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Date: May 24, 2013

To: Secretary Gessler

From: El Paso County Elections

Re: Comments on Rules Concerning Recount

After reviewing the working draft of proposed rules on recount, El Paso County respectfully submits the following comments.

14.3.2 (D) – It isn't clear if the County Clerk is only required to submit a cost estimate to the Secretary of State when the requesting party is requesting a recount of a statewide or federal race or if this is also required when the requesting party is requesting a recount on a local race.

14.5.3 – This is the only place in Rule 14 as well as in Article 10.5 of Title 1 that the term "recount board" is used. C.R.S. § 1-10.5-107 is very clear that the canvass board conducts the recount and makes no mention of a recount board. If a recount board is to be formed, it seems as if additional information is required so the DEO understands who makes up this board.

14.7.4 (B) – It isn't clear what a "precinct count" is as mentioned in this section.

14.7.4 (C) – The term "precinct ballots" used in this section, isn't clear. All ballot types include the precinct number on them.