
SPECIAL DISTRICTS



2004 ELECTIONS SPECIAL DISTRICT ELECTION MANUAL

Department of Local Affairs
1313 Sherman Street, Room 521
Denver, Colorado 80203
303-866-2156
www.dola.state.co.us

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PREFACE

The Department of Local Affairs' Division of Local Government is mandated by state statute (C.R.S. 1-1-108) to provide Title 32 Article 1 special districts a copy of the election laws. The **2004 Elections – Special District Election Manual** ensures that each district has the information needed to conduct or properly cancel its regular biennial election in May of even-numbered years. It is required to be in the hands of each special district by January 15 of even-numbered years. The provision of this manual, however, is not to be construed as legal advice.

This manual contains the election laws and related information. For efficiency, only those portions of Title 1 and Title 32, Article 1 statutes that relate to nonpartisan elections are included here. The manual is divided into five sections: Election Calendar, Title 1 Election Laws, Title 32 Article 1 relevant statutes, Sample Forms and the Election Judges Workbook. The entire document is also available on the Department of Local Affairs' web site – www.dola.state.co.us

The calendar provides a good overall timeline of the election process and can serve as a guide for proceeding through the entire process. It includes the deadline date by which a specific task is to be completed, the statute that relates to the task and the page number of the form, if a form is necessary to complete the task.

In Appendix B there are 56 pages of sample forms and resolutions that can be used to meet statutory requirements. Where useful, procedural instructions have been included at the bottom of the form. The Division of Local Government developed these sample forms as a convenience to special districts. These sample forms were written using relevant statutory citations and election forms from other local governments. Districts are not required to use these specific forms. A district wanting to develop its own forms may want to consult with legal counsel.

Appendix C contains the Election Judges Workbook. This workbook was written to be used as a guide for the election judges training and to be used by election judges at the polling place. Forms referenced in the workbook are located in Appendix B.

Staff in the Division of Local Government are available to provide technical assistance throughout the election process. In addition, staff will also be available on election day, Tuesday, May 4, 2004 from 6:00 AM to 8:00 PM. Please call (303) 866-2156 if you have any questions.

In addition, a series of election training workshops has been scheduled throughout the state beginning in November 2003 through January 2004. The department's web site has information on dates, locations and agenda – www.dola.state.co.us

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**SPECIAL DISTRICT ELECTION CALENDAR
MAY 4, 2004**



SPECIAL DISTRICT ELECTION CALENDAR FOR MAY 4, 2004

(NOTE: The necessary forms are identified as "B#" and are to be found in the 2004 Election - Special District Election Manual which is available from the Department of Local Affairs' web site: www.dola.state.co.us)

DATE/FORM	ACTION
JANUARY 1, 2004 <i>B-17</i>	Absentee ballot applications Earliest day to apply for an absentee ballot. <div style="text-align: right;">C.R.S. § 1-8-104(3)</div>
JANUARY 5, 2004 No later than 120 days	Establishing precincts and polling places for nonpartisan elections. (2) The county clerk and recorder, no later than one-hundred twenty (120) days prior to a regular special district election or regular election of any other political subdivision, shall prepare a map of the county showing the location of the polling places and precinct boundaries utilized in the last November election. Copies of the map shall be available for inspection at the office of the county clerk and recorder and for distribution to the designated election official of each political subdivision. <div style="text-align: right;">C.R.S. § 1-5-102</div>
FEBRUARY 4-19, 2004 No more than 90 and not less than 75 days <i>B-2</i>	Call for nominations. Not less than seventy-five (75) days nor more than ninety (90) days before a regular special district election, the designated election official shall provide notice by publication of a call for nominations for the election. <div style="text-align: right;">C.R.S. § 32-1-804.1</div>
FEBRUARY 27, 2004 Not less than 67 days <i>B-3</i>	Candidates for director - self-nomination and acceptance form. (1) Not less than sixty-seven (67) days before the date of the regular special district election, any person who desires to be a candidate for the office of a special district director shall file a self-nomination and acceptance form or letter signed by the candidate and by a registered elector as a witness to the signature of the candidate. (3) A self-nomination and acceptance form that is not sufficient may be amended once at any time prior to 3 p.m. on the sixty-seventh (67) day before the election. (5) The self-nomination and acceptance form or letter shall be filed with the designated election official or, if none has been designated, the presiding officer or the secretary of the board of directors of the special district in which the election will be held. <div style="text-align: right;">C.R.S. § 32-1-804.3</div>
MARCH 1, 2004 On the 64 th day <i>B-7</i>	Write-in candidate affidavit of intent. (1) Any person who wishes to be a write-in candidate for any office in any election shall file an affidavit of intent stating that he or she desires the office and is qualified to assume its duties if elected. The affidavit of intent shall be filed with the designated election official if it is for a local office. <div style="text-align: right;">C.R.S. § 1-4-1101</div> Time of filing affidavit. (2) In a nonpartisan election, the affidavit of intent shall be filed by the close of business on the sixty-fourth (64) day before the election. <div style="text-align: right;">C.R.S. § 1-4-1102</div>
MARCH 2, 2004 On the 63 rd day <i>B-8</i> <i>B-9</i> <i>B-10</i> <i>B-11</i> <i>B-12</i>	Election may be canceled - when. (1.5) If the only matter before the electors in a nonpartisan election is the election of persons to office and if, at the close of business on the sixty-third (63) day before the election, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the designated election official, if instructed by resolution of the governing body, shall cancel the election and declare the candidates elected. (6) The governing body shall provide notice by publication of the cancellation of the election. A copy of the notice shall be posted at each polling place of the political subdivision, in the office of the designated election official, and in the office of the clerk and recorder for each county in which the political subdivision is located and, for the special districts, a copy of the notice shall be filed in the office of the division of local government. The governing body shall also notify the candidates that the election was canceled and that they were elected by acclamation. <div style="text-align: right;">C.R.S. § 1-5-208</div>

<p>MARCH 2, 2004 (cont.) On the 63rd day</p> <p style="text-align: center;">B-55</p>	<p>Official abstract of votes - nonpartisan elections.(2) If the election is canceled pursuant to section C.R.S. § 1-5-208, the designated election official shall note the cancellation and the declared winner on the certified statement of results and abstract of votes cast, if one is prepared.</p> <p style="text-align: right;">C.R.S. § 1-10-203</p>
<p>MARCH 10, 2004 No later than 55 days</p> <p style="text-align: center;">B-3</p>	<p>Certification of ballot. (3) No later than fifty -five (55) days before a nonpartisan election, the designated election official of each political subdivision which intends to conduct an election shall certify the order of the ballot and ballot content to the county clerk and recorder of each county that has territory within the political subdivision. The order of the ballot and ballot content shall include the name and office of each candidate for whom a petition has been filed with the designated election official and any ballot issues or ballot questions to be submitted to the eligible electors.</p> <p style="text-align: right;">C.R.S. § 1-5-203</p> <p><i>RECOMMENDATION: Initiate contact with other overlapping districts concerning the coordination of polling places and mailing of TABOR Notice.</i></p> <p>Fair Campaign Practices Act - candidate affidavit – disclosure statement . (1)a candidate in a special district election shall file the candidate affidavit or, alternatively, a copy of the candidate’s self-nomination and acceptance form or letter submitted in accordance with section 32-1-804.3, C.R.S., if such form or letter contains a statement that the candidate is familiar with the provisions of this article...</p> <p style="text-align: right;">C.R.S. § 1-45-110</p> <p>Mail Ballot Election –optional. (1) If the governing board of any political subdivision determines that an election shall be by mail ballot, the designated election official for the political subdivision shall conduct any election for the political subdivision by mail ballot under the supervision of the secretary of state and shall be subject to rules which shall be promulgated by the secretary of state.</p> <p style="text-align: right;">C.R.S. § 1-7.5-104</p> <p>Mail Ballot Election – pre-election process. (1) The designated election official responsible for conducting an election that is to be by mail ballot pursuant to section 1-7.5-104(1) shall notify the secretary of state no later then fifty-five (55) days before the election. The notification shall include a proposed plan for conducting the mail ballot election, which may be based on the standard plan adopted by the secretary of state.</p> <p style="text-align: right;">C.R.S. § 1-7.5-105</p>
<p>MARCH 19, 2004 No later than 45 days</p> <p style="text-align: center;">B-23 B-24</p>	<p>Appointment of election judges for nonpartisan elections. (1.5) No later than forty-five (45) days before a regular special district election, the designated election official shall appoint election judges for the special district unless otherwise directed by the board of directors of such district.</p> <p style="text-align: right;">C.R.S. § 1-6-105</p> <p>TABOR Election - receipt of comments concerning ballot issues. (1) Each political subdivision shall accept written comments concerning ballot issues in accordance with this section.</p> <p>(4) Since section 20 (3) (b) (v) of article X of the state constitution requires that comments pertaining to a ballot issue be filed by forty-five (45) days before the election and since the forty-fifth (45) day before any ballot issue election is always a Sunday, all comments shall be filed by the end of the business day on the Friday before the forty-fifth (45) day before the election.</p> <p style="text-align: right;">C.R.S. § 1-7-901</p>
<p>MARCH 25, 2004 No later than 40th day</p>	<p>Registration records for nonpartisan elections. (1) No later than the fortieth (40) day preceding the date of the scheduled nonpartisan election, the designated election official shall order the registration records.</p> <p style="text-align: right;">C.R.S. § 1-5-303</p> <p>Lists of property owners. The designated election official shall order the list of property owners from the county assessor.</p> <p style="text-align: right;">C.R.S. § 1-5-304</p> <p>TABOR Election - preparation of written comments. (4) If no comments are filed in opposition to or in support of a ballot issue, the designated election official shall not prepare any summaries and shall state substantially the following in the ballot issue notice where</p>

<p>MARCH 25, 2004 (cont.) No later than 40th day</p>	<p>the summary or summaries would appear: No comments were filed by the constitutional deadline. <i>(Please note there is not a statutory deadline given for this to be completed, this is a suggested date to assist you in meeting the deadline for mailing your TABOR Notice no later than April 2.)</i></p> <p style="text-align: right;">C.R.S. § 1-7-903</p> <p>TABOR Election - preparation of notices. (2) The designated election officials of overlapping political subdivisions conducting an election other than in November shall confer concerning the preparation of the ballot issue notice not less than forty (40) days prior to the date of the election. The political subdivision conducting the election shall provide for preparation of any required ballot issue notice package by agreement in a form substantially as provided in section 1-7-116.</p> <p style="text-align: right;">C.R.S. § 1-7-905</p> <p>Mail Ballot Election – preelection process. (2) The secretary of state shall approve or disapprove the written plan for conducting a mail ballot election.</p> <p style="text-align: right;">C.R.S. § 1-7.5-105</p> <p><i>RECOMMENDATION: Ask the County Clerk and County Assessor to deliver the lists prior to the 40th day to have sufficient time to compile mailing list for the TABOR Notice that is to be mailed out at least 30 days before the election (April 2).</i></p>
<p>APRIL 2, 2004 At least 30 days</p> <p style="text-align: right;">B-16 B-18 B-19 B-22</p>	<p>TABOR Election. At least thirty (30) days before a ballot issue election, districts shall mail at the least cost, and as a package where districts with ballot issues overlap, a titled notice or set of notices addressed to "All Registered Voters" at each address of one or more active registered electors.</p> <p style="text-align: right;">Section 20 (3)(b) of Article X of the State Constitution</p> <p>Registration records for nonpartisan elections. The designated election official may order a complete list of the registered electors as of the thirtieth (30) day prior to the election with a supplementary list provided on the twentieth (20) day, or the designated election official may order a complete list as of the twentieth (20) day prior to the election.</p> <p style="text-align: right;">C.R.S. § 1-5-303</p> <p>Lists of property owners. The county assessor shall certify and deliver an initial list of all recorded owners of taxable real and personal property within the political subdivision no later than thirty (30) days before the election. The designated election official may order the list of all recorded property owners of taxable real and personal property within the special district as of the thirtieth (30) day before the election with a supplemental list to be provided on the twentieth (20) day before the election, or the designated election official may order a complete list as of the twentieth(20) day before the election.</p> <p style="text-align: right;">C.R.S. § 1-5-304</p> <p>Content of ballots for nonpartisan elections. The designated election official shall provide printed ballots for every election. The official ballots shall be printed and in the possession of the designated election official at least thirty (30) days before the election. Every ballot shall contain the names of all duly nominated candidates for offices to be voted for at that election. The arrangement of the names shall be established by lot at any time prior to the certification of the ballot. The designated election official shall notify the candidates of the time and place of the lot-drawing for the ballot</p> <p style="text-align: right;">C.R.S. § 1-5-406</p> <p>Delivery of absentee ballots and replacement absentee ballots. The absentee ballot and other materials shall be delivered or mailed to the absentee elector within 72 hours after receipt of application, if the official ballots are then printed, or if not then printed, within seventy-two hours after the printed ballots are delivered to the designated election official. If the absentee ballot and other materials are mailed, the envelope shall be marked "DO NOT FORWARD" or by any other similar statement that is in accordance with United States postal service regulations.</p> <p style="text-align: right;">C.R.S. § 1-8-111</p>
<p>APRIL 5, 2004 No later than 29 days</p>	<p>Registration deadline. (3) Electors shall be permitted to register no later than twenty-nine (29) days before any election</p> <p style="text-align: right;">C.R.S. § 1-2-201</p>

<p>APRIL 9, 2004 No later than 25 days</p> <p><i>B-15</i> <i>B-16</i></p>	<p>Establishing precincts and polling places for nonpartisan elections. (1) For nonpartisan elections other than coordinated elections, no later than twenty-five (25) days prior to the election, the designated election official, with the approval of the governing body with authority to call elections, shall divide the jurisdiction into as many election precincts as it deems expedient for the convenience of eligible electors of the jurisdiction and shall designate the polling place for each precinct.</p> <p style="text-align: right;">C.R.S. § 1-5-102</p> <p>Changes in boundaries - nonpartisan elections. (1) Changes in the boundaries of precincts or the creation of new precincts for nonpartisan elections shall be completed no later than twenty-five (25) days prior to scheduled elections.</p> <p style="text-align: right;">C.R.S. § 1-5-104</p> <p>Mail Ballot Election. - procedures for conducting mail ballot election. (3) (a) Not sooner than twenty-five (25) days before an election, and no later than fifteen (15) days before an election, the designated election official shall mail to each active registered elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED", or any other similar statement that is in accordance with United States postal service regulations; except that with prior approval from the secretary of state, the packets shall be sent no later than ten (10) days before election day.</p> <p>(c) No sooner than twenty-five (25) days prior to election day, nor later than 7 p.m. on election day, mail ballots shall be made available at the designated election official's office, or the office designated in the mail ballot plan filed with the secretary of state, for eligible electors who are not listed or are listed as not active on the county voter registration records or, for special district mail ballot elections, on the list of property owners or the registration list but who are authorized to vote pursuant to section 32-1-806, C.R.S., or other applicable law.</p> <p style="text-align: right;">C.R.S. § 1-7.5-107</p>
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<p>APRIL 14, 2004 No later than 20 days</p> <p style="text-align: center;">B-6</p>	<p>Registration records for nonpartisan elections. The county clerk and recorder shall certify and make available no later than the twentieth (20) day preceding the election a supplemental list of the eligible electors who have become eligible since the earlier list was certified. These lists shall substitute for the original registration record. C.R.S. § 1-5-303</p> <p>Lists of property owners. The supplemental list for the political subdivision shall be provided no later than twenty (20) days before the election and shall contain the names and addresses of all recorded owners who have become owners no later than thirty (30) days prior to the election and after the initial list of property owners was provided. C.R.S. § 1-5-304</p> <p>The designated election official may order a complete list of the registered electors and a complete list of the property owners as of the twentieth (20) day prior to the election. C.R.S. § 1-5-304</p> <p>Acceptances - school of instruction - appointment of supply judge. (5) Each designated election official shall hold a class of instruction concerning the tasks of an election judge and a special school of instruction concerning the task of a supply judge no more than twenty (20) days prior to each election. C.R.S. § 1-6-101</p> <p>Mail Ballot Elections - procedures for conducting mail ballot election. (2.5) (a) No later than twenty (20) days before an election, the designated election official, or the coordinated election official if so provided by an intergovernmental agreement, shall provide notice by publication of a mail ballot election conducted pursuant to the provisions of this article, which notice shall state, as applicable for the particular election for which the notice is provided, the items set forth in section 1-5-205 (1) (a) to (1) (d).</p> <p>(2.5) (b) The notice required to be given by this subsection (2.5) shall be in lieu of the notice requirements set forth in sections 1-5-205 (1) and 31-10-501 (1), C.R.S., as applicable for the particular election for which such notice is required. C.R.S. § 1-7.5-107</p> <p>Additional notice – election to create financial obligation. (1) (a) A district submitting a ballot issue concerning the creation of any debt or other financial obligation at an election in the district shall post notice on the district’s website or, if the district does not maintain a website, at the district’s chief administrative office no later than twenty days before the election. (See C.R.S. § 1-7-908 (I) thru (V) for specific notice requirements.) C.R.S. § 1-7-908</p>
<p>APRIL 19, 2004 No later than 15 days</p> <p style="text-align: center;">B-15 B-16</p>	<p>Postcard notice and notice by publication. (2) (a) No later than fifteen (15) days before a nonpartisan election and in addition to the publication required by section 1-5-205, the designated election official or coordinated election official may mail to each household where one or more active eligible electors reside a voter information card. The information on the voter information card may be included with the ballot issue notice</p> <p>(2) (b) For regular board of director elections, the governing body may elect, as an alternative to mailing the voter notification card or voter notification letter to give notice by publication as in 1-5-205 and 1-5-206 (2) (a). C.R.S. § 1-5-206</p> <p>Mail Ballot Election - procedures for conducting mail ballot election. (3) (a) Not sooner than twenty-five (25) days before an election, and no later than fifteen (15) days before an election, the designated election official shall mail to each active registered elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED", or any other similar statement that is in accordance with United States postal service regulations; except that with prior approval from the secretary of state, the packets shall be sent no later than ten (10) days before election day. C.R.S. § 1-7.5-107</p>

<p>APRIL 19, 2004 (cont.) No later than 15 days</p> <p style="text-align: center;"><i>B-41</i></p>	<p>Canvassers for nonpartisan elections. (1.5) Unless otherwise directed by the board of directors of a special district, at least fifteen (15) days before any regular special district election, the designated election official shall appoint at least one(1) member of the board of such district and at least one (1) eligible elector of the special district who is not a member of such board to assist the designated election official in the survey of returns. The persons so appointed and the designated election official constitute the board of canvassers for the election.</p> <p style="text-align: right;">C.R.S. § 1-10-201</p>
<p>APRIL 22, 2004 No later than 12 days</p>	<p>Change of polling place - accessibility for persons with disabilities. (6) Any request for a change of polling place to a polling place which is accessible to persons with disabilities must be received by the designated election official no later than twelve (12) days before the election for which the change is requested.</p> <p style="text-align: right;">C.R.S. § 1-2-225</p> <p>Polling place - designation by sign. All polling places shall be designated by a sign conspicuously posted at least twelve (12) days before each election.</p> <p style="text-align: right;">C.R.S. § 1-5-106</p>
<p>APRIL 23, 2004 No later than 10 days</p> <p style="text-align: center;"><i>B-4</i> <i>B-5</i></p>	<p>Published and posted notice of election. (1) The designated election official, or the coordinated election official if so provided by an intergovernmental agreement, no later than ten (10) days before each election, shall provide notice by publication of the election, which notice shall state, as applicable for the particular election for which notice is provided, the following: (please note form B-4)</p> <p>(1.3) A copy of the notice required by this section shall be posted in a conspicuous place in the office of the designated election official. Sample ballots may be used as notices so long as the information required by this section is included with the sample ballot.</p> <p>(2) At the time that notice by publication is made, the designated election official shall also mail a copy of the notice of the election to the county clerk and recorders of the counties in which the political subdivision is located.</p> <p style="text-align: right;">C.R.S. § 1-5-205</p> <p>Mail Ballot Election –procedures for conducting mail ballot elections. The election officials at the mail ballot counting place may receive and prepare mail ballots delivered and turned over to them by the designated election official for tabulation. Counting of the mail ballots may begin ten (10) days prior to the election and continue until counting is completed. The election official in charge of the mail ballot counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day.</p> <p style="text-align: right;">C.R.S. § 1-7.5-107.5</p> <p>Hours absentee counting place open for receiving and counting absentee ballots. The election officials at the absentee counting place may receive, cast, and prepare for tabulation absentee ballots delivered and turned over to them by the designated election official. Counting of the absentee ballots may begin ten (10) days prior to the election and continue until counting is completed. The election officials in charge of the absentee ballot counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day.</p> <p style="text-align: right;">C.R.S. § 1-8-302</p> <p>Delivery of absentee ballots to supply judge. At any time during the ten (10) days prior to and including the election day, the designated election official shall deliver to the judges of the absentee ballot counting place all the absentee envelopes received up to that time in packages or in ballot boxes that are locked and secured with a numbered seal together with the signed applications for the absentee ballots, the count and the list of absentee electors, and the record of absentee ballots as provided for in section 1-8-108 for which a receipt will be given. The designated election official shall continue to deliver any envelopes containing absentee ballots that may be received thereafter up to and including 7 p.m. on election day. On the sealed packages and boxes of absentee envelopes shall be</p>

<p>APRIL 23, 2004 (cont.) No later than 10 days</p>	<p>printed or written "This package (or box) contains (number) absentee envelopes." With the envelopes, the designated election official shall deliver to the supply judge written instructions, which shall be followed by the election judges in casting and counting the ballots, and all the lists, records, and supplies needed for tabulating, recording, and certifying the absentee ballots</p> <p style="text-align: right;">C.R.S. § 1-8-303</p>
<p>APRIL 30, 2004 Friday before</p> <p style="text-align: center;"><i>B-17</i></p>	<p>Application for absentee ballot. (3) The application for absentee ballots shall be filed with the designated election official of the political subdivision in which the applicant resides or is entitled to vote. The application shall be filed no earlier than January 1 immediately preceding the election and no later than the close of business on the Friday immediately preceding the election.</p> <p style="text-align: right;">C.R.S. § 1-8-104</p>
<p>MAY 3, 2004 At least 1 day prior</p>	<p>Registration record (2) The designated election official, at least one (1) day prior to any election, shall cause the registration records and all necessary registration supplies to be delivered to the supply judge. The registration records shall be delivered in a sealed envelope or container to the supply judge, who shall have custody of and shall give a receipt for the registration records.</p> <p style="text-align: right;">C.R.S. § 1-5-301</p> <p>Printing and distribution of ballots. The designated election official shall have a sufficient number of ballots printed and distributed to the election judges. The packages shall be delivered on any day on which a judges school of instruction is held or by 8 p.m. on the Monday before election day.</p> <p style="text-align: right;">C.R.S. § 1-5-410</p>
<p>MAY 4, 2004</p> <p style="text-align: center;"><i>B-48</i></p> <p style="text-align: center;"><i>B-49</i></p>	<p>ELECTION DAY!!!</p> <p>POLLS OPEN 7:00 A.M. - 7:00 P.M.</p> <p>Counting by counting judges. (1) In precincts having counting judges, the receiving judges, at 8 a.m., or as soon thereafter as the counting judges request the ballot box, shall deliver to the counting judges the ballot box containing all ballots that have been cast up to that time, and the receiving judges shall then proceed to use the other ballot box furnished for voting. The receiving judges shall open, empty, and lock the alternate ballot box in the manner prescribed in section 1-7-301.</p> <p style="text-align: right;">C.R.S. § 1-7-305</p> <p>Delivery of absentee ballots to supply judge. At any time during the ten (10) days prior to and including the election day, the designated election official shall deliver to the judges of the absentee ballot counting place all the absentee envelopes received up to that time in packages or in ballot boxes that are locked and secured with a numbered seal together with the signed applications for the absentee ballots, the count and the list of absentee electors, and the record of absentee ballots as provided for in section 1-8-108 for which a receipt will be given. The designated election official shall continue to deliver any envelopes containing absentee ballots that may be received thereafter up to and including 7 p.m. on election day</p> <p style="text-align: right;">C.R.S. § 1-8-303</p> <p>Counting by receiving judges. In precincts that do not have counting judges, as soon as the polls at any election have closed, the receiving judges shall immediately open the ballot box and proceed to count the ballots in the manner prescribed in section 1-7-307. The receiving judges shall not adjourn until the counting is finished.</p> <p style="text-align: right;">C.R.S. § 1-7-306</p> <p>Judges to post returns. The abstract shall be posted in a conspicuous place which can be seen from the outside of the polling place immediately upon completion of the counting. The abstract may be removed at any time after forty-eight (48) hours following the election.</p> <p style="text-align: right;">C.R.S. § 1-7-602</p> <p>Delivery of election returns, ballot boxes, and other election papers. When all the votes have been read and counted, the election officials shall deliver to the designated election official the certificate and statement required by section 1-7-601, ballot boxes and</p>

<p>MAY 4, 2004 (cont.)</p>	<p>all keys to the boxes, paper tapes, "proms" or other electronic devices, the registration book, poll books, accounting forms, spoiled ballots, unused ballots, ballot stubs, oaths, affidavits, and other election papers and supplies.</p> <p style="text-align: right;">C.R.S. § 1-7-701</p> <p>Mail Ballot Election - procedures for conducting mail ballot election. (3) (c) Mail ballots shall be made available at the designated election official's office or the office designated in the mail ballot plan filed with the secretary of state.</p> <p style="text-align: right;">C.R.S. § 1-7-5-107</p>
<p>MAY 6, 2004 2 days after</p>	<p>Published and posted notice of election. (1.3) A copy of the notice required by this section shall be posted at least ten (10) days prior to the election and until two (2) days after the election in a conspicuous place in the office of the designated election official. Sample ballots may be used as notices so long as the information required by this section is included with the sample ballot</p> <p style="text-align: right;">C.R. S. § 1-5-205</p>
<p>MAY 11, 2004 No later than 7 days after</p> <p style="text-align: center;"><i>B-54</i></p>	<p>Official abstract of votes - nonpartisan elections. (1) No later than seven (7) days after an election, the canvass board shall certify to the designated election official the official abstract of votes for all candidates, ballot issues, and ballot questions in that election.</p> <p style="text-align: right;">C.R.S. § 1-10-203</p>
<p>MAY 14, 2004 No less than 10 days after</p> <p style="text-align: center;"><i>B-55</i></p>	<p>Certificates of election for nonpartisan, ballot issue, or ballot question elections. (2) Except in the case of ballot issues or ballot questions for which a recount is required, immediately after the abstract of vote cast for each ballot issue or ballot question has been prepared, the designated election official shall notify the governing body of the political subdivision conducting the election and the petition representatives of a ballot issue or ballot question of the election result and shall make a certificate of the votes cast for and against each ballot issue and for and against each ballot question available for public inspection in the office of the designated election official for no less than ten (10) days following the completion of the abstract of votes cast by the canvass board.</p> <p style="text-align: right;">C.R.S. § 1-11-103</p>
<p>MAY 18 – JUNE 3, 2004 No later than the 14th day and completed no later than the 30th day</p>	<p>Recount nonpartisan elections not coordinated by the county clerk. If it appears, as evidenced by the abstract of votes cast that a recount is required for any office, ballot question or ballot issue, the designated election official shall order a recount of the votes cast for the office, the ballot issue, or ballot question no later than the fourteenth (14) day after the election. Any recount under this section shall be completed no later than the thirtieth (30) day after the election.</p> <p style="text-align: right;">C.R.S. § 1-10.5-104</p>
<p>JUNE 3, 2004 Within 30 days</p> <p style="text-align: center;"><i>B-55</i> <i>B-8</i> <i>B-9</i> <i>B-10</i> <i>B-11</i> <i>B-12</i></p> <p style="text-align: center;"><i>B-56</i></p>	<p>Certificates of election for nonpartisan, ballot issue, or ballot question elections. (3) The results of a special district election shall be certified to the division of local government within thirty (30) days after the election as provided in section 32-1-104 (1), C.R.S. If an election is canceled, the notice and a copy of the resolution of cancellation shall be filed with the division of local government.</p> <p style="text-align: right;">C.R.S. § 1-11-103</p> <p>Establishment of a special districts file. (1) Each special district shall register its business address, its telephone number, and the name of a contact person with the division when certifying the results of a district election pursuant to section 1-11-103, C.R.S.</p> <p style="text-align: right;">C.R.S. § 32-1-104</p> <p>Oath and bond of directors. (1) Each director, within thirty (30) days after his election except for good cause shown, shall appear before an officer authorized to administer oaths and take an oath that he will faithfully perform his duties of his office as required by law. When an election is cancelled whole or in part, each director who was declared elected shall take the oath within thirty days after the date of the regular election, except for good cause show. The oath may be administered by the county clerk and recorder, by the clerk of the court, by any person authorized to administer oaths in this state, or by the chairman of the board and shall be filed with the clerk of the court and the division.</p>

<p>JUNE 3, 2004(cont.) Within 30 days</p>	<p>(2) At the time of filing said oath, there shall also be filed for each director an individual, schedule, or blanket surety bond.</p> <p>(3) If any director fails to take the oath or furnish the requisite bond within the period allowed, except for good cause shown, his office shall be deemed vacant.</p> <p style="text-align: right;">C.R.S. § 32-1-901</p>
<p>JUNE 18, 2004 45 days after</p>	<p>Special District Debt Authorization. (1) The results of special district ballot issue elections to incur general obligation indebtedness shall be certified by the special district by certified mail to the board of county commissioners of each county in which the special district is located or to the governing body of a municipality that has adopted a resolution of approval for organization of the special district within forty-five (45) days after the election. The special district shall file a copy of any certification with the Division of Securities (1580 Lincoln, Denver, CO., 80203).</p> <p style="text-align: right;">C.R.S. § 32-1-1101.5</p>

C.R.S. § 1-1-106 COMPUTATION OF TIME

- (1) *Calendar days shall be used in all computations to time made under the provisions of this code.*
- (2) *In computing any period of days prescribed by this code, the day of the act or event from which the designated period of days begins to run shall not be included.....*
- (4) *If the last day of any act to be done or the last day of any period is a Saturday, Sunday or legal holiday and completion of such act involves a filing or other action during business hours, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.*
- (5) *If astate statute requires doing an act in “not less than” or “no later than” or “at least” a certain number of days or “prior to” a certain number of days....”before” the date of an election, or any phrase that suggests a similar meaning, the period is shortened to and ends on the prior business day that is not a Saturday, Sunday, or legal holiday...*

TITLE 1
ELECTION LAWS

COLORADO REVISED STATUTES
TITLE 1
ELECTIONS

ARTICLE 1
ELECTIONS GENERALLY

PART 1
DEFINITIONS AND GENERAL PROVISIONS

1-1-101. Short title. Articles 1 to 13 of this title shall be known and may be cited as the "Uniform Election Code of 1992"; within these articles, "this code" means the "Uniform Election Code of 1992".

1-1-102. Applicability. (1) This code applies to all general, primary, congressional vacancy, school district, special district, ballot issue, and other authorized elections unless otherwise provided by this code. This code applies to any municipal election conducted as part of a coordinated election except to the extent that this code conflicts with a specific charter provision. Any municipality may provide by ordinance or resolution that it will utilize the requirements and procedures of this code in lieu of the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S., with respect to any election.

(2) For elections that must be coordinated pursuant to section 20 (3) (b) of article X of the Colorado constitution where the enabling legislation does not require that the electors be registered electors, the political subdivision may conduct its elections pursuant to the enabling legislation but it must assure that the notice required by part 9 of article 7 of this title is provided to the election official responsible for publishing the ballot issue notice.

1-1-103. Election code liberally construed. (1) This code shall be liberally construed so that all eligible electors may be permitted to vote and those who are not eligible electors may be kept from voting in order to prevent fraud and corruption in elections.

(2) It is also the intent of the general assembly that non-English-speaking citizens, like all other citizens, should be encouraged to

vote. Therefore, appropriate efforts should be made to minimize obstacles to registration by citizens who lack sufficient skill in English to register without assistance.

(3) Substantial compliance with the provisions or intent of this code shall be all that is required for the proper conduct of an election to which this code applies.

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(1) "Abstract of votes cast" means a certified record of the results in each election for candidates for any office, ballot issue, or ballot question that the county clerk and recorder certified for the ballot.

(1.1) "Address of record" means the elector's place of residence as specified in accordance with section 1-2-204 (2) (f).

(1.2) "Affiliation" means an elector's decision to affiliate with either a political party or a political organization, as defined in subsections (24) and (25) of this section.

(1.3) "Assembly" means a meeting of delegates of a political party, organized in accordance with the rules and regulations of the political party, held for the purpose of designating candidates for nominations.

(1.5) "Authorizing legislation" means the provisions of the state constitution or statutes or of a local charter authorizing the existence and powers of a political subdivision and providing for the call and conduct of the political subdivision's election.

(1.7) "Ballot" means the list of all candidates, ballot issues, and ballot questions upon which an eligible elector is entitled to vote at an election.

(2) "Ballot box" means the locked and sealed container in which ballots are deposited by eligible electors. The term includes the container in which ballots are transferred from a polling place to the office of the designated election official and the transfer case in which electronic ballot cards and paper tapes and the "prom" or any other electronic tabulation device are sealed by election judges for transfer to the central counting center.

(2.3) "Ballot issue" means a state or local government matter arising under section 20 of article X of the state constitution, as defined in

sections 1-41-102 (4) and 1-41-103 (4), respectively.

(2.5) "Ballot issue notice" means the notice which is required by section 20 (3) (b) of article X of the state constitution and comprises the material between the notice title and the conclusion of the summary of comments.

(2.7) "Ballot question" means a state or local government matter involving a citizen petition or referred measure, other than a ballot issue.

(3) (Deleted by amendment, L. 94, p. 1750, § 1, effective January 1, 1995.)

(4) (Deleted by amendment, L. 93, p. 1394, § 2, effective July 1, 1993.)

(5) "Congressional vacancy election" means an election held at a time other than the general election for the purpose of filling a vacancy in an unexpired term of a representative in congress.

(6) "Convention" means a meeting of delegates of a political party, organized in accordance with the rules and regulations of the political party, held for the purpose of selecting delegates to other political conventions, including national conventions, making nominations for presidential electors, or nominating candidates to fill vacancies in unexpired terms of representatives in congress or held for other political functions not otherwise covered in this code.

(6.5) "Coordinated election" means an election where more than one political subdivision with overlapping boundaries or the same electors holds an election on the same day and the eligible electors are all registered electors, and the county clerk and recorder is the coordinated election official for the political subdivisions.

(7) "County" includes a city and county.

(7.5) "Deliverable mailing address" means the elector's mailing address if different from the elector's address of record as specified in accordance with section 1-2-204 (2) (f).

(8) "Designated election official" means the member of a governing board, secretary of the board, county clerk and recorder, or other person designated by the governing body as the person who is responsible for the running of an election.

(9) "District captain" or "district co-

captain" means any registered elector who is a resident of the district, is affiliated with a political party, and is designated or elected pursuant to political party rules of the county.

(9.5) "District office of state concern" means those elective offices, involving congressional districts or unique political subdivisions with territory in more than one county and with their own enabling legislation, as identified by rules of the secretary of state based upon the method for designating candidates for office and responsibility for identification and qualification of candidates.

(9.6) "Driver's license" means any license, temporary instruction permit, or temporary license issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles and any identification card issued under part 4 of article 2 of title 42, C.R.S.

(10) "Election official" means any county clerk and recorder, election judge, member of a canvassing board, member of a board of county commissioners, member or secretary of a board of directors authorized to conduct public elections, representative of a governing body, or other person contracting for or engaged in the performance of election duties as required by this code.

(11) "Election records" includes but is not limited to accounting forms, certificates of registration, pollbooks, certificates of election, signature cards, all affidavits, absentee voter applications, absentee voter lists and records, absentee voter return envelopes, voted ballots, unused ballots, spoiled ballots, and replacement ballots.

(12) "Elector" means a person who is legally qualified to vote in this state. The related terms "eligible elector", "registered elector", and "taxpaying elector" are separately defined in this section.

(13) "Elector registration information changes" means changes in the name, address, or political affiliation of a registered elector which are allowed by the provisions of this code.

(14) "Electronic vote-tabulating equipment" or "electronic vote-counting equipment" includes any apparatus necessary to examine and count votes automatically as those votes are designated on ballots or ballot cards

and to tabulate the result. The term also includes any apparatus which will count the votes electronically and tabulate the results simultaneously on a paper tape within the apparatus, which uses a "prom" or other electronic device to store the tabulation results, and which has the capability to transmit the votes into a central processing unit for purposes of a printout and an election night count.

(15) "Electronic voting equipment" or "punch card electronic voting system" means a method in which votes are recorded on ballots or ballot cards by means of marking or punching and such votes are subsequently counted and tabulated by electronic vote-tabulating equipment at one or more counting centers. "Electronic voting equipment" includes a system in which votes are recorded electronically within the equipment on paper tape and are recorded simultaneously on a removable "prom" or other electronic device which permits tabulation at a counting center.

(16) "Eligible elector" means a person who meets the specific requirements for voting at a specific election or for a specific candidate, ballot question, or ballot issue. If no specific provisions are given, an eligible elector shall be a registered elector, as defined in subsection (35) of this section.

(17) "General election" means the election held on the Tuesday succeeding the first Monday of November in each even-numbered year.

(18) "Governing body" means a board of county commissioners, a city council, a board of trustees, a board of directors, or any other entity which is responsible for the calling and conducting of an election.

(19) "Gubernatorial" means and refers to voting in general elections for the office of governor.

(19.5) (a) "Identification" means:

(I) A valid driver's license;

(II) A valid identification card issued by the department of revenue in accordance with the requirements of part 3 of article 2 of title 42, C.R.S.;

(III) A valid United States passport;

(IV) A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of

the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;

(V) A valid pilot's license with a photograph of the eligible elector issued by the federal aviation administration or other authorized agency of the United States;

(VI) A valid United States military identification card with a photograph of the eligible elector; or

(VII) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.

(b) Any form of identification indicated in paragraph (a) of this subsection (19.5) that shows the address of the eligible elector shall be considered identification only if the address is in the state of Colorado.

(20) "Joint candidates" means the two candidates for the office of governor and the office of lieutenant governor for whom one vote cast at any general election is applicable to both offices.

(21) (Deleted by amendment, L. 93, p. 1394, § 2, effective July 1, 1993.)

(22) "Major political party" means any political party that at the last preceding gubernatorial election was represented on the official ballot either by political party candidates or by individual nominees and whose candidate at the last preceding gubernatorial election received at least ten percent of the total gubernatorial votes cast.

(22.5) "Major political party affiliation" means an elector's decision to affiliate with a major political party, as defined in subsection (22) of this section.

(23) "Minor political party" means a political party other than a major political party that satisfies one of the conditions set forth in section 1-4-1303 (1) or has submitted a sufficient petition in accordance with section 1-4-1302.

(23.3) "Nonpartisan election" means an election that is not a partisan election.

(23.6) "Partisan election" means an election in which the names of the candidates are printed on the ballot along with their affiliation. The existence of a partisan election for the state or for a political subdivision as a

part of a coordinated election does not cause an otherwise nonpartisan election of another political subdivision to become a partisan election.

(24) "Political organization" means any group of registered electors who, by petition for nomination of an unaffiliated candidate as provided in section 1-4-802, places upon the official general election ballot nominees for public office.

(25) "Political party" means either a major political party or a minor political party.

(26) "Political party district" means an area within a county composed of contiguous whole election precincts, as designated by the political party county chairperson.

(27) "Pollbook" means the list of eligible electors to whom ballots are delivered or who are permitted to enter a voting machine for the purpose of casting their votes at an election conducted under this code.

(28) "Polling place" means the place established for holding elections.

(29) "Population" means population as determined by the latest federal census.

(30) "Precinct" means an area with established boundaries within a political subdivision used to establish election districts.

(31) "Precinct caucus" means a meeting of registered electors of a precinct who are eligible to participate in accordance with the provisions of section 1-3-101, such meeting being organized in accordance with the rules and regulations of the political party.

(32) "Primary election" means the election held on the second Tuesday of August in each even-numbered year.

(33) "Property owners list" means the list furnished by the county assessor in accordance with section 1-5-304 showing each property owner within the subdivision, as shown on a deed or contract of record.

(33.5) "Public assistance" includes, but is not necessarily limited to, assistance provided under the following programs:

(a) The food stamp program, as provided in part 3 of article 2 of title 26, C.R.S.;

(b) Programs established pursuant to the "Colorado Medical Assistance Act", article 4 of title 26, C.R.S.;

(c) The special supplemental food

program for women, infants, and children, as provided for in 42 U.S.C. sec. 1786;

(d) Assistance under the Colorado works program, as described in part 7 of article 2 of title 26, C.R.S.

(34) "Publication" means printing one time, in one newspaper of general circulation in the political subdivision if there is such a newspaper, and, if not, then in a newspaper in the county in which the political subdivision is located. For a political subdivision with territory within more than one county, if publication cannot be made in one newspaper of general circulation in the political subdivision, then one publication is required in a newspaper in each county in which the political subdivision is located and in which the political subdivision also has fifty or more eligible electors.

(34.5) "Referred measure" includes any ballot question or ballot issue submitted by the general assembly or the governing body of any political subdivision to the eligible electors of the state or political subdivision pursuant to article 40 or 41 of this title.

(35) "Registered elector" means an elector, as defined in subsection (12) of this section, who has complied with the registration provisions of this code and who resides within or is eligible to vote in the jurisdiction of the political subdivision calling the election. If any provision of this code requires the signing of any document by a registered elector, the person making the signature shall be deemed to be a registered elector if the person's name and address at the time of signing the document matches the name and address for the person on the registration document at the county clerk and recorder's office, and as it appears on the master elector list on file with the secretary of state.

(36) "Registration book" means the original elector registration records for each county retained and stored by one of the following methods:

(a) On registration records by precinct in bound books arranged alphabetically for all active and all inactive registrations with all withdrawn and canceled registrations kept in separate bound books or on film; or

(b) On film and computer with access to the registration records available both

alphabetically and by precinct. The system shall have the capability to print out active and inactive registration records, to retain the voting history for each active and inactive registration by surname, and to film completed voter signature forms by precinct for each election. Computer lists of registration records shall be furnished for use at the precinct polling places on election days.

(37) "Registration list" means the computer list of electors currently registered to vote as furnished and certified by the county clerk and recorder.

(38) "Registration record" means the approved and completed form on which an elector has registered to vote, which includes the original signature of the registrant. "Registration record" includes a standard-size approved elector registration record to which a nonstandard completed form has been transferred by copy or manual entry.

(39) "Regular biennial school election" means the election held on the first Tuesday in November of each odd-numbered year.

(40) "Regular drainage ditch election" means the election held on the first Tuesday after the first Monday in January of each alternate year.

(41) "Regular regional transportation district election" means the election held concurrently with the state general election in every even-numbered year during which the directors are elected.

(42) "Regular special district election" means the election on the Tuesday succeeding the first Monday of May in every even-numbered year, held for the purpose of electing members to the board of special districts and for submission of ballot issues, if any.

(43) "Residence" means the principal or primary home or place of abode of a person, as set forth in section 1-2-102.

(44) (Deleted by amendment, L. 96, p. 1732, § 2, effective July 1, 1996.)

(45) "School district" means a school district organized and existing pursuant to law but does not include a junior college district.

(45.5) "Self-affirmation" means a sworn statement made in writing and signed by an individual, as though under oath. Any person falsely making a self-affirmation violates section

1-13-104.

(46) "Special election" means any election called by a governing board for submission of ballot issues and other matters, as authorized by their enabling legislation. Any governing body may petition a district court judge who has jurisdiction over the political subdivision for permission to hold a special election on a day other than those specified in this subsection (46). The district court judge may grant permission only upon a finding that an election on the days specified would be impossible or impracticable or upon a finding that an unforeseeable emergency would require an election on a day other than those specified.

(46.3) "Special legislative election" means an election called by the general assembly pursuant to part 3 of article 11 of this title.

(46.5) "Statewide abstract of votes cast" means the record of the results in each election for candidates, ballot issues, and ballot questions that the secretary of state certified for the ballot.

(47) "Supply judge" means the election judge appointed by the designated election official to be in charge of the election process at the polling place on election day.

(48) "Taxable property" means real or personal property subject to general ad valorem taxes. For all elections and petitions that require ownership of real property or land, ownership of a mobile home or manufactured home, as defined in section 5-1-301 (29), 38-12-201.5 (2), or 42-1-102 (106) (b), C.R.S., is sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

(49) "Taxpaying elector" shall have the same meaning as provided in section 32-1-103 (23), C.R.S.

(49.5) "Unaffiliated" means that a person is registered but not affiliated with a political party in accordance with the provisions of section 1-2-204 (2) (j).

(50) "Vote recorder" or "voting device" means any apparatus which the elector uses to record votes by marking or punching a hole in a paper ballot or tabulating card and which subsequently counts the votes by electronic tabulating equipment or records the votes electronically on a paper tape within the

apparatus and simultaneously on a removable "prom" or other electronic tabulation device.

(50.5) "Voter registration agency" means an office designated in section 1-2-504 to perform voter registration activities.

(51) "Watcher" means an eligible elector other than a candidate on the ballot who has been selected by a political party chairperson on behalf of the political party, by a party candidate at a primary election, by an unaffiliated candidate at a general, congressional vacancy, or nonpartisan election, or by a person designated by either the opponents or the proponents in the case of a ballot issue or ballot question. If selected by a political party chairperson, a party candidate, or an unaffiliated candidate, the watcher shall be affiliated with that political party or unaffiliated as shown on the registration books of the county clerk and recorder.

1-1-105. Elections conducted pursuant to provisions which refer to qualified electors. Any election, and any acts relating thereto, including but not limited to elections under this code, the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S., school elections under title 22, C.R.S., and special district elections under title 32, C.R.S., which were conducted prior to July 1, 1987, pursuant to provisions which refer to a qualified elector rather than a registered elector and which were valid when conducted, shall be deemed and held to be legal and valid in all respects.

1-1-106. Computation of time. (1) Calendar days shall be used in all computations of time made under the provisions of this code.

(2) In computing any period of days prescribed by this code, the day of the act or event from which the designated period of days begins to run shall not be included and the last day shall be included. Saturdays, Sundays, and legal holidays shall be included, except as provided in subsection (4) of this section.

(3) If a number of months is to be computed by counting the months from a particular day, the period shall end on the same numerical day in the concluding month as the day of the month from which the computation is

begun; except that, if there are not that many days in the concluding month, the counting period shall end on the last day of the concluding month.

(4) If the last day for any act to be done or the last day of any period is a Saturday, Sunday, or legal holiday and completion of such act involves a filing or other action during business hours, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

(5) If the state constitution or a state statute requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, or any phrase that suggests a similar meaning, the period is shortened to and ends on the prior business day that is not a Saturday, Sunday, or legal holiday, except as provided in section 1-2-201 (3).

1-1-107. Powers and duties of secretary of state - penalty. (1) In addition to any other duties prescribed by law, the secretary of state has the following duties:

(a) To supervise the conduct of primary, general, congressional vacancy, and statewide ballot issue elections in this state;

(b) To enforce the provisions of this code;

(c) With the assistance and advice of the attorney general, to make uniform interpretations of this code;

(d) To coordinate the responsibilities of the state of Colorado under the federal "National Voter Registration Act of 1993", 42 U.S.C. sec. 1973gg;

(e) To serve as the chief state election official within the meaning of the federal "Help America Vote Act of 2002", P.L. No.107-252, and, in that capacity, to coordinate the responsibilities of the state of Colorado under the federal act in accordance with the requirements of this code.

(2) In addition to any other powers prescribed by law, the secretary of state shall have the following powers:

(a) To promulgate, publish, and distribute, either in conjunction with copies of the election laws pursuant to section 1-1-108 or

separately, such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws, including but not limited to rules establishing the amount of fees as provided in this code;

(b) To inspect, with or without the filing of a complaint by any person, and review the practices and procedures of county clerk and recorders, election commissions, their employees, and other election officials in the conduct of primary, general, and congressional vacancy elections and the registration of electors in this state;

(c) To employ, subject to section 13 of article XII of the state constitution, the personnel deemed necessary to efficiently carry out the powers and duties prescribed in this code;

(d) To enforce the provisions of this code by injunctive action brought by the attorney general in the district court for the judicial district in which any violation occurs.

(3) Repealed.

(4) Any other provision of law to the contrary notwithstanding, the office of the secretary of state, or the section or division administering the election laws of this state pursuant to this section, shall be open and available to the election officials and employees of the various political subdivisions conducting elections on each election day during the same hours that the polls are open for voting if the political subdivision has notified the office of the secretary of state that an election has been called and that the services of the office are desired.

(5) The provisions of this section are enacted, pursuant to section 11 of article VII of the state constitution, to secure the purity of elections and to guard against the abuses of the elective franchise.

(6) Repealed.

1-1-108. Copies of election laws and manual provided. (1) No later than sixty days after each adjournment of the general assembly, the secretary of state shall transmit to the county clerk and recorder of each county a complete, updated copy of the pertinent sections of the election laws of the state.

(2) No later than January 15 in even-numbered years, the division of local

government in the department of local affairs shall transmit to the designated election official of each special district organized under article 1 of title 32, C.R.S., entitled to hold elections or, if there is no designated election official, to the chief executive officer of the special district, at least one copy of the election laws. The designated election officials or chief executive officers of those special districts may request additional copies of the election laws.

1-1-109. Forms prescribed. (1) Except as otherwise provided by this code, the secretary of state shall approve all forms required by this code, which forms shall be followed by county clerk and recorders, election judges, and other election officials.

(2) A registered elector shall make elector registration information changes on an approved form, and the elector registration information changes shall be entered on the elector's registration record and retained and stored in a registration book, as provided for in section 1-1-104 (36).

1-1-110. Powers of the county clerk and recorder and deputy. (1) The county clerk and recorder, in rendering decisions and interpretations under this code, shall consult with the secretary of state and follow the rules and orders promulgated by the secretary of state pursuant to this code.

(2) All powers and authority granted to the county clerk and recorder by this code may be exercised by a deputy clerk in the absence of the county clerk and recorder or if the county clerk and recorder for any reason is unable to perform the required duties.

(3) As the chief election official for the county, the county clerk and recorder shall be the chief designated election official for all coordinated elections.

(4) (a) For any elector registered after August 4, 1999, any communication by mail from the county clerk and recorder to any registered elector pursuant to this title, including, but not limited to, a voter information card provided pursuant to section 1-5-206 or an elector information card provided pursuant to section 1-2-605, shall be sent to the elector's address of record unless the elector has requested that said

communication be sent to his or her deliverable mailing address pursuant to section 1-2-204 (2) (k).

(b) For any elector registered as of August 4, 1999, who has provided the county clerk and recorder both an address of record and a deliverable mailing address but has not indicated a mailing preference, any communication by mail from the county clerk and recorder to any registered elector pursuant to this title, including, but not limited to, a voter information card provided pursuant to section 1-5-206 or an elector information card provided pursuant to section 1-2-605, shall be sent to the elector's deliverable mailing address.

1-1-111. Powers and duties of governing boards. (1) In addition to any other duties prescribed by law, the governing board of a political subdivision entitled to call elections shall have the following duties:

(a) To supervise the conduct of regular and special elections which it is authorized or required to call; and

(b) Where appropriate, to consult and coordinate with the county clerk and recorder of the county in which the political subdivision is located and with the secretary of state in regard to conducting elections and rendering decisions and interpretations under this code.

(2) All powers and authority granted to the governing board of a political subdivision may be exercised by an election official designated by the board. The governing body may also contract with the county clerk and recorder of the county in which the political subdivision is organized to perform all or part of the required duties in conducting the election.

(3) Elections which are set for the same date by various political subdivisions may be held as coordinated elections if the governing bodies so choose. Political subdivisions are authorized to cooperate and contract with each other to perform any function relating to an election.

1-1-112. Powers and duties of election commission. The election commission in counties having a commission shall have all the powers and jurisdiction and perform all the duties provided by this code in respect to county

clerk and recorders and boards of county commissioners.

1-1-113. Neglect of duty and wrongful acts. (1) When any controversy arises between any official charged with any duty or function under this code and any candidate, or any officers or representatives of a political party, or any persons who have made nominations or when any eligible elector files a verified petition in a district court of competent jurisdiction alleging that a person charged with a duty under this code has committed or is about to commit a breach or neglect of duty or other wrongful act, after notice to the official which includes an opportunity to be heard, upon a finding of good cause, the district court shall issue an order requiring substantial compliance with the provisions of this code. The order shall require the person charged to forthwith perform the duty or to desist from the wrongful act or to forthwith show cause why the order should not be obeyed. The burden of proof is on the petitioner.

(2) The petitioner shall be required to deposit in court the statutory witness fees pursuant to section 13-33-102, C.R.S., for each person cited or summoned into court as a party or a witness, to be paid to the party or witness if the charge is not sustained. The money so deposited shall be returned to the party depositing it if any of the charges are sustained.

(3) The proceedings may be reviewed and finally adjudicated by the supreme court of this state, if either party makes application to the supreme court within three days after the district court proceedings are terminated, unless the supreme court, in its discretion, declines jurisdiction of the case.

(4) Except as otherwise provided in this part 1, the procedure specified in this section shall be the exclusive method for the adjudication of controversies arising from a breach or neglect of duty or other wrongful act that occurs prior to the day of an election.

(5) Notwithstanding any other provision of law, the procedures specified in section 1-1.5-105 shall constitute the exclusive administrative remedy for a complaint arising under title III of the federal "Help America Vote Act of 2002", P.L. No. 107-252.

1-1-114. Registration deadline. (Repealed)

PART 2
TERMS OF OFFICE

1-1-202. Commencement of terms - nonpartisan officers. The regular terms of office of all nonpartisan officers elected at regular elections shall commence at the next meeting of the governing body following the date of the election, but no later than thirty days following the survey of returns and upon the signing of an oath and posting of a bond, where required, unless otherwise provided by law. If the election is cancelled in whole or in part pursuant to section 1-5-208 (1.5), then the regular term of office of a nonpartisan officer shall commence at the next meeting of the governing body following the date of the regular election, but no later than thirty days following the date of the regular election and upon the signing of an oath and posting of a bond, where required, unless otherwise provided by law.

ARTICLE 2

Qualifications and Registration of Electors

PART 1
QUALIFICATIONS OF ELECTORS

1-2-101. Qualifications for registration. (1) Every person who is eighteen years of age or older on the date of the next election and who has the following qualifications is entitled to register to vote at all elections:

(a) The person is a citizen of the United States; and

(b) The person has resided in this state and the precinct in which the person intends to register thirty days immediately prior to the election at which the person intends to vote; but, in case of an annexation that changes county boundaries, any person otherwise qualified to register to vote under the provisions of this section who has resided within the territory annexed for the time prescribed shall be

deemed to have met the residence requirements for the precinct to which the territory was annexed.

1-2-102. Rules for determining residence. (1) The following rules shall be used to determine the residence of a person intending to register or to vote in any precinct in this state and shall be used by election judges in challenge procedures:

(a) (I) The residence of a person is the principal or primary home or place of abode of a person. A principal or primary home or place of abode is that home or place in which a person's habitation is fixed and to which that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A residence is a permanent building or part of a building and may include a house, condominium, apartment, room in a house, or mobile home. No vacant lot or business address shall be considered a residence.

(II) The mailing address of a homeless individual shall constitute that individual's residence for purposes of registering or voting in any precinct in this state. A homeless individual who has no mailing address shall not be eligible to register or to vote. The mailing address of a homeless individual may include a shelter, a homeless service provider, or a private residence, but it may not include a post office box or general delivery at a post office.

(b) In determining what is the principal or primary place of abode of a person, the following circumstances relating to the person shall be taken into account: Business pursuits, employment, income sources, residence for income or other tax purposes, age, marital status, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, existence of any other residences and the amount of time spent at each residence, and motor vehicle registration.

(c) The residence given for voting purposes shall be the same as the residence given for motor vehicle registration and for state income tax purposes.

(d) A person shall not be considered to have gained a residence in this state, or in any county or municipality in this state, while

retaining a home or domicile elsewhere.

(e) If a person moves to any other state with the intention of making it a permanent residence, that person shall be considered to have lost Colorado residence after thirty days' absence from this state unless the person has evidenced an intent to retain a residence in this state by a self-affirmation executed pursuant to section 1-8-114.

(f) If a person moves from one county or precinct in this state to another with the intention of making the new county or precinct a permanent residence, after thirty days the person shall be considered to have lost residence in the county or precinct from which the person moved.

1-2-103. Military service - students - inmates - mentally ill persons. (1) For the purposes of registration, voting, and eligibility for office, no person shall gain residence by reason of that person's presence, or lose it by reason of absence, while in the civil or military service of the state or of the United States; nor while a student at any institution of higher education; nor while confined in a correctional facility, jail, or state institution.

(2) The provisions of subsection (1) of this section notwithstanding, no person otherwise qualified under the provisions of this code shall be denied the right to register or to vote at any election held within this state solely because that person is a student at an institution of higher education.

(3) No provision in this section shall apply in the determination of residence or residence status of students for any college or university purpose.

(4) No person while serving a sentence of detention or confinement in a correctional facility, jail, or other location or while serving a sentence of parole shall be eligible to register to vote or to vote in any election; however, a confined prisoner who is awaiting trial but has not been tried shall be certified by the institutional administrator and shall be permitted to register to vote by mail registration pursuant to part 5 of this article.

(5) No person confined in a state institution for the mentally ill shall lose the right to vote because of the confinement.

1-2-104. Additional qualifications. The authorizing legislation, as defined in section 1-1-104 (1.5), may provide additional or alternative qualifications for a person to become an eligible elector of a political subdivision.

PART 2 REGISTRATION OF ELECTORS

1-2-201. Registration required - deadline. (1) No person shall be permitted to vote at any election without first having been registered within the time and in the manner required by the provisions of this part 2. No charge shall be made for registration.

(2) Each elector registering shall sign his or her name on the registration record or, if unable to write, shall make a personal mark or be provided assistance to make such a mark by the county clerk and recorder or any other person authorized by the county clerk and recorder or the elector. The elector shall answer the questions required by section 1-2-204 and shall complete the self-affirmation required by section 1-2-205.

(3) Any other provisions of this title to the contrary notwithstanding, electors shall be permitted to vote if the elector is registered to vote no later than twenty-nine days before any primary, presidential, general, special legislative election, municipal, congressional vacancy, special district, or other election, and, if the twenty-ninth day before an election is a Saturday, Sunday, or legal holiday, then electors shall be permitted to register on the next day that is not a Saturday, Sunday, or legal holiday.

1-2-215. Certificate of registration Upon the request of any eligible elector, including requests made at the time of a regular biennial or special school election, special district election, or municipal election, the county clerk and recorder shall make and deliver to the elector a certificate of registration for the elector, setting forth the facts of the elector's registration, including the date, description, and other information recorded in connection with the registration, which certificate shall be attested by the signature of

the county clerk and recorder and the seal of the county.

1-2-225. Change of polling place - accessibility for persons with disabilities.

(1) The general assembly hereby finds, determines, and declares that the purpose of this section is to protect the fundamental right of citizens with disabilities to vote. The general assembly further finds that, where reasonable polling place access for electors with disabilities cannot be provided, other reasonable accommodations should be made to enable those electors to cast their votes.

(2) The elector information card required to be sent to all registered electors pursuant to sections 1-2-605 and 1-5-206 shall include a notice to the elector indicating whether the polling place for the elector is accessible to persons with disabilities. The information card shall also include an affidavit which may be signed and returned to the county clerk and recorder indicating that the elector to whom the information card was sent has a disability and requesting a change of polling place assignment to a location that is accessible to persons with disabilities.

(3) Any registered elector with a disability, or a family member living at the same address as the elector and acting for the elector, may appear at the county clerk and recorder's office in the county in which the elector is registered and sign an affidavit requesting a temporary change of polling place to a place that is accessible to persons with disabilities.

(4) Upon receiving an affidavit requesting a polling place change pursuant to this section, a county clerk and recorder shall temporarily assign the requesting elector to a polling place that uses the same ballot type as the permanently assigned location and is accessible to persons with disabilities, if such a place exists. If more than one such polling place exists, the county clerk and recorder shall assign the polling place that is closest to the elector's residence.

(5) A family member living at the same address as an elector who has changed polling places pursuant to subsection (2) or (3) of this section may also change polling places to vote at the same polling place as the elector with a

disability by filing a request with the county clerk and recorder containing the information required by the county clerk and recorder.

(6) Any request for a change of polling place to a polling place which is accessible to persons with disabilities must be received by the designated election official no later than twelve days before the election for which the change is requested.

(7) Upon granting a request for a temporary change of polling place pursuant to this section, the county clerk and recorder shall make and deliver to the elector a temporary polling place certificate setting forth the facts of the temporary polling place change, including the name of the elector, the date of the election, the type of election, and the address of the temporary polling place. The certificate shall be attested by the hand of the county clerk and recorder and the seal of the county.

(8) An elector who has temporarily changed polling places pursuant to this section shall present the temporary polling place certificate on the day of the election to the election judges at the temporary polling place assigned to the elector. The election judges shall allow the elector to vote at that polling place. The election judges shall use the certificate as a substitute registration record, entering the date of the election and pollbook ballot number on the certificate and including it with the registration book when it is returned to the county clerk and recorder following the election.

(9) Only one application for a temporary change of polling place pursuant to this section must be made for all subsequent primary and general elections in any calendar year. Separate applications for temporary changes of polling places must be made for all other elections.

(10) Any political subdivision which holds elections is authorized to follow the procedures specified in this section for its elections.

1-2-228. Residence - false information - penalty.

Any person who votes by knowingly giving false information regarding the elector's place of present residence commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

ARTICLE 4

Elections - Access to Ballot by Candidates

PART 5

**QUALIFICATIONS AND METHODS OF
NOMINATION**

1-4-501. Only eligible electors eligible for office. (1) No person except an eligible elector who is at least eighteen years of age, unless another age is required by law, is eligible to hold any office in this state. No person is eligible to be a designee or candidate for office unless that person fully meets the qualifications of that office as stated in the constitution and statutes of this state on or before the date the term of that office begins. The designated election official shall not certify the name of any designee or candidate who fails to swear or affirm under oath that he or she will fully meet the qualifications of the office if elected and who is unable to provide proof that he or she meets any requirements of the office relating to registration, residence, or property ownership. The information found on the person's voter registration record is admissible as prima facie evidence of compliance with this section.

(2) No person is eligible to be a candidate for more than one office at one time; except that this subsection (2) does not apply to memberships on different special district boards. This subsection (2) shall not prohibit a candidate or elected official of any political subdivision from being a candidate or member of the board of directors of any special district or districts in which he or she is an eligible elector, unless otherwise prohibited by law.

(3) The qualification of any candidate may be challenged by an eligible elector of the political subdivision within five days after the designated election official's statement is issued that certifies the candidate to the ballot. The challenge shall be made by verified petition setting forth the facts alleged concerning the qualification of the candidate and shall be filed in the district court in the county in which the political subdivision is located. The hearing on the qualification of the candidate shall be held in

not less than five nor more than ten days after the date the election official's statement is issued that certifies the candidate to the ballot. The court shall hear the testimony and other evidence and, within forty-eight hours after the close of the hearing, determine whether the candidate meets the qualifications for the office for which the candidate has declared. Provisions of section 13-17-101, C.R.S., regarding frivolous, groundless, or vexatious actions shall apply to this section.

1-4-503. Method of nomination for nonpartisan candidates. Except as provided for the nomination of special district directors in section 32-1-804.3, C.R.S., nominations for all elected nonpartisan local government officials shall be by petition for nomination as provided in part 8 of this article.

1-4-504. Documents are public records. All certificates of designation, petitions, certificates of nomination, acceptances, declinations, and withdrawals are public records as soon as they are filed and are open to public inspection under proper regulation. When a copy of any document is presented at the time the original is filed or at any time thereafter and a request is made to have a copy compared and certified, the officer with whom the document is filed shall forthwith compare the copy with the original on file and, if necessary, correct the copy and certify and deliver the copy to the person who presented it upon the payment in advance of the copy and certification charge. All filed documents shall be preserved pursuant to section 1-7-802, unless otherwise ordered or restrained by some court.

PART 9

PETITIONS FOR CANDIDACY AND RECALL

1-4-901. Designation of petition. (1) The petition for a candidate may consist of one or more sheets, to be fastened together in the form of one petition section, but each sheet shall contain the same heading and each petition section shall contain one sworn affidavit of the circulator. No petition shall contain the name of more than one person for the same office.

(2) Repealed.

1-4-902. Form of petition. (1) The signatures to a petition need not all be appended to one paper, but no petition shall be legal that does not contain the requisite number of names of eligible electors whose names do not appear on any other petition previously filed for the same office or recall under the provisions of this section.

(2) At the top of each page shall be printed, in bold-faced type, the following:

WARNING:

IT IS AGAINST THE LAW:

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same candidate or to knowingly sign the petition when not a registered elector.

Do not sign this petition unless you are an eligible elector. To be an eligible elector you must be registered to vote and eligible to vote in (name of political subdivision) elections.

Do not sign this petition unless you have read or have had read to you the proposed nomination petition in its entirety and understand its meaning.

(3) Directly following the warning in subsection (2) of this section shall be printed in bold-faced type the following:

Petition to nominate (name of person sought to be elected to) the office of (title of office).

1-4-903. Approval of petition. No petition shall be circulated until it has been approved as meeting the requirements of this section as to form. The secretary of state or the official with whom the petitions are to be filed shall approve

or disapprove a petition as to form by the close of the second business day following submission of the proposed petition. The secretary of state or official, as applicable, shall mail written notice of the action taken to the person who submitted the petition on the day the action is taken.

1-4-904. Signatures on the petitions. (1) Every petition shall be signed only by eligible electors.

(2) (a) For petitions to nominate candidates from a major political party in a partisan election, each signer shall be affiliated with the major political party named in the petition and shall state the following to the circulator: That the signer has been affiliated with the major political party named in the petition for at least twenty-nine days as shown on the registration books of the county clerk and recorder; and that the signer has not signed any other petition for any other candidate for the same office.

(b) Petitions to nominate candidates from a minor political party or unaffiliated candidates in a partisan election may be signed by any eligible elector who has not signed any other petition for any other candidate for the same office.

(3) Unless physically unable, all electors shall sign their own signature and shall print their names, their respective residence addresses, including the street number and name, the city or town, the county, and the date of signature. Each signature on a petition shall be made, to the extent possible, in black ink.

(4) Any person, except a circulator, may assist an elector who is physically unable to sign the petition in completing the information on the petition as required by law. On the petition, immediately following the name of the disabled elector, the person providing assistance shall both sign and shall state that the assistance was given to the disabled elector.

1-4-905. Circulators. (1) No eligible elector shall be eligible to circulate any petition unless the elector is eligible to vote in the voting district for the office for which the petition is being circulated and, for partisan candidates, is affiliated with the political party mentioned in the petition at the time the petition is circulated, as

shown by the registration books of the county clerk and recorder.

(2) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the eligible elector who circulated the petition section, which shall include: The affiant's printed name, the address at which the affiant resides, including the street name and number, the city or town, the county, and the date of signature; a statement that the affiant was an eligible elector at the time the section of the petition was circulated and signed by the listed electors; a statement that the affiant circulated the section of the petition; a statement that each signature on the petition section is the signature of the person whose name it purports to be; a statement that to the best of the affiant's knowledge and belief each of the persons signing the petition section was, at the time of signing, an eligible elector; and a statement that the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the signer to sign the petition.

(3) The designated election official shall not accept for filing any section of a petition which does not have attached to it the notarized affidavit required by this section. Any signature added to a section of a petition after the affidavit has been executed is invalid.

1-4-906. Candidate's acceptance. Every nominating petition before it is filed shall have attached to it a notarized acceptance of the nomination of the candidate or notarized acceptances by both of the joint candidates. Each acceptance of nomination shall contain the full name of the candidate or joint candidate as the name will appear on the ballot and the candidate's full address.

1-4-907. Filing of petition. The petition, when executed and acknowledged as prescribed in this part 9, shall be filed as follows: With the secretary of state if it is for an office that is voted on by the electors of the entire state or of a congressional district or for the offices of members of the general assembly or district attorney or a district office of state concern; with

the county clerk and recorder if it is for a county office; and with the designated election official if it is for a nonpartisan local election.

1-4-908. Verification of petition and official statement. (1) Upon filing, the designated election official for the political subdivision shall review all petition information and verify the information against the registration records, and, where applicable, the county assessor's records. The secretary of state shall establish guidelines for verifying petition entries.

(2) (Deleted by amendment, L. 95, p. 832, § 36, effective July 1, 1995.)

(3) After review, the official shall notify the candidate of the number of valid signatures and whether the petition appears to be sufficient or insufficient. In the case of a petition for nominating an unaffiliated candidate, the official shall provide notification of sufficiency or insufficiency to the candidate on or before the primary election date. Upon determining that the petition is sufficient and after the time for protest has passed, the designated election official shall certify the candidate to the ballot, and, if the election is a coordinated election, so notify the coordinated election official.

1-4-909. Protest of designations and nominations. (1) A petition or certificate of designation or nomination that has been verified and appears to be sufficient under this code shall be deemed valid unless a protest is made in writing within five days after the election official's statement of sufficiency is issued or, in the case of a certificate of designation, within five days after the certificate of designation is filed with the designated election official. The protest shall state in a summary manner the alleged impropriety. Notice of the protest shall be mailed forthwith to all candidates or officials who may be affected by it. The designated election official with whom the original certificate or petition is filed shall hear any protest within ten days after the protest is filed and shall pass upon the validity of the protest, whether of form or substance, and shall issue findings of fact and conclusions within seventy-two hours after the hearing.

(2) This section does not apply to any nomination made at a primary election.

1-4-910. Protest to a recall petition. (Repealed)

1-4-911. Review of a protest. The party filing a protest has the burden of sustaining the protest by a preponderance of the evidence. The decision upon matters of substance is open to review, if prompt application is made, as provided in section 1-1-113. The remedy in all cases shall be summary, and the decision of any court having jurisdiction shall be final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any judicial proceeding in a summary way.

1-4-912. Cure. (1) In case a petition for nominating an unaffiliated candidate is not sufficient, it may be amended once no later than 3 p.m. seventy-seven days before the general election, 3 p.m. on the fifty-fifth day preceding a congressional vacancy election, or 3 p.m. sixty-seven days prior to an for nominating an unaffiliated candidate is amended prior to 3 p.m. on the seventh day following a primary election, the designated election official shall notify the candidate of whether the petition is sufficient or insufficient no later than the seventy-fifth day before the general election.

PART 10
WITHDRAWALS FROM AND VACANCIES IN
NOMINATIONS AND DESIGNATIONS

1-4-1001. Withdrawal from candidacy. (1) Any person who has accepted a designation or nomination may withdraw from candidacy at any time by filing a letter of withdrawal. The letter shall be signed and acknowledged by the candidate before some officer authorized to take acknowledgments and shall be filed with the designated election official with whom the original certificate or petition of candidacy was filed. Except in the case of a vacancy to be filled in accordance with the provisions of section 1-4-1002 (2.5), in the event that the withdrawal of candidacy is not made in time for the candidate's name to be taken off the ballot, any votes cast for the candidate shall be deemed invalid and will not be counted.

(2) Any candidate withdrawing from a

designation or nomination, as provided in subsection (1) of this section, shall forthwith report the withdrawal to the persons designated in section 1-4-1002 to fill the vacancy.

(8) Notwithstanding any provisions to the contrary, if a political party has established a rule regarding the length of affiliation required for a candidate for the office of United States senator or representative in congress, and a vacancy in that office occurs, then the party rule applies.

(9) (a) No vacancy committee called to fill a vacancy pursuant to the provisions of subsection (2.3) of this section may select a person to fill a vacancy at a meeting held for that purpose unless a written notice announcing the time and location of the vacancy committee meeting was mailed to each of the committee members at least five days prior to such meeting by the chairperson of the central committee which selected the members. Mailing of the notice is effective when the notice is properly addressed and deposited in the United States mail, with first-class postage prepaid.

(b) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose, shall select a person who meets all of the requirements of candidacy as of the date of the primary election and who is affiliated with the same political party or minor political party, if any, shown on the registration books of the county clerk and recorder as the candidate whose declination, death, disqualification, resignation, or withdrawal caused the vacancy. No meeting shall be held until a quorum is present consisting of not less than one-half of the voting membership of the vacancy committee. No member of the vacancy committee may vote by proxy. The committee shall certify the selection to the secretary of state within seven days from the date the vacancy occurs. If the vacancy committee fails to certify a selection within seven days, the state chair of the same political party or minor political party as the candidate whose declination, death, disqualification, resignation, or withdrawal caused the vacancy, within seven days, shall fill the vacancy by appointing a person having the qualifications set forth in this subsection (9). The name of the person selected or appointed by the state chair shall be certified to the secretary of

state. The vacancy shall be filled until the next general election after the vacancy occurs, when the vacancy shall be filled by election.

PART 11
WRITE-IN CANDIDATES

1-4-1101. Write-in candidate affidavit of intent. (1) Any person who wishes to be a write-in candidate for any office in any election shall file an affidavit of intent stating that he or she desires the office and is qualified to assume its duties if elected. The affidavit of intent shall be filed with the secretary of state if it is for a statewide office, a seat in congress, a seat in the general assembly, the office of district attorney, or any other district office of state concern. The affidavit shall be filed with the county clerk and recorder if it is for a county office and with the designated election official if it is for a local office.

(2) No write-in vote for any office in any election shall be counted unless the person for whom the vote was cast has filed an affidavit of intent as required in subsection (1) of this section.

1-4-1102. Time of filing affidavit. (1) Except as provided in subsection (2) of this section, the affidavit of intent shall be filed by the close of business on the sixtieth day before the election.

(2) In a nonpartisan election, the affidavit of intent shall be filed by the close of business on the sixty-fourth day before the election. If the election is to be coordinated by the county clerk and recorder, the designated election official shall forward a copy of the affidavit of intent to the coordinated election official.

ARTICLE 5

Notice and Preparation for Elections

PART 1
POLLING PLACES

1-5-102. Establishing precincts and polling places for nonpartisan elections. (1) For nonpartisan elections other than coordinated elections, no later than twenty-five days prior to the election, the designated election official, with

the approval of the governing body with authority to call elections, shall divide the jurisdiction into as many election precincts as it deems expedient for the convenience of eligible electors of the jurisdiction and shall designate the polling place for each precinct. The election precincts shall consist of one or more whole general election precincts wherever practicable, and the designated election official and governing body shall cooperate with the county clerk and recorder and the board of county commissioners of their political subdivisions to accomplish this purpose. Wherever possible, the polling places shall be the same as those designated by the county for partisan elections.

(2) The county clerk and recorder, no later than one hundred twenty days prior to a regular special district election or regular election of any other political subdivision, shall prepare a map of the county showing the location of the polling places and precinct boundaries utilized in the last November election. Copies of the map shall be available for inspection at the office of the county clerk and recorder and for distribution to the designated election official of each political subdivision.

(3) The county clerk and recorder shall maintain a list of owners or contact persons who, to the clerk's knowledge, may grant permission to political subdivisions to use the locations identified on the map for polling places. The clerk shall, upon request of the designated election official of a political subdivision, provide a copy of the list, or a part of the list as requested by the designated election official.

1-5-102.5. Establishing polling places for coordinated elections.

(1) No later than ninety days prior to a coordinated election, the county clerk and recorder, in consultation with the other designated election officials of each political subdivision participating in the election, shall assure that one polling place be designated to allow an individual elector to vote for all ballot issues, ballot questions, and candidates voted on the same date.

(2) For coordinated elections, the county clerk and recorder may combine precincts and polling places.

1-5-104. Changes in boundaries -

nonpartisan elections. (1) Changes in the boundaries of precincts or the creation of new precincts for nonpartisan elections shall be completed no later than twenty-five days prior to scheduled elections, except in cases of precinct changes resulting from changes in the jurisdiction's boundaries.

(2) All changes in precinct boundaries or numbering for nonpartisan elections shall be reported to the county clerk and recorder within ten days by the designated election official, and a corrected precinct map shall be transmitted to the county clerk and recorder as soon as possible after the changes have been effected.

(3) Each governing body shall change any polling place upon a petition of a majority of the eligible electors residing within a precinct if the request is made at least forty-five days prior to the next scheduled election and another polling place location is reasonably available.

(4) Except as provided by law, no polling place shall be changed after the twenty-fifth day prior to an election.

1-5-105. Restrictions. (1) No election-related activity shall be conducted within one hundred feet of any building in which a polling place is located except that of the conduct of the election at the polling place.

(2) No polling place shall be located in a room in which any intoxicating malt, spirituous, or vinous liquors are being served.

(3) The polling places shall be in public locations wherever possible. A private location may be used only when no appropriate public location is available.

(4) For purposes of subsection (1) of this section and sections 1-6-119 and 1-13-714, when a polling place is within multi-use buildings such as a shopping mall or county office building, the "building" shall be considered the room in which ballots are cast, any waiting room or hall where electors wait to vote, as well as a primary corridor where electors walk to an interior polling place, and the designated exterior door to the multi-use building in which the polling place is located.

1-5-106. Polling place - designation by sign. All polling places shall be designated by a sign conspicuously posted at least twelve days

before each election. The sign shall be substantially in the following form: "Polling place for precinct no." The lettering on the sign and the precinct number shall be black on a white background. The letters and numerals of the title shall be at least four inches in height. In addition, the sign shall state the hours the polling place will be open and, if the polling place is not accessible for disabled electors, the location of the polling place for disabled electors.

1-5-107. Polling places for disabled electors. Each political subdivision shall establish not less than one polling place which is free of architectural barriers for disabled electors. Adequate parking shall be close to the polling place. The polling place so established may be the absentee polling place required in section 1-7-111 (2).

1-5-108. Election judges may change polling places. (1) If it becomes impossible or impracticable to hold an election because of an emergency at the designated polling place, the election judges, after assembling at or as near as practicable to the original designated polling place, may move to the nearest convenient place for holding the election and at the newly designated place forthwith proceed with the election. The election judges shall notify the designated election official of the change as soon as possible.

(2) Upon moving to a new polling place, the election judges shall display a proclamation of the change at the original polling place to notify all electors of the new location for holding the election. The proclamation shall contain a statement explaining the specific nature of the emergency that required the change in the polling place

and shall provide the street address of the new location.

PART 2 CALL AND NOTICE

1-5-201.5. Legislative declaration - purpose. The general assembly declares that the purpose of this part 2 is to provide adequate notice of elections at a reasonable cost to the

taxpayers of the state and its political subdivisions.

1-5-203. Certification of ballot. (3) (a) No later than fifty-five days before any election, the designated election official of each political subdivision that intends to conduct an election shall certify the order of the ballot and ballot content. Such certification shall be delivered to the county clerk and recorder of each county that has territory within the political subdivision if the election is coordinated with the clerk and recorder. The order of the ballot and ballot content shall include the name and office of each candidate for whom a petition has been filed with the designated election official and any ballot issues or ballot questions to be submitted to the eligible electors.

(c) The state or a political subdivision that issues a certificate pursuant to this subsection (3) shall be solely responsible for the accuracy of the information contained in the certificate. Any error that can be corrected pursuant to the provisions of section 1-5-412 shall be corrected at the expense of the political subdivision whose designated election official issued the defective

certificate or, at the expense of the state, if the secretary of state issued the defective certificate.

1-5-205. Published and posted notice of election. (1) The designated election official, or the coordinated election official if so provided by an intergovernmental agreement, no later than ten days before each election, shall provide notice by publication of the election as described by section 1-1-104 (34), which notice shall state, as applicable for the particular election for which notice is provided, the following:

- (a) The date of the election;
- (b) The hours during which the polls will be open on election day and for early voting;
- (c) The address of the walk-in location and hours during which the walk-in location for the delivery of mail ballots and receipt of replacement ballots will be open;
- (d) The address of the location for application and the return of absentee ballots and the hours during which the office will be open;
- (e) The complete ballot content.

(1.3) A copy of the notice required by this section shall be posted at least ten days prior to the election and until two days after the election in a conspicuous place in the office of the designated election official or the clerk and recorder if the election is coordinated by the clerk and recorder. Sample ballots may be used as notices so long as the information required by this section is included with the sample ballot.

(1.4) Publication of the notice required by subsection (1) of this section by the clerk and recorder for a coordinated election shall satisfy the publication requirement for all political subdivisions participating in the coordinated election.

(2) At the time that notice by publication is made, the designated election official shall also mail a copy of the notice of the election to the county clerk and recorders of the counties in which the political subdivision is located if the clerk and recorder is not the coordinated election official.

1-5-206. Postcard notice.

(2) (a) No later than fifteen days before a nonpartisan election and in addition to the publication required by section 1-5-205, the designated election official or coordinated election official may mail to each household where one or more active eligible electors reside a voter information card. The information on the voter information card may be included with the ballot issue notice.

1-5-206.7. Failure to receive mailed notice. Any election for which a notice was mailed shall not be invalidated on the grounds that an eligible elector did not receive the ballot issue notice, mailed information, or mailed notification of the election required by this code or the state constitution if the designated election official or coordinated election official acted in good faith in making the mailing. Good faith is presumed if the designated election official or coordinated election official mailed the ballot issue notice, information, or notification to the addresses appearing on a registration list for the political subdivision as provided by the county clerk and recorder, and, where applicable, the list of property owners provided by the county assessor.

1-5-207. Court-ordered elections. (1) When an election is ordered by the court for a special district, the court shall authorize the designated election official to give notice as provided in the order.

(2) For an organizational election, the notice by publication shall include the purposes of the election, the estimated operating and debt service mill levies and fiscal year spending for the first year following organization, and the boundaries of the special district. The notice by publication shall recite the election date, which shall be not less than ten days after publication of the election notice.

(3) For a dissolution election, the notice by publication shall include the plan for dissolution or a summary of the plan and the place where a member of the public may inspect or obtain a copy of the complete plan. The notice by publication shall recite the election date, which shall be not less than ten days after publication of the election notice.

1-5-208. Election may be canceled - when. (1.5) If the only matter before the electors in a nonpartisan election is the election of persons to office and if, at the close of business on the sixty-third day before the election, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the designated election official, if instructed by resolution of the governing body, shall cancel the election and declare the candidates elected.

(2) Except for initiative and recall elections, no later than twenty-five days before an election conducted as a coordinated election in November, and at any time prior to any other elections, a governing body may by resolution withdraw one or more ballot issues or ballot questions from the ballot. The ballot issues and ballot questions shall be deemed to have not been submitted and votes cast on the ballot issues and ballot questions shall either not be counted or shall be deemed invalid by action of the governing body.

(3) If the electors are to consider the election of persons to office and ballot issues or ballot questions, the election may be canceled by the governing body only in the event that all of the conditions of subsection (1) of this section

exist and that all ballot issues or ballot questions have been withdrawn from the ballot pursuant to subsection (2) of this section.

(4) Except as provided in subsection (2) of this section, no election may be canceled in part.

(5) Unless otherwise provided by an intergovernmental agreement pursuant to section 1-7-116, upon receipt of an invoice, the governing body shall within thirty days promptly pay all costs accrued by the county clerk and recorder and any coordinating political subdivision attributable to the canceled election or withdrawn ballot issues or ballot questions.

(6) The governing body shall provide notice by publication of the cancellation of the election. A copy of the notice shall be posted at each polling place of the political subdivision, in the office of the designated election official, and in the office of the clerk and recorder for each county in which the political subdivision is located and, for special districts, a copy of the notice shall be filed in the office of the division of local government. The governing body shall also notify the candidates that the election was canceled and that they were elected by acclamation.

PART 3 REGISTRATION BOOKS

1-5-302. Computer lists may be used in lieu of original registration records. For the purposes of all elections, the county clerk and recorder may substitute and supply computer lists of registered electors within the political subdivision for the original registration record. Following a primary, general, or congressional vacancy election, the county clerk and recorder shall record the date of election and, if a primary election, the party ballot received on the registered elector's original registration record retained and stored as provided in section 1-1-104 (36).

1-5-303. Registration records for nonpartisan elections. (1) No later than the fortieth day preceding the date of the scheduled nonpartisan election, the designated election official shall order the registration records. The designated election official may order a complete list of the

registered electors as of the thirtieth day prior to the election with a supplementary list provided on the twentieth day, or the designated election official may order a complete list as of the twentieth day prior to the election. The county clerk and recorder shall certify and make available a complete copy of the list of the registered electors of each general election precinct that is located within the county and is involved in the election and, if the supplemental list is ordered no later than the twentieth day preceding the election, shall certify and make available a supplemental list of the eligible electors who have become eligible since the earlier list was certified. These lists shall substitute for the original registration record.

(2) The registration list for each election precinct that is certified thirty days before the election shall contain the names and addresses of all registered electors residing within the precinct at the close of business on the fortieth day preceding the election. The registration list for each election precinct that is certified no later than twenty days before the election shall contain the names and addresses of all eligible electors residing within the precinct at the close of business on the thirtieth day prior to the election. If a supplemental list is ordered, it shall contain the names and addresses of all eligible electors who have become eligible within the period since the initial registration list was certified through the close of business on the thirtieth day preceding the election.

(3) Costs for the lists shall be assessed by the county clerk and recorder and paid by the political subdivision holding the election. The fee for furnishing the lists shall be no less than twenty-five dollars for the entire list nor more than one cent for each name contained on the registration list, whichever is greater.

(4) The order for the list may be canceled if the election is canceled pursuant to section 1-5-208 and the county clerk and recorder has not already prepared the list.

1-5-304. Lists of property owners. (1) For elections where owning property in the political subdivision is a requirement for voting in the election, no later than the fortieth day preceding the date of the election, the designated election official, in addition to using the affidavit

prescribed in section 32-1-806, C.R.S., shall order the list of property owners from the county assessor. Except as otherwise required under subsection (2) of this section, the county assessor shall certify and deliver an initial list of all recorded owners of taxable real and personal property within the political subdivision no later than thirty days before the election. The supplemental list for the political subdivision shall be provided no later than twenty days before the election and shall contain the names and addresses of all recorded owners who have become owners no later than thirty days prior to the election and after the initial list of property owners was provided. The cost for the lists shall be assessed by the county assessors and paid by the political subdivision holding the election. The fee for furnishing the lists shall be no less than twenty-five dollars for both lists nor more than one cent for each name contained on the lists, whichever is greater.

(2) The designated election official of a special district may order the list described in subsection (1) of this section of all recorded owners of taxable real and personal property within the special district as of the thirtieth day before the election with a supplementary list to be provided on the twentieth day before the election, or the designated election official may order a complete list as of the twentieth day before the election.

PART 4 BALLOTS

1-5-401. Method of voting. The method of voting for all elections may be by paper ballots, by voting machine, by electronic voting machine, or by electronically counted ballot cards.

1-5-405. Arrangement of names on voting machines - testing of machines. (2) When more than one person is to be elected to an office, only two spaces shall be provided on the voting machine for write-in purposes for each office.

(3) All voting machines, when prepared for the specific election, shall be tested to make certain that all voting levers are in place and that the machine properly records the votes cast. After the testing, the machine shall be reset to

zero votes cast for each office and issue.

1-5-406. Content of ballots for nonpartisan elections. The designated election official shall provide printed ballots for every election. The official ballots shall be printed and in the possession of the designated election official at least thirty days before the election. Every ballot shall contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn, and the ballot shall contain no other names. The arrangement of the names shall be established by lot at any time prior to the certification of the ballot. The designated election official shall notify the candidates of the time and place of the lot-drawing for the ballot. The drawing shall be performed by the designated election official or a designee. The names shall be printed on the ballot without political party designation.

1-5-407. Form of ballots. (1) Except as provided in subsections (1.5) and (1.6) of this section, the extreme top part of each ballot may be divided into two spaces by two perforated or dotted lines. Each space shall be not less than one inch wide. The top portion is called the stub, and the next portion is called the duplicate stub. The same number shall be printed upon both the stub and the duplicate stub. All ballots shall be numbered consecutively. All ballots shall be uniform and of sufficient length and width to allow for the names of candidates, officers, ballot issues, and ballot questions to be printed in clear, plain type, with a space of at least one-half inch between the different columns on the ballot. On each ballot shall be printed the endorsement "Official ballot for", and after the word "for" shall follow the designation of the precinct, if appropriate, and the political subdivision for which the ballot is prepared, the date of the election, and a facsimile of the signature of the election official. The ballot shall contain no caption or other endorsement, except as provided in this section. The election official shall use precisely the same quality and tint of paper, the same kind of type, and the same quality and tint of plain black ink for all ballots prepared for one election.

(1.5) A duplicate stub is not required for

a ballot that is prepared for a mail ballot election pursuant to article 7.5 of this title.

(1.6) No ballot stub is required for a ballot produced on demand, so long as the quantity of ballots produced for the election can be reconciled by the ballot processing method used by the voting system. Such ballots may contain printed and distinguishing marks, so long as secrecy in voting is protected.

(2) The ballots shall be printed so as to give to each eligible elector a clear opportunity to designate his or her choice of candidates, joint candidates, ballot issues, and ballot questions by a mark as instructed. On the ballot may be printed words that will aid the elector, such as "vote for not more than one".

(3) At the end of the list of candidates for each different office shall be one or more blank spaces in which the elector may write the name of any eligible person not printed on the ballot who has filed an affidavit of intent of write-in candidate pursuant to section 1-4-1101. The number of spaces provided shall be the lesser of the number of eligible electors who have properly filed an affidavit of intent of write-in candidate pursuant to section 1-4-1101 or the number of persons to be elected to the office. No such blank spaces shall be provided if no eligible elector properly filed an affidavit of intent of write-in candidate.

(4) The names of the candidates for each office shall be arranged under the designation of the office as provided in section 1-5-404. The designated election official shall not print, in connection with any name, any title or degree designating the business or profession of the candidate.

(4.5) If no candidate has been duly nominated and no person has properly filed an affidavit of intent of write-in candidate for an office, the following text shall appear under the designation of the office: "There are no candidates for this office."

(5) Whenever the approval of a ballot issue or ballot question is submitted to the vote of the people, the ballot issue or question shall be printed upon the ballot following the lists of candidates. Constitutional issues shall be printed first, followed by statewide issues and questions, county issues and questions, municipal issues and questions, school district

issues and questions, ballot issues and questions for other political subdivisions which are in more than one county, and then ballot issues and questions for other political subdivisions which are wholly within a county. The measures in each category shall be placed in the following order: Measures to increase taxes; measures to increase debt; citizen petitions; and referred measures.

(5.3) Commencing with the general election held in November 2000, each statewide measure initiated by the people shall be numbered consecutively in regular numerical order beginning with the number twenty. Such consecutive numbering of measures shall continue at any odd-year or general election held after such election at which any such measure is on the ballot beginning with the number following the highest number utilized in the previous election until the number ninety-nine is utilized at an election for any such measure. Such measures shall again be numbered consecutively in regular numerical order beginning with the number one and in accordance with this subsection (5.3) following the utilization of the number ninety-nine for any such measure. The secretary of state may promulgate rules as may be necessary to administer this subsection (5.3), including, but not limited to, rules specifying the grouping of such measures for purposes of such numbering or reserving specific sequences of numbers for certain categories of measures. Such rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(5.5) The coordinated election official may choose to follow the provisions of subsection (5) of this section, or may choose to use separate ballots. If separate ballots are used, the candidates shall be listed first, followed by measures to increase taxes, measures to increase debt, citizen petitions, and referred measures.

(6) Whenever candidates are to be voted for only by the eligible electors of a particular district, county, or other political subdivision, the names of those candidates shall not be printed on any ballots other than those provided for use in the district, county, or political subdivision in which those candidates are to be voted on.

(7) No printing or distinguishing marks shall be on the ballot except as specifically provided in this code.

(8) The form of the ballot may vary from the requirements of this section if the changes are approved by the secretary of state.

1-5-408. Form of ballots - electronic voting.

(1) Ballot pages or ballot cards placed upon voting devices shall, so far as practicable, be arranged as provided by sections 1-5-402, 1-5-403, 1-5-404, and 1-5-405; except that they shall be of the size and design required by the vote recorder or device and may be printed on a number of separate pages which are placed on the voting device or on one or more ballot cards.

(2) If votes are recorded on a ballot card, a separate write-in ballot may be provided, which may be in the form of a paper ballot or envelope on which the elector may write in the title of the office and the name of a qualified write-in candidate.

(3) Precincts which use electronic voting systems may use ballot cards of different colors to insure that electors receive a full ballot. Such precincts may also use different-colored ballot cards for each party at primary elections.

(4) In precincts using electronic voting systems, each ballot card may have two stubs attached. The stubs shall be separated from the ballot card and from each other by perforated lines so that they may be readily detached. Both stubs shall have the serial ballot number printed on them. The size of the ballot stubs and the spacing of the printed material may be varied to suit the conditions imposed by the use of the ballot cards. The ballot stub may also include color marking or wording to indicate that the stub must show when the ballot is voted and placed in the privacy envelope for deposit in the ballot box. The face of the ballot card shall include the endorsement "Official ballot for", and after the word "for" shall follow the designation of the precinct, if appropriate, and the political subdivision for which the ballot is prepared, the date of the election, and a facsimile of the signature of the designated election official.

1-5-410. Printing and distribution of ballots. In political subdivisions using paper

ballots or electronic ballot cards, the designated election official shall have a sufficient number of ballots printed and distributed to the election judges in the respective precincts. The ballots shall be sent in one or more sealed packages for each precinct with marks on the outside of each clearly stating the precinct and polling place for which it is intended, together with the beginning and ending sequence number of the ballots enclosed. The packages shall be delivered on any day on which a judges' school of instruction is held or by 8 p.m. on the Monday before election day. Receipts for ballots thus delivered shall be given by the election judges who receive the ballots. The receipts shall be filed with the designated election official, who shall also keep a record of the time when and the manner in which each of the packages was delivered. The election judges receiving the packages shall produce them, with the seals unbroken, in the proper polling place at the opening of the polls on election day and, in the presence of all election judges, shall open the packages.

1-5-411. Substitute ballots. If the ballots to be furnished to any election judges are not delivered at the time and in the manner required in section 1-5-410 or if after delivery they are destroyed or stolen, it shall be the duty of the designated election official to cause other ballots to be prepared, as nearly in the form prescribed as practicable, with the words "substitute ballot" printed on each ballot. Upon receipt of the ballots thus prepared from the designated election official, accompanied by a statement under oath that the designated election official prepared and furnished the substitute ballots and that the original ballots have not been received or have been destroyed or stolen, the election judges shall cause the substitute ballots to be used at the election. If from any cause neither the official ballots nor the substitute ballots are ready in time to be distributed for the election or if the supply of ballots is exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as possible in the form of the official ballots, may be used until substitutes prepared by the designated election official can be printed and delivered.

1-5-412. Correction of errors. (1) The

designated election official shall correct without delay any errors in publication or in sample or official ballots which are discovered or brought to the official's attention and which can be corrected without interfering with the timely distribution of the ballots.

(2) When it appears by verified petition of a candidate or the candidate's agent to any district court that any error or omission has occurred in the publication of the names or description of the candidates or in the printing of sample or official election ballots which has been brought to the attention of the designated election official and has not been corrected, the court shall issue an order requiring the designated election official to correct the error forthwith or to show cause why the error should not be corrected. Costs, including reasonable attorney fees, may be assessed in the discretion of the court against either party.

(3) If, before the date set for election, any duly nominated candidate withdraws by filing an affidavit of withdrawal with the designated election official or dies and the fact of the death becomes known to the designated election official, the name of the candidate shall not be printed upon the ballots. Except in the case of a vacancy to be filled in accordance with the provisions of section 1-4-1002 (2.5), if the ballots are already printed, the votes cast for the withdrawn or deceased candidate are invalid and shall not be counted.

1-5-413. Sample ballots. Sample ballots shall be printed in the form of official ballots, but upon paper of a different color from the official ballots. Sample ballots shall be delivered to the election judges and posted with the cards of instruction provided for in section 1-5-504. All sample ballots are subject to public inspection.

PART 5 POLLING PLACE SUPPLIES AND EQUIPMENT

1-5-501. Sufficient voting booths, voting machines, or electronic voting equipment. (1) At all elections in political subdivisions which use paper ballots, the governing body shall provide in each polling place a sufficient number of voting booths. Each voting booth shall be situated so as to permit

eligible electors to prepare their ballots screened from observation and shall be furnished with supplies and conveniences necessary for voting.

(2) (a) At all elections in political subdivisions which use voting machines or electronic voting systems, the designated election official shall supply each precinct with a sufficient number of voting machines or sufficient electronic voting equipment.

(b) At general elections in counties which use voting machines or electronic voting systems, the county clerk and recorder shall supply each precinct with one voting machine or with comparable electronic voting equipment for each two hundred fifty active registered electors or fraction thereof.

1-5-502. Ballot boxes for nonmachine voting. The governing body of each political subdivision using paper ballots or an electronic vote counting system shall provide at least one ballot box for each polling place. For elections which have both receiving and counting judges, the governing body shall provide no less than one ballot box for each set of receiving judges and one ballot box for each set of counting judges at each place of voting. The ballot boxes shall be strongly constructed so as to prevent tampering, with a small opening at the top and with a lid to be locked. The ballot boxes and keys shall be kept by the designated election official and delivered to the election judges no later than the day preceding any election, to be returned as provided in section 1-6-109.5.

1-5-503. Arrangement of voting machines, voting equipment, or voting booths and ballot boxes. The voting machines, voting equipment, or voting booths and the ballot box shall be situated in the polling place so as to be in plain view of the election officials and watchers. No person other than the election officials and those admitted for the purpose of voting shall be permitted within the immediate voting area, which shall be considered as within six feet of the voting machines, voting equipment, or voting booths and the ballot box, except by authority of the election judges, and then only when necessary to keep order and enforce the law.

1-5-504. Instruction cards. (1) The designated election official of each political subdivision shall furnish to the election judges a sufficient number of instruction cards for the guidance of eligible electors in preparing their ballots. The election judges shall post at least one of the cards in each polling place upon the day of the election. The cards shall be printed in large, clear type and shall contain full instructions to the eligible electors as to what should be done:

- (a) To obtain ballots for voting;
- (b) To prepare the ballots for deposit in the ballot box;
- (c) To obtain a new ballot in the place of one spoiled by accident or mistake;
- (d) To obtain assistance in marking ballots; and
- (e) To vote for a write-in candidate.

1-5-504.5. Items to be posted at the polling place on or before election day. (1) The following items shall be posted at each polling place on or before election day:

- (a) A polling place sign visible from the outside of the closest entrance to the polling place pursuant to section 1-5-106;
- (b) A sign notifying persons outside and inside of the polling place that no electioneering is permitted within one hundred feet of the polling place pursuant to section 1-13-714;
- (c) Instruction cards for the guidance of eligible electors pursuant to section 1-5-504;
- (d) Sample ballots pursuant to section 1-5-413;
- (e) An explanation of the procedures that govern the provision of voting assistance to electors with disabilities who require such assistance pursuant to section 1-7-111. The secretary of state shall promulgate rules in accordance with article 4 of title 24 to prescribe the form of such explanation.

1-5-506. Election expenses in nonpartisan elections. The cost of conducting a nonpartisan election, including the cost of printing, mailing voter information cards pursuant to section 1-5-206, and supplies, shall be paid by the governing body calling the election.

1-5-507. County clerk and recorder to give estimate. In any election called by a nonpartisan

governing body where the county clerk and recorder will have responsibilities for the election, the county clerk and recorder shall give to the governing body estimates of the costs for conducting a coordinated election or a mail ballot election so that the governing body may choose the appropriate method of election.

PART 6

AUTHORIZATION AND USE OF VOTING MACHINES AND ELECTRONIC VOTING SYSTEMS

1-5-601. Use of voting machines or electronic voting systems. In all elections held in this state, the votes may be cast, registered, recorded, and counted by means of a voting machine or by means of an electronic voting system, consisting of a ballot which is marked by the elector and counted by electronic vote-counting equipment or counted by electronic voting equipment on which votes are recorded simultaneously on a paper tape and a removable "prom" or other electronic tabulating device or a vote recorder which the elector uses to record each vote on a ballot card and the electronic vote-counting equipment, as provided in this part 6.

1-5-602. Requirements for voting machines. (1) No voting machine shall be purchased, leased, or used unless it fulfills the following requirements:

- (a) It provides for voting in secrecy;
- (b) It is closed during the progress of the voting so that no person can see or know the number of votes registered for any candidate or for whom an elector has voted;
- (c) It is capable of containing on its face the form of ballot made up and arranged substantially in the manner prescribed by this article;
- (d) It allows a ballot to contain the names of candidates of at least seven political parties or organizations;
- (e) It enables each elector to vote a ticket selected in part from the candidates of one party, and in part from the candidates of any other party, and in part from an unaffiliated nomination, and in part from persons not in

nomination by any party or upon any unaffiliated ticket;

(f) It prevents the elector from voting for a candidate or on a ballot issue or question for whom or on which the elector is not lawfully entitled to vote;

(g) It enables each elector to vote for all candidates for whom the elector is entitled to vote and prevents each elector from voting for any candidate for any office more than once unless the elector is lawfully entitled to cast more than one vote for that office and, in that event, permits the elector to cast only as many votes for that office as the elector is by law entitled to cast, and no more;

(h) It is provided with at least twenty pairs of "yes" and "no" counters for voting on ballot issues;

(i) It enables an elector to write in the name of or otherwise vote for persons whose names do not appear on the machine;

(j) It prevents an elector who has exercised a write-in vote from voting for any name appearing on the ballot for the same office;

(k) It will correctly register by means of exact mechanical counters every vote cast for candidates or for ballot issues or questions appearing on the ballot;

(l) It is provided with locks, the keys of which cannot be interchangeably used and by the locking of which any movement of the operating mechanism can be prevented, so that the machine cannot be tampered with or manipulated for any fraudulent purpose;

(m) It has a counter on each machine which will show during the election the total number of electors who have operated the machine at that election; and

(n) It has a protective counter or other device, the register of which cannot be reset, to record the cumulative total number of movements of the operating mechanism.

1-5-603. Adoption and payment for voting machines. The governing body of any political subdivision may adopt for use at elections any kind of voting machine fulfilling the requirements for voting machines set forth in section 1-5-602. These voting machines may be used at any or all elections held in the political subdivision for

casting, registering, and counting votes. The governing body of any political subdivision which adopts and purchases or leases voting machines shall provide for the payment of the purchase price or the rent in such manner as may be in the best interest of the political subdivision and may for that purpose provide for the issuance of interest-bearing bonds, certificates of indebtedness, or other obligations, which shall be a charge upon the county. The bonds, certificates of indebtedness, or other obligations may be made payable at such times, not exceeding ten years from the date of issue, as may be determined by the governing body but shall not be issued or sold at less than par.

1-5-604. Experimental use. The governing body of any political subdivision, prior to the adoption of voting machines, may provide, either by contract or rental with option to purchase or otherwise, for the experimental use at any election, in one or more precincts which the governing body may specify, of any voting machine which might be lawfully adopted in accordance with the provisions of this part 6. The experimental use shall be as valid for all election purposes as if the voting machines had been formally adopted, and the cost of the experimental use shall constitute a necessary and proper election expense and shall be payable in accordance with the law.

1-5-605. Other laws apply - paper ballots permitted for absentee voting. All of the provisions of the election laws not inconsistent with the provisions of this part 6 apply to all elections held in precincts where voting machines are used. Any provisions of the election laws which conflict with the use of voting machines as set forth in this part 6 do not apply to precincts in which an election is conducted by the use of voting machines. Nothing in this part 6 shall be construed as prohibiting the use of a separate paper ballot by absentees as provided by law.

1-5-606. Election officials not to have interest in voting machines or electronic

voting equipment or devices. No election official having responsibilities in connection with the conduct of any election shall have any financial or proprietary interest, either directly or indirectly, in the manufacture, sale, maintenance, servicing, repair, or transportation of either voting machines or electronic voting equipment or devices. This section shall not apply to any designated election official participating in a coordinated election who has no independent decision-making responsibility concerning the selection of voting machines or electronic voting devices by the county clerk and recorder.

1-5-607. Elected officials not to handle voting machines or electronic voting equipment or devices. (1) In any political subdivision having a population of one hundred thousand or more, it is unlawful for any elected official or candidate for elective office to prepare, maintain, or repair any voting machine or electronic voting equipment or device which is to be used or is used in any election. The provisions of this section shall be limited to actual physical contact with any voting machine or electronic voting equipment or device or any of its parts and shall not be construed as prohibiting an elected official from directing employees or other persons who are not elected officials to prepare, maintain, repair, or otherwise handle any voting machines or electronic voting equipment or devices.

(2) The provisions of this section shall not be construed to prohibit any elected official or candidate for elective office from voting at any election.

(3) The provisions of this section shall not apply to precinct committee persons who act as election judges.

(4) Repealed.

1-5-608. Requirements - electronic voting systems. (1) No punch card electronic voting system shall be purchased, leased, or used unless it fulfills the following requirements:

(a) It provides for voting in secrecy;

(b) It permits each elector to write in the names of eligible candidates not appearing on the printed ballot, to vote for any candidates whose names are printed on the ballot and for

whom the elector is lawfully entitled to vote, to vote for as many candidates for an office as there are vacancies for which the elector is entitled to vote, and to vote for or against any ballot issue upon which the elector is entitled to vote, and it rejects any vote for an office or on a ballot issue if the number of votes exceeds the number which the elector is entitled to cast;

(c) It permits each elector, other than at a primary election, to vote for the candidates of one or more parties and for unaffiliated candidates;

(d) It prevents the elector from voting for the same candidate more than once for the same office; and

(e) It is suitably designed and of durable construction and capable of being used safely, efficiently, and accurately in the conduct of elections and the counting of ballots. When the name of any candidate or the text of any ballot question or ballot issue is not printed on the ballot card, a booklet with only the name of the candidate and the text of any ballot question or ballot issue shall be provided to the elector.

(2) All voting systems, voting machines, electronic voting devices, punch cards, and nonpunch card electronic voting systems offered for sale on or after June 1, 1991, shall meet the standards promulgated by the federal election commission. Nothing in this subsection (2) shall be construed to require any jurisdiction to replace a voting system which is in use prior to June 1, 1991.

1-5-608.5. Electronic voting system certification. (1) Recognized independent testing authorities have the authority to test, approve, and qualify electronic voting systems for sale and use in the state of Colorado, if:

(a) No independent testing authority will be recognized and granted the authority to qualify electronic voting systems for use in this state unless it has met all of the obligations and ongoing requirements necessary to gain certification as an independent testing authority from the national association of state election directors or other national authority recognized by the federal election commission for the purpose of certifying independent testing authorities.

(b) The independent testing authority

conducts any and all tests required by the national association of state election directors or other national authority recognized by the federal election commission for granting certification to independent testing authorities to verify the integrity of the electronic voting systems to be used in Colorado.

(c) No electronic voting device or electronic voting system shall be used in any public election in this state unless it has been certified by the secretary of state following successful qualification testing conducted by a recognized independent testing authority.

1-5-609. Acquisition and use authorized. (1) The governing body of any political subdivision may adopt, experiment with, acquire by purchase, or lease a punch card electronic voting system which meets the requirements of section 1-5-608. It may enlarge, consolidate, or alter the boundaries of precincts in which a punch card electronic voting system is used.

(2) The provisions of this code relating to the conduct of elections, insofar as they are applicable and not inconsistent with the efficient conduct of elections with punch card electronic voting systems, shall apply.

1-5-610. Preparation for use - electronic voting. (1) Prior to an election in which an electronic voting system is to be used, the designated election official shall have all system components prepared for voting and shall inspect and determine that each vote recorder or voting device is in proper working order. The designated election official shall cause a sufficient number of recorders or devices to be delivered to each election precinct in which an electronic voting system is to be used.

(2) The designated election official shall supply each election precinct in which vote recorders or voting devices are to be used with a sufficient number of ballots, ballot cards, sample ballots, ballot boxes, and write-in ballots and with such other supplies and forms as may be required. Each ballot or ballot card shall have a serially numbered stub attached, which shall be removed by an election judge before the ballot or ballot card is deposited in the ballot box.

1-5-611. Requirements - nonpunch card electronic voting systems. (1) No nonpunch card electronic voting system shall be purchased, leased, or used unless it fulfills the following requirements:

- (a) It provides for voting in secrecy;
- (b) It permits each elector to write in the names of eligible candidates not appearing on the printed ballot, to vote for as many candidates for an office as there are vacancies for which the elector is entitled to vote, and to vote for or against any ballot issue upon which the elector is entitled to vote;
- (c) It rejects any vote for an office or on a ballot issue if the number of votes exceeds the number the elector is entitled to cast;
- (d) It permits each elector, other than at a primary election, to vote for the candidates of one or more parties and for unaffiliated candidates;
- (e) It prevents the elector from voting for the same candidates more than once for the same office; and
- (f) If the system uses a voting device:
 - (I) It is suitably designed, of durable construction, and capable of being used safely, efficiently, and accurately in the conduct of elections and the tabulation of votes;
 - (II) It permits the names of candidates and the text of issues to be printed on pages which are securely attached to the voting device, the pages to be securely locked in a metal frame or sealed to prevent tampering;
 - (III) It contains a protective counter with a register which cannot be reset, which shall register the cumulative total number of movements of the operating mechanism; and
 - (IV) It is capable of providing printouts of vote totals by office and candidate or by ballot issue, including a numeric-only printout to be used for testing as provided in section 1-7-506.

ARTICLE 6 **Election Judges**

1-6-101. Definitions - qualifications for election judges - student election judges - legislative declaration. (1) As used in this article, "election judge" means a registered elector appointed by the county clerk and recorder or designated elected official to perform

the election duties assigned by the county clerk and recorder or designated election official. As used in this article, "election judge" also includes a student election judge appointed pursuant to the provisions of subsection (7) of this section.

(2) The persons appointed as election judges, except for persons appointed as student election judges pursuant to the provisions of subsection (7) of this section, shall certify in writing that they meet the following qualifications:

- (a) They are registered electors who reside in the political subdivision, unless otherwise excepted, and are willing to serve;
- (b) They are physically and mentally able to perform and complete the assigned tasks;

(c) They will attend a class of instruction concerning the tasks of an election judge prior to each election;

(d) They have never been convicted of election fraud, any other election offense, or fraud; and

(e) They are neither a candidate whose name appears on the ballot in the precinct that they are appointed to serve nor a member of the immediate family, related by blood or marriage to the second degree, of a candidate whose name appears on the ballot in the precinct that they are appointed to serve.

(3) With regard to any nonpartisan election that is not coordinated by the county clerk and recorder, the election judge shall be a registered elector of the political subdivision for which the election is being held. If enough registered electors of the political subdivision are not available, then the appointing authority may appoint election judges who are registered electors of the state.

(4) Before serving as an election judge, any person recommended as an election judge in accordance with section 1-6-102, 1-6-103, 1-6-103.5, or 1-6-103.7 shall complete and file an acceptance form with the county clerk and recorder or other designated election official as provided in section 1-6-106. The acceptance forms may be kept on file with the county clerk and recorder or other designated election official for up to two years from the date of signing the acceptance form.

(5) The county clerk and recorder or the designated election official shall hold a class of instruction concerning the tasks of an election judge and a special school of instruction concerning the task of a supply judge not more than twenty days prior to each election.

(6) Each person appointed as an election judge shall be required to attend one class of instruction prior to the first election in an election cycle in which the person will serve as an election judge. The county clerk and recorder or other designated election official may require a person appointed as an election judge to attend more than one class of instruction in an election cycle.

(7)(a) The general assembly hereby finds and declares that, in order to promote a greater awareness among young people concerning the electoral process, the rights and responsibilities of voters, and the importance of citizen participation in public affairs, as well as to provide additional qualified individuals willing and able to assist with the electoral process, qualified students may be allowed to serve as student election judges. Therefore, it is the intent of the general assembly in enacting this subsection (7) to authorize county clerk and recorders to appoint qualified students to serve as election judges in conformity with the requirements of this section.

(b) As used in this article, "student election judge" means a student who meets the requirements of this subsection (7) and who is appointed by a county clerk and recorder for service as an election judge pursuant to the requirements of this section.

(c) The county clerk and recorders may work with school districts and public or private secondary educational institutions to identify students willing and able to serve as student election judges. Such school districts or educational institutions may submit the names of the students to the clerk and recorder of the county in which the school district or educational institution is located for appointment as student election judges. Home-schooled students may apply to the county clerk and recorder for appointment as a student election judge pursuant to the requirements of this section. From among the names submitted, the county clerk and recorders may select students to serve

as student election judges who meet the following qualifications:

(I) They are a United States citizen or will be a citizen at the time of the election to which the student is serving as a student election judge;

(II) They are willing to serve;

(III) They are physically and mentally able to perform and complete the assigned tasks;

(IV) They will attend a class of instruction concerning the tasks of an election judge prior to each election;

(V) They have never been convicted of election fraud, any other election offense, or fraud;

(VI) They are not a member of the immediate family, related by blood or marriage to the second degree, of a candidate whose name appears on the ballot in the precinct that they are appointed to serve;

(VII) They are sixteen years of age or older and either a junior or senior in good standing attending a public or private secondary educational institution or being home-schooled at the time of the election to which the student is serving as a student election judge; and

(VIII) Their parent or legal guardian has consented to their service as a student election judge.

1-6-104. Appointment of election judges by the county clerk and recorder and designated election officials.

(1) For each election coordinated by the county clerk and recorder, the county clerk and recorder shall appoint election judges for each precinct in the county. An election judge for a precinct shall serve for a two-year period beginning on the last Tuesday of May in even-numbered years and ending on the last Monday in May of the next even-numbered year or until the designated election official appoints another person to replace that election judge for that precinct, whichever is earlier.

(2) The county clerk and recorder may appoint an election judge to serve in a precinct of the county other than the precinct in which the election judge resides.

(3) If, at the time the county clerk and recorder appoints election judges for a precinct,

the list of recommended election judges submitted in accordance with section 1-6-102 contains an insufficient number of names for a major political party's share of the total number of election judges as required in section 1-6-109, the designated election official shall appoint any additional election judges necessary from among the persons recommended by minor political parties in accordance with section 1-6-103.5 and the unaffiliated voters who have offered to serve as election judges in accordance with section 1-6-103.7.

(4) For each election coordinated by the county clerk and recorder, the county clerk and recorder may appoint one or more student election judges that satisfy the requirements contained in section 1-6-101 (7) to serve as an election judge, and shall designate the precinct in which the student election judge shall serve based upon the number of qualified students and vacancies in the number of available positions for election judges throughout the county, notwithstanding the fact that a student election judge may serve in a precinct of the county other than the precinct in which the student election judge resides.

1-6-105. Appointment of election judges for elections not coordinated by the county clerk and recorder. (1) Except as provided for special district elections in subsection (1.5) of this section, no later than forty-five days before the regular election, the governing body with authority to call elections shall appoint election judges for the political subdivision. The term of office of election judges shall be two years from the date of appointment.

(1.5) No later than forty-five days before a regular special district election, the designated election official shall appoint election judges for the special district unless otherwise directed by the board of directors of such district.

(2) Any person who has been appointed by a county clerk and recorder and meets the qualifications as prescribed in section 1-6-101 may be appointed as an election judge for elections not coordinated by the county clerk and recorder.

1-6-106. Confirmation and acceptance of election judge appointment. (1) The

designated election official shall confirm the appointments of election judges by mailing each appointed election judge a certification of appointment and an acceptance form.

(2) The acceptance form shall contain:

(a) The statement of qualifications as prescribed in section 1-6-101; and

(b) A statement that, if the person appointed as an election judge either fails to file the acceptance form within seven days after the certification of appointment and acceptance form are mailed or fails to attend a class of instruction as required in section 1-6-101 (5), the designated election official may determine that a vacancy has been created.

(3) Each person appointed as an election judge shall file an acceptance form in the office of the designated election official within seven days after the certification of appointment and acceptance form have been mailed. If a person appointed as an election judge fails to file the acceptance form as described in subsection (2) of this section or fails to attend a class of instruction as required in section 1-6-101 (5), the designated election official may determine that a vacancy has been created.

1-6-108. Lists of election judges. (1) The designated election official shall make and maintain a master list of election judges who have filed an acceptance form in accordance with section 1-6-101 (4). The master list shall include the name, affiliation, and precinct number of each election judge who has filed an acceptance form, including whether such judge is unaffiliated, affiliated with a minor political party, or affiliated with a qualified political organization.

(2) Any person may obtain, upon written request and payment of the appropriate fee, an exact copy of the list of county election judges from the county clerk and recorder.

1-6-109.5. Appointment and duties of supply judge. (1) The designated election official shall appoint one election judge in each precinct as supply judge. To the extent possible, the supply judge shall be from a major political party. The designated election official shall notify the supply judge of the appointment.

(3) Prior to the election, the supply

judge shall attend a special school of instruction held by the designated election official.

(4) (a) The supply judge shall coordinate the conduct of the election in the precinct. For nonpartisan elections, the supply judge's responsibilities shall include receiving election supplies and equipment from the designated election official, delivering election supplies and equipment to the polling place, and returning all election supplies, election equipment, and ballots to the designated election official once the election is concluded.

1-6-111. Number of election judges.

(4) For nonpartisan elections, the designated election official shall appoint no less than two election judges to serve as polling place judges for each precinct to perform the designated functions.

(5) The designated election official and, for partisan elections, the county clerk and recorder may appoint other election judges as needed to perform duties other than polling place duties. These duties may include but are not limited to inspecting ballots, duplicating ballots, and counting paper ballots. For partisan elections, if the county clerk and recorder appoints election judges to perform duties other than polling place duties, the county clerk and recorder shall appoint two election judges to perform such duties. The two election judges so appointed shall not be of the same political affiliation.

(6) For any election in which the precincts and polling places are combined in accordance with section 1-5-102.5, the county clerk and recorder or the designated election official may assign one set of election judges to perform the functions of all precincts and polling places so combined.

(7) Where student election judges have been appointed by the county clerk and recorder to serve in a particular precinct pursuant to the provisions of this article, no more than two such student election judges shall serve as election judges in any one precinct.

1-6-113. Vacancies. (1) If for any reason any person selected to serve as an election judge fails to attend the class of instruction for election judges, or refuses, fails, or is unable to serve, or

is removed by preemption in accordance with section 1-6-119 (1) or for cause in accordance with section 1-6-119 (2), the designated election official thereafter may appoint an election judge to fill such vacancy. For a partisan election, an election judge shall be appointed to fill such vacancy from the list of names previously submitted by the county chairperson of the political party to which the person belongs. If a vacancy occurs in a partisan election and no persons are available from such list, then the county clerk and recorder may appoint a person from among the persons recommended by minor political parties in accordance with section 1-6-103.5 and the unaffiliated voters who have offered to serve as election judges in accordance with section 1-6-103.7.

(2) If any election judge is not present at the opening of the polls but appears at the polling place within thirty minutes after the opening of the polls, that election judge is entitled to serve as an election judge, and in such event the election judges shall make note of this fact in their official returns. If a vacancy occurs on the date of any election by failure of any election judge to appear at the polling place by 7:30 a.m., the vacancy may be filled by the designated election official.

1-6-114. Oath of judges. (1) Before beginning the duties of an election judge, each person appointed as an election judge shall take a self-affirming oath or affirmation in substantially the following form:

"I,, do solemnly swear (or affirm) that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of or within the political subdivision; that I am a member of the party (or that I am unaffiliated with a political party) as shown on the registration books of the county clerk and recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the

same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official."

(3) For nonpartisan elections, the election judges shall not be required to declare their affiliation on the oath or affirmation.

1-6-115. Compensation of judges. (1) In all elections, including primary and general elections, each election judge serving in the precincts on election day shall receive not less than five dollars as compensation for services provided as judge at any election. A student election judge appointed pursuant to the provisions of this article may receive up to but no more than seventy-five percent of the compensation received by an election judge for service provided as judge at any election.

(2) In addition to the compensation provided by subsection (1) of this section, each election judge and student election judge may be paid expenses and reasonable compensation for attending election schools which may be established by the county clerk and recorder or the designated election official. Each supply judge appointed by the county clerk and recorder shall be reimbursed no less than five dollars for attending a special school of instruction.

(2.5) The supply judge and, for partisan elections, the second election judge selected in accordance with section 1-6-109.5 (4) (b) shall be paid no less than four dollars for returning the election supplies, election equipment, and the ballots to the designated election official. The person providing the transportation may be paid a mileage allowance, to be set by the designated election official but not to exceed the mileage rate authorized for county officials and employees, for each mile necessarily traveled in excess of ten miles in going to and returning from the office of the designated election official.

(3) Compensation for election judges shall be determined and paid by the governing body calling the election. Compensation for all judges shall be uniform throughout a particular political subdivision, except the compensation of

student election judges shall be set in conformity with subsection (1) of this section.

(4) Election judges must give the designated election officials their social security numbers in order to receive compensation; however, service as an election judge shall not be considered employment pursuant to articles 70 to 82 of title 8, C.R.S.

1-6-119. Removal of election judge by designated election official. (1) If a county chairperson of a major political party or the county chairperson or other authorized official of a minor political party believes that an election judge appointed to represent that party is not faithfully or fairly representing the party or that an election judge has moved from the county, the county chairperson or authorized official may exercise a preemptive removal of the election judge. The county chairperson or authorized official shall notify the county clerk and recorder and the election judge of the preemptive removal in writing. The county clerk and recorder shall fill any vacancy created by the preemptive removal as provided in section 1-6-113.

(2) Prior to election day, the designated election official may remove an election judge for cause. Cause includes but is not limited to the election judge's failure to file an acceptance form in accordance with sections 1-6-101 and 1-6-106 and the election judge's failure to attend a class of instruction as required in section 1-6-101 (5).

(3) On election day, the designated election official may remove an election judge who has neglected the duties of the office by failing to appear at the polling place by 7:30 a.m., by leaving the precinct polling place before completing all of the duties assigned, by being unable or unwilling or by refusing to perform the duties of the office, or by electioneering.

(4) Upon receipt of a written complaint made by an eligible elector of the political subdivision concerning an election judge, the designated election official shall investigate the complaint and may remove the election judge and appoint another election judge in accordance with section 1-6-113.

1-6-120. Removal of election judges by the court. (1) Upon the failure or neglect of any election judge to perform the duties of the office,

any other election judge, the designated election official, the county chairperson of a political party, or an eligible elector of the political subdivision for which the election judge is appointed, having knowledge of the failure or neglect, shall cause proper action for removal to be instituted against the election judge.

(2) Election judges who neglect their duties, who commit, encourage, or connive in any fraud in connection with their duties, who violate any of the election laws or knowingly permit others to do so, who are convicted of any crime, who violate their oath, who wrongfully hamper or interfere or tend to interfere with the regular performance of the duties of the other election judges, who commit any other act that interferes or tends to interfere with a fair and honest registration and election, or who are not appointed in accordance with the provisions of this article may be removed in the following manner:

(a) Any eligible elector may file a brief petition in the district court at any time up to twelve days before any election, setting out in brief and concise language the facts constituting the cause for the removal of the election judge. The petition shall be verified, but the verification may be upon information and belief. Upon filing of the petition, the court shall issue a citation to the election judge directing an appearance within forty-eight hours to answer the petition if the election judge desires to do so.

(b) The court shall proceed summarily to hear and finally dispose of the petition and may set a hearing within forty-eight hours after the answer is filed. Evidence given by any accused election judge at the hearing shall not be used against that election judge in any civil, criminal, or other proceedings. If the court decides that the election judge should be removed for any cause stated in the petition, the court shall so order and shall immediately notify the appropriate election official.

(3) The validity of any part of the registration or election already completed or other acts performed under this code, if otherwise legally performed, shall not be affected by the removal of an election judge and shall be in every respect valid and regular. The successor of any election judge removed shall proceed with the duties of the election judge with

the same power and effect as though originally appointed.

1-6-121. Election judge vacancies. (Repealed)

ARTICLE 7

Conduct of Elections

PART 1

HOURS OF VOTING, REGISTRATION, OATHS, AND ASSISTANCE TO VOTE

1-7-101. Hours of voting. (1) All polls shall be opened continuously from 7 a.m. until 7 p.m. of each election day. If a full set of election judges is not present at the hour of 7 a.m. and it is necessary for judges to be appointed to conduct the election as provided in section 1-6-113 (2), the election may commence when two judges who are not of the same political affiliation for partisan elections are present at any hour before the time for closing the polls. The polls shall remain open after 7 p.m. until every eligible elector who was at the polling place at or before 7 p.m. has been allowed to vote. Any person arriving after 7 p.m. shall not be entitled to vote.

(2) Upon the opening of the polls, a proclamation shall be made by one of the judges that the polls are open, and, thirty minutes before the closing of the polls, a proclamation shall be made that the polls will close in thirty minutes.

1-7-102. Employees entitled to vote. (1) Eligible electors entitled to vote at an election shall be entitled to absent themselves for the purpose of voting from any service or employment in which they are then engaged or employed on the day of the election for a period of two hours during the time the polls are open. Any such absence shall not be sufficient reason for the discharge of any person from service or employment. Eligible electors, who so absent themselves shall not be liable for any penalty, nor shall any deduction be made from their usual salary or wages, on account of their absence. Eligible electors who are employed and paid by the hour shall receive their regular hourly wage

for the period of their absence, not to exceed two hours. Application shall be made for the leave of absence prior to the day of election. The employer may specify the hours during which the employee may be absent, but the hours shall be at the beginning or end of the work shift, if the employee so requests.

(2) This section shall not apply to any person whose hours of employment on the day of the election are such that there are three or more hours between the time of opening and the time of closing of the polls during which the elector is not required to be on the job.

1-7-103. No voting unless eligible - first-time voters casting a ballot in person after having registered by mail to vote.

(1) No person shall be permitted to vote at any election unless the person's name is found in the registration record and all other requirements for voting as may be required by authorizing legislation have been met.

(2) A person otherwise eligible to vote whose name has been omitted from the registration list or property owner's list shall be permitted to vote upon taking substantially the following oath: "I do solemnly swear or affirm that I am a citizen of the United States of the age of eighteen years or older; that I have been a resident of this state and precinct for thirty days immediately preceding this election and have not maintained a home or domicile elsewhere; that I am a registered elector in this precinct; that I am eligible to vote at this election; and that I have not previously voted at this election."; and

(a) Presenting to an election judge a certificate of registration issued on election day by the county clerk and recorder or a certificate of property ownership issued on election day by the county assessor; or

(b) An election judge obtaining verbal verification of the registration from the county clerk and recorder on election day, or obtaining verbal verification of property ownership from the county assessor on election day.

(3) The election judges, or any one of them, shall promptly contact the county clerk and recorder or the county assessor for the verbal verification so that every eligible elector present at the polling place is allowed to vote. Notation of verbal verification of registration or property

ownership shall be made in the records of the election judges and in the records of the county clerk and recorder and assessor. All certificates of registration shall be surrendered to the election judges and returned to the designated election official with other election records and supplies.

(4) The self-affirming oath or affirmation provided in section 32-1-806 (2), C.R.S., if applicable to the election, may be accepted by an election judge in place of the oath and certificate or verbal verification required by subsection (2) of this section so that every eligible elector present at the polling place is allowed to vote.

(5) (a) Subject to the requirements of section 1-2-501 (2), the requirements of this subsection (5) shall apply to any person who has registered to vote by mail in accordance with part 5 of article 2 of this title and who:

(I) Has not previously voted in an election in Colorado; or

(II) Is reregistering to vote after moving from one county in this state to another and the election in which the person intends to vote takes place prior to the creation by the department of state of a computerized statewide voter registration list that satisfies the requirements of part 3 of article 2 of this title.

(b) Any person who matches either of the descriptions specified in subparagraph (I) or (II) of paragraph (a) of this subsection (5) and intends to cast his or her ballot in person shall present to the appropriate election official at the polling place identification within the meaning of section 1-1-104 (19.5).

(c) Any person who desires to cast his or her ballot in person but does not satisfy the requirements of paragraph (b) of this subsection (2) may cast a provisional ballot in accordance with the requirements of part 3 of article 9 of this title.

1-7-104. Affidavits of eligibility. (1) In any election where the list of registered electors and property owners is not divided by precinct, where an eligible elector may vote at any polling place in a political subdivision, or where an elector's name is not on the list of registered electors or property owners, an affidavit signed by the eligible elector stating that the elector has not

previously voted in the election may be required prior to allowing the elector to cast a ballot.

(2) (Deleted by amendment, L. 96, p. 1745, § 40, effective July 1, 1996.)

1-7-107. Watchers at nonpartisan elections. Candidates for office in nonpartisan elections, and proponents and opponents of a ballot issue, are each entitled to appoint one person to act as a watcher in every polling place in which they are a candidate or in which the issue is on the ballot. The candidates or proponents and opponents shall certify the names of persons so appointed to the designated election official on forms provided by the official.

1-7-108. Requirements of watchers. (1) Watchers shall take an oath administered by one of the election judges that they are eligible electors, that their name has been submitted to the designated election official as a watcher for this election, and that they will not in any manner make known to anyone the result of counting votes until the polls have closed.

(2) Neither candidates nor members of their immediate families by blood or marriage to the second degree may be poll watchers for that candidate.

(3) Each watcher shall have the right to maintain a list of eligible electors who have voted, to witness and verify each step in the conduct of the election from prior to the opening of the polls through the completion of the count and announcement of the results, to challenge ineligible electors, and to assist in the correction of discrepancies.

1-7-109. Judges to keep pollbooks. (1) The election judges shall keep a pollbook which shall contain one column headed "names of voters" and one column headed "number on ballot". The name and the number on the ballot of each eligible elector voting shall be entered successively under the appropriate headings in the pollbook.

(2) When preprinted signature cards are provided for each eligible elector containing the elector's name, address, birth date, and for primary elections the elector's affiliation, the use

of a pollbook shall not be required. The ballot stub number of the ballot issued to the elector shall be written on the preprinted signature card. The preprinted signature cards may also constitute the computer list of eligible electors.

1-7-110. Preparing to vote. (1) Except as provided in subsection (4) of this section, any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5), write his or her name and address on the signature card, and give the signature card to one of the election judges, who shall clearly and audibly announce the name in a loud and distinct tone of voice. An eligible elector who is unable to write may request assistance from one of the election judges, who shall also sign the signature card and witness the eligible elector's mark. The signature card shall provide: "I,, who reside at, am an eligible elector of this precinct or district and desire to vote at this election. Date"

(2) If the eligible elector shows identification and the elector's name is found on the registration list or, where applicable, the property owner's list by the election judge in charge, the elector's name shall be repeated. The judge in charge of the pollbook or list shall then enter the eligible elector's name, and the eligible elector shall be allowed to enter the immediate voting area. Besides the election officials, no more than four electors more than the number of voting booths or voting machines shall be allowed within the immediate voting area at one time.

(2.5) If the elector's qualification to vote is established by the completion of an affidavit, and if the affidavit contains all of the information required in subsection (1) of this section, then the designated election official may consider the affidavit the signature card or may require the completion of an additional signature card.

(3) The completed signature cards shall be returned with other election materials to the designated election official.

(4) An eligible elector who is unable to produce identification may cast a provisional ballot in accordance with part 3 of article 9 of this title.

1-7-111. Disabled registered elector - assistance. (1) (a) If at any election, any registered elector declares to the election judges that, by reason of blindness or other physical disability or inability to read or write, he or she is unable to prepare the ballot or operate the voting machine without assistance, the elector shall be entitled, upon making a request, to receive the assistance of any one of the election judges or, at the elector's option, any eligible elector selected by the disabled eligible elector.

(b) Any person other than an election judge or the spouse, parent, grandparent, sibling or child eighteen years or older of the elector who assists more than one eligible elector in the precinct in casting his or her ballot shall first complete the following voter assistance/disabled voter self-affirmation form: "I,, certify that I am the individual chosen by the disabled elector to assist the disabled elector in casting a ballot".

(2) Notwithstanding the provisions of sections 1-8-115 and 1-8-302, in every political subdivision, physically disabled eligible electors shall be allowed to vote at the absentee voters' polling place on election day. More than one absentee voters' polling place may be established in a county for the purposes of this subsection (2). Prior to voting, if possible, the disabled eligible elector intending to vote at the absentee voters' polling place on election day shall complete the following self-affirmation form. If the disabled elector cannot read or write, or is unable to sign his or her name, the election official or person assisting the elector shall read the form aloud to the elector, and, upon the affirmation of the elector, will mark that the elector requesting assistance has affirmed that the facts on the form are true and correct. If the disabled elector is able to read and write, he or she shall complete the voter assistance/disabled voter self-affirmation form. The form shall provide:

"I,, affirm that I am an eligible elector in this political subdivision located in the county of, state of Colorado; that I shall vote today at this polling place. I further affirm that I have not, nor will I, cast a vote by any other means in this election."

(3) After the voter assistance/disabled voter self-affirmation form is completed, a corresponding entry shall be made on the back of the printed list or computer list. If assistance to a disabled eligible elector occurs at the precinct polling place, an entry shall be made on the pollbook or list of the name of each eligible elector assisted and the name of each person assisting.

1-7-112. Non-English speaking electors - assistance. (1) (a) If at any election, any elector requests assistance in voting, by reason of difficulties with the English language, he or she is unable to prepare the ballot or operate the voting machine without assistance, the elector shall be entitled, upon making a request, to receive the assistance of an election judge, any person selected by the designated election official to provide assistance in that precinct, or any person selected by the eligible elector requesting assistance, provided that the person rendering assistance can provide assistance in both the language in which the elector is fluent and in English. No person, other than an election judge or person selected by the designated election official to provide assistance, shall be permitted to assist more than one elector per election unless the person is the elector's spouse, parent, grandparent, sibling, or child eighteen years or older.

(b) Any person who assists any eligible elector to cast his or her ballot shall first complete the following voter assistance/disabled voter self-affirmation form: "I,, shall not in any way attempt to persuade or induce the elector to vote in a particular manner nor will I cast the elector's vote other than as directed by the elector whom I am assisting."

(2) When assistance is provided to an elector, the name of each eligible elector assisted and the name of the person assisting shall be recorded in the pollbook or list.

1-7-113. Influencing electors. No person who assists an elector as authorized by this title shall seek to persuade or induce the eligible elector to vote in a particular manner.

1-7-114. Write-in votes. (1) Eligible electors may cast a write-in vote for a candidate who has

filed an affidavit of intent of write-in candidacy pursuant to section 1-4-1101 by writing the name of the person in the blank space provided for write-in candidates on the ballot. Each write-in vote may include a reasonably correct spelling of a given name, an initial or nickname, or both a given name and an initial or nickname, and shall include the last name of the person for whom the vote is intended. Whenever write-in votes are cast, they shall be counted only when the intention of the elector is clearly apparent.

(2) A vote for a write-in candidate shall not be counted unless that candidate is qualified to hold the office for which the elector's vote was cast.

(3) If the elector has cast more votes for an office than he or she is lawfully entitled to cast, by voting for both a candidate appearing on the ballot and a valid write-in candidate, neither of the votes for the office shall be counted.

(4) (a) The designated election official shall make a list of eligible write-in candidates and provide the list to the election judges. The order of the write-in candidates on such list may be determined by the time of filing the affidavit pursuant to section 1-4-1101.

(b) Except as may be required to accommodate a person with a disability, election judges shall not verbally comment on write-in candidates. Upon request of an eligible elector, an election judge may display to the requesting elector the list of eligible write-in candidates provided to the judges by the designated election official. The list shall not be posted nor may the list be taken into a voting booth.

1-7-115. Time in voting area. Eligible electors shall cast their ballots without undue delay and shall leave the immediate voting area as soon as voting is complete. No eligible elector shall be allowed to occupy a voting booth already occupied by another, nor to remain within the immediate voting area more than ten minutes, nor to occupy a voting booth for more than ten minutes if all the booths are in use and other eligible electors are waiting to occupy them. No eligible elector whose name has been entered on the pollbook shall be allowed to reenter the immediate voting area during the election, except an election judge.

1-7-116. Coordinated elections. (1) If more than one political subdivision holds an election on the same day in November and the eligible electors for each such election are the same or the boundaries overlap, the county clerk and recorder shall be the coordinated election official and shall conduct the elections on behalf of all political subdivisions that are not utilizing the mail ballot procedure set forth in sections 1-7.5-101 to 1-7.5-112. As used in this subsection (1), "political subdivision" shall include the state, counties, municipalities, school districts, and special districts formed pursuant to title 32, C.R.S.

(2) The political subdivisions for which the county clerk and recorder will conduct the coordinated election shall enter into an agreement with the county clerk and recorder for the county or counties in which the political subdivision is located concerning the conduct of the coordinated election. The agreement shall be signed no later than sixty days prior to the scheduled election. The agreement shall include but not be limited to the following:

(a) Allocation of the responsibilities between the county clerk and recorder and the political subdivisions for the preparation and conduct of the coordinated election; and

(b) Provision for a reasonable sharing of the actual cost of the coordinated election among the county and the political subdivisions. For such purpose, political subdivisions are not responsible for sharing any portion of the usual costs of maintaining the office of the county clerk and recorder, including but not limited to overhead costs and personal services costs of permanent employees, except for such costs that are shown to be directly attributable to conducting coordinated elections on behalf of political subdivisions. Notwithstanding any other provision of this section, the state's share of the actual costs of the coordinated election shall be governed by the provisions of section 1-5-505.5. Where the state's reimbursement to a particular county for the costs of conducting a coordinated election pursuant to section 1-5-505.5 is less than the costs of conducting a coordinated election for which the county is entitled to reimbursement by means of a cost-sharing agreement entered into pursuant to the provisions of this subsection (2), such differential

shall be assumed by the county. Where the state's reimbursement to a particular county for the costs of conducting a coordinated election pursuant to section 1-5-505.5 is greater than the costs of conducting a coordinated election for which the county is entitled to reimbursement by means of a cost-sharing agreement entered into pursuant to the provisions of this subsection (2), the county shall be entitled to retain such differential, with no obligation to return any portion of such amount to the state.

(3) Notwithstanding the provision for independent mail ballot elections in subsection (1) of this section, the ballot issue notice shall be prepared and mailed in substantial compliance with part 9 of this article, and the preparation and mailing thereof shall be made pursuant to an agreement as provided in subsection (2) of this section.

(4) (Deleted by amendment, L. 94, p. 1163, § 36, effective July 1, 1994.)

(5) If, by one hundred days before the election, a political subdivision has taken formal action to participate in a general election or other election that will be coordinated by the county clerk and recorder, the political subdivision shall notify the county clerk and recorder in writing.

PART 3 PAPER BALLOTS

1-7-301. Judges open ballot box first. Immediately before proclamation is made of the opening of the polls, the election judges shall open the ballot box in the presence of those assembled and shall turn it upside down so as to empty it of anything that may be in it and then shall lock it securely. No ballot box shall be reopened until the time for counting the ballots therein.

1-7-302. Electors given only one ballot. Election judges shall give to each eligible elector a single ballot, which shall be separated from the stub by tearing or cutting along the perforated or dotted line. The election judge having charge of the ballots shall endorse his or her initials on the duplicate stub. Another election judge shall enter the date and the number of the ballot on the registration record of the eligible elector before delivering the ballot to

the eligible elector. The election judge having charge of the pollbook shall write the name of the eligible elector and the number of the ballot on the pollbook.

1-7-303. Spoiled ballots. No person shall remove any ballot from the polling place before the close of the polls. Any eligible elector who spoils a ballot may obtain others, one at a time, not exceeding three in all, upon returning each spoiled ballot. The spoiled ballots thus returned shall be immediately canceled and shall be preserved and returned to the designated election official, as provided in section 1-7-701.

1-7-304. Manner of voting. (1) Each eligible elector, upon receiving a ballot, shall immediately proceed unaccompanied to one of the voting booths provided. To cast a vote, the eligible elector shall clearly mark or stamp in the appropriate square or place a cross mark (X) opposite the name of the candidate or the names of the joint candidates of the elector's choice for each office to be filled. In the case of a ballot issue, the elector shall clearly mark or stamp in the appropriate square or place a cross mark (X) opposite the answer which the elector desires to give. Before leaving the voting booth, the eligible elector shall fold the ballot without displaying the marks thereon, in the same way it was folded when received by the elector, so that the contents of the ballot are concealed and the stub can be removed without exposing any of the contents of the ballot, and shall keep the ballot folded until it is deposited in the ballot box.

(2) Each eligible elector who has completed the ballot and is ready to vote shall then leave the voting booth and approach the election judges having charge of the ballot box. The elector shall give his or her name to one of the election judges, who shall clearly and audibly announce the name in a loud and distinct tone of voice. The elector's ballot shall be handed to the election judge in charge of the ballot box, who shall announce the name of the eligible elector and the number upon the duplicate stub of the ballot, which number shall correspond with the stub number previously placed on the registration list. If the stub number of the ballot corresponds and is identified by the initials that the issuing election judge placed thereupon, the

election judge shall then remove the duplicate stub from the ballot. The ballot shall then be returned by the election judge to the elector, who shall, in full view of the election judges, deposit it in the ballot box, with the official endorsement on the ballot uppermost.

1-7-305. Counting by counting judges. (1) In precincts having counting judges, the receiving judges, at 8 a.m., or as soon thereafter as the counting judges request the ballot box, shall deliver to the counting judges the ballot box containing all ballots that have been cast up to that time, and the receiving judges shall then proceed to use the other ballot box furnished for voting. The receiving judges shall open, empty, and lock the alternate ballot box in the manner prescribed in section 1-7-301.

(2) When the counting judges have counted the votes in a ballot box, they shall return the empty ballot box to the receiving judges and exchange it for the box containing ballots cast since taking possession of the first ballot box. The judges shall continue to exchange ballot boxes in the same manner during the day until the polls are closed and shall continue counting until all ballots have been counted.

(3) When an exchange of ballot boxes is made as described in subsection (2) of this section, the receiving judges shall sign and furnish to the counting judges a statement showing the number of ballots that are to be found in each ballot box as indicated by the pollbooks. The counting judges shall then count ballots in the manner prescribed in section 1-7-307.

(4) The governing body may provide a separate room or building for the counting judges but, when ballot boxes are moved from one room or building to another, they shall be under the constant observation of at least one of the counting judges.

1-7-306. Counting by receiving judges. In precincts which do not have counting judges, as soon as the polls at any election have closed, the receiving judges shall immediately open the ballot box and proceed to count the ballots in the manner prescribed in section 1-7-307. The receiving judges shall not adjourn until the

counting is finished.

1-7-307. Method of counting paper ballots. (1) The election judges shall first count the number of ballots in the box. If the ballots are found to exceed the number of names entered on each of the pollbooks, the election judges shall then examine the official endorsements. If, in the unanimous opinion of the judges, any of the ballots in excess of the number on the pollbooks are deemed not to bear the proper official endorsement, they shall be put into a separate pile and into a separate record, and a return of the votes in those ballots shall be made under the heading "excess ballots". When the ballots and the pollbooks agree, the judges shall proceed to count the votes.

(2) Each ballot shall be read and counted separately. Every name and all names of joint candidates separately marked as voted for on the ballot shall be read and an entry made on each of two accounting forms before any other ballot is counted. The entire number of ballots, excepting "excess ballots", shall be read, counted, and placed on the accounting forms in like manner. When all of the ballots, except "excess ballots", have been counted, the election judges shall post the votes from the accounting forms.

(3) When all the votes have been read and counted, the ballots shall be returned to the ballot box, the opening shall be carefully sealed, and the election judges shall place their initials on the seal. The cover shall then be locked and the ballot box delivered to the designated election official, as provided in section 1-7-701.

(4) All persons, except election judges and watchers, shall be excluded from the place where the ballot counting is being held until the count has been completed.

1-7-308. Judges to keep accounting forms. As the election judges open and read the ballots, other election judges shall carefully enter the votes each of the candidates, each pair of joint candidates, and each ballot issue has received on the accounting forms furnished by the designated election official for that purpose. The names of the candidates and the names of each pair of joint candidates shall be placed on the accounting forms in the order in which they

appear on the official ballots.

1-7-309. Determination of improperly marked ballots. (1) Votes cast for an office to be filled or a ballot issue to be decided shall not be counted if an elector marks more names than there are persons to be elected to an office or if for any reason it is impossible to determine the elector's choice of candidate or vote concerning the ballot issue.

(2) A defective or an incomplete cross mark on any ballot in a proper place shall be counted if no other cross mark appears on the ballot indicating an intention to vote for some other candidate or ballot issue.

(3) No ballot shall be counted unless it has the official endorsement required by section 1-7-302.

(4) Ballots not counted because of the election judges' inability to determine the elector's intent for all candidates and ballot issues shall be marked "defective" on the back, banded together and separated from the other ballots, returned to the ballot box, and preserved by the designated election official pursuant to section 1-7-801.

(5) When the election judges in any precinct discover in the counting of votes that the name of any write-in candidate voted for is misspelled or omitted in part, the vote for that candidate shall be counted if the writing meets the requirements of section 1-7-114 (1).

PART 4 VOTING MACHINES

1-7-401. Judges to inspect machines. In each precinct using voting machines, the election judges shall meet at the polling place at least forty-five minutes before the time set for the opening of the polls at each election. Before the polls are open for election, each judge shall carefully examine each machine used in the precinct to insure that no vote has yet been cast and that every counter, except the protective counter, registers zero.

1-7-402. Sample ballots - ballot labels. (1) The designated election official shall provide each election precinct in which voting machines are to be used with two sample

ballots, which shall be arranged in the form of a diagram showing the front of the voting machine as it will appear after the official ballot labels are arranged thereon for voting on election day. The sample ballots may be either in full or reduced size and shall be delivered and submitted for public inspection in the same manner as provided by law for sample ballots used in nonmachine voting.

(2) The designated election official shall also prepare the official ballot for each voting machine and shall place the official ballot on each voting machine to be used in precinct polling places under the election official's supervision and shall deliver the required number of voting machines to each election precinct no later than the day before the polls open.

1-7-403. Instruction to electors. In case any elector, after entering the voting machine, asks for further instructions concerning the manner of voting, an election judge shall give instructions to the elector. No election judge or other election official or person assisting an elector shall enter the voting machine, except as provided in sections 1-7-111 and 1-7-112. After receiving instructions, the elector shall vote as if unassisted.

1-7-404. Judge to watch voting machine. No person shall deface or damage any voting machine or the ballot thereon. The election judges shall designate at least one election judge to be stationed beside the entrance to the voting machine during the entire period of the election to see that it is properly closed after each voter has entered. At such intervals as may be deemed necessary, the election judge shall also examine the face of the machine to ascertain whether it has been defaced or damaged, to detect any wrongdoing, and to repair any damage.

1-7-405. Seal on voting machine. The designated election official shall supply each election precinct with a seal for each voting machine to be used in the precinct for the purpose of sealing the machine after the polls are closed. The designated election official shall also provide an envelope for the return of the

keys to each voting machine along with the election returns.

1-7-406. Close of polls and count - seals. As soon as the polls are closed, the election judges shall immediately lock and seal each voting machine against further voting, and it shall so remain for a period of thirty days unless otherwise ordered by the court and except as provided in section 1-7-407. Immediately after each machine is locked and sealed, the election judges shall open the counting compartment and proceed to count the votes. After the total vote for each candidate and ballot issue has been ascertained, the election judges shall record on a certificate the number of votes cast, in numerical figures only, and return it in the manner prescribed by section 1-7-701.

1-7-408. Judges to keep accounting forms. As some election judges open and read the ballots, other election judges, utilizing the accounting forms prescribed by the secretary of state and furnished by the designated election official, shall carefully record the votes cast for each of the candidates, for each pair of joint candidates, and for each ballot issue.

PART 5 ELECTRONIC VOTING EQUIPMENT

1-7-501. Judges open ballot box first. Immediately before proclamation is made of the opening of the polls, the election judges shall open the ballot box in the presence of those assembled and shall turn it upside down so as to empty it of anything that may be in it and then shall lock it securely. No ballot box shall be reopened until the time for counting the ballots or ballot cards therein.

1-7-502. Elector given only one ballot or ballot card. An election judge shall give to each eligible elector only one ballot or ballot card, which shall be removed from the package by tearing it along the perforated line below the stub. The election judge having charge of the pollbook shall write the name of the eligible elector and the number of the ballot or ballot card upon the pollbook.

1-7-503. Manner of voting. (1) Each eligible elector, upon receiving a ballot, shall immediately proceed unaccompanied to one of the voting booths provided. To cast a vote, the eligible elector shall clearly mark or stamp in the appropriate square or place a cross mark (X) opposite the name of the candidate or the names of the joint candidates of the elector's choice for each office to be filled. In the case of a ballot issue, the elector shall clearly mark or stamp in the appropriate square or place a cross mark (X) opposite the answer which the elector desires to give. Before leaving the voting booth, the eligible elector, without displaying the marks thereon, shall place the ballot in the privacy envelope so that the contents of the ballot or ballot card are concealed and shall place the envelope and the ballot or ballot card in the ballot box.

(2) Each eligible elector who has prepared the ballot and is ready to vote shall then leave the voting booth and approach the election judges having charge of the ballot box. The eligible elector shall give his or her name to one of the election judges. The elector shall, in full view of the election judges, deposit the ballot or ballot card in the ballot box, with the official endorsement on the ballot or ballot card facing upward.

(3) In precincts which use electronic voting equipment in which voting is by a method

other than a ballot, each voter shall be listed by name in the pollbook and shall be given an entry card to the electronic voting device.

1-7-504. Spoiled ballots or ballot card. In precincts in which voting is on a ballot or ballot card, no person shall remove any ballot or ballot card from the polling place before the close of the polls. Any eligible elector who spoils a ballot or ballot card may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled ballot or ballot card. The spoiled ballots or ballot cards thus returned shall be immediately canceled and shall be preserved and returned to the designated election official, as provided in section 1-7-701.

1-7-505. Close of polls - count and seals in electronic voting. (1) After the polls have been closed, the election judges shall secure the vote recorders or the voting devices, or both, against further use.

(2) In precincts in which voting is on a ballot or ballot card, election judges shall prepare a return in duplicate showing the number of eligible electors, as indicated by the pollbook, who have voted in the precinct, the number of official ballots or ballot cards received, and the number of spoiled and unused ballots or ballot cards returned. The original copy of the return shall be deposited in the metal or durable plastic transfer box, along with all voted and spoiled ballots. The transfer box shall then be sealed in such a way as to prevent tampering with the box or its contents. The designated election official shall provide a numbered seal. The duplicate copy of the return shall be mailed at the nearest post office or post-office box to the designated election official by an election judge other than the one who delivers the transfer box to the designated counting center. For partisan elections, two election judges of different political affiliations, as provided in section 1-6-109.5, shall deliver the sealed transfer box to the counting center designated by the county clerk and recorder.

(3) In precincts in which electronic voting is by a method other than a ballot or ballot card, election judges shall, after securing the voting devices, prepare the paper tape containing the votes.

1-7-506. Electronic vote-counting - test. (1) (a) The designated election official shall have the electronic vote-counting equipment tested at each counting center in the manner prescribed in this section to ascertain that it will accurately count the votes cast for all offices and ballot issues. The electronic equipment shall be tested at least three times, once on the day before the election, again just prior to the start of the count on election day, and finally at the conclusion of the counting. The designated election official may make any additional tests deemed necessary.

(b) For the purpose of testing an electronic voting device which records votes on a paper tape and simultaneously on a "prom" or

other electronic tabulating device, the election judges in any precinct using the device shall run a paper tape prior to opening the polls, label it, and return it to the designated election official in the transfer case, together with one copy of the tape of votes cast and the "prom" or other electronic tabulating device.

(2) The designated election official shall give to the county chairpersons of the major political parties or their official representatives and to the county chairperson or official representative of any minor political party who notifies the designated election official no less than sixty days before the election of the party's desire to participate in the testing, at least twenty-five official ballots that are clearly marked as test ballots. The county chairpersons or their official representatives shall secretly vote the test ballots and retain a record of the test votes. The designated election official may also vote and retain at least twenty-five test ballots. For coordinated elections, all of the designated election officials from political subdivisions other than the county may, upon request of the officials, be given together a total of one hundred test ballots to mark among them. The designated election officials shall secretly vote their portion of the test ballots and retain a record of the test votes.

(3) The designated election official, or for partisan elections, the county clerk and recorder and county chairpersons, shall observe the tabulation of all test ballots by means of the electronic vote-counting equipment and compare the tabulation with the previously retained records of the test vote count. The cause of any discrepancies shall be corrected prior to the actual vote tabulation.

(4) All test materials when not in use shall be kept in a metal box, and the designated election official shall be the custodian of the box.

(6) After the final test following the conclusion of the counting, all programs, test materials, and ballots shall be sealed and retained, as provided for paper ballots pursuant to section 1-7-307.

1-7-507. Electronic vote-counting - procedure. (1) All proceedings at the counting centers shall be under the direction of the designated election official and the

representatives of the political parties, if a partisan election, or watchers, if a nonpartisan election. No persons, except those authorized for the purpose, shall touch any ballot, ballot card, "prom" or other electronic device, or return.

(2) All persons who are engaged in the processing and counting of the ballots or recorded precinct votes shall be deputized in writing and take an oath that they will faithfully perform their assigned duties.

(3) The return printed by the electronic vote-tabulating equipment, to which have been added write-in votes, shall, when certified by the designated election official, constitute the official return of each precinct. The designated election official may, from time to time, release unofficial returns. Upon completion of the count, the official returns shall be open to the public.

(4) Absentee ballots shall be counted at the counting centers in the same manner as precinct ballots.

(5) Write-in ballots may be counted in their precincts by the precinct election judges or at the counting centers.

(6) If for any reason it becomes impracticable to count all or a part of the ballots with electronic vote-tabulating equipment, the designated election official may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots as provided in 1-7-307.

(7) The receiving, opening, and preservation of the transfer boxes and their contents shall be the responsibility of the designated election official, who shall provide adequate personnel and facilities to assure accurate and complete election results. Any indication of tampering with the ballots, ballot card, or other fraudulent action shall be immediately reported to the district attorney, who shall immediately investigate the action and report the findings in writing within ten days to the designated election official and shall prosecute to the full extent of the law any person or persons responsible for the fraudulent action. The secretary of state shall issue such directives as may be necessary to implement or clarify the procedures outlined for the conduct of elections when punch card electronic voting systems are used.

(8) Precincts using punch card

electronic voting systems shall not be required to post the abstract of the count of votes at the precinct after the closing of the polls.

1-7-508. Determination of improperly marked ballots. (1) If any ballot is damaged or defective so that it cannot properly be counted by the electronic vote-counting equipment, a true duplicate copy shall be made of the damaged ballot in the presence of two witnesses. The duplicate ballot shall be substituted for the damaged ballot. Every duplicate ballot shall be clearly labeled as such and shall bear a serial number which shall be recorded on the damaged ballot.

(2) Votes cast for an office to be filled or a ballot issue to be decided shall not be counted if a voter marks or punches more names than there are persons to be elected to an office or if for any reason it is impossible to determine the elector's choice of candidate or vote concerning the ballot issue. A defective or an incomplete mark or punch on any ballot in a proper place shall be counted if no other mark or punch is on the ballot indicating an intention to vote for some other candidate or ballot issue.

(3) No ballot shall be counted unless it has the official endorsement required by section 1-7-502.

(4) Ballots not counted because of the election judges' inability to determine the elector's intent for all candidates and ballot issues shall be marked "defective" on the back, banded together, separated from the other ballots, and preserved by the designated election official pursuant to section 1-7-801.

PART 6 ELECTION RETURNS

1-7-601. Judges' certificate and statement. (1) As soon as all the votes have been read and counted, either at the precincts or at the electronic balloting counting centers, the election judges shall make a certificate for each precinct, stating the name of each candidate, the office for which that candidate received votes, and stating the number of votes each candidate received. The number shall be expressed in words at full length and in numerical figures. The entry shall be made, as nearly as circumstances

will permit, in the following form:

"At an election held, in precinct, in the county of and state of Colorado, on the day of in the year, the following named candidates received the number of votes annexed to their respective names for the following described offices: Total number of ballots or votes cast was A.B. and E.F. had seventy-two (72) votes for governor and lieutenant governor; C.D. and G.H. had sixty-nine (69) votes for governor and lieutenant governor; J.K. had sixty-eight (68) votes for representative in congress; L.M. had seventy (70) votes for representative in congress; N.O. had seventy-two (72) votes for state representative; P.Q. had seventy-one (71) votes for state representative; R.S. had eighty-four (84) votes for sheriff; T.W. had sixty (60) votes for sheriff; (and the same manner for any other persons voted for).

Certified by us:

A.B.)

C.D.)

E.F.)

"Election Judges"

(2) In addition, the election judges shall make a written statement showing the number of ballots voted, making a separate statement of the number of unofficial and substitute ballots voted, the number of ballots delivered to electors, the number of spoiled ballots, the number of ballots not delivered to electors, and the number of ballots returned, identifying and specifying the same. All unused ballots, spoiled ballots, and stubs of ballots voted shall be returned with the statement.

(3) Any judges' certificates and statements may be combined into one document if so directed by the designated election official.

1-7-602. Judges to post returns. At any election in precincts where voting is by paper ballot, voting machine, or electronic voting system which produces a paper tape, the election judges shall make an abstract of the count of votes, which abstract shall contain the names of the offices, names of the candidates, ballot titles, and submission clauses of all

initiated, referred, or other ballot issues voted upon and the number of votes counted for or against each candidate or ballot issue. The abstract shall be posted in a conspicuous place which can be seen from the outside of the polling place immediately upon completion of the counting. The abstract may be removed at any time after forty-eight hours following the election. Suitable blanks for the abstract required by this section shall be prepared, printed, and furnished to all election judges at the same time and in the same manner as other election supplies.

1-7-603. Preparation of election returns. If any designated election official wishes to count the votes cast at a location or by a method other than authorized by this code, the designated election official may present a plan, for approval by the secretary of state, that delineates the process for assuring accuracy and confidentiality of counting. The plan shall be submitted to the secretary of state and approved no later than forty-five days before the election at which the plan is to be implemented.

PART 7
DELIVERY OF ELECTION RETURNS

1-7-701. Delivery of election returns, ballot boxes, and other election papers. When all the votes have been read and counted, the election judges selected in accordance with section 1-6-109.5 shall deliver to the designated election official the certificate and statement required by section 1-7-601, ballot boxes and all keys to the boxes, paper tapes, "proms" or other electronic devices, the registration book, pollbooks, accounting forms, spoiled ballots, unused ballots, ballot stubs, oaths, affidavits, and other election papers and supplies. The delivery shall be made at once and with all convenient speed, and informality in the delivery shall not invalidate the vote of any precinct when delivery has been made previous to the completion of the official abstract of the votes by the board of canvassers. The designated election official shall give a receipt for all items delivered.

PART 8
PRESERVATION OF BALLOTS AND
ELECTION RECORDS

1-7-801. Ballots preserved. The designated election official shall remove the ballots from the ballot box after the time period for election contests has passed and preserve the ballots as election records pursuant to section 1-7-802.

1-7-802. Preservation of election records. The designated election official shall be responsible for the preservation of any election records for a period of at least twenty-five months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later. Unvoted ballots may be destroyed after the time for a challenge to the election has passed. If a federal candidate was on the ballot, the voted ballots and any other required election materials shall be kept for at least twenty-five months after the election.

PART 9
BALLOT ISSUE NOTICES

1-7-901. Receipt of comments concerning ballot issues. (1) Each political subdivision shall accept written comments concerning ballot issues in accordance with this section.

(2) All comments filed in writing will be received and kept on file with the designated election official for the political subdivision submitting to its eligible electors the ballot issue to which the comments pertain. However, only those comments that are filed by persons eligible to vote in the political subdivision submitting the ballot issue to its electors must be summarized in the ballot issue notice. The filed comments shall be retained by the designated election official as election records.

(3) To be summarized in the ballot issue notice, the comments shall address a specific ballot issue and shall include a signature and an address where the signor is registered to vote and shall be filed with the designated election official for the political subdivision and not the county clerk and recorder of the county in which

the political subdivision is located unless the issue is a county issue for which the county clerk and recorder is the designated election official.

(4) Since section 20 (3) (b) (v) of article X of the state constitution requires that comments pertaining to a ballot issue be filed by forty-five days before the election and since such day is always a Saturday, all comments shall be filed by the end of the business day on the Friday before the forty-fifth day before the election.

1-7-902. Preparation of fiscal information. A governing body submitting a referred measure, or its designee, shall be responsible for providing to its designated election official the fiscal information that must be included in the ballot issue notice. For political subdivisions, the governing body shall be the board that authorized submission of the ballot issue to the electorate.

1-7-903. Preparation of written comments. (1) For referred measures, the designated election official shall summarize the filed comments in favor of and in opposition to the ballot issue for the ballot issue notice.

(2) For initiated measures, the petition representatives shall be solely responsible for summarizing all comments filed in favor of the ballot issue. The designated election official shall summarize all comments filed in opposition to the ballot issue.

(3) Petition representatives required to summarize favorable comments in favor of their petition shall submit the summary in typewritten form to the designated election official for the jurisdiction in which the petition is presented no later than forty-three days before the election. If a summary is not filed by the petition representatives within the time allowed, the designated election official shall print the following in the ballot issue notice where the summary would appear: "No summary was filed by the statutory deadline."

(4) If no comments are filed in opposition to or in support of a ballot issue, the designated election official shall not prepare any summaries and shall state substantially the following in the ballot issue notice where the summary or summaries would appear: "No comments were filed by the constitutional

deadline."

(5) The provisions of this section shall not apply to a statewide ballot issue that is subject to the provisions of section 1 (7.5) of article V of the state constitution.

1-7-904. Transmittal of Notices

Notwithstanding the provision for independent mail ballot elections in section 1-7-116 (1), the designated election official or the official's designee for a political subdivision conducting an election in November shall prepare and deliver to the county clerk and recorder for the county or counties in which the political subdivision is

located no later than forty-two days before the election the full text of any required ballot issue notices.

1-7-905. Preparation of notices.

(1) For November elections, the county clerk and recorder shall be responsible for placing the ballot issue notices received from the various political subdivisions participating in the election in the proper order in the ballot issue notice packet. As nearly as practicable, the notice shall be in the order the ballot issues will appear on the ballot. The ballot issue notice shall be followed by a certification by the county clerk and recorder that the ballot issue notices are complete as submitted by the political subdivisions. No additional information shall be included as part of the ballot issue notice except as may be required by law. A general disclaimer may precede or follow the ballot issue notice which may state: "The information contained in this notice was prepared by persons required by law to provide summaries of ballot issues and fiscal information."

(2) The designated election officials of overlapping political subdivisions conducting an election other than in November shall confer concerning the preparation of the ballot issue notice no later than forty days prior to the date of the election. The political subdivisions conducting the election shall provide for preparation of any required ballot issue notice package by agreement in a form substantially as provided in section 1-7-116.

1-7-905.5. Form of notice. (1) The ballot issue notice shall begin with the words "All registered voters", regardless of whether the electors of the political subdivision must be registered electors to be eligible to vote in the election, and shall end at the conclusion of the summary of comments. Any information included pursuant to section 1-5-206, information concerning procedure for a mail ballot election, ballot, polling place, or other information included with the ballot issue notice prior to the words "All registered voters" or after the conclusion of the summary of comments shall not be deemed to be part of the ballot issue notice.

(2) Ballot issue notices are not election materials that must be provided in a language other than English.

1-7-906. Mailing of notices.

(1) For November elections, the county clerk and recorder as coordinated election official shall mail the ballot issue notice packet to each address of one or more active registered electors who reside in the county or portions of the county in which registered voters of those districts submitting ballot issues reside.

(2) The designated election official for the various political subdivisions shall be responsible for mailing the required notice to each address of one or more active registered electors who do not reside within the county or counties where the political subdivision is located.

(3) The political subdivisions shall by agreement, in a form substantially as provided in sections 1-7-116 and 1-7-905, provide for mailing of any required ballot issue notice package for elections conducted other than in November.

1-7-907. Applicability - cross references. The ballot issue notice shall be prepared and mailed in substantial compliance with section 20 of article X of the state constitution, the provisions of this title, and the rules and regulations of the secretary of state.

1-7-908. Additional notice - election to create financial obligation. (1) (a) A district submitting a ballot issue concerning the creation of any debt

or other financial obligation at an election in the district shall post notice of the following information on the district's website or, if the district does not maintain a website, at the district's chief administrative office no later than twenty days before the election:

(I) The district's ending general fund balance for the last four fiscal years and the projected ending general fund balance for the current fiscal year;

(II) A statement of the total revenues in and expenditures from the district's general fund for the last four fiscal years and the projected total revenues in and expenditures from the general fund for the current fiscal year;

(III) The amount of any debt or other financial obligation incurred by the district for each of the last four fiscal years for cash flow purposes that has a term of not more than one year and the amount of any such financial obligation projected for the current fiscal year;

(IV) A statement as to whether the district's emergency reserve required by section 20 (5) of article X of the state constitution has been fully funded by cash or investments for the current fiscal year and each of the last four fiscal years and an identification of the funds or accounts in which the reserve is currently held. If the reserve has not been fully funded, the notice shall include a statement of the reasons the reserve has not been fully funded.

(V) The location or locations at which any person may review the district's audited financial statements for the last four fiscal years, any management letters that have been made public and have been provided to the district by its auditors in connection with the preparation of its audits for the last four fiscal years, and the district's budget for the current fiscal year.

(b) If the debt or other financial obligation for which the district is seeking voter approval is to be paid from a revenue source that is accounted for in a fund other than the district's general fund, the information required by subparagraphs (I) and (II) of paragraph (a) of this subsection (1) shall also be made available for such other fund.

(c) The information required by subparagraphs (I), (II), (III), and (IV) of paragraph (a) of this subsection (1) shall be based upon audited figures. If no audited figures

are available, the information shall be based upon estimated figures.

(2) The notice required by this section shall be in addition to and shall not substitute, replace, or be combined with any other notice required by law.

(3) For purposes of this section, "district" shall have the same meaning as set forth in section 20 (2) (b) of article X of the state constitution.

ARTICLE 7.5

Mail Ballot Elections

1-7.5-101. Short title. This article shall be known and may be cited as the "Mail Ballot Election Act".

1-7.5-102. Legislative declaration. The general assembly hereby finds, determines, and declares that self-government by election is more legitimate and better accepted as voter participation increases. The general assembly further finds, determines, and declares that mail ballot elections are cost-efficient and have not resulted in increased fraud. By enacting this article, the general assembly hereby concludes that it is appropriate to provide for mail ballot elections under specified circumstances.

1-7.5-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Designated election official" means official as defined in section 1-1-104 (8).

(2) "Election" means any election under the "Uniform Election Code of 1992" or the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S.

(3) "Election day" means the date either established by law or determined by the governing body of the political subdivision conducting the election, to be the final day on which all ballots are determined to be due, and the date from which all other dates in this article are set.

(4) "Mail ballot election" means an election for which eligible electors may cast ballots by mail and in accordance with this article in an election that involves only nonpartisan candidates or ballot questions or ballot issues.

(5) "Mail ballot packet" means the packet of information provided by the designated election official to eligible electors in the mail ballot election. The packet includes the ballot, instructions for completing the ballot, a secrecy envelope, and a return envelope.

(6) "Political subdivision" means a governing subdivision of the state, including counties, municipalities, school districts, and special districts.

(7) "Return envelope" means an envelope that is printed with spaces for the name and address of, and a self-affirmation to be signed by, an eligible elector voting in a mail ballot election, that contains a secrecy envelope and ballot for the elector, and that is designed to allow election officials, upon examining the signature, name, and address on the outside of the envelope, to determine whether the enclosed ballot is being submitted by an eligible elector who has not previously voted in that particular election.

(8) "Secrecy envelope" means the envelope used for a mail ballot election that contains the eligible elector's ballot for the election, and that is designed to conceal and maintain the confidentiality of the elector's vote until the counting of votes for that particular election.

1-7.5-104. Mail ballot elections - optional. (1) If the governing board of any political subdivision determines that an election shall be by mail ballot, the designated election official for the political subdivision shall conduct any election for the political subdivision by mail ballot under the supervision of the secretary of state and shall be subject to rules which shall be promulgated by the secretary of state.

(2) Notwithstanding the provisions of subsection (1) of this section, a mail ballot election shall not be held for:

(a) Elections or recall elections that involve partisan candidates;

(b) Elections held in conjunction with, or on the same day as, a primary or congressional vacancy election.

(3) Notwithstanding any other provision of law to the contrary concerning the type of election to be held, elections by mail ballot shall be conducted as provided in this article.

1-7.5-105. Preelection process. (1) The designated election official responsible for conducting an election that is to be by mail ballot pursuant to section 1-7.5-104 (1) shall notify the secretary of state no later than fifty-five days prior to the election. The notification shall include a proposed plan for conducting the mail ballot election, which may be based on the standard plan adopted by the secretary of state.

(2) The secretary of state shall approve or disapprove the written plan for conducting a mail ballot election, in accordance with section 1-7.5-106, within fifteen days after receiving the plan and shall provide a written notice to the affected political subdivision.

(3) The designated election official shall supervise the distributing, handling, counting of ballots, and the survey of returns in accordance with rules promulgated by the secretary of state as provided in section 1-7.5-106 (2) and shall take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election.

(4) No elector information shall be delivered in the form of a sample ballot.

1-7.5-106. Secretary of state - duties and powers. (1) In addition to any other duties prescribed by law, the secretary of state, with advice from election officials of the several political subdivisions, shall:

(a) Prescribe the form of materials to be used in the conduct of mail ballot elections; except that all mail ballot packets shall include a ballot, instructions for completing the ballot, a secrecy envelope, and a return envelope;

(b) Establish procedures for conducting mail ballot elections; except that the procedures shall be consistent with section 1-7.5-107;

(c) Supervise the conduct of mail ballot elections by the election officials as provided in section 1-7.5-105 (3).

(2) In addition to other powers prescribed by law, the secretary of state may adopt rules governing procedures and forms necessary to implement this article and may appoint any county clerk and recorder as an agent of the secretary to carry out the duties prescribed in this article.

1-7.5-107. Procedures for conducting mail ballot election - first-time voters casting a mail ballot after having registered by mail to vote.

(1) Official ballots shall be prepared and all other preelection procedures followed as otherwise provided by law or rules promulgated by the secretary of state; except that mail ballot packets shall be prepared in accordance with this article.

(2) (a) Except for coordinated elections conducted as a mail ballot election where the county clerk and recorder is the coordinated election official, no later than thirty days prior to election day, the county clerk and recorder shall submit to the designated election official of the political subdivision conducting the mail ballot election a full and complete preliminary list of registered electors. For special district mail ballot elections, the county clerk and recorder and county assessor of each county in which a special district is located shall certify and submit to the designated election official a list of property owners and a list of registered electors residing within the affected district.

(b) No later than twenty days prior to election day, the county clerk and recorder and county assessor required to submit a preliminary list in accordance with paragraph (a) of this subsection (2) shall submit to the appropriate authority a supplemental list of the names of eligible electors or property owners whose names were not included on the preliminary list.

(c) All lists of registered electors and lists of property owners provided to a designated election official under this section shall include the last mailing address of each elector.

(2.5) (a) No later than twenty days before an election, the designated election official, or the coordinated election official if so provided by an intergovernmental agreement, shall provide notice by publication of a mail ballot election conducted pursuant to the provisions of this article, which notice shall state, as applicable for the particular election for which the notice is provided, the items set forth in section 1-5-205 (1) (a) to (1) (d).

(b) The notice required to be given by this subsection (2.5) shall be in lieu of the notice requirements set forth in sections 1-5-205 (1) and 31-10-501 (1), C.R.S., as applicable for the particular election for which such notice is

required.

(3) (a) Not sooner than twenty-five days before an election, and no later than fifteen days before an election, the designated election official shall mail to each active registered elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED", or any other similar statement that is in accordance with United States postal service regulations; except that with prior approval from the secretary of state, the packets shall be sent no later than ten days before election day.

(b) The ballot or ballot label shall contain the following warning:

"WARNING:

Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both."

(b.5) (I) The return envelope shall have printed on it a self-affirmation substantially in the following form:

"I state under penalty of perjury that I am an eligible elector; that my signature, name, and address are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

.....

.....

Date

Signature of voter"

(II) The signing of the self-affirmation on the return envelope shall constitute an

affirmation by the eligible elector, under penalty of perjury, that the facts stated in the self-affirmation are true. If the eligible elector is unable to sign, the eligible elector may affirm by making a mark on the self-affirmation, with or without assistance, witnessed by another person.

(c) No sooner than twenty-five days prior to election day, nor later than 7 p.m. on election day, mail ballots shall be made available at the designated election official's office, or the office designated in the mail ballot plan filed with the secretary of state, for eligible electors who are not listed or who are listed as "Inactive" on the county voter registration records or, for special district mail ballot elections, on the list of property owners or the registration list but who are authorized to vote pursuant to section 32-1-806, C.R.S., or other applicable law.

(d) (I) An eligible elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the eligible elector. An eligible elector may obtain a ballot if a mail ballot packet was not sent to the elector because the eligibility of the elector could not be determined at the time the mail ballot packets were mailed. In order to obtain a ballot in such cases, the eligible elector must sign a sworn statement specifying the reason for requesting the ballot. The statement shall be presented to the designated election official no later than 7 p.m. on election day. The designated election official shall keep a record of each ballot issued in accordance with this paragraph (d) together with a list of each ballot obtained pursuant to paragraph (c) of this subsection (3).

(II) A designated election official shall not transmit a mail ballot packet under this paragraph (d) unless a sworn statement requesting the ballot is received on or before election day. A ballot may be transmitted directly to the eligible elector requesting the ballot at the designated election official's office or the office designated in the mail ballot plan filed with the secretary of state or may be mailed to the eligible elector at the address provided in the sworn statement. Ballots may be cast no later than 7 p.m. on election day.

(3.5) (a) Subject to the requirements of section 1-2-501 (2), the requirements of this

subsection (3.5) shall apply to any person who has registered to vote by mail in accordance with part 5 of article 2 of this title and who:

(I) Has not previously voted in an election in Colorado; or

(II) Is reregistering to vote after moving from one county in this state to another and the election in which the person intends to vote takes place prior to the creation by the department of state of a computerized statewide voter registration list that satisfies the requirements of part 3 of article 2 of this title.

(b) Any person who matches either of the descriptions specified in subparagraph (I) or (II) of paragraph (a) of this subsection (3.5) and intends to cast his or her ballot by mail in accordance with this article shall submit with his or her mail ballot a copy of identification within the meaning of section 1-1-104 (19.5).

(c) The designated election official shall include with the mail ballot packet required by paragraph (a) of subsection (3) of this section written instructions advising an elector who matches the description specified in paragraph (a) of this subsection (3.5) of the manner in which the elector shall be in compliance with the requirements contained in paragraph (a) of this subsection (3.5).

(d) Any person who desires to cast his or her ballot by mail but does not satisfy the requirements of paragraph (c) of this subsection (3.5) may cast such ballot by mail and the ballot shall be treated as a provisional ballot in accordance with the requirements of part 3 of article 9 of this title.

(e) The requirements of this subsection (3.5) shall be implemented by state and local election officials in a uniform and nondiscriminatory manner.

(f) Notwithstanding any other provision of law, the requirements of this subsection (3.5) shall not apply to any person who is:

(I) Entitled to vote by absentee ballot under the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq.;

(II) Provided the right to vote otherwise than in person under section (b) (2) (B) (ii) of the federal "Voting Accessibility for the Elderly and Handicapped Act", 42 U.S.C. sec. 1973ee-1; or

(III) Entitled to vote otherwise than in

person under any other federal law.

(4) (a) Upon receipt of a ballot, the eligible elector shall mark the ballot, sign and complete the self-affirmation on the return envelope, enclose identification if required by paragraph (c) of this subsection (4), and comply with the instructions provided with the ballot.

(b) The eligible elector may return the marked ballot to the designated election official by United States mail or by depositing the ballot at the office of the official or any place designated by the official. The ballot must be returned in the return envelope. If an eligible elector returns the ballot by mail, the elector must provide postage. The ballot shall be received at the office of the designated election official or a designated depository, which shall remain open until 7 p.m. on election day. For an election coordinated by the county clerk and recorder, the depository shall be designated by the county clerk and recorder and located in a secure place under the supervision of a municipal clerk, an election judge or a member of the clerk and recorder's staff. For an election not coordinated by the county clerk and recorder, the depository shall be designated by the designated election official and located in a secure place under the supervision of the designated election official, an election judge, or another person designated by the designated election official.

(c) The eligible elector shall submit with the marked ballot a copy of the eligible elector's identification as defined in section 1-1-104 (19.5) if:

(I) The elector registered to vote by mail pursuant to part 5 of article 2 of this title; and

(II) The elector has not previously voted in an election in the county.

(d) The requirement to submit identification pursuant to paragraph (c) of this subsection (4) shall not apply to an eligible elector who:

(I) Submitted as part of the registration by mail a copy of the elector's identification as defined in section 1-1-104 (19.5);

(II) Registered to vote pursuant to section 1-2-208 or 1-2-209;

(III) Votes pursuant to section 1-7-111 (2); or

(IV) Is entitled to vote otherwise than in

person under any federal law.

(5) (a) Once the ballot is returned, an election judge shall first qualify the submitted ballot by comparing the information on the return envelope with the registration records to determine whether the ballot was submitted by an eligible elector who has not previously voted in the election. If the ballot so qualifies and is otherwise valid, the election judge shall indicate in the pollbook that the eligible elector cast a ballot and deposit the ballot in an official ballot box.

(b) If the return envelope received from an eligible elector described in paragraph (c) of subsection (4) of this section does not contain identification, the ballot shall be treated as a provisional ballot and shall be verified and counted in accordance with section 1-9-303.

(c) For November coordinated elections only, the signature of the eligible elector on the return envelope shall be compared with the signature of the eligible elector on file in the office of the county clerk and recorder in accordance with section 1-7.5-107.3.

(6) All deposited ballots shall be counted as provided in this article and by rules promulgated by the secretary of state. A mail ballot shall be valid and counted only if it is returned in the return envelope, the self-affirmation on the return envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the return envelope is verified in accordance with subsection (5) of this section. Mail ballots shall be counted in the same manner provided by section 1-7-307 for counting paper ballots or section 1-7-507 for counting electronic ballots. If the election official determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the official shall not count any ballot cast by the elector. Rejected ballots shall be handled in the same manner as provided in section 1-8-310.

1-7.5-107.3.Verification of signatures of November - coordinated elections

(1) (a) Except as provided in paragraph (b) of this subsection (1), in every mail ballot election that is a November coordinated election held in 2005 or any subsequent year, an election judge shall

compare the signature on the self-affirmation on each return envelope with the signature of the eligible elector on file in the office of the county clerk and recorder in accordance with subsection (2) of this section.

(b) For the mail ballot election that is a November coordinated election held in 2003, the election judge shall compare in accordance with paragraph (a) of this subsection (1) only those signatures that are in the county clerk and recorder's database no later than 7 p.m. on election day.

(2) (a) If, upon comparing the signature of an eligible elector on the self-affirmation on the return envelope with the signature of the eligible elector on file with the county clerk and recorder, the election judge determines that the signatures do not match, two other election judges of different political party affiliations shall simultaneously compare the signatures. If both other election judges agree that the signatures do not match, the county clerk and recorder shall, within three days after election day, send to the eligible elector at the address indicated in the registration records a letter explaining the discrepancy in signatures and a form for the eligible elector to confirm that the elector returned a ballot to the county clerk and recorder. If the county clerk and recorder receives the form within ten days after election day confirming that the elector returned a ballot to the county clerk and recorder and enclosing a copy of the elector's identification as defined in section 1-1-104 (19.5), and if the ballot is otherwise valid, the ballot shall be counted. If the eligible elector returns the form indicating that the elector did not return a ballot to the county clerk and recorder, or if the eligible elector does not return the form within ten days after election day, the self-affirmation on the return envelope shall be categorized as incorrect, the ballot shall not be counted, and the county clerk and recorder shall send copies of the eligible elector's signature on the return envelope and the signature on file with the county clerk and recorder to the district attorney for investigation.

(b) An original return envelope with an enclosed secrecy envelope containing a voted ballot that is not counted in accordance with paragraph (a) of this subsection (2) shall be

stored under seal in the office of the county clerk and recorder in a secure location separate from valid return envelopes and may be removed only under the authority of the district attorney or by order of a court having jurisdiction.

(c) In the case of a disagreement among the election judges as to whether the signature of an eligible elector on the self-affirmation on the return verification envelope matches the signature of the eligible elector on file with the county clerk and recorder pursuant to the procedures specified in paragraph (a) of this subsection (1), the mail ballot contained in the return verification envelope shall be counted in accordance with the requirements of sections 1-7.5-107 (6) and 1-7.5-107.5.

(3) If the election judge determines that the signature of an eligible elector on the self-affirmation matches the elector's signature on file with the county clerk and recorder, the election judge shall follow the procedures specified in section 1-7.5-107 (5) and (6) concerning the qualification and counting of mail ballots.

(4) (a) An election judge shall not determine that the signature of an eligible elector on the self-affirmation does not match the signature of that eligible elector on file with the county clerk and recorder solely on the basis of substitution of initials or use of a common nickname.

(b) The designated election official may provide training in the technique and standards of signature comparison to election judges who compare signatures pursuant to this section.

1-7.5-107.5. Counting mail ballots. The election officials at the mail ballot counting place may receive and prepare mail ballots delivered and turned over to them by the designated election official for tabulation. Counting of the mail ballots may begin ten days prior to the election and continue until counting is completed. The election official in charge of the mail ballot counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day.

1-7.5-108. Absentee mail ballots. Provisions for the allowance of and procedures for absentee ballots shall be determined by rules promulgated by the secretary of state.

1-7.5-109. Write-in candidates. Write-in candidates shall be allowed on mail ballot elections provided that the candidate has filed an affidavit of intent with the designated election official pursuant to section 1-4-1101. Ballots for write-in candidates are to be counted pursuant to section 1-7-114.

1-7.5-110. Challenges. Votes cast pursuant to this article may be challenged pursuant to and in accordance with law. Any mail ballot election held pursuant to this article shall not be invalidated on the grounds that an eligible elector did not receive a ballot so long as the designated election official for the political subdivision conducting the election acted in good faith in complying with the provisions of this article or with rules promulgated by the secretary of state.

ARTICLE 8

Absentee and Early Voting

PART 1

ABSENTEE VOTING

1-8-101. Ballots and supplies for absentee voting. (1) Absentee ballots, applications, affidavits, certificates, envelopes, instruction cards, and other necessary supplies shall be provided by the designated election official in the same manner as other election supplies are provided for in all elections and shall be furnished without cost to any eligible elector wishing to vote pursuant to this article. Absentee ballots shall be ready for delivery or mailing to absentee electors as soon as available.

(2) The ballots shall be in the same form as other official ballots for the same election. On the stub of the absentee ballot shall be printed "Absentee Ballot No. A. V.(number)", and such stubs shall be numbered consecutively, commencing with number 1.

(3) In counties including more than one state senatorial district or more than

one state representative district, or both, absentee ballots shall be provided in a manner to be determined by the county clerk and recorder for each combination of state legislative districts. Distinctive markings or colors may be used to identify political subdivisions when such colors or distinctive markings will aid in the distribution and tabulation of the ballots. A complete ballot may consist of one or more pages or cards so long as each page or card is numbered and identified as provided for paper ballots in sections 1-5-407 and 1-5-410. This subsection (3) shall apply to ballots to be cast on absentee voting machines as well as to paper ballots and ballot cards which can be electronically counted.

1-8-102. When absentee eligible electors may vote. Any eligible elector may vote by absentee ballot at any election under the regulations and in the manner provided in this part 1.

1-8-103. Effect of "Uniformed and Overseas Citizens Absentee Voting Act" - emergency authority of secretary of state. (1) In the event of any conflict between this part 1 and any provisions of the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq., the provisions of the federal act shall control, and all designated election officials who are charged with the performance of duties under this code shall perform the duties and discharge the obligations placed upon them by the federal act.

(2) If a national or local emergency arises which makes substantial compliance with the provisions of this part 1 impossible or unreasonable, such as when congress has declared a national emergency or the president has ordered into active military service of the United States any units and members of the national guard of this state, the secretary of state may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those members of the military or military support personnel directly affected by the emergency.

1-8-103.5. Voting by persons residing overseas and military personnel. (1) The

designated or coordinated election official for a county or other political subdivision, as applicable, that meets the requirements specified in rules promulgated by the secretary of state pursuant to subsection (3) of this section shall provide an absentee ballot by electronic means to an eligible elector who:

(a) Is an absent uniformed services elector, a nonresident overseas elector, or a resident overseas elector, as defined in section 1-2-208 (2.5); and

(b) (Deleted by amendment, L. 2003, p. 1334, § 4, effective August 6, 2003.)

(c) Timely filed an absentee ballot application with the designated or coordinated election official.

(1.5) Notwithstanding section 1-8-104 (3), a designated or coordinated election official shall not refuse to accept or process any otherwise valid absentee ballot submitted by an absent uniformed services elector, as defined in section 1-2-208 (2.5), during a year on the grounds that the elector submitted the application before the first date on which the designated or coordinated election official otherwise accepts or processes such applications for that year.

(2) (a) The eligible elector may return the voted ballot to the designated or coordinated election official by electronic transfer. In order to be counted, the returned ballot shall be received in the office of the designated or coordinated election official by 7 p.m. on election day. Once the ballot is received by the designated or coordinated election official, a bipartisan team of judges shall duplicate the ballot, and the ballot shall be counted as all other absentee ballots. Duplicating judges shall not reveal how the elector has cast his or her ballot.

(b) Any elector who receives an absentee ballot pursuant to this section shall be informed in the instructions for completing said ballot that the ballot is not a confidential ballot.

(c) In handling a returned ballot pursuant to this section, all reasonable means shall be taken to ensure that only the receiving judge is aware of information connecting the elector to the returned ballot.

(3) The secretary of state may prescribe by rule any procedures or requirements as may be necessary to implement the provisions of this

section. Such rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

1-8-104. Applications for absentee ballot.

(1) The application for an absentee ballot shall be made in writing or by fax, using the application form furnished by the designated election official or in the form of a letter that includes the applicant's printed name, signature, residence address, mailing address if the applicant wishes to receive the absentee ballot by mail, and date of birth. If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated or wishes to affiliate.

(1.5) Repealed.

(2) The application for an absentee ballot shall be personally signed by the applicant; or, in case of the applicant's inability to sign, the elector's mark shall be witnessed by another person.

(3) The application for an absentee ballot shall be filed with the designated election official of the political subdivision in which the applicant resides or is entitled to vote. The application shall be filed no earlier than January 1 immediately preceding the election and no later than the close of business on the Friday immediately preceding the election; except that, if the applicant wishes to receive the absentee ballot by mail, the application shall be filed no later than the close of business on the Tuesday immediately preceding the election.

(4) The application for an absentee ballot is subject to the rules of residency contained in section 1-2-102 and is subject to challenge as provided in parts 1 and 2 of article 9 of this title.

(5) A prisoner in pretrial detention may apply for an absentee ballot from the prisoner's county of residence. No application for an absentee ballot shall be accepted unless personally signed by the applicant and accompanied by a certification from the institutional administrator or the administrator's designee that the applicant is in pretrial detention. The institutional administrator shall certify the application immediately upon request by the prisoner.

(6) No person shall give to any eligible

elector any form for the purpose of requesting an absentee ballot unless such form prompts the applicant to provide all the information required by subsection (1) of this section and contains the following statement: "Under Colorado law, your absentee ballot application must contain your printed name, signature, residence address, mailing address if you wish to receive the ballot by mail, and date of birth. If you do not provide all of this information, you may not receive an absentee ballot according to the rules established by the secretary of state." Violation of this subsection (6) is an offense punishable as provided in section 1-13-803.

(7) Notwithstanding any other provision of this section, no absentee ballot shall be mailed to an applicant unless the designated election official has previously received an application for an absentee ballot from the applicant.

1-8-105. Change of registration record. A change of name, residence, or affiliation request may be submitted to the county clerk and recorder at the same time the eligible elector submits an application for an absentee ballot if the elector has moved within the county and states that the move occurred no later than thirty days before the election and that the elector has lived at the new residence for at least thirty days. The application shall include the elector's old and new addresses within the county, the elector's printed name and signature, and the date of the application. Upon receipt of the application, the county clerk and recorder shall verify the registration of the elector, amend the registration record, and mail to the elector an official absentee ballot as provided in this part 1.

1-8-106. Verification of registration of absent elector. Upon receipt of an application for an absentee ballot within the proper time, the designated election official shall examine the records of eligible electors to ascertain whether or not the applicant is eligible to vote as requested. If the applicant is eligible, the designated election official, either personally in the office of the designated election official or by mail to the mailing address given in the application, shall deliver an official absentee ballot, a return envelope with information as to

precinct and residence address as shown by the records in the office, and an instruction card.

1-8-107. Absentee registration record. (1) Before any absentee ballot is delivered or mailed or before any eligible elector is permitted to cast a vote at an election where the county clerk and recorder is the designated election official, the designated election official shall record the number of the ballot, together with the date the ballot is delivered or mailed. The supply judge for the absentee elector's precinct shall receive the list of absentee ballots prepared pursuant to section 1-8-108. Absentee electors for each precinct shall be recorded on the precinct registration list for use at the polls as provided in section 1-5-302.

(2) For nonpartisan elections, absentee electors shall be recorded on the precinct registration list for use at the polls as provided in section 1-5-303.

1-8-108. List of absentee ballots. The designated election official shall keep a list of names and precinct numbers of eligible electors applying for absentee ballots, together with the date on which each application was made, the date on which the absentee ballot was sent, and the date on which each absentee ballot was returned. If an absentee ballot is not returned or if it is rejected and not counted, that fact shall be noted on the list. The list is open to public inspection under proper regulations.

1-8-109. Watchers at absentee polling places. Any political party, candidate, or proponents or opponents of a ballot issue entitled to have watchers at polling places shall each have the right to maintain one watcher in the office of the designated election official and absentee polling places during the period in which absentee ballots may be applied for or received.

1-8-110. Challenges. The right to vote of any person voting by absentee ballot may be challenged in the same manner and for the same causes as other persons are challenged.

1-8-111. Delivery of absentee ballot and replacement absentee ballots. (1) The

absentee ballot and other materials shall be delivered or mailed to the absentee elector within seventy-two hours after the receipt of the application, if the official ballots are then printed, or, if not then printed, within seventy-two hours after the printed ballots are delivered to the designated election official. If the absentee ballot and other materials are mailed, the envelope shall be marked "DO NOT FORWARD." or by any other similar statement that is in accordance with United States postal service regulations.

(2) Upon a request by an eligible elector stating an emergency need, the designated election official may authorize one or more deputies or may deputize a courier service to deliver the absentee ballot and return the ballot to the office of the designated election official.

(3) The designated election official may issue a replacement absentee ballot if an eligible elector applied for an absentee ballot but did not receive it or if the elector spoiled the absentee ballot. An affidavit completed by either the elector or the designated election official shall give the reason for requesting a replacement absentee ballot and shall state that the original absentee ballot was not received or was spoiled, that the individual has not voted, and that the individual does not intend to vote at the election except by voting the replacement absentee ballot. The absentee record shall have the notation "Spoiled" entered to indicate the original absentee ballot was not received or was spoiled, and the replacement absentee ballot number shall be entered in the absentee record. If the original absentee ballot is returned to the designated election official after the issuance of the replacement absentee ballot, the original ballot shall be marked "Spoiled" and shall not be counted.

1-8-112. Voting at group facilities. (1) When more than five absentee ballots are to be sent to the same group residential facility within a county, which includes but is not limited to, nursing homes and senior citizen housing facilities, a committee consisting of one employee of the county clerk and recorder and, where available, a representative appointed by each of the major political parties shall deliver the absentee ballots and return those ballots to

the office of the county clerk and recorder.

(2) For nonpartisan elections, upon the request of an eligible elector, the designated election official may appoint a committee which consists of two or more election judges or employees or representatives of the designated election official.

1-8-113. Manner of absentee voting - first-time voters casting an absentee ballot after having registered by mail to vote.

(1) (a) Any eligible elector applying for and receiving an absentee ballot, in casting the ballot, shall make and subscribe to the self-affirmation on the return envelope. The elector shall then mark the ballot, fold the ballot or insert the ballot card in the special envelope provided for the purpose so as to conceal the marking, deposit it in the return envelope, enclose identification if required by paragraph (b) of this subsection (1), and seal the envelope securely. The envelope may be delivered personally or mailed by the elector to the designated election official issuing the ballot. Alternatively, an elector may deliver the ballot to any person of the elector's own choice or to any duly authorized agent of the designated election official for mailing or personal delivery to the designated election official; except that no one person other than a duly authorized agent of the designated election official may receive more than five absentee ballots in any election for mailing or delivery to the designated election official. All envelopes containing absentee ballots shall be in the hands of the designated election official no later than 7 p.m. on the day of the election. Absentee envelopes received after 7 p.m. on the day of the election but postmarked on or before the day of the election will remain sealed and uncounted, but the elector's registration record will not be canceled for failure to vote in a general election.

(b) An eligible elector shall submit with the absentee ballot a copy of the eligible elector's identification as defined in section 1-1-104 (19.5) if:

(I) The elector registered to vote by mail pursuant to part 5 of article 2 of this title; and

(II) The elector has not previously voted in an election in the county.

(c) The requirement to submit identification pursuant to paragraph (b) of this

subsection (1) shall not apply to an eligible elector who:

(I) Submitted as part of the registration by mail a copy of the elector's identification as defined in section 1-1-104 (19.5);

(II) Registered to vote pursuant to section 1-2-208 or 1-2-209;

(III) Votes pursuant to section 1-7-111 (2); or

(IV) Is entitled to vote otherwise than in person under any federal law.

(d) If the return envelope received from an eligible elector described in paragraph (b) of this subsection (1) does not contain identification, the absentee ballot shall be treated as a provisional ballot and shall be verified and counted in accordance with section 1-9-303.

(2) Upon receipt of an absentee ballot from an eligible elector, the designated election official shall write or stamp upon the envelope containing the ballot the date the envelope was received in the office. The designated election official shall safely keep and preserve all absentee ballots unopened in a ballot box or transfer case that is locked and secured with a numbered seal until the time prescribed for delivery to the supply judge in accordance with section 1-8-303.

(3) (a) Subject to the requirements of section 1-2-501 (2), the requirements of this subsection (3) shall apply to any person who has registered to vote by mail in accordance with part 5 of article 2 of this title and who:

(I) Has not previously voted in an election in Colorado; or

(II) Is reregistering to vote after moving from one county in this state to another and the election in which the person intends to vote takes place prior to the creation by the department of state of a computerized statewide voter registration list that satisfies the requirements of part 3 of article 2 of this title.

(b) Any person who matches either of the descriptions specified in subparagraph (I) or (II) of paragraph (a) of this subsection (3) and intends to cast his or her ballot by absentee ballot in accordance with the requirements of this article shall submit with his or her absentee ballot a copy of identification within the meaning of section 1-1-104 (19.5).

(c) The designated election official shall

include with the absentee ballot written instructions advising an elector who matches the description specified in paragraph (a) of this subsection (3) of the manner in which the elector shall be in compliance with the requirements contained in paragraph (a) of this subsection (3).

(d) Any person who desires to cast his or her ballot by absentee ballot but does not satisfy the requirements of paragraph (b) of this subsection (3) may cast such ballot by voting absentee and the ballot shall be treated as a provisional ballot in accordance with the requirements of part 3 of article 9 of this title.

(e) The requirements of this subsection (3) shall be implemented by state and local election officials in a uniform and nondiscriminatory manner.

(f) Notwithstanding any other provision of law, the requirements of this subsection (3) shall not apply to any person who is:

(I) Entitled to vote by absentee ballot under the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq.;

(II) Provided the right to vote otherwise than in person under section (b) (2) (B) (ii) of the federal "Voting Accessibility for the Elderly and Handicapped Act", 42 U.S.C. sec. 1973ee-1 et seq.;

(III) Entitled to vote otherwise than in person under any other federal law.

1-8-114. Self-affirmation on return

envelope. (1) The return envelope for the absentee ballot shall have printed on it a self-affirmation substantially in the following form:

I state under penalty of perjury that I am an eligible elector; that I reside at the address indicated on my application for an absentee ballot; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

.....

.....

Date

Signature of voter

(2) The signing of the self-affirmation on

the return envelope for the absentee ballot shall constitute an affirmation by the voter, under penalty of perjury, that the facts stated in the self-affirmation are true.

(3) Assistance to absentee voters may be given by any person selected by the absentee voter. No person other than an elector authorized by the designated election official pursuant to sections 1-8-112 and 1-8-205 shall be permitted to assist more than one absentee voter and unless the person is at least eighteen years of age and is the spouse, parent, grandparent, sibling, or child of the absentee voter seeking assistance. No elector who assists an absentee voter shall attempt to persuade or unreasonably influence the voter to vote in a particular manner while the absentee voter is voting.

1-8-114.5. Verification of signatures. (1) (a) Except as provided in paragraph (b) of this subsection (1), in every statewide primary and general election held in 2006 or any subsequent year, an election judge shall compare the signature on the self-affirmation on each return envelope of each absentee ballot with the signature of the eligible elector on file in the office of the county clerk and recorder in accordance with subsection (2) of this section.

(b) For the statewide primary and general election held in 2004, the election judge shall compare in accordance with paragraph (a) of this subsection (1) only those signatures that are in the county clerk and recorder's database.

(2) (a) If, upon comparing the signature of an eligible elector on the self-affirmation on the return envelope with the signature of that eligible elector on file with the county clerk and recorder, the election judge determines that the signatures do not match, two other election judges of different political party affiliations shall simultaneously compare the signatures. If both other election judges agree that the signatures do not match, the county clerk and recorder shall, within three days after election day, send to the eligible elector at the address indicated in the registration records a letter explaining the discrepancy in signatures and a form for the eligible elector to confirm that the elector returned a ballot to the county clerk and recorder. If the county clerk and recorder

receives the form within ten days after election day confirming that the elector returned a ballot to the county clerk and recorder and enclosing a copy of the elector's identification as defined in section 1-1-104 (19.5), and if the ballot is otherwise valid, the ballot shall be counted. If the eligible elector returns the form indicating that the elector did not return a ballot to the county clerk and recorder, or if the eligible elector does not return the form within ten days after election day, the self-affirmation on the return envelope shall be categorized as incorrect, the ballot shall not be counted, and the county clerk and recorder shall send copies of the eligible elector's signature on the return envelope and the signature on file with the county clerk and recorder to the district attorney for investigation.

(b) An original return envelope with an enclosed secrecy envelope containing a voted ballot that is not counted in accordance with paragraph (a) of this subsection (2) shall be stored under seal in the office of the county clerk and recorder in a secure location separate from valid return envelopes and may be removed only under the authority of the district attorney or by order of a court having jurisdiction.

(c) In the case of a disagreement among the election judges as to whether the signature of an eligible elector on the self-affirmation on the return envelope matches the signature of the eligible elector on file with the county clerk and recorder pursuant to the procedures specified in paragraph (a) of this subsection (1), the absentee ballot contained in the return envelope shall be counted in accordance with the requirements of part 3 of this article.

(3) If the election judge determines that the signature of an eligible elector on the self-affirmation matches the elector's signature on file with the county clerk and recorder, the election judge shall follow the procedures specified in part 3 of this article pertaining to the counting of absentee ballots.

(4) (a) An election judge shall not determine that the signature of an eligible elector on the self-affirmation does not match the signature of that eligible elector on file with the county clerk and recorder solely on the basis of substitution of initials or use of a common

nickname.

(b) The designated election official may provide training in the technique and standards of signature comparison to election judges who compare signatures pursuant to this section.

1-8-115. Emergency absentee voting.

(1) (a) In the event an eligible elector is confined in a hospital or place of residence on election day and the confinement occurred because of conditions arising after the last day to apply for an absentee ballot, the elector may request in a personally signed written statement that the designated election official send an absentee ballot with the word "EMERGENCY" stamped on the stubs. The designated election official shall deliver the emergency absentee ballot, at the official's office during the regular hours of business, to any authorized representative of the elector. For the purposes of this paragraph (a), "authorized representative" means a person who possesses a written statement from the elector containing the elector's signature, name, and address indicating that the elector is or will be confined in a hospital or place of residence on election day, and requesting that the emergency absentee ballot be given to the authorized person as identified by name and address. The authorized person shall acknowledge receipt of the emergency absentee ballot with a signature, name, and address.

(b) A request for an emergency absentee ballot under this section shall be made before 5 p.m. on the day of the election, and the ballot shall be returned no later than 7 p.m. on the day of the election.

(2) Any eligible elector, including any election official, who is unable to go to the polls because of conditions arising after the closing date for absentee ballot applications which will result in the elector's absence from the precinct on election day, may apply at the office of the designated election official for an emergency absentee ballot. Upon receipt of an affidavit signed by the elector on a form provided by the designated election official and attesting to the fact that the elector will be absent from the precinct on election day because of conditions arising after the last day to apply for an absentee ballot, the designated election official shall

provide the elector with an absentee ballot with the word "EMERGENCY" stamped on the stubs. The request for the ballot shall be made, and the ballot shall be voted at the designated election official's office or outside of the office and returned by 7 p.m. on the day of the election.

(3) After marking the ballot, the eligible elector shall place it in a return envelope provided by the designated election official. The elector shall then fill out and sign the self-affirmation on the envelope, as provided in section 1-8-114, on or before election day and return it to the office of the designated election official. Upon receipt of the envelope, the designated election official shall verify the elector's name on the return envelope and shall deposit the envelope in the office in a ballot box that is locked and secured with a numbered seal.

1-8-118. Opt-out from absentee ballot requirements.

(1) In the case of any general election in which registered electors who live in specified precincts in a particular county are required to cast their ballots by mail in the form of absentee ballots in accordance with the requirements of this part 1, the clerk and recorder of the county shall notify such electors that they may opt-out from casting their ballots in such manner. In such cases, the clerk and recorder shall further direct such electors to cast their ballots by any of the following means:

(a) Early voting prior to election day in accordance with the requirements of part 2 of this article;

(b) At the office of the clerk and recorder on election day; or

(c) At such other locations as the clerk and recorder may designate.

PART 3
COUNTING ABSENTEE AND EARLY VOTERS'
BALLOTS

1-8-301. Appointment of election judges for counting absentee and early ballots.

(1) If, in any political subdivision, the designated election official has mailed or delivered absentee ballots to five hundred or more electors, the designated election official shall appoint, in addition to the receiving judges appointed as provided in section 1-8-205, at least three counting judges,

not more than two of whom shall be from any one political party and whose powers and duties shall be the same as provided in section 1-7-305 for counting judges in precinct polling places. For each additional five hundred absentee ballots so mailed or delivered, the designated election official may appoint additional counting judges as needed.

(2) In all political subdivisions in which voting machines or electronic voting machines are used, the designated election official, for each five hundred absentee ballots mailed or delivered, may appoint, in addition to the receiving judges appointed as provided in section 1-8-205, five counting judges, not more than three of whom shall be from any one political party.

(3) In political subdivisions to which this section applies, the designated election official shall make the appointments so that one major political party is represented by a majority of election judges on the absentee receiving board and the other major political party is represented by a majority of election judges on the absentee counting board of the county. The designated election official shall appoint those electors certified by the county party chairpersons of the major political parties to the designated election official as absentee receiving judges and absentee counting judges. If an elector certified by a major political party is not willing or able to serve, then the major political party that certified the elector may certify a replacement judge to the designated election official. If the major political parties do not certify a sufficient number of absentee receiving and counting judges to the designated election official, the designated election official may appoint a sufficient number of qualified electors to serve as absentee receiving and counting judges.

(4) In all political subdivisions to which this section applies, where the designated election official has appointed one or more student election judges pursuant to article 6 of this title, the student election judge shall be appointed to serve as a judge for the purpose of counting absentee and early ballots pursuant to this section; except that the student election judge need not satisfy any party affiliation required of election judges by this section.

1-8-302. Hours absentee and early voters' counting place open for receiving and counting ballots.

(1) (Deleted by amendment, L. 99, p. 777, § 61, effective May 20, 1999.)

(2) The election officials at the absentee and early voters' counting place may receive, cast, and prepare for tabulation absentee and early voters' ballots delivered and turned over to them by the designated election official. Counting of the absentee and early voters' ballots may begin ten days prior to the election and continue until counting is completed. The election officials in charge of the absentee ballot counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day.

1-8-303. Delivery of absentee and early voters' ballots to supply judge.

At any time during the ten days prior to and including the election day, the designated election official shall deliver to the judges of the absentee and early voters' ballot counting place all the absentee envelopes received up to that time in packages or in ballot boxes that are locked and secured with a numbered seal together with the signed applications for the absentee ballots, the count and the list of absentee and early electors, and the record of absentee ballots as provided for in section 1-8-108 for which a receipt will be given. The designated election official shall continue to deliver any envelopes containing absentee ballots that may be received thereafter up to and including 7 p.m. on election day. On the sealed packages and boxes of absentee envelopes shall be printed or written "This package (or box) contains (number) absentee envelopes." With the envelopes, the designated election official shall deliver to the supply judge written instructions, which shall be followed by the election judges in casting and counting the ballots, and all the lists, records, and supplies needed for tabulating, recording, and certifying the absentee and early voters' ballots.

1-8-304. Preparing to count absentee ballots - rejections.

(1) (a) Before opening any absentee ballot, one of the receiving judges, in

the presence of a majority of the receiving judges, shall inspect the self-affirmation on the return envelope and, in an election coordinated by the county clerk and recorder, compare the signature on the self-affirmation with the signature of the eligible elector on file in the county clerk and recorder's office.

(b) The self-affirmation is valid if:

(I) The self-affirmation was completed by the elector or a person acting in the elector's behalf;

(II) The self-affirmation was signed by the elector or, if the elector is unable to sign, marked by the elector with or without assistance and witnessed by another person; and

(III) In an election coordinated by the county clerk and recorder, the signature on the self-affirmation matches the signature on file in the county clerk and recorder's office, or the eligible elector's marks on the application and the self-affirmation were witnessed by other persons.

(c) If the self-affirmation is valid, the receiving judge shall tear open the envelope without defacing the self-affirmation or mutilating the enclosed ballot. One of the election judges shall enter or verify the name of the absentee voter in the pollbook, and another election judge shall deposit the ballot in the ballot box.

(d) For purposes of subparagraph (III) of paragraph (b) of this subsection (1), the signatures on an eligible elector's self-affirmation and on file in the county clerk and recorder's office shall be compared in the same manner as signatures on mail ballots are compared pursuant to article 7.5 of this title.

(2) If the self-affirmation on the return envelope is invalid, the election judges shall mark the envelope "rejected" and shall write on the envelope the reason for the rejection. The envelope shall be set aside without being opened, and the ballot shall not be counted.

(3) If it appears to the election judges, by sufficient proof, that a voter has died after forwarding an absentee ballot, the envelope containing the ballot of the deceased absentee voter shall not be opened, and the election judges shall make notation of the death on the back of the envelope. If an absentee envelope contains more than one marked ballot of any one kind, none of the ballots shall be counted, and

the election judges shall write the reason for rejection on the back of the ballots.

(4) Election judges shall certify in their returns the number of absentee ballots cast and counted for each candidate, for and against each ballot issue, and for and against each ballot question, and the number of ballots rejected.

1-8-306. Counting absentee and early voters' ballots - nonpartisan elections. (1) After delivery of the ballots as provided in section 1-8-303 and after preparation of the ballots as provided in section 1-8-304, the absentee and early voters' ballots shall be counted in one of the following ways:

(a) In political subdivisions that use paper ballots, the absentee and early voters' ballots may be counted in the manner provided in section 1-7-307 for counting paper ballots.

(b) Repealed.

(c) Any political subdivision may use electronic vote-tabulating equipment for the counting of absentee ballots in the same manner provided for the counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

(d) Early voters' ballots which are cast directly on voting machines or on electronic vote-tabulating equipment shall be counted in the same manner as provided for the counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

(2) Votes for or against any measure appearing on the ballot shall be cast in the same manner as provided in section 1-8-206.

1-8-307. Casting and counting - electronic system. In political subdivisions using a ballot card electronic voting system, absentee and early voters' ballots may be cast on paper ballots and counted as provided in section 1-7-307 or may be cast on ballot cards and counted by electronic voting equipment as provided in part 6 of article 5 and parts 4 and 5 of article 7 of this title, or both methods may be used.

1-8-308. Certificate of absentee and early voters' ballots cast - survey of returns. (1) Upon the completion of the count of absentee and early voters' ballots, the election judges shall make the certificate and perform all

the official acts required by sections 1-7-601 and 1-7-602.

(2) Upon the survey of the returns of the political subdivision by the board of canvassers formed pursuant to section 1-10-101 or 1-10-201, the board shall include in its abstract of votes the votes cast in the early voters' polling place and counted at the absentee and early voters' counting place in the manner provided for abstracting votes cast and counted at precinct polling places, as provided in article 10 of this title.

1-8-309. Return of absentee and early voters' registration list. The absentee and early voters' registration list shall be returned to the designated election official with the certificate required to be filed by section 1-8-308.

1-8-310. Preservation of rejected absentee and early voters' ballots. All absentee identification envelopes, ballot stubs, and absentee and early voters' ballots rejected by the election judges in accordance with the provisions of section 1-8-304 shall be returned to the designated election official. All absentee ballots received by the designated election official after 7 p.m. on the day of the election, together with the rejected absentee and early voters' ballots returned by the election judges as provided in this section, shall remain in the sealed identification envelopes and shall be destroyed later as provided in section 1-7-802.

1-8-311. Maintenance of records of absentee and early voting - transmittal of such lists to secretary of state. The designated election official shall maintain a record identifying the name and voting address of each elector who casts a ballot by absentee or early voting at any election.

ARTICLE 9

Challenges

PART 2

CHALLENGES TO VOTING

1-9-201. Right to vote may be challenged. (1) When any person whose name appears on the registration list or who has

presented a certificate of registration or verbal verification of registration as provided in section 1-7-103 applies for a ballot, that person's right to vote at that polling place or in that election may be challenged. Pursuant to the provisions of section 1-9-205, a person who is not entitled to vote shall not receive a ballot.

(2) An election judge shall challenge any person intending to vote whom the judge believes is not an eligible elector. In addition, challenges may be made by watchers or any eligible elector of the precinct.

1-9-202. Challenge to be made by written oath. Each challenge shall be made by written oath, shall set forth the name of the person challenged and the basis for the challenge, and shall be signed by the challenger under penalty of perjury in the second degree, as specified in section 1-13-104. The election judges shall deliver all challenges and oaths to the designated election official at the time the pollbooks and other election papers are returned. The designated election official shall forthwith deliver all challenges, whether or not withdrawn, and all oaths to the district attorney for investigation and appropriate action. No oral challenge shall be permitted.

1-9-203. Challenge questions asked person intending to vote. (1) If a person intending to vote is challenged as not eligible, one of the election judges shall tender to the elector the following oath or affirmation: "I do solemnly swear or affirm that I will fully and truly answer all questions that are put to me concerning my place of residence and my qualifications as an eligible elector at this election."

(2) If the person is challenged as not eligible because the person is not a citizen, an election judge shall ask the following question:

(a) Are you a citizen of the United States?

(b) (Deleted by amendment, L. 93, p. 1432, § 109, effective July 1, 1993.)

(3) If the person is challenged as not eligible because the person has not resided in this state and precinct for thirty days immediately preceding the election, an election judge shall ask the following questions:

(a) Have you resided in this state and

precinct for the thirty days immediately preceding this election?

(b) Have you been absent from this state during the thirty days immediately preceding this election, and during that time have you maintained a home or domicile elsewhere?

(c) If so, when you left, was it for a temporary purpose with the intent of returning, or did you intend to remain away?

(d) Did you, while absent, look upon and regard this state as your home?

(e) Did you, while absent, vote in any other state or any territory of the United States?

(4) If the person is challenged as not eligible because the person is not eighteen years of age or older, an election judge shall ask the following question: To the best of your knowledge and belief, are you eighteen years of age or older?

(5) If the person is challenged as not eligible because the person is not a property owner or the spouse of a property owner, an election judge shall ask the following questions:

(a) Are you a property owner or the spouse of a property owner in this political subdivision and therefore eligible to vote?

(b) What is the address or, for special district elections where an address is not available, the location of the property which entitles you to vote in this election?

(6) An election judge shall put all other questions to the person challenged as may be necessary to test the person's qualifications as an eligible elector at the election.

(7) If the person challenged answers satisfactorily all of the questions the person shall sign on the challenge form after the printed questions. The election judge shall indicate in the proper place on the challenge form whether the challenge was withdrawn or whether the challenged elector refused to answer the questions and left the polling place without voting.

1-9-204. Oath of challenged elector. (1) If the challenge is not withdrawn after the person intending to vote has answered the questions, an election judge shall tender an oath substantially in the following form: "I do solemnly swear or affirm that I am a citizen of the United States of

the age of eighteen years or older; that I have been a resident of this state and precinct for thirty days immediately preceding this election and have not maintained a home or domicile elsewhere; that I am a registered elector in this precinct; that I am eligible to vote at this election; and that I have not previously voted at this election."

(2) After the person has taken the oath or affirmation, a ballot shall be given and an election judge shall write "sworn" on the pollbooks at the end of the person's name.

1-9-205. Refusal to answer questions or take oath. The challenged person shall be refused a ballot if the person refuses to answer fully any question which is asked and refuses to sign, as provided in section 1-9-203, or if the person refuses to take the oath or affirmation, as provided in section 1-9-204.

1-9-206. Challenges of absentee ballots. The ballot of any absentee voter may be challenged by written oath or affirmation signed by the challenger under penalty of perjury setting forth the name of the person challenged and the basis for the challenge. Challenged ballots, except those rejected for an incomplete or incorrect affidavit, death of the eligible elector, or submission of multiple ballots, shall be cast. The election judges shall deliver all challenges and oaths or affirmations, together with the affidavits of the eligible electors challenged, to the county clerk and recorder or designated election official, as applicable, at the time the absentee voters' registration list is returned. The county clerk and recorder or designated election official shall forthwith deliver all challenges and all oaths or affirmations to the district attorney for investigation and action.

1-9-207. Challenges of ballots cast by mail. The ballot of any voter that has been cast by mail may be challenged by written oath or affirmation signed by the challenger under penalty of perjury setting forth the name of the person challenged and the basis for the challenge. Challenged ballots, except those rejected for an incomplete or incorrect affidavit, death of the eligible elector, or submission of multiple ballots, shall be counted. The election judges shall deliver all challenges and oaths or

affirmations, together with the affidavits of the eligible electors challenged, to the county clerk and recorder or designated election official, as applicable, at the time the registration list is returned. The county clerk and recorder or designated election official shall immediately deliver all challenges and all oaths or affirmations to the district attorney for investigation and action.

1-9-208. Challenges of provisional ballots. The ballot of any provisional voter may be challenged by written oath or affirmation signed by the challenger under penalty of perjury setting forth the name of the person challenged and the basis for the challenge. Challenged provisional ballots, except those rejected for an incomplete, incorrect, or unverifiable affidavit, death of the eligible elector, or submission of multiple ballots shall be counted if the other requirements for counting provisional ballots are satisfied. The election judges shall deliver all challenges and oaths or affirmations, together with the affidavits of the eligible electors challenged, to the county clerk and recorder or the designated election official. The county clerk and recorder or designated election official shall forthwith deliver all challenges and all oaths or affirmations to the district attorney for investigation and action.

PART 3 PROVISIONAL BALLOTS

1-9-301. Provisional ballot voting. (1) At any primary or November coordinated election conducted pursuant to this title, a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the registration list for the precinct or upon examination of the records on file with the county clerk and recorder shall be entitled to vote a provisional ballot if the voter:

(a) Presents one of the following forms of identification showing an address for the voter within the county in which the voter seeks to vote:

- (I) A Colorado driver's license; or
- (II) A personal identification card issued by the department of revenue pursuant to part 3

of article 2 of title 42, C.R.S.; and

(b) Completes a provisional ballot affidavit in accordance with section 1-9-304.5.

(2) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot shall be secured and deposited in a ballot container. All provisional ballots voted shall remain sealed in their envelopes for return to the county clerk and recorder or designated election official.

(3) The provisional ballot envelope shall be printed with instructions on the voting and handling of provisional ballots drafted by the secretary of state.

(4) A voter who moves from one precinct to another precinct in the same county or to another county later than the thirtieth day before an election is not properly registered at the new address for purposes of this section and may not vote a provisional ballot, but the voter may vote in the precinct where registered pursuant to section 1-2-217.

(5) The provisional ballot affidavit shall constitute a voter registration for the voter for future elections. Any previous voter registration for the voter shall be cancelled pursuant to section 1-2-603 (1).

(6) If the voter does not complete and sign the provisional ballot affidavit or if the voter does not present the required identification, the ballot shall not be counted unless the county clerk and recorder or designated election official determines that the voter was properly registered in the precinct and county.

1-9-302. Provisional ballots - available at polling places. Each polling location shall have on hand a sufficient number of provisional ballots in all ballot styles applicable to that polling location.

1-9-303. Verification and counting of provisional ballots. Upon receipt of a provisional ballot, the county clerk and recorder or designated election official shall verify the information contained in the provisional ballot affidavit using the procedures that apply to absentee ballots. If the information cannot be verified, the ballot shall be rejected. The verification and counting of all provisional ballots shall be completed within twelve days after the

election. All absentee ballots cast in any election shall be counted before any provisional ballots are counted.

1-9-304. Provisional ballots - absentee voters. (Repealed)

1-9-304.5. Provisional ballot affidavit. (1) The provisional ballot affidavit shall be printed on the provisional ballot envelope as follows:

"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. 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 further affirm that:

I registered to vote in my county and precinct of residence in the state of Colorado prior to the close of the registration books; or

I was registered to vote in the state of Colorado and moved to my county and precinct of residence at least thirty days before the election, but failed to register with the clerk and recorder of my county of residence; or

I applied to register to vote prior to the close of registration by federal postcard application or mail registration application, or I applied to register at a voter registration agency designated pursuant to section 1-2-504, Colorado Revised Statutes.

I further affirm under penalty of law that I am an eligible elector, 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", articles 1 to 13 of title 1, Colorado Revised Statutes.

WARNING: It is a crime to make a false affirmation as to your qualifications to vote. A person who votes by knowingly giving false information regarding his or her place of present residence commits a class 6 felony punishable by a fine of up to \$100,000 and/or imprisonment for up to 18 months.

Signature: _____

Address: _____

Date: _____".

(2) The election judge shall mark, on a space provided, on the provisional ballot envelope, as prescribed by the secretary of state, indicating that the elector has failed to provide required voter identification.

1-9-305. Rules. The secretary of state shall promulgate all appropriate rules for the purpose of ensuring the uniform application of this part 3.

1-9-306. Information system. For any election held on or after January 1, 2004, in which a provisional ballot is voted, the county clerk and recorder or designated election official shall establish a system allowing a voter who cast a provisional ballot to discover whether the ballot was counted and, if the ballot was not counted, the reason the ballot was not counted. The system shall provide access to this information at no cost to the voter by toll-free telephone call, internet website, or other suitable medium, in accordance with the "Help America Vote Act of 2002", P.L. No. 107-252. Information about a provisional ballot shall be available only to the voter who cast the ballot.

ARTICLE 10
Survey of Returns

PART 2
SURVEY OF RETURNS - NONPARTISAN ELECTIONS

1-10-201. Canvass of nonpartisan elections. (1) Except as provided for special districts in subsection (1.5) of this section, at least fifteen days before any nonpartisan election that is not coordinated by the county clerk and recorder, the governing body or bodies that called the election shall appoint two registered electors of the political subdivision to serve as members of the canvass board. One of the two persons appointed may be a member of the governing body. The persons so appointed and the designated election official constitute the canvass board for the election. If the election is coordinated between two or more governing bodies, the canvass board shall be appointed in accordance with the intergovernmental

agreement between the governing bodies.

(1.5) Unless otherwise directed by the board of directors of a special district, at least fifteen days before any regular special district election, the designated election official shall appoint at least one member of the board of such district and at least one eligible elector of the special district who is not a member of such board to assist the designated election official in the survey of returns. The persons so appointed and the designated election official constitute the board of canvassers for the election.

(2) To the fullest extent possible, no member of the canvass board nor the member's spouse shall have a direct interest in the election.

(3) If for any reason any person appointed as a member of the canvass board refuses, fails, or is unable to serve, that appointed person shall notify the designated election official, who shall appoint another person with the same qualifications, if available, to the canvass board.

(4) Each canvass board member who is not a member of the governing body shall receive a minimum fee of fifteen dollars for each day of service. The fee shall be set by the designated election official and shall be paid by the political subdivision for which the service is performed.

(5) Prior to assuming their duties, the members of the canvass board shall swear or affirm the following: "I, _____, do solemnly swear (or affirm) that I am a registered elector in the county of _____ and of the state of Colorado and that I will faithfully perform the duties required of a member of the canvass board."

1-10-202. Canvass of votes in coordinated elections. For any election coordinated by the county clerk and recorder, the canvass board shall be appointed in accordance with the intergovernmental agreement between the governing bodies holding the election.

1-10-203. Official abstract of votes cast - nonpartisan elections. (1) No later than seven days after an election, the canvass board shall certify to the designated election official the official abstract of votes cast for all candidates, ballot issues, and ballot questions in that

election.

(2) If the election is canceled pursuant to section 1-5-208, the designated election official shall note the cancellation and the declared winner on the certified statement of results and the abstract of votes cast, if one is prepared.

(3) If a recount is held and the result of the election changes after the recount, the canvass board shall prepare and certify an amended official abstract of votes cast. If the result of an election subject to a recount does not change after such recount, the canvass board shall include a statement of that fact in the abstract of votes cast.

1-10-204. Imperfect returns. If the canvass board finds that the method of making or certifying returns from any precinct does not conform to the requirements of law, the returns of the votes cast in that precinct shall nevertheless be canvassed if the returns are sufficiently explicit to enable the canvass board to determine how many votes were cast for each candidate, ballot question, or ballot issue.

1-10-205. Corrections. If the canvass board finds a clerical error or omission in the returns, the board shall consult with the election judges from whom the returns were received to resolve the discrepancies. The election judges shall submit to the canvass board any documentation for verification of the additions and corrections, and the canvass board shall make any additions and corrections required by the facts of the case. The canvass board may adjourn from day to day for the purpose of obtaining the corrections and additions.

ARTICLE 10.5

Recounts

1-10.5-101. Recounts required - expenses.

(1)(a) (Deleted by amendment, L. 2001, p. 1265, § 1, effective June 5, 2001.)

(b) A recount of any election contest shall be held if the difference between the highest number of votes cast in that election contest and the next highest number of votes cast in that election contest is less than or equal to one-half of one percent of the highest vote cast in that election contest. A recount shall

occur only after the canvass board certifies the original vote count.

(2) Except as provided in section 1-10.5-106, any expenses incurred in conducting a recount in any political subdivision shall be paid by the entity that certified the candidate, ballot question, or ballot issue for the ballot. Members of the canvass board who assist in any recount shall receive the same fees authorized for counting judges in section 1-6-115.

1-10.5-102. Recounts for congressional, state, and district offices, state ballot questions, and state ballot issues. (1) If the secretary of state determines that a recount is required for the office of United States senator, representative in congress, any state office or district office of state concern, any state ballot question, or any state ballot issue certified for the ballot by the secretary of state, the secretary of state shall order a complete recount of all the votes cast for that office, state ballot question, or state ballot issue no later than the twenty-fifth day after the election.

(2) The secretary of state shall notify the county clerk and recorder of each county involved by registered mail and facsimile transmission of a public recount to be conducted in the county at a place prescribed by the secretary of state. The recount shall be completed no later than the fortieth day after any election. The secretary of state shall promulgate and provide each county clerk and recorder with the necessary rules and regulations to conduct the recount in a fair, impartial, and uniform manner, including provisions for watchers during the recount. Any rule or regulation concerning the conduct of a recount shall take into account the type of voting system and equipment used by the county in which the recount is to be conducted.

(3) Prior to any recount, the canvass board shall choose a precinct at random and a test number of ballots on which to conduct a machine count and hand count of ballots. The precinct chosen shall have at least fifty ballots for the count. If the results of the machine count and the hand count are identical, then the recount shall be conducted in the same manner as the original ballot count.

1-10.5-103. Recount for other offices, ballot issues, and ballot questions in an election coordinated by the county clerk and recorder. In any election coordinated by the county clerk and recorder, if it appears, as evidenced by the official abstract of votes cast, that a recount is required for any office, ballot question, or ballot issue not included in section 1-10.5-102, the county clerk and recorder shall order a recount of the votes cast for the office, ballot question, or ballot issue. Any recount of the votes shall be completed no later than the fortieth day after the election.

1-10.5-104. Recount for nonpartisan elections not coordinated by the county clerk and recorder. If it appears, as evidenced by the abstract of votes cast that a recount is required for any office, ballot question, or ballot issue, the designated election official shall order a recount of the votes cast for the office, the ballot issue, or ballot question no later than the twenty-fifth day after the election. Any recount under this section shall be completed no later than the fortieth day after the election.

1-10.5-105. Notice of recount. Notice prior to the recount shall be given to all candidates and, in the case of a ballot issue or ballot question, any petition representative identified pursuant to section 1-40-113, any governing body, or any agent of an issue committee, if such committee is required to report contributions to the secretary of state pursuant to the "Fair Campaign Practices Act", article 45 of this title, that are affected by the result of the election. Notice shall be given by certified mail and by telephone, facsimile transmission, or personal service.

1-10.5-106. Request for recount by interested party - definitions. (1) As used in this section, "interested party" means the candidate who lost the election, the political party or political organization of such candidate, any petition representative identified pursuant to section 1-40-113 for a ballot issue or ballot question that did not pass at the election, the governing body that referred a ballot question or ballot issue to the electorate if such ballot question or ballot

issue did not pass at the election, or the agent of an issue committee that is required to report contributions pursuant to the "Fair Campaign Practices Act", article 45 of this title, that either supported a ballot question or ballot issue that did not pass at the election or opposed a ballot question or ballot issue that passed at the election.

(2) Whenever a recount is not required, an interested party may submit a notarized written request for a recount at the expense of the interested party making the request. This request shall be filed with the secretary of state, the county clerk and recorder, the designated election official, or other governing body that originally certified the candidate, ballot question, or ballot issue for the ballot within twenty-five days after the election. Such election official shall notify the political subdivision within which the election was held no later than the day following receipt of the request. Before conducting the recount, the election official who will conduct the recount shall determine the cost of the recount within three days of receiving the request to recount, notify the interested party that requested the recount of the cost, and collect the costs of conducting the recount. If the request is filed with the secretary of state, the secretary of state shall determine the cost of the recount by adding the individual amounts determined by the political subdivisions conducting the recount. The interested party that requested the recount shall pay the cost of the recount by certified funds to the election official with whom the request for a recount was filed within two days of receiving the election official's cost determination. The funds shall be placed in escrow for payment of all expenses incurred in the recount. If after the recount the result of the election is reversed in favor of the interested party that requested the recount or if the amended election count is such that a recount otherwise would have been required, the payment for expenses shall be refunded to the interested party that requested the recount. Any escrow amounts not refunded to the interested party that requested the recount shall be paid to the election officials who conducted the recount. Any recount of votes pursuant to this section shall be completed no later than the fortieth day after the election.

1-10.5-107. Canvass board to conduct recount. (1) Any county clerk and recorder or governing body required to conduct a recount shall arrange to have the recount made by the canvass board who officiated in certifying the official abstract of votes cast. If any member of the canvass board cannot participate in the recount, another person shall be appointed in the manner provided by law for appointment of the members of the original board.

(2) Any canvass board making a recount under the provisions of this section may employ assistants and clerks as necessary for the conduct of the recount.

(3) The canvass board may require the production of any documentary evidence regarding any vote cast or counted and may correct the abstract of votes cast in accordance with its findings based on the evidence presented.

(4) At the conclusion of the recount, the canvass board shall make the returns of all partisan, nonpartisan, ballot issue, and ballot question elections to the designated election official and provide a copy to the persons or groups requesting the recount or notified of the recount pursuant to sections 1-10.5-105 and 1-10.5-106. The canvass board shall meet and issue an amended abstract of votes cast for the office, ballot issue, or ballot question that is the subject of the recount and deliver it to the designated election official.

(5) The designated election official shall notify the governing body of the results of the recount.

1-10.5-108. Method of recount. (1) The recount shall be of the ballots cast, and the votes shall be recorded on sheets other than those used at the election.

(2) Unless otherwise directed by the secretary of state, the ballots cast shall be recounted utilizing the same procedures, methods, and processes that were utilized for the original count of the ballots cast.

1-10.5-109. Challenge of recount. (1) (a) Any interested party that requested a recount of a county, state, national, or district office of state concern or any party to such recount that has reasonable grounds to believe that the recount is

not being conducted in a fair, impartial, and uniform manner may apply to the district court of the city and county of Denver for an order requiring the county clerk and recorder to stop the recount and to give the secretary of state access to all pertinent election records used in conducting the recount, and requiring the secretary of state to conduct the recount. The county clerk and recorder shall be an official observer during any recount conducted by the secretary of state.

(b) Any interested party that requested a recount of any other local office, ballot question, or ballot issue or any party to such recount that has reasonable grounds to believe that the designated election official is not conducting the recount in a fair, impartial, and uniform manner may apply to the district court for the political subdivision for an order requiring the designated election official to stop the recount and to give the appropriate official who will take over conducting the recount access to all pertinent election records, and requiring the appropriate official to conduct the recount. If the county clerk and recorder is not the designated election official, then the county clerk and recorder is the appropriate official to conduct the recount. If the county clerk and recorder is the designated election official, then the secretary of state is the appropriate official to conduct the recount. The designated election official shall be an official observer during any recount conducted pursuant to this subsection (1).

(2) All expenses incurred by the secretary of state in conducting a recount pursuant to subsection (1) of this section shall be paid from the state general fund. Expenses incurred prior to a court order requiring the secretary of state to conduct the recount shall be paid by the county or political subdivision conducting the recount.

1-10.5-110. Procedures for recount on direct recording electronic voting equipment. (1) Any recount procedure for votes cast on direct record electronic voting machines adopted by a designated election official shall:

(a) Be submitted in writing to the secretary of state; and

(b) Provide for an electronic recount of votes cast on such voting machine as prescribed

by this section.

(2) A recount of votes cast on direct record electronic voting machines shall include early voting, election day voting, and election day emergency voting. The designated election official shall produce a recount report that shall include, but shall not be limited to, the following:

(a) A summary of the recount results;

(b) Political subdivision recount results;

and

(c) Precinct recount results.

(3) All recounts of votes cast on direct record electronic voting machines shall be conducted using electronic ballot images. As used in this section, "ballot image" means a record of each vote cast by a voter that is stored on a removable memory device contained in such voting machine. All ballot images shall be randomized in such voting machine to assure voter anonymity.

(4) All recounts of votes cast on direct record electronic voting machines shall retabulate vote totals from individual ballot images. Tabulating incremented or summary vote totals from individual direct record electronic voting machines shall not constitute a recount for purposes of compliance with this section.

(5) Before any recount of votes cast on direct record electronic voting machines, the designated election official shall store or record all previous preelection, official election, or postelection tabulations of votes cast on such voting machine on an external device such as a diskette, tape, or compact disc.

(6) No tabulation system software utilized by a designated election official to perform a recount of votes cast on a direct record electronic voting machine shall delete any previously tabulated results from such voting machine, including preelection, official election, or postelection tabulations of votes cast, in order to perform the recount.

(7) If the retabulation of ballot images from a removable memory device is impossible due to destruction, loss, or any other reason, the audit trail from the direct record electronic voting machine from which such device was removed shall be copied to a new transfer device and the ballot images shall then be recounted by the tabulation system software.

(8) After all of the ballot images from all

of the removable memory devices used in the election have been retabulated by the tabulation system software, the designated election official shall produce the recount reports described in subsection (2) of this section to determine if the recount results and official election results match.

ARTICLE 11

Certificates of Election and Election Contests

PART 1

TIE VOTES AND CERTIFICATES OF ELECTION

1-11-102. Tie votes in nonpartisan elections. If any two or more candidates tie for the highest number of votes for the same office and if there are not enough offices remaining for all the candidates, the board of canvassers shall determine by lot the person who shall be elected. Reasonable notice shall be given to the candidates who are involved of the time when the election will be determined.

1-11-102.5. Ballot issue and ballot question - majority required. If any ballot issue or ballot question is approved by less than a majority of the votes cast, the issue or question shall be considered to have failed.

1-11-103. Certificates of election for nonpartisan, ballot issue, or ballot question elections. (1) Except in the case of offices for which a recount is required, immediately after the final abstract of votes cast for each office has been prepared and certified, the designated election official shall notify the candidates of their election to office. After any required bond and oath is filed, the designated election official shall make a formal certificate of election for each person who was elected and shall deliver the formal certificate to that person.

(2) Except in the case of ballot issues or ballot questions for which a recount is required, immediately after the abstract of votes cast for each ballot issue or ballot question has been prepared and certified, the designated election official shall notify the governing body of the political subdivision conducting the election and the petition representatives of a ballot issue or

ballot question of the election result and shall make a certificate of the votes cast for and against each ballot issue and for and against each ballot question available for public inspection in the office of the designated election official for no less than ten days following the completion of the abstract of votes cast by the canvass board.

(3) The results of a special district election shall be certified to the division of local government within thirty days after the election as provided in section 32-1-104 (1), C.R.S. If an election is cancelled, the notice and a copy of the resolution of cancellation shall be filed with the division of local government.

PART 2

ELECTION CONTESTS

1-11-201. Causes of contest. (1) The election of any candidate to any office may be contested on any of the following grounds:

(a) That the candidate elected is not eligible to hold the office for which elected;

(b) That illegal votes were received or legal votes rejected at the polls in sufficient numbers to change the result of the election;

(c) That an election judge or canvass board has made an error in counting or declaring the result of an election that changed the result of the election;

(d) That an election judge, canvass board, or member of a canvass board has committed malconduct, fraud, or corruption that changed the result of the election; or

(e) That, for any reason, another candidate was legally elected to the office.

(2) For the purpose of this part 2, if the election or nomination of either the governor or lieutenant governor is found to be invalid for any reason, the finding shall not in any way be construed to invalidate the election or nomination of the other joint candidate.

(3) The result of any election to determine a ballot issue or ballot question may be contested on any of the following grounds:

(a) That illegal votes were received or legal votes were rejected at the polls in sufficient numbers to change the result of the election;

(b) That an election judge or canvass board has made an error in counting or declaring

the result of an election that changed the result of the election; or

(c) That an election judge, canvass board, or member of a canvass board has committed misconduct, fraud, or corruption that changed the result of the election.

(4) In addition to the grounds set forth in subsection (3) of this section, the result of any election to determine a ballot issue that includes approval of the creation of any debt or other financial obligation may be contested if the notice required by section 1-7-908 is not provided in accordance with that section or contains any material misstatement of the information required to be set forth in the notice.

1-11-202. Who may contest election. The election of any candidate or the results of an election on any ballot issue or ballot question may be contested by any eligible elector of the political subdivision.

1-11-203.5. Contests concerning ballot order or ballot title - ballot issue or ballot question elections. (1) Except for petitions for rehearing pursuant to section 1-40-107, all election contests arising out of a ballot issue or ballot question election concerning the order on the ballot or the form or content of any ballot title shall be summarily adjudicated by the district court sitting for the political subdivision within which the contest arises prior to the election. Except as otherwise provided in this section, the style and form of process, the manner of service of process and papers, the fees of officers, and judgment for costs shall be according to the rules and practice of the district court. The court that first acquires jurisdiction of any contest shall have exclusive jurisdiction. Before the district court is required to take jurisdiction of the contest, the contestor shall file with the clerk of the court a bond, with sureties, running to the contestee and conditioned to pay all costs, including attorneys fees, in case of failure to maintain the contest. The judge shall determine the sufficiency of the bond and, if sufficient, approve it.

(2) Every such contest shall be commenced by verified petition filed by the contestor to the proper court, setting forth the grounds for the contest and a proposed

alternative order for the ballot or alternative form or content for the contested ballot title. The contestee shall be the state in the case of a statewide ballot issue or statewide ballot question or the political subdivision that proposed to place the contested ballot issue or ballot question on the ballot, as applicable, and the petition representative of an initiated measure. The petition shall be filed and a copy served on the contestee within five days after the title of the ballot issue or ballot question is set by the state or political subdivision and for contests concerning the order of a ballot, within five days after the ballot order is set by the county clerk and recorder and not thereafter. The designated election official or other authorized official, on behalf of the contestee and the proponent of an initiated measure, shall answer under oath within five days after service. Upon the expiration of the time for the answer, and following at least twenty-four hours advance notice of the date, time, and place of the adjudication given by the clerk of the court by letter, telephone, or fax to the contestor and contestee, the court having jurisdiction of the contest shall immediately set the matter for trial on the merits and shall adjudicate it within ten days of the date of filing of the answer by the contestee or expiration of the time for the answer.

(3) If the court finds that the order of the ballot or the form or content of the ballot title does not conform to the requirements of the state constitution and statutes, the court shall provide in its order the text of the corrected ballot title or the corrected order of the measures to be placed upon the ballot and shall award costs and reasonable attorneys fees to the contestor. If the court finds that the order of the ballot and the form and content of the ballot title conform to the requirements of the state constitution and statutes and further finds that the suit was frivolous as provided in article 17 of title 13, C.R.S., the court shall provide in its order an award of costs and reasonable attorneys fees to the contestee state or political subdivision and to the proponent of an initiated measure.

(4) Following entry of the order of the district court pursuant to this section, the ballot title shall be certified by the state or political subdivision to the county clerk and recorder, to be voted upon at the election as so certified

unless the election on the ballot issue or ballot question is canceled in the manner provided by law. Notwithstanding any other provision of law, any appeal from an order of the district court entered pursuant to this section shall be taken directly to the supreme court, which shall decide the appeal as expeditiously as practicable.

(5) The procedure provided in this section shall be the exclusive procedure to contest or otherwise challenge the order of the ballot or the form or content of the ballot title.

(6) This section shall not apply to a ballot title for a statewide ballot issue or statewide ballot question that is set by a title setting board or court as provided by law.

1-11-212. Contests for county and nonpartisan officers - ballot issues and ballot questions. Contested election cases of county and nonpartisan officers and ballot issues and ballot questions shall be tried and decided by the district court for the county in which the contest arises. If a political subdivision is located in more than one county, the district court of either county may take jurisdiction.

1-11-212.5. Contests concerning bond elections. Except as otherwise provided in this part 2, the result of an election on a ballot issue seeking approval to create any debt or other financial obligation may be contested based on the grounds set forth in section 1-11-201 (4) in the manner provided by this part 2 for contesting the result of any other election.

1-11-213. Rules for conducting contests in district court. (1) The style and form of process, the manner of service of process and papers, the fees of officers, and judgment for costs and execution shall be according to the rules and practice of the district court.

(2) Change of venue may be taken from any district court for any cause in which changes of venue might be taken in civil or criminal actions. The decisions of any district court are subject to appellate review as provided by law and the Colorado appellate rules.

(3) Before the district court is required to take jurisdiction of the contest, the contestor shall file with the clerk of the court a bond, with sureties, running to the contestee and

conditioned to pay all costs in case of failure to maintain the contest. The judge shall determine the sufficiency of the bond and, if it is sufficient, approve it.

(4) The contestor, within ten days after the official survey of returns has been filed with the designated election official, shall file in the office of the clerk of the district court a written statement of the intention to contest the election, setting forth the name of the contestor, that the contestor is an eligible elector of the political subdivision, the name of the contestee, the office or ballot issue or ballot question being contested, the time of the election, and the particular grounds for the contest. The statement shall be verified upon information and belief by the affidavit of the contestor or of an eligible elector of the political subdivision. If the contest is based upon a ballot issue or ballot question, the political subdivision or subdivisions for which the ballot issue or ballot question was decided shall be named as a contestee. If a written statement of intent to contest the election is filed more than ten days after the completion of the official survey of returns, no court shall have jurisdiction over the contest.

(5) The clerk of the district court shall then issue a summons in the ordinary form, in which the contestor shall be named as plaintiff and the contestee as defendant, stating the court to which the action is being brought, the political subdivision for which the contest is filed, and a brief statement of the grounds for contest as set forth in the contestor's statement. The summons shall be served upon the contestee and political subdivision in the same manner as other district court summonses are served in this state, within ten days after the statement of intention is filed.

(6) The contestee, within ten days after the service of the summons, shall file an answer with the clerk of court, which admits or specifically denies each allegation of the statement and asserts any counterstatement on which the contestee relies as entitling him or her to the office to which elected.

(7) If a contestor alleges the reception of illegal votes or the rejection of legal votes as the grounds for the contest, a list of the eligible electors who so voted or offered to vote shall be set forth in the statement of the contestor and

likewise in the answer of contestee if the same grounds are alleged in the counterstatement.

(8) When the answer of the contestee contains a new matter constituting a counterstatement, within ten days after the answer is filed, the contestor shall file a reply with the clerk of court admitting or specifically denying, under oath, each allegation contained in the counterstatement.

1-11-214. Trial and appeals in contests for county and nonpartisan elections.

(1) Immediately after the issue is joined, the district judge shall set the date for trial, which shall be not more than twenty days nor less than ten days after the issue was joined. The trial shall take precedence over all other business of the court. Any depositions to be used in the trial may be taken upon four days' notice before any officer authorized to take depositions. The testimony at trial may be made orally or by depositions. The district judge shall cause the testimony to be taken in full and filed in the cause. The trial shall be conducted according to district court rules and practice.

(2) An appeal from the judgment may be taken to the supreme court, in the same manner as other cases tried in the district court. The appeal shall be filed, the bill of exceptions settled, the bond for costs executed and filed, and the record transmitted to the clerk of the supreme court within twenty days from the date the judgment is entered. The supreme court shall advance the case to the head of the calendar and shall hear and determine the matter with all reasonable dispatch.

1-11-215. Recount in contests for county and nonpartisan elections. If, at trial of any election contest as provided in section 1-11-214 and this section, the statement or counterstatement alleges an error in the abstract of votes cast sufficient to change the result, the district judge has the power to order a recount of the ballots cast or the votes tabulated in the precincts in which the alleged error was made. The court may also require the production before it of witnesses, documents, records, and other evidence as may have or contain information regarding the legality of any vote cast or counted for either of the contesting candidates or a ballot issue or ballot question, or concerning the

correct number of votes cast for a candidate or a ballot issue or ballot question. The court may order the returns corrected in accordance with the evidence presented and the court's findings.

1-11-216. Judgment in contests for county and nonpartisan elections.

The district court shall pronounce judgment on whether the contestee or any other person was legally elected to the contested office or on whether the ballot issue or ballot question was enacted. The court's judgment declaring a person elected entitles that person to take office when the term of office begins, upon proper qualification. If the judgment is against a contestee who has received a certificate, the judgment annuls the certificate. If the court finds that no person was legally elected, the judgment shall set aside the election and declare a vacancy in the office contested.

1-11-216.5. Judgment in election contests - creation of financial obligation.

The district court shall pronounce judgment on whether the approval of a ballot issue to create any debt or other financial obligation should be set aside based on the grounds set forth in section 1-11-201 (4).

1-11-217. Costs of election contest.

(1) A judgment against the contestor pursuant to the provisions of sections 1-11-211 and 1-11-212, concerning election of a candidate or determination of a ballot question, shall provide that the contestor is liable for all fees incurred in the contested election by all contestees, including reasonable costs and attorney fees.

(2) A judgment against the contestor pursuant to the provisions of sections 1-11-211 and 1-11-212, concerning the determination of a ballot issue, or pursuant to section 1-11-212.5, concerning the determination of a ballot issue that includes approval of the creation of any debt or other financial obligation, shall provide that the contestor is liable for all fees incurred in the contested election by all contestees, including reasonable costs and attorneys fees, but a judgment for costs and fees shall be awarded in favor of the state or a political subdivision only if the suit is ruled frivolous, as provided in article 17 of title 13, C.R.S.

1-11-218. Violations by the governing body. (1) If the results of any county or nonpartisan election are disallowed as the result of a proceeding held pursuant to sections 1-11-211 and 1-11-212, the elector who instituted the proceedings may commence a civil action to recover costs and reasonable attorney fees from the governing body.

(2) If the result of any election approving the creation of any debt or other financial obligation is set aside as the result of a proceeding held pursuant to this part 2, the elector who instituted the proceeding may commence a civil action to recover costs and reasonable attorney fees from the governing body.

ARTICLE 12 **Recall and Vacancies in Office**

PART 1 **RECALL FROM OFFICE**

1-12-101. Elected officers subject to recall. Every elected officer of this state or any political subdivision thereof is subject to recall from office at any time by the eligible electors entitled to vote for a successor to the incumbent. The recall of any state officer shall be governed by the recall of state officers procedure set forth in this article.

1-12-102. Limitations. (1) No recall petition shall be circulated or filed against any elected officer until the officer has actually held office for at least six months following the last election; except that a recall petition may be filed against any member of the general assembly at any time after the fifth day following the convening and organizing of the general assembly after the election.

(2) After one recall petition and election, no further petition may be filed against the same state or county officer during the term for which the officer was elected, unless the petitioners signing the petition equal fifty percent of the votes cast at the last preceding general election for all of the candidates for the office held by the officer.

(3) After one recall petition and election,

no further petition shall be filed against the same nonpartisan officer during the term for which the officer was elected, unless the petitioners signing the petition equal one and one-half times the number of signatures required on the first petition filed against the same officer, until one year has elapsed from the date of the previous recall election.

(4) No recall petition shall be circulated or filed against any elected officer whose term of office will expire within six months.

1-12-103. Petition for recall. Eligible electors of a political subdivision may initiate the recall of an elected official by signing a petition which demands the election of a successor to the officer named in the petition. The petition shall contain a general statement, consisting of two hundred words or less, stating the ground or grounds on which the recall is sought. The statement is for the information of the electors who shall be the sole and exclusive judges of the legality, reasonableness, and sufficiency of the ground or grounds assigned for the recall. The ground or grounds shall not be open to review.

1-12-106. Signatures required for nonpartisan officers. A petition to recall any other nonpartisan officer shall be signed by three hundred eligible electors of the political subdivision who are entitled to vote for a successor to the incumbent sought to be recalled or forty percent of the eligible electors of the political subdivision at the time the form of the petition is approved under section 1-12-108 (4), whichever number is less.

1-12-107. Designated election officials. (1) For state recall elections, the petition shall be filed with the secretary of state who shall certify the sufficiency of the petition to the governor who shall set the date for the election. The election shall be conducted by the appropriate county clerk and recorder in the manner provided in this article for state elections.

(2) For county recall elections, the petition shall be filed with the county clerk and recorder who shall certify the sufficiency of the petition and call and conduct the election.

(3) For school board recall elections, the petition shall be filed with the county clerk and recorder in which the school district's administrative offices are located. The clerk and recorder of the county shall certify the sufficiency of the petition and call and conduct the election.

(4) For all other nonpartisan elections, the petition shall be filed with the district court in the county in which the political subdivision was organized. The court shall then appoint a designated election official to certify the sufficiency of the petition and call and conduct the election.

1-12-108. Petition requirements. (1) The petition shall be prepared and circulated pursuant to this part 1. No signature shall be counted that was placed on a petition prior to approval of the petition by the designated election official or more than sixty days after the designated election official's approval of the petition.

(2) (a) The petition for the recall of an elected official may consist of one or more sheets, to be fastened together in the form of one petition section, but each sheet shall contain the same heading and each petition section shall contain one sworn affidavit of the circulator. No petition shall contain the name of more than one person proposed to be recalled from office.

(b) The petition for recall may be circulated and signed in sections, and each section shall contain a full and accurate copy of the title and text of the petition. Each petition shall designate, by name and address, three persons, referred to in this section as the "committee", that shall represent the signers in all matters affecting the petition.

(3) (a) The signatures to a recall petition need not all be appended to one paper, but no petition shall be legal that does not contain the requisite number of names of eligible electors whose names do not appear on any other petition previously filed for the recall of the same person under the provisions of this section.

(b) At the top of each page shall be printed, in bold-faced type, the following:

**WARNING:
IT IS AGAINST THE LAW:

For anyone to sign this**

petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to knowingly sign the petition when not a registered elector.

Do not sign this petition unless you are an eligible elector. To be an eligible elector you must be registered to vote and eligible to vote in (name of political subdivision) elections.

Do not sign this petition unless you have read or have had read to you the proposed recall measure in its entirety and understand its meaning.

(c) Directly following the warning in paragraph (b) of this subsection (3) shall be printed in bold-faced type the following:

Petition to recall (name of person sought to be recalled) from the office of (title of office).

(4) No petition shall be circulated until it has been approved as meeting the requirements of this subsection (4) as to form. The official with whom the petitions are to be filed pursuant to section 1-12-107 shall approve or disapprove a petition as to form by the close of the second business day following submission of the proposed petition. The official shall mail written notice of the action taken to the person who submitted the petition and to the officer whom the petition seeks to recall on the day the action is taken.

(5) (a) Every petition shall be signed only by eligible electors.

(b) Unless physically unable, all electors shall sign their own signature and shall print their names, respective residence addresses, including the street number and name, the city or town, the county, and the date of signature.

Each signature on a petition shall be made, to the extent possible, in black ink.

(c) Any person, except a circulator, may assist an elector who is physically unable to sign the petition in completing the information on the petition as required by law. On the petition immediately following the name of the disabled elector, the person providing assistance shall both sign and state that the assistance was given to the disabled elector.

(6) (a) Only an eligible elector may circulate a recall petition.

(b) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the eligible elector who circulated the petition section, which shall include: The affiant's printed name, the address at which the affiant resides, including the street name and number, the city or town, the county, and the date of signature; a statement that the affiant was an eligible elector at the time the section of the petition was circulated and signed by the listed electors; a statement that the affiant circulated the section of the petition; a statement that each signature on the petition section is the signature of the person whose name it purports to be; a statement that to the best of the affiant's knowledge and belief each of the persons signing the petition section was, at the time of signing, an eligible elector; and a statement that the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the signer to sign the petition.

(c) The designated election official shall not accept for filing any section of a petition that does not have attached to it the notarized affidavit required by this section. Any signature added to a section of a petition after the affidavit has been executed is invalid.

(7) (Deleted by amendment, L. 97, p. 1062, § 5, effective May 27, 1997.)

(7.5) The petition may be filed at any time during the sixty-day period after the designated election official's approval of the petition form as specified in subsection (1) of this section. The committee shall file all sections of a petition simultaneously, and any section of a petition submitted after the petition is filed shall

be invalid and of no force and effect.

(8) (a) Upon filing, the designated election official for the political subdivision shall review all petition information and verify the information against the registration records, and, where applicable, the county assessor's records. The secretary of state shall establish guidelines for verifying petition entries.

(b) Any disassembly of a section of the petition prior to filing that has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.

(c) After review, and no later than ten working days after the initial filing of the petition, the designated election official shall notify the committee and the incumbent of the number of valid signatures and whether the petition appears to be sufficient or insufficient. Upon determining that the petition is sufficient and after the time for protest has passed, the designated election official shall certify the recall question to the ballot and, if the election is a coordinated election, notify the coordinated election official.

(9) (a) A recall petition that has been verified by the designated election official shall be held to be sufficient unless a protest in writing under oath is filed in the office of the designated election official by an eligible elector within fifteen days after the designated election official has determined the sufficiency or insufficiency of the petition under paragraph (c) of subsection (8) of this section. The petition shall set forth specific grounds for the protest. Grounds include but are not limited to failure of any portion of a petition or circulator affidavit to meet the requirements of this article or any conduct on the part of petition circulators that substantially misleads persons signing the petition. The designated election official shall forthwith mail a copy of the protest to the committee named in the petition as representing the signers, together with a notice fixing a time for hearing the protest not less than five nor more than ten days after the notice is mailed. Every hearing shall be before the designated election official with whom the protest is filed or before a district judge sitting in that county if the designated election official is the subject of the recall. The testimony in every hearing shall be under oath. The

hearing shall be summary and not subject to delay and shall be concluded within thirty days after the petition is filed, and the result shall be forthwith certified to the committee.

(b) The party filing a protest has the burden of sustaining the protest by a preponderance of the evidence. The decision upon matters of substance is open to review, if prompt application is made, as provided in section 1-1-113. The remedy in all cases shall be summary, and the decision of any court having jurisdiction shall be final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any judicial proceeding in a summary way.

(c) A petition for recall may be amended once at any time within sixty days from the date the petition form was approved by the designated election official under subsection (4) of this section.

(d) (I) Any signer may request that his or her name be stricken from the petition at any time within the sixty-day period prior to the date the petition is deemed sufficient and the time for protest has passed by filing a written request that his or her signature be stricken with the designated election official and delivering a copy of such request to at least one member of the committee. If such request is delivered to the member of the committee or the election official through the United States mails, it shall be deemed delivered to the committee or the election official on the date shown by the cancellation mark on the envelope containing the request received by the member or the election official. If the request is delivered to the member of the committee or the election official in any other manner, it shall be deemed delivered to the committee or the election official on the date of delivery and stamped receipt by the election official.

(II) If the designated election official receives a written request filed in accordance with this paragraph (d) after the petition is filed but before the petition is deemed sufficient and the time for protest has passed, the election official shall strike the signature of the signer who filed the request. If the election official receives such a written request before the petition is filed, the election official shall strike

the signature of the signer who filed the request promptly upon the filing of the petition.

(10) Any person who willfully destroys, defaces, mutilates, or suppresses a petition, or who willfully neglects to file or delays delivery of a petition, or who conceals or removes a petition from the possession of the person authorized by law to have custody of it, or who aids, counsels, procures, or assists any person in doing any of the above acts is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-12-109. Resignation. If an officer whose recall is sought offers a resignation it shall be accepted and the vacancy caused by the resignation shall be filled as provided by law. The person appointed to fill the vacancy caused by the resignation shall hold the office only until the person elected at the recall election is qualified.

1-12-110. Call for election. (1) If the officer whose recall is sought does not resign within five days after the sufficiency of the recall petition has been sustained, the designated election official shall make notice by publication for the holding of a recall election, and the officers charged by law with election duties shall make necessary arrangements for the conduct of the election. The election shall be conducted pursuant to the provisions of this title.

(2) If the officer whose recall is sought resigns at any time after the filing of the certification of election question for the ballot, the recall election shall be called and held notwithstanding the resignation.

1-12-111. Date of election. If the recall petition is held to be sufficient under section 1-12-108 (8) (c) and after the time for protest has passed, the officer with whom the recall petition was filed, without delay, shall submit the petition, together with a certificate of its sufficiency, to the appropriate governing body. The governing body shall set a date for the recall election not less than forty-five nor more than seventy-five days from the date of determination of sufficiency; however, if a general election is to be held within ninety days after the determination of sufficiency, the recall election shall be held as a

part of the general election.

1-12-112. Ballots. (1) In addition to all other requirements of law, the official ballot shall contain a statement consisting of two hundred words or less stating the reasons set forth in the petition for demanding the officer's recall. The officer sought to be recalled may submit a statement of justification of the officer's course in conduct in three hundred words or less to the designated election official. The officer shall submit any such statement no later than ten working days after the date of issuance of the certificate of sufficiency by the designated election official. The official ballot shall contain such statement of justification if submitted pursuant to this subsection (1).

(2) Ballots for the election of a successor to the officer sought to be recalled shall contain the candidates' names which shall be placed on the ballot by lot, regardless of the method of nomination.

1-12-113. Conduct of election. The recall election and election of a successor shall be conducted according to the provisions of articles 1 to 13 of this title.

1-12-114. Absentee ballots. Applications for absentee ballots shall be made available by the appropriate designated election officials no later than twenty-four hours after the date for the recall election is set. Absentee ballots shall be available no later than thirty days before the recall election. All other provisions of article 8 of this title shall apply to the absentee ballot process.

1-12-115. Write-in candidates. No write-in vote for any office shall be counted unless an affidavit of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of the office if elected. The affidavit of intent shall be filed with the designated election official not later than the date required for filing nominating petitions pursuant to section 1-12-117.

1-12-116. Sufficiency of the recall. If a majority of those voting on the question of the recall of any incumbent from office vote "no", the

incumbent shall continue in office; if a majority vote "yes", the incumbent shall be removed from office upon the qualification of the successor.

1-12-117. Nomination of successor. A candidate to succeed the officer sought to be recalled shall meet the qualifications of a party candidate or an unaffiliated candidate as provided in part 8 of article 4 of this title and shall be nominated by a political party petition or an unaffiliated petition as provided in part 9 of article 4 of this title. Nomination petitions and affidavits of intent to run as a write-in candidate shall be filed no later than fifteen days after the date on which the appropriate governing body convenes and sets the election date. Every petition shall be signed by the number of eligible electors required for the office in part 8 of article 4 of this title or as otherwise provided by law. The name of the officer who was sought to be recalled shall not be eligible as a candidate in the election to fill any vacancy resulting from the recall election.

1-12-118. Election of successor. (1) The election of a successor shall be held at the same time as the recall election. The names of those persons nominated as candidates to succeed the person sought to be recalled shall appear on the ballot; but, no vote cast shall be counted for any candidate for the office unless the voter also voted for or against the recall of the person sought to be recalled. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for office.

(2) (Deleted by amendment, L. 95, p. 850, § 77, effective July 1, 1995.)

1-12-119. Canvass of votes. (1) For the recall of a partisan officer, the canvass board shall be composed of one representative from each major political party and the county clerk and recorder. For the recall of a nonpartisan officer, the canvass board shall be composed of the designated election official, one member of the governing body, and one eligible elector of the political subdivision.

(2) The canvass board shall complete an abstract of votes cast no later than the day following the recall election. For state elections, the canvass board shall contact the secretary of state on election night with the unofficial count. For county and all other elections, the canvass

board shall provide the governing body with the unofficial count at the opening of business hours on the day following the recall election.

(3) The certified abstract of votes cast shall be sent by certified mail or hand delivered to the secretary of state for state elections and to the governing body for county and all other elections no later than the close of business on the fifth day after the recall election.

(4) If the majority of those voting on the recall question voted "yes", upon receipt of the certified abstract of votes cast, the designated election official shall issue a certificate of election to the successor candidate who received the highest number of votes. A copy of the certificate shall be transmitted by the secretary of state to the appropriate house of the general assembly for recall elections concerning the general assembly and to the governor for the recall of all other elections of state officers. For all other recall elections, a copy of the certificate shall be transmitted to the governing body of the political subdivision.

1-12-120. Cost of recall election. (1) If at any recall election for a state office the incumbent whose recall is sought is not recalled, the incumbent shall be repaid from the state treasury any money authorized by this article which the incumbent actually expended as an expense of the recall election. In no event shall the sum repaid be greater than an amount equal to ten cents per voter. The general assembly shall provide an appropriation for state recall elections.

(2) If at any recall election for a county or local government office the incumbent whose recall is sought is not recalled, the governing body shall authorize a resolution for repayment from the general fund of the political subdivision any money authorized to be repaid to the incumbent by this article which the incumbent actually expended as an expense of the election. In no event shall the sum repaid exceed forty cents per eligible elector as defined in section 1-1-104 (16), subject to a maximum repayment of ten thousand dollars.

(3) Authorized expenses shall include, but are not limited to, moneys spent in challenging the sufficiency of the recall petition and in presenting to the electors the official

position of the incumbent, including campaign literature, advertising, and maintaining campaign headquarters.

(4) Unauthorized expenses shall include, but are not limited to: Moneys spent on challenges and court actions not pertaining to the sufficiency of the recall petition; personal expenses for meals; lodging and mileage for the incumbent; costs of maintaining a campaign staff and associated expenses; reimbursement for expenses incurred by a campaign committee which has solicited contributions; reimbursement of any kind for employees in the incumbent's office; and all expenses incurred prior to the filing of the recall petition.

(5) The incumbent shall file a complete and detailed request for reimbursement within sixty days after the date of the recall election with the governing body of the political subdivision holding the recall election, who shall then review the reimbursement request for appropriateness under subsection (2) of this section and shall refer the request, with recommendations, to the general assembly at its next general session for state recall elections or to the treasurer of the governing body for all other elections within thirty days after receipt of the request for reimbursement.

1-12-121. Special provisions. (1) If the governor is sought to be recalled under the provisions of this article by recall petition filed in the office of the secretary of state, the duties imposed upon the governor by this article and article XXI of the state constitution as to that recall petition shall be performed by the lieutenant governor. If the secretary of state is sought to be recalled under the provisions of this article by recall petition filed in the office of the secretary of state, the duties imposed upon the secretary of state by this article and article XXI of the state constitution as to that recall petition shall be performed by the state auditor.

(2) If the recall of any other elected or appointed officer is sought who is charged with responsibilities under this article, the governing body shall appoint another officer to perform such duties.

1-12-122. Recalls subject to "Fair Campaign Practices Act". Recall elections are subject to

the appropriate sections of article 45 of this title.

PART 2
VACANCIES IN OFFICE

1-12-207. Vacancies on nonpartisan boards. (1) Any vacancy on a nonpartisan board shall be filled by appointment by the remaining director or directors. The appointee shall meet all of the qualifications for holding the office. The appointee shall serve until the next regular election, at which time any remaining unexpired portion of the term shall be filled by election. If the board fails, neglects, or refuses to fill any vacancy within sixty days after it occurs, the board of county commissioners of the county in which the organizational petition is filed shall fill the vacancy.

(2) If there are no duly elected directors and if the failure to appoint a new board will result in the interruption of services that are being provided by the district, then the board of county commissioners of the county in which the organizational petition is filed may appoint all directors. Any board appointed pursuant to this subsection (2) shall call a special election within six months after its appointment.

1-12-208. Unexpired terms less than ninety days. No person shall be elected to fill a vacancy in an elective office when the unexpired term is, at the time of the election, less than ninety days. In such case, the person appointed to fill the vacancy shall continue to hold the office for the remainder of the unexpired term and until the successor elected at the election is duly qualified.

1-12-209. Terms of persons filling vacancies. Except for appointments on nonpartisan boards, any officers elected or appointed to fill vacancies as provided in this article shall qualify and enter upon the duties of their offices immediately thereafter. If elected or appointed, the officers shall hold the office during the unexpired term for which they were elected and until their successors are elected, qualified, and take office on the second Tuesday of January, except as otherwise provided by law, in accordance with section 1-1-201.

1-12-210. Certification of appointment. All appointments under this article shall be evidenced by an appropriate entry in the minutes of the meeting of the governing board, and the appointing body shall cause a notice of appointment and the oath of office to be delivered to the person appointed. A duplicate of each notice of appointment, an acceptance of appointment, and the mailing address of the person appointed shall be kept as a permanent record by the appointing body and forwarded to any other appropriate official.

ARTICLE 13
Election Offenses

PART 1
OFFENSES - GENERAL PROVISIONS

1-13-101. District attorney or attorney general to prosecute. (1) Any person may file an affidavit with the district attorney stating the name of any person who has violated any of the provisions of this code and stating the facts which constitute the alleged offense. Upon the filing of such affidavit, the district attorney shall forthwith investigate, and, if reasonable grounds appear therefor, he shall prosecute the violator.

(2) The attorney general shall have equal power with district attorneys to file and prosecute informations or complaints against any persons for violating any of the provisions of this code.

1-13-103. Immunity of witness from prosecution. Any person violating any of the provisions of this code is a competent witness against any other violator and may be compelled to attend and testify at any trial, hearing, proceeding, or investigation in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony. A person so testifying shall not thereafter be liable to indictment, prosecution, or punishment for the offense with reference to which his testimony was given and may plead or prove the giving of testimony accordingly in bar of such indictment or prosecution.

1-13-104. Perjury. Any person, having taken any oath or made any affirmation required by this code, who swears or affirms willfully, corruptly, and falsely in a matter material to the issue or point in question or who suborns any other person to swear or affirm as aforesaid commits perjury in the second degree as set forth in section 18-8-503, C.R.S., and shall be punished as provided in section 18-1.3-501, C.R.S.

1-13-105. False certificates by officers. Any notary public or any officer authorized by law to administer oaths who knowingly makes a false certificate in regard to a matter connected with an election held under the laws of this state commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

1-13-106. Forgery. Any person who falsely makes, alters, forges, or counterfeits any ballot before or after it has been cast, or who forges any name of a person as a signer or witness to a petition or nomination paper, or who forges any letter of acceptance, declination, or withdrawal, or who forges the name of a registered elector to an absentee voter's ballot commits forgery as set forth in section 18-5-102, C.R.S., and shall be punished as provided in section 18-1.3-401, C.R.S.

1-13-107. Violation of duty. Any public officer, election official, or other person upon whom any duty is imposed by this code who violates, neglects, or fails to perform such duty or is guilty of corrupt conduct in the discharge of the same or any notary public or other officer authorized by law to administer oaths who administers any oath knowing it to be false or who knowingly makes a false certificate in regard to a matter connected with any election provided by law is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-109. False statements relating to candidates or questions submitted to electors - penalty. (1) No person shall knowingly make, publish, or circulate or cause to be made, published, or circulated in any letter, circular, advertisement, or poster or in any other

writing any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office.

(2) Any person who knowingly violates any provision of this section commits a class 2 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1.3-501, C.R.S.

1-13-110. Wagers with electors. It is unlawful for any person, including any candidate for election to public office, before or during any election provided by law, to make any bet or wager with an elector, or take a share or interest in, or in any manner become a party to, any such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager upon any event or contingency arising out of such election. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

1-13-111. Penalties for election offenses. In all cases where an offense is denominated by this code as being a misdemeanor and no penalty is specified, the offender, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

1-13-112. Offenses relating to mail ballots. Any person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with such a ballot shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

1-13-113. Interference with distribution of election material. During the period beginning forty-five days before and ending four days after any election, any person who prevents, hinders, or interferes with the lawful distribution of any

card, pamphlet, circular, poster, handbill, yard sign, or other written material relating to any candidate for election for any office or relating to any issue that is to be submitted to the electors in any election, or any person who removes, defaces, or destroys any lawfully placed billboard, sign, or written material from any premises to which it was delivered, commits a misdemeanor and shall be punished by a fine of not more than seven hundred fifty dollars. Any person found guilty of removing, defacing, or destroying any billboard, sign, or written material shall pay the cost of replacement. The owner of the premises, an authorized agent of the owner, or any person charged with enforcement of any state law, ordinance, or regulation may remove any billboard, sign, or written material without penalty when placed without permission or authorization of the owner of such premises, or in violation of state law or county or municipal ordinance or regulation, or which is in place at any time other than during the period beginning forty-five days before and ending four days after any election.

1-13-114. Failure to comply with requirements of secretary of state. Any person who willfully interferes or willfully refuses to comply with the rules of the secretary of state or the secretary of state's designated agent in the carrying out of the powers and duties prescribed in section 1-1-107 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

PART 2

OFFENSES - QUALIFICATIONS AND REGISTRATION OF ELECTORS

1-13-202. Unlawful qualification as taxpaying elector. It is unlawful to take or place title to property in the name of another or to pay the taxes or to take or issue a tax receipt in the name of another for the purpose of attempting to qualify such person as a taxpaying elector or as a qualified taxpaying elector or to aid or assist

any person to do so. The ballot of any person violating this section shall be void. Any person, company, corporation, or association violating this section shall forfeit and lose all rights, franchises, or other benefits accruing or to accrue to the benefit of such person, company, corporation, or association by or as the result of any such election. Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-203. Procuring false registration. It is unlawful for any person to procure his or her own name, or the name of any other person, to be registered in the registration book of a precinct in which such person is not, at the time of such registration, entitled to be registered or for any person to procure any fictitious name to be registered in the registration book of any precinct. Any person who violates any of the provisions of this section shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment. Each violation shall be considered a separate offense.

1-13-204. Adding names after registration closed. No name shall be added to the registration book of any precinct after the close of the registration, and, if any county clerk and recorder, judge of election, or other person willfully and knowingly adds any such name of any person or any fictitious or false name to the registration book of any precinct after the close of registration, he is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars. Each violation shall be considered a separate offense.

1-13-207. Signature on registration record is proof of oath. Any elector, election official, or other person, by his signature on the registration record, shall be conclusively deemed in law to have duly verified such registration record. The registration record containing such signature, or a copy thereof certified by the county clerk and recorder, shall be admissible in evidence as proof of the taking of an oath or affirmation as to

the information contained therein in all criminal proceedings pursuant to sections 1-13-104, 1-13-203, and 1-13-205.

PART 4
OFFENSES - ACCESS TO BALLOT BY
CANDIDATE

1-13-401. Bribery of petition signers. Any person who offers or, with knowledge of the same, permits any person to offer for his benefit any bribe or promise of gain to an elector to induce him to sign any petition or other election paper or any person who accepts any bribe or promise of gain of any kind in the nature of a bribe as consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe is offered or accepted before or after signing, is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-402. Tampering with nomination papers - nomination petitions. (1) Any person who, being in possession of any petition, certificate of nomination, or letter of acceptance, declination, or withdrawal, wrongfully or willfully destroys, defaces, mutilates, suppresses, neglects to file, or fails to cause to be filed the same within the prescribed time or who files any such paper knowing the same, or any part thereof, to be falsely made or who adds, amends, alters, or in any way changes the information on the petition as written by a signing elector is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

(2) Any person who willfully destroys, defaces, mutilates, or suppresses any nomination petition or who willfully neglects to file or delays the delivery of the nomination petition or who conceals or removes any petition from the possession of the person authorized by law to have the custody thereof, or who aids, counsels, procures, or assists any person in doing any of said acts commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-403. Defacing of petitions other than nominating petitions. Any person who willfully destroys, defaces, mutilates, or suppresses a

petition; who willfully neglects to file or delays delivery of a petition; who conceals or removes a petition from the possession of the person authorized by law to have custody of it; or who aids, counsels, procures, or assists any person in doing any of the above acts commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

PART 6
OFFENSES - NOTICE AND PREPARATION
FOR ELECTIONS

1-13-601. Tampering with notices or supplies. Any person who, prior to an election, willfully defaces, removes, or destroys any notice of election posted in accordance with the provisions of this code, or who, during an election, willfully defaces, removes, or destroys any card of instruction or sample ballot printed or posted for the instruction of electors, or who, during an election, willfully defaces, removes, or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

PART 7
OFFENSES - CONDUCT OF ELECTIONS

1-13-701. Interference with election official. Any person who, at any election provided by law, interferes in any manner with any election official in the discharge of his duty or who induces any election official to violate or refuse to comply with his duty or any law regulating the same is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-702. Interfering with watcher. Any person who intentionally interferes with any watcher while he is discharging his duties set forth in section 1-7-108 (3) is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-703. Tampering with registration book,

registration list, or pollbook. Any person who mutilates or erases any name, figure, or word in any registration book, registration list, or pollbook; or who removes such registration book, registration list, or pollbook or any part thereof from the place where it has been deposited with an intention to destroy the same, or to procure or prevent the election of any person, or to prevent any voter from voting; or who destroys any registration book, registration list, or pollbook or part thereof is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-704. Unlawfully refusing ballot or permitting to vote. If at any election provided by law any judge of election willfully and maliciously refuses or neglects to receive the ballot of any registered elector who has taken or offered to take the oath prescribed by section 1-9-204 or knowingly and willfully permits any person to vote who is not entitled to vote at such election, such judge is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-705. Personating elector. Any person who falsely personates any elector and votes at any election provided by law under the name of such elector shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

1-13-706. Delivering and receiving ballots at polls. (1) No voter shall receive an official ballot from any person except one of the judges of election having charge of the ballots, nor shall any person other than such judge deliver an official ballot to such voter.

(2) No person except a judge of election shall receive from any voter a ballot prepared for voting.

(3) Any voter who does not vote the ballot received by him shall return his ballot to the judge from whom he received the same before leaving the polling place.

(4) Each violation of the provisions of this section is a misdemeanor, and, upon conviction thereof, the offender shall be

punished as provided in section 1-13-111.

1-13-707. Inducing defective ballot. Any person who causes any deceit to be practiced with intent to fraudulently induce a voter to deposit a defective ballot so as to have the ballot thrown out and not counted is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-708. Tampering with voting equipment. Any person who tampers with a voting machine or any electronic voting equipment before, during, or after any election provided by law with intent to change the tabulation of votes thereon to reflect other than an accurate accounting is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-708.5. Elected officials not to handle voting machines or electronic voting equipment or devices. Any person who violates any provision of section 1-5-607 is guilty of a misdemeanor and shall be punished as provided in section 1-13-111.

1-13-709. Voting in wrong precinct. Any person who, at any election provided by law, knowingly votes or offers to vote in any election precinct in which he or she is not qualified to vote shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

1-13-709.5. Residence - false information - penalty. Any person who votes by knowingly giving false information regarding the elector's place of present residence commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

1-13-710. Voting twice - penalty. Any voter who votes more than once or, having voted once, offers to vote again or offers to deposit in the ballot box more than one ballot shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

1-13-711. Interference with voter while voting. Any person who interferes with any voter who is inside the immediate voting area or is marking a ballot or operating a voting machine at any election provided by law is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-712. Disclosing or identifying vote. (1) Except as provided in section 1-7-108, no voter shall show his ballot after it is prepared for voting to any person in such a way as to reveal its contents. No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him, and no other mark shall be placed on the ballot by any person to identify it after it has been prepared for voting.

(2) No person shall endeavor to induce any voter to show how he marked his ballot.

(3) No election official, watcher, or person shall reveal to any other person the name of any candidate for whom a voter has voted or communicate to another his opinion, belief, or impression as to how or for whom a voter has voted.

(4) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-713. Intimidation. It is unlawful for any person directly or indirectly, by himself or by any other person in his behalf, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any elector or to compel, induce, or prevail upon any elector either to give or refrain from giving his vote at any election provided by law or to give or refrain from giving his vote for any particular person or measure at any such election. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

1-13-714. Electioneering - removing and return of ballot. No person shall do any electioneering on the day of any election within any polling place or in any public street or room or in any public manner within one hundred feet of any building in which a polling place is located,

as publicly posted by the designated election official. As used in this section, the term "electioneering" includes campaigning for or against any candidate who is on the ballot or any ballot issue or ballot question that is on the ballot. "Electioneering" also includes soliciting signatures for a candidate petition, a recall petition, or a petition to place a ballot issue or ballot question on a subsequent ballot. No person shall remove any official ballot from the polling place before the closing of the polls. Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-715. Liquor in or near polling place. (1) It is unlawful for any election official or other person to introduce into any polling place, or to use therein, or to offer to another for use therein, at any time while any election is in progress or the result thereof is being ascertained by the counting of the ballots, any intoxicating malt, spirituous, or vinous liquors.

(2) It is unlawful for any officer or board of officers of any county or any municipality, whether incorporated under general law or by special charter, who may at any time be by law charged with the duty of designating polling places for the holding of any general or congressional election therein, to select therefor a room wherein any intoxicating malt, spirituous, or vinous liquors are usually sold for consumption on the premises.

(3) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-716. Destroying, removing, or delaying delivery of election records. (1) No person shall willfully destroy, deface, or alter any ballot or any election records or willfully delay the delivery of any such ballots or election records, or take, carry away, conceal, or remove any ballot, ballot box, or election records from the polling place or from the possession of a person authorized by law to have the custody thereof, or aid, counsel, procure, advise, or assist any person to do any of the aforesaid acts.

(2) No election official who has

undertaken to deliver the official ballots and election records to the county clerk and recorder shall neglect or refuse to do so within the time prescribed by law or shall fail to account fully for all official ballots and other records in his charge. Informality in the delivery of the ballots and election records shall not invalidate the vote of any precinct if such records are delivered prior to the canvassing of the votes by the county board of canvassers.

(3) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-717. Penalty for destruction of supplies. Any person who, during an election, willfully defaces, tears down, removes, or destroys any card of instruction or sample ballot printed or posted for the instruction of voters or who, during an election, willfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot or willfully hinders the voting of others is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

1-13-718. Release of information concerning count. Any election official, watcher, or other person who releases information concerning the count of ballots cast at precinct polling places or of absentee voters' ballots prior to 7 p.m. on the day of the election is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-719. Employer's unlawful acts. (1) It is unlawful for any employer, whether corporation, association, company, firm, or person, or any officer or agent of such employer:

(a) In any manner to control the action of his employees in casting their votes for or against any person or measure at any precinct caucus, assembly, or convention; or

(b) To refuse to an employee the privilege of taking time off to vote as provided by section 1-7-102, or to subject an employee to a

penalty or reduction of wages because of the exercise of such privilege, or to violate any of the provisions of section 1-7-102 in any other way; or

(c) In paying his employees the salary or wages due them, to enclose their pay in pay envelopes upon which there is written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions, views, or actions of such employees; or

(d) Within ninety days of any election provided by law, to put up or otherwise exhibit in his factory, workshop, mine, mill, boardinghouse, office, or other establishment or place where his employees may be working or be present in the course of such employment any handbill, notice, or placard containing any threat, notice, or information that, if any particular ticket or candidate is elected, work in his place or establishment will cease in whole or in part, or his establishment will be closed, or the wages of his workmen will be reduced or containing other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees.

(2) Each offense mentioned in subsection (1) of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111. In addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this state.

1-13-720. Unlawfully giving or promising money or employment. (1) It is unlawful for any person, directly or indirectly, by himself or through any other person:

(a) To pay, loan, or contribute, or offer or promise to pay, loan, or contribute, any money or other valuable consideration to or for any elector, or to or for any other person, to induce such elector to vote or refrain from voting at any election provided by law or to induce any elector to vote or refrain from voting at such election for any particular person or to induce such elector to go to the polls or remain away from the polls at such election or on account of such elector having voted or refrained from voting for any particular person or issue or having gone to the polls or remained away from the polls at such

election; or

(b) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person with the intent that the same, or any part thereof, shall be used in bribery at any election provided by law or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money wholly or partially expended in bribery at any such election; or

(c) To give, offer, or promise any office, place, or employment or to promise, procure, or endeavor to procure any office, place, or employment to or for any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting at any election provided by law or to induce any elector to vote or refrain from voting at such election for any particular person or issue.

(2) Each offense set forth in subsection (1) of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

1-13-721. Receipt of money or jobs. (1) It is a misdemeanor for any person, directly or indirectly, by himself or through any other person:

(a) Before or during an election provided by law, to receive, agree to accept, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment, for himself or any other person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote or refraining or agreeing to refrain from voting for any particular person or measure at any election provided by law;

(b) During or after an election provided by law, to receive any money or other valuable thing on account of himself or any other person for voting or refraining from voting at such election, or on account of himself or any other person for voting or refraining from voting for any particular person at such election, or on account of himself or any other person for going to the polls or remaining away from the polls at such

election, or on account of having induced any person to vote or refrain from voting for any particular person or measure at such election.

1-13-722. Defacing or removing abstract of votes. Any person who defaces, mutilates, alters, or removes the abstract of votes cast posted upon the outside of the polling place in accordance with section 1-7-602 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

1-13-723. Penalty for neglect of duty - destruction of ballots - breaking seal. (1) Every officer upon whom any duty is imposed by any election law who violates his duty or who neglects or omits to perform the same is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

(2) Any official or person, except one authorized by law, who breaks or loosens a seal on a ballot or a ballot box with the intent to disclose or learn the number of such ballot or ballot box is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

PART 8 OFFENSES - ABSENTEE VOTING AND VOTING BY NEW RESIDENTS

1-13-801. Mailing other materials with absentee voter's ballot. It is unlawful for any county clerk and recorder to deliver or mail to a registered elector, as a part of or in connection with the absentee voter's ballot, anything other than the voting material as provided in article 8 of this title. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

1-13-802. Absentee voter applications and deliveries outside county clerk and recorder's office. No county clerk and recorder shall accept any application for any absentee voter's ballot nor make personal delivery of any such ballot to the applicant unless such acceptance and delivery occurs within the confines of the official office of such county clerk

and recorder, except as otherwise provided in sections 1-8-104, 1-8-106, and 1-8-112. Any acceptance or delivery contrary to the provisions of this section renders void the ballot to which it relates. Each violation of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

1-13-803. Offenses relating to absentee voting. Any election official or other person who knowingly violates any of the provisions of article 8 of this title relative to the casting of absentee voters' ballots or who aids or abets fraud in connection with any vote cast, or to be cast, or attempted to be cast by an absentee voter shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

ODD-YEAR ELECTIONS

ARTICLE 41

Odd-year Elections

1-41-101. Legislative declaration. The general assembly hereby finds, determines, and declares that section 20 of article X of the state constitution requires that a ballot issue election be held on the first Tuesday in November of odd-numbered years; that the provisions of section 20 (2) and 20 (3) of said article X are unclear as to what issues can be submitted to a vote in the odd-year election; that section 20 of article X did not amend preexisting provisions of the state constitution on the initiative, the referendum, and the submission of constitutional amendments by the general assembly, and repeal or amendment of such provisions by implication is not presumed; that this legislation implements section 20 of article X of the state constitution, which article is entitled "Revenue" and concerns exclusively government revenue raising and appropriations; that section 20 of article X requires public votes on additional government taxes, spending, or debt; that the language of section 20 of article X evinces the public's desire to have more opportunity to vote on government tax, spending, and debt proposals; that a construction of section 20 of article X that limits

local government electors' opportunities to vote on tax, spending, debt, or other proposals would be inconsistent with the ballot title of and the voters' intention in adopting said amendment; that state and local election officials need guidance as to how to administer the November 1993 election; and that, in view of the issues set out in this section, the general assembly should exercise its legislative power to resolve the ambiguities in section 20 of article X in a manner consistent with its terms.

1-41-103. Local ballot issue elections in odd-numbered years. (1) At the local election to be held on the first Tuesday of November in 1993, and in each odd-numbered year thereafter, the following issues shall appear on the ballot if they concern local government matters arising under section 20 of article X of the state constitution and if they are submitted in accordance with applicable law:

(a) Amendments to the charter of any home rule city or home rule county initiated by the voters or submitted by the legislative body of the home rule city or county in accordance with said charter;

(b) Ordinances, resolutions, or franchises proposed in accordance with section 1 of article V of the state constitution and section 31-11-104, C.R.S.;

(c) Measures referred to the people pursuant to petitions filed against an ordinance, resolution, or franchise passed by the legislative body of any local government in accordance with section 1 of article V of the state constitution and section 31-11-105, C.R.S.;

(d) Questions which are referred to the people by the governing body of the local government in accordance with the law prescribing procedures therefor;

(e) Questions which are initiated by the people in accordance with the law prescribing procedures therefor.

(2) As used in this section, "local government" means a county, a municipality as defined in section 31-1-101 (6), C.R.S., a school district, or a special district as defined in sections 32-1-103 (20) and 35-70-109, C.R.S.

(3) As used in this section, a "question" means a proposition which is in the form of a question meeting the requirements of section 20

(3) (c) of article X of the state constitution and which is submitted in accordance with the law prescribing procedures therefor without reference to a specific ordinance, resolution, franchise, or other local legislation or a specific amendment to the charter of a home rule city or home rule county.

(4) As used in this section, "local government matters arising under section 20 of article X of the state constitution" includes:

(a) Approval of a new tax, tax rate increase, mill levy above that for the prior year, or extension of an expiring tax, or a tax policy change directly causing a net tax revenue gain pursuant to section 20 (4) (a) of article X of the state constitution;

(b) Approval of the creation of any multiple-fiscal year direct or indirect debt or other financial obligation without adequate present cash reserves pledged irrevocably and held for payments in all future fiscal years pursuant to section 20 (4) (b) of article X of the state constitution;

(c) Approval of emergency taxes pursuant to section 20 (6) of article X of the state constitution;

(d) Approval of revenue changes pursuant to section 20 (7) of article X of the state constitution;

(e) Approval of a delay in voting on ballot issues pursuant to section 20 (3) (a) of article X of the state constitution;

(f) Approval of the weakening of a local limit on revenue, spending, and debt pursuant to section 20 (1) of article X of the state constitution.

(5) The submission of issues at elections in November of odd-numbered years in accordance with this section, or at other elections as provided in section 20 (3) (a) of article X of the state constitution, shall not be deemed the exclusive method of submitting local issues to a vote of the people, and nothing in this section shall be construed to repeal, diminish, or otherwise affect in any way the authority of local governments to hold issue elections in accordance with other provisions of law.

(6) As the city of Broomfield will become the city and county of Broomfield on November 15, 2001, and the citizens of the city and county of Broomfield will no longer be located in Adams,

Boulder, Jefferson, and Weld counties and will not be directly affected by the election results of ballot issues in those counties, the ballot for the registered voters of the city of Broomfield for the odd-year election to be held on November 6, 2001, shall exclude any local ballot issue pertaining to Adams, Boulder, Jefferson, and Weld counties that, by the terms of such ballot issue or as mandated by law, takes effect on or after November 15, 2001, so long as such ballot issue does not directly or indirectly impose any burden, obligation, or limitation upon the city and county of Broomfield or its citizens.

(7) As the city of Broomfield will become the city and county of Broomfield on November 15, 2001, the ballot for the registered voters of the city of Broomfield for the odd-year election to be held on November 6, 2001, may include any local ballot issue pertaining to the city and county of Broomfield that, by the terms of such ballot issue or as mandated by law, takes effect on or after November 15, 2001.

ARTICLE 45

Fair Campaign Practices Act

1-45-101. Short title. This article shall be known and may be cited as the "Fair Campaign Practices Act".

1-45-102. Legislative declaration. The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, encouraging voluntary campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.

1-45-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Appropriate officer" shall have the

same meaning as set forth in section 2 (1) of article XXVIII of the state constitution.

(2) "Candidate" shall have the same meaning as set forth in section 2 (2) of article XXVIII of the state constitution.

(3) "Candidate committee" shall have the same meaning as set forth in section 2 (3) of article XXVIII of the state constitution.

(4) "Candidate committee account" shall mean the account established by a candidate committee with a financial institution pursuant to section 3 (9) of article XXVIII of the state constitution.

(5) "Conduit" shall have the same meaning as set forth in section 2 (4) of article XXVIII of the state constitution.

(6) (a) "Contribution" shall have the same meaning as set forth in section 2 (5) of article XXVIII of the state constitution.

(b) "Contribution" includes, with regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.

(7) "Corporation" means a domestic corporation incorporated under and subject to the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S.

(8) "Election cycle" shall have the same meaning as set forth in section 2 (6) of article XXVIII of the state constitution.

(9) "Electioneering communication" shall have the same meaning as set forth in section 2 (7) of article XXVIII of the state constitution.

(10) "Expenditure" shall have the same meaning as set forth in section 2 (8) of article XXVIII of the state constitution.

(11) "Independent expenditure" shall have the same meaning as set forth in section 2 (9) of article XXVIII of the state constitution.

(12) "Issue committee" shall have the same meaning as set forth in section 2 (10) of article XXVIII of the state constitution.

(13) "Person" shall have the same

meaning as set forth in section 2 (11) of article XXVIII of the state constitution.

(14) "Political committee" shall have the same meaning as set forth in section 2 (12) of article XXVIII of the state constitution.

(15) "Political party" shall have the same meaning as set forth in section 2 (13) of article XXVIII of the state constitution.

(16) "Small donor committee" shall have the same meaning as set forth in section 2 (14) of article XXVIII of the state constitution.

(17) "Subsidiary" means a business entity having more than half of its stock owned by another entity or person, or a business entity of which a majority interest is controlled by another person or entity.

(18) "Unexpended campaign contributions" shall have the same meaning as set forth in section 2 (15) of article XXVIII of the state constitution.

1-45-105. Voluntary campaign spending limits. (Repealed)

1-45-105.3. Contribution limits. (Repealed)

1-45-105.5. Contributions to members of general assembly and governor during consideration of legislation. (1) (a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

(I) A member of the general assembly or candidate for the general assembly, when the general assembly is in regular session;

(II) (A) The governor or a candidate for governor when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval; or

(B) The lieutenant governor, the secretary of state, the state treasurer, the attorney general, or a candidate for any of such offices when the general assembly is in regular

session.

(b) As used in this subsection (1):

(I) "Principal" means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. One does not become a principal, nor may one be considered a principal, merely by belonging to an organization or owning stock in a corporation that employs a lobbyist.

(II) The terms "professional lobbyist" and "volunteer lobbyist" shall have the meanings ascribed to them in section 24-6-301, C.R.S.

(c) (I) Nothing contained in this subsection (1) shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this subsection (1).

(II) Nothing contained in this subsection (1) shall be construed to prohibit a lobbyist or principal of a lobbyist from participating in a fund-raising event of a political party when the general assembly is in regular session or when regular session legislation is pending before the governor, so long as the purpose of the event is not to raise money for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

(III) A payment by a lobbyist or a principal of a lobbyist to a political party to participate in such a fund-raising event shall be reported as a contribution to the political party pursuant to section 1-45-108; except that, if the lobbyist or principal of a lobbyist receives a meal in return for a portion of the payment, only the amount of the payment in excess of the value of the meal shall be considered a contribution to the political party. The political party shall determine the value of the meal received for such payment, which shall approximate the actual value of the meal.

(IV) A gift of a meal described in subparagraph (III) of this paragraph (c) by a lobbyist or a principal of a lobbyist to an incumbent in or a candidate elected to any office described in paragraph (a) of this subsection (1) shall be reported as follows:

(A) The lobbyist shall report the value of

the meal in the lobbyist disclosure statement filed pursuant to section 24-6-302, C.R.S.

(B) The incumbent or candidate shall report the value of the meal in the public official disclosure statement filed pursuant to section 24-6-203, C.R.S.

1-45-106. Unexpended campaign contributions. (1) (a) (I) Subject to the requirements of section 3 (3) (e) of article XXVIII of the state constitution, unexpended campaign contributions to a candidate committee may be:

(A) Contributed to a political party;

(B) Contributed to a candidate committee established by the same candidate for a different public office, subject to the limitations set forth in section 1-45-105.3 (4) (b) and (c), if the candidate committee making such a contribution is affirmatively closed by the candidate no later than ten days after the date such a contribution is made;

(C) Donated to a charitable organization recognized by the internal revenue service;

(D) Returned to the contributors, or retained by the committee for use by the candidate in a subsequent campaign.

(II) In no event shall contributions to a candidate committee be used for personal purposes not reasonably related to supporting the election of the candidate.

(III) A candidate committee for a former officeholder or a person not elected to office shall expend all of the unexpended campaign contributions retained by such candidate committee, for the purposes specified in this subsection (1), no later than nine years from the date such officeholder's term expired or from the date of the election at which such person was a candidate for office, whichever is later.

(b) In addition to any use described in paragraph (a) of this subsection (1), a person elected to a public office may use unexpended campaign contributions held by the person's candidate committee for any of the following purposes:

(I) Voter registration;

(II) Political issue education, which includes obtaining information from or providing information to the electorate;

(III) Postsecondary educational scholarships;

(IV) To defray reasonable and necessary expenses related to mailings and similar communications to constituents;

(V) Any expenses that are directly related to such person's official duties as an elected official, including, but not limited to, expenses for the purchase or lease of office equipment and supplies, room rental for public meetings, necessary travel and lodging expenses for legislative education such as seminars, conferences, and meetings on legislative issues, and telephone and pager expenses.

(2) (Deleted by amendment, L. 2000, p. 123, § 4, effective March 15, 2000.)

(3) Unexpended contributions to an issue committee may be donated to any charitable organization recognized by the Internal Revenue Service or returned to the contributor.

(4) This section shall apply to unexpended campaign contributions transferred from a political committee formed prior to January 15, 1997, to a candidate committee registering after January 15, 1997, pursuant to section 1-45-108.

(5) Notwithstanding any other provision of law, any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle shall be counted and reported as contributions from a political party in any subsequent election in accordance with the requirements of section 3 (3) (e) of article XXVIII of the state constitution.

1-45-107. Independent expenditures. (Repealed)

1-45-108. Disclosure - repeal. (1) (a) (I) All candidate committees, political committees, issue committees, small donor committees, and political parties shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee or party.

(II) In the case of contributions made to a candidate committee, political committee, issue committee, and political party, the disclosure required by this section shall also include the occupation and employer of each

person who has made a contribution of one hundred dollars or more to such committee or party.

(III) Any person who expends one thousand dollars or more per calendar year on electioneering communications shall report to the secretary of state, in accordance with the disclosure required by this section, the amount expended on the communications and the name and address of any person that contributes more than two hundred fifty dollars per year to the person expending one thousand dollars or more on the communications. If the person making such contribution of two hundred fifty dollars or more is a natural person, the disclosure required by this section shall also include the person's occupation and employer.

(b) (Deleted by amendment, L. 2003, p. 2158, § 3, effective June 3, 2003.)

(c) A candidate committee in a special district election shall not be required to file reports under this section until the committee has received contributions or made expenditures exceeding twenty dollars in the aggregate.

(d) For purposes of this section, a political party shall be treated as a separate entity at the state, county, district, and local levels.

(2) (a) (I) Except as provided in subsections (2.3), (2.5), (2.7), and (6) of this section, such reports that are required to be filed with the secretary of state shall be filed:

(A) Quarterly in off-election years no later than the fifteenth calendar day following the end of the applicable quarter;

(B) On the first Monday in July and on each Monday every two weeks thereafter before the primary election if reports can be filed electronically through a website on the internet with the secretary of state by July 1, 2000; except that nothing in this sub-subparagraph (B) shall require filing by such means;

(C) On the first day of each month beginning the sixth full month before the major election; except that no monthly report shall be required on the first day of the month in which the major election is held;

(D) On the first Monday in September and on each Monday every two weeks thereafter before the major election;

(E) Thirty days after the major election

in election years; and

(F) Fourteen days before and thirty days after a special legislative election held in an off-election year.

(II) Such reports that are required to be filed with the county clerk and recorder or with the municipal clerk shall be filed on the twenty-first day and on the Friday before and thirty days after the primary election, where applicable, and the major election in election years and annually in off-election years on the first day of the month in which the anniversary of the major election occurs.

(III) For purposes of this section, "election year" means every even numbered year for political parties and political committees and each year in which the particular candidate committee's candidate, or issue committee's issue, appears on the ballot; and "major election" means the election that decides an issue committee's issue and the election that elects a person to the public office sought by the candidate committee's candidate.

(IV) If the reporting day falls on a weekend or legal holiday, the report shall be filed by the close of the next business day.

(b) The reports required by this section shall also include the balance of funds at the beginning of the reporting period, the total of contributions received, the total of expenditures made during the reporting period, and the name and address of the financial institution used by the committee or party.

(c) All reports filed with the secretary of state pursuant to this subsection (2) shall be for the reporting periods established pursuant to rules promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.

(d) A candidate committee for a former officeholder or a person not elected to office that has no change in the balance of funds maintained by such committee, receives no contributions, makes no expenditures, and enters into no obligations during a reporting period shall not be required to file a report under this section for such period.

(e) The reporting period for all reports required to be filed with the county clerk and recorder or with the municipal clerk shall close five calendar days prior to the effective date of filing.

(2.3) (a) A candidate committee, political committee, issue committee, small donor committee, political party, or any other person that utilizes the electronic filing system described in section 1-45-109 (6) to file reports with the secretary of state shall have two additional days after each due date prescribed in paragraph (a) of subsection (2) of this section in which to file such reports.

(b) This subsection (2.3) is repealed, effective January 1, 2007.

(2.5) In addition to any report required to be filed with the secretary of state under this section, all candidate committees, political committees, issue committees, and political parties shall file a report with the secretary of state of any contribution of one thousand dollars or more at any time within thirty days preceding the date of the primary election or general election. This report shall be filed with the secretary of state no later than twenty-four hours after receipt of said contribution.

(2.7) Any candidate or candidate committee supporting any candidate, including an incumbent, in a recall election, shall file reports of contributions and expenditures with the appropriate officer fourteen and seven days before the recall election and thirty days after the recall election.

(3) All candidate committees, political committees, issue committees, small donor committees, and political parties shall register with the appropriate officer before accepting or making any contributions. Registration shall include a statement listing:

(a) The organization's full name, spelling out any acronyms used therein;

(b) A natural person authorized to act as a registered agent;

(c) A street address and telephone number for the principle place of operations;

(d) All affiliated candidates and committees;

(e) The purpose or nature of interest of the committee or party;

(f) Any intent of the candidate committee, political committee, issue committee, small donor committee, or political party to electronically file reports required by this article that may be filed electronically on a web site operated and maintained by the secretary of

state pursuant to section 1-45-109.

(4) For purposes of subsection (3) of this section, a political committee in existence on January 1, 1997, shall register with the secretary of state on or before April 1, 1997, pursuant to the requirements of this act.

(5) The registration and reporting requirements of this section shall not apply to that part of the organizational structure of a political party which is responsible for only the day-to-day operations of such political party at the national level if copies of the reports required to be filed with the Federal Election Commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the secretary of state and include the information required by this section.

(6) Any issue committee whose purpose is the recall of any elected official shall file a committee registration with the appropriate officer within ten business days of receiving its first contribution. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the committee registration and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

1-45-109. Filing - where to file - timeliness. (1) For the purpose of meeting the filing and reporting requirements of this article, candidates for state wide office, the general assembly, district attorney, district court judge, or any office representing more than one county, except candidates for school district director; the candidate committees for such candidates; political committees in support of or in opposition to such candidates; issue committees in support of or in opposition to an issue on the ballot in more than one county; small donor committees making contributions to such candidates; and persons expending one thousand dollars or more per calendar year on electioneering communications shall file with the secretary of state. Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, an issue committee supporting or opposing a municipal ballot issue, and small donor

committees making contributions to such candidates shall file with the municipal clerk. Candidates in special district elections, except candidates for director of the regional transportation district; the candidate committees of such candidates; political committees in support of or in opposition to such candidates; issue committees supporting or opposing a special district ballot issue; and small donor committees making contributions to such candidate shall file with the clerk and recorder of the county in which the district court having jurisdiction over the special district pursuant to section 32-1-303, C.R.S., is located. All other candidates, candidate committees, issue committees, political committees, and small donor committees shall file with the county clerk and recorder of the county of their residence. However, a report required to be filed with a county clerk and recorder shall be deemed properly filed if filed electronically pursuant to subsection (8) of this section.

(2) Reports required to be filed by this article are timely if received by the appropriate officer not later than the close of business on the due date. Reports may be filed by fax and are timely if received by the appropriate officer not later than the close of business on the due date only if an original of the report is received by the appropriate officer within seven days of the due date.

(3) In addition to any other reporting requirements of this article, every incumbent in public office and every candidate elected to public office is subject to the reporting requirements of section 24-6-203 C.R.S.

(4) (a) All reports required to be filed by this article are public records and shall be open to inspection by the public during regular business hours. A copy of the report shall be kept by the appropriate officer and a copy shall be made available immediately in a file for public inspection.

(b) Any report that is deemed to be incomplete by the appropriate officer shall be accepted on a conditional basis and the committee or party treasurer shall be notified by mail as to any deficiencies found. If an electronic mail address is on file with the secretary of state, the secretary of state may also provide such notification by electronic mail.

The committee or party treasurer shall have seven business days from the date of mailing such notice to file an addendum that cures the deficiencies.

(5) (a) The secretary of state shall establish, operate, and maintain a web site on the internet, or modify, operate, and maintain an existing web site, so as to allow any person who wishes to review reports filed with the secretary of state's office pursuant to this article electronic read-only access to such reports free of charge.

(b) All reports required to be filed by this article that are electronically filed pursuant to subsection (6) of this section shall be made available on said web site within forty-eight hours after filing. In addition, the web site shall enable a user to produce summary reports based on search criteria that shall include, but not be limited to the reporting period, date, name of the person making a contribution or expenditure, candidate, and committee. The secretary of state may promulgate rules necessary for the implementation of this subsection (5). Such rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(6) (a) No later than September 1, 2000, or as near to such date as is practicable, the secretary of state shall establish, operate, and maintain a system that enables electronic filing of the reports required by this article by utilizing the internet. The rules for use of the electronic filing system shall be promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.

(b) In addition to any other method of filing, any person may use the electronic filing system described in paragraph (a) of this subsection (6) in order to meet the filing requirements of this article. Where a person uses such electronic filing system to meet the filing requirements of this article, the secretary of state shall acknowledge by electronic means the receipt of such filing.

(7) (a) No later than January 1, 2002, the secretary of state shall either modify the web site operated and maintained pursuant to subsection (5) of this section or establish, operate, and maintain an additional web site so as to allow any person who wishes to review reports filed with a county clerk and recorder pursuant to this article and electronically

transmitted to the secretary of state or electronically filed in accordance with subsection (8) of this section electronic read-only access to such reports free of charge.

(b) Within forty-eight hours after receiving in electronic form from a candidate, candidate committee, issue committee, political committee, small donor committee, person expending one thousand dollars or more per calendar year on electioneering communications, or county clerk and recorder any report required to be filed with a county clerk and recorder pursuant to this article, the secretary of state shall make the report available on the web site described in paragraph (a) of this subsection (7). The web site shall enable a user to produce summary reports based on search criteria that shall include, but not be limited to, the reporting period, date, name of the person making a contribution or expenditure, candidate, and committee. The secretary of state may promulgate rules necessary for the implementation of this subsection (7). The rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(8) (a) No later than January 1, 2002, or as near to such date as is practicable, the secretary of state shall either modify the electronic filing system operated and maintained pursuant to subsection (6) of this section or establish, operate, and maintain an additional system to enable electronic filing, through utilization of the internet, of reports required to be filed with a county clerk and recorder pursuant to this article.

(b) (I) Before January 1, 2006, each county clerk and recorder who has the technology available to access the internet may use the electronic filing system described in paragraph (a) of this subsection (8) to transmit any report filed with the county clerk and recorder to the secretary of state.

(II) On and after January 1, 2006, each county clerk and recorder shall use the electronic filing system described in paragraph (a) of this subsection (8) to transmit any report filed with the county clerk and recorder to the secretary of state.

(III) A county clerk and recorder shall transmit any report to be transmitted to the secretary of state pursuant to subparagraph (I)

or (II) of this paragraph (b) as quickly as practicable. The county clerk and recorder shall convert any report that is not electronically filed into electronic format before transmitting the report to the secretary of state. A county clerk and recorder that does not have the technology available to access the internet shall not transmit reports to the secretary of state pursuant to subparagraph (I) of this paragraph (b). The rules for the use of the electronic filing system shall be promulgated by the secretary of state in accordance with article 4 of title 24, C.R.S.

(c) (I) Before January 1, 2006, any person required to file reports with a county clerk and recorder pursuant to this article may meet the filing requirements by using the electronic filing system described in paragraph (a) of this subsection (8) if the county clerk and recorder has the technology available to access the internet. If the county clerk and recorder does not have the technology available to access the internet, reports shall not be filed electronically.

(II) On and after January 1, 2006, any person required to file reports with a county clerk and recorder pursuant to this article may meet the filing requirements by using the electronic filing system described in paragraph (a) of this subsection (8).

(9) Subsections (1), (7), and (8) of this section shall not be construed to require the secretary of the state to review reports electronically filed by persons required to file reports with a county clerk and recorder pursuant to this article or to impose any enforcement duties upon the secretary of state beyond the duties specified in section 1-45-111.

1-45-110. Candidate affidavit - disclosure statement. (1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article; except that an individual who is a candidate in a special legislative election that filed a candidate affidavit for the preceding general election shall not be required to comply with the provisions of this section, and except that a candidate in a special district election shall file the candidate affidavit or, alternatively, a copy of the candidate's self-nomination and acceptance form or letter

submitted in accordance with section 32-1-804.3, C.R.S., if such form or letter contains a statement that the candidate is familiar with the provisions of this article, no later than the date established for certification of the special district's ballot pursuant to section 1-5-203 (3) (a). A candidate in a municipal election may comply with this section by filing a candidate affidavit pursuant to section 31-10-302 (6), C.R.S., if such affidavit contains a statement that the candidate is familiar with the provisions of this article.

(2) (a) Except as provided in paragraph (b) of this subsection, each candidate for the general assembly, governor, lieutenant governor, attorney general, state treasurer, secretary of state, state board of education, regent of the University of Colorado, and district attorney shall file a statement disclosing the information required by section 24-6-202 (2) with the appropriate officer, on a form approved by the

secretary of state, within ten days of filing the affidavit required by subsection (1) of this section.

(b) No candidate listed in paragraph (a) of this subsection shall be required to file another disclosure statement if the candidate had already filed such a statement less than ninety days prior to filing the affidavit required by subsection (1) of this section.

(3) Failure of any person to file the affidavit or disclosure statement required under this section shall result in the disqualification of such person as a candidate for the office being sought. Disqualification shall occur only after the appropriate officer has sent a notice to the person by certified mail, return receipt requested, addressed to the person's residence address. The notice shall state that the person will be disqualified as a candidate if the person fails to file the appropriate document within five business days of receipt of the notice.

(4) Any disclosure statement required by subsection (2) of this section shall be amended no more than thirty days after any termination or acquisition of interests as to which disclosure is required.

(5) If a person is defeated as a candidate or withdraws from the candidacy, that

person shall not be required to comply with the provisions of this section after the withdrawal or defeat.

1-45-112. Duties of municipal clerk and county clerk and recorder. (1) The municipal clerk and county clerk and recorder shall:

(a) Develop a filing and indexing system for their offices consistent with the purposes of this article;

(b) Keep a copy of any report or statement required to be filed by this article for a period of one year from the date of filing. In the case of candidates who were elected, those candidate's reports and filings shall be kept for one year after the candidate leaves office;

(c) Make reports and statements filed under this article available to the public for inspection and copying no later than the end of the next business day after the date of filing. No information copied from such reports and statements shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(d) Upon request by the secretary of state, transmit records and statements filed under this article to the secretary of state;

(e) Notify any person under their jurisdiction who has failed to fully comply with the provisions of this article and notify any person if a complaint has been filed with the secretary of state alleging a violation of this article;

(f) Report apparent violations of law to appropriate law enforcement authorities.

(2) The secretary of state shall reimburse the municipal clerk and the county clerk and recorder of each county at the rate of two dollars per candidate per election to help defray the cost of implementing this article.

1-45-112.5. Immunity from liability for fine or penalty. (1) Any individual volunteering his or her time on behalf of a candidate or candidate committee shall be immune from any liability for a fine or penalty imposed pursuant to section 10 (1) of article XXVIII of the state constitution in any proceeding that is based on an act or omission of such volunteer if:

(a) The volunteer was acting in good faith and within the scope of such volunteer's official functions and duties for the candidate or

candidate committee; and

(b) The violation was not caused by willful and intentional misconduct by such volunteer.

(2) Subsection (1) of this section shall be administered in a manner that is consistent with section 1 of article XXVIII of the state constitution and with the legislative declaration set forth in section 1-45-102.

1-45-113. Sanctions. (Repealed)

1-45-115. Encouraging withdrawal from campaign prohibited. No person shall offer or give any candidate or candidate committee any money or any other thing of value for the purpose of encouraging the withdrawal of the candidate's candidacy, nor shall any candidate offer to withdraw a candidacy in return for money or any other thing of value.

1-45-116. Home rule counties and municipalities. Any home rule county or municipality may adopt ordinances or charter provisions with respect to its local elections that are more stringent than any of the provisions contained in this act. Any home rule county or municipality which adopts such ordinances or charter provisions shall not be entitled to reimbursement pursuant to subsection 1-45-112 (2). The requirements of article XXVIII of the state constitution and of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by article XXVIII and this article.

1-45-117. State and political subdivisions - limitations on contributions. (1) (a) (I) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof shall make any contribution in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity expend any public moneys from any source, or make any contributions, to urge electors to vote in favor of or against any:

(A) State-wide ballot issue that has been submitted for the purpose of having a title

designated and fixed pursuant to section 1-40-106 (1) or that has had a title designated and fixed pursuant to that section;

(B) Local ballot issue that has been submitted for the purpose of having a title fixed pursuant to section 31-11-111 or that has had a title fixed pursuant to that section;

(C) Referred measure, as defined in section 1-1-104 (34.5);

(D) Measure for the recall of any officer that has been certified by the appropriate election official for submission to the electors for their approval or rejection.

(II) However, a member or employee of any such agency, department, board, division, bureau, commission, or council may respond to questions about any such issue described in subparagraph (I) of this paragraph (a) if the member, employee, or public entity has not solicited the question. A member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subparagraph (I) of this paragraph (a).

(b)(I) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state, or any political subdivision thereof from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue. As used herein, an issue of official concern shall be limited to issues that will appear on an election ballot in the jurisdiction.

(II) Nothing in this subsection (1) shall be construed to prevent an elected official from expressing a personal opinion on any issue.

(III) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from:

(A) Passing a resolution or taking a position of advocacy on any issue described in subparagraph (I) of paragraph (a) of this subsection (1); or

(B) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by which information about other proceedings of such agency, department, board, division, bureau, or council of the state or any political subdivision thereof is regularly provided to the public.

(C) Nothing in this subsection (1) shall be construed as prohibiting a member or an employee of an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending personal funds, making contributions, or using personal time to urge electors to vote in favor of or against any issue described in subparagraph (I) of paragraph (a) of this subsection (1).

(2) The provisions of subsection (1) of this section shall not apply to:

(a) An official residence furnished or paid for by the state or a political subdivision;

(b) Security officers who are required to accompany a candidate or the candidate's family;

(c) Publicly owned motor vehicles provided for the use of the chief executive of the state or a political subdivision;

(d) Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision or the executive's family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.

(3) If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditures shall be deemed a campaign expense only, unless the candidate, not more than ten working days after the such expenditure, files with the appropriate officer such information as the secretary of state may by rule require in order to differentiate between campaign expenses and official expenses. Such

information shall be set forth on a form provided by the appropriate officer. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the state or political subdivision for the amount of money spent on campaign expenses.

(4) Any violation of this section shall be subject to the sanctions authorized in section 1-45-113 or any appropriate order or relief, including injunctive relief or a restraining order to enjoin the continuance of the violation.

1-45-118. Severability. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**APPENDIX A
RELEVANT ELECTION LAWS FROM
TITLE 32 ARTICLE 1**

APPENDIX A

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**TITLE 32
SPECIAL DISTRICTS**

**ARTICLE 1
Special District Provisions**

**PART 1
GENERAL PROVISIONS**

32-1-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Ambulance district" means a special district which provides emergency medical services and the transportation of sick, disabled, or injured persons by motor vehicle, aircraft, or other form of transportation to and from facilities providing medical services. For the purpose of this subsection (1), "emergency medical services" means services engaged in providing initial emergency medical assistance, including, but not limited to, the treatment of trauma and burns and respiratory, circulatory, and obstetrical emergencies.

(1.5) "Board" means the board of directors of a special district.

(2) "Court" means the district court in any county in which the petition for organization of the special district was originally filed and which entered the order organizing said district or the district court to which the file pertaining to the special district has been transferred pursuant to section 32-1-303 (1) (b).

(2.5) "Depository institution" means:

(a) A person that is organized or chartered, or is doing business or holds an authorization certificate, under the laws of a state or of the United States which authorize the person to receive deposits, including deposits in savings, shares, certificates, or other deposit accounts, and that is supervised and examined for the protection of depositors by an official or agency of a state or the United States; and

(b) A trust company or other institution that is authorized by federal or state law to exercise fiduciary powers of the type that a national bank is permitted to exercise under the authority of the comptroller of the currency and that is supervised and examined by an official or agency of a state or the United States. The term does not include an insurance company or other organization primarily engaged in the insurance

business.

(3) "Director" means a member of the board.

(4) "Division" means the division of local government in the department of local affairs.

(5) (a) "Eligible elector" means a person who, at the designated time or event, is registered to vote pursuant to the "Uniform Election Code of 1992", articles 1 to 13 of title 1, C.R.S., and:

(I) Who has been a resident of the special district or the area to be included in the special district for not less than thirty days; or

(II) Who, or whose spouse, owns taxable real or personal property situated within the boundaries of the special district or the area to be included in the special district, whether said person resides within the special district or not.

(b) A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the special district or the area to be included within the special district shall be considered an owner within the meaning of this subsection (5).

(c) Repealed.

(d) For all elections and petitions that require ownership of real property or land, a mobile home as defined in section 38-12-201.5 (2) or 5-1-301 (29), C.R.S., or a manufactured home as defined in section 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

(e) In the event that the board, by resolution, ends business personal property taxation by the district pursuant to subsection (8) (b) of section 20 of article X of the state constitution, persons owning such property and spouses thereof shall not be eligible electors of the district on the basis of ownership of such property.

(6) Repealed.

(6.5) "Financial institution or institutional investor" means any of the following, whether acting for itself or others in a fiduciary capacity:

(a) A depository institution;

(b) An insurance company;

(c) A separate account of an insurance company;

(d) An investment company registered under the federal "Investment Company Act of 1940";

(e) A business development company as defined in the federal "Investment Company Act of 1940";

(f) Any private business development company as defined in the federal "Investment Company Act of 1940";

(g) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of five million dollars or its investment decisions are made by a named fiduciary, as defined in the federal "Employee Retirement Income Security Act of 1974", that is a broker-dealer registered under the federal "Securities Exchange Act of 1934", an investment adviser registered or exempt from registration under the federal "Investment Advisers Act of 1940", a depository institution, or an insurance company;

(h) An entity, but not an individual, a substantial part of whose business activities consists of investing, purchasing, selling, or trading in securities of more than one issuer and not of its own issue and that has total assets in excess of five million dollars as of the end of its last fiscal year; and

(i) A small business investment company licensed by the federal small business administration under the federal "Small Business Investment Act of 1958".

(7) "Fire protection district" means a special district which provides protection against fire by any available means and which may supply ambulance and emergency medical and rescue services.

(8) "Governing body" means a city council or board of trustees and includes a body or board where the operation and management of service is under the control of a municipal body or board other than a city council or board of trustees.

(9) "Health service district" means a special district that may establish, maintain, or operate, directly or indirectly through lease to or from other parties or other arrangement, public hospitals, convalescent centers, nursing care facilities, intermediate care facilities, emergency facilities, community clinics, or other facilities licensed or certified pursuant to section 25-1.5-103 (1) (a), C.R.S., providing health and personal care services and may organize, own, operate, control, direct, manage, contract for, or furnish ambulance service.

(10) "Metropolitan district" means a

special district that provides for the inhabitants thereof any two or more of the following services:

(a) Fire protection;

(b) Mosquito control;

(c) Parks and recreation;

(d) Safety protection;

(e) Sanitation;

(f) Solid waste disposal facilities or collection and transportation of solid waste;

(g) Street improvement;

(h) Television relay and translation;

(i) Transportation;

(j) Water.

(11) "Municipality" means a municipality as defined in section 31-1-101 (6), C.R.S.

(12) "Net effective interest rate" means the net interest cost of securities issued by a public body divided by the sum of the products derived by multiplying the principal amount of the securities maturing on each maturity date by the number of years from their date to their respective maturities. In all cases, net effective interest rate shall be computed without regard to any option of redemption prior to the designated maturity dates of the securities.

(13) "Net interest cost" means the total amount of interest to accrue on securities issued by a public body from their date to their respective maturities, less the amount of any premium above par, or plus the amount of any discount below par, at which said securities are being or have been sold. In all cases net interest cost shall be computed without regard to any option of redemption prior to the designated maturity dates of the securities.

(14) "Park and recreation district" means a special district which provides parks or recreational facilities or programs within said district.

(14.5) "Property owners' list" means the list furnished by the county assessor in accordance with section 1-5-304, C.R.S., showing each property owner within the district, as shown on a deed or contract of record.

(15) "Publication" means printing one time, in one newspaper of general circulation in the special district or proposed special district if there is such a newspaper, and, if not, then in a newspaper in the county in which the special district or proposed special district is located. For a special district with territory within more

than one county, if publication cannot be made in one newspaper of general circulation in the special district, then one publication is required in a newspaper in each county in which the special district is located and in which the special district also has fifty or more eligible electors.

(16) "Quorum" means more than one-half of the number of directors serving on the board of a special district.

(17) "Regular special district election" means the election on the Tuesday succeeding the first Monday of May in every even-numbered year, held for the purpose of electing members to the boards of special districts and for submission of other public questions, if any.

(17.5) (Deleted by amendment, L. 92, p. 874, § 105, effective January 1, 1993.)

(18) "Sanitation district" means a special district that provides for storm or sanitary sewers, or both, flood and surface drainage, treatment and disposal works and facilities, or solid waste disposal facilities or waste services, and all necessary or proper equipment and appurtenances incident thereto.

(19) "Secretary" means the secretary of the board.

(19.5) "Solid waste" shall have the same definition as specified in section 30-20-101 (6), C.R.S.

(20) "Special district" means any quasi-municipal corporation and political subdivision organized or acting pursuant to the provisions of this article. "Special district" does not include any entity organized or acting pursuant to the provisions of article 8 of title 29, article 20 of title 30, article 25 of title 31, or articles 41 to 48 of title 37, C.R.S.

(21) "Special election" means any election called by the board for submission of public questions and other matters. The election shall be held on the first Tuesday after the first Monday in February, May, October, or December, in November of even-numbered years or on the first Tuesday in November of odd-numbered years. Any special district may petition a district court judge who has jurisdiction in such district for permission to hold a special election on a day other than those specified in this subsection (21). The district court judge may grant permission only upon a finding that an election on the days specified would be impossible or impracticable or upon a finding

that an unforeseeable emergency would require an election on a day other than those specified.

(22) "Taxable property" means real or personal property subject to general ad valorem taxes. "Taxable property" does not include the ownership of property on which a specific ownership tax is paid pursuant to law.

(23) (a) "Taxpaying elector" means an eligible elector of a special district who, or whose spouse, owns taxable real or personal property within the special district or the area to be included in or excluded from the special district, whether the person resides within the special district or not.

(b) A person who is obligated to pay taxes under a contract to purchase taxable property within the special district shall be considered an owner within the meaning of this subsection (23).

(c) For all elections and petitions that require ownership of real property or land, a mobile home as defined in section 38-12-201.5 (2) or 5-1-301 (29), C.R.S., or a manufactured home as defined in section 42-1-102 (106) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

(23.2) "Tunnel" means one or more holes under or through the ground, mountains, rock formations, or other natural or man-made material, including roads, railroads, pipelines, and other means of transporting vehicles, people, or goods through any such tunnel, whether located in the tunnel or, to the extent the same connects the tunnel to other similar facilities, located outside the tunnel. "Tunnel" also means any ventilation, drainage, and support facilities, toll collection facilities, administrative facilities, and other facilities necessary or convenient to the acquisition, construction, improvement, equipping, operation, or maintenance of the tunnel or to the operation of the tunnel district, whether located within or without the tunnel.

(23.5) "Tunnel district" means a special district which provides a tunnel.

(24) "Water and sanitation district" means a special district which provides both water district and sanitation district services.

(25) "Water district" means a special district which supplies water for domestic and other public and private purposes by any

available means and provides all necessary or proper reservoirs, treatment works and facilities, equipment, and appurtenances incident thereto.

PART 3 ORGANIZATION

32-1-305.5. Organizational election - new special district - first directors.

(3) The basic term of office for directors, after the original terms provided in subsection (2) of this section, shall be four years.

(4) A nomination for director to serve for either term may be made by self-nomination and acceptance form or letter, as provided in section 32-1-804.3, with the time and manner of filing such form or letter as directed in the order of the district court authorizing the election.

PART 8 ELECTIONS

32-1-801. Legislative declaration - applicability. It is hereby declared that the orderly conduct of elections of special districts will serve a public use and will promote the health, safety, security, and general welfare of the people of the state of Colorado. Therefore, all elections shall be held pursuant to the provisions of articles 1 to 13 of title 1, C.R.S., unless otherwise provided.

32-1-802. Acts and elections conducted pursuant to provisions which refer to qualified electors. Any elections, and any acts relating thereto, carried out under this part 8, which were conducted prior to July 1, 1987, pursuant to provisions which referred to a qualified elector rather than an eligible elector and which were valid when conducted, shall be deemed and held to be legal and valid in all respects.

32-1-803. Acts and elections conducted pursuant to provisions which refer to registered electors. Any elections and any acts relating to those elections, carried out under this part 8 which were conducted prior to July 1, 1992, and which were valid when conducted, shall be held to be legal and valid in all respects.

32-1-803.5. Organizational election - new special district. At any election for the organization of a new special district, the court shall also order the submission of the proposition of issuing general obligation bonds or creating other general obligation indebtedness or any question or questions necessary to implement the provisions of section 20 of article X of the Colorado constitution as applied to the new special district, if the petition filed pursuant to section 32-1-301 requests that such questions be submitted at the organizational election. The order of the court shall make the determinations required by section 32-1-1101 (2) and (3) (a) and require the clerk of the court to conduct the election in accordance with section 20 of article X of the Colorado constitution.

32-1-804. Board to conduct elections - combined election - time for special election.

(1) After a special district is organized and the first board is elected, the board shall govern the conduct of all subsequent regular and special elections of the special district and shall render all interpretations and make all decisions as to controversies or other matters arising in the conduct of the elections. The board in its discretion, but no more frequently than every four years, may reestablish the boundaries of director districts created pursuant to section 32-1-301 (2) (f) so that the director districts have, as nearly as possible, the same number of eligible electors.

(2) All powers and authority granted to the board by this part 8 for the conduct of regular or special elections may be exercised in the absence of the board by the secretary or by an assistant secretary appointed by the board. The person named by the board who is responsible for the conducting of the election shall be the designated election official.

32-1-804.1. Call for nominations. Not less than seventy-five days nor more than ninety days before a regular special district election, the designated election official shall provide notice by publication of a call for nominations for the election. The call shall state the special district director offices to be voted upon at the election, where a self-nomination and acceptance form may be obtained, the deadline for submitting the

self-nomination and acceptance form to the designated election official, and information on obtaining an absentee ballot.

32-1-804.3. Candidates for director - self-nomination and acceptance form.

(1) Not less than sixty-seven days before the date of the regular special district election, any person who desires to be a candidate for the office of a special district director shall file a self-nomination and acceptance form or letter signed by the candidate and by a registered elector as a witness to the signature of the candidate.

(2) On the date of signing the self-nomination and acceptance form or letter, a candidate for director shall be an eligible elector of the special district, if the district is divided into director districts established pursuant to section 32-1-301 (2) (f), the candidate shall be an eligible elector within the boundaries of the director district in which the candidate is running for office.

(3) A self-nomination and acceptance form that is not sufficient may be amended once at any time prior to 3 p.m. on the sixty-seventh day before the election.

(4) The self-nomination and acceptance form or letter shall state the name of the special district in which the election will be held, the special district director office sought by the candidate, the term of office sought if more than one length of a director's term is to be voted upon at the election, the date of the election, and the full name of the candidate as it is to appear on the ballot. Unless physically unable, all candidates and witnesses shall sign their own signature and shall print their names, their respective residence addresses, including the street number and name, the city or town, the county, telephone number, and the date of signature on the self-nomination and acceptance form or letter.

(5) The self-nomination and acceptance form or letter shall be filed with the designated election official or, if none has been designated, the presiding officer or the secretary of the board of directors of the special district in which the election will be held.

(6) The self-nomination and acceptance form or letter shall be verified and processed substantially as provided in section 1-4-908, C.R.S. A protest on such a form or letter shall

be determined substantially as provided in sections 1-4-909 and 1-4-911, C.R.S. Cure of such a form or letter shall be allowed substantially as provided for in section 1-4-912, C.R.S.

32-1-805. Time for holding elections.

(1) Regular special district elections shall be held on the Tuesday succeeding the first Monday of May in every even-numbered year.

(2) Special elections may be held on the first Tuesday after the first Monday in February, May, October, or December, except for ballot issue elections, which may be held only in a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years.

(3) Whenever the date of a regular special district election is identical to the date set for a municipal or another special district election in any municipality or other special district having boundaries coterminous with the special district, the election may be held jointly with the municipal or other special district election.

32-1-806. Persons entitled to vote at special district elections.

(1) No person shall be permitted to vote in any election unless that person is an eligible elector as defined in section 32-1-103 (5) (a).

(2) Any person desiring to vote at any election as an eligible elector pursuant to section 32-1-103 (5) (a) (II) shall sign a self-affirmation that the person is an elector of the special district. The self-affirming oath or affirmation shall be on a form that contains in substance the following:

"I, (printed name), who reside at (address), am an elector of this (name of special district) district and desire to vote at this election. I do solemnly swear (or affirm) that I am registered to vote in the state of Colorado and qualified to vote in this special district election as:

_____ A resident of the district or area to be included in the district for not less than thirty days; or

_____ The owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district; or

_____ A person who is obligated to pay taxes

under a contract to purchase taxable property in the special district or the area to be included within the special district; or

_____ The spouse of (name of spouse) who is the owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district.

I have not voted previously at this election.

Date _____
Signature _____ of _____ elector
_____."

(3) For electors who vote at any election by absentee ballot or mail ballot, the affidavit on the envelope of the ballot as required by title 1, C.R.S., may be substituted for the self-affirming oath or affirmation required by subsection (2) of this section.

(4) A person who completes the self-affirming oath or affirmation required by subsection (2) of this section shall be permitted to vote, unless such person's right to vote is challenged.

32-1-807. Nonapplicability of criminal penalties. Election offenses and penalties prescribed by parts 2 and 3 of article 13 of title 1, C.R.S., do not apply to elections authorized under this title.

PART 9 DIRECTORS - ORGANIZATION OF BOARD

32-1-901. Oath and bond of directors.

(1) Each director, within thirty days after his or her election or appointment to fill a vacancy, except for good cause shown, shall appear before an officer authorized to administer oaths and take an oath that he or she will faithfully perform the duties of his or her office as required by law and will support the constitution of the United States, the constitution of the state of Colorado, and the laws made pursuant thereto. When an election is cancelled in whole or in part pursuant to section 1-5-208 (1.5), C.R.S., each director who was declared elected shall take the oath required by this subsection (1) within thirty days after the date of the regular election, except for good cause shown. The oath may be administered by the county clerk and recorder, by the clerk of the court, by any person

authorized to administer oaths in this state, or by the chairman of the board and shall be filed with the clerk of the court and with the division.

(2) At the time of filing said oath, there shall also be filed for each director an individual, schedule, or blanket surety bond at the expense of the special district, in an amount determined by the board of not less than one thousand dollars each, conditioned upon the faithful performance of his duties as director.

(3) If any director fails to take the oath or furnish the requisite bond within the period allowed, except for good cause shown, his office shall be deemed vacant, and the vacancy thus created shall be filled in the same manner as other vacancies in the office of director.

32-1-902. Organization of board - compensation - disclosure.

(1) After taking oath and filing bonds, the board shall elect one of its members as chairman of the board and president of the special district, one of its members as a treasurer of the board and special district, and a secretary who may be a member of the board. The secretary and the treasurer may be one person, but, if such is the case, he shall be a member of the board. The board shall adopt a seal, and the secretary shall keep, in a well-bound book, a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts which shall be open to inspection of all electors, as well as to all other interested parties.

(2) The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the special district in permanent records. He shall file with the clerk of the court, at the expense of the special district, a corporate fidelity bond in an amount determined by the board of not less than five thousand dollars, conditioned on the faithful performance of the duties of his office.

(3) (a) (I) For directors serving a term of office commencing prior to April 24, 1996, each director may receive as compensation for the director's service a sum not in excess of nine hundred fifty dollars per annum, payable not to exceed fifty dollars per meeting attended.

(II) For directors serving a term of office commencing on or after April 24, 1996, each director may receive as compensation for the director's service a sum not in excess of one

thousand two hundred dollars per annum, payable not to exceed seventy-five dollars per meeting attended.

(b) No director shall receive compensation as an employee of the special district, other than that provided in this section, and any director shall disqualify himself or herself from voting on any issue in which the director has a conflict of interest unless the director has disclosed such conflict of interest in compliance with section 18-8-308, C.R.S. Reimbursement of actual expenses for directors shall not be considered compensation. No director receiving workers' compensation benefits awarded in the line of duty as a volunteer firefighter or pension payments to retired firefighters shall be allowed to vote on issues involving the director's disability or pension payments.

(4) If a director of any special district owns undeveloped land which constitutes at least twenty percent of the territory included in the special district, such director shall disclose such fact in accordance with section 18-8-308, C.R.S., before each meeting of the board, and the fact of such disclosure shall be entered in the minutes of such meeting. For the purposes of this subsection (4), "undeveloped land" means real property which has not been subdivided or which has no improvements constructed on it, excluding real property dedicated for park, recreation, or open space purposes.

32-1-903. Meetings. (1) The board shall meet regularly at a time and in a place to be designated by the board. Special meetings may be held as often as the needs of the special district require, upon notice to each director. All special and regular meetings of the board shall be held at locations which are within the boundaries of the district or which are within the boundaries of any county in which the district is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty miles from the district boundaries. The provisions of this subsection (1) governing the location of meetings may be waived only if the following criteria are met:

(a) The proposed change of location of a meeting of the board appears on the agenda of a regular or special meeting of the board; and

(b) A resolution is adopted by the board

stating the reason for which a meeting of the board is to be held in a location other than under the provisions of this subsection (1) and further stating the date, time, and place of such meeting.

(2) Notice of time and place designated for all regular meetings shall be posted in at least three public places within the limits of the special district, and, in addition, one such notice shall be posted in the office of the county clerk and recorder in the county or counties in which the special district is located. Such notices shall remain posted and shall be changed in the event that the time or place of such regular meetings is changed. Special meetings may be called by any director by informing the other directors of the date, time, and place of such special meeting, and the purpose for which it is called, and by posting notice as provided in this section at least three days prior to said meeting. All official business of the board shall be conducted only during said regular or special meetings at which a quorum is present, and all said meetings shall be open to the public.

(3) The notice posted pursuant to subsection (2) of this section for any regular or special meeting at which the board intends to make a final determination to issue or refund general obligation indebtedness, to consolidate the special district with another special district, to dissolve the special district, to file a plan for the adjustment of debt under federal bankruptcy law, or to enter into a private contract with a director, or not to make a scheduled bond payment, shall set forth such proposed action.

32-1-904. Office. The office of the special district shall be at some fixed place to be determined by the board.

32-1-905. Vacancies. (1) A director's office shall be deemed to be vacant upon the occurrence of any one of the following events prior to the expiration of the term of office:

(a) If for any reason a properly qualified person is not elected to a director's office by the electors as required at a regular election;

(b) If a person who was duly elected or appointed fails, neglects, or refuses to subscribe to an oath of office or to furnish the bond in accordance with the provisions of section 32-1-901;

(c) If a person who was duly elected or appointed submits a written resignation to the board;

(d) If the person who was duly elected or appointed ceases to be qualified for the office to which he was elected;

(e) If a person who was duly elected or appointed is convicted of a felony;

(f) If a court of competent jurisdiction voids the election or appointment or removes the person duly elected or appointed for any cause whatsoever, but only after his right to appeal has been waived or otherwise exhausted;

(g) If the person who was duly elected or appointed fails to attend three consecutive regular meetings of the board without the board having entered upon its minutes an approval for an additional absence or absences; except that such additional absence or absences shall be excused for temporary mental or physical disability or illness;

(h) If the person who was duly elected or appointed dies during his term of office.

(2) (a) Any vacancy on the board shall be filled by appointment by the remaining director or directors, the appointee to serve until the next regular election, at which time, the vacancy shall be filled by election for any remaining unexpired portion of the term. If, within sixty days of the occurrence of any vacancy, the board fails, neglects, or refuses to appoint a director from the pool of any duly qualified, willing candidates, the board of county commissioners of the county which approved the organizational petition may appoint a director to fill such vacancy. The remaining director or directors shall not lose their authority to make an appointment to fill any vacancy unless and until the board of county commissioners which approved the organizational petition has actually made an appointment to fill that vacancy.

(b) No board of county commissioners shall make an appointment pursuant to paragraph (a) of this subsection (2) unless it provides thirty days' notice of its intention to make such appointment to the remaining members of the board and the vacancy remains open at the time the board of county commissioners makes its appointment. If the organizational petition was approved by more than one board of county commissioners, then the appointment shall be made by the boards of

the county commissioners which approved the petition, sitting jointly. Such an appointment shall be made at an open public meeting.

(2.5) If there are no duly elected directors and if the failure to appoint a new board will result in the interruption of services that are being provided by the district, then the board of county commissioners of the county or counties which approved the organizational petition may appoint all directors from the pool of duly qualified, willing candidates. The board appointed pursuant to this subsection (2.5) shall call a special election within six months after their appointment, which special election is to be held in accordance with the provisions of section 32-1-305.5 and articles 1 to 13 of title 1, C.R.S.; except that the question of the organization shall not be presented at the election. In the event a district is wholly within the boundaries of a municipality, the governing body of the municipality may appoint directors.

(3) All appointments shall be evidenced by an appropriate entry in the minutes of the meeting, and the board shall cause a notice of appointment to be delivered to the person so appointed. A duplicate of each notice of appointment, together with the mailing address of the person so appointed, shall be forwarded to the division.

32-1-906. Directors subject to recall. (1) Any director elected to the board of any special district who has actually held office for at least six months may be recalled from office by the eligible electors of the special district. A petition signed by the lesser of three hundred eligible electors or forty percent of the eligible electors demanding the recall of any director named in the petition shall be filed in the court. Any recall shall be governed by the provisions of part 1 of article 12 of title 1, C.R.S.

(2) to (5) (Deleted by amendment, L. 92, p. 886, § 124, effective January 1, 1993.)

32-1-907. Recall election - resignation. (1) If a director subject to a recall petition offers a resignation, it shall be accepted, and the vacancy caused by the resignation, or from any other cause, shall be filled as provided by section 32-1-905 (2). If the director does not resign within five days after the sufficiency of the recall petition has been sustained, the board

shall order that a recall election be held pursuant to the provisions of part 1 of article 12 of title 1, C.R.S.

(2) (Deleted by amendment, L. 92, p. 887, § 125, effective January 1, 1993.)

APPENDIX B SAMPLE FORMS

NOTE: THE DEPARTMENT OF LOCAL AFFAIRS DEVELOPED THESE FORMS AS A CONVENIENCE TO SPECIAL DISTRICTS TO MEET THEIR STATUTORY ELECTION REQUIREMENTS. THESE SAMPLE FORMS WERE WRITTEN USING RELEVANT STATUTORY CITATIONS AND ELECTION FORMS FROM OTHER LOCAL GOVERNMENTS. DISTRICTS ARE NOT REQUIRED TO USE THESE SPECIFIC FORMS. A DISTRICT WISHING TO DEVELOP ITS OWN DOCUMENTS MAY WANT TO CONSULT WITH LEGAL COUNSEL.

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ELECTION BUDGET

Name of Jurisdiction:	
Number of Registered Electors	
Number of Property Owners	
Number of Ballot Types	

SPECIAL DISTRICT ELECTION	2004 ESTIMATE	2004 ACTUAL	2002 ACTUAL	2004 INCREASE/ DECREASE
Personal Services: Salaries – Full Time Salaries – Part Time FICA Colo. Unemployment Insurance Worker’s Comp Insurance Health Insurance Retirement Election Judges Other				
Total Personal Services				
Supplies: Office Supplies Legal Notices Computer Supplies Ballots for Elections Other				
Total Supplies				
Other Services & Charges: Mailing Printing Professional Services (Legal, etc.) Travel, Lodging & Meals Voting Equipment Rental Telephone Other				
Total Other Services & Charges				
TOTAL				

CALL FOR NOMINATIONS

TO WHOM IT MAY CONCERN, and, particularly, to the electors of the _____
_____ District of _____ County, Colorado.

NOTICE IS HEREBY GIVEN that an election will be held on the _____ day of _____, 20____,
between the hours of 7:00 a.m. and 7:00 p.m. At that time, _____ directors will be elected to serve 4-year terms and
_____ directors will be elected to serve 2-year* terms.

Self-Nomination and Acceptance Forms are available from _____ of the
_____ (district's designated election official)
_____ District at

_____ (address)

Self -Nomination and Acceptance form or letter are to be returned to the Designated Election Official not less than 67
days prior to the regular election: _____.
(enter actual date)

NOTICE IS FURTHER GIVEN that applications for and return of absent voter's ballots may be filed with
_____, District Designated Election Official, at
(name)
_____, between the hours of _____ a.m. and _____ p.m., until the close of
(address)
business on the Friday immediately preceding the regular election (Friday, _____, 20____).
_____ District

By/s/ _____ Designated Election Official

PROCEDURAL INSTRUCTIONS: For Regular Elections, the "Call for Nominations" is to be published not less than 75 days nor more than 90 days before election (C.R.S. 32-1-804.1)

*** Use only when vacancy has been filled by appointment and any remaining unexpired portion of term must be filled by election.**

SELF- NOMINATION AND ACCEPTANCE

32-1-804.3; 1-45-110 C.R.S.

I, _____,

(full name of the candidate as the name will appear on the ballot)

who reside at:

(residence street name and number)

(mailing address if different from residence address)

(city or town, zip code)

(county)

hereby nominate myself and accept such nomination for the office of Director for a _____ (_____) year term on the Board of Directors of _____ District at the _____ election and will serve if elected. (date of election)

I affirm that I am an eligible elector of _____ District and am an eligible elector at the date of signing this Self-Nomination and Acceptance Form.

I further affirm that I am familiar with the provisions of the Fair Campaign Practices Act as required in § 1-45-110 of the Colorado Revised Statutes.

(phone number of candidate)

(printed name of candidate)

(signature of candidate)

(date)

Information provided by the witness who is a registered elector:

(residence street name and number)

(mailing address if different from residence address)

(city or town, zip code)

(county)

(phone number of witness)

(printed name of witness)

(signature of witness)

(date)

PROCEDURAL INSTRUCTIONS: This form must be filed with the Designated Election Official (DEO) of the District not less than 67 days prior to the regular election. To meet Fair Campaign Practices Act requirements, this form must be filed with the county clerk and recorder no less than 55 days prior to the regular election. Contact the DEO to verify the official due dates.

Received at _____, Colorado, this _____ day of _____, 20__.

By: _____, Designated Election Official
_____ District, _____ County, Colorado

EXPLANATION FOR NOTICE OF ELECTION

1-5-205, C.R.S.

PROCEDURAL INSTRUCTIONS:

****Use only when a vacancy has been filled by appointment and any remaining unexpired portion of the term must be filled by election.**

This notice is to be published no later than 10 days before the election and until 2 days after the election. (C.R.S. 1-5-205).

Mail a copy of this notice to the county clerk and recorder(s) of the county(ies) in which the district is located.

If a district is in more than one county and the district's population in the other county(ies) is less than fifty, then this notice does not have to be published in the other county(ies) where the population is less than fifty.

For November elections only, you must provide an early voting location. The location must be identified in the notice.

(1-5-205(1)(b), C.R.S.)

This notice must still be published if you choose to notify your electorate by post card according to 1-5-206(2)(a), C.R.S.

NOTICE OF ELECTIONS – MAIL BALLOT

1-7.5-107(2.5)(a), C.R.S.

TO WHOM IT MAY CONCERN and particularly to the electors of the _____
_____ District of _____ County,
Colorado.

NOTICE IS HEREBY given that a regular election of the _____
_____ District shall be held on _____, 20____, during the hours of 7:00 AM and
7:00 PM. The election is being conducted as a mail ballot election. The walk-in replacement ballots shall be
located at _____, Colorado
(address)

and shall be open Monday through Friday, between the hours of _____AM and _____PM, beginning at
least 25 days prior to the election day and from 7:00 AM to 7:00 PM on election day.

(district)

(designated election official)

Published in: _____

Published on: _____, 20 ____

PROCEDURAL INSTRUCTIONS: This notice of election for “Mail Ballot” elections is to be published at
least 20 days before the election in a newspaper of general circulation in the county or counties where
the District is located.

AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE

1-4-1101, 32-1-103(5), C.R.S.

To: _____
(designated election official)

(name of district)

_____ County, Colorado.

This is to certify, that I, _____, desire the office of Director for a _____ () year term, and to the best of my knowledge and belief, I am fully qualified to assume the duties of the office if elected; that I am registered to vote pursuant to the "Colorado Uniform Election Code of 1992" and I am:

_____ A resident of the District or area to be included in the District for not less than thirty (30) days; or

_____ The owner (or spouse of owner) of taxable real or personal property situated within the boundaries of the District or the area to be included in the District.

_____ A person who is obligated to pay taxes under a contract to purchase taxable property within the District or the area to be included in the District and shall therefore be considered an owner of taxable property for the purpose of qualifying as an elector.

My residence address is _____

Post office address is _____, City _____, Zip Code _____, County of _____, State of Colorado.

The undersigned will serve as Director of the _____ District if elected.

(signature of candidate)

STATE OF COLORADO

_____ County

Before me _____, an officer duly authorized to administer oaths, in and for said State, personally appeared _____ (name of Candidate) whose name is subscribed to the foregoing Affidavit of Intent to be a Write-In Candidate, and who being first duly sworn, upon oath says, that the foregoing statements are true and that the Candidate acknowledges the execution of said instrument to be his/her free act and voluntary deed for the uses and purposes therein set forth.

Subscribed and sworn to before me this _____ day of _____, 20 ____.

(officer administering oath)

(title of officer)

My Commission Expires _____

PROCEDURAL INSTRUCTIONS: Form must be filed with the Designated Election Official of the District by the close of business on the 64th day before the election. 1-4-1102(2), C.R.S.

**RESOLUTION
APPOINTING A DESIGNATED ELECTION OFFICIAL AND
AUTHORIZING DESIGNATED ELECTION
OFFICIAL TO CANCEL ELECTION**

1-1-111(2), 1-5-208(1.5), C.R.S.

WHEREAS, pursuant to 1-1-111(2) C.R.S., the Board of Directors of the _____
_____ District is authorized to designate an election official to exercise
authority of the Board in conducting an election, and

WHEREAS, pursuant to 1-5-208, C.R.S., the Board can authorize the Designated Election Official to cancel the
election upon certain conditions;

NOW THEREFORE, be it resolved by the Board of Directors for the _____
_____ District that: (1) the Board [hereby names][has named]
_____ as the Designated Election Official for the
regular/special district election scheduled for the ____ day of _____, 20 __, and (2) the Board hereby authorizes
and directs the Designated Election Official to cancel said election and declare the candidates elected if at the close
of business on the sixty-third day before the election there were not more candidates for director than offices to be
filled, including candidates filing affidavits of intent to be write-in candidates. The Board further authorizes and directs
the Designated Election Official to publish and post notice of the cancellation at each polling place and in the offices
of the Designated Election Official, Clerk and Recorder of each county in which the district is located, and file with the
Division of Local Government. The Designated Election Official shall also notify the candidates that the election was
canceled and they were elected by acclamation.

Adopted this ____ day of _____, 20 __, by the Board of Directors of the _____
_____ District.

(president)

(secretary)

**RESOLUTION
CANCELLATION OF ELECTION
DECLARATION DEEMING CANDIDATES ELECTED**
(If Board cancels election)

1-5-208(1.5), C.R.S.

_____ DISTRICT,
_____ COUNTY, COLORADO

WHEREAS, the Board of Directors of the District has duly certified that at the close of business on the sixty-third day before the election to be conducted on _____, there were not more candidates for director
(date of election)

than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, AND WHEREAS, the board has authorized cancellation of the election AND WHEREAS, the board has held a meeting regarding the intention to cancel the election. Now, THEREFORE, pursuant to 1-5-208 (1.5), C.R.S., the board HEREBY cancels the regular election to be conducted on the _____ day of _____, 20__ .

THE BOARD DECLARES THE FOLLOWING CANDIDATES DEEMED ELECTED FOR THE FOLLOWING TERMS OF OFFICE:

_____	_____	_____
(name)	(address)	(year term)
_____	_____	_____
(name)	(address)	(year term)
_____	_____	_____
(name)	(address)	(year term)
_____	_____	_____
(name)	(address)	(year term)
_____	_____	_____
(name)	(address)	(year term)

Signed by: _____
(member of the board of directors of the district)

Contact Person for the District: _____

Telephone Number of the District: _____

Address of the District: _____

PROCEDURAL INSTRUCTIONS: Publish and post Notice of Cancellation in order to inform the electors of the District. Must post at all polling places, in the office of the Designated Election Official, County Clerk and Recorder, and file with the Division of Local Government.

**RESOLUTION
CANCELLATION OF ELECTION
DECLARATION DEEMING CANDIDATES ELECTED**
(If the Designated Election Official cancels the election)

1-5-208(1.5), C.R.S.

_____ DISTRICT
_____ COUNTY, COLORADO

WHEREAS, the Designated Election Official of the District has been duly authorized by the Board of Directors to cancel and declare candidates elected at the close of business on the sixth-third day before the election to be conducted on _____, **AND WHEREAS**, there were not more candidates for director
(date of election)

than offices to be filled, including candidates filing affidavits of intent to be write-in candidates. Now **THEREFORE**, pursuant to 1-5-208(1.5), C.R.S. the Designated Election Official **HEREBY** cancels the regular election to be conducted on ____ day of _____, 20 ____.

THE ELECTION IS CANCELED BY FORMAL RESOLUTION AND THE FOLLOWING CANDIDATES ARE DECLARED ELECTED FOR THE FOLLOWING TERMS OF OFFICE:

_____	_____	_____
(name)	(address)	(year term)
_____	_____	_____
(name)	(address)	(year term)
_____	_____	_____
(name)	(address)	(year term)
_____	_____	_____
(name)	(address)	(year term)
_____	_____	_____
(name)	(address)	(year term)

Signed by:

(member of the board of directors of the district)

Contact Person for the District:

Telephone Number of the District:

Address of the District:

PROCEDURAL INSTRUCTIONS: Publish and post Notice of Cancellation in order to inform the electors of the District. Must post at all polling places, in the office of the Designated Election Official, County Clerk and Recorder, and file with the Division of Local Government.

**RESOLUTION
AUTHORIZING DESIGNATED ELECTION
OFFICIAL TO CANCEL ELECTION**
(Alternate)

1-5-208(1.5), C.R.S.

WHEREAS, pursuant to 1-5-208(1.5), C.R.S., the Board of Directors of the _____
_____ District can authorize the Designated Election Official to
cancel an election upon certain conditions;

NOW THEREFORE, the Board hereby authorizes and directs the Designated Election Official to cancel the regular
district election scheduled for the ____ day of _____, 20 ____, and declare the candidates elected at the
close of business on the sixty-third day before the election, if at that time there were not more candidates for director
than offices to be filled, including candidates filing affidavits of intent to be write-in candidates.

Adopted this ____ day of _____, 20 ____, by the Board of Directors of the
_____ District.

(president)

(secretary)

**NOTICE OF CANCELLATION OF REGULAR ELECTION
BY THE DESIGNATED ELECTION OFFICIAL**

1-5-208(1.5), C.R.S.

NOTICE IS HEREBY GIVEN by the _____ District,
_____ County, Colorado, that at the close of business on the sixty-third day
before the election there were not more candidates for director than offices to be filled, including candidates filing
affidavits of intent to be write-in candidates; therefore, the election to be held on _____,
20 ____ is hereby canceled pursuant to 1-5-208, C.R.S.

The following candidates are declared elected:

_____ year term
(name)

_____ year term
(name)

_____ year term
(name)

(designated election official)

_____ District

(contact person for district)

(business address)

(telephone number)

PROCEDURAL INSTRUCTIONS: The designated election official, if instructed by resolution of the governing body either before or after the 63rd day before the election, shall cancel the election and by resolution declare the candidates elected.

This Notice of Cancellation is to be published one time, and posted at each polling place, in the office of the designated election official, and in the office of the county clerk and recorder of each county in which the special district is located.

The governing body shall notify the candidates that the election was canceled and that they were elected by acclamation. Send one copy to:

**Division of Local Government
1313 Sherman Street, Room 521
Denver, CO 80203**

Provide a list of all current directors to the Division, including addresses, within 30 days after the election.

**RESOLUTION
CANCELLATION OF NOVEMBER BALLOT ISSUE/QUESTION ELECTIONS**

1-5-208(2), C.R.S.

WHEREAS, the Board of Directors of the District ("District") has duly called a ballot issue or ballot question election to be conducted on the _____ day of _____, 20 ____; and

WHEREAS, the only matter before the District's electors is the consideration of such ballot issue(s) or ballot question(s); and

WHEREAS, pursuant to Section 1-5-208, C.R.S., the Board is authorized to cancel such election upon certain conditions;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the _____ District that pursuant to C.R.S. 1-5-208(2), C.R.S.:

1. The election to be conducted on the _____ day of _____, 20____, before the eligible electors of the _____ District is hereby canceled.
2. The ballot issue(s) or ballot question(s) shall be deemed to have not been submitted to the District's eligible electors. Any and all votes cast on such ballot issue(s) or ballot question(s) shall be deemed invalid.
3. Notice of such cancellation shall be published and posted at each District polling place, and in the offices of the Designated Election Official for the District, the County Clerk and Recorder of each County in which the District is located, and filed with the Division of Local Government.

ADOPTED this _____ day of _____, 20 __, by the Board of Directors of the _____ District.

(president of board of directors)

ATTEST:

(secretary)

CANCELLATION OF NOVEMBER BALLOT ISSUE/QUESTION ELECTIONS

1-5-208(2), C.R.S.

_____ DISTRICT

NOTICE IS HEREBY GIVEN by the Board of Directors of the _____
_____ District, _____ County,
Colorado, that the election to be conducted by the _____ District
on the ____ day of _____, 20 __, for consideration of ballot issue(s) or ballot question(s) is hereby
canceled, pursuant to Section 1-5-208(2), C.R.S. Any and all votes cast on the ballot issue(s) or ballot question(s)
shall not be counted and shall be deemed invalid.

_____ District
By _____
(secretary)

PROCEDURAL INSTRUCTIONS: This Notice of Cancellation is to be published one time, and posted at each polling place, in the offices of the Designated Election Official, County Clerk and Recorder for each county in which the District is located, and filed with the Division of Local Government.

MAIL BALLOT SELF-AFFIRMATION (RETURN ENVELOPE)

1-7.5-107, C.R.S.

RECEIVED BY DESIGNATED
ELECTION OFFICIAL

INITIALS: _____
TIME: _____
DATE: _____

DELIVERED BY:
NAME: _____

I state under penalty of perjury that I am an eligible elector; that my signature, name, and address are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

DATE OF SIGNING: _____
SIGNATURE: _____

AFFIX LABEL HERE

MAIL BALLOT SECRECY SLEEVE/ABSENTEE BALLOT INSERT

1-7.5-107(3.5)(a); 1-2-501(2) AND 1-8-113 C.R.S.

TO ALL FIRST TIME VOTERS WHO HAVE REGISTERED TO VOTE BY MAIL BUT WHO HAVE NOT SUBMITTED THE REQUIRED PROOF OF IDENTIFICATION:

SPECIAL INSTRUCTIONS:

Below you will find the legal requirements for first time voters who register by mail. If you have not previously voted in an election in your county and you registered to vote by mail and did not submit the required proof of identification, you must submit a **copy** of one of the acceptable forms of identification (specified below) in the enclosed Return Envelope.

These identification requirements **DO NOT APPLY** to any person who is:

- Entitled to vote by absentee ballot under the federal “Uniformed and Overseas Citizens Absentee Voting Act”, 42 U.S.C. sec. 1973ff, et seq.;
- Provided the right to vote otherwise than in person under section (b)(2)(B)(ii) of the federal Voting Accessibility for the Elderly and Handicapped Act”, 42 U.S.C. sec 1973ff,et seq.; or
- Entitled to vote otherwise than in person under any other federal law

The approved forms of identification **must** show your address as being in the state of Colorado.

Do **not** include original documents with this envelope.

ENCLOSE A COPY OF YOUR IDENTIFICATION, IN THE RETURN EVELOPE, NOT IN THE SECRECY SLEEVE OR SECRECY ENVELOPE

FIRST TIME VOTERS WHO REGISTER BY MAIL

If you registered to vote for the first time in your county by mail, and you have not previously voted in the county, a **copy** of one of the following forms of identification is required with your mail ballot or absentee ballot if you did not provide the information with your registration application:

- A valid Colorado driver’s license; or
- A valid Colorado Department of Revenue identification card; or
- A valid U.S. passport; or
- A valid pilot’s license with photograph issued by the Federal Aviation Administration; or
- A valid employee identification with a photograph issued by the U.S. Government, Colorado state government, or any county, municipality, board, authority, or other political subdivision of the state; or
- A valid U.S. Military Identification card with photograph; or
- A copy of a current utility bill, bank statement, government check, paycheck, or other governmental document that shows the name and address of the elector; or

IF YOU DID NOT SUBMIT PROOF OF IDENTIFICATION WITH OUR MAIL-IN REGISTRATION FORM, YOU WILL BE REQUIRED TO PROVIDE PROOF OF IDENTIFICATION USING THE TYPES OF IDENTIFICATION DESCRIBED ABOVE WITH YOUR VOTED MAIL OR ABSENTEE BALLOT.

PROCEDURAL INSTRUCTIONS: For mail ballots, this document should be included in the mail ballot package mailed to voters. Once an absentee application is received, this document should be included with the absentee ballot that is mailed to the voter.

APPLICATION FOR ABSENTEE VOTER BALLOT
Special District Election

1-8-104, C.R.S.

Applications will be accepted until the close of business on the Friday immediately preceding the election.

To the Designated Election Official of _____ District.

I, _____, whose date of birth is _____, am an eligible elector of the _____ District in the County of _____, State of Colorado, and my residence address is _____, and my mailing address is _____.

I am applying for an absentee ballot for use by me in voting at the election for Directors (or, if special election, state purpose) to be held on the ____ day of _____ 20 ____.

(signature) _____
(name printed)

(date)

(address for absentee ballot to be mailed)

*Witnessed By:

*Application shall be signed personally by the applicant. In case of applicant's inability to sign his/her name, the elector's mark shall be witnessed by another person.

IMPORTANT

The Colorado Absent Voter Law requires that in order for your ballot to be counted it must be received by 7:00 p.m. the day of the election.

PROCEDURAL INSTRUCTIONS: This application may be mailed or faxed to the designated election official.

ABSENTEE VOTER'S INSTRUCTION CARD

YOUR BALLOT **WILL NOT BE COUNTED** UNLESS THE SELF-AFFIRMATION ON THE RETURN ENVELOPE IS PROPERLY COMPLETED AND THE RETURN ENVELOPE ALONG WITH THE BALLOT ARE RECEIVED BY THE DESIGNATED ELECTION OFFICIAL OF THE DISTRICT NO LATER THAN 7:00 P.M. ON THE DAY OF THE ELECTION.

PLEASE READ THE INSTRUCTIONS BELOW AND THE SELF AFFIRMATION ON THE OFFICIAL RETURN ENVELOPE BEFORE MARKING THE BALLOT.

OFFICIAL INSTRUCTIONS:

1. **DO NOT REMOVE STUB FROM YOUR BALLOT.**

2. If you are a first time voter who registered to vote by mail, but did not submit the required proof of identification, pay particular attention to the enclosed absentee ballot insert instructions. If required, ENCLOSE A **COPY** OF YOUR IDENTIFICATION, IN THE RETURN EVELOPE, **NOT** IN THE SECRECY ENVELOPE.

3. To vote be sure to review both sides of the ballot for content. Mark the ballot.

4. If more than the allowable number of marks are placed on the ballot for an office or ballot issue, the votes will not be counted for that office or ballot issue. EXAMPLE: "Vote for Two" means vote for no more than two (2) candidates in that race.

5. To cast a WRITE-IN VOTE, write the valid write-in candidate's name in the space provided under the appropriate office, IF ANY. If space for a write in candidate is not provided, there are no official write-in candidates for the office. (1-5-407(3), C.R.S.).

6. **DO NOT** remove the stub end from the ballot. **FOLD THE BALLOT SO THAT ONLY THE STUB IS VISIBLE.**

7. Sign and date the self-affirmation on the official return envelope. Law requires your signature and date of signing; if these items are not complete your ballot will not be counted.

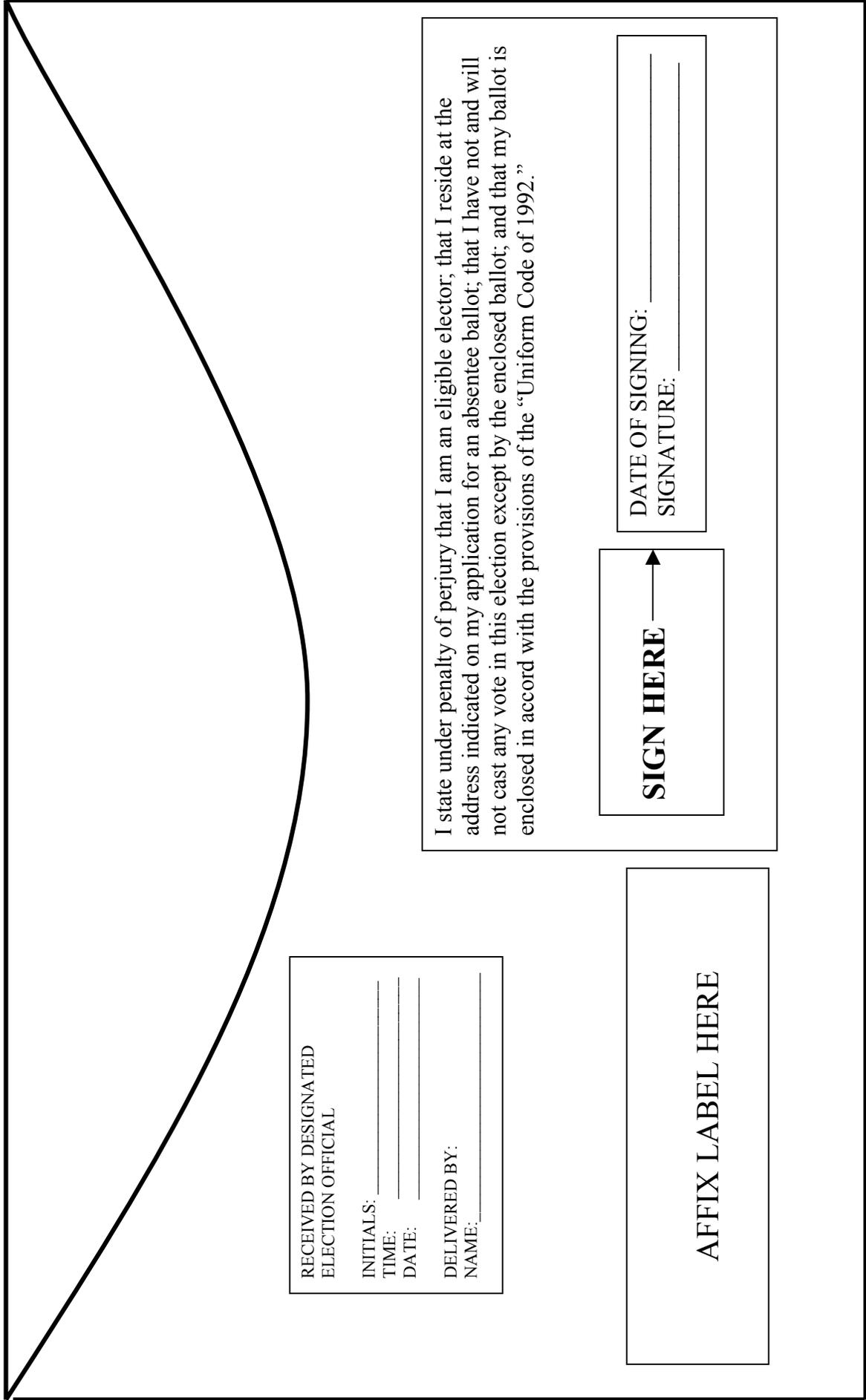
8. Place the marked ballot inside the secrecy envelope in a manner that conceals the markings. Place the secrecy sleeve/envelope containing the ballot in the official return envelope. Seal the return envelope securely.

9. Mail or hand deliver your envelope to the Designated Election Official of the District. Ballots must be in the possession of the Designated Election Official **no later** than 7:00 p.m. on Election Day in order to be counted.

PROCEDURAL INSTRUCTIONS: These instructions should be included with ballot. In addition, Form B-16 shall also be included.

ABSENTEE BALLOT SELF-AFFIRMATION (RETURN ENVELOPE)

1-8-114, C.R.S.



The return envelope is a large rectangle with a curved top edge. It contains several sections for administrative use and a signature area.

RECEIVED BY DESIGNATED
ELECTION OFFICIAL

INITIALS: _____
TIME: _____
DATE: _____

DELIVERED BY:
NAME: _____

I state under penalty of perjury that I am an eligible elector; that I reside at the address indicated on my application for an absentee ballot; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the “Uniform Code of 1992.”

SIGN HERE →

DATE OF SIGNING: _____
SIGNATURE: _____

AFFIX LABEL HERE

APPLICATION FOR EMERGENCY ABSENTEE VOTER BALLOT

1-8-115, C.R.S.

To the Designated Election Official of the _____ District:

I, _____, whose date of birth is _____,

am an eligible elector of the _____ District

in the County of _____ Colorado and my residence address

is: _____.

I desire to vote at the election to be held on _____ 20 ____, and hereby apply to vote as an emergency absentee voter.

I am applying for an emergency absentee voter ballot because:

_____ I will be unable to attend the polls on election day due to confinement in a hospital or place of residence which occurred because of conditions arising after the last date to apply for an absentee ballot.

OR

_____ I am unable to go to the polls on election day because of conditions arising after the last date to apply for absentee ballots.

Please deliver an emergency absentee voter ballot for me to the following authorized representative:

Printed name: _____

Address: _____

I hereby acknowledge receipt of the above ballot for delivery to the above named elector.
(This is to be filled out by the authorized representative after he/she receives ballot)

Printed name: _____

Signature: _____

Address: _____

X _____
VOTER SIGN HERE

IMPORTANT

This request must be made to the Designated Election Official by 5:00 p.m. on the day of election and in order for your ballot to be counted the ballot must be in its completed return envelope and in the hands of the Designated Election Official by 7:00 p.m. on election day.

REQUEST FOR REPLACEMENT BALLOT

(Absentee or Mail Ballot)

1-7.5-107(3)(d)(I), 1-8-111, C.R.S.

Date Received _____

TO: _____ Designated Election Official.

Date: _____

I, _____, Birth Date _____

,
(print full name as registered)

am a registered and/or eligible elector of the _____ District

in the _____ County, Colorado and have previously applied for

a ballot for the regular/special election, _____.

(date of election)

I am requesting a replacement ballot because (check one):

_____ I never received the original ballot.

_____ I spoiled the original ballot.

I would like the replacement ballot mailed to me. I would like it mailed to:

(box number or number and street, city/town, state, zip)

NOTE: The replacement ballot will be mailed to you within 72 hours of the time that the designated election official receive this request in writing.

Affidavit: I have not voted the original ballot issued for the election indicated and I do not intend to vote at the election except by voting the replacement ballot.

X _____ (or) BY _____
VOTER SIGN HERE

COLORADO LAW REQUIRES THAT IN ORDER FOR YOUR BALLOT TO BE COUNTED IT MUST REACH THE DESIGNATED ELECTION OFFICE BY 7:00 PM, TUESDAY, THE DAY OF ELECTION.

State of Colorado,

(name of political subdivision)

Subscribed and sworn to me

(designated election official)

(If Notary) this _____ day of _____, 20 _____

SEAL

My Commission Expires

**ACCEPTANCE OF APPOINTMENT AND
CERTIFICATION OF QUALIFICATION OF ELECTION JUDGE**

1-6-101, C.R.S.

This is to acknowledge acceptance of my appointment as an election judge and a member of the provisional ballot board, and to notify you that I will serve as such at the _____ election to be conducted on _____, 200__ within the _____ District:
(month/day) (regular/special) (name of district)

I, _____, hereby certify that:
(printed name of election judge)

- (a) I am an eligible elector who resides in the District, or who has been exempted from the residency requirement; and am willing to serve as an election judge;
- (b) I am physically and mentally able to perform the required tasks of an election judge;
- (c) I will attend a class of instruction concerning the tasks of an election judge;
- (d) I have never been convicted of election fraud, any other election offense, or fraud; and
- (e) I am not a candidate whose name appears on the ballot, nor a member of the immediate family, related by blood or marriage to the second degree, of a candidate whose name appears on the ballot.

I acknowledge that if a person appointed as an election judge fails to file this Acceptance form within seven (7) days after the Certification of Appointment and Acceptance forms were mailed or fails to attend a class of instruction prior to the election, the designated election official may determine that a vacancy has been created.

PRINTED NAME:

SIGNATURE:

ADDRESS:

DATE: _____

PROCEDURAL INSTRUCTIONS: Sign and mail/deliver within 7 days to the Designated Election Official of the District.

CERTIFICATE OF APPOINTMENT OF JUDGES OF ELECTION

1-6-105, 1-6-106, 1-6-108, 1-6-111(4), C.R.S.

The Designated Election Official shall **appoint not less than two election judges** for each precinct.

Polling Place No. (if any) _____

This is to certify that the following have been appointed to serve as judges of election and members of the provisional ballot board:

(name) (address)
Date acceptance returned: _____
Date attended judges class of instruction: _____

(name) (address)
Date acceptance returned: _____
Date attended judges class of instruction: _____

(name) (address)
Date acceptance returned: _____
Date attended judges class of instruction: _____

(name) (address)
Date acceptance returned: _____
Date attended judges class of instruction: _____

Certified this _____ day of _____, 20 _____.

(signature) Designated Election Official

Supply Judge: _____ 1-6-107(3), C.R.S.
(name)

Date of Notification of Appointment: _____
Date Attended Special School of Instruction: _____

PROCEDURAL INSTRUCTIONS: The Designated Election Official shall file a copy in his/her office.

OATH OF JUDGE OF ELECTION

1-6-114, C.R.S.

I, _____, do solemnly swear (or affirm) that I am a citizen of the United States and the State of Colorado; that I am an eligible elector of the _____ District or a registered elector of the state; that I will perform the duties of judge according to law, and to the best of my ability; that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same; that I will not try to ascertain how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of any election fraud, any other election offense or fraud and that I will not disclose the result of the votes until the polls have closed and the results are formally announced by the designated election official.

judge of election (signature)

State of Colorado
County of _____

Subscribed and sworn to before me this _____ day of _____, 20 ____.

(judge of election)

PROCEDURAL INSTRUCTIONS: The oath is administered at the morning of the election at the polling place by other judges. Attach to the poll books or registration records.

CERTIFICATE OF APPOINTMENT OF WATCHER

1-7-107, C.R.S.

TO THE DESIGNATED ELECTION OFFICIAL

Polling Place No. _____

_____ DISTRICT,

_____ COUNTY, COLORADO

I hereby appoint as watcher _____ who is an eligible elector in the
_____ District.

Certified this _____ day of _____, 20 ____.

(signature of candidate for director or proponent or opponent of a ballot Issue or
ballot question who is appointing the watcher)

The above named person has been appointed as the watcher of election for (or against)

(list candidate's name or issue or question)

OATH OF WATCHER

1-7-108(1), C.R.S.

I, _____, do solemnly swear (or affirm) that I am an eligible elector of the _____ District and am qualified to serve as a watcher at this _____ election for such District; that I will perform the duties of watcher according to law; that my name has been submitted to the Designated Election Official as a watcher for this election; and that I will not in any manner make known to anyone the result of counting votes until the polls have closed.

(signature of watcher)

Subscribed and sworn to before me this _____ day of _____, 20 ____.

(signature of election judge
administering the oath)

POLLING PLACE DIAGRAM

JUDGE #1

- Sample Ballot
- Instructions to Voters
- Elector Self-Affirmation
- Voter Registration List
- Property Owner's List

JUDGE #2

Poll Book

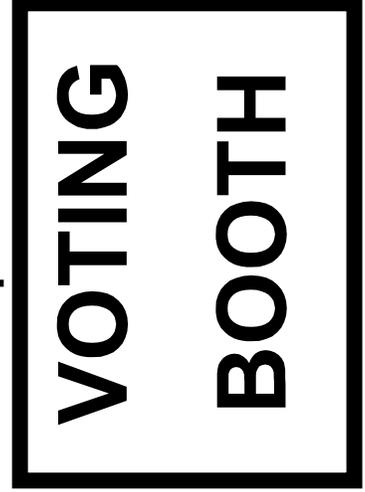
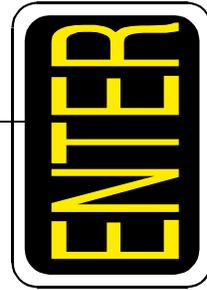
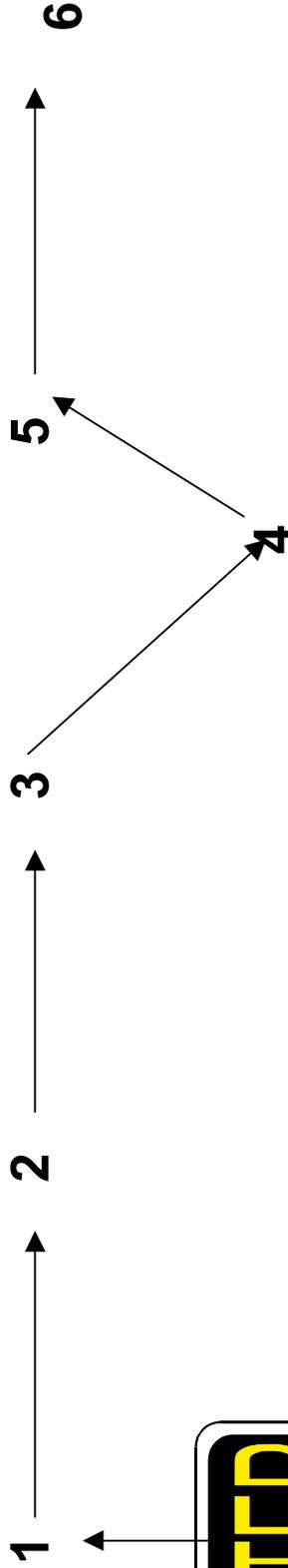
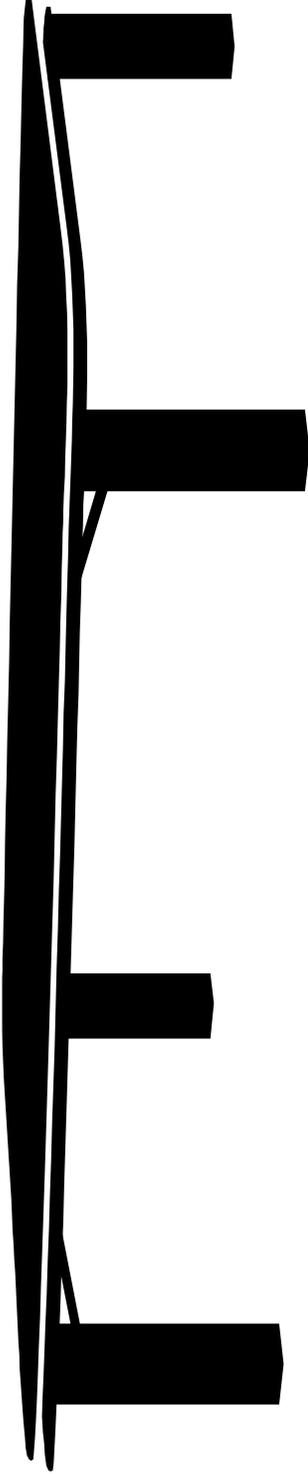
JUDGE #2

Ballots

JUDGE #2

Return Ballot to Judge to Remove Stub

BALLOT BOX



ITEMS TO BE POSTED AT THE POLLING PLACE

1-5-504.5, C.R.S.

The following shall be posted at each polling place on or before election day:

Polling Place Sign visible from the outside of the closest entrance to the polling place.

No Electioneering permitted within 100 feet of the polling place.

Instruction Cards for the guidance of eligible electors.

Sample Ballots

An Explanation of the Procedures that govern the provision of voting assistance to electors with disabilities who require such assistance.

NO ELECTIONEERING

**WITHIN 100 FEET OF ANY BUILDING IN
WHICH A POLLING PLACE IS
LOCATED**

(1-13-714, C.R.S.)

INSTRUCTION CARDS

1-5-504, C.R.S.

The designated election official of each political subdivision shall furnish to the election judges a sufficient number of instruction cards for the guidance of eligible electors in preparing their ballots.

The election judges shall post at least one of the cards in each polling place upon the day of the election.

The cards shall be printed in large, clear type and shall contain full instructions to the eligible electors as to what should be done:

- (a) To obtain ballots for voting;
- (b) To prepare the ballots for deposit in the ballot box;
- (c) To obtain a new ballot in the place of one spoiled by accident or mistake;
- (d) To obtain assistance in marking ballots; and
- (e) To vote for a write-in candidate.

NOTICE

Voting Assistance for Electors with Disabilities

Colorado law provides that a voter has a legal right to assistance in voting if assistance is needed because of blindness or other physical disability or inability to read or write. The following procedures apply:

1. The voter must tell one of the election judges that he or she needs assistance.
2. The voter may be assisted by any election judge or by any eligible elector selected by the voter.
3. The person selected must complete a “voter assistance/disabled voter self-affirmation form” if all of the following apply:
 - the person selected is not an election judge, and
 - the person selected is not the spouse, parent, grandparent, sibling, or child of the voter requesting assistance, and
 - the person selected has previously assisted any other voter at the same election in the same precinct.

The self affirmation form states, “I _____, certify that I am the individual chosen by the disabled elector to assist the disabled elector in casting a ballot.”

4. The person selected may provide any assistance needed by the voter, including entering the voting booth and preparing the ballot or operating the voting machine.
5. The person providing assistance shall not seek to persuade or induce the voter to vote in a particular manner.
6. The election judges shall record the name of each eligible elector assisted and the name of each person assisting by making an entry on the poll book or list of eligible electors (or by making an entry on the signature card when preprinted signature cards are used in the place of a poll book and list of eligible electors).

REFERENCE: SECTIONS 1-5-504.5 (I), 1-7-111 AND 1-7-113 COLORADO REVISED STATUTES

POLL BOOK

1-7-109, 1-7-111(3), C.R.S.

An election held at _____ in Polling Place No. _____, in the _____ District

in the County of _____, on the _____ day of _____ 20 _____, at which time

_____ were judges of said election and

_____ was the Designated Election Official for said election. The following named persons voted in

regular succession:

No. On Ballot	Name of Voter	Name of Person Assisting, If Any
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____

etc.

Total No. of Votes Cast: _____

SELF-AFFIRMATION OF ELECTOR

To be used for: 1-7-103(2), 1-7-104, 1-7-110(1),
32-1-103(5), 32-1-806, C.R.S.

Use with absentee ballot
and for Voter Signature Card

_____ DISTRICT
_____ COUNTY, COLORADO

I do solemnly swear or affirm that I, _____
(print name)
who reside at _____ am an eligible elector
(address)
of this _____ District and desire to vote at
(name of special district)
this _____ election.
(regular/special)

I am registered to vote in general elections in the State of Colorado and I am qualified to vote in this special district election as: (Indicate applicable phrase by placing a cross (X) on the line preceding the appropriate words.)

- _____ A resident of the district (or the area to be included within the special district) for not less than thirty days; or
- _____ The owner of taxable real or personal property situated within the boundaries of the special district (or the area to be included within the special district); or
- _____ A person who is obligated to pay taxes under a contract to purchase taxable property in the special district (or the area to be included within the special district); or
- _____ The spouse of _____ who is the owner of taxable real or personal property situated within the boundaries of the special district (or the area to be included within the special district).

I have not voted previously at this election, nor will I cast a vote by any other means in this election.

_____ (date) _____ (elector's signature)

NOTICE OF PERJURY

ANY PERSON WHO AFFIRMS WILLFULLY, CORRUPTLY, and FALSELY that he/she is an elector commits perjury and is punishable according to law.

1-13-104, C.R.S.

(signature)

(date)

PROCECURAL INSTRUCTIONS: Print this notice on back of or attach to the “self-affirmation of elector” form (See Form B-35). This document is to be given to a person desiring to vote whose name does not appear on the list of registered voters or the property owners list and who does not obtain a certificate or verbal verification from the appropriate official. It is suggested that the individual sign or initial the notice which then should be attached to the signed affidavit.

**[SAMPLE BALLOT AND INSTRUCTIONS]
[DO NOT USE THIS FORM AS YOUR BALLOT]**

No. 007 (ONE INCH STUB) ▶

No. 007 (ONE INCH DUPLICATE STUB) ▶

..... ▶
----- ▶

OFFICIAL BALLOT FOR THE _____ DISTRICT

(date of election)

(facsimile of signature of the designated election official of the district)

To vote, place cross mark (X) at the right of the name of each candidate and each ballot issue and ballot question.
For write-in candidate, print name on blank line.

1-5-407(2), C.R.S.

Vote for not more than _____ Director(s), Four-Year Term(s)
(list established by lot drawing)

Candidate A _____	_____
Candidate B _____	_____
Candidate C _____	_____
_____ *	

Vote for not more than _____ Director(s), Two-Year Term(s)**
(list established by lot drawing)

Candidate D _____	_____
-------------------	-------

Ballot Issue/Ballot Question (enter text of ballot issue or question here)	YES	_____
	NO	_____

PROCEDURAL INSTRUCTIONS: *Only provide a blank line for write-in candidates if there are any write-in candidates. 1-5-407(3), C.R.S.) ** Use only when a vacancy has been filled by appointment and any remaining unexpired portion of term must be filled by election.

(BACK SIDE OF ENVELOPE)

VOTER INFORMATION AND INSTRUCTIONS

SEAL VOTED BALLOT IN THIS ENVELOPE
AND RETURN IT TO THE ELECTION JUDGE.
THE ENCLOSED BALLOT WILL BE OPENED AT THE ELECTION OFFICE.

You have been asked to vote a provisional ballot due to at least one of the following reasons:

1. YOU WERE UNABLE TO PROVIDE IDENTIFICATION AS REQUIRED BY LAW.
2. YOUR VOTING ELIGIBILITY CANNOT BE VERIFIED BY THE ELECTION JUDGE TODAY. The Designated or Coordinated Election Official's office will check the registration records. If further research determines you are eligible to vote in this precinct, your provisional ballot will be counted.
3. YOU WERE PREVIOUSLY REGISTERED IN THE STATE OF COLORADO AND YOU HAVE MOVED WITHIN THE STATE BUT DID NOT RE-REGISTER. Your prior registration will be verified by the Designated or Coordinated Election Official's office before your provisional ballot will be counted. Your registration will then be updated with your current address.

IMPORTANT!!

- If you do not **complete and sign the affidavit** on the other side of this envelope, your provisional ballot will not be counted.
- If you have already requested an **absentee ballot** for this election, you must vote that ballot. You may not vote a provisional ballot.
- If you have moved into the State of Colorado from outside of the State of Colorado within 29 days before the election OR moved into the state and did not register before the registration deadline, your provisional ballot will not be counted.

PROVISIONAL BALLOTS SHALL NOT BE INCLUDED IN ANY UNOFFICIAL RESULTS.

VOTING MORE THAN ONCE IS A FELONY!

DISABLED VOTER ASSISTANCE

1-7-111, C.R.S.

Any person who assists any eligible elector to cast his or her ballot shall first complete the following voter assistance/disabled voter self-affirmation form:

"I, _____, shall not in any way attempt to persuade or induce the elector to vote in a particular manner nor will I cast the elector's vote other than as directed by the elector whom I am assisting."

(signature)

If the disabled elector is able to read and write, he or she shall complete the voter assistance/disabled voter self-affirmation form. The form shall provide:

"I, _____, affirm that I am an eligible elector in this political subdivision located in the county of _____ state of Colorado; that I shall vote today at this polling place. I further affirm that I have not, nor will I, cast a vote by any other means in this election."

(signature)

NON-ENGLISH VOTER ASSISTANCE

1-7-112, C.R.S.

Any person who assists any eligible elector to cast his or her ballot shall first complete the following voter assistance/disabled voter self-affirmation form:

"I, _____ shall not in any way attempt to persuade or induce the elector to vote in a particular manner nor will I cast the elector's vote other than as directed by the elector whom I am assisting."

(signature)

CERTIFICATE OF CHALLENGER

A person who has signed the Affidavit of Elector may have his/her right to vote challenged by an election judge, a watcher or any other eligible elector of the District. (1-9-201, C.R.S.)

OATH OF CHALLENGER

Name of Person Challenged _____

Basis for Challenge (a) Citizenship _____ (b) Residence in State _____ (c) Residence in District _____
(d) Age _____ (e) Property Ownership _____ (f) Other _____
(please explain)

Under penalty of perjury in the second degree as specified in 1-13-104, C.R.S., I swear or affirm that to the best of my belief, the person being challenged does not fulfill the requirements of an eligible elector of the _____ District.

(signature of challenger)

Oath administered by _____
(judge of election)

Polling Place# _____ Date _____, 20 ____ .

WITHDRAWAL OF CHALLENGE

I, _____, hereby withdraw the above challenge.
(print name)

(signature of challenger)

CERTIFICATE OF CHALLENGED VOTER

1. A judge of election may require a challenged voter to answer any pertinent questions concerning his/her qualifications as an elector. (1-9-203, C.R.S.) An election judge shall tender to the challenged voter the following OATH OR AFFIRMATION:

"I DO SOLEMNLY SWEAR OR AFFIRM THAT I WILL FULLY AND TRULY ANSWER ALL QUESTIONS THAT ARE PUT TO ME CONCERNING MY PLACE OF RESIDENCE AND MY QUALIFICATIONS AS AN ELIGIBLE ELECTOR AT THIS ELECTION." (1-9-203, C.R.S.)

2. If the person is challenged as not eligible because the person is not a citizen, an election judge shall ask the following question:

(a) Are you a citizen of the United States? _____

3. If the person is challenged as not eligible because the person has not resided in this state and district for thirty days immediately preceding the election, an election judge shall ask the following questions:

(a) Have you resided in this state and district for the thirty days immediately preceding this election? _____

(b) Have you been absent from this state during the thirty days immediately preceding this election, and during that time have you maintained a home or domicile elsewhere? _____

(c) If so, when you left, was it for a temporary purpose with the intent of returning, or did you intend to remain away? _____

(d) Did you, while absent, look upon and regard this state as your home? _____

(e) Did you, while absent, vote in any other state or any territory of the United States? _____

4. If the person is challenged as not eligible because the person is not eighteen years of age or older, an election judge shall ask the following question:

(a) To the best of your knowledge and belief, are you eighteen years of age or older? _____

5. If the person is challenged as not eligible because the person is not a property owner or the spouse of a property owner, an election judge shall ask the following questions:

(a) Are you a property owner or the spouse of a property owner in this political subdivision and therefore eligible to vote? _____

(b) What is the address or, for special district elections where an address is not available, the location of the property which entitles you to vote in this election?

6. An election judge shall put all other questions to the person challenged as may be necessary to test the person's qualifications as an eligible elector at the election.

7. If the person challenged answers satisfactorily all of the questions the person shall sign on the challenge form after the printed questions. The election judge shall indicate in the proper place on the challenge form whether the challenge was withdrawn or whether the challenged elector refused to answer the questions and left the polling place without voting.

(printed name of challenged voter)

(signature of challenged voter)

Oath Administered by: _____

(judge of election)

District, _____, 20 ____.

Polling Place No. _____

CERTIFICATE OF CHALLENGED VOTER (CONTINUED)

JUDGE: FILL IN THE FOLLOWING:

1. Was challenge withdrawn? _____
2. Did challenged voter refuse to answer questions concerning his/her residence and qualifications? ____
3. Did challenged voter leave polling place without voting? _____

If the challenge is not withdrawn and the challenged person has answered all questions put to him/her, he/she shall be allowed to vote, and the judges of election shall write "challenged" on the poll book after the person's name. **If the person refuses to answer the questions, his/her vote shall be rejected. (1-9-205, C.R.S.)**

OATH OF CHALLENGED REGISTERED VOTER

If the challenge is not withdrawn and the challenged person has answered all questions put to him/her, an election judge shall administer the following oath:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM A CITIZEN OF THE UNITED STATES OF THE AGE OF EIGHTEEN YEARS OR OLDER; THAT I HAVE BEEN A RESIDENT OF THIS STATE FOR THIRTY DAYS IMMEDIATELY PRECEDING THIS ELECTION AND HAVE NOT MAINTAINED A HOME OR DOMICILE ELSEWHERE; THAT I AM A REGISTERED ELECTOR; THAT I AM ELIGIBLE TO VOTE AT THIS ELECTION; AND THAT I HAVE NOT PREVIOUSLY VOTED AT THIS ELECTION. (1-9-204, C.R.S.)

Name of Challenged Person _____

(signature of challenged voter)

Oath Administered by _____
(judge of election)

_____ District, _____, 20 ____.

Polling Place No. _____

BALLOT ACCOUNTING FORM

1-7-308, C.R.S.

As the election judges open and read the ballots, other election judges shall carefully enter the votes for each of the candidates, each ballot issue and each ballot question as received on the accounting forms furnished by the designated election official for that purpose. The names of the candidates shall be placed on the accounting forms in the order in which they appear on the official ballots.

Total Number of Provisional Ballot Envelopes (uncounted): _____

CANDIDATES	COUNT	TOTAL

Number of Defective Ballots: _____

FOR QUESTION A	AGAINST QUESTION A
TOTALS:	TOTALS:

Number of Defective Ballots: _____

FOR QUESTION B	AGAINST QUESTION B
TOTALS:	TOTALS:

Number of Defective Ballots: _____

JUDGES' CERTIFICATE OF ELECTION RETURNS

1-7-601, C.R.S.

IT IS HEREBY CERTIFIED by the undersigned, who conducted the election held in the _____ District, (in polling place no. _____,) in the county of _____ and State of Colorado, on the _____ day of _____, in the year 20 _____, that after qualifying by swearing and subscribing to their Oaths of Office, they opened the polls at 7:00 a.m., and that they kept the polls open continuously until the hour of 7:00 p.m. on said date, after which they counted the ballots cast for directors of said District and for any ballot issues and ballot questions submitted.

That the votes cast for Director of said District, including write-in candidates, for a 4-year term were as follows:

Candidate for Director	Number of Votes Cast
_____	_____ (numeric & spelled out)

That the votes cast for Director of said District, including write-in candidates, for a 2-year term were as follows:

Candidate for Director	Number of Votes Cast
_____	_____ (numeric & spelled out)
_____	_____ (numeric & spelled out)
_____	_____ (numeric & spelled out)

That the votes cast for and against each ballot issue and ballot question submitted were as follows:

	YES	NO
Ballot Issue\Question A	_____ (numeric & spelled out)	_____
Ballot Issue\Question B Etc.	_____ (numeric & spelled out)	_____

JUDGES' CERTIFICATE OF ELECTION RETURNS, continued

Recommended for Polling Place Election Only

1-7-601(2), C.R.S.

NOTE: You will need to use Form B-48 when holding a mail ballot election.

It is hereby identified and specified that:

Numeric & Spelled Out

Total Number Ballots Received from the Designated Election Official:
(including absentee ballots) (____)_____

Total number of ballots voted:
(including provisional ballots (if there are 25 or less) and absentee ballots) (____)_____

Unofficial ballots voted:
(ballots used if the originals are destroyed) (____)_____

Substitute ballots voted:
(if new ballots have to be created or sample ballots used because
of an insufficient number being available on site) (____)_____

Ballots delivered to electors: (____)_____

Spoiled ballots:
(ballots spoiled by electors) (____)_____

Ballots rejected for insufficient information:
(absentee ballots) (____)_____

Challenged ballots: (____)_____

Ballots not delivered to electors:
(those remaining on the ballot pad) (____)_____

Provisional ballot envelopes (if over 25) (____)_____

Ballots returned to the Designated Election Official: (____)_____

(ALL UNUSED BALLOTS, SPOILED BALLOTS AND STUBS OF BALLOTS SHALL BE RETURNED WITH THIS STATEMENT)

Certified by us:

_____, Election Judge

_____, Election Judge

_____, Election Judge

_____, 20____
(date)

Polling Place Number if Applicable: _____

JUDGES' CERTIFICATE OF ELECTION RETURNS

Recommended for Mail Ballot Elections

1-7.5-107 C.R.S.

It is hereby identified and specified that:

Numeric & Spelled Out

Number of ballots sent out: () _____

Number of ballots returned: () _____

Number of undeliverable ballots
(returned by the Post Office) () _____

Number of replacement ballots issued:
(a ballot requested by an eligible elector if the ballot was destroyed, spoiled,
lost or for some reason not received) () _____

Number of replacement ballot returned: () _____

Number of absent voter ballots issued: () _____

Number of absent voter ballots returned: () _____

Number of return-verification envelopes in non-compliance: () _____

Number of spoiled ballots returned: () _____

Number of unused ballots: () _____

Number of defective ballots: () _____

Number of first time voter ballots returned without adequate identification () _____

(ALL UNUSED BALLOTS, SPOILED BALLOTS AND STUBS OF BALLOTS SHALL BE RETURNED WITH THIS STATEMENT.)

Certified by us:

_____, Election Judge

_____, Election Judge

_____, Election Judge

_____, 20_____
(date)

JUDGES' UNOFFICIAL ABSTRACT OF VOTES

1-7-602, C.R.S.

NOTICE TO THE PUBLIC: State law requires that provisional ballots cast in any election are to be verified. These returns do not include properly verified votes cast by provisional ballot. Therefore, these are the **UNOFFICIAL** returns of votes cast. For informational purposes, the District has up to seven (7) days subsequent to the date of the election in which to verify and count eligible provisional ballots.

For an election held for _____ District on _____, 20____.

Total number of provisional ballot envelopes (uncounted): _____

Ballots counted for the following candidates:

Candidate	Votes Counted
_____	_____
_____	_____
_____	_____
_____	_____

Ballots counted for and against each ballot issue and ballot question as follows:

Ballot Question/Issue A:
(include ballot title)

Yes	No
_____	_____

Ballot Question/Issue B:
(include ballot title)

Yes	No
_____	_____

By:

_____, Election Judge

_____, Election Judge

PROCEDURAL INSTRUCTIONS: This abstract shall be made by the election judges and posted in a conspicuous place which can be seen from the outside of the polling place. This abstract is to be posted immediately upon completion of the counting and may be removed at any time after 48 hours following the election.

RECEIPT FOR RETURN OF ELECTION MATERIALS

_____, 20 __

Received from _____
(name)

Supply Judge of Election of _____ District

Election Polling Place No. _____,

_____ Election Returns

_____ Ballot Box

_____ Poll Book

_____ Provisional Ballot Envelopes

_____ Copies of Identification

_____ All Other Election Materials

(designated election official)

_____ District

_____ County, Colorado

PROVISIONAL BALLOT LOG

_____ District

_____ Election _____ (date)
 (regular/special)

BALLOT STUB NO.	VOTER NAME	Absentee ballot requested (check one)	VERIFICATION OF ELECTOR'S VOTER REGISTRATION (check all three databases)			acceptance code	rejection code
			County Voter Records License	Sec of State	Drivers		
No. _____		Yes _____ No _____					
No. _____		Yes _____ No _____					
No. _____		Yes _____ No _____					
No. _____		Yes _____ No _____					

Information for Provisional Ballot Log

The provisional ballot shall not be counted if any one of the following are true:

- a) The elector was not registered by the deadline in the State of Colorado;
- b) The affidavit was not signed;
- c) The elector was not eligible to vote in such election

ACCEPTANCE CODES:

OK Reviewed and countable; all criteria met and ballot will be counted.

REJECTION CODES:

ANS Affidavit not signed

INC Required information is incomplete

NPR Elector not previously registered; elector indicated registration in another Colorado county, but that county does not show a record of voter's registration.

NR Voter did not register by the deadline; there is no Colorado record

EE Provisional ballot envelope is empty

NE Elector not eligible to vote in election

JUDGES' EXPENSE BILL - PAY SHEET

To be filled out and returned to the designated election official with all other election materials.

_____ DISTRICT

STATE OF COLORADO

Claimants Name & Mailing Address	Service	Amount Claimed	Total
TO: _____	Judge of Election _____		
	Social Security Number _____		
TO: _____	Judge of Election _____		
	Social Security Number _____		
TO: _____	Judge of Election _____		
	Social Security Number _____		
TO: _____	Judge of Election _____		
	Social Security Number _____		
TO: _____	Supply Judge of Election _____		
	Social Security Number _____		

We, the undersigned Judges of Election in said _____
 District, certify that we served as Judges of Election at the _____ Election on
 _____, 20____.

(regular or special)

 (signature)

 (signature)

 (signature)

 (signature)

OATH OF CANVASSER

1-10-201(5), C.R.S.

I, _____, do solemnly swear (or affirm) that I am a registered elector in the county of _____ and of the State of Colorado and that I will faithfully perform the duties required of a member of the canvass board.

(canvasser signature)

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Subscribed and sworn to before me this ____ day of _____, 20____,
by _____.

(designated election official)

CANVASSERS ABSTRACT OF VOTES

1-10-203, C.R.S.

For an election held for _____ District on
_____, 20_____.

Ballots counted for the following candidates:

Candidate	Votes Counted
_____	_____
_____	_____
_____	_____
_____	_____

Ballots counted for and against each ballot issue and ballot question as follows:

Ballot Question/Issue A:
(include ballot title)

Yes	No
_____	_____

Ballot Question/Issue B:
(include ballot title)

Yes	No
_____	_____

By: _____, Designated Election Official

_____, Canvasser

_____, Canvasser

PROCEDURAL INSTRUCTIONS: No later than 7 days after the election, the canvassers shall meet, survey the returns, issue a certified statement of results, and make out abstracts of votes for each office. The purpose of this canvass is to verify the returns. **DO NOT RECOUNT BALLOTS.**

**BOARD OF CANVASSERS CERTIFICATE OF
ELECTION RESULTS FOR THE REGULAR ELECTION**

HELD _____, 20____

1-11-103 and 32-1-104(1), C.R.S.

_____DISTRICT

_____COUNTY, COLORADO

Each of the undersigned members of the board of canvassers of the _____
_____ District certifies that the following is a true and correct statement of the results
of the Regular Election for the above-named District, at which time the eligible electors of the District voted as
indicated on the attached Judges' Certificate of Election Returns, and as a result of which the eligible electors elected
to office the following Directors:

For Each Candidate Elected to Office:

Name	Address	Term
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
etc.	_____	_____

For Each Question/Issue Submitted: (Attach copy of ballot question)

Number of votes for: _____

Number of votes against: _____

(Signed) _____
(designated election official)

(Signed) _____
(canvasser)

(Signed) _____
(canvasser)

(contact person for the district)

(business address)

(telephone number)

PROCEDURAL INSTRUCTIONS: Prepare and deliver a Certificate of Election to those candidates receiving the highest number of votes. Deposit 1 copy with the Clerk and Recorder of each county in which the special district is located. This must be available for public inspection in the office of the Designated Election Official. Send 1 copy to: Division of Local Government, 1313 Sherman Street, Room 521, Denver, CO 80203. Provide a list of all current directors to the Division, including addresses, within 30 days after the election.

OATH OF OFFICE

32-1-901, C.R.S.

STATE OF COLORADO,

_____ COUNTY
_____ DISTRICT

I, _____, will faithfully support the Constitution of the United States and of the State of Colorado, and the laws made pursuant thereto, and will faithfully perform the duties of the office of Director of _____ upon which I am
(name of special district)

about to enter

(signature)

Subscribed and sworn to before me this _____ day of _____, 20_____.

By: _____
(person authorized to administer oaths, i.e. County Clerk and Recorder, Clerk of the Court, any other person authorized to administer oaths or Chairman of the Board of Directors)

IF SWORN OR AFFIRMED BEFORE A NOTARY THE FOLLOWING SHOULD BE COMPLETED.

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20_____.

(notary commission expiration)

(notary signature)

PROCEDURAL INSTRUCTIONS: This document is to be filed with the Clerk of the Court and with the Division of Local Government within 30 days after the election or appointment.

APPENDIX C

SAMPLE JUDGES INSTRUCTIONS



ELECTION JUDGE WORKBOOK

SPECIAL DISTRICT REGULAR ELECTION

(DATE)

DESIGNATED ELECTION OFFICIAL'S PHONE NUMBER:





COUNTY CLERK'S PHONE NUMBER:



EMERGENCY PHONE NUMBER:

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FREQUENTLY ASKED QUESTIONS

WHAT IS AN ELECTION JUDGE?

Election judges are responsible for the administration of election procedures on election day. They are in the position to see that all eligible electors are given the opportunity to exercise their constitutional right to vote and that the laws established by the Colorado Revised Statutes are followed to guarantee the purity of elections. Judges **cannot** leave the polling place after taking the Judges Oath, except in an emergency. The emergency must be reported to the designated election official immediately.

WHAT IS A DESIGNATED ELECTION OFFICIAL?

The designated election official is appointed by the governing board of the special district. This person may be the secretary of the board, county clerk and recorder, municipal clerk or other person who has the overall responsibility for running an election.

WHAT ARE THE QUALIFICATIONS NECESSARY TO BE AN ELECTION JUDGE?

- Be an eligible elector who resides in the special district, unless otherwise excepted, and is willing to serve
- Be physically and mentally able to perform required tasks.
- Attend a class of instruction concerning tasks of an election judge.
- Never have been convicted of any election fraud, any other election offenses, or fraud.
- Be neither a candidate whose name appears on the ballot in the election that they are appointed to serve nor a member of the immediate family, related by blood or marriage to the second degree, of a candidate whose name appears on the ballot.
- Complete an affidavit stating they have the necessary qualifications.

WHAT ARE SOME OF THE DUTIES OF THE ELECTION JUDGES?

- To open and close the polls
- To be responsible for all election materials
- To ensure that only eligible electors are permitted to vote and that each eligible elector is permitted to vote only once.
- To maintain order in the polling place throughout the day.
- To ensure that no electioneering is going on in the polling place or within 100 feet of any building in which a polling place is located on election day.
- To perform all duties courteously, efficiently and in accordance with the law.

WHAT IS A “NONPARTISAN” ELECTION JUDGE AND HOW ARE THEY APPOINTED?

All special district elections are “nonpartisan,” which means that all candidates listed on the ballot are not listed with a political party affiliation. All ballot issues or questions are “nonpartisan.”

No later than 45 days before a regular election, the designated election official shall appoint election judges unless otherwise directed by the board of directors of the special district. The designated election official shall appoint no less than two election judges for each polling place.

Any person who has been appointed by a clerk and recorder, who has filed an acceptance as an election judge and attended a class of instruction may be appointed as an election judge for a non partisan election

Election judges for nonpartisan elections shall have their appointment certified no later than 30 days before the regular nonpartisan election. The designated election official shall certify the list of appointed election judges and mail one acceptance form to each person appointed. The term of office for a nonpartisan election judge is two years from the date of the appointment.

WHAT IS A COORDINATED ELECTION?

If more than one political subdivision holds an election on the same day in November and the eligible electors for each such election **are the same or the boundaries overlap**, the county clerk and recorder shall be the coordinated election official and shall conduct the election on behalf of all political subdivisions that are not utilizing the mail ballot procedure. Political subdivisions include counties, municipalities, school districts and special districts formed in accordance to Title 32 Article 1 of the Colorado Revised Statutes.

Elections that are set for the same day by various political subdivisions, **may** be held as coordinated elections if the governing bodies choose.

ARE ELECTION JUDGES COMPENSATED FOR THEIR TIME?

In all elections, each judge shall receive not less than \$5 for their services provided as a judge at the election. Judges may be paid expenses and reasonable compensation for attending election schools. The amount of compensation is determined and paid by the special district conducting the election. Compensation is to be uniform throughout a particular special district.

WHAT ARE THE RESPONSIBILITIES OF A SUPPLY JUDGE?

The supply judge is appointed by the designated election official and is responsible for the over-all conduct of the election in the polling place. Specifically, the supply judge's responsibilities include receiving election supplies and equipment from the designated election official, delivering election supplies and equipment to the polling place and returning all election supplies, election equipment and ballots to the designated election official once the election is concluded.

Prior to the election, the supply judge shall attend a special school of instruction held by the designated election official for which the judge is reimbursed no less than \$5.

AFTER THEIR APPOINTMENT, HOW CAN AN ELECTION JUDGE PREPARE FOR ELECTION DAY?

The designated election official shall hold at least one class of instruction for all election judges. The acceptance form for an election judge contains a statement that a person who fails to attend a class of instruction may be disqualified from serving.

The designated election official will have the registration records, property owners list and all necessary registration supplies available for pick up by the supply judge at least one day prior to the election. The supply judge must sign a receipt for the registration records

The registration records and property owners list will be delivered in a sealed envelope or container. The supply judge will also receive the list of absentee voters.

It is advisable that the supply judge check the polling place prior to the election to ascertain that various equipment is available (phones, tables, chairs, electrical outlets, etc.) for election day. The supply judge will also need to make arrangements for getting into the building by 6 A.M. on election day.

WHAT ARE THE REQUIREMENTS FOR TRANSLATING VOTING MATERIALS INTO OTHER LANGUAGES?

Districts in the following Colorado counties are required by the Federal Voting Rights Act to provide all materials in English and the following languages: Alamosa (Spanish), Conejos (Spanish), Costilla (Spanish), Crowley (Spanish), Denver (Spanish), La Plata (American Ute Indian and American Navajo Indian), Montezuma (American Ute Indian and American Navajo Indian), Otero (Spanish), Rio Grande (Spanish) and Saguache (Spanish). The designated election official of the district will provide these materials if necessary.

SPECIAL CIRCUMSTANCES

WATCHERS – DUTIES, OBLIGATIONS AND RIGHTS

Watchers may be present at the polling place from 6:45 AM until the completion and the certification of the vote count. They have a right to keep a list of voters, to witness and to verify each step in the conduct of the election. They may also challenge potentially ineligible electors and assist in the correction of discrepancies. A watcher must be an eligible elector of the special district for which they are appointed

Candidates for office in nonpartisan elections, or interested parties in the case of a ballot issue or ballot question, will be entitled to appoint one person to act as a watcher in every polling place in which they are a candidate or in which the issue is on the ballot. **(See Form B-26)**

Watchers shall take an oath administered by one of the election judges. Neither candidates nor members of their immediate families by blood or marriage may be poll watchers for **that** candidate. **(See Form B-27)**

NON-ENGLISH SPEAKING ELECTOR ASSISTANCE

If the elector has difficulty with the English language, they shall be entitled, upon making a request, to receive assistance of an election judge, or a person selected by the designated election official to provide assistance, or any person selected by the eligible elector requesting assistance. The person selected must be able to provide assistance in both the language in which the elector is proficient and in English. No person, other than an election judge or person selected by the designated election official shall be permitted to assist more than one elector per election unless the person is the elector's spouse, parent, grandparent, sibling or child eighteen years or older.

Any person who assists any eligible elector to cast their vote, shall first complete the "Non English Voter Assistance" **(See Form B-40)**

When assistance is provided to an elector, the name of the eligible elector assisted and the name of the person assisting shall be recorded in the poll book.

DISABLED VOTER ASSISTANCE

Any person, who because of a physical disability or inability to read or write, is unable to complete his/her ballot or Self-Affirmation, or to operate the voting machine without assistance, shall be entitled to request assistance of any of the election judges or, at the elector's option, any eligible elector selected by the disabled elector.

Any person other than the election judge or the spouse, parent, grandparent, sibling or child eighteen or older of the elector who assists more than one eligible elector in casting his/her ballot shall first complete the "Disabled Voter Assistance" form **(See Form B-39)**.

When assistance is provided to an elector, the name of the eligible elector assisted and the name of the person assisting shall be recorded in the poll book

NAME DOES NOT APPEAR ON REGISTERED VOTER OR PROPERTY OWNER'S LIST

Each person desiring to vote must complete a self-affirmation form **(See Form B-34)**. If a person's name does not appear on either the registered voters list or property owners list, an election judge must present to her/him a printed "Notice of Perjury" **(See Form B-35)** provided by the designated election official. The

individual should initial the notice and it should be attached to the self-affirmation. Then the individual may be given the ballot.

CHALLENGE OF VOTER

The challenge procedure is used when an election judge, any eligible elector, watcher, or election official believes the person offering to vote is not qualified because of age, residency, citizenship or property ownership status.

All challenges are made by written oath, under penalty of perjury, taken by the challenger (**See Form B-41**). The Challenge Form is included with the election supplies. The form is to be signed by the challenger, and sets forth the name of the person challenged and the reason for the challenge. One of the judges administers the oath to the challenged elector (**See Form B-42 & B-43**) and asks the appropriate questions concerning his/her qualifications as an elector. If the challenge is not withdrawn after the person has answered the questions (**See Form B-41**) he/she is allowed to vote, and the word "sworn" is written after his/her name in the poll book. If the challenged elector refuses to answer the questions, his/her vote shall be rejected (shall not be allowed to vote). If the challenged elector answers the questions in a manner that would reflect the person is not an eligible elector, his/her vote shall be rejected. The Challenge Forms are returned to the designated election official with the other election supplies. Judges will want to keep the certificate of challenge with the ballot and note on the registration list that the person was challenged or that the challenge was withdrawn.

WRITE-IN CANDIDATES

If election judges are asked direct questions regarding a candidate's withdrawal or write-in candidate, the judges **may confirm** the information. Example: "Is Joanne Smith running as a write-in candidate?" The judges may answer, "Yes". However, if an elector says, "Please tell me who is running as a write-in candidate." The judge **may not** answer "Joanne Smith". The designated election official will provide a list of all write-in candidates who filed the "Affidavit of Intent to be a Write-In Candidate". This list is kept under the poll book. When asked by an eligible elector who is running as a write-in candidate, the list is handed to the eligible elector for review and then returned to the judge, who promptly returns the list under the poll book.

VOTER IDENTIFICATION:

Any eligible elector wishing to vote must show his or her identification. The following forms of identification are acceptable:

- A valid Colorado driver's license; or
- A valid Colorado Department of Revenue identification card; or
- A valid U.S. passport; or
- A valid pilot's license with photograph issued by the Federal Aviation Administration; or
- A valid employee identification with a photograph issued by the U.S. Government, Colorado state government, or any county, municipality, board, authority, or other political subdivision of the state; or
- A valid U.S. Military Identification card with photograph; or
- A copy of a current utility bill, bank statement, government check, paycheck, or other governmental document that shows the name and address of the elector; or

If the voter is not able to show any form of identification as listed above, the voter must vote a provisional ballot. Once voted, the voter completes the provisional ballot affidavit and the voter's ballot shall be sealed in a provisional ballot envelope (**See Form B-37 & 38**) and the ballot shall be secured and depos-

ited in a ballot container. All provisional ballots voted shall remain sealed in their envelopes for return to the designated election official for verification and processing. The provisional ballots shall not be counted on election day.

The election judge shall mark, on a space provided, on the provisional ballot envelope, indicating that the elector has failed to provide required voter identification.

PROHIBITED ELECTION PRACTICES

The Election Code prohibits the following practices. Any one of these infractions constitutes a misdemeanor, and, upon conviction, the offender is subject to a penalty fine not to exceed \$1,000 or by imprisonment in county jail not to exceed one year or both.

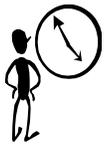
- Interfering with an election official
- Interfering with a watcher
- Violation or neglect of duty
- Intimidation of an eligible elector
- Electioneering within 100 feet of the polls
- Liquor in or near the polls
- Tampering with notices or supplies
- Tampering with registration list or property owners list
- Unlawfully refusing or permitting voting
- Voting more than one time
- Interfering with an eligible elector while voting
- Disclosing or identifying votes
- Destroying, removing or delaying of ballots and other election papers
- Revealing how an eligible elector votes
- Releasing information concerning the vote count before the accounting sheet is posted
- Tampering with the voting equipment

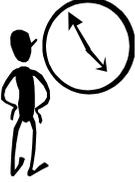
JUDGES SUPPLY CHECKLIST

(Where appropriate, Special District Election Manual Forms are Identified)

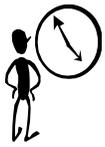
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	Judges Expense Bill – Pay Sheet	B-52
	Cell Phone	

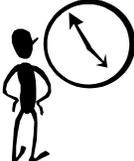
<p>TIME</p> 	<p>PROCEDURES</p> 	<p>FORMS</p> 
<p>6:15 AM – 6:45 AM</p>	<p>_____ Supply judge will assign duties to other judges. It is a good idea to change duties among judges during the day. Suggested division of duties is as follows, however, you may combine duties as necessary:</p> <p>_____ Self-affirmation & identification assistance; _____ Verification of registration and/or property ownership; _____ Poll book entry and ballot distribution; _____ Voting booth assistance and ballot box assistance</p> <p>_____ Administer judges oath. Each judge shall sign an oath of election. These are then attached to the poll book.</p> <p> Judges may not leave the site. They can walk along the site. This may be a good idea to ensure that no one has placed campaign materials within 100 feet of the voting area.</p>	<p>B-25</p>
<p>6:55 AM</p>	<p>_____ Open ballot box(es) (if using paper ballots or electronic voting machines front of everyone and turn them upside down to make sure they are empty. Voting machines shall be examined to insure that no vote has been cast and that every counter, except the protective counter, registers zero</p> <p>_____ Lock ballot box(es) securely</p>	
<p>7:00 AM</p>	<p>_____ One of the judges announces in a clear and loud voice that the polls are open.</p>	
<p>7:00 AM 7:00 PM</p>	<p>_____ It is advisable that the election judges vote first to ascertain that the voting devices are in proper working order. The same voting procedures must be followed with the registration list and poll book before a judge may be allowed to vote</p> <p> If any election judge is not present at the opening of the polls, the designated election official shall be notified immediately. If the election judge appears at the polls by 7:30 AM, he/she, will be entitled to serve in the capacity as an election judge, but the tardiness will be so noted in the official returns.</p>	

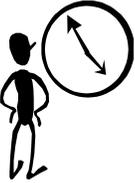
TIME 	PROCEDURES 	FORMS 
7:00 AM– 7:00 PM	<p>For each voter, the following procedure is followed:</p> <p>_____ The voter must show some form of identification. The following forms of identification are acceptable:</p> <ul style="list-style-type: none"> A valid Colorado driver’s license; or A valid Colorado Department of Revenue identification card; or A valid U.S. passport; or A valid pilot’s license with photograph issued by the Federal Aviation Administration; or A valid employee identification with a photograph issued by the U. S. Government, Colorado state government, or any county, municipality, board, authority, or other political subdivision of the state; or A valid U.S. Military Identification card with photograph; or A copy of a current utility bill, bank statement, government check, paycheck, or other governmental document that shows the name and address of the elector. <p>The election judge should note the form of identification presented on the registration list.</p> <p>If the voter is NOT able to show any form of identification as listed above, the voter must vote a provisional ballot. The judge must mark on the ballot the word, “provisional” and shall make the same notation by the person’s name in the poll book or the self-affirmation form. Once voted, the voter completes the provisional affidavit and the voter’s ballot shall be sealed in a provisional ballot envelope. The voter’s envelope shall be numbered to correspond to the number of the elector’s name in the poll book.</p> <p>The ballot shall be secured and deposited in a ballot container. All provisional ballots voted shall remain sealed in their envelopes for return to the designated election official or the county clerk. The election judge shall mark, on a space provided, on the provisional ballot envelope, indicating that the elector has failed to provide required voter identification. Provisional ballots are not counted on election day</p> <p>_____ The judge presiding over the registration book hands the voter self-affirmation to fill out and sign. The judge attending the registration book accepts the self-affirmation and does the following:</p> <p>_____ Verifies the name and address in the registration or the property owners list and announces the name;</p>	<p>B-37 & B-38</p> <p>B-34</p>

TIME 	PROCEDURES 	FORMS 
7:00 AM– 7:00 PM	<p>_____ Asks the poll book judge for the next poll book line number and writes it on both the self-affirmation and in the registration book.</p> <p>_____ Hands the self-affirmation to the poll book judge.</p> <p>_____ After receiving the signature card (self-affirmation), the poll book judge enters the eligible name (last name, first name and middle initial) and ballot number, and if not challenged, the elector shall be permitted to enter the voting area. Do not skip lines in the poll book. No eligible elector shall occupy a voting booth for more than 10 minutes.</p> <p>PAPER BALLOTS Election judges shall give to each eligible elector a single ballot, which shall be separated from the stub by tearing or cutting along the perforated or dotted line. The election judge shall put his/her initials on the duplicate stub.</p> <p>_____ Upon receiving a ballot, the elector shall proceed unaccompanied to a voting booth. To cast a vote, the elector marks the appropriate square or places a cross mark (X) opposite the name of the candidate or the names of the joint candidates of their choice or the ballot issue or question they desire.</p> <p>_____ Before leaving the booth, the elector shall fold the ballot without displaying the marks, in the same way it was folded when received by the elector, so that the contents of the ballot are concealed and the stub can be removed without exposing any of the contents of the ballot, and shall keep the ballot folded until it is deposited in the ballot box.</p> <p>_____ After completing the ballot, the elector shall leave the voting booth and give his/her name to the election judge in charge of the ballot box. The election judge shall clearly announce the name. The elector's ballot shall be handed to the election judge in charge of the ballot box, who shall announce the name of the elector and the number on the duplicate stub, which should correspond with the stub number on the registration list.</p>	

TIME 	PROCEDURES 	FORMS 
7:00 AM– 7:00 PM	<p>_____ If the stub number of the ballot corresponds and is identified by the initials that the issuing election judge placed there, the election judge shall then remove the duplicate stub from the ballot. The ballot shall then be returned by the election judge to the elector, who shall, in full view of the election judges, deposit it in the ballot box, with the official endorsement on the ballot facing upward.</p> <p>VOTING MACHINES The designated election official shall provide each polling place with two sample ballots which shall be arranged in the form of a diagram showing the front of the voting machine as it will appear after the official ballot labels are arranged for voting on election day.</p> <p>_____ In case any elector, after entering the voting machine asks for further instructions concerning the manner of voting, an election judge shall give instructions to the elector. No election judge or other election official or person assisting an elector shall enter the voting machine, except as provided for disabled voters or non-English speaking electors.</p> <p>_____ No person shall deface or damage any voting machine or the ballot thereon. The election judges shall designate at least one election judge to be stationed beside the entrance to the voting machine during the entire period of the election to see that it is properly closed after each voter has entered. The judges shall, as they deem necessary, also examine the face of the machine to determine whether it has been defaced or damaged, to detect any wrongdoing and to repair any damage.</p> <p>ELECTRONIC VOTING EQUIPMENT An election judge shall give to each eligible elector only one ballot or ballot card, which shall be removed from the package by tearing it along the perforated line below the stub. The election judge in charge of the poll book shall write the name of the eligible elector and the number of the ballot or ballot card in the poll book.</p> <p>_____ After receiving a ballot, the elector shall proceed unaccompanied to the voting booth. To cast a vote, the</p>	

TIME 	PROCEDURES 	FORMS 
7:00 AM– 7:00 PM	<p>_____ elector clearly marks or stamps in the appropriate square or places a crossmark (X) opposite the candidate or names of candidates or opposite the ballot issue or question the elector chooses.</p> <p>_____ Before leaving the voting booth, the eligible elector, without displaying the marks thereon, shall place the ballot in the privacy envelope so that the contents of the ballot or ballot card are concealed and shall place the envelope and the ballot or ballot card in the ballot box.</p> <p>_____ Upon leaving the voting booth, the elector shall approach the election judge having charge of the ballot box. The elector shall give his or her name to one of the election judges. The elector shall in full view of the election judges, deposit the ballot or ballot card in the ballot box, with the official endorsement on the ballot or ballot card facing upward.</p> <p>_____ In polling places which use electronic voting equipment in which voting is by a method other than a ballot, each voter shall be listed by name in the poll book and shall be given an entry card to the electronic voting device.</p> <p> In a polling place where voting is on a ballot or ballot card, no person shall remove any ballot or ballot card from the polling place before the close of the polls. Any eligible elector who spoils a ballot or ballot card may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled ballot or ballot card. The spoiled ballots or ballot cards returned shall be immediately canceled and shall be preserved and returned to the designated election official.</p>	

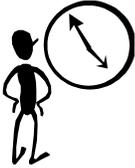
TIME 	PROCEDURES 	FORMS 
<p>AFTER 7:00 PM</p>	<p>PAPER BALLOTS (cont.) All forms including the “Judges Expense Bill – Pay Sheet”, shall be signed by the election judges and along with all of the materials and ballot boxes, shall be returned to the designated election official by the supply judge. The designated election official shall complete the “ Receipt for Return of Election Materials”.</p> <p> Votes cast for an office to be filled or a ballot issue to be decided, shall not be counted if an elector marks more names than there are persons to be elected to an office or if for any reason it is impossible to determine the elector’s choice of candidate or vote concerning the ballot issue.</p> <p> A defective or incomplete cross mark on any ballot in a proper place shall be counted if no other cross mark appears on the ballot indicating an intention to vote for some other candidate or issue.</p> <p> If the election judges are unable to determine the intent of the elector’s vote in a section of the ballot, that section shall be marked “defective” and no vote shall be counted for such section. If the election judges are unable to determine the intent of the elector’s vote for all candidates sections and ballot issues or ballot questions, the entire ballot shall be marked “defective”, banded together and separated from the other ballots returned to the ballot box, and</p> <p>_____ VOTING MACHINES. As soon as the polls are closed, the election judges shall immediately lock and seal each voting machine against further voting.</p> <p>_____ Immediately after each machine is locked and sealed; the judges shall open the counting compartment and proceed to count the votes. After the total vote for each candidate and for each ballot issue has been counted, the election judge will record the number of votes cast.</p>	<p>B-52</p> <p>B-49</p>

TIME 	PROCEDURES 	FORMS 
AFTER 7:00 PM	<p>VOTING MACHINES (cont)</p> <p>_____ Election judges utilizing the “Accounting Forms” will carefully record the votes cast for each of the candidates and for each ballot issue</p> <p>_____ The judges complete the “Judges’ Unofficial Abstract of Votes”. It is posted for 48 hours in a conspicuous place that can be seen from outside the polling place.</p> <p>_____ Judges complete and sign the “Certificate of Election Results”..</p> <p>_____ All forms, including the “Judges Expense Bill – Pay Sheet”, shall be signed by the election judges and along with all of the materials and ballot boxes, shall be returned to the designated election official by the supply judge. The designated election official shall complete the “Receipt for Return of Election Materials”.</p> <p>ELECTRONIC VOTING EQUIPMENT</p> <p>_____ After the polls have closed, the election judges shall secure the vote recorders or the voting devices, or both, against further use.</p> <p>_____ The return printed by the electronic vote tabulation shall constitute the official return of each polling place when certified by the designated election official. It is posted by the election judges in a conspicuous place that can be seen from outside the polling place where it remains for 48 hours.</p> <p> All individuals involved in the processing and counting of ballots or recorded polling place votes shall be deputized in writing and take an oath that they will faithfully perform their assigned duties</p> <p>_____ All forms signed by the election judges, including the “Judges Expense Bill – Pay Sheet”, and election materials, shall be returned by the supply judge to the designated election official. The designated election official completes the “Receipt for Return of Election Materials”.</p>	<p>B-44,</p> <p>B-48</p> <p>B-45 & B-46</p> <p>B-52</p> <p>B-49</p> <p>B-52</p> <p>B-49</p>

TIME 	PROCEDURES 	FORMS 
AFTER 7 PM	<p>Preparing to count absentee ballots:</p> <p>_____ The designated election official shall have already delivered to the supply judge, all the absentee envelopes received up to that time in packages or ballot boxes that are locked and sealed with a numbered seal together with the signed Application for Absentee Ballots, the count and the list of absentee electors and the “Record of Absentee Voter Ballot Applications”. A receipt shall be given.</p> <p> On the sealed packages and boxes of absentee envelopes shall be printed or written, “This package (or box) contains ____ (number) absentee envelopes</p> <p> With the envelopes, the designated election official shall deliver to the supply judge written instructions, which will be followed by the election judges in casting and counting the ballots, and all of the lists, records, and supplies needed for tabulating, recording and certifying the absentee ballots. The ballots will NOT have been removed from the envelopes.</p> <p>_____ The outside of the absentee ballot envelope will designate whether or not the voter is required to provide a copy of an approved form of identification. This is a requirement for first time voters in the county. If the voter has submitted a copy of the identification, the identification should be removed and placed aside to be given to the designated election official. The ballot envelope shall be placed with the other absentee ballot envelopes.</p> <p>_____ If the marked return envelope should include identification, but does not, the ballot shall be treated as a provisional ballot. The outside of the return envelope shall be marked provisional and counted separately (See Page 23-24)</p> <p>_____ Before opening any ballot envelope, one of the election judges, in the presence of a majority of the other judges, inspects the self- affirmation on the return envelope. For the ballot to be counted, the self-affirmation must have been completed by the elector and signed.</p>	<p>B-17 B-20</p> <p>B-19</p>

TIME 	PROCEDURES 	FORMS 
	<p>_____ If the self-affirmation on the return envelope does not meet the requirements, the election judges shall mark the envelope “rejected” and shall write on the envelope the reason for the rejection. The envelope shall be set aside without being opened, and the ballot shall not be counted.</p> <p>_____ If an absentee envelope contains more than one marked ballot of any kind, none of the ballots shall be counted and the election judges shall write the reason for the rejection on the back of the ballot envelope.</p> <p>_____ If these requirements have been met and the self-affirmation appears complete and correct, the receiving judge shall tear open the envelope without defacing the self-affirmation or mutilating the enclosed ballot. One of the judges shall enter or verify the name of the absentee in the poll book , remove the ballot stub and another election judge shall deposit the ballot in the ballot box.</p> <p>_____ Election judges shall certify in their returns the number of absentee ballots cast and counted for each candidate, for or against each ballot issue or question and the number of ballots rejected.</p> <p>Counting the absentee ballots:</p> <p>_____ PAPER BALLOTS. Each ballot shall be read and counted separately. Every name of each candidate marked as voted for on the ballot shall be read and an entry made on each accounting form before any other ballot is counted. Votes cast for or against any measure appearing on the ballot shall be counted in the same manner. When all of the votes have been read and counted, the ballots shall be returned to the ballot box or package, the opening sealed and the election judges shall place their initials on the seal.</p>	<p>B-33</p> <p>B-45-46</p> <p>B-44</p>

TIME 	PROCEDURES 	FORMS 
BEGIN THE DAY AFTER THE ELECTION	<p>Counting the absentee ballots (cont.):</p> <p>_____ VOTING MACHINES. The designated election official will direct the election judges in this process. Usually, the process is as follows. One election judge shall call aloud the name of the candidate voted for and a second election judge shall observe that the first judge reads the ballot correctly. Two other election judges shall attend the voting machine so that one of the judges may depress the lever for the candidate whose name is being read, and the other judge shall observe closely that the proper levers are being depressed as the votes are read aloud; another judge shall prepare the machine to receive ballots. Votes cast for or against any measure appearing on the ballot shall be cast in the same manner.</p> <p>Preparing and Counting Provisional Ballots:</p> <p> A provisional ballot board made up of 2 or more election judges shall be appointed by the designated election official and shall count all provisional ballots. This board shall be appointed no later than 45 days before the election. The designated election official shall determine the time that provisional processing begins.</p> <p> Provisional ballots must be segregated, counted separately, and kept separated from all other ballots. Provisional ballots are to be counted after the verification process.</p> <p>_____ The designated election official or designee shall complete verification without opening the ballot envelope. Verification of an elector's registration for a provisional ballot shall be limited to the following databases available at the local clerk and recorder's office:</p> <ol style="list-style-type: none"> a) The local election office database, also confirming in this database that an absentee ballot has not been requested; b) The secretary of state's database; or c) The driver's license database 	

TIME 	PROCEDURES 	FORMS 
	<p> If 25 or more provisional ballots have been cast and counted in the election, they shall be reported as one total. If less than 25 provisional ballots have been cast and counted in the election they shall be included with the absentee total.</p> <p>_____ The provisional ballot shall not be counted if any one of the following are true:</p> <ul style="list-style-type: none"> a) The elector was not registered by the deadline in the State of Colorado; b) The affidavit was not signed; or c) The elector was not eligible to vote in such an election <p> Votes cast by provisional ballot shall not be included in any unofficial results reported and may not be reported except as part of the official canvass.</p> <p>_____ A log must be kept for audit purposes of each provisional ballot voted, each provisional ballot counted, and each provisional ballot rejected.</p> <p>_____ As much as possible, the reason for accepting or rejecting a provisional ballot shall be designated on the provisional ballot envelope and on the log by one of the following codes.</p> <p><u>Acceptance Code</u> OK—Reviewed and countable; all criteria met and ballot will be counted</p> <p><u>Rejection Codes</u> ANS-Affidavit not signed INC-Required information is incomplete NPR-Elector not previously registered; elector indicated registration in another Colorado county, but that county does not show a record of voter’s registration NR-Voter did not register by the deadline; there is no Colorado record EE-Provisional ballot envelope is empty NE-Elector not eligible to vote in election</p>	<p>B-50</p> <p>B-51</p>

FORMS

