



Notice of Proposed Rulemaking

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

October 13, 2017

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. The hearing is scheduled for **November 17, 2017 from 1:00 p.m. - 3:00 p.m.** in the Aspen Conference Room on the 3rd floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290.

II. Subject

The Secretary is considering amendments to the election rules² to improve the administration and enforcement of Colorado election law.³

Specifically, the Secretary is considering rule revisions necessary to ensure proper administration of legislation recently passed by the Colorado General Assembly; establish uniformity in the administration of current law; organize existing rules for clarity; eliminate obsolete provisions; simplify the language of existing rules; remove language that is duplicative of statute; and ensure consistency with Department rulemaking standards. The Secretary may consider additional rule amendments.

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

III. Statutory authority

The Secretary proposes the rule revisions and amendments in accordance with the following statutory provisions:

¹ Section 24-4-103(3)(a), C.R.S. (2017).

² 8 CCR 1505-CCR 1.

³ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

- Section 1-1-107(2)(a), C.R.S., (2017), 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 1-1.5-104(1)(b), C.R.S., (2017), 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., (2017), which authorizes the Secretary of State to “[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the “Help America Vote Act of 2002”, 42 U.S.C. §§ 15301-15545] of [Article 1.5 of Title 1].”
- Section 1-4-101(2)(b), C.R.S., (2017), which authorizes the Secretary of State to “by rule adopt additional ballot requirements necessary to avoid voter confusion in voting in primary elections.
- Section 1-4-1203(6), C.R.S. (2017), which authorizes the Secretary of State to “by rule adopt additional ballot requirements necessary to avoid voter confusion in voting in presidential primary elections.”
- Section 1-4-908(1.5)(b)(III), C.R.S. (2017), which authorizes the Secretary of State to “promulgate rules, in accordance with article 4 of title 24, to implement” candidate petition signature verification.
- Section 1-4-912(3), C.R.S. (2017), which authorizes the Secretary of State to “promulgate rules, in accordance with article 4 of title 24, to implement” a cure process for candidate petitions.
- Section 1-7-515(4), C.R.S. (2017), which requires the Secretary of State to promulgate rules necessary to implement and administer risk-limiting audits.
- Section 1-7.5-104, C.R.S. (2017), 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, C.R.S. (2017), 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 as provided in section 1-7.5-106(2).”
- Section 1-7.5-106, C.R.S., (2017), which requires the Secretary of State to establish procedures for and supervise the conduct of mail ballot elections, including adopting “rules governing procedures and forms necessary to implement [Article 7.5 of Title 1, C.R.S.]”

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State's rules and notices of rulemaking website at:

www.sos.state.co.us/pubs/rule_making/hearings/2017/ElectionsRulesHearing20171117.html.

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by November 9, 2017.

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

You may submit written comments by mail, email, or in person to our office any time before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website: www.sos.state.co.us/pubs/rule_making/hearings/2017/ElectionsRulesHearing20171117.html.

We will redact contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor.

VI. Broadcast and audio recording of hearing

If you are unable to attend the hearing, you may listen to the live broadcast from the Aspen Conference Room online at www.sos.state.co.us/pubs/info_center/audioBroadcasts.html. After the hearing, visit the same website and click on "archived recordings" to access an audio recording of the hearing.

VII. Office contact

If you have any questions or would like to submit written comments, please contact Andrea Gyger with the Administration Division at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

⁴ Section 24-4-103(3)(a), C.R.S. (2017). "Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

Dated this 13th Day of October, 2017.



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

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

October 13, 2017

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Secretary of State Election Rules. The Secretary is considering other amendments to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws,¹ improve elections administration in Colorado, and increase the transparency and security of the election process.

On September 29, 2017, the Secretary issued a request for public comment to help our office develop preliminary draft rules. The comments we received in anticipation of rulemaking are available online at: www.sos.state.co.us/pubs/rule_making/ruleComments.html and are incorporated into the official rulemaking record.

Specific proposed changes include:

- Amendments to Rule 2.5.3 to ensure proper administration of Propositions 107 and 108 and SB 17-305.
- Amendments to Rule 2.10 to delete superfluous language.
- Amendments to Rule 2.14.4 to ensure proper administration of the statewide voter registration database.
- Amendments to Rule 3.4.1 to provide clarity regarding filing deadlines.
- Amendments to Rule 4.5.2(e)(3) to establish uniformity in the order and numbering of ballot measures.
- New Rules 7.2.10 through 7.2.14 to ensure proper administration of Propositions 107 and 108 and SB 17-305.

¹ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 (“HAVA”), P.L. No. 107-252.

- Renumber of current Rules 7.2.10 through 7.2.12 to 7.2.15 through 7.2.17.
- Amendment to Rule 7.5.1 to correct an incorrect cross-reference.
- Amendments to Rule 7.17 to establish uniformity in the administration of current law.
- Amendments to Rule 10.4 to correct an incorrect cross-reference and ensure proper administration of risk-limiting audits.
- Amendments to Rule 11.3.2 to establish uniformity in the administration of current law.
- New Rules 15.1.1, 15.1.3(c), and 15.1.4(d)(13) to ensure proper administration HB 17-1088.
- Amendments to Rule 15.5.2 to establish uniformity in the administration of current law.
- New Rule 15.7 to ensure proper administration of HB 17-1088.
- Amendments to Rule 16.1.6 to organize existing rules for clarity.
- Amendments to Rule 16.2.3 to update a statutory citation.
- Amendments to Rule 16.2.4 to establish uniformity in the administration of current law.
- Amendments to Rule 25.2.2(g) to ensure proper administration of risk-limiting audits.
- Amendments to Rule 25.2.4 to ensure proper administration of post-election audits.

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 and constitutional authority is as follows:

1. Section 1-1-107(2)(a), C.R.S., (2017), 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.”
2. Section 1-1.5-104(1)(b), C.R.S., (2017), 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.”
3. Section 1-1.5-104(1)(e), C.R.S., (2017), which authorizes the Secretary of State to “[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds

necessary for proper administration and implementation of [the “Help America Vote Act of 2002”, 42 U.S.C. §§ 15301-15545] of [Article 1.5 of Title 1].”

4. Section 1-4-101(2)(b), C.R.S., (2017), which authorizes the Secretary of State to “by rule adopt additional ballot requirements necessary to avoid voter confusion in voting in primary elections.”
5. Section 1-4-1203(6), C.R.S. (2017), which authorizes the Secretary of State to “by rule adopt additional ballot requirements necessary to avoid voter confusion in voting in presidential primary elections.”
6. Section 1-4-908(1.5)(b)(III), C.R.S. (2017), which authorizes the Secretary of State to “promulgate rules, in accordance with article 4 of title 24, to implement” candidate petition signature verification.
7. Section 1-4-912(3), C.R.S. (2017), which authorizes the Secretary of State to “promulgate rules, in accordance with article 4 of title 24, to implement” a cure process for candidate petitions.
8. Section 1-7-515(4), C.R.S. (2017), which requires the Secretary of State to promulgate rules necessary to implement and administer risk-limiting audits.
9. Section 1-7.5-104, C.R.S. (2017), 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.”
10. Section 1-7.5-105, C.R.S. (2017), 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 as provided in section 1-7.5-106(2).”
11. Section 1-7.5-106, C.R.S., (2017), which requires the Secretary of State to establish procedures for and supervise the conduct of mail ballot elections, including adopting “rules governing procedures and forms necessary to implement [Article 7.5 of Title 1, C.R.S.]”

Preliminary Draft of Proposed Rules

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

October 13, 2017

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the November 17, 2017 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State's website no later than **November 9, 2017**.²

Please note the following formatting key:

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

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

2 *Amendments to Rule 2.5.3 concerning changes to an elector's existing voter registration record:*

3 2.5.3 If an elector submits a change to his or her voter registration record and leaves the
4 affiliation OR BALLOT PREFERENCE section blank, the county clerk ~~must make no~~ MAY
5 NOT change ~~to~~ the voter's EXISTING affiliation OR BALLOT PREFERENCE in the registration
6 record.

7 *Technical amendments to Rule 2.10 concerning new voter notifications:*

8 2.10 ~~New voter notification under section 1-2-509(3), C.R.S.~~ During the 22 days before an election,
9 the county clerk must defer processing undeliverable new voter notifications. After the election is
10 closed, the clerk must determine an applicant "not registered" under section 1-2-509(3), C.R.S.,
11 only if the applicant did not vote in the election.

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2017). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2017). "[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

1 *Amendments to Rule 2.14.4 concerning voter registration records and data:*

2 2.14.4 Without written authorization from the Secretary of State, the county clerk may not run
3 or schedule to run SCORE reports or exports that include voter or election detail during
4 regular business hours beginning 22 days before election day and from 7:00 am to 7:00
5 pm on election day. A COUNTY THAT USES AN AUTOMATED SIGNATURE VERIFICATION
6 DEVICE MAY RUN THE EXP-004 REPORT DURING THIS TIME.

7 *Amendments to Rule 3.4.1 concerning qualified political organizations:*

8 3.4.1 Files proof of organization with the Secretary of State BY MARCH 1 IN AN EVEN
9 NUMBERED YEAR;

10 *Amendments to Rule 4.5.2(e)(3) regarding order of ballot issues:*

11 4.5.2 Each political subdivision must determine the order of the ballot issues for their political
12 subdivision in accordance with the requirements of Colorado Constitution Article X,
13 Section 20 and Title 1.

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

16 (3) Each category of local referred ballot issues and questions must be
17 designated by a letter or a number and a letter in the following series:

1A-1Z	County Issues -MEASURES
2A-2Z	Municipal Issues -MEASURES WHOLLY WITHIN A COUNTY
3A-3Z	MUNICIPAL MEASURES GREATER THAN A COUNTY
3A-3Z 4A-4Z	School District Issues -MEASURES WHOLLY WITHIN A COUNTY
5A-5Z	SCHOOL DISTRICT MEASURES GREATER THAN A COUNTY
4A-4Z 6A-6Z	Ballot Issues and Questions -MEASURES for other political subdivisions greater than a county -WHOLLY WITHIN A COUNTY
5A-5Z 7A-7Z	Ballot Issues and Questions -MEASURES for other political subdivisions which are wholly within a county -GREATER THAN A COUNTY

18 *New Rules 7.2.10 through 7.2.14 concerning ballots and ballot packets:*

19 7.2.10 THE MAIL BALLOT PACKET REQUIRED UNDER SECTIONS 1-4-101(2)(B) AND 1-4-
20 1203(4)(C), C.R.S. MUST CONTAIN ONLY THE BALLOTS OF EACH PARTICIPATING MAJOR
21 POLITICAL PARTY.

22 7.2.11 AN UNAFFILIATED VOTER WHO WANTS TO RECEIVE THE MAIL BALLOT OF A
23 PARTICIPATING MINOR POLITICAL PARTY IN THE MAIL MUST DECLARE A MAIL BALLOT
24 PREFERENCE FOR THAT PARTY IN ACCORDANCE WITH SECTION 1-2-204(2)(J.5), C.R.S.

25 7.2.12 IF AN UNAFFILIATED VOTER SELECTS A MAIL BALLOT PREFERENCE FOR A MAJOR OR
26 MINOR POLITICAL PARTY THAT IS NOT PARTICIPATING OR THAT PROHIBITS UNAFFILIATED

1 VOTERS FROM VOTING IN ITS PRIMARY ELECTION, THE COUNTY CLERK MUST SEND THE
2 VOTER THE MAIL BALLOT PACKET DESCRIBED IN RULE 7.2.10.

3 7.2.13 A VOTER AFFILIATED WITH A QUALIFIED POLITICAL ORGANIZATION IS CONSIDERED AN
4 UNAFFILIATED VOTER FOR THE PURPOSES OF THIS RULE 7.2.

5 7.2.14 A VOTER AFFILIATED WITH A POLITICAL PARTY THAT IS NOT PARTICIPATING IN THE
6 PRIMARY ELECTION WILL NOT RECEIVE A MAIL BALLOT.

7 *Renumbering Current Rules 7.2.10 through 7.2.12 to Rules 7.2.15 through 7.2.17:*

8 ~~7.2.10~~ 7.2.15 The mail ballot return envelope for each unaffiliated voter in a primary election
9 may provide a means for the county to determine, before opening the envelope, which
10 party's primary election ballot the elector returned. If the mail ballot return envelope does
11 not provide such a means, or the county cannot determine which party's ballot the elector
12 returned before opening the envelope, the county must follow the process outlined in
13 Rule 7.5.13. The county's determination under this Rule may not rely solely on a voter's
14 self-reported selection (for example, a checkbox).

15 ~~7.2.11~~ 7.2.16 Each mail ballot return envelope and mail ballot instruction for an unaffiliated
16 voter in a primary election must include a statement instructing the voter to return only
17 one ballot.

18 ~~7.2.12~~ 7.2.17 The county clerk must issue a replacement mail ballot packet to an unaffiliated
19 elector in a primary election as follows:

20 (a) If the elector has not declared a mail ballot preference, the county clerk must
21 issue a packet containing the ballots of all participating major political parties.

22 (b) If the Elector has timely declared a mail ballot preference, the county clerk must
23 issue the elector's preferred political party's ballot; or upon the elector's request,
24 a packet containing the ballots of all participating major political parties.

25 *Technical amendments to Rule 7.5.1 concerning receipt and processing of ballots:*

26 7.5.1 The county clerk must adequately light all stand-alone drop-off locations and use either
27 an election official or a video security surveillance recording system as defined in Rule
28 ~~4.1.43~~ 1.1.45 to monitor each location.

29 *Amendments to Rule 7.17 concerning scanning elector's signatures:*

30 7.17 Within ~~90~~ 120 days after each election DAY, OR BEFORE THE FIRST DAY TO CONDUCT SIGNATURE
31 VERIFICATION AT THE NEXT COUNTY OR MUNICIPAL MAIL BALLOT ELECTION, WHICHEVER IS
32 SOONER, the county clerk must scan into SCORE the elector's signature and signature date on
33 each accepted mail ballot return envelope and on any cure letter returned by the elector. IN A
34 PRESIDENTIAL PRIMARY YEAR, THE DEADLINE FOR SCANNING SIGNATURES AND SIGNATURE
35 DATES FROM ALL PRIOR ELECTIONS THAT YEAR IS EXTENDED TO 120 DAYS AFTER THE STATE
36 PRIMARY ELECTION. A COUNTY THAT IS UNABLE TO SCAN THE SIGNATURE AND/OR SIGNATURE
37 DATE INTO SCORE MAY APPLY TO THE SECRETARY OF STATE FOR A WAIVER FROM THESE
38 REQUIREMENTS.

1 *Amendments to Rule 10.4 concerning canvass:*

2 10.4 No canvass board may certify official results until authorized to do so by the Secretary of State.
3 The Secretary of State may extend the canvass deadline for one or more counties in order to
4 complete the risk-limiting audit in accordance with Rule 25.2. Before certifying official results, a
5 county that conducts a comparison audit as defined in Rule ~~25.1.4~~-25.1.5 must manually adjust
6 the preliminary results to ~~reflect all~~-ACCOUNT FOR discrepancies identified in the risk-limiting
7 audit IF DIRECTED BY THE SECRETARY OF STATE.

8 *Amendments to Rule 11.3.2(c) and (d) concerning logic and accuracy testing:*

9 11.3.2 Logic and Accuracy Test

10 (c) Preparing for the Logic and Accuracy Test

11 (2) The county must convene a Testing Board of one registered elector from
12 each of the major political parties. Testing Board members must be
13 registered to vote in the county AND BE SWORN IN AS ELECTION JUDGES.

14 (d) Conducting the Test

15 (4) The Testing Board and designated election official must count the test
16 ballots as follows, if applicable:

17 (C) Ballot Marking Devices (BMDs):

18 (i) The Testing Board must RANDOMLY SELECT AND test at
19 least one BMD.

20 *Amendments to Rule 15.1.1 through 15.1.4 concerning preparation, filing, and verification of petitions:*

21 15.1 The following requirements apply to candidate, statewide initiative, recall, and referendum
22 petitions, unless otherwise specified.

23 15.1.1 PETITION TEMPLATE FOR STATE PETITIONS

24 (A) PETITION PROPONENTS MUST USE THE SECRETARY OF STATE'S FILLABLE .PDF
25 PETITION TEMPLATE TO CREATE THEIR PETITION FORMAT.

26 (B) AFTER APPROVAL OF THE PETITION FORMAT AS TO FORM, PROPONENTS MUST
27 PRINT ALL PETITION SECTIONS IN ACCORDANCE WITH THE SECRETARY OF
28 STATE'S PETITION-PRINTING GUIDELINES.

29 (C) ANY SIGNATURE AFFIXED TO A PETITION SECTION THAT DOES NOT CONFORM TO
30 THE REQUIREMENTS OF THIS RULE 15.1.1 IS NOT VALID.

31 ~~15.1.1~~-15.1.2 The Secretary of State or DEO will not accept or count additional signatures after
32 proponents file the original petition or addendum.

33 ~~15.1.2~~-15.1.3 Circulator affidavit

- 1 (a) If a petition section does not have a completed circulator affidavit, the Secretary
2 of State or DEO will reject the entire section.
- 3 (b) If a petition section does not have a completed notary clause, or if the date of the
4 notary clause differs from the date the circulator signed the affidavit, the
5 Secretary of State or DEO will reject the entire section.
- 6 (c) IF A STATE CANDIDATE IS CURING A CIRCULATOR AFFIDAVIT UNDER SECTION 1-
7 4-912(2), C.R.S., THE CANDIDATE MUST USE THE CURE AFFIDAVIT PROVIDED BY
8 THE SECRETARY OF STATE.

9 ~~15.1.3~~-15.1.4 Verifying individual entries

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

- 11 (13) THE SIGNER'S INFORMATION APPEARS OUTSIDE OF A NUMBERED
12 SIGNATURE BLOCK ON A PETITION SECTION.

13 *Amendments to Rule 15.5 concerning initiative petition verification:*

14 15.5 Statewide initiative petition verification

15 15.5.1 Verification by random sample.

16 ~~15.5.2 Preliminary count and random number generation.~~

- 17 ~~(a) After counting the entries on each petition section, Secretary of State staff will~~
18 ~~enter the petition identification number, the petition section number, the page~~
19 ~~number, and the number of entries on the page into the database.~~

- 20 ~~(b)-(A) Staff will then create a record for each entry ON THE PETITION that contains the~~
21 ~~petition identification number, petition section number, page number, and the~~
22 ~~entry number. Staff will AND tally the total number of entries.~~

- 23 ~~(c) If the number of entries is less than the total number of signatures required to~~
24 ~~certify the measure to the ballot, the Secretary of State will issue a statement of~~
25 ~~insufficiency.~~

- 26 ~~15.5.3(B) Random sample.~~ The database will generate a series of random numbers equal to
27 4,000 signatures or five percent of the total number of signatures, whichever is greater.
28 Staff will check the validity of the random signatures in accordance with this Rule. Staff
29 will maintain a master record of each accepted and rejected entry, along with the reason
30 code for each rejected entry.

31 *New Rule 15.7 concerning signature verification of petitions:*

32 15.7 SIGNATURE VERIFICATION ON STATE CANDIDATE PETITIONS

- 33 15.7.1 THE SECRETARY OF STATE WILL COMPARE THE SIGNATURE ON EACH PETITION ENTRY
34 WITH THE ELECTOR'S SIGNATURE IN SCORE IN ACCORDANCE WITH THE SECRETARY OF
35 STATE'S SIGNATURE VERIFICATION GUIDE. THE SECRETARY OF STATE MAY USE AN
36 AUTOMATED SIGNATURE VERIFICATION DEVICE.

1 (A) IF THE SIGNATURES MATCH AND THE ENTRY IS OTHERWISE VALID, THE
2 SECRETARY OF STATE MUST ACCEPT THE ENTRY.

3 (B) IF UPON INITIAL REVIEW THE SIGNATURES DO NOT MATCH, THE SECRETARY OF
4 STATE MUST CONDUCT FURTHER REVIEW OF THE ENTRY. A TEAM OF TWO STAFF
5 MEMBERS WHO ARE NOT AFFILIATED WITH THE SAME POLITICAL PARTY MUST
6 REVIEW THE SIGNATURES, CONDUCT ADDITIONAL RESEARCH IN SCORE IF
7 NECESSARY, AND, UNLESS BOTH STAFF MEMBERS AGREE THAT THE SIGNATURES
8 DO NOT MATCH, ACCEPT THE ENTRY IF IT IS OTHERWISE VALID.

9 *[Not shown: renumbering of Rule 15.7 to 15.8]*

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

11 16.1.6 The county clerk must send a minimum of one correspondence no later than 60 days
12 before the ~~Primary Election or Presidential Primary Election, if applicable,~~ FIRST
13 PRIMARY ELECTION IN AN EVEN NUMBERED YEAR to each elector whose record is marked
14 "Inactive." The correspondence may be sent by email or mail and, at a minimum, must
15 notify the electors of:

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

20 *Amendments to Rule 16.1.7 concerning military and overseas electors:*

21 16.1.7 No later than 45 days before an election, the county clerk must report to the Secretary of
22 State the number OF ballots transmitted to military and overseas electors by the 45-day
23 deadline.

24 *Amendments to Rule 16.2.3 concerning correction of citation:*

25 16.2.3 The self-affirmation must include the standard oath required by the Uniformed and
26 Overseas Citizen Voting Act (~~42 U.S.C. sec. 1973ff(b)(7) and 1(a)(5)~~ 52 U.S.C. SEC.
27 20301(B)(7) AND 20302(A)(5)), the elector's name, date of birth, signature, and the
28 following statement: I also understand that by returning my voted ballot by electronic
29 transmission, I am voluntarily waiving my right to a secret ballot and that Colorado law
30 requires that I return this ballot by a more secure method, such as mail, if available and
31 feasible. (Sections 1-8.3-113 and 1-8.3-114, C.R.S.)

32 *Amendments to Rule 16.2.4 concerning electronic transmission to military and overseas electors:*

33 16.2.4 If the county clerk transmits a ballot packet to an elector by fax OR EMAIL and the
34 transmission is unsuccessful, the county clerk must attempt to fax OR EMAIL the ballot at
35 least two more times. IF ELECTRONIC TRANSMISSION IS UNSUCCESSFUL, THE COUNTY
36 CLERK MUST MAIL THE BALLOT AND REMOVE THE ELECTRONIC TRANSMISSION FLAG IN
37 SCORE UNDER RULE 16.2.1(E).

1 *Amendments to Rule 25.2.2(g) concerning conducting the risk limiting audit:*

2 25.2.2 Preparing for the audit

3 (g) Ballot polling audit uploads. No later than 11:59 p.m. MT on the ninth day after
4 election day, each county conducting a ballot polling audit must submit or
5 upload:

6 (1) Its verified and hashed ballot manifest, and the ballot manifest's hash
7 value, by email to the Secretary of State's office; ~~and~~

8 (2) ITS CUMULATIVE TABULATION REPORT, BY EMAIL TO THE SECRETARY
9 OF STATE'S OFFICE; AND

10 ~~(2)~~(3) Its RLA tabulation results export to the Secretary of State's election
11 night reporting system.

12 *Amendments to Rule 25.2.4 concerning conducting the risk limiting audit:*

13 25.2.4 Concluding the audit. No later than the third business day following the expiration of the
14 deadline to request a recount under section 1-10.5-107(2), C.R.S. or the completion of
15 any recount, whichever is later, a county that conducted a comparison audit must review
16 its CVR file and redact voter choices corresponding to any ballot card susceptible to
17 being personally identified with an individual voter BEFORE SENDING IT TO THE
18 SECRETARY OF STATE, as required by section 24-72-205.5(4)(b)(iii), C.R.S.