

ELECTION PROTECTION



FREQUENTLY ASKED QUESTIONS: COLORADO

Questions Involving Primary Elections

1. How are party nominees selected?

Nominations for United States senator, representative in congress, governor, secretary of state, state treasurer, attorney general, member of the state board of education, regent of the university of Colorado, member of the general assembly, district attorney, and all county officers to be elected at the general election may be made: (i) by primary election for major political parties, (ii) by convention, assembly, petition or primary election for minor political parties, or (iii) by petition for unaffiliated candidates. **(1-4-502(1))**

Nominations for presidential electors to be elected at the general election and for candidates to fill vacancies to unexpired terms of representatives in congress to be elected at a congressional vacancy election may be made by a convention of a political party, or by a committee authorized by the convention, or by petition. **(1-4-502(2))**

Precinct political party committee persons and delegates to county assemblies shall be elected at precinct caucuses. In most cases, precinct caucuses shall be held on the third Tuesday in March, in each even-numbered year. In presidential election years, a political party may hold its precinct caucuses on the first Tuesday in February. **(1-3-102)**

All candidates for nominations to be made at any primary election shall be placed on the primary election ballot either by certificate of designation by assembly or by petition. **(1-4-102)** Candidates who receive a plurality of the votes cast at the primary election shall be the respective party nominees for the respective offices. **(1-4-104)**

2. Who administers primary elections?

Primary elections shall be held at the regular polling places in each precinct on the second Tuesday of August in even-numbered years to nominate candidates of major political parties to be voted for at the succeeding general election. **(1-4-101(1))**

All primary elections shall be conducted in the same manner as general elections, as applicable, and the election officers for primary elections have the same powers and shall perform the same duties as for general elections. **(1-4-101(4))**

3. Who is entitled to vote in primary elections?

If you are a registered voter, and you have declared an affiliation with a political party, you can participate in that party's primary election. If you have not declared an affiliation with a political party, but you are a registered voter, you may declare your party affiliation on the date of the primary election and then vote in the primary election for your chosen party. If you do not declare an affiliation with a participating party, you may not vote in the primary election. (1-7-201(1), (2))

4. What offices and issues are decided through primary elections?

All nominations by major political parties for candidates for United States senator, representative in congress, all elective state, district, and county officers, and members of the general assembly are made by primary elections. (1-4-101(3))

Questions Involving Access to the Ballot:

1. It is after 7:00 AM and the polling place is not open.

Immediately contact the County Elections Office to report the problem. You can find information on County Election Offices at <http://www.elections.colorado.gov/DDefault.aspx?tid=147>.

If the polling place is open at 7:00 a.m. but the voting machines have not arrived, call headquarters immediately. Voters should be permitted to vote by paper ballots (preferably) or by provisional ballots if there are no machines available.

2. It is 7:00 PM and my precinct is closed or closing and they will not let me vote.

Immediately contact the County Elections Office to report the problem. You can find information on County Election Offices at <http://www.elections.colorado.gov/DDefault.aspx?tid=147>.

3. There are equipment problems at my precinct and I cannot vote. What should I do?

Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot. If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

Identification and Provisional Ballots:

1. I do not have any identification with me. Can I vote?

Identification is required in order to vote in Colorado. Provisional ballots, however, may be cast by a voter without ID. Provisional ballots completed without ID will be counted only if the election official can verify the voter's eligibility through one of several state databases.

Identification includes a valid Colorado driver's license, a valid identification card, a valid United States passport, any government employee identification card including a photograph, a valid pilot's license including a photograph, a valid United States military identification card including a photograph, a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter, a valid Medicare or Medicaid card, a certified copy of a United States birth certificate, a certified documentation of naturalization, or a valid student identification card with a photograph, issued by an institution of higher education in Colorado.

2. I am a registered voter who is not on the rolls at my precinct. Can I vote?

Verify that the voter is, in fact, at the correct precinct. If he or she is at the correct precinct, he or she may only vote by provisional ballot. See the answer to Identification and Provisional Ballots Question 4 for an explanation of the procedure to cast a provisional ballot.

3. Poll workers are turning voters away if they don't have photo ID.

Voters without ID are allowed to cast a provisional ballot. If poll workers are not allowing voters to cast provisional ballots, immediately contact a County Clerk.

4. I have been offered a provisional ballot. What should I do?

A voter casting a provisional ballot shall complete and sign the provisional ballot affidavit given by the election judge, and cast the ballot.

The fact that a voter has cast a provisional ballot shall be indicated on the signature card or pollbook next to the voter's name.

If the voter casting the provisional ballot did not show the election judge identification, that fact will be noted on the provisional ballot envelope.

After the voter casts the provisional ballot, the election judge shall give the voter a written notice that the voter has the right to know whether the provisional ballot was counted and, if not counted, the reason why. The notice shall specify the toll-free telephone number, internet website, or other free access system established for the voter to learn this information.

If the designated election official verifies that a voter who properly cast a provisional ballot is entitled to vote, the provisional ballot shall be counted. If the voter's registration cannot be verified, the ballot shall not be counted.

Where to Vote:

1. Where do I vote (for voter's who have not moved)?

The County Clerk for each county establishes the location of polling places within its county, subject to approval by the board of county commissioners. All changes in precinct boundaries or numbering must be reported within ten days by the County Clerk to the Secretary of State.

Contact the County Clerk within 10 days of the election to determine where to vote.

2. I have moved within the same PRECINCT and have not updated my address for voter registration purposes. Where should I vote?

A change of residence *within the same precinct* may be made by the voter at the polling place as late as the day of the election. The voter may have his or her residence changed on the registration record by submitting a letter or form furnished by the County Clerk, either by mail or in person.

3. I have moved to a different precinct within the same COUNTY and I have not updated my address for voter registration purposes. Where should I vote?

A voter who moved between precincts no later than thirty (30) days before the election may complete a change of address form in person at the County Clerk's office. The clerk must verify the registration of the voter, and if verified, must supply the voter with a certificate of registration. Election judges shall allow the voter who has registered in the new precinct to vote in the new precinct, using the certificate of registration as a substitute registration record.

A voter who moves from the precinct where he or she is registered during the twenty-nine (29) days before any election, and therefore after the registration period has closed, can vote by an absentee ballot, by early voting, or at the polling place for the precinct where registered.

4. I have moved from one county to another and have not updated my address for voter registration purposes. Where should I vote?

If a voter moves from one county in Colorado to another with the intention of making the new county a permanent residence, after thirty (30) days the voter shall be considered to have lost residence in the county from which the voter moved. In order to be eligible to vote, the voter must reregister with the County Clerk of the county of the voter's new residence.

A voter who moves from the county where he or she is registered during the twenty-nine (29) days before any election, and therefore after the registration period has closed, can vote by an absentee ballot, by early voting, or at the polling place for the precinct where registered.

Assistance at the polls:

1. I am physically disabled and need assistance; will my polling place be accessible?

Each polling place shall be made accessible to persons with disabilities. Designated election officials shall only select as polling places sites that meet specific accessibility standards. Emergency polling places, however, are exempt from the disabled access requirements.

If, for some reason, a disabled individual is unable to access a polling place, either because it is not compliant or is exempt from accessibility requirements, the voter shall be allowed to vote as an absentee voter.

2. I am blind, physically disabled, or cannot read English and require assistance at the polls in order to vote. Can I get assistance at the polls?

Any registered voter is entitled to assistance if he or she has declared to the election judges that, by reason of blindness or other physical disability or inability to read or write, he or she is unable to prepare the ballot or operate the voting machine without assistance. The voter shall be entitled, upon making a request, to receive the assistance of any one of the election judges or, at the voter's option, any eligible voter selected by the disabled eligible voter.

Non-English speaking voters are entitled to assistance from:

1. An election judge who speaks English and the voter's language;
2. Any person selected by the designated election official to provide assistance in that precinct who speaks English and the voter's language; or
3. Any person selected by the voter requesting assistance, provided they speak English and the voter's language.

Voters have the right to receive ballots, instructions, and other voting materials in Spanish in Alamosa, Conejos, Costilla, Crowley, Denver, Otero, Rio Grande, and Saguache counties; in Navajo in La Plata and Montezuma counties; and in Ute in La Plata and Montezuma counties.

Miscellaneous Issues:

1. I have been approached by candidates or others at the polls.

No campaigning shall be conducted on the day of any election within 100 feet of any building in which a polling place is located. Immediately report any violation of this rule to a County Clerk.

2. What if I requested an absentee ballot but I want to vote in person on Election Day?

If a voter applies for an absentee ballot but does not cast it, the voter may cast a provisional ballot at the polling place, vote center, or early voter's polling place if the voter affirms under oath that the voter has not, and will not, cast the absentee ballot. The provisional ballot shall be counted if the designated election official verifies that the voter is registered to vote and did not cast the absentee ballot.

2. There are people at the polls trying to intimidate voters.

Contact a County Clerk immediately, or contact Election Protection at 1-866-OUR-VOTE. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the County Clerk so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. Also, alert the call center manager.

A person unlawfully intimidates a voter if that person:

1. Unduly influences a voter by use of force or other means, to vote in any particular manner or to refrain from voting;
2. Interferes with an election official in the discharge of his or her duty or induces any election official to violate or refuse to comply with his or her duty or any law regulating the same;
3. Intentionally interferes with any watcher while he or she is discharging his or her duties;
4. Interferes with any voter who is inside the immediate voting area or is marking a ballot or operating a voting device or electronic voting device;
5. Impedes, prevents, or otherwise interferes with the exercise of any voter's voting rights or compels, induces, or prevails upon any voter either to give, or refrain from giving, his or her vote or to give, or refrain from giving, his or her vote for any particular person or measure at any such election;
6. Campaigns or electioneers on the day of any election within any polling place or in any public street or room or in any public manner within one hundred (100) feet of any building in which a polling place is located, as publicly posted by the designated election official; or

7. Endeavors to pay, loan, or contribute, or offer or promise to pay, loan, or contribute, any money or other valuable consideration to, or for, any voter, or to, or for, any other person, to induce such voter to vote, or refrain from voting, or to induce any voter to vote, or refrain from voting, for any particular person or to induce such voter to go to the polls or remain away from the polls.

4. I have a felony conviction. Can I vote?

A resident of Colorado who has been convicted of a felony and is serving a sentence of confinement or parole may not vote in Colorado elections. The right to vote is automatically restored upon completion of a sentence of confinement or parole in Colorado. After completing any sentence of confinement or parole, that person must re-register before he or she may vote.

5. I am a college student, can I vote where I go to school?

A student at an institution of higher learning shall not gain residence by reason of that person's presence, nor lose it by reason of absence. However, a student at an institution of higher education in Colorado who is otherwise qualified to vote shall not be denied the right to register or vote at any election held in Colorado solely because that person is a student at an institution of higher education. Therefore, a student at an institution of higher learning in Colorado may be eligible to vote at the student's school residence if that residence is the student's primary home or place where the student's habitation is fixed and to which the student, whenever absent, has the present intention of returning, regardless of the duration of absence. If, however, the student is only in Colorado for the purpose of attending school, he or she is not eligible to vote in Colorado.

If a properly registered student is turned away at the poll, contact a County Clerk to dispatch an attorney to the location and contact the appropriate election official.