



Notice of Proposed Rulemaking

Colorado Department of State Election Rules 8 CCR 1505-1

Date of notice: March 15, 2024

Date and time of public hearing: April 15, 2024, at 9:00 a.m.

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Colorado Department of State gives notice of proposed rulemaking. The hearing is scheduled for April 15, 2024, at 9:00 a.m. in the Red Rocks Conference Room on the 5th floor of the Department of State's office at 1700 Broadway, Denver, CO 80290. This meeting will be conducted in person and via webinar. Details regarding how to join the webinar and testify online during the hearing are outlined in section VI of this notice.

II. Subject

The Colorado Department of State is considering amendments to the election rules² to ensure uniform and proper administration, implementation, and enforcement of Colorado election law³, improve elections administration in Colorado, increase transparency and security of the election process, and implement amendments to the election laws made during the 2023 regular session of the 74th General Assembly.

Specifically, the Department proposes permanent rule revisions necessary to: implement Senate Bill 23-276, which concerned modifications to laws regarding elections, and specifically, which require the Department to implement rules which determine which election costs borne by counties are necessary and reasonable and thus reimbursable. Also, the Department proposes permanent rule revisions necessary to eliminate holes in ballot return envelopes by the November 2024 general election and develop quality control processes before the June 2024 primary election to ensure voter anonymity when returning a ballot (also adopted on a temporary basis with SOS Tracking #2024-00018). The Department may consider additional rule amendments as a result of the public comment and hearing process.

¹ Section 24-4-103(3)(a), C.R.S. (2023).

² 8 CCR 1505-1.

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.

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

III. Statutory authority

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

- Senate Bill 23-276, enacted June 6, 2023.
- Section 1-1-107(2)(a), C.R.S., (2023), which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary finds necessary for the proper administration and enforcement of the election laws.”
- Section 1-1-110(1), C.R.S., (2023), which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-1.5-104(1)(e), C.R.S., (2023), which gives the Secretary of State the power to “[p]romulgate rules...as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of [Article 1.5].”
- Section 1-5-505.5(1)(a), C.R.S., (2023), which authorizes the Secretary of State to “adopt rules for determining which costs are necessary and reasonable and therefore reimbursable by the state”
- Section 1-7.5-104, C.R.S., (2023), which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”
- Section 1-7.5-105(3), C.R.S., (2023), which requires the county clerk and recorder to "supervise the distribution, handling, and counting of ballots and the survey of returns in accordance with rules promulgated by the secretary of state..."
- Section 1-7.5-106(2), C.R.S., (2023), which authorizes the Secretary of State to, “adopt rules governing procedures and forms necessary to implement [mail ballot elections]...”
- Section 1-7.5-107(1), C.R.S. (2023), which requires ballots to be prepared, “by law or rules promulgated by the secretary of state.”
- Section 1-7.5-107.3(5.5), C.R.S. (2023), which requires the secretary of state to adopt rules regarding ballot return envelopes, “to ensure the privacy of each elector’s vote.”

IV. Copies of draft rules

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

https://www.coloradosos.gov/pubs/rule_making/hearings/2024/ElectionRulesHearing20240415.html.

You may also contact our office to request an 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 **April 10, 2024**.

V. Opportunity to testify and submit written comments

The Department 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 comments concerning the rule amendments. You may submit written comments to SoS.Rulemaking@coloradosos.gov any time before and during the hearing. If you attend the hearing in person, you may submit written comments to the hearing panel as well. An additional opportunity to comment in writing will be announced at the conclusion of the hearing. Information regarding how to testify via webinar during the hearing is provided in section VI of this notice.

All written comments will be posted online on the Department of State's website: https://www.coloradosos.gov/pubs/rule_making/hearings/2024/ElectionRulesHearing20240415.html.

We will redact apparent personal contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor. All written comments will be added to the official rulemaking record.

VI. Webinar and audio recording of hearing

Register to attend online

To join and listen to the hearing, you must register for the webinar: <https://register.gotowebinar.com/register/5431044720360842069>.

When you register, you must provide your full name and email address. Please provide additional contact information, including your address and telephone number. You may also provide your job title and organization. Lastly, indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the webinar.

Hybrid hearing procedures

⁴ Section 24-4-103(3)(a), C.R.S. (2023). "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."

After the introduction and a brief summary of the rulemaking, we will open the hearing to testimony as follows:

- For the sake of efficiency, in-person attendees will be called upon first to provide their public comment. We will reference the sign-in sheet provided and individually call upon attendees who wish to provide their testimony. Once we have exhausted the in-person sign-in sheet, we will move forward with the testimony of online attendees.
- Referencing webinar registration records, we will identify and individually unmute online attendees who indicated their intent to testify during the hearing.
- Once we have exhausted that list, we will ask whether any additional attendees wish to testify. In-person attendees may raise their hands to indicate their intention to testify, and online attendees may raise/lower their hand by clicking the icon in their control panel.
- To ensure that the hearing is prompt and efficient, oral testimony may be time limited.

Before the hearing concludes, we will announce an additional opportunity to submit written comments and the associated deadline.

Webinar audio requirements

Please be advised: we strongly encourage attendees to join the webinar through their computer or the GoToWebinar app, even if they use their telephone to dial in for audio. To testify during the hearing, you must use a computer or the GoToWebinar app to be unmuted and to utilize the “raise hand” feature within the webinar. If you access the webinar only by telephone, you may not appear in our webinar attendee list, meaning we will not be able to unmute you. Moreover, the raise your hand feature is only available to attendees who access the webinar by computer or by app. For the best audio, it is best to use your computer microphone and speakers or a headset or headphones, if you choose to testify. As outlined above, we will first receive online testimony from attendees whose registration indicates that they plan to provide testimony and then we will offer attendees the option to raise their hand.

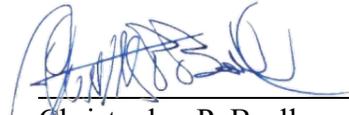
Audio recording

After the hearing concludes, a recording will be available on our audio broadcasts page here: https://www.coloradosos.gov/pubs/info_center/audioBroadcasts.html.

Office contact

If you have any questions or would like to submit written comments, please contact the Rulemaking and Legislative Policy Analyst at SoS.Rulemaking@coloradosos.gov or (303) 894-2200 ext. 6124.

Dated this 15th of March 2024.



Christopher P. Beall
Colorado Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Colorado Department of State Election Rules 8 CCR 1505-1

March 15, 2024

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Department of State Election Rules [8 CCR 1505-1]. The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of federal and Colorado election laws,¹ improve elections administration in Colorado and implement Senate Bill 23-276, enacted June 6, 2023.

Specific changes include:

- New Rule 7.2.17 bars a county from using a ballot return envelope that has a hole or any other opening in which the target area for any contest on the ballot may be seen. A county clerk who uses a hole or other opening in a ballot return envelope must provide a written certification to the Department that any envelope with a hole or other opening has been inspected and tested to verify that no target area can be seen through that hole or opening. Beginning July 1, 2024, the rule bars a county from using a ballot return envelope that has a hole or any other opening.
- New Rule 7.2.18 requires that a county clerk must work with a mail ballot printing vendor to establish a quality control process for all printed materials.
- Amendments to Rule 7.14 specify those county costs which are and are not necessary and reasonable under section 1-5-505.5, C.R.S., and are thus reimbursable by the Department of State, beginning July 1, 2024.
 - Amendment to Rule 7.14.1 requires counties to submit documentation supporting their expenditures along with their request for reimbursement.
 - New Rule 7.14.2 lists those costs which are necessary and reasonable for conducting an election and are thus reimbursable beginning July 1, 2024. This includes:

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.

- Salary or hourly wages for staff, election judges and canvass board members that meet specific criteria;
 - Costs attributable to the hiring, training, and support of election judge work;
 - Printing and mailing costs for that election which meet the criteria specified in the rule;
 - Ballot programming and election service costs for that election which are deemed necessary to the execution of the election;
 - Voter service and polling center costs;
 - Expenses for election security which are not separately covered by grants or other funding;
 - Translation costs; and
 - Other additional incremental direct costs which the county can clearly document as directly attributable to the conduct of the election.
- New Rule 7.14.3 outlines the costs that are deemed not necessary and reasonable for conducting an election and are thus not reimbursable beginning July 1, 2024. This includes:
 - Cost that is above the fair market value of the goods or services, where the fair market value is established by a competitive solicitation or other method for establishing a competitive price;
 - Annual voting system fees;
 - Annual preventative maintenance expenses;
 - Non-voting system equipment annual agreements;
 - Ballot issue notices;
 - Regular overhead expenses incurred by the county;
 - Purchase or lease of equipment or materials which can be used for more than one election; and
 - Cost for observers or supervisors appointed by the Secretary of State, unless otherwise ordered by the Secretary of State.
- New Rule 7.14.4 describes what supporting documentation must be included when submitting a request for reimbursement of election expenses.
- New Rule 7.14.5 describes the review and audit process for reimbursement requests submitted under the rule. This includes:

- The Department will review and evaluate reimbursement requests and provide payment once it is satisfied that the request meets all of the requirements outlined in Rule 7.14;
- The Department may seek documentation to determine the fair market value of a good or service for which the county seeks reimbursement; and
- The Department reserves the authority to clawback any portion of a reimbursement payment that is subsequently found to have been inconsistent or unauthorized with the requirements of Rule 7.14.

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

II. Rulemaking Authority

The statutory authority is as follows:

- Senate Bill 23-276, enacted June 6, 2023.
- Section 1-1-107(2)(a), C.R.S., (2023), which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary finds necessary for the proper administration and enforcement of the election laws.”
- Section 1-1-110(1), C.R.S., (2023), which requires county clerks to, “follow the rules and order promulgated by the secretary of state pursuant to this code.”
- Section 1-1.5-104(1)(e), C.R.S., (2023), which gives the Secretary of State the power to “[p]romulgate rules...as the secretary finds necessary for the proper administration, implementation, and enforcement of HAVA and of [Article 1.5].”
- Section 1-5-505.5(1)(a), C.R.S., (2023), which authorizes the Secretary of State to “adopt rules for determining which costs are necessary and reasonable and therefore reimbursable by the state”
- Section 1-7.5-104, C.R.S., (2023), which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”
- Section 1-7.5-105(3), C.R.S., (2023), which requires the county clerk and recorder to "supervise the distribution, handling, and counting of ballots and the survey of returns in accordance with rules promulgated by the secretary of state..."
- Section 1-7.5-106(2), C.R.S., (2023), which authorizes the Secretary of State to, “adopt rules governing procedures and forms necessary to implement [mail ballot elections]...”
- Section 1-7.5-107(1), C.R.S. (2023), which requires ballots to be prepared, “by law or rules promulgated by the secretary of state.”
- Section 1-7.5-107.3(5.5), C.R.S. (2023), which requires the secretary of state to adopt rules regarding ballot return envelopes, “to ensure the privacy of each elector’s vote.”

Preliminary Draft of Proposed Rules

Colorado Department of State Election Rules 8 CCR 1505-1

March 15, 2024

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Department 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 April 15, 2024, 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 **April 10, 2024**.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 are as follows:*

2 *New Rule 7.2.17 concerning holes in ballot return envelopes and target areas on a voter’s ballot. New Rule*
3 *7.2.17(a) and (b) were adopted on a temporary basis under SOS Tracking Number 2024-00018:*

4 7.2.17 HOLE IN RETURN ENVELOPES

5 (A) NO COUNTY CLERK MAY USE A BALLOT RETURN ENVELOPE WITH A HOLE OR ANY OTHER
6 OPENING OF ANY SIZE WHERE THE TARGET AREA FOR ANY CONTEST ON A BALLOT CAN
7 BE SEEN IN ANY WAY.

8 (B) IF A COUNTY INTENDS TO USE BALLOT RETURN ENVELOPES WITH A HOLE PUNCH OR
9 OTHER OPENING, THE COUNTY MUST PROVIDE WRITTEN CERTIFICATION TO THE
10 SECRETARY OF STATE THAT:

11 (1) THE LOCATION OF THE HOLE PUNCHES OR OTHER OPENINGS HAVE BEEN
12 MANUALLY INSPECTED AND TESTED BY THE COUNTY CLERK; AND

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2023).

² Section 24-4-103(4)(a), C.R.S. (2024). “[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 (2) NO TARGET AREAS ARE VISIBLE THROUGH THE HOLE PUNCHES OR OTHER
2 OPENINGS IN THE ENVELOPE CONSIDERING ALL THE WAYS A BALLOT COULD BE
3 REASONABLY FOLDED AND INSERTED INTO THE ENVELOPE.

4 (C) BEGINNING JULY 1, 2024, NO COUNTY CLERK MAY USE A BALLOT RETURN ENVELOPE
5 WITH A HOLE OR ANY OTHER OPENING.

6 *New Rule 7.2.18 concerning the quality control process with a vendor and county clerk for mail ballots:*

7 7.2.18 A COUNTY CLERK WHO USES A MAIL BALLOT PRINTING VENDOR MUST WORK WITH THEIR VENDOR
8 TO ESTABLISH A QUALITY CONTROL PROCESS FOR ALL PRINTED MATERIALS.

9 *Amendments to Rule 7.14 concerning technical changes to comply with the changes to section 1-5-505.5,*
10 *C.R.S., due to the passage of Senate Bill 23-276:*

11 7.14 Reimbursement to counties for state ~~ballot measure~~ elections.

12 7.14.1 No later than 90 days after an election DAY, the county must submit a completed request
13 for reimbursement under section 1-5-505.5, C.R.S. The county must submit the request
14 using the form provided by the Secretary of State, ALONG WITH SUPPORTING
15 DOCUMENTATION CONCERNING THE SPECIFIC REIMBURSEMENTS BEING REQUESTED.

16 *New Rule 7.14.2 concerning the list of direct costs that will be considered reimbursable by the*
17 *Department under section 1-5-505.5, C.R.S., starting July 1, 2024:*

18 7.14.2 BEGINNING JULY 1, 2024, THE FOLLOWING DIRECT COSTS ARE DEEMED NECESSARY AND
19 REASONABLE FOR AN ELECTION AND THUS REIMBURSABLE BY THE STATE UNDER SECTION 1-5-
20 505.5, C.R.S.:

21 (A) THE SALARY OR HOURLY WAGES FOR PERMANENT STAFF, TEMPORARY STAFF,
22 ELECTION JUDGES, AND CANVASS BOARD MEMBERS THAT MEET THE FOLLOWING
23 CRITERIA:

24 (1) OVERTIME WAGES FOR PERMANENT STAFF FOR OVERTIME SPENT PERFORMING
25 ELECTION DUTIES FROM THE DATE OF BALLOT CERTIFICATION THROUGH THE
26 COMPLETION OF THE CANVASS OR A RECOUNT, WHICHEVER IS LATER; AND

27 (2) WAGES FOR TEMPORARY STAFF, ELECTION JUDGES, AND CANVASS BOARD
28 MEMBERS FOR TIME SPENT PERFORMING ELECTION DUTIES FROM THE DATE OF
29 BALLOT CERTIFICATION THROUGH THE COMPLETION OF THE CANVASS OR A
30 RECOUNT, WHICHEVER IS LATER;

31 (B) DIRECT COSTS ATTRIBUTABLE TO THE HIRING, TRAINING, AND SUPPORT OF THE WORK
32 OF ELECTION JUDGES FOR THAT ELECTION, INCLUDING:

33 (1) CREATION, PRINTING, AND PRESENTATION OF ELECTION JUDGE TRAINING
34 MATERIALS;

35 (2) MILEAGE PAID TO ELECTION JUDGES FOR NECESSARY AND REASONABLE USE
36 OF THE ELECTION JUDGE'S PERSONAL VEHICLE FOR ELECTION-RELATED TASKS;

37 (3) MOBILE PHONE OR OTHER ELECTRONIC DEVICE OPERATING COSTS FOR
38 DEVICES ISSUED TO ELECTION JUDGES; AND

39 (4) FOOD PROVIDED TO ELECTION JUDGES;

- 1 (C) THE PRINTING AND MAILING COSTS THAT MEET THE FOLLOWING CRITERIA:
- 2 (1) BALLOT PRINTING AND INSERTION COSTS THAT ARE BILLED AND PAID BY THE
3 COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC,
4 COVERED ELECTION. THIS INCLUDES DIRECT COSTS TO PRINT MAIL, IN-
5 PERSON, PROVISIONAL, STATE, AND TEST BALLOTS, AS WELL AS THE COST TO
6 INSERT BALLOTS INTO MAIL BALLOT ENVELOPES;
- 7 (2) BALLOT ENVELOPE PRINTING COSTS THAT ARE BILLED AND PAID BY THE
8 COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC,
9 COVERED ELECTION. THIS INCLUDES OUTGOING AND RETURN ENVELOPES AND
10 ANY LABELS;
- 11 (3) ADDITIONAL BALLOT MATERIAL PRINTING AND INSERTION COSTS FOR INSERTS
12 OR OTHER MATERIALS THAT ARE REQUIRED BY STATUTE OR RULE AND THAT
13 ARE INCLUDED IN A BALLOT PACKET MAILING WHERE SUCH COSTS ARE BILLED
14 AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH
15 THE SPECIFIC, COVERED ELECTION. THIS INCLUDES THE COST TO PRINT AND
16 INSERT VOTER INSTRUCTIONS, OR OTHER REQUIRED MAIL BALLOT INSERTS;
- 17 (4) PRINTING AND MAILING COSTS FOR CORRESPONDENCE THAT IS REQUIRED BY
18 SECTION 1-2-508(3)(A)(I) AND ARTICLES 7.5 AND 8.5 OF TITLE 1, C.R.S., AND
19 RULES 7.5, 7.6.1, AND 17.2.7;
- 20 (5) FORMS PRINTED FOR USE AT A VOTER SERVICE AND POLLING CENTER AND
21 CENTRAL COUNTING FACILITY;
- 22 (6) ELECTION NOTICE PRINTING, MAILING, AND PUBLICATION COSTS. THIS
23 INCLUDES THE COST TO PUBLISH THE STATUTORY NOTICE OF ELECTION THAT IS
24 BILLED AND PAID BY THE COUNTY TO A NEWS ORGANIZATION IN CONNECTION
25 WITH THE SPECIFIC, COVERED ELECTION;
- 26 (7) BALLOT SHIPPING AND MAILING COSTS THAT ARE BILLED AND PAID BY THE
27 COUNTY TO THE POSTAL SERVICE OR A THIRD-PARTY VENDOR IN CONNECTION
28 WITH THE SPECIFIC, COVERED ELECTION. THIS INCLUDES COSTS TO SHIP
29 OUTGOING BALLOTS FOR DELIVERY AND POSTAGE FOR OUTGOING BALLOTS;
- 30 (8) BALLOT-ON-DEMAND SUPPLIES THAT ARE BILLED AND PAID BY THE COUNTY TO
31 A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED
32 ELECTION. THIS INCLUDES THE COST TO PURCHASE CARD STOCK, TONER, AND
33 OTHER NECESSARY MATERIALS FOR THE OPERATION OF BALLOT-ON-DEMAND
34 PRINTERS IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION;
- 35 (9) POSTAGE FOR UNDELIVERABLE RETURNED MAIL BALLOTS AND OTHER
36 CORRESPONDENCE REQUIRED BY SECTION 1-2-508(3)(A)(I) AND ARTICLES 7.5
37 AND 8.5 OF TITLE 1, C.R.S., AND RULES 7.5, 7.6.1, AND 17.2.7 IN
38 CONNECTION WITH THE SPECIFIC, COVERED ELECTION;
- 39 (10) INSUFFICIENT POSTAGE COSTS FOR BALLOTS AND OTHER CORRESPONDENCE
40 RETURNED BY THE COUNTY'S VOTERS IN CONNECTION WITH THE SPECIFIC,
41 COVERED ELECTION; AND
- 42 (11) INTERCOUNTY BALLOT TRANSFER MAILING OR DELIVERY COSTS IN CONNECTION
43 WITH THE SPECIFIC, COVERED ELECTION. THIS INCLUDES THE COST TO MAIL,

1 SHIP, OR PHYSICALLY DELIVER STATEWIDE BALLOTS AND OTHER BALLOTS
2 RETURNED TO THE COUNTY IN WHICH THE ELECTOR DOES NOT RESIDE;

3 (D) BALLOT PROGRAMMING AND ELECTION SERVICES, INCLUDING:

- 4 (1) THIRD-PARTY VENDOR ONSITE SUPPORT DURING THE SPECIFIC, COVERED
5 ELECTION THAT IS DEEMED NECESSARY TO THE EXECUTION OF THE ELECTION,
6 RATHER THAN COMPLEMENTARY FROM THE VENDOR;
- 7 (2) THIRD-PARTY BALLOT LAYOUT AND PROGRAMMING SUPPORT FOR THE
8 SPECIFIC, COVERED ELECTION; AND
- 9 (3) THIRD-PARTY BALLOT-ON-DEMAND BALLOT PROGRAMMING SUPPORT FOR THE
10 SPECIFIC, COVERED ELECTION;

11 (E) VOTER SERVICE AND POLLING CENTER COSTS, INCLUDING:

- 12 (1) LOCATION RENTAL EXPENSES THAT ARE BILLED AND PAID BY THE COUNTY IN
13 CONNECTION WITH THE SPECIFIC, COVERED ELECTION;
- 14 (2) OFFICE SUPPLIES THAT ARE PURCHASED BY THE COUNTY FOR USE AT THE
15 VOTER SERVICE AND POLLING CENTER DURING THE SPECIFIC, COVERED
16 ELECTION;
- 17 (3) EQUIPMENT RENTAL EXPENSES FOR EQUIPMENT USED AT VOTER SERVICE AND
18 POLLING CENTER THAT ARE BILLED AND PAID BY THE COUNTY TO A THIRD-
19 PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED ELECTION;
- 20 (4) BALLOT AND EQUIPMENT DELIVERY AND COLLECTION EXPENSES THAT ARE
21 BILLED AND PAID BY THE COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION
22 WITH THE SPECIFIC, COVERED ELECTION; AND
- 23 (5) REMOTE CONNECTIVITY FOR VOTER CHECK-IN EQUIPMENT THAT IS BILLED AND
24 PAID BY THE COUNTY TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE
25 SPECIFIC, COVERED ELECTION;

26 (F) SECURITY EXPENSES THAT ARE NOT SEPARATELY COVERED BY GRANTS OR OTHER
27 FUNDING FROM EITHER THE DEPARTMENT'S SECURITY GRANT PROGRAM OR FROM
28 OTHER STATE OR FEDERAL SOURCES, INCLUDING:

- 29 (1) INCREMENTAL ADDITIONAL VIDEO SURVEILLANCE STORAGE COSTS
30 DOCUMENTED BY THE COUNTY CLERK AS DIRECTLY ATTRIBUTABLE TO THE
31 SPECIFIC, COVERED ELECTION AND THAT IS BILLED AND PAID BY THE COUNTY
32 TO A THIRD-PARTY VENDOR;
- 33 (2) SEALS PURCHASED FOR USE DURING THE SPECIFIC, COVERED ELECTION;
- 34 (3) COLORADO BUREAU OF INVESTIGATION BACKGROUND CHECKS REQUESTED IN
35 CONNECTION WITH THE SPECIFIC, COVERED ELECTION; AND
- 36 (4) ON-SITE SECURITY PERSONNEL CONTRACTED TO PROVIDE SECURITY FOR
37 ELECTIONS STAFF AND PROCESSES THAT ARE BILLED AND PAID BY THE COUNTY
38 TO A THIRD-PARTY VENDOR IN CONNECTION WITH THE SPECIFIC, COVERED
39 ELECTION;

1 (G) TRANSLATION COSTS FOR TRANSLATING ANY CONTENT DIRECTLY ATTRIBUTABLE TO THE
2 SPECIFIC, COVERED ELECTION AND THAT ARE BILLED AND PAID BY THE COUNTY TO A
3 THIRD-PARTY VENDOR; AND

4 (H) OTHER ADDITIONAL INCREMENTAL DIRECT COSTS, WHICH THE COUNTY CLERK CAN
5 CLEARLY DOCUMENT AS DIRECTLY ATTRIBUTABLE TO THE CONDUCT OF THE SPECIFIC,
6 COVERED ELECTION.

7 *New Rule 7.14.3 concerning the list of costs that will not be considered reimbursable by the state under*
8 *section 1-5-505.5, C.R.S., starting July 1, 2024:*

9 7.14.3 BEGINNING JULY 1, 2024, THE FOLLOWING COSTS ARE DEEMED NOT NECESSARY AND
10 REASONABLE FOR AN ELECTION AND THUS NOT REIMBURSABLE BY THE STATE UNDER SECTION 1-
11 5-505.5, C.R.S.:

12 (A) ANY COST THAT IS ABOVE THE FAIR MARKET VALUE OF THE GOODS OR SERVICES FOR
13 WHICH REIMBURSEMENT IS SOUGHT, WHERE SUCH FAIR MARKET VALUE IS ESTABLISHED
14 BY A COMPETITIVE SOLICITATION OR OTHER GENERALLY ACCEPTED METHODS FOR
15 ESTABLISHING A COMPETITIVE PRICE;

16 (B) ANNUAL VOTING SYSTEM FIRMWARE, SOFTWARE, AND OTHER ELECTION MANAGEMENT
17 LICENSE FEES;

18 (C) ANNUAL PREVENTATIVE MAINTENANCE EXPENSES;

19 (D) NON-VOTING SYSTEM EQUIPMENT ANNUAL AGREEMENTS;

20 (E) BALLOT ISSUE NOTICES;

21 (F) OVERHEAD EXPENSES INCURRED BY THE COUNTY. THIS INCLUDES:

22 (1) FACILITIES COSTS SUCH AS UTILITIES, GROUNDS MAINTENANCE, INSURANCE,
23 LEASED SPACE, AND OTHER COSTS THAT ARE NOT A DIRECT RESULT OF AN
24 ELECTION;

25 (2) NORMAL WAGES AND BENEFITS PROVIDED TO COUNTY EMPLOYEES; AND

26 (3) ANNUAL PERMITS FOR POSTAGE;

27 (G) PURCHASE OR LEASE OF EQUIPMENT OR MATERIALS THAT CAN BE USED FOR MORE
28 THAN ONE ELECTION; AND

29 (H) COSTS FOR OBSERVERS OR SUPERVISORS APPOINTED BY THE SECRETARY OF STATE,
30 UNLESS OTHERWISE ORDERED BY THE SECRETARY OF STATE.

31 *New Rule 7.14.4 concerning the documentation required for submission of a reimbursement request*
32 *under section 1-5-505.5, C.R.S., starting July 1, 2024:*

33 7.14.4 BEGINNING JULY 1, 2024, WHEN SUBMITTING A REQUEST FOR REIMBURSEMENT OF ELECTION
34 EXPENSES UNDER SECTION 1-5-505.5, C.R.S., DOCUMENTATION SUPPORTING THE REQUESTED
35 REIMBURSEMENT MUST INCLUDE RECEIPTS, PURCHASE ORDERS, INVOICES, PAYROLL RECORDS,
36 OR ANY OTHER DOCUMENTATION THAT IS SUFFICIENT TO REFLECT WHAT THE PURCHASE OR
37 EXPENDITURE OBTAINED, THE AMOUNT OF THE COST THAT WAS PAID BY THE COUNTY, HOW THAT
38 COST WAS CALCULATED, WHEN THE COST WAS PAID BY THE COUNTY, WHO WAS THE RECIPIENT
39 OF THE PAYMENT, INCLUDING THEIR NAME AND CONTACT INFORMATION, AND WHETHER ANY PART

1 OF THE COST WAS PAID IN WHOLE OR IN PART BY ANOTHER PERSON, ORGANIZATION, OR
2 GOVERNMENT ENTITY, INCLUDING THE AMOUNT THAT WAS PAID BY THAT THIRD PARTY.

3 *New Rule 7.14.5 concerning auditing and clawback of reimbursement payments under section 1-5-505.5,*
4 *C.R.S.:*

5 7.14.5 REVIEW AND AUDIT OF REIMBURSEMENT REQUEST

6 (A) THE DEPARTMENT WILL REVIEW AND EVALUATE THE PROPRIETY OF ANY EXPENSE
7 SUBMITTED FOR REIMBURSEMENT UNDER SECTION 1-5-505.5, C.R.S., AND WILL NOT
8 PROVIDE PAYMENT ON THE REQUESTED REIMBURSEMENT UNTIL THE DEPARTMENT IS
9 SATISFIED THAT THE REQUESTED REIMBURSEMENT MEETS ALL REQUIREMENTS SET
10 FORTH IN THESE RULES.

11 (B) IN THE EVENT THE DEPARTMENT REQUESTS DOCUMENTATION OF THE FAIR MARKET
12 PRICE OF ANY GOODS OR SERVICES FOR WHICH THE COUNTY SEEKS REIMBURSEMENTS,
13 THE COUNTY WILL PROVIDE ANY AND ALL DOCUMENTATION CONCERNING THE
14 PROCUREMENT PROCESS THAT WAS USED AND THE EVALUATION OF PRICES PROPOSED
15 BY THE VENDORS SOLICITED. THE DEPARTMENT'S DETERMINATION AS TO WHAT
16 CONSTITUTES A FAIR MARKET PRICE FOR A COST WILL INCLUDE ANY REGIONAL OR
17 LOCAL VARIATIONS IN THE COSTS FOR SPECIFIC GOODS OR SERVICES.

18 (C) ANY PAYMENT OF A REIMBURSEMENT REQUEST IS WITHOUT PREJUDICE TO THE
19 AUTHORITY OF THE DEPARTMENT TO CLAWBACK ANY PORTION OF A REIMBURSEMENT
20 PAYMENT THAT IS SUBSEQUENTLY FOUND TO HAVE BEEN UNAUTHORIZED OR
21 INCONSISTENT WITH THE REQUIREMENTS OF THESE RULES.