

Colorado Secretary of State

Emergency Election Rules

Adopted May 16, 2006

This is not a complete, full Election Rules document. Please refer to this document and the Election Rules of the Secretary of State as adopted November 10, 2005.

Rule 2

Rule 2. Rules Concerning Voter Registration

- 2.1 All requests for lists, printouts, disks, tapes, and other media shall be made in writing.
- 2.2 After a receipt of request, the fee for providing the information shall be determined. The fee must be paid prior to the request being filled.
- 2.3 Emergency Registration Application. Prior to the implementation of the statewide voter registration database, when an elector completes an emergency registration application pursuant to section 1-2-217.5 (1)(b), C.R.S., the elector shall be required to present one of the forms of identification set forth in Rule 2.7.
- 2.4 Confidentiality of Agency in Voter Registration. For Voter Registration Applications completed pursuant to Part 5 of Article 2 of Title 1, C.R.S., at an agency designated by the National Voter Registration Act of 1993, no information regarding the name and location of the designated voter registration agency shall be provided to the public, and such information shall remain confidential.
- 2.5 Confidentiality of Voter Information. Pursuant to section 24-72-204(3.5)(b)(II) and (IV), C.R.S., the county clerk and recorder of the county where the individual resides shall provide an opportunity to make the request of confidentiality in person at the time such individual registers to vote or make any change in the individual's registration, and at any other time during the normal business hours of the office of the county clerk and recorder.
- 2.5.1 The voter's name, address, and birth date shall be listed on the confidentiality application. A confidentiality affirmation shall be printed on the form, in the area immediately above a line for the applicant's signature and the date. The affirmation shall state the following:
- "I swear or affirm, under penalty of perjury, that I have reason to believe that I or a member of my household will be exposed to criminal harassment, or otherwise be in danger of bodily harm, if my address is not kept confidential"*
- 2.5.2 Immediately below the signature line, there shall be a printed notice, in a type that is larger than the other information contained on the form, that the applicant may be prosecuted for perjury in the second degree under section 18-8-503, C.R.S., if the applicant signs such affirmation and does not believe such affirmation to be true.
- 2.5.3 A voter making an address change within the same county shall not be charged an additional processing fee.
- 2.6 Information required from applicants for voter registration.

2.6.1 All applicants for voter registration shall provide on the application for voter registration:

- (1) in the case of an applicant who has been issued a current and valid Colorado driver's license or valid Identification card issued by the department of revenue, the applicant's driver's license number or Identification card number; or
- (2) in the case of an applicant who has not been issued a current and valid Colorado driver's license or valid Identification card issued by the department of revenue, the last four digits of the applicant's social security number or the entire social security number.

2.6.2 If an applicant has not been issued a current valid Colorado driver's license number, a valid Identification card issued by the department of revenue, or a social security number as required by Rule 2.6.1, the applicant shall be assigned a unique identifying number for voter registration purposes.

2.7 First Time Voter Who Registers by Mail. Prior to the implementation of the statewide voter registration database, when a first time voter registers to vote by mail, the voter shall provide a copy of one of the following:

- A current and valid Colorado driver's license;
- A valid identification card issued by the Department of Revenue in accordance with the requirements of Part 3 of Article 2 of Title 42, C.R.S.;
- A valid U.S. passport;
- A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;
- A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;
- A valid U.S. military identification card with a photograph of the eligible elector;
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector. (A cable bill, a telephone bill, documentation from a public institution of higher education in Colorado containing at least the name, date of birth, and legal residence address of the student elector, a paycheck from a government institution, or a Certificate of Degree of Indian or Alaskan Native Blood are sufficient forms of identification);
- A valid Medicare or Medicaid card issued by the United States Health Care Financing Administration;
- A certified copy of a U.S. birth certificate for the elector issued in the United States; or
- Certified documentation of naturalization

- 2.7.1 An elector who provides a copy of one of the forms of identification listed in 2.7 shall not be tagged as ID deficient.
- 2.8 Electors Tagged as ID Deficient. An applicant for voter registration shall be tagged as ID deficient if:
- (1) the elector does not provide a current and valid driver's license number, valid identification card number, social security number or the last four digits of the elector's social security number under 2.6.1 and the elector does not provide a copy of one of the forms of identification listed in 2.7; or
 - (2) the county clerk is unable to verify a number provided under 2.6.1 through the statewide voter registration system or any other means available to the county clerk, and the elector does not provide a copy of one of the forms of identification listed in 2.7.

Rule 12.5.2

- 12.5.2 An "in person" request for an absentee ballot that is delivered to the elector in the clerk and recorder's office may be filed any time after January 1 of the year of the election, but no later than the close of business on the Friday prior to the election; except that, if the applicant wishes to receive the absentee ballot by mail, the application shall be filed no later than the close of business on the seventh day before the election.

Rule 16.4

Rule 16.4.3 requiring petition circulators be registered electors has been deleted.

Rule 30

Rule 30. Rules Concerning Voter Identification

30.1 Definitions

- 30.1.1 "Registration in person" means any registration personally completed by the voter at any clerk's main or branch office or personally delivered by the voter to any clerk's main or branch office, driver's license office, or other voter registration agency.
- 30.1.2 "Mail Registration" or "Registration by mail" includes any registration not personally delivered by the voter to any clerk's main or branch office, voter registration agency, driver's license office, or other human services agency. These registrations include, but are not limited to, postmarked registration forms and voter registration drives.
- 30.1.3 As referenced in these rules, "tagging a voter" for ID before voting means identifying a voter in the voter registration database as one who registered by

mail and did not supply required identification. Tagged voters require a copy of the required identification to be enclosed with an absentee or mail ballot.

30.1.4 A tagged voter may present the required voter ID or a number which is subsequently verified to the county clerk and recorder at any time prior to returning a voted mail or absentee ballot to satisfy the provisions of Rule 30.1.3.

30.1.5 "SSN" as used in these rules shall mean either the entire Social Security Number or the last four (4) digits of the Social Security Number.

30.1.6 "ID" as used in these rules shall mean identification as defined in compliance with section 1-1-104(19.5), C.R.S., as a copy of one of the following:

- A valid Colorado driver's license;
- A valid identification card issued by the Department of Revenue in accordance with the requirements of Part 3 of Article 2 of Title 42, C.R.S.;
- A valid U.S. passport;
- A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;
- A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;
- A valid U.S. military identification card with a photograph of the eligible elector;
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector. (A cable bill, a telephone bill, documentation from a public institution of higher education in Colorado containing at least the name, date of birth, and legal residence address of the student elector, a paycheck from a government institution, or a Certificate of Degree of Indian or Alaskan Native Blood are sufficient forms of identification);
- A valid Medicare or Medicaid card issued by the United States Health Care Financing Administration;
- A certified copy of a U.S. birth certificate for the elector issued in the United States; or
- Certified documentation of naturalization

30.1.7 As used in 1-1-104(19.5)(a)(VII) "current" refers to current utility bill, current bank statement, and current government check, paycheck, or other government document that shows the name and address of the elector. 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.

30.2 Voter registration in person.

30.2.1 Registering in Person. The elector must provide:

- A valid Colorado Driver's License number;
- If the voter does not have a valid Colorado Driver's License, the voter shall provide the number of the voter's current and valid identification card issued by the Colorado Department of Revenue.
- If the voter has not been issued a valid Colorado Driver's License or ID card issued by the Department of revenue, then the voter shall provide the four last digits of the voter's social security number.

Authority: Section 1-2-204(2)(f.5), C.R.S.; SB06-170

30.2.2 A voter is not required to show or present his current and valid Colorado Driver's License or ID. It is sufficient for the voter to provide the number.

30.2.3 If an applicant for voter registration has not been issued a current and valid Colorado Driver's License or a current and valid identification card issued by the Department of Revenue or a social security number, the election official shall nevertheless register the voter. The applicant shall be assigned a unique identification number that will serve to identify the applicant for voter registration purposes. Section 1-2-204 (2.5), C.R.S.

30.3 Voter Registration by Mail

30.3.1 Registering by Mail. (Including Voter Registration Drives).

- (a) The voter must provide one of the following identification numbers:

The person's Colorado Driver's License number or ID number issued by the Department of Revenue; if the voter does not have a current and valid Colorado Driver's License or ID card issued by the Department of Revenue, the voter shall provide the last four digits of the voter's social security number.

- (b) If a voter has not been issued a Colorado Driver's License number, ID card issued by the Department of Revenue or a Social Security card, the voter must provide a copy of one of the forms of identification listed in 30.1.6.

Authority: Sections 1-2-501(2)(b), C.R.S. and 1-1-104(19.5), C.R.S.

30.3.2 Prior to the implementation of the statewide voter registration database, For any voter registration application received by mail that does not enclose a copy of the Colorado Driver's License number, number of an identification card issued by the Department of Revenue, or Social Security number listed, the ID number shall be verified against the Department of Motor Vehicle Motor/Voter Database and the Secretary of State voter registration database. When access to the Social Security database becomes available, that database shall also be utilized. If a number cannot be verified and the voter failed to supply one of the forms of ID listed in 30.1.6, the voter's record will be tagged. (Upon creation of the statewide voter registration system, the check will be performed automatically.)

30.3.3 If, for a registration by mail, a copy of an ID is enclosed per section 1-1-104(19.5), C.R.S., no further verification against the Department of Motor Vehicle Motor/Voter Database, the Secretary of State voter registration database or the Social Security database is required. The voter shall not be tagged and shall be allowed to vote by mail or absentee ballot without submitting additional identification requirements and shall not be tagged.

30.3.4 Subject to Rule 30.5.1, if the identification number supplied does not match the identification number on the database record for the name and date of birth, the registration by mail shall not be considered verified. However, if the voter has made a minor error, the Clerk and Recorder may use good judgment and correct the error, and consider the voter verified. Minor errors include, but are not limited to, a transposition of two numbers, or accidentally adding or omitting a number.

30.4 Verification of Identification:

30.4.1 Verification shall include a match of name, date of birth and ID number on an existing state identification record. A match of only one or two of these items shall not be considered verification. During verification, names given which are similar common variants or nicknames of the name shall be acceptable.

30.5 Tagging a voter:

30.5.1 Only a voter who has registered by mail may be tagged; a person who registers in person shall not be tagged.

30.5.2 A voter who registers by mail and provides a copy of an acceptable ID as provided in 1-1-104(19.5) shall not be tagged. A social security card is not listed as ID in 1-1-104(19.5).

30.5.3 If a voter registers by mail and supplies a Colorado Driver's License number or Colorado Department of Revenue ID number (but not a copy) and/or the social security number, and if at least one of the numbers can be verified with an existing state identification record bearing the same number, name and date of birth, the voter shall not be tagged.

30.5.4 A voter, who registers by mail and does not supply a copy of an acceptable ID as provided in 1-1-104(19.5) and does not list his/her driver's license number, Colorado Department of Revenue ID number or social security number, shall not be registered.

30.5.5 If a voter registers by mail and supplies either a Colorado Driver's License number or Colorado Department of Revenue ID Number (but not a copy) and/or social security number, but no number can be verified with an existing state identification record bearing the same number, name and date of birth against the Driver's License database, Secretary of State voter database or Social Security database once access to the Social Security database becomes available, the voter shall be tagged.

30.5.6 The tag status for a voter shall be removed if the voter votes in person showing an acceptable ID or votes by mail or absentee and encloses a valid ID.

30.5.7 If the identification number supplied is discovered as incorrect upon verification and the county clerk and recorder discovers the correct number, the clerk and

recorder may enter the correct number on the voter's permanent voter registration record, but the voter shall be tagged.

30.6 If a voter registering by mail does not provide a Colorado Driver's License number, Colorado identification card number or the last four digits of the voter's social security number on the voter registration application, and the county clerk and recorder discovers such identification number, the clerk and recorder may enter the applicable identification number on the voter's permanent voter registration record. Any number entered on the voter's permanent voter registration record by the clerk and recorder does not remove the tag status of a voter. Such voter is still required to provide valid identification prior to voting in person, by mail ballot or by absentee ballot.

30.7 Addresses on identification

30.7.1 Some forms of identification may not contain an address. If the address appears on the identification, the address must be in Colorado. If ID presented lists only a box number or Post Office box number instead of a residence address, the registrar shall accept the voter's affirmation, as long as the city is in Colorado.

30.7.2 Utility bills, bank statements, government checks, paychecks or other government documents must show the name of the voter and Colorado address.

30.8 A suspended license is considered current and valid. A revoked or expired license is not considered current and valid and is not acceptable.

30.10 The Colorado Driver's License or Department of Revenue issued ID referred to in section 1-2-217.5(1)(b), C.R.S., or elsewhere in statute, where not specifically stated, must be current and valid.

30.11 Pursuant to section 1-1-104(19.5)(a), C.R.S., if an ID that requires a photograph does not contain a photograph, it is not an acceptable ID for registration by mail or voting purposes.

30.12 Identification for Voting in Person

30.12.1 Voting in Person. (Including early voting, polling place voting).

(a) The acceptable forms of ID for voting in person are listed in Rule 30.1.6

(b) A Social Security Number (or last four digits) is NOT a legal form of ID for voting in person.

Authority: Sections 1-7-201 and 1-1-104(19.5), C.R.S.

30.12.2 When the voter shows ID pursuant to section 1-1-104(19.5), C.R.S., the election judge shall check to ensure that the name matches, and that the address, if one is listed, is in the State of Colorado.

30.13 Identification for Voting by Mail

30.13.1 Voting By Mail (Including Absentee)

(a) The acceptable forms of ID for voting by mail for first time voters are listed in Rule 30.1.6.

- (b) A Social Security Number (or last four digits) is NOT a legal form of ID for voting by mail.
- 30.14 Identification presented by the voter when registering to vote by mail, or presented by the voter when returning the voted mail ballot or absentee ballot, is not required to be scanned or imaged into the permanent voter registration database, but shall be retained by the designated election official for a period of 25 months after the date of the election.
- 30.15 If a voter has been directed to return identification with his or her voted ballot, the election judge shall open the returned envelope to retrieve the required information. If the required information cannot be found in the return envelope, the election judge shall open the secrecy envelope/sleeve to find the required identification in an effort to not disenfranchise the voter.
- 30.16 If a tagged voter requests an absentee ballot, the local election official shall send such ballot with written instructions advising the voter of the requisite forms of identification needed to be provided with the absentee ballot. The local election official shall send the absentee ballot by the deadline set forth in section 1-8-104(3), C.R.S. If an absentee ballot is returned without ID as defined in Rule 2.0, then the ballot shall be treated as a provisional ballot and verified pursuant to Rule 26.4

Rule 37

- 37.1.5 The voting system shall:
- (a) be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;
 - (b) satisfy the requirements of paragraph 37.1.5(a) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and
 - (c) be installed in each polling place in the state by the first federal election held after January 1, 2006.

Rule 40.9

40.9 Applications for certification received in the Year 2006

- 40.9.1 For applications for certification received by the secretary of state in the year 2006, the advisory board may grant approval of certification if the applicant has met the following requirements:
- a. Applicant has completed courses that include subject matter involving:
 - I. General Election law
 - II. The Federal "Help America Vote Act of 2002" and

- III. Professional development; and
- B. Applicant has completed a minimum of forty hours of training conducted by the secretary of state.

Rule 42.3

- 42.3 If an absentee ballot is delivered to an elector by facsimile transmission, the elector may return the absentee ballot by facsimile transmission.
- 42.5 Instructions faxed to the elector with the absentee ballot shall include the following information:
 - (a) The name of the elector;
 - (b) The recipient's fax number;
 - (c) The total number of pages to be transmitted;
 - (d) The total number of ballot pages;
 - (e) The telephone number or e-mail address where the eligible elector may send questions regarding the faxed absentee ballot;
 - (f) A notice that the recipient shall not duplicate the ballot for any other voter;
 - (g) The fax number where the eligible elector may return their completed facsimile absentee ballot.
 - (h) Return address information for the designated election official and instructions to mark, "official ballot enclosed" on the elector's return envelope;
 - (i) A notice that the ballot must be received by the designated election official by mail, hand delivery or received by fax no later than 7:00 p.m. Mountain Standard Time on election day; and
 - (j) Instructions for returning the medical/administrative emergency form.
 - (k) A notice that the ballot will not be a confidential ballot.

Rule 44.2.3

- 44.2.3 The mandatory training provided by the Secretary of State shall include but not be limited to:
 - (a) The use of the standard Colorado Voter Registration Application Form;
 - (b) Information on where to obtain the standard Voter Registration Application Form;

- (c) Information on how to ensure that a Form is filled out completely; including which fields are optional and which are required, and how to fill out the receipt portion of the Form;
- (d) Notice of statutory deadlines relating to Voter Registration Applications Forms and voter registration drives;
- (e) The requirements for when and where the Voter Registration Applications Forms must be turned in;
- (f) Penalties for violating statutory prohibitions including fraud, intimidation, mishandling forms, failing to turn in forms and other penalties relevant to voter registration drives;
- (g) The handling and treatment of confidential information on the Voter Registration Application Forms; and
- (h) Notice that circulators shall not be paid per voter registration application, but if compensated, shall be paid by the hour or day.