



September 22, 2025

Secretary of State Jena Griswold
Department of State
1700 Broadway, Suite 550
Denver, CO 80290

Submitted via email to **SoS.Rulemaking@coloradosos.gov**

Dear Secretary Griswold:

The Jefferson County Clerk and Recorder's office is submitting these comments to the Notice of Proposed Rulemaking issued by the Department of State on August 15, 2025. We offer these comments on many of the proposed rules to highlight some particular issues from our perspective in administering elections in a diverse community of over 425,000 active registered Coloradans in the Denver metro area.

Proposed Rules 7.2.4 and 18.4.2 – affiliation changes and ballot holds

Proposed new section (d) attempts to address the issue of party affiliation changes by a voter after ballots are mailed in a coordinated election that includes a vacancy election for general assembly or county commissioner. First, as proposed this revised Rule 7.2.4 gives rules for ballot handling in primary elections and coordinated elections. As a legal matter, the proposed changes to this rule do not appear to incorporate the statutory 22-day deadline for affiliation to vote in a party's primary/vacancy election. Under legislation this year, voters who are affiliated with the party of the vacancy or unaffiliated "as of the twenty-second day

before the [] vacancy election” are permitted to vote in that vacancy. In a current primary election, affiliation changes are not processed (and 2nd ballots are not issued) after the 22nd day before the election – we believe these vacancy elections should be handled the same way.

In addition, our Election team notes a number of logistical issues that would cause additional time, cost and make compliance with the proposed rule difficult. These include:

- There is currently no report in SCORE to pull the daily names of voters who have changed their affiliation between the time ballots are printed and the 22nd day. Will the Secretary’s office be providing these records so counties can out sort these ballots when received so that they can be held under this proposed rule?
- Holding an unknown number of ballots for processing only after ALL other ballots are processed means these ballots will not be processed until after Election Night. This will add processing time and delay and judge costs the day after the election. Holding ballots will stop the voter from getting Ballottrax notices that their ballot is accepted – likely generating voter confusion and call volume at county offices. Also, holding ballots this long decreases the time the voter may have to cure their ballot if needed.
- Logistical difficulties highlighted here are magnified by **proposed rule 18.4.2** that requires counties to segregate and duplicate the ballot of any voter who received – and voted – a vacancy election contest ballot but was not eligible to do so based on their affiliation as of 22 days before the election. Again – if a ballot is generated because the affiliation IS eligible for the vacancy election ballot style at the time ballots are printed, what is the SCORE report or other list of these potential individuals that will be provided to counties in order to identify, segregate, hold and potentially duplicate these ballots? Plus, duplication will not be able to happen until the day after Election Day at the earliest due to the hold requirement.

Overall, Jeffco Elections urges the Secretary’s office to allow processing of these ballots with late affiliation changes before a coordinated election with a vacancy election to be handled the same way as current primary election late

affiliation changes are handled. For example, in the June 2024 State Primary, Jeffco had 153 voters change party affiliation between 5/16/24 (data file pulled for Vendor) to 6/3/24 (22-day affiliation cut-off). A few of those were caught in the yank list, and then most of those affiliation changes were processed after ballots printed and mailed. In that case, Jeffco processed the affiliation changes received up to the 22-day deadline, then voided the 1st ballot and issued a new ballot which was sent to the voter in the first daily supplemental mailing after ballot drop day in a primary.

Proposed Rule 7.7.8 – signature verification audit

Jeffco Elections has expanded audit of signature verification judge performance over the past several years and has participated in many pilot program options with the Colorado County Clerks Association. Our experience leads us to request changes to the proposed rule 7.7.8 process in order to balance the goal of ensuring election judges are following proper training and procedure in signature verification with the added cost and resources required during an election.

First, the proposed 3% of all signature verification decisions is an unreasonably large amount. For several years, our audit has included a random sample of 1% of decisions – totally approximately 3,000 items reviewed per election and there is no data to support a 3x increase is needed in these audits. The audit review on average takes 1 hour per 100 items reviewed, so 1% review requires 30 hours of work usually. This audit work is performed by extra trained separate individuals during the final two weeks of the election. Increasing that to 3% would require review of almost 10,000 items over 90 hours of work or more during this same time. That is an unreasonable burden and we do not have any data to suggest that it will result in any improvement in data or election judge training.

The proposed rule requires auditing each day signature verification is completed, which would include Monday, Election Day and day after Election Day. Past audit pilots and procedures have not attempted to incorporate this extra audit step on Election Day (or often the Monday before). Conducting these audits on

Monday and Election Day will delay processing and results reporting. The purpose of auditing earlier is to make sure judges are appropriately trained and following process so that they can be adjusted and kept trained through Election Day. That purpose is not met when done after election day. In addition, audits are done by more experienced senior employees or election judges and requiring them to spend hours on Monday and Election Day doing audits will delay their ability to do other needed tasks those final days. This will delay ballot processing and results reporting.

Finally, this audit has been done for years using tracking forms designed to record needed data with minimal added administrative steps for auditors. Different counties use slightly different records based on the types of equipment and volume that their office handles. The proposed rule requires this to be done with a form created by the Secretary's office. Since this information is not submitted or compiled in any way by the state office, this is likely to create additional burden for counties and reduce the ability to tailor information for each county's processes.

Proposed Rules 7.7.14 and 7.7.15 – reference signature mailings

The Jeffco Clerk's office has many concerns about the proposed rules adjusting and expanding pre-election mailings seeking to collect additional reference signatures, especially from younger voters. We understand and agree with the Secretary's desire to bolster the signature records for new voters and have conducted different – more effective – outreach in our county for this purpose in the past year. Last year, our office expressed concern about the 100-day pre-general election mailing to voters with less than 2 signatures on file and we continue to see very little response from this mailing. This month, Jeffco pulled a list of approximately 26,000 voters with less than 2 signatures on file. The voters on this list range in age from pre-registrants at 15 to 109 with almost every age represented. Under rule 7.7.14, Jeffco would be required to mail a letter to all these voters between July 27 and Aug 21 of a general election year (with optional additional email/text notification) requesting an additional reference signature.

Proposed rule 7.7.15 would require an additional mailing in the same time period to all active registrations aged 17-25 (regardless of number of signatures on file) seeking an additional reference signature. This mailing would not only be in general election years but coordinated election years too. This would create a number of logistical challenges and unintended consequences, including:

- A large number of voters would receive BOTH letters in the same month every other year since a 17- to 25-year-old receiving the new letter who has less than 2 signatures on file will also receive the “under 2 signatures” letter in rule 7.7.14.
- August is the busiest time for moving based on college school year and leases renewals for this younger demographic. As soon as a mailing list is pulled by the Secretary’s office in July it may already be out of date, and a number of these letters will not meet their intended target. Indeed, even by the time ballots are pulled and mailed, mailing addresses are not necessarily updated in SCORE.
- This proposed mailing must occur every year REGARDLESS of voting history. Therefore, if a 20-year-old is a perfect voter in their first 2 years and has multiple elections’ worth of signatures on file after returning mail ballots each election, the County is still required to send this letter every August for another 5 years.
- This approach to sending mailings every year regardless of voting history or if the voter replies to the letter will decrease confidence in the Clerk’s office and increase skepticism of the system. Voters will become frustrated that it appears our records are not up to date and start to ignore mailings.
- Email and text are likely better ways to reach this demographic and address some of the concerns about mailings going to wrong addresses, however this is a massive number of annual communications and requires some software to manage. Perhaps the Secretary could allow counties to have access to Ballottrax to send out these messages every year by adjusting the opt-in/opt-out language? Or funding another mass communication method? Again, there are concerns about the “spam effect.”
- We are concerned there is an equal protection concern with this rule. Extra mandatory outreach to a certain demographic for additional reference signatures regardless of their voting history or record is a benefit that no other voters are receiving. As noted above, Jeffco’s “under 2 signature” list includes

thousands of voters outside this targeted age group. In addition, the highest percentage of ballots returned as undeliverable is in a different older age group. Neither of these sets of voters will get additional mailings prompting them to update addresses or add reference signatures every year, regardless of their voting history.

Finally, are the required mailings to under 2 signature voters and proposed new annual younger voter mailings reimbursable election expenses to be submitted post-election for 45% state funding? A mass mailing for 5,000 costs our office approximately \$6,800 with our print and mail vendor. As of this month, Jeffco has approximate 43,396 active voters between 17 and 25 who would be subject to this required annual mailing. A quick calculation shows that such an annual mailing could cost over \$59,000 (at current postage rates). There would be additional expenses to set up a mass email or texting system. Much of the annual reimbursement items only take effect in the last 60 days before an election. A mailing in August each year would pre-date that timeframe. Therefore, if the Secretary intends to reimburse counties for this new annual mailing, we urge that to be explicitly stated in the adopted rule.

Proposed Rule 7.8.5 - options to vote at VSPCs

Jeffco appreciates any clarification in rules about the options for voters at all state VSPCs and our county always offers ballot marking device, printed paper ballot, or replacement mail ballot options at all locations. Our concern is about the intent of the Secretary as to how counties are to comply with this rule and satisfactorily “offer” these options at the location in order to avoid remedial action. Can the county post a sign with all options? Must the registration judge specifically verbally offer all 3 options to each voter using certain magic words regardless of how the voter expresses their needs? Consistency and clarity is vital so all election judges can be trained the same across the state.

Proposed Rule 7.8.12 – video interpretation at VSPCs

Our Election team has tested some of the new technology that may be implemented under this proposed rule to allow video as part of the multilingual

hotline. Our team wondered if this video is to allow ASL interpretation for hearing impaired voters. Because a hearing impaired voter would not need this video for ballot translation (they can see and read the English printed ballot or ballot marking device) it would likely be used in our VSPCs to help with registration and check-in instructions and support at the main desk, not in the voting booth. Testing showed that it did seem to work on any older smartphone or laptop that we already have at our VSPCs, but if it requires additional specialty hardware the Secretary should provide funding to support. Most counties, such as Jeffco, use PocketTalks for this voter assistance for all other languages and it did appear in testing that the Secretary's proposed ASL video was more accurate than the PocketTalk text to speech options for hearing impaired voters. Jeffco supports the expansion of this option provided it is highly promoted by the Secretary and available to the counties at no cost (including no required new hardware). There is little demand of the state hotline at our VSPCs now, most voters who need services in a language other than English are served by our use of PocketTalks and by access to Spanish language ballots. We also suggest this specialty item not be mandated to be had at all VSPCs – perhaps only Elections HQ in each county plus maybe Stage 1 VSPCs only. Finally, the current system tested required setting up unique individual logins on all devices- it would be easier to implement and train judges if there could be one county account that is used by all locations/judges for that county instead.

Proposed Rule 7.9.4 – county accessibility coordinators

The Jeffco Clerk's office is committed to improving accessibility in voting (and all its services across the county). To that end, our VSPC design, contingency planning, voter communications, and more all include ADA information and adjustments as well as completing and submitting annual required ADA surveys of voting locations and drop boxes to the Secretary's office. Proposed rule 7.9.4 requires the Clerk to designate as "accessibility coordinator" but does not specify whether this position include additional duties and responsibilities. Ultimately the Election Director and Clerk are responsible for ensuring compliance with federal and state accessibility laws in consultation with the Secretary and County Attorney support. This is the same for all other types of laws with which we may comply.

What would be the liability of the particular person named? Also, some counties are very small staffs and may not be able to add an additional individual with additional duties. Would it be possible to have regional accessibility coordinators to cover many counties?

Proposed Rule 16.1.3 – removing covered voter status

It is appreciated that the Secretary is providing additional standards on when a county may remove a covered voter's status when there is sufficient evidence that the voter is no longer overseas (but has not self-adjusted their status). However, the proposed rule has some weaknesses and may have unintended consequences such as:

- **Proposed (b)(1)** - Removing status after voting in-person in only ONE election may not be appropriate for many voters. Deployment and home visit schedules are unpredictable and it may be that a legitimately covered voter just happened to be home during voting days once and took advantage of voting in person. We would recommend this proposed rule be adjusted to require TWO consecutive in-person voting.
- **Proposed (b)(2)** – SCORE does not track mail ballots that are received back in a drop box or drop off location or VSPC any different than ballots that are mailed back. Therefore, there is no way to track whether this has been done for two consecutive elections.
- Additionally – a ballot envelope turned in locally at a drop box is not evidence that the covered voter is present locally. Some covered voters may prefer to mail/diplomatic pouch their completed ballot envelope back to family and have them return it to a drop box in person instead of mail straight to election office for a better sense of security and accountability. (Many out of state college students do this same thing). Therefore, even if we could isolate those ballots, that is not evidence that should be used to remove covered voter status.
- Finally – this rule does not address situations where there is evidence a voter is relocated locally but chooses to continue to vote through the UOCAVA secure ballot portal.

Proposed Rule 19.3.4 – in-person training

Jeffco Elections maintains certification for our entire team, including communications and community engagement support and we have concerns that in person requirement are both difficult to attend, do not allow staff to choose topics that most fit their needs, and are the least accessible for staff with learning differences and accessibility needs.

The online specialty courses offered by the Secretary's office are a great deep dive into specific topics where leadership can making sure individuals are taking courses applicable to their roles and strengthening areas where they are weak. These online courses also are accommodating to a variety of learning styles and accessibility needs that are not as well met in the in person environment.

In person classes create logistical challenges. We currently make adjustments to make sure all employees also take the required in-person course at least once every 2 years. These courses are only offered a few times a year and it requires closing the office or significantly reducing services in order to allow our employees to travel to this 2 day training (offered regionally only). If the proposed rule is adopted requiring all election officials to take the in-person course EVERY year, it will be an additional time and resource drain for both the Secretary's office and counties. This burden is heightened in years with 2 or 3 elections.

Proposed Rule 20.4.4 – door access cards

After years of increasingly improving physical security to our ballot processing areas in Jeffco, often our team exceeds basic requirements of Rule 20. For example, Jeffco elections already has separate election judge and staff identification worn by everyone (as do many counties) that are proposed in the changes to section (b). However, the proposed requirement in new section (c) is both unnecessary and impossible in our county. The entire Jeffco county security system is based on a ID card that also is the door swipe opener – keyed to access based on hire and onboarding categorization. The Clerk's office has spent years developing many layers of security access for different election staff and election

judges based on duties, statute and law. All these access requirements are built into the physical ID card and there is no way to separate that into two separate “ID” and “door access” cards. This is the system for the entire county in all county buildings. If the Secretary’s office can explain the concern behind this proposal, perhaps we can work towards a different solution that can actually be implemented in Jeffco and likely many other counties.

Proposed Rule 20.4.5 – physical security assessment

The proposed changes to this rule are presumably in response to the fact that CISA is no longer authorized and/or able to provide physical assessments to County Clerk election offices as was the case last year when this rule was enacted. The proposed changes to this rule raise concerns that counties may be required to pay a private individual or entity to do these assessments instead, which is much more of a security concern than working with a federal government agency. Also, if this assessment must be moved to the state level, Jeffco urges it to be handled by the state agency equivalent of CISA – a law enforcement, security professional agency – not the Secretary of State. This will keep the work in the realm of not-elected offices who are trained experts in this area when doing inspections and making recommendations to counties for physical security changes.

Proposed Rule 21.1.1 – equipment changes

Jeffco Elections urges the Secretary clarify that new proposed section (c)(5) does not require a county clerk’s office to notify and see approval from the Secretary’s office for replacement of broken peripheral items with voting systems like keyboards and mice. These are high use items with a likely need to replace during an active election in a quick time and do not affect the trusted build or any other security protocols of the voting system.

Thank you for this opportunity to provide feedback on the proposed Election Rules.

Sincerely,

A handwritten signature in black ink that reads "Amanda Gonzalez". The script is cursive and fluid, with the first name "Amanda" and last name "Gonzalez" written in a single continuous line.

Amanda M. Gonzalez
Jefferson County Clerk and Recorder