

CHAPTER 9B

Elections

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ARTICLE I
Election Procedures

Sec. 9B-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(1) *Clerk* shall mean City Clerk. All powers and authority herein granted to the Clerk shall be exercised by a deputy clerk in the absence of the Clerk or in the event the Clerk for any reason is unable to perform his or her duties.

(2) *Legal voter* and *qualified voter* means any person eligible to vote under the requirements of this Chapter.

(3) *Male voter* shall include female voter, and the masculine pronoun shall also include the feminine.

(4) *Regular election* means any biennial municipal election for the election of officers or for determining municipal questions.

(5) *Taxpayer, taxpaying elector* or *qualified taxpaying elector* means those persons who are qualified voters under this Chapter and who, in the calendar year last preceding the election at which such vote is offered, shall have paid a tax, or be liable for the payment of such tax upon real or personal property assessed to them and owned by them in the municipality where such vote is offered.

(6) *Voting machine* means any device fulfilling the requirements set forth in the laws of the State pertaining to voting machines and their use, requirements, construction, procurement and trial. (Ord. 426)

Sec. 9B-2. Applicability.

(a) The provisions of this Chapter shall apply to municipal elections in the City.

(b) The provisions of this Chapter shall apply to all municipal bond elections except where the bond election statute provides otherwise. (Ord. 426)

Sec. 9B-3. Computation of time.

In computing time for any act to be done before any election, as provided in this Chapter, the first day shall be included and the last, or election day, shall be excluded. If the time for any act to be done shall fall on a Sunday or legal holiday, such act shall be done on the day following such Sunday or legal holiday, and such Sunday or legal holiday shall not be included in any given number of days designated as the time in which any act is to be done or performed, as provided in this Chapter. (Ord. 426)

Sec. 9B-4. Notice of elections.

(a) The Clerk shall give notice in writing of each regular or special election, in which shall be stated the time when it will be held, the polling place of each precinct and the officers then to be elected and the questions to be voted upon, by causing the same to be published or posted as is provided for in Sections 9B-9 and 9B-10, at least sixty (60) days before any general election day and at least forty-five (45) days before any special election day. A copy of such notice shall also be sent by mail to the judges of election in each precinct to be posted at the place of voting, at least twenty-five (25) days before election day.

(b) The Clerk shall include in the notice required in the preceding paragraph a statement containing the last date on which nomination petitions may be filed and the last date registration and changes of address can be made. (Ord. 723, §1)

Sec. 9B-5. Qualifications of voters.

Every person over the age of eighteen (18) years, possessing the following qualifications, shall be entitled to register and vote at all municipal elections:

(1) He or she shall be a citizen of the United States; and

(2) He or she shall have resided in this State and in the municipal election precinct for thirty-two (32) days immediately preceding the election at which he or she offers to vote. An otherwise qualified and registered voter who moves from the precinct where registered within thirty-two (32) days prior to any regular or special election shall be permitted to cast his or her ballot for such election at the polling place in the precinct where registered. (Ord. 426; Ord. 476, §1; Ord. 556, §1)

Sec. 9B-6. Prisoners excluded.

No person while confined in any public prison shall be entitled to vote. Every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by pardon or by having served out his or her full term of imprisonment, shall be vested with all rights of citizenship except as provided in the Constitution. (Ord. 426; Ord. 556, §2)

Sec. 9B-7. Residency not affected by certain situations.

For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his or her presence, or lost it by reason of his or her absence, while in the civil or military service of the State or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poorhouse or other asylum, nor while confined in public prison. (Ord. 426)

Sec. 9B-8. Preservation of nominating petitions.

The Clerk shall cause to be preserved in his or her office, for the period of two (2) years, all petitions of nominations filed therein pursuant to the Charter of the City. All such petitions shall be open to public inspection under proper regulation, to be made by the Clerk with whom the same are filed. (Ord. 426)

Sec. 9B-8A. Cancellation of election.

(a) If, at the close of business fifteen (15) days prior to the day of any municipal election, the only matter before the voters is the election of persons to office, and there are not more candidates than offices to be filled at such election, the Clerk shall certify that fact to the City Council, the City Council shall hold a special meeting and may cancel the election and by resolution declare the candidates elected and said candidates shall thereupon be deemed duly elected.

(b) Notice of such cancellation shall be published, if possible, in order to inform the electors of the City, and the notice of such cancellation shall be posted at each polling place. (Ord. 735)

Sec. 9B-9. List of candidates to be published.

(a) The Clerk shall give notice by publishing in not less than one (1) nor more than two (2) newspapers published within the City a list of all nominations to offices filed with him or her. If there be no newspaper published within the limits of the City, the City Council may provide by resolution for publication in some newspaper or newspapers of general circulation in the City. Such publication shall be made one (1) time only and at least six (6) days before election, except as otherwise provided in this Section. Such publication shall contain only the names of each candidate, and shall be as far as possible in the form in which such nominations shall appear upon the official ballot, except that reference to ward shall be made where applicable.

(b) The Clerk shall select the paper or papers for such publication which have the largest circulation within the City. For the purpose of ascertaining which paper has the largest circulation, the Clerk may require a sworn certificate showing the number of bona fide subscribers to each newspaper. In making additional publications, the Clerk shall keep in view the object of giving information as far as possible to the largest number of voters. Should the Clerk find it impossible to make the publication six (6) days before the election day, he or she shall make the same at the earliest possible day thereafter, and the publications in any weekly newspaper shall be in the last issue thereof before the day of election except that in any event the publication shall be made at least four (4) days prior to election day. (Ord. 426)

Sec. 9B-10. Posting of candidates' names.

The Clerk, at least six (6) days before any election day, shall post or cause to be posted conspicuously a printed or typewritten list containing the name of each candidate, and the questions to be voted by the voters. Such notices shall be posted in one (1) or more public places in each election precinct of the City, one (1) or more of which shall be duly placed where such election is to be held. (Ord. 426)

Sec. 9B-11. Objections to nominations.

All petitions of nomination which are in apparent conformity with the provisions of the Charter, as determined by the Clerk, shall be deemed to be valid unless objection thereto shall be duly made, in writing, within two (2) days after the filing of the same. In case such objection is made, notice thereof shall be forthwith mailed to any candidate who may be affected thereby, addressed to him or her at his or her residence as given in the petition of nomination. The Clerk shall pass upon the validity of all objections, whether of form or substance, and his or her decisions upon matters of form shall be final. Such Clerk shall decide such objections within at least forty-eight (48) hours after the same are filed, and

any objection sustained may be remedied or defect cured upon the original petition, by an amendment thereto, or by filing a new petition within three (3) days after such objection is sustained. (Ord. 426)

Sec. 9B-12. Withdrawal from nominations.

Any person who has been nominated and who has accepted a nomination may cause his or her name to be withdrawn from such nomination at any time prior to eighteen (18) days before election, by a written instrument resigning such nomination, which written instrument shall be signed and acknowledged by such candidate before some officer authorized by the laws of this State to take acknowledgement of deeds or the Clerk. Such written instrument shall be filed with the Clerk. If the petition of nomination designates one (1) or more persons as a committee to fill a vacancy, the Clerk shall immediately notify such person or persons of their candidate's withdrawal. If there be no such committee designated, then the Clerk shall immediately notify the three (3) persons whose names appear at the top of the petition of nomination of the withdrawal of their candidate. (Ord. 426)

Sec. 9B-13. Vacancies in nominations.

(a) If any person so nominated dies before the day fixed by law for the election, and the fact of such death becomes known to the Clerk in whose office the petition of nomination nominating such person was filed, the name of the deceased candidate shall not be printed upon the ballots for the election, or, if already printed, if possible, shall be erased or cancelled before the ballots are delivered to the electors.

(b) If any person so nominated should die or resign the nomination, or should any petition of nomination be insufficient or inoperative because of failure to remedy or cure the same, the vacancy thus occasioned may be filled by petition in the same manner required for original nomination. Any such vacancy shall be filled not later than the fifteenth day before the day of election. (Ord. 426)

Sec. 9B-14. Voter registration required.

Except where specifically provided otherwise, no person shall be permitted to vote at any municipal election without first having registered within the time and in the manner required by this Section and Sections 9B-15 and 9B-16. (Ord. 631, §1(part))

Sec. 9B-15. Procedure.

Registration requirements for municipal elections shall be the same as those governing general elections. Registration with the County Clerk and Recorder shall constitute registration for the municipal elections. (Ord. 631, §1(part))

Sec. 9B-16. Registration lists.

The County Clerk and Recorder, no later than the fifth day preceding the municipal election, shall prepare a complete copy of the list of the registered electors of each municipal election precinct with is located within the County and is involved in such municipal election; but in any municipal election precinct consisting of one (1) or more whole general election precincts, the county registration books for such precinct may be used in lieu of a separate registration list. The registration list for each municipal election precinct shall contain, in alphabetical order, the names and addresses of all registered electors residing within the municipal election precinct whose names appeared on the county registration records

at the close of business on the thirty-second day preceding the municipal election. The County Clerk and Recorder shall certify and deliver such registration lists or registration books to the City Clerk on or before the fifth day preceding the election. (Ord. 631, §1(part))

Sec. 9B-17. Questions to elector.

It is the duty of the Clerk to ask each person making application for registration, and said person shall answer correctly, the matters contained in Section 1-2-203, C.R.S. (Ord. 631, §1(part))

Sec. 9B-18. Challenges.

At any time up to and including Tuesday, one (1) week before any municipal election, any qualified elector of the City may file with the Clerk a protest in writing, together with two (2) copies thereof, against the registration of any name already appearing upon such registration list which is claimed to be illegal or fraudulent. The Clerk, if satisfied any such name is illegal or fraudulent, may strike the same from the list. The Clerk shall prepare a statement containing his or her opinion as to the truth or falsity of such protest and his or her action in respect thereto, which statement he or she shall file, and thereafter such statement shall be subject to public inspection. Upon such filing, provided that any name has been stricken, it shall be the duty of the Clerk to deliver or mail a copy of such protest, together with a copy of the Clerk's statement, to the person whose name has been stricken. Any person whose name has been stricken shall have the right to apply to a court of competent jurisdiction to have his or her name restored to such list if legally entitled to remain there. No fee shall be charged or collected on any case where such name be restored to the registration list. (Ord. 631, §1(part))

Sec. 9B-19. Certification of registration book or list.

Prior to the delivery of the registration books or registration lists to the City Clerk for use on election day, the Clerk shall attach to each book or list his or her certificate stating that such book or list contains the registration sheets or names of all registered electors residing in the municipal election precinct and stating the total number of registration sheets or names contained therein. (Ord. 631, §1(part))

Sec. 9B-20. Delivery and custody.

At such time as may be set by the City Clerk, but at least one (1) day prior to the election, one (1) of the judges of election from each precinct may call in person at the office of the City Clerk for the purpose of receiving the registration book or list. The registration book or list shall be delivered to said judge in a sealed envelope or container. Said judge shall have custody of the registration book or list and shall give his or her receipt therefor. After the closing of the polls on the day of election, he or she shall seal the registration book or list and deliver it to the election judge selected to deliver the election returns, registration book or list, ballot boxes, if any, and other election papers and supplies to the office of the City Clerk or to such other place as the City Clerk may designate as the counting center. (Ord. 631, §1(part))

Sec. 9B-21. Illegal registration.

At any time not more than twenty-five (25) nor less than ten (10) days before any municipal elections, any qualified elector may file in a court of competent jurisdiction, as provided by state law, a petition, which shall be under oath, alleging that the petitioner has made careful investigation, and believes that

names registered by the Clerk are illegally or fraudulently registered in certain precincts which shall be stated. The contents of such petition and all proceedings thereon and thereafter had as a result of the filing of such petition shall be in the form and manner and according to the provisions of the statutes of the State pertaining to the petitioning of the court for purging of names from vote registration lists in state municipalities. (Ord. 426)

Sec. 9B-22. Special electoral qualifications.

Where a statute specifically allows persons who have qualifications different from registered electors to vote on a particular measure, each such person desiring to vote shall sign a written oath before voting that he or she meets each qualification required to vote on the measure. (Ord. 631, §1(part))

Sec. 9B-23. Special elections generally.

Special elections shall be held on any Tuesday designated by the governing body. No special election shall be held within the ninety (90) days preceding a regular election. No special election shall be called within thirty (30) days before the date thereof, nor shall any special election be held within the thirty-two days before or after the date of a primary, general or congressional vacancy election. A special election may be held at the same time and place as a primary, congressional vacancy or general election as permitted by and pursuant to the election laws of the State. Special elections shall be conducted as nearly as practicable in the same manner as regular elections. (Ord. 631, §1(part))

Sec. 9B-24. Qualifications of election officials.

No person in the employ of or owning any stock, bonds or securities of any public utility corporation seeking a public franchise at any election shall be permitted to act as judge, clerk or election official at any such election. (Ord. 631, §1(part))

Sec. 9B-25. Preservation of registration records.

Registration books and registration lists shall be left in the custody of the County Clerk and Recorder, who shall be responsible therefor, as provided by the state election laws, except when in actual use by the judges of elections in the performance of their duties. The oaths or affirmations, applications for affidavit registration, applications for change of residency or change of name and other registration papers and documents provided for by law shall be preserved by the County Clerk and Recorder and shall not be destroyed until after the next general municipal election. They shall be public records subject to examination by any elector, and said elector shall have the right to make copies thereof during office hours. Such registration books, certificates, oaths, statements or certified copies of the same by the Clerk, or the certified copy of entries therein by such Clerk, shall be admissible in evidence as proof of the taking of such oath or affirmation in all criminal proceedings for the punishment of false attestations, swearing, wrongful registration, certifying, signing or issuing of any paper or statement provided by this Chapter. Upon request of any registered elector, it shall be the duty of the City Clerk to make out and deliver to such elector a certificate of the registration of such elector, setting forth the facts of such registration, including the date, description and other information recorded in connection with the registration of such elector, which certificate shall be attested by the hand of the Clerk and the seal of the City. The City Clerk shall be allowed a fee of one dollar and twenty-five cents (\$1.25) for each of such certificates, to be paid by the applicant. (Ord. 631, §1(part))

Sec. 9B-26. Judges and alternates generally.

(a) The City Council, at least thirty (30) days before a regular municipal election, shall appoint five (5) qualified electors as judges of election for each precinct. Such judges shall serve in the precincts in which they are bona fide residents at any regular or special election next following their appointment and for the election for which they are appointed. Five (5) alternate judges of election shall be appointed from each precinct, all of whom shall have similar qualifications as judges of election. Such appointees shall be subject to the provisions of this Section. The Clerk shall make and file in his or her office a list of each and all persons so appointed, their names, residence addresses, precincts and wards. Such lists shall be public records and shall be subject to the inspection, examination and copying by any elector of the City. Such list shall be published along with the list of nominations of offices as provided in Section 9B-9 and 9B-10.

(b) No one who is the employer, agent, superintendent, manager or boss of a number of employees or any company, corporation or person carrying on or mining or manufacturing or railroad operations in any precinct, shall be appointed as judge of election. (Ord. 665, §1(part))

Sec. 9B-27. Certificate of appointment.

Immediately after appointment of the judges of election, it shall be the duty of the Clerk to prepare a certificate and sufficient copies under his or her official seal certifying the appointment of such judges of election and their alternates in each precinct, with a statement under the seal of the Clerk that they were selected in accordance with the provisions of Section 9B-26, one (1) of which copies shall be delivered or transmitted by the Clerk to each appointee. The original of such certificate shall be on file in the office of the Clerk and shall be a public record and subject to the inspection and examination during office hours by any elector of the City, and to the right to make copies thereof. (Ord. 665, §1(part))

Sec. 9B-28. Acceptance by judges.

With the certificate transmitted or delivered by the Clerk to the judges of election and their alternates in the precincts, there shall be enclosed a form of acceptance with shall be filled out and signed by each judge of election and each alternate, and returned and filed in the office of the Clerk within three (3) days after the day of receipt. If any person appointed to act as judge or alternate shall fail to sign and return such acceptance within three (3) days from the time of its receipt, such failure shall constitute a vacancy. Such vacancy shall be filled by an alternate or in the same way the original appointment was made. (Ord. 665, §1(part))

Sec. 9B-29. Oath.

Previous to any votes being taken, the judges of the election shall severally take an oath or affirmation in the following form: "I, A.B., do solemnly swear (or affirm) that I will perform the duties of judge according to law and the best of my ability; that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same, and that I will not try to ascertain, nor will I disclose how any elector voted, if, in the discharge of my duties as judge knowledge shall come to me as to how any elector shall have voted, unless called upon to disclose the same before some court of justice." (Ord. 665, §1(part))

Sec. 9B-30. Administration of oath, compensation.

(a) In case there shall be no judge, or other person qualified by law to administer an oath, present at the opening of the election to administer the oath mentioned in Section 9B-29, it shall be lawful for the judges of the election, and they are hereby empowered to administer the oaths or affirmations to each other. The person administering such oaths or affirmations shall cause an entry thereof to be made and subscribed by him or her and prefixed to the poll books.

(b) The judges at any regular or special election shall each receive not less than five dollars (\$5.00) nor more than forty dollars (\$40.00) in full compensation for their services as such judge, as shall be determined by the City Council. (Ord. 665, §1(part))

Sec. 9B-31. (Reserved)

Sec. 9B-32. Vacancies.

If for any reason any one (1) appointed judge of election who, after having accepted, refuses, fails or is unable to act, it shall be the duty of such judge to immediately notify the Clerk. Upon such notice the Clerk, in the most speedy and convenient method, shall notify an alternate in such precinct to act in the place of such person. Should the Clerk be unable to find an alternate available to fill the vacancy, he or she shall appoint any qualified elector from the precinct in which the vacancy occurs. (Ord. 665, §1(part))

Sec. 9B-33. Removal of judges.

If any election judge has neglected his or her duty in attending to such election, or has committed, encouraged or connived at any frauds in connection therewith, or has violated any of the election laws or has knowingly permitted others to do so, or has violated his or her oath or committed any act which interferes or tends to interfere with carrying out the purpose of this Chapter to provide a fair and honest election, such judge shall be summarily removed by the Clerk, if after proper investigation, he or she is of the opinion that there has been any such violation or violations. (Ord. 665, §1(part))

Sec. 9B-34. Appointment of watchers.

Each candidate may name a watcher at any precinct. Watchers shall be electors of the precincts in which they act. Each candidate shall by affidavit make known to the proper precinct election judges the name of his or her watcher for that precinct. In case of temporary absence for meals or by reason of sickness or otherwise, the person so selected may substitute for himself or herself some other qualified elector of the precinct, such substitute to be made known to the election judges by an affidavit of the person first so elected as watcher. (Ord. 426)

Sec. 9B-35. Precincts and polling places established.

(a) The City Council shall divide the City into as many election precincts for all regular and special elections as it may deem expedient for the convenience of voters of the City, and shall designate the house or place in each precinct at which elections are to be held, and the precincts and places of holding elections thus established shall so remain until changed by the City Council.

(b) It shall be the duty of the City Council to change any place of holding elections upon a petition of a majority of the voters residing within such precinct. No new precincts shall be established or polling places hanged at a later date than ninety (90) days previous to any election, except as provision in Section 9B-36. (Ord. 426)

Sec. 9B-36. Change of place for election generally.

Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the judges of election, after having assembled at or as near as practicable to such place and before receiving any vote, may adjourn to the nearest convenient place for holding the election, and at such adjourned place forthwith proceed with the election. (Ord. 426)

Sec. 9B-37. Proclamation of change.

Upon adjourning any election as provided in Section 9B-36, the judges shall cause proclamation thereto to be made and shall station a police officer or some other proper person at the place where the adjournment was made from to notify all electors arriving at such place of adjournment and the place to which it was made. (Ord. 426)

Sec. 9B-38. Polling booths and ballot boxes.

The City Council shall provide a sufficient number of voting booths and ballot boxes with such design and specifications as it may determine; provided that such ballot boxes shall be circular in form with a small opening at the top thereof, and enclosed in a square wooden frame with a lid to be fastened by three (3) locks, no two (2) of which can be opened by the same key, and such keys shall be kept by the Clerk and delivered to and returned by the judge of election at the same time the ballot boxes are delivered by and returned to the Clerk. The ballot boxes shall be delivered by the Clerk to the judges of election within one (1) day immediately preceding any regular or special municipal election, to be by them used and returned as provided in Section 9B-66. Nothing in this Section shall prevent the obtaining of ballot boxes from the office of the County Clerk. (Ord. 426)

Sec. 9B-39. Cards of instruction.

The Clerk shall provide cards printed in large type in English and such other languages as he or she may deem necessary, giving instruction for the guidance of voters in preparing their ballots. Twelve (12) such cards so printed in all the languages determined upon shall be furnished to the judges of election in each election precinct, at the same time and in the same manner as the printed ballots. The election judges shall post not less than one (1) of such cards in each place or compartment provided for the preparation of ballots, and not less than three (3) of such cards elsewhere in and about the polling place upon the day of the election. Such cards, printed in large, clear type, shall contain full instructions to the voter as to what should be done:

- (1) To obtain ballots for voting.
- (2) To prepare the ballot for deposit in the ballot box.
- (3) To obtain a new ballot in the place of one (1) spoiled by accident or mistake.

(4) To obtain assistance in marking ballots. (Ord. 426)

Sec. 9B-40. Form of ballots.

(a) Every ballot, intended for the use of voters, shall contain the names of all candidates for offices to be balloted for at that election, whose nominations have been duly made and accepted and who have not died or withdrawn and shall contain no other names of persons. The names of the candidates nominated for each office shall be arranged alphabetically under the designation of the office, according to surname.

(b) Across the head or top of the ballot shall be printed only the following words: "To vote for a person, make a cross mark (X) in the square at the right of his name." In order to vote for any candidate whose name appears upon such ballot, the voter shall place a cross mark (X) in the square at the right of his or her name.

(c) There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office, in which the elector may write the name of any person not printed on the ballot for whom he or she desires to vote as a candidate for such office. When there is more than one (1) to be elected and when voting machines are used, there shall be provided only two (2) spaces for write-in purposes for each different office. Whenever the approval of any question is submitted to the vote of the people, such question shall be printed upon the ballot after the lists of candidates. The ballots shall be so printed as to give each voter a clear opportunity to designate by a cross mark (X) in a sufficient margin at the right of the name of each candidate, his or her choice of candidates and his or her answer to the question submitted, and on the ballot may be printed such words as will aid the voter to do this as "vote for not more than one," "vote for not more than three," and the like.

(d) The extreme top part of each ballot, above the portion which contains the names of the candidates to be voted for, shall be divided by two (2) perforated lines, into two spaces each of which shall be not less than an inch in width, the top portion being known as the *stub* and the next portion as the *duplicate stub*. Upon each of said stubs nothing shall be printed except the number of the ballot, and the same number shall be printed upon both stubs. Stubs and duplicate stubs of ballots shall both be numbered with the same numbers thereon. All ballots shall be uniform and of sufficient lengths and width to allow for the names of candidates and officers to be printed in clear, plain type, as herein required, with a space of at least one-half (½) inch between the different columns on said ballot. On the back of each ballot shall be printed, in capital letters, in two (2) lines, pica, Gothic or type not smaller in size, the endorsement, "Official ballot for" and after the word "for" shall follow the designation of the ward, and if there be more than one (1) precinct within a ward, then also the precinct number, for which the ballot is prepared, the date of the election and a facsimile of the signature of the Clerk who has caused the ballot to be printed.

(e) The ballot shall contain no caption or other endorsement, except as provided in this Section. Each Clerk shall use precisely the same quality and tint of paper and kind of type and quality and tint of plain black ink for all ballots furnished by him or her at one (1) election. The ballots shall be of such form and the endorsements thereon so printed that they may be folded in such a way that when so folded the whole endorsement shall be visible, and the contents of the ballot shall not be exposed. There shall be but one (1) ballot box at each polling place for receiving ballots cast for candidates for office. In placing the name of any candidate on the ballot, the Clerk shall not print in connection with or a part of such name any title or degree designating the profession or business of any such candidate. (Ord. 426)

Sec. 9B-41. Preparation and sample ballots.

It shall be the duty of the Clerk to provide printed ballots for every election of municipal officers and to cause to be printed on the ballot the name of every candidate whose nomination has been filed with the Clerk in the manner provided for in this Article. Sample ballots printed upon paper of a different color from the official ballots, but in the form of those to be used on election day, each containing the names of the candidates which are to be printed upon the appropriate official ballot, shall be printed and in the possession of the Clerk ten (10) days before the day of election, subject to public inspection. The official ballots shall be printed and in the possession of the Clerk at least three (3) days before election, and subject also to inspection by candidates and their agents. Sample ballots shall be delivered to the election officers and posted with the cards of instruction provided in Section 9B-39. (Ord. 426)

Sec. 9B-42. Number of ballots.

For each election precinct in the City, the Clerk shall provide ballots in excess of one hundred five percent (105%) of the number of voters currently registered in each precinct. (Ord. 426)

Sec. 9B-43. Distribution of ballots.

The Clerk, prior to an election, shall cause to be delivered to the election judges in the respective precincts the proper number of ballots provided for the use of the voters at such election in such precinct. The same shall be sent in two (2) sealed packages for each election precinct and polling place for which it is intended, together with the number of ballots enclosed. Each of such packages shall contain one-half (½) of the number of ballots intended for such election precinct. Such packages shall be delivered between Saturday noon and Monday 4:00 p.m. before election day, one (1) to each of two (2) judges of election in each precinct. Receipts for ballots thus delivered shall be given by the election judges who receive them, and filed with the Clerk who shall also keep a record of the time when, and the manner in which each of such packages was sent and delivered. The several election judges receiving such packages at the opening of the polls on election day shall produce the same, with the seal unbroken, in the proper polling place, and in the presence of all three (3) judges, shall open the packages. (Ord. 426)

Sec. 9B-44. Substitute ballots.

If the ballots to be furnished to any election judges shall not be delivered at the time mentioned in Section 9B-43, or if after delivery they shall be stolen, it shall be the duty of the Clerk to cause other ballots to be prepared as nearly in the form prescribed as practicable, with the word "substitute," printed in brackets, immediately under the facsimile signature of the Clerk preparing such ballots. Upon receipt of ballots thus prepared from such Clerk, accompanied by a statement under oath that the same have been so prepared and furnished by him or her, and that the original ballots have so failed to be received, or have been destroyed or stolen, the election judges shall cause the ballots so substituted to be used at the election. If from any cause none of the official ballots nor substitute ballots prepared by the Clerk shall be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as possible in the form of the official ballots, may be used until substitutes prepared by the Clerk can be printed and delivered. (Ord. 426)

Sec. 9B-45. Preservation of ballots.

The ballots, when not required to be taken from the ballot box or sealed package for the purpose of election contests, shall remain in the ballot box or in sealed packages in the custody of the Clerk until six (6) months after the election at which such ballots were cast or until the time has expired for which the ballots would be needed in any contest proceeding, when the ballot box or package shall be opened by the Clerk in the presence of his or her assistants as provided in Section 9B-77, and the ballots destroyed by fire. When the ballots are placed in sealed packages, the Clerk shall mark on each package the date of the election and the precinct number at which such ballots were cast. The Clerk shall preserve the ballots in such a manner and provide for their being so kept that no one can ascertain how any electors may have voted. (Ord. 426)

Sec. 9B-46. Hours of voting.

At all elections held under this Chapter, the polls shall be opened at 7:00 a.m. and continue open until 7:00 p.m. of the same day. If a full board of judges of election shall not attend at the hour of 7:00 a.m., an alternate election judge or judges shall be called as provided by law. The election may commence at any hour before the time of closing the polls shall arrive, as the case may require. Every person, otherwise qualified to vote, who is standing in line waiting to vote at 7:00 p.m. shall be permitted to vote. (Ord. 426)

Sec. 9B-47. Employees entitled to vote.

Any person entitled to vote at any municipal election held within this State, on the day of such election shall be entitled to absent himself or herself away from any service or employment in which he or she is then engaged or employed for a period of two (2) hours between the time of opening and the time of closing the polls. Any such absence shall not be sufficient reason for the discharge of any such person from such service or employment. Such voter, because of so absenting himself or herself, shall not be liable to any penalty, nor shall any deduction be made on account of such absence from his or her usual salary or wages, except when such employee is employed and paid by the hour. The employer may specify the hours during which such employee may absent himself or herself. (Ord. 426)

Sec. 9B-48. Ballot boxes opened and locked before witnesses.

It shall be the duty of the judges of the election, immediately before proclamation is made of the opening of the polls, to open the ballot box in the presence of the people there assembled and turn it upside down so as to empty it of everything that may be in it, and then lock it securely. It shall not be reopened until for the purpose of counting the ballots therein. (Ord. 426)

Sec. 9B-49. Voter's name on registration book or list.

No vote shall be received at any election unless the name of the person offering to vote shall be found on the certified registry list or official registration book. (Ord. 426)

Sec. 9B-50. Rules for admitting votes.

The judges of election, in determining the residence of a person offering to vote, shall be governed by the following rules, so far as they may be applicable.

(1) That place shall be considered and held to be the residence of a person in which his or her habitation is fixed and to which whenever he or she is absent, he or she has the intention of returning.

(2) A person shall not be considered or held to have lost his or her residence who shall leave his or her home and go into another state, city, town or county of this State, for temporary purposes merely, with an intention of returning.

(3) A person shall not be considered or held to have gained a residence in this State, or in any municipality in this State, when retaining his or her home or domicile elsewhere.

(4) If a person removed to any other state or to any of the territories with the intention of making it his or her permanent residence, he or she shall be considered and held to have lost his or her residence in this State.

(5) If a person remove from one municipality in this State to any other municipality in this State, with the intention of making it his or her permanent residence, he or she shall be considered and held to have lost his or her residence in the municipality from which he or she is removed. (Ord. 426)

Sec. 9B-51. Keep poll list.

Each judge of the election shall keep a poll list which shall contain one (1) column headed "Names of voters" and one (1) column headed "Number on ballot." The name and number on the ballot of each elector voting shall be entered by each judge of the election in regular succession under the headings in his or her poll list. (Ord. 665, §1(part))

Sec. 9B-52. Preparation of ballot.

(a) Any person desiring to vote shall give his or her name, and if requested to do so, his or her residence, to one (1) of the judges of election, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible. If the name is found upon the registry list by the election judge having charge thereof, he or she shall likewise repeat the name. An election judge shall give him or her one (1) and only one (1) ballot, which shall be removed from the package of ballots by tearing the same along the perforated line between the stub and the duplicate stub, and before delivering such ballot to the voter, the judge of election having charge of the ballots shall endorse his or her initial on the duplicate stub, and the judge shall enter the date and the number of such ballot on the registry list or book opposite the name of the voter.

(b) Each of the candidates shall be entitled to have one (1) person as watcher during the casting and counting of votes and declaration of the result thereof. The polling place shall be so arranged that every part thereof, except inside the booths or compartments may be in full view of such watchers. When any person shall make application for ballot, his or her right to vote at that poll and election may be challenged, and such proceeding shall thereupon be had before the judges of election as are prescribed in case of challenge. If the person so applying is not entitled to vote, no ballot shall be delivered to him or her. Any person may also be challenged when he or she shall offer his or her ballot for deposit in the ballot box. It shall be the duty of the judges of such precinct to protect such watchers or their substitutes in all the rights guaranteed them by the statutes of this State. (Ord. 665, §1(part))

Sec. 9B-53. Challenged voter, questions asked.

If a person offering to vote be challenged as unqualified by one (1) of the judges of election or by an elector, one (1) of the judges shall tender him or her the following oath or affirmation: "You do solemnly swear or affirm that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications of an elector at this election."

(1) If the person be challenged as unqualified, on the ground that he or she is not a citizen and will not exhibit his or her papers pertaining to his or her naturalization, the judges, or one (1) of them, shall put the following questions:

- a. Are you a citizen of the United States?
- b. Are you a native or naturalized citizen?
- c. Have you become a citizen of the United States by reason of the naturalization of your parents, or one (1) of them?
- d. Where were your parents, or one (1) of them naturalized?

(2) If the person offering to vote claims to be a naturalized citizen of the United States, he or she shall state, under oath, where and in what courts he or she was naturalized.

(3) If the person be challenged as unqualified, on the ground that he or she has not resided in this State for thirty-two (32) days immediately preceding the election, the judges, or one (1) of them, shall put the following questions:

- a. Have you resided in this State for thirty-two (32) days immediately preceding this election and during that time have you retained a home or domicile elsewhere?
- b. Have you been absent from this State within the thirty-two (32) days immediately preceding this election?
- c. If so, when you left, was it for a temporary purpose, with the desire of returning, or did you intend to remain away?
- d. Did you, while absent, look upon and regard this State as your home?
- e. Did you, while absent, vote in any state or territory?

(4) If the person be challenged on the ground that he or she has not resided in the City thirty-two (32) days, one (1) of the judges shall question him or her as to his or her residence in the City in a manner similar to the method of questioning a person as to his or her residence in this State.

(5) If the person be challenged as unqualified, on the ground that he or she is not eighteen (18) years of age, the judges, or one (1) of them shall ask the following question: "Are you eighteen (18) years of age, to the best of your knowledge and belief?" The judges of the election, or one (1) of them, shall put all such other questions to the person challenged, under the respective heads as may be

necessary to test his or her qualifications as an elector at the election. (Ord. 426; Ord. 476, §3; Ord. 556, §7)

Sec. 9B-54. Oath of challenged voter.

If the challenge is not withdrawn after the person offering to vote shall have answered the question put to him or her, one (1) of the judges shall tender him or her the following oath: "You do solemnly swear or affirm that you are a citizen of the United States, of the age of eighteen (18) years, that you have been for the last thirty-two (32) days, and now are a resident of the State of Colorado and of this municipality; that you have been for the last thirty-two (32) days and are now a resident of this precinct or have removed therefrom not more than thirty-two (32) days as provided in Section 9B-5, and that you have not voted at this election." (Ord. 426; Ord 476, §4; Ord 556, §8)

Sec. 9B-55. Refusal to answer, rejection of vote.

If the challenged person shall refuses to answer fully any question which shall be put to him or her as provided in Section 9B-53, the judges shall reject his or her vote. (Ord. 426)

Sec. 9B-56. Refusal to take oath, rejection of vote.

If any person shall refuse to take the oath or affirmation tendered, his or her vote shall be rejected. After such oath shall have been taken, the judges may nevertheless refuse to permit such person to vote if they shall be satisfied that he or she is not a legal voter. (Ord. 426)

Sec. 9B-57. Poll book entry for challenged voter.

Whenever the vote of any person shall be received, after having taken the oath or affirmation prescribed in Section 9B-54, it shall be the duty of the judges of the election to write "sworn" on the poll books at the end of the person's name. (Ord. 665, §1(part))

Sec. 9B-58. Duty of judge to challenge a voter.

It shall be the duty of any judge of election to challenge any person offering to vote whom he or she shall believe not to be qualified as an elector. (Ord. 426)

Sec. 9B-59. Manner of voting.

(a) On receiving his or her ballot, the voter shall forthwith, and without leaving the voting area, retire alone to one (1) of the voting shelves or compartments provided, and shall prepare his or her ballot by marking or stamping in ink, in the appropriate margin or place, a cross (X) opposite the name of the candidate of his or her choice for each office to be filled; and in case of a question submitted to vote of the people, by marking or stamping in the appropriate margin or place a cross (X) against the answer which he or she desires to give. Before leaving the voting shelf or compartment, the voter shall fold his or her ballot without displaying the marks thereon, in the same way it was folded when received by him or her, so that the contents of the ballot shall be concealed and the stub can be removed without exposing any of the contents of the ballot, and he or she shall keep the same so folded until he or she has voted. Each voter who has prepared his or her ballot and is ready to vote as aforesaid shall then leave the compartment and approach the judges of election having the ballot box in charge, and give his or her

name to one (1) of the judges of election, who shall announce it in a loud and distinct tone of voice, clear and audible. The voter's ballot shall be handed to the judge in charge of the ballot box, who shall announce the name of the voter, and the number upon the duplicate stub of his or her ballot, which number must correspond with the stub number previously placed on the registry list. If the stub number of the ballot corresponds and is identified by the initials of the judge of the election placed thereon, the judge of the election shall then remove the duplicate stub from such ballot.

(b) The judge of the election shall immediately thereafter write the name of such voter upon the poll list and such ballot shall then be returned by such judge to the voter, who shall thereupon, in full view of the judges of election, deposit the same in the ballot box, with the official endorsement on such ballot uppermost. Each voter shall mark and deposit his or her ballot without undue delay, and shall quit the voting area as soon as he or she has voted. No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to occupy a voting shelf or compartment for more than five (5) minutes in case all such shelves or compartment are in use and other voters are waiting to occupy the same. No voter who is not a judge of election, whose name has been entered on the poll list shall be allowed to reenter the voting area during such election. It shall be the duty of each and all of the judges of election to secure the observance of the provisions of this and other sections relative to the duties of judges of election. (Ord. 665, §1(part))

Sec. 9B-60. Assistance to disabled voter.

(a) If at any regular or special municipal election, any voter shall declare under oath to the judges of election of the precinct where he or she is entitled to vote that by reason of blindness or other physical disability, he or she is unable to prepare his or her ballot or operate the voting machine without assistance, then he or she shall be entitled, upon his or her request, to receive the assistance of any one (1) of the election judges or at his or her option of any elector of the precinct to be selected by the disabled voter. No person other than a judge of election in the precinct shall be permitted to enter the polling booth as an assistant to more than one (1) voter.

(b) A notation shall be made in the poll books opposite the name of each voter thus assisted, stating that the voter has been assisted. (Ord. 665, §1(part))

Sec. 9B-61. Spoiled ballots.

No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot, he or she may successfully obtain others, one (1) at a time, not exceeding three (3) in all, upon returning each spoiled one. The ballots thus returned shall be immediately canceled, and together with those not distributed to the voters, shall be preserved, and with the poll list used by the election judges, which shall be certified by them to be such, shall be secured in an envelope, sealed and sent to the Clerk. The election officers at the same time shall also file with the Clerk a statement in writing showing the number of ballots voted, making a separate statement of the number of unofficial ballots voted, as provided in Section 9B-44, the number of ballots not delivered to the voters, and the number of ballots returned identifying and specifying the same. All unused ballots, spoiled ballots and stubs of ballots voted shall be returned with such statement. (Ord. 665, §1(part))

Sec. 9B-62. Procedure for counting votes.

As soon as the polls at any election shall have finally closed, the judges shall immediately open the ballot box and proceed to count the votes polled, and the counting thereof shall be commenced and continued until finished before the judges shall adjourn. They shall first count the number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, the judges of election shall then examine the official endorsements upon the outside of the ballots without opening the same, and if, in the unanimous opinion of the judges, any of the ballots in excess of the number on the poll lists be deemed not to bear the proper official endorsement, they shall be put into a separate pile by themselves, and a separate record and return of the votes in such ballots shall be made under the head of "excess ballots." When the ballots and the poll lists agree, the board shall proceed to count the votes. Each ballot shall be read and counted separately, and every name separately marked as voted for on such ballot, where there is not conflict to obscure the intention of the voter, shall be read and marked upon the tally list, before any other ballot is proceeded with. The entire number of ballots, excepting "excess ballots," shall be read and counted and placed upon the tally lists in like manner. When all of the ballots, excepting "excess ballots," have been counted, the Board shall estimate and publish the votes. (Ord. 665, §1(part))

Sec. 9B-63. Tally lists.

The judges of election shall open and read the ballots, and upon tally lists prepared for that purpose, shall carefully mark down the votes each of the candidates shall have received, on separate lines, with the name of such candidate at the end of the line, and the office designated by the voter that such candidate shall fill. (Ord. 665, §1(part))

Sec. 9B-64. Defective ballots.

If a voter marks in ink more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the choice of any voter for any office to be filled, his or her ballot shall not be counted for such office. A defective or an incomplete cross marked on any ballot in ink in a proper place shall be counted if there be no mark or cross in ink on such ballot indicating an intention to vote for some person other than those indicated by the first mentioned defective cross or mark. No ballot without the official endorsement, except as provided in Section 9B-44, shall be allowed to be deposited in the ballot box and none but ballots provided in accordance with the provisions of this Article shall be counted. Ballots not counted shall be marked "defective" on the back thereof, and shall be preserved for such time as is provided in Section 9B-45 for ballots and destroyed as therein directed. (Ord. 426)

Sec. 9B-65. Imperfect ballots.

Whenever the judges of election in any precinct discover in the canvassing of votes that the name of any candidate voted for be misspelled or the initial letters of his or her Christian name be transposed or omitted in part or altogether on the ballot, the vote for such candidate shall be counted for him or her if the intention of the elector to vote for him or her be apparent. If an imperfect cross or mark be found near the name of a candidate in ink, which mark appears to have been made with intent to designate the candidate so marked as the one voted for, such ballot shall not be rejected, if the intent of the voter to designate the person for whom he or she intended to vote can be reasonably gathered therefrom. (Ord. 426)

Sec. 9B-66. Certificate of number of votes.

(a) As soon as all the votes shall have been read off and counted, the judges of election shall make out a certificate under their hands, and attested stating the number of votes each candidate received, designating the office for which such person received with votes, and the number he or she did receive, the number being expressed in word at full length and in numerical figures, such entry to be made as nearly as circumstance will admit, in the following manner:

"At an election held at _____ in precinct _____, in the municipality of Fort Morgan and State of Colorado, on the _____ day of _____, in the year of our Lord one thousand nine hundred and _____, the following named persons received the number of votes annexed to their respective names for the following described offices: whole number of votes cast were _____, A.B. had seventy-two (72) votes for mayor; C.D. had seventy-one (71) votes for mayor; N.O. had seventy-two (72) votes for councilman; P.Q. had seventy-one (71) votes for councilman; and in the same manner for any other persons voted for.

Certified by us:
A.B.)
C.D.) Judges of Election
E.F.)

ATTEST:

G.H.
I.J."

(b) The certificate, together with one (1) of the lists of voters and one (1) of the tally papers, shall then be enclosed and sealed up, under cover, and directed to the Clerk in which such election is held. The packet thus sealed shall be conveyed by one (1) of the judges of the election, to be determined by lot if they cannot agree otherwise, within one (1) day of the closing of the polls. Informality in the delivering of the poll books as directed in this Section shall not invalidate the vote of any precinct when such poll books shall have been delivered previous to the canvassing of the votes of such election by the proper officials. When all the votes shall have been read and counted, the ballots, together with one (1) of the tally lists thereof, shall be carefully sealed and each of the judges shall place his or her private mark on such seal. The wooden cover shall then be locked and each of the judges shall preserve one of the keys thereof as provided in Section 9B-38. This box shall then be delivered by one (1) of the judges of the election at once and with all convenient speed to the office of the Clerk and safely deliver it to such office, taking his or her delivery receipt therefor. (Ord. 665, §1(part))

Sec. 9B-67. Judges to post returns.

In addition to all certificates otherwise required to be made of the count of votes polled at any election, the judges of election are hereby required to make out an abstract of the count of votes, which abstract shall contain the names of the offices, names of the candidates, ballot titles and submission clauses of all initiated, referred or other measures voted upon, and the number of votes counted for or against each candidate or measure. Such abstract shall be posted in a conspicuous place upon the outside of the polling place immediately upon completion of the count. Suitable blanks for the abstract required above

shall be prepared, printed and furnished to all judges of election at the same time and in the same manner as other election supplies are furnished. (Ord. 426)

Sec. 9B-68. Police officers at election areas.

For the preservation of order, as well as the securing of the judges of the election from insult and abuse, it shall be the duty of any designated police officer within the City to attend to all elections within the City. When deemed necessary, the judges of election are hereby authorized and empowered to appoint special constables to assist in preserving order during the elections and until the votes are canvassed. (Ord. 665, §1(part))

Sec. 9B-69. Compensation of constable.

Special constables appointed or requested by the judges of election to preserve peace at the polls shall each receive for his or her services a fee to be determined by the City Council payable out of the municipal treasury. (Ord. 426)

Sec. 9B-70. Absent voters generally.

When any qualified, registered elector of the City, on the day of any regular or special election held pursuant to law, shall be absent from the City, or who, by reason of his or her work or the nature of his or her employment, is likely to be absent and fears that he or she will be absent from the City on such day, or who because of serious illness or physical disability or for reasons based upon the doctrines of established religions shall be unable to attend the polls, he or she may cast his or her ballot at such regular or special election under the regulations and in the manner provided herein. (Ord. 426)

Sec. 9B-71. Application, return envelope.

(a) Such absent voter, not earlier than ninety (90) days before and not later than the close of business on the Friday immediately preceding such regular or special election, shall file, or cause to be filed with the Clerk, an application for absent voter's ballot, which application may be in the form of a letter, stating his or her residence address and that he or she will be absent from the City on the day of such regular or special election, or that his or her work or employment, stating nature thereof, is such that he or she is likely to be absent and fears that he or she will be absent from the City on such day, or that on account of serious illness, or on account of physical disability or for reasons based upon the doctrines of established religions and further stating that such absent voter is a member of a religion having such a doctrine, he or she shall be unable to attend the polls. Upon receipt of such an application for an absent voter's ballot, within the proper time, the Clerk receiving it shall examine the records of his or her office to ascertain whether or not such applicant is lawfully entitled to vote as requested, and if found to be so, he or she shall deliver to the applicant personally in the Clerk's office or by mail to the mailing address given in the application on official absent voter's ballot, and identification return envelope with the affidavit thereon properly filled in as to precinct and residence address as shown by the records in his or her office, and an instruction card. Before any such absent voter's ballot is delivered or mailed as provided in this Section, the Clerk shall write or stamp the number appearing on the stub of such ballot on the registration sheet of the voter making application for such ballot, together with the date the ballot is delivered or mailed. It shall be unlawful for any Clerk to deliver or mail to such voter as part of or in connection with the absent voter's ballot anything other than the voting material as provided in this Section.

(b) Such envelope shall have printed on its face an affidavit substantially in the following form:

From _____

State of _____)

Municipality of _____) ss.

County of _____)

I, _____, being first duly sworn according to law, depose and say that I am a qualified and registered elector in election precinct No. _____, of the municipality of Fort Morgan and State of Colorado; that my residence and post office address is _____, and that I herein enclose my ballot in accordance with the provisions of Section 9B-72 of the Fort Morgan Municipal Code.

Signature of Voter

Subscribed and sworn to before me this _____ day of _____, 19__

Official's Signature

Clerk
City of Fort Morgan

(SEAL)

(Title of Officer)

(Ord. 426; Ord. 556, §9; Ord. 802, 1994)

Sec. 9B-72. Manner of absentee voting.

(a) Any voter applying for and receiving an absent voter's ballot, in casting such ballot, shall make and subscribe to the affidavit on the return identification envelope before an officer authorized by law to administer oaths, who shall administer such oath without charge therefor, and he or she shall thereupon, in the presence of such officer and no other person, mark the ballot, but in such a manner that such officer cannot know how the ballot is marked. The ballot shall then be folded in the presence of such officer by the voter so as to conceal the marking, and then in the presence of such officer be deposited in the envelope and the envelope securely sealed. The envelope may be delivered personally or mailed by the voter to the Clerk issuing the ballot. It shall be permissible for a voter to deliver the same to any person of his or her own choice or to any duly authorized agent of the Clerk for mailing or personal delivery to the Clerk. All such envelopes containing absent voter's ballots delivered in person or by any persons of the voter's choice or agent of the Clerk, or by mail, must be in the hands of the Clerk not later than the hour of 5:00 p.m. on the day of election.

(b) Upon receipt of an absent voter's ballot, the Clerk shall write or stamp upon the envelope containing the same, the date and hour such envelope was received in his or her office, and if delivered in person, the name and address of the person delivering the same, and shall safely keep and preserve the same unopened until the morning of the election, when all of the envelopes so received shall be delivered and disposed of in the manner provided in Section 9B-73. (Ord. 426)

Sec. 9B-73. Delivery of absentee ballots to judges.

No later than 8:30 a.m. on the day of any municipal election, the Clerk shall deliver to the judges of one (1) of the precincts of the City (which precinct shall be selected by the Clerk) all of the absent voter's envelopes received up to that time in sealed packages, taking a receipt therefor, and shall continue to so deliver such envelopes as may be received thereafter during such day to and including 5:00 p.m. On such packages shall be printed or written, "This Package contains _____ (number) absent voter's ballots." With such envelope the Clerk shall deliver to the election judge written instructions which shall be followed by the judges of election in casting and counting such ballots, and all such books, records and supplies as shall be needed for tabulating, recording and certifying such absent voter's ballots. (Ord. 426)

Sec. 9B-74. Procedure for casting absentee ballots.

If the affidavit on the envelope containing such voter's ballot is properly sworn to, one (1) of the judges shall pen such voter's identification envelope in the presence of a majority of the judges and, after announcing in an audible voice the name of such absent voter, he or she shall tear open such envelope without defacing the affidavit or certificate printed thereon or mutilating the enclosed ballot. Such ballot shall then be disposed of in the same manner as if such absent voter was present in person, except that one (1) of the judges shall deposit the ballot in the ballot box without unfolding it. The name of such voter shall be written in the poll book. (Ord. 426)

Sec. 9B-75. Challenges and rejection of absentee vote.

(a) The vote of any absent voter may be challenged in the same manner as other votes are challenged and the judges of election shall have power and authority to determine the legality of such ballot. If the challenge be sustained, or if the judges determine that the affidavit accompanying the absent voter's ballot is insufficient or that the voter is not a qualified voter, the envelope containing the ballot of such vote shall not be opened and the judges shall endorse on the back of the envelope the reason therefor. Whenever it shall be made to appear to the judges of election by sufficient proof that any elector who has marked and forwarded his or her ballot had died, then the envelope containing the ballot of such deceased voter shall not be opened and the judges shall make proper notation on the back of such envelope. If an absent voter's envelope contains more than one (1) marked ballot of any one (1) kind, none of such ballots shall be counted and the judges shall make notation on the back of the ballots the reason therefor. Judges of election shall certify in their returns the number of absent voter's ballots cast and counted and the number of such ballots rejected.

(b) All absent voter's identification envelopes, ballot stubs and absent voter's ballots rejected by the judges of election in accordance with the provisions of this Section shall be returned to the Clerk. All absent voter's ballots received by the Clerk after 5:00 p.m. the day of the election, as provided in this Section, shall remain in the sealed envelope and be destroyed later, as provided in Section 9B-45.

(c) The Clerk shall keep a record in his or her office containing a list of names and precinct numbers of voters making application for absent voter's ballot, together with the date on which such application was made and the date on which such absent voter's ballot was returned, together with the number appearing on the stub of such absent voter's ballot. If an absent voter's ballot is not returned, or if it be rejected and not counted, such fact shall be noted on the record. Such record shall be open to public inspection under proper regulations. (Ord. 426)

Sec. 9B-76. Administration of oaths for absent voter.

Oaths required by Sections 9B-71 and 9B-72 may be subscribed and sworn to before any United States postmaster or before an official authorized by law to administer oaths, including the Clerk. Any such official may do and perform such other acts as are necessary under Sections 9B-70 to 9B-75. If such absent voter be in the military or naval service of the United States or of this State then such oaths may be administered and such acts done by any commissioned officer of such military or naval forces. (Ord. 426)

Sec. 9B-77. Canvassing returns generally.

The returns of all municipal elections shall be made to the Clerk. He or she shall call to his or her assistance the Mayor. If there be no Mayor, or the Mayor shall have been a candidate at such election, then the Clerk shall appoint the Police Magistrate. On the third day after election, the Clerk, in the presence of his or her assistant, shall pen the returns and shall make out abstracts of votes on a separate sheet for each office. (Ord. 426)

Sec. 9B-78. Powers and duties of Deputy Clerk.

Whenever the Clerk shall die, be absent or for any cause be prevented from opening the returns of votes at any election, it shall be lawful for his or her deputy to discharge the duties required of such Clerk by law. The Deputy Clerk shall be appointed by the majority of the members of the City Council when there is then no Deputy Clerk. (Ord. 426)

Sec. 9B-79. Imperfect returns.

Whenever the Clerk and his or her assistant shall find the returns from any precinct do not strictly conform to the requirements of law in the making, certifying and returning the same, the votes polled in such precinct, nevertheless, shall be canvassed and counted, if such returns shall be sufficiently explicit to enable such person authorized to canvass votes and returns to determine therefrom how many votes were polled for the several persons who were candidates and voted for at the election of which the votes are being canvassed. (Ord. 426)

Sec. 9B-80. Corrections on statements.

If upon proceeding to canvass the votes it shall clearly appear to the Clerk and his or her assistant that in any statement produced to them certain matters are omitted in such statement which should have been inserted or that any mistakes which are clerical merely exist, they shall cause the statement to be sent by one (1) of their number to the precinct judges, from whom they were received, to have the same corrected, and the judges of election, when so demanded, shall make such correction as the facts of the case require, but shall not change or alter any decision before made by them, but shall only cause their canvass to be correctly stated. The Clerk and his or her assistant may adjourn from day to day for the purpose of obtaining and receiving such statement. (Ord. 426)

Sec. 9B-81. Tie votes, determination by lot, notice to candidates.

If any two (2) or more candidates for the same office or the same offices receive an equal number of votes, and if there be not enough offices remaining for all such candidates, then the Clerk and his or her

assistant shall determine by lot the person or persons who shall be elected. Reasonable notice shall be given to such candidates of the time when such election will be so determined. (Ord. 426)

Sec. 9B-82. Duty to make out statement of voting results.

It shall be the duty of the Clerk immediately to make out statements from the abstract of votes which shall show the names of the candidates and the whole number of votes given to each, distinguishing the several precincts in which they were given. The Clerk and his or her assistant shall certify such statement to be correct and subscribe their names thereto. They shall thereupon determine what persons have been by the greatest number of votes duly elected, and shall endorse and subscribe on such statements a certificate of their determinations. (Ord. 426)

Sec. 9B-83. Transmitting certified statement to person elected and publication.

The Clerk shall record in his or her office in a book to be kept by him or her for that purpose each certified statement and determination, as above made, and shall without delay make out and transmit to each of the persons thereby declared to be elected, a certificate of his or her election, certified by him or her under his or her seal of office. The Clerk shall also forthwith cause a copy of such certified statement and determination to be published within the City. The Clerk shall also file a copy in the office of the Secretary of State. (Ord. 426)

Sec. 9B-84. Compensation of Police Magistrate.

The Police Magistrate, when appointed to assist the Clerk in opening the returns of any municipal election and making abstracts of the votes cast thereat, as required in this Chapter, shall be allowed and receive for such services the sum of ten dollars (\$10.00) for each day in which he or she is actually engaged therein, to be paid by the City. (Ord. 426)

Sec. 9B-85. Grounds for contesting election results.

The election of any person declared duly elected to any municipal office may be contested by any elector of City:

- (1) When the contestee is not eligible to the office to which he or she has been declared elected.
- (2) When illegal votes have been received or legal votes rejected, at the polls, sufficient to change the result.
- (3) For any error or mistake in any of the boards of judges, or Clerk and his or her assistant, in counting or declaring the result of the election, if the error or mistake would affect the result.
- (4) For misconduct, fraud or corruption on the part of the judges of the election in any precinct, or any Clerk or his or her assistant.
- (5) For any other cause which shows that another was the legally elected person. (Ord. 426)

Sec. 9B-86. Sufficient cause for contest to affect results.

The matter contained in the second, third, fourth and fifth causes of contest, as specified in Section 9B-85, shall not be held sufficient to set aside the election unless such causes be found sufficient to change the results. (Ord. 426)

Sec. 9B-87. Laws governing contest.

Contests of elections held in the City shall be instituted, conducted, tried and determined according to the provisions of the statutes of the State now or hereafter in force, governing the contest of elections in state municipalities. (Ord. 426)

Sec. 9B-88. Special elections.

Special elections shall be conducted and the results thereof canvassed and certified in all respects as near as practicable in like manner as regular elections, except as otherwise provided. Special elections shall not be held, unless required by public good, and in no case within ninety (90) days next preceding a regular election. The special election shall be held on any Tuesday designated by the City Council. (Ord. 426)

Sec. 9B-89. Penalty for certain offenses.

Any person who shall in any way violate any of the provisions of Section 9B-90 to 9B-106, upon conviction thereof, shall be punished for each offense or violation in the judge's discretion by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days. (Ord. 426)

Sec. 9B-90. Wrongful registration or false attestations.

The Clerk or any elector shall be punished as provided in Section 9B-89 for false attestations, false swearing, wrongful registering, false certifying, false signing or wrongfully issuing any paper or statement required by this Chapter. (Ord. 426)

Sec. 9B-91. Procuring false registry.

Every person who shall procure his or her own name, or the name of any other person, to be registered on the list of registered voters called the *registry list*, when such person shall not be at the time of such registry entitled to be registered; or if any person shall procure or attempt to procure to be registered any fictitious name as the name of any person entitled to be registered, every person so procuring or attempting to procure such registry of the name of any person not by law entitled to be registered or any fictitious name, shall be punished as provided in Section 9B-89. (Ord. 426)

Sec. 9B-92. Statement of candidate's expenses.

Every candidate, except write-in candidates who are not elected, who is voted for at any municipal election, within thirty (30) days after such election, shall file an itemized statement, showing in detail, all the moneys contributed or expended by him or her, directly or indirectly, by himself or herself or through any other person, in aid of his or her election. Such statement shall give the names of the various persons who received such money, the specific nature of each item and the purpose for which it was expended or

contributed. There shall be attached to such statement an affidavit, subscribed and sworn to by such candidate, setting forth, in substance, that the statement thus made is in all respects true and that the same is a full and detailed statement of all moneys so contributed or expended by him or her directly or indirectly, by himself or herself, or through any other person, in aid of his or her election. Candidates for municipal offices shall file their statements in the office of the Clerk respectively. Any candidate for office who refuses or neglects to file the statement above prescribed shall be punished as provided in Section 9B-89. (Ord. 426)

Sec. 9B-93. Voting twice prohibited.

If any elector shall vote more than once, or, having voted once, shall offer to vote again or shall offer to deposit in the ballot box more than one (1) ballot, he or she shall be punished as provided in Section 9B-89. (Ord. 426)

Sec. 9B-94. Voting in wrong ward.

Any person who, at any general or special municipal election, shall knowingly vote or offer to vote in any election precinct in which he or she does not reside, for each such offense, shall be punished as provided in Section 9B-89. (Ord. 426)

Sec. 9B-95. Electioneering near polls prohibited.

If any person shall do any electioneering on election day within any polling place or in any public street or road, or in any public manner, within one hundred (100) feet of any polling place, any such person for each offense shall be punished as provided in Section 9B-89. (Ord. 426)

Sec. 9B-96. Violation of duty of municipal officers or judges.

Every municipal official, election judge and clerk upon whom any duty is imposed by this Chapter who violates, neglects or omits to perform his or her duty in regard to election matter; or any notary public or other officer authorized by law to administer oaths who shall administer an oath, knowing it to be false or who knowingly makes a false certificate in regard to election matters, shall be punished for each offense as provided in Section 9B-89. (Ord. 426)

Sec. 9B-97. Illegal destruction of or failure to account for ballots.

Any person or officer who has undertaken to deliver official ballots to any municipal election officer who neglects or refuses to do so, or who, having charge of official ballots, shall destroy, conceal or suppress them except as expressly permitted by this Chapter, or any election officer who shall fail to account fully and particularly for all official ballots placed in his or her charge, shall be punished for each offense as provided in Section 9B-89. (Ord. 426)

Sec. 9B-98. Failure to deliver poll book.

If any election judge, clerk or any other person after having been deputed to carry the poll book of such election to the Clerk shall fail or neglect to deliver such poll book within the time prescribed by law, safe, with seal unbroken; or if any person shall mutilate or erase any name, figure or word in a poll book taken at any election; or shall take away such poll book from the place where it has been deposited with

intention to destroy the same or to prevent the election of any person; or destroy any poll book so taken and kept at any municipal election, such person or official shall for each offense be punished as provided in Section 9B-89. (Ord. 426)

Sec. 9B-99. Refusing qualified electors to vote or allowing unqualified person to vote.

If in any case any election judge shall willfully and maliciously refuse or neglect to receive the ballot of any qualified elector who has taken or offered to take the prescribed oath; or who shall knowingly and willfully permit any person to vote who is not entitled to vote at any election, for each such offense, any such judge shall be punished as provided in Section 9B-89. (Ord. 426)

Sec. 9B-100. Liquor near polls unlawful.

It shall be unlawful for any municipal officer or board of municipal officers to designate polling places to be within fifty (50) feet of any place where intoxicating malt, vinous or spirituous liquors are usually sold. It shall be unlawful for any election judge to introduce into any polling place, or to use or to offer to another for use therein any intoxicating malt, spirituous or vinous liquors at any time while any election is in progress or while the results thereof are being ascertained by counting of the ballots. For each violation by any board member, person or officer, the punishment shall be as provided in Section 9B-89. (Ord. 665, §1(part))

Sec. 9B-101. Returning or removing ballot.

No person shall remove any official ballot from the polling place before the closing of the polls. No person shall show his or her ballot after it is prepared for voting to any person in such a way as to reveal its contents except as is provided in Section 9B-60 or 9B-61. No person except a judge or a clerk of election shall receive from any voter a ballot prepared for voting. No voter shall place any mark upon his or her ballot by means of which it can be identified as the one (1) voted by him or her, and no other mark shall be placed upon any ballot prepared for voting. Every voter who does not vote or deliver the ballots received by him or her in the manner provided from the election officers, before leaving the polling place or going outside the guard rail, shall return each such ballot to the officer from whom he or she received the same. Nothing contained in this Section shall prevent any person from receiving, delivering and voting an unofficial ballot in the contingency provided for in Section 9B-44. For each offense, the punishment shall be as provided in Section 9B-89. (Ord. 426)

Sec. 9B-102. Corrupt means of influencing vote.

If any person, by bribery, menace or other corrupt means of device whatsoever, either directly or indirectly, shall attempt to influence any voter in giving his or her vote or ballot, or deter him or her from giving the same, or disturb or hinder him or her in the free exercise of the right of suffrage any municipal election, or shall fraudulently or deceitfully change or alter a ballot or cause any other deceit to be practiced with intent, every person so offending shall be punished for each offense as provided in Section 9B-89. (Ord. 426)

Sec. 9B-103. Interference with voter.

Any person who shall interfere or attempt to interfere with any voter when inside such enclosed space or when marking a ballot, or who shall endeavor to induce any voter to vote or show how he or she so marked his or her ballot, shall be punished for each offense as provided in Section 9B-89. (Ord. 426)

Sec. 9B-104. Personating voter.

Any person who shall falsely personate any voter and vote under the name of such voter shall be punished for each offense as provided in Section 9B-89. (Ord. 426)

Sec. 9B-105. Unlawful transfer of property.

It shall be unlawful to take or place title to property in the name of another, to pay the taxes, take or issue a tax receipt in the name of another for the purpose of attempting to qualify such person as a "taxpayer" or as a "taxpaying elector" or as a "qualified taxpaying elector," or aid or assist in violating these terms. The ballot of any such person violating any of the above provisions shall be void. Each person violating any of the above provisions shall be punished for each violation as provided in Section 9B-89. (Ord. 426)

Sec. 9B-106. Fraudulent absentee vote.

Any person attempting to aid or abet fraud in connection with any absent vote cast or to be cast, under the provisions of this Chapter; or any person attempting to vote an absent voter's ballot by fraudulently signing the name of a regularly qualified voter; or any public official, who knowingly violates any of the provisions of this Chapter relative to the casting of absent votes and thereby aids in any way in the illegal casting or attempting to cast an absent vote, or who connives to nullify any of the provisions of this Chapter in order that fraud may be perpetrated, shall be punished for each such offense or violation as provided in Section 9B-89. (Ord. 426)

Sec. 9B-107. Use of voting machines.

Voting machines may be used in any municipal election if the City Council, by resolution, authorizes their use. (Ord. 631, §2)

Sec. 9B-108. Judges to inspect machines.

The judges of election of each precinct using voting machines shall meet at the polling place therein at least three-quarters ($\frac{3}{4}$) of an hour before the time set for the opening of the polls at each election. Before the polls are open for an election, each judge shall carefully examine each machine used in the precinct and see that no vote has been cast and that every counter, except the protective counter, registers zero. (Ord. 631, §3(part))

Sec. 9B-109. Sample ballots, ballot labels and cards of instruction.

(a) Sample ballots shall be printed and in the possession of the City Clerk ten (10) days before the election and shall be subject to public inspection. The sample ballots shall be arranged in the form of a diagram showing the front of the voting machine as it will appear after the official ballot labels are arranged thereon for voting on election day. Such sample ballots may be either in full or reduced size.

The Clerk shall provide at least two (2) sample ballots for each election precinct, to be delivered to the judges of election and deposited in the polling place on election day.

(b) The City Clerk shall also prepare and place on each voting machine to be used in election precincts under his or her supervision a set of official ballot labels arranged in the manner prescribed for the official election ballot to be used on voting machines. When there is more than one (1) person to be elected to an office, there shall be provided two (2), and only two (2), spaces for write-in purposes for each different office. No cross mark (X) shall be required opposite the name of a write-in candidate. The City Clerk shall deliver the required number of voting machines, equipped with the official ballot, to each election precinct no later than the day prior to the election. (Ord. 631, §3(part))

Sec. 9B-110. Instructions to vote.

In case any voter after entering the voting machine asks for further instructions concerning the manner of voting, a judge shall give such instructions to him or her; but no judge or other election officer or person assisting such voter shall enter the voting machine, except as provided in Section 9B-60, or in any manner request, suggest or seek to persuade or induce any such voter to vote for any particular ticket, for any particular candidate, or for or against any particular amendment, question or proposition. After receiving such instruction, such voter shall vote as in the case of an unassisted voter. (Ord. 631, §3(part))

Sec. 9B-111. Voting booth time limitation.

No voter shall remain within the voting machine booth longer than three (3) minutes. If he or she refuses to leave after a lapse of three (3) minutes, he or she shall be removed by the judges, but the judges in their discretion may permit a voter to remain longer than three (3) minutes. (Ord. 631, §3(part))

Sec. 9B-112. Monitoring of voting machines.

The judges shall designate at least one (1) of their number to be stationed beside the entrance to the voting machine during the entire period of the election to see that it is properly closed after a voter has entered a vote. At such intervals as he or she deems proper or necessary, the judge shall examine the face of the machine to ascertain whether it has been defaced or injured, to detect the wrongdoer and to repair any injury. (Ord. 631, §3(part))

Sec. 9B-113. Seals for voting machines.

The City Clerk shall supply each election precinct with a seal for each voting machine to be used in the precinct for the purpose of sealing the machine after the polls are closed and with an envelope for the return of the keys to the machine along with the election returns. (Ord. 631, §3(part))

Sec. 9B-114. Close of polls and count of votes.

As soon as the polls are closed, the judges of election shall immediately lock and seal each voting machine against further voting, and it shall so remain for a period of thirty (30) days unless otherwise ordered by the court. Immediately after each machine is locked and sealed, the judges of election shall open the counting compartments thereof and proceed to count the votes thereon. After the total vote for each candidate and upon each question or proposition has been ascertained, the judges of election shall

make out a certificate of votes cast, in numerical figures only, and return the same to the City Clerk as provided in Section 9B-66. (Ord. 631, §3(part))

Sec. 9B-115. Election laws apply; absentee ballots permitted.

All of the provisions of this Chapter not inconsistent with the provisions of Section 9B-107 through 9B-114, inclusive, shall apply to all elections held in precincts where voting machines are used. If voting machines are used for balloting in any precinct, nothing in Sections 9B-107 through 9B-114, inclusive, prohibit the use of a separate paper ballot by absentee voters or for charter amendments where such is required. (Ord. 631, §3(part))

ARTICLE II

Mail Ballot Elections--Optional

Sec. 9B-116. Definitions.

(a) *City Clerk*, for the purposes of this Chapter and Article, shall include the person who is duly appointed and acting City Clerk of the City, as well as one (1) or more persons who have been duly appointed Deputy City Clerks for the purpose of assisting the City Clerk in the running of an election.

(b) *Mail ballot election* means an election for which registered electors may cast ballots in an election by mail and in accordance with this Article.

(c) *Mail ballot packet* means any election for which registered electors may cast ballots in an election by mail and in accordance with this Article.

(d) *Return-verification envelope* means an envelope that contains the name, address and birth date of an eligible elector voting in a mail ballot election. Its purpose is to contain a secrecy envelope and the elector's ballot and it is designed to allow an election official, upon examining the signature, name, address, and birth date that appear on the outside of the return-verification envelope, to determine whether the secrecy envelope and enclosed ballot are being submitted by an eligible elector who has not previously voted in the election.

(e) *Secrecy envelope* means the unmarked envelope used for a mail ballot election that contains the eligible elector's ballot for the election and is designed to conceal and maintain the anonymity of the elector and the confidentiality of the elector's ballot. (Ord. 782, §2(part); Ord. 837)

Sec. 9B-117. Procedures for conduct.

(a) The City Clerk shall conduct a municipal mail ballot election; supervising the distributing, handling, counting of ballots and the survey of returns and taking necessary steps to protect the confidentiality of the ballots cast and the integrity of the election.

(b) All preelection procedures shall be followed as otherwise provided in this Chapter, except that official mail ballots shall be prepared and mail ballot packets shall be prepared in accordance with this Article.

(c) No later than thirty (30) days prior to election day, the City Clerk shall obtain from the County Clerk and Recorder a full and complete preliminary list of registered electors. For special district mail ballot elections, the City Clerk shall obtain from the County Clerk and Recorder and County Assessor a certified property owners list and a list of registered electors residing within the affected district. (See Section 1-7.5-107, C.R.S., for authority for the preparation and obtaining of such lists.)

(d) No later than twenty (20) days prior to election day, the City Clerk shall obtain from the County Clerk and Recorder a supplemental list of the names of eligible electors whose names were not included on the preliminary list.

(e) Not sooner than twenty-five (25) days before an election and no later than ten (10) days before an election, the City Clerk shall mail to each eligible elector, at the last address appearing in the registration records, a mail ballot packet, which shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED," or any other similar statement which is in accordance with United States postal service regulations.

(f) The ballot or ballot label shall contain the warning:

"WARNING"

Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both."

(g) No sooner than twenty-five (25) days, nor later than 4:00 p.m. on election day, mail ballots shall be made available at the office of the City Clerk for eligible electors but who are not otherwise listed on the County voter registration records, or, for special district mail ballot elections, on the property owners list or the registration list if otherwise authorized to vote pursuant to this Chapter, or other applicable Code or ordinance provisions.

(h) An eligible elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost or for some other reason not received by the eligible elector. In order to obtain a replacement ballot, the eligible elector must sign a sworn statement specifying the reason for requesting the replacement ballot. The statement shall be presented to the City Clerk no later than 4:00 p.m. on election day. The City Clerk shall keep a record of each replacement ballot issued in accordance with this Section, together with a list of each ballot obtained pursuant to Subsection (g) of this Section.

(i) The City Clerk shall not transmit a mail ballot package under this Section unless the application for the replacement ballot is received on or before election day. A replacement ballot may be transmitted directly to the applicant at the City Clerk's office or may be mailed to the eligible elector at the address provided in the application. Replacement ballots may be cast no later than 5:00 p.m. on election day.

(j) Upon receipt of a ballot, the eligible elector who wishes to vote shall mark the ballot, sign and complete the return-verification envelope in compliance with the instructions provided with the ballot.

(k) The eligible elector may return the marked ballot to the City Clerk by United States mail or by depositing the ballot at the office of the City Clerk or any place designated by the City Clerk. The ballot

must be returned within the secrecy envelope in the return-verification envelope. If an eligible elector returns the ballot by mail, the elector must provide postage. The ballot shall be received at the office of the City Clerk or the designated depository no later than 7:00 p.m. on election day.

(l) Once the ballot is returned, the City Clerk shall first qualify the submitted ballot by examining the verification envelope and comparing the information on the envelope to the registration records to determine whether the ballot was submitted by an eligible elector who has not previously voted in the election. If the ballot so qualifies and is otherwise valid, the City Clerk shall enter the name of the eligible voter in the poll book, open the return-verification envelope, remove the secrecy envelope and any ballot stub and deposit the secrecy envelope in an official ballot box for each ward of the City. Each of the return-verification envelopes shall be retained as part of the records of the election.

(m) All deposited ballots shall be counted by a committee of election judges or alternate judges, as the case may be, who have been appointed and certified in the manner set forth in Sections 9B-26 and 9B-27. For mail ballot elections, however, it shall not be necessary to appoint any more than three (3) election judges and alternates from each ward or precinct of the City. The election judges shall open the secrecy envelopes, remove and count the ballots. When all of the ballots shall have been counted, the election judges shall publish the votes. The mail ballots as well as the secrecy envelopes shall be retained as part of the records of the election. (Ord. 782, §2(part))

Sec. 9B-118. Challenges.

Votes cast pursuant to this Article may be challenged in the manner provided in any of the applicable provisions of this Chapter. (Ord. 782, §2(part))

ARTICLE III

Coordinated Elections--Optional

Sec. 9B-119. Coordinated election defined.

A *coordinated election* is an election where more than one (1) political subdivision, including the City, with boundaries which overlap boundaries of the municipal precincts or which contain the same or some of the same electors, holds an election on the same day and the eligible electors are all registered electors, and the County Clerk and Recorder is the coordinated election official. (Ord. 782, §3(part))

Sec. 9B-120. Conduct as a coordinated election.

The City Council, by resolution adopted for such purpose, may determine that any municipal election shall be conducted as a part of a coordinated election in accordance with the requirements of and utilizing the procedures, from time to time, contained in the Colorado Uniform Election Code of 1992 (Title 1, C.R.S.), and in accordance with an agreement for that purpose between the City and the coordinated election official. (Ord. 782, §3(part); Ord. 837)

ARTICLE IV

Penalty for Violation of Chapter

Sec. 9B-121. Penalty for violation.

Whenever in this Chapter any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required and is not done, or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, any person who shall be adjudged guilty of any such violation shall be punishable by a fine not in excess of three hundred dollars (\$300.00) or by imprisonment in the City jail for a term not exceeding ninety (90) days. (Ord. 782, §4(part))