

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-CV-2321-JLK-KMT

COMMON CAUSE OF COLORADO,  
on behalf of itself and its members;  
MI FAMILIA VOTA EDUCATION FUND; and  
SERVICE EMPLOYEES INTERNATIONAL UNION,  
on behalf of itself and its members,

Plaintiffs,

v.

BERNIE BUESCHER, in his official capacity as Secretary of State  
for the State of Colorado,

Defendant.

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**APPENDIX TO JOINT RESPONSE TO COURT'S SUPPLEMENTAL QUESTIONS  
REGARDING CROSS-MOTIONS FOR SUMMARY JUDGMENT**

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The parties jointly submit the attached Appendix to their Joint Response to Court's Supplemental Questions Regarding Cross-Motions for Summary Judgment. Included in this Appendix are the following documents:

1. Election Rule 2
2. Election Rule 26
3. Voter Information Card
4. Confirmation Card

Respectfully submitted this 13<sup>th</sup> day of October, by the parties:

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**Rule 2. Rules Concerning Voter Registration**

- 2.1 Repealed.
- 2.2 After a receipt of request, the fee for providing the information shall be determined. The fee must be paid prior to the request being filled.
- 2.3 Repealed.
- 2.4 Confidentiality of Agency in Voter Registration. For Voter Registration Applications completed pursuant to Part 5 of Article 2 of Title 1, C.R.S., at an agency designated by the National Voter Registration Act of 1993, no information regarding the name and location of the designated voter registration agency shall be provided to the public, and such information shall remain confidential.
- 2.5 Confidentiality of Voter Information. Pursuant to section 24-72-204(3.5)(b)(II) and (IV), C.R.S., the county clerk and recorder of the county where the individual resides shall provide an opportunity to make the request of confidentiality in person at the time such individual registers to vote or make any change in the individual's registration, and at any other time during the normal business hours of the office of the county clerk and recorder.
- 2.5.1 The voter's name, address, and birth date shall be listed on the confidentiality application. A confidentiality affirmation shall be printed on the form, in the area immediately above a line for the applicant's signature and the date. The affirmation shall state the following:
- "I swear or affirm, under penalty of perjury, that I have reason to believe that I or a member of my household will be exposed to criminal harassment, or otherwise be in danger of bodily harm, if my address is not kept confidential"*
- 2.5.2 Immediately below the signature line, there shall be a printed notice, in a type that is larger than the other information contained on the form, that the applicant may be prosecuted for perjury in the second degree under section 18-8-503, C.R.S., if the applicant signs such affirmation and does not believe such affirmation to be true.
- 2.5.3 A voter making an address change shall not be charged an additional processing fee.
- 2.6 Information required from applicants for voter registration.
- 2.6.1 All applicants for voter registration shall provide on the application for voter registration:
- (1) in the case of an applicant who has been issued a current and valid Colorado driver's license or valid Identification card issued by the department of revenue, the applicant's driver's license number or Identification card number; or
  - (2) in the case of an applicant who has not been issued a current and valid Colorado driver's license or valid Identification card issued by the department of revenue, the last four digits of the applicant's social security number or the entire social security number.
- 2.6.2 If an applicant has not been issued a current valid Colorado driver's license number, a valid Identification card issued by the department of revenue, or a social security number as required by Rule 2.6.1, the applicant shall be assigned a unique identifying number for voter registration purposes.
- 2.6.3 Pursuant to section 1-2-509, C.R.S., a county clerk shall treat an application as

"incomplete" if an applicant for voter registration provides a social security number or a portion of a social security number, but does not provide a driver's license number or identification card number and fails to indicate whether they have a driver's license or identification card number. The county clerk shall notify the applicant that the application is not complete and state the additional information required to complete registration. A county clerk may place such application in an "incomplete" file within the voter registration system, but the applicant shall not be considered registered unless such information is provided. The applicant shall be deemed registered as of the date of application if the additional information is provided at any time prior to the actual voting.

[1-2-204(2)(f.5) and (3)(c)]

- 2.7 Treatment of applications where the required information was not provided
- 2.7.1 If an applicant fails to check the box(es) answering the question(s), "Are you a citizen of the United States?" or "Will you be 18 years of age on or before election day?", the form shall be accepted for registration so long as it is otherwise complete and the affirmation at the bottom of the form is signed.
- 2.7.2 If an applicant for voter registration fails to complete the required identification portion of the form in accordance with section 1-2-204(2)(f.5) and (3)(c), C.R.S., and rule 2.6.3, the application shall be treated as "incomplete"; however, if the applicant submits a photocopy of his/her driver's license or identification card, then the county may enter the ID number from the card into the applicant's record and consider the application "complete".
- 2.7.3 If an applicant for voter registration fails to provide a date of birth the application shall be treated as "incomplete"; however, if the applicant submits a photocopy of his/her driver's license or other approved form of ID which includes the date of birth, then the county may enter that information into the applicant's record and consider the application "complete".
- 2.7.4 If an applicant for voter registration fails to provide his or her gender the application shall be treated as "incomplete; however, if the applicant submits a photocopy of his/her driver's license or other approved form of ID which includes the applicant's gender, then the county may enter "male" or "female" as reflected on the card into the applicant's record and consider the application "complete".
- 2.8 Submission of voter registration forms. A properly executed voter registration form may be submitted to the county clerk and recorder in person, by mail, by fax, by online voter registration, or as a scanned attachment to an email.
- 2.8.1 All voter registrations submitted by mail, fax, or as a PDF attachment to an email shall be treated as mail registrations. [Section 1-2-501, C.R.S., Election Rule 30.3]
- 2.8.2 If any portion of a voter registration submitted by "mail" is illegible, the county clerk and recorder shall notify the applicant of the additional information required in accordance with section 1-2-509, C.R.S.
- 2.8.3 For the purpose of submitting voter registration applications by fax, email or online voter registration, close of business shall be 11:59pm MT.
- 2.9 Registration of Homeless Voters.
- 2.9.1 For the purpose of voter registration residence a homeless voter may identify a specific location within a precinct that the voter considers his home base to which the voter

returns regularly and manifests an intent to remain, and a place from which he or she can receive messages and be contacted. A home base may include a homeless shelter, a homeless provider, a park, a campground, a vacant lot, a business address, or any other physical location.

2.9.2 If the home base does not include a mailing address, then the homeless voter must provide a mailing address pursuant to section 1-2-204(2)(f), C.R.S.

2.9.3 A post office box or general delivery at a post office shall not be deemed a home base.

2.10 Changes to an Elector's Voter Registration Record.

2.10.1 If an elector submits a change to his or her voter registration record that does not contain all of the information required by sections 1-2-216 or 1-2-219, C.R.S., the county clerk and recorder may not make the requested change, unless the county clerk and recorder can confidently identify the voter, otherwise the county clerk and recorder shall notify the voter what additional information is required to process the request.

2.10.2 If an elector submits a change to his or her voter registration record and writes or selects a name of an organization that is not a qualified political party or qualified political organization, or writes "none", the elector's affiliation shall be recorded as "Unaffiliated".

2.10.3 If an elector submits a change to his or her voter registration record and leaves the affiliation section blank, no change will be made to the voter's affiliation in the registration record.

2.11 For the purposes of section 1-2-605(4)(a), C.R.S., an update to a voter's registration information to change the voter's status from inactive to active must be provided to the county clerk and recorder by any of the following ways:

a. A signed written request, delivered in person or by U.S. mail, fax, or PDF attachment to an email; or

b. Oral request in person when voter presents identification.

2.11.1 In the case of the applicant's inability to sign, the elector's mark shall be witnessed by another person.

2.12 Registration of Address Confidentiality Program (ACP) Electors

2.12.1 When an ACP participant registers to vote by mail, the elector shall provide identification pursuant to Rule 30.3 and a copy of his/her ACP Authorization Card.

2.12.2 ACP participants shall be registered to vote as permanent mail-in ballot voters. Nothing in this rule shall preclude a participant from surrendering his/her mail-in ballot in the same manner as other permanent mail-in ballot voters.

2.12.3 Pursuant to section 24-21-208(3)(a), C.R.S., the designated election official shall:

2.12.3.1 Use the actual address of a program participant for precinct designation and shall keep the participant's address, county, and voting precinct and split number confidential from the public.

2.12.3.2 Use the substitute address, as defined in section 24-21-203 (13), C.R.S., for all correspondence and mailings placed in the United States mail.

- 2.12.4 A state or local government agency's access to an ACP participant's voter registration shall be governed by the disclosure process set forth in section 24-21-210, C.R.S.
- 2.12.5 Except as specifically provided by Part 2, Article 21 of Title 24, C.R.S., a program participant's actual address and telephone number maintained by a state or local government agency is not a public record that is subject to inspection pursuant to the provisions of part 2 of article 72 of title 24 (known as "CORA").
- 2.13 Preservation of Voter Registration Records. Notwithstanding the retention timelines specified in section 1-2-227, C.R.S., paper voter registration records may be destroyed as soon as they have been digitally recorded in the statewide voter registration database known as "SCORE". Such records shall be retained in perpetuity in digital format by the voter registration database in accordance with Title 1, C.R.S. and this rule.
- 2.14 In accordance with section 1-2-508, C.R.S., the effective date of a voter registration application received at the office of the Secretary of State shall be the date of receipt by the office of the Secretary of State, or in the case of an application received by mail, the date of the postmark if legible.
- 2.15 Repealed.
- 2.16 An elector who has received notice that his or her application for registration may not be processed or whose registration was cancelled because his or her name was matched with a record bearing the same name, date of birth, and social security number in the databases provided by Colorado Department of Corrections or Colorado Department of Public Health and Environment, and who believes that the match was erroneous, may request that his or her application be processed or registration be reinstated if he or she:
- a. Appears in person at the office of the county clerk and recorder and presents identification; or
  - b. Returns to the office of the county clerk and recorder a signed, notarized, and dated statement affirming that he or she believes the match was in error. This statement must contain the elector's printed name, residential address, and date of birth.
- 2.17 When a county clerk and recorder deems an applicant "not registered" upon receipt of an undeliverable new voter notification in accordance with section 1-2-509(3), C.R.S., the applicant shall be mailed a confirmation card by forwardable mail. The confirmation card shall have a postage prepaid returnable portion that is preaddressed to the sending county clerk and recorder.
- 2.17.1 If the county clerk and recorder receives a signed confirmation card within 90 days from an applicant who was deemed "not registered" in accordance with section 1-2-509(3), C.R.S., the applicant shall be deemed registered as of the date of the original application.
- 2.17.2 During the 28 days prior to an election, if an applicant who has been deemed "not registered" in accordance with section 1-2-509(3), C.R.S., completes a certificate of registration and presents identification in person at the office of the county clerk and recorder, the applicant shall be deemed registered as of the date of the original application.
- 2.18 List Maintenance Pursuant to section 8 of the National Voter Registration Act of 1993.
- 2.18.1 When a voter information card or confirmation card is returned by the United States Postal Service to the county clerk and recorder as undeliverable, the county clerk and

recorder shall mark the voter's record "Inactive – returned mail" and in the case of a returned voter information card, shall mail a confirmation card.

2.18.2 National Change of Address (NCOA). Counties may utilize the NCOA to send mailings to electors who may have moved to request that the electors update their voter registration records. However, no county may update the registration address of any registration record or change the status of an elector to "inactive" based solely upon the information provided by NCOA.

2.18.3 In accordance with section 1-2-605(7), C.R.S., no later than 90 days following a General Election, the county clerk and recorder in each county shall cancel only the registrations of electors who have met the following requirements:

- a. Whose records have been marked "Inactive – returned mail", "inactive – undeliverable", or "Inactive – undeliverable ballot";
- b. Who have been mailed a confirmation card; and
- c. Who have since failed to vote in two consecutive General elections.

## 2.19 Confirmation card

2.19.1 "Confirmation card" means a mailing by forwardable mail that includes a registration form so that the voter may update his or her registration or request a mail-in ballot. The mailing shall be postage prepaid and have a returnable portion that is preaddressed to the sending county clerk and recorder.

2.19.2 In accordance with section 1-1-109(1), C.R.S., the Secretary of State shall consider best practices and usability in the design of the confirmation card in order to minimize voter confusion.

## 2.20 Voter registration status designations.

### 2.20.1 Definitions

- a. "Active status" or "active record" means that there are no conditions or restrictions on the voter's eligibility.
- b. "Cancelled status" or "cancelled record" means that the voter's registration has been cancelled or revoked based upon a determination that the voter is ineligible, or the applicant has been deemed not registered in accordance with these rules and Title 1, C.R.S.; or the voter has withdrawn their registration.
- c. "Inactive – failed to vote status" means that the voter was active prior to a General Election, but subsequently failed to vote in that General Election.
- d. "Inactive – returned mail status" or "inactive – undeliverable status" means that a voter information card or confirmation card was returned to the county clerk and recorder by the United States Postal Service as undeliverable.
- e. "Inactive – undeliverable ballot status" means that a voter was mailed a ballot that was subsequently returned to the county clerk and recorder by the United States Postal Service as undeliverable.

### 2.20.2. Effect of voter registration status designation

- a. Active status or active record voters' names will appear on the poll book, they will be sent a ballot in a mail ballot election, and they will be sent election notice mailings.
- b. Cancelled status or cancelled record voters' records will remain in the statewide voter registration database; however, their names will not appear on the poll book, they will not be sent a ballot in a mail ballot election, and they will not be sent election notice mailings.
- c. Inactive – failed to vote status voters are eligible voters; their names will appear on the poll book and they will be sent election notice mailings. Inactive – failed to vote voters will be sent a ballot in a mail ballot election where specifically required by sections 1-7.5-107 and 1-7.5-108.5(b), C.R.S.
- d. Inactive – returned mail status or inactive – undeliverable status voters are eligible voters and their names will appear on the poll book. However, they will not be sent ballots in a mail ballot election and they will not be sent election notice mailings.
- e. Inactive – undeliverable ballot status voters are eligible voters and their names will appear on the poll book. However, they will not be sent a ballot in a mail ballot election and they will not be sent election notice mailings.

[Sections 1-2-605(3) and (11), 1-5-206, 1-7-110, 1-7.5-107, and 1-7.5-108.5, C.R.S.]

## 2.21 Minimum matching criteria

- 2.21.1 A record may not be transferred, consolidated, or cancelled unless the minimum matching criteria as set forth in sections 1-2-603 and 1-2-604, C.R.S., are met. If the minimum matching criteria are not met the county may send a letter to the voter requesting confirmation of the missing or non-matching information in order to transfer, consolidate, or cancel the record.
- 2.21.2 For the purpose of sections 1-2-603 and 1-2-604, C.R.S., and this Rule a match of the name shall mean a match of the full name, except that the following shall be sufficient to establish a match:
  - (a) Common variations and nicknames in the first or middle name, i.e. Michael and Mike;
  - (b) Explainable and documented change of name, including last name, i.e. maiden name and married name; and
  - (c) Explainable and documented variations in suffix, except that the absence of a suffix in one of the records shall not be considered a variation. Examples of suffix variations that must be explained include junior in one record and III in another.
- 2.21.3 For the purpose of sections 1-2-603 and 1-2-604, C.R.S., and this Rule a match of the prior address shall mean a match of the residential street address.
- 2.21.4 The county clerk and recorder may use the DMV Motor Voter database to verify prior name or residence address history for the purpose of meeting the minimum matching criteria. The information gathered must be scanned and retained in the elector's record in order to document how the criteria was met.

- 2.22 Effective January 1, 2012, no county may consolidate or cancel duplicate records in accordance with section 1-2-604, C.R.S., within the period beginning 90 days prior to a Primary or General Election.
- 2.23 Until January 1, 2012, the county clerk and recorder shall mail a letter to any electors whose records are consolidated or whose duplicate record is cancelled in accordance with section 1-2-604, C.R.S., within the period beginning 90 days prior to a Primary or General Election. The letter shall be sent to the address of the record cancelled or consolidated, it shall advise the elector of the consolidation or cancellation, and it shall inform the elector how he or she may correct any errors. This rule is repealed effective January 1, 2012.

**Rule 26. Rules Concerning Provisional Voting**

## 26.1 General Rules Regarding Provisional Voting

26.1.1 Eligible electors who have moved within the State of Colorado before the registration deadline may vote a provisional ballot at the polling place on Election Day or in the clerk and recorder's office or designated offices.

26.1.2 Repealed

26.1.3 An elector who has requested and has been issued a mail-in ballot shall be permitted to cast a provisional ballot on election day upon his or her declaration that they have not and will not cast any vote in the election other than by that provisional ballot.

26.1.4 Provisional ballots for voters who have requested mail-in ballots shall be separated from other provisional ballots and shall not be counted until all mail-in ballots cast in the election have been counted.

26.1.5 For the purposes of Title 1, Article 8.5, C.R.S. and this Rule 26, "statewide offices" shall be defined as the following:

- Governor-Lieutenant Governor (as a pair)
- Attorney General
- Secretary of State
- Treasurer
- Regent of the University of Colorado – At Large
- Justice of the Supreme Court
- Judge of the Court of Appeals

26.1.6 Voter Access to Provisional Ballot Information Required by section 1-8.5-111, C.R.S.

26.1.6.1 The system shall be made available to the voter for no less than thirty (30) days following the date of the election.

26.1.6.2 The system shall provide access to information at no cost to the voter, regardless of the voter's location, by toll-free telephone call, internet website, or other suitable medium, pursuant to 1-8.5-111, C.R.S.

26.2 Emergency Registration and use of Provisional Ballots in the County Clerk and Recorder's Office

26.2.1 If the elector applies for an emergency registration that cannot be qualified in the clerk's office at the time of the registration pursuant to section 1-2-217.5(4), C.R.S., the elector shall be issued a provisional ballot. The elector's registration must be confirmed by the designated election official at the time that the provisional ballots are verified or the provisional ballot shall not be counted.

26.2.2 If an elector whose name is not in the registration records, appears in person at the county clerk and recorder's office and states that he or she has timely registered

through an agency pursuant to section 1-2-504, C.R.S., can affirm to the name, location of, and approximate date he or she completed the application at the agency or provide an application receipt, and provides an ID as defined in section 1-1-104(19.5), C.R.S., the elector shall be offered emergency registration and be offered a regular ballot.

26.2.2.1 If the elector does not provide an ID the elector shall be offered a provisional ballot. The county clerk and recorder shall note on the provisional ballot envelope that the elector did not have an ID.

26.2.2.2 If the elector is able to produce an application receipt from the agency registration, but does not provide an ID pursuant to section 1-1-104(19.5), C.R.S., the elector shall surrender the receipt to the election judge, and the county clerk and recorder shall attach the receipt to the provisional ballot envelope.

26.2.3 If an elector whose name is not in the registration records, appears in person at the county clerk and recorder's office and states that he or she has timely registered through a Voter Registration Drive ("VRD") pursuant to section 1-2-504, C.R.S., can affirm to the location of, and approximate date he or she completed the application with the VRD or provide an application receipt, and provides an ID as defined in section 1-1-104(19.5), C.R.S., the elector shall be offered emergency registration and be offered a regular ballot.

26.2.3.1 If the elector does not provide an ID the elector shall be offered a provisional ballot. The county clerk and recorder shall note on the provisional ballot envelope that the elector did not have an ID.

26.2.3.2 If the elector is able to produce an application receipt from the VRD registration, but does not provide an ID pursuant to section 1-1-104(19.5), C.R.S., the elector shall surrender the receipt to the election judge, and the county clerk and recorder shall attach the receipt to the provisional ballot envelope.

26.2.4 If the elector's eligibility to vote cannot be verified, the provisional ballot shall not count, but may constitute a registration for future elections.

### 26.3 Provisional Voting in the Polling Place

26.3.1 If an elector whose name does not appear on the pollbook states that he or she has timely registered through an agency pursuant to section 1-2-504, C.R.S., the election judge shall:

- (a) Offer the elector a provisional ballot;
- (b) Check the box on the provisional ballot affidavit indicating that the elector was an agency applicant;
- (c) Ask the elector to provide the name and location of the agency and the approximate date he or she completed the application, or provide the application receipt, or both; and
- (d) Note the agency registration information on the affidavit and attach the receipt, if provided, to the outside of the provisional ballot envelope.

26.3.2 If the elector whose name does not appear on the pollbook states that he or she applied to register to vote prior to the close of registration with a voter registration drive (VRD), the election judge shall:

- (a) Offer the elector a provisional ballot;
- (b) Check the box on the provisional ballot affidavit indicating that the elector is a VRD applicant,
- (c) Ask the elector to provide the location and the approximate date he or she completed the application, or provide the application receipt, or both; and
- (d) Note the VRD registration information on the affidavit and attach the receipt, if provided, to the outside of the provisional ballot envelope.

26.3.3 The word "provisional" shall be marked on the provisional ballot and on the pollbook or signature card next to the elector's name.

#### 26.4 Verification of Provisional Ballots

26.4.1 When the designated election official has concluded that all voted provisional ballots have been delivered to and received by the election office, the designated election official shall determine the time that provisional verification and processing begins in accordance with the deadlines set forth in Title 1, C.R.S., and these rules. The designated election official or designee shall complete preliminary verification without opening the provisional ballot envelopes.

26.4.2 Verification of an elector's eligibility to have his or her provisional ballot counted shall be limited to the following sources:

- (a) Sources provided by the Secretary of State or law enforcement agencies regarding felons who are serving a sentence of detention or confinement or on parole;
- (b) The State of Colorado Statewide Voter Registration Database;
- (c) The DMV Motor Voter database (Note: Possession of a driver's license is not conclusive proof of voter registration; elector must have registered to vote through the DMV); and
- (d) The information provided on the provisional ballot envelope, including the affidavit.

26.4.3 When verifying provisional ballots, the designated election official shall check the State of Colorado Statewide voter registration database to determine whether the elector has already voted in the election.

26.4.4 If during verification it appears that the elector attempted to register but was deemed "not registered" in accordance with section 1-2-509(3), C.R.S., the ballot shall be verified and counted as follows:

- (a) If the elector substantially confirms the street address at which he or she attempted to register to vote anywhere on the provisional ballot affidavit, the affidavit is complete, and the elector is otherwise eligible, the ballot shall be

- counted. The elector shall be deemed registered as of the date of the original application.
- (b) If the elector does not substantially confirm the street address at which he or she attempted to register to vote anywhere on the provisional ballot affidavit, the ballot shall not be counted. The provisional ballot affidavit shall be treated as an application for future registration.
- 26.4.5 If during verification it appears that the elector's record was cancelled or consolidated as a duplicate in error, the ballot shall be counted so long as the elector has not cast a ballot in the election, the affidavit is complete, and the elector is otherwise eligible. The elector's record shall be reinstated or unconsolidated.
- 26.4.6 When the designated election official has received both a mail-in ballot and a provisional ballot from an elector, but there is a discrepancy between the signature on the returned mail-in ballot envelope and the elector's signature stored in the statewide voter registration system, the discrepancy must be resolved. Before the provisional ballot may be counted, the elector must affirm that the signature on the mail-in ballot envelope is not his or her signature. Section 1-8.5-105(4) and (5), C.R.S.
- 26.4.7 If during verification it appears that the elector timely applied for registration, but his or her application was incomplete the ballot shall be verified and counted as follows:
- (a) If the elector provided the required information on the provisional ballot affidavit at the time of voting, the ballot shall be counted so long as the elector is otherwise eligible, and has not cast a ballot in the election. The elector shall be deemed registered as of the date of the original application.
- (b) If the elector did not provide the required information on the provisional ballot envelope at the time of voting, the ballot shall not be counted. However, if the provisional ballot envelope lacks a signature, the designated election official shall follow the signature verification procedures in accordance with section 1-8.5-105(3), C.R.S., and Rule 29.
- 26.4.8 If the elector moved within the state, the ballot shall be verified and counted as follows:
- (a) All races and issues shall be counted if the elector indicates that he or she moved to the new residence address in the new county or precinct at least 30 days prior to the election. If the elector does not indicate when he or she moved to the new residence address, all races and issues shall be counted so long as the affirmation is signed. [section 1-8.5-107(2), C.R.S.]
- (b) Only federal and statewide races and issues shall be counted if the elector indicates that he or she moved to the new residence address in the new county or precinct after the close of registration. [section 1-8.5-108(2), C.R.S.]
- 26.4.9 If An elector whose voter registration record is tagged ID required casts a provisional ballot without providing valid identification, the ballot shall be verified and counted as follows:
- (a) The elector shall be sent a letter within three days after the ballot is cast, and no later than three days after election day, explaining that he/she has not provided the required identification. Nothing in this rule shall be construed to prohibit the designated election official from calling the elector; however, a phone call shall not substitute for notification to the elector in writing.

- (b) If the elector provides a copy of valid identification within eight days after election day, the ballot shall be counted so long as the elector has not cast another ballot in the election, the affidavit is complete, and the elector is otherwise eligible.

## 26.5 Counting of Provisional Ballots

26.5.1 If the information contained in the provisional ballot envelope and affidavit provides adequate criteria so that the designated election official is able to confirm under election Rule 26 that the elector is eligible to cast a ballot, the provisional ballot shall count.

26.5.2 Repealed.

26.5.3 Acceptance Codes (Any provisional ballot given an acceptance code shall have all races counted unless otherwise indicated.)

AOK Reviewed and confirmed voter's eligibility.

ADB Election official is knowledgeable that the elector was erroneously sent to the wrong precinct or erroneously given the wrong ballot style in the elector's correct precinct. Voted ballot will be duplicated and only races and issues for which the elector is qualified to vote shall be counted.

AEJ Election judge who was appointed after close of early and mail-in voting and is working outside his or her precinct; judge shall vote on a ballot in the precinct in which he or she is working; voted ballot will be duplicated so that only the races and issues for which the judge is qualified to vote shall be counted.

AAB Voter appeared in person and affirmed under oath that he or she applied for a mail-in ballot but he or she has not and will not cast the mail-in ballot. The designated election official shall determine that voter did not previously cast a mail-in ballot for that election pursuant to Rule 26.

ACP Voter moved from the county in which the voter was registered to another county in the state not less than thirty days before the election and voted in the correct precinct in the new county of residence. The voter's address will be updated. Section 1-8.5-107(2)(a), C.R.S.

AFS Voter is registered in the county but is voting in the wrong precinct or the voter moved from the county in which the voter was registered to another county in the state less than thirty days before the election. Only the votes for federal and statewide offices and statewide ballot issues and questions upon which the voter may vote shall be counted. Section 1-8.5-108(2), C.R.S.

AVD Voter registered through a voter registration drive and the application receipt was surrendered to the election judge, or the elector affirmed as to the approximate date and location of the registration with the voter registration drive in accordance with section 1-2-217.5(2), C.R.S.

AAG Voter registered through an agency and application receipt was surrendered to election judge, or the elector affirmed as to the date, name, and location of the registration with the agency in accordance with section 1-2-217.5(2), C.R.S.

ARD Voter had deficient or incomplete registration. The required information was provided by voter on the provisional ballot envelope. Voter's registration will be amended and registration will be complete. Section 1-2-509(3), C.R.S.

## 26.5.4 Rejection Codes (Any ballot given a rejection code shall not be counted):

- RFS (Rejection federal or state) No federal or state candidates or issues to duplicate.
- RNS (Rejection not signed) Provisional Ballot Affidavit not signed.
- RIN (Rejection incomplete information provided) Required information is incomplete and the designated election official is unable to confirm voter's eligibility.
- RNR (Rejection not registered) Voter did not register by the voter registration deadline or by emergency registration, Colorado voter registration record was not found, or voter was previously cancelled and has not been reinstated pursuant to section 1-2-605(10), C.R.S.
- REE (Rejection envelope empty) Provisional ballot envelope is empty.
- RAB (Rejection voter voted mail-in ballot) Designated election official has confirmed that voter voted a mail-in ballot.
- REV (Rejection based on ballot cast in early voting) Voter voted early.
- RED (Rejection based upon ballot cast on election day) Voter voted in a polling place
- RIP (Rejection based on incorrect party) Incorrect Party in Primary Election.
- RFE (Rejection felon not eligible to vote) Individual was convicted of a felony and is either serving a sentence of confinement or detention or is on parole.
- RWC (Rejection elector not registered in county or State of Colorado) Non-county or non-state resident; therefore voter not eligible to vote in the county where the provisional ballot was voted.
- RID (Rejection first time voter has not supplied identification upon registration or thereafter prior to and during time voter voted) First Time Voter who registered by mail or through a voter registration drive, is tagged as id deficient, and did not provide id at the time of voting.
- RRD (Rejection registration deficient) Voter had deficient or incomplete registration and required information was not provided prior to or at the time of filling in the provisional ballot envelope. Voter's eligibility cannot be established. Section 1-2-509(3), C.R.S.

26.6 The provisional ballot log required by section 1-8.5-110 (4), C.R.S., may be prepared by the designated election official in handwritten or computer-generated form.

26.7 Recount procedures for provisional ballots shall be the same as the recount procedures for other ballots as directed by the Secretary of State.

26.8 Pursuant to section 1-8.5-102(2), C.R.S., the provisional ballot affidavit shall contain the following language:

*I do solemnly affirm that I am a citizen of the United States, that I have attained the age of eighteen years, and that I have resided in the State of Colorado and in my present precinct at least thirty days before the election, or at my current residence address since the date I moved as shown above. I further affirm that the address indicated in this affidavit is my sole legal residence*

*and that I claim no other place as my legal residence. I affirm that if I applied for a Mail-in Ballot I have not and will not cast the Mail-in Ballot that I requested. I further affirm under penalty of law that I have not and will not cast any vote in this election except by the enclosed ballot, that I will not vote in any other precinct, county or state, and that my ballot is enclosed in accordance with the provisions of the "Uniform Election Code of 1992", Article 1 to 13 of Title 1, C.R.S.*

- 26.9 Pursuant to section 1-8.5-103, C.R.S., the size of the provisional ballot envelope or affidavit form shall be in such a manner as to provide to the elector complete and legible information as shown on the state approved form. Any alterations to the standard format shall be submitted to the secretary of state pursuant to the policy statement concerning secretary of state approved forms.
- 26.10 Treatment of the provisional ballot affidavit as an application for, or a change to registration
- 26.10.1 If a provisional ballot affidavit is treated as an application for registration for future elections in accordance with section 1-8.5-103(2), C.R.S., such application shall be subject to the requirements for any other voter registration application.
- 26.10.2 In the case of an elector who is registered, if the provisional ballot affidavit contains changes to the elector's registration his or her record shall be updated accordingly.
- 26.10.3 If a provisional ballot is counted because it was determined that an elector was cancelled or consolidated in error, the elector's record shall be reinstated or unconsolidated and updated accordingly.

MELANIE WOODWARD  
ALAMOSA COUNTY  
PO BOX 630  
ALAMOSA, CO 81101



Presorted  
First Class Mail  
U.S. Postage Paid  
ALAMOSA, CO  
Permit #20

For any questions call 719-589-6681.

**RETURN SERVICE REQUESTED**

VOTER INFORMATION CARD



<b>Voter ID :</b> ██████████	<b>Precinct :</b> 3056202002	<b>Congressional :</b> 3
<b>Party :</b> DEM	<b>Polling Place :</b>	<b>Senate :</b> 5
<b>Date Registered :</b> 05/14/2008		<b>House :</b> 62
<b>Permanent</b>		<b>Commissioner :</b> 1
<b>Mail-In Voter :</b> Yes		<b>School District :</b> 64904
		<b>City / Ward :</b> 2003 / ACW1

*(Name  
address)*

**If there are any changes to your voter registration please complete the form below and return in an envelope to the address on the front of this card.**

Are you a citizen of the United States? (Required) Yes \_\_\_ No \_\_\_

Printed Name \_\_\_\_\_ (Required) Previous Name \_\_\_\_\_ (If Name Change)

Address (Required) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Driver's License # or Dept. of Revenue ID # \_\_\_\_\_ SSN (Last 4 digits) \_\_\_\_\_  
(Required) If you do not have a Colorado Driver's License # or Dept. of Revenue ID # then provide at least the last four digits of your Social Security Number.

Party \_\_\_\_\_ Birth Date \_\_\_\_\_ (Required) Gender M \_\_\_ F \_\_\_ (Required)

**\_\_\_ Please add my name to the list of Permanent Mail-In Voters.**

Mailing Address for your Permanent Mail-In Ballot (if different from Residence or Mailing Address)

\_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**WARNING: IT IS A CRIME To answer or affirm falsely as to your qualifications to register to vote.**

**SELF AFFIRMATION:** I do solemnly affirm that I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least thirty days and in my present precinct at least thirty days before the election. I further affirm that the present address I listed herein is my sole legal place of residence and I claim no other place as my legal residence.

Signature (Required) \_\_\_\_\_ Date \_\_\_\_\_

<<County Clerk Name>>  
 <<County Name>> County Clerk & Recorder  
 <<County Return Address Line 1>>  
 <<County Return Address Line 2>>  
 <<City>>, CO <<Zip Code>>



**FORWARDING SERVICE REQUESTED**

**IMPORTANT  
 VOTER  
 CONFIRMATION**

**OFFICIAL VOTER INFORMATION NOTICE**

<<County Name>> County records indicate either that you have changed your address and mail was undeliverable at your voter registration address or that you failed to vote in the last November election. Please complete the information below and promptly return it to our office so that we can update your voter registration records. When submitting the form, please fold and tape it closed so that your personal information is on the inside and our mailing address with pre-paid postage is on the outside. If you have questions, please call <<County Phone Number>>.

\* <<Voter ID>> \*

<<Voter Name with Suffix>>  
 <<Mailing Address Line 1>>  
 <<Mailing Address Line 2>>  
 <<Mailing Address Line 3>>  
 <<Mailing Address Line 4>>  
 <<Mailing City>>, <<State>> <<Zip>>

1	Last Name (Required)	First Name (Required)	Middle	Suffix	For Official Use Only <<Voter ID # and/or Barcode>>					
2	Residence Address (Required - No PO Boxes) Apt. No. City State Zip Code County						3	Date of Birth (Required)		
4	Mailing Address (If different from above)						5	Gender (Required) <input type="checkbox"/> Male <input type="checkbox"/> Female		
6	CO Driver's License # or Dept. of Revenue ID # (Required) _____ - _____ - _____ <input type="checkbox"/> I do not have a Colorado Driver's License or Dept. of Revenue ID #.			If you do not have a Colorado Driver's License or Dept. of Revenue ID #, then provide the last four digits of your Social Security Number. _____ <input type="checkbox"/> I do not have a Social Security Number.						
7	Are you a Citizen of the United States? (Required) <input type="checkbox"/> Yes <input type="checkbox"/> No Will you be 18 years of age on or before Election Day? (Required) <input type="checkbox"/> Yes <input type="checkbox"/> No If you checked "No" to either of these questions, do not complete this form.	8	Previous Name	Previous Residence Address	Apt. No.	City	State	Zip Code	Previous County	
		Permanent Mail-In Ballot List: Place an (X) in the box to be added or removed from the list. (Optional)								
		<input type="checkbox"/> Add my name to the list. <input type="checkbox"/> Remove my name from the list.								
		9	Mailing Address for your Permanent Mail-in Ballot (If different from your Mailing or Residential Address)							
		Street Address		Apt. No.	City	State	Zip Code			
<p><b>WARNING: It is a crime to swear or affirm falsely as to your qualifications to register to vote.</b>                  Self-Affirmation: I do solemnly affirm that I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least 30 days and in my present precinct at least 30 days before the election. I further affirm that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence.</p>										
10	Telephone (Optional)	<b>Signature or Mark (Required)</b>				<b>Witness Signature (Optional)</b> The Mail-In Ballot Application must be personally signed by the applicant; or, in case of the applicant's inability to sign, the applicant's mark must be witnessed by another person.				
11	Party Affiliation (Required to vote in a party's primary)									
12	<input type="checkbox"/> Yes, I want to be an Election Judge. (Optional)	<b>X</b> _____ Signature (Required)	_____ Date (Required)			<b>X</b> _____ Witness Signature (Optional)	SOS-002420 _____ Date			

SOS-002421

**IMPORTANT NOTICE**

Colorado law provides: A registered elector who is deemed "Active" but who fails to vote in any general election shall have the elector's registration record marked "Inactive" by the County Clerk and Recorder following the general election. C.R.S. 1-2-605 (2)

If the County Clerk and Recorder receives no response to the confirmation card and the elector has been designated "Inactive" for two general elections since the confirmation card was mailed pursuant to the requirements of this article, the County Clerk and Recorder shall cancel the registration record of the elector. C.R.S. 1-2-605 (7)

For all electors whose communication is returned by the United States postal service as undeliverable at the elector's voting address, the County Clerk and Recorder may mark the registration record of that elector with the word "Inactive." Any "Inactive" elector shall be deemed "Active" if the elector completes, signs, and returns a confirmation card. C.R.S. 1-2-605 (1)(b) and C.R.S. 1-2-605(4)(d)

**This is your confirmation card pursuant to Colorado law. Please respond promptly to avoid potential cancellation of your voter registration record.**

**By completing and signing this voter Registration Application, you are affirming the following information:**

(a) You intend to claim the present address as your sole legal place of residence and, in so doing, abandon claim to any other legal residence. (b) You are aware that, if you are a resident of this state for voting purposes, you are also a resident of this state for motor vehicle registration and operation purposes and for income tax purposes. (c) You cannot legally vote in more than one place in any election. (d) You are aware that a violation of the self-affirmation, of which you are about to make, is a criminal act under the laws of this state and you will be subject to the penalties provided by law.

**IDENTIFICATION (Required)  
DO NOT LEAVE QUESTION 6 BLANK**

Pursuant to Federal Law, your completed voter registration form must contain your State of Colorado Driver's License Number or your Dept. of Revenue Identification Number. If you do not have a Driver's License or Dept. of Revenue Identification Number, then you must provide the last four digits of your Social Security Number. If you do not have a Driver's License Number, a Dept. of Revenue Identification Number, or a Social Security Number, you must check the appropriate boxes. A unique identifying number will be assigned to you by the State and you will still be registered to vote.

**NOTE:** If the identification section is left blank and you do not check the boxes indicating you do not have identification, you will not be registered to vote.

Fold Here



Fold Here



<<NAME OF COUNTY CLERK>>  
<<COUNTY NAME CLERK AND RECORDER>>  
<<STREET ADDRESS>>  
<<CITY>>,<<STATE>><<ZIP CODE>>

NO POSTAGE STAMP NECESSARY  
POSTAGE HAS BEEN PREPAID BY

<<NAME OF COUNTY CLERK>>  
<<COUNTY NAME CLERK AND RECORDER>>  
<<STREET ADDRESS>>  
<<CITY>>,<<STATE>><<ZIP CODE>>

Tape Here

Tape Here