

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 14-1164

BY REPRESENTATIVE(S) Hullinghorst, Buckner, Court, Exum, Fields, Fischer, Ginal, Hamner, Labuda, Lee, Melton, Pabon, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Williams, Young, McLachlan;  
also SENATOR(S) Ulibarri, Heath, Jones, Carroll.

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2.** In Colorado Revised Statutes, **amend** 1-5-401 as follows:

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

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

**SECTION 3.** In Colorado Revised Statutes, 1-7-116, **amend** (1) and (5) as follows:

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

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

DEFINED IN SECTION 31-1-101, C.R.S., OR A SPECIAL DISTRICT AS DEFINED IN SECTION 1-13.5-103.

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

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

**SECTION 4.** In Colorado Revised Statutes, **amend** 1-7.5-102 as follows:

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

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

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

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

**1-7.5-103. Definitions.** As used in this article, unless the context

otherwise requires:

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

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

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

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

**SECTION 6.** In Colorado Revised Statutes, **add** article 13.5 to title 1 as follows:

## **ARTICLE 13.5**

### **Colorado Local Government Election Code**

#### **PART 1**

#### **DEFINITIONS AND GENERAL PROVISIONS**

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

**1-13.5-102. Applicability of article - legislative intent.** (1) THIS ARTICLE APPLIES ONLY TO NONPARTISAN ELECTIONS NOT COORDINATED BY COUNTY CLERK AND RECORDERS THAT ARE CONDUCTED BY A LOCAL GOVERNMENT; EXCEPT THAT NOTHING PROHIBITS THE GOVERNING BODY OF

A LOCAL GOVERNMENT FROM UTILIZING ANY REQUIREMENTS AND PROCEDURES OF THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF THIS TITLE, IN ACCORDANCE WITH SECTION 1-13.5-106.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**1-13.5-104. Acts and elections conducted pursuant to provisions that refer to qualified electors.** ANY ELECTIONS, AND ANY ACTS RELATING THERETO, CARRIED OUT UNDER LAW THAT WERE CONDUCTED PRIOR TO JULY 1, 1987, PURSUANT TO PROVISIONS THAT REFERRED TO A QUALIFIED

ELECTOR RATHER THAN AN ELIGIBLE ELECTOR AND THAT WERE VALID WHEN CONDUCTED ARE DEEMED AND HELD TO BE LEGAL AND VALID IN ALL RESPECTS.

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

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

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

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

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

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

**1-13.5-108. Powers of designated election official.** (1) EXCEPT AS

OTHERWISE PROVIDED IN THIS ARTICLE, THE DESIGNATED ELECTION OFFICIAL SHALL RENDER ALL INTERPRETATIONS AND SHALL MAKE ALL INITIAL DECISIONS AS TO CONTROVERSIES OR OTHER MATTERS ARISING IN THE OPERATION OF THIS ARTICLE.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(b) IF THE NONPARTISAN OFFICER WAS ELECTED AT AN ELECTION OTHER THAN A REGULAR ELECTION, THE NEXT MEETING OF THE GOVERNING

BODY OF THE LOCAL GOVERNMENT FOLLOWING THE DATE OF THE ELECTION.

PART 2  
QUALIFICATIONS AND REGISTRATION OF ELECTORS

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

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

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

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

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

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

(3) THE REGISTRATION LIST THAT IS CERTIFIED THIRTY DAYS BEFORE THE ELECTION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION MUST CONTAIN THE NAMES AND ADDRESSES OF ALL REGISTERED ELECTORS RESIDING WITHIN THE LOCAL GOVERNMENT AT THE CLOSE OF BUSINESS ON THE FORTIETH DAY PRECEDING THE ELECTION. THE SUPPLEMENTAL REGISTRATION LIST FOR EACH LOCAL GOVERNMENT THAT IS CERTIFIED NO LATER THAN TWENTY DAYS BEFORE THE ELECTION MUST CONTAIN THE NAMES AND ADDRESSES OF ALL ELIGIBLE ELECTORS RESIDING WITHIN THE LOCAL GOVERNMENT AT THE CLOSE OF BUSINESS ON THE TWENTY-SECOND DAY PRIOR TO THE ELECTION. IF A SUPPLEMENTAL LIST IS PROVIDED, IT MUST CONTAIN THE NAMES AND ADDRESSES OF ALL ELIGIBLE ELECTORS WHO BECAME ELIGIBLE DURING THE PERIOD SINCE THE INITIAL REGISTRATION LIST WAS CERTIFIED THROUGH THE CLOSE OF BUSINESS ON THE TWENTY-SECOND DAY PRECEDING THE ELECTION.

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

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

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

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

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

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

### PART 3 NOMINATIONS

**1-13.5-301. Eligibility for office - prohibitions - exceptions - challenges.** (1) (a) NO PERSON EXCEPT AN ELIGIBLE ELECTOR WHO IS AT LEAST EIGHTEEN YEARS OF AGE, UNLESS ANOTHER AGE IS REQUIRED BY LAW, IS ELIGIBLE TO HOLD ANY OFFICE IN THIS STATE. NO PERSON IS ELIGIBLE TO BE A CANDIDATE FOR OFFICE UNLESS THAT PERSON FULLY

MEETS THE QUALIFICATIONS OF THAT OFFICE AS STATED IN THE CONSTITUTION AND STATUTES OF THIS STATE ON OR BEFORE THE DATE THE PERSON IS NOMINATED TO THE OFFICE. THE DESIGNATED ELECTION OFFICIAL SHALL NOT CERTIFY THE NAME OF ANY CANDIDATE WHO FAILS TO SWEAR OR AFFIRM UNDER OATH THAT HE OR SHE FULLY MEETS THE QUALIFICATIONS AS OF THE DATE OF NOMINATION OR WHO IS UNABLE TO PROVIDE PROOF THAT HE OR SHE MEETS ANY REQUIREMENTS OF THE OFFICE RELATING TO REGISTRATION, RESIDENCE, OR PROPERTY OWNERSHIP.

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

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

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

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

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

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

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

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

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

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

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

(5) EACH NOMINATION PETITION MUST BE FILED WITH THE DESIGNATED ELECTION OFFICIAL NO LATER THAN THE SIXTY-SEVENTH DAY PRIOR TO THE DAY OF ELECTION. EVERY PETITION MUST HAVE ENDORSED ON IT OR APPENDED TO IT THE WRITTEN AFFIDAVIT OF THE CANDIDATE

ACCEPTING THE NOMINATION AND SWEARING THAT THE CANDIDATE SATISFIES THE REQUIREMENTS SET FORTH IN LAW TO BE A CANDIDATE AND HOLD OFFICE IN THE LOCAL GOVERNMENT.

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

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

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

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

(3) THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER MUST CONTAIN THE NAME OF THE SPECIAL DISTRICT IN WHICH THE ELECTION WILL BE HELD, THE SPECIAL DISTRICT DIRECTOR OFFICE SOUGHT BY THE CANDIDATE, THE TERM OF OFFICE SOUGHT IF MORE THAN ONE LENGTH OF A DIRECTOR'S TERM IS TO BE VOTED UPON AT THE ELECTION, THE DATE OF THE ELECTION, THE FULL NAME OF THE CANDIDATE AS IT IS TO APPEAR ON THE BALLOT, AND WHETHER THE CANDIDATE IS A MEMBER OF AN EXECUTIVE BOARD OF A UNIT OWNERS' ASSOCIATION, AS DEFINED IN SECTION 38-33.3-103, C.R.S., LOCATED WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT FOR WHICH THE CANDIDATE IS RUNNING FOR OFFICE. UNLESS PHYSICALLY UNABLE, ALL CANDIDATES AND WITNESSES SHALL SIGN THEIR

OWN SIGNATURE AND SHALL PRINT THEIR NAMES, THEIR RESPECTIVE RESIDENCE ADDRESSES, INCLUDING THE STREET NUMBER AND NAME, THE CITY OR TOWN, THE COUNTY, TELEPHONE NUMBER, AND THE DATE OF SIGNATURE ON THE SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER.

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

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

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

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

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

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



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

#### PART 4 ELECTION JUDGES

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

THE RIGHT TO MAKE COPIES THEREOF.

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

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

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

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

**1-13.5-405. Vacancies - emergency appointments.** EXCEPT WHEN SECTION 1-13.5-404 APPLIES, IF AN INDIVIDUAL APPOINTED AS AN ELECTION JUDGE REFUSES OR FAILS TO ACCEPT THE APPOINTMENT OR IS UNABLE TO SERVE, THE INDIVIDUAL OR ANY OTHER ELECTION JUDGE MUST IMMEDIATELY NOTIFY THE DESIGNATED ELECTION OFFICIAL. THE DESIGNATED ELECTION OFFICIAL SHALL FORTHWITH APPOINT ANOTHER QUALIFIED INDIVIDUAL TO SERVE AS ELECTION JUDGE IN THE PLACE OF THE INDIVIDUAL. IN THE EVENT OF AN EMERGENCY, INCLUDING INABILITY TO

NOTIFY THE DESIGNATED ELECTION OFFICIAL, THE REMAINING ELECTION JUDGES AT THE LOCATION WHERE THE INDIVIDUAL WAS TO SERVE MAY APPOINT A REPLACEMENT ELECTION JUDGE.

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

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

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

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

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

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

## PART 5 NOTICE AND PREPARATION FOR ELECTIONS

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

(2) AS USED IN THIS SECTION, "PUBLICATION" MEANS PRINTING ONE TIME, IN ONE NEWSPAPER OF GENERAL CIRCULATION IN THE SPECIAL DISTRICT OR PROPOSED SPECIAL DISTRICT IF THERE IS SUCH A NEWSPAPER, AND, IF NOT, THEN IN A NEWSPAPER IN THE COUNTY IN WHICH THE SPECIAL DISTRICT OR PROPOSED SPECIAL DISTRICT IS LOCATED. FOR A SPECIAL DISTRICT WITH TERRITORY WITHIN MORE THAN ONE COUNTY, IF PUBLICATION CANNOT BE MADE IN ONE NEWSPAPER OF GENERAL

CIRCULATION IN THE SPECIAL DISTRICT, THEN ONE PUBLICATION IS REQUIRED IN A NEWSPAPER IN EACH COUNTY IN WHICH THE SPECIAL DISTRICT IS LOCATED AND IN WHICH THE SPECIAL DISTRICT ALSO HAS FIFTY OR MORE ELIGIBLE ELECTORS.

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

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

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

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

**1-13.5-503. Ballot issue notice.** (1) ANY BALLOT ISSUE NOTICE

RELATING TO A LOCAL GOVERNMENT BALLOT ISSUE MUST BE PREPARED AND DISTRIBUTED IN A MANNER CONSISTENT WITH PART 9 OF ARTICLE 7 OF THIS TITLE.

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

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

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

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

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

**1-13.5-504.5. Accessibility of polling places to persons with disabilities.** (1) EACH POLLING PLACE SHALL COMPLY FULLY WITH THE CURRENT "ADA STANDARDS FOR ACCESSIBLE DESIGN" SET FORTH IN 28 CFR 36 AND PROMULGATED IN ACCORDANCE WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", AS AMENDED, 42 U.S.C. SEC. 12101 ET SEQ., AND NO BARRIER SHALL IMPEDE THE PATH OF ELECTORS

WITH DISABILITIES TO THE VOTING BOOTH.

(2) EMERGENCY POLLING PLACES ARE EXEMPT FROM COMPLIANCE WITH THIS SECTION.

(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, A DESIGNATED ELECTION OFFICIAL SHALL ONLY SELECT AS POLLING PLACES SUCH SITES THAT MEET THE STANDARDS OF ACCESSIBILITY SET FORTH IN SUBSECTION (1) OF THIS SECTION.

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

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

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

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

(3) IN LOCAL GOVERNMENTS THAT USE AN ELECTRONIC VOTING SYSTEM, THE GOVERNING BODY SHALL PROVIDE ADEQUATE MATERIALS AND

EQUIPMENT FOR THE ORDERLY CONDUCT OF VOTING.

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

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

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

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

(2) FOR AN ORGANIZATIONAL ELECTION, THE NOTICE BY PUBLICATION MUST INCLUDE THE PURPOSES OF THE ELECTION, THE ESTIMATED OPERATING AND DEBT SERVICE MILL LEVIES AND FISCAL YEAR SPENDING FOR THE FIRST YEAR FOLLOWING ORGANIZATION, AND THE



BOUNDARIES OF THE SPECIAL DISTRICT. THE NOTICE BY PUBLICATION MUST RECITE THE ELECTION DATE, WHICH SHALL BE NOT LESS THAN TWENTY DAYS AFTER PUBLICATION OF THE ELECTION NOTICE.

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

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

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

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

(2) NO LATER THAN TWENTY-FIVE DAYS BEFORE AN ELECTION CONDUCTED AS A COORDINATED ELECTION IN NOVEMBER, AND AT ANY

TIME PRIOR TO ANY OTHER ELECTIONS, A GOVERNING BODY MAY BY RESOLUTION WITHDRAW ONE OR MORE BALLOT ISSUES OR BALLOT QUESTIONS FROM THE BALLOT. IN SUCH CASE, THE BALLOT ISSUES AND BALLOT QUESTIONS ARE DEEMED TO HAVE NOT BEEN SUBMITTED AND VOTES CAST ON THE BALLOT ISSUES AND BALLOT QUESTIONS WILL EITHER NOT BE COUNTED OR BE DEEMED INVALID BY ACTION OF THE GOVERNING BODY.

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

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

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

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

## PART 6 CONDUCT OF ELECTIONS

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

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

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

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

(c) IN CASE A WATCHER MUST LEAVE THE POLLING PLACE, THE WATCHER MAY DESIGNATE AN ALTERNATE TO ACT ON HIS OR HER BEHALF WHILE HE OR SHE IS ABSENT IF THE ALTERNATE IS MADE KNOWN TO THE ELECTION JUDGES BY AN AFFIDAVIT OF THE PERSON FIRST NAMED AS A WATCHER. A WATCHER SERVING AT THE POLLING PLACE HAS THE RIGHT TO REMAIN INSIDE THE POLLING PLACE FROM AT LEAST FIFTEEN MINUTES PRIOR TO THE OPENING OF THE POLLS UNTIL AFTER THE COMPLETION OF THE COUNT OF VOTES CAST AT THE ELECTION AND THE CERTIFICATION OF THE COUNT BY THE ELECTION JUDGES. EACH WATCHER MAY MAINTAIN A LIST OF

ELIGIBLE ELECTORS AS THE NAMES ARE ANNOUNCED BY THE ELECTION JUDGES AND WITNESS EACH STEP IN THE CONDUCT OF THE ELECTION.

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

(3) WATCHERS SHALL NOT:

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

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

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

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

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

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

(4) A DESIGNATED ELECTION OFFICIAL MAY REMOVE A WATCHER UPON FINDING THAT THE WATCHER COMMITS OR ENCOURAGES FRAUD IN CONNECTION WITH HIS OR HER DUTIES, VIOLATES ANY OF THE LIMITATIONS OUTLINED IN THIS ARTICLE, VIOLATES HIS OR HER OATH, OR IS ABUSIVE OR THREATENING TOWARD ELECTION OFFICIALS OR ANY OTHER PERSON.

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

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

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

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

NAME: .....  
DATE: .....  
SIGNATURE OF ELECTOR: .....

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

(2) (a) ANY PERSON DESIRING TO VOTE AT ANY SPECIAL DISTRICT

ELECTION AS AN ELIGIBLE ELECTOR WHO DOES NOT APPEAR ON THE REGISTRATION LIST OR PROPERTY OWNERS LIST FOR THE DISTRICT SHALL SIGN A SELF-AFFIRMATION THAT THE PERSON IS AN ELECTOR OF THE SPECIAL DISTRICT. THE SELF-AFFIRMING OATH OR AFFIRMATION SHALL BE ON A FORM THAT CONTAINS IN SUBSTANCE THE FOLLOWING:

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

\_\_\_\_\_ A RESIDENT OF THE DISTRICT OR AREA TO BE INCLUDED IN THE DISTRICT; OR

\_\_\_\_\_ THE OWNER OF TAXABLE REAL OR PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT; OR

\_\_\_\_\_ A PERSON WHO IS OBLIGATED TO PAY TAXES UNDER A CONTRACT TO PURCHASE TAXABLE PROPERTY IN THE SPECIAL DISTRICT OR THE AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT; OR

\_\_\_\_\_ THE SPOUSE OR CIVIL UNION PARTNER OF (NAME OF SPOUSE OR CIVIL UNION PARTNER) WHO IS THE OWNER OF TAXABLE REAL OR PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT.

I HAVE NOT VOTED PREVIOUSLY AT THIS ELECTION.

DATE \_\_\_\_\_

SIGNATURE OF ELECTOR \_\_\_\_\_.

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

(I) TAKING SUBSTANTIALLY THE FOLLOWING SELF-AFFIRMATION:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM A CITIZEN OF THE UNITED STATES OF THE AGE OF EIGHTEEN YEARS OR OLDER; THAT I AM A REGISTERED ELECTOR IN THIS POLITICAL

SUBDIVISION; THAT I AM ELIGIBLE TO VOTE AT THIS ELECTION; AND THAT I HAVE NOT PREVIOUSLY VOTED AT THIS ELECTION; OR

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

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

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

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

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

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

(7) IN PRECINCTS USING PAPER BALLOTS, AN ELECTION JUDGE SHALL GIVE THE ELIGIBLE ELECTOR ONE, AND ONLY ONE, BALLOT, WHICH THE

ELECTION JUDGE SHALL REMOVE FROM THE PACKAGE OF BALLOTS BY TEARING OR CUTTING THE BALLOT ALONG THE PERFORATED OR DOTTED LINE. BEFORE DELIVERING THE BALLOT TO AN ELECTOR, THE ELECTION JUDGE HAVING CHARGE OF THE BALLOTS SHALL ENDORSE HIS OR HER INITIALS ON THE DUPLICATE STUB. AN ELECTION JUDGE SHALL ENTER THE NAME OF THE ELECTOR AND NUMBER OF SAID BALLOT IN THE POLLBOOK.

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

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

(2) EACH ELIGIBLE ELECTOR WHO HAS PREPARED A BALLOT AND IS READY TO CAST HIS OR HER VOTE SHALL THEN LEAVE THE VOTING BOOTH AND APPROACH THE ELECTION JUDGE IN CHARGE OF THE BALLOT BOX. THE ELECTOR SHALL GIVE HIS OR HER NAME TO THAT JUDGE, WHO SHALL ANNOUNCE THE NAME OF SUCH ELECTOR AND THE NUMBER UPON THE DUPLICATE STUB OF THE BALLOT, WHICH NUMBER MUST CORRESPOND WITH THE STUB NUMBER PREVIOUSLY PLACED ON THE REGISTRATION LIST OR POLLBOOK. IF THE STUB NUMBER OF THE BALLOT CORRESPONDS AND IS IDENTIFIED BY THE INITIALS OF THE ELECTION JUDGE PLACED THEREUPON, THE ELECTION JUDGE SHALL THEN REMOVE THE DUPLICATE STUB FROM THE BALLOT. THE BALLOT MUST THEN BE RETURNED TO THE ELIGIBLE ELECTOR, WHO SHALL, IN FULL VIEW OF THE ELECTION JUDGES, CAST HIS OR HER VOTE BY DEPOSITING THE BALLOT IN THE BALLOT BOX.

(3) EACH ELIGIBLE ELECTOR SHALL MARK AND DEPOSIT HIS OR HER



BALLOT WITHOUT UNDUE DELAY AND SHALL LEAVE THE IMMEDIATE VOTING AREA AS SOON AS THE ELECTOR VOTES. NO ELECTOR SHALL OCCUPY A VOTING BOOTH ALREADY OCCUPIED BY ANOTHER, NOR REMAIN WITHIN THE IMMEDIATE VOTING AREA FOR MORE THAN TEN MINUTES, NOR OCCUPY A VOTING BOOTH FOR MORE THAN FIVE MINUTES IF ALL SUCH BOOTHS ARE IN USE AND OTHER ELECTORS ARE WAITING TO OCCUPY THE SAME. NO ELIGIBLE ELECTOR WHOSE NAME HAS BEEN ENTERED ON THE POLLBOOK IS ALLOWED TO REENTER THE IMMEDIATE VOTING AREA DURING THE ELECTION EXCEPT WHEN ACCOMPANIED BY AN ELECTION JUDGE.

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

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

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

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

**1-13.5-609. Counting paper ballots.** (1) AS SOON AS THE POLLS AT ANY ELECTION ARE FINALLY CLOSED, THE ELECTION JUDGES SHALL IMMEDIATELY OPEN THE BALLOT BOX AND PROCEED TO COUNT THE VOTES

CAST, AND, BEFORE THE ELECTION JUDGES ADJOURN, THE COUNTING THEREOF SHALL CONTINUE UNTIL FINISHED. THE ELECTION JUDGES SHALL FIRST COUNT THE NUMBER OF BALLOTS IN THE BOX. IF THE BALLOTS ARE FOUND TO EXCEED THE NUMBER OF NAMES ENTERED ON THE POLLBOOK, THE ELECTION JUDGES SHALL THEN EXAMINE THE OFFICIAL ENDORSEMENTS UPON THE BALLOTS, AND IF, IN THE UNANIMOUS OPINION OF THE JUDGES, ANY OF THE BALLOTS IN EXCESS OF THE NUMBER ON THE POLLBOOK DO NOT BEAR THE PROPER OFFICIAL ENDORSEMENT, THEY SHALL BE PUT INTO A SEPARATE PILE, AND A SEPARATE RECORD AND RETURN OF THE VOTES IN SUCH BALLOTS SHALL BE MADE UNDER THE HEADING "EXCESS BALLOTS". WHEN THE BALLOTS AND THE POLLBOOK AGREE, THE ELECTION JUDGES SHALL PROCEED TO COUNT THE VOTES. EACH BALLOT SHALL BE READ AND COUNTED SEPARATELY, AND EVERY NAME SEPARATELY MARKED AS VOTED FOR ON SUCH BALLOT WHERE THERE IS NO CONFLICT TO OBSCURE THE INTENTION OF THE VOTER, AND SHALL BE READ AND MARKED UPON THE TALLY SHEETS BEFORE PROCEEDING TO ANY OTHER BALLOT. EACH BALLOT, EXCEPTING EXCESS BALLOTS, SHALL BE READ AND COUNTED AND PLACED UPON THE TALLY SHEETS IN LIKE MANNER.

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

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

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

(2) WHEN THE COUNTING JUDGES HAVE COUNTED THE VOTES IN A BALLOT BOX, THEY SHALL RETURN THE EMPTY BALLOT BOX TO THE

RECEIVING JUDGES AND EXCHANGE IT FOR THE BOX CONTAINING BALLOTS CAST SINCE TAKING POSSESSION OF THE FIRST BALLOT BOX. THE JUDGES SHALL CONTINUE TO EXCHANGE BALLOT BOXES IN THE SAME MANNER UNTIL THE POLLS ARE CLOSED AND SHALL CONTINUE COUNTING UNTIL ALL BALLOTS HAVE BEEN COUNTED.

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

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

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

**1-13.5-612. Defective ballots.** (1) IF AN ELECTOR VOTES FOR MORE NAMES THAN THERE ARE PERSONS TO BE ELECTED TO AN OFFICE, OR, IF IT IS IMPOSSIBLE TO DETERMINE THE CHOICE OF AN ELECTOR FOR AN OFFICE TO BE FILLED, THE ELECTOR'S BALLOT WILL NOT BE COUNTED FOR THAT OFFICE. A DEFECTIVE OR AN INCOMPLETE CROSS MARKED ON ANY BALLOT IN A PROPER PLACE MUST BE COUNTED IF THERE IS NO OTHER MARK OR CROSS ON SUCH BALLOT INDICATING AN INTENTION TO VOTE FOR SOME PERSON OTHER THAN THOSE INDICATED BY THE FIRST MENTIONED DEFECTIVE CROSS OR MARK. NO BALLOT WITHOUT THE OFFICIAL ENDORSEMENT, EXCEPT AS PROVIDED IN SECTION 1-13.5-704, MAY BE DEPOSITED IN THE BALLOT BOX, AND ONLY BALLOTS PROVIDED IN ACCORDANCE WITH THIS ARTICLE SHALL BE COUNTED. IF THE ELECTION JUDGES DISCOVER IN THE COUNTING OF VOTES THAT THE NAME OF ANY CANDIDATE VOTED FOR IS MISSPELLED OR THE INITIAL LETTERS OF A CANDIDATE'S GIVEN NAME ARE TRANSPOSED OR OMITTED IN PART OR ALTOGETHER ON THE BALLOT, THE VOTE FOR THE CANDIDATE MUST BE COUNTED IF THE INTENTION OF THE ELECTOR TO VOTE FOR THE CANDIDATE IS APPARENT.

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

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

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

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

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

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

(I) THE NUMBER OF BALLOTS DELIVERED TO ELECTORS;

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

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

(IV) THE NUMBER OF SPOILED BALLOTS; AND

(V) THE NUMBER OF BALLOTS RETURNED.

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

**1-13.5-614. Delivery of election returns, ballot boxes, and other**

**election papers.** WHEN ALL THE VOTES HAVE BEEN READ AND COUNTED, AN ELECTION JUDGE SHALL DELIVER TO THE DESIGNATED ELECTION OFFICIAL THE CERTIFICATE AND STATEMENT REQUIRED BY SECTION 1-13.5-613, THE BALLOT BOXES AND ALL KEYS OR SEALS THERETO, AND THE REGISTRATION AND PROPERTY OWNERS LISTS, POLLBOOKS, TALLY SHEETS, SPOILED BALLOTS, UNUSED BALLOTS, BALLOT STUBS, OATHS, AFFIDAVITS, AND OTHER ELECTION PAPERS AND SUPPLIES. THE DELIVERY MUST BE MADE AT ONCE AND WITH ALL CONVENIENT SPEED, AND INFORMALITY IN DELIVERY DOES NOT INVALIDATE THE VOTE OF ANY POLLING PLACE WHEN DELIVERY HAS BEEN MADE PRIOR TO THE COMPLETION OF THE OFFICIAL ABSTRACT OF THE VOTES BY THE CANVASSERS PURSUANT TO SECTION 1-13.5-1305. THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE A RECEIPT FOR ALL PAPERS SO DELIVERED.

**1-13.5-615. Abstract of votes - judges to post returns.** (1) (a) IN ADDITION TO ALL CERTIFICATES OTHERWISE REQUIRED TO BE MADE OF THE COUNT OF VOTES CAST AT ANY ELECTION, THE ELECTION JUDGES ARE REQUIRED TO MAKE AN ABSTRACT OF THE COUNT OF VOTES CONTAINING THE NAMES OF THE OFFICES, THE NAMES OF THE CANDIDATES, ANY BALLOT ISSUES OR BALLOT QUESTIONS VOTED UPON, AND THE NUMBER OF VOTES COUNTED FOR AND AGAINST EACH CANDIDATE OR BALLOT MEASURE.

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

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

**1-13.5-616. Preservation of ballots and election records.** (1) THE BALLOTS, WHEN NOT REQUIRED TO BE TAKEN FROM THE SEALED BOX FOR THE PURPOSE OF ELECTION CONTESTS, SHALL REMAIN IN THE SEALED BOX IN THE CUSTODY OF THE DESIGNATED ELECTION OFFICIAL UNTIL TWENTY-FIVE MONTHS AFTER THE DATE THE POLLS CLOSED FOR THE ELECTION AT WHICH THE BALLOTS WERE CAST OR UNTIL THE TIME HAS EXPIRED FOR WHICH THE BALLOTS WOULD BE NEEDED IN ANY CONTEST

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

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

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

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

**1-13.5-618. Covered voters to receive mail ballots.** NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, THE DESIGNATED ELECTION OFFICIAL OF A LOCAL GOVERNMENT SHALL MAIL A BALLOT TO EVERY ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT WHO IS A COVERED VOTER, AS THAT TERM IS DEFINED IN SECTION 1-8.3-102, FOR ANY ELECTION CONDUCTED UNDER THIS ARTICLE.

## PART 7 VOTING MACHINES

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

**1-13.5-702. Judges to inspect machines - when.** THE ELECTION JUDGES OF EACH POLLING PLACE AT WHICH VOTING MACHINES ARE USED SHALL MEET AT THE POLLING PLACE AT LEAST FORTY-FIVE MINUTES BEFORE

THE TIME SET FOR THE OPENING OF THE POLLS AT EACH ELECTION. BEFORE THE POLLS OPEN FOR AN ELECTION, EACH JUDGE SHALL CAREFULLY EXAMINE EACH MACHINE USED IN THE POLLING PLACE AND SEE THAT NO VOTE HAS BEEN CAST AND THAT EVERY COUNTER, EXCEPT THE PROTECTIVE COUNTER, REGISTERS ZERO.

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

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

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

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

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

ELIGIBLE ELECTOR SHALL VOTE AS IN THE CASE OF AN UNASSISTED VOTER.

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

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

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

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

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



PART 8  
ELECTRONIC VOTING SYSTEM

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

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

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

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

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

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

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

(c) CAUSE A SUFFICIENT NUMBER OF SUCH RECORDERS OR DEVICES

TO BE DELIVERED TO EACH POLLING PLACE IN WHICH THE ELECTRONIC VOTING SYSTEM IS TO BE USED.

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

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

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

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

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

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

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

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

**1-13.5-810. Testing of electronic ballot counting equipment.** (1) THE DESIGNATED ELECTION OFFICIAL SHALL HAVE THE ELECTRONIC BALLOT COUNTING EQUIPMENT TESTED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO ASCERTAIN THAT IT WILL ACCURATELY COUNT THE VOTES

CAST FOR ALL OFFICES AND ALL MEASURES.

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

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

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

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

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

(2) WHEN CERTIFIED BY THE DESIGNATED ELECTION OFFICIAL, THE RETURN PRINTED BY THE ELECTRONIC VOTE COUNTING EQUIPMENT, TO WHICH HAVE BEEN ADDED WRITE-IN VOTES, CONSTITUTES THE OFFICIAL

RETURN OF EACH POLLING PLACE. THE DESIGNATED ELECTION OFFICIAL MAY FROM TIME TO TIME RELEASE UNOFFICIAL RETURNS. UPON COMPLETION OF THE COUNT, THE OFFICIAL RETURNS ARE OPEN TO THE PUBLIC.

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

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

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

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

PART 9  
PAPER BALLOTS

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

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

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

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

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

LOT DRAWING.

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

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

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

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

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

(b) THE BALLOT ISSUE OR QUESTION MUST BE IDENTIFIED BY THE

NAME OF THE LOCAL GOVERNMENT SUBMITTING THE BALLOT ISSUE OR QUESTION FOLLOWED BY A LETTER.

(8) THE EXTREME TOP PART OF EACH BALLOT MUST BE DIVIDED BY TWO PERFORATED OR DOTTED LINES INTO TWO SPACES, EACH OF WHICH MUST BE NOT LESS THAN ONE INCH IN WIDTH, THE TOP PORTION BEING KNOWN AS THE STUB AND THE NEXT PORTION AS THE DUPLICATE STUB. UPON EACH OF SAID STUBS NOTHING IS TO BE PRINTED EXCEPT THE NUMBER OF THE BALLOT, AND THE SAME NUMBER MUST BE PRINTED ON BOTH STUBS. STUBS AND DUPLICATE STUBS OF BALLOTS MUST BOTH BE NUMBERED CONSECUTIVELY. THERE MUST BE PRINTED ON THE STUB OF AN ABSENTEE BALLOT "ABSENTEE BALLOT NUMBER [...]", AND SUCH STUBS MUST BE NUMBERED CONSECUTIVELY BEGINNING WITH NUMBER ONE. ALL BALLOTS MUST BE UNIFORM AND OF SUFFICIENT LENGTH AND WIDTH TO ALLOW FOR THE NAMES OF CANDIDATES AND THE PROPOSED QUESTIONS TO BE PRINTED IN CLEAR, PLAIN TYPE WITH A SPACE OF AT LEAST ONE-HALF INCH BETWEEN THE DIFFERENT COLUMNS ON SAID BALLOT. ON EACH BALLOT MUST BE PRINTED THE ENDORSEMENT "OFFICIAL BALLOT FOR . . .", AND AFTER THE WORD "FOR" MUST FOLLOW THE DESIGNATION OF THE LOCAL GOVERNMENT FOR WHICH THE BALLOT IS PREPARED, THE DATE OF THE ELECTION, AND A FACSIMILE OF THE SIGNATURE OF THE DESIGNATED ELECTION OFFICIAL. THE BALLOT SHALL CONTAIN NO CAPTION OR OTHER ENDORSEMENT OR NUMBER. EACH DESIGNATED ELECTION OFFICIAL SHALL USE PRECISELY THE SAME QUALITY AND TINT OF PAPER, THE SAME KIND OF TYPE, AND THE SAME QUALITY AND TINT OF PLAIN BLACK INK FOR ALL BALLOTS FURNISHED BY THE DESIGNATED ELECTION OFFICIAL AT ONE ELECTION.

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

(2) IF IT APPEARS BY VERIFIED PETITION OF A CANDIDATE OR THE CANDIDATE'S AGENT SUBMITTED TO ANY DISTRICT COURT THAT AN ERROR OR OMISSION OCCURRED IN THE PUBLICATION OF THE NAMES OR DESCRIPTION OF THE CANDIDATES OR IN THE PRINTING OF SAMPLE OR OFFICIAL ELECTION BALLOTS AND THE ERROR HAS BEEN BROUGHT TO THE ATTENTION OF THE DESIGNATED ELECTION OFFICIAL AND NOT BEEN CORRECTED, THE COURT SHALL ISSUE AN ORDER REQUIRING THE



DESIGNATED ELECTION OFFICIAL TO CORRECT THE ERROR IMMEDIATELY OR TO SHOW CAUSE WHY THE ERROR SHOULD NOT BE CORRECTED. COSTS, INCLUDING REASONABLE ATTORNEY FEES, MAY BE ASSESSED IN THE DISCRETION OF THE COURT AGAINST EITHER PARTY.

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

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

**1-13.5-905. Substitute ballots.** IF THE BALLOTS TO BE FURNISHED TO ANY ELECTION JUDGE ARE NOT DELIVERED BY 8 P.M. ON THE DAY BEFORE ELECTION DAY, OR IF AFTER DELIVERY THEY ARE DESTROYED OR STOLEN, THE DESIGNATED ELECTION OFFICIAL SHALL SEE THAT OTHER BALLOTS ARE PREPARED, AS NEARLY IN THE FORM PRESCRIBED AS PRACTICABLE, WITH THE WORD "SUBSTITUTE" PRINTED IN BRACKETS IMMEDIATELY UNDER THE FACSIMILE SIGNATURE OF THE DESIGNATED ELECTION OFFICIAL. UPON

RECEIPT OF THE SUBSTITUTE BALLOTS, ACCOMPANIED BY A WRITTEN AND SWORN STATEMENT OF THE DESIGNATED ELECTION OFFICIAL THAT THE SAME HAVE BEEN SO PREPARED AND FURNISHED BY HIM OR HER AND THAT THE ORIGINAL BALLOTS WERE NOT RECEIVED OR WERE DESTROYED OR STOLEN, THE ELECTION JUDGES SHALL USE THE SUBSTITUTE BALLOTS AT THE ELECTION. IF FOR ANY CAUSE NONE OF THE OFFICIAL BALLOTS OR SUBSTITUTE BALLOTS PREPARED BY THE DESIGNATED ELECTION OFFICIAL ARE READY FOR DISTRIBUTION AT ANY POLLING PLACE, OR IF THE SUPPLY OF BALLOTS IS EXHAUSTED BEFORE THE POLLS ARE CLOSED, UNOFFICIAL BALLOTS, PRINTED OR WRITTEN, MADE AS NEARLY AS POSSIBLE IN THE FORM OF THE OFFICIAL BALLOTS, MAY BE USED UNTIL SUBSTITUTES PREPARED BY THE DESIGNATED ELECTION OFFICIAL ARE PRINTED AND DELIVERED.

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

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

## PART 10 ABSENTEE VOTING

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

**1-13.5-1002. Application for absentee voter's ballot - delivery - list.** (1) (a) (I) REQUESTS FOR AN APPLICATION FOR AN ABSENTEE VOTER'S

BALLOT MAY BE MADE ORALLY OR IN WRITING. THE APPLICATION MAY BE IN THE FORM OF A LETTER. THE APPLICATION MAY REQUEST THAT THE APPLICANT BE ADDED TO THE PERMANENT ABSENTEE VOTER LIST FOR THE LOCAL GOVERNMENT.

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

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

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

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

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

(1) ANY ELIGIBLE ELECTOR OF A POLITICAL SUBDIVISION MAY APPLY FOR PERMANENT ABSENTEE VOTER STATUS. THE APPLICATION FOR PERMANENT ABSENTEE VOTER STATUS MUST BE MADE IN WRITING OR BY FACSIMILE

USING AN APPLICATION FORM OR LETTER FURNISHED BY THE DESIGNATED ELECTION OFFICIAL OF THE POLITICAL SUBDIVISION. THE APPLICATION MUST CONTAIN THE SAME INFORMATION SUBMITTED IN CONNECTION WITH AN APPLICATION FOR AN ABSENTEE VOTER'S BALLOT PURSUANT TO SECTION 1-13.5-1002.

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

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

(1) THE DESIGNATED ELECTION OFFICIAL SHALL KEEP A LIST OF NAMES OF ELIGIBLE ELECTORS WHO HAVE APPLIED FOR ABSENTEE VOTERS' BALLOTS AND OF THOSE PERMANENT ABSENTEE VOTERS PLACED ON THE LIST PURSUANT TO SECTION 1-13.5-1003 (2), WITH THE DATE ON WHICH EACH APPLICATION WAS MADE, THE DATE ON WHICH THE ABSENTEE VOTER'S BALLOT WAS SENT, AND THE DATE ON WHICH EACH ABSENTEE VOTER'S BALLOT WAS RETURNED. IF AN ABSENTEE VOTER'S BALLOT IS NOT RETURNED, OR IF IT IS REJECTED AND NOT COUNTED, THAT FACT MUST BE NOTED ON THE LIST. THE LIST IS OPEN TO PUBLIC INSPECTION UNDER PROPER REGULATIONS.

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

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

(I) THE ELIGIBLE ELECTOR NOTIFIES THE DESIGNATED ELECTION

OFFICIAL THAT HE OR SHE NO LONGER WISHES TO VOTE BY ABSENTEE VOTER'S BALLOT;

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

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

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

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

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

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

**1-13.5-1006. Manner of absentee voting by paper ballot.** (1) ANY ELIGIBLE ELECTOR APPLYING FOR AND RECEIVING AN ABSENTEE

VOTER'S BALLOT, IN CASTING THE BALLOT, SHALL MAKE AND SUBSCRIBE TO THE SELF-AFFIRMATION ON THE RETURN ENVELOPE. THE VOTER SHALL THEN MARK THE BALLOT. THE VOTER SHALL FOLD THE BALLOT SO AS TO CONCEAL THE MARKING, DEPOSIT IT IN THE RETURN ENVELOPE, AND SEAL THE ENVELOPE SECURELY. THE ENVELOPE MAY BE DELIVERED PERSONALLY OR MAILED BY THE VOTER TO THE DESIGNATED ELECTION OFFICIAL ISSUING THE BALLOT. IT IS PERMISSIBLE FOR A VOTER TO DELIVER THE BALLOT TO ANY PERSON OF THE VOTER'S OWN CHOICE OR TO ANY DULY AUTHORIZED AGENT OF THE DESIGNATED ELECTION OFFICIAL FOR MAILING OR PERSONAL DELIVERY TO THE DESIGNATED ELECTION OFFICIAL. TO BE COUNTED, ALL ENVELOPES CONTAINING ABSENTEE VOTER'S BALLOTS MUST BE IN THE HANDS OF THE DESIGNATED ELECTION OFFICIAL OR AN ELECTION JUDGE FOR THE LOCAL GOVERNMENT NOT LATER THAN 7 P.M. ON ELECTION DAY.

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

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

(2) ANY LOCAL GOVERNMENT USING AN ELECTRONIC VOTING

SYSTEM MAY PROVIDE SUCH SYSTEM FOR THE USE OF QUALIFIED APPLICANTS FOR ABSENTEE VOTERS' BALLOTS. SUCH SYSTEM MUST BE AVAILABLE FROM TWELVE DAYS PRIOR TO THE ELECTION UNTIL THE CLOSE OF BUSINESS ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION. VOTES CAST USING SUCH SYSTEM MUST BE CAST IN THE SAME MANNER AS VOTES WOULD BE CAST IN A POLLING PLACE ON ELECTION DAY. THE DESIGNATED ELECTION OFFICIAL SHALL SUPERVISE THE CASTING AND COUNTING OF ABSENTEE VOTERS' BALLOTS USING SUCH SYSTEM.

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

**1-13.5-1009. Casting and counting absentee voters' ballots.** IF THE SELF-AFFIRMATION ON THE ENVELOPE CONTAINING AN ABSENTEE VOTER'S BALLOT IS PROPERLY SWORN TO, ONE OF THE ELECTION JUDGES SHALL TEAR OPEN THE VOTER'S IDENTIFICATION ENVELOPE IN THE PRESENCE OF A MAJORITY OF THE JUDGES WITHOUT DEFACING THE SELF-AFFIRMATION PRINTED THEREON OR MUTILATING THE ENCLOSED BALLOT. ONE OF THE ELECTION JUDGES SHALL VERIFY THE NAME OF THE ELIGIBLE ELECTOR AND BALLOT NUMBER ISSUED TO SUCH ELECTOR AND CAREFULLY REMOVE THE STUB FROM THE BALLOT. THE BALLOT MUST THEN BE CAST AND COUNTED IN THE SAME MANNER AS IF THE ABSENTEE VOTER HAD BEEN PRESENT IN

PERSON; EXCEPT THAT ONE OF THE JUDGES SHALL DEPOSIT THE BALLOT IN THE BALLOT BOX WITHOUT UNFOLDING IT. THE ABSENTEE VOTE MUST BE COUNTED AND CERTIFIED SEPARATELY FROM THE VOTES OF THE POLLING PLACE WHERE IT IS COUNTED.

**1-13.5-1010. Challenge of absentee voters' ballots - rejection - record.** (1) THE VOTE OF ANY ABSENTEE VOTER MAY BE CHALLENGED IN THE SAME MANNER AS OTHER VOTES ARE CHALLENGED, AND THE ELECTION JUDGES MAY DETERMINE THE LEGALITY OF SUCH BALLOT. IF THE CHALLENGE IS SUSTAINED OR IF THE JUDGES DETERMINE THAT THE SELF-AFFIRMATION ACCOMPANYING THE ABSENTEE VOTER'S BALLOT IS INSUFFICIENT OR THAT THE VOTER IS NOT AN ELIGIBLE ELECTOR, THE ENVELOPE CONTAINING THE BALLOT OF THE VOTER SHALL NOT BE OPENED, AND THE JUDGES SHALL ENDORSE ON THE BACK OF THE ENVELOPE THE REASON FOR REJECTION. WHEN IT IS MADE TO APPEAR TO THE ELECTION JUDGES BY SUFFICIENT PROOF THAT ANY ABSENTEE VOTER WHO HAS MARKED AND FORWARDED A BALLOT HAS DIED, THE ENVELOPE CONTAINING THE BALLOT OF THE DECEASED VOTER SHALL NOT BE OPENED, AND THE JUDGES SHALL MAKE PROPER NOTATION ON THE BACK OF SUCH ENVELOPE. IF AN ABSENTEE VOTER'S ENVELOPE CONTAINS MORE THAN ONE MARKED BALLOT, NONE OF THE BALLOTS IN THAT ENVELOPE MAY BE COUNTED, AND THE JUDGES SHALL NOTE ON THE ENVELOPE THE REASON THAT THE BALLOTS WERE NOT COUNTED. IF AN ABSENTEE VOTER'S ENVELOPE DOES NOT CONTAIN ALL PAGES OF A BALLOT, ONLY THE MARKED AND RETURNED PAGES SHALL BE COUNTED. ELECTION JUDGES SHALL CERTIFY IN THEIR RETURNS THE NUMBER OF ABSENTEE VOTER'S BALLOTS CAST AND COUNTED AND THE NUMBER OF SUCH BALLOTS REJECTED.

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

(3) IF AN ABSENTEE VOTER'S BALLOT IS NOT RETURNED OR IF IT IS REJECTED AND NOT COUNTED, THE FACT SHALL BE NOTED ON THE RECORD KEPT BY THE DESIGNATED ELECTION OFFICIAL. SUCH RECORD IS OPEN TO



PUBLIC INSPECTION UNDER PROPER REGULATIONS.

**1-13.5-1011. Emergency absentee voting - definition.** (1) (a) IF AN ELIGIBLE ELECTOR IS CONFINED IN A HOSPITAL OR AT HIS OR HER PLACE OF RESIDENCE ON ELECTION DAY BECAUSE OF CONDITIONS ARISING AFTER THE CLOSING DAY FOR ABSENTEE VOTERS' BALLOT APPLICATIONS, HE OR SHE MAY REQUEST, BY A WRITTEN STATEMENT SIGNED BY HIM OR HER, THAT THE DESIGNATED ELECTION OFFICIAL SEND HIM OR HER AN EMERGENCY ABSENTEE VOTER'S BALLOT. THE DESIGNATED ELECTION OFFICIAL SHALL DELIVER THE EMERGENCY ABSENTEE VOTER'S BALLOT, WITH THE WORD "EMERGENCY" STAMPED OR WRITTEN ON THE STUBS OF THE BALLOT, AT HIS OR HER OFFICE, DURING THE REGULAR HOURS OF BUSINESS, TO ANY AUTHORIZED REPRESENTATIVE OF THE ELECTOR POSSESSING A WRITTEN STATEMENT FROM THE VOTER'S PHYSICIAN, ADVANCED PRACTICE NURSE, OR PRACTITIONER THAT THE VOTER WILL BE CONFINED IN A HOSPITAL OR HIS OR HER PLACE OF RESIDENCE ON ELECTION DAY. THE AUTHORIZED REPRESENTATIVE SHALL ACKNOWLEDGE RECEIPT OF THE EMERGENCY ABSENTEE VOTER'S BALLOT WITH HIS OR HER SIGNATURE, NAME, AND ADDRESS.

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

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

## PART 11 INDEPENDENT MAIL BALLOT ELECTIONS

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

**1-13.5-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE

CONTEXT OTHERWISE REQUIRES:

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

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

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

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

(5) "SECRECY ENVELOPE" MEANS THE ENVELOPE OR SLEEVE USED FOR AN INDEPENDENT MAIL BALLOT ELECTION THAT CONTAINS THE ELIGIBLE ELECTOR'S BALLOT FOR THE ELECTION AND THAT IS DESIGNED TO CONCEAL AND MAINTAIN THE CONFIDENTIALITY OF THE ELECTOR'S VOTE

UNTIL THE COUNTING OF VOTES FOR THAT PARTICULAR ELECTION.

**1-13.5-1103. Independent mail ballot elections - optional - cooperation with county clerk and recorder permitted - exception.**

(1) IF THE GOVERNING BODY OF ANY LOCAL GOVERNMENT DETERMINES THAT AN ELECTION SHALL BE BY INDEPENDENT MAIL BALLOT, THE DESIGNATED ELECTION OFFICIAL FOR THE LOCAL GOVERNMENT SHALL CONDUCT THE ELECTION BY MAIL BALLOT PURSUANT TO THIS PART 11.

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

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

(4) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, THE DESIGNATED ELECTION OFFICIAL OF A LOCAL GOVERNMENT SHALL MAIL A BALLOT TO EVERY ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT WHO IS A COVERED VOTER, AS THAT TERM IS DEFINED IN SECTION 1-8.3-102, FOR ANY ELECTION CONDUCTED UNDER THIS ARTICLE.

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

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

(3) NO ELECTOR INFORMATION MAY BE DELIVERED TO AN ELECTOR

IN THE FORM OF A SAMPLE BALLOT.

**1-13.5-1105. Procedures for conducting independent mail ballot election.** (1) OFFICIAL BALLOTS MUST BE PREPARED AND ALL OTHER PREELECTION PROCEDURES FOLLOWED AS OTHERWISE PROVIDED BY LAW; EXCEPT THAT MAIL BALLOT PACKETS MUST BE PREPARED IN ACCORDANCE WITH THIS PART 11.

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

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

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

(d) (I) NO LATER THAN TWENTY DAYS BEFORE AN ELECTION, THE DESIGNATED ELECTION OFFICIAL, OR THE COORDINATED ELECTION OFFICIAL IF SO PROVIDED BY AN INTERGOVERNMENTAL AGREEMENT, SHALL PROVIDE NOTICE BY PUBLICATION OF AN INDEPENDENT MAIL BALLOT ELECTION

CONDUCTED PURSUANT TO THIS ARTICLE, WHICH NOTICE SHALL STATE, AS APPLICABLE FOR THE PARTICULAR ELECTION FOR WHICH THE NOTICE IS PROVIDED, THE INFORMATION SET FORTH IN SECTION 1-13.5-502.

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

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

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

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

WARNING:

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

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

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

(III) THE RETURN ENVELOPE IS REQUIRED TO HAVE A FLAP COVERING THE SIGNATURE.

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

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

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

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

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

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

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

(7) ALL DEPOSITED BALLOTS SHALL BE COUNTED AS PROVIDED IN THIS PART 11. A MAIL BALLOT IS VALID AND SHALL BE COUNTED ONLY IF IT IS RETURNED IN THE RETURN ENVELOPE, THE SELF-AFFIRMATION ON THE RETURN ENVELOPE IS SIGNED AND COMPLETED BY THE ELIGIBLE ELECTOR TO WHOM THE BALLOT WAS ISSUED, AND THE INFORMATION ON THE RETURN

ENVELOPE IS VERIFIED IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION. MAIL BALLOTS SHALL BE COUNTED IN THE SAME MANNER AS PROVIDED BY SECTION 1-13.5-609 FOR COUNTING PAPER BALLOTS OR SECTION 1-13.5-708 OR 1-13.5-811 FOR COUNTING ELECTRONIC BALLOTS. IF THE ELECTION JUDGE OR DESIGNATED ELECTION OFFICIAL DETERMINES THAT AN ELIGIBLE ELECTOR TO WHOM A REPLACEMENT BALLOT HAS BEEN ISSUED HAS VOTED MORE THAN ONCE, THE FIRST BALLOT RETURNED BY THE ELECTOR SHALL BE CONSIDERED THE ELECTOR'S OFFICIAL BALLOT. REJECTED BALLOTS SHALL BE HANDLED IN THE SAME MANNER AS PROVIDED IN SECTION 1-13.5-1010.

**1-13.5-1105.5. Voting by electors at group residential facilities.**

FOR INDEPENDENT MAIL BALLOT ELECTIONS CONDUCTED UNDER THIS PART 11, UPON THE REQUEST OF ANY ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT RESIDING IN A FACILITY DESCRIBED IN SECTION 1-7.5-113 (1), THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT A COMMITTEE FOR DELIVERY OF MAIL BALLOTS TO, AND RETURN OF VOTED MAIL BALLOTS FROM, THE FACILITY IN ACCORDANCE WITH SECTION 1-7.5-113.

**1-13.5-1106. Delivery of misdelivered ballots.** (1) IF AN ELECTOR DELIVERS A BALLOT, MAIL BALLOT, OR ABSENTEE VOTER'S BALLOT TO THE DESIGNATED ELECTION OFFICIAL POLLING PLACE, ELECTION JUDGE OF ANOTHER LOCAL GOVERNMENT, OR TO THE COUNTY CLERK AND RECORDER, THE RECIPIENT MAY ACCEPT THE BALLOT AND, IF ACCEPTED, MUST ARRANGE FOR ITS DELIVERY TO THE PROPER PERSON BY 7 P.M. ON ELECTION DAY. THE REASONABLE COST OF SUCH DELIVERY MUST BE PAID BY THE LOCAL GOVERNMENT CONDUCTING THE ELECTION IN WHICH THE VOTER INTENDED TO CAST THE BALLOT.

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

**1-13.5-1107. Counting mail ballots.** THE ELECTION OFFICIALS AT THE MAIL BALLOT COUNTING PLACE SHALL RECEIVE AND PREPARE MAIL BALLOTS DELIVERED AND TURNED OVER TO THEM BY THE ELECTION JUDGES FOR COUNTING. COUNTING OF THE MAIL BALLOTS MAY BEGIN FIFTEEN DAYS PRIOR TO THE ELECTION AND CONTINUE UNTIL COUNTING IS COMPLETED. THE ELECTION OFFICIAL IN CHARGE OF THE MAIL BALLOT COUNTING PLACE



SHALL TAKE ALL PRECAUTIONS NECESSARY TO ENSURE THE SECRECY OF THE COUNTING PROCEDURES, AND NO INFORMATION CONCERNING THE COUNT SHALL BE RELEASED BY THE ELECTION OFFICIALS OR WATCHERS UNTIL AFTER 7 P.M. ON ELECTION DAY.

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

**1-13.5-1109. Challenges.** VOTES CAST PURSUANT TO THIS PART 11 MAY BE CHALLENGED PURSUANT TO AND IN ACCORDANCE WITH LAW, INCLUDING THE CHALLENGE AND REJECTION OF BALLOT PROVISIONS SET FORTH IN SECTION 1-13.5-1010. ANY INDEPENDENT MAIL BALLOT ELECTION CONDUCTED PURSUANT TO THIS PART 11 WILL NOT BE INVALIDATED ON THE GROUNDS THAT AN ELIGIBLE ELECTOR DID NOT RECEIVE A BALLOT SO LONG AS THE DESIGNATED ELECTION OFFICIAL FOR THE POLITICAL SUBDIVISION CONDUCTING THE ELECTION ACTED IN GOOD FAITH IN COMPLYING WITH THIS PART 11.

## PART 12 CHALLENGE OF PERSONS VOTING

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

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

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

PERSON OFFERING TO VOTE WHO HE OR SHE BELIEVES IS NOT AN ELIGIBLE ELECTOR. IN ADDITION, CHALLENGES MAY BE MADE BY WATCHERS OR ANY ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT WHO IS PRESENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## PART 13 SURVEY OF RETURNS

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

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

(3) IF, FOR ANY REASON, ANY PERSON APPOINTED AS A MEMBER OF THE CANVASS BOARD REFUSES, FAILS, OR IS UNABLE TO SERVE, THAT APPOINTED PERSON SHALL NOTIFY THE DESIGNATED ELECTION OFFICIAL,

WHO SHALL APPOINT ANOTHER PERSON THAT POSSESSES THE SAME QUALIFICATIONS AS THE ORIGINAL APPOINTEE AS DIRECTED UNDER SUBSECTION (1) OF THIS SECTION, IF AVAILABLE, TO THE CANVASS BOARD.

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

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

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

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

**1-13.5-1305. Statement - certificates of election.** (1) NO LATER

THAN THE FOURTEENTH DAY FOLLOWING THE ELECTION, THE CANVASS BOARD SHALL MAKE STATEMENTS FROM THE OFFICIAL ABSTRACT OF VOTES THAT SHOW THE NAMES OF THE CANDIDATES, ANY BALLOT ISSUE OR BALLOT QUESTION, AND THE NUMBER OF VOTES GIVEN TO EACH. THE CANVASS BOARD SHALL CERTIFY THE STATEMENT TO BE CORRECT AND SUBSCRIBE THEIR NAMES THERETO. THE CANVASS BOARD SHALL THEN DETERMINE WHICH PERSONS HAVE BEEN DULY ELECTED BY THE HIGHEST NUMBER OF VOTES AND SHALL ENDORSE AND SUBSCRIBE ON SUCH STATEMENTS A CERTIFICATE OF THEIR DETERMINATION.

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

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

(2) (a) WHENEVER A RECOUNT OF THE VOTES CAST IN AN ELECTION IS NOT REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION, ANY INTERESTED PARTY, INCLUDING AN ELIGIBLE ELECTOR OR A CANDIDATE FOR OFFICE OR THE ISSUE COMMITTEE FOR A BALLOT ISSUE OR QUESTION, MAY SUBMIT TO THE DESIGNATED ELECTION OFFICIAL A WRITTEN REQUEST FOR A RECOUNT AT THE EXPENSE OF THE INTERESTED PARTY MAKING THE

REQUEST. THIS REQUEST SHALL BE FILED WITH THE DESIGNATED ELECTION OFFICIAL WITHIN SEVENTEEN DAYS AFTER THE ELECTION.

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

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

(II) DETERMINE THE COST OF THE RECOUNT;

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

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

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

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

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

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

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

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

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

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

## PART 14 CONTESTS

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



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

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

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

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

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

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

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

**1-13.5-1403. Filing statement - contents.** THE CONTESTOR SHALL FILE IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT, WITHIN TEN DAYS AFTER THE EXPIRATION OF THE PERIOD WITHIN WHICH A RECOUNT MAY BE

REQUESTED PURSUANT TO SECTION 1-13.5-1306, OR WITHIN TEN DAYS AFTER THE CONCLUSION OF A RECOUNT CONDUCTED PURSUANT TO SECTION 1-13.5-1306, WHICHEVER IS LATER, A WRITTEN STATEMENT OF THE CONTESTOR'S INTENTION TO CONTEST THE ELECTION AND SETTING FORTH THE NAME OF THE CONTESTOR, THAT THE CONTESTOR IS AN ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT, THE NAME OF THE CONTESTEE, THE OFFICE CONTESTED, THE TIME OF ELECTION, AND THE PARTICULAR CAUSES OF THE CONTEST. THE STATEMENT MUST BE VERIFIED BY THE AFFIDAVIT OF THE CONTESTOR OR ANY ELIGIBLE ELECTOR OF THE LOCAL GOVERNMENT THAT THE CAUSES SET FORTH IN THE STATEMENT ARE TRUE TO THE BEST OF THE AFFIANT'S KNOWLEDGE AND BELIEF.

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

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

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

(4) IF THE ANSWER OF THE CONTESTEE CONTAINS NEW MATTER CONSTITUTING A COUNTERSTATEMENT, THE CONTESTOR, WITHIN TEN DAYS

AFTER THE FILING OF SUCH ANSWER, SHALL REPLY TO THE SAME, ADMITTING OR SPECIFICALLY DENYING, UNDER OATH, EACH ALLEGATION CONTAINED IN SUCH COUNTERSTATEMENT INTENDED BY HIM OR HER TO BE CONTROVERTED ON THE TRIAL, AND FILE THE SAME IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT.

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

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

**1-13.5-1407. Judgment.** THE COURT SHALL PRONOUNCE JUDGMENT WHETHER THE CONTESTEE OR ANY OTHER PERSON WAS DULY ELECTED. THE PERSON SO DECLARED ELECTED IS ENTITLED TO THE OFFICE UPON QUALIFICATION. IF THE JUDGMENT IS AGAINST THE CONTESTEE AND HE OR SHE HAS RECEIVED HIS OR HER CERTIFICATE, THE JUDGMENT ANNULS IT. IF

THE COURT FINDS THAT NO PERSON WAS DULY ELECTED, THE JUDGMENT WILL BE THAT THE ELECTION BE SET ASIDE AND THAT A VACANCY EXISTS.

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

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

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

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

PART 15  
OTHER JUDICIAL PROCEEDINGS

**1-13.5-1501. Controversies.** (1) WHEN ANY CONTROVERSY ARISES BETWEEN ANY OFFICIAL CHARGED WITH ANY DUTY OR FUNCTION UNDER THIS ARTICLE AND ANY CANDIDATE OR OTHER PERSON, THE DISTRICT COURT, UPON THE FILING OF A VERIFIED PETITION BY ANY SUCH OFFICIAL OR PERSON SETTING FORTH IN CONCISE FORM THE NATURE OF THE CONTROVERSY AND THE RELIEF SOUGHT, SHALL ISSUE AN ORDER COMMANDING THE RESPONDENT IN THE PETITION TO APPEAR BEFORE THE COURT AND ANSWER UNDER OATH TO THE PETITION. IT IS THE DUTY OF THE COURT TO SUMMARILY HEAR AND DISPOSE OF ANY SUCH ISSUES, WITH A VIEW TO OBTAINING A SUBSTANTIAL COMPLIANCE WITH THIS ARTICLE BY THE PARTIES TO THE CONTROVERSY, AND TO MAKE AND ENTER ORDERS AND JUDGMENTS AND TO FOLLOW THE PROCEDURES OF THE COURT TO ENFORCE

ALL SUCH ORDERS AND JUDGMENTS.

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

PART 16  
ELECTION OFFENSES

**1-13.5-1601. Applicability of criminal penalties.** NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, EXCEPT FOR PARTS 2 AND 3 OF ARTICLE 13 OF THIS TITLE, ELECTION OFFENSES AND PENALTIES PRESCRIBED UNDER ARTICLE 13 OF THIS TITLE APPLY TO ELECTIONS CONDUCTED UNDER THIS ARTICLE.

**SECTION 7.** In Colorado Revised Statutes, 22-31-101, **amend** (1) as follows:

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

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

**SECTION 8.** In Colorado Revised Statutes, 30-20-503, **amend** (1) (a) (I) and (1) (b) as follows:

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

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

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

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

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

**SECTION 9.** In Colorado Revised Statutes, 30-20-602, **amend** (2.7) (a) as follows:

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

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

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

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

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

**31-2-102. Incorporation election.** (3) Registration and changes of address may be made with the county clerk and recorder. ~~up to and~~

~~including the twenty-ninth day prior to the election.~~ The county clerk and recorder, in his or her discretion, may conduct registration from time to time ~~up to and including such twenty-ninth day prior to the election~~ within the proposed municipal boundaries.

**SECTION 11.** In Colorado Revised Statutes, 31-2-104, **amend** (3) as follows:

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

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

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

**WARNING:**

**IT IS AGAINST THE LAW:**

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

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

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

~~1. At least eighteen years of age.~~

~~2. A citizen of the United States.~~

~~3. A resident of the state of Colorado and have resided in the state at least thirty days.~~

~~4. A resident of the municipal election precinct in which you live for at least thirty days.~~

~~5. Registered to vote pursuant to part 2 of article 2 of title 1, Colorado Revised Statutes, or as otherwise prescribed in part 2 of article 10 of title 31, Colorado Revised Statutes.~~

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

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

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

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

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

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

(b) The person IS A RESIDENT OF THE MUNICIPAL PRECINCT AND has resided in this state for ~~thirty~~ TWENTY-TWO days ~~and in the municipal election precinct for thirty days~~ immediately preceding the election at which the person offers to vote. IN ORDER TO VOTE IN A MUNICIPAL ELECTION CONDUCTED UNDER THIS ARTICLE, A PERSON MUST BE A REGISTERED ELECTOR. An otherwise qualified and registered elector who moves from the municipal election precinct where registered to another



precinct within the same municipality ~~within thirty days prior to any regular or special election shall be~~ IS permitted to cast a ballot for ~~such~~ AN election at the polling place in the precinct where registered.

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

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

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

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

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

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

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

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

**SECTION 19.** In Colorado Revised Statutes, 31-10-606, **amend**

(4) as follows:

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

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

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

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

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

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

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

(5) "SECRECY ENVELOPE" MEANS THE ENVELOPE OR SLEEVE USED

FOR A MAIL BALLOT ELECTION THAT CONTAINS THE ELIGIBLE ELECTOR'S BALLOT FOR THE ELECTION AND THAT IS DESIGNED TO CONCEAL AND MAINTAIN THE CONFIDENTIALITY OF THE ELECTOR'S VOTE UNTIL THE COUNTING OF VOTES FOR THAT PARTICULAR ELECTION.

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

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

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

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

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

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

(c) IF ANY CANDIDATE DIES OR WITHDRAWS FROM NOMINATION

PRIOR TO THE CLOSE OF BUSINESS ON THE SIXTY-THIRD DAY PRIOR TO THE ELECTION, THE VACANCY IN NOMINATION IS FILLED AS SET FORTH IN SECTION 31-10-304.

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

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

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

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

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

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

**WARNING:**

ANY PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY INFLUENCES AN ELIGIBLE ELECTOR TO VOTE IN ANY PARTICULAR MANNER OR TO REFRAIN FROM VOTING, OR WHO FALSELY MAKES, ALTERS, FORGES, OR COUNTERFEITS ANY MAIL BALLOT BEFORE OR AFTER IT HAS BEEN CAST, OR WHO DESTROYS, DEFACES, MUTILATES, OR TAMPERS WITH A BALLOT IS SUBJECT, UPON CONVICTION, TO IMPRISONMENT,

OR TO A FINE, OR BOTH.

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

STATE OF .... MUNICIPALITY OF ....., COUNTY OF ....

I, ....., AFFIRM AND SAY THAT I AM A QUALIFIED AND REGISTERED ELECTOR IN THE MUNICIPALITY OF .... AND STATE OF COLORADO; THAT MY RESIDENTIAL ADDRESS IS ....; AND THAT I HEREIN ENCLOSE MY BALLOT IN ACCORDANCE WITH THE PROVISIONS OF THE "COLORADO MUNICIPAL ELECTION CODE OF 1965". I REALIZE THAT IF ANY FALSE STATEMENTS ARE CONTAINED HEREIN THAT I SHALL BE SUBJECT TO PROSECUTION FOR CRIMINAL ACTION.

.....  
DATE

.....  
SIGNATURE OF VOTER

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

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

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

(e) (I) AN ELIGIBLE ELECTOR MAY OBTAIN A REPLACEMENT BALLOT IF THE BALLOT WAS DESTROYED, SPOILED, LOST, OR FOR SOME OTHER REASON NOT RECEIVED BY THE ELIGIBLE ELECTOR. AN ELIGIBLE ELECTOR MAY OBTAIN A BALLOT IF A MAIL BALLOT PACKET WAS NOT SENT TO THE ELECTOR BECAUSE THE ELIGIBILITY OF THE ELECTOR COULD NOT BE DETERMINED AT THE TIME THE MAIL BALLOT PACKETS WERE MAILED. IN

ORDER TO OBTAIN A BALLOT IN SUCH CASES, THE ELIGIBLE ELECTOR MUST SIGN A SWORN STATEMENT SPECIFYING THE REASON FOR REQUESTING THE BALLOT. THE STATEMENT MUST BE PRESENTED TO THE CLERK NO LATER THAN 7 P.M. ON ELECTION DAY. THE CLERK SHALL KEEP A RECORD OF EACH BALLOT ISSUED IN ACCORDANCE WITH THIS PARAGRAPH (e) TOGETHER WITH A LIST OF EACH BALLOT OBTAINED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2).

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

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

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

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

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

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

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

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



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

**31-10-1002. Application for absentee voter's ballot - permanent absentee voter status - ballot delivery - list of absentee voters.**

(1) Requests for an application for an absentee voter's ballot may be made orally or in writing. Applications for ~~absent~~ ABSENTEE voters' ballots shall be filed in writing and ~~shall be~~ personally signed by the applicant or a family member related by blood, ~~or~~ marriage, CIVIL UNION, OR ADOPTION to the applicant. If the applicant is unable to sign the application, the applicant shall make such applicant's mark on the application, which shall be witnessed by another person. ~~Such~~ THE application shall be filed with the clerk not earlier than ninety days before and not later than the close of business on the Friday immediately preceding such regular or special election. The application may be in the form of a letter.

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

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

(2.5) (a) ~~In addition to the requirements of subsection (2) of this section, the clerk shall also deliver, as soon as practicable after the ballots~~

~~are received, to each municipal elector whose status as a permanent mail-in voter is indicated in the voter registration records of the county clerk and recorder, an official absent voter's ballot, an identification return envelope with the affidavit thereon properly filled in as to precinct and residence address as shown by the records of the county clerk and recorder, and an instruction card~~ THE CLERK MAY PERMIT AN ELIGIBLE ELECTOR TO REQUEST PERMANENT ABSENTEE VOTER STATUS.

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

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

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

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

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

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

(3) Before any ~~absent~~ ABSENTEE voter's ballot is delivered or mailed or before any registered elector is permitted to cast his OR HER vote on ~~an absent voter's~~ A voting machine, the clerk shall record such elector's name,

the precinct number, and the number appearing on the stub of the ballot, together with the date the ballot is delivered or mailed. This information ~~shall~~ MUST be recorded on the registration record or registration list before the registration book or list is delivered to the judges of election. A separate list of the registered electors who have received ~~absent~~ ABSENTEE voters' ballots ~~shall~~ MUST be delivered to the judges of election in the precinct designated for counting absentee VOTERS' ballots, or, if the clerk elects to deliver ~~absent~~ ABSENTEE voters' envelopes received from electors of each precinct to the judges of election of such precinct, as provided by section 31-10-1006, a separate list of the registered electors of each precinct who have received ~~absent~~ ABSENTEE voters' ballots ~~shall~~ MUST be delivered to the judges of election of each such precinct.

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

**SECTION 22.** In Colorado Revised Statutes, 31-10-1003, **amend** (1) as follows:

**31-10-1003. Self-affirmation on return envelope.** (1) The return envelope shall have printed on its face a self-affirmation substantially in the following form:

"State of .... Municipality of ....., County of ....

I, ....., affirm and say that I am a qualified and registered elector in ~~precinct no. ....~~, THE municipality of .... and state of Colorado; that my residence and post-office address is ....; and that I herein enclose my ballot in accordance with the provisions of the "Colorado Municipal Election Code of 1965". I realize that if any false statements are contained herein that I shall be subject to prosecution for criminal action.

.....  
Signature of voter"

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

**31-10-1007. Casting and counting absentee ballots.** (1) If the self-affirmation on the envelope containing the ~~absent~~ ABSENTEE voter's

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

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

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

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

(2) All ~~absent~~ ABSENTEE voters' identification envelopes, ballot stubs, and ~~absent~~ ABSENTEE voters' ballots rejected by the judges of election in accordance with the provisions of this section shall be returned to the clerk. All ~~absent~~ ABSENTEE voters' ballots received by the clerk after 7 p.m. the day of the election, together with those rejected and returned by

the judges of election, as provided in this section, shall remain in the sealed identification envelopes and be destroyed later, as provided in section 31-10-616.

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

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

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

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

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

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

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

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

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

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

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

**SECTION 27.** In Colorado Revised Statutes, 31-10-1105, **amend** (1) as follows:

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

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

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

**31-25-1209. Board of directors - duties.** (1) (d) If the petition initiating the organization of the district or any subsequent petition signed by persons who own real or personal property in the service area of the proposed district having a valuation for assessment of not less than fifty percent, or such greater amount as the governing body may provide by ordinance, of the valuation for assessment of all real and personal property in the service area of the proposed district and who own at least fifty percent, or such greater amount as the governing body may provide by ordinance, of the acreage in the proposed district so specifies, the members of the board of the district shall be elected by the electors of the district. If such a petition is approved, the terms of members of the board ~~shall~~ MUST be specified by ordinance of the governing body and shall be the same as the terms of directors of special districts pursuant to article 1 of title 32,

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

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

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

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

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

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

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

(23) (a) "Taxpaying elector" means an eligible elector of a special

district who, or whose spouse OR CIVIL UNION PARTNER, owns taxable real or personal property within the special district or the area to be included in or excluded from the special district, whether the person resides within the special district or not.

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

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

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

**SECTION 31.** In Colorado Revised Statutes, **amend** 32-1-803.5 as follows:

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

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

**32-1-809. Notice to electors.** (1) No more than sixty days prior to



and not later than January 15 of each year, the board shall provide notice to the eligible electors of the special district in the manner set forth in subsection (2) of this section. The notice shall contain the following:

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

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

**SECTION 33.** In Colorado Revised Statutes, 1-1-104, **amend** (11) as follows:

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

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

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

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

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

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

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

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

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

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

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

in part 8 of this article.

**SECTION 37.** In Colorado Revised Statutes, **amend** 1-7.5-113 as follows:

**1-7.5-113. Voting at group residential facilities.** (1) If a group residential facility does not have mail boxes in which a representative of the United States postal service may directly deposit mail, and more than seven mail ballots are to be sent to that group residential facility, a committee consisting of one employee of the county clerk and recorder of the county in which the facility is located and, where available, a representative appointed by each of the major political parties shall deliver the mail ballots and return ~~those~~ THE VOTED ballots to the office of the county clerk and recorder.

(2) For nonpartisan elections, INCLUDING INDEPENDENT MAIL BALLOT ELECTIONS CONDUCTED PURSUANT TO PART 11 OF ARTICLE 13.5 OF THIS TITLE, the designated election official ~~may~~ SHALL appoint a committee that consists of two or more election judges or employees or representatives of the designated election official. THE VOTED BALLOTS MUST BE RETURNED TO THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL.

**SECTION 38.** In Colorado Revised Statutes, 1-7.5-116, **amend** (1) (a) as follows:

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

**SECTION 39.** In Colorado Revised Statutes, 1-8.3-103, **add** (1) (d) as follows:

**1-8.3-103. Elections covered.** (1) The voting procedures in this article apply to:

(d) AN ELECTION CONDUCTED UNDER ARTICLE 13.5 OF THIS TITLE.

**SECTION 40.** In Colorado Revised Statutes, 1-8.3-108, **amend** (1) as follows:

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

**SECTION 41.** In Colorado Revised Statutes, 1-8.3-115, **amend** (2) as follows:

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

**SECTION 42.** In Colorado Revised Statutes, **amend** 1-9-210 as follows:

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

**SECTION 43.** In Colorado Revised Statutes, **amend** 1-13-803 as follows:

**1-13-803. Offenses relating to voting by mail ballot.** Any election official or other person who knowingly violates article 7.5 or ~~article 8~~ 13.5

of this title relative to the casting of mail ballots ~~or mail-in voters' ballots~~ or who aids or abets fraud in connection with any vote cast, to be cast, or attempted to be cast by a mail ~~or mail-in~~ voter shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

**SECTION 44.** In Colorado Revised Statutes, 1-45-110, **amend** (1) as follows:

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

**SECTION 45.** In Colorado Revised Statutes, 19-2-203, **amend** (3) (b) as follows:

**19-2-203. Division of youth corrections - created - interagency agreements - duties of administrators of facilities in connection with voter registration and casting of ballots - definitions.** (3) (b) The administrator of a facility in which an individual described in paragraph (a) of this subsection (3) is committed shall facilitate the voting rights of the individual. In connection with such requirements, the administrator shall provide the individual information regarding his or her voting rights and how the individual may register to vote and cast a mail ~~or mail-in~~ ballot, provide the individual with voter information materials upon the request of the individual, and ensure that any mail ~~or mail-in~~ ballot cast by the

individual is timely delivered to the designated election official. For purposes of this subsection (3), "administrator" and "voter information materials" have the same meaning as set forth in section 1-2-210.5 (5), C.R.S. Notwithstanding any other provision of law, to satisfy the requirements of this paragraph (b), the administrator is exempt from any restriction under law on the number of mail ~~or mail-in~~ ballots an eligible elector may deliver in person to the designated election official.

**SECTION 46.** In Colorado Revised Statutes, 32-1-806, **amend** (3) as follows:

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

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

**SECTION 47.** In Colorado Revised Statutes, 32-1-808, **amend** (2) (a) (IV) as follows:

**32-1-808. Transfer of property title to qualify electors - limitations.** (2) (a) (IV) On or after the day after the filing deadline for self-nomination and acceptance forms or letters pursuant to ~~section 32-1-804.3~~ SECTION 1-13.5-303, C.R.S., before any regular special district election, the number of otherwise qualified eligible electors who have filed self-nomination and acceptance forms or letters pursuant to ~~section 32-1-804.3~~ SECTION 1-13.5-303, C.R.S., is less than the number of special district director offices to be voted upon at the election.

**SECTION 48.** In Colorado Revised Statutes, 37-46-137, **amend** (3), (5), (7) introductory portion, (8), and (9) as follows:

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

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

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

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

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

**SECTION 49.** In Colorado Revised Statutes, 37-47-137, **amend** (3), (5), (7) introductory portion, (8), and (9) as follows:

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

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

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

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

(9) The district or subdistrict may provide for ~~mail-in~~ MAIL voters to cast their ~~mail-in~~ MAIL voters' ballots on voting machines expressly provided for that purpose, if each ~~mail-in~~ MAIL voter indicates by affidavit

that he or she is qualified to vote at the election and will be a ~~mail-in~~ MAIL voter, pursuant to ~~section 1-8-102, C.R.S., of the "Uniform Election Code of 1992"~~ ARTICLE 13.5 OF TITLE 1, C.R.S., and all laws supplemental thereto.

**SECTION 50.** In Colorado Revised Statutes, 37-48-179, **amend** (3), (5), (7) introductory portion, (8), and (9) as follows:

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

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

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

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

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

**SECTION 51.** In Colorado Revised Statutes, **repeal** 1-1-104 (28), article 8 of title 1, 32-1-804.1, 32-1-804.3, and 32-1-805.

**SECTION 52. Applicability.** This act applies to elections conducted on or after the effective date of this act.

**SECTION 53. Safety clause.** The general assembly hereby finds,



determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

---

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO