

# Colorado Department of State

## Quick Reference Guide

Revised 02/10/10



## Mail Ballot Elections

### Mail Ballot Election Notices

Notice to county clerk and recorder: A political subdivision must provide written notice to the county clerk if prior to 100 days before a coordinated election the political subdivision has taken formal action to participate in the election. In addition, the political subdivision must sign an intergovernmental agreement with the county clerk and recorder at least 70 days prior to the election.

Notice to the Secretary of State: The designated election official must send a mail ballot plan to the Secretary of State no later than 55 days prior to the election, unless the election is a regular special district election, in which case the mail ballot plan must be sent no later than 65 days prior to the election. A special district may request a 7 day extension if the plan is being submitted for a regular special district election that may be cancelled.

**Mail Ballot Plan:** The Secretary of State's Office has approved a standard fillable plan for conducting a mail ballot election which can be downloaded from the Secretary of State website. Included within the fillable plan is a written timetable which should be returned with the plan (See Election Rule 12.4.1).

Publication of notice to electors: No later than 20 days before the election, the designated election official must provide notice by publication of the mail ballot election. The notice must include the date of the election, the address and hours of operation of the walk-in location(s), and the content of the ballot. [Sections 1-5-208(1.5), 1-5-303(1), 1-7-116(2)-(5), 1-7.5-105, 1-7.5-107(2.5), C.R.S.; Election Rule 12.4.1(b)]

### Voter Information Card ("VIC")

For an election conducted by the county clerk and recorder the clerk must mail a VIC not less than 90 days prior to the election to any registered elector whose registration record has been marked "Inactive-failed to vote".

The designated election official must mail a VIC to each active and inactive registered eligible elector no later than 25 days prior to a general election or special legislative election.

The designated election official may mail a VIC to each household where one or more active eligible electors reside not later than 15 days prior to a nonpartisan election.

[Sections 1-5-206, 1-7.5-108.5(1), C.R.S.]

### Envelope / Ballot Features

If the elector is required to provide ID, the outside of the return envelope must be marked to indicate to the election judge that ID is required.

The outgoing envelope, instructions, and other notices must read: "This may not be your only ballot. Other elections may be held by other political subdivisions by mail or by polling place."

For elections with multiple ballots, the ballots must include distinctive markings/colors to identify political subdivisions.

[Election Rule 12.5]

### Mailing Ballots to Electors

The designated election official must mail ballots between 22 and 18 days prior to the election to each active registered elector. The mail ballot packet must be marked "DO NOT FORWARD. RETURN SERVICE REQUESTED," "RETURN POSTAGE GUARANTEED."

NOTE: The 22<sup>nd</sup> day before a November election falls on a holiday during which the United States Postal Service does not deliver mail, therefore the soonest that ballots will be mailed is 21 days prior to the election.

[Section 1-7.5-107(3)(a), C.R.S.]

### Drop-off Location

The designated election official must maintain at least 1 designated drop-off location for electors to deliver mail ballots. For an election coordinated by the county clerk and recorder the drop-off location must be in a secure location under the supervision of a municipal clerk, an election judge, or a member of the clerk and recorder's staff. For an election **not** coordinated by the

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county clerk the drop-off location must be designated by the designated election official, an election judge, or another person designated by the designated election official.

All drop-off locations must be accessible to electors with disabilities. Whenever feasible all places of deposit should be located within the political subdivision. If a drop-off location can not be feasibly located within the political subdivision the designated election official must include an explanation in the mail ballot plan for why the place of deposit is located outside of the political subdivision.

Any eligible elector may deliver up to ten voted mail ballots to a drop-off location.  
**[Section 1-7.5-107(4), C.R.S.; Election Rule 12.10]**

### **Replacement Ballots**

Ballots must be made available at the designated election official's office 22 days prior to the election through the close of business on the day of the election. The replacement ballot affidavit must be completed and returned by the close of the election.

An eligible elector may obtain a replacement ballot through 7 p.m. on election day if the original mailed ballot was destroyed, spoiled, lost, or for some other reason not received by the elector.

An eligible elector may obtain a mail ballot packet through 7 p.m. on election day if a mail ballot packet was not sent to the elector because the eligibility of the elector could not be determined at the time the mail ballot packets were mailed.  
**[Section 1-7.5-107(3)(c), (d), C.R.S.]**

### **Mail-in (Absentee) Ballots in a Mail Ballot Election**

An elector who will be absent from his or her address of record may request that a mail ballot packet be sent to an alternative address. Mail-in ballots will be treated as mail ballots for all other purposes.  
**[Section 1-7.5-108, C.R.S.; Election Rule 12.6]**

### **ID Requirements**

Any elector who registered to vote by mail and did not include a copy of identification, and has not previously voted in Colorado, may be required to submit a copy of identification with his or her mail ballot. The designated election official should include instructions for submitting identification within the mail ballot packet to an elector required to submit identification.

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If an elector fails to submit a copy of identification the clerk and recorder must send the elector a letter within 3 days after receipt of the mail ballot and no later than 2 days after the election. The letter must explain that in order for the vote to be counted the elector needs to provide the clerk and recorder with a copy of identification no later than 8 days after the election.

**[Sections 1-2-501(1.5), 1-7.5-107(3.5), C.R.S.]**

### **Signature Verification and Missing Signatures**

\*Signature Verification may only be conducted for November coordinated mail ballot elections\*

An election judge is required to compare the signature on the return envelope of each mail ballot with a copy of the signature of the eligible elector on file in the office of the county clerk and recorder or a copy located 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 either or both believe the signatures match. If neither believes the signatures match, a letter must be sent within 3 days of receipt of the ballot but no later than 2 days after the election. In order for the vote to be counted the letter to the elector must explain the discrepancy and include a form to confirm that the elector returned a ballot. The elector then has 8 days to return the form with identification.

If a mail ballot envelope lacks a signature a letter must be sent within 2 days, not later than 3 days after the election, notifying the elector that he or she has 8 days after the election to sign the envelope.  
**[Section 1-7.5-107.3, C.R.S.; Election Rule 29]**

### **Questions?**

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