

## Andrea Gyger

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**From:** Dwight Shellman  
**Sent:** Sunday, July 24, 2016 1:11 PM  
**To:** Andrea Gyger  
**Subject:** FW: CVR new Rule

Please post this as a public comment to the elections rulemaking, by Ed Smith of Clear Ballot Group.

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**From:** Ed Smith [mailto:ed.smith@clearballot.com]  
**Sent:** Friday, July 22, 2016 4:32 PM  
**To:** Dwight Shellman <Dwight.Shellman@SOS.STATE.CO.US>  
**Subject:** CVR new Rule

Dwight,  
We reviewed the new Rulemaking and ran across this in the CVR section,

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:

(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.

Complying with this proposed Rule as we are interpreting it (note that “count” is not defined earlier in the Rule) and removing Target Cards from the sequential numbering causes the Fujitsu (and likely other scanner brands’) ballot location utilities to fail, meaning that you lose the ability to enter the ballot’s sequential number and have the scanner feed ballots until it gets to the ballot of interest. We note that work pages, separators, and the occasional errant non-ballots get into stacks of ballots during the scan process. We assign these (and the Target Cards) sequential numbers since they received a scan and to avoid breaking the automatic location feature. Note that persons flipping through a stack manually looking for a ballot would benefit from having each and every piece of scanned paper receive a number such that the count they make as they step through the stack matches the sequential number (target card is the physical first piece of paper and has number 1, the first ballot is the 2<sup>nd</sup> piece of physical paper and carries number 2, and so on).

I see that we can still make formal public comment, and I could attend the Hearing on Monday if needed. How should we proceed to make known our desire to have this proposed Rule modified?

Thanks,  
Ed

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### Ed Smith

Vice President,  
Products



Clear Ballot Group,

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