



SIGNATURE VERIFICATION, BALLOT FORMAT, & CANCELLING AN ELECTION

2024 Statutory Town Webinar Series, Part III

Colorado Municipal League

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SIGNATURE VERIFICATION (RECAP)

- Signature verification on nomination petitions means:
 - Comparing names and addresses against those on voter registration list and NOT the way the signature is written
 - Addresses must match (1-1-104(35), C.R.S.)
 - Nicknames and shortened names do not disqualify signatures
- If disqualifying a signature, identify the reason
- If a nomination petition needs to be cured by adding more signatures, provide a new petition
- If a nomination petition needs to be cured by 'fixing' an affidavit of circulator or an incomplete acceptance of nomination, return petition to circulator/candidate for correction

SIGNATURE VERIFICATION CONSIDERATIONS

- Do not wait until the petition submission deadline to verify the signatures. Complete the verification as soon after each petition is filed.
- State statute does not contemplate how to deal with part-time residency, so check to see where the person is registered and refer to 31-10-201(3) for factors that can be used to determine residency. (Do not rely on what you think you know; rather, verify, verify, verify...)
- If a person signs more petitions than he/she is eligible to sign, the signature with the latest date is not counted. If the signatures were obtained on the same date, then those signatures are not counted. Disqualification of a signature is NOT determined by the date the petition was submitted: 31-10-302(5)

BALLOT FORMAT –ORDER OF ITEMS

- Candidates first
 - Mayoral candidates
 - Board of Trustees candidates
 - Names arranged by lot
- Ballot items
 - TABOR – citizen-initiated followed by referred measures
 - Non-TABOR – arrange by date submitted for the ballot

BALLOT FORMAT

- Candidates
 - Hand counted ballots – blank line follows each name
 - Machine counted ballots – generally a circle/oval to be filled in follows each name
 - Identify the maximum number of candidates a person may vote on
 - 'Vote for not more than three'
 - 'Vote for no more than three'
 - Length of term of office is not necessary and where full and shortened terms are being voted on, length of term CANNOT be listed

BALLOT FORMAT

- Ballot Items
 - 'Yes' and 'No' follows ballot title
 - TABOR – must be printed in all CAPITAL letters
 - Non-TABOR – 'normal' type face
 - Numbering system
 - Can follow SOS rules (combination of numbers and letters)
 - Can use sequential numbering

CANCELLING AN ELECTION

- *Must have adopted* an ordinance requiring the filing of an affidavit of intent to be a write-in candidate by a specific deadline AND must 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 containing both provisions, one for a write-in candidate deadline and one for cancelling the election
- Absent such ordinance, municipality must provide the opportunity for persons to become write-in candidates at any time prior to, and including the day of, 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.**

WRITE-IN CANDIDATES

- With an ordinance, a person becomes a write-in candidate by filing an affidavit of intent prior to sixty-four days before the day of the election.
- Without an ordinance, no affidavit of intent is required. Any name may be written in.
- With an ordinance, if there are 'eligible' write-in candidates, at the end of the list of candidates for each office shall be as many blank lines as there are positions to be voted on. If there are no 'eligible' write-in candidates, there need be no blank lines.
- Without an ordinance, at the end of the list of candidates for each office shall be as many blank lines as there are positions to be voted on. (Anyone is considered 'eligible'.)

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)
- **NOTE:** Persons declared elected do not take office until the current term expires.

ELECTION PROCEDURES FOLLOWING APPOINTMENTS TO VACANT POSITIONS

- A person appointed to fill a position made vacant due to resignation **MUST** run at the next regular municipal election.
 - If that election is the one where the position would **NORMALLY** be voted on, then that position would be a full-term position
 - If that election is not the one where the position would **NORMALLY** be voted on, then that position would be for a shortened term
- Additionally, a person appointed to fill a vacancy that occurred when an election was cancelled and there were fewer candidates than positions available **MUST** also run at the next regular municipal election. This position would be for a shortened term.
- When an election contains both full-term and shortened term positions, 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.