~23.4.4-15.11.6 Each~~ A referendum petition section ~~shall~~ MUST include only the matters required by Article 40, Title 1, C.R.S., and this Rule ~~23~~, and no extraneous material. ~~Section 1-40-113(1), C.R.S.~~

[Current Rule 23 is amended and moved to new Rule 15.11. Amendments between the current and new rule language are shown above.]

~~23.5—Ballot Title and Submission Clause.~~

~~23.5.1-15.11.7~~ The ballot title ~~shall~~ MUST consist of the title of the act on which the referendum is demanded, followed by the bill number, in substantially the following form, in which the underlined material is only for example:

“An Act concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation, being House Bill No. 02-1010.”

~~23.5.2-15.11.8~~ When referendum is demanded on less than an entire Act of the General Assembly, the ballot title and submission clause ~~shall~~ MUST consist of the ballot title preceded by words in substantially the following form, in which the underscored material is only for example, and ending in a question mark:

“Shall Section 3 (concerning definition of terms) and Section 4 (eliminating licensing requirements for motor vehicle dealers) of the following Act of the General Assembly be approved:” The material in parentheses shall correctly and fairly summarize the subject or the effect of the portion of the Act referenced.

~~23.6-15.11.9 Election.~~ If a referendum petition is timely filed with the Secretary of State with a sufficient number of valid signatures, it ~~shall be voted upon~~ WILL APPEAR ON THE BALLOT at the next general election that occurs at least three

months after the referendum petition is filed with the Secretary of State.

[Rules 15, 17, 19, 20, and 23 are amended and relocated to Rule 15.]

Rule 16. MILITARY AND OVERSEAS VOTERS (UOCAVA)

~~25.1-~~16.1 General rules concerning voting by military and overseas electors.

~~25.1.1-~~16.1.1 For the purposes of this Rule ~~25-16~~, elector means a covered voter as defined in section 1-8.3-102(2), C.R.S.

~~25.1.2-~~16.1.2 In accordance with the Help America Vote Act of 2002 and this Rule 25 16, each county clerk's and recorder office shall MUST have a dedicated fax machine for the purpose of fax ballot transmission.

~~25.1.3-~~16.1.3 In accordance with section 1-8.3-109, C.R.S., a mail-in-ballot application submitted by an elector shall be IS effective through the next regularly scheduled General Election, unless the elector SPECIFIES OTHERWISE makes an election-specific or permanent mail-in request.

~~25.1.4-~~16.1.4 Mail in ballot application APPLICATION and replacement ballot request deadlines. (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELECTOR MAY SUBMIT AN APPLICATION FOR REGISTRATION AND BALLOT REQUEST WITH HIS OR HER VOTED BALLOT AS LONG AS THE BALLOT IS TIMELY SUBMITTED AND RECEIVED UNDER SECTIONS 1-8.3-111 AND 1-8.3-113, C.R.S., AND RULE 25.1.6.

~~(b) An application for a mail in ballot must be received no later than the close of business the Friday immediately preceding the election, except that if the AN elector WHO wishes to receive the A ballot by mail MUST SUBMIT A REQUEST NO LATER THAN THE SEVENTH DAY BEFORE THE ELECTION the application must be received no later than the seventh day before the election.~~

~~(b) A request for a replacement ballot must be received by 5:00 p.m. MT on election day. A request for replacement ballot includes a request for an electronically transmitted ballot by an elector who has already been issued a ballot by regular mail.~~

~~25.1.5-~~16.1.5 Use of a Federal Write-in Absentee Ballot (FWAB) as an application for registration or ballot request. (a) In accordance with section 1-8.3-107, C.R.S. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, if an unregistered elector submits a FWAB by the close of registration DEADLINE SET FORTH IN SECTIONS 1-8.3-111 AND 1-8.3-113, C.R.S., AND RULE 25.1.6., the FWAB shall be considered a IS A timely application for registration and mail-in-ballot request.

~~(b) In accordance with section 1-8.3-108(4), C.R.S., if a registered elector submits a FWAB no later than the Friday before the election, the FWAB shall be considered a timely application for mail-in ballot.~~

1 ~~25.1.6~~ 16.1.6 In accordance with sections 1-8.3-110 and 1-8.3-113, C.R.S., all ballots
2 cast must be voted and mailed or electronically transmitted no later than 7:00
3 p.m. MT on election day, and received by the county clerk and recorder or the
4 Secretary of State no later than the close of business on the eighth day after
5 election day.

6 ~~25.1.7~~ 16.1.7 Ballots received by the Secretary of State

7 (a) If the Secretary of State timely receives a ballot ~~in accordance with this~~
8 UNDER SECTION 1-8.3-113, C.R.S., AND Rule ~~25-16~~, the Secretary of State
9 will immediately notify the appropriate county clerk and recorder and
10 forward the ballot by ~~overnight mail, fax, or courier~~ BY THE MOST
11 EFFICIENT MEANS AVAILABLE no later than the next business day.

12 ballot
13 (b) To ensure voter secrecy, any county notified that the Secretary of State has
14 received a ballot, ~~shall~~ MUST retain a minimum of ten voted ballots to be
counted with the ballot received by the State.

15 ~~25.1.8~~ 16.1.8 The county clerk and recorder ~~shall~~ MUST send a minimum of one
16 correspondence ~~prior to~~ BEFORE the Primary Election to each elector whose
17 record is marked "Inactive" ~~and whose ballot request has expired. Such shall~~
18 THE correspondence may be sent by email or mail and, at a minimum, ~~shall~~
19 MUST notify the electors of:

- 20 (a) The status of the elector's record and ballot request;
- 21 (b) The upcoming federal elections;
- 22 (c) How to update the elector's mailing information and request a ballot; and
- 23 (d) Any other information the county clerk and recorder deems appropriate.

24 ~~25.1.9~~ 16.1.9 ~~Reporting. No later than 60 days after a General Election, the county clerk~~
25 ~~and recorder shall provide a must report to the Secretary of State in the~~
26 ~~approved format, which shall summarize in detail the ballots transmitted and~~
27 ~~returned by military and overseas electors. NO LATER THAN 45 DAYS BEFORE AN~~
28 ~~ELECTION, THE COUNTY CLERK AND RECORDER MUST REPORT TO THE SECRETARY~~
29 ~~OF STATE THE NUMBER BALLOTS TRANSMITTED TO MILITARY AND OVERSEAS~~
30 ~~ELECTORS BY THE 45-DAY DEADLINE.~~

31 16.1.10 FAILURE TO MEET THE 45-DAY BALLOT TRANSMISSION DEADLINE IN SECTION 1-
32 8.3-110, C.R.S.

33 (A) IF A COUNTY FAILS TO MEET THE 45-DAY BALLOT TRANSMISSION DEADLINE
34 PROVIDED FOR ANY STATE OR FEDERAL ELECTION, THE COUNTY CLERK
35 MUST IMMEDIATELY REPORT THE FAILURE AND REASON FOR THE FAILURE
36 TO THE SECRETARY OF STATE.

(B) THE COUNTY CLERK MUST PROVIDE A PLAN TO THE SECRETARY OF STATE FOR COMPLYING WITH THE DEADLINE IN THE NEXT STATE OR FEDERAL ELECTION.

(A) THE COUNTY MUST SUBMIT THE PLAN TO THE SECRETARY OF STATE NO LATER THAN 60 DAYS BEFORE THE TRANSMISSION DEADLINE.

(2) THE COUNTY MUST PROVIDE A WEEKLY PROGRESS REPORT ON IMPLEMENTING THE PLAN TO THE SECRETARY OF STATE BEGINNING 50 DAYS BEFORE THE TRANSMISSION DEADLINE.

(C) THE COUNTY CLERK MUST PROVIDE A DAILY PROGRESS REPORT TO THE SECRETARY OF STATE BEGINNING FIVE DAYS BEFORE THE TRANSMISSION DEADLINE.

~~25.2-16.2~~ Electronic ~~ballot~~ transmission ~~(receipt and return)~~ of ballots to military and overseas electors.

~~25.2-16.2.1~~ Electronic Transmission ~~(receipt and return)~~ of ballots to military and overseas electors ~~(a)~~ In accordance with sections 1-8.3-110 and 1-8.3-113, C.R.S., an elector may request to receive and return his or her ballot by electronic transmission.

~~(i)~~ Subject to the deadlines in Rule 25.1.4, a request for electronic ballot transmission may be made on the federal postcard, state voter registration, mail in ballot, online voter registration, or any other application.

~~(ii)~~-(A) An elector who requests fax transmission ~~shall~~ MUST provide a fax number, including the international country code and local area, province, or city code, ~~(if applicable,)~~ where the ballot is to be faxed.

~~(iii)~~-(B) An elector who requests email transmission ~~shall~~ MUST provide a complete email address where the ballot is to be transmitted. In accordance with section 1-8.3-115, C.R.S., no election official may disclose the email address to the public.

~~(b)~~-(C) An elector who chooses to receive his or her unvoted ballot by online ballot delivery may return his or her ballot by fax or email.

~~(e)~~-(D) To return a voted ballot and self-affirmation by email, the elector must scan and return the documents as an email attachment.

[Current Rule 25.2.1 is moved to Rule 1.]

~~25.2-16.2.3-16.2.2~~ The electronic transmission ~~ballot instructions shall~~ MUST include:

(a) The county clerk's ~~and recorder's~~ contact information including mailing

This does not comply with 1-8.3-113. Voter may NOT return by email unless there is no secure mail service

voter's waiver is not appropriate protection. Waivers should only be allowed in extreme circumstances.

address, email address, phone, and fax number;

(b) A notice that the ballot may not be duplicated for any other elector;

(c) Instructions for completing and returning the ballot;

(d) A notice regarding the ballot return deadline;

(e) Information regarding how the elector may verify that his or her ballot has been received by the county clerk and recorder; and

(f) Any other information deemed necessary by the Secretary of State or the designated election official COUNTY CLERK.

~~25.2.4~~ ~~16.2.2~~ (G) The ballot packet, ~~sent by electronic transmission~~ shall WHICH MUST be in text format on 8 1/2" x 11" white paper and ~~shall~~ MUST include:

~~(a-1)~~ An electronic transmission coversheet to protect voter privacy;

~~(b-2)~~ The blank ballot;

~~(c-3)~~ The electronic transmission ballot instructions; and

~~(d-4)~~ The self-affirmation required by section 1-8.3-114, C.R.S., and Rule 16.2.3.

~~25.2.5~~ ~~16.2.3~~ The electronic transmission ballot instructions shall MUST include:

~~(a)~~ The county clerk and recorder's contact information including mailing address, email address, phone, and fax number;

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

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

~~(d)~~ A notice regarding the ballot return deadline;

~~(e)~~ Information regarding how the elector may verify that his or her ballot has been received by the county clerk and recorder; and

~~(f)~~ Any other information deemed necessary by the Secretary of State or the designated election official COUNTY CLERK AND RECORDER.

~~25.2.6~~ ~~16.2.4~~ ~~16.2.3~~ The self-affirmation shall MUST include the standard oath required by the Uniformed and Overseas Citizen Voting Act (42 U.S.C sec. 1973ff(b)(7) and 1(a)(5)), the elector's name, date of birth, signature, and the following statement: I also understand that by returning my voted ballot by electronic transmission, I am voluntarily waiving my right to a secret ballot. (Section 1-

8.3-114, C.R.S.)

~~25.2.7~~ ~~16.2.5~~ ~~16.2.4~~ Any ballot transmitted to an elector by electronic transmission shall ~~MUST~~ contain a unique identification number for tracking and auditing purposes.

~~25.2.8~~ ~~25.2.6~~ ~~16.2.5~~ If the county clerk ~~and recorder~~ transmits a ballot packet to an elector by fax and the transmission is unsuccessful, the county clerk ~~and recorder~~ shall ~~MUST~~ attempt to fax the ballot at least two more times.

~~25.2.9~~ ~~16.2.7~~ ~~16.2.6~~ The county clerk and recorder shall ~~MUST~~ maintain a log of each ballot sent by electronic transmission. ~~, which the~~ THE county CLERK ~~AND RECORDER~~ shall ~~MUST~~ maintain THE LOG as an election record along with any other email or fax records. The log shall ~~MUST~~ include:

- (a) The name of the elector;
- (b) The fax number or email address to which the ballot packet was transmitted (as applicable);
- (c) The unique identification number of the ballot;
- (d) The date the ballot packet was transmitted; and
- (e) The initials of the employee transmitting the ballot.

~~25.2.10~~ ~~16.2.8~~ ~~16.2.7~~ Upon receipt of A voted ballot sent by electronic transmission, the county clerk ~~and recorder~~ shall ~~MUST~~ verify the elector's signature in accordance with Rule ~~29-7.7.~~ ~~, and upon verification the ballot shall be duplicated for counting.~~ AFTER THE AFFIDAVIT HAS BEEN VERIFIED, A BIPARTISAN TEAM OF JUDGES MUST DUPLICATE THE BALLOT. DUPLICATING JUDGES MUST NOT REVEAL HOW THE ELECTOR ~~HAS CAST HIS OR HER BALLOT VOTED.~~

must not disclose to those not involved in the process. In order to duplicate and verify, the judge must "reveal" how someone voted.

~~13.20~~ ~~16.2.9~~ ~~16.2.8~~ A military or overseas elector whose registration record is inactive ~~or whose ballot request has lapsed~~ may download an application and ballot using the electronic ballot delivery system.

~~13.20.1~~ (A) The elector must submit the ballot and application in accordance with the deadlines in section 1-8.3-111 and 1-8.3.113, C.R.S., for the ballot to be counted.

~~13.20.2~~ (B) Every county must use the approved electronic delivery system to implement this rule, except that a county may obtain a waiver. The Secretary will consider the following factors in approving or denying a request for waiver:

- (a)-(I) Number of military or overseas electors registered to vote in the

1 county;

2 ~~(b)~~(II) Historical data regarding the number of military and overseas
3 electors who have registered and voted in the county; and

4 ~~(c)~~(III) Staff or other resource limitations.

5 *[Current Rule 25 is amended and moved to new Rule 16. Current Rule 13.20 is amended and*
6 *moved to new Rule 16.2.9. Amendments between the current and new rule language are shown*
7 *above.]*

8 **Rule 17. PROVISIONAL VOTING**

9 17.1 PROVISIONAL VOTING IN THE VOTER SERVICE AND POLLING CENTER

10 17.1.1 THE COUNTY CLERK ~~AND RECORDER~~ MUST USE THE APPROVED PROVISIONAL
11 BALLOT AFFIDAVIT FORM.

12 17.1.2 IF A VOTER SERVICE AND POLLING CENTER LOSES CONNECTIVITY TO SCORE, THE
13 JUDGES MUST ISSUE PROVISIONAL BALLOTS UNTIL THE COUNTY RESTORES
14 CONNECTIVITY.

15 ~~26.3.3~~ 17.1.3 The word “provisional” ~~shall~~ MUST be marked on the provisional ballot
16 and on the pollbook or signature card, ~~PROVISIONAL BALLOT LOG IF APPLICABLE,~~
17 next to the elector’s name.

18 *[Current Rule 26.3.3 is amended and moved to new Rule 17.1.3. Amendments between*
19 *the current and new rule language are shown above.]*

20 ~~26.4~~ 17.2 Verification of Provisional Ballots

21 17.2.1 THE COUNTY CLERK ~~AND RECORDER~~ MUST PROCESS AND TABULATE ALL ~~REGULAR~~
22 MAIL AND IN-PERSON BALLOTS BEFORE PROCESSING PROVISIONAL BALLOTS.

23 ~~26.12~~ 17.2.2 The county clerk and recorder must process all pollbooks or signature
24 cards ~~in the statewide voter registration database~~ ~~SYSTEM SCORE~~ before
25 processing provisional ballots.

26 *[Current Rule 26.12 is moved to new Rules 17.2.]*

27 ~~26.4.2~~ 17.2.3 Verification of an elector’s eligibility to have his or her provisional ballot
28 counted ~~shall be~~ IS limited to the following sources:

29 (a) Sources provided by the Secretary of State or law enforcement agencies
30 regarding felons who are serving a sentence of detention or confinement
31 or on parole;

32 (b) ~~The State of Colorado Statewide Voter Registration Database SCORE;~~
33 AND

why is this limited in this way? If there are completed
challenge forms, undeliverable returned ballots,
signature discrepancies, district boundary maps, etc.
they should be allowed to be reviewed.

and mail ballots,
and in person
ballots

(e) ~~The DMV Motor Voter database (Note: Possession of a driver's license is not conclusive proof of voter registration; elector must have registered to vote through the DMV); and~~

(d-c) The information provided on the provisional ballot envelope, including the affidavit.

~~26.4.3~~ 17.2.4 When verifying provisional ballots, the designated election official ~~shall~~ MUST check ~~the State of Colorado Statewide voter registration database SCORE~~ to determine whether the elector has already voted in the election.

[Current Rules 26.4.2 and 26.4.3 are amended and moved to new Rules 17.2.3 and 17.2.4. Amendments between the current and new rule language are shown above.]

~~26.4.5~~ 17.2.5 If during verification it appears that the elector's record was cancelled or consolidated as a duplicate in error, the ballot ~~shall~~ MUST be counted so long as the elector has not cast a ballot in the election, the affidavit is complete, and the elector is otherwise eligible. THE COUNTY CLERK ~~AND RECORDER~~ MUST REINSTATE OR UNCONSOLIDATE THE elector's record AND UPDATE THE ELECTOR'S RECORD BEFORE MARKING THE ELECTOR'S PROVISIONAL BALLOT AS ACCEPTED OR REJECTED IN ~~THE STATEWIDE VOTER REGISTRATION SYSTEM SCORE~~ AND BEFORE LINKING IT TO THE ELECTOR'S RECORD ~~shall be reinstated or unconsolidated.~~

~~26.4.6~~ 17.2.6 When the ~~designated election official~~ has received ~~COUNTY CLERK~~ RECEIVES both a ~~mail-in~~ MAIL ballot and a provisional ballot from an elector, but there is a discrepancy between the signature on the returned ~~mail-in~~ MAIL ballot envelope and the elector's signature stored in ~~the statewide voter registration system SCORE~~, the discrepancy must be resolved. Before the ~~COUNTY CLERK~~ MAY VERIFY THE provisional ballot ~~AFFIDAVIT may be counted~~ VERIFIED, the elector must affirm that the signature on the ~~mail-in~~ MAIL ballot envelope is not his or her signature. Sections ~~1-8.5-105(4) and (5), C.R.S.~~

[Current Rules 26.4.5 and 26.4.6 are amended and moved to new Rules 17.2.5 and 17.2.6. Amendments between the current and new rule language are shown above.]

~~26.4.9~~ 17.2.7 If ~~An~~ AN elector ~~whose voter registration record is tagged ID required~~ casts a provisional ballot without providing valid identification, the COUNTY CLERK MUST VERIFY AND COUNT THE PROVISIONAL ballot ~~shall MUST be verified and counted~~ as follows:

(a) The COUNTY CLERK ~~AND RECORDER~~ MUST SEND THE elector ~~shall be sent~~ a letter within three days after the ballot is cast, and no later than ~~three~~ TWO days after election day, explaining that he/ OR she ~~has not provided~~ MUST ~~PROVIDE~~ the required identification. Nothing in this rule ~~shall be construed to prohibit the designated election official~~ PROHIBITS THE COUNTY CLERK from calling the elector; however, a phone call ~~shall~~ DOES not substitute for notification to the elector in writing. IF THE ~~DESIGNATED ELECTION~~

this is in conflict with
17.2.3 above

~~OFFICIAL~~ COUNTY CLERK CALLS ANY ELECTOR HE OR SHE MUST CALL ALL ELECTORS WHOSE AFFIDAVITS ARE UNSIGNED.

- (b) If the elector provides a copy of valid identification within eight days after election day, the COUNTY CLERK MUST COUNT THE ballot ~~shall MUST be counted~~ so long as the elector has not cast another ballot in the election, the affidavit is complete, and the elector is otherwise eligible.

[Current Rule 26.4.9 is amended and moved to new Rule 17.2.7. Amendments between the current and new rule language are shown above.]

~~26.5.1~~ 17.2.8 If the information contained in the provisional ballot ~~envelope and~~ affidavit provides adequate criteria so that the ~~designated election official~~ COUNTY CLERK is able to confirm ~~under election Rule 26~~ that the elector is eligible to cast a ballot, the provisional ballot ~~shall MUST~~ count.

[Current Rule 26.5.1 is amended and moved to new Rule 17.2.8. Amendments between the current and new rule language are shown above.]

~~26.5.3~~ 17.2.9 Acceptance Codes (~~Any provisional ballot given an acceptance code shall have all~~ THE COUNTY CLERK ~~AND RECORDER~~ MUST COUNT ALL races ~~counted unless otherwise indicated.~~)

AOK Reviewed and confirmed voter's eligibility.

ALC ELECTOR VOTED A PROVISIONAL BALLOT BECAUSE THE VOTER SERVICE AND POLLING CENTER LOST CONNECTIVITY. ELECTOR'S ELIGIBILITY IS CONFIRMED.

~~26.5.4~~ 17.2.10 Rejection Codes (~~Any~~ THE COUNTY CLERK ~~AND RECORDER~~ MUST NOT COUNT A ballot given a rejection code ~~shall not be counted~~):

RNS (Rejection not signed) Provisional Ballot Affidavit not signed.

RIN (Rejection incomplete information provided) Required information is incomplete and the designated election official is unable to confirm voter's eligibility.

REE (Rejection envelope empty) Provisional ballot envelope is empty.

RAB (Rejection voter voted ~~mail in~~ MAIL ballot) Designated election official has confirmed that voter voted a ~~mail in~~ MAIL ballot.

RED (Rejection based upon ballot cast ~~on election day~~ IN PERSON) Voter voted in a ~~polling place~~ VOTER SERVICE CENTER OR POLLING CENTER.

RIP (Rejection based on incorrect party) Incorrect Party in Primary Election.

1 RFE (Rejection felon not eligible to vote) Individual was convicted of a felony
2 and is either serving a sentence of confinement or detention or is on
3 parole.

shouldn't the test be whether the voter lives in the city, district, or county, and is not eligible to vote in that jurisdiction?

8 RWC (Rejection elector not A RESIDENT OF THE DISTRICT, ~~registered in county, or~~
~~A RESIDENT OF THE State of Colorado~~) ~~Non-county or non-state VOTER IS~~
~~NOT A STATE resident; therefore voter~~ THE INDIVIDUAL DOES NOT RESIDE
WITHIN THE DISTRICT, COUNTY, OR STATE, AS APPLICABLE, AND IS not
eligible to vote in the **county** where the provisional ballot was voted.

shouldn't all the votes count that the voter is eligible to vote?

11 RID (Rejection first time voter has not supplied identification upon registration
12 or thereafter prior to and during time voter voted) First Time Voter ~~who~~
~~registered by mail or through a voter registration drive,~~ is tagged as id-ID
deficient, and did not provide id-ID at the time of voting.

13 *[Current Rules 26.5.3 and 26.5.4 are amended and moved to new Rules 17.2.9 and*
14 *17.2.10. Amendments between the current and new rule language are shown above.]*

15 ~~26.6~~ 17.3 The provisional ballot log required by section 1-8.5-110(4), C.R.S., may be
16 prepared by the ~~designated election official~~ COUNTY CLERK in handwritten or computer-
17 generated form.

18 ~~26.7~~ 17.4 Recount procedures for provisional ballots ~~shall be~~ ARE the same as the recount
19 procedures for other ballots as directed by the Secretary of State.

20 *[Current Rules 26.6 and 26.7 are amended and moved to new Rules 17.3 and 17.4.*
21 *Amendments between the current and new rule language are shown above.]*

22 ~~26.11~~ 17.5 Processing provisional ballot affidavits in the ~~statewide voter registration~~
23 ~~database~~ SCORE. Before closing an election, the county clerk ~~and recorder~~ must:

24 ~~26.11.1~~ 17.5.1 Enter all provisional ballot affidavits into the SCORE provisional module
25 ~~of the statewide voter registration database.~~

26 ~~26.11.2~~ 17.5.2 PROCESS ALL VOTER REGISTRATION UPDATES.

27 17.5.3 Link all provisional ballot affidavits to the appropriate elector's record.

28 *[Current Rule 26.11 is amended and moved to new Rule 17.5. Amendments between the*
29 *current and new rule language are shown above.]*

30 17.6 PUBLIC ACCESS TO PROVISIONAL BALLOT INFORMATION

31 17.6.1 THE LIST OF VOTERS WHO CAST A PROVISIONAL BALLOT AND THE ACCEPT/REJECT
32 CODE FOR THE BALLOT IS AVAILABLE FOR PUBLIC INSPECTION.

33 17.6.2 IN ACCORDANCE WITH SECTION 24-72-204(8), C.R.S., THE COUNTY CLERK ~~AND~~
34 ~~RECORDER~~ MUST NOT RELEASE AN ORIGINAL OR COPY OF THE ELECTOR'S:

However, watchers must be able to verify all the data on the application.

- (A) MONTH AND DAY OF DATE OF BIRTH;
- (B) DRIVER'S LICENSE OR DEPARTMENT OF REVENUE IDENTIFICATION NUMBER;
- (C) SOCIAL SECURITY NUMBER; OR
- (D) EMAIL ADDRESS; OR
- (E) SIGNATURE.

17.6.3 IF A VOTER HAS REQUESTED CONFIDENTIALITY UNDER SECTION 24-72-204(3.5), C.R.S., THE COUNTY CLERK ~~AND RECORDER~~ MUST NOT RELEASE THE ELECTOR'S ADDRESS OR TELEPHONE NUMBER.

17.6.4 IF A VOTER HAS REQUESTED CONFIDENTIALITY UNDER SECTION 24-30-2101, C.R.S., THE COUNTY CLERK ~~AND RECORDER~~ MUST NOT RELEASE THE PROVISIONAL BALLOT AFFIDAVIT.

~~26.13~~-17.7 Voter Access to Provisional Ballot Information

~~26.13.1~~-17.7.1 The Secretary of State will provide a provisional ballot lookup on the Secretary's website.

~~26.13.2~~-17.7.2 The county clerk ~~and recorder~~ must number the provisional ballot envelope or affidavit stock using the standard numbering convention approved by the Secretary of State.

~~26.13.3~~-17.7.3 An elector may access the system during the 45 days following the election.

[Section 1-8.5-111, C.R.S.]

[Current Rule 26.13 is amended and moved to new Rule 17.7. Amendments between the current and new rule language are shown above.]

[Current Rule 26 is amended and moved to new Rule 17. Amendments between the current and new rule language are shown above.]

Rule 18. UNIFORM BALLOT COUNTING STANDARDS

~~27.2~~-18.1 ~~Multiple Page Ballots.~~ In any election where a multiple page printed ballot is used, a voter must vote and return all pages of the ballot at the same time. Any voter who ~~has returned~~ RETURNS at least one page of a multiple page printed ballot will be considered to have voted and the COUNTY CLERK ~~AND RECORDER~~ MUST COUNT THE votes on the submitted PAGES ~~page(s) shall be counted.~~ Any THE COUNTY CLERK MUST NOT COUNT VOTES ON additional ~~page~~ PAGES returned at a later time ~~shall not be counted.~~ but ~~shall be~~ THE COUNTY CLERK MUST appropriately ~~marked~~ MARK, set aside, and ~~preserved~~

1 PRESERVE THE BALLOTS as ~~other election materials~~ RECORDS in accordance with section 1-
2 7-802, C.R.S.

3 ~~27.3~~18.2 Uniform Counting Standards for hand-counted Paper Ballots

4 ~~27.3.1~~18.2.1 Pursuant to IN ACCORDANCE WITH section 1-7-309, C.R.S., AND RULE ~~27.7~~
18.6, judges counting ballots on election day ~~shall~~ MUST take into consideration
CONSIDER the intent of the voter ~~in accordance with Rule 27.7~~.

should include all write-ins,
regardless of whether target
area is complete.

7 ~~27.3.2~~18.2.2 If a RACE OR BALLOT MEASURE IS OVERVOTED ~~ballot contains markings for~~
8 ~~more than the maximum votes allowed in a candidate race or for a ballot measure,~~
9 THE JUDGES MUST NOT ~~no vote shall~~ count ANY VOTE for that race or ballot
10 measure.

11 ~~27.3.3~~18.2.3 If a ~~candidate~~ race or ballot measure contains no markings by the voter, no
12 tally will be made for that race or ballot measure. ~~, but~~ BUT all other candidate
13 races or ballot measures properly marked by the voter on the ballot ~~shall~~ MUST be
14 counted.

15 ~~27.3.4~~18.2.4 A ballot which has no markings for any candidate races or ballot measures
16 ~~shall~~ MUST be tallied as a blank ballot, but the voter ~~shall~~ MUST be given credit for
17 voting.

18 ~~27.4~~18.3 Uniform Counting Standards for Optical Scan Ballots

19 ~~27.4.1~~18.3.1 ~~Precinct~~ Optical Scan Procedures AT A VOTER SERVICE AND POLLING
20 CENTER

Judges should NOT inspect or
review the ballot. Voter must
inspect or correct in private.

(a) Voters whose ballots are rejected or sorted by ~~the precinct counter~~ A
VOTER SERVICE AND POLLING CENTER SCANNER as a blank or overvoted
ballot ~~shall~~ MUST be given the opportunity to correct their ballot.

24 (b) Ballots sorted to a write-in bin ~~shall~~ MUST be tallied at the conclusion of
25 the voting and delivered to the central counting center in a secure
26 container.

27 ~~27.4.2~~18.3.2 Central Count Optical Scan Procedures

28 (a) ~~A~~ JUDGES SHOULD COMPLETE A visual inspection of every ballot ~~should be~~
29 ~~completed~~ for the limited purpose of separating damaged ballots into a
30 unique batch.

31 (b) JUDGES MUST RESOLVE, AND WHERE APPLICABLE, DUPLICATE, ~~Every~~ EVERY
32 damaged ballot and all ballots sorted by the optical scan machine ~~shall be~~
33 resolved, and where applicable duplicated, in accordance with this rule.

34 (c) A resolution board, consisting of a BI-PARTISAN team(s) of ~~one~~ (1)
35 ~~Republican and one~~ (1) ~~Democrat~~ TWO ELECTION JUDGES for partisan

elections or two ~~(2)~~ qualified election judges for nonpartisan elections, ~~shall~~ MUST resolve all ballots sorted by the central count optical scan equipment.

(1) The board ~~shall~~ MUST be observed by two ~~(2)~~ witnesses, who in any partisan election ~~shall~~ MUST be representatives of each major political party;. THE WITNESSES ~~who~~ may not handle or process ballots.

(2) ~~All persons engaged in the counting and processing of ballots shall~~ IN ADDITION TO ELECTION ~~JUDGES~~ OFFICIALS, ALL WITNESSES MUST be deputized or take an oath to faithfully perform their duties.

(3) The resolution board ~~shall~~ MUST maintain a log for each step of verification, duplication, and counting.

(d) Sequence of Resolution Procedures

(1) ~~A~~ THE RESOLUTION BOARD MUST RUN A zero tape, or similar report, ~~shall be run~~ indicating no votes cast or counted before the counting begins.

(2) ~~Official ballots shall be processed through~~ THE BOARD MUST REVIEW ALL BALLOTS WITH OVERVOTES, BLANK BALLOTS, AND WRITE-IN BALLOTS SORTED BY the optical scanner, ~~with sorted overvotes, blank ballots, and write-in ballots viewed and resolved by the resolution board.~~ Ballots sorted by the optical scan equipment ~~shall be~~ ARE subject to review by the resolution board. If there are no legally qualified write-in candidates, the write-in sort option ~~shall~~ MUST not be utilized.

(3) A voter's intent ~~shall~~ MUST be reviewed for every ballot that requires resolution.

(4) All ballots ~~which are~~ sorted by the optical scanner and resolved by the resolution board by duplication ~~are to be indicated as such~~ MUST BE MARKED AS DUPLICATED.

(5) The resolution board ~~shall~~ MUST maintain an official audit log for all ballots resolved setting forth the precinct number, duplicate ballot number (where applicable), SPECIFIC reason ~~(with specificity)~~ that the ballot was resolved, date of resolution, and the initials of the members of the duplication board responsible for resolving the ballot.

(6) The precinct judge's ballot reconciliation form ~~is~~ MUST BE compared to the number of scanned ballots for the precinct.

(7) After the final precinct has been tallied, the total write-in votes ~~shall~~MUST be indicated on the final summary along with the seal numbers for each sealed box of scanned ballots.

(e) Resolution of damaged ballots

(1) THE RESOLUTION BOARD MUST DUPLICATE ~~Damaged~~ ballots DAMAGED or defective ballots ~~shall be duplicated~~utilizing the ballot duplication procedures ~~as provided in Rule 27.6~~18.5

(2) THE RESOLUTION BOARD MUST EXAMINE ~~Blank~~BLANK ballots ~~shall be examined by the resolution board~~ to determine if the ballot is a true blank ballot or one that has been marked with a non-detectable mark. Resolution board members must make a duplicate copy of the ballot which has been marked with a non-detectable mark utilizing the ballot duplication procedures ~~as set forth in Rule 27.6~~18.5. If a ballot is truly blank, THE BOARD MUST ~~SEND-RESCAN it shall be sent back for the resolution pass through the scanner, and~~ the ballot ~~MUST BE~~AND TABULATE IT ~~tabulated~~ with no races or ballot measures voted.

(3) THE RESOLUTION BOARD MUST INSPECT AND RESOLVE ~~Overvoted~~OVERVOTED ballots ~~shall be inspected by the resolution board and resolved~~in accordance with Rule ~~27.7~~18.6.

(4) Write-in votes sorted by the optical scan equipment on election day ~~shall~~MUST be delivered to the assigned write-in board for hand counting.

this is in conflict with voter intent law.

(i) During the initial ballot count, ~~in order to be counted,~~the oval must be darkened or the arrow connected according to the appropriate voting instructions. THE COUNTY MAY COUNT ONLY ~~Only~~ votes for legally qualified write-in candidates ~~shall MAY be counted.~~

this seems to reverse the meaning of the previous rule and take away the counting of valid votes for write in candidates when the target area not completed.

(ii) If, following the initial count, the number of undervotes in that race could change the outcome or force the election into a mandatory recount if attributed to a legally qualified write-in candidate, THE COUNTY MUST NOT COUNT votes for that candidate ~~shall MUST be counted~~ whether or not the target area designating the selection of a write-in candidate has been marked, provided that the number of candidates chosen does not exceed the number permitted in that office.

(5) The resolution board ~~shall~~MUST duplicate ballots by clearly labeling the new duplicate ballot as a “DUPLICATE” and assign a serial number which shall be recorded on both the original and duplicate ballot. For example, the first ballot in Precinct # 1 to be

1 duplicated could be labeled as #1/001 with the duplicate labeled
2 D#1/001. Original ballots ~~shall~~—MUST be separated from the
3 duplicate ballots and placed in a sealable container clearly marked
4 “ORIGINAL BALLOTS.” The duplicate ballots ~~shall~~—MUST be
5 counted in lieu of the original ballots.

6 (6) The resolution board ~~shall~~—MUST maintain an official audit log
7 setting forth the precinct number, duplicate ballot number, reason
8 (with specificity) that the ballot was duplicated, date of
9 duplication, and the initials of the members of the duplication
10 board responsible for duplicating the ballot.

11 (f) Recount Procedures for Optical Scan

12 (1) Optical scan equipment must be set to consistent sensitivity
13 standards for each system type, must be tested ~~prior to~~ BEFORE the
14 recount, and ~~shall~~ MUST be programmed to sort undervotes for the
15 individual race(s) or ballot measure(s) being recounted.

16 (2) The county will conduct a recount of a race with a write-in
17 candidate as outlined in Rule ~~27.7.4~~ 18.6.4.

18 ~~27.5~~ 18.4 Uniform Counting Standards for DREs. A vote that is properly recorded, as
19 specified by the voting instructions, on the voting device for an office or ballot measure
20 ~~shall~~—MUST be counted.

21 ~~27.6~~ 18.5 Duplication of Ballots.

22 (a) Using the damaged ballot as the guide, THE DUPLICATING TEAM MUST MARK a
23 blank ballot ~~shall be marked by a duplicating team~~, so that the votes recorded are
24 identical to those indicated on the damaged ballot. ~~—and shall~~ THE DUPLICATION
25 MUST be proofed to ensure it is marked properly and accurately.

26 (b) Every duplicated ballot ~~shall~~—MUST be subject to the process for determining voter
27 intent outlined in Rule ~~27.7~~ 18.6.

28 (c) A unique number ~~shall~~—MUST be assigned to both the original and duplicated
29 ballot. This will reference the two ballots together and provide an audit trail.
30 (Example: the ballots may be marked XX-NNN, where XX is the precinct
31 number and NNN are consecutive numbers starting with the number one.)

32 (d) The duplicated ballots ~~shall~~—MUST be counted in the same manner as all other
33 ballots to be counted.

34 (e) The damaged or unreadable original ballot ~~shall~~—MUST be marked
35 “DUPLICATED” to indicate that the ballot has been duplicated and the
36 duplication is completed. All duplicated original ballots for a precinct along with

any applicable printed material ~~shall~~ MUST be placed in a sealable container and clearly marked "ORIGINAL BALLOTS."

~~27.7~~ 18.6 Determination of Voter Intent

~~27.7.1~~ 18.6.1 If a voter uses a consistent alternate ballot marking method that deviates from the method specified by the voting instructions (such as circling or placing a check mark behind a candidate's name or ballot response) and does not place an "X", check or other appropriate mark in the target ~~area(s)~~ AREA, the voter will be considered to have voted for the appropriate candidates and or ballot responses and the ballot ~~shall~~ MUST be duplicated. ~~; except that,~~ BUT if a voter marks any of ~~his/her~~ HIS OR HER choices by placing an "X", check or other appropriate mark in any target area on the voter's ballot, only those choices where the target area ~~has been~~ IS marked ~~shall~~ MAY be counted.

for both? or only the primary mark? unclear language.

~~27.7.2~~ 18.6.2 A ballot that has a mark correctly in the target area that partially extends into another target area ~~shall~~ MUST be counted as a vote for the candidate or ballot response so marked.

~~27.7.3~~ 18.6.3 When resolving an overvoted race, marks indicating the voter's intent ~~shall~~ include, ~~but not be limited to,~~ circling the candidate's name and strike-outs or corrections of choices.

~~27.7.4~~ 18.6.4 Write-in votes

~~27.7.4.1~~ (A) If a voter designates a vote for a named candidate on the ballot and writes in the name of the same candidate in the write-in area, the vote ~~shall~~ MUST be counted.

~~27.7.4.2~~ (B) If a voter designates a named candidate on the ballot and writes in the name of a different candidate in the write-in area, it ~~shall~~ MUST be considered an overvote for that office if the number of chosen candidates exceeds the number permitted to be voted for in that office and no vote ~~shall~~ MAY be counted.

~~27.7.4.3~~ (C) During any recount of votes, if the number of undervotes in that race could change the outcome if attributed to a legally qualified write-in candidate, votes for that candidate ~~shall~~ MUST be counted whether or not the target area designating the selection of a write-in candidate has been marked, provided that the number of candidates chosen does not exceed the number permitted in that office.

~~Rule 40.~~ **Rule 19. Rules Concerning Certification and Education of Designated Election Officials**

~~40.1~~ 19.1 Purpose and Definitions.

~~40.1.1~~ 19.1.1 The Secretary of State recognizes that the oversight of elections is a

profession that requires thorough knowledge of complex state and federal election law and election procedures. Considering the complexity of state and federal law, voting equipment, and election procedures, extensive training is necessary. The certification program standardizes election procedures and education. The program also promotes Colorado voters' confidence in their election officials and the election process.

~~40.1.2~~ 19.1.2 "Local election official" means a county clerk ~~and recorder~~. (Section 1-1-301(1), C.R.S.)

~~40.1.3~~ 19.1.3 "Persons required to complete certification" means:

(a) The county clerk ~~and recorder~~; and

(b) Employees in the ~~COUNTY clerk's and recorder's~~ office who are directly responsible for overseeing election activities, including but not limited to: voter registration, candidate qualifications and ballot certification, poll worker training, ballot design and setup, ballot counting, and canvassing.

(Section 1-1-302, C.R.S.)

~~40.2~~ 19.2 Advisory Board.

19.2.1 The advisory board must meet at least twice each calendar year to approve the curriculum and make necessary changes. The advisory board must also review evaluations and recommend changes to the certification program.

~~40.2.2~~ 19.2.2 The advisory board must review individual applications for certification and must approve applications that are accurate and complete. The advisory board may take into account special circumstances in reviewing and approving applications.

~~40.2.3~~ 19.2.3 The Secretary of State will appoint the following as board members:

(a) Four county clerks or designated staff members;

(b) Two Secretary of State Office representatives; and

(c) Any individual(s) whom the Secretary of State believes could make a valuable contribution to the Board.

~~40.2.4~~ 19.2.4 Board members serve at least a two-year term.

~~40.2.5~~ 19.2.5 The Secretary of State may terminate board members without cause. Failure to attend meetings or meaningfully contribute may result in termination.

~~40.3~~ 19.3 Curriculum.

~~40.3.1~~ 19.3.1 The Secretary of State will develop the core and elective curriculum

1 offered for certification and continuing elections education. The Secretary will
2 post curriculum information on the Secretary of State's website.

3 ~~40.3.2~~19.3.2 The Secretary of State will develop and administer all training outlined in
4 this Rule ~~40~~19.

5 ~~40.3.3~~19.3.3 To obtain Colorado certification, a person must complete the following
6 minimum curriculum prescribed by the Secretary of State:

- 7 (a) Seven basic core courses;
- 8 (b) One core course relevant to primary job duty; and
- 9 (c) Six electives.

10 ~~40.3.4~~19.3.4 To maintain Colorado certification, a person must complete at least five
11 Continuing Elections Education courses by July 31 of every even year.

12 ~~40.4~~19.4 Training Format.

13 ~~40.4.1~~19.4.1 Web-based training may be conducted live or by reviewing material
14 previously presented by the Secretary of State. In either case, participants must
15 achieve a satisfactory score on assessments before receiving credit for the
16 course.

17 ~~40.4.2~~19.4.2 The Secretary of State will provide classroom training. For certification, a
18 person must complete at least one course in-class.

19 ~~40.5~~19.5 Credit.

20 ~~40.5.1~~19.5.1 Individuals applying for certification must successfully complete the
21 curriculum prescribed by the Secretary of State. If an applicant submits
22 duplicate coursework, the advisory board may reject the application for
23 certification.

24 ~~40.5.2~~19.5.2 Training assessment.

- 25 (a) To receive certification credit for any course presented by the Secretary of
26 State under this rule, a participant must successfully complete a training
27 assessment with a minimum score of 85%.
- 28 (b) A participant who fails to achieve a score of at least 85% may retake the
29 assessment.
- 30 (c) The Secretary of State may administer either paper or electronic
31 assessments.

32 ~~40.5.3~~19.5.3 Credit for Teaching Classes. A person who teaches or substantially assists
33 with preparation of a class offered for certification is excused from the

assessment requirement outlined in Rule ~~40.5.2~~ 19.5.2 and will receive credit for the course.

~~40.5.4~~ 19.5.4 No election official may receive credit toward his or her Colorado certification for training offered by other agencies or organizations.

~~40.6~~ 19.6 Application Review, Certification, and Maintenance of Records.

~~40.6.1~~ 19.6.1 Once a person completes the required coursework, he or she must promptly submit an application for certification or continuing certification to the Secretary of State's office on the form approved by the Secretary of State.

~~40.6.2~~ 19.6.2 The Secretary of State must review the application with reference to the Secretary of State records. If the application is complete and accurate, the Secretary of State must forward it to the advisory board for its review and approval. Upon approval by the advisory board, the Secretary of State must issue a certificate that the person is a Certified Colorado Election Official.

~~40.6.3~~ 19.6.3 The Secretary of State must track attendance at all classes and keep records of attendance, continuing elections education, and records of those persons who are certified and persons who are in the certification process.

~~40.9~~ 19.7 Decertification. A person who fails to satisfy continuing education requirements will lose certification.

[Current Rule 40 is amended and moved to new Rule 19. Amendments are shown above.]

~~Rule 43.~~ Rule 20. County Security Procedures

~~43.1~~ 20.1 **Definitions.**

~~43.1.1~~ 20.1.1 "Chain of custody log" means a written record that shows that the equipment and all associated data are secured according to these procedures and in the documented control of an employee or deputized election judge through the entire time of ownership by the jurisdiction.

~~43.1.2~~ 20.1.2 "DRE" means a direct recording electronic voting device. A DRE is a voting device that records votes by means of a ballot display provided with mechanical or electro-optical components or an audio ballot that the voter can activate; that processes data by means of a computer program; and that records voting data and ballot images in memory components or other media. The device may produce a tabulation of the voting data stored in a removable memory component and as printed copy. The device may also provide a means for transmitting individual ballots or vote totals to a central location for consolidating and reporting results from remote sites to the central location.

~~38.1.3~~ 20.1.3 "Elector data" means voting information, including but not limited to, voter registration, voting history, and voting tabulations.

1 38.1.4 20.1.4 “Electronic pollbook” is a list of eligible electors in electronic format who
2 are permitted to vote at a polling place LOCATION in an election conducted under
3 the Election Code, which shall be processed by a computer at a Vote Center
4 VOTER SERVICE AND POLLING CENTER to be immediately accessible to all other
5 computers at all Vote Centers VOTER SERVICE AND POLLING CENTERS in the
6 county.

7 43.1.3 20.1.5 20.1.4 “Employee” means all full-time, part-time, permanent, and
8 contract employees of the county who have had PASSED a COLORADO BUREAU OF
9 INVESTIGATION (CBI) INTERNET criminal history check (ICHHC) conducted in
10 accordance with Rule 11.2 6.4 and are deputized by the county clerk and recorder
11 to prepare or maintain the voting system or election setup materials, staff the
12 counting center and who have any access to the electromechanical voting systems
13 or electronic vote tabulating equipment.

14 43.1.4 20.1.6 20.1.5 “Removable card or cartridge” means any A programming card or
15 cartridge, except a voter activation card, that stores firmware, software, or data.

16 43.1.5 20.1.7 20.1.6 “Seal” means a serial-numbered tamper-evident device that
17 indicates a seal is broken or removed, IF BROKEN OR MISSING, INDICATES THAT THE
18 CHAIN OF CUSTODY IS BROKEN A DEVICE IS NOT SECURE.

19 38.1.2 20.1.8 20.1.7 “Teleprocessing lines” means secure, dedicated communication
20 transmission facilities used for the purpose of transferring elector data between
21 Vote Centers VOTER SERVICE AND POLLING CENTER and a centralized
22 computerized pollbook maintained by the county clerk and recorder, to ensure the
23 security and integrity of voting information so that no deviation can go
24 undetected.

25 43.1.6 20.1.9 20.1.8 “Trusted build” means the write-once installation disk or disks for
26 software and firmware for which the Secretary of State or his/her agent has
27 established the chain of evidence to the building of a the disk(s), which is then
28 used to establish and/or re-establish the chain of custody CHAIN OF CUSTODY of
29 any component of a voting system that contains newly installed firmware or
30 software. The trusted build is the origin of the chain of evidence for any software
31 and firmware component of the voting system.

32 43.1.7 20.1.10 20.1.9 “Video security surveillance recording” means video monitoring
33 by a device that continuously records a designated location or a system using
34 motion detection that records one frame, or more, per minute until detection of
35 motion triggers continuous recording.

36 *[Definitions moved to Rule 1, with amendments]*

37 43.2 20.2-20.1 Annual security plan. In accordance with section 1-5-616(5), C.R.S., AND USING
38 THE FORM PRESCRIBED BY THE SECRETARY OF STATE, each A county must ANNUALLY
39 submit a security plan to the Secretary of State annually and no later than 60 days prior to

1 BEFORE the first election in which the COUNTY WILL IMPLEMENT THE security plan
2 procedures. ~~are used. The plan must, at a minimum, include the following:~~

3 ~~43.2.1~~ ~~20.3~~ ~~20.2~~ General requirements CONCERNING CHAIN-OF-CUSTODY.

4 (a) ~~20.3.1~~ ~~20.2.1~~ The county ~~clerk and recorder shall~~ MUST maintain on file all
5 documentation of seals, ~~chain of custody~~ CHAIN-OF-CUSTODY, and other
6 documents related to the transfer of equipment between parties. These documents
7 are subject to inspection by the Secretary of State.

8 (b) ~~20.3.2~~ ~~20.2.2~~ The county must maintain and document the ~~chain of custody~~
9 CHAIN-OF-CUSTODY for each voting device throughout the county's ownership or
10 leasing of the device.

11 (c) ~~20.3.3~~ ~~20.2.3~~ Only ~~deputized clerks, election judges,~~ ELECTION OFFICIALS or
12 canvass board members sworn under oath are allowed to handle ballots, which
13 include VVPAT records.

14 (d) ~~20.3.4~~ ~~20.2.4~~ The county may install additional or modified software developed
15 by the vendor on any component of the voting system only if the software is
16 specifically listed on the Secretary of State's certificate and verified against the
17 state trusted build. Nothing in this rule ~~shall preclude~~ PRECLUDES the use of
18 commercial off-the-shelf software, provided that the software is included in the
19 certified list of services and executables for the certified voting systems.

20 (e) ~~20.3.5~~ ~~20.2.5~~ Any form or log containing "date" means to note the month,
21 calendar day, year, hour, minute, and whether the time is a.m. or p.m.

22 ~~43.3~~ ~~20.3.6~~ ~~20.2.6~~ The county ~~shall~~ MUST submit ~~with the security plan~~ sample copies
23 of all referenced forms, schedules, logs, and checklists WITH THE SECURITY PLAN.

24 ~~43.2.2~~ ~~20.4~~ ~~20.3~~ Physical locking mechanisms and seals. The county must record the serial
25 number of every seal on the appropriate chain-of-custody log. Two individuals must
26 verify, and indicate by signing and dating the log, that the seal serial numbers match the
27 logged serial numbers. If a seal is inaccessible and cannot be removed, then it is not
28 necessary to verify that seal serial number.

29 (a) ~~20.4.1~~ ~~20.3.1~~ DREs AND BALLOT MARKING DEVICES. ~~The county must seal DRE~~
30 ~~voting devices as follows:~~

31 (1)(A) The county must place a seal over ~~any~~ A removable card or cartridge that
32 is inserted into the unit, or over the slot or door covering the card or
33 cartridge.

34 (2)(B) The county must place a seal over any removable card slot or cartridge
35 slot when no card or cartridge is inserted into the unit.

(3)(C) If the county cannot verify the firmware or software hash value (MD5 or SHA-1), the county must seal the DRE case. To detect unauthorized access, the county must use seals at either the seams of the case or at key entry points such as screw access points.

(4)(D) If the voting device contains one or more slots for a flash memory card, the county ~~shall~~-MUST affix a seal over each each flash card slot, door, or access panel.

(5)(E) These same procedures also apply to the Judge's Booth Controller (JBC) unit for the Hart InterCivic System.

(6)(F) Two ~~employees or~~ election judges OFFICIALS must verify, and indicate by signing and dating the chain-of-custody log, that all seal serial numbers match the logged serial numbers.

(b) ~~20.4.2-20.3.2~~ ~~VVPATs. Prior to~~ BEFORE attaching a VVPAT to a specific voting device, the judges ~~shall~~-COUNTY MUST seal the unit after verifying that no votes were cast. At least two election judges OFFICIALS must verify that seals are intact ~~prior to~~ BEFORE the start of voting, and at the close of voting. VVPAT records ~~shall~~-MUST either remain in the VVPAT canister, or be sealed and secured in a suitable device for protecting privacy or as described in Rule 41 ~~43.2.10-20.12~~.

this is inconsistent with
requirement to do post-election
audits with VVPAT's.

(c) ~~20.4.3-20.3.3~~ ~~Remote or central count optical scanners. Optical scanners. used in~~
~~a remote or central tabulating location shall meet the following seal requirements:~~

(1)(A) The county must place a seal over each card or cartridge inserted into the unit, or over any door or slot containing the card or cartridge.

(2)(B) The county must place a seal over each empty card or cartridge slot or door covering the area where the card or cartridge is inserted.

(3)(C) ~~Prior to~~ BEFORE the start of voting and after the close of voting, two ~~employees or~~ election judges OFFICIALS must visually confirm that all seals are intact and that the seal serial numbers match those logged in the chain-of-custody log.

(d) ~~20.4.4-20.3.4~~ Memory Cards/Cartridges-CARDS OR CARTRIDGES.

(1)(A) The county must assign and securely affix a permanent serial number to each removable card or cartridge. The county may use the manufacturer assigned serial number for this purpose.

(2)(B) The county must handle removable memory cards and cartridges in a secure manner at all times. The county must transfer and store any removable card and/or cartridge that is not sealed in a voting machine in a secure container with at least one seal. Upon delivery and receipt, election judges or county personnel must verify, and indicate by signing and dating

the chain-of custody log, that all seal serial numbers match those listed in the log.

(3)(C) The county ~~clerk and recorder~~ must maintain a written or electronic log to record card or cartridge seal serial numbers and track seals for each voting unit. ~~The county clerk and recorder must be notified if control of a card/cartridge or door or slot for a card/cartridge is breached before an election, and he/she must follow the procedures specific to the incident outlined in Rule 43.2.11.~~

~~43.2.3~~ 20.5-20.4 Individuals with access to keys, door codes, and vault combinations.

(a) ~~20.5.1-20.4.1~~ For employees with access to areas addressed in Rule ~~43.2.3(e)~~ 43.5.3 20.4.3, the county must state IN THE SECURITY PLAN the employees' titles EACH EMPLOYEE'S TITLE and the dates of ~~CBI background checks~~ THE ICHC. [Section 24-72-305.6, C.R.S.]

(b) ~~20.5.2-20.4.2~~ The county must change all keypad door codes or locks, vault combinations, computer and server passwords, encryption key codes, and administrator passwords at least once per calendar year prior to the first election of the year.

(c) ~~20.5.3-20.4.3~~ Employee access.

(1) —The county may grant employees access to the codes, combinations, passwords, and encryption keys described in this Rule ~~43.2.3~~ 20.5 in accordance with the following limitations:

(A) —~~Access to the code, combination, password, or encryption key for the storage area for voting equipment and the mail-in ballot counting areas is restricted to employees as defined in Rule 43.1.3.~~

(B)(A) Access to the code, combination, password, or encryption key for the ~~mail-in~~ VOTING EQUIPMENT, ~~AND~~ ballot storage area AREAS, ~~and~~ counting room, or tabulation workstations is restricted to ~~ten employees as defined in Rule 43.1.3~~ WHO HAVE SUCCESSFULLY PASSED A COLORADO BUREAU OF INVESTIGATION (CBI) INTERNET CRIMINAL HISTORY CHECK (ICHC) CRIMINAL BACKGROUND CHECK DESCRIBED IN RULE 6.4. ANY PERSON WHO HAS BEEN CONVICTED OF AN ELECTION OFFENSE OR FRAUD IS PROHIBITED FROM HAVING ACCESS TO A CODE, COMBINATION, PASSWORD, OR ENCRYPTION KEY FOR THE VOTING EQUIPMENT, BALLOT STORAGE AREAS, COUNTING ROOM, OR TABULATION WORKSTATIONS.

(C)(B) Except for emergency personnel, no other individuals ~~shall~~ MAY be present in these locations unless supervised by one or more employees ~~as defined in Rule 43.1.3.~~

(i) ~~Each individual who has access to the central election management system or central tabulator shall~~ MUST have their own unique username and password. No individual ~~shall~~ MAY use any other ~~individuals~~ INDIVIDUAL'S username or password. Shared accounts are prohibited.

(ii) ~~The county shall maintain a log of each person who enters the ballot storage room, including the person's name, signature, and date and time of entry. If access to the ballot storage room is controlled by use of key card or similar door access system that is capable of producing a printed paper log including the person's name and date and time of entry, such a log shall meet the requirements of this rule.~~

~~(2)(C)~~ In extreme circumstance, the county may request and the Secretary of State may grant exemption from the requirements outlined in Rule 43.2.3(e)(1) ~~43.5.3~~ 20.5.3.

(d) ~~20.5.4~~ 20.4.5 Computer room Access TO WHERE ELECTION MANAGEMENT SOFTWARE IS USED is limited to authorized ~~employees and election judges~~ OFFICIALS only. Messengers or runners delivering ballots between the preparation room and computer room ~~shall~~ MUST wear distinguishing identification. ~~This rule does not supersede access by watchers, official observers, and media observers in accordance with Rule 8.~~

43.2.9 ~~20.6~~ 20.5 Internal Controls for the Voting System

(a) ~~20.6.1~~ 20.5.1 The ~~County~~ COUNTY must enable, create, and use passwords.

(b) ~~20.6.2~~ 20.5.2 In addition to the access controls discussed in Rule ~~43.2.3(e)~~ 20.5, the county ~~shall~~ MUST change all passwords and limit access to the following areas:

~~(1)~~(A) Software. The county ~~shall~~ MUST change all software passwords once per calendar year prior to the first election. This includes any boot or startup passwords in use, as well as any administrator and user passwords and remote device passwords.

~~(2)~~(B) Hardware. The county ~~shall~~ MUST change all hardware passwords once per calendar year prior to the first election. This includes any encryption keys, key card tools, supervisor codes, poll worker passwords on smart cards, USB keys, tokens, and voting devices themselves as it applies to the specific system.

~~(3)~~(C) Password Management. The county ~~shall~~ MUST limit access to the administrative passwords to the election management software to two employees. The county ~~shall~~ MUST limit access to passwords for all components of the election software and hardware to two employees. The

1 county may provide an additional ten employees with access to the
2 administrative passwords for the software components, and an additional
3 ten employees with access to the administrative passwords for the
4 hardware components of the voting system. THE VOTING SYSTEM
5 PROVIDER MAY NOT HAVE AN ADMINISTRATIVE OR APPLICATION
6 USER/OPERATOR ACCOUNT, OR ADMINISTRATIVE ACCOUNT ACCESS TO THE
7 ACCOUNTS.

8 *[Language from current Rule 45.5.2.6.1(a)(vi) is amended and relocated*
9 *to Rule 20.6.2]*

10 (4)(D) Internet Access. The county must never connect or allow a connection of
11 any voting system component to the Internet.

12 (5)(E) Modem Transmission. The county must never connect any component of
13 the voting system to another device by modem except for the vote tally
14 software as allowable by the certification of the specific device.

15 (6)(F) Remote sites VOTER SERVICE AND POLLING CENTERS. AT REMOTE VOTER
16 SERVICE AND POLLING CENTERS, THE COUNTY may use modem functions of
17 optical scanners and DREs only for the purpose of transmitting unofficial
18 results, as permitted by the Secretary of State's certification documents
19 for the specific systems. A county using modem devices to transmit results
20 shall meet the following requirements:

21 (A) A county may use a modem device only after all steps to close the
22 polls are complete and summary tapes are printed, and may only
23 use the device to transmit test data or unofficial results.

24 (B) The county shall not use a modem for any programming, setup, or
25 individual ballot casting transmissions.

26 (C) The county shall change the receiving telephone number for the
27 modem transmission at least once per calendar year prior to the
28 first election.

29 (D) The county may provide the telephone number of the modem
30 receiving the transmission to no more than six employees. The
31 county shall not publish or print the receiving modem telephone
32 number for any election judge. To the extent possible, the county
33 shall program the telephone number into the device and use the
34 device in a way that hides the display of the number from the view
35 of election judges and voters at all times.

36 (7)(G) Authorized Employees. The county shall MUST include in their ITS security
37 plan the employees' titles EACH EMPLOYEE'S TITLE and the dates DATE of
38 CBI background checks ICHC for employees with access to any of the
39 areas or equipment set forth in this Rule. Each county shall MUST maintain

1 a storage facility access log that details employee name, date, and time of
2 access to the storage facility in which the software, hardware, or
3 components of any voting system are maintained. If access to the storage
4 facility is controlled by use of key card or similar door access system that
5 is capable of producing a printed paper log including the person's name
6 and date and time of entry, such a log ~~shall~~ MUST meet the requirements of
7 this rule. [Section 24-72-305.6, C.R.S.]

8 *[Current Rule 43.2.9 is amended and relocated to New Rule 20.5 above.]*

9 43.2.4 20.7-20.6 Temperature-controlled storage. The county must maintain all components of
10 the voting system and ballots in a temperature-controlled STORAGE environment. The
11 county ~~shall~~ MUST attest to the temperature-control settings used with the following
12 components of a voting system. Information submitted to the Secretary of State ~~shall~~
13 MUST indicate the specifics for each type of component, as well as the specific
14 environment used, which may include, but is not limited to controlled offices, controlled
15 vaults, and controlled warehouses. The county must maintain the following required
16 temperature settings:

17 (a) ~~20.7.1~~ 20.6.1 Servers and workstations. The county ~~shall~~ MUST maintain the
18 temperature so that the maximum temperature at no time exceeds 90 degrees
19 Fahrenheit.

20 (b) ~~0.7.2~~ 20.6.2 DREs AND OPTICAL SCANNERS. The county ~~shall~~ MUST maintain
21 the temperature at a minimum of 50 degrees Fahrenheit and a maximum of 90
22 degrees Fahrenheit.

23 (c) ~~20.7.3~~ 20.6.3 — Optical scanners. The county ~~shall~~ MUST maintain the temperature
24 at a minimum of 50 degrees Fahrenheit and a maximum of 90 degrees Fahrenheit.

25 (d) ~~20.7.4~~ 20.6.3 VVPAT records, PAPER BALLOTS, AND VIDEO DATA RECORDS. In
26 addition to the requirements set forth in Rule 11, the county ~~shall~~ MUST maintain A
27 DRY ENVIRONMENT AND A the temperature at a minimum of 50 degrees Fahrenheit
28 and a maximum of 90 degrees Fahrenheit. ~~The county shall maintain V-VPAT~~
29 ~~records in a dry environment~~, with storage at least four inches above the finished
30 floor, for a period of 25 months following the election. ~~The humidity of the~~
31 ~~environment shall not exceed 80% humidity for a period of more than 24 hours.~~
32 ~~The county shall store V-VPAT records in a manner that prevents exposure to~~
33 ~~light, except as necessary during recounts and audits.~~

34 (e) ~~Paper Ballots. The county shall maintain paper ballots in a dry, humidity-~~
35 ~~controlled environment. The humidity of the environment shall not exceed 80%~~
36 ~~humidity for a period of more than 24 hours. The county shall store paper ballots~~
37 ~~at least four inches above the finished floor, for a period of 25 months following~~
38 ~~the election.~~

39 (f) ~~Video Data Records. The county shall maintain video data records in a dry,~~
40 ~~temperature-controlled environment. The humidity of the environment shall not~~

1 exceed 80% humidity for a period of more than 24 hours. The county shall
2 maintain temperature at a minimum of 50 degrees Fahrenheit and a maximum of
3 90 degrees Fahrenheit. The county shall store video data records at least four
4 inches above the finished floor, for a period of 25 months following the election.

5 ~~43.2.5~~ **20.8-20.7** Security cameras or other surveillance.

6 ~~43.2.3(e)(1)(C)(ii)~~ **20.8.1-20.7.1** The county shall MUST maintain a log of each
7 person who enters the ~~ballot storage room~~ THE SPECIFIED AREAS SPECIFIED IN
8 RULE ~~20.8.3-20.7.3~~, including the person's name, signature, and date and time of
9 entry. If access to the ~~ballot storage room~~ SPECIFIED AREAS is controlled by use of
10 key card or similar door access system that is capable of producing a printed
11 paper log including the person's name and date and time of entry, such a log shall
12 MUST meet the requirements of this rule.

13 (a) ~~20.8.2-20.7.2~~ Unless otherwise instructed, the county shall MUST make video
14 security surveillance recordings of ~~specified~~ THE areas SPECIFIED IN RULE ~~20.8.3~~
15 **20.7.3** beginning at least 60 days prior to the election and continuing through at
16 least 30 days after the election, ~~unless there is a recount or contest~~. IF A RECOUNT
17 OR CONTEST OCCURS, THE RECORDING MUST CONTINUE THROUGH THE CONCLUSION
18 OF ALL SUCH ACTIVITY. The recording system shall MUST ensure that records are
19 not written over when the system is full. The recording system shall MUST provide
20 a method to transfer the video records to a different recording device or to replace
21 the recording media. If replaceable media is used then the county shall MUST
22 provide a process that ensures that the media is replaced often enough to prevent
23 periods when recording is not available. ~~If a recount or contest occurs, the~~
24 ~~recording shall continue through the conclusion of all such activity.~~

25 ~~20.8.3-20.7.3~~ The following are the specific minimum requirements:

26 ~~(1)~~(A) If the county has 50,000 or more registered voters, then the county shall
27 MUST MAINTAIN A LOG AND make video security surveillance recordings of
28 the following areas, excluding voting booths:

29 ~~(A)~~(1) All areas in which election management software is used,
30 including but not limited to programming, downloading memory
31 cards, uploading memory cards, tallying results, and results
32 reporting.

33 ~~(B)~~(2) All areas used for processing ~~mail-in~~ ballots, including but not
34 limited to areas used for Signature Verification, tabulation, or
35 storage of voted ballots beginning at least 35 days prior to the
36 election and continuing through at least 30 days after the election,
37 unless there is a recount or contest. If a recount or contest occurs,
38 the recording shall MUST continue through the conclusion of all
39 such activity.

40 ~~(C)~~(3) The storage area for all voting equipment.

continuous lighting needed. Video of
no use when there is no lighting

mrm

(2)-(B) If the county has fewer than 50,000 registered voters then the county ~~shall~~ MUST MAINTAIN A LOG AND make video security surveillance recordings of all areas, ~~excluding voting booths~~, in which election management software is used, including but not limited to programming, downloading memory cards, uploading memory cards, tallying results, and results reporting.

(b)-(C) The county must adequately ~~and continuously~~ light the area(s) subject to video surveillance to provide visibility for video recording.

43.2.6 20.9-20.8 Equipment maintenance procedures. In addition to the requirements for voting systems INVENTORY specified in Rule 11.4-11.3, the county ~~shall~~ MUST adhere to the following minimum standards:

(a) 20.9.1-20.8.1 The county ~~shall~~ MUST store all equipment throughout the year with seals over the memory card slots for each device. The county ~~shall~~ MUST maintain a log of the seals used for each device consistent to the logs used for tracking Election Day seals.

(b) 20.9.2-20.8.2 For equipment being sent to the vendor for offsite repairs/replacements, the county must keep a maintenance log for the device that ~~shall~~ MUST contain the following: the model number, serial number, and the type of device; the firmware version; the software version (as applicable); the printed name and signature of the person sending the equipment; and the date of submission to the vendor.

(c) 20.9.3-20.8.3 ~~When a vendor provides on-site maintenance of equipment, vendor personnel shall annually provide to the county a CBI or equivalent background check for all vendor personnel that will have access to any component of the voting system. The county must keep current CBI or equivalent background check information on file. Additionally, an AN employee shall MUST~~ escort the vendor's representative at all times while on-site. At no time ~~shall~~ MAY the voting system vendor have access to any component of the voting system without supervision by an employee. [Section 24-72-305.6, C.R.S.]

(d) 20.9.4-20.8.4 Upon completion of any maintenance, the county ~~shall~~ MUST verify or reinstate the trusted build and conduct a full acceptance test of equipment that ~~shall~~ MUST, at a minimum, include the hardware diagnostics test, as indicated in Rule 11, and conduct a mock election in which an employee(s) ~~shall~~ MUST cast a minimum of five ballots on the device to ensure tabulation of votes is working correctly. The county ~~shall~~ MUST maintain all documentation of the results of the acceptance testing on file with the specific device.

(e) 20.9.5-20.8.5 The Secretary of State will annually inspect county maintenance records on a randomly selected basis.

43.2.7 20.10-20.9 Transportation of equipment, memory cards, ballot boxes, and ballots.

1 (a) ~~20.10.1-20.9.1~~ The county ~~shall~~MUST submit detailed plans to the Secretary of
2 State prior to an election regarding the transportation of equipment and ballots
3 both to remote voting sites and back to the central elections office or storage
4 facility. IF THERE IS ANY EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF
5 THE SERIAL NUMBERS DO NOT MATCH THOSE LISTED IN THE CHAIN-OF-CUSTODY
6 LOG, THE COUNTY CLERK MUST BE IMMEDIATELY NOTIFIED AND MUST FOLLOW THE
7 PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN RULE ~~20.15.1-20.13~~.
8 While the method of transportation of equipment may vary, the following
9 standards ~~shall apply when transporting voting equipment to the voting location~~
10 APPLY:

11 (1) (A) Transportation by county personnel. County personnel ~~shall~~MUST at all
12 times display a ~~badge or other~~ identification provided by the County. Two
13 EMPLOYEE signatures and date ~~of employees~~ are required at the departure
14 location verifying that the equipment, including memory card or cartridge,
15 is sealed to prevent tampering. Upon delivery of equipment, at least two
16 ~~employees or~~ election judges OFFICIALS ~~shall~~MUST verify, and indicate by
17 signing and dating the chain-of-custody log, that all seals are intact and
18 that the serial numbers on the seals match the logged serial numbers. ~~If~~
19 ~~there is any evidence of possible tampering with a seal, or if the serial~~
20 ~~numbers do not match those listed in the chain-of-custody log, they shall~~
21 ~~immediately notify the county clerk and recorder who shall follow the~~
22 ~~procedures specific to the incident as described in Rule 43.2.11.~~

23 (2) (B) Transportation by election judges. Election judges OFFICIALS that are
24 receiving equipment ~~from county personnel shall~~MUST inspect all
25 components of voting devices and verify the specific numbers by signature
26 and date on the chain-of-custody log for the device. ~~The election judge~~
27 ~~receiving the equipment shall request two election judges at the voting~~
28 ~~location to inspect the devices and to sign and date the chain-of-custody~~
29 ~~log indicating that all seals are intact and that the serial numbers on the~~
30 ~~seals match with those on the seal tracking log. If there is any evidence of~~
31 ~~possible tampering with a seal, or if the serial numbers do not match those~~
32 ~~listed in the chain-of-custody log, they shall immediately notify the county~~
33 ~~clerk and recorder who shall follow the procedures specific to the incident~~
34 ~~as described in Rule 43.2.11.~~

35 (3) (C) Transportation by contract. A county electing to contract the delivery of
36 equipment to remote voting locations ~~shall~~MUST perform AN CBI
37 ~~background checks~~ ICHC ON EACH OF the specific individuals ~~who will be~~
38 delivering the equipment. Two ~~employees or~~ election judges OFFICIALS
39 ~~shall~~MUST verify, sign, and date the chain-of-custody log upon release of
40 the equipment to the individual(s) delivering the equipment. ~~Two other~~
41 ~~employees or election judges shall verify, sign, and date the chain-of-~~
42 ~~custody log after delivery of the equipment, and prior to the opening of the~~
43 ~~polls. If there is any evidence of possible tampering with a seal, or if the~~
44 ~~serial numbers do not match those listed in the chain-of-custody log, they~~

1 shall immediately notify the county clerk and recorder who shall follow
2 the procedures specific to the incident as described in Rule 43.2.11.
3 [~~Section 24-72-305.6, C.R.S.~~]

4 (b) ~~20.10.2-20.9.2~~ Standards for transporting voting equipment to and from the voting
5 location:

6 (A) Required procedures if memory cards or cartridges are removed from
7 voting devices at remote voting locations:

8 (A) (1) Before removing a memory card or cartridge, two election judges
9 OFFICIALS shall MUST inspect and verify that all seals on the device
10 are intact and that the serial numbers on the seals match those
11 listed on the chain-of-custody log. Both election judges OFFICIALS
12 shall MUST sign and date the chain-of-custody log prior to breaking
13 the seal. If there is any evidence of possible tampering with a seal,
14 or if the serial numbers do not match those listed in the chain-of-
15 custody log, they shall immediately notify the county clerk and
16 recorder who shall follow the procedures specific to the incident as
17 described in Rule 43.2.11.

18 (B) (2) Election judges OFFICIALS shall MUST place the memory cards or
19 cartridges in a sealable transfer case and must seal the case with at
20 least one seal. The election judges OFFICIALS shall MUST maintain a
21 chain-of-custody log for the transfer case of the memory cards or
22 cartridges.

23 (C) (3) Election judges OFFICIALS shall MUST place new seals over the
24 empty memory card/cartridge slot and/or door and document the
25 seal numbers used.

26 (D) (4) At least two county personnel or election judges OFFICIALS shall
27 MUST accompany the transfer case containing the memory
28 cards/cartridges to the drop-off PROCESSING location. The election
29 judges OFFICIALS who receive the equipment must verify, and
30 indicate by signing and dating the chain-of-custody log, that the
31 seals are intact and seal serial numbers match those listed in the
32 log. If there is any evidence of possible tampering with a seal, or if
33 the serial numbers do not match those listed in the chain-of-
34 custody log, the county personnel or election judges shall
35 immediately notify the county clerk and recorder who shall follow
36 the procedures specific to the incident as described in Rule
37 43.2.11.

38 (E) (5) County personnel or election judges ELECTION OFFICIALS
39 transporting secured voting equipment must maintain chain-of-
40 custody logs. If there is any evidence of possible tampering with a

1 seal, or if the serial numbers do not match those listed in the chain-
2 of custody log, they shall immediately notify the county clerk and
3 recorder who shall follow the procedures specific to the incident as
4 described in Rule 43.2.11.

5 (2) (B) Required procedures if devices are delivered with memory
6 cards/cartridges intact:

7 (A) (1) Two ~~county personnel or~~ election judges OFFICIALS shall MUST
8 verify that all seals are intact at the close of polls. Election judges
9 shall MUST sign and date the chain-of-custody log with such
10 indication. If there is any evidence of possible tampering with a
11 seal, or if the serial numbers do not match those listed in the chain-
12 of custody log, they shall immediately notify the county clerk and
13 recorder who shall follow the procedures specific to the incident as
14 described in Rule 43.2.11.

15 (B) (2) At least two ~~county personnel or~~ election judges OFFICIALS shall
16 MUST accompany the secured equipment to the drop-off location.
17 Seals will be verified, and logs will be signed and dated by the
18 county election official receiving the equipment. If there is any
19 evidence of possible tampering with a seal, or if the serial numbers
20 do not match those listed in the chain of custody log, they shall
21 immediately notify the county clerk and recorder who shall follow
22 the procedures specific to the incident as described in Rule
23 43.2.11. THE PERSON RECEIVING THE EQUIPMENT MUST VERIFY THE
24 SEALS AND SIGN AND DATE THE LOGS.

25 (C) (3) Upon confirmation that the seals are intact and bear the correct
26 numbers, ~~election judges OR THE COUNTY PERSONNEL~~ shall
27 ELECTION OFFICIALS MUST remove and upload the memory
28 cards/cartridges into the central count system.

29 (D) (4) To secure the equipment, election judges OFFICIALS shall MUST
30 place a tamper-evident seal over the memory card slot and update
31 the chain-of-custody log to reflect the new seal number(s).

32 (e) ~~20.10.3~~ 20.9.3 Required procedures for transportation of ballot boxes:

33 (1) (A) Election judges OFFICIALS shall MUST seal all ballot boxes that contain
34 voted ballots so that no person can access the ballots without breaking a
35 seal. The election judges OFFICIALS shall MUST record all seals in the
36 chain-of-custody log and two election judges shall MUST verify, and
37 indicate by signing and dating the log, that the required seals are intact.

38 (2) (B) Two ~~county personnel or~~ election judges OFFICIALS shall MUST accompany
39 all ballot boxes that contain voted ballots at all times, except when the
40 ballot box is located in a vault or secure physical location.

election judges/workers who first noted the discrepancy should file a report that goes to SOS. Clerks frequently do not want to report these matters.

(3) (C) The ballot box exchange requirements of section 1-7-305, C.R.S., are met if a chain-in-custody log is completed for each ballot box.

(D) IF A SEAL IS BROKEN OR CHAIN-OF-CUSTODY CANNOT BE VERIFIED, THE COUNTY CLERK MUST INVESTIGATE, DOCUMENT ~~THEIR~~ HIS OR HER FINDINGS, AND REPORT THE INCIDENT TO THE SECRETARY OF STATE, AS APPROPRIATE.

20.9.4 BALLOT SECURITY AT A VOTER SERVICE AND POLLING CENTER

(A) THE COUNTY MUST SECURE UNVOTED PAPER BALLOTS DURING PRE-ELECTION STORAGE, TRANSPORTATION, AND AT POLLING LOCATIONS.

(1) EXCEPT WHEN ELECTION OFFICIALS ARE ACTIVELY ISSUING BALLOTS THE BALLOT CONTAINERS MUST BE SEALED AND SECURE.

(2) THE COUNTY MUST MAINTAIN CHAIN-OF-CUSTODY LOGS FOR ALL BALLOT CONTAINERS.

(B) UNVOTED PAPER BALLOTS MUST BE TRANSPORTED TO POLLING LOCATIONS IN SEALED CONTAINERS. THE COUNTY CLERK MUST RECORD THE SEAL NUMBER ON A CHAIN-OF-CUSTODY LOG FOR VERIFICATION BY THE RECEIVING ELECTION OFFICIALS. THE RECEIVING ELECTION OFFICIAL MUST VERIFY THE BALLOT CONTAINER SEAL NUMBER BEFORE ISSUING BALLOTS.

(C) WHEN ELECTION OFFICIALS ARE ACTIVELY ISSUING BALLOTS, THE UNVOTED BALLOTS MUST BE IN CLEAR VIEW OF A MINIMUM OF TWO ELECTION OFFICIALS OF DIFFERENT PARTY AFFILIATIONS AND ONE OF THE ELECTION OFFICIALS MUST ACTIVELY MONITOR THE BALLOTS UNLESS THE BALLOTS ARE STORED IN A LOCKED LOCATION ACCESSIBLE ONLY TO ELECTION OFFICIALS.

(D) A MINIMUM OF TWO ELECTION OFFICIALS OF DIFFERENT PARTY AFFILIATIONS MUST RECONCILE AND DOCUMENT ALL UNVOTED, ISSUED, AND SPOILED PAPER BALLOTS AT THE END OF EACH DAY THE POLLING CENTER IS OPEN, AND IMMEDIATELY REPORT ANY INVENTORY DISCREPANCIES TO THE COUNTY CLERK.

(E) IF UNVOTED PAPER BALLOTS ARE STORED OVERNIGHT AT THE POLLING LOCATION, THE BALLOTS MUST BE SEALED IN CONTAINERS AND STORED IN A LOCKED LOCATION ACCESSIBLE ONLY TO ELECTION OFFICIALS.

~~20.11 ELECTRONIC POLLBOOKS.~~

~~38.3.20.11.1 The designated election official shall COUNTY MUST establish written security procedures covering, WHICH COVER:~~

1 ~~(A) The transference TRANSFER of Vote Center VOTER SERVICE AND POLLING~~
2 ~~CENTER teleprocessing information.;~~

3 ~~38.3.2 (B) Such procedures shall include security covering The transmission~~
4 ~~of elector data processed through the electronic pollbook; and~~

5 ~~(C) Reconciliation of the registration and history of voters casting ballots at a~~
6 ~~Vote Center VOTER SERVICE AND POLLING CENTER.~~

7 ~~38.5.3 20.11.2 The county shall MUST submit in the security plan the system data transfer~~
8 ~~requirements to completely process a single voter record. This shall MUST include~~
9 ~~at a minimum the following:~~

10 ~~a.(A) The data stream information on both send SENDING and receiving data~~
11 ~~STREAM INFORMATION for all points of the transaction until the transaction~~
12 ~~is complete;~~

13 ~~b.(B) Information on all points where the connection is closed and the data~~
14 ~~stream released between the remote computer and the server; and~~

15 ~~c.(C) The proposed method of securing transmissions across public networks.~~

16 ~~38.5.4 20.11.3 The county shall MUST submit in the security plan a detailed list of all vote~~
17 ~~centers VOTER SERVICE AND POLLING CENTERS, with a proposed number of~~
18 ~~workstations connecting to the database and the proposed connection (including~~
19 ~~bandwidth and security) for each location.~~

20 *[Provisions relating to connectivity requirements for Voter Service and Polling Centers*
21 *moved to new Rule 2.18]*

22 ~~43.2.8 20.12-20.10~~ Contingency plans.

23 ~~(a) 20.12.1-20.10.1 Emergency- THE COUNTY MUST DEVELOP EMERGENCY contingency~~
24 ~~plans for voting equipment and voting locations IN ACCORDANCE WITH RULE 45~~
25 ~~21.~~

26 ~~(1) All remote devices used in an election shall have sufficient battery backup~~
27 ~~for at least two hours of use. If this requirement is met by reliance on the~~
28 ~~internal battery of the voting device, then the county clerk and recorder~~
29 ~~shall verify that all batteries are fully charged and in working order prior~~
30 ~~to the opening of polls at the voting location. The use of third party battery~~
31 ~~backup systems also meets this requirement.~~

32 ~~(2) 20.12.2-20.10.2 In the event of a serious or catastrophic equipment failure, or when~~
33 ~~equipment is removed from service at one or more polling locations, or there is~~
34 ~~not adequate backup equipment to meet the requirements of section 1-5-501,~~
35 ~~C.R.S., the county clerk and recorder shall MUST notify the Secretary of State that~~

the county is using provisional ballots ~~or mail-in ballots~~ as an emergency voting method.

~~(b) — A security plan must contain a section entitled “contingency plan” that includes the following:~~

~~(1) — Evacuation procedures for emergency situations including fire, bomb threat, civil unrest, and any other emergency situations identified by the designated election official;~~

~~(2) 20.12.3 20.10.3 Back-up plans for THE COUNTY CONTINGENCY PLANS AND EVACUATION PROCEDURES MUST ADDRESS emergency situations including fire, severe weather, bomb threat, civil unrest, electrical blackout, equipment failure, and any other emergency situations identified by the designated election official.;~~

~~(3) — An emergency checklist for election judges; and~~

~~(4) — A list of emergency contact numbers provided to election judges.~~

~~38.3.3 20.12.4 20.10.4 Such procedures shall include contingency procedures for network and power failure. Such procedures shall at a minimum include procedures THE COUNTY MUST DEVELOP PROCEDURES to address all single point failures OF SCORE CONTINUITY, including: WHICH INCLUDES:~~

~~(a)- network failure,~~

~~(b)- power failure that lasts less than one (1) hour, and~~

~~(c)- Power failure that lasts more than one (1) hour.~~

~~38.3.4 Acceptable alternatives for addressing such failures include either:~~

~~a. — A paper backup of the pollbook with the minimum information required to verify a voter’s eligibility; or~~

~~b. — A sufficient number of computers per vote center to ensure that the voter check in continues in an efficient manner. The computers shall have the ability to function on batteries or an external power source for up to two (2) hours. In addition, each computer shall have an electrotnic backup of the current pollbook in one (1) of the following formats:~~

~~i. — A Portable Document File (PDF);~~

~~ii. — A spreadsheet that is limited to sixty four thousand (64,000) lines if in Excel; or~~

~~iii. — A database with a basic look-up interface.~~

1 ~~38.3.5 20.12.5 20.10.5~~ In addition to acceptable backup pollbook procedures, the security
2 ~~procedures shall address contingency procedures~~ PROCEDURES THE COUNTY MUST
3 DEVELOP PROCEDURES to protect against activities such as voting twice, including
4 ~~but not limited to~~ the use of an affidavit that the voter has not and will not cast
5 another ballot.

6 *[Current Rules 38.3.3-38.3.5 and 43.2.8 are amended and moved to new Rule 20.10.]*

7 ~~11.6 20.13 20.11~~ Procedures for ~~Voter-Verifiable Paper Audit Trail (V-VPAT)~~ VOTER
8 VERIFIABLE PAPER RECORD (VVPAT). THE FOLLOWING REQUIREMENTS APPLY ONLY TO
9 DRES WITH A VVPAT.

10 ~~11.6.1 20.13.1 20.11.1~~ Security. ~~11.6.1.1~~—The ~~V-VPAT~~ VVPAT record is considered
11 an official record of the election, ~~pursuant to~~ IN ACCORDANCE WITH section 1-5-
12 802, C.R.S. All security procedures related to election ballots ~~shall~~ MUST apply to
13 ~~V-VPAT~~ VVPAT records.

14 ~~11.6.1.2~~ (A) The housing unit for any ~~V-VPAT~~ VVPAT record to be used in the
15 election ~~shall~~ MUST be sealed and secured prior to any votes being cast for
16 the election. ~~Documentation of the seal number(s) must be maintained and~~
17 ~~noted prior to voting, and at the conclusion of voting.~~ (a)—Election
18 ~~judges~~ OFFICIALS ~~shall~~ MUST attest to the ~~V-VPAT~~ VVPAT record having
19 no votes included on the paper record prior to the start of voting, and prior
20 to the installation or replacement of a new ~~V-VPAT~~ VVPAT record.
21 DOCUMENTATION OF THE SEAL NUMBER(S) MUST BE MAINTAINED AND
22 NOTED PRIOR TO VOTING AND AT THE CONCLUSION OF VOTING.

23 ~~11.6.1.3~~ (B) If a DRE with ~~V-VPAT~~ VVPAT is used during early voting, the
24 seal number(s) must be recorded at the beginning and end of each voting
25 day.

26 ~~11.6.1.4~~ (C) At the close of the polls, the ~~V-VPAT~~ VVPAT records will be
27 transferred to the ~~central~~ ELECTION office in the same manner as any paper
28 ballots. In the absence of paper ballots, the ~~V-VPAT~~ VVPAT records will
29 be transferred to the ~~central~~ ELECTION office in the same manner as ~~any~~
30 memory cards ~~containing electronic ballots~~.

31 ~~11.6.2 20.13.2 20.11.2~~ Anonymity. ~~11.6.2.1~~—The ~~Election Official~~ DESIGNATED ELECTION
32 OFFICIAL ~~shall put~~ MUST IMPLEMENT measures ~~in place~~ to protect the anonymity of
33 voters choosing to vote on DREs ~~during the voting periods. These measures shall~~
34 ~~include:~~

35 (A) MEASURES TO PROTECT ~~THE~~ ANONYMITY ~~MAY~~ INCLUDE:

36 (a)—~~Encouraging poll workers to personally vote on DREs when~~
37 ~~possible to ensure more than one vote will be cast on the device.~~

this rule would
require destroying
video security
records.

suggest that sign be
placed on DRE's warning
voters that votes may not
be private.

(b)(1) Appropriate marking in ~~Poll Book~~ POLLBOOK or other voting list indicating ~~voters~~ VOTER'S choice to vote on DRE with the words: "Voted DRE", or similar in place of paper ballot information. THE COUNTY MAY NOT KEEP ANY ~~No~~ record ~~shall MAY be kept~~ indicating the order in which people voted on the DRE, or which ~~V-VPAT-VVPAT~~ record is associated with the voter.

(e)(2) When more than one DRE is available at a voting location, the voter ~~shall~~ MUST be given the choice as to which DRE they would like to vote on, to the extent ~~practical~~ PRACTICABLE.

(d) ~~Encouraging or allowing any and all voters the opportunity to vote on a DRE if desired.~~

11.6.2.2(B) THE COUNTY CLERK MUST REMOVE THE DATE/TIME STAMP FROM ANY ~~Any~~ report or export (~~electronic or paper based~~) generated from an electronic pollbook. ~~shall MUST remove the date/time stamp from the record and~~ THE COUNTY CLERK MAY not use this field as a sort method. THE COUNTY CLERK MUST RANDOMLY ASSIGN ANY ~~Any assignment of~~ Record ID ~~IDs~~, Key ID, or Serial Number stored in the database of votes ~~shall be randomly assigned.~~

11.6.2.3 ~~Any Pollbook, electronic, paper or otherwise shall not be exposed to the same people at the same place who have exposure to the V-VPAT VVPAT records.~~

(C) ~~ELECTION JUDGES MAY NOT ACCESS VVPAT RECORDS AT THE TIME OF VOTING. AT NO TIME MAY AN ELECTION JUDGE OFFICIAL SIMULTANEOUSLY ACCESS A VVPAT AND THE LIST OF VOTERS.~~

11.6.2.4 ~~The Examination of the V-VPAT-VVPAT record shall always MUST be done PERFORMED by at least two witnesses-ELECTION JUDGES OFFICIALS.~~

11.6.3 ~~20.13.3~~ 20.11.3 Storage. 11.6.3.1 ~~The storage of the V-VPAT-VVPAT records must be consistent with storage of paper ballots pursuant to section 1-7-802, C.R.S.~~

11.6.3.2(A) Individual spools containing ~~V-VPAT-VVPAT~~ records must contain the following catalog information affixed to the spool:

(a)(1) Date and name of election;

(b)(2) Name of voting location;

(e)(3) Date(s) and time(s) of voting;

(d)(4) Machine serial number of DRE associated with the record; and

(e)(5) Number of spools associated with this machine for this election
(i.e. “Spool 1 of 1”, or “Spool 1 of 2”, etc.).

11.6.3.3(B) Light sensitive storage containers ~~shall~~MUST be used for the 25
month storage period to ensure the integrity of the ~~V-VPAT-VVPAT~~
paper record. Containers ~~shall~~MUST be sealed, with record of the seal
numbers maintained on file and signed by two ~~elections~~ ELECTION officials
~~JUDGES~~.

11.6.3.4(C) A master catalog ~~shall~~MUST be maintained for the election
containing the complete total number of ~~V-VPAT-VVPAT~~ spools used in
the election.

*[Current Rule 11.6 is amended and relocated to New Rule 20.11. Amendments are shown
above.]*

~~43.2.10 20.14 20.12~~ Security training for election ~~judges-OFFICIALS~~. (a) The county ~~shall~~
MUST include in ~~their ITS~~ security plan the details of ~~their ITS~~ security training ~~for their~~
~~election judges IN ACCORDANCE WITH RULE XX~~. The county must address the anticipated
time of training, location of training, and number of election ~~judges-OFFICIALS~~ receiving
the security training, as it applies to the following requirements:

(4) (A) The county ~~shall~~MUST conduct a separate training module for field technicians
and election ~~judges-OFFICIALS~~ responsible for overseeing the transportation and
use of the voting systems, picking up supplies, and troubleshooting device
problems throughout the Election Day.

(2) (B) Security training ~~shall~~MUST include the following components:

(A)-(1) Proper application and verification of seals and chain-of-custody logs;

~~(B)-(2)~~ How to detect tampering with voting equipment, memory cards/cartridges,
or election data on the part of anyone coming in contact with voting
equipment, including ~~employees, other~~ election ~~judges-OFFICIALS~~, vendor
personnel, or voters;

~~(C)-(3)~~ Ensuring privacy in voting booths;

~~(D) The nature of and reasons for the steps taken to mitigate the security
vulnerabilities of voting systems;~~

~~(E)-(4)~~ ~~V-VPAT-VVPAT~~ requirements;

~~(F)-(5)~~ Chain-of-custody requirements for voting equipment, memory
cards/cartridges, and other election materials;

~~(G)-(6)~~ Ballot security;

(H)(7) Voter anonymity; and

(I)(8) Recognition and reporting of security incidents.

43.2.11 20.15-20.13 Remedies.

(a) 41.15.1 20.13.1 If a seal is broken, or if there is a ANOTHER discrepancy in a chain of custody log, OR OTHER DISCREPANCY FOR ELECTRONIC VOTING EQUIPMENT, the election judges shall JUDGE OFFICIAL MUST immediately notify the county clerk and recorder, who shall MUST investigate, complete and submit to the Secretary of State an internal incident report, and follow the appropriate remedy as indicated in this rule or as directed by the Secretary of State. REMEDY THE DISCREPANCY AS FOLLOWS:

(b) If the county clerk and recorder conducts an investigation in accordance with Rule 43.2.11(a) and is unable to determine why a seal was broken or why a discrepancy exists in a chain of custody log, then the county clerk and recorder shall file an incident report with the Secretary of State as soon as practicable, but no later than the close of the canvass period for the election. Any unit involved must undergo the reinstatement or verification of the trusted build, in accordance with State instructions. The following remedial actions are required if a device was tampered with (the county clerk and recorder may determine additional requirements based on the details of the incident report):

(1)(A) THE COUNTY OR SECRETARY OF STATE MUST REINSTATE OR VERIFY THE TRUSTED BUILD. For instances where the county can display, verify, or print the trusted build hash value (MD5 or SHA-1) of the firmware or software, the election official shall MUST document and verify that the hash value matches the documented number ALPHANUMERIC STRING associated with the trusted build for the software or firmware of that device.

(2)(B) If the evidence indicates that the tampering DISCREPANCY occurred prior to BEFORE the start of voting:

(A)(1) The election judges OFFICIALS shall MUST seal the device and securely deliver it to the county clerk and recorder.

(B)(2) The county clerk and recorder or his or her designee shall remove and secure the memory card following the procedures in Rule 43.2.2(d). The county clerk and recorder or his or her designee shall follow the State instructions for installing/verifying the trusted build for the specific device. The county clerk and recorder or his or her designee shall OR THE SECRETARY OF STATE MUST install a new, secure memory card into the device, conduct a hardware diagnostics test as prescribed in Rule 11, and proceed to conduct a logic and accuracy AN ACCEPTANCE test on the machine in full election mode, casting at least 25 ballots on the device. The

1 county ~~shall~~ MUST maintain on file all documentation of testing and
2 ~~chain-of-custody~~ CHAIN-OF-CUSTODY for each specific device.

3 ~~(C)~~(3) The county ~~shall~~ MUST complete the necessary seal process and
4 documentation to re-establish the ~~chain-of-custody~~ CHAIN-OF-
5 CUSTODY for the device and new memory card.

6 ~~(D)~~(4) The county ~~shall~~ MUST set the machine to election mode ready for
7 a zero report.

8 ~~(E)~~ — Repealed.

9 ~~(3)~~(C) If the evidence indicates that the ~~tampering~~ DISCREPANCY occurred after
10 votes were cast on the device ~~but before the close of polls~~:

11 ~~(H)~~(1) THE COUNTY MAY NOT CONTINUE TO USE THE MACHINE UNTIL
12 VERIFICATION OR REINSTALLATION OF TRUSTED BUILD AND
13 ACCEPTANCE TESTING IS COMPLETE. The county ~~shall~~ MUST set the
14 machine to election mode ready for a zero report BEFORE
15 RESUMING VOTING ON THE DEVICE.

16 ~~(A)~~(2) The election ~~judges~~ OFFICIALS ~~shall~~ MUST seal the device and
17 securely deliver it to the county ~~clerk and recorder~~.

18 ~~(B)~~(3) The county ~~clerk and recorder or his or her designee~~ ~~shall~~ MUST
19 close the election on that device, and perform a complete manual
20 verification of the paper ballots (or VVPAT records) to the
21 summary tape printed on the device that represents the record of
22 votes on the memory card.

23 ~~(C)~~(4) If the totals do not match then only the paper record will be
24 accepted as the official results for that device. The county ~~clerk~~
25 ~~and recorder~~ ~~shall~~ MUST re-seal and secure the device and
26 immediately report the discrepancy to the Secretary of State. The
27 county must not use the device for the remainder of the election
28 unless the trusted build is ~~reinstalled~~ REINSTATED.

29 ~~(D)~~(5) If the totals match, the county may upload the memory card into
30 the tally software at the close of polls.

31 ~~(E)~~(6) After verifying the totals, the county ~~shall~~ MUST secure the paper
32 records and memory card with seals and a chain-of-custody log.

33 ~~(F)~~ — The county ~~shall place a new and secure memory card in the~~
34 ~~device. The county clerk and recorder or his or her designee shall~~
35 ~~follow the State instructions for installing/verifying the trusted~~
36 ~~build for the specific device. The county clerk and recorder or his~~
37 ~~or her designee shall conduct a hardware diagnostics test as~~

1 ~~prescribed in Rule 11. The county shall maintain on file all~~
2 ~~documentation of testing and chain of custody for the device.~~

3 ~~(G)(7) The county shall MUST complete the necessary seal process and~~
4 ~~documentation to establish the chain of custody CHAIN-OF-~~
5 ~~CUSTODY for the device and memory card.~~

6 ~~(H) The county shall set the machine to election mode ready for a zero~~
7 ~~report.~~

8 *[Current Rule 43.2.11(a)(3)(H) is amended and moved to 20.13(c)(1)*
9 *above]*

10 ~~(I)(8) At the conclusion of the election PRIOR TO CERTIFYING ELECTION~~
11 ~~RESULTS, the county shall MUST conduct a full (all races) post-~~
12 ~~election audit on the device and report results to the Secretary of~~
13 ~~State as required by Rule 11. This requirement is in addition to the~~
14 ~~random selection conducted by the Secretary of State.~~

15 ~~(J) Repealed.~~

16 ~~(4) If the evidence indicates that the tampering occurred after the close of~~
17 ~~polls:~~

18 ~~(A) The election judges shall seal the device and securely deliver it to~~
19 ~~the county clerk and recorder.~~

20 ~~(B) The county clerk and recorder or his or her designee shall perform~~
21 ~~a complete manual verification of the paper ballots (or V VPAT~~
22 ~~records) to the summary tape printed on the device that represents~~
23 ~~the record of votes on the memory card.~~

24 ~~(C) If the totals do not match then only the paper record will be~~
25 ~~accepted as the official results for that device. The county clerk~~
26 ~~and recorder shall re-seal and secure the device and immediately~~
27 ~~report the discrepancy to the Secretary of State. The county must~~
28 ~~not use the device for the remainder of the election unless trusted~~
29 ~~build is reinstalled.~~

30 ~~(D) If the totals match, the county may upload the memory card into~~
31 ~~the tally software at the close of polls.~~

32 ~~(E) After verifying the totals, the county shall secure the paper records~~
33 ~~and memory card with seals and a chain of custody log~~

34 ~~(F) The county clerk and recorder or his or he designee shall follow~~
35 ~~the State instructions for installing/verifying the trusted build for~~

1 ~~the specific device and complete the necessary seal process and~~
2 ~~documentation to establish the chain of custody for the device.~~

3 ~~(G) During the canvass process, the county shall conduct a full (all~~
4 ~~votes) post election audit on the device and report results to the~~
5 ~~Secretary of State as required by Rule 11. This requirement is in~~
6 ~~addition to the random selection conducted by the Secretary of~~
7 ~~State.~~

8 ~~(H) Repealed.~~

9 (e) ~~20.15.3~~ ~~20.13.2~~ The county shall ~~MUST~~ make all documentation related to the
10 voting system and for every device used in the election available for Secretary of
11 State inspection.

12 ~~43.2.12 The county shall MUST submit any additional physical security procedures not~~
13 ~~discussed in this rule to the Secretary of State for approval prior to the election.~~

14 ~~43.3 The county shall submit with the security plan sample copies of all referenced forms,~~
15 ~~schedules, logs, and checklists.~~

16 *[Current Rule 43.3 is moved to Rule 20.3.6]*

17 ~~43.4~~ ~~20.16~~ ~~20.14~~ Amendments and review of security plans.

18 ~~43.4.1~~ ~~20.16.1~~ ~~20.14.1~~ If no changes have occurred since the last security plan was filed;
19 THEN the county shall ~~MUST~~ file a statement to that effect.

20 ~~43.4.2~~ ~~20.16.2~~ ~~20.14.2~~ The county shall ~~MUST~~ clearly identify and describe any revisions
21 to a previously filed security plan.

22 ~~43.4.3~~ ~~20.16.3~~ ~~20.14.3~~ The county may change the security plan within 60 days of an
23 election as a result of an emergency situation or other unforeseen circumstance.
24 The county must document the changes and file the revisions with the Secretary
25 of State within five days of the change.

26 ~~43.4.4 If, under section 1-5-616(5)(b), C.R.S., the Secretary of State is unable to~~
27 ~~complete its review, the Secretary will notify the county that the security plan or~~
28 ~~revisions are temporarily approved until the review is complete.~~

29 ~~43.5~~ ~~20.17~~ ~~20.15~~ Lease, LOAN, OR RENTAL OF ELECTION EQUIPMENT. ~~43.5.1~~ Nothing in
30 this rule requires a county clerk to lease, loan, or rent any election equipment to any
31 municipality, special district or other local jurisdiction.

32 ~~43.5.2~~ ~~20.17.1~~ ~~20.15.1~~ A county clerk who THAT chooses to lease, loan, or rent any
33 certified election equipment to a municipality, special district, or other local
34 jurisdiction for use in their elections shall ~~MUST follow at least one of the~~
35 ~~following procedures in order to maintain or reestablish an acceptable chain of~~

1 ~~custody~~ CHAIN-OF-CUSTODY and appropriate documentation in accordance with
2 Rule ~~43.2.1~~ **20.3** ~~20.2~~.

3 ~~43.5.3~~ **20.17.2** ~~20.15.2~~ Upon return of the ~~certified~~ voting equipment to the county clerk
4 and recorder, the county clerk is required to verify the trusted build, in accordance
5 with State instructions, if the documentation and ~~chain of custody~~ CHAIN-OF-
6 CUSTODY does not support the proper maintenance of the trusted build software
7 and ~~chain of custody~~. THEN THE COUNTY MUST REINSTATE OR VERIFY THE TRUSTED
8 BUILD BEFORE USING THE EQUIPMENT.

9 (a) **20.17.3** ~~20.15.3~~ After the local jurisdiction returns the certified equipment to the
10 county clerk, the county clerk must reinstate or verify the trusted build in
11 accordance with Rule 43 before the equipment is used in any primary, general,
12 congressional vacancy, statewide ballot issue (including recall), or special
13 election conducted by the county clerk. TO REINSTATE OR VERIFY THE TRUSTED
14 BUILD, THE COUNTY MUST IMPLEMENT ONE OF THE FOLLOWING PROCEDURES:

15 (b)(A) The county clerk ~~or their deputized representative shall~~ MUST:

- 16 (1) Deliver the ~~certified~~ equipment to the jurisdiction;
- 17 (2) Witness and document the installation of the memory card(s) or
18 cartridge(s) used by the jurisdiction;
- 19 (3) Place one or more secure and numbered seals on the voting
20 equipment in accordance with Rule ~~43.2.2~~ **20.4** ~~20.3~~. If during the
21 course of the jurisdiction's election, the designated election official
22 requires removal of a memory card or cartridge as a function of the
23 election process, the county clerk ~~or their deputized representative~~
24 ~~shall~~ MUST witness and document the removal and proper resealing
25 of the memory card or cartridge; and
- 26 (4) Upon return of the equipment to the county clerk and recorder, the
27 county clerk ~~shall~~ MUST verify, and indicate by signing and dating
28 the chain-of-custody log, that all seals are intact. If any seal is
29 damaged or removed, the county clerk ~~shall reinstall~~ MUST
30 REINSTATE or verify the trusted build ~~in accordance with this Rule~~
31 **43**.

32 (e)(B) The county clerk and recorder ~~shall~~ MUST designate and station deputized
33 county staff with the loaned ~~certified~~ equipment at all times while the
34 equipment is under control of the designated election official. The
35 deputized county staff must maintain physical custody of the ~~certified~~
36 equipment at all times to ensure that no unauthorized access occurs.

37 (d)(C) In accordance with section 1-5-605.5, C.R.S., the county clerk ~~shall~~ MUST
38 appoint the designated election official as a deputy for the purposes of

1 supervising the ~~certified~~-voting equipment. The designated election
2 official ~~shall~~MUST:

- 3 (1) Sign and submit to the county ~~clerk and recorder~~ an affirmation
4 that he/she will ensure the security and integrity of the ~~certified~~
5 voting equipment at all times;
- 6 (2) Affirm that the use of the ~~certified~~-voting equipment is conducted
7 in accordance with THIS Rule ~~43-20~~ the specific Conditions for Use
8 of the ~~certified~~-voting equipment; and
- 9 (3) Agree to maintain all chain-of-custody logs for the voting
10 device(s).

11 ~~43.5.3 Upon return of the certified voting equipment to the county clerk and recorder, the~~
12 ~~county clerk is required to verify the trusted build, in accordance with State~~
13 ~~instructions, if the documentation and chain of custody does not support the~~
14 ~~proper maintenance of the trusted build software and chain of custody.~~

15 ~~20.18~~20.16 BALLOT ON DEMAND

16 ~~20.18.1~~20.16.1 THE COUNTY MUST USE THE STATE-PROVIDED LAPTOP FOR BALLOT
17 ON DEMAND PURPOSES ONLY.

18 ~~20.18.2~~20.16.2 SOFTWARE ACCESS, SECURITY, AND STORAGE.

19 (A) THE COUNTY MUST CHANGE ALL WINDOWS AND BALLOT ON DEMAND
20 APPLICATION PASSWORDS AT LEAST ONCE PER CALENDAR YEAR.

(B) ONLY ~~THE COUNTY, ELECTION JUDGES, SECRETARY OF STATE STAFF,~~
~~ELECTION OFFICIALS~~ OR AUTHORIZED VENDOR REPRESENTATIVES MAY
OPERATE THE BALLOT ON DEMAND SYSTEM.

(C) THE COUNTY MAY CONNECT THE BALLOT ON DEMAND LAPTOP TO AN
EXTERNAL NETWORK FOR THE PURPOSE OF CONNECTING TO SCORE ONLY
IF THE COUNTY MAINTAINS CURRENT VIRUS PROTECTION AND IMPLEMENTS
FIREWALLS TO PREVENT UNAUTHORIZED ACCESS.

(D) THE COUNTY MUST STORE THE STATE-PROVIDED LAPTOP(S) AND UNUSED
PAPER BALLOT STOCK IN A LOCKED STORAGE AREA WHEN THE PRINTER IS
NOT IN USE.

29 ~~8.3~~20.16.3 BALLOT RECONCILIATION.

32 (A) THE COUNTY MUST RECONCILE BALLOTS PRINTED ON DEMAND IN
33 ACCORDANCE WITH RULES ~~41.4 AND 41.5~~20.4 AND 20.5.

vendors should not be
operating the
equipment.

inadequate security.
Security protocols
such as used in
certified systems and
CFU should be
required.

See California's CFU
For BOD systems. We
need similar controls.

(B) THE COUNTY MUST MAINTAIN DAMAGED, MISPRINTED, OR UNUSABLE
BALLOTS AS ELECTION RECORDS.

~~Rule 45.~~ Rule 21. Rules Concerning Voting System Standards for Certification

~~45.1~~ 21.1 Definitions. The following definitions apply to their use in this rule only, unless
otherwise stated.

~~45.1.1~~ 21.1.1 “Audio ballot” means a voter interface containing the list of all candidates,
ballot issues, and ballot questions upon which an eligible elector is entitled to vote
in an election. It also provides the voter with audio stimuli and allows the voter to
communicate voting intent to the voting system through vocalization or physical
actions.

~~45.1.2~~ 21.1.2 “Audit log” means a system-generated record, in printed and/or electronic
format, providing a record of activities and events relevant to initializing election
software and hardware, the identification of files containing election parameters,
initializing the tabulation process, processing voted ballots and terminating the
tabulation process.

~~45.1.3~~ 21.1.3 “Ballot image” means a corresponding representation in electronic form of
the marks or vote positions of a cast ballot that are captured by a ~~direct recording
electronic voting device~~ DRE OR A DIGITALLY RETAINED IMAGE OF A BALLOT.

~~45.1.4~~ 21.1.4 “BALLOT MARKING DEVICE” OR “BMD” MEANS A DEVICE THAT USES
ELECTRONIC TECHNOLOGY TO:

- (A) MARK AN OPTICAL SCAN BALLOT AT VOTER DIRECTION,
- (B) INTERPRET THE BALLOT SELECTIONS,
- (C) COMMUNICATE THE INTERPRETATION FOR VOTER VERIFICATION, AND THEN
- (D) PRINT A VOTER-VERIFIED BALLOT.

A BMD INTEGRATES COMPONENTS SUCH AS AN OPTICAL SCANNER, PRINTER,
TOUCH-SCREEN MONITOR, AND A NAVIGATIONAL KEYPAD.

~~45.1.4~~ 21.1.5 “Ballot style” means a specific ballot layout or content for an election. The
ballot style is the presentation of the unique combination of contests and
candidates for which the voter is eligible to vote. It includes the order of contests
and candidates, the list of ballot positions for each contest, and the binding of
candidate names to ballot positions within the presentation. Multiple precincts
may use a single ballot style. Multiple styles may appear in a single precinct
where voters are split between two or more districts or other categories defining
voter eligibility for particular contests and candidates.

1 ~~45.1.5~~21.1.6 “Closed network” means a network structure in which devices are not
2 connected to the internet or other office automation networks, except as allowable
3 under THIS Rule ~~45.5.2.7~~21.

4 ~~45.1.6~~“Communications devices” means devices that may be incorporated in, or
5 attached to, components of the voting system for the purpose of transmitting
6 tabulation data between components or to another data processing system,
7 printing system or display device.

8 ~~45.1.7~~21.1.7 “DRE” means a direct recording electronic voting device. A DRE is a
9 voting device that records votes by means of a ballot display OR AN AUDIO BALLOT
10 provided with mechanical or electro-optical components ~~or an audio ballot that~~
11 ~~can be activated by the voter~~, processes data by means of a ~~computer~~ SOFTWARE
12 program and records voting data and ballot images in memory components or
13 other media. The device may produce a tabulation of the voting data stored in a
14 removable memory component and as printed copy. The device may also provide
15 a means for transmitting individual ballots or vote totals to a central location for
16 consolidating and reporting results from remote sites to the central location.

17 ~~45.1.8~~21.1.8 “EAC” means the United States Election Assistance Commission.

18 ~~45.1.9~~21.1.9 “Election management system” includes, but is not limited to, the ballot
19 definition subsystem and the election reporting subsystem. The election
20 management system may provide utilities for other election administration tasks,
21 including maintaining equipment inventories, estimating ballot printing needs and
22 maintaining information on ~~polling places~~ **VOTER SERVICE AND POLLING CENTERS**
23 **VOTER SERVICE AND POLLING CENTERS.**

24 ~~45.1.10~~21.1.10 “Election media” means any device including a cartridge, card,
25 memory device or hard drive used in a voting system for the purposes of
26 programming ballot image data (ballot or card styles), recording voting results
27 from electronic vote tabulating equipment or any other data storage required by
28 the voting system for a particular election function. The election management
29 system typically downloads ballot style information to the election media and
30 uploads results and ballot images from the election media.

31 ~~45.1.11~~21.1.11 “Equipment” or “device” means a complete, AND inclusive term to
32 represent all items submitted for certification by the voting system provider. This
33 can include, but is not limited to, any voting device, accessory to voting device,
34 DRE, touch screen voting device, card programming device, software and
35 hardware. “Equipment” may also mean a complete end to end voting system
36 solution.

37 ~~45.1.12~~21.1.12 “MODIFICATION” MEANS A REVISION OR A NEW RELEASE OF AN
38 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM.

39 21.1.13 “OPTICAL SCANNER” MEANS AN OPTICAL OR DIGITAL BALLOT SCANNER.

1 45.1.12-21.1.14 “Remote site” means any physical location identified by a
2 designated election official as a location where the jurisdiction shall conduct the
3 casting of ballots for a given election. A remote site includes, but is not limited to,
4 locations such as precinct polling places, vote centers, early voting sites and mail
5 in ballot counting sites VOTER SERVICE AND POLLING CENTERS.

6 45.1.13-21.1.15 ~~“Removable Storage Media”~~ “REMOVABLE STORAGE MEDIA”
7 means storage devices that can be removed from the system and transported to
8 another location for readout and report generation. Examples of removable
9 storage media include, but are not limited to, programmable read-only memory
10 (PROM), random access memory (RAM) with battery backup, thumb drives,
11 magnetic media and optical media.

12 45.1.14-21.1.16 “Secretary of State” ~~within the context of this rule,~~ means the
13 Colorado Secretary of State and his or her designated agents including employees,
14 contractors and volunteers.

15 45.1.15-21.1.17 “Security” means the ability of a voting system to protect election
16 information and election system resources with respect to confidentiality, integrity
17 and availability.

18 45.1.16-21.1.18 ~~“Split Precinct”~~ “SPLIT PRECINCT” means a precinct that has a
19 geographical divide between one or more political jurisdictions which results in
20 each jurisdiction within the precinct to be assigned different ballot styles for a
21 specific election.

22 45.1.17 ~~45.1.19~~ 21.1.19 “Test Log” or “Test Records” “TEST LOG” OR “TEST
23 RECORDS” means the documentation of certification testing and processes. This
24 documentation may include, but is not limited to, certification testing reports, test
25 plans, requirements matrices, photographs, written notes, video and/or audio
26 recordings.

27 45.1.18-21.1.20 ~~“Trusted Build”~~ “TRUSTED BUILD” means the write-once
28 installation disk or disks for software and firmware for which the Secretary of
29 State or his/her agent has established the chain of evidence to the building of a
30 disk, which is then used to establish and/or re-establish the ~~chain of custody~~
31 CHAIN-OF-CUSTODY of any component of the voting system which contains
32 firmware or software. The trusted build is the origin of the chain of evidence for
33 any software and firmware component of the voting system.

34 45.1.20 ~~“VOTING SYSTEM” MEANS:~~

35 (A) ~~THE TOTAL COMBINATION OF MECHANICAL, ELECTROMECHANICAL, OR~~
36 ~~ELECTRONIC EQUIPMENT (INCLUDING THE SOFTWARE, FIRMWARE, AND~~
37 ~~DOCUMENTATION REQUIRED TO PROGRAM, CONTROL, AND SUPPORT THE~~
38 ~~EQUIPMENT) THAT IS USED TO:~~

39 (1) ~~DEFINE BALLOTS;~~

(2) — CAST AND COUNT VOTES;

(3) — REPORT OR DISPLAY ELECTION RESULTS; AND

(4) — MAINTAIN AND PRODUCE ANY AUDIT TRAIL INFORMATION; AND

(B) — THE PRACTICES AND ASSOCIATED DOCUMENTATION USED TO:

(1) — IDENTIFY SYSTEM COMPONENTS AND VERSIONS OF SUCH COMPONENTS;

(2) — TEST THE SYSTEM DURING ITS DEVELOPMENT AND MAINTENANCE;

(3) — MAINTAIN RECORDS OF SYSTEM ERRORS AND DEFECTS;

(4) — DETERMINE SPECIFIC SYSTEM CHANGES TO BE MADE TO A SYSTEM AFTER THE INITIAL QUALIFICATION OF THE SYSTEM; AND

(5) — MAKE AVAILABLE ANY MATERIALS TO THE VOTER (SUCH AS NOTICES, INSTRUCTIONS, FORMS, OR PAPER BALLOTS).

[Relocated to new Rule 1.1.33]

~~45.1.19 21.1.22~~ ~~21.1.21~~ “Voting System Test Laboratory” or “VSTL” means a “Federally Accredited Laboratory” “VOTING SYSTEM TEST LABORATORY” OR “VSTL” MEANS A “FEDERALLY ACCREDITED LABORATORY”, as defined in section 1-1-104(16.5), C.R.S., which is accredited by the EAC to conduct certification testing for voting systems.

~~45.5.2.9.1 21.1.23~~ V VPAT shall refer to a Voter verified “VOTER VERIFIED PAPER AUDIT TRAIL” OR “VVPAT” MEANS A DEVICE CAPABLE OF PRODUCING A VOTER-VERIFIED paper record as defined in section 1-1-104(50.6)(a), C.R.S.

[Relocated to new Rule 1.1.39]

~~45.2-21.2~~ Introduction

~~45.2.1~~ Definition of voting system for certification purposes

~~45.2.1.1 21.2.1~~ The definition of a voting system for the purposes of this rule shall be as the term is defined in HAVA Section 301(b). For Colorado purposes, no single component of a voting system, or device, meets the definition of a voting system except that nothing in this rule shall MAY be interpreted to require the testing of an entire modified system if the Secretary of State determines pursuant to IN ACCORDANCE WITH section 1-5-618, C.R.S., that a modification to any certified voting system requires testing for security and accuracy. ~~only~~ ONLY the modification shall be required to AND ANY AFFECTED FEATURES OR CAPABILITIES MUST be tested to ensure compliance with this Rule ~~45 21~~.

1 ~~45.2.1.2~~ 21.2.2 Sufficient components ~~shall~~ MUST be assembled to create a
2 configuration that allows the system or modification as a whole to meet the
3 requirements as described for a voting system in this rule.

4 ~~45.2.3~~ 21.2.3 THE CERTIFICATION OF A VOTING SYSTEM ~~SHALL~~ MAY NOT BE INTERPRETED
5 AS A REQUIREMENT THAT A COUNTY PURCHASE OR LEASE ALL OF THE COMPONENTS
6 OF THE VOTING SYSTEM. COUNTIES MAY CHOOSE TO CONFIGURE AND USE A SUBSET
7 OF THE CERTIFIED VOTING SYSTEM AND MAY USE THE SERVICES OF A VENDOR OR
8 THIRD PARTY TO PROVIDE BALLOT DEFINITION AND **ELECTION PROGRAMMING** OF
9 MEMORY CARDS. COUNTIES ARE NOT REQUIRED TO USE A PAPER BALLOT
10 TABULATION DEVICE IF THEY CHOOSE TO MANUALLY TABULATE THE ELECTION
11 RESULTS.

must still comply
with HAVA

12 ~~45.2.2~~ Authority

13 ~~45.2.2.1~~ — Pursuant to Articles 5 and 7 of Title 1, C.R.S., the Secretary of
14 State is expressly authorized to adopt this rule.

15 ~~45.2.3~~ Documents Incorporated by Reference

16 ~~45.2.3.1~~ — All documents incorporated by reference in this Rule 45 do not
17 include any later amendments or editions of those documents.

18 ~~45.2.3.2~~ — All documents incorporated by reference in this Rule 45 may be
19 viewed on the “Voting Systems” page of the “Elections Center” on the
20 Secretary of State’s website at www.sos.state.co.us, or by contacting the
21 Secretary of State Voting Equipment Certification Program/1700
22 Broadway Suite 200/Denver, CO 80290.

23 ~~45.3~~ 21.3 Certification Process Overview and Timeline

24 ~~45.3.1~~ 21.3.1 The voting system ~~shall~~ WILL be considered as a unit, and all components
25 of such system ~~shall be~~ tested at once, unless the circumstances necessitate
26 otherwise. Any change made to individual components of a voting system ~~shall~~
27 WILL require the entire voting system TO be recertified in accordance with this rule
28 unless the change is a modification that can be approved under the provisions of
29 section 1-5-618(1.5), C.R.S.

30 ~~45.3.2~~ 21.3.2 For a voting system to be certified, the voting system provider ~~shall~~ MUST
31 successfully complete all phases of the certification process, to include submitting
32 a complete application, a review of the documentation to evaluate whether the
33 system meets the requirements of this rule, a public demonstration of the system,
34 functional testing of the voting system to demonstrate substantial compliance with
35 the requirements of this rule and Colorado Election Code as well as any additional
36 testing that is deemed necessary by the Secretary of State. THE CERTIFICATION
37 PROCESS INCLUDES: SUBMISSION OF A COMPLETE APPLICATION, A DOCUMENTATION
38 REVIEW, A PUBLIC DEMONSTRATION OF THE SYSTEM, AND FUNCTIONAL TESTING.

independent lab testing
should be required.

1 ~~45.3.3~~ 21.3.3 The flow of each phase of certification is as follows:

- 2 (a) Phase I – ~~Voting~~ THE VOTING system provider ~~submits~~ MUST SUBMIT an
3 application and all documentation required in Rule ~~45.4–21.4~~. The
4 Secretary of State ~~reviews~~ WILL REVIEW the application APPLICATION and
5 ~~informs~~ INFORM the voting system provider whether or not the application
6 is complete. ~~If the application is complete, the Secretary of State makes~~
7 ~~arrangements with the voting system provider for a public demonstration.~~
8 If the application is incomplete, the Secretary of State ~~shall~~ WILL identify
9 the deficiencies and the voting system provider will have 30 days to
10 remedy the deficiencies and make the application complete. WHEN THE
11 APPLICATION IS COMPLETE, THE SECRETARY OF STATE WILL MAKE
12 ARRANGEMENTS WITH THE VOTING SYSTEM PROVIDER FOR A PUBLIC
13 DEMONSTRATION.
- 14 (b) Phase II – The Secretary of State ~~reviews~~ WILL REVIEW the submitted
15 documentation, ~~conducts the review of~~ VSTL REPORTS FROM PREVIOUS
16 TESTING, AND ~~or~~ evaluations provided by ~~another State under Rule~~
17 ~~45.5.1.3, prepares a certification test plan for the system and presents the~~
18 ~~test plan to the voting system provider~~ OTHER STATES.
- 19 (c) PHASE III – THE SECRETARY OF STATE WILL PREPARE A CERTIFICATION
20 TEST PLAN. IF A VSTL IS CONTRACTED TO TEST THE VOTING SYSTEM, THE
21 VSTL WILL WORK WITH THE SECRETARY OF STATE TO PREPARE A
22 CERTIFICATION TEST PLAN. THE CERTIFICATION TEST PLAN WILL BE
23 PRESENTED TO THE VOTING SYSTEM PROVIDER FOR REVIEW ~~PRIOR TO THE~~
24 ~~START OF FUNCTIONAL TESTING BEFORE EXECUTION OF THE TEST PLAN.~~
- 25 ~~(e)~~ (D) Phase ~~III~~ IV– Upon receipt of the voting system provider’s agreement to
26 the CERTIFICATION test plan, the Secretary of State ~~performs~~ OR THE VSTL
27 WILL ~~PERFORM the functional tests~~ EXECUTE THE TEST PLAN.
- 28 ~~(d)~~ (E) Phase ~~IV~~ V – The Secretary of State ~~reviews~~ WILL REVIEW the ~~TEST~~ results
29 ~~of the functional tests~~ and ~~decides~~ DETERMINE whether to ~~certify or not to~~
30 ~~certify~~ the voting system SUBSTANTIALLY MEETS THE REQUIREMENTS FOR
31 CERTIFICATION. Within 30 days of ~~the~~ THIS A decision, ~~to certify or not~~
32 ~~certify the voting system~~, the ~~SECRETARY OF STATE WILL POST THE~~
33 certification test report for the voting system ~~shall be posted~~ on the
34 Secretary of State’s ITS website.

35 ~~45.6.3~~ 21.3.4 The Secretary of State ~~shall~~ WILL certify voting systems that substantially
36 comply with the requirements in this Rule 21, Colorado Election Code, and any
37 additional testing that is deemed necessary by the Secretary of State.

38 ~~45.4~~ 21.4 Application Procedure

39 ~~45.4.1~~ 21.4.1 Any voting system provider may apply to the Secretary of State for
40 certification at any time.

1 45.4.2-21.4.2 A voting system provider that ~~submits~~ DESIRES TO SUBMIT a voting system
2 for certification ~~shall~~ MUST complete the Secretary of State's "Application for
3 Certification of Voting System" WHICH IS AVAILABLE ON THE SECRETARY OF
4 STATE'S WEBSITE.

5 45.4.3-21.4.3 The Secretary of State, in accordance with section 24-21-104(1)(a),
6 C.R.S., ~~shall~~ WILL charge the voting system provider all direct and indirect costs
7 associated with the testing of a voting system submitted for certification. The
8 Secretary of State ~~shall~~ WILL provide, ~~upon request~~, an estimate of costs for
9 certification testing ~~at the conclusion of Phase II evaluation. PRIOR TO BEFORE THE~~
10 ~~COMMENCEMENT OF FUNCTIONAL TESTING CERTIFICATION PROCESS BEGINS.~~ IN
11 ORDER TO BEGIN ~~FUNCTIONAL~~ TESTING, THE VOTING SYSTEM PROVIDER ~~SHALL~~
12 MUST PROVIDE A WRITTEN APPROVAL OF THE COST ESTIMATE. THE VOTING SYSTEM
13 PROVIDER ~~All costs shall~~ MUST PAY ALL COSTS BEFORE THE SECRETARY OF STATE
14 WILL ISSUE ~~be paid in full prior to the issuance of a final determination by the~~
15 ~~Secretary of State.~~

16 45.4.4-21.4.4 Along with the application, the voting system provider ~~shall~~ MUST submit
17 all documentation required in this Rule ~~45-21~~ IN ELECTRONIC FORMAT. ~~The~~
18 ~~requirements include documentation necessary for the identification of the full~~
19 ~~system configuration submitted for certification. Documentation shall include~~
20 ~~information that defines the voting system design, method of operation and~~
21 ~~related resources. It shall also include a system overview and documentation of~~
22 ~~the voting system's functionality, accessibility, hardware, software, security, test~~
23 ~~and verification specifications, operations procedures, maintenance procedures~~
24 ~~and personnel deployment and training requirements. In addition, the~~
25 ~~documentation submitted shall include the voting system provider's configuration~~
26 ~~management plan and quality assurance program.~~

27 45.4.5 ~~Electronic copies of documentation are preferred and shall be submitted in lieu of~~
28 ~~a hard copy when possible.~~

29 45.4.6-21.4.5 The vendor ~~shall~~ MUST identify any material it asserts is exempt from
30 public disclosure under the Colorado Open Records Act, section 24-72-204, et.
31 seq., C.R.S., together with a citation to the specific grounds for exemption. ~~The~~
32 ~~request shall MUST be made prior to~~ BEFORE BEGINNING the start of Phase ~~III IV~~ of
33 the certification process.

34 45.4.7 ~~If the EAC has established a trusted build for the system submitted for~~
35 ~~certification, the trusted build shall be provided by the EAC. The voting system~~
36 ~~provider shall execute and submit to the EAC any necessary releases for the EAC~~
37 ~~to provide the same and provide the Secretary of State with a copy of such~~
38 ~~executed releases. The voting system provider shall pay directly to the EAC any~~
39 ~~cost associated with same. In addition, the voting system provider shall submit all~~
40 ~~documentation and instructions necessary for the creation and guided installation~~
41 ~~of files contained in the trusted build which will be created at the start of~~
42 ~~functional testing and will be the model tested. The Secretary of State reserves the~~

1 right to add additional instructions or guidance for the use of the trusted build
2 when initiating the chain of custody process for a jurisdiction using the specified
3 equipment.

4 ~~45.4.8~~ 21.4.6 If the EAC does not have a trusted build for the voting system submitted
5 for certification, the THE voting system provider shall MUST coordinate with the
6 Secretary of State for the establishment of the trusted build. THE VOTING SYSTEM
7 PROVIDER SHALL MUST SUBMIT ALL DOCUMENTATION AND INSTRUCTIONS
8 NECESSARY FOR THE CREATION AND GUIDED INSTALLATION OF FILES CONTAINED IN
9 THE TRUSTED BUILD WHICH WILL BE CREATED AT THE START OF FUNCTIONAL
10 TESTING AND WILL BE THE MODEL TESTED. At a minimum, this THE TRUSTED BUILD
11 shall MUST include a compilation of files placed on write-once media for which
12 the Secretary of State has observed the chain of evidence from the time of source
13 code compilation through delivery, and an established hash file distributed from a
14 VSTL or the National Software Reference Library to compare federally certified
15 versions. All or any part of the THE trusted build disks may be encrypted. If
16 applicable, they should all be labeled as proprietary information and with
17 identification of the voting system provider's name and release version based on
18 the voting system provider's release instructions.

19 ~~45.4.9~~ 21.4.7 All materials submitted to the Secretary of State shall MUST remain in the
20 custody of the Secretary of State during the life of the certification and for 25
21 months after the last election in which the system is used with the exception of
22 any equipment provided by the voting system provider for the purposes of
23 testing. AS FOLLOWS:

24 (A) FOR CERTIFIED SYSTEMS, UNTIL THE CERTIFICATION IS PERMANENTLY
25 REVOKED, OR UNTIL NO COMPONENTS OF THE CERTIFIED SYSTEM ARE USED
26 IN THE STATE OF COLORADO; AND

27 (B) FOR SYSTEMS THAT ARE NOT CERTIFIED, A PERIOD OF 25 MONTHS.

28 ~~45.4.10~~ 21.4.8 In addition to the application and the documentation specified above, the
29 THE APPLICANT MUST PROVIDE ALL ADDITIONAL INFORMATION REQUESTED BY THE
30 Secretary of State may request additional information from the applicant, as
31 deemed necessary.

32 ~~45.5~~ 21.5 Voting System Standards

33 ~~45.5.1~~ Federal Standards

34 ~~45.5.1.1~~ 21.5.1 All voting systems shall MUST meet the voting systems standards
35 pursuant to section 1-5-601.5, C.R.S., and Secretary of State Rule 37.3-2002
36 VOTING SYSTEM STANDARDS.

37 ~~45.5.1.2~~ 21.5.2 THE VOTING SYSTEM PROVIDE MUST DOCUMENT THAT All ALL voting
38 system software, hardware, and firmware shall MUST meet all requirements of

1 federal law that address accessibility for the voter interface of the voting system.
2 These laws include, ~~but are not limited to:~~

3 (a) ~~the THE~~ Help America Vote Act,

4 (b) ~~the THE~~ Americans with Disabilities Act, and

5 (c) ~~the THE~~ Federal Rehabilitation Act. ~~The voting system provider shall~~
6 ~~MUST explicitly acknowledge that their proposed software, hardware and~~
7 ~~firmware are all in compliance with the relevant accessibility portions of~~
8 ~~these laws.~~

9 ~~45.5.1.3 The Secretary of State may use and rely upon the testing of a~~
10 ~~voting system performed by a VSTL or by another state upon satisfaction~~
11 ~~of the following conditions:~~

12 (a) ~~The Secretary of State has complete access to any documentation,~~
13 ~~data, reports or similar information upon which the VSTL or~~
14 ~~another state relied in performing its tests and will make such~~
15 ~~information available to the public subject to any redaction~~
16 ~~required by law; and~~

17 (b) ~~The Secretary of State makes written findings and certifies that he~~
18 ~~or she has reviewed such information and determines that the tests~~
19 ~~were conducted in accordance with appropriate engineering~~
20 ~~standards in use when the tests were conducted and the extent to~~
21 ~~which the tests satisfy the requirements of sections 1-5-615 and 1-~~
22 ~~5-616, C.R.S., and all rules promulgated under those sections.~~

23 *[Current rule 45.5.1.3 is mended and moved to Rule 21.5.12(a).]*

24 ~~45.5.2 State Standards~~

25 ~~45.5.3~~ 21.5.3 INDEPENDENT ANALYSIS

26 ~~45.5.2.4.3~~ (A) ~~Prior to~~ BEFORE completion of functional testing, all voting system
27 providers submitting a voting system ~~shall~~ MUST COMPLETE an
28 independent analysis of the system, ~~WHICH SHALL INCLUDES:~~

29 (a) ~~The independent analysis shall include:~~

30 (i)-(1) An application penetration test conducted to analyze the system for
31 any potential vulnerabilities that may result from poor or improper
32 system configuration, known ~~and~~ or unknown hardware or software
33 flaws, or operational weaknesses in process or technical
34 countermeasures. The test ~~shall~~ MUST involve active exploitation of
35 security vulnerabilities of the voting system, whether or not the
36 vulnerabilities can be mitigated through compensating controls.

1 (ii)-(2) A source code evaluation conducted pursuant to the requirements
2 identified in Rule 45.5.2.6.1(f), requiring compliance with the 2002
3 voting system standards IN ACCORDANCE WITH SOFTWARE DESIGN
4 AND CODING STANDARDS OF THE 2002 VOTING SYSTEM STANDARD
5 OR THE MOST CURRENT VERSION OF THE VOLUNTARY VOTING
6 SYSTEM GUIDELINES THAT HAS BEEN APPROVED AFTER JANUARY 1,
7 2008.

8 (b)-(3) A complete report detailing all findings and recommended
9 compensating controls for vulnerabilities and deficiencies identified.

10 (e)-(4) The ~~vendor~~ VOTING SYSTEM PROVIDER ~~shall~~ MUST use an
11 EAC approved VSTL AT LEAST ONE OF THE FOLLOWING to perform
12 the independent analysis, or submit the results of testing conducted in
13 another state, or some combination of such VSTL and state testing
14 that meets the requirements of this rule.:

15 (i)-(A) AN EAC APPROVED VSTL;

16 ~~(ii)-(B) TESTING CONDUCTED IN ANOTHER STATE; OR~~

17 ~~(iii)-(C) SOME COMBINATION OF SUCH VSTL AND STATE TESTING THAT~~
18 MEETS THE REQUIREMENTS OF THIS RULE.

19 (d)-(5) The Secretary of State OR VSTL ~~shall~~ WILL conduct a
20 quality review of all work under this section. The review may include
21 an examination of the testing records, interviews of the individuals
22 who performed the work, or both. Review of testing records may be
23 conducted at the VSTL, the state in which the testing was conducted,
24 or at the site of any contractor or subcontractor utilized by another
25 state to conduct the testing.

26 (e)-(6) ~~When an analysis performed by another state is used, the~~
27 THE Secretary of State ~~has the right to~~ MAY reject any evaluation if
28 not satisfied with the work product and to require additional analysis
29 to meet the requirements of section 1-5-608.5, C.R.S., and this Rule.

30 *[Rule 45.5.2.4.3 is amended and moved to New Rule 21.5.3(a). Amendments are shown above.]*

31 ~~45.5.2.1~~ 21.5.4 Functional ~~requirements~~ REQUIREMENTS

32 ~~45.5.2.1.1~~ (A) Functional requirements ~~shall~~ MUST address ~~any and~~ all detailed
33 operations of the voting system related to the management and controls
34 required to successfully conduct an election ~~on the voting system.~~

35 ~~45.5.2.1.2~~ (B) The voting system ~~shall~~ MUST provide for appropriately authorized
36 users to:

- 1 ~~(a) Prepare the system for an election;~~
- 2 ~~(b) (1) Setup-SET UP and prepare ballots for an election;~~
- 3 ~~(c) (2) Lock and unlock system to prevent or allow changes to ballot~~
- 4 ~~design;~~
- 5 ~~(d) (3) Conduct hardware and diagnostic testing as required herein;~~
- 6 ~~(e) (4) Conduct logic and accuracy testing as required herein;~~
- 7 ~~(f) (5) Conduct an election and meet additional requirements as identified~~
- 8 ~~in this section-RULE 45 21 for procedures for voting, auditing~~
- 9 ~~information, inventory control WHERE APPLICABLE, counting~~
- 10 ~~ballots, opening and closing polls, recounts, reporting and~~
- 11 ~~accumulating results as required herein;~~
- 12 ~~(g) (6) Conduct the post-election audit as required herein; and~~
- 13 ~~(h) (7) Preserve the system for future election use.~~

14 45.5.2.1.3(C) The voting system shall MUST integrate ~~Election Day~~-ELECTION

15 ~~DAY~~ voting results with ~~mail-in, early voting MAIL;~~ and provisional ballot

16 ~~results.~~

17 45.5.2.1.4 ~~The voting system shall be able to count all of an elector's~~

18 ~~votes on a provisional ballot or only federal and statewide offices~~

19 ~~and statewide ballot issues and questions, as provided under~~

20 ~~section 1-8.5-108(2), C.R.S.~~

21 45.5.2.1.5 ~~The voting system shall provide for the tabulation of votes~~

22 ~~cast in split precincts where all voters residing in one precinct are~~

23 ~~not voting the same ballot style.~~

24 45.5.2.1.6(D) The voting system shall MUST provide for the tabulation of votes

25 ~~cast in combined precincts at remote sites, where more than one precinct is~~

26 ~~voting at the same location, on either the same ballot style or ON a~~

27 ~~different ballot style.~~

28 45.5.2.1.7(E) The ~~voting system application~~-ELECTION MANAGEMENT SYSTEM

29 ~~shall~~ MUST provide authorized users with the capability to produce

30 ~~electronic files including election results in either ASCII (both comma-~~

31 ~~delimited and fixed-width) or web-based format that shall contain (a) all~~

32 ~~data or (b) any user selected data elements from the database.~~ The

33 ~~software shall~~ MUST provide authorized users with the ability to generate

34 ~~these files on an "on-demand" basis. After creating such files, the~~

35 ~~authorized users shall MUST, at their discretion,~~ have the capability to copy

why is this
requirement being
eliminated? what
data will be required
to be exportable?

the files to diskette, tape, CD-ROM or ~~to transmit the files to another information system~~ OTHER MEDIA TYPE.

(a)(1) Exports necessary for the Secretary of State ~~shall~~ MUST conform to a format agreed upon by the Secretary of State and the voting system provider. If the voting system provider and the Secretary of State have not previously agreed upon a format, the voting system provider ~~shall~~ MUST provide the Secretary of State with specifications for all available export file formats. ~~As part of the certification test, the voting system provider will demonstrate that preliminary and canvassing level election result data, using one or more of the provided formats, can be imported to a commercially available data management program such as a spreadsheet, database, or report generator which can accept that format and which is used and selected by the Secretary of State's office. Using the imported data, the Secretary of State's test team shall confirm that the election results data may be consolidated with results from one or more additional election jurisdictions, searched, selected, sorted, generate totals from selected subsets of the data, and formatted for reporting.~~

(b) ~~Export files shall be generated so that election results can be communicated to the Secretary of State on election night both during the accumulation of results and after all results have been accumulated.~~

[Current Rule 45.2.1.7(b) is amended and moved to Rule 11]

what does this term mean?

(2) THE VOTING SYSTEM PROVIDER ~~SHALL~~ MUST DEMONSTRATE THAT PRELIMINARY AND **CANVASSING LEVEL** ELECTION RESULT DATA CAN BE IMPORTED TO A COMMERCIALY AVAILABLE DATA MANAGEMENT PROGRAM SUCH AS A SPREADSHEET, DATABASE, OR REPORT GENERATOR.

~~45.5.2.1.8~~(F) The voting system ~~shall~~ MUST include hardware **and OR** software to enable the closing of the **remote** voting location and disabling the acceptance of ballots on all vote tabulation devices to allow for the following:

(a)(1) ~~Machine-generated paper record~~ PRINTOUT of the time the voting system was closed.

(b)(2) ~~Readings~~ PRINTOUT of the public counter and protective counter ~~shall become a part of the paper audit record upon CLOSING THE BALLOT CASTING FUNCTIONALITY disabling the voting system to prevent further voting.~~

1 ~~(e)~~(3) Ability to print ~~an abstract of the count of votes~~ A REPORT which
2 ~~shall~~ MUST contain:

3 ~~(i)~~(A) Names of the offices;

4 ~~(ii)~~(B) Names of the candidates and party, when applicable;

5 ~~(iii)~~(C) A tabulation of votes from ballots of different
6 political parties at the same voting location in a primary
7 election;

8 ~~(iv)~~(D) Ballot titles;

9 ~~(v)~~(E) Submission clauses of all initiated, referred or other ballot
10 issues or questions; and

11 ~~(vi)~~(F) The number of votes counted for or against each candidate
12 or ballot issue.

13 ~~(d) — Abstract shall include an election judge's certificate and statement~~
14 ~~that contains:~~

15 ~~(i)~~(G) Date of election (day, month and year);

16 ~~(ii)~~(H) Precinct ~~Number~~ NUMBER (ten digit format);

17 ~~(iii)~~(I) County or ~~Jurisdiction Name~~ JURISDICTION NAME;

18 ~~(iv)~~(J) ~~State of Colorado~~ AREA FOR "STATE OF COLORADO";

19 ~~(v)~~(K) Count of votes ~~as indicated in this section~~ FOR EACH
20 CONTEST; and

21 ~~(vi)~~(L) ~~Area~~ AN ELECTION JUDGE'S CERTIFICATE WITH AN AREA for
22 judges' signatures with the words similar to: "Certified by
23 us", and "Election Judges". Space ~~should~~ MUST allow for a
24 minimum of two signatures.

25 ~~(e)~~(4) Votes counted by a summary of the voting location and by
26 individual precincts.

27 ~~(f)~~(5) Ability to produce multiple copies of the unofficial results at the
28 close of the election.

29 ~~(g) — Ability to accommodate a two page ballot (races on four faces) is~~
30 ~~required.~~

1 *[Current Rule 45.5.2.1.8(g) is amended and moved to new Rule 21.5.6(c).]*

2 ~~45.5.2.1.9 — Voters voting on a DRE shall be able to navigate through the~~
3 ~~screens without the use of page scrolling. Features such as next or~~
4 ~~previous page options shall be used.~~

5 ~~45.5.2.1.10 (G) The voting system application—ELECTION MANAGEMENT SYSTEM~~
6 ~~shall MUST ensure that an election setup may not be changed once ballots~~
7 ~~are printed and/or election media devices are downloaded for votes to be~~
8 ~~conducted without proper authorization and acknowledgement by the~~
9 ~~application administrative account. The application and database audit~~
10 ~~transaction logs shall MUST accurately reflect the name of the system~~
11 ~~operator making the change(s), the date and time of the change(s), and the~~
12 ~~“old” and “new” values of the change(s).~~

same should
be required of
Ballot on
Demand.

13 ~~45.5.2.1.11 — The voting system shall ensure that all tabulated results will be~~
14 ~~accurately captured, interpreted, and reported to the level of accuracy~~
15 ~~required in the 2002 Voting System Standards.~~

16 ~~45.5.2.3.13 (H) All DRE OR BMD voting devices shall MUST use touch screen~~
17 ~~technology or other technology providing visual ballot display and~~
18 ~~selection.~~

19 ~~45.5.2.3.14 (I) All electronic voting devices supplied by the voting system~~
20 ~~provider AND USED AT VOTER SERVICE AND POLLING CENTERS shall MUST~~
21 ~~have the capability to continue ALL NORMAL VOTING operations and~~
22 ~~provide continuous device availability during a 2-HOUR period of electrical~~
23 ~~outage without any loss of election data.~~

24 ~~45.5.2.3.16 (J) The voting system shall MUST provide capabilities to protect the~~
25 ~~confidentiality of voters' ballot choices.~~

confidentiality implies
that judges can know
voters' votes. This
should be absolute
secrecy

(a)(1) All optical scan devices, associated ballot boxes and V-VPAT
storage devices shall MUST provide physical locks and procedures
to prevent disclosure of voters' confidential ballot choices during
and after the vote casting operation.

30 (b)(2) All DRE devices shall MUST provide randomization of all voter
31 choices and stored electronic ballot information, regardless of
32 format, to prevent disclosure of voters' confidential ballot choices
33 during and after storage of the voters' ballot selections.

34 ~~45.5.2.2 — Performance Level~~

35 ~~45.5.2.2.1 — Performance Level shall refer to any operation related to~~
36 ~~the speed and efficiency required from the voting system to~~
37 ~~accomplish the successful conduct of an election on the voting~~
38 ~~system.~~

1 ~~45.5.2.2.2~~ The voting system shall meet the requirements for casting
2 ballots as detailed in the vendor documentation required for
3 certification.

4
5 ~~45.5.2.2.3~~ The voting system provider shall publish and specify
6 processing standards for each component of the voting system as
7 part of the documentation required for certification.

8 *[Current Rule 45.5.2.2.3 is amended and moved to new Rule 21.5.12(l)]*

9 ~~45.5.2.2.4~~ For the purpose of evaluating software, the voting system
10 provider shall be required to provide detailed information as to the
11 type of hardware required to execute the software.

12 *[Current Rule 45.5.2.2.4 is amended and moved to new Rule 21.5.12(m)]*

13 ~~45.5.2.2.5~~ At no time shall third party hardware or software have a
14 negative effect on performance levels of the voting system
15 application, unless, through documentation, a voting system
16 provider specifically details the specific hardware or software, the
17 performance effect and a workaround for the end user to overcome
18 the issue.

19 *[Rule 45.5.2.1 is amended and moved to New Rule 21.5.4. Amendments are shown above.]*

20 ~~45.5.2.3~~ 21.5.5 Physical and ~~Design Characteristics~~ DESIGN CHARACTERISTICS

21 ~~45.5.2.3.1~~(A) Physical and design characteristics shall MUST address any and all
22 external or internal construction of the physical environment of the voting
23 system or the internal workings of the software necessary for the voting
24 system to function. The voting system shall MUST substantially comply
25 with these requirements to be considered successful in the conduct of an
26 election on the voting system.

27 ~~45.5.2.3.2~~ The voting system shall meet the following environmental controls
28 allowing for storage and operation in the following physical ranges:

29 ~~(a) Operating Temperature Maximum 95 Degrees Fahrenheit;~~
30 ~~Minimum 50 Degrees Fahrenheit, with maximum humidity of~~
31 ~~90%, normal or minimum operating humidity of 15%.~~

32 ~~(b) Non-Operating Temperature Maximum 140 Degrees Fahrenheit;~~
33 ~~Minimum minus 4 Degrees Fahrenheit. Non-operating humidity~~
34 ~~ranges from 5% to 90% for various intervals throughout the day.~~

1 The documentation supplied by the voting system provider shall include a
2 statement of all requirements and restrictions regarding environmental
3 protection, electrical service, telecommunications service and any other
4 facility or resource required for the installation, operation and storage of
5 the voting system.

6 *[Part of current Rule 45.5.2.3.2 is relocated to new Rule 21.5.12(n)]*

7 ~~45.5.2.3.17~~(B) The voting system provider shall MUST submit drawings,
8 photographs and any related brochures or documents to assist with the
9 evaluation of the physical design of the use of the voting system.

10 ~~45.5.6~~ 21.5.6 BALLOT DEFINITION SUBSYSTEM

11 ~~45.5.2.3.3~~(A) The ballot definition subsystem of the voting system application
12 consists of hardware and software required to accomplish the functions
13 outlined in this Rule ~~45.5.2.3–21.5.6~~. System databases contained in the
14 ballot definition subsystem may be constructed individually or they may
15 be integrated into one database. These databases are treated as separate
16 databases to identify the necessary types of data to be handled and to
17 specify, where appropriate, those attributes that can be measured or
18 assessed for determining compliance with the requirements of this
19 standard.

20 ~~45.5.2.3.4~~ — The ballot definition subsystem shall be capable of formatting
21 ballot styles in English and any alternate languages as are necessary to
22 comply with The “Voting Rights Act of 1965” 42 U.S.C. § 1973c et seq.
23 (1965).

24 ~~45.5.2.3.5~~ — The voting system application shall allow the operator to generate
25 and maintain an administrative database containing the definitions and
26 descriptions of political subdivisions and offices within the jurisdiction.

27 ~~45.5.2.3.6~~ — The ballot definition subsystem shall provide for the definition of
28 political and administrative subdivisions where the list of candidates or
29 contests may vary within the remote site and for the activation or
30 exclusion of any portion of the ballot upon which the entitlement of a
31 voter to vote may vary by reason of place of residence or other such
32 administrative or geographical criteria. This database shall be used by the
33 system with the administrative database to format ballots or edit formatted
34 ballots within the jurisdiction.

35 ~~45.5.2.3.7~~ — For each election, the subsystem shall allow the user to generate
36 and maintain a candidate and contest database and provide for the
37 production and/or definition of properly formatted ballots and software.

38 ~~45.5.2.3.8~~(B) The ballot definition subsystem shall MUST be capable of handling
39 at least 500 200 potentially active voting positions, arranged to identify

party affiliations in a primary election, offices with their associated labels and instructions, candidate names with their associated labels and instructions and ballot issues or questions with their associated text and instructions.

~~45.5.2.3.9 — The ballot display may consist of a matrix of rows or columns assigned to political parties or non-partisan candidates and columns or rows assigned to offices and contests. The display may consist of a contiguous matrix of the entire ballot or it may be segmented to present portions of the ballot in succession.~~

~~45.5.2.1.8(g)(C) Ability to~~ THE VOTING SYSTEM MUST accommodate a SINGLE PAGE BALLOTS (RACES ON ONE FACE OR BOTH FACES) AND two page ~~ballot~~ PAPER BALLOTS (races on THREE OR four faces) ~~is required.~~

~~45.5.2.3.10(D) The voting system application shall~~ BALLOT DEFINITION SUBSYSTEM MUST:

(1) ~~provide~~ PROVIDE a facility for the definition of the ballot, including the definition of the number of allowable choices for each office and contest and for special voting options such as write-in candidates. ~~It shall provide for all voting options and specifications as provided for in Articles 5 and 7, Title 1, C.R.S.;~~

(2) ~~The system shall generate~~ GENERATE all required masters and distributed copies of the ~~voting program in conformance with the definition of the ballot for each voting device and remote site~~ ELECTION MANAGEMENT SOFTWARE. ~~The distributed copies, resident or installed, in each voting device shall include all software modules required to monitor system status and generate machine level audit reports, accommodate device control functions performed by remote location officials and maintenance personnel and register and accumulate votes.~~

~~45.5.7~~ 21.5.7 TRUSTED BUILD

~~45.5.2.3.11 — The trusted build of the voting system software, installation programs and third party software used to install or to be installed on voting system devices shall be distributed on a write once media.~~

~~45.5.2.3.12 —~~ The voting system **shall MUST** allow the system administrative account to verify that the software installed is the certified software by comparing it to the trusted build or other reference information.

~~45.5.2.3.13 — All DRE voting devices shall use touch screen technology or other technology providing visual ballot display and selection. The voting system provider shall provide documentation concerning the use of touch~~

1 ~~screen or other display and selection technology including, but not limited~~
2 ~~to:~~

3 ~~(a) — Technical documentation describing the nature and sensitivity of~~
4 ~~the tactile device (if the system uses touch screen technology);~~

5 ~~(b) — Technical documentation describing the nature and sensitivity of~~
6 ~~any other technology used to display and select offices, candidates~~
7 ~~or issues;~~

8 *[Current Rule 45.5.2.3.13 is amended and moved to new Rule 21.5.4(h).*
9 *Current Rule 45.5.2.3.13(a)-(b) are amended and moved to new Rule*
10 *21.5.12(c).]*

11 ~~(c) — Any mean time between failure (MTBF) data collected on the vote~~
12 ~~recording devices; and~~

13 ~~(d) — Any available data on problems caused for persons who experience~~
14 ~~epileptic seizures due to the DRE voting device's screen refresh~~
15 ~~rate.~~

16 *[Current Rule 45.5.2.3.13(d) amended and moved to new Rule*
17 *21.5.12(o).]*

18 ~~45.5.2.3.14 — All electronic voting devices supplied by the voting system~~
19 ~~provider shall have the capability to continue operations and~~
20 ~~provide continuous device availability during a period of electrical~~
21 ~~outage without any loss of election data.~~

22 *[Current Rule 45.5.2.3.14 amended and moved to new Rule 21.5.4(i)]*

23 ~~(a) — For optical scan devices, this capability shall include, at a~~
24 ~~minimum, for a period of not less than two hours the ability~~
25 ~~to:~~

26 ~~(i) — Continue to scan or image voters' ballots;~~

27 ~~(ii) — Accurately tabulate voters' choices from the ballots;~~

28 ~~(iii) — Accurately store voters' ballot choices; and~~

29 ~~(iv) — Transmit required results files accurately if power~~
30 ~~failure occurs during transmittal of results.~~

31 ~~(b) — For DRE devices, this capability shall include, at a~~
32 ~~minimum, for a period of not less than two hours the ability~~
33 ~~to:~~

- ~~(i) — Continue to present ballots accurately to voters;~~
- ~~(ii) — Accept voters' choices accurately on the devices;~~
- ~~(iii) — Tabulate voters' choices accurately;~~
- ~~(iv) — Store voters' choices accurately in all storage locations on the device; and~~
- ~~(v) — Transmit required results files accurately if power failure is experienced during transmittal of results.~~

~~(c) — For V VPAT devices connected to DREs, this capability shall include, at a minimum, for a period of not less than two hours the ability to:~~

- ~~(i) — Continue to print voters' choices on the DRE accurately and in a manner that is identical to the manner of the printers' operations during a period of normal electrical operations; and~~
- ~~(ii) — Continue to store the printed ballots in a secure manner that is identical to the manner of the printers' operations during a period of normal electrical operations.~~

~~(d) — The voting system provider shall deliver to the Secretary of State documentation detailing estimated time of battery operation for each type of optical scanner, ballot imager, DRE and V VPAT they provide, assuming continuous use of the devices by voters during an interruption of normal electrical power.~~

~~(e) — The voting system provider shall deliver to the Secretary of State documentation specifying the steps and times required for charging batteries for each type of optical scanner, ballot imager, DRE and V VPAT they provide.~~

[Current 45.5.2.3.14 (d) and (e) are amended and moved to new rule 21.5.12(e) and (p) and (q).]

~~45.5.2.3.15 — The voting system provider's software application shall be able to recover operations after a power outage or other abnormal shutdown of the system on which that application and database are operating without loss of more than the current transaction data record on which the administrative account or authorized operator account is currently working.~~

1 *[Current 45.5.2.3.15 is amended and moved to new Rule 21.5.4(j)]*

2 ~~45.5.2.3.16 The voting system shall provide capabilities to protect the~~
3 ~~confidentiality of voters' ballot choices.~~

4 ~~(a) All optical scan devices, associated ballot boxes and V-~~
5 ~~VPAT storage devices shall provide physical locks and~~
6 ~~procedures to prevent disclosure of voters' confidential~~
7 ~~ballot choices during and after the vote casting operation.~~

8 ~~(b) All DRE devices shall provide randomization of all voter~~
9 ~~choices and stored electronic ballot information, regardless~~
10 ~~of format, to prevent disclosure of voters' confidential~~
11 ~~ballot choices during and after storage of the voters' ballot~~
12 ~~selections.~~

13 *[Current 45.5.2.3.16 is amended and moved to new Rule 21.5.4(j)]*

14 ~~45.5.2.3.17 The voting system provider shall submit drawings,~~
15 ~~photographs and any related brochures or documents to assist with~~
16 ~~the evaluation of the physical design of the use of the voting~~
17 ~~system.~~

18 *[Current 45.5.2.3.17 is moved to new Rule 21.5.5(b).]*

19 ~~45.5.2.4 Documentation Requirements~~

20 ~~45.5.2.4.1 In addition to other documentation requirements in this~~
21 ~~rule, the voting system provider shall provide the following~~
22 ~~documents:~~

23 ~~(a) Standard Issue Users/Operator Manual;~~

24 ~~(b) System Administrator's/Application Administration~~
25 ~~Manual;~~

26 ~~(c) Training Manual and related materials;~~

27 ~~(d) Systems Programming and Diagnostics Manuals; and~~

28 ~~(e) A list of minimum services needed for the successful,~~
29 ~~secure and hardened operation of all components of voting~~
30 ~~system.~~

31 *[Current Rule 45.5.2.4 amended and moved to new rule 21.5.12.]*

32 ~~45.5.2.4.2 For the review of VSTL or other state testing in Rule~~
33 ~~45.5.1.3 copies of all VSTL or state qualification reports, test logs~~

1 and technical data packages shall be provided to the Secretary of
2 State.

3 (a) ~~The voting system provider shall execute and submit any~~
4 ~~necessary releases for the applicable VSTL, state and/or~~
5 ~~EAC to discuss any and all procedures and findings~~
6 ~~relevant to the voting system submitted for certification~~
7 ~~with the Secretary of State and allow the review by the~~
8 ~~Secretary of State of any documentation, data, reports or~~
9 ~~similar information upon which the VSTL or other state~~
10 ~~relied in performing its testing. The voting system provider~~
11 ~~shall provide a copy of the same to the Secretary of State.~~

12 (b) ~~The voting system provider, the VSTL, the state and/or the~~
13 ~~EAC will identify to the Secretary of State any specific~~
14 ~~sections of documents for which they assert a legal~~
15 ~~requirement for redaction.~~

16 *[Current Rule 45.5.2.4.2 amended and moved to new rule 21.5.12(d).]*

17 ~~45.5.2.4.3 Prior to completion of functional testing, all voting system~~
18 ~~providers submitting a voting system shall have completed an~~
19 ~~independent analysis of the system.~~

20 (a) ~~The independent analysis shall include:~~

21 (i) ~~An application penetration test conducted to analyze~~
22 ~~the system for any potential vulnerabilities that may~~
23 ~~result from poor or improper system configuration,~~
24 ~~known and/or unknown hardware or software flaws,~~
25 ~~or operational weaknesses in process or technical~~
26 ~~countermeasures. The test shall involve active~~
27 ~~exploitation of security vulnerabilities of the voting~~
28 ~~system, whether or not the vulnerabilities can be~~
29 ~~mitigated through compensating controls.~~

30 (ii) ~~A source code evaluation conducted pursuant to the~~
31 ~~requirements identified in Rule 45.5.2.6.1(f),~~
32 ~~requiring compliance with the 2002 voting system~~
33 ~~standards.~~

34 (b) ~~A complete report detailing all findings and recommended~~
35 ~~compensating controls for vulnerabilities and deficiencies~~
36 ~~identified.~~

37 (c) ~~The vendor shall use an EAC approved VSTL to perform~~
38 ~~the independent analysis, or submit the results of testing~~
39 ~~conducted in another state, or some combination of such~~

VSTL and state testing that meets the requirements of this rule.

(d) — The Secretary of State shall conduct a quality review of all work under this section. The review may include an examination of the testing records, interviews of the individuals who performed the work, or both. Review of testing records may be conducted at the VSTL, the state in which the testing was conducted, or at the site of any contractor or subcontractor utilized by another state to conduct the testing.

(e) — When an analysis performed by another state is used, the Secretary of State has the right to reject any evaluation if not satisfied with the work product and to require additional analysis to meet the requirements of section 1-5-608.5, C.R.S., and this Rule.

[Current Rule 45.5.2.4.3 amended and moved to New Rule 21.5.3.]

45.5.2.4.4 — Documentation submitted to the Secretary of State shall be reviewed to determine the extent to which the voting system has been tested to federal standards.

[Current Rule 45.5.2.4.4 amended and moved to new rule 21.5.12(f)]

45.5.2.4.5 — Documentation shall include the financial statements set forth in Rule 45.13, which shall be for the prior fiscal year, and any quarterly financial statements for the period following the prior fiscal year and preceding the date of application for certification.

[Current Rule 45.5.2.4.5 amended and moved to new rule 11]

45.5.2.4.6 — Failure by the voting system provider to provide any documentation with their application for certification will delay processing the application until the documentation is provided.

[Current Rule 45.5.2.4.6 amended and moved to new rule 21.5.12 (g)]

45.5.2.5 45.5.8 21.5.8 Audit capacity CAPACITY

45.5.2.5.1 — The voting system shall be capable of producing electronic and printed audit logs of system operation and system operators' actions which shall be substantially compliant to allow operations and input commands to be audited.

1 ~~45.5.2.5.2~~ The voting system shall include detailed documentation as to the
2 level, location and programming of audit trail information throughout the
3 system. The audit information shall apply to:

4 ~~(a) Operating Systems (workstation, server and/or DRE);~~

5 ~~(b) Election Programming Software;~~

6 ~~(c) Election Tabulation Devices optical scan and DRE; and~~

7 ~~(d) Election Reporting Subsystem.~~

8 *[Current Rule 45.5.2.5.2 amended and moved to new rule 21.5.12 (h)]*

9 ~~45.5.2.5.3~~(A) The voting system shall MUST track and maintain audit information
10 of the following ~~voting system application~~ ELECTION MANAGEMENT
11 SYSTEM events:

12 ~~(a)~~(1) Log on and log off activity;

13 ~~(b)~~(2) Application start and stop;

14 ~~(c)~~(3) Printing activity, where applicable;

15 ~~(d)~~(4) Election events – setup, set for election, unset for election, open
16 polls, close polls, end election, upload devices, download devices,
17 create ballots, create precincts, create districts, create ~~poll places~~
18 ~~(or Vote Centers)~~ VOTER SERVICE AND POLLING CENTERS, initialize
19 devices, backup devices and voting activity; and

20 ~~(e)~~(5) Hardware events – add hardware, remove hardware, initialize
21 hardware and change hardware properties.

22 ~~45.5.2.5.4~~(B) All tabulation devices shall MUST display the unit serial number(s)
23 both physically and within any applicable software, logs or reports.

24 ~~45.5.2.5.5~~(C) Vote tabulation devices shall MUST allow for an alternate method
25 of transfer of audit records if the device or a memory storage device is
26 damaged or destroyed.

27 ~~45.5.2.5.6~~(D) All transaction audit records of the ~~voting system application~~
ELECTION MANAGEMENT SYSTEM database shall MUST be maintained in a
file outside of or separate from the database IN A READ-ONLY FORMAT;
~~which is not accessible by user/operator accounts.~~

why is this limited now to
the election managment
system?

31 ~~45.5.2.6~~ ~~45.5.9~~ 21.5.9 Security Requirements-REQUIREMENTS

32 ~~45.5.2.6.1~~(A) All voting systems ~~submitted for certification~~ shall MUST meet the
33 following minimum system security requirements:

1 (a)-(1) The voting system ~~shall~~ MUST MEET THE FOLLOWING
2 REQUIREMENTS TO accommodate a general system of access by
3 least privilege and ~~role-based~~ ROLE-BASED access control. ~~The~~
4 ~~following requirements shall apply:~~

5 (i)-(A) ~~The operating~~ OPERATING system administrative ~~account~~
6 ACCOUNTS ~~shall~~ MAY not have access to read or write data
7 to the database ~~and shall not have the ability or knowledge~~
8 ~~of the database administrator password;~~

9 (ii) ~~The operating system administrative account shall not be~~
10 ~~required to use any function of the voting system during~~
11 ~~normal operations;~~

12 (iii)-(B) A ~~unique~~ OPERATING system user/operator ~~account~~
13 ACCOUNTS ~~shall~~ MUST be ABLE TO BE created ~~for operating~~
14 ~~system use that is~~ ARE restricted from the following aspects
15 of the operating system:

16 a.-(I) No access to system root directory;

17 b.-(II) No access to operating system specific folders;

18 e.-(III) No access to install or remove programs; and

19 d.-(IV) No access to modify other user accounts on the
20 system.

21 (iv)-(C) ~~A unique application~~ APPLICATION administrative ~~account~~
22 ACCOUNTS ~~shall~~ MUST ~~be created which has~~ HAVE full
23 access and rights to the application and database;

24 (v)-(D) ~~A unique application~~ APPLICATION user/operator ~~account~~
25 ACCOUNTS ~~shall~~ MUST ~~be created with~~ HAVE limited rights
26 specifically designed to perform functional operation
27 within the scope of the application. This user/operator ~~shall~~
28 MUST be restricted in the creation or modification of any
29 user/operator accounts.; ~~and~~

30 (vi) ~~The voting system provider shall not have an administrative~~
31 ~~account or administrative account access.~~

32 *[Current Rule 45.5.2.6.1(a)(vi) Moved to Rule 20]*

33 (b)-(2) The voting system ~~shall~~ MUST meet the following requirements for
34 network security:

1 (i)-(A) All components of the voting system ~~shall~~ MUST have the
2 ability to operate on a closed network dedicated to the
3 voting system;

4 (ii)-(B) All components of the voting system ~~shall~~ MUST include the
5 limited use of non-routable IP address configurations for
6 any device connected to the closed network. For the
7 purposes of this requirement, non-routable IP addresses are
8 those defined in the RFC 1918 Address base; and

9 (iii)-(C) The voting system ~~shall~~ MUST be tested to contain
10 provisions for updating security patches, software and/or
11 service packs without access to the open network.

12 (e)-(3) All voting systems ~~submitted for certification~~ THAT USE
13 DATABASES ~~shall~~ MUST ~~meet the following requirements for~~
14 ~~database security~~;

15 (i) ~~All voting systems submitted for certification shall have~~
16 HAVE databases hardened to specifications developed by
17 the voting system provider. Documentation included with
18 the application ~~shall~~ MUST provide a detailed ~~prescription~~
19 PROCEDURE for hardening ~~and the procedure used to harden~~
20 ~~the system~~. Any government or industry guidelines adopted
21 in whole, or in part, are to be identified in the
22 documentation.

23 (d)-(4) The voting system ~~shall~~ MUST meet the following requirements for
24 operating system security:

25 (i)-(A) All voting systems ~~submitted for certification shall~~ MUST
26 have all operating systems hardened to specifications
27 developed by the voting system provider. Documentation
28 included with the application ~~shall~~ MUST provide a detailed
29 ~~prescription~~ PROCEDURE for hardening ~~and the procedure~~
30 ~~used to harden the system~~. Any government or industry
31 guidelines adopted in whole, or in part, are to be identified
32 in the documentation.

33 (ii) ~~The voting system provider shall submit documentation~~
34 ~~containing a list of minimum services and executables~~
35 ~~required to run the voting system application.~~

36 *[Current Rule 45.5.2.6.1(d)(ii) is amended and moved to new Rule 21.5.12*
37 *(r)]*

38 (iii)-(B) The voting system provider ~~shall~~ MUST configure
39 the voting system operating system of the workstation

1 and/or server used for the election management software to
2 the following requirements:

3 a.-(I) The ability for the system to take an action upon
4 inserting a removable media (~~Auto~~-AUTO run) shall
5 MUST be disabled; and

6 b.-(II) The ~~voting~~-OPERATING system shall MUST only boot
7 from the drive or device identified as the primary
8 drive. ~~The voting system shall not boot from any~~
9 ~~alternative device.~~

10 (iv)-(C)The voting system provider shall MUST use a virus
11 protection/prevention application on the election
12 management server(s)/workstations which shall MUST be
13 capable of manual updates without the use of DIRECT
14 CONNECTION TO the internet.

15 (e)-(5) The voting system shall MUST meet the following requirements for
16 password security:

17 (i)-(D) All passwords shall MUST be stored and used in a non-
18 reversible format;

19 (ii)-(E) Passwords to THE database shall MUST not be stored in THE
20 database;

21 (iii)-(F)Password to THE database shall MUST be owned and only
22 known by the application;

23 (iv) (G) The application's database management system
24 shall MUST require separate passwords for the
25 administrative account and each operator account with
26 access to the application;

27 (v) (H) The system shall MUST be designed in such a way to ensure
28 THAT the use of the administrative account password shall
29 IS not be required for normal operating functions ~~at any~~
30 ~~remote location;~~

31 (vi)-(I) The system shall MUST be designed in such a way to
32 facilitate the changing of passwords for each election cycle;

33 (vii)-(J)The use of blank or empty passwords shall MUST not be
34 permitted at any time with the exception of a limited one-
35 time use startup password which requires a new password
36 to be assigned before the system can be used; and

1 (viii)(K) All voting systems submitted for certification shall
2 MUST have all components of THE voting system capable of
3 supporting passwords of a minimum of eight characters,
4 which AND shall MUST be capable of including numeric,
5 alpha and special characters in upper case or lower case
6 used in any combination.

7 (f) ~~All voting system software submitted for certification shall be in~~
8 ~~compliance with the Software Design and Coding Standards of the~~
9 ~~Voting System Standards adopted in Rule 37.3.~~

10 (g)(6) All modules of the system shall MUST meet the following 2002
11 VOTING SYSTEM STANDARDS requirements for installation of
12 software, including hardware with embedded firmware:-

13 (i) ~~If software is resident in the system as firmware, the voting~~
14 ~~system provider shall provide documentation that describes~~
15 ~~how devices may be retested to validate each ROM prior to~~
16 ~~the start of elections operations.~~

17 (ii) ~~No software shall be permanently installed or resident in~~
18 ~~the voting system unless the system documentation states~~
19 ~~that the jurisdiction shall provide a secure physical and~~
20 ~~procedural environment for the storage, handling,~~
21 ~~preparation and transportation of the system hardware.~~

22 (iii) ~~The voting system bootstrap, monitor and device controller~~
23 ~~software may be resident permanently as firmware,~~
24 ~~provided that this firmware has been shown to be~~
25 ~~inaccessible to activation or control by any means other~~
26 ~~than by the authorized initiation and execution of the vote~~
27 ~~counting program and its associated exception handlers.~~

28 (iv) ~~The election specific programming may be installed and~~
29 ~~resident as firmware, provided that such firmware is~~
30 ~~installed on a component (such as a computer chip) other~~
31 ~~than the component on which the operating system resides.~~

32 (v) ~~After initiation of Election Day testing under Rule 11.5.3,~~
33 ~~no source code, compilers or assemblers shall be resident or~~
34 ~~accessible.~~

35 (vi)(A) Where the system includes a feature to interpret and
36 control execution using data from a script, code tokens, or
37 other form of control data file separate from the source
38 code, the human-readable source information shall MUST be
39 made available as part of the A source code review and the

1 data files used shall be defined and controlled as part of the
2 Trusted Build as if it were part of the executable code.

3 (vii)-(B) Security features and procedures shall MUST be
4 defined and implemented to prevent any changes of
5 interpreted data files after the initial election testing of the
6 final election definition and only allow authorized
7 replacement-REPLACEMENT of the data files with tested and
8 approved files from the Trusted-Build TRUSTED BUILD
9 SHALL-MUST BE by authorized personnel before the election
10 definition is finalized for an election.

11 (viii)-(C) The introduction of interpreted data during
12 execution shall MUST not be permitted unless defined as a
13 pre-defined-PREDEFINED set of commands or actions subject
14 to security review and the interpretation function provides
15 security edits on input to prevent the introduction of other
16 commands or the modification or replacement of existing
17 code.

18 (ix) Independent analysis will test for the following conditions
19 and report on absence or presence of the following input
20 validations in accordance with Rule 45.5.2.4.3:

21 a. Path manipulation;

22 b. Cross Site Scripting;

23 c. Resource Injection;

24 d. OS Command Injection (also called "Shell
25 Injection"); and

26 e. SQL Injection.

27 (x) Independent analysis will test for the following conditions
28 and report on their absence or presence of the following
29 range errors in accordance with Rule 45.5.2.4.3:

30 a. Stack Overflow;

31 b. Heap Overflow;

32 c. Format string vulnerability; and

33 d. Improper Null Termination.

1 ~~(xi) Independent analysis will test for the following conditions~~
2 ~~and report on their absence or presence of the following~~
3 ~~Application Programming Interface (API) abuses in~~
4 ~~accordance with Rule 45.5.2.4.3:~~

5 ~~a. Heap Inspection; and~~

6 ~~b. String Management/Manipulation.~~

7 ~~(xii) Independent analysis will test for the following conditions~~
8 ~~and report on the absence or presence of the following time~~
9 ~~and state conditions in accordance with Rule 45.5.2.4.3:~~

10 ~~a. Time of check/Time of use race condition; and~~

11 ~~b. Unchecked Error Condition.~~

12 ~~(xiii) Independent analysis will test for the following conditions~~
13 ~~and report on the absence or presence of the following code~~
14 ~~quality conditions in accordance with Rule 45.5.2.4.3:~~

15 ~~a. Memory Leaks;~~

16 ~~b. Unrestricted Critical Resource Lock;~~

17 ~~c. Double Free;~~

18 ~~d. Use After Free;~~

19 ~~e. Uninitialized variable;~~

20 ~~f. Unintentional pointer scaling;~~

21 ~~g. Improper pointer subtraction; and~~

22 ~~h. Null Dereference.~~

23 ~~(xiv) Independent analysis will test for the following conditions~~
24 ~~and report on the absence or presence of the following~~
25 ~~encapsulation conditions in accordance with Rule~~
26 ~~45.5.2.4.3:~~

27 ~~a. Private Array Typed Field Returned from a Public~~
28 ~~Method;~~

29 ~~b. Public Data Assigned to Private Array Typed Field;~~

30 ~~c. Overflow of static internal buffer; and~~

d. ~~Leftover Debug Code.~~

(xv)(D) The application ~~shall~~ MUST not open database tables for direct editing.

(h) All voting systems ~~submitted for certification shall~~ MUST meet the following minimum requirements for removable storage media with data controls:

(i) All voting data stored that includes ~~vote records~~, ballot images, tally data and cast ~~votes~~ VOTE RECORDS ~~shall~~ MUST be authenticated and validated.

(ii) All non-voting data stored ~~shall~~ MUST be authenticated, encrypted, and validated.

(iii) All removable media, upon insertion ~~of media or media device on server and/or workstations hosting the elections management software, shall~~ MUST AUTOMATICALLY be scanned by antivirus software.

~~45.5.2.6.2 The voting system provider shall provide documentation detailing voting system security in the areas listed below. The system shall contain documented configurations, properties and procedures to prevent, detect and log changes to system capabilities for:~~

~~(a) Defining ballot formats;~~

~~(b) Casting and recording votes;~~

~~(c) Calculating vote totals consistent with defined ballot formats;~~

~~(d) Reporting vote totals;~~

~~(e) Altering of voting system audit records;~~

~~(f) Changing or preventing the recording of a vote;~~

~~(g) Introducing data for a vote not cast by a registered voter;~~

~~(h) Changing calculated vote totals;~~

~~(i) Preventing access to vote data, including individual votes and vote totals, to unauthorized individuals; and~~

~~(j) Preventing access to voter identification data and data for votes cast by the voter such that an individual can determine the content of specific votes cast by the voter.~~

1 *[Current Rule 45.5.2.6.2 amended and moved to new Rule 21.5.12(i)]*

2 ~~45.5.2.6.3 — The voting system provider shall submit to the Secretary of State~~
3 ~~its recommended policies or guidelines governing:~~

4 ~~(a) — Software access controls;~~

5 ~~(b) — Hardware access controls;~~

6 ~~(c) — Data communications;~~

7 ~~(d) — Effective password management;~~

8 ~~(e) — Protection abilities of a particular operating system;~~

9 ~~(f) — General characteristics of supervisory access privileges;~~

10 ~~(g) — Segregation of duties; and~~

11 ~~(h) — Any additional relevant characteristics.~~

12 ~~45.5.2.6.4 — The voting system shall include detailed documentation regarding~~
13 ~~the security measures it has in place for all systems, applicable software,~~
14 ~~devices that act as connectors (upload, download, and other programming~~
15 ~~devices) and any security measures the voting system provider~~
16 ~~recommends to the jurisdictions that purchase the voting system.~~

17 *[Current Rule 45.5.2.6.4 amended and moved to New Rule 21.5.12(j).]*

18 ~~45.5.2.7~~21.5.10 Telecommunications ~~Requirements~~ REQUIREMENTS

19 ~~45.5.2.7.1~~(A) Telecommunications includes all components of the system that
20 ~~transmit data outside of the closed network as defined in this Rule 45-21.~~

21 ~~45.5.2.7.2~~(B) All electronic transmissions from a voting system ~~shall~~ MUST meet
22 ~~the following minimum standards—2002 VOTING SYSTEM STANDARDS.~~

23 ~~(a)~~(C) Modems from remote devices ~~shall~~ MUST be PROGRAMMED TO BE “dial
24 ~~only” and cannot be programmed to~~ NOT receive a call;

25 ~~(b) — Use an encryption standard currently documented and validated for~~
26 ~~use by an agency of the United States Federal Government; and~~

27 ~~(c) — Provide a means to detect the presence of an intrusive process,~~
28 ~~such as an Intrusion Detection System.~~

29 ~~45.5.2.7.3~~(D) Any modem in any component ~~failing~~ THAT FAILS to meet these
30 ~~criteria—THE REQUIREMENTS OF THIS RULE shall~~ MAY not be used by any
31 ~~voting system.~~

1 ~~45.5.2.7.4~~(E) All wireless components in voting systems shall be disabled with
2 the exception of line-LINE of sight infrared technology ~~SHALL~~ MAY ONLY
3 BE used in a closed environment where the transmission and reception is
4 shielded from external infrared signals and can only accept infrared
5 signals generated from within the system.

6 ~~45.5.2.7.5~~(F) All systems that transmit data over public telecommunications
7 networks shall MUST maintain a clear audit trail that can be provided to the
8 Secretary of State when election results are transmitted by telephone,
9 microwave or other type of electronic communication.

10 ~~45.5.2.7.6~~ — Systems designed for transmission of voter information over public
11 networks shall meet security standards that address the security risks
12 attendant with the casting of ballots at remote sites controlled by election
13 officials using the voting system configured and installed by election
14 officials and/or their voting system provider or contractor, and using in-
15 person authentication of individual voters.

16 ~~45.5.2.7.7~~ — Any voting system provider of systems that cast individual ballots
17 over a public telecommunications network shall provide detailed
18 descriptions of:

19 (a) — All activities mandatory to ensure effective system security to be
20 performed in setting up the system for operation, including testing
21 security before an election.

22 (b) — All activities that should be prohibited during system setup and
23 during the time frame for voting operations, including the hours
24 when polls are open and when polls are closed.

25 ~~45.5.2.7.8~~(G) In any situation in which the voting system provider's system
26 transmits VOTING SYSTEMS THAT TRANSMIT data through any
27 telecommunications medium, the system shall MUST be able to recover,
28 either automatically or with manual intervention, from incomplete or
29 failed transmission sessions and resume transmissions automatically when
30 telecommunications are re-established-REESTABLISHED.

31 (a)(1) Recovery of transmissions shall MUST include notations of the
32 interrupted transmission session and the resumed transmission
33 session in the system and application transaction logs.

34 (b)(2) Failure and recovery of transmissions shall MUST not cause any
35 error in data transmitted from the polling place-VOTER SERVICE AND
36 POLLING CENTERS to the central election site during a recovered
37 transmission session.

38 ~~45.5.2.7.9~~ — Voting systems that use public telecommunications networks shall
39 provide system documentation that clearly identifies all COTS hardware

1 ~~and software products and communications services used in the~~
2 ~~development and/or operation of the voting system, including operating~~
3 ~~systems, communications routers, modem drivers and dial-up networking~~
4 ~~software. Documentation shall identify the name, voting system provider~~
5 ~~and version used for each such component.~~

6 45.5.2.7.10 ~~Voting systems providers shall document how they plan to monitor~~
7 ~~and respond to known threats to which their voting systems are vulnerable.~~
8 ~~This documentation shall provide a detailed description, including~~
9 ~~scheduling information, of the procedures the voting system provider will~~
10 ~~use to:~~

11 (a) ~~Monitor threats, such as through the review of assessments,~~
12 ~~advisories and alerts for COTS components;~~

13 (b) ~~Evaluate the threats and, if any, proposed responses;~~

14 (c) ~~Develop responsive updates to the system and/or corrective~~
15 ~~procedures; and~~

16 (d) ~~As part of the certification requirements of the proposed system,~~
17 ~~provide assistance to customers, either directly or through detailed~~
18 ~~written procedures, how to update their systems and/or to~~
19 ~~implement the corrective procedures within the timeframe~~
20 ~~established by the Secretary of State.~~

21 45.5.2.8 ~~Repealed.~~

22 45.5.2.9 21.5.11 ~~Voter-Verifiable Paper Record Requirements (V-VPAT)-VOTER-~~
23 ~~VERIFIABLE PAPER RECORD REQUIREMENTS~~

24 45.5.2.9.1 ~~V-VPAT shall refer to a Voter-verified paper record as defined in~~
25 ~~section 1-104(50.6)(a), C.R.S.~~

26 *[Current Rule 45.5.2.9.1 is amended and moved to New Rule 21.1.22.]*

27 45.5.2.9.2 (A) Existing systems that are retrofitted to comply with ~~this law~~
28 ~~SECTION 1-5-802(1), C.R.S., shall~~ MUST be examined for certification by
29 the Secretary of State. Any retrofitted voting system ~~shall~~ MUST comply
30 with the process and application for certification as identified by this Rule
31 45-21.

32 45.5.2.9.3 (B) The ~~V-VPAT-VVPAT shall consist of~~ MUST INCLUDE the following
33 ~~minimum~~ components:

34 (a) (1) ~~The voting device shall contain a~~ A paper audit trail writer or
35 ~~printer that shall~~ MUST be attached, built into or used in

1 conjunction with the DRE, ~~The printer~~ AND shall MUST duplicate a
2 voter's selections from the DRE onto a paper record;

3 (b)(2) ~~The unit or device shall have a~~ A paper record display unit or area
4 that shall MUST allow a voter to view his or her paper record; AND

5 (c)(3) ~~The V VPAT unit shall contain a~~ A paper record storage unit that
6 shall MUST store cast and spoiled paper record copies securely.; and

7 (d) ~~These devices may be integrated as appropriate to their operation.~~

8 45.5.2.9.4 ~~V VPAT devices shall allow voters to verify his or her selections~~
9 ~~on a paper record prior to casting ballots. The voter shall either accept or~~
10 ~~reject the choices represented on the paper record. Both the electronic~~
11 ~~record and the paper record shall be stored and retained when the ballot is~~
12 ~~cast.~~

13 45.5.2.9.5 ~~The V VPAT printer connection may be any standard, publicly~~
14 ~~documented printer port (or the equivalent) using a standard~~
15 ~~communication protocol.~~

16 (C) THE VVPAT SHALL MUST MEET THE FOLLOWING FUNCTIONAL
17 REQUIREMENTS:

18 45.5.2.9.6(1) ~~The printer shall not be permitted to~~ MAY ONLY
19 ~~communicate with any device other than the voting device to~~
20 ~~which it is connected;~~

21 45.5.2.9.7(2) ~~The printer shall only be able to~~ MAY ONLY function as a
22 ~~printer, and not perform any other non-printer related services;~~

23 45.5.2.9.8(3) ~~Every electronic voting record shall have a corresponding~~
24 ~~paper record.~~ PRODUCE A PAPER RECORD FOR EVERY
25 CORRESPONDING ELECTRONIC VOTING RECORD;

26 45.5.2.9.9 ~~The paper record shall be considered an official record of~~
27 ~~the election available for recounts, and shall be sturdy, clean, and~~
28 ~~of sufficient durability to be used for this purpose.~~

29 45.5.2.9.16(4) ~~The V VPAT unit shall provide~~ PROVIDE a "low supply"
30 ~~warning to the election~~ judge-OFFICIAL to add paper, ink,
31 ~~toner, ribbon or other like supplies. In the event that an election~~
32 ~~judge-OFFICIAL is required to change supplies during the process of~~
33 ~~voting, the voter shall MUST be allowed to reprint and review the~~
34 ~~paper audit trail-RECORD without having to re-mark~~ MARK his or
35 ~~her ballot, and the. The device shall MUST prevent the election~~
36 ~~judge-OFFICIAL from seeing any voters' ballots~~ A VOTER'S BALLOT.

1 ~~45.5.2.9.17~~(5) All voting systems submitted for certification shall stop the
2 ~~V-VPAT~~ printer of all forward operations of the DRE STOP ALL
3 OPERATIONS if the printer is not working due to paper jams, out of
4 other consumables or any other issue which may cause the correct
5 readable printing of information on the ~~V-VPAT~~ record as
6 designed.

7 ~~45.5.2.9.20~~(6) The ~~V-VPAT~~ shall allow ALLOW a voter to spoil his or her
8 paper record no more than two times. Upon spoiling, the voter
9 shall MUST be able to modify and verify selections on the DRE
10 without having to reselect all of his or her choices.

11 ~~45.5.2.9.21~~(7) Before the voter causes a third and final record to be
12 printed, the voter shall be presented THE VVPAT MUST PRESENT
13 THE VOTER with a warning notice that the selections made on
14 screen shall be final and the voter shall MAY see and verify a
15 printout of his or her vote, but shall MAY not be given additional
16 opportunities to change their vote.

17 ~~45.5.2.9.22~~(8) When ~~V-VPAT~~ VVPAT components are integrated into A
18 PREVIOUSLY CERTIFIED voting systems SYSTEM the new
19 configuration of the VOTING system must comply with existing
20 state testing and auditing requirements.

21 ~~45.5.2.9.23~~(9) The ~~V-VPAT~~ component should print PRINT a barcode with
22 each record that contains the human readable contents of the paper
23 record and digital signature information. The voting system
24 provider SHALL MUST include documentation of the barcode type,
25 protocol, and/or description of barcode and the method of reading
26 the barcode as applicable to the voting system.

27 ~~45.5.2.9.25~~(10) If used for provisional ballots, the ~~V-VPAT~~ system
28 VVPAT shall MUST be able to mark paper records as a provisional
29 ballot through the use of human readable text and optionally
30 printing barcode and/or serial number information, which SHALL
31 MUST provide for mapping the record back to the electronic record
32 and the provisional voter for processing after verification in
33 accordance with Article 8.5 of Title 1, C.R.S.

34 (D) THE VVPAT SHALL MUST MEET THE FOLLOWING DESIGN REQUIREMENTS:

35 ~~45.5.2.9.10~~(1) The ~~V-VPAT~~ device shall be designed to allow ALLOW
36 every voter to review and accept or reject his/her paper record in as
37 private and independent manner as possible for both disabled and
38 non-disabled voters REGARDLESS OF WHETHER THE VOTER HAS
39 DISABILITY.

1 ~~45.5.2.9.11 The V VPAT system shall be designed in conjunction with~~
2 ~~state law to ensure the secrecy of votes so that it is not possible to~~
3 ~~determine which voter cast which paper record.~~

4 ~~45.5.2.9.12(2) The V VPAT printer shall print PRINT at a font size no less~~
5 ~~than ten point 14-POINT SANS-SERIF ARIAL for ease of readability.~~
6 ~~Any protective covering intended to be transparent shall be in such~~
7 ~~condition that it can be made transparent by ordinary cleaning of~~
8 ~~its exposed surface.~~

9 ~~45.5.2.9.13(3) The V VPAT system shall be designed to allow ALLOW~~
10 ~~each voter to verify his or her vote on a paper record in the same~~
11 ~~language THAT they voted in on the DRE.~~

12 ~~45.5.2.9.14(4) The V VPAT system shall be designed to prevent PREVENT~~
13 ~~tampering with unique keys and/or seals for the compartment that~~
14 ~~stores the paper record as well as meet the security requirements of~~
15 ~~this rule. Additional security measures may be in place on the~~
16 ~~printer to prevent tampering with the device.~~

17 ~~45.5.2.9.15(5) The V VPAT system shall be capable of printing and~~
18 ~~storing PRINT AND STORE paper record copies for at least 75 ballots~~
19 ~~cast without requiring the paper supply source, ink or toner supply,~~
20 ~~or any other similar consumable supply to be changed, assuming a~~
21 ~~fully printed double sided 18 inch ballot with a minimum of 20~~
22 ~~contests.~~

23 ~~45.5.2.9.16 The V VPAT unit shall provide a “low supply”~~
24 ~~—— warning to the election judge to add paper, ink, toner,~~
25 ~~ribbon or other like supplies. In the event that an election judge is~~
26 ~~required to change supplies during the process of voting, the voter~~
27 ~~shall be allowed to reprint and review the paper audit trail without~~
28 ~~having to re-mark his or her ballot, and the device shall prevent the~~
29 ~~election judge from seeing any voters’ ballots.~~

30 *[Current Rule 45.5.2.9.16 is amended and moved to New Rule*
31 *21.5.11(c)(4).]*

32 ~~45.5.2.9.17 All voting systems submitted for certification shall stop the~~
33 ~~V VPAT printer of all forward operations of the DRE if the printer~~
34 ~~is not working due to paper jams, out of other consumables or any~~
35 ~~other issue which may cause the correct readable printing of~~
36 ~~information on the V VPAT record as designed.~~

1 *[Current Rule 45.5.2.9.17 amended and moved to New Rule*
2 *21.5.11(c)(5).]*

3 ~~45.5.2.9.18 — The voting system provider shall provide procedures and~~
4 ~~documentation for the use of the V-VPAT device.~~

5 *[Current Rule 45.5.2.9.18 amended and moved to New Rule 21.5.12(k).]*

6 ~~45.5.2.9.19-(6) The printed information on the printed ballot or verification~~
7 ~~portion of the V-VPAT device PAPER RECORD SHALL MUST contain~~
8 ~~at least the following items:~~

9 ~~(a)-(A) Name or header information of race, question or issue;~~

10 ~~(b)-(B) Voter's selections for the race information;~~

11 ~~(c)-(C) Write-in candidate's names if selected;~~

12 ~~(d)-(D) Undervote or overvote information—this is in addition to~~
13 ~~the information on the review screen of the DRE;~~

14 ~~(e)-(E) Ability to optionally produce a unique serial number~~
15 ~~(randomized to protect privacy); and~~

16 ~~(f)-(F) Identification that the ballot was cancelled or cast.~~

17 ~~45.5.2.9.20 — The V-VPAT shall allow a voter to spoil his or her paper~~
18 ~~record no more than two times. Upon spoiling, the voter shall be~~
19 ~~able to modify and verify selections on the DRE without having to~~
20 ~~reselect all of his or her choices.~~

21 *[Current Rule 45.5.2.9.20 amended and moved to New Rule*
22 *21.5.11(c)(6).]*

23 ~~45.5.2.9.21 — Before the voter causes a third and final record to be~~
24 ~~printed, the voter shall be presented with a warning notice that the~~
25 ~~selections made on screen shall be final and the voter shall see and~~
26 ~~verify a printout of his or her vote, but shall not be given additional~~
27 ~~opportunities to change their vote.~~

28 *[Current Rule 45.5.2.9.21 amended and moved to New Rule*
29 *21.5.11(c)(7).]*

30 ~~45.5.2.9.22 — When V-VPAT components are integrated into voting~~
31 ~~systems the new configuration of the system must comply with~~
32 ~~existing state testing and auditing requirements.~~

1 *[Current Rule 45.5.2.9.22 amended and moved to New Rule*
2 *21.5.11(c)(8).]*

3 ~~45.5.2.9.23 The V VPAT component should print a barcode with each~~
4 ~~record that contains the human readable contents of the paper~~
5 ~~record and digital signature information. The voting system~~
6 ~~provider shall include documentation of the barcode type, protocol,~~
7 ~~and/or description of barcode and the method of reading the~~
8 ~~barcode as applicable to the voting system.~~

9 *[Current Rule 45.5.2.9.23 amended and moved to New Rule*
10 *21.5.11(c)(9).]*

11 ~~45.5.2.9.24(7) The V VPAT component shall be designed such that a~~
12 ~~voter shall not be able to leave PROHIBIT THE VOTER FROM LEAVING~~
13 ~~the voting area with the paper record.~~

14 ~~45.5.2.9.25 If used for provisional ballots, the V VPAT system shall be~~
15 ~~able to mark paper records as a provisional ballot through the use~~
16 ~~of human readable text and optionally printing barcode and/or~~
17 ~~serial number information which shall provide for mapping the~~
18 ~~record back to the electronic record and the provisional voter for~~
19 ~~processing after verification in accordance with Article 8.5 of Title~~
20 ~~1, C.R.S.~~

21 *[Current Rule 45.5.2.9.25 amended and moved to New Rule*
22 *21.5.11(c)(10).]*

23 ~~45.5.2.9.26(8) The voting system provider SHALL MUST provide~~
24 ~~procedures to the Secretary of State with the application for~~
25 ~~certification which describe DOCUMENTATION DESCRIBING how to~~
26 ~~investigate and resolve malfunctions including, but not limited to~~
27 ~~the following: misreporting votes, unreadable paper records, paper~~
28 ~~jams, low ink, misfeeds, preventing the V VPAT from being a~~
29 ~~single point of failure, recovering votes in the case of malfunction~~
30 ~~and power failures.~~

31 (A) MISREPORTING VOTES;

32 (B) UNREADABLE PAPER RECORDS;

33 (C) PAPER JAMS;

34 (D) LOW-INK;

35 (E) MISFEEDS;

36 (F) LOST VOTES; AND

1 (G) POWER FAILURES.

2 ~~45.5.2.4~~ 21.5.12 Documentation ~~Requirements~~ REQUIREMENTS

3 45.5.1.3(A) The Secretary of State may ~~use and~~ rely upon the testing of a
4 voting system performed by a VSTL or by another state upon satisfaction
5 of the following conditions:

6 (a)(1) The Secretary of State has ~~complete~~ access to any
7 documentation, data, reports or similar information upon
8 which the VSTL or another state relied in performing its
9 tests and will make such information available to the public
10 subject to any redaction required by law; and

11 (b)(2) The Secretary of State ~~makes written findings and certifies~~
12 ~~that he or she has reviewed such information and~~
13 ~~determines~~ HAS DETERMINED that the tests were conducted
14 in accordance with appropriate engineering standards ~~in use~~
15 ~~when the tests were conducted~~, and the extent to which the
16 tests satisfy the requirements of sections 1-5-615 and
17 1-5-616, C.R.S., and all rules promulgated under those
18 sections.

19 45.5.2.4.1(B) In addition to other documentation requirements in this rule, the
20 voting system provider ~~SHALL~~ MUST provide the following documents:

21 (a)(1) Standard ~~Issue~~ ~~Users/Operator~~ ~~Manual~~ ~~ISSUE~~
22 ~~USERS/OPERATOR~~ MANUAL;

23 (b)(2) System ~~Administrator's/Application~~ ~~Administration~~
24 ~~Manual~~ ~~ADMINISTRATOR'S/APPLICATION~~ ADMINISTRATION
25 MANUAL;

26 (c)(3) Training ~~Manual~~ MANUAL and related materials;

27 (d)(4) Systems ~~Programming~~ PROGRAMMING and ~~Diagnostics~~
28 ~~Manuals~~ DIAGNOSTICS MANUALS; and

29 (e)(5) A list of minimum services needed for the successful,
30 secure and hardened operation of all components of THE
31 voting system.

32 45.4.2.13(C) The voting system provider ~~SHALL~~ MUST provide documentation
33 concerning the use of touch screen or other display and selection
34 technology including, but not limited to:

1 (a)-(1) Technical documentation describing the nature and
2 sensitivity of the tactile device (if the system uses touch
3 screen technology);

4 (b)-(2) Technical documentation describing the nature and
5 sensitivity of any other technology used ~~to display and~~
6 ~~select offices, candidates or issues;~~

7 45.5.2.4.2-(D) For the review of VSTL or other state testing in Rule 45.5.1.3
8 21.5.12(A) copies of all VSTL or state qualification reports, test logs and
9 technical data packages ~~shall~~ MUST be provided to the Secretary of State.

10 (a)-(1) The voting system provider ~~SHALL~~ MUST execute and
11 submit any necessary releases for the applicable VSTL,
12 state and/or EAC to discuss any and all procedures and
13 findings relevant to the voting system ~~submitted for~~
14 ~~certification~~ with the Secretary of State and allow the
15 review by the Secretary of State of any documentation,
16 data, reports or similar information upon which the VSTL
17 or other state relied in performing its testing. The voting
18 system provider ~~SHALL~~ MUST provide a copy of the same to
19 the Secretary of State.

20 (b)-(2) The voting system provider, the VSTL, the state ~~and/or~~ the
21 EAC will identify to the Secretary of State any specific
22 sections of documents for which they assert a legal
23 requirement for redaction.

24 45.5.2.3.14(d)-(E) The voting system provider ~~SHALL~~ MUST ~~deliver to the~~
25 ~~Secretary of State documentation detailing estimated time of battery~~
26 ~~operation for each type of optical scanner, ballot imager, DRE and V-~~
27 ~~VPAT they provide, assuming continuous use of the devices by voters~~
28 ~~during an interruption of normal electrical power. 45.5.2.3.14(e) The~~
29 ~~voting system provider shall deliver~~ PROVIDE to the Secretary of State
30 documentation specifying the steps and times required for charging
31 batteries, AND THE TIME OF BATTERY OPERATION for each type of ~~optical~~
32 ~~scanner, ballot imager, DRE and V-VPAT-DEVICE~~ they provide, ASSUMING
33 CONTINUOUS USE OF THE DEVICES BY VOTERS DURING AN INTERRUPTION OF
34 NORMAL ELECTRICAL POWER.

35 45.5.2.4.4-(F) ~~Documentation submitted to the~~ THE Secretary of State ~~shall be~~
36 ~~reviewed~~ WILL REVIEW SUBMITTED DOCUMENTATION to determine the
37 extent to which the voting system has been tested to federal standards.

38 45.5.2.4.6-(G) Failure by the voting system provider to provide any
39 documentation ~~with their application for certification~~ will delay processing

1 the application ~~until the documentation is provided~~ AND MAY BE CAUSE
2 FOR DENIAL OF CERTIFICATION.

3 45.5.2.5.2(H) The voting system ~~shall~~ MUST include detailed documentation,
4 WHICH INCLUDES ~~as to the level, location and programming~~ A DESCRIPTION
5 OF THE CONTENT OF THE OF audit trail information throughout the system.
6 The audit information ~~shall apply~~ APPLIES to:

7 ~~(a)~~(1) Operating Systems (workstation, server, OPTICAL SCANNER,
8 BDM, and/or DRE);

9 ~~(b)~~(2) Election ~~Programming Software~~ MANAGEMENT SYSTEM;
10 AND

11 ~~(c)~~(3) Election Tabulation Devices – optical scan and DRE.; and

12 ~~(d)~~ — Election Reporting Subsystem.

13 45.5.2.6.2(I) The voting system provider ~~shall~~ MUST provide documentation
14 detailing voting system security ~~in the areas listed below~~. The system
15 DOCUMENTATION ~~shall~~ MUST contain ~~documented~~ configurations,
16 properties and procedures to prevent, detect and log changes to system
17 capabilities for:

18 ~~(a)~~(1) Defining ballot formats;

19 ~~(b)~~(2) Casting and recording votes;

20 ~~(c)~~(3) Calculating vote totals consistent with defined ballot
21 formats;

22 ~~(d)~~(4) Reporting vote totals;

23 ~~(e)~~(5) Altering of voting system audit records;

24 ~~(f)~~(6) Changing or preventing the recording of a vote;

25 ~~(g)~~(7) Introducing data for a vote not cast by a registered voter;

26 ~~(h)~~(8) Changing calculated vote totals;

27 ~~(i)~~(9) Preventing access to vote data, including individual votes
28 and vote totals, to unauthorized individuals; and

29 ~~(j)~~(10) Preventing access to voter identification data and data for
30 votes cast by the voter such that an individual can
31 determine the content of specific votes cast by the voter.

1 45.5.2.6.4(J) The voting system PROVIDER ~~shall~~ MUST include detailed PROVIDE
2 documentation ~~regarding~~ DETAILING the security measures it has in place
3 for all systems, ~~applicable~~ software, devices that act as connectors
4 (upload, download, and other programming devices) and any
5 RECOMMENDED security measures ~~the voting system provider recommends~~
6 ~~to the jurisdictions that purchase the voting system.~~

7 45.5.2.9.18(K) The voting system provider ~~shall~~ MUST provide procedures and
8 documentation for the use of the ~~V-VPAT device~~ VVPAT.

9 45.5.2.2.3(L) The voting system provider ~~shall~~ MUST publish and specify
10 processing standards for each component of the voting system as part of
11 the documentation required for certification.

12 45.5.2.2.4(M) For the purpose of evaluating software, the voting system provider
13 ~~shall~~ MUST ~~be required to~~ provide detailed information as to the type of
14 hardware required to execute the software.

15 45.5.2.3.2(N) The documentation supplied by the voting system ~~shall~~ MUST
16 include a statement of all requirements and restrictions regarding
17 environmental protection, electrical service, telecommunications service
18 and any other facility or resource required for the installation, operation
19 and storage of the voting system.

20 45.5.2.3.13(d)(O) ~~Any~~ THE VOTING SYSTEM PROVIDER ~~SHALL~~ MUST PROVIDE
21 ANY available data on problems caused for persons who experience
22 epileptic seizures due to the DRE voting device's screen refresh rate.

23 45.5.2.3.14(d)(P) The voting system provider ~~shall~~ MUST deliver to the
24 Secretary of State documentation detailing estimated time of battery
25 operation for each type of ~~optical scanner, ballot imager, DRE and V-~~
26 ~~VPAT they provide~~ DEVICE SUBMITTED FOR CERTIFICATION, assuming
27 continuous use of the devices by voters during an interruption of normal
28 electrical power.

29 45.5.2.3.14(e)(Q) The voting system provider ~~shall~~ MUST deliver to the
30 Secretary of State documentation specifying the steps and times required
31 for charging batteries for each type of ~~optical scanner, ballot imager, DRE~~
32 ~~and V-VPAT they provide~~ DEVICE SUBMITTED FOR CERTIFICATION.

33 45.5.2.6.1(d)(ii)-(R) The voting system provider ~~shall~~ MUST submit
34 documentation containing a list of minimum services and executables
35 required to run the ~~voting system application~~ ELECTION MANAGEMENT
36 SYSTEM.

37 45.6 21.6 Testing PREPARATION PROCEDURES

1 ~~45.6.1~~21.6.1 Voting System—Provider—Demonstration—SYSTEM PROVIDER
2 DEMONSTRATION

3 ~~45.6.1.1~~(A) The voting system provider ~~shall~~ MUST demonstrate the ~~exact~~
4 ~~proposed~~ SUBMITTED voting system to the Secretary of State prior to any
5 functional testing.

6 ~~45.6.1.2~~(B) The demonstration period does not have a ~~pre-determined~~
7 PREDETERMINED agenda for the voting system provider to follow;
8 however, presentations should be prepared to address and demonstrate,
9 ~~within the specific system,~~ the following items as they pertain to each area
10 and use within the voting system, IF APPLICABLE:

11 ~~(a)~~(1) System overview;

12 ~~(b)~~(2) Verification of complete system matching EAC certification;

13 ~~(c)~~(3) Ballot definition creation;

14 ~~(d)~~(4) Printing ballots on demand;

15 ~~(e)~~(5) Hardware ~~diagnostics~~-DIAGNOSTIC testing;

16 ~~(f)~~(6) Programming election media devices for various ~~count~~ COUNTING
17 methods INCLUDING:

18 ~~(i)~~(A) Mail-in Ballots-BALLOTS;

19 ~~(ii)~~(B) Early Voting-IN-PERSON BALLOTS; AND

20 ~~(iii)~~(C) ——— Precinct/Poll Place ;

21 ~~(iv)~~(D-C) Provisional **BALLOTS**.; and

22 ~~(v)~~(D) Vote Center.

23 ~~(g)~~(7) Sealing and securing system devices;

24 ~~(h)~~(8) Logic and accuracy testing;

25 ~~(i)~~(9) Processing ballots;

26 ~~(j)~~(10) Accessible use;

27 ~~(k)~~(11) Accumulating results;

28 ~~(l)~~(12) Post-election audit;

29 ~~(m)~~(13) Canvass process handling;

1 ~~(n)~~(14) Audit steps and procedures throughout all processes;

2 ~~(o)~~(15) Certification of results; and

3 ~~(p)~~(16) Troubleshooting.

4 ~~45.6.1.3~~(C) The voting system provider ~~shall~~ WILL have access to the
5 demonstration room for one day prior to the start of the demonstration to
6 provide time for setup of the voting system.

7 ~~45.6.1.4~~(D) A maximum of one business day is normally allowed for the
8 demonstration. If the voting system provider requests more time for the
9 demonstration or, if the Secretary of State finds that the complexity of the
10 system is such that more time is needed for a demonstration, more time
11 may be granted.

12 ~~45.6.1.5~~(E) The demonstration ~~shall~~ WILL be open to representatives of the
13 press and the public to the extent allowable. The Secretary of State may
14 limit the number of representatives from each group to accommodate
15 space ~~limitations and other considerations~~.

16 ~~45.6.1.6~~(F) The Secretary of State ~~shall~~ WILL post notice of the fact that the
17 demonstration will take place in the designated public place for posting
18 such notices for at least seven days prior to the demonstration. The notice
19 ~~shall~~ MUST indicate the general time frame during which the demonstration
20 may take place and the manner in which members of the public may
21 obtain specific information about the time and place of the test.

22 ~~45.6.1.7~~(G) The voting system provider ~~shall~~ MUST provide the same class of
23 workstation and/or server for testing the voting system as the normal
24 production environment for the State of Colorado.

25 ~~45.6.2 Functional Testing~~

26 ~~45.6.2.1 Voting system provider requirements for testing~~

27 ~~45.6.2.1.1~~(H) Based upon the review of VSTL or other state reports and test
28 records, the Secretary of State will prepare a test plan. The test plan ~~shall~~
29 WILL be designed to test for any requirements specific to Colorado law
30 which were not addressed in prior testing and for any federal or Colorado
31 requirements which were not addressed to the satisfaction of the Secretary
32 of State in the reports and records from prior testing.

33 ~~45.6.2.1.2~~(I) The test plan ~~shall~~ MUST include the election definitions to be used
34 in testing and specifications for test ballots. Test ballots and election
35 definitions ~~shall~~ MUST generally follow all requirements for election
36 definitions, ballot layout and printing to verify the system's ability to meet

1 those requirements. Some election definitions and ballots may depart from
2 the requirements in order to test specific functions.

3 45.6.2.1.3-(J) For each system tested, a requirements matrix ~~shall~~ MUST be
4 prepared to identify those requirements satisfied by the review of VSTL or
5 other state reports and test data and how those requirements not satisfied
6 are to be tested or otherwise satisfied. If during test planning or testing one
7 of the requirements in the voting systems standards or in this rule are
8 determined to be not applicable to the system under test, the reason for the
9 determination will be documented.

10 45.6.2.1.4-(K) The voting system provider ~~shall~~ MUST submit for testing the
11 specific system configuration that will be offered to jurisdictions including
12 the components with which the voting system provider recommends the
13 system be used.

14 45.6.2.1.5-(L) The voting system provider is not required to have a representative
15 present during the functional testing, but ~~shall~~ MUST provide a point of
16 contact for technical support. After the delivery, unpacking and initial
17 inspection of the equipment for shipping damage and missing components,
18 a vendor representative ~~shall WILL~~ only be allowed to operate or touch the
19 equipment when approved by the Secretary of State. All such activity by a
20 vendor representative ~~shall MUST~~ be documented on video ~~and~~ OR in
21 writing.

22 45.6.2.1.6-(M) The proprietary software ~~shall~~ MUST be installed on the
23 workstation/server and all applicable voting system components by the
24 Secretary of State OR THE VSTL using the trusted build and the installation
25 procedures provided by the voting system provider. After installation,
26 hash values for the software and firmware ~~shall~~ MUST be compared to any
27 published hash values of the trusted build. Any mismatches in hash values
28 will be investigated and resolved before proceeding with testing.

29 45.6.2.1.7-(N) All equipment ~~shall~~ MUST be hardened using the voting system
30 provider's procedures and specifications.

31 45.6.2.1.8-(O) Testing ~~shall~~ MUST be performed with test election definitions and
32 test ballots as required in the test plan.

33 45.6.2.1.9-(P) The results of all testing ~~shall~~ MUST be recorded in the
34 requirements matrix. The requirements matrix ~~shall WILL~~ be the primary
35 record describing which requirements were met and specifying which
36 were not. It ~~shall~~ MUST be supplemented as necessary to support the
37 findings with test team notes and system reports. Supplemental
38 information may include photographs and audio or video recordings.

39 45.6.2.1.10-(Q) Functional testing ~~shall~~ MUST be completed according to the phases
40 identified in Rule ~~45.3.3~~ 21.3.3.

1 ~~45.6.2.2~~ Secretary of State requirements for testing

2 ~~45.6.2.2.1~~(R) The Secretary of State OR THE VSTL ~~shall~~ MUST conduct functional
3 testing on the voting system based on this Rule 45-~~and additional testing~~
4 ~~procedures as determined by the Secretary of State.~~

5 ~~45.6.2.2.2~~(S) The voting system ~~shall~~ MUST receive a pass, fail or not applicable
6 for each requirement with appropriate notation in the requirements matrix.

7 ~~45.6.2.2.3~~(T) Records of the test procedures ~~shall~~ MUST be maintained ~~and~~
8 ~~recorded on file with the Secretary of State~~ IN ACCORDANCE WITH RULE
9 ~~45.4.7~~ 21.4.7. The records ~~shall~~ MUST identify the system and all
10 components by voting system provider name, make, model, serial number,
11 software version, firmware version, date tested, test number, test plan,
12 requirements matrix, test team notes and other supplemental information,
13 and results of test. The test environment conditions ~~shall~~ MUST be
14 described.

15 ~~45.6.2.2.4~~(U) In the event that a deviation from the test plan is required, it ~~shall~~
16 MUST be documented in a test team note. The note ~~shall~~ MUST provide a
17 description of the deviation, the reason for the deviation and effect of the
18 deviation on testing and determining compliance with requirements.

19 ~~45.6.2.3~~21.6.2 General Testing Procedures and Instructions-TESTING ~~PROCEUDRES~~
20 ~~PROCEDURES~~ AND INSTRUCTIONS

21 ~~45.6.2.3.1~~(A) Certification tests ~~shall~~ MUST be used to determine compliance
22 with applicable performance standards for the system and its components.
23 The general procedure for these tests ~~shall~~ WILL:

24 ~~(a)~~(1) Verify, by means of the ~~applicant's~~ VOTING SYSTEM PROVIDER'S
25 standard operating procedure, that the device is in a normal
26 condition and status;

27 ~~(b)~~(2) Establish the standard test environment or the special environment
28 required to perform the test;

29 ~~(c)~~(3) Invoke all operating modes or conditions necessary to initiate or to
30 establish the performance characteristic to be tested;

31 ~~(d)~~(4) Measure and record the value or the range of values of the
32 performance characteristic to be tested; and

33 ~~(e)~~(5) Verify all required measurements have been obtained, and that the
34 device is still in a normal condition and status.

1 45.6.2.3.2(B) All tests ~~shall~~ WILL be generally conducted in regular election
2 mode. Tests of test mode and diagnostic functions may be conducted in
3 the appropriate test mode.

4 45.6.2.3.3(C) The voting system provider ~~is required to~~ MUST produce ballots
5 and assemble marked test decks and spare ballots as specified in the test
6 plan.

7 45.6.2.3.4 ~~The voting system provider shall provide a minimum of ten ballot~~
8 ~~marking pens/pencils/markers as defined by their system for marking~~
9 ~~ballots by the Secretary of State.~~

10 45.6.2.3.5(D) For mark-sense or optical scan devices, the Secretary of State OR
11 THE VSTL will prepare 100 or more test ballots with marking devices of
12 various color, weight and consistency to determine the range of marks that
13 can be read and the range and consistency of reading marginal marks.

14 45.6.2.3.6(E) Ballots ~~shall~~ MUST be cast and counted in all applicable counter
15 types (or counter groups) as necessary based on the parts included in the
16 voting system. These are, at a minimum, ~~Poll Place (or Vote Center),~~
17 ~~Mail in, Provisional and Early Voting~~ POLLING PLACE (OR VOTE CENTER),
18 ~~MAIL IN IN-PERSON, MAIL, AND PROVISIONAL AND EARLY VOTING~~ BALLOTS.
19 Ballots may be run through components more than one time depending on
20 components and counter group being tested to achieve a minimum number
21 of ballots cast as follows for each group:

22 (a) Polling Place ~~PLACE-LOCATION~~ / OS = 1,000;

23 (b) Polling Place ~~PLACE-LOCATION~~ / DRE = 500;

24 ~~(c) Vote Center CENTER and Early Voting EARLY VOTING / OS =~~
25 ~~2,500;~~

26 ~~(d) Vote Center CENTER and Early Voting EARLY VOTING / DRE = 500;~~

27 ~~(e-C) Mail in-MAIL~~ = 1, 500; and

28 ~~(f-d)~~ Provisional = 500.

29 45.6.2.3.7(~~FE~~) Ballot design ~~shall~~ MUST be sufficient to verify the scope of
30 allowable ballot designs for the given system under Colorado election law.

31 45.6.2.3.8 ~~Ballots shall be printed in applicable languages as required by state~~
32 ~~or federal law, or both.~~

33 45.6.2.3.9 ~~Ballots shall include candidates to represent the maximum number~~
34 ~~of political parties in the State of Colorado, and shall accommodate all~~
35 ~~qualified political parties and political organizations.~~

1 45.6.2.3.10-(G-F) The requirements matrix shall MUST include the following
2 requirements for election definitions and ballots to simulate and test “real
3 world” situations in the State of Colorado. Election definitions and ballots
4 shall MUST include the following minimum contest criteria:

5 (a)-(1) Parties for different races;

6 (b)-(2) Selection of a pair of candidates;

7 (c)-(3) In a ~~Primary Election~~ PRIMARY ELECTION, allow voters to vote for
8 the candidates of the party for which they are eligible and for any
9 and all non-partisan candidates and measures, while preventing
10 them from voting on candidates of another party;

11 (d)-(4) In a general election, allow a voter to vote for any candidate for
12 any office, in the number of positions allowed for the office, and to
13 vote for any measure on the ballot that the voter is allowed to vote
14 in, regardless of party;

15 (e)-(5) Allow for programming to accommodate Colorado recall questions
16 as prescribed in Article 12 of Title 1, C.R.S.;

17 (f)-(6) A minimum of 20 pairs of “yes” and “no” positions for voting on
18 ballot issues; and

19 (g)-(7) Ability to contain a ballot question or issue of at least 200 words.

20 45.6.2.3.11—Additional tests and procedures may be requested at the discretion
21 of the Secretary of State.

22 45.6.2.3.12-(H-G) A county clerk and recorder OR HIS/OR HER designated
23 representative may observe the functional testing of a voting system. The
24 representative may assist at the request of the Secretary of State. All such
25 activity by a county representative shall be documented on video and in
26 writing.

27 45.6.2.3.13-(H) The public shall MUST be allowed to view all functional
28 testing conducted by the Secretary of State. However, legal limitations
29 may require that certain testing, including but not limited to proprietary
30 information and system security, be done outside the view of the public. If
31 the functional testing is outsourced to a testing lab or contractor, public
32 viewing shall be IS subject to limitations set forth by the testing lab or
33 contractor.

34 45.6.2.3.14-(H) If any malfunction or data error is detected, its occurrence
35 and the duration of operating time preceding it shall MUST be recorded for
36 inclusion in the analysis and the test shall be interrupted. If corrective

1 action is taken to restore the devices to a fully operational condition within
2 eight hours, then the test may be resumed at the point of suspension.

3 ~~45.6.3 The Secretary of State shall certify voting systems that substantially comply with~~
4 ~~the requirements in this Rule 45, Colorado Election Code, and any additional~~
5 ~~testing that is deemed necessary by the Secretary of State.~~

6 *[Current Rule 45.6.3 moved to New Rule 21.3.4]*

7 ~~45.7~~ 21.7 Temporary Use-USE

8 ~~45.7.1~~ 21.7.1 If a voting system provider has a system that has not yet been approved for
9 certification through the Secretary of State, the voting system provider or the
10 designated election official may apply to the Secretary of State for temporary
11 approval of the system to be used for up to one year.

12 ~~45.7.2~~ 21.7.2 Upon approval of temporary use, a jurisdiction may use the voting system,
13 or enter into a contract to rent or lease the voting system for a specific election
14 upon receiving written notice from the Secretary of State's office. At no time ~~shall~~
15 MAY a jurisdiction enter into a contract to purchase a voting system that has been
16 approved for temporary use.

17 ~~45.7.3 The Secretary of State shall approve use of a temporarily approved voting system~~
18 ~~for each election that a jurisdiction requests permission to conduct with the voting~~
19 ~~system.~~

20 ~~45.7.4~~ 21.7.3 Temporary use does not supersede the certification requirements and/or
21 process, and may be revoked at any time at the discretion of the Secretary of
22 State.

23 ~~45.8~~ Periodic Review

24 ~~45.8.1 The Secretary of State shall periodically review the voting systems in use in~~
25 ~~Colorado to determine if the system(s):~~

26 ~~(a) Are defective, obsolete or unacceptable for use based on the requirements~~
27 ~~of this Rule 45; and~~

28 ~~(b) Have been modified from certified and trusted build versions of hardware~~
29 ~~or software;~~

30 ~~45.8.2 The Secretary of State shall review a minimum of two randomly selected~~
31 ~~jurisdictions and voting systems per calendar year at the choosing of the Secretary~~
32 ~~of State.~~

33 ~~45.8.3 The Secretary of State shall conduct an annual visual inspection of all software~~
34 ~~incident records maintained by each voting system provider certified for use in the~~
35 ~~State of Colorado.~~

1 ~~45.8.4 After such review, certification or temporary approval for use may be withdrawn.~~
2 ~~Three months notice shall be given prior to withdrawing certification of any~~
3 ~~voting system unless the Secretary of State shows good cause for a shorter notice~~
4 ~~period.~~

5 ~~45.8.5 All forms, notes and documentation from a periodic review shall be kept on file~~
6 ~~with the Secretary of State.~~

7 *[Current Rule 45.8 amended and moved to New Rule 11]*

8 ~~45.9~~21.8 Decertification

9 ~~45.9.1~~21.8.1 If, after any time the Secretary of State has certified a voting system, it is
10 determined that the voting system fails to substantially meet the standards set
11 forth in this Rule ~~45-21~~, the Secretary of State ~~shall~~ WILL notify any jurisdictions
12 in the State of Colorado and the voting system provider of that particular voting
13 system that the certification of that system for future use and sale in Colorado is
14 to be withdrawn.

15 ~~45.9.2~~21.8.2 Certification of a voting system may be revoked ~~and/or~~ suspended at the
16 discretion of the Secretary of State based on information that may be provided
17 after the completion of the initial certification. This information may come from
18 any of the following sources:

- 19 (a) The Election Assistance Commission (EAC);
20 (b) Voting System Test Laboratory (VSTL);
21 (c) The Federal Election Commission (FEC);
22 (d) The National Software Reference Library (NSRL);
23 (e) National Association of State Election Directors (NASED);
24 (f) The National Association of Secretaries of State (NASS);
25 (g) Information from any state elections department or Secretary of State;
26 (h) Information from Colorado ~~County Clerk and Recorders~~ COUNTY CLERKS
27 ~~AND RECORDERS~~ RECORDS or their association;
28 (i) Any other source the Secretary of State deems reliable.

29 ~~45.9.3~~21.8.3 If any voting system provider, provides for use, ~~or~~ installs, or causes to be
30 installed an uncertified or decertified voting system or component, the Secretary of
31 State may suspend use of the component or the voting system. ~~[Section 1-5-~~
32 ~~618(6), C.R.S.]~~

~~45.9.4~~21.8.4 Pursuant to—IN ACCORDANCE WITH section 1-5-621, C.R.S., the Secretary of State ~~shall~~ WILL hold a public hearing to consider the decision to decertify a voting system.

~~45.10~~21.9 Modifications and ~~Re-examination~~—REEXAMINATION.

~~45.10.1~~—Any modification, change or other alteration to a certified voting system ~~shall require certification~~—REQUIRES CERTIFICATION or review of the modification under section 1-5-618, C.R.S., unless the voting system provider decides to present the modified system for certification under this Rule ~~45~~ 21.

~~45.11~~21.10 Acceptance Testing by Jurisdictions

~~45.11.1~~21.10.1 Whenever an election—A jurisdiction acquires a new system or modification of an existing system certified by the Secretary of State—VOTING EQUIPMENT, the election jurisdiction ~~shall~~ MUST perform acceptance tests of the system before it may be used to cast or count votes at any election. The voting system ~~shall~~ MUST be operating correctly, pass all tests as directed by the acquiring jurisdiction's project manager or contract negotiator and ~~shall~~ MUST be identical to the voting system certified by the Secretary of State.

~~45.11.2~~21.10.2 The voting system provider ~~shall~~ MUST provide all manuals and training necessary for the proper operation of the system to the jurisdiction, ~~or as indicated by their contract.~~

~~45.11.3~~21.10.3 The election jurisdiction ~~shall~~ MUST perform a series of functional and programming tests ~~that shall test~~ FOR all functions of the voting system at their discretion.

~~45.11.4~~—The jurisdiction shall coordinate acceptance testing with the Secretary of State and complete a Jurisdiction Acceptance Test form provided by the Secretary of State.

[Current Rule 45.11.4 amended and moved to New Rule 11]

~~45.12~~ Purchases and Contracts

~~45.12.1~~—Any voting system that has been certified under the procedures of this Rule 45 are eligible for purchase, lease, or rent for use by jurisdictions within the State of Colorado providing the contract contains the following items:

(a)—The voting system is certified for use within the state;

(b)—Contract contains training and maintenance costs for jurisdiction; and

(c)—Contract identifies components contained in the certified voting system and appears complete with all accessories necessary for successfully conducting an election within the laws and rules of the State of Colorado.

1 ~~45.12.2~~ The Secretary of State shall maintain on file a list of all components used
2 and purchased for use. The list shall include, at a minimum, the name of the
3 jurisdiction, the date of purchase, the serial number(s) of voting devices and name
4 of the voting systems that was purchased.

5 ~~45.13~~ Financial Statements of Voting System Providers

6 ~~45.13.1~~ All voting system providers applying for certification in the State of
7 Colorado, or doing business in the State of Colorado, shall provide quarterly
8 financial statements and an annual auditor's report to the Secretary of State. All
9 financial statements and reports shall be due:

10 (a) Prior to the completion of functional testing for any voting system being
11 submitted for certification;

12 (b) At the conclusion of each accounting quarter for providers with equipment
13 certified for use in the State of Colorado; and

14 (c) Upon issuance of a final auditor's report after the completion of each
15 annual audit.

16 ~~45.13.2~~ Financial statements submitted to the Secretary of State shall include a
17 Statement of Cash Flow, Statement of Retained Earnings, Balance Sheet, and
18 Income Statement.

19 *[Current Rule 45.13 amended and moved to New Rule 11]*

20 ~~11.8-21.11~~ Escrow of ~~Voting System Software by Voting System Provider~~ VOTING SYSTEM
21 SOFTWARE AND FIRMWARE BY VOTING SYSTEM PROVIDER. THE VOTING SYSTEM PROVIDER
22 MUST MEET THE REQUIREMENT FOR SOFTWARE ESCROW PER THE FOLLOWING:

23 ~~11.8.1-21.11.1~~ ~~Voting System Providers~~ THE VOTING SYSTEM PROVIDER must place in
24 escrow a copy of the election software, FIRMWARE, and supporting documentation
25 being certified with either the Secretary of State or an independent escrow agent
26 approved by the Secretary of State. ~~See section~~ [SECTION 1-7-511, C.R.S.]

27 ~~11.8.2-21.11.2~~ Within ten days of the ~~Voting System~~ VOTING SYSTEM provider receiving
28 notification of examination of voting equipment as part of the certification
29 process, the ~~Voting System Provider shall~~ VOTING SYSTEM PROVIDER MUST
30 arrange for the completion of escrow requirements as indicated by this rule.

31 ~~11.8.3-21.11.3~~ ~~Voting System Provider shall~~ THE VOTING SYSTEM PROVIDER MUST sign a
32 sworn affidavit that the election software in escrow is the same as the election
33 software used in its voting systems in this state. An annual update of the affidavit
34 will be on file in a secured location with the Secretary of State's office.

35 ~~11.8.4-21.11.4~~ A complete copy of the certified election software including any and all
36 subsystems of the certified software ~~shall~~ WILL be maintained in escrow.

1 11.8.5-21.11.5 Any changes to current configurations or new installations must be
2 approved through the certification program of the Secretary of State.

3 11.8.6-21.11.6 In addition to the requirements listed below, the ~~Voting System Provider~~
4 VOTING SYSTEM PROVIDER must include a cover/instructions sheet for any escrow
5 material to include the ~~Voting System Provider Name, Address~~ VOTING SYSTEM
6 PROVIDER, ADDRESS and pertinent contact information, ~~Software Version,~~
7 ~~Hardware Version, Firmware Revision Number~~ SOFTWARE VERSION, HARDWARE
8 VERSION, FIRMWARE REVISION NUMBER, and other uniquely identifying numbers of
9 the software submitted for certification.

10 11.8.7-21.11.7 Election ~~Software Source Code~~ SOFTWARE SOURCE CODE, maintained in
11 escrow, ~~shall~~ MUST contain internal documentation such that a person reasonably
12 proficient in the use of the programming language can efficiently use the
13 documentation to understand the program structure, control techniques, and error
14 processing logic in order to maintain the ~~Source Code~~ SOURCE CODE should it be
15 removed from escrow for any reason.

16 11.8.8-21.11.8 System documentation ~~shall~~ WILL include instructions for converting the
17 escrowed ~~Source Code~~ SOURCE CODE into ~~Object Code~~ OBJECT CODE, organized
18 and configured to produce an executable system, if warranted.

19 11.8.9-1.11.9 System documentation ~~shall~~ WILL include technical architecture design,
20 analysis, detail design, testing and an installation and configuration guide.

21 11.8.21.11.10 A set of schematics and drawings on electronic vote casting and counting
22 equipment purchased or in use by the county clerk ~~and recorder~~ ~~shall~~ MUST be ~~on~~
23 ~~file~~ FILED with the Secretary of State.

24 11.8.11-21.11.11 All parties ~~shall~~ MUST treat as confidential the terms of this ~~Section~~
25 RULE including all escrow materials and any other related information that comes
26 into their possession, control or custody ~~pursuant to~~ IN ACCORDANCE WITH this
27 section.

28 11.8.12-21.11.12 Copies of ~~Electronic~~ ELECTRONIC media and supporting
29 documentation for ~~Escrow~~ ESCROW within the Secretary of State ~~shall~~ WILL be
30 sent to:
31 Colorado Secretary of State
32 Attn: Voting Systems Specialist
33 1700 Broadway – Suite 270-200
34 Denver, CO 80290

35 11.8.13-21.11.13 Any cost of using an alternative third party escrow agent ~~shall~~
36 MUST be borne by the ~~Voting System~~ VOTING SYSTEM provider

1 *[Current Rule 11.8 is amended and moved to New Rule 21.11. Modifications are shown*
2 *above.]*

3 **Rule 51. Rule 22. Use of approved and recommended election forms**

4 ~~51.1~~ 22.1 Where the Secretary of State ~~has issued~~ ISSUES an approved election form,
5 notice, application, or correspondence ~~provided for by the “Uniform Election Code~~
6 ~~of 1992”~~, all designated election officials and registration offices ~~shall~~ MUST use
7 the approved form.

8 ~~51.1.1~~ 22.1.1 A designated election official or registration office that wishes to
9 SUBSTANTIVELY modify the content of any form approved ~~or recommended~~
10 by the Secretary of State ~~shall~~ MUST submit a written request via email to
11 the Secretary of State’s office stating the requested modification and the
12 reasons it is needed.

13 (a) The Secretary of State ~~shall have~~ WILL APPROVE OR DENY A
14 REQUEST TO MODIFY AN APPROVED FORM WITHIN five business days.
15 ~~in which to approve or deny the modification request.~~ Failure of the
16 Secretary of State to issue a decision within five business days ~~shall~~
17 DOES not constitute an approval of the request. If the modification
18 request is denied, the Secretary of State will ~~provide an explanation~~
19 ~~stating the basis~~ EXPLAIN THE REASON for denying the request.

20 (b) A non-substantive customization OF AN APPROVED FORM, such as
21 placing the form on county letterhead or language translation, ~~shall~~
22 DOES not require THE SECRETARY OF STATE’S approval.

23 ~~51.2~~ 22.2 The Secretary of State ~~shall~~ WILL approve standard voter registration and
24 ballot application forms ~~recommended~~ for use by political parties and organizations
25 that provide such forms to the public. The Secretary of State will PUBLISH ON THE
26 DEPARTMENT’S WEBSITE ~~ensure that the current approved REGISTRATION forms for~~
27 ~~registration and ballot request are publicly available on it’s the website.~~

28 ~~51.2.1~~ 22.2.1 Political parties and organizations may also use the National Mail
29 Voter Registration form. Because the forms approved by the Secretary of
30 State contain all ~~of the~~ information ~~specific to~~ SPECIFICALLY REQUIRED BY
31 Colorado law, the applicants and the organization are afforded greater
32 protection ~~when~~ BY DISTRIBUTING OR USING the ~~standard~~ STATE forms
33 approved by the Secretary of State ~~are used~~.

34 ~~51.2.2~~ 22.2.2 All political parties and organizations that conduct a mass mailing
35 of either registration or ballot request forms to the public ~~shall~~ MUST
36 identify ~~the party or organization conducting the mailing~~ THEMSELVES by
37 printing the organization name and contact information on the form.

1 ~~51.2.3~~ 22.2.3 Any political party or organization may contact the Secretary of
2 State ~~prior to~~ BEFORE sending a mailing to request a review of the form and
3 information to be mailed.

4 ~~51.3~~ 22.3 ~~In accordance with~~ UNDER section 1-1-107(2)(d), C.R.S., the Secretary of State
5 ~~may~~ WILL seek injunctive action or other ~~penalties as a remedy to~~ REMEDIES FOR
6 violations of this Rule.

7 *[Current Rule 51 is amended and moved to new Rule 22. Amendments are shown above.]*

SOS Proposed Election Rules---Areas of Concern

Dear Deputy Secretary Staiert:

Thank you for the opportunity to comment on the proposed election rules prior to the hearing on October 1. The following narrative comments are meant as only a starting point to accompany the informal annotated comments on the Rules pdf.

1. Residency guidelines needed for establishing or changing voter residence.

Given the vague language of the new statute (HB1303) with respect to residency and “intention” to reside, the SOS should issue guidelines with reasonable standards requiring indicia of residence being long term residence. (Leases, deeds, government-issued Identification documentation, tax return address, etc.) Do not permit the use of government issued “post cards, advertisements, etc.” to serve as ID.

2. Due to 1303 residency period reductions, local jurisdictions need rules to require clerks conducting coordinated elections to honor the residency requirements of Title 32 (30 days) for Special Districts, Title 22 (25 days) for School Districts, Title 31 (30 days) for municipalities, and Municipal Home Rule Charter requirements (individual municipal charters.) There are no SOS rules to require officials to capture residency information in special districts, school districts and municipalities. As a result, ineligible voters will be allowed to vote in local elections this November before they have met the residency requirements of those jurisdictions. SOS should immediately promulgate residency rules for November election.

3. Rule required—Party-nominated judges should have all decision-making election judge roles.

Clerks’ staff should not substitute for party-appointed judges’ responsibilities. The election code is built on a system of citizen-run elections with clerks and staff acting only to record the decisions and tabulations of bi-partisan judges. In many counties, employee election staff is working for the clerk, making significant decisions in the conduct of elections without the direction or oversight of party-approved judges. [Numerous instances reportedly occurred in the Pueblo recall, including improper issuances of mail ballots and courier ballot deliveries. Party-approved and appointed judges could reduce election irregularities and controversy.] Clerks should be required to accept party-nominated judges until 3 weeks before election day in substantial compliance with the advance notice required by statute. Only when party cannot fill judge slots will election staff be assigned to party-appointed judges’ duties. Parties should approve all clerk-recruited affiliated judges. “Staff” decisions should not supersede party-appointed judges’ decisions. As elections have become more centralized, the role of staff has improperly trumped the role of citizen judges and their bi-partisan election functions and decisions. Rules are needed to reinforce the role and responsibilities of the citizen election judges.

4. Recount Rules too Restrictive-- Rule 10

- a. 10.14.1 (Improperly restricts recounts to “re-tabulation” and declares the “purpose” of a recount.) There should be no restriction to merely re-tabulate. Candidates should be able to challenge ballots/votes that should, or should not, have been counted. Provisional ballots, improperly rejected ballots, overlooked ballots, improperly duplicated ballots, etc. should be subject to recount considerations.
- b. 10.15.2 Cost for requested recount should ONLY include incremental cash costs to the counties, not overhead or legal research, etc. Do not restrict only “normal” overhead. Clerks have used exaggerated soft costs in 2012 to avoid recount. Canvass board is to conduct the recount, not the clerk. The canvass board should sign off on the cost estimate.
- c. 10.16 Do not attempt to limit the Canvass Board’s role in conducting the recount. Their INDEPENDENT conduct of the recount is the goal, as a check and balance on the clerk’s office.
- d. Watcher oath (as currently written) must not prohibit discussion of results during recount, or watchers cannot be effective in advising their candidate or candidate’s attorneys or committees. There is no reason for ban on discussion of interim results in a recount. It is important for public to be able to know all relevant details.

5. Candidate and Party Watchers must be able to fully observe and verify all aspects of the election

HB1303 enhances risks of irregularities, and voter fraud.

As mail ballot issuance has been outsourced, and verification and tabulation have been centralized and there is little opportunity for oversight of the voting process, watchers must be able witness and verify all aspects of the election as allowed by CRS 1-7-108. Watchers are a necessary check and balance on partisan judges, election workers, and clerks’ staff. They cannot be relegated to lesser information in performing their duties. They must be able to fully verify all activities and, as the statute allows, “assist in the correction of discrepancies.”

- a. 8.4.2 Watchers must be able to see and verify all documents used by election workers and election judges. Rules and oath attempts to limit “confidential” information without defining it. Watchers should take non-disclosure oath and have access to all information.
- b. 8.4.2 a. Watchers must be able to observe ballot printing and issuance to verify that the right voters are getting the right ballots and only one ballot each.

- c. 8.4.2 (a) (1)—Watchers must be able to hear and see the voter check in and reference the poll book at the vote center in order to challenge ineligible electors. [In the Pueblo recall, some watchers reported attempting to challenge questionable electors were told that they were not allowed to come close enough to hear or see the voter information given to the poll worker, and that they could “buy” the voter information from the clerk after the election.]
- d. 8.4.3 Enough watchers must be allowed in the processing area to verify all activities and judges’ decisions. [In Pueblo under this same rule, the SOS reportedly would not allow more than one watcher in a room, although multiple judges were conducting numerous different functions, making it impossible for watchers to verify activities in meaningful way.]
- e. 8.5.3 There is no reason to prevent watchers from disclosing results they have seen once the polls have closed. The prohibition that watchers cannot discuss results until official results are formally announced is punitive. The public and judges begin discussing incoming results at 7 p.m. on election night. “Formal announcements” by officials don’t happen until days afterward.
- f. 8.6.1 Watcher must be allowed to “interrupt” the process in business-like manner in order to question or challenge or exercise their statutory rights to “assist in the correction of discrepancies.” (CRS 1-7-108). This is continuing problem during the conduct of elections when watchers are not allowed to speak to judges and workers who are making decisions that may need to be challenged.
- g. 8.11 Clerks should not certify watchers. There is no statutory authority for this. The parties, candidates and issue committees certify the watchers. Clerks use this improper certification requirement to add delay and cost for watchers.
- h. 8.12.2 The clerks should have no ability to remove watchers. The appointing party should be tasked with the duty to remove watchers who violate law or rules. Clerks have reportedly abused this authority in the past to avoid watcher oversight of problem areas.

6. Canvass Board authority should not be diluted by Rule

Multi-partisan canvass boards are the voters’ ultimate voice in assuring the proper conduct of their elections. The citizen canvass board work to audit, review and certify the election must be done in public. Their collective judgment cannot be superseded by the clerk, another election official or the Secretary of State. Their judgment to certify or not certify an election cannot be overridden by any other official---only a court with jurisdiction. The American election system does not place the ultimate power in any partisan official’s hands. There is no statutory authority for some of the canvass board rules promulgated last year and amended this year.

- a. 10.1.3 There is no statutory authority to require that the county chair appoint someone who is an elector in the county or affiliated with that party. The best canvass board member may be an attorney from a neighboring county or of a different affiliation or may be unaffiliated. The decision as to the best canvass board members should be, as required in statute, the decision of the county chair.
- b. 10.2.2 The canvass board duties should not be limited to the list in 10.2.2, and recount responsibilities should not be limited by Rule when the entire conduct of the recount is the responsibility of the canvass board.
- c. 10.2.4 This rule improperly attempts to reduce the effectiveness and oversight of the canvass board. The canvass board must CONDUCT any recount and cannot be limited by these provisions. Additionally, if the clerk does not produce required reports, the canvass board should not be required to certify with less than complete records.
- d. 10.11 Complaint procedure rule conflicts with statute. Complaints regarding voting devices are to be investigated BY the canvass board themselves, not merely reviewed after the clerk makes an investigation. The responsibility should rest with the canvass board as required by statute, and should not be changed by rule.
- e. 10.13.4 (a), (b) If the canvass board cannot certify the abstract the remedy is to go to court, NOT to have the clerk or the SOS over-ride the decision of the canvass board. There is no statutory authority for this, and exceeds the Secretary's constitutional and statutory authority.

Marilyn Marks

[REDACTED]
[REDACTED]
[REDACTED]