

COLORADO SECRETARY OF STATE

ELECTIONS DIVISION

POLICY AND PROCEDURE MANUAL

2020



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CHAPTER 1: VOTER REGISTRATION

RELEVANT TRAININGS:

- SCORE 101 Registering a New Voter
- SCORE 101 Updating a Voter Record
- Issues in Voter Registration
- Advanced Voter Registration and List Maintenance
- Elections 101

REGISTRATION REQUIREMENTS AND DEADLINES

A person may register to vote if they: (1) are at least 16 years old; (2) are a U.S. citizen; and (3) have resided in Colorado for at least 22 days immediately before election day. County clerks must accept and process voter registration applications, even after deadlines. If the Secretary of State's office receives an application, it will scan the application into SCORE and forward it to the county.

An individual may register to vote up to and including election day; but voter registration drives must transmit their forms to the county clerk by 22 days before election day. If an applicant registers to vote within 8 days of election day, the clerk must notify the applicant that they will not receive a ballot in the mail, and must visit a VSPC to receive a ballot.

An applicant may apply in-person, through the mail, or online.

Mail	Online	In-person
<p>Any form not personally delivered by the applicant to the county clerk:</p> <ul style="list-style-type: none">• Fax• Email• Voter Registration Drive Forms	<p>www.govotecolorado.com</p>	<p>Any form personally completed by the applicant and delivered to:</p> <ul style="list-style-type: none">• the county clerk's main or branch office,• a voter registration agency,• a voter service and polling center,• a driver's license office, or• a human service agency

For approved voter registration forms, review the links under the *SOS Approved Forms* on Clerk's Corner. [Sections 1-2-201, 1-2-202, and 1-2-508, C.R.S.; Election Rule 2]

REGISTRATION ELIGIBILITY AND RESIDENCY

A person's residence is the primary home where the person lives and intends to remain indefinitely, and whenever absent, has the present intention of returning. An elector with no fixed permanent home may use any address that they regularly return to and have the intent to remain. This "home base" does not need to be an actual residential address and may be any physical location, including a park, vacant lot, shelter, or commercial location. Students and military or overseas electors do not gain or lose residency because of an absence from the state. A military or overseas elector may register with his or her last known address in Colorado, even if the person no longer owns or lives in the residence.

See the following sections of the Colorado Revised Statutes and Election Rules for detailed information regarding voter registration eligibility and residency:

- Section 1-2-102, C.R.S. (rules for determining residence, including electors without residences)
- Section 1-2-103(1), C.R.S. (military service)
- Section 1-2-103(2), C.R.S. (higher education)
- Section 1-2-103(4), C.R.S. (felony sentences and parole)
- Section 1-2-103(5), C.R.S. (confinement in state institution)
- Section 1-2-204, C.R.S. (required information in a registration application)
- Section 1-2-205, C.R.S. (self-affirmation)
- Section 1-8.3-106, C.R.S. (military or overseas registration address)
- Election Rule 2 (voter registration)
- Election Rule 16 (military and overseas voters)

PRE-REGISTRATION

There are two groups of people in Colorado who are eligible to register to vote, but may not yet be eligible to vote. Individuals who are 16 years of age or older but will not be 18 by the time of the next election are one of these groups. Note that unlike normal registration records, these records do not become public information until the time that the individual actually turns 18.

Colorado law also allows individuals who are currently serving a sentence of parole for a felony conviction to pre-register. While these individuals are not eligible to actually vote until they complete their felony sentence, they may pre-register to vote once they begin parole. Once the voter has completed their sentence, they will no longer appear on the convicted felon list that comes from the Colorado Department of Corrections, and will be automatically eligible to vote and receive a ballot in the mail.

Note that individuals who are on probation are eligible to vote and are not required to pre-register. Any individual on probation should be treated as any other voter for the purposes of voter registration.

IDENTIFICATION REQUIREMENTS

Every person who registers to vote for the first time in Colorado must provide a copy of an acceptable ID, with some exceptions:

- The person is already registered to vote in Colorado and the “ID Required” box in the SCORE record is not checked. This means the person has already satisfied the ID requirements.
- The applicant provides a Colorado driver’s license or state ID card number and the information is verified. This check is performed automatically in SCORE when the application is processed.
- The person provides the last four digits of his or her social security number and the information is verified through Help America Vote Verification (HAVV). The Secretary of State’s office performs this check monthly.
- The applicant falls into one of three groups exempt under federal law from providing a copy of ID:
 - Individuals with a disability
 - Individuals 65 years or older
 - Military and overseas voters

A list of valid forms of identification can be found in section 1-1-104(19.5), C.R.S and Election Rule 2.3. A “government document” does not include a document produced by the SCORE system and applicants may not use a document listed under section 42-2-505, C.R.S. as identification.

REGISTRATION OF ELECTORS IN COUNTY JAIL

Some individuals who are currently housed in jail are still eligible to register to vote. If a person is awaiting trial in jail or is serving a sentence for a misdemeanor conviction, they may register to vote.

In an effort to reach this eligible population, County Clerks are now required to coordinate with their county Sheriff’s Office to give these individuals the opportunity to register to vote. County Clerks are also required to detail their coordination efforts in every mail ballot plan submitted to the Secretary of State. [Election Rule 2.19; 7.4]

Because county Sheriffs have full control over access to their jail population, coordination with the Sheriff in advance of an election is key. A Sheriff’s office may be more willing to facilitate this process if given advance warning and provided the necessary materials by the Clerk’s Office.

If the Sheriff’s Office is willing, you may also be able to coordinate some of your registration efforts through third-party groups. The Colorado Criminal Justice Reform Coalition has expressed their willingness to provide printed and video educational materials, as well as provide training or support for election workers. To get more information about this opportunity, contact the Coalition directly by visiting their website at: <https://www.ccjrc.org/>

PROCESSING THE REGISTRATION APPLICATION

If a new application is incomplete, the county must enter the information into SCORE and mark the record "Incomplete." Select the most appropriate reason for the incomplete application and notify the applicant by mail to provide the additional information. [Election Rule 2.4]

If the application is complete, the county must enter the applicant's information into SCORE and mark the applicant's record as "Active-20 Day." The clerk must then mail a new voter notification to the applicant. If the notification is not returned as undeliverable within 20 days of the application's submission, the applicant is registered. If the USPS returns an undeliverable notification after the 20 days, the applicant is still registered, but the county clerk must mark the record "Inactive" and send a confirmation card. [Section 1-2-509, C.R.S. and Election Rule 2.11]

An elector's record may be active, inactive, or canceled.

CHALLENGES TO REGISTRATION

No later than 60 days before any election, a registered elector may challenge the registration of any other person. This registration challenge must be made in writing. After the challenger provides the appropriate information, the county clerk will conduct a hearing where the challenger bears the burden of proof. The county clerk must then render a decision within 5 days. Review section 1-9-101, C.R.S., for detailed information regarding challenges to registration.

CERTIFICATES OF REGISTRATION

Generally, the county clerk may only issue a Certificate of Registration to the elector whose information it reflects. Thus, whether an elector requests the Certificate in person, by mail, or electronically, they must show ID. If an elector designates someone else to pick up the Certificate, the designee must also show ID to collect it. [Section 1-2-215, C.R.S. and Election Rule 2.15.6]

EMAIL UPDATES

An elector does not need to complete a registration form to stop receiving election information by email. The elector may make this request in person or in writing. When a county removes an elector from emails, it should simply note the elector's request in the comment field in SCORE. A county may wish to provide an "unsubscribe" link at the end of any email it sends.

CHAPTER 2: BALLOT ACCESS PROCEDURES

QUALIFICATION OF CANDIDATES

Candidates must meet the qualifications of each office on or before the day they begin their terms in office. County candidates must: (1) be at least 18 years old, (2) be a qualified elector of the county, and (3) have resided in their district for at least 1 year before the election. [Section 1-4-501, C.R.S., & Colo. Const. Art. XIV, Section 10]

In addition, candidates must meet affiliation requirements on their voter registration records:

- Major party candidates must be affiliated with the party for which they are seeking a nomination by the first business day in January, unless otherwise provided by party rules. [Section 1-4-601(4)(a), C.R.S.]
- Minor party candidates must be affiliated with the party for which they are seeking a nomination by the first business day in January, unless otherwise provided by party rules. [Section 1-4-1304(2)(b), C.R.S.]
- Unaffiliated candidates must be unaffiliated by the first business day in January. [Section 1-4-802(1)(g)(II), C.R.S.]

General qualifications for office: Section 1-4-501, C.R.S. & Colo. Const., Article XIV, Section 10

County assessor: Section 30-10-8, C.R.S.

County clerk and recorder: Section 30-10-4, C.R.S.

County commissioner: Sections 1-4-205, C.R.S. & 30-10-3, C.R.S.

County coroner: Section 30-10-6, C.R.S.

County sheriff: Section 30-10-5, C.R.S.

County surveyor: Section 30-10-9, C.R.S.

CAMPAIGN FINANCE REQUIREMENTS

All county candidates must file an electronic candidate affidavit with the Secretary of State. When a county candidate submits a candidate affidavit, the county clerk's office should automatically receive a confirmation email from TRACER. County clerks who are not receiving these emails should contact the Secretary of State's Campaign Finance division. County clerks can also search for submitted candidate affidavits using the campaign finance TRACER system. [Section 1-45-110(1), C.R.S.]

If a county candidate fails to submit a candidate affidavit, the county clerk should send notice via certified mail to the candidate stating that the candidate will be disqualified if a candidate affidavit is not filed within 5 business days of receipt. If the candidate fails to comply with the notice, the county clerk will disqualify the candidate. [Section 1-45-110(3), C.R.S.]

PARTY NOMINATION OF CANDIDATES

Major and minor parties recognized in the state can nominate candidates via assembly in general election years. The county assembly must be held no later than 25 days after the precinct caucuses, which are held on the first Tuesday in March, or in a Presidential primary year on the Saturday following the primary if the party so chooses. [Sections 1-4-602(1)(a)(I) & 1-3-102, C.R.S.]

Party nomination or designation documents must be submitted by the party to the clerk within 4 days of assembly adjournment. Candidate acceptance of designation forms must be submitted within 4 days of the adjournment of the assembly for major parties and within 4 business days of the filing of the designation form for minor parties. Samples of these documents can be found on Clerk's Corner under "SOS Approved Forms".

Major party candidate nominations: Sections 1-4-601 & 1-4-604, C.R.S.

Minor party candidate nominations: Section 1-4-1304, C.R.S.

PETITION NOMINATION OF CANDIDATES

Major party candidates who chose to participate in their party's assembly and did not receive at least 10% of the vote at the assembly cannot petition on the ballot. [Section 1-4-801(4), C.R.S.]

Major party candidate petition highlights:

- Format must be approved by the secretary of state or the designated petition official. A sample petition format can be found on Clerk's Corner under "SOS Approved Forms". [Section 1-4-903, C.R.S.]
- Petition circulators must be U.S. citizens, at least 18 years old, and affiliated with the party at the time they circulate a petition section. [Section 1-4-905(1), C.R.S.]
- Circulation of petition begins on the third Tuesday in January. [Section 1-4-801(5), C.R.S.]
- The petition must be submitted to the county clerk by the third Tuesday in March. The submission must include a candidate acceptance of petition nomination form; a sample of this form can be found on Clerk's Corner under "SOS Approved Forms". [Sections 1-4-801(5), 1-4-906, C.R.S.]
- The signers of the petition must have been affiliated with the party for at least 29 days, must be eligible electors of the district, and have not signed a petition for any other candidate for the same office. [Section 1-4-904, C.R.S.]
- For county candidates, the signature requirement is 20% of the votes cast for the office in the preceding primary election for the party, or if no primary election was held, 20% of the votes cast for the office in the preceding general election. [Section 1-4-801(2)(a), C.R.S.]

Minor party candidate petition highlights:

- Format must be approved by the secretary of state or the designated petition official. A sample petition format can be found on Clerk's Corner under "SOS Approved Forms". [Section 1-4-903, C.R.S.]
- Petition circulators must be U.S. citizens and at least 18 years old. [Section 1-4-905(1), C.R.S.]
- Circulation of petition begins on the first Monday in February of the election year. [Section 1-4-802(1)(d)(II), C.R.S.]
- The petition must be submitted to the county clerk by the 85th day before the primary election. The submission must include a candidate acceptance of petition nomination form; a sample of this form can be found on Clerk's Corner under "SOS Approved Forms". [Sections 1-4-802(1)(f)(II), 1-4-906, C.R.S.]
- The signers of the petition must be eligible electors of the district and have not signed a petition for any other candidate for the same office. [Section 1-4-904, C.R.S.]
- For county candidates, the signature requirement is the lesser of 750 or 2% of the votes cast for that office in the most recent general election. [Section 1-4-802(1)(c)(VII), C.R.S.]

Unaffiliated candidate petition highlights:

- Format must be approved by the secretary of state or the designated petition official. A sample petition format can be found on Clerk's Corner under "SOS Approved Forms". [Section 1-4-903, C.R.S.]
- Petition circulators must be U.S. citizens and at least 18 years old. [Section 1-4-905(1), C.R.S.]
- Circulation of petition begins on the 173rd day before the general election. [Section 1-4-802(1)(d)(I), C.R.S.]
- The petition must be submitted to the county clerk by 3:00 p.m. on the 117th day before the general election. The submission must include a candidate acceptance of petition nomination form; a sample of this form can be found on Clerk's Corner under "SOS Approved Forms". [Sections 1-4-802(1)(f)(I), 1-4-906, C.R.S.]
- Clerk must declare sufficiency or insufficiency no later than 96 days before the general election. [Section 1-4-908(3), C.R.S.]
- Unaffiliated candidates are allowed to "cure" their petitions by 3:00 p.m. on the 85th day before the general election or 3 p.m. on the 67th day before an election that is not being held concurrently with the general election. [Section 1-4-912, C.R.S.]
- Clerks are required to notify the candidate of the cured petition's sufficiency or insufficiency no later than 75 days before the general election. [Section 1-4-912, C.R.S.]
- The signers of the petition must be eligible electors of the district and have not signed a petition for any other candidate for the same office. [Section 1-4-904, C.R.S.]
- For county candidates, the signature requirement is the lesser of 750 or 2% of the votes cast for that office in the most recent general election. [Section 1-4-802(1)(c)(VII), C.R.S.]

Major party petition nominations: Section 1-4-801, C.R.S.

Minor party petition nominations: Section 1-4-802, C.R.S.

Unaffiliated petition nominations: Section 1-4-802, C.R.S.

Petitions for nominating school district directors: Section 1-4-803, C.R.S.

Protests of sufficiency or insufficiency: Sections 1-4-909 & 911, C.R.S.

WRITE-IN CANDIDATES

Write-in candidates must file an affidavit of intent with the clerk by the close of business on the 67th day before a primary election or the 110th day before a general election. [Sections 1-4-1101 & 1102, C.R.S.] Candidates, including write-in candidates, who participated in the primary election and lost cannot run as write-in candidates for that same office in the general election. [Section 1-4-105, C.R.S.]

Write-in candidate affidavit sample forms can be found on Clerk's Corner under "SOS Approved Forms".

PLACEMENT OF CANDIDATES ON THE BALLOT

Major party candidates nominated via assembly or petition are placed on the party's primary election ballot. Candidates nominated via assembly are placed first in order of votes received at the assembly; candidates nominated by petition are placed after the assembly candidates in order established by a lot drawing conducted by the clerk. If assembly-nominated candidates receive an equal number of votes, their order is established by a lot drawing by the candidates. [Sections 1-4-103 & 1-4-601(2), C.R.S.]

Major party candidates who win their primary election are placed on the general election ballot. On the general election ballot, the major party candidates are grouped first on the ballot in an order established by a lot drawing conducted by the clerk. [Sections 1-4-104 & 1-5-404, C.R.S.]

Minor party candidates are most often placed on the general election ballot. They are placed in a second grouping after major party candidates in an order established by a lot drawing conducted by the clerk. However, if there are multiple minor party candidates from the same party for the same office who have been nominated by assembly or petition nomination, the race and candidates are placed on the minor party's primary ballot; the assembly candidates are placed first in order of votes received at the assembly followed by the petition-nominated candidates in an order established by a lot drawing conducted by the clerk. [Sections 1-4-1304(1.5)(c) & 1-5-404, C.R.S.]

Unaffiliated candidates are only placed on the general election ballot. They are placed on the ballot in a third grouping after minor party candidates in an order established by a lot drawing conducted by the clerk. [Section 1-5-404, C.R.S.]

Lot drawings for candidate order on the general election ballot are conducted under section 1-5-404(2), C.R.S.

Write-in candidates are only placed on the eligible write-in candidate list and not the ballot. On the write-in list, candidates for the same office are placed in the order in which their candidate affidavit was received by the county clerk. [Section 1-7-114(4)(a), C.R.S.]

Sample ballot orders:

Republican Primary Ballot
County Coroner

- 1) Assembly candidate with most votes
- 2) Assembly candidate with second most votes
- 3) Petition candidate who took first in lot drawing
- 4) Petition candidate who took second in lot drawing

General Election Ballot
County Coroner

- 1) Major party candidate who took first in major party lot drawing
- 2) Major party candidate who took second in major party lot drawing
- 3) Minor party candidate who took first in minor party lot drawing
- 4) Minor party candidate who took second in minor party lot drawing
- 5) Unaffiliated candidate who took first in unaffiliated lot drawing
- 6) Unaffiliated candidate who took second in unaffiliated lot drawing

WITHDRAWAL OF CANDIDATES

Any candidate who has submitted a candidate acceptance of nomination or petition or a write-in candidate affidavit can withdraw their candidacy by submitting a withdrawal form (a sample withdrawal form is located on Clerk’s Corner under “SOS Approved Forms”) or notarized letter to the county clerk. [Section 1-4-1001, C.R.S.]

BALLOT MEASURES

County clerks are encouraged to refer voters to the county commissioners for placement of a county measure on the ballot. If a county elector wishes to initiate a county measure, county clerks should contact their county attorney or the legal staff at the Secretary of State to find out if the measure can be initiated for placement on the ballot and to learn about the initiative process.

County clerks are responsible for numbering or lettering all ballot measures with the exception of state ballot measures. When the same ballot measure will be on the ballot in multiple counties, the county clerks should agree upon the same ballot number or letter. County clerks should number or letter ballot issues in the following manner or refer to Election Rule 4.5:

Ballot issues initiated by the public	Ballot issues referred by a governmental body
200-299 County issues	1A-1Z County measures
300-399 Municipal issues	2A-2Z Municipal measures
400-499 School district issues	3A-3Z Municipal measures greater than a county
500-599 Political subdivision greater than a county	4A-4Z School district measures wholly within a county
600-699 Political subdivision wholly within a county	5A-5Z School district measures greater than a county
	6A-6Z Measures for political subdivisions wholly within a county
	7A-7Z Measures for political subdivisions greater than a county

On the ballot, the issues should be ordered in the following manner: statewide issues ordered in the manner that the Secretary of State certified them to the ballot; followed by county ballot measures; followed by municipal measures; followed by school district measures; followed by political subdivision measures in more than one county; followed by political subdivision measures within one county. [Section 1-5-407(5)(a), C.R.S.]

VACANCIES

Vacancies in county offices except board of county commissioners are filled by the board of county commissioners. Vacancies in the board of county commissioners are filled by a vacancy committee as constituted in section 1-12-206, C.R.S. Vacancy appointees will hold office until a successor is elected in the next general election and takes office. [Colo. Const. Art. XIV, Section 9, & Sections 1-12-205 & 206, C.R.S.]

Vacancies in assembly nominations or petition nominations are filled per section 1-4-1002, C.R.S.

CHAPTER 3: NOTICES AND MAILINGS

NOTICES AND MAILINGS TO ELECTORS

In addition to mailing ballots to all active registered electors (see Chapter 5: Mail Ballot Elections), Colorado law requires the county clerk to mail certain notices to electors throughout the course of an election.

An elector may request to receive elections communications (except for ballots, confirmation cards, and NCOA correspondence) by email. The county clerk may then send all elections communications to the elector via electronic mail, unless an elector subsequently requests to cease electronic transmission, or until the county clerk receives an undeliverable message indicating the email address is no longer valid.

For detailed information on how to process required notifications in SCORE, see the "Processing notifications" and "Processing confirmation cards" flow charts on Clerk's Corner at: SCORE > Training, flowcharts & related materials > Generating correspondence & flowcharts. [Section 1-1-110, C.R.S.]

REQUIRED NOTICES AND MAILINGS

- Ballot Issue Notice [Colo. Const. Article X, Section 20(3)(b); Sections 1-7-904 - 1-7-908, C.R.S. and Election Rule 4.9.2(a) - (d)]
- New Voter 20-Day Notice [Section 1-2-509(3)(a) & (b)(I) - (III), C.R.S.; Election Rule 2.11]
- Mailings to UOCAVA Electors [Election Rule 16]
- Mailings to Address Confidentiality Program (ACP) electors [Election Rule 2.12.3]
- Untimely Registration or Update for Mail Ballot [Sections 1-2-201, 1-2-202.5(7)(c)(I) and 1-2-508, C.R.S.]
- Mailings Regarding Missing or Incomplete Information [Sections 1-2-509, 1-7.5-107(3.5)(d), 1-8.5-105(3)(a) - (c), C.R.S., Election Rule 2]
- Signature Verification Cure [Section 1-7.5-107.3, C.R.S.]
- Failure to Respond to Citizenship Question [Section 1-2-501(1)(b.5)(II), C.R.S.]
- Ballot Returned in Unofficial Envelope [Election Rule 7.6]
- Challenges [Sections 1-9-101 and 1-9-210, C.R.S.]
- Recount [Section 1-10.5-105, C.R.S.]

FORMS

The following approved forms are available on Clerk's Corner under Approved forms > SOS approved forms:

- 20-day new voter registration notification
- Untimely Registration or Update for Mail Ballot Notice
- Missing Copy of ID letter - mail ballot
- Missing information for update letter
- Missing Copy of ID letter - provisional ballot
- Missing or discrepant signature letter - mail ballot
- Missing signature letter - provisional ballot
- Ballot returned in wrong envelope letter

CONFIRMATION CARDS

A confirmation card is a mailing by forwardable mail sent from the county clerk to an elector after the clerk receives notice from the USPS that the elector no longer lives at his or her address.

For information on processing confirmation cards in SCORE, see the "Processing Confirmation Cards" flow chart on Clerk's Corner at: SCORE > Training, flowcharts & related materials > Generating correspondence & flowcharts.

Templates of approved confirmation card forms are available on Clerk's Corner at Approved Forms > SOS approved forms > Correspondence and confirmation cards. [Sections 1-1-104(2.8); and 1-2-605, C.R.S.]

The following scenarios require mailing a confirmation card:

- Change of Address with Colorado Department of Revenue [Section 1-2-213(6), C.R.S.]
- National Change of Address (NCOA) data [Sections 1-2-302.5 and 1-2-603, C.R.S., Election Rule 2.13.1]
- Inactive - Returned Mail [Section 1-2-605(5) C.R.S.]
- Mail Ballot Returned as Undeliverable [Sections 1-2-605(5) and 1-7.5-108.5, C.R.S.; Election Rule 7.2.2]

PUBLIC NOTICES

The county clerk must provide the following public notices:

- Published Notice of Election [Sections 1-1-104(34), 1-5-205 C.R.S.]
- Cancellation of Election [Section 1-5-208(6), C.R.S.]
- Polling Location Designation [1-5-106, C.R.S.] [Note: Approved signage is located on Clerk's Corner under: Polling Place Resources > Polling and drop-off location signs.]
- Logic and Accuracy Test [Section 1-7-509(3), C.R.S.]
- Lot Drawing [Sections 1-4-103, 1-5-404, 1-5-406, and Part 1 of Title 24 Article 72, C.R.S.]

NOTICES TO SECRETARY OF STATE

The county clerk must provide the following to the Secretary of State:

- Mail Ballot Plan [Section 1-7.5-105, C.R.S.; Election Rules 7.1 and 20]
- Mail Ballot Plan - Recall Election [Election Rule 7.1.1]
- Watcher Accommodation Plan [Election Rule 8.7]
- Annual Security Plan [Section 1-5-616(5); Election Rule 20.1]

CHAPTER 4: COORDINATING WITH OTHER JURISDICTIONS

Local political subdivisions are required to coordinate with the county if they conduct an election on the same day in November as the county and the electors of the county and the political subdivision overlap; except that any municipality or special district may choose not to coordinate as long as it conducts an independent mail ballot election. [Section 1-7-116, C.R.S.] Political subdivisions may coordinate with the county at any time, subject to agreement by both the county and political subdivision.

INTERGOVERNMENTAL AGREEMENTS

If a political subdivision coordinates with the county, it must enter into an agreement with the county concerning the conduct of the coordinated election. Intergovernmental agreements outline each party's responsibilities concerning the preparation, conduct, and cost of a coordinated election. County clerks and coordinating political subdivisions should enter into intergovernmental agreements no later than 70 days before the coordinated election. The most important thing is that the county have agreements with each coordinating political subdivision before conducting the election. [Section 1-7-116(2), C.R.S.]

The following are some items you may want to include in an intergovernmental agreement:

- Determine which party is responsible for publishing and mailing notices, including the TABOR notice (See TABOR notice section below).
- Verify political subdivision boundaries.
- Clarify which party will send notices and ballots to non-resident property owners who are eligible to vote.
- Establish a deadline for providing certified ballot content and include the required format for certification of candidates, ballot titles, text, and ballot order.
- Clarify whether the political subdivision will provide assistance with the logic and accuracy test.
- Determine how canvass board members will be appointed.
- Determine and specify the division of costs.
- Provide the political subdivision with an estimate of the costs for conducting the election.

An example of division of costs of the election:

County Clerk and Recorder	Political Subdivision	State
<ul style="list-style-type: none"> • Usual costs for maintaining the office • Overhead costs and personal service costs of permanent employees, except for costs that are shown to be attributable to conducting the coordinated election on behalf of political subdivisions • If there is a county question or issue, the county pays its share of costs for the ballot, issue notice, etc. 	<ul style="list-style-type: none"> • Ballots and ballot packets • Election Judges • VSPC costs (rent, etc.) • Ballot issue notice printing and mailing • Printing costs associated with translation (if required) 	<ul style="list-style-type: none"> • The state reimburses the county if there is a state issue on the ballot. The rate depends on the size of the county and it is per voter if the county has no other issues on the ballot

Sample Outline of an Intergovernmental Agreement for coordinating an election:

- I. Duties of the Clerk
 - a. Preparation for the Election
 - b. Conduct of the Election
 - c. Election Costs
 - d. Ballot Issue Notice
- II. Duties of the Public Entity
 - a. Preparation for the Coordinated Election
 - b. Conduct of the Election
 - c. Election Costs
 - d. TABOR Notice
- III. Additional Agreements

HOME RULE JURISDICTIONS

For ballot content certified by a home rule municipality, confirm in writing with the municipal clerk or municipal attorney that the city or town's registration and voter eligibility requirements conform to the requirements in Title 1.

Home rule municipalities have the constitutional authority to decide how their elections are conducted. Thus, even though eligibility requirements under the Municipal Election Code are aligned with Title 1, home rule municipalities are constitutionally permitted to deviate from those statutory requirements. Therefore, if a municipality's home rule charter or municipal code specifies eligibility requirements different than Title 1's, the county will need to implement processes to ensure an elector's votes are counted only if they are eligible to vote on the ballot content in question. [Sections 1-2-104, 1-1-104(1.5), C.R.S.]

TABOR NOTICES

Sections 1-7-905 and 1-7-906, C.R.S., govern the preparation and mailing of ballot issue notices. Generally, those statutes divide the universe of TABOR notices into two parts: notices prepared for November elections, and notices prepared for elections falling outside of November. In November elections, the clerk and recorder is required to compile and mail TABOR notices on behalf of all participating political subdivisions. In elections other than November, the DEOs of political subdivisions conducting elections are required to confer with one another and mail the ballot issue notices.

Statute does not explicitly assign responsibility for preparing and mailing TABOR notices for elections that occur in November but are not coordinated with the county. Consult with your county attorney to determine if an IGA is necessary to clarify this ambiguity.

The DEO for a political subdivision coordinating with the county must prepare and deliver to the county clerk and recorder the full text of any required ballot issue notices no later than 43 days before the election. [Section 1-7-904, C.R.S.] The county then must compile the ballot issue notices submitted by the DEOs of all participating political subdivisions into a single, countywide ballot issue notice packet. [Section 1-7-905, C.R.S.] The county is not required to proofread or otherwise check the content of the ballot issue notices submitted by DEOs.

The county must mail its TABOR notice at the least cost and as a package where districts with ballot issues overlap, to “all registered voters” at each address of one or more active registered electors, at least 30 days before the election. [Section 1-40-125(2), C.R.S.; Colo. Const. art. X, Sec. 20(3)(b)]

PROPERTY OWNER BALLOTS

Property owners within a special district are eligible electors under section 32-1-103(5)(a)(II), C.R.S. Counties may require property owners to submit a self-affirmation that the person is an elector of the special district in order to receive a ballot and vote in the special district election. [Section 32-1-806, C.R.S.] For property owners who vote by mail ballot, the affidavit on the envelope of the ballot may be substituted for the self-affirming oath or affirmation. [Section 32-1-806(3), C.R.S.]

Counties with shared districts should follow the same procedures for issuing property owner ballots to special district electors.

BALLOT LAYOUT & ORDER

For general ballot format and procedural rules, see sections 1-5-407, 1-7.5-107, and 1-40-115, C.R.S. Candidate names and text of ballot issues and questions must be printed in upper and lower case; except ballot issues arising under Article X, Section 20 of the Colorado Constitution, which must be printed in all uppercase letters. [Section 1-40-115(2)(a), C.R.S.; Rule 4.8.1]

Candidate Contests	
In General	All candidate contests appear before any ballot measures on the ballot.
Multiple Political Subdivisions with Candidate Contests	No statute or rule applies. Our office recommends following the same rules of priority for candidate contests as ballot measures. <ul style="list-style-type: none"> • Municipal offices • School District offices • Other participating political subdivisions greater than the county • Other participating political subdivisions wholly within one county
Order of Candidates within Single Contest	Candidates for the same office should be listed in the order certified by the referring district's DEO - the DEO should have established the order in accordance with section 1-5-406, C.R.S.
Miscellaneous	

Ballot Issues and Questions	
In General	If there is a statewide measure on the ballot, the statutory explanation set forth in section 1-40-115(2)(a), C.R.S., must appear 1 time, immediately before the beginning of the ballot issues and questions.
Order of Participating Political Subdivisions	Section 1-5-407(5)(a), C.R.S., requires ballot measures for participating political subdivisions to be listed, following the lists of candidates, as follows: <ul style="list-style-type: none"> • Referred amendments; • Initiated amendments; • Referred propositions; • Initiated propositions; • 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 • Ballot issues and questions for other political subdivisions which are wholly within a county
More than one Participating Political Subdivision within a Single Category	The political subdivision and its ballot measures appear on the ballot in the order they were certified for the ballot by the DEO. [Section 1-40-115(1), C.R.S.; see also section 1-5-407(5), (5.3), & (5.4); and Rule 4.5.2(e)(4)]
Order of Ballot Measure for Single Political Subdivision	Group by the political subdivision that referred them, in the order certified to the ballot by the DEO. [Rule 4.5.2(b),(c)] Within each grouping, as follows: <ul style="list-style-type: none"> • Referred measures to increase taxes • Referred measures to retain excess revenues • Referred measures to increase debt • Other referred measures • Initiatives to increase taxes • Initiatives to retain excess revenues • Initiatives to increase debt

	<ul style="list-style-type: none"> • Other citizen petitions
Numbering of Ballot Measures	<p>State ballot issues are numbered by the Secretary of State. For county, municipal, school district and other local districts:</p> <p>Initiative measures: Rule 4.5.2(e)(2)</p> <ul style="list-style-type: none"> • County - 200-299 • Municipal - 300-399 • School District - 400-499 • Political Subdivisions larger than one county - 500-599 • Political subdivisions within one county - 600-699 <p>Referred measures: Rule 4.5.2(e)(3)</p> <ul style="list-style-type: none"> • County - 1A-1Z • Municipal measures within one county - 2A-2Z • Municipal measures larger than one county - 3A-3Z • School district measures within one county - 4A-4Z • School district measures greater than one county - 5A-5Z • Political subdivisions within one county - 6A-6Z • Political subdivisions greater than one county - 7A-7Z
Political subdivisions situated in more than one county	<p>Counties must confer and use the same number or letter for ballot measures referred by a shared political subdivision. [Rule 4.5.2(e)(6)]</p> <p>Counties must designate a “controlling county” for purposes of assigning and coordinating the ballot letter/number of the shared races and measures in coordinated elections. [Rule 4.2.1]</p> <p>The “controlling county” is:</p> <ul style="list-style-type: none"> • The county in which the district’s administrative office is maintained, or • If the district does not maintain an administrative office in any of the affected counties, the county with the largest number of active registered electors within the district. [Rule 4.2.2(a)]
Miscellaneous	<p>If a coordinating political subdivision certifies a non-TABOR issue in all capital letters, or a TABOR issue in upper and lower case letters, or certifies the ballot content in the incorrect order or with the incorrect letter/number, the county should contact the DEO and request a correction.</p> <p>If the DEO refuses to correct the error, our guidance is to put the content on the ballot as finally certified by the political subdivision, except for ballot letter or number. The county is required by state law to assign the ballot number or letter.</p>

RESOURCES

Election Calendar: Clerk’s Corner > Other tools & resources > election calendar

Elections Planner: Clerk’s Corner > Training resources > elections planner

BEST PRACTICES

100 day deadline

If, by 100 days before an election, a political subdivision has taken formal action to participate in an election that will be coordinated by the county clerk, the political subdivision must notify the clerk in writing. However, failure to receive notice in a timely manner does not prohibit the county clerk from entering into and performing an intergovernmental agreement to conduct the coordinated election on behalf of a political subdivision. [Section 1-7-116(5), C.R.S.] The 100 days is a soft deadline - it does not apply if the political subdivision's governing board has not taken any action to participate, and may not apply if any action taken to participate was not formal. If the political subdivision complies with other deadlines, such as the IGA deadline and ballot content certification deadline, the clerk should not prohibit the political subdivision from coordinating.

If the political subdivision has taken formal action to conduct its own mail ballot election rather than coordinate, it is not required to notify the county. However, the county may still want to consider entering into an IGA with the political subdivision in order to outline other obligations such as providing initial and updated voter and property owner lists, and preparing and mailing TABOR notices. [Sections 1-5-304(1) and (2), and 1-7-906(3), C.R.S.]

Canceling nonpartisan political subdivision elections

Candidates only - If, at the close of business on the 63rd day before the election, there are no more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the DEO, if instructed by resolution of the governing body, must cancel the election and declare the candidates elected. [Section 1-5-208(1.5), C.R.S.]

Candidates and ballot measures - If there are no more candidates than offices to be filled on the close of business on the 63rd day before the election, and all ballot issues or questions have been withdrawn from the ballot by resolution of the governing body no later than 25 days before the election, the election can be canceled. [Section 1-5-208(2), & (3), C.R.S.]

Please note, the 63rd day before the election is not a deadline for the political subdivision to give notice to the county that it will cancel its election. Rather, it is the first day the DEO legally can make that determination.

Section 1-5-208(6), C.R.S., imposes obligations on governing bodies (not the county) that have canceled their nonpartisan elections: (1) The governing body must provide notice by publication of the cancellation of the election; and (2) a copy of the notice must be posted at each voter service and polling center 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, (3) for special districts, a copy of the notice must be filed in the office of the division of local government.

The governing body must also "notify the candidates that the election was canceled and that they were elected by acclamation." [Section 1-5-208(6), C.R.S.]

Withdrawn Candidates

If a candidate withdraws after ballots have been printed, consider taking the following steps to minimize the chance that a voter will “waste” a vote on the withdrawn candidate:

- 1) If your county manually duplicates electronic ballots, contact the electronic ballot vendor and ask them to remove the withdrawn candidate’s name.
- 2) Enclose a notice in the mail ballot packet stating that the candidate has withdrawn and that, under Colorado law, all votes for that candidate are invalid and cannot be counted.
- 3) Issue a press release to the same effect, and post a version of the press release on the county election website; request that the DEO of the affected political subdivision to do the same.
- 4) Post the same or a similar notice in voting booths at VSPCs.
- 5) Train ballot judges to tell voters that the candidate withdrew as they issue ballots to in-person voters.

Returned Mail

During a coordinated election, county clerks should still be on the lookout for ballots returned by the Postal Service as “undeliverable”. These voters should still be marked “inactive returned mail” in SCORE and should have a confirmation card sent as would happen in any other election. [Section 1-7.5-108.5, C.R.S.] This is true even if the county clerk is only coordinating an election for a municipality or special district.

CHAPTER 5: MAIL BALLOT ELECTIONS

MAIL BALLOT PLAN

The county clerk must submit a mail ballot plan to the Secretary of State, outlining information such as the number of ballot drop-off locations and voter service and polling centers. The county clerk must submit the plan by email to mail.ballot.plans@sos.state.co.us no later than 55 days before a nonpartisan election or, 90 days before any election coordinated with or conducted by the county clerk.

A fillable template outlining the information required in the mail ballot plan is provided on Clerk's Corner under *SOS Approved Forms* > Mail ballot

[Section 1-7.5-105, C.R.S. and Election Rule 7.1.1.]

NOTICE OF ELECTION

The county clerk must provide notice of the election by "publication" no later than 20 days before the election. A copy of the notice must also be posted at least 10 days prior to the election and until two days after the election in a conspicuous place in the office of the county clerk.

[Sections 1-1-104(34), & 1-5-205, C.R.S.]

BALLOT DESIGN AND PROOFING

There are many requirements regarding ballot design, including write-in candidates, and the order and numbering of issues. See the following statutes and Election Rules for more information:

- Section 1-5-407, C.R.S. (ballot stubs, write-in candidates, numbering, and ordering)
- Section 1-5-403, C.R.S. (content of ballots for general and congressional vacancy elections)
- Section 1-5-404, C.R.S. (arrangement of candidate names for partisan elections)
- Section 1-5-406, C.R.S. (arrangement of candidate names for nonpartisan elections)
- Election Rule 4 (Coordinated Elections)

Once the county designs the ballot, two people should proof each ballot style and review the following: spelling, content, write-in lines, party information, candidate details, and contest instructions. The proofers may want to read the text backwards to ensure accuracy.

The county must also proof its audio ballots to ensure all audio strings are clear, audible, and associated with the appropriate text. The county should listen for mispronunciations, truncated words, and extreme changes in volume.

Some counties allow outside parties to proof sample ballots as well, including watchers, local party chairs, and candidates. Review the Ballot Design Training and the Ballot Design Checklist located on Clerk's Corner for more information and best practices.

BALLOT PRINTING AND ASSEMBLY

If the county uses a print vendor, it should sign a contract with the vendor outlining key events and timelines, quality standards, contingency plans, ballot size, paper type, and other specifications.

A county should establish quality control standards and checks throughout the printing process. If a county uses a print vendor, the county may wish to be onsite during the printing process and conduct spot checks. If a county cannot visit the vendor's facility, it may wish to have the vendor send images of the ballot packets and conduct a random sampling to ensure accuracy.

Some counties mail test ballot packets to themselves. Once received, the counties open the packets, vote the ballots, and return them through the mail. This allows a county to see whether packets will satisfactorily travel through the mailstream and whether the ink and paper smudge. Counting machines may not be able to properly read smudged ballots.

The county must send its envelope designs to a Mailpiece Design Analyst (MDA@usps.gov) at the United States Postal Service before each election to ensure they comply with USPS standards.

BALLOT PACKETS

The county clerk must mail ballots no later than 18 days before Election Day.

See the following sections of Colorado Revised Statutes and Election Rules for detailed information regarding ballot packets, mailing ballots, undeliverable ballots, and replacement ballots:

- Section 1-7.5-107(3), C.R.S. (mailing ballots)
- Election Rule 7.2 (ballots and ballot packets)
- Section 1-7.5-108.5, C.R.S. (undeliverable ballots)
- Section 1-7.5-107(3)(d), C.R.S. (replacement ballots)
- Sections 1-7.5-107(3)(b), (b.5), C.R.S. (ballot language requirements)

The county must be able to issue a mail ballot to any eligible elector who requests one in person at the county clerk's office or the office designated in the mail ballot plan no sooner than 45 days but no later than 32 days before an election. A county satisfies this requirement if it is able to produce a ballot on a Ballot on Demand system upon request.

[Section 1-7.5-107(2.7), C.R.S.]

Additional resources including ballot envelope and voter instruction templates are located on Clerk's Corner under *SOS Approved Forms* > Mail ballot - envelopes and Mail ballot - general.

EMERGENCY VOTING

Upon application by an elector, the county may issue a replacement ballot on Election Day to an elector's authorized representative or to the elector either by electronic transmission or in person. For detailed information regarding issuing replacement ballots review section 1-7.5-115, C.R.S., and Election Rule 7.3.

Additional resources including an electronic transmission log are located on Clerk's Corner under *SOS Approved Forms*.

HEALTHCARE FACILITIES

Before a county sends an employee and election judges to a healthcare facility, it should communicate directly with the facility to schedule a time that is convenient for the residents and ensure that the facility is prepared for the visit.

If the county is aware of any watchers who would like to appear at the facility, the county should give the facility notice. Ultimately, it is up to the facility to enforce the policies it thinks is best for its residents.

CHAPTER 6: PARTY AFFILIATION AND PRIMARY ELECTIONS

PARTY AFFILIATION

Colorado voters can affiliate with a political party or be unaffiliated. An affiliated voter is a member of the political party (e.g., a Republican, Democrat, etc.). An unaffiliated voter is a member of no party. A voter may change their party affiliation any time after they register; except during a short period leading up to a primary election when changes of affiliation are deferred.

UNAFFILIATED VOTERS

Unaffiliated voters in Colorado may now vote in primary elections. An unaffiliated voter who has not selected a ballot preference will receive the ballots of all major parties participating in the primary election. But voting in any contest on the ballot of more than one party in the same election will result in none of the ballots counting. As in previous years, an affiliated voter is only eligible to vote in their own party's primary election.

[Section 1-4-101 C.R.S.]

AFFILIATED VS. UNAFFILIATED VOTERS

An affiliated voter may:

- Vote in their party's primary election (both state and presidential), and
- Participate in their party's precinct caucus, and district and state assemblies.
 - A voter must be a member of that party for at least 22 days before a caucus to participate. [Section 1-3-101 C.R.S.]

An unaffiliated voter may:

- Vote in one party's primary election (both state and presidential).

PROCESSING AFFILIATION DECLARATIONS, CHANGES, AND WITHDRAWALS

A voter may declare, change, or withdraw an affiliation with a party at the time they first register to vote or at any time thereafter. However, some special rules apply to affiliation changes or withdrawals made immediately before a primary election.

A voter who is currently affiliated with a political party may change or withdraw their party affiliation up to, and including, the 29th day before a primary election. If the 29th day before an election is a Saturday, Sunday, or legal holiday then changes can be made up to the next business day. [Section 1-2-219 C.R.S.] If an affiliated voter attempts to change or withdraw their party affiliation within this 29-day window, then the county must defer processing that change or withdrawal of affiliation until after the election. Note that this does not include voters affiliated with a qualified political organization (QPO), who are treated the same as unaffiliated voters.

For more detailed information on how to process these types of applications in SCORE, consult the document titled “Data entry after the close of affiliation and post election” in Clerk’s Corner under SCORE>Training, flowcharts & related materials>During the election cycle.

A voter who is unaffiliated, on the other hand, may affiliate with a political party at any time up to, and including, election day. However, an unaffiliated voter who chooses to affiliate with a party and has already been mailed a ballot packet in a primary election must have their affiliation declaration deferred until after the primary election. This rule does not apply if the voter appears at a voter service and polling center to affiliate and vote. In that instance the voter may affiliate with and vote the primary ballot of any party of their choice as long as their primary ballot for that election has not already been received into SCORE. [1-2-219 C.R.S., Rule 2.5.4]

Remember that an unaffiliated voter must also affiliate with a party at least 22 days before that party’s caucus in order to participate in the caucus. This rule does not apply to a voter who turns 18 or who becomes a naturalized citizen during the 21 days immediately preceding a caucus. [Section 1-3-101 C.R.S.]

BALLOT PREFERENCE FOR UNAFFILIATED VOTERS

During a primary election, unaffiliated voters will be sent a ballot packet containing the ballots of all participating major political parties. However, an unaffiliated voter may also select, in advance, which party’s mail ballot they want to receive. An unaffiliated voter may make this selection when registering to vote or updating their registration.

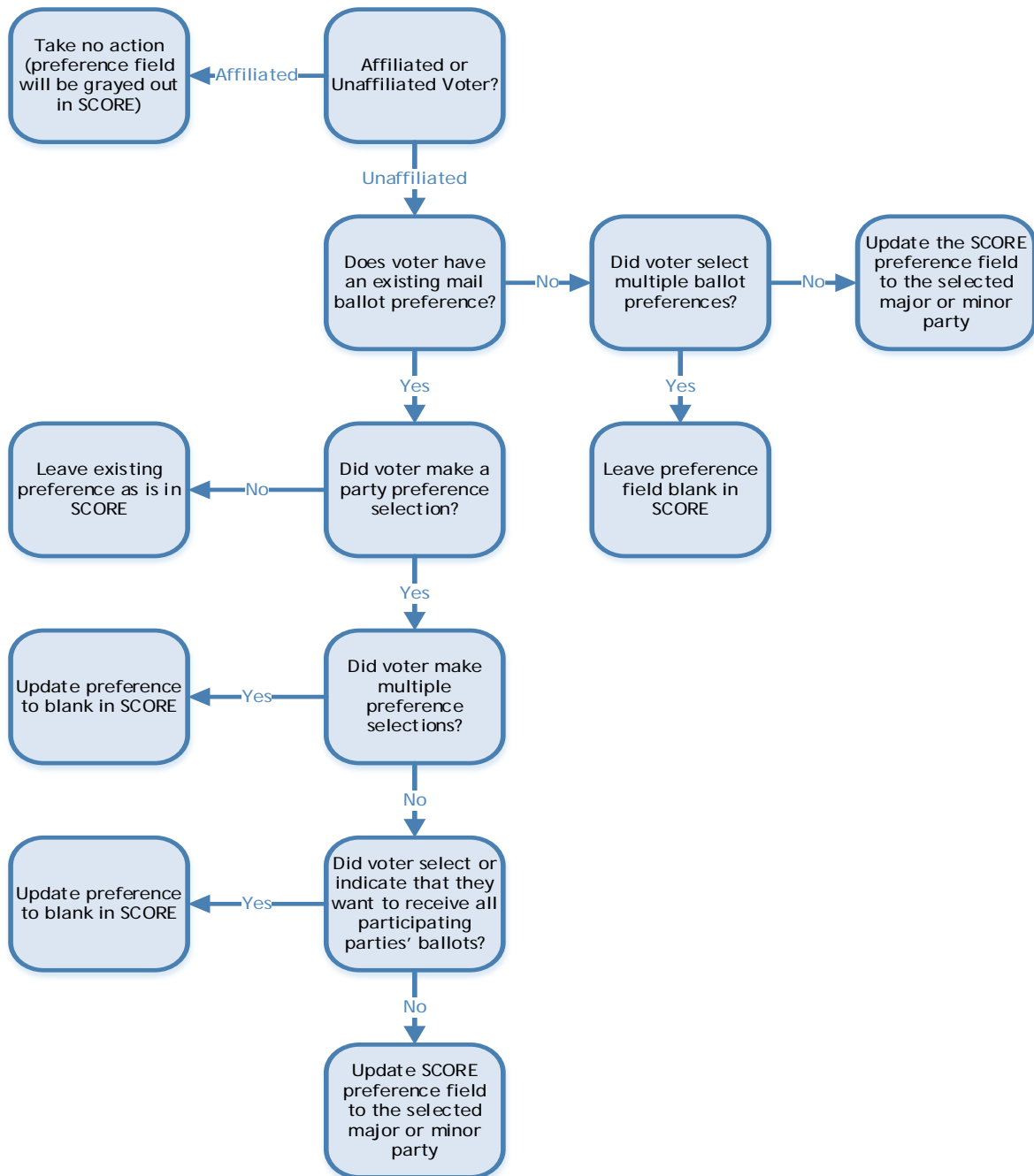
An unaffiliated voter who selects a mail ballot preference before a primary election will have only the ballot of that party sent to them. This means that instead of receiving a ballot packet with the two major party ballots, an unaffiliated voter who selects a mail ballot preference will receive only one ballot, just like an affiliated voter. The county clerk must record an unaffiliated voter’s mail ballot preference in SCORE up to and including the 29th day before a primary election. [Rule 2.18]

If an unaffiliated voter selects a ballot preference less than 29 days before a primary election then the county clerk has the discretion either to mail that voter their preferred party ballot or to mail them a ballot packet with all major party ballots. Remember that an unaffiliated voter may always appear in person at a VSPC and vote their preferred party ballot if the clerk has not already received the voter’s mail ballot. See “Issuing Replacement Ballots and Voting in Person” later in this chapter for more information.

A mail ballot preference is valid for only one primary election. In years with both a presidential and state primary election, the ballot preference is still only valid for one election. After an unaffiliated voter goes through a primary election with a ballot preference, that preference will be automatically removed from the voter's file in SCORE. If an unaffiliated voter continues to prefer receiving only one party's ballot each primary then they will have to select a ballot preference before each subsequent primary election.

PROCESSING BALLOT PREFERENCE IN SCORE

Use the following flowchart to guide you when processing mail ballot preference selections in SCORE:



NOTE: Members of QPOs are not eligible to select a party preference. These members will receive a packet with all major party ballots during a primary.

PRIMARY ELECTION DATES

Colorado conducts a state primary election in even numbered years, held on the last Tuesday in June. [Section 1-4-101 C.R.S.] Beginning in 2020, Colorado will also hold a presidential primary election, on a date set by the Governor, no later than the third Tuesday in March.

MAILINGS FOR PRIMARY ELECTIONS

Beginning in 2018 the following voters will be mailed a ballot in primary elections:

- Voters affiliated with a party that is conducting a primary election:
 - Mailed the ballot of the party they are affiliated with
- Unaffiliated voters who have selected the ballot preference of a party that is conducting a primary election, and has allowed unaffiliated voters to participate:
 - Mailed the ballot of the party they have selected a preference for
- Unaffiliated voters who have selected the ballot preference of a party that is conducting a primary election, but has not allowed unaffiliated voters to participate:
 - Mailed a ballot packet containing the ballots of all major parties allowing unaffiliated voters to participate
- Unaffiliated voters who have selected the ballot preference of a party that is not conducting a primary election:
 - Mailed a ballot packet containing the ballots of all major parties allowing unaffiliated voters to participate
- Unaffiliated voters who have not selected a ballot preference:
 - Mailed a ballot packet containing the ballots of all major parties allowing unaffiliated voters to participate

[Rule 7.2.9-7.2.11]

As in other elections, the county clerk must mail ballots no later than 18 days before election day. Review chapter 5 of this manual for details on what must be included in a mail ballot packet.

NOTE: In addition to the materials normally included in a mail ballot packet, an unaffiliated voter who has not selected a ballot preference must be provided with written instructions advising the voter on how to properly vote and return only a single ballot. [Section 1-4-101 C.R.S.] These instructions must be included on the ballot return envelope and the ballot instructions. [Rule 7.2.15]

ISSUING REPLACEMENT BALLOTS AND VOTING IN PERSON DURING PRIMARIES

The county may issue an affiliated voter a replacement mail ballot for their party's primary at any time up to and including election day. An affiliated voter may also appear in person at any voter service and polling center and vote their party's ballot as long as they have not already voted a ballot that has been received into SCORE.

The county may issue an unaffiliated voter a replacement mail ballot or ballot packet. If an unaffiliated voter did not declare a mail ballot preference, then they must be issued a replacement ballot packet containing the ballots of all participating major political parties. If an unaffiliated voter declared a mail ballot preference at least 29 days before the primary election then the county clerk must issue the voter the ballot of their preferred political party, or if requested, a ballot packet with the ballots of all participating major political parties. [Rule 7.2.16]

An unaffiliated voter may also appear in person at any voter service and polling center to vote as long as they have not already voted a ballot that has been received into SCORE. Before voting in person, an unaffiliated voter must state the party's election they choose to vote in. This selection must then be recorded in WebSCORE and the voter must be provided with that party's ballot. [Rule 7.9.8]

PROCESSING RETURNED UNAFFILIATED BALLOTS

A ballot returned by an unaffiliated voter who did not select a ballot preference will require additional processing by the county. Election judges will need to determine which party's ballot an unaffiliated voter chose to vote. Counties may choose to provide a means for judges to determine, before opening the return envelope, which party's primary election ballot the voter returned. However, this determination cannot be based solely on a voter's self-reported selection on the envelope- for example with a checkbox. [Rule 7.2.14]

If a county does not provide a means to determine, or if judges are unable to determine, before opening the envelope, which party's ballot an unaffiliated voter returned then counties must take the following steps:

1. An election judge must remove the ballot and pass it to a bipartisan team of judges without allowing those judges an ability to determine the identity of the voter.
2. The bipartisan judges must review the removed ballot and audibly tell the first election judge which party's ballot has been voted.
3. The first election judge must record in SCORE, or document for later recording, which political party ballot was returned by the voter.

[Rule 7.5.13]

If an unaffiliated voter returns more than one party ballot, a bi-partisan team of judges must review both ballots to determine if the voter intended to vote in only one primary or if they intended to vote in both. Judges should use the Secretary of State's Voter Intent Guide to make this determination. If judges determine that the voter intended to vote only one ballot, then the ballot should be processed using the three steps above. If judges find that the voter intended to vote more than one ballot, or returned two blank ballots, then the county must reject all ballots, not count them, and retain them in the original ballot envelope. [Rule 7.5.14]

CHAPTER 7: VOTER SERVICE AND POLLING CENTER SETUP

DESIGNATION AND OPERATION

The county clerk must designate and open the minimum number of Voter Service and Polling Centers (VSPCs) required by law during reasonable business hours.

For a general election, VSPCs must be open at least 15 days before and including Election Day, not including Sundays. For an election other than a general election, VSPCs must be open at least 8 days before and including Election Day, not including Sundays.

Reasonable business hours means at least 8 hours per day Monday through Friday, and at least 4 hours on Saturday. All VSPCs must be open from 7:00 a.m. to 7:00 p.m. on Election Day.

The county clerk must provide all services outlined in section 1-5-102.9, C.R.S., at every designated VSPC.

[Sections 1-1-104(50.5), 1-5-102.9(2), 1-7-101, and 1-7.5-107(4.5), C.R.S.; Election Rule 7.9]

DESIGNATION OF VSPCs

For a general election:

County Size	VSPCs
At least 25,000 active electors	Before Election Day: at least one VSPC for each 30,000 active electors (at least one VSPC). On Election Day: one VSPC for each 15,000 active electors (no fewer than three VSPCs).
Between 10,000 and 25,000 active electors	Before Election Day: at least one VSPC. On Election Day: at least three VSPCs.
Fewer than 10,000 active electors	Before Election Day: at least one VSPC. On Election Day: at least one VSPC.

For any Primary or November Coordinated Election:

County Size	VSPCs
More than 25,000 active electors	County clerks must designate VSPCs equal to the number of county motor vehicle offices. Each county must have at least one VSPC.
Fewer than 25,000 active electors	A minimum of one VSPC is required. Clerks may add more VSPCs as necessary.

For any other election in which the county clerk is the DEO:

County Size	VSPCs
Any	At least one VSPC for each 30,000 current active registered voters eligible to vote in that election.

[Sections 1-5-102.9(1) and 1-7.5-107(4.5), C.R.S.; Election Rule 7.9]

Review the following regarding designation of VSPCs:

- Factors to Consider in Designation [Section 1-5-102.9(1)(c), C.R.S.; Election Rule 7.10]
- Services Provided at VSPCs [Sections 1-5-102.9(3) and 1-7-101, C.R.S.; Election Rules 2.16 and 7.9]
- Technology, Connectivity, and Security [Election Rules 2.16 and 7.10]
- Deadlines for Designation [Election Rule 7.9]

DESIGNATION OF DROP-OFF LOCATIONS

In addition to VSPCs, bigger counties must provide drop-off locations. At these locations, electors can deposit their completed mail ballots into a secure box and bypass a VSPC. There are 2 types of drop-off locations: stand-alone and 24-hour.

- Stand-alone drop-boxes are separate from a VSPC building. Counties are encouraged to choose community-based locations for these boxes.
- 24-hour drop-boxes may be attached to the VSPC building.

For a general election:

County Size	Number of drop-off locations
At least 25,000 active electors	At least one drop-off location for each 30,000 active electors, with a minimum of one location. Drop-off locations must be open the Saturday before, Monday before, and on Election Day.
Fewer than 25,000 active electors	Not required to have drop-off locations.

For any other election in which the county clerk is the DEO:

County Size	Number of drop-off locations
Any	At least one drop-off location for each 30,000 active electors eligible to vote in the election. Drop-off locations must be open the Friday, Saturday, Monday before, and on Election Day.

[Sections 1-5-102.9 (4) and 1-7.5-107 (4.3)]

All drop-off locations must be designated by a sign conspicuously posted during the time that drop-off location is available to receive mail ballots.

All drop-off locations must be monitored at all times by an election official or video security surveillance recording system. 24-hour drop-off locations must collect ballots in a locked container and must be continuously monitored.

The county clerk must arrange for the collection of drop-off ballots by bipartisan teams of election judges. Ballots should be received into SCORE after collection. The ballots must be collected:

- At least once every 72 hours after ballots are mailed until the date VSPCs must open;
- At least once every 24 hours during the days that VSPCs must be open; and
- At least twice on Election Day (approximately 1pm and 7pm).

The county clerk may request a waiver from the Secretary of State for remote drop off locations, exempting them from some of these ballot collection requirements. For detailed information regarding a waiver for remote drop-off location, review Election Rule 7.5.5.

County clerks may:

- Collect and transport the ballots to the central count location for receipt into SCORE;
- Collect and transport the ballots to the nearest VSPC for receipt into SCORE; or
- Receive the ballots into SCORE at the ballot drop-off location.

[Sections 1-5-102.9, C.R.S.; Election Rules 7.5.4 and 7.9]

PHYSICAL SETUP

The following must be considered when setting up a VSPC:

- Electors with Disabilities - County clerks must select locations that comply with the Americans with Disabilities Act of 1990 and conduct accessibility surveys of VSPCs annually (available on Clerk's Corner). [Section 1-5-703, C.R.S.; Election Rule 7.10]
- Equipment - County clerks must consider required equipment such as Mail and in-person ballots, possibly including ballot marking devices; ballot on demand printers; ballot boxes; polling location supplies; instruction cards; voting booths and equipment; and WebSCORE workstations when selecting a VSPC location. [Sections 1-5-102.9(3), 1-5-502, 1-5-503, 1-5-504, 1-5-504.5, 1-7-301, 1-7-401, 1-7-402, C.R.S.; Election Rules 7.8 and 7.9]
- Judges - County clerks must configure VSPCs to provide sufficient election judges [Election Rule 7.9]
- Restrictions - There are a number of restrictions related to activities in or near VSPCs and drop-off locations. [Sections 1-5-105, 1-13-714, and 1-13-715, C.R.S.]

SIGNS

- County clerks must post a sign at each VSPC at least 20 days before each election (available on Clerk's Corner).
- The Help America Vote Act (HAVA) and other statutes require a number of other signs at VSPCs and drop-off locations (available on Clerk's Corner). [Sections 1-5-106, 1-5-503, 1-5-504, 1-5-504.5, and 1-13-714, C.R.S.; Election Rule 7.13]
- Counties covered under Section 203 of the Voting Rights Act of 1965 must provide signs that include a minority language in addition to English. Visit Clerk's Corner>Best practices working groups>Language minority/preference for more detailed information.

RESOURCES

Clerk's Corner has a number of resources for VSPC and drop-off location setup:

- Training resources:
 - Accessibility for Persons with Disabilities, Parts 1 and 2
 - Elections 101 Course
 - VSPC Set up and Management
- Approved forms:
 - Accessibility checklist - Election Day
 - Accessibility survey - annual polling location
 - Accessibility survey - new polling location
 - Voter assistance form
- Polling & drop-off location resources:
 - Polling and drop-off location signs
- Other resources:
 - Election Calendar
 - Accessibility resources
 - Frequently asked questions

CHAPTER 8: ELECTION JUDGES

TYPES OF ELECTION JUDGES

Election judges are registered electors appointed by the county clerk to perform the election duties assigned by the clerk. Judges are appointed to ensure that elections are administered fairly according to federal and state law. The following are the different types of election judges:

- Supervisor Judges: A supervisor judge coordinates the conduct of the election at a VSPC location. For partisan elections, each major political party is entitled to one-half of the total number of supervisor judges appointed. Each supervisor judge must complete a training course provided or approved by the Secretary of State.
- Regular Judges: Election judges perform duties at VSPCs and central count locations, as assigned.
- Signature Verification Judges: A signature verification judge is a regular judge that has been assigned by the clerk to conduct signature verification. Each signature verification judge must complete a training course provided by or approved by the Secretary of State. The county clerk is prohibited from acting as a signature verification judge. In addition, some counties may not use regular staff as signature verification judges. See Election Rules 6.2, 6.3, 6.4, and 6.8 for further information.
- Student Judges: High school students who are at least 16 years old, juniors or seniors, and in good standing may serve as student judges. No more than half of the total number of election judges serving in any one polling location may be student judges.

For more information regarding judges, please refer to sections 1-6-101, 1-6-109, 1-6-109.5, and 1-6-111, C.R.S., and Election Rule 6.

ELECTION JUDGE QUALIFICATIONS AND APPOINTMENTS

To be an election judge, an individual must:

- Be a registered elector in the State of Colorado.
- Be physically and mentally able to perform the assigned tasks.
- Attend a training provided by the county clerk.
- Not have been convicted of fraud or other election offense.
- Not be a candidate or be related by blood, marriage, or civil union to the second degree to a candidate whose name appears on the ballot.

Election judges must affirm to the oath in section 1-6-114, C.R.S. Student judges must affirm to the oath in Election Rule 6.6.

The major political parties should supply a list of election judges to the county clerk, and the clerk should request an updated list before each election. If a major party fails to provide an adequate list of judges by the 60th day before Election Day, the clerk must notify the Secretary of State. Minor parties may also submit a certified list of individuals to the clerk and unaffiliated electors who want to serve as judges may submit a written application.

The clerk must try to exhaust the major parties' appointees in the order listed. If the parties provide too few names or the individuals are unable to serve, the clerk may supplement with minor party judges, unaffiliated judges, or staff. The clerk must provide a list of election judges, including party affiliations and assignments, if known, to each party no later than 35 days before Election Day, and a supplemental list if requested no later than 7 days before the county's first VSPC opens. The clerk must also arrange for the necessary criminal background checks before judges may conduct voter registration. The clerk may never ask a judge or staff member to change his or her affiliation in order to achieve a bipartisan balance.

There must be at least three judges at each VSPC, one of whom may be a student judge. As long as two judges of differing affiliations are present, voting may continue. If, however, there are only two judges of the same affiliation or only one judge, voting may not proceed. Judges may also work in shifts as long as one judge from each major party works the full day in each precinct.

For more information please refer to sections 1-6-101, 1-6-102, 1-6-103, 1-6-103.7, 1-6-104, 1-6-106, 1-6-111, and 1-6-114, C.R.S., and Election Rule 6.

REMOVAL OF ELECTION JUDGES

Before Election Day, a clerk may remove an election judge "for cause," which includes:

- Failure to file an acceptance form;
- Failure to attend required training;
- No longer residing in the jurisdiction; or
- Failure, refusal, or inability to serve.

The county clerk may also remove or reassign an election judge performing signature verification at any time for cause, including:

- An inability to perform signature verification;
- An inability to serve for the requisite amount of time needed; or
- An irregular acceptance or rejection rate, as determined by the county clerk.

The county clerk must periodically audit signature verification judges for unexplained, irregular acceptance or rejection rates. If the clerk is concerned with a judge or team of judges, the clerk must retrain or remove that judge or team from conducting signature verification.

On Election Day judges may also be removed for electioneering, leaving the polling location, or being unable or unwilling to serve. Additionally, eligible electors have the ability to file a complaint with the clerk against an election judge. If this happens, the clerk must investigate and may remove the judge based upon the information contained in the complaint.

A county chairperson or authorized party official may also remove an election judge if they feel the judge is not fairly representing that party.

Lastly, a court may remove a judge in accordance with section 1-6-120, C.R.S.

To fill an election judge vacancy, the clerk must select a replacement from the major party list that was previously submitted by the party chairperson. In a partisan election, the county clerk

must try to replace the judge with an individual from the same political party. If the major party list is exhausted, then the clerk must appoint either a minor party or unaffiliated judge.

For more information, please refer to sections 1-6-113, 1-6-119, and 1-6-120, C.R.S. and Election Rule 6.

BEST PRACTICES

Clerks must exhaust the party list before using staff as election judges. While the clerk must exhaust the list, they have discretion to assign election judges to positions based on appropriate skill and interest. Additionally, clerks may assign judges to work for part of an election instead of an entire one.

After providing the list of judge assignments to the political parties, a party may ask that the clerk reconsider a judge assignment. Clerks should do their best to explain the assignments or to accommodate the request.

County clerks, elections directors, and other staff should give their cell phone contact information to supervisor judges at polling locations. This process ensures that there is a direct line of communication between judges and staff in case a question or problems arise with the phone lines at the clerk's office.

In the past, some counties used Google phone or created a phone line that does not go to voicemail. Instead, the phone will continuously ring until someone at the clerk's office answers. Clerks should have multiple lines of communication available between themselves and supervisor judges so an elector experiences smooth operations during registration and voting.

CHAPTER 9: WATCHERS AND OBSERVERS

APPOINTMENT OF WATCHERS

A watcher is an individual appointed to observe election activities and has no term of service. To be a watcher a person must:

- Be an eligible elector in Colorado (a person doesn't have to be a resident of the county they are watching).
- Not be a candidate or a member of a candidate's immediate family by blood, marriage, or civil union to the second degree.
- Be appointed by:
 - A political party,
 - A party candidate (in a recall or primary),
 - An unaffiliated candidate,
 - Proponents or opponents of a recall ballot question,
 - A registered issue committee supporting or opposing a ballot issue or question.
- Either share the same party affiliation as the party or candidate that issues the appointment, or be unaffiliated.

In a primary election, each participating political party and candidate may have 1 watcher in each location where election activities are occurring. In a general election, each political party, issue committee, and unaffiliated or write-in candidate may have a watcher in each location. Party candidates and county party chairs may visit locations without being designated as watchers, but party attorneys must be designated as watchers if they are not voting.

In a non-partisan election, candidates and proponents or opponents of a ballot issue may have watchers.

An appointed watcher will be given a Certificate of Appointment. A certificate is only good for that identified watcher and is not transferable to another person. A training certificate of completion is valid until December 31 of that calendar year. Watchers may come and go from a location throughout the day without presenting a new certificate and may also be designated to observe in more than one location. After receiving a certificate, the clerk or a designee should confirm the watcher's eligibility to watch. [See Election Rule 8.1 for confirmation of eligibility requirements.]

Watchers must take an oath administered by an election judge. The watcher must affirm that they will not:

- Attempt to determine how any person voted,
- Disclose or record any confidential information that they may observe, or
- Disclose any results before the polls have closed and the election official has announced the results.

If a watcher is removed for any reason, the county clerk must notify the party, candidate or committee who appointed the watcher. The removed watcher may be replaced by an alternate watcher.

For more information, please refer to sections 1-1-104(51) (definition), 1-7-105 (primary elections), 1-7-106 (general and congressional vacancy elections), 1-7-107 (nonpartisan elections), and 1-7-108 (requirements) C.R.S., and Election Rules 1.1.49 and 8.

WATCHER'S RIGHTS AND RESTRICTIONS

Watchers may be present at each stage of the conduct of the election, including when electors are voting or when election judges are present and performing election activities. Watchers may also be present at the post-election audit, canvass, and any recounts. [For a list of election activities that watchers must be given access to, see Election Rule 8.10.2.]

During an election watchers must stay at least 6 feet from the voting equipment, voting booths, and ballot box (the immediate voting area). A clerk must, however, provide watchers with a meaningful opportunity to observe election activities. Clerks should consider factors such as available space, maintaining security, and voter anonymity in determining watcher access to election activities. If election officials or judges are conducting election activities in separate rooms or areas, the clerk must allow watchers to observe activities in each room or area.

Watchers may not handle election supplies, but they must be provided a way to find out who has voted. Any lists, copies, or other documents that a clerk provides to a watcher may not be taken outside the location.

A watcher may maintain their own list of electors who have voted but they may not record ballot numbers or other identifying information about electors. Unless otherwise approved by the county clerk, a watcher may not have in his or her possession any mobile phone or other electronic device while watching election activities where voters' confidential or personally identifiable information is within view. Note that in areas where confidential information is not within view, watchers may use their mobile phone to text, but may not make calls.

Watchers may challenge ineligible electors and, if permitted by the clerk, refer signature discrepancies for secondary review, but they may not interfere with the orderly process and conduct of any election. If a watcher disputes a decision made by an election judge or alleges a discrepancy, the watcher must alert the designated watcher contact. At least 1 judge at each location or activity should be designated to answer watchers' questions.

Sections 1-5-503, 1-7-108, and 1-7-106, C.R.S.; Election Rule 8

REMOVAL OF WATCHERS

Under Election Rule 8.6, a county clerk or his/her designee may remove a watcher if a watcher:

- Commits or encourages fraud in connection with his or her duties;
- Personally interrupts or disrupts the processing, verification, and counting of any ballots or any other stage of the election;
- Writes down any ballot numbers or any other personally identifying information about the electors;
- Touches or handles the official signature cards, ballots, mail ballot envelopes, provisional ballot envelopes, voting or counting machines, or machine components;
- Interferes with the orderly conduct of any election process, including issuance of ballots, receiving of ballots, and voting or counting of ballots;

- Interacts with election judges (except for the judge designated as a watcher contact)
- Uses a mobile phone or other electronic device to make or receive a call in any polling location or other place election activities are conducted;
- Uses any electronic device to take or record pictures, video, or audio in any polling location or other place election activities are conducted;
- Violates his or her oath; or
- Is abusive or threatening towards election officials or voters.

WATCHER ACCOMMODATION

Clerks must submit a watcher accommodation plan to the Secretary of State by email no later than 90 days before an election. The approved form is on Clerk's Corner > SOS Approved Forms.

The following is the minimum number of watchers per appointing entity that the county must accommodate (subject to space limitations and local safety codes):

- Central Count - 1 watcher per central count process, but in any case not less than 1 watcher for every 10 election judges.
- Signature Verification - 1 watcher for every 4 election judges.
- VSPCs - 1 watcher, or 1 watcher per VSPC process.

TRAINING

Watchers must complete a training provided by or approved by the Secretary of State before observing election activities where confidential or personally identifiable information may be within view. The training is available on the Secretary of State's website.

BEST PRACTICES

Clerks are not required to meet with political parties (or other watchers) ahead of time, but it can be helpful. At these meetings, a clerk can let the parties know what they expect from the watchers. Clerks can also let watchers know about any space limitations, new procedures or equipment, or who to contact in case they have questions. Clerks may also want to provide the parties or watchers an information sheet with the "dos and don'ts" of poll watching.

The 6-foot rule only applies to the voting area while the voter is present for the purpose of voting. For all other activities in the conduct of elections or a recount, watchers must be able to witness and verify election activities. Avoid placing tape on the floor or creating other unnecessary barriers in order to restrict a watcher's ability to witness and verify activities. This will create suspicion among the watchers and may lead to problems later in the election.

Keeping an open dialogue with watchers can also help mitigate any problems. Watchers may want to understand some of the mechanics of the election. Explaining your processes to the watchers helps inform the watchers and remove suspicion. If the county has enough resources, it should designate a backup judge to answer watchers' questions if the primary contact is away or busy.

When possible, the clerk should accommodate as many watchers as possible while giving equal representation to all appointing authorities.

During signature verification, clerks may allow a watcher to escalate signatures for secondary review. Allowing this will reduce the time spent on formal challenges because watchers won't stop the entire process to fill out a challenge form. Create bright line procedures for the watcher ahead of time and ensure your judges know how to handle these escalations.

The Secretary of State's website has a watcher information page, including best practices, located at: <http://www.sos.state.co.us/pubs/elections/watchers.html>

OBSERVERS

An official observer may be appointed by the Secretary of State or appointed by the federal government and approved by the Secretary of State. Official observers may be present in all phases of the election process and perform duties as may be assigned by the Secretary of State. They are subject to the rules and regulations as prescribed by the Secretary of State.

FEDERAL GOVERNMENT OBSERVERS

Federal Government observers must be approved by the Secretary of State, but they do not have to be eligible electors, and are not bound by Election Rule 8. All other rules and laws apply. The Secretary of State will provide a letter to these observers to present to the county clerk.

Please note that none of the rules regarding watchers apply to the Department of Justice (DOJ). DOJ observers provide their own credentials and have unrestricted access to polling locations and processing facilities.

MEDIA OBSERVERS

A member of the media must have valid media credentials to be a media observer. Media can include reporters, photographers, broadcast journalist, or film crew. Media does not include private citizens interested in writing about or filming the voting process.

Media may observe all election activities. Media Guidelines, as outlined in Election Rule 8.18, were agreed to by the County Clerks and Records Association, the Colorado Broadcasters' Association, and the Colorado Press Association.

Please refer to Election Rules 1.1.31 and 8 for more information regarding observers.

CHAPTER 10: VOTER SERVICE AND POLLING CENTER PROCEDURES

CHECK-IN, REGISTRATION, AND VOTING

An eligible elector may register to vote and vote at a Voter Service and Polling Center (VSPC) up to and including Election Day. If the eligible elector registers to vote online within 8 days of Election Day, then they must appear in a VSPC to receive a ballot. For more information on voter registration, see Chapter 1: Voter Registration.

Each VSPC must be able to accommodate a voter's election needs. Section 1-5-102.9(3), C.R.S., lists the various services each VSPC must provide, including accessible voting machines. Additionally, refer to the following sections of the Colorado Revised Statutes and Election Rules for detailed information regarding ballot casting, record updating, facilities, and equipment:

- Section 1-2-201, C.R.S. (registration)
- Section 1-2-217.7, C.R.S. (registration on or before election day)
- Section 1-2-218, C.R.S. (ability to change a name)
- Section 1-7-110, C.R.S. (signature cards)
- Section 1-7-114(4), C.R.S. (list of write-in candidates)
- Section 1-7-115, C.R.S.; Rule 7.9.4 (maximum allowable time in a voting booth)
- Parts 3-5 of Article 7 of Title 1, C.R.S.
- Election Rule 2
- Election Rule 7
- Election Rule 7.9.3 (mail and in person ballots)
- Election Rule 7.9.9 - 7.9.10 (recording wait time)

PROVISIONAL BALLOTS

Both federal and state laws require provisional ballots as a fail-safe method of voting. Provisional ballots ensure that an elector whose eligibility to vote cannot be immediately established may cast a ballot that will be counted if his or her eligibility is later established through verification of the elector's affidavit.

If an elector cannot cast a regular ballot for any reason, a provisional ballot must be offered. The following Colorado Revised Statutes and Election Rules describe examples of when judges must provide provisional ballots to electors:

- Improper Identification - Sections 1-7-110(4), 1-8.5-101, C.R.S.; Election Rule 17.2.7
- The elector already voted - Sections 1-8.5-101; Election Rules 17.2.4 and 17.2.5
- The elector is not a resident - Section 1-8.5-101, C.R.S.
- The elector's eligibility is challenged - Section 1-9-201, C.R.S.; Election Rule 9
- The VSPC loses connectivity to SCORE - Section 1-5-102.9(3.5), C.R.S.; Election Rule 17.1.2
- The electors are voting after the close of polls because of a court order - Election Rule 7.9.7

To cast a provisional ballot, the elector must complete a Provisional Ballot Affidavit form (available on Clerk's Corner). This form serves as a registration application for future elections, so clerks must process the affidavit as a registration application.

To issue a provisional ballot, the election judge must:

- Place the provisional ballot serial number on the elector's receipt.
- Note the type of ID provided, voting location, and ballot style in the judge's affidavit.
- Instruct the elector to complete the entire provisional ballot affidavit and sign the envelope.
- Indicate why the elector is being offered the provisional ballot and initial the form.
- Provide the elector with a receipt.
- Fill out the provisional ballot log.

Election judges must complete the verification and counting of all provisional ballots by 9 days after a primary, general, odd-year, or coordinated election. This timeline may be altered, if necessary, by the secretary of state. Additionally, all regular ballots must be counted before any provisional ballots. [1-8.5-105(5); Election Rule 17.2.1]

Please refer to the Ballot Processing and Voter Intent chapter to review how to process provisional ballots.

REPLACEMENT BALLOTS

Under section 1-7-303, C.R.S., an elector voting in person may return a spoiled ballot and receive a replacement. The elector may only receive a maximum of 3 in-person ballots. An elector may, however, receive unlimited replacement mail ballots. The election judge may not require the elector to fill out a form for a new ballot. Instead, the judge must void the previous ballot and issue a new ballot from SCORE. [See also Section 1-7.5-107(3)(d), C.R.S.]

An elector may be unable to vote in person due to confinement in a hospital or residence, an immediate family member's confinement, or emergency conditions like natural disasters. Under these circumstances, the elector may request an emergency replacement ballot. Unlike standard replacement or absentee ballots, emergency replacement ballots may be transmitted to an elector by an authorized representative or electronic means. Electronic means include fax, email, and the online ballot delivery module. If the elector receives their ballot through electronic transmission, they may return the ballot through electronic transmission. [Section 1-7.5-115, C.R.S.; Election Rule 7.3.1]

VOTER CHALLENGES

An elector's right to vote in any election may be challenged by an election judge, watcher, or eligible elector. Challenges may be based on:

- U.S. citizenship;
- Residency in Colorado

- Age
- Property ownership (if applicable)

For in-person challenges, the challenge must be made in writing in the presence of the person being challenged. The challenger must state the factual basis and sign the form. Once the challenger completes his or her requirements, the clerk will ask the challenged elector the questions outlined in section 1-9-203, C.R.S., and Election Rule 9. If the challenged elector answers satisfactorily, the clerk must give them a regular ballot. If the elector answers unsatisfactorily or refuses to answer, they should be offered a provisional ballot.

When someone challenges a mail ballot, the election judge must forward the ballot to 2 other election judges of different parties to determine eligibility. For mail and provisional ballot challenges, the county clerk must mail a copy of the challenge to the person being challenged.

After the election, if a challenge has not been withdrawn or resolved, the county clerk must deliver the challenge to the district attorney.

For more information on voter challenges, please refer to Part 2 of Article 9 of Title 1, C.R.S. and Election Rule 9.

ASSISTANCE FOR VOTERS

All eligible electors who wish to vote must be given the same opportunity to register and vote. There is no mental competency requirement in Colorado for voter registration and voter eligibility purposes.

An elector needing assistance marking the ballot or operating the voting machine may request assistance from an election judge or another individual. An assistor who is not an election judge must complete a Voter Assistance Form. Additionally, if an elector spoils two ballots and requests a 3rd ballot, an election official must offer assistance to the elector.

An elector with English language difficulties may also request assistance from an election judge or another individual. Any person who provides language assistance must be able to speak the elector's language and English. The judges will note on the signature card the names of the elector and the assistor. An assistor must complete a Voter Assistance Form.

For more information on voter assistance, refer to sections 1-7-111 and 1-7-113, C.R.S. and Election Rule 7.13.

USEFUL RESOURCES

- Relevant trainings and forms on this topic include:
 - Elections 101
 - Provisional Ballots
 - VSPC Set up and Management
 - VSPC WebSCORE Judge
 - Voter Assistance Form
 - Voter Challenge Forms
 - Provisional Ballot Affidavit
 - Provisional Ballot Log

BEST PRACTICES

Some counties have provided a wheelchair at the VSPC entryway in case an elector needed one. Some counties also have a paper pad and pen available in case the elector needs an alternative means of communication. Additionally, staff should not make assumptions about an elector's abilities.

An elector who does not bring an approved form of ID to the polls always has the option of taking a mail ballot with them or going home to get his or her ID and returning to vote.

Make sure each VSPC has a backup plan for power and connectivity. If webSCORE is unavailable for any reason, the county should use SCORE Classic. If SCORE Classic also becomes unavailable, only then should the county begin issuing provisional ballots.

CHAPTER 11: BALLOT PROCESSING AND VOTER INTENT

BALLOT PROCESSING

The county clerk must arrange for the delivery of all returned ballots to the counting facility during the 15 days prior to and including Election Day. In addition, bipartisan teams of election judges must collect ballots from all drop-off locations and receive them into SCORE in accordance with the timelines set forth in Elections Rule 7.5.4. [Section 1-7.5-203, C.R.S.]

Each day when ballots come in, an election official must count the ballot envelopes, batch them, and record the number of ballots received. An election official must date-stamp and process the returned ballot envelopes in SCORE immediately upon receipt at the ballot processing location. Ballots and return envelopes must be sealed and stored in a safe, secure place. Before tabulating ballots, the county clerk must, to the extent practicable, dissociate counting batches from any SCORE batch number that could trace a ballot back to the specific voter who cast it. Except for ballots submitted by military and overseas electors, any ballot received after the close of polls must be date-stamped, but remain sealed and not counted. Election officials must record the number of ballot packets returned as undeliverable and receive the ballot packets in SCORE upon receipt. [Section 1-7.5-107(4)(b)(II), C.R.S. and Election Rule 7.5]

In certain instances where the county has insufficient information to determine eligibility during ballot processing, the county must send a correspondence to the elector:

- Missing identification [Section 1-7.5-107(3.5)(d), C.R.S.]
- Ballot returned in unofficial envelope [Election Rule 7.6]
- Missing or discrepant signatures [Section 1-7.5-107.3, C.R.S., Election Rule 7.7]

If the county attempts to contact these voters by any other method beyond sending a letter (e.g. by calling or sending an email), then the county must attempt to contact all of these voters by the same method. [Election Rule 7.7.3]

Counties may begin counting ballots 15 days before the election and continue until counting is completed. No information concerning the results may be released until after 7 p.m. on Election Day. [Sections 1-7.5-107.5 and 1-7.5-202, C.R.S.]

FORWARDING BALLOTS TO THE CORRECT COUNTY

If an elector delivers a ballot to the wrong county, the receiving county must date stamp the ballot envelope and forward it to the correct county for processing. The correct county must treat the ballot as received as of the date and time of the date stamp.

Beginning the Monday before Election Day, the county must scan an image of the outside of the mail ballot envelope, including the signature, and send that image by secure electronic transmission to the correct county. The mail ballot must also be forwarded to the correct county no later than the

next business day. The receiving county may perform signature verification on the scanned image prior to receiving the physical envelope.

Counties that physically deliver ballots to the correct county no later than the next business day or who immediately transmit them by next-day delivery are not required to also scan and send an image of the envelope. [Section 1-7.5-107(7), C.R.S., Election Rule 7.5.11]

County clerks may choose to pick up ballots on behalf of other counties from a U.S. Postal Service general mail facility on election night. However, clerks who engage in this service must log the number of ballots collected by the county and provide that log to the Secretary of State's office within 48 hours. Clerks must date stamp each ballot envelope as received on or before 7:00 PM on Election Day and immediately forward it to the correct county. That county must then treat the ballot as received as of the date and time of the date stamp. [Election Rule 7.5.12]

SIGNATURE VERIFICATION

Before opening a mail ballot, a signature verification judge must compare the signature found anywhere on the return envelope with the signature stored in SCORE. The signature verification judge must refer to the Secretary of State's Signature Verification Guide to help determine whether the signatures match.

If the judge determines that the signatures do not match, a bipartisan team of signature verification election judges must review the signatures. If the bipartisan team also unanimously determines that the signatures do not match, the county clerk must send a signature discrepancy letter to the elector as soon as practicable. This letter should be sent to the same address as the ballot. If the elector cures his or her signature, the judges need not verify the signature on the returned affidavit. If one of the bipartisan team of judges believes that the signatures match, then the signature must be accepted.

When comparing signatures judges may end up viewing electronic signatures either in SCORE or, in the case of UOCAVA ballots, on the ballot return affidavit. Regardless of how a signature is captured, judges should compare the signature stored in SCORE to the signature on the return envelope using the guidelines found in the Secretary of State's Signature Verification Guide. Remember that judges may always look through a voter's signature history in SCORE when comparing signatures.

Within 120 days after each election, or before the first day to conduct signature verification at the next county or municipal mail ballot election, whichever is sooner, the county clerk must scan into SCORE the elector's signature and signature date on each accepted mail ballot return envelope and on any cure letter returned by the elector [Election Rule 7.16]

Review the following for information regarding signature verification and automated signature verification devices.

- Section 1-7.5-107.3., C.R.S. (signature verification)

- Section 1-7.5-204, C.R.S. (preparing to count mail ballots)
- Election Rule 7.8 (signature verification)
- Section 1-7.5-107.3(5)(a), C.R.S. (automated signature verification devices)
- Election Rule 7.8.11 (use of automated signature verification devices)
- Election Rule 7.7.1 (treat missing signature as a discrepant signature)

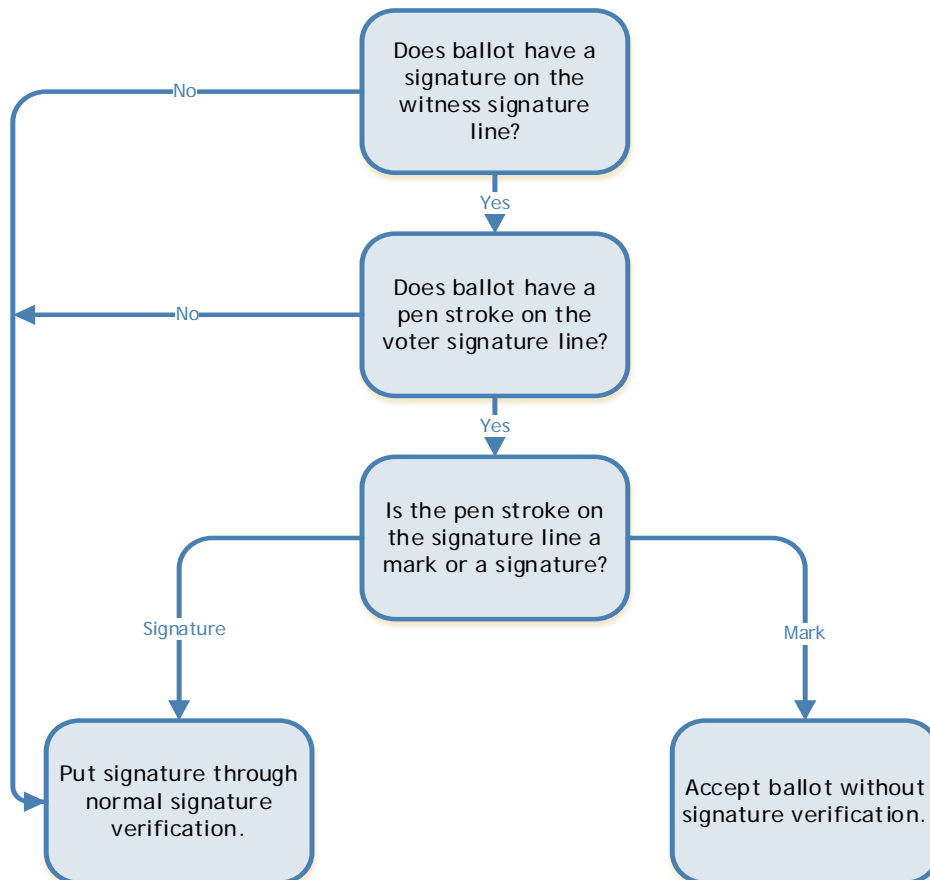
After election judges verify the elector’s eligibility and signature, the county clerk must dissociate and segregate the mail ballot return envelope from the secrecy sleeve (if there is any) and a voted ballot in a manner that ensures no person is able to determine how an individual voted. [Election Rule 7.5.8]

Mail ballots and any ballots cast at a VSPC in lieu of a mail ballot must be counted as outlined on Section 1-7.5-205, C.R.S. All uncounted ballots must remain sealed in the return envelope and stored as election records in accordance with section 1-7-802, C.R.S. and Election Rule 7.5.7.

WITNESSED BALLOTS

All Colorado ballots contain a line for the voter to sign on and a line for a witness to sign on. However, a voter is only required to have a witness sign the ballot if the voter made a mark instead of signing. Despite this, many voters have witnesses sign their ballot unaware that this is not required.

A ballot should only be accepted without signature verification if it contains a mark in the voter’s signature line and a witness signature on the witness signature line. Use the flowchart below to help you determine what to do with a ballot that has been witnessed.



VOTER INTENT

If a ballot is damaged or defective such that the electronic vote-counting equipment cannot properly scan the ballot, election judges must make a true duplicate copy of the damaged ballot in the presence of two witnesses. Election judges must clearly label the duplicate ballot and record it in a duplicate ballot log. [Sections 1-7-309 and 1-7-508, C.R.S., Election Rule 18]

The Voter Intent Guide is available on Clerk's Corner > Policy & Legal Resources > Election policy. This guide outlines specific scenarios to aid election judges in determining voter intent consistently with statute and rules. The guide covers topics such as the target area, marking patterns, overvotes and corrected votes, written instructions, write-in candidates, and unaffiliated primary ballots.

Bipartisan teams of election judges must review ballots for voter intent in the following situations:

- When a county is hand-counting paper ballots;
- When resolving damaged ballots;
- When resolving ballots that are unreadable by an optical scan voting device;
- When resolving ballots containing votes for write-in candidates.
- When reviewing a ballot during a Risk Limiting Audit; or
- When reviewing multiple ballots returned by an unaffiliated voter during a primary.

PROVISIONAL BALLOTS

Provisional ballots may not be processed until all mail and in-person ballots have been processed. [Election Rule 17.2] Counties are required to keep a log of every provisional ballot cast and its disposition. [Section 1-8.5-110(4), C.R.S.]

Election judges must determine whether the elector is eligible to have his or her provisional ballot counted. Once eligibility is determined, the judges must also determine what races and ballot measures the elector is eligible to vote.

Judges must use minimum matching criteria to ensure that the record identified in the verification resources belongs to the elector who cast the provisional ballot.

Election judges must complete the "Verification Judge" information on the back of the provisional ballot envelope as they process the ballot. In assigning the accept/reject code, the judge should use the code that most clearly indicates the reason for accepting or rejecting the ballot. Only 1 code may be entered into the SCORE provisional ballot module. [Election Rules 17.2.9 and 17.2.10]

For a provisional ballot to be counted, verification of eligibility must be limited to the following:

- Sources provided by the Secretary of State or law enforcement agencies regarding felons who are serving a sentence of incarceration or on parole;
- SCORE; and
- The information provided on the provisional ballot envelope, including the affidavit.

[Election Rule 17.2.3]

Counties must provide a way for the elector to find out if his or her provisional ballot was counted, for at least 45 days after Election Day. [Section 1-8.5-111, C.R.S., and Election Rule 17.7]

Counties must count and store provisional ballots separate from all other ballots. If 25 or more provisional ballots are cast and counted, the county must report the results as a separate total. If fewer than 25 provisional ballots are cast and counted, the county must report the results included with the results of regular voting.

CHALLENGED ELECTORS

If an in-person elector's right to vote is challenged, the elector must fill out a Voter Challenge form (available on Clerk's Corner under SOS approved forms > Voter challenges). In order to be issued a regular ballot, the elector must respond to a series of questions about his or her eligibility and sign the challenged voter oath. [Sections 1-9-201 through 204, C.R.S.; Election Rule 9.1]

If the elector cannot, or will not, satisfactorily answer the questions or sign the oath, the election judge must issue a provisional ballot. [Section 1-9-201, C.R.S.; Election Rule 9.1.1]

If the elector chooses to vote the provisional ballot, the election judge must attach the challenge form to the provisional ballot affidavit/envelope and write "challenge" on the affidavit. If the verification judges determine that the elector is eligible to vote, the ballot is counted; if the elector is not eligible, the ballot is not counted.

If an elector's mail ballot is challenged, the election judge must forward the ballot to 2 other election judges of different political party affiliations who must review the elector's eligibility to vote. [Section 1-9-207, C.R.S.; Election Rule 9.2]. If both election judges determine the elector is not eligible, the judges follow the procedures outlined in section 1-7.5-107.3(2), C.R.S. [Election Rule 9.2.1]. If both election judges determine the elector is eligible and the signature is valid, the election judges must count the elector's ballot. [Election Rule 9.2.1(b)]

TRAININGS AND OTHER RESOURCES

The following trainings are available on Clerk's Corner:

- Voter Intent
- Provisional Ballots

The following approved forms are available on Clerk's Corner:

- Ballot returned in wrong envelope letter
- Missing copy of ID letter - mail ballot and provisional ballot
- Missing or discrepant signature letter - general
- Missing signature letter- provisional ballot and UOCAVA
- Provisional ballot log
- In-person challenge
- In-person challenge - special district property owner
- Mail ballot challenge

Policy & Legal resources:

- Voter Intent Guide
- Signature Verification Guide

BEST PRACTICES:

Provisional Ballots:

There are a number of ways to batch and prepare provisional ballots for verification depending upon the county processes. Regardless of the process the county chooses, it is important to be consistent and organized. Some counties separate provisional ballots by precinct or VSPC, others use batches of 25 to 50 ballots. Whatever method the county uses, the county must ensure it can account for all provisional ballots.

Copying and sorting:

Some counties photocopy the provisional ballots before beginning verification and use the copies to conduct all verification activities. Some counties conduct verification activities using the original affidavit and make copies as necessary after the ballots are coded. Other counties choose to print the affidavits on NCR paper so there is an automatic copy of every affidavit. There is no requirement to do this in a particular way. The county should use the process that best suits its needs.

In order to ensure that the process runs smoothly, ballots should be sorted by the reason the provisional ballot was issued. The county should sort out the ballots that are easiest to verify, such as "missing signature" and "ID required" and process those first. Sorting these will help the county get the requisite letters out quickly and will allow the county to keep the more complex affidavits together so the county can train judges on how best to research the issues.

CHAPTER 12: CANVASS

CANVASS BOARD: MEMBERSHIP AND TIMING

For partisan elections, the canvass board is comprised of an equal number of representatives from each major party and the county clerk and recorder. Each minor party and unaffiliated candidate on the ballot may appoint a watcher to observe the canvass board's activities. [Section 1-10-101, C.R.S.]

For nonpartisan elections, the canvass board is comprised of 2 registered electors of the political subdivision appointed by the governing body or bodies that called the election. [Section 1-10-201, C.R.S.]

In some instances, an election will be both a general election and a coordinated election. In that case, both sections 1-10-101 and 1-10-202, C.R.S., govern the composition of the canvass board.

Therefore, minor party or unaffiliated electors are permitted on the canvass board only if (1) municipalities, school districts or special districts certified ballot content for the general election ballot, and (2) the intergovernmental agreement between the county and the participating districts provides for the appointment of unaffiliated or minor party electors to the canvass board. The practice creates more complexity in conducting the canvass, because only canvass board members appointed by the county chairpersons of the major political parties may participate in the canvass and the decision to certify the results of the state and county portions of the ballot.

STATEMENT OF BALLOTS AND DETAILED BALLOT LOGS

To assist with canvass, the county clerk must keep a detailed ballot log and a statement of ballots form for each voter service and polling center.

A detailed ballot log accounts for every ballot issued and received from the time ballots are ordered and received. The election officials must reconcile the log at the conclusion of each workday.

The SCORE Help Desk can provide information on reports that the county may use for tracking every ballot issued and received.

Each day the voter service and polling center is open, the election officials must record the following information on the Statement of Ballots Form:

- The name or number of the polling location;
- The number of ballots provided to or printed on-demand at each polling location;
- The number of ballots cast;
- The number of unvoted ballots;
- The number of damage or spoiled ballots;

- The number of voted provisional ballots; and
- The date.

[Election Rules 10.1.1 and 10.1.2.]

CANVASS BOARD DUTIES

The canvass board's duties are to conduct the canvass in accordance with section 1-10-101.5, C.R.S., including:

1. Account and balance the election;
2. Reconcile the number of ballots counted to the number of ballots cast;
3. Reconcile the number of ballots cast to the number of voters who voted by reviewing the reconciled detailed ballot logs and Statement of ballots; and
4. Certify the official abstract of votes.

[Section 1-10-101.5, C.R.S and Election Rule 10.3.]

Other duties of the canvass board include observing the post-election audit and investigating and reporting discrepancies found in the audit in coordination with the county clerk. The canvass board is also responsible for assisting in a recount, including selecting ballots or the random test, observing the recounting of ballots, and certifying the results. [Section 1-7-514(2), (4), and Election Rule 10.3]

Note that a canvass board may not certify official results until it is authorized to do so by the Secretary of State. The Secretary of State may extend the canvass deadline for one or more counties in order to complete a Risk Limiting Audit. For more information, see Chapter 13 "Risk Limiting Audits". [Election Rule 10.4]

COUNTY ABSTRACT

For primary and coordinated elections, the canvass board must certify the votes cast by either (1) precinct, or (2) ballot style. For general elections, the canvass board must certify the votes cast in each precinct.

[Section 1-7.5-208, C.R.S.]

The election official must prepare the official county abstract, which must include the following:

- Total number of active registered electors on election day;
- Total number of registered electors on election day;
- Statement of votes counted by race and ballot question or issue;
- Total number of ballots cast in the election;
- Number of mail ballots cast, including totals for ballots accepted and ballots rejected by each code;

- Number of in-person ballots counted;
- Number of provisional ballots cast, including totals for ballots accepted and ballots rejected by each code;
- Number of emergency replacement ballots, including totals for ballots accepted and ballots rejected by each code.
- Number of damage and spoiled ballots.
- If applicable, the number of ballots cast in each party's primary election, including totals for ballots accepted in each party's primary election by affiliated and unaffiliated voters and ballots rejected by each code.

The election official must submit the following information from the official county abstract to the Secretary of State at ballot.access@sos.state.co.us:

- Total number of active registered electors on election day;
- Total number of registered electors on election day;
- Statement of votes counted by race and ballot question or issue; and
- Total number of ballots cast in the election.

[Section 1-10-105, C.R.S. and Election Rules 10.6 and 10.7.]

TRAININGS AND OTHER RESOURCES

Additional resources including an example of a canvass board training and reports are available on Clerk's Corner.

CHAPTER 13: RECOUNT

RECOUNT OVERVIEW



The purpose of a recount, whether mandatory or requested, is to re-tabulate all ballots cast and counted in an election. A recount does not involve a review of envelope signatures.

The canvass board must certify the original vote count before the clerk and may conduct a recount. If an interested party believes the recount is not fair, impartial, and uniform, it may petition the Denver District Court to require the Secretary of State's office to conduct the recount. Watchers may be present during a recount and may file complaints in accordance with Election Rule 13.

For any recount detailed below, if the race or issue crosses county boundaries, the clerk must count the total number of votes cast in all counties.

MANDATORY RECOUNTS

When does a mandatory recount occur? There are 2 triggers:

If only one person will be elected to office	 <p>The difference between the highest number of votes cast (the winning candidate) and the next highest number of votes cast (the runner-up) is less than or equal to one-half of one percent of the highest votes cast.</p>
If more than one person will be elected to office	 <p>The difference between the votes cast for the winning candidate with the least votes (lowest winner) and the losing candidate with the most votes (the first runner-up) is less than or equal to one-half of the percent of votes cast for lowest winner.</p>

As an example, if Candidate #1 receives 200 votes and Candidate #2 receives 198 votes, the difference between the two is 1%. 1% is greater than .5%, therefore a recount is not mandatory. To help you calculate whether a recount is mandatory, we created a recount calculator that can be found on Clerk's Corner under Election laws, rules, & resources> Policy and legal resources> Resources. Once you enter the votes in the form, it will automatically calculate whether a recount is required.

Except for requested recounts, the entity (e.g. school district, municipality, etc.) that certified the candidate, ballot question, or ballot issue to the ballot will pay for recount. The clerk must provide notice of the recount to all necessary individuals or groups. A political subdivision that referred a

ballot issue or question to the electors may waive an automatic recount if the question fails, by giving notice to the clerk and recorder within 23 days after the election.

[Section 1-10.5-101 & 103 C.R.S.]

The Secretary of State will order a mandatory recount for state races no later than the 30th day following the election. In this context a “state race” is any race that was certified to the ballot by the Secretary of State, including state legislative races. The county clerk’s office determines when to order a mandatory recount of any other race but may only do so after it has submitted the official abstract of votes cast. Mandatory recounts must be completed no later than the 35th day following the election.

[Section 1-10.5-102 & 103 C.R.S.]

REQUESTED RECOUNTS

If the certified vote count does not trigger a mandatory recount, an interested party may request one. Refer to section 1-10.5-106, C.R.S. for the definition of an “interested party.” The interested party must submit a “notarized written request” to the body that certified the candidate or question to the ballot. This means that for state legislative races, you should direct the interested party to contact the Secretary of State’s office. This request must be received no later than 28 days after the election.

The interested party must also pay for the recount after the clerk provides a cost estimate. The clerk has one day following the official request for a recount to submit a cost estimate to the interested party, and the interested party has one day following their receipt of the cost estimate to pay for the cost of the election. The clerk must use the recount cost estimate form provided by the Secretary of State. Any funds received from an interested party must be placed in escrow until the recount has been completed. If the recount results in a reversal of the results, the interested party will get their funds back. If the results are not overturned, then the clerk keeps the funds to cover the cost.

Requested recounts must be completed no later than the 37th day following the election.

[Section 1-10.5-106]

CONDUCTING A RECOUNT

The canvass board is in charge of conducting the recount. If any member of the canvass board cannot participate, then the clerk may appoint a new person in the same way that the appointed members of the canvass board. The canvass board can employ clerks and assistants as needed to help it conduct the recount. Ultimately, the canvass board’s role in conducting the recount is to select ballots for the random test, observe the recounting of ballots, and to certify the results.

[Section 1-10.5-107; Election Rule 10.11]

To begin the recount process, a county clerk who conducted a comparison risk-limiting audit should review their discrepancies from the audit. If the county finds that the audit showed no discrepancies in the recount contest, then the county is not required to re-scan ballots. However, if the losing candidate with the most votes, or an interested party, requests the county to re-scan ballots, then the county must take this step, regardless of the result of the risk-limiting audit. This request must be made no later than the day after the deadline to order or request a recount.

[Election Rule 10.9]

If the county is required to re-scan ballots, then it must first test all ballot scanners that will be used in the recount. See Election Rule 10.12.2 (a) for details on how to conduct this test. If there are no discrepancies during this test, then the recount must be tabulated in the same way that ballots were tabulated during the election. In most counties, this will mean re-scanning the ballots.

A recount is conducted by hand only if the test conducted under Rule 10.12.2 reveals discrepancies that cannot be resolved.

Regardless of how a recount is conducted, every overvote, undervote, blank vote, ambiguous mark, and write-in vote in the race subject to recount must be reviewed and resolved in accordance with the Voter Intent Guide. This is true even if a county is not required to re-scan ballots at all.

[Election Rule 10.9, 10.12, 10.13]

USEFUL RESOURCES

- Relevant trainings on this topic include:
 - Elections 101
 - Logic and Accuracy Testing
 - Watchers and Observers
- Relevant forms include:
 - County Recount Calculator

BEST PRACTICES

Remind individuals who are considering requesting a recount that in the majority of cases a recount must be conducted using a scanner, not by hand count. In many cases people who request a recount are under the incorrect impression that the recount will be conducted by hand.

Recounts should be transparent to remove any appearance of impropriety and instill confidence for voters. The clerk may want to prepare a recount handout or conduct an orientation that will explain the rules and procedures to any interested parties.

Because recounts are not routine occurrences, the county clerk may wish to provide an additional training session to the election judges that will assist in a recount.

CHAPTER 14: VOTING SYSTEMS AND TESTING

CERTIFICATION

In all elections held in Colorado, votes may be cast, registered, recorded, and counted via an electronic or electromechanical voting system.

Any voting system used by a county must be certified and approved by the Secretary of State for purchase, installation, and use.

See the following sections of the Colorado Revised Statutes and Election Rules for detailed information regarding voting systems standards and certification, inventory, and purchase or lease:

- Generally, Title 1, Article 5, Part 6 - Authorization and Use of Voting Machines and Electronic Voting Systems
- Section 1-5-608.5, C.R.S. (certification)
- Section 1-5-611, C.R.S. (requirements for electronic voting systems)
- Section 1-5-613, C.R.S. (purchase and sale of voting equipment)
- Section 1-5-615, C.R.S. (electronic and electromechanical voting systems requirements)
- Section 1-5-616, C.R.S. (voting systems standards and procedures)
- Section 1-5-617, C.R.S. (examination - testing - certification)
- Section 1-5-618, C.R.S. (modification of voting systems)
- Section 1-5-621, C.R.S. (compliance)
- Section 1-5-623, C.R.S. (special rules applicable to use, modification, or purchase of voting systems)
- Voting Systems Rule 11
- Election Rule 21 (Voting Systems Standards for Certification)

TESTING

The county must submit election setup records to the Secretary of State's office before each election and conduct testing on its certified voting systems, including:

- Hardware diagnostic test
- Logic and accuracy test
- A post-election risk limiting audit

[Sections 1-7-509 and 1-7-510, C.R.S.; Election Rules 11.3, and 11.4]

Review the following for information regarding voting system testing, auditing and compliance:

- Section 1-7-509, C.R.S. (electronic and electromechanical vote counting - testing of equipment required)
- Section 1-7-514, C.R.S. (random audit)
- Section 1-7-515, C.R.S. (risk-limiting audit)
- Section 1-5-610, C.R.S. (preparation for use - electronic voting)
- Section 1-5-621, C.R.S. (compliance)
- Election Rules 11.3.1 (hardware diagnostic test), 11.3.2 (logic and accuracy test), 25 (post-election/ risk limiting audit)
- Election Rule 20.14 (remedies)

A county clerk must notify the Secretary of State of any voting system malfunction. [Election Rule 11.7] The county must retain all testing records and documentation for 25 months. [Section 1-7-802, C.R.S., Election Rule 11.5]

For additional resources regarding certification, testing, and voting system chain-of-custody, review the links under the *Voting Systems* heading on Clerk's Corner.

ELECTION NIGHT REPORTING

The county must report election night results for all primary, general, coordinated, and recall elections. [Election Rule 11.9]

For more information on Election Night Reporting, visit the Clerk's Corner's *Election night reporting information* link under the *Voting Systems* heading.

TRAINING

The county must conduct training for all election officials and must conduct separate training for field technicians and election officials responsible for overseeing the transportation and use of voting systems, picking up supplies, and troubleshooting device problems. [Election Rule 20.10]

Our office recommends the following trainings, which are available under the Training Resources heading in Clerk's Corner:

- Elections Security
- Logic and Accuracy Testing
- Elections 101
- Provisional Ballots
- VSPC Set up and Management

CHAPTER 15: RECALL ELECTIONS

INITIATING A RECALL

Recall proponents may initiate the recall of an elected official by circulating a petition and collecting signatures from eligible electors of the political subdivision. [Section 1-12-101, C.R.S.]

Every elected officer at the state or local level in Colorado is subject to recall from office. Members of Colorado's congressional delegation (House and Senate) are not subject to recall. Judges are also not subject to recall.

At the state and county levels, the elected officer must hold office for at least 6 months before a recall petition may be circulated or filed. The exception to this is for general assembly members, who may be recalled beginning the 5th day after the general assembly convenes.

[Section 1-12-102, C.R.S.]

The number of signatures proponents must collect is based on the type of office:

State and county officers	Signatures equal to 25% of all votes cast for that office in the previous general election.
School districts	Signatures equal to 40% of ballots cast in the last election for that office. (If there was no election, signatures from 10% of electors residing in the district once petition is approved for circulation.)
Other non-partisan offices	The lesser of 300 signatures or signatures from 40% of the eligible electors in the district once the petition is approved for circulation.

[Article XXI, Section 1, Colorado Constitution; Sections 1-12-104 through 1-12-106, C.R.S.]

For all state recall elections the Secretary of State approves all petitions, and the county serves as the designated election official (DEO) who conducts the election. For all county offices and school district offices subject to recall, the county serves as the DEO who approves all petitions and conducts the election. [Section 1-12-107, C.R.S.]

RECALL PETITION

The DEO must approve the proponents' petition format before they may begin circulating. For specific petition-content requirements, review section 1-12-108, C.R.S. The DEO should provide proponents with the Secretary of State created fillable petition format template, which meets all current legal requirements. The petition format is available under the approved forms section of Clerk's Corner.

The petition must contain a general statement, of 200 words or less, stating the grounds on which the recall is sought. Proponents draft the statement, which cannot include any profane or false statements. [Section 1-12-103, C.R.S.]

Every person who circulates the petition must be:

- A Colorado resident;
- A U.S. citizen; and
- At least 18 years old.

[Section 1-12-108(6)(a), C.R.S.]

Only eligible electors may sign the petition. An eligible elector in this case is someone who is eligible to vote in the recall election if there is one. [Section 1-12-108(5), C.R.S.]

Once proponents file the petition, the DEO must review all petition information and verify it against SCORE. Note that this is not signature verification. The DEO compares individual entries to the registration records in SCORE to verify that each signer was registered at the address provided on the petition at the time they signed the petition.

If the DEO finds the petition insufficient, the proponents have 15 days to collect more signatures, or cure deficiencies, and resubmit the petition. Deficiencies that the proponents may cure include:

- Entries that the DEO rejected because the signer's information didn't match in SCORE (Note: proponents should use a fresh petition and collect the signer's information again, rather than crossing out the bad information on the original entry);
- Improperly completed circulator affidavits: If the DEO rejects an entire section because of the circulator affidavit, the proponents may cure by having the circulator complete a new affidavit in the presence of a notary.

If the DEO finds the petition sufficient, any eligible elector may protest the determination. For the full protest procedure, refer to section 1-12-108(9), C.R.S. The DEO may not proceed with any other aspects of the recall until the protest period has passed and all protests have been fully adjudicated.

Any person who has signed a recall petition may request in writing that his or her name be removed from the petition. A signer may do this until three days after the petition has been filed.

If the petition remains sufficient after the protest period, the incumbent may resign within a certain period of time to prevent the recall election from moving forward. For resignation deadlines, review section 1-12-110, C.R.S., and article XXI, section 3, Colorado Constitution.

SUCCESSOR CANDIDATES

In addition to the recall question, the ballot will also contain the names of individuals who have qualified as candidates to succeed the incumbent if the recall is successful. Candidates gain ballot access through petitions in the same manner as in other elections. For candidate-petition requirements, review the following statutes:

- Section 1-4-801, C.R.S. (major party candidates);
- Section 1-4-802, C.R.S. (minor party and unaffiliated candidates);
- Section 1-4-803, C.R.S. (school board candidates); and
- Sections 1-4-901 through 1-4-912, C.R.S. (petition content and review requirements).

The DEO should provide candidates with the candidate-appropriate Secretary of State-created fillable petition format template, which meets all current legal requirements. The successor-candidate petition formats are available under the approved forms section of Clerk's Corner.

RECALL ELECTION

If the petition remains sufficient after the protest period, the DEO must set the "date for holding the election" no sooner than 30 days and no later than 60 days from the date of final sufficiency: meaning the DEO has declared the petition sufficient, and the protest period has passed or all protests have been fully adjudicated.

- Note the term "date for holding the election" (defined in section 1-12-100.5(3.5), C.R.S.) does not mean Election Day. It is actually 22 days before Election Day, which is the first day that the DEO makes ballots available at the Voter Service and Polling Center (VSPC).
- For more information on the "date for holding the election," review the sample recall timeline on Clerk's Corner or contact the Secretary of State's office.

For election deadlines, including when to open VSPCs and when to mail ballots, review section 1-12-114, C.R.S., and the sample recall timeline on Clerk's Corner.

RECALL TIMELINE

Because the timeframe for setting and holding a recall election is very short, it is important for the DEO to establish and maintain a timeline of important dates and deadlines early in the process. The Secretary of State has created a sample timeline, which is available on Clerk's Corner. Your deadlines may change as the process moves forward, depending on a variety of factors including potential challenges to sufficiency or insufficiency.

TRAININGS AND OTHER RESOURCES

The following approved forms are available on Clerk's Corner:

- Fillable recall petition format
- Fillable successor candidate petitions for:
 - Major party candidates
 - Minor party candidates
 - Unaffiliated candidates
 - Nonpartisan candidates
- Sample circulator affidavit cure form

The following policy/legal/SCORE resources are available on Clerk's Corner:

- Sample recall timeline
- Petition verification user guide

BEST PRACTICES

Recall petition format:

The recall petition requires a 200-word statement of reasons why the incumbent should be recalled. Although it may not have profane or false statements, under statute and constitution, the statement is not subject to review. Thus, aside from ensuring the statement meets the 200-word limit, the DEO should consult the county attorney before taking any other action regarding the content of the statement.

In addition, although there is a specific deadline in the statute for approving or rejecting a petition format, the DEO should work with proponents over email to complete the petition format. This may require a back-and-forth editing process with the proponents.

Date for holding the election:

Although this date is not actual Election Day, the DEO should consider what Election Day will be when setting the “date for holding the election” to ensure that actual Election Day falls on a Tuesday. Because the “date for holding the election” is 22 days before actual Election Day, the DEO should set it for a Monday—this will ensure that Election Day falls on a Tuesday.

Another important date to keep in mind is the due date for successor candidate petitions. Under the statute, they are due 15 days before the “date for holding the election.” Because that date is 22 days earlier than actual Election Day, candidate petitions are due no later than 37 (22 + 15) days before actual Election Day.

Write-in line on the ballot:

Write-in candidates may submit an affidavit to be a write-in candidate up until 15 days before the actual Election Day. Because they will have printed your ballots—and likely mailed them—before this deadline, DEOs should always include a write-in line when designing the ballot, even if there are no write-in candidates at the time of printing.

Deadline to transmit military and overseas ballots:

The 45-day ballot-transmission deadline for military and overseas voters is impossible based on the recall statute’s other deadlines, such as that for successor candidates. Because they will not be able to meet the 45-day deadline, DEOs should transmit military and overseas ballots as soon possible once ballots are available.

CHAPTER 16: RISK LIMITING AUDITS

OVERVIEW

A risk-limiting audit (“RLA”) is a post-election audit of votes on paper ballot cards and VVPAT records, which has a pre-specified minimum chance of requiring a full hand count if the outcome of a full hand count would differ from the reported tabulation outcome. [Election Rule 25.1.7]. Specifically, a risk limit is the largest statistical probability that the reported outcome does not match the actual outcome (i.e., the wrong candidate was reported as the winner). For example, if the risk limit is 5% and the outcome is wrong, there is at most a 5% statistical probability that the audit will not correct the outcome, and at least a 95% statistical probability that the audit will correct the outcome. The risk limit will be published by the Secretary of State’s office each election no later than 32 days before election day.

IMPORTANT TERMS

- **Audit Board:** a group of electors nominated by each major political party and appointed by the designated election official whose job it is to conduct a risk-limiting audit.
- **Audited Contest:** the contest (statewide or local) selected by the Secretary of State that counties will audit during a RLA.
- **Audit Center:** the pages of the Secretary of State’s website devoted to risk-limiting audits.
- **Ballot Manifest File:** a file created independently of the voting system to track how many ballots are in the election and where they are organized and stored.
- **Cast Vote Record (CVR):** the record produced by a county’s tabulation system, which shows how the voting system interpreted the markings on each ballot scanned.
- **RLA Software:** the software used by the Secretary of State’s office to calculate the ballots to be audited, randomly select the ballots, enter and track the results, and generate reports.

COMPARISON VS. BALLOT POLLING AUDIT

Counties will be required to conduct one of two different types of risk limiting audits: a comparison audit or a ballot polling audit. Counties that use a voting system capable of exporting a cast vote record must conduct a comparison audit while counties that use a voting system incapable of exporting a cast vote record (counties on legacy voting systems) must conduct a ballot polling audit. [Election Rule 25.2.1]. Counties that have upgraded to a new Dominion or Clear Ballot voting system must conduct a comparison audit.

During a comparison audit, the audit board teams will review all contests on each randomly selected ballot and report the voter markings or choices of each contest to the Secretary of State using the RLA software. In contrast, during a ballot polling audit, the audit board will review only the audited contest on each randomly selected ballot card and report the voter marking or choice in that contest to the Secretary of State.

In addition to this difference, counties conducting each type of audit are required to send different information to the Secretary of State before and after the audit:

Comparison Audits

- Upload hashed CVR and ballot manifest files to RLA software [Election Rule 25.2.2(f)]
- Redacted public CVR [Election Rule 25.2.4]

Ballot Polling Audit

- Email cumulative report and hashed ballot manifest file to the Secretary of State [Election Rule 25.2.2(g)]

IMPORTANT DEADLINES

Keep the following deadlines in mind when preparing to conduct a risk-limiting audit:

- No later than 15 days before election day
 - DEO must appoint audit board members to conduct a risk-limiting audit.
- No later than 5:00pm on the Friday after Election Day
 - Secretary of State will select for the risk limit audit at least 1 statewide contest and for each county at least one county wide contest.
- By 11:59pm on the 9th day after election day
 - All counties must finish tabulating all ballots (except provisional ballots). Comparison audit counties will export the CVR file and ballot polling audit counties will export the cumulative report.
 - Counties conducting a comparison audit must create a hash value of the CVR and ballot manifest files and upload them to the RLA software. Counties conducting a ballot polling audit must create a hash value of the CVR and ballot manifest files and email the cumulative report and ballot manifest files together, and e-mail the ballot manifest has value separately, to the Secretary of State at rla@sos.state.co.us.
 - All counties must upload tabulation results to the Election Night Reporting system.
- By the 11:59pm on 10th day after election day
 - Secretary of State will notify each county of, and publish on the audit center, the randomly selected ballot cards that each county must audit in a risk limit audit.
- No later than 5:00pm one business day before the canvass deadline.
 - RLA audit board must complete its reports of all ballot cards randomly selected for audit.
- No later than 5:00pm on the last day to canvass
 - All counties must report the results of the post-election risk-limiting audit to the Secretary of State and email the audit board's certification to rla@sos.state.co.us.

BEST PRACTICES

Ballot Handling

When conducting an RLA it is very important to keep and store ballots in a manner that makes them easy to sort and locate. With this in mind, consider taking the following actions when tabulating and storing ballots:

1. Keep ballot batches small: This will make locating ballots for an RLA much easier. Batches of 25 to 50 ballots are preferable. Consistency with the size of the batches is also important.
2. Keep ballot batches in the same order as scanned: Start by flattening ballots and re-batching before scanning ballots. If you print a number on the ballots, make sure to use black ink so it shows on the scanned image. You can print this number by hand, with a stamp, or by using a scanner that can imprint a number. But make sure to keep these numbers away from target areas and timing marks.
3. Watch for issues after scanning: Ballots might be folded or crumpled during scanning which can interfere with keeping ballots in order. If a batch becomes disorganized you may always delete the batch and re-scan. Remember after scanning that the first ballot will be on the bottom, so flip the batch over before attaching the header sheet.
4. Use header sheets and logs: This helps to verify and track batches. Attach the sheets to the top of a batch and make sure the header includes a batch number, number of ballots, location, etc.
5. Secure ballot batches: Immediately bind and then securely store ballot batches once they have been tabulated. To help with this, use a binding method that won't come loose or damage the ballots such as rubber bands, binder clips, or folders.
6. Train election judges: Create procedures for handling ballots that are clear and easy to follow. Make sure judges understand the importance of keeping ballots ordered and secure. Monitor your judges and reassign as needed if a judge is not following your set procedures.

Actions During an Audit

Take some of the following steps during the audit to help ensure that it is conducted efficiently and accurately.

1. Print the summary page of ballots to be audited to assist in locating the ballots. This will allow the judges to efficiently locate all the ballots before beginning the audit.
2. Use a placeholder sheet to mark where a ballot has been removed so that the ballot can be replaced after it is audited. Use something like an oversized piece of paper as a placeholder and include the batch, location information, and ballot number on the placeholder. Make sure to be consistent when labeling these placeholders and include the same information on

each ballot pulled for the audit. The placeholder and ballot labels are important because the audit board won't have any other way of know what order the audited ballots go in if they accidentally get shuffled. Also, if the county needs to conduct a second audit round, the audit board needs to know if a ballot was pulled from a particular batch.

3. If conducting a comparison audit, when pulling a ballot to be audited make sure that the ballot type in the header of the ballot matches the ballot type on the summary page. If they don't match, you are pulling an incorrect ballot.
4. The audit board should double check the audit results before submitting them. Note that it is now possible for the audit board to audit a ballot again if they think that they made a mistake the first time but clicked on the submit button.
5. Secure and store audited ballots together as was done in previous audits. This is 1 reason placeholders are being used in your original batches.
6. If the audited ballot is a duplicated ballot then pull the original ballot and use that for the audit. Use placeholders to mark where both ballots were pulled from.

CHAPTER 17: MILITARY AND OVERSEAS ELECTORS

COVERED VOTERS

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ensures military and overseas voters are able to register and vote in federal elections. The Military and Overseas Voter Empowerment (MOVE) Act of 2009 expanded the minimum federal requirements for voter registration and ballot transmission to military and overseas electors. For the purposes of an overseas elector's registration in Colorado, "residence" means that their last legal residence before leaving the U.S. was in Colorado. [52 USC § 20301; Section 1-8.3-106, C.R.S.]

Section 1-8.3-102(2), C.R.S., specifically outlines who is a "covered voter," which includes Colorado citizens living outside the U.S. and all active military personnel absent from Colorado, including their spouses and dependents.

VOTER REGISTRATION AND BALLOT REQUESTS

A military or overseas applicant with a Colorado driver's license or identification card can log onto www.GoVoteColorado.gov and use the online voter registration portal to register to vote, request a ballot, update registration information, and indicate how they wish to receive their ballot.

An applicant may also submit a Federal Post Card Application ("FPCA"). The FPCA clearly identifies the elector as a UOCAVA voter. The FPCA is available on the Federal Voting Assistance Program (FVAP) website at: <https://www.fvap.gov/uploads/FVAP/Forms/fpca2013.pdf>.

Submission of a FPCA serves as notification of the elector's UOCAVA status. Military and overseas voters will automatically be sent a ballot by the requested transmission method for all state and federal elections until the elector updates the request. Encourage all military and overseas voters to submit an annual FPCA to ensure their information is current.

Counties should also strongly encourage all military and overseas voters to provide alternate contact information, including an email address. We need an alternate way to contact military and overseas voters in case of mail disruptions or other emergencies. [Sections 1-8.3-107, 1-8.3-108, and 1-8.3-115(1), C.R.S.]

DEADLINES FOR VOTER REGISTRATION AND BALLOT REQUESTS

An eligible voter may register to vote up to and on Election Day. But if they wish to receive the ballot by mail, the application must be received by the clerk by the close of business on the 7th day before an election.

For most UOCAVA voters, 7 days notice will not be sufficient to receive, vote, and return a ballot by mail. You may wish to reach out to these voters to offer them the option of online ballot delivery if they have not selected it already.

Under the Help America Vote Act of 2002, a military and overseas voter is exempt from providing a copy of identification if they are registering for the first time. However, like any other Colorado voter, military and overseas voters must submit a Colorado driver's license or ID card number; if they do not have either number, they must provide at least the last 4 digits of their social security number. If they don't have any of these numbers, they must state so. [Sections 1-8.3-109, 1-8.3-110, and 1-8.3-111, C.R.S.; 52 USC § 21083(b); Election Rule 16]

The county must notify a voter after processing their application. If the application is incomplete for any reason, the county must send a letter advising the applicant what additional information is required. Counties should also direct the voter to check the status of their application and ballot online at www.GoVoteColorado.gov.

Military and overseas voters with an inactive status must update their information to get a ballot. They should update their information online at www.GoVoteColorado.gov or submit a FPCA to receive a ballot by mail or electronically.

MAILING BALLOTS

Before the first primary election in an even year, the county clerk must send each inactive UOCAVA voter a correspondence by mail or email. [See Election Rule 16.1.6 for the requirements of that correspondence.]

Counties must send ballots to military and overseas voters by the method they requested at least 45 days before the election. No later than the 45th day, county clerks must report to the Secretary of State the number of ballots transmitted to military and overseas voters by the 45-day deadline. The week of the 45-day deadline, the Secretary of State will send out a survey telling counties to comply with this reporting requirement.

Should a county fail to send military and overseas voters their ballots by the 45-day deadline, the county clerk must report the failure to the Secretary of State's office, and comply with additional requirements under Election Rule 16. [Section 1-8.3-110, C.R.S., Election Rule 16].

EMAIL, FAX, OR ONLINE BALLOT DELIVERY

All military and overseas voters may request to receive and return their ballot by fax or e-mail. County clerks must maintain a log of each ballot sent by electronic transmission. If the voter chooses to receive their ballot by fax or email, the county clerk must include the following information in the transmission:

- The county clerk’s contact information including mailing address, email address, phone, and fax number;
- A notice that the ballot may not be duplicated for any other voter;
- Instructions for completing and returning the ballot;
- A notice regarding the ballot return deadline;
- Information regarding how the voter may verify that their ballot was received by the county clerk; and
- The ballot packet, which must be in text format on 8.5” x 11” white paper and must include:
 - An electronic transmission coversheet to protect voter privacy,
 - The unvoted ballot,
 - The electronic transmission ballot instructions, and
 - The self-affirmation required by section 1-8.3-114, C.R.S., and Rule 16.2.3.

If a fax transmission is unsuccessful, the county clerk must attempt to fax the ballot at least two more times. If the transmission is unsuccessful after the third try or if an email transmission fails, the county clerk must send the ballot by postal mail.

Military and overseas voters may also elect to receive their ballot through online delivery. Once successfully logged in, the elector can download, fill out, and print the ballot. While the elector cannot submit the ballot through the online system, they can return the ballot through regular mail, fax, or through the Secretary of State’s Secure Ballot Return System. If the voter is unable to return through the Secure Ballot Return System, the voter can attach it to an email to return it to the county clerk. See “Ballot Return” Section, below.

Before the 45-day deadline, counties must export their ballot files and upload them to the SFTP site and into the State’s online ballot return system. Counties must then proof the ballot programming. Make sure to follow the Secretary of State’s instructions on naming conventions for ballot styles. A document listing the naming conventions is listed under the UOCAVA Best Practices Working Groups’ page on Clerk’s Corner. The statewide online ballot delivery system will go live by Noon on the 46th day before each election.

If a voter contacts your office because they did not receive a ballot, please work with them to either determine what happened to the ballot or to issue a replacement ballot. Encourage voters to find additional information by visiting <http://www.govotecolorado.gov/mil>.

BALLOT RETURN

Military and overseas voter may return ballots by mail, fax, email, or Secure Ballot Return. Voters should only use electronic transmission if a more secure method is not feasible. To be counted, ballots must be mailed or electronically transmitted by 7:00pm Mountain Time on Election Day, and received by the close of business on the 8th day after Election Day.

For an voter to return their voted ballot by e-mail or Secure Ballot Return (“SBR”), they must vote the ballot and attach it as a PDF to an email or upload it to the SBR system. The elector must also attach the signed electronic transmission coversheet and affidavit to the email. An elector who electronically returns their ballot must voluntarily waive their right to a secret ballot because the ballot must be duplicated.

Any military or overseas voter is entitled to vote by a Federal Write-in Absentee Ballot (“FWAB”). They may use the FWAB to cast a vote for all federal, state, and local races and issues they are eligible to vote for. The application and declaration accompanying the FWAB should also be used to register or update the voter’s registration, just like the FPCA.

The FWAB is a last chance ballot to ensure the voter is able to have their vote counted if they don’t believe the regular ballot will arrive in time. If a county receives a FWAB from a voter, they should hold the FWAB to see if the regular ballot arrives by the deadline. If the county hasn’t yet mailed ballots, they should review the FCPA accompanying the FWAB to see if the voter’s record needs updating before they mail the ballot.

Electors may obtain a FWAB from federal and civilian Voting Assistance Officers, or on the Federal Voting Assistance Program website at www.fvap.gov.

If the Secretary of State timely receives a ballot, the office will immediately notify the appropriate county clerk and forward the ballot either the same or next business day.

[Sections 1-8.3-107, 1-8.3-111, 1-8.3-112, and 1-8.3-113, C.R.S., Election Rule 16]

USEFUL RESOURCES

Voter Information and References

Federal Contact Information
Federal Voting Assistance Program (FVAP)

Department of Defense
4800 Mark Center Drive, Mailbox 10
Alexandria, VA 22350-5000
Toll Free: (800) 438-VOTE (8683)
DSN: 425-1584

www.fvap.gov
vote@fvap.ncr.gov

State Contact Information
*Colorado Secretary of State
Elections Division*

1700 Broadway, Suite 200
Denver, CO 80290
(303) 894-2200 ext. 6343
(303) 869-4861 (fax)

www.govotecolorado.com/mil
State.ElectionDivision@sos.state.co.us

Trainings

The following trainings are available under the Training Resources heading in Clerk’s Corner:

- Overseas and Military Voting

Clerk's Corner also has a link to the UOCAVA Best Practices Working Group. On this page you can find various military and overseas resources.

Forms

Federal Post Card Application (SF-76A): Simultaneous voter registration/absentee ballot request form used by U.S. citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act* ("UOCAVA"). This form may also be used for change of address requests. The FPCA is available online at: <https://www.fvap.gov/uploads/FVAP/Forms/fpca2013.pdf>

Federal Write-In Ballot (SF-186A): The Federal Write-In Absentee Ballot allows voters, who have requested a ballot by their state deadline but have not received it, to vote. Colorado allows voters to use this form for voting in all elections conducted by the county clerk and for every race and measure the elector is eligible to vote in. The Federal Write-in Absentee Ballot Form is available online at: <https://www.fvap.gov/uploads/FVAP/Forms/fwab2013.pdf>

Additional UOCAVA forms are available on Clerk's Corner at *SOS Approved Forms*.

BEST PRACTICES

Have a designated contact person in your office handle UOCAVA communications to ensure accurate information is provided. Also ensure that your election staff is trained on the provisions of UOCAVA. Include UOCAVA information on your website, and provide a link to the Secretary of State's UOCAVA webpage. County clerks' offices must have dedicated fax machines for the purpose of fax ballot transmissions.

Clerks should contact military and overseas electors frequently, even in odd years, to encourage electors to update their contact information. In addition, work with your post office to expedite ballots when necessary.

CHAPTER 18: COUNTY SECURITY PROCEDURES

SECURITY AND CONTINGENCY PLAN

The county clerk must submit an annual security plan outlining procedures for voting systems and ballot security to the Secretary of State. The security plan must be submitted no later than 60 days before the first election in which the procedures will be used.

A fillable template outlining the required information is provided on Clerk's Corner under the *Voting Systems* heading.

[Section 1-5-616(5), C.R.S.; Election Rule 20.1]

VOTING SYSTEMS SECURITY, SURVEILLANCE, MAINTENANCE, AND ACCESS

In all elections held in Colorado, votes may be cast, registered, recorded, and counted by means of an electronic or electromechanical voting system.

See the following sections of the Colorado Revised Statutes and Election Rules for detailed information regarding voting system transportation, security, surveillance, maintenance, and access:

- Generally, Title 1, Article 5, Part 6 - Authorization and Use of Voting Machines and Electronic Voting Systems
- Section 1-5-605.5, C.R.S. (custody of voting system)
- Section 1-5-615, C.R.S. (voting system requirements)
- Section 1-5-616, C.R.S. (voting systems standards and procedures)
- Generally, Title 1, Article 7, Part 5 (Electronic Voting Equipment)
- Section 1-7-505, C.R.S. (close of polls - count and seals in electronic voting)
- Section 1-7-513, C.R.S. (voting equipment - records)
- Voting Systems Rules 11.1, 11.2
- County Security Procedures Rules:
 - 20.2 (chain of custody)
 - 20.3 (physical locking mechanisms and seals)
 - 20.4 (individuals with access to keys, door codes, and vault combinations)
 - 20.5 (internal controls)
 - 20.6 (temperature controlled storage)
 - 20.7 (remote election programming services)
 - 20.8 (security cameras or other surveillance)
 - 20.9 (equipment maintenance procedures)
 - 20.10 (transportation of equipment, memory cards, ballot boxes, and ballots)
 - 20.16 (lease, loan, or rental of election equipment)
 - 20.18. 20.20 (conditions for use).
- Section 24-72-305.6, C.R.S. (background check)

Election judges and staff must immediately notify the county if a seal is broken or there is another discrepancy, and must following the remedies outlined in Election Rule 20.14 to resolve the discrepancy.

BALLOT SECURITY

The county must secure voted paper ballots at all times and unvoted paper ballots and unused paper ballot stock for ballot-on-demand printers during pre-election storage, transportation, and at

polling locations. Except when election judges are actively issuing ballots, ballot containers must be sealed and secure. The county must maintain chain-of-custody logs for all ballot containers.

The voter verifiable paper audit trail (VVPAT) record is considered an official record of the election. The housing unit for any VVPAT must be sealed and secured before any votes are cast for the election. At the close of polls, VVPAT records must be transferred to the election office in the same manner as paper ballots.

The following sections of the Colorado Revised Statutes and Election Rules outline requirements for ballot security, including transportation and storage, anonymity, ballot on demand use, and VVPATs:

- Generally, Title 1, Article 7, Parts 3, 4, and 5, relevant to Paper Ballots, Voting Machines, and Electronic Voting Equipment
- Sections 1-7-301, 1-7-501, C.R.S. (judges open ballot box first)
- Section 1-7-802, C.R.S. (preservation of election records)
- County Security Procedures Rules 20.10.4 (ballot security at a VSPC), 20.12 (procedures for VVPAT), and 20.17 (ballot on demand)

CONTINGENCY AND DISASTER PLANNING

The county must develop emergency contingency plans for voting equipment and voting locations in the event of emergency situations including fire, severe weather, bomb threat, civil unrest, electrical blackout, equipment failure, and any other emergency situations the county identifies. The county must develop procedures to address failures in SCORE continuity, including network failure and power failure. [Election Rule 20.11]

The county must also submit a comprehensive procedure for ballot delivery in an emergency under Section 1-7.5-115(1), C.R.S. [Election Rule 20.1]. Refer to Clerk's Corner for approved forms regarding emergency ballots.

Additional resources are located on Clerk's Corner under the Best practices working groups > Contingency Planning: Emergency and disaster contingency planning guide (PDF) and Disaster planning quick contact list (XLS)

SECURITY TRAINING

The county must conduct security training for all election officials and must conduct separate training for field technicians and election officials responsible for overseeing the transportation and use of voting systems, picking up supplies, and troubleshooting device problems. [Election Rule 20.13]

The following trainings are available in Clerk's Corner:

- Elections Security

CHAPTER 19: ELECTION NIGHT REPORTING

RESULTS REPORTING

Counties must report election night results for all elections conducted under Title 1, which includes primary, general, coordinated, recall, and certain special district and school district elections. [Election Rule 11.9]

DATABASE CONFIGURATION

Election databases must be programmed so that result file exports from the voting system are in a format compliant with Election Rule 11.9.1.

PRE-ELECTION SUBMISSION DEADLINES

A data entry county must email a “zero” file to the Secretary of State at voting.systems@sos.state.co.us no later than 21 days before the election. Data entry counties may not change or alter the election database or export file, other than a situation involving withdrawn or deceased candidates, after the submission of their zero file. [Election Rule 11.9.2(a)]

A manual entry county must provide the Secretary of State with a list of ballot content no later than 21 days before the election. [Election Rule 11.9.2(b)]

No later than 14 days before the election, data entry counties must upload an LAT results file directly into their ENR module and provide the Secretary of State with a summary results report via email. The file upload and summary report must contain, at a minimum, results of a complete test deck required under Election Rule 11.3.2(c)(1), registered voters, and ballots cast totals.

ELECTION NIGHT UPLOADS

Counties may not publish tabulation results in ENR before 7 pm on election day. [Section 1-7.5-107.5, C.R.S.]

Manual entry counties must produce preliminary election results and load them into ENR once counting has completed for the day. [Election Rule 11.9.4]

Data entry counties must upload results into ENR a minimum of three times on election night. [Election Rule 11.9.4]

- No later than 8pm
 - After the first upload of the night, counties must set areas reporting to “Partially Reported”.

- At or around 9pm
- After the last upload of the night, counties must indicate that reporting is complete by changing areas reported to “Completely Reported”, and by checking the “Election Night Complete” box located in the Election Details screen (✎).

For every upload, counties must verify the accuracy of their election results, “Ballots cast” and “Registered Voters” totals before publishing. If the “Ballots Cast” and “Registered Voters” totals are inaccurate, you may manually override those figures in the Election Details screen (✎).

Do not publish results until you have confirmed that the “Ballots Cast” and “Registered Voters” totals are accurate.

CANVASS UPLOAD

Counties must upload or produce official election results no later than close of business of the first business day after the statutory deadline for completing canvass.

The “Canvass Upload” box located in the Election Details screen (✎) must be checked at the time of your final upload. [Election Rule 11.9.5]

English and Spanish headers must be changed from “unofficial” to “official” at the time of your final upload.

RESOURCES

For more information on Election Night Reporting, including manuals, visit *Clerk’s Corner>Voting systems> Election night reporting information*. A training on election night reporting can also be found under this link.