

El Paso County comments on 12/1/15 Working Draft of Proposed Rules

~~6.1.3~~ 6.1.2 The county clerk must reasonably attempt to exhaust the **updated** list of **election judges** provided by the major parties before supplementing with ADDITIONAL MAJOR PARTY JUDGES OR minor party or unaffiliated judges, or staff.

EPC comments in RED above.

6.1.4 THE COUNTY CLERK MUST PROVIDE THE LIST OF ELECTION JUDGES, INCLUDING POLITICAL PARTY AFFILIATIONS AND ASSIGNMENTS, TO EACH APPOINTING PARTY NO LATER THAN THE 45-DAY JUDGE-TRAINING DEADLINE.

EPC comments - C.R.S. 1-6-108 already requires a DEO to maintain a master list of election judges for which we currently may accept payment for if it is requested. Is there a need for this Rule?

6.4 A COUNTY WITH MORE THAN 5,000 ACTIVE ELECTORS BY THE 90TH DAY BEFORE ELECTION DAY MAY NOT USE REGULAR STAFF AS **second level** SIGNATURE VERIFICATION JUDGES. A COUNTY WITH FEWER THAN 5,000 ACTIVE ELECTORS BY THE 90TH DAY BEFORE ELECTION DAY MAY USE REGULAR COUNTY STAFF THAT ARE SWORN IN AS ELECTION JUDGES TO CONDUCT SIGNATURE VERIFICATION.

EPC comments in RED above. Additionally, we have two concerns with this Rule as currently written.

- 1. C.R.S. 1-7.5-107.6(2)(a) requires a DEO to send a signature discrepancy letter within three days of the deficiency being confirmed. When we have UOCAVA ballots slowing coming in shortly after our 45-day mailing, it doesn't make good sense to require election judges to come in each day to conduct signature verification on just a few ballots. Because of this, is this Rule going to promote the practice of signature verification on UOCAVA starting after the larger group of ballots which are mailed at 22-days prior to the election versus doing it timely and when necessary, getting the signature discrepancy letters mailed earlier? By allowing county staff to conduct signature verification, the signature verification can be done as soon as voted ballots arrive back in the county and signature discrepancy letters can be mailed out earlier.*
- 2. During canvass, we have ballots that are coming from the DENVER GMF, surrounding counties and UOCAVA ballots. Each of these ballot envelopes still requires verification. This also, doesn't make good sense to now required several signature verification judges to come in to do this check on a small amount of ballots when counties have staff capable of doing this in the presence of our party appointed Canvass Board.*

7.2.8 THE COUNTY MUST PRINT THE ELECTOR'S FULL NAME UNDER OR NEAR THE SELF-AFFIRMATION SIGNATURE LINE ON EACH BALLOT RETURN ENVELOPE **prepared and mailed by the county's mail ballot vendor**.

EPC comments in RED above. It isn't practicable to expect counties to include the elector's full name under or near the self-affirmation signature line for those ballot packets prepared in-office or at the VSPC locations. The electors name is already on the envelope in the address field.

7.8.6 If it appears to the judges that members of the same household have inadvertently switched envelopes or ballots, the ballot or ballots must be counted and no letter of advisement to the electors is necessary. IF AN ELECTION JUDGE DETERMINES THAT A VOTER INADVERTENTLY RETURNED HIS OR HER BALLOT IN ANOTHER HOUSEHOLD MEMBER'S BALLOT RETURN ENVELOPE, THE ELECTION JUDGE MUST PROCESS AND PREPARE THE ~~VOTER'S~~ **BALLOT of the elector who signed the self-affirmation** FOR COUNTING IF IT IS OTHERWISE VALID. THE ELECTION JUDGE NEED NOT SEND A SIGNATURE DISCREPANCY LETTER TO THE VOTER.

EPC comments – Strict through and additional language included as above in RED.

7.8.14 IF THE COUNTY CLERK CONDUCTS SIGNATURE VERIFICATION BEFORE ELECTION DAY, THE CLERK MUST SEND SIGNATURE DISCREPANCY LETTERS TO ELECTORS WITH DISCREPANT SIGNATURES AS SOON AS PRACTICABLE.

EPC comments – This is already required by C.R.S. 1-7.5-107.3(2) (a).

8.1.4 A WATCHER FOR AN ISSUE COMMITTEE MAY PROVIDE A TRACER PRINT-OUT OF THE ISSUE COMMITTEE REGISTRATION WITH THE CERTIFICATE OF APPOINTMENT TO SHOW THE **person appointing the watcher on behalf of the committee is either the registered agent or the designated filing agent as shown on TRACER and to show the** COMMITTEE'S ELIGIBILITY TO APPOINT WATCHERS.

EPC comments in RED above.

8.1.5 A WATCHER MUST COMPLETE A TRAINING PROVIDED BY OR APPROVED BY THE SECRETARY OF STATE BEFORE OBSERVING ELECTION ACTIVITIES WHERE CONFIDENTIAL OR PERSONALLY IDENTIFIABLE INFORMATION MAY BE WITHIN VIEW.

EPC comments - Upon completion of this training, the Watcher should be given the opportunity to print a certificate of completion which can and should be presented to the DEO as proof the training was successfully completed.

8.4.2(b) 8.7.4 Watchers must remain outside the immediate voting area while an elector is voting. THE SIX FOOT LIMIT IN RULE 1.1.26 APPLIES ONLY TO VOTING.

EPC comments – Replace the word FOOD with the word FOOT.

8.8 **Subject to space limitations and local safety codes**, THE MINIMUM NUMBER OF WATCHERS THE COUNTY CLERK MUST ACCOMMODATE FOR EACH APPOINTING ENTITY IS AS FOLLOWS:

EPC comments in RED above.

8.9 A WATCHER MAY OBSERVE ELECTION ACTIVITIES AT A GROUP RESIDENTIAL FACILITY, AS DEFINED IN SECTION 1-1-104(18.5), C.R.S., ONLY IF THE WATCHER CONTACTS THE COUNTY CLERK ~~BEFOREHAND~~ **prior to the visit** TO ARRANGE THE TIME AND LOCATION. WHILE AT A GROUP RESIDENTIAL FACILITY, A WATCHER MUST MAINTAIN AN ADEQUATE DISTANCE FROM THE ELECTOR SO THE ELECTOR MAY MARK HIS OR HER BALLOT IN PRIVATE.

EPC comments in RED above. Also, something should be included in this Rule to limit a watcher from entering a residence's private room in the facility if the resident doesn't give the watcher permission to enter. Watchers aren't allowed to enter a private residence simply because voting is taking place at a kitchen table and this situation isn't much different. There are residents at these facilities that either can't or simply don't feel up to going to the common area of the facility on the day of a county's visit for voting. When this occurs, election judges may take the ballot to their private room. It seems this situation should be addressed in Rule.

~~8.10~~ 8.11 To assist Watchers in performing their tasks at a polling location, the THE county clerk must provide a list of all voters who have voted or returned a ballot in the county. **If requested** The county clerk must make the list available at least daily at the clerk's main office or provide the list electronically

EPC comments in Red above. Additional comment – the role of the Watcher has changed and it seems as if many of the watchers aren't interested in a list of those that have voted. They are in the VSPC to watch the process not check of the names of those that have voted.

8.13 UNLESS THE COUNTY CLERK AUTHORIZES A GREATER NUMBER, DURING INITIAL SIGNATURE REVIEW BY AN ELECTION JUDGE, A WATCHER MAY ESCALATE NO MORE THAN TEN BALLOT ENVELOPE SIGNATURES IN AN HOUR FOR A SECOND REVIEW BY A BIPARTISAN TEAM OF ELECTION JUDGES.

EPC comments – If after thirty Watcher escalated ballots for second review by the same Watcher occurs, a DEO must review the process procedure with the Watcher to ensure unnecessary escalations are not taking place. NOTE: The thought with this comment is to make sure that a Watcher isn't getting to their limit each hour just for the sake of getting to their limit. If every hour 10 ballots are being escalated, we either have a problem with the signature verification judge or the watcher and it should be addressed.

EPC comment – RULE 14.13 should be amended to require each VRD circulator to be assigned a unique number and to require that number to be placed on each VRD VR form they turn in.