

Election Statute Navigator: Colorado

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of March 1, 2021. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link:

<https://ebenchmark.org/colorado/covid/#tracker>.

Voter Registration

- Voter permitted to register up to and including Election Day (aka Same Day Registration) – [§ 1-2-217.7](#)
 - Timing of registration – [§ 1-2-217.7\(3\)](#)
 - For general elections, from the fifteenth day prior to and including election day, registration must be at voter service and polling centers by county clerk and recorders
 - For all other elections, from the eighth day prior to and including election day, registration must be at voter service and polling centers by county clerk and recorders
 - Registration can also be done by clerks and recorders at their offices during their established deadlines or via mail application, voter registration agency, local DMV, or online voter registration system through the eighth day prior to election day
 - Any voter can register or update registration from any county in the state, but the voter's unique ballot style will only be available within their county, and a registered voter from an outside county will only receive a ballot for statewide races
- Voters (other than above) register prior to Election Day – [§ 1-2-201](#)
 - If through a voter registration drive: no later than 22 days before the election
 - If through a high school (for pre-registration of those under 18 years of age): within 8 days prior to an election – [§ 1-2-403\(3\)\(b\)\(II\)\(B\)](#)
 - If through the mail, a voter registration agency, local DMV, or online voter registration system: no later than 8 days before an election
 - If in-person at elector's county clerk and recorder's office: as stipulated by that office
 - If in-person at voter service and polling center: anytime when the service or center is open, including on election day
- Online registration available – [§ 1-2-202.5](#)
- Registration via mail available – [§ 1-7.5-107](#)
- In-Person registration available – [§ 1-7-110](#)
- Automatic Voter Registration – [§ 1-2-213.3](#)
 - Participating Agencies: DMV
- Preregistration allowed – [§ 1-2-101\(2\)\(a\)\(I\)](#)
 - Those over 16 years old who will not be 18 years old on the date of the next election may preregister, and upon turning 18 years old, the preregistration will automatically register the individual

- Residency requirement – [§ 1-2-101\(1\)](#)
 - US citizens who will be 18 years or older on the date of the next election and have lived in the state for at least 22 days immediately prior to the election may register
- Prior conviction eligibility – [§ 1-2-103\(4\)](#)
- Voters judged mentally incompetent or under guardianship for a mental disability can vote – [§ 1-2-103\(5\)](#)
- Voter list maintenance guidelines – [§ 1-2-301](#)

State Absentee, Early, and Mail Voting

Note: This is an all-mail state, meaning all eligible voters are mailed a ballot that can be returned by mail

- Early voting allowed – [§ 1-5-102](#)
 - All eligible voters are sent a ballot that can be returned by mail or dropped off at a voter center or similar location during the early voting period
 - Voter service and polling centers must be open 15 days before an election and must be open every day but Sunday during the early voting period at normal business hours (but may be expanded by county board of commissioners)
- No-excuse absentee voting – [§ 1-5-401](#)
 - Allows all-mail elections, meaning a ballot is automatically mailed to every eligible voter
- Permanent absentee voting options – [§ 1-13.5-1003](#)
- Removal from permanent absentee list – [§ 1-13.5-1004](#)
- Absentee ballot verification details – [§ 1-7.5-107.3](#)
 - Election judge compares the signature on the self-affirmation on each return envelope with the signature of the eligible elector stored in the statewide voter registration system
 - If the judge determines the signatures do not match, two other judges of different political party affiliations simultaneously compare the signatures, and if they both agree that the signatures do not match, the county clerk and recorder sends the elector a letter explaining the discrepancy and a form for the elector to confirm that the elector returned a ballot, to be completed within 8 days after Election Day with a copy of ID to be counted if otherwise valid
- State allows voters to correct signature discrepancies – [§ 1-7.5-107.3](#)
 - Voters of ballots with missing or mismatching signatures or notified by mail within 3 days or within 2 days after the election
 - A confirmation form accompanying the letter must be returned to the county clerk and recorder within 8 days after Election Day to count
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter – [§ 1-7.5-107](#)
 - Anyone of the elector’s own choice or any authorized agent of the county clerk and recorder or designated election official may mail or deliver a mail ballot on behalf of the elector, but a person of the elector’s choice may not receive more than 10 mail ballots in any election for mailing or delivery

- Deadline by which election official must receive absentee/mailed ballots – [§ 1-7.5-107](#)
- Must be received by Election Day at 7 p.m.
- Absentee/Mail ballot processing and counting procedures – [§ 1-7.5-107.5](#)
- Absentee ballots are reported separately from precinct totals – [§ 1-7-601\(2\)](#)
- Spoiling/Replacement/Correction ballot restrictions – [§ 1-7-303](#); [§ 1-7-504](#); [§ 1-7.5-107\(3\)\(d\)](#); [§ 1-7.5-114.5](#); [§ 1-13-804](#)

In-Person Voter ID

- Photo ID not required – [§ 1-1-104\(19.5\)](#)
 - Valid ID options include a Colorado driver's license; a Department of Revenue ID card; a US passport; a government employee ID card with a photo; a US pilot's license; a US military ID card with a photograph; a copy of a current utility bill, bank statement, government check, paycheck, or other government document showing name and Colorado address; a Medicare or Medicaid card; a US birth certificate; naturalization documentation; a Colorado higher education student photo ID; a veteran ID card with a photo; and a tribal membership ID card
- Options for voters without ID – [§ 1-8.5-105](#)
 - Provisional ballot, with the election official attempting to verify the elector's eligibility to voter before the ballot is counted

Provisional Voting

- Provisional ballot availability – [§ 1-8.5-101](#)
 - Voter eligibility cannot be immediately established
 - Voter's eligibility is challenged by a poll watcher
 - Voter did not present ID as required by the state
- Time allotted to determine the status of provisional ballot – [§ 1-8.5-105\(5\)](#)
 - 10 days after a primary or 14 days after a general election
- Provisional ballot rejection reasons:
 - Elector's registration cannot be verified – [§ 1-8.5-106](#)
 - Elector does not sign provisional ballot affidavit after receiving notice – [§ 1-8.5-105\(3\)\(a\)–\(b\)](#)
- Method for informing voters whether provisional vote was counted – [§ 1-8.5-104\(6\)](#)
 - Election official gives written notice containing method used (toll-free phone number, internet website, or other free access system established) to determine whether provisional ballot was counted

Polling Place

- Polling Place availability and requirements

- For partisan elections, board of county commissioners and county clerk and recorder of each county divides the county into as many election precincts for all elections as is convenient for eligible electors and designates the locations – [§ 1-5-101](#)
- For nonpartisan elections, designated election official divides the jurisdiction into as many precincts as it deems expedient for the convenience of eligible electors within 25 days prior to the election – [§ 1-5-102](#)
- See more on voter service and polling centers (number required, services provided, drop-off locations, and definitions) – [§ 1-5-102.9](#)
- Electioneering or campaigning must not be closer than 100 feet to the entrance of the polling place – [§ 1-13-714](#)
- Rules governing poll observers
 - Secretary of state can send one or more official election observers to examine the conduct of any aspect of any election giving rise to an allegation of noncompliance with the Help America Vote Act of 2002 – [§ 1-1.5-104\(2\)\(a\)–\(b\)](#)
- Poll watcher qualifications
 - Eligible elector other than a candidate on the ballot who has been selected by a political party chairperson on behalf of the party, by a party candidate at a primary election, by an unaffiliated candidate at a general, congressional vacancy, or nonpartisan election, or by a person designated by either the opponents or proponents of a ballot issue or question – [§ 1-1-104\(51\)](#)
 - Watchers at primary elections – [§ 1-7-105](#)
 - Watchers at general and congressional vacancy elections – [§ 1-7-106](#)
 - Watchers at nonpartisan elections – [§ 1-7-107](#)
 - Watchers must take an oath administered by an election judge, must not be related in any way to candidates, and have the right to maintain a list of eligible electors who have voter, witness and verify each step in the conduct of election, challenge ineligible electors, and assist in the correction of discrepancies – [§ 1-7-108](#)
- Police presence
 - A police station, sheriff’s office, or town marshal’s office cannot be a voter service and polling center, but multipurpose building that includes a police station, sheriff’s office, or town marshal’s office can be a voter service and polling center – [§ 1-5-102.9\(1\)\(c\)\(III\)\(A\)](#)
- Photography restrictions
 - County clerk and recorder can place reasonable restrictions on the use of photography in voter services and polling centers or other locations to ensure the fair and efficient conduct of elections – [§ 1-13-712](#)
- Other:
 - Counties shall establish drop boxed for allowing electors to deposit completed mail ballots in a general election and must accept mail ballots delivered by electors for 15-day period prior to and including the day of the election – [§ 1-5-102.9\(5\)\(a\)–\(d\)](#)

- Counties must establish drop-off locations close to boundaries of Indian tribal reservations and can establish additional locations at the county’s discretion – [§ 1-5-102.9\(5\)\(e\)–\(f\)](#)

State Emergency Rules and How Elections are Affected

- Secretary of State, Governor, election officials, and district court judges have authority to set rules and procedures (after declaring “election emergency”)
 - District judges can change the dates of a special election in the event of an unforeseeable emergency – [§ 32-1-103\(21\)](#)
 - Secretary of state can change procedures to comply with the Uniformed and Overseas Citizens Absentee Voting Act in case of an emergency – [§ 1-8.3-105\(2\)](#)
 - Governor can suspend regulatory statutes prescribing the conduct of state business and issue orders – [§ 24-33.5-704\(7\)\(a\)](#)
- Explicit remedies in election statute
 - Change dates of special elections – [§ 32-1-103\(21\)](#)
 - Move polling or drop-off locations – [§ 1-5-108](#); [§ 1-5-703](#)
 - New replacement ballot if ballot is lost – [§ 1-7.5-115\(1\)](#)
- All can vote by absentee ballot in state of emergency (Note: this is an all-mail voting state)
- Voters can request replacement ballot in case of emergency – [§ 1-7.5-115\(1\)](#)
- Counties can create/adopt own emergency plan
 - Election officials can move a polling location or drop-off location in an emergency without adhering to the specific design standards laid out in the Code – [§ 1-5-108](#); [§ 1-5-703](#)

Counting Rules

- Voting system requirements
 - Electronic or electromechanical voting system must be tested – [§ 1-7-509](#)
 - A federally accredited lab may test, approve, and qualify electronic and electromechanical voting systems, and it must be certified by the secretary of state – [§ 1-5-608.5](#)
 - Requirements of nonpunch card electronic voting systems – [§ 1-5-611](#)
 - Requirements of electronic and electromechanical voting systems – [§ 1-5-615](#)
 - Standards and procedures of electronic and electromechanical voting systems – [§ 1-5-616](#)
- Counting procedures
 - Secretary of state adopts rules for procedures of counting, tabulating, and recording votes by electronic and electromechanical voting systems – [§ 1-5-616\(3\)](#)
 - For precincts with counting judges – [§ 1-7-305](#)
 - For counting of paper ballots – [§ 1-7-307](#)
 - For counting of voting machines – [§ 1-7-406](#)
 - Procedure for electronic vote-counting – [§ 1-7-507](#)

- Other:
 - Improperly marked paper ballots – [§ 1-7-309](#)
 - Improperly marked electronic ballots – [§ 1-7-508](#)
 - Standards for accessible voting systems – [§ 1-5-704](#)

Contest/Protest, Recount Rules

- Protesting (voters and candidates)
 - Protest guidelines – [§ 1-40-118](#)
- Contest filing guidelines
 - Any eligible elector of the political subdivision can contest the election of any candidate or results of an election on any ballot issue or question – [§ 1-11-202](#)
- Challenging a candidate
 - Candidate elected isn't eligible to hold office for which he was elected – [§ 1-11-201\(1\)\(a\)](#)
- Challenging a voter
 - Challenge registration – [§ 1-9-101](#)
 - Challenge right to vote – [§ 1-9-201](#)
 - Challenge of ballots cast by mail – [§ 1-9-207](#)
 - Challenge of provisional ballots – [§ 1-9-208](#)
- Automatic recount
 - Election official must order a recount of votes cast in any election if difference between highest number of votes cast in election and next highest number of votes cast is less than or equal to $\frac{1}{2}$ of 1% of the highest number of votes cast in the election – [§ 1-13.5-1306\(1\)](#)
 - Automatic recount if difference between highest number of votes cast and next highest number of votes cast is less than or equal to $\frac{1}{2}$ of 1% of the highest vote cast in the election context – [§ 1-10.5-101](#)
 - If there's more than 1 person to be elected in an election contest, automatic recount is held if difference between votes cast for candidate who won election with the least votes and candidate who lost election with the most votes is less than or equal to $\frac{1}{2}$ of 1% of the votes cast for the candidate who won the election with the least votes – [§ 1-10.5-101](#)
- Contest/Protest recount
 - Recount in contests for county and nonpartisan elections – [§ 1-11-215](#)
- Other:
 - Request for recount by interested parties (including the candidate) – [§ 1-10.5-106](#)
 - Challenge of recounts – [§ 1-10.5-109](#)