

Election Statute Review Committee (ESRC) Comments to the Secretary of State Regarding the Revised Draft of Proposed Election Rules Dated January 31, 2018

Proposed Rule 7.5.4:

Counties wondered whether staff members must also operate in bipartisan teams. Based on what the Secretary of State's office means, a comma may be necessary after the word "judges."

Proposed Rule 10.12.2:

Counties would like clarification on how this rule interacts with proposed Rule 10.9.2. If a county successfully completed a comparison audit under Rule 25.2, and it does not need to re-scan the ballots during a recount, then is it possible to conduct a recount without retesting the ballot scanners?

Proposed Rule 20.9.3:

Thank you very much for the addition of "or staff." Please use consistent language between paragraphs (a) and (b). If the term "election officials" is changing to "a bipartisan team of election judges or staff" in paragraph (b), we think the same change should occur in paragraph (a), too.

Proposed Rule 25.2.2(f):

Does this change mean that the SOS will input everything into the RLA tool instead of counties?

Proposed Rule 25.2.2(j):

What is the logic of requiring a minimum of 10 ballots? Also, do you mean 10 ballot cards instead of 10 ballots?

Proposed Rule 25.2.3(d)

This proposed rule, as written, would require an impossible timeline given that the audit needs to be complete before the deadline for SOS to randomly select the ballots for audit. As we understand it, this would be the new timeline:

Date	Time	Action	Rule
June 29 th (Friday)	5:00 pm	SOS selects target contests	25.2.2 (i)
July 5 th (Thursday)	5:00 pm	Deadline for discrepancy cures/UOCAVA	CRS
		Upload verified and hashed ballot manifest and hash value	25.2.2 (f) and (g)
		Upload CVR export and hash value or tabulation report	25.2.2 (f) and (g)
		Upload RLA tabulation results export	25.2.2 (f) and (g)
July 6 th (Friday)	n/a	SOS will establish a random seed	25.2.2 (h)
	5:00 pm	Audit Board must complete its reports of all ballot cards randomly selected for audit and	25.2.3(D) <i>proposed Rule</i>

		sign, date and submit to the SOS the results of the RLA	
	11:59 pm	SOS randomly selects ballot cards to audit and notifies each county	25.2.2 (k)
July 9 th (Monday)		Last day to complete the canvass	CRS

Proposed Rule 25.2.5:

Counties would like some clarification around the RLA plan. Is this plan only for a county that fails to follow the procedures in a previous election (and therefore like the UOCAVA plan) or is it for all counties to fill out for each election?

If it's the latter, this now makes three different plans that counties must submit 90 days before Election Day.

Thank you very much for the opportunity to submit comments.