



# Mail-in, Early and Provisional Ballot Processes

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La Plata County, Colorado

LWV La Plata Study Team

5/1/2009

This report contains the findings and conclusions of a team assigned by the League of Women Voters of La Plata County to research the processes used in La Plata county to prepare and tabulate ballots that are voted early, by mail-in, or as provisional ballots.



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## **1. Introduction**

### **1.1. Background**

In 2007, the Colorado legislature passed a statute authorizing permanent “mail-in ballots”, allowing County Clerks to mail ballots on an automatic basis for every election that is conducted by the County, to those registered voters who request them. This extremely popular capability along with the growing incidence of early in-person voting (limited to two polling places), resulted in over 70% of votes cast in La Plata County in the November 2008 General Election to be either mail-in, or early. By law, early voting begins 14 days before a general election at polling places designated by the County Clerk’s office.

In addition to the even-year general elections, the City of Durango and the three School Districts in La Plata County have elections that are “mail ballot only”, that is, every eligible, registered voter automatically receives a ballot in the mail and must either post it or bring it to the appropriate Clerk’s office.

During discussions with various LWV-La Plata members, it became clear that none of us was familiar with the process used by local officials to verify and tabulate mail-in and early ballots. Further, those of us who served as election judges had frequently been asked the question by voters required to use “provisional” ballots whether their vote would count. (By law, every voter who is unable to vote at a polling place because of an anomaly must be offered the opportunity to vote provisionally: for example, if the person is not found on the registered voter data base, or is at the wrong precinct, or has lost a requested mail-in ballot). We all had differing views of when, if or how provisional ballots were tabulated. As a consequence, the League decided to conduct an examination of these processes.

A glossary of terms that are used in this report is included in Appendix II.

### **1.2. Purpose**

Examine processes used for mail-in, early voting and provisional ballots in La Plata County.

### **1.3. Scope**

Research included all Federal, State, County, City and School District Elections held in La Plata County and covered processes used for distribution, collection and counting of ballots other than those voted in-person on Election Day and handed out by an Election Judge at a Precinct. Elections for the Towns of Ignacio and Bayfield were not reviewed for this study since those elections are conducted at the polling places on the day of the election, and ballots are neither mail-in nor early. Special District elections are also not included.

### **1.4. Methodology**

A list of questions (see Appendix I) was assembled to be used by team members to interview County, City and School Board Officials. Each interview was conducted using three team members. U.S. Federal and State of Colorado Statutes governing these processes were researched, as were Durango City Ordinances in order to compare with actual practices. The team analyzed the responses to the questionnaires and prepared a list of findings and conclusions.

## **2. LWV La Plata Team members**

Ellen Park, Nadine Ancel, Maria Baker, Suzanne Becker, Enid Brodsky, Grace Deltscheff, Ann Flatten, Trish Pegram, Marilyn Sandstrom



### **3. Findings**

#### **3.1. Relevant Statutes and Regulations**

##### **3.1.1. Federal**

Under the U.S. Constitution and statutes, states are given most authority for running elections, including for Federal offices. The one most recent, and perhaps most important, exception to this is the Help America Vote Act (HAVA) [www.fec.gov/hava/hava.htm](http://www.fec.gov/hava/hava.htm) enacted in 2002 in response to problems in the 2000 presidential election. This law mandates changes to be made to state election procedures, and allocates money for the changes to states which follow the mandated plan. Some of these changes include voting machine standards, provisional ballots, voter identification, computerized statewide registration data, access for individuals with disabilities, and improved access by overseas residents and military personnel to state elections. Colorado has adopted the HAVA standards, through statutory enactments and Secretary of State Rules.

##### **3.1.2. State of Colorado**

Colorado statutes cover in explicit detail how all elections in this state must be conducted. In addition, the office of the Secretary of State [www.sos.state.co.us](http://www.sos.state.co.us) is given authority to set and enforce election standards. This is done through the Secretary's Election Rules. The statutes directly related to election standards are found in Colorado Revised Statutes, Title One [www.state.co.us/gov\\_dir/leg\\_dir/olls/colorado\\_revised\\_statutes.htm](http://www.state.co.us/gov_dir/leg_dir/olls/colorado_revised_statutes.htm) Most directly on point for this inquiry are Article 7.5, Mail Ballot Elections; Article 8, Mail-In and Early Voting and Article 8.5, Provisional Ballots. Other sections to consider are Article 1, Elections Generally; Article 1.5, Help America Vote, and Article 2, Qualifications and Registration of Electors. The Secretary of State's Rules are found on the official web site [www.elections.colorado.gov](http://www.elections.colorado.gov). The specific Rules related to our topics are Rule 12, Rules Concerning Mail Ballot Elections; Rule 13, Rules Concerning Mail-In Voting; Rule 26, Rules Concerning Provisional Voting, and Rule 29, Rules Concerning Procedures for the Verification of Signatures. These state mandates are detailed, specific and cover every aspect of election conduct.

##### **3.1.3. City of Durango**

As a Home Rule City (see Appendix II, Glossary, for definition), Durango may establish its own rules for elections for city officials. This is done by the City of Durango Ordinances, Part 1, Article VI, Elections, and Part 2, Article VI, Elections, which adopt the State Election Laws, except as specifically modified. The City Ordinances are reproduced in Appendix II of this report, and can be found at [www.durangogov.org](http://www.durangogov.org) under Documents, City Code.

#### **3.2. Election Processes**

##### **3.2.1. La Plata County Election Process for Federal, State and County election**

(Notations within parentheses refer to sections of Colorado General Statutes where these topics are covered.)

General Elections are held every two even years and are coordinated by the La Plata County Clerk's office. The Clerk is a certified Election Official, as are one or more members of the Clerks' staff. Elections that are conducted by the County include: U.S. Federal elections for the President (every four years) and for members of the U.S. Senate (6-year terms), and House of Representatives (2-year terms); Colorado General Assembly elections for members of the State Senate (4-year terms) and State House of Representatives (2-year terms); La Plata County Board of County Commissioners elections for three County Commissioners, each elected at large for a 4-year term, although they must they must reside in the district they represent .

La Plata County is a statutory county. That is, voters have not adopted a home rule charter establishing the organization and structure of county government, and hence the county is subject to state law establishing the



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programs, services and facilities required under the Colorado Constitution. See article XIV, Section 16, of the Colorado Constitution and Colorado Revised Statutes 30-11-501, et seq. which defines mandatory requirements for all counties, and “permissive” systems for those operating under home rule.

In the 2008 general election, the total vote was approximately 28,000. Of these, approximately 20,000 voted either early or by mail. **(71%)**. According to the County Clerk, mail balloting is, by far, the easiest and cheapest for the County. La Plata County processing of mail-in ballots for general elections is governed by Colorado Revised statutes, “Mail Ballot Statute, Title 1, Article 7.5.”

The option to request a permanent mail-in ballot (also referred to as “absentee” ballot) for a general election was passed into law by the Colorado General Assembly in 2007. Polling places must also be provided for voters who wish to vote in person. However, a voter who has requested a mail-in ballot cannot vote in his or her precinct, except that the voter may request to vote using a provisional ballot, which will be verified and counted separately. If a requested ballot has been lost the voter may request a replacement at the County Clerk’s office no later than 7 pm on the day of the election.

Only non-partisan elections (such as Durango City Council) may be conducted as mail-ballot elections.

One half of 1% difference between candidates requires an automatic recount at the county’s expense.

### **Delivery of Mail-in Ballots**

- Every active registered voter who request s one receives a mailed ballot. An active, registered voter is one who has voted in the last general election.
- Prior to the election, the County sends a post card to each registered voter who is otherwise active, but who failed to vote in the previous election (referred to as “inactive-failed to vote”). If this card is returned, the voter is marked “inactive-undeliverable” and no mail ballot is sent.
- If not returned, this voter gets sent a mailed ballot. Any eligible registered voter who does not get sent a mailed ballot can pick up a ballot from the Clerk’s office. (1-7.5-108.5 and 1-7.5-107)
- If a mailed ballot is returned, that voter is marked “inactive-undeliverable”.
- If a voter is inactive and no response is received from him/her to confirmation post cards for two prior general (even year) elections, the voter’s registration will be canceled. A person may check their registration status on the Secretary of State website or the LWVLPC website [www.lwvlaplata.org](http://www.lwvlaplata.org)
- Returned ballots are retained by the County. Any registered voter whose ballot is returned may request a ballot from the Clerk.
- All ballots are delivered by the post office to the county clerk; it is a voter’s responsibility to affix correct postage. If the voter is required to submit ID with their ballot this will be indicated on the ballot envelope.
- Mail-in ballots that have not been mailed may be brought to the County Clerk’s office, prior to 7:00 pm on Election Day. These ballots are processed in the same manner as on any other day.
- A person may deliver as many as 5 ballots to the County Clerk.

### **Mail-in Ballot Verification and Tabulation**

- On arrival, mail-in ballots are placed in a secure room and verification starts using staff and election judges, overseen by the County Clerk’s Office.
- Counting of mail-in and early votes may begin 10 days prior to the election. Mail ballots are received by Clerk and date stamped under control of 2 persons.
- Hired judges from different parties selected from a list of judges provided by the political parties do the verification and tabulating. Often they are persons who have worked at a mail ballot election previously.
- The ballots are turned over to Judges for signature verification by comparing to signatures on registration records.



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- Valid ballots are counted daily by judges using Accuvote machines. The counting is done daily for both mail and early ballots. (1-8-301 et.seq.)
- The County keeps “invalid” ballots and they remain with the “valid” ballots and envelopes until 25 months after the election. If the ballot is “spoiled” spoiled is written on the ballot and these ballots are also kept until 25 months after the election.
- Watchers may see any part of the process, but they must be certified by a party, candidate or issue group, just as at a polling place.
- Mail-in ballot results are available for separate viewing at the end of the election with precinct results if more than 10 in the precinct. Otherwise they are incorporated in the total. At 7:00 pm on Election Day a preliminary count is made available.

#### Early Voting Process

- Early voting is covered in Colorado Statute 1-8-201 et.seq., and Rules promulgated by the Secretary of State.
- The period of early voting is set by statute and begins 10 days prior to a primary election and 15 days prior to a general election. Counting early votes may begin 10 days prior to the election.
- The place is at the discretion of the Clerk, but must have electronic accessibility to the Clerk’s office. (1-8-202 & 204)
- Judges are chosen from a list of judges provided by the parties, and often are those who have worked early voting previously. There is training for them before every election.
- Watchers are free to watch every aspect of this process, but they must be chosen by parties, etc., just as for polling places.
- Voting is via paper ballot and electronic touch screen machine. Paper ballots are counted by judges using Accuvote machines.
- Early and mail voting totals are shown with each precinct (if more than 10 in the precinct). (1-8-308)

#### Provisional Ballots

- Provisional voting is covered in Colorado General Statute’s Section 1, Article 8.5, the Help America Vote Act, and Secretary of State’s Rules.
- Statutes require that Provisional Ballots are counted within 10 days after a primary and 14 days after a general election. (1-8.5-105(5)).
- A certified election official on the County Clerk’s staff verifies and tabulates provisional ballots by accessing records on several data bases over a period of days .(1-8.5-105).
- Valid ballots are then tabulated using Accuvote machines.
- Certified watchers may watch both the verification and tabulation processes and are sometimes present for tabulation.
- Invalid ballots are left unopened, , marked as invalid, and are kept for 25 months, then shredded.
- Results are included as soon as they are available, no longer than 14 days following the election..
- Provisional results are listed separately on the official ballot count by precinct, if more than 25 provisional ballots are counted. (1-8.5-110)
- Voters get mailed notice of whether their provisional vote counted with a reason for denial

#### 3.2.2. City of Durango Election Process

The Durango City Council consists of five City Councilors, each serving four year terms; three being elected in April of the year following the presidential election and two elected in April two years later.



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The state statutes apply to the election and are supplemented by City Ordinances since Durango is governed by home rule. The City Clerk of Durango administers the election with assistance from the County Clerk's Office. Potential candidates must submit their nominating petitions to the City Clerk 35 days before the election. When certified by the City Clerk, the submitter becomes an official candidate for City Council. The candidates are at-large candidates.

The City Council election is a mail ballot only election. Elector lists are provided to the City Clerk by the County Clerk's Office. Electors who voted in the last general election will receive ballots in the mail no later than fifteen days before the election. If the elector did not vote in the last general election but did vote in the prior one, they will not receive a ballot in the mail but may pick up a ballot at the City Clerk's Office. If they did not vote in the last two general elections, they will be canceled and must reregister.

Ballots must be mailed to the City Clerk or dropped off at the City Clerk's Office prior to 7 pm on Election Day. The City Clerk supervises the collection, verification, and tabulation of ballots. This process is accomplished through 4 judges representing the four precincts into which the city is divided. These judges typically repeat their service in subsequent elections. Watchers may observe the process so long as they are residents of Durango and request this duty by submitting an affidavit to the City Clerk.

Election results are posted at the City Council meeting the night of the election and on the door of Durango City Hall. The Councilor-elects are sworn in at the City Council meeting two weeks later.

### **3.2.3. School Board Election Process**

School Districts can choose to conduct their own Special District Elections or pay a fee to the County to conduct a Coordinated Election. School Board Directors are elected for a 4-year term and must live in the district they represent, but are elected at-large. In La Plata County, School Board elections are mail in ballot only elections coordinated by the La Plata County Clerk on behalf of the three Districts in La Plata County: 9R School District, encompassing Durango and surrounding areas; Bayfield 10JTR School District; and Ignacio 11JT School District. All three elections are held at the same time, although each has its own ballot style, and are governed by the Colorado Revised Statutes and Secretary of State Rules regarding Special Districts. Information is also available on the Colorado department of Education web site [www.cde.state.co.us](http://www.cde.state.co.us)

An administrator on staff at each District is responsible for explaining rules and regulations to potential school board members and for passing put and collecting petitions to apply for a vacancy on the board. The 9R District chooses to verify its own petition signatures but the Bayfield and Ignacio Districts turn that over to County Clerk staff. For all School Districts, the County sends out ballots to eligible registered voters (voters who live in the School district boundary and are active voters), collects, verifies and tabulates ballots. The School Districts are invited to have an observer present during ballot counting but do not always choose to do so. However the opportunity to be present is appreciated and all Districts were pleased with the cooperation they receive from the county. The one area for improvement expressed by one districts was for more promptness in delivering the election results to the administration.

## **4. Conclusions, Concerns and Recommendations**

We would like to thank all the officials who were contacted - County Clerk and Recorder Linda Daley, Elections Administrator Donna Elder, and City Clerk Amy Phillips - for their cooperation, for being forthcoming and open to our questions, and for spending considerable time with the interviewers in person and via several email exchanges to collect and verify our results. Thanks also to the school district administrators who responded to our emails and phone calls. Following are the conclusions reached by the team, a few concerns, and some recommendations.

### **4.1. Conclusions**



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1. Election processes in La Plata County are governed by Colorado Revised Statutes and Secretary of State Election Rules which are explicit, detailed and followed by all election officials. In the case of City of Durango additional election rules are defined by City Ordinances and followed by the City election officials.
2. Federal, State, County, City of Durango, and School District elections all use the Voter data base maintained by the county to determine voter status.
3. General Elections (County, State, and Federal) are conducted by La Plata County Election officials. City of Durango conducts its own elections with the County Clerk's office as advisors, but all other elections are coordinated by County Clerk and Recorder's office.
4. Elections officials make numerous efforts to contact active and inactive voters both before and after elections and strictly follow Colorado Statutes and Rules. For example, when ballots are returned as undeliverable, a postcard (which, unlike ballots, can be forwarded) is sent to the voter in an effort to determine his address.
5. The ways in which a voter may be canceled are cited in Colorado General Statutes, and are as follows:
  - a. The voter requests the registration be canceled. Co.Gen.Stat. Sect. 1-2-601
  - b. The voter moves out of the state of Colorado. Co.Gen.Stat. 1-2-603 (2)
  - c. The voter dies. There may be actual notice, or notice from the Secretary. of State through the state death records. Co.Gen.Stat. 1-2-602
  - d. The voter has a duplicate record in the Colorado Voter Registration System. Notice of a new registration may be sent from the newly registering county to the previous county for cancellation by the first county-Co.Gen.Stat. 1-2-603-or may come from the Sec. of State's Voter Registration System. Co. Gen. Stat. 1-2-604
  - e. The voter is serving a sentence of detention or on parole for a felony conviction. When the Clerk receives notice of such a conviction, this voter's registration will be canceled. This voter may re-register after the sentence has been served. Co.Gen.Stats. 1-2-103(4), 1-2-302 (3.5)(b), 1-2-606
  - f. A newly registered voter will be sent a Voter Information Card, non-forwardable, within 10 days after registration. If this card is returned to the Clerk, undeliverable, within 20 days after the Clerk received the application, the registration is canceled. If the card is not returned, or is returned after 20 days, the registration is valid. Co.Gen.Stat. 1-2-509(3)
  - g. The voter registration status changes from "active" to "inactive" and a Confirmation Card has been sent and no response has been received to this card and the voter does not vote in the next two consecutive general elections after the record is marked "inactive". Co.Gen.Stat. 1-2-605(7)

Example: A voter failed to vote in November, 2004 and was sent a confirmation card after this election. There was no response to this card and no other communication from the voter. The voter did not vote in November, 2006 and 2008. This registration will be canceled in January, 2009.

It is ultimately the voter's responsibility to confirm registration, to re-register when necessary (after a move, for example), and, of course, to vote.

6. All mail-in, early, and provisional ballots are verified and tabulated. Mail-in and Early voting ballots are processed as they are received, and provisional ballots are processed after the election. We are confident that all votes are counted as required by statutes and regulations. Voters who vote provisionally are notified whether their ballots have been counted.
7. Most processes used locally are documented and available either from the local officials or on the Colorado Secretary of State web site.

#### **4.2. Concerns**

The team has identified four areas of concern, as follows:

1. Judge selection for early and mail-in ballot processing at County, City and School District levels



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The selection of election judges for manning of the polling stations on the day of election is an open process that includes considerable community outreach via political parties and public notices. However, the public is generally unaware of how judges are selected for the verification and tabulation of early and mail-in ballots at the county, city and school district levels. The process used appears to be one of relying on individuals who have previously performed in this capacity, resulting in the use of the same individuals on an on-going basis. While we understand the reasons for this (experience, proficiency and a known willingness to devote the time required) the process is lacking in transparency and does not allow additional community members to participate in this aspect of government should they so wish.

2. Use of poll watchers and observers during the processing of mail-in ballots

One purpose of poll watchers (partisan or non-partisan) is to apply oversight to the way in which ballots are counted. The process of counting mail ballots allows for poll watchers to be included, but information about how to participate and interest in doing so appears to be lacking. Currently, watchers are seldom, if ever, in attendance. It is not the responsibility of the Clerk's Office to designate watchers. Rather, it is the responsibility of the chairperson of the county central committee of each major political party, the issue committee, or the write-in or unofficial candidate to certify the names of one or more persons selected as watchers on forms provided by the County Clerk and Recorder and to submit the names of the persons selected as watchers to the County Clerk and Recorder

3. Judge recruitment and training

The issues of judge recruitment, preparation and competence are not specifically applicable to the scope of this project. The lack of consistency in interpreting how rules are applied by election judges was cited as a serious problem by election officials. Most voters and ballots are processed without complication, but it is the exception that causes similar concern among election judges. Of special note is the experience and training of "supply judges" who are considered to be the head judges at a polling place. Further, most judges tend to be retired seniors and the advances in election technology can be confounding for people not raised in a computer culture. On the other hand it is difficult- maybe impossible- for younger workers and students to take one or several weekdays off. Considering that County officials must recruit and provide training for over 350 citizens over a three week period, while simultaneously continuing the extensive preparation of a major General election, this is not an easily resolved issue.

4. Provisional ballot processing

Provisional ballots cast on election days are inventoried and stockpiled at the polling place in a separate, secure location, and delivered to County officials at the end of the day. They are processed no later than 14 days after a general election, by law. The first step in the process is to research the legitimacy of the voter by examining a number of data bases. Once verified, the ballot is then processed like any other, through the Accuvote machine where the results are recorded and tabulated. Our concern is with the first step, which is generally done by a single official over a period of days. While the actions taken may be flawless, for transparency reasons it is always preferred that a second person be in attendance to prevent error and apply oversight.

**4.3. Recommendations**

1. Selection of Judges: Apply the same process for recruiting mail-in and early voting judges as is used for polling place judges.
2. Poll Watchers: Inform political parties and the public about the need for watchers and observers during the verification of tabulation of mail-in ballots. This is something that can be accomplished by the League Voter Service committee and could include a letter to political parties and to the editors of local papers.



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3. Judge recruitment and preparation: This topic is not within the scope of this particular project, since it applies primarily to judges who officiate at polling places on Election Day. Consequently, the team will recommend to the LWVLC board that they consider a more extensive study of the problem, and determine if the LWV can assist La Plata County to recruit and improve the preparedness of election judges.
4. Provisional ballot verification: Because of the general unease among the voting public about the disposition of provisional ballots, we recommend that a more rigorous and transparent process be put in place for verification of these ballots. At the very least, it should require two election officials be present during the verification of provisional ballots.

**5. Collected Data**

**5.1. Completed Questionnaires**

**5.1.1. La Plata County**

**Mail-in Ballot Process – County Elections**

Interview with Linda Daley, County Clerk and Recorder, and Donna Elder, Election Official, Feb. 19, 2009

(Notations within parentheses refer to sections of Colorado General Statutes where these topics are covered)

**General Comments:**

- ❖ In 2008 general election, the total vote was approximately 28,000. Of these, approximately 20,000 voted either early or by mail. **(71%)**
- ❖ According to the County Clerk, Mail balloting is, by far, the easiest and cheapest for the County.

- 1) What are the Statutes that form the basis for your mail-in ballot process?

Mail Ballot Statute, Title 1, Article 7.5, Colorado General Statutes.

- 2) Do you have a written process for mail-in ballots including from the time they are mailed out to when and how they are tabulated, and may we have a copy?

Process is the same as the city uses. Substitute County for city, no copy provided.

- 3) How do you determine who will receive mail-in ballots?

Every active registered voter receives a mailed ballot. Prior to the election, the County sends a post card to each registered voter who is otherwise active, but who failed to vote in the previous election (referred to as “inactive-failed to vote”). If this card is returned, the voter is marked “inactive-undeliverable” and no mail ballot is sent to him. If not returned, this voter gets sent a mailed ballot. Any eligible registered voter who does not get sent a mailed ballot can pick up a ballot from the Clerk’s office. (1-7.5-108.5 and 1-7.5-107) (The City is not required to send the card to voters marked “inactive-failed to vote” and does not send ballots to those voters, as well as those who are “inactive-undeliverable”. These voters must request a ballot for City Mail Ballot elections. See City Ordinance on voting.)

- 4) What circumstances determine how voters are dropped or purged from your voter lists?

If the voter voted in the 2008 General Election he/she is active and registered and will receive a ballot in the mail. If the voter did not vote in the 2008 General Election he/she is marked “inactive-failed to vote-date” and will be sent a post card prior to an election. If this is returned by the Post Office, the voter is marked “inactive-undeliverable”. If a mailed ballot is returned, that voter is marked “inactive-undeliverable”. If a voter is inactive and no response is received from him/her to confirmation post cards for 2



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general elections, the voter's registration will be canceled. A person may check their registration status on the Secretary of State website or the LWV LPC website. In a general election, the County sends voter information post card 30 – 90 days prior to election. If the card is returned marked "undeliverable", the voter's registration record is marked "inactive-undeliverable". After an election, a card is mailed to every non-voting "active" voter to confirm his status. If this is returned undeliverable, the voter is marked "inactive-undeliverable". (1-2.605 and 1-7.5-108.5))

- 5) Do you have an agreement with the Post Office regarding insufficient or no postage on mailed ballots?  
Yes, the Post Office will always deliver the ballots to the county clerk, who will pay the postage due. It is preferred this not be publicized to deter the voter from intentionally omitting postage. If the voter is required to submit ID with their ballot this will be indicated on the ballot envelope.
- 6) What happens to ballots that are returned to you by the Post Office due to incorrect address?  
Returned ballots are retained by the County. Any registered voter whose ballot is returned may request a ballot from the Clerk.
- 7) When do you start verifying and tabulating mail-in ballots?  
As soon as they arrive they are placed in a secure room and verification starts using staff and election judges. The County Clerk's Office oversees the process.
- 8) Who does the verification and tabulation of mail-in ballots: do you use judges, paid staff or both and do they represent at least the 2 major parties?  
Hired Judges do the verification and tabulating. They do represent different parties.
- 9) How do you select judges  
Judges are selected from a list of judges provided by the two parties. Often they are persons who have worked at a mail ballot election previously.
- 10) How do you decide that a ballot is invalid and what happens to ballots that are considered invalid?  
The County keeps "invalid" ballots and they remain with the "valid" ballots and envelopes until 25 months after the election. If the ballot is "spoiled" spoiled is written on the ballot and these ballots are also kept until 25 months after the election.
- 11) What is the process for verifying voter signatures on the ballot envelope and for validating ID submitted with a ballot  
Judges verify signatures by comparing to signatures on registration records.
- 12) Do you have watchers from each party to oversee the processing?  
Watchers may see any part of the process, but they must be certified by a party, candidate or issue group, just as at a polling place.
- 13) Where can voters bring their mail-in ballots on Election Day if they have not been mailed?  
To the County Clerk's office, prior to 7:00 pm on Election Day.
- 14) How do you process mail-in ballots that are brought in by the voter on Election Day?  
These ballots are processed in the same manner as on any other day.
- 15) Can a person other than the voter bring a mail-in ballot to you on Election Day?



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Yes, a person may deliver as many as 5 ballots to the Clerk.

- 16) Are mail-in ballot results available for viewing at the end of the election just like precinct results?  
Yes, at 7:00 pm on Election Day a preliminary count is made available.

- 17) Do you contact registered, active voters who did not vote in an election, and if so how, and what action is taken based on their response? Do you do this for all general and county elections?  
Within 90 days after a general election, any voter marked "inactive-failed to vote" must be mailed a confirmation card. If there is no response to the confirmation card, and the voter has been "inactive" for 2 general elections, his/her registration is canceled. (1-7.5-108.5)

**Early Voting Process**

- 1) What Statutes govern early voting  
Early voting is covered in Colorado Statue 1-8-201 et.seq., and Rules promulgated by the Secretary of State.
- 2) How do you decide where early voting station will be and how long a period will be allowed  
The period of early voting is set by statute and begins 10 days prior to a primary election and 15 days prior to a general election. The place is at the discretion of the Clerk, but must have electronic accessibility to the Clerk's office. (1-8-202 & 204)
- 3) How do you select judges and watchers for early voting tabulation and how are they trained  
Judges are chosen from a list of judges provided by the parties, and often are those who have worked early voting previously. There is training for them before every election. (There was no elaboration on the type of training) Watchers are free to watch every aspect of this process, but they must be chosen by parties, etc., just as for polling places.
- 4) When do you start tabulating early voting results  
Counting of mail-in and early votes may begin 10 days prior to the election. Mail ballots are received by Clerk and date stamped under dual control, i.e. 2 persons involved. The ballots are turned over to Judges for signature verification. Valid ballots are counted by judges using Accuvote machines. The counting is done daily for both mail and early ballots. (1-8-301 et.seq.)
- 5) Are early voting results available for viewing at the end of the election  
Early and mail voting totals are shown with each precinct (if more than 10 in the precinct). (1-8-308)

**6) Provisional Ballots – County\* only**

- 7) What Statutes govern provisional ballot processing  
Provisional voting is covered in Colorado General Statutes section 1, article 8.5, the Help America Vote Act, and Secy. Of State's Rules
- 8) When do you verify and tabulate provisional ballots



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Provisional ballots are handled as soon as possible after an election and the Clerk tries to have them completed within 10 days. Statues require this be done within 10 days after a primary and 14 days after a general election. (1-8.5-105(5))

- 9) Who verifies and tabulates provisional ballots  
Generally, the Clerk's staff does this. Donna Elder, who is a certified election official in the Clerk's office, does most of the verifying. (1-8.5-105)
  
- 10) Are watchers included in the verification and tabulation process  
Watchers may watch both the verification and tabulation processes and are often present. They must be certified watchers. Donna's comment was that she couldn't imagine anyone wanting to watch the verification, because it is just a person sitting at a computer looking up records.
  
- 11) What happens to provisional ballots that are considered invalid  
The unopened ballots, marked as invalid, are kept for 25 months, then shredded.
  
- 12) When are the results of provisional ballots included in the overall results of the election  
Results are included as soon as they are available, within 14 days.
  
- 13) How can the public see the results of the tabulation of provisionals  
It is listed separately on the official ballot count by precinct, if more than 25 provisional ballots are counted. (1-8.5-110)
  
- 14) Are Voters notified whether or not their ballots were counted  
Yes, voters get mailed notice of whether their vote counted with a reason for denial.

General Questions for all interviewees

- 1) Do you see any problems with the processes that are currently used  
Election Judges are a problem mostly because each judge's perception of the rules can differ. Even though they are trained and hear the same instructions, each brings his/her own background to the training. When a problem arises at the polling place, the judge's decision may result from his perception of the rules rather than the actual rule.
  
- 2) What changes would you recommend  
No changes recommended. We asked about Voting Centers, which both Linda and Donna believed would not work. They described the difficulty and cost of having all ballot styles available in sufficient quantities at each Voting Center. In general, the proliferation of ballot styles seemed to create lots of cost and problems. Both of them prefer Mail Ballot Elections, and don't see an increased risk of fraud with mail balloting.
  
- 3) What percentage difference in candidate votes triggers an automatic recount  
One half of 1% difference between candidates requires a recount at the county's expense.



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- 4) Do you help with all 3 school board elections, and if so what is your role? Do the 3 differ in any way?  
The County coordinates election for all school districts and verifies candidate petitions for Bayfield and Ignacio. Durango 9-R verifies its own petitions. The elections are held on the same day, however, each has its own ballot style

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5.1.2. City of Durango

MAIL BALLOT PROCESS – CITY OF DURANGO

Interview with Amy Phillips, City of Durango Clerk and Donna Elder, La Plata County Election Officer, Jan. 23, 2009

- 1) What are the Statutes that form the basis for your mail ballot process?  
The state statutes were given in hard copy only, Title “Mail Ballot Statute, Title 1, Article 7.5.” Since Home-Rule pertains to the City of Durango, these statutes are supplemented by Durango City Ordinance stating the dates for candidate nominating petitions begin 55 days before the election and close 35 days before the election (2/11/09 and 3/3/09 for this year’s election). See attachments: “City of Durango Ordinances,” “Mail Ballot Election Calendar,” “2009 Candidate Information” and “Mail Ballot Timeline”\*. Write-in candidates’ names will not appear on the ballot but the write-in candidate must file a letter of intent with the City Clerk of his/her intent (by March 10 in 2009). If a candidate withdraws after the deadline to have the ballots printed (March 10 in 2009), his/her name will remain on the ballot.
- The candidates are at-large candidates and the voting is at-large as well. Ballot issues may be on the ballot, such as the library bond issue in a prior election.
- 2) Do you have a written process for mail ballots including from the time they are mailed out to when and how they are tabulated, and may we have a copy?  
A copy of this process is attached, “Steps for Mail Ballot Election.”
- 3) How do you determine who will receive mail ballots?  
The city of Durango obtains the list of active, registered voters in the city of Durango from the office of the La Plata County clerk. These voters receive ballots in the mail.
- 4) What circumstances determine how voters are dropped or purged from your voter lists?  
If the voter voted in the 2008 General Presidential Election he/she is active and registered and will receive a ballot in the mail. If the voter did not vote in the 2008 General Election but did vote in the 2004 and/or 2006 General Election they are inactive and registered and will not receive a ballot in the mail. If the voter did not vote in November of 2008, 2006, or 2004, the voter must reregister. The City Clerk will have a list of inactive registered voters and the voter may go to the City Clerk’s Office to pick up a mail ballot from the City Clerk. If the ballot is returned due to incorrect address, it is considered “undeliverable”. The ballot will be stored by the city until the voter inquires about his/her ballot. If the voter inquires, he/she may go to the County Clerk’s office, fill out an affidavit stating the change of address and receive a statement from the County Clerk allowing him/her to pick up a ballot from the City Clerk. If no inquiry is made prior to Election Day, the undeliverable ballot is forwarded to the County Clerk after the



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election. In 2009 the last day to register for this election is March 9. In late January 2009 there are 12,528 registered voters in the City of Durango, of which 9,160 are active. A person may check their registration status on the Secretary of State website or the LWVLC website.

- 5) Do you have an agreement with the Post Office regarding insufficient or no postage on mailed ballots?  
Yes, the Post Office will always deliver the ballots to the city, the city will pay the postage due. It is preferred this not be publicized to deter the voter from intentionally omitting postage. If the voter is required to submit ID with their ballot this will be indicated on the ballot envelope.
- 6) What happens to ballots that are returned to you by the Post Office due to incorrect address?  
The County Clerk's Office will write or call the voter to indicate their ballot has been returned due to incorrect address and notify them they need to update their registration for the next election.
- 7) When do you start verifying and tabulating mail ballots?  
In 2009, tabulating begins on March 30. The city uses the county's tabulating machines to tally the votes. Donna Elder, from the County Clerk's Office oversees the process.
- 8) Who does the verification and tabulation of mail ballots: do you use judges, paid staff or both and do they represent at least the 2 major parties?  
The City is a nonpartisan election so party affiliation is not part of the criteria for selecting judges. This process is handled by four paid judges, one from each of the four precincts into which Durango is divided. The judge's names are public record. For 2009 they are Jim Irish, Carol and Paul Bynum, Sherry Knight, and Donna Burr. Their training and expected hours are as noted at the end of this report. All ballots are kept in a locked space when unattended. Cast ballots are in the conference room where tabulation occurs.  
Extra ballots are in the City Clerk's Office. The City Clerk possesses the only key to either room.
- 9) What happens to ballots that are considered invalid?  
The City keeps "invalid" ballots and they remain with the "valid" ballots and envelopes until six months after the election. If the ballot is "spoiled" spoiled is written on the ballot and these ballots are also kept until 6 months after the election.
- 10) Do you have watchers from each party to oversee the processing?  
Anyone may be a watcher of the ballot processing. One must fill out an application to do this by requesting the proper form from the City Clerk.
- 11) Where can voters bring their mail ballots on Election Day if they have not been mailed?  
The voter must return his/her ballot to City Hall, by mail or hand delivery, prior to 7:00 pm on Election Day.
- 12) How do you process mail ballots that are brought in by the voter on Election Day?  
These ballots are processed in the same manner as on any other day.
- 13) Can a person other than the voter bring a mail ballot to you on Election Day?  
Yes, a person may deliver as many as 5 ballots to the City Clerk.
- 14) Are mail ballot results available for viewing at the end of the election just like precinct results?



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Yes, at 7:00 pm on Election Day a preliminary count is made available. It is posted on the front door at City Hall, the City website, and on the White Board at City Council meeting that evening. If there are additional ballots not tallied by 7 pm, they will be tabulated after 7 pm until all are counted and then the "official" count will be posted in the same manner.

General Questions

- 1) Do you see any problems with the processes that are currently used?  
Neither the City Clerk nor the Elections representative from the County sees any problems with the processes.
  
- 2) What changes would you recommend?  
Both representatives are strongly in favor of all mail ballots. City Clerk, Amy Phillips, spoke of the drastic difference in number of voters after the city election became a mail ballot election in 2001-

Data on voting for City Council elections

- a) 2001, poll voting only, 2160 ballots cast, 18.9% turnout, cost of \$3.01 per voted ballot
- b) 2003, mail ballot election, 3685 ballots cast, 63% of voters, cost of \$3.72 per voted ballot
- c) 2005, mail ballot election, 3776 ballots cast, 43% of voters, cost of \$4.77 per voted ballot (Amy stated the higher cost was a consequence of need for Tabor notice along with ballot since a ballot issue was included.)
- d) 2007, mail ballot election, 3880 ballots cast, 56% of voters, cost of \$2.91 per voted ballot

Data on voting for County elections

- a) 2001 = \$ 51,557
- b) 2002 = \$ 105,940
- c) 2003 = \$ 66,035
- d) 2004 = \$ 142,447
- e) 2005 = \$ 100,399
- f) 2006 = \$ 169,714
- g) 2007 = \$ 63,757
- h) 2008 = \$ 184,000

The odd years are the coordinated elections for such as school questions, special districts (like the La Plata Archuleta Water Dist or Edgemont Ranch, etc.) Sometimes the City puts a tax question on the ballot.

The County Clerk's Office stated the 2008 general election in LPC had a 75% voter turnout.

By Colorado Statute any election which has partisan candidates may not be conducted by mail ballots only. The opinion of those interviewed is this is the result of the major political parties' stance on this topic.

Interesting Facts



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Any resident may request a recount (by April 14 in 2009). The same judges will do this recount and it will be done at the requestor's expense. If the margin of difference between candidates is ½% or less, the recount will be automatic and paid for by the city.

Military Ballots: The City will fax ballots to military personnel on active duty if requested. The voter must sign an affidavit stating they are aware their ballot is no longer "secret".

From the City Clerk:

The Election Judge's calendar for 2009 City Councilor Elections will be:

- Training March 23<sup>rd</sup> – 5:30 -7:30 p.m.
- Ballot Counting March 30 – April 7.
- The week of March 30' the days will consist of 2-5 hours per day
- Monday, April 6 – 4-8 hours
- Tuesday, April 7 – 8 -12 hours
- In 2007, the hours totaled 37 – I think in 2009 it will range between 37-45.
- The hourly fee is \$15.00

This document references coordinated and non-coordinated elections.

A coordinated election is any in November. They are administered by the county, the county clerk coordinates them. They include candidate/ballot issues from other jurisdictions within or outside the county (i.e., the presidential election). The election for City Council is a non-coordinated election since it is coordinated by the City of Durango.

The following website shows the city limits of the City of Durango and the 4 municipal precincts into which it is divided.

<http://www.durangogov.org/elections/2008precincts.pdf>

Following is the Current Durango Election Commission Membership

Established by:	City Charter, page 15
Number of Board Members:	Three
Length of Term:	Two Years
Council Liaison:	None



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Special Requirements:	Qualified electors of the City of Durango shall not be officers or employees of the City of Durango or candidates for elective office.
Regular Meeting Time:	As Needed

**Current Members** March 12, 2009

<b>NAME</b>	<b>APPOINTED</b>	<b>EXPIRES</b>
Todd O'Toole	2/22/2007	1/31/2009
Richard Reitz	2/2/2007	1/31/2009
Amy Phillips, Chair, City Clerk		

**6. Next Steps**

**6.1. LWV Actions**

**6.2. LWV-LPC Vote Center Study Review**

**7. Appendices**

- I. Questionnaire Template**
- II. Glossary of Terms**
- III. City of Durango Election Ordinances**



**Appendix I  
Questionnaire Template**

<b><u>Mail-in Ballot Process – County*, City and School Board Elections</u></b>
<ol style="list-style-type: none"> <li>1. What are the Statutes that form the basis for your mail-in ballot process</li> <li>2. Do you have a written process for mail-in ballots including from the time they are mailed out to when and how they are tabulated, and may we have a copy</li> <li>3. How do you determine who will receive mail-in ballots</li> <li>4. What circumstances determine how voters are dropped or purged from your voter lists</li> <li>5. Do you have an agreement with the Post Office regarding insufficient or no postage on mailed ballots</li> <li>6. What happens to ballots that are returned to you by the Post Office due to incorrect address, and what happens if you can't contact the voter whose ballot has been returned</li> <li>7. When do you start verifying and tabulating mail-in ballots</li> <li>8. Who does the verification and tabulation of mail-in ballots: do you use judges, paid staff or both and do they represent at least the 2 major parties</li> <li>9. How do you select judges</li> <li>10. How do you decide that a ballot is invalid and what happens to ballots that are considered invalid</li> <li>11. What is the process for verifying voter signatures on the ballot envelope, and for validating IDs submitted with a ballot</li> <li>12. Do you have watchers from each party to oversee the processing</li> <li>13. Where can voters bring their mail-in ballots on election day if they have not been mailed</li> <li>14. How do you process mail-in ballots that are brought in by the voter on election day Can a person other than the voter bring a mail-in ballot to you on election day</li> <li>15. Are mail-in ballot results available for viewing at the end of the election just like precinct results</li> <li>16. Do you contact registered, active voters who did not vote in an election, and if so how, and what action is taken based on their response? Do you do this for all general and county elections?</li> </ol>
<b><u>Early Voting Process – County* only</u></b>
<ol style="list-style-type: none"> <li>1. What Statutes govern early voting</li> <li>2. How do you decide where early voting station will be and how long a period will be allowed</li> <li>3. How do you select judges and watchers for early voting tabulation and how are they trained</li> <li>4. When do you start tabulating early voting results</li> <li>5. Are early voting results available for viewing at the end of the election</li> </ol>
<b><u>Provisional Ballots – County* only</u></b>
<ol style="list-style-type: none"> <li>1. What Statutes govern provisional ballot processing</li> <li>2. When do you verify and tabulate provisional ballots</li> <li>3. Who verifies and tabulates provisional ballots</li> <li>4. Are watchers included in the verification and tabulation process</li> <li>5. What happens to provisional ballots that are considered invalid</li> <li>6. When are the results of provisional ballots included in the overall results of the election</li> <li>7. How can the public see the results of the tabulation of provisionals</li> <li>8. Are Voters notified whether or not their ballots were counted</li> </ol>
<b><u>General Questions for all interviewees</u></b>
<ol style="list-style-type: none"> <li>1. <b>Do you see any problems with the processes that are currently used</b></li> <li>2. <b>What changes would you recommend</b></li> <li>3. <b>What percentage difference in candidate votes triggers an automatic recount</b></li> </ol> <p>Additional questions for county: Do you help with all 3 school board elections, and if so what is your role? Do the 3 differ in any way?</p>



## Appendix II Glossary of Terms

### BALLOT TERMS

**ABSENTEE BALLOTS** – Ballots submitted, by mail, by a voter who is not able to be present at the polls. These ballots must be requested by the voter.

**CANCELED BALLOT** – A mail ballot that is not received by the voter (lost). The voter must request a new ballot.

**INVALID BALLOTS** – Ballots are invalidated if they contain stray marks or markings that invalidate the entire ballot. May contain multiple yes votes or no votes for a single office.

**MAIL BALLOT ELECTION** – Elections that are conducted via mail ballot only. These must be non-partisan. For example, the Durango City Council elections are 100% mail ballots and there are no polling places. These ballots may be returned by mail or in person at the court house or to the city clerk's office for City Council Elections

**MAIL BALLOTS** – Ballots sent by mail to a registered voter either for a mail ballot election or by request for other elections. Any registered voter can sign up to receive mail ballots on a permanent basis or for the next election only. The voter does not have to go to a polling station to vote and may mail in his or her ballot, but must follow the rules of voting to stay active on the rolls. A mail ballot for a Mail Ballot election is automatically sent to active voters.

**PROVISIONAL BALLOT** – A ballot used by a voter whose qualifications to vote are not verifiable at the time a ballot is cast. A verification is made after Election Day and the ballot is counted if valid. Such ballots are mandated by the federal Help America Vote Act and guarantees that every qualified and registered voter has the opportunity to vote. A provisional ballot may be used if a voter's name is not found in the poll book, if the voter is at the wrong precinct or if a voter claims to have lost his/her mail ballot. Provisional Ballots are checked against the following before becoming official and counted: 1. The State of Colorado Voter Registration Database. 2. The County Clerk/Recorder's Voter Database. 3. The Colorado Department of Corrections Felon Database. 4. The Colorado Department of Vital Stats. Database.

**SPOILED BALLOTS** – Torn, defaced, and marked up ballots are considered spoiled. Can be returned by the voter in exchange for a new ballot.

**UNDELIVERABLE BALLOT** – A ballot that is returned by the postal service as "undeliverable." A voter whose ballot is returned as undeliverable is marked as "inactive-undeliverable" on the Registration book. Ballots cannot be forwarded. Upon return of a ballot, a forwardable postcard is sent to the voter in an effort to determine his/her address.

**UNOPENED BALLOTS** – Mail Ballots which have a defect on their face and are not opened. These are marked invalid and kept for 25 months then shredded

**VALID BALLOTS** – A mail ballot whose numbers on the sleeve and on the ballot itself match, the ballot is properly completed, and has a valid signature from a registered voter, the ballot is considered valid.

### ELECTION TERMS

**AT-LARGE CANDIDATES** – Candidates who do not represent a particular city, county or district.



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**AT-LARGE VOTING**- Used, for example, in City Council elections. Each voter has the same number of votes as there are seats to be filled.

**CANVASS** – An administrative audit to ensure that all ballots have been accounted for and that officials have compared the number of registered voters against the number of ballots. In Colorado, the canvass must be completed within 7 days after the election in order that the elections results can be certified.

**CANVASSED ELECTION RESULTS** – An administrative audit to ensure that all ballots have been accounted for and that officials have compared the number of registered voters against the number of ballots. In Colorado, the canvass must be completed within 7 days after the election in order that the elections results can be certified.

**CITY CLERK** – Serves as clerk to the City Council and to other city officials.

**CITY ELECTION** – Registered voters living within city limits vote for City Council. These elections are governed by the Durango Home Rule Charter and by the Colorado Municipal Election Code. See: [www.durangogov.org/elections/](http://www.durangogov.org/elections/)

**COORDINATED ELECTIONS** – Elections in overlapping jurisdictions which are held on the same day with the County Clerk as coordinated Election Official.

**COUNTY CLERK AND RECORDER** – An elected official in each county who has responsibility for voter registrations and elections. The Clerk is a Designated Election Official and has a State certification. She directs County and Federal Elections and has also directed area School Board Elections for several years – at their request.

**COUNTY ELECTION** – County elections include voting for county commissioners, assessor, clerk and recorder, district attorney, coroner, treasurer, and surveyor.

**CURING A PETITION** – A candidate’s petition to be added to an election ballot can be given time to be cured which means that the candidate has an opportunity to make corrections to the petition.

**DESIGNATED ELECTION OFFICIAL** – The person designated by a governing body who runs an election. The County Clerk is, by default, a Designated Election Official (DEO). Certification is necessary for the County Clerk. The City election administrator is a DEO and is the City Clerk

**EARLY VOTING** – By Colorado statute, early voting starts 10 days prior to Primaries and 15 days prior to General elections. The place of voting is at the discretion of the Clerk but must have electronic accessibility to the Clerk’s office and be disabled accessible. Same for City and County.

**ELECTION JUDGES** – Election officials appointed by the County Clerk who are responsible for the administration of election procedures on Election Day, during early voting and for mail-in ballots. The judges go through training administered by the County Clerk’s Office.

**GENERAL ELECTION** – The election held on Tuesday following the first Monday in November in each even numbered year. An election where all registered voters may participate in voting for federal, state, and local candidates. These occur in even years.

**HOME RULE** – The power of a local city or county government to set up its own system of self government without a charter from the State. Such local entities are still subject to the U.S. and State Constitutions. Under Home Rule



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communities can do anything not specifically forbidden by State or Federal law. A Home Rule Charter can be compared to a local Constitution. See: [www.durangogov.org](http://www.durangogov.org) Keyword: Home Rule

**MAIL BALLOT ELECTION** – Non-partisan elections that are conducted via mail ballot only. For example, the Durango City Council elections are 100% mail ballots and there are no polling places.

**NON-COORDINATED ELECTIONS** – An election held for only one jurisdiction.

**NON-PARTISAN ELECTION** – An election in which no candidates are identified by party affiliation. City Council elections are examples of such elections. Only non-partisan elections may be 100% mail ballot voting.

**POLLING PLACE**- Where electors vote. One polling place can serve more than one precinct.

**POLL WATCHERS (MONITORS, OBSERVERS)** – An eligible voter nominated by parties, candidates or issue committees who may be present to observe both the verification and the tabulation processes at the polls and at the Court House. Watchers must be certified by Election Officials.

**PRIMARY ELECTIONS** –Elections in which voters select candidates within a political party to run in the following general election. A voter must be a registered voter with a declared party affiliation in order to participate in primaries in the state of Colorado A voter registered as an independent may declare party affiliation at the polling place and thus be able to vote in the primary.

**PRECINCT** – An election district. La Plata County has 30 precincts. Registered voters belong to a precinct based on their residential address. There is a polling place (where votes are cast) assigned to each precinct. A polling place may be assigned to more than one precinct.

**PRELIMINARY COUNT/RESULTS** – The count made at the close of the polls, before votes such as provisionals are included in the final official count.

**REMINDER CARDS** – Post cards sent by the County Clerk to registered voters, both pre- and post-elections, with all voting and registration information for that voter. If these are undeliverable, that will result in “inactive” status for the voter.

**SCHOOLBOARD ELECTIONS** – An election for the Board of a School District. School districts may ask the County to process their elections for school board positions and have done so in the past few elections.

**SIGNATURE VERIFICATION** – A master list of signatures is compiled by the County from voter registration forms and is used to verify signatures on mail-in ballots. If a signature is missing, the voter is notified by phone, and the ballot is placed in a secure “pending” box.

**SPECIAL DISTRICT ELECTIONS** – Elections held in special districts such as Fire Protection Districts, Water and Sanitation Dist., Ambulance Dist., Parks and Rec. Dist., Drainage and Flood Dist., etc. These may be coordinated or non-coordinated elections.

**SUFFICIENT PETITION** – This is a candidate’s petition that has the correct number of legitimate signatures and is approved.

**SUPPLY JUDGES** – The election judge who is in charge of the election process at a polling place on Election Day.



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**VOTER TERMS**

**ACTIVE VOTER** – A registered voter who voted in either or both of the last two general elections and whose voter information card has not been returned as undeliverable. Such a voter will receive a mail ballot for the next election if it is a Mail Ballot Election or the voter has requested one.

**CANCELED VOTERS** – A voter whose registration has been canceled. A voter may be canceled in a variety of ways, see Colorado General Statutes, Sections 1-2, and must re-register to vote.

**CONFIRMATION CARD** – A mail communication from the Clerk that has a place for an address change, a returnable portion with return postage paid and pre-addressed, includes a registration form for preregistration in the county where the elector resided, and is sent by forwardable mail. It will be sent no later than 90 days after an election in which an elector is marked “inactive” and the elector has not previously been sent a confirmation card.

**ELECTOR** – A person legally qualified to vote in this state. The term also refers to a member of the Electoral College of the US.

**INACTIVE VOTER** – A registered voter who did not vote in the last general election from whom a mail ballot or voter information card has been returned as undeliverable. In City elections, this voter is not sent a ballot in a Mail Ballot Election, but may request one from the City Clerk. In County Elections, this voter will be sent a voter information card prior to an election. If this card is returned, the voter is not sent a mail ballot but may request one from the County Clerk.

**REGISTERED VOTER** – Person legally qualified to vote in this state, who has complied with registration requirements and lives in the jurisdiction holding the election. In order to register an otherwise qualified voter must have lived in the City or County 30 days prior to the election.

**VOTER INFORMATION CARDS** – A mail communication from the Clerk to a registered elector. It includes the name, address, precinct number, and polling place of the elector, and whether the person is a permanent mail ballot elector. It is forwardable mail to an –“active” elector; not forwardable to an “inactive” elector. If this card is returned undeliverable, the voter’s registration is marked “inactive,” except if the card is sent to a newly registered voter within 10 days after the Clerk receives the registration and the card is returned within 20 days, in which case the registration is canceled.

**VOTER REGISTRATION** – At the time of the 2008 election, there were 37,246 registered voters in La Plata County. Of these, 28,117 voted. Registration can be done at the County Clerk’s Office and by partisan and non-partisan organizations that must have an agent certified by the Secretary of State’s office. Forms can also be found through the League of Women Voter’s web site at [www.LWVLaplata.org](http://www.LWVLaplata.org)

**VOTING CENTERS** –Voting Centers are polling places where all voters regardless of precinct can cast their ballots. They are typically centrally located near major population centers and would rely on a single county-wide voter registration database accessed by secure broadband internet connections. A voter from any precinct may vote at any voting center.



**Appendix III**  
**City of Durango Election Ordinances**

PART I CHARTER

ARTICLE VI. ELECTIONS

Sec. 1. Colorado Municipal Election Law adopted.

City elections shall be governed by the Colorado Municipal Election Law as now existing or hereafter amended or modified, except as otherwise provided in this Charter, or as the council may prescribe by ordinance.

Sec. 2. Election commission.

An election commission is hereby created consisting of the city clerk who shall be the chairman, and two (2) qualified and registered electors of the City of Durango, who, during their term of office, shall not be city officers or employees or candidates or nominees for elective city office. These two (2) members shall be appointed by the council at the first meeting of the council in the month of September following a general city election for a term of two (2) years and they shall serve without compensation.

Sec. 3. Powers and duties of commission.

The election commission shall establish precincts and appoint the election judges and clerks for each precinct provided by the Colorado Municipal Election Law, and shall have charge of all other activities and perform all other duties required of it by law or this Charter. The election commission shall have the power to adopt reasonable rules and regulations not in conflict with the Constitution of the State of Colorado, this Charter, and ordinances of the City of Durango. In the event of a tie vote on the election of any city office, the election commission shall determine by lot the person or persons who shall be elected. No member of the election commission shall serve as a municipal election judge or clerk.

Sec. 4. Municipal elections.

A general municipal election shall be held on the first Tuesday of April 1979, and on the first Tuesday of April of every second year thereafter.

Sec. 5. Nonpartisan elections.

All special and regular elections shall be nonpartisan. No candidate for city council shall run under any party label.

PART II ADMINISTRATION

ARTICLE VI. ELECTIONS\*

\***Charter references:** Elections, art. VI.

DIVISION 1. GENERALLY

Sec. 2-171. Write-in candidates; affidavits required.

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the city clerk by the person whose name is written in on the election ballot prior to twenty (20) days before the day of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. No. 1985-18, § 1, 10-15-85; Ord. No. 2001-2, § 1, 3-6-01)

Sec. 2-172. Cancellation of municipal election authorized.

If the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the city clerk shall cancel the election and by certification declare the candidates elected. Upon such certification and its acceptance by the city council, the candidates shall be deemed



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elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the municipality, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

(Ord. No. 2001-2, § 2, 3-6-01)  
Secs. 2-173--2-190. Reserved.

**DIVISION 2. UNIFORM ELECTION CODE OF 1992\***

**\*Editor's note:** Ord. No. O-2002-37, §§ 1-5, adopted Jan. 2, 2003 did not specify manner of codification, hence these provisions were included as Div. 2, §§ 2-191--2-195 at the discretion of the editor.

**Sec. 2-191. Authorization.**

The council does hereby authorize the utilization of the terms and provisions of the Uniform Election Code of 1992 for the April, 2003 general municipal election in the city, as well as future general municipal elections within the city.

(Ord. No. O-2002-37, § 1, 1-2-03)

**Sec. 2-192. General municipal election--Mail ballot.**

The April, 2003 general municipal election shall be conducted by mail ballot, pursuant to the authorization of C.R.S., § 1-7.5-104.

(Ord. No. O-2002-37, § 2, 1-2-03)

**Sec. 2-193. Same--Authorized by resolution.**

Future general municipal elections may be conducted by mail ballot if so authorized by resolution of the Durango City Council.

(Ord. No. O-2002-37, § 3, 1-2-03)

**Sec. 2-194. Timeframes of nomination petitions.**

The timeframes for the circulation and filing of nomination petitions should be and is hereby modified to provide that such petitions shall be signed and circulated no earlier than the fifty-fifth day preceding the election, and such petitions shall be filed with the municipal clerk no later than the thirty-fifth day preceding to the election.

(Ord. No. O-2002-37, § 4, 1-2-03)

**Sec. 2-195. Timeframes for write-in candidacy.**

The timeframe for the filing of affidavits for write-in candidacy should be and the same is hereby modified to provide that such affidavits shall be filed with the municipal clerk no later than the twenty-eighth day preceding the election.

(Ord. No. O-2002-37, § 5, 1-2-03)