



DENVER CLERK & RECORDER

CITY CLERK | ELECTIONS | PUBLIC TRUSTEE | RECORDING

HON. PAUL D. LÓPEZ

Secretary Griswold:

The following are Denver's comments to the proposed rules that you noticed on August 15, 2025. We thank you and your staff for a thoughtful rules draft, and for considering our comments here. While we agree with many of the rules as drafted, these comments are limited to the proposed rules we seek changes to.

Amendments to Rule 7.2.4

Comments:

- This rule will have limited applicability, but it makes sense to account for this situation.
- Subsection (d) as written focuses on the voter's affiliation but may be clearer if it instead focuses on the ballot containing the vacancy race for this limited circumstance.

Suggested changes:

- If we properly understand the proposed rule's intent, we suggest the following for clarity:

- (d) In a coordinated election which that includes a general assembly vacancy race or county commissioner vacancy race, if the county clerk processes the change to the elector's record after the vendor prints ballots, or after the county mails its ballots, the county must, depending on the circumstances, either:

(1) Count the first ballot returned by the elector in accordance with section 1-7.5-107(6), C.R.S.; or

(2) Where an elector's affiliated with a political party affiliation change that would allow that voter made the elector eligible to vote in the general assembly vacancy race or county commissioner vacancy race, or the elector unaffiliated, wait until all ballots are received to determine if the voter returned the replacement ballot associated with the elector's new affiliation. containing the vacancy race. If the elector returns the ballot associated with their new affiliation, or their unaffiliated ballot, containing the vacancy race, the county may only count that ballot.

Amendments to Rule 7.7.8

Comments:

- Denver generally agrees with the comments submitted by the CCCA's Election Technical Committee. We fully agree with the need for a standardized audit but disagree with the three percent requirement in the proposed rule.
 - We support CCCA's Election Initiatives Committee's recommendation of a one percent audit.
 - Our analysis of our 2024 signature verification data shows that, under the proposed rule, we would be auditing hundreds of decisions per day and that number would escalate to thousands per day in the days before election day and on election day.
 - With that many decisions to audit, we would struggle to keep up with the same-day/next-day requirement, and that would not be possible on the day before election day and on election day.
- We are particularly concerned that, under significant budget constraints in 2026, we will lack adequate resources to comply with the proposed rule as written while maintaining our focus on signature verification and other election processes.

Suggested changes:

- Amend section (b)(1) to allow for additional auditing time of decisions made during the days before election day and on election day.
- Amend section (b)(2) by replacing "three percent" with "one percent."
- 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:

- Denver supports an effort improve signature acceptance rates across the board and among age groups where data shows an abnormal number of rejections. And we are committed to working with the Department of State to identify the best method for doing so. But we do not support this proposal as drafted.
- The proposed rule requires counties to mail (and email or text) voters almost immediately after the counties have reached out to at least some members of the same group in the mailing required by current Rule 7.7.14. We disagree with duplicating effort within the same timeframe.
- During the rulemaking public comment hearing, counties expressed concern about the timing of this mailing because this age group may be moving or not at home when correspondence goes out.
 - We share the concern about timing for this age group, but we have not settled on an optimal alternative timeframe. This question deserves additional thought before a rule goes into effect.
- We agree that technology-based solutions make sense for this age group, but we are concerned about the cost and process involved in requiring outreach by text. We would like to explore the best solution with the Department of State. For example, we know that Jefferson County has a card they give out with a QR code that would allow a voter to use their phone to send an image of

their signature to the county. This is a promising concept, but not one that is contemplated by the proposed rule.

Suggested change:

- Eliminate the proposed new rule and consider the timing and content of any mailing or other outreach to these voters.

Amendments to Rule 7.8.12

Comments:

- Denver wants to ensure accessibility for all voters. But after considering how we would implement this rule, we have both resource and security concerns.
- Our devices at VSPCs are generally limited to the laptops our election judges use to administer the election. We restrict access to county computers with centrally managed Windows credentials, strong passwords, and multi-factor authentication. We also train our election judges to never share their personal access with another individual.
 - For these reasons, our current devices would not be appropriate for use to comply with the proposed rule.
- It would be costly to add a device at each of our nearly 40 VSPCs that is specifically dedicated to this process.
- We also don't know what security protocols would be expected of a device that has two-way video for the purpose of sharing a voter's ballot. We would not be able to ensure endpoint protection and are uncomfortable offering a county-controlled device for this purpose.

Suggested change:

- Eliminate or delay implementation of this rule until we can better understand how the Department intends for counties to comply.

New Rule 7.9.4

Comments:

- Denver agrees with the comments to this rule submitted by the Elections Technical Committee.

Amendments to Rule 16

Comments:

- Denver agrees with the comments to Rules 16.1.3(b) and (c), 16.1.6, and 16.1.7 submitted by Boulder County.

Amendments to Rule 19.3.4

Comments:

- Denver agrees with the comments to this rule submitted by the Elections Technical Committee.

Amendments to Rule 20.4.4

Comments:

- Denver agrees with the comments to this rule submitted by the Elections Technical Committee.
- Our City and County requires that badges include a photo.
- Security best practice is that door access is linked to a photo of the person gaining access, to prevent users from swapping badges. Our security guards check to confirm that the photo on the badge matches the user and the access to the building that has been granted by the card used—even for people they see every day. Separating a user’s identifying photo from their door access badge could lead to badge-swapping and potential falsification of badge access records.
- It is unclear in subsection (b) whether “identification” refers to ID badges or to the traditional distinguishing garb we use, such as vests, shirts, or lanyards.

Suggested changes:

- Leave the rule as currently adopted.