

DOUGLAS COUNTY CLERK & RECORDER INTERNAL POLICIES

SUBJECT: Rules for Response to Open Records Requests in Proximity to Elections

PURPOSE: To provide clear direction regarding the County's obligations to respond to Open Records requests during election periods when the office needs to devote substantially all of its resources to the impending election.

SCOPE: This policy applies in addition to the County's ADMINISTRATIVE POLICIES AND PROCEDURES: Requests for Public Records Procedure. These Rules are adopted pursuant to Section 24-72-203, C.R.S. They are intended to supplement Douglas County Policy V.2.1, as that policy may be amended from time to time, and the statutory provisions pertaining to the inspection of public records set forth in section 24-72-201, et seq., C.R.S. These Rules are deemed by the official custodian to be reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of duties of the staff of the Office of the Clerk and Recorder.

PRIMARY RESPONSIBILITY: It is the responsibility of all Election supervisors and management to monitor compliance with the County's Open Records Policy and this specific Elections Open Records Policy.

POLICY:

From the time that ballots are mailed to electors (no earlier than 22 days before an election) until final certification of the results by the Clerk and Recorder (no later than 18 days following an election), the Elections Office must devote substantially all of its resources to meeting impending deadlines of the election and the numerous, mandated, statutory duties that must take place before, during and after each election. Therefore, open records requests during this time period will not be permitted to interfere with the Clerk's ability to perform public service responsibilities relating to the conduct of public elections.

Upon consideration of the following factors:

- 1) The breadth of a request,
- 2) The time necessary for responding to a request, and
- 3) The scheduled work activities of the Elections Office
- 4) The nature of the request and the effect of a delay upon the requestor;

if responding to a request would significantly disrupt or otherwise interfere with the duties of the office to conduct an election, the response to such a request may be delayed until:

- 1) 18 days after the election, or
- 2) After the final certification of election results, whichever comes last.

The Clerk and Recorder may, given the circumstances at the time of the request and as an alternative to delaying the response to the request (as provided for above), hire a third party to fulfill the request with such actual costs to be borne by the requestor. This option shall not be used unless the requestor first consents in writing prior to the hiring of a third party to handle the request.

When an Open Records Request is received in the twenty days prior to and following an election, and this policy is invoked in response to the request, Clerk and Recorder, the Chief Deputy County Clerk or the Elections Coordinator (the Clerk's Officials) shall respond to each request within three days of receipt of the request. The response shall include reference to, and an attached copy of, this policy, as well as citation to any relevant sections in the Colorado Revised Statute.

Requests received during the twenty two days prior to and eighteen days following an election which do not necessitate the use of this policy based on the requirements for filling the request or which by their nature cannot be delayed until after the election, shall be responded to as a normal Open Records Request following the County's Open Records Policy.