



## Notice of Permanent Adoption

### Colorado Department of State Elections Rules 8 CCR 1505-1

September 22, 2023

#### I. Adopted Rule Amendments

As authorized by Colorado Elections Law<sup>1</sup> and the State Administrative Procedure Act<sup>2</sup>, the Colorado Department of State gives notice that the following amendments to the Elections Rules<sup>3</sup> are adopted on a permanent basis.

The rules were considered at the August 3, 2023, rulemaking hearing in accordance with the State Administrative Procedure Act<sup>4</sup>.

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
<del>Strikethrough</del>	Deletions
<i>[Italic blue font text]</i>	Annotations and publication notes

*Amendments to 8 CCR 1505-1 follow:*

*Amendments to Rule 1:*

*Amendments to Rule 1.1.4 removing language for outdated technology:*

- 1.1.4 “Ballot image” means a digitally captured image of a paper ballot ~~or a representation in electronic form of the marks or vote positions of a cast ballot on a DRE.~~

*Amendments to Rule 1.1.5 fixing a grammatical issue for consistency:*

- 1.1.5 “Ballot marking device” OR “(BMD)” means a device that may integrate components such as a ballot scanner, printer, touch-screen monitor, audio output, and a navigational keypad and uses electronic technology to:

*[Not shown: no changes to sections (a) through (d).]*

<sup>1</sup> Sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2023).

<sup>2</sup> Section 24-4-103, C.R.S. (2023).

<sup>3</sup> 8 CCR 1505-1.

<sup>4</sup> Section 24-4-103(3)(a), C.R.S. (2023).

*Amendments to Rule 1.1.42 clarifying the candidate that must be placed on a ballot for an organization to be considered a “qualified political organization”:*

- 1.1.42 “Qualified political organization” means an organization that has placed a PARTISAN candidate, CERTIFIED TO THE BALLOT BY THE SECRETARY OF STATE, for congressional or state office on the ballot in a congressional vacancy or general election, whose officers have filed proof of organization with the Secretary of State, and that continues to meet the requirements of Rules 3.3 and 3.4.

*Amendments to Rule 1.1.62 fixing a grammatical issue for consistency:*

- 1.1.62 “Voting system” as defined in section 1-1-104(50.8), C.R.S., means:

*[Not shown: no changes to sections (a) and (b).]*

- (c) “Voting system” does not include any other component of election administration, such as voter registration applications or systems, electronic pollbooks, ballot delivery and retrieval systems, signature verification and envelope sorting devices, ~~ballot on demand~~ BALLOT-ON-DEMAND printers, election night reporting and other election reporting systems, and other components used throughout the election process that do not capture and tabulate votes.

*Amendments to Rule 1.1.63 fixing a grammatical issue for consistency:*

- 1.1.63 “Voting system test laboratory” OR “(VSTL)” means a federally accredited entity that conducts certification testing for voting systems.

*Repeal of Rule 1.1.64 to recodify sections (a) through (c) into Rule 8.1:*

- ~~1.1.64 “Watcher” has the same meaning as in section 1-1-104(51), C.R.S.~~

- ~~(a) Watchers may be appointed for a recall election by each qualified successor candidate, the proponents and opponents of the recall ballot question, and each participating political party for a partisan recall election.~~
- ~~(b) For the purpose of appointing a watcher, the proponent or opponent of a ballot measure means a registered issue committee supporting or opposing the ballot measure.~~
- ~~(c) A designated watcher need not be a resident of the county he or she is designated in as long as he or she is an eligible elector in the State of Colorado.~~

*[Not shown: current Rules 1.1.65 through 1.1.67 are renumbered to Rules 1.1.64 to 1.1.66.]*

*Amendments to Rule 2:*

*Amendments to Rule 2.1.2 updating a reference to a form no longer in use:*

- 2.1.2 If any portion of a ~~mail application~~ VOTER REGISTRATION FORM is illegible, the county clerk must notify the applicant of the additional information required in accordance with section 1-2-509, C.R.S.

*Amendments to Rule 2.5.3 removing outdated language:*

- 2.5.3 If an elector submits a change to ~~his or her~~ THEIR voter registration record and leaves the affiliation or ballot preference section blank, the county clerk may not change the voter's existing affiliation or ballot preference in the registration record.

*New Rule 2.5.5 concerning changes to a covered voter's status as a covered voter:*

- 2.5.5 A COVERED VOTER, AS DEFINED IN SECTION 1-8.3-102(2), C.R.S., WHO PROVIDES AN ADDRESS CHANGE TO THE DEPARTMENT OF REVENUE, WHICH INDICATES THE VOTER IS NO LONGER OVERSEAS OR SERVING IN THE MILITARY OUT OF STATE, MAY NOT HAVE THEIR STATUS AS A COVERED VOTER REMOVED DUE TO THE CHANGE. THE CLERK MUST INSTEAD SEND A NOTIFICATION VIA MAIL AND EMAIL, IF AVAILABLE, TO THE ELECTOR NOTIFYING THEM THAT A CHANGE OF ADDRESS WAS RECEIVED AND ASKING THE VOTER TO CONFIRM THAT THEY ARE NO LONGER A COVERED VOTER. IF NO RESPONSE IS RECEIVED, THE CLERK MAY NOT REMOVE THE ELECTOR'S COVERED VOTER STATUS.

*Repeal of Rule 2.8 which is duplicative of section 1-2-102, C.R.S.:*

~~2.8 Registration of homeless electors~~

- ~~2.8.1 For the purpose of voter registration residence, a homeless elector must identify a specific location that the applicant considers his or her home base in accordance with section 1-2-102(1)(a)(II), C.R.S.~~

- ~~2.8.2 For an elector whose home is in foreclosure, the elector may register to vote or remain registered to vote at the foreclosed address until the elector establishes a new permanent residence.~~

- ~~2.8.3 A post office box or general delivery at a post office is not a home base.~~

*Amendments to current Rule 2.9, renumbered to Rule 2.8, to clarify the residential address that can be used by covered voters:*

~~2.9~~2.8 Registered electors absent from the state

- ~~2.9~~2.8.1 A registered elector who is absent from the state but who maintains Colorado residency is eligible to be registered and to vote without holding a property interest in a fixed habitation in the state.

- ~~2.9~~2.8.2 An absent elector's voter registration address is the elector's last residence address or the address AN ELECTOR PREVIOUSLY RESIDED AT THAT the elector intends to return to in the state. A COVERED VOTER, AS DEFINED IN SECTION 1-8.3-102(2), C.R.S., WHO IS ABSENT AND HAS NEVER RESIDED IN THE UNITED STATES MAY USE THE RESIDENCE ADDRESS OF THEIR PARENT, LEGAL GUARDIAN, SPOUSE, OR CIVIL UNION PARTNER AS REQUIRED BY SECTION 1-8.3-102(2)(D), C.R.S.

*Current Rule 2.10 is repealed because it is contradictory to statute, which requires convicted felons to have their voter registration records cancelled in accordance with sections 1-2-302(3.5)(b) and 1-2-606, C.R.S.:*

- ~~2.10 A county clerk may cancel a registration record based upon information from a local law enforcement agency only if:~~

- ~~2.10.1 The information states that the individual is currently serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction; and~~

- ~~2.10.2 Minimum matching criteria outlined in Rule 2.7 are met.~~

*[Not shown: current Rule 2.11 is renumbered to Rule 2.9.]*

*Repeal of current Rule 2.12.3 concerning information provided by the Department of State to state parties prior to caucus:*

2.122.10 Voter registration confidentiality

*[Not shown: current Rules 2.12.1 and 2.12.2 renumbered to Rules 2.10.1 and 2.10.2.]*

*Repeal of Rule 2.12.3:*

~~2.12.3 Before precinct caucuses, the Secretary of State will provide to each major state political party a list of confidential voters, which includes only the information necessary to determine eligibility. The list will only be provided if the major party agrees in writing to limit and protect that data in accordance with Secretary of State requirements. This rule does not apply to records held confidential as part of the Address Confidentiality Program.~~

*[Not shown: current Rule 2.12.4 is renumbered to Rule 2.10.3.]*

*Amendments to current Rule 2.13, including necessary renumbering and concerning a technical change, regarding the update of a change of address and stylistic change:*

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

~~2.13.12.11.1~~ The Secretary of State's OFFICE will provide monthly National Change of Address (NCOA) data under section 1-2-302.5, C.R.S., to the county clerk by the fifth business day of each month UNLESS THE SECRETARY OF STATE'S OFFICE DOES NOT RECEIVE THE LIST IN TIME TO TRANSMIT IT BY THE FIFTH BUSINESS DAY. IF THE SECRETARY OF STATE'S OFFICE DOES NOT RECEIVE THE LIST IN TIME TO TRANSMIT IT BY THE FIFTH BUSINESS DAY, IT WILL BE TRANSMITTED AS SOON AS PRACTICABLE.

*[Not shown: current Rules 2.13.2 through 2.13.5 are renumbered to Rules 2.11.2 through 2.11.5.]*

*Amendments to current Rule 2.14, including necessary renumbering, clarifying that a state employee in this context is from the Secretary of State's office:*

2.142.12 Voter registration at a voter service and polling center. A person registering voters or updating voter registration information in a voter service and polling center must:

~~2.14.12.12.1~~ Be an election judge, a permanent or temporary county employee, state employee OF THE DEPARTMENT OF STATE, or temporary staff hired by the county clerk; and

*[Not shown: current Rule 2.14.2 is renumbered to Rule 2.12.2.]*

*Amendments to current Rule 2.15 including necessary renumbering and removing language of outdated practices regarding the charge of a fee for county voter information reports and related services:*

2.152.13 Voter registration records and data

*[Not shown: current Rules 2.15.1 and 2.15.2 are renumbered to Rules 2.13.1 and 2.13.2.]*

~~2.15.32.13.3~~ The county clerk of each county may charge fees for county voter information reports and related services, such as label printing provided by the centralized statewide registration system. But in accordance with federal requirements governing the use of federal funds, fees must not exceed county direct and indirect costs for providing such reports and services.

*[Not shown: current Rules 2.15.4 through 2.15.7 are renumbered to Rules 2.13.4 and 2.13.7.]*

*Repeal of Rule 2.16 removing references to ballot preference due to the passage of SB23-276:*

~~2.16 — If an unaffiliated elector indicates a political party ballot preference at any time up to and including the twenty-second day before a primary election, the county clerk must record the selection in SCORE and mail only the ballot of that political party to the elector in the upcoming primary election. An elector's political party ballot preference is only effective for a single primary election even if there is more than one primary election in a single year.~~

*[Not shown: current Rules 2.17 and 2.18 are renumbered to Rules 2.14 and 2.15.]*

*Amendments to Rule 3:*

*Repeal of Rules 3.8 and 3.9 concerning outdated language that separates the treatment of qualified political organizations from minor parties:*

~~3.8 — Except for the precinct caucus list furnished to major political parties, a qualified political organization may obtain print outs, lists, and tapes, of voter registration records at the same rate as political parties.~~

~~3.9 — A voter registration summary report must include major political parties, minor political parties, qualified political organizations, and unaffiliated categories.~~

*Amendments to Rule 4:*

*Amendments to Rule 4.1.2 concerning intergovernmental agreements regarding ballot contest length and format:*

4.1.2 A coordinating political subdivision must enter into an intergovernmental agreement with the county clerk that delineates which tasks are the responsibility of the designated election official of the political subdivision and which are the responsibility of the county clerk.

*[Not shown: no changes to sections (a) and (b).]*

(C) THE INTERGOVERNMENTAL AGREEMENT MAY ALSO ADDRESS LIMITATIONS ON, OR REQUIREMENTS FOR, BALLOT CONTEST LENGTH AND FORMATTING OR ANY OTHER LAWFUL TOPIC.

*Amendments to Rule 4.5.1(b) removing outdated language concerning the text limit on a ballot:*

4.5.1 Each political subdivision must prepare the list of candidates and the ballot title and text for ballot issues and ballot questions, as required by law.

*[Not shown: no changes to section (a).]*

(b) Political subdivisions may only require the coordinated election official to print the entire text of a ballot issue or ballot question on the ballot if the political subdivision pays for any additional cost associated with printing and if sufficient space is on the voting equipment to print the entire text given the other issues, questions, and candidates on the ballot. The coordinated election official must tell the political subdivision how much space is available for text for each position on the ballot. If the required ballot title and text is too long for the voting equipment, the coordinated election official may choose to conduct the election with a different form of ballot.

*Amendments to Rule 5:*

*Repeal of Rule 5.3 concerning an outdated practice:*

~~5.3 — If a political subdivision coordinates with the county clerk, the designated election official is not required to submit a separate election plan for the election.~~

*[Not shown: current Rules 5.4 through 5.6 renumbered to Rules 5.3 through 5.5.]*

*Amendments to Rule 6:*

*Amendments to Rule 6.1 clarifying the appointment process of election judges between county clerks and political parties:*

6.1 Appointment of election judges under section 1-6-104, C.R.S.

6.1.1 EXCEPT FOR A STATE PRIMARY ELECTION, ~~T~~The county clerk must request an updated list of election judges from each major party before each election the clerk conducts under the Uniform Election Code. EACH PARTY MUST PROVIDE THAT LIST TO THE COUNTY CLERK NO LATER THAN 90 DAYS BEFORE ELECTION DAY. FOR THE STATE PRIMARY ELECTION, EACH PARTY MUST PROVIDE A LIST OF ELECTION JUDGES NO LATER THAN THE LAST TUESDAY OF APRIL PRECEDING THE ELECTION, AS REQUIRED BY SECTION 1-6-103, C.R.S.

6.1.2 ~~The county clerk must reasonably attempt to exhaust the updated list provided by the major parties before supplementing with additional major party judges or minor party or unaffiliated judges. When the county clerk is filling election judge vacancies under section 1-6-113 (1), C.R.S., the clerk may choose from any of the available lists.~~ NO LATER THAN THE FRIDAY BEFORE PRECINCT CAUCUSES, THE CLERK MUST PROVIDE EACH MAJOR PARTY WITH AN ESTIMATE OF THE NUMBER OF JUDGES NEEDED FOR EACH POSITION AND THE GENERAL TIME COMMITMENT REQUIRED FOR EACH POSITION FOR THE UPCOMING PRIMARY, GENERAL, AND ODD-YEAR COORDINATED ELECTION. THE CLERK MAY UPDATE THIS ESTIMATE FOR EACH MAJOR PARTY PRIOR TO AN ELECTION.

6.1.3 EXCEPT FOR A STATE PRIMARY ELECTION, THE COUNTY CLERK MUST REASONABLY ATTEMPT TO EXHAUST THE PRECINCT CAUCUS AND UPDATED LIST PROVIDED BY THE MAJOR PARTIES BY THE 90<sup>TH</sup> DAY BEFORE AN ELECTION. If, BY THE 90<sup>TH</sup> DAY BEFORE AN ELECTION, a major political party fails to provide ~~an adequate~~ A SUFFICIENT list of election judges WHO ARE AVAILABLE FOR THE COUNTY TO STAFF ALL OF THE ELECTION JUDGE POSITIONS, DATES, AND TIMES NEEDED BY THE COUNTY FOR THAT ELECTION ~~by the 60<sup>th</sup> day before election day~~, the county clerk may ~~consider a supplemental list from a major political party.~~ APPOINT ADDITIONAL MAJOR PARTY, MINOR PARTY, OR UNAFFILIATED JUDGES TO FILL ANY REMAINING POSITIONS. FOR A STATE PRIMARY ELECTION, THE COUNTY CLERK MAY APPOINT ADDITIONAL MAJOR PARTY, MINOR PARTY, OR UNAFFILIATED JUDGES AFTER REASONABLY ATTEMPTING TO EXHAUST THE PRECINCT CAUCUS LIST AND LIST OF ELECTION JUDGES PROVIDED IN ACCORDANCE WITH SECTION 1-6-103, C.R.S.

6.1.4 WHEN THE COUNTY CLERK IS FILLING ELECTION JUDGE VACANCIES UNDER SECTION 1-6-113(1), C.R.S., THE CLERK MAY CHOOSE FROM ANY OF THE AVAILABLE MAJOR PARTY, MINOR PARTY, OR UNAFFILIATED JUDGES.

~~6.1.46.1.5~~ 6.1.5 The county clerk must provide a list of election judges, including political party affiliations and assignments, if known, to each appointing party no later than 35 days before election day. Upon request by an appointing party, the clerk must provide a supplemental list no later than seven days before the date on which the county will open its first ~~V~~voter ~~S~~Service and ~~P~~Polling ~~C~~Center.

~~6.1.56.1.6~~ 6.1.6 The county clerk may not ask an election judge or county staff member to change his or her party affiliation to achieve the bipartisan balance required under section 1-6-109, C.R.S.

*Amendments to Rule 6.2 concerning the assignment of election judges and including a stylistic change:*

6.2 Assignment of Election Judges

*[Not shown: no changes to Rule 6.2.1.]*

*New Rule 6.2.2 requiring a county clerk to review any data available from an election judge's previous election's signature verification work before assigning that election judge to perform signature verification:*

6.2.2 PRIOR TO ASSIGNING AN ELECTION JUDGE TO PERFORM SIGNATURE VERIFICATION, THE COUNTY CLERK MUST REVIEW ANY DATA AVAILABLE FROM THAT JUDGE'S SIGNATURE VERIFICATION WORK IN A PREVIOUS ELECTION IN THE SAME COUNTY. IF THE JUDGE HAD AN UNEXPLAINED, IRREGULAR ACCEPTANCE OR REJECTION RATE THE CLERK MAY NOT ASSIGN THAT JUDGE TO CONDUCT SIGNATURE VERIFICATION.

*[Not shown: current Rule 6.2.2 renumbered to Rule 6.2.3.]*

*Amendments to Rule 6.7 clarifying that supervisor judge training content is only valid for one year and requires yearly re-approval:*

6.7 A supervisor judge in a voter service and polling center must complete a training course conducted by the county clerk. The Secretary of State must provide or approve the training content. TRAINING CONTENT WHICH IS APPROVED BY THE SECRETARY OF STATE IS ONLY VALID FOR THE CALENDAR YEAR IN WHICH IT IS APPROVED. A SUPERVISOR TRAINING APPROVED IN THE CALENDAR YEAR BEFORE A PRESIDENTIAL PRIMARY IS VALID FOR THE PRESIDENTIAL PRIMARY.

*Amendments to Rule 6.8 specifying that signature verification judge training must be successfully completed prior to each election and from the Department:*

6.8 A signature verification judge must SUCCESSFULLY complete a training course conducted by the county clerk PRIOR TO EACH ELECTION ~~at least once per election cycle~~. The county clerk must use the Secretary of State's provided training AND MAY PROVIDE ADDITIONAL ~~or provide their own~~ training. If the county clerk provides their own training, it must be approved by the Secretary of State EACH YEAR before its first use. A SIGNATURE VERIFICATION TRAINING APPROVED IN THE CALENDAR YEAR BEFORE A PRESIDENTIAL PRIMARY IS VALID FOR THE PRESIDENTIAL PRIMARY.

*Amendments to Rule 7:*

*Amendments to Rule 7.2 concerning ballots and ballot packets:*

7.2 Ballots and ballot packets

*[Not shown: no change to Rules 7.2.1 through 7.2.3.]*

*Amendments to Rule 7.2.4 removing language regarding primary ballots which have been printed before a primary election and other technical changes.*

7.2.4 Voiding ballots due to timely changes in address or affiliation.

(a) If an elector timely changes ~~his or her~~ THEIR 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)(B)~~ If the county mails its own ballots, the county clerk must remove all voided ballots before mailing.

~~(B)(C)~~ 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~~ AFFILIATED WITH A POLITICAL PARTY, the county ~~must~~ MAY ONLY count the ballot issued for the elector’s new party affiliation.

*[Not shown: no change to Rule 7.2.5.]*

*Repeal of Rule 7.2.6 regarding an optional statement that could be included on an envelope but is not required by law:*

~~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 county clerk includes this statement on their return envelopes they must include an explanation in their voter instructions that the voter is not required to fill this statement out to return their ballot. 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.~~

*[Not shown: current Rules 7.2.7 through 7.2.9 are renumbered to Rules 7.2.6 through 7.2.8.]*

*Amendments to current Rule 7.2.10 including necessary renumbering and concerning the update of an outdated process due to the passage of SB23-276:*

~~7.2.107.2.9~~ An unaffiliated voter who wants to receive the mail ballot of a participating minor political party in the mail must ~~declare a mail ballot preference for that party in accordance with section 1-2-204(2)(j.5), C.R.S.~~ REQUEST A REPLACEMENT MAIL BALLOT OR IN-PERSON BALLOT OF THAT MINOR POLITICAL PARTY.

*Repeal of Rule 7.2.11 due to elimination of ballot preference with the passage of SB23-276:*

~~7.2.11 — If an unaffiliated voter selects a mail ballot preference for a major or minor political party that is not participating or that prohibits unaffiliated voters from voting in its primary election, the county clerk must send the voter the mail ballot packet described in Rule 7.2.9. The packet must include a notice explaining why the voter is receiving the packet or provide an alternative method for the voter to obtain this information.~~

*Amendments to current Rule 7.2.12 including necessary renumbering and a stylistic change:*

~~7.2.127.2.10~~ A voter affiliated with a ~~Q~~Qualified ~~P~~Political ~~O~~Organization is considered an unaffiliated voter for the purposes of ~~this~~ Rule 7.2.

*[Not shown: current Rules 7.2.13 and 7.2.14 are renumbered to Rules 7.2.11 and 7.2.12.]*

*Amendments to current Rule 7.2.15 including necessary renumbering and removing outdated language due to the passage of SB23-276:*



~~7.2.157.2.13~~ Each mail ballot return envelope and mail ballot instruction for an unaffiliated voter ~~who has not declared a preference in a primary election~~ must include a statement instructing the voter to return only one ballot.

*Amendments to current Rule 7.2.16 including necessary renumbering, removing of outdated practices due to the passage of SB23-276, and permitting unaffiliated voters to receive a minor party ballot in a primary, if allowed by the minor party:*

~~7.2.167.2.14~~ The county clerk must issue a replacement mail ballot packet THAT CONTAINS BALLOTS OF ALL PARTICIPATING MAJOR POLITICAL PARTIES to an unaffiliated elector WHO REQUIRES OR IS ELIGIBLE FOR A REPLACEMENT BALLOT. IF AN UNAFFILIATED VOTER REQUESTS A BALLOT FOR A MINOR POLITICAL PARTY THAT IS PARTICIPATING IN THE PRIMARY ELECTION AND ALLOWS UNAFFILIATED VOTERS TO VOTE, THE UNAFFILIATED ELECTOR MUST BE ISSUED A REPLACEMENT BALLOT WITH ONLY THAT PARTY'S BALLOT INCLUDED. ~~in a primary election as follows:~~

- ~~(a) If the elector has not declared a mail ballot preference, the county clerk must issue a packet containing the ballots of all participating major political parties.~~
- ~~(b) If the Elector has timely declared a mail ballot preference, the county clerk must issue the elector's preferred political party's ballot; or upon the elector's request, a packet containing the ballots of all participating major political parties.~~

*[Not shown: current Rule 7.2.17 renumbered to Rule 7.2.15.]*

*New Rule 7.2.16 concerning the mailing of a property-owner ballot when coordinating a mail ballot election with a special district:*

7.2.16 A COUNTY COORDINATING A MAIL BALLOT ELECTION WITH A SPECIAL DISTRICT IN WHICH PROPERTY OWNERS ARE ELIGIBLE TO VOTE UNDER SECTION 32-1-103(5)(A)(II), C.R.S., MUST AUTOMATICALLY MAIL PROPERTY OWNER BALLOTS TO ACTIVE, REGISTERED VOTERS WHO ARE CERTIFIED AS ELIGIBLE BY THE DISTRICT'S DESIGNATED ELECTION OFFICIAL.

*Amendments to Rule 7.4.1 updating the retention of the surveillance records at drop box locations:*

7.4.1 The county clerk must adequately light all drop box locations and use a video security surveillance recording system as defined in Rule 1.1.61 to monitor each location.

*[Not shown: no changes to section (a) through (d).]*

- (e) Video security surveillance must be retained by the county clerk ~~through 60 days following the deadline to certify the election, or until the conclusion of any election contest, whichever is later; except that if the county clerk knows or reasonably should know that there is a potential violation of law where the surveillance could be used as evidence, it must be retained through the applicable statute of limitations or the conclusion of any judicial proceeding related to the election, whichever is later~~ AS AN ELECTION RECORD.

*Amendments to Rule 7.4.5 repealing language duplicative to statute and introducing language regarding pickup schedules of drop boxes in response to SB23-276:*

7.4.5 The county clerk must arrange for the collection of ballots by bipartisan teams, of election judges and/or staff, from each drop box location once it is open and receive the ballots into SCORE.

- ~~(a) If applicable, at least once every 72 hours after non-UOCAVA ballots are mailed until the date that voter service and polling centers must open;~~
- ~~(b) If applicable, at least once every 24 hours during the days that voter service and polling centers must be open; and~~
- ~~(c)(A) FOR COUNTIES WITH LESS THAN 250,000 ACTIVE ELECTORS AS OF THE PREVIOUS GENERAL ELECTION, AT At least twice on election day, at approximately 1:00 p.m. and 7:00 p.m.~~
- ~~(d)(B) 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; or~~
  - ~~(2) Collecting and transporting the ballots to the nearest voter service and polling center for receipt into SCORE. FOLLOWING THE REQUIREMENTS OF SECTION 1-7.5-107(4.3)(C)(II), C.R.S.~~~~

*Repeal of Rule 7.4.6 due to the passage of SB23-276 which mandates that all drop boxes in Colorado must have ballots picked up on a specific schedule:*

~~7.4.6 The county clerk may request a waiver from the Secretary of State for remote drop box locations in the county's election plan or amended election plan, exempting them from the ballot collection requirements in Rule 7.5.5. If the Secretary of State grants the waiver:~~

- ~~(a) The county clerk must arrange for the collection of ballots by bipartisan teams of election judges from all exempt drop box locations once they are open as often as necessary, but at least:
 
  - ~~(1) Once each week after the initial mailing of non-UOCAVA ballots until the Friday before election day; and~~
  - ~~(2) On the Friday and Monday before election day and on election day at 7:00 p.m. MT.~~~~
- ~~(b) The county clerk must post a notice on each exempt drop box of the dates and approximate times ballots will be collected.~~
- ~~(c) If the Secretary of State determines that the county failed to collect ballots from a remote drop box location as often as necessary, the Secretary of State may revoke or modify the waiver.~~

*[Not shown: current Rules 7.4.7 through 7.4.10 are renumbered to Rules 7.4.6 through 7.4.9.]*

*Repeal and replacement of current Rule 7.4.11 for clarity, including necessary renumbering and concerning intercounty transfer process of ballots if an elector delivers a ballot to a county in which they do not reside:*

~~7.4.117.4.10 If an elector delivers a ballot to the wrong county, that county must date stamp the ballot envelope and timely forward it to the correct county. Beginning the Monday before election day, the county must notify the correct county of receipt by secure electronic transmission with a scanned image of the outside of the mail ballot envelope including the signature, and forward it to the correct county no later than the next business day. A county that physically delivers ballots to another county no later than the next business day, or immediately transmits them by next-day delivery, is not required to scan the envelope. The correct county must treat the ballot as received as of the date and time of the date stamp.~~

~~The county receiving the image may perform signature verification upon receipt of the image.~~ INTERCOUNTY TRANSFER OF BALLOTS

- (A) IF AN ELECTOR DELIVERS A STATEWIDE OR MAIL BALLOT TO THE COUNTY IN WHICH THEY DO NOT RESIDE, THE COUNTY WHO INITIALLY RECEIVED THE BALLOT MUST TAKE THE FOLLOWING ACTIONS:
  - (1) IF RECEIVED BEFORE 7:00 P.M. ON ELECTION DAY, DATE STAMP THE BALLOT ENVELOPE WITH A STAMP THAT IDENTIFIES THAT THE BALLOT WAS RECEIVED BEFORE 7:00 P.M. ON ELECTION DAY, AND NOTING THE COUNTY WHERE THE BALLOT WAS RECEIVED;
  - (2) FORWARD THE BALLOT TO THE CORRECT COUNTY;
    - (A) ON AND AFTER ELECTION DAY, THE BALLOT MUST BE PHYSICALLY DELIVERED, SENT BY NEXT-DAY DELIVERY IF AVAILABLE, OR SENT BY FIRST CLASS MAIL IF NEXT-DAY DELIVERY IS NOT AVAILABLE TO THE CORRECT COUNTY.
    - (B) BALLOTS MUST BE PHYSICALLY DELIVERED OR MAILED NO LATER THAN TWO DAYS AFTER ELECTION DAY.
    - (C) BALLOTS THAT ARE MAILED MUST BE SENT TO THE MAILING ADDRESS PROVIDED BY THE RECEIVING COUNTY CLERK.
  - (3) IF THE BALLOT WILL BE MAILED, NOTIFY THE COUNTY WHERE THE BALLOT WILL BE SENT VIA EMAIL WHEN THE BALLOT HAS BEEN PLACED IN THE MAIL, THE BALLOT TRACKING NUMBER, AND THE METHOD OF DELIVERY FOR THE BALLOT; AND
  - (4) BEGINNING THE DAY BEFORE ELECTION DAY, SEND, BY SECURE ELECTRONIC TRANSMISSION, A SCANNED IMAGE OF THE OUTSIDE OF THE MAIL BALLOT ENVELOPE, INCLUDING THE SIGNATURE, TO THE COUNTY WHERE THE BALLOT WILL BE SENT. A COUNTY THAT PHYSICALLY DELIVERS BALLOTS TO ANOTHER COUNTY NO LATER THAN THE NEXT BUSINESS DAY, OR IMMEDIATELY TRANSMITS THEM BY NEXT-DAY DELIVERY, IS NOT REQUIRED TO SCAN THE ENVELOPE. THE COUNTY RECEIVING THE IMAGE MAY PERFORM SIGNATURE VERIFICATION UPON RECEIPT OF THE IMAGE.
- (B) THE CORRECT COUNTY MUST TREAT THE BALLOT AS RECEIVED AS OF THE DATE AND TIME OF THE DATE STAMP.

*Repeal of Rule 7.4.12 as a result of the amendments to current Rule 7.4.11:*

~~7.4.12 The county clerk must date stamp each ballot envelope as received on or before 7:00 PM on election day and immediately 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.~~

*Amendments to current Rule 7.4.13, including necessary renumbering and concerning the tracking of ballots delivered or received from electors who are confined in a county jail as a result of the passage of SB23-276:*

~~7.4.13~~ 7.4.11 County clerks who deliver or receive ballots from electors who are confined in a county jail or detention facility must MAINTAIN A log OF the number of ballots delivered and received from each facility and provide the log to the Secretary of State's office following the AN election THAT IS NOT CONDUCTED IN NOVEMBER. THE COUNTY CLERK MUST SEPARATELY

MAINTAIN A LOG OF THE NUMBER OF VOTER REGISTRATION FORMS RECEIVED FROM THE COUNTY JAIL OR DETENTION FACILITY, OR SUBMITTED TO COUNTY CLERK PERSONNEL WHO ARE ON-SITE AT THE JAIL OR FACILITY.

*[Not shown: current Rules 7.4.14 and 7.4.15 are renumbered to Rules 7.4.12 through 7.4.13.]*

*Amendments to Rule 7.5 organizing the structure for clarity and a grammatical change:*

7.5 Ballot returned in unofficial envelope-

- 7.5.1 If the county timely receives a mail ballot from an eligible elector in an envelope that is missing or lacks the correct self-affirmation, the county must contact the elector by mail and by electronic-mail, if available, 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.
- 7.5.2 If the county receives the completed affidavit no later than the eighth day after election day, the county must count the ballot.
- 7.5.3 A county that receives a ballot from a voter with a disability covered under section 1-5-706, C.R.S., in an unofficial envelope must accept the ballot for processing if the envelope also contains a signed application from the voter.

*Amendments to Rule 7.7 concerning signature verification procedures:*

7.7 Signature verification procedures

*Amendments to Rule 7.7.1 clarifying the use of signature verification judges for the levels of review of signatures:*

7.7.1 When reviewing signatures through the use of signature verification judges, ~~a single election judge must conduct the first level of signature verification.~~ THE COUNTY CLERK MUST FOLLOW THE REQUIREMENTS OF SECTION 1-7.5-107.3(2), C.R.S., FOR THE INITIAL AND SECOND LEVEL REVIEW OF SIGNATURES, INCLUDING:

- (A) THE REQUIREMENT THAT A SINGLE ELECTION JUDGE CONDUCTS THE INITIAL LEVEL OF SIGNATURE VERIFICATION; AND
- (B) THE REQUIREMENT THAT A BIPARTISAN TEAM OF ELECTION JUDGES REVIEW AN ESCALATED SIGNATURE. THAT BIPARTISAN TEAM MAY NOT INCLUDE THE ELECTION JUDGE WHO MADE THE FIRST DECISION TO REJECT A SIGNATURE.

*[Not shown: no changes to Rule 7.7.2.]*

*Amendments to Rule 7.7.3 concerning standards for accepting or rejecting a signature on a mail ballot envelope:*

7.7.3 An election judge conducting signature verification must compare the SELF-AFFIRMATION 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. A SIGNATURE ON A MAIL BALLOT ENVELOPE THAT IS CONSISTENT WITH A SIGNATURE FOR THE VOTER IN SCORE IS ONE THAT IS MORE LIKELY THAN NOT TO BE THE SIGNATURE OF THE VOTER. A SIGNATURE THAT IS CONSISTENT MUST BE ACCEPTED AS A MATCH.

*[Not shown: no changes to Rules 7.7.4 through 7.7.7.]*

*Amendments to Rule 7.7.8 establishing additional monitoring of signature verification judges by the county clerk:*

- 7.7.8 The county clerk must ~~periodically~~ audit ALL signature verification judges WHO ARE CONDUCTING SIGNATURE VERIFICATION EVERY DAY THE JUDGE CONDUCTS SIGNATURE VERIFICATION. If a judge or team of judges has an unexplained, irregular acceptance, ~~or~~ rejection, OR OVERTURN rate, the county clerk must retrain or remove that judge or team of judges from conducting signature verification.

*[Not shown: no changes to Rule 7.7.9.]*

*Amendments to Rule 7.7.10 concerning the capture of the image of the full side of a mail ballot envelope for signature verification:*

- 7.7.10 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. BEGINNING ON JANUARY 1, 2024, THE DEVICE MUST ALSO CAPTURE AN IMAGE OF THE FULL SIDE OF THE MAIL BALLOT ENVELOPE THAT CONTAINS THE SIGNATURE.

*Amendments to Rule 7.8.1 to clarify the elections that this rule applies to:*

- 7.8.1 The county clerk must designate and open the minimum number of voter service and polling centers as required in section 1-5-102.9, C.R.S., for a general election and section 1-7.5-107(4.5), C.R.S., for all ~~other elections~~ PRIMARY AND COORDINATED ELECTIONS.

*[Not shown: no changes to sections (a) through (d).]*

*Repeal and replacement of Rule 7.8.2 concerning the use of the voter center siting tool, provided by the Department, during the placement process of voter service and polling centers and drop boxes:*

- 7.8.2 ~~Voter service and polling center materials include sufficient computer stations for SCORE access, HAVA information, signature cards, paper ballots, voting booths and a ballot box.~~ WHEN DETERMINING WHERE IN A COUNTY A VOTER SERVICE AND POLLING CENTER OR DROP BOX SHOULD BE PLACED IN A GENERAL ELECTION, A COUNTY CLERK MUST TAKE INTO CONSIDERATION THE RECOMMENDATIONS GIVEN BY THE VOTER CENTER SITING TOOL. THE TOOL WILL BE PROVIDED FOR USE BY THE DEPARTMENT OF STATE.

*Amendments to Rule 7.8.3 concerning a grammatical change:*

- 7.8.3 In order to assist applicants and electors efficiently, a county clerk must configure voter service and polling centers with sufficient election judges, WebSCORE workstations, voting equipment, and sufficient numbers of mail and in-person ballots that can be tabulated by the county's voting system without further duplication, and other supplies. A county may satisfy this Rule by providing a sufficient number of ballot marking devices or ~~ballot-on-demand~~ BALLOT-ON-DEMAND printers.

*Amendments to Rule 7.9 removing an outdated reference:*

- 7.9 The county clerk must complete an accessibility survey for all drop box and voter service and polling center locations annually before designating a location for use, and no later than 120 days before an election, the county clerk must designate drop-off, drop box, and voter service and polling center locations. In a presidential election year, the county clerk's accessibility survey for the presidential primary election serves as the annual survey for that voter service and polling center or drop box through the following general election.

*[Not shown: no changes to Rules 7.9.1 and 7.9.2.]*

- 7.9.3 ~~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 DEPARTMENT OF STATE 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.

*Amendments to Rule 7.11 concerning a stylistic change:*

- 7.11 At each ~~V~~voter ~~S~~service and ~~P~~polling ~~C~~center, election judges and, if appropriate, election staff, must:

*New Rule 7.17 concerning data entry standards for district, position, and ballot style names in SCORE:*

- 7.17 DATA ENTRY STANDARDS FOR DISTRICT, POSITION, AND BALLOT STYLE NAMES IN SCORE. BEGINNING JANUARY 1, 2024, AUTHORIZED SCORE USERS MUST COMPLY WITH THE DATA ENTRY STANDARDS SET FORTH IN THIS RULE WHEN NAMING DISTRICTS, POSITIONS, AND BALLOT STYLES IN SCORE'S DISTRICTS & PRECINCTS AND ELECTION MANAGEMENT MODULES.

- 7.17.1 DISTRICT NAMES: COUNTY CLERKS MUST NAME LOCAL DISTRICTS IN SCORE'S DISTRICTS & PRECINCTS MODULE EXACTLY THE SAME AS THEY ARE NAMED IN THE DEPARTMENT OF LOCAL AFFAIRS' LOCAL GOVERNMENT INFORMATION SYSTEM (LGIS), WITH TWO EXCEPTIONS:

- (A) LGIS LISTS MUNICIPALITIES BY NAME FOLLOWED BY A COMMA AND THE MUNICIPALITY TYPE. SCORE USERS MUST ENTER THE NAMES OF MUNICIPALITIES IN SCORE ACCORDING TO COMMON USAGE, SO THAT THE MUNICIPALITY TYPE PRECEDES THE MUNICIPALITY'S NAME. BY WAY OF EXAMPLE, IF LGIS LISTS *AVON, TOWN OF*, THE COUNTY MUST NAME THE MUNICIPALITY IN SCORE AS *TOWN OF AVON*.
- (B) LGIS LISTS SCHOOL DISTRICTS BY THE STATE BOARD OF EDUCATION'S TRUNCATED ORGANIZATION NAME WITH THE WORDS "SCHOOL DISTRICT" APPENDED AT THE END OF THE DISTRICT'S NAME. COUNTIES MUST ENTER THE DISTRICT'S NAME INTO SCORE ACCORDING TO COMMON USAGE. BY WAY OF EXAMPLE, IF LGIS LISTS A SCHOOL DISTRICT AS *LAS ANIMAS RE-1 SCHOOL DISTRICT*, THE COUNTY MUST NAME THE DISTRICT IN SCORE AS *LAS ANIMAS SCHOOL DISTRICT RE-1*.

- 7.17.2 POSITION NAMES: COUNTIES MUST NAME POSITIONS IN SCORE SO THAT THE FULL NAME OF THE DISTRICT PRECEDES THE POSITION OR OFFICE NAME FOLLOWED BY THE POSITION DISTRICT NUMBER OR LETTER AND TERM OF YEARS, IF CERTIFIED BY THE RESPONSIBLE DESIGNATED ELECTION OFFICIAL, IF ANY. THE COUNTY CLERK MAY DELETE THE FULL DISTRICT NAME FROM THE POSITION OR OFFICE NAME ON BALLOT ART IF A BALLOT HEADER OR CONTEST HEADING SUFFICIENTLY IDENTIFIES THE PARTICIPATING DISTRICT, BUT THE POSITION MUST BE NAMED IN ACCORDANCE WITH THIS RULE TO ENSURE IT IS INCLUDED IN THE COUNTY'S ELECTION DEFINITION EXPORT, ELECTION RESULTS EXPORTS, AND CAST VOTE RECORD FILES. FOR EXAMPLE:

- (A) COUNTY POSITION NAMES: ADAMS COUNTY COMMISSIONER – DISTRICT 1; ADAMS COUNTY CLERK AND RECORDER; ADAMS COUNTY TREASURER; ADAMS COUNTY ASSESSOR; ADAMS COUNTY SHERIFF; ADAMS COUNTY CORONER; ADAMS COUNTY SURVEYOR;
- (B) MUNICIPAL POSITION NAMES: CITY OF ASPEN CITY COUNCIL – AT LARGE; CITY OF ASPEN CITY COUNCIL – WARD 2; TOWN OF MANCOS BOARD OF TRUSTEES – WARD 1; CITY OF LITTLETON MAYOR;

- (C) SCHOOL DISTRICT POSITION NAMES: ALAMOSA SCHOOL DISTRICT RE-11J BOARD OF DIRECTORS – DISTRICT 2 (2-YEAR TERM); KIT CARSON SCHOOL DISTRICT R-1 BOARD OF DIRECTORS – DISTRICT A; AND
- (D) SPECIAL DISTRICT POSITION NAMES: ALLISON VALLEY METROPOLITAN DISTRICT No. 2 BOARD OF DIRECTORS (2-YEAR TERM); DENVER SOUTHEAST SUBURBAN WATER & SANITATION DISTRICT BOARD OF DIRECTORS (4-YEAR TERM).

7.17.3 BALLOT STYLE NAMES:

- (A) IF A COUNTY REPORTS RESULTS FOR ANY ELECTION BY PRECINCT, THE COUNTY MUST RENAME ITS BALLOT STYLES IN SCORE ACCORDING TO THE CONVENTION OF XXX-Y OR XXX-YY, WHERE XXX IS THE FINAL THREE DIGITS OF THE TEN-DIGIT PRECINCT NUMBER, AND Y OR YY IS THE ONE- OR TWO-DIGIT DISTRICT STYLE NUMBER. A COUNTY CLERK MAY ELECT TO USE A TWO-DIGIT NUMBER FOR THE DISTRICT STYLE COMPONENT OF THE BALLOT STYLE NAME EVEN IF IN ANY ELECTION SCORE GENERATES FEWER THAN 10 DISTRICT STYLES. BY WAY OF EXAMPLE, IF SCORE GENERATES A SINGLE DISTRICT STYLE AND THE COUNTY HAS 3 PRECINCTS, THE COUNTY MUST NAME THE PRECINCT STYLES AS 001-1, 002-1, AND 003-1, OR 001-01, 002-01, AND 003-01.
- (B) IF THE COUNTY REPORTS RESULTS OF AN ELECTION BY BALLOT STYLE, THE COUNTY MUST NAME THE BALLOT STYLE WITH THE DISTRICT STYLE NUMBER FROM SCORE. BY WAY OF EXAMPLE, IF SCORE GENERATES THREE DIFFERENT DISTRICT STYLES FOR AN ELECTION OTHER THAN A GENERAL ELECTION, THE COUNTY MUST NAME THE BALLOT STYLES 1, 2, AND 3, OR 01, 02 AND 03. IF SCORE GENERATES MORE THAN NINE DISTRICT STYLES FOR AN ELECTION, THE COUNTY MUST NAME THEM WITH A TWO-DIGIT NUMBER, SUCH AS 01 THROUGH 09, 10, 11, ETC.
- (C) FOR PRIMARY ELECTIONS, THE COUNTY MUST APPEND TO THE BALLOT STYLE NAME SCORE'S ABBREVIATION OF THE NAME OF THE POLITICAL PARTY FOR WHICH THE PRIMARY BALLOT IS PREPARED. BY WAY OF EXAMPLE, IN A COUNTY THAT REPORTS PRIMARY ELECTION RESULTS BY PRECINCT IN WHICH THERE ARE MORE THAN 99 PRECINCTS AND 9 DISTRICT STYLES, AND DISTRICT STYLE 1 IS THE DEMOCRATIC PARTY AND DISTRICT STYLE 2 IS THE REPUBLICAN PARTY BALLOT FOR PRECINCT 1, THE COUNTY MUST NAME THE PRECINCT 1 BALLOT STYLES AS 001-01 DEM AND 001-02 REP. IN A COUNTY WITH FEWER THAN 10 PRECINCTS AND ONLY TWO PRIMARY ELECTION DISTRICT STYLES, THE COUNTY MUST NAME THE BALLOT STYLES 1 DEM AND 2 REP, OR 01 DEM AND 02 REP. IF THE COUNTY REPORTS PRIMARY ELECTION RESULTS BY BALLOT STYLE, THE COUNTY MUST NAME THE BALLOT STYLES 1 DEM AND 2 REP.

*Amendments to Rule 8:*

*Amendments to Rule 8.1 including the recodification of sections (a) through (c) of Rule 1.1.64 to Rules 8.1.2 through 8.1.4 and necessary renumbering:*

- 8.1 A watcher must affirm that ~~he or she is~~ THEY ARE qualified to act as a watcher under Colorado law. The county clerk must accept the appointment of all eligible watchers duly certified by a political party, candidate, or issue committee under sections 1-1-104(51), 1-7-105, 1-7-106, or 1-7-107, C.R.S.
  - 8.1.1 The registered agent or designated filing agent for an issue committee is the authorized representative to appoint watchers for the issue committee.
  - ~~(a)~~8.1.2 Watchers may be appointed for a recall election by each qualified successor candidate, the proponents and opponents of the recall ballot question, and each participating political party for a partisan recall election.

~~(b)~~8.1.3 For the purpose of appointing a watcher, the proponent or opponent of a ballot measure means a registered issue committee supporting or opposing the ballot measure.

~~(c)~~8.1.4 A designated watcher need not be a resident of the county they are designated in as long as they are an eligible elector in the State of Colorado.

*[Not shown: current Rules 8.1.2 through 8.1.6 are renumbered to Rules 8.1.5 through 8.1.9.]*

*Amendments to Rule 8.8 specifying the use of watchers in a nonpartisan, coordinated election since the passage of SB23-276 incorporates these requirements for watchers in other elections and stylistic changes to Rule 8.8.3:*

8.8 The minimum number of watchers the county clerk must accommodate for each appointing entity IN A NONPARTISAN, COORDINATED ELECTION is as follows:

*[Not shown: no changes to Rules 8.8.1 and 8.8.2.]*

8.8.3 At each ~~V~~voter ~~S~~service and ~~P~~Polling ~~C~~Center, one watcher, or one watcher per ~~V~~voter ~~S~~service and ~~P~~Polling ~~C~~Center process.

*[Not shown: no changes to Rules 8.8.4 and 8.8.5.]*

*Amendments to Rule 8.10.2 including a stylistic change in section (a)(1) and new section (d).*

8.10.2 Watchers must be permitted access that would allow them to attest to the accuracy of election-related activities. This includes personal visual access at a reasonable proximity to read documents, writings or electronic screens and reasonable proximity to hear election-related discussions between election judges and electors.

(a) Election activities include:

(1) Setup and breakdown of ~~V~~voter ~~S~~service and ~~P~~Polling ~~C~~centers.

*[Not shown: no changes to subsections (2) through (12).]*

*[Not shown: no changes to sections (b) and (c).]*

(D) THE COUNTY CLERK MUST ALLOW A WATCHER TO POSSESS A MOBILE PHONE TO SEND OR RECEIVE TEXT MESSAGES WHILE WATCHING ELECTION ACTIVITIES AS LONG AS THE WATCHER IS NOT LOCATED WHERE PERSONALLY IDENTIFIABLE INFORMATION IS WITHIN VIEW AS REQUIRED BY SECTION 1-7-108(4), C.R.S.

*Amendments to Rule 9:*

*Amendments to Rule 9.1.4 removing outdated language, due to the passage of SB23-276, regarding voters under the age of 18:*

9.1.4 Age. ~~For a primary election, the election judge must ask the elector, "Are you at least 17 years of age and will you be 18 years of age or older on or before the date of the next general election?" For any other election, the election judge must ask the elector, "Will you be 18 years of age or older on election day?"~~

*Amendments to Rule 10:*



*Amendments to Rule 10.3.2 removing outdated language pertaining to complaints about random audits which are no longer conducted in Colorado:*

10.3.2 The canvass board's only duties are to:

- (a) Conduct the canvass and certify the official abstract of votes in accordance with section 1-10-101.5, C.R.S., by:
  - (1) Reconciling the number of ballots counted to the number of ballots cast; and
  - (2) Reconciling the number of ballots cast to the number of voters who voted.
- (b) Observe the post-election audit in accordance with section 1-7-514(4), C.R.S., and Election Rule 25.2 or 25.3; AND
- ~~(c) In coordination with the county clerk, investigate and report discrepancies found in the audit under section 1-7-514(2), C.R.S.; and~~
- ~~(c)(d) Conduct any recount in accordance with section 1-10.5-107, C.R.S., and this Rule. The canvass board's role in conducting a recount includes selecting ballots for the random test, observing the recounting of ballots, and certifying the results.~~

*Repeal of Rule 10.5.3 which pertains to complaints made about voting devices, which are no longer used in Colorado:*

~~10.5.3 Written Complaints~~

- ~~(a) The designated election official must provide the canvass board with any written complaint submitted by a registered elector about a voting device.~~
- ~~(b) If the complaint is resolved, the designated election official must provide the details of the resolution.~~
- ~~(c) If the complaint is pending resolution when the board meets to conduct the canvass, the designated election official must provide a proposal for how the issue will be resolved.~~

*Amendments to Rule 10.6 concerning a grammatical change:*

10.6 Official AAbstract and RReporting to the Secretary of State

*Repeal of Rule 10.6.3 which has been superseded with the passage of SB22-153, and replacement with notification requirements for canvass board meetings:*

- ~~10.6.3 If a majority of the canvass board votes not to certify the abstract of votes cast or does not make a final determination by the deadline to certify the abstract of votes cast, the county clerk must forward the abstract that has not been certified to the Secretary of State along with a report from the canvass board describing why the abstract has not been certified. Upon receiving an abstract under this rule, or if the county clerk does not provide the abstract to the Secretary of State by the deadline to certify the abstract of votes cast, the Secretary of State will consider whether to canvass the returns under section 1-10-104, C.R.S. A COUNTY MUST NOTIFY THE SECRETARY OF STATE IMMEDIATELY AFTER THE MEETING OF THE CANVASS BOARD IF:~~

- (A) THE CANVASS BOARD VOTES NOT TO CERTIFY THE ABSTRACT OF VOTES CAST;
- (B) THE CANVASS BOARD OTHERWISE FAILS TO TAKE ACTION TO CERTIFY THE ABSTRACT OF VOTES CAST; OR
- (C) IN A PARTISAN ELECTION, THE COMPOSITION OF THE CANVASS BOARD DID NOT CONSIST OF:
  - (1) AN EQUAL NUMBER OF BOARD MEMBERS APPOINTED FROM EACH OF THE OPPOSING MAJOR PARTIES; AND
  - (2) THE COUNTY CLERK OR DEPUTY CLERK.

*Amendments to Rule 10.8.1 concerning a technical change:*

10.8.1 As part of the Secretary's duties under section 1-1-107, C.R.S., the Secretary may provide guidance and investigate imperfections ~~as outlined below.~~

*Amendments to Rule 10.9 concerning mandatory and discretionary recounts and including technical changes:*

10.9 Recount generally

*[Not shown: no changes to Rule 10.9.1.]*

10.9.2 A county that has successfully completed a comparison audit under Rule 25.2 and reported no discrepancies in the recount contest need not re-scan ballots during a REQUESTED recount, except as provided in Rule 10.9.3. In all cases, the county must re-adjudicate ballot images for voter intent in accordance with Rule 10.13.3.

10.9.3 ~~The losing candidate with the most votes, or an~~ AN interested party, as defined in section 1-10.5-106, C.R.S., may request that the county re-scan ballots. The request is due no later than ~~the day after the deadline to order a mandatory recount or the day after the deadline to request~~ IN WHICH a recount IS PAID ~~whichever is applicable.~~

*[Not shown: no changes to Rules 10.9.4 and 10.9.5.]*

~~10.9.6 If all losing candidates who received enough votes to trigger a mandatory recount submit letters of withdrawal to the DEO in accordance with section 1-4-1001, C.R.S., the DEO must immediately notify the county clerk and the county clerk need not conduct the recount.~~

*Amendments to Rule 10.10.2 concerning requested recounts and updating cost estimate requirements due to the passage of SB23-276:*

10.10.2 Requested recounts

*[Not shown: no changes to section (a).]*

- (b) In preparing a cost estimate for a requested recount, the county must use the Secretary of State approved form. The estimate must include reasonable itemized costs for conducting the recount AND MUST DISTINGUISH THE COST FOR CONDUCTING THE RECOUNT WITH AND WITHOUT RESCANNING THE BALLOTS. ~~The county may not request reimbursement for normal overhead costs.~~

*Repeal of Rule 10.12.2 because it is duplicative to statute with the passage of SB23-276:*

~~10.12.2 If the county re-scans ballots during the recount, the county clerk must test all ballot scanners that will be used. The purpose of the test is to ensure that the voting system accurately tabulates votes in the recounted contest.~~

~~(a) — The county must prepare and tabulate the following test decks:~~

~~(1) — The county recount test deck must include every ballot style and, where applicable, precinct style containing the recounted contest. It must consist of enough ballots to mark every vote position and every possible combination of vote positions, and include overvotes, undervotes, and blank votes in the recounted contest.~~

~~(2) — In a requested recount, the person requesting the recount may mark up to 10 ballots. Any other candidate in the contest, or person or organization who could have requested the recount, may also mark up to 10 ballots.~~

~~(3) — In a mandatory recount, at least two canvass board members of different party affiliations must each mark an additional 10 ballots containing the recounted contest.~~

~~(b) — A bipartisan team, of election judges and/or staff, must hand tally the recounted contest on the test ballots and verify that the hand tally matches the voting system's tabulation.~~

~~(c) — The test is limited to the race or measure that is recounted.~~

*Repeal of Rule 10.13.1 because it is duplicative to statute with the passage of SB23-276:*

#### 10.13 Counting ballots during a recount

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

*[Not shown: current Rules 10.13.2 through 10.3.6 are renumbered to Rules 10.13.1 through 10.13.5.]*

*Amendments to Rule 10.14.1 repealing and replacing original language, for clarity, to update the requirements for results reporting following a recount:*

#### 10.14 Canvass and reporting results for a recount

10.14.1 FOR A PLURALITY RACE OR BALLOT MEASURE, THE COUNTY CLERK MUST REPORT THE RESULTS OF THE RECOUNT AS THE COMBINED TOTAL OF VOTES FOR EACH RACE OR MEASURE RECOUNTED. THE TOTAL MUST INCLUDE UNDERVOTES, BLANK VOTES, VALID WRITE-IN VOTES, AND OVERVOTES FOR THE RACE OR MEASURE RECOUNTED. ~~Totals of recounted ballots must be reported in summary form as follows:~~

~~(a) — Sum total of votes for each race or measure recounted, under votes, and overvotes for each location;~~

~~(b) — The totals must be a combined total, not totaled by individual precincts or location, unless the tabulation system allows.~~

*Amendments to Rule 11.2 concerning a stylistic change:*

11.2 Voting System Inventory

*[Not shown: no changes to Rules 11.2.1 and 11.2.2.]*

*Amendments to Rule 11.2.3 concerning a technical revision to reflect current practice:*

11.2.3 The designated election official must file ~~a complete~~ THE voting system inventory REQUIRED BY RULE 11.2.1, noting which equipment will be used for the election, with the Secretary of State no later than ten days before the election.

*[Not shown: no changes to Rule 11.2.4.]*

*Amendments to Rule 11.6 concerning a stylistic change:*

11.6 ~~Rules Concerning Accessible Voting Systems.~~ A political subdivision may not purchase or lease voting systems for use by people with disabilities unless the system is certified by the Secretary of State.

*Amendments to Rule 11.7 concerning a stylistic change:*

11.7 ~~Rules Concerning Notice of Voting System Malfunction~~

*Amendments to Rule 11.7.1 requiring a voting systems provider to submit an incident report in the event of an incident:*

11.7.1 The voting system provider must submit a software or hardware incident report to the Secretary of State no later than 72 hours after ~~a software~~ AN incident has occurred. SUBMISSION OF THIS INCIDENT REPORT BY THE PROVIDER IS REQUIRED EVEN IF THE DESIGNATED ELECTION OFFICIAL ALSO SUBMITS A REPORT OF THE SAME INCIDENT.

*Amendments to Rule 11.8, including Rule 11.8.2(f), concerning stylistic and grammatical changes:*

11.8 Purchases and Contracts

*[Not shown: no changes to Rule 11.8.1.]*

11.8.2 The Secretary of State will approve a political subdivision's application to purchase, lease, or use the voting system, device, or related component, after considering all relevant factors, including without limitation:

*[Not shown: no changes to sections (a) through (e).]*

(f) The voting system's compatibility with dependent systems that are not directly related to the tabulation of votes and ballots, but are nevertheless utilized by designated election officials in conducting elections in Colorado, including:

- (1) Ballot-on-demand systems,
- (2) Election Night Reporting systems,
- (3) Electronic ballot delivery systems,
- (4) Election definition data exported from SCORE; and

- (5) The Secretary of State's RLA software-;

*[Not shown: no changes to sections (g) through (q).]*

*[Not shown: no changes to Rules 11.8.3 through 11.8.7.]*

*Amendments to Rule 11.9:*

- 11.9 Election Night Reporting. The county must use the Secretary of State's Election Night Reporting (ENR) system to report results for all primary, general, coordinated, and recall elections in accordance with this Rule.

*[Not shown: no changes to Rule 11.9.1.]*

*New Rule 11.9.2 concerning a requirement that a county clerk must provide data to the voting systems team in advance of an election:*

- 11.9.2 NO LATER THAN 45 DAYS BEFORE THE ELECTION, A COUNTY CLERK MUST PROVIDE THEIR SCORE ELECTION\_DETAILS\_TO\_DOMINION EXPORT TO THE SECRETARY OF STATE'S OFFICE BY SENDING AN EMAIL TO [VOTING.SYSTEMS@COLORADOSOS.GOV](mailto:VOTING.SYSTEMS@COLORADOSOS.GOV).

*[Not shown: current Rule 11.9.2 renumbered to Rule 11.9.3.]*

*Amendments to current Rule 11.9.3 requiring a county to check the totals and content configuration reflected on the ENR website after uploading their LAT results file and necessary renumbering:*

- ~~44.9.3~~11.9.4 No later than 21 days before the election, a data entry county must upload the LAT results file to ENR. At a minimum, the LAT results file must contain the results of the complete county test deck required under Rule 11.3.2(c)(1). THE COUNTY MUST CHECK THE TOTALS AND CONTENT CONFIGURATION REFLECTED ON THE ENR WEBSITE AT THE TIME OF UPLOADING THE LAT RESULTS FILE. THE COUNTY MUST SEND AN EMAIL TO [VOTING.SYSTEMS@COLORADOSOS.GOV](mailto:VOTING.SYSTEMS@COLORADOSOS.GOV) ONCE VERIFICATION OF THE ENR WEBSITE IS COMPLETE.

*[Not shown: current Rules 11.9.4 through 11.9.6 are renumbered to Rules 11.9.5 through 11.9.7.]*

*Amendments to Rule 13:*

*Amendments to Rule 13.1.3 concerning the Department's processing and docketing of election complaints:*

- 13.1.3 Processing and docketing election complaints

- (a) Within three business days of receiving a complaint, the Secretary's designee will review the complaint to determine if it satisfies Rule 13.1.2 and sufficiently alleges a violation of the Uniform Election Code of 1992. THE SECRETARY'S DESIGNEE MAY EXTEND THIS DEADLINE IN THE EVENT THAT THERE ARE EXTENUATING CIRCUMSTANCES WHICH WOULD INHIBIT THE DESIGNEE'S ABILITY TO MEET THE DEADLINE.

*[Not shown: no changes to section (1).]*

- (2) If a complaint meets the criteria, the Secretary's designee will ~~assign a complaint number,~~ notify the complainant, and send a copy of the complaint to the person or entity alleged to have committed a violation.

*[Not shown: no changes to section (b).]*

*Amendments to Rule 13.2.9 concerning a grammatical change:*

13.2.9 Hearing and ~~R~~Resolution of HAVA complaints

*[Not shown: no changes to sections (a) and (b).]*

*Amendments to Rule 13.2.10 updating the complaint process for a HAVA complaint from the Office of Administrative Courts to a hearing officer and grammatical changes:*

13.2.10 Alternative ~~D~~Dispute ~~R~~Resolution under section 1-1.5-105(2)(j), C.R.S.

- (a) If the Secretary of State does not resolve the complaint within 90 days of the date that it was filed and the complainant does not consent to an extension of time, the Secretary of State will transfer the complaint to A HEARING OFFICER ~~the Office of Administrative Courts (OAC)~~.
- (b) The Secretary of State will provide the record and any other materials from the proceedings to the ~~OAC~~ HEARING OFFICER.
- (c) The Secretary of State will consider the initial determination by the ~~OAC~~ HEARING OFFICER and issue a final determination within 60 days of the date the determination is received by the Secretary.

*Amendments to Rule 15.1.2 concerning the review of petition submissions which do not include required information and technical changes:*

15.1.2 Petition submission

- (a) The ~~Secretary~~ DEPARTMENT of State or DEO will not accept or count additional signatures after the initial submission of the petition, even if additional signatures are offered before the deadline.
- (b) The ~~Secretary~~ DEPARTMENT of State or DEO will inspect each petition section for evidence of disassembly. If it appears that the section was disassembled, the Secretary or DEO will reject all signatures in the section.
- (c) The ~~Secretary~~ DEPARTMENT of State or DEO will NOT consider ~~any~~ A signer line ~~with writing on it~~ as a reviewable line, ~~even~~ if the line is incomplete or partially crossed out AND THE INFORMATION MISSING OR CROSSED OUT IS THE NAME, SIGNATURE, OR ADDRESS OF THE SIGNER.
- (d) The ~~Secretary~~ DEPARTMENT of State or DEO will not review lines that are blank or completely crossed-out.

*Amendments to section (e) concerning a technical error and change:*

- ~~(e)~~ If the number of lines submitted is less than the number of signatures required to access the ballot, the ~~Secretary~~ DEPARTMENT of State or DEO will issue a statement of insufficiency and will not review signer lines or apply duplicates to future candidate petition submissions for the same office or recall petitions of the same officeholder.

*Amendments to section (f) concerning a technical change:*

- (f) The ~~Secretary~~ DEPARTMENT of State or DEO will review and process candidate petitions for the same office in the order in which they are received.

*Amendments to Rule 15.1.4(c) for grammatical consistency within these rules:*

15.1.4 Verifying individual entries

*[Not shown: no changes to sections (a) and (b).]*

- (c) If an entry does not match the ~~signer's~~ SIGNER'S current information in SCORE, staff must check the ~~signer's~~ SIGNER'S information in SCORE as of the date the ~~signer~~ SIGNER signed the petition.

*Amendments to Rule 15.1.4(d) concerning standards for the rejection of a signature on an initiative petition and technical changes:*

- (d) Secretary of State or DEO staff will reject the entry if:

*[Not shown: no changes to subsections (1) through (9).]*

- (10) The entry is a duplicate of a previously accepted entry on the same petition;~~or~~
- (11) For a candidate petition where an elector may sign only one petition for the same office, the entry is a duplicate of a previously accepted entry on a petition that was declared sufficient or insufficient after lines were reviewed for the same office;~~-~~
- (12) The signer's information appears outside of a numbered signature block on a petition section;~~-~~
- (13) For a candidate petition, the address on the entry does not match the current residential or mailing address for the elector in SCORE~~;~~; OR
- (14) FOR AN INITIATIVE PETITION, A NAME SUFFIX IS PRESENT ON THE ENTRY BUT NOT IN SCORE, OR PRESENT IN SCORE BUT NOT ON THE ENTRY, AND MORE THAN ONE PERSON WITH THAT NAME IS REGISTERED TO VOTE AT THE SAME ADDRESS.

*Amendments to Rule 15.1.4(e) concerning standards for the review of petitions, necessary renumbering, and grammatical changes:*

- (e) ~~Secretary~~ THE DEPARTMENT of State or DEO staff will not use any of the following discrepancies as the sole reason to reject an entry:
- (1) The name on an entry matches or is substantially similar to the information in SCORE, or if the signature on an entry is a common variant of the name;
- (2) A middle initial or middle name is present on the entry but not in SCORE, or present in SCORE but not on the entry;
- (3) A name suffix is present on the entry but not in SCORE, or present in SCORE but not on the entry AND ONLY ONE PERSON WITH THAT NAME IS REGISTERED TO VOTE AT THAT ADDRESS;
- (4) FOR A CANDIDATE PETITION, A NAME SUFFIX IS PRESENT ON THE ENTRY BUT NOT IN SCORE, OR PRESENT IN SCORE BUT NOT ON THE ENTRY, MORE THAN ONE PERSON WITH THAT NAME IS REGISTERED TO VOTE AT THE SAME ADDRESS, BUT THE SIGNATURE MATCHES FOR ONE PERSON REGISTERED TO VOTE AT THAT ADDRESS;

- ~~(4)~~(5) The printed name is missing or illegible but the signature can be read;
- ~~(5)~~(6) The address on the entry is missing an apartment letter or number or a street direction, or the address entry contains an apartment letter or number or a street direction that is missing in the voter registration record;
- ~~(6)~~(7) The CITY OR county name is missing, abbreviated, or wrong;
- ~~(7)~~(8) For candidate and recall petitions, the address provided did not match the current residence address information in SCORE, but did match the current mailing address information in SCORE;
- ~~(8)~~(9) On a signer line, the date is missing but a line above and below has an acceptable date;~~or~~
- ~~(9)~~(10) For Secretary of State STAFF reviewed petitions only, the year of the date is missing or wrong; OR-
- (11) INFORMATION REQUIRED FOR THE SIGNER IS PRESENT ON A PETITION LINE BUT IS WRITTEN IN THE WRONG FIELD.

*Amendments to Rule 15.2.1 concerning the information to be included on a petition entity's license application and necessary renumbering:*

15.2 Petition entity license, registration, filing, and circulation

15.2.1 A petition entity that intends to pay petition circulators must obtain a petition entity license, pay a fee, and register with the Secretary of State's OFFICE before circulating initiative, candidate, and recall petitions. The license application must include:

- (a) The petition entity's name, address, telephone number, and email address;
- (b) The designated agent's name;
- (c) The name of all owners and chief officers of the entity;~~and~~
- (D) FOR THOSE APPLICATIONS SUBMITTED AFTER DECEMBER 31, 2024, THE FOLLOWING INFORMATION REGARDING PETITION CIRCULATORS:
  - (1) THE NAME, ADDRESS, AND SIGNATURE OF ANY PETITION CIRCULATORS THE ENTITY HAS HIRED OR CONTRACTED WITH TO CIRCULATE A PETITION IN COLORADO; AND
  - (2) THE PETITIONS EACH CIRCULATOR WILL CIRCULATE IN COLORADO; AND
- ~~(d)~~(E) An affirmation that:
  - (1) The designated agent has read and understands Article 4, Article 12, and Article 40 of Title 1, C.R.S.;
  - (2) The designated agent has completed the Secretary of State's circulator training program;~~and~~
  - (3) THE PETITION ENTITY HAS OR WILL PROVIDE TO ALL CIRCULATORS, PAID OR UNPAID, THE CIRCULATOR TRAINING OFFERED BY THE COLORADO SECRETARY OF STATE AS ONE WAY FOR THE CIRCULATOR TO COMPLY WITH THE



REQUIREMENT THAT A CIRCULATOR READ AND UNDERSTAND THE LAWS PERTAINING TO PETITION CIRCULATION;

- (3)(4) The entity, ~~and~~ none of its owners or chief officers, AND NO ENTITY OR PRINCIPAL OF A PETITION ENTITY THAT THE ENTITY HAS OR WILL CONTRACT WITH, has ever been found in a judicial or administrative hearing in Colorado or any other state of authorizing or knowingly permitting:
- (A) Forgery of a registered elector's signature;
  - (B) Circulation of a petition section, in whole or in part, by anyone other than the circulator;
  - (C) Use of a false circulator name or address in a circulator affidavit;
  - (D) Payment of money or a thing of value to any person for the purpose of inducing the person to sign or withdraw his or her name from a petition; or
  - (E) A notary public's notarization of a circulator affidavit outside of the physical presence of the circulator or without the production of the required identification for notarization of a petition section; AND
- (5) NEITHER THE ENTITY NOR ITS OWNERS OR OFFICERS HAVE BEEN FOUND IN A JUDICIAL OR ADMINISTRATIVE HEARING IN COLORADO OR ANY OTHER STATE OF:
- (A) VIOLATING A PETITION LAW;
  - (B) COMMITTING ELECTION FRAUD;
  - (C) COMMITTING ANY OTHER ELECTION OFFENSE; OR
  - (D) COMMITTING AN OFFENSE WITH AN ELEMENT OF FRAUD.

*Amendments to Rule 15.2.2 requiring the completion of the Department's circulator training program after license application but before the registration of a petition:*

- 15.2.2 Before compensating a circulator, the designated agent must register with the Secretary of State's OFFICE by submitting a signed form that includes a list of the proposed initiatives, ~~and/or the~~ candidate or candidate committee's name, MINOR PARTY PETITION, OR RECALL PETITION the petition entity will circulate. A DESIGNATED AGENT MUST COMPLETE THE SECRETARY OF STATE'S CIRCULATOR TRAINING PROGRAM PRIOR TO APPLYING FOR A LICENSE.

*[Not shown: no changes to Rules 15.2.3 and 15.2.4.]*

*New Rule 15.2.5 clarifies that petition entity licenses expire after two years and require a new license application and fee after expiration:*

- 15.2.5 BEGINNING JANUARY 2, 2024, A PETITION ENTITY LICENSE IS ONLY VALID FOR TWO YEARS FROM THE DATE THE LICENSE WAS APPROVED BY THE SECRETARY OF STATE. ONCE A LICENSE EXPIRES, A PETITION ENTITY MUST SUBMIT A NEW LICENSE APPLICATION AND FEE.

*New Rule 15.2.6 clarifies when a petition entity must update their entity license in accordance with sections 1-4-905.5(4)(a) and 1-40-135(5)(a), C.R.S.:*

- 15.2.6 IN ACCORDANCE WITH SECTIONS 1-4-905.5(4)(A) AND 1-40-135(5)(A), C.R.S., A PETITION ENTITY MUST UPDATE THEIR ENTITY LICENSE NO LATER THAN 20 DAYS AFTER A CHANGE TO ANY INFORMATION PROVIDED IN THEIR INITIAL APPLICATION.

*Amendments to Rule 15.3.2 concerning technical revisions that reflect current Colorado law and grammatical changes:*

- 15.3.2 The petition circulator must provide a permanent residence address on the circulator affidavit.
- (a) For purposes of Article 40 of Title 1, C.R.S., and this Rule, a circulator's permanent "residence" or "domicile" means ~~his or her~~ THEIR principal or primary home or place of abode in which a circulator's habitation is fixed and to which the circulator, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A permanent "residence" or "domicile" is a permanent building or part of a building and may include a house, condominium, apartment, room in house, or mobile home. Except as provided in paragraph (b) of this Rule, a vacant lot, business address, or post office box is not a permanent "residence" or "domicile".
- (b) A homeless circulator must provide the address or location where ~~he or she is~~ THEY ARE living the date the affidavit is signed. The circulator must provide a physical location THEY RETURN TO REGULARLY WHICH MAY INCLUDE A PARK, CAMPGROUND, VACANT LOT, BUSINESS ADDRESS OR ANY OTHER PHYSICAL LOCATION; a post office box may not be provided.

*[Not shown: no changes to section (c).]*

*Amendments to Rule 15.4.1 concerning technical revisions to the approval process for statewide initiative petitions:*

- 15.4.1 The ~~Secretary~~ DEPARTMENT of State will not accept a petition that lists ~~proponents~~ DESIGNATED REPRESENTATIVES other than those ~~authorized by law~~ LISTED ON THE AFFIDAVIT OF DESIGNATED REPRESENTATIVES FILED WITH THE STATE TITLE BOARD.

*Amendments to Rule 15.5.1 concerning technical changes to the verification by random sample in accordance with section 1-40-116, C.R.S.:*

15.5 Statewide initiative petition verification

- 15.5.1 Verification by random sample.

*[Not shown: no changes to section (a).]*

- (b) The database will generate a series of random numbers equal to 4,000 signatures or five percent of the total number of signatures, whichever is greater. Staff will ~~check the validity of the random signatures in accordance with this Rule~~ REVIEW THE RANDOMLY SELECTED SIGNATURE LINES IN ACCORDANCE WITH SECTION 1-40-116, C.R.S., AND THIS RULE. Staff will maintain a master record of each accepted and rejected entry, along with the reason code for each rejected entry.

*Amendments to Rule 15.6.1 concerning the review of signatures on state candidate and recall petitions and technical changes:*

- 15.6.1 The ~~Secretary~~ DEPARTMENT of State will compare the signature on each petition entry with the elector's signature in SCORE in accordance with the Secretary of State's Signature

Verification Guide. The ~~Secretary~~ DEPARTMENT of State may use an automated signature verification device.

- (a) If the signatures match and the entry is otherwise valid, the ~~Secretary~~ DEPARTMENT of State must accept the entry.
- (b) If upon initial review the signatures do not match, The ~~Secretary~~ DEPARTMENT of State must conduct further review of the entry. A team of two staff members who are not affiliated with the same political party, OR WHO ARE UNAFFILIATED, must review the signatures, conduct additional research in SCORE if necessary, and, unless both staff members agree that the signatures do not match, accept the entry if it is otherwise valid. IN THE EVENT THAT A STAFF MEMBER IS NOT REGISTERED TO VOTE, THAT STAFF MEMBER WILL BE CONSIDERED UNAFFILIATED FOR THE PURPOSE OF THIS RULE.

*Amendments to Rule 15.7.4 concerning stylistic changes:*

15.7.4 Each referendum petition section must consist of the following, in the order listed:

- (a) The warning as specified in section 1-40-110, C.R.S.;
- (b) The heading "Referendum Petition"," followed by the demand upon the Secretary of State in substantially the following form, in which the underlined material is only for example:

"To: The Honorable \_\_\_\_\_, Secretary of State of the State of Colorado

We, the undersigned electors of the State of Colorado, do hereby respectfully petition, order, and demand that Sections 1 to 12, inclusive (being the entire Act), of House Bill No. 02-1010, by Representatives Abel, Baker, and Cain, and Senators Smith, Thomas, and Jones, entitled "Concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation", passed by the Sixty-third General Assembly of the State of Colorado, at its regular session in the year 2002, shall be submitted to the voters for their adoption or rejection at the next biennial regular general election, to be held on Tuesday, the 5<sup>th</sup>-5<sup>th</sup> day of November, 2002, and each of the signers of this petition says:

I sign this petition in my own proper person only, and I am a registered elector of the State of Colorado, my residence address and the date of my signing this petition are correctly written immediately after my name, and I do hereby designate the following persons to represent me in all matters affecting this petition:";

- (c) The name and mailing address of two persons who are designated to represent the signers thereof in all matters;-
- (d) The ballot title and submission clause;-
- (e) The text of the Act, or the item, section, or part of the Act, on which the referendum is demanded;-
- (f) Succeeding pages that each contain the warning, the ballot title, and submission clause, and ruled lines numbered consecutively for signatures; AND:-

- (g) A final page that contains the circulator's affidavit required by section 1-40-111(2), C.R.S.

*Amendments to Rule 16:*

*Amendments to Rule 16.1 concerning a stylistic change:*

16.1 ~~General Rules concerning~~ Voting by military and overseas electors

*Amendments to Rule 16.1.6 concerning county communication with UOCAVA electors:*

16.1.6 The county clerk must send a minimum of one correspondence no later than 60 days before the first primary OR COORDINATED election ~~in an even numbered~~ EACH year to each ~~elector whose record is marked "Inactive~~ COVERED VOTER." The correspondence may be sent by email or mail and, at a minimum, must notify the electors of:

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

*New Rule 16.2.5 regarding transmitting a mail ballot packet to a covered voter who has already received a ballot by fax or email:*

16.2.5 A COUNTY CLERK THAT HAS SUCCESSFULLY TRANSMITTED A BALLOT PACKET TO A COVERED VOTER BY FAX OR EMAIL MAY NOT SEPARATELY MAIL THAT ELECTOR A BALLOT UNLESS LATER REQUESTED BY THAT ELECTOR, OR AS A RESULT OF A CHANGE OF THAT VOTER'S STATUS.

*[Not shown: current Rules 16.2.5 through 16.2.8 are renumbered to Rules 16.2.6 through 16.2.9.]*

*Amendments to Rule 17:*

*Amendments to Rule 17.5 concerning technical changes:*

17.5 Processing provisional ballot affidavits ~~in the~~ SCORE. Before closing an election, the county clerk must:

- 17.5.1 Enter all provisional ballot affidavits into the SCORE provisional module;-
- 17.5.2 Process all voter registration updates; AND-
- 17.5.3 Link all provisional ballot affidavits to the appropriate elector's record.

*Amendments to Rule 18:*

*Repeal of Rule 18.3 and Rule 18.3.1 due to this technology no longer being in use in Colorado:*

~~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.~~

*Amendments to Rule 18.3.2 including the recodification to Rule 18.3, necessary renumbering, and removing language which no longer applies to Colorado voting system components:*

~~18.3.2~~18.3 Procedures for counting paper ballots on ballot scanners at central count locations

- ~~(a)~~18.3.1 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)~~18.3.2 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)~~18.3.3 A resolution board must resolve ballots sorted or rejected for resolution.
  - ~~(1)~~(A) In partisan elections, a resolution board must consist of at least two election judges affiliated with different major political parties.
  - ~~(2)~~(B) 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)~~(C) In counties with a voting system that supports digital resolution, a resolution board must work at each resolution workstation.

- ~~(5)(D)~~ 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)~~ 18.3.3.

*Amendments to Rule 18.4 concerning a stylistic change:*

18.4 Ballot ~~D~~ Duplication

*Amendments to Rule 18.4.1 due to the passage of SB23-276 requiring a county clerk to review of the duplication process of ballots with a separate team of two election judges:*

- 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 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.~~
- (A) THE COUNTY CLERK MUST TRAIN RESOLUTION BOARD MEMBERS TO RESOLVE VOTER INTENT ISSUES IN ACCORDANCE WITH THE SECRETARY OF STATE'S VOTER INTENT GUIDE.
- (B) THE COUNTY CLERK MUST PERIODICALLY REVIEW DUPLICATED BALLOTS TO ENSURE DUPLICATION IS BEING CONDUCTED CONSISTENT WITH COLORADO LAW AND RULE 18.4.

*[Not shown: no changes to Rules 18.4.2 through Rules 18.4.5.]*

*New Rule 18.4.6 regarding the organization of ballots which have been duplicated by a county clerk:*

- 18.4.6 A COUNTY CLERK MUST BATCH DUPLICATED BALLOTS SEPARATELY FROM ALL OTHER BALLOTS.

*[Not shown: current Rule 18.4.6 is renumbered to Rule 18.4.7.]*

*Amendments to Rule 18.5 concerning a stylistic change:*

18.5 Ballot ~~R~~ Resolution

*[Not shown: no changes to Rule 18.5.1.]*

*Amendments to Rule 18.5.2 removing requirements which no longer apply to voting system components used in Colorado and technical changes for clarity:*

18.5.2 Resolution of blank ballots.

- (A) 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.
- (c) 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.

*Amendments to Rule 18.5.3(c) removing outdated language to the digital adjudication process:*

18.5.3 Resolution of write-in votes

*[Not shown: no changes to sections (a) and (b).]*

- (c) In counties using voting systems that ~~do not have digital resolution capability, or the digital resolution feature is~~ ARE not capable of detecting voter markings on or in a write-in line or area if the corresponding target area is not also marked, and if the voter does not mark any other target area in a particular contest, the resolution board must count as valid votes for eligible write-in candidates those instances in which the voter both marks the applicable target area and writes in the name of a certified write-in candidate. 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.

*Amendments to Rule 19:*

*Amendments to Rule 19.1.3 updating the definition of "persons required to complete certification" due to the passage of SB22-153:*

19.1.3 "Persons required to complete certification" means:

- (a) The county clerk; ~~and~~
- (b) Employees in the county clerk's office who are directly responsible for overseeing election activities, including but not limited to: voter registration, candidate qualifications and ballot certification, poll worker training, ballot design and setup, ballot counting, and canvassing;
- (c) OTHER EMPLOYEES IN THE COUNTY CLERK AND RECORDER'S OFFICE AT THE DISCRETION OF THE CLERK;
- (d) A DESIGNATED ELECTION OFFICIAL FOR A COUNTY AND A COORDINATED ELECTION OFFICIAL FOR A COUNTY; AND
- (e) EMPLOYEES IN THE ELECTIONS DIVISION OF THE DEPARTMENT OF STATE AT THE DISCRETION OF THE SECRETARY OF STATE.

~~(Section 1-1-302, C.R.S.)~~

*Amendments to Rule 19.3.4 requiring that in-person certification training must be completed every two years:*

- 19.3.4 To maintain Colorado certification, a person must complete at least four Continuing Elections Education courses by July 31 of every year and complete at least one in-person class every ~~four~~ TWO years.

*Amendments to Rule 20:*

*Amendments to Rule 20.2.2 concerning background checks for election judges:*

20.2.2 The county clerk must perform a background check FOR ALL ELECTION JUDGES. IN ACCORDANCE WITH SECTION 1-6-101, C.R.S., AN INDIVIDUAL CONVICTED OF ELECTION FRAUD, ANY OTHER ELECTION OFFENSE, OR FRAUD MAY NOT SERVE AS AN ELECTION JUDGE. ~~IN ACCORDANCE WITH THIS RULE FOR EACH ELECTION JUDGE IF THE JUDGE REQUIRES ACCESS TO:~~

- ~~(a) The statewide voter registration database;~~
- ~~(b) Elector's confidential or personally identifiable information; or~~
- ~~(c) Voter registration applications or other list maintenance activities.~~

*Amendments to Rule 20.4.2 concerning the surveillance of secure areas due to the passage of SB22-153:*

20.4.2 Surveillance of secure areas

- (a) The county clerk must make video security surveillance recordings of secure equipment areas, as defined by Rule 1.1.49, ~~beginning at least 60 days before election day and continuing uninterrupted through at least 30 days after election day. If a recount or contest occurs, the recording must continue through the conclusion of all related activity~~ IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-7-513.5, C.R.S.
- (b) The county clerk of a county with 50,000 or more registered voters must also make video security surveillance recordings of secure ballot areas, as defined by Rule 1.1.48, IF THOSE AREAS DO NOT CONTAIN ANY COMPONENTS OF A VOTING SYSTEM, beginning at least 35 days before election day and continuing uninterrupted through at least 30 days after election day. If a recount or contest occurs, the recording must continue through the conclusion of all related activity.

*[Not shown: no changes to sections (c) and (d).]*

*New Rule 20.4.2(e) concerning planned maintenance of video surveillance systems:*

- (E) PLANNED MAINTENANCE OF VIDEO SURVEILLANCE
  - (1) IF NECESSITY REQUIRES IT, A COUNTY CLERK MAY TEMPORARILY CEASE VIDEO SURVEILLANCE OF VOTING SYSTEM COMPONENTS OR OTHER AREAS FOR PLANNED MAINTENANCE OF THE VIDEO SURVEILLANCE SYSTEM, BUT ONLY FOR SO LONG AS THE INTERRUPTION OF SURVEILLANCE IS REQUIRED.
  - (2) BEFORE THE PLANNED OUTAGE, THE COUNTY CLERK MUST NOTIFY AND SUBMIT DETAILED PLANS TO THE SECRETARY OF STATE WHICH DESCRIBE SECURITY MEASURES THE CLERK WILL TAKE TO ENSURE THE SECURITY OF THE VOTING SYSTEM COMPONENTS OR AREAS DURING THE PLANNED OUTAGE.
  - (3) AFTER REVIEW OF THE PLANS, THE SECRETARY OF STATE MAY REQUIRE A COUNTY CLERK TO TAKE ADDITIONAL OR DIFFERENT ACTIONS TO ENSURE THE



SECURITY OF VOTING SYSTEM COMPONENTS OR AREAS DURING THE PLANNED OUTAGE.

*Amendments to Rule 20.4.3 concerning access logs to secure areas and necessary renumbering and stylistic changes:*

20.4.3 Access logs to secure areas

- (a) THE COUNTY CLERK MUST MAINTAIN A LOG OF EACH PERSON WHO ENTERS A LOCATION WHICH CONTAINS COMPONENTS OF A VOTING SYSTEM IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-7-513.5, C.R.S.
- (B) The county clerk must OTHERWISE maintain a log of each person who enters a secure ballot area, as defined by Rule 1.1.48, IF THAT AREA DOES NOT CONTAIN ANY COMPONENTS OF A VOTING SYSTEM ~~or secure equipment area, as defined by Rule 1.1.49.~~ This does not include members of the public who access areas of a county clerk's office that are regularly available to the public outside of an election.

*[Not shown: sections (b) and (c) are recodified to sections (c) and (d).]*

*Amendments to Rule 20.5.2(c)(3) concerning election judges accessing the voting system under a single user account:*

20.5.2 Accessing the voting system

*[Not shown: no changes to sections (a) and (b).]*

- (c) Accounts and passwords

*[Not shown: no changes to subsections (1) and (2).]*

- (3) The county clerk must create individual user accounts that are associated and identified with each individual authorized user of the operating system of the voting system, election management system, or election project. IF A PARTICULAR ELECTION ACTIVITY INVOLVES TWO ELECTION JUDGES INTERACTING WITH A VOTING SYSTEM ON THE SAME ACTIVITY, THEN THE COUNTY MAY ASSIGN A SINGLE USER ACCOUNT TO BOTH ELECTION JUDGES FOR THAT ACTIVITY. BOTH ELECTION JUDGES MUST STILL COMPLY WITH THE LOG REQUIREMENTS OF RULE 20.5.2(D).

*[Not shown: no changes to section (d).]*

*Amendments to Rule 20.5.4 concerning the transportation of voting system components and necessary renumbering:*

20.5.4 Transporting voting system

- (a) The county clerk must submit detailed plans to the Secretary of State before ~~an election regarding the transportation of voting system components FROM A COUNTY ELECTION FACILITY TO ANOTHER LOCATION, INCLUDING A VOTER SERVICE AND POLLING CENTER to remote voting sites and back to the central elections office or storage facility.~~ AFTER REVIEW OF THE PLANS, THE SECRETARY OF STATE MAY REQUIRE A COUNTY CLERK TO TAKE ADDITIONAL OR DIFFERENT ACTIONS TO ENSURE THE SECURITY OF VOTING SYSTEM COMPONENTS DURING TRANSIT.

- (b) During or after transportation, if there is any evidence of possible tampering with a seal, or if the seal numbers do not match those listed in the chain-of-custody log, the county clerk must be immediately notified and must file an incident report required by Rule 20.12.2(a).
- (C) VOTING SYSTEM COMPONENTS ARE NOT REQUIRED TO BE UNDER VIDEO SECURITY SURVEILLANCE WHILE IN TRANSIT. IN THE PLAN REQUIRED BY RULE 20.5.4(A), THE COUNTY CLERK MUST DESCRIBE HOW THEY WILL MAINTAIN BIPARTISAN CHAIN-OF-CUSTODY WHILE THE COMPONENTS ARE NOT UNDER VIDEO SURVEILLANCE.
- (D) PERSONNEL REQUIREMENTS FOR TRANSPORTATION
  - ~~(e)~~(1) Transportation by county personnel
    - ~~(1)~~(A) County personnel must at all times display identification provided by the county.
    - ~~(2)~~(B) Two employee signatures and the date are required at the departure location verifying that the equipment is sealed to detect tampering. Upon delivery of equipment, at least two election officials must verify, and indicate by signing and dating the chain-of-custody log, that all seals are intact and that the seal numbers match the logged seal numbers.
  - ~~(d)~~(2) Transportation by election judges.
    - ~~(1)~~—Two election judges of different party affiliations that are receiving or transporting equipment must inspect all voting devices and verify the specific seal numbers by signature and date on the chain-of-custody log for the device.
  - ~~(e)~~(3) Transportation by contract
    - ~~(1)~~(A) If a county clerk contracts for the delivery of equipment to ~~remote voting locations~~, each individual delivering equipment must successfully pass a criminal background check as required by Rule 20.2.1.
    - ~~(2)~~(B) Two election officials must verify the specific seal numbers by device, sign, and date the chain-of-custody log upon release of the equipment to the individuals delivering the equipment. If the equipment is delivered by a truck capable of being locked by using a padlock or other similar device from the outside, the county clerk must provide a lock for the truck to be used during delivery. The county clerk must maintain the key or combination to the lock to be used to open the truck upon delivery. Upon delivery of equipment, at least two election officials must verify, and indicate by signing and dating the chain-of-custody log, that all seals are intact and that the seal numbers match the logged seal numbers.
    - ~~(3)~~(C) A county clerk must require a contractor to deliver equipment to ~~a remote location~~ on the day the equipment is picked up from the county clerk.

*Amendments to Rule 20.6 specifying the trusted build procedures at a county:*

20.6 Trusted build procedures AT A COUNTY

*Amendments to Rule 20.6.2(a) concerning attendance at a trusted build:*

20.6.2 Attendance at trusted build

- (a) The only individuals who may be present at a trusted build in a county include:
  - (1) Secretary of State staff, designees of the Secretary of State, or other individuals approved by the Secretary of State;
  - (2) Voting system vendor staff for the voting system for which trusted build is being installed. AT LEAST ONE INDIVIDUAL LISTED IN RULE 20.6.2(A)(2) MUST BE PRESENT DURING THE TRUSTED BUILD, UNLESS EXEMPTED BY THE DEPARTMENT OF STATE; and

*[Not shown: no changes to subsection (3).]*

*[Not shown: no changes to sections (b) through (e).]*

*Amendments to Rule 20.9.2(a)(4) concerning ballot-on-demand and mobile ballot production printers:*

20.9.2 Ballot-on-demand and mobile ballot production printers

- (a) Software access, security, and storage

*[Not shown: no changes to subsections (1) through (3).]*

- (4) The county clerk must store the ballot-on-demand and mobile ballot production printer, laptop, and unused paper ballot stock in a locked storage area WHICH IS ACCESSIBLE ONLY TO ELECTION OFFICIALS when the printer is not in use.

*[Not shown: no changes to subsection (5).]*

*[Not shown: no changes to section (b).]*

*Amendments to Rule 20.11.1 concerning new section (f) that requires a county clerk to develop a contingency plan in cases of an unexpected outage of required video surveillance:*

20.11.1 Contingency plans

*[Not shown: no changes to sections (a) through (e).]*

- (F) THE COUNTY CLERK MUST DEVELOP CONTINGENCY PLANS WHICH ADDRESS AN UNEXPECTED OUTAGE OF ANY REQUIRED VIDEO SURVEILLANCE. THE PLAN MUST INCLUDE REGULAR INTERVALS AT WHICH THE COUNTY WILL CONFIRM THAT ALL REQUIRED VIDEO SURVEILLANCE IS OPERATIONAL.

*Amendments to Rule 21:*

*Amendments to Rule 21.1.3 to clarify the exemption of some counties to use paper ballot tabulation devices after the passage of SB22-153:*

- 21.1.3 The certification of a voting system is not a requirement that a county purchase or lease all of the components of the voting system. Counties may choose to configure and use a

subset of the certified voting system and may use the services of a vendor or third party to provide ballot definition and election programming of memory cards. Counties are not required to use a paper ballot tabulation device if they ARE EXEMPTED BY LAW AND choose to manually tabulate the election results.

*New Rule 21.1.4 concerning notification requirements for certification or modification applications:*

21.1.4 A VOTING SYSTEM VENDOR APPLYING FOR CERTIFICATION OR MODIFICATION MUST NOTIFY THE SECRETARY OF STATE AT THE TIME OF APPLICATION IF ANY COMPONENT PREVIOUSLY CERTIFIED FOR USE IN COLORADO IS NOT INCLUDED IN THE APPLICATION FOR CERTIFICATION OR MODIFICATION.

*Amendments to Rule 21.2 concerning stylistic changes:*

21.2 Certification ~~P~~Process ~~O~~Overview and ~~T~~Timeline

*[Not shown: no changes to Rule 21.2.1.]*

*Amendments to Rule 21.2.2 concerning the certification process of a voting system:*

21.2.2 For a voting system to be certified, the voting system provider must successfully complete all phases of the certification process. The certification process includes: submission of a complete application, a documentation review, a public demonstration of the system, ~~and~~ functional testing, AND ESCROW OF STATE CERTIFIED ELECTION SOFTWARE.

*Amendments to Rule 21.2.3 concerning each phase of certification and updated requirements:*

21.2.3 The flow of each phase of certification is as follows:

*[Not shown: no changes to sections (a) through (d).]*

(e) Phase V – The Secretary of State will review the test results and determine whether the voting system substantially meets the requirements for certification. BEFORE THE SECRETARY OF STATE WILL MAKE A FINAL DETERMINATION OF WHETHER THE SYSTEM SUBSTANTIALLY MEETS THE REQUIREMENTS, THE VOTING SYSTEM PROVIDER MUST ESCROW IN COMPLIANCE WITH SECTION 1-7-511, C.R.S. Within 30 days of a decision, the Secretary of State will post the certification test report for the voting system on its website.

*[Not shown: no changes to Rule 21.2.4.]*

*Amendments to Rule 21.3 concerning the application procedure and stylistic change:*

21.3 Application ~~P~~Procedure

21.3.1 Any voting system provider ~~may apply to the Secretary of State~~ THAT WANTS TO APPLY for certification ~~at any time~~ MUST COMMUNICATE THEIR TIMING AND INTENT TO APPLY WITH THE VOTING SYSTEMS TEAM PRIOR TO SUBMITTING A COMPLETE APPLICATION PACKAGE. IF THE TIMING OF THE SUBMISSION WOULD PRESENT A HARDSHIP FOR THE SECRETARY OF STATE, THE SECRETARY MAY REQUEST THE PROVIDER TO DELAY SUBMISSION OF THE APPLICATION TO A LATER DATE AGREED UPON BY ALL PARTIES.

*[Not shown: no changes to Rules 21.3.2 through 21.3.7.]*

*Amendments to Rule 21.4.9 concerning a stylistic change and a specific technical change in Rule 21.4.9(a)(4):*

21.4.9 Audit Capacity

- (a) The voting system must track and maintain read-only audit information of the following election management system events:

*[Not shown: no changes to subsections (1) through (3).]*

- (4) Election events – set for election, unset for election, open polls, close polls, end election, upload devices, download devices, create ballots, create precincts, create districts, create voter service and polling centers, initialize devices, backup devices, and voting activity; and

*[Not shown: no changes to subsection (5).]*

*[Not shown: no changes to sections (b) through (l).]*

*Amendments to Rule 21.5.1 concerning demonstrations of voting system components by voting system providers:*

21.5.1 Voting system provider demonstration

*[Not shown: no changes to section (a).]*

- (b) The demonstration period does not have a predetermined agenda for the voting system provider to follow; however, presentations should be prepared to address and demonstrate the following items as they pertain to each area and use within the voting system, if applicable:

*[Not shown: no changes to subsections (1) through (8).]*

- (9) Accessible use, including a full demonstration of all functionality using accessible voter interface devices and the audio ballot; THIS INCLUDES A VIDEO SUBMITTED WITH THE DEMONSTRATION WHICH SHOWS:

- (A) A DEMONSTRATION OF THE FULL FUNCTIONALITY OF THE VOTER INTERFACE DEVICES AVAILABLE FOR USE WITH A BALLOT MARKING DEVICE; AND
- (B) A DEMONSTRATION OF A VOTING SESSION FROM BEGINNING TO END, WHICH INCLUDES THE AUDIO WHICH WILL ACCOMPANY VOTING ON A BALLOT MARKING DEVICE, AND WHICH DESCRIBES THE ACTIONS AVAILABLE TO THE VOTER TO TAKE AT EVERY STEP ON THE DEVICE. THE DEMONSTRATION MUST ALLOW FOR AN INDIVIDUAL WHO IS VISUALLY IMPAIRED TO FOLLOW EACH STEP TAKEN DURING A VOTING SESSION.
- (C) THE SECRETARY OF STATE MAY REQUIRE A VOTING SYSTEM WHICH HAS BEEN ADOPTED FOR USE TO PROVIDE A DEMONSTRATION WHICH FOLLOWS THE REQUIREMENTS OF THIS RULE.

*[Not shown: no changes to sections (c) through (i).]*

*Amendments to Rule 21.10 concerning the escrow of voting system software, repealing of Rules 21.10.2, 21.10.9, and 21.10.10, and necessary renumbering:*

21.10 Escrow of voting system software and firmware by voting system provider. The voting system provider must meet the requirement for ELECTION MANAGEMENT software escrow per the following:

*[Not shown: no change to Rule 21.10.1.]*

~~21.10.2 Within ten days of the voting system provider receiving notification of the certification, the voting system provider must arrange for the completion of escrow requirements as indicated by this Rule.~~

*[Not shown: current Rules 21.10.3 through 21.10.8 are renumbered to Rules 21.10.2 through 21.10.7.]*

*Repeal of Rules 21.10.9 and 21.10.10 because this information is already otherwise provided during the certification process of a voting system or is no longer required due to the passage of SB23-276:*

~~21.10.9 System documentation will include technical architecture design, analysis, detail design, testing and an installation and configuration guide.~~

~~21.10.10 A set of schematics and drawings on electronic vote casting and counting equipment purchased or in use by the county clerk must be filed with the Secretary of State.~~

*[Not shown: current Rule 21.10.11 renumbered to Rule 21.10.8.]*

*Repeal and replacement of current Rule 21.10.12 due to the passage of SB23-276 and now requiring a voting system provider to notify the Department that a certified election management software has been placed in escrow and necessary renumbering:*

~~21.10.12 21.10.9 Copies of electronic media and supporting documentation for escrow within the Secretary of State will be sent to:~~

~~Colorado Secretary of State  
Attn: Voting Systems  
1700 Broadway Suite 550  
Denver, CO 80290~~ THE PROVIDER MUST NOTIFY THAT SECRETARY OF STATE VIA EMAIL THAT THE ELECTION MANAGEMENT SOFTWARE BEING CERTIFIED HAS BEEN PLACED IN ESCROW.

*[Not shown: current Rule 21.10.13 renumbered to Rule 21.10.10.]*

*Amendments to Rules 21.11.1 and 21.11.6 concerning stylistic changes:*

21.11.1 Results reporting requirements

- (a) The voting system must be capable of generating a summary report that lists the total number of votes for each candidate in each round. The report must include:

*[Not shown: no changes to sections (b) and (c).]*

*[Not shown: no changes to Rules 21.11.2 through 21.11.5.]*

21.11.6 Ballot adjudication requirements

- (a) The voting system must allow the user to queue ballots with the following conditions for adjudication by election judges:
  - (1) Any ambiguous mark in any ranking;-
  - (2) Any ranking that results in an overvote;-
  - (3) Any skipped ranking;-

- (4) Any duplicate ranking; AND-
- (5) Any contest in which a voter has ranked fewer candidates than the contest's maximum permitted number of rankings.

*Amendments to Rule 25:*

*Amendments to Rule 25.2.2 concerning the selection of races to audit during a primary and other stylistic change:*

25.2.2 Preparing for the audit

*[Not shown: no changes to sections (a) through (i).]*

- (j) Selection of target contests. No later than 5:00 p.m. MT on the Friday after election day, the Secretary of State will select the target contests. In a general or coordinated election, the Secretary of State will select at least one statewide contest, and for each county at least one other contest. The Secretary of State will select other ballot contests for audit if in any particular election there is no statewide contest. In a primary election, the Secretary of State will select at least one ~~countywide~~ contest of each major political party in each county. The Secretary of State will publish a complete list of all target contests on the Audit Center. The Secretary of State will consider at least the following factors in selecting the target contests:

*[Not shown: no changes to subsections (1) through (4).]*

- (5) Any benefits that may result from auditing certain contests; ~~and~~
- (6) The ability of the county clerks to complete the audit before the canvass deadline; AND
- (7) ANY RECOMMENDATIONS PROVIDED BY COUNTY CLERKS OR THE PUBLIC REGARDING WHICH CONTEST SHOULD BE TARGETED.

*[Not shown: no changes to sections (k) and (l).]*

**II. Basis, Purpose, and Specific Statutory Authority**

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

**III. Effective Date of Adopted Rules**

The rules will become permanently effective twenty days after publication in the Colorado Register.<sup>5</sup>

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<sup>5</sup> Section 24-4-103(5), C.R.S. (2023).

Dated this 22<sup>nd</sup> day of September 2023,



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Christopher P. Beall  
Deputy Secretary of State

For

Jena Griswold  
Colorado Secretary of State





## Statement of Basis, Purpose, and Specific Statutory Authority

### Colorado Department of State Elections Rules 8 CCR 1505-1

September 22, 2023

#### I. Basis and Purpose

This statement explains amendments to the Colorado Department of State Election Rules [8 CCR 1505-1]. The Department permanently adopts the following amendments to ensure uniform and proper administration, implementation, and enforcement of federal and Colorado election laws,<sup>1</sup> improve elections administration in Colorado, increase the transparency and security of the election process, and implement amendments required by Senate Bills 23-276, enacted June 6, 2023, and 22-153, enacted June 2, 2022.

Specific changes include:

- Amendments to Rule 1 concerning definitions.
  - Amendments to Rule 1.1.4 to remove language for outdated technology.
  - Amendments to Rule 1.1.42 clarify the type of candidate a qualified political organization must get placed on the ballot to become a qualified political organization.
  - Repeal of Rule 1.1.64 which has been recodified in Rule 8.1.
- Amendments to Rule 2 concerning voter registration.
  - Amendments to Rule 2.1.2 update a reference to a form no longer in use in Colorado.
  - Amendments to Rule 2.5.3 remove the “ballot preference” language as it is no longer applicable due to the passage of SB23-276.
  - New Rule 2.5.5 requires a county clerk to refrain from automatically changing a covered voter’s status as a covered voter due to a change of address submitted by the Colorado Department of Revenue. The proposed rule also requires a county clerk to contact a covered voter in this situation.

- Repeal of Rule 2.8 because it is duplicative of section 1-2-102, C.R.S.
- Amendments to current Rule 2.9, including renumbering to Rule 2.8, clarify what residential address can be used by a covered voter.
- Repeal of Rule 2.10 because it is contradictory to Colorado law, which requires convicted felons to have their voter registration records cancelled in accordance with sections 1-2-302(3.5)(b) and 1-2-606, C.R.S.
- Repeal of Rule 2.12.3 which requires the Department of State to provide a list of confidential voters to state parties prior to that party's caucus meeting.
- Amendments to current Rule 2.13, including renumbering to Rule 2.11, clarify that National Change of Address (NCOA) data will be provided to county clerks by the fifth day of the month unless the Department does not receive the list in time for a transmittal by that date to be possible. NCAO data will continue to be provided on a monthly basis in accordance with Colorado law.
- Amendments to current Rule 2.14, including renumbering to Rule 2.12, to clarify that a state employee registering voters at a voter service and polling center must be an employee of the Department of State.
- Amendments to current Rule 2.15 include renumbering to Rule 2.13 and remove language of outdated practices regarding the charge of a fee for county voter information reports and related services.
- Repeal of Rule 2.16 removing references to ballot preference due to the passage of SB23-276.
- Repeal of Rules 3.8 and 3.9 concerning outdated practices of treating a qualified political organization differently from a minor party. Qualified political organizations may already obtain voter registration records using the same process as other minor parties. Qualified political organizations are also treated as minor parties in all voter registration summary reports.
- Amendments to Rule 4 concerning coordinated elections.
  - Amendments to Rule 4.1.2 gives additional authority to county clerks to include in an intergovernmental agreement a restriction on the size and formatting of ballot contests submitted to them by coordinating districts.
  - Amendments to Rule 4.5.1 remove outdated language as there are no technical or mechanical limitations in Colorado voting systems to the text amount on a ballot.
- Repeal of Rule 5.3 to remove reference to an outdated practice no longer used in Colorado. Rules 5.4 through 5.6 are renumbered to Rules 5.3 through 5.5.
- Amendments to Rule 6 concerning election judges.

- Amendments to Rule 6.1.1 requires a county clerk to request an updated list of election judges from each major party prior to each election and to use the updated list that is provided no later than 120 days before an election, except for state primary elections.
- Amendments to Rule 6.1.2 require county clerks to provide information to county parties regarding the needs that county has for election judges for the upcoming election cycle.
- Amendments to Rule 6.1.3 clarifies the process county clerks must use to exhaust the list of election judges submitted to them by their local major political parties before hiring election judges who are unaffiliated or are members of a minor party.
- New Rule 6.1.4 has been renumbered but otherwise is unchanged from language repealed from Rule 6.1.2.
- Current Rules 6.1.4 and 6.1.5 are renumbered to Rules 6.1.5 and 6.1.6.
- New Rule 6.2.2 concerns the assignment of elections judges to perform signature verification. The amendments require county clerks to consider past election judge performance of signature verification duties in that county before hiring that judge to conduct signature verification in a new election. Current Rule 6.2.2 is renumbered to Rule 6.2.3.
- Amendments to Rule 6.7 require that supervisor election judge training content approved by the Department of State is valid for the calendar year in which it is approved. It is also valid for a presidential primary in the case it is approved in the previous calendar year.
- Amendments to Rule 6.8 require election judges who conduct signature verification to take training provided by the Department of State prior to each election and to successfully complete that training. The amendments also clarify that additional signature verification training approved by the Department of State is only valid for the calendar year it is approved. It is also valid for a presidential primary in the case it is approved in the previous calendar year.
- Amendments to Rule 7 concerning elections conducted by the county clerk and recorder.
  - Amendments to Rule 7.2 concerning ballots and ballot packets.
    - Amendments to Rule 7.2.4 remove language regarding primary ballots which have been printed before a primary election. This change no longer requires a county to attempt to remove ballots which have been printed by a vendor if a voter changes their affiliation after that ballot has been printed before a primary.

- Repeal of Rule 7.2.6 which currently allows a county clerk to include a section on a mail ballot envelope which designates who is delivering the ballot for that voter. This change is being made because Colorado law allows any voter to return another voter's ballot as long as no person returns more than 10 ballots in an election and does not require a voter to identify who is returning that ballot. The inclusion of this optional statement on a mail ballot envelope unnecessarily causes voter confusion. Current Rules 7.2.7 through 7.2.8 are renumbered to Rules 7.2.6 through 7.2.8.
  - Amendments to current Rule 7.2.10, including renumbering to Rule 7.2.9, removing a reference to ballot preference due to the passage of SB23-276, and clarifying how an unaffiliated candidate may receive a minor party ballot if a minor party has a primary and allows unaffiliated voters to participate in that primary.
  - Repeal of current Rule 7.2.11 due to the passage of SB23-276 which removed the ability for unaffiliated voters to select a ballot preference.
  - Amendments to current Rule 7.2.12, including renumbering to Rule 7.2.10, fix a grammatical error. Current Rules 7.2.13 and 7.2.14 are renumbered to Rules 7.2.11 and 7.2.12.
  - Amendments to current Rule 7.2.15, including renumbering to Rule 7.2.13, and removing language related to ballot preference which is no longer in practice in Colorado after the passage of SB23-276.
  - Amendments to current Rule 7.2.16 include renumbering to Rule 7.2.14, removing outdated practices due to the passage of SB23-276, and permitting unaffiliated voters to receive a minor party ballot in a primary, if allowed by the minor party.
  - New Rule 7.2.16 requires a county clerk who is coordinating an election for a special district to automatically mail property owner ballots to eligible property owners.
- Amendments to Rule 7.4 concern the receipt and processing of ballots.
  - Amendments to Rule 7.4.1 clarify that drop box video surveillance must be maintained by the county clerk as an election record.
  - Amendments to Rule 7.4.5 repeals language that is now duplicative of statute due to the passage of SB23-276 and clarifies that counties with less than 250,000 active voters must pick up ballots at least twice on election day, as was previously required.

- Repeal of Rule 7.4.6 repeals the drop box waiver provision that is no longer allowed under Colorado law due to the passage of SB23-276. Colorado law now requires all drop boxes in the state to have ballots picked up on a set schedule that the Department of State may not waive. Current Rules 7.4.7 through 7.4.10 are renumbered to Rules 7.4.6 through 7.4.9.
- Amendments to current Rule 7.4.11 include the repeal and replacement of original language and renumbering to Rule 7.4.10. This new rule language requires county clerks to take several steps when they receive a ballot for a voter who does not reside in their county. The actions the county must take include transferring the ballot by a set deadline and method, notifying the voter's home county that a ballot will be delivered, and sending an image of a signature to the voter's home county. Rule 7.4.12 is repealed and reincorporated in Rule 7.4.10.
- Amendments to current Rule 7.4.13, include renumbering to Rule 7.4.11 and adding requirements for logging information regarding voter registration and ballot delivery and receipt to eligible voters in county jails. This is required due to the passage of SB23-276.
- Amendments to Rule 7.5 include organizing the structure of the rule to include New Rules 7.5.1 through 7.5.3 for clarity.
- Amendments to Rule 7.7
  - Amendments to Rule 7.7.1 clarify that county clerks must review signatures following the two-tiered review process required by section 1-7.5-107.3, C.R.S.
  - Amendments to Rule 7.7.3 clarify that a signature on an envelope which is consistent with a voter's signature in SCORE is one that is more likely than not to be the signature of the voter. The rule also clarifies that a consistent signature must be accepted as a matching signature.
  - Amendments to Rule 7.7.8 require county clerks to audit all signature verification judges each day that a judge conducts signature verification. A judge with an unexplained, irregular acceptance, rejection, or overturn rate must be retrained or removed.
  - Amendments to Rule 7.7.10 require ballot sorting and signature capture devices to take an image of the full side of a mail ballot envelope where the signature appears. This requirement begins on January 1, 2024.
- Amendments to Rule 7.8 concerning voter service and polling centers (VSPCs).

- Amendments to Rule 7.8.1 clarify that clerks must open voter service and polling centers in accordance with section 1-7.5-107(4.5), C.R.S., for primary and coordinated elections.
    - Repeal and replacement of Rule 7.8.2. The current language is duplicative of statute. The new language requires county clerks to consider the recommendations made by the voter center siting tool when determining where to place voter service and polling centers and drop boxes in a general election.
  - Amendments to Rule 7.9.3 remove references to procedures no longer in place in Colorado.
  - New Rule 7.17 requires county clerks to follow specific data entry standards when naming districts, positions, and ballot styles in SCORE’s Districts and Precincts and Election Management modules beginning January 1, 2024.
- Amendments to Rule 8 concerning watchers.
  - Amendments to Rule 8.1 include the recodification of sections (a) through (c) of Rule 1.1.64 into Rules 8.1.2 through 8.1.4 and necessary renumbering.
  - Amendments to Rule 8.8 specify that the rule is for use in non-partisan, coordinated elections. The passage of SB23-276 incorporated into law the requirements of the current rule in all other elections.
  - Amendments to Rule 8.10.2 clarify that watchers may possess a phone to send or receive text messages as long as no personally identifiable information is within view of the watcher.
- Amendments to Rule 9.1.4 remove a challenge question related to 17-year-olds voting in primary elections. 17-year-olds may no longer vote in primary elections after the passage of Amendment 76 in 2020.
- Amendments to Rule 10 concerning canvassing and recounts.
  - Amendments to Rule 10.3.2 remove outdated language that relates to random audits which are no longer conducted in Colorado. It also removes language which is duplicative of other election rules.
  - Repeal of Rule 10.5.3 removes language which is only applicable to “voting devices” which are devices no longer in use in Colorado.
  - Repeal and replacement of Rule 10.6.3. The previous language is being removed because it has been superseded by the passage of SB22-153. The new language

requires a county clerk to notify the Secretary of State if the canvass board voted not to certify the abstract of votes cast, failed to take action, or was not composed in a way required by Colorado law.

- Amendments to Rule 10.8.1 make a technical change.
- Amendments to Rule 10.9 concerning recounts generally.
  - Amendments to Rules 10.9.2 limit the ability to conduct a re-adjudication only recount to recounts requested by a candidate.
  - Amendments to rule 10.9.3 alter the deadline to request a re-adjudication recount to the day the recount is paid for by the candidate.
  - Repeal of Rule 10.9.6 removes the ability for a mandatory recount to be cancelled by the withdrawal of the losing candidate in a race.
- Amendments to Rule 10.10.2(b) require county clerks to provide cost estimates for a requested recount for both a rescan recount and a re-adjudication recount. The amendments also allow a county to charge for normal overhead costs, which is now explicitly allowed after the passage of SB23-276.
- Repeal of Rule 10.12.2 because it is now duplicative of statute after the passage of SB23-276.
- Repeal of Rule 10.13.1 because it is now duplicative of statute after the passage of SB23-276.
- Amendments to Rule 10.14.1 update the results reporting requirements for a plurality race following a recount.
- Amendments to Rule 11 concerning voting systems.
  - Amendments to Rules 11.6 and 11.7 include technical changes that are consistent with Department rulemaking standards.
    - Amendments to Rule 11.7.1 require a voting system vendor to file an incident report for a software or hardware incident, even if a separate report was filed by the designated election official (DEO).
    - Amendments to Rule 11.8.2(f) concern technical changes that are consistent with Department rulemaking standards.
  - New Rule 11.9.2 requires a county clerk to provide the election details report separately to the voting systems team 45 days in advance of the election.

- Amendments to current Rule 11.9.3, including renumbering to Rule 11.9.4, require a county clerk to check the total and content configuration reflected on the Election Night Reporting (ENR) website after uploading their LAT results file. County clerks are required to separately notify the voting systems team that the check has occurred.
- Amendments to Rule 13 concerning election and Help America Vote Act (HAVA) complaints.
  - Amendments to Rule 13.1.3 permit the Secretary's designee to extend the deadline for an initial review of an election complaint if extenuating circumstances do not allow the review to be completed in three business days.
  - Amendments to Rule 13.2.10 update that the alternative dispute resolution of a HAVA complaint should be sent to a hearing officer instead of the Office of Administrative Courts.
- Amendments to Rule 15 concerning the preparation, filing, and verification of petitions.
  - Amendments to Rule 15.1.2 clarify that the Department or DEO will not consider a signature line to be a reviewable line if that line is missing the name, signature, or address of the signer.
  - Amendments to Rule 15.1.4 alter language for grammatical consistency. Additional changes require the Department to reject a petition entry if a name suffix is present on the entry but not in SCORE, or present in SCORE but not in the entry and more than one person with that name is registered to vote at that address. Additionally, the changes clarify that the Department and DEOs will not reject a petition entry solely for a variety of circumstances including if the city is missing, information is written in the wrong field, or a suffix is missing on the petition or in SCORE but the signature matches for a candidate petition.
  - Amendments to Rule 15.2 concerning petition submission.
    - Amendments to Rule 15.2.1 require petition entities to include additional information on applications submitted to the Department. This includes information regarding petition circulators working for that entity, beginning on January 1, 2025. It also requires designated agents to attest to additional requirements to circulate petitions in Colorado as a result of SB23-276.
    - Amendments to Rule 15.2.2 require petition entity designated agents to complete the Department of State's circulator training program before applying for a license to circulate a petition.



- New Rule 15.2.5 requires a new application to be submitted after that license expires and clarifies that petition entity licenses expire after two years, beginning on January 2, 2024.
    - New Rule 15.2.6 clarifies that petition entities must update any application information that changes within 20 days after the change.
  - Amendments to Rule 15.3.2 make technical changes to reflect current Colorado law regarding homeless petition circulators.
  - Amendments to Rule 15.4.1 make technical changes which clarify that the designated representatives must be listed on petitions submitted to the Department.
  - Amendments to Rule 15.5.1(b) make technical changes to clarify that Department staff reviews randomly selected signature lines for initiative petitions submitted to the Department.
  - Amendments to Rule 15.6.1(b) clarify that a bi-partisan review of candidate petitions includes two reviewers who are of different parties or are unaffiliated. It also allows an individual who is not registered to vote to be treated as unaffiliated for the purpose of the rule.
  - Amendments to Rule 15.7.4 concern a stylistic change to reflect Department rulemaking standards.
- Amendments to Rule 16 concerning military and overseas voters (UOCAVA).
  - Amendments to Rule 16.1.6 require county clerks to send correspondence to each UOCAVA voter in the county once per year before the first primary or coordinated election of the year.
  - New Rule 16.2.5 restricts county clerks from sending a mail ballot to a voter if that clerk has already successfully transferred a fax or email ballot to that voter, unless requested by that voter or as a result of a change, and necessary renumbering.
- Amendments to Rule 17.5 concern a stylistic change to reflect Department rulemaking standards.
- Amendments to Rule 18 concerning uniform counting standards for paper ballots.
  - Repeal of Rule 18.3.1 (and title section of Rule 18.3) because the rule refers to technology no longer in use in Colorado.
  - Amendments to current Rule 18.3.2 include recodifying to Rule 18.3 and removing language that refers to technology no longer in use in Colorado.

- Amendments to Rule 18.4 to reflect Department rulemaking standards.
  - Amendments to Rule 18.4.1 removes language which is now contrary to statute after the passage of SB23-276 and adds language which requires the county clerk to train resolution boards to resolve voter intent in accordance with the Secretary of State's Voter Intent Guide, and to periodically review the ballot duplication process being conducted.
  - New Rule 18.4.6 requires a county clerk to separately batch duplicated ballots, and necessary renumbering.
- Amendments to Rule 18.5 concerning ballot resolution.
  - Amendments to Rule 18.5.2 remove language which is no longer necessary due to the fact that all Colorado voting systems certified for use must have digital resolution capability.
  - Amendments to Rule 18.5.3(c) remove language which is no longer necessary due to the fact that all Colorado voting systems certified for use must have digital resolution capability.
- Amendments to Rule 19 concerning the certification and education of designated election officials (DEOs).
  - Amendments to Rule 19.1.3 include additional groups of people who are required to complete certification classes after the passage of SB22-153.
  - Amendments to Rule 19.3.4 require a person to take an in-person class every two years to maintain their election certification.
- Amendments to Rule 20 concerning county security procedures.
  - Amendments to Rule 20.2.2 require county clerks to conduct a background check on all election judges.
  - Amendments to Rule 20.4.2 alter language which is no longer applicable due to the passage of SB22-153. New section (e) allows a county clerk to temporarily cease video surveillance of their voting system components if planned maintenance requires video surveillance to be temporarily brought down.
  - Amendments to Rule 20.4.3 alter language which is no longer applicable due to the passage of SB22-153.

- Amendments to Rule 20.5.2(c)(3) allow county clerks to assign a single user account and password to a team of election judges who are engaging in an activity that requires them both to interact with the voting system on the same activity.
- Amendments to Rule 20.5.4 clarify that county clerks must take security precautions required by rule any time voting system components are being transported. The amendments also clarify that voting system components are not required to be under video surveillance when in transit.
- Amendments to Rule 20.6 clarify that the rule applies to trusted builds conducted on-site at a county.
  - Amendments to Rule 20.6.2(a)(2) require a member of the voting system vendor to be present during a trusted build on site.
- Amendments to Rule 20.9.2 clarify that ballot-on-demand equipment must be stored in a location that is accessible only to election officials when not in use.
- Amendments to Rule 20.11.1 require a county clerk to develop a contingency plan to address an unexpected outage of any required video surveillance, including how often the county clerk will confirm that all required video surveillance is operational.
- Amendments to Rule 21 concerning voting system standards for certification.
  - Amendments to Rule 21.1.3 clarify that county clerks must use a ballot tabulation system unless they are exempted by law. This change is required after the passage of SB22-153.
  - New Rule 21.1.4 requires a voting system vendor to identify any equipment which was previously certified for use but is not in a new application for certification.
  - Amendments to Rule 21.2.2 clarify that the escrow of voting system software is a step in the certification process for voting systems in Colorado.
  - Amendments to Rule 21.2.3 require a voting system vendor to escrow their software in compliance with section 1-7-511, C.R.S., before the Department will make a final determination of whether or not a system is certified.
  - Amendments to Rule 21.3.1 allow the Department to request a voting system vendor to delay submission of an application for certification if the timing of the application would present a hardship for the Department.
  - Amendments to Rule 21.5 require a voting system vendor to include a video demonstration of the accessible aspects of their voting system when submitting an

application and allows the Secretary to require a voting system which has already been adopted for use to provide the same video.

- Amendments to Rule 21.10, include the repeal of Rules 21.10.2, 21.10.9, and 21.10.10, necessary renumbering. These amendments are necessary because the current rules have been incorporated elsewhere in these Rules, the information is already otherwise provided during the certification process, or the information is no longer necessary due to the passage of SB23-276.
- Amendments to Rule 21.10.12, including necessary renumbering, due to the passage of SB23-276 which requires voting system vendors to escrow their software with a third party. Additional amendments require the voting system vendor to notify the Department when software has been placed in escrow.
- Amendments to Rule 25.2.2 allow the Department to choose at one contest of each party in each county for auditing during a primary and would not require that the contest picked be countywide. Amendments also include recommendations provided by county clerks or the public as a factor for the Secretary to consider when choosing the races to audit.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

## **II. Rulemaking Authority**

The statutory authority is as follows:

- Senate Bill 23-276, enacted June 6, 2023.
- Senate Bill 22-153, enacted June 2, 2022.
- Section 1-1-107(2)(a), C.R.S., (2023), which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary finds necessary for the proper administration and enforcement of the election laws.”
- Section 1-1-110(1), C.R.S., (2023), which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-1-301, C.R.S., (2023), which requires the secretary of state to “establish and operate” a certification program for local election officials on the conduct of elections, to establish by rule a, “curriculum for the certification program . . . and methods for continuing education,” and to prescribe the continuing education requirements for the program by rule.

- Section 1-1.5-104(1)(b), C.R.S., (2023), which authorizes the Secretary of State to “[p]romulgate, oversee, and implement changes in the statewide voter registration system as specified in part 3 of article 2 of this title.”
- Section 1-1.5-104(1)(e), C.R.S., (2023), which gives the Secretary of State the power to “[p]romulgate rules...as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of [Article 1.5].”
- Section 1-1.5-105, C.R.S., (2023), which authorizes the Secretary of State to establish by rule "a uniform administrative complaint procedure to remedy grievances brought under Title III of HAVA," and which allows the Secretary of State to establish an alternative dispute resolution procedure.
- Section 1-2-217.7(7), C.R.S., (2023), which states that “[t]he secretary of state shall promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to implement this section” concerning registration on or immediately before election day.
- Section 1-4-101(2)(c), C.R.S., (2023), which allows the Secretary of State to adopt by rule ballot requirements “necessary to avoid voter confusion in voting in primary elections.”
- Section 1-4-905.5(4)(a), C.R.S., (2023), which requires a petition entity to submit an application on a form “prescribed by the secretary.”
- Section 1-4-908(1), C.R.S., (2023), which authorizes the Secretary of State, “to establish guidelines for verifying petition entries,” for candidate petitions.
- Section 1-4-908(1.5)(b)(III), C.R.S., (2023), which authorizes the Secretary of State to “promulgate rules, in accordance with article 4 of title 24, to implement [review of candidate petition signatures].”
- Section 1-5-102.9(5)(d)(I), C.R.S., (2023), which requires counties to follow, “the secretary of state’s current security rules . . .” regarding drop boxes.
- Section 1-5-616(1), C.R.S., (2023), which requires the Secretary of State to adopt rules “that establish minimum standards for electronic and electromechanical voting systems.” This includes the authority to adopt rules regarding “documentation requirements”, “security requirements”, and “accessibility” for those voting systems.
- Section 1-5-616(4), C.R.S., (2023), which requires the Secretary of State to “adapt the standards for certification of electronic or electromechanical voting systems established by rule . . . to ensure that new technologies that meet the requirements for such systems are certified in a timely manner...”
- Section 1-5-623(4), C.R.S., (2023), which requires the Secretary of State to promulgate rules necessary “to specify permissible conditions of use governing electronic voting devices or systems or related components of such devices or systems...”

- Section 1-7-510(6), C.R.S., (2023), which requires the Secretary of State to promulgate rules to implement the section regarding election setup records.
- Section 1-7-511(4), C.R.S., (2023), which requires the Secretary of State to adopt rules “prescribing the manner and procedures that voting system providers shall follow to [escrow voting system software].”
- Section 1-7-512(2), C.R.S., (2023), which requires the Secretary of State to promulgate rules establishing procedures for voting system providers to: notify the Secretary of State of changes to software; place software in escrow; and notify the Secretary of State and designated election official of any defect in the system.
- Section 1-7-513(2), C.R.S., (2023), which requires the Secretary of State to promulgate rules “prescribing the manner of maintenance of records required by this section” regarding voting equipment.
- Section 1-7-513.5(6), C.R.S., (2023), which requires the Secretary of State to promulgate rules necessary to implement the section regarding voting system equipment security and surveillance.
- Section 1-7-515(4)(a), C.R.S., (2023), which requires the Secretary of State to promulgate rules “necessary to implement and administer by this section” regarding risk-limiting audits.
- Section 1-7.5-104, C.R.S., (2023), which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”
- Section 1-7.5-105(2)(c), C.R.S., (2023), allowing the Secretary of State to adopt rules concerning the “submission and approval of election plans.”
- Section 1-7.5-105(3), C.R.S., (2023), which requires the county clerk and recorder to "supervise the distribution, handling, and counting of ballots and the survey of returns in accordance with rules promulgated by the secretary of state..."
- Section 1-7.5-106(2), C.R.S., (2023), which authorizes the Secretary of State to “adopt rules governing procedures and forms necessary to implement [Article 7.5 of Title 1, C.R.S.].”
- Section 1-7.5-107(1), C.R.S., (2023), which requires ballots to be prepared, “by law or rules promulgated by the secretary of state.”
- Section 1-7.5-107(4.3)(a)(I), C.R.S., (2023), which requires drop boxes to “comply with the secretary of state’s current security rules.”
- Section 1-7.5-107(6), C.R.S., (2023), which requires that mail ballots be counted as provided in “rules promulgated by the secretary of state.”

- Section 1-8.3-104(3), C.R.S., (2023), which authorizes the secretary of state to establish an electronic transmission system through which a UOCAVA voter may apply for and receive ballots and other associated materials.
- Section 1-10-104.5, C.R.S., (2023), which requires the Secretary of State to promulgate rules, “for the purpose of establishing equitable uniformity in the appointment and operation of canvass boards.”
- Section 1-10.5-102(2), C.R.S., (2023), which requires the Secretary of State to “promulgate and provide each county clerk and recorder with the necessary rules and regulations to conduct the recount in a fair, impartial, and uniform manner...”
- Section 1-40-116(3), C.R.S., (2023), which allows the Secretary of State to adopt rules for the examination and verification of signer lines on an initiative petition.
- Section 1-40-116(4)(a), C.R.S., (2023), which authorizes the Secretary of State to "engage in rule-making to establish the appropriate methodology” to review initiative petitions by random sample.
- Section 1-40-132, C.R.S., (2023), which charges the Secretary of State with the administration and enforcement of initiatives and referred measures, including the authority to “promulgate rules as may be necessary to administer and enforce any provisions of [Article 40] . . .”
- Section 1-40-135(4), C.R.S., (2023), which requires petition entities to apply for a license “on a form prescribed by the secretary of state.”