



Frequently Asked Questions: COVID-19 and April Elections

Information surrounding COVID-19 is rapidly changing, and we will do our best to update the FAQ quickly as the latest information becomes available.

Can a town or city cancel or postpone their April election?

Home rule: Home rule municipalities may have language in their charters that would allow for the cancellation or postponement of elections due to emergency. Home rule municipalities should consult with their municipal attorney to determine what powers their charters grant.

Statutory: Beyond the 64-day deadline for cancellation set forth in C.R.S. 31-10-507, the Colorado Municipal Election Code contains no option for postponement or cancellation. While local officials are authorized to move the location of an election due to emergency, there is no procedure under state law for a statutory town to either cancel or postpone their regular election date due to emergency.

Does the Secretary of State have the authority to cancel or postpone municipal elections?

The Colorado Secretary of State has no express or implied authority over municipal elections that are not coordinated with a county, and thus does not have the ability to grant permission for a town or city to postpone or cancel their election.

What can municipalities do to reduce the threat of COVID-19 spread during polling place elections?

Municipalities holding polling place elections can and should encourage citizens to request absentee ballots in advance of Election Day. If you must have a polling place election, practice social distancing of 6 feet or more whenever possible and have hand sanitizer, gloves etc. available on site. The U.S. Centers for Disease Control (CDC) has recommended that municipalities consider the option of using drive-through polling places to enhance the safety of poll workers. For more information about CDC Election Day advice, go here: <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>.

For municipalities considering conducting a drive through election outside of their municipal building , please note that ballot boxes must be secure and monitored at all times. If you are holding a mail ballot

election and your ballot box would normally be located inside your municipal building, municipalities may want to consider working with the county clerk to take advantage of their secured outdoor mail ballot drop box.

Can municipalities issue absentee ballots to citizens who request them after the deadline?

Clerks who are encouraging the use of absentee ballots will likely continue to get requests for absentee ballots after the normal deadline for filing a written request for an absentee ballot, not later than the close of business on the Friday immediately preceding such regular or special election. In C.R.S. 31-10-1010 (1)-(3), there is a provision for issuing an emergency absentee ballot after the deadline for has passed.

Do we have to open our Town Hall for elections if it is closed due to the coronavirus?

No, C.R.S. 31-10-502 allows the governing body of each municipality to decide the location of polling places. If you do not have an alternative location to hold the election, then you may be required to open the Town Hall at least partially to allow the election to take place.

Please note that C.R.S. 31-10-501 requires municipal clerks, at least 10 days before the election, to give notice of the designated polling place of each precinct, in addition to other election information. If the municipality needs to change the location last minute, this can be done by an election judge, who must follow the procedures outlined in C.R.S. 31-10-503.

Our only ballot drop box is inside our town hall which is closed. How can we make this available?

If you are holding a mail ballot election and your ballot box would normally be located inside your municipal building which is closed, municipal governing bodies may want to consider changing the location of the polling place. If practical, municipalities could work with the county clerk to take advantage of their secured outdoor mail ballot drop box.

If a municipality does postpone an election, do current elected officials continue to serve?

There is conflicting language in state law which makes the answer to this question somewhat unclear. As such, it is best to consult with your municipal attorney for guidance.

Are clerks required to provide in-person training to election judges?

C.R.S. 31-10-910.3 (7) requires that the clerks shall provide training to election judges who compare signatures in a mail ballot election. The statute does not require in-person training and clerks can take advantage of available technology to conduct a remote training. If a good training manual is available, clerks can also provide written materials for training to judges. Clerks can also postpone training dates until closer to Election Day.

What happens if election judges back out on or near Election Day?

In anticipation of a higher than average number of election judges in the high risk category opting to stay home on Election Day, clerks are encouraged to prepare ahead of time as much as possible by hiring alternate election judges now. Consider reaching out to community recreation facilities, or other facilities that have closed to the public but may have hourly staff looking for work.

If there is a situation in which an alternate judge needs to fill in on Election Day, clerks can train them the day of the election before they actually do the signature verification.

Where can I find more information?

- CML is tracking and constantly updating information related to COVID-19 and municipalities on our webpage [https://www.cml.org/home/topics-key-issues/coronavirus-\(covid-19\)](https://www.cml.org/home/topics-key-issues/coronavirus-(covid-19)).
- The Centers for Disease Control (CDC) is posting information about COVID-19 and polling place elections <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>.
- The United States Postal Service (USPS) statement on COVID-19 <https://about.usps.com/newsroom/statements/usps-statement-on-coronavirus.htm>.