

CANCELLING AN ELECTION & SIGNATURE VERIFICATION

Colorado Municipal League
January 16, 2018

CANCELLING AN ELECTION WHEN, HOW, AND WHY

CANCELLING AN ELECTION

- Must have adopted an ordinance requiring the filing of an affidavit of intent to be a write-in candidate and may include cancellation of election as follows:
 - Only matter before voters is election of officers
 - At the close of business on the sixty-fourth day before the election, there are not more candidates than offices to be filled, including persons filing affidavits of intent to be a write-in candidate
 - If these conditions exist, governing body may cancel the election by resolution and declare candidates elected

CANCELLING AN ELECTION

- No election can be cancelled without having previously adopted such an ordinance
- Absent such ordinance, municipality must provide the opportunity for persons to become write-in candidates at any time prior to the election
- No election can be cancelled in part
- Notice of cancellation shall be published and posted in each polling place and in not less than one other public place **31-10-507, C.R.S.**
- **NOTE:** Having this ordinance means that, even if an election is held, names written in on ballots do not have to be counted and made a part of the vote abstract if a notice of intent to be a write-in candidate is required

DEALING WITH VACANCIES IN OFFICE FOLLOWING CANCELLATION OF ELECTION

- When the number of candidates running for office is the same as the number of available full-term offices to be voted on:
 - Each candidate, by resolution, shall be declared to be elected for a full term
- When the number of candidates running for office is fewer than the number of available full-term offices to be voted on:
 - Each candidate, by resolution, shall be declared to be elected for a full term and a vacancy shall be declared and shall be filled in accordance with state statute (either appointment or election)

ELECTION PROCEDURES FOLLOWING APPOINTMENTS TO VACANT POSITIONS

- Any person appointed to a position as a result of having cancelled an election where there were fewer candidates than positions to be voted on OR any person appointed to a position as a result of a vacancy created by a mid-term resignation **MUST** run for election at the next regular municipal election. Thus, there will be both full-term positions to be filled and shortened-term positions to be filled,
- Candidates cannot decide when circulating nomination petitions what term they want to seek.

ELECTION PROCEDURES FOLLOWING APPOINTMENTS TO VACANT POSITIONS

- In an election where the only matter before the voters is the election of officers AND there are both full- and short-term positions on the ballot, statute requires that who gets the full-term(s) and who gets the shortened term(s) is determined by the number of votes received. The highest vote getters get the full terms.

SIGNATURE VERIFICATION

HB16-1070

- In every municipal mail ballot election conducted after March 30, 2018, signatures on the self-affirmation on the return envelope shall be compared with the signature of the eligible elector found in the statewide voter registration system (SCORE).
- Municipal clerks may access SCORE through the designated election official (DEO) read-only lookup. Access must be renewed every 90 days and can be obtained by filing an application with the Secretary of State's office.

PROCEDURES

- Signatures must be verified by an election judge. It is the municipal clerk's responsibility to properly train the judges in signature verification procedures
- Signature verification is the very first step in processing mail ballots for counting after having received and checked in the ballots
- **Signatures found using DEO access are prohibited by law from being used to qualify or disqualify persons who have signed nomination, initiative, referendum or recall petitions. Signature verification is not done for absentee ballots.**

GENERAL PROCEDURES

- Elements for review include (not limited to):
 - Slant of name
 - Size or scale of signature
 - Individual letter characteristics
 - How letters are connected top to bottom

GENERAL PROCEDURES, cont.

- One (first) election judge reviews signatures. If signatures match, ballots are counted.
- If first judge determines that signatures do not match, two additional election judges review and compare signature on ballot envelope with signature in SCORE. If they disagree with first election judge and determine the signatures do match, ballots are counted.
- If the two additional election judges agree that the signatures do not match, the clerk shall, within 3 days of the date the signature deficiency has been confirmed, and NO LATER THAN 2 days after election day, send a letter to the elector along with a form confirming that the elector returned a ballot. Such form must be returned within 8 days after election day in order for the ballot to be counted.

GENERAL PROCEDURES, cont.

- If the second set of judges cannot agree on whether the signatures match, they **shall be deemed sufficient** and the ballots counted.
- All signature deficiencies must be noted in a log that includes the following information:
 - Name and ID number of elector (ID number can be obtained from DEO access)
 - Final resolution and ballot disposition
 - Signature of election judges responsible for final resolution and disposition

GENERAL PROCEDURES, cont.

- If an elector inadvertently returns a ballot in the envelope of another household member, that ballot can be counted if otherwise valid, i.e., the signature on the return envelope matches the signature in SCORE.
- Note that no confidential voter information can be accessed through SCORE. If you have a question about a confidential elector, contact your county clerk for assistance.
- For questions about or problems with DEO access, contact elections@sos.state.co.us

APPLYING FOR DEO ACCESS

- DEO access allows municipal clerks and election judges to view up to the three most recent signatures captured in the SOS voter registration database
- In order to obtain DEO access, each individual must apply to the SOS for a user name and password. All user names expire 90 days after issue and can be renewed by submitting another application.
- Applications for DEO access must list the statute in Title 31 requiring signature verification: **31-10-910.3**.

SEARCHING ON THE DEO ACCESS

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Registered Voter Information	
Name	KAREN BETH GOLDMAN
Birthdate	02/04/1940
Registration	
Voter ID	3986689
Date of Registration	07/10/2007
Registration Status	Active
Party Affiliation	Democratic
Date of Affiliation	06/07/1999

