

1 32.7 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SEPTEMBER 10, 2013 RECALL
2 ELECTIONS IN SENATE DISTRICTS 3 AND 11 WILL BE CONDUCTED AS A POLLING PLACE
3 ELECTION ACCORDING TO THE FOLLOWING PROCEDURES, WHICH SUBSTANTIALLY COMPLY
4 WITH ARTICLE XXI OF THE COLORADO CONSTITUTION AND TITLE 1, C.R.S.

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6 32.7.1 VERIFICATION OF SUCCESSOR CANDIDATE PETITIONS AND CERTIFICATION OF
7 BALLOT CONTENT.

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9 (A) SUCCESSOR CANDIDATE PETITIONS ARE DUE NO LATER THAN 5:00PM ON
10 AUGUST 26, 2013.
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12 (B) THE SECRETARY OF STATE WILL VERIFY CANDIDATE PETITIONS SUBMITTED
13 AND ISSUE A DETERMINATION OF SUFFICIENCY OR INSUFFICIENCY WITHIN
14 ONE DAY AFTER RECEIVING ALL PETITIONS.
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16 (C) ANY PERSON MAY FILE A PROTEST OF THE SECRETARY'S DETERMINATION
17 OF SUFFICIENCY OR INSUFFICIENCY WITH THE DISTRICT COURT WITHIN FIVE
18 CALENDAR DAYS AFTER ISSUANCE OF THE DETERMINATION.
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20 (D) THE SECRETARY OF STATE WILL CERTIFY THE CONTENT OF THE RECALL
21 ELECTION BALLOT TO THE COUNTY AFTER DETERMINING THE SUFFICIENCY
22 OF ALL CANDIDATE PETITIONS. IF A PROTEST IS FILED, THE SECRETARY WILL
23 IMMEDIATELY NOTIFY THE AFFECTED COUNTY OF THE PROTEST AND WILL
24 WORK WITH THE COUNTY TO UPDATE THE BALLOT ACCORDINGLY.
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26 32.7.2 ELECTION NOTICE

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28 (A) THE COUNTY MUST PUBLISH ELECTION NOTICE BY AUGUST 30, 2013. THE
29 NOTICE MUST COMPLY WITH THE PUBLICATION REQUIREMENTS IN SECTION
30 1-1-104(34), C.R.S.
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32 (B) IN ADDITION TO THE INFORMATION REQUIRED BY SECTION 1-5-205(1),
33 C.R.S., THE NOTICE MUST ALSO ADVISE ELECTORS:
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35 (I) THAT ALL ELECTORS MUST VOTE IN PERSON AT A POLLING LOCATION
36 DURING ITS HOURS OF OPERATION; AND
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38 (II) THE PROCEDURES AND QUALIFICATIONS FOR REQUESTING AN
39 EMERGENCY MAIL-IN BALLOT.
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41 (C) THE COUNTY MUST POST A COPY OF THE NOTICE ON THE COUNTY CLERK'S
42 OFFICIAL WEBSITE BETWEEN THE DATES OF AUGUST 30, 2013 AND
43 SEPTEMBER 13, 2013.
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- (D) THE COUNTY MUST SEND A COPY OF THE NOTICE TO THE SECRETARY OF STATE BY AUGUST 30, 2013, FOR PUBLICATION ON THE SECRETARY'S WEBSITE.

32.7.3 REGISTRATION

- (A) AN ELECTOR MAY REGISTER IN PERSON AT THE COUNTY'S OFFICE OR AT A POLLING LOCATION DURING THE HOURS THAT THE LOCATION IS OPEN.
- (B) THE COUNTY MUST PROCESS ALL OTHER VOTER REGISTRATION APPLICATIONS RECEIVED THROUGH SEPTEMBER 4, 2013, AND MAY PROCESS VOTER REGISTRATION APPLICATIONS RECEIVED AFTER THAT DATE.
- (C) THE COUNTY MAY DEFER PROCESSING NCOA DATA UNDER SECTION 1-2-302.5, C.R.S., UNTIL AFTER THE SECRETARY OF STATE HAS CLOSED THE ELECTION IN SCORE.
- (D) VOTER REGISTRATION AT THE POLLING LOCATION
 - (i) AN INDIVIDUAL CONDUCTING VOTER REGISTRATION AT A POLLING LOCATION MUST BE AN EMPLOYEE OF A COUNTY OR THE STATE AND MUST SUCCESSFULLY PASS A CRIMINAL BACKGROUND CHECK. ANY PERSON CONVICTED OF AN ELECTION OFFENSE OR AN OFFENSE WITH FRAUD AS AN ELEMENT MAY NOT HANDLE VOTER REGISTRATION APPLICATIONS OR CONDUCT VOTER REGISTRATION AND LIST MAINTENANCE ACTIVITIES.
 - (ii) A PERSON WHO WANTS TO BOTH REGISTER AND VOTE AT A POLLING LOCATION MUST, IF AVAILABLE, PROVIDE A DRIVER'S LICENSE OR STATE IDENTIFICATION NUMBER THAT CAN BE VERIFIED IN SCORE. IF THE APPLICANT IS UNABLE TO DO SO, THE APPROPRIATE EMPLOYEE MUST MARK THE APPLICANT'S REGISTRATION RECORD "ID-REQUIRED" IN SCORE. THE ELECTOR MUST PRESENT IDENTIFICATION AS DESCRIBED IN SECTION 1-1-104(19.5), C.R.S., TO CAST A BALLOT.
 - (iii) IN ACCORDANCE WITH SECTION 1-2-102, C.R.S., ANY ELECTOR WHO REGISTERS TO VOTE IN PERSON MUST PROVIDE A VALID RESIDENTIAL ADDRESS TO REGISTER TO VOTE. THE ELECTOR MUST AFFIRM THAT THE ELECTOR HAS RESIDED AND WILL CONTINUE TO RESIDE AT THE RESIDENTIAL ADDRESS PROVIDED ON HIS OR HER APPLICATION.
 - (iv) BEFORE THE ELECTOR MAY CAST A BALLOT, THE COUNTY MUST VERIFY THAT THE ADDRESS IS LOCATED WITHIN THE APPROPRIATE DISTRICT, AND THAT THE ADDRESS IS A VALID RESIDENTIAL ADDRESS. IN ACCORDANCE WITH SECTION 1-2-102, C.R.S., AN

ELECTOR MAY NOT PROVIDE THE ADDRESS OF A BUSINESS OR VACANT LOT.

32.7.4 LIMITED MAIL BALLOT PROCEDURES.

(A) MAIL BALLOTS FOR THE RECALL ELECTIONS MAY BE ISSUED ONLY TO:

- (I) MILITARY AND OVERSEAS ELECTORS AS SPECIFIED IN ARTICLE 8.3 OF TITLE 1, C.R.S.;
- (II) ADDRESS CONFIDENTIALITY PROGRAM ELECTORS AS SPECIFIED IN PART 21 OF ARTICLE 30 OF TITLE 24, C.R.S.; AND
- (III) ELIGIBLE ELECTORS WHO COMPLETE AND TIMELY SUBMIT TO THE COUNTY AN EMERGENCY MAIL BALLOT APPLICATION, AS OUTLINED BY SECTION 1-7.5-115, C.R.S., AND RULE 42.
- (IV) ELECTORS AT A HEALTHCARE FACILITY (HCF) UNDER SECTION 1-7.5-113, C.R.S.

(B) MILITARY AND OVERSEAS VOTERS.

- (I) EXCEPT AS MODIFIED BY THIS RULE, THE PROVISIONS OF ARTICLE 8.3 OF TITLE 1, C.R.S., AND RULE 25 APPLY TO BALLOTS ISSUED TO OR RETURNED BY MILITARY AND OVERSEAS VOTERS.
- (II) THE COUNTY MUST IMMEDIATELY NOTIFY ALL MILITARY AND OVERSEAS VOTERS, IN THE MOST EFFICIENT MANNER POSSIBLE, THAT:
 - 1. BALLOTS ISSUED AND SENT TO COVERED ELECTORS BY MAIL OR ELECTRONIC TRANSMISSION ON OR BEFORE AUGUST 12, 2013, MAY HAVE OMITTED THE NAMES OF ONE OR MORE QUALIFIED SUCCESSOR CANDIDATES;
 - 2. COVERED VOTERS MAY OBTAIN AN OFFICIAL BALLOT LISTING ALL QUALIFIED SUCCESSOR CANDIDATES AFTER AUGUST 27, 2013, ON THE SECRETARY OF STATE'S ONLINE BALLOT DELIVERY WEBSITE OR BY CONTACTING THE COUNTY; AND
 - 3. IF A MILITARY AND OVERSEAS VOTER BELIEVES HE OR SHE WILL BE UNABLE TO OBTAIN AN OFFICIAL BALLOT LISTING ALL QUALIFIED SUCCESSOR CANDIDATES AFTER AUGUST 27, 2013, HE OR SHE MAY VOTE AND RETURN THE BALLOT

ISSUED ON OR BEFORE AUGUST 12, 2013, AND ALL OF HIS OR HER VOTES WILL BE COUNTED.

(III) AS SOON AS POSSIBLE FOLLOWING BALLOT CERTIFICATION, THE COUNTY MUST SEND BALLOTS TO MILITARY AND OVERSEAS VOTERS BY MAIL OR ELECTRONIC TRANSMISSION AS REQUESTED BY THE ELECTOR.

(IV) EXCEPT FOR VERIFY ELECTOR'S SIGNATURES UNDER SECTION 1-7.5-107.3, C.R.S., AND RULE 29, THE COUNTY MAY NOT PROCESS OR TABULATE MILITARY AND OVERSEAS BALLOTS RECEIVED DURING THE 8-DAY POST-ELECTION DAY PERIOD AS FOLLOWS:

1. IF A MILITARY AND OVERSEAS VOTER RETURNS THE SECOND ISSUED BALLOT, THE COUNTY MUST COUNT THAT BALLOT, REGARDLESS OF WHETHER THE VOTER RETURNED THE FIRST ISSUED BALLOT.
2. IF A MILITARY OR OVERSEAS VOTER RETURNS ONLY THE FIRST ISSUED BALLOT, THE COUNTY MUST COUNT BOTH THE RECALL QUESTION AND THE CANDIDATE RACE.

(C) VOTERS COVERED BY THE ADDRESS CONFIDENTIALITY PROGRAM (ACP).

- (I) THE COUNTY MUST ISSUE MAIL BALLOTS TO ACP PARTICIPANTS AS PROVIDED BY TITLE 1, C.R.S., AND THE ELECTION RULES.
- (II) AS SOON AS POSSIBLE FOLLOWING BALLOT CERTIFICATION, THE COUNTY MUST SEND BALLOTS TO ACP PARTICIPANTS.

(D) EMERGENCY MAIL BALLOTS.

- (I) AN ELIGIBLE ELECTOR MAY APPLY FOR AN EMERGENCY MAIL BALLOT AS OUTLINED IN SECTION 1-7.5-115, C.R.S, AND RULE 42.
- (II) IN ADDITION TO THE REASONS OUTLINED IN SECTION 1-7.5-115, C.R.S., AN ELECTOR WHO CANNOT VOTE IN PERSON BECAUSE THE ELECTOR IS ABSENT FROM HIS OR HER COUNTY OF RESIDENCE MAY ALSO APPLY FOR AN EMERGENCY MAIL BALLOT.
- (III) AN ELECTOR WHO HAS NO ACCESS TO FAX, EMAIL, OR AN AUTHORIZED REPRESENTATIVE, MAY REQUEST DELIVERY OF HIS OR HER BALLOT BY A BIPARTISAN TEAM OF JUDGES. THE TEAM OF JUDGES WILL DELIVER AND RETURN THE ELECTOR'S BALLOT FOLLOWING THE HCF PROCEDURES IN SECTION 1-7.5-113.

- (IV) UNDER SECTIONS 1-9-201 AND 1-9-207, C.R.S., THE REASON AN ELECTOR REQUESTS AN EMERGENCY MAIL BALLOT IS NOT SUBJECT TO CHALLENGE.
- (V) UNLESS EXPRESSLY PROHIBITED BY STATUTE, AN ELECTOR'S EMERGENCY MAIL BALLOT APPLICATION IS AN OPEN RECORD THAT THE COUNTY MAY RELEASE SUBJECT TO REDACTION.

(E) HCF VOTERS

- (I) THE COUNTY MUST DELIVER BALLOTS TO HCF RESIDENTS IN ACCORDANCE WITH SECTION 1-7.5-113, C.R.S.
- (II) THE COUNTY MAY DELIVER BALLOTS TO HEALTHCARE FACILITIES THAT HAVE INDIVIDUAL MAIL BOXES OR THAT DO NOT MEET THE MINIMUM NUMBER OF BALLOTS OUTLINED IN SECTION 1-7.5-113, C.R.S.

32.7.5 POLLING LOCATIONS

- (A) FOR THE PURPOSES OF THE RECALL ELECTION, POLLING LOCATION MEANS A VOTER SERVICE AND POLLING CENTER AS DESCRIBED IN SECTIONS 1-1-104(50.5), 1-5-102.9, AND 1-7.5-107(4.5), C.R.S.
- (B) THE COUNTY MUST DESIGNATE THE MINIMUM NUMBER OF POLLING LOCATIONS OUTLINED IN SECTION 1-7.5-107(4.5), C.R.S., AND CONSPICUOUSLY POST NOTICE OF THE LOCATION NO LATER THAN SEPTEMBER 3, 2013.
- (C) THE COUNTY MUST COMPLETE AND FILE AN ACCESSIBILITY ASSESSMENT FOR EACH LOCATION WITH THE SECRETARY OF STATE BY SEPTEMBER 3, 2013, USING THE APPROVED ANNUAL POLLING PLACE ACCESSIBILITY SURVEY FORM.
- (C) THE COUNTY MUST OPEN THE MINIMUM NUMBER OF POLLING LOCATIONS BEGINNING ON SEPTEMBER 5, 2013, FOR A MINIMUM OF EIGHT HOURS ON WEEKDAYS AND SATURDAY. ALL POLLING LOCATIONS MUST BE OPEN FROM 7:00AM TO 7:00PM ON ELECTION DAY.
- (D) THE COUNTY MUST PROVIDE ALL SERVICES OUTLINED IN SECTION 1-5-102.9, C.R.S., AT EVERY POLLING LOCATION.
- (E) VOTER CHECK-IN AT POLLING LOCATIONS
 - (I) EACH POLLING LOCATION MUST INCLUDE AN ADEQUATELY STAFFED CHECK-IN TABLE OR AREA WHERE A CHECK-IN JUDGE MUST VERIFY

1 EACH ELECTOR'S REGISTRATION INFORMATION, INCLUDING
2 ADDRESS.

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4 (II) IF THE ELECTOR HAS MOVED OR IS NOT REGISTERED, THE CHECK-IN
5 JUDGE MUST DIRECT THE ELECTOR TO THE REGISTRATION AREA. IF
6 THE ELECTOR IS REGISTERED AND HAS NO UPDATES, THE CHECK-IN
7 JUDGE MUST DIRECT THE ELECTOR TO THE VOTING TABLE.

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9 (F) POLLING LOCATION CONNECTIVITY

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11 (I) THE COUNTY MUST HAVE REAL-TIME ACCESS TO SCORE AT EVERY
12 POLLING LOCATION.
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14 (II) AT NO TIME MAY AN ELECTION JUDGE OPEN BOTH THE SCORE
15 VOTER REGISTRATION SCREEN AND THE VOTING MODULE ON A
16 SINGLE WORKSTATION.

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18 32.7.6 TESTING AND AUDITING VOTING EQUIPMENT

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20 (A) BEFORE SEPTEMBER 5, 2013, THE COUNTY MUST CONDUCT A HARDWARE
21 DIAGNOSTIC AND LOGIC AND ACCURACY TEST OF THE EQUIPMENT THAT
22 WILL BE USED IN THE ELECTION USING THE PROCEDURES OUTLINED IN RULE
23 11.5.
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25 (B) THE COUNTY MUST SUBMIT THE VOTING SYSTEMS INVENTORY LISTS
26 REQUIRED BY RULE 11.4 TO THE SECRETARY OF STATE NO LATER THAN
27 SEPTEMBER 5, 2013.
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29 (C) THE COUNTY MUST SUBMIT A COPY OF THE ELECTION SETUP RECORDS TO
30 THE SECRETARY OF STATE NO LATER THAN SEPTEMBER 6, 2013.
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32 (D) THE COUNTY MUST CONDUCT A POST-ELECTION AUDIT OF THE ELECTION
33 FOLLOWING THE PROCEDURES OUTLINED IN SECTION 1-7-514, C.R.S., AND
34 RULE 11.

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36 32.7.7 PROVISIONAL BALLOTS

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38 (A) THE COUNTY MUST USE THE PROVISIONAL BALLOT AFFIDAVIT APPROVED BY
39 THE SECRETARY OF STATE.
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41 (B) IF A POLLING LOCATION CANNOT CONNECT TO SCORE, THE JUDGES MUST
42 ISSUE PROVISIONAL BALLOTS TO ELECTORS UNTIL THE COUNTY RESTORES
43 CONNECTIVITY. THE COUNTY MUST USE ACCEPTANCE CODE "ALC" FOR ALL
44 ACCEPTED PROVISIONAL BALLOTS THAT THE COUNTY ISSUES DUE TO A LOSS
45 OF CONNECTIVITY.
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- 1 (C) THE COUNTY MUST PROCESS AND TABULATE ALL REGULAR BALLOTS
2 BEFORE PROCESSING PROVISIONAL BALLOTS.
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- 4 (D) PUBLIC ACCESS TO PROVISIONAL BALLOT INFORMATION.
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- 6 (I) THE LIST OF VOTERS WHO CAST A PROVISIONAL BALLOT AND THE
7 ACCEPT/REJECT CODE FOR THE BALLOT IS AVAILABLE FOR PUBLIC
8 INSPECTION.
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- 10 (II) THE COUNTY MAY NOT RELEASE AN ORIGINAL OR COPY OF THE
11 ELECTOR'S:
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- 13 1. MONTH AND DAY OF DATE OF BIRTH;
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- 15 2. DRIVER'S LICENSE OR DEPARTMENT OF REVENUE
16 IDENTIFICATION NUMBER;
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- 18 3. SOCIAL SECURITY NUMBER; OR
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- 20 4. SIGNATURE.
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- 22 (III) IF AN ELECTOR HAS REQUESTED CONFIDENTIALITY UNDER SECTION
23 24-72-204(3.5), C.R.S., THE COUNTY MAY NOT RELEASE THE
24 ELECTOR'S ADDRESS OR TELEPHONE NUMBER.
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- 26 (IV) IF AN ELECTOR IS A PARTICIPANT IN THE ADDRESS
27 CONFIDENTIALITY PROGRAM UNDER SECTION 24-30-2101, C.R.S.,
28 THE COUNTY MAY NOT RELEASE THE PROVISIONAL BALLOT
29 AFFIDAVIT.
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31 32.7.8 ELECTION JUDGES
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- 33 (A) THE COUNTY MUST APPOINT ELECTION JUDGES IN ACCORDANCE WITH
34 SECTION 1-6-111, C.R.S. THE COUNTY MUST DETERMINE THE NECESSARY
35 AMOUNT OF ELECTION JUDGES TO CONDUCT THE ELECTION, REQUEST A LIST
36 OF INDIVIDUALS FROM THE LOCAL POLITICAL PARTIES AND SELECT JUDGES
37 FROM THESE LISTS, ACCORDING TO THE PRIORITY ESTABLISHED BY THE
38 LOCAL POLITICAL PARTY. CLERKS MUST MAINTAIN A BIPARTISAN BALANCE
39 OF ELECTION JUDGES.
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- 41 (B) THE COUNTY MUST HAVE AT LEAST ONE SUPERVISOR JUDGE AT EACH
42 POLLING LOCATION, APPOINTED IN ACCORDANCE WITH SECTION 1-6-109.5,
43 C.R.S.
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- 45 (C) EVERY ELECTION JUDGE MUST SUCCESSFULLY PASS A CRIMINAL
46 BACKGROUND CHECK. ANY PERSON WHO HAS BEEN CONVICTED OF AN

ELECTION OFFENSE OR AN OFFENSE WITH FRAUD AS AN ELEMENT IS PROHIBITED FROM SERVING AS A JUDGE.

32.7.9 WATCHERS AND OBSERVERS

- (A) A MAJOR OR MINOR POLITICAL PARTY WITH A CANDIDATE ON THE BALLOT, AN UNAFFILIATED CANDIDATE WHO IS ON THE BALLOT, OR A REGISTERED ISSUE COMMITTEE SUPPORTING OR OPPOSING THE RECALL QUESTION MAY APPOINT ONE OR MORE WATCHERS TO OBSERVE ELECTION ACTIVITIES.
- (B) A WATCHER MAY WITNESS AND VERIFY THE CONDUCT OF THE ELECTION, WHICH INCLUDES ALL ACTIVITIES IN A POLLING LOCATION AS WELL AS BALLOT PROCESSING AND COUNTING.
- (C) WATCHERS MAY BE PRESENT AT EACH STAGE OF THE CONDUCT OF THE ELECTION INCLUDING:
 - (I) RECEIVING AND PROCESSING EMERGENCY MAIL BALLOTS;
 - (II) PROVISIONAL BALLOT PROCESSING;
 - (III) SIGNATURE VERIFICATION; AND
 - (IV) MILITARY AND OVERSEAS BALLOT PROCESSING.
- (D) WATCHERS MAY NOT HAVE ACCESS TO CONFIDENTIAL VOTER INFORMATION.
- (E) IF AN ELECTION OFFICIAL OR ELECTION JUDGES ARE CONDUCTING ELECTION ACTIVITIES IN SEPARATE ROOMS OR AREAS OF A BUILDING OR BUILDINGS, THE COUNTY MUST ALLOW ADDITIONAL WATCHERS TO OBSERVE AND VERIFY EVERY ACTIVITY IN EACH ROOM OR AREA IN THE BUILDING OR BUILDINGS. THE COUNTY MUST ALLOW ONE OR MORE WATCHERS TO OBSERVE EACH SIGNATURE VERIFICATION WORKSTATION.
- (F) A WATCHER MAY NOT USE A CELL PHONE TO MAKE OR RECEIVE A CALL, OR USE ANY ELECTRONIC DEVICE TO TAKE PICTURES, VIDEO, OR AUDIO RECORDING IN ANY POLLING LOCATION OR OTHER PLACE ELECTION ACTIVITIES ARE CONDUCTED.

32.7.10 CANVASS AND REPORTING

- (A) CANVASS
 - (I) THE COUNTY MUST APPOINT THE CANVASS BOARD BY AUGUST 26, 2013.

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- (II) THE CANVASS BOARD MUST CONDUCT THE CANVASS AND PREPARE THE ABSTRACT FOLLOWING THE PROCEDURES OUTLINED IN PART 1 OF ARTICLE 10, C.R.S.
 - (III) AFTER CERTIFICATION OF THE ABSTRACT BY THE CANVASS BOARD, THE COUNTY MUST TRANSMIT THE SUMMARY RESULTS TO THE SECRETARY OF STATE NO LATER THAN THE EIGHTEENTH DAY AFTER THE ELECTION.
- (B) THE COUNTY MUST UPLOAD RESULTS TO THE ELECTION NIGHT REPORTING SYSTEM AT THE FOLLOWING TIMES:
- (I) NO LATER THAN ONE HOUR AFTER THE LAST VOTER CASTS HIS OR HER BALLOT ON ELECTION DAY;
 - (II) AT THE END OF THE NIGHT ON ELECTION DAY; AND
 - (III) AFTER THE CANVASS BOARD HAS COMPLETED ITS DUTIES AND CERTIFIED THE OFFICIAL RESULTS.

