

Rule 18. Uniform Counting Standards for Paper Ballots

- 18.1 In any election where a multiple page printed ballot is used, a voter must vote and return all pages of the ballot at the same time. Any voter who returns at least one page of a multiple page printed ballot will be considered to have voted and the county clerk or designated election official must count the votes on the submitted pages. The county clerk must not count votes on additional pages returned at a later time. The county clerk must appropriately mark, set aside, and preserve the ballots as election records in accordance with section 1-7-802, C.R.S.
- 18.2 Standards for hand counting paper ballots
- 18.2.1 In accordance with section 1-7-309, C.R.S., and Rule 18.5, judges counting ballots must consider the intent of the voter.
- 18.2.2 If a race or ballot measure is overvoted, the judges must not count any vote for that race or ballot measure.
- 18.2.3 If a race or ballot measure contains no markings by the voter, no tally will be made for that race or ballot measure. But all other candidate races or ballot measures properly marked by the voter on the ballot must be counted.
- 18.2.4 A ballot which has no markings for any candidate races or ballot measures must be tallied as a blank ballot.
- 18.3 Procedures for counting paper ballots on ballot scanners at central count locations
- 18.3.1 Before tabulation, a resolution board must duplicate damaged ballots, and may duplicate ballots with marks that may identify the voter, in accordance with Rule 18.4. Election judges may visually inspect every ballot for the limited purpose of segregating damaged ballots and ballots with marks that may identify the voter.
- 18.3.2 A county must sort ballots requiring resolution according to the capabilities of its voting system. If a county's voting system supports digital ballot resolution, the county must program the voting system to digitally queue

for resolution blank ballots, ballots with write-in votes, and ballots with overvotes. Ballots with marginal or ambiguous markings must be sorted according to the system provider's specifications, or, if different, the applicable Conditions of Use issued by the Secretary of State. The digitally queued ballots must be resolved by election judges in accordance with Rule 18.5.

18.3.3 A resolution board must resolve ballots sorted or rejected for resolution.

- (a) In an election conducted with any partisan ballot content, a resolution board must consist of at least two election judges affiliated with different major political parties.
- (b) In an election conducted without any partisan ballot content, a resolution board must consist of at least two election judges.
- (c) A resolution board must work at each resolution workstation.
- (d) The members of a resolution board for an election may change, but all members of the resolution board at any particular time must satisfy the eligibility requirements specified in Rule 18.3.3.

18.4 Ballot duplication

18.4.1 A resolution board must duplicate a voter's choices or selections on a damaged ballot onto a blank ballot of the same ballot style in accordance with Rule 18.4. During the duplication process, and to the extent necessary, the resolution board must also resolve overvotes, write-in votes, and ambiguous markings in accordance with Rule 18.5.

- (a) The county clerk must train resolution board members to resolve voter intent issues in accordance with the Secretary of State's voter intent guide.
- (b) The county clerk must periodically review duplicated ballots to ensure duplication is being conducted consistent with Colorado law and Rule 18.4.

18.4.2 A county conducting a general assembly or county commissioner vacancy election must duplicate the ballot of a voter who voted in the vacancy

contest, but who, based on their affiliation as of 22 days before election day, was not eligible to vote in the contest. The ballot must be duplicated with the ineligible contest undervoted.

18.4.3 A resolution board must review the original ballot and the duplicated ballot, and consult the Voter Intent Guide if necessary, to ensure that each damaged ballot has been properly and accurately duplicated.

18.4.4 In order to match each damaged ballot to its corresponding duplicated ballot, the resolution board must identify and mark each damaged and duplicated ballot with the type of ballot and a unique number, similar to the following example: mark the damaged ballot “Orig 0001,” and the counterpart duplicated ballot “Dupe 0001.”

18.4.5 The resolution board must maintain a written log itemizing all damaged ballots that it duplicates. The duplication log must include at least each damaged and duplicated ballot’s unique number, the date on which it was duplicated, the reason for duplication, and the printed names and signatures of the members of the resolution board.

18.4.6 A county clerk must count duplicated ballots in the same manner as all other paper ballots.

18.4.7 A county clerk must batch duplicated ballots separately from all other ballots.

18.4.8 Before retention for storage, the resolution board must deposit all duplicated ballots and duplication logs in a sealable container that is clearly marked to identify its contents (e.g., “damaged ballots”). The county must maintain chain-of-custody and seal logs for the damaged ballot container at all times during the statutory election records retention period.

18.5 Ballot resolution

18.5.1 A resolution board must resolve all blank ballots and ballots with overvotes, write-in votes, and ambiguous markings in accordance with the Secretary of State’s Voter Intent Guide.

18.5.2 Resolution of blank ballots.

- (a) A resolution board must examine blank ballots to determine if the ballot is a true blank ballot or one that has been marked in a manner or medium that was not detected by the voting system.
- (b) If the ballot is truly blank, the resolution board must record the ballot as a blank ballot in the voting system's resolution application.
- (c) If the ballot is marked in a manner or medium that can be discerned by the resolution board but cannot be tabulated by the voting system, the resolution board must resolve the ballot in the voting system's resolution application in accordance with Rules 18.5.2(b) and 18.5.3.

18.5.3 Resolution of write-in votes

- (a) A resolution board must resolve all write-in votes in accordance with the Secretary of State's Voter Intent Guide.
- (b) In counties using voting systems featuring digital resolution capable of detecting voter markings on or in a write-in line or area, and if the voter does not mark any of the target areas in a particular contest, the resolution board must resolve during initial adjudication the written name of an eligible write-in candidate as a valid vote for that candidate even if the voter fails to mark the corresponding target area.
- (c) In counties using voting systems that are not capable of detecting voter markings on or in a write-in line or area if the corresponding target area is not also marked, and if the voter does not mark any other target area in a particular contest, the resolution board must count as valid votes for eligible write-in candidates those instances in which the voter both marks the applicable target area and writes in the name of a certified write-in candidate. During any recount, if the number of undervotes in a ballot contest could change the outcome if attributed to an eligible write-in candidate, votes for that candidate must be counted whether or not the target area designating the selection of a write-in candidate has been marked, provided that the number of candidates chosen does not exceed the number permitted in that office.