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Colorado

ELECTION LAWS

Primary and General



Natalie Meyer, Secretary of State

Denver, Colorado

1993

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1993

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COLORADO
ELECTION CODE

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TITLE 1

ELECTIONS

GENERAL, PRIMARY, AND CONGRESSIONAL VACANCY ELECTIONS

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GENERAL, PRIMARY, AND CONGRESSIONAL VACANCY ELECTIONS

ARTICLE 1

Elections Generally

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PART 1

DEFINITIONS AND GENERAL PROVISIONS

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

Source: R & RE, L. 92, p. 624, § 1.

1-1-102. Applicability. This code applies to all general, primary, congressional vacancy, school district, and special district elections unless otherwise provided by this code. Any municipality may provide by ordinance that it will utilize the requirements and procedures of this code in lieu of the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S., with respect to any regular election or any special election designated pursuant to section 31-10-108, C.R.S.

Source: R & RE, L. 92, p. 624, § 1.

1-1-103. Election code liberally construed. (1) This code shall be liberally construed so that all legally qualified electors may be registered and permitted to vote, those who are not legally qualified electors may be kept from registering to vote, and those who have become ineligible may be removed from the registration books, in order to prevent fraud and corruption in elections.

(2) It is also the intent of the general assembly that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to registration by citizens who lack sufficient skill in English to register without assistance.

Source: R & RE, L. 92, p. 624, § 1.

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

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

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

(3) "Branch registration" means a voter registration site maintained by the county clerk and recorder at a temporary location during periods of anticipated heavy registration, with staff and locations chosen from those submitted by the chairpersons of the two major political parties.

(4) "Concurrent election" means an election held by more than one political subdivision on the same day where the eligible electors are not the same.

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

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

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

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

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

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

(11) "Election records" includes but is not limited to tally lists, certificates of registration, pollbooks, certificates of election, signature cards, all affidavits completed at a polling place, absent voter applications, absent voter lists and records, and absent voter return envelopes.

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

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

(14) "Electronic vote-tabulating equipment" or "electronic vote-counting equipment" includes any apparatus necessary to examine and count votes automatically as those votes are designated on ballots or ballot cards and to tabulate the result. The term also includes any apparatus which will count the votes electronically and tabulate the results simultaneously on a paper tape within the apparatus, which uses a "prom" or other electronic device to store the tabulation results, and which has the capability to transmit the votes into a central processing unit for purposes of a printout and an election night count.

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

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

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

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

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

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

(21) "Joint election" means an election held by more than one political subdivision on the same day where the eligible electors are the same.

(22) "Major political party" means one of the two political parties whose candidate for governor at the last preceding gubernatorial election received the first and second greatest number of votes.

(23) "Minor political party" means a political party other than a major political party.

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

(25) "Political party" means any political organization whose candidate at the last preceding gubernatorial election received at least ten percent of the total gubernatorial vote cast.

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

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

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

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

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

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

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

(33) "Property owners list" means the list furnished at cost by the county assessor at least ten days before an election at the expense of the political subdivision, showing each property owner within the subdivision, as shown on a deed or contract of record.

(34) "Publication" means printing, in one newspaper of general circulation in the political subdivision if there is such a newspaper, and, if not, then in a newspaper in the county in which the political subdivision is located.

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

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

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

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

(37) "Registration list" means the computer list of electors registered and eligible to vote in a given election on the twenty-fifth day before the election, as furnished and certified by the county clerk and recorder to the designated election official.

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

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

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

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

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

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

(44) "Resident taxpaying elector" means an elector, as defined in subsection (12) of this section, who meets the requirements of a taxpaying elector who is also a resident of the district or proposed district for which the election is to be held.

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

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

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

(48) "Taxable property" means real or personal property subject to general ad valorem taxes. For all elections and petitions which require ownership of real property or land, ownership of a mobile home, as defined in section 5-1-301 (9.7), 38-12-201.5 (2), or 42-1-102 (82) (b), C.R.S., or "manufactured home", as defined in section 12-51.5-101 (4), C.R.S., is sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

(49) "Taxpaying elector" means a person who is a registered elector of the municipality, county, or political subdivision in which the election is to be held and who, or whose spouse, in the calendar year last preceding the election paid a tax upon real or personal property assessed in the municipality, county, or district, exclusive of specific ownership tax. A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the political subdivision or the area to be included within the political subdivision shall be considered an owner within the meaning of this code.

(50) "Vote recorder" or "voting device" means any apparatus which the elector uses to record votes by marking or punching a hole in a paper ballot

or tabulating card and which subsequently counts the votes by electronic tabulating equipment or records the votes electronically on a paper tape within the apparatus and simultaneously on a removable "prom" or other electronic tabulation device.

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

Source: R & RE, L. 92, p. 625, § 1.

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

Source: R & RE, L. 92, p. 631, § 1.

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

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

(3) If a number of months is to be computed by counting the months from a particular day, the period shall end on the same numerical day in the concluding month as the day of the month from which the computation is begun; except that, if there are not that many days in the concluding month, the counting period shall end on the last day of the concluding month.

(4) If the time for any act to be done or the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

(5) If the state constitution or a state statute requires doing an act in not less than a certain number of days or prior to a certain number of days or a certain number of months before the date of an election, the provisions of subsection (4) of this section do not apply.

Source: R & RE, L. 92, p. 631, § 1.

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

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

(b) To enforce the provisions of this code;

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

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

(a) To promulgate, publish, and distribute, either in conjunction with copies of the election laws pursuant to section 1-1-108 or separately, such rules and regulations as the secretary of state finds necessary for the proper administration and enforcement of the election laws;

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

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

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

(3) Any person who willfully interferes or willfully refuses to cooperate and comply with the requirements of the secretary of state or the secretary of state's designated agent in the carrying out of the powers and duties prescribed in this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

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

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

Source: R & RE, L. 92, p. 632, § 1.

1-1-108. Copies of election laws and manual provided. (1) At least thirty days before the primary election, the secretary of state shall transmit to the county clerk and recorder of each county sufficient copies of the election laws of the state to supply at least one for each precinct and sufficient copies of a simplified manual of election procedures to be distributed to each of the election judges in each precinct and to the secretary of each school board.

(2) No later than January 15 in even-numbered years, the division of local government in the department of local affairs shall transmit to the designated election official of each political subdivision entitled to hold elections at least one copy of the election laws and one copy of a simplified manual of election procedures to be distributed to each of the election judges. The secretary of the various governing bodies may request additional copies of the election laws and the simplified manual of election procedures.

Source: R & RE, L. 92, p. 633, § 1.

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

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

Source: R & RE, L. 92, p. 633, § 1.

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

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

(3) As the chief election official for the county, the county clerk and recorder shall have the authority to determine what elections held by other political subdivisions shall be held either jointly or concurrently at the same time and place as any primary, general, or congressional vacancy election. Prorated costs shall be paid by each political subdivision. Each political subdivision requesting that its election be held jointly with any primary, general, or congressional vacancy election shall certify the ballot content to the county clerk and recorder prior to the sixtieth day before the election.

Source: R & RE, L. 92, p. 634, § 1.

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

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

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

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

(3) Elections which are set for the same date by various political subdivisions may be held as joint or concurrent elections if the governing bodies so choose.

Source: R & RE, L. 92, p. 634, § 1.

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

Source: R & RE, L. 92, p. 635, § 1.

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

(2) The petitioner shall be required to deposit in court the sum of two dollars per day for each person cited or summoned into court as a party or a witness, to be paid to the party or witness if the charge is not sustained. The money so deposited shall be returned to the party depositing it if any of the charges are sustained.

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

Source: R & RE, L. 92, p. 635, § 1.

1-1-114. Registration deadline. Any other provisions of this title to the contrary notwithstanding, electors shall be permitted to register up to twenty-five days before any primary, presidential, general, municipal, congressional vacancy, special district, or other election for which registration is required.

Source: R & RE, L. 92, p. 635, § 1.

PART 2

TERMS OF OFFICE

1-1-201. Commencement of terms - state, district, and county officers. The regular terms of office of all state, district, and county officers shall commence on the second Tuesday of January next after their election, except as otherwise provided by law.

Source: R & RE, L. 92, p. 636, § 1.

1-1-202. Commencement of terms - nonpartisan officers. The regular terms of office of all officers elected at regular elections shall commence upon completion of the survey of returns, but no later than fifteen days following the survey of returns and the signing of an oath and posting of a bond, where required.

Source: R & RE, L. 92, p. 636, § 1.

1-1-203. End of the term. An elected officer shall hold office until the term of the successor begins.

Source: R & RE, L. 92, p. 636, § 1.

ARTICLE 2

Qualifications and Registration
of Electors

PART 1

QUALIFICATIONS OF ELECTORS

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PART 2

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PART 4

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PART 3

MASTER LIST OF ELECTORS

- 1-2-301. Secretary of state to maintain master list of electors.

PART 1

QUALIFICATIONS OF ELECTORS

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

- (a) The person is a citizen of the United States; and
- (b) The person has resided in this state and precinct twenty-five days immediately preceding the election at which the person intends to vote; but, in case of an annexation which changes county boundaries, any person otherwise qualified to register to vote under the provisions of this section who has resided within the territory annexed for the time prescribed shall be deemed to have met the residence requirements for the precinct to which the territory was annexed.

Source: R & RE, L. 92, p. 636, § 2.

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

- (a) The residence of a person is the principal or primary home or place of abode of a person. A principal or primary home or place of abode is that home or place in which a person's habitation is fixed and to which that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A residence

is a permanent building or part of a building and may include a house, condominium, apartment, room in a house, or mobile home. No vacant lot or business address shall be considered a residence.

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

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

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

(e) If a person moves to any other state with the intention of making it a permanent residence, that person shall be considered to have lost Colorado residence after twenty-five days' absence from this state unless the person has evidenced an intent to retain a residence in this state by a self-affirmation executed pursuant to section 1-8-115.

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

Source: R & RE, L. 92, p. 636, § 2.

1-2-103. Military service - students - inmates - mentally ill persons.

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

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

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

(4) No person confined as a prisoner in a correctional facility or jail shall be eligible to register to vote or to vote in any election while confined or serving any part of a sentence under mandate; however, a confined prisoner who is awaiting trial but has not been tried shall be certified by the institutional administrator and shall be permitted to register to vote by affidavit registration in the prisoner's county of residence.

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

Source: R & RE, L. 92, p. 637, § 2.

1-2-104. Additional qualifications. (1) In addition to qualifications otherwise provided by law, at any election held by this state or any political subdivision, a person shall be qualified to vote if the authorizing legislation provides that an eligible elector is one who, at the designated time or event, is registered to vote pursuant to the "Uniform Election Code of 1992", articles 1 to 13 of title 1, C.R.S., and:

(a) Who has been a resident of the political subdivision or the area to be included in the political subdivision for not less than twenty-five days; or

(b) Who, or whose spouse, owns taxable real or personal property situated within the boundaries of the special district or the area to be included in the special district, whether or not the person resides within the political subdivision.

(2) A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the political subdivision shall be considered an owner within the meaning of this section.

Source: R & RE, L. 92, p. 638, § 2.

PART 2

REGISTRATION OF ELECTORS

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

(2) Each elector registering shall sign his or her name on the registration record or, if unable to write, shall make a personal mark. The elector shall answer the questions required by section 1-2-204 and shall take the oath required by section 1-2-205.

Source: R & RE, L. 92, p. 638, § 2.

1-2-202. Registration by county clerk and recorder. (1) The county clerk and recorder shall register any eligible elector residing in any precinct in the state of Colorado who appears in person at the primary office or at any office, mobile or stationary, regularly maintained by the county clerk and recorder and staffed by regular employees at any time following any general election, up to and including the twenty-fifth day before the primary election, or at any time after the primary election, up to and including the twenty-fifth day before the general election. The registrations shall then be forwarded to the appropriate county clerk and recorder. The county clerk and recorder shall accept deferred registrations pursuant to subsection (6) of this section, except on the days of the primary, general, and congressional vacancy elections.

(2) Each municipal clerk shall serve as a deputy county clerk and recorder for the purposes of registration only in the county in which the municipality is located. The municipal clerk shall register any eligible elector residing in

any precinct in the county who appears in person at the municipal clerk's primary office at any time during which registration is permitted in the office of the county clerk and recorder, except the twenty-four days preceding any municipal election. The municipal clerk shall deliver the new registration records to the office of the county clerk and recorder either in person or by certified mail on or before the fifteenth day of each month and in person on the day following the last day for registration preceding any election for which registration is required.

(3) Any eligible elector may register any members of the elector's family who reside at the same address as the elector by signing the names on the registration record and thereafter signing the elector's own name as voucher in the presence of the county clerk and recorder or a deputy county clerk and recorder. The elector shall answer the questions required by this part 2 concerning each person registered by the elector and shall take the following oath: "I,, do solemnly swear (or affirm) that I am an eligible elector in precinct, county of; that I am registered from (address) and a resident of that address; that (name of person or persons), whose names I have caused to be placed in the registration book as eligible electors from the same address in this precinct, reside at that address and are members of my family and will be eligible electors in this precinct on the date of the next election."

(4) If the county clerk and recorder finds that a precinct is composed of three percent or more non-English-speaking eligible electors, the county clerk and recorder shall take affirmative action to recruit full-time or part-time staff members who are fluent in the language used by the eligible electors and in English. The action shall be conducted through voluntarily donated public service notices in the media, including newspapers, radio, and television, particularly those media which serve those non-English-speaking persons.

(5) The county clerk and recorder shall attest to the signature of all electors who register in the county clerk and recorder's office by placing the official signature of the county clerk and recorder on the registration sheet.

(6) At any time that the registration books of the county clerk and recorder are closed pursuant to the provisions of subsection (1) of this section, except for the days of the primary, general, and congressional vacancy elections, the county clerk and recorder shall register any eligible elector residing in any precinct in the county who appears in person at the primary office or at any office regularly maintained by the county clerk and recorder and staffed by regular employees, but the names of persons registering pursuant to the provisions of this subsection (6) shall not be placed in the registration book or added to the list of eligible electors until after the election for which the registration books were closed. Registrations made pursuant to this subsection (6) shall take effect on the day following the election for which the registration books were closed, and after that date each registration shall be effective as of the date the registration was actually made.

(7) The name of each elector who registered pursuant to subsection (6) of this section shall be included in books and lists prepared for all elections held at least twenty-five days after the date of registration.

1-2-203. Registration on Indian reservations. The secretary or secretary's designee of any tribal council of an Indian tribe located on a federal reservation which has no municipality contained within the reservation shall serve as a deputy county clerk and recorder only for registration purposes for the county in which the reservation is located. The secretary of the tribal council or the secretary's designee shall take registrations only in the tribal council headquarters. The secretary of the tribal council or the secretary's designee shall register any eligible elector residing in any precinct in the county who appears in person in the office of the secretary of the tribal council at any time during which registration is permitted in the office of the county clerk and recorder. The secretary of the tribal council shall forward the registration records to the county clerk and recorder, either in person or by certified mail, on or before the fifteenth day of each month; except that the secretary of the tribal council shall appear in person to deliver any registration records to the county clerk and recorder on the day following the last day that registration is permitted preceding any election for which registration is required.

Source: R & RE, L. 92, p. 640, § 2.

1-2-204. Questions answered by elector. (1) The county clerk and recorder shall ask each eligible elector making application for registration, and the elector shall answer, the following:

(a) Whether the elector intends to claim the elector's present address as the elector's sole legal place of residence and, in so doing, to abandon claim to any other legal residence;

(b) Whether the elector is aware that, if the elector is a resident of this state for voting purposes, the elector is also a resident of this state for motor vehicle registration and operation purposes and for income tax purposes;

(c) Whether the elector is aware that the elector cannot legally vote in more than one place in any election; and

(d) Whether the elector is aware that a violation of the oath the elector is about to take is a criminal act under the laws of this state and will subject the elector to the penalties provided by law.

(2) In addition, each eligible elector shall be asked, and the elector shall correctly answer, the following:

(a) The elector's name in full;

(b) The elector's place of residence, including municipal address with street number or, if there is no street number, by legal description of the land upon which the residence sits, including lot, block, addition, division, or subdivision, as applicable. In all other cases, the residence shall be described by the section or subdivision in the township and range as established and numbered by the United States government survey. If the place of residence is an apartment house, rooming house, dormitory, hotel, or motel, the number of the floor and the number of the apartment or room shall also be given. No vacant lot or business address shall be considered a residence. A post office box number shall not be used as a place of residence for the purposes of this subsection (2).

(c) Whether the elector is a native-born or naturalized citizen of the United States;

(d) The elector's sex;

- (e) The elector's date of birth;
- (f) The elector's post-office address if different from the elector's residential address;
- (g) The elector's social security number, if the elector wishes to state it;
- (h) Whether or not the elector is registered to vote in another county of this state;
- (i) Whether or not the elector has voted or was registered to vote in another county of this state or in another state. If the elector was previously registered, the elector shall, when registering, sign a "notice of registration" form pursuant to section 1-2-221; and

(j) The elector's party affiliation, if any, if the eligible elector desires to affiliate with any political party. If this question is not answered, the elector shall be registered as "unaffiliated". Only the eligible elector personally shall declare the eligible elector's party affiliation. Any elector appearing in person to register shall also state on the notice of registration whether or not the elector wishes the party affiliation to be transferred from the county of prior residence in this state to the new county of residence. If such is the case, the county clerk and recorder shall proceed to transfer the party affiliation as provided in section 1-2-221. Party affiliation shall not be transferred from another state.

(3) (a) If the county clerk and recorder has reasonable cause to believe that an applicant has falsified any answers to the questions set forth in this section, the county clerk and recorder shall certify the same to the district attorney for investigation and appropriate action.

(b) If the elector states that the elector's present address is the elector's sole legal residence and that the elector claims no other place as the elector's legal residence and if the elector meets the qualifications of section 1-2-101, the county clerk and recorder shall proceed to register the elector.

Source: R & RE, L. 92, p. 641, § 2.

1-2-205. Oath taken by elector. (1) The registration record to be signed by the elector shall bear the following statement:

**"WARNING:
IT IS A CRIME:**

To swear or affirm falsely as to your qualifications to register to vote."

(2) Each elector making application for registration shall take the following oath: "I, ..., do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least twenty-five days and in precinct no. at least twenty-five days before the election. I further swear (or affirm) that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence."

(3) The county clerk and recorder is hereby authorized to administer the oath prescribed in subsection (2) of this section.

(4) The elector shall sign the registration record as evidence of the oath administered to the elector or on behalf of a family member whom the elector is registering.

Source: R & RE, L. 92, p. 643, § 2.

1-2-206. Declaration of party affiliation. (1) Any unaffiliated eligible elector may declare a party affiliation at the time the elector prepares to vote at a primary election, as provided in section 1-7-201 (2); or at any time during which electors are permitted to register by appearing in person before the county clerk and recorder; or by filing or causing to be filed a written request for the declaration upon a form which shall be furnished by the county clerk and recorder at the request of the elector. Any eligible elector who has not declared a party affiliation shall be designated on the registration books of the county clerk and recorder as “unaffiliated”.

(2) Any declaration shall be separately dated and signed or dated and initialed by the elector if present or by the county clerk and recorder if the elector is not present, so that it is clearly indicated that the elector’s affiliation has been properly recorded. An elector who is unable to write may request assistance from the county clerk and recorder. The county clerk and recorder shall then sign the registration record in or adjacent to the space provided for recording party affiliation and shall witness the elector’s mark.

Source: R & RE, L. 92, p. 643, § 2.

1-2-207. Affidavit registration. (1) When any eligible elector, because of serious illness, physical disability, or absence from the county, is unable to register under any other provisions of this part 2, the elector may register by filing with the county clerk and recorder a verified application, as prescribed by the county clerk and recorder, at any time following any general election, except the twenty-four days immediately preceding a general, primary, or congressional vacancy election. The elector shall declare under oath on the application that, because of serious illness, physical disability, or absence from the county, the elector is unable to register under any other provisions of this part 2. The elector shall answer the questions required by section 1-2-204 and subscribe to the oath required by section 1-2-205. The elector shall subscribe to the oath before an officer authorized by law to administer oaths. Upon receipt of the verified application, the county clerk and recorder shall forthwith register the elector in the registration book for the precinct in which the elector resides, in the same manner that electors appearing in person are registered, and shall write or stamp in the space for the elector’s signature the words “registered by affidavit”.

(2) Forms for the purpose of making the application shall be furnished by the county clerk and recorder upon the request of any elector. The county clerk and recorder shall keep a record of all forms furnished, including the name of the person to whom furnished. At least twenty-five days before any election, this person shall account under oath to the county clerk and recorder in detail the disposition of forms furnished.

Source: R & RE, L. 92, p. 644, § 2.

1-2-208. Registration by federal postcard application. (1) Any eligible elector of this state serving in the United States service who is unable to register under any other provisions of this part 2 may register by properly executing the federal postcard application as provided in the laws of the United States known as the "Federal Voting Assistance Act of 1955", as amended, and may vote in accordance with the federal "Uniformed and Overseas Citizens Absentee Voting Act", as amended. The application may be made at any time following any general election, up to and including the twenty-fifth day immediately preceding a general, primary, or congressional vacancy election. Upon receipt of a duly executed application from an eligible elector, the county clerk and recorder shall forthwith register the elector in the registration book for the precinct where the elector resides, in the same manner as electors appearing in person are registered, and shall write or stamp in the space for the elector's signature "registered by federal postcard application".

(2) For the purposes of this code, the term "United States service" means:

(a) Members of the armed forces while in the active service and their spouses and dependents;

(b) Members of the merchant marine of the United States and their spouses and dependents;

(c) Civilian employees of the United States in all categories serving outside the territorial limits of the United States and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the federal civil service laws and the federal "Classification Act of 1949", as amended, and whether or not the employee is paid from funds appropriated by the congress; or

(d) Members of religious groups or welfare agencies who assist members of the armed forces and who are officially attached to and serving with the armed forces and their spouses and dependents.

(3) Any eligible elector of this state who is temporarily residing outside the territorial limits of the United States and the spouse and dependents of the elector when residing with or accompanying the elector may be registered by properly executing the federal postcard application, as provided by the "Federal Voting Assistance Act of 1955", as amended.

(4) The address used at the time of registration pursuant to this section shall continue to be the address of registration record as long as the eligible elector continues to serve in the United States service.

Source: R & RE, L. 92, p. 644, § 2.

1-2-209. Registration of citizens who reside outside the United States - federal law. (1) Any citizen who resides outside the United States, whose domicile immediately prior to the elector's departure from the United States was in this state, and who meets the other qualifications for registration in this state shall be registered and entitled to vote at any primary, general, or congressional vacancy election for federal offices only, upon receipt by the county clerk and recorder of the former domicile of the citizen of an application on a form prescribed by the secretary of state, even though while

residing outside the United States the elector does not have a place of residence in this state and the intent to return may be uncertain, if:

(a) The elector does not maintain a sole legal residence, is not registered to vote, and is not voting in any other state, any district, or any territory of the United States; or

(b) The elector has a valid passport or card of identity issued under the authority of the United States secretary of state.

(2) The application may be made at any time following any general election, up to and including the twenty-fifth day immediately preceding a general, primary, or congressional vacancy election; except that the application shall be received by the county clerk and recorder prior to the close of business on the twenty-fifth day. Upon receipt of the duly executed application, the county clerk and recorder shall forthwith register the elector and file the registration in a separate registration book for overseas electors.

(3) An elector registered pursuant to this section shall apply for and cast a vote by absent voting procedures as authorized by this code. The absentee ballot issued shall carry the candidates for the following federal offices: President and vice president of the United States, member of the United States senate, and member of the United States house of representatives. Any elector registered pursuant to the provisions of this section shall be canceled under the provisions of section 1-2-224. Upon returning to the United States, any elector registered pursuant to this section shall notify the county clerk and recorder either to cancel the elector's registration because the elector has established residence outside the county where registered or to complete the registration because the elector has established residence in the county.

Source: R & RE, L. 92, p. 645, § 2.

1-2-210. Registration for congressional vacancy elections. In any congressional vacancy election, the time and method of registration and performance of other acts shall be as provided in this part 2 for general elections. In every other respect, the election shall be held in conformity with this part 2 as far as practicable. Any congressional vacancy election shall be called in sufficient time before the date of the election to permit the county clerk and recorder to comply with the provisions of this part 2.

Source: R & RE, L. 92, p. 646, § 2.

1-2-211. Establishment and conduct of branch registration sites. (1) (a) In any county, the board of county commissioners or the election commission shall establish at least one branch registration site. This action is not necessary if the chairpersons of the major political parties, as defined in section 1-1-104 (22), and the county clerk and recorder file a written statement seventy-five days prior to the primary election in each general election year with the board of county commissioners or the election commission stating that a branch registration site is not needed in the county.

(b) The branch registration sites shall be open each day on a publicly announced schedule beginning on the fiftieth day but not later than 7 p.m. of the twenty-fifth day preceding each primary election and beginning on

the fiftieth day but not later than 7 p.m. of the twenty-fifth day preceding each general election. The branch registration sites may be open at any time within the fifty days preceding either the primary or general election, except for the following days: Sundays, legal holidays, general election day, primary election day, and congressional vacancy election day.

(c) The hours for the branch registration sites shall be set by the county clerk and recorder. At least one-third of the hours shall be during a time other than from 9 a.m. to 5 p.m. on weekdays.

(2) All branch registration sites established under the provisions of this section shall be considered branch registration sites of the county clerk and recorder, and the sites shall either possess telephone communication service with the county clerk and recorder or have lists of registered electors available. At all branch registration sites, eligible electors shall be registered in the same manner as if registration were made in the office of the county clerk and recorder. The location of branch registration sites and the personnel of the sites shall be selected equally from lists submitted by the county chairpersons of the two major political parties twenty days prior to the earliest branch registration site openings. Personnel at the site shall be under the supervision of the county clerk and recorder.

(3) The county clerk and recorder shall provide a schedule of all branch registration sites to the local media at least one week prior to the earliest opening of the sites.

Source: R & RE, L. 92, p. 647, § 2.

1-2-212. Mobile registration sites - definition - establishment and conduct.

(1) As used in this section, "mobile registration site" means an elector registration site staffed and maintained by the county clerk and recorder at a temporary location.

(2) (a) Mobile registration sites shall be established, at the discretion of the county clerk and recorder, at locations where, and during periods when, heavy registration is anticipated. Door-to-door registration shall not be considered a mobile or branch registration site.

(b) The sites may be open during times set by the county clerk and recorder; except that the sites shall not be open on the following days: General election day, primary election day, and congressional vacancy election day. The sites shall not remain open later than 7 p.m. of the twenty-fifth day before each primary and general election.

(c) At all mobile registration sites, eligible electors shall be registered in the same manner as if registration were made in the office of the county clerk and recorder.

Source: R & RE, L. 92, p. 648, § 2.

1-2-213. Registration at driver's license examination facilities. (1) Commencing July 1, 1985, the department of revenue, through its local driver's license examination facilities, shall provide each eligible elector who applies for the issuance, renewal, or correction of any type of driver's license or

for an identification card pursuant to part 4 of article 2 of title 42, C.R.S., an opportunity to complete an application to register to vote by use of a single form containing the necessary information required by this part 2 and the information required for the issuance, renewal, or correction of the driver's license or identification card.

(2) An applicant who wishes to complete an application for registration shall answer the questions required by section 1-2-204 and shall swear to an oath by signing the following statement: "I,, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least twenty-five days and in my precinct at least twenty-five days before the election. I further swear (or affirm) that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence." Each application for registration shall bear the following statement: "Warning: It is a class 1 misdemeanor to swear or affirm falsely as to your qualifications to register to vote." For the purposes of this section, each authorized employee of the department is hereby authorized to administer the oath prescribed. The authorized employee shall stamp the application for registration with a validation stamp and provide the applicant with a receipt verifying the registration application. Applications and changes shall be forwarded on a weekly basis to the county clerk and recorder of the county in which the driver's license examination facility is located, and, if the applicant lives in a different county from the facility, the application shall then be forwarded to the county clerk and recorder of the county in which the applicant resides; except that, during the last week allowed for registration prior to any election, the applications shall be forwarded daily to the county clerk and recorder of the county in which the driver's license examination facility is located.

(3) Upon receipt of an application, the county clerk and recorder shall determine if the application is complete. If the application is complete, the applicant shall be deemed registered as of the date of application. If the application is not complete, the county clerk and recorder shall notify the applicant, stating the additional information required. The applicant shall be deemed registered as of the date of application if the additional information is provided at any time prior to the actual voting.

(4) Any eligible elector may register any family members who reside at the same address as the elector by signing the names on the application form provided pursuant to this section and thereafter signing the elector's own name as voucher in the presence of an authorized employee at a driver's license examination facility. The elector shall answer the questions required by section 1-2-204 concerning each person registered by the elector and shall swear to an oath by signing the following declaration: "I,, do solemnly swear (or affirm) that I am an eligible elector in precinct, county of; that I am registered from (address) and a resident of that address; that(name of person or persons), whose names I have caused to be placed in the registration book as eligible electors from the same address in this precinct, reside at this address and are members of my family and will be eligible electors in this precinct on the date of the next election."

(5) The department of revenue and the secretary of state shall jointly develop an application form and a change of name and address form by

April 1, 1985, which shall allow an applicant wishing to register to vote to do so by the use of a single form containing the necessary information required by this part 2 and the information required for the issuance, renewal, or correction of the driver's license or identification card. The forms shall be furnished to the local driver's license examination facilities by the department of revenue.

(6) Any eligible elector who continues to reside in the county where the elector is registered to vote and who informs a driver's license examination facility of a change of name or address shall have notice of the change of name or address forwarded by the driver's license examination facility to the county clerk and recorder of the county in which the driver's license facility is located. If the elector lives in a different county from the facility, the county clerk and recorder shall forward the change to the county clerk and recorder of the county in which the elector resides. The county clerk and recorder of the county in which the elector resides shall change the registration record of the elector to reflect the change of name and address.

Source: R & RE, L. 92, p. 648, § 2.

1-2-214. Withdrawal of registration. At any time that registration is permitted in the county clerk and recorder's office, any person who desires to withdraw or cancel his or her own registration may do so by filing with the county clerk and recorder, under oath, an affidavit of withdrawal of registration, and the document shall be used as the record of evidence to cancel the elector's registration record.

Source: R & RE, L. 92, p. 650, § 2.

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

Source: R & RE, L. 92, p. 650, § 2.

1-2-216. Change of residence. (1) Any eligible elector who has moved from the precinct in which the elector is registered to some other precinct in the same county or has moved from one residence to another residence in the same precinct may have the elector's residence changed on the registration books by appearing before the county clerk and recorder and signing the registration book for the change. An eligible elector may also have his or her residence changed on the registration books by writing a letter or filing a form furnished by the county clerk and recorder. The letter or form for the change shall include the elector's old and new addresses within the

county, printed name, and signature and the date. Any eligible elector may make the change of residence for any family member who resides at the same address as the elector.

(2) For the twenty-four days before and on the day of any primary, general, or congressional vacancy election, any eligible elector, by appearing in person at the office of the county clerk and recorder, may complete a change of address form within the county in which the elector is registered, stating, under penalty of perjury, that the elector has moved prior to the twenty-fifth day before the election and that the elector has lived at the new address in the new precinct for at least twenty-five days. Upon the receipt of the request, the county clerk and recorder shall verify the registration of the elector and, upon verification, shall issue or authorize a certificate of registration, showing the information required in section 1-2-215 plus the change of address. The election judges shall allow the registered elector to vote in the precinct where the new address is located. The election judges shall use the certificate of registration as a substitute registration record, entering the date of the election and pollbook ballot number on the certificate and including it with the registration book when it is returned to the county clerk and recorder following the election.

(3) Changes from one residence in a precinct to another residence in the same precinct may be made on the day of any primary, general, or congressional vacancy election by the election judges. Any election judge making the change shall sign opposite the change of residence.

Source: R & RE, L. 92, p. 651, § 2.

1-2-217. Change in residence after close of registration. (1) Notwithstanding the provisions of subsection (2) of this section and sections 1-2-101 and 1-2-102, an elector who moves from the precinct where registered within twenty-five days before any election shall be permitted to cast a ballot for the election at the polling place in the precinct where registered or by an absentee ballot.

(2) Any eligible elector who moves from the precinct in which the elector is registered to some other precinct in the same county after the time during which registration is permitted may return to the precinct of registration and vote on the day of any election by signing a change of residence form. The form shall include a printed statement of the penalty for anyone who votes pursuant to the provisions of this subsection (2) by knowingly giving false information, and the election judge shall read the printed statement to the elector and shall also sign the change of residence form.

Source: R & RE, L. 92, p. 651, § 2.

1-2-218. Change of name. (1) Any eligible elector who has been registered in the county and who subsequently has had a name change by reason of marriage, divorce, or other legal means may have his or her name changed on the registration book by appearing before the county clerk and recorder at any time during which registration is permitted or on election day by an election judge on forms prescribed by the secretary of state and supplied

to each polling place by the county clerk and recorder and by making a signature affidavit as to his or her present legal name.

(2) Any eligible elector may also have his or her name changed on the registration book at any time during which registration is permitted by filing an application for the change, using a form furnished by the county clerk and recorder, upon oral or written request of the elector. The form for the change shall include the elector's printed former legal name, printed present legal name, and signature of present legal name and the date.

Source: R & RE, L. 92, p. 652, § 2.

1-2-219. Changing or withdrawing declaration of party affiliation.

(1) Any eligible elector desiring to change or withdraw the elector's party affiliation may do so by signing a request for the change or withdrawal and filing it with the county clerk and recorder at any time during which electors are permitted to register, using a form furnished by the county clerk and recorder, upon the elector's oral or written request. The form for the change shall include the elector's printed name, address within the county, and signature, the date, the elector's previous party affiliation status, and the requested change in party affiliation status. Upon receiving the request, the county clerk and recorder shall change the elector's party affiliation on the registration record. If the party affiliation is withdrawn, the designation on the registration record shall be changed to "unaffiliated". If an elector changes party affiliation, the elector is entitled to vote, at any primary election, only the ballot of the party to which the elector is currently affiliated.

(2) Any change or withdrawal of affiliation shall be separately dated and signed so that it is clearly indicated that the elector intended the change or withdrawal as recorded. An elector who is unable to write may request assistance from the county clerk and recorder, and the county clerk and recorder shall sign the form, witnessing the elector's mark.

Source: R & RE, L. 92, p. 652, § 2.

1-2-220. Loss of party affiliation. The declaration of party affiliation of each registered elector shall remain as recorded in the registration book until the elector changes or withdraws it; except that the elector shall lose the party affiliation by moving from the county in which the elector's current party affiliation is recorded, unless the elector transfers the affiliation as provided in section 1-2-221.

Source: R & RE, L. 92, p. 653, § 2.

1-2-221. Transfer of affiliation. (1) Any eligible elector of this state who has moved from a residence in one county and has established a residence and registered in another county of this state may request the county clerk and recorder of the new county to transfer the elector's party affiliation from the county of prior residence to the county of new residence by signing a form furnished by the county clerk and recorder, as prescribed in subsection

(3) of this section, using the statewide electronic registration system. This may be done either at the time the elector registers in the new county or within three months thereafter. The party affiliation, when entered on the new registration record, is evidence of continued affiliation. The provisions of this section do not apply to transfers of affiliation from other states.

(2) If any eligible elector, pursuant to the provisions of section 1-2-204 (2) (j), desires to transfer a party affiliation from one county to another, the elector shall sign a form furnished by the county clerk and recorder, as prescribed in subsection (3) of this section. The signed form shall then be mailed by the county clerk and recorder to the county clerk and recorder of the county of prior residence in this state, requesting the information specified in subsection (1) of this section. Upon receipt of the form, the county clerk and recorder of the county of prior residence shall use the elector's "notice of registration" document as evidence of the elector's move from the county, shall forthwith complete and certify the "request and return" portion of the form, shall send the return portion by return mail to the requesting county clerk and recorder, and shall then cancel the registration record from the registration book. The requesting county clerk and recorder shall retain the return portion of the document as record evidence of continued party affiliation, as in the case prescribed in subsection (1) of this section.

(3) The form shall be printed in two parts: One part shall be the "notice of registration" portion containing spaces for the name, signature, and previous address in the elector's prior county of residence, a statement that the elector has registered in another county, the date of the new registration, a statement that the elector desires or does not desire to transfer the party affiliation, and the name and address of the county clerk and recorder of the new county of residence; the other part shall be the "request and return" portion containing spaces for the elector's signature and printed name and address, the elector's registered party affiliation, if any, as shown by the registration records of the county clerk and recorder of the prior county of residence, the date that the affiliation was declared, and the certification by the county clerk and recorder that such information is true and correct.

Source: R & RE, L. 92, p. 653, § 2.

1-2-222. Errors in recording of party affiliation. (1) If an elector goes to the elector's legal voting place to vote at any primary election or to the office of the county clerk and recorder and contends that an error has been made in the recording of the elector's party affiliation on the registration book or that the party affiliation has been unlawfully changed or withdrawn, the election judges or the county clerk and recorder shall allow the elector to make and sign an affidavit, which shall be substantially in the form provided in subsection (4) of this section. Any election judge or the county clerk and recorder has authority to administer the oath and take the acknowledgment of the elector's affidavit. When the affidavit is completed, the election judge or the county clerk and recorder shall make the change as specified in the affidavit and shall enter after the elector's party affiliation on the registration book the words "changed by affidavit", giving the date of the change.

(2) No affidavit shall be allowed or received by the election judges or the county clerk and recorder if the date and the elector's signature, initials, or properly witnessed mark appear on the registration record in or adjacent to the space provided for recording party affiliation or on a form furnished by the county clerk and recorder for declaring party affiliation, as provided in section 1-2-206, evidencing the elector's acknowledgment of the accuracy of the recorded party affiliation or evidencing a written request for the same party affiliation as shown on the registration record.

(3) For the purposes of determining the eligibility of candidates for nomination in accordance with sections 1-4-601 (4) (a) and 1-4-801 (4), the eligibility of persons to vote at any precinct caucus, assembly, or convention in accordance with section 1-3-101, or the eligibility of persons to sign petitions in accordance with section 1-4-801 (3), the date of declaration of the party affiliation of the elector shall be the date of the declaration which the elector alleges by affidavit to have been erroneously recorded or unlawfully changed or withdrawn.

(4) Printed affidavit forms shall be furnished to the election judges of the various election precincts. The affidavit form shall be substantially as follows:

STATE OF COLORADO)
) ss.
County of

I,, believing an error has been made as to the recording of my party affiliation, or a change unlawfully made, or a withdrawal unlawfully made on the registration book of precinct in County, do solemnly swear, or affirm, that the party affiliation as now shown on the registration book is an error, or has been unlawfully changed, or has been unlawfully withdrawn and that my correct party affiliation should be instead of and request that the party affiliation be corrected on the registration book. My correct affiliation was made on or before (date) at (place).

Dated

Signed

Subscribed and sworn to before me this day of, 19....

.....
Election Judge or County Clerk
Precinct
County

Source: R & RE, L. 92, p. 654, § 2.

1-2-223. Names transferred when precinct boundaries changed. (1) In case any new election precinct is formed within a county or in case of the division of any existing precinct, the registration records of all electors residing in the detached part of any precinct shall be forthwith removed by the county clerk and recorder from the registration book of the precinct

and shall be inserted in the registration book of the new precinct or the precinct to which such part has been attached.

(2) In case any change is made in precinct boundaries as a result of annexation affecting county boundaries, the county clerk and recorder of the county from which the annexed territory was detached shall forthwith remove from the registration book the registration records of all electors residing in the annexed territory. The county clerk and recorder shall forthwith deliver, in person or by certified mail, the registration records to the county clerk and recorder of the county to which the territory was annexed, who shall insert them in the registration book of the appropriate precinct upon receipt. The registrations shall be considered as continuing registrations with all the registered electors involved having full rights and privileges as if no change in county boundaries had occurred.

Source: R & RE, L. 92, p. 656, § 2.

1-2-224. Canceling registration. (1) (a) At any time between twenty-five days before the primary election and thirty days after the primary election, the county clerk and recorder shall communicate by mail with all registered electors, except those registered electors whose registration records have been marked "Inactive" as of May 15, 1987. The communication shall be in the form of an elector information card, including but not limited to the registered elector's name and address, precinct number, and polling place, shall be mailed first class, and shall contain on the address side of the card the statement "Do Not Forward. Address Correction Requested" or any other similar statement which is in accordance with United States postal service regulations.

(b) For all electors whose communication pursuant to paragraph (a) of this subsection (1) is returned by the United States postal service as undeliverable at the elector's voting address, the county clerk and recorder shall mark the registration record of that elector with the word "Inactive".

(c) All electors whose communication pursuant to paragraph (a) of this subsection (1) is not returned to the county clerk and recorder as undeliverable shall be deemed "Active", and no mark shall be made on the electors' registration records.

(2) Any elector whose registration record has been marked "Inactive" pursuant to paragraph (b) of subsection (1) of this section or was marked "Inactive" on May 15, 1987, shall have the "Inactive" statement deleted from the registration record and shall be deemed "Active" if:

(a) The elector makes current the registration information:

(I) At any office of the county clerk and recorder at any time prior to or on the day of any primary, general, or congressional vacancy election; or

(II) At any office of the county clerk and recorder, any branch or mobile registration station, or any driver's license examination facility no later than twenty-five days prior to or on the day of any primary, general, or congressional vacancy election; or

(b) The elector votes in any primary, general, or congressional vacancy election; or

(c) The elector votes in any municipal, school district, or special district election in which a county clerk and recorder has access to the election records; or

(d) The elector applies for an absentee ballot for any primary, general, or congressional vacancy election.

(3) A registered elector who is deemed "Active" pursuant to paragraph (c) of subsection (1) of this section, but who fails to vote in the general election which follows the communication mailed by the county clerk and recorder pursuant to paragraph (a) of subsection (1) of this section, shall have the elector's registration record marked "Inactive (insert date)" by the county clerk and recorder following the general election.

(4) Any registered elector who is deemed "Active" pursuant to paragraph (c) of subsection (1) of this section, and whose general election absentee ballot was received by the county clerk and recorder after 7 p.m. on general election day or within twenty days thereafter, but was postmarked on or before election day, shall have the registration record marked "LATE, Date", and the elector shall be deemed "Active".

(5) A registered elector whose registration record is marked "Inactive" pursuant to subsection (3) of this section shall have the "Inactive" statement deleted from the registration record and shall be deemed "Active" if:

(a) The elector votes in the next primary, general, or congressional vacancy election which follows the general election in which the elector failed to vote (referred to in this section as the "next" election); or

(b) The elector makes current the registration information:

(I) At any office of the county clerk and recorder at any time prior to or on the day of any primary, general, or congressional vacancy election; or

(II) At any office of the county clerk and recorder, any branch or mobile registration station, or any driver's license examination facility no later than twenty-five days prior to or on the day of any primary, general, or congressional vacancy election; or

(c) The elector submitted the elector's general election absentee ballot, which was received by the county clerk and recorder after 7 p.m. on general election day or within twenty days thereafter, but which was postmarked on or before election day. The elector's registration record shall be marked "LATE, Date".

(6) (a) Within forty-five days after any general election, any registered elector whose registration record is marked "Inactive" prior to the general election and who failed to become "Active" pursuant to either subsection (2) or subsection (4) of this section, shall be mailed a continuance card by the county clerk and recorder pursuant to paragraph (b) of this subsection (6).

(b) A continuance card shall be mailed first class, shall contain on the address side of the card "Please forward" or any other similar statement which is in accordance with United States postal service regulations, and shall have a place for an address change. The card shall state that, if the registered elector wishes to be retained in the registration book of the county and if the elector is still a resident of the county, either the elector or any family member who resides at the same address shall complete and sign the continuance card and shall return it to the county clerk and recorder.

(c) (I) If a continuance card is completed, signed, and hand-delivered to the county clerk and recorder or returned postmarked within sixty days after the card is mailed by the county clerk and recorder, the county clerk and recorder shall change the mark on the elector's registration record from "Inactive" to "Active". The elector's registration record shall remain in the registration book of the county and shall reflect any further changes requested by the elector.

(II) If a continuance card is not completed and hand-delivered to the county clerk and recorder or returned postmarked within sixty days after the card is mailed by the county clerk and recorder, the county clerk and recorder shall mark the registration record of the elector "Canceled (insert date)", and the record shall be removed from the registration book of the county.

(III) If a continuance card is returned to the county clerk and recorder as undeliverable, the county clerk and recorder shall mark the registration record of the elector "Canceled (insert date)", and the record shall be removed from the registration book of the county.

(7) Within one hundred twenty days following any general election, the county clerk and recorder shall furnish to the county chairpersons of the two major political parties a list containing the names, addresses, precinct numbers, and party affiliations of the electors whose names were removed from the registration book.

(8) Any registered elector whose registration record has been marked "Inactive" shall be eligible to vote in any municipal, school district, or special district election, but voting in these elections shall not cause the county clerk and recorder to delete the word "Inactive" from the elector's registration record, except as provided for in subsection (2) of this section.

Source: R & RE, L. 92, p. 656, § 2.

1-2-225. Change of polling place - handicapped accessibility. (1) The general assembly hereby finds, determines, and declares that the purpose of this section is to protect the fundamental right of handicapped citizens to vote. The general assembly further finds that, where reasonable polling place access for physically handicapped electors cannot be provided, other reasonable accommodations should be made to enable those electors to cast their votes.

(2) The elector information card required to be sent to all registered electors pursuant to section 1-2-224 shall include a notice to the elector indicating whether the polling place for the elector is accessible to the physically handicapped. The information card shall also include an affidavit which may be signed and returned to the county clerk and recorder indicating that the elector to whom the information card was sent is physically handicapped and requesting a change of polling place assignment to a location that is accessible to the physically handicapped.

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

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

(5) A family member living at the same address as an elector who has changed polling places pursuant to subsection (2) or (3) of this section may also change polling places to vote at the same polling place as the physically handicapped elector by filing a request with the county clerk and recorder containing the information required by the county clerk and recorder.

(6) Any request for a change of polling place to a polling place which is accessible to the physically handicapped must be received by the county clerk and recorder at least ten days prior to the election for which the change is requested.

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

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

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

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

Source: R & RE, L. 92, p. 659, § 2.

1-2-226. Deceased electors - purging of registration book. (1) The county clerk and recorder shall purge the registration book of the name of any elector who is deceased and of whose death the county clerk and recorder has received notice pursuant to section 1-2-302 (7) by drawing a red line through the name of the elector, writing or stamping on the registration record the word "deceased", and removing the registration record from the registration book. All registration records removed shall be preserved for a period of two years.

(2) The county clerk and recorder shall purge the registration book of the name of any elector who is deceased when the county clerk and recorder receives written notice of the fact. The written notice shall be signed by a family member of the deceased.

Source: R & RE, L. 92, p. 661, § 2.

1-2-227. Custody and preservation of records. Registration books shall be left in the custody of the county clerk and recorder, who shall be responsible for them. The oaths or affirmations, applications for affidavit registration, federal postcard applications, applications for change of residence or change of name, and other papers provided for by this part 2 shall be preserved by the county clerk and recorder and shall not be destroyed until after the next general election. They shall be public records subject to examination by any elector, and the elector shall have the right to make copies of the records during office hours.

Source: R & RE, L. 92, p. 661, § 2.

1-2-228. Residence - false information - penalty. Any person who votes by knowingly giving false information regarding the elector's place of present residence commits a class 6 felony and shall be punished as provided in section 18-1-105, C.R.S.

Source: R & RE, L. 92, p. 662, § 2.

PART 3

MASTER LIST OF ELECTORS

1-2-301. Secretary of state to maintain master list of electors. (1) The secretary of state shall maintain in the office a complete list of all the registered electors in this state. The list shall be maintained by county and by precinct, and each elector on the list shall be identified by name, place of residence, precinct number, date of birth or naturalization, and social security number or other identification number and the date or dates on which the elector has registered.

(2) Within five days after the close of the registration books prior to a primary, general, or congressional vacancy election, the county clerk and recorder of each county shall transmit to the secretary of state a list, tape, or card deck of the registered electors in the county. The list, tape, or card deck shall contain, but shall not be limited to, each elector's name, place of residence, precinct number, date of birth or naturalization, and social security number or other identification number and the date on which the elector was last registered.

Source: R & RE, L. 92, p. 662, § 2.

1-2-302. Maintenance of master list. (1) The secretary of state shall maintain the master list of registered electors on as current a basis as is possible. In order to assist the secretary of state, the county clerk and recorder in each county, within five days after the end of each month, shall furnish the secretary of state with:

(a) A list of all persons who have registered to vote in the county during the previous month;

(b) A list of registered electors who have moved from one precinct to another within the county or from one place of residence to another in the same precinct or other changes of information necessary to maintain each elector's registration on a current basis pursuant to section 1-2-301 (2); and

(c) A list of registered electors who are to be deleted from the master list of registered electors.

(2) The electors on the lists required to be furnished under subsection (1) of this section shall be identified by name, place of residence, precinct number, date of birth or naturalization, social security number or other identification number, and the date on which the elector was last registered.

(3) As soon as is practicable after a general election, the county clerk and recorders shall furnish the secretary of state with a list, tape, or card deck of the electors canceled from the registration books. The electors shall be identified as provided in subsection (2) of this section.

(4) As soon as is practicable after the end of each month, the state registrar of vital statistics shall furnish the secretary of state with a report of all persons eighteen years of age or older who have died during the previous month. To the extent possible, persons on the report shall be identified as provided in subsection (2) of this section.

(5) (a) The secretary of state and the applicable county clerk and recorder shall delete from the master lists of registered electors maintained in their offices the name of any elector:

(I) Who is deceased; or

(II) Who is no longer qualified to vote in the precinct where currently registered; or

(III) Whose name has been purged from the registration book, as provided in section 1-2-224; or

(IV) Who is otherwise no longer qualified to vote as provided by law.

(b) If the name of any elector appears more than once on the secretary of state's master list of registered electors, showing the elector to be registered in more than one precinct in this state, the secretary of state and every applicable county clerk and recorder shall delete from the master lists of registered electors maintained in their offices the name of the elector wherever it appears, except where it corresponds to the elector's most recent date of registration.

(6) The secretary of state shall determine and use other necessary means to maintain the master list of registered electors on a current basis.

(7) The secretary of state shall notify each county clerk and recorder quarterly of any persons who have died and concerning whom the secretary of state has received a report from the state registrar of vital statistics pursuant to subsection (4) of this section.

Source: R & RE, L. 92, p. 662, § 2.

1-2-303. Multiple registration - most recent date of registration determines precinct in which allowed to vote. If a registered elector is registered to vote in more than one precinct in this state, the elector shall be allowed to vote only in the precinct which pertains to the most recent date of registration, as determined by the secretary of state's master list of registered electors.

Source: R & RE, L. 92, p. 664, § 2.

1-2-304. Multiple registration - procedure. (1) Not later than eight days prior to each primary, general, or congressional vacancy election, the secretary of state shall furnish to each county clerk and recorder a list of registered electors who are registered to vote in more than one precinct in this state. The lists shall identify each elector as provided in section 1-2-301 (1).

(2) The county clerk and recorder of each county in which an elector resides who is registered in more than one precinct shall note the fact of the multiple registration in the correct registration book. The notation shall contain the information set forth in section 1-2-301 (1). If a multiple registered elector attempts to vote in a precinct other than the precinct which corresponds to the most recent date of registration, the elector shall not be permitted to vote in that precinct, and the elector shall be informed of the correct precinct. The elector shall be permitted to vote in the correct precinct if the elector is otherwise eligible to vote.

Source: R & RE, L. 92, p. 664, § 2.

1-2-305. Postelection procedures. (1) Not later than sixty days after a general or congressional vacancy election, each county clerk and recorder shall furnish the secretary of state with a list, tape, or card deck of electors not voting in the elections. The lists, tapes, or card decks shall contain the information provided for in section 1-2-301 (1).

(2) Upon receipt of the lists, tapes, or card decks, the secretary of state shall compare them with the master list of registered electors maintained in the office in order to ascertain if any elector has voted more than once. If it is determined that an elector has voted more than once, the secretary of state shall notify the proper district attorney for prosecution of a violation of the provisions of this code.

Source: R & RE, L. 92, p. 664, § 2.

PART 4

HIGH SCHOOL REGISTRATION

1-2-401. Legislative declaration. It is the intent of the general assembly that, in order to promote and encourage voter registration of all eligible electors in the state, registration should be made as convenient as possible. It is determined by the general assembly that if voter registration is convenient, the number of registered voters will increase. It is further determined by

the general assembly that support and cooperation of school officials and interested citizens will make high school registration successful. It is therefore the purpose of this part 4 to encourage voter registration by providing convenient registration procedures for qualified high school students, employees, and other persons by using high school deputy county clerk and recorders.

Source: L. 92, p. 621, § 1.

1-2-402. Registration by high school deputy county clerk and recorders.

(1) Each principal of a public high school, or the principal's designee who is a registered voter in the county, may serve as a deputy county clerk and recorder for voter registration purposes only for the county in which the high school is located. The principal of each high school shall notify the county clerk and recorder of the name of the school's deputy county clerk and recorder, and the county clerk and recorder shall maintain a list of the names of all of the high school deputy county clerk and recorders in that county in a public file.

(2) The high school deputy county clerk and recorder may register any student, employee of the school, other person who attends school functions, or any other person who is eligible to register to vote and who resides in the county where the school is located. Voter registration may be made available throughout the week, Monday through Friday, only when the school is open. The high school deputy county clerk and recorder shall take registrations only on the school district premises.

(3) A high school deputy county clerk and recorder may have available an official application form for voter registration for each student who is eighteen years of age or who will be eighteen years of age at the time of the next election.

Source: L. 92, p. 621, § 1.

1-2-403. Training and registration materials for high school deputy county clerk and recorders. (1) The county clerk and recorder shall train and supervise the high school deputy county clerk and recorders, and, after training is completed, shall administer the oath of office to the high school deputy county clerk and recorders.

(2) The county clerk and recorder shall issue sufficient registration materials to each high school deputy county clerk and recorder for the registration of all eligible students, employees, and other persons at the high school which the high school deputy county clerk and recorder serves. The high school deputy county clerk and recorder shall give a receipt to the county clerk and recorder for all materials issued.

(3) The deputy county clerk and recorder shall stamp the application for registration with a validation stamp and provide the applicant with a receipt verifying the registration application. Applications and changes shall be forwarded on a weekly basis to the county clerk and recorder of the county in which the high school is located. During the last week allowed for registrations prior to any election, such applications shall be forwarded daily to the county clerk and recorder of the county in which the high school is located.

(4) Upon receipt of an application, the county clerk and recorder shall determine if the application is complete. If the county clerk and recorder determines that the application is complete, the applicant shall be deemed registered as of the date of application. If the county clerk and recorder determines that the application is not complete, the county clerk and recorder shall notify the applicant, stating the additional information required. The applicant shall be deemed registered as of the date of application when the additional information is provided any time prior to the actual voting.

Source: L. 92, p. 622, § 1.

ARTICLE 3

Political Party Organization

1-3-101.	Party affiliation required - residence.	1-3-105.	Powers of central committees.
1-3-102.	Precinct caucuses.	1-3-106.	Control of party controversies.
1-3-103.	Party committees.	1-3-107.	Party platforms.
1-3-104.	Political party vacancy committees.	1-3-108.	Use of party name.

1-3-101. Party affiliation required - residence. (1) No registered elector shall vote at any precinct caucus, assembly, or convention of a political party unless the registered elector has been a resident of the precinct for twenty-five days and affiliated with the political party holding the caucus, assembly, or convention for at least two months as shown on the registration books of the county clerk and recorder; except that any registered elector who has attained the age of eighteen years or who has become a naturalized citizen within the two months immediately preceding the meeting may vote at any caucus, assembly, or convention even though the elector has been affiliated with the political party for less than two months.

(2) Notwithstanding subsection (1) of this section and section 1-2-101 (1) (b), an elector who moves from the precinct where registered within twenty-five days prior to any caucus shall be permitted to participate and vote at the caucus in the precinct of the elector's former residence but shall not be eligible for election as a delegate or for nomination as a precinct committeeperson in the former precinct.

Source: R & RE, L. 80, p. 315, § 1; L. 81, pp. 291, 302, § § 5, 1; L. 91, p. 618, § 28; L. 92, p. 664, § 3.

1-3-102. Precinct caucuses. (1) Delegates to county assemblies shall be elected at precinct caucuses which may be held in a public place in or proximate to each precinct at a time and place to be fixed by the county central committee of each political party on the first Tuesday in April in each even-numbered year, which day shall be known as "precinct caucus day".

(2) (a) At the time of electing the delegates to the county assembly, the precinct caucus shall also elect two precinct committeepersons. Any person eighteen years of age or older may be a candidate for the office of precinct

committeeperson if he or she has been a resident of the precinct for twenty-five days and has been affiliated with the political party holding the precinct caucus for a period of at least two months preceding the date of the precinct caucus; except that any person who has attained the age of eighteen years or who has become a naturalized citizen within the two months immediately preceding the precinct caucus may be a candidate for the office of precinct committeeperson even though he or she has been affiliated with the political party for less than two months as shown on the registration book of the county clerk and recorder. The two people receiving the highest number of votes at the caucus for precinct committeeperson shall be elected as the precinct committeepersons of the precinct. If two or more candidates for precinct committeeperson receive an equal and the second highest number of votes, or if three or more candidates receive an equal and the highest number of votes, the election shall be determined by lot by those candidates. The names of the committeepersons elected shall be certified to the county assembly of the political party by the officers of the caucus. All disputes regarding the election of precinct committeepersons shall be determined by the credentials committees of the respective party assemblies. The county assembly shall ratify the list of committeepersons. The presiding officer and secretary of the county assembly shall file a certified list of the names and addresses, by precinct, of those persons elected as precinct committeepersons with the county clerk and recorder within ten days after the date of the county assembly.

(b) Within ten days after the boundaries of an existing precinct are changed or a new precinct is created, the members of the party county central committee vacancy committee shall select members to fill the vacancies for precinct committeepersons.

(c) If any elector meeting the qualifications for committeeperson challenges the caucus election of a committeeperson, the challenge shall be made by the filing of a party petition pursuant to section 1-4-801. The petition shall include the name of the elected committeeperson being challenged. If the petition is certified as valid by the county clerk and recorder, the county clerk and recorder shall place the names on the primary ballot with the name of the person elected at the precinct caucus placed first, followed in alphabetical order by persons nominated by petition. The person receiving the most votes for the office of precinct committeeperson at the primary election shall be issued a certificate of election by the county clerk and recorder.

(d) The person elected as committeeperson at the caucus shall assume the office immediately following the caucus. Causes for removal of the elected committeeperson from office shall include, but not be limited to, the following:

(I) In the case of removal by the credentials committee at the county assembly, the person does not meet the qualifications for committeeperson;

(II) In the case of removal by the county central committee, the person has moved from the precinct or has changed party affiliation;

(III) The person has been successfully challenged at the primary election.

(3) and (4) Repealed, L. 81, p. 309, § 12, effective January 1, 1982.

Source: R & RE, L. 80, p. 315, § 1; L. 81, pp. 304, 309, § § 1, 12; L. 82, p. 216, § 1; L. 85, p. 248, § 3; L. 90, p. 303, § 3; L. 91, p. 618, § 29; L. 92, p. 665, § 3.

1-3-103. Party committees. (1) (a) At its own precinct caucus, each political party shall elect two committeepersons for each election precinct as provided in section 1-3-102. Each committeeperson shall hold the position for a term of two years after the date of the election, and each shall serve until a successor is duly elected or appointed and commences the term of office. In case of a vacancy in the office of precinct committeeperson, the members of the county central committee vacancy committee shall select a successor to fill the vacancy. The person selected shall be a resident of the precinct in which the vacancy occurred.

(b) (I) All of the precinct committeepersons of the political party in the county, all of the district captains and cocaptains, if any, of the political party in the county, and the county party officers selected pursuant to paragraph (c) of this subsection (1), together with the elected county public officials, the state senators and representatives, the United States senators and representatives, the elected state public officials, and the district attorney, who are members of the party and who reside within the county, shall constitute the membership of the county central committee, but the multiple office shall not entitle a person to more than one vote, excluding proxies.

(II) In counties which have adopted a five-commissioner board or county home rule, such county central committee shall be constituted of all the precinct committeepersons from precincts in the county commissioner district, together with the officers selected pursuant to this subparagraph (II), and the state senators and representatives and the district attorney who are members of the party and who reside within the district. Such county central committee shall meet on the same date and select a chairperson and vice-chairperson in the same manner as the county central committee. Such central committee shall select a vacancy committee for the purpose of filling vacancies in the office of county commissioner held by members of the political party.

(c) Each county central committee shall meet on a date which falls between February 1 and February 15 of the odd-numbered years to organize by selecting a chairperson, a vice-chairperson, and a secretary and any other officers provided for in the county rules and shall select a vacancy committee authorized to fill vacancies in the county central committee and the offices held by members of the county central committee and shall select a separate vacancy committee to fill vacancies in the office of county commissioner held by members of the political party.

(d) Except as provided in paragraph (d) of subsection (4), paragraph (b) of subsection (5), and paragraph (b) of subsection (6) of this section, all other central committees shall meet on a date which falls between February 15 and April 1 of the odd-numbered years to organize by electing a chairperson, a vice-chairperson, and a secretary and shall select a vacancy committee authorized to fill vacancies in the central committees and in district and state offices held by members of the political party.

(e) Repealed, L. 82, p. 218, § 1, effective January 15, 1985.

(2) (a) The state central committee shall consist of the chairpersons and vice-chairpersons of the several party county central committees, together with the elected United States senators, representatives in congress, governor, lieutenant governor, secretary of state, state treasurer, attorney general, members of the board of regents, members of the state board of education, state

senators, and state representatives, and any additional members as provided for by the state central committee bylaws. Two additional members shall be allowed the political party from each county that polled at least ten thousand votes at the last preceding general election for its candidate for governor or president of the United States. Two additional members shall be allowed for each additional ten thousand votes or major portion thereof so polled in the county. The additional members shall be elected by the county central committee of the political party.

(b) Within ten days after the adjournment of the organizational meeting of the state central committee of any political party, the chairman and secretary of the state central committee shall file under oath with the secretary of state a full and complete roll of the membership of the state central committee.

(3) (a) The chairpersons and vice-chairpersons of the several party county central committees entirely or partially, who reside within each congressional district, together with the elected congressperson, the elected state board of education member of the party for the congressional district, the elected board of regents member of the party for the congressional district, and the state senators and representatives of the party who reside within the congressional district, shall constitute the party congressional central committee.

(b) If, in any county, or portion thereof, within the congressional district, any political party has polled at least ten thousand votes at the last preceding general election for its candidate for governor or president of the United States, the county shall be entitled to two additional members of the congressional central committee of the political party. Two additional members shall be allowed for each additional ten thousand votes or major portion thereof so polled by the party in the county or portion thereof within the congressional district. The additional members shall reside within the congressional district and shall be elected by those members of the county central committee of the political party who reside within the congressional district. The additional members shall be as equally divided as possible between male and female.

(c) Other members of the congressional central committees may be provided for by the state central committee bylaws.

(d) Each party congressional district central committee shall elect its own chairperson, vice-chairperson, and secretary and shall adopt its own bylaws concerning its conduct, which shall include but need not be limited to requirements for eligibility to vote in the congressional district assembly.

(e) The chairperson of each party congressional district central committee shall fix the time and place of each meeting of the committee, shall fix the time and place of its congressional district assembly, and shall preside over each meeting and the congressional district assembly.

(4) (a) The chairpersons and vice-chairpersons of the several party county central committees, who reside within each judicial district, together with the elected district attorney of the party for the judicial district, shall constitute the judicial district central committee.

(b) If, in any county within the judicial district, any political party has polled at least ten thousand votes at the last preceding general election for its candidate for governor or president of the United States, the county shall

be entitled to two additional members of the judicial district central committee of the political party. Two additional members shall be allowed for each additional ten thousand votes or major portion thereof polled in the county. The additional members shall be elected by those members of the county central committee of the political party who reside within the judicial district. The additional members shall be as equally divided as possible between male and female.

(c) Other members of the judicial district central committee may be provided for by the state central committee bylaws.

(d) When a judicial district is comprised of one county or a portion of one county, the judicial district central committee shall consist of all elected precinct committeepersons, the elected district attorney, and the chairperson, the vice-chairperson, and the secretary of the county central committee, all of whom are of the party and reside in that judicial district. The committee shall meet on the same date and select a chairperson and vice-chairperson in the same manner as a party county central committee.

(e) Each party judicial district central committee shall elect its own chairperson, vice-chairperson, and secretary and shall adopt its own bylaws concerning its conduct, which shall include but need not be limited to requirements for eligibility to vote in the judicial district assembly.

(f) The chairperson of each party judicial district central committee shall fix the time and place of each meeting of the committee, shall fix the time and place of its district assembly, and shall preside over each meeting and the judicial district assembly.

(5) (a) When a state senatorial district is comprised of one or more whole counties or of a part of one county and all or a part of one or more other counties, a state senatorial central committee shall consist of the chairpersons, vice-chairpersons, and secretary of the several party county central committees, who reside within the state senatorial district. If any of those officers do not reside in the state senatorial district, replacements shall be provided who do reside in the district. The state senatorial central committee shall also include the elected state senator of the party for the state senatorial district, the state representatives of the party who reside within the state senatorial district, and a chairperson, vice-chairperson, and secretary of the state senatorial central committee, who may or may not be elected from among, but shall be elected by, the chairpersons, vice-chairpersons, and secretary, the state senator, and the state representatives.

(b) When a state senatorial district is comprised of a portion of one county, a state senatorial central committee shall consist of the elected precinct committeepersons, the elected state senator, the elected state representatives, and a chairperson, vice-chairperson, and secretary of the state senatorial central committee, all of whom are of the party and reside in that senatorial district. In addition, the chairperson, vice-chairperson, and secretary of the party county central committee shall be members of each state senatorial central committee, who reside within the senatorial district. The chairperson, vice-chairperson, and secretary of the state senatorial central committee may or may not be elected from among, but shall be elected by, the state senatorial central committee. The committee shall meet on the same date and select a chairperson and vice-chairperson in the same manner as the party county central committee.

(6) (a) When a state representative district is comprised of one or more whole counties or of a part of one county and all or a part of one or more other counties, a state representative central committee shall consist of the chairpersons, vice-chairpersons, and secretary of the several party county central committees, who reside within the state representative district. If any of those officers do not reside in the state representative district, replacements shall be provided who do reside in the district. The state representative central committee shall also include the elected state representative of the party for the state representative district, each state senator of the party who resides within that representative district, and a chairperson, vice-chairperson, and secretary of the state representative central committee, who may or may not be elected from among, but shall be elected by, the chairpersons, vice-chairpersons, and secretary, the state representative, and the state senators.

(b) When a state representative district is comprised of a portion of one county, a state representative central committee shall consist of the elected precinct committeepersons, the elected state representative, the elected state senators, and a chairperson, vice-chairperson, and secretary of the state representative central committee, all of whom are of the party and reside in that state representative district. In addition, the chairperson, vice-chairperson, and secretary of the party county central committee, who reside within the state representative district, shall be members of the state representative central committee. The chairperson, vice-chairperson, and secretary of the state representative district central committee may or may not be elected from among, but shall be elected by, the state representative central committee. The committee shall meet on the same date and select a chairperson and vice-chairperson in the same manner as the party county central committee.

(7) Within thirty days after the organizational meetings authorized by this section, the secretary of each party central committee prescribed by this section shall file with the secretary of state a list of the names, addresses, and telephone numbers of each of the officers elected, together with a list of the names, addresses, and telephone numbers of the vacancy committee selected.

(8) All references to elected public officials in this article shall include those public officials appointed to fill vacancies in elective offices.

(9) Within ninety days after the organization of the state central committees of the two major political parties in each odd-numbered year, each committee shall adopt in its bylaws or rules its general guidelines and regulations for all county party matters. Any county central committee may adopt its own rules and regulations in conformance with those of the state central committee. In the absence of county rules pertaining to specific items, the party's state central committee's guidelines, rules, and regulations shall apply. Each state central committee shall file its party's bylaws or rules with the secretary of state no later than the first Monday in February in each even-numbered year and, if filed prior to that date, the bylaws or rules may be amended until that date. No bylaw or rule may be filed or amended after the first Monday in February in each even-numbered year; except that such bylaws and rules may be amended as required solely to accommodate changes in the precinct caucus day or other action taken by the secretary of state

pursuant to section 2-2-506 (1) (c) (IV), C.R.S. Where the bylaws or rules are not filed in accordance with this section, the party's state central committee, as well as the party's county central committee, shall be subject to the code through the general election of the same year.

(10) (a) Each party state senatorial central committee and each party state representative central committee shall elect its own chairperson, vice-chairperson, and secretary and adopt its own bylaws concerning its conduct, which shall include, but not be limited to, the listing of requirements for eligibility to vote in the state senatorial or state representative district assembly.

(b) The chairperson of each party state senatorial central committee and each party state representative central committee shall fix the time and place of meetings of the central committee, shall fix the time and place of its district assembly, and shall preside over the meetings and district assembly.

Source: R & RE, L. 80, pp. 316, 421, § § 1, 1; L. 81, p. 305, § 2; L. 82, p. 218, § 1; L. 83, p. 360, § 1; L. 85, pp. 255, 256, § § 5, 6; L. 87, p. 284, § 5; L. 89, pp. 301, 313, § § 5, 1; L. 91, p. 619, § 30; L. 92, pp. 591, 666, § § 2, 3.

1-3-104. Political party vacancy committees. All vacancies in state, congressional, judicial, senatorial, representative, or county commissioner party central committees shall be filled by the respective party county central committees pursuant to section 1-3-103.

Source: R & RE, L. 80, p. 320, § 1; L. 92, p. 671, § 3.

1-3-105. Powers of central committees. (1) Subject to the provisions of section 1-3-106 (2), the state central committee has the power to make all rules for party government.

(2) Any state, congressional, judicial, senatorial, representative, county commissioner, or county central committee may select a managing or executive committee and may authorize the executive committee to exercise any and all powers conferred upon the respective central committees.

Source: R & RE, L. 80, p. 320, § 1; L. 92, p. 671, § 3.

1-3-106. Control of party controversies. (1) The state central committee of any political party in this state has full power to pass upon and determine all controversies concerning the regularity of the organization of that party within any congressional, judicial, senatorial, representative, or county commissioner district or within any county and also concerning the right to the use of the party name. The state central committee may make rules governing the method of passing upon and determining controversies as it deems best, unless the rules have been provided by the state convention of the party as provided in subsection (2) of this section. All determinations upon the part of the state central committee shall be final.

(2) From the time the state convention of the party convenes until the time of its final adjournment, the state convention has all the powers given

by subsection (1) of this section to the state central committee, but not otherwise. The state convention of the party may also provide rules that shall govern the state central committee in the exercise of the powers conferred upon the committee in subsection (1) of this section.

Source: R & RE, L. 80, p. 320, § 1; L. 92, p. 671, § 3.

1-3-107. Party platforms. (1) Any assembly or convention of any political party may formulate, adopt, and publish a platform for the political subdivision which the assembly or convention represents.

(2) Repealed, L. 85, p. 270, § 37, effective May 31, 1985.

Source: R & RE, L. 80, p. 321, § 1; L. 85, p. 270, § 37; L. 92, p. 672, § 3.

1-3-108. Use of party name. No person, group of persons, or organization shall use the name or address of a political party, in any manner, unless the person, group of persons, or organization has received permission to use the name or address from the executive committee of the political party.

Source: L. 87, p. 285, § 6; L. 92, p. 672, § 3.

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PART 1

PRIMARY ELECTIONS

1-4-101. Primary election nominations made. (1) A primary election shall be held at the regular polling places in each precinct on the second Tuesday of August in even-numbered years to nominate candidates of political parties to be voted for at the succeeding general election.

(2) Each political party is entitled to participate in the primary election and shall have a separate party ballot. The primary election of all political

parties shall be held at the same time and at the same polling places and shall be conducted by the same election officials.

(3) All nominations by political parties for candidates for United States senator, representative in congress, all elective state, district, and county officers, and members of the general assembly shall be made by primary elections. Neither the secretary of state nor any county clerk and recorder shall place on the official general election ballot the name of any person as a candidate of any political party who has not been nominated in accordance with the provisions of this article, or who has not been affiliated with the political party for at least twelve months unless otherwise provided by law, or who does not meet residency requirements for the office, if any. The information found on the voter registration record of the person seeking to be placed on the ballot is admissible as prima facie evidence of compliance with this article.

(4) Except as otherwise provided in this code, all primary elections shall be conducted in the same manner as general elections insofar as the general election provisions are applicable, and the election officers for primary elections have the same powers and shall perform the same duties as those provided by law for general elections.

(5) All expenses incurred in the preparation or conduct of the primary election shall be paid out of the treasury of the county or state, as the case may be, in the same manner as for general elections.

Source: R & RE, L. 80, p. 321, § 1; L. 81, p. 307, § 3; L. 83, p. 350, § 9; L. 85, p. 248, § 4; L. 86, p. 396, § 6; L. 88, p. 293, § 1; L. 89, p. 314, § 2; L. 91, p. 620, § 31; L. 92, p. 672, § 4.

1-4-102. Methods of placing names on primary ballot. All candidates for nominations to be made at any primary election shall be placed on the primary election ballot either by certificate of designation by assembly or by petition.

Source: R & RE, L. 80, p. 322, § 1; L. 92, p. 673, § 4.

1-4-103. Order of names on primary ballot. Candidates designated and certified by assembly for a particular office shall be placed on the primary election ballot in the order of the vote received at the assembly. The candidate receiving the highest vote shall be placed first in order on the ballot, followed by the candidate receiving the next highest vote. To qualify for placement on the primary election ballot, a candidate must receive thirty percent or more of the votes of the assembly. The names of two or more candidates receiving an equal number of votes for designation by assembly shall be placed on the primary ballot in the order determined by lot in accordance with section 1-4-601 (2). Candidates by petition for any particular office shall follow assembly candidates and shall be placed on the primary election ballot in an order established by lot.

Source: R & RE, L. 80, p. 322, § 1; L. 86, p. 1214, § 1; L. 87, p. 286, § 7; L. 92, p. 673, § 4.

1-4-104. Party nominees. Candidates voted on for offices at primary elections who receive a plurality of the votes cast shall be the respective party nominees for the respective offices. If more than one office of the same kind is to be filled, the number of candidates equal to the number of offices to be filled receiving the highest number of votes shall be the nominees of the political party for the offices. The names of the nominees shall be printed on the official ballot prepared for the ensuing general election.

Source: R & RE, L. 80, p. 322, § 1; L. 92, p. 673, § 4.

1-4-105. Defeated candidate ineligible. No person who has been defeated as a candidate in a primary election shall be eligible for election to the same office by ballot or as a write-in candidate in the next general election unless the party vacancy committee nominates that person.

Source: R & RE, L. 80, p. 322, § 1; L. 91, p. 620, § 32; L. 92, p. 673, § 4.

PART 2

GENERAL ELECTIONS

1-4-201. Time of holding general election. A general election shall be held in all precincts in this state on the Tuesday succeeding the first Monday of November in every even-numbered year.

Source: R & RE, L. 80, p. 322, § 1; L. 92, p. 673, § 4.

1-4-202. United States senators. At the general election in 1984 and every six years thereafter, one United States senator shall be elected for the next term; and, at the general election in 1986 and every six years thereafter, one United States senator shall be elected for the next term.

Source: R & RE, L. 80, p. 322, § 1; L. 92, p. 673, § 4.

1-4-203. Representatives in congress. At every general election, the number of representatives in congress to which the state is entitled shall be elected.

Source: R & RE, L. 80, p. 322, § 1; L. 92, p. 673, § 4.

1-4-204. State and district officers. At the general election in 1982, and every fourth year thereafter, the following state officers shall be elected: One governor, one lieutenant governor, one secretary of state, one state treasurer, and one attorney general. The lieutenant governor shall be elected jointly with the governor. At every general election, the number of members of the state house of representatives to which each representative district is entitled

shall be elected in that district. Candidates for the offices of regents of the university of Colorado, state senators, members of the state board of education, and district attorneys shall be voted on at the general election immediately prior to the expiration of the regular terms for those offices.

Source: R & RE, L. 80, p. 322, § 1; L. 92, p. 673, § 4.

1-4-205. County commissioners. (1) (a) Members of the board of county commissioners shall be elected in each county, excluding a city and county, for a term of four years.

(b) No person shall be a county commissioner unless that person is a registered elector and has resided in the district for at least one year prior to the election.

(2) Each county having a population of less than seventy thousand shall have three county commissioners, any two of whom shall constitute a quorum for the transaction of business. One commissioner shall be elected at the general election in 1982 and every four years thereafter, and two commissioners shall be elected at the general election in 1984 and every four years thereafter.

(3) (a) In each county having a population of seventy thousand or more, the board of county commissioners may consist either of three members, any two of whom shall constitute a quorum for the transaction of business, or of five members, any three of whom shall constitute a quorum for the transaction of business.

(b) If the board consists of three commissioners, they shall be elected as provided in subsection (2) of this section and as provided in section 30-10-306.7 (5), C.R.S.

(c) In any county having a population of seventy thousand or more, the membership of the board of county commissioners may be increased from three to five members pursuant to section 30-10-306.5, C.R.S., or decreased from five to three members pursuant to section 30-10-306.7 (2) (a) (II), C.R.S.

Source: R & RE, L. 80, p. 323, § 1; L. 88, pp. 297, 1113, § § 1, 3; L. 92, p. 674, § 4.

1-4-206. Other county officers. At the general election in 1982 and every four years thereafter, one county clerk and recorder, who shall be ex officio recorder of deeds and clerk of the board of county commissioners; one sheriff qualified pursuant to section 30-10-501.5, C.R.S.; one coroner; one treasurer, who shall be collector of taxes; one county superintendent of schools, unless the office of county superintendent of schools is abolished at a general election; one county surveyor; and one county assessor shall be elected in each county, excluding a city and county. The term of office of all such officials shall be four years.

Source: R & RE, L. 80, p. 323, § 1; L. 90, p. 304, § 5; L. 92, p. 674, § 4.

PART 3

PRESIDENTIAL ELECTIONS

1-4-301. Time of holding presidential elections. At the general election in 1984 and every fourth year thereafter, the number of presidential electors to which the state is entitled shall be elected.

Source: R & RE, L. 80, p. 323, § 1; L. 92, p. 674, § 4.

1-4-302. Party nominations to be made by convention. (1) Any convention of delegates of a political party or any committee authorized by resolution of the convention may nominate presidential electors.

(2) All nominations for vacancies for presidential electors made by the convention or a committee authorized by the convention shall be certified by affidavit of the presiding officer and secretary of the convention or committee.

Source: R & RE, L. 80, p. 323, § 1; L. 92, p. 675, § 4.

1-4-303. Nomination of independent candidates. Any persons nominated as candidates for the offices of president and vice president of the United States by a petition for nomination of an independent candidate pursuant to the provisions of section 1-4-802 shall include on the petition the names of registered electors who are thus nominated as presidential electors. The acceptance of each of the electors shall be endorsed as appended to the first or last page of the nominating petition.

Source: R & RE, L. 80, p. 324, § 1; L. 92, p. 675, § 4.

1-4-304. Presidential electors. (1) The presidential electors shall convene at the capital of the state, in the office of the governor at the capitol building, on the first Monday after the second Wednesday in the first December following their election at the hour of 12 noon and take the oath required by law for presidential electors. If any vacancy occurs in the office of a presidential elector because of death, refusal to act, absence, or other cause, the presidential electors present shall immediately proceed to fill the vacancy in the electoral college. When all vacancies have been filled, the presidential electors shall proceed to perform the duties required of them by the constitution and laws of the United States. The vote for president and vice president shall be taken by open ballot.

(2) The secretary of state shall give notice in writing to each of the presidential electors of the time and place of the meeting at least ten days prior to the meeting.

(3) The secretary of state shall provide the presidential electors with the necessary blanks, forms, certificates, or other papers or documents required to enable them to properly perform their duties.

(4) If desired, the presidential electors may have the advice of the attorney general of the state in regard to their official duties.

(5) Each presidential elector shall vote for the pair of presidential and vice-presidential candidates who received the highest number of votes at the preceding general election in this state.

Source: R & RE, L. 80, p. 324, § 1; L. 92, p. 675, § 4.

1-4-305. Compensation. Every presidential elector of this state who attends and votes for those officers at the time and place appointed by law is entitled to receive the sum of five dollars per day for each day's attendance at the election and fifteen cents per mile for each mile traveled in going to and returning from the place where the electors meet, by the most usual route traveled, to be paid out of the general fund. The controller shall audit the amount and draw a warrant for the same.

Source: R & RE, L. 80, p. 324, § 1; L. 92, p. 675, § 4.

PART 4

CONGRESSIONAL VACANCY ELECTIONS

1-4-401. Time of congressional vacancy elections. (1) When any vacancy occurs in the office of representative in congress from this state, the governor shall set a day to hold an election to fill the vacancy and cause notice of the election to be given as required in part 2 of article 6 of this title; but no congressional vacancy election shall be held within ninety days next preceding a general election or less than seventy-five days or more than ninety days after the vacancy occurs.

(2) A congressional vacancy election shall be conducted and the results thereof surveyed and certified in all respects as nearly as practicable in like manner as for general elections, except as otherwise provided in this code.

Source: R & RE, L. 80, p. 324, § 1; L. 83, p. 350, § 10; L. 92, p. 676, § 4.

1-4-402. Nominations of political party candidates. (1) (a) Any convention of delegates of a political party or any committee authorized by resolution of the convention shall nominate a candidate to fill a vacancy in the unexpired term of a representative in congress. A state central committee, its managing or executive committee selected pursuant to section 1-3-105 (2), or any other committee designated by the bylaws of the state central committee to convene a convention to nominate a candidate to fill a vacancy in the unexpired term of a representative in congress shall convene the convention and shall provide the procedure for the nomination of the candidate. A copy of the notice of election, as set by the governor and filed with the secretary of state, shall be sent by certified mail to the state chairperson of each political party.

(b) Upon receipt of the notice, the state chairperson shall issue a call for the state convention, stating the number of delegates from each county and the method of their selection.

(c) No convention shall be held later than the twentieth day from the date of the order issued by the governor.

(d) (I) Any candidate nominated by a political party shall have been affiliated with the party for at least twelve consecutive months prior to the date the convention begins, as shown on the voter registration book of the county clerk and recorder.

(II) Notwithstanding the provisions of subparagraph (I) of this paragraph (d), if a political party has established a rule regarding the length of party affiliation which is necessary to be eligible for nomination by convention for the office of representative in congress, the party rule shall apply.

(2) The nomination to fill the vacancy in the unexpired term of a representative in congress made by the political party convention or a committee authorized by the convention shall be certified by affidavit of the presiding officer and secretary of the convention or committee.

Source: R & RE, L. 80, p. 325, § 1; L. 83, pp. 351, 362, § § 11, 1; L. 88, p. 293, § 2; L. 92, p. 676, § 4.

1-4-403. Nomination of unaffiliated candidates for congressional vacancy election. (1) Candidates for congress at a congressional vacancy election who do not wish to affiliate with a political party may be nominated pursuant to the provisions of section 1-4-802.

(2) Petitions must be filed by 3 p.m. on the thirtieth day from the date of the order issued by the governor.

Source: R & RE, L. 80, p. 325, § 1; L. 83, p. 351, § 12; L. 92, p. 677, § 4.

1-4-404. Nomination and acceptance of candidate. Any person nominated in accordance with this article shall file a written acceptance with the secretary of state within ten days after the adjournment of the convention. If an acceptance is not filed within the specified time, the candidate shall be deemed to have declined the nomination, and the nomination shall be treated as a vacancy to be filled as provided in section 1-4-1002 (3) and (5).

Source: L. 83, p. 351, § 13; L. 92, p. 677, § 4.

PART 5

QUALIFICATIONS AND METHODS OF NOMINATION

1-4-501. Only eligible electors eligible for office. (1) No person except an eligible elector who is at least eighteen years of age, unless another age is required by law, is eligible to hold any office in this state. No person is eligible to be a designee or candidate for office unless that person fully meets the qualifications of that office as stated in the constitution and statutes of this state on or before the date the term of that office begins. The person responsible for certifying the list of designees or candidates for public

office shall not certify the name of any designee or candidate who is unable to provide proof that he or she will fully meet the qualifications of the office if elected. The information found on the person's voter registration record is admissible as prima facie evidence of compliance with this section.

(2) No person is eligible to be a candidate for more than one office at one time; except that this subsection (2) does not apply to memberships on special district boards.

Source: R & RE, L. 92, p. 677, § 5.

1-4-502. Methods of nomination for partisan candidates. (1) Nominations for United States senator, representative in congress, governor, lieutenant governor, secretary of state, state treasurer, attorney general, member of the state board of education, regent of the university of Colorado, member of the general assembly, district attorney, and all county officers to be elected at the general election may be made either by primary election or by petition for nomination of an independent candidate as provided in section 1-4-802.

(2) Nominations for presidential electors to be elected at the general election and for candidates to fill vacancies to unexpired terms of representatives in congress to be elected at a congressional vacancy election may be made by a convention of a political party, or by a committee authorized by the convention, or by petition for nomination of an independent candidate as provided in part 8 and part 9 of this article.

Source: R & RE, L. 92, p. 677, § 5.

1-4-503. Method of nomination for nonpartisan candidates. Nominations for all elected nonpartisan local government officials shall be by petition for nomination as provided in part 8 of this article.

Source: R & RE, L. 92, p. 678, § 5.

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

Source: R & RE, L. 92, p. 678, § 5.

PART 6

POLITICAL PARTY DESIGNATION FOR PRIMARY ELECTION

1-4-601. Designation of candidates for primary election. (1) Assemblies of the several political parties may make assembly designations of candidates

for nomination on the primary election ballot. No assembly shall be held later than sixty-five days preceding the primary election.

(2) An assembly shall take no more than two ballots for party candidates for each office to be filled at the next general election. Every candidate receiving thirty percent or more of the votes of all duly accredited assembly delegates who are present and voting on that office shall be certified by affidavit of the presiding officer and secretary of the assembly. If no candidate receives thirty percent or more of the votes of all duly accredited assembly delegates who are present and voting, a second ballot shall be cast on all the candidates for that office. If on the second ballot no candidate receives thirty percent or more of the votes cast, the two candidates receiving the highest number of votes shall be certified as candidates for that office by the assembly. The certificate of designation by assembly shall state the name of the office for which each person is a candidate and the candidate's name and address, shall designate in not more than three words the name of the political party which the candidate represents, and shall certify that the candidate has been a member of the political party for the period of time required by party rule or by law if the party has no such rule. The candidate's party affiliation, as shown on the registration books of the county clerk and recorder, is prima facie evidence of party membership. The certificate of designation shall indicate the order of the vote received at the assembly by candidates for each office, but no assembly shall declare that any one candidate has received the nomination of the assembly. The certificate of designation shall be filed in accordance with section 1-4-604. If two or more candidates receiving designation under the provisions of this subsection (2) have received an equal number of votes, the order of certification of designation shall be determined by lot by the candidates. The assembly shall select a vacancy committee for vacancies in designation or nomination only.

(3) Within ten days after the adjournment of the assembly, each candidate designated by assembly shall file a written acceptance with the officer with whom the certificate of designation is filed. The acceptance shall state the candidate's name in the form in which it is to appear on the ballot. The name may include one nickname. If an acceptance is not filed within the specified time, the candidate shall be deemed to have declined the designation.

(4) (a) No person is eligible for designation by assembly as a candidate for nomination at any primary election unless the person has been affiliated with the political party holding the assembly for a period of at least twelve months immediately preceding the date of the assembly, as shown by the registration books of the county clerk and recorder.

(b) Repealed, L. 89, p. 314, 3, effective April 12, 1989.

Source: R & RE, L. 80, p. 326, § 1; L. 81, p. 310, § 1; L. 83, p. 352, § 16; L. 87, p. 286, § 8; L. 88, p. 294, § 3; L. 89, pp. 302, 314, § § 7, 3; L. 92, p. 678, § 6.

1-4-602. Delegates to party assemblies. (1) (a) County assemblies shall be held not less than ten days nor more than thirty days after precinct caucuses held on the first Tuesday in April. The county central committee shall fix the number of delegates from each precinct to participate in the county

assembly. The persons receiving the highest number of votes at the precinct caucus shall be the delegates to the county assembly from the precinct. If two or more candidates receive an equal number of votes for the last available place in the election of delegates to county assemblies at the precinct caucuses, the delegate shall be determined by lot by the candidates. Except as provided in subsections (2) and (6) of this section, delegates to all other party assemblies shall be selected by the respective county assemblies from among the members of the county assemblies.

(b) In determining the number of delegates from precincts which have been created or split since the previous general election, the county central committee may allocate delegates based on the number of registered voters affiliated with the political party.

(2) (a) In each state senatorial and representative district comprised of a portion of one county only, persons elected at precinct caucuses as delegates to the county assemblies shall serve also as delegates to the senatorial and representative district assemblies.

(b) In each state senatorial and representative district comprised of one or more whole counties and a portion of one or more counties or comprised of portions of two or more counties, the number of delegates to the senatorial and representative district assemblies shall be apportioned among the counties by the party's senatorial or representative central committee according to the vote in the county or portion of a county for that party's candidate for governor or president in the last general election, unless the state party bylaws or bylaws of the district provide a different method to apportion delegates.

(3) All questions regarding the qualifications of any delegate or the conduct of any precinct caucus at which the delegates were voted on shall be determined by the credentials committees of the respective party county, representative, and senatorial assemblies.

(4) All places established for holding precinct caucuses shall be designated by a sign conspicuously posted for at least ten days before the precinct caucuses. The sign shall be substantially in the following form: "Precinct caucus place for precinct no.". The lettering on the sign and the precinct number shall be black on a white background, with all letters and numerals at least four inches in height. Any precinct caucus subsequently removed and held in a place other than the place stated on the sign is null and void.

(5) As used in this section, "delegate" means a person who is a registered elector, has been a resident of the precinct for twenty-five days prior to the caucus, and has been affiliated with the political party holding the caucus for at least two months, as shown on the registration books of the county clerk and recorder; except that any registered elector who has attained the age of eighteen years within the two months immediately preceding the caucus or any registered elector who has become a naturalized citizen within the two months immediately preceding the caucus may be a delegate even though the elector has been affiliated with the political party for less than two months as shown on the registration books of the county clerk and recorder. A delegate who moves from the precinct of residence shall become ineligible to serve as a delegate from that precinct.

(6) In each state senatorial and representative district comprised of all or parts of more than one county, persons elected at precinct caucuses as

delegates to the county assemblies from precincts within the senatorial or representative district shall also serve as delegates to the senatorial and representative district assemblies if the senatorial or representative district central committee, by resolution adopted prior to the holding of the precinct caucuses in the year for which the resolution is to be effective, chooses to have the delegates to its district assembly in that year elected as provided in this subsection (6). As a part of the resolution, the senatorial or representative central committee may determine the total number of delegate votes to be cast at the senatorial or representative district assembly, apportion them by county among the portions of the district which lie in separate counties upon an equitable basis determined by party bylaws or rules, and, upon the basis of the apportionment, determine the factor necessary to apportion equally among the delegates from the precincts within the district in each county the total votes to be cast by delegates from the portion of the district lying within that county.

Source: R & RE, L. 80, p. 326, § 1; L. 82, p. 217, § 2; L. 85, pp. 248, 256, § 5, 8; L. 91, p. 620, § 34; L. 92, p. 679, § 6.

1-4-603. Designation of party candidates by petition. Candidates for political party nominations may be placed on the primary election ballot by petition, as provided in part 8 of this article.

Source: R & RE, L. 80, p. 328, § 1; L. 83, p. 353, § 17; L. 85, p. 257, § 9; L. 88, p. 297, § 2; L. 89, p. 302, § 8; L. 91, p. 621, § 35; L. 92, p. 681, § 6.

1-4-604. Filing of petitions and certificates of designation by assembly. Every petition or certificate of designation by assembly in the case of a candidate for nomination for any national or state office or for member of the general assembly, district attorney, or district office greater than a county office shall be received and filed in the office of the secretary of state. Every petition or certificate of designation by assembly in the case of a candidate for nomination for any other elective office shall be filed in the office of the county clerk and recorder of the county where the person is a candidate. Certificates of designation by assembly shall be filed within ten days after the adjournment of the assembly. Petitions shall be filed prior to sixty-five days before the primary election. Late filing of the certificate of designation shall not deprive candidates of their candidacy.

Source: R & RE, L. 80, p. 329, § 1; L. 81, p. 310, § 2; L. 87, p. 287, § 9; L. 89, p. 303, § 9; L. 92, p. 682, § 6.

1-4-605. Order of names on primary ballot. Candidates designated and certified by assembly for a particular office shall be placed on the primary election ballot in the order of the vote received at the assembly. The candidate receiving the highest vote shall be placed first in order on the ballot, followed by the candidate receiving the next highest vote, and so on until

all of the candidates designated have been placed on the ballot. The names of two or more candidates receiving an equal number of votes for designation by assembly shall be placed on the primary ballot in the order determined by lot in accordance with section 1-4-601 (2). Candidates by petition for any particular office shall follow assembly candidates and shall be placed on the primary election ballot in an order established by lot.

Source: R & RE, L. 80, p. 329, § 1; L. 85, p. 258, § 10; L. 92, p. 683, § 6.

PART 7

CONVENTIONS - POLITICAL PARTY NOMINATIONS

1-4-701. Party nominations to be made by convention. (1) Any convention of delegates of a political party or any committee authorized by resolution of the convention may nominate candidates for vacancies to unexpired terms of representatives in congress and for presidential electors and also may select delegates to national political conventions.

(2) (a) The certificate of nomination shall contain the name of the office for which each person is nominated and the person's name and address and shall designate, in not more than three words, the political party which the convention or committee represents.

(b) No certificate of nomination shall contain the names of more candidates for any office than there are offices to fill. If any certificate does contain the names of more candidates than there are offices to fill, only those names which come first in order on the certificate and are equally numbered with the number of offices to be filled shall be taken as nominated. No person shall sign more than one certificate of nomination for any office.

(c) When the nomination is made by a committee, the certificate of nomination shall also contain a copy of the resolution passed at the convention which authorized the committee to make the nomination.

(d) In the case of presidential electors, the names of the candidates for president and vice president may be added to the name of the political party in the certificate of nomination.

(3) Certificates of nomination shall be received and filed with the secretary of state prior to fifty-five days before the general or congressional vacancy election.

(4) Any person nominated in accordance with this section by either of the two major political parties shall be deemed to have accepted the nomination unless the candidate files with the secretary of state a written declination of the nomination within ten days after the adjournment of the convention.

Source: R & RE, L. 80, p. 329, § 1; L. 85, p. 248, § 6; L. 88, p. 1429, § 1; L. 92, p. 683, § 6.

PART 8

NOMINATION OF CANDIDATES BY PETITION

1-4-801. Designation of party candidates by petition. (1) Candidates for political party nominations may be placed on the primary election ballot

by petition. Every petition to nominate candidates for a primary election shall state the name of the office for which the person is a candidate and the candidate's name and address and shall designate in not more than three words the name of the political party which the candidate represents. No petition shall contain the name of more than one person for the same office.

(2) The signature requirements for the petition are as follows:

(a) Every petition in the case of a candidate for any county office shall be signed by eligible electors resident within the county commissioner district or political subdivision for which the officer is to be elected, and such petition shall require signers equal in number to twenty percent of the votes cast in the political subdivision at the primary election, or if there was no primary election at the last preceding election, for the political party's candidate for the office for which the petition is being circulated.

(b) Every petition in the case of a candidate for member of the general assembly, district attorney, or any district office greater than a county office shall be signed by not less than one thousand eligible electors resident within the district for which the officer is to be elected or the petition shall require no more signers than thirty percent of the votes cast in the district at the primary election, or if there was no primary election at the last preceding election, for the political party's candidate for the office for which the petition is being circulated, whichever is less.

(c) Every petition in the case of a candidate for an office to be filled by vote of the electors of the entire state shall be signed by eligible electors in a number equal to at least two percent of the votes cast in the district at the most recent general election for the political party's candidate for the office for which the petition is being circulated.

(d) A petition circulated pursuant to section 1-3-102 (2) (c) for the office of precinct committee person shall be signed by not less than ten percent of the registered electors within the precinct who are affiliated with the political party and eligible to vote at the precinct caucus.

(3) No person shall be placed in nomination by petition on behalf of any political party unless the person has been affiliated with the political party for at least twelve months prior to the date of filing the petition, as shown by the registration books of the county clerk and recorder.

(4) No person who attempted and failed to receive at least ten percent of the votes for the nomination of a political party assembly for a particular office shall be placed in nomination by petition on behalf of the political party for the same office.

(5) Party petitions shall not be circulated nor any signatures be obtained prior to the first Monday in April. Petitions shall be filed no later than the sixty-sixth day before the primary election.

Source: R & RE, L. 92, p. 684, § 7.

1-4-802. Petitions for nominating independent candidates. (1) Candidates for public offices to be filled at a general or congressional vacancy election who do not wish to affiliate with a political party may be nominated, other than by a primary election or a convention, in the following manner:

(a) A petition for nominating independent candidates shall be prepared which shall contain the name and address of any candidate for the office

to be filled. The petition shall designate in not more than three words the political or other name which the signers select. No name of any political party shall be used, in whole or in part, for this purpose.

(b) Each petition shall contain only the name of one candidate for one office; except that any petition for a candidate for governor shall also include a candidate for lieutenant governor, and together they shall be considered joint candidates at the general election. In the case of nominations for electors of president and vice president of the United States, the names of the candidates may be added to the political or other name designated on the petition.

(c) The petition for each office shall be signed by eligible electors residing within the district or political subdivision in which the officer is to be elected. The number of signatures of eligible electors on a petition shall be as follows: At least five thousand for the office of president and vice-president, at least one thousand for any statewide office, and at least five hundred for congressional office; the lesser of one thousand or twenty percent of the votes cast in the district in the most recent general election for the office of member of the general assembly, district attorney, or district office greater than county office; and the lesser of six hundred or twenty percent of the votes cast in the county in the most recent general election for county office.

(d) No petition, except petitions for candidates for vacancies to unexpired terms of representatives in congress and for presidential electors, shall be circulated or any signatures obtained thereon prior to forty-nine days before the primary election.

(e) The petition may designate or appoint upon its face one or more persons as a committee to fill vacancies in accordance with section 1-4-1002 (4) and (5).

(f) Petitions shall be filed not later than 3 p.m. on the Tuesday preceding the primary election or 3 p.m. on the fifty-fifth day preceding the congressional vacancy election.

(g) No person shall be placed in nomination by petition unless the person is an eligible elector of the political subdivision or district in which the officer is to be elected and unless the person was registered as unaffiliated, as shown on the books of the county clerk and recorder, for at least twelve months prior to the date of filing of the petition; except that, if such nomination is for a nonpartisan election, the person shall be an eligible elector of the political subdivision or district and be a registered elector, as shown on the books of the county clerk and recorder, on the date of the earliest signature on the petition.

Source: R & RE, L. 92, p. 685, § 7.

1-4-803. Petitions for nominating school district directors. (1) Any person who desires to be a candidate for the office of school director shall file a nomination petition signed by a number of eligible electors equal to the lesser of fifty or fifteen percent of the eligible electors of the district, but if the school district has a director district plan of representation, the petition shall be signed by a number of eligible electors equal to the lesser of fifty or fifteen percent of the eligible electors resident in the director district in which the person is a candidate.

(2) The nomination petition must be filed prior to sixty days before the election date.

(3) If a school district has an at-large method of representation and if terms of different lengths are to be filled at a district election, candidates must designate on the nomination petition the term for which they are running.

(4) A candidate for the office of school director shall not run as a candidate of any political party for that school directorship.

(5) The candidate for the office of school director shall have been an eligible elector of the school district, as shown on the books of the county clerk and recorder, on the date of the earliest signature on the petition.

Source: R & RE, L. 92, p. 686, § 7.

1-4-804. Petitions for nominating special district directors. (1) Any person who desires to be a candidate for the office of a special district director shall file a nomination petition signed by the number of eligible electors of the district required by the enabling legislation not less than sixty days prior to the date of the election.

(2) The candidate shall have been an eligible elector of the district, as shown on the books of the county clerk and recorder and, if applicable, on the books of the county assessor, on the date of the earliest signature on the petition.

Source: R & RE, L. 92, p. 687, § 7.

PART 9

PETITIONS FOR CANDIDACY AND RECALL

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

(2) The petition for recall or other ballot issue may be circulated and signed in sections, and each section shall contain a full and accurate copy of the title and text of the petition. Each petition shall designate, by name and address, not less than three nor more than five persons, referred to in this section as the "committee", which shall represent the signers in all matters affecting the petition.

Source: R & RE, L. 92, p. 687, § 7.

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

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

**WARNING:
IT IS AGAINST THE LAW:**

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

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

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

(3) Directly following the warning in subsection (1) shall be printed in bold-faced type the following:

Petition to (nominate/recall) (name of person sought to be elected to or recalled from) the office of (title of office).

Source: R & RE, L. 92, p. 687, § 7.

1-4-903. Approval of petition. No petition shall be circulated until it has been approved as meeting the requirements of this section as to form. The secretary of state and the official with whom the petitions are to be filed shall approve or disapprove a petition as to form by the close of the second business day following submission of the proposed petition. The official shall mail written notice of the action taken to the person who submitted the petition and, if the petition concerns a recall, to the officer whom the petition seeks to recall on the day the action is taken.

Source: R & RE, L. 92, p. 688, § 7.

1-4-904. Signatures on the petitions. (1) Every petition shall be signed only by eligible electors who reside in the district for which the office is to be filled.

(2) For partisan petitions, each signer shall be affiliated with the political party named in the petition and shall state the following to the circulator: That the signer has been affiliated with the political party named in the petition for at least two months as shown on the registration books of the county clerk and recorder; that the signer intends to vote for the candidate at the ensuing primary election; and that the signer has not signed any other petition for any other candidate for the same office.

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

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

Source: R & RE, L. 92, p. 688, § 7.

1-4-905. Circulators. (1) No eligible elector shall be eligible to circulate any petition unless the elector is eligible to vote in the political subdivision in which the petition is being circulated, and, for partisan candidates, has been affiliated with the political party mentioned in the petition for at least two months prior to the date of filing the petition, as shown by the registration books of the county clerk and recorder.

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

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

Source: R & RE, L. 92, p. 689, § 7.

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

Source: R & RE, L. 92, p. 690, § 7.

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

assembly or district attorney or a district office greater than a county office; with the county clerk and recorder if it is for a county office; and with the designated election official if it is for a nonpartisan local election.

Source: R & RE, L. 92, p. 690, § 7.

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

(2) For recall petitions, any disassembly of a section of the petition which has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.

(3) After review, the official shall notify the candidate or, in the case of a recall the committee and the incumbent, of the number of valid signatures and whether the petition appears to be sufficient or insufficient.

Source: R & RE, L. 92, p. 690, § 7.

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

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

Source: R & RE, L. 92, p. 690, § 7.

1-4-910. Protest to a recall petition. A recall petition which has been verified by the designated election official shall be held to be sufficient unless a protest in writing under oath is filed in the office of the designated election official by an eligible elector within fifteen days after the petition is filed. The petition shall set forth specific grounds for the protest. Grounds include but are not limited to failure of any portion of a petition or circulator affidavit to meet the requirements of this article or any conduct on the part of petition circulators that substantially misleads persons signing the petition. The designated election official shall forthwith mail a copy of the protest to the committee named in the petition as representing the signers, together with a notice fixing a time for hearing the protest not less than five nor more than ten days after the notice is mailed. Every hearing shall be before the designated election official with whom the protest is filed, or before a district judge sitting in that county if the designated election official is the

subject of the recall. The testimony in every hearing shall be under oath. The hearing shall be summary and not subject to delay and shall be concluded within thirty days after the petition is filed, and the result shall be forthwith certified to the committee.

Source: R & RE, L. 92, p. 691, § 7.

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

Source: R & RE, L. 92, p. 691, § 7.

1-4-912. Cure. (1) In case a petition for nominating independent candidates is not sufficient, it may be amended at any time prior to 3 p.m. on the Tuesday preceding a primary election, 3 p.m. on the fifty-fifth day preceding a congressional vacancy election, or 3 p.m. sixty days prior to an election which is not being held concurrently with the general election.

(2) In case a petition for recall is not sufficient, it may be withdrawn by a majority of the committee and may be amended at any time within sixty days from the date the first signature was affixed to the petition. Any signer may request that his or her name be stricken from the petition within the sixty-day period.

Source: R & RE, L. 92, p. 691, § 7.

1-4-913. Defacing of petitions. Any person who willfully destroys, defaces, mutilates, or suppresses a petition, or who willfully neglects to file or delays delivery of a petition, or who conceals or removes a petition from the possession of the person authorized by law to have custody of it, or who aids, counsels, procures, or assists any person in doing any of the above acts commits a misdemeanor and, upon conviction, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 92, p. 692, § 7.

PART 10

WITHDRAWALS FROM AND VACANCIES IN NOMINATIONS AND DESIGNATIONS

1-4-1001. Withdrawal from candidacy. (1) Any person who has accepted a designation or nomination may withdraw from candidacy at any time by filing a letter of withdrawal. The letter shall be signed and acknowledged

by the candidate before some officer authorized to take acknowledgments and shall be filed with the designated election official with whom the original certificate or petition of candidacy was filed. In the event that the withdrawal of candidacy is not made in time for the candidate's name to be taken off the ballot, any votes cast for the candidate shall be deemed invalid and will not be counted.

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

Source: R & RE, L. 92, p. 692, § 7.

1-4-1002. Vacancies in designation or nominations. (1) Any vacancy in a party designation occurring after the party assembly at which the designation was made and more than fifty-five days before the primary election, which is caused by the declination, death, disqualification, or withdrawal of any person designated by the assembly as a candidate for nomination, or by failure of the assembly to make designation of any candidate for nomination or which exists by reason of the death or resignation of any elective officer after an assembly at which a candidate could have been designated for nomination for the office at a primary election had the vacancy then existed, may be filled by the respective party assembly vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in designation has occurred. No person is eligible for appointment to fill a vacancy in a party designation unless that person meets all requirements of candidacy as of the date of the assembly which made the original designation.

(2) Any vacancy in a party designation occurring during the fifty-five days before the primary election or any vacancy in a party nomination occurring on or after the day of the primary election and more than fifty-five days before the general election, which is caused by the declination, death, disqualification, or withdrawal of any person previously designated or of any person nominated at the primary election, or which exists by reason of the declination, death, disqualification, or withdrawal of any elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed, may be filled by the respective party assembly vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in designation or nomination has occurred. No person is eligible for appointment to fill a vacancy in the party designation or nomination unless that person meets all of the requirements of candidacy as of the date of the primary election.

(3) Any vacancy in a party nomination occurring after the convention or assembly at which the nomination was made and more than fifty-five days before the congressional vacancy election, caused by the declination, death, disqualification, or withdrawal of any person nominated at the convention, may be filled in the same manner required for the original nomination. If the original nomination was made by a party convention or assembly which had delegated to a committee the power to fill vacancies, the committee, may proceed to fill the same vacancy when it occurs. No person is eligible for appointment to fill a vacancy in the party nomination unless that person

meets all of the requirements of candidacy as of the date of the convention or assembly at which the original nomination was made.

(4) Any vacancy in a nomination for an independent candidate occurring after the filing of the petition for nomination and more than fifty-five days before the general or congressional vacancy election, which is caused by the declination, death, or withdrawal of any person nominated by petition, may be filled by the person or persons designated on the petition to fill vacancies.

(5) (a) The persons designated to fill any of the vacancies in subsections (1) through (4) of this section shall file any certificate of designation or nomination to fill the vacancy, together with a written acceptance signed by the person designated or nominated, with the designated election official with whom the original certificate or petition was filed. This filing shall be done no later than the close of business on the fifty-fifth day before the election affected by the vacancy.

(b) If the persons designated to fill any of the vacancies in subsections (1) through (4) of this section decide not to fill a vacancy, they shall in like manner file a certificate setting forth the occurrence of the vacancy, stating they do not intend to fill the vacancy.

(6) When the secretary of state or the county clerk and recorder receives a certificate of nomination to fill a vacancy, that official, in certifying the list of designees or nominees, shall replace the name of the original candidate with that of the replacement candidate. In the event the secretary of state has already certified the list, the secretary of state shall forthwith certify to the county clerk and recorders of the proper counties the name and description of the new nominee, the office for which the nomination is made, and the name of the person for whom the nominee is substituted. The secretary of state and the county clerk and recorders shall not accept any certificates of nomination to fill vacancies after fifty-five days before election day.

(7) Any vacancy in a statewide or county office occurring during a term of office shall be filled at the next general election with nomination or designation by the political party as follows:

(a) If the vacancy occurs prior to the political party assembly, the designated election official shall notify the chairperson of each major political party that the office will be on the ballot for the next primary election, and candidates for the office shall be designated as provided in section 1-4-601 or 1-4-603.

(b) If the vacancy occurs after the political party assembly and more than fifty-five days before the primary election, the designated election official shall add the office to the notice of election and notify the chairperson of each major political party that the office will be on the ballot for the next primary election. Candidates for the office shall be designated as provided in section 1-4-603 or by the respective party central committee vacancy committee for the political subdivision.

(c) If the vacancy occurs during the fifty-five days before the primary election and more than fifty-five days before the general election, the designated election official shall add the office to the notice of election for the general election. Nominations for the office shall be made by the respective party central committee vacancy committee for the political subdivision or as provided in section 1-4-802 for the nomination of independent candidates.

(8) Notwithstanding any provisions to the contrary, if a political party has established a rule regarding the length of party affiliation required for

a candidate for the office of United States senator or representative in congress, and a vacancy in that office occurs, then the party rule applies.

Source: R & RE, L. 92, p. 692, § 7.

1-4-1003. Vacancies of joint candidates. For the purposes of this part 10, no vacancy in designation or nomination for the office of governor or the office of lieutenant governor shall in any way affect the candidacy of the other joint candidate.

Source: R & RE, L. 92, p. 695, § 7.

PART 11

WRITE-IN CANDIDATES

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

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

Source: R & RE, L. 92, p. 695, § 7.

1-4-1102. Time of filing affidavit. The affidavit of intent shall be filed more than eight days before the election, in the case of a primary, general, or congressional vacancy election, and more than twenty-five days before the election, in the case of any nonpartisan election. Proof of qualifications shall be as shown on the voter registration books of the county clerk and recorder, and, if applicable, on the property owner's list of the county assessor.

Source: R & RE, L. 92, p. 696, § 7.

1-4-1103. Write-in votes for governor. No write-in vote for governor in a primary or general election shall be counted unless it includes a write-in vote for lieutenant governor.

Source: R & RE, L. 92, p. 696, § 7.

PART 12

PRESIDENTIAL PRIMARY ELECTIONS

1-4-1201. Definition. As used in this part 12, unless the context otherwise requires, "presidential primary election" means a primary election conducted pursuant to section 1-4-1202.

Source: R & RE, L. 92, p. 696, § 7.

1-4-1202. Presidential primary elections - when - conduct. (1) A presidential primary election shall be held at the regular polling places in each general election precinct on the first Tuesday in March in years in which a United States presidential election is to be held.

(2) Each political party which has a qualified candidate entitled to participate in the Colorado presidential primary election pursuant to section 1-4-1203 is entitled to participate in the primary election and shall have a separate party ballot. At the presidential primary election, an elector may vote only for a candidate on the ballot of the political party to which the elector has declared an affiliation. An unaffiliated eligible elector may declare a party affiliation to the election judges at the presidential primary election as provided in section 1-7-201. The presidential primary election for all political parties shall be held at the same time and at the same polling places and shall be conducted by the same election officials.

(3) Except as otherwise provided in this part 12, all presidential primary elections shall be conducted in the same manner as other primary elections, as provided in part 2 of article 7 of this title, to the extent that those provisions are applicable. The election officers for primary elections shall have the same powers and shall perform the same duties as those provided by law for general elections.

(4) All expenses incurred in the preparation or conduct of the presidential primary election shall be paid out of the treasury of the county or state, in the same manner provided for general elections.

Source: R & RE, L. 92, p. 696, § 7.

1-4-1203. Names on ballots. (1) The secretary of state shall certify the names and party affiliations of the candidates to be placed on the presidential primary election ballots fifty-five days before the election is to be held. The only candidates whose names shall be placed on ballots for the election shall be those candidates who:

(a) Are eligible to receive payments pursuant to the federal "Presidential Primary Matching Payment Account Act", 26 U.S.C. 9031 et seq., at the time candidates' names are to be certified by the secretary of state pursuant to this subsection (1); and

(b) Are seeking the nomination for president of a political party whose nominee for president of the United States received at least twenty percent of the votes cast by eligible electors in Colorado at the last presidential election; and

(c) Have submitted to the secretary of state, by the second day of January in the year of the presidential primary, a notarized candidate's statement of intent together with either a nonrefundable filing fee of five hundred dollars or a petition signed by at least five thousand eligible electors of the candidate's political party who reside in the state.

(2) The names of candidates appearing on any presidential primary ballot shall be in alphabetical order.

(3) Pursuant to a political party's rules, the party may request the secretary of state to provide a place on the primary ballot for electors who have no presidential candidate preference to register a vote to send a noncommitted delegate to the political party's national convention. To be valid, this request must be received by the secretary of state on or before the forty-ninth day before the presidential primary election.

(4) Challenges concerning the right of any candidate's name to appear on the ballot of the presidential primary election shall be made in writing and filed with the secretary of state no later than five days after the filing deadline for candidates. Challenges may be submitted by fax if an original is received by the secretary of state no later than five days after the deadline for filing the challenge. Challenges shall give written notice in a summary manner of an alleged impropriety. If a challenge is made, notice of the challenge shall be mailed forthwith to all candidates who may be affected. The secretary of state shall hear a challenge within ten days after the challenge is filed and shall pass upon the validity of all alleged improprieties, whether of form or substance, and shall decide challenges and issue findings of fact and conclusions within seventy-two hours after the hearing. The party filing the challenge has the burden to sustain the challenge by a preponderance of the evidence. The secretary of state's decisions upon matters of substance are open to review, if prompt application is made, as provided in section 1-1-113. The remedy in all cases shall be summary, and the decision of any other court having jurisdiction is final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any judicial proceeding in a summary way.

Source: R & RE, L. 92, p. 697, § 7.

1-4-1204. Election results - certification - pledging of delegates. (1) The secretary of state shall tabulate the number of votes received by each candidate named on the presidential primary election ballot and shall calculate the percentage of votes received by each candidate as compared to the number of votes received by all candidates of the same political party.

(2) The secretary of state shall certify the results and percentages calculated pursuant to subsection (1) of this section to the state chairperson and the national committee of each political party which had at least one candidate on the presidential primary election ballot. To the extent permitted by state and national political party rules, each party shall use the election results to allocate delegate votes to presidential candidates for the presidential nominating convention of that party. Political parties need not allocate delegate votes to candidates who receive less than fifteen percent of the votes cast in the presidential primary election for that party unless required to do so by state or national party rules. Delegates shall be pledged

or bound to vote for the candidate to which they have been allocated only to the extent allowed by the state and national party rules of that political party.

(3) It is the intent of the general assembly that the provisions of this part 12 conform to the requirements of federal law and national political parties for presidential primary elections. The secretary of state shall prepare a written report to the general assembly concerning whether the provisions of this part 12 conform to the requirements of federal law and national political party rules for presidential primary elections. The secretary of state shall solicit comments from national political parties on the conformance of this part 12 to their rules and shall include any comments submitted by the parties on that topic. The report shall be submitted to the legislative council no later than January 1, 1991, and the general assembly shall make such reasonable changes to this part 12 as are necessary to conform to federal law and national political parties' rules.

Source: R & RE, L. 92, p. 698, § 7.

1-4-1205. Write-in candidate affidavit for presidential primary. No write-in vote for any candidate in the presidential primary election shall be counted unless the candidate for whom the write-in vote was cast has filed an affidavit of intent indicating that the write-in candidate desires the office and is qualified to assume the duties of the office if elected. Affidavits shall be accompanied by a nonrefundable fee of five hundred dollars, and shall be filed with the secretary of state more than eight days before the day of the presidential primary.

Source: R & RE, L. 92, p. 699, § 7.

1-4-1206. Precincts for the presidential primary election. Counties may combine precincts for the presidential primary election. If a county chooses to combine precincts, the county shall publish polling place locations as provided in section 1-5-204. If any redistricting is scheduled to occur but has not been completed before January 1 of an election year, the precincts used in the preceding general election shall be used for the presidential primary election.

Source: R & RE, L. 92, p. 699, § 7.

1-4-1207. Presidential primary ballots - survey of returns. (1) Presidential primary ballots shall only contain the names of candidates or presidential electors for the office of the president of the United States of America. The ballot shall not be used for the purpose of presenting any other issue or question to the electorate.

(2) Each county clerk and recorder shall survey all returns received from the presidential primary election in all county precincts, as provided in this title, and shall certify the results of the primary election to the secretary of state no later than ten days after the primary election.

Source: R & RE, L. 92, p. 699, § 7.

ARTICLE 5

Notice and Preparation for Elections

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PART I

POLLING PLACES

1-5-101. Establishing precincts and polling places for partisan elections.

(1) Subject to approval by the board of county commissioners, the county clerk and recorder of each county shall divide the county into as many election precincts for all general, primary, and congressional vacancy elections as is convenient for the eligible electors of the county and shall designate the place for each precinct at which elections are to be held. In establishing boundaries, the board of county commissioners shall take into consideration natural and artificial boundaries that meet the requirements of the United States Bureau of the census. The precincts shall be numbered. Changes in the precinct boundaries of a county shall be made only within the district boundaries of each representative and senatorial district.

(2) In counties which use paper ballots, the county clerk and recorder, subject to approval by the board of county commissioners, shall establish at least one precinct for every six hundred active eligible electors, with boundaries which take into consideration municipal and school district boundary lines whenever possible.

(3) In a county which uses voting machines or electronic voting equipment, the county clerk and recorder, subject to approval by the board of county commissioners, shall establish at least one precinct for every one thousand two hundred active eligible electors.

Source: R & RE, L. 92, p. 700, § 8.

1-5-102. Establishing precincts and polling places for nonpartisan elections. Not less than ninety days prior to a regular election, the governing body with authority to call elections shall divide the jurisdiction into as many election precincts as it deems expedient for the convenience of eligible electors of the jurisdiction and shall designate the polling place for each precinct. The election precincts shall consist of one or more whole general election precincts wherever practicable, and the designated election official and governing body shall cooperate with the county clerk and recorder and the board of county commissioners of their political subdivisions to accomplish this purpose. Wherever possible, the polling places shall be the same as those designated by the county for partisan elections.

Source: R & RE, L. 92, p. 700, § 8.

1-5-103. Changes in boundaries - partisan elections. (1) Changes in the boundaries of precincts or the creation of new precincts for partisan elections shall be completed not less than twenty-five days prior to the precinct caucus day, except in cases of precinct changes resulting from changes in county boundaries.

(2) Subject to approval by the board of county commissioners, the county clerk and recorder shall change any polling place upon a petition of a majority of the eligible electors residing within a precinct if the request is made at least ninety days prior to the primary election.

(3) All changes in precinct boundaries or numbering for partisan elections shall be reported within ten days by the county clerk and recorder to the secretary of state, and a corrected precinct map shall be transmitted to the secretary of state as soon as possible after the changes have been effected.

Source: R & RE, L. 92, p. 701, § 8.

1-5-104. Changes in boundaries - nonpartisan elections. (1) Changes in the boundaries of precincts or the creation of new precincts for nonpartisan elections shall be completed not less than forty-five days prior to scheduled elections except in cases of precinct changes resulting from changes in the jurisdiction's boundaries.

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

(3) Each governing body shall change any polling place upon a petition of a majority of the eligible electors residing within a precinct if the request is made at least ninety days prior to the next scheduled election.

(4) No polling place shall be changed after the forty-fifth day prior to an election.

Source: R & RE, L. 92, p. 701, § 8.

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

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

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

Source: R & RE, L. 92, p. 701, § 8.

1-5-106. Polling place - designation by sign. All polling places shall be designated by a sign conspicuously posted at least ten days before each election. The sign shall be substantially in the following form: "Polling place for precinct no.". The lettering on the sign and the precinct number shall

be black on a white background. The letters and numerals of the title shall be at least four inches in height. In addition, the sign shall state the hours the polling place will be open and, if the polling place is not accessible for disabled electors, the location of the polling place for disabled electors.

Source: R & RE, L. 92, p. 702, § 8.

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

Source: R & RE, L. 92, p. 702, § 8.

PART 2

CALL AND NOTICE

1-5-201. Notice of presidential primary election. At least forty-five days before a presidential primary election, the secretary of state shall certify the names and party affiliations of the candidates to be placed on the presidential primary ballots.

Source: R & RE, L. 92, p. 702, § 8.

1-5-202. Notice of primary election by secretary of state. (1) At least fifty days before any primary election, the secretary of state shall transmit to each county clerk and recorder a notice in writing specifying the offices for which nominations are to be made at the primary election. The notice shall include a certified list of persons for whom certificates of designation or petitions have been filed and the office for which each person is a candidate, together with the other details mentioned in the certificates of designation or petitions, and the order of the ballot for the election.

(2) Each county clerk and recorder, at least ten days before the primary election, shall publish once in a condensed form under the proper party designation and under the title of each office the names of all persons for whom certificates of designation or petitions have been filed. The publication shall contain the date of the primary election and the hours during which the polls will be open and shall state that the primary election will be held in the lawful polling places designated for each precinct. A copy of the publication shall be posted in a conspicuous place in the office of the county clerk and recorder. The posting may be made by the use of sample ballots.

(3) The publication required in this section shall be made in the same manner as provided in section 1-5-205 for publication of notices for general elections.

Source: R & RE, L. 92, p. 702, § 8.

1-5-203. Certification of ballot. (1) At least fifty days before any general election, the secretary of state shall make and deliver or transmit by certified mail to the county clerk and recorder of each county a notice in writing specifying the national, state, and district officers to be elected at the general election. The notice shall include the name and party or other designation of each candidate for whom a petition or certificate of nomination has been filed with the secretary of state, the name and party of each candidate nominated at the primary election for a national, state, or district office, and the order of the ballot and the ballot content for the election. With regard to the election of members to the general assembly, the notice shall also specify the district number and the names of the members whose terms of office will expire. Upon receiving the certified notice, each county clerk and recorder shall review the ballot and indicate in writing within five days of the receipt of the notice whether the ballot is accurate as printed or whether corrections are required.

(2) When there is a vacancy for an unexpired term in any national, state, or district office which is by law to be filled at any general or congressional vacancy election, the secretary of state, at least fifty days prior to the election, shall give notice in writing. The notice shall specify the office in which the vacancy exists, the cause of the vacancy, the name of the officer in whose office it has occurred, and the time when the term of office will expire.

(3) At least fifty days before a nonpartisan election, the designated election official shall certify the ballot. The ballot shall include the name and office of each candidate for whom a petition has been filed with the election official and any ballot issues to be submitted to the eligible electors.

Source: R & RE, L. 92, p. 703, § 8.

1-5-204. Call for nominations for nonpartisan elections. At least ninety days before a regular nonpartisan election, the designated election official shall make one publication of a notice of the election. The notice shall state which offices will be voted upon at the election, where petitions for nomination may be obtained, and deadlines for submitting the petitions to the designated election official.

Source: R & RE, L. 92, p. 703, § 8.

1-5-205. Notice of general, congressional vacancy or nonpartisan election. The designated election official, at least ten days before each election, shall give notice in writing of the election, as follows: The notice shall state the date of the election and the hours during which the polls will be open; shall state that the election will be held in the lawful polling places designated for each precinct; shall name the officers to be elected; shall list the names of the judges on the ballot for retention in office; shall state that proposed constitutional amendments and laws will be on the ballot and have been published by the secretary of state; shall give the name and party or other designation of each candidate whose nomination to office has been certified to the designated election official, which shall be as nearly as possible in the form in which such nominations appear upon the official ballot; and

shall state the other ballot issues which have been certified to the designated election official by the governing body. A copy of the notice shall be posted until after the election in a conspicuous place in the office of the designated election official. Sample ballots may be used as notices so long as the information required by this section is included. In addition, the notice shall be published in at least one newspaper having general circulation in the county. The election official shall retain a copy of the notice as a record for public inspection until the election contest is decided.

Source: R & RE, L. 92, p. 704, § 8.

1-5-206. Postcard notice and notice by publication. (1) At any time between twenty-five days before the primary election and thirty days after the primary election, except for the presidential primary, the designated election official shall mail a voter information card to all eligible electors. The card shall contain the eligible elector's name and address, precinct number, and polling location and any other applicable information. It shall be mailed first class and shall state on the address surface "Do not forward. Address correction requested" or similar wording in accordance with United States postal service regulations.

(2) (a) Not less than eighteen days before all nonpartisan elections except elections conducted by mail ballots, the designated election official shall mail to each household where one or more eligible electors reside a voter information card or voter information letter which shall contain the household's address, precinct number, polling location, the specific election being noticed, and any other applicable information. If a general election and an election on a tax question are being held as a concurrent election, as defined in section 1-1-103 (4), or as a joint election, as defined in section 1-1-103 (21), the voter information card or voter information letter is not required.

(b) For regular board of director elections, the governing body may elect to give notice of the election by publication in a newspaper published within the district in which the election is being held, or, if there is no newspaper published in the district within which the election is being held, then by publication in a newspaper published in the county which has general circulation within the district in which the election is being held. The notice required by this subsection (b) shall appear at least two times in such newspaper with the second appearance not less than five days prior to the election. The notice must be at least ten column inches in size, and shall be placed once in the portion of the newspaper in which legal notices and classified advertisements appear and once in the portion of the newspaper in which legal notices and classified advertisements do not appear. The rates established in section 24-70-107, C.R.S., apply to all publications required under this section.

(3) Any nonpartisan election held pursuant to paragraph (a) of subsection (2) of this section shall not be invalidated on the grounds that an eligible elector did not receive postcard notification of the election so long as the designated election official acted in good faith in making the postcard notification.

Source: R & RE, L. 92, p. 704, § 8.

1-5-207. Court-ordered elections. When an election is ordered by the court for a special district, the court shall authorize the designated election official to give notice. For an organizational election, the notice shall include the purposes of the election, the estimated costs, and the boundaries of the special district. For a dissolution election, the notice shall include the plan for dissolution or a summary of the plan and the place where a member of the public may inspect or obtain a copy of the complete plan. The notice shall set an election date, which shall be not less than ten days after publication of the election notice.

Source: R & RE, L. 92, p. 705, § 8.

1-5-208. Election may be canceled - when. If the only matter before the electors is the election of persons to office and if, at the close of business on the twenty-fifth day before the election, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the designated election official, if instructed by resolution of the governing body either before or after such day, shall cancel the election and by resolution declare the candidates elected. Notice of the cancellation shall be published and posted at each polling place and in the office of the designated election official in order to inform the eligible electors of the political subdivision.

Source: R & RE, L. 92, p. 705, § 8.

PART 3

REGISTRATION BOOKS

1-5-301. Registration record for partisan elections. (1) The original registration records shall be retained in the office of the county clerk and recorder and may be provided for use by election judges at precinct polling places in primary, general, and congressional vacancy elections.

(2) The designated election official, at least one day prior to any election, shall cause the registration records and all necessary registration supplies to be delivered to the supply judge. The registration records shall be delivered in a sealed envelope or container to the supply judge, who shall have custody of and shall give a receipt for the registration records.

Source: R & RE, L. 92, p. 706, § 8.

1-5-302. Computer lists may be used in lieu of original registration records. For the purposes of all elections, the county clerk and recorder may substitute and supply computer lists of registered electors within the political subdivision for the original registration record. Following a primary, general, or

congressional vacancy election, the county clerk and recorder shall transfer the ballot number, date of election, and, if for a primary election, party ballot received to the registered elector's original registration record retained and stored as provided in section 1-1-104 (36).

Source: R & RE, L. 92, p. 706, § 8.

1-5-303. Registration records for nonpartisan elections. (1) No later than the fortieth day preceding the date of the scheduled nonpartisan election, the designated election official shall order the registration records. No later than the thirtieth day preceding the election, the county clerk and recorder shall certify and make available a complete copy of the list of the registered electors of each general election precinct which is located within the county and is involved in the election and, no later than the twentieth day preceding the election, shall certify and make available a supplemental list of the eligible electors who have become eligible since the earlier list was certified. These lists shall substitute for the original registration record.

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

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

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

Source: R & RE, L. 92, p. 706, § 8.

1-5-304. Lists of property owners. For elections where owning property in the political subdivision is a requirement for voting in the election, the county assessor shall certify and deliver a list of all recorded owners of real property within the political subdivision no later than five days before the election. The cost for the list shall be assessed by the county assessors and paid by the political subdivision holding the election. The fee for furnishing the list shall be no less than twenty-five dollars for the entire list nor more than one cent for each name contained on the list, whichever is greater.

Source: R & RE, L. 92, p. 707, § 8.

PART 4

BALLOTS

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

Source: R & RE, L. 92, p. 707, § 8.

1-5-402. Primary election ballots. (1) No later than forty-five days before the primary election, the county clerk and recorder shall prepare a separate ballot for each political party for public inspection. The ballots shall be printed in the following manner:

(a) All official ballots shall be printed according to the provisions of section 1-5-408; except that across the top of each ballot shall be printed the name of the political party for which the ballot is to be used.

(b) The positions on the ballot shall be arranged as follows: First, candidates for United States senator; next, congressional candidates; next, state candidates; next, legislative candidates; next, district attorney candidates; next, other candidates for district offices greater than a county office; next, candidates for county commissioners; next, county clerk and recorder candidates; next, county treasurer candidates; next, county assessor candidates; next, county sheriff candidates; next, county surveyor candidates; and next, county coroner candidates. When other offices are to be filled at the coming general election, the county clerk and recorder, in preparing the primary ballot, shall use substantially the form prescribed by this section, stating the proper designation of the office and placing the names of the candidates for the office under the name of the office.

Source: R & RE, L. 92, p. 707, § 8.

1-5-403. Content of ballots for general and congressional vacancy elections. (1) The county clerk and recorder of each county using paper ballots or electronically counted ballot cards shall provide printed ballots for every general or congressional vacancy election. The official ballots shall be printed and in the possession of the county clerk and recorder at least thirty days before every congressional vacancy election and, for every general election, at least fifteen days after the county clerk and recorder receives from the secretary of state the notice provided for in section 1-5-203.

(2) For all elections except those for presidential electors, every ballot shall contain the names of all candidates for offices to be voted for at that election whose nominations have been made and accepted, except those who have died or withdrawn, and the ballot shall contain no other names. When presidential electors are to be elected, their names shall not be printed on the ballot, but the names of the candidates of the respective political parties or political organizations for president and vice president of the United States shall be printed together in pairs under the title "presidential electors". The pairs shall be arranged in the alphabetical order of the names of the

candidates for president in the manner provided for in section 1-5-404. A vote for any pair of candidates is a vote for the duly nominated presidential electors of the political party or political organization by which the pair of candidates were named.

(3) The names of joint candidates of a political party or political organization for the offices of governor and lieutenant governor shall be printed in pairs. The pairs shall be arranged in the alphabetical order of the names of candidates for governor in the manner provided for in section 1-5-404. A vote for any pair of candidates for governor and lieutenant governor is a vote for each of the candidates who compose that pair.

(4) The name of each person nominated shall be printed or written upon the ballot in only one place. Opposite the name of each person nominated, including candidates for president and vice president and joint candidates for governor and lieutenant governor, shall be the name of the political party or political organization which nominated the candidate, expressed in not more than three words. Those three words may not promote the candidate or constitute a campaign promise.

(5) The positions on the ballot shall be arranged as follows: First, candidates for president and vice president of the United States; next, candidates for United States senator; next, congressional candidates; next, joint candidates for the offices of governor and lieutenant governor; next, other state candidates; next, legislative candidates; next, district attorney candidates; next, candidates for the board of directors of the regional transportation district; next, other candidates for district offices greater than a county office; next, candidates for county commissioners; next, county clerk and recorder candidates; next, county treasurer candidates; next, county assessor candidates; next, county sheriff candidates; next county surveyor candidates; and next, county coroner candidates. When other offices are to be filled, the county clerk and recorder, in preparing the ballot, shall use substantially the form prescribed by this section, stating the proper designation of the office and placing the names of the candidates for the office under the name of the office. The ballot issues concerning the retention in office of justices of the supreme court, judges of the court of appeals, judges of the district court, and judges of the county court shall be placed on the ballot in that order and shall precede the placement of ballot issues concerning amendment of the state constitution or pertaining to political subdivisions.

Source: R & RE, L. 92, p. 708, § 8.

1-5-404. Arrangement of names on ballots for nonmachine voting in general or congressional vacancy elections. (1) In all general or congressional vacancy elections in precincts using paper ballots, electronic voting equipment, or a combination thereof, the names of all candidates and joint candidates who have been duly nominated for office shall be arranged on the ballot under the designation of the office in two groups. The names of the candidates of the two major political parties shall be placed on the general election ballot in an order established by lot and shall comprise the first group; except that the joint candidates for governor and lieutenant governor shall be arranged in the alphabetical order of the names of the candidates for governor. The names of the candidates and joint candidates of the

remaining political parties or political organizations shall be listed in an order established by lot and shall comprise the second group; except that the joint candidates for governor and lieutenant governor shall be arranged in the alphabetical order of the names of the candidates for governor.

(2) Between July 1 and July 15 of each election year, the officer in receipt of the original designation, nomination, or petition of each candidate shall inform the two major political parties and the representative of each political organization on file with the secretary of state of the time and place of the lot-drawing for offices to appear on the general election ballot. Ballot positions shall be assigned to the major political party or political organization in the order in which they are drawn. The name of the candidate shall be inserted on the ballot prior to the ballot certification.

(3) The arrangement of names on ballots for nonmachine voting in congressional vacancy elections shall be established by lot at any time prior to the certification of ballots for the congressional vacancy election. The officer in receipt of the original designation, nomination, or petition of each candidate shall inform the two major political parties and the representatives of each political organization on file with the secretary of state of the time and place of the lot-drawing for the congressional election ballot. Ballot positions shall be assigned to the major political party or political organization in the order in which they are drawn.

Source: R & RE, L. 92, p. 710, § 8.

1-5-405. Arrangement of names on voting machine ballot and electronic voting machine ballot in general elections - testing of machines. (1) In all general elections in counties in which voting machines are used, the names of all candidates and joint candidates who have been nominated for office shall be arranged on the ballot under the designation of the particular office, or offices in the case of joint candidates, in groups by political party or political organization. The first group shall contain in alphabetical order the names of the candidates of the major political party which is entitled to the additional election judge in odd-numbered precincts. The second group shall contain in alphabetical order the names of the candidates of the major political party which is entitled to the additional election judge in even-numbered precincts. An additional group shall be provided for each remaining political party or political organization and shall contain an order established by lot of the names of the candidates of the political party or political organization. Joint candidates for governor and lieutenant governor in each group shall be arranged in pairs, and, in each pair, the name of the joint candidate for governor shall precede the name of the joint candidate for lieutenant governor.

(2) On voting machines having candidates' names placed on horizontal lines, the county clerk and recorder shall arrange the groups of candidates and joint candidates for office on the voting machines in the following manner: In all odd-numbered precincts, the first group referred to in subsection (1) of this section shall be placed on the machines on the uppermost line or lines, the second group shall be placed on the machines on the next lower line or lines, and the additional groups shall be placed on the machines on the next lower line or lines. In all even-numbered precincts, the second group

referred to in subsection (1) of this section shall be placed on the machines on the uppermost line or lines, the first group shall be placed on the machines on the next lower line or lines, and the additional groups shall be placed on the machines on the next lower line or lines.

(3) On voting machines having candidates' names placed in vertical columns, the county clerk and recorder shall arrange the groups of candidates and joint candidates for office on the voting machines in the order provided in subsection (2) of this section.

(4) When more than one person is to be elected to an office, two, and only two, spaces for write-in purposes for each different office shall be provided on the voting machine.

(5) On all voting machines, whether of the type described in subsection (2) of this section or of the type described in subsection (3) of this section, the ballot issue concerning the retention in office of justices of the supreme court, judges of the court of appeals, judges of the district court, and judges of the county court, in that order, shall be so placed on the machines that the ballot issues follow the candidates for county, state, and federal offices on the uppermost rows available for the candidate section on the voting machines.

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

Source: R & RE, L. 92, p. 710, § 8.

1-5-406. Content of ballots for nonpartisan elections. The designated election official shall provide printed ballots for every election. The official ballots shall be printed and in the possession of the designated election official at least thirty days before the election. Every ballot shall contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn, and the ballot shall contain no other names. The names of the candidates for each office shall be printed upon the ballot in alphabetical order without political party designation.

Source: R & RE, L. 92, p. 712, § 8.

1-5-407. Form of ballots. (1) The extreme top part of each ballot shall be divided into two spaces by two perforated lines. Each space shall be not less than one inch wide. The top portion is called the stub, and the next portion is called the duplicate stub. On the stub and the duplicate stub, nothing shall be printed except the number of the ballot, and the same number shall be printed upon both the stub and the duplicate stub. All ballots shall be numbered consecutively. All ballots shall be uniform and of sufficient length and width to allow for the names of candidates, officers, and ballot issues to be printed in clear, plain type, with a space of at least one-half inch between the different columns on the ballot. On each ballot shall be printed the endorsement "Official ballot for", and after the word "for" shall follow the designation of the precinct, if appropriate, and

the political subdivision for which the ballot is prepared, the date of the election, and a facsimile of the signature of the election official. The ballot shall contain no caption or other endorsement, except as provided in this section. The election official shall use precisely the same quality and tint of paper, the same kind of type, and the same quality and tint of plain black ink for all ballots prepared for one election.

(2) The ballots shall be printed so as to give to each eligible elector a clear opportunity to designate his or her choice of candidates, joint candidates, or ballot issues by a cross mark (X) in a sufficient margin at the right of the name or ballot issue. On the ballot may be printed words which will aid the elector, such as "vote for not more than one".

(3) At the end of the list of candidates for each different office shall be as many blank spaces as there are persons to be elected to the office, in which the elector may write the name of any eligible person not printed on the ballot who has filed an affidavit of intent of write-in candidate pursuant to section 1-4-1101.

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

(5) Whenever the approval of a ballot issue is submitted to the vote of the people, the ballot issue shall be printed upon the ballot following the lists of candidates. Constitutional issues shall be printed first, followed by statewide ballot issues and then local ballot issues.

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

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

Source: R & RE, L. 92, p. 712, § 8.

1-5-408. Form of ballots - electronic voting. (1) Ballot pages or ballot cards placed upon voting devices shall, so far as practicable, be arranged as provided by sections 1-5-402, 1-5-403, 1-5-404, and 1-5-405; except that they shall be of the size and design required by the vote recorder or device and may be printed on a number of separate pages which are placed on the voting device or on one or more ballot cards.

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

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

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

Source: R & RE, L. 92, p. 713, § 8.

1-5-409. Single cross mark for party slate not permitted. Each office in every election shall be voted upon separately, and no emblem, device, or political party designation shall be used on the official ballot at any election by which an eligible elector may vote for more than one office by placing a single cross mark on the ballot or by writing in the name of any political party or political organization.

Source: R & RE, L. 92, p. 714, § 8.

1-5-410. Printing and distribution of ballots. In political subdivisions using paper ballots or electronic ballot cards, the designated election official shall have a sufficient number of ballots printed and distributed to the election judges in the respective precincts. The ballots shall be sent in one or more sealed packages for each precinct with marks on the outside of each clearly stating the precinct and polling place for which it is intended, together with the beginning and ending sequence number of the ballots enclosed. The packages shall be delivered on any day on which a judges' school of instruction is held or by 8 p.m. on the Monday before election day. Receipts for ballots thus delivered shall be given by the election judges who receive the ballots. The receipts shall be filed with the designated election official, who shall also keep a record of the time when and the manner in which each of the packages was delivered. The election judges receiving the packages shall produce them, with the seals unbroken, in the proper polling place at the opening of the polls on election day and, in the presence of all election judges, shall open the packages.

Source: R & RE, L. 92, p. 714, § 8.

1-5-411. Substitute ballots. If the ballots to be furnished to any election judges are not delivered at the time and in the manner required in section 1-5-410 or if after delivery they are destroyed or stolen, it shall be the duty of the designated election official to cause other ballots to be prepared, as nearly in the form prescribed as practicable, with the words "substitute ballot" printed on each ballot. Upon receipt of the ballots thus prepared from

the designated election official, accompanied by a statement under oath that the designated election official prepared and furnished the substitute ballots and that the original ballots have not been received or have been destroyed or stolen, the election judges shall cause the substitute ballots to be used at the election. If from any cause neither the official ballots nor the substitute ballots are ready in time to be distributed for the election or if the supply of ballots is exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as possible in the form of the official ballots, may be used until substitutes prepared by the designated election official can be printed and delivered.

Source: R & RE, L. 92, p. 715, § 8.

1-5-412. Correction of errors. (1) The designated election official shall correct without delay any errors in publication or in sample or official ballots which are discovered or brought to the official's attention and which can be corrected without interfering with the timely distribution of the ballots.

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

(3) If, before the date set for election, any duly nominated candidate withdraws by filing an affidavit of withdrawal with the designated election official or dies and the fact of the death becomes known to the designated election official, the name of the candidate shall not be printed upon the ballots. If the ballots are already printed, the votes cast for the withdrawn or deceased candidate are invalid and shall not be counted.

Source: R & RE, L. 92, p. 715, § 8.

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

Source: R & RE, L. 92, p. 716, § 8.

PART 5

POLLING PLACE SUPPLIES AND EQUIPMENT

1-5-501. Sufficient voting booths, voting machines, or electronic voting equipment. (1) At all elections in political subdivisions which use paper ballots, the governing body shall provide in each polling place a sufficient

number of voting booths. Each voting booth shall be situated so as to permit eligible electors to prepare their ballots screened from observation and shall be furnished with supplies and conveniences necessary for voting.

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

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

Source: R & RE, L. 92, p. 716, § 8.

1-5-502. Ballot boxes for nonmachine voting. The governing body of each political subdivision using paper ballots shall provide at least one ballot box for each polling place. For elections which have both receiving and counting judges, the governing body shall provide no less than one ballot box for each set of receiving judges and one ballot box for each set of counting judges at each place of voting. The ballot boxes shall be strongly constructed so as to prevent tampering, with a small opening at the top and with a lid to be locked. The ballot boxes and keys shall be kept by the designated election official and delivered to the election judges no later than one day preceding any election, to be returned as provided in section 1-6-116.

Source: R & RE, L. 92, p. 716, § 8.

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

Source: R & RE, L. 92, p. 717, § 8.

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

(a) To obtain ballots for voting;

(b) To prepare the ballots for deposit in the ballot box;

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

Source: R & RE, L. 92, p. 717, § 8.

1-5-505. Election expenses to be paid by county. The cost of conducting general, primary, and congressional vacancy elections, including the cost of printing and supplies, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses.

Source: R & RE, L. 92, p. 717, § 8.

1-5-506. Election expenses in nonpartisan elections. The cost of conducting a nonpartisan election or the prorated costs of conducting a joint election, including the cost of printing and supplies, shall be paid by the governing body calling the election.

Source: R & RE, L. 92, p. 717, § 8.

1-5-507. County clerk and recorder to give estimate. In any election called by a nonpartisan governing body where the county clerk and recorder will have responsibilities for the election, the county clerk and recorder shall give to the governing body estimates of the costs for conducting a concurrent election, a joint election, or a mail ballot election so that the governing body may choose the appropriate method of election.

Source: R & RE, L. 92, p. 717, § 8.

PART 6

AUTHORIZATION AND USE OF VOTING MACHINES AND ELECTRONIC VOTING SYSTEMS

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

Source: R & RE, L. 92, p. 718, § 8.

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

- (a) It provides for voting in secrecy;
- (b) It is closed during the progress of the voting so that no person can see or know the number of votes registered for any candidate or for whom an elector has voted;
- (c) It is capable of containing on its face the form of ballot made up and arranged substantially in the manner prescribed by this article;
- (d) It allows a ballot to contain the names of candidates of at least seven political parties or organizations;
- (e) It enables each elector to vote a ticket selected in part from the candidates of one party, and in part from the candidates of any other party, and in part from an independent nomination, and in part from persons not in nomination by any party or upon any independent ticket;
- (f) It prevents the elector from voting for a candidate or on a ballot issue for whom or on which the elector is not lawfully entitled to vote;
- (g) It enables each elector to vote for all candidates for whom the elector is entitled to vote and prevents each elector from voting for any candidate for any office more than once unless the elector is lawfully entitled to cast more than one vote for that office and, in that event, permits the elector to cast only as many votes for that office as the elector is by law entitled to cast, and no more;
- (h) It is provided with at least twenty pairs of "yes" and "no" counters for voting on ballot issues;
- (i) It enables an elector to write in the name of or otherwise vote for persons whose names do not appear on the machine;
- (j) It prevents an elector who has exercised a write-in vote from voting for any name appearing on the ballot for the same office;
- (k) It will correctly register by means of exact mechanical counters every vote cast for candidates or for ballot issues appearing on the ballot;
- (l) It is provided with locks, the keys of which cannot be interchangeably used and by the locking of which any movement of the operating mechanism can be prevented, so that the machine cannot be tampered with or manipulated for any fraudulent purpose;
- (m) It has a counter on each machine which will show during the election the total number of electors who have operated the machine at that election; and
- (n) It has a protective counter or other device, the register of which cannot be reset, to record the cumulative total number of movements of the operating mechanism.

Source: R & RE, L. 92, p. 718, § 8.

1-5-603. Adoption and payment for voting machines. The governing body of any political subdivision may adopt for use at elections any kind of voting machine fulfilling the requirements for voting machines set forth in section 1-5-602. These voting machines may be used at any or all elections held in the political subdivision for casting, registering, and counting votes. The governing body of any political subdivision which adopts and purchases or leases voting machines shall provide for the payment of the purchase price or the rent in such manner as may be in the best interest of the political

subdivision and may for that purpose provide for the issuance of interest-bearing bonds, certificates of indebtedness, or other obligations, which shall be a charge upon the county. The bonds, certificates of indebtedness, or other obligations may be made payable at such times, not exceeding ten years from the date of issue, as may be determined by the governing body but shall not be issued or sold at less than par.

Source: R & RE, L. 92, p. 719, § 8.

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

Source: R & RE, L. 92, p. 720, § 8.

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

Source: R & RE, L. 92, p. 720, § 8.

1-5-606. Election officials not to have interest in voting machines or electronic voting equipment or devices. No election official having responsibilities in connection with the conduct of any election shall have any financial or proprietary interest, either directly or indirectly, in the manufacture, sale, maintenance, servicing, repair, or transportation of either voting machines or electronic voting equipment or devices.

Source: R & RE, L. 92, p. 720, § 8.

1-5-607. Elected officials not to handle voting machines or electronic voting equipment or devices. (1) In any political subdivision having a population of one hundred thousand or more, it is unlawful for any elected official or candidate for elective office to prepare, maintain, or repair any voting machine or electronic voting equipment or device which is to be used or is used in any election. The provisions of this section shall be limited to

actual physical contact with any voting machine or electronic voting equipment or device or any of its parts and shall not be construed as prohibiting an elected official from directing employees or other persons who are not elected officials to prepare, maintain, repair, or otherwise handle any voting machines or electronic voting equipment or devices.

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

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

(4) Any person who violates any provision of this section is guilty of a misdemeanor and shall be punished as provided in section 1-13-111.

Source: R & RE, L. 92, p. 720, § 8.

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

(a) It provides for voting in secrecy;

(b) It permits each elector to write in the names of eligible candidates not appearing on the printed ballot, to vote for any candidates whose names are printed on the ballot and for whom the elector is lawfully entitled to vote, to vote for as many candidates for an office as there are vacancies for which the elector is entitled to vote, and to vote for or against any ballot issue upon which the elector is entitled to vote, and it rejects any vote for an office or on a ballot issue if the number of votes exceeds the number which the elector is entitled to cast;

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

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

(e) It is suitably designed and of durable construction and capable of being used safely, efficiently, and accurately in the conduct of elections and the counting of ballots. When the name of any candidate or the text of any ballot issue is not printed on the ballot card but is printed on pages attached to the voting device, such pages shall be securely locked or sealed to prevent tampering.

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

Source: R & RE, L. 92, p. 721, § 8.

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

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

Source: R & RE, L. 92, p. 721, § 8.

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

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

Source: R & RE, L. 92, p. 722, § 8.

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

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

(IV) It is capable of providing printouts of vote totals by office and candidate or by ballot issue, including a numerics-only printout to be used for testing as provided in section 1-7-506.

Source: R & RE, L. 92, p. 722, § 8.

ARTICLE 6

Election Judges

1-6-101.	Certification and qualifications for election judges.	1-6-110.	Judges at primary elections.
1-6-102.	List furnished by precinct committeepersons.	1-6-111.	Number of judges in partisan elections.
1-6-103.	Recommendations by county chairperson.	1-6-112.	Number of judges in nonpartisan elections.
1-6-104.	Appointment of election judges for partisan elections.	1-6-113.	Vacancies.
1-6-105.	Appointment of election judges for nonpartisan elections.	1-6-114.	Oath of judges.
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1-6-107.	Acceptances - school of instruction - appointment of supply judge.	1-6-116.	Delivery of election returns and other election papers - compensation.
1-6-108.	Lists of election judges.	1-6-117.	Judges for new or changed precincts.
1-6-109.	Party affiliation of election judges.	1-6-118.	Judges may change polling place.
		1-6-119.	Removal of election judge by designated election official.
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1-6-101. Certification and qualifications for election judges. (1) The persons submitting lists of election judges must certify that all persons nominated as election judges meet the following qualifications:

(a) They are eligible electors who reside in the required precinct or political subdivision, unless otherwise excepted, and are willing to serve;

(b) They are physically and mentally able to perform the required tasks;

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

(d) They have never been convicted of any offenses listed in article 13 of this title, have never had an application for appointment and commission as a notary public denied or commission as a notary public revoked pursuant to section 12-55-107, C.R.S., and have never been convicted of official misconduct by a notary public pursuant to section 12-55-116, C.R.S.

(2) With regard to any nonpartisan election, if enough election judges who reside in the required precincts or political subdivisions are not available, then the appointing authority may waive the residence requirement for election judges and may appoint election judges who reside outside the required precincts or political subdivisions.

Source: R & RE, L. 92, p. 723, § 8.

1-6-102. List furnished by precinct committeepersons. Not later than ten days after the precinct caucus in even-numbered years, the committeepersons

of each precinct from each major political party shall submit to the county chairpersons of their respective political parties a list recommending registered electors as election judges. These registered electors must reside in the precinct and have a current affiliation with the political party shown on the registration books of the county clerk and recorder. If a precinct has no committeeperson, the district captain, if any, shall submit the list of recommended election judges to the county chairperson.

Source: R & RE, L. 92, p. 723, § 8.

1-6-103. Recommendations by county chairperson. (1) No later than the last Tuesday of April in even-numbered years, the county chairperson of each major political party in the county shall certify to the county clerk and recorder the names and addresses of electors recommended to serve as election judges in each precinct in the county.

(2) The county chairperson shall designate the order of preference of the names of the electors recommended to serve as election judges for each precinct, and the county clerk and recorder shall select election judges from each precinct list in the county chairperson's order of preference. If the county chairperson certifies an order which is different from that submitted by the precinct committeepersons, a copy of the list submitted by the precinct committeepersons shall be attached to the certification which the county chairperson gives to the county clerk and recorder.

(3) In recommending eligible electors as election judges, the county chairperson shall select only names from the list submitted by the precinct committeepersons. If the precinct committeepersons do not furnish enough names to the county chairperson, the county chairperson may recommend additional eligible electors to the county clerk and recorder, in which case the precinct residence requirement may be waived.

(4) If the county has no county chairperson or vice-chairperson, the county clerk and recorder shall appoint election judges by obtaining lists of qualified eligible electors from the precinct committeepersons. If the precinct has no precinct committeepersons or captains, the county clerk and recorder may select eligible electors representing the two major political parties, in which case the precinct residence requirement may be waived.

(5) If the county chairperson does not submit any names or submits insufficient names for election judges for a precinct prior to the time for issuing certificates of appointment, the county clerk and recorder shall appoint the election judges, following the party affiliation requirements of section 1-6-109.

Source: R & RE, L. 92, p. 724, § 8.

1-6-104. Appointment of election judges for partisan elections. No later than the last Tuesday in May in even-numbered years, the county clerk and recorder shall complete appointments of election judges for each precinct in the county. The term of office of election judges shall be two years from the date of appointment.

Source: R & RE, L. 92, p. 725, § 8.

1-6-105. Appointment of election judges for nonpartisan elections. (1) No later than forty-five days before the regular election, the governing body with authority to call elections shall appoint election judges for the political subdivision. The term of office of election judges shall be two years from the date of appointment.

(2) Any person who has been appointed by a county clerk and recorder, who has filed an acceptance, and who has attended a class of instruction may be appointed as an election judge for nonpartisan elections.

Source: R & RE, L. 92, p. 725, § 8.

1-6-106. Certification of appointment. No later than the last Tuesday in May in even-numbered years for partisan elections or thirty days before the regular election for nonpartisan elections, the designated election official shall certify the list appointing the election judges and shall mail one acceptance form to each person appointed.

Source: R & RE, L. 92, p. 725, § 8.

1-6-107. Acceptances - school of instruction - appointment of supply judge. (1) Each person appointed as an election judge shall file an acceptance in the office of the designated election official within seven days after the date that the certificate of appointment and the acceptance form were mailed. The acceptance form shall include a statement that a person who fails to attend a class of instruction may be disqualified from serving as an election judge. If a person appointed as an election judge fails to file an acceptance within seven days, the designated election official may determine that a vacancy has been created.

(2) Each designated election official shall hold at least one class of instruction for all election judges not more than five weeks nor less than one day prior to each election.

(3) After acceptances are received, the designated election official shall appoint one judge in each precinct as supply judge and shall notify the supply judge of the appointment. For partisan elections, each major political party is entitled to one-half of the total number of supply judges appointed, and, if an odd number of supply judges is appointed, the county clerk and recorder shall determine by lot which party is entitled to the one extra supply judge. The supply judge is responsible for the general conduct of the election in the precinct and for receiving and delivering election supplies and equipment. The supply judge shall attend a special school of instruction held by the designated election official and shall be reimbursed no less than five dollars for attending the school.

Source: R & RE, L. 92, p. 725, § 8.

1-6-108. Lists of election judges. (1) The designated election official shall make and maintain, at the time election judges are appointed, a list of appointments, giving the name and address of each election judge, and, if applicable, the judge's precinct number. This list shall be kept on file in

the office of the designated election official and shall indicate which judges have filed acceptances and the date on which each judge attended the class of instruction. The list is a public record and is available for public inspection, examination, and copying during regular office hours.

(2) Any person may obtain, upon written request and payment of the appropriate statutory fee, an exact copy of the list of county election judges from the county clerk and recorder. The county chairperson of either political party may exercise a preemptive removal of any election judge from the chairperson's political party by filing a written request with the county clerk and recorder within five days of the date that the list becomes available for public inspection. The resulting vacancy shall be filled pursuant to section 1-6-113.

Source: R & RE, L. 92, p. 726, § 8.

1-6-109. Party affiliation of election judges. (1) In precincts which have an even number of election judges, each major political party is entitled to one-half of the number of election judges.

(2) In precincts which have an odd number of election judges, one major political party is entitled to the extra election judge in all even-numbered precincts, and the other major political party is entitled to the extra election judge in all odd-numbered precincts. No later than the last Tuesday in May in even-numbered years, the county clerk and recorder shall determine by lot which major political party is entitled to the extra election judge in the even-numbered precincts and which is so entitled in the odd-numbered precincts.

Source: R & RE, L. 92, p. 726, § 8.

1-6-110. Judges at primary elections. (1) The regularly appointed receiving judges for general elections shall serve as the judges for primary elections. No counting judges shall be appointed for primary elections.

(2) Election judges shall be paid the same fees for primary elections as for general elections.

Source: R & RE, L. 92, p. 727, § 8.

1-6-111. Number of judges in partisan elections. (1) The county clerk and recorder shall appoint at least three election judges for each precinct to perform the designated functions.

(2) Counting judges may be used where deemed necessary in the discretion of the county clerk and recorder at primary or congressional vacancy elections.

(3) When two election judges who are not of the same political party are present at the polls, voting may proceed.

Source: R & RE, L. 92, p. 727, § 8.

1-6-112. Number of judges in nonpartisan elections. For nonpartisan elections, the designated election official shall appoint no less than two election judges for each precinct to perform the designated functions.

Source: R & RE, L. 92, p. 727, § 8.

1-6-113. Vacancies. (1) If for any reason any person selected to serve as an election judge fails to attend the class of instruction for election judges, or refuses, fails, or is unable to serve, or is removed by preemption or for cause, the designated election official thereafter may appoint an election judge from the list of names previously submitted by the county chairperson of the political party to which the person belongs or from a list of previously authorized judges. To insure that a sufficient number of judges is available at every election, each county clerk and recorder shall compile a list of persons who are affiliated with a minor political party or a qualified political organization or who are unaffiliated and who are willing and eligible to serve as election judges. If a vacancy occurs and no persons are available who meet the affiliation requirements of section 1-6-109, then the county clerk and recorder may appoint a person from the list of persons not affiliated with a major political party.

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

Source: R & RE, L. 92, p. 727, § 8.

1-6-114. Oath of judges. (1) Before any votes are taken at any election, the election judges shall each take an oath or affirmation in the following form:

“I,, do solemnly swear (or affirm) that I am a citizen of the United States and the state of Colorado; that I am an eligible elector in precinct in the county of; that I am a member of the party as shown on the registration books of the county clerk and recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same; that I will not try to ascertain how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of violating any provision of or any offenses listed in article 13 of title 1, C.R.S.; that I have never had an application for appointment as a notary public denied nor has my commission, if I have one, to serve as a notary public been revoked pursuant to section 12-55-107, C.R.S.; that I have not been convicted of official misconduct by a notary public pursuant

to section 12-55-116, C.R.S.; and that I will not disclose the result of the votes until the polls have closed.”

(2) The election judges shall administer the oath or affirmation to each other. The signed oaths shall be attached to the pollbooks or registration records being used by the judges.

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

Source: R & RE, L. 92, p. 728, § 8.

1-6-115. Compensation of judges. (1) In all elections, each election judge shall receive not less than five dollars nor more than seventy-five dollars as full compensation for services provided as judge at any election.

(2) In addition to the compensation provided by subsection (1) of this section, each election judge may be paid expenses for attending election schools which may be established by the respective designated election officials.

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

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

Source: R & RE, L. 92, p. 728, § 8.

1-6-116. Delivery of election returns and other election papers - compensation. (1) The supply judge and, for partisan elections, one other judge of the opposite political party who is selected by the remaining judges shall deliver the election returns, registration book, ballot boxes, and other election papers and supplies to the office of the designated election official.

(2) The supply judge and, if required, the second judge selected pursuant to subsection (1) of this section shall be paid no less than four dollars for the performance of the service. In addition, if the distance from the polling place to the office of the designated election official is greater than five miles, the person providing the transportation shall be paid a mileage allowance, to be set by the designated election official but not to exceed the mileage rate authorized for county officials and employees, for each mile necessarily traveled in excess of ten miles in going to and returning from the office of the designated election official. No mileage allowance shall be paid to judges serving in precincts located wholly or in part within a city and county or within the municipality which is the county seat of the county.

Source: R & RE, L. 92, p. 729, § 8.

1-6-117. Judges for new or changed precincts. Within ten days after the boundaries of an existing election precinct are changed or a new precinct is created, the designated election official shall appoint election judges for

the new or changed precinct in the same manner as provided in section 1-6-113 (1) for filling vacancies.

Source: R & RE, L. 92, p. 729, § 8.

1-6-118. Judges may change polling place. (1) If it becomes impossible to hold an election because of an emergency at the designated polling place, the election judges, after notifying the designated election official and after assembling at or as near as practicable to the original designated polling place, may move to the nearest convenient place for holding the election and at the newly designated place forthwith proceed with the election.

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

Source: R & RE, L. 92, p. 729, § 8.

1-6-119. Removal of election judge by designated election official. (1) The county chairperson of the political party in whose behalf an election judge was appointed may file a statement with the county clerk and recorder that, after investigation, it is believed that the party is not faithfully or fairly represented by the election judge or that the election judge has moved from the county or precinct. Upon the filing of the statement, the county clerk and recorder shall forthwith notify the election judge of the removal and the cause for the removal, and a successor shall be forthwith appointed as provided in section 1-6-113.

(2) On election day, the designated election official may remove and replace an election judge who has neglected the duties of the office by leaving the precinct polling place or by being unable to perform the duties of the office.

(3) Upon receipt of a written complaint made by an eligible elector of the political subdivision stating that an election judge is electioneering at or within one hundred feet of the polling place, the designated election official shall investigate the complaint and may remove the election judge and appoint another election judge. If the election is a partisan election, the election judge appointed shall be of the same political party as the election judge who is removed.

Source: R & RE, L. 92, p. 730, § 8.

1-6-120. Removal of election judges by the court. (1) Upon the failure or neglect of any election judge to perform the duties of the office, any other election judge, the designated election official, the county chairperson of a political party, or an eligible elector of the political subdivision for which the election judge is appointed, having knowledge of the failure or neglect, shall cause proper action for removal to be instituted against the election judge.

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

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

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

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

Source: R & RE, L. 92, p. 730, § 8.

ARTICLE 7

Conduct of Elections

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PART 1

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

1-7-101. Hours of voting. (1) All polls shall be opened continuously from 7 a.m. until 7 p.m. of each election day. If a full set of election judges is not present at the hour of 7 a.m. and it is necessary for judges to be appointed to conduct the election as provided in section 1-6-113 (2), the election may commence when two judges, one from each major party for partisan elections, are present, at any hour before the time for closing the polls. The polls shall remain open after 7:00 p.m. until every eligible elector who was at the polling place at or before 7:00 p.m. has been allowed to vote. Any person arriving after 7:00 p.m. shall not be entitled to vote.

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

Source: R & RE, L. 92, p. 731, § 9.

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

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

Source: R & RE, L. 92, p. 732, § 9.

1-7-103. No voting unless eligible. (1) No person shall be permitted to vote at any election unless the person's name is found in the registration record and all other requirements for voting as may be required by authorizing legislation have been met.

(2) A person otherwise eligible to vote whose name has been erroneously omitted from the registration list or property owner's list shall be permitted to vote upon taking the following oath: "You do solemnly swear or affirm that you are a citizen of the United States of the age of eighteen years or older; that you have been a resident of this state for twenty-five days immediately preceding this election and have not maintained a home or domicile elsewhere; that you have been for the last twenty-five days and are now a resident of this precinct or absent from it twenty-five days or less as provided in section 1-2-101; that you are a registered elector in this precinct; that you are eligible to vote at this election; and that you have not previously voted at this election."; and:

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

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

(3) The election judges, or any one of them, shall promptly contact the county clerk and recorder or the county assessor for the verbal verification so that every eligible elector present at the polling place is allowed to vote. Notation of verbal verification of registration or property ownership shall be made in the records of the election judges and in the records of the county clerk and recorder and assessor. All certificates of registration shall be surrendered to the election judges and returned to the designated election official with other election records and supplies.

Source: R & RE, L. 92, p. 732, § 9.

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

Source: R & RE, L. 92, p. 733, § 9.

1-7-105. Watchers at primary elections. (1) Each political party participating in a primary election shall be entitled to have a watcher in each precinct in the county. The chairperson of the county central committee of each political party shall certify the persons selected as watchers on forms provided by the county clerk and recorder.

(2) In addition, candidates for nomination on the ballot of any political party in a primary election shall be entitled to appoint some person to act on their behalf in every precinct in which they are a candidate. Each candidate shall certify the persons appointed as watchers on forms provided by the county clerk and recorder.

Source: R & RE, L. 92, p. 733, § 9.

1-7-106. Watchers at general and congressional vacancy elections. Each participating major political party or issue committee whose candidate or issue is on the ballot, and each independent and write-in candidate whose name is on the ballot for a general or congressional vacancy election shall be entitled to have no more than one watcher at any one time in each precinct polling place in the county. The chairperson of the county central committee of each major political party, the issue committee, the write-in or independent candidate shall certify the names of one or more persons selected as watchers on forms provided by the county clerk and recorder. The watchers shall surrender the certificates to the election judges at the time they enter the polling place and are sworn by the judges. This section shall not prevent party candidates or county party officers from visiting polling places to observe the progress of voting in the precincts.

Source: R & RE, L. 92, p. 733, § 9.

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

Source: R & RE, L. 92, p. 734, § 9.

1-7-108. Requirements of watchers. (1) Watchers shall take an oath administered by one of the election judges that they will not in any manner

make known to anyone the result of counting votes until the polls have closed.

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

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

Source: R & RE, L. 92, p. 734, § 9.

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

(2) When preprinted signature cards are provided for each eligible elector containing the elector's name, address, birthdate, and for primary elections the elector's party affiliation, the use of a pollbook shall not be required. The ballot stub number of the ballot issued to the elector shall be written on the preprinted signature card. The preprinted signature cards may also constitute the computer list of eligible electors.

Source: R & RE, L. 92, p. 734, § 9.

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

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

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

Source: R & RE, L. 92, p. 735, § 9.

1-7-111. Disabled registered elector - assistance. (1) If at any election, any registered elector declares under oath to the election judges that, by

reason of blindness or other physical disability or inability to read or write, he or she is unable to prepare the ballot or operate the voting machine without assistance, the elector shall be entitled, upon making a request, to receive the assistance of any one of the election judges or, at the elector's option, any eligible elector selected by the disabled eligible elector. No person other than an election judge in the precinct shall be permitted to enter the voting booth or voting machine as an assistant to more than one elector, unless the person is the spouse, parent, grandparent, sibling, or child eighteen years or older of the elector.

(2) Notwithstanding the provisions of sections 1-8-117 and 1-8-118, in every political subdivision, physically disabled eligible electors shall be allowed to vote at the absent voters' polling place on election day. More than one absent voters' polling place may be established in a county for the purposes of this subsection (2). Prior to voting, the disabled eligible elector intending to vote at the absent voters' polling place on election day shall complete the following affidavit which, except for the signature, may be filled out by election officials, or by a person who is assisting the physically disabled elector pursuant to this section. If the disabled elector cannot read, the election official or person assisting the physically disabled elector shall read the form aloud to the disabled elector. If the disabled elector is unable to sign, the election official or person assisting the physically disabled elector may sign for the disabled elector. The form shall provide:

From, State of, County of, I,, being first duly sworn according to law, depose and say that I am an eligible elector in this political subdivision located in the county of, state of Colorado; that I have voted today at a polling place; and affirm that I have not, nor will I, cast a vote by any other means in this election.

(3) After the affidavit for assistance to disabled eligible electors is completed, a corresponding entry shall be made on the back of the printed list or computer list as provided by section 1-5-302. If assistance to a disabled eligible elector occurs at the precinct polling place, an entry shall be made on the pollbook or list of the name of each eligible elector assisted and the name of each person assisting.

Source: R & RE, L. 92, p. 735, § 9.

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

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

Source: R & RE, L. 92, p. 736, § 9.

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

Source: R & RE, L. 92, p. 737, § 9.

1-7-114. Write-in votes. (1) Eligible electors may cast a write-in vote for a candidate who has filed an affidavit of intent of write-in candidacy pursuant to section 1-4-1101 by writing the name of the person in the blank space provided for write-in candidates on the ballot. Each write-in vote shall include a reasonably correct spelling of a given name, an initial or nickname, or both a given name and an initial or nickname, and the last name of the person for whom the vote is intended. Whenever write-in votes are cast, they shall be counted only when the intention of the elector is clearly apparent.

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

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

Source: R & RE, L. 92, p. 737, § 9.

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

Source: R & RE, L. 92, p. 737, § 9.

1-7-116. Concurrent elections. If more than one political subdivision holds an election on the same day and the eligible electors for each such election are not the same, the same election precincts, polling places and judges may be used. However, for voting with paper ballots, separate ballots shall be used and deposited in separate ballot boxes. Where voting machines or electronic equipment are used, procedures shall be used to insure that

only those electors having the proper qualifications are permitted to vote on each respective ballot.

Source: R & RE, L. 92, p. 737, § 9.

1-7-117. Joint elections. If more than one political subdivision holds an election on the same day and the eligible electors are the same, the election precincts, polling places, and judges may be the same and one ballot may be used for all political subdivisions.

Source: R & RE, L. 92, p. 738, § 9.

PART 2

PRIMARY ELECTIONS

1-7-201. Voting at primary election. (1) Any registered elector who has declared a party affiliation and who desires to vote for candidates of that party at a primary election shall write his or her name and address on a form available at the polling place and give the form to one of the election judges, who shall clearly and audibly announce the name.

(2) If the name is found on the registration list, the election judge having charge of the list shall likewise repeat the elector's name and present the elector with the party ballot of the party affiliation last recorded. If unaffiliated, the eligible elector shall openly declare to the election judges the name of the political party with which the elector wishes to affiliate, complete the approved form for voter registration information changes, and initial the registration list in the space provided. Declaration of affiliation with a political party shall be separately dated and signed or dated and initialed by the eligible elector in such manner that the elector clearly acknowledges that the party affiliation has been properly recorded. Thereupon, the election judges shall deliver the appropriate party ballot to the eligible elector. Eligible electors who decline to state a party affiliation shall not be entitled to vote at the primary election.

(3) Forms completed by eligible electors, as provided in subsection (1) shall be returned with other election materials to the county clerk and recorder. If no challenges have been made, the forms may be destroyed pursuant to section 1-7-801.

(4) Party ballots shall be cast in the same manner as in general elections. An elector shall not vote for more candidates for any office than are to be elected at the general election as indicated on the ballot.

(5) Instead of voting for a candidate whose name is printed on the party ballot, an elector may cast a write-in vote for any eligible candidate who is a member of the political party and who has filed an affidavit of intent of write-in candidacy pursuant to section 1-4-1101. When no candidate has been designated by an assembly or by petition, a write-in candidate for nomination by any political party must receive at least the number of votes at

any primary election that is required by section 1-4-801 (2) to become designated as a candidate by petition.

Source: R & RE, L. 92, p. 738, § 9.

1-7-202. Count and certification. As soon as the polls are closed, the election judges shall count the total number of ballots cast and shall then count all the ballots for each political party separately, using the accounting forms furnished in accordance with section 1-7-203 and continuing until the count is completed. In no case shall party ballots be intermingled. After all ballots have been counted, the election judges shall certify the number of votes cast according to the method designated for the type of voting equipment used.

Source: R & RE, L. 92, p. 739, § 9.

1-7-203. Accounting forms. The county clerk and recorder shall furnish each precinct with two sets of accounting forms for each political party having candidates at the primary election. The forms shall be furnished at the same time and in the same manner as ballots. All accounting forms shall have the proper party designation at the top thereof and shall state the precinct, county, and date of the primary election. The secretary of state shall prescribe the accounting forms to be used.

Source: R & RE, L. 92, p. 739, § 9.

PART 3

PAPER BALLOTS

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

Source: R & RE, L. 92, p. 739, § 9.

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

Source: R & RE, L. 92, p. 739, § 9.

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

Source: R & RE, L. 92, p. 740, § 9.

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

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

Source: R & RE, L. 92, p. 740, § 9.

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

(2) When the counting judges have counted the votes in a ballot box, they shall return the empty ballot box to the receiving judges and exchange it for the box containing ballots cast since taking possession of the first ballot

box. The judges shall continue to exchange ballot boxes in the same manner during the day until the polls are closed and shall continue counting until all ballots have been counted.

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

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

Source: R & RE, L. 92, p. 741, § 9.

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

Source: R & RE, L. 92, p. 741, § 9.

1-7-307. Method of counting paper ballots. (1) The election judges shall first count the number of ballots in the box. If the ballots are found to exceed the number of names entered on each of the pollbooks, the election judges shall then examine the official endorsements on the outside of the ballots without opening them. If, in the unanimous opinion of the judges, any of the ballots in excess of the number on the pollbooks are deemed not to bear the proper official endorsement, they shall be put into a separate pile and into a separate record, and a return of the votes in those ballots shall be made under the heading "excess ballots". When the ballots and the pollbooks agree, the judges shall proceed to count the votes.

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

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

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

Source: R & RE, L. 92, p. 741, § 9.

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

Source: R & RE, L. 92, p. 742, § 9.

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

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

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

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

(5) When the election judges in any precinct discover in the counting of votes that the name of any candidate voted for is misspelled or the initial letters of the given name are transposed or omitted in part or altogether, the vote for that candidate shall be counted if the intention of the voter to cast a vote for that candidate is apparent.

Source: R & RE, L. 92, p. 742, § 9.

PART 4

VOTING MACHINES

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

Source: R & RE, L. 92, p. 743, § 9.

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

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

(2) The designated election official shall also prepare a set of official ballot labels arranged in the manner prescribed for the official election ballot, and shall place them on each voting machine to be used in precincts under the election official's supervision, and shall deliver the required number of voting machines to each election precinct at least one day before the polls open.

Source: R & RE, L. 92, p. 743, § 9.

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

Source: R & RE, L. 92, p. 743, § 9.

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

Source: R & RE, L. 92, p. 744, § 9.

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

Source: R & RE, L. 92, p. 744, § 9.

1-7-406. Close of polls and count - seals. As soon as the polls are closed, the election judges shall immediately lock and seal each voting machine against further voting, and it shall so remain for a period of thirty days unless otherwise ordered by the court and except as provided in section 1-7-407. Immediately after each machine is locked and sealed, the election judges shall open the counting compartment and proceed to count the votes. After

the total vote for each candidate and ballot issue has been ascertained, the election judges shall record on a certificate the number of votes cast, in numerical figures only, and return it in the manner prescribed by section 1-7-702.

Source: R & RE, L. 92, p. 744, § 9.

1-7-407. Close of polls - primary. In the event no election contest is filed by any candidate in a primary election within the time prescribed by section 1-11-214, the county clerk and recorder may unlock and break the seals of voting machines at any time after the fifteenth day following the date of the primary election.

Source: R & RE, L. 92, p. 744, § 9.

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

Source: R & RE, L. 92, p. 744, § 9.

PART 5

ELECTRONIC VOTING EQUIPMENT

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

Source: R & RE, L. 92, p. 745, § 9.

1-7-502. Elector given only one ballot or ballot card. An election judge shall give to each eligible elector only one ballot or ballot card, which shall be removed from the package by tearing it along the perforated line between the stub and duplicate stub. The election judge having charge of the ballots or ballot cards shall endorse the election judge's initials on the duplicate stub before delivering the ballot or ballot card to the eligible elector. The election judge having charge of the pollbook shall write the name of the eligible elector and the number of the ballot or ballot card upon the pollbook.

Source: R & RE, L. 92, p. 745, § 9.

1-7-503. Manner of voting. (1) Each eligible elector, upon receiving a ballot, shall immediately proceed unaccompanied to one of the voting booths

provided. To cast a vote, the eligible elector shall clearly mark or stamp in the appropriate square or place a cross mark (X) opposite the name of the candidate or the names of the joint candidates of the elector's choice for each office to be filled. In the case of a ballot issue, the elector shall clearly mark or stamp in the appropriate square or place a cross mark (X) opposite the answer which the elector desires to give. Before leaving the voting booth, the eligible elector, without displaying the marks thereon shall place the ballot in the privacy envelope, so that the contents of the ballot or ballot card are concealed and the stub can be removed without exposing any of the contents of the ballot or ballot card, and shall place the envelope and the ballot or ballot card in the ballot box.

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

(3) In precincts which use electronic voting equipment in which voting is by a method other than a ballot, each voter shall be listed by name in the pollbook and shall be given an entry card to the electronic voting device.

Source: R & RE, L. 92, p. 745, § 9.

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

Source: R & RE, L. 92, p. 746, § 9.

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

(2) In precincts in which voting is on a ballot or ballot card, election judges shall prepare a return in duplicate showing the number of eligible electors, as indicated by the pollbook, who have voted in the precinct, the

number of official ballots or ballot cards received, and the number of spoiled and unused ballots or ballot cards returned. The original copy of the return shall be deposited in the metal or durable plastic transfer box, along with all voted and spoiled ballots. The transfer box shall then be sealed in such a way as to prevent tampering with the box or its contents. The designated election official shall provide a numbered seal. The duplicate copy of the return shall be mailed at the nearest post office or post-office box to the designated election official by an election judge other than the one who delivers the transfer box to the designated counting center. For partisan elections, two election judges of different political parties, as provided in section 1-7-117, shall deliver the sealed transfer box to the counting center designated by the designated election official.

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

Source: R & RE, L. 92, p. 746, § 9.

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

(b) For the purpose of testing an electronic voting device which records votes on a paper tape and simultaneously on a "prom" or other electronic tabulating device, the election judges in any precinct using the device shall run a paper tape prior to opening the polls, label it, and return it to the designated election official in the transfer case, together with one copy of the tape of votes cast and the "prom" or other electronic tabulating device.

(2) The county chairpersons of the two major political parties, or their official representatives, shall each be supplied with at least one hundred official ballots which are clearly marked as test ballots and shall secretly vote the test ballots and retain a record of the test votes. The designated election official shall also vote and retain at least one hundred test ballots.

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

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

(5) For partisan elections, each county chairperson or the designee shall affix the chairperson's own seal or padlock to the metal box with the test materials. The county clerk and recorder shall be the custodian of the box, but shall not be able to open and use the test material unless the county chairpersons or designees are present and unlock the box.

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

Source: R & RE, L. 92, p. 747, § 9.

1-7-507. Electronic vote-counting - procedure. (1) All proceedings at the counting centers shall be under the direction of the designated election official and the representatives of the political parties, if a partisan election, or watchers, if a nonpartisan election. No persons, except those authorized for the purpose, shall touch any ballot, ballot card, "prom" or other electronic device, or return.

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

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

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

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

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

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

(8) Precincts using punch card electronic voting systems shall not be required to post the abstract of the count of votes at the precinct after the closing of the polls.

Source: R & RE, L. 92, p. 748, § 9.

1-7-508. Determination of improperly marked ballots. (1) If any ballot is damaged or defective so that it cannot properly be counted by the electronic vote-counting equipment, a true duplicate copy shall be made of the

damaged ballot in the presence of two witnesses. The duplicate ballot shall be substituted for the damaged ballot. Every duplicate ballot shall be clearly labeled as such and shall bear a serial number which shall be recorded on the damaged ballot.

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

(3) No ballot shall be counted unless it has the official endorsement required by section 1-6-408 and section 1-7-503 (2).

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

Source: R & RE, L. 92, p. 749, § 9.

PART 6

ELECTION RETURNS

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

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

Certified by us:

A.B.)

C.D.)

E.F.)

"Election Judges"

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

Source: R & RE, L. 92, p. 750, § 9.

1-7-602. Judges to post returns. At any election in precincts where voting is by paper ballot, voting machine, or electronic voting system which produces a paper tape, the election judges shall make an abstract of the count of votes, which abstract shall contain the names of the offices, names of the candidates, ballot titles, and submission clauses of all initiated, referred, or other ballot issues voted upon and the number of votes counted for or against each candidate or ballot issue. The abstract shall be posted in a conspicuous place which can be seen from the outside of the polling place immediately upon completion of the counting. The abstract may be removed at any time after forty-eight hours following the election. Suitable blanks for the abstract required by this section shall be prepared, printed, and furnished to all election judges at the same time and in the same manner as other election supplies.

Source: R & RE, L. 92, p. 750, § 9.

PART 7

DELIVERY OF ELECTION RETURNS

1-7-701. Delivery of election returns, ballot boxes, and other election papers. When all the votes have been read and counted, the election officials selected in accordance with section 1-6-116 shall deliver to the designated election official the certificate and statement required by section 1-7-601, ballot boxes and all keys to the boxes, paper tapes, "proms" or other electronic devices, the registration book, pollbooks, accounting forms, spoiled ballots, unused ballots, ballot stubs, oaths, affidavits, and other election papers and supplies. The delivery shall be made at once and with all convenient speed, and informality in the delivery shall not invalidate the vote of any precinct when delivery has been made previous to the completion of the official abstract of the votes by the board of canvassers. The designated election official shall give a receipt for all items delivered.

Source: R & RE, L. 92, p. 751, § 9.

PART 8

PRESERVATION OF BALLOTS AND ELECTION RECORDS

1-7-801. Ballots preserved. The ballots, when not required to be taken from the ballot box for the purpose of election contests, shall remain in the

ballot box in the custody of the designated election official until six months after the election at which the ballots were cast or until the time has expired for which the ballots would be needed in any contest proceeding. Thereafter, the ballot box shall be opened by the designated election official in the presence of the members of the board of canvassers and the ballots destroyed. If the ballot boxes are needed for a congressional vacancy or other election before the legal time for commencing any proceedings in the way of contests has elapsed or, in case the designated election official, at the time of holding the congressional vacancy or other election, has knowledge of the pendency of any contest in which the ballots would be needed, the designated election official shall preserve the ballots in some secure manner and provide for their being kept so that no one can ascertain how any voter may have voted.

Source: R & RE, L. 92, p. 751, § 9.

1-7-802. Preservation of election records. The designated election official shall be responsible for the preservation of any election records for a period of at least thirty days after the next ensuing election or until time has expired for which the record would be needed in any contest proceedings, whichever is longer.

Source: R & RE, L. 92, p. 752, § 9.

ARTICLE 7.5

Mail Ballot Elections

1-7.5-101.	Short title.	1-7.5-107.	Procedures for conducting mail ballot election.
1-7.5-102.	Legislative declaration.	1-7.5-108.	Absentee mail ballots.
1-7.5-103.	Definitions.	1-7.5-109.	Write-in candidates.
1-7.5-104.	Mail ballot elections - optional.	1-7.5-110.	Challenges.
1-7.5-105.	Preelection process.	1-7.5-111.	Report to the general assembly.
1-7.5-106.	Secretary of state - duties and powers.	1-7.5-112.	Repeal of article.

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

Source: R & RE, L. 92, p. 752, § 10.

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

Source: R & RE, L. 92, p. 752, § 10.

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

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

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

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

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

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

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

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

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

Source: R & RE, L. 92, p. 752, § 10.

1-7.5-104. Mail ballot elections - optional. (1) Effective July 1, 1990, if the governing board of any political subdivision determines that an election shall be by mail ballot, the designated election official for a political subdivision shall conduct any election for such political subdivision by mail ballot under the supervision of the secretary of state and shall be subject to rules which shall be promulgated by the secretary of state on or before January 1, 1991.

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

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

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

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

Source: R & RE, L. 92, p. 753, § 10.

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

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

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

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

Source: R & RE, L. 92, p. 753, § 10.

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

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

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

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

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

Source: R & RE, L. 92, p. 754, § 10.

1-7.5-107. Procedures for conducting mail ballot election. (1) Official ballots shall be prepared and all other preelection procedures followed as otherwise provided by law or rules promulgated by the secretary of state; except that mail ballot packets shall be prepared in accordance with this article.

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

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

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

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

"WARNING:

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

(c) No sooner than twenty-five days, nor later than 4 p.m. on election day, mail ballots shall be made available at the designated election official's office for eligible electors but who are not otherwise listed on the county voter registration records or, for special district mail ballot elections, on the property owners' list or the registration list if otherwise authorized to vote pursuant to section 32-1-804, C.R.S., or other applicable law.

(d) (I) An eligible elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the eligible elector. In order to obtain a replacement ballot, the eligible elector must sign a sworn statement specifying the reason for requesting the replacement ballot. The statement shall be presented to the designated election official no later than 4 p.m. on election day. The designated election official shall keep a record of each replacement ballot issued in accordance with this section together with a list of each ballot obtained pursuant to paragraph (c) of this subsection (3).

(II) A designated election official shall not transmit a mail ballot package under this section unless the application for the replacement ballot is received on or before election day. A replacement ballot may be transmitted directly to the applicant at the designated election official's office or may be mailed to the eligible elector at the address provided in the application. Replacement ballots may be cast no later than 5 p.m. on election day.

(4) (a) Upon receipt of a ballot, the eligible elector shall mark the ballot, sign and complete the return-verification envelope, and comply with the instructions provided with the ballot.

(b) The eligible elector may return the marked ballot to the designated election official by United States mail or by depositing the ballot at the office of the official or any place designated by the official. The ballot must be returned in the return-verification envelope. If an eligible elector returns the

ballot by mail, the elector must provide postage. The ballot shall be received at the office of the designated election official or the designated depository no later than 7 p.m. on election day.

(5) Once the ballot is returned, a designated election official shall first qualify the submitted ballot by examining the verification envelope and comparing the information on the envelope to the registration records to determine whether the ballot was submitted by an eligible elector who has not previously voted in the election. If the ballot so qualifies and is otherwise valid, the official shall enter the name of the eligible elector in the poll book, open the return verification envelope, remove the ballot stub, and deposit the ballot in an official ballot box.

(6) All deposited ballots shall be counted as provided in this article and by rules promulgated by the secretary of state. A mail ballot shall be valid and counted only if it is returned in the return-verification envelope, the affidavit on the envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the envelope is verified in accordance with subsection (5) of this section. Mail ballots shall be counted in the same manner provided by section 1-7-307 for counting paper ballots or section 1-7-507 for counting electronic ballots. If the election official determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the official shall not count any ballot cast by the elector. Rejected ballots shall be handled in the same manner as provided in section 1-8-128.

Source: R & RE, L. 92, p. 754, § 10.

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

Source: R & RE, L. 92, p. 757, § 10.

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

Source: R & RE, L. 92, p. 757, § 10.

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

Source: R & RE, L. 92, p. 757, § 10.

1-7.5-111. Report to the general assembly. The secretary of state shall collect and analyze information concerning the implementation of this article and shall submit a report to the general assembly based on its findings no later than January 1, 1993. Election officials shall provide the secretary of state with such relevant information as the secretary of state requests.

Source: R & RE, L. 92, p. 757, § 10.

1-7.5-112. Repeal of article. This article is repealed, effective July 1, 1994.

Source: R & RE, L. 92, p. 757, § 10.

ARTICLE 8

Absentee Voting

1-8-101.	Ballots and supplies for absentee voting.	1-8-117.	Hours absentee polling place open for receiving and counting absentee ballots.
1-8-102.	When absent eligible electors may vote.	1-8-118.	Emergency absentee voting.
1-8-103.	Application for absentee ballot.	1-8-119.	Federal write-in absentee ballots pursuant to the "Uniformed and Overseas Citizens Absentee Voting Act".
1-8-104.	Change of registration record.	1-8-120.	Appointment of election judges for absentee polling place.
1-8-105.	Verification of registration of absent elector.	1-8-121.	Delivery to supply judge.
1-8-106.	Absentee registration record.	1-8-122.	Preparing to count absentee ballots - rejections.
1-8-107.	List of absentee ballots.	1-8-123.	Counting absentee ballots - partisan elections.
1-8-108.	Watchers at absentee polling places.	1-8-124.	Counting absentee ballots - nonpartisan elections.
1-8-109.	Challenges - rejections.	1-8-125.	Casting and counting - electronic system.
1-8-110.	Delivery or replacement of absentee ballot.	1-8-126.	Certificate of absentee ballots cast - survey of returns.
1-8-111.	Voting at group facilities.	1-8-127.	Return of absentee registration list.
1-8-112.	Absentee polling place.	1-8-128.	Preservation of rejected absentee ballots.
1-8-113.	Procedures and personnel for absentee polling place.		
1-8-114.	Manner of absentee voting.		
1-8-115.	Self-affirmation on return envelope.		
1-8-116.	Casting absentee ballot on voting machine or electronic voting machines.		

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

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

(3) In counties including more than one state senatorial district, or more than one state representative district, or both, absentee ballots shall be provided in a manner to be determined by the county clerk and recorder for each combination of state legislative districts. Distinctive markings or colors may be used to identify political subdivisions when such colors or distinctive markings will aid in the distribution and tabulation of the ballots. A complete ballot may consist of one or more pages or cards so long as each page or card is numbered and identified as provided for paper ballots in sections 1-5-401 and 1-5-410. This subsection (3) shall apply to ballots to be cast on absentee voting machines as well as to paper ballots and ballot cards which can be electronically counted.

Source: R & RE, L. 92, p. 758, § 11.

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

Source: R & RE, L. 92, p. 758, § 11.

1-8-103. Application for absentee ballot. (1) Requests for an application for an absentee ballot may be made orally or in writing. The application for an absentee ballot shall be either the application form furnished by the designated election official, as prescribed by the secretary of state pursuant to section 1-1-108, or in the form of a letter, which includes the applicant's residence address and date of birth. The application form or letter requesting an absentee ballot may be faxed to the designated election official; except that, the vote cast by an absentee ballot requested via fax shall count only if an originally signed request is filed with the designated election official before or at the same time the ballot is received by the designated election official. If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated or wishes to affiliate.

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

(3) The application for an absentee ballot shall be filed with the designated election official of the political subdivision in which the applicant resides or is entitled to vote. The application shall be filed no earlier than ninety days before the election and no later than the close of business on the Friday immediately preceding the election.

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

(5) A prisoner in pretrial detention may apply for an absentee ballot from the prisoner's county of residence. No application for an absentee ballot shall be accepted unless personally signed by the applicant and accompanied by

a certification from the institutional administrator or the administrator's designee that the applicant is in pretrial detention. The institutional administrator shall certify the application immediately upon request by the prisoner.

Source: R & RE, L. 92, p. 758, § 11.

1-8-104. Change of registration record. A change of name, residence, or party affiliation request may be submitted to the county clerk and recorder at the same time the eligible elector requests an application for an absentee ballot if the elector has moved within the county and states that the move occurred more than twenty-five days before the election and that the elector has lived at the new residence for at least twenty-five days. The request shall include the elector's old and new addresses within the county, the elector's printed name and signature, and the date of the request. Upon receipt of the request, the county clerk and recorder shall verify the registration of the elector, amend the registration record, and mail to the elector an official absentee ballot as provided in this article.

Source: R & RE, L. 92, p. 759, § 11.

1-8-105. Verification of registration of absent elector. Upon receipt of an application for an absentee ballot within the proper time, the designated election official shall examine the records of eligible electors to ascertain whether or not the applicant is eligible to vote as requested. If the applicant is eligible, the official, either personally in the office of the election official or by mail to the mailing address given in the application, shall deliver an official absentee ballot, a return envelope with the affidavit properly filled in as to precinct and residence address as shown by the records in the office, and an instruction card.

Source: R & RE, L. 92, p. 759, § 11.

1-8-106. Absentee registration record. Before any absentee ballot is delivered or mailed or before any eligible elector is permitted to cast a vote as provided in section 1-8-116, the designated election official shall write or stamp the number appearing on the stub of the ballot on the elector's registration record, together with the date the ballot is delivered or mailed. The supply judge for the absent elector's precinct shall receive the list of absentee ballots prepared pursuant to section 1-8-107. Absent electors for each precinct shall be recorded on the precinct registration list for use at the polls as provided in section 1-5-301.

Source: R & RE, L. 92, p. 760, § 11.

1-8-107. List of absentee ballots. The designated election official shall keep a list of names and precinct numbers of eligible electors applying for absentee ballots, together with the date on which each application was made, the date on which the ballot was sent, the date on which each absentee ballot was returned, and the number appearing on the stub of each absentee ballot.

If an absentee ballot is not returned or if it is rejected and not counted, that fact shall be noted on the list. The list is open to public inspection under proper regulations.

Source: R & RE, L. 92, p. 760, § 11.

1-8-108. Watchers at absentee polling places. Any political party, candidate, or issue committee entitled to have watchers at polling places shall have the right to maintain watchers at the absentee polling place during the casting and counting of absentee ballots, and shall also have the right to maintain watchers in the office of the designated election official during the period in which absentee ballots may be applied for or received.

Source: R & RE, L. 92, p. 760, § 11.

1-8-109. Challenges - rejections. The vote of any eligible elector voting by absentee ballot may be challenged in the same manner and for the same causes as other votes are challenged.

Source: R & RE, L. 92, p. 760, § 11.

1-8-110. Delivery or replacement of absentee ballot. (1) The absentee ballot and other materials shall be delivered or mailed to the absent elector within seventy-two hours after the receipt of the application, if the official ballots are then printed, or, if not then printed, within seventy-two hours after the printed ballots are delivered to the designated election official.

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

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

Source: R & RE, L. 92, p. 760, § 11.

1-8-111. Voting at group facilities. (1) When more than five absentee ballots are to be sent to the same group residential facility within a county,

which includes but is not limited to, nursing homes and senior citizen housing facilities, the county chairpersons of the two major political parties shall be notified by the county clerk and recorder, and, upon request of either major political party, a committee consisting of one employee of the county clerk and recorder and a representative of each major political party shall deliver the absentee ballots and return those ballots to the office of the county clerk and recorder.

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

Source: R & RE, L. 92, p. 761, § 11.

1-8-112. Absentee polling place. Each political subdivision shall provide, in addition to the precinct polling places, one or more handicapped accessible absentee polling places, which shall be provided with suitable quarters, ballot boxes or voting machines, and other necessary supplies as provided by law in the case of precinct polling places; except that voting booths may be provided in precincts using paper ballots.

Source: R & RE, L. 92, p. 761, § 11.

1-8-113. Procedures and personnel for absentee polling place. (1) In every political subdivision the absentee polling place shall be opened as soon as absentee ballots or ballot stubs are printed and delivered to the designated election official. The delivery shall take place no later than the thirtieth day preceding any election.

(2) For partisan elections, the county clerk and recorder shall appoint at least three receiving judges who meet the party affiliation requirements contained in section 1-6-109. Regular employees of the county clerk and recorder may serve as receiving judges as long as they meet the party affiliation requirements of section 1-6-109.

Source: R & RE, L. 92, p. 762, § 11.

1-8-114. Manner of absentee voting. (1) Any eligible elector applying for and receiving an absentee ballot, in casting the ballot, shall make and subscribe to the self-affirmation on the return envelope. The elector shall then mark the ballot, fold the ballot or insert the ballot card in the special envelope provided for the purpose so as to conceal the marking, deposit it in the return envelope, and seal the envelope securely. The envelope may be delivered personally or mailed by the elector to the designated election official issuing the ballot. Alternatively, an elector may deliver the ballot to any person of the elector's own choice or to any duly authorized agent of the designated election official for mailing or personal delivery to the designated election official. All envelopes containing absentee ballots shall be in the hands of the designated election official not later than the hour of 7 p.m. on the day of the election. Absentee envelopes received after 7 p.m. on the day of the

election but postmarked on or before the day of the election will remain sealed and uncounted, but the elector's registration record will not be canceled for failure to vote in a general election.

(2) Upon receipt of an absentee ballot from an eligible elector, the designated election official shall write or stamp upon the envelope containing the ballot the date and hour the envelope was received in the office and, if the ballot was delivered in person, the name and address of the person delivering it. The designated election official shall safely keep and preserve all absentee ballots unopened until the time prescribed for delivery to the supply judge in accordance with section 1-8-121.

(3) An eligible elector who receives an absentee paper ballot upon appearing in person in the office of the designated election official may cast the ballot in the absentee polling place, as provided in section 1-8-112. Ballot boxes for such voting shall be locked and sealed and the keys shall remain in the possession of the designated election official until transferred to the supply judge for the absent voters' polling place for preparation for counting and tabulating pursuant to section 1-8-121.

Source: R & RE, L. 92, p. 762, § 11.

1-8-115. Self-affirmation on return envelope. (1) The return envelope for the absentee ballot shall have printed on its face a self-affirmation substantially in the following form:

State of, County of, I,, state under penalty of perjury that I am an eligible elector of (political subdivision), county of, state of Colorado; that I am not registered nor maintaining a sole place of legal residence in any other precinct, county, or state; that my address as registered is; that I have not and will not cast any vote in this election except by the enclosed ballot; that (check one) [] I did not receive assistance in marking my ballot [] I did receive assistance in marking my ballot from(name of person giving assistance)....., who resides at, and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

.....
Date

.....
Signature of voter

(2) The signing of the self-affirmation on the return envelope for the absentee ballot shall constitute an affirmation by the voter, under penalty of perjury, that the facts stated in the affidavit are true.

(3) Assistance to absent voters may be given by any person selected by the absent voter. No person other than an elector authorized by the designated election official pursuant to sections 1-8-111 and 1-8-113 shall be permitted to assist more than one absent voter and unless the person is at least eighteen years of age and is the spouse, parent, grandparent, sibling, or child of the absent voter seeking assistance. No elector who assists an absent voter shall attempt to persuade or unreasonably influence the voter to vote in a particular manner.

Source: R & RE, L. 92, p. 763, § 11.

1-8-116. Casting absentee ballot on voting machine or electronic voting machines. In all counties in which voting machines or electronic voting machines are used, the absentee polling place shall open for purposes of voting fifteen days before election day and shall remain open at all times. The offices of the designated election official are to be open until the close of business on the Friday immediately preceding the election. Qualified applicants for absentee ballots who appear in person at the absentee polling place during this time may cast their absentee ballots on voting machines or electronic voting machines expressly provided for that purpose in the same manner as any ballot would be cast in a precinct polling place on election day. The voting machines or electronic voting machines used for the casting of absentee ballots shall remain locked, sealed, or both locked and sealed, and the tabulation of the votes cast shall remain unknown until the time prescribed in section 1-8-117 for counting absentee ballots. During the time the absentee polling place is not open, the designated election official shall have the custody and keys of any voting machine or electronic voting equipment being used for the casting of absentee ballots. The voting machines or electronic voting machines used for the casting of absentee ballots shall not be used for the further counting of absentee ballots, as provided in sections 1-8-123 and 1-8-124.

Source: R & RE, L. 92, p. 763, § 11.

1-8-117. Hours absentee polling place open for receiving and counting absentee ballots. (1) In every political subdivision, the absentee polling place shall be open on election days from 8:30 a.m. until 7 p.m. for the purpose of receiving and counting absentee ballots. The absentee polling place may also be open from 8:30 a.m. until 5:30 p.m. on the day preceding the election for the purpose of receiving and counting absentee ballots. No information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day, and the election officials in charge of the absentee polling place shall take all precautions necessary to insure the secrecy of the counting proceedings.

(2) The duties, power, authority, and jurisdiction of the election officials at the absentee polling place on election day and the day preceding are confined to the receiving, casting, preparing for tabulation, and counting of absentee ballots delivered and turned over to them by the designated election official as provided in this article.

Source: R & RE, L. 92, p. 764, § 11.

1-8-118. Emergency absentee voting. (1) (a) In the event an eligible elector is confined in a hospital or place of residence on election day and the confinement occurred because of conditions arising after the last day to apply for an absentee ballot, the elector may request in a personally signed written statement that the designated election official send an absentee ballot with the word "EMERGENCY" stamped on the stubs. The designated election official shall deliver the emergency absentee ballot, at the official's office during the regular hours of business, to any authorized representative of the

elector who possesses a written statement from the elector's physician or practitioner that the elector will be confined in a hospital or place of residence on election day. For the purposes of this paragraph (a), "authorized representative" means a person possesses a written statement from the elector containing the elector's signature, name, and address and requesting that the emergency absentee ballot be given to the authorized person as identified by name and address. The authorized person shall acknowledge receipt of the emergency absentee ballot with a signature, name, and address.

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

(2) Any eligible elector, including any election official, who is unable to go to the polls because of conditions arising after the closing date for absentee ballot applications which will result in the elector's absence from the precinct on election day, may apply at the office of the designated election official for an emergency absentee ballot. Upon receipt of an affidavit signed by the elector on a form provided by the designated election official and attesting to the fact that the elector will be absent from the precinct on election day because of conditions arising after the last day to apply for an absentee ballot, the designated election official shall provide the elector with an absentee ballot with the word "EMERGENCY" stamped on the stubs. The request for the ballot shall be made by 5 p.m. the day of the election, and the ballot shall be voted at the designated election official's office or outside of the office and returned by 7 p.m. on the day of the election.

(3) After marking the ballot, the eligible elector shall place it in a return envelope provided by the designated election official. The elector shall then fill out and sign the self-affirmation on the envelope, as provided in section 1-8-115, on or before election day and return it to the office of the designated election official. Upon receipt of the envelope, the designated election official shall verify the elector's name on the return envelope with that which appears on the office precinct record and, if they compare, shall deposit the envelope in a safe place in the office.

Source: R & RE, L. 92, p. 764, § 11.

1-8-119. Federal write-in absentee ballots pursuant to the "Uniformed and Overseas Citizens Absentee Voting Act". (1) Any citizen who resides outside the United States and who is an eligible elector in this state prior to the elector's departure or pursuant to section 1-2-208 is entitled to vote for federal officers by a federal write-in absentee ballot at any primary, general, or congressional vacancy election.

(2) A person in the United States service, as defined in section 1-2-208 (2), may apply for an absentee ballot by the use of a properly executed federal postcard application, as provided for in the "Federal Voting Assistance Act of 1955", as amended.

(3) If a person in the United States service submits a properly executed federal postcard application pursuant to this section and the county clerk and recorder receiving it determines that the applicant is not properly registered, the county clerk and recorder shall register the applicant in accordance

with section 1-2-208 and shall then deliver to the applicant the official absentee ballot and other materials, as set forth in subsection (1) of this section.

(4) (a) In accord with the "Uniformed and Overseas Citizens Absentee Voting Act", Public Law 99-410, the federal write-in absentee ballot shall be provided to an eligible elector who has applied for a Colorado absentee ballot but believes that he or she will be unable to vote and return the ballot by normal mail delivery within the period of time provided for the state absentee ballot.

(b) The eligible elector may designate the federal candidate by writing in the name of the candidate or by writing in the name of a political party or political organization, in which case the ballot shall be counted for the candidate of that political party or political organization. Any abbreviation, misspelling, or other minor variation in the form of the name of the candidate, political party, or political organization shall be disregarded in determining the validity of the ballot as long as the intention of the elector can be ascertained.

(5) (a) If an application for a Colorado absentee ballot has been received and processed by the county clerk and recorder but a federal write-in absentee ballot, and not the state absentee ballot, is returned, only those votes cast for the federal officers on the federal write-in absentee ballot shall be counted.

(b) If both a Colorado absentee ballot and a federal write-in absentee ballot are returned, the federal write-in absentee ballot shall be deemed void and votes shall be counted from the state absentee ballot only.

(6) Federal write-in absentee ballots shall be counted in accord with section 1-8-117.

Source: R & RE, L. 92, p. 766, § 11.

1-8-120. Appointment of election judges for absentee polling place. (1) If, in any political subdivision the designated election official has mailed or delivered absentee ballots to five hundred or more electors, the designated election official shall appoint, in addition to the receiving judges appointed as provided in section 1-8-113, at least three counting judges, not more than two of whom shall be from any one political party and whose powers and duties shall be the same as provided in section 1-7-305 for counting judges in precinct polling places. For each additional five hundred absentee ballots so mailed or delivered, the designated election official may appoint additional counting judges as needed.

(2) In all political subdivisions in which voting machines or electronic voting machines are used, the designated election official, for each five hundred absentee ballots mailed or delivered, may appoint, in addition to the receiving judges appointed as provided in section 1-8-113, five counting judges, not more than three of whom shall be from any one political party.

(3) In political subdivisions to which this section applies, the designated election official shall make the appointments so that one major political party is represented by a majority of election judges on the absentee receiving board and the other major political party is represented by a majority of election judges on the absentee counting board of the county.

Source: R & RE, L. 92, p. 767, § 11.

1-8-121. Delivery to supply judge. At any time after the close of the polling place on the Friday prior to the election but no later than 8:30 a.m. on the day of any election, the designated election official shall deliver to the supply judge of the absentee polling place all the absentee envelopes received up to that time, in sealed packages or in locked and sealed ballot boxes, taking a receipt for the packages or boxes, together with the signed applications for the absentee ballots, the list of absent electors, and the record of absentee ballots as provided for in section 1-8-107. In political subdivisions which commence counting absentee ballots on the day preceding the election pursuant to section 1-8-117, the designated election official shall make the delivery not later than 8:30 a.m. on the day preceding the election. The designated election official shall continue to deliver any envelopes containing absentee ballots which may be received thereafter up to and including 7 p.m. on election day. On the sealed packages and boxes of absentee envelopes shall be printed or written "This package (or box) contains (number) absentee ballots." With the envelopes, the designated election official shall deliver to the supply judge written instructions, which shall be followed by the election judges in casting and counting the ballots, and all the lists, records, and supplies needed for tabulating, recording, and certifying the absentee ballots.

Source: R & RE, L. 92, p. 767, § 11.

1-8-122. Preparing to count absentee ballots - rejections. (1) Before opening any absentee ballot, one of the receiving judges, in the presence of a majority of the receiving judges, shall announce in an audible voice the name of the absent voter and shall inspect the self-affirmation on the return envelope. For the ballot to be counted, the self-affirmation must have been completed by the elector or a person acting in the elector's behalf, and must have been signed by the elector. If these requirements are met and the self-affirmation appears complete and correct, the receiving judge shall tear open the envelope without defacing the self-affirmation or mutilating the enclosed ballot. One of the election judges shall enter the name of the absent voter in the pollbook, and another election judge shall deposit the ballot in the ballot box.

(2) If the self-affirmation on the return envelope does not meet the requirements of subsection (1) of this section or is in some other way incorrect or incomplete, the election judges shall mark the envelope "rejected" and shall write on the envelope the reason for the rejection. The envelope shall be set aside without being opened, and the ballot shall not be counted.

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

(4) Election judges shall certify in their returns the number of absentee ballots cast and counted and the number of such ballots rejected.

Source: R & RE, L. 92, p. 768, § 11.

1-8-123. Counting absentee ballots - partisan elections. (1) In counties which have counting judges for the absentee polling place, the receiving judges, as soon as fifty ballots have been cast, shall deliver the ballot box containing the ballots to the counting judges, who shall proceed to count them. In counties which do not have counting judges for the absentee polling place, the receiving judges may begin counting when at least one hundred ballots have been cast.

(2) Absentee ballots shall be counted in one of the following ways:

(a) In counties which use paper ballots, the absentee ballots may be counted in the manner provided in section 1-7-307 for counting paper ballots;

(b) In counties which use voting machines, the absentee ballots may be counted in the following manner: One election judge shall call aloud the name of the candidate voted for and a second election judge shall observe that the first judge reads the ballot correctly; two other election judges, one from each major political party, shall attend the voting machine so that one of the election judges may depress the lever for the candidate whose name is being read, and the other election judge shall observe closely that the proper levers are being depressed as the votes are read aloud; the fifth election judge shall prepare the machine to receive each ballot.

(c) Any county may use electronic vote-tabulating equipment for the counting of absentee ballots in the same manner provided for the counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

(3) Votes for or against any ballot issue or measure shall be cast in the same manner as provided in section 1-8-116.

Source: R & RE, L. 92, p. 769, § 11.

1-8-124. Counting absentee ballots - nonpartisan elections. (1) After delivery of the ballots as provided in section 1-8-121, the absentee ballots shall be counted in one of the following ways:

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

(b) In political subdivisions which use voting machines, the absentee ballots may be counted in the following manner: One election judge shall call aloud the name of the candidate voted for and a second election judge shall observe that the first judge reads the ballot correctly; two other election judges shall attend the voting machine so that one of the election judges may depress the lever for the candidate whose name is being read, and the other election judge shall observe closely that the proper levers are being depressed as the votes are read aloud; another election judge shall prepare the machine to receive each ballot.

(c) Any political subdivision may use electronic vote-tabulating equipment for the counting of absentee ballots in the same manner provided for the counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

(2) Votes for or against any measure appearing on the ballot shall be cast in the same manner as provided in section 1-8-116.

Source: R & RE, L. 92, p. 769, § 11.

1-8-125. Casting and counting - electronic system. In political subdivisions using a ballot card electronic voting system, absentee ballots may be cast on paper ballots and counted as provided in section 1-8-121 or may be cast on ballot cards and counted by electronic voting equipment as provided in part 6 of article 5 and parts 4 and 5 of article 7 of this title, or both methods may be used.

Source: R & RE, L. 92, p. 770, § 11.

1-8-126. Certificate of absentee ballots cast - survey of returns. (1) Upon the completion of the count of absentee ballots, the election judges shall make the certificate and perform all the official acts required by sections 1-7-601 and 1-7-602.

(2) Upon the survey of the returns of the political subdivision by the board of canvassers, the board shall include in its abstract of votes the votes cast and counted at the absentee polling place in the manner provided for abstracting votes cast and counted at precinct polling places, as provided in article 10 of this title.

Source: R & RE, L. 92, p. 770, § 11.

1-8-127. Return of absentee registration list. The absentee registration list shall be returned to the designated election official with the certificate required to be filed by section 1-8-126.

Source: R & RE, L. 92, p. 770, § 11.

1-8-128. Preservation of rejected absentee ballots. All absentee identification envelopes, ballot stubs, and absentee ballots rejected by the election judges in accordance with the provisions of section 1-8-122 shall be returned to the designated election official. All absentee ballots received by the designated election official after 7 p.m. on the day of the election, together with the rejected absentee ballots returned by the election judges as provided in this section, shall remain in the sealed identification envelopes and shall be destroyed later as provided in section 1-7-801.

Source: R & RE, L. 92, p. 771, § 11.

ARTICLE 9

Challenges

PART 1

PART 2

CHALLENGES TO REGISTRATION

CHALLENGES TO VOTING

1-9-101. Challenge of illegal or fraudulent registration.

1-9-201. Right to vote may be challenged.

1-9-202. Challenge to be made by written oath.

1-9-203.	Challenge questions asked eligible elector.	1-9-205.	Refusal to answer questions or take oath.
1-9-204.	Oath of challenged elector.	1-9-206.	Challenges of absentee ballots.

PART I

CHALLENGES TO REGISTRATION

1-9-101. Challenge of illegal or fraudulent registration. (1) (a) Any registered elector may, by written challenge, protest against the registration of any person whose name appears in a registration book. The written challenge shall state the precinct number, the name of the challenged registrant, the basis for such challenge, the facts supporting the challenge, and some documentary evidence to support the basis for the challenge, and shall bear the signature and address of the challenger. The written challenge and supporting evidence shall be filed with the county clerk and recorder not less than forty-five days before any election. The county clerk and recorder shall notify the registrant of the challenge and shall set a time and place for a hearing to be held not later than fifteen days after the filing of the challenge, at which hearing the challenged registrant shall have the opportunity to appear. The person challenging the registration shall appear and shall bear the burden of proof of the allegations in the challenge. The county clerk and recorder shall conduct the hearing and receive testimony and evidence, shall render a decision in accordance with subparagraph (b) of this subsection within five days thereafter, and shall notify both parties of the decision.

(b) In rendering a decision, the county clerk and recorder shall have the following options:

(I) If the county clerk and recorder finds sufficient evidence to support the allegations in the challenge, the registered elector's name shall be canceled from the registration book;

(II) If the county clerk and recorder finds some evidence but not sufficient evidence to support the allegations in the challenge, the registration record of the elector may be marked with the word "Inactive", and the procedures of section 1-2-223 in regard to registered electors who fail to vote in a general election shall apply; or

(III) If the county clerk and recorder finds no evidence to support the allegations in the challenge, the challenge to cancel the registered elector's name from the registration book shall be denied.

(2) All appeals from the decision of the county clerk and recorder shall be to the district court within three days after the decision is issued. The appellant shall file in the district court a verified petition setting forth the facts presented at the hearing, the decision of the county clerk and recorder, and the basis for the appeal. Within twenty-four hours, the clerk of the district court shall mail to the other party a notice of the appeal and the time set for hearing, which shall be not less than three days nor more than five days after the date of filing.

(3) The court shall hear the testimony and other evidence and investigate summarily and, within forty-eight hours after the close of the evidence, determine whether or not the charges are sustained. Only competent legal evidence shall be received at the hearing or considered by the court, and no name

registered in accordance with law shall be canceled from the registration book unless it is proven that the challenged person does not reside at the address provided by the person at the time of registration. No presumption shall be made against any person whose registration is challenged merely because of the failure of that person to attend the hearing. The court shall have the power to subpoena any person as a witness at the hearing and make any necessary investigation to ascertain the truth of any of the charges in the petition if the method of the investigation does not cause unnecessary delay or interfere with the final disposition of the cause within the time provided for in this section. The hearing on any petition shall be summary and final and shall not be subject to delay. At the close of the hearing, the court shall announce the names in the petition as to which the charges have been sustained and shall direct the clerk of the court to certify forthwith to the county clerk and recorder the lists of names of those persons, with their addresses, arranged alphabetically and according to precinct. The county clerk and recorder, upon receipt of the list from the court, shall forthwith cancel those names from the registration book for the proper precinct with the notation that the names were canceled pursuant to court order, giving the date of the order. The decision of the court is final, and no appeal shall lie to any other court; except that the supreme court, in the exercise of its discretion, may review any such proceedings in a summary way.

Source: R & RE, L. 80, p. 380, § 1; L. 87, p. 295, § 29; L. 89, p. 309, § 20; L. 91, p. 637, § 76; L. 92, p. 771, § 12.

PART 2

CHALLENGES TO VOTING

1-9-201. Right to vote may be challenged. (1) When any person whose name appears on the registration list or who has presented a certificate of registration or verbal verification of registration as provided in section 1-7-103 applies for a ballot, that person's right to vote at that polling place or in that election may be challenged. Pursuant to the provisions of section 1-9-205, a person who is not entitled to vote shall not receive a ballot.

(2) An election judge shall challenge any person intending to vote whom the judge believes is not an eligible elector. In addition, challenges may be made by watchers or any eligible elector of the precinct.

Source: R & RE, L. 80, p. 381, § 1; L. 92, p. 772, § 12.

1-9-202. Challenge to be made by written oath. Each challenge shall be made by written oath, shall set forth the name of the person challenged and the basis for the challenge, and shall be signed by the challenger under penalty of perjury in the second degree, as specified in section 1-13-104. The election judges shall deliver all challenges and oaths to the designated election official at the time the pollbooks and other election papers are returned. The designated election official shall forthwith deliver all challenges, whether or not

withdrawn, and all oaths to the district attorney for investigation and appropriate action. No oral challenge shall be permitted.

Source: R & RE, L. 80, p. 381, § 1; L. 92, p. 773, § 12.

1-9-203. Challenge questions asked eligible elector. (1) If a person intending to vote is challenged as not eligible, one of the election judges shall tender to the elector the following oath or affirmation: "I do solemnly swear or affirm that I will fully and truly answer all questions that are put to me concerning my place of residence and my qualifications as an eligible elector at this election."

(2) If the person is challenged as not eligible because the person is not a citizen, an election judge shall ask the following questions:

- (a) Are you a citizen of the United States?
- (b) Are you a native-born or naturalized citizen?

(3) If the person is challenged as not eligible because the person has not resided in this state and precinct for twenty-five days immediately preceding the election, an election judge shall ask the following questions:

(a) Have you resided in this state and precinct for the twenty-five days immediately preceding this election?

(b) Have you been absent from this state within the twenty-five days immediately preceding this election, and during that time have you maintained a home or domicile elsewhere?

(c) If so, when you left, was it for a temporary purpose with the intent of returning, or did you intend to remain away?

(d) Did you, while absent, look upon and regard this state as your home?

(e) Did you, while absent, vote in any other state or any territory of the United States?

(4) If the person is challenged as not eligible because the person is not eighteen years of age or older, an election judge shall ask the following question: To the best of your knowledge and belief, are you eighteen years of age or older?

(5) If the person is challenged as not eligible because the person is not a property owner or the spouse of a property owner, an election judge shall ask the following questions:

(a) Are you a property owner or the spouse of a property owner in this political subdivision and therefore eligible to vote?

(b) What is the address of the property which entitles you to vote in this election?

(6) An election judge shall put all other questions to the person challenged as may be necessary to test the person's qualifications as an eligible elector at the election.

(7) If the person challenged answers satisfactorily all of the questions the person shall sign on the challenge form after the printed questions. The election judge shall indicate in the proper place on the challenge form whether the challenge was withdrawn or whether the challenged elector refused to answer the questions and left the polling place without voting.

Source: R & RE, L. 80, p. 382, § 1; L. 91, p. 637, § 77; L. 92, p. 773, § 12.

1-9-204. Oath of challenged elector. (1) If the challenge is not withdrawn after the person intending to vote has answered the questions, an election judge shall tender the following oath: "You do solemnly swear or affirm that you are a citizen of the United States of the age of eighteen years or older; that you have been a resident of this state for twenty-five days next preceding this election and have not maintained a home or domicile elsewhere; that you have been for the last twenty-five days and now are a resident of this precinct, or absent therefrom twenty-five days or less, as provided in section 1-2-101, C.R.S.; that you are a registered elector in this precinct; that you are eligible to vote at this election; and that you have not previously voted at this election."

(2) After the person has taken the oath or affirmation, a ballot shall be given and an election judge shall write "sworn" on the pollbooks at the end of the person's name.

Source: R & RE, L. 80, p. 383, § 1; L. 91, p. 638, § 78; L. 92, p. 774, § 12.

1-9-205. Refusal to answer questions or take oath. The challenged person shall be refused a ballot if the person refuses to answer fully any question which is asked and refuses to sign, as provided in section 1-9-203, or if the person refuses to take the oath or affirmation, as provided in section 1-9-204.

Source: R & RE, L. 80, p. 383, § 1; L. 92, p. 774, § 12.

1-9-206. Challenges of absentee ballots. The ballot of any absent voter may be challenged by written oath or affirmation signed by the challenger under penalty of perjury setting forth the name of the person challenged and the basis for the challenge. Challenged ballots, except those rejected for an incomplete or incorrect affidavit, death of the eligible elector, or submission of multiple ballots, shall be cast. The election judges shall deliver all challenges and oaths or affirmations, together with the affidavits of the eligible electors challenged, to the designated election official at the time the absentee voters' registration list is returned. The designated election official shall forthwith deliver all challenges and all oaths or affirmations to the district attorney for investigation and action.

Source: R & RE, L. 80, p. 383, § 1; L. 92, p. 775, § 12.

ARTICLE 10

Survey of Returns and Recounts

	PART 1	1-10-102.	Official abstract from the counties.
	SURVEY OF RETURNS - PARTISAN ELECTIONS	1-10-103.	Survey of returns by secretary of state.
1-10-101.	Canvassers for partisan elections - appointment, fees, oaths.	1-10-104.	Imperfect returns - corrections.
		1-10-105.	Certified statement of results.

	PART 2		
	SURVEY OF RETURNS - NONPARTISAN ELECTIONS	1-10-302.	Recount for county and precinct officers.
		1-10-303.	Recount for nonpartisan elections.
1-10-201.	Canvassers for nonpartisan elections.	1-10-304.	Request by candidate or ballot issue supporters.
1-10-202.	Canvassers for concurrent and joint elections.	1-10-305.	Board of canvassers to conduct recount.
1-10-203.	Survey of returns.	1-10-306.	Method of recount.
1-10-204.	Imperfect returns.	1-10-307.	Challenge of recount.
1-10-205.	Corrections.	1-10-308.	Certificates of election - tie votes.
	PART 3	1-10-309.	Expenses of the recount.
	RECOUNTS		
1-10-301.	Recounts for congressional, state, and district offices - expenses of recount.		

PART I

SURVEY OF RETURNS - PARTISAN ELECTIONS

1-10-101. Canvassers for partisan elections - appointment, fees, oaths.

(1) (a) At least fifteen days before any primary, general, or congressional vacancy election, the county chairpersons of each of the two major political parties in each county shall certify to the county clerk and recorder the appointment of an eligible elector who is a resident of the county to act as a member of the county board of canvassers. The two appointees, together with the county clerk and recorder, constitute the county board of canvassers.

(b) If for any reason an appointee to the county board of canvassers refuses, fails, or is unable to serve, the appointee shall notify the county clerk and recorder. The county clerk and recorder, by the speediest and most convenient method, shall notify the county chairperson of the political party to which the appointee belongs. The county chairperson shall forthwith appoint another person to the county board of canvassers. If the political party has no county chairperson or vice-chairperson or if a vacancy in the appointment occurs on the date of the meeting of the county board of canvassers so that there can be no specific compliance with the provisions of this section, the county clerk and recorder shall make the appointment or shall fill the vacancy as nearly in compliance with the intention of this section as possible.

(2) Each member of the county board of canvassers except the county clerk and recorder shall receive a minimum fee of fifteen dollars for each day on which the member is actually engaged in opening election returns and making abstracts of the votes cast. The fee shall be set by the county clerk and recorder and shall be paid by the county for which the service is performed.

(3) Before beginning their duties as members of the county board of canvassers, the members of the board shall take an oath in the following form: "I,, do solemnly swear (or affirm) that I am an eligible elector in precinct, in the county of,; that I am a registered member

of the party as shown on the registration books of the county clerk and recorder; and that I will faithfully perform the duties required of a member of the county board of canvassers.”

Source: R & RE, L. 92, p. 775, § 13.

1-10-102. Official abstract from the counties. (1) No later than the tenth day after the primary election or the general or congressional vacancy election, the county board of canvassers shall make official abstracts of the votes cast for national, state, and district offices. The county clerk and recorder, immediately after the official abstracts of votes have been prepared, shall make a copy of each official abstract and shall deliver or transmit it by certified mail to the office of the secretary of state who shall file and record the original official abstracts in a book to be kept for that purpose. The county clerk and recorder shall certify the official abstracts and copies and affix to them the county seal.

(2) The county clerk and recorder shall certify a list of names of those elected to the county offices and forward that list to the secretary of state.

(3) If a recount of a national, state, or district office is held and changes in the vote result, an amended copy of the official abstract of votes shall be filed with the secretary of state showing the recount results as the official abstract of votes for that county.

Source: R & RE, L. 92, p. 776, § 13.

1-10-103. Survey of returns by secretary of state. (1) On the sixteenth day after any primary election, the secretary of state shall survey the returns of votes cast for candidates for United States senator, for representatives in congress, and for all state and district offices.

(2) On the sixteenth day after any general or congressional vacancy election, the secretary of state shall survey the returns of votes cast for the following: presidential electors, United States senators, representatives in congress, governor and lieutenant governor, secretary of state, state treasurer, attorney general, regents of the university of Colorado, members of the state board of education, state senators, state representatives, and district attorneys.

Source: R & RE, L. 92, p. 777, § 13.

1-10-104. Imperfect returns - corrections. (1) If a county board of canvassers or the secretary of state finds that the method of making or certifying returns from any precinct, county, or district does not strictly conform to the requirements of law, the returns shall nevertheless be surveyed if they are sufficiently explicit in showing how many votes were cast for each candidate or ballot issue.

(2) If the county board of canvassers or the secretary of state finds that during the survey of returns any statement furnished to them has omitted certain matters which should have been included or that clerical mistakes have been made, they shall send the returns to the appropriate county clerk and recorder for correction. The county clerk and recorder, after consultation

with the election judges, shall make any correction required by the facts of the case but shall not change or alter any decision made by them prior to the corrections. The election judges shall submit to the canvassers any documentation required for verification of the corrections and, at some convenient time, shall come to the office of the county clerk and recorder to initial any change previously authorized orally. A county board of canvassers may adjourn from day to day for the purpose of obtaining and receiving corrections but shall not delay the surveying past the day provided by law for its completion.

Source: R & RE, L. 92, p. 777, § 13.

1-10-105. Certified statement of results. (1) The secretary of state shall make a certified statement of results for each of the offices listed in section 1-10-103. The statement shall show the names of the candidates and, for each candidate, the total number of votes received, with subtotals for each district or county in which the candidate was on the ballot.

(2) In the event of tie votes for the offices of governor and lieutenant governor, secretary of state, state treasurer, or attorney general, the certified statement of results shall include the ties which will then be resolved pursuant to section 1-11-101.

(3) All other tie votes shall be resolved pursuant to section 1-11-102 before the certified statement of results is prepared.

Source: R & RE, L. 92, p. 777, § 13.

PART 2

SURVEY OF RETURNS - NONPARTISAN ELECTIONS

1-10-201. Canvassers for nonpartisan elections. (1) (a) At least fifteen days before any nonpartisan election, the governing body which called the election shall appoint a member of the governing body and one eligible elector of the political subdivision to assist the designated election official in the survey of returns.

(b) No member of the board of canvassers or the member's spouse shall have a direct interest in the election unless all of the eligible electors have a direct interest in the election.

(c) If for any reason any person appointed as a member of the board of canvassers refuses, fails, or is unable to serve, that appointed person shall notify the designated election official, who shall appoint another person to the board of canvassers.

Source: R & RE, L. 92, p. 778, § 13.

1-10-202. Canvassers for concurrent and joint elections. Each governing board participating in a concurrent election shall appoint a separate board of canvassers, who are responsible for the survey of returns for its election.

The returns of joint elections may be surveyed by the county board of canvassers or by a separate board of canvassers, at the option of the governing bodies holding the joint election.

Source: R & RE, L. 92, p. 778, § 13.

1-10-203. Survey of returns. (1) The returns of all nonpartisan elections shall be made to the designated election official. No later than seven days after the election, the canvassers shall meet, survey the returns, issue a certified statement of results, and make out abstracts of votes for each office.

(2) If the election is canceled pursuant to section 1-5-208, the canvassers shall note the cancellation on the certified statement of results and shall indicate which candidates were elected by acclamation.

Source: R & RE, L. 92, p. 778, § 13.

1-10-204. Imperfect returns. If the canvassers find that the method of making or certifying returns from any precinct does not strictly conform to the requirements of law, the returns of the votes cast in that precinct shall nevertheless be surveyed if the returns are sufficiently explicit to enable the canvassers to determine how many votes were cast for each candidate or ballot issue.

Source: R & RE, L. 92, p. 779, § 13.

1-10-205. Corrections. If the canvassers find during the survey of returns that any statement furnished to them has omitted certain matters which should have been included or that clerical mistakes have been made, the canvassers shall consult with the election judges from whom the returns were received to resolve the discrepancies. The election judges shall submit to the canvassers any documentation for verification of the corrections which the facts of the case require but shall not change or alter any decision made by them prior to the corrections. The canvassers may adjourn from day to day for the purpose of obtaining the corrections.

Source: R & RE, L. 92, p. 779, § 13.

PART 3

RECOUNTS

1-10-301. Recounts for congressional, state, and district offices - expenses of recount. (1) If, on or before the twentieth day after the general or congressional vacancy election or on or before the tenth day after the primary election, all the official abstracts of votes have been received in the office of the secretary of state, and it appears, as evidenced by the official abstracts of votes, that a candidate for United States senator, representative in congress, or any state or district office has failed to be nominated in a primary

election by two percent or less of the highest vote cast for a candidate of the same party for that office or failed to be elected in a general or congressional vacancy election by one percent or less of the highest vote cast for a candidate for the same office, the secretary of state shall order a complete recount of all the votes cast for that office.

(2) The secretary of state shall make demand upon the county clerk and recorder of each county involved by registered mail for a public recount to be conducted in the county at a place prescribed by the secretary of state. The recount shall be completed by no later than the thirtieth day after the general or congressional vacancy election or the fifteenth day after the primary election. The secretary of state shall also promulgate and provide each county clerk and recorder with the necessary rules and regulations to conduct the recount in a fair, impartial, and uniform manner, including provisions for allowing interested political parties and candidates to be represented by watchers during the recount.

Source: R & RE, L. 92, p. 779, § 13.

1-10-302. Recount for county and precinct officers. If it appears, as evidenced by the official abstract of votes, that any candidate for any county office failed to be nominated or any candidate for any precinct office failed to be elected in a primary election by two percent or less of the highest vote cast for a candidate of the same party for that office or if any candidate for a county office failed to be elected in a general election by one percent or less of the highest vote cast for a candidate for the same office, the county clerk and recorder shall order a recount of the votes cast for the office in question. The recount shall be held at the same time and place and in the same manner as a recount conducted pursuant to section 1-10-301. If no recount is ordered under section 1-10-301, any recount of the votes for county or precinct officers shall be held no later than the thirtieth day after a general election or no later than the fifteenth day after a primary election and shall be completed no later than the thirty-fifth day after the general election or the twentieth day after the primary election.

Source: R & RE, L. 92, p. 780, § 13.

1-10-303. Recount for nonpartisan elections. If it appears, as evidenced by the survey of returns, that any candidate failed to be elected or ballot issue failed to pass by a margin of less than 10 votes or one percent or less of the highest number of votes cast for the next candidate for that office or for the ballot issue, the governing body shall conduct a recount of the votes cast for the office or the ballot issue. Any recount under this section shall be held no later than the fifteenth day after the election and shall be completed by no later than the twentieth day after the election. Notice prior to the recount shall be given to all interested candidates or supporters of a ballot issue. The interested parties or their representatives shall be allowed to be present and observe the recount. Any recount under this section shall be paid for by the governing body.

Source: R & RE, L. 92, p. 780, § 13.

1-10-304. Request by candidate or ballot issue supporters. If it appears that any candidate failed to be nominated or elected or any ballot issue failed to pass by more than the number of required votes provided in section 1-10-301, 1-10-302, or 1-10-303, the losing candidate or the supporters of a losing question may submit a certified written request for a recount at the expense of the person or group making the request. This request shall be filed within thirty days after the general or congressional vacancy election, within fifteen days after the primary election, or within ten days after any other election. Before conducting the recount, the designated election official shall determine the cost and notify the requesting candidate. If the recount is for an office greater than a county office, the cost shall be determined by the secretary of state who shall notify the candidate. The candidate shall pay on demand the cost of the recount to the county treasurer or the manager of revenue for a recount of a county office, to the state treasurer for a recount of a congressional, state, or district office, or to the governing body for a nonpartisan election. The funds shall be placed in escrow for payment of all expenses incurred in the recount. If after the recount the candidate who requested the recount is declared the winner of the election, regardless of the margin of victory, or if the winning candidate failed to be nominated or elected by more than the number of required votes provided in section 1-10-301, 1-10-302, or 1-10-303, the payment for expenses shall be refunded to the person or group who paid them, and the expenses shall be paid as provided in section 1-11-309. The recount provided for in this section shall be in addition to any other recounts provided by law.

Source: R & RE, L. 92, p. 780, § 13.

1-10-305. Board of canvassers to conduct recount. (1) Any county clerk and recorder or governing body required to conduct a recount shall arrange to have the recount made by the board of canvassers who officiated in making the official abstract of votes. If any member of the board cannot participate in the recount, another person shall be appointed in the manner provided by law for appointment of the members of the original board.

(2) Any board of canvassers making a recount under the provisions of this section may employ assistants and clerks as necessary for the conduct of the recount.

(3) The board of canvassers may require the production of any documentary evidence regarding the legality of any vote cast or counted and may correct the survey of returns in accordance with its findings based on the evidence presented.

Source: R & RE, L. 92, p. 781, § 13.

1-10-306. Method of recount. In precincts using paper or electronic ballots, the recount shall be of the ballots cast, and the votes shall be tallied on sheets other than those used at the election. In precincts using voting machines, the recount shall be of the votes tabulated on the voting machines, and separate tally sheets shall be used for each machine.

Source: R & RE, L. 92, p. 782, § 13.

1-10-307. Challenge of recount. (1) (a) Any candidate for a county, state, or national office who is a party to a recount and who has reasonable grounds to believe that the recount is not being conducted in a fair, impartial, and uniform manner may apply to the district court of the city and county of Denver for an order requiring the county clerk and recorder to stop the recount and to give the secretary of state access to all pertinent election records used in conducting the recount, and requiring the secretary of state to conduct the recount. The county clerk and recorder shall be an official observer during any recount conducted by the secretary of state.

(b) Any candidate for a local office who is a party to a recount and has reasonable grounds to believe that the designated election official is not conducting the recount in a fair, impartial, and uniform manner may apply to the district court in the candidate's political subdivision for an order requiring the designated election official to stop the recount and to give the appropriate official who will take over conducting the recount access to all pertinent election records, and requiring the appropriate official to conduct the recount. If the county clerk and recorder is not the designated election official, then the county clerk and recorder is the appropriate official to conduct the recount. If the county clerk and recorder is the designated election official, then the secretary of state is the appropriate official to conduct the recount. The designated election official shall be an official observer during any recount conducted pursuant to this subsection (1).

(2) All expenses incurred by the secretary of state in conducting a recount pursuant to subsection (1) of this section shall be paid from the state general fund. Expenses incurred prior to a court order requiring the secretary of state to conduct the recount shall be paid by the county.

Source: R & RE, L. 92, p. 782, § 13.

1-10-308. Certificates of election - tie votes. (1) After a recount has been completed, the designated election official shall make a certificate of election or nomination, as appropriate, for each candidate who received the highest number of votes for an office covered by the recount and shall deliver each certificate to the person entitled to it.

(2) (a) If, in any recount except those for county or precinct offices in a primary election as provided for in paragraph (b) of this subsection (2), two or more persons tie for the highest number of votes for the same office, the designated election official shall break the tie using the procedures provided in section 1-11-101.

(b) If, in a recount for a primary election involving a county or precinct office, two or more candidates of the same political party tie for the highest number of votes for the same office, the tie shall be resolved pursuant to section 1-11-102.

Source: R & RE, L. 92, p. 782, § 13.

1-10-309. Expenses of the recount. All expenses incurred in conducting a recount in any political subdivision shall be paid by the political subdivision. Members of a board of canvassers who assist in any recount shall receive the same fees authorized for counting judges in section 1-6-115.

Source: R & RE, L. 92, p. 783, § 13.

ARTICLE 11

Certificates of Election and Election Contests

PART 1

TIE VOTES AND CERTIFICATES OF ELECTION

- 1-11-101. Tie votes at partisan elections.
- 1-11-102. Tie votes in nonpartisan elections.
- 1-11-103. Certificates of election for nonpartisan elections.
- 1-11-104. Certificates of election for county and precinct officers.
- 1-11-105. Certificates of election for national, state, and district officers.
- 1-11-106. Delivery of certified list of results.
- 1-11-107. Lists of presidential electors.
- 1-11-108. Official abstract.

- 1-11-205. Contests for state officers.
- 1-11-206. Evidence in contests for state officers.
- 1-11-207. Rules for conducting contests for state officers.
- 1-11-208. Contests for state senator or representative.
- 1-11-209. Depositions in contests for state senator or representative.
- 1-11-210. Secretary of state to transmit papers in contests for state senator or representative.
- 1-11-211. Contests for district attorneys.
- 1-11-212. Contests for county and nonpartisan officers.
- 1-11-213. Rules for conducting contests in district court.
- 1-11-214. Trial and appeals in contests for county and nonpartisan elections.

PART 2

ELECTION CONTESTS

- 1-11-201. Causes of contest.
- 1-11-202. Who may contest election.
- 1-11-203. Contests arising out of primary elections.
- 1-11-204. Contests for presidential elector.

- 1-11-215. Recount in contests for county and nonpartisan elections.
- 1-11-216. Judgment in contests for county and nonpartisan elections.
- 1-11-217. Costs of election contest.
- 1-11-218. Violations by the governing body.

PART 1

TIE VOTES AND CERTIFICATES OF ELECTION

1-11-101. Tie votes at partisan elections. (1) If at any general or congressional vacancy election any two or more pairs of joint candidates for the offices of governor and lieutenant governor or if two or more candidates for the offices of secretary of state, state treasurer, or attorney general tie for the highest number of votes for the same office, one of the pairs or one of the individual candidates shall be chosen by the two houses of the general assembly on a joint ballot.

(2) If at any general or congressional vacancy election any two or more persons tie for the highest number of votes for presidential electors, for United States senator, for representative in congress, for regent of the university of Colorado, for member of the state board of education, for state senator or state representative, or for district attorney, the secretary of state shall proceed to determine by lot which of the candidates shall be declared elected.

Reasonable notice shall be given to the candidates of the time when the election will be determined.

(3) If at any primary election any two or more candidates of the same political party tie for the highest number of votes for the same office, the tie shall be resolved in a manner agreed upon by the tying candidates. In case the candidates fail to agree on the method of resolution within five days after the canvass is complete, the tie shall be resolved by lot to be cast as the secretary of state may determine.

Source: R & RE, L. 92, p. 783, § 14.

1-11-102. Tie votes in nonpartisan elections. If any two or more candidates tie for the highest number of votes for the same office and if there are not enough offices remaining for all the candidates, the board of canvassers shall determine by lot the person who shall be elected. Reasonable notice shall be given to the candidates who are involved of the time when the election will be determined.

Source: R & RE, L. 92, p. 784, § 14.

1-11-103. Certificates of election for nonpartisan elections. Except in the case of offices for which a recount is required as provided in section 1-10-303, immediately after the abstract of votes for each office has been prepared and after any required bond and oath is filed, the designated election official shall make a certificate of election for each of the persons who were elected and shall deliver the certificates to those persons.

Source: R & RE, L. 92, p. 784, § 14.

1-11-104. Certificates of election for county and precinct officers. Except in the case of offices for which a recount is required as provided in section 1-10-302, immediately after the abstract of votes for county and precinct officers has been prepared, the county clerk and recorder shall make a certificate of election, or a certificate of nomination in the case of a primary election, for each of the persons having the highest number of votes for each office and shall deliver the certificates to the persons who were elected.

Source: R & RE, L. 92, p. 784, § 14.

1-11-105. Certificates of election for national, state, and district officers. The secretary of state shall make and transmit a certificate of election, certified under the secretary of state's seal of office, to each of the persons declared to be elected and shall record in a book to be kept for that purpose each such certification.

Source: R & RE, L. 92, p. 784, § 14.

1-11-106. Delivery of certified list of results. Upon the organization of the house of representatives, the secretary of state shall deliver to the speaker

of the house a certified list of candidates elected to each state office and of each member elected to the general assembly showing the member's district. The speaker, upon receipt of the list and before proceeding to other business, shall open and announce the results in the presence of a majority of the members of both houses of the general assembly, who shall assemble for that purpose in the chamber of the house of representatives. The person having the highest number of votes for any of the offices shall be declared duly elected by the presiding officer of the joint assembly. The two houses on joint ballot shall then resolve any tie votes which are on the certified list of results.

Source: R & RE, L. 92, p. 784, § 14.

1-11-107. Lists of presidential electors. The secretary of state shall prepare a certificate of election for each presidential elector who is elected at any general election. The governor shall sign and affix the seal of the state to the certificates and deliver one certificate to each elector on or before the thirty-fifth day after the general election.

Source: R & RE, L. 92, p. 785, § 14.

1-11-108. Official abstract. Following each general election the secretary of state shall publish an official abstract which contains the following information:

(1) The names of the candidates for whom votes were cast and the total number of votes, including district or county subtotals, which were cast for each candidate in both the primary and the general elections;

(2) The names of candidates elected to county offices and the offices for which they were elected, as furnished by the clerk and recorders of the several counties; and

(3) Any other information which the secretary of state determines would be interesting or useful to the electorate or other elected officials.

Source: R & RE, L. 92, p. 785, § 14.

PART 2

ELECTION CONTESTS

1-11-201. Causes of contest. (1) The election of any candidate to any office may be contested on any of the following grounds:

(a) That the candidate elected is not eligible to hold the office for which elected;

(b) That illegal votes were received or legal votes rejected at the polls in sufficient numbers to change the result of the election;

(c) That an election judge or board of canvassers has made an error in counting or declaring the result of an election that changed the result of the election;

(d) That an election judge, board of canvassers, or member of a board of canvassers has committed malconduct, fraud, or corruption that changed the result of the election;

(e) That, for any reason, another candidate was legally elected to the office.

(2) For the purpose of this part 2, if the election or nomination of either the governor or lieutenant governor is found to be invalid for any reason, the finding shall not in any way be construed to invalidate the election or nomination of the other joint candidate.

Source: R & RE, L. 92, p. 785, § 14.

1-11-202. Who may contest election. The election of any candidate or the results of an election on any ballot issue may be contested by any eligible elector of the political subdivision.

Source: R & RE, L. 92, p. 786, § 14.

1-11-203. Contests arising out of primary elections. (1) All election contests arising out of a primary election, except contests for national or state offices, shall be summarily adjudicated by the district court sitting for the political subdivision within which a contest arises. The court which first acquires jurisdiction of any contest shall have original jurisdiction, subject to appellate review as provided by law and the Colorado appellate rules. In all cases involving contests for state offices, the supreme court shall take original jurisdiction for the purpose of summarily adjudicating any contest.

(2) Every contest shall be instituted by verified petition to the proper court, setting forth the grounds for the contest. The petition shall be filed and a copy served on the contestee within five days after the occurrence of the grounds of the contest. The contestee shall answer under oath within five days after service. If the petition cannot be personally served within the state on the contestee, service may be made by leaving a copy of the petition with the clerk of the court having original jurisdiction of the controversy or contest who shall search for the contestee so that an answer may be filed. Upon the expiration of the time for the answer, the court having jurisdiction of the contest shall forthwith set the matter for trial on the merits and shall summarily adjudicate it.

Source: R & RE, L. 92, p. 786, § 14.

1-11-204. Contests for presidential elector. The supreme court has original jurisdiction for the adjudication of contests concerning presidential electors and shall prescribe rules for practice and proceedings for such contests. No justice of the court who is a contestor in the election contest shall be permitted to hear and determine the matter.

Source: R & RE, L. 92, p. 786, § 14.

1-11-205. Contests for state officers. (1) Proceedings to contest the election of any person declared elected governor, lieutenant governor, secretary of state, state treasurer, attorney general, member of the state board of education, or regent of the university of Colorado may be commenced by filing with the secretary of the senate, between the sixth and tenth legislative days of the first session of the general assembly after the day of the election, a notice of intention to contest the election, specifying the particular grounds on which the contestor means to rely. The contestor shall file with the secretary of the senate a bond, with sureties, running to the contestee and conditioned to pay all costs in case of failure to maintain the contest. The secretary of the senate shall determine the sufficiency of the bond, and, if it is sufficient, approve it.

(2) Upon the notice of intention being filed, and the bond being approved by the secretary of the senate, the general assembly shall determine by resolution on what day they will meet in joint session to take action in the contest.

(3) A certified copy of the notice filed by any contestor shall be served upon the contestee, together with a notice that the contestee is required to attend the joint session on the day fixed to answer the contest.

Source: R & RE, L. 92, p. 786, § 14.

1-11-206. Evidence in contests for state officers. On the hearing of any election contest for any of the offices named in section 1-11-205, the parties to the contest may introduce written testimony, taken in a manner prescribed by the joint session. No depositions shall be read in the hearing unless the opposite party had reasonable notice of the time and place of the taking of the deposition.

Source: R & RE, L. 92, p. 787, § 14.

1-11-207. Rules for conducting contests for state officers. (1) In conducting any election contest for any of the offices named in section 1-11-205, the following rules apply:

(a) On the appointed day and hour, the general assembly, with its proper officers, shall convene in joint session.

(b) The president of the senate shall preside; but, when the president is the contestee, the president pro tempore of the senate shall preside.

(c) The parties to the contest shall then be called by the secretary of the senate. If they answer, their appearance shall be recorded.

(d) The testimony of the contestor shall be introduced first, followed by the testimony of the contestee. After the testimony has been presented on both sides, the contestor or contestor's counsel may open the argument, and the contestee or counsel may then proceed to make a defense, and the contestor may be heard in reply.

(e) After the arguments by the parties are completed, any member of the joint session may offer the reasons for the member's intended vote. The session may limit the time for argument and debate.

(f) The secretary of the senate shall keep a regular journal of the proceedings. The decision shall be taken by a call of the members, and a majority of all the votes given shall prevail.

Source: R & RE, L. 92, p. 787, § 14.

1-11-208. Contests for state senator or representative. (1) The election of any person as a state senator or a member of the state house of representatives may be contested by any eligible elector of the district to be represented by the senator or representative. Each house of the general assembly shall hear and determine election contests of its own members.

(2) The contestor, within ten days after the completion of the official survey of the returns, shall file in the office of the secretary of state a verified statement of intention to contest the election, setting forth the name of the contestor, that the contestor is an eligible elector of the district, the name of the contestee, the office being contested, the time of the election, and the particular grounds for the contest, and shall serve a copy upon the contestee. The contestor shall file with the secretary of state a bond, with sureties, running to the contestee and conditioned to pay all costs in case of failure to maintain the contest. The secretary of state shall determine the sufficiency of the bond, and, if it is sufficient, approve it.

(3) The contestee, within ten days after personal service of the statement, shall file in the office of the secretary of state an answer, duly verified, admitting or specifically denying each allegation and containing any new matter or counterstatement which the contestee believes may entitle him or her to retain the seat in the general assembly to which elected. The contestee shall serve a copy upon the contestor.

(4) When the answer of the contestee contains new matter constituting a counterstatement, the contestor, within ten days after the service of the answer, shall file in the office of the secretary of state a reply admitting or specifically denying under oath each allegation contained in the counterstatement, and shall serve a copy upon the contestee.

Source: R & RE, L. 92, p. 788, § 14.

1-11-209. Depositions in contests for state senator or representative. (1) Either party, at the time the statement or answer is served, may serve upon the adverse party reasonable notice of taking depositions to be used at trial of the contest for state senator or state representative. Immediately after joining issue of fact, both parties shall proceed with all reasonable diligence to take any depositions they may desire to use at trial. Nothing in this subsection (1) shall abridge the right of either party to take depositions upon reasonable notice prior to the joining of issue in relation to any of the matters in controversy; but a failure to take depositions before the joining of issue shall not be held as laches against either party to the contest.

(2) If, upon the completion of taking any depositions, the adverse party has any witnesses present before the officer taking the depositions whose testimony the adverse party may wish to use in rebuttal of the depositions, the adverse party may proceed immediately to take the deposition of the rebutting witness before the officer, upon giving written notice to the other party or the other party's attorney. The officer shall attach to the depositions a copy of the notice with proof of service and shall return the rebuttal depositions in the same manner provided for returning depositions in chief. The party taking a deposition shall pay all costs of taking the deposition and its return.

(3) The time for taking depositions to be used at trial of the contest shall expire three days prior to the meeting of the next general assembly. Both parties may take depositions at the same time, but neither party shall take depositions at more than one place at the same time. Nothing in this subsection (3) shall be construed to abridge the right of either house of the general assembly, upon good cause shown, to extend the time to take depositions, or to send for and examine any witness, or to take any testimony it may desire to use on trial of the contest, or to order a recount of the ballots if there has been an error in surveying the returns in any county or precinct.

(4) Any county or district judge of or for a county in the judicial district where a contested election case arises may issue subpoenas, compel the attendance of witnesses, take depositions, and certify depositions according to the rules of the district court.

(5) The officer before whom the depositions are taken, upon the completion thereof, shall certify the depositions immediately, shall enclose the depositions, and the notices for taking the depositions, and the proofs of service of the notices in an envelope, and shall seal and transmit the envelope by mail or in person by a sworn officer, to the secretary of state, with an endorsement showing the nature of the papers, the names of the contesting parties, and the house of the general assembly before which the contest is to be tried.

Source: R & RE, L. 92, p. 789, § 14.

1-11-210. Secretary of state to transmit papers in contests for state senator or representative. The secretary of state shall deliver the sealed envelope containing depositions, notices, and proofs of service, together with the statement of contestor, answer of contestee, and reply, to the presiding officer of the body in which the contest for senator or representative is to be tried, immediately upon the organization of the body or as soon thereafter as documents are received. The presiding officer, immediately upon receiving the documents, shall give notice to the body that the papers are in the officer's possession.

Source: R & RE, L. 92, p. 790, § 14.

1-11-211. Contests for district attorneys. The district court of the judicial district in which the contest for the office of district attorney arises has jurisdiction for the adjudication of contests for the office of district attorney. No district judge who is a contestor in any election contest shall be permitted to hear and determine the matter. In that case, the supreme court shall appoint a district judge to hear and decide the contest.

Source: R & RE, L. 92, p. 790, § 14.

1-11-212. Contests for county and nonpartisan officers. Contested election cases of county and nonpartisan officers and ballot issues shall be tried and decided by the district court for the county in which the contest arises. If a political subdivision is located in more than one county, the district court of either county may take jurisdiction.

Source: R & RE, L. 92, p. 790, § 14.

1-11-213. Rules for conducting contests in district court. (1) The style and form of process, the manner of service of process and papers, the fees of officers, and judgment for costs and execution shall be according to the rules and practice of the district court.

(2) Change of venue may be taken from any district court for any cause in which changes of venue might be taken in civil or criminal actions. The decisions of any district court are subject to appellate review, as provided by law and the Colorado appellate rules.

(3) Before the district court is required to take jurisdiction of the contest, the contestor shall file with the clerk of the court a bond, with sureties, running to the contestee and conditioned to pay all costs in case of failure to maintain the contest. The judge shall determine the sufficiency of the bond and, if it is sufficient, approve it.

(4) The contestor, within ten days after the completion of the official survey of returns, shall file in the office of the clerk of the district court a written statement of the intention to contest the election, setting forth the name of the contestor, that the contestor is an eligible elector of the political subdivision, the name of the contestee, the office being contested, the time of the election, and the particular grounds for the contest. The statement shall be verified upon information and belief by the affidavit of the contestor or of an eligible elector of the political subdivision.

(5) The clerk of the district court shall then issue a summons in the ordinary form, in which the contestor shall be named as plaintiff and the contestee as defendant, stating the court to which the action is being brought, the political subdivision for which the contest is filed, and a brief statement of the grounds for contest as set forth in the contestor's statement. The summons shall be served upon the contestee in the same manner as other district court summonses are served in this state, within ten days after the statement of intention is filed.

(6) The contestee, within ten days after the service of the summons, shall file an answer with the clerk of court, which admits or specifically denies each allegation of the statement and asserts any counterstatement on which the contestee relies as entitling him or her to the office to which elected.

(7) If a contestor alleges the reception of illegal votes or the rejection of legal votes as the grounds for the contest, a list of the eligible electors who so voted or offered to vote shall be set forth in the statement of the contestor and likewise in the answer of contestee if the same grounds are alleged in the counterstatement.

(8) When the answer of the contestee contains a new matter constituting a counterstatement, within ten days after the answer is filed, the contestor shall file a reply with the clerk of court admitting or specifically denying, under oath, each allegation contained in the counterstatement.

Source: R & RE, L. 92, p. 790, § 14.

1-11-214. Trial and appeals in contests for county and nonpartisan elections. (1) Immediately after the issue is joined, the district judge shall set the date for trial, which shall be not more than twenty days nor less than ten days after the issue was joined. The trial shall take precedence over all

other business of the court. Any depositions to be used in the trial may be taken upon four days' notice before any officer authorized to take depositions. The testimony at trial may be made orally or by depositions. The district judge shall cause the testimony to be taken in full and filed in the cause. The trial shall be conducted according to district court rules and practice.

(2) An appeal from the judgment may be taken to the supreme court, in the same manner as other cases tried in the district court. The appeal shall be filed, the bill of exceptions settled, the bond for costs executed and filed, and the record transmitted to the clerk of the supreme court within twenty days from the date the judgment is entered. The supreme court shall advance the case to the head of the calendar and shall hear and determine the matter with all reasonable dispatch.

Source: R & RE, L. 92, p. 792, § 14.

1-11-215. Recount in contests for county and nonpartisan elections. If, at trial of any election contest for any county office as provided in sections 1-11-214 and this section, the statement or counterstatement alleges an error in the survey of returns sufficient to change the result, the district judge has the power to order a recount of the ballots cast or the votes tabulated in the precincts in which the alleged error was made. The court may also require the production before it of witnesses, documents, records, and other evidence as may have or contain information regarding the legality of any vote cast or counted for either of the contesting candidates or a ballot issue, or concerning the correct number of votes cast for a candidate or a ballot issue. The court may order the returns corrected in accordance with the evidence presented and the court's findings.

Source: R & RE, L. 92, p. 792, § 14.

1-11-216. Judgment in contests for county and nonpartisan elections. The district court shall pronounce judgment on whether the contestee or any other person was legally elected to the contested office or on whether the ballot issue was enacted. The court's judgment declaring a person elected entitles that person to take office when the term of office begins, upon proper qualification. If the judgment is against a contestee who has received a certificate, the judgment annuls the certificate. If the court finds that no person was legally elected, the judgment shall set aside the election and declare a vacancy in the office contested.

Source: R & RE, L. 92, p. 792, § 14.

1-11-217. Costs of election contest. A judgment against the contestor pursuant to the provisions of sections 1-11-211 and 1-11-212 shall provide that the contestor is liable for all fees incurred in the contested election, including reasonable costs and attorney fees.

Source: R & RE, L. 92, p. 793, § 14.

1-11-218. Violations by the governing body. If the results of any county or nonpartisan election are disallowed and a new election is ordered as the result of a proceeding held pursuant to sections 1-11-211 and 1-11-212, the elector who instituted the proceedings may commence a civil action to recover reasonable costs and attorney fees from the governing body.

Source: R & RE, L. 92, p. 793, § 14.

ARTICLE 12

Recall and Vacancies in Office

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PART 1

RECALL FROM OFFICE

1-12-101. Elected officers subject to recall. Every elected officer of this state or any political subdivision thereof is subject to recall from office at any time by the eligible electors entitled to vote for a successor to the incumbent. The recall of any state officer shall be governed by the recall of state officers procedure set forth in this article.

Source: R & RE, L. 92, p. 793, § 15.

1-12-102. Limitations. (1) No recall petition shall be circulated or filed against any elected officer until the officer has actually held office for at

least six months following the last election; except that a recall petition may be filed against any member of the general assembly at any time after the fifth day following the convening and organizing of the general assembly after the election.

(2) After one recall petition and election, no further petition may be filed against the same state or county officer during the term for which the officer was elected, unless the petitioners signing the petition equal fifty percent of the votes cast at the last preceding general election for all of the candidates for the office held by the officer.

(3) After one recall petition and election, no further petition shall be filed against the same nonpartisan officer during the term for which the officer was elected, unless the petitioners signing the petition equal one and one-half times the number of signatures required on the first petition filed against the same officer, until one year has elapsed from the date of the previous recall election.

Source: R & RE, L. 92, p. 793, § 15.

1-12-103. Petition for recall. Eligible electors of a political subdivision may initiate the recall of an elected official by signing a petition which demands the election of a successor to the officer named in the petition. The petition shall contain a general statement, consisting of two hundred words or less, stating the ground or grounds on which the recall is sought. The statement is for the information of the electors who shall be the sole and exclusive judges of the legality, reasonableness, and sufficiency of the ground or grounds assigned for the recall. The ground or grounds shall not be open to review.

Source: R & RE, L. 92, p. 794, § 15.

1-12-104. Signatures and filing required for state and county officers. (1) A petition to recall a state or county officer shall be signed by eligible electors equal in number to twenty-five percent of the entire vote cast at the last preceding general election for all candidates for the office which the incumbent sought to be recalled occupies and shall be filed in the office of the county clerk and recorder unless otherwise required.

(2) If more than one person is required by law to be elected to fill the office to which the person sought to be recalled is an incumbent, then the petition shall be signed by eligible electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to twenty-five percent of the entire vote cast at the last preceding general election for all candidates for the office to which the incumbent sought to be recalled was elected, the entire vote being divided by the number of all officers elected to the office at the last preceding general election.

Source: R & RE, L. 92, p. 794, § 15.

1-12-105. Signatures required for school district officers. A petition to recall a school district officer shall be signed by eligible electors of the school

district equal in number to at least forty percent of those electors who voted for school directors in the election at which the director to be recalled was elected. In no case shall the number required for recall be less than ten percent of eligible electors qualified to vote in the most recent biennial school election; except that no more than fifteen thousand signatures shall be required.

Source: R & RE, L. 92, p. 794, § 15.

1-12-106. Signatures required for nonpartisan officers. A petition to recall any other nonpartisan officer shall be signed by three hundred eligible electors of the political subdivision who are entitled to vote for a successor to the incumbent sought to be recalled, or forty percent of the electors, whichever number is less.

Source: R & RE, L. 92, p. 794, § 15.

1-12-107. Designated election officials. (1) For state recall elections, the petition shall be filed with the secretary of state who shall certify the sufficiency of the petition to the governor who shall set the date for the election. The election shall be conducted by the appropriate county clerk and recorder in the manner provided in this article for state elections.

(2) For county recall elections, the petition shall be filed with the county clerk and recorder who shall certify the sufficiency of the petition and call and conduct the election.

(3) For school board recall elections, the petition shall be filed with the county clerk and recorder in which the school district's administrative offices are located. The clerk and recorder of the county shall certify the sufficiency of the petition and call and conduct the election.

(4) For all other nonpartisan elections, the petition shall be filed with the district court in the county in which the political subdivision was organized. The court shall then appoint a designated election official to certify the sufficiency of the petition and call and conduct the election.

Source: R & RE, L. 92, p. 795, § 15.

1-12-108. Petition requirements. The petition shall be prepared and circulated pursuant to part 9 of article 4 of this title.

Source: R & RE, L. 92, p. 795, § 15.

1-12-109. Resignation. If an officer whose recall is sought offers a resignation it shall be accepted and the vacancy caused by the resignation shall be filled as provided by law. The person appointed to fill the vacancy caused by the resignation shall hold the office only until the person elected at the recall election is qualified.

Source: R & RE, L. 92, p. 795, § 15.

1-12-110. Call for election. (1) If the officer whose recall is sought does not resign within five days after the sufficiency of the recall petition has been sustained, the designated election official shall publish a notice for the holding of a recall election, and the officers charged by law with election duties shall make necessary arrangements for the conduct of the election. The election shall be conducted pursuant to the provisions of this title.

(2) If the officer whose recall is sought resigns at any time after the filing of the certification of election question for the ballot, the recall election shall be called and held notwithstanding the resignation.

Source: R & RE, L. 92, p. 795, § 15.

1-12-111. Date of election. If the recall petition is found to be sufficient, the officer with whom the recall petition was filed, without delay, shall submit the petition, together with a certificate of its sufficiency, to the appropriate governing body. The governing body shall set a date for the recall election not less than thirty nor more than sixty days from the date of determination of sufficiency; however, if a general election is to be held within ninety days after the determination of sufficiency, the recall election shall be held as a part of the general election.

Source: R & RE, L. 92, p. 796, § 15.

1-12-112. Ballots. (1) In addition to all other requirements of law, the official ballot shall contain a statement consisting of two hundred words or less stating the reasons set forth in the petition for demanding the officer's recall. If desired by the officer sought to be recalled, the official ballot shall also contain a statement of justification of the officer's course in conduct in three hundred words or less.

(2) Ballots for the election of a successor to the officer sought to be recalled shall contain the candidates' names which shall be placed on the ballot by lot, regardless of the method of nomination.

Source: R & RE, L. 92, p. 796, § 15.

1-12-113. Conduct of election. The recall election and election of a successor shall be conducted according to the provisions of articles 1 to 13 of this title.

Source: R & RE, L. 92, p. 796, § 15.

1-12-114. Absentee ballots. Applications for absentee ballots shall be made available by the appropriate designated election officials no later than twenty-four hours after the date for the recall election is set. Absentee ballots shall be available no later than ten days before the recall election. All other provisions of article 8 of this title shall apply to the absentee ballot process.

Source: R & RE, L. 92, p. 796, § 15.

1-12-115. Write-in candidates. No write-in vote for any office shall be counted unless an affidavit of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of the office if elected. The affidavit of intent shall be filed with the designated election official not later than eight days before the day of the election.

Source: R & RE, L. 92, p. 796, § 15.

1-12-116. Sufficiency of the recall. If a majority of those voting on the question of the recall of any incumbent from office vote “no”, the incumbent shall continue in office; if a majority vote “yes”, the incumbent shall be removed from office upon the qualification of the successor.

Source: R & RE, L. 92, p. 796, § 15.

1-12-117. Nomination of successor. A candidate to succeed the officer sought to be recalled shall be nominated by a political party petition or an independent petition as provided in part 9 of article 4 of this title. The name of the officer who was sought to be recalled or recalled shall not be eligible as a candidate in the election to fill any vacancy resulting from the recall election.

Source: R & RE, L. 92, p. 797, § 15.

1-12-118. Election of successor. (1) For state elections, the election of a successor shall be held at the same time as the recall election. The names of those persons nominated as candidates to succeed the person sought to be recalled shall appear on the ballot; but, no vote cast shall be counted for any candidate for the office unless the voter also voted for or against the recall of the person sought to be recalled. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for office.

(2) For all other elections, if the incumbent is recalled from office at a recall election, the governing body shall call an election to fill the vacancy for the unexpired term. The election shall be held within forty-five days after the certification of the results of the recall election.

Source: R & RE, L. 92, p. 797, § 15.

1-12-119. Survey of returns. (1) For the recall of a partisan officer, the board of canvassers shall be composed of one representative from each major political party and the county clerk and recorder. For the recall of a nonpartisan officer, the board of canvassers shall be composed of the designated election official, one member of the governing body and one eligible elector of the political subdivision.

(2) The board of canvassers shall commence a survey of the returns on the day following the recall election. For state elections, the board of canvassers shall contact the secretary of state on election night with the unofficial

count. For county and all other elections, the board of canvassers shall provide the governing body with the unofficial count at the opening of business hours on the day following the recall election.

(3) The certified survey of returns shall be sent by certified mail to the secretary of state for state elections and to the governing body for county and all other elections no later than the close of business on the fifth day after the recall election.

(4) If the majority of those voting on the recall question voted "yes", upon receipt of the certified survey of returns, the secretary of state shall issue a certificate of election to the successor candidate who received the highest number of votes. A copy of the certificate shall be transmitted by the secretary of state to the appropriate house of the general assembly for recall elections concerning the general assembly and to the governor for the recall of all other elections of state officers.

Source: R & RE, L. 92, p. 797, § 15.

1-12-120. Cost of recall election. (1) If at any recall election for a state office the incumbent whose recall is sought is not recalled, the incumbent shall be repaid from the state treasury any money authorized by this article which the incumbent actually expended as an expense of the recall election. In no event shall the sum repaid be greater than an amount equal to ten cents per voter. The general assembly shall provide an appropriation for state recall elections.

(2) If at any recall election for a county or local government office the incumbent whose recall is sought is not recalled, the governing body shall authorize a resolution for repayment from the general fund of the political subdivision any money authorized to be repaid to the incumbent by this article which the incumbent actually expended as an expense of the election. In no event shall the sum repaid exceed forty cents per voter, subject to a maximum repayment of ten thousand dollars.

(3) Authorized expenses shall include, but are not limited to, moneys spent in challenging the sufficiency of the recall petition and in presenting to the electors the official position of the incumbent, including campaign literature, advertising, and maintaining a campaign headquarter.

(4) Unauthorized expenses shall include, but are not limited to: moneys spent on challenges and court actions not pertaining to the sufficiency of the recall petition; personal expenses for meals; lodging and mileage for the incumbent; costs of maintaining a campaign staff and associated expenses; reimbursement for expenses incurred by a campaign committee which has solicited contributions; reimbursement of any kind for employees in the incumbent's office; and all expenses incurred prior to the filing of the recall petition.

(5) The incumbent shall file a complete and detailed request for reimbursement within sixty days after the date of the recall election with the governing body of the political subdivision holding the recall election, who shall then review the reimbursement request for appropriateness under subsection (2) of this section and shall refer the request, with recommendations, to the general assembly at its next general session for state recall elections

or to the treasurer of the governing body for all other elections within thirty days after receipt of the request for reimbursement.

Source: R & RE, L. 92, p. 798, § 15.

1-12-121. Special provisions. (1) If the governor is sought to be recalled under the provisions of this article by recall petition filed in the office of the secretary of state, the duties imposed upon the governor by this article and article XXI of the state constitution as to that recall petition shall be performed by the lieutenant governor. If the secretary of state is sought to be recalled under the provisions of this article by recall petition filed in the office of the secretary of state, the duties imposed upon the secretary of state by this article and article XXI of the state constitution as to that recall petition shall be performed by the state auditor.

(2) If the recall of any other elected or appointed officer is sought who is charged with responsibilities under this article, the governing body shall appoint another officer to perform such duties.

Source: R & RE, L. 92, p. 799, § 15.

PART 2

VACANCIES IN OFFICE

1-12-201. Vacancies in office of United States senator. (1) When a vacancy occurs in the office of United States senator from this state, the governor shall make a temporary appointment to fill the vacancy until it is filled by election.

(2) When a vacancy occurs, the governor shall direct the secretary of state to include in the general election notice for the next general election a notice of the filling of the vacancy. The secretary of state shall give notice accordingly. At the election, the vacancy shall be filled for the unexpired term. If, for any reason, no United States senator is elected at the next general election, the person temporarily appointed by the governor shall hold the office until a United States senator is elected at a succeeding general election.

Source: R & RE, L. 92, p. 799, § 15.

1-12-202. Vacancies in office of representative in congress. When any vacancy occurs in the office of representative in congress from this state, the governor shall set a day to hold a congressional vacancy election to fill the vacancy and cause notice of the election to be given as required in part 2 of article 5 of this title; but congressional vacancy elections shall not be held within the ninety-day period preceding a general election.

Source: R & RE, L. 92, p. 800, § 15.

1-12-203. Vacancies in general assembly. (1) In the event of a vacancy in the general assembly, the vacancy shall be filled by the appropriate

vacancy committee, if any, as provided in section 1-3-103 (1) (d), of the same political party and of the same representative or senatorial district represented by the former member whose seat is vacant. The vacancy shall be filled until the next general election after the vacancy occurs, when the vacancy shall be filled by election.

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

(3) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose, shall select a person who possesses the constitutional qualifications for a member of the general assembly and who is affiliated with the same political party, if any, shown on the registration books of the county clerk and recorder as the former member whose seat is vacant. No meeting shall be held until a quorum is present consisting of two-thirds of the voting membership of the vacancy committee. No member of the vacancy committee may vote by proxy. The committee shall make the selection within ten days from the date the vacancy occurs. If the vacancy committee fails to make a selection within ten days, the governor, within five days, shall fill the vacancy by appointing a person having the qualifications set forth in this subsection (3). The name of the person selected or appointed shall be certified to the secretary of state, who shall certify the name to the appropriate house of the general assembly. The person, after having qualified and taken the oath of office, shall immediately assume the duties of office and shall serve until the next convening of the general assembly following the election certification and qualification of a successor.

Source: R & RE, L. 92, p. 800, § 15.

1-12-204. Vacancies in state and district offices. All vacancies in any state office and in the office of district attorney shall be filled by appointment by the governor until the next general election after the vacancy occurs, when the vacancy shall be filled by election.

Source: R & RE, L. 92, p. 801, § 15.

1-12-205. Vacancies in county offices. All vacancies in any county office, except that of county commissioner, shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs, until the next general election, at which time the vacancy shall be filled by election.

Source: R & RE, L. 92, p. 801, § 15.

1-12-206. Vacancies in the office of county commissioner. (1) In case of a vacancy occurring in the office of county commissioner, a vacancy committee constituted as provided in this section shall, by a majority vote of the

quorum present, fill the vacancy by appointment within ten days after the occurrence of the vacancy. If the vacancy committee fails to fill the vacancy within ten days, the governor shall fill it by appointment within fifteen days.

(2) If the vacating commissioner was elected by the electors of the whole county, whether at large or from a district, the successor shall be appointed by a vacancy committee constituted of those persons selected at the county central committee organizational meeting of the same political party as the vacating commissioner.

(3) If the vacating commissioner was elected only by the electors of the district from which the vacating commissioner was elected, the county commissioner district central committee of the same district and political party as the vacating commissioner shall appoint a vacancy committee whose sole purpose shall be to name a successor to the position of county commissioner. In the event the county commissioner district central committee fails to appoint a vacancy committee, the vacancy committee shall consist of the chairperson and the vice-chairperson of the county commissioner district central committee, and a third person designated by the chairperson and vice-chairperson from among the precinct committee persons of the same district and the same political party as the vacating commissioner.

(4) If the vacating commissioner is unaffiliated, then a registered unaffiliated successor shall be appointed by the governor, acting as a vacancy committee, within ten days after the vacancy.

(5) Any person appointed to a vacancy in the office of county commissioner under this section shall be a resident of the county and reside within the district, if any, in which the vacancy exists and shall be a member of the same political party, if any, shown on the registration books of the county clerk and recorder as the vacating commissioner. Any person appointed pursuant to this section shall hold the office until the next general election or until the vacancy is filled by election according to law.

Source: R & RE, L. 92, p. 801, § 15.

1-12-207. Vacancies on nonpartisan boards. (1) Any vacancy on a nonpartisan board shall be filled by appointment by the remaining director or directors. The appointee shall meet all of the qualifications for holding the office. The appointee shall serve until the next regular election, at which time any remaining unexpired portion of the term shall be filled by election. If the board fails, neglects, or refuses to fill any vacancy within sixty days after it occurs, the board of county commissioners of the county in which the organizational petition is filed shall fill the vacancy.

(2) If there are no duly elected directors and if the failure to appoint a new board will result in the interruption of services that are being provided by the district, then the board of county commissioners of the county in which the organizational petition is filed may appoint all directors. Any board appointed pursuant to this subsection (2) shall call a special election within six months after its appointment.

Source: R & RE, L. 92, p. 802, § 15.

1-12-208. Unexpired terms less than ninety days. No person shall be elected to fill a vacancy in an elective office when the unexpired term is,

at the time of the election, less than ninety days. In such case, the person appointed to fill the vacancy shall continue to hold the office for the remainder of the unexpired term and until the successor elected at the election is duly qualified.

Source: R & RE, L. 92, p. 802, § 15.

1-12-209. Terms of persons filling vacancies. Except for appointments on nonpartisan boards, any officers elected or appointed to fill vacancies as provided in this article shall qualify and enter upon the duties of their offices immediately thereafter. If elected or appointed, the officers shall hold the office during the unexpired term for which they were elected and until their successors are elected, qualified, and take office on the second Tuesday of January, except as otherwise provided by law, in accordance with section 1-1-201.

Source: R & RE, L. 92, p. 802, § 15.

1-12-210. Certification of appointment. All appointments under this article shall be evidenced by an appropriate entry in the minutes of the meeting of the governing board, and the appointing body shall cause a notice of appointment and the oath of office to be delivered to the person appointed. A duplicate of each notice of appointment, an acceptance of appointment, and the mailing address of the person appointed shall be kept as a permanent record by the appointing body and forwarded to any other appropriate official.

Source: R & RE, L. 92, p. 803, § 15.

ARTICLE 13

Election Offenses

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(Reserved)

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PART 9

(Reserved)

PART 1

OFFENSES - GENERAL PROVISIONS

1-13-101. District attorney or attorney general to prosecute. (1) Any person may file an affidavit with the district attorney stating the name of

any person who has violated any of the provisions of this code and stating the facts which constitute the alleged offense. Upon the filing of such affidavit, the district attorney shall forthwith investigate, and, if reasonable grounds appear therefor, he shall prosecute the violator.

(2) The attorney general shall have equal power with district attorneys to file and prosecute informations or complaints against any persons for violating any of the provisions of this code.

Source: R & RE, L. 80, p. 428, § 1.

1-13-102. Sufficiency of complaint - judicial notice. Irregularities or defects in the mode of calling, giving notice of, convening, holding, or conducting any general, primary, or congressional vacancy election authorized by law constitute no defense to a prosecution for a violation of this code. When an offense is committed in relation to any general, primary, or congressional vacancy election, an indictment, information, or complaint for such offense is sufficient if it alleges that such election was authorized by law without stating the call or notice of the election, the names of the judges holding such election, or the names of the persons voted for at such election. Judicial notice shall be taken of the holding of any general, primary, or congressional vacancy election.

Source: R & RE, L. 80, p. 428, § 1.

1-13-103. Immunity of witness from prosecution. Any person violating any of the provisions of this code is a competent witness against any other violator and may be compelled to attend and testify at any trial, hearing, proceeding, or investigation in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony. A person so testifying shall not thereafter be liable to indictment, prosecution, or punishment for the offense with reference to which his testimony was given and may plead or prove the giving of testimony accordingly in bar of such indictment or prosecution.

Source: R & RE, L. 80, p. 429, § 1.

1-13-104. Perjury. Any person, having taken any oath or made any affirmation required by this code, who swears or affirms willfully, corruptly, and falsely in a matter material to the issue or point in question or who suborns any other person to swear or affirm as aforesaid commits perjury in the second degree as set forth in section 18-8-503, C.R.S. 1973, and shall be punished as provided in section 18-1-106, C.R.S. 1973.

Source: R & RE, L. 80, p. 429, § 1.

1-13-105. False certificates by officers. Any notary public or any officer authorized by law to administer oaths who knowingly makes a false certificate in regard to a matter connected with an election held under the laws

of this state commits a class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S. 1973.

Source: R & RE, L. 80, p. 429, § 1.

1-13-106. Forgery. Any person who falsely makes, alters, forges, or counterfeits any ballot before or after it has been cast, or who forges any name of a person as a signer or witness to a petition or nomination paper, or who forges any letter of acceptance, declination, or withdrawal, or who forges the name of a registered elector to an absent voter's ballot commits forgery in the second degree as set forth in section 18-5-103, C.R.S. 1973, and shall be punished as provided in section 18-1-105, C.R.S. 1973.

Source: R & RE, L. 80, p. 429, § 1.

1-13-107. Violation of duty. Any public officer, election official, or other person upon whom any duty is imposed by this code who violates, neglects, or fails to perform such duty or is guilty of corrupt conduct in the discharge of the same or any notary public or other officer authorized by law to administer oaths who administers any oath knowing it to be false or who knowingly makes a false certificate in regard to a matter connected with any election provided by law is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 429, § 1.

1-13-108. Anonymous statements concerning candidates or issues. (1) Any person as defined in section 1-45-103 (9) who willfully causes to be published or printed or who intentionally causes to be distributed any card, pamphlet, circular, poster, dodger, advertisement, or other writing relating to any candidate for election for any office or relating to any issue which is to be submitted to the electors in any election provided by law which does not contain, clearly set apart from the text and identifying them as sponsors, the names of the persons, associations, committees, or corporations responsible for the publication, printing, or distribution of the same and the name of the president, chairman, or responsible official of each such association, committee, or corporation is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

(2) Subsection (1) of this section shall not apply to any person who distributes, publishes, or prints any such card, pamphlet, circular, poster, dodger, advertisement, or other writing but who is not responsible for authoring, authorizing, paying for, or ordering the material.

(3) The general assembly declares that the purpose of subsections (1) and (2) of this section is to further the compelling state interest in preserving the integrity of the election process by providing a means of identifying those persons who author, authorize, pay for or order the publishing, printing, or distributing of campaign materials. Such identification is intended to ascertain the source of statements that are fraudulent, libelous, false, or erroneous and as a result to insulate the election process from such statements. Such

identification is also intended to help the voters make informed decisions by permitting interested persons to ascertain and evaluate the source of the statements. Additionally, such identification will facilitate any appropriate criminal prosecution for violations of section 1-13-109 relating to false statements.

Source: R & RE, L. 80, p. 429, § 1; L. 87, p. 297, § 30; L. 89, p. 311, § 25.

1-13-109. False statements relating to candidates or questions submitted to electors - penalty. (1) No person shall knowingly make, publish, or circulate or cause to be made, published, or circulated in any letter, circular, advertisement, or poster or in any other writing any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office.

(2) Any person who knowingly violates any provision of this section commits a class 2 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1-106, C.R.S. 1973.

Source: R & RE, L. 80, p. 430, § 1.

1-13-110. Wagers with electors. It is unlawful for any person, including any candidate for election to public office, before or during any election provided by law, to make any bet or wager with an elector, or take a share or interest in, or in any manner become a party to, any such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager upon any event or contingency arising out of such election. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 430, § 1.

1-13-111. Penalties for election offenses. In all cases where an offense is denominated by this code as being a misdemeanor and no penalty is specified, the offender, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Source: R & RE, L. 80, p. 430, § 1.

1-13-112. Offenses relating to mail ballots. Any person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with such a ballot is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: L. 90, p. 318, § 2.

PART 2

OFFENSES - QUALIFICATIONS AND REGISTRATION OF ELECTORS

1-13-201. Interfering with or impeding registration. Any person who intentionally interferes with or impedes the registration of electors, whether by act of commission or by failure to perform any act or duty imposed or required for the proper administration of parts 2 and 3 of article 2 of this title, or who knowingly permits or encourages another to do so is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 430, § 1.

1-13-202. Unlawful qualification as taxpaying elector. It is unlawful to take or place title to property in the name of another or to pay the taxes or to take or issue a tax receipt in the name of another for the purpose of attempting to qualify such person as a taxpaying elector or as a qualified taxpaying elector or to aid or assist any person to do so. The ballot of any person violating this section shall be void. Any person, company, corporation, or association violating this section shall forfeit and lose all rights, franchises, or other benefits accruing or to accrue to the benefit of such person, company, corporation, or association by or as the result of any such election. Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 430, § 1.

1-13-203. Procuring false registration. It is unlawful for any person to procure his own name, or the name of any other person, to be registered in the registration book of a precinct in which such person is not, at the time of such registration, entitled to be registered or for any person to procure any fictitious name to be registered in the registration book of any precinct. Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111. Each violation shall be considered a separate offense.

Source: R & RE, L. 80, p. 431, § 1.

1-13-204. Adding names after registration closed. No name shall be added to the registration book of any precinct after the close of the registration, and, if any county clerk and recorder, judge of election, or other person willfully and knowingly adds any such name of any person or any fictitious or false name to the registration book of any precinct after the close of registration, he is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars. Each violation shall be considered a separate offense.

Source: R & RE, L. 80, p. 431, § 1.

1-13-205. County clerk and recorder signing wrongful registration. Every county clerk and recorder who willfully signs his name on the registration record opposite the name of any person knowing that said person is not legally entitled to be registered pursuant to the provisions of section 1-2-101 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 431, § 1; L. 91, p. 638, § 79.

1-13-206. Disposition of affidavit registration forms. Any person willfully making any disposition of affidavit registration forms other than for registration of an elector or by return of unused forms to the county clerk and recorder within the time prescribed in section 1-2-206 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 431, § 1.

1-13-207. Signature on registration record is proof of oath. Any elector, election official, or other person, by his signature on the registration record, shall be conclusively deemed in law to have duly verified such registration record. The registration record containing such signature, or a copy thereof certified by the county clerk and recorder, shall be admissible in evidence as proof of the taking of an oath or affirmation as to the information contained therein in all criminal proceedings pursuant to sections 1-13-104, 1-13-203, and 1-13-205.

Source: R & RE, L. 80, p. 431, § 1; L. 91, p. 638, § 80.

1-13-208. Deputy county clerk and recorder - influencing party affiliation. Any deputy county clerk and recorder for voter registration purposes, or employee of the department of revenue who is authorized to conduct voter registration at local driver's license examination facilities, or person authorized to conduct voter registration at branch registration sites who influences or attempts to influence any person during the registration process to affiliate with a political party or to affiliate with a specific political party is guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-13-111.

Source: L. 92, p. 803, § 16.

1-13-209. High school deputy county clerk and recorder - influencing party affiliation. Any high school deputy county clerk and recorder for voter registration purposes who influences or attempts to influence any person during the registration process to affiliate with a political party or to affiliate with a specific political party is guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-13-111.

Source: L. 92, p. 623, § 2.

PART 3

OFFENSES - POLITICAL PARTY ORGANIZATION

1-13-301. Fraud at precinct caucus, assembly, or convention. Any person in authority at any precinct caucus, assembly, or convention who in any manner dishonestly, corruptly, or fraudulently performs any act devolving on him by virtue of the position of trust which he fills or knowingly aids or abets any other person to do any fraudulent, dishonest, or corrupt act or thing in reference to the carrying on of any precinct caucus, assembly, or convention or the ascertaining or promulgating of its true will is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 431, § 1.

1-13-302. Fraudulent voting in precinct caucus, assembly, or convention. Any person who fraudulently participates and votes in a precinct caucus, assembly, or convention when he is not a member of the political party holding such precinct caucus, assembly, or convention, as shown on the registration books of the county clerk and recorder, is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 431, § 1.

1-13-303. Offenses at precinct caucus, assembly, or convention. (1) It is unlawful for any person at any precinct caucus, assembly, or convention:

- (a) To fraudulently vote more than once; or
- (b) To knowingly hand in two or more ballots deceitfully folded together; or
- (c) To knowingly procure, aid, counsel, or advise another to vote or attempt to vote fraudulently or corruptly; or
- (d) To falsely personate any elector and vote under his name or under an assumed name; or
- (e) To fraudulently procure, aid, abet, or encourage, directly or indirectly, any person to attempt to falsely personate any elector or to vote under an assumed name; or
- (f) To influence any voter in the casting of his vote by bribery, duress, or any other corrupt or fraudulent means; or
- (g) To receive any money or valuable thing, or the promise of either, for casting his vote for or against any person or measure or to offer his vote for or against any person or measure in consideration of money or other valuable thing, or the promise of either.

(2) Each offense mentioned in subsection (1) of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 432, § 1.

PART 4

OFFENSES - ACCESS TO BALLOT BY CANDIDATE

1-13-401. Bribery of petition signers. Any person who offers or, with knowledge of the same, permits any person to offer for his benefit any bribe or promise of gain to an elector to induce him to sign any petition or other election paper or any person who accepts any bribe or promise of gain of any kind in the nature of a bribe as consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe is offered or accepted before or after signing, is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 432, § 1.

1-13-402. Tampering with nomination papers - nomination petitions.
(1) Any person who, being in possession of any petition, certificate of nomination, or letter of acceptance, declination, or withdrawal, wrongfully or willfully destroys, defaces, mutilates, suppresses, neglects to file, or fails to cause to be filed the same within the prescribed time or who files any such paper knowing the same, or any part thereof, to be falsely made or who adds, amends, alters, or in any way changes the information on the petition as written by a signing elector is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

(2) Any person who willfully destroys, defaces, mutilates, or suppresses any nomination petition or who willfully neglects to file or delays the delivery of the nomination petition or who conceals or removes any petition from the possession of the person authorized by law to have the custody thereof, or who aids, counsels, procures, or assists any person in doing any of said acts commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 432, § 1; L. 88, p. 294, § 5; L. 89, p. 311, § 26.

PART 5

(Reserved)

PART 6

OFFENSES - NOTICE AND PREPARATION FOR ELECTIONS

1-13-601. Tampering with notices or supplies. Any person who, prior to an election, willfully defaces, removes, or destroys any notice of election posted in accordance with the provisions of this code, or who, during an election, willfully defaces, removes, or destroys any card of instruction or sample ballot printed or posted for the instruction of electors, or who, during

an election, willfully defaces, removes, or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 433, § 1.

PART 7

OFFENSES - CONDUCT OF ELECTIONS

1-13-701. Interference with election official. Any person who, at any election provided by law, interferes in any manner with any election official in the discharge of his duty or who induces any election official to violate or refuse to comply with his duty or any law regulating the same is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 433, § 1.

1-13-702. Interfering with watcher. Any person who intentionally interferes with any watcher while he is discharging his duties set forth in section 1-7-202 (3) is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 433, § 1.

1-13-703. Tampering with registration book, registration list, or pollbook. Any person who mutilates or erases any name, figure, or word in any registration book, registration list, or pollbook; or who removes such registration book, registration list, or pollbook or any part thereof from the place where it has been deposited with an intention to destroy the same, or to procure or prevent the election of any person, or to prevent any voter from voting; or who destroys any registration book, registration list, or pollbook or part thereof is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 433, § 1.

1-13-704. Unlawfully refusing ballot or permitting to vote. If at any election provided by law any judge of election willfully and maliciously refuses or neglects to receive the ballot of any registered elector who has taken or offered to take the oath prescribed by section 1-9-204 or knowingly and willfully permits any person to vote who is not entitled to vote at such election, such judge is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 433, § 1.

1-13-705. Personating elector. Any person who falsely personates any elector and votes at any election provided by law under the name of such elector is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 433, § 1.

1-13-706. Delivering and receiving ballots at polls. (1) No voter shall receive an official ballot from any person except one of the judges of election having charge of the ballots, nor shall any person other than such judge deliver an official ballot to such voter.

(2) No person except a judge of election shall receive from any voter a ballot prepared for voting.

(3) Any voter who does not vote the ballot received by him shall return his ballot to the judge from whom he received the same before leaving the polling place.

(4) Each violation of the provisions of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 433, § 1.

1-13-707. Inducing defective ballot. Any person who causes any deceit to be practiced with intent to fraudulently induce a voter to deposit a defective ballot so as to have the ballot thrown out and not counted is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 434, § 1.

1-13-708. Tampering with voting equipment. Any person who tampers with a voting machine or any electronic voting equipment before, during, or after any election provided by law with intent to change the tabulation of votes thereon to reflect other than an accurate accounting is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 434, § 1.

1-13-709. Voting in wrong precinct. Any person who, at any election provided by law, knowingly votes or offers to vote in any election precinct in which he is not qualified to vote is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two hundred dollars or by imprisonment in the county jail for not more than three months.

Source: R & RE, L. 80, p. 434, § 1.

1-13-710. Voting twice - penalty. If any voter votes more than once or, having voted once, offers to vote again or offers to deposit in the ballot

box more than one ballot, he is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 434, § 1.

1-13-711. Interference with voter while voting. Any person who interferes with any voter who is inside the immediate voting area or is marking a ballot or operating a voting machine at any election provided by law is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 434, § 1.

1-13-712. Disclosing or identifying vote. (1) Except as provided in section 1-7-108, no voter shall show his ballot after it is prepared for voting to any person in such a way as to reveal its contents. No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him, and no other mark shall be placed on the ballot by any person to identify it after it has been prepared for voting.

(2) No person shall endeavor to induce any voter to show how he marked his ballot.

(3) No election official, watcher, or person shall reveal to any other person the name of any candidate for whom a voter has voted or communicate to another his opinion, belief, or impression as to how or for whom a voter has voted.

(4) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 434, § 1.

1-13-713. Intimidation. It is unlawful for any person directly or indirectly, by himself or by any other person in his behalf, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any elector or to compel, induce, or prevail upon any elector either to give or refrain from giving his vote at any election provided by law or to give or refrain from giving his vote for any particular person or measure at any such election. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 435, § 1.

1-13-714. Electioneering - removing and return of ballot. No person shall do any electioneering on the day of any election within any polling place or in any public street or room or in any public manner within one hundred feet of any polling place, as publicly posted by the county clerk and recorder. No person shall remove any official ballot from the polling place before the closing of the polls. Any person who violates any provision of this section

is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 435, § 1.

1-13-715. Liquor in or near polling place. (1) It is unlawful for any election official or other person to introduce into any polling place, or to use therein, or to offer to another for use therein, at any time while any election is in progress or the result thereof is being ascertained by the counting of the ballots, any intoxicating malt, spirituous, or vinous liquors.

(2) It is unlawful for any officer or board of officers of any county or any municipality, whether incorporated under general law or by special charter, who may at any time be by law charged with the duty of designating polling places for the holding of any general or congressional election therein, to select therefor a room wherein any intoxicating malt, spirituous, or vinous liquors are usually sold for consumption on the premises or a room within the distance of fifty feet, measured in a direct line, of any place where any such liquors are usually sold for consumption on the premises.

(3) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 435, § 1; L. 83, p. 358, § 31.

1-13-716. Destroying, removing, or delaying delivery of election records. (1) No person shall willfully destroy, deface, or alter any ballot or any election records or willfully delay the delivery of any such ballots or election records, or take, carry away, conceal, or remove any ballot, ballot box, or election records from the polling place or from the possession of a person authorized by law to have the custody thereof, or aid, counsel, procure, advise, or assist any person to do any of the aforesaid acts.

(2) No election official who has undertaken to deliver the official ballots and election records to the county clerk and recorder shall neglect or refuse to do so within the time prescribed by law or shall fail to account fully for all official ballots and other records in his charge. Informality in the delivery of the ballots and election records shall not invalidate the vote of any precinct if such records are delivered prior to the canvassing of the votes by the county board of canvassers.

(3) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 435, § 1.

1-13-717. Penalty for destruction of supplies. Any person who, during an election, willfully defaces, tears down, removes, or destroys any card of instruction or sample ballot printed or posted for the instruction of voters or who, during an election, willfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot or willfully

hinders the voting of others is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

Source: R & RE, L. 80, p. 436, § 1.

1-13-718. Release of information concerning count. Any election official, watcher, or other person who releases information concerning the count of ballots cast at precinct polling places or of absent voters' ballots prior to 7 p.m. on the day of the election is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 436, § 1.

1-13-719. Employer's unlawful acts. (1) It is unlawful for any employer, whether corporation, association, company, firm, or person, or any officer or agent of such employer:

(a) In any manner to control the action of his employees in casting their votes for or against any person or measure at any precinct caucus, assembly, or convention; or

(b) To refuse to an employee the privilege of taking time off to vote as provided by section 1-7-102, or to subject an employee to a penalty or reduction of wages because of the exercise of such privilege, or to violate any of the provisions of section 1-7-102 in any other way; or

(c) In paying his employees the salary or wages due them, to enclose their pay in pay envelopes upon which there is written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions, views, or actions of such employees; or

(d) Within ninety days of any election provided by law, to put up or otherwise exhibit in his factory, workshop, mine, mill, boardinghouse, office, or other establishment or place where his employees may be working or be present in the course of such employment any handbill, notice, or placard containing any threat, notice, or information that, if any particular ticket or candidate is elected, work in his place or establishment will cease in whole or in part, or his establishment will be closed, or the wages of his workmen will be reduced or containing other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees.

(2) Each offense mentioned in subsection (1) of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111. In addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this state.

Source: R & RE, L. 80, p. 436, § 1.

1-13-720. Unlawfully giving or promising money or employment. (1) It is unlawful for any person, directly or indirectly, by himself or through any other person:

(a) To pay, loan, or contribute, or offer or promise to pay, loan, or contribute, any money or other valuable consideration to or for any elector, or to or for any other person, to induce such elector to vote or refrain from voting at any election provided by law or to induce any elector to vote or refrain from voting at such election for any particular person or to induce such elector to go to the polls or remain away from the polls at such election or on account of such elector having voted or refrained from voting for any particular person or issue or having gone to the polls or remained away from the polls at such election; or

(b) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person with the intent that the same, or any part thereof, shall be used in bribery at any election provided by law or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money wholly or partially expended in bribery at any such election; or

(c) To give, offer, or promise any office, place, or employment or to promise, procure, or endeavor to procure any office, place, or employment to or for any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting at any election provided by law or to induce any elector to vote or refrain from voting at such election for any particular person or issue.

(2) Each offense set forth in subsection (1) of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 436, § 1.

1-13-721. Receipt of money or jobs. (1) It is a misdemeanor for any person, directly or indirectly, by himself or through any other person:

(a) Before or during an election provided by law, to receive, agree to accept, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment, for himself or any other person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote or refraining or agreeing to refrain from voting for any particular person or measure at any election provided by law;

(b) During or after an election provided by law, to receive any money or other valuable thing on account of himself or any other person for voting or refraining from voting at such election, or on account of himself or any other person for voting or refraining from voting for any particular person at such election, or on account of himself or any other person for going to the polls or remaining away from the polls at such election, or on account of having induced any person to vote or refrain from voting for any particular person or measure at such election.

Source: R & RE, L. 80, p. 437, § 1; L. 82, p. 220, § 1.

1-13-722. Defacing or removing abstract of votes. Any person who defaces, mutilates, alters, or removes the abstract of votes posted upon the outside

of the polling place in accordance with section 1-7-311 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 437, § 1.

1-13-723. Penalty for neglect of duty - destruction of ballots - breaking seal. (1) Every officer upon whom any duty is imposed by any election law who violates his duty or who neglects or omits to perform the same is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

(2) Any official or person, except one authorized by law, who breaks or loosens a seal on a ballot or a ballot box with the intent to disclose or learn the number of such ballot or ballot box is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 438, § 1.

PART 8

OFFENSES - ABSENTEE VOTING AND VOTING BY NEW RESIDENTS

1-13-801. Mailing other materials with absent voter's ballot. It is unlawful for any county clerk and recorder to deliver or mail to a registered elector, as a part of or in connection with the absent voter's ballot, anything other than the voting material as provided in article 8 of this title. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 438, § 1.

1-13-802. Absent voter applications and deliveries outside county clerk and recorder's office. No county clerk and recorder shall accept any application for any absent voter's ballot nor make personal delivery of any such ballot to the applicant unless such acceptance and delivery occurs within the confines of the official office of such county clerk and recorder, except as otherwise provided in sections 1-8-103, 1-8-105, and 1-8-111. Any acceptance or delivery contrary to the provisions of this section renders void the ballot to which it relates. Each violation of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 438, § 1.

1-13-803. Offenses relating to absentee voting. Any election official or other person who knowingly violates any of the provisions of article 8 of this title relative to the casting of absent voters' ballots or who aids or abets fraud in connection with any vote cast, or to be cast, or attempted to be cast by an absent voter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

Source: R & RE, L. 80, p. 438, § 1.

PART 9

(Reserved)

ARTICLE 14

Affiliation, Designation, Nomination of Candidates

1-14-101 to 1-14-301. (Repealed)

Repealed, L. 80, p. 418, § 38, effective January 1, 1981.

ARTICLE 15

Primary Elections

1-15-101 to 1-15-110. (Repealed)

Repealed, L. 80, p. 418, § 38, effective January 1, 1981.

ARTICLE 16

General Elections

1-16-101 to 1-16-108. (Repealed)

Repealed, L. 80, p. 418, § 38, effective January 1, 1981.

ARTICLE 17

Presidential Electors

1-17-101 to 1-17-102. (Repealed)

Repealed, L. 80, p. 418, § 38, effective January 1, 1981.

OTHER ELECTION PROVISIONS

ARTICLE 30

Other Election Offenses

1-30-101 to 1-30-134. (Repealed)

Repealed, L. 80, p. 439, § 7, effective January 1, 1981.

INITIATIVE AND REFERENDUM

ARTICLE 40

General Provisions

1-40-100.3.	Definitions.	1-40-111.	Intent of general assembly.
1-40-101.	Filing procedure - title and submission clause - summary - rehearing - appeal.	1-40-112.	Certification of ballot titles.
		1-40-113.	Counting of votes - conflicting provisions.
1-40-102.	Rehearing.	1-40-114.	Publication.
1-40-103.	Fees - signing.	1-40-115.	Ordinances - effective, when - referendum.
1-40-104.	Petition - time of filing.		Ordinances, how proposed - conflicting measures.
1-40-105.	Signatures required.	1-40-116.	Municipal initiative or referendum - duties of municipal clerks.
1-40-106.	Warning - signatures - affidavits - circulators.	1-40-117.	Unlawful acts - penalty.
1-40-107.	Form - representatives of signers.	1-40-118.5.	Tampering with initiative or referendum petition.
1-40-107.5.	Petitions - not election materials - no bilingual language requirement.	1-40-119.	Enforcement.
1-40-108.	Ballot - voting - publication.	1-40-120.	Frequency of elections - local initiative and referendum.
1-40-109.	Affidavit - evidence - protest procedure.		
1-40-110.	Receiving money to circulate petitions - filing.		

1-40-100.3. Definitions. As used in this article, unless the context otherwise requires:

(1) "Ballot title" means the language which is printed on the ballot which is comprised of the submission clause and the title.

(2) "Draft" means the proposed text of the initiative which, if passed, becomes the actual language of the constitution or statute, together with any language concerning placement of the measure in the constitution or the statutes.

(3) "Section" means a bound compilation of initiative forms approved by the secretary of state which shall include pages that contain the warning required by section 1-40-106 (1) (a), the title, the summary, the ballot title, and a copy of the proposed measure; succeeding pages that contain said warning, the ballot title, and ruled lines numbered consecutively for registered electors' signatures; and a final page that contains the affidavit required by section 1-40-106 (2) (b). Each section shall be consecutively prenumbered by the petitioner prior to circulation.

(4) "Submission clause" means the language which is attached to the title to form a question which can be answered by "yes" or "no".

(5) "Summary" means a condensed statement as to the intent of the proposed law or constitutional amendment.

(6) "Title" means a brief statement that fairly and accurately represents the true intent and meaning of the proposed text of the initiative.

Source: L. 89, p. 319, § 1.

1-40-101. Filing procedure - title and submission clause - summary - rehearing - appeal. (1) The original drafts of all initiative petitions for proposed laws or amendments to the state constitution to be enacted by the people, before they are signed by the electors or any of them, shall be submitted by the proponents of the petition to the directors of the legislative council and the office of legislative legal services for review and comment. Upon request, any agency in the executive department shall render assistance in reviewing and preparing comments on the petition. No later than two weeks

after the date of submission of the original draft, unless it is withdrawn by the proponents, the directors of the legislative council and the office of legislative legal services, or their designees, shall render their comments to the proponents of the petition concerning the format or contents of the petition at a meeting open to the public. Such comments shall not be disclosed to other than the proponents prior to such public meeting with the proponents of the petition. After the public meeting but before submission to the secretary of state for title setting, the proponents may amend the petition in response to some or all of the comments of the directors of the legislative council and the office of legislative legal services, or their designees.

(2) After the conference provided in subsection (1) of this section, the original or amended drafts, as the case may be, shall be submitted with a copy thereof to the secretary of state without any title, submission clause, or ballot title providing the designation by which the voters shall express their choice for or against said proposed law or constitutional amendment and without a summary. At the time of filing, the proponents of the measure shall designate two persons to whom all notices or information concerning the petition shall be mailed. Beginning with the first submission of a draft after a general election, the secretary of state shall call to his assistance the attorney general and the director of the office of legislative legal services or the director's designee, the three of whom, constituting a board for such purposes, a majority controlling, shall proceed to designate and fix a proper fair title for each such proposed law or constitutional amendment, together with a submission clause, at public meetings to be held at 2 p.m. on the first and third Wednesdays of each month in which a draft has been submitted to the secretary of state. To be considered at such meeting, a draft shall be submitted no later than 3 p.m. on the Wednesday prior to the first and third Wednesdays of each month, with the last such meeting to be held the third Wednesday in May of the general election year. The board shall prepare a clear, concise summary of the proposed law or constitutional amendment. The summary shall be true and impartial and shall not be an argument, nor likely to create prejudice, either for or against the measure. The board may request assistance in the preparation of the summary from the legislative council and, if, in the opinion of the board, the proposed law or constitutional amendment will have a fiscal impact on the state or any of its political subdivisions, shall request assistance in such matter from the office of state planning and budgeting or the department of local affairs. When the board requests fiscal impact information from the office of state planning and budgeting or the department of local affairs, such fiscal impact information shall be filed with the secretary of state by five o'clock p.m. on the Monday preceding the Wednesday meeting. The legislative council, the office of state planning and budgeting, and the department of local affairs shall furnish any assistance so requested, and the summary shall include an estimate of any such fiscal impact, together with an explanation thereof. In setting a title, the board shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote will be unclear. The title for the proposed law or constitutional amendment, which shall correctly and fairly express the true intent and meaning thereof, together with the ballot title, submission clause, and summary, shall be completed within

two weeks after the first meeting of the board. Immediately upon completion, the secretary of state shall deliver the same with the original to the parties presenting it, keeping the copy with a record of the action taken thereon. Ballot titles shall be brief, shall not conflict with those selected for any petition previously filed for the same election, and shall be in the form of a question which may be answered "yes" or "no" and which shall unambiguously state the principle of the provision sought to be added, amended, or repealed.

(3) If any persons presenting such initiative petition are not satisfied with the titles, submission clause, and summary thus provided and claim that they are unfair or that they do not fairly express the true meaning and intent of the proposed law or constitutional amendment, within forty-eight hours after its return, they may file a motion with the secretary of state for a rehearing, which shall be passed upon by the board within forty-eight hours thereafter, and, if overruled, upon their request, a certified copy of said petition with the titles, submission clause, and summary of such proposed law or constitutional amendment, together with a certified copy of such motion for rehearing and of the ruling thereon, shall be furnished them by the secretary of state and, if filed with the clerk of the supreme court within five days thereafter, shall be docketed as a cause there pending, which shall be placed at the head of the calendar and disposed of summarily, either affirming the action of the board or reversing it, in which latter case the court shall remand it with instructions, pointing out wherein said board is in error.

(4) The summary of any proposed initiated law or constitutional amendment shall be included in the publication of measures by the secretary of state pursuant to article XXIII of the state constitution.

Source: L. 41, p. 480, § 1; CSA, C. 86, § 6 (1); CRS 53, § 70-1-1; C.R.S. 1963, § 70-1-1; L. 74, p. 285, § 1; L. 77, p. 248, § 1; L. 81, p. 321, § 1; L. 88, p. 309, § 16; L. 89, p. 320, § 2; L. 91, p. 638, § 81.

1-40-102. Rehearing.

(1) and (2) Repealed, L. 77, p. 253, § 8, effective June 6, 1977.

(3) (a) Any registered elector, other than persons submitting such petitions for whom rehearing and appeal is provided in section 1-40-101 (3), who is not satisfied with the titles, summary, and submission clause thus provided and claims them to be unfair or that they do not clearly express the true meaning and intent of the proposed law or constitutional amendment, within fifteen days after such titles, summary, and submission clause have been fixed and determined, may file a motion with the secretary of state for a rehearing, which shall be passed upon by the board established in section 1-40-101 within forty-eight hours thereafter. If overruled, a certified copy of said petition with the titles, summary, and submission clause of such proposed law or constitutional amendment, together with a certified copy of such motion for rehearing and of the ruling thereon, shall be furnished upon request by the secretary of state to the elector filing such motion and the persons presenting the petition for such initiative measure and, if filed with the clerk of the Colorado supreme court within five days thereafter shall be docketed as a cause there pending, which shall be placed at the

head of the calendar and disposed of as expeditiously as the circumstances permit, after due opportunity for hearing has been afforded to all interested parties, either affirming the action of said board or reversing it, in which case the court shall remand it with instructions pointing out wherein such board is in error.

(b) In the event a motion for rehearing is filed in accordance with paragraph (a) of this subsection (3), the period for filing a petition in accordance with section 1-40-104 shall not begin until a final decision concerning the said motion is rendered by the title board or the Colorado supreme court; except that under no circumstances shall the period for filing a petition be extended beyond three months prior to the election at which such petition is to be voted upon.

Source: L. 41, p. 480, § 1; CSA, C. 86, § 6 (1); CRS 53, § 70-1-2; C.R.S. 1963, § 70-1-2; L. 77, pp. 250, 253, § § 2, 8; L. 87, p. 304, § 16; L. 89, p. 321, § 3.

1-40-103. Fees - signing. (1) The secretary of state shall be allowed a fee which shall be determined and collected pursuant to section 24-21-104 (3), C.R.S., for certifying a record of any proceedings before said board. The clerk of the supreme court shall receive one-half the ordinary docket fee for docketing any such cause, all of which shall be paid by the parties desiring a review of such proceedings.

(2) No petition for any initiative measure shall be circulated nor any signature thereto have any force or effect which has been signed before the titles, submission clause, and summary have been fixed and determined as provided in section 1-40-101.

Source: L. 41, p. 480, § 1; CSA, C. 86, § 6 (1); CRS 53, § 70-1-3; C.R.S. 1963, § 70-1-3; L. 77, p. 250, § 3; L. 83, p. 863, § 5.

1-40-104. Petition - time of filing. No petition for any initiative law or amendment to the state constitution shall be of any effect unless filed with the secretary of state within six months from the date that the titles, submission clause, and summary therefor have been fixed and determined pursuant to the provisions of section 1-40-101 and unless filed with the secretary of state at least three months before the election at which it is to be voted upon. All filings under this section must be made by 3 p.m. on the day of filing.

Source: L. 41, p. 482, § 2; CSA, C. 86, § 6 (2); CRS 53, § 70-1-4; C.R.S. 1963, § 70-1-4; L. 77, p. 251, § 4; L. 81, p. 322, § 2; L. 89, p. 321, § 4.

1-40-105. Signatures required. No petition for any initiated law or amendment to the state constitution shall be of any force or effect, nor shall said proposed law or amendment to the state constitution be submitted to the people of the state of Colorado for adoption or rejection at the polls, as is by law provided for, unless the petition for the submission of such initiated law or amendment to the state constitution is signed by registered electors

in an amount equal to at least five percent of the total number of voters who cast votes for all candidates for the office of secretary of state at the preceding general election. Nothing in this section shall be construed to apply to the initiative and referendum powers reserved to the legal voters of every city, town, and municipality as to all local, special, and municipal legislation of every character in or for their legislative municipalities.

Source: L. 45, p. 406, § 1; CSA, C. 86, § 6 (2a); CRS 53, § 70-1-5; C.R.S. 1963, § 70-1-5; L. 81, p. 322, § 3.

1-40-106. Warning - signatures - affidavits - circulators. (1) (a) At the top of each page of every initiative or referendum petition section shall be printed, in a form as prescribed by the secretary of state, the following:

**“WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign such petition when not a registered elector.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A
REGISTERED ELECTOR**

**TO BE A REGISTERED ELECTOR,
YOU MUST BE A CITIZEN OF COLORADO
AND REGISTERED TO VOTE.**

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary of an initiated measure in its entirety and understand its meaning.”

(b) The ballot title for the measure shall then be printed on each page following said warning.

(2) (a) Any initiative or referendum petition shall be signed only by registered electors. Each registered elector shall sign his own signature and shall print his name, the address at which he resides, including the street number and name, the city and town, the county, and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of such petition to sign such petition in black ink. In the event a registered elector is physically disabled or is illiterate and wishes to sign such petition, such elector shall sign or make his mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required by this paragraph (a). The person providing assistance shall sign his name and address and shall state that such assistance was rendered to the disabled or illiterate elector.

(b) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the registered elector who circulated said petition section, which shall include his printed name, the address at which he resides, including the street name and number, the city or town, and the county, the date he signed the affidavit; that he was a registered elector at the time the section of the petition was circulated and signed by the listed electors;

that he circulated the said section of the petition; that each signature thereon was affixed in his presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of his knowledge and belief each of the persons signing said petition section was, at the time of signing, a registered elector; and that he has not paid or will not in the future pay and that he believes that no other person has so paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his signature to such petition. The secretary of state shall not accept for filing any section of a petition which does not have attached thereto the notarized affidavit required by this section. Any signature added to a section of a petition after the said affidavit has been executed shall be invalid.

(3) No section of a petition for any initiative or referendum measure shall be circulated by any person who is not a registered elector at the time said section is circulated.

Source: L. 41, p. 482, § 3; CSA, C. 86, § 6 (3); CRS 53, § 70-1-6; L. 59, p. 498, § 1; L. 61, p. 430, § 1; C.R.S. 1963, § 70-1-6; L. 70, p. 178, § 24; L. 71, p. 561, § 44; L. 72, p. 314, § 43; L. 73, p. 1406, § 49; L. 74, p. 412, § 39; L. 77, p. 251, § 5; L. 81, p. 322, § 4; L. 82, p. 221, § 1; L. 89, p. 322, § 5.

1-40-107. Form - representatives of signers. (1) Each section of a petition shall be printed on a form as prescribed by the secretary of state, and no petition shall be printed, published, or otherwise circulated unless it is in such form. Each petition shall designate by name and address not less than three nor more than five persons who shall represent the signers thereof in all matters affecting the same. The secretary of state shall assure that the petition contains only the matters required by this article and contains no extraneous material. All such petitions shall be prenumbered serially, and the circulation of any petition described by this article by any medium other than personally by a circulator is prohibited. Any petition which fails to conform to the requirements of this article or is circulated in a manner other than that permitted in this article shall be invalid.

(2) Any disassembly of a section of the petition which has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.

(3) Prior to the time of filing, the persons designated in the petition to represent the signers shall bind the sections of the petition in convenient volumes consisting of one hundred sections of the petition if one hundred or more sections are available or, if less than one hundred sections are available to make a volume, consisting of all sections that are available. Each volume consisting of less than one hundred sections shall be so marked on the first page of the volume. However, any volume that contains more or less than one hundred sections, due only to the oversight of the designated representatives of the signers or their staff, shall not result in a finding of insufficiency of signatures therein. Each section of each volume shall include the affidavits required by section 1-40-106, together with the sheets containing the signatures accompanying the same. These bound volumes shall be filed with the secretary of state and kept by him as public records.

Source: L. 41, p. 484, § 4; CSA, C. 86, § 6(4); CRS 53, § 70-1-7; C.R.S. 1963, § 70-1-7; L. 77, p. 252, § 6; L. 81, p. 323, § 5; L. 89, p. 323, § 6.

1-40-107.5. Petitions - not election materials - no bilingual language requirement. The general assembly hereby determines that initiative petitions are not election materials or information covered by the federal "Voting Rights Act of 1965", and therefore are not required to be printed in any language other than English to be circulated in any county in Colorado.

Source: L. 89, p. 324, § 7.

1-40-108. Ballot - voting - publication. (1) Measures shall appear upon the official ballot by ballot title only. Measures submitted by the general assembly shall be listed first by letters, consecutively, in the order in which they were filed, and all measures submitted by the people shall be listed thereafter by numbers, consecutively, in the order in which they were filed, and they shall be printed on the official ballot in that order, together with their respective letters and numbers prefixed in boldface type. Each ballot shall have the following explanation at the beginning of such measures: "Measures referred by the general assembly are listed by letter, and measures initiated by the people are listed numerically." Each ballot title shall appear on the official ballot but once and shall be separated from the other ballot titles next to it by heavy black lines and shall be followed by the words "yes" and "no" with blank spaces to the right and opposite the same as follows:

Measures referred by the general assembly are listed by letter, and measures initiated by the people are listed numerically.

(HERE SHALL APPEAR THE
BALLOT TITLE IN FULL)

YES _____

NO _____

(2) A voter desiring to vote for the measure shall make a cross mark (X) in the blank space to the right and opposite the word "yes"; a voter desiring to vote against the measure shall make a cross mark (X) in the blank space to the right and opposite the word "no"; and the votes so marked shall be counted accordingly. Any measure approved by the people of the state shall be printed with the acts of the next general assembly, and such amendment, ordinance, or measure approved by the people of any municipality shall be published as ordinances are published.

Source: L. 41, p. 484, § 4; CSA, C. 86, § 6 (4); CRS 53, § 70-1-8; C.R.S. 1963, § 70-1-8; L. 90, p. 302, § 2.

1-40-109. Affidavit - evidence - protest procedure. (1) (a) Each section of a petition to which there is attached an affidavit of the registered elector who circulated the petition that each signature thereon is the signature of the person whose name it purports to be and that to the best of the knowledge

and belief of the affiant each of the persons signing such petition was at the time of signing a registered elector shall be prima facie evidence that the signatures thereon are genuine and true, that the petitions were circulated in accordance with the provisions of this article, and that the form of the petition is in accordance with this article.

(b) (I) Upon submission of the petition, the secretary of state shall examine each name signature on the petition. The petition shall not be available to the public for a period of no more than twenty-one calendar days for such examination. The secretary shall assure that the information required by section 1-40-106 is complete, that the information on each signature line was written by the person making the signature, that no signatures have been added to any sections of the petition after the affidavit required by section 1-40-106 (2) (b) has been executed, and that such person is a registered elector. A person shall be deemed a registered elector if his name and address appear on the master voting list kept by the secretary of state at the time of signing the section of the petition. The secretary of state shall not count the signature of any person who is not a registered elector or whose information is not complete or was not completed by the elector or a person qualified to assist such elector. After examining the petition, the secretary of state shall issue a statement as to whether a sufficient number of valid signatures appears to have been submitted to certify the petition to the ballot.

(II) (A) If the secretary declares that the petition appears to have a sufficient number of valid signatures, the statement issued by the secretary shall specify the number of sufficient signatures. The secretary shall identify by section number and line number within such section those signatures found to be insufficient and the grounds for such insufficiency. Such information shall be kept on file for public inspection in accordance with paragraph (c) of this subsection (1). If the secretary declares that the petition appears not to have a sufficient number of valid signatures, the statement issued by the secretary shall specify the number of sufficient and insufficient signatures. The secretary shall identify by section number and line number within such section those signatures found to be insufficient and the grounds for such insufficiency. Such information shall be kept on file for public inspection in accordance with paragraph (c) of this subsection (1).

(B) In the event the secretary of state issues a statement declaring that a petition, having first been submitted with the required number of signatures, appears not to have a sufficient number of valid signatures, which statement shall be issued no later than twenty-one calendar days after the petition is filed with the secretary of state, a majority of persons representing the signers of the petition, as defined in section 1-40-107 (1), C.R.S., may cure the insufficiency by filing an addendum to the original petition for the purpose of offering such number of additional signatures as will cure the insufficiency. No addendum offered as a cure shall be considered unless the addendum conforms to requirements for petitions outlined in section 1-40-106 and section 1-40-107, C.R.S., and unless the addendum is filed with the secretary of state within the fifteen-day period after the insufficiency is declared and unless filed with the secretary of state at least three months before the election at which the initiative petition is to be voted on. All filings under this sub-subparagraph (B) must be made by 3 p.m. on the day of filing. Upon submission of a timely filed addendum, the secretary of state

shall examine each name signature on the petition in the manner provided for verifying original petitions in subparagraph (I) of this paragraph (b). The addendum shall not be available to the public for a period of up to ten calendar days for such examination. After examining the petition, the secretary of state shall, within ten calendar days, issue a statement as to whether the addendum cures the insufficiency found in the original petition.

(c) A protest in writing, under oath, together with three copies thereof, may be filed in the office in which such petition has been filed by some registered elector, within thirty days after the secretary of state issues a statement as to whether the petition has a sufficient number of valid signatures, which statement shall be issued no later than twenty-one calendar days after the petition has been filed. If the secretary fails to issue a statement within twenty-one calendar days, the petition shall be deemed sufficient. During the period a petition is being examined by the secretary for sufficiency, such petition shall not be available to the public; except that such period shall not exceed twenty-one calendar days. The protest shall set forth with particularity the grounds of such protest and the names or sections protested. If the secretary's determination that the signatures are insufficient is overruled by the district court, a protest, together with three copies thereof, may be filed by a registered elector within thirty days after such ruling. Upon receiving a protest, the officer with whom such petition is filed shall forthwith mail two copies of the protest and all exhibits to the designated representatives of the persons named in such petition at the addresses therein given, together with a notice fixing a time for hearing the protest not less than five nor more than twenty days after such notice is mailed. Pursuant to part 2 of article 72 of title 24, C.R.S., the secretary of state shall furnish a requesting protestor with a copy of the petitions filed pursuant to section 1-40-104 at a reasonable charge.

(1.5) Repealed, L. 82, p. 222, § 3, effective April 6, 1982.

(1.6) (a) Each county clerk and recorder or election commissioner shall furnish a requesting protestor with a list of the registered electors in such county and shall charge a fee to cover the cost of furnishing such list.

(b) The secretary of state shall furnish a requesting protestor with a list of the names of all registered electors in the state and shall charge a fee which shall be determined and collected pursuant to section 24-21-104 (3), C.R.S., to cover the cost of furnishing such list.

(c) Repealed, L. 89, p. 329, § 16, effective June 10, 1989.

(2) (a) All records and hearings shall be public, and all testimony shall be under oath, and the officer with whom such petition is filed shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the officer may petition the district court, and, upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of court shall be punishable as a contempt of court. At any hearing held under this section, the party protesting the finding of the secretary of state concerning the sufficiency of signatures shall have the burden of proof. Hearings shall be had as soon as is conveniently possible and must be concluded within thirty days after the commencement thereof, and the result of such hearings shall be forthwith certified to the designated representatives of the signers and to

the protestors of such petition. The hearing shall be subject to the provisions of section 24-4-105, C.R.S.; except that, in the case of a conflict, the provisions of this article shall take precedence over said section. The finding as to the sufficiency of any petition may be reviewed by any state court of general jurisdiction in the county in which such petition is filed, but such review shall be had and determined forthwith, subject to the provisions for review under section 24-4-106, C.R.S. Upon application, the decision of such court thereon shall be reviewed by the Colorado supreme court.

(b) In case a complaint has been filed with the federal district court on the grounds that a petition is insufficient due to failure to comply with any federal law, rule, or regulation, such petition may be withdrawn by a majority of the persons designated pursuant to section 1-40-107 (1) to represent the signers of such petition and, within fifteen days after such court has issued its order in such matter, may be amended and refiled as an original petition. Nothing in this paragraph (b) shall prohibit the timely filing of a protest to any original petition, including one that has been amended and refiled. No person shall be entitled, pursuant to this section, to amend an amended petition.

(3) If the secretary declares that the petition appears not to have a sufficient number of valid signatures, such finding may be reviewed by any state court of general jurisdiction in the county in which such petition is filed.

Source: L. 41, p. 485, § 5; CSA, C. 86, § 6 (5); CRS 53, § 70-1-9; C.R.S. 1963, § 70-1-9; L. 71, p. 562, § 45; L. 73, p. 1407, § 50; L. 77, p. 252, § 7; L. 81, p. 324, § 6; L. 82, pp. 221, 222, § § 2, 3; L. 83, pp. 373, 863, § § 3, 6; L. 89, pp. 324, 329, § § 8, 16; L. 92, p. 619, § 1.

1-40-110. Receiving money to circulate petitions - filing. The proponents of the petition shall file with the secretary of state the name and address of all circulators who were paid to circulate any section of the petition. The filing must be made at the same time the petition is filed with the secretary of state. Any payment made to circulators is an expenditure under article 45 of this title.

Source: L. 41, p. 486, § 6; CSA, C. 86, § 6 (6); CRS 53, § 70-1-10; C.R.S. 1963, § 70-1-10; L. 77, p. 869, § 18; L. 89, pp. 327, 861, § § 9, 156; L. 90, p. 1834, § 1.

1-40-111. Intent of general assembly. It is not the intention of sections 1-40-101 to 1-40-111 to limit or abridge in any manner the powers reserved to the people in the initiative and referendum, but rather to properly safeguard, protect, and preserve inviolate for them these modern instrumentalities of democratic government.

Source: L. 41, p. 486, § 8; CSA, C. 86, § 6 (7); CRS 53, § 70-1-11; C.R.S. 1963, § 70-1-11.

1-40-112. Certification of ballot titles. The secretary of state, at the time he certifies to the county clerks of the several counties the names of the

candidates for state and district offices for general election, shall also certify to them the ballot titles and numbers of each initiated and referred measure theretofore filed in his office to be voted upon at such election.

Source: L. 13, p. 313, § 5; C. L. § 34; CSA, C. 86, § 9; CRS 53, § 70-1-13; C.R.S. 1963, § 70-1-12.

1-40-113. Counting of votes - conflicting provisions. The votes on all measures submitted to the people shall be counted and properly entered after the votes for candidates for office cast at the same election are counted and shall be counted, canvassed, and returned and the result determined and certified in the manner provided by law concerning other elections. The secretary of state or the officer who has certified the election shall, without delay, make and transmit to the governor or the appropriate official a certificate of election. The measure shall take effect from and after the date of the official declaration of the vote by proclamation of the governor or appropriate official, but not later than thirty days after the votes have been canvassed, as provided in section 1 of article V of the state constitution. A majority of the votes cast thereon shall adopt any measure so submitted, and, in case of adoption of conflicting provisions, the one which receives the greatest number of affirmative votes shall prevail in all particulars as to which there is a conflict.

Source: L. 13, p. 313, § 6; C. L. § 35; CSA, C. 86, § 10; CRS 53, § 70-1-14; C.R.S. 1963, § 70-1-13; L. 89, p. 327, § 10.

1-40-114. Publication. (1) The secretary of state shall cause to be published in two issues of every legal newspaper, as defined in sections 24-70-102 and 24-70-103 (1), C.R.S. 1973, compactly and without unnecessary spacing, a true copy of the title and text of each constitutional amendment, initiated or referred measure, or part of a measure to be submitted to the people with the number and form in which the ballot title thereof will be printed in the official ballot. The charge for such publication shall be at the newspaper's then effective current lowest bulk comparable or general rate charged. The publications shall be made at least one week apart and shall be not less than three weeks nor more than five weeks before any general election at which any constitutional amendment, initiated or referred measure, or part of a measure is to be submitted to the people. It is the duty of the secretary of state to provide all of the legal newspapers either complete slick proofs or mats of the title and text of the proposed constitutional amendment, initiated or referred measure, or part of a measure at least one week before the first publication date.

(2) Whenever the provisions of the initiative and referendum are applied to local and municipal affairs, the provisions of this section shall apply; except that the rate charged for publication shall be in accordance with section 24-70-107, C.R.S. 1973. The city or town clerk or other official designated by law to receive petitions shall perform the duties specified in this section to be done by the secretary of state; except that the full text and title submitted to the legal newspapers shall be in such form as may be prescribed by the local official. The publication provided for in this subsection

(2) shall be in two legal newspapers, if there are two, published within the municipality or local district in which the initiative or referendum vote is to be taken.

Source: L. 13, p. 313, § 7; C. L. § 36; CSA, C. 86, § 11; CRS 53, § 70-1-15; C.R.S. 1963, § 70-1-14; L. 73, p. 817, § 1; L. 77, p. 274, § 7.

1-40-115. Ordinances - effective, when - referendum. (1) No ordinance, resolution, or franchise passed by the legislative body of any city or town shall take effect before thirty days after its final passage and publication, except an ordinance calling a special election or necessary to the immediate preservation of the public peace, health, or safety, and not then unless the ordinance states in a separate section the reasons why it is thus necessary and unless it receives the affirmative vote of three-fourths of all the members elected to such legislative body taken by ayes and noes. If within said thirty days after final publication of the ordinance a petition is filed with the city or town clerk or other election officer, signed by registered electors equal in number to at least five percent of the total number of electors of the city or town registered on the date the form of the petition is approved by the clerk pursuant to sections 1-40-107 (1) and 1-40-117 (2), protesting against such ordinance or any part thereof taking effect, such ordinance or part thereof so protested against shall thereupon be suspended from taking effect, and such legislative body shall immediately reconsider the same. The town clerk or other election officer shall grant a fifteen-day extension to the petitioners to secure the necessary signatures if within said thirty days the organizers of the petition effort file with the town clerk or other election officer the following:

- (a) A list of five persons who represent the petition effort;
- (b) A copy of the petition of referendum; and
- (c) A statement of intent, signed by the five organizers, to file the necessary signatures within the extended time.

(2) If the ordinance or any part thereof is not repealed, the legislative body shall forthwith publish the same as other ordinances are published if no publication has theretofore been made and shall submit the same to a vote of the registered electors at a regular or special election held not less than sixty days and not more than one hundred fifty days after the date the petition is filed. The ordinance or part thereof shall not take effect unless a majority of the registered electors voting thereon at such election vote in favor thereof.

Source: L. 13, p. 315, § 9; C. L. § 39; CSA, C. 86, § 14; CRS 53, § 70-1-16; C.R.S. 1963, § 70-1-15; L. 81, pp. 324, 1507, § § 7, 34; L. 83, p. 371, § 1; L. 87, p. 1573, § 1.

1-40-116. Ordinances, how proposed - conflicting measures. (1) Any proposed ordinance may be submitted to the legislative body of any city or town by filing notice of such proposed ordinance with the city or town clerk or other election official and, within one hundred eighty days after such notice, filing a petition therefor signed by registered electors equal in number

to at least five percent of the total number of electors of the city or town registered on the date the form of the petition is approved by the clerk pursuant to sections 1-40-107 (1) and 1-40-117 (2). The proposed ordinance shall be adopted without alteration by such legislative body within twenty days after such petition is filed and, if vetoed by the mayor, shall be passed over his veto within ten days after such veto; or the legislative body shall refer such proposed ordinance, in the form petitioned for, to the registered electors of the city or town.

(2) The vote by the registered electors on any ordinance proposed pursuant to this section shall be at a regular or special election held not less than sixty days and not more than one hundred fifty days after the petition for such election is filed.

(3) The legislative body shall cause such proposed ordinance, as well as those referred to a vote under section 1-40-115, to be published as provided in section 1-40-114. Alternative ordinances may be submitted at the same election, and, if two or more conflicting measures are approved by the people, the one which receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.

Source: L. 13, p. 316, § 10; C. L. § 40; CSA, C. 86, § 15; CRS 53, § 70-1-17; C.R.S. 1963, § 70-1-16; L. 81, pp. 325, 1508, § § 8, 35; L. 83, p. 372, § 2.

1-40-117. Municipal initiative or referendum - duties of municipal clerks.

(1) Repealed, L. 83, p. 373, § 5, effective July 1, 1983.

(2) In addition to any other sections of this article specifically made applicable, the requirements of sections 1-40-106 to 1-40-120 shall apply to any municipal initiative or referendum brought under this article, and the municipal clerk shall perform any duties required in such sections to be performed by the secretary of state and shall have the powers granted to the secretary of state in such sections.

Source: L. 13, p. 317, § 11; C. L. § 41; CSA, C. 86, § 16; CRS 53, § 70-1-18; C.R.S. 1963, § 70-1-17; L. 81, p. 1509, § 36; L. 83, p. 373, § 5; L. 89, p. 328, § 11.

1-40-118. Unlawful acts - penalty. (1) Every person who is a registered elector may sign a petition.

(2) It is unlawful:

(a) For any person willfully and knowingly to circulate or cause to be circulated or sign or procure to be signed any petition bearing the name, device, or motto of any person, organization, association, league, or political party, or purporting in any way to be endorsed, approved, or submitted by any person, organization, association, league, or political party, without the written consent, approval, and authorization of such person, organization, association, league, or political party;

(b) For any person to sign any name other than his own to any petition or knowingly to sign his name more than once for the same measure at one election;

(c) For any person to knowingly sign any petition who is not a registered elector at the time of signing the same;

(d) For any person to sign any affidavit as circulator without knowing or reasonably believing the statements made in such affidavit to be true;

(e) For any person to certify that an affidavit attached to a petition was subscribed or sworn to before him unless it was so subscribed and sworn to before him and unless such person so certifying is duly qualified under the laws of this state to administer an oath;

(f) For any officer or person to do willfully, or with another or others conspire, or agree, or confederate to do, any act which hinders, delays, or in any way interferes with the calling, holding, or conducting of any election permitted under the initiative and referendum powers reserved by the people in section 1 of article V of the state constitution or with the registering of electors therefor;

(g) For any officer to do willfully any act which shall confuse or tend to confuse the issues submitted or proposed to be submitted at any election, or refuse to submit any petition in the form presented for submission at any election;

(h) For any officer or person to violate willfully any provision of this article.

(3) Any person, upon conviction of a violation of any provision of this section, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than one year in the county jail, or by both such fine and imprisonment.

Source: L. 13, p. 317, § 13; C. L. § 42; CSA, C. 86, § 17; CRS 53, § 70-1-19; L. 61, p. 431, § 2; L. 63, p. 290, § 7; C.R.S. 1963, § 70-1-18; L. 81, p. 325, § 9.

1-40-118.5. Tampering with initiative or referendum petition. Any person who willfully destroys, defaces, mutilates, or suppresses any initiative or referendum petition or who willfully neglects to file or delays the delivery of the initiative or referendum petition or who conceals or removes any initiative or referendum petition from the possession of the person authorized by law to have the custody thereof, or who adds, amends, alters, or in any way changes the information on the petition as provided by the elector, or who aids, counsels, procures, or assists any person in doing any of said acts commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111. The language in this section shall not preclude a circulator from striking a complete line on the petition if said circulator believes the line to be invalid.

Source: L. 88, p. 295, § 6; L. 89, p. 328, § 12.

1-40-119. Enforcement. The secretary of state is charged with the administration and enforcement of the provisions of this article relating to statewide initiated or referred measures and state constitutional amendments. The secretary of state shall have the authority to promulgate such rules as may be necessary to administer and enforce any provision of this article that

relates to statewide initiated or referred measures and state constitutional amendments. The secretary of state may conduct a hearing, upon a written complaint by a registered elector, on any alleged violation of such provisions relating to the circulation of a petition, which may include but shall not be limited to the preparation or signing of an affidavit by a circulator. If the secretary of state, after the hearing, has reasonable cause to believe that there has been a violation of the provisions of this article relating to statewide initiated or referred measures and state constitutional amendments, he shall notify the attorney general, who may institute a criminal prosecution. If a circulator is found to have violated any provision of this article or is otherwise shown to have made false or misleading statements relating to his section of the petition, such section of the petition shall be deemed void.

Source: L. 76, p. 290, § 6; L. 87, p. 304, § 17; L. 89, p. 328, § 13.

1-40-120. Frequency of elections - local initiative and referendum. Notwithstanding any other provisions of sections 1-40-115 to 1-40-119 to the contrary, a city or town may consolidate all proposed ordinances and all ordinances, resolutions, or franchises protested against for submission to the registered electors of such city or town.

Source: L. 83, p. 373, § 4.

ELECTION CAMPAIGN REGULATIONS

ARTICLE 45

Campaign Reform Act

1-45-101.	Short title.	1-45-113.	Duties of the secretary of state - prosecution of violations.
1-45-102.	Legislative declaration.	1-45-114.	Secretary of state - additional duties.
1-45-103.	Definitions.	1-45-115.	Duties of municipal clerk and county clerk and recorder.
1-45-104.	Filing - where to file - timeliness.	1-45-116.	State and political subdivisions - limitations on contributions.
1-45-105.	Candidate affidavit - disclosure statement.	1-45-117.	Campaign funds - use restricted.
1-45-106.	Organization of political committees.	1-45-118.	Expenditures - political advertising - rates and charges.
1-45-107.	Deposit of contributions.	1-45-119.	Encouraging withdrawal from campaign prohibited.
1-45-108.	Reports - certification and filing.	1-45-120.	Applicability.
1-45-109.	Unexpended contributions and expenditure deficits.	1-45-121.	Penalty - affirmative defense.
1-45-110.	Reporting requirements - persons.	1-45-122.	Reimbursement for contributions prohibited.
1-45-111.	Limitations - cash contributions.		
1-45-112.	Expenditures in cash - limited.		

1-45-101. Short title. This article shall be known and may be cited as the "Campaign Reform Act of 1974".

Source: L. 74, p. 261, § 1.

1-45-102. Legislative declaration. The general assembly hereby finds and declares that the interests of the people of this state can be better served through a more informed public; that the trust of the people is essential to representative government; and that public disclosure and regulation of certain campaign practices will serve to increase the people's confidence in their elected officials. Therefore, it is the purpose of this article to promote public confidence in government through a more informed electorate.

Source: L. 74, p. 261, § 1.

1-45-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Appropriate officer" means the secretary of state, a municipal clerk, or a county clerk and recorder.

(2) "Campaign treasurer" means the treasurer of any candidate for nomination, retention, or election or of any political committee. A candidate may appoint himself campaign treasurer.

(3) "Candidate" means any person who:

(a) Seeks election to any public office which is to be voted for in this state at any general election, special district election, or municipal election. "Candidate" also includes a judge or justice of any court of record who seeks to be retained in office pursuant to the provisions of section 25 of article VI of the state constitution. A person is a candidate for election if he has publicly announced his intention to seek election to public office, has filed nominating petitions for public office in a nonpartisan election, has been chosen as a candidate of a political party after having won a primary election, has filed with the appropriate officer a nominating petition as an independent candidate as provided in section 1-4-801, or has been chosen to fill any vacancy.

(b) Seeks nomination to public office at any primary election held in this state. A person is a candidate for nomination if he has publicly announced his intention to seek election to public office, has been chosen as a political party candidate through a political party designating assembly, has been issued a certificate of designation by said assembly, has filed with the appropriate officer a petition with the required number of signatures to appear on the primary ballot as provided by section 1-4-603, or has been chosen to fill a vacancy in party designation as provided by section 1-4-903.

(c) As an incumbent, still has an unexpended balance of contributions or a debt or deficit or who receives contributions or contributions in kind.

(4) "Contribution" means a gift, loan, pledge, or advance of money or a guarantee of a loan made to or for any candidate or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election, or defeat of any candidate. "Contribution" includes a transfer of any money between one political committee and another; a gift of money to or for any incumbent in public office from any other person, the purpose of which is to compensate him for his public service or to help defray his expenses incident thereto but which are not covered by official compensation; the payment of any money by any person, other than a political committee working on a candidate's behalf, for political services rendered to the candidate or political committee; any payment made

to third parties at the request of or with the prior knowledge of a candidate, political committee, or agent of either; and any payment made after an election to meet any deficit or debt incurred during the course of the campaign. "Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or political committee. Any transfer of money between political committees is an expenditure by the political committee which dispenses the money and is a contribution to the political committee which receives the money.

(5) "Contribution in kind" means a gift or loan of any item of real or personal property, other than money, made to or for any candidate or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election, or defeat of any candidate. "Contribution in kind" includes a gift or loan of any item of real or personal property, other than money, to or for any incumbent in public office from any other person, the purpose of which is to compensate him for his public service or to help him defray his expenses incident thereto but which are not covered by official compensation. Personal services are a contribution in kind by the person paying compensation therefor; volunteer services are not included. "Contribution in kind" does not include an endorsement of candidacy or issue by any person. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used.

(6) "Election" means any general or primary election or any election at which an issue is submitted to the electorate as required or permitted by law. "Election" includes a recall election held pursuant to law. "Election" also includes a special district election at which the office to be voted for has had an annual compensation of more than twelve hundred dollars or a municipal election.

(7) "Expenditure" means the payment, distribution, loan, or advance of any money or contribution in kind by any candidate, political committee, or agent of either for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election, or defeat of any candidate and includes any payment made to circulators of initiative petitions pursuant to section 1-40-110. "Expenditure" does not include services provided without compensation by any candidate or political committee or expenditures from the candidate's own funds for his personal or family activities. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined.

(8) "Issue" means any proposition or initiated or referred measure which is to be submitted to the electors for their approval or rejection. An issue includes the recall of any officer as provided by law.

(8.5) "Municipal clerk" means the clerk of the municipality who is the custodian of the official records of the municipality or any person delegated by the clerk to exercise any of his powers, duties, or functions.

(9) "Person" means any individual, partnership, committee, association, corporation, labor organization, or other organization or group of persons.

(10) "Political committee" means any two or more persons who are elected, appointed, or chosen or who have associated themselves or cooperated for the purpose of accepting contributions or contributions in kind or making expenditures to support or oppose a candidate for public office at

any election or seek to influence the passage or defeat of any issue. "Political committee" includes any political party or committee thereof at any level or a political organization as defined in section 1-1-104. "Political committee" also includes a separate political education or political action fund or committee which is associated with an organization or association formed principally for some other purpose and includes an organization or association formed principally for some other purpose insofar as it makes contributions or contributions in kind or expenditures but shall not include a single individual, partnership, committee, association, corporation, labor organization, or other organization or group solely making contributions or contributions in kind to support or oppose a candidate for public office or to influence the passage or defeat of any issue at any election.

(11) "Public office" means any office voted for in this state at any election. "Public office" does not include the office of president or vice president of the United States; the office of senator or representative in the congress of the United States; any office in a political party chosen pursuant to sections 1-3-103, 1-4-403, and 1-4-701; any political party office in an assembly or convention, including delegates thereto; any office to be voted upon in a school election; or any elective office within a special district for which the annual compensation is less than twelve hundred dollars. "Public office" includes all of the statewide offices enumerated in subsection (12) of this section.

(12) "Statewide election" means a primary or general election at which nominees or candidates for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer, state board of education, regents of the university of Colorado, the Colorado court of appeals, or the supreme court of Colorado are to be voted upon by electors of the entire state.

(13) "Statewide issue" means any proposition or measure which is voted upon by the electors of the entire state.

Source: L. 74, p. 261, § 1; L. 80, p. 407, § 2; L. 85, p. 272, § 1; L. 86, p. 1214, § 2; L. 88, p. 299, § 1; L. 89, p. 328, § 14; L. 90, p. 321, § 1.

1-45-104. Filing - where to file - timeliness. (1) For the purpose of meeting the filing requirements of this article, candidates for statewide election, the general assembly, district attorney, district court judge, or any office representing more than one county, except candidates for school district director, and political committees in support of or in opposition to such candidates or in support of or in opposition to statewide issues shall file with the secretary of state. Candidates in municipal elections shall file with the municipal clerk. All other candidates, including candidates for school district director, and political committees shall file with the county clerk and recorder of the county of their residence, and, if the school districts contain more than one county of this state, candidates for school district director shall file with the county clerk and recorder of the county of their residence.

(2) Reports required to be filed by this article are timely filed if received by the appropriate officer not later than the close of the business day on the designated day. Reports may be filed by fax and are timely filed if

received by the appropriate officer not later than the close of the business day on the designated day and if an original of the report is received by the appropriate officer within seven days of the designated day.

(3) Any political committee in support of or in opposition to any issue which receives during any calendar year contributions or contributions in kind not exceeding, in the aggregate, two hundred fifty dollars or which makes expenditures which do not exceed, in the aggregate, two hundred fifty dollars shall not be subject to the reporting provisions of this article. The provisions of this subsection (3) shall not exempt any political committee from the requirements of section 1-45-106.

(4) For the purpose of meeting the filing requirements of this article, political committees in support of or in opposition to issues which are not statewide issues but are issues in a political subdivision of this state which contains territory in more than one county of this state shall file with the county clerk and recorder of each such county.

Source: L. 74, p. 264, § 1; L. 84, p. 278, § 1; L. 85, p. 272, § 2; L. 90, p. 321, § 2; L. 92, p. 614, § 1.

1-45-105. Candidate affidavit - disclosure statement. (1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that he is familiar with the provisions of this article. Any contributions or expenditures received or made in behalf of the candidacy of such individual prior to the filing of such affidavit shall be reported in the first reporting period, and such report shall include the information required under section 1-45-108 (4). Nothing in this section shall prohibit an individual from filing such affidavit prior to the time he becomes a candidate. Failure of any person to file an affidavit as required by this subsection (1) shall result in the disqualification of such person as a candidate.

(2) Not later than ten days after filing the affidavit required by subsection (1) of this section, each candidate for the general assembly, governor, lieutenant governor, secretary of state, attorney general, state treasurer, state board of education, regents of the university of Colorado, the Colorado court of appeals, the supreme court of Colorado, and district attorney shall file with the appropriate officer a statement disclosing the information required by section 24-6-202 (2), C.R.S., in such a form as prescribed by the secretary of state. Failure of any person to file a disclosure statement as required by this subsection (2) shall result in the disqualification of such person as a candidate.

(2.1) Disqualification shall occur only after the secretary of state or county clerk has sent a notice to the person by registered or certified mail, return receipt requested, addressed to him at his usual residence, business or post-office address. Such notice shall state that such person will be disqualified as a candidate if he fails to file an affidavit or disclosure statement within ten days of receipt of the notice.

(3) Any disclosure statement as required by subsection (2) of this section shall be amended no more than thirty days after any termination or acquisition of interests as to which disclosure is required.

(4) If a candidate withdraws his candidacy or is defeated in his candidacy, such person shall not be required to comply with the provisions of subsections (2) and (3) of this section after such withdrawal or defeat.

Source: L. 74, p. 264, § 1; L. 75, pp. 194, 195, § § 1, 2; L. 76, p. 290, § 7; L. 87, p. 297, § 31.

1-45-106. Organization of political committees. (1) (a) Every political committee supporting or opposing a candidate, statewide issue, or issue shall file a statement of organization with the appropriate officer no later than fifteen days after opening a bank account as required by section 1-45-107.

(b) For the purposes of paragraph (a) of this subsection (1), a political committee in existence on May 17, 1974, shall file a statement of organization with the secretary of state no later than thirty days after said date.

(2) The statement of organization shall include:

(a) The name, the address, the candidate or issue it supports or opposes, and any other purpose or interest of the committee;

(b) The name, phone number, and address of the campaign treasurer of the political committee;

(c) The complete title or name of the political committee, which shall spell out any abbreviated name or acronym by which the political committee is commonly known; and

(d) A complete list of all the political committee's supporting and affiliated organizations.

(3) Any political committee whose purpose is the recall of any elected official shall file a statement of organization with the appropriate officer no later than fifteen days after opening a bank account. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days after the filing of the statement of organization and every thirty days thereafter until the date of the recall election has been established, at which time the political committee shall follow the provisions of section 1-45-108.

Source: L. 74, p. 264, § 1; L. 76, p. 290, § 8; L. 92, p. 614, § 2.

1-45-107. Deposit of contributions. All contributions received by a candidate or political committee shall be deposited in a financial institution in a separate account whose title shall include the name of the candidate or political committee. All records pertaining to such accounts shall be maintained by the candidate or political committee for sixty days after submission of the final report unless a complaint is filed, in which case they shall be maintained until final disposition of the complaint and any consequent litigation. Such records shall be subject to inspection at any hearing held pursuant to this article.

Source: L. 74, p. 264, § 1.

1-45-108. Reports - certification and filing. (1) The candidate or campaign treasurer shall file reports of all contributions received and all expenditures made by or on behalf of such candidate or political committee. In the

event that the candidate has received no contributions or made no expenditures, or no expenditures have been made on behalf of such candidate, the candidate shall file a report stating such status. Reports shall be filed eleven days before and thirty days after any election. These reports shall be complete as of five days prior to the filing date. All reports shall be filed with the appropriate officer no later than the close of the business day on the day due.

(2) Any incumbent in, or elected candidate to, as defined in section 1-45-103 (3), public office who receives any contribution or contribution in kind from any other person, the purpose of which is to compensate him for his public services or to help him defray his expenses incident thereto but which are not covered by official compensation, shall file with the appropriate officer, on or before January 15 of each year, a supplemental report for the preceding calendar year. Such report shall be on forms prescribed by the secretary of state and shall contain substantially the same information as prescribed in subsection (4) of this section.

(3) All reports required by this section shall be filed in duplicate with the appropriate officer. These reports are public records and shall be open to inspection by the public during regular business hours. One copy of the report shall be kept by the appropriate officer as a permanent record, and the other copy shall be made available immediately in a public file for public inspection. Any report which is deemed to be incomplete by the appropriate officer shall be accepted on a conditional basis, and the campaign treasurer shall be notified by registered mail with respect to any deficiencies found. The campaign treasurer shall have seven days from receipt of such notice to file an addendum to the report providing all information deemed necessary to complete the report in compliance with this section.

(4) Each report required by this section shall contain the following information:

- (a) The amount of funds on hand at the beginning of the reporting period;
- (b) The name and address of each person who has made an aggregate contribution to or for such candidate or political committee within the reporting period in excess of twenty-five dollars or a contribution in kind in excess of one hundred dollars, together with the amount and date of such contribution, or a chronological listing of all contributions and contributions in kind, including the name and address of each contributor;
- (c) The total sum of all contributions and contributions in kind to or for such candidate or political committee during the reporting period;
- (d) The name and address of each person to whom expenditures have been made by or on behalf of the candidate or political committee within the reporting period in excess of twenty-five dollars, together with the amount, date, and purpose of each such expenditure and the name of and the office sought by each candidate on whose behalf such expenditure was made;
- (e) The total sum of all expenditures made by such candidate or political committee during the reporting period;
- (f) The name and address of any bank or other depository for funds used by the candidate or political committee.

(5) The reporting provisions of paragraph (b) of subsection (4) of this section shall apply to any association, political party, political organization,

corporation, labor organization, or other group of persons which receives contributions or contributions in kind from any person through donations or through events such as dinners, luncheons, rallies, or other fund-raising events if such contributions or contributions in kind are intended to be given to another organization or group of persons which in turn distributes or contributes such contributions or contributions in kind to one or more candidates or political committees. The provisions of paragraph (b) of subsection (4) of this section shall also apply to any such organization or group of persons for each contribution or contribution in kind which exceeds twenty-five dollars if such contribution or contribution in kind is intended to be given to another organization or group of persons which in turn distributes or contributes such contribution or contribution in kind to one or more candidates or political committees. The reporting provisions of this section shall apply to the organization or group of persons receiving such contributions or contributions in kind.

(5.5) The filing requirements of this section shall not apply to that part of the organizational structure of a political party, as defined in section 1-1-104 (18), which is responsible for only the day-to-day operations of such political party at the national level if copies of the reports required to be filed with the federal election commission pursuant to the "Federal Election Commission Act of 1971", as amended, are filed with the secretary of state and include the information required by this section.

(6) Notwithstanding any other reports required under this section, the campaign treasurer shall file reports of any contribution or contribution in kind of five hundred dollars or more received by the candidate or political committee at any time within sixteen days preceding the election. This report shall be filed with the appropriate officer no later than forty-eight hours after receipt of said contribution.

Source: L. 74, p. 265, § 1; L. 76, p. 291, § 9; L. 79, p. 295, § 1; L. 89, p. 312, § 27; L. 91, p. 639, § 82; L. 92, p. 615, § 3.

1-45-109. Unexpended contributions and expenditure deficits. (1) Any report filed under section 1-45-108 shall be final unless it shows an unexpended balance of contributions or expenditure deficit, in which event a supplemental report shall be filed one year after the election to which it applied and annually thereafter until such report shows no such unexpended balance and no such deficit. In the event the status of the balance or deficit is unchanged, the supplemental report shall be filed and shall state that such balance or deficit is unchanged. Each such report shall be complete through the end of the last preceding calendar year and shall state the disposition of any unexpended balance or deficit.

(2) The report required under subsection (1) of this section shall disclose the full amount of any loan reasonably related to the campaign, the method of the loan's disposition, the balance due on the loan, the interest, if any, and the name of the person making the loan. If the loan is not paid in full within thirty days after the election to which it applied, the candidate shall file, annually on the anniversary date of the election to which the loan applied, a report concerning the disposition of the loan until the loan is

repaid. Each report concerning loans made to any candidate or political committee shall contain the information required by this section.

Source: L. 74, p. 266, § 1; L. 84, p. 278, § 2.

1-45-110. Reporting requirements - persons. (1) Each person who makes any expenditure, directly or indirectly, in an aggregate amount exceeding one hundred dollars in support of or in opposition to any specific candidate or issue, other than by contribution or contribution in kind to a candidate or political committee directly, shall file an individual report of the expenditure with the appropriate officer.

(2) Reports shall be filed eleven days before the primary and general elections and thirty days after the general election. These reports shall be complete as of five days prior to the filing date.

(3) All reports shall be filed with the appropriate officer no later than the close of the business day on the day due.

(4) The report shall contain the following information:

(a) The name and address of any person to whom an expenditure in excess of twenty-five dollars has been made by any such person in support of or in opposition to any such candidate or issue during the reporting period, together with the amount, date, and purpose of each such expenditure;

(b) The total sum of all expenditures made in support of or in opposition to any such candidate or issue.

(5) All individual statements shall be filed in duplicate with the appropriate officer.

Source: L. 74, p. 266, § 1; L. 92, p. 615, § 4.

1-45-111. Limitations - cash contributions. No person shall make any contribution in currency or coin exceeding one hundred dollars in support of or in opposition to any candidate, political committee, or issue.

Source: L. 74, p. 267, § 1.

1-45-112. Expenditures in cash - limited. No candidate or political committee shall make any expenditure in currency or coin exceeding one hundred dollars for any purpose related to such candidate's campaign or to the passage or defeat of an issue.

Source: L. 74, p. 267, § 1.

1-45-113. Duties of the secretary of state - prosecution of violations. (1) The secretary of state shall:

(a) Prescribe forms for statements and other information required to be filed by this article and furnish such forms and information to municipal clerks and county clerk and recorders free of charge for use by candidates and other persons required to file such statements and information under this article;

(b) Prepare, publish, and furnish free of charge to municipal clerks and county clerk and recorders, candidates, and campaign treasurers and to other persons, at cost, an instruction sheet setting forth a suggested system for accounts for use by persons required to file statements by this article. Any fee collected pursuant to this paragraph (b) shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S.

(c) Develop a filing and indexing system for his office consistent with the purpose of this article;

(d) Make the reports and statements filed with the secretary of state's office available immediately for public inspection and copying. Any person may make copies by hand or by duplicating machine at the expense of such person. No information copied from such reports and statements shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose. Any fee collected pursuant to this paragraph (d) shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S.

(e) Conduct hearings on any matter within his jurisdiction, as provided in subsection (2) of this section, subject to appropriations made to the secretary of state. Any complaints filed against any candidate for the office of secretary of state shall be referred to the attorney general. Any administrative law judge employed pursuant to this paragraph (e) shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S., subject to appropriations made to the department of administration. Any hearing conducted by an administrative law judge employed pursuant to this paragraph (e) shall be conducted in accordance with the provisions of section 24-4-105, C.R.S.

(f) Within three working days after the date of the deadline for filing reports as specified in section 1-45-108, prepare a report on each contributing entity which has made contributions and contributions in kind, and said report shall be made available to the public on the morning of the fourth working day, and said report shall indicate the total sum of all contributions and contributions in kind made to candidates and issues and the amounts contributed to each candidate and issue.

(2) (a) Any person who believes a violation of this article has occurred may file a written complaint no later than sixty days after the date of the final report of a candidate or political committee with the secretary of state. If the secretary of state determines, after a hearing, that such a violation has occurred, he shall so notify the attorney general who may institute a civil action for relief, including a permanent or temporary injunction, a restraining order, or any other appropriate order, in the district court. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court. If, within 120 days after a complaint is filed with the secretary of state, no civil action for relief is instituted by the attorney general, the complainant shall have a private right of action based on an alleged violation of this article and may institute a civil action in district court for any appropriate remedy. Any such action shall be filed within one year from the date the final report is filed with the appropriate officer.

(b) The attorney general shall investigate complaints made against any candidate for the office of secretary of state. After a determination that probable cause exists that a violation has occurred, the attorney general shall

institute a civil action for relief, including a permanent or temporary injunction, a restraining order, or any other appropriate order, in district court.

(c) Notwithstanding the provisions of paragraph (a) of this subsection (2), any person who believes a violation of section 1-45-116 has occurred may file a written complaint no later than sixty days after the date of the appropriate election with the secretary of state. If the secretary of state determines, after a timely hearing, that such a violation has occurred, the secretary of state shall so notify the attorney general who shall institute a civil action for relief, including a permanent or temporary injunction, a restraining order, or any other appropriate order, in the district court. If the written complaint is filed within ten days of the election, the secretary of state shall hold such hearing within seventy-two hours of the filing of such complaint. Upon a proper showing that a person or public entity identified in section 1-45-116 has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

Source: L. 74, p. 267, § 1; L. 76, p. 579, § 1; L. 78, p. 253, § 2; L. 83, p. 863, § 7; L. 85, p. 272, § 3; L. 87, p. 937, § 5; L. 88, p. 300, § 2; L. 91, p. 603, § 1; L. 92, p. 616, § 5.

1-45-114. Secretary of state - additional duties. (1) The secretary of state shall immediately notify the person required to file a statement if:

(a) It appears that the person has failed to file a report as required by this article or that a statement filed by a person does not conform to law upon examination of the names on the election ballot or that a complaint has been filed against him; or

(b) A written complaint is filed with the secretary of state by any registered elector, pursuant to section 1-45-113 (2), alleging that a statement filed with said officer does not conform to law or to the truth or that a person has failed to file a statement required by law.

(2) (a) The secretary of state shall preserve any statement or images of that statement required to be filed by this article for a period ending one year after the termination of the term of office of the candidate who is elected, and statements or images of those statements of all other candidates shall be preserved for a period of one year after the date of receipt. Thereafter, such statements shall be disposed of in accordance with part 1 of article 80 of title 24, C.R.S.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), any statement required to be filed under this article shall be preserved until any complaint initiated is resolved.

Source: L. 74, p. 267, § 1; L. 87, p. 304, § 18; L. 92, p. 617, § 6.

1-45-115. Duties of municipal clerk and county clerk and recorder. (1) The municipal clerk or the county clerk and recorder shall:

(a) Develop a filing and indexing system for his office consistent with the purpose of this article;

(b) Preserve any statement or images of that statement required to be filed by this article for a period ending one year after the termination of

the term of office of the candidate who is elected and statements or images of those statements of all other candidates or political committees for a period of one year after the date of receipt;

(c) Make the reports and statements filed with him available for public inspection and copying under his supervision, commencing as soon as practicable but not later than the end of the second day following the day during which it was received. He shall permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person. No information copied from such reports and statements shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose.

(d) Transmit to the secretary of state all records and statements required to be filed by this article which the secretary of state may deem necessary in the investigation of any complaint filed under this article;

(e) Notify the person required to file a statement or report that he has failed to file such statement or report or that a complaint has been filed with the secretary of state alleging a violation of this article;

(f) Report apparent violations of law to appropriate law enforcement authorities.

(2) The secretary of state shall reimburse the municipal clerk and the county clerk and recorder of each county at the rate of two dollars per candidate per election to help defray the cost of implementing this article.

Source: L. 74, p. 268, § 1; L. 83, p. 864, § 8; L. 85, p. 273, § 4; L. 92, p. 617, § 7.

1-45-116. State and political subdivisions - limitations on contributions.

(1) (a) No agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof shall make any contribution or contribution in kind in campaigns involving the nomination, retention, or election of any person to any public office, nor shall any such entity expend any public moneys from any source, or make any contributions in kind, to urge electors to vote in favor of or against any issue before the electorate. However, a member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than fifty dollars of public moneys in the form of letters, telephone calls, or other activities incidental to making himself available to the press or the public for the purpose of responding to questions about any such issue or to express his opinion on any such issue.

(b) (I) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending public moneys or making contributions in kind to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue addressed by the summary.

(II) Nothing in this subsection (1) shall be construed to prevent an elected official from expressing a personal opinion on any issue before the electorate.

(III) Nothing in this subsection (1) shall be construed as prohibiting an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from passing a resolution or taking a position of advocacy on any issue before the electorate.

(c) Nothing in this subsection (1) shall be construed as prohibiting a member or an employee of an agency, department, board, division, bureau, commission, or council of the state or any political subdivision thereof from expending personal funds, making contributions in kind, or using personal time to urge electors to vote in favor of or against any issue before the electorate.

(2) The provisions of subsection (1) of this section shall not apply to:

(a) An official residence furnished or paid for by the state or a political subdivision;

(b) Security officers who are required to accompany a candidate or the candidate's family;

(c) Publicly owned motor vehicles provided for the use of the chief executive of the state or a political subdivision;

(d) Publicly owned aircraft provided for the use of the chief executive of the state or of a political subdivision or his family for security purposes; except that, if such use is, in whole or in part, for campaign purposes, the expenses relating to the campaign shall be reported and reimbursed pursuant to subsection (3) of this section.

(3) If any candidate who is also an incumbent inadvertently or unavoidably makes any expenditure which involves campaign expenses and official expenses, such expenditure shall be deemed a campaign expense only, unless the candidate, not more than ten working days after such expenditure, files with the appropriate officer such information as the secretary of state may by rule require in order to differentiate between campaign expenses and official expenses. Such information shall be set forth on a form provided by the appropriate officer. In the event that public moneys have been expended for campaign expenses and for official expenses, the candidate shall reimburse the state or political subdivision for the amount of money spent on campaign expenses.

(4) The provisions of this section shall be enforced as provided in section 1-45-113 (2) (b).

Source: L. 74, p. 268, § 1; L. 86, p. 399, § 1; L. 88, p. 301, § 1; L. 91, p. 604, § 2.

1-45-117. Campaign funds - use restricted. (1) No candidate or campaign treasurer shall use any contribution or contribution in kind received from any person for private purposes not reasonably related to influencing the passage or defeat of any issue or the nomination, retention, election, or defeat of any candidate or to voter registration or political education. The term "political education" shall include obtaining information from, or providing information to, the electorate, and such term shall include the establishment of educational scholarships related to political education.

(2) Contributions not expended on behalf of the candidate's campaign or for any other purpose permitted by subsection (1) of this section, upon approval of the candidate or political committee, may be contributed to the

county or state central committee of that candidate's political party or any other political committee on file with the appropriate officer pursuant to section 1-45-106 or to any nonprofit or charitable organization whose purposes are not political in nature. Contributions not expended on behalf of a nonpartisan candidate's campaign or for any other purpose permitted by subsection (1) of this section, upon approval by the nonpartisan candidate or political committee, or contributions not expended on behalf of a political committee's campaign seeking to influence the passage or defeat of any issue or for any other purpose permitted by subsection (1) of this section, upon approval by said committee, may be contributed to any nonprofit or charitable organization whose purposes are not political in nature or to the state or any political subdivision thereof, but not to any political party or candidate.

Source: L. 74, p. 269, § 1; L. 84, p. 278, § 3; L. 88, p. 298, § 3; L. 91, p. 601, § 1; L. 92, p. 618, § 8.

1-45-118. Expenditures - political advertising - rates and charges. No candidate shall pay to any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space or materials and services. Any such rate shall not be rebated, directly or indirectly. Nothing in this section shall be construed to prevent an adjustment in rates related to frequency, volume, production costs, and agency fees if such adjustments are normal charges paid by other advertisers.

Source: L. 74, p. 269, § 1.

1-45-119. Encouraging withdrawal from campaign prohibited. No person shall pay, cause to be paid, or attempt to pay to any candidate or to any political committee any money or any other thing of value for the purpose of encouraging a candidate to withdraw his candidacy, nor shall any candidate offer to withdraw his candidacy in return for money or any other thing of value.

Source: L. 74, p. 269, § 1.

1-45-120. Applicability. (1) The provisions of this article shall apply to any elected office of any county in this state and shall apply to all municipalities, including any city and county, in this state; but any home rule municipality may adopt ordinances or charter provisions with respect to its local elections which are more stringent than any or all of the provisions contained in this article. Any home rule municipality which adopts such ordinances or charter provisions shall not be entitled to reimbursement pursuant to section 1-45-115.

(2) Failure to comply with the provisions of this article in any respect shall have no effect on the validity of any election, issue, statewide issue, or bonds issued pursuant to law; except that the penalty provided in section 1-45-121 for a candidate shall still apply.

Source: L. 74, p. 269, § 1; L. 85, p. 273, § 5; L. 86, p. 1215, § 3.

1-45-121. Penalty - affirmative defense. (1) (a) Any person who knowingly violates any provision of this article or who gives or accepts any contribution or contribution in kind required to be reported under section 1-45-108 in such a way as to hinder or prevent identification of the true donor commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S. Any such person who conspires with another to violate any provision of this article and who is also a candidate shall, in addition to any other penalty provided in this section, forfeit his right to assume the nomination or to take the oath for the office to which he may have been elected, unless he has already taken said oath, in which case the office shall be vacated. In the event the office to which the candidate has been elected is vacated, the vacancy to said office shall be filled as provided by law.

(b) The secretary of state may, upon sufficient evidence, hold a hearing pursuant to section 1-45-113 (2) upon the secretary of state's own motion or upon written complaint to enforce the civil penalty provided for in this paragraph (b). In addition to the criminal penalty provided for in this section, any person who knowingly violates any provision of this article involving a contribution or a contribution in kind shall be subject to a civil penalty in an amount not to exceed the greater amount of three hundred percent of the amount of the contribution or the fair market value at the time of the contribution in kind, or five thousand dollars.

(2) It shall be an affirmative defense to prosecution under this article that the offender did not have actual knowledge of his responsibility under this article and was an uncompensated volunteer.

(3) The appropriate officer, after proper notification by certified mail, shall impose an additional penalty of ten dollars per day for each day that a statement or other information required to be filed by this article is not filed by the close of the business day on the day due; except that the appropriate officer may excuse such penalty for bona fide personal exigencies. Revenues collected from penalties assessed by the secretary of state shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S.

(4) No person who has not fully complied with the provisions of this article shall be permitted to be a candidate for any public office in any subsequent election until the deficiencies have been corrected.

Source: L. 74, p. 270, § 1; L. 76, p. 291, § 10; L. 83, p. 864, § 9; L. 91, p. 645, § 1; L. 92, p. 618, § 9.

1-45-122. Reimbursement for contributions prohibited. No person shall make a contribution to a candidate or to a political committee with the expectation that some or all of the amount of such contribution will be reimbursed by any other person. No person shall be reimbursed for a contribution made to any candidate or political committee. No person shall reimburse some or all of the amount of any contribution made to a candidate or political committee. Repayment of a contribution made in the form of a loan to a candidate or to a political committee, where such repayment is made by the candidate or political committee to whom such loan was made, shall not constitute reimbursement for purposes of this section.

Source: L. 91, p. 646, § 2.

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CURRENT RULES AND REGULATIONS
GOVERNING ELECTION PROCEDURES

1. Voting Registration
 - 1.1 All requests for lists, printouts, and tapes shall be made in writing. 1-2-301
1-2-302
 - 1.2 After receipt of a request, the cost of the printout shall be determined. The cost of the printout must be paid prior to the request being filled.
 - 1.3 Social Security numbers shall not be considered as part of the voter registration lists or tapes. 1-2-301
1-2-302

2. Minimum Standards for Polling Places
 - 2.1 When at least one entrance to each polling place is not of sufficient size to accommodate the wheelchairs, or each polling place is not located on the ground floor, or ramps and elevators are not provided, the provisions of 1-5-107 shall be applicable. 1-5-101
1-5-106
1-7-111
 - 2.2 The physical arrangement of materials in the polling place shall conform, wherever possible, to the following general order:
 - a. Entrance
 - b. Voting demonstrations display
 - c. Signature card table
 - d. Registration records or list 1-5-302
 - e. Poll book or signature cards 1-7-109
 - f. Voting booth
 - g. Ballot box, if provided

3. Assistance to Disabled Voters
 - 3.1 "Physically Disabled" shall include those persons who are blind, have a physical handicap, or find it difficult to operate voting equipment without assistance. 1-7-111
 - 3.2 A physically disabled elector shall not be denied access to casting a ballot on election day at the elector's precinct polling place. PL 97-205
42 USC
1973 aa6
 - 3.3 If the polling place of the elector's precinct does not offer access for the

physically disabled voter, election judges shall assist the physically disabled election in casting a ballot outside the polling place at any location within 100 feet of the polling place.

3.4 At least one judge and one watcher shall be present whenever a disabled elector casts a ballot outside of the polling place.

3.5 When a voter has spoiled two ballots and requests a third ballot, an election judge shall offer assistance in voting procedures and casting the ballot. 1-7-504

4. Absentee Voting

4.1 Absentee ballot materials shall be sent through the mail without prepayment of postage, by being deposited at a United States post office, an overseas United States military post office or presented to an American embassy, for any person in the following categories: 1-8-101
1-8-119

a. Members of the Armed Forces while in the active service and their spouses and dependents.

b. Members of the Merchant Marine of the United States and their spouses and dependents.

c. Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

(Post Office services 6-12-73, Issue 58 Rule 137.5, .51.

5. Electronic Voting

5.1 The electronic ballot is the secrecy envelope with the voting card inside. 1-6-608(1)(b)

a. A card or cards containing a series of numbers to be punched when inserted in a punching device containing the printed ballot pages. 1-7-503

b. A card or cards containing the printed ballot which are inserted in a punching device.

c. A mark sensor card or cards on which the ballot is printed and is voted by making a mark to fill in a designated space or to make an X to indicate choices.

5.2 Printing and Distribution of Ballots:

5.2.1 All electronic ballots are to be delivered to the supply judge in one or more ballot containers which have been sealed with the number of the seal recorded on the receipt given by the supply judge to the county clerk and recorder. 1-5-608
1-5-407
1-6-107
1-6-111

5.2.2 All sample ballots, test ballots, and demonstration ballots shall be designed in such a way that both voters and election officials can distinguish them from official ballots.

5.2.3 Mark sensor ballots shall be marked by pen or approved pencil.

5.3 Preparation for the Election and Voting at the Polling Place

5.3.1 The county clerk and recorder shall not program or operate electronic vote counting equipment. 1-7-506
1-7-507

5.3.2 The program manual and program deck, program prom, tape or other program and election program shall be stored by the county clerk and recorder under security with access limited to persons so authorized in writing by the clerk and recorder. 1-5-608
1-5-610
1-7-507

5.3.3 Employees of the county clerk and recorder who are authorized by the county clerk and recorder to prepare and/or use the electronic ballot program systems and/or election program shall be deputized for this specific purpose and so sworn.

5.3.4 Employees of the county who are authorized by the county clerk and recorder to prepare and/or use the 1-5-608
1-7-507

electronic ballot program system and/or election program shall be deputized for this specific purpose and so sworn. The employee shall also have placed on file with the county clerk and recorder a written clearance document from the Colorado Bureau of Investigation or its equivalent information in writing.

- 5.3.5 Software service bureaus under contract to the county for computer services which include staffing the counting center shall provide the services by written contract and shall post a performance bond for that contract with the clerk and recorder in an amount of not less than \$10,000. The specific individuals who staff the counting center shall be deputized for that purpose one time only and shall be so sworn. The individuals shall receive clearance in advance of the election by the Colorado Bureau of Investigation, with the resultant clearance document on file with the county clerk and recorder prior to the election. 1-7-507
- 5.3.6 Vendors of electronic vote counting equipment which provide the electronic ballot program system and election programs shall provide the services by written contract and shall post a performance bond for that contract with the clerk and recorder in an amount of not less than \$10,000. 1-5-608
1-7-507
- 5.3.7 No employee of any vendor shall operate any counting equipment unless deputized, sworn and cleared in advance by the Federal Bureau of Investigation, with the clearance on file with the secretary of state.
- 5.3.8 No computer election program shall be used for more than the county and recount if required in one election. 1-7-507(7)
- 5.3.9 A voted ballot shall be examined and duplicated only in the county counting center by personnel 1-7-507(1)

authorized and sworn for this purpose under the direct supervision of the county clerk and recorder.

- 5.3.10 Spoiled ballots referred to in 1-7-504 shall be clearly marked and not counted but shall be preserved and reconciled with the appropriate precinct. 1-7-504
- 5.3.11 The term "secure" in 1-7-505 shall be construed to mean any method of preventing the use of the voting after all legal votes have been cast. 1-5-610
- 5.4 Testing of Equipment and Counting Center Procedures
- 5.4.1 All votes cast on an electronic voting ballot shall be recorded in such a manner that the votes can be counted manually. 1-7-503
- 5.4.2 A clear audit trail or control code shall be provided to the Secretary of State when election results are to be transmitted by the telephone, microwave, or any other type of electronic communication to the electronic ballot counting equipment. 1-7-507
- 5.4.3 Computer room access shall be limited authorized personnel only, and the delivery of ballots between the preparation room and computer room shall be performed by messengers or runners wearing distinguishing identification.
- 5.4.4 All program decks and materials shall be considered part of the electronic ballot counting equipment. 1-7-507
- 5.4.5 A set of schematics and drawings on electronic vote casting and counting equipment purchased or in use by the county clerk and recorder shall be on file with the county clerk and recorder. 1-5-608
- 5.4.6 Verification and duplicating boards shall consist of registered electors recommended to the county clerk and recorder by the two 1-7-507

political parties and may include regular employees of the county clerk who are so recommended. The members of the board shall be assigned in teams of one democrat and one republican.

5.4.7 Verification and Duplication Procedure 1-7-507

a. No voted ballot shall be altered or changed by the verification or duplication boards.

b. Voted ballot cards which cannot be processed because of over-votes, folds or bends, or are too light to be read shall be duplicated.

c. Any mark sensor ballot card showing the intent of the elector on an office or issue which is outside the field read by the computer and is not over-voted shall be duplicated and the vote counted.

5.4.8 The two witnesses in the counting center shall be representatives of each major political party. Witnesses shall not handle or process ballots. 1-7-507(1)

5.4.9 The test procedure for counting equipment shall be conducted as follows: 1-7-506

a. The county clerk and recorder shall prepare a test deck and shall test the election program at the counting center as soon as it is received for program errors. The errors shall be corrected and the test deck re-run until the election program exactly reflect the certified ballot on candidates, offices and issues.

b. Just prior to the election, vote counting equipment shall be tested by voting test decks of ballots at the counting center.

c. Before and after the count, the equipment shall be tested by voting test decks at the counting center on the equipment used to count the ballots.

d. Counting equipment for mark sensor ballots shall be tested on election day by judges running one zero tape before the polls open and by running two tapes after the polls are closed and returning the tapes with the voted ballots in the transfer cases or by using the test deck procedures at the counting center as stated in 5.4.9(a).

5.4.10 Each test deck shall include over-votes, under-votes, no votes, and all ballot types for the county.

5.5 Audit Trail Counting Procedures

5.5.1 The electronic ballot secrecy envelopes containing the voted ballot cards shall be counted by the election judges to determine the number of ballots voted or if permanent secrecy envelopes are used, the voted ballot cards shall be counted by the election judges to determine the number of ballots voted. 1-7-505

5.5.2 The total number of voted ballots shall be reconciled to be the same as the number of voters listed in the poll book.

5.5.3 The total of secrecy envelopes, or voted ballot cards or sets of voted ballot cards, plus spoiled ballots and ballots not issued to voters shall be reconciled to be the same as the total number of ballots for the precinct issued to the supply judge. 1-7-505

5.5.4 The election judges shall then complete and return to the county clerk and recorder the following report(s): 1-7-505

a. Ballot return form from each precinct as required in 1-7-505.

b. Test tapes from mark sensor ballot precincts.

5.5.5 All electronic counting equipment used in Colorado shall provide a count of the total ballot cards read. 1-5-608(1)(b)

- 5.5.6 A precinct printout listing produced in a counting center shall include: the total votes for each candidate and each issue on the ballot, together with the total write-in vote for each candidate, the total number of ballots counted, rejected, total number of over-votes and no votes.
- 5.5.7 The verification/duplication board shall report the number of ballot cards duplicated and shall provide a printout or listing of any vote to be added to the precinct total as a result of verification and/or duplication, or duplicated ballot cards added to the transfer case. 1-7-505
- 5.5.7 A log for each step of verification, duplication and county listing the function, the time, name of persons performing each function and the seal number used at each step shall be kept and provided to the canvass board.
- 5.6 Security and Emergency Procedures
- 5.6.1 At least one week before any ballots are counted electronically, the county clerks shall file contingency plans for their electronic vote-counting facility with the Secretary of State. The contingency plans shall specify: 1-7-506
- a. Procedures for the protection of the ballots in the event of fire, civil commotion, or bomb threat.
- b. Response to a failure in the data processing system including provisions for back-up equipment, type, location, pre-testing and ballot transfer.
- 5.6.2 All requests for information on the electronic vote-counting program and contingency plans shall be referred to the Secretary of State for response. 1-7-506
- 5.6.3 The personnel preparing, maintaining or repairing voting machines or electronic voting 1-5-607
1-7-401
1-7-507

equipment or devices shall be deputized for that purpose by the county clerk and recorder.

5.6.4 If an individual cleared pursuant to the provisions of 5.3.4, 5.3.5 and 5.3.6 who is assigned to preparation or use of the program system and/or election program is unable to serve, thereby creating an emergency, a replacement shall be deputized, sworn and reported immediately to the Secretary of State. 1-5-607
1-5-610
1-7-507

5.6.5 The count made election night is the only time ballots are handled unless a recount is ordered. Ballot boxes and/or transfer cases are sealed following the election night count. 1-7-307
1-7-507

6. Record

6.1 In precincts in which voting machines are used, the persons recording the votes recounted shall also record the serial number of the machine, together with the protective seal number, the protective counter reading and the public county reading. 1-10-305

7. Election records

7.1 Election records, including ballots which contain Federal candidates, shall be preserved for twenty-five (25) months after the date of the primary, general or congressional vacancy election. 1-7-802
42 USC
1974, PL
86-449

8. Qualified Political Organization by order of 10th Circuit Court of Appeals March 1, 1984 (case name)

8.1 A qualified political organization is one which has placed a candidate for district or state office on the ballot at a congressional vacancy or general election and whose officers have filed the required proof of organization with the Secretary of State and which continues to meet the requirements of 8.3 and 8.4.

8.2 The required proof of organization,

which may be filed at any time after organization, shall include, but shall not be limited to:

a. By-laws of the Colorado political organization which shall include the method for selecting officers, selecting delegates to county, state and national conventions, and selecting candidates planning to petition onto the state's general election ballot, using the name of the Colorado political organization;

b. The names, addresses, telephone numbers of the elected Colorado chairperson, vice chairperson and secretary, together with the names, addresses and telephone number of all other members elected or appointed to other offices or committees authorized by the bylaws.

8.3 Qualified political organizations shall meet once a year.

8.3.1 The meeting in the odd numbered year shall be held for the purpose of electing a chairperson, vice-chairperson, secretary and other officers or committees as shall be provided for in the bylaws on file with the Secretary of State.

8.3.2 The chairperson and the secretary shall file a full and complete list, under oath, of the persons elected or appointed pursuant to rule 8.2 together with any amendments to the bylaws adopted at the meeting.

8.3.3 The meeting in the even numbered year shall be held for the purpose of selecting candidates who wish to use the name of the political organization on petitions for the next ensuing general election.

8.4 A qualified political organization shall place a candidate or candidates on the general election ballot every two years.

8.4.1 Candidates wishing to represent a qualified political organization on the general election ballot shall be placed in nomination by independent nominating petition pursuant to C.R.S. 1-4-802.

- 8.4.2 Each petition shall contain the name of one candidate and shall have attached an affidavit signed under oath by the chairperson and secretary of the qualified political organization. The affidavit form shall be approved by the Secretary of State and will include the date of the meeting required in 8.3.
- 8.4.3 For a candidate to qualify for the ballot, the candidate must have been affiliated with the qualified political organization for one year or if the political organization has not previously been qualified, the candidate must have been registered as an unaffiliated for one year.
- 8.5 Once a political organization has been qualified by filing proof of organization with the Secretary of State and placing a candidate on a federal election ballot, eligible electors shall be able to register as affiliated with the political organization.
- 8.5.1 When an individual appears at any office or location for the purpose of voter registration, the questions asked and the information recorded shall be amended to reflect "political organization" affiliation.
- 8.5.2 When asking the specific questions listed in C.R.S. 1-2-204, question (2)(j) shall be expanded to read:
- a. "The elector's party affiliation, if any, if the qualified elector desires to affiliate with any political party or political organization.
 - b. If neither a political party affiliation or political organization affiliation is declared, the elector shall continue to be registered as "unaffiliated."
- 8.5.3 The opportunity for transfer of political affiliation shall be provided exactly as the law

provides for political parties in C.R.S. 1-2-204(2)(j).

- 8.5.4 At any time a declaration or change in affiliation is requested, the same procedure shall be used for declaring a political party or political organization affiliation.
 - 8.5.5 In recording the information on the voter registration page or affidavit, the affiliation with a political organization shall be listed by the name entry of the organization followed by (Pol. O.).
 - 8.5.6 In converting information on the voter registration page to lists, submissions for data entry, the Secretary of State's master voter registration list, etc., standard abbreviations shall be used and will be furnished to the county clerks and recorders by the Secretary of State.
 - 8.5.7 When an individual requests affiliation with a political organization which has not met the requirements of 8.1, the entry on the voter registration page shall be placed under "remarks".
 - 8.5.8 The Secretary of State will notify the county clerks and recorders by June 1 of each odd numbered year of the loss of qualified status of a political organization for failure to place a candidate on the ballot as stated in 8.1 or to hold the organizational meeting as required in 8.3. Upon receiving notification, the county clerk and recorders shall mark on every affected voter registration page "not qualified as of (date)."
- 8.6 Print-outs, lists, tapes, etc. of voter registration files shall be furnished to qualified political organizations at the same rate or cost as charged to political parties. The only exception to this provision shall be the list furnished to the major political parties prior to the statutory precinct caucus day.

8.7 On all summary reports of voter registration by political party, a supplemental report shall be provided which separates the "unaffiliated" category into unaffiliated and those registered with a qualified political on file with the Secretary of State and certified to the county clerks and recorders.

8.8 Electors whose voter registration page shows affiliation with a qualified political organization who appear to vote at a primary election shall complete a Declaration of Party Affiliation, thus losing affiliation with the qualified political organization.

9. Mail Ballot Rules.

9.1 Authorization of elections by mail.

9.1.1 Scope of the rules

1-7.5-106

a. The Secretary of State, with the advice of election officials of the several political subdivisions, has the authority to prescribe the form of materials to be used and to establish procedures for the conducting and supervising of mail ballot elections.

b. The Secretary of State also has the authority to adopt rules governing procedures and forms necessary to implement mail ballot elections.

9.1.2 Types of elections

1-7.5-104

a. The governing board of a political subdivision may choose to conduct elections by mail unless the elections or recall elections involve partisan candidate or are held in conjunction with or on the same day as a primary, general or congressional vacancy election.

b. If a governing board chooses to hold an election by mail ballot, that decision should be reflected in the minutes of the meeting or in the resolution authorizing the election.

a. Secrecy envelope: a secrecy envelope shall include a paper ballot which is folded so that the elector's vote is concealed when the ballot is removed from the return verification envelope.

9.2 Election Judges

9.2.1 The political subdivision holding the election may appoint judges to receive the ballots as they are mailed.

9.2.2 The political subdivision holding the election may appoint judges to handle "walk in" balloting and absentee ballots at the sites designated for "walk in" balloting.

9.2.3 The political subdivision holding the election may appoint judges to check registrations, count the ballots and certify results.

9.2.4 The political subdivisions may appoint as many judges as required to receive and count the ballots however more judges may not be appointed than would have been appointed in the entire political subdivision if traditional methods of elections were used (e.g. three judges per precinct).

9.3 Notice of Elections

9.3.1 Call and Notice

a. The political subdivision which chooses to conduct mail ballot elections must give notice to the Secretary of State no later than 50 days prior to the date of the election.

b. Notice of election is to be given to the electorate according to statute governing that election.

c. Notice of the election is to be given to the clerk and recorder of the county in which the election is to be held. Notice is to include the date by which the list of registered electors is to be

submitted to the political subdivision.

d. For elections where the property owners are the electorate, notice of the election is to be given to the county assessor of the county in which the election is to be held. Notice is to include the dates by which the list of property owners is to be submitted to the political subdivision.

e. If the political subdivision is required to give notice by mail and the ballots and election information can be mailed at the same time and meet the statutory notice requirements, the mailing of the ballots and election information will constitute notice.

f. If districts which have a common boundary wish to hold consolidated elections by mail ballots, permission may be sought from the Secretary of State.

9.3.2 The written plan to be submitted to the Secretary of State shall include the following:

a. Type of jurisdiction involved in the election;

b. Description of the type of election to be conducted.

c. Citation of the statute or home rule charter authorizing the election.

d. Estimated number of eligible electors;

e. Name of the chief election administrator who will be responsible for all aspects of the election;

f. Indication of whether county clerk and recorder will assist in the election for the entity other than by providing a list of registered electors and other information required by statute;

- g. Total number of "places of deposit" .
- h. Written timetable for the conduct of the election in accordance with the statute;
- i. Indication of how postage will be handled for ballot packets returned as undeliverable (e.g. "return postage guaranteed");
- j. Indication of procedures to be followed to ensure compliance with statutes and rules, including persons responsible for each stage;
- k. Description of procedures to be used to ensure ballot security at all stages of the process;
- l. Description of procedures to be used for signature verification;
- m. Description of procedures to ensure privacy by folding the ballot or use of secrecy envelopes so receiving judges cannot tell how the elector voted;
- n. Description of procedures to be used to reconcile ballots issued, ballots received, defective ballots and substitute ballots.

9.3.3 Written timetable specifications:

- a. The election administrator shall prepare a written timetable for conducting the mail ballot election with specific dates or range of dates when each activity is to be completed.
- b. The timetable shall include the following dates:
 - 1. Copy of written plan to governing body;
 - 2. Date of approval of election;
 - 3. Date of submission of written plan to Secretary of State's office;
 - 4. Date of approval by Secretary of State;

5. Date of notice of election to electorate;
6. Date of notice of election to the county clerk;
7. Date of notice of election to the county assessor;
8. Date of notice specifying close of registration;
9. Date of close of registration;
10. Date ballots mailed;
11. Date verification of ballots will begin;
12. Date of the election.

9.4 Registration books.

1-7.5-107
(2)(a) and (b)

- 9.4.1 A full and complete list of registered electors shall be prepared for the election in a manner best suited for the election (e.g. alphabetized, by district, etc.)
- 9.4.2 The list shall be submitted no later than thirty days prior to election day by the county clerk and recorder.
- 9.4.3 For special district mail ballot elections or other elections where owning property is required to participate in the election, the assessor shall prepare a property owner's list which includes the name of all owners, not just the first name listed on the deed. From that list the county clerk and recorder shall determine which owners are registered electors in that county.
- 9.4.4 For elections where ballots are mailed to electors based on addresses provided by the county assessor, the address on the assessor's list must match the elector's residence address on the election records for the owner to be considered an eligible elector and receive a ballot.

- 9.4.5 Post Office box numbers on the assessors' list may not be used as an address for registration purposes unless the election record includes the post office number in addition to the residence address.
- 9.4.6 Those persons to whom a mail ballot is not sent may vote in person pursuant to C.R.S. 1-7.5-107 by completing an affidavit as required by C.R.S. 1-7-103 or by absentee ballot.
- 9.4.7 The county clerk or Secretary of State shall assist political subdivisions in determining whether property owners are registered electors in other counties in the state and thus eligible to vote in the election.
- 9.4.8 A supplemental list of those electors whose names were not included on the original list shall be submitted by the elected official to the appropriate authority of the political subdivision no later than 20 days before the election. 1-7.5-107
(2)(b)
- 9.4.9 If the supplemental list is received after the initial mailing of ballots, the same procedures shall be followed for mailing ballots to electors on the supplementary list as for the initial mailings. 1-7.5-107
(1) and
(2)(b)
- 9.5 Ballots
- 9.5.1 Ballots and mail ballot packets shall be prepared in substantially the same form as is required by the Secretary of State.
- 9.5.2 The ballots shall clearly indicate the type of election, the issue upon which the elector is voting, and all instructions for completing the vote.
- 9.5.3 The ballots shall contain the warning required by C.R.S. 1-7.5-107 (3)(b) advising electors of the penalties for tampering with the ballot:

"WARNING"

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

9.5.4 For punch card ballots, non-sequential ballots may be used as long as it is clearly indicated for which election the ballot was used.

9.6 Supplies and equipment: the political subdivision calling the election shall ensure that sufficient forms and supplies are given to the election officials to carry out their tasks.

9.7 Mailing ballots

1-7.5-107
(3)(a)

9.7.1 The election official shall mail a ballot to each registered elector entitled to vote in the mail ballot election no sooner than 25 days before an election and no later than 15 days before the election.

9.7.2 The ballot shall be sent to the last address appearing in the registration records and shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED" or similar language.

9.7.3 The mail ballot packets must include a ballot, instructions for completing the ballot, a secrecy envelope, and a return verification envelope.

9.7.4 The number of the ballot mailed to each elector shall be recorded on the registration list.

9.7.5 If the ballot is returned to the election official as undeliverable, the official shall not be required to re-mail the ballot packet.

9.8 Absentee voting

1-7.5-108

9.8.1 Absentee voting occurs when a registered, eligible elector wishes the ballot mailed to a place other than the address of record.

9.8.2 A request for an absentee ballot may be filed any time after notice of the election is given but not later than the close of business three days prior to the election.

9.8.3 Upon receipt of a request for absentee ballot, the judge shall mail the original ballot or a replacement ballot to that elector.

9.8.4 A notation shall be made on the registration sheet that a request for an absentee ballot was received, a ballot was mailed to the alternate address and the ballot number shall be noted.

9.9 Judges to receive ballots as mailed.

9.9.1 Judges shall be appointed for the site to which ballots are to be mailed to receive the ballots as mailed.

9.9.2 Each day when ballots come in, a judge shall count the ballots, batch them and record the number of ballots received.

9.9.3 The ballots shall be date stamped when received. If any ballot is received after the time set for the closing of the election, the ballot shall be date stamped but the ballot shall not be counted.

9.9.4 Records shall also be kept of the number of ballot packets returned as undeliverable.

9.9.5 Ballots shall then be placed in a safe, secure placed until the counting of the ballots.

9.10 Ballots delivered in person.

9.10.1 Under the following circumstances an elector may vote in person:

1-7.5-107
(4)(b)

- a. When the elector is absent from his/her place of residence during the conduct of the election;
 - b. When the elector requests a replacement ballot;
 - c. When an elector who is entitled to vote is not listed on the property owner's list or registration list. 1-7.5-107
(c)
- 9.10.2 Each political subdivision is to establish at least one site within the county where electors may vote in person. The site must be open during regular business hours no sooner than 25 days before election day nor later than 7 p.m. on election day for ballot delivery. 1-7.5-107
(c)
- 9.10.3 If the political subdivision wishes to establish a site for walk in voting outside of the county, municipality or district, permission must be obtained from the Secretary of State.
- 9.10.4 If a completed ballot is delivered in person, the judge is to include that ballot with those received in the mail that day.
- 9.10.5 If an elector wishes to vote in person and does not have a ballot with him/her, the judge shall follow the procedures for issuance of a defective/ replacement ballot.
- 9.10.6 The judge shall have the elector complete the sworn statement specifying the reason for requesting the replacement ballot.
- 9.11 Defective or replacement ballots.
- 9.11.1 If an elector comes to the election judge with a defective ballot, the judge shall issue a replacement ballot for voting. Requests for replacement ballots may be made in writing, by mail, by fax or by telephone.
 - 9.11.2 A sworn statement specifying the reason for requesting the replacement must be signed by the elector and presented to the election judge no later than 4 p.m.

on election day. If the ballot is returned by mail, the sworn statement must be included in the return verification envelope with the marked ballot.

9.11.3 The sworn statement shall also contain a statement in bold face that the original ballot may not be cast and that, if both the original and the replacement ballot are cast, neither ballot will be counted.

9.11.4 The election official shall ensure that the sworn statement required by C.R.S. 1-7.5-107 (d)(1) is completed and that the return verification envelope with the identifying information is correctly completed.

9.11.5 The judge shall note on the registration list that a replacement ballot has been issued and write the number of that replacement ballot next to the name of the elector. The judge shall also note on the return verification envelope in which the ballot is placed that the ballot is a replacement ballot.

9.12 Judges to check return verification envelopes.

9.12.1 The election judges may begin verifying the information on the return verification envelopes five calendar days before the date of the election.

1-7.5-107
(5)

9.12.2 The judges shall first check the information on the envelope to ensure the following:

a. The ballot was returned in the return-verification envelope;

b. The ballot was issued to the elector who submitted it (the numbers match);

c. The person completing the ballot is an elector (as verified by the birthdate and other identifying information) who has not previously voted in the

election nor had a replacement ballot issued;

d. The person who voted was in fact eligible to vote (registered elector and property owner, if applicable);

9.12.3 If the completed return verification envelope is in substantial compliance with Title 1, Article 7.5 C.R.S., the rules and regulations promulgated by the Secretary of State and the instructions for voting, the ballot shall be removed for counting.

9.12.4 If the ballot qualifies, the official shall so note next to the name of the registered elector on the official registration list. The official shall then open the return-verification envelope, remove the ballot stub, and place the ballot in a ballot box or bin for counting.

9.12.5 Those return verification envelopes which are defective shall be placed in a separate bin and retained. The ballots are not to be removed from the defective envelopes.

9.12.6 The judges are to make a final count of ballots which are to be counted and ballots which are rejected in the return-verification envelopes for the tally sheet.

9.12.7 Judges are to retain all envelopes in which the ballots were received in a separate container and deliver them with the election results to the election official.

9.13 Verification of replacement ballots.

9.13.1 If a return verification envelope is submitted which contains a replacement ballot or an original ballot for which a replacement ballot was issued, that shall be set aside until the close of the voting.

9.13.2 The information on the return verification envelope may be

checked prior to the close of voting but the ballot may not be removed from the envelope until voting is complete.

9.13.3 When voting is complete, the replacement ballots shall be checked to ensure that the elector only voted with the replacement ballot.

9.13.4 If it appears that an elector voted more than one time, then none of the ballots cast by that elector shall be counted. The ballots shall be considered rejected and handled in the same way as other rejected ballots.

1-7.5-107
(6)

9.13.5 If it appears that the elector voted the original ballot but requested a replacement ballot, the original ballot shall not be counted in that the replacement ballot voids the original ballot.

9.13.6 If it appears that the elector only voted the replacement ballot and if all the information is complete on the return verification envelope, the ballot may be removed and counted as the other ballots.

9.14 Judges to count the ballots

9.14.1 On the day of election, judges first count all ballots to ensure that those logged in are in fact accounted for.

9.14.2 The judges open ballots and count the results.

9.14.3 If it appears that a ballot is defective, then the ballot shall not be counted but shall be placed in a separate container and retained.

9.14.4 A defective ballot is one where the voter's intention cannot be determined from the markings on the ballot.

9.14.5 The judges shall keep tally sheets of the election results.

9.15 Judges certificate.

9.15.1 The judges are to enter results of the count on the judges certificate and statement.

1-7-308

1-7-309

9.15.2 The judges are to deliver the results of the election to the election official along with all election materials.

9.15.3 The judges are to deliver all election materials bound separately as follows:

- a. Ballots which were counted;
- b. Ballots which were defective;
- c. Ballots/verification envelopes which will be challenged;
- d. Verification envelopes with ballots removed;
- e. Defective verification envelopes with ballots inside;
- f. Ballot packets which were returned as undeliverable.

9.16 Canvass of votes/Certificates of election.

9.16.1 The canvass of election shall occur as required by the enabling statute of the entity calling the election.

9.16.2 The canvass shall include the number of ballots mailed, the number issued in person and the number received.

9.16.3 All certificates shall be issued by the election officials as required by the enabling statute of the entity calling the election.

9.17 Challenge of Elections.

9.17.1 Elections can be challenged as provided in the enabling statute of the entity calling the election.

9.17.2 A failure of an elector to receive a ballot will not by itself be sufficient grounds for the challenge of an election, so long as the election official acted in good faith in complying with Title 1, Article 7.5, C.R.S. or the rules promulgated thereunder by the Secretary of State.

- 9.17.3 A technical violation of the procedures in the running of the election shall not be deemed sufficient to invalidate the election. The test shall be whether the procedures were such as to ensure that a fundamentally fair election was held.
- 9.18 Retention of election materials: All election materials are to be retained by the election official for the time required by the enabling legislation.
- 9.19 After the election the designated election official shall file a report with the secretary of state which shall include result of the election, number of ballots mailed, number of absentee ballots, turn-out statistics, cost of the election, and any other information requested by the Secretary of State.

Rules repealed and reenacted, with amendments on August 31, 1992, effective October 6, 1992.

