

# Colorado Secretary of State

## Election Rules [8 CCR 1505-1]

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**Rule 1. Definitions**

1.1 As used in these Rules, unless stated otherwise:

- 1.1.1 “Audio ballot” means a voter interface containing the list of all candidates, ballot issues, and ballot questions upon which an eligible elector is entitled to vote in an election. It also provides the voter with audio stimuli and allows the voter to communicate voting intent to the voting system through vocalization or physical actions.
- 1.1.2 “Audit log” means a record generated by a voting system, in printed or electronic format, providing a record of activities and events relevant to initializing election management software and hardware, including the identification of files containing election parameters, initializing the tabulation process, processing voted ballots, and terminating the tabulation process.
- 1.1.3 “Ballot image” means a digitally captured image of a paper ballot or a representation in electronic form of the marks or vote positions of a cast ballot on a DRE.
- 1.1.4 “Ballot marking device” (BMD) means a device that may integrate components such as an optical scanner, printer, touch-screen monitor, audio output, and a navigational keypad and uses electronic technology to:
- (a) Mark a paper ballot at voter direction;
  - (b) Interpret the ballot selections;
  - (c) Communicate the interpretation for voter verification; and
  - (d) Print a voter-verifiable ballot.
- 1.1.5 “Ballot measure” means a ballot issue or ballot question as defined in sections 1-1-104(2.3) and (2.7), C.R.S.
- 1.1.6 “Blank ballot” means a ballot on which the voter has made no marks in any voting position, has marked with an unreadable marker, or has consistently marked outside of the “read” area of the optical scanner.
- 1.1.7 “Ballot style” means a specific ballot layout or content for an election. The ballot style is the presentation of the unique combination of contests and candidates for which the voter is eligible to vote. It includes the order of contests and candidates, the list of ballot positions for each contest, and the binding of candidate names to ballot positions within the presentation. Multiple precincts may use a single ballot style. Multiple styles may appear in a single precinct where voters are split between two or more districts or other categories defining voter eligibility for particular contests and candidates.
- 1.1.8 “Ballots cast” means the total number of ballots received by the county clerk in an election. “Ballots cast” does not include mail ballot envelopes returned to the county clerk by the U.S. Postal Service as undeliverable.
- 1.1.9 “Canvass workers” means workers appointed or hired by the designated election official to assist in the preparation and conduct of the canvass.
- 1.1.10 “Cast vote record” or “CVR” means the aggregated ballot-level data on ballots counted, consisting of a single record for each ballot tabulated, showing the manner in which the

voting system interpreted and tabulated the voter's markings on the ballot, as adjudicated and resolved by election judges, if applicable.

- 1.1.11 "Central count" means the county's principal ballot counting and processing location.
- 1.1.12 "Chain-of-custody log" means a written record documenting security, possession, and control of a voting system component, election record, or other election material.
- 1.1.13 "Closed network" means a network configuration in which voting system components connect to and communicate only with each other and not with the Internet or any other computer network.
- 1.1.14 "Damaged ballot" means a ballot that is torn, bent, or otherwise mutilated or rendered unreadable, so that it cannot be processed by the ballot scanner. Damaged ballots include:
- (a) All ballots that contain a foreign substance that could interfere with the ballot scanner (e.g. food, drink, etc.).
  - (b) Ballots that are marked in a medium or manner that cannot be detected by a ballot scanner.
- 1.1.15 "Data entry county" means a county using an election management system that exports a file to be uploaded to the Election Night Reporting system.
- 1.1.16 "Designated election official" or "DEO" includes the designated election official's sworn, deputized designee.
- 1.1.17 "Direct Recording Electronic voting device" (DRE) means a voting device that visually displays or audibly presents a ballot and records an elector's votes directly into electronic storage media.
- 1.1.18 "Duplicated ballot" means a ballot for which a true copy must be made for the ballot to be properly processed and counted because of damage, improper marking, or any issue that would prevent a ballot tabulating machine from accurately counting the ballot.
- 1.1.19 "Election complaint" means a complaint filed with the Secretary of State under Articles 1 through 13 of Title 1, C.R.S.
- 1.1.20 "Election management system" means the hardware and software applications used to configure, program, and report election results from one or more voting system components, including the ballot definition and the election reporting subsystem. The election management system may provide utilities for other election administration tasks, including maintaining equipment inventories, estimating ballot printing needs, and maintaining information on voter service and polling centers.
- 1.1.21 "Election media" means any device including a cartridge, card, memory device, or hard drive used in a voting system for the purposes of storing election setup records (ballot or card styles), recording voting results from electronic vote tabulating equipment, or any other data storage required by the voting system for a particular election function. The election management system typically downloads ballot style information to the election media and uploads results and ballot images from the election media.

- 1.1.22 “Election setup records” means the electronic records, often in the form of a database or a set of databases, generated by election management software to create and define ballots, tabulation instruction, and other functions related to the election.
- 1.1.23 “Election management software” means the software for election equipment or computers that controls election setup vote recording, vote tabulation, and reporting.
- 1.1.24 “Electronic ballot” means a non-paper ballot such as on a touch screen or through audio feedback. After a voter casts an electronic ballot, the voter’s choices must be:
- (a) Marked and printed on a paper ballot for subsequent counting by an optical scanner; or
  - (b) Digitally recorded and counted by the touch screen device, commonly referred to as a Direct Recording Electronic (DRE) device.
- 1.1.25 “Electronic Transmission” means:
- (a) For the purpose of sending an unvoted ballot by fax, email, or online delivery to:
    - (1) A military or overseas elector under Article 8.3 of Title 1, C.R.S.
    - (2) An elector requesting a replacement for an emergency under section 1-7.5-115, C.R.S.
    - (3) An affected elector requesting a ballot because of a disaster emergency.
  - (b) For the purpose of returning a voted ballot to the county clerk fax or email.
- 1.1.26 “Firmware” means computer programs stored on read-only memory devices or other electronic circuitry in voting devices that control the basic operation and function of those devices.
- 1.1.27 “Help America Vote Act complaint” or “HAVA complaint” means a complaint filed with the Secretary of State under Title III of the Help America Vote Act (HAVA) and Article 1.5 of Title 1, C.R.S.
- 1.1.28 “Immediate voting area” means the area that is within six feet of the voting equipment, voting booths, and the ballot box.
- 1.1.29 “Manual entry county” means a county that does not use an election management system to export data to the Election Night Results system.
- 1.1.30 “Official Observer” means either an observer appointed by the Secretary of State or an observer appointed by the federal government and approved by the Secretary of State. Official Observers may be present in all phases of the election process and perform duties as may be assigned by the Secretary of State, but are subject to Rules and regulations as prescribed by the Secretary of State.
- 1.1.31 “Optical scanner or ballot scanner” means an optical or digital ballot scanner.
- 1.1.32 “Overvote” means an instance where the elector marked votes for more than the maximum number of candidates or responses for a ballot measure.

- 1.1.33 “Personally identifiable information” means information about an individual that can be used to distinguish or trace an individual’s identity, such as an elector’s social security number, driver’s license number, email address, month and day of birth, and signature.
- 1.1.34 “Qualified political organization” means an organization that has placed a candidate for congressional or state office on the ballot in a congressional vacancy or general election, whose officers have filed proof of organization with the Secretary of State, and that continues to meet the requirements of Rules 3.3 and 3.4. [*Baer v. Meyer*, 728 F.2d 471 (10th Cir. 1984)]
- 1.1.35 “Related to the second degree” means spouse, civil union partner, parents, children, brothers and sisters, grandparents, and grandchildren.
- 1.1.36 “Removable card or cartridge” means a programming card or cartridge, except a voter activation card, that stores firmware, software, or data.
- 1.1.37 “SCORE” means the centralized statewide registration system and the computerized statewide voter registration list described in Part 3 of Article 2 of Title 1.
- 1.1.38 “Seal” means a serial-numbered tamper-evident device that, if broken or missing, indicates that the chain-of-custody is broken and a device is not secure.
- 1.1.39 “Split precinct” means a precinct that has a geographical divide between one or more political jurisdictions which results in each jurisdiction within the precinct to be assigned different ballot styles for a specific election.
- 1.1.40 “Statement of Ballots Form” means the form used at the polling location that accounts for all ballots at that location and includes all information required by Rule 10.
- 1.1.41 “Target area” means the square, oval, incomplete line, or incomplete arrow corresponding to the candidate’s name or ballot response (examples: “Yes”, “No”, “For” or “Against”) on a paper ballot.
- 1.1.42 “Teleprocessing lines” means secure, dedicated communication transmission facilities used for the purpose of accessing SCORE, and ensuring the security and integrity of voting information so that no deviation can go undetected.
- 1.1.43 “Trusted build” means the write-once installation disk or disks for software and firmware for which the Secretary of State has established the chain-of-custody to the building of the disk(s), which is then used to establish or re-establish the chain-of-custody of any component of a voting system that contains firmware or software. The trusted build is the origin of the chain-of-custody for any software and firmware component of the voting system.
- 1.1.44 “Undervote” means an instance where the voter marked votes for fewer than the maximum number of candidates or responses for a ballot measure.
- 1.1.45 “Video security surveillance recording” means video monitoring by a device that continuously records a designated location or a system using motion detection that records one frame, or more, per minute until detection of motion triggers continuous recording.
- 1.1.46 “Voting system” as defined in section 1-1-104(50.8), C.R.S., means:

- (a) The total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to:
    - (1) Define ballots;
    - (2) Cast and count votes;
    - (3) Report or display election results; and
    - (4) Maintain and produce any audit trail information.
  - (b) The practices and associated documentation used to:
    - (1) Identify system components and versions of such components;
    - (2) Test the system during its development and maintenance;
    - (3) Maintain records of system errors and defects;
    - (4) Determine specific system changes to be made to a system after the initial qualification of the system; and
    - (5) Make available any materials to the voter (such as notices, instructions, forms, or paper ballots).
  - (c) “Voting system” does not include any other component of election administration, such as voter registration applications or systems, electronic pollbooks, ballot delivery and retrieval systems, signature verification and envelope sorting devices, ballot on demand printers, election night reporting and other election reporting systems, and other components used throughout the election process that do not capture and tabulate votes.
- 1.1.47 “Voting system test laboratory” (VSTL) means a federally accredited entity that conducts certification testing for voting systems.
- 1.1.48 “VVPAT” has the same meaning as in section 1-1-104(50.6), C.R.S.
- 1.1.49 “Watcher” has the same meaning as in section 1-1-104(51), C.R.S.
- (a) Watchers may be appointed for a recall election by each qualified successor candidate, the proponents and opponents of the recall ballot question, and each participating political party for a partisan recall election.
  - (b) For the purpose of appointing a watcher, the proponent or opponent of a ballot measure means a registered issue committee supporting or opposing the ballot measure.
  - (c) A designated watcher need not be a resident of the county he or she is designated in as long as he or she is an eligible elector in the State of Colorado.
- 1.1.50 “Write-in vote” means a vote where the voter physically writes in the name of a qualified write-in candidate in the space reserved on the ballot for write-in votes and properly marks the target area according to voter instructions.

- 1.1.51 “Zero tape” means a printout of the internal data registers in electronic vote-tabulating equipment indicating a zero value before any ballots are tabulated on that machine.



**Rule 2. Voter Registration**

- 2.1 Submission of voter registration forms
  - 2.1.1 An applicant may submit a properly executed voter registration form to the county clerk in person, by mail, by fax, by online voter registration, or as an email attachment.
  - 2.1.2 If any portion of a mail application is illegible, the county clerk must notify the applicant of the additional information required in accordance with section 1-2-509, C.R.S.
  - 2.1.3 For submitting applications by fax, email, or online voter registration, close of business is 11:59 p.m. MT.
  - 2.1.4 Under section 1-2-508, C.R.S., the effective date of a voter registration application received by the Secretary of State is the date of the postmark, if legible. If there is no legible postmark, the effective date is the date the application is received.
  - 2.1.5 The county clerk must implement a data entry review process to ensure that the county accurately processes voter registration applications in SCORE.
- 2.2 For purposes of precinct caucus lists the elector's duration of residency is based upon the date the elector moved to his or her current residence address, as provided by the elector in his or her application. [Section 1-3-101, C.R.S.]
  - 2.2.1 In SCORE, the county clerk must enter the date provided by the elector that he or she moved to his or her current residence address.
  - 2.2.2 If the elector submits an application and does not include the date he or she moved, the county clerk must use the date the application is received or postmarked, whichever is earlier, as the date moved. If the elector submits the application during the 22 days before election day and does not provide the date he or she moved, the county clerk must use as the date moved the twenty-second day before election day based upon the affidavit.
- 2.3 When processing a new voter registration application, the county clerk must mark the registration record "ID required" unless the elector provides his or her verifiable driver's license number or state identification number, or the elector is otherwise exempt under law. [Section 1-2-204(2)(f.5), C.R.S.]
  - 2.3.1 The county must process the Help America Vote Verification file on at least a monthly basis by verifying social security numbers and removing the "ID required" flag from verified records.
  - 2.3.2 As used in section 1-1-104(19.5), C.R.S., government document means a document issued by a city, county, state, or federal government.
    - (a) A government document includes:
      - (1) A Certificate of Degree of Indian or Alaskan Native Blood;
      - (2) A letter from the director or administrator of a group residential facility that indicates that the elector is a resident of the facility and that he or she resides at the street address listed in SCORE; and

(3) A division of youth corrections identification card issued by Department of Human Services.

(b) A government document does not include any document produced by the SCORE system or using an address label produced by SCORE.

[Sections 1-1-104(18.5), (19.5)(c), and (19.5)(d), C.R.S.]

2.3.3 As used in section 1-1-104(19.5)(a)(VII), C.R.S., "current" means that the date of the document is within 60 days of the date submitted for identification purposes unless the document states a longer billing cycle.

#### 2.4 Treatment of incomplete new registration applications

2.4.1 If an applicant fails to check the box answering the question, "Are you a citizen of the United States?", the county clerk must accept and process the application as complete so long as it is otherwise complete and the affirmation at the bottom of the form is signed.

2.4.2 If an applicant fails to complete the required identification portion of the form in accordance with sections 1-2-204(2)(f.5) and (3)(c), C.R.S., the county clerk must treat the application as incomplete. But if the applicant submits a photocopy of his or her driver's license or identification card, the county clerk must enter the ID number from the card into the applicant's record and process the application as complete.

2.4.3 If an applicant fails to provide a date of birth, the county clerk must treat the application as incomplete. But if the applicant submits a photocopy of his or her driver's license or other approved form of ID that includes the date of birth, the county clerk must enter that information into the applicant's record and process the application as complete.

#### 2.5 Changes to an elector's existing voter registration record

2.5.1 If an elector submits a change to his or her voter registration record and fails to include the information required by sections 1-2-216 or 1-2-219, C.R.S., the county clerk may not make the requested change unless the county clerk can establish minimum matching criteria. If the county clerk cannot establish minimum matching criteria, the county clerk may not change the elector's status and must notify the elector of the additional information that is required to process the request.

2.5.2 If an elector submits a change to his or her voter registration record and writes or selects a name of an organization that is not a qualified political party or qualified political organization, or writes "none", the elector's affiliation must be recorded as "Unaffiliated".

2.5.3 If an elector submits a change to his or her voter registration record and leaves the affiliation or ballot preference section blank, the county clerk may not change the voter's existing affiliation or ballot preference in the registration record.

2.5.4 If an unaffiliated elector who has already been mailed a primary election ballot packet submits an affiliation declaration, the county clerk must defer processing the affiliation change until after the primary election; except that an unaffiliated elector who appears in person to vote may affiliate and vote a party ballot if the county clerk has not received the elector's voted mail ballot.

#### 2.6 Changes to an elector's voter registration status

- 2.6.1 An elector may update his or her inactive registration status to active status by submitting:
- (a) A signed written request, by mail, fax, or an email attachment;
  - (b) An online voter registration application; or
  - (c) An in-person request.

[Section 1-2-605(4)(a), C.R.S.]

- 2.6.2 If an elector is unable to sign, another person must witness the elector's mark. An elector may use a signature stamp because of age, disability, or other need. The stamp is treated as a signature and does not require a witness.

## 2.7 Minimum matching criteria

- 2.7.1 Except as provided in section 1-2-302.5, C.R.S., the county clerk may not transfer, consolidate, or cancel a voter registration record unless the applicable minimum matching criteria as set forth in sections 1-2-603 or 1-2-604, C.R.S., are met. If the minimum matching criteria are not met the county clerk must send a letter to the voter requesting confirmation of the missing or non-matching information in order to transfer, consolidate, or cancel the record.

- 2.7.2 A match of the name means a match of the full name, except that the following are sufficient to establish a match:

- (a) Common variations and nicknames in the first or middle name, e.g., Michael and Mike;
- (b) Explainable and documented change of name, including last name, e.g., maiden name and married name; and
- (c) Explainable and documented variations in suffix, except that the absence of a suffix in one of the records is not considered a variation. Examples of suffix variations that must be explained include junior in one record and III in another.

- 2.7.3 A match of the prior address means a match of the residential street address.

- 2.7.4 The county clerk may use the DMV Motor Voter database to verify prior name or residence address history for the purpose of meeting the minimum matching criteria. The county clerk must scan and retain the information in the elector's record to document how the criteria were met.

## 2.8 Registration of electors who have no fixed permanent home

- 2.8.1 For the purpose of voter registration residence, an elector who has no fixed permanent home must identify a specific location within a precinct that the applicant considers his or her home base.

- (a) A home base is a location the applicant returns to regularly and intends to remain, and a place where he or she can receive messages and be contacted.
- (b) A home base may include a homeless shelter, a homeless provider, a park, a campground, a vacant lot, a business address, or any other physical location.

- (c) For an elector whose home is in foreclosure, the elector may register to vote or remain registered to vote at the foreclosed address until the elector establishes a new permanent residence.
- 2.8.2 If the home base does not include a mailing address, the applicant must provide a mailing address in accordance with section 1-2-204(2)(f), C.R.S.
- 2.8.3 A post office box or general delivery at a post office is not a home base.
- 2.9 A county clerk may cancel a registration record based upon information from a local law enforcement agency only if:
  - 2.9.1 The information states that the individual is currently serving a sentence of incarceration or parole for a felony conviction; and
  - 2.9.2 Minimum matching criteria outlined in Rule 2.7 are met.
- 2.10 During the 22 days before an election, the county clerk must defer processing undeliverable new voter notifications. After the election is closed, the clerk must determine an applicant “not registered” under section 1-2-509(3), C.R.S., only if the applicant did not vote in the election.
- 2.11 Voter registration confidentiality
  - 2.11.1 Information about an agency’s name and location for an application completed at a voter registration agency or driver’s license office is confidential. [52 USC § 20504(c)(2)(D)(iii)]
  - 2.11.2 An elector may request his or her voter registration address be confidential under section 24-72-204(3.5), C.R.S., in person.
    - (a) The elector must use the application provided by the Secretary of State and include his or her name, address, and birth date on the application.
    - (b) The county clerk must not charge an additional processing fee if the elector changes his or her address.
  - 2.11.3 Registration of Address Confidentiality Program (ACP) electors
    - (a) When an ACP participant registers to vote by mail, the participant must provide a copy of his/her ACP Authorization Card.
    - (b) The county clerk must:
      - (1) Use the actual residence address of the ACP elector for precinct designation.
      - (2) Use the substitute address, as defined in section 24-30-2103(14), C.R.S., for all correspondence and mailings placed in the United States mail.
      - (3) Keep the participant's address, county, voting precinct, and split number confidential from the public.
    - (c) A state or local government agency may request access to an ACP participant’s voter registration record using the process in section 24-30-2110, C.R.S.

- (d) Except as specifically provided by Part 21 of Article 30 of Title 24, C.R.S., a program participant's actual address and telephone number is not a public record under Part 2 of Article 72 of Title 24, C.R.S.
- 2.12 List Maintenance under section 8 of the National Voter Registration Act of 1993
- 2.12.1 The Secretary of State will provide monthly National Change of Address (NCOA) data under section 1-2-302.5, C.R.S., to the county clerk by the fifth business day of each month.
- (a) The county must process the data to update registration records and send notifications in accordance with section 1-2-302.5, C.R.S., by the end of each month.
  - (b) The county may not change a residential address to a non-residential address, like a post office box, based on the information in the NCOA data.
  - (c) When the county updates a voter registration record using NCOA data, the county must use the NCOA transaction source.
- 2.12.2 In accordance with section 1-2-605(7), C.R.S., no later than 90 days following a General Election, the county clerk in each county must cancel the registrations of electors:
- (a) Whose records have been marked "Inactive – returned mail", "Inactive – undeliverable ballot", or "Inactive – NCOA";
  - (b) Who have been mailed a confirmation card; and
  - (c) Who have since failed to vote in two consecutive general elections.
- 2.12.3 The county must process all records designated for cancelation by the Secretary of State within 21 days of receipt.
- 2.12.4 The county must process and mail all confirmation cards using SCORE so that the elector's voter registration record audit log shows the date on which the county printed or extracted the confirmation card.
- 2.12.5 To the extent a county has records of confirmation cards it has generated and sent outside of SCORE, the county must retain those records as election records under section 1-7-802, C.R.S.
- 2.13 Voter registration at a voter service and polling center. A person registering voters or updating voter registration information in a voter service and polling center must:
- 2.13.1 Be an election judge, a permanent or temporary county employee, state employee, or temporary staff hired by the county clerk; and
  - 2.13.2 Complete a training course provided by or approved by the Secretary of State.
- 2.14 Voter registration records and data
- 2.14.1 The SCORE system must retain digital images of voter registration applications in perpetuity in accordance with section 1-5-301, C.R.S.
  - 2.14.2 Under section 24-21-104(3), C.R.S., the Secretary of State must charge a fee for voter information reports and related services. A request for elections data must be submitted

using the Elections Data Request Form. The Secretary of State will provide the requested data after payment of the fee as outlined in the fee schedule on the Secretary's website.

- 2.14.3 The county clerk of each county may charge fees for county voter information reports and related services, such as label printing provided by the centralized statewide registration system. But in accordance with federal requirements governing the use of federal funds, fees must not exceed county direct and indirect costs for providing such reports and services.
- 2.14.4 Without written authorization from the Secretary of State, the county clerk may not run or schedule to run SCORE reports or exports that include voter or election detail during regular business hours beginning 22 days before election day and from 7:00 am to 7:00 pm on election day. A county that uses an automated signature verification device may run the EXP-004 report during this time.
- 2.14.5 Custodianship of Voter Registration Information
- (a) The Secretary of State is the official custodian of the information contained in the centralized statewide registration system and the computerized statewide voter registration list created and maintained under section 1-2-301, C.R.S.
- (b) Each county clerk is the official custodian of the voter registration information only for electors within his or her county.
- 2.14.6 If a person requests a certificate of registration or other election record that contains personally identifiable information, he or she must provide a copy of identification as defined in section 1-1-104(19.5), C.R.S.
- 2.15 SCORE username and password administration
- 2.15.1 The state user administrator assigns county user administrator privileges to the individual designated in each county by the county clerk. The county clerk or election administrator must submit a request for county user administrator privilege to the state user administrator in writing. The request must specifically state the full name of the county employee that is being assigned as a county user administrator.
- 2.15.2 Each county is limited to two county user administrators. But a county clerk may apply to the Secretary of State for an additional county user administrator.
- (a) The application must be submitted by the county clerk in writing to the state user administrator and must state the full name of the county employee for which county user administrator privilege is being sought. The application must also state the specific reasons the county clerk is requesting the additional user administrator.
- (b) The state user administrator will notify the county clerk in writing whether the request is approved within five business days after receiving the application.
- 2.15.3 The county user administrator is responsible for security administration and must assign all access privileges, as well as usernames and passwords for county employees and temporary election workers.
- (a) For county employees, the county user administrator must assign a unique username in accordance with the naming conventions provided by the Secretary of State.

- (b) Passwords must be assigned by the county user administrator upon initial authorization and must be changed by users and maintained confidentially.
- 2.15.4 If a county employee or temporary election worker is no longer employed by the county, the county user administrator must immediately inactivate the username.
- 2.16 SCORE network security requirements
  - 2.16.1 The county clerk must use only county-controlled access to networks with proper network security controls in place to access SCORE. The county may never use an open or shared public-use network to access SCORE.
    - (a) All wireless networks must meet the following minimum requirements:
      - (1) WPA2 or above security must be enabled;
      - (2) Shared wireless passwords or secrets must be changed every three months, at a minimum; and
      - (3) Wireless keys must be a minimum of 14 characters in length and must include at least one number and mixed case letters.
    - (b) All networks must employ proper security controls to ensure malicious users cannot connect to the network, intercept SCORE communications, or otherwise attack the SCORE system. These controls must include, at a minimum, network firewalls and securely configured network equipment to prevent common attack mechanisms.
  - 2.16.2 All individuals who access the SCORE system must sign a SCORE Acceptable Use Policy (AUP) before the county provides a SCORE username.
    - (a) The county clerk, county SCORE user-administrator, and county elections IT manager, if applicable, must submit their signed AUP to the Secretary of State.
    - (b) The county clerk must retain the AUP for each individual who is assigned a SCORE username.
      - (1) The Secretary of State will audit the county AUP records for each county selected for annual inspection of its voting system maintenance records under Rule 20.8.5.
      - (2) The Secretary will suspend access to SCORE for any individual whose AUP is not on file with the county clerk.
  - 2.16.3 If a federal agency notifies a county of a data breach of or a targeted attack on its county network or SCORE, or provides any other notice concerning an attack or potential attack on critical elections infrastructure, the county must notify the Secretary of State immediately using the contact information provided by the Secretary of State for this purpose. Counties that have physically or logically segmented their elections systems from county networks must only notify the Secretary of State of an elections-related data breach or targeted attack.
- 2.17 If an unaffiliated elector indicates a political party ballot preference at any time up to and including the twenty-ninth day before a primary election, the county clerk must record the selection in SCORE and mail only the ballot of that political party to the elector in the upcoming primary

election. An elector's political party ballot preference is only effective for a single primary election even if there is more than one primary election in a single year.



**Rule 3. Rules Concerning Qualified Political Organizations**

- 3.1 A qualified political organization, as defined in Rule 1.1, must file proof of organization with the Secretary of State. The proof must include, but is not limited to:
- 3.1.1 The organization's bylaws, which must include the method for selecting officers, delegates to county, state, and national conventions, and candidates planning to petition onto the state's general election ballot; and
  - 3.1.2 The names, addresses, and telephone numbers of the organization's Colorado chairperson, vice chairperson, and secretary, together with the names, addresses, and telephone numbers of all other members elected or appointed to other offices or committees authorized by the bylaws.
- 3.2 A qualified political organization must meet at least once each calendar year.
- 3.2.1 During the meeting in odd-numbered years, the organization must elect a chairperson, vice-chairperson, secretary, and other officers or committees required by the organization's bylaws. If the political organization is a new organization, the organization must hold this meeting before placing a candidate on the ballot. In this instance, the organization may hold this meeting in an even-numbered year and may select candidates as described in Rule 3.3.3.
  - 3.2.2 The organization's chairperson and secretary must file with the Secretary of State a full and complete list, under oath, of the persons elected or appointed under this Rule 3.2, together with any amendments to the bylaws adopted at the meeting.
  - 3.2.3 During the meeting in even-numbered years, the organization must select candidates who will attempt to petition onto the ballot for the next general election.
- 3.3 To remain in good standing, a qualified political organization must place a candidate on the general election ballot every two years. A write-in candidate alone is not sufficient to meet this requirement.
- 3.3.1 Organization candidates must be nominated in accordance with section 1-4-802, C.R.S.
  - 3.3.2 Each petition must contain the name of one candidate and an affidavit signed under oath by the chairperson and secretary of the qualified political organization. The affidavit form must be approved by the Secretary of State.
  - 3.3.3 To qualify for the ballot, a candidate must have been affiliated with the qualified political organization by the first business day in January of the election year, or if the organization has not been qualified, the candidate must have been registered as unaffiliated by the first business day in January of the election year.
- 3.4 The Secretary of State will qualify a political organization if the organization:
- 3.4.1 Files proof of organization with the Secretary of State by March 1 in an even numbered year;
  - 3.4.2 Meets and names a candidate to the general election ballot; and
  - 3.4.3 Certifies a candidate to the general election ballot.

- 3.5 Once qualified, eligible electors may affiliate with the political organization.
- 3.6 The Secretary of State will revoke the qualified status of a political organization if the organization does not fully comply with Rules 3.3 and 3.4.
- 3.7 If the Secretary of State revokes the qualified status of a political organization, the Secretary will notify county clerks by June 1 of each odd-numbered year. Upon receipt, the county clerk must mark registration records as “unaffiliated”, where applicable.
- 3.8 Except for the precinct caucus list furnished to major political parties, a qualified political organization may obtain print-outs, lists, and tapes, of voter registration records at the same rate as political parties.
- 3.9 A voter registration summary report must include major political parties, minor political parties, qualified political organizations, and unaffiliated categories.

**Rule 4. Coordinated Elections****4.1 Participation in coordinated elections**

- 4.1.1 For elections where the electors do not need to be registered electors, political subdivisions may conduct their own elections and must coordinate with the coordinated election official any ballot issue notice required by Article X, Section 20 of the Colorado Constitution.
- 4.1.2 A coordinating political subdivision must enter into an intergovernmental agreement with the county clerk that delineates which tasks are the responsibility of the designated election official of the political subdivision and which are the responsibility of the county clerk.
- 4.1.3 The county clerk must include all coordinating districts in the SCORE districts and precincts module and election setup module before conducting a coordinated election. If the county clerk is unable to include one or more districts in SCORE, the clerk must list the districts and explain the issue in the mail ballot plan required under Rule 7.1.1.

**4.2 Procedures for coordinated elections involving jurisdictions shared by multiple counties.**

- 4.2.1 For each jurisdiction that is shared by multiple counties, a controlling county must be designated for the purpose of assigning and coordinating the ballot letter/number for the shared races, issues, and questions in coordinated elections.
- 4.2.2 The controlling county is the county where the administrative office of the political subdivision is maintained at the time that the controlling county is designated.
  - (a) If the administrative office is not maintained within the boundaries of the political subdivision, the controlling county must be the county where the largest number of active registered electors within the jurisdiction reside at the time that the controlling county is designated.
  - (b) Once designated, the controlling county will not change unless approved by the Secretary of State upon request of any of the affected counties.
- 4.2.3 The controlling county must coordinate with each county that shares the jurisdiction to assign the ballot number/letter in accordance with Rule 4.5 no later than the date of ballot certification. All counties within the shared jurisdiction must ensure that the shared races, issues, and questions are printed on the ballot as certified by the Secretary of State or designated election official, and in the order assigned by the controlling county.
- 4.2.4 If any controlling county fails to fulfill its responsibilities in accordance with this Rule, any of the other counties in the shared jurisdiction may make a written request to the Secretary of State to temporarily assume the duties of the controlling county. The Secretary of State may act on behalf of the controlling county or to temporarily designate another county to act as the controlling county to implement this Rule.

**4.3 November coordinated elections**

- 4.3.1 The county clerk is the coordinated election official for coordinated elections held in November of each year and is responsible for coordinating the Article X, Section 20 Ballot Issue notice mailing.

- 4.3.2 Placing measures on the ballot for coordinated odd-year elections
  - (a) For a statewide ballot measure, the Secretary of State must determine whether a proposed initiative is eligible to appear on an odd-year election ballot and whether it concerns state matters arising under Section 20 of Article X of the State Constitution.
  - (b) For all other ballot measures, the political subdivision certifying the ballot content to the coordinated election official must determine whether the proposed initiative or referred measure is a local government matter arising under Section 20 of Article X of the State Constitution.
- 4.3.3 In any odd-year November coordinated election in which there is a statewide issue on the ballot, the canvass board members that will canvass the statewide issue must be appointed in accordance with section 1-10-101, C.R.S.
- 4.4 Form of coordinated elections held other than in November
  - 4.4.1 For all other elections where political subdivisions hold an election on the same day, the electors or boundaries overlap and ballot issues as defined in section 1-1-104 (2.3), C.R.S., appear on the ballot of overlapping jurisdictions, the governing bodies or the designated election officials of the overlapping jurisdictions must identify the election official responsible for assuring that the Article X, Section 20 notice is given.
  - 4.4.2 The political subdivisions may contract with the appropriate county clerk to be the coordinated election official.
- 4.5 Determination of ballot issues and texts.
  - 4.5.1 Each political subdivision must prepare the list of candidates and the ballot title and text for ballot issues and ballot questions, as required by law.
    - (a) The coordinated election official must print the ballot title on each ballot as required by law.
    - (b) Political subdivisions may only require the coordinated election official to print the entire text of a ballot issue or ballot question on the ballot if the political subdivision pays for any additional cost associated with printing and if sufficient space is on the voting equipment to print the entire text given the other issues, questions, and candidates on the ballot. The coordinated election official must tell the political subdivision how much space is available for text for each position on the ballot. If the required ballot title and text is too long for the voting equipment, the coordinated election official may choose to conduct the election with a different form of ballot.
    - (c) For counties where ballot election material must be printed in languages other than English, the political subdivisions are responsible for assuring proper translation of all election materials related to that political subdivision and must pay their pro-rata share of increased printing costs unless otherwise provided by the intergovernmental agreement.
    - (d) For counties where election material is not required to be printed in languages other than English, the political subdivisions are not required to provide translation of all election materials nor pay a pro-rata share of the printing costs unless they so agree.

- 4.5.2 Each political subdivision must determine the order of the ballot issues for their political subdivision in accordance with the requirements of Colorado Constitution Article X, Section 20 and Title 1.
- (a) Referred measures must be designated by a letter or by a number and a letter; initiatives must be designated by a number.
  - (b) For each grouping of ballot issues and ballot questions by a political subdivision, all referred measures must precede all initiatives.
  - (c) For each grouping of ballot issues and ballot questions, the order is as follows:
    - (1) Referred measures to increase taxes;
    - (2) Referred measures to retain excess revenues;
    - (3) Referred measures to increase debt;
    - (4) Other referred measures;
    - (5) Initiatives to increase taxes;
    - (6) Initiatives to retain excess revenues;
    - (7) Initiatives to increase debt;
    - (8) Other citizen petitions.
  - (d) In accordance with section 1-5-407(5)(b), C.R.S., whether initiated or referred, every proposed change to the Colorado Constitution must be called an "amendment" and every proposed change to the Colorado Revised Statutes must be called a "proposition"
  - (e) Ballot issues from the various political subdivisions must be ordered on the ballot as provided in section 1-5-407(5), C.R.S:
    - (1) Each category of referred and initiated state amendments and propositions must be numbered and listed on the ballot in the following series:

A-Z	State Referred Constitutional Amendments
01-99	State Initiated Constitutional Amendments
AA-ZZ	State Referred Statutory Propositions
101-199	State Initiated Statutory Propositions

If a referred or initiated measure contains both a proposed constitutional and statutory change, the measure must be ordered on the ballot as a constitutional amendment.

- (2) Each category of initiated local ballot issues and questions must be numbered in the following series:

200-299	County Issues
300-399	Municipal Issues
400-499	School District Issues
500-599	Ballot Issues and Questions for other political subdivisions greater than a county
600-699	Ballot Issues and Questions for other political subdivisions which are wholly within a county

- (3) Each category of local referred ballot issues and questions must be designated by a letter or a number and a letter in the following series:

1A-1Z	County measures
2A-2Z	Municipal measures wholly within a county
3A-3Z	Municipal measures greater than a county
4A-4Z	School District measures wholly within a county
5A-5Z	School District measures greater than a county
6A-6Z	Ballot measures for other political subdivisions wholly within a county
7A-7Z	Ballot measures for other political subdivisions which are greater than a county

- (4) Ballot questions and issues are numbered or lettered in the order in which the measures are certified to the ballot by the designated election official after the protest period has ended, or if a protest was filed after the protest has been completed.
- (5) For other than state issues, if a county has multiple cities or multiple discrete school districts and other political subdivisions, the designated election official may either further subdivide the series and assign each political subdivision a specific series of numbers, or when the ballot is certified the designated election official may assign the final numbers or letters, making sure that all measures for each political subdivision are grouped together.
- (6) For other than state issues and questions, if the same ballot issue or question will be on the ballot in more than one county, the county clerks must confer with one another and must give the same ballot number or letter to the ballot issue or questions.
- (7) Each ballot question or issue must contain the name of the political subdivision at the beginning of the ballot questions or issue. If the designated election official chooses, the name of the political subdivision may appear before the grouping of questions, such as State Ballot Questions, Arapahoe County Ballot Questions, City of Aurora Ballot Questions, etc.

#### 4.6 Candidate audio recordings

- 4.6.1 A candidate for statewide office, the general assembly, congressional office, regent, or district attorney must provide an audio recording of his or her name to the Secretary of State. The candidate must record his or her name exactly as it appears on the candidate acceptance form, statement of intent, or declaration of intent to run for retention in a

judicial office, as applicable, and the candidate must provide the recording to the secretary of state no later than the deadline to file the candidate acceptance form, statement of intent, or declaration of intent to run for retention in a judicial office, as applicable.

- 4.6.2 A candidate for a county, municipal, school district, or special district office in an election coordinated by the county clerk must provide an audio recording of his or her name to the county clerk. The candidate must record his or her name exactly as it appears on the statement of intent, and must provide the recording to the county clerk no later than the deadline to file the statement of intent.

#### 4.7 Congressional term limits declaration

4.7.1 The Secretary of State must make the Congressional Term Limits Declaration available to every candidate for United States House of Representatives or the United States Senate, provided in Article XVIII, Section 12a of the Colorado Constitution. The Secretary of State will offer the Congressional Term Limits Declaration to these candidates when the candidate files a candidate affidavit with the Secretary of State. Any failure of the Secretary of State to offer the Congressional Term Limits Declaration to a candidate will have no effect on the candidate's candidacy.

4.7.2 The Secretary of State must accept Part A of the Term Limits Declaration if Part B of the Term Limits Declaration was not duly executed and submitted. (Article XVIII, Section 12a(7) of the Colorado Constitution)

4.7.3 In the case of a candidate who has qualified as a candidate for a term that would exceed the number of terms set forth in Term Limits Declaration One, the Secretary of State may not place the words, "Signed declaration to limit service to [3 terms] [2 terms]" after the candidate's name, even if the candidate has executed and submitted Parts A and B of Term Limits Declaration One.

#### 4.8 Ballot format and printing

4.8.1 The county clerk must print the candidate names and the text of ballot issues and ballot questions in upper and lower case, except that the clerk must print the text of ballot issues subject to Article X, Section 20 of the Colorado Constitution in all uppercase text.

4.8.2 If there is no candidate for an office, the ballot must state, "There are no candidates for this office."

##### 4.8.3 Printing primary election ballots

(a) If a major political party, as defined in section 1-1-104(22.5), C.R.S., nominates more than one candidate for any office, the county clerk must conduct the primary election for all major political parties unless the party chooses to nominate candidates in accordance with section 1-4-702, C.R.S.

(1) The county clerk must include on the ballot all offices to which candidates may be nominated in the primary election.

(2) If there are no candidates for any particular office, the county clerk must print on the ballot "There are no candidates for this office".

[Sections 1-4-101 and 1-4-104.5, C.R.S.; Election Rule 10.1.1]

- (b) If a minor political party, as defined in section 1-1-104(23), C.R.S., nominates more than one candidate for any office, the county clerk may conduct the primary election for that party only.
  - (1) The county clerk must include on the ballot only the offices for which there is more than one candidate designated.
  - (2) If there is only one minor party candidate designated for any office, the candidate will be certified to the general election ballot.

[Sections 1-4-101, 1-4-104.5(3), and 1-4-1304, C.R.S.]

#### 4.8.4 Use of unique numbers on ballots

- (a) Except for ballots sent to military or overseas electors by electronic transmission under Rule 16.2, a county may not print a ballot for use in a state or federal election that has a unique number, or a barcode containing a unique number, that is specific to a single ballot.
  - (1) A county that uses rotating numbers must print at least ten ballots of each ballot style for each number.
  - (2) Nothing in this Rule prohibits a county from printing a unique number or barcode on a removable stub.
- (b) After an election official dissociates a voted ballot from its envelope and removes the stub, if any, the county may write or print unique numbers on the voted ballot for auditing and accounting purposes, including duplication of damaged ballots and risk limiting audits.
- (c) For ballots printed before the adoption of this Rule that are in a county's possession, the county must redact unique numbers, or barcodes containing unique numbers, before providing ballots in response to a request for inspection under the Colorado Open Records Act (Section 24-72-205.5(4)(b)(II), C.R.S.).

4.8.5 If the designated election official discovers a ballot layout, printing, or programming error, he or she must immediately report the issue to the Secretary of State's office and work in conjunction to correct the error.

4.8.6 The county clerk must use the Secretary of State approved naming convention for naming ballot styles in the county's Election Management System, SCORE, and .pdfs. The county clerk must use the approved naming convention for contest names in the election night reporting system.

#### 4.9 Colorado Constitution Article X, Section 20 notice requirements

4.9.1 The state and local governments, excluding enterprises, have sole responsibility for drafting and distributing notices required by Article X, Section 20. These responsibilities may be delegated to the coordinated election official in the intergovernmental agreement.

#### 4.9.2 Mailing ballot issue notices

- (a) Nothing precludes the coordinated or designated election official from sending notice of various elections to persons who are not eligible electors if the notice



- sent is part of the coordinated notice and if the sending arises from the official's efforts to mail the notice at "least cost".
- (b) Nothing precludes the coordinated or designated election official from sending notice to each household in the county or political subdivision whether or not registered electors reside at that household as long as notice is sent which ensures that all active registered electors are included on the mailing list.
  - (c) Nothing precludes the coordinated or designated election official from sending notice to each registered elector in a particular political subdivision.
  - (d) The coordinated or designated election official may include the following statement with the ballot issue notice: "This notice is mailed to each address with one or more active, registered electors. You may not be eligible to vote on all issues presented in this notice."
- 4.9.3 If state statute allows the ballot issue notice and the ballot to be mailed at the same time, the ballot for the mail ballot election may be included with the notice.
- 4.9.4 The political subdivisions must provide all completed Article X, Section 20 notices in camera ready format or as otherwise specified.
- 4.9.5 The coordinated election official is not responsible for failure to meet the Article X, Section 20 constraints if the political subdivision fails to submit the notice and summaries within the deadline and in the form required by the coordinated election official.
- (a) Comment summaries for and against ballot issues must not include language of a generally recognized profane, indecent, immoral, offensive, scandalous, or libelous character. No names of persons or private groups may be included in any summary.
  - (b) For counting and verification purposes of the 500-word constitutional limit for each "pro" and each "con" summary, a hyphenated word, unless it is a continuation hyphen, counts as two or more words. A number counts as one word, regardless of dollar signs, commas, or periods within the number.
- 4.9.6 No person may withdraw written ballot issue comments submitted to the designated election official after the last Friday immediately preceding the forty-fifth day before the election.



**Rule 5. Nonpartisan Elections not Coordinated by the County Clerk**

- 5.1 The designated election official must send notice of the election to the clerk of the county in which the election will be held. The notice must include the date by which the list of registered electors must be submitted to the political subdivision.
- 5.2 For multi-county political subdivisions, the notice sent to each clerk must also include the names of all other counties in which the election will be held.
- 5.3 If a political subdivision coordinates with the county clerk, the designated election official is not required to submit a separate mail ballot plan for the election.
- 5.4 Registration list for a special district election
- 5.4.1 If a special district requests a registration list under section 1-13.5-203(1), C.R.S., the county clerk must provide to the designated election official:
- (a) A list of registered electors as of the 40<sup>th</sup> day before the election to be delivered on the 30<sup>th</sup> day before the election, followed by a list of all registered electors as of the close of business on the 22<sup>nd</sup> day before the election to be delivered on the 20<sup>th</sup> day before the election; or
  - (b) A complete list of registered electors as of the sixth day before the election.
- 5.4.2 Upon request, the county must provide the designated election official a list of UOCAVA electors who reside within the special district.
- 5.4.3 Beginning the 40<sup>th</sup> day before the date of election and through election day, the county must stay current with all voter registration data entry.
- 5.4.4 For every registration list sent to the special district, the county clerk must inform the designated election official of the proper procedures for handling protected or confidential elector information. [Section 24-72-204(3.5), (8), and Part 21, Article 30, Title 24, C.R.S.]
- 5.5 Registration lists for municipal elections
- 5.5.1 If a municipality is conducting a mail ballot election, the county clerk must provide the municipality with:
- (a) A preliminary list of all eligible electors no later than the 30<sup>th</sup> day before the election; and
  - (b) A supplemental list of electors no later than the 20<sup>th</sup> day before the election. The list must contain the names of all eligible electors in the municipality who were not on the 30-day list and who registered on or before the 22<sup>nd</sup> day before the election.
- 5.5.2 The county clerk must provide the municipality with a registration list no later than the fifth day before the election. If provided on the fifth day, the list must include all registered electors in the municipality as of the sixth day before the election.
- 5.5.3 Beginning the 40<sup>th</sup> day before the election and through election day, the county clerk must stay current with all voter registration data entry.

- 5.5.4 For every registration list sent to the municipality, the county clerk must inform the designated election official of the proper procedures for handling protected or confidential elector information. [Section 24-72-204(3.5), (8), and Part 21, Article 30, Title 24, C.R.S.]
- 5.6 If an eligible elector attempts to register or update his or her registration at the county clerk's office, the county must process the request and ensure that the elector appears on the next registration list provided to the municipality or issue the elector a certificate of registration.

**Rule 6. Election Judges**

- 6.1 Appointment of election judges under section 1-6-104, C.R.S.
- 6.1.1 The county clerk must request an updated list of election judges from each major party before each election the clerk conducts under the Uniform Election Code.
- 6.1.2 The county clerk must reasonably attempt to exhaust the updated list provided by the major parties before supplementing with additional major party judges or minor party or unaffiliated judges.
- 6.1.3 If a major political party fails to provide an adequate list of election judges by the 60th day before election day, the county clerk must notify the Secretary of State. The county clerk may consider a supplemental list from a major political party after the 60-day deadline.
- 6.1.4 The county clerk must provide a list of election judges, including political party affiliations and assignments, if known, to each appointing party no later than 35 days before election day. Upon request by an appointing party, the clerk must provide a supplemental list no later than seven days before the date on which the county will open its first Voter Service and Polling Center.
- 6.1.5 The county clerk may not ask an election judge or county staff member to change his or her party affiliation to achieve the bipartisan balance required under section 1-6-109, C.R.S.
- 6.2 Assignment of Election Judges
- 6.2.1 The county clerk may assign an election judge based upon appropriate skill level and interest. If a major party objects to the initial election judge assignments provided by the clerk under Rule 6.1.4, the political party may contact the clerk and nominate judges for replacement. The clerk must consider the new nominations.
- 6.2.2 The county clerk may remove or reassign an election judge performing signature verification at any time for cause, which may include, but is not limited to:
- (a) An inability to perform signature verification;
  - (b) An inability to serve for the requisite amount of time needed; or
  - (c) An irregular acceptance or rejection rate, as determined by the county clerk.
- 6.3 The county clerk may not personally conduct signature verification.
- 6.4 Except for UOCAVA ballots and ballots received for counting after election day:
- 6.4.1 Absent written consent by each major party county chair, a county with more than 5,000 active electors by the 90<sup>th</sup> day before election day may not use regular staff as signature verification judges.
- 6.4.2 A county with fewer than 5,001 active electors by the 90<sup>th</sup> day before election day may use regular county staff that are sworn in as election judges to conduct signature verification.

- 6.5 For purposes of training election judges, an “election cycle” means all elections held during a calendar year beginning January 1 and ending December 31.
- 6.6 In lieu of the oath for other election judges prescribed in section 1-6-114, C.R.S., each student election judge must take a self-affirming oath or affirmation before serving, in substantially the following form:
- “ I, \_\_\_\_\_ do solemnly swear (or affirm) that I am a citizen of the United States and state of Colorado; that I am at least 16 years of age and a High School Junior or Senior; that I will perform the duties of an election judge according to law and to the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as a student election judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed.”*
- 6.7 A supervisor judge in a voter service and polling center must complete a training course conducted by the county clerk. The Secretary of State must provide or approve the training content.
- 6.8 A signature verification judge must complete a training course conducted by the county clerk at least once per election cycle. The Secretary of State must provide or approve the training content.
- 6.9 The county clerk must arrange for a criminal background check on each supervisor judge and each staff member with access to SCORE or electors’ confidential or personally identifiable information.
- 6.9.1 The criminal background check must be conducted by or through the Colorado Bureau of Investigation, the county sheriff’s department in accordance with section 24-72-305.6(3), C.R.S., or similar state or federal agency.
- 6.9.2 A person convicted of an election offense or an offense containing an element of fraud may not handle voter registration applications or conduct voter registration and list maintenance activities.

**Rule 7. Elections Conducted by the County Clerk and Recorder****7.1 Mail ballot plans**

- 7.1.1 The county clerk must submit a mail ballot plan to the Secretary of State by email no later than 90 days before every election. The county clerk must submit with the mail ballot plan the voter instructions and secrecy sleeve that the clerk intends to use in the election.
- 7.1.2 The county clerk must list in the mail ballot plan all materials it will include in its mail ballot packet.
- 7.1.3 Approval of mail ballot plans and submission of amendments
  - (a) If the Secretary of State requests modifications to a plan before approval, the county clerk must submit the modified plan within ten days from the request. The Secretary of State will approve or disapprove the modified plan within 15 days from the date it is received.
  - (b) A county clerk may amend a timely submitted mail ballot plan by submitting a written statement outlining the amendment. The amendment must state the specific section of the plan amended and the reason for the amendment. The Secretary of State will approve or disapprove the amendment within 15 days from the date it is received. If the amendment is received within 30 days before the election, the Secretary of State will approve or disapprove the amendment within two business days.
- 7.1.4 The county clerk must submit a security plan under Rule 20 in addition to the mail ballot plan submitted in accordance with this Rule.

**7.2 Ballots and ballot packets**

- 7.2.1 In accordance with section 1-7-116(1), C.R.S., for all coordinated elections, the outgoing envelope, instructions, or other notice must include a notice advising electors that they may receive a ballot from another political subdivision conducting a mail ballot election.
- 7.2.2 If the ballot is returned to the election official as undeliverable, the county clerk is not required to re-mail the ballot packet.
- 7.2.3 In accordance with section 1-7.5-107(3), C.R.S., the county clerk must mail ballots no later than 18 days before election day.
  - (a) The county clerk must process all new registration applications and updates received by the 22-day deadline to mail applicants a ballot in accordance with section 1-7.5-107(3), C.R.S.
  - (b) The county clerk must process new online and in-person registration applications and mail registration updates received by the eighth day before election day and mail a ballot within one business day after receipt.
- 7.2.4 Voiding ballots due to timely changes in address or affiliation.
  - (a) If an elector timely changes his or her address or affiliation after the county mails ballots or sends the voter file to the vendor, the county must void the first ballot and generate a second ballot.

- (1) If the county processes the change to the elector's record after it sends the voter file to the vendor but before the vendor prints ballots, the county must provide the vendor a voided ballot file to prevent the vendor from printing and preparing voided ballots for mailing.
  - (2) If the county processes the change to the elector's record after the vendor has printed ballots but before the vendor mails ballots, the county must work with the vendor to make every reasonable effort to remove voided ballots before they enter the mail stream.
    - (a) If the county mails its own ballots, the county clerk must remove all voided ballots before mailing.
    - (b) If the county processes the change to the elector's record after it mails ballots, the county must count the first ballot returned by the elector in accordance with section 1-7.5-107(6), C.R.S., except where an elector changed his or her affiliation, the county must count the ballot issued for the elector's new party affiliation.
- 7.2.5 Each mail ballot return envelope and mail ballot instruction must include a statement informing voters that it is a violation of law to receive more than ten ballots for mailing or delivery in any election.
- 7.2.6 Each mail ballot return envelope may include the following statement: "I am voluntarily giving my ballot to (name and address) for delivery on my behalf." If the voter leaves the fillable portion of the statement blank, the county clerk must accept the ballot for counting if it is otherwise valid.
- 7.2.7 A county must issue a mail ballot to any eligible elector who requests one in person at the county clerk's office or the office designated in the county's mail ballot plan beginning 32 days before an election.
- 7.2.8 Where practicable, the county must print the elector's full name under or near the self-affirmation signature line on each ballot return envelope. If not practicable for some or all ballot return envelopes, the county must explain why in its mail ballot plan.
- 7.2.9 The county clerk must provide a space on the ballot-return envelope for a witness to the elector's mark to provide his or her full legal name.
- 7.2.10 The mail ballot packet required under sections 1-4-101(2)(b) and 1-4-1203(4)(c), C.R.S. must contain only the ballots of each participating major political party.
- 7.2.11 An unaffiliated voter who wants to receive the mail ballot of a participating minor political party in the mail must declare a mail ballot preference for that party in accordance with section 1-2-204(2)(j.5), C.R.S.
- 7.2.12 If an unaffiliated voter selects a mail ballot preference for a major or minor political party that is not participating or that prohibits unaffiliated voters from voting in its primary election, the county clerk must send the voter the mail ballot packet described in Rule 7.2.10. The packet must include a notice explaining why the voter is receiving the packet.
- 7.2.13 A voter affiliated with a Qualified Political Organization is considered an unaffiliated voter for the purposes of this Rule 7.2.



- 7.2.14 A voter affiliated with a political party that is not participating in the primary election will not receive a mail ballot.
- 7.2.15 The mail ballot return envelope for each unaffiliated voter in a primary election may provide a means for the county to determine, before opening the envelope, which party's primary election ballot the elector returned. If the mail ballot return envelope does not provide such a means, or the county cannot determine which party's ballot the elector returned before opening the envelope, the county must follow the process outlined in Rule 7.5.13. The county's determination under this Rule may not rely solely on a voter's self-reported selection (for example, a checkbox).
- 7.2.16 Each mail ballot return envelope and mail ballot instruction for an unaffiliated voter in a primary election must include a statement instructing the voter to return only one ballot.
- 7.2.17 The county clerk must issue a replacement mail ballot packet to an unaffiliated elector in a primary election as follows:
- (a) If the elector has not declared a mail ballot preference, the county clerk must issue a packet containing the ballots of all participating major political parties.
  - (b) If the Elector has timely declared a mail ballot preference, the county clerk must issue the elector's preferred political party's ballot; or upon the elector's request, a packet containing the ballots of all participating major political parties.
- 7.3 Absentee voting
- 7.3.1 An elector may request that the county clerk mail his or her ballot to an address other than the elector's address of record by submitting an application in accordance with section 1-7.5-116, C.R.S.
- 7.3.2 The county clerk must mail the ballot to the address provided until the elector indicates otherwise.
- 7.4 Emergency ballot transmission
- 7.4.1 The county clerk may deliver a replacement ballot on election day to an elector's authorized representative or to the elector by electronic transmission in the case of an emergency replacement ballot under section 1-7.5-115, C.R.S., upon receipt of a completed application by the elector. If the county clerk delivers an emergency replacement ballot to an elector by electronic transmission, the elector may return the ballot by electronic transmission.
- 7.4.2 Ballots sent by electronic transmission must include all races, ballot issues, and questions for which the elector is eligible to vote. The ballot must be legible to avoid possible misinterpretations of the elector's intended choice because of poor transmission of the document.
- 7.4.3 The electronic transmission must include:
- (a) The county clerk's contact information including mailing address, email address, phone, and fax number;
  - (b) A notice that the ballot may not be duplicated for any other elector;
  - (c) Instructions for completing and returning the ballot;

- (d) A notice regarding the ballot return deadline;
- (e) Information regarding how the elector may verify that his or her ballot has been received by the county clerk;
- (f) Any other information deemed necessary by the Secretary of State or the county clerk; and
- (g) The ballot packet must be in text format on 8 ½" x 11" white paper and must include:
  - (1) An electronic transmission coversheet to protect voter privacy;
  - (2) The unvoted ballot;
  - (3) The electronic transmission ballot instructions; and
  - (4) The self-affirmation required by section 1-7.5-107(3)(b.5), C.R.S.

7.4.4 The county clerk must maintain a log of each ballot sent by electronic transmission. The county clerk must retain the log as part of the official election record along with any other electronic transmission records. The log must include:

- (a) The name of the voter;
- (b) The fax number or email address to which the ballot was transmitted (as applicable);
- (c) The date the ballot packet was transmitted and received; and
- (d) The initials of the employee transmitting and receiving the ballot.

7.4.5 If the county clerk transmits a ballot packet to an elector by fax and the transmission is unsuccessful, the county clerk must attempt to fax the ballot at least two more times.

7.4.6 Upon receipt of the ballot, election judges must verify the signature on the affidavit under Rule 7.8. After the signature on the affidavit has been verified, a bipartisan team of election judges must duplicate the ballot following the procedures outlined in Rule 18. Duplicating judges must not reveal how the elector has cast his or her ballot.

## 7.5 Receipt and processing of ballots

7.5.1 The county clerk must adequately light all stand-alone drop-off locations and use either an election official or a video security surveillance recording system as defined in Rule 1.1.45 to monitor each location.

- (a) Freestanding drop-off locations must be monitored when they are open to receive ballots.
- (b) If the drop-off location utilizes a drop-slot into a building, the ballots must be collected in a locked container, and both the drop-slot and container must be monitored.

- (c) Signage at each drop-off location must inform voters that it is a violation of law for any person to collect more than ten ballots for mailing or delivery in any election, and that electioneering is prohibited within 100 feet of any drop-box.
  - (d) The minimum number of drop-off locations must be open during reasonable business hours as defined in Rule 7.9.1(a) and from 7:00 a.m. through 7:00 p.m. on election day.
  - (e) Video security surveillance is an election record under section 1-1-104(11), C.R.S. and must be retained by the county clerk in accordance with section 1-7-802, C.R.S.
- 7.5.2 Each day when ballots come in, an election official must count the ballot envelopes, batch them and record the number of ballots received.
- 7.5.3 An election official must date-stamp and process the returned ballot envelopes in SCORE immediately upon receipt at the ballot processing location. Except for ballots submitted by military or overseas electors, any ballot received after the close of polls must be date-stamped but not counted.
- 7.5.4 The county clerk must arrange for the collection of ballots by bipartisan teams of election judges from all drop-off locations and receive them into SCORE:
- (a) At least once every 72 hours after ballots are mailed until the date that voter service and polling centers must open;
  - (b) At least once every 24 hours during the days that voter service and polling centers must be open; and
  - (c) At least twice on election day, at approximately 1:00 p.m. and 7:00 p.m.
  - (d) The county clerk may meet the requirements of this Rule by:
    - (1) Collecting and transporting the ballots to the central counting location for receipt into SCORE;
    - (2) Collecting and transporting the ballots to the nearest voter service and polling center for receipt into SCORE; or
    - (3) Receiving the ballots into SCORE at the ballot drop-off location.
- 7.5.5 The county clerk may request a waiver from the Secretary of State for remote drop off locations, exempting them from the ballot collection requirements in Rule 7.5.4. If the Secretary of State grants the waiver:
- (a) The county clerk must arrange for the collection of ballots by bipartisan teams of election judges from all exempt drop-off locations as often as necessary, but at least:
    - (1) Once each week after the initial mailing of non-UOCAVA ballots until the Friday before election day; and
    - (2) On the Friday and Monday before election day and on election day at 7:00 p.m. MT.

- (b) The county clerk must post a notice on each exempt drop box of the dates and approximate times ballots will be collected.
  - (c) If the Secretary of State determines that the county failed to collect ballots from a remote drop-off location as often as necessary, the Secretary of State may revoke or modify the waiver.
- 7.5.6 Election officials must record the number of ballot packets returned as undeliverable and receive the ballot packets in SCORE upon receipt.
- 7.5.7 The designated election official must seal and store ballots and return envelopes in a safe, secure place until the counting of the ballots.
- 7.5.8 After election judges verify the elector's eligibility and signature, the county clerk must dissociate and segregate the mail ballot return envelope from the secrecy sleeve and a voted ballot in a manner that ensures no person is able to determine how an individual voted.
- 7.5.9 If the county clerk discovers a violation of section 1-7.5-107(4)(b), C.R.S., prohibiting any person from receiving more than 10 ballots in addition to his or her own in any election, the county clerk must refer the information to the District Attorney.
- 7.5.10 Before tabulating ballots, the county clerk must, to the extent practicable, dissociate counting batches from any SCORE batch number that could trace a ballot back to the specific voter who cast it.
- 7.5.11 If an elector delivers a ballot to the wrong county, that county must date stamp the ballot envelope and timely forward it to the correct county. Beginning the Monday before election day, the county must notify the correct county of receipt by secure electronic transmission with a scanned image of the outside of the mail ballot envelope including the signature, and forward it to the correct county no later than the next business day. A county that physically delivers ballots to another county no later than the next business day, or immediately transmits them by next-day delivery, is not required to scan the envelope. The correct county must treat the ballot as received as of the date and time of the date stamp. The county receiving the image may perform signature verification upon receipt of the image.
- 7.5.12 County clerks picking up ballots on behalf of another county from a U.S. Postal Service general mail facility on election night must log the number of ballots collected by county and provide the log to the Secretary of State's office within 48 hours. The county clerk must date stamp each ballot envelope as received on or before 7:00 PM on election day and immediately forward it to the correct county. The correct county must treat the ballot as received as of the date and time of the date stamp.
- 7.5.13 Unaffiliated voters in a primary election. If an election judge is unable to determine, before opening the envelope, which party's ballot the elector returned as outlined in Rule 7.2.10, the county must separate the elector's ballot from the envelope in the following manner:
  - (a) An election judge must remove the ballot, enclosed in its secrecy sleeve, from the mail ballot return envelope and pass it to a bipartisan team of judges without allowing the team of judges to determine the identity of the elector.

- (b) The bipartisan team of election judges must remove the ballot from its secrecy sleeve, review the ballot, and audibly report to the first election judge which political party's election the elector voted in.
- (c) The first election judge must record in SCORE which political party's election the elector voted in, or document the proper party information for later recording in SCORE.

7.5.14 If an unaffiliated elector returns more than one ballot in a primary election, a bipartisan team of election judges must review the ballots to determine the elector's intent in accordance with the Secretary of State's Voter Intent Guide.

- (a) If the bipartisan team determines the elector voted in only one party's primary election, the election judge with access to the envelope must record the party chosen in SCORE under Rule 7.5.13(c) and the ballot must be counted. The county must retain any unvoted ballot as an election record.
- (b) If the bipartisan team determines the elector voted in more than one party's primary election, or returned only blank ballots, the county must reject the ballots, not count them, and retain them in the mail ballot return envelope as an election record.

## 7.6 Ballot returned in unofficial envelope

7.6.1 If the county timely receives a mail ballot from an eligible elector in an envelope that is missing or lacks the correct self-affirmation, the county must contact the elector in writing within three calendar days of receiving the ballot but no later than two calendar days after election day. The county must use the letter and affidavit prescribed by the Secretary of State and keep a copy as part of the official election record. If the county receives the completed affidavit no later than the eighth day after election day, the county must count the ballot.

## 7.7 Mail ballot cure procedures

- 7.7.1 If a mail or provisional ballot return envelope lacks a signature, the county clerk must follow the procedures for discrepant signatures outlined in section 1-7.5-107.3(2)(a), C.R.S., except as provided in Rule 7.7.4.
- 7.7.2 The county clerk must use the letter and form prescribed by the Secretary of State and keep a copy as part of the official election record.
- 7.7.3 If the county clerk uses any means in addition to mail to contact any elector regarding a missing or discrepant signature or missing ID, he or she must attempt to contact all similarly situated electors whose registration records have the same type of contact information.
- 7.7.4 If an elector fails to cure a missing signature, the county clerk need not send a copy of the mail ballot return envelope to the district attorney for investigation.

[Sections 1-7.5-107.3 and 1-8.5-105(3)(a), C.R.S.]

## 7.8 Signature verification procedures

- 7.8.1 A single election judge may conduct the first level of signature verification.

- 7.8.2 If the elector's signature appears anywhere on the ballot return envelope, the election judge must verify the signature in accordance with section 1-7.5-107.3, C.R.S.
- 7.8.3 An election judge conducting signature verification must compare the signature on the self-affirmation on each ballot return envelope with the elector's signature in SCORE in accordance with the Secretary of State's Signature Verification Guide.
- 7.8.4 If an election judge must conduct further research on an elector's signature, he or she must check SCORE for additional documents signed by the voter, if available.
- 7.8.5 An election judge may compare additional information written by the voter on the return envelope, such as the voter's address and date of signing. Any similarities noted when comparing other information may be used as part of the signature verification decision process.
- 7.8.6 If an election judge determines that a voter inadvertently returned his or her ballot in another household member's ballot return envelope, the election judge must process and prepare the ballot of the elector who signed the self-affirmation for counting if it is otherwise valid. The election judge need not send a signature discrepancy letter to the voter.
- 7.8.7 If, after bipartisan review, the election judges determine that a signature is discrepant, the judges must document the discrepancy and the research steps taken in a log that:
- (a) Identifies the elector only by name and voter identification number.
  - (b) Does not contain the elector's signature.
  - (c) Notes the final resolution and ballot disposition.
  - (d) Identifies the election judges responsible for final resolution and ballot disposition.
- 7.8.8 The county clerk must periodically audit signature verification judges. If a judge or team of judges has an unexplained, irregular acceptance or rejection rate, the county clerk must retrain or remove that judge or team of judges from conducting signature verification.
- 7.8.9 The election official must use the letter and the signature verification form approved by the Secretary of State. (Section 1-7.5-107.3(2)(a), C.R.S.)
- 7.8.10 If the county uses a ballot sorting and signature capture device, the county clerk must test the device before using it in an election to ensure that it properly sorts envelopes, and accurately and clearly captures the signature on the envelope for comparison to the correct voter record.
- 7.8.11 Use of automated Signature Verification Devices under section 1-7.5-107.3(5)(b), C.R.S.
- (a) The county clerk must test Signature Verification Devices before use in an election.
    - (1) The testing must verify the accuracy of the device and ensure that the device will not accept a signature that a reasonably trained election judge would reject.

- (2) The county must pull and test a minimum of 150 ballot envelopes received in the election and conduct an audit of the machine-verified signatures.
    - (A) A team of bipartisan election officials must manually review the signatures identified on the Automated Signature Recognition report following the procedures in section 1-7.5-107.3, C.R.S., and this Rule.
    - (B) The election judges conducting the audit must sign and date the Automated Signature Recognition Report and the report must be maintained with all other election records under section 1-7-802, C.R.S.
  - (b) The county must conduct a regular audit of each Signature Verification Device during its use.
    - (1) The county must pull a random sampling of at least one in every fifty machine-verified signatures daily.
    - (2) A team of bipartisan election judges must manually review the signatures identified on the Automated Signature Recognition report following the procedures in section 1-7.5-107.3, C.R.S., and this Rule.
    - (3) The election judges conducting the audit must sign and date the Automated Signature Recognition Report and the report must be maintained with all other election records under section 1-7-802, C.R.S.
    - (4) If the device fails the audit, the county must immediately cease use of automated signature verification and notify the Secretary of State. The Secretary of State and the county must work in coordination to identify the issue and implement a solution.
  - (c) The county must operate the device on a secure network.
    - (1) The county may connect the device to the county network only for maintenance and support.
    - (2) The device must be secured by the county firewall.
    - (3) The county must maintain a maintenance and support log that includes the name of the person providing maintenance or support, the date and time the device was accessed, and the specific reason for access.
- 7.8.12 If a county uses a signature capture device to compare a ballot envelope signature to a signature maintained in SCORE, the system may display only one voter's signature at a time.
- 7.8.13 Following the election, the county clerk must report to the Secretary of State in writing the number of ballot return envelopes with discrepant signatures that the clerk forwarded to the district attorney for investigation.

## 7.9 Voter service and polling centers

- 7.9.1 The county clerk must designate and open the minimum number of voter service and polling centers. The centers must be open during reasonable business hours for the minimum number of days outlined in section 1-5-102.9, C.R.S., for a general election and 1-7.5-107(4.5), C.R.S., for all other elections.
- (a) Reasonable business hours means at least eight hours per day Monday through Friday, and at least four hours on Saturday.
  - (b) All voter service and polling centers must be open from 7:00 a.m. through 7:00 p.m. on election day.
  - (c) The county clerk must provide all services outlined in section 1-5-102.9, C.R.S., at every designated voter service and polling center.
  - (d) Signage at each voter service and polling center must indicate that it is a violation of law for any person to collect more than ten ballots for delivery in any election.
- 7.9.2 Voter service and polling center materials include sufficient computer stations for SCORE access, HAVA information, a voting demonstration display, a signature card table, signature cards, paper ballots, voting booths or DREs, a provisional voting area, and a ballot box.
- 7.9.3 In order to assist applicants and electors efficiently, a county clerk must configure voter service and polling centers with sufficient election judges, WebSCORE work stations, voting equipment, and sufficient numbers of mail and in-person ballots that can be tabulated by the county's voting system without further duplication, and other supplies. A county may satisfy this Rule by providing a sufficient number of ballot marking devices or ballot on demand printers.
- 7.9.4 Except for voters with disabilities, the maximum allowable time in a voting booth is 15 minutes if there are voters waiting. The Secretary of State may order additional time based on the length of the ballot. [Section 1-7-115, C.R.S.]
- 7.9.5 Any eligible elector may vote in-person at a voter service and polling center. An election judge must void the elector's mail ballot in SCORE before issuing an in-person ballot.
- 7.9.6 If a voter leaves the voting area without completing the voting process, two judges of different affiliation must, to the extent possible, cover the voter's choices, and cast the ballot as the voter left it.
- 7.9.7 If an elector votes after the close of polls because a federal or state court issues an order extending the time established for closing the polls by state law, the elector must vote by provisional ballot. The county clerk must keep all provisional ballots cast under this Rule separate from provisional ballots not affected by the court order.
- 7.9.8 An unaffiliated elector voting in person at a voter service and polling center in a primary election must state which party's election he or she chooses to vote in, and the election judge must indicate the voter's selection in WebSCORE and provide the voter with that party's ballot.
- 7.9.9 On election day during each general election, a county with at least fifty thousand active electors must measure and record the wait time at each of its voter service and polling centers, at least once per hour, from the time a person enters the location or the line to the time that the person begins the check-in process.



- 7.9.10 Each county required to measure under Rule 7.9.9 must report its results to the Secretary of State no later than 30 days after the election.
- 7.10 The county clerk must complete an accessibility survey for all drop-off and voter service and polling center locations annually before designating a location for use, and no later than 90 days before an election, the county clerk must designate drop-off locations and voter service and polling centers.
- 7.10.1 For the first survey of a location, the county clerk must complete the full ADA Checklist for voter service and polling centers. The county clerk must complete the Annual Voter Service and Polling Center Accessibility Survey form for each location designated for use in an election year after the initial survey is completed. [Section 1-5-703, C.R.S.]
- 7.10.2 If a location fails to meet the minimum accessibility requirements outlined in the ADA Checklist, the county clerk must develop a barrier removal plan outlining the modifications that the county clerk will implement to bring the site into compliance. The county clerk must indicate on the survey whether the modifications are temporary or permanent.
- 7.10.3 The Secretary of State may deny an application for accessibility grant funds if a county clerk fails to assess locations, timely file complete accessibility surveys, or develop and implement necessary barrier removal plans in accordance with this Rule. The Secretary will conduct site visits to assess compliance and identify accessibility barriers. The Secretary will seek injunctive action or other penalties under section 1-1-107(2)(d), C.R.S., as necessary to remedy violations of this Rule.
- 7.11 Voter service and polling center connectivity
- 7.11.1 The county must have real-time access to SCORE and WebSCORE at every voter service and polling center.
- 7.11.2 At no time may an election official open simultaneous sessions of both SCORE and WebSCORE on a single workstation.
- 7.11.3 Every voter service and polling center designated by the county clerk must meet the minimum security procedures for transmitting voter registration data as outlined in section 1-5-102.9, C.R.S., and Rule 2.16.
- 7.12 At each Voter Service and Polling Center, election judges and, if appropriate, election staff, must:
- 7.12.1 Provide all services outlined in 1-5-102.9, C.R.S.;
- 7.12.2 Use WebSCORE to register voters; update existing voter registrations; issue and replace mail ballots; and issue, spoil, and replace in-person ballots; and
- 7.12.3 Offer an in-person voter the opportunity to obtain a replacement mail ballot rather than a provisional ballot in the event the voter service and polling center loses connectivity to WebSCORE but retains connectivity to SCORE.
- 7.13 Assisting voters with disabilities in a voter service and polling center
- 7.13.1 The designated election official must post a sign at the voter service and polling center that states:

*NOTICE*

### VOTING ASSISTANCE FOR ELECTORS WITH DISABILITIES

*Colorado law protects a voter's legal right to assistance in voting if assistance is needed because of a disability.*

1. *If you require assistance, please inform an election judge.*
2. *Any person, including an election judge, may assist you.*
3. *If you select a person other than an election judge, he or she must complete a Voter Assistance Form, which includes an oath that states:*

*I, ....., certify that I am the individual chosen by the elector to assist the elector in casting a ballot. I further certify that I will not in any way attempt to persuade or induce the elector to vote in a particular manner, nor will I cast the elector's vote other than as directed by the elector I am assisting.*

4. *The person you select may provide any assistance you need, including entering the voting booth, preparing the ballot, or operating the voting machine.*
5. *The person assisting you may not seek to persuade you or induce you to vote in a particular manner.*
6. *The election judge must record the name of each voter who receives assistance and the name of the person who provides assistance on the signature card.*

7.13.2 If a voter has spoiled two ballots and requests a third ballot, an election official must offer assistance in voting and casting the ballot.

#### 7.14 Voter history

7.14.1 After the canvass, the designated election official must give vote credit to each person who voted in the election.

7.14.2 If the voter history records do not match the number of voters at that election, the designated election official must ensure the following:

- (a) Each voter received credit; and
- (b) All signature cards are accounted for.

7.14.3 The designated election official must explain and document all research concerning discrepancies.

7.15 Reimbursement to counties for state ballot measure elections. No later than 90 days after an election, the county must submit a completed request for reimbursement under section 1-5-505.5, C.R.S. The county must submit the request using the form provided by the Secretary of State.

7.16 Within 120 days after election day, or before the first day to conduct signature verification at the next county or municipal mail ballot election, whichever is sooner, the county clerk must scan into SCORE the elector's signature and signature date on each accepted mail ballot return envelope and on any cure letter returned by the elector. In a presidential primary year, the deadline for scanning signatures and signature dates from all prior elections that year is extended to 120 days after the state primary election. A county that is unable to scan the signature and/or signature date into SCORE may apply to the Secretary of State for a waiver from these requirements.

**Rule 8. Watchers**

- 8.1 A watcher must affirm that he or she is qualified to act as a watcher under Colorado law. The county clerk must accept the appointment of all eligible watchers duly certified by a political party, candidate, or issue committee under sections 1-1-104(51), 1-7-105, 1-7-106, or 1-7-107, C.R.S.
- 8.1.1 The registered agent or designated filing agent for an issue committee is the authorized representative to appoint watchers for the issue committee.
- 8.1.2 The county clerk must confirm a watcher's eligibility before allowing the watcher to perform his or her duties. If the county clerk is unable to confirm the watcher's eligibility, the clerk must promptly inform the appointing entity.
- 8.1.3 A watcher may provide a copy of his or her current registration record from the Secretary of State's website with the Certificate of Appointment to satisfy the eligibility-confirmation requirement.
- 8.1.4 A watcher for an issue committee may provide a TRACER print-out of the issue committee registration with the Certificate of Appointment to show that the person appointing the watcher is permitted to appoint under Rule 8.1.1.
- 8.1.5 A watcher must complete a training provided by or approved by the Secretary of State before observing election activities where confidential or personally identifiable information may be within view. To verify completion of the training, a watcher must provide his or her training certificate of completion with the Certificate of Appointment. A training certificate of completion is valid until December 31 of that calendar year. An approved training may be used for one calendar year from the date approved.
- 8.2 Interested parties may appoint and certify watchers to observe recall elections held under Article 12, Title I, C.R.S., in accordance with sections 1-7-106 and 1-7-107, C.R.S.
- 8.3 A political party attorney may not be in the polling location unless he or she is a duly appointed watcher or is casting his or her ballot.
- 8.4 A watcher may be certified to observe more than one location in which the county is conducting election activities. A watcher must present a Certificate of Appointment at each location where the watcher is designated to observe, unless the county clerk has established an alternate process.
- 8.4.1 If a watcher leaves a location but returns to the same location, another certificate of appointment is not necessary.
- 8.4.2 A new watcher who is replacing an original watcher must provide his or her certificate of appointment for that polling location.
- 8.4.3 A certificate of appointment as a watcher is not transferable to another individual.
- 8.5 A watcher must take the oath described in section 1-7-108(1), C.R.S.
- 8.6 Removal of Watchers.
- 8.6.1 A county clerk or his or her designee may remove a watcher upon finding that the watcher:
- (a) Committed or encouraged fraud in connection with his or her duties;

- (b) Violated any of the limitations outlined in Rule 8.15;
  - (c) Violated his or her oath; or
  - (d) Was abusive or threatening toward election officials or voters.
- 8.6.2 Upon removal of a watcher, the county clerk must inform the political party, candidate, or committee who appointed the watcher.
- 8.6.3 A removed watcher may be replaced by an alternate watcher duly certified in accordance with sections 1-7-105, 1-7-106, or 1-7-107, C.R.S.
- 8.7 The county clerk must submit a watcher accommodation plan to the Secretary of State by email using the approved form no later than 90 days before an election.
  - 8.7.1 Watchers may be present at each stage of the conduct of the election, including when electors are voting or when election judges are present and performing election activities.
  - 8.7.2 The county clerk must provide, and identify in some manner, at least one primary contact for watchers at each location where election activities are performed when watchers are present.
  - 8.7.3 At voter service and polling centers, the designated election official must position the voting equipment, voting booths, and the ballot box so that they are in plain view of the election officials and watchers.
  - 8.7.4 Watchers must remain outside the immediate voting area while an elector is voting. The six-foot limit in Rule 1.1.28 applies only to voting.
- 8.8 The minimum number of watchers the county clerk must accommodate for each appointing entity is as follows:
  - 8.8.1 In a central count facility, one watcher per central count process, but in any case not less than one watcher for every ten election judges.
  - 8.8.2 During signature verification, one watcher for every four election judges.
  - 8.8.3 At each Voter Service and Polling Center, one watcher, or one watcher per Voter Service and Polling Center process.
  - 8.8.4 The number of watchers permitted in any room at one time is subject to space limitations and local safety codes.
- 8.9 A watcher may observe election activities at a group residential facility, as defined in section 1-1-104(18.5), C.R.S., only if the watcher contacts the county clerk beforehand to arrange the time and location. While at a group residential facility, a watcher must maintain an adequate distance from the elector so the elector may mark or receive assistance marking his or her ballot in private. A watcher may not enter a voter's private room or apartment unless the voter consents.
- 8.10 Watchers are subject to the provisions of section 1-5-503, C.R.S.
  - 8.10.1 A watcher may witness and verify activities described in Title 1, C.R.S. If election officials are conducting election activities in separate rooms or areas of a building or buildings, the county clerk must allow additional watchers to observe and verify each separate activity in each room or area in the building or buildings.

- 8.10.2 Watchers must be permitted access that would allow them to attest to the accuracy of election-related activities. This includes personal visual access at a reasonable proximity to read documents, writings or electronic screens and reasonable proximity to hear election-related discussions between election judges and electors.
- (a) Election activities include:
- (1) Setup and breakdown of Voter Service and Polling Centers.
  - (2) Voter check-in and registration activities.
  - (3) Ballot receipt and processing.
  - (4) Signature verification of mail ballot envelopes at close enough distance to challenge the signature.
  - (5) Ballot duplication.
  - (6) Ballot tabulation.
  - (7) The logic and accuracy test and post-election audit.
  - (8) Provisional ballot processing.
  - (9) UOCAVA ballot processing.
  - (10) Canvass.
  - (11) Recount.
- (b) Witness and verify means to personally observe actions of election officials in each step of the conduct of an election.
- 8.11 The county clerk must provide a list of all voters who have cast a ballot in the county. If requested, the county clerk must make the list available at least daily at the clerk's main office or provide the list electronically.
- 8.12 A watcher may track the names of electors who have cast ballots, challenge electors under section 1-9-203, C.R.S., and Rule 9, and submit written complaints in accordance with section 1-1.5-105, C.R.S., and Rule 13.
- 8.13 During initial signature review by an election judge, the county clerk may allow a watcher to escalate ballot envelope signatures for secondary review by a bipartisan team of election judges.
- 8.14 In addition to the oath required by section 1-7-108(1), C.R.S., a watcher must affirm that he or she will not:
- 8.14.1 Attempt to determine how any elector voted;
  - 8.14.2 Disclose or record any confidential voter information that he or she may observe; or
  - 8.14.3 Disclose any results before the polls are closed.
- 8.15 A watcher may not:

- 8.15.1 Personally interrupt or disrupt the processing, verification, and counting of any ballots or any other stage of the election, except as permitted by the county clerk under Rule 8.13.
- 8.15.2 Write down any ballot numbers or any other personally identifying information about the electors.
- 8.15.3 Touch or handle the official signature cards, ballots, mail ballot envelopes, provisional ballot envelopes, voting or counting machines, or machine components.
- 8.15.4 Interfere with the orderly conduct of any election process, including issuance of ballots, receiving of ballots, and voting or counting of ballots.
- 8.15.5 Interact with election judges other than a designated watcher contact, except as permitted by the county clerk under Rule 8.13.
- 8.15.6 Use a mobile phone or other electronic device to make or receive a call in any polling location or other place election activities are conducted.
- 8.15.7 Use any electronic device to take or record pictures, video, or audio in any polling location or other place election activities are conducted.
- 8.15.8 Unless otherwise approved by the county clerk, have in his or her possession any mobile phone or other electronic device while watching election activities where voters' confidential or personally identifiable information is within view.
- 8.15.9 Attempt to determine how any elector voted.
- 8.15.10 Disclose or record any confidential voter information as defined in section 24-72-204(8), C.R.S., that he or she may observe.
- 8.15.11 Disclose any results before the polls have closed.
- 8.16 Unless the county clerk has established another process, if a watcher disputes a decision made by an election judge or alleges a discrepancy, the watcher must alert the designated watcher contact.
- 8.17 The Secretary of State must approve Official Observers appointed by the federal government. Official observers are subject to Colorado law and these Rules. But an Official Observer is not required to be an eligible elector in the jurisdiction. This Rule does not apply to Official Observers appointed by the United States Department of Justice. Official Observers appointed by the Secretary of State are subject to the rules and regulations as prescribed by the Secretary of State. Official Observers must obtain a letter of authority from the Secretary of State and surrender the letter to the county clerk.
- 8.18 Media Observers may witness all election activities. A county clerk may, in his or her discretion, require a media observer to appoint a pool reporter and a pool photographer to represent all media observers. All media observers are subject to the Guidelines established by the Colorado Press Association in conjunction with the Colorado County Clerks' Association and the Secretary of State as outlined below:

*Guidelines for Member of the Media Who Observe Election Counts and Recounts (to be distributed to members of the Colorado Press Association):*

*The Colorado State Association of County Clerks and Records, Colorado Broadcasters' Association and Colorado Press Association have collaborated to develop the following*

*guidelines and protocols for use when members of the media observe the counting or recounting of ballots. You are strongly encouraged to follow these guidelines to allow meaningful media access while not disrupting the work of county clerks to count ballots or doing anything to compromise the integrity of the election process.*

1. *If practical, please contact the county clerk's office prior to coming to observe the counting of ballots. If the county clerk knows you are coming, it will be easier to accommodate your request for a place to observe the count or to interview an election official.*
2. *At the discretion of the county clerk, a specific viewing area for members of the media and other observers may be available. To the extent practicable, the area will have been designated with sight lines to allow you to observe and take pictures or video of the counting process. If there are insufficient sight lines for you to take the photos or video you need, the county clerk may be able to make arrangements to accommodate your needs.*
3. *Please observe counting procedures without disrupting the count. Please take pictures or video without the use of supplemental lighting. Do not talk to people participating in counting ballots. There may be workers who ask you not to include their images in your pictures or video. We encourage you to honor those requests if you can reasonably do so.*
4. *The Secretary of State's Election Rules state that if observers leave the area during a recount, they may not reenter without the consent of the county clerk. If you have occasion to leave the area, you may be denied re-admittance.*
5. *Please do not use the information you see when observing vote counts to report on partial election results. Please do not report anything that could be used to identify the person who casts a particular ballot.*

*The Colorado State Association of County Clerks and Recorders, Colorado Broadcasters' Association and Colorado Press Association are all committed to working together to ensure the media has access to election counts and recounts, but that access is afforded in manners that do not disrupt the counts and do nothing to compromise the integrity of the process. Your cooperation in following these standards will help us to meet all these goals.*





**Rule 9. Voting Challenges**

## 9.1 Challenging an in-person voter

9.1.1 Under Section 1-9-201, C.R.S., an election official, watcher, or eligible elector of the precinct may challenge an elector's right to vote. A person whose eligibility is challenged while voting in-person, must be offered a regular ballot by an election judge if the person satisfactorily answers the applicable challenge questions specified in section 1-9-203, C.R.S., and this Rule. If the person challenged provides unsatisfactory answers or refuses to answer the challenge questions, an election judge must offer the person a provisional ballot.

9.1.2 Citizenship. The election judge must ask the elector, "Are you a citizen of the United States?"

9.1.3 Residency. The election judge must ask the elector the following questions:

- (a) "Will you have resided in Colorado for the 22 days before election day?"
- (b) "Do you reside at the address stated in your voter registration record?"
- (c) "Have you been absent from Colorado during the past 22 days?" If the elector responds that he or she was absent during the 22-day period, the election judge must also ask the following questions:
  - (1) "Have you been absent for a temporary purpose with the intent of returning, or did you intend to remain outside Colorado?"
  - (2) "While you were absent, did you consider Colorado to be your home or did you maintain a home or domicile elsewhere?"
  - (3) "While you were absent, did you vote in any other state or territory of the United States?"

9.1.4 Age. The election judge must ask the elector, "Will you be 18 years of age or older on election day?"

## 9.2 challenging a mail ballot voter

9.2.1 If an individual challenges a mail ballot under section 1-9-207, C.R.S., the election judge must forward the ballot to two other election judges of different political party affiliations who must review the elector's eligibility to vote.

- (a) If both election judges determine the elector is not eligible under section 1-9-207, C.R.S., the judges must follow the procedures in section 1-7.5-107.3(2), C.R.S.
- (b) If both election judges determine the elector is eligible and that elector's signature is valid, the election judges must count the elector's ballot.

9.2.2 Unless the challenge is withdrawn, the county clerk must notify a voter whose ballot was challenged. The notification must include a copy of the challenge form, the disposition of the ballot, and a statement that the matter will be referred to the district attorney under section 1-9-209, C.R.S. The county clerk must provide a copy of the notification to the challenger upon request.



**Rule 10. Canvassing and Recount**

## 10.1 Precanvass accounting

10.1.1 Detailed Ballot Log. The designated election official must keep a detailed ballot log that accounts for every ballot issued and received beginning when ballots are ordered and received. The election officials must reconcile the log at the conclusion of each workday.

10.1.2 Daily voter service and polling center ballot accounting. The designated election official must supply each polling location with a Statement of Ballots Form. Election judges must record the following information on a separate statement of ballots form for each day that the polling location is open:

- (a) The name or number of the polling location;
- (b) The number of ballots provided to or printed on-demand at the polling location;
- (c) The number of ballots cast;
- (d) The number of unvoted ballots;
- (e) The number of damaged or spoiled ballots;
- (f) The number of voted provisional ballots; and
- (g) The date.

10.1.3 After a polling location closes for the day election judges must complete the following tasks:

- (a) Reconcile the total number of voted ballots with the number of voters who voted.
- (b) Verify that the total number of voted ballots, spoiled or damaged ballots, provisional ballots, and unvoted ballots is the same as the number of total ballots supplied to or printed at the polling location.
- (c) Reconcile the number of people who signed signature cards to the total number of ballots cast.
- (d) Provide a written explanation of any discrepancy in the numbers on the Statement of Ballots form, (for example, the voter signed in but left the polling location without voting, etc.).

10.1.4 After the voter service and polling center closes on election night, election judges must return the completed Statement of Ballots form for each day the location was open along with all voted ballots to one of the election offices designated in the mail ballot plan.

10.1.5 Designated Election Official's disposition of forms

- (a) The designated election official must review the Statement of Ballots forms for completion and accuracy.

- (b) If the designated election official or the canvass board discovers a problem with a Statement of Ballots form that cannot be easily resolved, they may contact the election judges for an explanation or correction.

## 10.2 Appointment to the Canvass Board

- 10.2.1 In all cases, the canvass board must consist of an odd number of members, and each member has equal voting rights.
- 10.2.2 For a partisan election, each major party may have no more than two representatives on the canvass board. The board must include an equal number of representatives from each major party, unless a major party fails to certify representatives for appointment.
- 10.2.3 Each major party representative on the canvass board must be registered to vote in the county where the representative will serve and affiliated with the party he or she represents.
- 10.2.4 A candidate for office and members of the candidate's immediate family may not serve on the canvass board.
- 10.2.5 Appointment of Canvass Workers. The designated election official may appoint canvass workers to help prepare and conduct the canvass.

## 10.3 Duties of the Canvass Board

- 10.3.1 The canvass board must make its determinations by majority vote in accordance with section 1-10-101.5(1)(c), C.R.S.
- 10.3.2 The canvass board's duties are to:
  - (a) Conduct the canvass in accordance with section 1-10-101.5, C.R.S., including:
    - (1) Account and balance the election and certify the official abstract of votes;
    - (2) Reconcile the number of ballots counted to the number of ballots cast; and
    - (3) Reconcile the number of ballots cast to the number of voters who voted by reviewing the reconciled detailed ballot logs and Statement of Ballots.
  - (b) Observe the post-election audit in accordance with section 1-7-514(4), C.R.S., and Election Rule 25.2 or 25.3;
  - (c) In coordination with the county clerk, investigate and report discrepancies found in the audit under section 1-7-514(2), C.R.S.; and
  - (d) Conduct any recount in accordance with section 1-10-5-107, C.R.S., and this Rule. The canvass board's role in conducting a recount includes selecting ballots for the random test, observing the recounting of ballots, and certifying the results.
- 10.3.3 If the board identifies a discrepancy in a Statement of Ballots form, the board may review the particular ballots at issue to identify, correct, and account for the error.
- 10.3.4 The canvass board may not perform duties typically reserved for election judges, including:

- (a) Determining voter intent;
- (b) Evaluating voter eligibility; and
- (c) Requesting new logs or reports that were not created to conduct the election.

10.3.5 Role of Watchers. Watchers appointed under section 1-10-101(1)(a), C.R.S., may observe the board while it performs its duties, subject to Rule 8.

10.4 No canvass board may certify official results until authorized to do so by the Secretary of State. The Secretary of State may extend the canvass deadline for one or more counties in order to complete the risk-limiting audit in accordance with Rule 25.2. Before certifying official results, a county that conducts a comparison audit as defined in Rule 25.1.5 must manually adjust the preliminary results to account for discrepancies identified in the risk-limiting audit if directed by the Secretary of State.

#### 10.5 Procedures for Canvass

10.5.1 The designated election official must provide the following information to the canvass board:

- (a) The name of each candidate, office, and votes received;
- (b) The number or letter of each ballot issue or question and votes received;
- (c) The total number of ballots cast;
- (d) The number of provisional ballots cast, including totals for:
  - (1) Ballots accepted by each code; and
  - (2) Ballots rejected by each code.
- (e) The number of mail ballots cast, including totals for:
  - (1) Ballots accepted; and
  - (2) Ballots rejected by each code.
- (f) The number of in-person ballots counted;
- (g) The number of emergency replacement ballots, including totals for:
  - (1) Ballots accepted; and
  - (2) Ballots rejected by each code.
- (h) The number of damaged and spoiled ballots.
- (i) If applicable, the number of ballots cast in each party's primary election, including totals for:
  - (1) Ballots accepted in each party's primary election by affiliated and unaffiliated voters; and

(2) Ballots rejected by each code.

10.5.2 Any written documentation regarding official results must be included as part of the canvass.

10.5.3 Written Complaints

- (a) The designated election official must provide the canvass board with any written complaint submitted by a registered elector about a voting device.
- (b) If the complaint is resolved, the designated election official must provide the details of the resolution.
- (c) If the complaint is pending resolution when the board meets to conduct the canvass, the designated election official must provide a proposal for how the issue will be resolved.

10.6 Official Abstract and Reporting to the Secretary of State

10.6.1 The official county abstract must include, by precinct or ballot style, where applicable:

- (a) The total number of active registered electors on election day;
- (b) The total number of registered electors (active and inactive) on election day;
- (c) The statement of votes counted by race and ballot question or issue; and
- (d) The total number of ballots cast in the election.

10.6.2 A county must submit the state portion of the abstract and the ENR upload required by Rule 11.10.5 to the Secretary of State in the format approved by the Secretary of State. The state portion of the abstract must include:

- (a) The summary of votes cast for each state race and each ballot question or issue; and
- (b) The total number of ballots counted in the election.

10.7 The County Abstract is the Official Permanent Record

10.7.1 The designated election official must keep all official canvass reports and forms as part of the official permanent election record.

10.7.2 Once the canvass board certifies the abstract it may not withdraw the certification. In the event of a recount, the canvass board may only affirm or amend the abstract.

10.8 Role of the Secretary of State

10.8.1 As part of the Secretary's duties under section 1-1-107, C.R.S., the Secretary may provide guidance and investigate imperfections as outlined below.

10.8.2 The county clerk or the canvass board may request that the Secretary of State provide guidance and support to the canvass board in the exercise of the board's duties.

- 10.8.3 If, in the course of assisting a canvass board, the Secretary of State discovers an imperfection that the Secretary believes may affect the conduct of other canvass boards, the Secretary may provide notice to other counties regarding the nature of the imperfection.
- 10.9 Recount generally
- 10.9.1 The purpose of a recount is to re-tabulate the ballots.
- 10.9.2 For statewide or federal races, ballot issues or ballot questions, the county clerk must coordinate scheduling the recount through the Secretary of State's office so that it can ensure adequate observer coverage.
- 10.9.3 If there is a recount in a local jurisdiction whose borders encompass area in more than one county, the controlling county, as defined in Rule 4.2.2, must coordinate the scheduling and conduct of the recount with each county that shares the jurisdiction.
- 10.10 Recount cost estimates and reimbursements
- 10.10.1 A county must submit a request for reimbursement for a mandatory recount of a state or federal race or ballot measure using the Secretary of State approved form. The county may not request reimbursement for meals or normal overhead costs or regular employee compensation. The county must include itemized costs for reasonable expenditures, including:
- (a) Mailings and notices;
  - (b) Election judges, temporary staff, canvass board pay, and overtime pay; and
  - (c) Copies and other office expenses related to the recount.
- 10.10.2 Requested recounts
- (a) The county clerk must provide an itemized cost estimate in accordance with section 1-10.5-106, C.R.S., upon submission of a formal request for a recount.
  - (b) In preparing a cost estimate for a requested recount, the county must use the Secretary of State approved form. The estimate must include reasonable itemized costs for conducting the recount. The county may not request reimbursement for normal overhead costs.
  - (c) The county clerk must submit a cost estimate to the Secretary of State when the clerk provides it to a requesting party.
- 10.11 In accordance with section 1-10.5-107, C.R.S., and Rule 10.3.2(d), the canvass board's role in conducting a recount includes selecting ballots for the test, observing the recounting of ballots, and certifying the results.
- 10.12 Testing recount equipment
- 10.12.1 The canvass board must review the post-election audit before selecting the equipment for testing under section 1-10.5-102(3), C.R.S. To the extent feasible, the board must select equipment for testing that was not included in the post-election audit.

10.12.2 The county clerk must test all optical scanners that will be used in the recount. The purpose of the test is to ensure that the tabulation machines are counting properly.

- (a) The test deck must include 50 ballots or 1% of the total number of ballots counted in the election, whichever is greater, except that the total number of ballots tested may not exceed the total number of ballots comprising the county's test deck for the Logic and Accuracy test before the election. The ballots must be marked to test every option for the race or measure that will be recounted.
  - (1) In a mandatory recount, the canvass board must select the ballots to be tested from the county's test deck for the Public Logic and Accuracy test.
  - (2) In a requested recount, the person requesting the recount may mark up to 25 ballots. Any other candidate in the race may also mark up to 25 ballots. The canvass board must randomly select ballots from the county's test deck for the Public Logic and Accuracy test to ensure the minimum number of test ballots required by this Rule.
- (b) Sworn judges or staff must hand tally the test ballots for comparison to the tabulation results.
- (c) The test is limited to the race or measure that is recounted.

10.12.3 The county clerk must test the VVPAT records from 1% of the DREs that had votes cast on the ballot style containing the race or measure being recounted.

- (a) Sworn judges or staff must manually verify the results on the machines selected for the test.
- (b) The test is limited to the race or measure that is recounted.

### 10.13 Counting ballots during a recount

10.13.1 In accordance with section 1-10.5-102(3)(b), C.R.S., if there are no discrepancies in the test under Rule 10.12, the recount must be conducted in the same manner as the ballots were counted in the election except as outlined in this Rule. If there are unresolvable discrepancies in the test, the recount must be conducted as a hand count under Rule 10.13.5.

10.13.2 A clear audit trail must be maintained throughout the recount including, but not limited to, a log of seal numbers on transfer cases or ballot boxes, and the corresponding numbered seal for each transfer case or ballot box.

10.13.3 Ballots must be reviewed for voter intent using the standards in Rule 18.

- (a) Every over-vote or under-vote in the race(s) or measure(s) subject to the recount must be reviewed for voter intent under Rule 18.
- (b) The judges conducting the voter intent review may resolve the intent differently than the judges in the election.

10.13.4 To recount ballots using "Ballot Now":

- (a) Back up the official election database.



- (b) Open Ballot Now with an unused Mobile Ballot Box (MBB) from the election and create a Ballot Now recount database.
- (c) Scan and resolve all recount ballots according to this Rule 10.
- (d) Save all recount Cast Vote Records to the MBBs after verifying that the number of ballots processed matches the number of votes cast in the recount contest.
- (e) Open a new recount election in "Tally" and process the recount MBBs following the tabulation procedures above.
- (f) Compare recount results to original results and document any differences.
- (g) Backup the test database and the official recount database.

10.13.5 To recount ballots by hand count.

- (a) If the tabulation of the original count was conducted by hand count, the recount must be conducted by hand count.
- (b) Ballots must be counted in batches of 25 to ensure that the number of ballots recounted matches the number originally counted.
- (c) Votes must be counted by individual hash marks in 25-count sections by two different judges.

10.13.6 For tabulation of DREs, if there are no discrepancies in the test under Rule 10.12.3, the county clerk must upload the memory cards.

10.13.7 Tabulation of ballots must be completed through a precise, controlled process that ensures each container of ballots is retabulated and resealed before tabulation of the next container begins.

10.13.8 The number of ballots counted according to the final results for that race or measure must be available during the recount for comparison purposes.

10.14 Canvass and reporting results for a recount

10.14.1 Totals of recounted ballots must be reported in summary form as follows:

- (a) Sum total of votes for each race or measure recounted, under-votes, and over-votes for each location;
- (b) The totals must be a combined total, not totaled by individual precincts or location, unless the tabulation system allows.

10.14.2 In accordance with section 1-10.5-107, C.R.S., and this Rule 10, the canvass board must amend, if necessary, and re-submit the abstract of votes cast.



**Rule 11. Voting Systems****11.1 Voting system access**

- 11.1.1 The designated election official must securely store election setup records. Only persons with the clerk's written authorization may access the records.
- 11.1.2 The county clerk must deputize employees who are authorized to prepare or maintain the voting system or election setup records before the election.
- 11.1.3 In accordance with section 24-72-305.6, C.R.S., all permanent and temporary county staff and all vendor staff who have access to the voting system or any voting or counting equipment must pass a criminal background check. A person convicted of an election offense or an offense containing an element of fraud may not have access to a code, combination, password, or encryption key for the voting equipment, ballot storage area, counting room, or tabulation workstation.

**11.2 Voting System Inventory**

- 11.2.1 The designated election official must maintain an inventory record for each electronic vote-tabulating device used in an election. The record must include the manufacturer, make, model, serial number, hardware/firmware/software version or release number, hash value documentation where applicable, date of acquisition, description of any services, repairs, maintenance, upkeep, and version upgrades, and the dates the services were performed.
- 11.2.2 If the inventory is in electronic format, it must be exportable to a comma separated (CSV), excel spreadsheet (XLS or XLSX), or quote or tab separated (TXT) file before delivery to the Secretary of State.
- 11.2.3 The designated election official must file the inventory with the Secretary of State no later than ten days before the election for use in the Logic and Accuracy Test and the Post-Election Audit.

**11.3 The clerk must perform a hardware diagnostic test and a logic and accuracy test.****11.3.1 Hardware Diagnostic Test**

- (a) The designated election official must perform the Hardware Diagnostic Test before the election on each device that the designated election official will use in the election, including spare or back up devices. The test must include the following devices and provide the following information:
  - (1) All input and output devices;
  - (2) Communications ports;
  - (3) System printers;
  - (4) System modems when applicable;
  - (5) System screen displays;
  - (6) Boot performance and initializations;

- (7) Firmware loads;
  - (8) Software loads;
  - (9) Display of firmware or software hash value (MD5 or SHA-1) when possible;
  - (10) Confirmation that screen displays are functioning; and
  - (11) Date, time and calibration of systems.
- (b) The designated election official must seal each device upon the successful completion of the test and retain documentation of the seal information and all records in accordance with section 1-7-802, C.R.S.

#### 11.3.2 Logic and Accuracy Test

- (a) The county clerk must conduct the public Logic and Accuracy Test no later than the 18<sup>th</sup> day before election day.
- (b) The county must ensure that the Logic and Accuracy Test is open to the extent allowable in accordance with section 1-7-509(2)(b), C.R.S. The county clerk may limit the number of representatives from each group because of space limitations.
- (c) Preparing for the Logic and Accuracy Test
  - (1) The county must prepare a test deck of ballots that includes every ballot style and, where applicable, precinct. The county test deck must include a sufficient number of ballots to mark every vote position for every contest including write-in candidates, allow for situations where a contest permits an elector to vote for two or more positions, and include overvotes and undervotes for each contest. The county test deck must include at least one write-in vote for each qualified write-in candidate so that all qualified write-in candidate names will appear in the LAT result uploaded to ENR as required by Rule 11.10.3.
  - (2) The county must convene a Testing Board of one registered elector from each of the major political parties. Testing Board members must be registered to vote in the county and be sworn in as election judges.
  - (3) The county must provide at least 25 ballots that are clearly marked as test ballots to each Testing Board member.
  - (4) Testing Board members must mark their test ballots following the instructions printed on the ballots and retain a record of the tally.
  - (5) The Testing Board must test the ballots on each type of voting device used in the election and each type of ballot including audio ballots.
- (d) Conducting the Test
  - (1) The county and Testing Board must observe the tabulation of all test ballots, compare the tabulation with the previously retained records of

the test vote count, and correct any discrepancies before the device is used in the election.

- (2) The county must reset the public counter to zero on all devices and present zero tapes to the Testing Board for verification.
- (3) The county must make an appropriate number of voting devices available and the Testing Board may witness the programming and/or downloading of memory devices necessary for the test.
- (4) The Testing Board and designated election official must count the test ballots as follows, if applicable:
  - (A) Optical Scanners:
    - (i) The Testing Board must test at least one central count optical scanner and at least one optical scanner used at a voter service and polling center, if applicable.
    - (ii) The Testing Board must randomly select the machines to test.
    - (iii) The Testing Board must count the board and county's test ballot batches separately and generate reports to verify that the machine count is identical to the predetermined tally.
  - (B) DREs:
    - (i) The Testing Board must test at least one DRE.
    - (ii) The Testing Board must randomly select the machines to test.
    - (iii) Each member of the Testing Board must separately cast his or her test ballots on the selected DREs. Each Testing Board member must cast at least one of his or her test ballots using the audio ballot playback and accessible input devices.
    - (iv) Each Testing Board member must examine the tabulation tape or report and verify that the DRE results match what the Testing Board member manually marked on his or her test ballots.
  - (C) Ballot Marking Devices (BMDs):
    - (i) The Testing Board must randomly select and test at least one BMD.
    - (ii) At least two members of the Testing Board must use the selected BMD to mark and print at least 25 ballots in the same manner that the testing board member manually marked his or her test ballots. At least two members of the Testing Board must mark at least one of his or her

test ballots using the audio ballot playback and accessible input devices.

- (iii) A Testing Board member or county election official must separately scan and tabulate the test ballots marked with and printed from the BMD on one central count or polling location scanner, and generate a results report.
- (iv) Each Testing Board member must verify that the results report generated from the scanner exactly corresponds to the testing board member's tally of the votes on the manually marked paper ballots comprising his or her test ballots.

(e) Completing the test

- (1) The county must keep all test materials, when not in use, in a durable, secure box. Each member of the Testing Board must verify the seals and initial the chain-of-custody log maintained by the county clerk. If the records are opened for inspection, at least two election officials must verify the seals and initial the chain-of-custody log.
- (2) The county must upload the results from all tested scanners and DREs to the tabulation software, and save the tabulation results for the ENR test required under Rule 11.10.3.
- (3) After testing, the Testing Board must watch the county reset and seal each voting device.
- (4) The Testing Board and the county clerk must sign a written statement attesting to the qualification of each device successfully tested, the number of the seal attached to the voting device at the end of the test, any problems discovered, and any other documentation necessary to provide a full and accurate account of the condition of a given device.
- (5) The county may not change the programming of any voting device after completing the logic and accuracy test for an election, except as required to conduct a recount or as authorized by the Secretary of State.

11.4 The county must submit election setup records by regular mail no later than 5:00 p.m. on the seventh day before election day.

11.4.1 Jurisdictions that contract with either a software service bureau or an electronic vote counting equipment vendor may choose to have the vendor deliver the election setup records.

11.4.2 Election setup records must be in an electronic media format that is native to the jurisdiction's specific ballot creation and tabulation system. Acceptable media formats include tape, diskette, cartridge, CD-ROM, DVD-ROM, floppy, external hard drive, or flash media.

11.4.3 The designated election official must include a point of contact and method of contact (phone, fax, email, etc.).

- 11.4.4 Within 24 hours of receipt of the election setup records, the Secretary of State's office will contact the jurisdiction to confirm receipt.
- 11.4.5 The Secretary of State's office will store the election setup records in a secured, fire proof, limited-access location.
- 11.4.6 All parties must treat as confidential all escrowed materials and any other related information that comes into their possession, control, or custody.
- 11.5 The designated election official must retain all testing records and documentation for 25 months.
- 11.6 Methods of submission are:
- 11.6.1 By regular mail to:
- Colorado Secretary of State  
Attn: Voting Systems  
1700 Broadway – Suite 200  
Denver, CO 80290
- 11.6.2 By email to:
- voting.systems@sos.state.co.us
- 11.6.3 By Fax to:
- 303-869-4861
- 11.7 Rules Concerning Accessible Voting Systems. A political subdivision may not purchase or lease voting systems for use by people with disabilities unless the system is certified in accordance with the 2002 Voting System Standards promulgated by the Federal Election Commission
- 11.8 Rules Concerning Notice of Voting System Malfunction
- 11.8.1 The voting system provider must submit a software incident report to the Secretary of State no later than 72 hours after a software incident has occurred.
- 11.8.2 A vendor or designated election official must notify the Secretary of State within 24 hours of a reported or actual malfunction of its voting system. The notice must include a description, date, and the names of those who witnessed the malfunction, as well as the procedures followed before the malfunction, and any error messages displayed. The notice may be verbal, but a written notice must follow.
- 11.8.3 If the Secretary of State requires additional information the vendor or the designated election official must submit a report to the Secretary of State's office detailing the reprogramming or any other actions necessary to correct a voting system malfunction.
- (a) The report must address whether permanent changes are necessary to prevent similar malfunctions in the future.
- (b) If the malfunction requires a programming or election setup change to the database or other parts of the voting system, the designated election official must submit an updated election setup record to the Secretary of State's office as set forth in Rule 11.4.

- (c) The report must be submitted within 30 days after the date of the request by the Secretary of State. If an election is scheduled within 60 days of the date of request by the Secretary of State, the Secretary of State may set an emergency deadline for filing the report.
- (d) Failure to submit a report within the required period is grounds to decertify the system.
- (e) The political subdivision holding the election in which the voting system malfunction occurred may submit the report in lieu of a report from the system's vendor.
- (f) A copy of this report will be on file in the Secretary of State's office.
- (g) The Secretary of State's office will distribute a copy of this report to all counties using the voting system in question.

## 11.9 Purchases and Contracts

11.9.1 In accordance with sections 1-5-617(5) and 1-5-623(3), C.R.S., a political subdivision may not purchase, lease, transfer, or use a certified electromechanical or electronic voting system, device, or related component, unless the political subdivision first applies for and obtains approval from the Secretary of State.

11.9.2 In the case of electromechanical or electronic voting systems, devices, or related components certified for use in Colorado before January 1, 2016, the Secretary of State will approve a political subdivision's application to purchase, lease, or use the voting system, device, or related component, only if:

- (a) The political subdivision purchased, leased or used the same voting system, device, or related component, before January 1, 2016; and
- (b) The political subdivision's application for approval is limited to the acquisition or use of voting system applications, components or voting devices intended to replace the same or substantially similar applications, devices and components that are damaged, defective or inoperable; and
- (c) Approval of the application, and the political subdivision's purchase, lease or use of the voting system components or voting devices, will not materially impair the political subdivision's future fiscal ability to purchase or lease a voting system certified for use in Colorado on or after January 1, 2016.

11.9.3 In the case of electromechanical or electronic voting systems, devices or related components certified for use in Colorado on or after January 1, 2016, the Secretary of State will approve a political subdivision's application to purchase, lease, or use the voting system, device, or related component, after considering all relevant factors, including without limitation:

- (a) Evaluations of the voting system performed by public committees organized by the secretary of state, and any recommendations regarding the use of the voting system by any such public committee;
- (b) The voting system's ability to support the efficient and uniform conduct of elections under the uniform election code of 1992, as amended;



- (c) The voting system's utilization of commercial off-the-shelf hardware components, rather than proprietary, purpose-built hardware components;
- (d) The voting system's integration of its data management application, if any, with other components of its election management system, so that system users can operate or access all election management system components within a single interface on the same server or workstation;
- (e) The voting system's ability to support efficient risk-limiting audits, or the commitment of the voting system provider to develop such capability, in time for the 2017 coordinated election, as required by section 1-7-515.5, C.R.S.;
- (f) The voting system's compatibility, or the voting system provider's commitment to develop such compatibility on or before December 31, 2016, with dependent systems that are not directly related to the tabulation of votes and ballots, but are nevertheless utilized by designated election officials in conducting elections in Colorado, including:
  - (1) Ballot-on-demand systems,
  - (2) Election Night Reporting systems,
  - (3) Electronic ballot delivery systems, and
  - (4) Election definition data exported from SCORE;
- (g) The voting system's ability to efficiently support elections principally conducted by mail ballot, in all political subdivisions, regardless of their size, number of registered electors, or fiscal resources, including:
  - (1) The voting system's inclusion of applications enabling election judges to digitally, rather than manually, adjudicate, resolve, and duplicate ballots with marginal or ambiguous voter markings, and
  - (2) The voting system's use of ballot scanners equipped with automatic document feeders, enabling election judges to scan multiple ballots rather than a single ballot at a time;
- (h) The voting system's ability to enable voters with disabilities to vote independently and privately, and on the same or substantially similar devices throughout Colorado, without regard to their county of residence;
- (i) The voting system's scalability and affordability, enabling all political subdivisions to utilize the same or substantially similar equipment, regardless of their size, number of registered voters, or fiscal resources;
- (j) The voting system's portability as provided in the provider's hardware and software license agreements, enabling political subdivisions that purchase, lease, or use the system to loan or borrow voting devices and related components to or from one another without charge, as exigencies and other circumstances warrant, and as approved by the Secretary of State;
- (k) The voting system's ability to easily export images of voted ballots, in response to requests filed under section 24-72-205.5(3)-(4), C.R.S., of the Colorado Open Records Act;

- (l) The voting system provider's past performance of successfully implementing its voting system in multiple jurisdictions simultaneously;
- (m) The voting system provider's past performance of successfully training local election officials to use its voting system in multiple jurisdictions simultaneously;
- (n) The voting system provider's past performance of post-implementation customer and technical support for political subdivisions that acquire its voting system;
- (o) The voting system provider's past performance of compliance with Colorado law regarding voter anonymity, and responsiveness to other issues and concerns raised by designated election officials and Secretary of State staff members;
- (p) The voting system provider's financial stability and sustainability as an ongoing business concern; and
- (q) The extent to which the voting system provider's hardware and software license agreements permit the Secretary of State, or political subdivisions that license the hardware and software applications necessary to program elections and voting devices, to perform those services without charge for other political subdivisions that are licensed to use the voting system.

11.9.4 The Secretary of State will approve a county's application for the purchase, lease, or use of an electromechanical or electronic voting system, device, or related component, certified on or after January 1, 2016, only if:

- (a) The voting system includes, and the county acquires, digital ballot resolution and adjudication capability;
- (b) The voting system includes, and the county acquires, central count ballot scanners equipped with automatic document feeders capable of scanning multiple ballots rather than a single ballot at a time;
- (c) The voting system integrates all components of the election management system, including the data management application, if any, into a single user interface that is operable or accessible from the same server or workstation;
- (d) The voting system is capable of supporting efficient risk-limiting audits, or the commitment of the voting system provider to develop such capability, on or before December 31, 2016, in the manner required by Rule 21.4.14;
- (e) The voting system is compatible, or the voting system provider commits to develop such compatibility on or before December 31, 2016, with dependent systems that are not directly related to the tabulation of votes and ballots, but are nevertheless utilized by designated election officials in conducting elections in Colorado, including:
  - (1) Ballot-on-demand systems,
  - (2) Election Night Reporting systems,
  - (3) Electronic ballot delivery systems, and
  - (4) Election definition data exported from SCORE;;

- (f) The voting system provider's software and hardware license agreements expressly permit political subdivisions that purchase, lease, or use the system to loan or borrow voting devices and related components to or from one another, without charge, as exigencies and other circumstances warrant, and as approved by the Secretary of State; and
  - (h) The voting system provider's software and hardware license agreements expressly permit the Secretary of State, or political subdivisions that license the hardware and software applications necessary to program elections and voting devices, to perform those services without charge for other political subdivisions that are licensed to use the voting system.
- 11.9.5 Due to their unsuitability for risk-limiting audits, the Secretary of State will not approve a county's application to purchase, lease or use a ballot scanner certified for use on or after January 1, 2016, that is not equipped with an automatic document feeder, whether intended for use by voters at polling locations, or by election judges at central count locations.
- 11.9.6 A political subdivision's contract to purchase or lease a voting system under Rule 11.9.1 must provide for user training and preventative maintenance.
- 11.9.7 The Secretary of State will only approve a political subdivision's application to purchase or lease a voting system or component if the voting system or component allows the designated election official to conduct elections in accordance with Colorado law, as amended.
- 11.9.8 The Secretary of State will maintain a list of all certified electromechanical or electronic voting systems, devices and related components, purchased, leased, or used by Colorado political subdivisions. The list will include, at minimum, the name of the jurisdiction, the name and version of the voting system, the date of acquisition, and the serial number(s) of voting devices.
- 11.10 Election Night Reporting. The county must use the Secretary of State's Election Night Reporting (ENR) system to report results for all primary, general, coordinated, and recall elections in accordance with this Rule.
- 11.10.1 A data entry county must upload a results data file to ENR containing the election results on the dates and times specified in Rules 11.10.3 through 11.10.5. The county must program its election database so that the results file exported from the voting system is formatted in accordance with the following requirements:
- (a) Contest names: Except as otherwise provided in subsections (1) – (3) of this Rule, the results file must contain the contest names as they are certified for the ballot.
    - (1) For primary elections, the county must append to the end of the certified contest name the SCORE abbreviation of the political party affiliation of the candidates in the contest (e.g., "United States Senator – Dem," "State Senator – District 21 – REP," "County Treasurer – Lib,").
    - (2) For ballot measures other than judicial retention questions, the contest name must include the political subdivision that referred the measure to the ballot, the ballot measure type, and the number or letter as it appears on the ballot (e.g., "Adams County Ballot Issue 200," "City of Brighton Ballot Question 5A,").

- (3) For Judicial Retention Questions, the contest name must include the court and the title and last name of the justice or judge standing for retention (E.g., “Supreme Court – Justice Erickson,” “Court of Appeals – Judge Jones,” “1<sup>st</sup> Judicial District– Judge Smith,” “Adams County Court – Judge Doe,”).
- (b) Contest order: Except as otherwise provided in subsections (1) – (4) of this Rule, the results file must list the contests in the same order as they are certified for the ballot.
  - (1) For primary elections, the results file must list the contests in the order prescribed by section 1-5-403(5), C.R.S., grouped in ascending alphabetical order of the abbreviated names of the participating major political parties, followed by the abbreviated names of participating minor political parties and qualified political organizations (e.g., “United States Senator – DEM,” “United States Senator – REP,” “United States Senator – GRN,” “United States Senator – LIB,” “United States Senator – UNI,”).
  - (2) The results file must list ballot measures in the order certified by the Secretary of State, followed by the ballot measures certified by other participating political subdivisions in the order and using the numbering conventions specified in Rule 4.5.2(e).
  - (3) A county using the Dominion, Hart, or Sequoia voting system must include and populate the contest sequence number field in its results files to define the order of contests on the ballot as required by this Rule.
  - (4) A county using the ES&S or Premier voting system must include and populate the contest ID field in its results file to define the order of contests as required by this Rule.
- (c) Candidate names: The results file must include candidates’ names in proper case and include periods following initials (e.g., “John A. Smith”), and may not include the name or abbreviation of the candidate’s political party.
- (d) Precinct names: If a county reports results by precinct, its results file may only include the ten-digit precinct number from SCORE.
- (e) Provisional results: The results file must include a “provisional” precinct or counting group as a placeholder for separately reported provisional ballot results if required by section 1-8.5-110(2), C.R.S.

11.10.2 No later than 21 days before the election, a county must provide the following information to the Secretary of State:

- (a) A data entry county must email a sample or “zero” file. Except in the case of withdrawn or deceased candidates, a data entry county may not change or alter the election database or export file after submitting its zero file.
- (b) A manual entry county must send a list of all ballot content.

11.10.3 No later than 14 days before the election, a data entry county must upload the LAT results file to ENR. At a minimum, the LAT results file must contain the results of the complete county test deck required under Rule 11.3.2(c)(1).

- 11.10.4 Election night uploads. Manual entry counties must produce preliminary election results and upload them to the ENR system once counting is completed. All other counties must export or produce preliminary election results and upload them to the ENR system a minimum of three times on election night:
- (a) After the close of polls but no later than 8:00 p.m.
  - (b) At or around 9:00 p.m.
  - (c) The county must indicate that election night reporting is complete in the ENR system after the county uploads the last results on election night.
- 11.10.5 Canvass upload. The county must export or produce official election results, and check the appropriate box in the ENR system to indicate that the canvass upload is complete, not later than close of business of the first business day after the statutory deadline for completing the canvass.



**Rule 12. Recall**

[Reserved]





**Rule 13. Election and HAVA Complaints**

## 13.1 Election complaint procedures

13.1.1 Any individual who personally witnesses a violation of the Uniform Election Code of 1992 may file an election complaint.

13.1.2 An election complaint must include the approved Secretary of State's Election Complaint cover sheet.

## 13.1.3 Processing and docketing election complaints

(a) Within three business days of receiving a complaint, the Secretary's designee will review the complaint to determine if it satisfies Rule 13.1.2 and sufficiently alleges a violation of the Uniform Election Code of 1992.

(1) If the complaint does not meet the requirements of Rule 13.1.3(a), the Secretary's designee will notify the complainant of the deficiency.

(2) If a complaint meets the criteria, the Secretary's designee will assign a complaint number, notify the complainant, and send a copy of the complaint to the person or entity alleged to have committed a violation.

(b) After notification, the person or entity alleged to have committed the violation will have 15 business days to submit a written response to the Secretary of State's office.

## 13.1.4 Amending an election complaint

(a) A complainant may amend a complaint within seven days after filing if he or she discovers new facts relating to the existing complaint.

(b) An amendment may not contain allegations of a new violation.

## 13.1.5 Investigation

(a) After the response period outlined in Rule 13.1.3, the Secretary's designee will investigate the complaint.

(b) If the Secretary of State determines that the complaint requires an immediate investigation, the Secretary's designee will begin investigating before the response period closes. In making the determination, the Secretary will consider whether the issue has the potential to affect an upcoming election.

(c) Depending on the violation alleged, the Secretary's designee may:

(1) Review documents;

(2) Visit the county;

(3) Conduct interviews;

(4) Test equipment;

- (5) Take other steps necessary; or
- (6) Convene a hearing and take testimony from interested parties.
- (d) During an ongoing investigation, county clerks and staff must accommodate requests by the Secretary's designee in the timeframe requested by staff.

#### 13.1.6 Resolution of election complaints

- (a) After an investigation and hearing, if applicable, the Secretary's designee will:
  - (1) Dismiss the complaint as not supported by credible evidence;
  - (2) Refer the complaint to a prosecuting authority under Article 13 of Title 1, C.R.S.; or
  - (3) Find a violation, recommend a resolution, and forward the recommendation for resolution to the Secretary of State.

### 13.2 Help America Vote Act (HAVA) complaint procedures

13.2.1 Any person who believes that a violation of Title III of HAVA has occurred, is occurring, or is about to occur, may file a HAVA complaint with the Secretary of State.

13.2.2 A HAVA complaint must include the approved Secretary of State's HAVA Complaint cover sheet.

13.2.3 A complainant must allege a HAVA violation with particularity and refer to the section of HAVA that has been violated.

13.2.4 A complaint must be filed no later than one year from the date of either the occurrence of the alleged violation or of the election giving rise to the violation, whichever is later.

13.2.5 Each complaint must be in writing and notarized, signed, and sworn by the person filing the complaint.

#### 13.2.6 Processing and docketing HAVA complaints

- (a) Within three business days of receiving a complaint, the Secretary's designee will review the complaint to determine if it satisfies Rules 13.2.2 through 13.2.5.
  - (1) If the complaint does not include a cover sheet the Secretary's designee will notify the complainant of the discrepancy.
  - (2) If a complaint meets the criteria, the Secretary's designee will assign a complaint number, notify the complainant, and send a copy of the complaint to the person or entity alleged to have committed a violation.
- (b) After notification, the person or entity alleged to have committed the violation will have 15 business days to submit a written response to the Secretary of State's office.
- (c) The Secretary's designee may consolidate two or more HAVA complaints.

#### 13.2.7 Amending a HAVA complaint

- (a) A complainant may amend a complaint within seven days after filing if he or she discovers new facts relating to the existing complaint.
- (b) An amendment may not contain allegations of a new violation.

#### 13.2.8 Investigation

- (a) After the response period outlined in Rule 13.2.6, the Secretary's designee will investigate the complaint.
- (b) If the Secretary of State determines an immediate investigation is required, the Secretary's designee will begin investigating before the response period has closed. In making the determination, the Secretary will consider whether the issue has the potential to affect an upcoming election.
- (c) Depending on the violation alleged, the Secretary's designee may:
  - (1) Review documents;
  - (2) Visit the county;
  - (3) Conduct interviews;
  - (4) Test equipment; or
  - (5) Take other steps necessary.
- (d) While an investigation is ongoing, county clerk staff must accommodate requests by the Secretary's designee in the timeframe requested.

#### 13.2.9 Hearing and Resolution of HAVA complaints

- (a) The Secretary of State or his or her designee will hold a hearing if the complainant requests one at the time of filing the complaint, unless the complainant later withdraws the request.
- (b) After the investigation and hearing, if any, the Secretary's designee will:
  - (1) Dismiss the complaint as not supported by credible evidence;
  - (2) Refer the complaint to a prosecuting authority under Article 13 of Title 1, C.R.S.; or
  - (3) Find a violation, recommend a resolution, and forward the recommendation for resolution to the Secretary of State.

#### 13.2.10 Alternative Dispute Resolution under section 1-1.5-105(2)(j), C.R.S.

- (a) If the Secretary of State does not resolve the complaint within 90 days of the date that it was filed and the complainant does not consent to an extension of time, the Secretary of State will transfer the complaint to the Office of Administrative Courts (OAC).
- (b) The Secretary of State will provide the record and any other materials from the proceedings to the OAC.

- (c) The Secretary of State will consider the initial determination by the OAC and issue a final determination within 60 days of the date the determination is received by the Secretary.

13.2.11 The Secretary of State's determination is a final agency action.

13.2.12 The Secretary of State may recover the costs of proceeding against any complainant that files a frivolous, groundless, or vexatious complaint.

**Rule 14. Voter Registration Drives****14.1 Statement of Intent**

14.1.1 In accordance with Part 7, Article 2 of Title 1, C.R.S., the organizer of a Voter Registration Drive (“VRD”) must file a Statement of Intent and Training Acknowledgment Form with the Secretary of State to conduct a voter registration drive. The Statement of Intent and Training Acknowledgment Form must include the following information:

- (a) The name of the group conducting the VRD, and the name address, email address, and telephone number of the individual organizing the VRD;
- (b) The name of the agent (who is required to be a Colorado resident) and the contact information for that agent, if different from the person organizing the VRD;
- (c) A statement specifying that the VRD intends to operate within the State of Colorado;
- (d) A notice that the VRD number expires at the end of the calendar year; and
- (e) A signature line requiring the organizer’s signature.

14.1.2 A VRD organizer must file amendments to the Statement of Intent and Training Acknowledgment Form with the Secretary of State no later than three business days after the change(s) occurs. Amendments may be made by fax, email, mail or in person.

14.1.3 The Secretary of State will immediately attempt to verify the information provided in the Statement of Intent and Training Acknowledgment Form before issuing a number to the VRD organizer. The Secretary of State may deny a number to the VRD organizer if the information provided on the Statement of Intent cannot be verified.

**14.2 Training**

14.2.1 To receive a VRD number, the VRD organizer must successfully complete the online training and test provided by the Secretary of State and submit a Statement of Intent and Training Acknowledgment form to the Secretary of State.

14.2.2 Before circulating, a VRD circulator must complete a training provided by the VRD organizer and submit a Training Acknowledgment form to the VRD organizer. The training must include, at a minimum, the content contained in the Secretary of State’s circulator training.

14.2.3 The VRD organizer training is provided online, but a VRD organizer may schedule a time to view the training at the Secretary of State’s office.

14.2.4 After completing the VRD organizer training, the VRD organizer must complete the training test and answer the questions 100% correctly before the Secretary of State will issue a VRD number.

14.2.5 After completing the VRD organizer training and test, the VRD organizer must sign a Statement of Intent and Training Acknowledgment Form confirming that the training and test have been completed and that he or she was informed of rules, laws and penalties relating to voter registration drives.

- 14.2.6 A VRD organizer must complete the training and test every calendar year in which he or she intends to conduct a VRD.
- 14.3 Number Assigned
- 14.3.1 After successful completion of the required training and test, and submission of the Statement of Intent and Training Acknowledgment Form, the Secretary of State will assign a unique number to the VRD. After issuing a unique number to the VRD, the Secretary of State will:
- (a) Advise the VRD organizer of their unique number;
  - (b) Notify the county clerks within 24 hours after each VRD number has been issued by the Secretary of State; and
  - (c) Post the agent and the name of the group conducting the drive on the Secretary of State website.
- 14.3.2 All assigned VRD numbers are valid through December 31 of the year that the number is assigned.
- 14.3.3 The VRD must assign each circulator a unique circulator identification number and maintain a record of each number issued. The circulator identification number must begin with the VRD's five-digit identification number (e.g., 16-999-0001).
- 14.3.4 The VRD must provide the Secretary of State with the name of the circulator associated with a particular identification number, upon request.
- 14.4 Voter Registration Drive Voter Application Forms
- 14.4.1 The Secretary of State will approve a standard Colorado Voter Registration Drive Application Form. The VRD may also use the National Mail Voter Registration Form.
- 14.4.2 A VRD organizer can obtain Colorado Voter Registration Drive Application Forms from County Clerks and the Secretary of State.
- 14.4.3 The organizer is responsible for placing the VRD number on the application form.
- 14.4.4 The VRD organizer must receive a VRD number before he or she can receive the approved Colorado Voter Registration Drive Application Forms.
- 14.4.5 The circulator must include his or her unique circulator identification number on each voter registration form he or she submits.
- 14.4.6 Any voter registration drive that provides a voter registration application on its website or a link to such voter registration form must direct the applicant to return the completed form directly to the county clerk of the applicant's legal residence. No VRD may provide a voter registration form on its website or a link to such voter registration form which instructs or directs, in any way, the applicant to return the completed form to anyone or any group other than directly to the county clerk of the applicant's legal residence or, in the case of overseas electors or UOCAVA electors, the county clerk or the Secretary of State.
- 14.4.7 A VRD organizer or circulator must provide the applicant a blue or black ink pen to complete the application, and may not highlight or otherwise mark the approved voter

registration drive application form other than to write the VRD number and circulator information.

#### 14.5 Voter Registration Drive Complaints and fines

14.5.1 Any person, including the Secretary of State, who believes a VRD organizer or circulator has not complied with the requirements of Part 7, Article 2 of Title 1, C.R.S., or this Rule 14 may file a written complaint with the Secretary of State.

14.5.2 A written complaint filed with the Secretary of State must contain the following information:

- (a) The complainant's name;
- (b) The complainant's full residence address and mailing address (if different from residence);
- (c) A description of the alleged violation, which may include a reference to the particular statute or rule;
- (d) The name and assigned number of the VRD, if known;
- (e) The date and location of the alleged violation, if known; and
- (f) Other applicable or relevant information.

14.5.3 The Secretary of State will review all complaints submitted in writing and conduct such investigations as may be necessary and appropriate. If the Secretary of State determines that a violation has occurred, the Secretary of State will impose a fine in accordance with section 1-2-703, C.R.S., and notify the VRD organizer of:

- (a) The date and factual basis of each act with which the VRD organizer is being charged;
- (b) The particular provision of the statute violated; and
- (c) The amount of the fine imposed.

14.5.4 Notification of violation will be sent by certified or registered mail, return receipt requested, to the last known address of the VRD organizer.

14.5.5 The VRD organizer may appeal a fine and has 30 days following receipt of notification to submit a written response setting forth the reason(s) that the VRD organizer is appealing the fine. The VRD organizer may request, within the 30 days, a hearing with the Secretary of State to dispute the fine.

14.5.6 Within 30 days after receipt of the written response, or hearing procedures, the Secretary of State will issue an order affirming or dismissing the imposed fine.





**Rule 15. Preparation, Filing, and Verification of Petitions**

15.1 The following requirements apply to candidate, statewide initiative, recall, and referendum petitions, unless otherwise specified.

15.1.1 Petition template for state petitions

- (a) Petition proponents must use the Secretary of State's fillable .pdf petition template to create their petition format.
- (b) After approval of the petition format as to form, proponents must print all petition sections in accordance with the Secretary of State's petition-printing guidelines.
- (c) Any signature affixed to a petition section that does not conform to the requirements of this Rule 15.1.1 is not valid.

15.1.2 The Secretary of State or DEO will not accept or count additional signatures after proponents file the original petition or addendum.

15.1.3 Circulator affidavit

- (a) If a petition section does not have a completed circulator affidavit, the Secretary of State or DEO will reject the entire section.
- (b) If a petition section does not have a completed notary clause, or if the date of the notary clause differs from the date the circulator signed the affidavit, the Secretary of State or DEO will reject the entire section.
- (c) If a state candidate is curing a circulator affidavit under section 1-4-912(2), C.R.S., the candidate must use the cure affidavit provided by the Secretary of State.

15.1.4 Verifying individual entries

- (a) Staff will check each individual entry against the information contained in SCORE.
- (b) Staff will create and maintain a master record of each accepted and rejected entry, along with the reason code for each rejected entry.
- (c) If an entry does not match the signor's current information in SCORE, staff must check the signor's information in SCORE as of the date the signor signed the petition.
- (d) Secretary of State or DEO staff will reject the entry if:
  - (1) The name on the entry is not in SCORE;
  - (2) The middle initial or middle name on the entry does not match the middle initial or middle name in SCORE;
  - (3) The address on the entry does not match the address in SCORE;
  - (4) The address on the entry is a post office box;

- (5) The entry is incomplete;
  - (6) The signer completed the entry before the designated election official approved the petition format;
  - (7) The signer was not an eligible elector at the time he or she completed the entry;
  - (8) The signer completed the entry after the date on the circulator affidavit;
  - (9) Evidence exists that some other person assisted the signer in completing the entry but no statement of assistance accompanies the entry;
  - (10) The name and signature on the entry is illegible and cannot be verified in SCORE;
  - (11) The entry is a duplicate of a previously accepted entry on the same petition; or
  - (12) For a candidate petition where an elector may sign only one petition for the same office, the entry is a duplicate of a previously accepted entry on a previously filed petition for the same office.
  - (13) The signer's information appears outside of a numbered signature block on a petition section.
- (e) Secretary of State or DEO staff will accept the entry if:
- (1) The name on an entry matches or is substantially similar to the information in SCORE, or if the signature on an entry is a common variant of the name;
  - (2) A middle initial or middle name is present on the entry but not in SCORE, or present in SCORE but not on the entry;
  - (3) A name suffix is present on the entry but not in SCORE, or present in SCORE but not on the entry; or
  - (4) The address on the entry is missing an apartment letter or number or a street direction.

## 15.2 Petition entity license, registration, filing, and circulation

15.2.1 A petition entity that intends to pay petition circulators must obtain a petition entity license, pay a fee, and register with the Secretary of State before circulating petitions. The license application must include:

- (a) The petition entity's name, address, telephone number, and email address;
- (b) The designated agent's name; and
- (c) An affirmation that the designated agent has read and understands Article 40 of Title 1, C.R.S., and has completed the Secretary of State's circulator training program.

- 15.2.2 Before compensating a circulator, the designated agent must register with the Secretary of State by submitting a signed form that includes a list of the proposed initiatives the petition entity will circulate.
- 15.2.3 If a petition entity fails to register a proposed initiative over any two-year period, the license expires. The Secretary of State will notify a petition entity that its license has expired within 30 days after the date of expiration.
- 15.2.4 A petition entity may renew an expired license without a fee by submitting a new license application.
- 15.3 Statewide initiative petition circulation
- 15.3.1 Petition circulation may begin after the title board's final decision, including disposition of any rehearing motion, after the time for filing a rehearing motion, and after the Secretary of State has approved the petition format. If an appeal is filed with the Supreme Court, the six-month period specified in section 1-40-108(1), C.R.S., begins on the date the petition is first signed or on the date the Supreme Court's decision becomes final, whichever is first. Signatures gathered outside of this period are invalid.
- 15.3.2 The petition circulator must provide a permanent residence address on the circulator affidavit. If the circulator is not a permanent Colorado resident, the circulator must also provide the Colorado address where he or she temporarily lives.
- (a) For purposes of Article 40 of Title 1, C.R.S., and this Rule, a circulator's permanent "residence" or "domicile" means his or her principal or primary home or place of abode in which a circulator's habitation is fixed and to which the circulator, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A permanent "residence" or "domicile" is a permanent building or part of a building and may include a house, condominium, apartment, room in house, or mobile home. Except as provided in paragraph (b) of this Rule, a vacant lot, business address, or post office box is not a permanent "residence" or "domicile". (Sections 1-2-102(1)(a)(i) and 1-40-121(1)(b), C.R.S.)
- (b) A homeless circulator must provide the address or location where he or she is living the date the affidavit is signed. The circulator must provide a physical location; a post office box may not be provided.
- (c) For the purposes of sections 1-40-106(4)(b), 1-40-111(3)(a), 1-40-121(2)(a), and 1-40-135(2)(c), C.R.S., a circulator's permanent residence address that does not comply with this Rule 15.4.2 is a "false address".
- 15.3.3 Proponents may file a petition or addendum only once, and may not supplement additional signatures after filing the petition or addendum, even if the additional signatures are offered before the deadline to submit the original petition or addendum.
- 15.4 Statewide initiative petition receipt by Secretary of State
- 15.4.1 The Secretary of State will not accept a petition that lists proponents other than those authorized by law.
- 15.4.2 Upon receipt of a petition, Secretary of State staff will consecutively number petition sections.

- 15.4.3 Staff will inspect each petition section for evidence of disassembly. If it appears that the section was disassembled, the Secretary of State will reject all signatures in the section.
- 15.4.4 Staff will consecutively number each line on each petition section. For purposes of this Rule, "line" means the block of information that contains the last name, first name, middle initial, county, signing date, street address, city, and signature of a petition signer.
- 15.4.5 If the number of lines is less than the number of signatures required to certify the measure to the ballot, the Secretary of State will issue a statement of insufficiency.
- 15.4.6 Staff will count each line with writing on each petition section. For purposes of this Rule, an "entry" means a counted line with writing. At the bottom of each page, staff will write the number of entries on that page and, on the face of each petition section, staff will write the total number entries for that section.
- (a) Staff will not count blank or completely crossed-out lines.
  - (b) Staff will count a line with incomplete writing, a partial cross out, or with what appears on its face to be an invalid signature as an entry.
- 15.5 Statewide initiative petition verification
- 15.5.1 Verification by random sample.
- (a) Staff will create a record for each entry on the petition and tally the total number of entries.
  - (b) The database will generate a series of random numbers equal to 4,000 signatures or five percent of the total number of signatures, whichever is greater. Staff will check the validity of the random signatures in accordance with this Rule. Staff will maintain a master record of each accepted and rejected entry, along with the reason code for each rejected entry.
- 15.5.2 Preliminary count and random number generation.
- (a) After counting the entries on each petition section, Secretary of State staff will enter the petition identification number, the petition section number, the page number, and the number of entries on the page into the database.
  - (b) Staff will then create a record for each entry that contains the petition identification number, petition section number, page number, and the entry number. Staff will tally the total number of entries.
  - (c) If the number of entries is less than the total number of signatures required to certify the measure to the ballot, the Secretary of State will issue a statement of insufficiency.
- 15.5.3 Random sample. The database will generate a series of random numbers equal to 4,000 signatures or five percent of the total number of signatures, whichever is greater. Staff will check the validity of the random signatures in accordance with this Rule. Staff will maintain a master record of each accepted and rejected entry, along with the reason code for each rejected entry.
- 15.6 Curing insufficient statewide initiative petitions

- 15.6.1 If petition proponents submit additional signatures within the permitted time, Secretary of State staff will verify the additional signatures in accordance with this Rule 15.
- 15.6.2 If the Secretary of State found the original submission insufficient based on the random sample verification, staff will add the number of additional valid signatures to the number of projected valid signatures in the original submission.
- (a) If the new projected number of valid signatures equals 110% or more of the required signatures, the Secretary of State will issue a statement of sufficiency.
  - (b) If the new projected number of valid signatures equals more than 90% but less than 110% of the required signatures, staff will verify all previously submitted signatures. Staff will add the total number of valid signatures in the original petition to the number of additional valid signatures submitted in the addendum in order to determine sufficiency.
- 15.6.3 If the initial verification was of every signature, staff will add the number of additional valid signatures to the number of valid signatures in the original submission in order to determine sufficiency.
- 15.6.4 Staff will issue a new statement of insufficiency or sufficiency that reports the total number of valid signatures submitted.
- 15.7 Signature verification on state candidate petitions
- 15.7.1 The Secretary of State will compare the signature on each petition entry with the elector's signature in SCORE in accordance with the Secretary of State's Signature Verification Guide. The Secretary of State may use an automated signature verification device.
- (a) If the signatures match and the entry is otherwise valid, the Secretary of State must accept the entry.
  - (b) If upon initial review the signatures do not match, The Secretary of State must conduct further review of the entry. A team of two staff members who are not affiliated with the same political party must review the signatures, conduct additional research in SCORE if necessary, and, unless both staff members agree that the signatures do not match, accept the entry if it is otherwise valid.
- 15.8 Referendum petitions
- 15.8.1 This Rule applies to statewide referendum petitions under Article V, Section 1 (3) of the Colorado Constitution.
- 15.8.2 Except where this Rule states otherwise, any statutory or constitutional provision that applies specifically to initiative petitions also applies to referendum petitions.
- 15.8.3 Proponents may submit a referendum petition to the Secretary of State for approval at any time after the General Assembly has passed the bill. The Secretary of State will not issue final approval of the referendum petition form until the bill has become law under Article IV, Section 11 of the Colorado Constitution.
- 15.8.4 Each referendum petition section must consist of the following, in the order listed:
- (a) The warning as specified in section 1-40-110, C.R.S.

- (b) The heading "Referendum Petition," followed by the demand upon the Secretary of State in substantially the following form, in which the underlined material is only for example:

"To: The Honorable \_\_\_\_\_, Secretary of State of the State of Colorado

We, the undersigned electors of the State of Colorado, do hereby respectfully petition, order, and demand that Sections 1 to 12, inclusive (being the entire Act), of House Bill No. 02-1010, by Representatives Abel, Baker, and Cain, and Senators Smith, Thomas, and Jones, entitled "Concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation", passed by the Sixty-third General Assembly of the State of Colorado, at its regular session in the year 2002, shall be submitted to the voters for their adoption or rejection at the next biennial regular general election, to be held on Tuesday, the 5th day of November, 2002, and each of the signers of this petition says:

I sign this petition in my own proper person only, and I am a registered elector of the State of Colorado, my residence address and the date of my signing this petition are correctly written immediately after my name, and I do hereby designate the following persons to represent me in all matters affecting this petition:"

- (c) The name and mailing address of two persons who are designated to represent the signers thereof in all matters.
- (d) The ballot title and submission clause.
- (e) The text of the Act, or the item, section, or part of the Act, on which the referendum is demanded.
- (f) Succeeding pages that each contain the warning, the ballot title, and submission clause, and ruled lines numbered consecutively for signatures.
- (g) A final page that contains the circulator's affidavit required by section 1-40-111(2), C.R.S.

15.8.5 A referendum petition section must include only the matters required by Article 40, Title 1, C.R.S., and this Rule, and no extraneous material.

15.8.6 The ballot title must consist of the title of the act on which the referendum is demanded, followed by the bill number, in substantially the following form, in which the underlined material is only for example:

"An Act concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation, being House Bill No. 02-1010."

15.8.7 When referendum is demanded on less than an entire Act of the General Assembly, the ballot title and submission clause must consist of the ballot title preceded by words in substantially the following form, in which the underscored material is only for example, and ending in a question mark:

“Shall Section 3 (concerning definition of terms) and Section 4 (eliminating licensing requirements for motor vehicle dealers) of the following Act of the General Assembly be approved.” The material in parentheses shall correctly and fairly summarize the subject or the effect of the portion of the Act referenced.





**Rule 16. Military and Overseas Voters (UOCAVA)****16.1 General Rules concerning voting by military and overseas electors**

- 16.1.1 For the purposes of this Rule 16, elector means a covered voter as defined in section 1-8.3-102(2), C.R.S.
- 16.1.2 In accordance with the Help America Vote Act of 2002 and this Rule 16, each county clerk's office must have a dedicated fax machine for the purpose of fax ballot transmission.
- 16.1.3 The county clerk must mail or electronically transmit a ballot to all active eligible electors. An elector who requests covered-voter status must submit an application affirming his or her eligibility to do so in accordance with section 1-8.3-102(2), C.R.S.
- 16.1.4 If an unregistered elector submits a Federal Write-in Absentee Ballot (FWAB) by the deadline set forth in sections 1-8.3-111 and 1-8.3-113, C.R.S., the FWAB is a timely application for registration and ballot request.
- 16.1.5 Ballots received by the Secretary of State
- (a) If the Secretary of State timely receives a ballot under section 1-8.3-113, C.R.S., and Rule 16, the Secretary of State will immediately notify the appropriate county clerk and forward the ballot by the most efficient means available no later than the next business day.
  - (b) To ensure voter secrecy, any county notified that the Secretary of State has received a ballot must retain a minimum of ten voted ballots to be counted with the ballot received by the State.
- 16.1.6 The county clerk must send a minimum of one correspondence no later than 60 days before the first primary election in an even numbered year to each elector whose record is marked "Inactive." The correspondence may be sent by email or mail and, at a minimum, must notify the electors of:
- (a) The status of the elector's record and ballot request;
  - (b) The upcoming federal elections;
  - (c) How to update the elector's mailing information and request a ballot; and
  - (d) Any other information the county clerk deems appropriate.
- 16.1.7 No later than 45 days before an election, the county clerk must report to the Secretary of State the number of ballots transmitted to military and overseas electors by the 45-day deadline.
- 16.1.8 Failure to meet the 45-day ballot transmission deadline in section 1-8.3-110, C.R.S.
- (a) If a county fails to meet the 45-day ballot transmission deadline provided for any state or federal election, the county clerk must immediately report the failure and reason for the failure to the Secretary of State.

- (b) The county clerk must provide a plan to the Secretary of State for complying with the deadline in the next state or federal election.
  - (1) The county must submit the plan to the Secretary of State no later than 60 days before the transmission deadline.
  - (2) The county must provide a weekly progress report on implementing the plan to the Secretary of State beginning 50 days before the transmission deadline.
  - (3) The county clerk must provide a daily progress report to the Secretary of State beginning five days before the transmission deadline.

## 16.2 Electronic transmission

16.2.1 In accordance with sections 1-8.3-110 and 1-8.3-113, C.R.S., an elector may request to receive and return his or her ballot by electronic transmission.

- (a) An elector who requests fax transmission must provide a fax number, including the international country code and local area, province, or city code, if applicable, where the ballot is to be faxed.
- (b) An elector who requests email transmission must provide a complete email address where the ballot is to be transmitted. In accordance with section 1-8.3-115, C.R.S., no election official may disclose the email address to the public.
- (c) In accordance with section 1-8.3-113(1), C.R.S., a covered voter who chooses to receive his or her unvoted ballot by electronic transmission may return his or her ballot by fax or email only if the covered voter reasonably determines that a more secure method, such as returning the ballot by mail, is not available or feasible. "Not feasible" means circumstances where the covered voter reasonably believes that if he or she mails the ballot the county clerk will not receive it by the close of business on the eighth day after an election.
- (d) To return a voted ballot and self-affirmation by email, the elector must scan and return the documents as an email attachment.
- (e) If an elector requests to receive his or her ballot by electronic transmission, the county clerk must transmit the elector's ballot electronically for all covered elections until the elector requests otherwise or the elector's electronic transmission method becomes undeliverable.

16.2.2 The electronic transmission must include:

- (a) The county clerk's contact information including mailing address, email address, phone, and fax number;
- (b) A notice that the ballot may not be duplicated for any other elector;
- (c) Instructions for completing and returning the ballot;
- (d) A notice regarding the ballot return deadline;
- (e) Information regarding how the elector may verify that his or her ballot has been received by the county clerk; and

- (f) Any other information deemed necessary by the Secretary of State or the county clerk.
  - (g) The ballot packet, which must be in text format on 8 ½" x 11" white paper and must include:
    - (1) An electronic transmission coversheet to protect voter privacy;
    - (2) The unvoted ballot;
    - (3) The electronic transmission ballot instructions; and
    - (4) The self-affirmation required by section 1-8.3-114, C.R.S., and Rule 16.2.3.
- 16.2.3 The self-affirmation must include the standard oath required by the Uniformed and Overseas Citizen Voting Act (52 U.S.C. sec. 20301(b)(7) and 20302(a)(5)), the elector's name, date of birth, signature, and the following statement: I also understand that by returning my voted ballot by electronic transmission, I am voluntarily waiving my right to a secret ballot and that Colorado law requires that I return this ballot by a more secure method, such as mail, if available and feasible. (Sections 1-8.3-113 and 1-8.3-114, C.R.S.)
- 16.2.4 If the county clerk transmits a ballot packet to an elector by fax or email and the transmission is unsuccessful, the county clerk must attempt to fax or email the ballot at least two more times. If electronic transmission is unsuccessful, the county clerk must mail the ballot and remove the electronic transmission flag in SCORE under Rule 16.2.1(e).
- 16.2.5 The county clerk must maintain a log of each ballot sent by electronic transmission. The county clerk must maintain the log as an election record along with any other email or fax records. The log must include:
- (a) The name of the elector;
  - (b) The fax number or email address to which the ballot packet was transmitted (as applicable);
  - (c) The date the ballot packet was transmitted; and
  - (d) The initials of the election official transmitting the ballot.
- 16.2.6 Upon receipt of a voted ballot sent by electronic transmission, the county clerk must verify the elector's signature in accordance with Rule 7.8. After the affidavit has been verified, a bipartisan team of judges must duplicate the ballot. Duplicating judges must not reveal how the elector voted.
- 16.2.7 A military or overseas elector whose registration record is inactive may download an application and ballot using the electronic ballot delivery system.
- (a) The elector must submit the ballot and application in accordance with the deadlines in section 1-8.3-111 and 1-8.3.113, C.R.S., for the ballot to be counted.

- (b) Every county must use the approved electronic delivery system to implement this Rule, except that a county may obtain a waiver. The Secretary will consider the following factors in approving or denying a request for waiver:
- (1) Number of military or overseas electors registered to vote in the county;
  - (2) Historical data regarding the number of military and overseas electors who have registered and voted in the county; and
  - (3) Staff or other resource limitations.

16.2.8 Nothing in this Rule 16.2 permits internet voting. Internet voting means a system that includes remote access, a vote that is cast directly into a central vote server that tallies the votes, and does not require the supervision of election officials.

**Rule 17. Provisional Voting****17.1 Provisional voting in the voter service and polling center**

17.1.1 The county clerk must use the approved provisional ballot affidavit form.

17.1.2 If a voter service and polling center loses connectivity to SCORE, the judges must issue provisional ballots until the county restores connectivity unless the election officials are able to contact the elections office to issue vote credit in SCORE immediately.

17.1.3 The word “provisional” must be marked on the provisional ballot and on the signature card, if applicable, next to the elector’s name.

**17.2 Verification of Provisional Ballots**

17.2.1 The county clerk must process and tabulate all mail and in-person ballots before processing provisional ballots.

17.2.2 The county must process all mail ballots and signature cards in SCORE before processing provisional ballots.

17.2.3 Verification of an elector’s eligibility to have his or her provisional ballot counted is limited to the following sources:

- (a) Sources provided by the Secretary of State or law enforcement agencies regarding felons who are serving a sentence of detention or confinement or on parole;
- (b) SCORE; and
- (c) The information provided on the provisional ballot envelope, including the affidavit.

17.2.4 When verifying provisional ballots, the designated election official must check SCORE to determine whether the elector has already voted in the election.

17.2.5 If during verification it appears that the elector’s record was cancelled or consolidated as a duplicate in error, the ballot must be counted so long as the elector has not cast a ballot in the election, the affidavit is complete, and the elector is otherwise eligible. The county clerk must reinstate or unconsolidate the elector’s record and update the elector’s record before marking the elector’s provisional ballot as accepted or rejected in SCORE and before linking it to the elector’s record.

17.2.6 When the county clerk receives both a mail ballot and a provisional ballot from an elector, but there is a discrepancy between the signature on the returned mail ballot envelope and the elector’s signature stored in SCORE, the discrepancy must be resolved. Before the county clerk may verify the provisional ballot affidavit, the elector must affirm that the signature on the mail ballot envelope is not his or her signature. Sections 1-8.5-105(4) and (5), C.R.S.

17.2.7 If an elector whose voter registration record is tagged ID required casts a provisional ballot without providing valid identification, the county clerk must verify and count the provisional ballot as follows:

- (a) The county clerk must send the elector a letter within three days after the ballot is cast, and no later than two days after election day, explaining that he or she must provide the required identification. Nothing in this Rule prohibits the county clerk from calling the elector; however, a phone call does not substitute for notification to the elector in writing. If the county clerk calls any elector he or she must call all electors who failed to provide required identification.
- (b) If the elector provides a copy of valid identification within eight days after election day, the county clerk must count the ballot so long as the elector has not cast another ballot in the election, the affidavit is complete, and the elector is otherwise eligible.

17.2.8 If the information contained in the provisional ballot affidavit provides adequate criteria so that the county clerk is able to confirm that the elector is eligible to cast a ballot, the provisional ballot must count.

17.2.9 Acceptance Codes (The county clerk must count all races.)

- AOK Reviewed and confirmed voter's eligibility.
- ADB Election official issued the elector the wrong ballot style. The voted ballot will be duplicated and only races and issues for which the elector is qualified to vote may be counted.
- ALC Elector voted a provisional ballot because the voter service and polling center lost connectivity. Elector's eligibility is confirmed.

17.2.10 Rejection Codes (The county clerk must not count a ballot given a rejection code):

- RNS (Rejection not signed) Provisional Ballot Affidavit not signed.
- RIN (Rejection incomplete information provided) Required information is incomplete and the designated election official is unable to confirm voter's eligibility.
- REE (Rejection envelope empty) Provisional ballot envelope is empty.
- RAB (Rejection voter voted mail ballot) Designated election official has confirmed that voter voted a mail ballot.
- RED (Rejection based upon ballot cast in person) Voter voted in a Voter Service Center or Polling Center.
- RIP (Rejection based on incorrect party) Incorrect Party in Primary Election.
- RFE (Rejection felon not eligible to vote) Individual was convicted of a felony and is either serving a sentence of confinement or detention or is on parole.
- RWC (Rejection elector not a resident of the district, county, or the State of Colorado) The individual does not reside within the district, county, or state, as applicable, and is not eligible to vote in the county where the provisional ballot was voted.
- RID (Rejection first time voter has not supplied identification upon registration or thereafter prior to and during time voter voted) First Time Voter is tagged ID deficient, and did not provide ID at the time of voting.

- 17.3 The provisional ballot log required by section 1-8.5-110(4), C.R.S., may be prepared by the county clerk in handwritten or computer-generated form.
- 17.4 Recount procedures for provisional ballots are the same as the recount procedures for other ballots as directed by the Secretary of State.
- 17.5 Processing provisional ballot affidavits in the SCORE. Before closing an election, the county clerk must:
- 17.5.1 Enter all provisional ballot affidavits into the SCORE provisional module.
  - 17.5.2 Process all voter registration updates.
  - 17.5.3 Link all provisional ballot affidavits to the appropriate elector's record.
- 17.6 Public access to provisional ballot information
- 17.6.1 The list of voters who cast a provisional ballot and the accept/reject code for the ballot is available for public inspection.
  - 17.6.2 In accordance with section 24-72-204(8), C.R.S., the county clerk must not release an original or copy of the elector's:
    - (a) Month and day of date of birth;
    - (b) Driver's license or Department of Revenue identification number;
    - (c) Social security number;
    - (d) Email address; or
    - (e) Signature.
  - 17.6.3 If a voter has requested confidentiality under section 24-72-204(3.5), C.R.S., the county clerk must not release the elector's address or telephone number.
  - 17.6.4 If a voter has requested confidentiality under section 24-30-2101, C.R.S., the county clerk must not release the provisional ballot affidavit.
- 17.7 Voter Access to Provisional Ballot Information
- 17.7.1 The Secretary of State will provide a provisional ballot lookup on the Secretary's website during the 45 days following election day.
  - 17.7.2 The county clerk must number the provisional ballot envelope or affidavit stock using the standard numbering convention approved by the Secretary of State.

[Section 1-8.5-111, C.R.S.]





**Rule 18. Uniform Counting Standards for Paper Ballots**

- 18.1 In any election where a multiple page printed ballot is used, a voter must vote and return all pages of the ballot at the same time. Any voter who returns at least one page of a multiple page printed ballot will be considered to have voted and the county clerk or designated election official must count the votes on the submitted pages. The county clerk must not count votes on additional pages returned at a later time. The county clerk must appropriately mark, set aside, and preserve the ballots as election records in accordance with section 1-7-802, C.R.S.
- 18.2 Standards for hand counting paper ballots
- 18.2.1 In accordance with section 1-7-309, C.R.S., and Rule 18.5, judges counting ballots must consider the intent of the voter.
- 18.2.2 If a race or ballot measure is overvoted, the judges must not count any vote for that race or ballot measure.
- 18.2.3 If a race or ballot measure contains no markings by the voter, no tally will be made for that race or ballot measure. But all other candidate races or ballot measures properly marked by the voter on the ballot must be counted.
- 18.2.4 A ballot which has no markings for any candidate races or ballot measures must be tallied as a blank ballot.
- 18.3 Standards for counting paper ballots on ballot scanners
- 18.3.1 Procedures for counting paper ballots on ballot scanners at polling locations
- (a) To the extent permitted by its voting system, the county must program ballot scanners to sort ballots with write-in votes to a segregated bin of the ballot box or digital media and to initially reject blank ballots and ballots with overvotes.
  - (b) Voters whose ballots are initially rejected by a ballot scanner as a blank or overvoted ballot must be given the opportunity to review and correct their ballot. If after review, a voter requests to submit the blank or overvoted ballot as originally marked, an election judge must assist the voter by overriding the initial rejection setting on the ballot scanner.
  - (c) At the conclusion of voting, ballots with write-in votes must be delivered to the central count location in a secure container for resolution in accordance with Rule 18.5.3.
- 18.3.2 Procedures for counting paper ballots on ballot scanners at central count locations
- (a) Before tabulation, a resolution board must duplicate damaged ballots, and may duplicate ballots with marks that may identify the voter, in accordance with Rule 18.4. Election judges may visually inspect every ballot for the limited purpose of segregating damaged ballots and ballots with marks that may identify the voter.
  - (b) A county must sort ballots requiring resolution according to the capabilities of its voting system.
    - (1) If a county's voting system supports digital ballot resolution, the county must program the voting system to digitally queue for resolution blank

ballots, ballots with write-in votes, and ballots with overvotes. Ballots with marginal or ambiguous markings must be sorted according to the system provider's specifications, or, if different, the applicable Conditions of Use issued by the Secretary of State. The digitally queued ballots must be resolved by election judges in accordance with Rule 18.5.

- (2) If a county's voting system does not support digital ballot resolution, the county must program the central count ballot scanners to reject or sort blank ballots and ballots with overvotes, and to sort ballots with write-in votes. The resolution board must resolve all ballots initially rejected and sorted by the central count ballot scanners in accordance with Rule 18.5.
- (c) A resolution board must resolve ballots sorted or rejected for resolution.
- (1) In partisan elections, a resolution board must consist of at least two election judges affiliated with different major political parties.
  - (2) In nonpartisan elections, a resolution board must consist of at least two election judges.
  - (3) In counties with a voting system that does not support digital resolution, the county must have at least one resolution board.
  - (4) In counties with a voting system that supports digital resolution, a resolution board must work at each resolution workstation.
  - (5) The members of a resolution board for an election may change, but all members of the resolution board at any particular time must satisfy the eligibility requirements specified in this Rule 18.3.2(c).

## 18.4 Ballot Duplication

18.4.1 A resolution board must duplicate a voter's choices or selections on a damaged ballot onto a blank ballot of the same ballot style in accordance with Rule 18.4. During the duplication process, and to the extent necessary, the resolution board must also resolve overvotes, write-in votes, and ambiguous markings in accordance with Rule 18.5. During ballot duplication, two additional election judges must observe or review the work of each resolution board. In a partisan election, the observing election judges must be representatives of each major political party.

18.4.2 A resolution board must review the original ballot and the duplicated ballot, and consult the Voter Intent Guide if necessary, to ensure that each damaged ballot has been properly and accurately duplicated.

18.4.3 In order to match each damaged ballot to its corresponding duplicated ballot, the resolution board must identify and mark each damaged and duplicated ballot with the type of ballot and a unique number, similar to the following example: mark the damaged ballot "Orig 0001," and the counterpart duplicated ballot "Dupe 0001."

18.4.4 The resolution board must maintain a written log itemizing all damaged ballots that it duplicates. The duplication log must include at least each damaged and duplicated ballot's unique number, the date on which it was duplicated, the reason for duplication, and the printed names and signatures of the members of the resolution board.

18.4.5 A county clerk must count duplicated ballots in the same manner as all other paper ballots.

18.4.6 Before retention for storage, the resolution board must deposit all duplicated ballots and duplication logs in a sealable container that is clearly marked to identify its contents (e.g., “damaged ballots”). The county must maintain chain-of-custody and seal logs for the damaged ballot container at all times during the statutory election records retention period.

## 18.5 Ballot Resolution

18.5.1 A resolution board must resolve all blank ballots and ballots with overvotes, write-in votes, and ambiguous markings in accordance with the Secretary of State’s Voter Intent Guide.

18.5.2 Resolution of blank ballots. A resolution board must examine blank ballots to determine if the ballot is a true blank ballot or one that has been marked in a manner or medium that was not detected by the voting system.

(a) Counties without digital resolution capability. If the ballot is truly blank, the resolution board must re-scan the ballot and override the initial rejection setting. If the ballot is marked in a manner or medium that can be discerned by the resolution board but cannot be tabulated by the voting system, the resolution board must duplicate the ballot in accordance with Rule 18.4 and, to the extent necessary, resolve the ballot in accordance with Rule 18.5.

(b) Counties with digital resolution capability. If the ballot is truly blank, the resolution board must record the ballot as a blank ballot in the voting system’s resolution application. If the ballot is marked in a manner or medium that can be discerned by the resolution board but cannot be tabulated by the voting system, the resolution board must resolve the ballot in the voting system’s resolution application in accordance with Rules 18.5.2(b) and 18.5.3.

### 18.5.3 Resolution of write-in votes

(a) A resolution board must resolve all write-in votes in accordance with the Secretary of State’s Voter Intent Guide.

(b) In counties using voting systems featuring digital resolution capable of detecting voter markings on or in a write-in line or area, and if the voter does not mark any of the target areas in a particular contest, the resolution board must resolve during initial adjudication the written name of an eligible write-in candidate as a valid vote for that candidate even if the voter fails to mark the corresponding target area.

(c) In counties using voting systems that do not have digital resolution capability, or the digital resolution feature is not capable of detecting voter markings on or in a write-in line or area if the corresponding target area is not also marked, and if the voter does not mark any other target area in a particular contest, the resolution board must count as valid votes for eligible write-in candidates those instances in which the voter both marks the applicable target area and writes in the name of a certified write-in candidate. During any recount, if the number of undervotes in a ballot contest could change the outcome if attributed to an eligible write-in candidate, votes for that candidate must be counted whether or not the target area designating the selection of a write-in candidate has been marked, provided

that the number of candidates chosen does not exceed the number permitted in that office.

**Rule 19. Certification and Education of Designated Election Officials**

## 19.1 Purpose and Definitions

19.1.1 The Secretary of State recognizes that the oversight of elections is a profession that requires thorough knowledge of complex state and federal election law and election procedures. Considering the complexity of state and federal law, voting equipment, and election procedures, extensive training is necessary. The certification program standardizes election procedures and education. The program also promotes Colorado voters' confidence in their election officials and the election process.

19.1.2 "Local election official" means a county clerk. (Section 1-1-301(1), C.R.S.)

19.1.3 "Persons required to complete certification" means:

- (a) The county clerk; and
- (b) Employees in the county clerk's office who are directly responsible for overseeing election activities, including but not limited to: voter registration, candidate qualifications and ballot certification, poll worker training, ballot design and setup, ballot counting, and canvassing.

(Section 1-1-302, C.R.S.)

## 19.2 Advisory Board

19.2.1 The advisory board must meet at least twice each calendar year to approve the curriculum and make necessary changes. The advisory board must also review evaluations and recommend changes to the certification program.

19.2.2 The advisory board must review individual applications for certification and must approve applications that are accurate and complete. The advisory board may take into account special circumstances in reviewing and approving applications.

19.2.3 The Secretary of State will appoint the following as board members:

- (a) Four county clerks or designated staff members;
- (b) Two Secretary of State Office representatives; and
- (c) Any individual(s) whom the Secretary of State believes could make a valuable contribution to the board.

19.2.4 Board members serve at least a two-year term.

19.2.5 The Secretary of State may terminate board members without cause. Failure to attend meetings or meaningfully contribute may result in termination.

## 19.3 Curriculum

19.3.1 The Secretary of State will develop the core and elective curriculum offered for certification and continuing elections education. The Secretary will post curriculum information on the Secretary of State's website.

- 19.3.2 The Secretary of State will develop and administer all training outlined in this Rule 19.
- 19.3.3 To obtain Colorado certification, a person must complete the following minimum curriculum prescribed by the Secretary of State:
- (a) Seven basic core courses;
  - (b) One core course relevant to primary job duty; and
  - (c) Six electives.
- 19.3.4 To maintain Colorado certification, a person must complete at least five Continuing Elections Education courses by July 31 of every even year.
- 19.4 Training Format
- 19.4.1 Web-based training may be conducted live or by reviewing material previously presented by the Secretary of State. In either case, participants must achieve a satisfactory score on assessments before receiving credit for the course.
- 19.4.2 The Secretary of State will provide classroom training. For certification, a person must complete at least one course in-class.
- 19.5 Credit
- 19.5.1 Individuals applying for certification must successfully complete the curriculum prescribed by the Secretary of State. If an applicant submits duplicate coursework, the advisory board may reject the application for certification.
- 19.5.2 Training assessment
- (a) To receive certification credit for any course presented by the Secretary of State under this Rule, a participant must successfully complete a training assessment with a minimum score of 85%.
  - (b) A participant who fails to achieve a score of at least 85% may retake the assessment.
  - (c) The Secretary of State may administer either paper or electronic assessments.
- 19.5.3 Credit for Teaching Classes. A person who teaches or substantially assists with preparation of a class offered for certification is excused from the assessment requirement outlined in Rule 19.5.2 and will receive credit for the course.
- 19.5.4 No election official may receive credit toward his or her Colorado certification for training offered by other agencies or organizations.
- 19.6 Application Review, Certification, and Maintenance of Records
- 19.6.1 Once a person completes the required coursework, he or she must promptly submit an application for certification or continuing certification to the Secretary of State's office on the form approved by the Secretary of State.
- 19.6.2 The Secretary of State must review the application with reference to the Secretary of State records. If the application is complete and accurate, the Secretary of State must

forward it to the advisory board for its review and approval. Upon approval by the advisory board, the Secretary of State must issue a certificate that the person is a Certified Colorado Election Official.

19.6.3 The Secretary of State must track attendance at all classes and keep records of attendance, continuing elections education, and records of those persons who are certified and persons who are in the certification process.

19.7 Decertification. A person who fails to satisfy continuing education requirements will lose certification.





**Rule 20. County Security Procedures**

- 20.1 The county must submit its annual security plan on the form prescribed by the Secretary of State in accordance with section 1-5-616(5), C.R.S. A county must also submit a comprehensive procedure for ballot delivery in an emergency under section 1-7.5-115(1), C.R.S.
- 20.2 General requirements concerning chain-of-custody
- 20.2.1 The county must maintain on file all documentation of seals, chain-of-custody, and other documents related to the transfer of equipment between parties. These documents are subject to inspection by the Secretary of State.
- 20.2.2 The county must maintain and document uninterrupted chain-of-custody for each voting device from the installation of trusted build to the present, throughout the county's ownership or leasing of the device. For optical scanners approved for use under section 1-5-613(2), C.R.S. but for which no trusted build exists, the county must maintain and document uninterrupted chain-of-custody for each voting device from the successful completion of acceptance testing conducted according to Rule 20.8.4.
- 20.2.3 Only election officials or canvass board members sworn under oath are allowed to handle ballots, which include VVPAT records.
- 20.2.4 The county may install additional or modified software developed by the vendor on any component of the voting system only if the software is specifically listed on the Secretary of State's certificate and verified against the state trusted build. Nothing in this Rule precludes the use of commercial off-the-shelf software, provided that the software is included in the certified list of services and executables for the certified voting systems.
- 20.2.5 Any form or log containing "date" means to note the month, calendar day, year, hour, minute, and whether the time is a.m. or p.m.
- 20.2.6 The county must submit sample copies of all referenced forms, schedules, logs, and checklists with the security plan.
- 20.3 Physical locking mechanisms and seals. The county must record the serial number of every seal on the appropriate chain-of-custody log. Two individuals must verify, and indicate by signing and dating the log, that the seal serial numbers match the logged serial numbers. If a seal is inaccessible and cannot be removed, then it is not necessary to verify that seal serial number.
- 20.3.1 DREs, BMDs, and Judge's Booth Controllers (JBCs)
- (a) The county must place a seal over a removable card or cartridge that is inserted into the unit, or over the slot or door covering the card or cartridge.
- (b) The county must place a seal over any removable card slot or cartridge slot when no card or cartridge is inserted into the unit.
- (c) If the county cannot verify the firmware or software hash value (MD5 or SHA-1), the county must seal the DRE case. To detect unauthorized access, the county must use seals at either the seams of the case or at key entry points such as screw access points.
- (d) If the voting device contains one or more slots for a flash memory card, the county must affix a seal over each flash card slot, door, or access panel.

- (e) In each voter service and polling center, the county must provide a minimum of one accessible DRE with a headset that has adjustable volume control.

20.3.2 Before attaching a VVPAT to a specific voting device, the county must seal the unit after verifying that no votes were cast. At least two election officials must verify that seals are intact before the start of voting, and at the close of voting. VVPAT records must either remain in the VVPAT canister, or be sealed and secured in a suitable device for protecting privacy or as described in Rule 20.11.

#### 20.3.3 Optical scanners

- (a) The county must place a seal over each card or cartridge inserted into the unit, or over any door or slot containing the card or cartridge.
- (b) The county must place a seal over each empty card or cartridge slot or door covering the area where the card or cartridge is inserted.
- (c) Before the start of voting and after the close of voting, two election officials must visually confirm that all seals are intact and that the seal numbers match those logged in the chain-of-custody log.

#### 20.3.4 Memory cards or cartridges

- (a) The county must assign and securely affix a permanent serial number to each removable card or cartridge. The county may use the manufacturer assigned serial number for this purpose.
- (b) The county must handle removable memory cards and cartridges in a secure manner at all times. The county must transfer and store any removable card or cartridge that is not sealed in a voting machine in a secure container with at least one seal. Upon delivery and receipt, election judges or county personnel must verify, and indicate by signing and dating the chain-of custody log, that all seal numbers match those listed in the log.
- (c) The county must maintain a written or electronic log to record card or cartridge seal numbers and track seals for each voting unit.

### 20.4 Individuals with access to keys, door codes, and vault combinations

20.4.1 For employees with access to areas addressed in Rule 20.4.3, the county must state in the security plan each employee's title and the date of the criminal background check was performed. [Section 24-72-305.6, C.R.S.]

20.4.2 The county must change all keypad door codes or locks, vault combinations, computer and server passwords, encryption key codes, and administrator passwords at least once per calendar year prior to the first election of the year.

20.4.3 Employee access. The county may grant employees access to the codes, combinations, passwords, and encryption keys described in this Rule in accordance with the following limitations:

- (a) Access to the code, combination, password, or encryption key for the voting equipment, ballot storage areas, counting room, or tabulation workstations is restricted to employees who have successfully passed a criminal background check. Any person who has been convicted of an election offense or an offense

with an element of fraud is prohibited from having access to a code, combination, password, or encryption key for the voting equipment, ballot storage areas, counting room, or tabulation workstations.

- (b) Except for emergency personnel, no other individuals may be present in these locations unless supervised by one or more employees. Each individual who has access to the central election management system or central tabulator must have their own unique username and password. No individual may use any other individual's username or password. Shared accounts are prohibited.
- (c) In extreme circumstance, the county may request and the Secretary of State may grant exemption from the requirements outlined in this Rule.

20.4.5 Access to where election management software is used is limited to authorized election officials and watchers only. Messengers or runners delivering ballots between the preparation room and computer room must wear distinguishing identification.

## 20.5 Internal Controls for the Voting System

20.5.1 The county must enable, create, and use passwords.

20.5.2 In addition to the access controls discussed in Rule 20.4, the county must change all passwords and limit access to the following areas:

- (a) The county must change all software passwords once per calendar year prior to the first election. This includes any boot or startup passwords in use, as well as any administrator and user passwords and remote device passwords.
- (b) The county must change all hardware passwords once per calendar year prior to the first election. This includes any encryption keys, key card tools, supervisor codes, poll worker passwords on smart cards, USB keys, tokens, and voting devices themselves as it applies to the specific system.
- (c) Administrative and user accounts for election management system and election databases.
  - (1) The county may use the administrative user account only to create individual user accounts for each election database.
  - (2) The county must create individual user accounts that are associated and identified with each individual authorized user of the election management system or election database.
  - (3) The county must restrict access to each individual user account with a unique password known only to each individual user. Authorized users must access the election management system and election database using his or her individual user account and unique password.
  - (4) The county may grant administrative privileges to no more than ten individual user accounts per election.
- (d) Other than for the purpose of programming the election, the voting system provider may not have administrative or user access to the county's election management system.

- (e) The county may not connect or allow a connection of any voting system component to the Internet.
- (f) If any component of the voting system is equipped with Wi-Fi capability or a wireless device, the county must disable the wireless capability or device.
- (g) The county may not connect any component of the voting system to another device by modem.
- (h) The county must include in its security plan the title and date of background checks for each employee with access to any of the areas or equipment set forth in this Rule. The county must maintain a storage facility access log that details employee name, date, and time of access to the storage facility in which the software, hardware, or components of any voting system are maintained. If access to the storage facility is controlled by use of key card or similar door access system that is capable of producing a printed paper log including the person's name and date and time of entry, such a log must meet the requirements of this Rule. [Section 24-72-305.6, C.R.S.]

20.6 The county must keep all components of the voting system, ballots, servers, workstations, DREs, optical scanners, BMDs, VVPAT records, and video data records in a temperature-controlled storage environment that maintains a minimum temperature of 50 degrees Fahrenheit and a maximum temperature of 90 degrees Fahrenheit. The storage environment must be dry with storage at least four inches above the floor. The county must provide the Secretary of State with a description of the specific environment used for each type of component.

#### 20.7 Security cameras or other surveillance

20.7.1 The county must maintain a log of each person who enters the areas specified in Rule 20.7.3, including the person's name, signature, and date and time of entry. If access to the specified areas is controlled by use of key card or similar door access system that is capable of producing a printed paper log including the person's name and date and time of entry, the log must meet the requirements of this Rule.

20.7.2 Unless otherwise instructed, the county must make video security surveillance recordings of the areas specified in Rule 20.7.3 beginning at least 60 days before election day and continuing through at least 30 days after election day. If a recount or contest occurs, the recording must continue through the conclusion of all related activity. The recording system must ensure that records are not written over when the system is full. The recording system must provide a method to transfer the video records to a different recording device or to replace the recording media. If replaceable media is used then the county must provide a process that ensures that the media is replaced often enough to prevent periods when recording is not available.

20.7.3 The following are the specific minimum requirements:

- (a) If the county has 50,000 or more registered voters, then the county must maintain a log and make video security surveillance recordings of the following areas, excluding voting booths:
  - (1) All areas in which election management software is used, including but not limited to programming, downloading memory cards, uploading memory cards, tallying results, and results reporting.

- (2) All areas used for processing ballots, including but not limited to areas used for Signature Verification, tabulation, or storage of voted ballots beginning at least 35 days before election day and continuing through at least 30 days after election day, unless there is a recount or contest. If a recount or contest occurs, the recording must continue through the conclusion of all related activity.
    - (3) The storage area for all voting equipment.
  - (b) If the county has fewer than 50,000 registered voters then the county must maintain a log and make video security surveillance recordings of all areas in which election management software is used, including but not limited to programming, downloading memory cards, uploading memory cards, tallying results, and results reporting.
  - (c) The county must adequately light the area(s) subject to video surveillance to provide visibility for video recording.
- 20.8 Equipment maintenance procedures. In addition to the requirements for voting systems inventory specified in Rule 11.2, the county must adhere to the following minimum standards:
- 20.8.1 The county must store all equipment throughout the year with seals over the memory card slots for each device. The county must maintain a log of the seals used for each device consistent to the logs used for tracking Election Day seals.
  - 20.8.2 For equipment being sent to the vendor for offsite repairs/replacements, the county must keep a maintenance log for the device that must contain the following: the model number, serial number, and the type of device; the firmware version; the software version, as applicable; the printed name and signature of the person sending the equipment; and the date of submission to the vendor.
  - 20.8.3 An employee must escort the vendor's representative at all times while on-site. At no time may the voting system vendor have access to any component of the voting system without supervision by an employee. [Section 24-72-305.6, C.R.S.]
  - 20.8.4 Upon completion of any maintenance, the county must verify or reinstate the trusted build and conduct a full acceptance test of equipment that must, at a minimum, include the hardware diagnostics test, as indicated in Rule 11, and a mock election in which an employee(s) must cast a minimum of five ballots on the device to ensure tabulation of votes is working correctly. The county must maintain all documentation of the results of the acceptance testing on file with the specific device.
  - 20.8.5 The Secretary of State will annually inspect county maintenance and chain-of-custody records and verify the integrity of trusted build on a randomly selected basis.
- 20.9 Transportation of equipment, memory cards, ballot boxes, and ballots
- 20.9.1 The county must submit detailed plans to the Secretary of State before an election regarding the transportation of equipment and ballots both to remote voting sites and back to the central elections office or storage facility. If there is any evidence of possible tampering with a seal, or if the serial numbers do not match those listed in the chain-of-custody log, the county clerk must be immediately notified and must follow the procedures specific to the incident as described in Rule 20.13. While the method of transportation of equipment may vary, the following standards apply:

- (a) Transportation by county personnel. County personnel must at all times display identification provided by the County. Two employee signatures and date are required at the departure location verifying that the equipment, including memory card or cartridge, is sealed to prevent tampering. Upon delivery of equipment, at least two election officials must verify, and indicate by signing and dating the chain-of-custody log, that all seals are intact and that the serial numbers on the seals match the logged serial numbers.
- (b) Transportation by election judges. Election officials that are receiving equipment must inspect all components of voting devices and verify the specific numbers by signature and date on the chain-of-custody log for the device.
- (c) Transportation by contract. If a county contracts for the delivery of equipment to remote voting locations, each individual delivering equipment must successfully pass a criminal background check. Any person who has been convicted of an election offense or an offense with an element of fraud is prohibited from handling or delivering voting equipment. Two election officials must verify, sign, and date the chain-of-custody log upon release of the equipment to the individual(s) delivering the equipment.

20.9.2 Standards for transporting voting equipment to and from the voting location:

- (a) Required procedures if memory cards or cartridges are removed from voting devices at remote voting locations:
  - (1) Before removing a memory card or cartridge, two election officials must inspect and verify that all seals on the device are intact and that the serial numbers on the seals match those listed on the chain-of-custody log. Both election officials must sign and date the chain-of-custody log before breaking the seal.
  - (2) Election officials must place the memory cards or cartridges in a sealable transfer case and must seal the case. The election officials must maintain a chain-of-custody log for the transfer case of the memory cards or cartridges.
  - (3) Election officials must place new seals over the empty memory card/cartridge slot and door and document the seal numbers used.
  - (4) At least two election officials must accompany the transfer case to the processing location. The election officials who receive the equipment must verify, and indicate by signing and dating the chain-of-custody log, that the seals are intact and seal serial numbers match those listed in the log.
  - (5) Election officials transporting secured voting equipment must maintain chain-of-custody logs.
- (b) Required procedures if devices are delivered with memory cards/cartridges intact:
  - (1) Two election officials must verify that all seals are intact at the close of polls. Election judges must sign and date the chain-of-custody log with such indication.

- (2) At least two election officials must accompany the secured equipment to the drop-off location. The person receiving the equipment must verify the seals and sign and date the logs.
- (3) Upon confirmation that the seals are intact and bear the correct numbers, election officials must remove and upload the memory cards/cartridges into the central count system.
- (4) To secure the equipment, election officials must place a tamper-evident seal over the memory card slot and update the chain-of-custody log to reflect the new seal number(s).

#### 20.9.3 Required procedures for transportation of ballot boxes:

- (a) Election officials must seal all ballot boxes that contain voted ballots so that no person can access the ballots without breaking a seal. The election officials must record all seals in the chain-of-custody log and two election judges must verify, and indicate by signing and dating the log, that the required seals are intact.
- (b) Two election officials must accompany all ballot boxes that contain voted ballots at all times, except when the ballot box is located in a vault or secure physical location.
- (c) The ballot box exchange requirements of section 1-7-305, C.R.S., are met if a chain-in-custody log is completed for each ballot box.
- (d) If a seal is broken or chain-of-custody is unverifiable, the county clerk must investigate, document his or her findings, and report the incident to the Secretary of State, as appropriate.

#### 20.9.4 Ballot security at a voter service and polling center

- (a) The county must secure unvoted paper ballots during pre-election storage, transportation, and at polling locations.
  - (1) Except when election judges are actively issuing ballots the ballot containers must be sealed and secure.
  - (2) The county must maintain chain-of-custody logs for all ballot containers,
- (b) Unvoted paper ballots must be transported to polling locations in sealed containers. The county clerk must record the seal number on a chain-of-custody log for verification by the receiving election judges. The receiving election judges must verify the ballot container seal number before issuing ballots.
- (c) When election judges are actively issuing ballots, the unvoted ballots must be in clear view of a minimum of two election judges of different party affiliations and one of the election judges must actively monitor the ballots unless the ballots are stored in a locked location accessible only to election officials.
- (d) A minimum of two election judges of different party affiliations must reconcile and document all unvoted, issued, and spoiled paper ballots at the end of each day the polling center is open, and immediately report any inventory discrepancies to the county clerk.

- (e) If unvoted paper ballots are stored overnight at the polling location, the ballots must be sealed in containers and stored in a locked location accessible only to election officials.

## 20.10 Contingency plans

20.10.1 The county must develop emergency contingency plans for voting equipment and voting locations in accordance with this Rule.

20.10.2 In the event of a serious or catastrophic equipment failure, or when equipment is removed from service, or there is not adequate backup equipment to meet the requirements of section 1-5-501, C.R.S., the county must notify the Secretary of State that the county is using provisional ballots as an emergency voting method.

20.10.3 The county contingency plans and evacuation procedures must address emergency situations including fire, severe weather, bomb threat, civil unrest, electrical blackout, equipment failure, and any other emergency situations the county identifies.

20.10.4 The county must develop procedures to address failures of SCORE continuity, which includes:

- (a) Network failure,
- (b) Power failure that lasts less than one hour, and
- (c) Power failure that lasts more than one hour.

## 20.11 Procedures for voter verifiable paper record (VVPAT). The following requirements apply only to DREs with a VVPAT.

20.11.1 Security. The VVPAT record is considered an official record of the election, in accordance with section 1-5-802, C.R.S.

- (a) The housing unit for any VVPAT record to be used in the election must be sealed and secured before any votes are cast for the election. Election officials must attest to the VVPAT record having no votes included on the paper record before the start of voting, and before the installation or replacement of a new VVPAT record. Documentation of the seal number(s) must be maintained before voting and at the conclusion of voting.
- (b) If a DRE with VVPAT is used at a voter service and polling center, the seal number(s) must be recorded at the beginning and end of each voting day.
- (c) At the close of the polls, the VVPAT records will be transferred to the election office in the same manner as any paper ballots. In the absence of paper ballots, the VVPAT records will be transferred to the election office in the same manner as memory cards.
- (d) If the DRE's trusted build is not capable of verification by reference to the hash value (MD5 or SHA-1) of the firmware or software, the county must secure the printer port on the DRE with tamper-evident seals when the VVPAT is not connected to the DRE's printer port.

20.11.2 Anonymity. The designated election official must implement measures to protect the anonymity of voters choosing to vote on DREs.



- (a) Measures to protect anonymity include:
  - (1) The county may not keep any record indicating the order in which people voted on the DRE, or which VVPAT record is associated with the voter.
  - (2) When more than one DRE is available at a voting location, the county must, to the extent practicable, allow the voter to choose the DRE he or she wishes to vote on.
- (b) The county clerk may not release a report generated from SCORE that includes a date and time stamp that could potentially identify a voter who cast a specific ballot.
- (c) At no time may an election official simultaneously access a VVPAT and the list of voters. If the VVPAT record requires inspection, at least two election officials must conduct the examination.
- (d) The county must arrange voter service and polling center DREs in a manner that prevents election officials and other voters from observing how a DRE voter marks or casts his or her ballot.

20.11.3 Storage. The storage of the VVPAT records must be consistent with storage of paper ballots under section 1-7-802, C.R.S.

- (a) Individual spools containing VVPAT records must contain the following catalog information affixed to the spool:
  - (1) Date and name of election;
  - (2) Name of voting location;
  - (3) Date(s) and time(s) of voting;
  - (4) Machine serial number of DRE associated with the record; and
  - (5) Number of spools associated with this machine for this election (i.e. "Spool 1 of 1", or "Spool 1 of 2", etc.).
- (b) Light sensitive storage containers must be used for the 25 month storage period to ensure the integrity of the VVPAT paper record. Containers must be sealed, with record of the seal numbers maintained on file and signed by two election officials.

20.12 Security training for election officials. The county must include in its security plan the details of its security training. The county must address the anticipated time of training, location of training, and number of election officials receiving the security training, as it applies to the following requirements:

20.12.1 The county must conduct a separate training module for field technicians and election officials responsible for overseeing the transportation and use of the voting systems, picking up supplies, and troubleshooting device problems throughout the Election Day.

20.12.2 Security training must include the following components:

- (a) Proper application and verification of seals and chain-of-custody logs;

- (b) How to detect tampering with voting equipment, memory cards/cartridges, or election data on the part of anyone coming in contact with voting equipment, including election officials, vendor personnel, or voters;
- (c) Ensuring privacy in voting booths;
- (d) VVPAT requirements;
- (e) Chain-of-custody requirements for voting equipment, memory cards/cartridges, and other election materials;
- (f) Ballot security;
- (g) Voter anonymity; and
- (h) Recognition and reporting of security incidents.

### 20.13 Remedies

20.13.1 If a seal is broken, or there is another discrepancy, the election official must immediately notify the county, who must remedy the discrepancy as follows:

- (a) The county or Secretary of State must reinstate or verify the trusted build. For instances where the county can display, verify, or print the hash value (MD5 or SHA-1) of the firmware or software, the election official must document and verify that the hash value matches the documented alphanumeric string associated with the trusted build for the software or firmware of that device.
- (b) If the evidence indicates that the discrepancy occurred before the start of voting:
  - (1) The election officials must seal the device and securely deliver it to the county.
  - (2) The county or the Secretary of State must install a new, secure memory card into the device, conduct a hardware diagnostics test as prescribed in Rule 11, and conduct an acceptance test on the machine in full election mode, casting at least 25 ballots on the device. The county must maintain on file all documentation of testing and chain-of-custody for each specific device.
  - (3) The county must complete the necessary seal process and documentation to re-establish the chain-of-custody for the device and new memory card.
  - (4) The county must set the machine to election mode ready for a zero report.
- (c) If the evidence indicates that the discrepancy occurred after votes were cast on the device:
  - (1) The county may not continue to use the machine until verification or reinstallation of trusted build and acceptance testing is complete. The county must set the machine to election mode ready for a zero report before resuming voting on the device.

- (2) The election officials must seal the device and securely deliver it to the county.
- (3) The county must close the election on that device, and perform a complete manual verification of the paper ballots (or VVPAT records) to the summary tape printed on the device that represents the record of votes on the memory card.
- (4) If the totals do not match then only the paper record will be accepted as the official results for that device. The county must re-seal and secure the device and immediately report the discrepancy to the Secretary of State. The county must not use the device for the remainder of the election unless the trusted build is reinstated.
- (5) If the totals match, the county may upload the memory card into the election management software at the close of polls.
- (6) After verifying the totals, the county must secure the paper records and memory card with seals and a chain-of-custody log.
- (7) The county must complete the necessary seal process and documentation to establish the chain-of-custody for the device and memory card.
- (8) Before certifying election results, the county must conduct a full (all contests) random audit on the device under Rule 25.3 and report results to the Secretary of State. This requirement is in addition to the post-election audit required by Rule 25.2 or 25.3.

20.13.2 The county must make all documentation related to the voting system and for every device used in the election available for Secretary of State inspection.

#### 20.14 Amendments and review of security plans

20.14.1 If no changes have occurred since the last security plan was filed then the county must file a statement to that effect.

20.14.2 The county must clearly identify and describe any revisions to a previously filed security plan.

20.14.3 The county may change the security plan within 60 days of an election as a result of an emergency situation or other unforeseen circumstance. The county must document the changes and file the revisions with the Secretary of State within five days of the change.

#### 20.15 Lease, loan, or rental of election equipment. Nothing in this Rule requires a county to lease, loan, or rent any election equipment to any municipality, special district or other local jurisdiction.

20.15.1 A county that chooses to lease, loan, or rent any certified election equipment to a municipality, special district, or other local jurisdiction for use in their elections must maintain or reestablish an acceptable chain-of-custody and appropriate documentation in accordance with Rule 20.2.

20.15.2 Upon return of the voting equipment to the county, if the documentation and chain-of-custody does not support the proper maintenance of the trusted build software then the county must reinstate or verify the trusted build before using the equipment.

20.15.3 To reinstate or verify the trusted build, the county must implement one of the following procedures:

- (a) The county clerk must:
  - (1) Deliver the equipment to the jurisdiction;
  - (2) Witness and document the installation of the memory card(s) or cartridge(s) used by the jurisdiction;
  - (3) Place one or more secure and numbered seals on the voting equipment in accordance with Rule 20.3. If during the course of the jurisdiction's election, the designated election official requires removal of a memory card or cartridge as a function of the election process, the county clerk must witness and document the removal and proper resealing of the memory card or cartridge; and
  - (4) Upon return of the equipment to the county, the county must verify, and indicate by signing and dating the chain-of-custody log, that all seals are intact. If any seal is damaged or removed, the county must reinstate or verify the trusted build.
- (b) The county must designate and station deputized county staff with the loaned equipment at all times while the equipment is under control of the designated election official. The deputized county staff must maintain physical custody of the equipment at all times to ensure that no unauthorized access occurs.
- (c) In accordance with section 1-5-605.5, C.R.S., the county must appoint the designated election official as a deputy for the purposes of supervising the voting equipment. The designated election official must:
  - (1) Sign and submit to the county an affirmation that he or she will ensure the security and integrity of the voting equipment at all times;
  - (2) Affirm that the use of the voting equipment is conducted in accordance with this Rule 20 the specific Conditions for Use of the voting equipment; and
  - (3) Agree to maintain all chain-of-custody logs for the voting device(s).

## 20.16 Ballot on demand

20.16.1 The county must use the state-provided laptop for ballot on demand purposes only.

20.16.2 Software access, security, and storage.

- (a) The county must change all Windows and ballot on demand application passwords at least once per calendar year.
- (b) Only election officials or authorized vendor representatives may operate the ballot on demand system.
- (c) The county may connect the ballot on demand laptop to an external network for the purpose of connecting to SCORE only if the county maintains current virus

protection, current operating system security patches, and implements firewalls to prevent unauthorized access.

- (d) The county must store the state-provided laptop and unused paper ballot stock in a locked storage area when the printer is not in use.

#### 20.16.3 Ballot reconciliation

- (a) The county must reconcile ballots printed on demand in accordance with Rules 10.1.1 and 10.1.2.
- (b) The county must maintain damaged, misprinted, or unusable ballots as election records.

#### 20.17 Voting system conditions for use

20.17.1 The county must use the voting system only on a closed network or in a standalone fashion.

#### 20.17.2 Access logs.

- (a) In addition to the audit logs generated by the election management system, the county must maintain access logs that record the following:
  - (1) The date, time, and user's name for each instance that a user enters or exits the system or the system's report printing functions; and
  - (2) Modifications to the system's hardware, including insertion or removal of removable storage media, or changes to hardware drivers.
- (b) The county may create and maintain the access logs in the manner the county deems most suitable, including key stroke recording software, video surveillance recordings, manually or electronically written records, or a combination of these methods.

20.17.3 The county must create a backup copy of the election setup records on a read-only, write-once electronic storage media, immediately after completing the Logic and Accuracy Test.

- (a) The county must identify the master database name and date of election on the label of the backup.
- (b) The county must store the backup in a sealed container. Two election officials of different party affiliations must sign and date entries to the chain-of-custody log for the sealed container.

#### 20.17.4 DREs

- (a) The county's election judges must:
  - (1) Test the VVPAT printer immediately after changing the VVPAT paper; and
  - (2) Lock and re-seal the VVPAT canister, and make appropriate entries on the VVPAT chain-of-custody log, before voting resumes on the DRE.

- (b) At least one DRE in each voter service and polling center must have a backup battery, or be connected to an uninterruptible power supply, sufficient to sustain continuous operation for a minimum of two hours in the event of power loss.
- (c) The county must maintain logs indicating administrator function use.

20.17.5 Optical scanners:

- (a) When issuing ballots, the county must provide in-person voters with a secrecy sleeve sufficient to conceal a voter's marked ballot from others in the polling location, including election officials.
- (b) The county must record the optical scanner serial number on all chain-of-custody logs and reports generated by the device.
- (c) Each optical scanner must have a backup battery, or be connected to an uninterruptible power supply sufficient to sustain continuous operation for a minimum of two hours in the event of power loss.
- (d) The county must maintain logs indicating administrator function use.
- (e) The county must program each optical scanner to permit an election judge to override rejection of overvoted ballots that cannot be duplicated in accordance with Rule 18.

20.18 ES&S voting system conditions

20.18.1 If the county must provide language minority assistance under section 203 of the Voting Rights Act (42 U.S.C. §§ 1973 to 1973bb-1), it may not use an ES&S voting system.

20.18.2 DREs. The county may only use the nine inch screen on the VVPAT.

20.18.3 For optical scanners with a zip disk drive, the county must save the cast vote records for each batch of tabulated ballots to a zip disk. A batch of tabulated ballots may consist of one or more SCORE absentee ballot batches.

20.19 Hart DRE conditions. If a county shortens a lengthy candidate name on the VVPAT, it must provide printed notice of the change to voters at the voter service and polling center.

20.20 Sequoia DRE conditions

20.20.1 The county must add clarifying text to the display screen during the VVPAT review process that instructs the voter to review his or her ballot choices.

20.20.2 The county must lock the activate button to prevent its use during an election.

20.20.3 A county may not modify the screen display using an override.ini file without approval from the Secretary of State.

## Rule 21. Voting System Standards for Certification

### 21.1 Introduction

21.1.1 For Colorado purposes, no single component of a voting system, or device, meets the definition of a voting system except that nothing in this Rule requires the testing of an entire modified system if the Secretary of State determines in accordance with section 1-5-618, C.R.S., that a modification to any certified voting system requires testing for security and accuracy. Only the modification and any affected features or capabilities must be tested to ensure compliance with this Rule.

21.1.2 Sufficient components must be assembled to create a configuration that allows the system or modification as a whole to meet the requirements as described for a voting system in this Rule.

21.1.3 The certification of a voting system is not a requirement that a county purchase or lease all of the components of the voting system. Counties may choose to configure and use a subset of the certified voting system and may use the services of a vendor or third party to provide ballot definition and election programming of memory cards. Counties are not required to use a paper ballot tabulation device if they choose to manually tabulate the election results.

### 21.2 Certification Process Overview and Timeline

21.2.1 The voting system will be considered as a unit, and all components tested at once, unless the circumstances necessitate otherwise. Any change made to individual components of a voting system will require the entire voting system to be recertified unless the change is a modification that can be approved under section 1-5-618(1.5), C.R.S.

21.2.2 For a voting system to be certified, the voting system provider must successfully complete all phases of the certification process. The certification process includes: submission of a complete application, a documentation review, a public demonstration of the system, and functional testing.

21.2.3 The flow of each phase of certification is as follows:

- (a) Phase I – The voting system provider must submit an application and all documentation required in Rule 21.3. The Secretary of State will review the application and inform the voting system provider whether or not the application is complete. If the application is incomplete, the Secretary of State will identify the deficiencies and the voting system provider will have 30 days to remedy the deficiencies and make the application complete. When the application is complete, the Secretary of State will make arrangements with the voting system provider for a public demonstration.
- (b) Phase II – The Secretary of State will review the submitted documentation, VSTL reports from previous testing, and evaluations provided by other states.
- (c) Phase III – The Secretary of State will prepare a certification test plan. If a VSTL is contracted to test the voting system, the VSTL will work with the Secretary of State to prepare a certification test plan. The certification test plan will be presented to the voting system provider for review before execution of the test plan.

- (d) Phase IV– Upon receipt of the voting system provider’s agreement to the certification test plan, the Secretary of State or the VSTL will execute the test plan.
- (e) Phase V – The Secretary of State will review the test results and determine whether the voting system substantially meets the requirements for certification. Within 30 days of a decision, the Secretary of State will post the certification test report for the voting system on its website.

21.2.4 The Secretary of State will certify voting systems that substantially comply with the requirements in this Rule 21, Colorado Election Code, and any additional testing the Secretary of State finds necessary.

### 21.3 Application Procedure

21.3.1 Any voting system provider may apply to the Secretary of State for certification at any time.

21.3.2 A voting system provider that desires to submit a voting system for certification must complete the Secretary of State’s “Application for Certification of Voting System” that is available on the Secretary of State’s website.

21.3.3 The Secretary of State, in accordance with section 24-21-104(1)(a), C.R.S., will charge the voting system provider all direct and indirect costs associated with the testing of a voting system submitted for certification. The Secretary of State will provide an estimate of costs for certification testing before the certification process begins. In order to begin testing, the voting system provider must provide a written approval of the cost estimate. The voting system provider must pay all costs before the Secretary of state will issue a final determination.

21.3.4 Along with the application, the voting system provider must submit all documentation required in this Rule 21 in electronic format.

21.3.5 The vendor must identify any material it asserts is exempt from public disclosure under the Colorado Open Records Act, Part 2, Article 72 of Title 24, C.R.S., together with a citation to the specific grounds for exemption before beginning Phase III of the certification process.

21.3.6 The voting system provider must coordinate with the Secretary of State for the establishment of the trusted build. The voting system provider must submit all documentation and instructions necessary for the creation and guided installation of files contained in the trusted build which will be created at the start of functional testing and will be the model tested. At a minimum, the trusted build must include a compilation of files placed on write-once media, and an established hash file distributed from a VSTL or the National Software Reference Library to compare federally certified versions. The trusted build disks should all be labeled with identification of the voting system provider’s name and release version.

21.3.7 All materials submitted to the Secretary of State must remain in the custody of the Secretary of State as follows:

- (a) For certified systems, until the certification is permanently revoked, or until no components of the certified system are used in the State of Colorado; and
- (b) For systems that are not certified, a period of 25 months.



## 21.4 Voting System Standards

21.4.1 The 2002 Voting Systems Standards are incorporated by reference. Material incorporated by reference in the Election Rules does not include later amendments or editions of the incorporated material. Copies of the material incorporated by reference may be obtained by contacting the Federal Election Commission, 999 E Street NW, Washington, DC, 20463, 800-424-9530. Copies are also available online at [http://www.eac.gov/testing\\_and\\_certification/voluntary\\_voting\\_system\\_guidelines.aspx](http://www.eac.gov/testing_and_certification/voluntary_voting_system_guidelines.aspx).

21.4.2 All voting systems must meet the requirements of the 2002 Voting Systems Standards, parts 5 – 7 of article 5 of title 1, C.R.S., as amended, and this Rule 21.

21.4.3 The voting system provider must document that all voting system software, hardware, and firmware meet all requirements of federal law that address accessibility for the voter interface of the voting system. These laws include:

- (a) The Help America Vote Act,
- (b) The Americans with Disabilities Act, and
- (c) The Federal Rehabilitation Act.

21.4.4 Independent Analysis. Before completion of functional testing, all voting system providers submitting a voting system must complete an independent analysis of the system, which includes:

- (a) An application penetration test conducted to analyze the system for potential vulnerabilities that may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the voting system, whether or not the vulnerabilities can be mitigated through compensating controls.
- (b) A source code evaluation conducted in accordance with Software Design and Coding Standards of the 2002 Voting System Standard or the most current version of the Voluntary Voting System Guidelines approved after January 1, 2008.
- (c) A complete report detailing all findings and recommended compensating controls for vulnerabilities and deficiencies identified.
- (d) The voting system provider must use at least one of the following to perform the independent analysis:
  - (1) An EAC approved VSTL;
  - (2) Testing conducted in another state; or
  - (3) Some combination of such VSTL and state testing that meets the requirements of this Rule.
- (e) The Secretary of State or VSTL will conduct a quality review of all work under this section. The review may include an examination of the testing records, interviews of the individuals who performed the work, or both. Review of testing records may be conducted at the VSTL, the state in which the testing was

conducted, or at the site of any contractor or subcontractor utilized by another state to conduct the testing.

- (f) The Secretary of State may reject any evaluation if not satisfied with the work product and to require additional analysis to meet the requirements of section 1-5-608.5, C.R.S., and this Rule.

#### 21.4.5 Functional Requirements

- (a) Functional requirements must address all detailed operations of the voting system related to the management and controls required to successfully conduct an election.
- (b) The voting system must provide for appropriately authorized users to:
  - (1) Set up and prepare ballots for an election;
  - (2) Lock and unlock system to prevent or allow changes to ballot design;
  - (3) Conduct hardware diagnostic testing;
  - (4) Conduct logic and accuracy testing;
  - (5) Conduct an election and meet requirements as identified in this Rule 21 for procedures for voting, auditing information, inventory control where applicable, counting ballots, opening and closing polls, recounts, reporting and accumulating results;
  - (6) Conduct the post-election audit; and
  - (7) Preserve the system for future election use.
- (c) The voting system must integrate election day voting results with mail and provisional ballot results.
- (d) The election management system must provide authorized users with the capability to produce electronic files including election results in either ASCII (both comma-delimited and fixed-width) or web-based format. The software must provide authorized users with the ability to generate these files on an "on-demand" basis. After creating such files, the authorized users must have the capability to copy the files to diskette, tape, CD-ROM or other media type.
  - (1) Exports necessary for the Secretary of State must conform to a format approved by the Secretary of State. The format must be compatible with a commercially available data management program such as a spreadsheet, database, or report generator.
- (e) The voting system must include hardware or software to enable the closing of all vote tabulation devices at polling locations to allow for the following:
  - (1) Printout of the time the voting system was closed.
  - (2) Printout of the public counter and protective counter upon closing the ballot casting functionality.

- (3) Ability to print a report which must contain:
  - (A) Names of the offices;
  - (B) Names of the candidates and party, when applicable;
  - (C) A tabulation of votes from ballots of different political parties at the same voting location in a primary election;
  - (D) Ballot titles;
  - (E) Submission clauses of all initiated, referred or other ballot issues or questions;
  - (F) The number of votes counted for or against each candidate or ballot issue;
  - (G) Date of election (day, month and year);
  - (H) Precinct number (ten digit format);
  - (I) County or jurisdiction name;
  - (J) "State of Colorado";
  - (K) Count of votes for each contest; and
  - (L) An election judge's certificate with an area for judges' signatures with the words similar to: "Certified by us", and "Election Judges". Space must allow for a minimum of two signatures.
- (4) Votes counted by a summary of the voting location and by individual precincts.
- (5) Ability to produce multiple copies of the unofficial results at the close of the election.
- (f) The election management system must ensure that an election setup record may not be changed once ballots are printed and/or election media devices are downloaded without proper authorization and acknowledgement by the application administrative account. The application and database audit transaction logs must accurately reflect the name of the system operator making the change(s) and the date and time of the change(s). The application and database audit transaction logs must support user's ability to examine the "old" and "new" values of the change(s).
- (g) All DRE or BMD voting devices must use technology providing visual or auditory ballot display and selection methods used by people with disabilities.
- (h) All electronic voting devices supplied by the voting system provider and used at voter service and polling centers must have the capability to continue all normal voting operations and provide continuous device availability during a 2-hour period of electrical outage without any loss of election data.

- (i) The voting system must provide capabilities to protect the anonymity of ballot choices.
  - (1) All optical scanners, associated ballot boxes, and VVPAT storage devices must provide physical locks and procedures during and after the vote casting operation.
  - (2) All DRE devices must provide randomization of all voter choices and stored electronic ballot information during and after storage of the voters' ballot selections.

#### 21.4.6 Physical and design characteristics

- (a) Physical and design characteristics must address any and all external or internal construction of the physical environment of the voting system.
- (b) The voting system provider must submit drawings, photographs and any related brochures or documents to assist with the evaluation of the physical design of the use of the voting system.

#### 21.4.7 Ballot Definition Subsystem

- (a) The ballot definition subsystem of the voting system application consists of hardware and software required to accomplish the functions outlined in this Rule.
- (b) The ballot definition subsystem must be capable of handling at least 200 potentially active voting positions, arranged to identify party affiliations in a primary election, offices with their associated labels and instructions, candidate names with their associated labels and instructions and ballot issues or questions with their associated text and instructions.
- (c) The voting system must accommodate single page ballots (races on one face or both faces) and two page paper ballots (races on three or four faces).
- (d) The ballot definition subsystem must:
  - (1) Provide a facility for the definition of the ballot, including the definition of the number of allowable choices for each office and contest and for special voting options such as write-in candidates;
  - (2) Generate all required masters and distributed copies of the ballot definition files; and
  - (3) Permit a user to program the election, build the election database, generate and layout ballots, and report results, by ballot style or precinct, as permitted or required by section 1-7.5-208, C.R.S.
- (e) Data management applications that collect, convert, manage or export election definition information in one or more format(s) suitable for import into the election managementsystem , are an essential component of, and must be integrated with and operate in the same user interface and on the same server or workstation, as the election management system.
- (f) The voting system may not add any caption or endorsement to ballot artwork generated by the voting system, including without limitation copyright notices or

the name of the voting system provider. The county must have the ability to suppress any captions and endorsements generated by the voting system that are not authorized by section 1-5-407(1), C.R.S.

21.4.8 Trusted Build. The voting system must allow the operating system administrative account to verify that the software installed is the certified software by comparing it to the trusted build or other reference information.

21.4.9 Audit Capacity

- (a) The voting system must track and maintain read-only audit information of the following election management system events:
  - (1) Log on and log off activity;
  - (2) Application start and stop;
  - (3) Printing activity, where applicable;
  - (4) Election events –set for election, unset for election, open polls, close polls, end election, upload devices, download devices, create ballots, create precincts, create districts, create voter service and polling centers, initialize devices, backup devices, and voting activity; and
  - (5) Hardware events – add hardware, remove hardware, initialize hardware, and change hardware properties.
- (b) All tabulation devices must display the unit serial number(s) both physically and within any applicable software, logs or reports.
- (c) Vote tabulation devices must allow for an alternate method of transfer of audit records if the device or a memory storage device is damaged or destroyed.
- (d) All transaction audit records of the election databases must be maintained in a file outside of or separate from the database in a read-only format.

21.4.10 Security requirements. All voting systems must meet the following minimum system security requirements:

- (a) The voting system must meet the following requirements to accommodate a general system of access by least privilege and role-based access control:
  - (1) Operating system administrative accounts may not have access to read or write data to the database;
  - (2) Operating system user/operator accounts must be able to be created that are restricted from the following aspects of the operating system:
    - (A) No access to system root directory;
    - (B) No access to operating system specific folders;
    - (C) No access to install or remove programs; and
    - (D) No access to modify other user accounts on the system.

- (3) Application administrative accounts must have full access and rights to the application and database;
  - (4) Application user/operator accounts must have limited rights specifically designed to perform functional operation within the scope of the application. This user/operator must be restricted in the creation or modification of any user/operator accounts.
- (b) The voting system must meet the following requirements for network security:
- (1) All network-applicable components of the voting system must have the ability to operate on a closed network dedicated to the voting system;
  - (2) All network-applicable components of the voting system must include the limited use of non-routable IP address configurations for any device connected to the closed network. For the purposes of this requirement, non-routable IP addresses are those defined in the RFC 1918 Address base; and
  - (3) The voting system must include provisions for updating security patches, software and/or service packs without access to the open network.
- (c) All voting systems that use databases must: Have databases hardened to specifications developed by the voting system provider. Documentation included with the application must provide a detailed procedure for hardening according to current industry standards. Any government or industry guidelines adopted in whole, or in part, are to be identified in the documentation.
- (d) The voting system must meet the following requirements for operating system security:
- (1) All voting systems must have all operating systems hardened to specifications developed by the voting system provider according to current industry standards. Documentation included with the application must provide a detailed procedure for hardening. Any government or industry guidelines adopted in whole, or in part, are to be identified in the documentation.
  - (2) The voting system provider must configure the voting system operating system of the workstation and server used for the election management software to the following requirements:
    - (A) The ability for the system to take an action upon inserting a removable media (auto run) must be disabled; and
    - (B) The operating system must only boot from the drive or device identified as the primary drive.
  - (3) The voting system provider must use a virus protection/prevention application on the election management server(s)/workstations which must be capable of manual updates without the use of direct connection to the internet.
- (e) The voting system must meet the following requirements for password security:

- (1) All passwords must be stored and used in a non-reversible format;
  - (2) Passwords to the database must not be stored in the database;
  - (3) Password to the database must be owned and only known by the application;
  - (4) The application's database management system must require separate passwords for the administrative account and each operator account;
  - (5) The system must be designed in such a way to ensure that the use of the administrative account password is not required for normal operating functions;
  - (6) The system must allow users to change passwords;
  - (7) The use of blank or empty passwords must not be permitted at any time with the exception of a limited one-time use startup password which requires a new password to be assigned before the system can be used; and
  - (8) All voting systems must have all components of the voting system capable of supporting passwords of a minimum of eight characters, and must be capable of including numeric, alpha and special characters in upper case or lower case used in any combination.
- (f) All modules of the system must meet the 2002 voting system standards requirements for installation of software, including hardware with embedded firmware:
- (1) Where the system includes a feature to interpret and control execution using data from a script, code tokens, or other form of control data file separate from the source code, the human-readable source information must be made available as part of a source code review.
  - (2) Security features and procedures must be defined and implemented to prevent any changes of interpreted data files after the initial election testing of the final election definition Replacement of the interpreted data files with tested and approved files from the trusted build must be by authorized personnel before the election definition is finalized for an election.
  - (3) The introduction of interpreted data during execution must not be permitted unless defined as a predefined set of commands or actions subject to security review and the interpretation function provides security edits on input to prevent the introduction of other commands or the modification or replacement of existing code.
  - (4) The application must not allow users to open database tables for direct editing.
- (g) All voting systems must meet the following minimum requirements for removable storage media with data controls:

- (1) All data stored that includes ballot images, tally data, and cast vote records must be authenticated, encrypted or secured against tampering, and validated.
- (2) All removable media, upon insertion on server and workstations hosting the elections management software, must automatically be scanned by antivirus software or secured against execution of unauthorized software.

#### 21.4.11 Telecommunications requirements

- (a) Telecommunications includes all components of the system that transmit data outside of the closed network as defined in this Rule.
- (b) All electronic transmissions from a voting system must meet the 2002 Voting System Standards.
- (c) Line of sight infrared technology may only be used in a closed environment where the transmission and reception is shielded from external infrared signals and can only accept infrared signals generated from within the system.
- (d) All systems that transmit data over public telecommunications networks must maintain an audit trail when election results are transmitted.
- (e) Voting systems that transmit data through any telecommunications medium must be able to recover, either automatically or with manual intervention, from incomplete or failed transmission sessions and resume transmissions when telecommunications are reestablished.
  - (1) Recovery of transmissions must include notations of the interrupted transmission session and the resumed transmission session in the system and application transaction logs.
  - (2) Failure and recovery of transmissions must not cause any error in data transmitted from the voter service and polling centers to the central election site during a recovered transmission session.

#### 21.4.12 Voter-verifiable paper record requirements

- (a) Existing systems that are retrofitted to comply with section 1-5-802(1), C.R.S., must be examined for certification by the Secretary of State. Any retrofitted voting system must comply with the process and application for certification as identified by this Rule.
- (b) The VVPAT must include the following components:
  - (1) A paper audit trail writer or printer that must be attached, built into or used in conjunction with the DRE or BMD, and must duplicate a voter's selections from the DRE or BMD onto a paper record;
  - (2) A paper record display unit or area that must allow a voter to view his or her paper record; and
  - (3) A paper record storage unit that must store cast and spoiled paper record copies securely.



- (c) The VVPAT must meet the following functional requirements:
- (1) The printer may only communicate with the voting device to which it is connected;
  - (2) The printer must function only as a printer, and not perform any other non-printer related services;
  - (3) Produce a paper record for every corresponding electronic voting record;
  - (4) Provide a "low supply" warning to the election official to add paper, ink, toner, ribbon or other like supplies. In the event that an election official is required to change supplies during the process of voting, the voter must be allowed to reprint and review the paper record without having to mark his or her ballot. The device must prevent the election official from seeing a voter's ballot.
  - (5) Stop all operations if the printer is not working as designed.
  - (6) Allow a voter to spoil his or her paper record no more than two times.
  - (7) Allow a voter to modify and verify selections on the DRE or BMD without having to reselect all of his or her choices.
  - (8) Before the voter causes a third and final record to be printed the VVPAT must present the voter with a warning notice that the selections made on screen shall be final and the voter may see and verify a printout of his or her vote, but must not be given additional opportunities to change their vote.
  - (9) When VVPAT components are integrated into a previously certified voting system the new configuration of the voting system must comply with existing state testing and auditing requirements.
  - (10) Print a barcode with each record that contains the human readable contents of the paper record. The voting system provider must include documentation of the barcode type, protocol, and/or description of barcode and the method of reading the barcode as applicable to the voting system.
  - (11) If used for provisional ballots, the VVPAT must be able to mark paper records as a provisional ballot through the use of human readable text and optionally printing barcode and/or serial number information, which must provide for mapping the record back to the electronic record and the provisional voter for processing after verification in accordance with Article 8.5 of Title 1, C.R.S.
- (d) The VVPAT must meet the following design requirements:
- (1) Allow every voter to review and accept or reject his/her paper record in as private and independent manner as possible regardless of whether the voter has a disability.
  - (2) Print at a font size no less than 14-point sans-serif Arial.

- (3) Allow each voter to verify his or her vote on a paper record in the same language that they voted in on the DRE or BMD.
- (4) Prevent tampering with unique keys or seals for the compartment that stores the paper record.
- (5) Print and store paper record copies of at least 75 voted ballots without requiring the paper supply source, ink or toner supply, or any other similar consumable supply to be changed, assuming a fully printed double sided 18 inch ballot with a minimum of 20 contests.
- (6) The printed information on the paper record must contain at least the following items:
  - (A) Name or header information of race, question or issue;
  - (B) Voter's selections for the race information;
  - (C) Write-in candidate's names if selected;
  - (D) Undervote information;
  - (E) Ability to optionally produce a unique serial number (randomized to protect privacy); and
  - (F) Identification that the ballot was cancelled or cast.
- (7) Prohibit the voter from leaving the voting area with the paper record.
- (8) The voting system provider must provide documentation describing how to investigate and resolve malfunctions including, but not limited to the following:
  - (A) Misreporting votes;
  - (B) Unreadable paper records;
  - (C) Paper jams;
  - (D) Low-ink;
  - (E) Misfeeds;
  - (F) Lost votes; and
  - (G) Power failures.

#### 21.4.13 Documentation Requirements

- (a) The Secretary of State may rely upon the testing of a voting system performed by a VSTL or by another state upon satisfaction of the following conditions:
  - (1) The Secretary of State has access to any documentation, data, reports or similar information upon which the VSTL or another state relied in

- performing its tests and will make such information available to the public subject to any redaction required by law; and
- (2) The Secretary of State has determined that the tests were conducted in accordance with appropriate engineering standards, and the extent to which the tests satisfy the requirements of sections 1-5-615 and 1-5-616, C.R.S., and all Rules promulgated under those sections.
- (b) In addition to other documentation requirements in this Rule, the voting system provider must provide the following documents:
- (1) Standard issue users/operator manual;
  - (2) System administrator's/application administration manual;
  - (3) Training manual and related materials;
  - (4) Election definition programming and diagnostics manuals; and
  - (5) A list of minimum services needed for the successful, secure and hardened operation of all components of the voting system.
- (c) The voting system provider must provide documentation concerning the use of touch screen or other display and selection technology including:
- (1) Technical documentation describing the nature and sensitivity of the tactile device, if the system uses touch screen technology; and
  - (2) Technical documentation describing the nature and sensitivity of any other technology used.
- (d) For the review of VSTL or other state testing in Rule 21.4.12(a) copies of all VSTL or state qualification reports, test logs and technical data packages must be provided to the Secretary of State.
- (1) The voting system provider must execute and submit any necessary releases for the applicable VSTL, state or EAC to discuss any and all procedures and findings relevant to the voting system with the Secretary of State and allow the review by the Secretary of State of any documentation, data, reports, or similar information upon which the VSTL or other state relied in performing its testing. The voting system provider must provide a copy of the documentation to the Secretary of State.
  - (2) The voting system provider, the VSTL, the state or the EAC will identify to the Secretary of State any specific sections of documents for which they assert a legal requirement for redaction.
- (e) The voting system provider must provide documentation specifying the steps and times required for charging batteries, and the time of battery operation for each type of device they provide, assuming continuous use of the devices by voters during an interruption of normal electrical power.
- (f) The Secretary of State will review submitted documentation to determine the extent to which the voting system has been tested to federal standards.

- (g) Failure by the voting system provider to provide any documentation will delay processing the application and may be cause for denial of certification.
- (h) The voting system must include detailed documentation, which includes the location and a description of the content of the of audit trail information throughout the system. The audit information applies to:
  - (1) Operating Systems (workstation, server, optical scanner, BDM, and DRE);
  - (2) Election management system; and
  - (3) Election Tabulation Devices – optical scan and DRE.
- (i) The voting system provider must provide documentation detailing voting system security. The documentation must contain configurations, properties and procedures to prevent, detect, and log changes to system capabilities for:
  - (1) Defining ballot formats;
  - (2) Casting and recording votes;
  - (3) Calculating vote totals consistent with defined ballot formats;
  - (4) Reporting vote totals;
  - (5) Altering of voting system audit records;
  - (6) Changing or preventing the recording of a vote;
  - (7) Introducing data for a vote not cast by a registered voter;
  - (8) Changing calculated vote totals;
  - (9) Preventing access to vote data, including individual votes and vote totals, to unauthorized individuals; and
  - (10) Preventing access to voter identification data and data for votes cast by the voter such that an individual can determine the content of specific votes cast by the voter.
- (j) The voting system provider must provide documentation detailing the security measures it has in place for all systems, software, devices that act as connectors (upload, download, and other programming devices) and any additional recommended security measures.
- (k) The voting system provider must provide procedures and documentation for the use of the VVPAT.
- (l) For the purpose of evaluating software, the voting system provider must provide detailed information as to the type of hardware required to execute the software.
- (m) The documentation supplied by the voting system must include a statement of all requirements and restrictions regarding environmental protection, electrical

service, telecommunications service and any other facility or resource required for the installation, operation and storage of the voting system.

- (n) The voting system provider must provide any available data on problems caused for persons who experience epileptic seizures due to the DRE voting device's screen refresh rate.
- (o) The voting system provider must deliver to the Secretary of State documentation detailing estimated time of battery operation for each type of device submitted for certification, assuming continuous use of the devices by voters during an interruption of normal electrical power.
- (p) The voting system provider must deliver to the Secretary of State documentation specifying the steps and times required for charging batteries for each type of device submitted for certification.
- (q) The voting system provider must submit documentation containing a list of minimum equipment, services, and executables required to run the election management system.

21.4.14 Ballot-level Cast Vote Records and Exports. All voting systems certified by the Secretary of State for use in Colorado on or after January 1, 2016 must meet the following requirements for ballot-level cast vote records and exports on or before December 31, 2016:

- (a) The voting system must capture a ballot-level cast vote record (CVR).
- (b) The voting system must be able to aggregate in a single file and export all CVRs in comma-separated value (CSV) text format.
- (c) The CVR export must contain the following fields, with values or data populated by the voting system:
  - (1) CVR Number. A sequential number from one to the number of CVRs in the export file. This can be used as an alternate method to identify each CVR.
  - (2) Batch ID. Identifies the batch in which the paper ballot corresponding to the CVR is located.
  - (3) Ballot Position. Identifies the position of the paper ballot corresponding to the CVR within the batch.
  - (4) Imprinted ID. If the scanner model supports imprinting a unique character string on the ballot during the scanning process, the voting system must populate this field with the unique character string.
  - (5) Ballot Style. Indicates the ballot style of the paper ballot corresponding to the CVR.
  - (6) Device ID. Identifies the scanning device by model, serial number, and/or scanning station identifier.
  - (7) Contest and Choice Names. Each contest and choice on any ballot in the election must have its own field so that voters' choices in all contests can

be easily and independently tabulated after the CVR export is imported into a spreadsheet application.

- (8) Number of Valid Choices. The number of valid choices (e.g., "Vote for 3") for each contest.
- (d) The header or field names in the CVR export must unambiguously correspond to names of the contests and choices on the paper ballots.
- (e) The contests and choices must be listed in the same order as they appear on the ballots.
- (f) A vote for a choice must be indicated by a "1". No vote for a choice or an overvoted condition must be indicated by a "0". Choices that are not applicable to the CVR must be left blank.

21.4.15 Election Night Reporting data and exports. All voting systems certified by the Secretary of State for use in Colorado on or after January 1, 2016 must meet the following requirements for Election Night Reporting data and exports by December 31, 2016:

- (a) The voting system must be able to generate and export results data suitable for use in the Secretary of State's Election Night Reporting (ENR) system, as specified in the remaining subsections of this Rule.
- (b) The ENR export file must be in a tabular format that uses comma-separated value (CSV) format, or a format based on a range of character positions within a line.
- (c) The ENR export file must contain a header line that defines all of the fields contained in the export file.
  - (1) The header names need not exactly correspond to the field names specified subsection (d) of this Rule, but must unambiguously identify the content of each field.
  - (2) The order of the fields within the export file may deviate from the order specified in subsection (d) of this Rule.
  - (3) Additional fields contained in the ENR export file but not specified or addressed in subsection (d) of this Rule must not contain only alphanumeric characters.
- (d) The ENR export file must include the following items or fields:
  - (1) Precinct Name. If the county defines the election to report results by precinct, an alphanumeric string consisting of a 10-digit precinct code.
  - (2) Ballot Style Name. If the county defines the election to report results by ballot style or district, a unique, alphanumeric string for each ballot style.
  - (3) Precinct ID. If the county defines the election to report results by precinct, a unique integer for each precinct or precinct split.
  - (4) Registered Voters. The number of registered voters eligible to vote each unique ballot style, or in each precinct or precinct split, as applicable.

- (5) Ballots counted. The number of ballots counted for each unique ballot style, or each precinct or precinct split, as applicable.
- (6) Contest Name. The contest name as it appears on the ballots. If the contest name contains carriage return(s) for ballot formatting purposes, then the carriage return(s) must not appear in the export.
- (7) Contest ID. A unique integer for each contest.
- (8) Contest Sequence Number. A unique integer that defines the sequence of contests as they appear on the ballots.
- (9) Votes Allowed. The maximum number of choices that a voter may select in each contest (e.g., "Vote for 2").
- (10) Choice Name. The choice name as it appears on the ballots. Party affiliation may not be included in the choice name.
- (11) Choice ID. A unique integer for each choice within a contest.
- (12) Party Code. An indicator of party affiliation for each choice, if applicable.
- (13) Vote Count. The total number of votes for each choice.
- (14) Reporting Flag. The reporting flag field must contain a value of "0".
- (15) Precinct Sequence Number. A unique integer that defines the sequence of precincts.
- (16) Choice Sequence Number. A unique integer that defines the sequence of candidates as they appear on the ballot.

21.4.16 Central Ballot Counting Functionality. All voting systems certified for use in Colorado by the Secretary of State on or after January 1, 2016, must meet the following functional requirements for centrally counting ballots:

- (a) Digital Ballot Adjudication: The voting system must include a digital ballot adjudication software application, enabling election judges to resolve, adjudicate, and duplicate ballots with marginal or ambiguous voter markings digitally rather than manually.
- (b) Ballot Scanners. The voting system must include central count ballot scanners equipped with automatic document feeders, enabling election judges to scan multiple ballots rather than a single ballot at a time.

## 21.5 Testing preparation procedures

### 21.5.1 Voting system provider demonstration

- (a) The voting system provider must demonstrate the submitted voting system to the Secretary of State prior to any functional testing.
- (b) The demonstration period does not have a predetermined agenda for the voting system provider to follow; however, presentations should be prepared to address

and demonstrate the following items as they pertain to each area and use within the voting system, if applicable:

- (1) System overview;
  - (2) Verification of complete system matching EAC certification;
  - (3) Ballot definition creation;
  - (4) Printing ballots on demand;
  - (5) Hardware diagnostic testing;
  - (6) Programming election media devices for various counting methods including:
    - (A) Mail ballots;
    - (B) In-person ballots; and
    - (C) Provisional ballots;
  - (7) Sealing and securing system devices;
  - (8) Logic and accuracy testing;
  - (9) Processing ballots;
  - (10) Accessible use;
  - (11) Accumulating results;
  - (12) Post-election audit;
  - (13) Canvass process handling;
  - (14) Audit steps and procedures throughout all processes;
  - (15) Certification of results; and
  - (16) Troubleshooting.
- (c) The voting system provider will have access to the demonstration room for one day prior to the start of the demonstration to provide time for setup of the voting system.
- (d) A maximum of one business day is normally allowed for the demonstration. If the voting system provider requests more time for the demonstration or, if the Secretary of State finds that the complexity of the system is such that more time is needed for a demonstration, more time may be granted.
- (e) The demonstration will be open to representatives of the press and the public to the extent allowable. The Secretary of State may limit the number of representatives from each group to accommodate space.



- (f) The Secretary of State will post notice of the fact that the demonstration will take place in the designated public place for posting such notices for at least seven days prior to the demonstration. The notice must indicate the general time frame during which the demonstration may take place and the manner in which members of the public may obtain specific information about the time and place of the test.
- (g) The voting system provider must provide the same class of workstation and/or server for testing the voting system as the normal production environment for the State of Colorado.
- (h) Based upon the review of VSTL or other state reports and test records, the Secretary of State will prepare a test plan. The test plan will be designed to test for any requirements specific to Colorado law which were not addressed in prior testing and for any federal or Colorado requirements which were not addressed to the satisfaction of the Secretary of State in the reports and records from prior testing.
- (i) The test plan must include the election definitions to be used in testing and specifications for test ballots. Test ballots and election definitions must generally follow all requirements for election definitions, ballot layout and printing to verify the system's ability to meet those requirements. Some election definitions and ballots may depart from the requirements in order to test specific functions.
- (j) For each system tested, a requirements matrix must be prepared to identify those requirements satisfied by the review of VSTL or other state reports and test data and how those requirements not satisfied are to be tested or otherwise satisfied. If during test planning or testing one of the requirements in the voting systems standards or in this Rule are determined to be not applicable to the system under test, the reason for the determination will be documented.
- (k) The voting system provider must submit for testing the specific system configuration that will be offered to jurisdictions including the components with which the voting system provider recommends the system be used.
- (l) The voting system provider is not required to have a representative present during the functional testing, but must provide a point of contact for technical support. After the delivery, unpacking, and initial inspection of the equipment for shipping damage and missing components, a vendor representative will only be allowed to operate or touch the equipment when approved by the Secretary of State. All such activity by a vendor representative must be documented on video or in writing.
- (m) The proprietary software must be installed on the workstation/server and all applicable voting system components by the Secretary of State or the VSTL using the trusted build following the installation procedures provided by the voting system provider. After installation, hash values for the software and firmware must be compared to any published hash values of the trusted build. Any mismatches in hash values will be investigated and resolved before proceeding with testing.
- (n) All equipment must be hardened using the voting system provider's procedures and specifications.

- (o) Testing must be performed with test election definitions and test ballots as required in the test plan.
- (p) The results of all testing must be recorded in the requirements matrix. The requirements matrix will be the primary record describing which requirements were met and specifying which were not. It must be supplemented as necessary to support the findings with test team notes and system reports. Supplemental information may include photographs and audio or video recordings.
- (q) Functional testing must be completed according to the phases identified in Rule 21.2.3.
- (r) The Secretary of State or the VSTL must conduct functional testing on the voting system based on this Rule.
- (s) The voting system must receive a pass, fail or not applicable for each requirement with appropriate notation in the requirements matrix.
- (t) The Secretary of State will maintain records of the test procedures in accordance with Rule 21.3.7. The records must identify the system and all components by voting system provider name, make, model, serial number, software version, firmware version, date tested, test number, test plan, requirements matrix, test team notes, and other supplemental information, and results of test. The test environment conditions must be described.
- (u) In the event that a deviation from the test plan is required, it must be documented in a test team note. The note must provide a description of the deviation, the reason for the deviation and effect of the deviation on testing and determining compliance with requirements.

#### 21.5.2 General testing procedures and instructions

- (a) Certification tests must be used to determine compliance with applicable performance standards for the system and its components. The general procedure for these tests will:
  - (1) Verify, by means of the voting system provider's standard operating procedure, that the device is in a normal condition and status;
  - (2) Establish the standard test environment or the special environment required to perform the test;
  - (3) Invoke all operating modes or conditions necessary to initiate or to establish the performance characteristic to be tested;
  - (4) Measure and record the value or the range of values of the performance characteristic to be tested; and
  - (5) Verify all required measurements have been obtained, and that the device is still in a normal condition and status.
- (b) All tests will be generally conducted in regular election mode. Tests of test mode and diagnostic functions may be conducted in the appropriate test mode.

- (c) The voting system provider must produce ballots and assemble marked test decks and spare ballots as specified in the test plan.
- (d) For mark-sense or optical scan devices, the Secretary of State or the VSTL will prepare 100 or more test ballots with marking devices of various color, weight and consistency to determine the range of marks that can be read and the range and consistency of reading marginal marks.
- (e) Ballots must be cast and counted in all applicable counter types (or counter groups) as necessary based on the parts included in the voting system. These are, at a minimum, in-person, mail, and provisional ballots. Ballots may be run through components more than one time depending on components and counter group being tested to achieve a minimum number of ballots counted as follows for each group:
  - (1) Polling location / OS = 1,000;
  - (2) Polling location / DRE or BMD = 500;
  - (3) Mail = 1, 500; and
  - (4) Provisional = 500.
- (f) The requirements matrix must include the following requirements for election definitions and ballots to simulate and test "real world" situations in the State of Colorado. Election definitions and ballots must include the following minimum contest criteria:
  - (1) Parties for different races;
  - (2) Selection of a pair of candidates, such as President and Vice-President;
  - (3) In a primary election, allow voters to vote for the candidates of the party for which they are eligible and for any and all non-partisan candidates and measures, while preventing them from voting on candidates of another party;
  - (4) In a general election, allow a voter to vote for any candidate for any office, in the number of positions allowed for the office, and to vote for any measure on the ballot that the voter is allowed to vote in, regardless of party;
  - (5) Allow for programming to accommodate Colorado recall questions as prescribed in Article 12 of Title 1, C.R.S.;
  - (6) A minimum of 20 pairs of "yes" and "no" positions for voting on ballot issues; and
  - (7) Ability to contain a ballot question or issue of at least 200 words.
- (g) A county clerk or his or her designated representative must be able to observe the functional testing of a voting system. The representative may assist at the request of the Secretary of State.

- (h) The public must be allowed to view all functional testing conducted by the Secretary of State. However, legal limitations may require that certain testing, including but not limited to proprietary information and system security, be done outside the view of the public. If the functional testing is outsourced to a testing lab or contractor, public viewing is subject to limitations set forth by the testing lab or contractor.
- (i) If any malfunction or data error is detected, its occurrence and the duration of operating time preceding it must be recorded for inclusion in the analysis.

## 21.6 Temporary use

- 21.6.1 If a voting system provider has a system that has not yet been approved for certification through the Secretary of State, the voting system provider or the designated election official may apply to the Secretary of State for temporary approval of the system to be used for up to one year.
- 21.6.2 Upon approval of temporary use, a jurisdiction may use the voting system, or enter into a contract to rent or lease the voting system for a specific election upon receiving written notice from the Secretary of State's office. At no time may a jurisdiction enter into a contract to purchase a voting system that has been approved for temporary use.
- 21.6.3 Temporary use does not supersede the certification requirements or process, and may be revoked at any time at the discretion of the Secretary of State.

## 21.7 Decertification

- 21.7.1 If, after any time the Secretary of State has certified a voting system, it is determined that the voting system fails to substantially meet the standards set forth in this Rule 21, the Secretary of State will notify any jurisdictions in the State of Colorado and the voting system provider of that particular voting system that the certification of that system for future use and sale in Colorado is to be withdrawn.
- 21.7.2 Certification of a voting system may be revoked or suspended at the discretion of the Secretary of State based on information that may be provided after the completion of the initial certification. This information may come from any of the following sources:
  - (a) The Election Assistance Commission (EAC);
  - (b) Voting System Test Laboratory (VSTL);
  - (c) The Federal Election Commission (FEC);
  - (d) The National Software Reference Library (NSRL);
  - (e) National Association of State Election Directors (NASED);
  - (f) The National Association of Secretaries of State (NASS);
  - (g) Information from any state elections department or Secretary of State;
  - (h) Information from Colorado county clerks or their association; or
  - (i) Any other source the Secretary of State finds reliable.

- 21.7.3 If any voting system provider, provides for use, installs, or causes to be installed an uncertified and decertified voting system or component, the Secretary of State may suspend use of the component or the voting system.
- 21.7.4 In accordance with section 1-5-621, C.R.S., the Secretary of State will hold a public hearing to consider the decision to decertify a voting system.
- 21.8 Modifications and reexamination. Any modification, change or other alteration to a certified voting system requires certification or review of the modification under section 1-5-618, C.R.S., unless the voting system provider decides to present the modified system for certification under this Rule.
- 21.9 Acceptance Testing by Jurisdictions
- 21.9.1 Whenever a jurisdiction acquires voting equipment, the jurisdiction must perform acceptance tests of the system before it may be used to cast or count votes at any election. The voting system must be operating correctly, pass all tests as directed by the acquiring jurisdiction's project manager or contract negotiator and must be identical to the voting system certified by the Secretary of State.
- 21.9.2 The voting system provider must provide all manuals and training necessary for the proper operation of the system to the jurisdiction.
- 21.9.3 The election jurisdiction must perform functional and programming tests for all functions of the voting system at their discretion.
- 21.10 Escrow of voting system software and firmware by voting system provider. The voting system provider must meet the requirement for software escrow per the following:
- 21.10.1 The voting system provider must place in escrow a copy of the election management software, firmware, and supporting documentation being certified with either the Secretary of State or an independent escrow agent approved by the Secretary of State. [Section 1-7-511, C.R.S.]
- 21.10.2 Within ten days of the voting system provider receiving notification of examination of voting equipment as part of the certification process, the voting system provider must arrange for the completion of escrow requirements as indicated by this Rule.
- 21.10.3 The voting system provider must sign a sworn affidavit that the election management software in escrow is the same as the election management software used in its voting systems in this state.
- 21.10.4 A complete copy of the certified election management software including any and all subsystems of the certified software will be maintained in escrow.
- 21.10.5 Any changes to current configurations or new installations must be approved through the certification program of the Secretary of State.
- 21.10.6 In addition to the requirements listed below, the voting system provider must include a cover/instructions sheet for any escrow material to include the voting system provider, address and pertinent contact information, software version, hardware version, firmware revision number, and other uniquely identifying numbers of the software submitted for certification.

- 21.10.7 Election management software source code, maintained in escrow, must contain internal documentation such that a person reasonably proficient in the use of the programming language can efficiently use the documentation to understand the program structure, control techniques, and error processing logic in order to maintain the source code should it be removed from escrow for any reason.
- 21.10.8 System documentation will include instructions for converting the escrowed source code into object code, organized and configured to produce an executable system, if warranted.
- 21.10.9 System documentation will include technical architecture design, analysis, detail design, testing and an installation and configuration guide.
- 21.10.10 A set of schematics and drawings on electronic vote casting and counting equipment purchased or in use by the county clerk must be filed with the Secretary of State.
- 21.10.11 All parties must treat as confidential the terms of this Rule including all escrow materials and any other related information that comes into their possession, control or custody in accordance with this section.
- 21.10.12 Copies of electronic media and supporting documentation for escrow within the Secretary of State will be sent to:
- Colorado Secretary of State  
Attn: Voting Systems Specialist  
1700 Broadway – Suite 200  
Denver, CO 80290
- 21.10.13 Any cost of using an alternative third party escrow agent must be borne by the voting system provider.

**Rule 22. Use of approved and recommended election forms**

- 22.1 Where the Secretary of State issues an approved election form, notice, application, or correspondence, all designated election officials and registration offices must use the approved form.
- 22.1.1 A designated election official or registration office that wishes to substantively modify the content of any form approved by the Secretary of State must submit a written request via email to the Secretary of State's office stating the requested modification and the reasons it is needed.
- (a) The Secretary of State will approve or deny a request to modify an approved form within five business days. Failure of the Secretary of State to issue a decision within five business days does not constitute an approval of the request. If the modification request is denied, the Secretary of State will explain the reason for denying the request.
- (b) A non-substantive customization of an approved form, such as placing the form on county letterhead or language translation, does not require the Secretary of State's approval.
- 22.2 The Secretary of State will approve standard voter registration and ballot application forms for use by political parties and organizations that provide such forms to the public. The Secretary of State will publish on the department's website the current approved registration forms.
- 22.2.1 Political parties and organizations may also use the National Mail Voter Registration form. Because the forms approved by the Secretary of State contain all information specifically required by Colorado law, the applicants and the organization are afforded greater protection by distributing or using the state forms approved by the Secretary of State.
- 22.2.2 All political parties and organizations that conduct a mass mailing of either registration or ballot request forms to the public must identify themselves by printing the organization name and contact information on the form.
- 22.2.3 Any political party or organization may contact the Secretary of State before sending a mailing to request a review of the form and information to be mailed.
- 22.3 Under section 1-1-107(2)(d), C.R.S., the Secretary of State will seek injunctive action or other remedies for violations of this Rule.





**Rule 23. Commissions****23.1 Bipartisan Election Advisory Commission**

23.1.1 The Secretary of State finds and declares that open discussion about the administration and conduct of elections in Colorado is necessary to ensure that every eligible citizen has the opportunity to participate in fair, accessible, and impartial elections, and has the assurance that elections are conducted with integrity and his or her vote will count. Because the Colorado General Assembly discontinued the Colorado Voter Access and Modernized Election Commission, the Secretary of State will establish a Bipartisan Election Advisory Commission (the Commission) to identify processes for improvement and work to obtain bipartisan support in the administration of elections. The Commission will make recommendations to the Secretary of State regarding the development and implementation of best practices, administrative rules and suggestions for legislation.

**23.1.2 Membership of the Commission**

- (a) The Secretary of State will appoint at least 13 members to the Commission. The Commission may include:
- (1) A Representative of an organization that advocates on behalf of people with disabilities;
  - (2) A member of the executive branch and at least one legislator from each party;
  - (3) Two County clerk and recorders representing the Colorado County Clerks Association presidential line of leadership;
  - (4) If both clerks in (3) are from the same party or if not all counties are members of the CCCA, additional clerks may be appointed;
  - (5) Two representatives of organizations that advocate on behalf of local governments, including counties, municipalities, and special districts;
  - (6) Chair, party officer, or legal counsel for each major political party; and
  - (7) Two members with expertise on voting rights and/or election integrity.
- (b) The Secretary of State or his or her designee, will be a member and serve as chair of the Commission.
- (c) The Secretary of State's office will provide staff support to the Commission as may be directed by the Secretary of State.

**23.1.3 Meetings**

- (a) The Commission must meet no fewer than three times annually.
- (b) The meetings will be held at the office of the Secretary of State or regional locations throughout the state as the Commission determines appropriate.
- (c) Meetings must comply with Colorado Open Meetings Law and will permit an opportunity for public comment.

- (d) Notices, records of meetings, written comments, and documents submitted to the commission will be published on the official website of the Secretary of State. Documents that are otherwise publicly available need not be posted. Any submission containing inflammatory or otherwise inappropriate content will not be posted, including any material that is defamatory, irrelevant, duplicative, or obscene.



**Rule 24. Presidential Electors****24.1 Oath**

24.1.1 As used in section 1-4-304 (1), C.R.S., “the oath required by law for presidential electors” must be in substantially the following form:

“I, ....., do solemnly swear or affirm that I will support the constitution of the United States and of the state of Colorado, that I will faithfully perform the duties of the office of presidential elector that I am about to enter, and that I will vote for the presidential candidate and vice-presidential candidate who received the highest number of votes at the preceding general election in this state.”

24.1.2 If a presidential elector-elect refuses or otherwise fails to take and subscribe the oath in Rule 24.1.1, the refusal or failure creates a vacancy in the office of presidential elector. A vacancy created in accordance with this rule must be filled by the remaining presidential electors present as specified in section 1-4-304 (1), C.R.S.

**24.2 Voting**

24.2.1 As specified in section 1-4-304 (5), C.R.S., each presidential elector must vote for the presidential candidate and vice-presidential candidate who received the highest number of votes at the preceding general election in this state.

24.2.2 If a presidential elector-elect refuses or otherwise fails to vote for the presidential candidate and vice-presidential candidate who received the highest number of votes at the preceding general election in this state, the refusal or failure constitutes a “refusal to act” as that term is used in section 1-4-304 (1), C.R.S., and creates a vacancy in the office of presidential elector. A vacancy created in accordance with this rule must be filled by the remaining presidential electors present as specified in section 1-4-304 (1), C.R.S.

**24.3 Filling Vacancies**

24.3.1 As specified in section 1-4-304 (1), C.R.S., the presidential electors present must immediately proceed to fill any vacancy in the electoral college. A quorum is not required to fill a vacancy. In the event of a tie vote, the vacancy will be filled by lot.

24.3.2 If a remaining presidential elector refuses to fill a vacancy in the electoral college, the refusal constitutes a “refusal to act” as that term is used in section 1-4-304 (1), C.R.S., and creates a vacancy in the office of presidential elector. A vacancy created in accordance with this rule must be filled by the remaining presidential electors present as specified in section 1-4-304 (1), C.R.S.

24.3.3 Nominees to fill vacancies must be selected in accordance with section 1-4-302 (2), C.R.S. There must be more vacancy nominees than vacancies to be filled.



**Rule 25. Post-election audit**

- 25.1 Definitions. As used in this rule, unless stated otherwise:
- 25.1.1 “Audit Center” means the page or pages of the Secretary of State’s website devoted to risk-limiting audits.
  - 25.1.2 “Audited contest” means a contest selected by the Secretary of State for a risk-limiting audit. The audited contest determines the number of ballot cards that must be examined and verified during the RLA.
  - 25.1.3 “Ballot cards” means the individual pieces of paper that together constitute a single ballot containing all of the contests an elector is eligible to vote. For example, a ballot consisting of a single piece of paper with content printed on the front or the front and back contains one ballot card, and a ballot consisting of two pieces of paper with content printed on the front and back of the first page and the front or front and back of the second page contains two ballot cards.
  - 25.1.4 “Ballot polling audit” means a type of risk-limiting audit in which the audit board examines and reports to the Secretary of State voter markings on randomly selected ballot cards seeking strong evidence that the reported tabulation outcome is correct.
  - 25.1.5 “Comparison audit” means a type of risk-limiting audit in which the audit board examines and reports to the Secretary of State voter markings on randomly selected ballot cards, then compares them to the voting system’s tabulation as reflected in the corresponding cast vote records.
  - 25.1.6 “Reported tabulation outcome” means the presumed winning and losing candidates or voting choices of a ballot contest as reflected in preliminary results.
  - 25.1.7 “Risk limit” means the largest statistical probability that an incorrect reported tabulation outcome is not detected and corrected in a risk-limiting audit.
  - 25.1.8 “Risk-limiting audit” or “RLA” means a post-election audit of votes on paper ballot cards and VVPAT records, conducted in accordance with section 1-7-515, C.R.S., and Rule 25.2, which has a pre-specified minimum chance of requiring a full hand count if the outcome of a full hand count would differ from the reported tabulation outcome.
  - 25.1.9 “RLA tabulation” means the tabulation of all in-person and accepted mail ballots cast by electors registered in the county, and any accepted provisional and property owner ballots that the county opts to include on the ninth day after election day.
  - 25.1.10 “RLA Tool” means the software and user interfaces provided by the Secretary of State in order to conduct RLAs.
- 25.2 Risk limiting audit. The designated election official must conduct a risk-limiting audit in accordance with section 1-7-515, C.R.S. and this rule.
- 25.2.1 RLA methods
    - (a) Counties that use a voting system capable of exporting CVRs must conduct a comparison audit.

- (b) Counties that use a voting system incapable of exporting CVRs must conduct a ballot polling audit.

#### 25.2.2 Preparing for the audit

- (a) Risk limit. No later than 32 days before election day, the Secretary of State will establish and publish on the Audit Center the risk limit(s) that will apply in RLAs for that election. The Secretary of State may establish different risk limits for comparison audits and ballot polling audits, and for audits of statewide and countywide contests. In comparison audits the risk limit will not exceed five percent for statewide contests, and ten percent for countywide contests.
- (b) Audit board. No later than 15 days before election day, the designated election official must appoint an audit board to conduct the risk-limiting audit. The audit board must consist of electors nominated by the major political party county chairpersons. The designated election official must give written notice to the county chairpersons of their obligation to nominate audit board members and may designate appropriately affiliated electors as audit board members if one or both county chairpersons fail to do so in a timely manner. At least two canvass board members must observe the RLA, and members of the canvass board may serve as members of the audit board. The designated election official, members of his or her staff, and other duly appointed election judges may assist the audit board in conducting the audit. To the extent practicable, the audit board should not consist of individuals who participated in ballot resolution or adjudication during the election being audited. Each member of the audit board must take the election judge oath.
- (c) Ballot manifest. The county must maintain an accurate ballot manifest in a form approved by the Secretary of State.
  - (1) In the case of centrally counted paper ballots, the ballot manifest must uniquely identify for each tabulated ballot the scanner on which the ballot is scanned, the ballot batch of which the ballot is a part, the number of ballot cards in the batch, and the storage container in which the ballot batch is stored after tabulation. The county must secure and maintain in sealed ballot containers all tabulated ballots in the batches and order they are scanned. The county must maintain and document uninterrupted chain-of-custody for each ballot storage container.
  - (2) In the case of paper ballots scanned on polling location scanners, and electronic ballots cast on DREs, the ballot manifest must uniquely identify the device on which the ballot is cast or tabulated, the number of ballots or ballot cards cast or tabulated on the device, and the storage container or location in which the paper ballots or VVPAT is stored. The county must maintain and document uninterrupted chain-of-custody for each polling location scanner, DRE, and VVPAT, and all ballots cast on an individual polling location scanner or DRE must constitute a single batch.
- (d) RLA tabulation. On the ninth day after election day, the county must finish tabulating all in-person and accepted mail ballots cast by voters registered in the county. The county may but is not required to include in the RLA tabulation any provisional ballots and property owner ballots that have been verified and accepted on or before the ninth day after election day. Immediately after completing the RLA tabulation, and to the extent permitted by its voting system, the county must also generate and preserve:

- (1) A summary results report, showing overvotes, undervotes, blank-voted contests, and valid write-in votes;
  - (2) A results file export suitable for uploading to the Secretary of State's election night reporting system; and
  - (3) A CVR export.
- (e) CVR export verification. Counties conducting a comparison audit must verify that:
- (1) The number of individual CVRs in its CVR export equals the aggregate number of ballot cards reflected in the county's ballot manifest as of the ninth day after election day; and
  - (2) The vote totals for all choices in all ballot contests in the CVR export equals the vote totals in the summary results report for the RLA tabulation.
  - (3) After verifying the accuracy of the CVR export, the county must apply a hash value to the CVR export file using the hash value utility provided by the Secretary of State.
- (f) Comparison audit uploads. No later than 11:59 p.m. MT on the ninth day after election day, each county conducting a comparison audit must upload:
- (1) Its verified and hashed ballot manifest, and the ballot manifest's hash value, to the RLA tool;
  - (2) Its verified and hashed CVR export, and the CVR export's hash value, to the RLA tool; and
  - (3) Its RLA tabulation results export to the Secretary of State's election night reporting system.
- (g) Ballot polling audit uploads. No later than 11:59 p.m. MT on the ninth day after election day, each county conducting a ballot polling audit must submit or upload:
- (1) Its verified and hashed ballot manifest, and the ballot manifest's hash value, by email to the Secretary of State's office;
  - (2) Its cumulative tabulation report, by email to the Secretary of State's office; and
  - (3) Its RLA tabulation results export to the Secretary of State's election night reporting system.
- (h) Random seed. The Secretary of State will convene a public meeting on the tenth day after election day to establish a random seed for use with the Secretary of State's RLA tool's pseudo-random number generator based on Philip Stark's online tool, *Pseudo-Random Number Generator using SHA-256*. This material is incorporated by reference in the Election Rules and does not include later amendments or editions. The following material incorporated by reference is posted on the Secretary of State website and available for review by the public during regular business hours at the Colorado Secretary of State's office: *Pseudo-Random Number Generator using SHA-256* available at



<https://www.sos.state.co.us/pubs/elections/VotingSystems/riskAuditResources.html>. The Secretary of State will give public notice of the meeting at least seven calendar days in advance. The seed is a number consisting of at least 20 digits, and each digit will be selected in order by sequential rolls of a 10-sided die. The Secretary of State will randomly select members of the public who attend the meeting to take turns rolling the die, and designate one or more staff members to take turns rolling the die in the event that no members of the public attend the meeting. The Secretary of State will publish the seed on the Audit Center immediately after it is established.

- (i) Selection of audited contests. No later than 5:00 p.m. MT on the Friday after election day, the Secretary of State will select for audit at least one statewide contest, and for each county at least one countywide contest. The Secretary of State will select other ballot contests for audit if in any particular election there is no statewide contest or a countywide contest in any county. The Secretary of State will publish a complete list of all audited contests on the Audit Center. The Secretary of State will consider at least the following factors in determining which contests to audit:
- (1) The closeness of the reported tabulation outcome of the contests;
  - (2) The geographical scope of the contests;
  - (3) The number of ballots counted in the contests;
  - (4) Any cause for concern regarding the accuracy of the reported tabulation outcome of the contests;
  - (5) Any benefits that may result from opportunistically auditing certain contests; and
  - (6) The ability of the county clerks to complete the audit before the canvass deadline.
- (j) Number of ballot cards to audit. The Secretary of State will determine the number of ballot cards to audit to satisfy the risk limit for the audited contests based on the ballot manifests submitted by the counties. The number of ballot cards to audit will be determined according to the formulas and protocols published by Mark Lindeman and Philip B. Stark in *A Gentle Introduction to Risk-limiting Audits*, as applied in Philip Stark's *Tools for Comparison Risk-Limiting Election Audits*, and *Tools for Ballot-Polling Risk-Limiting Election Audits*. These materials are incorporated by reference in the election rules and do not include later amendments or editions of the incorporated material. The following materials incorporated by reference are posted on the Secretary of State website and available for review by the public during regular business hours at the Colorado Secretary of State's office:
- (1) Mark Lindeman and Philip B. Stark, *A Gentle Introduction to Risk-limiting Audits*, IEEE Security and Privacy, Special Issue on Electronic Voting, (Mar. 16, 2012), at <https://www.sos.state.co.us/pubs/elections/VotingSystems/riskAuditResources.html>.
  - (2) Philip B. Stark, *Tools for Comparison Risk-Limiting Election Audits*, (Feb. 26, 2017), at

<https://www.sos.state.co.us/pubs/elections/VotingSystems/riskAuditResources.html>.

- (3) Philip B. Stark, *Tools for Ballot-Polling Risk-Limiting Election Audits*, (Feb. 16, 2017), at <https://www.sos.state.co.us/pubs/elections/VotingSystems/riskAuditResources.html>.

- (k) Random selection of ballot cards for audit. The Secretary of State will randomly select the individual ballot cards to audit. The Secretary of State will use a pseudo-random number generator with the seed established under subsection (h) of this Rule to identify individual ballot cards as reflected in the county ballot manifests. The Secretary of State will notify each county of, and publish on the Audit Center, the randomly selected ballot cards that each county must audit no later than 11:59 p.m. MT on the tenth day after election day.

### 25.2.3 Conducting the audit

- (a) The audit board must locate and retrieve, or observe the location and retrieval by county election staff, each randomly selected ballot card or VVPAT record from the appropriate storage container. The audit board must verify that the seals on the appropriate storage containers are those recorded on the applicable chain-of-custody logs.
- (1) In counties conducting comparison audits, the audit board must examine each randomly selected ballot card and report the voter markings or choices in all contests using the RLA Tool or other means specified by the Secretary of State. If supported by the county's voting system, the audit board may refer to the digital image of the audited ballot card captured by the voting system in order to confirm it retrieved the correct ballot card randomly selected for audit. If the scanned ballot card was duplicated prior to tabulation, the audit board must retrieve, compare, and report the markings on the original ballot card rather than on the duplicated ballot card. The audit board must complete its reports of all ballot cards randomly selected for audit no later than 5:00 p.m. MT one business day before the canvass deadline.
- (2) In counties conducting ballot polling audits, the audit board must examine and report the voter markings or choices in only the audited contest on each randomly selected ballot card in a form approved by the Secretary of State. If supported by the county's voting system, the audit board may refer to the digital image of the audited ballot card captured by the voting system in order to confirm it retrieved the correct ballot card. If a randomly selected ballot card was duplicated prior to tabulation, the audit board must retrieve, compare, and report the voter markings in the audited contest from the original ballot card rather than the duplicated ballot card. The audit board must complete its reports of all ballot cards randomly selected for audit no later than 5:00 p.m. MT one business day before the canvass deadline.
- (b) The audit board must interpret voter markings on ballot cards selected for audit in accordance with the Secretary of State's Voter Intent Guide. If the audit board members cannot unanimously agree on the voter's intent, they must indicate that in the appropriate contest in the RLA tool's audit board user interface.

- (c) To the extent applicable, the Secretary of State will compare the audit board's reports of the audited ballot cards to the corresponding CVRs and post the results of the comparison on the Audit Center. The RLA will continue until the risk limit for the audited contests is met or until a full hand count results. If the county audit reports reflect that the risk limit has not been satisfied in an audited contest, the Secretary of State will randomly select additional ballots for audit.

25.2.4 Concluding the audit. No later than the third business day following the expiration of the deadline to request a recount under section 1-10.5-106(2), C.R.S. or the completion of any recount, whichever is later, a county that conducted a comparison audit must review its CVR file and redact voter choices corresponding to any ballot card susceptible to being personally identified with an individual voter before sending it to the Secretary of State, as required by section 24-72-205.5(4)(b)(iii), C.R.S.

25.2.5 The Secretary of State may, by order, alter any of the requirements outlined in Rule 25.2.

25.3 Random Audit. If the Secretary of State waives the requirement to conduct an RLA under section 1-7-515(2)(b), C.R.S., the designated election official must conduct the random audit mandated by sections 1-7-509(1)(b) and 1-7-514, C.R.S., in accordance with this rule.

25.3.1 Selected voting devices

- (a) No later than 48 hours after the close of polls on election night, the Secretary of State must notify the designated election official of the voting devices randomly selected for audit, based on the submitted hardware inventory list referred to in Rule 11.2.
- (b) The Secretary of State will randomly select, from the voting devices used in the election, at least five percent of the central count ballot scanners; at least one ballot scanner used at a polling location; and five percent of DREs.

25.3.2 The designated election official must appoint an audit board to conduct the post-election audit in accordance with section 1-7-509(1)(c), C.R.S. At least two canvass board members must observe the random audit. The designated election official, members of his or her staff, and other duly appointed election judges, may assist with the audit.

25.3.3 Number of ballots to audit

- (a) Paper ballots tabulated on ballot scanners. The board must audit at least 500 ballots or 20 percent of the ballots tabulated on each selected ballot scanner, whichever is less. The board may audit more than the minimum number of ballots required.
- (b) Electronic ballots tabulated on DREs. The board must audit all ballots tabulated on the selected DREs.

25.3.4 Conducting the audit

- (a) Paper ballots tabulated on ballot scanners
  - (1) If the voting system is capable of generating batch-level tabulation reports for a selected ballot scanner, the board must randomly select a number of ballot batches tabulated on the ballot scanner that, in the aggregate, contain the minimum number of ballots to be audited. The board must manually verify that the votes on the ballots contained in

each randomly selected batch match the voting system's tabulation of votes for that batch.

- (2) If the voting system is not capable of generating batch-level tabulation reports for a selected ballot scanner, the board can choose to audit all of the ballots that were tabulated on the selected scanner, or randomly select and rescan the minimum number of ballots to be audited. If the board chooses to rescan the minimum number of ballots, the board also must:
  - (A) Reset the selected ballot scanner's results to zero and generate a zero report;
  - (B) Rescan the randomly selected ballots for audit and generate a tabulation report from the selected ballot scanner; and
  - (C) Manually verify that the votes on the randomly selected ballots match the tabulation report for those ballots generated from the selected ballot scanner.
- (b) Ballots tabulated on DREs. The board must examine the VVPAT record of each selected DRE and manually verify that the votes reflected on the VVPAT match the tabulation report.

25.3.5 If the board discovers discrepancies during the audit, the board must:

- (a) Confirm that the manual count of the votes contained in the audited ballots is correct;
- (b) Confirm that the manual count of the votes contained in the audited ballots properly reflects overvotes, stray marks on the ballot, and other indications of voter intent;
- (c) Determine whether any discrepancy is attributable to a damaged ballot; and
- (d) Take any other action necessary in accordance with the canvass board's powers as described in Part 1, Article 10 of Title 1, C.R.S.

25.3.6 The designated election official must report the results of the audit in writing to the Secretary of State by 5:00 p.m. on the last day to canvass. The audit report may be submitted by mail, fax, or email. The audit report must contain:

- (a) The make, model, and serial number of the voting devices audited;
- (b) The number of ballots originally counted on each device or the number of ballots audited;
- (c) The count of the specific contests on the summary report printed at the close of polls and the report generated for the audit;
- (d) The count of the specific contests as manually verified;
- (e) Any other information required by section 1-7-514, C.R.S.; and

- (f) The signatures of the audit board, the canvass board members who observed the audit, and the designated election official.

25.3.7 The designated election official must segregate and seal the materials used during the post-election audit, including all tabulation reports, the audited ballots, and the audit report.

25.4 Removal and replacement of audit board members. The county clerk may remove for cause any member who fails or refuses to perform any of the functions he or she is charged with under these Rules. If the county clerk removes an audit board member for cause, he or she must notify the Secretary of State and consult with the county chairperson of the removed member's political party to appoint a replacement.