

From: [Pam Bacon](#)
To: [SoS Rulemaking](#)
Subject: FW: Rules Hearing Comments
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Attachments: [image001.png](#)
[Rules.docx](#)
Importance: High

Hello

Attached are comments for the Rules hearing today.

Thank you

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<p>6.8: SigVer training</p>	<p>Suggested sentence change: If the county clerk provides their own training; it must be approved by the SOS before its first use and after any significant update.</p> <p>Also, are all county training programs currently in use grandfathered out or need to be approved upon passage of this rule (before training starts in September 2021)?</p>
<p>7.2.4 voiding ballots</p>	<p>Please strike (or postpone) until it is supported by SCORE.</p> <p>These are not the only voters who have the potential to receive multiple ballot packets – without having directly requested a replacement. For example: a voter who changes residential addresses but keeps the same mailing address will receive 2 ballots. This voter will not be instructed to destroy the first ballot. Via the SCORE system, there is no way to identify a replacement ballot that was automatically generated (and may cause voter confusion) versus one that was requested.</p> <p>This will cost additional cost for postage and insert printing to an already full ballot packet. We smaller counties are already under budget constraints.</p> <p>SCORE does not allow for a data sort on this requirement. To sort out the ballots to receive this notice would be a manual process and would delay sending ballots perhaps 24-48 hours.</p> <p>Would require ballot on demand and dedicated ballot staff to accomplish this. Even in a Coordinated Election, some counties send thousands of ballots a day.</p> <p>Although it is possible to identify Replacement ballots in SCORE (via the R in a sequence number), the process of identifying only those ballots that were not included in a vendor “yank” file is very manual. Furthermore, it creates a breakout of ballot materials that cannot be automated (as with ID Required or Signature Required ballots) via SCORE data. Accurately identifying these voters will be a manual data-driven process, which not all counties will be prepared to do (or all Vendors to support).</p> <p>Not sure how we implement this – who is to say that the voter doesn’t already return the original ballot before the replacement arrives causing confusion – we’d still use 1st ballot back.</p> <p>Will the SOS have a standard letter and a SCORE interface that allows for printing these?</p> <p>If there isn’t an interface of some sort to auto-generate mail it will take a lot of staff power to research replacement reasons, compile, track, and make these letters. Using a print vendor would not be possible due to the requirement of specialized letters detailing each reason for replacement.</p> <p>What is the definition of “replacement ballot”?</p> <p>This will be difficult for vendors to implement. How can we presort these ballot labels out before printing or sending data file to vendors?</p> <p>The process of manually reviewing ballot labels for R#s and then researching the file for the reason that a replacement is being sent is unmanageable. Does this also apply at a VSPC?</p> <p>Require SCORE development for reasons? For this election?</p> <p>No way currently to identify when labels are printed the reason for a “replacement” ballot</p>

	<p>Changing address = new original ballot, not “replacement”. Maybe just generic instructions about how to get replacement and to destroy 1st, only vote 2nd, etc. so no need for special insert.</p> <p>Cost depending on definition of replacement ballot and quantity to insert during supplemental pulls with vendor.</p> <p>Another insert that is not right now in our election plan submitted so how can do this in November this year?</p> <p>Sending replacement ballots via vendor – how plausible to do this with new insert?</p> <p>This special insert rule is unnecessary – can’t we just adjust the overall instructions requirement (starting June 2022 since November 2021 are already submitted) to include a statement that if you receive a replacement ballot due to change in affiliation to only return the new ballot and destroy the old (now voided) ballot? If the change was to an address wouldn’t the voter not have the original (now voted) ballot that was issued and mailed to an old address anyway?</p>
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<p>7.7.8</p>	<p>This is not possible with Ballot Verification Systems.</p> <p>Batches are not a static set as the process moves. A ballot’s initial batch will change after signature verification. Measuring per batch does not create a consistent standard of review or an accurate measure of accepted/rejected rate.</p> <p>Colorado Department of State software (SCORE) does not keep a log of judges and which judges have a high rate of acceptance or challenges. SCORE overwrites the data which would accomplish this. SCORE needs development.</p> <p>This Colorado Department of State rule would run in contrast to how SCORE signature verification module actually works.</p> <p>The absolute number is arbitrary and not a valid metric to monitor in the next rule. The % is more valid for several reasons: (1) judges will work at different paces (2) judges will spend significantly different hours performing Tier 1 or Tier 2 (3) judges will perform other tasks that would skew absolute counts (i.e., ASR audits, undeliverable processing)</p> <p>Technical limitation – counties that use Agilis Ballot Sorters can report signatures accepted/rejected by date but not by batch. The logic of reporting by batch is problematic, because multiple judges review signatures out of a single batch.</p> <p>Because the AGILIS system by Runbeck only tags a voter’s ballot in the system with the last person to touch it electronically, we cannot track these stats automatically. The Runbeck team would have to put development into their system to make this a reality.</p> <p>These rules are measuring the wrong metrics to show the reliability of signature verification. Tracking “batches” and comparing Tier 1 to Tier 2 decisions is not a measure of accuracy because Tier 1 judges only have 1 (or sometimes because of the SCORE interface no) most recent signature to compare to. They do not reject signatures or trigger cures, but properly escalate to Tier 2 for ones that are questionable so that Tier 2 can look at all possible signatures</p>
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	<p>including wet ones instead of most recent CDOR electronic pad ones from an AVR address changes (lower quality).</p> <p>Also, these rules do not consider the counties that use ASR. By only concentrating on the numbers of signatures reviewed by election judges and the percentage sent to Tier 2 or for cure from Tier 1 you are artificially inflating these numbers because Tier 1 election judge review starts from a more difficult baseline of signatures that could not be matched by ASR as clear matches (up to 50% some days).</p> <p>This will require development in SCORE and by BVS vendors. Until that happens, this makes the BVS systems useless.</p> <p>(A) Should use percentage of signatures instead of number; also tracking of information by “Team of Election Judges” will create another manual process; judge team assignments are not static and can change often; depending on the task being done. Also suggest removing “per batch”, batch is an arbitrary grouping of ballots that does not represent a valid way to compare. Batch sizes will vary based the number of ballots we receive, and the processing workflow needed. In the Agilis environment SV judges don’t go into a batch.</p> <p>(B) If you’re using a mail sorter, judges don’t “reject” signatures usually in Tier 1; usually use Admin Action instead. Tier 1 usually has a single reference image available. Tier 2 judges review multiple images. Seems like a mis-guided metric to suggest that this is an issue w/the Tier 1 Judge. There are many reasons that Tier 1 (which only looks at 1 signature image) might send to Tier 2 – most common being an electronic signature from CDOR as the latest image, but also might include a blank or mis-clipped image in SCORE or a Household swap. None of these scenarios represent an issue w/the judge performance.</p> <p>Suggested wording replacement for (B) – FOR ELECTION JUDGES CODUCTING TIER 1 REVIEW, THE RATE OF SIGNATURES DISPOSED PER HOUR.</p> <p>In 2020 we were faced with a judge who did have irregular rates, we found it by analyzing the # of signatures they were able to dispose of in a set time period as well as the pattern of (for example) 200 rejections in a row.</p>
<p>7.7.9</p>	<p>Define “overturn” rate.</p> <p>Will require development by BVS vendors as well as SCORE.</p> <p>SCORE actively overwrites the data CDOS is looking for in this rule.</p> <p>Suggest removing. This should be monitored regardless of # of ballots reviewed by each judge. 150 is arbitrary and will require data manipulation to get to the counts or rates per 150 whereas in reality, monitoring based on time-period (i.e., day, shift, or hour) is what we will be doing and will provide us the right data to make these decisions on.</p> <p>We don’t track by number of ballots received or reviewed, however we could try to track every hour on the hour (for example) acceptance and rejection rate for the room. It is unclear how we would be able to track or break this up for every 150 images reviewed in Sig Ver console since that is not a unit of measure in the process</p> <p>What is definition of irregular acceptance?</p>

	<p>Suggest removing “overturn rate” - Tier 1 judges have limited signatures images and it sets the wrong tone to suggest referring to Tier 2 when an image quality is poor is a possible incorrect decision.</p> <p>Whatever decision the tier 2 team makes does not a “overturn” or “affirm” the tier 1 judge. There is no reason to infer negative against the tier 1 judge based on such a percentage.</p> <p>How will this be monitored or measured? Language is vague.</p>
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<p>7.11: cures at VSPCs</p>	<p>Make less specific to use Text2Cure support on iPads, etc. instead of just cure forms at VSPCs?</p> <p>The requirement to provide a “blank cure form” is complicated by voters whose ballots are still in review and may not have been rejected yet. These voters are held in a Rejected – Other status until their ballot has completed both first and second review. Internally, we know that their ballot hasn’t been rejected yet. Externally, however, GoVoteColorado reports these ballots as a reject – and the voter assumes that they need to take action to cure the ballot.</p> <p>It is possible that the voter may arrive at a VSPC and request a “blank cure form” before their ballot has been rejected, at which point:</p> <ol style="list-style-type: none"> 1. It is not possible to identify the appropriate affidavit to give the voter (missing/discrepant sig, id required, etc.) <p>Either remove the requirement to provide a “blank cure form” (to voters whose ballots have not received a final reject disposition) or create an “In Review” status in SCORE for ballots that are still working their way through the verification process.</p> <p>Would be good to clarify if VSPCs are supposed to photocopy IDs or can just witness the ID and write information on the form themselves when a voter is returning paperwork.</p>
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