

Colorado Department of State

Quick Reference Guide

Revised 6/28/2012



Mail-in Voting

The Application Process

Electors may apply for a mail-in ballot by submitting:

- A voter registration application
- A mail-in ballot application
- A letter that contains all of the required information listed below.

If the elector wants to receive the ballot by mail, an application must be submitted no later than 7 days before the election. If the elector wants to pick up the ballot in person, the application must be submitted by the Friday before election.

The application must contain the elector's:

- Name
- Date of birth
- Signature
- Residential address
- Mailing address, if different from the residential
- Party affiliation (for a Primary Election)

The application must also state the length of the mail-in ballot request, for example calendar year.

[Sections 1-8-104 and 1-8-104.5, C.R.S.]

Issuing Ballots

The county clerk and recorder must have ballots in his or her possession no later than 32 days before the election.

Ballots must be mailed to UOCAVA voters no later than 45 days before the election. (See the UOCAVA Quick Reference Guide for more information.)

Ballots may be mailed no sooner than 22 days before the election.

For applications received after the initial mailing, the county clerk must issue the ballot no later than 72 hours after the application is received.

Counties using a third party vendor to mail ballots are considered to be in possession of the ballots when the vendor has prepared them for mailing, so long as the ballots are prepared no later than 32 days before the elections.

Counties using an in-office printer are considered to be in possession of the ballots 32 days prior to the election, so long as the ballots printed at least 32 days before the election.

[Sections 1-8-101, 1-5-403, and 1-8-111, C.R.S.; Election Rules 13.14 and 13.15]

Undeliverable Ballots

Undeliverable ballots are processed as follows:

- When a ballot is returned as undeliverable, the clerk will verify that it was mailed to the correct address
- If the ballot was mailed to the correct address, the clerk will receive it into SCORE as "undeliverable"
- At the end of the election, the record is marked "Inactive – undeliverable ballot"
- Any elector whose permanent mail-in ballot was undeliverable is removed from the permanent mail-in list
- All undeliverable ballots are secured and stored separately from the other ballots

[Sections 1-8-113, 1-8-310, 1-8-108(2)(b), and 1-2-605(5), C.R.S.; Election Rule 43]

Replacement Ballots

An elector may obtain a replacement ballot if the original ballot was destroyed, spoiled, lost, or otherwise not received.

Replacement ballots must be available at the county clerk's office 22 days before Election Day and through the close of polls. The elector or the county clerk must complete the Request for Replacement Ballot Form stating the need for a replacement. Counties may send the replacement ballot and include a blank Request for Replacement Ballot Form with the ballot packet. But if the elector does not return the form, the county may not reject the ballot.

This guide serves as a reference document only and is not a substitute for applicable laws and rules.

If both the original and replacement ballot are returned, the first ballot received is the ballot that the county will count.

[Section 1-8-111(3), C.R.S.]

Emergency Ballots

For information regarding emergency voting, see the Emergency Ballots Quick Reference Guide.

[Section 1-8-115, C.R.S., and Election Rules 42.10, 42.11 and 42.12]

ID Requirements

An elector who registered by mail and did not include a copy of ID, and has not previously voted in Colorado, may be required to submit a copy of ID with his or her mail-in ballot. The county clerk must include instructions for submitting ID with the mail-in ballot packet to these electors.

An elector is not required to provide a copy of ID with their mail-in ballot if the ID number provided can be verified through the Department of Revenue or the elector is exempt under federal law. Electors exempt under federal law are:

- Electors who are 65 years or older
- Electors with disabilities
- Military or overseas electors

If an elector who is required to submit a copy of ID fails to include it, the clerk must send the elector a letter. The clerk must send the letter within 3 days after receiving the mail ballot, but no later than 2 days after the election. The letter must explain that in order for the ballot to be counted, the elector must provide a copy of ID no later than 8 days after the election.

[Section 1-8-113(1)(a), C.R.S.; Election Rule 13.8]

Signature Verification and Missing Signatures

An election judge must compare the signature on the return envelope of each mail-in ballot with a copy of the elector's signature on file in SCORE.

If a judge determines that a signature **does not match**, 2 other judges, each from different political parties, must look at the signature. The ballot is counted if at least one of the judges believes the signatures match.

If neither judge believes the signatures match, the county must send a letter to the elector within 3 days of receiving the ballot but no later than 2 days after the election. The letter must advise the elector that in order for the ballot to count, the elector must complete an affidavit and send in a copy of ID no later than 8 days after the election.

If a mail-in ballot envelope is not signed, the county must send a letter to the elector within 2 days of receiving the ballot, but no later than 3 days after the election. The letter must advise the elector that in order for the ballot to count, he or she must come in and sign the ballot no later than 8 days after the election.

Military and overseas electors and other electors absent from the state may return an affidavit by mail, fax, or email to have the ballot counted.

[Section 1-8-114.5, C.R.S.; Election Rule 29]

Processing ballots of deceased voters

If an elector dies after properly voting and returning a mail-in ballot, the ballot will be counted unless there is a signature discrepancy or some other evidence that the affidavit may be fraudulent.

If the affidavit of a deceased voter appears to be fraudulent, the ballot will not be counted and a copy of the return envelope is forwarded to the District Attorney for investigation

[Section 1-8-304(3), C.R.S.]

Group Residential Facilities (HCF)

A group residential facility includes: nursing homes, nursing care facilities, homes for persons with developmental disabilities, assisted living facilities, and residential treatment facilities for persons with mental illness.

If a county received more than 7 mail-in ballot requests for electors residing at the same group facility, and the mail to the residents of the facility is delivered to one address and distributed by facility staff, the county clerk and recorder must have a committee deliver and return the ballots.

In a partisan election, the committee must include one representative from the county clerk and recorder's office and, where available, one representative from each of the major parties. In a non-partisan election, the committee must be comprised of two or more election judges, employees, or representatives of the designated election official.

If ballots are delivered to individual apartment numbers, unit numbers, or mailboxes, the group residential facility statutes and rules do not apply.

[Sections 1-1-104(18.5), 1-8-112, C.R.S.; Election Rule 13.11]

Questions?

Contact the Elections Division at (303) 894-2200 or elections@sos.state.co.us