Rule 2. Voter Registration

2.1 Submission of voter registration applications

2.1.1 An applicant may submit a properly executed voter registration form to the county clerk in person, by mail, by fax, by online voter registration, or as an email attachment.

2.1.2 If any portion of a voter registration form is illegible, the county clerk must notify the applicant of the additional information required in accordance with section 1-2-509, C.R.S.

2.1.3 For submitting applications by fax, email, or online voter registration, close of business is 11:59 p.m. MT.

2.1.4 Under section 1-2-508, C.R.S., the effective date of a voter registration application received by the Secretary of State is the date of the postmark, if legible. If there is no legible postmark, the effective date is the date the application is received.

2.1.5 The county clerk must implement a data entry review process to ensure that the county accurately processes voter registration applications in SCORE.

2.1.6 The effective date of a voter registration application completed through the online voter registration system is the date and time the applicant submits it.

2.2 For purposes of precinct caucus lists the elector's duration of residency within a precinct is based on the effective date shown in SCORE.

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.

(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.

2.5 Changes to an elector’s existing voter registration record

2.5.1 If an elector submits a change to his or her voter registration record and fails to include the information required by sections 1-2-216 or 1-2-219, C.R.S., the county clerk may not make the requested change unless the county clerk can establish minimum matching criteria. If the county clerk

cannot establish minimum matching criteria, the county clerk may not change the elector's status and must notify the elector of the additional information that is required to process the request.

2.5.2 If an elector submits a change to his or her voter registration record and writes or selects a name of an organization that is not a qualified political party or qualified political organization, or writes "none", the elector's affiliation must be recorded as "Unaffiliated".

2.5.3 If an elector submits a change to their voter registration record and leaves the affiliation section blank, the county clerk may not change the voter's existing affiliation in the registration record.

2.5.4 If an unaffiliated elector who has already been mailed a primary election ballot packet submits an affiliation declaration, the county clerk must defer processing the affiliation change until after the primary election; except that an unaffiliated elector who appears in person to vote may affiliate and vote a party ballot if the county clerk has not received the elector's voted mail ballot.

2.5.5 A covered voter, as defined in section 1-8.3-102(2), C.R.S., who provides an address change to the Department of Revenue, which indicates the voter is no longer overseas or serving in the military out of state, may not have their status as a covered voter removed due to the change. The clerk must instead send a notification via mail and email, if available, to the elector notifying them that a change of address was received and asking the voter to confirm that they are no longer a covered voter. If no response is received, the clerk may not remove the elector's covered voter status.

2.6 Changes to an elector's voter registration status

2.6.1 An elector may update his or her inactive registration status to active status by submitting:

(a) A signed written request, by mail, fax, or an email attachment;

(b) An online voter registration application; or

(c) An in-person request.

[Section 1-2-605(4)(a), C.R.S.]

2.6.2 If an elector is unable to sign, another person must witness the elector's mark. An elector may use a signature stamp because of age, disability, or other need. The stamp is treated as a signature and does not require a witness.

2.7 Minimum matching criteria

2.7.1 Except as provided in section 1-2-302.5, C.R.S., the county clerk may not transfer, consolidate, or cancel a voter registration record unless the applicable minimum matching criteria as set forth in sections 1-2-603 or 1-2-604, C.R.S., are met. If the minimum matching criteria are not met the county clerk must send a letter to the voter requesting confirmation of the missing or non-matching information in order to transfer, consolidate, or cancel the record.

2.7.2 A match of the name means a match of the full name, except that the following are sufficient to establish a match:

(a) Common variations and nicknames in the first or middle name, e.g., Michael and Mike;

(b) Explainable and documented change of name, including last name, e.g., maiden name and married name; and

(c) Explainable and documented variations in suffix, except that the absence of a suffix in one of the records is not considered a variation. Examples of suffix variations that must be explained include junior in one record and III in another.

2.7.3 A match of the prior address means a match of the residential street address.

2.7.4 The county clerk may use the DMV Motor Voter database to verify prior name or residence address history for the purpose of meeting the minimum matching criteria. The county clerk must scan and retain the information in the elector's record to document how the criteria were met.

2.8 Registered electors absent from the state

2.8.1 A registered elector who is absent from the state but who maintains Colorado residency is eligible to be registered and to vote without holding a property interest in a fixed habitation in the state.

2.8.2 An absent elector's voter registration address is the elector's last residence address or the address an elector previously resided at that the elector intends to return to in the state. A covered voter, as defined in section 1-8.3-102(2), C.R.S., who is absent and has never resided in the United States may use the residence address of their parent, legal guardian, spouse, or civil union partner as required by section 1-8.3-102(2)(d), C.R.S.

2.9 During the 22 days before an election, the county clerk must defer processing undeliverable new voter notifications. After the election is closed, the clerk must determine an applicant "not registered" under section 1-2-509(3), C.R.S., only if the applicant did not vote in the election.

2.10 Voter registration confidentiality

2.10.1 Information about an agency's name and location for an application completed at a voter registration agency or driver's license office is confidential.

2.10.2 An elector may request his or her voter registration address be confidential under section 24-72-204(3.5), C.R.S., in person.

(a) The elector must use the application provided by the Secretary of State and include his or her name, address, and birth date on the application.

(b) The county clerk must not charge an additional processing fee if the elector changes his or her address.

2.10.3 Registration of Address Confidentiality Program (ACP) electors

(a) When an ACP participant registers to vote by mail, the participant must provide a copy of his/her ACP Authorization Card.

(b) The county clerk must:

(1) Use the actual residence address of the ACP elector for precinct designation.

(2) Use the substitute address, as defined in section 24-30-2103(14), C.R.S., for all correspondence and mailings placed in the United States mail.

(3) Keep the participant's address, county, voting precinct, and split number confidential from the public.

(c) A state or local government agency may request access to an ACP participant's voter registration record using the process in section 24-30-2110, C.R.S.

(d) Except as specifically provided by Part 21 of Article 30 of Title 24, C.R.S., a program participant's actual address and telephone number is not a public record under Part 2 of Article 72 of Title 24, C.R.S.

2.11 List maintenance under section 8 of the National Voter Registration Act of 1993

2.11.1 The Secretary of State's Office will provide monthly National Change of Address (NCOA) data under section 1-2-302.5, C.R.S., to the county clerk by the fifth business day of each month unless the Secretary of State's Office does not receive the list in time to transmit it by the fifth business

day. If the Secretary of State's Office does not receive the list in time to transmit it by the fifth business day, it will be transmitted as soon as practicable.

(a) The county must process the data to update registration records and send notifications in accordance with section 1-2-302.5, C.R.S., by the end of each month.

(b) The county may not change a residential address to a non-residential address, like a post office box, based on the information in the NCOA data.

(c) When the county updates a voter registration record using NCOA data, the county must use the NCOA transaction source.

2.11.2 In accordance with section 1-2-605(7), C.R.S., no later than 90 days following a General Election, the Department of State, working in conjunction with county clerks, will cancel the registrations of electors:

(a) Whose records have been marked "Inactive – returned mail", "Inactive – undeliverable ballot", or "Inactive – NCOA"; and

(b) Who have been mailed a confirmation card; and

(c) Who have thereafter failed to vote in two consecutive general elections.

2.11.3 The Secretary of State will notify each county of the records cancelled in that county under section 1-2-605(7), C.R.S. once the cancellation is complete.

2.11.4 The county must process all records designated for cancellation by the Secretary of State:

(a) Within 21 days of receipt; and

(b) Before the county mails ballots throughout the election.

2.11.5 The county must process and mail all confirmation cards using SCORE so that the elector's voter registration record audit log shows the date on which the county printed or extracted the confirmation card.

2.12 Voter registration at a voter service and polling center. A person registering voters or updating voter registration information in a voter service and polling center must:

2.12.1 Be an election judge, a permanent or temporary county employee, state employee of the Department of State, or temporary staff hired by the county clerk; and

2.12.2 Complete a training course provided by or approved by the Secretary of State.

2.13 Voter registration records and data

2.13.1 The SCORE system must retain digital images of voter registration applications in perpetuity in accordance with section 1-5-301, C.R.S.

2.13.2 Under section 24-21-104(3), C.R.S., the Secretary of State must charge a fee for voter information reports and related services. A request for elections data must be submitted using the Elections Data Request Form. The Secretary of State will provide the requested data after payment of the fee as outlined in the fee schedule on the Secretary's website.

2.13.3 The county clerk of each county may charge fees for county voter information reports and related services.

2.13.4 Without written authorization from the Secretary of State, the county clerk may not run or schedule to run SCORE reports or exports that include voter or election detail during regular business hours beginning 22 days before election day and from 7:00 am to 7:00 pm on election day. A county that uses an automated signature verification device may run the EXP-004 report during this time.

2.13.5 Custodianship of Voter Registration Information

(a) The Secretary of State is the official custodian of the centralized statewide registration system, all the information contained within, and the computerized statewide voter registration list created and maintained under section 1-2-301, C.R.S.

(b) Each county clerk is the official custodian of the voter registration information only for electors within their county. In the event that a county clerk receives an open records request for publicly available information in a registration record for an elector registered in another county, they may not provide that record as part of the request and must direct that requestor to submit their request to the Secretary of State's office or to the elector's county of residence.

(c) A county clerk may not provide the registration record for an elector registered in another county out of SCORE unless:

(1) It is provided for use in an election to the designated election official of a municipality or special district within Colorado; or

(2) The county is otherwise required by law to provide that information.

2.13.6 If a person requests a certificate of registration or other election record that contains personally identifiable information, he or she must provide a copy of identification as defined in section 1-1-104(19.5), C.R.S.

2.13.7 If a county receives information from a jurisdiction outside of Colorado indicating that a Colorado voter may have voted in more than one state in the same election, the county must send that information to the Secretary of State's office for potential investigation and prosecution.

2.13.8 The effective date of a voter registration cancellation due to felony incarceration is the date the information regarding incarceration is provided to the Secretary of State from the Department of Corrections.

2.14 To assist state institutions of higher education comply with the requirements of Section 1-2-213.5(1)(c), C.R.S., the Department of State will provide the Colorado Department of Higher Education with a template communication for enrolled students.

2.15 The county clerk must send the county's precinct shape files or maps to the Secretary of State annually, no later than March 1. If the county clerk adjusts precinct boundaries under section 1-5-103, C.R.S., the county must send the Secretary of State updated precinct shape files or maps within 30 days.