

**Written Comments**  
**Notice of Proposed Rulemaking**  
**Colorado Department of State**  
**Election Rules**  
**8 CCR 1505-1**

**Date of notice: July 15, 2024**

**Date and time of public hearing: August 15, 2024 at 9:00AM**

Colorado Department of State,

Please consider the following written comments on the Notice of Proposed Rulemaking dated July 15, 2024.

*Amendments to Rule 20.7.2 would require a tamper evident seal to be placed over the door or other opening in a drop box from where ballots are retrieved. Election judges would also be required to fill out a chain of custody log with the seal information every time ballots are retrieved from a box.*

*(d) A TAMPER-EVIDENT SEAL MUST BE PLACED OVER THE DOOR OR OTHER OPENING FROM WHERE BALLOTS ARE RETRIEVED FROM A BALLOT DROP BOX. ELECTION JUDGES RETRIEVING BALLOTS FROM A DROP BOX MUST FILL OUT A CHAIN-OF-CUSTODY LOG WITH THAT SEAL INFORMATION EACH TIME THEY RETRIEVE BALLOTS.*

- Placing tamper-evident seals on drop boxes is redundant. Drop boxes are already locked and under twenty-four-hour video surveillance.
- Adding yet another chain-of-custody log does nothing to ensure secure elections and increases the administrative burden placed on election officials.
- Placing a bright, colorful seal on the drop box invites abuse from people looking to cause problems for election workers and gives election deniers more ammunition to use against election administrators.
- The Department of State is under no obligation to create this rule and there is no demonstrable justification or benefit associated with it to offset the complexity it adds to the election rules.
- The proposed rule does not account for weather. Paper seals could be damaged or become illegible following snow or rain.
- Before opening the drop box, it is impossible to know its contents. This rule would require us to maintain chain-of-custody on an unknown quantity of ballots.

*Amendments to Rule 20.11.1 specify the minimum regular intervals at which video surveillance recording equipment must be checked to confirm that there has not been an outage of the equipment. Amendments also specify that a contingency plan created by a county clerk must include a contact information sheet identifying the government agency the clerk would contact in an emergency.*

*(f) The county clerk must develop contingency plans which address an unexpected outage of any required video surveillance. The plan must include regular*



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*intervals, BUT NOT LESS THAN ONCE PER BUSINESS DAY AND THE SATURDAY AND SUNDAY BEFORE ELECTION DAY, at which the county will confirm that all required video surveillance is operational.*

- There is no benefit to checking for surveillance outages on Sunday because information technology and surveillance equipment vendors will not be available to resolve an outage outside of regular business hours.
- This rule would be the only rule requiring all counties, regardless of size, to conduct election business on the Sunday before an election.
- Many surveillance systems are not remotely monitored, meaning staff would need to drive to each surveillance site to verify there are no outages on a day they would otherwise be at home.
- This rule would unfairly discriminate against small counties by effectively forcing them into paying overtime to staff for tasks they have never been required to do before while larger counties would be able to assign these new tasks to staff already required to work on Sunday.
- The rule should contain a provision exempting counties under a certain size from checking that the surveillance is operational on the Sunday before election day.
- Colorado Revised Statutes 1-7.5-107 (4.3)(l)(c) already provides that counties under two-hundred fifty thousand active electors are not required to pick up ballots from drop boxes on the Sunday before an election. This statute sets a precedent for providing reasonable accommodations for small counties.

Thank you,

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Ryan Davis  
Deputy Clerk