

# Comments for Working Draft of Proposed Election Rules

*Submitted by Mesa County Clerk and Recorder's Office*

June 3, 2014

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## **Proposed Rule 20.11.2 (c)**

“At no time may an election official simultaneously access a VVPAT and the list of voters. AT LEAST TWO ELECTION JUDGES MUST EXAMINE THE VVPAT record.”

We suggest changing “**election judges**” to “**election workers**” to stay consistent with the most recent rule codification.

We suggest returning to the former wording, “**Examination of the VVPAT record must be performed by at least two election officials**”. The restructuring of the second sentence reads as if two election workers **must** examine the record rather than there should be **two**, not one, election worker examining the record.

## **Proposed Rule 20.11.2 (d)**

”THE COUNTY MUST ARRANGE VOTER SERVICE AND POLLING CENTER DRES IN A MANNER THAT PREVENTS ELECTION JUDGES AND OTHER VOTERS FROM OBSERVING HOW A DRE VOTERS CASTS HER OR HER BALLOT.”

We suggest changing “**election judges**” to “**election workers**” to stay consistent with the most recent rule codification.

## **Proposed Rule 20.17.2**

“THE COUNTY MUST USE ITS ELECTION MANAGEMENT SYSTEM AS DEFNIED IN RULE 21.1.9 OR OTHER EXTERNAL SOLUTION FOR THE ABSTRACT OF VOTES CAST SENT TO THE SECRETARY OF STATE UNDER SECTION 1-10-103(1)”

We suggest better clarification of the issue the proposed rule is trying to solve.

**Proposed Rule 20.17.3 (a)(1)**

“THE DATE, TIME AND USER NAME FOR EACH INSTANCE THAT A USER ENTERS OR EXITS THE SYSTEM OR THE SYSTEM’S REPORT PRINTING FUNCTIONS; AND”

We suggest “**user name**” be changed to “**user name / name**” in order that written logs do not require a key to understand who logged on as the username may not be the individual’s name.

**Proposed Rule 20.17.3 (a)(1) – CONTINUED**

We suggest “Or exits” be stricken from the proposed rule as all activity is already logged in the Election Management system in addition to being video recorded and being logged as to date, time and reason for entering the system by a very small number of authorized individuals, this is an unnecessary burden on the counties during a very busy night.

**Proposed Rule 20.17.5 (c)**

“THE COUNTY MUST MAINTAIN LOGS INDICATING ADMINISTRATOR FUNCTION USE.”

We suggest striking this proposed rule as all functions by administrator or voter are logged by the DRE’s VVPAT paper and the DRE’S internal audit system that generates a report by DRE serial number, including date, time and action. A third log is an unnecessary burden on the election workers.

**Proposed Rule 20.18.1**

“IF THE COUNTY MUST PROVIDE LANGUAGE MINORITY ASSISTANCE UNDER SECTION 203 OF THE VOTING RIGHTS ACT (42.U.S.C. 1973 TO 1973BB-1), IT MAY NOT USE AN ES&S VOTING SYSTEM.”

We suggest that the Secretary of State’s office, allow Election System and Software to re-certify for alternative language requirements as they were not given the opportunity by the Testing Board during the Certification event.

### **Proposed Rule 20.18.3**

“FOR OPTICAL SCANNERS WITH ZIP DISK DRIVE, THE COUNTY MUST SAVE THE CAST VOTE RECORDS FOR EACH BATCH OF TABULATED BALLOTS TO ZIP DISK BEFORE SCANNING THE NEXT BATCH.”

The Condition of Use rule states the following: “Batches must be saved to zip disk. Save must take place after each batch.”

### **Proposed Rule 20.18.3 CONTINUED**

The first Condition of Use sentence requires that the batches (not each individual separate batch) need to be saved to a zip disk.

The second Condition of Use sentence requires that **the M650s save button** to be pressed after each individual batch. After the save button is pressed, the M650 will record on the continuous paper log how many ballots were saved and how many ballots were sorted. The result totals for each small batch are saved internally, to be saved on a zip disk when the transfer case of batches is completed.

We suggest the proposed rule not combine the two distinct actions as the M650 system and election good practices currently rely on for accurate tabulation.