

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

LLS NO. 14-0140.01 Kate Meyer x4348

HOUSE BILL 14-1164

HOUSE SPONSORSHIP

Hullinghorst and Murray,

SENATE SPONSORSHIP

Ulibarri and Roberts,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING NONPARTISAN ELECTIONS NOT COORDINATED BY A
102 COUNTY CLERK AND RECORDER, AND, IN CONNECTION
103 THEREWITH, CREATING THE "COLORADO LOCAL GOVERNMENT
104 ELECTION CODE" FOR THE CONDUCT OF SUCH ELECTIONS BY
105 SPECIAL DISTRICTS, HARMONIZING RESIDENCY REQUIREMENTS
106 FOR VOTER REGISTRATION, MODIFYING THE "COLORADO
107 MUNICIPAL ELECTION CODE OF 1965", AND CLARIFYING WHEN
108 ELECTIONS ARE COORDINATED BY COUNTY CLERK AND
109 RECORDERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates the "Colorado Local Government Election Code" (code), which applies to local government nonpartisan elections that are not coordinated by a county clerk and recorder unless and to the extent that the governing body of a local government instead opts to use applicable provisions of the "Uniform Election Code of 1992".

For purposes of the code, "local government" is defined as any district, business improvement district, or special district created under title 32 of the Colorado Revised Statutes, or other political subdivision authorized to conduct elections. The term excludes a county, school district, regional transportation district, or municipality.

Modeled after the "Colorado Municipal Election Code of 1965", the code includes provisions pertaining to:

- ! Terms used in the context of local government elections;
- ! Local government elector eligibility and registration;
- ! Nominations for candidacy for local government office;
- ! Election judge qualifications, functions, duties, compensation, and removal;
- ! Notice and preparation for local government elections, including the establishment of polling places and use of voting equipment;
- ! Conduct of local government elections, including provisions governing polling place watchers, assistance to voters, and counting and delivering ballots;
- ! Use of voting machines, electronic voting systems, and paper ballots;
- ! Absentee and emergency absentee voting, including the maintenance of a list of local government electors who request to be permanent absentee voters;
- ! Optional independent mail ballot elections; and
- ! Processes for challenges to voters, surveys of returns, election contests, and judicial proceedings when controversies arise.

House Bill 13-1303 altered elector residency requirements for elections conducted under the "Uniform Election Code of 1992" by reducing the minimum duration that a person must have resided in the state from 30 to 22 days and by eliminating the minimum precinct residency. The bill aligns durational residency requirements for municipal and school district elections by deleting minimum residency requirements for municipal election precincts, special districts, and school election precincts. Corresponding modifications are made regarding preparation of registration lists and oaths sworn by electors.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds, determines, and declares that the purpose of this act is to
4 clarify and modernize procedures for nonpartisan elections that are not
5 coordinated by county clerk and recorders. It is the general assembly's
6 intent that the "Uniform Election Code of 1992" continue to govern
7 coordinated elections.

8 **SECTION 2.** In Colorado Revised Statutes, 1-1-102, **add** (3) as
9 follows:

10 **1-1-102. Applicability.** (3) NOTWITHSTANDING ANY PROVISION
11 OF THIS CODE TO THE CONTRARY, A LOCAL GOVERNMENT MAY, PURSUANT
12 TO SECTION 32-1-801, C.R.S., USE ANY PROVISIONS OF THIS CODE IN LIEU
13 OF THE "COLORADO LOCAL GOVERNMENT ELECTION CODE", ARTICLE 13.5
14 OF THIS TITLE, TO CONDUCT NONPARTISAN ELECTIONS NOT COORDINATED
15 BY A COUNTY CLERK AND RECORDER.

16 
17 **SECTION 3.** In Colorado Revised Statutes, **amend** 1-5-401 as
18 follows:

19 **1-5-401. Method of voting.** (1) For all general, primary,
20 congressional vacancy, coordinated, odd-year, and recall elections,
21 ~~conducted on or after July 1, 2013,~~ and for any election in which the
22 governing body of a political subdivision other than a county determines
23 that an election shall be by mail ballot, the county clerk and recorder or
24 designated election official for the political subdivision, as applicable,
25 shall conduct the election by mail ballot; except that votes cast at voter
26 service and polling centers may be by paper ballots or by electronic or

1 electromechanical voting systems.

2 (2) FOR ANY ELECTION THAT THE GOVERNING BODY OF A
3 POLITICAL SUBDIVISION DETERMINES WILL BE AN INDEPENDENT MAIL
4 BALLOT ELECTION, THE DESIGNATED ELECTION OFFICIAL FOR THAT
5 POLITICAL SUBDIVISION SHALL CONDUCT THE ELECTION BY MAIL BALLOT
6 IN ACCORDANCE WITH ARTICLE 13.5 OF THIS TITLE.

7 **SECTION 4.** In Colorado Revised Statutes, 1-7-116, **amend** (1)
8 and (5) as follows:

9 **1-7-116. Coordinated elections - definitions.** (1) (a) If more
10 than one political subdivision holds an election on the same day in
11 November and the eligible electors for each such election are the same or
12 the boundaries overlap, the county clerk and recorder is the coordinated
13 election official and, pursuant to section 1-5-401, shall conduct the
14 elections on behalf of all political subdivisions WHOSE ELECTIONS ARE
15 PART OF THE COORDINATED ELECTION, utilizing the mail ballot procedure
16 set forth in article 7.5 of this title. As used in this subsection (1), "political
17 subdivision" includes the state, counties, municipalities, school districts,
18 and special districts formed pursuant to title 32, C.R.S.

19 (b) PARAGRAPH (a) OF THIS SUBSECTION (1) DOES NOT APPLY TO
20 ANY POLITICAL SUBDIVISION THAT CONDUCTS A MAIL BALLOT ELECTION
21 OR AN INDEPENDENT MAIL BALLOT ELECTION, AS DEFINED IN SECTION
22 1-13.5-1102, USING MAIL BALLOT PROCEDURES SET FORTH IN ARTICLE 7.5
23 OR 13.5 OF THIS TITLE OR THE "COLORADO MUNICIPAL ELECTION CODE OF
24 1965", ARTICLE 10 OF TITLE 31, C.R.S., AS APPROPRIATE. AS USED IN THIS
25 PARAGRAPH (b), "POLITICAL SUBDIVISION" MEANS A MUNICIPALITY AS
26 DEFINED IN SECTION 31-1-101, C.R.S., OR A SPECIAL DISTRICT AS DEFINED
27 IN SECTION 1-13.5-103.

1 (c) A COUNTY CLERK AND RECORDER IS NOT REQUIRED TO
2 CONDUCT ANY ELECTION USING THE PROCEDURES SET FORTH IN ARTICLE
3 13.5 OF THIS TITLE.

4 (5) If, by one hundred days before the election, a political
5 subdivision has taken formal action to participate in ~~a general election or~~
6 ~~other~~ AN election that will be coordinated by the county clerk and
7 recorder, the political subdivision shall notify the county clerk and
8 recorder in writing. FAILURE TO RECEIVE SUCH NOTICE IN A TIMELY
9 MANNER DOES NOT PROHIBIT THE COUNTY CLERK AND RECORDER FROM
10 ENTERING INTO AND PERFORMING AN INTERGOVERNMENTAL AGREEMENT
11 TO CONDUCT THE COORDINATED ELECTION ON BEHALF OF THE POLITICAL
12 SUBDIVISION.

13 **SECTION 5.** In Colorado Revised Statutes, **amend** 1-7.5-102 as
14 follows:

15 **1-7.5-102. Legislative declaration.** (1) The general assembly
16 hereby finds, determines, and declares that self-government by election
17 is more legitimate and better accepted as voter participation increases. By
18 enacting this article, the general assembly hereby concludes that it is
19 appropriate to provide for mail ballot elections under specified
20 circumstances.

21 (2) Recognizing the continued need for in-person voting options
22 through early voting and on election day, the general assembly finds that
23 mail ballot elections CONDUCTED BY THE COUNTY CLERK AND RECORDER
24 must include voter service and polling centers so voters can register to
25 vote, update voter registration information, and vote in person.

26 (3) NOTHING IN THIS CODE PREVENTS A POLITICAL SUBDIVISION
27 FROM CONDUCTING AN INDEPENDENT MAIL BALLOT ELECTION IN

1 ACCORDANCE WITH ARTICLE 13.5 OF THIS TITLE.

2 **SECTION 6.** In Colorado Revised Statutes, 1-7.5-103, **amend**
3 (4), (5), and (8); and **add** (3.5) as follows:

4 **1-7.5-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (3.5) "INDEPENDENT MAIL BALLOT ELECTION" HAS THE MEANING
7 SET FORTH IN SECTION 1-13.5-1102.

8 (4) "Mail ballot election" means an election for which eligible
9 electors receive ballots by mail and vote by mailing those ballots,
10 depositing the ballots at, AS APPLICABLE, drop-off locations or voter
11 service and polling centers, or, AS APPLICABLE, by voting at a voter
12 service and polling center. THE TERM DOES NOT INCLUDE AN
13 INDEPENDENT MAIL BALLOT ELECTION.

14 (5) "Mail ballot packet" means the packet of information provided
15 by the designated election official to eligible electors in the mail ballot
16 election and to persons preregistered to vote pursuant to section 1-2-101
17 (2) who will be eighteen years of age on the date of the mail ballot
18 election. The packet includes the ballot, instructions for completing the
19 ballot, a secrecy envelope OR SLEEVE, and a return envelope.

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

24 **SECTION 7.** In Colorado Revised Statutes, **add** article 13.5 to
25 title 1 as follows:

26 **ARTICLE 13.5**

27 **Colorado Local Government Election Code**

1 PART 1

2 DEFINITIONS AND GENERAL PROVISIONS

3 **1-13.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
4 BE CITED AS THE "COLORADO LOCAL GOVERNMENT ELECTION CODE".

5 **1-13.5-102. Applicability of article - legislative intent.** (1) THIS
6 ARTICLE APPLIES ONLY TO NONPARTISAN ELECTIONS NOT COORDINATED
7 BY COUNTY CLERK AND RECORDERS THAT ARE CONDUCTED BY A LOCAL
8 GOVERNMENT; EXCEPT THAT THE GOVERNING BODY OF A LOCAL
9 GOVERNMENT MAY OPT TO USE THE "UNIFORM ELECTION CODE OF 1992",
10 ARTICLES 1 TO 13 OF THIS TITLE, WITH RESPECT TO ANY PROCEDURES AND
11 REQUIREMENTS.

12 (2) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE "UNIFORM
13 ELECTION CODE OF 1992" CONTINUE TO GOVERN COORDINATED
14 ELECTIONS.

15 **1-13.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (1) "ABSENTEE VOTER" MEANS AN ELIGIBLE ELECTOR WHO
18 REQUESTS IN WRITING THAT THE DESIGNATED ELECTION OFFICIAL MAIL A
19 BALLOT TO EITHER THE ELECTOR'S DELIVERABLE MAILING ADDRESS OR TO
20 ANOTHER ADDRESS DESIGNATED BY THE ELECTOR FOR THE PURPOSE OF
21 VOTING BY MAIL.

22 (2) "DESIGNATED ELECTION OFFICIAL" MEANS THE PERSON
23 DESIGNATED BY THE GOVERNING BODY OF A LOCAL GOVERNMENT OR BY
24 COURT ORDER TO SUPERVISE ELECTION DUTIES.

25 (3) "ELECTRONIC VOTING SYSTEM" MEANS A SYSTEM IN WHICH AN
26 ELECTOR VOTES USING A DEVICE BY WHICH VOTES ARE RECORDED
27 ELECTRONICALLY, INCLUDING A TOUCHSCREEN SYSTEM.

1 (4) "ELIGIBLE ELECTOR" MEANS A PERSON WHO MEETS THE
2 SPECIFIC REQUIREMENTS FOR VOTING AT A SPECIFIC ELECTION CONDUCTED
3 UNDER THIS ARTICLE OR FOR A SPECIFIC CANDIDATE, BALLOT QUESTION,
4 OR BALLOT ISSUE.

5 (5) "ISSUE COMMITTEE" HAS THE MEANING SET FORTH IN SECTION
6 1-45-103.

7 (6) "LOCAL GOVERNMENT" MEANS ANY DISTRICT, BUSINESS
8 IMPROVEMENT DISTRICT, SPECIAL DISTRICT CREATED PURSUANT TO TITLE
9 32, C.R.S., AUTHORITY, OR POLITICAL SUBDIVISION OF THE STATE,
10 AUTHORIZED BY LAW TO CONDUCT AN ELECTION. "LOCAL GOVERNMENT"
11 DOES NOT INCLUDE A COUNTY, SCHOOL DISTRICT, REGIONAL
12 TRANSPORTATION DISTRICT, OR MUNICIPALITY AS DEFINED IN SECTION
13 31-1-101 (6), C.R.S.

14 (7) "POLLBOOK" MEANS THE LIST OF ELIGIBLE ELECTORS WHO ARE
15 PERMITTED TO VOTE AT A POLLING PLACE OR BY MAIL BALLOT AT AN
16 ELECTION CONDUCTED PURSUANT TO THIS ARTICLE.

17 (8) "POLLING PLACE" MEANS A PLACE ESTABLISHED FOR HOLDING
18 ELECTIONS CONDUCTED UNDER THIS ARTICLE.

19 (9) "PROPERTY OWNERS LIST" MEANS THE LIST OF PROPERTY
20 OWNER NAMES AND ADDRESSES PREPARED BY THE COUNTY ASSESSOR IN
21 ACCORDANCE WITH SECTION 1-13.5-204.

22 (10) "REGISTRATION LIST" MEANS THE LIST OF REGISTERED
23 ELECTORS OF EACH LOCAL GOVERNMENT, AS PREPARED BY THE COUNTY
24 CLERK AND RECORDER FOR THE COUNTY IN WHICH THE LOCAL
25 GOVERNMENT IS LOCATED OR AS OBTAINED THROUGH STATE
26 REGISTRATION RECORDS IN ACCORDANCE WITH SECTION 1-13.5-203.

27 (11) "SPECIAL DISTRICT" MEANS ANY PUBLIC ENTITY, AS DEFINED

1 IN SECTION 24-10-103, C.R.S., THAT IS AUTHORIZED BY LAW TO HOLD AN
2 ELECTION; EXCEPT THAT THE TERM DOES NOT INCLUDE A COUNTY, A
3 MUNICIPALITY AS DEFINED IN SECTION 31-1-101, C.R.S., OR A SCHOOL
4 DISTRICT AS DEFINED IN SECTION 22-30-103, C.R.S.

5 (12) "VOTER" MEANS AN ELIGIBLE ELECTOR WHO VOTED IN THE
6 MOST RECENT ELECTION CONDUCTED PURSUANT TO THIS ARTICLE.

7 (13) "VOTING MACHINE" MEANS ANY DEVICE FULFILLING THE
8 REQUIREMENTS FOR VOTING MACHINES SET FORTH IN PART 4 OF ARTICLE
9 7 OF THIS TITLE REGARDING ITS USE, CONSTRUCTION, PROCUREMENT, AND
10 TRIAL.

11 (14) "WATCHER" MEANS A REGISTERED ELECTOR OF THE LOCAL
12 GOVERNMENT WHOSE NAME IS SUBMITTED TO THE DESIGNATED ELECTION
13 OFFICIAL AND CERTIFIED BY THE DESIGNATED ELECTION OFFICIAL TO THE
14 APPROPRIATE ELECTION JUDGES PURSUANT TO SECTION 1-13.5-602.

15 **1-13.5-104. Acts and elections conducted pursuant to**
16 **provisions that refer to qualified electors.** ANY ELECTIONS, AND ANY
17 ACTS RELATING THERETO, CARRIED OUT UNDER LAW THAT WERE
18 CONDUCTED PRIOR TO JULY 1, 1987, PURSUANT TO PROVISIONS THAT
19 REFERRED TO A QUALIFIED ELECTOR RATHER THAN AN ELIGIBLE ELECTOR
20 AND THAT WERE VALID WHEN CONDUCTED ARE DEEMED AND HELD TO BE
21 LEGAL AND VALID IN ALL RESPECTS.

22 **1-13.5-105. Acts legal and valid.** ACTS AND ELECTIONS
23 CONDUCTED PURSUANT TO PROVISIONS THAT REFER TO REGISTERED
24 ELECTORS, ANY ELECTIONS, AND ANY ACTS RELATING TO THOSE
25 ELECTIONS CARRIED OUT UNDER LAW THAT WERE CONDUCTED PRIOR TO
26 JULY 1, 1992, AND THAT WERE VALID WHEN CONDUCTED ARE HELD TO BE
27 LEGAL AND VALID IN ALL RESPECTS.

1 **1-13.5-106. Applicability of the "Uniform Election Code of**
2 **1992"**. (1) ANY LOCAL GOVERNMENT MAY PROVIDE BY RESOLUTION THAT
3 IT WILL UTILIZE ALL OR PART OF THE REQUIREMENTS AND PROCEDURES OF
4 THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF THIS
5 TITLE, IN LIEU OF ALL OR PORTIONS OF THIS ARTICLE WITH RESPECT TO ANY
6 ELECTION. ABSENT SUCH RESOLUTION, THIS ARTICLE APPLIES.

7 (2) ALL PROVISIONS OF THE "UNIFORM ELECTION CODE OF 1992"
8 NOT IN CONFLICT WITH THIS ARTICLE APPLY TO LOCAL GOVERNMENT
9 ELECTIONS; EXCEPT THAT ELECTIONS OFFENSES AND PENALTIES
10 PROSCRIBED BY PARTS 2 AND 3 OF ARTICLE 13 OF THIS TITLE DO NOT APPLY
11 TO ELECTIONS AUTHORIZED UNDER THIS ARTICLE.

12 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
13 GENERAL PROVISIONS OF THIS ARTICLE NOT SUPERSEDE OR SUPPLANT
14 SPECIFIC PROVISIONS OF LAW.

15 **1-13.5-107. Computation of time.** (1) CALENDAR DAYS SHALL
16 BE USED IN ALL COMPUTATIONS OF TIME MADE UNDER THIS ARTICLE.

17 (2) IN COMPUTING TIME FOR ANY ACT TO BE DONE BEFORE ANY
18 LOCAL GOVERNMENT ELECTION, THE FIRST DAY IS INCLUDED, AND THE
19 LAST, OR ELECTION, DAY IS EXCLUDED. SATURDAYS, SUNDAYS, AND
20 LEGAL HOLIDAYS ARE INCLUDED, BUT, IF THE TIME FOR ANY ACT TO BE
21 DONE OR THE LAST DAY OF ANY PERIOD IS A SATURDAY, SUNDAY, OR A
22 LEGAL HOLIDAY, THE PERIOD IS EXTENDED TO INCLUDE THE NEXT DAY
23 THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

24 **1-13.5-108. Powers of designated election official.** (1) EXCEPT
25 AS OTHERWISE PROVIDED IN THIS ARTICLE, THE DESIGNATED ELECTION
26 OFFICIAL SHALL RENDER ALL INTERPRETATIONS AND SHALL MAKE ALL
27 INITIAL DECISIONS AS TO CONTROVERSIES OR OTHER MATTERS ARISING IN

1 THE OPERATION OF THIS ARTICLE.

2 (2) ALL POWERS AND AUTHORITY GRANTED TO THE DESIGNATED
3 ELECTION OFFICIAL BY THIS ARTICLE MAY BE EXERCISED BY A DEPUTY
4 DESIGNATED ELECTION OFFICIAL IN THE ABSENCE OF THE DESIGNATED
5 ELECTION OFFICIAL OR IN THE EVENT THE DESIGNATED ELECTION OFFICIAL
6 IS UNABLE TO PERFORM THE DUTIES.

7 **1-13.5-109. Construction.** SUBSTANTIAL COMPLIANCE WITH THE
8 PROVISIONS OR INTENT OF THIS ARTICLE IS ALL THAT IS REQUIRED FOR THE
9 PROPER CONDUCT OF AN ELECTION TO WHICH THIS ARTICLE APPLIES.

10 **1-13.5-110. Special elections.** SPECIAL ELECTIONS MUST BE HELD
11 ON SUCH DATE AS MAY BE PROVIDED BY LAW BY THE LOCAL GOVERNMENT
12 CALLING THE SPECIAL ELECTION.

13 **1-13.5-111. Time for holding elections for special districts -**
14 **type of election - manner of election - notice.** (1) EXCEPT AS
15 OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, REGULAR
16 SPECIAL DISTRICT ELECTIONS MUST BE HELD ON THE TUESDAY
17 SUCCEEDING THE FIRST MONDAY OF MAY IN EVERY EVEN-NUMBERED
18 YEAR.

19 (2) SPECIAL ELECTIONS MAY BE HELD ONLY ON THE FIRST
20 TUESDAY AFTER THE FIRST MONDAY IN FEBRUARY, MAY, OCTOBER, OR
21 DECEMBER OF ANY YEAR; EXCEPT THAT BALLOT ISSUE ELECTIONS MAY BE
22 HELD ONLY ON THE DATE OF A STATE GENERAL ELECTION, BIENNIAL LOCAL
23 DISTRICT ELECTION, OR ON THE FIRST TUESDAY IN NOVEMBER OF
24 ODD-NUMBERED YEARS. A BALLOT ISSUE ELECTION THAT IS NOT PART OF
25 AN ORGANIZATIONAL ELECTION MUST BE CONDUCTED EITHER AS PART OF
26 A COORDINATED ELECTION OR IN ACCORDANCE WITH PART 11 OF THIS
27 ARTICLE.

1 (3) ANY SPECIAL DISTRICT ELECTION ORDERED PURSUANT TO
2 ARTICLE 1 OF TITLE 32, C.R.S., BY THE DISTRICT COURT HAVING
3 JURISDICTION OVER SUCH EXISTING OR PROPOSED SPECIAL DISTRICT MUST
4 BE HELD ON THE DATE ORDERED BY THE COURT AND CONDUCTED IN
5 ACCORDANCE WITH THIS ARTICLE.

6 (4) WHENEVER THE DATE OF A REGULAR SPECIAL DISTRICT
7 ELECTION IS IDENTICAL TO THE DATE SET FOR A MUNICIPAL OR ANOTHER
8 SPECIAL DISTRICT ELECTION IN ANY MUNICIPALITY OR OTHER SPECIAL
9 DISTRICT HAVING BOUNDARIES COTERMINOUS WITH THE SPECIAL DISTRICT,
10 THE ELECTION MAY BE HELD JOINTLY WITH THE MUNICIPAL OR OTHER
11 SPECIAL DISTRICT ELECTION. AN ELECTION HELD JOINTLY PURSUANT TO
12 THIS SUBSECTION (4) IS NOT A COORDINATED ELECTION.

13 (5) ANY ELECTION FOR THE ORGANIZATION OF A NEW HEALTH
14 ASSURANCE OR HEALTH SERVICE DISTRICT MUST BE HELD ON THE DATE OF
15 THE GENERAL ELECTION OR ON THE FIRST TUESDAY IN NOVEMBER OF AN
16 ODD-NUMBERED YEAR. ANY ELECTION ON THE PROPOSAL OF A HEALTH
17 ASSURANCE OR HEALTH SERVICE DISTRICT MUST BE CONDUCTED BY THE
18 COUNTY CLERK AND RECORDER IN WHICH THE PROPOSED DISTRICT WILL BE
19 LOCATED AS PART OF A COORDINATED ELECTION IN ACCORDANCE WITH
20 SECTION 1-7-116.

21 **1-13.5-112. Commencement of terms - nonpartisan officers.**

22 (1) UNLESS OTHERWISE PROVIDED BY LAW, THE REGULAR TERM OF OFFICE
23 OF A NONPARTISAN OFFICER ELECTED AT A REGULAR ELECTION
24 COMMENCES THE EARLIER OF THE FOLLOWING:

25 (a) NO LATER THAN THIRTY DAYS FOLLOWING THE SURVEY OF
26 RETURNS AND UPON THE SIGNING OF AN OATH AND POSTING OF A BOND,
27 WHERE REQUIRED; OR

1 (b) AT THE NEXT MEETING OF THE GOVERNING BODY OF THE LOCAL
2 GOVERNMENT FOLLOWING THE DATE OF THE ELECTION.

3 (2) UNLESS OTHERWISE PROVIDED BY LAW, IF THE ELECTION IS
4 CANCELED IN WHOLE OR IN PART PURSUANT TO SECTION 1-13.5-513, THE
5 REGULAR TERM OF OFFICE OF A NONPARTISAN OFFICER COMMENCES AT:

6 (a) THE NEXT MEETING OF THE GOVERNING BODY FOLLOWING THE
7 DATE OF THE REGULAR ELECTION, BUT NO LATER THAN THIRTY DAYS
8 FOLLOWING THE DATE OF THE REGULAR ELECTION AND UPON THE SIGNING
9 OF AN OATH AND POSTING OF A BOND, WHERE REQUIRED; OR

10 (b) IF THE NONPARTISAN OFFICER WAS ELECTED AT AN ELECTION
11 OTHER THAN A REGULAR ELECTION, THE NEXT MEETING OF THE
12 GOVERNING BODY OF THE LOCAL GOVERNMENT FOLLOWING THE DATE OF
13 THE ELECTION.

14 PART 2

15 QUALIFICATIONS AND REGISTRATION OF ELECTORS

16 **1-13.5-201. Registration required.** EXCEPT WHERE A STATUTE
17 SPECIFICALLY PROVIDES OTHERWISE, NO PERSON IS PERMITTED TO VOTE
18 AT ANY LOCAL GOVERNMENT ELECTION WITHOUT FIRST HAVING
19 REGISTERED TO VOTE IN COLORADO IN ACCORDANCE WITH THE "UNIFORM
20 ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF THIS TITLE.

21 **1-13.5-202. Persons entitled to vote at special district elections.**
22 NO PERSON IS PERMITTED TO VOTE IN ANY SPECIAL DISTRICT ELECTION
23 UNLESS THAT PERSON IS AN ELIGIBLE ELECTOR AS DEFINED IN SECTION
24 32-1-103 (5), C.R.S.

25 **1-13.5-203. Registration records for local government**
26 **elections - costs.** (1) NO LATER THAN THE FORTIETH DAY PRECEDING THE
27 DATE OF A SCHEDULED LOCAL GOVERNMENT ELECTION, THE DESIGNATED

1 ELECTION OFFICIAL SHALL ORDER THE REGISTRATION RECORDS FROM THE
2 COUNTY CLERK AND RECORDER. THE DESIGNATED ELECTION OFFICIAL
3 SHALL ORDER EITHER:

4 (a) AN INITIAL LIST OF THE REGISTERED ELECTORS AS OF THE
5 THIRTIETH DAY PRIOR TO THE ELECTION, WITH A SUPPLEMENTAL LIST TO
6 BE PROVIDED ON THE TWENTIETH DAY; OR

7 (b) A COMPLETE LIST OF REGISTERED ELECTORS AS OF THE SIXTH
8 DAY PRIOR TO THE ELECTION.

9 (2) THE COUNTY CLERK AND RECORDER SHALL CERTIFY AND MAKE
10 AVAILABLE TO THE DESIGNATED ELECTION OFFICIAL A COMPLETE COPY OF
11 THE LIST OF THE REGISTERED ELECTORS OF THE LOCAL GOVERNMENT THAT
12 HAS TERRITORIAL BOUNDARIES LOCATED WITHIN THE COUNTY AND IS
13 INVOLVED IN THE ELECTION. IF A SUPPLEMENTAL LIST IS PROVIDED
14 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE
15 COUNTY CLERK AND RECORDER SHALL CERTIFY AND MAKE AVAILABLE TO
16 THE DESIGNATED ELECTION OFFICIAL THE SUPPLEMENTAL LIST OF ELIGIBLE
17 ELECTORS WHO BECAME ELIGIBLE SINCE THE EARLIER LIST WAS CERTIFIED.
18 THESE LISTS SUBSTITUTE FOR THE ORIGINAL REGISTRATION RECORD.

19 (3) THE REGISTRATION LIST THAT IS CERTIFIED THIRTY DAYS
20 BEFORE THE ELECTION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1)
21 OF THIS SECTION MUST CONTAIN THE NAMES AND ADDRESSES OF ALL
22 REGISTERED ELECTORS RESIDING WITHIN THE LOCAL GOVERNMENT AT THE
23 CLOSE OF BUSINESS ON THE FORTIETH DAY PRECEDING THE ELECTION. THE
24 SUPPLEMENTAL REGISTRATION LIST FOR EACH LOCAL GOVERNMENT THAT
25 IS CERTIFIED NO LATER THAN TWENTY DAYS BEFORE THE ELECTION MUST
26 CONTAIN THE NAMES AND ADDRESSES OF ALL ELIGIBLE ELECTORS
27 RESIDING WITHIN THE LOCAL GOVERNMENT AT THE CLOSE OF BUSINESS ON

1 THE TWENTY-SECOND DAY PRIOR TO THE ELECTION. IF A SUPPLEMENTAL
2 LIST IS PROVIDED, IT MUST CONTAIN THE NAMES AND ADDRESSES OF ALL
3 ELIGIBLE ELECTORS WHO BECAME ELIGIBLE DURING THE PERIOD SINCE THE
4 INITIAL REGISTRATION LIST WAS CERTIFIED THROUGH THE CLOSE OF
5 BUSINESS ON THE TWENTY-SECOND DAY PRECEDING THE ELECTION.

6 (4) COSTS FOR THE LISTS REQUIRED TO BE OBTAINED UNDER THIS
7 SECTION MUST BE ASSESSED BY THE COUNTY CLERK AND RECORDER AND
8 PAID BY THE LOCAL GOVERNMENT HOLDING THE ELECTION. THE FEE FOR
9 FURNISHING THE LISTS SHALL BE NO LESS THAN TWENTY-FIVE DOLLARS
10 FOR THE ENTIRE LIST OR NO MORE THAN ONE CENT FOR EACH NAME
11 CONTAINED ON THE REGISTRATION LIST, WHICHEVER IS GREATER.

12 (5) THE DESIGNATED ELECTION OFFICIAL MAY CANCEL AN ORDER
13 FOR THE LIST IF THE ELECTION IS CANCELED PURSUANT TO SECTION
14 1-13.5-513 AND THE COUNTY CLERK AND RECORDER HAS NOT ALREADY
15 PREPARED THE LIST.

16 **1-13.5-204. Lists of property owners - costs.** (1) FOR ELECTIONS
17 WHERE OWNING PROPERTY IN THE LOCAL GOVERNMENT IS A REQUIREMENT
18 FOR VOTING IN THE ELECTION, NO LATER THAN THE FORTIETH DAY
19 PRECEDING THE DATE OF THE ELECTION, THE DESIGNATED ELECTION
20 OFFICIAL SHALL ORDER THE LIST OF PROPERTY OWNERS FROM THE COUNTY
21 ASSESSOR. EXCEPT AS OTHERWISE REQUIRED UNDER SUBSECTION (2) OF
22 THIS SECTION, THE COUNTY ASSESSOR SHALL CERTIFY AND DELIVER AN
23 INITIAL LIST OF ALL RECORDED OWNERS OF TAXABLE REAL AND PERSONAL
24 PROPERTY WITHIN THE LOCAL GOVERNMENT NO LATER THAN THIRTY DAYS
25 BEFORE THE ELECTION. THE SUPPLEMENTAL LIST FOR THE LOCAL
26 GOVERNMENT SHALL BE PROVIDED NO LATER THAN TWENTY DAYS BEFORE
27 THE ELECTION AND SHALL CONTAIN THE NAMES AND ADDRESSES OF ALL

1 RECORDED OWNERS WHO BECAME OWNERS NO LATER THAN TWENTY-TWO
2 DAYS PRIOR TO THE ELECTION AND AFTER THE INITIAL LIST OF PROPERTY
3 OWNERS WAS PROVIDED. THE COUNTY ASSESSORS SHALL ASSESS THE COST
4 FOR THE LISTS, WHICH MUST BE PAID BY THE LOCAL GOVERNMENT
5 HOLDING THE ELECTION. THE FEE FOR FURNISHING THE LISTS IS NO LESS
6 THAN TWENTY-FIVE DOLLARS FOR BOTH LISTS OR NO MORE THAN ONE
7 CENT FOR EACH NAME CONTAINED ON THE LISTS, WHICHEVER IS GREATER.

8 (2) THE DESIGNATED ELECTION OFFICIAL OF A LOCAL
9 GOVERNMENT MAY ORDER THE LIST DESCRIBED IN SUBSECTION (1) OF THIS
10 SECTION OF ALL RECORDED OWNERS OF TAXABLE REAL AND PERSONAL
11 PROPERTY WITHIN THE LOCAL GOVERNMENT AS OF THE THIRTIETH DAY
12 BEFORE THE ELECTION, WITH A SUPPLEMENTAL LIST TO BE PROVIDED ON
13 THE TWENTIETH DAY BEFORE THE ELECTION, OR THE DESIGNATED
14 ELECTION OFFICIAL MAY ORDER A COMPLETE LIST AS OF THE SIXTH DAY
15 BEFORE THE ELECTION.

16 **1-13.5-205. Delivery and custody of registration list and**
17 **property owner list.** AT SUCH TIME AS MAY BE SET BY THE DESIGNATED
18 ELECTION OFFICIAL, BUT AT LEAST ONE DAY PRIOR TO THE ELECTION, ONE
19 OF THE ELECTION JUDGES FROM EACH PRECINCT MAY APPEAR IN PERSON
20 AT THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL FOR THE PURPOSE
21 OF RECEIVING THE REGISTRATION LIST AND, AS APPLICABLE, PROPERTY
22 OWNERS LIST, ELECTION SUPPLIES, OR THE DESIGNATED ELECTION OFFICIAL
23 MAY DELIVER THE SAME TO ONE OF THE JUDGES. THE JUDGES SHALL HAVE
24 CUSTODY OF THE REGISTRATION LIST AND PROPERTY OWNERS LIST AND
25 SHALL GIVE HIS OR HER RECEIPT FOR THE LIST. AFTER THE CLOSING OF THE
26 POLLS ON THE DAY OF ELECTION, THE ELECTION JUDGE SELECTED
27 PURSUANT TO SECTION 1-13.5-410 TO DELIVER THE ELECTION PAPERS AND

1 SUPPLIES SHALL DELIVER THE REGISTRATION LIST AND PROPERTY OWNERS
2 LIST TO THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL OR TO SUCH
3 OTHER PLACE AS THE DESIGNATED ELECTION OFFICIAL MAY DESIGNATE AS
4 THE COUNTING CENTER.

5 PART 3
6 NOMINATIONS

7 **1-13.5-301. Eligibility for office - prohibitions - exceptions -**
8 **challenges.** (1) (a) NO PERSON EXCEPT AN ELIGIBLE ELECTOR WHO IS AT
9 LEAST EIGHTEEN YEARS OF AGE, UNLESS ANOTHER AGE IS REQUIRED BY
10 LAW, IS ELIGIBLE TO HOLD ANY OFFICE IN THIS STATE. NO PERSON IS
11 ELIGIBLE TO BE A CANDIDATE FOR OFFICE UNLESS THAT PERSON FULLY
12 MEETS THE QUALIFICATIONS OF THAT OFFICE AS STATED IN THE
13 CONSTITUTION AND STATUTES OF THIS STATE ON OR BEFORE THE DATE THE
14 PERSON IS NOMINATED TO THE OFFICE. THE DESIGNATED ELECTION
15 OFFICIAL SHALL NOT CERTIFY THE NAME OF ANY CANDIDATE WHO FAILS TO
16 SWEAR OR AFFIRM UNDER OATH THAT HE OR SHE FULLY MEETS THE
17 QUALIFICATIONS AS OF THE DATE OF NOMINATION OR WHO IS UNABLE TO
18 PROVIDE PROOF THAT HE OR SHE MEETS ANY REQUIREMENTS OF THE
19 OFFICE RELATING TO REGISTRATION, RESIDENCE, OR PROPERTY
20 OWNERSHIP.

21 (b) THE INFORMATION FOUND ON THE PERSON'S VOTER
22 REGISTRATION RECORD IS ADMISSIBLE AS PRIMA FACIE EVIDENCE OF
23 COMPLIANCE WITH THE REGISTRATION AND RESIDENCE REQUIREMENTS OF
24 THIS SECTION. THE INFORMATION FOUND IN THE PROPERTY OWNERS LIST
25 IS ADMISSIBLE AS PRIMA FACIE EVIDENCE OF COMPLIANCE WITH PROPERTY
26 OWNERSHIP REQUIREMENTS.

27 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2), NO

1 PERSON IS ELIGIBLE TO BE A CANDIDATE FOR MORE THAN ONE OFFICE IN
2 THE SAME LOCAL GOVERNMENT AT ONE TIME. THIS SUBSECTION (2) DOES
3 NOT:

4 (a) APPLY TO MEMBERSHIPS ON DIFFERENT SPECIAL DISTRICT OR
5 BUSINESS IMPROVEMENT DISTRICT BOARDS; OR

6 (b) PROHIBIT A CANDIDATE OR ELECTED OFFICIAL OF ANY
7 POLITICAL SUBDIVISION FROM BEING A CANDIDATE OR MEMBER OF THE
8 BOARD OF DIRECTORS OF ANY SPECIAL DISTRICT, BUSINESS IMPROVEMENT
9 DISTRICT, OR DISTRICTS IN WHICH HE OR SHE IS AN ELIGIBLE ELECTOR,
10 UNLESS OTHERWISE PROHIBITED BY LAW.

11 (3) THE QUALIFICATION OF ANY CANDIDATE MAY BE CHALLENGED
12 BY AN ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT WITHIN FIVE DAYS
13 AFTER THE DATE THAT THE DESIGNATED ELECTION OFFICIAL CERTIFIES THE
14 CANDIDATE TO THE BALLOT. THE CHALLENGE SHALL BE MADE BY VERIFIED
15 PETITION SETTING FORTH THE FACTS ALLEGED CONCERNING THE
16 QUALIFICATION OF THE CANDIDATE AND SHALL BE FILED IN THE DISTRICT
17 COURT IN THE COUNTY IN WHICH THE LOCAL GOVERNMENT IS LOCATED.
18 THE HEARING ON THE QUALIFICATION OF THE CANDIDATE MUST BE HELD
19 NOT LESS THAN FIVE NOR MORE THAN TEN DAYS AFTER THE DATE THE
20 DESIGNATED ELECTION OFFICIAL'S STATEMENT IS ISSUED THAT CERTIFIES
21 THE CANDIDATE TO THE BALLOT. THE COURT SHALL HEAR THE TESTIMONY
22 AND OTHER EVIDENCE AND, WITHIN FORTY-EIGHT HOURS AFTER THE CLOSE
23 OF THE HEARING, DETERMINE WHETHER THE CANDIDATE MEETS THE
24 QUALIFICATIONS FOR THE OFFICE FOR WHICH THE CANDIDATE HAS
25 DECLARED. PART 1 OF ARTICLE 17 OF TITLE 13, C.R.S., REGARDING
26 FRIVOLOUS, GROUNDLESS, OR VEXATIOUS ACTIONS, APPLIES TO THIS
27 SECTION.

1 **1-13.5-302. Nomination of local government candidates.**

2 (1) EXCEPT AS PROVIDED IN SECTION 1-13.5-303 OR OTHER APPLICABLE
3 LAW, CANDIDATES FOR OFFICE OF NONPARTISAN LOCAL GOVERNMENTS
4 MUST BE NOMINATED, WITHOUT REGARD TO AFFILIATION, BY PETITION ON
5 FORMS SUPPLIED BY THE DESIGNATED ELECTION OFFICIAL. A PETITION OF
6 NOMINATION MAY CONSIST OF ONE OR MORE SHEETS, BUT IT MUST
7 CONTAIN THE NAME AND ADDRESS OF ONLY ONE CANDIDATE AND
8 INDICATE THE OFFICE TO WHICH THE CANDIDATE IS SEEKING ELECTION.
9 THE CANDIDATE'S NAME MUST BE PRINTED ON EACH SHEET OF A PETITION
10 OF NOMINATION.

11 (2) NOMINATION PETITIONS FOR A CANDIDATE IN A LOCAL
12 GOVERNMENT, OTHER THAN A SPECIAL DISTRICT OR BUSINESS
13 IMPROVEMENT DISTRICT, MAY BE CIRCULATED AND SIGNED, BEGINNING ON
14 JANUARY 1 OF THE YEAR IN WHICH ELECTION FOR THAT OFFICE IS
15 CONDUCTED AND ENDING ON THE SIXTY-SEVENTH DAY PRIOR TO THE DAY
16 OF ELECTION, BY AT LEAST TWO ELIGIBLE ELECTORS RESIDING WITHIN OR
17 ELIGIBLE TO VOTE IN THE LOCAL GOVERNMENT.

18 (3) THE CIRCULATOR OF EACH NOMINATION PETITION SHALL MAKE
19 AN AFFIDAVIT THAT EACH SIGNATURE THEREON IS THE SIGNATURE OF THE
20 PERSON WHOSE NAME IT PURPORTS TO BE AND THAT EACH SIGNER HAS
21 STATED TO THE CIRCULATOR THAT THE SIGNER IS AN ELIGIBLE ELECTOR OF
22 THE LOCAL GOVERNMENT FOR WHICH THE NOMINATION IS MADE.

23 (4) A PETITION IS NOT VALID IF IT DOES NOT CONTAIN THE
24 REQUISITE NUMBER OF SIGNATURES OF ELIGIBLE ELECTORS. THE
25 DESIGNATED ELECTION OFFICIAL SHALL INSPECT TIMELY FILED PETITIONS
26 OF NOMINATION TO ENSURE COMPLIANCE WITH THIS SECTION.

27 (5) EACH NOMINATION PETITION MUST BE FILED WITH THE

1 DESIGNATED ELECTION OFFICIAL NO LATER THAN THE SIXTY-SEVENTH DAY
2 PRIOR TO THE DAY OF ELECTION. EVERY PETITION MUST HAVE ENDORSED
3 ON IT OR APPENDED TO IT THE WRITTEN AFFIDAVIT OF THE CANDIDATE
4 ACCEPTING THE NOMINATION AND SWEARING THAT THE CANDIDATE
5 SATISFIES THE REQUIREMENTS SET FORTH IN LAW TO BE A CANDIDATE AND
6 HOLD OFFICE IN THE LOCAL GOVERNMENT.

7 (6) THE DESIGNATED ELECTION OFFICIAL SHALL PRESERVE ALL
8 NOMINATION PETITIONS FILED WITH HIM OR HER FOR A PERIOD OF TWO
9 YEARS. ALL SUCH PETITIONS ARE OPEN TO PUBLIC INSPECTION UNDER
10 PROPER REGULATION BY THE DESIGNATED ELECTION OFFICIAL WITH WHOM
11 THEY ARE FILED.

12 **1-13.5-303. Candidates for special district or business**
13 **improvement district director - self-nomination and acceptance form.**

14 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO EARLIER THAN
15 JANUARY 1 AND NO LATER THAN THE NORMAL CLOSE OF BUSINESS ON THE
16 SIXTY-SEVENTH DAY BEFORE THE DATE OF A REGULAR SPECIAL DISTRICT
17 ELECTION, ANY PERSON WHO DESIRES TO BE A CANDIDATE FOR THE OFFICE
18 OF A SPECIAL DISTRICT DIRECTOR SHALL FILE A SELF-NOMINATION AND
19 ACCEPTANCE FORM OR LETTER SIGNED BY THE CANDIDATE AND BY AN
20 ELIGIBLE ELECTOR OF THE STATE AS A WITNESS TO THE SIGNATURE OF THE
21 CANDIDATE.

22 (2) ON THE DATE OF SIGNING THE SELF-NOMINATION AND
23 ACCEPTANCE FORM OR LETTER, A CANDIDATE FOR DIRECTOR SHALL BE AN
24 ELIGIBLE ELECTOR OF THE SPECIAL DISTRICT. IF THE DISTRICT IS DIVIDED
25 INTO DIRECTOR DISTRICTS ESTABLISHED PURSUANT TO SECTION 32-1-301
26 (2) (f), C.R.S., THE CANDIDATE SHALL BE AN ELIGIBLE ELECTOR WITHIN
27 THE BOUNDARIES OF THE DIRECTOR DISTRICT IN WHICH THE CANDIDATE IS

1 RUNNING FOR OFFICE.

2 (3) THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER
3 MUST CONTAIN THE NAME OF THE SPECIAL DISTRICT IN WHICH THE
4 ELECTION WILL BE HELD, THE SPECIAL DISTRICT DIRECTOR OFFICE SOUGHT
5 BY THE CANDIDATE, THE TERM OF OFFICE SOUGHT IF MORE THAN ONE
6 LENGTH OF A DIRECTOR'S TERM IS TO BE VOTED UPON AT THE ELECTION,
7 THE DATE OF THE ELECTION, THE FULL NAME OF THE CANDIDATE AS IT IS
8 TO APPEAR ON THE BALLOT, AND WHETHER THE CANDIDATE IS A MEMBER
9 OF AN EXECUTIVE BOARD OF A UNIT OWNERS' ASSOCIATION, AS DEFINED
10 IN SECTION 38-33.3-103, C.R.S., LOCATED WITHIN THE BOUNDARIES OF
11 THE SPECIAL DISTRICT FOR WHICH THE CANDIDATE IS RUNNING FOR OFFICE.
12 UNLESS PHYSICALLY UNABLE, ALL CANDIDATES AND WITNESSES SHALL
13 SIGN THEIR OWN SIGNATURE AND SHALL PRINT THEIR NAMES, THEIR
14 RESPECTIVE RESIDENCE ADDRESSES, INCLUDING THE STREET NUMBER AND
15 NAME, THE CITY OR TOWN, THE COUNTY, TELEPHONE NUMBER, AND THE
16 DATE OF SIGNATURE ON THE SELF-NOMINATION AND ACCEPTANCE FORM
17 OR LETTER.

18 (4) THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER
19 MUST BE FILED WITH THE DESIGNATED ELECTION OFFICIAL OR, IF NONE HAS
20 BEEN DESIGNATED, THE PRESIDING OFFICER OR THE SECRETARY OF THE
21 BOARD OF DIRECTORS OF THE SPECIAL DISTRICT IN WHICH THE ELECTION
22 WILL BE HELD.

23 (5) THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER
24 MUST BE VERIFIED AND PROCESSED SUBSTANTIALLY AS PROVIDED IN
25 SECTION 1-4-908, A PROTEST ON SUCH A FORM OR LETTER SHALL BE
26 DETERMINED SUBSTANTIALLY AS PROVIDED IN SECTIONS 1-4-909 AND
27 1-4-911, AND CURE OF SUCH A FORM OR LETTER SHALL BE ALLOWED

1 SUBSTANTIALLY AS PROVIDED FOR IN SECTION 1-4-912.

2 (6) IN A BUSINESS IMPROVEMENT DISTRICT WITH AN ELECTED
3 BOARD OF DIRECTORS, NOMINATIONS FOR BUSINESS IMPROVEMENT
4 DISTRICT DIRECTORS MUST BE HANDLED SUBSTANTIALLY AS PROVIDED IN
5 SUBSECTIONS (1) TO (5) OF THIS SECTION.

6 **1-13.5-304. Withdrawal from nomination.** ANY PERSON WHO
7 HAS BEEN NOMINATED AND WHO HAS ACCEPTED A NOMINATION, OR FILED
8 A SELF-NOMINATION FORM OR LETTER, MAY CAUSE HIS OR HER NAME TO
9 BE WITHDRAWN FROM SUCH NOMINATION AT ANY TIME BEFORE THE
10 ELECTION BY EXECUTING A WRITTEN AFFIDAVIT WITHDRAWING FROM THE
11 NOMINATION. THE WITHDRAWING CANDIDATE SHALL SIGN THE AFFIDAVIT
12 AND FILE IT WITH THE DESIGNATED ELECTION OFFICIAL.

13 **1-13.5-305. Write-in candidate affidavit.** A WRITE-IN VOTE FOR
14 ANY LOCAL GOVERNMENT OFFICE IS COUNTED ONLY IF AN AFFIDAVIT OF
15 INTENT TO BE A WRITE-IN CANDIDATE IS FILED WITH THE DESIGNATED
16 ELECTION OFFICIAL BY THE PERSON WHOSE NAME IS WRITTEN IN NOT
17 LATER THAN SIXTY-FOUR DAYS BEFORE THE DAY OF THE ELECTION. THE
18 AFFIDAVIT OF INTENT MUST INDICATE THAT THE SIGNER DESIRES THE
19 OFFICE AND IS QUALIFIED TO ASSUME THE DUTIES OF THAT OFFICE IF
20 ELECTED.

21 **1-13.5-306. Objections to nominations.** ALL SELF-NOMINATION
22 AND ACCEPTANCE FORMS OR LETTERS, PETITIONS OF NOMINATION, AND
23 AFFIDAVITS OF INTENT TO BE A WRITE-IN CANDIDATE THAT ARE IN
24 APPARENT CONFORMITY, AS DETERMINED BY THE DESIGNATED ELECTION
25 OFFICIAL, WITH SECTION 1-13.5-302, 1-13.5-303, OR 1-13.5-305, ARE
26 VALID UNLESS OBJECTION THERETO IS DULY MADE IN WRITING WITHIN
27 THREE DAYS AFTER THE FILING OF THE SAME. IN CASE AN OBJECTION IS

1 MADE, THE DESIGNATED ELECTION OFFICIAL SHALL MAIL FORTHWITH
2 NOTICE OF THE OBJECTION TO ANY CANDIDATE FOR THE SAME OFFICE. THE
3 DESIGNATED ELECTION OFFICIAL SHALL DECIDE OBJECTIONS WITHIN
4 FORTY-EIGHT HOURS AFTER THE SAME ARE FILED, AND ANY OBJECTIONS
5 UPHELD MAY BE REMEDIED OR DEFECT CURED UPON THE ORIGINAL
6 PETITION, BY AN AMENDMENT THERETO, OR BY FILING A NEW
7 SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER, PETITION OF
8 NOMINATION, OR AFFIDAVIT OF INTENT, AS APPLICABLE, WITHIN THREE
9 DAYS AFTER THE OBJECTION IS UPHELD, BUT IN NO EVENT LATER THAN THE
10 FIFTY-EIGHTH DAY BEFORE THE DAY OF ELECTION. THE DESIGNATED
11 ELECTION OFFICIAL SHALL PASS UPON THE VALIDITY OF ALL OBJECTIONS,
12 WHETHER OF FORM OR SUBSTANCE, AND THE DESIGNATED ELECTION
13 OFFICIAL'S DECISIONS UPON MATTERS OF FORM ARE FINAL. THE
14 DESIGNATED ELECTION OFFICIAL'S DECISIONS UPON MATTERS OF
15 SUBSTANCE ARE OPEN TO REVIEW IF PROMPT APPLICATION IS MADE, AS
16 PROVIDED IN SECTION 1-13.5-1501, BUT THE REMEDY IN ALL CASES SHALL
17 BE SUMMARY, AND THE DECISION OF THE DISTRICT COURT IS FINAL AND
18 NOT SUBJECT TO REVIEW BY ANY OTHER COURT; EXCEPT THAT THE
19 SUPREME COURT, IN THE EXERCISE OF ITS DISCRETION, MAY REVIEW ANY
20 PROCEEDING IN A SUMMARY WAY.

21 PART 4

22 ELECTION JUDGES

23 **1-13.5-401. Appointment of election judges.** (1) EXCEPT AS
24 PROVIDED IN SUBSECTION (2) OF THIS SECTION, AT LEAST FIFTEEN DAYS
25 BEFORE EACH LOCAL GOVERNMENT ELECTION, THE GOVERNING BODY
26 SHALL APPOINT THE ELECTION JUDGES. EACH ELECTION JUDGE MUST BE
27 REGISTERED TO VOTE IN COLORADO AND AT LEAST EIGHTEEN YEARS OF

1 AGE. ELECTION JUDGES SHALL BE APPOINTED PURSUANT TO THIS ARTICLE
2 WITHOUT REGARD TO PARTY AFFILIATION. THE DESIGNATED ELECTION
3 OFFICIAL SHALL MAKE AND FILE IN HIS OR HER OFFICE A LIST OF ALL
4 INDIVIDUALS SO APPOINTED, GIVING THEIR NAMES AND ADDRESSES. THE
5 LIST IS A PUBLIC RECORD AND IS SUBJECT TO INSPECTION AND
6 EXAMINATION DURING OFFICE HOURS BY ANY ELECTOR OF THE LOCAL
7 GOVERNMENT WITH THE RIGHT TO MAKE COPIES THEREOF.

8 (2) THE GOVERNING BODY MAY DELEGATE TO THE DESIGNATED
9 ELECTION OFFICIAL THE AUTHORITY AND RESPONSIBILITY TO APPOINT
10 ELECTION JUDGES IN THE MANNER PROVIDED IN THIS SECTION.

11 **1-13.5-402. Number of judges - appointment.** THE GOVERNING
12 BODY, OR THE DESIGNATED ELECTION OFFICIAL IF AUTHORIZED PURSUANT
13 TO SECTION 1-13.5-401 (2), SHALL APPOINT AT LEAST TWO ELECTION
14 JUDGES FOR EACH LOCAL GOVERNMENT ELECTION. THE APPOINTING
15 AUTHORITY MAY ALSO APPOINT ANY ADDITIONAL JUDGES AS DEEMED
16 NECESSARY, AND MAY APPOINT COUNTING JUDGES.

17 **1-13.5-403. Certificates of appointment.** PROMPTLY AFTER THE
18 APPOINTMENT OF THE ELECTION JUDGES, THE DESIGNATED ELECTION
19 OFFICIAL SHALL ISSUE CERTIFICATES CERTIFYING THE APPOINTMENTS. THE
20 DESIGNATED ELECTION OFFICIAL SHALL MAIL ONE CERTIFICATE TO EACH
21 PERSON APPOINTED.

22 **1-13.5-404. Acceptance form - time to file.** WITH EACH
23 CERTIFICATE OF APPOINTMENT TRANSMITTED TO THE ELECTION JUDGES,
24 THE DESIGNATED ELECTION OFFICIAL SHALL ENCLOSE A FORM FOR
25 ACCEPTANCE OF THE APPOINTMENT. EACH INDIVIDUAL APPOINTED AS AN
26 ELECTION JUDGE MAY FILE HIS OR HER ACCEPTANCE FORM IN THE OFFICE
27 OF THE DESIGNATED ELECTION OFFICIAL WITHIN SEVEN DAYS AFTER THE

1 DATE THAT THE DESIGNATED ELECTION OFFICIAL MAILED THE CERTIFICATE
2 OF APPOINTMENT AND THE ACCEPTANCE FORM. UNLESS OTHERWISE
3 DETERMINED BY THE DESIGNATED ELECTION OFFICIAL, FAILURE OF ANY
4 PERSON APPOINTED AS AN ELECTION JUDGE TO FILE AN ACCEPTANCE
5 WITHIN THOSE SEVEN DAYS RESULTS IN A VACANCY, WHICH SHALL BE
6 FILLED IN THE SAME WAY THE ORIGINAL APPOINTMENT WAS MADE.

7 **1-13.5-405. Vacancies - emergency appointments.** EXCEPT
8 WHEN SECTION 1-13.5-404 APPLIES, IF AN INDIVIDUAL APPOINTED AS AN
9 ELECTION JUDGE REFUSES OR FAILS TO ACCEPT THE APPOINTMENT OR IS
10 UNABLE TO SERVE, THE INDIVIDUAL OR ANY OTHER ELECTION JUDGE MUST
11 IMMEDIATELY NOTIFY THE DESIGNATED ELECTION OFFICIAL. THE
12 DESIGNATED ELECTION OFFICIAL SHALL FORTHWITH APPOINT ANOTHER
13 QUALIFIED INDIVIDUAL TO SERVE AS ELECTION JUDGE IN THE PLACE OF THE
14 INDIVIDUAL. IN THE EVENT OF AN EMERGENCY, INCLUDING INABILITY TO
15 NOTIFY THE DESIGNATED ELECTION OFFICIAL, THE REMAINING ELECTION
16 JUDGES AT THE LOCATION WHERE THE INDIVIDUAL WAS TO SERVE MAY
17 APPOINT A REPLACEMENT ELECTION JUDGE.

18 **1-13.5-406. Removal of judges.** THE DESIGNATED ELECTION
19 OFFICIAL MAY SUMMARILY REMOVE ANY ELECTION JUDGE WHO NEGLECTS
20 HIS OR HER DUTY, OR COMMITS, ENCOURAGES, OR CONNIVES AT ANY
21 FRAUD IN CONNECTION THEREWITH, OR VIOLATES ANY ELECTION LAWS, OR
22 KNOWINGLY PERMITS OTHERS TO DO SO, OR HAS BEEN CONVICTED OF ANY
23 FELONY, OR VIOLATES HIS OR HER OATH, OR COMMITS ANY ACT THAT
24 INTERFERES OR TENDS TO INTERFERE WITH A FAIR AND HONEST ELECTION.
25 AN ELECTION JUDGE HAS NO CAUSE OF ACTION AGAINST A LOCAL
26 GOVERNMENT OR DESIGNATED ELECTION OFFICIAL ARISING FROM
27 REMOVAL FROM OFFICE PURSUANT TO THIS SECTION.

1 **1-13.5-407. Oath of judges.** BEFORE ANY VOTES ARE TAKEN AT
2 ANY LOCAL GOVERNMENT ELECTION, THE ELECTION JUDGES SHALL MAKE
3 A SELF-AFFIRMATION SUBSTANTIALLY IN THE FOLLOWING FORM:

4 I, ..., DO SOLEMNLY SWEAR (OR AFFIRM) THAT I AM A
5 CITIZEN OF THE UNITED STATES AND THE STATE OF
6 COLORADO; THAT I AM A REGISTERED ELECTOR IN
7 COLORADO; THAT I WILL PERFORM THE DUTIES OF ELECTION
8 JUDGE ACCORDING TO LAW AND THE BEST OF MY ABILITY;
9 THAT I WILL STUDIOUSLY ENDEAVOR TO PREVENT FRAUD,
10 DECEIT, AND ABUSE IN CONDUCTING THE SAME; THAT I WILL
11 NOT TRY TO ASCERTAIN HOW ANY ELECTOR VOTED, NOR
12 WILL I DISCLOSE HOW ANY ELECTOR VOTED IF, IN THE
13 DISCHARGE OF MY DUTIES AS JUDGE, SUCH KNOWLEDGE
14 SHALL COME TO ME, UNLESS CALLED UPON TO DISCLOSE THE
15 SAME BEFORE SOME COURT; AND THAT I WILL NOT DISCLOSE
16 THE RESULT OF THE VOTES UNTIL THE POLLS HAVE CLOSED.

17 **1-13.5-408. Training of judges.** THE DESIGNATED ELECTION
18 OFFICIAL SHALL MAKE AVAILABLE AN INSTRUCTION CLASS CONCERNING
19 THE TASKS OF AN ELECTION JUDGE NOT MORE THAN FORTY-FIVE DAYS
20 PRIOR TO EACH ELECTION. A DESIGNATED ELECTION OFFICIAL SHALL
21 REMOVE AN ELECTION JUDGE WHO FAILS OR REFUSES TO ATTEND THE
22 INSTRUCTION CLASS.

23 **1-13.5-409. Compensation of judges.** THE ELECTION JUDGES AT
24 ANY LOCAL GOVERNMENT ELECTION SHALL RECEIVE REASONABLE
25 COMPENSATION FOR THEIR SERVICES AS ELECTION JUDGES ON ELECTION
26 DAY AND ADDITIONAL REASONABLE COMPENSATION FOR ATTENDING AN
27 INSTRUCTION CLASS REQUIRED IN SECTION 1-13.5-408, AS DETERMINED BY

1 THE GOVERNING BODY OF THE LOCAL GOVERNMENT OR DESIGNATED
2 ELECTION OFFICIAL IF AUTHORIZED BY THE GOVERNING BODY TO MAKE A
3 REASONABLE DETERMINATION.

4 **1-13.5-410. Compensation for delivery of election returns and**
5 **other election papers.** THE ELECTION JUDGES IN EACH POLLING PLACE
6 SHALL SELECT ONE OF THEIR NUMBER TO DELIVER THE ELECTION RETURNS,
7 REGISTRATION LIST, PROPERTY OWNERS LIST, BALLOT BOXES, IF ANY, AND
8 OTHER ELECTION PAPERS AND SUPPLIES TO THE OFFICE OF THE
9 DESIGNATED ELECTION OFFICIAL OR TO SUCH OTHER PLACE AS THE
10 DESIGNATED ELECTION OFFICIAL MAY DESIGNATE AS THE COUNTING
11 CENTER. THE JUDGE SO SELECTED SHALL BE PAID A REASONABLE AMOUNT
12 OF COMPENSATION FOR THE PERFORMANCE OF SUCH SERVICE.

13 PART 5

14 NOTICE AND PREPARATION FOR ELECTIONS

15 **1-13.5-501. Call for nominations - definitions.** (1) BETWEEN
16 SEVENTY-FIVE AND ONE HUNDRED DAYS BEFORE A REGULAR LOCAL
17 GOVERNMENT ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL
18 PROVIDE NOTICE BY PUBLICATION OF A CALL FOR NOMINATIONS FOR THE
19 ELECTION. THE CALL MUST STATE THE DIRECTOR OFFICES TO BE VOTED
20 UPON AT THE ELECTION, WHERE A SELF-NOMINATION AND ACCEPTANCE
21 FORM OR LETTER MAY BE OBTAINED, THE DEADLINE FOR SUBMITTING THE
22 SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER TO THE
23 DESIGNATED ELECTION OFFICIAL, AND INFORMATION ON OBTAINING AN
24 ABSENTEE BALLOT.

25 (2) AS USED IN THIS SECTION, "PUBLICATION" MEANS PRINTING
26 ONE TIME, IN ONE NEWSPAPER OF GENERAL CIRCULATION IN THE SPECIAL
27 DISTRICT OR PROPOSED SPECIAL DISTRICT IF THERE IS SUCH A NEWSPAPER,

1 AND, IF NOT, THEN IN A NEWSPAPER IN THE COUNTY IN WHICH THE SPECIAL
2 DISTRICT OR PROPOSED SPECIAL DISTRICT IS LOCATED. FOR A SPECIAL
3 DISTRICT WITH TERRITORY WITHIN MORE THAN ONE COUNTY, IF
4 PUBLICATION CANNOT BE MADE IN ONE NEWSPAPER OF GENERAL
5 CIRCULATION IN THE SPECIAL DISTRICT, THEN ONE PUBLICATION IS
6 REQUIRED IN A NEWSPAPER IN EACH COUNTY IN WHICH THE SPECIAL
7 DISTRICT IS LOCATED AND IN WHICH THE SPECIAL DISTRICT ALSO HAS FIFTY
8 OR MORE ELIGIBLE ELECTORS.

9 **1-13.5-502. Notice of election.** (1) THE DESIGNATED ELECTION
10 OFFICIAL, AT LEAST TWENTY DAYS BEFORE EACH LOCAL GOVERNMENT
11 ELECTION, SHALL GIVE WRITTEN NOTICE OF THE ELECTION STATING THE
12 DATE OF THE ELECTION AND THE LOCATION AND HOURS DURING WHICH
13 THE POLLS WILL BE OPEN; THE DATE BALLOTS HAVE OR MAY BE MAILED IF
14 THE ELECTION IS CONDUCTED BY MAIL BALLOT; MAIL BALLOT DROP-OFF
15 LOCATIONS; NAMES OF THE OFFICERS TO BE ELECTED AND ANY BALLOT
16 ISSUES AND BALLOT QUESTIONS TO BE VOTED UPON; AND THE NAMES OF
17 THOSE CANDIDATES WHOSE NOMINATIONS HAVE BEEN CERTIFIED TO THE
18 DESIGNATED ELECTION OFFICIAL, WHICH LISTING MUST BE AS NEARLY AS
19 POSSIBLE IN THE FORM IN WHICH SUCH NOMINATIONS WILL APPEAR UPON
20 THE OFFICIAL BALLOT. FOR AN INDEPENDENT MAIL BALLOT ELECTION, THE
21 NOTICE DOES NOT NEED TO INCLUDE THE TEXT OF THE BALLOT ISSUES OR
22 BALLOT QUESTIONS. A COPY OF THE NOTICE MUST BE POSTED UNTIL AFTER
23 THE ELECTION IN A CONSPICUOUS PLACE IN THE OFFICE OF THE
24 DESIGNATED ELECTION OFFICIAL. A COPY OF THE NOTICE MUST BE MAILED
25 OR SENT VIA ELECTRONIC MAIL TO THE COUNTY CLERK AND RECORDER.

26 (2) (a) IN ADDITION, THE NOTICE REQUIRED BY THIS SECTION MUST
27 BE PUBLISHED IN AT LEAST ONE NEWSPAPER HAVING GENERAL

1 CIRCULATION IN THE LOCAL GOVERNMENT ON OR BEFORE THE TWENTIETH
2 DAY BEFORE ELECTION DAY.

3 (b) ON OR BEFORE THE TWENTIETH DAY BEFORE THE ELECTION, A
4 SPECIAL DISTRICT MUST EFFECT PUBLICATION OF THE NOTICE AS PROVIDED
5 IN SECTION 1-13.5-1102.

6 (3) ALL POLLING PLACES MUST BE DESIGNATED BY A SIGN
7 CONSPICUOUSLY POSTED AT LEAST TWENTY DAYS BEFORE EACH LOCAL
8 GOVERNMENT ELECTION. THE SIGN MUST BE SUBSTANTIALLY IN THE
9 FOLLOWING FORM: "POLLING PLACE FOR (NAME OF LOCAL
10 GOVERNMENT)". IN ADDITION, THE SIGN MUST STATE THE DATE OF THE
11 NEXT ELECTION AND THE HOURS THE POLLING PLACE WILL BE OPEN.

12 **1-13.5-503. Ballot issue notice.** (1) ANY BALLOT ISSUE NOTICE
13 RELATING TO A LOCAL GOVERNMENT BALLOT ISSUE MUST BE PREPARED
14 AND DISTRIBUTED IN A MANNER CONSISTENT WITH PART 9 OF ARTICLE 7 OF
15 THIS TITLE.

16 (2) IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTION
17 (1) OF THIS SECTION, A LOCAL GOVERNMENT SUBMITTING A BALLOT ISSUE
18 CONCERNING THE CREATION OF ANY DEBT OR OTHER FINANCIAL
19 OBLIGATION AT AN ELECTION IN THE LOCAL GOVERNMENT MUST POST
20 NOTICE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-7-908.

21 **1-13.5-504. Establishing precincts and polling places -**
22 **applicability.** (1) THIS SECTION APPLIES TO LOCAL GOVERNMENT
23 ELECTIONS THAT ARE CONDUCTED BY POLLING PLACE.

24 (2) THE GOVERNING BODY OF EACH LOCAL GOVERNMENT, OR
25 DESIGNATED ELECTION OFFICIAL IF AUTHORIZED BY THE GOVERNING
26 BODY, SHALL DIVIDE THE LOCAL GOVERNMENT INTO AS MANY ELECTION
27 PRECINCTS FOR LOCAL GOVERNMENT ELECTIONS AS IT DEEMS EXPEDIENT

1 FOR THE CONVENIENCE OF THE ELECTORS OF THE LOCAL GOVERNMENT
2 AND SHALL DESIGNATE THE LOCATION AND ADDRESS FOR EACH POLLING
3 PLACE AT WHICH ELECTIONS ARE TO BE HELD.

4 (3) THE DESIGNATED ELECTION OFFICIALS OF LOCAL
5 GOVERNMENTS WITH OVERLAPPING BOUNDARIES THAT HOLD ELECTIONS
6 THE SAME DAY BY POLLING PLACE MUST MEET, CONFER, AND THEREAFTER,
7 IF PRACTICAL, HOLD SUCH ELECTIONS IN A MANNER THAT PERMITS AN
8 ELECTOR IN THE OVERLAPPING AREA TO VOTE IN ALL OF SUCH ELECTIONS
9 AT ONE POLLING PLACE.

10 (4) NOTWITHSTANDING SUBSECTION (3) OF THIS SECTION, THE
11 GOVERNING BODY OR DESIGNATED ELECTION OFFICIAL SHALL CHANGE
12 ANY POLLING PLACE UPON PETITION OF A MAJORITY OF THE REGISTERED
13 ELECTORS RESIDING WITHIN THE LOCAL GOVERNMENT.

14 **1-13.5-505. Judges may change polling places.** (1) WHEN IT
15 BECOMES IMPOSSIBLE OR INCONVENIENT TO HOLD AN ELECTION AT THE
16 PLACE DESIGNATED, THE ELECTION JUDGES, AFTER NOTIFYING THE
17 DESIGNATED ELECTION OFFICIAL AND AFTER HAVING ASSEMBLED AT OR AS
18 NEAR AS PRACTICABLE TO SUCH PLACE AND BEFORE RECEIVING ANY VOTE,
19 MAY MOVE TO THE NEAREST CONVENIENT PLACE FOR HOLDING THE
20 ELECTION AND AT SUCH NEWLY DESIGNATED PLACE PROCEED WITH THE
21 ELECTION.

22 (2) UPON MOVING TO A NEW POLLING PLACE, THE JUDGES SHALL
23 PROMINENTLY DISPLAY A PROCLAMATION OF THE CHANGE AND MAY
24 STATION A PROPER PERSON AT THE ORIGINAL POLLING PLACE TO NOTIFY
25 ALL PERSONS APPEARING AT THE ORIGINAL POLLING PLACE OF THE NEW
26 LOCATION FOR HOLDING THE ELECTION.

27 **1-13.5-506. Number of voting booths, voting machines, or**

1 **voting systems.** (1) IN LOCAL GOVERNMENTS THAT USE PAPER BALLOTS,
2 THE GOVERNING BODY SHALL PROVIDE IN EACH POLLING PLACE A
3 SUFFICIENT NUMBER OF VOTING BOOTHS. EACH VOTING BOOTH SHALL BE
4 SITUATED SO AS TO PERMIT AN ELIGIBLE ELECTOR TO PREPARE HIS OR HER
5 BALLOT SCREENED FROM OBSERVATION AND SHALL BE FURNISHED WITH
6 SUCH SUPPLIES AND CONVENIENCES AS WILL ENABLE THE ELIGIBLE
7 ELECTOR TO PREPARE HIS OR HER BALLOT FOR VOTING.

8 (2) IN LOCAL GOVERNMENTS THAT USE VOTING MACHINES, THE
9 GOVERNING BODY SHALL SUPPLY EACH POLLING PLACE WITH A SUFFICIENT
10 NUMBER OF VOTING MACHINES.

11 (3) IN LOCAL GOVERNMENTS THAT USE AN ELECTRONIC VOTING
12 SYSTEM, THE GOVERNING BODY SHALL PROVIDE ADEQUATE MATERIALS
13 AND EQUIPMENT FOR THE ORDERLY CONDUCT OF VOTING.

14 **1-13.5-507. Arrangement of voting machines or voting booths**
15 **and ballot boxes.** THE VOTING MACHINES OR THE VOTING BOOTHS AND
16 BALLOT BOX MUST BE SITUATED IN THE POLLING PLACE IN PLAIN VIEW OF
17 THE ELECTION OFFICIALS AND WATCHERS. NO PERSON OTHER THAN THE
18 ELECTION OFFICIALS AND THOSE ADMITTED FOR THE PURPOSE OF VOTING
19 ARE PERMITTED WITHIN THE IMMEDIATE VOTING AREA, WHICH IS THE AREA
20 WITHIN SIX FEET OF THE VOTING MACHINES OR THE VOTING BOOTHS AND
21 BALLOT BOX, EXCEPT BY AUTHORITY OF THE ELECTION JUDGES, AND THEN
22 ONLY WHEN NECESSARY TO KEEP ORDER AND ENFORCE THE LAW.

23 **1-13.5-508. Election expenses to be paid by local government.**
24 THE COST OF CONDUCTING A LOCAL GOVERNMENT ELECTION, INCLUDING
25 THE COST OF PRINTING AND SUPPLIES, IS TO BE PAID BY THE LOCAL
26 GOVERNMENT FOR WHICH THE ELECTION IS BEING HELD.

27 **1-13.5-509. Failure to receive mailed notice.** ANY ELECTION FOR

1 WHICH A NOTICE WAS MAILED SHALL NOT BE INVALIDATED ON THE
2 GROUNDS THAT AN ELIGIBLE ELECTOR DID NOT RECEIVE THE BALLOT ISSUE
3 NOTICE, MAILED INFORMATION, OR MAILED NOTIFICATION OF THE
4 ELECTION REQUIRED BY LAW OR THE STATE CONSTITUTION IF THE
5 DESIGNATED ELECTION OFFICIAL ACTED IN GOOD FAITH IN MAKING THE
6 MAILING. GOOD FAITH IS PRESUMED IF THE DESIGNATED ELECTION
7 OFFICIAL OR COORDINATED ELECTION OFFICIAL MAILED THE BALLOT ISSUE
8 NOTICE, INFORMATION, OR NOTIFICATION TO THE ADDRESSES APPEARING
9 ON A REGISTRATION LIST FOR THE LOCAL GOVERNMENT AS PROVIDED BY
10 THE COUNTY CLERK AND RECORDER, AND, WHERE APPLICABLE, THE
11 PROPERTY OWNERS LIST FOR THE LOCAL GOVERNMENT PROVIDED BY THE
12 COUNTY ASSESSOR.

13 **1-13.5-510. Court-ordered elections.** (1) WHEN AN ELECTION IS
14 ORDERED BY THE COURT FOR A SPECIAL DISTRICT, THE COURT SHALL
15 AUTHORIZE THE DESIGNATED ELECTION OFFICIAL TO GIVE NOTICE AS
16 PROVIDED IN THE ORDER.

17 (2) FOR AN ORGANIZATIONAL ELECTION, THE NOTICE BY
18 PUBLICATION MUST INCLUDE THE PURPOSES OF THE ELECTION, THE
19 ESTIMATED OPERATING AND DEBT SERVICE MILL LEVIES AND FISCAL YEAR
20 SPENDING FOR THE FIRST YEAR FOLLOWING ORGANIZATION, AND THE
21 BOUNDARIES OF THE SPECIAL DISTRICT. THE NOTICE BY PUBLICATION
22 MUST RECITE THE ELECTION DATE, WHICH SHALL BE NOT LESS THAN
23 TWENTY DAYS AFTER PUBLICATION OF THE ELECTION NOTICE.

24 (3) FOR A DISSOLUTION ELECTION, THE NOTICE BY PUBLICATION
25 MUST INCLUDE THE PLAN FOR DISSOLUTION OR A SUMMARY OF THE PLAN
26 AND THE PLACE WHERE A MEMBER OF THE PUBLIC MAY INSPECT OR OBTAIN
27 A COPY OF THE COMPLETE PLAN. THE NOTICE BY PUBLICATION MUST

1 RECITE THE ELECTION DATE, WHICH MUST BE NOT LESS THAN TWENTY
2 DAYS AFTER PUBLICATION OF THE ELECTION NOTICE.

3 **1-13.5-511. Certification of ballot.** NO LATER THAN SIXTY DAYS
4 BEFORE ANY ELECTION, THE DESIGNATED ELECTION OFFICIAL OF EACH
5 LOCAL GOVERNMENT THAT INTENDS TO CONDUCT AN ELECTION SHALL
6 CERTIFY THE ORDER OF THE BALLOT AND BALLOT CONTENT. THE ORDER
7 OF THE BALLOT AND BALLOT CONTENT MUST INCLUDE THE NAME AND
8 OFFICE OF EACH CANDIDATE FOR WHOM A PETITION OR SELF-NOMINATION
9 FORM OR LETTER HAS BEEN FILED WITH THE DESIGNATED ELECTION
10 OFFICIAL AND ANY BALLOT ISSUES OR BALLOT QUESTIONS TO BE
11 SUBMITTED TO THE ELIGIBLE ELECTORS.

12 **1-13.5-512. Correction of errors.** THE DESIGNATED ELECTION
13 OFFICIAL SHALL, ON HIS OR HER OWN MOTION, CORRECT WITHOUT DELAY
14 ANY ERROR IN PUBLICATION OF SAMPLE OR OFFICIAL BALLOTS THAT HE OR
15 SHE DISCOVERS OR THAT IS BROUGHT TO HIS OR HER ATTENTION AND THAT
16 CAN BE CORRECTED WITHOUT INTERFERING WITH THE TIMELY
17 DISTRIBUTION OF THE BALLOTS.

18 **1-13.5-513. Election may be canceled - when.** (1) IF THE ONLY
19 MATTER BEFORE THE ELECTORS IN A NONPARTISAN ELECTION IS THE
20 ELECTION OF PERSONS TO OFFICE AND IF, AT THE CLOSE OF BUSINESS ON
21 THE SIXTY-THIRD DAY BEFORE THE ELECTION OR AT ANY TIME
22 THEREAFTER, THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE
23 FILLED AT THE ELECTION, INCLUDING CANDIDATES FILING AFFIDAVITS OF
24 INTENT TO BE A WRITE-IN CANDIDATE, THE DESIGNATED ELECTION
25 OFFICIAL, IF INSTRUCTED BY RESOLUTION OF THE GOVERNING BODY, SHALL
26 CANCEL THE ELECTION AND DECLARE THE CANDIDATES ELECTED.

27 (2) NO LATER THAN TWENTY-FIVE DAYS BEFORE AN ELECTION

1 CONDUCTED AS A COORDINATED ELECTION IN NOVEMBER, AND AT ANY
2 TIME PRIOR TO ANY OTHER ELECTIONS, A GOVERNING BODY MAY BY
3 RESOLUTION WITHDRAW ONE OR MORE BALLOT ISSUES OR BALLOT
4 QUESTIONS FROM THE BALLOT. IN SUCH CASE, THE BALLOT ISSUES AND
5 BALLOT QUESTIONS ARE DEEMED TO HAVE NOT BEEN SUBMITTED AND
6 VOTES CAST ON THE BALLOT ISSUES AND BALLOT QUESTIONS WILL EITHER
7 NOT BE COUNTED OR BE DEEMED INVALID BY ACTION OF THE GOVERNING
8 BODY.

9 (3) IF THE ELECTORS ARE TO CONSIDER THE ELECTION OF PERSONS
10 TO OFFICE AND BALLOT ISSUES OR BALLOT QUESTIONS, THE ELECTION MAY
11 BE CANCELED BY THE GOVERNING BODY ONLY IN THE EVENT THAT ALL OF
12 THE CONDITIONS OF SUBSECTION (1) OF THIS SECTION EXIST AND THAT ALL
13 BALLOT ISSUES OR BALLOT QUESTIONS HAVE BEEN WITHDRAWN FROM THE
14 BALLOT PURSUANT TO SUBSECTION (2) OF THIS SECTION.

15 (4) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, NO
16 ELECTION MAY BE CANCELED IN PART.

17 (5) UNLESS OTHERWISE PROVIDED BY AN INTERGOVERNMENTAL
18 AGREEMENT PURSUANT TO SECTION 1-7-116, UPON RECEIPT OF AN
19 INVOICE, THE GOVERNING BODY SHALL WITHIN THIRTY DAYS PROMPTLY
20 PAY ALL COSTS ACCRUED BY THE COUNTY CLERK AND RECORDER AND ANY
21 APPLICABLE POLITICAL SUBDIVISION ATTRIBUTABLE TO THE CANCELED
22 ELECTION OR WITHDRAWN BALLOT ISSUES OR BALLOT QUESTIONS.

23 (6) THE GOVERNING BODY OR DESIGNATED ELECTION OFFICIAL
24 SHALL PROVIDE NOTICE BY PUBLICATION, AS THAT TERM IS DEFINED IN
25 SECTION 1-13.5-501, OF THE CANCELLATION OF THE ELECTION. A COPY OF
26 THE NOTICE MUST BE POSTED AT EACH POLLING LOCATION OF THE LOCAL
27 GOVERNMENT, IN THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL,

1 AND IN THE OFFICE OF THE CLERK AND RECORDER FOR EACH COUNTY WITH
2 TERRITORIAL BOUNDARIES THAT OVERLAP IN WHOLE OR IN PART WITH
3 THOSE OF THE LOCAL GOVERNMENT AND, FOR SPECIAL DISTRICTS, A COPY
4 OF THE NOTICE MUST BE FILED IN THE OFFICE OF THE DIVISION OF LOCAL
5 GOVERNMENT. THE GOVERNING BODY SHALL ALSO NOTIFY THE
6 CANDIDATES THAT THE ELECTION WAS CANCELED AND THAT THEY WERE
7 ELECTED BY ACCLAMATION.

8 PART 6

9 CONDUCT OF ELECTIONS

10 **1-13.5-601. Hours of voting.** AT ALL ELECTIONS HELD UNDER
11 THIS ARTICLE, THE POLLS SHALL BE OPENED AT 7 A.M. AND REMAIN OPEN
12 UNTIL 7 P.M. OF THE SAME DAY. IF A FULL SET OF ELECTION JUDGES IS NOT
13 PRESENT AT THE HOUR OF 7 A.M., AN ALTERNATE ELECTION JUDGE SHALL
14 BE APPOINTED BY THE DESIGNATED ELECTION OFFICIAL OR JUDGE IN
15 ATTENDANCE AT THE POLLING PLACE. THE POLLS SHALL BE OPENED IF AT
16 LEAST TWO ELECTION JUDGES ARE PRESENT, EVEN IF THE ALTERNATE
17 JUDGE HAS NOT ARRIVED. EVERY PERSON OTHERWISE QUALIFIED TO VOTE
18 WHO IS STANDING IN LINE WAITING TO VOTE AT 7 P.M. MAY VOTE.

19 **1-13.5-602. Watchers - definition.** (1) (a) (I) EACH CANDIDATE
20 FOR OFFICE, OR INTERESTED PARTY IN CASE OF A BALLOT ISSUE OR BALLOT
21 QUESTION, AT A LOCAL GOVERNMENT ELECTION IS ENTITLED TO APPOINT
22 AN ELIGIBLE ELECTOR TO ACT ON HIS OR HER BEHALF IN EVERY POLLING
23 PLACE IN WHICH HE OR SHE IS A CANDIDATE OR IN WHICH THE ISSUE OR
24 QUESTION IS ON THE BALLOT.

25 (II) AS USED IN THIS SECTION, "INTERESTED PARTY" MEANS AN
26 ISSUE COMMITTEE WHOSE ISSUE IS ON THE BALLOT.

27 (b) THE CANDIDATES OR INTERESTED PARTIES SHALL CERTIFY THE

1 NAME OF THE PERSONS SO APPOINTED TO THE DESIGNATED ELECTION
2 OFFICIAL ON FORMS PROVIDED BY THE DESIGNATED ELECTION OFFICIAL. IF
3 MULTIPLE NAMES ARE CERTIFIED TO THE DESIGNATED ELECTION OFFICIAL
4 FOR OR AGAINST ANY BALLOT ISSUE OR BALLOT QUESTION, AND THE
5 DESIGNATED ELECTION OFFICIAL REASONABLY DETERMINES THAT
6 MULTIPLE WATCHERS WILL IMPEDE THE CONDUCT OF THE ELECTION, THE
7 DESIGNATED ELECTION OFFICIAL MAY, BY LOT, REDUCE THE NUMBER OF
8 WATCHERS TO ONE FOR AND ONE AGAINST THE BALLOT ISSUE OR BALLOT
9 QUESTION FOR EACH LOCATION TO BE WATCHED.

10 (c) IN CASE A WATCHER MUST LEAVE THE POLLING PLACE, THE
11 WATCHER MAY DESIGNATE AN ALTERNATE TO ACT ON HIS OR HER BEHALF
12 WHILE HE OR SHE IS ABSENT IF THE ALTERNATE IS MADE KNOWN TO THE
13 ELECTION JUDGES BY AN AFFIDAVIT OF THE PERSON FIRST NAMED AS A
14 WATCHER. A WATCHER SERVING AT THE POLLING PLACE HAS THE RIGHT TO
15 REMAIN INSIDE THE POLLING PLACE FROM AT LEAST FIFTEEN MINUTES
16 PRIOR TO THE OPENING OF THE POLLS UNTIL AFTER THE COMPLETION OF
17 THE COUNT OF VOTES CAST AT THE ELECTION AND THE CERTIFICATION OF
18 THE COUNT BY THE ELECTION JUDGES. EACH WATCHER MAY MAINTAIN A
19 LIST OF ELIGIBLE ELECTORS AS THE NAMES ARE ANNOUNCED BY THE
20 ELECTION JUDGES AND WITNESS EACH STEP IN THE CONDUCT OF THE
21 ELECTION.

22 (2) WATCHERS SHALL TAKE AN OATH ADMINISTERED BY ONE OF
23 THE ELECTION JUDGES THAT THEY ARE ELIGIBLE ELECTORS, THAT THEIR
24 NAME HAS BEEN SUBMITTED TO THE DESIGNATED ELECTION OFFICIAL AS
25 A WATCHER FOR THIS ELECTION, AND THAT THEY WILL NOT IN ANY
26 MANNER MAKE KNOWN TO ANYONE THE RESULT OF COUNTING VOTES
27 UNTIL THE POLLS HAVE CLOSED.

- 1 (3) WATCHERS SHALL NOT:
- 2 (a) INTERRUPT OR DISRUPT THE PROCESSING, VERIFICATION, OR
- 3 COUNTING OF ANY BALLOTS OR ANY OTHER STAGE OF THE ELECTION;
- 4 (b) WRITE DOWN ANY BALLOT NUMBERS OR ANY OTHER
- 5 IDENTIFYING INFORMATION ABOUT THE ELECTORS;
- 6 (c) HANDLE THE POLLBOOKS, AFFIDAVITS AND
- 7 SELF-AFFIRMATIONS, BALLOTS, MAIL BALLOT ENVELOPES, ABSENTEE
- 8 BALLOT ENVELOPES, VOTING OR COUNTING MACHINES, OR MACHINE
- 9 COMPONENTS;
- 10 (d) INTERFERE WITH THE ORDERLY CONDUCT OF ANY ELECTION
- 11 PROCESS, INCLUDING ISSUANCE OF BALLOTS, RECEIVING OF BALLOTS, AND
- 12 VOTING OR COUNTING OF BALLOTS;
- 13 (e) INTERACT WITH ELECTION OFFICIALS OR ELECTION JUDGES
- 14 EXCEPT FOR THE INDIVIDUAL IDENTIFIED BY THE DESIGNATED ELECTION
- 15 OFFICIAL; OR
- 16 (f) HAVE A CELLULAR PHONE, CAMERA, RECORDING DEVICE,
- 17 LAPTOP OR TABLET, OR OTHER ELECTRONIC DATA CAPTURE DEVICE IN THE
- 18 POLLING PLACE.

19 (4) A DESIGNATED ELECTION OFFICIAL MAY REMOVE A WATCHER

20 UPON FINDING THAT THE WATCHER COMMITS OR ENCOURAGES FRAUD IN

21 CONNECTION WITH HIS OR HER DUTIES, VIOLATES ANY OF THE LIMITATIONS

22 OUTLINED IN THIS ARTICLE, VIOLATES HIS OR HER OATH, OR IS ABUSIVE OR

23 THREATENING TOWARD ELECTION OFFICIALS OR ANY OTHER PERSON.

24 **1-13.5-603. Judges open ballot box first.** IN POLLING PLACES

25 THAT USE AN ELECTRONIC VOTING SYSTEM OR PAPER BALLOTS, THE

26 ELECTION JUDGES, IMMEDIATELY BEFORE THE OPENING OF THE POLLS,

27 SHALL OPEN THE BALLOT BOX IN THE PRESENCE OF THE PEOPLE

1 ASSEMBLED IN THE POLLING PLACE, TURN IT UPSIDE DOWN SO AS TO EMPTY
2 IT OF ALL OF ITS CONTENTS, AND THEN LOCK IT SECURELY. THE BALLOT
3 BOX MUST NOT BE REOPENED UNTIL THE TIME FOR COUNTING THE BALLOTS
4 IT CONTAINS.

5 **1-13.5-604. Judge to keep pollbook.** AN ELECTION JUDGE SHALL
6 KEEP A POLLBOOK, WHICH SHALL CONTAIN ONE COLUMN HEADED "NAMES
7 OF VOTERS" AND ONE COLUMN HEADED "NUMBER ON BALLOT". THE NAME
8 AND NUMBER ON THE BALLOT OF EACH ELIGIBLE ELECTOR VOTING MUST
9 BE ENTERED IN REGULAR SUCCESSION UNDER THE HEADINGS IN THE
10 POLLBOOK.

11 **1-13.5-605. Preparing to vote.** (1) ANY ELIGIBLE ELECTOR
12 DESIRING TO VOTE SHALL WRITE HIS OR HER NAME AND ADDRESS ON A
13 FORM AVAILABLE AT THE POLLING PLACE AND SHALL GIVE THE FORM TO
14 ONE OF THE ELECTION JUDGES, WHO SHALL THEREUPON ANNOUNCE THE
15 SAME CLEARLY AND AUDIBLY. IF THE ELECTOR IS UNABLE TO WRITE, HE OR
16 SHE MAY REQUEST ASSISTANCE FROM ONE OF THE ELECTION JUDGES, AND
17 SUCH JUDGE SHALL SIGN THE FORM AND WITNESS THE ELECTOR'S MARK.
18 THE FORM MADE AVAILABLE MUST CONTAIN IN SUBSTANCE THE
19 FOLLOWING:

20 I STATE UNDER PENALTY OF PERJURY THAT I AM AN
21 ELECTOR WHO IS ELIGIBLE TO VOTE EACH OF THE BALLOTS
22 THAT I HAVE CAST IN THIS ELECTION; THAT MY SIGNATURE
23 AND NAME ARE AS SHOWN ON THIS DOCUMENT; THAT I
24 HAVE NOT AND WILL NOT CAST MORE THAN ONE BALLOT
25 FOR A MATTER TO BE DECIDED IN THIS ELECTION; AND THAT
26 MY BALLOTS ARE CAST IN ACCORDANCE WITH APPLICABLE
27 LAW.

1 NAME:

2 DATE:

3 SIGNATURE OF ELECTOR:

4 IF THE PERSON'S NAME IS FOUND ON THE REGISTRATION LIST OR PROPERTY
5 OWNERS LIST, AS APPLICABLE, BY THE ELECTION JUDGE HAVING CHARGE
6 THEREOF, HE OR SHE SHALL REPEAT THE NAME, AND THE ELECTOR SHALL
7 BE ALLOWED TO ENTER THE IMMEDIATE VOTING AREA.

8 (2) (a) ANY PERSON DESIRING TO VOTE AT ANY SPECIAL DISTRICT
9 ELECTION AS AN ELIGIBLE ELECTOR WHO DOES NOT APPEAR ON THE
10 REGISTRATION LIST OR PROPERTY OWNERS LIST FOR THE DISTRICT SHALL
11 SIGN A SELF-AFFIRMATION THAT THE PERSON IS AN ELECTOR OF THE
12 SPECIAL DISTRICT. THE SELF-AFFIRMING OATH OR AFFIRMATION SHALL BE
13 ON A FORM THAT CONTAINS IN SUBSTANCE THE FOLLOWING:

14 I, (PRINTED NAME), WHO RESIDE AT (ADDRESS), AM AN
15 ELECTOR OF THIS (NAME OF SPECIAL DISTRICT) DISTRICT
16 AND DESIRE TO VOTE AT THIS ELECTION. I DO SOLEMNLY
17 SWEAR (OR AFFIRM) THAT I AM REGISTERED TO VOTE IN THE
18 STATE OF COLORADO AND QUALIFIED TO VOTE IN THIS
19 SPECIAL DISTRICT ELECTION AS:

20 _____ A RESIDENT OF THE DISTRICT OR AREA TO BE
21 INCLUDED IN THE DISTRICT; OR

22 _____ THE OWNER OF TAXABLE REAL OR PERSONAL
23 PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE
24 SPECIAL DISTRICT OR AREA TO BE INCLUDED WITHIN THE
25 SPECIAL DISTRICT; OR

26 _____ A PERSON WHO IS OBLIGATED TO PAY TAXES UNDER A
27 CONTRACT TO PURCHASE TAXABLE PROPERTY IN THE

1 SPECIAL DISTRICT OR THE AREA TO BE INCLUDED WITHIN
2 THE SPECIAL DISTRICT; OR
3 _____ THE SPOUSE OR CIVIL UNION PARTNER OF (NAME OF
4 SPOUSE OR CIVIL UNION PARTNER) WHO IS THE OWNER OF
5 TAXABLE REAL OR PERSONAL PROPERTY SITUATED WITHIN
6 THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE
7 INCLUDED WITHIN THE SPECIAL DISTRICT.

8 I HAVE NOT VOTED PREVIOUSLY AT THIS ELECTION.

9 DATE _____

10 SIGNATURE OF ELECTOR _____.

11 (b) A PERSON OTHERWISE ELIGIBLE TO VOTE IN A LOCAL
12 GOVERNMENT ELECTION THAT IS NOT A SPECIAL DISTRICT ELECTION
13 WHOSE NAME HAS BEEN OMITTED FROM THE REGISTRATION LIST OR
14 PROPERTY OWNER'S LIST SHALL BE PERMITTED TO VOTE BY:

15 (I) TAKING SUBSTANTIALLY THE FOLLOWING SELF-AFFIRMATION:

16 I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM A CITIZEN OF
17 THE UNITED STATES OF THE AGE OF EIGHTEEN YEARS OR
18 OLDER; THAT I AM A REGISTERED ELECTOR IN THIS
19 POLITICAL SUBDIVISION; THAT I AM ELIGIBLE TO VOTE AT
20 THIS ELECTION; AND THAT I HAVE NOT PREVIOUSLY VOTED
21 AT THIS ELECTION; OR

22 (II) PRESENTING TO AN ELECTION JUDGE A CERTIFICATE OF
23 REGISTRATION ISSUED ON ELECTION DAY BY THE COUNTY CLERK AND
24 RECORDER OR A CERTIFICATE OF PROPERTY OWNERSHIP ISSUED ON
25 ELECTION DAY BY THE COUNTY ASSESSOR AS APPLICABLE; OR

26 (III) AN ELECTION JUDGE VERIFYING, ON ELECTION DAY, THE
27 PERSON'S REGISTRATION WITH THE COUNTY CLERK AND RECORDER OR

1 THROUGH THE STATEWIDE VOTER REGISTRATION RECORDS MAINTAINED BY
2 THE SECRETARY OF STATE, OR, AS APPLICABLE, OBTAINING VERIFICATION
3 OF THE PERSON'S PROPERTY OWNERSHIP FROM THE COUNTY ASSESSOR.

4 (3) AN ELECTION JUDGE SHALL PROMPTLY CONTACT THE COUNTY
5 CLERK AND RECORDER OR THE COUNTY ASSESSOR FOR VERIFICATION
6 REQUIRED UNDER PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION SO
7 THAT EVERY ELIGIBLE ELECTOR PRESENT AT THE POLLING PLACE IS
8 ALLOWED TO VOTE. NOTATION OF VERIFICATION OF REGISTRATION OR
9 PROPERTY OWNERSHIP SHALL BE MADE IN THE POLLBOOK NEXT TO THE
10 ELIGIBLE ELECTOR'S NAME.

11 (4) THE SELF-AFFIRMATION PROVIDED IN SUBSECTION (2) OF THIS
12 SECTION MUST BE ACCEPTED IN LIEU OF THE VERIFICATION OF
13 REGISTRATION OR PROPERTY OWNERSHIP UNLESS THE PERSON'S RIGHT TO
14 VOTE IS SUCCESSFULLY CHALLENGED.

15 (5) BESIDES THE ELECTION OFFICIALS, NOT MORE THAN FOUR
16 ELIGIBLE ELECTORS IN EXCESS OF THE NUMBER OF VOTING BOOTHS OR
17 VOTING MACHINES ARE ALLOWED WITHIN THE IMMEDIATE VOTING AREA
18 AT ONE TIME.

19 (6) THE COMPLETED SIGNATURE FORMS MUST BE RETURNED WITH
20 OTHER ELECTION MATERIALS TO THE DESIGNATED ELECTION OFFICIAL. IF
21 NO CHALLENGES ARE MADE, THE FORMS MAY BE DESTROYED AFTER
22 FORTY-FIVE DAYS FOLLOWING ELECTION DAY.

23 (7) IN PRECINCTS USING PAPER BALLOTS, AN ELECTION JUDGE
24 SHALL GIVE THE ELIGIBLE ELECTOR ONE, AND ONLY ONE, BALLOT, WHICH
25 THE ELECTION JUDGE SHALL REMOVE FROM THE PACKAGE OF BALLOTS BY
26 TEARING OR CUTTING THE BALLOT ALONG THE PERFORATED OR DOTTED
27 LINE. BEFORE DELIVERING THE BALLOT TO AN ELECTOR, THE ELECTION

1 JUDGE HAVING CHARGE OF THE BALLOTS SHALL ENDORSE HIS OR HER
2 INITIALS ON THE DUPLICATE STUB. AN ELECTION JUDGE SHALL ENTER THE
3 NAME OF THE ELECTOR AND NUMBER OF SAID BALLOT IN THE POLLBOOK.

4 **1-13.5-606. Manner of voting in precincts using paper ballots.**

5 (1) IN PRECINCTS THAT USE PAPER BALLOTS, UPON RECEIVING HIS OR HER
6 BALLOT, AN ELIGIBLE ELECTOR SHALL IMMEDIATELY RETIRE ALONE TO
7 ONE OF THE VOTING BOOTHS PROVIDED AND SHALL PREPARE THE BALLOT
8 BY MARKING OR STAMPING IN INK OR INDELIBLE PENCIL, IN THE
9 APPROPRIATE MARGIN OR PLACE, A CROSS MARK (X) OPPOSITE THE NAME
10 OF THE CANDIDATE OF THE ELECTOR'S CHOICE FOR EACH OFFICE TO BE
11 FILLED; EXCEPT THAT NO CROSS MARK (X) IS REQUIRED OPPOSITE THE
12 NAME OF A WRITE-IN CANDIDATE. IN CASE OF A QUESTION SUBMITTED TO
13 A VOTE OF THE PEOPLE, THE ELECTOR SHALL MARK OR STAMP, IN THE
14 APPROPRIATE MARGIN OR PLACE, A CROSS MARK (X) OPPOSITE THE
15 ANSWER THAT HE OR SHE DESIRES TO GIVE. BEFORE LEAVING THE VOTING
16 BOOTH, THE ELECTOR SHALL FOLD THE BALLOT WITHOUT DISPLAYING THE
17 MARKS THEREON SO THAT THE CONTENTS OF THE BALLOT ARE CONCEALED
18 AND THE STUB CAN BE REMOVED WITHOUT EXPOSING ANY OF THE
19 CONTENTS OF THE BALLOT, AND THE ELECTOR MUST KEEP THE BALLOT
20 FOLDED UNTIL THE ELECTOR DEPOSITS THE BALLOT IN THE BALLOT BOX.

21 (2) EACH ELIGIBLE ELECTOR WHO HAS PREPARED A BALLOT AND
22 IS READY TO CAST HIS OR HER VOTE SHALL THEN LEAVE THE VOTING
23 BOOTH AND APPROACH THE ELECTION JUDGE IN CHARGE OF THE BALLOT
24 BOX. THE ELECTOR SHALL GIVE HIS OR HER NAME TO THAT JUDGE, WHO
25 SHALL ANNOUNCE THE NAME OF SUCH ELECTOR AND THE NUMBER UPON
26 THE DUPLICATE STUB OF THE BALLOT, WHICH NUMBER MUST CORRESPOND
27 WITH THE STUB NUMBER PREVIOUSLY PLACED ON THE REGISTRATION LIST

1 OR POLLBOOK. IF THE STUB NUMBER OF THE BALLOT CORRESPONDS AND
2 IS IDENTIFIED BY THE INITIALS OF THE ELECTION JUDGE PLACED
3 THEREUPON, THE ELECTION JUDGE SHALL THEN REMOVE THE DUPLICATE
4 STUB FROM THE BALLOT. THE BALLOT MUST THEN BE RETURNED TO THE
5 ELIGIBLE ELECTOR, WHO SHALL, IN FULL VIEW OF THE ELECTION JUDGES,
6 CAST HIS OR HER VOTE BY DEPOSITING THE BALLOT IN THE BALLOT BOX.

7 (3) EACH ELIGIBLE ELECTOR SHALL MARK AND DEPOSIT HIS OR HER
8 BALLOT WITHOUT UNDUE DELAY AND SHALL LEAVE THE IMMEDIATE
9 VOTING AREA AS SOON AS THE ELECTOR VOTES. NO ELECTOR SHALL
10 OCCUPY A VOTING BOOTH ALREADY OCCUPIED BY ANOTHER, NOR REMAIN
11 WITHIN THE IMMEDIATE VOTING AREA FOR MORE THAN TEN MINUTES, NOR
12 OCCUPY A VOTING BOOTH FOR MORE THAN FIVE MINUTES IF ALL SUCH
13 BOOTHS ARE IN USE AND OTHER ELECTORS ARE WAITING TO OCCUPY THE
14 SAME. NO ELIGIBLE ELECTOR WHOSE NAME HAS BEEN ENTERED ON THE
15 POLLBOOK IS ALLOWED TO REENTER THE IMMEDIATE VOTING AREA DURING
16 THE ELECTION EXCEPT WHEN ACCOMPANIED BY AN ELECTION JUDGE.

17 **1-13.5-607. Eligible elector requiring assistance.**

18 (1) NOTWITHSTANDING ANY PROVISION OF SECTION 1-13.5-606 TO THE
19 CONTRARY, IF, AT ANY ELECTION, AN ELIGIBLE ELECTOR DECLARES UNDER
20 OATH TO THE ELECTION JUDGES OF THE POLLING PLACE THAT, BY REASON
21 OF VISUAL IMPAIRMENT OR OTHER PHYSICAL DISABILITY OR INABILITY TO
22 READ OR WRITE, THE ELECTOR IS UNABLE TO PREPARE HIS OR HER BALLOT
23 OR OPERATE THE VOTING MACHINE WITHOUT ASSISTANCE, THE ELECTOR
24 MAY, UPON REQUEST, RECEIVE THE ASSISTANCE OF ANY ONE OF THE
25 ELECTION JUDGES OR, AT THE ELECTOR'S OPTION, ANY OTHER PERSON
26 SELECTED BY THE ELECTOR REQUIRING ASSISTANCE. NO PERSON, OTHER
27 THAN AN ELECTION JUDGE, IS PERMITTED TO ENTER A VOTING BOOTH AS

1 AN ASSISTANT TO MORE THAN ONE ELECTOR.

2 (2) A NOTATION MUST BE MADE IN THE POLLBOOK OPPOSITE THE
3 NAME OF EACH VOTER THUS ASSISTED INDICATING THAT THE VOTER WAS
4 ASSISTED.

5 **1-13.5-608. Spoiled ballots.** IN POLLING PLACES THAT USE AN
6 ELECTRONIC VOTING SYSTEM OR PAPER BALLOTS, NO PERSON SHALL TAKE
7 OR REMOVE ANY BALLOT FROM THE POLLING PLACE BEFORE THE CLOSE OF
8 THE POLLS. IF ANY ELECTOR SPOILS A BALLOT, HE OR SHE MAY
9 SUCCESSIVELY OBTAIN OTHERS, ONE AT A TIME, NOT EXCEEDING THREE IN
10 ALL, UPON RETURNING EACH SPOILED ONE. THE SPOILED BALLOTS SO
11 RETURNED SHALL BE IMMEDIATELY CANCELED AND SHALL BE PRESERVED
12 AND RETURNED TO THE DESIGNATED ELECTION OFFICIAL ALONG WITH
13 OTHER ELECTION RECORDS AND SUPPLIES.

14 **1-13.5-609. Counting paper ballots.** (1) AS SOON AS THE POLLS
15 AT ANY ELECTION ARE FINALLY CLOSED, THE ELECTION JUDGES SHALL
16 IMMEDIATELY OPEN THE BALLOT BOX AND PROCEED TO COUNT THE VOTES
17 CAST, AND, BEFORE THE ELECTION JUDGES ADJOURN, THE COUNTING
18 THEREOF SHALL CONTINUE UNTIL FINISHED. THE ELECTION JUDGES SHALL
19 FIRST COUNT THE NUMBER OF BALLOTS IN THE BOX. IF THE BALLOTS ARE
20 FOUND TO EXCEED THE NUMBER OF NAMES ENTERED ON THE POLLBOOK,
21 THE ELECTION JUDGES SHALL THEN EXAMINE THE OFFICIAL
22 ENDORSEMENTS UPON THE BALLOTS, AND IF, IN THE UNANIMOUS OPINION
23 OF THE JUDGES, ANY OF THE BALLOTS IN EXCESS OF THE NUMBER ON THE
24 POLLBOOK DO NOT BEAR THE PROPER OFFICIAL ENDORSEMENT, THEY
25 SHALL BE PUT INTO A SEPARATE PILE, AND A SEPARATE RECORD AND
26 RETURN OF THE VOTES IN SUCH BALLOTS SHALL BE MADE UNDER THE
27 HEADING "EXCESS BALLOTS". WHEN THE BALLOTS AND THE POLLBOOK

1 AGREE, THE ELECTION JUDGES SHALL PROCEED TO COUNT THE VOTES.
2 EACH BALLOT SHALL BE READ AND COUNTED SEPARATELY, AND EVERY
3 NAME SEPARATELY MARKED AS VOTED FOR ON SUCH BALLOT WHERE
4 THERE IS NO CONFLICT TO OBSCURE THE INTENTION OF THE VOTER, AND
5 SHALL BE READ AND MARKED UPON THE TALLY SHEETS BEFORE
6 PROCEEDING TO ANY OTHER BALLOT. EACH BALLOT, EXCEPTING EXCESS
7 BALLOTS, SHALL BE READ AND COUNTED AND PLACED UPON THE TALLY
8 SHEETS IN LIKE MANNER.

9 (2) WHEN ALL THE VOTES HAVE BEEN READ AND COUNTED, THE
10 BALLOTS, TOGETHER WITH ONE OF THE TALLY LISTS, SHALL BE PLACED IN
11 A BOX OR APPROPRIATE CONTAINER, AND THE OPENING SHALL BE
12 CAREFULLY SEALED, AND EACH OF THE ELECTION JUDGES SHALL PLACE HIS
13 OR HER INITIALS ON SAID SEAL. THE SEALED BOX SHALL BE DELIVERED TO
14 THE DESIGNATED ELECTION OFFICIAL PURSUANT TO SECTION 1-13.5-614.

15 (3) ALL PERSONS, EXCEPT ELECTION JUDGES AND WATCHERS, ARE
16 EXCLUDED FROM THE PLACE WHERE THE COUNTING IS BEING CARRIED ON
17 UNTIL THE COUNT HAS BEEN COMPLETED.

18 **1-13.5-610. Counting by counting judges.** (1) IN PRECINCTS
19 WITH COUNTING JUDGES, THE RECEIVING JUDGES AS DIRECTED BY THE
20 DESIGNATED ELECTION OFFICIAL SHALL DELIVER TO THE COUNTING
21 JUDGES THE BALLOT BOX CONTAINING CAST BALLOTS AND THE RECEIVING
22 JUDGES SHALL THEN USE ANOTHER BALLOT BOX FURNISHED FOR VOTING.
23 THE RECEIVING JUDGES SHALL OPEN, EMPTY, AND LOCK THE ALTERNATE
24 BALLOT BOX IN THE MANNER PRESCRIBED IN SECTION 1-13.5-603.

25 (2) WHEN THE COUNTING JUDGES HAVE COUNTED THE VOTES IN A
26 BALLOT BOX, THEY SHALL RETURN THE EMPTY BALLOT BOX TO THE
27 RECEIVING JUDGES AND EXCHANGE IT FOR THE BOX CONTAINING BALLOTS

1 CAST SINCE TAKING POSSESSION OF THE FIRST BALLOT BOX. THE JUDGES
2 SHALL CONTINUE TO EXCHANGE BALLOT BOXES IN THE SAME MANNER
3 UNTIL THE POLLS ARE CLOSED AND SHALL CONTINUE COUNTING UNTIL ALL
4 BALLOTS HAVE BEEN COUNTED.

5 (3) WHEN AN EXCHANGE OF BALLOT BOXES IS MADE AS DESCRIBED
6 IN SUBSECTION (2) OF THIS SECTION, THE RECEIVING JUDGES SHALL SIGN
7 AND FURNISH TO THE COUNTING JUDGES A STATEMENT SHOWING THE
8 NUMBER OF BALLOTS THAT ARE TO BE FOUND IN EACH BALLOT BOX AS
9 INDICATED BY THE POLLBOOKS. THE COUNTING JUDGES SHALL THEN
10 COUNT BALLOTS IN THE MANNER PRESCRIBED IN SECTION 1-13.5-609.

11 (4) THE DESIGNATED ELECTION OFFICIAL MAY PROVIDE A
12 SEPARATE ROOM OR BUILDING FOR THE COUNTING JUDGES.

13 **1-13.5-611. Tally sheets.** AS THE ELECTION JUDGES OPEN AND
14 READ THE BALLOTS, THE VOTES THAT EACH CANDIDATE AND ANY BALLOT
15 ISSUE OR BALLOT QUESTION RECEIVED MUST BE CAREFULLY MARKED
16 DOWN, UPON TALLY SHEETS PREPARED BY THE DESIGNATED ELECTION
17 OFFICIAL FOR THAT PURPOSE, BY ANY APPROPRIATE ELECTION OFFICIAL.

18 **1-13.5-612. Defective ballots.** (1) IF AN ELECTOR VOTES FOR
19 MORE NAMES THAN THERE ARE PERSONS TO BE ELECTED TO AN OFFICE, OR,
20 IF IT IS IMPOSSIBLE TO DETERMINE THE CHOICE OF AN ELECTOR FOR AN
21 OFFICE TO BE FILLED, THE ELECTOR'S BALLOT WILL NOT BE COUNTED FOR
22 THAT OFFICE. A DEFECTIVE OR AN INCOMPLETE CROSS MARKED ON ANY
23 BALLOT IN A PROPER PLACE MUST BE COUNTED IF THERE IS NO OTHER
24 MARK OR CROSS ON SUCH BALLOT INDICATING AN INTENTION TO VOTE FOR
25 SOME PERSON OTHER THAN THOSE INDICATED BY THE FIRST MENTIONED
26 DEFECTIVE CROSS OR MARK. NO BALLOT WITHOUT THE OFFICIAL
27 ENDORSEMENT, EXCEPT AS PROVIDED IN SECTION 1-13.5-704, MAY BE

1 DEPOSITED IN THE BALLOT BOX, AND ONLY BALLOTS PROVIDED IN
2 ACCORDANCE WITH THIS ARTICLE SHALL BE COUNTED. IF THE ELECTION
3 JUDGES DISCOVER IN THE COUNTING OF VOTES THAT THE NAME OF ANY
4 CANDIDATE VOTED FOR IS MISSPELLED OR THE INITIAL LETTERS OF A
5 CANDIDATE'S GIVEN NAME ARE TRANSPOSED OR OMITTED IN PART OR
6 ALTOGETHER ON THE BALLOT, THE VOTE FOR THE CANDIDATE MUST BE
7 COUNTED IF THE INTENTION OF THE ELECTOR TO VOTE FOR THE CANDIDATE
8 IS APPARENT.

9 (2) BALLOTS NOT COUNTED MUST BE MARKED "DEFECTIVE" ON
10 THE BACK THEREOF AND SHALL BE PRESERVED FOR SUCH TIME AS IS
11 PROVIDED IN SECTION 1-13.5-616 FOR BALLOTS AND DESTROYED AS
12 THEREIN DIRECTED.

13 **1-13.5-613. Judges' certificate - statement on ballots.** (1) AS
14 SOON AS ALL THE VOTES HAVE BEEN READ AND COUNTED, THE ELECTION
15 JUDGES SHALL MAKE A CERTIFICATE STATING:

16 (a) THE NAME OF EACH CANDIDATE, DESIGNATING THE OFFICE FOR
17 WHICH EACH CANDIDATE RECEIVED VOTES;

18 (b) THE NUMBER OF VOTES EACH CANDIDATE RECEIVED, WHICH
19 NUMBER MUST BE EXPRESSED IN WORDS, AT FULL LENGTH, AND IN
20 NUMERICAL FIGURES; AND

21 (c) THE BALLOT ISSUE OR BALLOT QUESTION, IF ANY, VOTED UPON
22 AND THE NUMBER OF VOTES COUNTED FOR AND AGAINST THE BALLOT
23 ISSUE OR BALLOT QUESTION.

24 (2) (a) IN ADDITION, THE ELECTION JUDGES SHALL MAKE A
25 STATEMENT IN WRITING SHOWING THE NUMBER OF BALLOTS VOTED,
26 CONTAINING A SEPARATE STATEMENT THAT IDENTIFIES AND SPECIFIES
27 EACH OF THE FOLLOWING:

- 1 (I) THE NUMBER OF BALLOTS DELIVERED TO ELECTORS;
- 2 (II) THE NUMBER OF BALLOTS NOT DELIVERED TO ELECTORS;
- 3 (III) THE NUMBER OF UNOFFICIAL AND SUBSTITUTE BALLOTS
- 4 VOTED;
- 5 (IV) THE NUMBER OF SPOILED BALLOTS; AND
- 6 (V) THE NUMBER OF BALLOTS RETURNED.
- 7 (b) ALL UNUSED BALLOTS, SPOILED BALLOTS, AND STUBS OF
- 8 BALLOTS VOTED MUST BE RETURNED WITH THE STATEMENT DESCRIBED IN
- 9 PARAGRAPH (a) OF THIS SUBSECTION (2).

10 **1-13.5-614. Delivery of election returns, ballot boxes, and**
11 **other election papers.** WHEN ALL THE VOTES HAVE BEEN READ AND
12 COUNTED, AN ELECTION JUDGE SHALL DELIVER TO THE DESIGNATED
13 ELECTION OFFICIAL THE CERTIFICATE AND STATEMENT REQUIRED BY
14 SECTION 1-13.5-613, THE BALLOT BOXES AND ALL KEYS OR SEALS
15 THERETO, AND THE REGISTRATION AND PROPERTY OWNERS LISTS,
16 POLLBOOKS, TALLY SHEETS, SPOILED BALLOTS, UNUSED BALLOTS, BALLOT
17 STUBS, OATHS, AFFIDAVITS, AND OTHER ELECTION PAPERS AND SUPPLIES.
18 THE DELIVERY MUST BE MADE AT ONCE AND WITH ALL CONVENIENT
19 SPEED, AND INFORMALITY IN DELIVERY DOES NOT INVALIDATE THE VOTE
20 OF ANY POLLING PLACE WHEN DELIVERY HAS BEEN MADE PRIOR TO THE
21 COMPLETION OF THE OFFICIAL ABSTRACT OF THE VOTES BY THE
22 CANVASSERS PURSUANT TO SECTION 1-13.5-1305. THE DESIGNATED
23 ELECTION OFFICIAL SHALL PROVIDE A RECEIPT FOR ALL PAPERS SO
24 DELIVERED.

25 **1-13.5-615. Abstract of votes - judges to post returns.**
26 (1) (a) IN ADDITION TO ALL CERTIFICATES OTHERWISE REQUIRED TO BE
27 MADE OF THE COUNT OF VOTES CAST AT ANY ELECTION, THE ELECTION

1 JUDGES ARE REQUIRED TO MAKE AN ABSTRACT OF THE COUNT OF VOTES
2 CONTAINING THE NAMES OF THE OFFICES, THE NAMES OF THE CANDIDATES,
3 ANY BALLOT ISSUES OR BALLOT QUESTIONS VOTED UPON, AND THE
4 NUMBER OF VOTES COUNTED FOR AND AGAINST EACH CANDIDATE OR
5 BALLOT MEASURE.

6 (b) SUITABLE BLANKS FOR THE REQUIRED ABSTRACT SHALL BE
7 PREPARED, PRINTED, AND FURNISHED TO ALL ELECTION JUDGES AT THE
8 SAME TIME AND IN THE SAME MANNER AS OTHER ELECTION SUPPLIES ARE
9 FURNISHED.

10 (2) IMMEDIATELY UPON COMPLETION OF THE COUNT, THE
11 ABSTRACT REQUIRED UNDER SUBSECTION (1) OF THIS SECTION MUST BE
12 POSTED IN A CONSPICUOUS PLACE THAT CAN BE SEEN FROM THE OUTSIDE
13 OF THE POLLING PLACE. THE ABSTRACT MAY BE REMOVED AT ANY TIME
14 FORTY-EIGHT HOURS AFTER THE POLLS CLOSE.

15 **1-13.5-616. Preservation of ballots and election records.**

16 (1) THE BALLOTS, WHEN NOT REQUIRED TO BE TAKEN FROM THE SEALED
17 BOX FOR THE PURPOSE OF ELECTION CONTESTS, SHALL REMAIN IN THE
18 SEALED BOX IN THE CUSTODY OF THE DESIGNATED ELECTION OFFICIAL
19 UNTIL TWENTY-FIVE MONTHS AFTER THE DATE THE POLLS CLOSED FOR THE
20 ELECTION AT WHICH THE BALLOTS WERE CAST OR UNTIL THE TIME HAS
21 EXPIRED FOR WHICH THE BALLOTS WOULD BE NEEDED IN ANY CONTEST
22 PROCEEDINGS, AT WHICH TIME THE SEALED BOX MUST BE OPENED BY THE
23 DESIGNATED ELECTION OFFICIAL AND THE BALLOTS DESTROYED BY FIRE,
24 SHREDDING, BURIAL, OR BY ANY OTHER METHOD APPROVED BY THE
25 GOVERNING BODY.

26 (2) THE DESIGNATED ELECTION OFFICIAL SHALL PRESERVE ALL
27 OTHER OFFICIAL ELECTION RECORDS AND FORMS FOR AT LEAST SIX

1 MONTHS FOLLOWING THE DATE THE POLLS CLOSED.

2 **1-13.5-617. Ranked voting methods.** (1) NOTWITHSTANDING
3 ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A LOCAL
4 GOVERNMENT MAY USE A RANKED VOTING METHOD TO CONDUCT A
5 REGULAR ELECTION TO ELECT THE MEMBERS OF THE GOVERNING BODY OF
6 THE LOCAL GOVERNMENT IN ACCORDANCE WITH SECTION 1-7-1003, AND
7 THE RULES ADOPTED BY THE SECRETARY OF STATE PURSUANT TO SECTION
8 1-7-1004.

9 (2) A LOCAL GOVERNMENT CONDUCTING AN ELECTION USING A
10 RANKED VOTING METHOD MAY ADAPT THE REQUIREMENTS OF THIS
11 ARTICLE, INCLUDING REQUIREMENTS CONCERNING THE FORM OF THE
12 BALLOT, THE METHOD OF MARKING THE BALLOT, THE PROCEDURE FOR
13 COUNTING BALLOTS, AND THE FORM OF THE ELECTION JUDGES'
14 CERTIFICATE, AS NECESSARY FOR COMPATIBILITY WITH THE RANKED
15 VOTING METHOD.

16 PART 7

17 VOTING MACHINES

18 **1-13.5-701. Use of voting machines.** VOTING MACHINES MAY BE
19 USED IN ANY LOCAL GOVERNMENT ELECTION IF THE GOVERNING BODY, BY
20 RESOLUTION, AUTHORIZES THEIR USE.

21 **1-13.5-702. Judges to inspect machines - when.** THE ELECTION
22 JUDGES OF EACH POLLING PLACE AT WHICH VOTING MACHINES ARE USED
23 SHALL MEET AT THE POLLING PLACE AT LEAST FORTY-FIVE MINUTES
24 BEFORE THE TIME SET FOR THE OPENING OF THE POLLS AT EACH ELECTION.
25 BEFORE THE POLLS OPEN FOR AN ELECTION, EACH JUDGE SHALL
26 CAREFULLY EXAMINE EACH MACHINE USED IN THE POLLING PLACE AND SEE
27 THAT NO VOTE HAS BEEN CAST AND THAT EVERY COUNTER, EXCEPT THE

1 PROTECTIVE COUNTER, REGISTERS ZERO.

2 **1-13.5-703. Sample ballots, ballot labels, and instruction cards.**

3 (1) SAMPLE BALLOTS MUST BE PRODUCED FOR DISPLAY AT POLLING
4 PLACES IN WHICH VOTING MACHINES ARE USED AND ARE SUBJECT TO
5 PUBLIC INSPECTION. THE SAMPLE BALLOTS MUST BE ARRANGED IN THE
6 FORM OF A DIAGRAM SHOWING THE FRONT OF THE VOTING MACHINE AS IT
7 WILL APPEAR AFTER THE OFFICIAL BALLOT LABELS ARE ARRANGED ON THE
8 VOTING MACHINE FOR VOTING. THE DESIGNATED ELECTION OFFICIAL
9 SHALL PROVIDE SAMPLE BALLOTS FOR EACH POLLING PLACE. THE SAMPLE
10 BALLOTS MUST BE DELIVERED TO THE ELECTION JUDGES AND POSTED IN
11 THE POLLING PLACE FOR DISPLAY ON ELECTION DAY.

12 (2) THE DESIGNATED ELECTION OFFICIAL OR HIS OR HER DESIGNEE
13 SHALL ALSO PREPARE AND PLACE ON EACH VOTING MACHINE TO BE USED
14 IN THE POLLING PLACE A SET OF OFFICIAL BALLOT LABELS ARRANGED IN
15 THE MANNER PRESCRIBED FOR THE OFFICIAL ELECTION BALLOT TO BE USED
16 ON VOTING MACHINES. THE DESIGNATED ELECTION OFFICIAL SHALL
17 DELIVER THE REQUIRED NUMBER OF VOTING MACHINES, EQUIPPED WITH
18 THE OFFICIAL BALLOT, TO EACH POLLING PLACE NO LATER THAN THE DAY
19 PRIOR TO THE DAY OF ELECTION.

20 (3) INSTRUCTION CARDS TO GUIDE ELIGIBLE ELECTORS IN CASTING
21 THEIR BALLOTS ON VOTING MACHINES MUST BE SUPPLIED BY THE
22 DESIGNATED ELECTION OFFICIAL AS PROVIDED IN SECTION 1-13.5-906.

23 **1-13.5-704. Instructions to vote.** IN CASE AN ELIGIBLE ELECTOR,
24 AFTER ENTERING THE VOTING MACHINE OR VOTING BOOTH, ASKS FOR
25 FURTHER INSTRUCTIONS CONCERNING THE MANNER OF VOTING, AN
26 ELECTION JUDGE SHALL GIVE SUCH INSTRUCTION TO HIM OR HER; EXCEPT
27 THAT NO JUDGE OR OTHER ELECTION OFFICER OR PERSON ASSISTING SUCH

1 ELECTOR SHALL ENTER THE VOTING MACHINE OR VOTING BOOTH, EXCEPT
2 AS PROVIDED IN SECTION 1-13.5-607, OR IN ANY MANNER REQUEST,
3 SUGGEST, OR SEEK TO PERSUADE OR INDUCE ANY SUCH ELECTOR TO VOTE
4 FOR ANY PARTICULAR CANDIDATE, OR FOR OR AGAINST ANY PARTICULAR
5 BALLOT ISSUE OR BALLOT QUESTION. AFTER RECEIVING INSTRUCTION, THE
6 ELIGIBLE ELECTOR SHALL VOTE AS IN THE CASE OF AN UNASSISTED VOTER.

7 **1-13.5-705. Length of time to vote.** NO ELIGIBLE ELECTOR SHALL
8 REMAIN WITHIN THE VOTING MACHINE BOOTH LONGER THAN THREE
9 MINUTES. IF AN ELIGIBLE ELECTOR REFUSES TO LEAVE AFTER A LAPSE OF
10 THREE MINUTES, THE ELECTOR SHALL BE REMOVED BY THE ELECTION
11 JUDGES, BUT THE JUDGES, IN THEIR DISCRETION, MAY PERMIT AN ELECTOR
12 TO REMAIN LONGER THAN THREE MINUTES.

13 **1-13.5-706. Judge to watch voting machines.** THE ELECTION
14 JUDGES SHALL DESIGNATE AT LEAST ONE JUDGE TO BE STATIONED BESIDE
15 THE ENTRANCE TO THE VOTING MACHINE OR VOTING BOOTH DURING THE
16 ENTIRE PERIOD OF THE ELECTION TO SEE THAT IT IS PROPERLY CLOSED
17 AFTER AN ELECTOR HAS ENTERED TO VOTE. AT SUCH INTERVALS AS THE
18 JUDGE DEEMS PROPER OR NECESSARY, THE JUDGE SHALL EXAMINE THE
19 FACE OF THE MACHINE TO ASCERTAIN WHETHER IT HAS BEEN DEFACED OR
20 INJURED, TO DETECT THE WRONGDOER, AND TO REPAIR ANY INJURY.

21 **1-13.5-707. Designated election official to supply seals for**
22 **voting machines.** THE DESIGNATED ELECTION OFFICIAL SHALL SUPPLY
23 EACH POLLING PLACE WITH A SEAL FOR EACH VOTING MACHINE FOR THE
24 PURPOSE OF SEALING EACH MACHINE AFTER THE POLLS ARE CLOSED AND
25 AN ENVELOPE FOR THE RETURN OF THE KEYS AND SEALS TO THE MACHINE,
26 AS APPLICABLE, WITH THE ELECTION RETURNS.

27 **1-13.5-708. Close of polls and count of votes.** AS SOON AS THE

1 POLLS ARE CLOSED, THE ELECTION JUDGES SHALL IMMEDIATELY LOCK AND
2 SEAL EACH VOTING MACHINE TO PREVENT FURTHER VOTING.
3 IMMEDIATELY AFTER EACH MACHINE IS LOCKED AND SEALED, THE
4 ELECTION JUDGES SHALL OPEN THE COUNTING COMPARTMENTS AND
5 COUNT THE VOTES. AFTER THE TOTAL VOTES FOR EACH CANDIDATE AND
6 EACH BALLOT ISSUE OR BALLOT QUESTION, AS APPLICABLE, HAVE BEEN
7 ASCERTAINED, THE ELECTION JUDGES SHALL MAKE A CERTIFICATE OF
8 VOTES CAST, IN NUMERICAL FIGURES ONLY, AND RETURN THE SAME TO THE
9 DESIGNATED ELECTION OFFICIAL AS PROVIDED IN SECTION 1-13.5-613.

10 **1-13.5-709. Election laws apply - separate absentee ballots**
11 **permitted.** NOTHING IN THIS PART 7 PROHIBITS THE USE AND ACCEPTANCE
12 OF SEPARATE PAPER BALLOTS BY ABSENTEE VOTERS.

13 PART 8

14 ELECTRONIC VOTING SYSTEM

15 **1-13.5-801. Use of electronic voting system.** AN ELECTRONIC
16 VOTING SYSTEM MAY BE USED IN ANY LOCAL GOVERNMENT ELECTION IF
17 THE GOVERNING BODY AUTHORIZES ITS USE. ■ ■

18 **1-13.5-802. Sample ballots.** SAMPLE BALLOTS SHALL BE PRINTED
19 AND IN THE FORM OF THE OFFICIAL BALLOT BUT ON PAPER OF A DIFFERENT
20 COLOR FROM THE OFFICIAL BALLOT. THE DESIGNATED ELECTION OFFICIAL
21 SHALL PROVIDE THAT SAMPLE BALLOTS FOR EACH POLLING PLACE ARE
22 DELIVERED TO THE ELECTION JUDGES AND POSTED IN THE POLLING PLACE
23 ON ELECTION DAY.

24 **1-13.5-803. Ballots - electronic voting.** (1) BALLOT PAGES OR
25 BALLOT CARDS PLACED UPON VOTING DEVICES SHALL BE, SO FAR AS
26 PRACTICABLE, IN THE SAME ORDER OF ARRANGEMENT AS PROVIDED FOR
27 PAPER BALLOTS; EXCEPT THAT THE PAGES OR CARDS SHALL BE OF THE SIZE

1 AND DESIGN REQUIRED BY THE VOTE RECORDER OR THE ELECTRONIC VOTE
2 COUNTING EQUIPMENT, AS APPLICABLE, AND MAY BE PRINTED ON A
3 NUMBER OF SEPARATE PAGES THAT ARE PLACED ON THE VOTING DEVICE
4 OR ON ONE OR MORE BALLOT CARDS.

5 (2) IF VOTES ARE RECORDED ON A BALLOT CARD, A SEPARATE
6 WRITE-IN BALLOT MAY BE PROVIDED, WHICH SHALL BE IN THE FORM OF A
7 PAPER BALLOT ON WHICH THE ELIGIBLE ELECTOR MAY WRITE IN THE
8 TITLES OF THE OFFICE AND THE NAMES OF PERSONS NOT ON THE PRINTED
9 BALLOT FOR WHOM HE OR SHE WISHES TO VOTE.

10 **1-13.5-804. Preparation for use - electronic voting.** (1) PRIOR
11 TO AN ELECTION IN WHICH AN ELECTRONIC VOTING SYSTEM WILL BE USED,
12 THE DESIGNATED ELECTION OFFICIAL SHALL:

13 (a) HAVE THE VOTE RECORDERS OR PUNCHING DEVICES, OR BOTH,
14 AS APPLICABLE, PREPARED FOR VOTING; AND

15 (b) INSPECT AND DETERMINE THAT EACH RECORDER OR DEVICE IS
16 IN PROPER WORKING ORDER; AND

17 (c) CAUSE A SUFFICIENT NUMBER OF SUCH RECORDERS OR DEVICES
18 TO BE DELIVERED TO EACH POLLING PLACE IN WHICH THE ELECTRONIC
19 VOTING SYSTEM IS TO BE USED.

20 (2) THE DESIGNATED ELECTION OFFICIAL SHALL SUPPLY EACH
21 POLLING PLACE IN WHICH VOTE RECORDERS OR VOTING DEVICES ARE TO BE
22 USED WITH A SUFFICIENT NUMBER OF BALLOT CARDS, SAMPLE BALLOTS,
23 BALLOT BOXES, WRITE-IN BALLOTS, IF REQUIRED, AND OTHER SUPPLIES
24 AND FORMS AS MAY BE REQUIRED. EACH BALLOT CARD SHALL HAVE A
25 SERIALLY NUMBERED STUB ATTACHED, WHICH THE ELECTION JUDGE SHALL
26 REMOVE BEFORE THE CARD IS DEPOSITED IN THE BALLOT BOX.

27 **1-13.5-805. Instructions to vote.** IN CASE ANY ELIGIBLE ELECTOR,

1 AFTER COMMENCING TO VOTE, ASKS FOR FURTHER INSTRUCTIONS
2 CONCERNING THE MANNER OF VOTING, AN ELECTION JUDGE SHALL GIVE
3 SUCH INSTRUCTIONS TO THE ELECTOR; BUT NO JUDGE OR OTHER ELECTION
4 OFFICER OR PERSON ASSISTING SUCH ELECTOR SHALL REQUEST, SUGGEST,
5 OR SEEK TO PERSUADE OR INDUCE ANY SUCH ELECTOR TO VOTE FOR ANY
6 PARTICULAR CANDIDATE OR FOR OR AGAINST ANY PARTICULAR BALLOT
7 ISSUE OR BALLOT QUESTION. AFTER RECEIVING SUCH INSTRUCTIONS, THE
8 ELECTOR SHALL VOTE AS IN THE CASE OF AN UNASSISTED VOTER.

9 **1-13.5-806. Ballots.** THE DESIGNATED ELECTION OFFICIAL SHALL
10 PROVIDE SUFFICIENT BALLOTS FOR EVERY ELECTION IN WHICH AN
11 ELECTRONIC VOTING SYSTEM IS USED.

12 **1-13.5-807. Distribution of ballots - receipt - filing.** IN A LOCAL
13 GOVERNMENT ELECTION IN WHICH AN ELECTRONIC VOTING SYSTEM IS
14 USED, THE DESIGNATED ELECTION OFFICIAL SHALL DISTRIBUTE TO THE
15 ELECTION JUDGES IN THE RESPECTIVE POLLING PLACES A SUFFICIENT
16 NUMBER OF BALLOTS. THE BALLOTS MUST BE PLACED IN ONE OR MORE
17 SEALED PACKAGES FOR EACH POLLING PLACE WITH MARKS ON THE
18 OUTSIDE OF EACH STATING CLEARLY THE POLLING PLACE FOR WHICH IT IS
19 INTENDED AND THE NUMBER OF BALLOTS ENCLOSED. SUCH PACKAGE
20 SHALL BE DELIVERED TO ONE OF THE ELECTION JUDGES OF SUCH POLLING
21 PLACE NO LATER THAN THE DAY BEFORE THE ELECTION. A RECEIPT FOR
22 THE DELIVERED BALLOTS MUST BE GIVEN BY THE ELECTION JUDGE WHO
23 RECEIVED THEM. THE RECEIPT MUST BE FILED WITH THE DESIGNATED
24 ELECTION OFFICIAL, WHO SHALL ALSO KEEP A RECORD OF THE TIME AND
25 MANNER IN WHICH EACH OF SAID PACKAGES WAS SENT AND DELIVERED.

26 **1-13.5-808. Instruction cards - posting - content.** (1) THE
27 DESIGNATED ELECTION OFFICIAL SHALL FURNISH TO THE ELECTION JUDGES

1 OF EACH POLLING PLACE A SUFFICIENT NUMBER OF INSTRUCTION CARDS TO
2 GUIDE ELIGIBLE ELECTORS IN PREPARING THEIR BALLOTS. THE ELECTION
3 JUDGES SHALL POST AT LEAST ONE CARD IN EACH POLLING PLACE ON THE
4 DAY OF ELECTION. THE CARDS SHALL BE PRINTED IN LARGE, CLEAR TYPE
5 AND CONTAIN FULL INSTRUCTIONS TO THE ELECTOR AS TO WHAT SHOULD
6 BE DONE:

- 7 (a) TO OBTAIN A BALLOT FOR VOTING;
- 8 (b) TO PREPARE THE BALLOT FOR DEPOSIT IN THE BALLOT BOX;
- 9 (c) TO OBTAIN A NEW BALLOT IN THE PLACE OF ONE SPOILED BY
10 ACCIDENT OR MISTAKE; AND
- 11 (d) TO OBTAIN ASSISTANCE IN MARKING BALLOTS.

12 **1-13.5-809. Close of polls - ballot return - transfer box -**
13 **delivery.** (1) AFTER THE POLLS CLOSE, THE ELECTION JUDGES SHALL
14 SECURE THE VOTE RECORDERS OR THE VOTING DEVICES, AS APPLICABLE,
15 AGAINST FURTHER USE AND PREPARE A BALLOT RETURN IN DUPLICATE
16 SHOWING THE NUMBER OF VOTERS AS INDICATED BY THE POLLBOOK WHO
17 HAVE VOTED IN THE POLLING PLACE, THE NUMBER OF OFFICIAL BALLOT
18 CARDS RECEIVED, AND THE NUMBER OF SPOILED AND UNUSED BALLOT
19 CARDS RETURNED.

20 (2) THE ORIGINAL COPY OF THE BALLOT RETURN PREPARED
21 PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE DEPOSITED IN A
22 DURABLE TRANSFER BOX ALONG WITH ALL VOTED AND SPOILED BALLOTS.
23 THE TRANSFER BOX SHALL THEN BE SEALED IN SUCH A WAY AS TO
24 PREVENT TAMPERING WITH THE BOX OR ITS CONTENTS, USING A
25 NUMBERED SEAL PROVIDED BY THE DESIGNATED ELECTION OFFICIAL. ONE
26 JUDGE SHALL DELIVER THE SEALED TRANSFER BOX TO THE COUNTING
27 CENTER OR OTHER PLACE IDENTIFIED BY THE DESIGNATED ELECTION

1 OFFICIAL.

2 **1-13.5-810. Testing of electronic ballot counting equipment.**

3 (1) THE DESIGNATED ELECTION OFFICIAL SHALL HAVE THE ELECTRONIC
4 BALLOT COUNTING EQUIPMENT TESTED PURSUANT TO SUBSECTION (2) OF
5 THIS SECTION TO ASCERTAIN THAT IT WILL ACCURATELY COUNT THE VOTES
6 CAST FOR ALL OFFICES AND ALL MEASURES.

7 (2) (a) THE ELECTRONIC BALLOT COUNTING EQUIPMENT SHALL BE
8 TESTED AT LEAST THREE TIMES, ONCE ON THE DAY BEFORE THE ELECTION,
9 ONCE JUST PRIOR TO THE START OF THE COUNT ON ELECTION DAY, AND
10 FINALLY AT THE CONCLUSION OF THE COUNTING. THE DESIGNATED
11 ELECTION OFFICIAL MAY CONDUCT ANY ADDITIONAL TESTS HE OR SHE
12 DEEMS NECESSARY.

13 (b) THE DESIGNATED ELECTION OFFICIAL SHALL VOTE AND RETAIN
14 AT LEAST TWENTY-FIVE TEST BALLOTS, OBSERVE THE TABULATION OF ALL
15 TEST BALLOTS BY MEANS OF THE ELECTRONIC BALLOT COUNTING
16 EQUIPMENT, AND COMPARE THE TABULATION WITH THE PREVIOUSLY
17 RETAINED RECORDS OF THE TEST VOTE COUNT. THE CAUSE OF ANY
18 DISCREPANCIES SHALL BE CORRECTED PRIOR TO THE ACTUAL VOTE
19 TABULATION.

20 (3) (a) ALL TEST MATERIALS, WHEN NOT IN USE, MUST BE KEPT IN
21 A SECURE LOCATION.

22 (b) AFTER THE FINAL CONCLUSION OF THE COUNTING, ALL
23 PROGRAMS, TEST MATERIALS, AND BALLOTS MUST BE SEALED AND
24 RETAINED AS PROVIDED FOR PAPER BALLOTS.

25 **1-13.5-811. Electronic vote counting - procedure.** (1) ALL
26 PROCEEDINGS AT THE COUNTING CENTER MUST BE UNDER THE DIRECTION
27 OF THE DESIGNATED ELECTION OFFICIAL AND MUST BE CONDUCTED UNDER

1 THE OBSERVATION OF WATCHERS, SO FAR AS PRACTICABLE; BUT NO
2 UNAUTHORIZED PERSON MAY TOUCH ANY BALLOT OR BALLOT CARD OR
3 RETURN. IF ANY BALLOT IS DAMAGED OR DEFECTIVE SO THAT IT CANNOT
4 PROPERLY BE COUNTED BY THE ELECTRONIC VOTE COUNTING EQUIPMENT,
5 A TRUE DUPLICATE COPY SHALL BE MADE OF THE DAMAGED BALLOT IN THE
6 PRESENCE OF TWO ELECTION JUDGES. THE DUPLICATE BALLOT MUST BE
7 SUBSTITUTED FOR THE DAMAGED BALLOT. ALL DUPLICATE BALLOTS SHALL
8 BE CLEARLY LABELED AS SUCH AND SHALL BEAR A SERIAL NUMBER, WHICH
9 IS RECORDED ON THE DAMAGED BALLOT.

10 (2) WHEN CERTIFIED BY THE DESIGNATED ELECTION OFFICIAL, THE
11 RETURN PRINTED BY THE ELECTRONIC VOTE COUNTING EQUIPMENT, TO
12 WHICH HAVE BEEN ADDED WRITE-IN VOTES, CONSTITUTES THE OFFICIAL
13 RETURN OF EACH POLLING PLACE. THE DESIGNATED ELECTION OFFICIAL
14 MAY FROM TIME TO TIME RELEASE UNOFFICIAL RETURNS. UPON
15 COMPLETION OF THE COUNT, THE OFFICIAL RETURNS ARE OPEN TO THE
16 PUBLIC.

17 (3) ABSENTEE BALLOTS MUST BE COUNTED AT THE COUNTING
18 CENTER IN THE SAME MANNER AS BALLOTS VOTED AT THE POLLING PLACE.
19 VALID WRITE-IN VOTES MAY BE COUNTED AT THE POLLING PLACE BY THE
20 ELECTION JUDGES OR AT THE COUNTING CENTER.

21 (4) IF FOR ANY REASON IT BECOMES IMPRACTICABLE TO COUNT ALL
22 OR A PART OF THE BALLOTS WITH ELECTRONIC VOTE COUNTING
23 EQUIPMENT, THE DESIGNATED ELECTION OFFICIAL MAY DIRECT THAT THE
24 BALLOTS BE COUNTED MANUALLY, FOLLOWING AS FAR AS PRACTICABLE
25 THE PROVISIONS GOVERNING THE COUNTING OF PAPER BALLOTS.

26 (5) THE RECEIVING, OPENING, AND PRESERVATION OF THE
27 TRANSFER BOXES AND THEIR CONTENTS ARE THE RESPONSIBILITIES OF THE

1 DESIGNATED ELECTION OFFICIAL, WHO SHALL PROVIDE ADEQUATE
2 PERSONNEL AND FACILITIES TO ASSURE ACCURATE AND COMPLETE
3 ELECTION RESULTS. ANY INDICATION OF TAMPERING WITH THE BALLOTS
4 OR BALLOT CARDS OR OTHER FRAUDULENT ACTION MUST BE IMMEDIATELY
5 REPORTED TO THE DISTRICT ATTORNEY, WHO SHALL IMMEDIATELY
6 INVESTIGATE THE ACTION AND REPORT HIS OR HER FINDINGS WITHIN TEN
7 DAYS TO THE DESIGNATED ELECTION OFFICIAL AND, SUBJECT TO
8 PROSECUTORIAL DISCRETION, SHALL PROSECUTE TO THE FULL EXTENT OF
9 THE LAW ANY PERSON RESPONSIBLE FOR THE FRAUDULENT ACTION. THE
10 CONDUCT OF LOCAL GOVERNMENT ELECTIONS WHEN ELECTRONIC VOTING
11 SYSTEMS ARE USED MUST FOLLOW, AS NEARLY AS PRACTICABLE, THE
12 CONDUCT OF GENERAL AND PRIMARY ELECTIONS WHEN SUCH SYSTEMS
13 ARE USED.

14 **1-13.5-812. Election laws pertaining to use of electronic voting**
15 **systems - separate absentee ballots permitted.** A LOCAL GOVERNMENT
16 MAY USE THE PROVISIONS OF PART 6 OF ARTICLE 5 OF THIS TITLE NOT
17 INCONSISTENT WITH THIS ARTICLE FOR ELECTIONS CONDUCTED UNDER
18 THIS ARTICLE IN WHICH ELECTRONIC VOTING SYSTEMS ARE USED IN
19 POLLING PLACES. NOTHING IN THIS ARTICLE PROHIBITS THE USE OF A
20 SEPARATE PAPER BALLOT BY ABSENTEE VOTERS.

21 PART 9

22 PAPER BALLOTS

23 **1-13.5-901. Ballot boxes.** THE GOVERNING BODY OF EACH LOCAL
24 GOVERNMENT USING PAPER BALLOTS SHALL PROVIDE AT LEAST ONE
25 BALLOT BOX FOR EACH POLLING PLACE. EACH BALLOT BOX SHALL BE
26 STRONGLY CONSTRUCTED SO AS TO PREVENT TAMPERING, WITH A SMALL
27 OPENING AT THE TOP AND WITH A LID TO BE LOCKED. THE BALLOT BOXES

1 AND KEYS OR SEALS SHALL BE KEPT BY THE DESIGNATED ELECTION
2 OFFICIAL AND DELIVERED TO THE ELECTION JUDGES WITHIN ONE DAY
3 IMMEDIATELY PRECEDING ANY LOCAL GOVERNMENT ELECTION, TO BE
4 RETURNED AS PROVIDED IN SECTION 1-13.5-614. NOTHING IN THIS SECTION
5 PREVENTS THE GOVERNING BODY FROM OBTAINING BALLOT BOXES FROM
6 THE OFFICE OF THE COUNTY CLERK AND RECORDER.

7 **1-13.5-902. Ballots and sample ballots - delivery - format.**

8 (1) (a) THE DESIGNATED ELECTION OFFICIAL OF EACH LOCAL
9 GOVERNMENT USING PAPER BALLOTS SHALL PROVIDE PRINTED BALLOTS
10 FOR THE LOCAL GOVERNMENT ELECTION. THE OFFICIAL BALLOTS SHALL BE
11 PRINTED AND IN THE POSSESSION OF THE DESIGNATED ELECTION OFFICIAL
12 AT LEAST THIRTY DAYS BEFORE THE ELECTION.

13 (b) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (a) OF THIS
14 SUBSECTION (1), SAMPLE BALLOTS MUST BE PRINTED IN THE FORM OF THE
15 OFFICIAL BALLOTS AND ARE SUBJECT TO PUBLIC INSPECTION. THE SAMPLE
16 BALLOTS MUST BE PRINTED UPON PAPER OF A DIFFERENT COLOR FROM THE
17 OFFICIAL BALLOTS. SAMPLE BALLOTS MUST BE DELIVERED TO THE
18 ELECTION JUDGES AND POSTED WITH THE INSTRUCTION CARDS PROVIDED
19 UNDER SECTION 1-13.5-906.

20 (2) EVERY BALLOT MUST CONTAIN THE NAMES OF ALL DULY
21 NOMINATED CANDIDATES FOR THE OFFICES TO BE VOTED FOR AT THAT
22 ELECTION, EXCEPT THOSE WHO HAVE DIED OR WITHDRAWN, AND THE
23 BALLOT MUST CONTAIN NO OTHER NAMES. THE NAMES OF THE
24 CANDIDATES FOR EACH OFFICE MUST BE PRINTED ON THE BALLOT WITHOUT
25 POLITICAL PARTY DESIGNATION AND WITHOUT ANY TITLE OR DEGREE
26 DESIGNATING THE BUSINESS OR PROFESSION OF THE CANDIDATE. THE
27 NAMES MUST BE ARRANGED BY LOT BY THE DESIGNATED ELECTION

1 OFFICIAL AT ANY TIME PRIOR TO THE CERTIFICATION OF THE BALLOT. THE
2 DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE CANDIDATES OF THE
3 TIME AND PLACE OF THE LOT DRAWING.

4 (3) THE BALLOTS MUST BE PRINTED SO AS TO GIVE TO EACH
5 ELIGIBLE ELECTOR A CLEAR OPPORTUNITY TO DESIGNATE HIS OR HER
6 CHOICE OF CANDIDATES, BALLOT ISSUES, AND BALLOT QUESTIONS BY A
7 MARK AS INSTRUCTED. WORDS MAY BE PRINTED ON THE BALLOT THAT
8 WILL AID THE ELECTOR, SUCH AS "VOTE FOR NOT MORE THAN ONE".

9 (4) AT THE END OF THE LIST OF CANDIDATES FOR EACH DIFFERENT
10 OFFICE, THERE MUST BE ONE OR MORE BLANK SPACES IN WHICH THE
11 ELECTOR MAY WRITE THE NAME OF ANY ELIGIBLE PERSON NOT PRINTED ON
12 THE BALLOT WHO HAS FILED AN AFFIDAVIT OF INTENT TO BE A WRITE-IN
13 CANDIDATE PURSUANT TO SECTION 1-13.5-305. THE NUMBER OF SPACES
14 PROVIDED SHALL BE THE LESSER OF THE NUMBER OF ELIGIBLE ELECTORS
15 WHO HAVE PROPERLY FILED AN AFFIDAVIT OF INTENT TO BE A WRITE-IN
16 CANDIDATE OR THE NUMBER OF PERSONS TO BE ELECTED TO THE OFFICE.
17 NO SUCH BLANK SPACES SHALL BE PROVIDED IF NO ELIGIBLE PERSON
18 PROPERLY FILED AN AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE.

19 (5) THE NAMES OF THE CANDIDATES FOR EACH OFFICE MUST BE
20 ARRANGED UNDER THE DESIGNATION OF THE OFFICE. THE DESIGNATED
21 ELECTION OFFICIAL SHALL NOT PRINT, IN CONNECTION WITH ANY NAME,
22 ANY TITLE OR DEGREE DESIGNATING THE BUSINESS OR PROFESSION OF THE
23 CANDIDATE. EACH CANDIDATE'S NAME MAY INCLUDE ONE NICKNAME IF
24 THE CANDIDATE REGULARLY USES THE NICKNAME AND THE NICKNAME
25 DOES NOT INCLUDE ANY PART OF A POLITICAL PARTY NAME.

26 (6) IF NO CANDIDATE IS DULY NOMINATED AND NO PERSON
27 PROPERLY FILES AN AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE

1 FOR AN OFFICE, THE FOLLOWING TEXT MUST APPEAR UNDER THE
2 DESIGNATION OF THE OFFICE: "THERE ARE NO CANDIDATES FOR THIS
3 OFFICE".

4 (7) (a) WHENEVER THE APPROVAL OF A BALLOT ISSUE OR BALLOT
5 QUESTION IS SUBMITTED TO THE VOTE OF THE PEOPLE, THE BALLOT ISSUE
6 OR QUESTION MUST BE PRINTED ON THE BALLOT FOLLOWING THE LISTS OF
7 CANDIDATES. BALLOT ISSUES AND BALLOT QUESTIONS MUST BE LISTED IN
8 THE FOLLOWING ORDER, AS APPLICABLE: ISSUES TO INCREASE TAXES,
9 ISSUES TO INCREASE DEBT, CITIZEN PETITIONS, AND OTHER REFERRED
10 MEASURES.

11 (b) THE BALLOT ISSUE OR QUESTION MUST BE IDENTIFIED BY THE
12 NAME OF THE LOCAL GOVERNMENT SUBMITTING THE BALLOT ISSUE OR
13 QUESTION FOLLOWED BY A LETTER.

14 (8) THE EXTREME TOP PART OF EACH BALLOT MUST BE DIVIDED BY
15 TWO PERFORATED OR DOTTED LINES INTO TWO SPACES, EACH OF WHICH
16 MUST BE NOT LESS THAN ONE INCH IN WIDTH, THE TOP PORTION BEING
17 KNOWN AS THE STUB AND THE NEXT PORTION AS THE DUPLICATE STUB.
18 UPON EACH OF SAID STUBS NOTHING IS TO BE PRINTED EXCEPT THE
19 NUMBER OF THE BALLOT, AND THE SAME NUMBER MUST BE PRINTED ON
20 BOTH STUBS. STUBS AND DUPLICATE STUBS OF BALLOTS MUST BOTH BE
21 NUMBERED CONSECUTIVELY. THERE MUST BE PRINTED ON THE STUB OF AN
22 ABSENTEE BALLOT "ABSENTEE BALLOT NUMBER [...]", AND SUCH STUBS
23 MUST BE NUMBERED CONSECUTIVELY BEGINNING WITH NUMBER ONE. ALL
24 BALLOTS MUST BE UNIFORM AND OF SUFFICIENT LENGTH AND WIDTH TO
25 ALLOW FOR THE NAMES OF CANDIDATES AND THE PROPOSED QUESTIONS
26 TO BE PRINTED IN CLEAR, PLAIN TYPE WITH A SPACE OF AT LEAST
27 ONE-HALF INCH BETWEEN THE DIFFERENT COLUMNS ON SAID BALLOT. ON

1 EACH BALLOT MUST BE PRINTED THE ENDORSEMENT "OFFICIAL BALLOT
2 FOR . . .", AND AFTER THE WORD "FOR" MUST FOLLOW THE DESIGNATION OF
3 THE LOCAL GOVERNMENT FOR WHICH THE BALLOT IS PREPARED, THE DATE
4 OF THE ELECTION, AND A FACSIMILE OF THE SIGNATURE OF THE
5 DESIGNATED ELECTION OFFICIAL. THE BALLOT SHALL CONTAIN NO
6 CAPTION OR OTHER ENDORSEMENT OR NUMBER. EACH DESIGNATED
7 ELECTION OFFICIAL SHALL USE PRECISELY THE SAME QUALITY AND TINT OF
8 PAPER, THE SAME KIND OF TYPE, AND THE SAME QUALITY AND TINT OF
9 PLAIN BLACK INK FOR ALL BALLOTS FURNISHED BY THE DESIGNATED
10 ELECTION OFFICIAL AT ONE ELECTION.

11 **1-13.5-903. Correction of errors.** (1) THE DESIGNATED
12 ELECTION OFFICIAL SHALL CORRECT, WITHOUT DELAY, ANY ERRORS IN
13 PUBLICATION OR IN SAMPLE OR OFFICIAL BALLOTS THAT ARE DISCOVERED
14 OR BROUGHT TO THE OFFICIAL'S ATTENTION AND THAT CAN BE CORRECTED
15 WITHOUT INTERFERING WITH THE TIMELY DISTRIBUTION OF THE BALLOTS.

16 (2) IF IT APPEARS BY VERIFIED PETITION OF A CANDIDATE OR THE
17 CANDIDATE'S AGENT SUBMITTED TO ANY DISTRICT COURT THAT AN ERROR
18 OR OMISSION OCCURRED IN THE PUBLICATION OF THE NAMES OR
19 DESCRIPTION OF THE CANDIDATES OR IN THE PRINTING OF SAMPLE OR
20 OFFICIAL ELECTION BALLOTS AND THE ERROR HAS BEEN BROUGHT TO THE
21 ATTENTION OF THE DESIGNATED ELECTION OFFICIAL AND NOT BEEN
22 CORRECTED, THE COURT SHALL ISSUE AN ORDER REQUIRING THE
23 DESIGNATED ELECTION OFFICIAL TO CORRECT THE ERROR IMMEDIATELY
24 OR TO SHOW CAUSE WHY THE ERROR SHOULD NOT BE CORRECTED. COSTS,
25 INCLUDING REASONABLE ATTORNEY FEES, MAY BE ASSESSED IN THE
26 DISCRETION OF THE COURT AGAINST EITHER PARTY.

27 (3) IF, BEFORE THE DATE SET FOR ELECTION, A DULY NOMINATED

1 CANDIDATE WITHDRAWS BY FILING AN AFFIDAVIT OF WITHDRAWAL WITH
2 THE DESIGNATED ELECTION OFFICIAL, OR DIES AND THE FACT OF THE
3 DEATH BECOMES KNOWN TO THE DESIGNATED ELECTION OFFICIAL BEFORE
4 THE BALLOTS ARE PRINTED, THE NAME OF THE CANDIDATE WILL NOT BE
5 PRINTED ON THE BALLOTS. IF THE BALLOTS ARE ALREADY PRINTED, THE
6 VOTES CAST FOR THE WITHDRAWN OR DECEASED CANDIDATE ARE INVALID
7 AND WILL NOT BE COUNTED.

8 **1-13.5-904. Printing and distribution of ballots.** IN LOCAL
9 GOVERNMENT ELECTIONS IN WHICH PAPER BALLOTS ARE USED, THE
10 DESIGNATED ELECTION OFFICIAL SHALL CAUSE TO BE PRINTED OR COPIED
11 AND DISTRIBUTED TO THE ELECTION JUDGES IN EACH RESPECTIVE POLLING
12 PLACE A SUFFICIENT NUMBER OF BALLOTS. THE BALLOTS SHALL BE SENT
13 IN ONE OR MORE SEALED PACKAGES FOR EACH POLLING PLACE, WITH
14 MARKS ON THE OUTSIDE OF EACH CLEARLY STATING THE POLLING PLACE
15 FOR WHICH IT IS INTENDED AND THE NUMBER OF BALLOTS ENCLOSED. THE
16 PACKAGES MUST BE DELIVERED TO ONE OF THE ELECTION JUDGES OF EACH
17 POLLING PLACE NO LATER THAN THE DAY BEFORE THE ELECTION. THE
18 ELECTION JUDGE WHO RECEIVES THE BALLOTS THUS DELIVERED SHALL
19 GIVE RECEIPT FOR THEM, WHICH RECEIPT MUST BE FILED WITH THE
20 DESIGNATED ELECTION OFFICIAL, WHO SHALL ALSO KEEP A RECORD OF THE
21 TIME AND MANNER IN WHICH EACH OF SAID PACKAGES WAS SENT AND
22 DELIVERED. THE ELECTION JUDGE RECEIVING THE PACKAGE SHALL
23 PRODUCE THE SAME, WITH THE SEAL UNBROKEN, IN THE PROPER POLLING
24 PLACE AT THE OPENING OF THE POLLS ON ELECTION DAY AND, IN THE
25 PRESENCE OF ALL ELECTION JUDGES FOR THE POLLING PLACE, SHALL OPEN
26 THE PACKAGE.

27 **1-13.5-905. Substitute ballots.** IF THE BALLOTS TO BE FURNISHED

1 TO ANY ELECTION JUDGE ARE NOT DELIVERED BY 8 P.M. ON THE DAY
2 BEFORE ELECTION DAY, OR IF AFTER DELIVERY THEY ARE DESTROYED OR
3 STOLEN, THE DESIGNATED ELECTION OFFICIAL SHALL SEE THAT OTHER
4 BALLOTS ARE PREPARED, AS NEARLY IN THE FORM PRESCRIBED AS
5 PRACTICABLE, WITH THE WORD "SUBSTITUTE" PRINTED IN BRACKETS
6 IMMEDIATELY UNDER THE FACSIMILE SIGNATURE OF THE DESIGNATED
7 ELECTION OFFICIAL. UPON RECEIPT OF THE SUBSTITUTE BALLOTS,
8 ACCOMPANIED BY A WRITTEN AND SWORN STATEMENT OF THE
9 DESIGNATED ELECTION OFFICIAL THAT THE SAME HAVE BEEN SO PREPARED
10 AND FURNISHED BY HIM OR HER AND THAT THE ORIGINAL BALLOTS WERE
11 NOT RECEIVED OR WERE DESTROYED OR STOLEN, THE ELECTION JUDGES
12 SHALL USE THE SUBSTITUTE BALLOTS AT THE ELECTION. IF FOR ANY CAUSE
13 NONE OF THE OFFICIAL BALLOTS OR SUBSTITUTE BALLOTS PREPARED BY
14 THE DESIGNATED ELECTION OFFICIAL ARE READY FOR DISTRIBUTION AT
15 ANY POLLING PLACE, OR IF THE SUPPLY OF BALLOTS IS EXHAUSTED BEFORE
16 THE POLLS ARE CLOSED, UNOFFICIAL BALLOTS, PRINTED OR WRITTEN,
17 MADE AS NEARLY AS POSSIBLE IN THE FORM OF THE OFFICIAL BALLOTS,
18 MAY BE USED UNTIL SUBSTITUTES PREPARED BY THE DESIGNATED
19 ELECTION OFFICIAL ARE PRINTED AND DELIVERED.

20 **1-13.5-906. Instruction cards - content.** (1) THE DESIGNATED
21 ELECTION OFFICIAL SHALL FURNISH TO THE ELECTION JUDGES OF EACH
22 POLLING PLACE A SUFFICIENT NUMBER OF INSTRUCTION CARDS TO GUIDE
23 ELECTORS IN PREPARING THEIR BALLOTS. THE ELECTION JUDGES SHALL
24 POST AT LEAST ONE CARD IN EACH POLLING PLACE ON THE DAY OF THE
25 ELECTION. SUCH CARDS SHALL BE PRINTED IN LARGE, CLEAR TYPE AND
26 CONTAIN FULL INSTRUCTIONS TO THE ELECTORS ABOUT HOW TO:

27 (a) OBTAIN BALLOTS FOR VOTING;

- 1 (b) PREPARE THE BALLOT FOR DEPOSIT IN THE BALLOT BOX;
2 (c) OBTAIN A NEW BALLOT IN THE PLACE OF ONE SPOILED BY
3 ACCIDENT OR MISTAKE; AND
4 (d) OBTAIN ASSISTANCE IN MARKING BALLOTS.

5 PART 10

6 ABSENTEE VOTING

7 **1-13.5-1001. When absentee electors may vote.** ANY ELIGIBLE
8 ELECTOR OF A LOCAL GOVERNMENT MAY CAST AN ABSENTEE VOTER'S
9 BALLOT AT THE ELECTION IN THE MANNER PROVIDED IN SECTIONS
10 1-13.5-1002 TO 1-13.5-1007.

11 **1-13.5-1002. Application for absentee voter's ballot - delivery**
12 **- list.** (1) (a) (I) REQUESTS FOR AN APPLICATION FOR AN ABSENTEE
13 VOTER'S BALLOT MAY BE MADE ORALLY OR IN WRITING. THE APPLICATION
14 MAY BE IN THE FORM OF A LETTER. THE APPLICATION MAY REQUEST THAT
15 THE APPLICANT BE ADDED TO THE PERMANENT ABSENTEE VOTER LIST FOR
16 THE LOCAL GOVERNMENT.

17 (II) APPLICATIONS FOR ABSENTEE VOTERS' BALLOTS SHALL BE
18 FILED IN WRITING AND BE PERSONALLY SIGNED BY THE APPLICANT OR A
19 FAMILY MEMBER RELATED BY BLOOD, MARRIAGE, CIVIL UNION, OR
20 ADOPTION TO THE APPLICANT. IF THE APPLICANT IS UNABLE TO SIGN THE
21 APPLICATION, THE APPLICANT SHALL MAKE SUCH APPLICANT'S MARK ON
22 THE APPLICATION, WHICH MUST BE WITNESSED IN WRITING BY ANOTHER
23 PERSON.

24 (b) THE APPLICATION MUST BE FILED WITH THE DESIGNATED
25 ELECTION OFFICIAL NOT LATER THAN THE CLOSE OF BUSINESS ON THE
26 FRIDAY IMMEDIATELY PRECEDING THE NEXT LOCAL GOVERNMENT
27 ELECTION IN WHICH THE ABSENTEE VOTER WISHES TO VOTE BY ABSENTEE

1 VOTER'S BALLOT.

2 (2) (a) UPON TIMELY RECEIPT OF AN APPLICATION FOR AN
3 ABSENTEE VOTER'S BALLOT, THE DESIGNATED ELECTION OFFICIAL
4 RECEIVING IT SHALL EXAMINE THE RECORDS OF THE COUNTY CLERK AND
5 RECORDER OR COUNTY ASSESSOR, AS APPROPRIATE, TO ASCERTAIN
6 WHETHER OR NOT THE APPLICANT IS REGISTERED AND LAWFULLY
7 ENTITLED TO VOTE AS REQUESTED.

8 (b) IF THE PERSON IS FOUND TO BE SO ENTITLED, THE DESIGNATED
9 ELECTION OFFICIAL SHALL DELIVER, AS SOON AS PRACTICABLE BUT NOT
10 MORE THAN SEVENTY-TWO HOURS AFTER THE BLANK BALLOTS HAVE BEEN
11 RECEIVED, AN OFFICIAL ABSENTEE VOTER'S BALLOT, AN IDENTIFICATION
12 RETURN ENVELOPE WITH THE AFFIDAVIT OR THE ENVELOPE PROPERLY
13 FILLED IN AS TO ADDRESS OF RESIDENCE AS SHOWN BY THE RECORDS OF
14 THE COUNTY CLERK AND RECORDER, AND AN INSTRUCTION CARD. THE
15 DELIVERY MUST BE MADE TO THE APPLICANT EITHER PERSONALLY IN THE
16 DESIGNATED ELECTION OFFICIAL'S OFFICE OR BY MAIL TO THE MAILING
17 ADDRESS GIVEN IN THE APPLICATION AN OFFICIAL ABSENTEE VOTER'S
18 BALLOT.

19 **1-13.5-1003. Application for permanent absentee voter status.**

20 (1) ANY ELIGIBLE ELECTOR OF A POLITICAL SUBDIVISION MAY APPLY FOR
21 PERMANENT ABSENTEE VOTER STATUS. THE APPLICATION FOR PERMANENT
22 ABSENTEE VOTER STATUS MUST BE MADE IN WRITING OR BY FACSIMILE
23 USING AN APPLICATION FORM OR LETTER FURNISHED BY THE DESIGNATED
24 ELECTION OFFICIAL OF THE POLITICAL SUBDIVISION. THE APPLICATION
25 MUST CONTAIN THE SAME INFORMATION SUBMITTED IN CONNECTION WITH
26 AN APPLICATION FOR AN ABSENTEE VOTER'S BALLOT PURSUANT TO
27 SECTION 1-13.5-1002.

1 (2) UPON RECEIPT OF AN APPLICATION FOR PERMANENT ABSENTEE
2 VOTER STATUS, THE DESIGNATED ELECTION OFFICIAL SHALL PROCESS THE
3 APPLICATION IN THE SAME MANNER AS AN APPLICATION FOR AN ABSENTEE
4 VOTER'S BALLOT. IF THE DESIGNATED ELECTION OFFICIAL DETERMINES
5 THAT THE APPLICANT IS AN ELIGIBLE ELECTOR, THE DESIGNATED ELECTION
6 OFFICIAL SHALL PLACE THE ELIGIBLE ELECTOR'S NAME ON THE LIST
7 MAINTAINED BY THE POLITICAL SUBDIVISION PURSUANT TO SECTION
8 1-13.5-1004 OF THOSE ELIGIBLE ELECTORS TO WHOM AN ABSENTEE
9 VOTER'S BALLOT IS MAILED EVERY TIME THERE IS AN ELECTION
10 CONDUCTED BY THE POLITICAL SUBDIVISION FOR WHICH THE ELIGIBLE
11 ELECTOR HAS REQUESTED PERMANENT ABSENTEE VOTER STATUS.

12 **1-13.5-1004. List of absentee voters' ballots - removal from**
13 **list.** (1) THE DESIGNATED ELECTION OFFICIAL SHALL KEEP A LIST OF
14 NAMES OF ELIGIBLE ELECTORS WHO HAVE APPLIED FOR ABSENTEE VOTERS'
15 BALLOTS AND OF THOSE PERMANENT ABSENTEE VOTERS PLACED ON THE
16 LIST PURSUANT TO SECTION 1-13.5-1003 (2), WITH THE DATE ON WHICH
17 EACH APPLICATION WAS MADE, THE DATE ON WHICH THE ABSENTEE
18 VOTER'S BALLOT WAS SENT, AND THE DATE ON WHICH EACH ABSENTEE
19 VOTER'S BALLOT WAS RETURNED. IF AN ABSENTEE VOTER'S BALLOT IS NOT
20 RETURNED, OR IF IT IS REJECTED AND NOT COUNTED, THAT FACT MUST BE
21 NOTED ON THE LIST. THE LIST IS OPEN TO PUBLIC INSPECTION UNDER
22 PROPER REGULATIONS.

23 (2) (a) AN ELIGIBLE ELECTOR WHOSE NAME APPEARS ON THE LIST
24 AS A PERMANENT ABSENTEE VOTER MUST REMAIN ON THE LIST AND MUST
25 BE MAILED AN ABSENTEE VOTER'S BALLOT FOR EACH ELECTION
26 CONDUCTED BY THE POLITICAL SUBDIVISION FOR WHICH THE ELIGIBLE
27 ELECTOR HAS REQUESTED PERMANENT ABSENTEE VOTER STATUS.

1 (b) AN ELIGIBLE ELECTOR MUST BE DELETED FROM THE
2 PERMANENT ABSENTEE VOTER LIST IF:

3 (I) THE ELIGIBLE ELECTOR NOTIFIES THE DESIGNATED ELECTION
4 OFFICIAL THAT HE OR SHE NO LONGER WISHES TO VOTE BY ABSENTEE
5 VOTER'S BALLOT;

6 (II) THE ABSENTEE VOTER'S BALLOT SENT TO THE ELIGIBLE
7 ELECTOR IS RETURNED TO THE DESIGNATED ELECTION OFFICIAL AS
8 UNDELIVERABLE;

9 (III) THE ELIGIBLE ELECTOR HAS BEEN DEEMED "INACTIVE"
10 PURSUANT TO SECTION 1-2-605; OR

11 (IV) THE PERSON IS NO LONGER ELIGIBLE TO VOTE IN THE
12 POLITICAL SUBDIVISION.

13 (3) THE DESIGNATED ELECTION OFFICIAL SHALL KEEP A LIST OF
14 THE NAMES OF ELIGIBLE ELECTORS APPLYING FOR AN ABSENTEE VOTER'S
15 BALLOT, THE NUMBER APPEARING ON THE STUB OF THE BALLOT ISSUED TO
16 SUCH ELIGIBLE ELECTOR, AND THE DATE THE BALLOT IS DELIVERED OR
17 MAILED. THIS INFORMATION MAY BE RECORDED ON THE REGISTRATION
18 RECORD OR REGISTRATION LIST BEFORE THE REGISTRATION BOOK OR LIST
19 IS DELIVERED TO THE ELECTION JUDGES. A SEPARATE LIST OF THE ELIGIBLE
20 ELECTORS WHO HAVE RECEIVED ABSENTEE VOTER'S BALLOTS MUST BE
21 DELIVERED TO THE ELECTION JUDGES IN THE POLLING PLACE DESIGNATED
22 FOR COUNTING ABSENTEE VOTER'S BALLOTS, OR, IF THE DESIGNATED
23 ELECTION OFFICIAL ELECTS TO DELIVER ABSENTEE VOTERS' ENVELOPES
24 RECEIVED FROM ELECTORS TO THE ELECTION JUDGES OF SUCH POLLING
25 PLACE, AS PROVIDED BY SECTION 1-13.5-1006, A SEPARATE LIST OF THE
26 ELIGIBLE ELECTORS WHO HAVE RECEIVED ABSENTEE VOTER'S BALLOTS
27 MUST BE DELIVERED TO THE ELECTION JUDGES OF EACH SUCH POLLING

1 PLACE.

2 **1-13.5-1005. Self-affirmation on return envelope.** (1) THE
3 RETURN ENVELOPE FOR AN ABSENTEE VOTER'S BALLOT MUST HAVE
4 PRINTED ON ITS FACE A SELF-AFFIRMATION SUBSTANTIALLY IN THE FORM
5 PROVIDED IN SECTION 1-13.5-605 (1).

6 (2) IF APPLICABLE, THE SELF-AFFIRMATION PROVIDED IN SECTION
7 1-13.5-605 (2) MAY BE SUBSTITUTED FOR THE SELF-AFFIRMATION IN
8 SECTION 1-13.5-605 (1).

9 **1-13.5-1006. Manner of absentee voting by paper ballot.**

10 (1) ANY ELIGIBLE ELECTOR APPLYING FOR AND RECEIVING AN ABSENTEE
11 VOTER'S BALLOT, IN CASTING THE BALLOT, SHALL MAKE AND SUBSCRIBE
12 TO THE SELF-AFFIRMATION ON THE RETURN ENVELOPE. THE VOTER SHALL
13 THEN MARK THE BALLOT. THE VOTER SHALL FOLD THE BALLOT SO AS TO
14 CONCEAL THE MARKING, DEPOSIT IT IN THE RETURN ENVELOPE, AND SEAL
15 THE ENVELOPE SECURELY. THE ENVELOPE MAY BE DELIVERED
16 PERSONALLY OR MAILED BY THE VOTER TO THE DESIGNATED ELECTION
17 OFFICIAL ISSUING THE BALLOT. IT IS PERMISSIBLE FOR A VOTER TO DELIVER
18 THE BALLOT TO ANY PERSON OF THE VOTER'S OWN CHOICE OR TO ANY
19 DULY AUTHORIZED AGENT OF THE DESIGNATED ELECTION OFFICIAL FOR
20 MAILING OR PERSONAL DELIVERY TO THE DESIGNATED ELECTION OFFICIAL.
21 TO BE COUNTED, ALL ENVELOPES CONTAINING ABSENTEE VOTER'S
22 BALLOTS MUST BE IN THE HANDS OF THE DESIGNATED ELECTION OFFICIAL
23 OR AN ELECTION JUDGE FOR THE LOCAL GOVERNMENT NOT LATER THAN 7
24 P.M. ON ELECTION DAY.

25 (2) UPON RECEIPT OF AN ABSENTEE VOTER'S BALLOT, THE
26 DESIGNATED ELECTION OFFICIAL OR AN ELECTION JUDGE SHALL WRITE OR
27 STAMP ON THE ENVELOPE CONTAINING THE BALLOT THE DATE AND HOUR

1 THAT THE ENVELOPE WAS RECEIVED AND, IF THE BALLOT WAS DELIVERED
2 IN PERSON, THE NAME AND ADDRESS OF THE PERSON DELIVERING THE
3 SAME. THE DESIGNATED ELECTION OFFICIAL OR ELECTION JUDGE SHALL
4 SAFELY KEEP AND PRESERVE ALL ABSENTEE VOTER'S BALLOTS UNOPENED
5 UNTIL THE TIME PRESCRIBED FOR DELIVERY TO THE JUDGES AS PROVIDED
6 IN SECTION 1-13.5-1008.

7 **1-13.5-1007. Absentee voters' voting machines - electronic**
8 **voting systems.** (1) ANY LOCAL GOVERNMENT USING VOTING MACHINES
9 IN A LOCAL GOVERNMENT ELECTION MAY PROVIDE ONE OR MORE
10 MACHINES IN THE DESIGNATED ELECTION OFFICIAL'S OFFICE FOR THE USE
11 OF QUALIFIED APPLICANTS FOR ABSENTEE VOTERS' BALLOTS. IF SUCH
12 MACHINES ARE PROVIDED, THEY MUST BE AVAILABLE FROM TWELVE DAYS
13 PRIOR TO THE ELECTION UNTIL THE CLOSE OF BUSINESS ON THE FRIDAY
14 IMMEDIATELY PRECEDING THE ELECTION. VOTES ON THE MACHINES MUST
15 BE CAST AND COUNTED IN THE SAME MANNER AS VOTES WOULD BE CAST
16 AND COUNTED ON A VOTING MACHINE IN A POLLING PLACE ON ELECTION
17 DAY. THE DESIGNATED ELECTION OFFICIAL SHALL SUPERVISE THE CASTING
18 AND COUNTING OF ABSENTEE VOTERS' BALLOTS ON THE MACHINES. THE
19 MACHINES SHALL REMAIN LOCKED AND THE TABULATION OF THE VOTES
20 CAST MUST REMAIN UNKNOWN UNTIL ELECTION DAY.

21 (2) ANY LOCAL GOVERNMENT USING AN ELECTRONIC VOTING
22 SYSTEM MAY PROVIDE SUCH SYSTEM FOR THE USE OF QUALIFIED
23 APPLICANTS FOR ABSENTEE VOTERS' BALLOTS. SUCH SYSTEM MUST BE
24 AVAILABLE FROM TWELVE DAYS PRIOR TO THE ELECTION UNTIL THE CLOSE
25 OF BUSINESS ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION.
26 VOTES CAST USING SUCH SYSTEM MUST BE CAST IN THE SAME MANNER AS
27 VOTES WOULD BE CAST IN A POLLING PLACE ON ELECTION DAY. THE

1 DESIGNATED ELECTION OFFICIAL SHALL SUPERVISE THE CASTING AND
2 COUNTING OF ABSENTEE VOTERS' BALLOTS USING SUCH SYSTEM.

3 **1-13.5-1008. Delivery to judges.** NOT LATER THAN 8:30 A.M. ON
4 THE DAY OF ANY LOCAL GOVERNMENT ELECTION, THE DESIGNATED
5 ELECTION OFFICIAL SHALL DELIVER TO THE ELECTION JUDGES OF ONE OF
6 THE POLLING PLACES OF THE LOCAL GOVERNMENT, WHICH POLLING PLACE
7 SHALL BE SELECTED BY THE DESIGNATED ELECTION OFFICIAL, ALL THE
8 ABSENTEE VOTERS' BALLOT ENVELOPES RECEIVED UP TO THAT TIME, IN
9 SEALED PACKAGES. THE DESIGNATED ELECTION OFFICIAL SHALL TAKE A
10 RECEIPT FOR THE PACKAGES, TOGETHER WITH THE LIST OF ABSENTEE
11 VOTERS, OR, IN THE DESIGNATED ELECTION OFFICIAL'S DISCRETION, THE
12 DESIGNATED ELECTION OFFICIAL MAY ELECT TO DELIVER THE ABSENTEE
13 VOTERS' ENVELOPES RECEIVED FROM ELECTORS AND THE LIST OF
14 ABSENTEE VOTERS TO THE ELECTION JUDGES OF THE POLLING PLACE. THE
15 DESIGNATED ELECTION OFFICIAL SHALL CONTINUE TO DELIVER ANY
16 ENVELOPES THAT ARE RECEIVED THEREAFTER DURING THAT DAY UP TO
17 AND INCLUDING 7 P.M. ON THE SEALED PACKAGES MUST BE PRINTED OR
18 WRITTEN, "THIS PACKAGE CONTAINS . . . (NUMBER) ABSENTEE VOTERS'
19 BALLOTS." WITH THE ENVELOPES, THE DESIGNATED ELECTION OFFICIAL
20 SHALL DELIVER TO ONE OF THE ELECTION JUDGES ALL THE BOOKS,
21 RECORDS, AND SUPPLIES AS ARE NEEDED FOR TABULATING, RECORDING,
22 AND CERTIFYING SAID ABSENTEE VOTERS' BALLOTS.

23 **1-13.5-1009. Casting and counting absentee voters' ballots.** IF
24 THE SELF-AFFIRMATION ON THE ENVELOPE CONTAINING AN ABSENTEE
25 VOTER'S BALLOT IS PROPERLY SWORN TO, ONE OF THE ELECTION JUDGES
26 SHALL TEAR OPEN THE VOTER'S IDENTIFICATION ENVELOPE IN THE
27 PRESENCE OF A MAJORITY OF THE JUDGES WITHOUT DEFACING THE

1 SELF-AFFIRMATION PRINTED THEREON OR MUTILATING THE ENCLOSED
2 BALLOT. ONE OF THE ELECTION JUDGES SHALL VERIFY THE NAME OF THE
3 ELIGIBLE ELECTOR AND BALLOT NUMBER ISSUED TO SUCH ELECTOR AND
4 CAREFULLY REMOVE THE STUB FROM THE BALLOT. THE BALLOT MUST
5 THEN BE CAST AND COUNTED IN THE SAME MANNER AS IF THE ABSENTEE
6 VOTER HAD BEEN PRESENT IN PERSON; EXCEPT THAT ONE OF THE JUDGES
7 SHALL DEPOSIT THE BALLOT IN THE BALLOT BOX WITHOUT UNFOLDING IT.
8 THE ABSENTEE VOTE MUST BE COUNTED AND CERTIFIED SEPARATELY
9 FROM THE VOTES OF THE POLLING PLACE WHERE IT IS COUNTED.

10 **1-13.5-1010. Challenge of absentee voters' ballots - rejection**

11 **- record.** (1) THE VOTE OF ANY ABSENTEE VOTER MAY BE CHALLENGED
12 IN THE SAME MANNER AS OTHER VOTES ARE CHALLENGED, AND THE
13 ELECTION JUDGES MAY DETERMINE THE LEGALITY OF SUCH BALLOT. IF THE
14 CHALLENGE IS SUSTAINED OR IF THE JUDGES DETERMINE THAT THE
15 SELF-AFFIRMATION ACCOMPANYING THE ABSENTEE VOTER'S BALLOT IS
16 INSUFFICIENT OR THAT THE VOTER IS NOT AN ELIGIBLE ELECTOR, THE
17 ENVELOPE CONTAINING THE BALLOT OF THE VOTER SHALL NOT BE OPENED,
18 AND THE JUDGES SHALL ENDORSE ON THE BACK OF THE ENVELOPE THE
19 REASON FOR REJECTION. WHEN IT IS MADE TO APPEAR TO THE ELECTION
20 JUDGES BY SUFFICIENT PROOF THAT ANY ABSENTEE VOTER WHO HAS
21 MARKED AND FORWARDED A BALLOT HAS DIED, THE ENVELOPE
22 CONTAINING THE BALLOT OF THE DECEASED VOTER SHALL NOT BE OPENED,
23 AND THE JUDGES SHALL MAKE PROPER NOTATION ON THE BACK OF SUCH
24 ENVELOPE. IF AN ABSENTEE VOTER'S ENVELOPE CONTAINS MORE THAN
25 ONE MARKED BALLOT, NONE OF THE BALLOTS IN THAT ENVELOPE MAY BE
26 COUNTED, AND THE JUDGES SHALL NOTE ON THE ENVELOPE THE REASON
27 THAT THE BALLOTS WERE NOT COUNTED. IF AN ABSENTEE VOTER'S

1 ENVELOPE DOES NOT CONTAIN ALL PAGES OF A BALLOT, ONLY THE
2 MARKED AND RETURNED PAGES SHALL BE COUNTED. ELECTION JUDGES
3 SHALL CERTIFY IN THEIR RETURNS THE NUMBER OF ABSENTEE VOTER'S
4 BALLOTS CAST AND COUNTED AND THE NUMBER OF SUCH BALLOTS
5 REJECTED.

6 (2) ALL ABSENTEE VOTERS' ENVELOPES, BALLOT STUBS, AND
7 ABSENTEE VOTERS' BALLOTS REJECTED BY THE ELECTION JUDGES IN
8 ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION MUST BE RETURNED
9 TO THE DESIGNATED ELECTION OFFICIAL. ALL ABSENTEE VOTERS' BALLOTS
10 RECEIVED BY THE DESIGNATED ELECTION OFFICIAL AFTER 7 P.M. ON THE
11 DAY OF THE ELECTION, TOGETHER WITH THOSE REJECTED AND RETURNED
12 BY THE ELECTION JUDGES AS PROVIDED IN THIS SECTION, MUST REMAIN IN
13 THE SEALED IDENTIFICATION ENVELOPES.

14 (3) IF AN ABSENTEE VOTER'S BALLOT IS NOT RETURNED OR IF IT IS
15 REJECTED AND NOT COUNTED, THE FACT SHALL BE NOTED ON THE RECORD
16 KEPT BY THE DESIGNATED ELECTION OFFICIAL. SUCH RECORD IS OPEN TO
17 PUBLIC INSPECTION UNDER PROPER REGULATIONS.

18 **1-13.5-1011. Emergency absentee voting - definition.** (1) (a) IF
19 AN ELIGIBLE ELECTOR IS CONFINED IN A HOSPITAL OR AT HIS OR HER PLACE
20 OF RESIDENCE ON ELECTION DAY BECAUSE OF CONDITIONS ARISING AFTER
21 THE CLOSING DAY FOR ABSENTEE VOTERS' BALLOT APPLICATIONS, HE OR
22 SHE MAY REQUEST, BY A WRITTEN STATEMENT SIGNED BY HIM OR HER,
23 THAT THE DESIGNATED ELECTION OFFICIAL SEND HIM OR HER AN
24 EMERGENCY ABSENTEE VOTER'S BALLOT. THE DESIGNATED ELECTION
25 OFFICIAL SHALL DELIVER THE EMERGENCY ABSENTEE VOTER'S BALLOT,
26 WITH THE WORD "EMERGENCY" STAMPED OR WRITTEN ON THE STUBS OF
27 THE BALLOT, AT HIS OR HER OFFICE, DURING THE REGULAR HOURS OF

1 BUSINESS, TO ANY AUTHORIZED REPRESENTATIVE OF THE ELECTOR
2 POSSESSING A WRITTEN STATEMENT FROM THE VOTER'S PHYSICIAN,
3 ADVANCED PRACTICE NURSE, OR PRACTITIONER THAT THE VOTER WILL BE
4 CONFINED IN A HOSPITAL OR HIS OR HER PLACE OF RESIDENCE ON ELECTION
5 DAY. THE AUTHORIZED REPRESENTATIVE SHALL ACKNOWLEDGE RECEIPT
6 OF THE EMERGENCY ABSENTEE VOTER'S BALLOT WITH HIS OR HER
7 SIGNATURE, NAME, AND ADDRESS.

8 (b) FOR PURPOSES OF THIS SUBSECTION (1), "AUTHORIZED
9 REPRESENTATIVE" MEANS A PERSON POSSESSING A WRITTEN STATEMENT
10 FROM THE ELECTOR CONTAINING THE ELECTOR'S SIGNATURE, NAME, AND
11 ADDRESS AND REQUESTING THAT THE ELECTOR'S EMERGENCY ABSENTEE
12 VOTER'S BALLOT BE GIVEN TO THE AUTHORIZED PERSON AS IDENTIFIED BY
13 NAME AND ADDRESS.

14 (2) A REQUEST FOR AN EMERGENCY ABSENTEE VOTER'S BALLOT
15 UNDER THIS SECTION SHALL BE MADE, AND THE BALLOT SHALL BE
16 RETURNED, TO THE DESIGNATED ELECTION OFFICIAL'S OFFICE NO LATER
17 THAN 7 P.M. ON ELECTION DAY.

18 PART 11

19 INDEPENDENT MAIL BALLOT ELECTIONS

20 **1-13.5-1101. Independent mail ballot elections.** ANY LOCAL
21 GOVERNMENT MAY CONDUCT AN INDEPENDENT MAIL BALLOT ELECTION
22 UTILIZING THE PROCEDURES IN THIS PART 11.

23 **1-13.5-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "INDEPENDENT MAIL BALLOT ELECTION" MEANS A MAIL
26 BALLOT ELECTION THAT THE GOVERNING BODY OF A POLITICAL
27 SUBDIVISION, OTHER THAN A SCHOOL DISTRICT, DETERMINES SHALL NOT

1 BE COORDINATED BY THE COUNTY CLERK AND RECORDER.

2 (2) "MAIL BALLOT PACKET" MEANS THE PACKET OF INFORMATION
3 PROVIDED BY THE DESIGNATED ELECTION OFFICIAL TO ELIGIBLE ELECTORS
4 IN THE INDEPENDENT MAIL BALLOT ELECTION. THE PACKET INCLUDES THE
5 BALLOT, INSTRUCTIONS FOR COMPLETING THE BALLOT, A SECRECY
6 ENVELOPE, AND A RETURN ENVELOPE.

7 (3) "PUBLICATION" MEANS ONE-TIME PRINTING IN A NEWSPAPER
8 OF GENERAL CIRCULATION IN THE LOCAL GOVERNMENT OR PROPOSED
9 SPECIAL DISTRICT IF THERE IS SUCH A NEWSPAPER, OR, IF NOT, IN A
10 NEWSPAPER IN THE COUNTY IN WHICH THE LOCAL GOVERNMENT OR
11 PROPOSED SPECIAL DISTRICT IS OR WILL BE LOCATED. FOR A LOCAL
12 GOVERNMENT WITH TERRITORY IN MORE THAN ONE COUNTY, IF THERE IS
13 NO NEWSPAPER OF GENERAL CIRCULATION IN THE LOCAL GOVERNMENT,
14 "PUBLICATION" MEANS THE ONE-TIME PRINTING IN A NEWSPAPER OF
15 GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE LOCAL
16 GOVERNMENT IS LOCATED AND IN WHICH FIFTY OR MORE ELIGIBLE
17 ELECTORS OF THE LOCAL GOVERNMENT RESIDES.

18 (4) "RETURN ENVELOPE" MEANS AN ENVELOPE THAT IS PRINTED
19 WITH SPACES FOR THE NAME AND ADDRESS OF, AND A SELF-AFFIRMATION
20 SUBSTANTIALLY IN THE FORM DESCRIBED IN SECTION 1-13.5-605 (1) TO BE
21 SIGNED BY, AN ELIGIBLE ELECTOR VOTING IN AN INDEPENDENT MAIL
22 BALLOT ELECTION, INTO WHICH ENVELOPE MUST FIT A SECRECY ENVELOPE.
23 A RETURN ENVELOPE MUST BE DESIGNED TO ALLOW ELECTION OFFICIALS,
24 UPON EXAMINING THE SIGNATURE, NAME, AND ADDRESS ON THE OUTSIDE
25 OF THE ENVELOPE, TO DETERMINE WHETHER THE ENCLOSED BALLOT IS
26 BEING SUBMITTED BY AN ELIGIBLE ELECTOR WHO HAS NOT PREVIOUSLY
27 VOTED IN THAT PARTICULAR ELECTION.

1 (5) "SECRECY ENVELOPE" MEANS THE ENVELOPE OR SLEEVE USED
2 FOR AN INDEPENDENT MAIL BALLOT ELECTION THAT CONTAINS THE
3 ELIGIBLE ELECTOR'S BALLOT FOR THE ELECTION AND THAT IS DESIGNED TO
4 CONCEAL AND MAINTAIN THE CONFIDENTIALITY OF THE ELECTOR'S VOTE
5 UNTIL THE COUNTING OF VOTES FOR THAT PARTICULAR ELECTION.

6 **1-13.5-1103. Independent mail ballot elections - optional -**
7 **cooperation with county clerk and recorder permitted.** (1) IF THE
8 GOVERNING BODY OF ANY LOCAL GOVERNMENT DETERMINES THAT AN
9 ELECTION SHALL BE BY INDEPENDENT MAIL BALLOT, THE DESIGNATED
10 ELECTION OFFICIAL FOR THE LOCAL GOVERNMENT SHALL CONDUCT THE
11 ELECTION BY MAIL BALLOT PURSUANT TO THIS PART 11.

12 (2) NOTHING IN THIS PART 11 REQUIRES THAT ANY ELECTION BE
13 CONDUCTED BY MAIL BALLOT.

14 (3) NOTWITHSTANDING THE FACT THAT AN INDEPENDENT MAIL
15 BALLOT ELECTION IS AN ELECTION THAT IS NOT COORDINATED BY A
16 COUNTY CLERK AND RECORDER, THE DESIGNATED ELECTION OFFICIAL OF
17 A LOCAL GOVERNMENT AND THE COUNTY CLERK AND RECORDER MAY, BY
18 AGREEMENT, COOPERATE ON ANY ELECTION PROCEDURE OR NOTICE.

19 **1-13.5-1104. Preelection process - notification of independent**
20 **mail ballot election - plan required - duties of designated election**
21 **official.** (1) THE DESIGNATED ELECTION OFFICIAL RESPONSIBLE FOR
22 CONDUCTING AN ELECTION THAT IS TO BE BY INDEPENDENT MAIL BALLOT
23 PURSUANT TO THIS PART 11 SHALL, NO LATER THAN FIFTY-FIVE DAYS
24 PRIOR TO THE ELECTION, HAVE ON FILE AT THE PRINCIPAL OFFICE OF THE
25 LOCAL GOVERNMENT OR DESIGNATED ELECTION OFFICIAL A PLAN FOR
26 CONDUCTING THE INDEPENDENT MAIL BALLOT ELECTION. THE PLAN IS A
27 PUBLIC RECORD.

1 (2) THE DESIGNATED ELECTION OFFICIAL SHALL SUPERVISE THE
2 DISTRIBUTING, HANDLING, AND COUNTING OF BALLOTS AND THE SURVEY
3 OF RETURNS, AND SHALL TAKE THE NECESSARY STEPS TO PROTECT THE
4 CONFIDENTIALITY OF THE BALLOTS CAST AND THE INTEGRITY OF THE
5 ELECTION.

6 (3) NO ELECTOR INFORMATION MAY BE DELIVERED TO AN ELECTOR
7 IN THE FORM OF A SAMPLE BALLOT.

8

9 **1-13.5-1105. Procedures for conducting independent mail**

10 **ballot election.** (1) OFFICIAL BALLOTS MUST BE PREPARED AND ALL
11 OTHER PREELECTION PROCEDURES FOLLOWED AS OTHERWISE PROVIDED BY
12 LAW; EXCEPT THAT MAIL BALLOT PACKETS MUST BE PREPARED IN
13 ACCORDANCE WITH THIS PART 11.

14 (2) (a) EXCEPT FOR COORDINATED ELECTIONS CONDUCTED
15 PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT AS A MAIL BALLOT
16 ELECTION WHERE THE COUNTY CLERK AND RECORDER IS THE
17 COORDINATED ELECTION OFFICIAL UNDER THE "UNIFORM ELECTION CODE
18 OF 1992", ARTICLES 1 TO 13 OF THIS TITLE, NO LATER THAN THIRTY DAYS
19 PRIOR TO ELECTION DAY, THE COUNTY CLERK AND RECORDER IN WHICH
20 THE LOCAL GOVERNMENT IS LOCATED SHALL SUBMIT TO THE DESIGNATED
21 ELECTION OFFICIAL CONDUCTING THE INDEPENDENT MAIL BALLOT
22 ELECTION A COMPLETE PRELIMINARY LIST OF REGISTERED ELECTORS. FOR
23 SPECIAL DISTRICT INDEPENDENT MAIL BALLOT ELECTIONS, THE COUNTY
24 CLERK AND RECORDER AND COUNTY ASSESSOR OF EACH COUNTY IN WHICH
25 A SPECIAL DISTRICT IS LOCATED SHALL CERTIFY AND SUBMIT TO THE
26 DESIGNATED ELECTION OFFICIAL A PROPERTY OWNERS LIST AND A LIST OF
27 REGISTERED ELECTORS RESIDING WITHIN THE AFFECTED DISTRICT.

1 (b) NOT LATER THAN TWENTY DAYS PRIOR TO ELECTION DAY, THE
2 COUNTY CLERK AND RECORDER AND, IF APPROPRIATE, COUNTY ASSESSOR,
3 REQUIRED TO SUBMIT A PRELIMINARY LIST IN ACCORDANCE WITH
4 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL SUBMIT TO THE
5 DESIGNATED ELECTION OFFICIAL A SUPPLEMENTAL LIST OF THE NAMES OF
6 ELIGIBLE ELECTORS OR PROPERTY OWNERS WHO REGISTERED TO VOTE ON
7 OR BEFORE TWENTY-TWO DAYS PRIOR TO THE ELECTION AND WHOSE
8 NAMES WERE NOT INCLUDED ON THE PRELIMINARY LIST.

9 (c) ALL REGISTERED ELECTORS' NAMES AND PROPERTY OWNERS
10 LISTS PROVIDED TO A DESIGNATED ELECTION OFFICIAL UNDER THIS
11 SECTION SHALL INCLUDE THE LAST MAILING ADDRESS OF EACH ELECTOR.

12 (d) (I) NO LATER THAN TWENTY DAYS BEFORE AN ELECTION, THE
13 DESIGNATED ELECTION OFFICIAL, OR THE COORDINATED ELECTION
14 OFFICIAL IF SO PROVIDED BY AN INTERGOVERNMENTAL AGREEMENT,
15 SHALL PROVIDE NOTICE BY PUBLICATION OF AN INDEPENDENT MAIL
16 BALLOT ELECTION CONDUCTED PURSUANT TO THIS ARTICLE, WHICH
17 NOTICE SHALL STATE, AS APPLICABLE FOR THE PARTICULAR ELECTION FOR
18 WHICH THE NOTICE IS PROVIDED, THE INFORMATION SET FORTH IN SECTION
19 1-13.5-502.

20 (II) THE NOTICE REQUIRED TO BE GIVEN BY THIS PARAGRAPH (d)
21 IS IN LIEU OF THE NOTICE REQUIREMENTS SET FORTH IN SECTION
22 1-13.5-502.

23 (3) SUBSEQUENT TO THE PREPARATION OF BALLOTS, BUT PRIOR TO
24 THE MAILING REQUIRED UNDER SUBSECTION (4) OF THIS SECTION, A
25 DESIGNATED ELECTION OFFICIAL SHALL PROVIDE A MAIL BALLOT TO AN
26 ELIGIBLE ELECTOR REQUESTING THE BALLOT AT THE OFFICE DESIGNATED
27 IN THE MAIL BALLOT PLAN FILED WITH THE SECRETARY OF STATE.

1 (4) (a) NOT SOONER THAN TWENTY-TWO DAYS BEFORE AN
2 ELECTION, AND NO LATER THAN FIFTEEN DAYS BEFORE AN ELECTION, THE
3 DESIGNATED ELECTION OFFICIAL SHALL MAIL TO EACH ACTIVE REGISTERED
4 ELECTOR, AT THE LAST MAILING ADDRESS APPEARING IN THE
5 REGISTRATION RECORDS AND IN ACCORDANCE WITH UNITED STATES
6 POSTAL SERVICE REGULATIONS, A MAIL BALLOT PACKET MARKED "DO NOT
7 FORWARD. ADDRESS CORRECTION REQUESTED.", OR ANY OTHER SIMILAR
8 STATEMENT THAT IS IN ACCORDANCE WITH UNITED STATES POSTAL
9 SERVICE REGULATIONS.

10 (b) THE BALLOT OR BALLOT LABEL MUST CONTAIN THE FOLLOWING
11 WARNING:

12 WARNING:

13 ANY PERSON WHO, BY USE OF FORCE OR OTHER MEANS,
14 UNDULY INFLUENCES AN ELIGIBLE ELECTOR TO VOTE IN ANY
15 PARTICULAR MANNER OR TO REFRAIN FROM VOTING, OR
16 WHO FALSELY MAKES, ALTERS, FORGES, OR COUNTERFEITS
17 ANY MAIL BALLOT BEFORE OR AFTER IT HAS BEEN CAST, OR
18 WHO DESTROYS, DEFACTS, MUTILATES, OR TAMPERS WITH
19 A BALLOT IS SUBJECT, UPON CONVICTION, TO
20 IMPRISONMENT, OR TO A FINE, OR BOTH.

21 (c) (I) THE RETURN ENVELOPE MUST HAVE PRINTED ON IT A
22 SELF-AFFIRMATION SUBSTANTIALLY IN THE FORM PROVIDED IN SECTION
23 1-13.5-605 (1).

24 (II) THE SIGNING OF THE SELF-AFFIRMATION ON THE RETURN
25 ENVELOPE CONSTITUTES AN AFFIRMATION BY THE ELIGIBLE ELECTOR TO
26 WHOM THE BALLOT WAS PROVIDED, UNDER PENALTY OF PERJURY, THAT
27 THE FACTS STATED IN THE SELF-AFFIRMATION ARE TRUE. IF THE ELIGIBLE

1 ELECTOR IS UNABLE TO SIGN, THE ELIGIBLE ELECTOR MAY AFFIRM BY
2 MAKING A MARK ON THE SELF-AFFIRMATION, WITH OR WITHOUT
3 ASSISTANCE, THAT IS WITNESSED BY ANOTHER PERSON WHO SIGNS AS
4 WITNESS WHERE INDICATED ON THE RETURN ENVELOPE.

5 (III) THE RETURN ENVELOPE IS NOT REQUIRED TO HAVE A FLAP
6 COVERING THE SIGNATURE.

7 (d) NOT SOONER THAN TWENTY-TWO DAYS PRIOR TO ELECTION
8 DAY, AND UNTIL 7 P.M. ON ELECTION DAY, MAIL BALLOTS SHALL BE MADE
9 AVAILABLE AT THE OFFICE DESIGNATED IN THE MAIL BALLOT PLAN FILED
10 WITH THE SECRETARY OF STATE FOR ELIGIBLE ELECTORS WHO ARE NOT
11 LISTED OR WHO ARE LISTED AS "INACTIVE" ON THE COUNTY VOTER
12 REGISTRATION RECORDS OR, FOR SPECIAL DISTRICT INDEPENDENT MAIL
13 BALLOT ELECTIONS, NOT LISTED ON THE PROPERTY OWNERS LIST OR THE
14 REGISTRATION LIST BUT WHO ARE AUTHORIZED TO VOTE PURSUANT TO
15 SECTION 1-13.5-202 OR OTHER APPLICABLE LAW.

16 (e) (I) AN ELIGIBLE ELECTOR MAY OBTAIN A REPLACEMENT
17 BALLOT IF HIS OR HER ORIGINAL BALLOT WAS DESTROYED, SPOILED, LOST,
18 OR FOR ANY OTHER REASON NOT RECEIVED BY THE ELIGIBLE ELECTOR. AN
19 ELIGIBLE ELECTOR MAY OBTAIN A BALLOT IF A MAIL BALLOT PACKET WAS
20 NOT SENT TO THE ELECTOR BECAUSE THE ELIGIBILITY OF THE ELECTOR
21 COULD NOT BE DETERMINED AT THE TIME THE MAIL BALLOT PACKETS
22 WERE MAILED. IN ORDER TO OBTAIN A BALLOT, THE ELIGIBLE ELECTOR
23 MUST SIGN A SWORN STATEMENT SPECIFYING THE REASON FOR
24 REQUESTING THE BALLOT, WHICH STATEMENT MUST BE PRESENTED TO THE
25 DESIGNATED ELECTION OFFICIAL NO LATER THAN 7 P.M. ON ELECTION DAY.
26 THE DESIGNATED ELECTION OFFICIAL SHALL KEEP A RECORD OF EACH
27 BALLOT ISSUED IN ACCORDANCE WITH THIS PARAGRAPH (e) WITH A LIST OF

1 EACH BALLOT OBTAINED PURSUANT TO PARAGRAPH (d) OF THIS
2 SUBSECTION (4).

3 (II) A DESIGNATED ELECTION OFFICIAL OR ELECTION JUDGE SHALL
4 NOT TRANSMIT A MAIL BALLOT PACKET UNDER THIS PARAGRAPH (e)
5 UNLESS A SWORN STATEMENT REQUESTING THE BALLOT IS RECEIVED ON
6 OR BEFORE ELECTION DAY. A BALLOT MAY BE TRANSMITTED DIRECTLY TO
7 THE ELIGIBLE ELECTOR REQUESTING THE BALLOT AT THE OFFICE
8 DESIGNATED IN THE MAIL BALLOT PLAN FILED WITH THE SECRETARY OF
9 STATE OR MAY BE MAILED TO THE ELIGIBLE ELECTOR AT THE ADDRESS
10 PROVIDED IN THE SWORN STATEMENT. SUCH BALLOTS MAY BE CAST NO
11 LATER THAN 7 P.M. ON ELECTION DAY.

12 (5) (a) UPON RECEIPT OF A BALLOT, THE ELIGIBLE ELECTOR SHALL
13 MARK THE BALLOT, SIGN AND COMPLETE THE SELF-AFFIRMATION ON THE
14 RETURN ENVELOPE, AND COMPLY WITH THE INSTRUCTIONS PROVIDED WITH
15 THE BALLOT.

16 (b) THE ELIGIBLE ELECTOR MAY RETURN THE MARKED BALLOT TO
17 THE DESIGNATED ELECTION OFFICIAL BY UNITED STATES MAIL OR BY
18 DEPOSITING THE BALLOT AT THE OFFICE OF THE OFFICIAL OR ANY PLACE
19 IDENTIFIED IN THE MAIL BALLOT PLAN BY THE DESIGNATED ELECTION
20 OFFICIAL. THE BALLOT MUST BE RETURNED IN THE RETURN ENVELOPE. IF
21 AN ELIGIBLE ELECTOR RETURNS THE BALLOT BY MAIL, THE ELECTOR MUST
22 PROVIDE POSTAGE. THE BALLOT SHALL BE RECEIVED AT THE OFFICE
23 IDENTIFIED IN THE MAIL BALLOT PLAN FILED WITH THE SECRETARY OF
24 STATE OR AN IDENTIFIED DEPOSITORY, WHICH SHALL REMAIN OPEN UNTIL
25 7 P.M. ON ELECTION DAY. THE DEPOSITORY SHALL BE IDENTIFIED BY THE
26 DESIGNATED ELECTION OFFICIAL AND LOCATED IN A SECURE PLACE UNDER
27 THE SUPERVISION OF THE DESIGNATED ELECTION OFFICIAL, AN ELECTION

1 JUDGE, OR ANOTHER PERSON NAMED BY THE DESIGNATED ELECTION
2 OFFICIAL.

3 (6) ONCE THE BALLOT IS RETURNED, AN ELECTION JUDGE SHALL
4 FIRST QUALIFY THE SUBMITTED BALLOT BY COMPARING THE INFORMATION
5 ON THE RETURN ENVELOPE WITH THE REGISTRATION RECORDS AND
6 PROPERTY OWNERS LIST, AS APPLICABLE, TO DETERMINE WHETHER THE
7 BALLOT WAS SUBMITTED BY AN ELIGIBLE ELECTOR WHO HAS NOT
8 PREVIOUSLY VOTED IN THE ELECTION. IF THE BALLOT QUALIFIES AND IS
9 OTHERWISE VALID, THE ELECTION JUDGE SHALL INDICATE IN THE
10 POLLBOOK THAT THE ELIGIBLE ELECTOR CAST A BALLOT AND DEPOSIT THE
11 BALLOT IN AN OFFICIAL BALLOT BOX.

12 (7) ALL DEPOSITED BALLOTS SHALL BE COUNTED AS PROVIDED IN
13 THIS PART 11. A MAIL BALLOT IS VALID AND SHALL BE COUNTED ONLY IF
14 IT IS RETURNED IN THE RETURN ENVELOPE, THE SELF-AFFIRMATION ON THE
15 RETURN ENVELOPE IS SIGNED AND COMPLETED BY THE ELIGIBLE ELECTOR
16 TO WHOM THE BALLOT WAS ISSUED, AND THE INFORMATION ON THE
17 RETURN ENVELOPE IS VERIFIED IN ACCORDANCE WITH SUBSECTION (6) OF
18 THIS SECTION. MAIL BALLOTS SHALL BE COUNTED IN THE SAME MANNER
19 AS PROVIDED BY SECTION 1-13.5-609 FOR COUNTING PAPER BALLOTS OR
20 SECTION 1-13.5-708 OR 1-13.5-811 FOR COUNTING ELECTRONIC BALLOTS.
21 IF THE ELECTION JUDGE OR DESIGNATED ELECTION OFFICIAL DETERMINES
22 THAT AN ELIGIBLE ELECTOR TO WHOM A REPLACEMENT BALLOT HAS BEEN
23 ISSUED HAS VOTED MORE THAN ONCE, THE FIRST BALLOT RETURNED BY
24 THE ELECTOR SHALL BE CONSIDERED THE ELECTOR'S OFFICIAL BALLOT.
25 REJECTED BALLOTS SHALL BE HANDLED IN THE SAME MANNER AS
26 PROVIDED IN SECTION 1-13.5-1010.

27 **1-13.5-1106. Delivery of misdelivered ballots.** (1) IF AN

1 ELECTOR DELIVERS A BALLOT, MAIL BALLOT, OR ABSENTEE VOTER'S
2 BALLOT TO THE DESIGNATED ELECTION OFFICIAL POLLING PLACE,
3 ELECTION JUDGE OF ANOTHER LOCAL GOVERNMENT, OR TO THE COUNTY
4 CLERK AND RECORDER, THE RECIPIENT MAY ACCEPT THE BALLOT AND, IF
5 ACCEPTED, MUST ARRANGE FOR ITS DELIVERY TO THE PROPER PERSON BY
6 7 P.M. ON ELECTION DAY. THE REASONABLE COST OF SUCH DELIVERY MUST
7 BE PAID BY THE LOCAL GOVERNMENT CONDUCTING THE ELECTION IN
8 WHICH THE VOTER INTENDED TO CAST THE BALLOT.

9 (2) IF THE ERROR IN DELIVERY OF A BALLOT IS DISCOVERED TOO
10 LATE FOR DELIVERY BY 7 P.M. ON ELECTION DAY, THE BALLOT MUST BE
11 MAILED TO THE PROPER DESIGNATED ELECTION OFFICIAL AND MAINTAINED
12 AS AN ELECTION RECORD, BUT NOT COUNTED.

13 **1-13.5-1107. Counting mail ballots.** THE ELECTION OFFICIALS AT
14 THE MAIL BALLOT COUNTING PLACE SHALL RECEIVE AND PREPARE MAIL
15 BALLOTS DELIVERED AND TURNED OVER TO THEM BY THE ELECTION
16 JUDGES FOR COUNTING. COUNTING OF THE MAIL BALLOTS MAY BEGIN
17 FIFTEEN DAYS PRIOR TO THE ELECTION AND CONTINUE UNTIL COUNTING IS
18 COMPLETED. THE ELECTION OFFICIAL IN CHARGE OF THE MAIL BALLOT
19 COUNTING PLACE SHALL TAKE ALL PRECAUTIONS NECESSARY TO ENSURE
20 THE SECRECY OF THE COUNTING PROCEDURES, AND NO INFORMATION
21 CONCERNING THE COUNT SHALL BE RELEASED BY THE ELECTION OFFICIALS
22 OR WATCHERS UNTIL AFTER 7 P.M. ON ELECTION DAY.

23 **1-13.5-1108. Write-in candidates.** ANY WRITE-IN CANDIDATE IS
24 ALLOWED IN INDEPENDENT MAIL BALLOT ELECTIONS IF THE CANDIDATE
25 HAS FILED AN AFFIDAVIT OF INTENT WITH THE DESIGNATED ELECTION
26 OFFICIAL AS REQUIRED BY LAW.

27 **1-13.5-1109. Challenges.** VOTES CAST PURSUANT TO THIS PART

1 11 MAY BE CHALLENGED PURSUANT TO AND IN ACCORDANCE WITH LAW,
2 INCLUDING THE CHALLENGE AND REJECTION OF BALLOT PROVISIONS SET
3 FORTH IN SECTION 1-13.5-1010. ANY INDEPENDENT MAIL BALLOT
4 ELECTION CONDUCTED PURSUANT TO THIS PART 11 WILL NOT BE
5 INVALIDATED ON THE GROUNDS THAT AN ELIGIBLE ELECTOR DID NOT
6 RECEIVE A BALLOT SO LONG AS THE DESIGNATED ELECTION OFFICIAL FOR
7 THE POLITICAL SUBDIVISION CONDUCTING THE ELECTION ACTED IN GOOD
8 FAITH IN COMPLYING WITH THIS PART 11.

9 PART 12

10 CHALLENGE OF PERSONS VOTING

11 **1-13.5-1201. No voting unless eligible.** UNLESS OTHERWISE
12 PERMITTED PURSUANT TO SECTION 1-13.5-605, NO PERSON IS PERMITTED
13 TO VOTE AT ANY LOCAL GOVERNMENT ELECTION UNLESS HIS OR HER NAME
14 IS FOUND ON THE REGISTRATION LIST OR PROPERTY OWNERS LIST, IF
15 APPLICABLE, OR UNLESS THE PERSON'S REGISTRATION OR PROPERTY
16 OWNERSHIP IS CONFIRMED ORALLY AS PROVIDED BY SECTION 1-13.5-605
17 (3).

18 **1-13.5-1202. Right to vote may be challenged.** (1) WHEN ANY
19 PERSON WHOSE NAME APPEARS ON THE REGISTRATION LIST OR PROPERTY
20 OWNERS LIST APPLIES FOR A BALLOT, HIS OR HER RIGHT TO VOTE AT THAT
21 ELECTION MAY BE CHALLENGED. IF THE PERSON APPLYING IS NOT
22 ENTITLED TO VOTE, NO BALLOT SHALL BE DELIVERED TO HIM OR HER. ANY
23 PERSON MAY ALSO BE CHALLENGED WHEN HE OR SHE OFFERS A BALLOT
24 FOR DEPOSIT IN THE BALLOT BOX.

25 (2) IT IS THE DUTY OF ANY ELECTION JUDGE TO CHALLENGE ANY
26 PERSON OFFERING TO VOTE WHO HE OR SHE BELIEVES IS NOT AN ELIGIBLE
27 ELECTOR. IN ADDITION, CHALLENGES MAY BE MADE BY WATCHERS OR ANY

1 ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT WHO IS PRESENT.

2 **1-13.5-1203. Challenge to be made by written oath.** EACH
3 CHALLENGE MUST BE MADE BY WRITTEN OATH, SIGNED BY THE
4 CHALLENGER UNDER PENALTY OF PERJURY, SETTING FORTH THE NAME OF
5 THE PERSON CHALLENGED AND THE BASIS FOR THE CHALLENGE. THE
6 ELECTION JUDGES SHALL DELIVER ALL CHALLENGES AND OATHS TO THE
7 DESIGNATED ELECTION OFFICIAL AT THE TIME THE OTHER ELECTION
8 PAPERS ARE RETURNED. THE DESIGNATED ELECTION OFFICIAL SHALL
9 DELIVER ALL CHALLENGES AND OATHS TO THE DISTRICT ATTORNEY FOR
10 INVESTIGATION AND APPROPRIATE ACTION AS SOON AS POSSIBLE.

11 **1-13.5-1204. Challenge questions asked.** (1) IF A PERSON
12 OFFERING TO VOTE IS CHALLENGED AS UNQUALIFIED, ONE OF THE
13 ELECTION JUDGES SHALL TENDER TO HIM OR HER THE FOLLOWING WRITTEN
14 OATH OR AFFIRMATION: "YOU DO SOLEMNLY SWEAR OR AFFIRM THAT YOU
15 WILL FULLY AND TRULY ANSWER ALL SUCH QUESTIONS AS ARE PUT TO YOU
16 REGARDING YOUR PLACE OF RESIDENCE AND QUALIFICATIONS AS AN
17 ELIGIBLE ELECTOR AT THIS ELECTION."

18 (2) IF THE PERSON IS CHALLENGED AS UNQUALIFIED ON THE
19 GROUND THAT HE OR SHE IS NOT A CITIZEN AND WILL NOT EXHIBIT PAPERS
20 PERTAINING TO NATURALIZATION, AN ELECTION JUDGE SHALL ASK THE
21 FOLLOWING QUESTION: "ARE YOU A CITIZEN OF THE UNITED STATES?"

22 (3) IF THE PERSON IS CHALLENGED AS UNQUALIFIED ON THE
23 GROUND THAT HE OR SHE IS NOT A RESIDENT OF THE LOCAL GOVERNMENT,
24 AN ELECTION JUDGE SHALL ASK THE FOLLOWING QUESTIONS:

25 (a) "HAVE YOU RESIDED IN THE LOCAL GOVERNMENT
26 IMMEDIATELY PRECEDING THIS ELECTION?"

27 (b) "HAVE YOU BEEN ABSENT FROM THE LOCAL GOVERNMENT

1 IMMEDIATELY PRECEDING THIS ELECTION, AND DURING THAT TIME HAVE
2 YOU MAINTAINED A HOME OR DOMICILE ELSEWHERE?"

3 (c) "IF SO, WHEN YOU LEFT, WAS IT FOR A TEMPORARY PURPOSE
4 WITH THE INTENT OF RETURNING, OR DID YOU INTEND TO REMAIN AWAY?"

5 (d) "DID YOU, WHILE ABSENT, LOOK UPON AND REGARD THIS STATE
6 AS YOUR HOME?"

7 (e) "DID YOU, WHILE ABSENT, VOTE IN ANY OTHER STATE OR
8 TERRITORY?"

9 (4) IF THE PERSON IS CHALLENGED AS INELIGIBLE BECAUSE THE
10 PERSON IS NOT A PROPERTY OWNER OR THE SPOUSE OR CIVIL UNION
11 PARTNER OF A PROPERTY OWNER, AN ELECTION JUDGE SHALL ASK THE
12 FOLLOWING QUESTIONS:

13 (a) "ARE YOU A PROPERTY OWNER OR THE SPOUSE OR CIVIL UNION
14 PARTNER OF A PROPERTY OWNER IN THIS POLITICAL SUBDIVISION AND
15 THEREFORE ELIGIBLE TO VOTE?"

16 (b) "WHAT IS THE ADDRESS OR, FOR SPECIAL DISTRICT ELECTIONS
17 WHERE AN ADDRESS IS NOT AVAILABLE, THE LOCATION OF THE PROPERTY
18 THAT ENTITLES YOU TO VOTE IN THIS ELECTION?"

19 (5) IF THE PERSON IS CHALLENGED AS UNQUALIFIED ON THE
20 GROUND THAT THE PERSON IS NOT EIGHTEEN YEARS OF AGE, AN ELECTION
21 JUDGE SHALL ASK THE FOLLOWING QUESTION: "ARE YOU EIGHTEEN YEARS
22 OF AGE OR OVER TO THE BEST OF YOUR KNOWLEDGE AND BELIEF?"

23 (6) AN ELECTION JUDGE SHALL PUT ALL OTHER QUESTIONS TO THE
24 PERSON CHALLENGED AS MAY BE NECESSARY TO TEST THE PERSON'S
25 QUALIFICATIONS AS AN ELIGIBLE ELECTOR AT THE ELECTION.

26 (7) IF THE PERSON CHALLENGED ANSWERS SATISFACTORILY ALL OF
27 THE QUESTIONS PUT TO HIM OR HER, THE PERSON SHALL SIGN HIS OR HER

1 NAME ON THE FORM OF THE CHALLENGE AFTER THE PRINTED QUESTIONS.
2 THE ELECTION JUDGES SHALL INDICATE IN THE PROPER PLACE ON THE
3 FORM OF CHALLENGE WHETHER THE CHALLENGE WAS WITHDRAWN AND
4 WHETHER THE CHALLENGED VOTER REFUSED TO ANSWER THE QUESTIONS
5 AND LEFT THE POLLING PLACE WITHOUT VOTING.

6 **1-13.5-1205. Oath of person challenged.** (1) IF THE CHALLENGE
7 IS NOT WITHDRAWN AFTER THE PERSON OFFERING TO VOTE HAS ANSWERED
8 THE QUESTIONS ASKED PURSUANT TO SECTION 1-13.5-1204, ONE OF THE
9 ELECTION JUDGES SHALL TENDER THE FOLLOWING OATH:

10 YOU DO SOLEMNLY SWEAR OR AFFIRM THAT YOU ARE A
11 CITIZEN OF THE UNITED STATES OF THE AGE OF EIGHTEEN
12 YEARS OR OVER; THAT YOU HAVE BEEN A RESIDENT OF THIS
13 LOCAL GOVERNMENT AND HAVE NOT RETAINED A HOME OR
14 DOMICILE ELSEWHERE, OR THAT YOU OR YOUR SPOUSE OR
15 CIVIL UNION PARTNER ARE OWNERS OF TAXABLE REAL OR
16 PERSONAL PROPERTY WITHIN THE LOCAL GOVERNMENT;
17 THAT YOU ARE A REGISTERED ELECTOR OF THIS STATE; AND
18 THAT YOU HAVE NOT PREVIOUSLY VOTED AT THIS ELECTION.

19 (2) AFTER THE PERSON HAS TAKEN THE OATH OR AFFIRMATION, HIS
20 OR HER BALLOT MUST BE RECEIVED AND THE WORD "SWORN" MUST BE
21 WRITTEN ON THE POLLBOOK AFTER THE PERSON'S NAME.

22 **1-13.5-1206. Refusal to answer questions or take oath.** IF THE
23 CHALLENGED PERSON REFUSES TO ANSWER FULLY ANY QUESTION WHICH
24 IS PUT TO HIM OR HER AS PROVIDED IN SECTION 1-13.5-1204 OR REFUSES
25 TO TAKE THE OATH OR AFFIRMATION TENDERED AS PROVIDED IN SECTION
26 1-13.5-1205, THE ELECTION JUDGES SHALL REJECT THE CHALLENGED
27 PERSON'S VOTE.

1 PART 13

2 SURVEY OF RETURNS

3 **1-13.5-1301. Survey of returns - canvass board.** (1) AT LEAST
4 FIFTEEN DAYS BEFORE ANY ELECTION, THE DESIGNATED ELECTION
5 OFFICIAL SHALL APPOINT AT LEAST ONE MEMBER OF THE GOVERNING BODY
6 OF A LOCAL GOVERNMENT, AND AT LEAST ONE ELIGIBLE ELECTOR OF THE
7 LOCAL GOVERNMENT WHO IS NOT A MEMBER OF THAT BODY, TO ASSIST
8 THE DESIGNATED ELECTION OFFICIAL IN THE SURVEY OF RETURNS. THE
9 PERSONS SO APPOINTED AND THE DESIGNATED ELECTION OFFICIAL
10 CONSTITUTE THE CANVASS BOARD FOR THE ELECTION.

11 (2) TO THE FULLEST EXTENT POSSIBLE, NO MEMBER OF THE
12 CANVASS BOARD NOR THE MEMBER'S SPOUSE OR CIVIL UNION PARTNER
13 SHALL HAVE A DIRECT INTEREST IN THE ELECTION.

14 (3) IF, FOR ANY REASON, ANY PERSON APPOINTED AS A MEMBER OF
15 THE CANVASS BOARD REFUSES, FAILS, OR IS UNABLE TO SERVE, THAT
16 APPOINTED PERSON SHALL NOTIFY THE DESIGNATED ELECTION OFFICIAL,
17 WHO SHALL APPOINT ANOTHER PERSON THAT POSSESSES THE SAME
18 QUALIFICATIONS AS THE ORIGINAL APPOINTEE AS DIRECTED UNDER
19 SUBSECTION (1) OF THIS SECTION, IF AVAILABLE, TO THE CANVASS BOARD.

20 (4) EACH CANVASS BOARD MEMBER WHO IS NOT A MEMBER OF THE
21 GOVERNING BODY SHALL RECEIVE A MINIMUM FEE OF FIFTEEN DOLLARS
22 FOR EACH DAY OF SERVICE. THE FEE SHALL BE SET BY THE DESIGNATED
23 ELECTION OFFICIAL AND PAID BY THE LOCAL GOVERNMENT FOR WHICH THE
24 SERVICE IS PERFORMED.

25 **1-13.5-1302. Imperfect returns.** IF THE CANVASS BOARD FINDS
26 THAT THE RETURNS FROM ANY POLLING PLACE DO NOT STRICTLY CONFORM
27 TO THE REQUIREMENTS OF LAW IN THE MAKING, CERTIFYING, AND

1 RETURNING OF THE RETURNS, THE VOTES CAST IN THAT POLLING PLACE
2 NEVERTHELESS MUST BE CANVASSED AND COUNTED IF SUCH RETURNS ARE
3 SUFFICIENTLY EXPLICIT TO ENABLE THE PERSONS AUTHORIZED TO
4 CANVASS VOTES AND RETURNS TO DETERMINE HOW MANY VOTES WERE
5 CAST FOR EACH CANDIDATE, BALLOT ISSUE, OR BALLOT QUESTION.

6 **1-13.5-1303. Corrections.** IF, UPON PROCEEDING TO CANVASS THE
7 VOTES, IT CLEARLY APPEARS TO THE CANVASS BOARD THAT IN ANY
8 STATEMENT PRODUCED TO THEM CERTAIN MATTERS ARE OMITTED THAT
9 SHOULD HAVE BEEN INSERTED OR THAT ANY MISTAKES WHICH ARE
10 MERELY CLERICAL EXIST, THE CANVASS BOARD SHALL SEND THE
11 STATEMENT TO THE ELECTION JUDGES FROM WHOM THEY WERE RECEIVED
12 TO HAVE THE MISTAKES CORRECTED. THE ELECTION JUDGES, WHEN SO
13 DEMANDED, SHALL MAKE SUCH CORRECTIONS AS THE FACTS OF THE CASE
14 REQUIRE, BUT SHALL NOT CHANGE OR ALTER ANY DECISION MADE BEFORE
15 BY THEM. THE CANVASS BOARD MAY ADJOURN FROM DAY TO DAY FOR THE
16 PURPOSE OF OBTAINING AND RECEIVING THE STATEMENT.

17 **1-13.5-1304. Tie - lots - notice to candidates.** IF ANY TWO OR
18 MORE CANDIDATES RECEIVE AN EQUAL AND HIGHEST NUMBER OF VOTES
19 FOR THE SAME OFFICE, AND IF THERE ARE NOT ENOUGH OFFICES
20 REMAINING FOR ALL SUCH CANDIDATES, THE CANVASS BOARD SHALL
21 DETERMINE BY LOT THE PERSON WHO SHALL BE ELECTED. REASONABLE
22 NOTICE SHALL BE GIVEN TO SUCH CANDIDATES OF THE TIME WHEN SUCH
23 ELECTION WILL BE SO DETERMINED.

24 **1-13.5-1305. Statement - certificates of election.** (1) NO LATER
25 THAN THE FOURTEENTH DAY FOLLOWING THE ELECTION, THE CANVASS
26 BOARD SHALL MAKE STATEMENTS FROM THE OFFICIAL ABSTRACT OF
27 VOTES THAT SHOW THE NAMES OF THE CANDIDATES, ANY BALLOT ISSUE OR

1 BALLOT QUESTION, AND THE NUMBER OF VOTES GIVEN TO EACH. THE
2 CANVASS BOARD SHALL CERTIFY THE STATEMENT TO BE CORRECT AND
3 SUBSCRIBE THEIR NAMES THERETO. THE CANVASS BOARD SHALL THEN
4 DETERMINE WHICH PERSONS HAVE BEEN DULY ELECTED BY THE HIGHEST
5 NUMBER OF VOTES AND SHALL ENDORSE AND SUBSCRIBE ON SUCH
6 STATEMENTS A CERTIFICATE OF THEIR DETERMINATION.

7 (2) THE DESIGNATED ELECTION OFFICIAL SHALL MAKE AND
8 TRANSMIT TO EACH OF THE PERSONS THEREBY DECLARED TO BE ELECTED
9 A CERTIFICATE OF THE PERSON'S ELECTION. THE DESIGNATED ELECTION
10 OFFICIAL SHALL ALSO FILE A COPY IN THE OFFICE OF THE DIVISION OF
11 LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.

12 **1-13.5-1306. Recount.** (1) THE DESIGNATED ELECTION OFFICIAL
13 SHALL ORDER A RECOUNT OF THE VOTES CAST IN ANY ELECTION IF IT
14 APPEARS, AS EVIDENCED BY THE SURVEY OF RETURNS, THAT THE
15 DIFFERENCE BETWEEN THE HIGHEST NUMBER OF VOTES CAST IN THE
16 ELECTION AND THE NEXT HIGHEST NUMBER OF VOTES CAST IN THE
17 ELECTION IS LESS THAN OR EQUAL TO ONE-HALF OF ONE PERCENT OF THE
18 HIGHEST NUMBER OF VOTES CAST IN THE ELECTION. ANY RECOUNT
19 CONDUCTED PURSUANT TO THIS SUBSECTION (1) SHALL BE COMPLETED NO
20 LATER THAN THE TWENTY-EIGHTH DAY FOLLOWING THE ELECTION AND
21 SHALL BE PAID FOR BY THE GOVERNING BODY OF THE LOCAL
22 GOVERNMENT. THE DESIGNATED ELECTION OFFICIAL SHALL GIVE NOTICE
23 OF THE RECOUNT TO THE GOVERNING BODY, TO ALL CANDIDATES AND, IN
24 THE CASE OF A BALLOT ISSUE OR QUESTION, TO ANY ISSUE COMMITTEE
25 THAT ARE AFFECTED BY THE RESULT OF THE ELECTION. THE NOTICE MUST
26 BE GIVEN BY ANY MEANS REASONABLY EXPECTED TO NOTIFY THE
27 AFFECTED CANDIDATES OR ISSUE COMMITTEE. AN AFFECTED CANDIDATE

1 OR ISSUE COMMITTEE IS ALLOWED TO BE PRESENT DURING AND OBSERVE
2 THE RECOUNT.

3 (2) (a) WHENEVER A RECOUNT OF THE VOTES CAST IN AN ELECTION
4 IS NOT REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION, ANY
5 INTERESTED PARTY, INCLUDING AN ELIGIBLE ELECTOR OR A CANDIDATE
6 FOR OFFICE OR THE ISSUE COMMITTEE FOR A BALLOT ISSUE OR QUESTION,
7 MAY SUBMIT TO THE DESIGNATED ELECTION OFFICIAL A WRITTEN REQUEST
8 FOR A RECOUNT AT THE EXPENSE OF THE INTERESTED PARTY MAKING THE
9 REQUEST. THIS REQUEST SHALL BE FILED WITH THE DESIGNATED ELECTION
10 OFFICIAL WITHIN SEVENTEEN DAYS AFTER THE ELECTION.

11 (b) BEFORE CONDUCTING THE RECOUNT, THE DESIGNATED
12 ELECTION OFFICIAL SHALL:

13 (I) GIVE NOTICE OF THE RECOUNT IN ACCORDANCE WITH
14 SUBSECTION (1) OF THIS SECTION;

15 (II) DETERMINE THE COST OF THE RECOUNT;

16 (III) NOTIFY THE INTERESTED PARTY THAT REQUESTED THE
17 RECOUNT OF SUCH COST; AND

18 (IV) COLLECT THE ACTUAL COST OF CONDUCTING THE RECOUNT
19 FROM SUCH INTERESTED PARTY.

20 (c) THE INTERESTED PARTY THAT REQUESTED THE RECOUNT SHALL
21 PAY ON DEMAND THE COST OF THE RECOUNT TO THE DESIGNATED
22 ELECTION OFFICIAL. THE FUNDS PAID TO THE DESIGNATED ELECTION
23 OFFICIAL FOR THE RECOUNT MUST BE HELD AND USED FOR PAYMENT OF
24 ALL EXPENSES INCURRED IN THE RECOUNT.

25 (d) IF, AFTER THE RECOUNT, THE RESULT OF THE ELECTION IS
26 REVERSED IN FAVOR OF THE INTERESTED PARTY THAT REQUESTED THE
27 RECOUNT OR IF THE AMENDED ELECTION COUNT IS SUCH THAT A RECOUNT

1 OTHERWISE WOULD HAVE BEEN REQUIRED PURSUANT TO SUBSECTION (1)
2 OF THIS SECTION, THE PAYMENT FOR EXPENSES MUST BE REFUNDED TO THE
3 INTERESTED PARTY WHO PAID THEM.

4 (e) ANY RECOUNT OF VOTES CONDUCTED PURSUANT TO THIS
5 SUBSECTION (2) MUST BE COMPLETED NO LATER THAN THE
6 TWENTY-EIGHTH DAY AFTER CANVASSING THE ELECTION.

7 (f) IF ANY LEFTOVER FUNDS REMAIN FROM THE DEPOSIT PAID
8 UNDER PARAGRAPH (c) OF THIS SUBSECTION (2), AND THE RECOUNT DOES
9 NOT CHANGE THE RESULT OF THE ELECTION, THE DESIGNATED ELECTION
10 OFFICIAL SHALL RETURN THAT UNUSED PORTION OF THE DEPOSIT TO THE
11 INTERESTED PARTY WHO PAID IT.

12 (3) THE DESIGNATED ELECTION OFFICIAL IS RESPONSIBLE FOR
13 CONDUCTING THE RECOUNT AND SHALL BE ASSISTED BY THOSE PERSONS
14 WHO ASSISTED IN PREPARING THE OFFICIAL ABSTRACT OF VOTES. IF THOSE
15 PERSONS CANNOT PARTICIPATE IN THE RECOUNT, OTHER PERSONS SHALL
16 BE APPOINTED AS PROVIDED IN SECTION 1-13.5-1301. THE DESIGNATED
17 ELECTION OFFICIAL MAY APPOINT ADDITIONAL PERSONS QUALIFIED TO BE
18 THE ELECTION JUDGES WHO DID NOT SERVE AS JUDGES IN THE ELECTION AS
19 ASSISTANTS IN CONDUCTING THE RECOUNT. PERSONS ASSISTING IN THE
20 CONDUCT OF THE RECOUNT SHALL BE COMPENSATED AS PROVIDED IN
21 SECTION 1-13.5-1301 (4).

22 (4) THE DESIGNATED ELECTION OFFICIAL MAY REQUIRE THE
23 PRODUCTION OF ANY DOCUMENTARY EVIDENCE REGARDING THE LEGALITY
24 OF ANY VOTE CAST OR COUNTED AND MAY CORRECT THE SURVEY OF
25 RETURNS IN ACCORDANCE WITH THE DESIGNATED ELECTION OFFICIAL'S
26 FINDINGS BASED ON THE EVIDENCE PRESENTED.

27 (5) IN ELECTIONS USING PAPER OR ELECTRONIC BALLOTS, THE

1 RECOUNTS ARE OF THE BALLOTS CAST AND THE VOTES MUST BE TALLIED
2 ON SHEETS OTHER THAN THOSE USED AT THE ELECTION. IN ELECTIONS
3 USING VOTING MACHINES, THE RECOUNT IS OF THE VOTES TABULATED ON
4 THE VOTING MACHINES, AND SEPARATE TALLY SHEETS MUST BE USED FOR
5 EACH MACHINE.

6 (6) AFTER A RECOUNT CONDUCTED PURSUANT TO THIS SECTION
7 HAS BEEN COMPLETED, THE DESIGNATED ELECTION OFFICIAL SHALL
8 NOTIFY THE GOVERNING BODY OF THE LOCAL GOVERNMENT CONDUCTING
9 THE ELECTION OF THE RESULTS OF THE RECOUNT, SHALL MAKE A
10 CERTIFICATE OF ELECTION FOR EACH CANDIDATE WHO RECEIVED THE
11 HIGHEST NUMBER OF VOTES FOR AN OFFICE FOR WHICH A RECOUNT WAS
12 CONDUCTED, AND SHALL DELIVER THE CERTIFICATE TO SUCH CANDIDATE.

13 PART 14

14 CONTESTS

15 **1-13.5-1401. Person elected - contest - causes.** (1) THE
16 ELECTION OF ANY PERSON DECLARED DULY ELECTED TO ANY LOCAL
17 GOVERNMENT OFFICE MAY BE CONTESTED BY ANY ELIGIBLE ELECTOR OF
18 THE LOCAL GOVERNMENT ON THE FOLLOWING GROUNDS:

19 (a) THE CONTESTEE IS NOT ELIGIBLE FOR THE OFFICE TO WHICH HE
20 OR SHE HAS BEEN DECLARED ELECTED;

21 (b) ILLEGAL VOTES HAVE BEEN RECEIVED, OR LEGAL VOTES
22 REJECTED, AT THE POLLS IN SUFFICIENT NUMBERS TO CHANGE THE
23 RESULTS;

24 (c) AN ERROR OR MISTAKE WAS MADE BY ANY OF THE ELECTION
25 JUDGES, THE DESIGNATED ELECTION OFFICIAL, OR THE CANVASS BOARD IN
26 COUNTING OR DECLARING THE RESULT OF THE ELECTION, IF THE ERROR OR
27 MISTAKE WAS SUFFICIENT TO CHANGE THE RESULT;

1 (d) MALCONDUCT, FRAUD, OR CORRUPTION OCCURRED ON THE
2 PART OF THE ELECTION JUDGES IN ANY POLLING PLACE, A CANVASS BOARD
3 MEMBER, OR ANY DESIGNATED ELECTION OFFICIAL OR HIS OR HER
4 ASSISTANT, IF THE MALCONDUCT, FRAUD, OR CORRUPTION WAS SUFFICIENT
5 TO CHANGE THE RESULT; OR

6 (e) FOR ANY OTHER CAUSE THAT SHOWS THAT ANOTHER
7 CANDIDATE WAS THE LEGALLY ELECTED PERSON.

8 **1-13.5-1402. District judge to preside - bond.** (1) ALL
9 CONTESTED ELECTION CASES OF LOCAL GOVERNMENT OFFICERS SHALL BE
10 TRIED AND DETERMINED IN THE DISTRICT COURT OF THE COUNTY IN WHICH
11 THE LOCAL GOVERNMENT IS LOCATED. IF THE TERRITORIAL BOUNDARIES
12 OF A LOCAL GOVERNMENT OVERLAP WHOLLY OR PARTIALLY WITH MORE
13 THAN ONE COUNTY, THE DISTRICT COURT OF EITHER COUNTY HAS
14 JURISDICTION. THE STYLE AND FORM OF PROCESS, THE MANNER OF
15 SERVICE OF PROCESS AND PAPERS, THE FEES OF OFFICERS, AND JUDGMENT
16 FOR COSTS AND EXECUTION SHALL BE ACCORDING TO THE RULES AND
17 PRACTICES OF THE DISTRICT COURT.

18 (2) BEFORE THE DISTRICT COURT IS REQUIRED TO TAKE
19 JURISDICTION OF THE CONTEST, THE CONTESTOR MUST FILE WITH THE
20 CLERK OF THE COURT A BOND, WITH SURETIES, TO BE APPROVED BY THE
21 DISTRICT JUDGE, RUNNING TO THE CONTESTEE AND CONDITIONED TO PAY
22 ALL COSTS IN CASE OF FAILURE TO MAINTAIN HIS OR HER CONTEST.

23 **1-13.5-1403. Filing statement - contents.** THE CONTESTOR SHALL
24 FILE IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT, WITHIN TEN
25 DAYS AFTER THE EXPIRATION OF THE PERIOD WITHIN WHICH A RECOUNT
26 MAY BE REQUESTED PURSUANT TO SECTION 1-13.5-1306, OR WITHIN TEN
27 DAYS AFTER THE CONCLUSION OF A RECOUNT CONDUCTED PURSUANT TO

1 SECTION 1-13.5-1306, WHICHEVER IS LATER, A WRITTEN STATEMENT OF
2 THE CONTESTOR'S INTENTION TO CONTEST THE ELECTION AND SETTING
3 FORTH THE NAME OF THE CONTESTOR, THAT THE CONTESTOR IS AN
4 ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT, THE NAME OF THE
5 CONTESTEE, THE OFFICE CONTESTED, THE TIME OF ELECTION, AND THE
6 PARTICULAR CAUSES OF THE CONTEST. THE STATEMENT MUST BE VERIFIED
7 BY THE AFFIDAVIT OF THE CONTESTOR OR ANY ELIGIBLE ELECTOR OF THE
8 LOCAL GOVERNMENT THAT THE CAUSES SET FORTH IN THE STATEMENT
9 ARE TRUE TO THE BEST OF THE AFFIANT'S KNOWLEDGE AND BELIEF.

10 **1-13.5-1404. Summons - answer.** (1) IF THE CLERK OF THE
11 DISTRICT COURT RECEIVES A STATEMENT AS SET FORTH IN SECTION
12 1-13.5-1403, THE CLERK SHALL ISSUE A SUMMONS IN THE ORDINARY
13 FORM, NAMING THE CONTESTOR AS PLAINTIFF AND THE CONTESTEE AS
14 DEFENDANT, STATING THE COURT IN WHICH THE ACTION IS BROUGHT AND
15 A BRIEF STATEMENT OF THE CAUSES OF CONTEST, AS SET FORTH IN THE
16 CONTESTOR'S STATEMENT. THE SUMMONS SHALL BE SERVED UPON THE
17 CONTESTEE IN THE SAME MANNER AS OTHER SUMMONS ARE SERVED OUT
18 OF THE DISTRICT COURT.

19 (2) THE CONTESTEE, WITHIN TEN DAYS AFTER THE DATE OF
20 SERVICE OF SUCH SUMMONS, SHALL MAKE AND FILE AN ANSWER TO THE
21 SAME WITH THE CLERK OF THE COURT IN WHICH THE CONTESTEE SHALL
22 EITHER ADMIT OR SPECIFICALLY DENY EACH ALLEGATION INTENDED TO BE
23 CONTROVERTED BY THE CONTESTEE ON THE TRIAL OF SUCH CONTEST AND
24 SHALL SET IN THAT ANSWER ANY COUNTERSTATEMENT THAT HE OR SHE
25 RELIES UPON AS ENTITLING THE CONTESTEE TO THE OFFICE TO WHICH HE
26 OR SHE HAS BEEN DECLARED ELECTED.

27 (3) IF THE RECEPTION OF ILLEGAL VOTES OR THE REJECTION OF

1 LEGAL VOTES IS ALLEGED AS THE CAUSE OF THE CONTEST, A LIST OF THE
2 NUMBER OF PERSONS WHO SO VOTED OR OFFERED TO VOTE MUST BE SET
3 FORTH IN THE STATEMENT OF THE CONTESTOR AND MUST BE LIKEWISE SET
4 FORTH IN THE ANSWER OF THE CONTESTEE IF ANY SUCH CAUSE IS ALLEGED
5 IN HIS OR HER ANSWER BY WAY OF COUNTERSTATEMENT.

6 (4) IF THE ANSWER OF THE CONTESTEE CONTAINS NEW MATTER
7 CONSTITUTING A COUNTERSTATEMENT, THE CONTESTOR, WITHIN TEN DAYS
8 AFTER THE FILING OF SUCH ANSWER, SHALL REPLY TO THE SAME,
9 ADMITTING OR SPECIFICALLY DENYING, UNDER OATH, EACH ALLEGATION
10 CONTAINED IN SUCH COUNTERSTATEMENT INTENDED BY HIM OR HER TO BE
11 CONTROVERTED ON THE TRIAL, AND FILE THE SAME IN THE OFFICE OF THE
12 CLERK OF THE DISTRICT COURT.

13 **1-13.5-1405. Trial and appeals.** IMMEDIATELY AFTER THE
14 JOINING OF ISSUE, THE DISTRICT COURT SHALL FIX A DATE FOR THE TRIAL
15 TO COMMENCE, WHICH DATE SHALL NOT BE MORE THAN TWENTY DAYS
16 NOR LESS THAN TEN DAYS AFTER THE JOINING OF ISSUE. THE TRIAL TAKES
17 PRECEDENCE OVER ALL OTHER BUSINESS IN THE COURT. THE TESTIMONY
18 MAY BE ORAL OR BY DEPOSITIONS TAKEN BEFORE ANY OFFICER
19 AUTHORIZED TO TAKE DEPOSITIONS. ANY DEPOSITIONS TAKEN TO BE USED
20 UPON THE TRIAL OF SUCH CONTEST MAY BE TAKEN UPON FOUR DAYS'
21 NOTICE. THE DISTRICT JUDGE SHALL CAUSE THE TESTIMONY TO BE TAKEN
22 IN FULL AND FILED IN THE CAUSE. THE TRIAL OF SUCH CAUSES MUST BE
23 CONDUCTED ACCORDING TO THE RULES AND PRACTICE OF THE DISTRICT
24 COURT. SUCH PROCEEDINGS MAY BE REVIEWED AND FINALLY
25 ADJUDICATED BY THE SUPREME COURT OF THIS STATE, IF APPLICATION TO
26 THAT COURT IS MADE BY EITHER PARTY AND IF THE SUPREME COURT IS
27 WILLING TO ASSUME JURISDICTION OF THE CASE.

1 **1-13.5-1406. Recount.** IF, UPON THE TRIAL OF ANY CONTESTED
2 ELECTION UNDER THIS ARTICLE, THE STATEMENT OR COUNTERSTATEMENT
3 SETS FORTH AN ERROR IN CANVASS SUFFICIENT TO CHANGE THE RESULT,
4 THE TRIAL JUDGE HAS THE POWER TO CONDUCT A RECOUNT OF THE
5 BALLOTS CAST OR THE VOTES TABULATED ON THE VOTING MACHINES IN
6 THE PRECINCT WHERE THE ALLEGED ERROR WAS MADE. THE COURT MAY
7 ALSO REQUIRE THE PRODUCTION OF WITNESSES, DOCUMENTS, RECORDS,
8 AND OTHER EVIDENCE AS MAY HAVE OR MAY CONTAIN INFORMATION
9 REGARDING THE LEGALITY OF ANY VOTE CAST OR COUNTED FOR EITHER OF
10 THE CONTESTING CANDIDATES OR THE CORRECT NUMBER OF VOTES CAST
11 FOR EITHER CANDIDATE AND MAY CORRECT THE CANVASS IN ACCORDANCE
12 WITH THE EVIDENCE PRESENTED AND ITS FINDINGS.

13 **1-13.5-1407. Judgment.** THE COURT SHALL PRONOUNCE
14 JUDGMENT WHETHER THE CONTESTEE OR ANY OTHER PERSON WAS DULY
15 ELECTED. THE PERSON SO DECLARED ELECTED IS ENTITLED TO THE OFFICE
16 UPON QUALIFICATION. IF THE JUDGMENT IS AGAINST THE CONTESTEE AND
17 HE OR SHE HAS RECEIVED HIS OR HER CERTIFICATE, THE JUDGMENT
18 ANNULS IT. IF THE COURT FINDS THAT NO PERSON WAS DULY ELECTED, THE
19 JUDGMENT WILL BE THAT THE ELECTION BE SET ASIDE AND THAT A
20 VACANCY EXISTS.

21 **1-13.5-1408. Ballot questions and ballot issues - how contested.**

22 (1) THE RESULTS OF AN ELECTION ON ANY BALLOT QUESTION OR BALLOT
23 ISSUE MAY BE CONTESTED IN THE MANNER PROVIDED BY THIS PART 14.
24 THE GROUNDS FOR SUCH CONTEST ARE THOSE GROUNDS SET FORTH IN
25 SECTION 1-13.5-1401 (1) (b), (1) (c), AND (1) (d). THE CONTESTEE IS THE
26 APPROPRIATE ELECTION OFFICIAL. IN ADDITION TO OTHER MATTERS
27 REQUIRED TO BE SET FORTH BY THIS PART 14, THE STATEMENT OF

1 INTENTION TO CONTEST THE ELECTION MUST SET FORTH THE QUESTION
2 CONTESTED.

3 (2) ANY CONTEST ARISING OUT OF A BALLOT ISSUE OR BALLOT
4 QUESTION CONCERNING THE ORDER ON THE BALLOT OR CONCERNING
5 WHETHER THE FORM OR CONTENT OF ANY BALLOT TITLE MEETS THE
6 REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
7 MUST BE CONDUCTED AS PROVIDED IN SECTION 1-11-203.5.

8 (3) THE RESULT OF AN ELECTION ON ANY BALLOT ISSUE
9 APPROVING THE CREATION OF ANY DEBT OR OTHER FINANCIAL OBLIGATION
10 MAY BE CONTESTED IN THE MANNER PROVIDED BY THIS PART 14. THE
11 GROUNDS FOR SUCH CONTEST ARE THOSE GROUNDS SET FORTH IN
12 SECTIONS 1-11-201 (4) AND 1-13.5-1401 (1) (b), (1) (c), AND (1) (d). THE
13 CONTESTEE IS THE LOCAL GOVERNMENT FOR WHICH THE BALLOT ISSUE
14 WAS DECIDED.

15 PART 15

16 OTHER JUDICIAL PROCEEDINGS

17 **1-13.5-1501. Controversies.** (1) WITHIN FIVE CALENDAR DAYS
18 OF THE ACT OR OMISSION THAT IS THE BASIS FOR THE CONTROVERSY,
19 WHEN ANY CONTROVERSY ARISES BETWEEN ANY OFFICIAL CHARGED WITH
20 ANY DUTY OR FUNCTION UNDER THIS ARTICLE AND ANY CANDIDATE OR
21 OTHER PERSON, THE DISTRICT COURT, UPON THE FILING OF A VERIFIED
22 PETITION BY ANY SUCH OFFICIAL OR PERSON SETTING FORTH IN CONCISE
23 FORM THE NATURE OF THE CONTROVERSY AND THE RELIEF SOUGHT, SHALL
24 ISSUE AN ORDER COMMANDING THE RESPONDENT IN THE PETITION TO
25 APPEAR BEFORE THE COURT AND ANSWER UNDER OATH TO THE PETITION.
26 IT IS THE DUTY OF THE COURT TO SUMMARILY HEAR AND DISPOSE OF ANY
27 SUCH ISSUES, WITH A VIEW TO OBTAINING A SUBSTANTIAL COMPLIANCE

1 WITH THIS ARTICLE BY THE PARTIES TO THE CONTROVERSY, AND TO MAKE
2 AND ENTER ORDERS AND JUDGMENTS AND TO FOLLOW THE PROCEDURES
3 OF THE COURT TO ENFORCE ALL SUCH ORDERS AND JUDGMENTS.

4 (2) THE PROCEEDINGS MAY BE REVIEWED AND FINALLY
5 ADJUDICATED BY THE SUPREME COURT OF THIS STATE, IF APPLICATION TO
6 THAT COURT IS MADE WITHIN FIVE DAYS AFTER THE TERMINATION BY THE
7 COURT IN WHICH THE PETITION WAS FILED AND IF THE SUPREME COURT IS
8 WILLING TO ASSUME JURISDICTION OF THE CASE.

9 PART 16

10 ELECTION OFFENSES

11 **1-13.5-1601. Applicability of criminal penalties.**

12 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, EXCEPT
13 FOR PARTS 2 AND 3 OF ARTICLE 13 OF THIS TITLE, ELECTION OFFENSES AND
14 PENALTIES PRESCRIBED UNDER ARTICLE 13 OF THIS TITLE APPLY TO
15 ELECTIONS CONDUCTED UNDER THIS ARTICLE.

16 **SECTION 8.** In Colorado Revised Statutes, 22-31-101, **amend**
17 (1) as follows:

18 **22-31-101. Definitions.** As used in this article, unless the context
19 otherwise requires:

20 (1) "Eligible elector" means a person who is registered to vote ~~for~~
21 ~~state officers at general elections in this state~~ IN ACCORDANCE WITH
22 ARTICLES 1 TO 13 OF TITLE 1, C.R.S., and ~~has resided in~~ IS A RESIDENT OF
23 the school ~~election precinct twenty-five days immediately preceding the~~
24 ~~election at~~ DISTRICT IN which the elector intends to vote.

25 **SECTION 9.** In Colorado Revised Statutes, 30-20-503, **amend**
26 (1) (a) (I) and (1) (b) as follows:

27 **30-20-503. Definitions.** As used in this part 5, unless the context

1 otherwise requires:

2 (1) (a) (I) (A) An "elector" of a district is a person who, at the
3 designated time or event, is registered to vote in ~~general elections in this~~
4 ~~state~~ ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992",
5 ARTICLES 1 TO 13 OF TITLE 1, C.R.S.; and

6 (B) Who ~~has been~~ IS a resident of the district or the area to be
7 included in the district; ~~for not less than thirty days;~~ or

8 (C) Who or whose spouse OR CIVIL UNION PARTNER owns taxable
9 real or personal property within the district or the area to be included in
10 the district whether or not said person resides within the district.

11 (b) A "taxpaying elector" of a district is an elector of a district
12 who or whose spouse OR CIVIL UNION PARTNER owns taxable real or
13 personal property within the district or the area to be included within the
14 district, whether or not said person resides within the district. Where the
15 owner of taxable real or personal property specified in this paragraph (b)
16 is not a natural person, a "taxpaying elector" of the district shall include
17 a natural person designated by such owner to vote for such person. Such
18 designation shall be in writing and filed with the county clerk and
19 recorder. Only one ~~such~~ person may be designated by an owner.

20 **SECTION 10.** In Colorado Revised Statutes, 30-20-602, **amend**
21 (2.7) (a) as follows:

22 **30-20-602. Definitions.** As used in this part 6, unless the context
23 otherwise requires:

24 (2.7) (a) "Elector of the district" means a person who, at the
25 designated time or event, is registered to vote in ~~the general election in~~
26 ~~this state~~ ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992",
27 ARTICLES 1 TO 13 OF TITLE 1, C.R.S., and:

1 (I) Who ~~has been~~ IS a resident of the district or the area to be
2 included in the district; ~~for not less than thirty days;~~ or

3 (II) Who or whose spouse OR CIVIL UNION PARTNER owns taxable
4 real or personal property within the district or the area to be included in
5 the district whether or not said person resides within the district.

6 **SECTION 11.** In Colorado Revised Statutes, 31-2-102, **amend**
7 (3) as follows:

8 **31-2-102. Incorporation election.** (3) Registration and changes
9 of address may be made with the county clerk and recorder. ~~up to and~~
10 ~~including the twenty-ninth day prior to the election.~~ The county clerk and
11 recorder, in his or her discretion, may conduct registration from time to
12 time ~~up to and including such twenty-ninth day prior to the election~~
13 within the proposed municipal boundaries.

14 **SECTION 12.** In Colorado Revised Statutes, 31-2-104, **amend**
15 (3) as follows:

16 **31-2-104. Organization of new city or town.** (3) Registration
17 and changes of address may be made in the office of the county clerk and
18 recorder. ~~up to and including the twenty-ninth day prior to election day.~~
19 The county clerk and recorder has authority in his or her sole discretion,
20 from time to time, ~~up to and including the twenty-ninth day prior to the~~
21 ~~election of officers as provided in this section,~~ to conduct registration
22 within the proposed corporate limits. Each nomination petition ~~shall~~ MUST
23 be filed with the clerk of the district court. Nominating petitions shall be
24 made and filed and vacancies in nomination shall be filled in accordance
25 with the "Colorado Municipal Election Code of 1965".

26 **SECTION 13.** In Colorado Revised Statutes, 31-2-220, **amend**
27 (1) as follows:

1 **31-10-102. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (3.5) "PERMANENT ABSENTEE VOTER" MEANS AN ELIGIBLE
4 ELECTOR WHO APPLIES TO RECEIVE A BALLOT BY MAIL FOR EVERY POLLING
5 PLACE ELECTION AND WHOSE NAME IS PLACED ON THE LIST PURSUANT TO
6 SECTION 31-10-1002.

7 **SECTION 15.** In Colorado Revised Statutes, 31-10-201, **amend**
8 (1) (b) as follows:

9 **31-10-201. Qualifications of municipal electors.** (1) Every
10 person who has attained the age of eighteen years possessing the
11 following qualifications is entitled to register to vote at all municipal
12 elections:

13 (b) The person has resided in this state for ~~thirty~~ TWENTY-TWO
14 days ~~and in the municipal election precinct for thirty days~~ immediately
15 preceding the election at which the person offers to vote. IN ORDER TO
16 VOTE IN A MUNICIPAL ELECTION CONDUCTED UNDER THIS ARTICLE, A
17 PERSON MUST BE A REGISTERED ELECTOR. An otherwise qualified and
18 registered elector who moves from the municipal election precinct where
19 registered to another precinct within the same municipality ~~within thirty~~
20 ~~days prior to any regular or special election shall be~~ IS permitted to cast
21 a ballot for ~~such~~ AN election at the polling place in the precinct where
22 registered.

23 **SECTION 16.** In Colorado Revised Statutes, **amend** 31-10-204
24 as follows:

25 **31-10-204. Municipal clerk as deputy county clerk and**
26 **recorder.** Each clerk shall serve as a deputy county clerk and recorder for
27 purposes of registration only in the county in which the clerk's

1 municipality is located. The clerk shall register any qualified elector
2 residing in any precinct in such county who appears in person at the
3 clerk's office at any time during which registration is permitted in the
4 office of the county clerk and recorder. The clerk shall PROMPTLY deliver
5 the new registration records to the office of the county clerk and recorder.
6 ~~either in person or by certified mail on or before the fifteenth day of each~~
7 ~~month and in person on the day following the last day for registration~~
8 ~~preceding any election for which registration is required.~~

9 **SECTION 17.** In Colorado Revised Statutes, **amend** 31-10-205
10 as follows:

11 **31-10-205. Registration lists.** The county clerk and recorder of
12 each county, no later than the fifth day preceding any municipal election
13 in his or her county or upon receipt of the notice made pursuant to section
14 31-4-503 (3) (b), shall prepare a complete copy of the list of the registered
15 electors of each municipal election precinct which is located within his
16 or her county and is involved in such municipal election; but, in any
17 municipal election precinct consisting of one or more whole general
18 election precincts, the county registration books for such precinct may be
19 used in lieu of a separate registration list. The registration list for each
20 municipal election precinct shall contain, in alphabetical order, the names
21 and addresses of all registered electors residing within the municipal
22 election precinct whose names appeared on the county registration
23 records at the close of business on the ~~twenty-ninth~~ SIXTH day preceding
24 the municipal election or, when notice is received pursuant to section
25 31-4-503 (3) (b), at the close of business on the date preceding receipt of
26 such notice. The county clerk and recorder shall certify and deliver such
27 registration lists or registration books to the respective clerks on or before

1 the fifth day preceding the election.

2 **SECTION 18.** In Colorado Revised Statutes, **amend** 31-10-208
3 as follows:

4 **31-10-208. Change of address.** For the ~~twenty-nine~~ TWENTY-TWO
5 days before and on the day of any municipal election, any registered
6 elector, by appearing in person at the office of the county clerk and
7 recorder, may complete a sworn affidavit for change of address within the
8 county in which the elector is registered, stating that, ~~the elector has~~
9 ~~moved prior to the thirtieth day before the election and that,~~ ON THE DATE
10 OF THE ELECTION, the elector ~~has lived~~ IS LIVING at the new address in the
11 new precinct within the municipality. ~~for at least thirty days.~~ Upon the
12 receipt of the request, the county clerk and recorder shall verify the
13 registration of the elector and shall, upon verification, issue or authorize
14 a certificate of registration, showing the information required in section
15 1-2-216, C.R.S., plus the change of address. The judges shall allow the
16 registered elector to vote in the precinct where the new address is located.
17 The judges of election shall use the certificate of registration as a
18 substitute registration page, entering the date of the election and pollbook
19 ballot number on the certificate and including it with the registration book
20 when it is returned to the clerk following the election.

21 **SECTION 19.** In Colorado Revised Statutes, **amend** 31-10-301
22 as follows:

23 **31-10-301. Electors eligible to hold municipal office.** Every
24 registered elector eighteen years of age or older on the date of the election
25 may ~~be a candidate~~ CIRCULATE A NOMINATING PETITION and hold office
26 in any municipality, unless another age is required by local charter or
27 ordinance, if he OR SHE has resided in the municipality or municipality

1 and ward, as the case may be, from which he OR SHE is to be elected for
2 a period of at least twelve consecutive months immediately preceding the
3 date of the election. In case of an annexation, any person who has resided
4 within the territory annexed for the prescribed time shall be deemed to
5 have met the residence requirements for the municipality and precinct to
6 which the territory was annexed. No person may be a candidate for two
7 municipal offices at the same election nor hold two elective municipal
8 offices simultaneously; except that, in statutory cities, the offices of clerk
9 and treasurer may be sought and held by the same person.

10 **SECTION 20.** In Colorado Revised Statutes, 31-10-606, **amend**
11 (4) as follows:

12 **31-10-606. Preparing to vote.** (4) If the judges are using the
13 registration book and the registered elector's signature does not appear on
14 his OR HER registration record, said elector shall show ~~identification~~
15 DOCUMENTATION OF HIS OR HER REGISTRATION and sign his OR HER
16 registration record before being allowed to vote. If said elector is unable
17 to write, he OR SHE may request assistance from one of the judges of
18 election, and such judge shall sign the registration record and witness said
19 elector's mark.

20 **SECTION 21.** In Colorado Revised Statutes, **add** 31-10-907,
21 31-10-908, 31-10-909, 31-10-910, 31-10-911, 31-10-912, and 31-10-913
22 as follows:

23 **31-10-907. Definitions.** AS USED IN SECTIONS 31-10-908 TO
24 31-10-913, UNLESS THE CONTEXT OTHERWISE REQUIRES:

25 (1) "ELIGIBLE ELECTOR" MEANS A PERSON WHO IS A REGISTERED
26 ELECTOR, AS DEFINED IN SECTION 31-1-101 (9).

27 (2) "MAIL BALLOT ELECTION" MEANS AN ELECTION FOR WHICH

1 ELIGIBLE ELECTORS MAY CAST BALLOTS BY MAIL AND IN ACCORDANCE
2 WITH THIS PART 9.

3 (3) "MAIL BALLOT PACKET" MEANS THE PACKET OF INFORMATION
4 PROVIDED BY THE CLERK TO ELIGIBLE ELECTORS IN A MAIL BALLOT
5 ELECTION. THE PACKET INCLUDES THE BALLOT, INSTRUCTIONS FOR
6 COMPLETING THE BALLOT, A SECRECY ENVELOPE, AND A RETURN
7 ENVELOPE.

8 (4) "RETURN ENVELOPE" MEANS AN ENVELOPE THAT IS PRINTED
9 WITH SPACES FOR THE NAME AND ADDRESS OF, AND A SELF-AFFIRMATION
10 TO BE SIGNED BY, AN ELIGIBLE ELECTOR VOTING IN A MAIL BALLOT
11 ELECTION, THAT CONTAINS A SECRECY ENVELOPE AND BALLOT, AND THAT
12 IS DESIGNED TO ALLOW ELECTION OFFICIALS, UPON EXAMINING THE
13 SIGNATURE, NAME, AND ADDRESS ON THE OUTSIDE OF THE ENVELOPE, TO
14 DETERMINE WHETHER THE ENCLOSED BALLOT IS BEING SUBMITTED BY AN
15 ELIGIBLE ELECTOR WHO HAS NOT PREVIOUSLY VOTED IN THAT PARTICULAR
16 ELECTION.

17 (5) "SECRECY ENVELOPE" MEANS THE ENVELOPE OR SLEEVE USED
18 FOR A MAIL BALLOT ELECTION THAT CONTAINS THE ELIGIBLE ELECTOR'S
19 BALLOT FOR THE ELECTION AND THAT IS DESIGNED TO CONCEAL AND
20 MAINTAIN THE CONFIDENTIALITY OF THE ELECTOR'S VOTE UNTIL THE
21 COUNTING OF VOTES FOR THAT PARTICULAR ELECTION.

22 **31-10-908. Mail ballot elections - preelection process.** (1) IF
23 THE GOVERNING BODY OF A MUNICIPALITY DETERMINES THAT AN
24 ELECTION IS TO BE CONDUCTED BY MAIL BALLOT, THE CLERK SHALL
25 SUPERVISE THE DISTRIBUTING, HANDLING, COUNTING OF BALLOTS, AND
26 THE SURVEY OF RETURNS AND SHALL TAKE ALL NECESSARY STEPS TO
27 PROTECT THE CONFIDENTIALITY OF THE BALLOTS CAST AND THE

1 INTEGRITY OF THE ELECTION.

2 (2) OFFICIAL BALLOTS MUST BE PREPARED AND ALL OTHER
3 PREELECTION PROCEDURES FOLLOWED AS OTHERWISE PROVIDED BY THIS
4 ARTICLE; EXCEPT THAT MAIL BALLOT PACKETS MUST BE PREPARED IN
5 ACCORDANCE WITH THIS PART 9.

6 **31-10-909. Nomination of candidates in mail ballot elections.**

7 (1) ANY PERSON WHO DESIRES TO BE A CANDIDATE FOR A MUNICIPAL
8 OFFICE IN A MAIL BALLOT ELECTION CONDUCTED PURSUANT TO THIS PART
9 9 AFTER MAY 1, 2014, SHALL COMPLY WITH THE NOMINATING
10 PROCEDURES SET FORTH IN THIS ARTICLE; EXCEPT THAT:

11 (a) ANY NOMINATING PETITION IN A MAIL BALLOT ELECTION MAY
12 BE CIRCULATED AND SIGNED BEGINNING ON THE NINETY-FIRST DAY PRIOR
13 TO THE ELECTION AND MUST BE FILED WITH THE MUNICIPAL CLERK NO
14 LATER THAN THE CLOSE OF BUSINESS ON THE SEVENTY-FIRST DAY PRIOR
15 TO THE ELECTION. THE PETITION MAY BE AMENDED TO CORRECT OR
16 REPLACE SIGNATURES THAT THE CLERK FINDS ARE NOT IN APPARENT
17 CONFORMITY WITH THE REQUIREMENTS OF THIS ARTICLE BY FILING SUCH
18 CHANGES BY NO LATER THAN THE CLOSE OF BUSINESS ON THE SIXTY-SIXTH
19 DAY BEFORE THE ELECTION.

20 (b) A WITHDRAWAL FROM NOMINATION MUST PROCEED AS SET
21 FORTH IN SECTION 31-10-303; EXCEPT THAT THE WITHDRAWAL AFFIDAVIT
22 MUST BE FILED BY THE CLOSE OF BUSINESS ON THE SIXTY-THIRD DAY PRIOR
23 TO THE ELECTION.

24 (c) IF ANY CANDIDATE DIES OR WITHDRAWS FROM NOMINATION
25 PRIOR TO THE CLOSE OF BUSINESS ON THE SIXTY-THIRD DAY PRIOR TO THE
26 ELECTION, THE VACANCY IN NOMINATION IS FILLED AS SET FORTH IN
27 SECTION 31-10-304.

1 WHO FALSELY MAKES, ALTERS, FORGES, OR COUNTERFEITS
2 ANY MAIL BALLOT BEFORE OR AFTER IT HAS BEEN CAST, OR
3 WHO DESTROYS, DEFACTS, MUTILATES, OR TAMPERS WITH
4 A BALLOT IS SUBJECT, UPON CONVICTION, TO
5 IMPRISONMENT, OR TO A FINE, OR BOTH.

6 (c) (I) A RETURN ENVELOPE MUST HAVE PRINTED ON IT A
7 SELF-AFFIRMATION SUBSTANTIALLY IN THE FOLLOWING FORM:

8 I STATE UNDER PENALTY OF PERJURY THAT I AM AN
9 ELIGIBLE ELECTOR; THAT MY SIGNATURE AND NAME ARE AS
10 SHOWN ON THIS ENVELOPE; THAT I HAVE NOT AND WILL NOT
11 CAST ANY VOTE IN THIS ELECTION EXCEPT BY THE
12 ENCLOSED BALLOT; AND THAT MY BALLOT IS ENCLOSED IN
13 ACCORD WITH THE PROVISIONS OF THE LAW.

14
15 DATE SIGNATURE OF VOTER

16 (II) THE SIGNING OF THE SELF-AFFIRMATION ON THE RETURN
17 ENVELOPE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c)
18 CONSTITUTES AN AFFIRMATION BY THE ELIGIBLE ELECTOR, UNDER
19 PENALTY OF PERJURY, THAT THE FACTS STATED IN THE SELF-AFFIRMATION
20 ARE TRUE. IF THE ELIGIBLE ELECTOR IS UNABLE TO SIGN, THE ELIGIBLE
21 ELECTOR MAY AFFIRM BY MAKING A MARK ON THE SELF-AFFIRMATION,
22 WITH OR WITHOUT ASSISTANCE, WITNESSED BY ANOTHER PERSON.

23 (III) A RETURN ENVELOPE IS NOT REQUIRED TO HAVE A FLAP
24 COVERING THE SIGNATURE.

25 (d) NO SOONER THAN TWENTY-TWO DAYS PRIOR TO ELECTION DAY,
26 AND UNTIL 7 P.M. ON ELECTION DAY, MAIL BALLOTS MUST BE MADE
27 AVAILABLE AT THE CLERK'S OFFICE FOR ELIGIBLE ELECTORS WHO REQUEST

1 A BALLOT.

2 (e) (I) AN ELIGIBLE ELECTOR MAY OBTAIN A REPLACEMENT
3 BALLOT IF THE BALLOT WAS DESTROYED, SPOILED, LOST, OR FOR SOME
4 OTHER REASON NOT RECEIVED BY THE ELIGIBLE ELECTOR. AN ELIGIBLE
5 ELECTOR MAY OBTAIN A BALLOT IF A MAIL BALLOT PACKET WAS NOT SENT
6 TO THE ELECTOR BECAUSE THE ELIGIBILITY OF THE ELECTOR COULD NOT
7 BE DETERMINED AT THE TIME THE MAIL BALLOT PACKETS WERE MAILED.
8 IN ORDER TO OBTAIN A BALLOT IN SUCH CASES, THE ELIGIBLE ELECTOR
9 MUST SIGN A SWORN STATEMENT SPECIFYING THE REASON FOR
10 REQUESTING THE BALLOT. THE STATEMENT MUST BE PRESENTED TO THE
11 CLERK NO LATER THAN 7 P.M. ON ELECTION DAY. THE CLERK SHALL KEEP
12 A RECORD OF EACH BALLOT ISSUED IN ACCORDANCE WITH THIS
13 PARAGRAPH (e) TOGETHER WITH A LIST OF EACH BALLOT OBTAINED
14 PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2).

15 (II) THE CLERK SHALL NOT TRANSMIT A MAIL BALLOT PACKET
16 UNDER THIS PARAGRAPH (e) UNLESS A SWORN STATEMENT REQUESTING
17 THE BALLOT IS RECEIVED ON OR BEFORE ELECTION DAY. A BALLOT MAY BE
18 TRANSMITTED DIRECTLY TO THE ELIGIBLE ELECTOR REQUESTING THE
19 BALLOT AT THE CLERK'S OFFICE OR MAY BE MAILED TO THE ELIGIBLE
20 ELECTOR AT THE ADDRESS PROVIDED IN THE SWORN STATEMENT. BALLOTS
21 MAY BE CAST NO LATER THAN 7 P.M. ON ELECTION DAY.

22 (3) (a) UPON RECEIPT OF A BALLOT, THE ELIGIBLE ELECTOR SHALL
23 MARK THE BALLOT, SIGN AND COMPLETE THE SELF-AFFIRMATION ON THE
24 RETURN ENVELOPE, AND COMPLY WITH THE INSTRUCTIONS PROVIDED WITH
25 THE BALLOT.

26 (b) THE ELIGIBLE ELECTOR MAY RETURN THE MARKED BALLOT TO
27 THE CLERK BY UNITED STATES MAIL OR BY DEPOSITING THE BALLOT AT

1 THE OFFICE OF THE CLERK OR ANY PLACE DESIGNATED AS A DEPOSITORY
2 BY THE CLERK. THE BALLOT MUST BE RETURNED IN THE RETURN
3 ENVELOPE. IF AN ELIGIBLE ELECTOR RETURNS THE BALLOT BY MAIL, THE
4 ELECTOR MUST PROVIDE POSTAGE. THE BALLOT MUST BE RECEIVED AT THE
5 CLERK'S OFFICE OR A DESIGNATED DEPOSITORY, WHICH MUST REMAIN
6 OPEN UNTIL 7 P.M. ON ELECTION DAY. THE DEPOSITORY MUST BE
7 DESIGNATED BY THE CLERK AND LOCATED IN A SECURE PLACE UNDER THE
8 SUPERVISION OF THE CLERK, AN ELECTION JUDGE, OR ANOTHER PERSON
9 DESIGNATED BY THE CLERK.

10 (4) ONCE THE BALLOT IS RETURNED, AN ELECTION JUDGE SHALL
11 FIRST QUALIFY THE SUBMITTED BALLOT BY COMPARING THE INFORMATION
12 ON THE RETURN ENVELOPE WITH THE REGISTRATION RECORDS TO
13 DETERMINE WHETHER THE BALLOT WAS SUBMITTED BY AN ELIGIBLE
14 ELECTOR WHO HAS NOT PREVIOUSLY VOTED IN THE ELECTION. IF THE
15 BALLOT SO QUALIFIES AND IS OTHERWISE VALID, THE ELECTION JUDGE
16 SHALL INDICATE IN THE POLLBOOK THAT THE ELIGIBLE ELECTOR CAST A
17 BALLOT AND DEPOSIT THE BALLOT IN AN OFFICIAL BALLOT BOX.

18 (5) ALL DEPOSITED BALLOTS MUST BE COUNTED AS PROVIDED IN
19 THIS ARTICLE. A MAIL BALLOT IS VALID AND COUNTED ONLY IF IT IS
20 RETURNED IN THE RETURN ENVELOPE, THE SELF-AFFIRMATION ON THE
21 RETURN ENVELOPE IS SIGNED AND COMPLETED BY THE ELIGIBLE ELECTOR
22 TO WHOM THE BALLOT WAS ISSUED, AND THE INFORMATION ON THE
23 RETURN ENVELOPE IS VERIFIED IN ACCORDANCE WITH SUBSECTION (4) OF
24 THIS SECTION. MAIL BALLOTS MUST BE COUNTED IN THE SAME MANNER
25 PROVIDED BY SECTION 31-10-610 FOR COUNTING PAPER BALLOTS OR
26 SECTION 31-10-811 FOR COUNTING ELECTRONIC BALLOTS. IF THE
27 ELECTION OFFICIAL DETERMINES THAT AN ELIGIBLE ELECTOR TO WHOM A

1 REPLACEMENT BALLOT HAS BEEN ISSUED HAS VOTED MORE THAN ONCE,
2 THE FIRST BALLOT RETURNED BY THE ELECTOR IS CONSIDERED THE
3 ELECTOR'S OFFICIAL BALLOT. REJECTED BALLOTS ARE HANDLED IN THE
4 SAME MANNER AS PROVIDED IN SECTION 31-10-612.

5 **31-10-911. Counting mail ballots.** THE ELECTION OFFICIALS AT
6 THE MAIL BALLOT COUNTING CENTER MAY RECEIVE AND PREPARE MAIL
7 BALLOTS DELIVERED AND TURNED OVER TO THEM BY THE CLERK FOR
8 COUNTING. COUNTING OF THE MAIL BALLOTS MAY BEGIN FIFTEEN DAYS
9 PRIOR TO THE ELECTION AND CONTINUE UNTIL COUNTING IS COMPLETED.
10 THE ELECTION OFFICIAL IN CHARGE OF THE MAIL BALLOT COUNTING
11 CENTER SHALL TAKE ALL PRECAUTIONS NECESSARY TO ENSURE THE
12 SECRECY OF THE COUNTING PROCEDURES, AND THE ELECTION OFFICIALS
13 OR WATCHERS SHALL NOT RELEASE ANY INFORMATION CONCERNING THE
14 COUNT UNTIL AFTER 7 P.M. ON ELECTION DAY.

15 **31-10-912. Write-in candidate affidavit in mail ballot elections.**
16 NO WRITE-IN VOTE FOR ANY OFFICE SHALL BE COUNTED UNLESS AN
17 AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE HAS BEEN FILED WITH
18 THE CLERK BY THE PERSON WISHING TO BE A WRITE-IN CANDIDATE NOT
19 LATER THAN SIXTY-FOUR DAYS BEFORE THE DAY OF THE ELECTION. THE
20 AFFIDAVIT OF INTENT MUST INDICATE THE OFFICE TO WHICH THE AFFIANT
21 DESIRES ELECTION AND THAT THE AFFIANT IS QUALIFIED TO ASSUME THE
22 OFFICE IF ELECTED.

23 **31-10-913. Challenges.** ANY MAIL BALLOT ELECTION HELD
24 PURSUANT TO THIS PART 9 SHALL NOT BE INVALIDATED ON THE GROUNDS
25 THAT AN ELIGIBLE ELECTOR DID NOT RECEIVE A BALLOT SO LONG AS THE
26 CLERK ACTED IN GOOD FAITH IN COMPLYING WITH THE PROVISIONS OF THIS
27 PART 9.

1 **SECTION 22.** In Colorado Revised Statutes, **amend** 31-10-1002
2 as follows:

3 **31-10-1002. Application for absentee voter's ballot -**
4 **permanent absentee voter status - ballot delivery - list of absentee**
5 **voters.** (1) Requests for an application for an absentee voter's ballot may
6 be made orally or in writing. Applications for ~~absent~~ ABSENTEE voters'
7 ballots shall be filed in writing and ~~shall be~~ personally signed by the
8 applicant or a family member related by blood, ~~or~~ marriage, CIVIL UNION,
9 OR ADOPTION to the applicant. If the applicant is unable to sign the
10 application, the applicant shall make such applicant's mark on the
11 application, which shall be witnessed by another person. ~~Such~~ THE
12 application shall be filed with the clerk not earlier than ninety days before
13 and not later than the close of business on the Friday immediately
14 preceding such regular or special election. The application may be in the
15 form of a letter.

16 (2) Upon receipt of an application for an ~~absent~~ ABSENTEE voter's
17 ballot within the proper time, the clerk receiving it shall examine the
18 records of the county clerk and recorder to ascertain whether or not the
19 applicant is registered and lawfully entitled to vote as requested, and, if
20 found to be so, the clerk shall deliver, as soon as practicable, but not more
21 than seventy-two hours after the ballots have been received, to the
22 applicant personally in the clerk's office or by mail to the mailing address
23 given in the application an official ~~absent~~ ABSENTEE voter's ballot, an
24 identification return envelope with the affidavit thereon properly filled in
25 as to precinct and residence address as shown by the records of the county
26 clerk and recorder, and an instruction card.

27 (2.3) THE CLERK SHALL KEEP A LIST OF NAMES OF ELIGIBLE

1 ELECTORS WHO HAVE APPLIED FOR ABSENTEE BALLOTS AND, IF
2 APPLICABLE, OF PERMANENT ABSENTEE VOTERS PURSUANT TO SUBSECTION
3 (2.5) OF THIS SECTION, WITH THE DATE ON WHICH EACH APPLICATION WAS
4 MADE, THE DATE ON WHICH THE ABSENTEE VOTER'S BALLOT WAS SENT,
5 AND THE DATE ON WHICH EACH ABSENTEE VOTER'S BALLOT WAS
6 RETURNED. IF AN ABSENTEE VOTER'S BALLOT IS NOT RETURNED, OR IF IT
7 IS REJECTED AND NOT COUNTED, THAT FACT WILL BE NOTED ON THE LIST.
8 THE LIST IS OPEN TO PUBLIC INSPECTION UNDER PROPER REGULATIONS.

9 (2.5) (a) ~~In addition to the requirements of subsection (2) of this~~
10 ~~section, the clerk shall also deliver, as soon as practicable after the ballots~~
11 ~~are received, to each municipal elector whose status as a permanent~~
12 ~~mail-in voter is indicated in the voter registration records of the county~~
13 ~~clerk and recorder, an official absent voter's ballot, an identification~~
14 ~~return envelope with the affidavit thereon properly filled in as to precinct~~
15 ~~and residence address as shown by the records of the county clerk and~~
16 ~~recorder, and an instruction card~~ THE CLERK MAY PERMIT AN ELIGIBLE
17 ELECTOR TO REQUEST PERMANENT ABSENTEE VOTER STATUS.

18 (b) UPON RECEIPT OF AN APPLICATION FOR PERMANENT ABSENTEE
19 VOTER STATUS, THE CLERK SHALL PROCESS THE APPLICATION IN THE SAME
20 MANNER AS AN APPLICATION FOR AN ABSENTEE VOTER'S BALLOT. IF THE
21 CLERK DETERMINES THAT THE APPLICANT IS AN ELIGIBLE ELECTOR, THE
22 CLERK SHALL PLACE THE ELIGIBLE ELECTOR'S NAME ON THE LIST
23 MAINTAINED BY THE MUNICIPALITY PURSUANT TO SUBSECTION (2.3) OF
24 THIS SECTION OF THOSE ELIGIBLE ELECTORS TO WHOM AN ABSENTEE
25 VOTER'S BALLOT IS MAILED EVERY TIME THERE IS A POLLING PLACE
26 ELECTION CONDUCTED BY THE MUNICIPALITY FROM WHICH THE ELIGIBLE
27 ELECTOR HAS REQUESTED PERMANENT ABSENTEE VOTER STATUS.

1 (c) (I) AN ELIGIBLE ELECTOR WHOSE NAME APPEARS ON THE LIST
2 MAINTAINED PURSUANT TO SUBSECTION (2.3) OF THIS SECTION AS A
3 PERMANENT ABSENTEE VOTER MUST REMAIN ON THE LIST AND MUST BE
4 MAILED AN ABSENTEE VOTER'S BALLOT FOR EACH POLLING PLACE
5 ELECTION CONDUCTED BY THE MUNICIPALITY.

6 (II) AN ELIGIBLE ELECTOR MUST BE DELETED FROM THE
7 PERMANENT ABSENTEE VOTER LIST IF:

8 (A) THE ELIGIBLE ELECTOR NOTIFIES THE CLERK THAT HE OR SHE
9 NO LONGER WISHES TO VOTE BY ABSENTEE VOTER'S BALLOT; OR

10 (B) THE ABSENTEE VOTER'S BALLOT SENT TO THE ELIGIBLE
11 ELECTOR IS RETURNED TO THE CLERK AS UNDELIVERABLE; OR

12 (C) THE PERSON IS NO LONGER ELIGIBLE TO VOTE IN THE POLITICAL
13 SUBDIVISION.

14 (3) Before any ~~absent~~ ABSENTEE voter's ballot is delivered or
15 mailed or before any registered elector is permitted to cast his OR HER
16 vote on an ~~absent voter's~~ A voting machine, the clerk shall record such
17 elector's name, the precinct number, and the number appearing on the
18 stub of the ballot, together with the date the ballot is delivered or mailed.
19 This information ~~shall~~ MUST be recorded on the registration record or
20 registration list before the registration book or list is delivered to the
21 judges of election. A separate list of the registered electors who have
22 received ~~absent~~ ABSENTEE voters' ballots ~~shall~~ MUST be delivered to the
23 judges of election in the precinct designated for counting absentee
24 VOTERS' ballots, or, if the clerk elects to deliver ~~absent~~ ABSENTEE voters'
25 envelopes received from electors of each precinct to the judges of election
26 of such precinct, as provided by section 31-10-1006, a separate list of the
27 registered electors of each precinct who have received ~~absent~~ ABSENTEE

1 voters' ballots ~~shall~~ MUST be delivered to the judges of election of each
2 such precinct.

3 (4) (Deleted by amendment, L. 91, p. 640, § 87, effective May 1,
4 1991.)

5 **SECTION 23.** In Colorado Revised Statutes, 31-10-1007, **amend**
6 (1) as follows:

7 **31-10-1007. Casting and counting absentee ballots.** (1) If the
8 self-affirmation on the envelope containing the ~~absent~~ ABSENTEE voter's
9 ballot is properly sworn to, one of the judges shall open such voter's
10 identification envelope in the presence of a majority of the judges, and,
11 after announcing in an audible voice the name of such ~~absent~~ ABSENTEE
12 voter, he OR SHE shall tear open such envelope without defacing the
13 self-affirmation printed thereon or mutilating the enclosed ballot. Such
14 ballot ~~shall~~ MUST then be cast and counted in the same manner as if such
15 ~~absent~~ ABSENTEE voter had been present in person; except that one of the
16 judges shall deposit the ballot in the ballot box without unfolding it. If the
17 ~~absent~~ ABSENTEE voters' ballots are delivered to the judges of one
18 precinct selected by the clerk as provided by section 31-10-1006, the
19 absentee vote ~~shall~~ MUST be certified separately from the vote of the
20 precinct where it is counted.

21 **SECTION 24.** In Colorado Revised Statutes, **amend** 31-10-1008
22 as follows:

23 **31-10-1008. Challenge of absentee ballots - rejection - record.**

24 (1) The vote of any ~~absent~~ ABSENTEE voter may be challenged in the
25 same manner as other votes are challenged, and the judges of election
26 shall have power to determine the legality of such ballot. If the challenge
27 is sustained or if the judges determine that the self-affirmation

1 accompanying the ~~absent~~ ABSENTEE voter's ballot is insufficient or that
2 the voter is not a registered elector, the envelope containing the ballot of
3 such voter shall not be opened, and the judges shall endorse on the back
4 of the envelope the reason therefor. When it is made to appear to the
5 judges of election by sufficient proof that any ~~absent~~ ABSENTEE voter who
6 has marked and forwarded his OR HER ballot has died, the envelope
7 containing the ballot of such deceased voter shall not be opened, and the
8 judges shall make proper notation on the back of such envelope. If an
9 ~~absent~~ ABSENTEE voter's envelope contains more than one marked ballot
10 of any one kind, none of such ballots shall be counted, and the judges
11 shall make notation on the back of the ballots the reason therefor. Judges
12 of election shall certify in their returns the number of ~~absent~~ ABSENTEE
13 voters' ballots cast and counted and the number of such ballots rejected.

14 (2) All ~~absent~~ ABSENTEE voters' identification envelopes, ballot
15 stubs, and ~~absent~~ ABSENTEE voters' ballots rejected by the judges of
16 election in accordance with the provisions of this section shall be returned
17 to the clerk. All ~~absent~~ ABSENTEE voters' ballots received by the clerk
18 after 7 p.m. the day of the election, together with those rejected and
19 returned by the judges of election, as provided in this section, shall
20 remain in the sealed identification envelopes and be destroyed later, as
21 provided in section 31-10-616.

22 (3) If an ~~absent~~ ABSENTEE voter's ballot is not returned or if it is
23 rejected and not counted, such fact shall be noted on the record kept by
24 the clerk. Such record shall be open to public inspection under proper
25 regulations.

26 **SECTION 25.** In Colorado Revised Statutes, **amend** 31-10-1101
27 as follows:

1 **31-10-1101. No voting unless registered.** Unless otherwise
2 permitted pursuant to section 31-10-203, no person shall be permitted to
3 vote at any regular or special election unless his OR HER name is found on
4 the registration list or official registration book or unless registration in
5 that precinct is confirmed orally as provided by section 31-10-606 (1).

6 **SECTION 26.** In Colorado Revised Statutes, 31-10-1104, **amend**
7 (4) and (5) as follows:

8 **31-10-1104. Challenge questions asked voter.** (4) If the person
9 is challenged as unqualified on the ground that he or she has not resided
10 in this state for ~~thirty~~ TWENTY-TWO days immediately preceding the
11 election, the judges, or one of them, shall put the following questions:

12 (a) "Have you resided in this state for ~~thirty~~ TWENTY-TWO days
13 immediately preceding this election?"

14 (b) "Have you been absent from this state within the ~~thirty~~
15 TWENTY-TWO days immediately preceding this election, and during that
16 time have you maintained a home or domicile elsewhere?"

17 (c) "If so, when you left, was it for a temporary purpose with the
18 design of returning, or did you intend to remain away?"

19 (d) "Did you, while absent, look upon and regard this state as your
20 home?"

21 (e) "Did you, while absent, vote in any state or territory?"

22 (5) If the person is challenged on the ground that he or she has not
23 resided in the ~~precinct for thirty days~~ MUNICIPALITY, one of the judges
24 shall question the person as to his or her residence ~~in the precinct~~ in a
25 manner similar to the method of questioning a person as to his or her
26 residence in this state.

27 **SECTION 27.** In Colorado Revised Statutes, 31-10-1105, **amend**

1 (1) as follows:

2 **31-10-1105. Oath of challenged voter.** (1) If the challenge is not
3 withdrawn after the person offering to vote has answered the questions
4 put to him or her, one of the judges shall tender the following oath:

5 "You do solemnly swear or affirm that you are a citizen of
6 the United States of the age of eighteen years or over; that
7 you have been a resident of this state for ~~thirty~~
8 TWENTY-TWO days next preceding this election and have
9 not retained a home or domicile elsewhere; that you ~~have~~
10 ~~been for the last thirty days, and now~~ are a resident of this
11 ~~precinct or have removed therefrom not more than thirty~~
12 ~~days as provided in section 31-10-201~~ MUNICIPALITY;
13 that you are a registered elector of this precinct; and that
14 you have not voted at this election."

15 **SECTION 28.** In Colorado Revised Statutes, 31-25-1209, **amend**
16 (1) (d) as follows:

17 **31-25-1209. Board of directors - duties.** (1) (d) If the petition
18 initiating the organization of the district or any subsequent petition signed
19 by persons who own real or personal property in the service area of the
20 proposed district having a valuation for assessment of not less than fifty
21 percent, or such greater amount as the governing body may provide by
22 ordinance, of the valuation for assessment of all real and personal
23 property in the service area of the proposed district and who own at least
24 fifty percent, or such greater amount as the governing body may provide
25 by ordinance, of the acreage in the proposed district so specifies, the
26 members of the board of the district shall be elected by the electors of the
27 district. If such a petition is approved, the terms of members of the board

1 ~~shall~~ MUST be specified by ordinance of the governing body and shall be
2 the same as the terms of directors of special districts pursuant to article
3 1 of title 32, C.R.S. The initial election for members of the board ~~shall~~
4 MUST be held within ~~sixty~~ NINETY days after approval of the ordinance
5 organizing the district or the filing of any subsequent petition. All
6 subsequent elections for members of the board ~~shall~~ MUST be on the
7 regular election date specified in article 1 of title 32, C.R.S., for special
8 districts. The number of directors, the quorum requirements, and the oaths
9 of office shall be the same as those provided for directors of special
10 districts pursuant to article 1 of title 32, C.R.S. Any vacancy on the board
11 ~~shall~~ MUST be filled in the same manner as provided in paragraph (b) of
12 this subsection (1). Until the members of the board are elected and
13 qualified, the governing body shall serve as the board of the district.
14 Elections pursuant to this paragraph (d) ~~shall~~ MUST be held in accordance
15 with the provisions of part 8 of article 1 of title 32, C.R.S. The cost of any
16 election held pursuant to this paragraph (d) ~~shall~~ MUST be borne by the
17 district.

18 **SECTION 29.** In Colorado Revised Statutes, 32-1-103, **amend**
19 (5) (a), (5) (e), and (23) (a) as follows:

20 **32-1-103. Definitions.** As used in this article, unless the context
21 otherwise requires:

22 (5) (a) "Eligible elector" means a person who, at the designated
23 time or event, is registered to vote pursuant to the "Uniform Election
24 Code of 1992", articles 1 to 13 of title 1, C.R.S., and:

25 (I) Who ~~has been~~ IS a resident of the special district or the area to
26 be included in the special district; ~~for not less than thirty days;~~ or

27 (II) Who, or whose spouse OR CIVIL UNION PARTNER, owns taxable

1 real or personal property situated within the boundaries of the special
2 district or the area to be included in the special district, whether said
3 person resides within the special district or not.

4 (e) In the event that the board, by resolution, ends business
5 personal property taxation by the district pursuant to subsection (8) (b) of
6 section 20 of article X of the state constitution, persons owning such
7 property and spouses ~~thereof~~ OR CIVIL UNION PARTNERS OF SUCH PERSONS
8 shall not be eligible electors of the district on the basis of ownership of
9 such property.

10 (23) (a) "Taxpaying elector" means an eligible elector of a special
11 district who, or whose spouse OR CIVIL UNION PARTNER, owns taxable real
12 or personal property within the special district or the area to be included
13 in or excluded from the special district, whether the person resides within
14 the special district or not.

15 **SECTION 30.** In Colorado Revised Statutes, 32-1-305.5, **amend**
16 (1) and (4) as follows:

17 **32-1-305.5. Organizational election - new special district - first**
18 **directors.** (1) In the order authorizing the election, the court shall name
19 either the clerk and recorder of the county in which the district is to be or
20 another eligible elector OF THE STATE as the designated election official
21 responsible for the conducting of the election.

22 (4) A nomination for director to serve for either term may be made
23 by self-nomination and acceptance form or letter, as provided in ~~section~~
24 ~~32-1-804.3~~ SECTION 1-13.5-303, C.R.S., with the time and manner of
25 filing such form or letter as directed in the order of the district court
26 authorizing the election.

27 **SECTION 31.** In Colorado Revised Statutes, **amend** 32-1-803.5

1 as follows:

2 **32-1-803.5. Organizational election - new special district.** At
3 any election for the organization of a new special district, the court shall
4 also order the submission of the proposition of issuing general obligation
5 bonds or creating other general obligation indebtedness or any question
6 or questions necessary to implement ~~the provisions of~~ section 20 of article
7 X of the ~~Colorado~~ STATE constitution as applied to the new special
8 district, if the petition filed pursuant to section 32-1-301 requests that
9 such questions be submitted at the organizational election. The order of
10 the court shall make the determinations required by section 32-1-1101 (2)
11 and (3) (a) and require the ~~clerk of the~~ DESIGNATED ELECTION OFFICIAL
12 APPOINTED BY THE court PURSUANT TO SECTION 32-1-305.5(1) to conduct
13 the election in accordance with section 20 of article X of the ~~Colorado~~
14 STATE constitution.

15 **SECTION 32.** In Colorado Revised Statutes, 32-1-809, **amend**
16 (1) (g); and **add** (1) (j) as follows:

17 **32-1-809. Notice to electors.** (1) No more than sixty days prior
18 to and not later than January 15 of each year, the board shall provide
19 notice to the eligible electors of the special district in the manner set forth
20 in subsection (2) of this section. The notice shall contain the following:

21 (g) Information on the procedure and time for an eligible elector
22 of the special district to submit a self-nomination form for election to the
23 board pursuant to ~~section 32-1-804.3~~ SECTION 1-13.5-303, C.R.S.; and

24 (j) INFORMATION ON THE PROCEDURE FOR AN ELIGIBLE ELECTOR
25 TO APPLY FOR A PERMANENT ABSENTEE VOTER STATUS AS DESCRIBED IN
26 SECTION 1-13.5-1003, C.R.S., WITH THE SPECIAL DISTRICT.

27 **SECTION 33.** In Colorado Revised Statutes, 1-1-104, **amend**

1 (11) as follows:

2 **1-1-104. Definitions.** As used in this code, unless the context
3 otherwise requires:

4 (11) "Election records" includes ~~but is not limited to~~ accounting
5 forms, certificates of registration, pollbooks, certificates of election,
6 signature cards, all affidavits, ~~mail-in~~ voter applications, ~~mail-in~~ OTHER
7 voter lists and records, ~~mail-in voter~~ MAILBALLOT return envelopes, voted
8 ballots, unused ballots, spoiled ballots, and replacement ballots.

9 **SECTION 34.** In Colorado Revised Statutes, 1-2-210.5, **amend**
10 (1) and (5) (b) (I) (B) as follows:

11 **1-2-210.5. Registration of and voting by persons in custody of**
12 **division of youth corrections - definitions.** (1) In the case of any
13 individual committed to a juvenile facility and in the custody of the
14 division of youth corrections in the department of human services created
15 in section 19-2-203 (1), C.R.S., who is eighteen years of age or older on
16 the date of the next election, the administrator of the facility in which the
17 individual is committed shall facilitate the registration for voting purposes
18 of, and voting by, the individual. In connection with this requirement, the
19 administrator shall provide the individual information regarding his or her
20 voting rights and how the individual may register to vote and cast a mail
21 ~~or mail-in~~ ballot, provide the individual with voter information materials
22 upon the request of the individual, and ensure that any mail ~~or mail-in~~
23 ballot cast by the individual is timely delivered to the designated election
24 official.

25 (5) (b) (I) "Voter information materials" means the following
26 documents, as applicable to the election for which the individual seeks to
27 register to vote and cast a ballot:

1 (B) An application for a ~~mail-in~~ MAIL ballot pursuant to ~~section~~
2 ~~1-8-104~~ SECTION 1-13.5-1002;

3 **SECTION 35.** In Colorado Revised Statutes, 1-2-301, **amend** (4)
4 (a) (II) as follows:

5 **1-2-301. Centralized statewide registration system - secretary**
6 **of state to maintain computerized statewide voter registration list -**
7 **county computer records - agreement to match information.**

8 (4) (a) (II) The centralized statewide registration system shall enable
9 county clerk and recorders to maintain voter registration information and
10 shall include such additional capabilities as may be necessary or desirable
11 to enable county clerk and recorders and the secretary of state to carry out
12 their responsibilities related to the conduct of elections. Such additional
13 capabilities may include but need not be limited to the preparation of
14 ballots, the identification of voting districts for each address, access by
15 county clerk and recorders to the master list of registered electors and, on
16 or after January 1, 2006, the computerized statewide voter registration list
17 maintained pursuant to this section and section 1-2-302, the management
18 of ~~mail-in and~~ mail ballots, the preparation of official abstracts of votes
19 cast, the transmission of voting data from county clerk and recorders to
20 the secretary of state, and reporting of voting results on election night.
21 County clerk and recorders shall have access to the digitized signatures
22 of electors in the centralized statewide registration system for the purpose
23 of comparing an elector's signature in the system with the signature on the
24 return envelope of a ~~mail-in ballot or~~ mail ballot, including by using a
25 signature verification device in accordance with ~~sections~~ SECTION
26 1-7.5-107.3 (5). and ~~1-8-114.5~~ (5).

27 **SECTION 36.** In Colorado Revised Statutes, **amend** 1-4-503 as

1 follows:

2 **1-4-503. Method of nomination for nonpartisan candidates.**

3 ~~Except as provided for the nomination of special district directors in~~
4 ~~section 32-1-804.3, C.R.S.,~~ Nominations for all elected nonpartisan local
5 government officials ~~shall~~ MUST be by petition for nomination as
6 provided in part 8 of this article.

7 **SECTION 37.** In Colorado Revised Statutes, 1-7.5-116, **amend**
8 (1) (a) as follows:

9 **1-7.5-116. Applications for absentee ballot.** (1) (a) An
10 application for an absentee ballot must be made in writing, by electronic
11 mail, or by fax, using the application form furnished by the designated
12 election official or in the form of a letter that includes the applicant's
13 printed name, signature, residence address, mailing address if the
14 applicant wishes to receive the ~~mail-in~~ MAIL ballot by mail, and date of
15 birth.

16 **SECTION 38.** In Colorado Revised Statutes, 1-8.3-108, **amend**
17 (1) as follows:

18 **1-8.3-108. Methods of applying for ballot - definition.** (1) A
19 covered voter who is registered to vote in this state may apply for a ballot
20 using either the regular mail ballot application in use in the voter's
21 jurisdiction under ~~article 8~~ ARTICLE 13.5 of this title or the federal
22 postcard application or the application's electronic equivalent.

23 **SECTION 39.** In Colorado Revised Statutes, 1-8.3-115, **amend**
24 (2) as follows:

25 **1-8.3-115. Use of covered voter's electronic-mail address.**

26 (2) Unless a covered voter applies to be a permanent ~~mail-in~~ MAIL voter
27 pursuant to ~~section 1-8-104.5~~ SECTION 1-13.5-1003, the covered voter

1 who provides an electronic-mail address may request that the voter's
2 application for a military-overseas ballot be considered a standing request
3 for electronic delivery of a ballot for all elections held through December
4 31 of the year following the calendar year of the date of the application
5 or another shorter period the voter specifies. An election official shall
6 provide a military-overseas ballot to a voter who makes a standing request
7 for each election to which the request is applicable. A covered voter who
8 is entitled to receive a ballot for a primary election under this subsection
9 (2) is entitled to receive a ballot for the general election.

10 **SECTION 40.** In Colorado Revised Statutes, **amend** 1-9-210 as
11 follows:

12 **1-9-210. Copy of challenge delivered to elector.** When a
13 challenge is made to a person who cast a ~~mail-in ballot~~, mail ballot or
14 provisional ballot and the person was not present at the time of the
15 challenge, the county clerk and recorder or designated election official
16 shall notify and mail a copy of the challenge to the person challenged in
17 accordance with the rules of the secretary of state.

18 **SECTION 41.** In Colorado Revised Statutes, **amend** 1-13-803 as
19 follows:

20 **1-13-803. Offenses relating to voting by mail ballot.** Any
21 election official or other person who knowingly violates article 7.5 or
22 ~~article 8~~ 13.5 of this title relative to the casting of mail ballots ~~or mail-in~~
23 ~~voters' ballots~~ or who aids or abets fraud in connection with any vote cast,
24 to be cast, or attempted to be cast by a mail ~~or mail-in~~ voter shall be
25 punished by a fine of not more than five thousand dollars or by
26 imprisonment in the county jail for not more than eighteen months, or by
27 both such fine and imprisonment.

1 **SECTION 42.** In Colorado Revised Statutes, 1-45-110, **amend**
2 (1) as follows:

3 **1-45-110. Candidate affidavit - disclosure statement.** (1) When
4 any individual becomes a candidate, such individual shall certify, by
5 affidavit filed with the appropriate officer within ten days, that the
6 candidate is familiar with the provisions of this article; except that an
7 individual who is a candidate in a special legislative election that filed a
8 candidate affidavit for the preceding general election shall not be required
9 to comply with the provisions of this section, and except that a candidate
10 in a special district election shall file the candidate affidavit or,
11 alternatively, a copy of the candidate's self-nomination and acceptance
12 form or letter submitted in accordance with ~~section 32-1-804.3, C.R.S.~~
13 **SECTION 1-13.5-303**, if such form or letter contains a statement that the
14 candidate is familiar with the provisions of this article, no later than the
15 date established for certification of the special district's ballot pursuant to
16 section 1-5-203 (3) (a). A candidate in a municipal election may comply
17 with this section by filing a candidate affidavit pursuant to section
18 31-10-302 (6), C.R.S., if such affidavit contains a statement that the
19 candidate is familiar with the provisions of this article.

20 **SECTION 43.** In Colorado Revised Statutes, 19-2-203, **amend**
21 (3) (b) as follows:

22 **19-2-203. Division of youth corrections - created - interagency**
23 **agreements - duties of administrators of facilities in connection with**
24 **voter registration and casting of ballots - definitions.** (3) (b) The
25 administrator of a facility in which an individual described in paragraph
26 (a) of this subsection (3) is committed shall facilitate the voting rights of
27 the individual. In connection with such requirements, the administrator

1 shall provide the individual information regarding his or her voting rights
2 and how the individual may register to vote and cast a mail ~~or mail-in~~
3 ballot, provide the individual with voter information materials upon the
4 request of the individual, and ensure that any mail ~~or mail-in~~ ballot cast
5 by the individual is timely delivered to the designated election official.
6 For purposes of this subsection (3), "administrator" and "voter
7 information materials" have the same meaning as set forth in section
8 1-2-210.5 (5), C.R.S. Notwithstanding any other provision of law, to
9 satisfy the requirements of this paragraph (b), the administrator is exempt
10 from any restriction under law on the number of mail ~~or mail-in~~ ballots
11 an eligible elector may deliver in person to the designated election
12 official.

13 **SECTION 44.** In Colorado Revised Statutes, 32-1-806, **amend**
14 (3) as follows:

15 **32-1-806. Persons entitled to vote at special district elections.**
16 (3) For electors who vote at any election by ~~mail-in ballot~~ or mail ballot,
17 the affidavit on the envelope of the ballot as required by title 1, C.R.S.,
18 may be substituted for the self-affirming oath or affirmation required by
19 subsection (2) of this section.

20 **SECTION 45.** In Colorado Revised Statutes, 32-1-808, **amend**
21 (2) (a) (IV) as follows:

22 **32-1-808. Transfer of property title to qualify electors -**
23 **limitations.** (2) (a) (IV) On or after the day after the filing deadline for
24 self-nomination and acceptance forms or letters pursuant to ~~section~~
25 ~~32-1-804.3~~ SECTION 1-13.5-303, C.R.S., before any regular special district
26 election, the number of otherwise qualified eligible electors who have
27 filed self-nomination and acceptance forms or letters pursuant to ~~section~~

1 ~~32-1-804.3~~ SECTION 1-13.5-303, C.R.S., is less than the number of special
2 district director offices to be voted upon at the election.

3 **SECTION 46.** In Colorado Revised Statutes, 37-46-137, **amend**
4 (3), (5), (7) introductory portion, (8), and (9) as follows:

5 **37-46-137. Conduct of election.** (3) An elector of the district
6 may vote in any election by ~~absent~~ ABSENTEE voter's ballot under such
7 terms and conditions, and in substantially the same manner insofar as is
8 practicable, as prescribed in ~~article 8~~ ARTICLE 13.5 of title 1, C.R.S., of
9 ~~the "Uniform Election Code of 1992"~~, except as specifically modified in
10 this article.

11 (5) Application may be made for an ~~absent~~ ABSENTEE voter's
12 ballot not more than twenty days and not less than four days before the
13 election.

14 (7) The return envelope for the ~~absent~~ ABSENTEE voter's ballot
15 ~~shall~~ MUST have printed on its face an affidavit substantially in the
16 following form:

17 (8) In any such election at which voting machines are used, the
18 board of directors shall provide paper ballots for ~~absent~~ ABSENTEE voters
19 containing the same question as is to be submitted to the electors by the
20 voting machines, subject to ~~the provisions of~~ subsection (9) of this
21 section.

22 (9) The district or subdistrict may provide for ~~mail-in~~ MAIL voters
23 to cast their ~~mail-in~~ MAIL voters' ballots on voting machines expressly
24 provided for that purpose, if each ~~mail-in~~ MAIL voter indicates by
25 affidavit that he or she is qualified to vote at the election and will be a
26 ~~mail-in~~ MAIL voter, pursuant to ~~section 1-8-102, C.R.S., of the "Uniform~~
27 ~~Election Code of 1992"~~ ARTICLE 13.5 OF TITLE 1, C.R.S., and all laws

1 supplemental thereto.

2 **SECTION 47.** In Colorado Revised Statutes, 37-47-137, **amend**
3 (3), (5), (7) introductory portion, (8), and (9) as follows:

4 **37-47-137. Conduct of election.** (3) An elector of the district
5 may vote in any election by ~~absent~~ ABSENTEE voter's ballot under such
6 terms and conditions, and in substantially the same manner insofar as is
7 practicable, as prescribed in ~~article 8~~ ARTICLE 13.5 of title 1, C.R.S., of
8 the "Uniform Election Code of 1992", except as specifically modified in
9 this article.

10 (5) Application may be made for an ~~absent~~ ABSENTEE voter's
11 ballot not more than twenty days and not less than four days before the
12 election.

13 (7) The return envelope for the ~~absent~~ ABSENTEE voter's ballot
14 shall have printed on its face an affidavit substantially in the following
15 form:

16 (8) In any such election at which voting machines are used, the
17 board of directors shall provide paper ballots for ~~absent~~ ABSENTEE voters
18 containing the same question as is to be submitted to the electors by the
19 voting machines, subject to the provisions of subsection (9) of this
20 section.

21 (9) The district or subdistrict may provide for ~~mail-in~~ MAIL voters
22 to cast their ~~mail-in~~ MAIL voters' ballots on voting machines expressly
23 provided for that purpose, if each ~~mail-in~~ MAIL voter indicates by
24 affidavit that he or she is qualified to vote at the election and will be a
25 ~~mail-in~~ MAIL voter, pursuant to ~~section 1-8-102, C.R.S., of the "Uniform~~
26 ~~Election Code of 1992"~~ ARTICLE 13.5 OF TITLE 1, C.R.S., and all laws
27 supplemental thereto.

1 **SECTION 48.** In Colorado Revised Statutes, 37-48-179, **amend**
2 (3), (5), (7) introductory portion, (8), and (9) as follows:

3 **37-48-179. Conduct of election.** (3) An elector of the district
4 may vote in any election by ~~absent~~ ABSENTEE voter's ballot under such
5 terms and conditions, and in substantially the same manner insofar as is
6 practicable, as prescribed in ~~article 8~~ ARTICLE 13.5 of title 1, C.R.S., of
7 the "~~Uniform Election Code of 1992~~", except as specifically modified in
8 this article.

9 (5) Application may be made for an ~~absent~~ ABSENTEE voter's
10 ballot not more than twenty days and not less than four days before the
11 election.

12 (7) The return envelope for the ~~absent~~ ABSENTEE voter's ballot
13 shall have printed on its face an affidavit substantially in the following
14 form:

15 (8) In any such election at which voting machines are used, the
16 board of directors shall provide paper ballots for ~~absent~~ ABSENTEE voters
17 containing the same question as is to be submitted to the electors by the
18 voting machines, subject to the provisions of subsection (9) of this
19 section.

20 (9) The district or subdistrict may provide for ~~mail-in~~ MAIL voters
21 to cast their ~~mail-in~~ MAIL voters' ballots on voting machines expressly
22 provided for that purpose, if each ~~mail-in~~ MAIL voter indicates by
23 affidavit that he or she is qualified to vote at the election and will be a
24 ~~mail-in~~ MAIL voter, pursuant to ~~section 1-8-102, C.R.S., of the "Uniform~~
25 ~~Election Code of 1992"~~ ARTICLE 13.5 OF TITLE 1, C.R.S., and all laws
26 supplemental thereto.

27 **SECTION 49.** In Colorado Revised Statutes, **repeal** 1-1-104 (28),

1 article 8 of title 1, 32-1-804.1, 32-1-804.3, and 32-1-805.

2 **SECTION 50. Applicability.** This act applies to elections
3 conducted on or after the effective date of this act.

4 **SECTION 51. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.