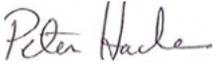


PETITION TO CONTEST LEGALITY AND/OR CONSTITUTIONALITY OF TEMPORARY/EMERGENCY RULE AMENDMENTS TO RULE 20.5.4 INCLUDING NEW RULES 20.5.4(a) AND 20.5.4 (e); AMENDMENTS TO RULE 21.7.3 INCLUDING A PORTION OF FORMER RULE 21.7.3 WHICH HAS BEEN RE-CODIFIED AS NEW RULE 21.7.3 (a); and ADOPTION OF NEW RULES 21.7.3 (b-e) and 21.7.4 (“Petition”)

Petitioner, Peter Hacke,  a Colorado citizen and interested person (“Petitioner”), submits this Petition to contest the amendments to Rules and to achieve the goals of free, fair, and open elections:

Notice of Proposed Rulemaking  
Office of the Secretary of State  
Election Rules  
8 CCR 1505-1

Date of notice: June 30, 2021

Date and time of public hearing: August 3, 2021 at 1:00 p.m.

| Clause                      | Comments   | My Proposed Change  |
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| Proposed 7.7.9              | If the judge finds some issue that leads to things like “irregular acceptance, rejection, or overturn rate,” the reporting method and problem resolution method must be clarified and made more fair. As proposed, the decision authority is with the county clerk. However, an objective, verifiable, open dispute system must be available to deal with reported irregularities. As written, the clause assumes that there is something wrong with the judge’s judgement, which may not actually be the case in all circumstances. | Make an objective, verifiable, open dispute system available to deal with irregularities reported by judges. This would mean placing the material in dispute aside until more people can examine the situation and agreement can be reached and so it can be verified by any stakeholder. |
| Proposed 7.7.13 (b) and (c) | Checks of signature verification devices are presently not specified to be performed after maintenance or network connection, which is a vulnerability.  | Testing and verification of electronic devices implemented for voting such as but not limited to that specified in the proposed 7.7.13 must also be performed immediately following all support activity requiring network communication and maintenance before resuming use.             |

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| <p>Proposed 8.14.2</p> | <p>To meet the needs in existing version of 8 CCR 1505-1 8.12, which states “a watcher may track the names of electors who have cast ballots, challenge electors under section 1-9-203, C.R.S., and Rule 9, and submit written complaints in accordance with section 1- 1.5-105, C.R.S., and Rule 13.”</p> <p>It is not clear how to carry out this duty if the watcher is not permitted to write down ballot numbers or identifying information to report the problem. The watcher must be given the ability to document the issue and identify the relevant election material so that the issue can be researched soon after or at a later date.</p> | <p>Specify in the proposed 8.14.2 exactly how the watcher shall record information such that the material with problems found can be easily traced, retrieved, followed up. Y any stakeholder, and the associated issues rectified as necessary.</p>  |
| <p>Proposed 16.2.3</p> | <p>The text “Colorado law requires that I return this ballot by a more secure method, such as mail, if available and feasible.” is vague, and as such not realistic. Specific examples should be stated and be objectively verifiable if audited.</p>  | <p>Include text with qualifying conditions such as: in a wilderness area with no postal service over the entire duration of the voting period; on a vessel at sea during the entire duration of the voting period.</p> <p>State that an audit request may include producing your travel documents.</p>  |
| <p>Other</p>           | <p>While the proposed 8 CCR 1505-1 (Date of notice: June 30, 2021) covers rules, it does not clarify how the document achieves the goals of free, fair, and open elections, a goal stated by Phil Weiser, the Colorado Attorney General. While I think Colorado does a good job of providing availability for citizens to vote, an appendix which specifically indicates how the rules of this document</p>  | <p>1) Indicate an affordable method, including for poor people, to retrieve the data and copies of all election material (hard copies and software-based) to allow them to verify election fairness.</p> <p>2) Include as an Appendix a block diagram that includes all the election steps and comprehensively explains in plain English the flow of votes and vote data, and how all stakeholders including election officials, partisan</p> |

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|  | <p>prevents, solves, and corrects all potential and conceivable fraud enacted by voters, officials and their subcontractors, equipment, data transmission methods, etc. is necessary to serve the purpose of a Failure Mode and Effects Analysis (FMEA). The document should clarify how anyone who sees a problem with the election can retrieve the data and copies of election material (both hard copies and software-based, whichever state they are) at minimal cost, because inaccessibility or requiring paying elevated fees for voting related materials is discriminatory against the poor and inconsistent with our values and that of Phil Weiser, the Colorado Attorney General with respect to free, fair, and open elections.</p> <p><a href="https://coag.gov/blog-post/ensuring-all-americans-can-participate-in-free-fair-and-open-elections-2-26-20/">https://coag.gov/blog-post/ensuring-all-americans-can-participate-in-free-fair-and-open-elections-2-26-20/</a></p> | <p>volunteers (i.e., Democrats, Republicans, third/minor party), or non-partisan people or organizations can each validate the authenticity of voters voting, election data, vote tally and chain of custody information during the voting process and to check up, audit, and verify all election material forensically if fraud is suspected.</p> <p>Blocks in the block diagram where both the process and the above-mentioned audit process would be explained include the <b>Voter Block</b>. It should be clarified how to check with voters that have a vote logged in their name to see if they in fact voted. This may be necessary because sometimes there are statistically significantly elevated numbers of people voting, indicating possible ballot stuffing. Additionally, some people that show up to vote in person may be told that they have already voted. Why these may occur must have a method to be examined by all stakeholders and corrected if necessary.</p> <p>All information flow (data, software, scripts, commands, voice, whether live or electronic, or written...no exception) before, during, and after elections at the interfaces that <b>Election Management Systems</b> (companies providing election equipment) have with anyone or the election equipment must be recorded and made available to stakeholders. All such data, information, and communication election personnel or equipment may have with the Election Management System must equally be recorded and matchable with that recorded by the Election</p> |
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|  |  | <p>Management System Equipment or its staff.</p> <p>Another block would be the <b>Central Counting Block</b> and the data interfaces/hand-offs with the polling location and any aggregators of data. For example, votes being reported from a polling location must be identifiable with the source polling location as well as the central counting location it is going to with time stamp and location stamps in the tabulation from both the polling location and the Central Counting. We must be able to easily see that these match to prevent the possibility of error or fraud. If they do not match, hearings must take place about this public data so that discrepancies are satisfiably clarified. Similarly, hand off of vote data from central counting to other aggregators and media must be accompanied by locations and timestamps at both the source and receiving ends and they must verifiably match.</p> <p>The process for Removal of Ineligible Voters must be clarified. Results of the process must be clarified and made available such that it is easily verifiable by all stakeholders.</p> <p>Data formats and forms and their access points should be clarified before the elections so that people can follow it.</p> <p>These are just a few examples of how potential failures at the interface are to be addressed. Every conceivable point of error, failure and fraud must be identified well before the election. Low-cost methods for all above</p> |
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|  |  | mentioned stakeholder examination should be available, and methods for correction should be clarified in an appendix to these rules under discussion. |
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