**STATE OF
COLORADO
Department of State**
1700 Broadway
Suite 200
Denver, CO 80290

Wayne W. Williams
Secretary of State

**Suzanne Staiert
Deputy Secretary of State**

Notice of Proposed Rulemaking

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

June 15, 2016

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 **July 25, 2016 from 2:00 p.m. - 5:00 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 rules[2] 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:

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[1] Section 24-4-103(3)(a), C.R.S. (2015).
[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.

Main Number	(303) 894-2200		TDD	(303) 869-4867
Administration	(303) 860-6900		Web Site	www.sos.state.co.us
Fax	(303) 869-4860		E-mail	administration@sos.state.co.us

- Section 1-1-107(2)(a), C.R.S., (2015), 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 1-1-109, C.R.S., (2015), which authorizes the Secretary of State to "promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms."

- Section 1-1.5-104(1)(b), C.R.S., (2015), 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., (2015), 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 1-2-701(1) and (2), C.R.S., (2015), which authorizes the Secretary of State to promulgate rules in accordance with article 4 of title 24, C.R.S. for commencing and conducting voter registration drives, and for fulfilling training requirements.

- Section 1-2-217.7(7), C.R.S., (2015), 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 1-7.5-104, C.R.S. (2015), 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. (2015), 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., (2015), 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.]."

- Section 1-7.5-107(6), C.R.S., (2015), which requires all deposited ballots be counted as provided "by rules promulgated by the secretary of state."

- Section 24-72-305.6, C.R.S., (2016), which authorizes the Secretary of State to promulgate rules to "require that certain duties may be performed only by those election judges for whom a county clerk and recorder has requested criminal history records."

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/2016/ElectionsRulesHearing20160725.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 July 20, 2016.

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/2016/ElectionsRulesHearing20160725.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.

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[4] Section 24-4-103(3)(a), C.R.S. (2015). "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."

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.

Dated this 15th Day of June, 2016.

Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State

STATE OF COLORADO
Department of State
1700 Broadway
Suite 200
Denver, CO 80290

Wayne Williams
Secretary of State

Suzanne Staiert
Deputy Secretary of State

Draft Statement of Basis, Purpose, and Specific Statutory Authority

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

June 15, 2016

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 June 1, 2016, 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: http://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 1.1.12 to simplify the language of existing rule.

- Amendments to Rule 1.1.29 to simplify the language of existing rule.

- Amendments to Rule 2.3 to clarify the language of existing rule.

- Repeal of Rule 2.3.4 as a result of the enactment of Senate Bill 16-142.

- Repeal of Rule 2.10.2 as a result of the enactment of House Bill 16-1093.

- Amendments to Rule 2.11.1 to update the citation to federal law.

- Amendments to Rule 2.12.1 as a result of the enactment of House Bill 16-1093.

- Amendments to Rule 2.14.1 as a result of the enactment of Senate Bill 16-142.

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[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.

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- Amendments to Rule 3.3.3 to align the affiliation deadline for qualified political organizations with the affiliation deadline for other political parties.

- New Rule 6.9 to ensure proper administration of Senate Bill 16-142.

- Amendments to Rule 7.5.1 to establish uniformity in the administration of current law.

- Amendments to Rule 8.1.5 to establish uniformity in the administration of current law.

- New Rule 8.15.8 to establish uniformity in the administration of current law.

- Amendments to Rule 11.10.1 to establish uniformity in the administration of the election night reporting system and organize the existing rule for clarity.

- Amendments to Rules 14.2, 14.3, and 14.4 as a result of Senate Bill 16-107 and to establish uniformity in the administration of current law.

- Amendments to Rule 18 to eliminate obsolete provisions, establish uniformity in the administration of current law, and organize existing rules for clarity.

- Amendments to Rule 21.4.14 to correct numbering errors.

- Amendments to Rule 21.4.15(d) to correct numbering errors and to establish uniformity in the administration of current law.

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., (2015), 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 1-1-109, C.R.S., (2015), which authorizes the Secretary of State to "promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms."

3. Section 1-1.5-104(1)(b), C.R.S., (2015), 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."

4. Section 1-1.5-104(1)(e), C.R.S., (2015), 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]."

5. Section 1-2-701(1) and (2), C.R.S., (2015), which authorizes the Secretary of State to promulgate rules in accordance with article 4 of title 24, C.R.S. for commencing and conducting voter registration drives, and for fulfilling training requirements.

6. Section 1-2-217.7(7), C.R.S., (2015), 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.

7. Section 1-7.5-104, C.R.S. (2015), 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."

8. Section 1-7.5-105, C.R.S. (2015), 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)."

9. Section 1-7.5-106, C.R.S., (2015), 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.]."

10. Section 1-7.5-107(6), C.R.S., (2015), which requires all deposited ballots be counted as provided "by rules promulgated by the secretary of state."

11. Section 24-72-305.6, C.R.S., (2016), which authorizes the Secretary of State to promulgate rules to "require that certain duties may be performed only by those election judges for whom a county clerk and recorder has requested criminal history records."

Preliminary Draft of Proposed Rules

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

June 1, 2016

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 July 25, 2016 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 **July 20, 2016**.[2]

Please note the following formatting key:

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

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

2   *Amendments to Rule 1 concerning definitions:*

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5   1.1.12   "Damaged ballot" means a ballot that is torn, bent, or otherwise mutilated or rendered unreadable, so that it cannot be processed by the ~~optical scanner ballot reader~~ BALLOT SCANNER. Damaged ballots include:

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7   (a)   All ballots that contain a foreign substance that could interfere with the ~~optical~~ BALLOT scanner (e.g. food, drink, etc.).

8
9   (b)   Ballots that are marked in a medium or manner ~~other than indicated in the ballot instructions~~ THAT CANNOT BE DETECTED BY A BALLOT SCANNER.

10   (c)   Ballots that the elector marked in a way that would disclose his or her identity.

11   1.1.29   "Optical scanner OR BALLOT SCANNER" means an optical or digital ballot scanner.

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[1] Sections 24-4-103(2.5) and (3)(a), C.R.S. (2015). 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. (2015). "[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."

Amendments to Rule 2.3 concerning voter registration:

2.3 ~~If an elector has a driver's license number or state identification number, he or she must provide it when registering to vote. If the elector has neither, he or she may provide the last four digits of his or her social security number. If the elector states that he or she does not have a driver's license, state identification card number, or social security number, or if the clerk cannot verify the elector's information in SCORE, the county clerk must register the elector and mark the registration record "ID required".~~ WHEN PROCESSING A NEW VOTER REGISTRATION APPLICATION, THE COUNTY CLERK MUST MARK THE REGISTRATION RECORD "ID REQUIRED" UNLESS THE ELECTOR PROVIDES HIS OR HER VERIFIABLE DRIVER'S LICENSE NUMBER OR STATE IDENTIFICATION NUMBER, OR THE ELECTOR IS OTHERWISE EXEMPT UNDER LAW. [SECTION 1-2-204(2)(F.5), C.R.S.]

Repeal of Rule 2.3.4:

2.3.4 ~~Documents issued under section 42-2-505, C.R.S., are not acceptable forms of identification for any purpose under the Uniform Election Code of 1992 and these rules.~~

Repeal of Rule 2.10.2:

2.10 New voter notification under section 1-2-509(3), C.R.S. ~~2.10.1~~ During the 22 days before an election, the county clerk must defer processing undeliverable new voter notifications. After the election is closed, the clerk must determine an applicant "not registered" under section 1-2-509(3), C.R.S., only if the applicant did not vote in the election.

2.10.2 ~~If after the 20-day period outlined in section 1-2-509(3), C.R.S, the United States Postal Service returns a new voter notification to the county clerk as undeliverable, the county clerk must mark the voter's record "Inactive" and mail a confirmation card.~~

Amendments to Rule 2.11.1 concerning voter registration confidentiality:

2.11.1 Information about an agency's name and location for an application completed at a voter registration agency or driver's license office is confidential. [~~42 USC §§ 1973gg-3(c)(2)(D)(iii)~~ 52 USC § 20504(C)(2)(D)(III)]

Amendments to Rule 2.12.1 concerning list maintenance under section 8 of the National Voter Registration Act of 1993:

2.12.1 The Secretary of State 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 of each month.

    (a) The county must process the data to update registration records and send notifications in accordance with section 1-2-302.5, C.R.S., by the end of each month.

    ~~(1)~~(B) The county may not change a residential address to a non-residential address, like a post office box, based on the information in the NCOA data.

    ~~(2)~~ ~~If the county clerk has previously mailed a confirmation card to an elector whose record is marked inactive for any reason, the county clerk~~

| 1 | | | is not required to mail another confirmation card to the elector at the |
| 2 | | | same address. |

3		(3)	If an elector moves within a county, the county may not mark the
4			elector's record "active" based on the NCOA data if the record is
5			incomplete, pending, or canceled.

6   (b) (C) When the county updates a voter registration record using NCOA data, the
7   county must use the NCOA transaction source.

8   *Amendments to Rule 2.14.1 concerning voter registration records and data:*

9   2.14.1   Notwithstanding the retention timelines specified in section 1-2-227, C.R.S., the county
10   clerk may destroy paper voter registration records as soon as they have been digitally
11   recorded in SCORE. The SCORE system must retain digital images of voter registration
12   applications in perpetuity in accordance with section 1-5-301, C.R.S.

13   *Amendments to Rule 3.3.3 concerning qualified political organizations:*

14   3.3.3   To qualify for the ballot, a candidate must have been affiliated with the qualified political
15   organization for one year or BY THE FIRST BUSINESS DAY IN JANUARY OF THE ELECTION
16   YEAR, if the organization has not been qualified for one year, the candidate must have
17   been registered as unaffiliated for one year BY THE FIRST BUSINESS DAY IN JANUARY OF
18   THE ELECTION YEAR.

19   *New Rule 6.9 concerning election judges:*

20   6.9   THE COUNTY CLERK MUST ARRANGE FOR A CRIMINAL BACKGROUND CHECK ON EACH
21   SUPERVISOR JUDGE AND EACH STAFF MEMBER WITH ACCESS TO SCORE OR ELECTORS'
22   CONFIDENTIAL OR PERSONALLY IDENTIFIABLE INFORMATION.

23   6.9.1   THE CRIMINAL BACKGROUND CHECK MUST BE CONDUCTED BY OR THROUGH THE
24   COLORADO BUREAU OF INVESTIGATION, THE COUNTY SHERIFF'S DEPARTMENT IN
25   ACCORDANCE WITH SECTION 24-72-305.6(3), C.R.S., OR SIMILAR STATE OR FEDERAL
26   AGENCY.

27   6.9.2   A PERSON CONVICTED OF AN ELECTION OFFENSE OR AN OFFENSE CONTAINING AN
28   ELEMENT OF FRAUD MAY NOT HANDLE VOTER REGISTRATION APPLICATIONS OR
29   CONDUCT VOTER REGISTRATION AND LIST MAINTENANCE ACTIVITIES.

30   *New Rule 7.5.1(e) concerning receipt and processing of ballots:*

31   7.5.1   The county clerk must adequately light all stand-alone drop-off locations and use either
32   an election official or a video security surveillance recording system as defined in Rule
33   1.1.42 to monitor each location.

34   (a)   Freestanding drop-off locations must be monitored at all times WHEN THEY ARE
35   OPEN TO RECEIVE BALLOTS.

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3 | | (b) | If the drop-off location utilizes a drop-slot into a building, the ballots must be collected in a locked container, and both the drop-slot and container must be monitored ~~at all times~~. |

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6 | | (c) | Signage at each drop-off location must inform voters that it is a violation of law for any person to collect more than ten ballots for mailing or delivery in any election, and that electioneering is prohibited within 100 feet of any drop-box. |

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9 | | (d) | The minimum number of drop-off locations must be open during reasonable business hours as defined in Rule 7.9.1(a) and from 7:00 a.m. through 7:00 p.m. on election day. |

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11
12 | | (E) | VIDEO SECURITY SURVEILLANCE IS AN ELECTION RECORD UNDER SECTION 1-1-104(11), C.R.S. AND MUST BE RETAINED BY THE COUNTY CLERK IN ACCORDANCE WITH SECTION 1-7-802, C.R.S. |

13 *Amendments to Rule 8.1.5 concerning watchers:*

14   8.1.5   A watcher must complete a training provided by or approved by the Secretary of State
15   before observing election activities where confidential or personally identifiable
16   information may be within view. TO VERIFY COMPLETION OF THE TRAINING, A WATCHER
17   MUST PROVIDE HIS OR HER TRAINING CERTIFICATE OF COMPLETION WITH THE
18   CERTIFICATE OF APPOINTMENT.

19 *New Rule 8.15.8 and amendments to Current Rules 8.15.8 through 8.15.10 concerning watchers:*

20   8.15.8 HAVE IN HIS OR HER POSSESSION A MOBILE PHONE OR OTHER ELECTRONIC DEVICE WHILE
21   WATCHING ELECTION ACTIVITIES IN AREAS WHERE CONFIDENTIAL OR PERSONALLY
22   IDENTIFIABLE INFORMATION MAY BE WITHIN VIEW.

23   ~~8.15.8~~ 8.15.9   Attempt to determine how any elector voted.

24   ~~8.15.9~~ 8.15.10 Disclose or record any confidential voter information as defined in section 24-72-
25   204(8), C.R.S., that he or she may observe.

26   ~~8.15.10~~ 8.15.11 Disclose any results before the polls have closed.

27 *Amendments to Rule 11.10 concerning election night reporting:*

28 11.10 Election Night Reporting ~~(ENR)~~. The county must USE THE SECRETARY OF STATE'S ELECTION
29   NIGHT REPORTING (ENR) SYSTEM TO report ~~election night~~ results for all primary, general,
30   coordinated, and recall elections IN ACCORDANCE WITH THIS RULE.

31   11.10.1 A data entry county must ~~program the election to support the exporting of election night~~
32   UPLOAD A RESULTS DATA FILE TO ENR CONTAINING THE ELECTION results ON THE DATES
33   AND TIMES SPECIFIED IN RULES 11.10.3 THROUGH 11.10.5. THE COUNTY MUST PROGRAM
34   ITS ELECTION DATABASE SO THAT THE RESULTS FILE EXPORTED FROM THE VOTING
35   SYSTEM IS FORMATTED in accordance with the following ~~upload~~ requirements:

36   (a)   ~~List contest names and candidate names exactly as provided on the certified list.~~
37   CONTEST NAMES: EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1) – (3)

OF THIS RULE, THE RESULTS FILE MUST CONTAIN THE CONTEST NAMES AS THEY ARE CERTIFIED FOR THE BALLOT.

(1) FOR PRIMARY ELECTIONS, THE COUNTY MUST APPEND TO THE END OF THE CERTIFIED CONTEST NAME THE SCORE ABBREVIATION OF THE POLITICAL PARTY AFFILIATION OF THE CANDIDATES IN THE CONTEST (E.G., "UNITED STATES SENATOR – DEM," "STATE SENATOR – DISTRICT 21 – REP," "COUNTY TREASURER – LIB,").

(2) FOR BALLOT MEASURES OTHER THAN JUDICIAL RETENTION QUESTIONS, THE CONTEST NAME MUST INCLUDE THE POLITICAL SUBDIVISION THAT REFERRED THE MEASURE TO THE BALLOT, THE BALLOT MEASURE TYPE, AND THE NUMBER OR LETTER AS IT APPEARS ON THE BALLOT (E.G., "ADAMS COUNTY BALLOT ISSUE 200," "CITY OF BRIGHTON BALLOT QUESTION 5A,").

(3) FOR JUDICIAL RETENTION QUESTIONS, THE CONTEST NAME MUST INCLUDE THE COURT AND THE TITLE AND LAST NAME OF THE JUSTICE OR JUDGE STANDING FOR RETENTION (E.G., "SUPREME COURT – JUSTICE ERICKSON," "COURT OF APPEALS – JUDGE JONES," "1ST JUDICIAL DISTRICT– JUDGE SMITH," "ADAMS COUNTY COURT – JUDGE DOE,").

(b) ~~For counties that use the ES&S and Premier voting systems, arrange the contests in the order prescribed by section 1-5-403(5), C.R.S.~~ CONTEST ORDER: EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (1) – (4) OF THIS RULE, THE RESULTS FILE MUST LIST THE CONTESTS IN THE SAME ORDER AS THEY ARE CERTIFIED FOR THE BALLOT.

(1) FOR PRIMARY ELECTIONS, THE RESULTS FILE MUST LIST THE CONTESTS IN THE ORDER PRESCRIBED BY SECTION 1-5-403(5), C.R.S., GROUPED IN ASCENDING ALPHABETICAL ORDER OF THE ABBREVIATED NAMES OF THE PARTICIPATING MAJOR POLITICAL PARTIES, FOLLOWED BY THE ABBREVIATED NAMES OF PARTICIPATING MINOR POLITICAL PARTIES AND QUALIFIED POLITICAL ORGANIZATIONS (E.G., "UNITED STATES SENATOR – DEM," "UNITED STATES SENATOR – REP," "UNITED STATES SENATOR – GRN," "UNITED STATES SENATOR – LIB," "UNITED STATES SENATOR – UNI,").

(2) THE RESULTS FILE MUST LIST BALLOT MEASURES IN THE ORDER CERTIFIED BY THE SECRETARY OF STATE, FOLLOWED BY THE BALLOT MEASURES CERTIFIED BY OTHER PARTICIPATING POLITICAL SUBDIVISIONS IN THE ORDER AND USING THE NUMBERING CONVENTIONS SPECIFIED IN RULE 4.5.2(F).

(3) A COUNTY USING THE DOMINION, HART, OR SEQUOIA VOTING SYSTEM MUST INCLUDE AND POPULATE THE CONTEST SEQUENCE NUMBER FIELD IN ITS RESULTS FILES TO DEFINE THE ORDER OF CONTESTS ON THE BALLOT AS REQUIRED BY THIS RULE.

| 1 | | (4) | A COUNTY USING THE ES&S OR PREMIER VOTING SYSTEM MUST INCLUDE AND POPULATE THE CONTEST ID FIELD IN ITS RESULTS FILE TO DEFINE THE ORDER OF CONTESTS AS REQUIRED BY THIS RULE. |

1   (4)   A COUNTY USING THE ES&S OR PREMIER VOTING SYSTEM MUST
2   INCLUDE AND POPULATE THE CONTEST ID FIELD IN ITS RESULTS FILE TO
3   DEFINE THE ORDER OF CONTESTS AS REQUIRED BY THIS RULE.

4   (c)   ~~Capitalize candidate names (e.g., John A. Smith).~~ CANDIDATE NAMES: THE
5   RESULTS FILE MUST INCLUDE CANDIDATES' NAMES IN PROPER CASE AND
6   INCLUDE PERIODS FOLLOWING INITIALS (E.G., "JOHN A. SMITH"), AND MAY NOT
7   INCLUDE THE NAME OR ABBREVIATION OF THE CANDIDATE'S POLITICAL PARTY.

8   (d)   ~~Present a precinct name as a ten-digit precinct number.~~ PRECINCT NAMES: IF A
9   COUNTY REPORTS RESULTS BY PRECINCT, ITS RESULTS FILE MAY ONLY INCLUDE
10   THE TEN-DIGIT PRECINCT NUMBER FROM SCORE.

11   ~~(e)   For counties that use the Hart voting systems, use the "Split_name" field for split~~
12   ~~precinct naming purposes.~~

13   ~~(f)~~ (E) ~~Create a "Provisional" precinct.~~ PROVISIONAL RESULTS: THE RESULTS FILE
14   MUST INCLUDE A "PROVISIONAL" PRECINCT OR COUNTING GROUP AS A
15   PLACEHOLDER FOR SEPARATELY REPORTED PROVISIONAL BALLOT RESULTS IF
16   REQUIRED BY SECTION 1-8.5-110(2), C.R.S.

17   ~~(g)   Use only the party codes certified by the Secretary of State.~~

18   ~~(h)   Do not include the party name or code in the candidate name field.~~

19   ~~(i)   For a primary election, contest names must include, at a minimum, party~~
20   ~~abbreviation.~~

21 *Amendments to Rule 14.2 concerning voter registration drive training:*

22 14.2   Training

23   14.2.1 To receive a VRD number, the VRD organizer must successfully complete the online
24   training and test provided by the Secretary of State and submit a Statement of Intent and
25   Training Acknowledgment form to the Secretary of State.

26   ~~14.2.2 The mandatory training provided by the Secretary of State will include:~~

27   ~~(a)   The use of the VRD Application;~~

28   ~~(b)   Information on where to obtain the VRD Application;~~

29   ~~(c)   Information on how to ensure that a VRD Application is filled out completely,~~
30   ~~including which fields are optional and which are required;~~

31   ~~(d)   Notice of statutory deadlines relating to Voter Registration Applications and~~
32   ~~VRDs;~~

33   ~~(e)   The requirements for delivering the completed Voter Registration Applications;~~

1 (f) ~~Penalties for violating statutory prohibitions including fraud, intimidation,~~
2 ~~mishandling Applications, failing to turn in Applications and other penalties~~
3 ~~relevant to VRDs;~~

4 (g) ~~The handling and treatment of confidential information on the Voter Registration~~
5 ~~Applications;~~

6 (h) ~~Notice that circulators cannot be paid per Voter Registration Application, but if~~
7 ~~compensated, they must be paid by the hour or day; and~~

8 (i) ~~A brief training video that the organizer must show to the circulators as part of~~
9 ~~the VRD's training program.~~

10 14.2.2 BEFORE CIRCULATING, A VRD CIRCULATOR MUST COMPLETE A TRAINING PROVIDED BY
11 THE VRD ORGANIZER AND SUBMIT A TRAINING ACKNOWLEDGMENT FORM TO THE VRD
12 ORGANIZER. THE TRAINING MUST INCLUDE, AT A MINIMUM, THE CONTENT CONTAINED IN
13 THE SECRETARY OF STATE'S CIRCULATOR TRAINING.

14 14.2.3 The VRD ORGANIZER training is provided online, but a VRD organizer ~~or circulator~~ may
15 schedule a time to view the training at the Secretary of State's office.

16 14.2.4 After completing the VRD ORGANIZER training, the VRD organizer must complete the
17 training test and answer the questions 100% correctly before the Secretary of State will
18 issue a VRD number.

19 14.2.5 After completing the VRD ORGANIZER training and test, the VRD organizer must sign a
20 Statement of Intent and Training Acknowledgment Form confirming that the training and
21 test have been completed and that he or she was informed of rules, laws and penalties
22 relating to voter registration drives.

23 14.2.6 A VRD organizer must complete the training and test every calendar year in which he or
24 she intends to conduct a VRD.

25 14.3 Number Assigned

26 14.3.1 After successful completion of the required training and test, and submission of the
27 Statement of Intent and Training Acknowledgment Form, the Secretary of State will
28 assign a unique number to the VRD. After issuing a unique number to the VRD, the
29 Secretary of State will:

30 (a) Advise the VRD organizer of their unique number;

31 (b) Notify the county clerks within 24 hours after each VRD number has been issued
32 by the Secretary of State; and

33 (c) Post the agent and the name of the group conducting the drive on the Secretary of
34 State website.

35 14.3.2 All assigned VRD numbers are valid through December 31 of the year that the number is
36 assigned.

1 14.3.3 THE VRD MUST ASSIGN EACH CIRCULATOR A UNIQUE CIRCULATOR IDENTIFICATION
2   NUMBER AND MAINTAIN A RECORD OF EACH NUMBER ISSUED.

3 *Amendments to Rule 14.4 concerning Voter Registration Drive voter application forms:*

4 14.4   Voter Registration Drive Voter Application Forms

5 14.4.1 The Secretary of State will approve a standard Colorado Voter Registration Drive
6   Application Form. The VRD may also use the National Mail Voter Registration Form.

7 14.4.2 A VRD organizer can obtain Colorado Voter Registration Drive Application Forms from
8   County Clerks and the Secretary of State.

9 14.4.3 The organizer is responsible for placing the VRD number on the application form.

10 14.4.4 The VRD organizer must receive a VRD number before he or she can receive the
11   approved Colorado Voter Registration Drive Application Forms.

12 14.4.5 THE CIRCULATOR MUST INCLUDE HIS OR HER UNIQUE CIRCULATOR IDENTIFICATION
13   NUMBER ON EACH VOTER REGISTRATION FORM HE OR SHE SUBMITS.

14 ~~14.4.5~~ 14.4.6 Any voter registration drive that provides a voter registration application on its
15   website or a link to such voter registration form must direct the applicant to return the
16   completed form directly to the county clerk of the applicant's legal residence. No VRD
17   may provide a voter registration form on its website or a link to such voter registration
18   form which instructs or directs, in any way, the applicant to return the completed form to
19   anyone or any group other than directly to the county clerk of the applicant's legal
20   residence or, in the case of overseas electors or UOCAVA electors, the county clerk or
21   the Secretary of State.

22 ~~14.4.6~~ 14.4.7 A VRD organizer or circulator MUST PROVIDE THE APPLICANT A BLUE OR BLACK
23   INK PEN TO COMPLETE THE APPLICATION, AND may not highlight or otherwise mark the
24   approved voter registration drive application form other than to write the VRD number
25   and circulator information.

26 *Amendments to Rule 18 concerning uniform ballot counting standards:*

27 **Rule 18.   Uniform ~~Ballot~~ Counting Standards FOR PAPER BALLOTS**

28 18.1   In any election where a multiple page printed ballot is used, a voter must vote and return all pages
29   of the ballot at the same time. Any voter who returns at least one page of a multiple page printed
30   ballot will be considered to have voted and the county clerk or designated election official must
31   count the votes on the submitted pages. The county clerk must not count votes on additional
32   pages returned at a later time. The county clerk must appropriately mark, set aside, and preserve
33   the ballots as election records in accordance with section 1-7-802, C.R.S.

34 18.2   ~~Uniform Counting~~ Standards for hand-~~counted Paper Ballots~~ COUNTING PAPER BALLOTS

35 18.2.1 In accordance with section 1-7-309, C.R.S., and Rule ~~18.6~~ 18.5, judges counting ballots
36   ~~on election day~~ must consider the intent of the voter.

18.2.2 If a race or ballot measure is overvoted, the judges must not count any vote for that race or ballot measure.

18.2.3 If a race or ballot measure contains no markings by the voter, no tally will be made for that race or ballot measure. But all other candidate races or ballot measures properly marked by the voter on the ballot must be counted.

18.2.4 A ballot which has no markings for any candidate races or ballot measures must be tallied as a blank ballot.

18.3 ~~Uniform Counting~~ Standards for ~~Optical Scan Ballots~~ COUNTING PAPER BALLOTS ON BALLOT SCANNERS

18.3.1 ~~Optical Scan~~ Procedures FOR COUNTING PAPER BALLOTS ON BALLOT SCANNERS at ~~a voter service and polling center~~ 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 AND TO INITIALLY REJECT BLANK BALLOTS AND BALLOTS WITH OVERVOTES.

~~(a)~~ (B) Voters whose ballots are INITIALLY rejected ~~or sorted by a voter service and polling center~~ 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 CAST 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.

~~(b)~~ (C) ~~Ballots~~ AT THE CONCLUSION OF VOTING, BALLOTS ~~sorted to a write-in bin~~ WITH WRITE-IN VOTES must be ~~tallied at the conclusion of the voting and~~ delivered to the central ~~counting center~~ COUNT LOCATION in a secure container FOR RESOLUTION IN ACCORDANCE WITH RULE 18.5.3.

18.3.2 ~~Central Count Optical Scan~~ Procedures FOR COUNTING PAPER BALLOTS ON BALLOT SCANNERS AT CENTRAL COUNT LOCATIONS

(a) DUPLICATION OF DAMAGED BALLOTS. BEFORE TABULATION, A RESOLUTION BOARD MUST DUPLICATE DAMAGED BALLOTS IN ACCORDANCE WITH RULE 18.4. ~~Judges~~ ELECTION JUDGES may complete a visual inspection of every ballot for the limited purpose of ~~separating~~ SEGREGATING damaged ballots ~~into a unique batch~~ FOR DUPLICATION.

(b) ~~Judges must resolve, and where applicable, duplicate, every damaged ballot and all ballots sorted by the optical scan machine in accordance with this Rule.~~ SEGREGATION OF BALLOTS REQUIRING RESOLUTION. A COUNTY MUST SORT BALLOTS THAT REQUIRE RESOLUTION ACCORDING TO THE CAPABILITIES OF ITS VOTING SYSTEM.

(1) DIGITAL BALLOT RESOLUTION. 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, BALLOTS WITH OVERVOTES, AND BALLOTS WITH MARGINAL OR AMBIGUOUS MARKINGS ACCORDING TO THE THRESHOLDS SPECIFIED BY THE SYSTEM PROVIDER 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) MANUAL BALLOT RESOLUTION. 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) A resolution board, consisting of a bipartisan team of two election judges for partisan elections or two qualified election judges for nonpartisan elections, must resolve all ballots sorted by the central count optical scan equipment. RESOLUTION BOARD. A RESOLUTION BOARD MUST DUPLICATE DAMAGED BALLOTS AND RESOLVE BALLOTS SORTED OR REJECTED FOR RESOLUTION.

(1) The board must be observed by two additional election judges, who in any partisan election must be representatives of each major political party. IN PARTISAN ELECTIONS, A RESOLUTION BOARD MUST CONSIST OF AT LEAST TWO ELECTION JUDGES AFFILIATED WITH DIFFERENT MAJOR POLITICAL PARTIES.

(2) The resolution board must maintain a log for each step of verification, duplication, and counting. 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. IN COUNTIES WITH A VOTING SYSTEM THAT SUPPORTS DIGITAL RESOLUTION, A RESOLUTION BOARD MUST WORK AT EACH RESOLUTION WORKSTATION.

(4) 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 RULE 18.3.2(C)(1) OR (2), AS APPLICABLE.

(d) Sequence of Resolution Procedures

(1) The resolution board must run a zero tape, or similar report, indicating no votes cast or counted before the counting begins.

(2) The board must review all ballots with overvotes, blank ballots, and write-in ballots sorted by the optical scanner. Ballots sorted by the optical scan equipment are subject to review by the resolution board. If

1   there are no legally qualified write in candidates, the write in sort option
2   must not be utilized.

3   (3)   A voter's intent must be reviewed for every ballot that requires
4   resolution.

5   (4)   All ballots sorted by the optical scanner and resolved by the resolution
6   board by duplication must be marked as duplicated.

7   (5)   The resolution board must maintain an official audit log for all ballots
8   resolved setting forth the duplicate ballot number where applicable,
9   specific reason that the ballot was resolved, date of resolution, and the
10   initials of the members of the duplication board responsible for resolving
11   the ballot.

12   (6)   The county must separately log the seal number of each box containing
13   one or more valid write in votes.

14   (e)   Resolution of damaged ballots

15   (1)   The resolution board must duplicate damaged or defective ballots
16   utilizing the ballot duplication procedures in Rule 18.5.

17   (2)   The resolution board must examine blank ballots to determine if the
18   ballot is a true blank ballot or one that has been marked with a non-
19   detectable mark. Resolution board members must make a duplicate copy
20   of the ballot which has been marked with a non-detectable mark utilizing
21   the ballot duplication procedures in Rule 18.5. If a ballot is truly blank,
22   the board must rescan the ballot and tabulate it with no races or ballot
23   measures voted.

24   (3)   The resolution board must inspect and resolve overvoted ballots in
25   accordance with Rule 18.6.

26   (4)   Write in votes sorted by the optical scan equipment must be delivered to
27   the assigned write in board for hand counting.

28   (A)   During the initial ballot count, the oval must be darkened or the
29   arrow connected according to the appropriate voting instructions.
30   The county may count only votes for legally qualified write in
31   candidates.

32   (B)   If, following the initial count, the number of undervotes in that
33   race could change the outcome or force the election into a
34   mandatory recount if attributed to a legally qualified write in
35   candidate, the county must count votes for that candidate
36   whether or not the target area designating the selection of a
37   write in candidate has been marked, provided that the number of
38   candidates chosen does not exceed the number permitted in that
39   office.

(5)   The resolution board must duplicate ballots by clearly labeling the new ~~duplicate ballot as a "DUPLICATE" and assign a serial number which shall be recorded on both the original and duplicate ballot. For example, the first ballot in Precinct # 1 to be duplicated could be labeled as #1/001 with the duplicate labeled D#1/001. Original ballots must be separated from the duplicate ballots and placed in a sealable container clearly marked "ORIGINAL BALLOTS." The duplicate ballots must be counted in lieu of the original ballots.~~

(6)   ~~The resolution board must maintain an official audit log setting forth the precinct number, duplicate ballot number, reason (with specificity) that the ballot was duplicated, date of duplication, and the initials of the members of the duplication board responsible for duplicating the ballot.~~

(f)   ~~Recount Procedures for Optical Scan~~

(1)   ~~Optical scan equipment must be set to consistent sensitivity standards for each system type, must be tested before the recount, and must be programmed to sort undervotes for the individual race(s) or ballot measure(s) being recounted.~~

(2)   ~~The county will conduct a recount of a race with a write-in candidate as outlined in Rule 18.6.4.~~

~~18.4   Uniform Counting Standards for DREs. A vote that is properly recorded, as specified by the voting instructions, on the voting device for an office or ballot measure must be counted.~~

~~18.5~~ 18.4   BALLOT Duplication ~~of Ballots~~

~~18.5.1   Using the damaged ballot as the guide, the duplicating team must mark a blank ballot so that the votes recorded are identical to those indicated on the damaged ballot. The duplication must be proofed to ensure it is marked properly and accurately.~~

~~18.5.2   Every duplicated ballot must be subject to the process for determining voter intent outlined in Rule 18.6.~~

~~18.5.3   A unique number must be assigned to both the original and duplicated ballot. This will reference the two ballots together and provide an audit trail. (Example: the ballots may be marked XX NNN, where XX is the precinct number and NNN are consecutive numbers starting with the number one.)~~

18.4.1   A RESOLUTION BOARD MUST DUPLICATE A VOTER'S MARKINGS ON A DAMAGED BALLOT ONTO A BLANK BALLOT OF THE SAME BALLOT STYLE IN ACCORDANCE WITH THIS RULE 18.4.   DURING THE DUPLICATION PROCESS, AND TO THE EXTENT NECESSARY OR APPROPRIATE, THE RESOLUTION BOARD MUST ALSO RESOLVE OVERVOTES, WRITE-IN VOTES, AND AMBIGUOUS VOTER MARKINGS IN ACCORDANCE WITH RULE 18.5.

18.4.2   A RESOLUTION BOARD MUST REVIEW THE ORIGINAL BALLOT AND THE DUPLICATED BALLOT, AND CONSULT THE VOTER INTENT GUIDE IF NECESSARY, TO ENSURE THAT EACH DAMAGED BALLOT HAS BEEN PROPERLY AND ACCURATELY DUPLICATED AND, TO THE EXTENT APPLICABLE, RESOLVED.

18.4.3 IN ORDER TO MATCH EACH DAMAGED BALLOT TO ITS CORRESPONDING DUPLICATED BALLOT AND PROVIDE A DOCUMENTED AUDIT TRAIL, THE RESOLUTION BOARD MUST IDENTIFY AND MARK EACH DAMAGED AND DUPLICATED BALLOT WITH THE TYPE OF BALLOT AND A UNIQUE NUMBER, SIMILAR TO THE FOLLOWING EXAMPLE: MARK THE DAMAGED BALLOT "ORIG 0001," AND THE COUNTERPART DUPLICATED BALLOT "DUPE 0001."

18.4.4 THE RESOLUTION BOARD MUST MAINTAIN A WRITTEN LOG ITEMIZING ALL DAMAGED BALLOTS THAT IT DUPLICATES. THE DUPLICATION LOG MUST INCLUDE AT LEAST EACH DAMAGED AND DUPLICATED BALLOT'S UNIQUE NUMBER, THE DATE ON WHICH IT WAS DUPLICATED, THE NATURE OF THE DAMAGE NECESSITATING DUPLICATION, AND THE PRINTED NAMES AND SIGNATURES OF THE MEMBERS OF THE RESOLUTION BOARD.

18.5.4 18.4.5 ~~The duplicated ballots must be counted~~ A COUNTY MUST COUNT DUPLICATED BALLOTS in the same manner as all other PAPER ballots ~~to be counted~~.

18.5.5 ~~The damaged or unreadable original ballot must be marked "DUPLICATED" to indicate that the ballot has been duplicated and the duplication is completed. All duplicated original ballots for a precinct along with any applicable printed material must be placed in a sealable container and clearly marked "ORIGINAL BALLOTS."~~

18.4.6 THE RESOLUTION BOARD MUST DEPOSIT ALL DAMAGED BALLOTS THAT HAVE BEEN DUPLICATED AND THE DUPLICATION LOGS IN A SEALABLE CONTAINER THAT IS CLEARLY MARKED TO IDENTIFY ITS CONTENTS (E.G., "DAMAGED BALLOTS"). THE COUNTY MUST MAINTAIN CHAIN-OF-CUSTODY AND SEAL LOGS FOR THE DAMAGED BALLOT CONTAINER AT ALL TIMES DURING THE STATUTORY ELECTION RECORDS RETENTION PERIOD.

18.6 18.5 ~~Determination of Voter Intent~~ BALLOT RESOLUTION

18.5.1 A RESOLUTION BOARD MUST RESOLVE ALL BLANK BALLOTS AND BALLOTS WITH OVERVOTES, WRITE-IN VOTES AND AMBIGUOUS MARKINGS IN ACCORDANCE WITH THE SECRETARY OF STATE'S VOTER INTENT GUIDE.

18.5.2 RESOLUTION OF BLANK BALLOTS.

(A) A RESOLUTION BOARD, OR TWO COUNTING JUDGES WHO TOGETHER SATISFY THE REQUIREMENTS OF 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.

(1) COUNTIES WITHOUT DIGITAL RESOLUTION CAPABILITY. IF THE BALLOT IS TRULY BLANK, THE RESOLUTION BOARD MUST DIRECT THE COUNTING JUDGES TO, OR THE COUNTING JUDGES ACTING AS THE RESOLUTION BOARD MUST RE-SCAN THE BALLOT AND OVERRIDE THE INITIAL REJECTION SETTING, WHICH WILL CAUSE THE VOTING SYSTEM TO TABULATE THE BALLOT AS A BLANK BALLOT CONTAINING NO VALID VOTES. 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

1   NECESSARY OR APPROPRIATE, RESOLVE THE BALLOT IN ACCORDANCE
2   WITH RULES 18.5.2(B) AND 18.5.3.

3   (2)   COUNTIES WITH DIGITAL RESOLUTION CAPABILITY. IF THE BALLOT IS
4   TRULY BLANK, THE RESOLUTION BOARD MUST CODE THE BALLOT AS A
5   BLANK BALLOT CONTAINING NO VALID VOTES IN THE VOTING SYSTEM'S
6   RESOLUTION APPLICATION. IF THE BALLOT IS MARKED IN A MANNER OR
7   MEDIUM THAT CAN BE DISCERNED BY THE RESOLUTION BOARD BUT
8   CANNOT BE TABULATED BY THE VOTING SYSTEM, THE RESOLUTION
9   BOARD MUST RESOLVE THE BALLOT IN THE VOTING SYSTEM'S
10   RESOLUTION APPLICATION IN ACCORDANCE WITH RULES 18.5.2(B) AND
11   18.5.3.

12 ~~18.6.1~~ (B)   If a voter uses a consistent alternate ballot marking method that deviates
13   from the method specified by the voting instructions (such as circling or placing
14   a check mark behind a candidate's name or ballot response) and does not place
15   an "X", check or other appropriate mark in ~~the~~ ANY target area, ~~the voter will be~~
16   ~~considered to have voted for the appropriate candidates and or ballot responses~~
17   ~~and the ballot must be duplicated. But~~ THE RESOLUTION BOARD MUST RESOLVE
18   THE BALLOT IN ACCORDANCE WITH THE VOTER'S INTENT BY COUNTING THE
19   VOTES INDICATED BY THE ALTERNATE BALLOT MARKING METHOD. THIS RULE
20   DOES NOT APPLY IF ~~a~~ THE voter marks any of his or her choices by placing an
21   "X", check or other appropriate mark in any target area on the ~~voter's~~ ballot, IN
22   WHICH EVENT only those choices where the target area is marked may be
23   counted.

24 ~~18.6.2 A ballot that has a mark correctly in the target area that partially extends into another~~
25   ~~target area must be counted as a vote for the candidate or ballot response so marked.~~

26 ~~18.6.3 When resolving an overvoted race, marks indicating the voter's intent include, circling~~
27   ~~the candidate's name and strike-outs or corrections of choices.~~

28 ~~18.6.4~~ 18.5.3   ~~Write-in~~ RESOLUTION OF WRITE-IN votes

29   (a)   If a voter designates a vote for a named candidate on the ballot and writes in the
30   name of the same candidate in the write-in area, the vote FOR THE NAMED
31   CANDIDATE must be counted.

32   (b)   If a voter ~~designates~~ VOTES FOR a named candidate ~~on the~~ IN A ballot CONTEST
33   and writes in the name of a different candidate in the write-in area, ~~it must be~~
34   ~~considered~~ THE RESOLUTION BOARD MUST RESOLVE THE MARKINGS AS an
35   overvote ~~for that office~~ if the number of chosen candidates exceeds the
36   MAXIMUM number ~~permitted to be voted for in that office and no vote may be~~
37   ~~counted~~ OF CHOICES FOR THAT BALLOT CONTEST.

38   (c)   During any recount ~~of votes~~, if the number of undervotes in ~~that race~~ A BALLOT
39   CONTEST could change the outcome if attributed to ~~a legally qualified write-in~~
40   ~~candidate~~ AN ELIGIBLE WRITE-IN CANDIDATE, votes for that candidate must be
41   counted whether or not the target area designating the selection of a write-in
42   candidate has been marked, provided that the number of candidates chosen does
43   not exceed the number permitted in that office.

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

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

(b)   The voting system must be able to aggregate in a single file and export all CVRs in comma-separated value (CSV) text format.

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

    (1)   CVR Number. A sequential number from one to the number of CVRs in the export file. This can be used as an alternate method to identify each CVR.

    (2)   Batch ID. Identifies the batch in which the paper ballot corresponding to the CVR is located.

    (3)   Ballot Position. Identifies the position of the paper ballot corresponding to the CVR within the batch. Target cards scanned to identify the batch must not be included in this count.

    (4)   Imprinted ID. If the scanner model supports imprinting a unique character string on the ballot during the scanning process, the voting system must populate this field with the unique character string.

    (5)   Ballot Style. Indicates the ballot style of the paper ballot corresponding to the CVR.

    (6)   Device ID. Identifies the scanning device by model, serial number, and/or scanning station identifier.

    (7)   Contest and Choice Names. Each contest and choice on any ballot in the election must have its own field so that voters' choices in all contests can be easily and independently tabulated after the CVR export is imported into a spreadsheet application.

~~(a)~~(D)   The header or field names in the CVR export must unambiguously correspond to names of the contests and choices on the paper ballots. The use of choice ID and contest ID to identify each choice must be avoided because they require cross-referencing to other sources to determine the choice and contest names.

~~(b)~~(E)   The contests and choices must be listed in the same order as they appear on the ballots.

1	(e)-(F)		A vote for a choice must be indicated by a "1". No vote for a choice or an overvoted condition must be indicated by a "0". Choices that are not applicable to the CVR must be left blank.

Numbering corrections and amendments to Rule 21.4.15(d):

(d)   The ENR export file must include the following items or fields:

(1)   Precinct Name. If the county defines the election to report results by precinct, an alphanumeric string consisting of a 10-digit precinct code.

(2)   Ballot Style Name. If the county defines the election to report results by ballot style or district, a unique, alphanumeric string for each ballot style.

(2)-(3)   Precinct ID. If the county defines the election to report results by precinct, a unique integer for each precinct or precinct split.

(3)-(4)   Registered Voters. The number of registered voters eligible to vote each unique ballot style, or in each precinct or precinct split, as applicable.

(4)-(5)   Ballots Cast. The number of ballots cast of each unique ballot style, or in each precinct or precinct split, as applicable.

(5)-(6)   Contest Name. The contest name as it appears on the ballots. If the contest name contains carriage return(s) for ballot formatting purposes, then the carriage return(s) must not appear in the export.

(6)-(7)   Contest ID. A unique integer for each contest.

(7)-(8)   Contest Sequence Number. A unique integer that defines the sequence of contests as they appear on the ballots.

(8)-(9)   Votes Allowed. The maximum number of choices that a voter may select in each contest (e.g., "Vote for 2").

(9)-(10) Choice Name. The choice name as it appears on the ballots. Party affiliation may not be included in the choice name.

10)-(11)Choice ID. A unique integer for each choice within a contest.

(11)-(12)   Party Code. An indicator of party affiliation for each choice, if applicable.

(12)-(13)   Vote Count. The total number of votes cast for each choice.

(13)-(14)   Reporting Flag. The reporting flag field must contain a value of "0".

(15)   PRECINCT SEQUENCE NUMBER. A UNIQUE INTEGER THAT DEFINES THE SEQUENCE OF PRECINCTS.

1   (16)   CHOICE SEQUENCE NUMBER. A UNIQUE INTEGER THAT DEFINES THE
2   SEQUENCE OF CANDIDATES AS THEY APPEAR ON THE BALLOT.