



Notice of Permanent Adoption

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

March 26, 2018

I. Adopted Rule Amendments

As authorized by Colorado Elections Law¹ and the State Administrative Procedure Act², the Colorado Secretary of State gives notice that the following amendments to the Election Rules³ are adopted on a permanent basis.

The Secretary of State considered the amendments at the March 2, 2018 rulemaking hearing in accordance with the State Administrative Procedure Act⁴.

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 and publication notes

[Current 8 CCR 1505-1 is amended as follows:]

Amendments to Rule 7.2.12 concerning mail ballot instructions:

- 7.2.12 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 7.2.10. 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.

¹ Sections 1-1-107(2)(a) and 1-1.5-104(1)(e), C.R.S. (2017).

² Section 24-4-103(3)(a), C.R.S. (2017).

³ 8 CCR 1505-1.

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

Amendments to Rule 7.2.16 concerning mail ballot instructions:

- 7.2.16 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 Rule 7.5.4 concerning drop-off locations:

- 7.5.4 The county clerk must arrange for the collection of ballots by bipartisan teams, of election judges AND/OR STAFF, from all drop-off locations and receive them into SCORE:

Amendments to Rule 10.4; cross-reference update:

- 10.4 No canvass board may certify official results until authorized to do so by the Secretary of State. The Secretary of State may extend the canvass deadline for one or more counties in order to complete the risk-limiting audit in accordance with Rule 25.2. Before certifying official results, a county that conducts a comparison audit as defined in Rule ~~25.1.5~~-25.1.4 must manually adjust the preliminary results to account for discrepancies identified in the risk-limiting audit if directed by the Secretary of State.

Amendments to Rule 10.9 concerning recount:

(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 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 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 A RECOUNT, WHICHEVER IS APPLICABLE.
- ~~10.9.2~~-10.9.4 For statewide or federal races, ballot issues or ballot questions, the county clerk must coordinate scheduling the recount through the Secretary of State's office so that it can ensure adequate observer coverage.
- ~~10.9.3~~-10.9.5 If there is a recount in a local jurisdiction whose borders encompass area in more than one county, the controlling county, as defined in Rule 4.2.2, must coordinate the scheduling and conduct of the recount with each county that shares the jurisdiction.
- 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 10.12 concerning testing recount equipment:

- 10.12 Testing recount equipment

10.12.1 The canvass board must review the post-election audit before selecting the equipment for testing under section 1-10.5-102(3), C.R.S. ~~To the extent feasible, the board must select equipment for testing that was not included in the post-election audit.~~

10.12.2 ~~The~~ IF THE COUNTY RE-SCANS BALLOTS DURING THE RECOUNT, THE county clerk must test all ~~optical~~ BALLOT scanners that will be used ~~in the recount~~. The purpose of the test is to ensure that the ~~tabulation machines are counting properly~~ VOTING SYSTEM ACCURATELY TABULATES VOTES IN THE RECOUNTED CONTEST.

(a) ~~The test deck must include 50 ballots or 1% of the total number of ballots counted in the election, whichever is greater, except that the total number of ballots tested may not exceed the total number of ballots comprising the county's test deck for the Logic and Accuracy test before the election. The ballots must be marked to test every option for the race or measure that will be recounted. THE COUNTY MUST PREPARE AND TABULATE THE FOLLOWING TEST DECKS:~~

(1) ~~In a mandatory recount, the canvass board must select the ballots to be tested from the county's test deck for the Public Logic and Accuracy test. 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 25-10 ballots. Any other candidate in the race CONTEST, OR PERSON OR ORGANIZATION WHO COULD HAVE REQUESTED THE RECOUNT, may also mark up to 25-10 ballots. The canvass board must randomly select ballots from the county's test deck for the Public Logic and Accuracy test to ensure the minimum number of test ballots required by this Rule.~~

(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) ~~Sworn judges~~ A BIPARTISAN TEAM, OF ELECTION JUDGES AND/or staff, must hand tally the RECOUNTED CONTEST ON THE test ballots ~~for comparison to the tabulation results~~ 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.

10.12.3 ~~The~~ IN A COUNTY USING A VOTING SYSTEM CERTIFIED BEFORE JANUARY 1, 2016, THE county clerk must test the VVPAT records from ~~1%~~ AT LEAST ONE of the DREs that had votes cast on the ballot ~~style~~ STYLES containing the race or measure being recounted.

(a) ~~Sworn judges~~ A BIPARTISAN TEAM OF ELECTION JUDGES or staff must manually verify the results OF THE RECOUNTED CONTEST on the machines selected for the test AND VERIFY THAT THE TALLY MATCHES THE VVPAT RECORD.

(b) The test is limited to the race or measure that is recounted.

Amendments to Rule 10.13.3 concerning counting ballots during recount:

10.13.3 Ballots must be reviewed for voter intent using the standards in Rule 18.

- (a) Every ~~over vote or under vote~~ OVERVOTE, UNDERVOTE, BLANK VOTE, AMBIGUOUS MARK, AND WRITE-IN VOTE in the race(s) or measure(s) subject to the recount must be reviewed for voter intent under Rule 18 IN ACCORDANCE WITH THE VOTER INTENT GUIDE.
- (b) The judges conducting the voter intent review may resolve the intent differently than the judges in the election.

Amendments to Rule 20.9.3 concerning transportation of ballot boxes:

20.9.3 Required procedures for transportation of ballot boxes:

- (a) ~~Election officials~~ A BIPARTISAN TEAM, OF ELECTION JUDGES AND/OR STAFF, must seal all ballot boxes that contain voted ballots so that no person can access the ballots without breaking a seal. The ~~election officials~~ TEAM must record all seals in the chain-of-custody log, and ~~two election judges must verify~~ THAT THE REQUIRED SEALS ARE INTACT, and ~~indicate by signing and dating the log, that the required seals are intact~~ SIGN AND DATE THE LOG.
- (b) ~~Two election officials~~ A BIPARTISAN TEAM, OF ELECTION JUDGES AND/OR STAFF, must accompany all ballot boxes that contain voted ballots at all times, except when the ballot box is located in a vault or secure physical location.
- (c) The ballot box exchange requirements of section 1-7-305, C.R.S., are met if a chain-in-custody log is completed for each ballot box.
- (d) If a seal is broken or chain-of-custody is unverifiable, the county clerk must investigate, document his or her findings, and report the incident to the Secretary of State, as appropriate.

Amendments to Rule 25.1 concerning post-election audits:

25.1 Definitions. As used in this rule, unless stated otherwise:

(No changes to Rule 25.1.1)

~~25.1.2 “Audited contest” means a contest selected by the Secretary of State for a risk-limiting audit. The audited contest determines the number of ballot cards that must be examined and verified during the RLA.~~

~~25.1.3~~ 25.1.2 “Ballot cards” means the individual pieces of paper that together constitute a single ballot containing all of the contests an elector is eligible to vote. For example, a ballot consisting of a single piece of paper with content printed on the front or the front and back contains one ballot card, and a ballot consisting of two pieces of paper with content printed on the front and back of the first page and the front or front and back of the second page contains two ballot cards.

- ~~25.1.4~~25.1.3 “Ballot polling audit” means a type of risk-limiting audit in which the audit board examines and reports to the Secretary of State voter markings on randomly selected ballot cards seeking strong evidence that the reported tabulation outcome is correct.
- ~~25.1.5~~25.1.4 “Comparison audit” means a type of risk-limiting audit in which the audit board examines and reports to the Secretary of State voter markings on randomly selected ballot cards, then compares them to the voting system’s tabulation as reflected in the corresponding cast vote records.
- ~~25.1.6~~25.1.5 “Reported tabulation outcome” means the presumed winning and losing candidates or voting choices of a ballot contest as reflected in preliminary results.
- ~~25.1.7~~25.1.6 “Risk limit” means the largest statistical probability that an incorrect reported tabulation outcome is not detected and corrected in a risk-limiting audit.
- ~~25.1.8~~25.1.7 “Risk-limiting audit” or “RLA” means a post-election audit of votes on paper ballot cards and VVPAT records, conducted in accordance with section 1-7-515, C.R.S., and Rule 25.2, which has a pre-specified minimum chance of requiring a full hand count if the outcome of a full hand count would differ from the reported tabulation outcome.
- ~~25.1.9~~25.1.8 “RLA tabulation” means the tabulation of all in-person and accepted mail ballots cast by electors registered in the county, and any accepted provisional and property owner ballots that the county opts to include on the ninth day after election day.
- ~~25.1.10~~25.1.9 “RLA Tool” means the software and user interfaces provided by the Secretary of State in order to conduct RLAs.
- 25.1.10 “TARGET CONTEST” MEANS A CONTEST SELECTED BY THE SECRETARY OF STATE FOR A RISK-LIMITING AUDIT. THE TARGET CONTEST WITH THE CLOSEST DILUTED MARGIN DETERMINES THE NUMBER OF BALLOT CARDS THAT MUST BE EXAMINED DURING THE RLA.

Amendments to Rule 25.2 concerning risk-limiting audits:

25.2 Risk limiting audit. The designated election official must conduct a risk-limiting audit in accordance with section 1-7-515, C.R.S. and this rule.

25.2.2 Preparing for the audit

- (c) Ballot manifest. The county must maintain an accurate ballot manifest in a form approved by the Secretary of State AND INDEPENDENT OF THE VOTING SYSTEM.
- (f) Comparison audit uploads. No later than ~~11:59~~5:00 p.m. MT on the ninth day after election day, each county conducting a comparison audit must upload:
 - (1) Its verified and hashed ballot manifest, and the ballot manifest’s hash value, to the ~~RLA tool~~SECRETARY OF STATE’S OFFICE;
 - (2) Its verified and hashed CVR export, and the CVR export’s hash value, to the ~~RLA tool~~SECRETARY OF STATE’S OFFICE; and

- (3) Its RLA tabulation results export to the Secretary of State's election night reporting system.
- (g) Ballot polling audit uploads. No later than 11:59:00 p.m. MT on the ninth day after election day, each county conducting a ballot polling audit must submit or upload:
- (1) Its verified and hashed ballot manifest, and the ballot manifest's hash value, by email to the Secretary of State's office;
 - (2) Its cumulative tabulation report, by email to the Secretary of State's office; and
 - (3) Its RLA tabulation results export to the Secretary of State's election night reporting system.
- (i) Selection of ~~audited~~-TARGET contests. No later than 5:00 p.m. MT on the Friday after election day, the Secretary of State will select ~~for audit~~-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 ~~countywide~~-OTHER contest. The Secretary of State will select other ballot contests for audit if in any particular election there is no statewide contest ~~or a countywide contest in any county~~. 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 ~~audited~~-TARGET contests on the Audit Center. The Secretary of State will consider at least the following factors in ~~determining which contests to audit~~-SELECTING THE TARGET CONTESTS:
- (1) The closeness of the reported tabulation outcome of the contests;
 - (2) The geographical scope of the contests;
 - (3) The number of ballots counted in the contests;
 - (4) Any cause for concern regarding the accuracy of the reported tabulation outcome of the contests;
 - (5) Any benefits that may result from ~~opportunistically~~-auditing certain contests; and
 - (6) The ability of the county clerks to complete the audit before the canvass deadline.
- (j) Number of ballot cards to audit. The Secretary of State will determine the number of ballot cards to audit to satisfy the risk limit for the ~~audited~~-TARGET contests based on the ballot manifests submitted by the counties. The number of ballot cards to audit will be determined according to the formulas and protocols published by Mark Lindeman and Philip B. Stark in *A Gentle Introduction to Risk-limiting Audits*, as applied in Philip Stark's *Tools for Comparison Risk-Limiting Election Audits*, and *Tools for Ballot-Polling Risk-Limiting Election Audits*. ~~These materials~~-THE PUBLICATIONS CITED IN THIS RULE are incorporated

by reference in the election rules and do not include later amendments or editions of the incorporated material. The following materials incorporated by reference are posted on the Secretary of State website and available for review by the public during regular business hours at the Colorado Secretary of State's office:

- (1) Mark Lindeman and Philip B. Stark, *A Gentle Introduction to Risk-limiting Audits*, IEEE Security and Privacy, Special Issue on Electronic Voting, (Mar. 16, 2012), at <https://www.sos.state.co.us/pubs/elections/VotingSystems/riskAuditResources.html>.
- (2) Philip B. Stark, *Tools for Comparison Risk-Limiting Election Audits*, (Feb. 26, 2017), at <https://www.sos.state.co.us/pubs/elections/VotingSystems/riskAuditResources.html>.
- (3) Philip B. Stark, *Tools for Ballot-Polling Risk-Limiting Election Audits*, (Feb. 16, 2017), at <https://www.sos.state.co.us/pubs/elections/VotingSystems/riskAuditResources.html>.

25.2.3 Conducting the audit

- (a) The audit board must locate and retrieve, or observe the location and retrieval by county election staff, each randomly selected ballot card or VVPAT record from the appropriate storage container. The audit board must verify that the seals on the appropriate storage containers are those recorded on the applicable chain-of-custody logs.
 - (1) In counties conducting comparison audits, the audit board must examine each randomly selected ballot card and report the voter markings or choices in all contests using the RLA Tool or other means specified by the Secretary of State. ~~If supported by the county's voting system, the~~ THE audit board may refer to the digital image of the audited ballot card captured by the voting system in order to confirm it retrieved the correct ballot card randomly selected for audit. If the scanned ballot card was duplicated prior to tabulation, the audit board must retrieve, compare, and report the markings on the original ballot card rather than on the duplicated ballot card. The audit board must complete its reports of all ballot cards randomly selected for audit no later than 5:00 p.m. MT one business day before the canvass deadline.
 - (2) In counties conducting ballot polling audits, the audit board must examine and report the voter markings or choices in only the audited TARGET contest on each randomly selected ballot card in a form approved by the Secretary of State. ~~If supported by the county's voting system, the~~ THE audit board may refer to the digital image of the audited ballot card captured by the voting system in order to confirm it retrieved the correct ballot card. If a randomly selected ballot card was duplicated prior to tabulation, the audit board must retrieve, compare, and report the voter markings in the audited-TARGET contest from the original ballot card rather than the duplicated ballot card. The audit board must

complete its reports of all ballot cards randomly selected for audit no later than 5:00 p.m. MT one business day before the canvass deadline.

- (b) The audit board must interpret voter markings on ballot cards selected for audit in accordance with the Secretary of State's Voter Intent Guide. If the audit board members cannot unanimously agree on the voter's intent, they must indicate that in the appropriate contest in the RLA tool's audit board user interface, OR THE BALLOT POLLING AUDIT FORM APPROVED BY THE SECRETARY OF STATE.
- (c) To the extent applicable, the Secretary of State will compare the audit board's reports of the audited ballot cards to the corresponding CVRs and post the results of the comparison on the Audit Center. The RLA will continue until the risk limit for the ~~audited~~-TARGET contests is met or until a full hand count results. If the county audit reports reflect that the risk limit has not been satisfied in an ~~an-audited~~ A TARGET contest, the Secretary of State will randomly select additional ballots for audit.
- (D) THE AUDIT BOARD MUST SIGN, DATE, AND SUBMIT TO THE SECRETARY OF STATE A REPORT OF THE RESULTS OF THE RISK-LIMITING AUDIT ON THE APPROVED FORM NO LATER THAN 5:00 P.M. MT ON THE BUSINESS DAY BEFORE THE CANVASS DEADLINE. THE REPORT MUST INCLUDE ANY DISCREPANCIES FOUND AND THE CORRESPONDING BALLOT IMAGES.
- (E) THE SECRETARY OF STATE WILL REVIEW THE AUDIT BOARD'S REPORT AND MAY DIRECT THE COUNTY CLERK TO CONDUCT ADDITIONAL AUDIT ROUNDS, A RANDOM AUDIT, A FULL HAND COUNT, OR OTHER ACTION. THE SECRETARY OF STATE MAY INSTRUCT THE COUNTY TO DELAY CANVASS UNTIL IT COMPLETES ANY ADDITIONAL AUDIT OR OTHER ACTION.

25.2.4 ~~Concluding the audit.~~ No later than the third business day following the expiration of the deadline to request a recount under section 1-10.5-106(2), C.R.S. or the completion of any recount, whichever is later, a county that conducted a comparison audit must review its CVR file and redact voter choices corresponding to any ballot card susceptible to being personally identified with an individual voter ~~before sending it to the Secretary of State~~, as required by section 24-72-205.5(4)(b)(iii), C.R.S.

25.2.5 IF A COUNTY CLERK FAILS TO FOLLOW THE PROCEDURES FOR A RISK LIMITING AUDIT AS OUTLINED IN THIS RULE, THE SECRETARY OF STATE WILL DIRECT THE COUNTY CLERK ON THE STEPS TO TAKE TO COMPLETE A POST-ELECTION AUDIT. IN ADDITION, NO LATER THAN 90 DAYS BEFORE THE NEXT ELECTION, THE COUNTY CLERK MUST SUBMIT A WRITTEN RLA REMEDIATION PLAN OUTLINING THE PROCEDURES THE COUNTY WILL FOLLOW TO ENSURE COMPLIANCE WITH THIS RULE.

~~25.2.5~~ 25.2.6 The Secretary of State may, by order, alter any of the requirements outlined in Rule 25.2.

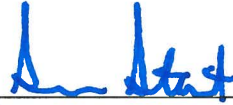
II. Basis, Purpose, and Specific Statutory Authority

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

III. Effective Date of Adopted Rules

These new and amended rules will become permanently effective twenty days after publication in the Colorado Register.⁵

Dated this 26th day of March, 2018,



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State

⁵ Section 24-4-103(5), C.R.S. (2017).



Statement of Basis, Purpose, and Specific Statutory Authority

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

March 26, 2018

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 January 16, 2018, 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 7.2.12 clarifying notice explaining why a voter is receiving a mail ballot packet.
- Amendments to Rule 7.2.16 to ensure proper administration of Propositions 107 and 108 and SB 17-305.
- Amendments to Rule 7.5.4 to establish uniformity in the administration of current law.
- Amendments to Rule 10.4 to update a cross-reference.
- New Rules 10.9.2 and 10.9.3 to establish uniformity in the administration of current law.
- Renumbering of Rules 10.9.2 and 10.9.3.
- New Rule 10.9.6 to establish uniformity in the administration of current law.

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.

- Amendments to Rule 10.12.1 to establish uniformity in the administration of current law.
- Amendments to Rule 10.12.2 to establish uniformity in the administration of current law.
- Amendments to Rules 10.12.3 and 10.13.3 establish uniformity in the administration of current law.
- Amendments to Rule 20.9.3(a) and (b) to establish uniformity in the administration of current law.
- Repeal of Rule 25.1.2 to ensure proper administration of post-election audits and renumbering of Rules 25.1.3 through 25.1.10.
- New Rule 25.1.10 to ensure proper administration of risk-limiting audits.
- Amendments to Rules 25.2.2 and 25.2.3 ensure proper administration of risk-limiting audits.
- New Rules 25.2.3(d) and (e) to ensure proper administration of risk-limiting audits.
- Amendments to Rule 25.2.4 to ensure proper administration of risk-limiting audits.
- New Rule 25.2.5 to ensure proper administration of risk-limiting audits.
- Renumbering Rule 25.2.6.

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 1-4-101(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.”
3. 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.”

4. 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.
5. 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.”
6. 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).”
7. 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.]”
8. Section 1-10.5-102(2), C.R.S., (2017), 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...”
9. Section 1-10.5-102(3)(c), C.R.S., (2017), which requires the Secretary of State to promulgate rule as may be necessary to provide guidance to the counties in conducting the test of voting devices for the recount required by [Section 1-10.5-102(3)(a)].”