

CHAPTER 2: BALLOT ACCESS PROCEDURES

QUALIFICATION OF CANDIDATES

Candidates must meet the qualifications of each office on or before the day they begin their terms in office. County candidates must: (1) be at least 18 years old, (2) be a qualified elector of the county, and (3) have resided in their district for at least 1 year before the election. [Section 1-4-501, C.R.S., & Colo. Const. Art. XIV, Section 10]

In addition, candidates must meet affiliation requirements on their voter registration records:

- Major party candidates must be affiliated with the party for which they are seeking a nomination by the first business day in January, unless otherwise provided by party rules. [Section 1-4-601(4)(a), C.R.S.]
- Minor party candidates must be affiliated with the party for which they are seeking a nomination by the first business day in January, unless otherwise provided by party rules. [Section 1-4-1304(2)(b), C.R.S.]
- Unaffiliated candidates must be unaffiliated by the first business day in January. [Section 1-4-802(1)(g)(II), C.R.S.]

General qualifications for office: Section 1-4-501, C.R.S. & Colo. Const., Article XIV, Section 10

County assessor: Section 30-10-8, C.R.S.

County clerk and recorder: Section 30-10-4, C.R.S.

County commissioner: Sections 1-4-205, C.R.S. & 30-10-3, C.R.S.

County coroner: Section 30-10-6, C.R.S.

County sheriff: Section 30-10-5, C.R.S.

County surveyor: Section 30-10-9, C.R.S.

CAMPAIGN FINANCE REQUIREMENTS

All county candidates must file an electronic candidate affidavit with the Secretary of State. When a county candidate submits a candidate affidavit, the county clerk's office should automatically receive a confirmation email from TRACER. County clerks who are not receiving these emails should contact the Secretary of State's Campaign Finance division. County clerks can also search for submitted candidate affidavits using the campaign finance TRACER system. [Section 1-45-110(1), C.R.S.]

If a county candidate fails to submit a candidate affidavit, the county clerk should send notice via certified mail to the candidate stating that the candidate will be disqualified if a candidate affidavit is not filed within 5 business days of receipt. If the candidate fails to comply with the notice, the county clerk will disqualify the candidate. [Section 1-45-110(3), C.R.S.]

PARTY NOMINATION OF CANDIDATES

Major and minor parties recognized in the state can nominate candidates via assembly in general election years. The county assembly must be held no later than 25 days after the precinct caucuses, which are held on the first Tuesday in March, or in a Presidential primary year on the Saturday following the primary if the party so chooses. [Sections 1-4-602(1)(a)(I) & 1-3-102, C.R.S.]

Party nomination or designation documents must be submitted by the party to the clerk within 4 days of assembly adjournment. Candidate acceptance of designation forms must be submitted within 4 days of the adjournment of the assembly for major parties and within 4 business days of the filing of the designation form for minor parties. Samples of these documents can be found on Clerk's Corner under "SOS Approved Forms".

Major party candidate nominations: Sections 1-4-601 & 1-4-604, C.R.S.

Minor party candidate nominations: Section 1-4-1304, C.R.S.

PETITION NOMINATION OF CANDIDATES

Major party candidates who chose to participate in their party's assembly and did not receive at least 10% of the vote at the assembly cannot petition on the ballot. [Section 1-4-801(4), C.R.S.]

Major party candidate petition highlights:

- Format must be approved by the secretary of state or the designated petition official. A sample petition format can be found on Clerk's Corner under "SOS Approved Forms". [Section 1-4-903, C.R.S.]
- Petition circulators must be U.S. citizens, at least 18 years old, and affiliated with the party at the time they circulate a petition section. [Section 1-4-905(1), C.R.S.]
- Circulation of petition begins on the third Tuesday in January. [Section 1-4-801(5), C.R.S.]
- The petition must be submitted to the county clerk by the third Tuesday in March. The submission must include a candidate acceptance of petition nomination form; a sample of this form can be found on Clerk's Corner under "SOS Approved Forms". [Sections 1-4-801(5), 1-4-906, C.R.S.]
- The signers of the petition must have been affiliated with the party for at least 29 days, must be eligible electors of the district, and have not signed a petition for any other candidate for the same office. [Section 1-4-904, C.R.S.]
- For county candidates, the signature requirement is 20% of the votes cast for the office in the preceding primary election for the party, or if no primary election was held, 20% of the votes cast for the office in the preceding general election. [Section 1-4-801(2)(a), C.R.S.]

Minor party candidate petition highlights:

- Format must be approved by the secretary of state or the designated petition official. A sample petition format can be found on Clerk's Corner under "SOS Approved Forms". [Section 1-4-903, C.R.S.]
- Petition circulators must be U.S. citizens and at least 18 years old. [Section 1-4-905(1), C.R.S.]
- Circulation of petition begins on the first Monday in February of the election year. [Section 1-4-802(1)(d)(II), C.R.S.]
- The petition must be submitted to the county clerk by the 85th day before the primary election. The submission must include a candidate acceptance of petition nomination form; a sample of this form can be found on Clerk's Corner under "SOS Approved Forms". [Sections 1-4-802(1)(f)(II), 1-4-906, C.R.S.]
- The signers of the petition must be eligible electors of the district and have not signed a petition for any other candidate for the same office. [Section 1-4-904, C.R.S.]
- For county candidates, the signature requirement is the lesser of 750 or 2% of the votes cast for that office in the most recent general election. [Section 1-4-802(1)(c)(VII), C.R.S.]

Unaffiliated candidate petition highlights:

- Format must be approved by the secretary of state or the designated petition official. A sample petition format can be found on Clerk's Corner under "SOS Approved Forms". [Section 1-4-903, C.R.S.]
- Petition circulators must be U.S. citizens and at least 18 years old. [Section 1-4-905(1), C.R.S.]
- Circulation of petition begins on the 173rd day before the general election. [Section 1-4-802(1)(d)(I), C.R.S.]
- The petition must be submitted to the county clerk by 3:00 p.m. on the 117th day before the general election. The submission must include a candidate acceptance of petition nomination form; a sample of this form can be found on Clerk's Corner under "SOS Approved Forms". [Sections 1-4-802(1)(f)(I), 1-4-906, C.R.S.]
- Clerk must declare sufficiency or insufficiency no later than 96 days before the general election. [Section 1-4-908(3), C.R.S.]
- Unaffiliated candidates are allowed to "cure" their petitions by 3:00 p.m. on the 85th day before the general election or 3 p.m. on the 67th day before an election that is not being held concurrently with the general election. [Section 1-4-912, C.R.S.]
- Clerks are required to notify the candidate of the cured petition's sufficiency or insufficiency no later than 75 days before the general election. [Section 1-4-912, C.R.S.]
- The signers of the petition must be eligible electors of the district and have not signed a petition for any other candidate for the same office. [Section 1-4-904, C.R.S.]
- For county candidates, the signature requirement is the lesser of 750 or 2% of the votes cast for that office in the most recent general election. [Section 1-4-802(1)(c)(VII), C.R.S.]

Major party petition nominations: Section 1-4-801, C.R.S.

Minor party petition nominations: Section 1-4-802, C.R.S.

Unaffiliated petition nominations: Section 1-4-802, C.R.S.

Petitions for nominating school district directors: Section 1-4-803, C.R.S.

Protests of sufficiency or insufficiency: Sections 1-4-909 & 911, C.R.S.

WRITE-IN CANDIDATES

Write-in candidates must file an affidavit of intent with the clerk by the close of business on the 67th day before a primary election or the 110th day before a general election. [Sections 1-4-1101 & 1102, C.R.S.] Candidates, including write-in candidates, who participated in the primary election and lost cannot run as write-in candidates for that same office in the general election. [Section 1-4-105, C.R.S.]

Write-in candidate affidavit sample forms can be found on Clerk's Corner under "SOS Approved Forms".

PLACEMENT OF CANDIDATES ON THE BALLOT

Major party candidates nominated via assembly or petition are placed on the party's primary election ballot. Candidates nominated via assembly are placed first in order of votes received at the assembly; candidates nominated by petition are placed after the assembly candidates in order established by a lot drawing conducted by the clerk. If assembly-nominated candidates receive an equal number of votes, their order is established by a lot drawing by the candidates. [Sections 1-4-103 & 1-4-601(2), C.R.S.]

Major party candidates who win their primary election are placed on the general election ballot. On the general election ballot, the major party candidates are grouped first on the ballot in an order established by a lot drawing conducted by the clerk. [Sections 1-4-104 & 1-5-404, C.R.S.]

Minor party candidates are most often placed on the general election ballot. They are placed in a second grouping after major party candidates in an order established by a lot drawing conducted by the clerk. However, if there are multiple minor party candidates from the same party for the same office who have been nominated by assembly or petition nomination, the race and candidates are placed on the minor party's primary ballot; the assembly candidates are placed first in order of votes received at the assembly followed by the petition-nominated candidates in an order established by a lot drawing conducted by the clerk. [Sections 1-4-1304(1.5)(c) & 1-5-404, C.R.S.]

Unaffiliated candidates are only placed on the general election ballot. They are placed on the ballot in a third grouping after minor party candidates in an order established by a lot drawing conducted by the clerk. [Section 1-5-404, C.R.S.]

Lot drawings for candidate order on the general election ballot are conducted under section 1-5-404(2), C.R.S.

Write-in candidates are only placed on the eligible write-in candidate list and not the ballot. On the write-in list, candidates for the same office are placed in the order in which their candidate affidavit was received by the county clerk. [Section 1-7-114(4)(a), C.R.S.]

Sample ballot orders:

Republican Primary Ballot
County Coroner

- 1) Assembly candidate with most votes
- 2) Assembly candidate with second most votes
- 3) Petition candidate who took first in lot drawing
- 4) Petition candidate who took second in lot drawing

General Election Ballot
County Coroner

- 1) Major party candidate who took first in major party lot drawing
- 2) Major party candidate who took second in major party lot drawing
- 3) Minor party candidate who took first in minor party lot drawing
- 4) Minor party candidate who took second in minor party lot drawing
- 5) Unaffiliated candidate who took first in unaffiliated lot drawing
- 6) Unaffiliated candidate who took second in unaffiliated lot drawing

WITHDRAWAL OF CANDIDATES

Any candidate who has submitted a candidate acceptance of nomination or petition or a write-in candidate affidavit can withdraw their candidacy by submitting a withdrawal form (a sample withdrawal form is located on Clerk’s Corner under “SOS Approved Forms”) or notarized letter to the county clerk. [Section 1-4-1001, C.R.S.]

BALLOT MEASURES

County clerks are encouraged to refer voters to the county commissioners for placement of a county measure on the ballot. If a county elector wishes to initiate a county measure, county clerks should contact their county attorney or the legal staff at the Secretary of State to find out if the measure can be initiated for placement on the ballot and to learn about the initiative process.

County clerks are responsible for numbering or lettering all ballot measures with the exception of state ballot measures. When the same ballot measure will be on the ballot in multiple counties, the county clerks should agree upon the same ballot number or letter. County clerks should number or letter ballot issues in the following manner or refer to Election Rule 4.5:

Ballot issues initiated by the public	Ballot issues referred by a governmental body
200-299 County issues	1A-1Z County measures
300-399 Municipal issues	2A-2Z Municipal measures
400-499 School district issues	3A-3Z Municipal measures greater than a county
500-599 Political subdivision greater than a county	4A-4Z School district measures wholly within a county
600-699 Political subdivision wholly within a county	5A-5Z School district measures greater than a county
	6A-6Z Measures for political subdivisions wholly within a county
	7A-7Z Measures for political subdivisions greater than a county

On the ballot, the issues should be ordered in the following manner: statewide issues ordered in the manner that the Secretary of State certified them to the ballot; followed by county ballot measures; followed by municipal measures; followed by school district measures; followed by political subdivision measures in more than one county; followed by political subdivision measures within one county. [Section 1-5-407(5)(a), C.R.S.]

VACANCIES

Vacancies in county offices except board of county commissioners are filled by the board of county commissioners. Vacancies in the board of county commissioners are filled by a vacancy committee as constituted in section 1-12-206, C.R.S. Vacancy appointees will hold office until a successor is elected in the next general election and takes office. [Colo. Const. Art. XIV, Section 9, & Sections 1-12-205 & 206, C.R.S.]

Vacancies in assembly nominations or petition nominations are filled per section 1-4-1002, C.R.S.