

Rule 9. Voting Challenges

9.1 Challenging an in-person voter

9.1.1 Under Section 1-9-201, C.R.S., an election official, watcher, or eligible elector of the precinct may challenge an elector's right to vote. A person whose eligibility is challenged while voting in-person, must be offered a regular ballot by an election judge if the person satisfactorily answers the applicable challenge questions specified in section 1-9-203, C.R.S., and this Rule. If the person challenged provides unsatisfactory answers or refuses to answer the challenge questions, an election judge must offer the person a provisional ballot.

9.1.2 Citizenship. The election judge must ask the elector, "Are you a citizen of the United States?"

9.1.3 Residency. The election judge must ask the elector the following questions:

- (a) "Will you have resided in Colorado for the 22 days before election day?"
- (b) "Do you reside at the address stated in your voter registration record?"
- (c) "Have you been absent from Colorado during the past 22 days?" If the elector responds that he or she was absent during the 22-day period, the election judge must also ask the following questions:
 - (1) "Have you been absent for a temporary purpose with the intent of returning, or did you intend to remain outside Colorado?"
 - (2) "While you were absent, did you consider Colorado to be your home or did you maintain a home or domicile elsewhere?"
 - (3) "While you were absent, did you vote in any other state or territory of the United States?"

9.1.4 Age. The election judge must ask the elector, "Will you be 18 years of age or older on election day?"

9.2 challenging a mail ballot voter

9.2.1 If an individual challenges a mail ballot under section 1-9-207, C.R.S., the election judge must forward the ballot to two other election judges of different political party affiliations who must review the elector's eligibility to vote.

- (a) If both election judges determine the elector is not eligible under section 1-9-207, C.R.S., the judges must follow the procedures in section 1-7.5-107.3(2), C.R.S.
- (b) If both election judges determine the elector is eligible and that elector's signature is valid, the election judges must count the elector's ballot.

9.2.2 Unless the challenge is withdrawn, the county clerk must notify a voter whose ballot was challenged. The notification must include a copy of the challenge form, the disposition of the ballot, and a statement that the matter will be referred to the district attorney under section 1-9-209, C.R.S. The county clerk must provide a copy of the notification to the challenger upon request.

