

CHAPTER 179

ELECTIONS

SENATE BILL 98-145

BY SENATOR Reeves;
also REPRESENTATIVE Allen.

AN ACT

CONCERNING ELECTION JUDGES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 1-6-101, Colorado Revised Statutes, is amended to read:

1-6-101. Definitions - qualifications for election judges. (1) AS USED IN THIS PART 1, "ELECTION JUDGE" MEANS A REGISTERED ELECTOR APPOINTED BY THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTED OFFICIAL TO PERFORM THE ELECTION DUTIES ASSIGNED BY THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL.

(2) The persons ~~nominated~~ APPOINTED as election judges shall certify in writing that they meet the following qualifications:

(a) They are ~~eligible~~ REGISTERED electors who reside in the ~~required precinct or~~ political subdivision, unless otherwise excepted, and are willing to serve;

(b) They are physically and mentally able to perform AND COMPLETE the ~~required~~ ASSIGNED tasks;

(c) They will attend a class of instruction concerning the tasks of an election judge PRIOR TO EACH ELECTION;

(d) They have never been convicted of election fraud, any other election offense, or fraud; AND

(e) THEY ARE NEITHER A CANDIDATE WHOSE NAME APPEARS ON THE BALLOT IN THE PRECINCT THAT THEY ARE APPOINTED TO SERVE NOR A MEMBER OF THE IMMEDIATE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FAMILY, RELATED BY BLOOD OR MARRIAGE TO THE SECOND DEGREE, OF A CANDIDATE WHOSE NAME APPEARS ON THE BALLOT IN THE PRECINCT THAT THEY ARE APPOINTED TO SERVE.

~~(2)~~ (3) With regard to any nonpartisan election THAT IS NOT COORDINATED BY THE COUNTY CLERK AND RECORDER, THE ELECTION JUDGE SHALL BE A REGISTERED ELECTOR OF THE POLITICAL SUBDIVISION FOR WHICH THE ELECTION IS BEING HELD. If enough ~~election judges who are eligible~~ REGISTERED electors of the political subdivision are not available, then the appointing authority may appoint election judges who are registered electors of the state.

~~(3) For coordinated elections, the county clerk and recorder may combine precincts and polling places and may use the same election judges.~~

~~(4) The certification of qualification shall be completed prior to the person serving as an election judge.~~ BEFORE SERVING AS AN ELECTION JUDGE, THE PERSONS RECOMMENDED AS ELECTION JUDGES IN ACCORDANCE WITH SECTIONS 1-6-102 AND 1-6-103 SHALL COMPLETE AND FILE AN ACCEPTANCE FORM WITH THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL AS PROVIDED IN SECTION 1-6-106. The ~~certifications~~ ACCEPTANCE FORMS may be kept on file with the county clerk and recorder or other designated election official for up to two years from the date of signing the ~~certification~~ ACCEPTANCE FORM.

(5) THE COUNTY CLERK AND RECORDER OR THE DESIGNATED ELECTION OFFICIAL SHALL HOLD A CLASS OF INSTRUCTION CONCERNING THE TASKS OF AN ELECTION JUDGE AND A SPECIAL SCHOOL OF INSTRUCTION CONCERNING THE TASK OF A SUPPLY JUDGE NOT MORE THAN TWENTY DAYS PRIOR TO EACH ELECTION.

(6) EACH PERSON APPOINTED AS AN ELECTION JUDGE SHALL ATTEND THE CLASS OF INSTRUCTION PRIOR TO EACH ELECTION IN WHICH THE PERSON WILL SERVE AS AN ELECTION JUDGE.

SECTION 2. 1-6-102, Colorado Revised Statutes, is amended to read:

1-6-102. List furnished by precinct committee persons. (1) ~~Not~~ No later than ten days after the precinct caucus in even-numbered years, the committee persons of each precinct from each major political party shall submit to the county chairpersons of their respective political parties a list ~~recommending~~ THAT WAS INITIATED AT THE PRECINCT CAUCUS AND THAT RECOMMENDS registered electors as election judges. ~~These~~ THE registered electors RECOMMENDED AS ELECTION JUDGES must reside in the precinct and have a current affiliation with the political party ~~shown on the registration books of the county clerk and recorder~~ THAT HELD THE PRECINCT CAUCUS.

(2) IF THERE IS NO COUNTY CHAIRPERSON, THE COMMITTEE PERSON OF EACH PRECINCT SHALL SUBMIT THE LIST THAT WAS INITIATED AT THE PRECINCT CAUCUS AND THAT RECOMMENDS REGISTERED ELECTORS AS ELECTION JUDGES DIRECTLY TO THE COUNTY CLERK AND RECORDER. If a precinct has no committee person, the district captain, if any, shall submit the list of recommended election judges to the county chairperson OR COUNTY CLERK AND RECORDER, AS APPROPRIATE.

SECTION 3. 1-6-103, Colorado Revised Statutes, is amended to read:

1-6-103. Recommendations by county chairperson. (1) No later than the last Tuesday of April in even-numbered years, the county chairperson of each major political party in the county shall certify to the county clerk and recorder the names and addresses of REGISTERED electors recommended to serve as election judges ~~in~~ FOR each precinct in the county.

(2) The county chairperson, OR, IF THERE IS NO COUNTY CHAIRPERSON, THE COMMITTEEPERSONS WHO SUBMITTED THE LIST OF REGISTERED ELECTORS IN ACCORDANCE WITH SECTION 1-6-102 (2) shall designate the order of preference of the names of the REGISTERED electors recommended to serve as election judges for each precinct. ~~and~~ The county clerk and recorder shall select election judges from each precinct list in the county chairperson's, OR, IF THERE IS NO COUNTY CHAIRPERSON, THE COMMITTEEPERSON'S, order of preference. ~~If the county chairperson certifies an order which is different from that submitted by the precinct committeepersons, a copy of the list submitted by the precinct committeepersons shall be attached to the certification which the county chairperson gives to the county clerk and recorder.~~

(3) In recommending ~~eligible~~ REGISTERED electors as election judges, the county chairperson ~~shall~~ MAY select only names from the list submitted by the precinct committeepersons. ~~If the precinct committeepersons do not furnish enough names to the county chairperson, HOWEVER, The~~ THE county chairperson may recommend additional ~~eligible~~ REGISTERED electors to the county clerk and recorder ~~in which case the precinct residence requirement may be waived~~ IF THE PRECINCT COMMITTEEPERSONS DO NOT PROVIDE ENOUGH NAMES TO THE COUNTY CHAIRPERSON.

(4) ~~If the county has no county chairperson or vice-chairperson, the county clerk and recorder shall appoint election judges by obtaining lists of qualified eligible electors from the precinct committeepersons. If the precinct has no precinct committeepersons or captains, the county clerk and recorder may select eligible electors representing the two major political parties, in which case the precinct residence requirement may be waived.~~

(5) ~~If the county chairperson does not submit any names or submits insufficient names for election judges for a precinct prior to the time for issuing certificates of appointment, the county clerk and recorder shall appoint the election judges, following the party affiliation requirements of section 1-6-109.~~

SECTION 4. 1-6-104, Colorado Revised Statutes, is amended to read:

1-6-104. Appointment of election judges by the county clerk and recorder and designated election officials. (1) ~~No later than the last Tuesday in May in even-numbered years~~ FOR EACH ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER, the county clerk and recorder shall ~~complete appointments of~~ APPOINT election judges for each precinct in the county. ~~The term of office of election judges shall be two years from the date of appointment.~~ AN ELECTION JUDGE FOR A PRECINCT SHALL SERVE FOR A TWO-YEAR PERIOD BEGINNING ON THE LAST TUESDAY OF MAY IN EVEN-NUMBERED YEARS AND ENDING ON THE LAST MONDAY IN MAY OF THE NEXT EVEN-NUMBERED YEAR OR UNTIL THE DESIGNATED ELECTION OFFICIAL APPOINTS ANOTHER PERSON TO REPLACE THAT ELECTION JUDGE FOR THAT PRECINCT,

WHICHEVER IS EARLIER.

(2) THE COUNTY CLERK AND RECORDER MAY APPOINT AN ELECTION JUDGE TO SERVE IN A PRECINCT OF THE COUNTY OTHER THAN THE PRECINCT IN WHICH THE ELECTION JUDGE RESIDES.

(3) IF, AT THE TIME THE COUNTY CLERK AND RECORDER APPOINTS ELECTION JUDGES FOR A PRECINCT, THE LIST OF RECOMMENDED ELECTION JUDGES SUBMITTED IN ACCORDANCE WITH SECTION 1-6-102 CONTAINS AN INSUFFICIENT NUMBER OF NAMES FOR A MAJOR POLITICAL PARTY'S SHARE OF THE TOTAL NUMBER OF ELECTION JUDGES AS REQUIRED IN SECTION 1-6-109, THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT ANY ADDITIONAL ELECTION JUDGES NECESSARY FOLLOWING THE PARTY AFFILIATION REQUIREMENTS OF SECTION 1-6-109 TO THE EXTENT POSSIBLE.

SECTION 5. 1-6-105, Colorado Revised Statutes, is amended to read:

1-6-105. Appointment of election judges for elections not coordinated by the county clerk and recorder. (1) No later than forty-five days before the regular election, the governing body with authority to call elections shall appoint election judges for the political subdivision. The term of office of election judges shall be two years from the date of appointment.

(2) Any person who has been appointed by a county clerk and recorder ~~who has filed an acceptance, and who has attended a class of instruction~~ AND MEETS THE QUALIFICATIONS AS PRESCRIBED IN SECTION 1-6-101 may be appointed as an election judge for ~~nonpartisan~~ elections NOT COORDINATED BY THE COUNTY CLERK AND RECORDER.

SECTION 6. 1-6-106, Colorado Revised Statutes, is amended to read:

1-6-106. Confirmation and acceptance of election judge appointment. (1) ~~No later than the last Tuesday in May in even-numbered years for partisan elections or thirty days before the regular election for nonpartisan elections the designated election official shall certify the list appointing the election judges and shall mail one acceptance form to each person appointed.~~ THE DESIGNATED ELECTION OFFICIAL SHALL CONFIRM THE APPOINTMENTS OF ELECTION JUDGES BY MAILING EACH APPOINTED ELECTION JUDGE A CERTIFICATION OF APPOINTMENT AND AN ACCEPTANCE FORM.

(2) THE ACCEPTANCE FORM SHALL CONTAIN:

(a) THE STATEMENT OF QUALIFICATIONS AS PRESCRIBED IN SECTION 1-6-101; AND

(b) A STATEMENT THAT, IF THE PERSON APPOINTED AS AN ELECTION JUDGE EITHER FAILS TO FILE THE ACCEPTANCE FORM WITHIN SEVEN DAYS AFTER THE CERTIFICATION OF APPOINTMENT AND ACCEPTANCE FORM ARE MAILED OR FAILS TO ATTEND A CLASS OF INSTRUCTION AS REQUIRED IN SECTION 1-6-101 (5), THE DESIGNATED ELECTION OFFICIAL MAY DETERMINE THAT A VACANCY HAS BEEN CREATED.

(3) EACH PERSON APPOINTED AS AN ELECTION JUDGE SHALL FILE AN ACCEPTANCE FORM IN THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL WITHIN SEVEN DAYS

AFTER THE CERTIFICATION OF APPOINTMENT AND ACCEPTANCE FORM HAS BEEN MAILED. IF A PERSON APPOINTED AS AN ELECTION JUDGE FAILS TO FILE THE ACCEPTANCE FORM AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION OR FAILS TO ATTEND A CLASS OF INSTRUCTION AS REQUIRED IN SECTION 1-6-101 (5), THE DESIGNATED ELECTION OFFICIAL MAY DETERMINE THAT A VACANCY HAS BEEN CREATED.

SECTION 7. 1-6-108, Colorado Revised Statutes, is amended to read:

1-6-108. Lists of election judges. (1) The designated election official shall make and maintain at the time election judges are appointed, a list of appointments, giving the name and address of each election judge, and, if applicable, the judge's precinct number. ~~This list shall be kept on file in the office of the designated election official and shall indicate which judges have filed acceptances and the date on which each judge attended the class of instruction. The list is a public record and is available for public inspection, examination, and copying during regular office hours~~ A MASTER LIST OF ELECTION JUDGES WHO HAVE FILED AN ACCEPTANCE FORM IN ACCORDANCE WITH SECTION 1-6-101 (4). THE MASTER LIST SHALL INCLUDE THE NAME, PARTY AFFILIATION, AND PRECINCT NUMBER OF EACH ELECTION JUDGE WHO HAS FILED AN ACCEPTANCE FORM, INCLUDING WHETHER SUCH JUDGE IS UNAFFILIATED, AFFILIATED WITH A MINOR POLITICAL PARTY, OR AFFILIATED WITH A QUALIFIED POLITICAL ORGANIZATION.

(2) Any person may obtain, upon written request and payment of the appropriate statutory fee, an exact copy of the list of county election judges from the county clerk and recorder. ~~The county chairperson of either political party may exercise a preemptive removal of any election judge from the chairperson's political party by filing a written request with the county clerk and recorder within five days of the date that the list becomes available for public inspection. The resulting vacancy shall be filled pursuant to section 1-6-113.~~

SECTION 8. 1-6-109, Colorado Revised Statutes, is amended to read:

1-6-109. Party affiliation of election judges in partisan elections. (1) FOR PARTISAN ELECTIONS in precincts ~~which~~ THAT have an even number of election judges, each major political party is entitled to one-half of the number of election judges.

(2) FOR PARTISAN ELECTIONS in precincts ~~which~~ THAT have an odd number of election judges, one major political party is entitled to the extra election judge in ~~all even-numbered precincts~~ ONE-HALF OF THE PRECINCTS, AS DETERMINED BY THE COUNTY CLERK AND RECORDER, and the other major political party is entitled to the extra election judge in ~~all odd-numbered precincts~~. ~~No later than the last Tuesday in May in even-numbered years, the county clerk and recorder shall determine by lot which major political party is entitled to the extra election judge in the even-numbered precincts and which is so entitled in the odd-numbered precincts~~ THE OTHER ONE-HALF OF THE PRECINCTS, AS DETERMINED BY THE COUNTY CLERK AND RECORDER.

(3) IF AN ODD NUMBER OF PRECINCTS EXIST, THE COUNTY CLERK AND RECORDER SHALL DETERMINE WHICH MAJOR POLITICAL PARTY IS ENTITLED TO ANY EXTRA

ELECTION JUDGE. THE COUNTY CLERK AND RECORDER SHALL MAKE THIS DETERMINATION EITHER BY MUTUAL AGREEMENT OF BOTH OF THE MAJOR POLITICAL PARTIES OR, IF THE TWO MAJOR POLITICAL PARTIES CANNOT AGREE, BY LOT.

(4) If the county clerk and recorder is not able to appoint the maximum number of election judges to which each major political party is entitled for each precinct under this section because the list of recommended election judges required by section 1-6-102 either does not contain a sufficient number of names or was not submitted, the county clerk and recorder shall appoint at least two election judges for the precinct. ~~who are of the same political affiliation.~~

SECTION 9. Article 6 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-6-109.5. Appointment and duties of supply judge. (1) THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT ONE ELECTION JUDGE IN EACH PRECINCT AS SUPPLY JUDGE. TO THE EXTENT POSSIBLE, THE SUPPLY JUDGE SHALL BE FROM A MAJOR POLITICAL PARTY. THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE SUPPLY JUDGE OF THE APPOINTMENT.

(2) FOR PARTISAN ELECTIONS, EACH MAJOR POLITICAL PARTY IS ENTITLED TO ONE-HALF OF THE TOTAL NUMBER OF SUPPLY JUDGES APPOINTED. IF AN ODD NUMBER OF SUPPLY JUDGES IS APPOINTED, THE COUNTY CLERK AND RECORDER SHALL DETERMINE WHICH MAJOR POLITICAL PARTY IS ENTITLED TO THE ONE EXTRA SUPPLY JUDGE. THE COUNTY CLERK AND RECORDER SHALL MAKE THIS DETERMINATION BY THE MUTUAL AGREEMENT OF THE TWO MAJOR POLITICAL PARTIES OR, IF THE TWO MAJOR POLITICAL PARTIES CANNOT AGREE, BY LOT.

(3) PRIOR TO THE ELECTION, THE SUPPLY JUDGE SHALL ATTEND A SPECIAL SCHOOL OF INSTRUCTION HELD BY THE DESIGNATED ELECTION OFFICIAL.

(4) (a) THE SUPPLY JUDGE SHALL COORDINATE THE CONDUCT OF THE ELECTION IN THE PRECINCT. FOR NONPARTISAN ELECTIONS, THE SUPPLY JUDGE'S RESPONSIBILITIES SHALL INCLUDE RECEIVING ELECTION SUPPLIES AND EQUIPMENT FROM THE DESIGNATED ELECTION OFFICIAL, DELIVERING ELECTION SUPPLIES AND EQUIPMENT TO THE POLLING PLACE, AND RETURNING ALL ELECTION SUPPLIES, ELECTION EQUIPMENT, AND BALLOTS TO THE DESIGNATED ELECTION OFFICIAL ONCE THE ELECTION IS CONCLUDED.

(b) FOR PARTISAN ELECTIONS, THE COUNTY CLERK AND RECORDER MAY DEPUTIZE A COURIER TO RETURN THE ELECTION SUPPLIES, ELECTION EQUIPMENT, AND BALLOTS TO THE COUNTY CLERK AND RECORDER ONCE THE ELECTION IS CONCLUDED. IF THE COUNTY CLERK AND RECORDER DOES NOT DEPUTIZE A COURIER, THE SUPPLY JUDGE AND A SECOND ELECTION JUDGE FROM THE PRECINCT SHALL RETURN THE ELECTION SUPPLIES, ELECTION EQUIPMENT, AND THE BALLOTS TO THE COUNTY CLERK AND RECORDER. THE SECOND ELECTION JUDGE SHALL BE SELECTED BY THE ELECTION JUDGES IN THE PRECINCT OTHER THAN THE SUPPLY JUDGE AND SHALL BE OF A POLITICAL AFFILIATION DIFFERENT THAN THE SUPPLY JUDGE.

SECTION 10. 1-6-111, Colorado Revised Statutes, is amended to read:

1-6-111. Number of election judges. (1) FOR PARTISAN ELECTIONS, the county clerk and recorder shall appoint at least three election judges TO SERVE AS POLLING PLACE JUDGES for each precinct to perform the designated functions.

(2) ~~Counting judges may be used where deemed necessary in the discretion of the county clerk and recorder at primary or congressional vacancy elections.~~

(3) When two election judges who are not of the same political ~~party~~ AFFILIATION are present at the polls, voting may proceed.

(4) FOR NONPARTISAN ELECTIONS, THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT NO LESS THAN TWO ELECTION JUDGES TO SERVE AS POLLING PLACE JUDGES FOR EACH PRECINCT TO PERFORM THE DESIGNATED FUNCTIONS.

(5) THE DESIGNATED ELECTION OFFICIAL AND, FOR PARTISAN ELECTIONS, THE COUNTY CLERK AND RECORDER MAY APPOINT OTHER ELECTION JUDGES AS NEEDED TO PERFORM DUTIES OTHER THAN POLLING PLACE DUTIES. THESE DUTIES MAY INCLUDE BUT ARE NOT LIMITED TO INSPECTING BALLOTS, DUPLICATING BALLOTS, AND COUNTING PAPER BALLOTS. FOR PARTISAN ELECTIONS, IF THE COUNTY CLERK AND RECORDER APPOINTS ELECTION JUDGES TO PERFORM DUTIES OTHER THAN POLLING PLACE DUTIES, THE COUNTY CLERK AND RECORDER SHALL APPOINT TWO ELECTION JUDGES TO PERFORM SUCH DUTIES. THE TWO ELECTION JUDGES SO APPOINTED SHALL NOT BE OF THE SAME POLITICAL AFFILIATION.

(6) FOR ANY ELECTION IN WHICH THE PRECINCTS AND POLLING PLACES ARE COMBINED IN ACCORDANCE WITH SECTION 1-5-102.5, THE COUNTY CLERK AND RECORDER OR THE DESIGNATED ELECTION OFFICIAL MAY ASSIGN ONE SET OF ELECTION JUDGES TO PERFORM THE FUNCTIONS OF ALL PRECINCTS AND POLLING PLACES SO COMBINED.

SECTION 11. 1-6-114 (1), Colorado Revised Statutes, is amended to read:

1-6-114. Oath of judges. (1) ~~Before any votes are taken at any election, the election judges~~ BEGINNING THE DUTIES OF AN ELECTION JUDGE, EACH PERSON APPOINTED AS AN ELECTION JUDGE shall ~~each~~ take a self-affirming oath or affirmation in substantially the following form:

"I,, do solemnly swear (or affirm) that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of or within the political subdivision; that I am a member of the party as shown on the registration books of the county clerk and recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously ~~endeavor~~ STRIVE to prevent fraud, deceit, and abuse in conducting the same; that I will not try to ~~ascertain~~ DETERMINE how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, IF ANY BALLOTS ARE COUNTED BEFORE THE POLLS CLOSE ON THE DATE OF THE ELECTION, I will not disclose the result of the votes until AFTER the polls have closed AND THE RESULTS ARE FORMALLY ANNOUNCED BY THE DESIGNATED ELECTION OFFICIAL."

SECTION 12. 1-6-115 (1) and (2), Colorado Revised Statutes, are amended, and the said 1-6-115 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-6-115. Compensation of judges. (1) In all elections, INCLUDING PRIMARY AND GENERAL ELECTIONS, each election judge SERVING IN THE PRECINCTS ON ELECTION DAY shall receive not less than five dollars nor more than one hundred dollars as full compensation for services provided as judge at any election.

(2) In addition to the compensation provided by subsection (1) of this section, each election judge may be paid expenses and reasonable compensation for attending election schools which may be established by the ~~respective~~ COUNTY CLERK AND RECORDER OR THE designated election ~~officials~~ OFFICIAL. EACH SUPPLY JUDGE APPOINTED BY THE COUNTY CLERK AND RECORDER SHALL BE REIMBURSED NO LESS THAN FIVE DOLLARS FOR ATTENDING A SPECIAL SCHOOL OF INSTRUCTION.

(2.5) THE SUPPLY JUDGE AND, FOR PARTISAN ELECTIONS, THE SECOND ELECTION JUDGE SELECTED IN ACCORDANCE WITH SECTION 1-6-109.5 (4) (b) SHALL BE PAID NO LESS THAN FOUR DOLLARS FOR RETURNING THE ELECTION SUPPLIES, ELECTION EQUIPMENT, AND THE BALLOTS TO THE DESIGNATED ELECTION OFFICIAL. THE PERSON PROVIDING THE TRANSPORTATION MAY BE PAID A MILEAGE ALLOWANCE, TO BE SET BY THE DESIGNATED ELECTION OFFICIAL BUT NOT TO EXCEED THE MILEAGE RATE AUTHORIZED FOR COUNTY OFFICIALS AND EMPLOYEES, FOR EACH MILE NECESSARILY TRAVELED IN EXCESS OF TEN MILES IN GOING TO AND RETURNING FROM THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL.

SECTION 13. 1-6-119, Colorado Revised Statutes, is amended to read:

1-6-119. Removal of election judge by designated election official. (1) ~~The county chairperson of the political party in whose behalf an election judge was appointed may file a statement with the county clerk and recorder that, after investigation, it is believed that the party is not faithfully or fairly represented by the election judge or that the election judge has moved from the county or precinct. Upon the filing of the statement, the county clerk and recorder shall forthwith notify the election judge of the removal and the cause for the removal, and a successor shall be forthwith appointed as provided in section 1-6-113.~~ IF A COUNTY CHAIRPERSON OF A MAJOR POLITICAL PARTY BELIEVES THAT AN ELECTION JUDGE APPOINTED TO REPRESENT THAT PARTY IS NOT FAITHFULLY OR FAIRLY REPRESENTING THE PARTY OR THAT AN ELECTION JUDGE HAS MOVED FROM THE COUNTY, THE COUNTY CHAIRPERSON MAY EXERCISE A PREEMPTIVE REMOVAL OF THE ELECTION JUDGE. THE COUNTY CHAIRPERSON SHALL NOTIFY THE COUNTY CLERK AND RECORDER AND THE ELECTION JUDGE OF THE PREEMPTIVE REMOVAL IN WRITING. THE COUNTY CLERK AND RECORDER SHALL FILL ANY VACANCY CREATED BY THE PREEMPTIVE REMOVAL AS PROVIDED IN SECTION 1-6-121.

(2) PRIOR TO ELECTION DAY, THE DESIGNATED ELECTION OFFICIAL MAY REMOVE AN ELECTION JUDGE FOR CAUSE. CAUSE INCLUDES BUT IS NOT LIMITED TO THE ELECTION JUDGE'S FAILURE TO FILE AN ACCEPTANCE FORM IN ACCORDANCE WITH SECTIONS 1-6-101 AND 1-6-106 AND THE ELECTION JUDGE'S FAILURE TO ATTEND A CLASS OF INSTRUCTION AS REQUIRED IN SECTION 1-6-101 (5).

~~(2)~~ (3) On election day, the designated election official may remove ~~and replace~~ an election judge who has neglected the duties of the office by FAILING TO APPEAR AT THE POLLING PLACE BY 7:30 A.M., BY leaving the precinct polling place BEFORE COMPLETING ALL OF THE DUTIES ASSIGNED, ~~or~~ by being unable OR UNWILLING OR BY REFUSING to perform the duties of the office, OR BY ELECTIONEERING.

~~(3)~~ (4) Upon receipt of a written complaint made by an eligible elector of the political subdivision ~~stating that~~ CONCERNING an election judge, ~~is electioneering at or within one hundred feet of any building in which a polling place is located,~~ the designated election official shall investigate the complaint and may remove the election judge and appoint another election judge ~~if the election is a partisan election, the election judge appointed shall be of the same political party as the election judge who is removed~~ IN ACCORDANCE WITH SECTION 1-6-121.

SECTION 14. Article 6 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-6-121. Election judge vacancies. (1) IF FOR ANY REASON ANY PERSON APPOINTED TO SERVE AS AN ELECTION JUDGE REFUSES, FAILS, OR IS UNABLE TO SERVE OR IS REMOVED BY PREEMPTION IN ACCORDANCE WITH SECTION 1-6-119 (1) OR FOR CAUSE IN ACCORDANCE WITH SECTION 1-6-119 (2), 1-6-119 (3), OR 1-6-119 (4), THE DESIGNATED ELECTION OFFICIAL THEREAFTER MAY APPOINT AN ELECTION JUDGE TO FILL SUCH VACANCY. IF ANY ELECTION JUDGE IS NOT PRESENT AT THE OPENING OF THE POLLS AND DOES NOT APPEAR AT THE POLLING PLACE WITHIN THIRTY MINUTES AFTER THE OPENING OF THE POLLS, THE DESIGNATED ELECTION OFFICIAL MAY DETERMINE THAT A VACANCY HAS OCCURRED.

(2) APPOINTMENTS TO FILL VACANCIES SHALL BE MADE IN ACCORDANCE WITH THE SAME STATUTORY PROVISIONS OTHERWISE APPLICABLE TO THE APPOINTMENT.

SECTION 15. 1-5-102.5, Colorado Revised Statutes, is amended to read:

1-5-102.5. Establishing polling places for coordinated elections. (1) Not less than ninety days prior to a coordinated election, the county clerk and recorder, in consultation with the other designated election officials of each political subdivision participating in the election, shall assure that ~~the polling places chosen~~ ONE POLLING PLACE BE DESIGNATED TO allow an individual elector to vote ~~at one polling place~~ for all ballot issues, ballot questions, and candidates voted on the same date.

(2) FOR COORDINATED ELECTIONS, THE COUNTY CLERK AND RECORDER MAY COMBINE PRECINCTS AND POLLING PLACES.

SECTION 16. Part 1 of article 5 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-5-108. Election judges may change polling places. (1) IF IT BECOMES IMPOSSIBLE OR IMPRACTICABLE TO HOLD AN ELECTION BECAUSE OF AN EMERGENCY AT THE DESIGNATED POLLING PLACE, THE ELECTION JUDGES, AFTER ASSEMBLING AT OR AS NEAR AS PRACTICABLE TO THE ORIGINAL DESIGNATED POLLING PLACE, MAY MOVE TO THE NEAREST CONVENIENT PLACE FOR HOLDING THE ELECTION AND AT THE NEWLY DESIGNATED PLACE FORTHWITH PROCEED WITH THE ELECTION. THE ELECTION

JUDGES SHALL NOTIFY THE DESIGNATED ELECTION OFFICIAL OF THE CHANGE AS SOON AS POSSIBLE.

(2) UPON MOVING TO A NEW POLLING PLACE, THE ELECTION JUDGES SHALL DISPLAY A PROCLAMATION OF THE CHANGE AT THE ORIGINAL POLLING PLACE TO NOTIFY ALL ELECTORS OF THE NEW LOCATION FOR HOLDING THE ELECTION. THE PROCLAMATION SHALL CONTAIN A STATEMENT EXPLAINING THE SPECIFIC NATURE OF THE EMERGENCY THAT REQUIRED THE CHANGE IN THE POLLING PLACE AND SHALL PROVIDE THE STREET ADDRESS OF THE NEW LOCATION.

SECTION 17. 1-7-101 (1), Colorado Revised Statutes, is amended to read:

1-7-101. Hours of voting. (1) All polls shall be opened continuously from 7 a.m. until 7 p.m. of each election day. If a full set of election judges is not present at the hour of 7 a.m. and it is necessary for judges to be appointed to conduct the election as provided in section 1-6-113 (2), the election may commence when two judges ~~one~~ ~~from each major party~~ WHO ARE NOT OF THE SAME POLITICAL AFFILIATION for partisan elections are present at any hour before the time for closing the polls. The polls shall remain open after 7 p.m. until every eligible elector who was at the polling place at or before 7 p.m. has been allowed to vote. Any person arriving after 7 p.m. shall not be entitled to vote.

SECTION 18. The introductory portion to 8-70-140 (1) (c) and 8-70-140 (1) (c) (V), Colorado Revised Statutes, are amended, and the said 8-70-140 (1) (c) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

8-70-140. Employment does not include - nonprofit organizations. (1) For the purposes of sections 8-70-118 and 8-70-119, "employment" does not include services performed:

(c) In the employ of a governmental entity referred to in section 8-70-119 if such service is performed by an individual in the exercise of ~~his~~ SUCH INDIVIDUAL'S duties:

(V) In a position which, pursuant to the laws of this state, is designated as a major, nontenured policymaking or advisory position, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week; ~~or~~

(VI) AS AN ELECTION OFFICIAL OR ELECTION WORKER IF THE AMOUNT OF REMUNERATION RECEIVED BY THE INDIVIDUAL DURING THE CALENDAR YEAR FOR SERVICES AS AN ELECTION OFFICIAL OR ELECTION WORKER IS LESS THAN ONE THOUSAND DOLLARS; OR

SECTION 19. Repeal. 1-6-107, Colorado Revised Statutes, is repealed as follows:

1-6-107. Acceptances - school of instruction - appointment of supply judge. (1) ~~Each person appointed as an election judge shall file an acceptance in the office of the designated election official within seven days after the date that the certificate of appointment and the acceptance form were mailed. The acceptance form shall include a statement that a person who fails to attend a class of instruction may be~~

~~disqualified from serving as an election judge. If a person appointed as an election judge fails to file an acceptance within seven days, the designated election official may determine that a vacancy has been created.~~

~~(2) Each designated election official shall hold at least one class of instruction for all election judges not more than five weeks nor less than one day prior to each election.~~

~~(3) After acceptances are received, the designated election official shall appoint one judge in each precinct as supply judge and shall notify the supply judge of the appointment. For partisan elections, each major political party is entitled to one-half of the total number of supply judges appointed, and, if an odd number of supply judges is appointed, the county clerk and recorder shall determine by lot which party is entitled to the one extra supply judge. The supply judge is responsible for the general conduct of the election in the precinct and for receiving and delivering election supplies and equipment. The supply judge shall attend a special school of instruction held by the designated election official and shall be reimbursed no less than five dollars for attending the school.~~

SECTION 20. Repeal. 1-6-110, Colorado Revised Statutes, is repealed as follows:

1-6-110. Judges at primary elections. ~~(1) The regularly appointed receiving judges for general elections shall serve as the judges for primary elections. No counting judges shall be appointed for primary elections.~~

~~(2) Election judges shall be paid the same fees for primary elections as for general elections.~~

SECTION 21. Repeal. 1-6-112, Colorado Revised Statutes, is repealed as follows:

1-6-112. Number of judges in nonpartisan elections. ~~For nonpartisan elections, the designated election official shall appoint no less than two election judges for each precinct to perform the designated functions.~~

SECTION 22. Repeal. 1-6-116, Colorado Revised Statutes, is repealed as follows:

1-6-116. Delivery of election returns and other election papers - compensation. ~~(1) The supply judge shall pick up the election supplies at the office of the designated election official, and, for partisan elections, with one other judge of the opposite political party who is selected by the remaining judges, shall deliver the election returns, registration book, ballot boxes, and other election papers and supplies to the office of the designated election official.~~

~~(2) The supply judge and, if required, the second judge selected pursuant to subsection (1) of this section shall be paid no less than four dollars for the performance of the service. In addition, if the distance from the polling place to the office of the designated election official is greater than five miles, the person providing the transportation shall be paid a mileage allowance, to be set by the~~

~~designated election official but not to exceed the mileage rate authorized for county officials and employees, for each mile necessarily traveled in excess of ten miles in going to and returning from the office of the designated election official. No mileage allowance shall be paid to judges serving in precincts located wholly or in part within a city and county or within the municipality which is the county seat of the county.~~

SECTION 23. Repeal. 1-6-117, Colorado Revised Statutes, is repealed as follows:

~~**1-6-117. Judges for new or changed precincts.** Within ten days after the boundaries of an existing election precinct are changed or a new precinct is created, the designated election official shall appoint election judges for the new or changed precinct in the same manner as provided in section 1-6-113 (1) for filling vacancies.~~

SECTION 24. Repeal. 1-6-118, Colorado Revised Statutes, is repealed as follows:

~~**1-6-118. Judges may change polling place.** (1) If it becomes impossible or impracticable to hold an election because of an emergency at the designated polling place, the election judges, after assembling at or as near as practicable to the original designated polling place, may move to the nearest convenient place for holding the election and at the newly designated place forthwith proceed with the election. The election judges shall notify the designated election official of the change as soon as possible.~~

~~(2) Upon moving to a new polling place, the election judges shall display a proclamation of the change at the original polling place to notify all electors of the new location for holding the election. The proclamation shall contain a statement explaining the specific nature of the emergency that required the change in polling place and shall provide the street address of the new location.~~

SECTION 25. 1-5-502, Colorado Revised Statutes, is amended to read:

1-5-502. Ballot boxes for nonmachine voting. The governing body of each political subdivision using paper ballots shall provide at least one ballot box for each polling place. For elections which have both receiving and counting judges, the governing body shall provide no less than one ballot box for each set of receiving judges and one ballot box for each set of counting judges at each place of voting. The ballot boxes shall be strongly constructed so as to prevent tampering, with a small opening at the top and with a lid to be locked. The ballot boxes and keys shall be kept by the designated election official and delivered to the election judges no later than one day preceding any election, to be returned as provided in ~~section 1-6-116~~ SECTION 1-6-109.5.

SECTION 26. 1-7-505 (2), Colorado Revised Statutes, is amended to read:

1-7-505. Close of polls - count and seals in electronic voting. (2) In precincts in which voting is on a ballot or ballot card, election judges shall prepare a return in duplicate showing the number of eligible electors, as indicated by the pollbook, who have voted in the precinct, the number of official ballots or ballot cards received, and the number of spoiled and unused ballots or ballot cards returned. The original copy

of the return shall be deposited in the metal or durable plastic transfer box, along with all voted and spoiled ballots. The transfer box shall then be sealed in such a way as to prevent tampering with the box or its contents. The designated election official shall provide a numbered seal. The duplicate copy of the return shall be mailed at the nearest post office or post-office box to the designated election official by an election judge other than the one who delivers the transfer box to the designated counting center. For partisan elections, two election judges of different political ~~parties~~ AFFILIATIONS, as provided in ~~section 1-6-116~~ SECTION 1-6-109.5 shall deliver the sealed transfer box to the counting center designated by the ~~designated election official~~ COUNTY CLERK AND RECORDER.

SECTION 27. 1-7-701, Colorado Revised Statutes, is amended to read:

1-7-701. Delivery of election returns, ballot boxes, and other election papers.

When all the votes have been read and counted, the election ~~officials~~ JUDGES selected in accordance with ~~section 1-6-116~~ SECTION 1-6-109.5 shall deliver to the designated election official the certificate and statement required by section 1-7-601, ballot boxes and all keys to the boxes, paper tapes, "proms" or other electronic devices, the registration book, pollbooks, accounting forms, spoiled ballots, unused ballots, ballot stubs, oaths, affidavits, and other election papers and supplies. The delivery shall be made at once and with all convenient speed, and informality in the delivery shall not invalidate the vote of any precinct when delivery has been made previous to the completion of the official abstract of the votes by the board of canvassers. The designated election official shall give a receipt for all items delivered.

SECTION 28. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 30, 1998