Proposed Rule	CCCA Aggregated County Comments: Rule Release 6.30.2021
1.1.25: Deleting definition of DRE	Once this change is effective, the CCCA requests the SOS prioritize the update in SCORE to remove the "DRE" language from the buttons used by election judges in WebScore, etc. to avoid confusion and inconsistency with new regulatory language during the 2021 November Coordinated Election. So long as SCORE uses this terminology, County training materials, reconciliation paperwork, signature cards and other materials used by election judges will have to continue to use this terminology even with all these changes to the Election Rules.
2.12.3: Caucus lists of confidential voters	What information is needed to determine eligibility? Name, YOB, and precinct #? There should be specific requirements to define, limit, and protect data. Is expectation that all county party offices meet these security requirements? How will state major party ensure data access is limited and protected at county major party level? Conflict with Title 24 and compromises the protections generally afforded to confidential voters (especially law enforcement officers and judges, etc.) Those voters have an expectation of confidentiality and have not consented to give their information to the parties. CCCA is very concerned about violating a person's confidential status. Does this include ACP voters? Propose confirming eligibility via existing caucus affidavit process.
2.15.7: multi-state voting evidence	Shouldn't voter fraud cases go to district attorney? Why would state be involved in the investigation if the county was contact directly?
6.8: SigVer training	Suggested sentence change: If the county clerk provides their own training; it must be approved by the SOS before its first use and after any significant update. Also, are all county training programs currently in use grandfathered out or need to be approved upon passage of this rule (before training starts in September 2021)?
7.2.4 voiding ballots	Please strike (or postpone) until it is supported by SCORE. These are not the only voters who have the potential to receive multiple ballot packets – without having directly requested a replacement. For example: a voter who changes residential addresses but keeps the same mailing address will receive 2 ballots. This voter will not be instructed to destroy the first ballot. Via the SCORE system, there is no way to identify a replacement ballot that was automatically generated (and may cause voter confusion) versus one that was requested. This will cost additional cost for postage and insert printing to an already full ballot packet. We smaller counties are already under budget constraints. SCORE does not allow for a data sort on this requirement. To sort out the ballots to receive this notice would be a manual process and would delay sending ballots perhaps 24-48 hours. Would require ballot on demand and dedicated ballot staff to accomplish this. Even in a Coordinated Election, some counties send thousands of ballots a day. Although it is possible to identify Replacement ballots in SCORE (via the R in a sequence number), the process of identifying only those ballots that were not included in a vendor "yank" file is very manual. Furthermore, it creates a breakout of ballot materials that cannot be automated (as with ID Required or Signature Required ballots) via SCORE data. Accurately identifying these voters

	will be a manual data-driven process, which not all counties will be prepared to do (or all Vendors to support).
	Not sure how we implement this – who is to say that the voter doesn't already return the original ballot before the replacement arrives causing confusion – we'd still use 1st ballot back.
	Will the SOS have a standard letter and a SCORE interface that allows for printing these?
	If there isn't an interface of some sort to auto-generate mail it will take a lot of staff power to research replacement reasons, compile, track, and make these letters. Using a print vendor would not be possible due to the requirement of specialized letters detailing each reason for replacement.
	What is the definition of "replacement ballot"?
	This will be difficult for vendors to implement. How can we presort these ballot labels out before printing or sending data file to vendors?
	The process of manually reviewing ballot labels for R#s and then researching the file for the reason that a replacement is being sent is unmanageable. Does this also apply at a VSPC?
	Require SCORE development for reasons? For this election?
	No way currently to identify when labels are printed the reason for a "replacement" ballot
	Changing address = new original ballot, not "replacement". Maybe just generic instructions about how to get replacement and to destroy 1st, only vote 2nd, etc. so no need for special insert.
	Cost depending on definition of replacement ballot and quantity to insert during supplemental pulls with vendor.
	Another insert that is not right now in our election plan submitted so how can do this in November this year?
	Sending replacement ballots via vendor – how plausible to do this with new insert?
	This special insert rule is unnecessary – can't we just adjust the overall instructions requirement (starting June 2022 since November 2021 are already submitted) to include a statement that if you receive a replacement ballot due to change in affiliation to only return the new ballot and destroy the old (now voided) ballot? If the change was to an address wouldn't the voter not have the original (now voted) ballot that was issued and mailed to an old address anyway?
7.2.17: ballot printer barcodes	Imprecise language –make "print vendors" instead of ballot "printers"
7.3.2: emergency and electronic ballots	Could cause disenfranchisement of voters who are low-tech.
	What about voters who pick up emergency ballot at VSPC?
	Does this apply just to sending out the ballots or also to return ballots through online portal (instead of email, fax, etc.)?
	Voters who don't have either an SSN/DL on record (and are valid, complete records) aren't able to access a ballot via the portal -- at least for UOCAVA. Not sure if this also applies with the Emergency log-in.

	Does this eliminate sending by fax or voters returning a ballot/affidavit via cell phone using images emailed? Why are the rules for Emergency different than UOCAVA? Does this rule PROHIBIT the county from sending/receiving emergency ballots in any way other than the state online portal? Can we still provide on paper to a representative? Can we still receive a completed emergency ballot back (accessed by the voter online) by fax on in-person paper delivery or email? Clarify how this rule affects the County need to create logs, etc. (Note: the canvass rule also omits listing of number of emergency replacement ballots and ADA ballots).
7.4.10: 10 ballot collection	Clarify what "information" counties are supposed to gather and provide to the DA – have the person delivering more than 10 ballots sign a log? With what information? What about people who drop more than 10 in a 24-hour box?
7.6: mail ballot cure procedures	7.6.1 (C) and (D) - Agree w/these statements for cases when the voter prints the electronic ballot and mails it in. However, the new electronic submission ability for certain disabled voters (question asked of the SOS on recent county support call) does not require the voter to return the application. One suggestion is to carve these voters out of rule 7.6.1 (c) and (d) in writing as to be clear on when the completed application is required.
7.7.1 SigVer procedures	Language is problematic when read literally, it would eliminate the use of ASR/ASV or smaller county use of a bipartisan team for Tier 1. Request rule stay as is. Counties would like the option to use bipartisan teams during Tier 1 review. The state and counties tout signature verification because of the "bipartisan" process.
7.7.8	**The CCCA respectfully requests that this proposed rule be delayed until after the CCCA Initiatives Committee makes formal recommendations for signature verification audits.** This is not possible with Ballot Verification Systems. Counties offer tour to CDOS staff to understand the challenge of satisfying the same goal in a different manner. Batches are not a static set as the process moves. A ballot's initial batch will change after signature verification. Measuring per batch does not create a consistent standard of review or an accurate measure of accepted/rejected rate. Colorado Department of State software (SCORE) does not keep a log of judges and which judges have a high rate of acceptance or challenges. SCORE overwrites the data which would accomplish this. SCORE needs development. This Colorado Department of State rule would run in contrast to how SCORE signature verification module actually works. The absolute number is arbitrary and not a valid metric to monitor in the next rule. The % is more valid for several reasons: (1) judges will work at different paces (2) judges will spend significantly different hours performing Tier 1 or Tier 2 (3) judges will perform other tasks that would skew absolute counts (i.e., ASR audits, undeliverable processing)

Technical limitation – counties that use Agilis Ballot Sorters can report signatures accepted/rejected by date but not by batch. The logic of reporting by batch is problematic, because multiple judges review signatures out of a single batch.

Because the AGILIS system by Runbeck only tags a voter's ballot in the system with the last person to touch it electronically, we cannot track these stats automatically. The Runbeck team would have to put development into their system to make this a reality.

These rules are measuring the wrong metrics to show the reliability of signature verification. Tracking "batches" and comparing Tier 1 to Tier 2 decisions is not a measure of accuracy because Tier 1 judges only have 1 (or sometimes because of the SCORE interface no) most recent signature to compare to. They do not reject signatures or trigger cures, but properly escalate to Tier 2 for ones that are questionable so that Tier 2 can look at all possible signatures including wet ones instead of most recent CDOR electronic pad ones from an AVR address changes (lower quality).

Also, these rules do not consider the counties that use ASR. By only concentrating on the numbers of signatures reviewed by election judges and the percentage sent to Tier 2 or for cure from Tier 1 you are artificially inflating these numbers because Tier 1 election judge review starts from a more difficult baseline of signatures that could not be matched by ASR as clear matches (up to 50% some days).

This will require development in SCORE and by BVS vendors. Until that happens, this makes the BVS systems useless.

(A) Should use percentage of signatures instead of number; also tracking of information by "Team of Election Judges" will create another manual process; judge team assignments are not static and can change often; depending on the task being done. Also suggest removing "per batch", batch is an arbitrary grouping of ballots that does not represent a valid way to compare. Batch sizes will vary based the number of ballots we receive, and the processing workflow needed. In the Agilis environment SV judges don't go into a batch.
(B) If you're using a mail sorter, judges don't "reject" signatures usually in Tier 1; usually use Admin Action instead. Tier 1 usually has a single reference image available. Tier 2 judges review multiple images. Seems like a mis-guided metric to suggest that this is an issue w/the Tier 1 Judge. There are many reasons that Tier 1 (which only looks at 1 signature image) might send to Tier 2 – most common being an electronic signature from CDOR as the latest image, but also might include a blank or mis-clipped image in SCORE or a Household swap. None of these scenarios represent an issue w/the judge performance.

Suggested wording replacement for (B) – FOR ELECTION JUDGES CODUCTING TIER 1 REVIEW, THE RATE OF SIGNATURES DISPOSED PER HOUR.

In 2020 we were faced with a judge who did have irregular rates, we found it by analyzing the # of signatures they were able to dispose of in a set time period as well as the pattern of (for example) 200 rejections in a row.

7.7.9	Define "overturn" rate. Will require development by BVS vendors as well as SCORE. SCORE actively overwrites the data CDOS is looking for in this rule. Suggest removing. This should be monitored regardless of # of ballots reviewed by each judge. 150 is arbitrary and will require data manipulation to get to the counts or rates per 150 whereas in reality, monitoring based on time-period (i.e., day, shift, or hour) is what we will be doing and will provide us the right data to make these decisions on. We don't track by number of ballots received or reviewed, however we could try to track every hour on the hour (for example) acceptance and rejection rate for the room. It is unclear how we would be able to track or break this up for every 150 images reviewed in Sig Ver console since that is not a unit of measure in the process What is definition of irregular acceptance? Suggest removing "overturn rate" - Tier 1 judges have limited signatures images and it sets the wrong tone to suggest referring to Tier 2 when an image quality is poor is a possible incorrect decision. Whatever decision the tier 2 team makes does not a "overturn" or "affirm" the tier 1 judge. There is no reason to infer negative against the tier 1 judge based on such a percentage. How will this be monitored or measured? Language is vague.
7.7.10	Suggest pushing to 60 or 90 days as aggregation and redaction of this data will take focus and is a lower priority than staff preparing for canvass. Request template. What is the purpose for this providing of data to the SOS? What happens to the information? It's going to likely require a significant staff time to compile, build and format to send to the SOS.
7.11: cures at VSPCs	Make less specific to use Text2Cure support on iPads, etc. instead of just cure forms at VSPCs? The requirement to provide a "blank cure form" is complicated by voters whose ballots are still in review and may not have been rejected yet. These voters are held in a Rejected – Other status until their ballot has completed both first and second review. Internally, we know that their ballot hasn't been rejected yet. Externally, however, GoVoteColorado reports these ballots as a reject – and the voter assumes that they need to take action to cure the ballot. It is possible that the voter may arrive at a VSPC and request a "blank cure form" before their ballot has been rejected, at which point: 1. It is not possible to identify the appropriate affidavit to give the voter (missing/discrepant sig, id required, etc.) Either remove the requirement to provide a "blank cure form" (to voters whose ballots have not received a final reject disposition) or create an "In Review" status in SCORE for ballots that are still working their way through the verification process. Would be good to clarify if VSPCs are supposed to photocopy IDs or can just witness the ID and write information on the form themselves when a voter is returning paperwork.
7.7.13	(b) (5) - Suggest pushing to 60 or 90 days as aggregation and putting info in right format (assuming SOS has something in mind) will take focus and is a lower priority than staff preparing for canvass.

	Rule should define how long SOS has to respond to counties that report ASR issue.

Request guidance on how CDOS wants these tests conducted.

Is there a reasoning to increasing the random sampling from 2% to 10%?

Would cost counties extra money.

What form is the SOS going to provide for a post-election report on this ASR audit? We do not have a formal audit "report", but our teams go through and highlight, review, initial entries on pages in a large binder that is reams of pages long post-election. The only "digital" copy would be if we scanned each page and the somehow saved as a pdf, which would be too large to email so we would have to submit on a thumb drive, even that does not have signature images just voter tracking numbers accepted by ASR. It would be onerous with the 30 days post-election (which includes cure period, RLA, canvass, possible recounts) to require any sort of hand-typing into a spreadsheet or other report the entries from these binders. |
| 8.10-8.14: Watchers | Party thoughts on this? This would affect how judges are assigned or moved as needs change. Judges are communicated with by parties with these devices. I don't mind but the party judge coordinators would.

Takes away clerk authority to adjust rules on phones completely.

Why is the word audio included, does that allow for video calls?

Request clarification on "visible possession"

More authority to revoke certificates to watchers. But concerns about enforcement.

8.14.5 – watchers know the judges – how enforce not allowing chat after shifts? What if the judge initiates the conversation; do we discipline the judge instead? Are both eliminated?

How do we manage this if watchers communicate via texts? Do we kick them out for texting? How do we monitor texts?

Would appreciate clarification on applying these guidelines to the watcher last November at a VSPC who confronted a voter about why she got a Mail Ballot instead of voting in person. Is that allowed under 8.14? Are there different rules and 8.14 doesn't apply if they follow the voter outside the VSPC and are in the parking lot?

Also, are the guidelines different for the watchers who were specifically assigned to watch 24-hour boxes? This became an issue for the first time in November 2020 – people "watching" outside in cars or on foot in parking lots by 24-hr drop boxes (outside the 100 ft electioneering zone). Are they no longer considered watchers outside of VSPCs and Ballot Processing facilities? 8.10.2 and 8.14 are both focused on ballot processing facilities and VSPC rooms, but do not address the 24-hr drop box areas which have expanded across the state and are separate and apart from those two locations. Yet they are a place where "election activities" are conducted (people are dropping off ballots, ballot security comes to pick up ballots, etc.). What rules apply there (if any) beyond criminal intimidation/blocking someone's access to the ballot box? |
| 8.13 | Watcher escalation process should be available and consistent across counties. |
| 8.15 | With 8.13 being repealed, if a watcher disputes an election judge decision in SigVer Tier1, what is the watcher contact supposed to do, just make note of the watcher dispute?

What should be done with watcher disputes in other areas? |

9.1-9.2: Challenges	9.2.1 - Sorter counties may not have the ballot envelope if challenged in Tier 1. Ballot envelope may have already been accepted and sent to opening/counting. Counties offer tour to CDOS staff to understand the challenge of satisfying the same goal in a different manner. This will slow down the process further. 9.2.1 – is this for VSPC or Ballot Processing? 9.2.1 - Can this be staff or designated contact? Ballot processing typically has staff or leads as contacts vs. supervisor judges? 9.2.2 - worded poorly – need to read and understand better 9.2.2 – if challenge form is not received timely the ballot envelope may have already been opened and ballot counted. What then? (b) (4) – if the challenge was rejected by the election judge, why does eligible voter have to respond or get turned over to DA?
9.3.2	If you remove "Other" from Basis for Challenge on Mail Ballot Challenge Form, then this rule is not needed. Suggested mail ballot challenge form change: This form ~~should~~ must be completed and given to county officials prior to signature verification
10.1-10.8: Canvass process	Removes emergency and ADA ballots from Canvass review. Why would the review of some ballots be off-limits to the canvass board? Overall concern about reducing transparency. Suggested change for 10.3.2 (a) – Using the materials provided for this activity by the DEO; conduct the canvass AND CERTIFY THE OFFICIAL ABSTRACT OF VOTES in accordance with section 1-10-101.5, C.R.S." Suggested change: 10.3.3 –possible canvass board used multiple roles, so clarify limits are just "in their canvass roles"?
15.1-15.4: Petition processes	15.1.2(F) - This has always been our county practice to review candidate petitions in the order received (to correctly reject duplicate signatures), so no objection to explicitly placing in rule.)
18.4: ballot duplication	Language is unclear re: intent of this change to resolution boards and observation by different (or not) bipartisan election judges. If resolution board who is doing the duplication is already a bipartisan (major party) team, what does this amendment change?
20.4.2(b)	Strike "any card or" – this language was made redundant by removal of the memory card language above.
20.9.4: security footage	Maintaining video footage for 25 months will require purchase of storage device large enough to hold 90 days of 24/7 recordings. Unfunded mandate. Video footage not currently listed in statue as an election record, so why the need for same retention schedule as defined election records. Can we change to maintain video footage until the contest process timeline has expired?
20 & 21: make permanent voting systems security access/decertificati on temporary rules	Possibly allowing a trusted build or recertification instead of full decertification of whole system or machines without recourse by the county? 21.4.11. BMD misspelled

25.2: RLAs	Page 34, line 13, "memory" card should be "activation" card
	Rule 25 may need random audits for RCV, perhaps.
	Is this rule change on timing for tabulation/CVR uploads/random seed just for 2021 because Veterans' Day falls on the 9th day or this is a permanent change for all election years?