



"Create an organizational structure that supports best practices, use of technology, and appropriate legislation through teamwork, communication, and mutual respect."

Secretary Griswold:

Thank you for considering these comments on the draft election rules that your office noticed on August 15, 2025. They reflect feedback from county clerks and staff who participate on the Colorado County Clerks Association's Election Technical Committee (ETC). While counties appreciate and agree with many of the proposed rules, the comments and suggestions here are focused on rules where counties seek amendments or clarification.

This document does not represent all county feedback on the draft rules. Instead, it highlights provisions that prompted significant discussion during the ETC's review. Individual counties have submitted their own comments in addition to those provided here.

Amendments to Rule 7.2.4

Comments:

- This rule appears to require a county to prioritize counting a voter's replacement ballot if the voter received the replacement ballot after becoming eligible for a vacancy contest. This will generally only occur in the small window of time between ballot mailing and the 22-day affiliation cutoff (the window of time could widen if a voter picked up a mail ballot earlier from a clerk's office).
- It is unclear, as drafted, that the choice between (1) and (2) is a conditional "either/or," and that section (2) is referring to the ballot containing the vacancy race.

Suggested changes:

(Note: see comments from individual counties for specific language suggestions.)

- Consider clarifications to (2) to add clarity about when this provision applies.

Amendments to Rule 7.7.8

Comments:

- Counties support a robust signature-verification audit and appreciate that the proposed rules generally track the audit structure proposed by the CCCA's Election Initiatives Committee (EIC) in its proposal of May 20, 2025.
- EIC's proposal is the product of several years of collaboration and study among counties of all sizes, which also included participation by staff from the Department of State. The components of the proposal reflect the findings and deliberations of that group.

- The proposed rule deviates from key components of the EIC’s proposal in a manner that would make compliance with the proposed rule difficult for counties of all sizes. CCCA is unaware of any data in support of those deviations.
- Feedback on the rule as drafted:
 - (b)(2) requires a county to conduct a daily audit of the greater of three percent of decisions made or five decisions.
 - It is unclear what data led to the choice of three percent instead of the one percent recommended by the EIC.
 - In large and medium counties, three percent is a significant number that increases daily as ballots come in. And that number becomes unwieldy (amounting to thousands of signatures in some counties) during the days just before election day and on election day.
 - Maintaining the same percentage near election day and on election day will require counties to devote significant resources to auditing rather than conducting signature verification during the busiest time in the election.
 - (b)(1) requires same-day or next-day signature audits for every day that signature verification is conducted.
 - This requirement does not include the EIC’s proposal to allow additional time to audit decisions made the day before and on election day. This is a critical piece because those days are when signature verification is at its peak. When combined with the three-percent requirement in (b)(2), the rule becomes unworkable.
 - Counties not only struggle with staffing and resources as volumes increase for all election processes near and on election day, but many counties also lack adequate space to accommodate this level of auditing once signature verification reaches full capacity.
 - Although it is important to audit signature decisions made throughout the election period, the timeliness of auditing becomes less critical in the days just before election day and on election day because retraining is no longer the focus. With additional time under the rule, these decisions could be audited during the eight-day window from election day until the UOCAVA/cure period has passed.
 - (b)(5) requires that the audit be conducted by a single auditor or a team of two.
 - This makes sense, but as drafted the rule appears to limit an audit to one person or one team of two when a county may need multiple individual auditors or teams of auditors to keep pace with the requirements of the rule.

Suggested changes:

(Note: see comments from individual counties for specific language suggestions.)

- Amend sections (b)(1) and (2) to decrease the number of decisions audited.
 - Amend (b)(2) by requiring one percent of decisions rather than three percent.
 - Amend (b)(1) to allow more time to complete the audit near and on election day.
- Clarify in section (b)(5) that multiple individual auditors or teams of auditors may audit at the same time.

New Rule 7.7.15

Comments:

- This rule requires a mailing that is in addition, and partially redundant, to existing Rule 7.7.14.
- The timing of this new mailing comes shortly after the mailing required in Rule 7.7.14 and the universe of voters targeted in this new mailing will include some of the voters in the earlier mailing. Counties would prefer not to duplicate outreach to voters in such a short window—

particularly for a signature request because counties have received questions about the authenticity of these requests.

- It is unclear how counties will facilitate text-message outreach to voters as required by the new rule.
- Counties are also concerned about the added cost of the additional required outreach.

Suggested change:

(Note: see comments from individual counties for specific language suggestions.)

- Eliminate the proposed new rule and work with counties to identify other solutions.

Amendments to Rule 7.8.5

Comments:

- The purpose and language of this rule are confusing. The first sentence requires that an “election judge must offer *all electors* . . .” each of the voting methods available at a voter service and polling center as required under Title 1, C.R.S. It may be clearer to require that an election judge must offer “each elector who appears before the election judge” the options.
- Counties also expressed skepticism about the need for a rule on this topic that includes a remedial plan—something not used throughout the rules except in the context of UOCAVA compliance. How would this be enforced? Under Rule 16, a county that fails to meet the UOCAVA deadline must self-report.
- Is the requirement that an election judge verbally offer the menu of options at point of contact with the voter? Would a properly placed sign in the VSPC showing a voter their options suffice?

Suggested changes:

(Note: see comments from individual counties for specific language suggestions.)

- Amend the language as suggested above, or to more clearly express the purpose of the rule.
- Consider removing the requirement of a remedial plan.

Amendments to Rule 7.8.12

Comments:

- Some counties believe they can use existing resources to meet the new requirement of a screen used for video relay interpretation at each VSPC.
- Other counties expressed concern about the cost of new equipment in each VSPC and about potential security issues.
 - Please see individual county comments for more-detailed descriptions of concerns.

New Rule 7.9.4

Comments:

- In many counties, responsibility for voter accessibility does not fall to a single person, it is split among several, based on job duties and election processes.
- Counties agree that they must follow all accessibility laws and that they should, and do, develop policies and materials on the topic. But many counties disagree with a rule designating a single individual responsible for “ensuring that the county clerk complies with [the law].”

Suggested changes:

- Amend the rule to require that each county list a primary accessibility contact in the election plan.

Amendments to Rule 16.1.3

Comments:

- Counties appreciate the intent of the proposed rule, as they share concerns about ineligible voters receiving UOCAVA ballots. However, counties' greater concern is over voters continuing to vote via electronic delivery rather than those voting in-person.
- Counties are concerned about the mailing requirement in (c) because they are already successfully communicating via email with these voters and find it is duplicative and costly to also mail a letter.
- Counties also expressed concerns about setting different standards for in-person voting vs. mail ballot voting.

Amendments to Rule 19.3.4

Comments:

- Counties would prefer to keep the in-person class requirement as-is, unless the Secretary of State's office plans to offer new content for in-person classes and offer additional dates throughout the year for in-person training.

Amendments to Rule 20.4.4

Comments:

- In (b), with the removal of "Individuals delivering ballots between separate rooms," it is now unclear from the rule when this requirement applies. For example, is this only during the election period or year round?
- The new requirement in (c) would be impossible for some counties to comply with because their county identification cards are integrated with and the same as key cards.
 - Please see individual county comments for additional details and security concerns.