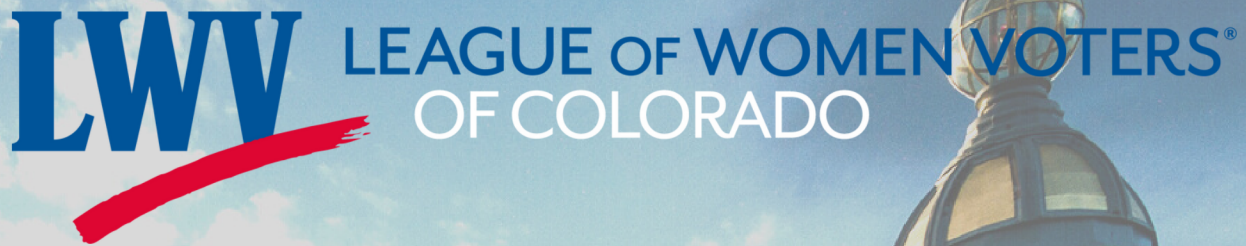


COLORADO'S INNOVATIVE AND STELLAR ELECTION SYSTEM

May 2022



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Colorado's election system is designed to make it easy for citizens to exercise their right to vote while ensuring their vote is secure and accurately reported.

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I. Introduction	2
II. Brief History of Colorado's Move to All-Mail Ballots	2
III. The Core of Colorado's Election System	3
A. Benefits	3
B. Accurate Voter Rolls	4
IV. Voter Registration	4
A. Additional Voter Registration Opportunities	5
B. Automatic Voter Registration	5
C. Displaced or Unhoused Voters	5
V. Casting a Ballot	5
A. Mail Ballot Voting and Return of Mail Ballots	5
B. Voter Service and Polling Centers	6
1. Identification Forms Accepted for In-Person Voting	7
2. Additional Benefits of Mail-Ballot Voting	8
C. Electronic Submission of Ballots	9
1. Voters with Disabilities	9
2. Military and Overseas Citizens	10
D. Multilingual Ballot Access for Voters	10
VI. Collection and Counting of Ballots	10
A. Collection from Voter Service and Polling Centers & Drop Off Locations	10
B. Signature Verification	11
C. Ballot Counting and Tabulation	12
VII. Voting Equipment	13
A. Certification Process and Trusted Build	13
B. Pre-Election Testing of Equipment - Logic and Accuracy Test	13
VIII. Accuracy, Security and Prevention of Fraud	14
A. Ballot Design	14
B. Automatic Recounts	14
C. Election Certification	14
D. Post Election Risk-Limiting Audits	15
IX. Colorado's System Aligns with the Recommendations of the Bipartisan Policy Center's Task Force on Elections	16
X. Conclusion	16
Further References And Resources	17
Institutions & Resources Focused On Elections	20

I. Introduction

Colorado's voting system is considered an election gold standard and exemplifies the League mission: Empowering Voters. Defending Democracy. It is a product of evolving improvements, as elected county clerks, the elected Secretary of State, and other stakeholders seek additional means to provide accessibility, security, accuracy and transparency.

This document provides a general overview of Colorado's election system with the purpose of supporting League members nationwide in advocating for election reforms and legislation enabling the mail delivery of ballots to all registered voters.

II. Brief History of Colorado's Move to All-Mail Ballots

Colorado's election system is often cited as the gold standard; however, that was not always the case. Some very bad elections became the impetus for critically evaluating how Colorado elections were run (see references for additional information). As a result, Coloradans have a number of options for registering and for returning their marked ballots, and Colorado elections receive high marks for their security and accuracy.

Over a span of fifteen years, Colorado went from a No Excuse Absentee Ballot system to All-Mail Ballots with the 2013 passage of HB13-1303 the "Voter Access and Modernized Elections Act".

A number of factors coalesced leading to the adoption of a Mail Ballot system. Those factors included:

- No Excuse Absentee Ballots since the late 1990's.
- Following the Columbine school shooting, schools no longer allowed their facilities to be used for polling locations making it difficult to find suitable locations for precinct polling.
- A Permanent Absentee Ballot option became available to all voters upon request beginning in 2008.
- Over a few years, voters in increasing numbers preferred to vote by mail. In many ways, the Mail Ballot system was consumer driven.

In the lead up to the 2013 legislation, Colorado County Clerks were customer service driven in the development of legislation enabling voter convenience while maintaining election security and integrity.

The provisions of the 2013 legislation include:

- All eligible, registered voters receive a ballot by mail.
- Voters may return their ballot by mail, deposit in a designated drop-off location, or vote in person at their County Clerk & Recorder's office or at any of their county's Voter Service and Polling Centers (VSPC);
- Early voting is available up to 15 days prior to a general election (8 days prior to a coordinated or primary election), except Sundays or on Election Day;
- Voter registration options include same-day voter registration on Election Day, online registration, and in-person registration at a local Department of Motor Vehicle facility or County Clerk & Recorder's office up to eight days prior to election day.

III. The Core of Colorado's Election System

The core features of Colorado's voting and election system are:

- 1) a secure, real-time, statewide voter registration database with several systems of cross referencing for data integrity;
- 2) voter registration that includes online, same-day, and automatic registration that allows for many forms of acceptable identification;
- 3) the mail delivery of ballots to all registered voters 22 days prior to election day;
- 4) options available to voters on how they can return their ballot or cast a ballot in-person;
- 5) voter verifiable paper ballots as the ballot of record enabling election security and integrity;
- 6) verification of the voter's signature on the outside of the ballot envelope prior to the ballot being removed and processed;
- 7) a cure process available to voters if their signature has been rejected;
- 8) interactive real-time updates from the statewide voter registration database available to voters confirming if a voter's ballot has been delivered, submitted, accepted, rejected, or under a cure process; and
- 9) robust security features including closed-network ballot tabulation devices, bi-partisan pre-election tests, bi-partisan post-election Risk-Limiting Audits, and bi-partisan teams of election judges and election workers processing ballots.

A. Benefits

The benefits of Colorado's system include:

- Economic – A PEW Charitable Trust study in 2016, indicated that the cost of doing a Mail Ballot election was 40% less than voting in precinct polling locations.
- Voter Access – Mail balloting over a flexible time period allows voters to return their ballots without having to deal with inclement weather, physical limitations of standing in line at polling locations, time constraints due to employment and other obligations.
- Convenience – Being able to vote at home allows for more thoughtful completion of the ballot without time constraints, especially when there is a lengthy ballot.
- Safety — During the pandemic, it was safer to vote at home rather than in a public location. During weather events, it is difficult to venture out to a polling location to cast one's vote.
- Drop Boxes – Are available 24-hours a day and at least 15 days prior to a general election. *Approximately 80-82% of voters took advantage of drop boxes in the 2020 election.*
- Standardized Voting Process – Consistency throughout the state makes voting easy when moving to another community within the state.
- Voter Turn-out – *In 2020, Colorado had the nation's second-highest voter turn-out rate of 86.5%, topped only by Minnesota. According to the Secretary of State, 86% of voters returned their ballots prior to Election Day with 94% of voters of all parties using their mail ballots.*
Voter Service and Polling Centers allowed 12,260 people to register on Election Day and submit provisional ballots.

Some have raised concerns that voter coercion might happen with mail balloting though there is no record to date of that having occurred. Another concern is that access to postal locations could be an issue in some rural areas although voters have ample time to vote early or drop-off their ballot in person prior to election day.

The 2016 Pew Charitable Trusts study did a 1,500 person survey examining the voter experience in Colorado. Of those who said they mailed their ballot, 95% reported a satisfied or very satisfied experience and 96 percent of those who voted in person indicated the same. Survey results also indicated that nearly two-thirds of the respondents who physically returned their ballot, 78%, said it took less than 10 minutes to get to a Voter Service and Polling Center or drop box location.

B. Accurate Voter Rolls

Accurate voter rolls are a necessity if ballots will be mailed to voters. To ensure accuracy, there are a number of processes in place:

- Cross-checking of voter information against all government agencies that participate in automatic voter registration.
- Change-of-address notices are provided by the U.S. Post Office.
- Death notices are provided by the Colorado Department of Health and Environment (CDPHE), and the state subscribes to the Social Security Index.
- Automatic updates by the Department of Motor Vehicles (DMV) are provided when a resident changes their address.
- Participation in ERIC (Electronic Registration Information Center), a poll consortium of states that allows members to check if a voter has voted in more than one state. Though rare, fraud is prosecuted.

IV. Voter Registration

Colorado residents are eligible to register to vote if they:

- Are a United States citizen;
- Are at least 16 years old and will be 18 or older by the date of the election;
- Have resided in Colorado a minimum of 22 days prior to the election in which they intend to vote; and
- Are not serving a sentence of confinement or detention for a felony conviction unless on probation or parole.

Colorado law allows voters to register up to and including on Election Day. Voters with a Colorado Driver's license, Colorado ID card or Social Security number may register online at www.GoVoteColorado.gov.

How an individual registers to vote impacts how they will receive a ballot. In order to receive a ballot by mail, an individual must:

- Register or update their voter registration online at www.GoVoteColorado.gov through the 8th day *before* Election day;
- Submit an application at a voter registration agency, or at a local driver's license examination facility through the 8th day *before* Election Day;
- Mail a registration application in time for it to be received at least 8 days before the election;
- Submit an application through a voter registration drive no later than 22 days before Election Day.

If an unregistered Colorado voter misses the above deadlines, the voter may appear in-person at a Voter Service and Polling Center in the County in which they reside through Election Day to register and vote in person. County Clerks publicize the locations of Voter Service and Polling Centers.

A. Additional Voter Registration Opportunities

Colorado residents may also register at:

- Offices that provide public assistance, including offices that provide state-funded programs primarily engaged in providing services to person with disabilities;
- Recruitment offices of the armed forces of the United States;
- Voter registration drives;
- Any federal, state, or local government office or any non-government office that chooses to provide voter registration services or applications; or
- A Voter Service and Polling Center.

Registered Colorado voters can confirm their registration by visiting www.GoVoteColorado.gov. Once the registration is verified, the elector may update their address and party affiliation as well.

B. Automatic Voter Registration

When a Colorado resident interacts with certain agencies, such as the Department of Motor Vehicles, the individual provides information including name, address, date of birth, and proof of citizenship. This information is then used to register the individual to vote in Colorado.

The voter's county clerk verifies if the information supplied meets registration requirements, and if the voter's record is complete, the county clerk will send a notice to the voter that they are registered to vote. The voter can return the notice to either decline to be registered or to affiliate with a party. If the voter does not decline to be registered within 20 days after the notice is mailed and the form is not returned as undeliverable, the voter is then registered to vote.

C. Displaced or Unhoused Voters

Voters who are displaced or without housing can register to vote or update their voter registration using any address within a specific county where the individual regularly returns. The address can be a homeless shelter, a homeless service provider, a park, a campground, or any physical location. Voter registration requires the individual to have a valid mailing address for the location or utilize a post office box if the physical location does not have a mailing address. Voters who are displaced due to a disaster can remain registered at their affected residence if they intend to return after rebuilding or repairing their residential structure.

V. Casting a Ballot

A. Mail Ballot Voting and Return of Mail Ballots

Under Colorado's election model, ballots are automatically mailed 22 days before Election Day to **all** registered voters whose Colorado addresses are current or updated on the state's voter registration database. This eliminates any need for a voter to provide an excuse to receive a ballot by mail or to submit a request for a mail ballot for any future election unless there is a change in registration status. If a voter moves away from the residence of their registration, they must update their registration as the forwarding of ballots by the postal service is not permitted by law. If county election officials receive returned mail, a ballot is not sent until the voter has updated their current Colorado address.



An added feature for ballots that are sent to voters by mail is the voter's ability to track their own ballot. Voters can track their own ballot as a result of a barcode specific to the envelope enclosing the voter's ballot. A voter's actual ballot has no tracking or information that would identify the voter. Voters can enroll for ballot tracking online by visiting the Colorado Secretary of State website or the website of their local Clerk and Recorder. The tracking service notifies a voter by phone, email, or text about the status of their ballot from the time it is mailed out by their county clerk to when the marked ballot is received and accepted for counting. Tracking allows the voter to know the status of their ballot at each stage of the voting process.

Voters must sign the back of the envelope that encloses the marked ballot. As election officials process incoming ballots, the voter's signature on the ballot envelope is compared with the signature record election officials have on file through the state's voter registration database.

Under Colorado's election laws, voters can return their completed ballots by mail, by dropping off the ballot at a 24/7 secure drop-box location, or designated drop-off locations at a Voter Service and Polling Center (polling site). Regardless of the return option a voter chooses, completed ballots must reach election officials by 7:00 PM on election day.

If the voter submits their ballot by mail, most Colorado counties will indicate the exact postage required to return it by mail. Colorado counties will also cover the cost of postage if the voter fails to provide enough postage.

Voters may use drop boxes for the 15-day period prior to and including the day of the election. Many county clerks open their respective county drop boxes when ballots are mailed to voters. The number of drop boxes required for each county is dependent on the county's population of active voters. For counties with fewer than 15,000 active voters, there is to be at least one drop box location. Colorado law requires drop boxes be placed in locations throughout the county that provide the greatest convenience to voters.

When drop box locations are opened to receive ballots, **county clerks must adequately light all drop box locations and use a 24/7 video security surveillance system to monitor each location.** If a location utilizes a drop-slot into a building, ballots must be collected in a locked container with both the drop-slot and container under video surveillance. Each drop box location must inform voters that it is a violation for a single voter to collect more than ten ballots total for any single election to mail or deliver to a drop box site. Electioneering is prohibited within 100 feet of any drop box. If a voter places their ballot in a neighboring jurisdiction's drop box or at any drop box within the state, election officials will forward the ballot to the county where the voter is registered.

B. Voter Service and Polling Centers

If voters do not want to cast the ballot that they have received by mail, they can perform in-person early voting or vote on Election Day at a Voter Service and Polling Center (polling site) within the county where they reside. Colorado's 2013 election law did away with the traditional precinct polling places in favor of county-wide voter service centers.

Eligible voters from anywhere within a county can drop off a completed mail ballot, perform same-day voter registration, update their voter registration, obtain a replacement ballot, or cast a provisional ballot, if necessary, at any Voting Service and Polling Center. In-person voting at a voter service center location is also an option for voters who have not received a mail ballot or



need to vote using machines with assistive and adaptive technologies. Election equipment with assistive and adaptive technology produces a paper trail of the voter's selections thereby enhancing election security. In order to prevent duplicate voting, county clerks will only accept the first ballot submitted by a voter whose ballot signature or identification has been verified.

Voter Service and Polling Centers must be open on Election Day and beginning 15 days before a general election and eight days before a primary or November coordinated election. Operating hours exclude Sundays.

Voters can use any Voter Service and Polling Center located within their county of residence. This allows the voter to vote near a location they frequent rather than restricting the voter to vote at a site near their residential address.

A voter can vote at a Voter Service and Polling Center outside of their county if they need to. In that situation, the voter will then be provided a statewide ballot that includes contests that are on every ballot in the state. The voter will also complete an application that is returned with the ballot. The ballot is placed into a special statewide envelope and the voted ballot and application are then sent by the county where the voter voted to the county where the voter resides for verification and counting.

Colorado law requires a minimum number of Voter Service and Polling Centers based on the number of registered voters in a county who were active on the date of the previous presidential election or on the date of the last general election, whichever is greater. For counties with fewer than 10,000 active voters, at least one Voter Service and Polling Center is required during early voting and on Election Day. For more populated counties, more Voter Service and Polling Centers are opened closer to election day.

The location of Voter Service and Polling Centers (polling sites) is based on a number of factors:

- Proximity to public transportation
- Availability of parking
- Geographic features that affect access such as mountain passes
- Equitable distribution across counties for convenience
- Proximity to historically under-represented communities
- Population centers with historically lower voter turnout
- Access for persons with disabilities
- Public buildings in locations serving a significant number of voters that can result in cost savings.
- Private locations where security of voting can be ensured.
- Clerks must also seek public comment on proposed locations and submit VSPC locations as part of their election plans to the Secretary of State.

When casting a ballot in-person, Colorado voters are asked to present an acceptable form of identification and their voter record status is updated in the statewide system.

1. Identification Forms Accepted for In-Person Voting

Identification is required to vote in person at all polling locations. First time voters who vote by mail may need to submit identification. All forms of ID must show a Colorado address. Acceptable ID forms are:

- Valid Colorado driver's license
- Valid Colorado identification card issued by the Department of Revenue
- Valid U.S. passport
- Employee ID card from a government agency with photo
- Valid FAA photo pilot's license
- Valid U.S. military card with photo
- Copy of current utility bill, bank statement, government paycheck or other government document with name of voter and current Colorado address
- Certificate of Degree of Indian or Native Alaskan Blood
- Valid Medicare or Medicaid card
- Certified copy of U.S. birth certificate
- Certified naturalization document
- Valid Colorado institute of higher education student ID card with photo
- Valid veteran ID card with photo
- Valid ID card from a recognized tribal government certifying tribal membership
- Verification of residency in a group residential facility
- Verification that eligible voter is confined and committed to the department of human services
- Written verification that the voter is confined in a county jail or detention facility not serving a sentence for a felony conviction

Any form of identification listed above that shows the voter's address must show a Colorado address to qualify as an acceptable form of identification.

If a voter shows up at a Voter Service and Polling Center and the registration system indicates the voter has already voted, the voter will not be allowed to cast another ballot. If the voter insists they have not previously voted, the voter will be issued a *provisional ballot*, and election officials will begin an investigation to determine which ballot will be counted. A provisional ballot is provided to a voter whose eligibility to vote is not immediately established on Election Day. Provisional ballots ensure that every qualified and registered voter can cast a ballot that will be counted. Provisional ballots are verified and counted after regular ballots and counting is completed no later than nine days after an election. *A 2016 Pew Charitable Trusts briefing indicates that Colorado's delivery of mail ballots to all voters appears to have contributed to a dramatic reduction in provisional ballots as there were 39,361 provisional ballots cast in 2010 versus 981 in 2014.*

2. Additional Benefits of Mail-Ballot Voting

Colorado mail-ballot voting and early voting has reduced election day wait times. Colorado law does require that every person who is qualified to vote and who is standing in line waiting to vote at 7:00 PM on Election Day, will be allowed to vote. Regulations also require counties to measure and record wait time at each of its Voter Service and Polling Centers. Each county reports wait times no later than 30 days after the election. If a county receives a court order to extend the hours of a Voter Service and Polling Center on Election Day, all counties in Colorado will then have to wait to post election night results until the time of the court order extension has passed.

C. Electronic Submission of Ballots

Colorado voters who currently qualify to submit a ballot electronically include the following:

- Voters who are blind or visually impaired;
- Voters who are unable to hold or mark a ballot;
- Military and overseas voters; and
- Those with a qualifying emergency.

Online voting, experts agree, is a less private and less secure voting method and should be reserved for those *rare* instances when voters have no other way to cast their vote. For ballots that get returned electronically, a concern raised by many, including the League of Women Voters, is the threat of hacking. Security experts are also concerned that without a paper record of a voter's marked votes, a cyberattack may be undetectable.

The threat of hacking or a cyberattack to Colorado's overall voting system is somewhat reduced since electronic submissions of ballots do not interface with a county's closed network of ballot scanning and tabulation. Electronic ballot submissions operate on a separate, distinct server operated by the Colorado Secretary of State. County election officials have access to the electronic submissions respective to voters of their county and are not able to access other electronic submissions from voters of other counties.

Ballots cast electronically are submitted via a web application or through email or fax to the voter's county official. The county election official receives a notification that a ballot has been submitted and the election official uses multi-factor authentication to access the ballot. Some counties use teams of election judges to retrieve electronically submitted ballots from the state's system. Upon retrieval from the state's system, the election official prints the electronically submitted ballot. After signature verification, the voter's identification to the ballot is then separated and the voter's selections are turned over to the team of election judges who typically have the role of remarking voter selections from damaged paper ballots, i.e., ballots with coffee stains, wrinkled or ripped paper ballots that will not be accurately scanned or tabulated through the county's regular ballot scanning system. Ballot scanning is done on a county's closed separate network thereby lessening the chance of cyber criminal activity or a county's election system being compromised by the system that accepts electronic ballots.

1. Voters with Disabilities

The 2002 Help America Vote Act (HAVA) requires that voters with disabilities be able to cast their vote privately and without assistance, and that every Voter Service and Polling Center must be accessible and have accessible voting machines available. In addition to using assistive and adaptive technology at a Voter Service and Polling Center, voters with disabilities also have the option to access their ballot electronically at home and vote within 22 days of Election Day. After completing the ballot electronically with their own adaptive devices, the eligible voter can print the completed ballot, print the accessible ballot application, and sign the application. The signed application and printed electronic ballot must then be returned by mail, drop-box, or submitted at a Voter Service and Polling Center by no later than 7:00 PM on Election Day.

During the 2021 Colorado legislative session, a law was enacted allowing very limited electronic transmission of ballots for voters who are blind, visually impaired, or who are unable to hold or mark a regular ballot. These voters can choose to print their completed electronic ballot as they have in the past, or they can opt to return by electronic transmission.

2. Military and Overseas Citizens

Paper ballots are mailed to military and overseas citizens 45 days before Election Day. Since 2016, these Colorado voters have had the option to return their ballots electronically through the Secretary of State's secure file transfer system. A spokesperson for the Colorado Secretary of State told the *Denver Post* in 2021 that in the nearly five years since overseas military have returned their ballots electronically, there have been no instances of the system being breached; however, security experts caution that breaches are not something that can be known with certainty and can take a long time to be discovered.

D. Multilingual Ballot Access for Voters

The Colorado General Assembly passed legislation in 2021 requiring the Colorado Secretary of State to establish a multilingual ballot hotline to give voters access to translators or interpreters for languages predominantly spoken by at least 2,000 Colorado citizens aged 18 years or older who are not fluent in English. Translators may only translate ballot language; no explanation or arguments for or against any candidate or question on the ballot may be provided. The hotline will begin operating for the November, 2022 general election.

The legislation also requires county clerks to provide a minority language sample ballot in any minority language spoken within their county by at least 2,000 county citizens aged 18 years or older or by 2.5% of county citizens aged 18 years or older who are not fluent in English. In addition to the minority language sample ballot, a voter may make an in-person request for a minority language ballot for any minority language that meets the criteria specified for sample ballots. The requirements for minority language sample ballots and minority language ballots available by in-person request will begin for the November, 2022 general election.

VI. Collection and Counting of Ballots

A. Collection from Voter Service and Polling Centers & Drop Off Locations

The Colorado Secretary of State regulatory rules require bipartisan teams of election judges and/or staff to collect ballots from drop boxes. A county's election plan will determine the frequency of collection, but the Secretary of State regulatory rules require collection at least once every 72 hours after ballots are mailed out to all registered voters and until the date that a Voter Service and Polling Center opens within the county. The frequency increases to at least once every 24 hours during the days a Voter Service and Polling Center is open and at 1:00 PM and 7:00 PM on Election Day. If a county is granted a waiver to deviate from the statewide requirements, the county clerk must post a notice on each exempt box of the dates and approximate times ballots will be collected.

When bipartisan transport teams retrieve ballots from drop boxes or locations such as the Post Office or Voter Service and Polling Centers, the retrieval involves metal ballot boxes or transport bags that are sealed and logged by the bipartisan teams. Envelopes or jackets to ballots are not opened or separated from a ballot during retrieval or transport. When the metal boxes and transport bags arrive at the county processing center, bipartisan teams verify, inspect, and log the acceptance of the ballot boxes or transport bags to ensure no tampering has occurred during transport.

Bipartisan teams sort, batch, and time stamp incoming ballots and update the statewide voter registration system which allows the voter to know their ballot has been received. This is done by scanning the barcode on the ballot envelope. If a voter tries to return more than one ballot, the registration system will not allow a second ballot to be counted. If this situation does occur, the voter's record will be flagged and the information will possibly be turned over to the county's District Attorney for investigation. Envelopes to ballots are not opened during receiving and sorting.

B. Signature Verification

When mail-in ballots are received at county election offices, the sealed return envelopes with the voter's signature on the outside goes through a process of verifying that the signature is from the same person to whom the ballot was mailed. The first step in processing the ballots is to compare the envelope signature with the voter's signature on file with the statewide voter registration system. This system, known as SCORE (Statewide Colorado Registration and Election System), has one or more copies of every voter's signature, often from the signature given when the voter obtained a Colorado driver's license, registered to vote, voted previously or signed other state forms. Some counties use the same automated technology that banks use to verify signatures. This machine records that the ballot has been received and routes the envelopes with verified signatures on to the next step in the process.

In a county not using automated technology, a trained signature verification judge will compare each ballot envelope signature with the signatures on file, and if they are uncertain there is a match, a two-judge bipartisan team will compare the ballot envelope signature with the signatures on file. The Colorado Secretary of State developed a detailed manual, "The Signature Verification Guide," for these specialized election judges. A link to the manual is available [here](#). In some counties, the election judges receive additional training by FBI handwriting experts.

If a voter cannot or is unable to write their signatures, the ballot return envelopes have a place for these voters to make a mark (like an "X") and to have a witness sign below this to certify that the person making the mark was the voter to whom the ballot was sent and who filled out the ballot.

When a signature on a ballot envelope is challenged by automated technology or by the trained signature verification judge, it remains in the unopened return envelope and is re-examined by a bipartisan team of judges. Under Colorado law, if both members of a separate bipartisan team of elections judges agree that the signature on the ballot envelope does not match the signature on file, the election judges cannot accept the ballot for counting. If a ballot has no signature or has a challenged signature, these envelopes are kept unopened and the enclosed ballots are not counted until the signature issue is resolved by the voter. Such challenged ballots are held in secure storage, and the voter has until the close of business on the 8th day after the election to submit a cure.

In 2020 when over 3.2 million people voted, the overall rate of rejected ballots was 0.9% across the state, just slightly above the 2016 rate of 0.8% when a lower number of voters turned out. By Colorado law, the county clerk notifies voters of ballots with missing/mismatching signatures by mail and, if it was provided, by electronic mail, within three days of the signature deficiency being confirmed. This notice explains the discrepancy in signatures and provides an affidavit, with instructions to sign the affidavit and provide a photocopy of an acceptable form of ID to the

county clerk's office within eight days after Election Day. In 2020, Colorado also instituted the Text-to-Cure ("TXT2Cure") system whereby a voter who is notified that they have a signature discrepancy can correct the problem using an electronic link enabling a "cure" or fix to the ballot more quickly than the mailed affidavit system. It was found in earlier elections that younger voters are disproportionately represented in signature deficiency issues, so the TXT2Cure system was thought to be a method that would appeal to this population. Over 11,000 people used this text method in 2020, and its effective use will be watched during the next voting cycles.

C. Ballot Counting and Tabulation

After the signature verification process, ballots are removed from return envelopes in a manner that ensures voter privacy. The ballot is unfolded, checked for issues that may prevent it from going through the counting machine, and placed in a tray for counting. Ballots are run through a counting machine with digital scanners that have undergone rigorous pre-election testing. Ballots are scanned, front and back, and are kept in the exact same order in which they are scanned for accurate retrieval in the post-election audit. After ballots are counted, they are returned to trays that are sealed and cataloged. A strict count of ballots is maintained throughout the process. The chain of custody for the ballots is documented and video cameras record each step in the process. Many Colorado counties broadcast ballot processing by live stream or allow the public to view through a window.

If a ballot is damaged – stained with wine or food or is ripped – another bipartisan team will duplicate it and the duplicate ballot will be scanned. The original is then removed and kept in a secure area in case the ballot is randomly selected during a post-election audit.

If a ballot has improper marks, over/under votes, or the voter intent is not clear, the ballot will then be sent electronically to an adjudication team. The adjudication team is a bipartisan team of two election judges that reviews the ballot and determines voter intent. The determination is based on the Voter Intent Guide provided by the Secretary of State. A log of their decisions is attached to the electronic image of the ballot.

In Colorado, ballots are processed upon receipt at county election centers. This initial processing includes verifying signatures, separating the envelope from the ballot, and flattening the ballot pages in order to allow them to be fed into the processing machines. After the envelope is removed, there is no indication of the voter's identity on the ballot, and removed ballots are put into new "shuffled" batches to ensure election officials are unable to track a specific ballot back to the voter who cast it.

The scanning of ballots may begin 15 days before Election Day. The actual vote count cannot be released until after 7:00 PM on Election Day when polls close. Ballot pages can be interpreted electronically, but officials are not permitted to run the tabulation reports to generate the count for each candidate before 7:00 PM on Election Night.

The ballot interpretations are securely stored on a closed network and not released before 7:00 PM on Election Night. The machines are never connected to the internet. Ballot tabulation takes place on a tabulation computer located in the ballot counting room. Tabulation is accomplished by tallying up the ballot interpretations. The results are sent to the ballot tabulation computer through an isolated computer network that has no ties to any other network or the internet. The computer collects and compiles all results. Results are printed and downloaded to a secure

external drive so the results can be uploaded to the county's website and the Secretary of State's Election Night reporting site.

VII. Voting Equipment

A. Certification Process and Trusted Build

The Colorado Secretary of State's office has an extensive set of procedures it performs before allowing a county to use equipment from any voting systems provider. This process is generally referred to as Voting System Certification, and it is governed by state law and election rules. Colorado currently has a relationship with two vendors – Dominion Voting Systems and Clear Ballot Group – with Dominion Voting operating within a majority of the state's counties.

The Colorado Secretary of State website carries more detailed information about processes for certification, hard drive copying, security procedures, federal lab testing, and other compliance procedures. The link to the website is available [here](#). For a more general overview of certification and verification processes, the Secretary of State's PowerPoint covering those topics is available [here](#).

When a county's computerized election equipment needs a system or security update, there is a process called "Trusted Build" that is implemented. Before install, updates to systems are also tested by a federal accredited lab, and if the updates pass testing, the updates will then undergo another Secretary of State certification and install process. The Colorado Secretary of State's detailed information covering the procedures for Trusted Build are available [here](#).

Election conspiracy theorists and election deniers stemming from the 2020 presidential election have consistently targeted voting equipment as a basis for their claims of election fraud. To address false accusations and claims of election mishandling, the Colorado County Clerks Association has a dedicated web page of facts, answers, and questions addressing election accuracy and security. It is available [here](#).

As part of its listing of resources, the Colorado Secretary of State's office has made available four election fact sheets on different facets of election security. The fact sheets may be accessed by clicking on the below topic.

[Post Election Audits](#)

[Protection of Ballots](#)

[Protection of Voting Systems](#)

[Verifying Identities of Voters](#)

B. Pre-Election Testing of Equipment - Logic and Accuracy Test

There are several types of election audits and tests that can be conducted throughout the election process. Colorado counties conduct a Logic and Accuracy test prior to every election to verify that each piece of equipment is operating correctly. These tests must be open to public view and must be conducted no later than the 21st day before Election Day. A Hardware Diagnostic Test is also conducted on each device that the designated official will use in the election, including spare or back-up devices.

Colorado law requires county clerks to conduct a hardware and diagnostic test on every voting

systems component that will or may be used in the upcoming election. The county clerk must convene a bipartisan testing board and conduct a pre-election logic and accuracy test (LAT) on randomly selected voting system components. The purpose of this test is to verify the voting system is properly configured and programmed to accurately tabulate votes and record all valid votes, under votes, over votes and blank votes. These tests must be open to public view and must be conducted no later than the 21st day before Election Day. After a LAT, a county may not change the set-up of any tabulation device. Furthermore, machines must be securely stored and will not be used again until election ballot processing begins. Since 2016, there have been over 1000 tests of various kinds of software and hardware.

As added security procedures, voting systems are prohibited from being connected to the internet. Bipartisan teams of election judges or county staff maintain documented chain-of-custody for every voting device after the trusted build. Voting system vendors are not granted administrative or user access to a county's election management system.

VIII. Accuracy, Security and Prevention of Fraud

A. Ballot Design

The design of the ballots and return envelopes has undergone changes making them more user-friendly and secure. In addition, prior to each election, bipartisan teams test ballot proofs for every ballot style to ensure that the scanners (which are never connected to the internet or other networked computers) will read only those ballots. Moreover, after each election, all ballots and envelopes are stored in secure locations for two years so they might be re-examined, if needed, using Colorado's ballot tracking system.

B. Automatic Recounts

By statute, Colorado requires automatic recounts if the difference between the highest number of votes cast in an election contest and the next-highest number of votes cast is less than or equal to one-half of one percent (0.5%) of the highest vote cast in that election. It must be completed within 35 days after Election Day. Automatic recounts are paid for by the entity that certified the candidate or ballot measure in question.

A recount can be requested within 28 days after the election. The deadline for completion is no later than 37 days after the election. No margin is required. The requestor is responsible to pay for the costs of the recount unless the recount changes the outcome of the election in their favor or changes the results of the election to a margin where the automatic recount would have been required in which case, the cost is refunded to the requestor.

C. Election Certification

An election is not over when the polls close or when the election results are announced on television. In fact, the outcome of the election is not official until the completion of the canvass of votes and certification of results, which may be several weeks after Election Day.

The Bipartisan Policy Center's Task Force on Elections "Logical Election Policy" recommends that state election certification should not be set any earlier than 14 days after a general election, allowing adequate time to complete pre-certification tasks. Short timelines can create tension between speed and accuracy. States should allow extra time to get it right. While most

elections end with a clear winner, it is important to provide adequate time to count and verify results thereby ensuring voter confidence. Pressure from media, candidates, and political parties to quickly conclude the counting process by certifying results has led many states to implement extremely short timelines for post-election processes. In the 2020 election, the certification by Colorado election officials was done on November 30th which was 27 days after Election Day.

Post-election processes include canvassing, auditing and certifying the vote. The canvass is the official count of ballots for any given election. The purpose of the canvass is to account for every ballot cast and ensure that every valid vote cast is included in the election totals. The deadline for the canvass in Colorado is the 22nd day after the election. The canvass is performed at the local level by a bipartisan Board of Canvassers, not election officials.

In a Presidential election, Certification is what the Secretary of State prepares after the election for the presidential electors. The governor signs it, and it is delivered to each elector on or before the 35th day after the general election.

D. Post Election Risk-Limiting Audits

A “Risk-Limiting Audit” (RLA) is a post-election review that provides strong statistical evidence that the reported outcome is correct and provides a high probability of discovering and correcting a wrong outcome. Audits are like recounts insofar as the ballots are reviewed in a separate procedure. But unlike recounts, they don’t just occur when purported losing candidates request them or when the election results in a tie or razor-thin difference. In Colorado, they are conducted as a matter of routine after each election to ensure accuracy. The risk limit of the audit is the largest chance that the audit yields strong evidence of a correct outcome when the reported outcome is, in fact, wrong. Risk-Limiting Audits conclude in one of two ways: (a) it stops when it finds strong evidence that the reported outcome is correct, or (b) when it fails to find strong evidence that the outcome is correct and evolves into a full hand count of the ballots.

Robust audits were conducted in Boulder Colorado starting in 2008. A law requiring risk-limiting audits (RLA) statewide was passed in 2009, and the first was conducted in Boulder in 2010. The first statewide RLA in the country was in Colorado in 2017. Read more on the history at <http://bcn.boulder.co.us/~neal/elections/corla/> According to the statutory language, the goal of the legislature in enacting risk-limiting audits was “to ensure effective election administration and public confidence in the election process” and “to provide a more effective manner of conducting audits than traditional audit methods.” Risk-Limiting Audit methods typically require only limited resources for election races with wide margins of victory while investing greater resources in close races. Experts in election security agree that only Risk-Limiting Audits are comprehensive enough to detect a cyberattack.

The first step in a Risk-Limiting Audit is to establish a “risk limit” which is the largest chance that an incorrectly reported tabulation outcome of a contest will not be corrected by the audit. In Colorado, this risk limit is set by the Secretary of State’s office before the election. For example, a risk limit of 10 percent means that there is at least a 90 percent chance that the audit will correct a wrong outcome. The smaller the risk limit, the greater the number of ballots to initially audit. In accordance with election rules, the Secretary of State established a risk limit of 4% for the comparison of the Risk-Limiting Audit of the November 3, 2020 General Election.

All contests are audited to some degree, and data on all of them is shared, but only a small number are selected for a full Risk-Limiting Audit. The Secretary of State selects which contests to include in the RLA, choosing at least one statewide and one per county. Calculations based on data from these contests are used to determine how many ballots are selected for audit. The auditing process compares manual interpretations of the votes on each selected ballot with the original voting system interpretations, and does so for all the contests. That data is then made available for all contests, but the risk limit is typically not met for all of them. The software which facilitates the audits is open-source.

The audits are managed centrally at the Secretary of State's office but are conducted locally by a bi-partisan audit board in the county clerk's office. This approach, which has been codified in Colorado's election rules, strikes a balance between specifying high-level objectives without micromanaging how each county achieves them.

IX. Colorado's System Aligns with the Recommendations of the Bipartisan Policy Center's Task Force on Elections

The Bipartisan Policy Center's (BPC) Task Force on Elections released a report of recommendations in January, 2020. Members included state and local election officials from diverse states and political ideologies. The BPC Task Force released twenty-one recommendations under the categories of Voter Registration, Casting a Ballot, and Counting the Vote. To ensure Colorado's election model is maintaining standards agreed upon by a diverse group of election administrators, the Colorado League members who have researched information for this paper have referred to the Bipartisan Policy Center's recommendations and have determined Colorado's election model does follow most, if not all, of the task force's applicable recommendations. Although not directly referenced or specified, the above portions of this paper address many of those recommendations. For more information on the Bipartisan Policy Center's Task Force on Elections and its 2020 report, click [here](#).

The BPC Task Force has reconvened since the 2020 election and has produced additional reports and policy recommendations to support bipartisan improvements to the nation's election systems. Links to all available reports are listed in the resource section of this paper.

X. Conclusion

Changes and updates to Colorado's election process are constantly being implemented and can be found on the Colorado Secretary of State's website. This document was created in the spring of 2022 and as such, legislation and rulemaking enacted in 2022 was not evaluated under this informational paper.

Colorado is fortunate to have had election managers, including those from both major political parties, who have led the way for a voter experience that is positive, participatory, and promotes a healthy democracy. While the Colorado system has made great strides in improving access and security, important work remains, and the Colorado League of Women Voters will continue to monitor and advocate for legislation to further promote the ability for all citizens to cast their vote securely.

Further References And Resources

Colorado's History of Elections Prior to 2013 Statewide Reform

The following publications and news features cover the history of Colorado's election system and previous election mishaps and issues.

"How Did Colorado Get Really Good At Elections? By Having Really Bad Ones Before" - 9News Denver
<https://www.9news.com/article/news/local/next/how-did-colorado-get-really-good-at-elections-by-having-really-bad-ones-before/73-364ce63d-8ec6-4039-977f-cf8ca2ccbce7>

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<https://www.denverpost.com/2006/11/07/voting-problems-overwhelm-city/>

"How Colorado Became The Model For Running An Election by Mail" - by Bill Theobald, The Fulcrum
<https://thefulcrum.us/colorado-vote-by-mail>

"The Colorado Voting Experience: A Model That Encourages Full Participation" - by Common Cause and the National Vote at Home Institute
<https://www.commoncause.org/resource/the-colorado-voting-experience-a-model-that-encourages-full-participation/> or

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Phillips, Amber. "What voting by mail looks like when it works." *The Washington Post*. June 12, 2020. <https://www.washingtonpost.com/politics/2020/06/12/how-voting-by-mail-works-colorado/>

Swanson, Conrad. "Colorado's vote-by-mail ballots begin life in Washington State and end in storage. Here's what happens in between." *The Denver Post*. August 16, 2020. <https://www.denverpost.com/2020/08/16/colorado-denver-mail-voting-usps-2020-election/>

Theobald, Bill. "How Colorado Became the Model for Running an Election by Mail." *The Fulcrum*. October 20, 2020. <https://thefulcrum.us/colorado-vote-by-mail>

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El Paso County Clerk and Recorder - Security and Safeguards
<https://clerkandrecorder.elpasoco.com/elections/security-and-safeguards/>

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Institutions & Resources Focused On Elections

Bipartisan Policy Center – Elections

<https://bipartisanpolicy.org/policy-area/elections/>

Reports and Recommendations by the Bipartisan Policy Center Task Force on Elections:

<https://bipartisanpolicy.org/report/logical-election-policy/> *Logical Election Policy*, January 16, 2020

<https://bipartisanpolicy.org/report/voting-experience-2020/> *Improving the Voting Experience After 2020*, April 7, 2021

<https://bipartisanpolicy.org/report/bipartisan-principles-for-election-audits/> *Bipartisan Principles for Election Audits*, November 8, 2021

<https://bipartisanpolicy.org/report/election-observations-challenges/> *Policy to Advance Good Faith Election Observation*, January 10, 2022

<https://bipartisanpolicy.org/report/balancing-security-access-and-privacy-in-electronic-ballot-transmission/> *Balancing Security, Access, and Privacy in Electronic Ballot Transmission*, March 28, 2022

“The Bipartisan Policy Center is a Washington, DC-based think tank that actively fosters bipartisanship by combining the best ideas from both parties to promote health, security, and opportunity for all Americans. Our policy solutions are the product of informed deliberations by former elected and appointed officials, business and labor leaders, and academics and advocates who represent both sides of the political spectrum. BPC prioritizes one thing above all else: getting things done.” .. “Free and fair elections are critical to the health of democracy, and voting is the most important expression of a citizen’s democratic rights. We explore and analyze the entire election ecosystem, from voter registration to casting a ballot to the counting and finalizing of results. Our goal is to help policymakers enact sustainable bipartisan policy reforms, informed by election officials, that improve the voting experience for a diverse electorate.”

Colorado Secretary of State - ACE—Accountability in Colorado Elections

<https://www.sos.state.co.us/pubs/elections/ACE/index.html>

This Colorado Secretary of State webpage provides public access to Colorado election data. The webpage is currently unavailable while the Secretary of State’s office works on rebuilding and updating it. The below webpage carries data and statistics on past elections in the interim.

Colorado Secretary of State - Election Results & Data

<https://coloradosos.gov/pubs/elections/resultsData.html>

This portion of the Colorado Secretary of State website is dedicated to election results, voter registration statistics, and campaign finance.

Colorado Secretary of State - Elections & Voting

<https://www.sos.state.co.us/pubs/elections/>

This portion of the Colorado Secretary of State website is dedicated to providing various information on Colorado’s election and voting processes.

Cybersecurity & Infrastructure Security Agency – Election Infrastructure Security

<https://www.cisa.gov/election-security>

"Fair and free elections are a hallmark of American democracy. The American people's confidence in the value of their vote is principally reliant on the security and resilience of the infrastructure that makes the Nation's elections possible. Accordingly, an electoral process that is both secure and resilient is a vital national interest and one of the Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA)'s highest priorities.

CISA is committed to working collaboratively with those on the front lines of elections—state and local governments, election officials, federal partners, and vendors—to manage risks to the Nation's election infrastructure. CISA will remain transparent and agile in its vigorous efforts to secure America's election infrastructure from new and evolving threats."

Elections Performance Index - Massachusetts Institute of Technology Election Data & Science Lab

<https://elections.mit.edu/#/data/rank>

"The Elections Performance Index (EPI) compares election administration policy and performance across the states and from one election cycle to the next." ... "The EPI was first launched in 2013 by the Pew Charitable Trusts, following close consultation and development with an advisory group of leading election officials and academic experts. In 2017, management and development of the EPI passed to the MIT Election Data and Science Lab, which is dedicated to the nonpartisan application of scientific principles to election research and administration.

The index was made possible through the generosity of the Pew Charitable Trusts, the William and Flora Hewlett Foundation, Democracy Fund, and the provost of MIT."

National Conference of State Legislatures (NCSL) State Elections Resources

<https://www.ncsl.org/research/elections-and-campaigns/election-laws-and-procedures-overview.aspx>

"NCSL is a bipartisan organization that serves the legislators and staffs of the states, commonwealths and territories. It provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues and is an effective and respected advocate for the interests of the states in the American federal system."

The above NCSL webpage is dedicated to election resources for states.

The following webpage has a 50-state overview of the different voting system standards, testing, and certification standards required or not required by states and the U.S. territories.

<https://www.ncsl.org/research/elections-and-campaigns/voting-system-standards-testing-and-certification.aspx>

United States Elections Project - Michael P. McDonald, PhD., University of Florida, Department of Political Science

<http://www.electproject.org/home>

"The United States Elections Project is an information source for the United States electoral system. The mission of the project is to provide timely and accurate election statistics, electoral laws, research reports, and other useful information regarding the United States electoral system. By providing this information, the project seeks to inform the people of the United States on how their electoral system works, how it may be improved, and how they can participate in it."



The Colorado County Clerks Association (CCCA)

<https://sites.google.com/a/clerkandrecorder.org/www/home>

"The Colorado County Clerks Association (CCCA) is a non-governmental entity; its members consist of the 64 County Clerks of Colorado and their designee.

Each Clerk and Recorder's Office is responsible for issuing and recording marriage licenses, recording all real estate transactions, issuing liquor licenses, registering voters, conducting all primary, general and county elections, and, when contracted, municipal and school district elections. The Clerk and Recorder's Office also operates the Motor Vehicle Divisions in the State of Colorado for titling vehicles and issuing license plates."

The Electronic Registration Information Center (ERIC)

<https://ericstates.org/>

"The Electronic Registration Information Center (ERIC) is a non-profit organization with the sole mission of assisting states to improve the accuracy of America's voter rolls and increase access to voter registration for all eligible citizens. ERIC is governed and managed by states who choose to join, and was formed in 2012 with assistance from The Pew Charitable Trusts." ... "The seven states that pioneered the formation of ERIC in 2012 are: Colorado, Delaware, Maryland, Nevada, Utah, Virginia, and Washington."

The Presidential Commission on Election Administration, January 2014

<http://web.mit.edu/supportthevoter/www/>

"This website is a mirror of the site that used to reside at www.supportthevoter.gov, and reflects the final content on the site. No further maintenance is being done. If you have questions, contact Prof. Charles Stewart III at MIT, cstewart@mit.edu"

The above website includes the final report and recommendations submitted to the President in 2014 on the topic of election administration.

The U.S. Election Assistance Commission

<https://www.eac.gov/>

"The U.S. Election Assistance Commission (EAC) was established by the Help America Vote Act of 2002 (HAVA). EAC is an independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information on election administration. EAC also accredits testing laboratories and certifies voting systems, as well as audits the use of HAVA funds.

Other responsibilities include maintaining the national mail voter registration form developed in accordance with the National Voter Registration Act of 1993.

HAVA established the Standards Board and the Board of Advisors to advise EAC. The law also established the Technical Guidelines Development Committee to assist EAC in the development of voluntary voting system guidelines.

The four EAC commissioners are appointed by the president and confirmed by the U.S. Senate. EAC is required to submit an annual report to Congress as well as testify periodically about HAVA progress and related issues. The commission also holds public meetings and hearings to inform the public about its progress and activities."

Verified Voting

<https://verifiedvoting.org/>

"Verified Voting's mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections."