

CITY OF ASPEN ELECTION RULES
ASPEN ELECTION COMMISSION

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Table of Contents

Rule 1: Rule-making Authority	- 1 -
Rule 2: Definitions.....	- 1 -
Rule 3: Procedures for Processing Absentee Ballots and Special Absentee Ballots.....	- 3 -
3.01 When Absentee Voters Must Provide Identification	- 3 -
3.02 Absentee Ballot Logs	- 3 -
3.03 Recording and Security of Returned Absentee Ballots	- 3 -
3.03.01 Absentee Ballot Box in Clerk’s Office	- 3 -
3.03.02 Daily Batching of Returned Absentee Ballot Reply Envelopes.....	- 3 -
3.03.03 Security of Daily Batches of Returned Absentee Ballots	- 4 -
3.04 Processing Absentee Ballots	- 4 -
3.04.01 Confirmation and Verification of Self-Affirmation Signature.....	- 4 -
3.04.02 Confirmation of Ballot Numbers	- 4 -
3.04.03 Resolution of Ballot Number Discrepancies.....	- 5 -
3.04.04 Removal from Security Sleeves.....	- 6 -
3.04.05 Counting of Verified Absentee Ballots.....	- 6 -
3.04.06 Rejection and Preservation of Unverified Absentee Ballots.....	- 6 -
3.05 Form of Self-Affirmation.....	- 7 -
3.06 Electronic Transmission and Receipt of Absentee Ballots	- 7 -
3.06.01 Applicability	- 7 -
3.06.02 Application for Special Absentee Ballot.....	- 7 -
3.06.03 Procedures on Receipt of Application for Special Absentee Ballot	- 8 -
3.06.04 Procedures on Receipt of Electronically Transmitted Ballots	- 9 -
3.06.05 Processing of Electronically Transmitted Ballots.....	- 9 -
3.06.06 Electronic Transmission Logs.....	- 10 -
3.06.07 Application and Return Deadlines	- 10 -
Rule 4: Procedures for Processing Provisional Ballots.....	- 11 -
4.01 Verification of Provisional Ballot Affidavit Information	- 11 -
4.01.01 Preliminary Research.....	- 11 -
4.01.02 Incomplete Information	- 11 -
4.01.03 Signature, Identification and Other Deficiencies.....	- 11 -
4.02 Convening the Provisional Ballot Panels.....	- 11 -

4.03	Processing and Counting of Verified Provisional Ballots.....	- 11 -
4.03.01	Removal from Provisional Ballot Envelopes.....	- 11 -
4.03.02	Examination of Ballots for Possible Duplication.....	- 12 -
4.03.03	Counting of Verified Provisional Ballots.....	- 12 -
4.03.04	Preservation of Records Relating to Verified Provisional Ballots.....	- 12 -
4.04	Rejection and Preservation of Unverified Provisional Ballots.....	- 12 -
4.05	Order of Counting Provisional Ballots.....	- 12 -
4.06	Reporting of Provisional Ballot Results.....	- 13 -
4.07	Form of Provisional Ballot Envelope.....	- 13 -
Rule 5:	Procedures for the Verification of Signatures.....	- 13 -
5.01	Ballot Envelopes Remain Sealed until Verification.....	- 13 -
5.02	Missing Signature	- 13 -
5.02.01	Notice of Missing Signature and Opportunity to Cure	- 13 -
5.02.02	Timely Cured Ballots are Verified Ballots	- 14 -
5.02.03	Rejection of Ballots Not Timely Cured	- 14 -
5.03	Elector Signature Verification	- 14 -
5.03.01	Comparison with Voter Registration Signature Images	- 14 -
5.03.02	Signature Matches and Discrepancies.....	- 14 -
5.03.03	Notice of Signature Discrepancy and Opportunity to Cure	- 15 -
5.04	Witnessed Signatures	- 16 -
5.04.01	Self-Affirmation Signatures may be Witnessed.....	- 16 -
5.04.02	Confirmation of Witnessed Signatures	- 16 -
Rule 6:	Procedures for Curing a Failure to Present Identification	- 17 -
6.01	Scope of Rule	- 17 -
6.02	Notice of Failure to Present Identification and Opportunity to Cure	- 17 -
6.03	Manner and Content of Notice	- 17 -
6.04	Manner and Time of Cure.....	- 17 -
6.04.01	Timely Cured Ballots.....	- 18 -
6.04.02	Ballots Not Timely Cured.....	- 18 -
Rule 7:	Procedures for Duplication of Ballots.....	- 18 -
7.01	Duplication of Ballots of an Improper Style	- 18 -
7.02	Duplication of Verified Provisional or Absentee Ballots.....	- 18 -
7.03	Duplication of Other Damaged or Defective Ballots	- 19 -

7.04	Duplication Logs and Related Records.....	- 19 -
Rule 8: Testing of Electronic Voting Equipment		- 19 -
8.01	Types of Testing	- 19 -
8.02	Hardware Diagnostic Test.....	- 19 -
8.03	Logic and Accuracy Test (LAT).....	- 20 -
8.03.01	LAT is Public.....	- 20 -
8.03.02	Testing Board.....	- 20 -
8.03.03	Testing Board Test Ballots.....	- 20 -
8.03.04	City Test Deck	- 21 -
8.03.05	Conducting the Logic and Accuracy Test.....	- 21 -
8.03.06	Certification of LAT and Sealing of Devices	- 23 -
8.03.07	Creation and Preservation of Election Database Image.....	- 23 -
8.03.08	Maintenance of City and Testing Board Test Ballots	- 23 -
8.04	Post-Election Audit.....	- 24 -
8.04.01	Election Commission to Convene.....	- 24 -
8.04.02	Election Commission to Attend and Observe Post-Election Audit	- 24 -
8.04.03	Discrepancies	- 24 -
8.04.04	Post-Election Audit Report.....	- 25 -
Rule 9: Security Protocols for Electronic Voting Equipment.....		- 25 -
9.01	Authorization and Custody of Electronic Voting Equipment	- 25 -
9.03	Seals	- 25 -
9.04	Storage	- 26 -
9.05	Chain of Custody	- 26 -
9.06	Tabulation Computer	- 26 -
9.02.01	Restricted Access.....	- 26 -
9.02.02	Operating System and User Accounts	- 27 -
9.02.03	Tabulation Software and User Accounts	- 27 -
9.02.04	Keystroke Recording Software	- 27 -
9.02.05	Connection to Network Prohibited	- 27 -
Rule 10: Security Protocols for Ballots		- 28 -
10.01	Exclusive Custody	- 28 -
10.02	Verification of Ballot Inventory.....	- 28 -
10.03	Storage and Security of Ballots.....	- 28 -
10.03.01	Containers and Protocols for Ballots Not Used in an Election	- 28 -
10.03.02	Containers and Protocols for Ballots Used in an Election	- 28 -

10.04	Storage and Security of Unissued Absentee Ballots during Absentee Voting Period	- 28 -
10.05	Unused Ballots	- 29 -
Rule 11:	Election Judges	- 29 -
11.01	Generally	- 29 -
11.02	Time of Appointment	- 29 -
11.03	Time of Filing Acceptances	- 29 -
11.04	Compensation of Election Judges	- 29 -
11.05	Composition of Panels of Election Judges and Election Judges Assigned to Polling Places	- 29 -
Rule 12:	Polling Place Operations	- 30 -
12.01	Generally	- 30 -
12.02	Operations before Polling Places Open	- 30 -
12.03	Operations while Polling Places are Open	- 31 -
12.03.01	Access to Immediate Voting Area Restricted	- 31 -
12.03.02	Voter Sign-in Forms	- 31 -
12.03.03	Signature Cards	- 31 -
12.03.04	Issuance of Regular Ballots	- 31 -
12.03.05	Issuance of Provisional Ballots	- 32 -
12.03.06	Poll Watchers	- 33 -
12.04	Operations at the Close of Polling Places	- 34 -
12.04.01	Announcement	- 34 -
12.04.02	Electronic Voting Equipment	- 34 -
12.04.03	Ballots	- 35 -
12.04.04	Ballot Inventory Reconciliation	- 35 -
Rule 13:	Canvass	- 36 -
Rule 14:	General and Miscellaneous Provisions	- 36 -
14.01	Computations of Time	- 36 -
14.02	Substantial Compliance	- 36 -
14.03	Interpretation	- 36 -
14.04	References to Uniform Election Code	- 36 -
14.05	Public Posting of Tabulation Tapes or Vote Tallies	- 36 -
14.06	Configuration and Layout of Ballot Processing Locations	- 37 -

ELECTION RULES FOR THE CITY OF ASPEN, COLORADO

Rule 1: Rule-making Authority. The Election Commission for the City of Aspen adopts these Election Rules (the “Rules”) pursuant to 9.10.150 of the City of Aspen Municipal Code.

Rule 2: Definitions. As used in these Rules and in Chapter 9.10 of the City of Aspen Municipal Code, if applicable, the following terms shall have the following meanings, unless the context otherwise requires:

2.01 *Audit unit.* Counted ballots that are separately tabulated as part of the initial tabulation of votes.

2.02 *Clerk.* The municipal clerk of the City of Aspen.

2.03 *Electronic vote-tabulating equipment or electronic vote-counting equipment.* Any apparatus that examines and records votes automatically and tabulates the result, including but not limited to optical scanning equipment. The term includes any apparatus that counts votes electronically and tabulates the results simultaneously on a paper tape within the apparatus, that uses an electronic device to store the tabulation results, and that has the capability to transmit the votes into a central processing unit for purposes of a printout and an official count. The terms *electronic voting equipment* or *electronic voting system* are sometimes used in these Rules and are synonymous with *electronic vote-tabulating equipment* and *electronic vote-counting equipment*.

2.04 *Identification.* As defined by C.R.S. § 1-1-104(19.5), as amended and in effect for the municipal election being conducted. The term *acceptable form of identification* is sometimes used in these Rules and is synonymous with *identification*.

2.05 *Immediate voting area.* In a polling place only, the area within six feet of any electronic voting counting equipment, voting or privacy booth, ballot box, or tables at which election judges are assembled.

2.06 *Improperly marked ballot.* Any ballot marked by an elector in a manner contrary to the Constitution and laws of the State of Colorado or the voter instructions printed at the top of the first page of the ballot.

2.07 *Major political party.* A political party meeting the requirements of C.R.S. § 1-1-104 (22), as amended.

2.08 *Municipal Code.* The Municipal Code of the City of Aspen, as amended.

2.09 *Municipal Election Code.* The statutory compilation codified as article 10 of title 31 of the Colorado Revised Statutes, as amended.

2.10 *Named candidate.* A candidate for municipal office who has timely filed sufficient nominating petitions with the Clerk, and whose name is printed on the official ballot as candidate for such office.

2.11 *Over vote.* For each contest on a ballot, when the number of actual votes exceeds the maximum number of allowable votes on the contest, otherwise no over vote is present.

2.12 *Panel(s) of election judges.* At least two persons, each of whom shall be registered to vote in Colorado and at least eighteen years of age.

2.13 *Registration list.* The list of registered voters of each municipal election precinct certified and provided to election judges under seal by the Clerk pursuant to C.R.S. § 31-10-206.

2.14 *Target area.* The oval, rectangle, square or arrow printed on official municipal election ballots that are adjacent to each choice in a ballot contest, which electors are instructed to complete or fill to indicate their votes.

2.15 *Under vote.* For each contest on a ballot, the numerical difference between the number of allowable votes and the number of actual votes, resulting from an elector's intentional failure to vote for the maximum number of allowable choices; except that an under vote does not exist if there are fewer candidates than offices to be filled and the elector designates as many votes as there are candidates.

2.16 *Unverified ballot.* Any provisional ballot, absentee ballot or special absentee ballot other than a verified absentee ballot or verified provisional ballot.

2.17 *Verified absentee ballot.* An absentee ballot or special absentee ballot returned by an elector whose signature on the self-affirmation reply envelope or coversheet for electronic transmission of special absentee ballot has been confirmed and verified by a panel of election judges or timely cured by the elector in the manner set forth in Rule 5. A verified absentee ballot includes a replacement verified absentee ballot that has been duplicated in the manner set forth in Rule 7.

2.18 *Verified provisional ballot.* A provisional ballot submitted by an elector whose signature on the affidavit printed on the provisional ballot envelope has been confirmed and verified by a panel of election judges in the manner set forth in Rule 5, who has presented an acceptable form of identification when submitting a provisional ballot or has timely cured his or her failure to do so as set forth in Rule 6, and whose voter registration and eligibility to vote in the election being conducted has been verified by the Clerk and confirmed by a panel of election judges.

Rule 3: Procedures for Processing Absentee Ballots and Special Absentee Ballots.

3.01 When Absentee Voters Must Provide Identification. Electors applying for an absentee ballot or special absentee ballot shall not be required to present an acceptable form of identification as a condition precedent to the issuance of the ballot. However, if an elector's voter registration record in the statewide voter registration database is tagged "ID Required," the elector shall be required to present a copy of an acceptable form of identification in order for his or her ballot to be verified and counted. In such cases, the Clerk shall mark the outgoing and reply envelopes accompanying the absentee or special absentee ballot with the words "ID Required," and the voter instructions accompanying such ballot shall direct the elector to enclose a copy of an acceptable form of identification when he or she returns the absentee ballot to the Clerk.

3.02 Absentee Ballot Logs. The Clerk and election staff shall record the issuance, replacement and receipt of absentee ballots, special absentee ballots and electronically transmitted special absentee ballots on logs maintained for such purposes in forms approved by the Clerk. For each elector voting by absentee ballot and each original or replacement absentee ballot issued, the absentee ballot logs shall record the elector's name, absentee ballot precinct style(s) and number(s), the date(s) and manner(s) of issuance, and the date, time and manner of return by the elector.

3.03 Recording and Security of Returned Absentee Ballots.

3.03.01 Absentee Ballot Box in Clerk's Office. The Clerk shall provide an absentee ballot box in the Clerk's office, which shall be locked and sealed at all times except as otherwise provided by these Rules. All absentee ballot reply envelopes returned by electors shall be deposited into the ballot box, whether such reply envelopes are returned by mail or electronic transmission, or by electors in person at the Clerk's office.

3.03.02 Daily Batching of Returned Absentee Ballot Reply Envelopes. At the close of business of the Clerk's office on each day during absentee voting, the Clerk or election staff shall unlock and unseal the ballot box maintained in the Clerk's office and record the date and manner of receipt of each absentee ballot reply envelope on the outside of such envelope and in the absentee ballot log. All absentee ballot reply envelopes deposited in the ballot box on a particular day shall be segregated into one or more batches, which shall be identified by the date of receipt. The unsealing and sealing of the ballot box located in the Clerk's office shall be contemporaneously recorded on an access log in a form approved by the Clerk, and each entry on the log shall be signed by at least two members of election staff. Each day's batched ballots shall be secured in the manner set forth in Rule 3.03.03, until delivered to panels of absentee ballot judges for processing.

The absentee ballot box shall be re-sealed and locked before any other absentee ballot reply envelopes are deposited by election staff or electors therein.

3.03.03 Security of Daily Batches of Returned Absentee Ballots. All daily batches of absentee ballot reply envelopes shall be immediately deposited into one or more other ballot boxes or transfer cases, which shall then be locked and sealed. The unsealing and sealing of such ballot boxes or transfer cases shall be contemporaneously recorded on a chain of custody log in a form approved by the Clerk, and each entry on the log shall be signed by at least two members of election staff. All locked and sealed ballot boxes and transfer cases containing daily batches of returned absentee ballot reply envelopes shall be delivered to panels of election judges for processing in the manner set forth in Rule 3.04.

3.04 Processing Absentee Ballots. The intent of this Rule is to preserve the anonymity of voted absentee ballots to the greatest extent feasible. These procedures are adopted and shall be implemented in a manner that, to the greatest extent feasible, prevents any person from knowing how an elector has voted, including without limitation election judges who swear or affirm oaths not to disclose or reveal such information should they come into its possession. Accordingly and notwithstanding any provision of the Municipal Election Code to the contrary, all absentee ballots returned to the Clerk by electors shall be processed and counted, if applicable, in the manner specified in the following subsections of this Rule 3.04.

3.04.01 Confirmation and Verification of Self-Affirmation Signature. One or more panels of election judges shall confirm and verify, in the manner set forth in Rule 5, the signatures of electors on the self-affirmations printed on the absentee ballot reply envelopes or the coversheet for electronically transmitted special absentee. All verified absentee ballots shall then undergo further processing in the manner set forth in the remaining subsections of this Rule 3.04. All unverified absentee ballots shall be processed and preserved in the manner set forth in Rule 3.04.06.

3.04.02 Confirmation of Ballot Numbers. Without removing the verified absentee ballot from its security sleeve or the security sleeve containing such ballot from the reply envelope, or otherwise examining the elector's marks on or other content of the ballot, a panel of election judges shall examine only the ballot stub of each verified absentee ballot to confirm that the ballot number thereon corresponds to the ballot number issued to the elector as reflected in the absentee ballot log or the label affixed by the Clerk to the reply envelope.

3.04.02.01 Ballot Number Discrepancy. If a ballot number discrepancy exists, the security sleeve containing the verified absentee ballot shall not

be removed from its reply envelope, but all such reply envelopes shall be maintained in their original, opened state and segregated and preserved pending resolution of such ballot number discrepancy in the manner set forth in Rule 3.04.03.

3.04.02.02 No Ballot Number Discrepancy. If no ballot number discrepancy exists, the ballot stub shall be detached from the ballot and set aside and preserved, and the security sleeve containing the ballot shall be removed from the reply envelope, which shall also be set aside and preserved. Once removed from their reply envelopes in this fashion, all security sleeves containing verified absentee ballots with detached stubs shall undergo further processing in the manner set forth in Rule 3.04.04.

3.04.03 Resolution of Ballot Number Discrepancies. The panel of election judges charged with confirming that the number of any absentee ballot issued to an elector conforms to the absentee ballot number returned by the elector shall note all ballot number discrepancies on the absentee ballot log or in a separate log maintained for that purpose in a form approved by the Clerk. The reply envelopes containing ballots with ballot number discrepancies, which are required to be segregated and preserved pursuant to Rule 3.04.02.01, and the completed ballot number discrepancy log(s) prepared by such panel of judges, shall be delivered to the Clerk or deposited into a locked and sealed ballot box or transfer case pending resolution of the ballot number discrepancy in the manner set forth in the remaining subsections of this Rule 3.04.03.

3.04.03.01 If the Clerk determines that a ballot number discrepancy exists because a) an elector applied for an absentee ballot but returned a ballot of the same style that was issued to another member of the elector's household, or b) the absentee ballot number issued to the elector was incorrectly recorded on the absentee ballot issuance log or label affixed to the reply envelope, or c) an administrative or clerical error on the part of election staff, election judges or the elector that, in the Clerk's opinion, does not threaten or jeopardize the integrity of the election, then the Clerk shall note the cause of such discrepancy on the absentee ballot log or ballot number discrepancy log. All such ballot number discrepancies shall be deemed to be satisfactorily resolved, and the ballot shall be processed in the same manner as ballots for which no ballot number discrepancy exists, in the manner set forth in Rule 3.04.02.02. Any incorrect or inaccurate information in the absentee ballot issuance log or other election record discovered as a result of the Clerk's inquiry shall be promptly corrected, however.

3.04.03.02 If the Clerk determines that a ballot number discrepancy exists for a reason other than those specified in Rule 3.04.03.01, the matter shall be referred for further investigation to the Election Commission, following which the ballot shall be accepted and counted or rejected as the Election Commission by majority vote may decide.

3.04.04 Removal from Security Sleeves. A panel of election judges shall remove from their security sleeves all verified absentee ballots for which a ballot number discrepancy either does not exist or has been satisfactorily resolved, which security sleeves shall be compiled together and set aside. All ballots shall then be unfolded and compiled together with all other verified absentee ballots removed from security sleeves in similar fashion by the same panel of election judges. The same panel of election judges shall then examine all such verified absentee ballots in order to identify all improperly marked, damaged or defective ballots.

3.04.04.01 All improperly marked, damaged or defective verified absentee ballots shall be delivered to a panel of judges and faithfully duplicated in the manner set forth in Rule 7.

3.04.04.02 All original verified absentee ballots not requiring duplication, and all replacement verified absentee ballots that have been duplicated, shall be counted as set forth in Rule 3.04.05.

3.04.05 Counting of Verified Absentee Ballots. A panel of election judges shall count all original and replacement verified absentee ballots in the manner prescribed by the electronic voting system. All verified absentee ballots shall be shuffled by the counting judges prior to counting. Upon completion of the count of a number of ballots constituting a single audit unit, a tabulation tape or other tally record shall be generated, provided, however, that no tabulation tape for any audit units shall be generated, and no manual tabulation of any ballots shall be conducted, before 7:00 p.m. on Election Day. All tabulation tapes generated for any audit unit shall be publicly posted in the manner set forth in Rule 14.05. All counted original and replacement verified absentee ballots shall be preserved in the manner provided by Municipal Code § 9.10.130. In addition, all ballots constituting a single audit unit shall be preserved and maintained in a segregated manner, separate from other ballots constituting different audit groups.

3.04.06 Rejection and Preservation of Unverified Absentee Ballots. In the event an elector returns or submits an absentee ballot that is determined to be an unverified absentee ballot, and in the further event the elector fails to timely cure any discrepancies related to such unverified absentee ballot in the manners provided in Rules 5 and 6, the unverified absentee ballot shall be rejected and not

be counted. A log of all unverified absentee ballots shall be maintained in a form approved by the Clerk. The absentee ballot reply envelopes containing unverified absentee ballots shall remain sealed and shall not be opened nor their contents examined or disclosed for any reason whatsoever. All sealed absentee ballot reply envelopes containing unverified absentee ballots, and the log of unverified absentee ballots that have been rejected and not counted, shall be preserved in the manner provided by Municipal Code § 9.10.130.

3.05 Form of Self-Affirmation. The absentee ballot return envelope shall have printed on its reverse side a self-affirmation in the following form:

AFFIDAVIT OF VOTER

I state under penalty of perjury that I am an eligible elector; that my signature and name are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot, and that my ballot is enclosed in accord with the provisions of the “Colorado Municipal Election Code of 1965,” as amended for purposes of City of Aspen municipal elections by the City of Aspen Home Rule Charter and Municipal Code, and the Election Rules promulgated by the Aspen Election Commission.

3.06 Electronic Transmission and Receipt of Absentee Ballots. The following procedures shall govern the electronic transmission and receipt of special absentee ballots, pursuant to Municipal Code § 9.10.070.

3.06.01 Applicability. A registered and eligible elector who is or will be located outside the United States during the period of time for absentee voting for a municipal election may apply to the Clerk for the electronic transmission of a special absentee ballot for such municipal election as set forth in the remaining subdivisions of this Rule.

3.06.02 Application for Special Absentee Ballot. The application for electronic transmission of special absentee ballot shall be in a form approved by the Clerk, and shall require the elector to:

3.06.02.01 State his or her name and City of Aspen residence address;

3.06.02.02 Affirm that he or she timely registered to vote and is an eligible elector of the City of Aspen;

3.06.02.03 Affirm that he or she is or will be located outside the United States during the absentee voting period for the municipal election for which the elector requests electronic transmission and return of a special absentee ballot;

3.06.02.04 Affirm that he or she desires to receive and return a special absentee ballot by facsimile transmission or email;

3.06.02.05 State the manner in which he or she desires the Clerk to electronically transmit a special absentee ballot to the elector, and provide all details related thereto;

3.06.02.05 Sign and date the application.

3.06.03 Procedures on Receipt of Application for Special Absentee Ballot. Upon receipt of an application for electronic transmission of special absentee ballot, the Clerk shall verify the applicant's voter registration and eligibility to vote in the municipal election designated on the application, and confirm that the elector has signed and dated the application. Upon such verification and confirmation, the Clerk shall issue and electronically transmit an image of a special absentee ballot to the applicant in the manner specified in the elector's application. The special absentee ballot image shall be accompanied by an electronic transmission coversheet to be completed, signed and returned by the elector with his or her marked ballot. The electronic transmission sheet shall be in a form approved by the Clerk, and shall require the elector to:

3.06.03.01 State his or her name and City of Aspen residence address;

3.06.03.02 Affirm that he or she timely registered to vote and is an eligible elector of the City of Aspen;

3.06.03.03 Affirm that he or she is returning his or her marked special absentee ballot by electronic transmission, and that the marked special absentee ballot image attached to the coversheet is in fact the special absentee ballot marked by the elector;

3.06.03.04 Acknowledge that special absentee ballots must be duplicated onto official absentee ballot stock in order to be counted, that the anonymity of the marked special absentee ballot attached to the coversheet may be impaired or compromised during the process of such duplication, and that the elector nevertheless desires to electronically transmit the special absentee ballot attached to the coversheet and consents to such duplication;

3.06.03.05 In the sole event the elector's registration record is tagged "ID Required" in the statewide voter registration database, the coversheet shall advise the elector to, and the elector shall, include a copy of an acceptable

form of identification when he or she returns the coversheet accompanied by his or her marked special absentee ballot;

3.06.03.05 Date and affix his or her signature to a self-affirmation substantially in the form required by Rule 3.05 hereof, which shall be printed on the coversheet.

3.06.04 Procedures on Receipt of Electronically Transmitted Ballots. Upon timely receipt of a duly completed and executed coversheet accompanied by a marked special absentee ballot image, the Clerk shall:

3.06.04.01 Issue an official absentee ballot of the proper style to the elector who returned the special absentee ballot by electronic transmission, place the official absentee ballot into a reply envelope, and affix a label to the reply envelope setting forth the elector's voter identification number, name and City of Aspen residence address, and the style and number of the official absentee ballot issued to such elector;

3.06.04.02 Place the marked special absentee ballot received from the elector by electronic transmission into a security sleeve, and insert the security sleeve containing such marked special absentee ballot into the reply envelope containing the official absentee ballot issued to the elector;

3.06.04.03 Mark the reply envelope "Special Absentee Ballot," and seal the reply envelope;

3.06.04.04 Affix the electronic transmission coversheet that accompanied the elector's marked special absentee envelope to the outside of the sealed reply envelope, and deposit the reply envelope and attached coversheet into the locked and sealed ballot box maintained in the Clerk's office into which are deposited other reply envelopes containing absentee and special absentee ballots returned by electors.

3.06.05 Processing of Electronically Transmitted Ballots. Special absentee ballots that have been electronically transmitted to or returned by electors shall be processed in the same manner as official absentee ballots in the manner set forth in Rule 3.04 hereof, except that, for purposes of signature verification required by Rule 3.04.01 to be conducted pursuant to Rule 5, one or more panels of election judges shall verify the elector's signature by comparing the signature on the electronic transmission coversheet to the image of the signature attached to the elector's voter registration record. All special absentee ballots returned by electors via electronic transmission shall be faithfully duplicated by one or more panels of election judges in the manner set forth in Rule 7 prior to counting.

3.06.06 Electronic Transmission Logs. The date and time of receipt of all applications for electronic transmission of special absentee ballots and all electronic transmission coversheets accompanied by marked special absentee ballots shall be recorded by the Clerk on an electronic transmission log in a form approved by the Clerk and maintained for such purpose. The electronic transmission log shall record:

3.06.06.01 The date, time and manner of receipt of all applications for electronic transmission of special absentee ballots;

3.06.06.02 The date, time and manner of all electronic transmissions to applicants of special absentee voter ballots and coversheets;

3.06.06.03 The date, time and manner of receipt of all electronic transmission coversheets and marked special absentee ballots returned by electors;

3.06.06.04 The style and number of official absentee ballot issued to the applicant upon receipt of his or her coversheet and marked special absentee ballot.

3.06.07 Application and Return Deadlines. Notwithstanding any other provision of these Rules to the contrary:

3.06.07.01 A special absentee ballot shall not be issued via electronic transmission to any elector unless application therefor is timely made by the elector and received by the Clerk at or before the regular close of business of the Clerk's office on the Friday before Election Day;

3.06.07.02 A special absentee ballot returned by an elector via electronic transmission shall not be counted unless the marked absentee ballot and accompanying coversheet are received by the Clerk at or before 7:00 pm on Election Day;

3.06.07.03 Electors returning special absentee ballots by electronic transmission shall have the same opportunity to cure missing signatures, signature discrepancies, and failures to include copies of acceptable forms of identification, if required, as electors submitting official absentee ballots, in the manners set forth in the applicable provisions of Rules 5 and 6.

Rule 4: Procedures for Processing Provisional Ballots.

4.01 Verification of Provisional Ballot Affidavit Information.

4.01.01 Preliminary Research. The Clerk or a deputy Clerk shall perform preliminary research to verify that an elector submitting a provisional ballot is duly registered and eligible to vote in the election being conducted, and provide the results of such preliminary research in writing to one or more panels of provisional ballot judges before the elector's provisional ballot is counted or rejected in the manner set forth in the remaining provisions of this Rule 4.

4.01.02 Incomplete Information. If the elector signs but does not fill in all the information requested on the provisional ballot affidavit, the ballot shall undergo further processing and counting only if the provisional ballot judges determine that the elector was duly registered and eligible to vote in the election being conducted, or the elector timely cures any deficiencies in the manner provided in Rule 4.01.03.

4.01.03 Signature, Identification and Other Deficiencies. If an elector submitting a provisional ballot did not present an acceptable form of identification at the polling place or vote center as required by Municipal Code § 9.10.080, or failed to sign the provisional ballot affidavit as required by Municipal Code § 9.10.090(h)(1), or is determined not to be duly registered and eligible to vote in the election being conducted, then the elector shall be contacted and afforded an opportunity to cure all such deficiencies in the manner provided by Rules 5 and 6.

4.02 Convening the Provisional Ballot Panels. On the second calendar day after Election Day, or such other date and time as the Clerk may designate, a sufficient number of panels of election judges shall be convened to process and count all verified provisional ballots and reject and preserve all unverified provisional ballots in the manner set forth in the remaining subsections of this Rule 4.

4.03 Processing and Counting of Verified Provisional Ballots. In order to preserve ballot anonymity, duly convened panels of provisional ballot judges shall process and count all verified provisional ballots, and all initially unverified provisional ballots that have been timely cured, in the following manner:

4.03.01 Removal from Provisional Ballot Envelopes. Without examining the elector's marks on or other content of the ballot, a panel of election judges shall unseal the envelope containing each verified provisional ballot, remove the ballot from its envelope, and place the ballot face down. The unsealed and empty provisional ballot envelope shall be set aside and preserved. All verified

provisional ballots processed by the same panel of judges in this fashion shall be combined for further processing and counting.

4.03.02 Examination of Ballots for Possible Duplication. A panel of election judges shall examine each verified provisional ballot and identify all improperly marked, damaged or defective verified provisional ballots for duplication by a separate panel of election judges in the manner specified in Rule 7. All verified provisional ballots not requiring such duplication, and all replacement verified provisional ballots that have been duplicated, shall be counted in the manner set forth in Rule 4.03.03

4.03.03 Counting of Verified Provisional Ballots. A panel of election judges shall count all original and replacement verified provisional ballots in the manner prescribed by the electronic voting system. All verified provisional ballots shall be shuffled by the counting judges prior to counting. Except as otherwise provided in Rule 4.06, upon completion of the count of a number of ballots constituting a single audit unit, a tabulation tape or vote tally shall be publicly posted in the manner set forth in Rule 14.05.

4.03.04 Preservation of Records Relating to Verified Provisional Ballots. All counted original and replacement verified provisional ballots, unsealed and empty provisional ballot envelopes and provisional ballot logs shall be preserved in the manner provided by Municipal Code § 9.10.130. In addition, all verified provisional ballots constituting a single audit unit shall be preserved and maintained in a segregated manner, separate from other ballots constituting different audit units.

4.04 Rejection and Preservation of Unverified Provisional Ballots. In the event an elector submits a provisional ballot that is determined to be an unverified provisional ballot, and in the further event the elector fails to timely cure a missing signature or signature discrepancy in the manner set forth in Rule 5, or the failure or omission to present an acceptable form of identification in the manner set forth in Rule 6, the unverified provisional ballot shall be rejected and not be counted. A log of all unverified provisional ballots shall be maintained in a form approved by the Clerk. The provisional ballot envelopes containing unverified provisional ballots shall remain sealed and shall not be opened nor their contents examined or disclosed for any reason whatsoever. All sealed provisional envelopes containing unverified provisional ballots, and the log of unverified provisional ballots, shall be preserved in the manner provided by Municipal Code § 9.10.130.

4.05 Order of Counting Provisional Ballots. All polling place, absentee and special absentee ballots cast in an election shall be counted before counting or finally verifying

any provisional ballots. The foregoing notwithstanding, however, all verified provisional ballots shall be counted, whether or not in sufficient quantity to affect the outcome of any contest.

4.06 Reporting of Provisional Ballot Results. The Clerk may direct that verified provisional ballots, and any initially unverified absentee or provisional ballots that are timely cured pursuant to Rules 5.02.02, 5.03.03, 5.04.02 or 6.04.01, shall be counted and the results reported in any manner that, in the Clerk's discretion, best maintains the anonymity of such ballots.

4.07 Form of Provisional Ballot Envelope. The provisional ballot envelope shall be in the form most recently approved by the Colorado Secretary of State for use in elections conducted under the Uniform Election Code of 1992, C.R.S. §§ 1-1-101, *et seq.*

Rule 5: Procedures for the Verification of Signatures.

5.01 Ballot Envelopes Remain Sealed until Verification. Election officials and judges shall not unseal or open any provisional ballot envelope or absentee ballot reply envelope submitted or returned by an elector until the elector's signature has been confirmed and verified by election judges in accordance with this Rule.

5.02 Missing Signature. In the event an election official or election judge determines that an elector has failed or omitted to sign the affidavit on a provisional ballot envelope, or the self-affirmation on an absentee ballot reply envelope or electronic transmission coversheet for a special absentee ballot, the missing signature shall be noted on a signature verification log in a form approved by the Clerk, which shall be delivered to the Clerk on a daily basis during the time period in which absentee ballots, special absentee ballots or provisional ballots are being processed.

5.02.01 Notice of Missing Signature and Opportunity to Cure. The Clerk shall forthwith attempt to contact the elector in the most expedient manner possible, as designated by the elector on the application for absentee ballot or provisional ballot envelope, or, if the elector has not designated an expedient means of contact, as the Clerk in his or her discretion may determine under the circumstances. The Clerk shall notify the elector that the provisional, absentee or electronically transmitted special absentee ballot submitted or returned by the elector cannot be counted unless the elector appears in the Clerk's office and signs the affidavit on the provisional ballot envelope or the self-affirmation on the absentee ballot reply envelope, or, in the case of an electronically transmitted special absentee ballot, signs the self-affirmation on the coversheet and electronically transmits the same to the Clerk's office, at or before the regular close of business on the second calendar day after Election Day. The Clerk shall record the date, time and manner of contacts or attempted contacts with electors

pursuant to this Rule 4.02.01 in an elector contact log in a form approved by the Clerk.

5.02.02 Timely Cured Ballots are Verified Ballots. All ballots submitted or returned by electors who timely cure a missing signature shall be deemed to be verified absentee or provisional ballots, as applicable. Such verified absentee ballots shall undergo further processing in the manner set forth in Rule 3.04.02 through 3.04.06, as applicable. Such verified provisional ballots shall undergo further processing in the manner set forth in Rule 4.03.01 through 4.03.04, as applicable.

5.02.03 Rejection of Ballots Not Timely Cured. All ballots submitted or returned by electors who do not timely cure their missing signatures shall be deemed to be unverified ballots and shall not be counted, and all records relating to such ballots shall be preserved in the manner set forth in Rules 3.04.06 or 4.04, as applicable.

5.03 Elector Signature Verification.

5.03.01 Comparison with Voter Registration Signature Images. A panel of election judges shall verify the signature of an elector on provisional ballot envelopes, absentee ballot reply envelopes and coversheets for electronically transmitted ballots by comparing the same to an image of the elector's signature electronically stored in the statewide voter registration system. The Clerk shall request the county clerk and recorder or secretary of state to provide images of the signature stored in the statewide voter registration database of all electors duly registered and eligible to vote in the election being conducted, and shall provide such signature images to the panel(s) of election judges for purposes of such signature verification.

5.03.02 Signature Matches and Discrepancies. The elector's signature on the provisional ballot envelope, absentee ballot reply envelope or coversheet for electronically transmitted ballot shall be deemed to match the signature stored in the statewide voter registration system unless all members of the panel of election judges attempting to verify the signature agree that one or more of the following signature discrepancies exist:

5.03.02.01 An obvious change in the slant of the signature;

5.03.02.02 A printed signature on one document and a cursive signature on the other document;

5.03.02.03 Differences in the size or scale of the signature;

5.03.02.04 Differences in the individual characteristics of the signatures, such as how the “t’s” are crossed, the “i’s” are dotted, or the loops are made on “G’s”, “J’s” and “Y’s”;

5.03.02.05 Differences in the elector’s signature style, such as how the letters are connected at the top and bottom;

5.03.02.06 Ballots or envelopes from the same household have been switched;

5.03.02.07 Other discrepancies, including the misspelling of the elector’s name, or an appearance that the signature has been printed or stamped rather than affixed by hand

5.03.03 Notice of Signature Discrepancy and Opportunity to Cure. The panels of election judges attempting to verify elector signatures shall note the existence of all signature discrepancies on the signature verification log in a form approved by the Clerk. The Clerk shall be notified of any signature discrepancies as soon as reasonably practical after its existence is confirmed. The Clerk shall forthwith attempt to contact the elector in the most expedient manner possible, as designated by the elector on the application for absentee ballot or provisional envelope, or, if the elector has not designated an expedient means of contact, as the Clerk in his or her discretion may determine under the circumstances. The Clerk shall inform the elector of the existence of the signature discrepancy and that, in order for the elector’s ballot to be counted, the elector must execute and deliver to the Clerk a document confirming the elector submitted or returned a provisional or absentee ballot, or electronically transmitted a special absentee ballot, and that the signature on the provisional ballot envelope, absentee ballot reply envelope or coversheet for electronically transmitted ballot is in fact the signature of the elector. The document to be executed by the elector confirming the submission or return of the ballot and the genuineness of his or her signature shall be in a form approved by the Clerk. The elector may execute the form by appearing personally in the office of the Clerk, or by electronically transmitting the executed form to the Clerk, not later than regular close of business of the Clerk’s office on the second calendar day after the election.

5.03.03.01 Timely Cured Ballots are Verified Ballots. All ballots submitted or returned by electors who timely cure a signature discrepancy shall be deemed to be verified absentee or provisional ballots, as applicable. Such verified absentee ballots shall undergo further processing

in the manner set forth in Rule 3.04.02 through 3.04.06, as applicable. Such verified provisional ballots shall undergo further processing in the manner set forth in Rule 4.03.01 through 4.03.04, as applicable.

5.03.03.02 Ballots Not Timely Cured are Unverified Ballots. All ballots submitted or returned by electors who do not timely cure a signature discrepancy shall be deemed to be unverified ballots and shall not be counted, and shall be preserved in the manner set forth in Rules 3.04.06 or 4.04, as applicable.

5.04 Witnessed Signatures.

5.04.01 Self-Affirmation Signatures may be Witnessed. If due to age, infirmity, injury, or for any other reason, an elector is unable to sign an absentee ballot application, the self-affirmation on an absentee ballot reply envelope, or the affidavit on a provisional ballot envelope, the elector shall make his or her mark on the signature line of such self-affirmation or affidavit and such mark shall be witnessed by another person. In the case of provisional ballots submitted by electors at a polling place, the signature may be witnessed by an election judge assigned to the polling place.

5.04.02 Confirmation of Witnessed Signatures. The panel of judges conducting signature verification shall promptly notify the Clerk if any absentee ballot reply envelope or provisional ballot envelope bears an elector's signature that is witnessed. The Clerk shall forthwith attempt to contact the elector in the most expedient manner possible, as designated by the elector on the application for absentee ballot or provisional envelope, or, if the elector has not designated an expedient means of contact, as the Clerk in his or her discretion may determine under the circumstances. The Clerk shall confirm with the elector, either verbally or in writing, that he or she returned an absentee ballot and that his or her self-affirmation signature was in fact witnessed by another person. The Clerk shall record the date, time and manner of all communications and attempts to contact electors whose signatures on such self-affirmations or affidavits have been witnessed on a communication log in a form approved by the Clerk.

5.04.02.01 Confirmed Witnessed Signature Ballots are Verified Ballots. All ballots submitted or returned by electors who confirm to the Clerk that their self-affirmation signatures were in fact witnessed by third person(s) shall be deemed to be verified absentee or provisional ballots, as the case may be. Such verified absentee ballots shall undergo further processing in the manner set forth in Rule 3.04.02 through 3.04.06, as applicable. Such

verified provisional ballots shall undergo further processing in the manner set forth in Rule 4.03.01 through 4.03.04, as applicable.

5.04.02.02 Unconfirmed Witnessed Signature Ballots. If the Clerk is unable to obtain confirmation that an elector's self-affirmation signature was in fact witnessed by a third person, the matter shall be referred for further investigation to the Election Commission, following which the ballot shall be accepted and counted or rejected as the Election Commission by majority vote may decide.

Rule 6: Procedures for Curing a Failure to Present Identification.

6.01 Scope of Rule. An elector who submits a provisional ballot, absentee ballot or special absentee ballot, and who is required by these Rules to present an acceptable form of identification at a polling place or when he or she returns an absentee ballot or special absentee ballot, may cure a failure to present identification in the manner set forth in the remaining subsections of this Rule 6.

6.02 Notice of Failure to Present Identification and Opportunity to Cure. The Clerk shall forthwith attempt to contact and give notice to any elector who a) submits a provisional ballot pursuant to Municipal Code § 9.10.090(b) because he or she failed or omitted to present an acceptable form of identification at the polling place, or b) applied for and returned an absentee ballot or special absentee ballot, whose voter registration record in the statewide voter registration database is tagged "ID Required," and who failed to enclose with his or her returned absentee ballot or special absentee ballot a legible photocopy of an acceptable form of identification.

6.03 Manner and Content of Notice. The Clerk shall notify the elector that the provisional, absentee or special absentee ballot submitted or returned by the elector cannot be counted unless the elector timely presents an acceptable form of identification in the manner and by the date and time set forth in Rule 6.04. The Clerk shall give such notice in the most expedient manner possible, as designated by the elector on the provisional ballot envelope or absentee ballot application, or, if the elector has not designated such expedient manner of contact, as the Clerk in his or her discretion may determine under the circumstances. The Clerk shall record the date, time and manner of contacts or attempted contacts with electors pursuant to this Rule 6.03 in an elector contact log in a form approved by the Clerk.

6.04 Manner and Time of Cure. An elector may cure a failure or omission to present identification by presenting an acceptable form of identification in person during regular business hours at the Clerk's office, or by sending a legible photocopy or image thereof to the Clerk by mail, facsimile transmission or email, at or before the regular close of business of on the second calendar day after Election Day. The Clerk shall record the

date, time and manner of the elector's cure and the receipt of such acceptable form of identification on the absentee or provisional ballot log, or the elector contact log, as applicable.

6.04.01 Timely Cured Ballots. All ballots submitted or returned by electors who timely cure a failure to present an acceptable form of identification shall be processed for counting as set forth in the pertinent provisions of Rule 3 or Rule 4, as applicable.

6.04.02 Ballots Not Timely Cured. All ballots submitted or returned by electors who do not timely cure a failure or omission to present an acceptable form of identification shall not be counted, and shall be preserved in the manner set forth in the applicable provisions of Rules 3 or 4.

Rule 7: Procedures for Duplication of Ballots.

7.01 Duplication of Ballots of an Improper Style. In the event an elector submits or returns a verified provisional ballot or verified absentee ballot on a style of ballot that he or she is ineligible to vote, the provisional or absentee ballot judges shall first detach all ballot stubs from the original verified ballots, if applicable, and then remove all original ballots from their respective provisional ballot envelopes or absentee ballot reply envelopes. A panel of election judges shall then faithfully duplicate onto a replacement provisional or absentee ballot of the proper style all of the elector's marks from the original ballot in all contests on which the elector is eligible to vote. All marks from the elector's original ballot for contests on which the elector is not eligible to vote by definition cannot and shall not be duplicated onto the replacement ballot. Once duplicated, the original and replacement verified ballots shall be delivered to a second panel of judges to confirm and verify that the duplication is accurate and faithful to the original for all contests on which the elector is eligible to vote. Upon such confirmation and verification, the ballot stubs shall be detached from the replacement verified provisional or absentee ballots, and all similar replacement verified ballots shall be combined and counted with all other verified provisional or absentee ballots.

7.02 Duplication of Verified Provisional or Absentee Ballots. In the event an elector has returned or submitted a verified provisional or absentee ballot that is improperly marked, damaged or defective on the proper ballot style, and in order to maintain voter confidentiality, the provisional or absentee ballot judges shall first detach all ballot stubs from the original verified ballots, if applicable, and then shall remove all original ballots from their respective provisional ballot envelopes or absentee ballot reply envelopes. The provisional or absentee ballot judges shall then examine and identify all improperly marked, damaged or defective original verified ballots and faithfully duplicate on replacement provisional or absentee ballot of the same style all of the elector's marks

from the original verified ballot. Once duplicated, the original and replacement verified ballots shall be delivered to a second panel of judges to confirm and verify that the duplication is accurate and faithful to the original. Upon such confirmation and verification, the ballot stubs shall be detached from the replacement verified provisional or absentee ballots, and all similar replacement verified ballots shall be combined and counted with all other verified provisional or absentee ballots.

7.03 Duplication of Other Damaged or Defective Ballots. Any ballot that is found to be damaged or defective may be duplicated in substantially the same manner set forth in Rule 7.02, including polling place, absentee or provisional ballots that are damaged during a post-election audit, recount or election contest.

7.04 Duplication Logs and Related Records. All duplications of ballots required or permitted by this Rule 7 shall be performed by one or more panels of election judges in a manner that maintains the anonymity of ballots. The duplication judges shall print the word “Original” on any original ballot requiring duplication, the word “Replacement” on its corresponding replacement ballot, and the same unique identifying number on both the original and replacement ballots; provided, however, that these marks shall not be made in or near a target area of the ballot. The duplication judges shall record on duplication logs in a form approved by the Clerk the style of the original ballot and the style and number of the replacement ballot. All counted original and replacement ballots, detached ballot stubs, duplication logs, and original ballots that have been duplicated shall be preserved in the manner provided by Municipal Code § 9.10.130.

Rule 8: Testing of Electronic Voting Equipment.

8.01 Types of Testing. The Clerk shall facilitate the following three types of electronic voting system testing:

8.01.01 A Hardware Diagnostic Test, to be conducted in the manner set forth in Rule 8.02;

8.01.02 A Logic and Accuracy Test (LAT), to be conducted in the manner set forth in Rule 8.03; and

8.01.03 A Post-Election Audit, to be conducted in the manner set forth in Rule 8.04.

8.02 Hardware Diagnostic Test.

8.02.01 The Clerk shall commence the Hardware Diagnostic Test prior to the commencement of voting in a municipal election. Each device being used in the election, including units identified as spare or backup units, shall be tested to

verify that mechanical components are working correctly. This test shall include, but not be limited to, the following tests:

8.02.01.01 All input and output devices;

8.02.01.02 Communications ports;

8.02.01.03 System printers;

8.02.01.04 System screen displays;

8.02.01.05 Boot performance and initializations;

8.02.01.06 Firmware loads;

8.02.01.07 Software loads, if any;

8.02.02 Each device tested shall be sealed upon the successful completion of the test. Documentation of the seal information and all records from testing must be maintained for each device.

8.03 Logic and Accuracy Test (LAT). The Clerk shall conduct a Logic and Accuracy Test prior to the commencement of voting in every municipal election, according to the following requirements.

8.03.01 LAT is Public. The Logic and Accuracy Test shall be open to representatives of the press and members of the public, provided, however, that the Clerk may limit the number of representatives from each group to allow for space limitations and other considerations, and provided further that no person other than the Clerk, any deputized Clerks and other members of the Election Commission, and the members of the Testing Board, shall touch or handle voted or unvoted ballots or electronic voting equipment or components. The Clerk, or the deputy Clerk conducting the LAT, shall have the authority to remove any person for interfering with or disrupting the proceedings. The Clerk shall publish notice of the date, time and place of the Logic and Accuracy Test on the City of Aspen website and in newspapers of general circulation, provided, however, that the notice published in newspapers may take the form of a letter to the editor or similar article rather than an officially published legal notice.

8.03.02 Testing Board. The Clerk shall appoint a panel of judges to act as the Testing Board, provided that a Testing Board member shall not be an employee of the City of Aspen or the member of a city employee's immediate family.

8.03.03 Testing Board Test Ballots. In preparation for the Logic and Accuracy Test, the Clerk shall provide to each member of the Testing Board a Testing

Board Test Deck consisting of at least twenty-five (25) ballots that are clearly marked as test ballots.

8.03.03.01 Before the date and time set for the Logic and Accuracy Test, each member of the Testing Board shall a) vote the contests on his or her test ballots and record the tally of his or her test votes by precinct on forms approved by the Clerk, and b) exchange his or her marked test ballots and vote tally forms with another member of the Testing Board, so that the other member can verify and confirm that the vote tally is correct.

8.03.03.02 Each member of the Testing Board shall bring to the Logic and Accuracy test the marked test ballots and vote tally form that he or she prepared in the first instance.

8.03.04 City Test Deck. In preparation for the Logic and Accuracy Test, the Clerk shall prepare or have printed a City Test Deck comprised of a sufficient number of test ballots for each precinct and ballot style:

8.03.04.01 To mark every possible combination of vote positions for every candidate or ballot issue in every contest on every ballot style in each precinct, including write-in candidates and contests in which electors are permitted to vote for two or more positions;

8.03.04.02 To completely over vote a ballot of every ballot style in each precinct, by marking every available candidate or ballot issue choice;

8.03.04.03 To completely under vote a ballot of every ballot style in each precinct, by not marking any available candidate or ballot issue choice.

8.03.05 Conducting the Logic and Accuracy Test. Every electronic voting device to be used or deployed in an election, including those identified as spares or backups, shall be tested in the manner set forth in the remaining subsections of this Rule 8.03.05.

8.03.05.01 Installation of Memory Cards. Members of the Testing Board shall witness the installation of memory cards in each electronic voting device to be tested.

8.03.05.02 Public Counters and Zero Reports. The public counter of all electronic voting devices to be tested shall be set to test mode and their public counters to zero. Zero report tapes shall be printed from each device, which shall be verified and signed by all members of the Testing Board.

8.03.05.03 Counting the City Test Deck on All Devices. The ballots comprising the City Test Deck shall be counted on every electronic voting device being tested. A tabulation report shall be printed from each device and examined by the Testing Board to verify that the tabulation of votes by each device corresponds to the predetermined tally of votes of all ballots comprising the pertinent portions of the City Test Deck, after which all members of the Testing Board shall sign each tabulation tape. The public counter of each device shall then be set to zero before individually counting the test ballots of each member of the Testing Board.

8.03.05.04 Counting the Test Ballots of Each Member of the Testing Board Individually on All Devices. Each member of the Testing Board shall individually and separately count his or her marked test ballots on every electronic voting device being tested. A tabulation report shall be printed from each device and presented to the member of the Testing Board who marked the test ballots, and such Testing Board member shall verify that the tabulation of votes by each device corresponds to the predetermined tally of votes of his or her test ballots, and sign each tabulation tape. The public counter of each device shall then be set to zero before counting the test ballots of the other members of the Testing Board, which counts shall be verified by such other members and in the same fashion. Each member of the Testing Board may repetitively count and separately tabulate his or her marked test ballots up to ten times on at least one electronic voting unit selected in his or her discretion.

8.03.05.05 Counting the Combined City Test Deck and Testing Board Decks on Randomly Selected Devices. The Testing Board shall randomly select at least twenty percent (20%) but not more than ten (10) ballots representing unique precincts from the test ballots marked by all members of the Testing Board. The precinct-specific ballots for the same precincts shall be extracted from the City Test Deck and combined with the randomly selected Testing Board's test ballots. The electronic voting devices to be deployed in the precincts corresponding to the ballots comprising the combined test deck shall be identified and their public counters set to zero. The Testing Board shall verify the vote tally of all ballots comprising the combined test deck prior to any machine count, by manually tallying the votes on the randomly selected Testing Board test ballots, and adding such vote tally to the predetermined tally of votes for the test ballots extracted from the City Test Deck for the same precincts. The combined test deck shall then be counted on the corresponding

electronic voting devices, and a tabulation report shall be printed from each device so tested. The Testing Board shall verify the manual count to the voting device count, and sign the tabulation reports. The Testing Board shall observe the Clerk or deputy clerk upload the results from each device tested in this fashion to the tabulation computer, and an abstract of votes cast shall be printed from the tabulation software to ensure that the tabulation data is successfully and accurately transmitted to, compiled and reported by the tabulation software.

8.03.06 Certification of LAT and Sealing of Devices. The Testing Board and the Clerk or deputized clerk overseeing the test shall sign a written statement attesting to the qualification of each device that was successfully tested, describe any problems discovered, and provide any other documentation that may be necessary to provide a full and accurate account of the condition of each tested device. The written statement shall be in a form approved by the Clerk and, when completed and signed by the Testing Board and the Clerk, shall be made available for public inspection and published on the City of Aspen's website. Upon completion of the testing, the Testing Board shall witness the resetting of each device to election mode and the public counters thereof to zero, and the sealing of the memory card slot of each tested voting device.

8.03.07 Creation and Preservation of Election Database Image. At the conclusion of the logic and accuracy test, the Testing Board shall witness deputized election staff create a write-once image of the election database on an alternate storage media (such as a compact disc). The alternate storage media containing the image of the election database shall be placed in a suitable container (such as a jewel case), and adhesive seals shall be affixed to the seams of the container. A chain of custody log shall accompany or be affixed to the container, and the Clerk or deputized clerk overseeing the test, and each member of the Testing Board, shall sign the log and note the date, time and numbers of the seals affixed to the container. The sealed container and chain of custody log shall be preserved with all other test materials in the manner set forth in Rule 8.03.08.

8.03.08 Maintenance of City and Testing Board Test Ballots. All test materials, when not in use, shall be kept in one or more sealed metal containers. Notwithstanding Rule 10.03.02 or any other provision of these Election Rules to the contrary, the Clerk shall be the custodian of the box or boxes but shall not open and/or use the test materials outside of the presence of the Testing Board or Election Commission. Prior to sealing the test materials, the Clerk may create images thereof so the same may be made available for public inspection and examination, and the Election Commission may order public examination and inspection of any test materials at any time.

8.04 Post-Election Audit. The post-election audit shall be conducted at the time and in the manner set forth in Municipal Code § 9.10.110 and as further provided in the remaining subsections of this Rule 8.04.

8.04.01 Election Commission to Convene. The Election Commission shall convene not later than the third calendar day after Election Day to select the contest(s) and audit unit(s) to be manually counted in, and to schedule the date, time and place of, the post-election audit. Prior to determining the contest(s) and audit unit(s) to be audited, the Election Commission shall review the initial tabulation of results and consider statements of members of the public, if any, regarding appropriate audit procedures in light of the published initial tabulation or results and the preliminary outcome of the election. Notwithstanding any provisions of these Rules to the contrary, the Election Commission shall have the discretion to eliminate from the post-election audit any audit unit containing twenty-five or fewer ballots.

8.04.02 Election Commission to Attend and Observe Post-Election Audit. At least two members of the Election Commission shall attend and observe the conduct of the post-election audit. The Clerk may appoint additional deputized Clerks or election judges to assist in the functions of the audit. The post-election audit shall be open to representatives of the press and members of the public, provided, however, that the Clerk may limit the number of representatives from each group to allow for space limitations and other considerations, and provided further that no person other than the Clerk, any deputized Clerks and other members of the Election Commission shall touch or handle voted ballots. The Election Commission shall have the authority to remove any person for interfering with or disrupting the proceedings.

8.04.03 Discrepancies. If, as a result of the audit, one or more discrepancies is or are identified between the manual count of the ballots comprising the audit unit(s) selected by the Election Commission for audit and the published initial tabulation of votes for those ballots, the Election Commission, the Clerk and any deputized Clerks shall:

8.04.03.01 First, repeat the manual count to verify the results as many times as necessary to confirm that there is no error in the manual count of the ballots comprising the audit unit;

8.04.03.02 Second, take any additional steps necessary to identify improperly marked, damaged or defective ballots in the audit unit, including but not limited to over votes, stray marks on the ballot, and other

indicia of voter intent, to be reported if determined to represent the explanation for any discrepancies discovered;

8.04.03.03 Third, determine by majority vote of the full Election Commission whether additional audit units or contests should be audited, or a manual recount of all ballots cast in the election should be undertaken if authorized by Municipal Code § 9.10.110(b) or required by Municipal Code § 9.10.120(b).

8.04.04 Post-Election Audit Report. The report of the post-election audit required by Municipal Code § 9.10.110(d) shall contain the following information:

8.04.04.01 The make, model, and serial number of all voting devices involved in the published initial tabulation of votes and of all voting devices audited;

8.04.04.02 The number of ballots counted by the device as reflected in the published initial tabulation of results and the number of ballots comprising the audit unit selected for audit, confirmed by hand count;

8.04.04.03 The tally of votes in each audited contest in each audit unit as reflected in the published initial tabulation of results, including under votes and over votes, and the tally of votes, including under votes and over votes, for each audited contest resulting from the manual recount of the ballots comprising each audit unit selected for audit;

8.04.04.04 A description of all discrepancies identified in the audit, the causes of such discrepancies if known, and any suggested remedial measures to avoid similar discrepancies in future elections

8.04.04.05 The signatures of the members of the Election Commission, attesting to the accuracy of the contents of the report in all material respects.

Rule 9: Security Protocols for Electronic Voting Equipment.

9.01 Authorization and Custody of Electronic Voting Equipment. All electronic voting equipment utilized in municipal elections shall be authorized by ordinance of the City Council, and shall remain in the exclusive custody, possession and control of the Clerk except as otherwise provided by the remaining subdivisions of this Rule 9.

9.03 Seals. All electronic voting equipment shall be sealed at all times. Adhesive seals shall be affixed on all four sides where they join the bottom of the machine case. In

addition, when memory cards are installed, the memory card slot shall be sealed with both an adhesive seal and a wire seal, each of which shall bear a unique seal number. The memory card slot may be sealed with an adhesive seal only at times when a memory card is not installed.

9.04 Storage. When not in use, all electronic voting equipment shall be stored in a vault or other secured location. The secure storage location shall be locked at all times other than periods of access by the Clerk and deputized members of election staff. To the extent feasible, only the Clerk and deputized members of election staff shall have access to the keys or key codes necessary to enter the secure storage location.

9.05 Chain of Custody. The Clerk shall not transfer custody of electronic voting equipment to any person other than duly appointed election judges, deputized law enforcement officers for the purposes of transporting the same to or from polling places, and bonded service and repair technicians and facilities employed or maintained by equipment vendors approved by the Colorado Secretary of State. All transfers of custody and instances of use of each electronic voting device shall be contemporaneously documented on a chain of custody log, in a form approved by the Clerk. The Clerk, deputized clerks and law enforcement officials, and election judges shall record the date, time, purpose of, and unique numbers of all affixed seals, for each transfer of custody or instance of use, including without limitation a) each instance of preparation, inspection or programming by election staff, b) at the beginning and conclusion of any logic and accuracy test, c) at the beginning and conclusion of any session of absentee ballot counting, d) upon transfer of custody to polling place supply judges before Election Day, e) by polling place judges immediately before and after the polling places open and close on Election Day, f) upon delivery by polling place judges to transport judges or deputized law enforcement authorities for return to the Clerk's office or receiving board after the polls close on Election Day; g) upon receipt by the receiving board on Election Day and before the uploading of tabulation data to the tabulation computer, h) before and after use, if any, during a post-election audit i) before and after use, if any, during canvass board proceedings and j) before and after use, if any, in a recount or election contest.

9.06 Tabulation Computer.

9.02.01 Restricted Access. When not in use, the tabulation computer shall be secured in a vault or other storage area which shall be locked at all times. Only the Clerk and deputized members of election staff shall have the keys or access codes to such storage area and the tabulation computer itself. All instances of access to the tabulation computer, and all operations of the tabulation software installed thereon, shall be documented in a tabulation computer access log, in a form approved by the Clerk. The date, time, purpose and name of user shall be

contemporaneously recorded on the tabulation computer access log for each instance of access.

9.02.02 Operating System and User Accounts. The operating system installed on the tabulation computer shall be of the kind and version certified for use with the tabulation software by the Colorado Secretary of State. The operating system shall be programmed with separate user accounts and passwords for each authorized user, and each authorized user shall log in to the operating system using only his or her individual user account. The Clerk shall maintain a record of all operating system user account names and passwords, and each authorized user shall maintain a record of his or her individual user account name and password, which records shall be encrypted or otherwise secured to prevent dissemination of such information to unauthorized persons.

9.02.03 Tabulation Software and User Accounts. The tabulation software installed on the tabulation computer shall be of the kind and version certified for use by the Colorado Secretary of State with the electronic voting system utilized by the City of Aspen. The tabulation software shall be programmed with separate user accounts and passwords for each authorized user, and each authorized user shall log in to the tabulation software using only his or her individual user account. The Clerk shall maintain a record of all tabulation software user account names and passwords, and each authorized user shall maintain a record of his or her individual user name and password, which records shall be encrypted or otherwise secured to prevent dissemination of such information to unauthorized persons.

9.02.04 Keystroke Recording Software. Software that automatically records every keystroke shall be installed on the tabulation computer before the creation of an election database for a municipal election. The digital or other record of all keystrokes made on the tabulation computer shall be retained for so long as the tabulation computer is utilized for City of Aspen municipal elections.

9.02.05 Connection to Network Prohibited. The tabulation computer shall not be connected to a computer network of any kind or at any time, and its network adapters shall be disabled; provided, however, that the connection of the tabulation computer to one or more electronic voting devices for the purpose of programming memory cards or uploading election results shall not constitute the connection to a computer network for purposes of this Rule.

Rule 10: Security Protocols for Ballots.

10.01 Exclusive Custody. All official, provisional, and testing board test ballots, and all logic and accuracy test decks, shall remain in the exclusive possession, custody and control of the Clerk at all times, except as otherwise set forth in this Rule 10.

10.02 Verification of Ballot Inventory. The Clerk shall direct the ballot printer to deliver all ballots ordered by the Clerk for any municipal election in containers sealed with tamper-evident tape. Upon receipt from the printer, the Clerk or members of election staff shall unseal the ballot containers, verify the contents of the ballot order by reference to the ballot order form and shipping manifest or packing list, close and re-seal the containers with tamper-evident tape, and store the sealed containers in the manner required by Rule 10.03. The documents comprising the ballot order, and the shipping manifest, packing list or other itemization of the contents of the ballot order delivered by the printer, shall be preserved as election records in the manner provided by Municipal Code § 9.10.130.

10.03 Storage and Security of Ballots. All ballots shall be stored in sealed ballot containers of the types specified in Rules 10.03.01 – 10.03.02, from the time they are received from the printer until the expiration of the retention period set forth in Municipal Code § 9.10.130.

10.03.01 Containers and Protocols for Ballots Not Used in an Election. The containers for ballots that have not been used in an election may be cardboard sealed with tamper-evident tape.

10.03.02 Containers and Protocols for Ballots Used in an Election. The containers for ballots that have been used in an election, including without limitation voted and counted regular and provisional ballots, spoiled ballots, replacement ballots and test ballots, shall be metal and sealed with wire seals. Access logs, in a form approved by the Clerk, shall be maintained and affixed to the sealed metal containers of ballots used in an election. Each instance of access into each such container shall be recorded on an access log affixed thereto, on which shall be contemporaneously recorded the date, time, purpose, and the unique seal numbers at the beginning and conclusion of, each such instance of access. Each entry on the access log shall be signed by at least two election judges or members of election staff.

10.04 Storage and Security of Unissued Absentee Ballots during Absentee Voting Period. The following protocols apply to unissued absentee ballots during the absentee voting period:

10.04.01 The Clerk shall configure the Clerk's office and implement procedures that, in the Clerk's judgment, best ensures that only authorized election staff can handle, touch or otherwise access unissued absentee ballot inventory during regular business hours of the Clerk's office.

10.04.02 In order to prevent unauthorized access to the unused absentee ballot inventory after regular business hours of the Clerk's office, all absentee ballot containers shall be stored overnight or over weekends and holidays in the Clerk's personal office, or in another nearby secure location, which shall be locked and to which only the Clerk shall have keys or other access.

10.04.03 The starting and ending ballot number of each style of official absentee ballot shall be documented by election staff on a log, in a form approved by the Clerk, at the beginning and end of each day's business of the Clerk's office during the period that containers of official absentee ballots are stored in the Clerk's office.

10.05 Unused Ballots. The Clerk may permit and the Election Commission may order public inspection and examination of all unissued, unvoted and unused ballots at such times and on such terms and conditions as the Clerk or Election Commission deem appropriate.

Rule 11: Election Judges.

11.01 Generally. Election judges shall possess the qualifications, be appointed, perform the duties and otherwise serve in the manner set forth in the applicable provisions of the Municipal Election Code, except as otherwise provided by this Rule 11.

11.02 Time of Appointment. The Clerk shall appoint all election judges, issue certificates of appointment (which shall include a form for acceptance of the appointment), and make available for public inspection and examination the list of all election judges so appointed by maintaining a copy thereof in the Clerk's office and by posting the same on the City's website, not later than ten (10) days before Election Day.

11.03 Time of Filing Acceptances. Each person appointed as an election judge shall file his or her acceptance within five (5) days after the mailing by the Clerk of the certificate of appointment and acceptance form.

11.04 Compensation of Election Judges. All election judges shall be compensated in a manner and amount as determined by the Clerk, provided that the compensation of similarly situated election judges shall be uniform in amount and terms of payment.

11.05 Composition of Panels of Election Judges and Election Judges Assigned to Polling Places. The Clerk shall use good faith efforts to assign election judges so that

one member of a panel of election judges is affiliated with a major political party and the other member is either unaffiliated or affiliated with a different major political party. The Clerk shall likewise use good faith efforts to assign election judges to particular voting precincts so that one election judge so assigned is affiliated with a major political party, the second election judge so assigned is affiliated with a different major political party, and the third election judge so assigned is unaffiliated. For purposes of this rule, an election judge's party affiliation shall be determined by reference to his or her voter registration record on file with the county clerk and recorder and in effect as of the date the Clerk issues his or her certificate of appointment.

Rule 12: Polling Place Operations.

12.01 Generally. Polling places shall be prepared, configured, and opened and closed, and all voting and other activity shall occur therein, in the manner set forth in the Municipal Election Code, except as otherwise provided by the remaining subdivisions of this Rule 12.

12.02 Operations before Polling Places Open. Before opening the polls for voting, and in addition to setting up tables, chairs, privacy booths and other equipment and facilities that may be required, the election judges assigned to each voting precinct or polling place shall:

12.02.01 Verify all seal numbers on all sealed items, equipment and polling place supplies, including electronic voting devices and the voter registration list supplied by the Clerk, using the chain of custody logs supplied therewith. At least two election judges shall sign the entries on the chain of custody logs confirming the seal numbers. An election judge shall immediately contact the Clerk in the event of an inconsistency in the seals or chain of custody logs, or if a seal is missing or appears to have been tampered with.

12.02.02 In the presence of all those assembled, open all doors on the top and sides of the ballot box, and visually confirm that the ballot box is completely empty of ballots. If this is not the case, the supply judge shall remove, segregate, label and seal in a container any ballots contained in the ballot box before the opening of the polls and arrange for their delivery to the Clerk with the other equipment, ballots and polling place supplies after the polls close.

12.02.03 Install the electronic voting device into position on the top of the ballot box, and lock all doors and openings of the ballot box. The doors and openings of the ballot box shall remain in closed and locked condition at all times while the polls are open, provided, however, that the machine judge shall unlock and open the door of the provisional ballot bin as required during hours of voting to permit an elector submitting a provisional ballot to deposit the provisional ballot into the

provisional ballot bin, after which the door to the provisional ballot bin shall again be closed and locked.

12.02.04 Turn on the electronic voting device, confirm the device is set to election mode and generate a zero report tabulation tape. All election judges assigned to the precincts reported on the zero report tabulation tape shall affix their signatures thereto in the spaces provided. Without detaching the zero report from the remainder of the tape roll in the printer housing, the machine judge then shall situate the printed zero report into the printer housing. The printer housing shall be and remain locked until after the polls are closed.

12.02.05 Verify that the inventory of polling place ballots is correct and complete by reference to the ballot inventory receipt signed by the supply judge at the time custody of the ballot inventory was transferred by the Clerk. An election judge shall immediately contact the Clerk in the event the ballot inventory is not complete or appears to have been tampered with.

12.03 Operations while Polling Places are Open.

12.03.01 Access to Immediate Voting Area Restricted. No person other than the Clerk, deputized Clerks, duly appointed election judges and those admitted for the purpose of casting regular polling place ballots or submitting provisional ballots shall be allowed to enter the immediate voting area of a polling place.

12.03.02 Voter Sign-in Forms. Polling place electors shall first be requested to print their names on voter sign-in sheets with at least two duplicate or carbon copies in form approved by the Clerk. The original of all such sign-in sheets shall be retained in the election records of the polling place and returned to the Clerk after the polls close. The duplicate copies shall be made available to poll watchers as they may reasonably request from time to time, in order to keep track of electors who have voted throughout Election Day. Election judges shall also audibly announce the name of each elector in the manner required by the Municipal Election Code.

12.03.03 Signature Cards. All electors and persons desiring to vote at a polling place shall complete and sign signature cards as required by Municipal Election Code § 31-10-606(1). The affirmation printed on such signature cards shall state: "I am a registered elector of the municipal precinct established for the above stated residence address. I desire to vote today; I have not yet voted in this election."

12.03.04 Issuance of Regular Ballots. The precinct style and ballot number of all regular polling place ballots shall be recorded on the signature cards completed

and signed by, and in the poll book adjacent to the name of, the electors to whom they are issued. An elector shall be issued a regular polling place ballot upon verification by one or more election judges that:

12.03.04.01 The elector has completed and signed a signature card as required by Rule 12.03.03; and

12.03.04.02 The elector has presented an acceptable form of identification at the polling place, which form of identification shall be noted on the elector's signature card in the appropriate space provided therefor; and

12.03.04.03 The elector has not been issued an absentee ballot for the same election as reflected by the absentee voter list supplied by the Clerk to the election judges of the polling place; and

12.03.04.04 The elector's name and current residence address as set forth on the elector's signature card conform to the elector's name and residence address as set forth in the voter registration list supplied by the Clerk for the voting precinct of such residence address; or

12.03.04.05 In the event of a discrepancy in the elector's name and current residence address as set forth on the signature card and the voter registration list for such voting precinct, either a) an election judge confirms with the county clerk and recorder's office via telephone or other method that the elector's voter registration record reflects that the elector registered to vote at his or her current residence address as stated on the elector's signature card at least thirty (30) days before the election, or b) the elector presents a certificate of registration issued by the county clerk and recorder evidencing the elector was registered to vote and moved to his or her current residence address as stated on the elector's signature card at least thirty (30) days before the election. The time, method and substance of any telephonic or other confirmation with the county clerk's office regarding an elector's eligibility to vote at the polling place or voting precinct in question shall be noted by the election judge involved in such confirmation on the reverse side of the elector's signature card. Similarly, all certificates of registration issued by the county clerk and recorder and presented by electors at a polling place shall be retained, preserved and returned to the Clerk with all other equipment, ballots, supplies and election records after the polls have closed.

12.03.05 Issuance of Provisional Ballots. If an elector or person does not satisfy all of the applicable requirements for issuance of a regular polling place ballot set forth in Rule 12.03.04, an election judge shall authorize the issuance of a

provisional ballot to such elector or person if he or she so requests, and shall, to the extent applicable:

12.03.05.01 Advise electors otherwise eligible to vote at another polling place for the voting precinct of their current residence address that they may either a) cast a regular polling place ballot at such other and correct polling place prior to 7:00 p.m. on Election Day, or b) submit a provisional ballot at the current and incorrect polling place, as the elector may decide;

12.03.05.02 Advise electors otherwise eligible to vote at the polling place who have been issued an absentee ballot for the same election that they may either a) obtain issuance of and cast a replacement absentee ballot in the Clerk's office prior to 7:00 p.m. on Election Day, or b) submit a provisional ballot at the polling place, as the elector may decide;

12.03.05.03 Advise electors otherwise eligible to vote in such polling place who fail to present an acceptable form of identification that they may either a) depart and return to the polling place prior to 7:00 p.m. on Election Day in possession of an acceptable form of identification and obtain issuance of and cast a regular polling place ballot, or b) obtain issuance of and submit a provisional ballot without presenting such acceptable form of identification at the polling place, as the elector may decide;

12.03.05.04 Advise all other electors and persons that they may either a) obtain issuance of and cast a regular polling place ballot by returning to the polling place before 7:00 p.m. on Election Day and presenting a certificate of registration issued by the county clerk and recorder evidencing they were registered to vote and moved to their current residence at least thirty days prior to the election, or b) obtain issuance of and submit a provisional ballot without presenting such certificate of registration, as such elector or person may decide.

12.03.06 Poll Watchers. Poll watchers shall be certified by the persons and in the manner set forth in Municipal Election Code § 31-10-602. In addition, the following restrictions shall apply, of which the Clerk shall give written notice to all poll watchers and those responsible for their certification:

12.03.06.01 Poll watchers shall not be permitted to enter the immediate voting area of any polling place.

12.03.06.02 Poll watchers shall not be permitted to possess or use cell phones, cameras, recording devices, laptop or tablet computers, or any other electronic device in polling places or other places in which all or any part of an election is conducted.

12.03.06.03 Poll watchers may observe election judges but may not interrupt or disrupt the processing, verification and counting of any ballots or any other stage of the election.

12.03.06.04 Poll watchers may track the names of electors who have cast ballots by utilizing their previously obtained lists, but may not write down any ballot numbers or any other identifying information about the electors.

12.03.06.05 Poll watchers may not handle the poll books, official signature cards, ballots, absentee ballot envelopes or provisional ballot envelopes, or electronic voting devices or their components.

12.03.06.06 Poll watchers shall not interfere with the orderly process and conduct of any election, including ballot issuance, receiving of ballots, voting or counting of the ballots.

12.03.06.07 Poll watchers shall not communicate or interact with election officials or election judges, except that the Clerk shall name at least one individual in each precinct polling place or election location to whom poll watchers may direct questions or from whom poll watchers may seek requested information.

12.03.06.08 Notwithstanding the definition of *immediate voting area* in Rule 2.05 or any other provision of these Rules to the contrary, poll watchers shall be permitted within a sufficiently close proximity to electronic voting equipment to read the content of zero report and election result tabulation tapes as they are printed, before and after a polling place opens and closes, or before and after the counting of ballots begins and concludes on a particular electronic voting device.

12.04 Operations at the Close of Polling Places.

12.04.01 Announcement. Promptly at 7:00 p.m., an election judge shall clearly and audibly announce, “The polls are now closed.” All persons in line at the time of such announcement shall be permitted to request issuance of a regular or provisional ballot, and to cast or submit the same.

12.04.02 Electronic Voting Equipment. After all electors and persons identified in Rule 12.04.01 have cast or submitted regular or provisional ballots, an election

judge shall unlock and open the printer housing of the electronic voting device and then render the device incapable of accepting or counting additional ballots by processing an ender card. The processing of an ender card will cause the electronic voting equipment to automatically generate a report of election results on the same tabulation tape containing the zero report that was printed before the polling place opened pursuant to Rule 12.02.04. All election judges assigned to the polling place shall affix their signatures to the report of election results on the tabulation tape in the spaces provided therefor. The single tabulation tape containing both the zero report and the report of election results shall be set aside and preserved for attachment to the ballot inventory reconciliation required by Rule 12.04.04 and returned to the Clerk with all other voting equipment, ballots and polling place supplies. Following the printing of the first report of election results, an election judge shall immediately generate a duplicate report of election results, to which all election judges assigned to the polling place shall likewise affix their signatures. The duplicate report of election results shall be immediately and publicly posted in the manner set forth in Rule 14.05. Polling place election judges shall not conduct any other counting or tabulation of ballots at the polling place. At least two election judges shall then confirm the unique numbers of all seals on the electronic voting device and complete the applicable line item on the chain of custody log, and return the device to its case. The electronic voting device shall be returned to the Clerk with all other voting equipment, ballots and polling place supplies, for processing by the receiving board.

12.04.03 Ballots. All doors and compartments of the ballot box shall be unlocked and opened in the presence of all those assembled. One or more election judges shall remove all counted ballots from the appropriate bin(s) of the ballot box, manually shuffle them, and compile all such ballots in an appropriate location in order for election judges to manually verify the number of counted ballots in the process of completing the ballot inventory reconciliation as set forth in Rule 12.04.04. All provisional ballot envelopes shall be removed from the provisional ballot bin and similarly and separately compiled for use in the ballot inventory reconciliation. All counted ballots, provisional ballots, spoiled ballots and unused ballots shall be returned to the Clerk in separate sealed containers or envelopes, as the Clerk may direct, with all other polling place equipment and supplies for processing by the receiving board.

12.04.04 Ballot Inventory Reconciliation. Election judges assigned to a polling place shall reconcile the initial inventory of polling place ballots by precinct with the remaining stock of unused ballots, completed and signed voter signature cards, the number of voted ballots counted by the electronic voting device,

provisional ballot envelopes deposited by electors or other persons in the provisional ballot bin, and spoiled and replacement ballots, on reconciliation worksheets in a form approved by the Clerk. All election judges assigned to the polling place shall affix their signatures to the reconciliation worksheet in spaces provided therefor, and shall note any and all discrepancies in such reconciliation. The original tabulation tape containing the zero report and the tally of votes cast shall be attached to the reconciliation worksheets shall be returned to the Clerk with all other voting equipment, ballots and polling place supplies, for processing by the receiving board.

Rule 13: Canvass. The Election Commission shall constitute the canvass board. The canvass board shall perform the duties set forth in the applicable provisions of the Municipal Election Code.

Rule 14: General and Miscellaneous Provisions.

14.01 Computations of Time. All computations of time required or permitted under these Rules shall be made in the manner set forth in Municipal Election Code § 31-10-103.

14.02 Substantial Compliance. Substantial compliance with the provisions or intent of these Rules shall be all that is required for the proper conduct of an election to which these Rules apply.

14.03 Interpretation. The Election Commission shall have full authority to render decisions and make interpretations of these Rules by majority vote when assembled in open and public meetings. The Clerk shall have full authority to render decisions and make interpretations under these Rules at times when the Election Commission is not meeting in open and public session, provided, however, that any interested person may request the Election Commission to review and reverse or affirm any interpretation of these Rules made solely by the Clerk.

14.04 References to Uniform Election Code. Any references contained in these Rules to provisions of the Uniform Election Code, C.R.S. § 1-1-101 *et seq.* are for specific purposes only, and shall not be construed or interpreted to mean that the City of Aspen or the Election Commission have adopted the Uniform Election Code for purposes of municipal elections of the City of Aspen.

14.05 Public Posting of Tabulation Tapes or Vote Tallies. Whenever these Rules require a tabulation tape or vote tally of an audit unit to be publicly posted, the tabulation tape or vote tally shall be immediately posted in an area viewable from the exterior of the building in which it was generated or printed, in a manner ensuring to the greatest extent possible that its content is legible for inspection and examination by members of the

public. The tabulation tape or vote tally shall remain publicly posted until the official abstract of votes cast has been certified upon completion of the canvass.

14.06 Configuration and Layout of Ballot Processing Locations. The locations in which absentee and provisional ballots are processed shall be configured and arranged in a manner, as the Clerk in his or her discretion may decide, implement and modify from time to time, that best accomplishes the following four objectives:

14.06.01 First, and of primary importance, the anonymity of every voted ballot must be preserved, protected and safeguarded to the greatest possible extent;

14.06.02 Second, all absentee and provisional ballots must be processed and counted or rejected in a timely and efficient manner, giving due regard to the capacities and capabilities of the available resources, whether human, physical or technological.

14.06.03 Third, election judges and officials must be provided an environment in which to perform their work and discharge the duties without harassment or undue interference, interruption or distraction.

14.06.04 Fourth, duly certified poll watchers should be permitted to observe as many aspects and details of the ballot processing as possible, including the verification of signatures, the duplication of damaged, defective or improperly marked ballots, the counting of verified ballots, and the rejection of unverified ballots.

Approved and adopted by the City of Aspen Election Commission this _____ day of _____, 2011 by a vote of 3-0.

Kathryn S. Koch, Chair and City Clerk