



# Office of the Clerk & Recorder

1750 33rd Street · Boulder, CO 80301 · [www.BoulderCounty.gov](http://www.BoulderCounty.gov)  
Molly Fitzpatrick, Boulder County Clerk & Recorder

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Please find below proposed edits from Boulder County for consideration to SOS Rules relating to election rules. These comments address the proposed rules as published by the SOS on April 9, 2024.

## Proposed Edits

Current SOS rules are in black standard font, SOS proposed rule changes are in BLACK CAPITAL LETTERS (or ~~black strikethrough~~), proposed changes from Boulder are in RED CAPITAL LETTERS (or ~~red strikethrough~~):

### **Rule 7.2.17**

As noted in combined comments with other counties, Boulder supports adopting the temporary rule issued earlier in 2024 into a permanent rule which allows for holes and requires that counties must validate no target area can be seen if a county chooses to use a hole and submitting that confirmation to the Department of State.

### **Rule 7.14.2 HOLE IN RETURN ENVELOPES**

(B) DIRECT COSTS ATTRIBUTABLE TO THE HIRING, TRAINING, AND SUPPORT OF THE WORK OF ELECTION JUDGES FOR THAT ELECTION, INCLUDING:

(3) MOBILE PHONE OR OTHER ELECTRONIC DEVICE OPERATING COSTS FOR DEVICES ISSUED TO ELECTION JUDGES **OR STIPENDS PROVIDED TO ELECTION JUDGES FOR USE OF THEIR PERSONAL MOBILE PHONES FOR ELECTION-RELATED TASKS**; AND

#### Reasons for proposed change

- We provide stipends for personal mobile phone usage and as currently written, the proposed rule implies that mobile phone expenses are only reimbursable if we issue election judges a device

### **Rule 7.14.3 Reimbursement to counties for state ~~ballot measures~~ elections.**

BEGINNING JULY 1, 2024, THE FOLLOWING COSTS ARE DEEMED NOT NECESSARY AND REASONABLE FOR AN ELECTION AND THUS NOT REIMBURSABLE BY THE STATE UNDER SECTION 1-5-505.5, C.R.S.:

(G) PURCHASE OR LEASE OF EQUIPMENT OR MATERIALS THAT CAN BE USED FOR MORE THAN ONE ELECTION **UNLESS THE LEASE COST CAN BE DIRECTLY ALLOCATED TO EACH ELECTION AND THE LEASE OF SAID EQUIPMENT FOR MULTIPLE ELECTIONS PROVIDES A COST SAVINGS BY LEASING FOR MULTIPLE ELECTIONS INSTEAD OF ONE**; AND

#### Reasons for proposed change

- In a year like 2024, we can imagine a scenario where through negotiations with a vendor, it could be cost effective to lease equipment for multiple elections at once since they are so close.

- We believe in this scenario, if counties can demonstrate that it's a multi-election lease for the benefit of cost savings, this should be reimbursable

#### **Rule 7.14.5 REVIEW AND AUDIT OF REIMBURSEMENT REQUEST**

(B) IN THE EVENT THE DEPARTMENT REQUESTS DOCUMENTATION OF THE FAIR MARKET PRICE OF ANY GOODS OR SERVICES FOR WHICH THE COUNTY SEEKS REIMBURSEMENTS, THE COUNTY WILL PROVIDE ANY AND ALL DOCUMENTATION CONCERNING THE PROCUREMENT PROCESS THAT WAS USED AND THE EVALUATION OF PRICES PROPOSED BY THE VENDORS SOLICITED. THE DEPARTMENT'S DETERMINATION AS TO WHAT CONSTITUTES A FAIR MARKET PRICE FOR A COST WILL INCLUDE ANY REGIONAL OR LOCAL VARIATIONS IN THE COSTS FOR SPECIFIC GOODS OR SERVICES. **THE DEPARTMENT WILL NOT REQUEST DOCUMENTATION OF THE FAIR MARKET PRICE OF ANY GOODS OR SERVICES THAT TOTAL LESS THAN \$10,000.**

#### Reasons for proposed change

- Counties also have internal procurement policies that they need to manage and comply with and we would like to see an agreed expectation that for lower value expenses, the Department will not set procurement requirements separate and apart from what counties are already setting.
- Counties need to know at what value the Department will expect to see procurement documentation so that they can comply otherwise there is a risk that counties comply with our internal procedures and those might not align to Department requests.

#### Additional Rule Suggestions

##### **Rule 2.15.7**

If a county receives information ~~from a jurisdiction outside of Colorado~~ indicating that a Colorado voter may have voted in more than one state in the same election, the county must send that information to the Secretary of State's office for potential investigation and prosecution.

#### Reasons for proposed change

- Expand to encompass all referrals, regardless of the source

##### **Rule 9.1 Challenging A VOTER 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 **OR RECEIVING A MAIL BALLOT IN-PERSON**, must be offered a regular ballot by an election judge if the person answers the applicable challenge questions confirming their eligibility as specified in section 1-9-203, C.R.S., and this Rule. If the person challenged refuses to answer the challenge questions or does not otherwise confirm their eligibility, an election judge must offer the person a provisional ballot.

#### Reasons for proposed change

- Currently, rule 9.1 is titled *Challenging an in-person voter* and does not include challenging voters who are receiving a mail ballot (new or replacement) in person.

- It is not currently clear that a mail ballot voter can be challenged, nor that the challenge form used should be the in-person challenge form, however we believe this to be true based on challenge rights in 1-9-201.

**Rule 9.2 Challenging a ~~mail ballot voter~~ VOTED MAIL BALLOT**

Reasons for proposed change

- Updating the title as the substance under Rule 9.2 and the Voter Challenge – Mail Ballot Voter form is speaking to voted mail ballots