

Denver Elections Division Rule Review

SOS Rule	Current Language	Review Category	Specific ideas, if any.	Reasoning
1.1.43	“Video security surveillance recording” means video monitoring by a device that continuously records a designated location or a system using motion detection that records one frame, or more, per minute until detection of motion triggers continuous recording.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	“Video security surveillance recording” means video monitoring by a device that continuously records a designated location or a system using motion detection that records one frame, or more, per minute until detection of motion triggers continuous recording.	This change would help reduce the size and cost of the files we must now keep as election records. The one frame per minute is based on older technology that may not compress. But current software technology allows us to record using motion only with a pre and post times which buffers the video based on the length of pre and post record time set up. For example, a 5 second pre and post recording would give you 5 seconds of video before the motion begins and 5 seconds of video after the motion stops.
2.4.3	If an applicant fails to provide a date of birth, the county clerk must treat the application as incomplete. But if the applicant submits a photocopy of his or her driver’s license or other approved form of ID that includes the date of birth, the county clerk must enter that information into the applicant’s record and process the application as complete.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork		Can we please use the DL system to obtain the DOB if the DL is provided and DOB is not? See also Rule 2.7.4
2.6.1	An elector may update his or her inactive registration status to active status by submitting: (a) A signed written request, by mail, fax, or an email attachment; (b) An online voter registration application; or (c) An in-person request.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	An elector may update his or her inactive registration status to active status by submitting: (a) A signed written request, by mail, fax, or an email attachment; (b) An online voter registration application; or (c) An in-person request; OR- (d) A REQUEST OVER THE PHONE.	It would be nice if we can accept confirmation over the phone if the information hasn't changed and activate the voter. But there would probably need to be an exception for a confidential voter.
2.7.4	The county clerk may use the DMV Motor Voter database to verify prior name or residence address history for the purpose of meeting the minimum matching criteria. The county clerk must scan and retain the information in the elector’s record to document how the criteria were met.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	The county clerk may use the DMV Moter Voter database to verify- OBTAIN prior name, or residence address history, OR DATE OF BIRTH for the purpose of meeting the minimum matching criteria. The county clerk must scan and retain the information in the elector's record to document how the criteria were met.	Sometimes there is a name or DOB discrepancy between CDOR and the voter reg form that can be resolved by obtaining the informatin from CDOR.
2.13	Voter registration at a voter service and polling center	Rule overlaps or duplicates other rules		We just thought this makes more sense in 7.9.
2.15.1	The state user administrator assigns county user administrator privileges to the individual designated in each county by the county clerk. The county clerk must submit a request for county user administrator privilege to the state user administrator in writing. The request must specifically state the full name of the county employee that is being assigned as a county user administrator.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	The state user administrator assigns county user administrator privileges to the individual designated in each county by the county clerk. The county clerk, OR HIS OR HER DESIGNEE, must submit a request for county user administrator privilege to the state user administrator in writing. The request must specifically state the full name of the county employee that is being assigned as a county user administrator.	This change would provide a more efficient way to request access for staff.
2.15.2	Each county is limited to two county user administrators. But a county clerk may apply to the Secretary of State for an additional county user administrator.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork		There are times when the number of administrators is burdensome. It would be helpful if the number of county user administrators were tied to the tiers each county falls into, given the varied sizes of each county.

6.1.4	The county clerk must provide a list of election judges, including political party affiliations and assignments, if known, to each appointing party no later than 35 days before election day. Upon request by an appointing party, the clerk must provide a supplemental list no later than seven days before the date on which the county will open its first Voter Service and Polling Center.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	The county clerk must provide a list of election judges, including political party affiliations and assignments, if known, to each appointing party no later than 35 days before election day. Upon request by an appointing party, the clerk must provide a supplemental list no later than seven days before the date on which the county will open its first Voter Service and Polling Center.	The second sentence is already covered by 1-6-108(2), C.R.S.
6.2.1	The county clerk may assign an election judge based upon appropriate skill level and interest. If a major party objects to the initial election judge assignments provided by the clerk under Rule 6.1.4, the political party may contact the clerk and nominate judges for replacement. The clerk must consider the new nominations.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	The county clerk may assign an election judge based upon appropriate skill level and interest. If a major party objects to the initial election judge assignments provided by the clerk under Rule 6.1.4, the political party may contact the clerk and nominate judges for replacement. The clerk must consider the new nominations.	This rule extends a party's ability far beyond what the statute contemplates. The county clerk conducts the election and assigns election judges. Parties should not be able to extend beyond recommended preferences of 1-6-103. Additionally, section 1-6-104(3)'s plain language indicates that if the major party's list is not sufficient, the county clerk may begin appointing unaffiliated and minor election judges.
6.7	A supervisor judge in a voter service and polling center must complete a training course conducted by the county clerk. The Secretary of State must provide or approve the training content.	Rule does not achieve desired intent	A supervisor judge in a voter service and polling center must complete a training course conducted by the county clerk. The Secretary of State must provide or approve the training content ONCE PER ELECTION CYCLE.	We submitted our supervisor training twice last year (once before each election) only to be told that we only need to submit it once.
7.1.1	The county clerk must submit a mail ballot plan to the Secretary of State by email no later than 90 days before every election. The county clerk must submit with the mail ballot plan the voter instructions and secrecy sleeve that the clerk intends to use in the election.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	Perhaps add a waiver process for counties to go through if it has a machine that can guarantee the same level of secrecy.	We have machines that serve as the functional equivalent of secrecy sleeves. Additionally, because our office could provide the same level of secrecy while removing this piece of paper, we estimate that we will save \$4,000.00 per election in staff time alone.
7.5.1	The county clerk must adequately light all stand-alone drop-off locations and use either an election official or a video security surveillance recording system as defined in Rule 1.1.43 to monitor each location.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	Strike.	This is a very large expense that prohibits us from placing more stand-alone drop-off locations around the county.
7.5.4(c)	At least twice on election day, at approximately 1:00 p.m. and 7:00 p.m.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	At least twice on election day, at approximately 1:00 p.m. and 7:00 p.m.	Counties are capable of figuring out when to pick up ballots from drop-off locations.
7.11.2	At no time may an election official open simultaneous sessions of both SCORE and WebSCORE on a single workstation.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork		We understand this may be a licensing issue, but it would help our processes if certain limited users could have both sessions open on a single workstation.
14.5.3	The Secretary of State will review all complaints submitted in writing and conduct such investigations as may be necessary and appropriate. If the Secretary of State determines that a violation has occurred, the Secretary of State will impose a fine in accordance with section 1-2-703, C.R.S., and notify the VRD organizer of:	Rule does not achieve desired intent		Certain VRDs have a propensity to commit repeated violations after being fined. Therefore, we think the Secretary of State's office should have the authority to revoke an offending VRD's number.
16.2.5(d)	The initials of the election official transmitting the ballot	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	Strike.	This is not necessary with our procedures. Only one person sends the ballots.

16.2.6	Upon receipt of a voted ballot sent by electronic transmission, the county clerk must verify the elector's signature in accordance with Rule 7.8. After the affidavit has been verified, a bipartisan team of judges must duplicate the ballot. Duplicating judges must not reveal how the elector voted.	Rule could be more flexible, reduce regulatory burdens, or reduce unnecessary paperwork	We will not always need to duplicate the ballot because of the Dominion system.
18.5.3	During any recount, if the number of undervotes in a ballot contest could change the outcome if attributed to an eligible write-in candidate, votes for that candidate must be counted whether or not the target area designating the selection of a write-in candidate has been marked, provided that the number of candidates chosen does not exceed the number permitted in that office.	Rule is not implemented in an efficient and effective manner	Explicitly allow a county, if it has the technology, to count the vote on the first pass instead of waiting until the second We would like to count a valid write-in vote on the first pass with the new voting system.
20.16.3(a)	The county must reconcile ballots printed on demand in accordance with Rules 10.4 and 10.5.		Strike. Rules 10.4 and 10.5 already address reconciliation.
20.17.3	The county must create a backup copy of the election setup records on a read-only, write-once CD, immediately after completing the Logic and Accuracy Test.	Rule is not implemented in an efficient and effective manner	The county must create a backup copy of the election setup records on a read-only, write-once CD, EXTERNAL HARD DRIVE, OR FLASH MEDIA immediately after completing the Logic and Accuracy Test. The size of election databases are too large to write to CD. Flash media would be preferable. Also in rule 11.4.2, for the delivery of election setup records, the SOS allows flash media.