

ELECTION JUDGES & WORKING WITH NOMINATION PETITIONS

2020 Statutory Town Webinar Series, Part 2
Colorado Municipal League
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ELECTION JUDGES – GENERAL INFORMATION

- Qualification of election judges:
 - Must be at least 18 years of age
 - Registered to vote in Colorado (do not have to reside within the municipality)
- Number of judges:
 - A minimum of three for each precinct/polling location
 - A minimum of three for the purpose of signature verification (MB)
 - May appoint additional judges as deemed necessary

ELECTION JUDGES – APPOINTMENT PROCEDURES

- Procedures for appointment:
 - Appointed by governing body, unless
 - Governing body adopts resolution designating appointment responsibility to municipal clerk
 - Appointed at least 15 days before election
 - List of judges, including name, address, and precinct/polling location is kept as a public record
 - Immediately upon appointment, clerk shall issue certificates of appointment and acceptances of appointment.
 - Acceptances must be returned to clerk 7 days after mailing of the certificates. Failure to return acceptance results in a vacancy in appointment.

ELECTION JUDGES – APPOINTMENT PROCEDURES (cont)

- Vacancies in appointment shall be filled in the same manner as the original appointments
 - Best Practice: hire enough election judges in the event of vacancies, due either to the non-return or acceptances or no-shows on election day
- Compensation is not less than \$5.00 and not more than amount paid to judges working at a statewide general election, which amount is determined by the county clerk
- Supply judge shall receive an additional \$4.00 (PP)

DUTIES OF ELECTION JUDGES

- Polling place election
 - Arrive at polling location at 6:15 a.m.
 - Set up and arrange voting booths, voting machines, and ballot boxes
 - Set out all voting materials, including registration list, poll book, ballots
 - Remain at polling location at all times when voting can take place (7 a.m. to 7 p.m.)
 - Issue replacement and substitute ballots as necessary
 - Count ballots, issue judges' certificate of election, and post election results
 - Tear down polling location
 - Deliver all supplies to municipal clerk (supply judge)

DUTIES OF ELECTION JUDGES

- Mail ballot election
 - Verify signatures on return envelopes in mail ballot elections
- NOTE: On election day, ballots can be received, replacement ballots issued, and voter registration issues be resolved by municipal clerk and/or staff.
- NOTE: It is suggested that municipal clerk and staff do not conduct signature verification or count ballots.

ELECTION JUDGES MAIL BALLOT ELECTIONS

- State statute does not indicate the minimum number of election judges required for mail ballot elections
 - Best Practice: Hire a minimum of three election judges and others as deemed necessary. The same judges may serve as both signature verification and ballot counting judges.
- State statute does not indicate when election judges should begin working in mail ballot elections
 - Best Practice: Use number of expected returned ballots and time needed to verify signatures as the basis for determining when judges should begin working (ballots may be processed beginning 15 days prior to the day of the election). *Suggested goal: complete verification and other procedures for all ballots received by the EOB the day before the election.*

NOMINATION PETITIONS: WHO CAN RUN FOR OFFICE?

- Registered electors 18 years of age and older
- Resident of the municipality for at least 12 consecutive months immediately preceding the election
- Resident of the ward for at least 12 consecutive months preceding the election for ward candidates, if applicable
- Cannot be a candidate for 2 offices at the same election

FORM OF NOMINATION PETITIONS

- Name of candidate and office sought (include ward/district, as applicable)
 - Signature line
 - Printed name line
 - Address line to include street number, street name, city/town and county
 - Date of signature
 - Affidavit of circulator
 - Affidavit of candidate accepting the nomination and swearing that they are eligible to hold municipal office
 - Name of candidate as it should appear on the ballot
- NOTE: Instructions on how to complete and circulate nomination petitions, along with FCPA forms, can be included in a 'packet' with the nomination petitions. However, these should be separate documents and not stapled to the petitions themselves.

NOMINATION PETITIONS - MINIMUM SIGNATURE REQUIREMENTS

- Statutory cities
 - 25 signatures
- Statutory towns
 - 10 signatures
- Home rule municipalities
 - Number varies and may be determined by home rule charter

CIRCULATION OF NOMINATION PETITIONS

- The circulation time frame is the same for all types of municipal regular elections – polling place, mail ballot, and coordinated elections
 - Beginning on the 91st day and ending on the 71st day prior to the day of the election
- When counting days backward, the first day is the day PRIOR TO the election; election day is day 'zero'.
- When counting days forward, the first day is the day AFTER the election; election day is day 'zero'.
- Best Practice: Do not hand out nomination petitions prior to the 91st day before the election.

CHECKING SIGNATURES ON NOMINATION PETITIONS

- When checking signatures on nomination petitions, 'signature' means the information provided as to the name and address and NOT the manner in which the name was signed.
- State statute PROHIBITS using the written name (the way the name was signed) as a means of qualifying or disqualifying names on a nomination petition.
- For purposes of checking signatures on nomination petitions, if the name and address on the petition do not match the name and address in the voter registration record, the signatures CANNOT be counted.

CHECKING SIGNATURES ON NOMINATION PETITIONS (cont)

- Qualify signatures if:
 - Common nicknames are used
 - Middle initials are omitted and it is clear that name/addresses match
 - City/town and county are left blank, and name/address match
- Disqualify signatures if:
 - Date of signing is omitted or is after the date indicated on the affidavit of circulator
 - More than one name is signed by the same person (all signatures are disqualified)
 - There is more than one person with the same name at the same address and it cannot be determined which person signed (Sr., Jr., etc)
 - The same signature appears on more than one nomination petition for the same office (the date of signing may be used to determine which signature is valid; if the date cannot be used, then all signatures are disqualified)

NON-CONFORMING NOMINATION PETITIONS

- Any petition that does not initially contain the minimum required number of signatures shall be returned to the candidate. Provide candidate with a new blank petition.
- Any submitted petition that does not include either the signed/sworn affidavit of circulator or the acceptance of nomination shall be returned to the candidate.
- *Returned petitions can be cured to correct or replace non-conforming signatures at any time prior to 63 days before the day of election (PP)31-10-302(4)*
- *Returned petitions can be cured to correct or replace non-conforming signatures at any time no later than the close of business on the 66th day before the day of election (MB) 31-10-909(1)(a)*

OBJECTIONS TO NOMINATION

- Any objection to the petition and affidavits must be made in writing to the municipal clerk within three days after the nomination petition has been filed.
- The municipal clerk notifies the affected candidate 'forthwith' and shall decide upon the objections with 48 hours after the objections have been made.
- If the objections are sustained, the original petition may be cured or a new petition may be filed within three days and, in no event, any later than the 64th day before the day of the election.
- The clerk's decision regarding *form* shall be final; the clerk's decision regarding *substance* shall be open to review by the district court.

RETENTION OF NOMINATION PETITIONS

- All nomination petitions shall be kept for a minimum of two years and may be kept longer, with the approval of the State Archives.
- All nomination petitions are public records and open to inspection.