

2019-2020

Circulation of Candidate & Initiative Petitions

Training Guide for Petition Entity Representatives & Petition Circulators

PETITION CIRCULATION PROCEDURES & AVOIDING POTENTIAL FRAUDULENT ACTIVITIES



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CIRCULATION OF CANDIDATE & INITIATIVE PETITIONS

TRAINING GUIDE FOR PETITION ENTITY REPRESENTATIVES & PETITION CIRCULATORS

WELCOME TO THE PETITION CIRCULATION PROCESS

This guide constitutes the petition entity and petition circulator training program, which provides an overview of the rights and responsibilities of petition entity representatives and petition circulators. In addition to fully reviewing this guide, please review Article V, Section 1 of the Colorado Constitution; Article 4 & Article 40, Title 1, C.R.S.; and SOS Election Rule 15.

GENERAL INFORMATION REGARDING INITIATIVES & PETITION CIRCULATION

DEFINITION OF AN INITIATIVE

An “Initiative” is a measure proposed by petition of eligible electors to amend or add to the Colorado Constitution or the Colorado Revised Statutes.

DEFINITION OF A CIRCULATOR

A “circulator” is a person who presents to other persons for possible signature a petition to place a measure on the ballot by initiative or referendum or a petition to nominate a candidate.

[1-40-102(3.5), C.R.S.]

DEFINITION OF A PETITION ENTITY

A “petition entity” means any person or committee that provides payment to a circulator to circulate a petition to nominate a candidate or any person or issue committee that provides compensation to a circulator to circulate an initiative petition.

[1-4-905.5(1)(c), C.R.S.]

[1-40-135(1), C.R.S.]

WHO MAY CIRCULATE A PETITION

In order to circulate a candidate, initiative, or referendum petition you must be:

- 1) a citizen of the United States; and
- 2) at least eighteen (18) years old at the time that the petition is circulated.

[1-4-905(1), C.R.S.]

[1-40-112(1), C.R.S.]

WHO IS REQUIRED TO PARTICIPATE IN THIS TRAINING PROGRAM

Any petition entity that provides compensation to a circulator to circulate a petition must obtain a license from the Secretary of State. To complete the license application, a designated agent of the petition entity must confirm that a current representative of the petition entity has completed this training program.

[1-4-905.5(2)(a)(II), C.R.S.]

[1-40-135(2)(a)(II), C.R.S.]

[Rule 15.2.1(c)]

WHY CIRCULATORS SHOULD PARTICIPATE IN THIS TRAINING PROGRAM

This program provides a basic overview of circulator rights and responsibilities to help prepare circulators for gathering signatures.

Additionally, completing the training program is one way that a circulator may comply with the requirement in the circulator's affidavit that a circulator read and understood the laws pertaining to petition circulation.

The training program will also provide circulators and petition entity representatives with an overview of all the steps and processes involved with circulating petitions in Colorado.

[1-4-905(7), C.R.S.]

[1-40-112(3), C.R.S.]

CIRCULATOR BADGE REQUIREMENTS

If you are a circulator who will not be paid for circulating an initiative petition, you must display an identification badge that includes the words "**VOLUNTEER CIRCULATOR**" in bold-faced type that is clearly legible.

If you are a circulator who will be paid for circulating an initiative petition, you must display an identification badge that includes the clearly legible words "**PAID CIRCULATOR**" in bold-faced type and the name and telephone number of the individual employing the circulator.

[1-4-905(6)(a)(b), C.R.S.]

[1-40-112(2)(a)(b), C.R.S.]

PETITION PROPONENT & PETITION ENTITY RESPONSIBILITIES

LIST OF CIRCULATORS & NOTARIES

The candidate or proponents of a petition or a candidate committee or issue committee acting on the candidate or proponents' behalf shall maintain a list of the following:

- the names and addresses of all individuals who circulated petition sections on behalf of the proponents;

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- the names and addresses of all notaries public who notarized petition sections on behalf of the proponents; and
- the petition section numbers that each individual circulated and that each notary public notarized.

A copy of the list must be filed with the Secretary of State at the time the petition is submitted. If a copy of the list is not filed, the Secretary of State will prepare the list and charge the proponents a fee to cover the cost of the preparation.

This list is considered a public record for purposes of Article 72, Title 24, C.R.S.

[1-4-905(5), C.R.S.]

[1-40-111(4), C.R.S.]

PAID CIRCULATOR REPORT (INITIATIVE & REFERENDUM PETITIONS ONLY)

A payment made to a circulator is an expenditure under Article 45, Title 1, C.R.S. (“Fair Campaign Practices Act”). Therefore, proponents of the initiative petition, or an issue committee acting on behalf of the proponents, must file a report with the Secretary of State including:

- the dates of circulation by all circulators who were paid to circulate a section of the petition;
- the total hours for which each circulator was paid to circulate a petition section (if circulators are paid hourly);
- the gross amount paid for the signatures on the petition;
- any addresses used by circulators on their affidavits that the designated representatives or their agents have determined, before filing the petition, to be false; and
- any expenditures made by any person or issue committee related to the circulation of petitions, including the name of the person or issue committee and the amount of the expenditure.

The filing must be made no later than ten (10) days after the initiative petition is filed with the Secretary of State.

[1-40-121(2), C.R.S.]

PETITION ENTITY LICENSE

Any person or issue committee that provides compensation to an individual to circulate an initiative petition or any person or committee that provides payment to a circulator to circulate a petition to nominate a candidate must obtain a petition entity license from the Secretary of State before compensating any individual.

A petition entity may apply for a license by submitting an application and paying a nonrefundable licensing fee of \$100 (payable by cash or check).

Applications for a petition entity license are available online at the Secretary of State website:

http://www.sos.state.co.us/pubs/elections/Initiatives/petitionEntities/forms/ENTITY_APP.pdf

[1-4-905.5(2)(a), C.R.S.]

[1-40-135(2)(a), C.R.S.]

[Rule 15.2.1]

PETITION ENTITY REGISTRATION

A licensed petition entity must also register with the Secretary of State prior to circulating an initiative and/or candidate petition. To register, the petition entity must complete and submit a Petition Registration Form(s) and the ballot title(s) for the initiative petitions they wish to circulate (if circulating an initiative petition). The forms are available online at the Secretary of State's website:

http://www.sos.state.co.us/pubs/elections/Initiatives/petitionEntities/forms/REG_PETITION.pdf

To complete the Petition Registration Form for circulating an initiative petition, the following information must be provided:

- 1) The initiative number(s) of any proposed measure(s) for which a petition will be circulated by circulators coordinated or paid by the petition entity;
- 2) The current name, address, telephone number, and electronic mail address of the petition entity;
- 3) The name and signature of the designated agent of the petition entity for the proposed measure; and
- 4) A copy of the ballot title(s) of each proposed measure for which a petition will be circulated.

To complete the Petition Registration Form for circulating a candidate petition, the following information must be provided:

- 1) The name of any candidate or candidate committee for which a petition will be circulated by circulators coordinated or paid by the petition entity;
- 2) The current name, address, telephone number, and electronic mail address of the petition entity;
- 3) The name and signature of the designated agent of the petition entity for the candidate or candidate committee;

*Note: a petition entity must notify the Secretary of State within 20 days of any change in the registration information submitted.

[1-4-905.5(4)(a), C.R.S.]

[1-40-135(5)(a), C.R.S.]

[Rule 15.2.2]

SECRETARY OF STATE APPROVAL

Before a petition may be circulated, the petition format must be created by the Secretary of State, reviewed by the candidate/proponents, and approved by the Secretary of State for circulation. Candidates or their representatives and proponents of an initiative or referendum petition must file a hard copy printer's proof of the petition before approval can be issued.

[1-4-903, C.R.S.]

[1-40-113(1)(a), C.R.S.]

[Rule 15.3.1]

GATHERING SIGNATURES

SIGNATURES MUST BE COLLECTED IN THE CIRCULATOR'S PRESENCE

Colorado law requires that signatures must be affixed in the circulator's presence. This means that the circulator of that petition section must personally witness each signature collected on that petition section. It is not sufficient that you are merely present in the same room or vicinity or that another circulator is present observing signature collection. This also means there may only be one circulator per petition section.

[1-4-905(2)(a), C.R.S.]

[1-40-111(2)(a), C.R.S.]

ELIGIBILITY TO SIGN A PETITION

Only registered electors who would be eligible to vote on the proposed measure or for the candidate may sign the petition. A circulator must not attempt to obtain the signature of any person that, to the best of his/her knowledge, is not a registered elector at the time of signing.

[1-4-904(1), C.R.S.]

[1-40-111(1), C.R.S.]

INSTRUCTIONS FOR PETITION SIGNERS

PETITION SIGNER DOS & DON'TS

DO...

- Read the warning that appears at the top of each page of the petition.
- Print clearly in black or blue ink.
- Complete all portions of the signature line with the required information.
- Use the residence address where you are registered to vote.



DO NOT...

- Sign for another person.
- Sign the same petition more than once.
- Use ditto marks to provide information on a signature line.
- Provide a post office box for your residence address.

SAMPLE SIGNATURE LINE

A signature line consists of two lines, both of which must be fully completed. For example:

	FIRST	MI	LAST	SIGN			
1	RESIDENCE ADDRESS			CITY/TOWN	COUNTY	DATE	

CORRECTING MISTAKES

If a small correction is made, the signer should cross out the error and initial the change. For example:

1	Signature <i>Eligible Elector</i>	Residence Address (Street & Number) 5555 Elector Street, #123 #132 EE	County Denver
	Printed Name Eligible Elector	City/Town Denver	Date of Signing 8/10/07

If a larger correction is required, the signer should **completely** cross out the incorrect information and proceed to use the next blank signature line. For example:

1	Signature <i>Eligible Elector</i>	Residence Address (Street & Number) 5555 Main Street, #567	County Adams
	Printed Name	City/Town	Date of Signing
2	Signature <i>Eligible Elector</i>	Residence Address (Street & Number) 5555 Elector Street, #132	County Denver
	Printed Name Eligible Elector	City/Town Denver	Date of Signing 8/10/07

WITHDRAWAL OF SIGNATURE

A registered elector who signs an initiative or referendum petition may withdraw his/her signature from a petition by filing a written request for such withdrawal with the Secretary of State at any time on or before the day that the petition is filed with the Secretary of State. A signer may not withdraw their signature from a candidate petition.

[1-40-109(3), C.R.S.]

ASSISTING DISABLED/ILLITERATE ELECTORS

If a registered elector is physically disabled or illiterate and wishes to sign the petition, the elector may do so by signing his or her name or making his or her mark in the signature area. Any person, except the circulator, may assist the elector in completing the remaining required information. The person providing assistance must sign his or her name (and provide their address for initiative and referendum petitions) and must **clearly** state that such assistance was given to the disabled or illiterate elector, either in the same signature line (as illustrated below) or in the blank signature line below (using arrows or some type of indicator that the person assisted with the signature line above).

[1-4-904(3)(4), C.R.S.]

[1-40-111(1), C.R.S.]

1	Signature X (<i>John Doe</i>)	Residence Address (Street & Number) 5555 Elector Street, #123 (123 Assistance Ave.)	County Denver (Denver)
	Printed Name Eligible Elector (assisted by John Doe)	City/Town Denver (Denver)	Date of Signing 8/10/07

COMPLETING THE CIRCULATOR AFFIDAVIT BEFORE A NOTARY PUBLIC

AFFIRMATION & NOTARIZATION REQUIREMENTS

After a petition section has been circulated and the circulator is finished gathering signatures, he or she will need to complete and sign the circulator affidavit of the petition in the presence of a notary public.

To complete the affidavit, the circulator must provide their printed name and their permanent residence address. If they are not a Colorado resident, they must provide both their permanent residence address in the state of which they are a resident, as well as the temporary address where they are staying in Colorado. Proper identification, outlined further below, must also be presented to the notary for initiative and referendum petitions.

[1-4-905(2)(a), C.R.S.]

[1-40-111(2)(a), C.R.S.]

PRESENTING PROPER IDENTIFICATION TO THE NOTARY

When completing the circulator affidavit for a petition, the circulator must present to the notary an acceptable form of identification as defined by section 1-1-104(19.5), C.R.S. The list of acceptable forms of identification can be found here:

[Acceptable Forms of Identification](#)

While the Colorado residency requirement for circulators was struck down in *The Independence Institute v. Gessler*, the court upheld the requirement that a circulator present to the notary a specific type of identification. Therefore, if the identification provided **has an address, it must be a Colorado address**. The court's decision can be found here:

[The Independence Institute v. Gessler](#)

[1-4-905(2)(b)(I)(C), C.R.S.]

[1-40-111(2)(b)(I)(C), C.R.S.]

CORRECTING MISTAKES TO THE CIRCULATOR AFFIDAVIT AND NOTARY JURAT

If a small correction is made to the circulator affidavit, the circulator should cross out the error and initial the change. The notary may not correct any information filled out by the circulator in the circulator affidavit. The same principle applies if a small correction is made to the notary jurat, except the notary should cross out the error and initial the change. The circulator may not correct any information filled out by the notary in the notary section of the circulator affidavit.

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If a larger correction is required for either the circulator affidavit or notary jurat, then the information should be **completely** crossed out by the circulator (for affidavit corrections) and notary (for notary corrections) and a new circulator affidavit and notary jurat should be completed. The new affidavit and jurat page should be attached to the petition section, behind the petition backing at the very end.

SAMPLE CIRCULATOR AFFIDAVIT (INITIATIVE PETITION)

AFFIDAVIT OF CIRCULATOR

I do solemnly affirm under penalty of perjury that:

- I have read and understand the laws governing the circulation of petitions;
- I was a citizen of the United States, and at least 18 years of age at the time this section of the petition was circulated and signed by the listed electors;
- I circulated this section of the petition;
- Each signature on this petition was affixed in my presence;
- Each signature on this petition is the signature of the person whose name it purports to be;
- To the best of my knowledge and belief each of the persons signing this petition section was, at the time of signing, a registered elector;
- I have not paid or will not in the future pay and I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition;
- I understand that I can be prosecuted for violating the laws governing the circulation of petitions, including the requirement that a circulator truthfully completed the affidavit and that each signature on the petition was affixed in the circulator's presence;
- I understand that failing to make myself available to be deposed and to provide testimony in the event of a protest shall invalidate the petition section if it is challenged on the grounds of circulator fraud;
- I understand that the entire petition section may be rejected if any portion of the circulator affidavit is incomplete; and
- I understand that I am required to provide my permanent residence address and the temporary street address where I am staying in Colorado if I am not a Colorado resident.

Circulator Name (please print)

<input type="text"/>	<input type="text"/>
Last Name	First Name

Permanent Residence Address (or location if homeless)

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street name and number (no P.O. Boxes)	City/Town	County	State	Zip Code

Temporary Colorado Address (if you are not a Colorado Resident)

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street name and number (no P.O. Boxes)	City/Town	County	State	Zip Code

Sign and Date in the Presence of a Notary

<input type="text"/>	<input type="text"/>
Signature of Circulator	Date of Signing

STATE OF COLORADO, COUNTY OF

Subscribed and affirmed before me this Day day of Month, 20 Year

by
Printed name of Circulator above

Stamp notary seal within the box below

--

Type of ID provided by circulator:

(Do not accept out-of-state driver's license; use any ID from Acceptable Forms of ID list on Colorado Secretary of State's website)

Signature (and Title) of Notary / Official Administering Oath:

My Commission Expires:

RETURNING THE PETITION SECTION

When you are finished gathering signatures and have properly completed the circulator affidavit before a notary public, you should then immediately return the petition section to the candidate, petition proponent, or designated representative of the petition proponents.

PROHIBITED ACTIVITIES

Violations of the following activities may be punished by a fine or imprisonment:

FRAUDULENT REPRESENTATION

It is illegal to intentionally circulate, sign or cause to be signed, any petition that so much as implies endorsement or approval of any person, organization, league, or political party without written consent and approval.

[1-40-130(1)(a), C.R.S.]

ELECTOR SIGNING A PETITION FOR ANOTHER PERSON

SIGNING PETITION MORE THAN ONCE

An elector signing a petition must not sign any name other than his/her own.

An elector must not knowingly sign a petition for the same measure or candidate more than once or sign a candidate petition for the same office more than once (where an elector may only sign one petition).

[1-4-904(2)(a)(b), C.R.S.]

[1-40-130(1)(b), C.R.S.]

[Rule 15.1.4(d)(11)(12)]

ELECTOR SIGNING A PETITION IF INELIGIBLE

An elector must not sign any petition if he/she is not a registered elector at the time of signing or not eligible to sign.

[1-4-904(1), C.R.S.]

[1-40-130(1)(c), C.R.S.]

[Rule 15.1.4(d)(7)]

IMPROPER EXECUTION OF CIRCULATOR AFFIDAVIT

A circulator must not sign the circulator affidavit on the petition form without knowing or reasonably believing the statements made in the affidavit to be true.

Additionally, a circulator must not sign the circulator affidavit on the petition form, unless he/she personally witnessed each signature on the petition section.

[1-4-905(2)(a), C.R.S.]

[1-40-130(1)(d)(k), C.R.S.]

IMPROPER NOTARIZATION

A notary public must be duly qualified under the laws of this state to administer an oath.

It is against the law for a notary public to certify a circulator affidavit attached to a petition, unless the affidavit was subscribed or sworn to before him/her.

A notary must not certify an affidavit attached to a petition that violates Colorado law.

[1-4-905(2)(b)(l), C.R.S.]

[1-40-111(2)(b) & 1-40-130(1)(e)(j), C.R.S.]

INTERFERENCE WITH ELECTIONS

It is against the law for a person to willfully act, or conspire to do any act, which hinders, delays, or in any way interferes with:

- the calling, holding, or conducting of any election allowed by the initiative powers given to the people in the Colorado State Constitution, or
- the registering of electors.

[1-40-130(1)(f), C.R.S.]

CAUSING CONFUSION OR FAILURE TO SUBMIT A PETITION IN PROPER FORM

It is against the law to:

- willfully act to confuse or tend to confuse the issues submitted or proposed to be submitted at any election, or
- refuse to submit any petition in the form presented for submission at any election.

[1-40-130(1)(g), C.R.S.]

WILLFUL VIOLATION OF STATUTORY PROVISIONS GOVERNING PETITIONS

It is against the law to willfully violate any provisions of Article 40, Title 1, C.R.S.

A circulator can be prosecuted for violating the law governing the circulation of petitions.

[1-4-905(2)(a), C.R.S.]

[1-40-111(2)(a) & 1-40-130(1)(h), C.R.S.]

BRIBERY

It is against the law to pay, or promise to pay, money or other things of value to an elector for the purpose of inducing an elector to:

- sign a petition, or
- withdraw his/her name from a petition (initiative only).

[1-4-905(2)(a), C.R.S.]

[1-40-111(2)(a) & 1-40-130(1)(i), C.R.S.]

IMPROPER CIRCULATION OF THE PETITION

No person may circulate a petition section, in whole or in part, other than the circulator who signs the circulator affidavit attached to the petition section.

[1-4-905(4)(a)(II) C.R.S.]

[1-40-130(1)(I), C.R.S.]

TAMPERING WITH A PETITION

It is against the law to:

- willfully destroy, deface, mutilate, or suppress any initiative or referendum petition;
- willfully neglect to file or delay the delivery of the initiative or referendum petition;
- conceal or remove any initiative or referendum petition from the possession of the person authorized by law to have the custody thereof;
- add, amend, alter, or in any way change the information on the petition as provided by the elector; or
- aid, counsel, procure, or assist any person in doing any of said acts.

Note: this does not prevent a circulator from striking a complete line on the petition if the circulator believes the line to be invalid.

[1-40-131, C.R.S.]

FORGERY

It is against the law to forge the name of a person as a signer or witness to a petition.

[1-4-905(4)(a)(I), C.R.S.]

[1-40-111(3)(a)(I), C.R.S.]

IMPROPERLY ASSISTING DISABLED ELECTORS

The circulator of a petition section may not assist a physically disabled or illiterate elector in signing the petition or otherwise completing the information required.

[1-4-904(4), C.R.S.]

[1-40-111(1), C.R.S.]

USE OF FALSE CIRCULATOR NAME OR ADDRESS

A petition circulator must not provide a false name or address in the circulator affidavit.

[1-4-905(4)(a)(III), C.R.S.]

[1-40-111(3)(a)(III), C.R.S.]

COMPENSATING CIRCULATORS WITHOUT A PETITION ENTITY LICENSE

It is unlawful for a petition entity to provide compensation to a circulator without first obtaining a license from and registering with the Secretary of State.

[1-4-905.5(2)(a) & (4)(a)(I), C.R.S.]

[1-40-135(2)(a) & (5)(a), C.R.S.]

PERMITTING UNLAWFUL/FRAUDULENT ACTIVITIES

Permitting unlawful or fraudulent activities may result in the denial or revocation of a petition entity license. A petition entity must not authorize or knowingly permit:

- forgery of a registered elector's signature;
- circulation of a petition section by anyone other than the individual who signs the circulator affidavit;
- use of a false circulator name or address in the circulator affidavit;
- payment of money or other things of value to any person for the purpose of inducing the person to sign or withdraw his/her name from a petition; or
- the notarization of a petition section by a notary public outside the presence of the circulator or without the required identification.

[1-4-905.5(2)(c), C.R.S.]

[1-40-135(2)(c), C.R.S.]

DELIVERY OF PETITION TO CANDIDATE OR CANDIDATE COMMITTEE BY PETITION ENTITY

A petition entity shall ensure that a petition circulated by the entity is delivered to the candidate or candidate committee no later than three days before the deadline for the candidate to file the petition.

[1-4-905.5(5), C.R.S.]

PENALTIES FOR VIOLATIONS OF PETITION LAW

VIOLATION	OFFENSE/PENALTY
<ul style="list-style-type: none"> • Fraudulent representation • Elector signing a petition for another person • Elector signing a petition if ineligible • Improper execution of circulator affidavit • Improper notarization • Interference with elections • Causing confusion or failure to submit a petition in proper form • Willful violation of statutory provisions governing petitions • Bribery to induce an elector to withdraw his/her name from petition • Improper circulation of the petition 	<p>Penalty of:</p> <ul style="list-style-type: none"> • a fine up to one thousand five hundred dollars (\$1,500.00), • imprisonment for not more than one year in the county jail, or • both fine and imprisonment <p><i>Section 1-40-130(2), C.R.S.</i></p>
<ul style="list-style-type: none"> • Bribery to induce an elector to sign a petition • Tampering with a petition 	<p>Misdemeanor, with a penalty of:</p> <ul style="list-style-type: none"> • a fine up to one thousand dollars (\$1,000.00), • imprisonment in the county jail for up to one year, or • both fine and imprisonment <p><i>Section 1-13-111, C.R.S.</i></p>
<ul style="list-style-type: none"> • Forgery 	<p>Class 5 felony, with a penalty as described in the Colorado criminal code.</p> <p><i>Section 18-1.3-401, C.R.S.</i></p>
<ul style="list-style-type: none"> • Compensating circulators without a petition entity license 	<p>Fine up to one hundred dollars (\$100.00) per circulator for each day that the individuals circulated petition sections on behalf of the unlicensed petition entity.</p> <p><i>Section 1-4-905.5(3)(c) & 1-40-135(3)(a), C.R.S.</i></p>
<ul style="list-style-type: none"> • Permitting unlawful/fraudulent activities 	<p>Revocation of a petition entity’s license for ninety to one hundred and eighty days.</p> <p>For subsequent violations of this kind, revocation of the petition entity’s license for one hundred eighty days to one year.</p> <p><i>Section 1-4-905.5(3)(d) & 1-40-135(3)(a), C.R.S.</i></p>

REJECTION OF SIGNATURES OR PETITION SECTIONS

WHY INDIVIDUAL SIGNATURES MAY BE REJECTED

Individual signatures may be rejected for any of the following reasons:

- the signature is that of an unregistered elector;
- the signer's address or other required information does not match his/her voter registration record;
- the address the signer provided is a post office box;
- the signer did not provide the required information to sign a petition;
- the signature was dated after the circulator's affidavit was completed;
- the signature date is invalid;
- assistance was provided but no statement of such assistance accompanies the signature or mark;
- the elector's writing is illegible;
- the elector has already signed the petition (duplicate signature); or
- the signer's information appears outside of a numbered signature block on a petition section.

[1-4-904, C.R.S.]

[1-40-111, C.R.S.]

[Rule 15.1.4(d)]

WHY A PETITION SECTION MAY BE REJECTED

The entire petition section may be rejected for any of the following reasons:

INCOMPLETE/INVALID CIRCULATOR'S AFFIDAVIT

During the verification process, the circulator's affidavit will be checked for each petition section to ensure validity. A signed, notarized, and dated circulator affidavit must be attached to each petition section. The affidavit must be completed in accordance with Article 4 & Article 40, Title 1, C.R.S. and SOS Election Rule 15.

Any petition section that lacks a valid and complete notarized affidavit will be rejected.

[1-4-905(3), C.R.S.]

[1-40-111(2)(c), C.R.S.]

[Rule 15.1.3]

INCOMPLETE/INVALID NOTARY CLAUSE

The notary clause at the end of the affidavit will be checked for each petition section. The entire petition section will be rejected if:

- required information is missing;
- the dates on the notary clause and circulator affidavit do not match; or
- the notary is not a current/valid notary with an active commission on file with the office of the Secretary of State.

[1-4-905(2)(b)(II), C.R.S.]

[1-40-111(2)(c) & 1-40-130(1)(e), C.R.S.]

[Rule 15.1.3]

DISASSEMBLY OF A PETITION SECTION

A disassembled petition section will be invalid. For example, if the circulator affidavit has been separated from the signature pages, the petition section and all signatures on that section will be rejected.

[1-4-905(2)(a), C.R.S.]

[1-40-113(2), C.R.S.]

CIRCULATOR'S ABSENCE IN THE EVENT OF A PROTEST

A petition circulator must be available to provide testimony in the event of a protest if the petition is challenged on the grounds of circulator fraud as defined in section 1-40-111(3)(a), C.R.S. If the circulator is not available, the petition section may be rejected.

However, the petition section will not be rejected if the circulator is absent because he/she:

- has died;
- has become mentally incompetent; or
- has become medically incapacitated and physically unable to testify by any means whatsoever.

[1-4-905(4)(b), C.R.S.]

[1-40-111(3)(b), C.R.S.]

ONLINE RESOURCES – INITIATIVE INFORMATION

General initiative information regarding initiatives and initiative petitions is available on the Secretary of State website via the following link: <http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

ONLINE RESOURCES – CANDIDATE INFORMATION

General candidate information regarding running for office and candidate petitions is available on the Secretary of State website via the following link: <https://www.sos.state.co.us/pubs/elections/Candidates/CandidateHome.html>

ONLINE RESOURCES – LAWS & RULES

Colorado constitution: Article V, Section 1

- https://www.sos.state.co.us/pubs/info_center/laws/COConstitution/ColoradoConstitution.pdf

Colorado Revised Statutes: Title 1, Article 4

- https://www.sos.state.co.us/pubs/info_center/laws/Title1/Title1Article4.html

Colorado Revised Statutes: Title 1, Article 40

- https://www.sos.state.co.us/pubs/info_center/laws/Title1/Title1Article40.html

Colorado Secretary of State Election Rules: Rule 15

- https://www.sos.state.co.us/pubs/rule_making/CurrentRules/8CCR1505-1/Rule15.pdf

COLORADO SECRETARY OF STATE CONTACT INFORMATION

If you have any questions, please contact:



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