

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) If a voter designates a vote for a named candidate on the ballot and writes in the name of the same candidate in the write-in area, the vote for the named candidate must be counted.

(b) If a voter votes for a named candidate in a ballot contest and writes in the name of a different candidate in the write-in area, the resolution board must resolve the markings as an overvote if the number of chosen candidates exceeds the maximum number of choices for that ballot contest.

(c) 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.

