

CHAPTER 8: ELECTION JUDGES

TYPES OF ELECTION JUDGES

Election judges are registered electors appointed by the county clerk to perform the election duties assigned by the clerk. Judges are appointed to ensure that elections are administered fairly according to federal and state law. The following are the different types of election judges:

- Supervisor Judges: A supervisor judge coordinates the conduct of the election at a VSPC location. For partisan elections, each major political party is entitled to one-half of the total number of supervisor judges appointed. Each supervisor judge must complete a training course provided or approved by the Secretary of State.
- Regular Judges: Election judges perform duties at VSPCs and central count locations, as assigned.
- Signature Verification Judges: A signature verification judge is a regular judge that has been assigned by the clerk to conduct signature verification. Each signature verification judge must complete a training course provided by or approved by the Secretary of State. The county clerk is prohibited from acting as a signature verification judge. In addition, some counties may not use regular staff as signature verification judges. See Election Rules 6.2, 6.3, 6.4, and 6.8 for further information.
- Student Judges: High school students who are at least 16 years old, juniors or seniors, and in good standing may serve as student judges. No more than half of the total number of election judges serving in any one polling location may be student judges.

For more information regarding judges, please refer to sections 1-6-101, 1-6-109, 1-6-109.5, and 1-6-111, C.R.S., and Election Rule 6.

ELECTION JUDGE QUALIFICATIONS AND APPOINTMENTS

To be an election judge, an individual must:

- Be a registered elector in the State of Colorado.
- Be physically and mentally able to perform the assigned tasks.
- Attend a training provided by the county clerk.
- Not have been convicted of fraud or other election offense.
- Not be a candidate or be related by blood, marriage, or civil union to the second degree to a candidate whose name appears on the ballot.

Election judges must affirm to the oath in section 1-6-114, C.R.S. Student judges must affirm to the oath in Election Rule 6.6.

The major political parties should supply a list of election judges to the county clerk, and the clerk should request an updated list before each election. If a major party fails to provide an adequate list of judges by the 60th day before Election Day, the clerk must notify the Secretary of State. Minor parties may also submit a certified list of individuals to the clerk and unaffiliated electors who want to serve as judges may submit a written application.

The clerk must try to exhaust the major parties' appointees in the order listed. If the parties provide too few names or the individuals are unable to serve, the clerk may supplement with minor party judges, unaffiliated judges, or staff. The clerk must provide a list of election judges, including party affiliations and assignments, if known, to each party no later than 35 days before Election Day, and a supplemental list if requested no later than 7 days before the county's first VSPC opens. The clerk must also arrange for the necessary criminal background checks before judges may conduct voter registration. The clerk may never ask a judge or staff member to change his or her affiliation in order to achieve a bipartisan balance.

There must be at least three judges at each VSPC, one of whom may be a student judge. As long as two judges of differing affiliations are present, voting may continue. If, however, there are only two judges of the same affiliation or only one judge, voting may not proceed. Judges may also work in shifts as long as one judge from each major party works the full day in each precinct.

For more information please refer to sections 1-6-101, 1-6-102, 1-6-103, 1-6-103.7, 1-6-104, 1-6-106, 1-6-111, and 1-6-114, C.R.S., and Election Rule 6.

REMOVAL OF ELECTION JUDGES

Before Election Day, a clerk may remove an election judge "for cause," which includes:

- Failure to file an acceptance form;
- Failure to attend required training;
- No longer residing in the jurisdiction; or
- Failure, refusal, or inability to serve.

The county clerk may also remove or reassign an election judge performing signature verification at any time for cause, including:

- An inability to perform signature verification;
- An inability to serve for the requisite amount of time needed; or
- An irregular acceptance or rejection rate, as determined by the county clerk.

The county clerk must periodically audit signature verification judges for unexplained, irregular acceptance or rejection rates. If the clerk is concerned with a judge or team of judges, the clerk must retrain or remove that judge or team from conducting signature verification.

On Election Day judges may also be removed for electioneering, leaving the polling location, or being unable or unwilling to serve. Additionally, eligible electors have the ability to file a complaint with the clerk against an election judge. If this happens, the clerk must investigate and may remove the judge based upon the information contained in the complaint.

A county chairperson or authorized party official may also remove an election judge if they feel the judge is not fairly representing that party.

Lastly, a court may remove a judge in accordance with section 1-6-120, C.R.S.

To fill an election judge vacancy, the clerk must select a replacement from the major party list that was previously submitted by the party chairperson. In a partisan election, the county clerk

must try to replace the judge with an individual from the same political party. If the major party list is exhausted, then the clerk must appoint either a minor party or unaffiliated judge.

For more information, please refer to sections 1-6-113, 1-6-119, and 1-6-120, C.R.S. and Election Rule 6.

BEST PRACTICES

Clerks must exhaust the party list before using staff as election judges. While the clerk must exhaust the list, they have discretion to assign election judges to positions based on appropriate skill and interest. Additionally, clerks may assign judges to work for part of an election instead of an entire one.

After providing the list of judge assignments to the political parties, a party may ask that the clerk reconsider a judge assignment. Clerks should do their best to explain the assignments or to accommodate the request.

County clerks, elections directors, and other staff should give their cell phone contact information to supervisor judges at polling locations. This process ensures that there is a direct line of communication between judges and staff in case a question or problems arise with the phone lines at the clerk's office.

In the past, some counties used Google phone or created a phone line that does not go to voicemail. Instead, the phone will continuously ring until someone at the clerk's office answers. Clerks should have multiple lines of communication available between themselves and supervisor judges so an elector experiences smooth operations during registration and voting.