

Rule 1. Definitions

- 1.1 As used in these Rules, unless stated otherwise:
- 1.1.1 “Active ballot” means a ballot properly marked and counted for either a winning candidate or a continuing candidate in a ranked voting election.
 - 1.1.2 “Audio ballot” means a voter interface containing the list of all candidates, ballot issues, and ballot questions upon which an eligible elector is entitled to vote in an election. It also provides the voter with audio stimuli and allows the voter to communicate voting intent to the voting system through vocalization or physical actions.
 - 1.1.3 “Audit log” means a record generated by a voting system, in printed or electronic format, providing a record of activities and events relevant to initializing election management software and hardware, including the identification of files containing election parameters, initializing the tabulation process, processing voted ballots, and terminating the tabulation process.
 - 1.1.4 “Ballot image” means a digitally captured image of a paper ballot.
 - 1.1.5 “Ballot marking device” or “BMD” means a device that may integrate components such as a ballot scanner, printer, touch-screen monitor, audio output, and a navigational keypad and uses electronic technology to:
 - (a) Mark a paper ballot at voter direction;
 - (b) Interpret the ballot selections;
 - (c) Communicate the interpretation for voter verification; and
 - (d) Print a voter-verifiable ballot.
 - 1.1.6 “Ballot measure” means a ballot issue or ballot question as defined in sections 1-1-104(2.3) and (2.7), C.R.S.
 - 1.1.7 “Ballot scanner” means an optical or digital ballot scanner.
 - 1.1.8 “Ballot style” means a specific ballot layout or content for an election. The ballot style is the presentation of the unique combination of contests and candidates for which the voter is eligible to vote. It includes the order of contests and candidates, the list of ballot positions for each contest, and

the binding of candidate names to ballot positions within the presentation. Multiple precincts may use a single ballot style. Multiple styles may appear in a single precinct where voters are split between two or more districts or other categories defining voter eligibility for particular contests and candidates.

- 1.1.9 “Ballots cast” means the total number of ballots received by the county clerk in an election. “Ballots cast” does not include mail ballot envelopes returned to the county clerk by the U.S. Postal Service as undeliverable.
- 1.1.10 “Blank ballot” means a ballot on which the voter has made no marks in any voting position, has marked with an unreadable marker, or has consistently marked outside of the “read” area of the ballot scanner.
- 1.1.11 “Canvass workers” means workers appointed or hired by the designated election official to assist in the preparation and conduct of the canvass.
- 1.1.12 “Cast vote record” or “CVR” means the aggregated ballot-level data on ballots counted, consisting of a single record for each ballot tabulated, showing the manner in which the voting system interpreted and tabulated the voter’s markings on the ballot, as adjudicated and resolved by election judges, if applicable.
- 1.1.13 “Central count” means the county’s principal ballot counting and processing location.
- 1.1.14 “Chain-of-custody log” means a written record documenting security, possession, and control of a voting system component, election record, or other election material.
- 1.1.15 “Closed network” means a network configuration in which voting system components connect to and communicate only with each other and not with the Internet or any other computer network.
- 1.1.16 “Continuing candidate” means a candidate who has not been eliminated but is not a winning candidate in a ranked voting election.
- 1.1.17 “County clerk” means the elected county clerk as chief designated election official for the county.
- 1.1.18 “Damaged ballot” means a ballot that is torn, bent, or otherwise mutilated or rendered unreadable, so that it cannot be processed by the ballot scanner. Damaged ballots include:

- (a) All ballots that contain a foreign substance that could interfere with the ballot scanner (e.g. food, drink, etc.).
 - (b) Ballots that are marked in a medium or manner that cannot be detected by a ballot scanner.
- 1.1.19 “Data entry county” means a county using an election management system that exports a file to be uploaded to the Election Night Reporting system.
- 1.1.20 “De minimis change” means a change to voting system hardware that is so minor in nature and effect that it requires no additional testing by a VSTL.
- 1.1.21 “Department”, “Colorado Department of State”, “Colorado Secretary of State’s Office,” and “Colorado Secretary of State” all mean the Colorado Secretary of State and personnel employed by the Secretary of State to efficiently carry out the powers and duties prescribed by Title 1, C.R.S., as authorized by section 1-1-107(2)(c).
- 1.1.22 “Designated election official” or “DEO” includes the designated election official’s sworn, deputized designee.
- 1.1.23 “Duplicate ranking” means a voter marked more than one ranking for a candidate in a ranked voting election.
- 1.1.24 “Duplicated ballot” means a ballot for which a true copy must be made for the ballot to be properly processed and counted because of damage, improper marking, or any issue that would prevent a ballot tabulating machine from accurately counting the ballot.
- 1.1.25 “Election complaint” means a complaint filed with the Secretary of State under Articles 1 through 13 of Title 1, C.R.S.
- 1.1.26 “Election management software” means the software for election equipment or computers that controls election setup vote recording, vote tabulation, and reporting.
- 1.1.27 “Election management system” means the hardware and software applications used to configure, program, and report election results from one or more voting system components, including the ballot definition and the election reporting subsystem. The election management system may provide utilities for other election administration tasks, including

maintaining equipment inventories, estimating ballot printing needs, and maintaining information on voter service and polling centers.

- 1.1.28 “Election media” means any device including a cartridge, card, memory device, or hard drive used in a voting system for the purposes of storing election setup records (ballot or card styles), recording voting results from electronic vote tabulating equipment, or any other data storage required by the voting system for a particular election function. The election management system typically downloads ballot style information to the election media and uploads results and ballot images from the election media.
- 1.1.29 “Election project backup” means a set of files that is generated by the voting system software’s dedicated backup/export functions and vendor defined procedures after the initial project is created that can be used to restore the voting system to a previous state. This does not include a full or partial hard drive image or clone.
- 1.1.30 “Election setup records” means the electronic records, often in the form of a database or a set of databases, generated by election management software to create and define ballots, tabulation instruction, and other functions related to the election.
- 1.1.31 “Electronic ballot” means a non-paper ballot such as on a touch screen or through audio feedback. After a voter casts an electronic ballot, the voter’s choices must be marked and printed on a paper ballot for subsequent counting by a ballot scanner.
- 1.1.32 “Electronic transmission” means:
- (a) Sending an unvoted ballot by fax, email, or online delivery to:
 - (1) A military or overseas elector under Article 8.3 of Title 1, C.R.S.
 - (2) An elector requesting a replacement for an emergency under section 1-7.5-115, C.R.S.
 - (3) An elector with a disability who requests a ballot under section 1-5-706, C.R.S.
 - (b) Returning a voted ballot by fax, email, or other electronic means.

- 1.1.33 “Firmware” means computer programs stored on read-only memory devices or other electronic circuitry in voting devices that control the basic operation and function of those devices.
- 1.1.34 “Help America Vote Act complaint” or “HAVA complaint” means a complaint filed with the Secretary of State under Title III of the Help America Vote Act (HAVA) and Article 1.5 of Title 1, C.R.S.
- 1.1.35 “Immediate voting area” means the area that is within six feet of the voting equipment, voting booths, and the ballot box.
- 1.1.36 “Inactive ballot” means a ballot that does not count for any candidate for any of the reasons listed in Rule 26.7.
- 1.1.37 “Instant runoff voting contest” means a type of ranked voting contest as set forth in section 1-7-1003, C.R.S., where only one candidate will be elected to the office.
- 1.1.38 “Manual entry county” means a county that does not use an election management system to export data to the Election Night Results system.
- 1.1.39 “Official Observer” means either an observer appointed by the Secretary of State or an observer appointed by the federal government and approved by the Secretary of State. Official Observers may be present in all phases of the election process and perform duties as may be assigned by the Secretary of State, but are subject to Rules and regulations as prescribed by the Secretary of State.
- 1.1.40 “Overvote” means:
- (a) An instance where the elector marked votes for more than the maximum number of candidates or responses for a ballot measure;
 - (b) In a ranked voting contest, a voter marked more than one candidate with the same ranking.
- 1.1.41 “Personally identifiable information” means information about an individual that can be used to distinguish or trace an individual’s identity, such as an elector’s social security number, driver’s license number, email address, month and day of birth, and signature.
- 1.1.42 “Qualified political organization” means an organization that has placed a partisan candidate, certified to the ballot by the Secretary of State in a

congressional vacancy or general election, whose officers have filed proof of organization with the Secretary of State, and continues to meet the requirements of Rules 3.3 and 3.4.

- 1.1.43 “Ranking” means the voter’s assigned number or the numeric position for a candidate to express the voter’s preference for that candidate in a ranked voting election. Ranking number one is the highest rank, ranking number two is the next-highest rank, and so on.
- 1.1.44 “Related to the second degree” means spouse, civil union partner, parents, children, brothers and sisters, grandparents, and grandchildren.
- 1.1.45 “Removable card or cartridge” means a programming card or cartridge, except a voter activation card, that stores firmware, software, or data.
- 1.1.46 “Resolution board” means a bipartisan team of election judges directed by the county clerk to conduct ballot resolution activities described in Rule 18.
- 1.1.47 “Runoff tabulation entity” means the election jurisdiction that will conduct the round-by-round count for a ranked voting contest. For a contest that is wholly within a single county, the county clerk and recorder or designated election official appointed by the municipality holding the ranked voting contest is the runoff tabulation entity. For a contest that is shared by more than a single county, the controlling county, as defined by Rule 4.2.2, is the runoff tabulation entity.
- 1.1.48 “SCORE” means the centralized statewide registration system and the computerized statewide voter registration list described in Part 3 of Article 2 of Title 1.
- 1.1.49 “Seal” means a serial-numbered tamper-evident device.
- 1.1.50 “Secure ballot area” means:
- (a) All areas used for processing ballots, including but not limited to:
 - (1) Signature verification;
 - (2) Ballot opening;
 - (3) Tabulation; or
 - (4) Storage of voted ballots.

- (b) This does not include an area located within a voter service and polling center.

1.1.51 “Secure equipment area” means:

- (a) All areas in which voting system components are used, including but not limited to:
 - (1) Programming;
 - (2) Copying election files to or from memory cards or flash media;
 - (3) Adjudicating ballots;
 - (4) Tallying results;
 - (5) Results reporting; or
 - (6) The storage area for all voting system components.
- (b) This does not include an area located within a voter service and polling center.

1.1.52 “Single transferable vote contest” means a type of ranked voting contest, as set forth in section 1-7-1003, C.R.S., where more than one candidate will be elected to the same office.

1.1.53 “Skipped ranking” means a voter did not rank candidates in numerical order (e.g., voter ranks top candidate with a “1” and second candidate with a “3”, or leaves a ranking blank).

1.1.54 “Split precinct” means a precinct that has a geographical divide between one or more political jurisdictions which results in each jurisdiction within the precinct to be assigned different ballot styles for a specific election.

1.1.55 “Statement of Ballots Form” means the form used at the polling location that accounts for all ballots at that location and includes all information required by Rule 10.

1.1.56 “Surplus fraction” means a fraction calculated by dividing the surplus votes by the total votes cast for the winning candidate, calculated to four decimal places, ignoring any remainder. Surplus fraction = (surplus votes of a

winning candidate)/(total votes cast for winning candidate), calculated to four decimal places, ignoring any remainder.

- 1.1.57 “Surplus votes” means the votes cast for a winning candidate in excess of the winning threshold that may be transferred to a continuing candidate.
- 1.1.58 “Target area” means the square or oval corresponding to the candidate’s name or ballot response (examples: “Yes”, “No”, “For” or “Against”) on a paper ballot.
- 1.1.59 “Transfer” means assigning the vote of an eliminated candidate or the surplus vote of a winning candidate to the next-highest-ranked continuing candidate in the tabulation of an instant runoff voting contest and single transferable vote contest.
- 1.1.60 “Transfer value” means the fraction of a vote in a single transferable vote contest that a transferred ballot will contribute to the next ranked continuing candidate on that ballot. The transfer value of a vote cast for a winning candidate is limited to four decimal places, ignoring any remainder.
- 1.1.61 “Trusted build” means the write-once installation disk or disks for software and firmware for which the Secretary of State has established the chain-of-custody to the building of the disks, which is then used to establish or re-establish the chain-of-custody of any component of a voting system that contains firmware or software. The trusted build is the origin of the chain-of-custody for any software and firmware component of the voting system.
- 1.1.62 “Undervote” means an instance where the voter marked votes for fewer than the maximum number of candidates or responses for a ballot measure.
- 1.1.63 “Video security surveillance recording” means video monitoring by a device that continuously records a designated location or a system using motion detection that records one frame, or more, per minute until detection of motion triggers continuous recording.
- 1.1.64 “Voting system” as defined in section 1-1-104(50.8), C.R.S., means:
- (a) The total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to:

- (1) Define ballots;
 - (2) Cast and count votes;
 - (3) Report or display election results; and
 - (4) Maintain and produce any audit trail information.
- (b) The practices and associated documentation used to:
- (1) Identify system components and versions of such components;
 - (2) Test the system during its development and maintenance;
 - (3) Maintain records of system errors and defects;
 - (4) Determine specific system changes to be made to a system after the initial qualification of the system; and
 - (5) Make available any materials to the voter (such as notices, instructions, forms, or paper ballots).
- (c) “Voting system” does not include any other component of election administration, such as voter registration applications or systems, electronic pollbooks, ballot delivery and retrieval systems, signature verification and envelope sorting devices, ballot-on-demand printers, election night reporting and other election reporting systems, and other components used throughout the election process that do not capture and tabulate votes.

1.1.65 “Voting system test laboratory” or “VSTL” means a federally accredited entity that conducts certification testing for voting systems.

1.1.66 “Winning candidate” means a candidate who is elected after receiving more than 50 percent of the votes on active ballots in an instant runoff contest, or after reaching the winning threshold required in a single transferrable vote contest, or because the number of continuing candidates and other winning candidates is less than or equal to the number of seats to be filled.

1.1.67 “Winning threshold” means the number of votes sufficient for a candidate to be elected in a single transferable vote contest. In such a contest, the winning threshold equals the total votes counted in the first round of

tabulation, divided by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions. Winning threshold = $((\text{Total votes cast}) / (\text{Seats to be elected} + 1)) + 1$, with any fraction disregarded.

1.1.68 “Write-in vote” means a vote where the voter physically writes in the name of a qualified write-in candidate in the space reserved on the ballot for write-in votes.