

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

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 **SECTION 3.** In Colorado Revised Statutes, **add** 1-1-105.5 as
17 follows:

18 **1-1-105.5. Elections legal and valid.** ANY ELECTION, AND ANY
19 ACTS OR OMISSIONS RELATING THERETO, CONDUCTED BETWEEN AUGUST
20 7, 2013, AND THE EFFECTIVE DATE OF THIS SECTION AND THAT WERE NOT
21 INVALIDATED PURSUANT TO PART 2 OF ARTICLE 11 OF THIS TITLE ARE
22 DEEMED AND HELD TO BE LEGAL AND VALID IN ALL RESPECTS.

23 **SECTION 4.** In Colorado Revised Statutes, **amend** 1-5-401 as
24 follows:

25 **1-5-401. Method of voting.** (1) For all general, primary,
26 congressional vacancy, coordinated, odd-year, and recall elections,

1 ~~conducted on or after July 1, 2013~~, and for any election in which the
2 governing body of a political subdivision other than a county determines
3 that an election shall be by mail ballot, the county clerk and recorder or
4 designated election official for the political subdivision, as applicable,
5 shall conduct the election by mail ballot; except that votes cast at voter
6 service and polling centers may be by paper ballots or by electronic or
7 electromechanical voting systems.

8 (2) FOR ANY ELECTION THAT THE GOVERNING BODY OF A
9 POLITICAL SUBDIVISION DETERMINES WILL BE AN INDEPENDENT MAIL
10 BALLOT ELECTION, THE DESIGNATED ELECTION OFFICIAL FOR THAT
11 POLITICAL SUBDIVISION SHALL CONDUCT THE ELECTION BY MAIL BALLOT
12 IN ACCORDANCE WITH ARTICLE 13.5 OF THIS TITLE.

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

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

25 (b) PARAGRAPH (a) OF THIS SUBSECTION (1) DOES NOT APPLY TO
26 ANY POLITICAL SUBDIVISION THAT CONDUCTS A MAIL BALLOT ELECTION
27 OR AN INDEPENDENT MAIL BALLOT ELECTION, AS DEFINED IN SECTION

1 1-13.5-1102, USING MAIL BALLOT PROCEDURES SET FORTH IN ARTICLE 7.5
2 OR 13.5 OF THIS TITLE OR THE "COLORADO MUNICIPAL ELECTION CODE OF
3 1965", ARTICLE 10 OF TITLE 31, C.R.S., AS APPROPRIATE. AS USED IN THIS
4 PARAGRAPH (b), "POLITICAL SUBDIVISION" MEANS A MUNICIPALITY AS
5 DEFINED IN SECTION 31-1-101, C.R.S., OR A SPECIAL DISTRICT AS DEFINED
6 IN SECTION 1-13.5-1102.

7 (c) A COUNTY CLERK AND RECORDER IS NOT REQUIRED TO
8 CONDUCT ANY ELECTION USING THE PROCEDURES SET FORTH IN ARTICLE
9 13.5 OF THIS TITLE.

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

19 **SECTION 6.** In Colorado Revised Statutes, **amend** 1-7.5-102 as
20 follows:

21 **1-7.5-102. Legislative declaration.** (1) The general assembly
22 hereby finds, determines, and declares that self-government by election
23 is more legitimate and better accepted as voter participation increases. By
24 enacting this article, the general assembly hereby concludes that it is
25 appropriate to provide for mail ballot elections under specified
26 circumstances.

27 (2) Recognizing the continued need for in-person voting options

1 through early voting and on election day, the general assembly finds that
2 mail ballot elections CONDUCTED BY THE COUNTY CLERK AND RECORDER
3 must include voter service and polling centers so voters can register to
4 vote, update voter registration information, and vote in person.

5 (3) NOTHING IN THIS CODE PREVENTS A POLITICAL SUBDIVISION
6 FROM CONDUCTING AN INDEPENDENT MAIL BALLOT ELECTION IN
7 ACCORDANCE WITH ARTICLE 13.5 OF THIS TITLE.

8 **SECTION 7.** In Colorado Revised Statutes, 1-7.5-103, **amend**
9 (4), (5), and (8); and **add** (3.5) as follows:

10 **1-7.5-103. Definitions.** As used in this article, unless the context
11 otherwise requires:

12 (3.5) "INDEPENDENT MAIL BALLOT ELECTION" HAS THE MEANING
13 SET FORTH IN SECTION 1-13.5-1102.

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

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

26 (8) "Secrecy envelope" means the envelope OR SLEEVE used for
27 a mail ballot election that contains the eligible elector's ballot for the

1 election, and that is designed to conceal and maintain the confidentiality
2 of the elector's vote until the counting of votes for that particular election.

3 **SECTION 8.** In Colorado Revised Statutes, **add** article 13.5 to
4 title 1 as follows:

5 **ARTICLE 13.5**

6 **Colorado Local Government Election Code**

7 **PART 1**

8 **DEFINITIONS AND GENERAL PROVISIONS**

9 **1-13.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
10 BE CITED AS THE "COLORADO LOCAL GOVERNMENT ELECTION CODE".

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

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

21 **1-13.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "ABSENTEE VOTER" MEANS AN ELIGIBLE ELECTOR WHO
24 REQUESTS IN WRITING THAT THE DESIGNATED ELECTION OFFICIAL MAIL A
25 BALLOT TO EITHER THE ELECTOR'S DELIVERABLE MAILING ADDRESS OR TO
26 ANOTHER ADDRESS DESIGNATED BY THE ELECTOR FOR THE PURPOSE OF
27 VOTING BY MAIL.

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

4 (3) "ELECTRONIC VOTING SYSTEM" MEANS A SYSTEM IN WHICH AN
5 ELECTOR VOTES USING AN ELECTRONIC VOTING DEVICE AS THAT TERM IS
6 DEFINED IN SECTION 1-1-104.

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

11 (5) "ISSUE COMMITTEE" HAS THE MEANING SET FORTH IN SECTION
12 1-45-103.

13 (6) "LOCAL GOVERNMENT" MEANS ANY DISTRICT, BUSINESS
14 IMPROVEMENT DISTRICT, SPECIAL DISTRICT CREATED PURSUANT TO TITLE
15 32, C.R.S., AUTHORITY, OR POLITICAL SUBDIVISION OF THE STATE,
16 AUTHORIZED BY LAW TO CONDUCT AN ELECTION. "LOCAL GOVERNMENT"
17 DOES NOT INCLUDE A COUNTY, SCHOOL DISTRICT, REGIONAL
18 TRANSPORTATION DISTRICT, OR MUNICIPALITY AS DEFINED IN SECTION
19 31-1-101 (6), C.R.S.

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

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

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

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

6 (11) "SPECIAL DISTRICT" MEANS ANY PUBLIC ENTITY, AS DEFINED
7 IN SECTION 24-10-103, C.R.S., THAT IS AUTHORIZED BY LAW TO HOLD AN
8 ELECTION; EXCEPT THAT THE TERM DOES NOT INCLUDE A COUNTY, A
9 MUNICIPALITY AS DEFINED IN SECTION 31-1-101, C.R.S., OR A SCHOOL
10 DISTRICT AS DEFINED IN SECTION 22-30-103, C.R.S.

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

13 (13) "VOTING MACHINE" MEANS ANY DEVICE FULFILLING THE
14 REQUIREMENTS FOR VOTING MACHINES SET FORTH IN PART 4 OF ARTICLE
15 7 OF THIS TITLE REGARDING ITS USE, CONSTRUCTION, PROCUREMENT, AND
16 TRIAL.

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

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

1 **1-13.5-105. Acts legal and valid.** ACTS AND ELECTIONS
2 CONDUCTED PURSUANT TO PROVISIONS THAT REFER TO REGISTERED
3 ELECTORS, ANY ELECTIONS, AND ANY ACTS RELATING TO THOSE
4 ELECTIONS CARRIED OUT UNDER LAW THAT WERE CONDUCTED PRIOR TO
5 JULY 1, 1992, AND THAT WERE VALID WHEN CONDUCTED ARE HELD TO BE
6 LEGAL AND VALID IN ALL RESPECTS.

7 **1-13.5-106. Applicability of the "Uniform Election Code of**
8 **1992".** (1) ANY LOCAL GOVERNMENT MAY PROVIDE BY RESOLUTION THAT
9 IT WILL UTILIZE ALL OR PART OF THE REQUIREMENTS AND PROCEDURES OF
10 THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF THIS
11 TITLE, IN LIEU OF ALL OR PORTIONS OF THIS ARTICLE WITH RESPECT TO ANY
12 ELECTION. ABSENT SUCH RESOLUTION, THIS ARTICLE APPLIES.

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

18 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
19 GENERAL PROVISIONS OF THIS ARTICLE NOT SUPERSEDE OR SUPPLANT
20 SPECIFIC PROVISIONS OF LAW.

21 **1-13.5-107. Computation of time.** (1) CALENDAR DAYS SHALL
22 BE USED IN ALL COMPUTATIONS OF TIME MADE UNDER THIS ARTICLE.

23 (2) IN COMPUTING TIME FOR ANY ACT TO BE DONE BEFORE ANY
24 LOCAL GOVERNMENT ELECTION, THE FIRST DAY IS INCLUDED, AND THE
25 LAST, OR ELECTION, DAY IS EXCLUDED. SATURDAYS, SUNDAYS, AND
26 LEGAL HOLIDAYS ARE INCLUDED, BUT, IF THE TIME FOR ANY ACT TO BE
27 DONE OR THE LAST DAY OF ANY PERIOD IS A SATURDAY, SUNDAY, OR A

1 LEGAL HOLIDAY, THE PERIOD IS EXTENDED TO INCLUDE THE NEXT DAY
2 THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

3 **1-13.5-108. Powers of designated election official.** (1) EXCEPT
4 AS OTHERWISE PROVIDED IN THIS ARTICLE, THE DESIGNATED ELECTION
5 OFFICIAL SHALL RENDER ALL INTERPRETATIONS AND SHALL MAKE ALL
6 INITIAL DECISIONS AS TO CONTROVERSIES OR OTHER MATTERS ARISING IN
7 THE OPERATION OF THIS ARTICLE.

8 (2) ALL POWERS AND AUTHORITY GRANTED TO THE DESIGNATED
9 ELECTION OFFICIAL BY THIS ARTICLE MAY BE EXERCISED BY A DEPUTY
10 DESIGNATED ELECTION OFFICIAL IN THE ABSENCE OF THE DESIGNATED
11 ELECTION OFFICIAL OR IN THE EVENT THE DESIGNATED ELECTION OFFICIAL
12 IS UNABLE TO PERFORM THE DUTIES.

13 **1-13.5-109. Construction.** SUBSTANTIAL COMPLIANCE WITH THE
14 PROVISIONS OR INTENT OF THIS ARTICLE IS ALL THAT IS REQUIRED FOR THE
15 PROPER CONDUCT OF AN ELECTION TO WHICH THIS ARTICLE APPLIES.

16 **1-13.5-110. Special elections.** SPECIAL ELECTIONS MUST BE HELD
17 ON SUCH DATE AS MAY BE PROVIDED BY LAW BY THE LOCAL GOVERNMENT
18 CALLING THE SPECIAL ELECTION.

19 **1-13.5-111. Time for holding elections for special districts -**
20 **type of election - manner of election - notice.** (1) EXCEPT AS
21 OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, REGULAR
22 SPECIAL DISTRICT ELECTIONS MUST BE HELD ON THE TUESDAY
23 SUCCEEDING THE FIRST MONDAY OF MAY IN EVERY EVEN-NUMBERED
24 YEAR.

25 (2) SPECIAL ELECTIONS MAY BE HELD ONLY ON THE FIRST
26 TUESDAY AFTER THE FIRST MONDAY IN FEBRUARY, MAY, OCTOBER, OR
27 DECEMBER OF ANY YEAR; EXCEPT THAT BALLOT ISSUE ELECTIONS MAY BE

1 HELD ONLY ON THE DATE OF A STATE GENERAL ELECTION, BIENNIAL LOCAL
2 DISTRICT ELECTION, OR ON THE FIRST TUESDAY IN NOVEMBER OF
3 ODD-NUMBERED YEARS. A BALLOT ISSUE ELECTION THAT IS NOT PART OF
4 AN ORGANIZATIONAL ELECTION MUST BE CONDUCTED EITHER AS PART OF
5 A COORDINATED ELECTION OR IN ACCORDANCE WITH PART 11 OF THIS
6 ARTICLE.

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

12 (4) WHENEVER THE DATE OF A REGULAR SPECIAL DISTRICT
13 ELECTION IS IDENTICAL TO THE DATE SET FOR A MUNICIPAL OR ANOTHER
14 SPECIAL DISTRICT ELECTION IN ANY MUNICIPALITY OR OTHER SPECIAL
15 DISTRICT HAVING BOUNDARIES COTERMINOUS WITH THE SPECIAL DISTRICT,
16 THE ELECTION MAY BE HELD JOINTLY WITH THE MUNICIPAL OR OTHER
17 SPECIAL DISTRICT ELECTION. AN ELECTION HELD JOINTLY PURSUANT TO
18 THIS SUBSECTION (4) IS NOT A COORDINATED ELECTION.

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

27 **1-13.5-112. Commencement of terms - nonpartisan officers.**

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

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

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

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

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

16 (b) IF THE NONPARTISAN OFFICER WAS ELECTED AT AN ELECTION
17 OTHER THAN A REGULAR ELECTION, THE NEXT MEETING OF THE
18 GOVERNING BODY OF THE LOCAL GOVERNMENT FOLLOWING THE DATE OF
19 THE ELECTION.

20 PART 2

21 QUALIFICATIONS AND REGISTRATION OF ELECTORS

22 **1-13.5-201. Registration required.** EXCEPT WHERE A STATUTE
23 SPECIFICALLY PROVIDES OTHERWISE, NO PERSON IS PERMITTED TO VOTE
24 AT ANY LOCAL GOVERNMENT ELECTION WITHOUT FIRST HAVING
25 REGISTERED TO VOTE IN COLORADO IN ACCORDANCE WITH THE "UNIFORM
26 ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF THIS TITLE.

27 **1-13.5-202. Persons entitled to vote at special district elections.**

1 NO PERSON IS PERMITTED TO VOTE IN ANY SPECIAL DISTRICT ELECTION
2 UNLESS THAT PERSON IS AN ELIGIBLE ELECTOR AS DEFINED IN SECTION
3 32-1-103 (5), C.R.S.

4 **1-13.5-203. Registration records for local government**
5 **elections - costs.** (1) NO LATER THAN THE FORTIETH DAY PRECEDING THE
6 DATE OF A SCHEDULED LOCAL GOVERNMENT ELECTION, THE DESIGNATED
7 ELECTION OFFICIAL SHALL ORDER THE REGISTRATION RECORDS FROM THE
8 COUNTY CLERK AND RECORDER. THE DESIGNATED ELECTION OFFICIAL
9 SHALL ORDER EITHER:

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

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

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

25 (3) THE REGISTRATION LIST THAT IS CERTIFIED THIRTY DAYS
26 BEFORE THE ELECTION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1)
27 OF THIS SECTION MUST CONTAIN THE NAMES AND ADDRESSES OF ALL

1 REGISTERED ELECTORS RESIDING WITHIN THE LOCAL GOVERNMENT AT THE
2 CLOSE OF BUSINESS ON THE FORTIETH DAY PRECEDING THE ELECTION. THE
3 SUPPLEMENTAL REGISTRATION LIST FOR EACH LOCAL GOVERNMENT THAT
4 IS CERTIFIED NO LATER THAN TWENTY DAYS BEFORE THE ELECTION MUST
5 CONTAIN THE NAMES AND ADDRESSES OF ALL ELIGIBLE ELECTORS
6 RESIDING WITHIN THE LOCAL GOVERNMENT AT THE CLOSE OF BUSINESS ON
7 THE TWENTY-SECOND DAY PRIOR TO THE ELECTION. IF A SUPPLEMENTAL
8 LIST IS PROVIDED, IT MUST CONTAIN THE NAMES AND ADDRESSES OF ALL
9 ELIGIBLE ELECTORS WHO BECAME ELIGIBLE DURING THE PERIOD SINCE THE
10 INITIAL REGISTRATION LIST WAS CERTIFIED THROUGH THE CLOSE OF
11 BUSINESS ON THE TWENTY-SECOND DAY PRECEDING THE ELECTION.

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

18 (5) THE DESIGNATED ELECTION OFFICIAL MAY CANCEL AN ORDER
19 FOR THE LIST IF THE ELECTION IS CANCELED PURSUANT TO SECTION
20 1-13.5-513 AND THE COUNTY CLERK AND RECORDER HAS NOT ALREADY
21 PREPARED THE LIST.

22 **1-13.5-204. Lists of property owners - costs.** (1) FOR ELECTIONS
23 WHERE OWNING PROPERTY IN THE LOCAL GOVERNMENT IS A REQUIREMENT
24 FOR VOTING IN THE ELECTION, NO LATER THAN THE FORTIETH DAY
25 PRECEDING THE DATE OF THE ELECTION, THE DESIGNATED ELECTION
26 OFFICIAL SHALL ORDER THE LIST OF PROPERTY OWNERS FROM THE COUNTY
27 ASSESSOR. EXCEPT AS OTHERWISE REQUIRED UNDER SUBSECTION (2) OF

1 THIS SECTION, THE COUNTY ASSESSOR SHALL CERTIFY AND DELIVER AN
2 INITIAL LIST OF ALL RECORDED OWNERS OF TAXABLE REAL AND PERSONAL
3 PROPERTY WITHIN THE LOCAL GOVERNMENT NO LATER THAN THIRTY DAYS
4 BEFORE THE ELECTION. THE SUPPLEMENTAL LIST FOR THE LOCAL
5 GOVERNMENT SHALL BE PROVIDED NO LATER THAN TWENTY DAYS BEFORE
6 THE ELECTION AND SHALL CONTAIN THE NAMES AND ADDRESSES OF ALL
7 RECORDED OWNERS WHO BECAME OWNERS NO LATER THAN TWENTY-TWO
8 DAYS PRIOR TO THE ELECTION AND AFTER THE INITIAL LIST OF PROPERTY
9 OWNERS WAS PROVIDED. THE COUNTY ASSESSORS SHALL ASSESS THE COST
10 FOR THE LISTS, WHICH MUST BE PAID BY THE LOCAL GOVERNMENT
11 HOLDING THE ELECTION. THE FEE FOR FURNISHING THE LISTS IS NO LESS
12 THAN TWENTY-FIVE DOLLARS FOR BOTH LISTS OR NO MORE THAN ONE
13 CENT FOR EACH NAME CONTAINED ON THE LISTS, WHICHEVER IS GREATER.

14 (2) THE DESIGNATED ELECTION OFFICIAL OF A LOCAL
15 GOVERNMENT MAY ORDER THE LIST DESCRIBED IN SUBSECTION (1) OF THIS
16 SECTION OF ALL RECORDED OWNERS OF TAXABLE REAL AND PERSONAL
17 PROPERTY WITHIN THE LOCAL GOVERNMENT AS OF THE THIRTIETH DAY
18 BEFORE THE ELECTION, WITH A SUPPLEMENTAL LIST TO BE PROVIDED ON
19 THE TWENTIETH DAY BEFORE THE ELECTION, OR THE DESIGNATED
20 ELECTION OFFICIAL MAY ORDER A COMPLETE LIST AS OF THE SIXTH DAY
21 BEFORE THE ELECTION.

22 **1-13.5-205. Delivery and custody of registration list and**
23 **property owner list.** AT SUCH TIME AS MAY BE SET BY THE DESIGNATED
24 ELECTION OFFICIAL, BUT AT LEAST ONE DAY PRIOR TO THE ELECTION, ONE
25 OF THE ELECTION JUDGES FROM EACH PRECINCT MAY APPEAR IN PERSON
26 AT THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL FOR THE PURPOSE
27 OF RECEIVING THE REGISTRATION LIST AND, AS APPLICABLE, PROPERTY

1 OWNERS LIST, ELECTION SUPPLIES, OR THE DESIGNATED ELECTION OFFICIAL
2 MAY DELIVER THE SAME TO ONE OF THE JUDGES. THE JUDGES SHALL HAVE
3 CUSTODY OF THE REGISTRATION LIST AND PROPERTY OWNERS LIST AND
4 SHALL GIVE HIS OR HER RECEIPT FOR THE LIST. AFTER THE CLOSING OF THE
5 POLLS ON THE DAY OF ELECTION, THE ELECTION JUDGE SELECTED
6 PURSUANT TO SECTION 1-13.5-410 TO DELIVER THE ELECTION PAPERS AND
7 SUPPLIES SHALL DELIVER THE REGISTRATION LIST AND PROPERTY OWNERS
8 LIST TO THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL OR TO SUCH
9 OTHER PLACE AS THE DESIGNATED ELECTION OFFICIAL MAY DESIGNATE AS
10 THE COUNTING CENTER.

11 PART 3

12 NOMINATIONS

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

27 (b) THE INFORMATION FOUND ON THE PERSON'S VOTER

1 REGISTRATION RECORD IS ADMISSIBLE AS PRIMA FACIE EVIDENCE OF
2 COMPLIANCE WITH THE REGISTRATION AND RESIDENCE REQUIREMENTS OF
3 THIS SECTION. THE INFORMATION FOUND IN THE PROPERTY OWNERS LIST
4 IS ADMISSIBLE AS PRIMA FACIE EVIDENCE OF COMPLIANCE WITH PROPERTY
5 OWNERSHIP REQUIREMENTS.

6 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2), NO
7 PERSON IS ELIGIBLE TO BE A CANDIDATE FOR MORE THAN ONE OFFICE IN
8 THE SAME LOCAL GOVERNMENT AT ONE TIME. THIS SUBSECTION (2) DOES
9 NOT:

10 (a) APPLY TO MEMBERSHIPS ON DIFFERENT SPECIAL DISTRICT OR
11 BUSINESS IMPROVEMENT DISTRICT BOARDS; OR

12 (b) PROHIBIT A CANDIDATE OR ELECTED OFFICIAL OF ANY
13 POLITICAL SUBDIVISION FROM BEING A CANDIDATE OR MEMBER OF THE
14 BOARD OF DIRECTORS OF ANY SPECIAL DISTRICT, BUSINESS IMPROVEMENT
15 DISTRICT, OR DISTRICTS IN WHICH HE OR SHE IS AN ELIGIBLE ELECTOR,
16 UNLESS OTHERWISE PROHIBITED BY LAW.

17 (3) THE QUALIFICATION OF ANY CANDIDATE MAY BE CHALLENGED
18 BY AN ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT WITHIN FIVE DAYS
19 AFTER THE DATE THAT THE DESIGNATED ELECTION OFFICIAL CERTIFIES THE
20 CANDIDATE TO THE BALLOT. THE CHALLENGE SHALL BE MADE BY VERIFIED
21 PETITION SETTING FORTH THE FACTS ALLEGED CONCERNING THE
22 QUALIFICATION OF THE CANDIDATE AND SHALL BE FILED IN THE DISTRICT
23 COURT IN THE COUNTY IN WHICH THE LOCAL GOVERNMENT IS LOCATED.
24 THE HEARING ON THE QUALIFICATION OF THE CANDIDATE MUST BE HELD
25 NOT LESS THAN FIVE NOR MORE THAN TEN DAYS AFTER THE DATE THE
26 DESIGNATED ELECTION OFFICIAL'S STATEMENT IS ISSUED THAT CERTIFIES
27 THE CANDIDATE TO THE BALLOT. THE COURT SHALL HEAR THE TESTIMONY

1 AND OTHER EVIDENCE AND, WITHIN FORTY-EIGHT HOURS AFTER THE CLOSE
2 OF THE HEARING, DETERMINE WHETHER THE CANDIDATE MEETS THE
3 QUALIFICATIONS FOR THE OFFICE FOR WHICH THE CANDIDATE HAS
4 DECLARED. PART 1 OF ARTICLE 17 OF TITLE 13, C.R.S., REGARDING
5 FRIVOLOUS, GROUNDLESS, OR VEXATIOUS ACTIONS, APPLIES TO THIS
6 SECTION.

7 **1-13.5-302. Nomination of local government candidates.**

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

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

24 (3) THE CIRCULATOR OF EACH NOMINATION PETITION SHALL MAKE
25 AN AFFIDAVIT THAT EACH SIGNATURE THEREON IS THE SIGNATURE OF THE
26 PERSON WHOSE NAME IT PURPORTS TO BE AND THAT EACH SIGNER HAS
27 STATED TO THE CIRCULATOR THAT THE SIGNER IS AN ELIGIBLE ELECTOR OF

1 THE LOCAL GOVERNMENT FOR WHICH THE NOMINATION IS MADE.

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

6 (5) EACH NOMINATION PETITION MUST BE FILED WITH THE
7 DESIGNATED ELECTION OFFICIAL NO LATER THAN THE SIXTY-SEVENTH DAY
8 PRIOR TO THE DAY OF ELECTION. EVERY PETITION MUST HAVE ENDORSED
9 ON IT OR APPENDED TO IT THE WRITTEN AFFIDAVIT OF THE CANDIDATE
10 ACCEPTING THE NOMINATION AND SWEARING THAT THE CANDIDATE
11 SATISFIES THE REQUIREMENTS SET FORTH IN LAW TO BE A CANDIDATE AND
12 HOLD OFFICE IN THE LOCAL GOVERNMENT.

13 (6) THE DESIGNATED ELECTION OFFICIAL SHALL PRESERVE ALL
14 NOMINATION PETITIONS FILED WITH HIM OR HER FOR A PERIOD OF TWO
15 YEARS. ALL SUCH PETITIONS ARE OPEN TO PUBLIC INSPECTION UNDER
16 PROPER REGULATION BY THE DESIGNATED ELECTION OFFICIAL WITH WHOM
17 THEY ARE FILED.

18 **1-13.5-303. Candidates for special district or business**
19 **improvement district director - self-nomination and acceptance form.**

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

1 (2) ON THE DATE OF SIGNING THE SELF-NOMINATION AND
2 ACCEPTANCE FORM OR LETTER, A CANDIDATE FOR DIRECTOR SHALL BE AN
3 ELIGIBLE ELECTOR OF THE SPECIAL DISTRICT. IF THE DISTRICT IS DIVIDED
4 INTO DIRECTOR DISTRICTS ESTABLISHED PURSUANT TO SECTION 32-1-301
5 (2) (f), C.R.S., THE CANDIDATE SHALL BE AN ELIGIBLE ELECTOR WITHIN
6 THE BOUNDARIES OF THE DIRECTOR DISTRICT IN WHICH THE CANDIDATE IS
7 RUNNING FOR OFFICE.

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

24 (4) THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER
25 MUST BE FILED WITH THE DESIGNATED ELECTION OFFICIAL OR, IF NONE HAS
26 BEEN DESIGNATED, THE PRESIDING OFFICER OR THE SECRETARY OF THE
27 BOARD OF DIRECTORS OF THE SPECIAL DISTRICT IN WHICH THE ELECTION

1 WILL BE HELD.

2 (5) THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER
3 MUST BE VERIFIED AND PROCESSED SUBSTANTIALLY AS PROVIDED IN
4 SECTION 1-4-908, A PROTEST ON SUCH A FORM OR LETTER SHALL BE
5 DETERMINED SUBSTANTIALLY AS PROVIDED IN SECTIONS 1-4-909 AND
6 1-4-911, AND CURE OF SUCH A FORM OR LETTER SHALL BE ALLOWED
7 SUBSTANTIALLY AS PROVIDED FOR IN SECTION 1-4-912.

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

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

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

27 **1-13.5-306. Objections to nominations.** ALL SELF-NOMINATION

1 AND ACCEPTANCE FORMS OR LETTERS, PETITIONS OF NOMINATION, AND
2 AFFIDAVITS OF INTENT TO BE A WRITE-IN CANDIDATE THAT ARE IN
3 APPARENT CONFORMITY, AS DETERMINED BY THE DESIGNATED ELECTION
4 OFFICIAL, WITH SECTION 1-13.5-302, 1-13.5-303, OR 1-13.5-305, ARE
5 VALID UNLESS OBJECTION THERETO IS DULY MADE IN WRITING WITHIN
6 THREE DAYS AFTER THE FILING OF THE SAME. IN CASE AN OBJECTION IS
7 MADE, THE DESIGNATED ELECTION OFFICIAL SHALL MAIL FORTHWITH
8 NOTICE OF THE OBJECTION TO ANY CANDIDATE FOR THE SAME OFFICE. THE
9 DESIGNATED ELECTION OFFICIAL SHALL DECIDE OBJECTIONS WITHIN
10 FORTY-EIGHT HOURS AFTER THE SAME ARE FILED, AND ANY OBJECTIONS
11 UPHELD MAY BE REMEDIED OR DEFECT CURED UPON THE ORIGINAL
12 PETITION, BY AN AMENDMENT THERETO, OR BY FILING A NEW
13 SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER, PETITION OF
14 NOMINATION, OR AFFIDAVIT OF INTENT, AS APPLICABLE, WITHIN THREE
15 DAYS AFTER THE OBJECTION IS UPHELD, BUT IN NO EVENT LATER THAN THE
16 FIFTY-EIGHTH DAY BEFORE THE DAY OF ELECTION. THE DESIGNATED
17 ELECTION OFFICIAL SHALL PASS UPON THE VALIDITY OF ALL OBJECTIONS,
18 WHETHER OF FORM OR SUBSTANCE, AND THE DESIGNATED ELECTION
19 OFFICIAL'S DECISIONS UPON MATTERS OF FORM ARE FINAL. THE
20 DESIGNATED ELECTION OFFICIAL'S DECISIONS UPON MATTERS OF
21 SUBSTANCE ARE OPEN TO REVIEW IF PROMPT APPLICATION IS MADE, AS
22 PROVIDED IN SECTION 1-13.5-1501, BUT THE REMEDY IN ALL CASES SHALL
23 BE SUMMARY, AND THE DECISION OF THE DISTRICT COURT IS FINAL AND
24 NOT SUBJECT TO REVIEW BY ANY OTHER COURT; EXCEPT THAT THE
25 SUPREME COURT, IN THE EXERCISE OF ITS DISCRETION, MAY REVIEW ANY
26 PROCEEDING IN A SUMMARY WAY.

27

PART 4

1 ELECTION JUDGES

2 **1-13.5-401. Appointment of election judges.** (1) EXCEPT AS
3 PROVIDED IN SUBSECTION (2) OF THIS SECTION, AT LEAST FIFTEEN DAYS
4 BEFORE EACH LOCAL GOVERNMENT ELECTION, THE GOVERNING BODY
5 SHALL APPOINT THE ELECTION JUDGES. EACH ELECTION JUDGE MUST BE
6 REGISTERED TO VOTE IN COLORADO AND AT LEAST EIGHTEEN YEARS OF
7 AGE. ELECTION JUDGES SHALL BE APPOINTED PURSUANT TO THIS ARTICLE
8 WITHOUT REGARD TO PARTY AFFILIATION. THE DESIGNATED ELECTION
9 OFFICIAL SHALL MAKE AND FILE IN HIS OR HER OFFICE A LIST OF ALL
10 INDIVIDUALS SO APPOINTED, GIVING THEIR NAMES AND ADDRESSES. THE
11 LIST IS A PUBLIC RECORD AND IS SUBJECT TO INSPECTION AND
12 EXAMINATION DURING OFFICE HOURS BY ANY ELECTOR OF THE LOCAL
13 GOVERNMENT WITH THE RIGHT TO MAKE COPIES THEREOF.

14 (2) THE GOVERNING BODY MAY DELEGATE TO THE DESIGNATED
15 ELECTION OFFICIAL THE AUTHORITY AND RESPONSIBILITY TO APPOINT
16 ELECTION JUDGES IN THE MANNER PROVIDED IN THIS SECTION.

17 **1-13.5-402. Number of judges - appointment.** THE GOVERNING
18 BODY, OR THE DESIGNATED ELECTION OFFICIAL IF AUTHORIZED PURSUANT
19 TO SECTION 1-13.5-401 (2), SHALL APPOINT AT LEAST TWO ELECTION
20 JUDGES FOR EACH LOCAL GOVERNMENT ELECTION. THE APPOINTING
21 AUTHORITY MAY ALSO APPOINT ANY ADDITIONAL JUDGES AS DEEMED
22 NECESSARY, AND MAY APPOINT COUNTING JUDGES.

23 **1-13.5-403. Certificates of appointment.** PROMPTLY AFTER THE
24 APPOINTMENT OF THE ELECTION JUDGES, THE DESIGNATED ELECTION
25 OFFICIAL SHALL ISSUE CERTIFICATES CERTIFYING THE APPOINTMENTS. THE
26 DESIGNATED ELECTION OFFICIAL SHALL MAIL ONE CERTIFICATE TO EACH
27 PERSON APPOINTED.

1 **1-13.5-404. Acceptance form - time to file.** WITH EACH
2 CERTIFICATE OF APPOINTMENT TRANSMITTED TO THE ELECTION JUDGES,
3 THE DESIGNATED ELECTION OFFICIAL SHALL ENCLOSE A FORM FOR
4 ACCEPTANCE OF THE APPOINTMENT. EACH INDIVIDUAL APPOINTED AS AN
5 ELECTION JUDGE MAY FILE HIS OR HER ACCEPTANCE FORM IN THE OFFICE
6 OF THE DESIGNATED ELECTION OFFICIAL WITHIN SEVEN DAYS AFTER THE
7 DATE THAT THE DESIGNATED ELECTION OFFICIAL MAILED THE CERTIFICATE
8 OF APPOINTMENT AND THE ACCEPTANCE FORM. UNLESS OTHERWISE
9 DETERMINED BY THE DESIGNATED ELECTION OFFICIAL, FAILURE OF ANY
10 PERSON APPOINTED AS AN ELECTION JUDGE TO FILE AN ACCEPTANCE
11 WITHIN THOSE SEVEN DAYS RESULTS IN A VACANCY, WHICH SHALL BE
12 FILLED IN THE SAME WAY THE ORIGINAL APPOINTMENT WAS MADE.

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

24 **1-13.5-406. Removal of judges.** THE DESIGNATED ELECTION
25 OFFICIAL MAY SUMMARILY REMOVE ANY ELECTION JUDGE WHO NEGLECTS
26 HIS OR HER DUTY, OR COMMITS, ENCOURAGES, OR CONNIVES AT ANY
27 FRAUD IN CONNECTION THEREWITH, OR VIOLATES ANY ELECTION LAWS, OR

1 KNOWINGLY PERMITS OTHERS TO DO SO, OR HAS BEEN CONVICTED OF ANY
2 FELONY, OR VIOLATES HIS OR HER OATH, OR COMMITS ANY ACT THAT
3 INTERFERES OR TENDS TO INTERFERE WITH A FAIR AND HONEST ELECTION.
4 AN ELECTION JUDGE HAS NO CAUSE OF ACTION AGAINST A LOCAL
5 GOVERNMENT OR DESIGNATED ELECTION OFFICIAL ARISING FROM
6 REMOVAL FROM OFFICE PURSUANT TO THIS SECTION.

7 **1-13.5-407. Oath of judges.** BEFORE ANY VOTES ARE TAKEN AT
8 ANY LOCAL GOVERNMENT ELECTION, THE ELECTION JUDGES SHALL MAKE
9 A SELF-AFFIRMATION SUBSTANTIALLY IN THE FOLLOWING FORM:

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

23 **1-13.5-408. Training of judges.** THE DESIGNATED ELECTION
24 OFFICIAL SHALL MAKE AVAILABLE AN INSTRUCTION CLASS CONCERNING
25 THE TASKS OF AN ELECTION JUDGE NOT MORE THAN FORTY-FIVE DAYS
26 PRIOR TO EACH ELECTION. A DESIGNATED ELECTION OFFICIAL SHALL
27 REMOVE AN ELECTION JUDGE WHO FAILS OR REFUSES TO ATTEND THE

1 INSTRUCTION CLASS.

2 **1-13.5-409. Compensation of judges.** THE ELECTION JUDGES AT
3 ANY LOCAL GOVERNMENT ELECTION SHALL RECEIVE REASONABLE
4 COMPENSATION FOR THEIR SERVICES AS ELECTION JUDGES ON ELECTION
5 DAY AND ADDITIONAL REASONABLE COMPENSATION FOR ATTENDING AN
6 INSTRUCTION CLASS REQUIRED IN SECTION 1-13.5-408, AS DETERMINED BY
7 THE GOVERNING BODY OF THE LOCAL GOVERNMENT OR DESIGNATED
8 ELECTION OFFICIAL IF AUTHORIZED BY THE GOVERNING BODY TO MAKE A
9 REASONABLE DETERMINATION.

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

19 PART 5

20 NOTICE AND PREPARATION FOR ELECTIONS

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

1 SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER TO THE
2 DESIGNATED ELECTION OFFICIAL, AND INFORMATION ON OBTAINING AN
3 ABSENTEE BALLOT.

4 (2) AS USED IN THIS SECTION, "PUBLICATION" MEANS PRINTING
5 ONE TIME, IN ONE NEWSPAPER OF GENERAL CIRCULATION IN THE SPECIAL
6 DISTRICT OR PROPOSED SPECIAL DISTRICT IF THERE IS SUCH A NEWSPAPER,
7 AND, IF NOT, THEN IN A NEWSPAPER IN THE COUNTY IN WHICH THE SPECIAL
8 DISTRICT OR PROPOSED SPECIAL DISTRICT IS LOCATED. FOR A SPECIAL
9 DISTRICT WITH TERRITORY WITHIN MORE THAN ONE COUNTY, IF
10 PUBLICATION CANNOT BE MADE IN ONE NEWSPAPER OF GENERAL
11 CIRCULATION IN THE SPECIAL DISTRICT, THEN ONE PUBLICATION IS
12 REQUIRED IN A NEWSPAPER IN EACH COUNTY IN WHICH THE SPECIAL
13 DISTRICT IS LOCATED AND IN WHICH THE SPECIAL DISTRICT ALSO HAS FIFTY
14 OR MORE ELIGIBLE ELECTORS.

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

1 BALLOT QUESTIONS. A COPY OF THE NOTICE MUST BE POSTED UNTIL AFTER
2 THE ELECTION IN A CONSPICUOUS PLACE IN THE OFFICE OF THE
3 DESIGNATED ELECTION OFFICIAL. A COPY OF THE NOTICE MUST BE MAILED
4 OR SENT VIA ELECTRONIC MAIL TO THE COUNTY CLERK AND RECORDER.

5 (2) (a) IN ADDITION, THE NOTICE REQUIRED BY THIS SECTION MUST
6 BE PUBLISHED IN AT LEAST ONE NEWSPAPER HAVING GENERAL
7 CIRCULATION IN THE LOCAL GOVERNMENT ON OR BEFORE THE TWENTIETH
8 DAY BEFORE ELECTION DAY.

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

12 (3) ALL POLLING PLACES MUST BE DESIGNATED BY A SIGN
13 CONSPICUOUSLY POSTED AT LEAST TWENTY DAYS BEFORE EACH LOCAL
14 GOVERNMENT ELECTION. THE SIGN MUST BE SUBSTANTIALLY IN THE
15 FOLLOWING FORM: "POLLING PLACE FOR (NAME OF LOCAL
16 GOVERNMENT)". IN ADDITION, THE SIGN MUST STATE THE DATE OF THE
17 NEXT ELECTION AND THE HOURS THE POLLING PLACE WILL BE OPEN.

18 **1-13.5-503. Ballot issue notice.** (1) ANY BALLOT ISSUE NOTICE
19 RELATING TO A LOCAL GOVERNMENT BALLOT ISSUE MUST BE PREPARED
20 AND DISTRIBUTED IN A MANNER CONSISTENT WITH PART 9 OF ARTICLE 7 OF
21 THIS TITLE.

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

27 **1-13.5-504. Establishing precincts and polling places -**

1 **applicability.** (1) THIS SECTION APPLIES TO LOCAL GOVERNMENT
2 ELECTIONS THAT ARE CONDUCTED BY POLLING PLACE.

3 (2) THE GOVERNING BODY OF EACH LOCAL GOVERNMENT, OR
4 DESIGNATED ELECTION OFFICIAL IF AUTHORIZED BY THE GOVERNING
5 BODY, SHALL DIVIDE THE LOCAL GOVERNMENT INTO AS MANY ELECTION
6 PRECINCTS FOR LOCAL GOVERNMENT ELECTIONS AS IT DEEMS EXPEDIENT
7 FOR THE CONVENIENCE OF THE ELECTORS OF THE LOCAL GOVERNMENT
8 AND SHALL DESIGNATE THE LOCATION AND ADDRESS FOR EACH POLLING
9 PLACE AT WHICH ELECTIONS ARE TO BE HELD.

10 (3) THE DESIGNATED ELECTION OFFICIALS OF LOCAL
11 GOVERNMENTS WITH OVERLAPPING BOUNDARIES THAT HOLD ELECTIONS
12 THE SAME DAY BY POLLING PLACE MUST MEET, CONFER, AND THEREAFTER,
13 IF PRACTICAL, HOLD SUCH ELECTIONS IN A MANNER THAT PERMITS AN
14 ELECTOR IN THE OVERLAPPING AREA TO VOTE IN ALL OF SUCH ELECTIONS
15 AT ONE POLLING PLACE.

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

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

1 (2) UPON MOVING TO A NEW POLLING PLACE, THE JUDGES SHALL
2 PROMINENTLY DISPLAY A PROCLAMATION OF THE CHANGE AND MAY
3 STATION A PROPER PERSON AT THE ORIGINAL POLLING PLACE TO NOTIFY
4 ALL PERSONS APPEARING AT THE ORIGINAL POLLING PLACE OF THE NEW
5 LOCATION FOR HOLDING THE ELECTION.

6 **1-13.5-506. Number of voting booths, voting machines, or**
7 **voting systems.** (1) IN LOCAL GOVERNMENTS THAT USE PAPER BALLOTS,
8 THE GOVERNING BODY SHALL PROVIDE IN EACH POLLING PLACE A
9 SUFFICIENT NUMBER OF VOTING BOOTHS. EACH VOTING BOOTH SHALL BE
10 SITUATED SO AS TO PERMIT AN ELIGIBLE ELECTOR TO PREPARE HIS OR HER
11 BALLOT SCREENED FROM OBSERVATION AND SHALL BE FURNISHED WITH
12 SUCH SUPPLIES AND CONVENIENCES AS WILL ENABLE THE ELIGIBLE
13 ELECTOR TO PREPARE HIS OR HER BALLOT FOR VOTING.

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

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

20 **1-13.5-507. Arrangement of voting machines or voting booths**
21 **and ballot boxes.** THE VOTING MACHINES OR THE VOTING BOOTHS AND
22 BALLOT BOX MUST BE SITUATED IN THE POLLING PLACE IN PLAIN VIEW OF
23 THE ELECTION OFFICIALS AND WATCHERS. NO PERSON OTHER THAN THE
24 ELECTION OFFICIALS AND THOSE ADMITTED FOR THE PURPOSE OF VOTING
25 ARE PERMITTED WITHIN THE IMMEDIATE VOTING AREA, WHICH IS THE AREA
26 WITHIN SIX FEET OF THE VOTING MACHINES OR THE VOTING BOOTHS AND
27 BALLOT BOX, EXCEPT BY AUTHORITY OF THE ELECTION JUDGES, AND THEN

1 ONLY WHEN NECESSARY TO KEEP ORDER AND ENFORCE THE LAW.

2 **1-13.5-508. Election expenses to be paid by local government.**

3 THE COST OF CONDUCTING A LOCAL GOVERNMENT ELECTION, INCLUDING
4 THE COST OF PRINTING AND SUPPLIES, IS TO BE PAID BY THE LOCAL
5 GOVERNMENT FOR WHICH THE ELECTION IS BEING HELD.

6 **1-13.5-509. Failure to receive mailed notice.** ANY ELECTION FOR
7 WHICH A NOTICE WAS MAILED SHALL NOT BE INVALIDATED ON THE
8 GROUNDS THAT AN ELIGIBLE ELECTOR DID NOT RECEIVE THE BALLOT ISSUE
9 NOTICE, MAILED INFORMATION, OR MAILED NOTIFICATION OF THE
10 ELECTION REQUIRED BY LAW OR THE STATE CONSTITUTION IF THE
11 DESIGNATED ELECTION OFFICIAL ACTED IN GOOD FAITH IN MAKING THE
12 MAILING. GOOD FAITH IS PRESUMED IF THE DESIGNATED ELECTION
13 OFFICIAL OR COORDINATED ELECTION OFFICIAL MAILED THE BALLOT ISSUE
14 NOTICE, INFORMATION, OR NOTIFICATION TO THE ADDRESSES APPEARING
15 ON A REGISTRATION LIST FOR THE LOCAL GOVERNMENT AS PROVIDED BY
16 THE COUNTY CLERK AND RECORDER, AND, WHERE APPLICABLE, THE
17 PROPERTY OWNERS LIST FOR THE LOCAL GOVERNMENT PROVIDED BY THE
18 COUNTY ASSESSOR.

19 **1-13.5-510. Court-ordered elections.** (1) WHEN AN ELECTION IS
20 ORDERED BY THE COURT FOR A SPECIAL DISTRICT, THE COURT SHALL
21 AUTHORIZE THE DESIGNATED ELECTION OFFICIAL TO GIVE NOTICE AS
22 PROVIDED IN THE ORDER.

23 (2) FOR AN ORGANIZATIONAL ELECTION, THE NOTICE BY
24 PUBLICATION MUST INCLUDE THE PURPOSES OF THE ELECTION, THE
25 ESTIMATED OPERATING AND DEBT SERVICE MILL LEVIES AND FISCAL YEAR
26 SPENDING FOR THE FIRST YEAR FOLLOWING ORGANIZATION, AND THE
27 BOUNDARIES OF THE SPECIAL DISTRICT. THE NOTICE BY PUBLICATION

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

3 (3) FOR A DISSOLUTION ELECTION, THE NOTICE BY PUBLICATION
4 MUST INCLUDE THE PLAN FOR DISSOLUTION OR A SUMMARY OF THE PLAN
5 AND THE PLACE WHERE A MEMBER OF THE PUBLIC MAY INSPECT OR OBTAIN
6 A COPY OF THE COMPLETE PLAN. THE NOTICE BY PUBLICATION MUST
7 RECITE THE ELECTION DATE, WHICH MUST BE NOT LESS THAN TWENTY
8 DAYS AFTER PUBLICATION OF THE ELECTION NOTICE.

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

18 **1-13.5-512. Correction of errors.** THE DESIGNATED ELECTION
19 OFFICIAL SHALL, ON HIS OR HER OWN MOTION, CORRECT WITHOUT DELAY
20 ANY ERROR IN PUBLICATION OF SAMPLE OR OFFICIAL BALLOTS THAT HE OR
21 SHE DISCOVERS OR THAT IS BROUGHT TO HIS OR HER ATTENTION AND THAT
22 CAN BE CORRECTED WITHOUT INTERFERING WITH THE TIMELY
23 DISTRIBUTION OF THE BALLOTS.

24 **1-13.5-513. Election may be canceled - when.** (1) IF THE ONLY
25 MATTER BEFORE THE ELECTORS IN A NONPARTISAN ELECTION IS THE
26 ELECTION OF PERSONS TO OFFICE AND IF, AT THE CLOSE OF BUSINESS ON
27 THE SIXTY-THIRD DAY BEFORE THE ELECTION OR AT ANY TIME

1 THEREAFTER, THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE
2 FILLED AT THE ELECTION, INCLUDING CANDIDATES FILING AFFIDAVITS OF
3 INTENT TO BE A WRITE-IN CANDIDATE, THE DESIGNATED ELECTION
4 OFFICIAL, IF INSTRUCTED BY RESOLUTION OF THE GOVERNING BODY, SHALL
5 CANCEL THE ELECTION AND DECLARE THE CANDIDATES ELECTED.

6 (2) NO LATER THAN TWENTY-FIVE DAYS BEFORE AN ELECTION
7 CONDUCTED AS A COORDINATED ELECTION IN NOVEMBER, AND AT ANY
8 TIME PRIOR TO ANY OTHER ELECTIONS, A GOVERNING BODY MAY BY
9 RESOLUTION WITHDRAW ONE OR MORE BALLOT ISSUES OR BALLOT
10 QUESTIONS FROM THE BALLOT. IN SUCH CASE, THE BALLOT ISSUES AND
11 BALLOT QUESTIONS ARE DEEMED TO HAVE NOT BEEN SUBMITTED AND
12 VOTES CAST ON THE BALLOT ISSUES AND BALLOT QUESTIONS WILL EITHER
13 NOT BE COUNTED OR BE DEEMED INVALID BY ACTION OF THE GOVERNING
14 BODY.

15 (3) IF THE ELECTORS ARE TO CONSIDER THE ELECTION OF PERSONS
16 TO OFFICE AND BALLOT ISSUES OR BALLOT QUESTIONS, THE ELECTION MAY
17 BE CANCELED BY THE GOVERNING BODY ONLY IN THE EVENT THAT ALL OF
18 THE CONDITIONS OF SUBSECTION (1) OF THIS SECTION EXIST AND THAT ALL
19 BALLOT ISSUES OR BALLOT QUESTIONS HAVE BEEN WITHDRAWN FROM THE
20 BALLOT PURSUANT TO SUBSECTION (2) OF THIS SECTION.

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

23 (5) UNLESS OTHERWISE PROVIDED BY AN INTERGOVERNMENTAL
24 AGREEMENT PURSUANT TO SECTION 1-7-116, UPON RECEIPT OF AN
25 INVOICE, THE GOVERNING BODY SHALL WITHIN THIRTY DAYS PROMPTLY
26 PAY ALL COSTS ACCRUED BY THE COUNTY CLERK AND RECORDER AND ANY
27 APPLICABLE POLITICAL SUBDIVISION ATTRIBUTABLE TO THE CANCELED

1 ELECTION OR WITHDRAWN BALLOT ISSUES OR BALLOT QUESTIONS.

2 (6) THE GOVERNING BODY OR DESIGNATED ELECTION OFFICIAL
3 SHALL PROVIDE NOTICE BY PUBLICATION, AS THAT TERM IS DEFINED IN
4 SECTION 1-13.5-501, OF THE CANCELLATION OF THE ELECTION. A COPY OF
5 THE NOTICE MUST BE POSTED AT EACH POLLING LOCATION OF THE LOCAL
6 GOVERNMENT, IN THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL,
7 AND IN THE OFFICE OF THE CLERK AND RECORDER FOR EACH COUNTY WITH
8 TERRITORIAL BOUNDARIES THAT OVERLAP IN WHOLE OR IN PART WITH
9 THOSE OF THE LOCAL GOVERNMENT AND, FOR SPECIAL DISTRICTS, A COPY
10 OF THE NOTICE MUST BE FILED IN THE OFFICE OF THE DIVISION OF LOCAL
11 GOVERNMENT. THE GOVERNING BODY SHALL ALSO NOTIFY THE
12 CANDIDATES THAT THE ELECTION WAS CANCELED AND THAT THEY WERE
13 ELECTED BY ACCLAMATION.

14 PART 6

15 CONDUCT OF ELECTIONS

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

25 **1-13.5-602. Watchers - definition.** (1) (a) (I) EACH CANDIDATE
26 FOR OFFICE, OR INTERESTED PARTY IN CASE OF A BALLOT ISSUE OR BALLOT
27 QUESTION, AT A LOCAL GOVERNMENT ELECTION IS ENTITLED TO APPOINT

1 AN ELIGIBLE ELECTOR TO ACT ON HIS OR HER BEHALF IN EVERY POLLING
2 PLACE IN WHICH HE OR SHE IS A CANDIDATE OR IN WHICH THE ISSUE OR
3 QUESTION IS ON THE BALLOT.

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

6 (b) THE CANDIDATES OR INTERESTED PARTIES SHALL CERTIFY THE
7 NAME OF THE PERSONS SO APPOINTED TO THE DESIGNATED ELECTION
8 OFFICIAL ON FORMS PROVIDED BY THE DESIGNATED ELECTION OFFICIAL. IF
9 MULTIPLE NAMES ARE CERTIFIED TO THE DESIGNATED ELECTION OFFICIAL
10 FOR OR AGAINST ANY BALLOT ISSUE OR BALLOT QUESTION, AND THE
11 DESIGNATED ELECTION OFFICIAL REASONABLY DETERMINES THAT
12 MULTIPLE WATCHERS WILL IMPEDE THE CONDUCT OF THE ELECTION, THE
13 DESIGNATED ELECTION OFFICIAL MAY, BY LOT, REDUCE THE NUMBER OF
14 WATCHERS TO ONE FOR AND ONE AGAINST THE BALLOT ISSUE OR BALLOT
15 QUESTION FOR EACH LOCATION TO BE WATCHED.

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

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

7 (3) WATCHERS SHALL NOT:

8 (a) INTERRUPT OR DISRUPT THE PROCESSING, VERIFICATION, OR
9 COUNTING OF ANY BALLOTS OR ANY OTHER STAGE OF THE ELECTION;

10 (b) WRITE DOWN ANY BALLOT NUMBERS OR ANY OTHER
11 IDENTIFYING INFORMATION ABOUT THE ELECTORS;

12 (c) HANDLE THE POLLBOOKS, AFFIDAVITS AND
13 SELF-AFFIRMATIONS, BALLOTS, MAIL BALLOT ENVELOPES, ABSENTEE
14 BALLOT ENVELOPES, VOTING OR COUNTING MACHINES, OR MACHINE
15 COMPONENTS;

16 (d) INTERFERE WITH THE ORDERLY CONDUCT OF ANY ELECTION
17 PROCESS, INCLUDING ISSUANCE OF BALLOTS, RECEIVING OF BALLOTS, AND
18 VOTING OR COUNTING OF BALLOTS;

19 (e) INTERACT WITH ELECTION OFFICIALS OR ELECTION JUDGES
20 EXCEPT FOR THE INDIVIDUAL IDENTIFIED BY THE DESIGNATED ELECTION
21 OFFICIAL; OR

22 (f) HAVE A CELLULAR PHONE, CAMERA, RECORDING DEVICE,
23 LAPTOP OR TABLET, OR OTHER ELECTRONIC DATA CAPTURE DEVICE IN THE
24 POLLING PLACE.

25 (4) A DESIGNATED ELECTION OFFICIAL MAY REMOVE A WATCHER
26 UPON FINDING THAT THE WATCHER COMMITS OR ENCOURAGES FRAUD IN
27 CONNECTION WITH HIS OR HER DUTIES, VIOLATES ANY OF THE LIMITATIONS

1 OUTLINED IN THIS ARTICLE, VIOLATES HIS OR HER OATH, OR IS ABUSIVE OR
2 THREATENING TOWARD ELECTION OFFICIALS OR ANY OTHER PERSON.

3 **1-13.5-603. Judges open ballot box first.** IN POLLING PLACES
4 THAT USE AN ELECTRONIC VOTING SYSTEM OR PAPER BALLOTS, THE
5 ELECTION JUDGES, IMMEDIATELY BEFORE THE OPENING OF THE POLLS,
6 SHALL OPEN THE BALLOT BOX IN THE PRESENCE OF THE PEOPLE
7 ASSEMBLED IN THE POLLING PLACE, TURN IT UPSIDE DOWN SO AS TO EMPTY
8 IT OF ALL OF ITS CONTENTS, AND THEN LOCK IT SECURELY. THE BALLOT
9 BOX MUST NOT BE REOPENED UNTIL THE TIME FOR COUNTING THE BALLOTS
10 IT CONTAINS.

11 **1-13.5-604. Judge to keep pollbook.** AN ELECTION JUDGE SHALL
12 KEEP A POLLBOOK, WHICH SHALL CONTAIN ONE COLUMN HEADED "NAMES
13 OF VOTERS" AND ONE COLUMN HEADED "NUMBER ON BALLOT". THE NAME
14 AND NUMBER ON THE BALLOT OF EACH ELIGIBLE ELECTOR VOTING MUST
15 BE ENTERED IN REGULAR SUCCESSION UNDER THE HEADINGS IN THE
16 POLLBOOK.

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

26 I STATE UNDER PENALTY OF PERJURY THAT I AM AN
27 ELECTOR WHO IS ELIGIBLE TO VOTE EACH OF THE BALLOTS

1 THAT I HAVE CAST IN THIS ELECTION; THAT MY SIGNATURE
2 AND NAME ARE AS SHOWN ON THIS DOCUMENT; THAT I
3 HAVE NOT AND WILL NOT CAST MORE THAN ONE BALLOT
4 FOR A MATTER TO BE DECIDED IN THIS ELECTION; AND THAT
5 MY BALLOTS ARE CAST IN ACCORDANCE WITH APPLICABLE
6 LAW.

7 NAME:

8 DATE:

9 SIGNATURE OF ELECTOR:

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

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

20 I, (PRINTED NAME), WHO RESIDE AT (ADDRESS), AM AN
21 ELECTOR OF THIS (NAME OF SPECIAL DISTRICT) DISTRICT
22 AND DESIRE TO VOTE AT THIS ELECTION. I DO SOLEMNLY
23 SWEAR (OR AFFIRM) THAT I AM REGISTERED TO VOTE IN THE
24 STATE OF COLORADO AND QUALIFIED TO VOTE IN THIS
25 SPECIAL DISTRICT ELECTION AS:

26 _____ A RESIDENT OF THE DISTRICT OR AREA TO BE
27 INCLUDED IN THE DISTRICT; OR

1 ___ THE OWNER OF TAXABLE REAL OR PERSONAL
2 PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE
3 SPECIAL DISTRICT OR AREA TO BE INCLUDED WITHIN THE
4 SPECIAL DISTRICT; OR

5 ___ A PERSON WHO IS OBLIGATED TO PAY TAXES UNDER A
6 CONTRACT TO PURCHASE TAXABLE PROPERTY IN THE
7 SPECIAL DISTRICT OR THE AREA TO BE INCLUDED WITHIN
8 THE SPECIAL DISTRICT; OR

9 ___ THE SPOUSE OR CIVIL UNION PARTNER OF (NAME OF
10 SPOUSE OR CIVIL UNION PARTNER) WHO IS THE OWNER OF
11 TAXABLE REAL OR PERSONAL PROPERTY SITUATED WITHIN
12 THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE
13 INCLUDED WITHIN THE SPECIAL DISTRICT.

14 I HAVE NOT VOTED PREVIOUSLY AT THIS ELECTION.

15 DATE _____

16 SIGNATURE OF ELECTOR _____.

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

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

22 I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM A CITIZEN OF
23 THE UNITED STATES OF THE AGE OF EIGHTEEN YEARS OR
24 OLDER; THAT I AM A REGISTERED ELECTOR IN THIS
25 POLITICAL SUBDIVISION; THAT I AM ELIGIBLE TO VOTE AT
26 THIS ELECTION; AND THAT I HAVE NOT PREVIOUSLY VOTED
27 AT THIS ELECTION; OR

1 (II) PRESENTING TO AN ELECTION JUDGE A CERTIFICATE OF
2 REGISTRATION ISSUED ON ELECTION DAY BY THE COUNTY CLERK AND
3 RECORDER OR A CERTIFICATE OF PROPERTY OWNERSHIP ISSUED ON
4 ELECTION DAY BY THE COUNTY ASSESSOR AS APPLICABLE; OR

5 (III) AN ELECTION JUDGE VERIFYING, ON ELECTION DAY, THE
6 PERSON'S REGISTRATION WITH THE COUNTY CLERK AND RECORDER OR
7 THROUGH THE STATEWIDE VOTER REGISTRATION RECORDS MAINTAINED BY
8 THE SECRETARY OF STATE, OR, AS APPLICABLE, OBTAINING VERIFICATION
9 OF THE PERSON'S PROPERTY OWNERSHIP FROM THE COUNTY ASSESSOR.

10 (3) AN ELECTION JUDGE SHALL PROMPTLY CONTACT THE COUNTY
11 CLERK AND RECORDER, SECRETARY OF STATE, OR THE COUNTY ASSESSOR
12 FOR VERIFICATION REQUIRED UNDER PARAGRAPH (b) OF SUBSECTION (2)
13 OF THIS SECTION SO THAT EVERY ELIGIBLE ELECTOR PRESENT AT THE
14 POLLING PLACE IS ALLOWED TO VOTE. NOTATION OF VERIFICATION OF
15 REGISTRATION OR PROPERTY OWNERSHIP SHALL BE MADE IN THE
16 POLLBOOK NEXT TO THE ELIGIBLE ELECTOR'S NAME.

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

21 (5) BESIDES THE ELECTION OFFICIALS, NOT MORE THAN FOUR
22 ELIGIBLE ELECTORS IN EXCESS OF THE NUMBER OF VOTING BOOTHS OR
23 VOTING MACHINES ARE ALLOWED WITHIN THE IMMEDIATE VOTING AREA
24 AT ONE TIME.

25 (6) THE COMPLETED SIGNATURE FORMS MUST BE RETURNED WITH
26 OTHER ELECTION MATERIALS TO THE DESIGNATED ELECTION OFFICIAL. IF
27 NO CHALLENGES ARE MADE, THE FORMS MAY BE DESTROYED AFTER

1 FORTY-FIVE DAYS FOLLOWING ELECTION DAY.

2 (7) IN PRECINCTS USING PAPER BALLOTS, AN ELECTION JUDGE
3 SHALL GIVE THE ELIGIBLE ELECTOR ONE, AND ONLY ONE, BALLOT, WHICH
4 THE ELECTION JUDGE SHALL REMOVE FROM THE PACKAGE OF BALLOTS BY
5 TEARING OR CUTTING THE BALLOT ALONG THE PERFORATED OR DOTTED
6 LINE. BEFORE DELIVERING THE BALLOT TO AN ELECTOR, THE ELECTION
7 JUDGE HAVING CHARGE OF THE BALLOTS SHALL ENDORSE HIS OR HER
8 INITIALS ON THE DUPLICATE STUB. AN ELECTION JUDGE SHALL ENTER THE
9 NAME OF THE ELECTOR AND NUMBER OF SAID BALLOT IN THE POLLBOOK.

10 **1-13.5-606. Manner of voting in precincts using paper ballots.**

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

27 (2) EACH ELIGIBLE ELECTOR WHO HAS PREPARED A BALLOT AND

1 IS READY TO CAST HIS OR HER VOTE SHALL THEN LEAVE THE VOTING
2 BOOTH AND APPROACH THE ELECTION JUDGE IN CHARGE OF THE BALLOT
3 BOX. THE ELECTOR SHALL GIVE HIS OR HER NAME TO THAT JUDGE, WHO
4 SHALL ANNOUNCE THE NAME OF SUCH ELECTOR AND THE NUMBER UPON
5 THE DUPLICATE STUB OF THE BALLOT, WHICH NUMBER MUST CORRESPOND
6 WITH THE STUB NUMBER PREVIOUSLY PLACED ON THE REGISTRATION LIST
7 OR POLLBOOK. IF THE STUB NUMBER OF THE BALLOT CORRESPONDS AND
8 IS IDENTIFIED BY THE INITIALS OF THE ELECTION JUDGE PLACED
9 THEREUPON, THE ELECTION JUDGE SHALL THEN REMOVE THE DUPLICATE
10 STUB FROM THE BALLOT. THE BALLOT MUST THEN BE RETURNED TO THE
11 ELIGIBLE ELECTOR, WHO SHALL, IN FULL VIEW OF THE ELECTION JUDGES,
12 CAST HIS OR HER VOTE BY DEPOSITING THE BALLOT IN THE BALLOT BOX.

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

23 **1-13.5-607. Eligible elector requiring assistance.**

24 (1) NOTWITHSTANDING ANY PROVISION OF SECTION 1-13.5-606 TO THE
25 CONTRARY, IF, AT ANY ELECTION, AN ELIGIBLE ELECTOR DECLARES UNDER
26 OATH TO THE ELECTION JUDGES OF THE POLLING PLACE THAT, BY REASON
27 OF VISUAL IMPAIRMENT OR OTHER PHYSICAL DISABILITY OR INABILITY TO

1 READ OR WRITE, THE ELECTOR IS UNABLE TO PREPARE HIS OR HER BALLOT
2 OR OPERATE THE VOTING MACHINE WITHOUT ASSISTANCE, THE ELECTOR
3 MAY, UPON REQUEST, RECEIVE THE ASSISTANCE OF ANY ONE OF THE
4 ELECTION JUDGES OR, AT THE ELECTOR'S OPTION, ANY OTHER PERSON
5 SELECTED BY THE ELECTOR REQUIRING ASSISTANCE. NO PERSON, OTHER
6 THAN AN ELECTION JUDGE, IS PERMITTED TO ENTER A VOTING BOOTH AS
7 AN ASSISTANT TO MORE THAN ONE ELECTOR.

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

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

20 **1-13.5-609. Counting paper ballots.** (1) AS SOON AS THE POLLS
21 AT ANY ELECTION ARE FINALLY CLOSED, THE ELECTION JUDGES SHALL
22 IMMEDIATELY OPEN THE BALLOT BOX AND PROCEED TO COUNT THE VOTES
23 CAST, AND, BEFORE THE ELECTION JUDGES ADJOURN, THE COUNTING
24 THEREOF SHALL CONTINUE UNTIL FINISHED. THE ELECTION JUDGES SHALL
25 FIRST COUNT THE NUMBER OF BALLOTS IN THE BOX. IF THE BALLOTS ARE
26 FOUND TO EXCEED THE NUMBER OF NAMES ENTERED ON THE POLLBOOK,
27 THE ELECTION JUDGES SHALL THEN EXAMINE THE OFFICIAL

1 ENDORSEMENTS UPON THE BALLOTS, AND IF, IN THE UNANIMOUS OPINION
2 OF THE JUDGES, ANY OF THE BALLOTS IN EXCESS OF THE NUMBER ON THE
3 POLLBOOK DO NOT BEAR THE PROPER OFFICIAL ENDORSEMENT, THEY
4 SHALL BE PUT INTO A SEPARATE PILE, AND A SEPARATE RECORD AND
5 RETURN OF THE VOTES IN SUCH BALLOTS SHALL BE MADE UNDER THE
6 HEADING "EXCESS BALLOTS". WHEN THE BALLOTS AND THE POLLBOOK
7 AGREE, THE ELECTION JUDGES SHALL PROCEED TO COUNT THE VOTES.
8 EACH BALLOT SHALL BE READ AND COUNTED SEPARATELY, AND EVERY
9 NAME SEPARATELY MARKED AS VOTED FOR ON SUCH BALLOT WHERE
10 THERE IS NO CONFLICT TO OBSCURE THE INTENTION OF THE VOTER, AND
11 SHALL BE READ AND MARKED UPON THE TALLY SHEETS BEFORE
12 PROCEEDING TO ANY OTHER BALLOT. EACH BALLOT, EXCEPTING EXCESS
13 BALLOTS, SHALL BE READ AND COUNTED AND PLACED UPON THE TALLY
14 SHEETS IN LIKE MANNER.

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

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

24 **1-13.5-610. Counting by counting judges.** (1) IN PRECINCTS
25 WITH COUNTING JUDGES, THE RECEIVING JUDGES AS DIRECTED BY THE
26 DESIGNATED ELECTION OFFICIAL SHALL DELIVER TO THE COUNTING
27 JUDGES THE BALLOT BOX CONTAINING CAST BALLOTS AND THE RECEIVING

1 JUDGES SHALL THEN USE ANOTHER BALLOT BOX FURNISHED FOR VOTING.
2 THE RECEIVING JUDGES SHALL OPEN, EMPTY, AND LOCK THE ALTERNATE
3 BALLOT BOX IN THE MANNER PRESCRIBED IN SECTION 1-13.5-603.

4 (2) WHEN THE COUNTING JUDGES HAVE COUNTED THE VOTES IN A
5 BALLOT BOX, THEY SHALL RETURN THE EMPTY BALLOT BOX TO THE
6 RECEIVING JUDGES AND EXCHANGE IT FOR THE BOX CONTAINING BALLOTS
7 CAST SINCE TAKING POSSESSION OF THE FIRST BALLOT BOX. THE JUDGES
8 SHALL CONTINUE TO EXCHANGE BALLOT BOXES IN THE SAME MANNER
9 UNTIL THE POLLS ARE CLOSED AND SHALL CONTINUE COUNTING UNTIL ALL
10 BALLOTS HAVE BEEN COUNTED.

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

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

19 **1-13.5-611. Tally sheets.** AS THE ELECTION JUDGES OPEN AND
20 READ THE BALLOTS, THE VOTES THAT EACH CANDIDATE AND ANY BALLOT
21 ISSUE OR BALLOT QUESTION RECEIVED MUST BE CAREFULLY MARKED
22 DOWN, UPON TALLY SHEETS PREPARED BY THE DESIGNATED ELECTION
23 OFFICIAL FOR THAT PURPOSE, BY ANY APPROPRIATE ELECTION OFFICIAL.

24 **1-13.5-612. Defective ballots.** (1) IF AN ELECTOR VOTES FOR
25 MORE NAMES THAN THERE ARE PERSONS TO BE ELECTED TO AN OFFICE, OR,
26 IF IT IS IMPOSSIBLE TO DETERMINE THE CHOICE OF AN ELECTOR FOR AN
27 OFFICE TO BE FILLED, THE ELECTOR'S BALLOT WILL NOT BE COUNTED FOR

1 THAT OFFICE. A DEFECTIVE OR AN INCOMPLETE CROSS MARKED ON ANY
2 BALLOT IN A PROPER PLACE MUST BE COUNTED IF THERE IS NO OTHER
3 MARK OR CROSS ON SUCH BALLOT INDICATING AN INTENTION TO VOTE FOR
4 SOME PERSON OTHER THAN THOSE INDICATED BY THE FIRST MENTIONED
5 DEFECTIVE CROSS OR MARK. NO BALLOT WITHOUT THE OFFICIAL
6 ENDORSEMENT, EXCEPT AS PROVIDED IN SECTION 1-13.5-704, MAY BE
7 DEPOSITED IN THE BALLOT BOX, AND ONLY BALLOTS PROVIDED IN
8 ACCORDANCE WITH THIS ARTICLE SHALL BE COUNTED. IF THE ELECTION
9 JUDGES DISCOVER IN THE COUNTING OF VOTES THAT THE NAME OF ANY
10 CANDIDATE VOTED FOR IS MISSPELLED OR THE INITIAL LETTERS OF A
11 CANDIDATE'S GIVEN NAME ARE TRANSPOSED OR OMITTED IN PART OR
12 ALTOGETHER ON THE BALLOT, THE VOTE FOR THE CANDIDATE MUST BE
13 COUNTED IF THE INTENTION OF THE ELECTOR TO VOTE FOR THE CANDIDATE
14 IS APPARENT.

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

19 **1-13.5-613. Judges' certificate - statement on ballots.** (1) AS
20 SOON AS ALL THE VOTES HAVE BEEN READ AND COUNTED, THE ELECTION
21 JUDGES SHALL MAKE A CERTIFICATE STATING:

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

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

27 (c) THE BALLOT ISSUE OR BALLOT QUESTION, IF ANY, VOTED UPON

1 AND THE NUMBER OF VOTES COUNTED FOR AND AGAINST THE BALLOT
2 ISSUE OR BALLOT QUESTION.

3 (2) (a) IN ADDITION, THE ELECTION JUDGES SHALL MAKE A
4 STATEMENT IN WRITING SHOWING THE NUMBER OF BALLOTS VOTED,
5 CONTAINING A SEPARATE STATEMENT THAT IDENTIFIES AND SPECIFIES
6 EACH OF THE FOLLOWING:

7 (I) THE NUMBER OF BALLOTS DELIVERED TO ELECTORS;

8 (II) THE NUMBER OF BALLOTS NOT DELIVERED TO ELECTORS;

9 (III) THE NUMBER OF UNOFFICIAL AND SUBSTITUTE BALLOTS
10 VOTED;

11 (IV) THE NUMBER OF SPOILED BALLOTS; AND

12 (V) THE NUMBER OF BALLOTS RETURNED.

13 (b) ALL UNUSED BALLOTS, SPOILED BALLOTS, AND STUBS OF
14 BALLOTS VOTED MUST BE RETURNED WITH THE STATEMENT DESCRIBED IN
15 PARAGRAPH (a) OF THIS SUBSECTION (2).

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

1 CANVASSERS PURSUANT TO SECTION 1-13.5-1305. THE DESIGNATED
2 ELECTION OFFICIAL SHALL PROVIDE A RECEIPT FOR ALL PAPERS SO
3 DELIVERED.

4 **1-13.5-615. Abstract of votes - judges to post returns.**

5 (1) (a) IN ADDITION TO ALL CERTIFICATES OTHERWISE REQUIRED TO BE
6 MADE OF THE COUNT OF VOTES CAST AT ANY ELECTION, THE ELECTION
7 JUDGES ARE REQUIRED TO MAKE AN ABSTRACT OF THE COUNT OF VOTES
8 CONTAINING THE NAMES OF THE OFFICES, THE NAMES OF THE CANDIDATES,
9 ANY BALLOT ISSUES OR BALLOT QUESTIONS VOTED UPON, AND THE
10 NUMBER OF VOTES COUNTED FOR AND AGAINST EACH CANDIDATE OR
11 BALLOT MEASURE.

12 (b) SUITABLE BLANKS FOR THE REQUIRED ABSTRACT SHALL BE
13 PREPARED, PRINTED, AND FURNISHED TO ALL ELECTION JUDGES AT THE
14 SAME TIME AND IN THE SAME MANNER AS OTHER ELECTION SUPPLIES ARE
15 FURNISHED.

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

21 **1-13.5-616. Preservation of ballots and election records.**

22 (1) THE BALLOTS, WHEN NOT REQUIRED TO BE TAKEN FROM THE SEALED
23 BOX FOR THE PURPOSE OF ELECTION CONTESTS, SHALL REMAIN IN THE
24 SEALED BOX IN THE CUSTODY OF THE DESIGNATED ELECTION OFFICIAL
25 UNTIL TWENTY-FIVE MONTHS AFTER THE DATE THE POLLS CLOSED FOR THE
26 ELECTION AT WHICH THE BALLOTS WERE CAST OR UNTIL THE TIME HAS
27 EXPIRED FOR WHICH THE BALLOTS WOULD BE NEEDED IN ANY CONTEST

1 PROCEEDINGS, AT WHICH TIME THE SEALED BOX MUST BE OPENED BY THE
2 DESIGNATED ELECTION OFFICIAL AND THE BALLOTS DESTROYED BY FIRE,
3 SHREDDING, BURIAL, OR BY ANY OTHER METHOD APPROVED BY THE
4 GOVERNING BODY.

5 (2) THE DESIGNATED ELECTION OFFICIAL SHALL PRESERVE ALL
6 OTHER OFFICIAL ELECTION RECORDS AND FORMS FOR AT LEAST SIX
7 MONTHS FOLLOWING THE DATE THE POLLS CLOSED.

8 **1-13.5-617. Ranked voting methods.** (1) NOTWITHSTANDING
9 ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A LOCAL
10 GOVERNMENT MAY USE A RANKED VOTING METHOD TO CONDUCT A
11 REGULAR ELECTION TO ELECT THE MEMBERS OF THE GOVERNING BODY OF
12 THE LOCAL GOVERNMENT IN ACCORDANCE WITH SECTION 1-7-1003, AND
13 THE RULES ADOPTED BY THE SECRETARY OF STATE PURSUANT TO SECTION
14 1-7-1004.

15 (2) A LOCAL GOVERNMENT CONDUCTING AN ELECTION USING A
16 RANKED VOTING METHOD MAY ADAPT THE REQUIREMENTS OF THIS
17 ARTICLE, INCLUDING REQUIREMENTS CONCERNING THE FORM OF THE
18 BALLOT, THE METHOD OF MARKING THE BALLOT, THE PROCEDURE FOR
19 COUNTING BALLOTS, AND THE FORM OF THE ELECTION JUDGES'
20 CERTIFICATE, AS NECESSARY FOR COMPATIBILITY WITH THE RANKED
21 VOTING METHOD.

22 PART 7

23 VOTING MACHINES

24 **1-13.5-701. Use of voting machines.** VOTING MACHINES MAY BE
25 USED IN ANY LOCAL GOVERNMENT ELECTION IF THE GOVERNING BODY, BY
26 RESOLUTION, AUTHORIZES THEIR USE.

27 **1-13.5-702. Judges to inspect machines - when.** THE ELECTION

1 JUDGES OF EACH POLLING PLACE AT WHICH VOTING MACHINES ARE USED
2 SHALL MEET AT THE POLLING PLACE AT LEAST FORTY-FIVE MINUTES
3 BEFORE THE TIME SET FOR THE OPENING OF THE POLLS AT EACH ELECTION.
4 BEFORE THE POLLS OPEN FOR AN ELECTION, EACH JUDGE SHALL
5 CAREFULLY EXAMINE EACH MACHINE USED IN THE POLLING PLACE AND SEE
6 THAT NO VOTE HAS BEEN CAST AND THAT EVERY COUNTER, EXCEPT THE
7 PROTECTIVE COUNTER, REGISTERS ZERO.

8 **1-13.5-703. Sample ballots, ballot labels, and instruction cards.**

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

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

26 (3) INSTRUCTION CARDS TO GUIDE ELIGIBLE ELECTORS IN CASTING
27 THEIR BALLOTS ON VOTING MACHINES MUST BE SUPPLIED BY THE

1 DESIGNATED ELECTION OFFICIAL AS PROVIDED IN SECTION 1-13.5-906.

2 **1-13.5-704. Instructions to vote.** IN CASE AN ELIGIBLE ELECTOR,
3 AFTER ENTERING THE VOTING MACHINE OR VOTING BOOTH, ASKS FOR
4 FURTHER INSTRUCTIONS CONCERNING THE MANNER OF VOTING, AN
5 ELECTION JUDGE SHALL GIVE SUCH INSTRUCTION TO HIM OR HER; EXCEPT
6 THAT NO JUDGE OR OTHER ELECTION OFFICER OR PERSON ASSISTING SUCH
7 ELECTOR SHALL ENTER THE VOTING MACHINE OR VOTING BOOTH, EXCEPT
8 AS PROVIDED IN SECTION 1-13.5-607, OR IN ANY MANNER REQUEST,
9 SUGGEST, OR SEEK TO PERSUADE OR INDUCE ANY SUCH ELECTOR TO VOTE
10 FOR ANY PARTICULAR CANDIDATE, OR FOR OR AGAINST ANY PARTICULAR
11 BALLOT ISSUE OR BALLOT QUESTION. AFTER RECEIVING INSTRUCTION, THE
12 ELIGIBLE ELECTOR SHALL VOTE AS IN THE CASE OF AN UNASSISTED VOTER.

13 **1-13.5-705. Length of time to vote.** NO ELIGIBLE ELECTOR SHALL
14 REMAIN WITHIN THE VOTING MACHINE BOOTH LONGER THAN THREE
15 MINUTES. IF AN ELIGIBLE ELECTOR REFUSES TO LEAVE AFTER A LAPSE OF
16 THREE MINUTES, THE ELECTOR SHALL BE REMOVED BY THE ELECTION
17 JUDGES, BUT THE JUDGES, IN THEIR DISCRETION, MAY PERMIT AN ELECTOR
18 TO REMAIN LONGER THAN THREE MINUTES.

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

27 **1-13.5-707. Designated election official to supply seals for**

1 **voting machines.** THE DESIGNATED ELECTION OFFICIAL SHALL SUPPLY
2 EACH POLLING PLACE WITH A SEAL FOR EACH VOTING MACHINE FOR THE
3 PURPOSE OF SEALING EACH MACHINE AFTER THE POLLS ARE CLOSED AND
4 AN ENVELOPE FOR THE RETURN OF THE KEYS AND SEALS TO THE MACHINE,
5 AS APPLICABLE, WITH THE ELECTION RETURNS.

6 **1-13.5-708. Close of polls and count of votes.** AS SOON AS THE
7 POLLS ARE CLOSED, THE ELECTION JUDGES SHALL IMMEDIATELY LOCK AND
8 SEAL EACH VOTING MACHINE TO PREVENT FURTHER VOTING.
9 IMMEDIATELY AFTER EACH MACHINE IS LOCKED AND SEALED, THE
10 ELECTION JUDGES SHALL OPEN THE COUNTING COMPARTMENTS AND
11 COUNT THE VOTES. AFTER THE TOTAL VOTES FOR EACH CANDIDATE AND
12 EACH BALLOT ISSUE OR BALLOT QUESTION, AS APPLICABLE, HAVE BEEN
13 ASCERTAINED, THE ELECTION JUDGES SHALL MAKE A CERTIFICATE OF
14 VOTES CAST, IN NUMERICAL FIGURES ONLY, AND RETURN THE SAME TO THE
15 DESIGNATED ELECTION OFFICIAL AS PROVIDED IN SECTION 1-13.5-613.

16 **1-13.5-709. Election laws apply - separate absentee ballots**
17 **permitted.** NOTHING IN THIS PART 7 PROHIBITS THE USE AND ACCEPTANCE
18 OF SEPARATE PAPER BALLOTS BY ABSENTEE VOTERS.

19 PART 8

20 ELECTRONIC VOTING SYSTEM

21 **1-13.5-801. Use of electronic voting system.** AN ELECTRONIC
22 VOTING SYSTEM MAY BE USED IN ANY LOCAL GOVERNMENT ELECTION IF
23 THE GOVERNING BODY AUTHORIZES ITS USE. THE ADOPTION AND USE OF
24 AN ELECTRONIC VOTING SYSTEM FOR LOCAL GOVERNMENT ELECTIONS
25 SHALL BE IN ACCORDANCE WITH THE PROVISIONS FOR THE ADOPTION AND
26 USE OF SUCH SYSTEM FOR GENERAL ELECTIONS.

27 **1-13.5-802. Sample ballots.** SAMPLE BALLOTS SHALL BE PRINTED

1 AND IN THE FORM OF THE OFFICIAL BALLOT BUT ON PAPER OF A DIFFERENT
2 COLOR FROM THE OFFICIAL BALLOT. THE DESIGNATED ELECTION OFFICIAL
3 SHALL PROVIDE THAT SAMPLE BALLOTS FOR EACH POLLING PLACE ARE
4 DELIVERED TO THE ELECTION JUDGES AND POSTED IN THE POLLING PLACE
5 ON ELECTION DAY.

6 **1-13.5-803. Ballots - electronic voting.** (1) BALLOT PAGES OR
7 BALLOT CARDS PLACED UPON VOTING DEVICES SHALL BE, SO FAR AS
8 PRACTICABLE, IN THE SAME ORDER OF ARRANGEMENT AS PROVIDED FOR
9 PAPER BALLOTS; EXCEPT THAT THE PAGES OR CARDS SHALL BE OF THE SIZE
10 AND DESIGN REQUIRED BY THE VOTE RECORDER OR THE ELECTRONIC VOTE
11 COUNTING EQUIPMENT, AS APPLICABLE, AND MAY BE PRINTED ON A
12 NUMBER OF SEPARATE PAGES THAT ARE PLACED ON THE VOTING DEVICE
13 OR ON ONE OR MORE BALLOT CARDS.

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

19 **1-13.5-804. Preparation for use - electronic voting.** (1) PRIOR
20 TO AN ELECTION IN WHICH AN ELECTRONIC VOTING SYSTEM WILL BE USED,
21 THE DESIGNATED ELECTION OFFICIAL SHALL:

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

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

26 (c) CAUSE A SUFFICIENT NUMBER OF SUCH RECORDERS OR DEVICES
27 TO BE DELIVERED TO EACH POLLING PLACE IN WHICH THE ELECTRONIC

1 VOTING SYSTEM IS TO BE USED.

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

9 **1-13.5-805. Instructions to vote.** IN CASE ANY ELIGIBLE ELECTOR,
10 AFTER COMMENCING TO VOTE, ASKS FOR FURTHER INSTRUCTIONS
11 CONCERNING THE MANNER OF VOTING, AN ELECTION JUDGE SHALL GIVE
12 SUCH INSTRUCTIONS TO THE ELECTOR; BUT NO JUDGE OR OTHER ELECTION
13 OFFICER OR PERSON ASSISTING SUCH ELECTOR SHALL REQUEST, SUGGEST,
14 OR SEEK TO PERSUADE OR INDUCE ANY SUCH ELECTOR TO VOTE FOR ANY
15 PARTICULAR CANDIDATE OR FOR OR AGAINST ANY PARTICULAR BALLOT
16 ISSUE OR BALLOT QUESTION. AFTER RECEIVING SUCH INSTRUCTIONS, THE
17 ELECTOR SHALL VOTE AS IN THE CASE OF AN UNASSISTED VOTER.

18 **1-13.5-806. Ballots.** THE DESIGNATED ELECTION OFFICIAL SHALL
19 PROVIDE SUFFICIENT BALLOTS FOR EVERY ELECTION IN WHICH AN
20 ELECTRONIC VOTING SYSTEM IS USED.

21 **1-13.5-807. Distribution of ballots - receipt - filing.** IN A LOCAL
22 GOVERNMENT ELECTION IN WHICH AN ELECTRONIC VOTING SYSTEM IS
23 USED, THE DESIGNATED ELECTION OFFICIAL SHALL DISTRIBUTE TO THE
24 ELECTION JUDGES IN THE RESPECTIVE POLLING PLACES A SUFFICIENT
25 NUMBER OF BALLOTS. THE BALLOTS MUST BE PLACED IN ONE OR MORE
26 SEALED PACKAGES FOR EACH POLLING PLACE WITH MARKS ON THE
27 OUTSIDE OF EACH STATING CLEARLY THE POLLING PLACE FOR WHICH IT IS

1 INTENDED AND THE NUMBER OF BALLOTS ENCLOSED. SUCH PACKAGE
2 SHALL BE DELIVERED TO ONE OF THE ELECTION JUDGES OF SUCH POLLING
3 PLACE NO LATER THAN THE DAY BEFORE THE ELECTION. A RECEIPT FOR
4 THE DELIVERED BALLOTS MUST BE GIVEN BY THE ELECTION JUDGE WHO
5 RECEIVED THEM. THE RECEIPT MUST BE FILED WITH THE DESIGNATED
6 ELECTION OFFICIAL, WHO SHALL ALSO KEEP A RECORD OF THE TIME AND
7 MANNER IN WHICH EACH OF SAID PACKAGES WAS SENT AND DELIVERED.

8 **1-13.5-808. Instruction cards - posting - content.** (1) THE
9 DESIGNATED ELECTION OFFICIAL SHALL FURNISH TO THE ELECTION JUDGES
10 OF EACH POLLING PLACE A SUFFICIENT NUMBER OF INSTRUCTION CARDS TO
11 GUIDE ELIGIBLE ELECTORS IN PREPARING THEIR BALLOTS. THE ELECTION
12 JUDGES SHALL POST AT LEAST ONE CARD IN EACH POLLING PLACE ON THE
13 DAY OF ELECTION. THE CARDS SHALL BE PRINTED IN LARGE, CLEAR TYPE
14 AND CONTAIN FULL INSTRUCTIONS TO THE ELECTOR AS TO WHAT SHOULD
15 BE DONE:

- 16 (a) TO OBTAIN A BALLOT FOR VOTING;
17 (b) TO PREPARE THE BALLOT FOR DEPOSIT IN THE BALLOT BOX;
18 (c) TO OBTAIN A NEW BALLOT IN THE PLACE OF ONE SPOILED BY
19 ACCIDENT OR MISTAKE; AND
20 (d) TO OBTAIN ASSISTANCE IN MARKING BALLOTS.

21 **1-13.5-809. Close of polls - ballot return - transfer box -**
22 **delivery.** (1) AFTER THE POLLS CLOSE, THE ELECTION JUDGES SHALL
23 SECURE THE VOTE RECORDERS OR THE VOTING DEVICES, AS APPLICABLE,
24 AGAINST FURTHER USE AND PREPARE A BALLOT RETURN IN DUPLICATE
25 SHOWING THE NUMBER OF VOTERS AS INDICATED BY THE POLLBOOK WHO
26 HAVE VOTED IN THE POLLING PLACE, THE NUMBER OF OFFICIAL BALLOT
27 CARDS RECEIVED, AND THE NUMBER OF SPOILED AND UNUSED BALLOT

1 CARDS RETURNED.

2 (2) THE ORIGINAL COPY OF THE BALLOT RETURN PREPARED
3 PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE DEPOSITED IN A
4 DURABLE TRANSFER BOX ALONG WITH ALL VOTED AND SPOILED BALLOTS.
5 THE TRANSFER BOX SHALL THEN BE SEALED IN SUCH A WAY AS TO
6 PREVENT TAMPERING WITH THE BOX OR ITS CONTENTS, USING A
7 NUMBERED SEAL PROVIDED BY THE DESIGNATED ELECTION OFFICIAL. ONE
8 JUDGE SHALL DELIVER THE SEALED TRANSFER BOX TO THE COUNTING
9 CENTER OR OTHER PLACE IDENTIFIED BY THE DESIGNATED ELECTION
10 OFFICIAL.

11 **1-13.5-810. Testing of electronic ballot counting equipment.**

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

16 (2) (a) THE ELECTRONIC BALLOT COUNTING EQUIPMENT SHALL BE
17 TESTED AT LEAST THREE TIMES, ONCE ON THE DAY BEFORE THE ELECTION,
18 ONCE JUST PRIOR TO THE START OF THE COUNT ON ELECTION DAY, AND
19 FINALLY AT THE CONCLUSION OF THE COUNTING. THE DESIGNATED
20 ELECTION OFFICIAL MAY CONDUCT ANY ADDITIONAL TESTS HE OR SHE
21 DEEMS NECESSARY.

22 (b) THE DESIGNATED ELECTION OFFICIAL SHALL VOTE AND RETAIN
23 AT LEAST TWENTY-FIVE TEST BALLOTS, OBSERVE THE TABULATION OF ALL
24 TEST BALLOTS BY MEANS OF THE ELECTRONIC BALLOT COUNTING
25 EQUIPMENT, AND COMPARE THE TABULATION WITH THE PREVIOUSLY
26 RETAINED RECORDS OF THE TEST VOTE COUNT. THE CAUSE OF ANY
27 DISCREPANCIES SHALL BE CORRECTED PRIOR TO THE ACTUAL VOTE

1 TABULATION.

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

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

7 **1-13.5-811. Electronic vote counting - procedure.** (1) ALL
8 PROCEEDINGS AT THE COUNTING CENTER MUST BE UNDER THE DIRECTION
9 OF THE DESIGNATED ELECTION OFFICIAL AND MUST BE CONDUCTED UNDER
10 THE OBSERVATION OF WATCHERS, SO FAR AS PRACTICABLE; BUT NO
11 UNAUTHORIZED PERSON MAY TOUCH ANY BALLOT OR BALLOT CARD OR
12 RETURN. IF ANY BALLOT IS DAMAGED OR DEFECTIVE SO THAT IT CANNOT
13 PROPERLY BE COUNTED BY THE ELECTRONIC VOTE COUNTING EQUIPMENT,
14 A TRUE DUPLICATE COPY SHALL BE MADE OF THE DAMAGED BALLOT IN THE
15 PRESENCE OF TWO ELECTION JUDGES. THE DUPLICATE BALLOT MUST BE
16 SUBSTITUTED FOR THE DAMAGED BALLOT. ALL DUPLICATE BALLOTS SHALL
17 BE CLEARLY LABELED AS SUCH AND SHALL BEAR A SERIAL NUMBER, WHICH
18 IS RECORDED ON THE DAMAGED BALLOT.

19 (2) WHEN CERTIFIED BY THE DESIGNATED ELECTION OFFICIAL, THE
20 RETURN PRINTED BY THE ELECTRONIC VOTE COUNTING EQUIPMENT, TO
21 WHICH HAVE BEEN ADDED WRITE-IN VOTES, CONSTITUTES THE OFFICIAL
22 RETURN OF EACH POLLING PLACE. THE DESIGNATED ELECTION OFFICIAL
23 MAY FROM TIME TO TIME RELEASE UNOFFICIAL RETURNS. UPON
24 COMPLETION OF THE COUNT, THE OFFICIAL RETURNS ARE OPEN TO THE
25 PUBLIC.

26 (3) ABSENTEE BALLOTS MUST BE COUNTED AT THE COUNTING
27 CENTER IN THE SAME MANNER AS BALLOTS VOTED AT THE POLLING PLACE.

1 VALID WRITE-IN VOTES MAY BE COUNTED AT THE POLLING PLACE BY THE
2 ELECTION JUDGES OR AT THE COUNTING CENTER.

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

8 (5) THE RECEIVING, OPENING, AND PRESERVATION OF THE
9 TRANSFER BOXES AND THEIR CONTENTS ARE THE RESPONSIBILITIES OF THE
10 DESIGNATED ELECTION OFFICIAL, WHO SHALL PROVIDE ADEQUATE
11 PERSONNEL AND FACILITIES TO ASSURE ACCURATE AND COMPLETE
12 ELECTION RESULTS. ANY INDICATION OF TAMPERING WITH THE BALLOTS
13 OR BALLOT CARDS OR OTHER FRAUDULENT ACTION MUST BE IMMEDIATELY
14 REPORTED TO THE DISTRICT ATTORNEY, WHO SHALL IMMEDIATELY
15 INVESTIGATE THE ACTION AND REPORT HIS OR HER FINDINGS WITHIN TEN
16 DAYS TO THE DESIGNATED ELECTION OFFICIAL AND, SUBJECT TO
17 PROSECUTORIAL DISCRETION, SHALL PROSECUTE TO THE FULL EXTENT OF
18 THE LAW ANY PERSON RESPONSIBLE FOR THE FRAUDULENT ACTION. THE
19 CONDUCT OF LOCAL GOVERNMENT ELECTIONS WHEN ELECTRONIC VOTING
20 SYSTEMS ARE USED MUST FOLLOW, AS NEARLY AS PRACTICABLE, THE
21 CONDUCT OF GENERAL AND PRIMARY ELECTIONS WHEN SUCH SYSTEMS
22 ARE USED.

23 **1-13.5-812. Election laws pertaining to use of electronic voting**
24 **systems - separate absentee ballots permitted.** A LOCAL GOVERNMENT
25 MAY USE THE PROVISIONS OF PART 6 OF ARTICLE 5 OF THIS TITLE NOT
26 INCONSISTENT WITH THIS ARTICLE FOR ELECTIONS CONDUCTED UNDER
27 THIS ARTICLE IN WHICH ELECTRONIC VOTING SYSTEMS ARE USED IN

1 POLLING PLACES. NOTHING IN THIS ARTICLE PROHIBITS THE USE OF A
2 SEPARATE PAPER BALLOT BY ABSENTEE VOTERS.

3 PART 9

4 PAPER BALLOTS

5 **1-13.5-901. Ballot boxes.** THE GOVERNING BODY OF EACH LOCAL
6 GOVERNMENT USING PAPER BALLOTS SHALL PROVIDE AT LEAST ONE
7 BALLOT BOX FOR EACH POLLING PLACE. EACH BALLOT BOX SHALL BE
8 STRONGLY CONSTRUCTED SO AS TO PREVENT TAMPERING, WITH A SMALL
9 OPENING AT THE TOP AND WITH A LID TO BE LOCKED. THE BALLOT BOXES
10 AND KEYS OR SEALS SHALL BE KEPT BY THE DESIGNATED ELECTION
11 OFFICIAL AND DELIVERED TO THE ELECTION JUDGES WITHIN ONE DAY
12 IMMEDIATELY PRECEDING ANY LOCAL GOVERNMENT ELECTION, TO BE
13 RETURNED AS PROVIDED IN SECTION 1-13.5-614. NOTHING IN THIS SECTION
14 PREVENTS THE GOVERNING BODY FROM OBTAINING BALLOT BOXES FROM
15 THE OFFICE OF THE COUNTY CLERK AND RECORDER.

16 **1-13.5-902. Ballots and sample ballots - delivery - format.**

17 (1) (a) THE DESIGNATED ELECTION OFFICIAL OF EACH LOCAL
18 GOVERNMENT USING PAPER BALLOTS SHALL PROVIDE PRINTED BALLOTS
19 FOR THE LOCAL GOVERNMENT ELECTION. THE OFFICIAL BALLOTS SHALL BE
20 PRINTED AND IN THE POSSESSION OF THE DESIGNATED ELECTION OFFICIAL
21 AT LEAST THIRTY DAYS BEFORE THE ELECTION.

22 (b) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (a) OF THIS
23 SUBSECTION (1), SAMPLE BALLOTS MUST BE PRINTED IN THE FORM OF THE
24 OFFICIAL BALLOTS AND ARE SUBJECT TO PUBLIC INSPECTION. THE SAMPLE
25 BALLOTS MUST BE PRINTED UPON PAPER OF A DIFFERENT COLOR FROM THE
26 OFFICIAL BALLOTS. SAMPLE BALLOTS MUST BE DELIVERED TO THE
27 ELECTION JUDGES AND POSTED WITH THE INSTRUCTION CARDS PROVIDED

1 UNDER SECTION 1-13.5-906.

2 (2) EVERY BALLOT MUST CONTAIN THE NAMES OF ALL DULY
3 NOMINATED CANDIDATES FOR THE OFFICES TO BE VOTED FOR AT THAT
4 ELECTION, EXCEPT THOSE WHO HAVE DIED OR WITHDRAWN, AND THE
5 BALLOT MUST CONTAIN NO OTHER NAMES. THE NAMES OF THE
6 CANDIDATES FOR EACH OFFICE MUST BE PRINTED ON THE BALLOT WITHOUT
7 POLITICAL PARTY DESIGNATION AND WITHOUT ANY TITLE OR DEGREE
8 DESIGNATING THE BUSINESS OR PROFESSION OF THE CANDIDATE. THE
9 NAMES MUST BE ARRANGED BY LOT BY THE DESIGNATED ELECTION
10 OFFICIAL AT ANY TIME PRIOR TO THE CERTIFICATION OF THE BALLOT. THE
11 DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE CANDIDATES OF THE
12 TIME AND PLACE OF THE LOT DRAWING.

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

18 (4) AT THE END OF THE LIST OF CANDIDATES FOR EACH DIFFERENT
19 OFFICE, THERE MUST BE ONE OR MORE BLANK SPACES IN WHICH THE
20 ELECTOR MAY WRITE THE NAME OF ANY ELIGIBLE PERSON NOT PRINTED ON
21 THE BALLOT WHO HAS FILED AN AFFIDAVIT OF INTENT TO BE A WRITE-IN
22 CANDIDATE PURSUANT TO SECTION 1-13.5-305. THE NUMBER OF SPACES
23 PROVIDED SHALL BE THE LESSER OF THE NUMBER OF ELIGIBLE ELECTORS
24 WHO HAVE PROPERLY FILED AN AFFIDAVIT OF INTENT TO BE A WRITE-IN
25 CANDIDATE OR THE NUMBER OF PERSONS TO BE ELECTED TO THE OFFICE.
26 NO SUCH BLANK SPACES SHALL BE PROVIDED IF NO ELIGIBLE PERSON
27 PROPERLY FILED AN AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE.

1 (5) THE NAMES OF THE CANDIDATES FOR EACH OFFICE MUST BE
2 ARRANGED UNDER THE DESIGNATION OF THE OFFICE. THE DESIGNATED
3 ELECTION OFFICIAL SHALL NOT PRINT, IN CONNECTION WITH ANY NAME,
4 ANY TITLE OR DEGREE DESIGNATING THE BUSINESS OR PROFESSION OF THE
5 CANDIDATE. EACH CANDIDATE'S NAME MAY INCLUDE ONE NICKNAME IF
6 THE CANDIDATE REGULARLY USES THE NICKNAME AND THE NICKNAME
7 DOES NOT INCLUDE ANY PART OF A POLITICAL PARTY NAME.

8 (6) IF NO CANDIDATE IS DULY NOMINATED AND NO PERSON
9 PROPERLY FILES AN AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE
10 FOR AN OFFICE, THE FOLLOWING TEXT MUST APPEAR UNDER THE
11 DESIGNATION OF THE OFFICE: "THERE ARE NO CANDIDATES FOR THIS
12 OFFICE".

13 (7) (a) WHENEVER THE APPROVAL OF A BALLOT ISSUE OR BALLOT
14 QUESTION IS SUBMITTED TO THE VOTE OF THE PEOPLE, THE BALLOT ISSUE
15 OR QUESTION MUST BE PRINTED ON THE BALLOT FOLLOWING THE LISTS OF
16 CANDIDATES. BALLOT ISSUES AND BALLOT QUESTIONS MUST BE LISTED IN
17 THE FOLLOWING ORDER, AS APPLICABLE: ISSUES TO INCREASE TAXES,
18 ISSUES TO INCREASE DEBT, CITIZEN PETITIONS, AND OTHER REFERRED
19 MEASURES.

20 (b) THE BALLOT ISSUE OR QUESTION MUST BE IDENTIFIED BY THE
21 NAME OF THE LOCAL GOVERNMENT SUBMITTING THE BALLOT ISSUE OR
22 QUESTION FOLLOWED BY A LETTER.

23 (8) THE EXTREME TOP PART OF EACH BALLOT MUST BE DIVIDED BY
24 TWO PERFORATED OR DOTTED LINES INTO TWO SPACES, EACH OF WHICH
25 MUST BE NOT LESS THAN ONE INCH IN WIDTH, THE TOP PORTION BEING
26 KNOWN AS THE STUB AND THE NEXT PORTION AS THE DUPLICATE STUB.
27 UPON EACH OF SAID STUBS NOTHING IS TO BE PRINTED EXCEPT THE

1 NUMBER OF THE BALLOT, AND THE SAME NUMBER MUST BE PRINTED ON
2 BOTH STUBS. STUBS AND DUPLICATE STUBS OF BALLOTS MUST BOTH BE
3 NUMBERED CONSECUTIVELY. THERE MUST BE PRINTED ON THE STUB OF AN
4 ABSENTEE BALLOT "ABSENTEE BALLOT NUMBER [...]", AND SUCH STUBS
5 MUST BE NUMBERED CONSECUTIVELY BEGINNING WITH NUMBER ONE. ALL
6 BALLOTS MUST BE UNIFORM AND OF SUFFICIENT LENGTH AND WIDTH TO
7 ALLOW FOR THE NAMES OF CANDIDATES AND THE PROPOSED QUESTIONS
8 TO BE PRINTED IN CLEAR, PLAIN TYPE WITH A SPACE OF AT LEAST
9 ONE-HALF INCH BETWEEN THE DIFFERENT COLUMNS ON SAID BALLOT. ON
10 EACH BALLOT MUST BE PRINTED THE ENDORSEMENT "OFFICIAL BALLOT
11 FOR ...", AND AFTER THE WORD "FOR" MUST FOLLOW THE DESIGNATION OF
12 THE LOCAL GOVERNMENT FOR WHICH THE BALLOT IS PREPARED, THE DATE
13 OF THE ELECTION, AND A FACSIMILE OF THE SIGNATURE OF THE
14 DESIGNATED ELECTION OFFICIAL. THE BALLOT SHALL CONTAIN NO
15 CAPTION OR OTHER ENDORSEMENT OR NUMBER. EACH DESIGNATED
16 ELECTION OFFICIAL SHALL USE PRECISELY THE SAME QUALITY AND TINT OF
17 PAPER, THE SAME KIND OF TYPE, AND THE SAME QUALITY AND TINT OF
18 PLAIN BLACK INK FOR ALL BALLOTS FURNISHED BY THE DESIGNATED
19 ELECTION OFFICIAL AT ONE ELECTION.

20 **1-13.5-903. Correction of errors.** (1) THE DESIGNATED
21 ELECTION OFFICIAL SHALL CORRECT, WITHOUT DELAY, ANY ERRORS IN
22 PUBLICATION OR IN SAMPLE OR OFFICIAL BALLOTS THAT ARE DISCOVERED
23 OR BROUGHT TO THE OFFICIAL'S ATTENTION AND THAT CAN BE CORRECTED
24 WITHOUT INTERFERING WITH THE TIMELY DISTRIBUTION OF THE BALLOTS.

25 (2) IF IT APPEARS BY VERIFIED PETITION OF A CANDIDATE OR THE
26 CANDIDATE'S AGENT SUBMITTED TO ANY DISTRICT COURT THAT AN ERROR
27 OR OMISSION OCCURRED IN THE PUBLICATION OF THE NAMES OR

1 DESCRIPTION OF THE CANDIDATES OR IN THE PRINTING OF SAMPLE OR
2 OFFICIAL ELECTION BALLOTS AND THE ERROR HAS BEEN BROUGHT TO THE
3 ATTENTION OF THE DESIGNATED ELECTION OFFICIAL AND NOT BEEN
4 CORRECTED, THE COURT SHALL ISSUE AN ORDER REQUIRING THE
5 DESIGNATED ELECTION OFFICIAL TO CORRECT THE ERROR IMMEDIATELY
6 OR TO SHOW CAUSE WHY THE ERROR SHOULD NOT BE CORRECTED. COSTS,
7 INCLUDING REASONABLE ATTORNEY FEES, MAY BE ASSESSED IN THE
8 DISCRETION OF THE COURT AGAINST EITHER PARTY.

9 (3) IF, BEFORE THE DATE SET FOR ELECTION, A DULY NOMINATED
10 CANDIDATE WITHDRAWS BY FILING AN AFFIDAVIT OF WITHDRAWAL WITH
11 THE DESIGNATED ELECTION OFFICIAL, OR DIES AND THE FACT OF THE
12 DEATH BECOMES KNOWN TO THE DESIGNATED ELECTION OFFICIAL BEFORE
13 THE BALLOTS ARE PRINTED, THE NAME OF THE CANDIDATE WILL NOT BE
14 PRINTED ON THE BALLOTS. IF THE BALLOTS ARE ALREADY PRINTED, THE
15 VOTES CAST FOR THE WITHDRAWN OR DECEASED CANDIDATE ARE INVALID
16 AND WILL NOT BE COUNTED.

17 **1-13.5-904. Printing and distribution of ballots.** IN LOCAL
18 GOVERNMENT ELECTIONS IN WHICH PAPER BALLOTS ARE USED, THE
19 DESIGNATED ELECTION OFFICIAL SHALL CAUSE TO BE PRINTED OR COPIED
20 AND DISTRIBUTED TO THE ELECTION JUDGES IN EACH RESPECTIVE POLLING
21 PLACE A SUFFICIENT NUMBER OF BALLOTS. THE BALLOTS SHALL BE SENT
22 IN ONE OR MORE SEALED PACKAGES FOR EACH POLLING PLACE, WITH
23 MARKS ON THE OUTSIDE OF EACH CLEARLY STATING THE POLLING PLACE
24 FOR WHICH IT IS INTENDED AND THE NUMBER OF BALLOTS ENCLOSED. THE
25 PACKAGES MUST BE DELIVERED TO ONE OF THE ELECTION JUDGES OF EACH
26 POLLING PLACE NO LATER THAN THE DAY BEFORE THE ELECTION. THE
27 ELECTION JUDGE WHO RECEIVES THE BALLOTS THUS DELIVERED SHALL

1 GIVE RECEIPT FOR THEM, WHICH RECEIPT MUST BE FILED WITH THE
2 DESIGNATED ELECTION OFFICIAL, WHO SHALL ALSO KEEP A RECORD OF THE
3 TIME AND MANNER IN WHICH EACH OF SAID PACKAGES WAS SENT AND
4 DELIVERED. THE ELECTION JUDGE RECEIVING THE PACKAGE SHALL
5 PRODUCE THE SAME, WITH THE SEAL UNBROKEN, IN THE PROPER POLLING
6 PLACE AT THE OPENING OF THE POLLS ON ELECTION DAY AND, IN THE
7 PRESENCE OF ALL ELECTION JUDGES FOR THE POLLING PLACE, SHALL OPEN
8 THE PACKAGE.

9 **1-13.5-905. Substitute ballots.** IF THE BALLOTS TO BE FURNISHED
10 TO ANY ELECTION JUDGE ARE NOT DELIVERED BY 8 P.M. ON THE DAY
11 BEFORE ELECTION DAY, OR IF AFTER DELIVERY THEY ARE DESTROYED OR
12 STOLEN, THE DESIGNATED ELECTION OFFICIAL SHALL SEE THAT OTHER
13 BALLOTS ARE PREPARED, AS NEARLY IN THE FORM PRESCRIBED AS
14 PRACTICABLE, WITH THE WORD "SUBSTITUTE" PRINTED IN BRACKETS
15 IMMEDIATELY UNDER THE FACSIMILE SIGNATURE OF THE DESIGNATED
16 ELECTION OFFICIAL. UPON RECEIPT OF THE SUBSTITUTE BALLOTS,
17 ACCOMPANIED BY A WRITTEN AND SWORN STATEMENT OF THE
18 DESIGNATED ELECTION OFFICIAL THAT THE SAME HAVE BEEN SO PREPARED
19 AND FURNISHED BY HIM OR HER AND THAT THE ORIGINAL BALLOTS WERE
20 NOT RECEIVED OR WERE DESTROYED OR STOLEN, THE ELECTION JUDGES
21 SHALL USE THE SUBSTITUTE BALLOTS AT THE ELECTION. IF FOR ANY CAUSE
22 NONE OF THE OFFICIAL BALLOTS OR SUBSTITUTE BALLOTS PREPARED BY
23 THE DESIGNATED ELECTION OFFICIAL ARE READY FOR DISTRIBUTION AT
24 ANY POLLING PLACE, OR IF THE SUPPLY OF BALLOTS IS EXHAUSTED BEFORE
25 THE POLLS ARE CLOSED, UNOFFICIAL BALLOTS, PRINTED OR WRITTEN,
26 MADE AS NEARLY AS POSSIBLE IN THE FORM OF THE OFFICIAL BALLOTS,
27 MAY BE USED UNTIL SUBSTITUTES PREPARED BY THE DESIGNATED

1 ELECTION OFFICIAL ARE PRINTED AND DELIVERED.

2 **1-13.5-906. Instruction cards - content.** (1) THE DESIGNATED
3 ELECTION OFFICIAL SHALL FURNISH TO THE ELECTION JUDGES OF EACH
4 POLLING PLACE A SUFFICIENT NUMBER OF INSTRUCTION CARDS TO GUIDE
5 ELECTORS IN PREPARING THEIR BALLOTS. THE ELECTION JUDGES SHALL
6 POST AT LEAST ONE CARD IN EACH POLLING PLACE ON THE DAY OF THE
7 ELECTION. SUCH CARDS SHALL BE PRINTED IN LARGE, CLEAR TYPE AND
8 CONTAIN FULL INSTRUCTIONS TO THE ELECTORS ABOUT HOW TO:

9 (a) OBTAIN BALLOTS FOR VOTING;

10 (b) PREPARE THE BALLOT FOR DEPOSIT IN THE BALLOT BOX;

11 (c) OBTAIN A NEW BALLOT IN THE PLACE OF ONE SPOILED BY
12 ACCIDENT OR MISTAKE; AND

13 (d) OBTAIN ASSISTANCE IN MARKING BALLOTS.

14 PART 10

15 ABSENTEE VOTING

16 **1-13.5-1001. When absentee electors may vote.** ANY ELIGIBLE
17 ELECTOR OF A LOCAL GOVERNMENT MAY CAST AN ABSENTEE VOTER'S
18 BALLOT AT THE ELECTION IN THE MANNER PROVIDED IN SECTIONS
19 1-13.5-1002 TO 1-13.5-1007.

20 **1-13.5-1002. Application for absentee voter's ballot - delivery**
21 **- list.** (1) (a) (I) REQUESTS FOR AN APPLICATION FOR AN ABSENTEE
22 VOTER'S BALLOT MAY BE MADE ORALLY OR IN WRITING. THE APPLICATION
23 MAY BE IN THE FORM OF A LETTER. THE APPLICATION MAY REQUEST THAT
24 THE APPLICANT BE ADDED TO THE PERMANENT ABSENTEE VOTER LIST FOR
25 THE LOCAL GOVERNMENT.

26 (II) APPLICATIONS FOR ABSENTEE VOTERS' BALLOTS SHALL BE
27 FILED IN WRITING AND BE PERSONALLY SIGNED BY THE APPLICANT OR A

1 FAMILY MEMBER RELATED BY BLOOD, MARRIAGE, CIVIL UNION, OR
2 ADOPTION TO THE APPLICANT. IF THE APPLICANT IS UNABLE TO SIGN THE
3 APPLICATION, THE APPLICANT SHALL MAKE SUCH APPLICANT'S MARK ON
4 THE APPLICATION, WHICH MUST BE WITNESSED IN WRITING BY ANOTHER
5 PERSON.

6 (b) THE APPLICATION MUST BE FILED WITH THE DESIGNATED
7 ELECTION OFFICIAL NOT LATER THAN THE CLOSE OF BUSINESS ON THE
8 FRIDAY IMMEDIATELY PRECEDING THE NEXT LOCAL GOVERNMENT
9 ELECTION IN WHICH THE ABSENTEE VOTER WISHES TO VOTE BY ABSENTEE
10 VOTER'S BALLOT.

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

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

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

2 (1) ANY ELIGIBLE ELECTOR OF A POLITICAL SUBDIVISION MAY APPLY FOR
3 PERMANENT ABSENTEE VOTER STATUS. THE APPLICATION FOR PERMANENT
4 ABSENTEE VOTER STATUS MUST BE MADE IN WRITING OR BY FACSIMILE
5 USING AN APPLICATION FORM OR LETTER FURNISHED BY THE DESIGNATED
6 ELECTION OFFICIAL OF THE POLITICAL SUBDIVISION. THE APPLICATION
7 MUST CONTAIN THE SAME INFORMATION SUBMITTED IN CONNECTION WITH
8 AN APPLICATION FOR AN ABSENTEE VOTER'S BALLOT PURSUANT TO
9 SECTION 1-13.5-1002.

10 (2) UPON RECEIPT OF AN APPLICATION FOR PERMANENT ABSENTEE
11 VOTER STATUS, THE DESIGNATED ELECTION OFFICIAL SHALL PROCESS THE
12 APPLICATION IN THE SAME MANNER AS AN APPLICATION FOR AN ABSENTEE
13 VOTER'S BALLOT. IF THE DESIGNATED ELECTION OFFICIAL DETERMINES
14 THAT THE APPLICANT IS AN ELIGIBLE ELECTOR, THE DESIGNATED ELECTION
15 OFFICIAL SHALL PLACE THE ELIGIBLE ELECTOR'S NAME ON THE LIST
16 MAINTAINED BY THE POLITICAL SUBDIVISION PURSUANT TO SECTION
17 1-13.5-1004 OF THOSE ELIGIBLE ELECTORS TO WHOM AN ABSENTEE
18 VOTER'S BALLOT IS MAILED EVERY TIME THERE IS AN ELECTION
19 CONDUCTED BY THE POLITICAL SUBDIVISION FOR WHICH THE ELIGIBLE
20 ELECTOR HAS REQUESTED PERMANENT ABSENTEE VOTER STATUS.

21 **1-13.5-1004. List of absentee voters' ballots - removal from**

22 **list.** (1) THE DESIGNATED ELECTION OFFICIAL SHALL KEEP A LIST OF
23 NAMES OF ELIGIBLE ELECTORS WHO HAVE APPLIED FOR ABSENTEE VOTERS'
24 BALLOTS AND OF THOSE PERMANENT ABSENTEE VOTERS PLACED ON THE
25 LIST PURSUANT TO SECTION 1-13.5-1003 (2), WITH THE DATE ON WHICH
26 EACH APPLICATION WAS MADE, THE DATE ON WHICH THE ABSENTEE
27 VOTER'S BALLOT WAS SENT, AND THE DATE ON WHICH EACH ABSENTEE

1 VOTER'S BALLOT WAS RETURNED. IF AN ABSENTEE VOTER'S BALLOT IS NOT
2 RETURNED, OR IF IT IS REJECTED AND NOT COUNTED, THAT FACT MUST BE
3 NOTED ON THE LIST. THE LIST IS OPEN TO PUBLIC INSPECTION UNDER
4 PROPER REGULATIONS.

5 (2) (a) AN ELIGIBLE ELECTOR WHOSE NAME APPEARS ON THE LIST
6 AS A PERMANENT ABSENTEE VOTER MUST REMAIN ON THE LIST AND MUST
7 BE MAILED AN ABSENTEE VOTER'S BALLOT FOR EACH ELECTION
8 CONDUCTED BY THE POLITICAL SUBDIVISION FOR WHICH THE ELIGIBLE
9 ELECTOR HAS REQUESTED PERMANENT ABSENTEE VOTER STATUS.

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

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

15 (II) THE ABSENTEE VOTER'S BALLOT SENT TO THE ELIGIBLE
16 ELECTOR IS RETURNED TO THE DESIGNATED ELECTION OFFICIAL AS
17 UNDELIVERABLE;

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

20 (IV) THE PERSON IS NO LONGER ELIGIBLE TO VOTE IN THE
21 POLITICAL SUBDIVISION.

22 (3) THE DESIGNATED ELECTION OFFICIAL SHALL KEEP A LIST OF
23 THE NAMES OF ELIGIBLE ELECTORS APPLYING FOR AN ABSENTEE VOTER'S
24 BALLOT, THE NUMBER APPEARING ON THE STUB OF THE BALLOT ISSUED TO
25 SUCH ELIGIBLE ELECTOR, AND THE DATE THE BALLOT IS DELIVERED OR
26 MAILED. THIS INFORMATION MAY BE RECORDED ON THE REGISTRATION
27 RECORD OR REGISTRATION LIST BEFORE THE REGISTRATION BOOK OR LIST

1 IS DELIVERED TO THE ELECTION JUDGES. A SEPARATE LIST OF THE ELIGIBLE
2 ELECTORS WHO HAVE RECEIVED ABSENTEE VOTER'S BALLOTS MUST BE
3 DELIVERED TO THE ELECTION JUDGES IN THE POLLING PLACE DESIGNATED
4 FOR COUNTING ABSENTEE VOTER'S BALLOTS, OR, IF THE DESIGNATED
5 ELECTION OFFICIAL ELECTS TO DELIVER ABSENTEE VOTERS' ENVELOPES
6 RECEIVED FROM ELECTORS TO THE ELECTION JUDGES OF SUCH POLLING
7 PLACE, AS PROVIDED BY SECTION 1-13.5-1006, A SEPARATE LIST OF THE
8 ELIGIBLE ELECTORS WHO HAVE RECEIVED ABSENTEE VOTER'S BALLOTS
9 MUST BE DELIVERED TO THE ELECTION JUDGES OF EACH SUCH POLLING
10 PLACE.

11 **1-13.5-1005. Self-affirmation on return envelope.** (1) THE
12 RETURN ENVELOPE FOR AN ABSENTEE VOTER'S BALLOT MUST HAVE
13 PRINTED ON ITS FACE A SELF-AFFIRMATION SUBSTANTIALLY IN THE FORM
14 PROVIDED IN SECTION 1-13.5-605 (1).

15 (2) IF APPLICABLE, THE SELF-AFFIRMATION PROVIDED IN SECTION
16 1-13.5-605 (2) MAY BE SUBSTITUTED FOR THE SELF-AFFIRMATION IN
17 SECTION 1-13.5-605 (1).

18 **1-13.5-1006. Manner of absentee voting by paper ballot.**
19 (1) ANY ELIGIBLE ELECTOR APPLYING FOR AND RECEIVING AN ABSENTEE
20 VOTER'S BALLOT, IN CASTING THE BALLOT, SHALL MAKE AND SUBSCRIBE
21 TO THE SELF-AFFIRMATION ON THE RETURN ENVELOPE. THE VOTER SHALL
22 THEN MARK THE BALLOT. THE VOTER SHALL FOLD THE BALLOT SO AS TO
23 CONCEAL THE MARKING, DEPOSIT IT IN THE RETURN ENVELOPE, AND SEAL
24 THE ENVELOPE SECURELY. THE ENVELOPE MAY BE DELIVERED
25 PERSONALLY OR MAILED BY THE VOTER TO THE DESIGNATED ELECTION
26 OFFICIAL ISSUING THE BALLOT. IT IS PERMISSIBLE FOR A VOTER TO DELIVER
27 THE BALLOT TO ANY PERSON OF THE VOTER'S OWN CHOICE OR TO ANY

1 DULY AUTHORIZED AGENT OF THE DESIGNATED ELECTION OFFICIAL FOR
2 MAILING OR PERSONAL DELIVERY TO THE DESIGNATED ELECTION OFFICIAL.
3 TO BE COUNTED, ALL ENVELOPES CONTAINING ABSENTEE VOTER'S
4 BALLOTS MUST BE IN THE HANDS OF THE DESIGNATED ELECTION OFFICIAL
5 OR AN ELECTION JUDGE FOR THE LOCAL GOVERNMENT NOT LATER THAN 7
6 P.M. ON ELECTION DAY.

7 (2) UPON RECEIPT OF AN ABSENTEE VOTER'S BALLOT, THE
8 DESIGNATED ELECTION OFFICIAL OR AN ELECTION JUDGE SHALL WRITE OR
9 STAMP ON THE ENVELOPE CONTAINING THE BALLOT THE DATE AND HOUR
10 THAT THE ENVELOPE WAS RECEIVED AND, IF THE BALLOT WAS DELIVERED
11 IN PERSON, THE NAME AND ADDRESS OF THE PERSON DELIVERING THE
12 SAME. THE DESIGNATED ELECTION OFFICIAL OR ELECTION JUDGE SHALL
13 SAFELY KEEP AND PRESERVE ALL ABSENTEE VOTER'S BALLOTS UNOPENED
14 UNTIL THE TIME PRESCRIBED FOR DELIVERY TO THE JUDGES AS PROVIDED
15 IN SECTION 1-13.5-1008.

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

1 MACHINES SHALL REMAIN LOCKED AND THE TABULATION OF THE VOTES
2 CAST MUST REMAIN UNKNOWN UNTIL ELECTION DAY.

3 (2) ANY LOCAL GOVERNMENT USING AN ELECTRONIC VOTING
4 SYSTEM MAY PROVIDE SUCH SYSTEM FOR THE USE OF QUALIFIED
5 APPLICANTS FOR ABSENTEE VOTERS' BALLOTS. SUCH SYSTEM MUST BE
6 AVAILABLE FROM TWELVE DAYS PRIOR TO THE ELECTION UNTIL THE CLOSE
7 OF BUSINESS ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION.
8 VOTES CAST USING SUCH SYSTEM MUST BE CAST IN THE SAME MANNER AS
9 VOTES WOULD BE CAST IN A POLLING PLACE ON ELECTION DAY. THE
10 DESIGNATED ELECTION OFFICIAL SHALL SUPERVISE THE CASTING AND
11 COUNTING OF ABSENTEE VOTERS' BALLOTS USING SUCH SYSTEM.

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

1 BALLOTS." WITH THE ENVELOPES, THE DESIGNATED ELECTION OFFICIAL
2 SHALL DELIVER TO ONE OF THE ELECTION JUDGES ALL THE BOOKS,
3 RECORDS, AND SUPPLIES AS ARE NEEDED FOR TABULATING, RECORDING,
4 AND CERTIFYING SAID ABSENTEE VOTERS' BALLOTS.

5 **1-13.5-1009. Casting and counting absentee voters' ballots.** IF
6 THE SELF-AFFIRMATION ON THE ENVELOPE CONTAINING AN ABSENTEE
7 VOTER'S BALLOT IS PROPERLY SWORN TO, ONE OF THE ELECTION JUDGES
8 SHALL TEAR OPEN THE VOTER'S IDENTIFICATION ENVELOPE IN THE
9 PRESENCE OF A MAJORITY OF THE JUDGES WITHOUT DEFACING THE
10 SELF-AFFIRMATION PRINTED THEREON OR MUTILATING THE ENCLOSED
11 BALLOT. ONE OF THE ELECTION JUDGES SHALL VERIFY THE NAME OF THE
12 ELIGIBLE ELECTOR AND BALLOT NUMBER ISSUED TO SUCH ELECTOR AND
13 CAREFULLY REMOVE THE STUB FROM THE BALLOT. THE BALLOT MUST
14 THEN BE CAST AND COUNTED IN THE SAME MANNER AS IF THE ABSENTEE
15 VOTER HAD BEEN PRESENT IN PERSON; EXCEPT THAT ONE OF THE JUDGES
16 SHALL DEPOSIT THE BALLOT IN THE BALLOT BOX WITHOUT UNFOLDING IT.
17 THE ABSENTEE VOTE MUST BE COUNTED AND CERTIFIED SEPARATELY
18 FROM THE VOTES OF THE POLLING PLACE WHERE IT IS COUNTED.

19 **1-13.5-1010. Challenge of absentee voters' ballots - rejection**
20 **- record.** (1) THE VOTE OF ANY ABSENTEE VOTER MAY BE CHALLENGED
21 IN THE SAME MANNER AS OTHER VOTES ARE CHALLENGED, AND THE
22 ELECTION JUDGES MAY DETERMINE THE LEGALITY OF SUCH BALLOT. IF THE
23 CHALLENGE IS SUSTAINED OR IF THE JUDGES DETERMINE THAT THE
24 SELF-AFFIRMATION ACCOMPANYING THE ABSENTEE VOTER'S BALLOT IS
25 INSUFFICIENT OR THAT THE VOTER IS NOT AN ELIGIBLE ELECTOR, THE
26 ENVELOPE CONTAINING THE BALLOT OF THE VOTER SHALL NOT BE OPENED,
27 AND THE JUDGES SHALL ENDORSE ON THE BACK OF THE ENVELOPE THE

1 REASON FOR REJECTION. WHEN IT IS MADE TO APPEAR TO THE ELECTION
2 JUDGES BY SUFFICIENT PROOF THAT ANY ABSENTEE VOTER WHO HAS
3 MARKED AND FORWARDED A BALLOT HAS DIED, THE ENVELOPE
4 CONTAINING THE BALLOT OF THE DECEASED VOTER SHALL NOT BE OPENED,
5 AND THE JUDGES SHALL MAKE PROPER NOTATION ON THE BACK OF SUCH
6 ENVELOPE. IF AN ABSENTEE VOTER'S ENVELOPE CONTAINS MORE THAN
7 ONE MARKED BALLOT, NONE OF THE BALLOTS IN THAT ENVELOPE MAY BE
8 COUNTED, AND THE JUDGES SHALL NOTE ON THE ENVELOPE THE REASON
9 THAT THE BALLOTS WERE NOT COUNTED. IF AN ABSENTEE VOTER'S
10 ENVELOPE DOES NOT CONTAIN ALL PAGES OF A BALLOT, ONLY THE
11 MARKED AND RETURNED PAGES SHALL BE COUNTED. ELECTION JUDGES
12 SHALL CERTIFY IN THEIR RETURNS THE NUMBER OF ABSENTEE VOTER'S
13 BALLOTS CAST AND COUNTED AND THE NUMBER OF SUCH BALLOTS
14 REJECTED.

15 (2) ALL ABSENTEE VOTERS' ENVELOPES, BALLOT STUBS, AND
16 ABSENTEE VOTERS' BALLOTS REJECTED BY THE ELECTION JUDGES IN
17 ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION MUST BE RETURNED
18 TO THE DESIGNATED ELECTION OFFICIAL. ALL ABSENTEE VOTERS' BALLOTS
19 RECEIVED BY THE DESIGNATED ELECTION OFFICIAL AFTER 7 P.M. ON THE
20 DAY OF THE ELECTION, TOGETHER WITH THOSE REJECTED AND RETURNED
21 BY THE ELECTION JUDGES AS PROVIDED IN THIS SECTION, MUST REMAIN IN
22 THE SEALED IDENTIFICATION ENVELOPES.

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

27 **1-13.5-1011. Emergency absentee voting - definition.** (1) (a) IF

1 AN ELIGIBLE ELECTOR IS CONFINED IN A HOSPITAL OR AT HIS OR HER PLACE
2 OF RESIDENCE ON ELECTION DAY BECAUSE OF CONDITIONS ARISING AFTER
3 THE CLOSING DAY FOR ABSENTEE VOTERS' BALLOT APPLICATIONS, HE OR
4 SHE MAY REQUEST, BY A WRITTEN STATEMENT SIGNED BY HIM OR HER,
5 THAT THE DESIGNATED ELECTION OFFICIAL SEND HIM OR HER AN
6 EMERGENCY ABSENTEE VOTER'S BALLOT. THE DESIGNATED ELECTION
7 OFFICIAL SHALL DELIVER THE EMERGENCY ABSENTEE VOTER'S BALLOT,
8 WITH THE WORD "EMERGENCY" STAMPED OR WRITTEN ON THE STUBS OF
9 THE BALLOT, AT HIS OR HER OFFICE, DURING THE REGULAR HOURS OF
10 BUSINESS, TO ANY AUTHORIZED REPRESENTATIVE OF THE ELECTOR
11 POSSESSING A WRITTEN STATEMENT FROM THE VOTER'S PHYSICIAN,
12 ADVANCED PRACTICE NURSE, OR PRACTITIONER THAT THE VOTER WILL BE
13 CONFINED IN A HOSPITAL OR HIS OR HER PLACE OF RESIDENCE ON ELECTION
14 DAY. THE AUTHORIZED REPRESENTATIVE SHALL ACKNOWLEDGE RECEIPT
15 OF THE EMERGENCY ABSENTEE VOTER'S BALLOT WITH HIS OR HER
16 SIGNATURE, NAME, AND ADDRESS.

17 (b) FOR PURPOSES OF THIS SUBSECTION (1), "AUTHORIZED
18 REPRESENTATIVE" MEANS A PERSON POSSESSING A WRITTEN STATEMENT
19 FROM THE ELECTOR CONTAINING THE ELECTOR'S SIGNATURE, NAME, AND
20 ADDRESS AND REQUESTING THAT THE ELECTOR'S EMERGENCY ABSENTEE
21 VOTER'S BALLOT BE GIVEN TO THE AUTHORIZED PERSON AS IDENTIFIED BY
22 NAME AND ADDRESS.

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

27

PART 11

1 INDEPENDENT MAIL BALLOT ELECTIONS

2 **1-13.5-1101. Independent mail ballot elections.** ANY LOCAL
3 GOVERNMENT MAY CONDUCT AN INDEPENDENT MAIL BALLOT ELECTION
4 UTILIZING THE PROCEDURES IN THIS PART 11.

5 **1-13.5-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "INDEPENDENT MAIL BALLOT ELECTION" MEANS A MAIL
8 BALLOT ELECTION THAT THE GOVERNING BODY OF A POLITICAL
9 SUBDIVISION, OTHER THAN A SCHOOL DISTRICT, DETERMINES SHALL NOT
10 BE COORDINATED BY THE COUNTY CLERK AND RECORDER.

11 (2) "MAIL BALLOT PACKET" MEANS THE PACKET OF INFORMATION
12 PROVIDED BY THE DESIGNATED ELECTION OFFICIAL TO ELIGIBLE ELECTORS
13 IN THE INDEPENDENT MAIL BALLOT ELECTION. THE PACKET INCLUDES THE
14 BALLOT, INSTRUCTIONS FOR COMPLETING THE BALLOT, A SECRECY
15 ENVELOPE, AND A RETURN ENVELOPE.

16 (3) "PUBLICATION" MEANS ONE-TIME PRINTING IN A NEWSPAPER
17 OF GENERAL CIRCULATION IN THE LOCAL GOVERNMENT OR PROPOSED
18 SPECIAL DISTRICT IF THERE IS SUCH A NEWSPAPER, OR, IF NOT, IN A
19 NEWSPAPER IN THE COUNTY IN WHICH THE LOCAL GOVERNMENT OR
20 PROPOSED SPECIAL DISTRICT IS OR WILL BE LOCATED. FOR A LOCAL
21 GOVERNMENT WITH TERRITORY IN MORE THAN ONE COUNTY, IF THERE IS
22 NO NEWSPAPER OF GENERAL CIRCULATION IN THE LOCAL GOVERNMENT,
23 "PUBLICATION" MEANS THE ONE-TIME PRINTING IN A NEWSPAPER OF
24 GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE LOCAL
25 GOVERNMENT IS LOCATED AND IN WHICH FIFTY OR MORE ELIGIBLE
26 ELECTORS OF THE LOCAL GOVERNMENT RESIDES.

27 (4) "RETURN ENVELOPE" MEANS AN ENVELOPE THAT IS PRINTED

1 WITH SPACES FOR THE NAME AND ADDRESS OF, AND A SELF-AFFIRMATION
2 SUBSTANTIALLY IN THE FORM DESCRIBED IN SECTION 1-13.5-605 (1) TO BE
3 SIGNED BY, AN ELIGIBLE ELECTOR VOTING IN AN INDEPENDENT MAIL
4 BALLOT ELECTION, INTO WHICH ENVELOPE MUST FIT A SECRECY ENVELOPE.
5 A RETURN ENVELOPE MUST BE DESIGNED TO ALLOW ELECTION OFFICIALS,
6 UPON EXAMINING THE SIGNATURE, NAME, AND ADDRESS ON THE OUTSIDE
7 OF THE ENVELOPE, TO DETERMINE WHETHER THE ENCLOSED BALLOT IS
8 BEING SUBMITTED BY AN ELIGIBLE ELECTOR WHO HAS NOT PREVIOUSLY
9 VOTED IN THAT PARTICULAR ELECTION.

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

15 **1-13.5-1103. Independent mail ballot elections - optional -**
16 **cooperation with county clerk and recorder permitted.** (1) IF THE
17 GOVERNING BODY OF ANY LOCAL GOVERNMENT DETERMINES THAT AN
18 ELECTION SHALL BE BY INDEPENDENT MAIL BALLOT, THE DESIGNATED
19 ELECTION OFFICIAL FOR THE LOCAL GOVERNMENT SHALL CONDUCT THE
20 ELECTION BY MAIL BALLOT PURSUANT TO THIS PART 11.

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

23 (3) NOTWITHSTANDING THE FACT THAT AN INDEPENDENT MAIL
24 BALLOT ELECTION IS AN ELECTION THAT IS NOT COORDINATED BY A
25 COUNTY CLERK AND RECORDER, THE DESIGNATED ELECTION OFFICIAL OF
26 A LOCAL GOVERNMENT AND THE COUNTY CLERK AND RECORDER MAY, BY
27 AGREEMENT, COOPERATE ON ANY ELECTION PROCEDURE OR NOTICE.

1 **1-13.5-1104. Preelection process - notification of independent**
2 **mail ballot election - plan required - duties of designated election**
3 **official.** (1) THE DESIGNATED ELECTION OFFICIAL RESPONSIBLE FOR
4 CONDUCTING AN ELECTION THAT IS TO BE BY INDEPENDENT MAIL BALLOT
5 PURSUANT TO THIS PART 11 SHALL, NO LATER THAN FIFTY-FIVE DAYS
6 PRIOR TO THE ELECTION, HAVE ON FILE AT THE PRINCIPAL OFFICE OF THE
7 LOCAL GOVERNMENT OR DESIGNATED ELECTION OFFICIAL A PLAN FOR
8 CONDUCTING THE INDEPENDENT MAIL BALLOT ELECTION. THE PLAN IS A
9 PUBLIC RECORD.

10 (2) THE DESIGNATED ELECTION OFFICIAL SHALL SUPERVISE THE
11 DISTRIBUTING, HANDLING, AND COUNTING OF BALLOTS AND THE SURVEY
12 OF RETURNS, AND SHALL TAKE THE NECESSARY STEPS TO PROTECT THE
13 CONFIDENTIALITY OF THE BALLOTS CAST AND THE INTEGRITY OF THE
14 ELECTION.

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

17 **1-13.5-1105. Secretary of state - duties and powers.** (1) IN
18 ADDITION TO ANY OTHER DUTIES PRESCRIBED BY LAW, THE SECRETARY OF
19 STATE, WITH ADVICE FROM DESIGNATED ELECTION OFFICIALS OF LOCAL
20 GOVERNMENTS WHO CHOOSE TO PROVIDE ADVICE, MAY RECOMMEND:

21 (a) THE FORM OF MATERIALS TO BE USED IN INDEPENDENT MAIL
22 BALLOT ELECTIONS; EXCEPT THAT ALL MAIL BALLOT PACKETS MUST
23 INCLUDE A BALLOT, INSTRUCTIONS FOR COMPLETING THE BALLOT, A
24 SECRECY ENVELOPE, AND A RETURN ENVELOPE; AND

25 (b) PROCEDURES CONSISTENT WITH THIS PART 11 FOR CONDUCTING
26 INDEPENDENT MAIL BALLOT ELECTIONS.

27 (2) IN ADDITION TO OTHER POWERS PRESCRIBED BY LAW, THE

1 SECRETARY OF STATE MAY RECOMMEND PROCEDURES AND FORMS
2 NECESSARY FOR A LOCAL GOVERNMENT TO IMPLEMENT THIS PART 11.

3 **1-13.5-1106. Procedures for conducting independent mail**
4 **ballot election.** (1) OFFICIAL BALLOTS MUST BE PREPARED AND ALL
5 OTHER PREELECTION PROCEDURES FOLLOWED AS OTHERWISE PROVIDED BY
6 LAW; EXCEPT THAT MAIL BALLOT PACKETS MUST BE PREPARED IN
7 ACCORDANCE WITH THIS PART 11.

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

22 (b) NOT LATER THAN TWENTY DAYS PRIOR TO ELECTION DAY, THE
23 COUNTY CLERK AND RECORDER AND, IF APPROPRIATE, COUNTY ASSESSOR,
24 REQUIRED TO SUBMIT A PRELIMINARY LIST IN ACCORDANCE WITH
25 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL SUBMIT TO THE
26 DESIGNATED ELECTION OFFICIAL A SUPPLEMENTAL LIST OF THE NAMES OF
27 ELIGIBLE ELECTORS OR PROPERTY OWNERS WHO REGISTERED TO VOTE ON

1 OR BEFORE TWENTY-TWO DAYS PRIOR TO THE ELECTION AND WHOSE
2 NAMES WERE NOT INCLUDED ON THE PRELIMINARY LIST.

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

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

14 (II) THE NOTICE REQUIRED TO BE GIVEN BY THIS PARAGRAPH (d)
15 IS IN LIEU OF THE NOTICE REQUIREMENTS SET FORTH IN SECTION
16 1-13.5-502.

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

22 (4) (a) NOT SOONER THAN TWENTY-TWO DAYS BEFORE AN
23 ELECTION, AND NO LATER THAN FIFTEEN DAYS BEFORE AN ELECTION, THE
24 DESIGNATED ELECTION OFFICIAL SHALL MAIL TO EACH ACTIVE REGISTERED
25 ELECTOR, AT THE LAST MAILING ADDRESS APPEARING IN THE
26 REGISTRATION RECORDS AND IN ACCORDANCE WITH UNITED STATES
27 POSTAL SERVICE REGULATIONS, A MAIL BALLOT PACKET MARKED "DO NOT

1 FORWARD. ADDRESS CORRECTION REQUESTED.", OR ANY OTHER SIMILAR
2 STATEMENT THAT IS IN ACCORDANCE WITH UNITED STATES POSTAL
3 SERVICE REGULATIONS.

4 (b) THE BALLOT OR BALLOT LABEL MUST CONTAIN THE FOLLOWING
5 WARNING:

6 WARNING:

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

15 (c) (I) THE RETURN ENVELOPE MUST HAVE PRINTED ON IT A
16 SELF-AFFIRMATION SUBSTANTIALLY IN THE FORM PROVIDED IN SECTION
17 1-13.5-605 (1).

18 (II) THE SIGNING OF THE SELF-AFFIRMATION ON THE RETURN
19 ENVELOPE CONSTITUTES AN AFFIRMATION BY THE ELIGIBLE ELECTOR TO
20 WHOM THE BALLOT WAS PROVIDED, UNDER PENALTY OF PERJURY, THAT
21 THE FACTS STATED IN THE SELF-AFFIRMATION ARE TRUE. IF THE ELIGIBLE
22 ELECTOR IS UNABLE TO SIGN, THE ELIGIBLE ELECTOR MAY AFFIRM BY
23 MAKING A MARK ON THE SELF-AFFIRMATION, WITH OR WITHOUT
24 ASSISTANCE, THAT IS WITNESSED BY ANOTHER PERSON WHO SIGNS AS
25 WITNESS WHERE INDICATED ON THE RETURN ENVELOPE.

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

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

10 (e) (I) AN ELIGIBLE ELECTOR MAY OBTAIN A REPLACEMENT
11 BALLOT IF HIS OR HER ORIGINAL BALLOT WAS DESTROYED, SPOILED, LOST,
12 OR FOR ANY OTHER REASON NOT RECEIVED BY THE ELIGIBLE ELECTOR. AN
13 ELIGIBLE ELECTOR MAY OBTAIN A BALLOT IF A MAIL BALLOT PACKET WAS
14 NOT SENT TO THE ELECTOR BECAUSE THE ELIGIBILITY OF THE ELECTOR
15 COULD NOT BE DETERMINED AT THE TIME THE MAIL BALLOT PACKETS
16 WERE MAILED. IN ORDER TO OBTAIN A BALLOT, THE ELIGIBLE ELECTOR
17 MUST SIGN A SWORN STATEMENT SPECIFYING THE REASON FOR
18 REQUESTING THE BALLOT, WHICH STATEMENT MUST BE PRESENTED TO THE
19 DESIGNATED ELECTION OFFICIAL NO LATER THAN 7 P.M. ON ELECTION DAY.
20 THE DESIGNATED ELECTION OFFICIAL SHALL KEEP A RECORD OF EACH
21 BALLOT ISSUED IN ACCORDANCE WITH THIS PARAGRAPH (e) WITH A LIST OF
22 EACH BALLOT OBTAINED PURSUANT TO PARAGRAPH (d) OF THIS
23 SUBSECTION (4).

24 (II) A DESIGNATED ELECTION OFFICIAL OR ELECTION JUDGE SHALL
25 NOT TRANSMIT A MAIL BALLOT PACKET UNDER THIS PARAGRAPH (e)
26 UNLESS A SWORN STATEMENT REQUESTING THE BALLOT IS RECEIVED ON
27 OR BEFORE ELECTION DAY. A BALLOT MAY BE TRANSMITTED DIRECTLY TO

1 THE ELIGIBLE ELECTOR REQUESTING THE BALLOT AT THE OFFICE
2 DESIGNATED IN THE MAIL BALLOT PLAN FILED WITH THE SECRETARY OF
3 STATE OR MAY BE MAILED TO THE ELIGIBLE ELECTOR AT THE ADDRESS
4 PROVIDED IN THE SWORN STATEMENT. SUCH BALLOTS MAY BE CAST NO
5 LATER THAN 7 P.M. ON ELECTION DAY.

6 (5) (a) UPON RECEIPT OF A BALLOT, THE ELIGIBLE ELECTOR SHALL
7 MARK THE BALLOT, SIGN AND COMPLETE THE SELF-AFFIRMATION ON THE
8 RETURN ENVELOPE, AND COMPLY WITH THE INSTRUCTIONS PROVIDED WITH
9 THE BALLOT.

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

24 (6) ONCE THE BALLOT IS RETURNED, AN ELECTION JUDGE SHALL
25 FIRST QUALIFY THE SUBMITTED BALLOT BY COMPARING THE INFORMATION
26 ON THE RETURN ENVELOPE WITH THE REGISTRATION RECORDS AND
27 PROPERTY OWNERS LIST, AS APPLICABLE, TO DETERMINE WHETHER THE

1 BALLOT WAS SUBMITTED BY AN ELIGIBLE ELECTOR WHO HAS NOT
2 PREVIOUSLY VOTED IN THE ELECTION. IF THE BALLOT QUALIFIES AND IS
3 OTHERWISE VALID, THE ELECTION JUDGE SHALL INDICATE IN THE
4 POLLBOOK THAT THE ELIGIBLE ELECTOR CAST A BALLOT AND DEPOSIT THE
5 BALLOT IN AN OFFICIAL BALLOT BOX.

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

21 **1-13.5-1107. Delivery of misdelivered ballots.** (1) IF AN
22 ELECTOR DELIVERS A BALLOT, MAIL BALLOT, OR ABSENTEE VOTER'S
23 BALLOT TO THE DESIGNATED ELECTION OFFICIAL POLLING PLACE,
24 ELECTION JUDGE OF ANOTHER LOCAL GOVERNMENT, OR TO THE COUNTY
25 CLERK AND RECORDER, THE RECIPIENT MAY ACCEPT THE BALLOT AND, IF
26 ACCEPTED, MUST ARRANGE FOR ITS DELIVERY TO THE PROPER PERSON BY
27 7 P.M. ON ELECTION DAY. THE REASONABLE COST OF SUCH DELIVERY MUST

1 BE PAID BY THE LOCAL GOVERNMENT CONDUCTING THE ELECTION IN
2 WHICH THE VOTER INTENDED TO CAST THE BALLOT.

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

7 **1-13.5-1108. Counting mail ballots.** THE ELECTION OFFICIALS AT
8 THE MAIL BALLOT COUNTING PLACE SHALL RECEIVE AND PREPARE MAIL
9 BALLOTS DELIVERED AND TURNED OVER TO THEM BY THE ELECTION
10 JUDGES FOR COUNTING. COUNTING OF THE MAIL BALLOTS MAY BEGIN
11 FIFTEEN DAYS PRIOR TO THE ELECTION AND CONTINUE UNTIL COUNTING IS
12 COMPLETED. THE ELECTION OFFICIAL IN CHARGE OF THE MAIL BALLOT
13 COUNTING PLACE SHALL TAKE ALL PRECAUTIONS NECESSARY TO ENSURE
14 THE SECRECY OF THE COUNTING PROCEDURES, AND NO INFORMATION
15 CONCERNING THE COUNT SHALL BE RELEASED BY THE ELECTION OFFICIALS
16 OR WATCHERS UNTIL AFTER 7 P.M. ON ELECTION DAY.

17 **1-13.5-1109. Write-in candidates.** ANY WRITE-IN CANDIDATE IS
18 ALLOWED IN INDEPENDENT MAIL BALLOT ELECTIONS IF THE CANDIDATE
19 HAS FILED AN AFFIDAVIT OF INTENT WITH THE DESIGNATED ELECTION
20 OFFICIAL AS REQUIRED BY LAW.

21 **1-13.5-1110. Challenges.** VOTES CAST PURSUANT TO THIS PART
22 11 MAY BE CHALLENGED PURSUANT TO AND IN ACCORDANCE WITH LAW,
23 INCLUDING THE CHALLENGE AND REJECTION OF BALLOT PROVISIONS SET
24 FORTH IN SECTION 1-13.5-1010. ANY INDEPENDENT MAIL BALLOT
25 ELECTION CONDUCTED PURSUANT TO THIS PART 11 WILL NOT BE
26 INVALIDATED ON THE GROUNDS THAT AN ELIGIBLE ELECTOR DID NOT
27 RECEIVE A BALLOT SO LONG AS THE DESIGNATED ELECTION OFFICIAL FOR

1 THE POLITICAL SUBDIVISION CONDUCTING THE ELECTION ACTED IN GOOD
2 FAITH IN COMPLYING WITH THIS PART 11.

3

PART 12

4

CHALLENGE OF PERSONS VOTING

5

1-13.5-1201. No voting unless eligible. UNLESS OTHERWISE

6

PERMITTED PURSUANT TO SECTION 1-13.5-605, NO PERSON IS PERMITTED

7

TO VOTE AT ANY LOCAL GOVERNMENT ELECTION UNLESS HIS OR HER NAME

8

IS FOUND ON THE REGISTRATION LIST OR PROPERTY OWNERS LIST, IF

9

APPLICABLE, OR UNLESS THE PERSON'S REGISTRATION OR PROPERTY

10

OWNERSHIP IS CONFIRMED ORALLY AS PROVIDED BY SECTION 1-13.5-605

11

(3).

12

1-13.5-1202. Right to vote may be challenged. (1) WHEN ANY

13

PERSON WHOSE NAME APPEARS ON THE REGISTRATION LIST OR PROPERTY

14

OWNERS LIST APPLIES FOR A BALLOT, HIS OR HER RIGHT TO VOTE AT THAT

15

ELECTION MAY BE CHALLENGED. IF THE PERSON APPLYING IS NOT

16

ENTITLED TO VOTE, NO BALLOT SHALL BE DELIVERED TO HIM OR HER. ANY

17

PERSON MAY ALSO BE CHALLENGED WHEN HE OR SHE OFFERS A BALLOT

18

FOR DEPOSIT IN THE BALLOT BOX.

19

(2) IT IS THE DUTY OF ANY ELECTION JUDGE TO CHALLENGE ANY

20

PERSON OFFERING TO VOTE WHO HE OR SHE BELIEVES IS NOT AN ELIGIBLE

21

ELECTOR. IN ADDITION, CHALLENGES MAY BE MADE BY WATCHERS OR ANY

22

ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT WHO IS PRESENT.

23

1-13.5-1203. Challenge to be made by written oath. EACH

24

CHALLENGE MUST BE MADE BY WRITTEN OATH, SIGNED BY THE

25

CHALLENGER UNDER PENALTY OF PERJURY, SETTING FORTH THE NAME OF

26

THE PERSON CHALLENGED AND THE BASIS FOR THE CHALLENGE. THE

27

ELECTION JUDGES SHALL DELIVER ALL CHALLENGES AND OATHS TO THE

1 DESIGNATED ELECTION OFFICIAL AT THE TIME THE OTHER ELECTION
2 PAPERS ARE RETURNED. THE DESIGNATED ELECTION OFFICIAL SHALL
3 DELIVER ALL CHALLENGES AND OATHS TO THE DISTRICT ATTORNEY FOR
4 INVESTIGATION AND APPROPRIATE ACTION AS SOON AS POSSIBLE.

5 **1-13.5-1204. Challenge questions asked.** (1) IF A PERSON
6 OFFERING TO VOTE IS CHALLENGED AS UNQUALIFIED, ONE OF THE
7 ELECTION JUDGES SHALL TENDER TO HIM OR HER THE FOLLOWING WRITTEN
8 OATH OR AFFIRMATION: "YOU DO SOLEMNLY SWEAR OR AFFIRM THAT YOU
9 WILL FULLY AND TRULY ANSWER ALL SUCH QUESTIONS AS ARE PUT TO YOU
10 REGARDING YOUR PLACE OF RESIDENCE AND QUALIFICATIONS AS AN
11 ELIGIBLE ELECTOR AT THIS ELECTION."

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

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

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

21 (b) "HAVE YOU BEEN ABSENT FROM THE LOCAL GOVERNMENT
22 IMMEDIATELY PRECEDING THIS ELECTION, AND DURING THAT TIME HAVE
23 YOU MAINTAINED A HOME OR DOMICILE ELSEWHERE?"

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

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

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

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

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

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

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

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

20 (7) IF THE PERSON CHALLENGED ANSWERS SATISFACTORILY ALL OF
21 THE QUESTIONS PUT TO HIM OR HER, THE PERSON SHALL SIGN HIS OR HER
22 NAME ON THE FORM OF THE CHALLENGE AFTER THE PRINTED QUESTIONS.
23 THE ELECTION JUDGES SHALL INDICATE IN THE PROPER PLACE ON THE
24 FORM OF CHALLENGE WHETHER THE CHALLENGE WAS WITHDRAWN AND
25 WHETHER THE CHALLENGED VOTER REFUSED TO ANSWER THE QUESTIONS
26 AND LEFT THE POLLING PLACE WITHOUT VOTING.

27 **1-13.5-1205. Oath of person challenged.** (1) IF THE CHALLENGE

1 IS NOT WITHDRAWN AFTER THE PERSON OFFERING TO VOTE HAS ANSWERED
2 THE QUESTIONS ASKED PURSUANT TO SECTION 1-13.5-1204, ONE OF THE
3 ELECTION JUDGES SHALL TENDER THE FOLLOWING OATH:

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

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

16 **1-13.5-1206. Refusal to answer questions or take oath.** IF THE
17 CHALLENGED PERSON REFUSES TO ANSWER FULLY ANY QUESTION WHICH
18 IS PUT TO HIM OR HER AS PROVIDED IN SECTION 1-13.5-1204 OR REFUSES
19 TO TAKE THE OATH OR AFFIRMATION TENDERED AS PROVIDED IN SECTION
20 1-13.5-1205, THE ELECTION JUDGES SHALL REJECT THE CHALLENGED
21 PERSON'S VOTE.

22 PART 13

23 SURVEY OF RETURNS

24 **1-13.5-1301. Survey of returns - canvass board.** (1) AT LEAST
25 FIFTEEN DAYS BEFORE ANY ELECTION, THE DESIGNATED ELECTION
26 OFFICIAL SHALL APPOINT AT LEAST ONE MEMBER OF THE GOVERNING BODY
27 OF A LOCAL GOVERNMENT, AND AT LEAST ONE ELIGIBLE ELECTOR OF THE

1 LOCAL GOVERNMENT WHO IS NOT A MEMBER OF THAT BODY, TO ASSIST
2 THE DESIGNATED ELECTION OFFICIAL IN THE SURVEY OF RETURNS. THE
3 PERSONS SO APPOINTED AND THE DESIGNATED ELECTION OFFICIAL
4 CONSTITUTE THE CANVASS BOARD FOR THE ELECTION.

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

8 (3) IF, FOR ANY REASON, ANY PERSON APPOINTED AS A MEMBER OF
9 THE CANVASS BOARD REFUSES, FAILS, OR IS UNABLE TO SERVE, THAT
10 APPOINTED PERSON SHALL NOTIFY THE DESIGNATED ELECTION OFFICIAL,
11 WHO SHALL APPOINT ANOTHER PERSON THAT POSSESSES THE SAME
12 QUALIFICATIONS AS THE ORIGINAL APPOINTEE AS DIRECTED UNDER
13 SUBSECTION (1) OF THIS SECTION, IF AVAILABLE, TO THE CANVASS BOARD.

14 (4) EACH CANVASS BOARD MEMBER WHO IS NOT A MEMBER OF THE
15 GOVERNING BODY SHALL RECEIVE A MINIMUM FEE OF FIFTEEN DOLLARS
16 FOR EACH DAY OF SERVICE. THE FEE SHALL BE SET BY THE DESIGNATED
17 ELECTION OFFICIAL AND PAID BY THE LOCAL GOVERNMENT FOR WHICH THE
18 SERVICE IS PERFORMED.

19 **1-13.5-1302. Imperfect returns.** IF THE CANVASS BOARD FINDS
20 THAT THE RETURNS FROM ANY POLLING PLACE DO NOT STRICTLY CONFORM
21 TO THE REQUIREMENTS OF LAW IN THE MAKING, CERTIFYING, AND
22 RETURNING OF THE RETURNS, THE VOTES CAST IN THAT POLLING PLACE
23 NEVERTHELESS MUST BE CANVASSED AND COUNTED IF SUCH RETURNS ARE
24 SUFFICIENTLY EXPLICIT TO ENABLE THE PERSONS AUTHORIZED TO
25 CANVASS VOTES AND RETURNS TO DETERMINE HOW MANY VOTES WERE
26 CAST FOR EACH CANDIDATE, BALLOT ISSUE, OR BALLOT QUESTION.

27 **1-13.5-1303. Corrections.** IF, UPON PROCEEDING TO CANVASS THE

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

11 **1-13.5-1304. Tie - lots - notice to candidates.** IF ANY TWO OR
12 MORE CANDIDATES RECEIVE AN EQUAL AND HIGHEST NUMBER OF VOTES
13 FOR THE SAME OFFICE, AND IF THERE ARE NOT ENOUGH OFFICES
14 REMAINING FOR ALL SUCH CANDIDATES, THE CANVASS BOARD SHALL
15 DETERMINE BY LOT THE PERSON WHO SHALL BE ELECTED. REASONABLE
16 NOTICE SHALL BE GIVEN TO SUCH CANDIDATES OF THE TIME WHEN SUCH
17 ELECTION WILL BE SO DETERMINED.

18 **1-13.5-1305. Statement - certificates of election.** (1) NO LATER
19 THAN THE FOURTEENTH DAY FOLLOWING THE ELECTION, THE CANVASS
20 BOARD SHALL MAKE STATEMENTS FROM THE OFFICIAL ABSTRACT OF
21 VOTES THAT SHOW THE NAMES OF THE CANDIDATES, ANY BALLOT ISSUE OR
22 BALLOT QUESTION, AND THE NUMBER OF VOTES GIVEN TO EACH. THE
23 CANVASS BOARD SHALL CERTIFY THE STATEMENT TO BE CORRECT AND
24 SUBSCRIBE THEIR NAMES THERETO. THE CANVASS BOARD SHALL THEN
25 DETERMINE WHICH PERSONS HAVE BEEN DULY ELECTED BY THE HIGHEST
26 NUMBER OF VOTES AND SHALL ENDORSE AND SUBSCRIBE ON SUCH
27 STATEMENTS A CERTIFICATE OF THEIR DETERMINATION.

1 (2) THE DESIGNATED ELECTION OFFICIAL SHALL MAKE AND
2 TRANSMIT TO EACH OF THE PERSONS THEREBY DECLARED TO BE ELECTED
3 A CERTIFICATE OF THE PERSON'S ELECTION. THE DESIGNATED ELECTION
4 OFFICIAL SHALL ALSO FILE A COPY IN THE OFFICE OF THE DIVISION OF
5 LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.

6 **1-13.5-1306. Recount.** (1) THE DESIGNATED ELECTION OFFICIAL
7 SHALL ORDER A RECOUNT OF THE VOTES CAST IN ANY ELECTION IF IT
8 APPEARS, AS EVIDENCED BY THE SURVEY OF RETURNS, THAT THE
9 DIFFERENCE BETWEEN THE HIGHEST NUMBER OF VOTES CAST IN THE
10 ELECTION AND THE NEXT HIGHEST NUMBER OF VOTES CAST IN THE
11 ELECTION IS LESS THAN OR EQUAL TO ONE-HALF OF ONE PERCENT OF THE
12 HIGHEST NUMBER OF VOTES CAST IN THE ELECTION. ANY RECOUNT
13 CONDUCTED PURSUANT TO THIS SUBSECTION (1) SHALL BE COMPLETED NO
14 LATER THAN THE TWENTY-EIGHTH DAY FOLLOWING THE ELECTION AND
15 SHALL BE PAID FOR BY THE GOVERNING BODY OF THE LOCAL
16 GOVERNMENT. THE DESIGNATED ELECTION OFFICIAL SHALL GIVE NOTICE
17 OF THE RECOUNT TO THE GOVERNING BODY, TO ALL CANDIDATES AND, IN
18 THE CASE OF A BALLOT ISSUE OR QUESTION, TO ANY ISSUE COMMITTEE
19 THAT ARE AFFECTED BY THE RESULT OF THE ELECTION. THE NOTICE MUST
20 BE GIVEN BY ANY MEANS REASONABLY EXPECTED TO NOTIFY THE
21 AFFECTED CANDIDATES OR ISSUE COMMITTEE. AN AFFECTED CANDIDATE
22 OR ISSUE COMMITTEE IS ALLOWED TO BE PRESENT DURING AND OBSERVE
23 THE RECOUNT.

24 (2) (a) WHENEVER A RECOUNT OF THE VOTES CAST IN AN ELECTION
25 IS NOT REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION, ANY
26 INTERESTED PARTY, INCLUDING AN ELIGIBLE ELECTOR OR A CANDIDATE
27 FOR OFFICE OR THE ISSUE COMMITTEE FOR A BALLOT ISSUE OR QUESTION,

1 MAY SUBMIT TO THE DESIGNATED ELECTION OFFICIAL A WRITTEN REQUEST
2 FOR A RECOUNT AT THE EXPENSE OF THE INTERESTED PARTY MAKING THE
3 REQUEST. THIS REQUEST SHALL BE FILED WITH THE DESIGNATED ELECTION
4 OFFICIAL WITHIN SEVENTEEN DAYS AFTER THE ELECTION.

5 (b) BEFORE CONDUCTING THE RECOUNT, THE DESIGNATED
6 ELECTION OFFICIAL SHALL:

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

9 (II) DETERMINE THE COST OF THE RECOUNT;

10 (III) NOTIFY THE INTERESTED PARTY THAT REQUESTED THE
11 RECOUNT OF SUCH COST; AND

12 (IV) COLLECT THE ACTUAL COST OF CONDUCTING THE RECOUNT
13 FROM SUCH INTERESTED PARTY.

14 (c) THE INTERESTED PARTY THAT REQUESTED THE RECOUNT SHALL
15 PAY ON DEMAND THE COST OF THE RECOUNT TO THE DESIGNATED
16 ELECTION OFFICIAL. THE FUNDS PAID TO THE DESIGNATED ELECTION
17 OFFICIAL FOR THE RECOUNT MUST BE HELD AND USED FOR PAYMENT OF
18 ALL EXPENSES INCURRED IN THE RECOUNT.

19 (d) IF, AFTER THE RECOUNT, THE RESULT OF THE ELECTION IS
20 REVERSED IN FAVOR OF THE INTERESTED PARTY THAT REQUESTED THE
21 RECOUNT OR IF THE AMENDED ELECTION COUNT IS SUCH THAT A RECOUNT
22 OTHERWISE WOULD HAVE BEEN REQUIRED PURSUANT TO SUBSECTION (1)
23 OF THIS SECTION, THE PAYMENT FOR EXPENSES MUST BE REFUNDED TO THE
24 INTERESTED PARTY WHO PAID THEM.

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

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

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

16 (4) THE DESIGNATED ELECTION OFFICIAL MAY REQUIRE THE
17 PRODUCTION OF ANY DOCUMENTARY EVIDENCE REGARDING THE LEGALITY
18 OF ANY VOTE CAST OR COUNTED AND MAY CORRECT THE SURVEY OF
19 RETURNS IN ACCORDANCE WITH THE DESIGNATED ELECTION OFFICIAL'S
20 FINDINGS BASED ON THE EVIDENCE PRESENTED.

21 (5) IN ELECTIONS USING PAPER OR ELECTRONIC BALLOTS, THE
22 RECOUNTS ARE OF THE BALLOTS CAST AND THE VOTES MUST BE TALLIED
23 ON SHEETS OTHER THAN THOSE USED AT THE ELECTION. IN ELECTIONS
24 USING VOTING MACHINES, THE RECOUNT IS OF THE VOTES TABULATED ON
25 THE VOTING MACHINES, AND SEPARATE TALLY SHEETS MUST BE USED FOR
26 EACH MACHINE.

27 (6) AFTER A RECOUNT CONDUCTED PURSUANT TO THIS SECTION

1 HAS BEEN COMPLETED, THE DESIGNATED ELECTION OFFICIAL SHALL
2 NOTIFY THE GOVERNING BODY OF THE LOCAL GOVERNMENT CONDUCTING
3 THE ELECTION OF THE RESULTS OF THE RECOUNT, SHALL MAKE A
4 CERTIFICATE OF ELECTION FOR EACH CANDIDATE WHO RECEIVED THE
5 HIGHEST NUMBER OF VOTES FOR AN OFFICE FOR WHICH A RECOUNT WAS
6 CONDUCTED, AND SHALL DELIVER THE CERTIFICATE TO SUCH CANDIDATE.

7 PART 14

8 CONTESTS

9 **1-13.5-1401. Person elected - contest - causes.** (1) THE
10 ELECTION OF ANY PERSON DECLARED DULY ELECTED TO ANY LOCAL
11 GOVERNMENT OFFICE MAY BE CONTESTED BY ANY ELIGIBLE ELECTOR OF
12 THE LOCAL GOVERNMENT ON THE FOLLOWING GROUNDS:

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

15 (b) ILLEGAL VOTES HAVE BEEN RECEIVED, OR LEGAL VOTES
16 REJECTED, AT THE POLLS IN SUFFICIENT NUMBERS TO CHANGE THE
17 RESULTS;

18 (c) AN ERROR OR MISTAKE WAS MADE BY ANY OF THE ELECTION
19 JUDGES, THE DESIGNATED ELECTION OFFICIAL, OR THE CANVASS BOARD IN
20 COUNTING OR DECLARING THE RESULT OF THE ELECTION, IF THE ERROR OR
21 MISTAKE WAS SUFFICIENT TO CHANGE THE RESULT;

22 (d) MALCONDUCT, FRAUD, OR CORRUPTION OCCURRED ON THE
23 PART OF THE ELECTION JUDGES IN ANY POLLING PLACE, A CANVASS BOARD
24 MEMBER, OR ANY DESIGNATED ELECTION OFFICIAL OR HIS OR HER
25 ASSISTANT, IF THE MALCONDUCT, FRAUD, OR CORRUPTION WAS SUFFICIENT
26 TO CHANGE THE RESULT; OR

27 (e) FOR ANY OTHER CAUSE THAT SHOWS THAT ANOTHER

1 CANDIDATE WAS THE LEGALLY ELECTED PERSON.

2 **1-13.5-1402. District judge to preside - bond.** (1) ALL
3 CONTESTED ELECTION CASES OF LOCAL GOVERNMENT OFFICERS SHALL BE
4 TRIED AND DETERMINED IN THE DISTRICT COURT OF THE COUNTY IN WHICH
5 THE LOCAL GOVERNMENT IS LOCATED. IF THE TERRITORIAL BOUNDARIES
6 OF A LOCAL GOVERNMENT OVERLAP WHOLLY OR PARTIALLY WITH MORE
7 THAN ONE COUNTY, THE DISTRICT COURT OF EITHER COUNTY HAS
8 JURISDICTION. THE STYLE AND FORM OF PROCESS, THE MANNER OF
9 SERVICE OF PROCESS AND PAPERS, THE FEES OF OFFICERS, AND JUDGMENT
10 FOR COSTS AND EXECUTION SHALL BE ACCORDING TO THE RULES AND
11 PRACTICES OF THE DISTRICT COURT.

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

17 **1-13.5-1403. Filing statement - contents.** THE CONTESTOR SHALL
18 FILE IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT, WITHIN TEN
19 DAYS AFTER THE EXPIRATION OF THE PERIOD WITHIN WHICH A RECOUNT
20 MAY BE REQUESTED PURSUANT TO SECTION 1-13.5-1306, OR WITHIN TEN
21 DAYS AFTER THE CONCLUSION OF A RECOUNT CONDUCTED PURSUANT TO
22 SECTION 1-13.5-1306, WHICHEVER IS LATER, A WRITTEN STATEMENT OF
23 THE CONTESTOR'S INTENTION TO CONTEST THE ELECTION AND SETTING
24 FORTH THE NAME OF THE CONTESTOR, THAT THE CONTESTOR IS AN
25 ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT, THE NAME OF THE
26 CONTESTEE, THE OFFICE CONTESTED, THE TIME OF ELECTION, AND THE
27 PARTICULAR CAUSES OF THE CONTEST. THE STATEMENT MUST BE VERIFIED

1 BY THE AFFIDAVIT OF THE CONTESTOR OR ANY ELIGIBLE ELECTOR OF THE
2 LOCAL GOVERNMENT THAT THE CAUSES SET FORTH IN THE STATEMENT
3 ARE TRUE TO THE BEST OF THE AFFIANT'S KNOWLEDGE AND BELIEF.

4 **1-13.5-1404. Summons - answer.** (1) IF THE CLERK OF THE
5 DISTRICT COURT RECEIVES A STATEMENT AS SET FORTH IN SECTION
6 1-13.5-1403, THE CLERK SHALL ISSUE A SUMMONS IN THE ORDINARY
7 FORM, NAMING THE CONTESTOR AS PLAINTIFF AND THE CONTESTEE AS
8 DEFENDANT, STATING THE COURT IN WHICH THE ACTION IS BROUGHT AND
9 A BRIEF STATEMENT OF THE CAUSES OF CONTEST, AS SET FORTH IN THE
10 CONTESTOR'S STATEMENT. THE SUMMONS SHALL BE SERVED UPON THE
11 CONTESTEE IN THE SAME MANNER AS OTHER SUMMONS ARE SERVED OUT
12 OF THE DISTRICT COURT.

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

21 (3) IF THE RECEPTION OF ILLEGAL VOTES OR THE REJECTION OF
22 LEGAL VOTES IS ALLEGED AS THE CAUSE OF THE CONTEST, A LIST OF THE
23 NUMBER OF PERSONS WHO SO VOTED OR OFFERED TO VOTE MUST BE SET
24 FORTH IN THE STATEMENT OF THE CONTESTOR AND MUST BE LIKEWISE SET
25 FORTH IN THE ANSWER OF THE CONTESTEE IF ANY SUCH CAUSE IS ALLEGED
26 IN HIS OR HER ANSWER BY WAY OF COUNTERSTATEMENT.

27 (4) IF THE ANSWER OF THE CONTESTEE CONTAINS NEW MATTER

1 CONSTITUTING A COUNTERSTATEMENT, THE CONTESTOR, WITHIN TEN DAYS
2 AFTER THE FILING OF SUCH ANSWER, SHALL REPLY TO THE SAME,
3 ADMITTING OR SPECIFICALLY DENYING, UNDER OATH, EACH ALLEGATION
4 CONTAINED IN SUCH COUNTERSTATEMENT INTENDED BY HIM OR HER TO BE
5 CONTROVERTED ON THE TRIAL, AND FILE THE SAME IN THE OFFICE OF THE
6 CLERK OF THE DISTRICT COURT.

7 **1-13.5-1405. Trial and appeals.** IMMEDIATELY AFTER THE
8 JOINING OF ISSUE, THE DISTRICT COURT SHALL FIX A DATE FOR THE TRIAL
9 TO COMMENCE, WHICH DATE SHALL NOT BE MORE THAN TWENTY DAYS
10 NOR LESS THAN TEN DAYS AFTER THE JOINING OF ISSUE. THE TRIAL TAKES
11 PRECEDENCE OVER ALL OTHER BUSINESS IN THE COURT. THE TESTIMONY
12 MAY BE ORAL OR BY DEPOSITIONS TAKEN BEFORE ANY OFFICER
13 AUTHORIZED TO TAKE DEPOSITIONS. ANY DEPOSITIONS TAKEN TO BE USED
14 UPON THE TRIAL OF SUCH CONTEST MAY BE TAKEN UPON FOUR DAYS'
15 NOTICE. THE DISTRICT JUDGE SHALL CAUSE THE TESTIMONY TO BE TAKEN
16 IN FULL AND FILED IN THE CAUSE. THE TRIAL OF SUCH CAUSES MUST BE
17 CONDUCTED ACCORDING TO THE RULES AND PRACTICE OF THE DISTRICT
18 COURT. SUCH PROCEEDINGS MAY BE REVIEWED AND FINALLY
19 ADJUDICATED BY THE SUPREME COURT OF THIS STATE, IF APPLICATION TO
20 THAT COURT IS MADE BY EITHER PARTY AND IF THE SUPREME COURT IS
21 WILLING TO ASSUME JURISDICTION OF THE CASE.

22 **1-13.5-1406. Recount.** IF, UPON THE TRIAL OF ANY CONTESTED
23 ELECTION UNDER THIS ARTICLE, THE STATEMENT OR COUNTERSTATEMENT
24 SETS FORTH AN ERROR IN CANVASS SUFFICIENT TO CHANGE THE RESULT,
25 THE TRIAL JUDGE HAS THE POWER TO CONDUCT A RECOUNT OF THE
26 BALLOTS CAST OR THE VOTES TABULATED ON THE VOTING MACHINES IN
27 THE PRECINCT WHERE THE ALLEGED ERROR WAS MADE. THE COURT MAY

1 ALSO REQUIRE THE PRODUCTION OF WITNESSES, DOCUMENTS, RECORDS,
2 AND OTHER EVIDENCE AS MAY HAVE OR MAY CONTAIN INFORMATION
3 REGARDING THE LEGALITY OF ANY VOTE CAST OR COUNTED FOR EITHER OF
4 THE CONTESTING CANDIDATES OR THE CORRECT NUMBER OF VOTES CAST
5 FOR EITHER CANDIDATE AND MAY CORRECT THE CANVASS IN ACCORDANCE
6 WITH THE EVIDENCE PRESENTED AND ITS FINDINGS.

7 **1-13.5-1407. Judgment.** THE COURT SHALL PRONOUNCE
8 JUDGMENT WHETHER THE CONTESTEE OR ANY OTHER PERSON WAS DULY
9 ELECTED. THE PERSON SO DECLARED ELECTED IS ENTITLED TO THE OFFICE
10 UPON QUALIFICATION. IF THE JUDGMENT IS AGAINST THE CONTESTEE AND
11 HE OR SHE HAS RECEIVED HIS OR HER CERTIFICATE, THE JUDGMENT
12 ANNULS IT. IF THE COURT FINDS THAT NO PERSON WAS DULY ELECTED, THE
13 JUDGMENT WILL BE THAT THE ELECTION BE SET ASIDE AND THAT A
14 VACANCY EXISTS.

15 **1-13.5-1408. Ballot questions and ballot issues - how contested.**

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

24 (2) ANY CONTEST ARISING OUT OF A BALLOT ISSUE OR BALLOT
25 QUESTION CONCERNING THE ORDER ON THE BALLOT OR CONCERNING
26 WHETHER THE FORM OR CONTENT OF ANY BALLOT TITLE MEETS THE
27 REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION

1 MUST BE CONDUCTED AS PROVIDED IN SECTION 1-11-203.5.

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

9 PART 15

10 OTHER JUDICIAL PROCEEDINGS

11 **1-13.5-1501. Controversies.** (1) WITHIN FIVE CALENDAR DAYS
12 OF THE ACT OR OMISSION THAT IS THE BASIS FOR THE CONTROVERSY,
13 WHEN ANY CONTROVERSY ARISES BETWEEN ANY OFFICIAL CHARGED WITH
14 ANY DUTY OR FUNCTION UNDER THIS ARTICLE AND ANY CANDIDATE OR
15 OTHER PERSON, THE DISTRICT COURT, UPON THE FILING OF A VERIFIED
16 PETITION BY ANY SUCH OFFICIAL OR PERSON SETTING FORTH IN CONCISE
17 FORM THE NATURE OF THE CONTROVERSY AND THE RELIEF SOUGHT, SHALL
18 ISSUE AN ORDER COMMANDING THE RESPONDENT IN THE PETITION TO
19 APPEAR BEFORE THE COURT AND ANSWER UNDER OATH TO THE PETITION.
20 IT IS THE DUTY OF THE COURT TO SUMMARILY HEAR AND DISPOSE OF ANY
21 SUCH ISSUES, WITH A VIEW TO OBTAINING A SUBSTANTIAL COMPLIANCE
22 WITH THIS ARTICLE BY THE PARTIES TO THE CONTROVERSY, AND TO MAKE
23 AND ENTER ORDERS AND JUDGMENTS AND TO FOLLOW THE PROCEDURES
24 OF THE COURT TO ENFORCE ALL SUCH ORDERS AND JUDGMENTS.

25 (2) THE PROCEEDINGS MAY BE REVIEWED AND FINALLY
26 ADJUDICATED BY THE SUPREME COURT OF THIS STATE, IF APPLICATION TO
27 THAT COURT IS MADE WITHIN FIVE DAYS AFTER THE TERMINATION BY THE

1 COURT IN WHICH THE PETITION WAS FILED AND IF THE SUPREME COURT IS
2 WILLING TO ASSUME JURISDICTION OF THE CASE.

3 PART 16
4 ELECTION OFFENSES

5 **1-13.5-1601. Applicability of criminal penalties.**

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

10 **SECTION 9.** In Colorado Revised Statutes, 22-31-101, **amend**
11 (1) as follows:

12 **22-31-101. Definitions.** As used in this article, unless the context
13 otherwise requires:

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

19 **SECTION 10.** In Colorado Revised Statutes, 31-2-102, **amend**
20 (3) as follows:

21 **31-2-102. Incorporation election.** (3) Registration and changes
22 of address may be made with the county clerk and recorder. ~~up to and~~
23 ~~including the twenty-ninth day prior to the election.~~ The county clerk and
24 recorder, in his or her discretion, may conduct registration from time to
25 time ~~up to and including such twenty-ninth day prior to the election~~
26 within the proposed municipal boundaries.

27 **SECTION 11.** In Colorado Revised Statutes, 31-2-104, **amend**

1 (3) as follows:

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

12 **SECTION 12.** In Colorado Revised Statutes, 31-2-220, **amend**
13 (1) as follows:

14 **31-2-220. Warning on petition - signatures - affidavits -**
15 **circulators.** (1) At the top of each page of a petition to initiate the
16 adoption, amendment, or repeal of a municipal home rule charter,
17 including the formation of a new charter commission, ~~shall~~ MUST be
18 printed, in plain red letters no smaller than the impression of ten-point,
19 bold-faced type, the following:

20 **WARNING:**

21 **IT IS AGAINST THE LAW:**

22 For anyone to sign any petition with any name other than his or her own
23 or to knowingly sign his or her name more than once for the same
24 measure or to sign such petition when not a registered elector.

25 **DO NOT SIGN THIS PETITION UNLESS YOU ARE A**
26 **REGISTERED ELECTOR.**

27 ~~**TO BE A REGISTERED ELECTOR, YOU MUST BE:**~~

- 1 ~~1. At least eighteen years of age.~~
- 2 ~~2. A citizen of the United States.~~
- 3 ~~3. A resident of the state of Colorado and have resided in the state~~
4 ~~at least thirty days.~~
- 5 ~~4. A resident of the municipal election precinct in which you live~~
6 ~~for at least thirty days.~~
- 7 ~~5. Registered to vote pursuant to part 2 of article 2 of title 1,~~
8 ~~Colorado Revised Statutes, or as otherwise prescribed in part 2 of article~~
9 ~~10 of title 31, Colorado Revised Statutes.~~

10 Do not sign this petition unless you have read or had read to you the text
11 of the proposal in its entirety and understand its meaning.

12 **SECTION 13.** In Colorado Revised Statutes, 31-10-102, **add**
13 (3.5) as follows:

14 **31-10-102. Definitions.** As used in this article, unless the context
15 otherwise requires:

16 (3.5) "PERMANENT ABSENTEE VOTER" MEANS AN ELIGIBLE
17 ELECTOR WHO APPLIES TO RECEIVE A BALLOT BY MAIL FOR EVERY POLLING
18 PLACE ELECTION AND WHOSE NAME IS PLACED ON THE LIST PURSUANT TO
19 SECTION 31-10-1002.

20 **SECTION 14.** In Colorado Revised Statutes, 31-10-201, **amend**
21 (1) (b) as follows:

22 **31-10-201. Qualifications of municipal electors.** (1) Every
23 person who has attained the age of eighteen years possessing the
24 following qualifications is entitled to register to vote at all municipal
25 elections:

26 (b) The person has resided in this state for ~~thirty~~ TWENTY-TWO
27 days ~~and in the municipal election precinct for thirty days~~ immediately

1 preceding the election at which the person offers to vote. IN ORDER TO
2 VOTE IN A MUNICIPAL ELECTION CONDUCTED UNDER THIS ARTICLE, A
3 PERSON MUST BE A REGISTERED ELECTOR. An otherwise qualified and
4 registered elector who moves from the municipal election precinct where
5 registered to another precinct within the same municipality ~~within thirty~~
6 ~~days prior to any regular or special election shall be~~ IS permitted to cast
7 a ballot for ~~such~~ AN election at the polling place in the precinct where
8 registered.

9 **SECTION 15.** In Colorado Revised Statutes, **amend** 31-10-204
10 as follows:

11 **31-10-204. Municipal clerk as deputy county clerk and**
12 **recorder.** Each clerk shall serve as a deputy county clerk and recorder for
13 purposes of registration only in the county in which the clerk's
14 municipality is located. The clerk shall register any qualified elector
15 residing in any precinct in such county who appears in person at the
16 clerk's office at any time during which registration is permitted in the
17 office of the county clerk and recorder. The clerk shall PROMPTLY deliver
18 the new registration records to the office of the county clerk and recorder.
19 ~~either in person or by certified mail on or before the fifteenth day of each~~
20 ~~month and in person on the day following the last day for registration~~
21 ~~preceding any election for which registration is required.~~

22 **SECTION 16.** In Colorado Revised Statutes, **amend** 31-10-205
23 as follows:

24 **31-10-205. Registration lists.** The county clerk and recorder of
25 each county, no later than the fifth day preceding any municipal election
26 in his or her county or upon receipt of the notice made pursuant to section
27 31-4-503 (3) (b), shall prepare a complete copy of the list of the registered

1 electors of each municipal election precinct which is located within his
2 or her county and is involved in such municipal election; but, in any
3 municipal election precinct consisting of one or more whole general
4 election precincts, the county registration books for such precinct may be
5 used in lieu of a separate registration list. The registration list for each
6 municipal election precinct shall contain, in alphabetical order, the names
7 and addresses of all registered electors residing within the municipal
8 election precinct whose names appeared on the county registration
9 records at the close of business on the ~~twenty-ninth~~ SIXTH day preceding
10 the municipal election or, when notice is received pursuant to section
11 31-4-503 (3) (b), at the close of business on the date preceding receipt of
12 such notice. The county clerk and recorder shall certify and deliver such
13 registration lists or registration books to the respective clerks on or before
14 the fifth day preceding the election.

15 **SECTION 17.** In Colorado Revised Statutes, **amend** 31-10-208
16 as follows:

17 **31-10-208. Change of address.** For the ~~twenty-nine~~ TWENTY-TWO
18 days before and on the day of any municipal election, any registered
19 elector, by appearing in person at the office of the county clerk and
20 recorder, may complete a sworn affidavit for change of address within the
21 county in which the elector is registered, stating that the elector ~~has~~
22 moved prior to the ~~thirtieth~~ TWENTY-SECOND day before the election and
23 that, ON THE DATE OF THE ELECTION, the elector ~~has lived~~ WILL HAVE BEEN
24 LIVING at the new address in the new precinct within the municipality for
25 at least ~~thirty~~ TWENTY-TWO days. Upon the receipt of the request, the
26 county clerk and recorder shall verify the registration of the elector and
27 shall, upon verification, issue or authorize a certificate of registration,

1 showing the information required in section 1-2-216, C.R.S., plus the
2 change of address. The judges shall allow the registered elector to vote in
3 the precinct where the new address is located. The judges of election shall
4 use the certificate of registration as a substitute registration page, entering
5 the date of the election and pollbook ballot number on the certificate and
6 including it with the registration book when it is returned to the clerk
7 following the election.

8 **SECTION 18.** In Colorado Revised Statutes, **amend** 31-10-301
9 as follows:

10 **31-10-301. Electors eligible to hold municipal office.** Every
11 registered elector eighteen years of age or older on the date of the election
12 may ~~be a candidate~~ CIRCULATE A NOMINATING PETITION and hold office
13 in any municipality, unless another age is required by local charter or
14 ordinance, if he OR SHE has resided in the municipality or municipality
15 and ward, as the case may be, from which he OR SHE is to be elected for
16 a period of at least twelve consecutive months immediately preceding the
17 date of the election. In case of an annexation, any person who has resided
18 within the territory annexed for the prescribed time shall be deemed to
19 have met the residence requirements for the municipality and precinct to
20 which the territory was annexed. No person may be a candidate for two
21 municipal offices at the same election nor hold two elective municipal
22 offices simultaneously; except that, in statutory cities, the offices of clerk
23 and treasurer may be sought and held by the same person.

24 **SECTION 19.** In Colorado Revised Statutes, 31-10-606, **amend**
25 (4) as follows:

26 **31-10-606. Preparing to vote.** (4) If the judges are using the
27 registration book and the registered elector's signature does not appear on

1 his OR HER registration record, said elector shall show ~~identification~~
2 DOCUMENTATION OF HIS OR HER REGISTRATION and sign his OR HER
3 registration record before being allowed to vote. If said elector is unable
4 to write, he OR SHE may request assistance from one of the judges of
5 election, and such judge shall sign the registration record and witness said
6 elector's mark.

7 **SECTION 20.** In Colorado Revised Statutes, **add** 31-10-907,
8 31-10-908, 31-10-909, 31-10-910, 31-10-911, 31-10-912, and 31-10-913
9 as follows:

10 **31-10-907. Definitions.** AS USED IN SECTIONS 31-10-908 TO
11 31-10-913, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

14 (2) "MAIL BALLOT ELECTION" MEANS AN ELECTION FOR WHICH
15 ELIGIBLE ELECTORS MAY CAST BALLOTS BY MAIL AND IN ACCORDANCE
16 WITH THIS PART 9.

17 (3) "MAIL BALLOT PACKET" MEANS THE PACKET OF INFORMATION
18 PROVIDED BY THE CLERK TO ELIGIBLE ELECTORS IN A MAIL BALLOT
19 ELECTION. THE PACKET INCLUDES THE BALLOT, INSTRUCTIONS FOR
20 COMPLETING THE BALLOT, A SECRECY ENVELOPE, AND A RETURN
21 ENVELOPE.

22 (4) "RETURN ENVELOPE" MEANS AN ENVELOPE THAT IS PRINTED
23 WITH SPACES FOR THE NAME AND ADDRESS OF, AND A SELF-AFFIRMATION
24 TO BE SIGNED BY, AN ELIGIBLE ELECTOR VOTING IN A MAIL BALLOT
25 ELECTION, THAT CONTAINS A SECRECY ENVELOPE AND BALLOT, AND THAT
26 IS DESIGNED TO ALLOW ELECTION OFFICIALS, UPON EXAMINING THE
27 SIGNATURE, NAME, AND ADDRESS ON THE OUTSIDE OF THE ENVELOPE, TO

1 DETERMINE WHETHER THE ENCLOSED BALLOT IS BEING SUBMITTED BY AN
2 ELIGIBLE ELECTOR WHO HAS NOT PREVIOUSLY VOTED IN THAT PARTICULAR
3 ELECTION.

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

9 **31-10-908. Mail ballot elections - preelection process.** (1) IF
10 THE GOVERNING BODY OF A MUNICIPALITY DETERMINES THAT AN
11 ELECTION IS TO BE CONDUCTED BY MAIL BALLOT, THE CLERK SHALL
12 SUPERVISE THE DISTRIBUTING, HANDLING, COUNTING OF BALLOTS, AND
13 THE SURVEY OF RETURNS AND SHALL TAKE ALL NECESSARY STEPS TO
14 PROTECT THE CONFIDENTIALITY OF THE BALLOTS CAST AND THE
15 INTEGRITY OF THE ELECTION.

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

20 **31-10-909. Nomination of candidates in mail ballot elections.**

21 (1) ANY PERSON WHO DESIRES TO BE A CANDIDATE FOR A MUNICIPAL
22 OFFICE IN A MAIL BALLOT ELECTION CONDUCTED PURSUANT TO THIS PART
23 9 AFTER MAY 1, 2014, SHALL COMPLY WITH THE NOMINATING
24 PROCEDURES SET FORTH IN THIS ARTICLE; EXCEPT THAT:

25 (a) ANY NOMINATING PETITION IN A MAIL BALLOT ELECTION MAY
26 BE CIRCULATED AND SIGNED BEGINNING ON THE NINETY-FIRST DAY PRIOR
27 TO THE ELECTION AND MUST BE FILED WITH THE MUNICIPAL CLERK NO

1 LATER THAN THE CLOSE OF BUSINESS ON THE SEVENTY-FIRST DAY PRIOR
2 TO THE ELECTION. THE PETITION MAY BE AMENDED TO CORRECT OR
3 REPLACE SIGNATURES THAT THE CLERK FINDS ARE NOT IN APPARENT
4 CONFORMITY WITH THE REQUIREMENTS OF THIS ARTICLE BY FILING SUCH
5 CHANGES BY NO LATER THAN THE CLOSE OF BUSINESS ON THE SIXTY-SIXTH
6 DAY BEFORE THE ELECTION.

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

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

15 **31-10-910. Procedures for conducting mail ballot election.**

16 (1) (a) NO LATER THAN THIRTY DAYS PRIOR TO ELECTION DAY, THE
17 COUNTY CLERK AND RECORDER SHALL SUBMIT TO THE CLERK CONDUCTING
18 THE MAIL BALLOT ELECTION A COMPLETE PRELIMINARY LIST OF
19 REGISTERED ELECTORS.

20 (b) NO LATER THAN TWENTY DAYS PRIOR TO ELECTION DAY, THE
21 COUNTY CLERK AND RECORDER SHALL SUBMIT TO THE CLERK A
22 SUPPLEMENTAL LIST OF THE NAMES OF ELIGIBLE ELECTORS WHO
23 REGISTERED TO VOTE ON OR BEFORE TWENTY-TWO DAYS BEFORE THE
24 ELECTION WHOSE NAMES WERE NOT INCLUDED ON THE PRELIMINARY LIST.

25 (c) ALL LISTS OF REGISTERED ELECTORS PROVIDED TO A CLERK
26 UNDER THIS SECTION MUST INCLUDE THE LAST MAILING ADDRESS OF EACH
27 ELECTOR.

1
2 DATE SIGNATURE OF VOTER

3 (II) THE SIGNING OF THE SELF-AFFIRMATION ON THE RETURN
4 ENVELOPE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c)
5 CONSTITUTES AN AFFIRMATION BY THE ELIGIBLE ELECTOR, UNDER
6 PENALTY OF PERJURY, THAT THE FACTS STATED IN THE SELF-AFFIRMATION
7 ARE TRUE. IF THE ELIGIBLE ELECTOR IS UNABLE TO SIGN, THE ELIGIBLE
8 ELECTOR MAY AFFIRM BY MAKING A MARK ON THE SELF-AFFIRMATION,
9 WITH OR WITHOUT ASSISTANCE, WITNESSED BY ANOTHER PERSON.

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

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

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

1 PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2).

2 (II) THE CLERK SHALL NOT TRANSMIT A MAIL BALLOT PACKET
3 UNDER THIS PARAGRAPH (e) UNLESS A SWORN STATEMENT REQUESTING
4 THE BALLOT IS RECEIVED ON OR BEFORE ELECTION DAY. A BALLOT MAY BE
5 TRANSMITTED DIRECTLY TO THE ELIGIBLE ELECTOR REQUESTING THE
6 BALLOT AT THE CLERK'S OFFICE OR MAY BE MAILED TO THE ELIGIBLE
7 ELECTOR AT THE ADDRESS PROVIDED IN THE SWORN STATEMENT. BALLOTS
8 MAY BE CAST NO LATER THAN 7 P.M. ON ELECTION DAY.

9 (3) (a) UPON RECEIPT OF A BALLOT, THE ELIGIBLE ELECTOR SHALL
10 MARK THE BALLOT, SIGN AND COMPLETE THE SELF-AFFIRMATION ON THE
11 RETURN ENVELOPE, AND COMPLY WITH THE INSTRUCTIONS PROVIDED WITH
12 THE BALLOT.

13 (b) THE ELIGIBLE ELECTOR MAY RETURN THE MARKED BALLOT TO
14 THE CLERK BY UNITED STATES MAIL OR BY DEPOSITING THE BALLOT AT
15 THE OFFICE OF THE CLERK OR ANY PLACE DESIGNATED AS A DEPOSITORY
16 BY THE CLERK. THE BALLOT MUST BE RETURNED IN THE RETURN
17 ENVELOPE. IF AN ELIGIBLE ELECTOR RETURNS THE BALLOT BY MAIL, THE
18 ELECTOR MUST PROVIDE POSTAGE. THE BALLOT MUST BE RECEIVED AT THE
19 CLERK'S OFFICE OR A DESIGNATED DEPOSITORY, WHICH MUST REMAIN
20 OPEN UNTIL 7 P.M. ON ELECTION DAY. THE DEPOSITORY MUST BE
21 DESIGNATED BY THE CLERK AND LOCATED IN A SECURE PLACE UNDER THE
22 SUPERVISION OF THE CLERK, AN ELECTION JUDGE, OR ANOTHER PERSON
23 DESIGNATED BY THE CLERK.

24 (4) ONCE THE BALLOT IS RETURNED, AN ELECTION JUDGE SHALL
25 FIRST QUALIFY THE SUBMITTED BALLOT BY COMPARING THE INFORMATION
26 ON THE RETURN ENVELOPE WITH THE REGISTRATION RECORDS TO
27 DETERMINE WHETHER THE BALLOT WAS SUBMITTED BY AN ELIGIBLE

1 ELECTOR WHO HAS NOT PREVIOUSLY VOTED IN THE ELECTION. IF THE
2 BALLOT SO QUALIFIES AND IS OTHERWISE VALID, THE ELECTION JUDGE
3 SHALL INDICATE IN THE POLLBOOK THAT THE ELIGIBLE ELECTOR CAST A
4 BALLOT AND DEPOSIT THE BALLOT IN AN OFFICIAL BALLOT BOX.

5 (5) ALL DEPOSITED BALLOTS MUST BE COUNTED AS PROVIDED IN
6 THIS ARTICLE. A MAIL BALLOT IS VALID AND COUNTED ONLY IF IT IS
7 RETURNED IN THE RETURN ENVELOPE, THE SELF-AFFIRMATION ON THE
8 RETURN ENVELOPE IS SIGNED AND COMPLETED BY THE ELIGIBLE ELECTOR
9 TO WHOM THE BALLOT WAS ISSUED, AND THE INFORMATION ON THE
10 RETURN ENVELOPE IS VERIFIED IN ACCORDANCE WITH SUBSECTION (4) OF
11 THIS SECTION. MAIL BALLOTS MUST BE COUNTED IN THE SAME MANNER
12 PROVIDED BY SECTION 31-10-610 FOR COUNTING PAPER BALLOTS OR
13 SECTION 31-10-811 FOR COUNTING ELECTRONIC BALLOTS. IF THE
14 ELECTION OFFICIAL DETERMINES THAT AN ELIGIBLE ELECTOR TO WHOM A
15 REPLACEMENT BALLOT HAS BEEN ISSUED HAS VOTED MORE THAN ONCE,
16 THE FIRST BALLOT RETURNED BY THE ELECTOR IS CONSIDERED THE
17 ELECTOR'S OFFICIAL BALLOT. REJECTED BALLOTS ARE HANDLED IN THE
18 SAME MANNER AS PROVIDED IN SECTION 31-10-612.

19 **31-10-911. Counting mail ballots.** THE ELECTION OFFICIALS AT
20 THE MAIL BALLOT COUNTING CENTER MAY RECEIVE AND PREPARE MAIL
21 BALLOTS DELIVERED AND TURNED OVER TO THEM BY THE CLERK FOR
22 COUNTING. COUNTING OF THE MAIL BALLOTS MAY BEGIN FIFTEEN DAYS
23 PRIOR TO THE ELECTION AND CONTINUE UNTIL COUNTING IS COMPLETED.
24 THE ELECTION OFFICIAL IN CHARGE OF THE MAIL BALLOT COUNTING
25 CENTER SHALL TAKE ALL PRECAUTIONS NECESSARY TO ENSURE THE
26 SECRECY OF THE COUNTING PROCEDURES, AND THE ELECTION OFFICIALS
27 OR WATCHERS SHALL NOT RELEASE ANY INFORMATION CONCERNING THE

1 COUNT UNTIL AFTER 7 P.M. ON ELECTION DAY.

2 **31-10-912. Write-in candidate affidavit in mail ballot elections.**

3 NO WRITE-IN VOTE FOR ANY OFFICE SHALL BE COUNTED UNLESS AN
4 AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE HAS BEEN FILED WITH
5 THE CLERK BY THE PERSON WISHING TO BE A WRITE-IN CANDIDATE NOT
6 LATER THAN SIXTY-FOUR DAYS BEFORE THE DAY OF THE ELECTION. THE
7 AFFIDAVIT OF INTENT MUST INDICATE THE OFFICE TO WHICH THE AFFIANT
8 DESIRES ELECTION AND THAT THE AFFIANT IS QUALIFIED TO ASSUME THE
9 OFFICE IF ELECTED.

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

15 **SECTION 21.** In Colorado Revised Statutes, **amend** 31-10-1002
16 as follows:

17 **31-10-1002. Application for absentee voter's ballot -**
18 **permanent absentee voter status - ballot delivery - list of absentee**
19 **voters.** (1) Requests for an application for an absentee voter's ballot may
20 be made orally or in writing. Applications for ~~absent~~ ABSENTEE voters'
21 ballots shall be filed in writing and ~~shall be~~ personally signed by the
22 applicant or a family member related by blood, ~~or~~ marriage, CIVIL UNION,
23 OR ADOPTION to the applicant. If the applicant is unable to sign the
24 application, the applicant shall make such applicant's mark on the
25 application, which shall be witnessed by another person. ~~Such~~ THE
26 application shall be filed with the clerk not earlier than ninety days before
27 and not later than the close of business on the Friday immediately

1 preceding such regular or special election. The application may be in the
2 form of a letter.

3 (2) Upon receipt of an application for an ~~absent~~ ABSENTEE voter's
4 ballot within the proper time, the clerk receiving it shall examine the
5 records of the county clerk and recorder to ascertain whether or not the
6 applicant is registered and lawfully entitled to vote as requested, and, if
7 found to be so, the clerk shall deliver, as soon as practicable, but not more
8 than seventy-two hours after the ballots have been received, to the
9 applicant personally in the clerk's office or by mail to the mailing address
10 given in the application an official ~~absent~~ ABSENTEE voter's ballot, an
11 identification return envelope with the affidavit thereon properly filled in
12 as to precinct and residence address as shown by the records of the county
13 clerk and recorder, and an instruction card.

14 (2.3) THE CLERK SHALL KEEP A LIST OF NAMES OF ELIGIBLE
15 ELECTORS WHO HAVE APPLIED FOR ABSENTEE BALLOTS AND, IF
16 APPLICABLE, OF PERMANENT ABSENTEE VOTERS PURSUANT TO SUBSECTION
17 (2.5) OF THIS SECTION, WITH THE DATE ON WHICH EACH APPLICATION WAS
18 MADE, THE DATE ON WHICH THE ABSENTEE VOTER'S BALLOT WAS SENT,
19 AND THE DATE ON WHICH EACH ABSENTEE VOTER'S BALLOT WAS
20 RETURNED. IF AN ABSENTEE VOTER'S BALLOT IS NOT RETURNED, OR IF IT
21 IS REJECTED AND NOT COUNTED, THAT FACT WILL BE NOTED ON THE LIST.
22 THE LIST IS OPEN TO PUBLIC INSPECTION UNDER PROPER REGULATIONS.

23 (2.5) (a) ~~In addition to the requirements of subsection (2) of this~~
24 ~~section, the clerk shall also deliver, as soon as practicable after the ballots~~
25 ~~are received, to each municipal elector whose status as a permanent~~
26 ~~mail-in voter is indicated in the voter registration records of the county~~
27 ~~clerk and recorder, an official absent voter's ballot, an identification~~

1 ~~return envelope with the affidavit thereon properly filled in as to precinct~~
2 ~~and residence address as shown by the records of the county clerk and~~
3 ~~recorder, and an instruction card~~ THE CLERK MAY PERMIT AN ELIGIBLE
4 ELECTOR TO REQUEST PERMANENT ABSENTEE VOTER STATUS.

5 (b) UPON RECEIPT OF AN APPLICATION FOR PERMANENT ABSENTEE
6 VOTER STATUS, THE CLERK SHALL PROCESS THE APPLICATION IN THE SAME
7 MANNER AS AN APPLICATION FOR AN ABSENTEE VOTER'S BALLOT. IF THE
8 CLERK DETERMINES THAT THE APPLICANT IS AN ELIGIBLE ELECTOR, THE
9 CLERK SHALL PLACE THE ELIGIBLE ELECTOR'S NAME ON THE LIST
10 MAINTAINED BY THE MUNICIPALITY PURSUANT TO SUBSECTION (2.3) OF
11 THIS SECTION OF THOSE ELIGIBLE ELECTORS TO WHOM AN ABSENTEE
12 VOTER'S BALLOT IS MAILED EVERY TIME THERE IS A POLLING PLACE
13 ELECTION CONDUCTED BY THE MUNICIPALITY FROM WHICH THE ELIGIBLE
14 ELECTOR HAS REQUESTED PERMANENT ABSENTEE VOTER STATUS.

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

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

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

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

26 (C) THE PERSON IS NO LONGER ELIGIBLE TO VOTE IN THE POLITICAL
27 SUBDIVISION.

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

17 (4) (Deleted by amendment, L. 91, p. 640, § 87, effective May 1,
18 1991.)

19 **SECTION 22.** In Colorado Revised Statutes, 31-10-1007, **amend**
20 (1) as follows:

21 **31-10-1007. Casting and counting absentee ballots.** (1) If the
22 self-affirmation on the envelope containing the ~~absent~~ ABSENTEE voter's
23 ballot is properly sworn to, one of the judges shall open such voter's
24 identification envelope in the presence of a majority of the judges, and,
25 after announcing in an audible voice the name of such ~~absent~~ ABSENTEE
26 voter, he OR SHE shall tear open such envelope without defacing the
27 self-affirmation printed thereon or mutilating the enclosed ballot. Such

1 ballot shall MUST then be cast and counted in the same manner as if such
2 absent ABSENTEE voter had been present in person; except that one of the
3 judges shall deposit the ballot in the ballot box without unfolding it. If the
4 absent ABSENTEE voters' ballots are delivered to the judges of one
5 precinct selected by the clerk as provided by section 31-10-1006, the
6 absentee vote shall MUST be certified separately from the vote of the
7 precinct where it is counted.

8 **SECTION 23.** In Colorado Revised Statutes, **amend** 31-10-1008
9 as follows:

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

11 (1) The vote of any absent ABSENTEE voter may be challenged in the
12 same manner as other votes are challenged, and the judges of election
13 shall have power to determine the legality of such ballot. If the challenge
14 is sustained or if the judges determine that the self-affirmation
15 accompanying the absent ABSENTEE voter's ballot is insufficient or that
16 the voter is not a registered elector, the envelope containing the ballot of
17 such voter shall not be opened, and the judges shall endorse on the back
18 of the envelope the reason therefor. When it is made to appear to the
19 judges of election by sufficient proof that any absent ABSENTEE voter who
20 has marked and forwarded his OR HER ballot has died, the envelope
21 containing the ballot of such deceased voter shall not be opened, and the
22 judges shall make proper notation on the back of such envelope. If an
23 absent ABSENTEE voter's envelope contains more than one marked ballot
24 of any one kind, none of such ballots shall be counted, and the judges
25 shall make notation on the back of the ballots the reason therefor. Judges
26 of election shall certify in their returns the number of absent ABSENTEE
27 voters' ballots cast and counted and the number of such ballots rejected.

1 (2) All ~~absent~~ ABSENTEE voters' identification envelopes, ballot
2 stubs, and ~~absent~~ ABSENTEE voters' ballots rejected by the judges of
3 election in accordance with the provisions of this section shall be returned
4 to the clerk. All ~~absent~~ ABSENTEE voters' ballots received by the clerk
5 after 7 p.m. the day of the election, together with those rejected and
6 returned by the judges of election, as provided in this section, shall
7 remain in the sealed identification envelopes and be destroyed later, as
8 provided in section 31-10-616.

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

13 **SECTION 24.** In Colorado Revised Statutes, **amend** 31-10-1101
14 as follows:

15 **31-10-1101. No voting unless registered.** Unless otherwise
16 permitted pursuant to section 31-10-203, no person shall be permitted to
17 vote at any regular or special election unless his OR HER name is found on
18 the registration list or official registration book or unless registration in
19 that precinct is confirmed ~~orally~~ as provided by section 31-10-606 (1).

20 **SECTION 25.** In Colorado Revised Statutes, 31-10-1104, **amend**
21 (4) and (5) as follows:

22 **31-10-1104. Challenge questions asked voter.** (4) If the person
23 is challenged as unqualified on the ground that he or she has not resided
24 in this state for ~~thirty~~ TWENTY-TWO days immediately preceding the
25 election, the judges, or one of them, shall put the following questions:

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

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

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

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

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

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

14 **SECTION 26.** In Colorado Revised Statutes, 31-10-1105, **amend**
15 (1) as follows:

16 **31-10-1105. Oath of challenged voter.** (1) If the challenge is not
17 withdrawn after the person offering to vote has answered the questions
18 put to him or her, one of the judges shall tender the following oath:

19 "You do solemnly swear or affirm that you are a citizen of
20 the United States of the age of eighteen years or over; that
21 you have been a resident of this state for ~~thirty~~
22 TWENTY-TWO days next preceding this election and have
23 not retained a home or domicile elsewhere; that you ~~have~~
24 ~~been for the last thirty days, and now are~~ HAVE BEEN a
25 resident of this ~~precinct or have removed therefrom not~~
26 ~~more than thirty days as provided in section 31-10-201~~
27 MUNICIPALITY FOR THE TWENTY-TWO DAYS PRECEDING THE

1 ELECTION; that you are a registered elector of this precinct;
2 and that you have not voted at this election."

3 **SECTION 27.** In Colorado Revised Statutes, 31-25-1209, **amend**
4 (1) (d) as follows:

5 **31-25-1209. Board of directors - duties.** (1) (d) If the petition
6 initiating the organization of the district or any subsequent petition signed
7 by persons who own real or personal property in the service area of the
8 proposed district having a valuation for assessment of not less than fifty
9 percent, or such greater amount as the governing body may provide by
10 ordinance, of the valuation for assessment of all real and personal
11 property in the service area of the proposed district and who own at least
12 fifty percent, or such greater amount as the governing body may provide
13 by ordinance, of the acreage in the proposed district so specifies, the
14 members of the board of the district shall be elected by the electors of the
15 district. If such a petition is approved, the terms of members of the board
16 ~~shall~~ MUST be specified by ordinance of the governing body and shall be
17 the same as the terms of directors of special districts pursuant to article
18 1 of title 32, C.R.S. The initial election for members of the board ~~shall~~
19 MUST be held within ~~sixty~~ NINETY days after approval of the ordinance
20 organizing the district or the filing of any subsequent petition. All
21 subsequent elections for members of the board ~~shall~~ MUST be on the
22 regular election date specified in article 1 of title 32, C.R.S., for special
23 districts. The number of directors, the quorum requirements, and the oaths
24 of office shall be the same as those provided for directors of special
25 districts pursuant to article 1 of title 32, C.R.S. Any vacancy on the board
26 ~~shall~~ MUST be filled in the same manner as provided in paragraph (b) of
27 this subsection (1). Until the members of the board are elected and

1 qualified, the governing body shall serve as the board of the district.
2 Elections pursuant to this paragraph (d) ~~shall~~ MUST be held in accordance
3 with the provisions of part 8 of article 1 of title 32, C.R.S. The cost of any
4 election held pursuant to this paragraph (d) ~~shall~~ MUST be borne by the
5 district.

6 **SECTION 28.** In Colorado Revised Statutes, 32-1-103, **amend**
7 (5) (a), (5) (e), and (23) (a) as follows:

8 **32-1-103. Definitions.** As used in this article, unless the context
9 otherwise requires:

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

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

15 (II) Who, or whose spouse OR CIVIL UNION PARTNER, owns taxable
16 real or personal property situated within the boundaries of the special
17 district or the area to be included in the special district, whether said
18 person resides within the special district or not.

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

25 (23) (a) "Taxpaying elector" means an eligible elector of a special
26 district who, or whose spouse OR CIVIL UNION PARTNER, owns taxable real
27 or personal property within the special district or the area to be included

1 in or excluded from the special district, whether the person resides within
2 the special district or not.

3 **SECTION 29.** In Colorado Revised Statutes, 32-1-305.5, **amend**
4 (1) and (4) as follows:

5 **32-1-305.5. Organizational election - new special district - first**
6 **directors.** (1) In the order authorizing the election, the court shall name
7 either the clerk and recorder of the county in which the district is to be or
8 another eligible elector OF THE STATE as the designated election official
9 responsible for the conducting of the election.

10 (4) A nomination for director to serve for either term may be made
11 by self-nomination and acceptance form or letter, as provided in ~~section~~
12 ~~32-1-804.3~~ SECTION 1-13.5-303, C.R.S., with the time and manner of
13 filing such form or letter as directed in the order of the district court
14 authorizing the election.

15 **SECTION 30.** In Colorado Revised Statutes, **amend** 32-1-803.5
16 as follows:

17 **32-1-803.5. Organizational election - new special district.** At
18 any election for the organization of a new special district, the court shall
19 also order the submission of the proposition of issuing general obligation
20 bonds or creating other general obligation indebtedness or any question
21 or questions necessary to implement ~~the provisions of~~ section 20 of article
22 X of the ~~Colorado~~ STATE constitution as applied to the new special
23 district, if the petition filed pursuant to section 32-1-301 requests that
24 such questions be submitted at the organizational election. The order of
25 the court shall make the determinations required by section 32-1-1101 (2)
26 and (3) (a) and require the ~~clerk of the~~ DESIGNATED ELECTION OFFICIAL
27 APPOINTED BY THE COURT PURSUANT TO SECTION 32-1-305.5(1) to conduct

1 the election in accordance with section 20 of article X of the Colorado
2 STATE constitution.

3 **SECTION 31.** In Colorado Revised Statutes, 32-1-809, **amend**
4 (1) (g); and **add** (1) (j) as follows:

5 **32-1-809. Notice to electors.** (1) No more than sixty days prior
6 to and not later than January 15 of each year, the board shall provide
7 notice to the eligible electors of the special district in the manner set forth
8 in subsection (2) of this section. The notice shall contain the following:

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

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

15 **SECTION 32.** In Colorado Revised Statutes, 1-1-104, **amend**
16 (11) as follows:

17 **1-1-104. Definitions.** As used in this code, unless the context
18 otherwise requires:

19 (11) "Election records" includes ~~but is not limited to~~ accounting
20 forms, certificates of registration, pollbooks, certificates of election,
21 signature cards, all affidavits, ~~mail-in~~ voter applications, ~~mail-in~~ OTHER
22 voter lists and records, ~~mail-in voter~~ MAIL BALLOT return envelopes, voted
23 ballots, unused ballots, spoiled ballots, and replacement ballots.

24 **SECTION 33.** In Colorado Revised Statutes, 1-2-210.5, **amend**
25 (1) and (5) (b) (I) (B) as follows:

26 **1-2-210.5. Registration of and voting by persons in custody of**
27 **division of youth corrections - definitions.** (1) In the case of any

1 individual committed to a juvenile facility and in the custody of the
2 division of youth corrections in the department of human services created
3 in section 19-2-203 (1), C.R.S., who is eighteen years of age or older on
4 the date of the next election, the administrator of the facility in which the
5 individual is committed shall facilitate the registration for voting purposes
6 of, and voting by, the individual. In connection with this requirement, the
7 administrator shall provide the individual information regarding his or her
8 voting rights and how the individual may register to vote and cast a mail
9 ~~or mail-in~~ ballot, provide the individual with voter information materials
10 upon the request of the individual, and ensure that any mail ~~or mail-in~~
11 ballot cast by the individual is timely delivered to the designated election
12 official.

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

16 (B) An application for a ~~mail-in~~ MAIL ballot pursuant to ~~section~~
17 ~~1-8-104~~ SECTION 1-13.5-1002;

18 **SECTION 34.** In Colorado Revised Statutes, 1-2-301, **amend** (4)
19 (a) (II) as follows:

20 **1-2-301. Centralized statewide registration system - secretary**
21 **of state to maintain computerized statewide voter registration list -**
22 **county computer records - agreement to match information.**

23 (4) (a) (II) The centralized statewide registration system shall enable
24 county clerk and recorders to maintain voter registration information and
25 shall include such additional capabilities as may be necessary or desirable
26 to enable county clerk and recorders and the secretary of state to carry out
27 their responsibilities related to the conduct of elections. Such additional

1 capabilities may include but need not be limited to the preparation of
2 ballots, the identification of voting districts for each address, access by
3 county clerk and recorders to the master list of registered electors and, on
4 or after January 1, 2006, the computerized statewide voter registration list
5 maintained pursuant to this section and section 1-2-302, the management
6 of ~~mail-in and~~ mail ballots, the preparation of official abstracts of votes
7 cast, the transmission of voting data from county clerk and recorders to
8 the secretary of state, and reporting of voting results on election night.
9 County clerk and recorders shall have access to the digitized signatures
10 of electors in the centralized statewide registration system for the purpose
11 of comparing an elector's signature in the system with the signature on the
12 return envelope of a ~~mail-in ballot or~~ mail ballot, including by using a
13 signature verification device in accordance with ~~sections~~ SECTION
14 1-7.5-107.3 (5). ~~and 1-8-114.5 (5)~~.

15 **SECTION 35.** In Colorado Revised Statutes, **amend** 1-4-503 as
16 follows:

17 **1-4-503. Method of nomination for nonpartisan candidates.**
18 ~~Except as provided for the nomination of special district directors in~~
19 ~~section 32-1-804.3, C.R.S.,~~ Nominations for all elected nonpartisan local
20 government officials ~~shall~~ MUST be by petition for nomination as
21 provided in part 8 of this article.

22 **SECTION 36.** In Colorado Revised Statutes, 1-7.5-116, **amend**
23 (1) (a) as follows:

24 **1-7.5-116. Applications for absentee ballot.** (1) (a) An
25 application for an absentee ballot must be made in writing, by electronic
26 mail, or by fax, using the application form furnished by the designated
27 election official or in the form of a letter that includes the applicant's

1 printed name, signature, residence address, mailing address if the
2 applicant wishes to receive the ~~mail-in~~ MAIL ballot by mail, and date of
3 birth.

4 **SECTION 37.** In Colorado Revised Statutes, 1-8.3-108, **amend**
5 (1) as follows:

6 **1-8.3-108. Methods of applying for ballot - definition.** (1) A
7 covered voter who is registered to vote in this state may apply for a ballot
8 using either the regular mail ballot application in use in the voter's
9 jurisdiction under ~~article 8~~ ARTICLE 13.5 of this title or the federal
10 postcard application or the application's electronic equivalent.

11 **SECTION 38.** In Colorado Revised Statutes, 1-8.3-115, **amend**
12 (2) as follows:

13 **1-8.3-115. Use of covered voter's electronic-mail address.**
14 (2) Unless a covered voter applies to be a permanent ~~mail-in~~ MAIL voter
15 pursuant to ~~section 1-8-104.5~~ SECTION 1-13.5-1003, the covered voter
16 who provides an electronic-mail address may request that the voter's
17 application for a military-overseas ballot be considered a standing request
18 for electronic delivery of a ballot for all elections held through December
19 31 of the year following the calendar year of the date of the application
20 or another shorter period the voter specifies. An election official shall
21 provide a military-overseas ballot to a voter who makes a standing request
22 for each election to which the request is applicable. A covered voter who
23 is entitled to receive a ballot for a primary election under this subsection
24 (2) is entitled to receive a ballot for the general election.

25 **SECTION 39.** In Colorado Revised Statutes, **amend** 1-9-210 as
26 follows:

27 **1-9-210. Copy of challenge delivered to elector.** When a

1 challenge is made to a person who cast a ~~mail-in ballot~~, mail ballot or
2 provisional ballot and the person was not present at the time of the
3 challenge, the county clerk and recorder or designated election official
4 shall notify and mail a copy of the challenge to the person challenged in
5 accordance with the rules of the secretary of state.

6 **SECTION 40.** In Colorado Revised Statutes, **amend** 1-13-803 as
7 follows:

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

16 **SECTION 41.** In Colorado Revised Statutes, 1-45-110, **amend**
17 (1) as follows:

18 **1-45-110. Candidate affidavit - disclosure statement.** (1) When
19 any individual becomes a candidate, such individual shall certify, by
20 affidavit filed with the appropriate officer within ten days, that the
21 candidate is familiar with the provisions of this article; except that an
22 individual who is a candidate in a special legislative election that filed a
23 candidate affidavit for the preceding general election shall not be required
24 to comply with the provisions of this section, and except that a candidate
25 in a special district election shall file the candidate affidavit or,
26 alternatively, a copy of the candidate's self-nomination and acceptance
27 form or letter submitted in accordance with ~~section 32-1-804.3, C.R.S.~~

1 SECTION 1-13.5-303, if such form or letter contains a statement that the
2 candidate is familiar with the provisions of this article, no later than the
3 date established for certification of the special district's ballot pursuant to
4 section 1-5-203 (3) (a). A candidate in a municipal election may comply
5 with this section by filing a candidate affidavit pursuant to section
6 31-10-302 (6), C.R.S., if such affidavit contains a statement that the
7 candidate is familiar with the provisions of this article.

8 **SECTION 42.** In Colorado Revised Statutes, 19-2-203, **amend**
9 (3) (b) as follows:

10 **19-2-203. Division of youth corrections - created - interagency**
11 **agreements - duties of administrators of facilities in connection with**
12 **voter registration and casting of ballots - definitions.** (3) (b) The
13 administrator of a facility in which an individual described in paragraph
14 (a) of this subsection (3) is committed shall facilitate the voting rights of
15 the individual. In connection with such requirements, the administrator
16 shall provide the individual information regarding his or her voting rights
17 and how the individual may register to vote and cast a mail ~~or mail-in~~
18 ballot, provide the individual with voter information materials upon the
19 request of the individual, and ensure that any mail ~~or mail-in~~ ballot cast
20 by the individual is timely delivered to the designated election official.
21 For purposes of this subsection (3), "administrator" and "voter
22 information materials" have the same meaning as set forth in section
23 1-2-210.5 (5), C.R.S. Notwithstanding any other provision of law, to
24 satisfy the requirements of this paragraph (b), the administrator is exempt
25 from any restriction under law on the number of mail ~~or mail-in~~ ballots
26 an eligible elector may deliver in person to the designated election
27 official.

1 **SECTION 43.** In Colorado Revised Statutes, 32-1-806, **amend**
2 (3) as follows:

3 **32-1-806. Persons entitled to vote at special district elections.**

4 (3) For electors who vote at any election by ~~mail-in ballot~~ or mail ballot,
5 the affidavit on the envelope of the ballot as required by title 1, C.R.S.,
6 may be substituted for the self-affirming oath or affirmation required by
7 subsection (2) of this section.

8 **SECTION 44.** In Colorado Revised Statutes, 32-1-808, **amend**
9 (2) (a) (IV) as follows:

10 **32-1-808. Transfer of property title to qualify electors -**

11 **limitations.** (2) (a) (IV) On or after the day after the filing deadline for
12 self-nomination and acceptance forms or letters pursuant to ~~section~~
13 ~~32-1-804.3~~ SECTION 1-13.5-303, C.R.S., before any regular special district
14 election, the number of otherwise qualified eligible electors who have
15 filed self-nomination and acceptance forms or letters pursuant to ~~section~~
16 ~~32-1-804.3~~ SECTION 1-13.5-303, C.R.S., is less than the number of special
17 district director offices to be voted upon at the election.

18 **SECTION 45.** In Colorado Revised Statutes, 37-46-137, **amend**
19 (3), (5), (7) introductory portion, (8), and (9) as follows:

20 **37-46-137. Conduct of election.** (3) An elector of the district
21 may vote in any election by ~~absent~~ ABSENTEE voter's ballot under such
22 terms and conditions, and in substantially the same manner insofar as is
23 practicable, as prescribed in ~~article 8~~ ARTICLE 13.5 of title 1, C.R.S., of
24 ~~the "Uniform Election Code of 1992"~~, except as specifically modified in
25 this article.

26 (5) Application may be made for an ~~absent~~ ABSENTEE voter's
27 ballot not more than twenty days and not less than four days before the

1 election.

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

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

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

17 **SECTION 46.** In Colorado Revised Statutes, 37-47-137, **amend**
18 (3), (5), (7) introductory portion, (8), and (9) as follows:

19 **37-47-137. Conduct of election.** (3) An elector of the district
20 may vote in any election by ~~absent~~ ABSENTEE voter's ballot under such
21 terms and conditions, and in substantially the same manner insofar as is
22 practicable, as prescribed in ~~article 8~~ ARTICLE 13.5 of title 1, C.R.S., of
23 the "Uniform Election Code of 1992", except as specifically modified in
24 this article.

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

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

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

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

16 **SECTION 47.** In Colorado Revised Statutes, 37-48-179, **amend**
17 (3), (5), (7) introductory portion, (8), and (9) as follows:

18 **37-48-179. Conduct of election.** (3) An elector of the district
19 may vote in any election by ~~absent~~ ABSENTEE voter's ballot under such
20 terms and conditions, and in substantially the same manner insofar as is
21 practicable, as prescribed in ~~article 8~~ ARTICLE 13.5 of title 1, C.R.S., ~~of~~
22 ~~the "Uniform Election Code of 1992"~~, except as specifically modified in
23 this article.

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

27 (7) The return envelope for the ~~absent~~ ABSENTEE voter's ballot

1 shall have printed on its face an affidavit substantially in the following
2 form:

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

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

15 **SECTION 48.** In Colorado Revised Statutes, **repeal** 1-1-104 (28),
16 article 8 of title 1, 32-1-804.1, 32-1-804.3, and 32-1-805.

17 **SECTION 49. Applicability.** This act applies to elections
18 conducted on or after the effective date of this act.

19 **SECTION 50. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.