

August 12, 2024

Colorado Department of State,

Please consider the following written comments on the Notice of Proposed Rulemaking dated July 15, 2024.

Amendments to Rule 20.7.2, including new section (d), concerning seals on ballot drop boxes:

20.7.2 Voted ballots [Not shown: no changes to sections (a)-(c).]

(d) A TAMPER-EVIDENT SEAL MUST BE PLACED OVER THE DOOR OR OTHER OPENING FROM WHERE BALLOTS ARE RETRIEVED FROM A BALLOT DROP BOX. ELECTION JUDGES RETRIEVING BALLOTS FROM A DROP BOX MUST FILL OUT A CHAIN-OF-CUSTODY LOG WITH THAT SEAL INFORMATION EACH TIME THEY RETRIEVE BALLOTS.

This proposal is unnecessary, costly, and impractical.

- Counties already maintain chain-of-custody logs when judges collect ballots from drop boxes, including voted ballots sealed into containers for transport. Many counties also maintain chain-of-custody logs for drop box keys.
- The proposed requirement for judges to seal ballot drop boxes is impractical and imposes a financial burden on taxpayers. The cost of physical seals and the additional time judges spend on this task will significantly increase the overall expense.
- Colorado's unpredictable weather and the prevailing public sentiment make this proposed rule impractical. The harsh elements, including extreme heat, cold, wind, condensation, snow, rain, ice, and water sprinkler systems, will render it impossible for seals to adhere to ballot drop boxes. Regrettably, the ease with which individuals can remove the seals that do manage to stick will only fuel the claims of groups that already question the security of our elections.
- In addition, filing an incident report each time a seal falls off or someone pulls one off will backlog election operations and delay results even more.

20.11 Security of operations

20.11.1 Contingency plans [Not shown: no changes to sections (a)-(e).]

(f) (G) The county clerk must develop contingency plans which address an unexpected outage of any required video surveillance. The plan must include regular intervals, BUT NOT LESS THAN ONCE PER BUSINESS DAY AND THE SATURDAY AND SUNDAY BEFORE ELECTION DAY, at which the county will confirm that all required video surveillance is operational.

- **This proposed rule creates an unfunded mandate; requiring counties to pay staff overtime and travel time to reach remote locations that would likely be closed outside of regular business hours puts another burden on taxpayers.**
- **Should staff discover an outage, this proposed rule assumes they know how to diagnose the problem and find someone available to fix it. The likelihood of that on a weekend (especially Sunday) is doubtful.**
- **If the outage is power-related, no one can remedy the situation until the power company restores power.**

Thank you for your time and consideration.

Respectfully,

**Corinne M. Lengel,
Lincoln County Clerk and Recorder**