

Revised Draft of Proposed Rules

Office of the Colorado Secretary of State Election Rules 8 CCR 1505-1

July 6, 2017

Disclaimer:

The proposed draft rules have changed. This draft supersedes the Preliminary Draft that was issued with the Notice of Proposed Rulemaking on May 31, 2017. These revised proposed rules will be considered at the July 11, 2017 rulemaking hearing.

In accordance with the State Administrative Procedure Act, this revised copy of the proposed rules is made available to the public and posted on the Department of State's website.¹

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
Shading	Revisions to previous draft
<i>Italic blue font text</i>	Annotations

1 *Amendments to 8 CCR 1505-1 follow:*

2 *Amendments to Rule 1 concerning definitions and numbering:*

3 *New Rule 1.1.10:*

4 1.1.10 "CAST VOTE RECORD" OR "CVR" MEANS THE AGGREGATED BALLOT-LEVEL DATA ON
5 BALLOTS COUNTED, CONSISTING OF A SINGLE RECORD FOR EACH BALLOT TABULATED,
6 SHOWING THE MANNER IN WHICH THE VOTING SYSTEM INTERPRETED AND TABULATED
7 THE VOTER'S MARKINGS ON THE BALLOT, AS ADJUDICATED AND RESOLVED BY ELECTION
8 JUDGES, IF APPLICABLE.

9 *[Not shown: renumbering Current Rules 1.1.10-1.1.31 as Rules 1.1.11-1.1.32]*

10 *New Rule 1.1.33:*

11 1.1.33 "PERSONALLY IDENTIFIABLE INFORMATION" MEANS INFORMATION ABOUT AN
12 INDIVIDUAL THAT CAN BE USED TO DISTINGUISH OR TRACE AN INDIVIDUAL'S IDENTITY,

¹ Section 24-4-103(4)(a), C.R.S. (2016). "[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

1 SUCH AS AN ELECTOR'S SOCIAL SECURITY NUMBER, DRIVER'S LICENSE NUMBER, EMAIL
2 ADDRESS, MONTH AND DAY OF BIRTH, AND SIGNATURE.

3 *[Not shown: renumbering Current Rules 1.1.32-1.1.49 as Rules 1.1.34-1.1.51]*

4 *Amendments to Rule 2.3.1 concerning voter registration:*

5 2.3.1 The county must process the Help America Vote Verification file on at least a monthly
6 basis by verifying social security numbers and ~~remove~~ REMOVING the "ID required"
7 FLAG FROM verified records.

8 *New Rule 2.5.4 concerning affiliation in primary elections:*

9 2.5.4 IF AN UNAFFILIATED ELECTOR WHO HAS ALREADY BEEN MAILED A PRIMARY ELECTION
10 BALLOT PACKET SUBMITS AN AFFILIATION DECLARATION, THE COUNTY CLERK MUST
11 DEFER PROCESSING THE AFFILIATION CHANGE UNTIL AFTER THE PRIMARY ELECTION;
12 EXCEPT THAT AN UNAFFILIATED ELECTOR WHO APPEARS IN PERSON TO VOTE MAY
13 AFFILIATE AND VOTE A PARTY BALLOT IF THE COUNTY CLERK HAS NOT RECEIVED THE
14 ELECTOR'S VOTED MAIL BALLOT.

15 *Amendments to Rule 2.12.1 concerning list maintenance:*

16 2.12 List Maintenance under section 8 of the National Voter Registration Act of 1993

17 2.12.1 The Secretary of State will provide monthly National Change of Address (NCOA) data
18 under section 1-2-302.5, C.R.S., to the county clerk by the fifth BUSINESS DAY of each
19 month.

20 *Amendments to Rule 2.13 concerning voter registration at VSPCs and repeal of Rule 2.13.2:*

21 2.13 Voter registration at a voter service and polling center.

22 ~~2.13.1~~—A person registering voters or updating voter registration information in a voter service
23 and polling center must:

24 ~~(a)~~-2.13.1 Be an election judge, a permanent or temporary county employee, state
25 employee, or temporary staff hired by the county clerk; and

26 ~~(b)~~-2.13.2 Complete a training course provided by or approved by the Secretary of
27 State.

28 ~~2.13.2~~ For the purpose of providing information to watchers, the person registering voters or
29 updating voter registration information in a voter service and polling center must
30 maintain a log that includes the name and residential address of each elector who
31 registers or updates his or her registration record, or verbally confirm each elector's name
32 and residential address.

33 *New Rules 2.14.4 and 2.14.5 concerning voter registration records and data and renumbering:*

34 2.14.4 WITHOUT WRITTEN AUTHORIZATION FROM THE SECRETARY OF STATE, THE COUNTY
35 CLERK MAY NOT RUN OR SCHEDULE TO RUN SCORE REPORTS OR EXPORTS THAT

1 INCLUDE VOTER OR ELECTION DETAIL DURING REGULAR BUSINESS HOURS BEGINNING 22
2 DAYS BEFORE ELECTION DAY AND FROM 7:00 AM TO 7:00 PM ON ELECTION DAY.

3 2.14.5 THE COUNTY CLERK MUST SUBMIT ANY REQUEST FOR SCORE STATEWIDE REPORTS OR
4 EXPORTS TO THE SECRETARY OF STATE.

5 2.14.4-2.14.6 Custodianship of Voter Registration Information

6 (a) The Secretary of State is the official custodian of the information contained in the
7 centralized statewide registration system and the computerized statewide voter
8 registration list created and maintained under section 1-2-301, C.R.S.

9 (b) Each county clerk is the official custodian of the voter registration information
10 only for electors within his or her county.

11 ~~2.14.5~~-2.14.7 If a person requests a certificate of registration or other election record that
12 contains personally identifiable information, he or she must provide a copy of
13 identification as defined in section 1-1-104(19.5), C.R.S.

14 *Amendments to Rule 2.15.1 concerning SCORE username and password administration:*

15 2.15.1 The state user administrator assigns county user administrator privileges to the individual
16 designated in each county by the county clerk. The county clerk OR ELECTION
17 ADMINISTRATOR must submit a request for county user administrator privilege to the
18 state user administrator in writing. The request must specifically state the full name of the
19 county employee that is being assigned as a county user administrator.

20 *New Rule 2.17 concerning ballot preference for unaffiliated voters:*

21 2.17 IF AN UNAFFILIATED ELECTOR INDICATES A POLITICAL PARTY BALLOT PREFERENCE AT ANY TIME
22 UP TO AND INCLUDING THE TWENTY-NINTH DAY BEFORE A PRIMARY ELECTION, THE COUNTY
23 CLERK MUST RECORD THE SELECTION IN SCORE AND MAIL ONLY THE BALLOT OF THAT
24 POLITICAL PARTY TO THE ELECTOR IN THE NEXT PRIMARY ELECTION. AN ELECTOR'S POLITICAL
25 PARTY BALLOT PREFERENCE IS ONLY EFFECTIVE FOR A SINGLE PRIMARY ELECTION.

26 *Repeal of Rule 4.5.2(d) concerning determination of ballot issues and texts:*

27 4.5.2 Each political subdivision must determine the order of the ballot issues for their political
28 subdivision in accordance with the requirements of Colorado Constitution Article X,
29 Section 20 and Title 1.

30 ~~(d) — For statewide measures, initiatives must be numbered in the order in which the~~
31 ~~statements of sufficiency are issued. The numbers one through five must be~~
32 ~~reserved for initiatives to increase taxes; the numbers six through ten must be~~
33 ~~reserved for initiatives to retain excess revenues; the numbers eleven through~~
34 ~~fifteen must be reserved for initiatives to increase debt; all other citizen petitions~~
35 ~~must be numbered consecutively beginning with sixteen.~~

36 ~~(e)-(D)~~ In accordance with section 1-5-407(5)(b), C.R.S., whether initiated or referred,
37 every proposed change to the Colorado Constitution must be called an

1 “amendment” and every proposed change to the Colorado Revised Statutes must
2 be called a “proposition”

3 (E) Ballot issues from the various political subdivisions must be ordered on the ballot
4 as provided in section 1-5-407(5), C.R.S:

5 *Amendments to Rule 4.8.3(a) concerning ballot format and printing:*

6 4.8.3 Printing primary election ballots

7 (a) If a major political party, as defined in section 1-1-104(22.5), C.R.S., nominates
8 more than one candidate for any office, the county clerk must conduct the
9 primary election for all major political parties UNLESS THE PARTY CHOOSES TO
10 NOMINATE CANDIDATES IN ACCORDANCE WITH SECTION 1-4-702, C.R.S.

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

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

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

16 *Amendments to Rules 7.2.5, 7.2.7, 7.2.9, and New Rules 7.2.10 through 7.2.12 concerning ballots and*
17 *ballot packets in primary elections:*

18 7.2.5 ~~Effective January 1, 2016, each~~ EACH mail ballot return envelope and mail ballot
19 instruction must include a statement informing voters that it is a violation of law to
20 receive more than ten ballots for mailing or delivery in any election.

21 7.2.7 A county must issue a mail ballot to any eligible elector who requests one in person at the
22 county clerk’s office or the office designated in the county’s mail ballot plan beginning
23 32 days before an election. ~~[Section 1-7.5-107(2.7), C.R.S.]~~

24 7.2.9 ~~On all ballot return envelopes printed after April 1, 2016, the~~ THE county clerk must
25 provide a space on the ballot-return envelope for a witness to the elector’s mark to
26 provide his or her full legal name.

27 7.2.10 MAIL BALLOT RETURN ENVELOPES FOR UNAFFILIATED VOTERS IN A PRIMARY ELECTION
28 MAY PROVIDE A MEANS FOR THE COUNTY TO DETERMINE, BEFORE OPENING THE
29 ENVELOPE, WHICH PARTY’S PRIMARY ELECTION THE ELECTOR VOTED IN. IF THE MAIL
30 BALLOT RETURN ENVELOPE DOES NOT PROVIDE SUCH A MEANS, THE COUNTY MUST
31 FOLLOW THE PROCESS OUTLINED IN RULE 7.5.13.

32 7.2.11 EACH MAIL BALLOT RETURN ENVELOPE AND MAIL BALLOT INSTRUCTION FOR AN
33 UNAFFILIATED VOTER IN A PRIMARY ELECTION MUST INCLUDE A STATEMENT
34 INSTRUCTING THE VOTER TO RETURN ONLY ONE BALLOT.

35 7.2.12 THE COUNTY CLERK MUST ISSUE A REPLACEMENT MAIL BALLOT PACKET TO AN
36 UNAFFILIATED ELECTOR IN A PRIMARY ELECTION WHO REQUESTS ONE IF THE ELECTOR
37 HAS NOT ALREADY VOTED. THE REPLACEMENT MAIL BALLOT PACKET MUST CONTAIN

1 THE BALLOTS OF ALL PARTICIPATING MAJOR POLITICAL PARTIES, OR IF THE ELECTOR HAS
2 PROVIDED A BALLOT PREFERENCE, THE BALLOT OF THE ELECTOR'S PREFERRED
3 POLITICAL PARTY.

4 *New Rule 7.5.5 concerning remote drop off locations and amendments to Current Rules 7.5.5 through*
5 *7.5.7 concerning renumbering:*

6 7.5.5 THE COUNTY CLERK MAY REQUEST A WAIVER FROM THE SECRETARY OF STATE FOR
7 REMOTE DROP OFF LOCATIONS, EXEMPTING THEM FROM THE BALLOT COLLECTION
8 REQUIREMENTS IN RULE 7.5.4. IF THE SECRETARY OF STATE GRANTS THE WAIVER:

9 (A) THE COUNTY CLERK MUST ARRANGE FOR THE COLLECTION OF BALLOTS BY
10 BIPARTISAN TEAMS OF ELECTION JUDGES FROM ALL EXEMPT DROP-OFF
11 LOCATIONS AS OFTEN AS NECESSARY, BUT AT LEAST:

12 (1) ONCE EACH WEEK AFTER BALLOTS ARE MAILED UNTIL THE FRIDAY
13 BEFORE ELECTION DAY; AND

14 (2) ON THE FRIDAY AND MONDAY BEFORE ELECTION DAY AND ON
15 ELECTION DAY AT 7:00 P.M. MT.

16 (B) THE COUNTY CLERK MUST POST A NOTICE ON EACH EXEMPT DROP BOX OF THE
17 DATES AND APPROXIMATE TIMES BALLOTS WILL BE COLLECTED.

18 (C) IF THE SECRETARY OF STATE DETERMINES THAT THE COUNTY FAILED TO
19 COLLECT BALLOTS FROM A REMOTE DROP-OFF LOCATION AS OFTEN AS
20 NECESSARY, THE SECRETARY OF STATE MAY REVOKE OR MODIFY THE WAIVER.

21 ~~7.5.5~~-7.5.6 Election officials must record the number of ballot packets returned as
22 undeliverable and receive the ballot packets in SCORE upon receipt.

23 ~~7.5.6~~-7.5.7 The designated election official must seal and store ballots and return envelopes
24 in a safe, secure place until the counting of the ballots.

25 ~~7.5.7~~-7.5.8 After election judges verify the elector's eligibility and signature, the county
26 clerk must dissociate and segregate the mail ballot return envelope from the secrecy
27 sleeve and a voted ballot in a manner that ensures no person is able to determine how an
28 individual voted.

29 *Amendments to Rules 7.5.9, 7.5.10, 7.5.11 and New Rules 7.5.12, 7.5.13, and 7.5.14 concerning receipt*
30 *and processing of ballots:*

31 ~~7.5.8~~-7.5.9 If the county clerk discovers a violation of section 1-7.5-107(4)(b), C.R.S.,
32 prohibiting any person from ~~delivering~~ RECEIVING more than 10 ballots in addition to his
33 or her own in any election, the county clerk must refer the information to the District
34 Attorney.

35 ~~7.5.9~~-7.5.10 ~~The~~ BEFORE TABULATING BALLOTS, THE county clerk must dissociate COUNTING
36 BATCHES FROM any SCORE batch number that could trace a ballot back to the specific
37 voter who cast it ~~from the counted ballots or any reports generated by the tabulation~~
38 ~~software no later than the final certification of the abstract of votes cast.~~

1 ~~7.5.10~~ 7.5.11 If an elector delivers a ballot to the wrong county, that county must date stamp
2 the ballot envelope AND TIMELY FORWARD IT TO THE CORRECT COUNTY. BEGINNING THE
3 THURSDAY BEFORE ELECTION DAY, THE COUNTY MUST NOTIFY THE CORRECT COUNTY
4 OF RECEIPT BY SECURE ELECTRONIC TRANSMISSION WITH A SCANNED IMAGE OF THE
5 OUTSIDE OF THE MAIL BALLOT ENVELOPE INCLUDING THE SIGNATURE, and forward it to
6 the correct county NO LATER THAN THE NEXT BUSINESS DAY. A COUNTY THAT
7 PHYSICALLY DELIVERS BALLOTS TO ANOTHER COUNTY NO LATER THAN THE NEXT
8 BUSINESS DAY IS NOT REQUIRED TO SCAN THE ENVELOPE. The correct county must treat
9 the ballot as received as of the date and time of the date stamp. THE COUNTY RECEIVING
10 THE IMAGE MAY PERFORM SIGNATURE VERIFICATION UPON RECEIPT OF THE IMAGE.

11 7.5.12 COUNTY CLERKS PICKING UP BALLOTS ON BEHALF OF ANOTHER COUNTY FROM THE U.S.
12 POSTAL SERVICE ON ELECTION NIGHT MUST LOG THE NUMBER OF BALLOTS COLLECTED
13 BY COUNTY AND PROVIDE THE LOG TO THE SECRETARY OF STATE'S OFFICE WITHIN 48
14 HOURS. THE COUNTY CLERK MUST DATE STAMP EACH BALLOT ENVELOPE AND
15 IMMEDIATELY FORWARD IT TO THE CORRECT COUNTY. THE CORRECT COUNTY MUST
16 TREAT THE BALLOT AS RECEIVED AS OF THE DATE AND TIME OF THE DATE STAMP.

17 7.5.13 UNAFFILIATED VOTERS IN A PRIMARY ELECTION. IF AN ELECTION JUDGE IS UNABLE TO
18 DETERMINE, BEFORE OPENING THE ENVELOPE, WHICH PARTY'S ELECTION THE ELECTOR
19 VOTED IN, THE COUNTY MUST SEPARATE THE ELECTOR'S BALLOT FROM THE ENVELOPE
20 IN THE FOLLOWING MANNER:

21 (A) AN ELECTION JUDGE MUST REMOVE THE BALLOT, ENCLOSED IN A SECRECY
22 SLEEVE, FROM THE MAIL BALLOT RETURN ENVELOPE AND PASS IT TO A
23 BIPARTISAN TEAM OF JUDGES WITHOUT ALLOWING THE TEAM OF JUDGES TO
24 DETERMINE THE IDENTITY OF THE ELECTOR.

25 (B) THE BIPARTISAN TEAM OF ELECTION JUDGES MUST REMOVE THE BALLOT FROM
26 THE SECRECY SLEEVE, REVIEW THE BALLOT, AND AUDIBLY REPORT TO THE FIRST
27 ELECTION JUDGE WHICH POLITICAL PARTY'S ELECTION THE ELECTOR VOTED IN.

28 (C) THE FIRST ELECTION JUDGE MUST RECORD IN SCORE WHICH POLITICAL PARTY'S
29 ELECTION THE ELECTOR VOTED IN, OR MARK THE MAIL BALLOT RETURN
30 ENVELOPE WITH THE PROPER PARTY INFORMATION FOR LATER RECORDING IN
31 SCORE.

32 7.5.14 IF AN UNAFFILIATED ELECTOR RETURNS MORE THAN ONE BALLOT IN A PRIMARY
33 ELECTION, A BIPARTISAN TEAM OF ELECTION JUDGES MUST REVIEW THE BALLOTS TO
34 DETERMINE THE ELECTOR'S INTENT IN ACCORDANCE WITH THE SECRETARY OF STATE'S
35 VOTER INTENT GUIDE.

36 (A) IF THE BIPARTISAN TEAM DETERMINES THE ELECTOR VOTED IN ONLY ONE
37 PARTY'S PRIMARY ELECTION, THE FIRST ELECTION JUDGE WITH ACCESS TO THE
38 ENVELOPE MUST RECORD THE DISPOSITION PARTY CHOSEN IN SCORE UNDER
39 RULE 7.5.13(c). THE COUNTY MUST RETAIN ANY UNVOTED BALLOT AS AN
40 ELECTION RECORD.

41 (B) IF THE BIPARTISAN TEAM DETERMINES THE ELECTOR VOTED IN MORE THAN ONE
42 PARTY'S PRIMARY ELECTION, OR RETURNED ONLY BLANK BALLOTS, THE

1 COUNTY MUST REJECT THE BALLOTS AND RETAIN THEM IN THE MAIL BALLOT
2 RETURN ENVELOPE AS AN ELECTION RECORD.

3 *Amendments to Rule 7.6.1 concerning ballots returned in unofficial envelope:*

4 7.6.1 If the county timely receives a mail ballot from an eligible elector in an envelope ~~other~~
5 ~~than the official ballot return envelope for that particular election~~ THAT IS MISSING OR
6 LACKS THE CORRECT SELF-AFFIRMATION, the county must contact the elector in writing
7 within three calendar days of receiving the ballot but no later than two calendar days after
8 election day. The county must use the letter and affidavit prescribed by the Secretary of
9 State and keep a copy as part of the official election record. If the county receives the
10 completed affidavit no later than the eighth day after election day, the county must count
11 the ballot.

12 *Amendments to Rule 7.7 concerning mail ballot cure procedures:*

13 7.7 ~~Missing signature.~~ MAIL BALLOT CURE PROCEDURES

14 7.7.3 ~~Nothing in this Rule prohibits the county clerk from calling the elector, but a phone call~~
15 ~~may not substitute for written contact.~~ If the county clerk ~~calls~~ USES ANY MEANS IN
16 ADDITION TO MAIL TO CONTACT any elector REGARDING A MISSING OR DISCREPANT
17 SIGNATURE OR MISSING ID, he or she must attempt to ~~call~~ CONTACT all SIMILARLY
18 SITUATED electors whose ~~affidavits are unsigned~~ REGISTRATION RECORDS HAVE THE
19 SAME TYPE OF CONTACT INFORMATION.

20 *Amendments to Rule 7.8.2 concerning signature verification procedures:*

21 7.8.2 If the elector's signature appears anywhere on ~~the back of~~ the ballot return envelope, the
22 election judge must ~~review the~~ VERIFY THE signature IN ACCORDANCE WITH SECTION 1-
23 7.5-107.3, C.R.S.

24 *Amendments to Rule 7.9.1(c) and 7.9.3 and New Rules 7.9.8, 7.9.9, and 7.9.10 concerning VSPCs:*

25 7.9.1 The county clerk must designate and open the minimum number of voter service and
26 polling centers. The centers must be open during reasonable business hours for the
27 minimum number of days outlined in section 1-5-102.9, C.R.S., for a general election and
28 1-7.5-107(4.5), C.R.S., for all other elections.

29 (c) The county clerk must provide all services outlined in section ~~1-2-509~~ 1-5-102.9,
30 C.R.S., at every designated voter service and polling center.

31 7.9.3 In order to assist applicants and electors efficiently, a county clerk must configure voter
32 service and polling centers ~~to provide~~ WITH sufficient election judges, WebSCORE work
33 stations, voting equipment, AND SUFFICIENT NUMBERS OF mail and in-person ballots
34 THAT CAN BE TABULATED BY THE COUNTY'S VOTING SYSTEM WITHOUT FURTHER
35 DUPLICATION, and other supplies. A COUNTY MAY SATISFY THIS RULE BY PROVIDING A
36 SUFFICIENT NUMBER OF BALLOT MARKING DEVICES OR BALLOT ON DEMAND PRINTERS.

37 7.9.8 AN UNAFFILIATED ELECTOR VOTING IN PERSON AT A VOTER SERVICE AND POLLING
38 CENTER IN A PRIMARY ELECTION MUST STATE WHICH PARTY'S ELECTION HE OR SHE

1 CHOOSES TO VOTE IN, AND THE ELECTION JUDGE MUST INDICATE THE VOTER'S
2 SELECTION IN WEBScore AND PROVIDE THE VOTER WITH THAT PARTY'S BALLOT.

3 7.9.9 ON ELECTION DAY DURING EACH GENERAL ELECTION, A COUNTY WITH AT LEAST FIFTY
4 THOUSAND ACTIVE ELECTORS MUST MEASURE AND RECORD THE WAIT TIME AT EACH OF
5 ITS VOTER SERVICE AND POLLING CENTERS, AT LEAST ONCE PER HOUR, FROM THE TIME A
6 PERSON ENTERS THE LOCATION OR THE LINE TO THE TIME THAT THE PERSON BEGINS THE
7 CHECK-IN PROCESS.

8 7.9.10 EACH COUNTY REQUIRED TO MEASURE UNDER RULE 7.9.9 MUST REPORT ITS RESULTS TO
9 THE SECRETARY OF STATE NO LATER THAN 30 DAYS AFTER THE ELECTION.

10 *New Rule 7.16 concerning cross-jurisdictional voter service and polling center pilot program:*

11 ~~7.11~~7.16 CROSS-JURISDICTIONAL VOTER SERVICE AND POLLING CENTER PILOT PROGRAM

12 ~~7.11.1~~7.16.1 THE COUNTY CLERK MAY APPLY TO THE SECRETARY OF STATE TO PARTICIPATE
13 IN A PILOT PROGRAM ALLOWING A COUNTY TO AGREE WITH ANOTHER COUNTY OR
14 COUNTIES TO PROVIDE THE COUNTY'S SERVICES AT THE OTHER COUNTY'S VOTER
15 SERVICE AND POLLING CENTERS. THE SECRETARY OF STATE MUST RECEIVE THE
16 APPLICATION NO LATER THAN 110 DAYS BEFORE ELECTION DAY.

17 ~~7.11.2~~7.16.2 IN REVIEWING THE COUNTY CLERK'S APPLICATION, THE SECRETARY OF STATE
18 WILL CONSIDER THE FOLLOWING:

19 (A) THE COUNTY'S PLAN TO PROVIDE ALL SERVICES OUTLINED IN SECTION 1-5-
20 102.9, C.R.S. FOR EACH PARTICIPATING COUNTY AT EACH VOTER SERVICE AND
21 POLLING CENTER.

22 (B) WHETHER THE COUNTIES SHARE A COMMON BORDER AND THE GEOGRAPHICAL
23 LOCATION OF PROPOSED MULTI-COUNTY VOTER SERVICE AND POLLING CENTERS.

24 (C) ANY PUBLIC COMMENT PROVIDED UNDER SECTION 1-5-102.9(1)(C)(II), C.R.S.
25 AND THE INPUT, IF ANY, OF THE GOVERNING BOARD OF THE COUNTY.

26 ~~7.11.3~~7.16.3 WHEN DESIGNATING VOTER SERVICE AND POLLING CENTERS, AT LEAST TWO-
27 THIRDS OF THE VOTER SERVICE AND POLLING CENTERS REQUIRED UNDER SECTIONS 1-5-
28 102.9 AND 1-7.5-107, C.R.S., MUST BE LOCATED WITHIN THE COUNTY BOUNDARIES;
29 EXCEPT THAT EACH PARTICIPATING COUNTY MUST HAVE THE MINIMUM NUMBER OF
30 VOTER SERVICE AND POLLING CENTERS REQUIRED UNDER SECTION 1-5-102.9 AND 1-7.5-
31 107, C.R.S. OPEN WITHIN ITS BOUNDARIES ON THE MONDAY BEFORE ELECTION DAY AND
32 ELECTION DAY.

33 *New Rule 7.17 concerning voter registration post-election scanning:*

34 ~~7.16~~7.17 FOLLOWING EACH ELECTION, THE COUNTY CLERK MUST SCAN INTO SCORE THE
35 ELECTOR'S SIGNATURE AND DATE ON EACH ACCEPTED MAIL BALLOT RETURN ENVELOPE AND
36 ANY CURE LETTER RETURNED BY THE ELECTOR.

37 *Amendments to Rule 8 concerning watchers and renumbering:*

1 8.1.5 A watcher must complete a training provided by or approved by the Secretary of State
2 before observing election activities where confidential or personally identifiable
3 information may be within view. To verify completion of the training, a watcher must
4 provide his or her training certificate of completion with the Certificate of Appointment.
5 A TRAINING CERTIFICATE OF COMPLETION IS VALID UNTIL DECEMBER 31 OF THE
6 FOLLOWING YEAR. AN APPROVED TRAINING MAY BE USED FOR ONE CALENDAR YEAR
7 FROM THE DATE APPROVED.

8 8.7.4 Watchers must remain outside the immediate voting area while an elector is voting. The
9 six-foot limit in Rule ~~4.1.27~~1.1.28 applies only to voting.

10 8.15 A watcher may not:

11 8.15.8 UNLESS OTHERWISE APPROVED BY THE COUNTY CLERK, HAVE IN HIS OR HER POSSESSION
12 ANY MOBILE PHONE OR OTHER ELECTRONIC DEVICE WHILE WATCHING ELECTION
13 ACTIVITIES WHERE VOTERS' CONFIDENTIAL OR PERSONALLY IDENTIFIABLE
14 INFORMATION MAY BE WITHIN VIEW.

15 ~~8.15.8~~8.15.9 Attempt to determine how any elector voted.

16 ~~8.15.9~~8.15.10 Disclose or record any confidential voter information as defined in section 24-72-
17 204(8), C.R.S., that he or she may observe.

18 ~~8.15.10~~8.15.11 Disclose any results before the polls have closed.

19 *Amendments to Rule 10.3.2(b) concerning correcting cross-reference:*

20 10.3.2 The canvass board's duties are to:

21 (b) Observe the post-election audit in accordance with section 1-7-514(4), C.R.S.,
22 and Election Rule ~~11.3.3(k)~~25.2 OR 25.3.2;

23 *New Rule 10.4 concerning the date for conducting canvass:*

24 10.4 NO CANVASS BOARD MAY CERTIFY OFFICIAL RESULTS UNTIL AUTHORIZED TO DO SO BY THE
25 SECRETARY OF STATE. THE SECRETARY OF STATE MAY EXTEND THE CANVASS DEADLINE FOR
26 ONE OR MORE COUNTIES IN ORDER TO COMPLETE THE RISK-LIMITING AUDIT IN ACCORDANCE
27 WITH RULE 25.2. BEFORE CERTIFYING OFFICIAL RESULTS, A COUNTY THAT CONDUCTS A
28 COMPARISON AUDIT AS DEFINED IN RULE 25.1.4 MUST MANUALLY ADJUST THE PRELIMINARY
29 RESULTS TO REFLECT ALL DISCREPANCIES IDENTIFIED IN THE RISK-LIMITING AUDIT.

30 *Amendments to Rule 10.5 concerning procedures for canvass:*

31 ~~10.4~~10.5 Procedures for the day of the Canvass

32 ~~10.4.1~~10.5.1 The designated election official must provide the following information to the
33 canvass board:

34 (a) The name of each candidate, office, and votes received;

35 (b) The number or letter of each ballot issue or question and votes received;

- 1 (c) The TOTAL number of ballots cast, ~~including the number of accepted and rejected~~
2 ~~mail ballots~~;
- 3 (d) The number of provisional ballots cast, including ~~the number accepted and~~
4 ~~rejected~~; TOTALS FOR:
- 5 (1) BALLOTS ACCEPTED BY EACH CODE; AND
- 6 (2) BALLOTS REJECTED BY EACH CODE.
- 7 (e) The number of mail ballots ~~counted and the number rejected~~; CAST, ~~INCLUDING~~
8 ~~INCLUDING~~ TOTALS FOR:
- 9 (1) BALLOTS ACCEPTED; AND
- 10 (2) BALLOTS REJECTED BY EACH CODE.
- 11 (f) The number of in-person ballots counted;
- 12 ~~(g) The number of provisional ballots counted and the number rejected listed by each~~
13 ~~rejection code; and~~
- 14 (G) THE NUMBER OF EMERGENCY REPLACEMENT BALLOTS, INCLUDING TOTALS FOR:
- 15 (1) BALLOTS ACCEPTED; AND
- 16 (2) BALLOTS REJECTED BY EACH CODE.
- 17 (h) The number of damaged and spoiled ballots.
- 18 (I) IF APPLICABLE, THE NUMBER OF BALLOTS CAST IN EACH PARTY'S PRIMARY
19 ELECTION, INCLUDING TOTALS FOR:
- 20 (1) BALLOTS ACCEPTED IN EACH PARTY'S PRIMARY ELECTION BY
21 AFFILIATED AND UNAFFILIATED VOTERS; AND
- 22 (2) BALLOTS REJECTED BY EACH CODE.
- 23 ~~10.4.2-10.5.2~~ Any written documentation regarding official results must be included as part of
24 the canvass.
- 25 ~~10.4.3-10.5.3~~ Written Complaints
- 26 (a) The designated election official must provide the canvass board with any written
27 complaint submitted by a registered elector about a voting device.
- 28 (b) If the complaint is resolved, the designated election official must provide the
29 details of the resolution.
- 30 (c) If the complaint is pending resolution when the board meets to conduct the
31 canvass, the designated election official must provide a proposal for how the
32 issue will be resolved.

1 *[Not shown: current Rules 10.5 through 10.13 are renumbered as Rules 10.6 through 10.14]*
2 *Additional cross reference amendments to current Rules 10.13.1 and 10.13.6 (renumbered as 10.13.1 and*
3 *10.13.6) follow:*

4 ~~10.12.1~~ 10.13.1 In accordance with section 1-10.5-102(3)(b), C.R.S., if there are no discrepancies
5 in the test under Rule ~~10.11~~ 10.12, the recount must be conducted in the same manner as
6 the ballots were counted in the election except as outlined in this Rule. If there are
7 unresolvable discrepancies in the test, the recount must be conducted as a hand count
8 under Rule ~~10.12.5~~ 10.13.5.

9 ~~10.12.6~~ 10.13.6 For tabulation of DREs, if there are no discrepancies in the test under Rule
10 ~~10.11.3~~ 10.12.3, the county clerk must upload the memory cards.

11 *Amendments to Rule 11.3 concerning hardware diagnostic testing and LAT:*

12 11.3 The clerk must perform a hardware diagnostic test, AND a logic and accuracy test, ~~and a post-~~
13 ~~election audit.~~

14 11.3.2 Logic and Accuracy Test

15 (c) Preparing for the Logic and Accuracy Test

16 (1) The county must prepare a test deck of ballots that includes every ballot
17 style and, where applicable, precinct. The county test deck must include
18 a sufficient number of ballots to mark every vote position for every
19 contest including write-in candidates, allow for situations where a contest
20 permits an elector to vote for two or more positions, and include
21 overvotes and undervotes for each contest. THE COUNTY TEST DECK
22 MUST INCLUDE AT LEAST ONE WRITE-IN VOTE FOR EACH QUALIFIED
23 WRITE-IN CANDIDATE SO THAT ALL QUALIFIED WRITE-IN CANDIDATE
24 NAMES WILL APPEAR IN THE LAT RESULT UPLOADED TO ENR AS
25 REQUIRED BY RULE 11.10.3.

26 *[Current Rule 11.3.3 is amended and recodified as New Rule 25.3.]*

27 *Amendments to Rule 11.10.1(b)(2) concerning renumbering of cross-reference and 11.10.3 concerning*
28 *election night reporting:*

29 11.10.1 A data entry county must upload a results data file to ENR containing the election results
30 on the dates and times specified in Rules 11.10.3 through 11.10.5. The county must
31 program its election database so that the results file exported from the voting system is
32 formatted in accordance with the following requirements:

33 (b) Contest order: Except as otherwise provided in subsections (1) – (4) of this Rule,
34 the results file must list the contests in the same order as they are certified for the
35 ballot.

36 (2) The results file must list ballot measures in the order certified by the
37 Secretary of State, followed by the ballot measures certified by other

1 participating political subdivisions in the order and using the numbering
2 conventions specified in Rule ~~4.5.2(f)~~ 4.5.2(E).

3 11.10.3 No later than 14 days before the election, a data entry county must upload the LAT
4 results file to ENR. At a minimum, the LAT results file must contain the results of the
5 complete county test deck required under Rule 11.3.2(c)(1). ~~The county must also provide~~
6 ~~the Secretary of State with a summary results report for the LAT results file.~~

7 *Repeal of Rule 13.1.7 and Amendment of Rule 13.2.9(a) concerning election complaint procedures:*

8 ~~13.1.7 The Secretary of State's determination is a final agency action.~~

9 13.2.9 Hearing and Resolution of HAVA complaints

10 (a) ~~If the complainant requests, the~~ THE Secretary of State or his or her designee will
11 hold a hearing IF THE COMPLAINANT REQUESTS ONE AT THE TIME OF FILING THE
12 COMPLAINT, UNLESS THE COMPLAINANT LATER WITHDRAWS THE REQUEST.

13 *Amendments to Rules 14.1.1(a) and New Rule 14.3.4 concerning voter registration drives:*

14 14.1.1 In accordance with Part 7, Article 2 of Title 1, C.R.S., the organizer of a Voter
15 Registration Drive ("VRD") must file a Statement of Intent and Training
16 Acknowledgment Form with the Secretary of State to conduct a voter registration drive.
17 The Statement of Intent and Training Acknowledgment Form must include the following
18 information:

19 (a) The name of the group conducting the VRD, and the name ~~and contact~~
20 ~~information~~ ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER of the
21 individual organizing the VRD;

22 14.3.4 THE VRD MUST PROVIDE THE SECRETARY OF STATE WITH THE NAME OF THE
23 CIRCULATOR ASSOCIATED WITH A PARTICULAR IDENTIFICATION NUMBER, UPON
24 REQUEST.

25 *Amendments to Rule 16.1.6 concerning military and overseas electors:*

26 16.1.6 The county clerk must send a minimum of one correspondence no later than 60 days
27 before the Primary Election OR PRESIDENTIAL PRIMARY ELECTION, IF APPLICABLE, to
28 each elector whose record is marked "Inactive." The correspondence may be sent by
29 email or mail and, at a minimum, must notify the electors of:

- 30 (a) The status of the elector's record and ballot request;
- 31 (b) The upcoming federal elections;
- 32 (c) How to update the elector's mailing information and request a ballot; and
- 33 (d) Any other information the county clerk deems appropriate.

34 *Amendments to Rule 18.5.3 concerning resolution of write-in votes:*

35 **18.5.3 Resolution of write-in votes**

1 (a) ~~If a voter designates a vote for a named candidate on the ballot and writes in the~~
2 ~~name of the same candidate in the write-in area, the vote for the named candidate~~
3 ~~must be counted.~~ A RESOLUTION BOARD MUST RESOLVE ALL WRITE-IN VOTES IN
4 ACCORDANCE WITH THE SECRETARY OF STATE'S VOTER INTENT GUIDE.

5 (b) ~~If a voter votes for a named candidate in a ballot contest and writes in the name~~
6 ~~of a different candidate in the write-in area, the resolution board must resolve the~~
7 ~~markings as an overvote if the number of chosen candidates exceeds the~~
8 ~~maximum number of choices for that ballot contest.~~ IN COUNTIES USING VOTING
9 SYSTEMS FEATURING DIGITAL RESOLUTION CAPABLE OF DETECTING VOTER
10 MARKINGS ON OR IN A WRITE-IN LINE OR AREA, THE RESOLUTION BOARD MUST
11 RESOLVE DURING INITIAL ADJUDICATION THE WRITTEN NAME OF AN ELIGIBLE
12 WRITE-IN CANDIDATE AS A VALID VOTE FOR THAT CANDIDATE EVEN IF THE
13 VOTER FAILS TO MARK THE CORRESPONDING TARGET AREA.

14 (c) IN COUNTIES USING VOTING SYSTEMS THAT DO NOT HAVE DIGITAL RESOLUTION
15 CAPABILITY, OR THE DIGITAL RESOLUTION FEATURE IS NOT CAPABLE OF
16 DETECTING VOTER MARKINGS ON OR IN A WRITE-IN LINE OR AREA IF THE
17 CORRESPONDING TARGET AREA IS NOT ALSO MARKED, THE RESOLUTION BOARD
18 MUST COUNT AS VALID VOTES FOR ELIGIBLE WRITE-IN CANDIDATES THOSE
19 INSTANCES IN WHICH THE VOTER BOTH MARKS THE APPLICABLE TARGET AREA
20 AND WRITES IN THE NAME OF A CERTIFIED WRITE-IN CANDIDATE. During any
21 recount, if the number of undervotes in a ballot contest could change the outcome
22 if attributed to an eligible write-in candidate, votes for that candidate must be
23 counted whether or not the target area designating the selection of a write-in
24 candidate has been marked, provided that the number of candidates chosen does
25 not exceed the number permitted in that office.

26 *Amendments to Rules 20.13.1(c)(8) and 20.16.3(a) concerning correction of cross-references:*

27 20.13.1 If a seal is broken, or there is another discrepancy, the election official must immediately
28 notify the county, who must remedy the discrepancy as follows:

29 (c) If the evidence indicates that the discrepancy occurred after votes were cast on
30 the device:

31 (8) Before certifying election results, the county must conduct a full (all
32 ~~raees~~ CONTESTS) post-election audit on the device and report results to
33 the Secretary of State ~~as required by Rule 11 25.3~~. This requirement is in
34 addition to the ~~random selection conducted by the Secretary of State~~
35 POST-ELECTION AUDIT REQUIRED BY RULE 25.2 OR 25.3.

36 20.16.3 Ballot reconciliation

37 (a) The county must reconcile ballots printed on demand in accordance with Rules
38 ~~10.4 and 10.5~~ 10.1.1 AND 10.1.2.

39 (b) The county must maintain damaged, misprinted, or unusable ballots as election
40 records.

41 *Amendments to Rule 20.17.3 concerning voting system conditions for use:*

1 20.17.3 The county must create a backup copy of the election setup records on a read-only, write-
2 once ~~CD~~-ELECTRONIC STORAGE MEDIA, immediately after completing the Logic and
3 Accuracy Test.

4 (a) The county must identify the master database name and date of election on the
5 label of the backup~~CD~~.

6 (b) The county must store the backup ~~CD~~ in a sealed container. Two election
7 officials of different party affiliations must sign and date entries to the chain-of-
8 custody log for the sealed container.

9 *Amendments to Rule 21.4.5(e) and New Rule 21.4.14 concerning voting system standards for certification:*

10 21.4.5 Functional Requirements

11 (e) The voting system must include hardware or software to enable the closing of ~~the~~
12 ~~voting location and disabling the acceptance of ballots on~~ all vote tabulation
13 devices AT POLLING LOCATIONS to allow for the following:

14 21.4.14 Ballot-level Cast Vote Records and Exports. All voting systems certified by the Secretary
15 of State for use in Colorado on or after January 1, 2016 must meet the following
16 requirements for ballot-level cast vote records and exports on or before December 31,
17 2016:

18 (a) The voting system must capture a ballot-level cast vote record (CVR) ~~consisting~~
19 ~~of a single record for each ballot tabulated, showing the manner in which the~~
20 ~~voting system interpreted and tabulated the voter's markings on the ballot, as~~
21 ~~adjudicated and resolved by election judges, if applicable.~~

22 (c) The CVR export must contain the following fields, with values or data populated
23 by the voting system:

24 (8) NUMBER OF VALID CHOICES. THE NUMBER OF VALID CHOICES (E.G.,
25 "VOTE FOR 3") FOR EACH CONTEST.

26 *New Rule 24 concerning presidential electors:*

27 **RULE 24. PRESIDENTIAL ELECTORS**

28 24.1 OATH

29 24.1.1 AS USED IN SECTION 1-4-304 (1), C.R.S., "THE OATH REQUIRED BY LAW FOR
30 PRESIDENTIAL ELECTORS" MUST BE IN SUBSTANTIALLY THE FOLLOWING FORM:

31 "I,, DO SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE
32 CONSTITUTION OF THE UNITED STATES AND OF THE STATE OF COLORADO, THAT
33 I WILL FAITHFULLY PERFORM THE DUTIES OF THE OFFICE OF PRESIDENTIAL
34 ELECTOR THAT I AM ABOUT TO ENTER, AND THAT I WILL VOTE FOR THE
35 PRESIDENTIAL CANDIDATE AND VICE-PRESIDENTIAL CANDIDATE WHO RECEIVED
36 THE HIGHEST NUMBER OF VOTES AT THE PRECEDING GENERAL ELECTION IN THIS
37 STATE."

1 24.1.2 IF A PRESIDENTIAL ELECTOR-ELECT REFUSES OR OTHERWISE FAILS TO TAKE AND
2 SUBSCRIBE THE OATH IN RULE 24.1.1, THE REFUSAL OR FAILURE CREATES A VACANCY IN
3 THE OFFICE OF PRESIDENTIAL ELECTOR. A VACANCY CREATED IN ACCORDANCE WITH
4 THIS RULE MUST BE FILLED BY THE REMAINING PRESIDENTIAL ELECTORS PRESENT AS
5 SPECIFIED IN SECTION 1-4-304 (1), C.R.S.

6 24.2 VOTING

7 24.2.1 AS SPECIFIED IN SECTION 1-4-304 (5), C.R.S., EACH PRESIDENTIAL ELECTOR MUST VOTE
8 FOR THE PRESIDENTIAL CANDIDATE AND VICE-PRESIDENTIAL CANDIDATE WHO RECEIVED
9 THE HIGHEST NUMBER OF VOTES AT THE PRECEDING GENERAL ELECTION IN THIS STATE.

10 24.2.2 IF A PRESIDENTIAL ELECTOR-ELECT REFUSES OR OTHERWISE FAILS TO VOTE FOR THE
11 PRESIDENTIAL CANDIDATE AND VICE-PRESIDENTIAL CANDIDATE WHO RECEIVED THE
12 HIGHEST NUMBER OF VOTES AT THE PRECEDING GENERAL ELECTION IN THIS STATE, THE
13 REFUSAL OR FAILURE CONSTITUTES A “REFUSAL TO ACT” AS THAT TERM IS USED IN
14 SECTION 1-4-304 (1), C.R.S., AND CREATES A VACANCY IN THE OFFICE OF PRESIDENTIAL
15 ELECTOR. A VACANCY CREATED IN ACCORDANCE WITH THIS RULE MUST BE FILLED BY
16 THE REMAINING PRESIDENTIAL ELECTORS PRESENT AS SPECIFIED IN SECTION 1-4-304 (1),
17 C.R.S.

18 24.3 FILLING VACANCIES

19 24.3.1 AS SPECIFIED IN SECTION 1-4-304 (1), C.R.S., THE PRESIDENTIAL ELECTORS PRESENT
20 MUST IMMEDIATELY PROCEED TO FILL ANY VACANCY IN THE ELECTORAL COLLEGE. A
21 QUORUM IS NOT REQUIRED TO FILL A VACANCY. IN THE EVENT OF A TIE VOTE, THE
22 VACANCY WILL BE FILLED BY LOT.

23 24.3.2 IF A REMAINING PRESIDENTIAL ELECTOR REFUSES TO FILL A VACANCY IN THE
24 ELECTORAL COLLEGE, THE REFUSAL CONSTITUTES A “REFUSAL TO ACT” AS THAT TERM
25 IS USED IN SECTION 1-4-304 (1), C.R.S., AND CREATES A VACANCY IN THE OFFICE OF
26 PRESIDENTIAL ELECTOR. A VACANCY CREATED IN ACCORDANCE WITH THIS RULE MUST
27 BE FILLED BY THE REMAINING PRESIDENTIAL ELECTORS PRESENT AS SPECIFIED IN
28 SECTION 1-4-304 (1), C.R.S.

29 24.3.3 NOMINEES TO FILL VACANCIES MUST BE SELECTED IN ACCORDANCE WITH SECTION 1-4-
30 302 (2), C.R.S. THERE MUST BE MORE VACANCY NOMINEES THAN VACANCIES TO BE
31 FILLED.

32 *New Rule 25 concerning post-election audit:*

33 **RULE 25. POST-ELECTION AUDIT**

34 25.1 DEFINITIONS. AS USED IN THIS RULE, UNLESS STATED OTHERWISE:

35 25.1.1 “AUDIT CENTER” MEANS THE PAGE OR PAGES OF THE SECRETARY OF STATE’S WEBSITE
36 DEVOTED TO RISK-LIMITING AUDITS.

37 25.1.2 “AUDITED CONTEST” MEANS A CONTEST SELECTED BY THE SECRETARY OF STATE FOR A
38 RISK-LIMITING AUDIT. THE AUDITED CONTEST DETERMINES THE NUMBER OF BALLOTS
39 THAT MUST BE EXAMINED AND VERIFIED DURING THE RLA.

1 25.1.3 “BALLOT POLLING AUDIT” MEANS A TYPE OF RISK-LIMITING AUDIT IN WHICH THE AUDIT
2 BOARD EXAMINES AND REPORTS TO THE SECRETARY OF STATE VOTER MARKINGS ON
3 RANDOMLY SELECTED BALLOTS SEEKING STRONG EVIDENCE THAT THE REPORTED
4 TABULATION OUTCOME IS CORRECT.

5 25.1.4 “COMPARISON AUDIT” MEANS A TYPE OF RISK-LIMITING AUDIT IN WHICH THE AUDIT
6 BOARD EXAMINES AND REPORTS TO THE SECRETARY OF STATE VOTER MARKINGS ON
7 RANDOMLY SELECTED BALLOTS, AND THEN COMPARED-COMPARES THEM TO THE VOTING
8 SYSTEM’S TABULATION AS REFLECTED IN THE CORRESPONDING CAST VOTE RECORDS.

9 ~~25.1.5 “DILUTED MARGIN” OF AN AUDITED CONTEST MEANS THE SMALLEST REPORTED MARGIN
10 IN VOTES BETWEEN THE REPORTED CONTEST WINNER WITH THE LEAST VOTES IN THE
11 CONTEST, AND THE REPORTED CONTEST LOSER WITH THE MOST VOTES IN THE CONTEST,
12 DIVIDED BY THE NUMBER OF BALLOTS COUNTED IN THAT CONTEST. FOR EXAMPLE, IF
13 THE VOTING SYSTEM TABULATED 10,000 BALLOTS IN AN AUDITED CONTEST, AND THE
14 REPORTED WINNING CANDIDATE WITH THE LEAST NUMBER OF VOTES RECEIVED 4,000
15 VOTES, AND THE REPORTED LOSING CANDIDATE WITH THE MOST NUMBER OF VOTES
16 RECEIVED 3,500 VOTES, THE DILUTED MARGIN OF THE CONTEST IS 5% [(4,000 – 3,500) /
17 10,000].~~

18 ~~25.1.6 “MARGIN OVERSTATEMENT” MEANS A CIRCUMSTANCE IN WHICH THE AUDIT BOARD’S
19 INTERPRETATION OF BALLOT MARKINGS REVEALS THAT THE WINNER WITH THE LEAST
20 NUMBER OF VOTES RECEIVED FEWER VOTES THAN THE VOTING SYSTEM’S
21 INTERPRETATION OF THE SAME MARKINGS AS REFLECTED IN THE CVR. FOR EXAMPLE, IF
22 THE CVR REFLECTS AN UNDERVOTE IN THE AUDITED CONTEST, AND THE AUDIT BOARD’S
23 INTERPRETATION OF THE CORRESPONDING PAPER BALLOT REFLECTS A VOTE FOR THE
24 LOSER WITH THE MOST VOTES IN THAT CONTEST, THE CVR CONTAINS A ONE VOTE
25 OVERSTATEMENT. IF THE CVR REFLECTS A VOTE FOR THE WINNER WITH THE LEAST
26 VOTES, AND THE AUDIT BOARD’S INTERPRETATION OF THE PAPER BALLOT REFLECTS A
27 VOTE FOR THE LOSER WITH THE MOST VOTES, THE PRELIMINARY RESULTS CONTAIN A
28 TWO VOTE OVERSTATEMENT.~~

29 ~~25.1.7 “MARGIN UNDERSTATEMENT” MEANS A CIRCUMSTANCE IN WHICH THE AUDIT BOARD’S
30 INTERPRETATION OF BALLOT MARKINGS REVEALS THAT THE CONTEST WINNER WITH THE
31 LEAST NUMBER OF VOTES RECEIVED MORE VOTES THAN THE VOTING SYSTEM’S
32 INTERPRETATION OF THE SAME MARKINGS AS REFLECTED IN THE CVR. FOR EXAMPLE, IF
33 THE CVR REFLECTS AN UNDERVOTE IN THE AUDITED CONTEST, AND THE AUDIT BOARD’S
34 INTERPRETATION OF THE CORRESPONDING PAPER BALLOT REFLECTS A VOTE FOR THE
35 WINNER WITH THE LEAST NUMBER OF VOTES IN THAT CONTEST, THE CVR CONTAINS A
36 ONE VOTE UNDERSTATEMENT. IF THE CVR REFLECTS A VOTE FOR THE LOSER WITH THE
37 MOST VOTES, AND THE AUDIT BOARD’S INTERPRETATION OF THE PAPER BALLOT
38 REFLECTS A VOTE FOR THE WINNER WITH THE LEAST VOTES, THE CVR CONTAINS A TWO
39 VOTE UNDERSTATEMENT.~~

40 ~~25.1.8~~ 25.1.5 “REPORTED TABULATION OUTCOME” MEANS THE PRESUMED WINNING AND
41 LOSING CANDIDATES OR VOTING CHOICES OF A BALLOT CONTEST AS REFLECTED IN
42 PRELIMINARY RESULTS.

43 ~~25.1.9~~ 25.1.6 “RISK LIMIT” MEANS THE LARGEST STATISTICAL PROBABILITY THAT AN
44 INCORRECT REPORTED TABULATION OUTCOME IS NOT DETECTED AND CORRECTED IN A
45 RISK-LIMITING AUDIT.

1 ~~25.1.10~~ 25.1.7 “RISK-LIMITING AUDIT” OR “RLA” MEANS A POST-ELECTION AUDIT OF VOTES
2 ON PAPER BALLOTS AND VVPAT RECORDS, CONDUCTED IN ACCORDANCE WITH SECTION
3 1-7-515, C.R.S., AND RULE 25.2, WHICH HAS A PRE-SPECIFIED MINIMUM CHANCE OF
4 REQUIRING A FULL HAND COUNT IF THE OUTCOME OF A FULL HAND COUNT WOULD
5 DIFFER FROM THE REPORTED TABULATION OUTCOME.

6 ~~25.1.11~~ 25.1.8 “RLA TOOL” MEANS THE SOFTWARE AND USER INTERFACE PROVIDED BY THE
7 SECRETARY OF STATE IN ORDER FOR COUNTIES TO CONDUCT RLAs.

8 25.2 RISK LIMITING AUDIT. THE DESIGNATED ELECTION OFFICIAL MUST CONDUCT A RISK-LIMITING
9 AUDIT IN ACCORDANCE WITH SECTION 1-7-515, C.R.S. AND THIS RULE.

10 25.2.1 RLA METHODS

11 (A) COUNTIES THAT USE A VOTING SYSTEM CAPABLE OF EXPORTING CVRS MUST
12 CONDUCT A COMPARISON AUDIT.

13 (B) COUNTIES THAT USE A VOTING SYSTEM INCAPABLE OF EXPORTING CVRS MUST
14 CONDUCT A BALLOT POLLING AUDIT.

15 25.2.2 PREPARING FOR THE AUDIT

16 (A) RISK LIMIT. NO LATER THAN 30 DAYS BEFORE ELECTION DAY, THE SECRETARY
17 OF STATE WILL ESTABLISH AND PUBLISH ON THE AUDIT CENTER THE RISK
18 LIMIT(S) THAT WILL APPLY IN RLAs FOR THAT ELECTION. THE SECRETARY OF
19 STATE MAY ESTABLISH DIFFERENT RISK LIMITS FOR COMPARISON AUDITS AND
20 BALLOT POLLING AUDITS, BUT IN NO EVENT WILL THE RISK LIMIT EXCEED FIVE
21 PERCENT.

22 (B) AUDIT BOARD. NO LATER THAN 15 DAYS BEFORE ELECTION DAY, THE
23 DESIGNATED ELECTION OFFICIAL MUST APPOINT AN AUDIT BOARD TO CONDUCT
24 THE RISK-LIMITING AUDIT. THE AUDIT BOARD MUST CONSIST OF ELECTORS
25 NOMINATED BY THE MAJOR POLITICAL PARTY COUNTY CHAIRPERSONS. THE
26 DESIGNATED ELECTION OFFICIAL MUST GIVE WRITTEN NOTICE TO THE COUNTY
27 CHAIRPERSONS OF THEIR OBLIGATION TO NOMINATE AUDIT BOARD MEMBERS
28 AND MAY DESIGNATE APPROPRIATELY AFFILIATED ELECTORS AS AUDIT BOARD
29 MEMBERS IF ONE OR BOTH COUNTY CHAIRPERSONS FAIL TO DO SO IN A TIMELY
30 MANNER. AT LEAST TWO CANVASS BOARD MEMBERS MUST OBSERVE THE RLA,
31 AND MEMBERS OF THE CANVASS BOARD MAY SERVE AS MEMBERS OF THE AUDIT
32 BOARD. THE DESIGNATED ELECTION OFFICIAL, MEMBERS OF HIS OR HER STAFF,
33 AND OTHER DULY APPOINTED ELECTION JUDGES MAY ASSIST THE AUDIT BOARD
34 IN CONDUCTING THE AUDIT. TO THE EXTENT PRACTICABLE, THE AUDIT BOARD
35 SHOULD NOT CONSIST OF INDIVIDUALS WHO PARTICIPATED IN BALLOT
36 RESOLUTION OR ADJUDICATION DURING THE ELECTION BEING AUDITED.

37 (C) BALLOT MANIFEST. WHILE TABULATING BALLOTS, THE COUNTY MUST
38 MAINTAIN AN ACCURATE BALLOT MANIFEST IN A FORM APPROVED BY THE
39 SECRETARY OF STATE. AT A MINIMUM, THE BALLOT MANIFEST MUST UNIQUELY
40 IDENTIFY FOR EACH TABULATED BALLOT THE SCANNER ON WHICH THE BALLOT
41 IS SCANNED, THE BALLOT BATCH OF WHICH THE BALLOT IS A PART, THE NUMBER
42 OF BALLOTS IN THE BATCH, AND THE STORAGE CONTAINER IN WHICH THE

1 BALLOT BATCH IS STORED AFTER TABULATION. THE COUNTY MUST SECURE AND
2 MAINTAIN IN SEALED BALLOT CONTAINERS ALL TABULATED BALLOTS IN THE
3 BATCHES AND ORDER THEY ARE SCANNED. THE COUNTY MUST MAINTAIN AND
4 DOCUMENT UNINTERRUPTED CHAIN-OF-CUSTODY FOR EACH BALLOT STORAGE
5 CONTAINER.

6 (D) RLA TABULATION. ON THE NINTH DAY AFTER ELECTION DAY, THE COUNTY
7 MUST FINISH TABULATING ALL BALLOTS OTHER THAN PROVISIONAL BALLOTS
8 AND PROPERTY OWNER BALLOTS. IMMEDIATELY AFTER COMPLETING THE RLA
9 TABULATION, AND TO THE EXTENT PERMITTED BY ITS VOTING SYSTEM, THE
10 COUNTY MUST ALSO GENERATE AND PRESERVE:

11 (1) A SUMMARY RESULTS REPORT, SHOWING OVERVOTES, UNDERVOTES,
12 BLANK-VOTED CONTESTS, AND VALID WRITE-IN VOTES;

13 (2) A RESULTS FILE EXPORT SUITABLE FOR UPLOADING TO THE SECRETARY
14 OF STATE'S ELECTION NIGHT REPORTING SYSTEM; AND

15 (3) A CVR EXPORT.

16 (E) CVR EXPORT VERIFICATION. COUNTIES CONDUCTING A COMPARISON AUDIT
17 MUST VERIFY THAT:

18 (1) THE NUMBER OF INDIVIDUAL CVRS IN ITS CVR EXPORT EQUALS THE
19 AGGREGATE NUMBER OF BALLOTS REFLECTED IN THE COUNTY'S BALLOT
20 MANIFEST AS OF THE NINTH DAY AFTER ELECTION DAY;

21 (2) THE NUMBER OF INDIVIDUAL CVRS IN ITS CVR EXPORT EQUALS THE
22 NUMBER OF BALLOTS TABULATED AS REFLECTED IN THE SUMMARY
23 RESULTS REPORT FOR THE RLA TABULATION;

24 (3) THE NUMBER OF INDIVIDUAL CVRS IN ITS CVR EXPORT EQUALS THE
25 NUMBER OF IN-PERSON BALLOTS ISSUED PLUS THE NUMBER OF MAIL
26 BALLOTS IN VERIFIED-ACCEPTED STAGE IN SCORE, PLUS THE NUMBER
27 OF PROVISIONAL BALLOTS AND PROPERTY OWNER BALLOTS INCLUDED
28 IN THE RLA TABULATION, IF ANY; AND

29 (4) THE VOTE TOTALS FOR ALL CHOICES IN ALL BALLOT CONTESTS IN THE
30 CVR EXPORT EQUALS THE VOTE TOTALS IN THE SUMMARY RESULTS
31 REPORT FOR THE RLA TABULATION.

32 (5) AFTER VERIFYING THE ACCURACY OF THE CVR EXPORT, THE COUNTY
33 MUST APPLY A HASH VALUE TO THE CVR EXPORT FILE USING THE HASH
34 VALUE UTILITY PROVIDED BY THE SECRETARY OF STATE.

35 (F) COMPARISON AUDIT UPLOADS. NO LATER THAN 11:59 P.M. MT ON THE NINTH
36 DAY AFTER ELECTION DAY, EACH COUNTY CONDUCTING A COMPARISON AUDIT
37 MUST UPLOAD:

38 (1) ITS VERIFIED AND HASHED BALLOT MANIFEST TO THE RLA TOOL;

- 1 (2) ITS VERIFIED AND HASHED CVR EXPORT TO THE RLA TOOL; AND
- 2 (3) ITS RLA TABULATION RESULTS EXPORT TO THE SECRETARY OF STATE'S
- 3 ELECTION NIGHT REPORTING SYSTEM.
- 4 (G) BALLOT POLLING AUDIT UPLOADS. NO LATER THAN 11:59 P.M. MT ON THE
- 5 NINTH DAY AFTER ELECTION DAY, EACH COUNTY CONDUCTING A BALLOT
- 6 POLLING AUDIT MUST UPLOAD:
- 7 (1) ITS VERIFIED AND HASHED BALLOT MANIFEST TO THE RLA TOOL; AND
- 8 (2) ITS RLA TABULATION RESULTS EXPORT TO THE SECRETARY OF STATE'S
- 9 ELECTION NIGHT REPORTING SYSTEM.
- 10 (H) RANDOM SEED. THE SECRETARY OF STATE WILL CONVENE A PUBLIC MEETING
- 11 ON THE TENTH DAY AFTER ELECTION DAY TO ESTABLISH A RANDOM SEED FOR
- 12 USE WITH THE SECRETARY OF STATE'S RLA TOOL'S PSEUDO-RANDOM NUMBER
- 13 GENERATOR BASED ON PHILIP STARK'S ONLINE TOOL, *PSEUDO-RANDOM*
- 14 *NUMBER GENERATOR USING SHA-256*. THIS MATERIAL IS INCORPORATED BY
- 15 REFERENCE IN THE ELECTION RULES AND DOES NOT INCLUDE LATER
- 16 AMENDMENTS OR EDITIONS. THE FOLLOWING MATERIAL INCORPORATED BY
- 17 REFERENCE IS POSTED ON THE SECRETARY OF STATE WEBSITE AND AVAILABLE
- 18 FOR REVIEW BY THE PUBLIC DURING REGULAR BUSINESS HOURS AT THE
- 19 COLORADO SECRETARY OF STATE'S OFFICE: *PSEUDO-RANDOM NUMBER*
- 20 *GENERATOR USING SHA-256* AVAILABLE AT
- 21 [HTTPS://WWW.STAT.BERKELEY.EDU/~STARK/JAVA/HTML/SHA256RAND.HTM](https://www.stat.berkeley.edu/~stark/java/html/sha256rand.htm).
- 22 THE SECRETARY OF STATE WILL GIVE PUBLIC NOTICE OF THE MEETING AT LEAST
- 23 SEVEN CALENDAR DAYS IN ADVANCE. THE SEED IS A NUMBER CONSISTING OF AT
- 24 LEAST 20 DIGITS, AND EACH DIGIT WILL BE SELECTED IN ORDER BY SEQUENTIAL
- 25 ROLLS OF A 10-SIDED DIE. THE SECRETARY OF STATE WILL RANDOMLY SELECT
- 26 MEMBERS OF THE PUBLIC WHO ATTEND THE MEETING TO TAKE TURNS ROLLING
- 27 THE DIE, AND DESIGNATE ONE OR MORE STAFF MEMBERS TO TAKE TURNS
- 28 ROLLING THE DIE IN THE EVENT THAT NO MEMBERS OF THE PUBLIC ATTEND THE
- 29 MEETING. THE SECRETARY OF STATE WILL PUBLISH THE SEED ON THE AUDIT
- 30 CENTER IMMEDIATELY AFTER IT IS ESTABLISHED.
- 31 (I) SELECTION OF AUDITED CONTESTS. NO LATER THAN 5:00 P.M. MT ON THE
- 32 FRIDAY AFTER ELECTION DAY, THE SECRETARY OF STATE WILL SELECT FOR
- 33 AUDIT AT LEAST ONE STATEWIDE CONTEST, AND FOR EACH COUNTY AT LEAST
- 34 ONE COUNTYWIDE CONTEST. THE SECRETARY OF STATE WILL SELECT OTHER
- 35 BALLOT CONTESTS FOR AUDIT IF IN ANY PARTICULAR ELECTION THERE IS NO
- 36 STATEWIDE CONTEST OR A COUNTYWIDE CONTEST IN ANY COUNTY. THE
- 37 SECRETARY OF STATE WILL PUBLISH A COMPLETE LIST OF ALL AUDITED
- 38 CONTESTS ON THE AUDIT CENTER. THE SECRETARY OF STATE WILL CONSIDER
- 39 THE FOLLOWING FACTORS IN DETERMINING WHICH CONTESTS TO AUDIT:
- 40 (1) THE CLOSENESS OF THE REPORTED TABULATION OUTCOME OF THE
- 41 CONTESTS;
- 42 (2) THE GEOGRAPHICAL SCOPE OF THE CONTESTS;

- 1 (3) ANY CAUSE FOR CONCERN REGARDING THE ACCURACY OF THE
2 REPORTED **TABULATION** OUTCOME OF THE CONTESTS;
- 3 (4) ANY BENEFITS THAT MAY RESULT FROM OPPORTUNISTICALLY AUDITING
4 CERTAIN CONTESTS; AND
- 5 (5) THE ABILITY OF THE COUNTY CLERKS TO COMPLETE THE AUDIT BEFORE
6 THE CANVASS DEADLINE.

7 (J) NUMBER OF BALLOTS TO AUDIT. THE SECRETARY OF STATE WILL DETERMINE
8 THE NUMBER OF BALLOTS TO AUDIT TO SATISFY THE RISK LIMIT FOR THE
9 AUDITED CONTESTS BASED ON THE BALLOT MANIFESTS SUBMITTED BY THE
10 COUNTIES. THE NUMBER OF BALLOTS TO AUDIT WILL BE DETERMINED
11 ACCORDING TO THE FORMULAS AND PROTOCOLS PUBLISHED BY MARK
12 LINDEMAN AND PHILIP B. STARK IN *A GENTLE INTRODUCTION TO RISK-LIMITING*
13 *AUDITS*, AS APPLIED IN PHILIP STARK'S *TOOLS FOR COMPARISON RISK-LIMITING*
14 *ELECTION AUDITS*, AND *TOOLS FOR BALLOT-POLLING RISK-LIMITING ELECTION*
15 *AUDITS*. THESE MATERIALS ARE INCORPORATED BY REFERENCE IN THE ELECTION
16 RULES AND DO NOT INCLUDE LATER AMENDMENTS OR EDITIONS OF THE
17 INCORPORATED MATERIAL. THE FOLLOWING MATERIALS INCORPORATED BY
18 REFERENCE ARE POSTED ON THE SECRETARY OF STATE WEBSITE AND
19 AVAILABLE FOR REVIEW BY THE PUBLIC DURING REGULAR BUSINESS HOURS AT
20 THE COLORADO SECRETARY OF STATE'S OFFICE:

21 (1) MARK LINDEMAN AND PHILIP B. STARK, *A GENTLE INTRODUCTION TO*
22 *RISK-LIMITING AUDITS*, IEEE SECURITY AND PRIVACY, SPECIAL ISSUE ON
23 ELECTRONIC VOTING, (MAR. 16, 2012), AT
24 [HTTP://WWW.STAT.BERKELEY.EDU/~STARK/PREPRINTS/GENTLE12.PDF](http://www.stat.berkeley.edu/~stark/preprints/gentle12.pdf).

25 (2) PHILIP B. STARK, *TOOLS FOR COMPARISON RISK-LIMITING ELECTION*
26 *AUDITS*, (FEB. 26, 2017), AT
27 [HTTP://WWW.STAT.BERKELEY.EDU/~STARK/VOTE/AUDITTOOLS.HTM](http://www.stat.berkeley.edu/~stark/vote/audittools.htm).

28 (3) PHILIP B. STARK, *TOOLS FOR BALLOT-POLLING RISK-LIMITING ELECTION*
29 *AUDITS*, (FEB. 16, 2017), AT
30 [HTTPS://WWW.STAT.BERKELEY.EDU/~STARK/JAVA/HTML/BALLOTPOLL](https://www.stat.berkeley.edu/~stark/java/html/ballotpolltools.htm)
31 [TOOLS.HTM](https://www.stat.berkeley.edu/~stark/java/html/ballotpolltools.htm).

32 (K) RANDOM SELECTION OF BALLOTS FOR AUDIT. THE SECRETARY OF STATE WILL
33 RANDOMLY SELECT THE INDIVIDUAL BALLOTS TO AUDIT. THE SECRETARY OF
34 STATE WILL USE A PSEUDO-RANDOM NUMBER GENERATOR WITH THE SEED
35 ESTABLISHED UNDER SUBSECTION (H) OF THIS RULE TO IDENTIFY INDIVIDUAL
36 BALLOTS AS REFLECTED IN THE COUNTY BALLOT MANIFESTS. THE SECRETARY
37 OF STATE WILL NOTIFY EACH COUNTY OF, AND PUBLISH ON THE AUDIT CENTER,
38 THE RANDOMLY SELECTED BALLOTS THAT EACH COUNTY MUST AUDIT NO LATER
39 THAN 11:59 P.M. MT ON THE TENTH DAY AFTER ELECTION DAY.

40 25.2.3 CONDUCTING THE AUDIT

41 (A) THE AUDIT BOARD MUST LOCATE AND RETRIEVE FROM THE APPROPRIATE
42 STORAGE CONTAINER EACH RANDOMLY SELECTED BALLOT. THE AUDIT BOARD

1 MUST VERIFY THAT THE SEALS ON THE APPROPRIATE STORAGE CONTAINERS ARE
2 THOSE RECORDED ON THE APPLICABLE CHAIN-OF-CUSTODY LOGS.

3 (B) ~~WITHOUT EXAMINING THE CVR, THE~~ THE AUDIT BOARD MUST EXAMINE EACH
4 RANDOMLY SELECTED BALLOT OR VVPAT AND REPORT THE VOTER MARKINGS
5 OR CHOICES USING THE RLA TOOL OR OTHER MEANS SPECIFIED BY THE
6 SECRETARY OF STATE. IF SUPPORTED BY THE COUNTY'S VOTING SYSTEM, THE
7 AUDIT BOARD MAY REFER TO THE DIGITAL IMAGE OF THE AUDITED BALLOT
8 CAPTURED BY THE VOTING SYSTEM IN ORDER TO CONFIRM IT ~~HAD~~ RETRIEVED
9 THE CORRECT BALLOT RANDOMLY SELECTED FOR AUDIT. IF THE SCANNED
10 BALLOT WAS DUPLICATED PRIOR TO TABULATION, THE AUDIT BOARD MUST ALSO
11 RETRIEVE AND COMPARE THE MARKINGS ON THE ORIGINAL BALLOT. THE AUDIT
12 BOARD MUST COMPLETE ITS REPORTS OF ALL BALLOTS RANDOMLY SELECTED
13 FOR AUDIT NO LATER THAN 5:00 P.M. MT ONE BUSINESS DAY BEFORE THE
14 CANVASS DEADLINE.

15 (C) THE AUDIT BOARD MUST INTERPRET VOTER MARKINGS ON BALLOTS SELECTED
16 FOR AUDIT IN ACCORDANCE WITH THE SECRETARY OF STATE'S VOTER INTENT
17 GUIDE.

18 (D) TO THE EXTENT APPLICABLE, THE SECRETARY OF STATE WILL COMPARE THE
19 AUDIT BOARD'S REPORTS OF THE AUDITED BALLOTS TO THE CORRESPONDING
20 CVRS AND POST THE RESULTS OF THE COMPARISON AND ANY MARGIN
21 OVERSTATEMENTS OR UNDERSTATEMENTS ON THE AUDIT CENTER. THE RLA
22 WILL CONTINUE UNTIL THE RISK LIMIT FOR THE AUDITED CONTESTS IS MET OR
23 UNTIL A FULL HAND COUNT RESULTS. IF THE COUNTY AUDIT REPORTS REFLECT
24 THAT THE RISK LIMIT HAS NOT BEEN SATISFIED IN AN AUDITED CONTEST, THE
25 SECRETARY OF STATE WILL RANDOMLY SELECT ADDITIONAL BALLOTS FOR
26 AUDIT.

27 25.2.4 FOR THE 2017 COORDINATED ELECTION, THE SECRETARY OF STATE MAY, BY ORDER,
28 ALTER ANY OF THE REQUIREMENTS OUTLINED IN RULE 25.2.

29 *Current Rule 11.3.3 is amended and recodified as New Rule 25.3 as follows:*

30 ~~11.3.3~~ 25.3 ~~Post-Election~~ RANDOM Audit. ~~The~~ IF THE SECRETARY OF STATE WAIVES THE
31 REQUIREMENT TO CONDUCT AN RLA UNDER SECTION 1-7-515(2)(B), C.R.S., THE designated
32 election official must conduct the ~~post-election~~ RANDOM audit mandated by sections 1-7-
33 509(1)(b) and 1-7-514, C.R.S., in accordance with this rule.

34 ~~(a)~~ 25.3.1 Selected voting devices

35 ~~(1)~~-(A) No later than 48 hours after the close of polls on election night, the Secretary of
36 State must notify the designated election official of the voting devices randomly
37 selected for audit, based on the submitted hardware inventory list referred to in
38 Rule 11.2.

39 ~~(2)~~-(B) The Secretary of State will randomly select, from the voting devices used in the
40 election, at least five percent of the central count ballot scanners; at least one
41 ballot scanner used at a polling location; and five percent of DREs.

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

6 ~~(e)~~-25.3.3 Number of ballots to audit

7 ~~(1)~~(A) Paper ballots tabulated on ballot scanners. The board must audit at least 500
8 ballots or 20 percent of the ballots tabulated on each selected ballot scanner,
9 whichever is less. The board may audit more than the minimum number of
10 ballots required.

11 ~~(2)~~(B) Electronic ballots tabulated on DREs. The board must audit all ballots tabulated
12 on the selected DREs.

13 ~~(d)~~-25.3.4 Conducting the audit

14 ~~(1)~~(A) Paper ballots tabulated on ballot scanners

15 ~~(A)~~(1) If the voting system is capable of generating batch-level tabulation
16 reports for a selected ballot scanner, the board must randomly select a
17 number of ballot batches tabulated on the ballot scanner that, in the
18 aggregate, contain the minimum number of ballots to be audited. The
19 board must manually verify that the votes on the ballots contained in
20 each randomly selected batch match the voting system’s tabulation of
21 votes for that batch.

22 ~~(B)~~(2) If the voting system is not capable of generating batch-level tabulation
23 reports for a selected ballot scanner, the board can choose to audit all of
24 the ballots that were tabulated on the selected scanner, or randomly select
25 and rescan the minimum number of ballots to be audited. If the board
26 chooses to rescan the minimum number of ballots, the board also must:

27 ~~(i)~~(A) Reset the selected ballot scanner’s results to zero and generate a
28 zero report;

29 ~~(ii)~~(B) Rescan the randomly selected ballots for audit and generate a
30 tabulation report from the selected ballot scanner; and

31 ~~(iii)~~(C) Manually verify that the votes on the randomly selected ballots
32 match the tabulation report for those ballots generated from the
33 selected ballot scanner.

34 ~~(2)~~(B) Ballots tabulated on DREs. The board must examine the VVPAT record of each
35 selected DRE and manually verify that the votes reflected on the VVPAT match
36 the tabulation report.

37 ~~(e)~~-25.3.5 If the board discovers discrepancies during the audit, the board must:

1 ~~(1)~~(A) Confirm that the manual count of the votes contained in the audited ballots is
2 correct;

3 ~~(2)~~(B) Confirm that the manual count of the votes contained in the audited ballots
4 properly reflects overvotes, stray marks on the ballot, and other indications of
5 voter intent;

6 ~~(3)~~(C) Determine whether any discrepancy is attributable to a damaged ballot; and

7 ~~(4)~~(D) Take any other action necessary in accordance with the canvass board's powers
8 as described in Part 1, Article 10 of Title 1, C.R.S.

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

12 ~~(1)~~(A) The make, model, and serial number of the voting devices audited;

13 ~~(2)~~(B) The number of ballots originally counted on each device or the number of ballots
14 audited;

15 ~~(3)~~(C) The count of the specific ~~faces~~ CONTESTS on the summary report printed at the
16 close of polls ~~OR~~ AND the report generated for the audit;

17 ~~(4)~~(D) The count of the specific ~~faces~~ CONTESTS as manually verified;

18 ~~(5)~~(E) Any other information required by section 1-7-514, C.R.S.; and

19 ~~(6)~~(F) The signatures of the audit board, the canvass board members who observed the
20 audit, and the designated election official.

21 ~~(g)~~25.3.7 The designated election official must segregate and seal the materials used during
22 the post-election audit, including all tabulation reports, the audited ballots, and the audit
23 report.