

Report to the Colorado General Assembly:

COLORADO ELECTION PROCEDURES

A Manual For

ELECTION JUDGES & CLERKS



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 88

MAY, 1964

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OF THE

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The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

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Colorado General Assembly

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A
Manual For
Election Judges and Clerks

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Research Publication No. 88
May, 1964

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ROOM 341, STATE CAPITOL
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May 25, 1964

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To Members of the Forty-fourth Colorado General Assembly:

As directed by the provisions of H.J.R. 1030, 1964 session, the Legislative Council submits the accompanying manual of simplified election procedures.

This manual has been submitted to the Secretary of State for printing and distribution in accordance with the directive incorporated in H.J.R. 1030.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/cg

FOREWORD

The Colorado General Assembly in adopting House Joint Resolution No. 1030 during its 1964 session directed the Legislative Council to prepare a manual of simplified election procedures for the primary and general elections.

The Legislative Council assigned this task to its Local Election Laws Committee comprised of the following members: Representative Clarence Quinlan, chairman; Representative Vincent Massari, vice chairman; Representatives James Braden, Ray Black, Seiji Horiuchi, Ruth Stockton, Joseph Schieffelin, Jean Bain; and Senators Woody Hewett and Robert Allen.

The Council also appointed an advisory committee representing the county clerks comprised of the following: Marjorie Page, County Clerk of Arapahoe County; Homer Graham, County Clerk of Delta County; Harriet Beals, County Clerk of El Paso County; Margaret Reschke, County Clerk of Baca County; and George Cronin, Field Director for the Denver Election Commission.

Copies of the draft of this manual were given to both major political party headquarters for review. Betty Chronic and Evelyn Davidson contributed valuable suggestions for improving the manual as a result.

The Council and its staff wish to thank all who have contributed to the publication of the manual. We certainly hope that it will prove to be a useful tool for the election officials of this state.

Both committees spent considerable time writing, reviewing, and rewriting the drafts that led to the accompanying manual.

The Committee on Local Election Laws has recommended to the Secretary of State that 15,000 copies of this manual be printed as soon as possible in order that every election judge in every precinct of this state may have a copy prior to primary election day.

In the meantime, the Committee recommended that the Legislative Council issue this manual as a research publication in order that all members of the General Assembly might have a copy.

May 25, 1964

Lyle C. Kyle
Director

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INTRODUCTION

In our democratic society, elections are conducted at local polling places in thousands of precincts throughout the nation. You, the election officials at these polling places, are a vital link in the chain of democratic elections.

Under our system, we have two kinds of elections. The first is a primary election which is a political party election to select candidates for office. The second is the general election at which each political party may offer a candidate for office.

Political party precinct officials, the committeeman and committeewoman, are elected at the primary election.

It is your job to see that each citizen is given the opportunity to exercise his constitutional right to register and to vote, within the rules established by the Colorado General Assembly to guarantee the purity of elections.

As an election official on election day, you can neither inform the prospective voter on the candidates and issues, nor can you force him to come to the polls. But when he does appear at your polling place, you can help him exercise his right to vote as conveniently and pleasantly as possible.

This manual has been prepared to assist you in carrying out your duties as a precinct election official. It cuts through the legal terminology of the statutes and outlines procedures for precinct registration, and primary and general elections in Colorado.

The manual should be helpful to experienced as well as inexperienced election officials, since it includes the changes made by the Colorado Election Code of 1963. The 1964 elections will be the first statewide elections held under this new election code.

Throughout the manual you will find references to sections in the Colorado Election Code of 1963. Sometimes it will be necessary or helpful to refer to the complete language of the law. You will have a copy of the Election Code at the polling place among the supplies provided.

Also, throughout this manual you will find references to the County Clerk as the prime election official. This is true in all counties except Denver where the Election Commission performs the duties of the County Clerk.

PRECINCT ELECTION OFFICIALS

Your Appointment and Your Job

You have been appointed by your county clerk to serve as an election judge. You were recommended by your political party. Your precinct committeeman and committeewoman gave your name to the county chairman, who in turn recommended you to the county clerk. Sections 82, 86, 87, and 88.

You have been appointed for a term of two years. New appointments will be made in June of the next general election year. Section 82.

Your certificate of appointment indicates whether you are a "receiving judge" or a "counting judge." Receiving judges serve at precinct registrations and at the primary and general elections in both paper ballot and voting machine precincts. Counting judges serve only at the general election to count the ballots and make the returns in those precincts using paper ballots. Sections 83 and 88.

In precincts using paper ballots which had fewer than 150 votes cast at the last presidential election, only three receiving judges will be appointed for precinct registration, primary and general election purposes. Two clerks, one from each political party, will be appointed by the election judges to serve at the primary and general elections. Section 92.

In precincts using paper ballots which had more than 150 votes cast at the last presidential election, three receiving judges will be appointed for precinct registration, three receiving judges and two clerks for the primary election, and three receiving judges, three counting judges, and four clerks for the general election. The clerks are evenly divided between the two political parties and are appointed by the judges, two by the majority party judges and two by the minority party judges. Section 92.

In precincts using voting machines, three receiving judges will be appointed for precinct registration; for the primary and general elections there will be at least three receiving judges appointed and the county clerk may appoint one additional receiving judge for each additional voting machine in the precinct. Section 84.

You and your co-workers will be in charge of the election activities at the polling place in your precinct, serving all the voters of your precinct. You have an obligation to those voters to know your duties and to perform them courteously, efficiently, and in accordance with law.

Your Precinct and Polling Place

The boundaries of your precinct have been established by your county commissioners. You should be familiar with these boundaries. A map will be included in the supplies provided by the county clerk.

The county commissioners may have changed the boundaries since the last election, so do not rely on your memory of previous boundaries. Section 101.

The county commissioners have also arranged for a precinct polling place. Your county clerk will notify you of its location. Some polling places have rules (such as NO SMOKING) which you must respect and enforce. The county clerk will tell you about these rules and will provide appropriate signs for you to post. If you do not abide by and enforce the rules, permission to use the polling place may be withdrawn. Section 101.

Your Supervisor

Whenever you are acting in your capacity as an election judge, your supervisor is the county clerk. He is the county officer in charge of elections. Sections 4 and 5.

If you cannot find the answer to a question, or the solution to a problem, by referring to this manual, or to the appropriate sections of the laws, do not hesitate to call your county clerk's office. The people there are familiar with the election laws and procedures and will be able to help you solve whatever problems may arise. Election day is a busy day in the clerk's office and in some counties you may have to try several times before you can reach the office by phone. Keep trying.

Your Responsibility To The County

Remember, as an election judge you are working for the county. You will be paid from county funds and your primary responsibility is to the county. You are a county election official. Each political party has other people working; it is not your responsibility to look after party matters on these days. Electioneering in any polling place, or within one hundred feet of the polling place, on election day is prohibited. Section 240.

Number of Receiving Judges

Every precinct has three receiving judges -- two from one major political party and one from the other major political party. The county clerk has determined which party is entitled to the third judge in even-numbered precincts and which in odd-numbered precincts.

Receiving judges work at precinct registrations and at the primary and general elections. At precinct registrations, the three judges work alone. Sections 83 and 85.

PRECINCT REGISTRATION

Registration Committee -- Time and Place

The three receiving judges serve as the registration committee at precinct registration. There are two precinct registration days -- one on the 25th day before the primary and one on the 25th day before the general election. Look at your certificate of appointment to determine the exact dates for this year. Registrations are made between 7:00 a.m. and 7:00 p.m. on precinct registration days.

Precinct registration is conducted at the precinct polling place. The county clerk will inform the judges of the location. Sections 25 and 30.

Possible Modifications by County Commissioners

Your county commissioners may have adopted one of the newly-authorized changes in precinct registration. They have the power to:

- (1) discontinue precinct registration altogether (if this has occurred in your county you do not need to be concerned with precinct registration procedures at all);
- (2) discontinue precinct registration before the primary but retain it before the general election; or
- (3) combine several precincts outside the county seat for purposes of precinct registration.

The county clerk will let you know if and when you are to serve at precinct registration. If any of the above modifications have been adopted, instructions will be issued accordingly by the county clerk. Section 24.

Purpose and Importance of Precinct Registration

Precinct registration is provided for the convenience of persons who cannot get to the county clerk's office or who prefer to register in their own neighborhoods.

Accuracy in registration is very important. When you conduct registration at the precinct polling place, you should be familiar with registration requirements and procedures. A person's right to vote on election day depends on his being properly registered. Do not jeopardize this right through carelessness on your part.

Procedure Before Precinct Registration Day

The county clerk will deliver to the minority party member of the precinct registration committee the sealed registration book on the day before precinct registration day. The minority member of the committee must sign a receipt for the registration book. Section 27.

It is the duty of the county commissioners to provide all necessary supplies for precinct registration and it is the responsibility of the county clerk to see that those supplies are delivered to the precinct registration place or to a member of the registration committee. Section 28.

Procedure on Precinct Registration Day Prior to 7:00 a.m.

The three members of the registration committee should be at the registration place by 6:30 a.m. in order to be ready for business at 7:00 a.m.

The committee should arrange the furniture in a convenient way to facilitate the registration process.

A sign should be posted outside the registration place indicating precinct registration is underway at the designated place.

Should there be restrictions against smoking in the registration place, or similar type restrictions, signs should be posted clearly indicating the restrictions and it is the duty of the registration committee to observe and to enforce the restrictions.

The registration committee should subscribe to the oath as shown on the form entitled Oath of Registration Committee. The members of the registration committee are authorized by law to administer the oath to each other. Section 26.

The committee members should sign the pay sheets if they desire to be reimbursed for their services.

Procedure During Registration Day

The law requires that two members of the registration committee, one from each party, must be present at all registrations. Should the minority party member of the committee have to leave the immediate registration area temporarily, all registrations must be stopped until he returns. Section 25.

Each member of the committee should bring his lunch or make arrangements to have lunch delivered to the registration place.

The only persons allowed in the registration place, in addition to the three members of the registration committee, are those persons desiring to be registered. No loitering is permitted. However, representatives of the press and of the two political parties will undoubtedly stop by to determine "how things are going." Certainly, questions from these people should be answered forthrightly and courteously.

The Registration Book During Precinct Registration Day

The registration book is to be used only as a reference during precinct registration day. No sheets should be removed or inserted in the book by the registration committee. Before making out any new registrations, a member of the committee should always check the registration book to determine whether the applicant is already registered to vote.

Who May Register

Any person living within your precinct may register on precinct registration day who will, by election day, be 21 years of age, have resided in the state at least one year, in the county 90 days and in your precinct 15 days. It is only necessary for a female applicant to state that she is 21 years of age or over in answer to all questions relating to her age. In order to register, the elector must furnish the information called for on the registration sheet, and sign the sheet. Sections 17 and 30.

New Registrations

Each new registration should be placed on a new registration sheet and the sheets should not be inserted in the registration book. Also, the elector should fill out and sign the registration sheet and he should be given the oath of registration. Section 38.

Changes of Address

An elector who has moved from one residence to another residence in the same precinct may have that change of address recorded at the polling place on precinct registration day. The change of address should be made on the elector's registration sheet in the registration book, and, in addition, the application For Change of Residence must be completed. Section 39.

Change of Name

Any registered elector who has changed his name since originally registering to vote may have his name changed on the registration book at precinct registration. In addition, a list of all changes of address should be kept and turned in to the county clerk at the end of the day. Section 40.

Declaring Party Affiliation

The 1963 Election Code provides that a registrant may declare himself to be affiliated with the Democratic or Republican party or, he may be "Unaffiliated." The law does not require a party declaration at the time of registration; however, if the person registering does not indicate that he desires to be affiliated as a Democrat or Republican, he shall be designated as Unaffiliated. In such a case, the person designated as Unaffiliated will be unable to participate in party caucuses or run for any office on a party ticket. Sections 56, 57, and 58.

Thus, it would seem desirable to carefully inquire of each person registering if he desires to declare his party affiliation and to inform him of the alternative should he fail to declare an affiliation.

Registration Other Than In Person

Any elector may register for members of his family who live with him, and if he does, he shall subscribe to the oath specified in section 23 of the election code. However, he cannot declare a party affiliation for others he is registering. Sections 23 and 57.

Six-Month Registration

Chapter 117, Session Laws of 1963, permits a person to register to vote only for president and vice president if he has lived in the state six months. However, a person desiring to register under this provision cannot do so at the precinct registration place; he must go to the county clerk's office.

Transfer of Party Affiliation

A new provision of the election code concerns the transfer of party affiliation. A registered elector, when moving from one county to another within the state, may request a certificate from the county clerk of the county from which he is moving showing that he has been affiliated with a political party for the most recent 12 months. Upon presentation of that certificate to the registration committee in the county to which he has moved, the elector shall be registered as having been affiliated with the political party since the date shown on the certificate. This provision does not apply to people moving into Colorado from another state. Section 60.

Penalties

It is essential that the members of the registration committee be aware that the following offenses are misdemeanors in connection with precinct registration, and upon conviction thereof are punishable by a fine of not to exceed \$1,000 or by imprisonment in the county jail for not to exceed one year, or by both the fine and imprisonment:

- 1) Interfering with or impeding registration;
 - 2) Causing false registration;
 - 3) Signing his name to a wrongful registration;
 - 4) Adding names to registration list after registration is closed; and
 - 5) Tampering with registration book.
- Sections 221, 222, 224, 227, 228, and 230.

Certification and Return of Registration Book

Upon closing of the precinct registration place, at 7:00 p.m., all members of the registration committee shall sign and attach to the registration book the form entitled Registration Committee Certificate After Precinct Registration. Section 31.

Upon completion of precinct registration the minority member of the registration committee shall place the registration book in its container, seal the container, and return it to the county clerk. The law requires that the registration book be returned no later than the following day. However, you should have an understanding with your county clerk as to the specific time you will return the registration book. Section 32.

THE DAY BEFORE ELECTION IN PAPER BALLOT PRECINCTS

It is recommended that the precinct election officials secure a key to the precinct polling place the day before election day.

Picking Up the Registration Book From County Clerk

In each precinct whose boundaries are completely outside the city limits of the county seat, the county clerk will deliver the registration book, at least one day before election day, to the minority judge of election. In all precincts located in whole or in part within the city limits of the county seat, the minority judge shall, on the day before election day, pick up the registration book from the county clerk's office. The minority judge must sign a receipt for the registration book.

The registration book will be in a sealed container and will have the county clerk's certificate attached to it telling the number of registered voters in the precinct. The county clerk will have placed a sheet in the back of the registration book listing the electors who have been given absentee ballots. Section 105.

Distribution of Ballots and Supplies

The county clerk will deliver blank paper ballots to the receiving judges in each precinct. One half of the ballots will be placed in one package, which will be sealed and clearly labeled with the precinct number and the number of ballots enclosed, and will be delivered to one of the majority party judges. The other half, sealed and labeled in the same manner, will be delivered to the minority party judge. Each of the election judges receiving the blank ballots must give a receipt to the county clerk for the ballots received.

It is the duty of the county commissioners to provide all necessary supplies for the purpose of conducting elections and it is the responsibility of the county clerk to see that those supplies are delivered to the precinct polling place or to an election judge.

The judges receiving the ballots must take them to the polling place with the seal on the package unbroken and then open the package in the presence of all receiving judges in the precinct. Section 111.

Ballot Boxes

The county commissioners will furnish two ballot boxes for each precinct polling place in which both counting and receiving judges have been appointed.

Only one ballot box will be furnished in the precincts that have just receiving judges. Each ballot box will have locks on it and the keys will be given to a receiving judge. Section 106.

Posting Signs

The receiving judges must post an instruction card and a sample ballot in each polling place. A notice of the election must be posted at the entrance to the polling place and if there are restrictions, such as no smoking, signs indicating the restrictions must be posted in the polling place where they can be seen easily. The election officials must observe and enforce all restrictions concerning the use of a polling place. Remember, no electioneering is permitted within 100 feet of the polling place. Sections 99, 113, and 240.

Arrangement of Voting Booths, Ballot Boxes

The voting booths and ballot boxes must be located in the polling place so that the election officials and watchers can easily observe them. No one, other than the election officials, (not watchers), or the person admitted to the area for casting his vote, shall be permitted within six feet of the voting booths or ballot boxes. As a suggestion, it would be wise to arrange the tables so that the registration book will be at least six feet from the voting booths and ballot boxes. Section 104.

ELECTION DAY IN PAPER BALLOT PRECINCTS

The receiving judges and clerks should be at the polling place by 6:30 a.m. on election day. It is advisable to bring scotch tape and thumb tacks to the polls with you.

No one judge is in charge of a polling place. You should decide together which particular function each judge should perform and you should consider each one's particular abilities such as neat handwriting, speed of locating names in the registration book, etc. It is permissible to rotate jobs among you during the day.

It is recommended that you place a table between the judge handling the registration book and the entrance to the polling place and put the blank signature cards on the table. A sign should be posted directing electors to take a card and fill it out. This will permit one judge to tend the registration book, one judge to handle the blank ballots, one judge to watch the ballot box, and one clerk on each of the two poll books. During primary election each clerk will actually have two poll books -- one for each political party.

Hours of Voting at Primary and General Elections

The polling places must be open from 7:00 a.m. to 7:00 p.m. on election day. If there are electors standing in line at the polling place to vote at 7:00 p.m. they must be permitted to vote. Section 115.

Oath to be Taken by Judges and Clerks

Prior to the opening of the polls on election day the judges and clerks shall subscribe to and sign the oath in the poll books. The judges of election may administer the oath to each other and to the clerks. Section 93.

Watchers at Primary and General Elections

Each political party is entitled to one watcher at each polling place. The names of the watchers must be certified on a Certificate of Appointment of Watcher by the chairman of the county central committee of each political party.

At the primary election each candidate for nomination on the ballot of any political party is entitled to act as a watcher or to appoint a watcher. A list of watchers appointed by the candidates must be furnished each polling place on a Certificate of Appointment of Watcher. Section 65.

There will undoubtedly be more than one watcher certified by a party, or by a candidate during the primary election, but only one watcher for a party or a candidate may be in the polling place at any time.

Duties, Obligations and Rights of Watchers

A watcher may be present at the polling place from 6:45 a.m. until the completion of the vote count and the certification of the count. He has the right to keep a list of voters, to witness and verify each step in the conduct of the election, and to point out discrepancies where they occur and to assist in their correction.

A watcher has an obligation to conduct himself in a manner above reproach and to refrain from interfering with the election process.

No loitering is permitted. However, representatives of the political parties and the press will undoubtedly stop by to determine the size of the vote, and they should be treated courteously.

A watcher cannot question an elector. If he desires to challenge an elector's eligibility to vote, the watcher must sign an oath and then an election judge will put the statutory questions to the elector.

Oath of Watchers

The watchers must take an oath that they will not in any manner divulge the result of the vote count until the polls have closed. One of the election judges shall administer the oath to the watchers. Section 94.

Opening of Ballot Box

Upon opening the polling place, the receiving judges shall unlock the ballot box, open the lid and in the presence of all present turn it upside down to show that it is empty and then lock it. Section 117.

Voting Procedure -- Paper Ballots

As an elector enters the polling place he should fill out a signature card on which he will write his address and sign his name.

The completed signature card will be given by the elector to a receiving judge who will announce the name in a loud and distinct voice. The receiving judge must check the registration book and if the elector's name is in the registration book the receiving judge will again announce the elector's name in a loud and distinct voice. This procedure will enable watchers to check or make a list of those who have presented themselves at the polls.

If the elector's signature is not on the registration sheet, he must sign the sheet before he can vote. Section 119.

If the elector's name is not in the registration book, he shall not be allowed to vote. Sections 22 and 133.

Occasionally, by mistake, the county clerk's office will fail to get an elector's registration sheet in the registration book, or the Election Board at the previous general election has failed to properly record the fact that the elector voted. You should also check through the registration book to be sure his registration sheet has not been misfiled alphabetically. Should an elector insist that he is registered, he must contact the county clerk's office, where the records will be checked, and if he is actually registered the county clerk will issue a Certificate of Registration, and upon the presentation of the certificate at the polling place, dated as of election day, he must be permitted to vote. Section 133.

You should also check the list of electors, in the back of the registration book, who have been given absentee ballots. The registration sheet for an absentee voter will not be in the registration book. Under no circumstances should an elector who has been given an absentee ballot be allowed to vote at the precinct polling place on election day. Section 142.

When the elector enters the immediate voting area an election judge will remove a ballot from the package of ballots. Before giving the ballot to the elector, the judge must initial the duplicate stub and enter the date and number of the ballot in the registration book opposite the name of the elector. Section 119.

On receiving his ballot, the elector should be directed to a voting booth where he will mark his ballot in ink or with an indelible pencil. The elector should be instructed prior to entering the voting booth on how to fold his ballot before he leaves the voting booth. Section 120.

After having marked and folded his ballot, the elector must give it to the judge having charge of the ballots and also give his name to the judge who will announce it in a loud and distinct voice. The ballot should then be handed to the clerk tending the poll book who will again announce the elector's name in a loud and distinct voice as well as the number upon the duplicate stub of his ballot. This number must correspond to the number previously placed on the registration book. Section 120.

If the stub number is the same as the one entered on the registration book, and is identified by the judge's initials on it, the duplicate stub must be removed. The clerks will then enter the name of the elector and the ballot number upon the poll books. The ballot shall then be returned to the elector for him to deposit in the ballot box. Section 120.

An elector should vote without delay, and should leave the voting area immediately after voting. No elector, except election officials, should be allowed in the immediate voting area after he has voted. Section 120.

Error in Recording Party Affiliation

If a registered elector comes to the polling place at the primary election and claims an error has been made on his registration sheet concerning his party affiliation, he may subscribe to the oath as shown on the Affidavit of Error or Unlawful Change in Party Affiliation and be allowed to vote. Any election judge or clerk may administer the oath. The form must be returned to the county clerk along with other election records and supplies. The change in party affiliation must be entered in the registration book and the notation made that his affiliation was "changed by affidavit," and the date the change was made must also be entered. The elector must sign the registration book when the change is made. Section 61.

However, it should be pointed out to the elector that if he actually had voted in the previous election in the party in which he is shown on the registration sheet but is now claiming that the clerk's office has made a mistake, he is committing a misdemeanor and is subject to fine and/or imprisonment if convicted.

Declaring Party Affiliation

An elector cannot change his affiliation from one political party to the other at primary election. However, if he has not previously declared his party affiliation he can declare it at the primary election. The judge of election shall enter the party affiliation on the registration sheet, and in the case of the Unaffiliated changing to affiliation with a party, the appropriate line on the registration sheet should be completed.

Inability to Write

Should an elector be unable to write his name on the signature card he may request assistance from one of the judges and the judge will

fill out the Signature Card, have the elector make his mark, and the judge shall sign as a witness. The same assistance may be given in signing the registration book with the elector making his mark, witnessed by the signature of the judge. Section 119.

Assistance to Disabled Voter

If a blind elector, or one otherwise physically disabled, is unable to prepare his ballot without help, he may request an election official, or any elector he selects from the precinct, to help him in preparing his ballot. The physically disabled elector should be advised of the alternatives listed above.

No person helping a disabled elector to vote shall attempt to influence him to vote in any way or disclose how he voted.

If a disabled person requests help in voting, a notation shall be made in the poll books that the voter was given assistance. Section 121.

Spoiled Ballots

If an elector spoils a ballot, he must return the spoiled ballot to election officials and may obtain a replacement. No elector shall be entitled to more than three replacement ballots.

Each spoiled ballot shall be voided and shall be returned to the county clerk along with the returns and other supplies. Section 122.

Defective Ballots

Remember, when you decide to "throw out a ballot" you are depriving a citizen of his vote. In other words, any benefit of the doubt should be given to the voter.

There are specific reasons in the law for discarding ballots as follows:

- 1) If more names are marked than there are offices to be filled;
- 2) If it is impossible to determine which candidate for any one office the voter intended to vote for, this voids the vote for that office only;
- 3) If a mark appears by a name and there is no conflicting mark concerning the same office, even though the mark is not a good (X), the vote should be counted;
- 4) Ballots without the official endorsement shall be discarded; and
- 5) It is not necessary for an elector to place an (X) by the name of a candidate he has written in on the ballot in order for the vote to be counted.

Ballots not counted shall be marked "defective" on the back of the ballot and all such ballots shall be returned to the county clerk with other supplies, ballots and books. Section 128.

Who May Challenge

The judges of election, clerks of election, watchers or any elector of the precinct may challenge a person's eligibility to vote. Section 134.

Challenge Procedure

Any person challenging an elector's eligibility to vote shall sign the oath as shown in the Oath and Certificate of Challenged Voter and Oath of Challenger, giving the name of the elector challenged, and stating the reason for the challenge.

A challenge is simply one of the means of guaranteeing the purity of elections. Remember, when you challenge, you are saying the elector being challenged is not eligible to exercise his constitutionally guaranteed right to vote. This is an action that should not be taken lightly.

On the other hand, you have a duty to challenge those electors whom you believe to be ineligible to vote. Section 135.

Basis for Challenging

The election code lists four bases for challenging an elector's eligibility to vote.

- 1) He is not a citizen of the United States;
- 2) He has not resided in the State of Colorado for one year immediately preceding the election;
- 3) He has not resided in the county 90 days or the precinct 15 days immediately preceding the election; and
- 4) He is not 21 years of age.

If the elector is challenged on the basis that he is not a citizen, one of the judges of election shall ask the challenged elector the following questions:

- 1) Are you a citizen of the United States?
- 2) Are you a native or naturalized citizen?
- 3) Have you become a citizen of the United States by reason of the naturalization of your parents, or one of them?
- 4) Where were your parents, or one of them, naturalized?
(If the person offering the vote claims to be a naturalized citizen of the United States, he shall state, under oath, where and in what courts he was naturalized.)

If the elector is challenged on the basis that he has not resided in the State of Colorado for at least one year immediately preceding election day, one of the judges of election shall ask the challenged elector the following questions:

- 1) Have you resided in this state for one year immediately preceding this election?
- 2) Have you been absent from this state within one year immediately preceding this election, and during that time have you retained a home or domicile elsewhere?
- 3) If so, when you left, was it for a temporary purpose, with the design of returning, or did you intend remaining away?
- 4) Did you, while absent, look upon and regard this state as your home?
- 5) Did you, while absent, vote in any state or territory?

If the elector is challenged on the basis that he has not resided in the county for 90 days or 15 days in the precinct immediately preceding election day, he shall be asked questions similar to those asked in determining his residence in Colorado.

If the elector is challenged on the basis that he is not 21 years of age, he shall be asked the following question:

Are you twenty-one years of age or over, to the best of your knowledge and belief? Section 136.

If the challenge is not withdrawn after the person challenged has answered the questions put to him, one of the judges shall ask him to take an oath as shown on the Oath and Certificate of Challenged Voter and Oath of Challenger and sign the form.

If the elector who was challenged takes the oath, or if the challenge is withdrawn after the elector answers the questions put to him, he shall be given a ballot and shall be permitted to vote. If a challenge is withdrawn a notation should be made on the oath form signed by the challenger indicating the challenge was withdrawn. Section 137.

If the oath is taken by the elector, the clerks shall enter the notation "sworn" by his name in the poll books.

If the elector refuses to take the oath, assuming the challenge has not been withdrawn, or if he refuses to answer the questions put to him, he shall not be given a ballot or permitted to vote. Section 138.

Disposition of Written Oaths

All oaths made by challengers and those electors challenged shall be returned to the county clerk with other election records and supplies. The oaths will be given by the county clerk to the district attorney for investigation. Section 135.

Penalties Regarding Challenging

The challenger and the person challenged, if they take an oath, are subject to perjury charges which carry a penalty, on conviction, of one year to fourteen years in the penitentiary. Section 135.

Counting Judges

The only time counting judges are provided is at the general election, and then only in precincts which had more than 150 votes cast at the last presidential election.

The election code is not specific on the time of day counting judges should report to the polls. Consequently, it is recommended that counting judges report to the polling place at 8:00 a.m. on election day, subscribe to the oath shown in the Tally Book, the oath to be administered to each other by the counting judges, and then proceed with the counting of votes. Section 83.

Counting Procedure in Precincts Having Counting Judges

The counting judges, in those precincts having them, shall begin counting the votes as soon after 8:00 a.m. as is possible.

Two ballot boxes are furnished in each precinct having counting judges, one for the receiving judges and one for the counting judges.

The counting judges shall exchange their ballot box for the receiving judges' ballot box. The receiving judges must unlock the exchanged ballot box, open the lid, turn it upside down in the presence of the counting judges, re-lock the ballot box and proceed with the business at hand.

Whenever an exchange of ballot boxes is made, the receiving judges shall give the counting judges a Statement of Exchange of Ballot Boxes form, signed by the receiving judges showing the number of ballots in the ballot box as indicated on the poll books.

The counting judges shall proceed to the room or area where the counting is to be done.

After counting judges have emptied the ballot box, they shall first count the number of ballots to determine if the actual count agrees with the number certified by the receiving judges from the poll books.

Each ballot shall be read separately by a judge. Each clerk shall keep a tally list on a form furnished by the county clerk.

In counting the votes, every name marked separately and every name written in by the elector shall be read by a judge and tallied by each clerk.

The procedure of exchanging ballot boxes with the receiving judges shall be continued until the count is complete.

It is recommended that as ballots are counted they be batched in bundles of 25 and a rubber band placed around them. Care should be taken that no ballots are misplaced.

Only judges, clerks and watchers are permitted in the area or room where the counting takes place.

After completing the count of all votes cast during the day, all of the ballots counted and one tally list shall be placed in the ballot box and the ballot box shall be locked for return to the county clerk. Section 124.

Receiving Judges to be Counting Judges in Certain Precincts

In those precincts using paper ballots where fewer than 150 votes were cast in the last presidential election, the receiving judges shall also serve as the counting judges.

As soon as the polls close and all electors have voted, the judges shall open the ballot box and proceed to count the votes in the same manner as described above. The judges and clerks shall not leave the polling place until the count is complete. Section 125.

Judges' Certificate of Vote Count

When the vote count is completed, the judges who have done the counting shall summarize the election results in their precinct, and the results shall be endorsed by the clerks. Section 129.

Judges to Post Returns

In addition to all other forms and certificates, the judges must make an abstract of votes cast in their precinct, and must post the abstract in a conspicuous place outside the polling place. Section 131.

Judges to Notify County Clerk of Results

Immediately upon completing the vote count the county clerk should be notified by telephone of the results.

Selection of Officials to Deliver Returns

After the closing of the polls on election day, the judges of election shall select two election officials, one from each party, to deliver the election returns, registration book, ballot boxes and other papers and supplies to the county clerk's office. Section 96.

After the closing of the polls on election day, the minority judge shall place the registration book in its container and seal the container. Upon completion of the vote count, the following items shall be returned to the county clerk by the two election officials

selected: 1) registration book; 2) election returns; 3) ballot boxes; 4) keys to ballot boxes; 5) judges' certificate of results; 6) poll books; 7) tally sheets; 8) spoiled ballots; 9) unused ballots; 10) ballot stubs; 11) oaths; 12) affidavits; 13) signature cards; 14) and all other election papers and supplies. Sections 96 and 130.

Prohibited Practices

The following practices are specifically prohibited by the election code and any one of these infractions constitutes a misdemeanor and upon conviction the offender is subject to a penalty of a fine not to exceed \$1,000 or by imprisonment in the county jail for not to exceed one year, or both.

	<u>Section</u>
1) Interfering with or impeding registration;	221
2) Interfering with an election official;	222
3) Interfering with a watcher;	223
4) Neglect of duty;	224
5) False registration;	227
6) Election officials signing wrongful registration;	228
7) Adding names after registration closed;	230
8) Intimidation of elector;	238
9) Electioneering within 100 feet of polling place;	240
10) Liquor in or near polls;	241
11) Tampering with notices or supplies;	243
12) Tampering with registration book;	244
13) Inducing defective ballot;	246
14) Unlawful refusing or permitting vote;	247
15) Voting in wrong precinct;	248
16) Voting twice;	250
17) Interference with voter while voting;	251
18) Wrongful handling of ballots at polls;	252
19) Disclosing or identifying vote;	253
20) Destroying, removing, or delaying delivery of ballots and other election papers;	254
21) Failure to properly care for and deliver ballots and other election papers;	255
22) Revealing how elector votes; and	256
23) Release of information concerning vote count.	257

THE DAY BEFORE ELECTION IN VOTING MACHINE PRECINCTS

It is recommended that the precinct election officials secure a key to the precinct polling place the day before election.

Picking Up The Registration Book From County Clerk

In each precinct whose boundaries are completely outside the city limits of the county seat, the county clerk shall deliver the registration book at least one day before election day to the minority judge of election. In all precincts located in whole or in part within the city limits of the county seat, the minority judge shall, on the day before election day, pick up the registration book from the county clerk's office. The minority judge must sign a receipt for the registration book.

The registration book will be in a sealed container and will have the county clerk's certificate attached to it telling the number of registered voters in the precinct. The county clerk will have placed a sheet in the back of the registration book showing the electors who have been given absentee ballots. Section 105.

Distribution of Supplies

It is the duty of the county commissioners to provide all necessary supplies for the purpose of conducting elections and it is the responsibility of the county clerk to see that those supplies are delivered to an election judge or, in some cases, the election judges are required to pick up the supplies at the office of the county clerk.

Posting Signs

The judges must post an instruction card and a sample ballot in each polling place. A notice of the election must be posted at the entrance to the polling place and if there are restrictions, such as no smoking, signs indicating the restrictions must be posted in the polling place where they can be seen easily. Remember, no electioneering is permitted within one hundred feet of the polling place. Sections 99, 113, and 240.

Arrangement of Voting Machines

The voting machines must be located in the polling place so that the election officials and watchers can easily observe them. No one, other than the election officials, (not watchers), or the person admitted to the area for casting his vote, shall be permitted within six feet of the machines. As a suggestion, it would be wise to arrange the tables so that the registration book will be at least six feet from the voting machines. Section 104.

ELECTION DAY IN VOTING MACHINE PRECINCTS

The judges shall be at the polling place at 6:15 a.m. The manuals on the preparation and operation of the voting machines should be read at this time. Each judge should carefully examine each voting machine to see that no vote has been cast and that every counter, except the protective counter, registers zero. Section 164.

No one judge is in charge of a polling place. You should decide together which particular function each judge should perform and you should consider each one's particular abilities such as neat handwriting, speed of locating names in the registration book, etc. It is permissible to rotate jobs among you during the day.

It is recommended that you place a table between the judge handling the registration book and the entrance to the polling place and put the blank signature cards on the table. A sign should be posted directing electors to take a card and fill it out. This will enable one judge to tend the registration book, one to have charge of the poll book and the third judge to have charge of the voting machine. If there is more than one machine at the polling place, there may be an additional judge appointed for each additional voting machine.

Hours of Voting at Primary and General Elections

The polling places must be open from 7:00 a.m. to 7:00 p.m. on election day.

If there are electors standing in line at the polling place to vote at 7:00 p.m. they must be permitted to vote. Section 115.

Oath to be Taken by Judges and Clerks

Prior to the opening of the polls on election day the judges shall subscribe to and sign the oath in the poll book. The judges of election may administer the oath to each other. Section 93.

Watchers at Primary and General Elections

Each political party is entitled to one watcher at each polling place. The names of the watchers must be certified on a Certificate of Appointment of Watcher by the chairman of the county central committee of each political party.

At the primary election each candidate for nomination on the ballot of any political party is entitled to act as a watcher or to appoint a watcher. A list of watchers appointed by the candidates must be furnished each polling place on a Certificate of Appointment of Watcher. Section 65.

There will undoubtedly be more than one watcher certified by a party, or by a candidate during the primary election, but only one watcher for a party or a candidate may be in the polling place at any time.

Duties, Obligations and Rights of Watchers

A watcher may be present at the polling place from 6:45 a.m. until the completion of the vote count and the certification of the count. He has the right to keep a list of voters, to witness and verify each step in the conduct of the election, and to point out discrepancies which occur and to assist in their correction.

A watcher has an obligation to conduct himself in a manner above reproach, and to refrain from interfering with the election process.

A watcher cannot question an elector. If he desires to challenge an elector's eligibility to vote, the watcher must sign an oath and then an election judge will put the statutory questions to the elector.

No loitering is permitted. However, representatives of the political parties and the press will undoubtedly stop by to determine the size of the vote, and they should be treated courteously.

Oath of Watchers

One of the election judges shall administer the oath to the watchers. Section 94.

Preparing Machines For Voting

The seal on each machine must be broken in front of all present at the opening of the polls. It is suggested that the judges vote first in order to be certain that the machines are working.

Voting Procedure -- Machines

As an elector enters the polling place he should be given a Signature Card on which he will write his address and sign his name.

The signature card will be given by the elector to a receiving judge who will announce the name in a loud and distinct voice. The receiving judge must check the registration book and if the elector's name is in the registration book the receiving judge will again announce the elector's name in a loud and distinct voice. This procedure will enable watchers to check or make a list of those electors who have presented themselves at the polls. The judge will then enter the date in the registration book opposite the elector's name.

If the elector's signature is not on the registration sheet, he must sign the sheet before he can vote. Section 119.

If the elector's name is not in the registration book, he shall not be allowed to vote. Sections 22, 133.

Occasionally, the county clerk's office will fail to get an elector's registration sheet in the proper registration book, or the Election Board at the previous general election has failed to record

properly the fact that the elector voted. You should also check through the registration book to be sure his registration sheet has not been misfiled alphabetically. Should an elector insist that he is registered, he must contact the county clerk's office, where the records will be checked, and if he is actually registered the county clerk will issue a Certificate of Registration, and upon presentation of the certificate at the polling place, dated as of election day, he must be permitted to vote. Section 133.

You should also check the list of electors, in the back of the registration book, who have been given absentee ballots. The registration sheet for an absentee voter will not be in the registration book. Under no circumstances should an elector who has been given an absentee ballot be allowed to vote at the precinct polling place on election day. Section 142.

The signature card should then be given to the judge handling the poll book for the proper entries to be made. The elector should then be given a voting ticket which will in turn be given to the judge in charge of the voting machine. At primary elections different colored tickets should be used in order that the judge may set the machine for the proper political party.

An elector should vote without delay, and should leave the voting area immediately after voting. No elector, except election officials, should be allowed in the immediate voting area after a person has voted. Section 120.

Error in Recording Party Affiliation

If a registered elector comes to the polling place at the primary election and claims an error has been made on his registration sheet concerning his party affiliation, he may subscribe to the oath as shown on the Affidavit of Error or Unlawful Change in Party Affiliation and be allowed to vote. Any election judge or clerk may administer the oath. The form must be returned to the county clerk along with other election records and supplies. The change in party affiliation must be entered in the registration book and the notation made that his affiliation was "changed by affidavit," and the date the change was made must also be entered. The elector must sign the registration book where the change is made. Section 61.

However, it should be pointed out to the elector that if he actually had voted in the previous election in the party in which he is shown on the registration sheet but is now claiming that the clerks' office has made a mistake, he is subject to the penalty of the law -- a misdemeanor.

Declaring Party Affiliation

An elector cannot change his affiliation from one political party to the other at a primary election. However, if he has not previously declared his party affiliation he can declare it at the primary election. The judge of election shall enter the party affiliation on the registration sheet, and in the case of the Unaffiliated changing to affiliation with a party, the appropriate line on the registration sheet should be completed.

Inability to Write

Should an elector be unable to write his name he may request assistance from one of the judges and the judge will fill out the Signature Card, have the elector make his mark, and the judge shall sign as a witness. The same assistance may be given in signing the registration book with the elector making his mark, witnessed by the signature of the judge. Section 119.

Assistance to Disabled Voter

If a blind elector, or one otherwise physically disabled, is unable to use the voting machine without help, he may request an election official, or any elector he selects from the precinct, to help him. The physically disabled should be advised of the alternatives listed above.

No person helping a disabled elector to vote shall attempt to influence him to vote in any way, or disclose how he voted.

If a disabled person requests help in voting, a notation shall be made in the poll book that the voter was given assistance. Section 121.

Who May Challenge

The judges of election, watchers, or any elector of the precinct may challenge a person's eligibility to vote. Section 134.

Challenge Procedure

Any person challenging an elector's eligibility to vote shall sign the oath as shown in the Oath and Certificate of Challenged Voter and Oath of Challenger, giving the name of the elector challenged, and stating the reason for the challenge.

A challenge is simply one of the means of guaranteeing the purity of elections. Remember, when you challenge, you are saying the elector being challenged is not eligible to exercise his constitutionally guaranteed right to vote. This is an action that should not be taken lightly.

On the other hand, you have a duty to challenge those electors whom you believe to be ineligible to vote. Section 135.

Basis for Challenging

The election code lists four bases for challenging an elector's eligibility to vote.

- 1) He is not a citizen of the United States;
- 2) He has not resided in the State of Colorado for one year immediately preceding the election;

- 3) He has not resided in the county 90 days or the precinct 15 days immediately preceding the election; and
- 4) He is not 21 years of age.

If the elector is challenged on the basis that he is not a citizen, one of the judges of election shall ask the challenged elector the following questions:

- 1) Are you a citizen of the United States?
- 2) Are you a native or naturalized citizen?
- 3) Have you become a citizen of the United States by reason of the naturalization of your parents, or one of them?
- 4) Where were your parents, or one of them, naturalized? (If the person offering the vote claims to be a naturalized citizen of the United States, he shall state, under oath, where and in what courts he was naturalized.)

If the elector is challenged on the basis that he has not resided in the State of Colorado for at least one year immediately preceding election day, one of the judges of election shall ask the challenged elector the following questions:

- 1) Have you resided in this state for one year immediately preceding this election?
- 2) Have you been absent from this state within one year immediately preceding this election, and during that time have you retained a home or domicile elsewhere?
- 3) Is so, when you left, was it for a temporary purpose, with the design of returning, or did you intend remaining away?
- 4) Did you, while absent, look upon and regard this state as your home?
- 5) Did you, while absent, vote in any state or territory?

If the elector is challenged on the basis that he has not resided in the county for 90 days or 15 days in the precinct immediately preceding election day, he shall be asked questions similar to those asked in determining his residence in Colorado.

If the elector is challenged on the basis that he is not 21 years of age, he shall be asked the following question:

Are you twenty-one years of age or over, to the best of your knowledge and belief? Section 136.

If the challenge is not withdrawn after the person challenged has answered the questions put to him, one of the judges shall ask him to take an oath as shown on the Oath and Certificate of Challenged Voter and Oath of Challenger and sign the form.

If the elector who was challenged takes the oath, or if the challenge is withdrawn after the elector answers the questions put to him, he shall be given a ballot and shall be permitted to vote. If a

challenge is withdrawn a notation should be made on the oath form signed by the challenger indicating the challenge has been withdrawn. Section 137.

If the oath is taken by the elector, the clerks shall enter the notation "sworn" by his name in the poll books.

If the elector refuses to take the oath, assuming the challenge has not been withdrawn, or if he refuses to answer the questions put to him, he shall not be given a ballot or permitted to vote. Section 138.

Disposition of Written Oaths

All oaths made by challengers and those electors challenged shall be returned to the county clerk with other election records and supplies. The oaths will be given by the county clerk to the district attorney for investigation. Section 135.

Penalties Regarding Challenging

The challenger and the person challenged, if they take an oath, are subject to perjury charges which carry a penalty, on conviction, of one year to fourteen years in the penitentiary. Section 135.

Counting Procedure -- Voting Machines

As soon as the polls are closed, and all electors present at the time of closing have voted, the judges shall lock each voting machine and seal it.

Immediately, the judges shall open the counting compartment and count the votes for each candidate and each question. It is advisable to have a judge from each party read and one from each party tally.

This counting procedure should be done twice, with the judges switching jobs the second time.

Judges' Certificate of Vote Count

When the vote count is completed, the judges who have done the counting shall summarize the election results in their precinct, and the results shall be endorsed by the judges who are performing the functions of clerks. Section 92.

Judges to Post Returns

In addition to all other forms and certificates, the judges must make an abstract of votes cast in their precinct, and must post the abstract in a conspicuous place outside the polling place. Section 131.

Selection of Officials to Deliver Returns

After the closing of the polls on election day, the judges of election shall select one election official to deliver the election returns, registration book, and other papers and supplies to the county clerk's office. Section 96.

Return of Registration Book

After the closing of the polls on election day, the minority judge shall place the registration book in its container, seal the container and give it to the election official responsible for returning the registration book, election returns, and other papers and supplies to the county clerk's office. These items shall be returned to the county clerk's office after all votes have been counted. The county clerk shall give a receipt for the items returned. Sections 105, 96.

Prohibited Practices

The following practices are specifically prohibited by the election code and any one of these infractions constitutes a misdemeanor and upon conviction the offender is subject to a penalty of a fine not to exceed \$1,000 or by imprisonment in the county jail for not to exceed one year, or both.

	<u>Section</u>
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3) Interfering with a watcher;	223
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13) Inducing defective ballot;	246
14) Unlawful refusing or permitting vote;	247
15) Voting in wrong precinct;	248
16) Voting twice;	250
17) Interference with voter while voting;	251
18) Wrongful handling of ballots at polls;	252
19) Disclosing or identifying vote;	253
20) Destroying, removing, or delaying delivery of ballots and other election papers;	254
21) Failure to properly care for and deliver ballots and other election papers;	255
22) Revealing how elector votes; and	256
23) Release of information concerning vote count;	257
24) Tampering with voting machines	245

SPECIAL PROBLEMS

If Precinct Election Official Fails To Appear

If an election judge fails to show up at the polling place on precinct registration day the other judges shall notify the county clerk immediately. No registrations may be taken unless two judges are present, one from each major political party. Sections 25 and 90.

If an election judge fails to show up at the polling place on election day by 7:30 a.m., the electors of the precinct who are present at the polls shall elect a replacement immediately. The judge elected must be from the same political party as the judge who has failed to appear. Section 90.

If Polling Place Must Be Changed

The judges of election may change the location of the polling place if it is impractical to use the originally designated polling place because of lack of heat or lights, or because of flood, fire or other pertinent reasons.

If the polling place is changed the election judges must designate someone to remain at the original polling place to notify electors who appear there of the change in polling place. The county clerk should be notified immediately.

Obviously, if a change in polling place is necessary in precincts using voting machines, help must be obtained through the county clerk to move the machines.