

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 Effective January 1, 2016, 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. [Section 1-7.5-107(2.7), C.R.S.]
- 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 On all ballot-return envelopes printed after April 1, 2016, 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.
- 7.3 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 1.1.43 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 Election officials must record the number of ballot packets returned as undeliverable and receive the ballot packets in SCORE upon receipt.
- 7.5.6 The designated election official must seal and store ballots and return envelopes in a safe, secure place until the counting of the ballots.
- 7.5.7 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.
- 7.5.8 If the county clerk discovers a violation of section 1-7.5-107(4)(b), C.R.S., prohibiting any person from delivering 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.
- 7.5.9 The county clerk must dissociate any batch number that could trace a ballot back to the specific voter who cast it from the counted ballots or any reports generated by the tabulation software no later than the final certification of the abstract of votes cast.
- 7.5.10 If an elector delivers a ballot to the wrong county, that county must date stamp the ballot envelope and 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.
- 7.6 Ballot returned in unofficial envelope
- 7.6.1 If the county timely receives a mail ballot from an eligible elector in an envelope other than the official ballot return envelope for that particular election, 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 Missing signature.
- 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 Nothing in this Rule prohibits the county clerk from calling the elector, but a phone call may not substitute for written contact. If the county clerk calls any elector he or she must attempt to call all electors whose affidavits are unsigned.
- 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 back of the ballot return envelope, the election judge must review the signature.
- 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 1-2-509, 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 to provide: sufficient election judges, WebSCORE work stations, voting equipment, mail and in-person ballots, and other supplies.
- 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.
- 7.10 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.