



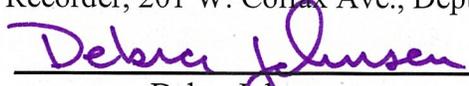
## NOTICE OF ADOPTION OF EMERGENCY ELECTION RULES

Notice is hereby given, pursuant to Article VI of Chapter 2 of the Denver Revised Municipal Code (D.R.M.C), that the Denver Clerk and Recorder, has adopted Emergency Rules (the "Emergency Rules") amending existing election rules to ensure the uniform and proper administration and enforcement of the city's election laws.

The Emergency Rules address the conflict between Denver Charter §§ 8.2.1 and 8.2.21. Denver Charter 8.2.1 requires all Denver City and County elections shall be governed by election laws of the state, except as otherwise provided by charter or ordinance. 8.2.21 provides for a run-off election if a candidate does not receive a majority of votes cast. Ballot certification deadlines in a run-off election conflict with ballot certification deadlines governed by election laws of the state. Specifically, UOCAVA deadlines cannot be met in a run-off election under 8.2.21. The emergency rule specifies UOCAVA ballots will be mailed as soon as practicable in a run-off election.

These rules also clarify the UOCAVA Ballot Access Program will have two separate options: a remote electronic ballot delivery system and a secure mobile application. These options are intended to offer two secure methods to vote for the 2019 Municipal Election and Run-off Election given the unavailability of Secretary of State's secure ballot delivery and return system for these elections. The rules provide procedures to make the two options in the Ballot Access Program available to UOCAVA voters and for the clerk and recorder to supervise use of each system and coordinate activities with third-party vendors including termination of access to the mobile system. Lastly, the rules cross reference Rule 13.4 to reflect an eligible elector may, by reason of a disability, request a reasonable accommodation from the Denver Elections Division to use Ballot Access Program.

Temporary adoption is necessary both to comply with law and preserve the public welfare generally. The Emergency Rules expire after July 31, 2019 and in no event shall they be deemed to be continued in effect for more than one hundred eighty (180) days after the date of adoption. The Emergency Rule is adopted under the authority of 8.1.2(c) of the Denver Charter and in accordance with Article VI of Chapter 2 of the D.R.M.C. The complete text of this rule will be available online at the Denver Elections Division website ([www.DenverVotes.org](http://www.DenverVotes.org)), and in printed form at the Denver Elections Division, 200 W. 14<sup>th</sup> Ave., Denver, CO 80204 and on file at the Office of the Clerk and Recorder, 201 W. Colfax Ave., Dept.101, Denver, CO 80202.



Debra Johnson  
Clerk and Recorder

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**EMERGENCY ELECTION RULES**

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3/11/19  
Date of Signature

3/11/19  
Date of Signature/Adoption

**ELECTION RULES**

**11.2 UOCAVA Ballot Access Program Description.** There is hereby created an “opt-in” pilot program to allow the electronic delivery, marking, and return of ballots by UOCAVA voters registered in the City and County of Denver (the “UOCAVA Ballot Access Program”).

**11.2.1 Minimum Requirements.** At a minimum, the UOCAVA ballot access program will:

- A. Ensure that voter authorization to use the system is limited to absent uniformed services members and overseas electors registered to vote in the City and County of Denver.
- B. **Provide security. The program will:**
  - i. ~~The system will t~~Transmit encrypted information over a secure network;
  - ii. ~~The system will p~~Provide for secure identification and authentication of any information transmitted on the system;
  - iii. Provide protection against abuse, including tampering, fraudulent use, and illegal manipulation of the online system by electors, election officials, or any other individual or group;

iv. Be configured to meet security best practices set by the clerk and recorder in consultation with the Technology Services Department of the City and County of Denver.

**C. Ensure proper delivery of ballots.**

- i. Ensure that authorized voters are provided with instructions and authorizing credentials to access and use the program;
- ii. Ensure that authorized voters receive the applicable ballot style for the respective election.

**D.** Ensure voter's ability to mark ballots by providing authorized voters with the means to inspect the ballot content and to make changes to the selections made on the electronic ballot before the ballot is cast.

**E. ~~Ensure secure r~~Return of ballots.**

- i. ~~Verify that ballots cast are private and secure and have not been viewed or altered by election officials, the online system, officials or employees of the provider of the online system, or any third party such as hackers or intruders between the point of origin of the voting location and the vote-counting destination~~ are returned according to ballot return procedures approved by the clerk and recorder;
- ii. Provide authorized voters with notice that his or her ballot has been cast and received;
- iii. Verify that all votes cast by authorized voters were cast by 7:00 p.m. mountain time on the day of the respective election;
- iv. Ensure that no more than one ballot is counted for any authorized voter, including providing a procedure to limit the number of ballots a voter may cast, to detect if a voter has submitted multiple ballots, and to remove any duplicate ballots from being tabulated;
- v. Provide a method to store and re-examine the ballots cast to allow a later recount, if a recount is to be conducted.

**11.2.2** The clerk and recorder will deliver ballots to absent uniformed services members and overseas elector registered to vote in the City and County of Denver as soon as practicable in any run-off election held pursuant to Part 2 of Article VIII of the Charter.

11.2.3 In order to offer a secure and convenient voting environment while recognizing the unavailability of Secretary of State's secure ballot return system for the 2019 Municipal Election and Run-off Election, the UOCAVA Ballot Access Program shall consist of two separate third-party systems: a remote electronic ballot delivery system and a secure mobile application.

A. Any absent uniformed services members and overseas elector registered to vote in the City and County of Denver who has previously opted to receive a ballot by electronic transmission will receive a ballot through the remote electronic ballot delivery system. Such an elector may, however, opt to use the secure mobile application instead of the remote electronic ballot delivery system.

B. To opt into the secure mobile application, the elector must inform the clerk and recorder of his or her intent no later than the day before the 46<sup>th</sup> day before the Municipal General Election. Notice will be provided to each elector who opts into the secure mobile application that he or she may be required to provide additional identification and authentication requirements compared to the remote electronic ballot delivery system.

C. The clerk and recorder shall supervise the use of each system and will coordinate and direct all services and activities with the third-party vendors to implement the UOCAVA Ballot Access Program.

D. The clerk may suspend or terminate access to either system for an individual elector or for all electors if:

i. a failure in the delivery, access, or return of ballots and materials is detected,

ii. an unauthorized individual has accessed the system or is believed to have accessed the system,

iii. a security breach is detected,

iv. an elector cannot verify that his or her ballot is correct,

v. the clerk is unable to audit the results of the ballots returned through the secure mobile application, or

vi. the clerk determines, in her sole discretion that suspension or termination is necessary for the conduct of elections.

If the clerk suspends access to the secure mobile application, the clerk will instruct affected electors to utilize the remote electronic ballot delivery system.

E. An elector may use only one system to receive a ballot to unless the clerk and recorder terminates access to the application under this Rule.

F. The clerk and recorder may survey an elector who utilizes the secure mobile application to determine the application's viability for future elections.

11.2.4 If an elector requests a reasonable accommodation under Rule 13.4, the clerk and recorder will make available the remote electronic ballot delivery system to the requesting elector.

**11.3 Additional Procedures.** The clerk and recorder has authority to adopt and implement procedures as necessary to implement this rule.

