



## Department Rulemaking Program Manager

[SoS.Rulemaking@sos.state.co.us](mailto:SoS.Rulemaking@sos.state.co.us)

Please find written comments related to the Notice of Rulemaking dated June 30, 2021 below:

7.2.4 (B)- Due to limitations within SCORE, counties will not be able to separate replacement ballots due to timely changes in address or affiliation from other replacement ballots, therefore, it will be nearly impossible to include a separate notification in just that subsection of replacement ballots. Propose including language instructing voter on how to treat an original ballot if a replacement ballot is received in the standard instruction packet, beginning in 2022.

7.7.8 and 7.7.9- Reporting functionality required to comply with the proposed signature verification audits does not exist in current version of ballot sorting software or SCORE. Confirmed with our vendor that the functionality required by these proposed rules will not be available in 2021 and may not be available in 2022. The manual workaround to comply with this rule will create bottleneck upon bottleneck which will lead to delays in reporting and the likelihood of election judges working in multiple overnight shifts to complete counting by the deadline. We propose the state engage in creating a trusted statistical analysis tool for performing signature verification audits. Much like the risk limiting audit, more research and probability studies are needed in order to provide a dispassionate and scientifically sound metric when reviewing signature verification performance.

7.7.10- Propose extending the deadline for counties to provide information maintained under 7.7.8 from 30 days to 60 days, allowing counties time to focus on canvass and other post-election activities.

Denver County Elections echoes the testimony provided by Peg Pearl, Arapahoe County Director of Elections, and shares many of the concerns outlined in the written comments submitted by the Colorado County Clerk's Association. We would like the opportunity to discuss the technical aspects of the proposed rules with the Secretary of State's election team and other Counties.