

Confined Voting

Denver Elections Division
August 4, 2021



OFFICE OF THE CLERK AND RECORDER
CITY AND COUNTY OF DENVER

CITY CLERK | ELECTIONS | PUBLIC TRUSTEE | RECORDING

Confined Voting

- Facilitated by the Denver Elections Division
- Supported by the Denver Sheriff Department
- Assisted by nonprofit, nonpartisan partners

The State of Colorado continues to be an example of the pursuit of an ever-better democracy. In this mission, the Denver Elections Division is attempting to define better processes for registration and voting with a goal of clearly defined access for all eligible voters.

History

Colorado does not practice permanent disenfranchisement for people who have a criminal background. The common belief that someone with a criminal record can't vote isn't true in Colorado, but it's not widely known. Additionally, Colorado criminal justice agencies such as county jails, parole, probation, halfway houses (ComCor), and reentry services have been limited in their understanding of voter rights, inadvertently contributing to the disenfranchisement of this population. Understanding the significance of this gap, the Colorado Criminal Justice Reform Coalition (CCJRC), since 2006, has run the only civic engagement campaign in Colorado that focuses exclusively on people with criminal records. In 2016, the need to increase our capacity and expand our campaign to educate communities across Colorado became evident.

In 2016, CCJRC met with the Denver Elections Division (DED) and the Denver Sheriff Department to discuss the opportunity to launch a voting program pilot focused exclusively on eligible voters confined in Denver City and County jails. Those eligible included people serving pre-trial confinement and sentences for misdemeanor convictions. The program would focus on providing voter education, registration and access to voting.

From 2016 to 2020, volunteers of the Confined Voter Project helped register confined voters at both jails within the City and County of Denver. Community played a pivotal role in engaging volunteers to support this project. Through intentional outreach, the project created a base of volunteers that were now experts on voting eligibility for incarcerated people. We conducted training so volunteers could learn more about voting eligibility in order to combat the common but incorrect belief that a criminal record resulted in loss of the right to vote in the State of Colorado.

Issue

Defining access to election registration and balloting for confined prisoners awaiting trial or serving sentences for misdemeanors.

Rule

Election Rules (8 CCR 1505-1) - 2.19 Registration of electors who are confined in a county jail or detention facility

2.19.1 Before each election, the county clerk must make efforts to coordinate with the sheriff or his or her designee at each county jail or detention center in the county to provide confined eligible individuals an opportunity to register to vote.

Application

While information and registration forms should be available at all times, it is best to schedule one or more bulk registration events because of the number of people and the uniqueness of each individual situation. Trained staff from DED and nonprofit partners assist in informing and registering individuals. Registration and balloting information is made available to administrators and facility managers.

The Denver Elections Division provides paper forms for registration. Designated administrators may assist in distribution and return of forms to and from the Elections Division. A nonprofit, nonpartisan partner may provide assistance with accessibility and distribution.

The agencies and volunteers in Denver will coordinate an effort to administer a fair election process for prisoners confined and seeking access to their voting rights.

This Document is intended to:

- Define Confined Voting
- Define a Confined Voter
- Define why Confined Voting is necessary and beneficial
- Outline the procedures for Confined Voting

What is Confined Voting?

Confined voting is the process in which an eligible confined voter may have access to all resources necessary to register to vote and to cast a ballot.

Who is a Confined Voter?

An individual who is eligible to vote and is detained in a correctional facility.

A person who is awaiting trial but has not been tried or who is not serving a sentence for a felony conviction may register to vote and may list the jail address on the registration form.

No person, while serving a sentence of detention or confinement in jail for a felony conviction, is eligible to register to vote or to vote in any election in the State of Colorado.

Term of Imprisonment

1-1-104. Definitions (49.3) (a) "Term of imprisonment" or "full term of imprisonment" means the period during which an individual is serving a sentence of detention or confinement in any correctional facility, jail, or other location for a felony conviction. (c) "Term of imprisonment" or "full term of imprisonment" does not include the period during which an individual is on parole.

Why Have Confined Voting Procedures?

Limited Access

There are clear barriers to voting information, registration, and the act of voting a ballot for a confined voter. They have no access to the internet, limited phone access, limited access to mailing, and they cannot physically visit a Voter Service and Polling Center.

Secure Chain of Custody

Agencies can put procedures in place for every step of ballot delivery. Ballot box security logs can track every movement of a ballot.

Voting efforts will be facilitated by the Denver Elections Division (DED) with the support of the Denver Sheriff Department (DSD) and the assistance of a third-party partner who is associated with a nonprofit, nonpartisan organization (partner) when available.

Designated volunteers will take training provided by the DED and DSD to assist with registration event(s).

Limit Voter Intimidation

Define a voting area to ensure a voter can privately mark their ballot and have assistance provided.

ADA Compliant

DED can provide equipment options for accessibility.

Benefits to Having a Procedure:

- Voter assistance is more regulated.
- Bilingual and bipartisan staff are available.
- The confined voters and their locations are easily identifiable.
- Direct contact will enable a timely exchange of information to ensure eligibility.
- Informing voters of eligibility will make registration processing more efficient and cost effective.

Definition of Roles

Denver Elections Division

The Elections Division will schedule a visit with the Program Administrator for a registration event to the facility. The Elections Division will bring materials to register voters. The voter will be issued a form. Completed forms will be taken back with the Elections Division. (C.R.S. 1-2-201; 1-2-219)

Administrator

The Programs Administrator will have blank forms provided by the Denver Elections Division. The Administrator may distribute and collect the forms as needed. The Administrator will return the completed forms to Denver Elections via mail, scanned in email, fax, or schedule the Elections Division for a pick-up. (C.R.S. 1-2-201.5 (1))

Volunteers

Designated volunteers may take training provided by the DED and DSD.

Why Have Volunteers?

Purpose

To provide assistance to confined voters when necessary after receiving proper training through DED, DSD, and the volunteer agency.

It would be difficult, if not impossible, to provide the opportunity for confined voting without the participation of volunteers from nonpartisan organizations. In Denver, the Colorado Criminal Justice Reform Coalition and the League of Women Voters have taken on that responsibility.

The Confined Voter Project has been successful because of the contribution of community volunteers. It is vitally important to provide training to those who care about voting and ensuring access to voting in order for all eligible populations to have the opportunity to be civically engaged. Volunteers offer additional workers, resources, and connection with inmates to conduct such an effort.

To simplify the flow of documents and information among all participating entities, it's helpful to have one or two designated contact people for each organization or agency.

Testimonial

"It is important to know that when running a Confined Voting Project, organizations engaging with volunteers from our communities is a must. Conducting voter registration in the jails was profound for me. The fact that many of the confined people really cared and paid attention to politics illustrated the importance of their having access to voting if they were eligible. The effort got a standing ovation response from the inmates for providing education on their right to vote and registering eligible voters."

- **Jasmine Ross**, Civic Engagement Coordinator/Volunteer Coordinator

Best Practices from Volunteers

Working with DED and DSD, days are scheduled for voter registration and education in each of the two jails. For a November election, we begin in August or early September, depending on predicted interest in an election. As an election approaches, all volunteers interested in helping with in-person voting need to undergo additional training conducted by DED staff to be election judges. In order to avoid conflicts, the farther in advance training can be scheduled, the better. Once training is complete, volunteers can be scheduled for Election Day. In-person voting requires at least one full day in each facility; depending on interest and jail population, volunteers should be prepared for very long, but very satisfying days.

Training

Voter Registration Training

Volunteers with voter registration training may only distribute and collect registration forms and provide registration assistance.

Election Judge Training

Volunteers with election judge training may register voters, distribute and collect ballots, and provide voting assistance.

Denver Sheriff Department

The DSD Programs Unit promotes the voting process among inmates by performing the following actions:

- Educates all necessary DSD staff regarding voting parameters in cooperation with DED and the standards provided by that office.
- Provides a platform to get all necessary voting personnel cleared to allow access to the secured facilities of the DSD.
- Posts and announces via available platforms the voting process, eligibility, and importance of inmate voting (e.g. marketing posters and flyers, in person housing unit education sessions provided by DED staff, League of Women Voters, CCJRC).
- Educates voting personnel on proper interaction and security surrounding working with inmate populations.
- Actively recruits and educates security staff who are supportive of voting rights for inmate populations. Places security staff in positions where they can educate, support, encourage and inspire inmates to exercise their right to vote, leading to empowerment.
- Provides logistics support for voting personnel while in secured areas of the DSD.
- Collects throughout the voting process all appropriate materials from inmates and relays to all appropriate parties (e.g. requests for voting registration applications, questions on voting, etc.)
- Maintains communication with DSD mailrooms to monitor voter ballot and correspondence movement.
- Tracks voter ballot data in cooperation with DED .

Elections Division

Provides any necessary resources for registering to vote and the process of voting.

- Voter registration forms
- Mail ballot packets/ballot marking devices for accessibility and voter assistance as needed
- Provides resources for educating administrators, any potential voters, and volunteers on voting rights, voting procedures, and election law.
- Informative media for inmates including voting dates
- Training courses and judge oaths for volunteers and administrators

Processes for Confined Voting

Flash Registration and Balloting Event

1. **Eligibility:** “Can I vote?” palm cards distributed in advance
 - o Educate out-of-state voters on current absentee laws
2. **Registration:** Form delivery and completion
 - o Team will distribute registration forms
3. **Collect Forms:** Return forms to Elections Division office for registration and data collection
4. **Inform Voters:** Information about upcoming elections provided to inmate population
 - o DSD will distribute blue books to inmates upon receiving them from DED when available
 - o League of Women Voters will provide information on state and local ballot issues
5. **Prepare Ballots:** Void any pre-issued ballots and reprint ballot packets for all eligible registration forms
6. **Distribute Ballots:** Through the inmate mail process or in-person distribution
7. **Collect Ballots:** DED will provide a secure ballot box collection on Election Day

Data to Collect

- Number of registration forms collected
- Number of eligible voters
- Number of ballots to be delivered to the facility
- Number of first time voters
- County of origin
- Post election: Number of ballots accepted or rejected

Registering a Voter

Rule

C.R.S. 1-2-103 (4) No person while serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction is eligible to register to vote or to vote in any election. A confined prisoner who is awaiting trial but has not been tried or who is not serving a sentence for a felony conviction shall be certified by the institutional administrator, may register to vote pursuant to this article 2, and may list his or her confinement location as his or her ballot address in accordance with section 1-2-204 (2)(f.3). An individual serving a sentence of parole is eligible to register to vote and to vote in any election. (5) A person confined in a state institution for persons with behavioral or mental health disorders shall not lose the right to vote because of the confinement.

Voter Registration

It is preferred to hold bulk registration events at the facilities in partnership with the DED to allow inmates to ask questions directly to DED staff and volunteers regarding their eligibility to vote.

DED will contact the DSD program administrators to schedule bulk registration events. The bulk registration events will be organized by DSD Programs Unit staff with approval from the Operations Unit.

The program administrator will have blank forms provided by DED. The administrator may distribute and collect the forms as needed. The administrator will return the completed forms promptly to DED via mail, scanned in email, fax or schedule DED for a pick-up. (C.R.S. 1-2-201.5 (1))

If a third-party partner is available, volunteers from the organization may assist potential voters during the registration process by answering questions.

Inmate programs staff shall return the completed registration forms to the DED office promptly after receiving the form.

Voting

Education on Voting Rights and Election Dates

Ongoing education regarding voting rights will be posted in written format(s) in the housing units.

It is preferred to have education on voting rights through in-person presentations through DED and/or third-party partners in the housing units.

DSD Inmate Programs staff will distribute information on elections as provided by DED.

Ballot Distribution

1-2-103. Military service - students - inmates - persons with behavioral or mental health disorders - confinement. (1) For the purposes of registration, voting, and eligibility for office, no person gains residence by reason of that person's presence, or loses it by reason of absence, while in the civil or military service of the state or of the United States; while a student at any institution of higher education; or while confined in a correctional facility, jail, or state institution if the person is not serving a sentence for a felony conviction.

For confined persons who list the jail address on their registration forms, ballots will be mailed to the jail and delivered in the same manner as incoming mail.

Privacy for Voters and Marking a Ballot

A designated "Voting Area" should be established for a voter to privately mark their ballot and to have assistance provided. (C.R.S. 1-7-503)

A designated area for voters to mark their ballot without fear of any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with a ballot is subject, upon conviction, to imprisonment, or a fine, or both. (C.R.S. 1-7-115)

In general inmates have a private designated bunk area where no other inmate is allowed to go. This will serve as the designated area to vote unless there is a concern noted by the inmate; in that case, the program administrator will work with the individual to provide an alternate location.

When a voter has completed marking, signing and sealing their mail ballot packet they can then place the ballot in outgoing mail.

On Election Day, DED will provide a secure ballot box collection for completed ballots returned the weekend before Election Day and on Election Day.

Voter Assistance

The Elections Division may provide voter assistance when necessary during the time they are delivering ballots. A tablet with ADA compliant accessibility may be available for use. The Elections Division may also deputize individuals (nonpartisan volunteers) as Election Judges to provide voter assistance.

C.R.S. 1-7-111 (1) (a) If at any election, any registered elector declares to the election judges that, by reason of disability, inability to read or write, or difficulties with the English language, he or she is unable to prepare the ballot or operate the voting device or electronic voting device without assistance, the elector is entitled, upon making a request, to receive the assistance of any one of the election judges or, at the elector's option, any person selected by the eligible elector requiring assistance. (b) Any person other than an election judge who assists an eligible elector in the precinct in casting his or her ballot shall first complete the following voter assistance self-affirmation form: "I,, certify that I am the individual chosen by the elector to assist the elector in casting a ballot. I further certify that I will not in any way attempt to persuade or induce the elector to vote in a particular manner, nor will I cast the elector's vote other than as directed by the elector I am assisting."

Identification Required Ballot

1-1-104. Definitions: (d) Verification that a voter is a person committed to the department of human services and confined and eligible to register and vote shall be considered sufficient identification of such person for the purposes of section 1-2-210.5.

Mail Service to Voter

A voter will receive a ballot mailed to the jail if they have selected the jail as their mailing address.

DSD Mail Officer (DDC) Election Checklist

- Collect mail from inmate P.O. Box
- Find location for all incoming mail
- (Legal, administration, DDC, COJL.) Add election ballots and sort them by facility (DDC, COJL)
- For all DDC inmate ballots: documentation via a spreadsheet that includes county ballot received from, inmate CD#, last name, first name, housing unit location and date received.
- Collect outgoing inmate mail from sergeant's office and housing units.
- Have a designated "election mail bin" on hand and place all completed inmate ballots in the bin located within the DDC mail room.
- Contact Programs Coordinators daily and provide them with the completed inmate ballots from the DDC. The DDC mail room has a secure access door to ensure restricted access. Only those with proper credentials can access the mail room.
- Sorting the inmate mail by facility is tedious: Weeks before the ballots arrive, a ballot information booklet is sent to all registered voters. The information book is 40-50 pages in length. The purpose of the ballot information booklet is to provide voters with the text, title, and a fair and impartial analysis of each initiated or referred constitutional amendment, law, or question on the ballot. The analysis includes a summary of the measure, the major arguments both for and against the measure, and a brief fiscal assessment of the measure. The analysis may also include any other information that will help voters understand the purpose and effect of a measure.
- The ballots are sent from the County Elections Division, which means they are also documented on the legal mail proof of delivery forum (standard for all legal mail and given to the inmate in person; a signature is required from the inmate when verified by inmate identification card)
- Return to Sender: If an inmate had registered to vote while in custody but had been released before they could receive a ballot, it would be marked on the top left-hand corner "RTS" and documented on a separate spreadsheet. In TAG (DSD system), we can look up and see when the inmate was released from custody. This spreadsheet will be given to Programs along with the "RTS" ballot.
- Maintain spreadsheet documentation and make a copy for Programs. Make sure that all information is correct and cross check with Programs at the end of the day.
- Coordinate with Programs and DED on Election Day to make sure all ballots are accounted for.

Voter Returning Ballot (in progress)

Voters will need to securely return ballots before 7:00 p.m. on Election Day. (C.R.S. 1-7-701)

Voter to Mail Service

When a voter has completed marking, signing, and sealing their mail ballot packet, they can then place the ballot in outgoing mail.

Denver Elections Division

The Administrator can schedule a pick-up by the Elections Division. A final pick-up will be scheduled on Election Day.

Information for Confined Voters

To qualify, you must be

- A U.S. citizen;
- At least 18 years of age;
- A resident of Colorado for 22 days (prior to being confined)

How to register

- Complete a Colorado registration form provided by your Administrator.
 - Your residential address is the place you resided prior to the facility
 - Your mailing address can be the facility: P.O. Box 1108 - 80201
- Return the registration form to your administrator or mail to: Denver Elections Division, 200 W. 14th Ave., Denver, CO 80204

How to vote

1. Remove your ballot, the return envelope, and any additional materials.
2. Mark your ballot following the instructions on the ballot.
3. When finished marking your ballot, fold and place it into your return envelope.
4. Sign the outside of your return envelope and seal it.
5. Return your ballot to the Elections Division through your administrator, U.S. Mail, or the Elections Division ballot box.

You may vote in a ballot booth as soon as you receive your ballot, or you may retain your mail ballot to vote it later. To be counted, ballots must be received at the Elections Division by 7:00 p.m. on Election Day; ballots received after that time will not be counted.

Voter assistance may be provided

- A ballot may be read to you by bipartisan election judges in both English and Spanish.
- A tablet may be available with accessibility features such as: increased font size, screen reading, accessible controls, and high contrast.

What happens if I leave the facility before my ballot arrives?

- If you have moved to a different facility, contact your administrator to review your options and ask if ballots have been distributed.
 - If ballots have not been distributed: Change your mailing address to the new facility with a Colorado Voter Registration form.
 - If ballots have been distributed: Ask for a replacement ballot from your local Elections Division.
- Visit a Voter and Service Polling Center if you have access to one.
- Contact the local Elections Division via mail or online at govotecolorado.gov.
- You may call your local Elections Division for more information, but most changes to voter registration and replacement ballots must have a signed form.

Timeline for Administering Confined Voting

Registration Event > Ballot Delivery > Election Day

New Volunteers

Safety training and background check must be submitted to DSD within the first two weeks

Annually

Safety training with DSD and background check, voter registration training refresh with DED or a nonprofit, nonpartisan partner

Monthly

Poster check and education materials

6 months

DSD logistics leadership approval for resources

- Deputies, pencils, space, programs staff, overtime approval, timing for events, in-person logistics
- Identify and educate inmates who came from out-of-state of current absentee laws – posters, intake, kiosk

134 days

All background paperwork for volunteers for the first event submitted to DSD. Safety training must be completed.

120 days

First flash registration and education event – check materials – collect and report data

90 days

Get approval for voting materials from DSD

75 days

Confirm volunteer list with agency

- DSD paperwork distributed
- In-person voting will need bipartisan representation

60 days

Submit volunteers to DSD for background check (all paperwork by this date)

50 days

Additional registration/education event (Stu/DED engagement team)

45 days

Send data to printer
Election training material confirmation and dates (Dena/Shelby)

30 days

Volunteer confirmation – all volunteers must be cleared
Elections training at DED with DSD

29 days

Notice to DSD facility and staff about upcoming events

22 days

Mail ballot delivery

14 days

Deliver materials

3 days

In-Person voting event

Media:

<https://denverite.com/2018/10/12/a-push-to-inform-denver-inmates-of-their-voting-rights-is-changing-attitudes-and-boosting-civic-engagement/>

<https://coloradosun.com/2020/09/29/felon-voting-colorado/>

<https://coloradonewslines.com/2020/11/03/denver-allows-inmates-to-vote-in-person-for-the-first-time/>

<https://www.9news.com/article/news/local/local-politics/denver-sheriff-inmates-voting-denver/73-7fa1cf3f-f07a-4f6d-9a50-b820b9413cde>

<https://www.courthousenews.com/colorado-inmates-get-help-exercising-their-right-to-vote/>

<https://denver.cbslocal.com/2020/11/02/denver-inmates-voting-ballot-vote-election-day/>

<https://www.denverpost.com/2018/10/01/criminal-record-felons-voting-colorado-election/>

<https://www.denverpost.com/2016/06/08/new-program-aims-to-help-eligible-denver-inmates-vote/>

<https://www.nytimes.com/2019/04/11/opinion/voting-prisoners-felon-disenfranchisement.html>

<https://www.coloradoan.com/story/opinion/2020/03/01/opinion-colorado-parolees-have-right-vote/4908750002/>

<https://leg.colorado.gov/bills/hb19-1266>

<https://denver.cbslocal.com/video/4703198-voter-registration-drive-underway-for-inmates-at-denver-county-jail/>

<https://pagosadailyreport.com/2020/11/02/some-jail-inmates-in-colorado-eligible-to-vote-face-roadblocks/>

<https://www.youtube.com/watch?v=zlvSkQw6tXI>

[Jail Video](#)

[Voting With Conviction website](#)

Resources

[Can I Vote Flyer](#)

[Can I Vote Post Card \(front\)](#)

[Can I Vote Post Card \(back\)](#)

[Can I Vote Palm Card](#)

[Can I Vote Poster](#)

Colorado Constitution

Article VII - Section 10. Disfranchisement during imprisonment. No person while confined in any public prison shall be entitled to vote; but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of 2015 124 imprisonment, shall without further action, be invested with all the rights of citizenship, except as otherwise provided in this constitution.

Source: Entire article added, effective August 1, 1876, see L. 1877, p. 53.

Cross references: For disfranchisement of any person confined in a state institution or correctional facility or jail as to general, primary, and special elections, see § 1-2-103; for disfranchisement of any person confined in a correctional facility or jail as to municipal elections, see § 31-10-201.

Title 1

Felons

1-2-103. Military service - students - inmates - persons with behavioral or mental health disorders - confinement.

(1) For the purposes of registration, voting, and eligibility for office, no person gains residence by reason of that person's presence, or loses it by reason of absence, while in the civil or military service of the state or of the United States; while a student Colorado Revised Statutes 2020 Page 30 of 519 Uncertified Printout at any institution of higher education; or while confined in a correctional facility, jail, or state institution if the person is not serving a sentence for a felony conviction.

(4) No person while serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction is eligible to register to vote or to vote in any election. A confined prisoner who is awaiting trial but has not been tried or who is not serving a sentence for a felony conviction shall be certified by the institutional administrator, may register to vote pursuant to this article 2, and may list his or her confinement location as his or her ballot address in accordance with section 1-2-204 (2)(f.3). An individual serving a sentence of parole is eligible to register to vote and to vote in any election.

(5) A person confined in a state institution for persons with behavioral or mental health disorders shall not lose the right to vote because of the confinement.

Registration Maintenance

1-2-302. Maintenance of computerized statewide voter registration list - confidentiality. (3.5) (b) The secretary of state shall coordinate the computerized statewide voter registration list with state agency records on felony status. Upon being furnished with information from the Colorado integrated criminal justice system that a particular registered elector has been convicted of a felony, the secretary of state may electronically cancel the registration of persons who have been convicted of a felony.

(6.5) (b) At the earliest practical time, the secretary of state, acting on behalf of the department of state, shall enter into agreements with the executive directors of the department of public health and environment and the department of corrections to access information in the databases of the department of public health and environment and the department of corrections, to the extent required to enable the verification of the accuracy of the information provided on applications for voter registration in conformity with the requirements of section 1-2-301.

(8) The secretary of state shall provide adequate technological security measures to prevent unauthorized access to the computerized statewide voter registration list. The secretary of state shall also establish adequate and reasonable technological security requirements for the exchange or transfer of data related to voter registration between the secretary of state and any other state agency or voter registration agency as defined in section 1-2-504 (1)(a) and (1)(b). Before commencing any data exchange or transfer required under this article 2, and no later than the date such exchange or transfer is required by statute to begin, the state agency or voter Colorado Revised Statutes 2020 Page 60 of 519 Uncertified Printout registration agency shall adhere to the technological security requirements established by the secretary of state under this section. The secretary of state, the department of revenue, the department of public health and environment, the department of corrections, and the clerk and recorders shall not sell, disclose, or otherwise release a social security number, a driver's license or a state-issued identification number, or the unique identification number assigned by the secretary of state to the voter pursuant to section 1-2-204 (2.5) or electronic copies of signatures created, transferred, or maintained pursuant to this section or section 42-1-211, to any individual other than the elector who created such signature absent such elector's consent; except that nothing in this subsection (8) prohibits the sale, disclosure, or release of an electronic copy of such signature for

use by any other public entity in carrying out its functions, or the sale, disclosure, or release of a photocopied or microfilmed image of an elector's signature.

1-2-606. Cancellation by reason of criminal conviction in federal court. (1) If an elector whose residence is in the state of Colorado is convicted of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the secretary of state of Colorado. The notice shall include the name of the offender, the offender's age and residence address, the date of entry of the judgment, a description of the offenses of which the offender was convicted, and the sentence imposed by the court. The United States attorney shall additionally give the secretary of state written notice of the vacation of the judgment if the conviction is overturned.

(2) The secretary of state shall forward the information received pursuant to this section to the applicable county clerk and recorder of the county in which the offender resides.

(3) The county clerk and recorder shall cancel the registration of the elector as of the date of receipt of the information from the secretary of state, and the registration shall remain canceled until the offender re-registers to vote.

Affiliation for a Primary

1-2-219. Changing or withdrawing declaration of affiliation. (1) Any eligible elector desiring to change or withdraw the elector's affiliation may do so by completing and signing a prescribed request for the change or withdrawal and filing it with the county clerk and recorder or by submitting a personal letter written by the elector to the county clerk and recorder at any time up to and including the twenty-ninth day preceding an election. The prescribed form or personal letter for the change shall include the elector's printed name, address within the county, birth date, social security number, if the elector wishes to state it, and signature, the date, the elector's previous affiliation status, and the requested change in affiliation status. A prescribed form shall be furnished by the county clerk and recorder upon the elector's oral or written request. Upon receiving the request, the county clerk and recorder shall change the elector's affiliation on the registration record. If the affiliation is withdrawn, the designation on the registration record shall be changed to "unaffiliated". If an elector changes affiliation, the elector is entitled to vote, at any primary election, only the ballot of the political party to which the elector is currently affiliated. A change or withdrawal of affiliation may not be made by anyone other than the elector.

1-7-201. Voting at the primary election. (1) Any registered elector who has declared an affiliation with a political party that is participating in a primary election and who desires to vote for candidates of that party at a primary election shall show identification, as defined in section 1-1-104 (19.5), write his or her name and address on a form available at the voter service and polling center, and give the form to one of the election judges.

(2) If the name is found on the registration list, the election judge having charge of the list shall likewise repeat the elector's name and present the elector with the party ballot of the political party affiliation last recorded. If unaffiliated, the eligible elector shall openly declare to the election judges the name of the political party with which the elector wishes to affiliate, complete the approved form for voter registration information changes, and initial the registration list in the space provided. Declaration of affiliation with a political party shall be separately dated and signed or dated and initialed by the eligible elector in such manner that the elector clearly acknowledges that the affiliation has been properly recorded. Thereupon, the election judges shall deliver the appropriate party ballot to the eligible elector. Eligible electors who decline to state an affiliation with a political party that is participating in the primary shall not be entitled to vote at the primary election.

Registering to Vote

Rule:

2.3 When processing a new voter registration application, the county clerk must mark the registration record "ID required" unless the elector provides his or her verifiable driver's license number or state identification number, or the elector is otherwise exempt under law.

[Section 1-2-204(2)(f.5), C.R.S.] 2.3.1 The county must process the Help America Vote Verification file on at least a monthly basis by verifying social security numbers and removing the "ID required" flag from verified records. 2.3.2 As used in section 1-1-104(19.5), C.R.S., government document means a document issued by a city, county, state, or federal government.

(a) A government document includes:

(1) A Certificate of Degree of Indian or Alaskan Native Blood;

(2) A letter from the director or administrator of a group residential facility that indicates that the elector is a resident of the facility and that he or she resides at the street address listed in SCORE; and

(3) A division of youth corrections identification card issued by Department of Human Services.

(4) Written correspondence from the county sheriff or his or her designee to the county clerk indicating that the elector is confined in a county jail or detention facility. Colorado Secretary of State Election Rules [8 CCR 1505-1] Rule 2 – As temporarily adopted and effective 8/23/2019 2

(b) A government document does not include any document produced by the SCORE system or using an address label produced by SCORE. [Sections 1-1-104(18.5), (19.5)(c), and (19.5)(d), C.R.S.] 2.3.3 As used in section 1-1-104(19.5)(a)(VII), C.R.S., "current" means that the date of the document is within 60 days of the date submitted for identification purposes unless the document states a longer billing cycle.

2.4 Treatment of incomplete new registration applications

2.4.1 If an applicant fails to check the box answering the question, "Are you a citizen of the United States?", the county clerk must accept and process the application as complete so long as it is otherwise complete and the affirmation at the bottom of the form is signed.

2.4.2 If an applicant fails to complete the required identification portion of the form in accordance with sections 1-2-204(2)(f.5) and (3)(c), C.R.S., the county clerk must treat the application as incomplete. But if the applicant submits a photocopy of his or her driver's license or identification card, the county clerk must enter the ID number from the card into the applicant's record and process the application as complete.

2.4.3 If an applicant fails to provide a date of birth, the county clerk must treat the application as incomplete. But if the applicant submits a photocopy of his or her driver's license or other approved form of ID that includes the date of birth, the county clerk must enter that information into the applicant's record and process the application as complete.

2.8 Registration of homeless electors

2.8.1 For the purpose of voter registration residence, a homeless elector must identify a specific location that the applicant considers his or her home base in accordance with section 1-2-102(1)(a)(II), C.R.S.

2.8.2 For an elector whose home is in foreclosure, the elector may register to vote or remain registered to vote at the foreclosed address until the elector establishes a new permanent residence.

2.8.3 A post office box or general delivery at a post office is not a home base.

1-2-201. Registration required - deadlines - additional identifying information to be provided by first-time registrants.

(1) No person shall be permitted to cast a regular ballot at any election without first having been registered within the time and in the manner required by the provisions of this article. No charge shall be made for registration.

(2) Each elector registering shall sign his or her name on the registration record or, if unable to write, shall make a personal mark or be provided assistance to make such a mark by the county clerk and recorder or any other person authorized by the county clerk and recorder or the elector. The elector shall answer the questions required by section 1-2-204 and shall complete the self-affirmation required by section 1-2-205.

(3) (a) Any other provisions of this title to the contrary notwithstanding, an elector is permitted to vote in any primary, presidential, general, coordinated, special legislative, municipal, congressional vacancy, special district, or other election if he or she timely registers to vote before or on the date of such election.

(b) An elector may timely register to vote by:

(I) Submitting an application through a voter registration drive no later than twenty-two days before the election; except that, if the twenty-second day before an election is a Saturday, Sunday, or legal holiday, the elector is permitted to register on the next day that is not a Saturday, Sunday, or legal holiday;

(II) Registering through a high school, in accordance with part 4 of this article 2;

(III) Submitting an application through the mail, a voter registration agency, a local driver's license examination facility, or the online voter registration system established pursuant to section 1-2-202.5 (7)(c), through the eighth day prior to an election; except that, if the eighth day before an election is a Saturday, Sunday, or legal holiday, the elector is permitted to register on the next day that is not a Saturday, Sunday, or legal holiday; (IV) Appearing in-person at the elector's county clerk and recorder's office at any time during which registration is permitted at the office; or

(V) Appearing in-person at a voter service and polling center pursuant to section 1-2- 217.7 at any time during which the voter service and polling center is open, including on election day.

(4) To receive a ballot by mail for an election conducted under this code, an elector must submit his or her voter registration application on or before the eighth day before the election.

(5) An elector who submits a voter registration form and has not previously voted in the state shall: (a) Submit with the voter registration form a copy of identification as defined in section 1-1-104 (19.5), the elector's driver's license number, or the last four digits of the elector's social security number; or

(b) Submit a copy of identification as defined in section 1-1-104 (19.5) with the elector's mail ballot in accordance with section 1-7.5-107 (3.5)

Youth Detention

1-2-210.5. Registration of and voting by persons in custody of division of youth services - definitions.

(1) In the case of any individual committed to a juvenile facility and in the custody of the division of youth services in the department of human services created in section 19-2-203 (1) who is eighteen years of age or older on the date of the next election, the administrator of the facility in which the individual is committed shall facilitate the registration for voting purposes of, and voting by, the individual. In connection with this requirement, the administrator shall provide the individual information regarding his or her voting rights and how the individual may register to vote and cast a mail ballot, provide the individual with voter information materials upon the request of the individual, and ensure that any mail ballot cast by the individual is timely delivered to the designated election official.

(2) The administrator and the secretary of state shall post the type or kind of verification satisfying the requirements of section 1-1-104 (19.5)(d) in a prominent place on the public websites maintained by the department of human services and the secretary, respectively. The secretary shall provide notice to the county clerk and recorders as well as other designated election officials throughout the state that such verification constitutes an acceptable form of identification under section 1-1-104 (19.5) permitting the individuals possessing such identification to register to vote and cast a ballot.

(3) Notwithstanding any other provision of law, an administrator is exempt from any restriction under law on the number of mail or mail-in ballots an eligible elector may deliver in person to the designated election official.

(4) The administrator shall forward applications made under this section on a weekly basis, or on a daily basis during the last week allowed for registration prior to any election, to the county clerk and recorder of the county in which the facility is located, and, if the applicant resides in a different county from the facility, the application must then be forwarded to the county clerk and recorder of the county in which the applicant resides.

(5) As used in this section:

(a) "Administrator" means the administrator, or his or her designee, of the division of youth services created in section 19-2-203 (1), a residential facility operated by the division of youth services, or a residential facility that contracts with the division of youth services in which a person committed to the department of human services is confined and eligible to register to vote and cast a ballot.

(b) (I) "Voter information materials" means the following documents, as applicable to the election for which the individual seeks to register to vote and cast a ballot:

(A) Any forms used to register an elector under this part 2;

(B) An application for a mail ballot pursuant to section 1-13.5-1002;

(C) A copy of a ballot information booklet described in section 1-40-124.5; and

(D) Any mailings to electors that are described in section 1-40-125.

(II) Upon an administrator's written request to the legislative council staff or a county clerk and recorder for copies of the documents specified in sub-subparagraph (C) or (D) of subparagraph (I) of this paragraph (b), the legislative council staff or county clerk and recorder, as applicable, shall timely provide copies of the documents to the administrator in a sufficient number to cover the number of individuals who are authorized to register and vote under this Colorado Revised Statutes 2020 Page 42 of 519 Uncertified Printout section and who are either residing in the administrator's facility or under the supervision of the administrator's program.

Voter Assistance

1-7-111. Electors requiring assistance. (1) (a) If at any election, any registered elector declares to the election judges that, by reason of disability, inability to read or write, or difficulties with the English language, he or she is unable to prepare the ballot or operate the voting device or electronic voting device without assistance, the elector is entitled, upon making a request, to receive the assistance of any one of the election judges or, at the elector's option, any person selected by the eligible elector requiring assistance.

(b) Any person other than an election judge who assists an eligible elector in the precinct in casting his or her ballot shall first complete the following voter assistance self-affirmation form: "I,, certify that I am the individual chosen by the elector to assist the elector in casting a ballot. I further certify that I will not in any way attempt to persuade or induce the elector to vote in a particular manner, nor will I cast the elector's vote other than as directed by the elector I am assisting."

Time in Voting Booth

1-7-115. Time in voting area. Eligible electors shall cast their ballots without undue delay and shall leave the immediate voting area as soon as voting is complete. An eligible elector shall not enter a voting booth already occupied by another eligible elector. An eligible elector shall not occupy a voting booth for longer than the time determined by the secretary of state by rule if all the booths are in use and other eligible electors are waiting to use them. No eligible Colorado Revised Statutes 2020 Page 231 of 519 Uncertified Printout elector whose name has been entered on the pollbook shall be allowed to reenter the immediate voting area during the election, except an election judge.

Issuing and Spoiling a Ballot

1-7-302. Electors given only one ballot. Election judges shall give to each eligible elector a single ballot after issuing vote credit to the elector in the statewide voter registration system created in section 1-2-301.

1-7-303. Spoiled ballots. No person, except an election judge as authorized by the designated election official, shall remove any ballot from the polling place or voter service and polling center before the close of the polls. Any eligible elector who spoils a ballot may obtain others, one at a time, not exceeding three in all, upon returning each spoiled ballot. The spoiled ballots thus returned shall be immediately canceled and shall be preserved and returned to the designated election official as provided in section 1-7-701. Nothing in this section prohibits an elector from obtaining a replacement ballot pursuant to section 1-7.5-107.

1-7-701. Delivery of election returns, ballot boxes, and other election papers. When all the votes have been read and counted, the election judges selected in accordance with section 1-6-109.5 shall deliver to the designated election official the certificate and statement required by section 1-7-601, ballot boxes and all keys to the boxes, paper tapes, "proms" or other electronic devices, the registration records, pollbooks, accounting forms, spoiled ballots, unused ballots, ballot stubs, oaths, affidavits, and other election papers and supplies. The delivery must be made at once and with all convenient speed, and informality in the delivery does not invalidate the vote of any precinct when delivery has been made previous to the completion of the official abstract of the votes by the board of canvassers. The designated election official shall give a receipt for all items delivered.

1-7-504. Spoiled ballot or ballot card. In polling locations in which voting is on a ballot or ballot card, no person, except an election judge as authorized by the designated election official, shall remove a spoiled ballot or ballot card from the polling location before the close of the polls. Any eligible elector who spoils a ballot or ballot card may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled ballot or ballot card. The spoiled ballots or ballot cards thus returned shall be immediately canceled and shall be preserved and returned to the designated election official as provided in section 1-7-701. Nothing in this section prohibits an elector from obtaining a replacement ballot pursuant to section 1-7.5-107.

Manner of Voting

1-7-503. Manner of voting. (1) Each eligible elector, upon receiving a ballot, shall immediately proceed unaccompanied to one of the voting booths provided. To cast a vote, the eligible elector shall clearly fill the oval, connect the arrow, or otherwise appropriately mark the name of the candidate or the names of the joint candidates of the elector's choice for each office to be filled. In the case of a ballot issue, the elector shall clearly fill the oval, connect the arrow, or otherwise appropriately mark the appropriate place opposite the answer that the elector desires to give. Before leaving the voting booth, the eligible elector, without displaying the marks thereon, shall place the ballot in the privacy envelope so that the contents of the ballot or ballot card are concealed and shall place the envelope and the ballot or ballot card in the ballot box.

(2) Each eligible elector who has prepared the ballot and is ready to vote shall then leave the voting booth and approach the election judges having charge of the ballot box. The eligible elector shall give his or her name to one of the election judges. The elector shall, in full view of the election judges, deposit the ballot or ballot card in the ballot box, with the official endorsement on the ballot or ballot card facing upward.

(3) In precincts which use electronic voting equipment in which voting is by a method other than a ballot, each voter shall be listed by name in the pollbook and shall be given an entry card to the electronic voting device. Colorado Revised Statutes 2020 Page 242 of 519 Uncertified Printout

(4) Notwithstanding any provision of subsection (1) or (2) of this section to the contrary, at a polling location at which a ballot marking device, as defined in section 1-5-702 (2.5), is available for accessible voting, the election judge in charge of the ballot box shall deposit every elector's ballot card in the ballot box.

Contact:

Denver Elections Division

DenverVotes.org | 303-653-9668

Colorado Criminal Justice Reform Coalition (CCJRC)

CCJRC.org | 303-825-0122

League of Women Voters

LWVDenver.org | 303-321-7571

Denver Sheriff Department

denvergov.org/sheriff | 720-337-0194



OFFICE OF THE CLERK AND RECORDER | HON. PAUL D. LÓPEZ

CITY AND COUNTY OF DENVER | DENVER ELECTIONS DIVISION

200 W. 14th Avenue, Denver, CO 80204

303-653-9668 elections@denvergov.org

denvervotes.org