

## AGENDA

### COLORADO SUPREME COURT COMMITTEE ON THE RULES OF CIVIL PROCEDURE

Friday, September 27, 2024, 1:30 p.m.  
Ralph L. Carr Colorado Judicial Center  
2 E.14<sup>th</sup> Ave., Denver, CO 80203

**Fourth Floor, Supreme Court Conference Room**

- I. Call to order**
- II. Approval of June 28, 2024, minutes [Pages 3 to 5]**
- III. Announcements from the Chair**
  - A. Rule Changes 2024(12) and 2024(13) [Pages 6 to 21]
  - B. Pending Rule Change Recommendations
  - C. Other
- IV. Old Business**
  - A. Rules 4 and 304—Proposed changes to comport with form changes—(Judge Jones) [Pages 22 to 23]
  - B. County Court Rule 411—Length of briefs for county court appeals to district court—(Judge Jones) [Pages 24 to 34]
  - C. Rule 11(b)—Proposed changes to comport with recent changes to C.A.R. 5—(Judge Jones) [Pages 35 to 38]
  - D. Elimination of gendered language in the Civil Rules—(Judge Jones)
- V. New Business**
  - A. Rule 100—New legislation regarding election contests for presidential electors (Justice Gabriel) [Pages 39 to 82]
  - B. Rules 63 and 363—Whether the rules should mirror the federal rule—(Judge Jones) [Pages 83 to 86]

**VI. Adjourn—Next meeting is November 1, 2024, at 1:30 pm.**

Jerry N. Jones, Chair  
[jerry.jones@judicial.state.co.us](mailto:jerry.jones@judicial.state.co.us)  
720-625-5335

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure  
June 28, 2024, Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure was called to order by Chair Judge Jerry N. Jones at 1:30 p.m. in the Supreme Court Conference Room. Members present at the meeting were:

| <b>Name</b>                                   | <b>Present</b> | <b>Not Present</b> |
|---|----------------|--------------------|
| Judge Jerry N. Jones, Chair                   | X              |                    |
| Judge Michael Berger                          |                | X                  |
| Judge Karen Brody                             | X              |                    |
| Judge Catherine Cheroutes                     | X              |                    |
| Damon Davis                                   |                | X                  |
| David R. DeMuro                               | X              |                    |
| Judge Stephanie Dunn                          | X              |                    |
| Judge J. Eric Elliff                          | X              |                    |
| Magistrate Lisa Hamilton-Fieldman             | X              |                    |
| Michael J. Hofmann                            | X              |                    |
| John Lebsack                                  |                | X                  |
| Bradley A. Levin                              | X              |                    |
| Professor Christopher B. Mueller              |                | X                  |
| Brent Owen                                    | X              |                    |
| John Palmeri                                  | X              |                    |
| Alana Percy                                   | X              |                    |
| Lucas Ritchie                                 |                | X                  |
| Chief Judge Gilbert M. Román                  |                | X                  |
| Judge (Ret.) Sabino Romano                    | X              |                    |
| Judge Stephanie Scoville                      | X              |                    |
| Magistrate Marianne Tims                      | X              |                    |
| Andi Truett                                   | X              |                    |
| Jose L. Vasquez                               | X              |                    |
| Judge Juan G. Villaseñor                      |                | X                  |
| Ben Vinci                                     | X              |                    |
| Judge Gregory R. Werner                       | X              |                    |
| Judge (Ret.) John R. Webb                     | X              |                    |
| J. Gregory Whitehair                          |                | X                  |
| Judge Christopher Zenisek                     |                | X                  |
| Justice Richard Gabriel, Liaison (non-voting) | X              |                    |
| Su Cho (non-voting)                           | X              |                    |

**I. Attachments & Handouts**

- June 28 2024, agenda packet and supplement.

**II. Announcements from the Chair**

The November 3, 2023, minutes were approved as submitted. Judge Jones noted that the Colorado Supreme Court had approved a variety of proposals from this Committee since the last meeting and thanked the members for their hard work on those proposals. Judge Jones also said that the Court will hold a public hearing on the proposed changes to the magistrate rules on September 24<sup>th</sup>. Finally, Justice Gabriel congratulated member Jose Vasquez on receiving the Denver Bar Association Award of Merit.

**III. Present Business**

**A. Rule 103—Proposal from member of the public—(Aaron Boschee)**

Local attorney Aaron Boschee brought this to the Committee. He noted that because a judgment creditor must file a request for a writ of execution with the court, a judgment debtor can learn of the request and move assets. He proposes that a writ could be served by a creditor directly on the debtor without prior court approval and that such a writ would be presumptively valid and have the effect of an order of the court, similar to what is allowed for service of process under Rule 4.

Given the many moving parts and possible unintended consequences of any proposed solution, Judge Jones formed a subcommittee to investigate further.

**B. Rule 84—Proposed changes to comport with other changes—(Justice Hart)**

In the process of cleaning up the forms, Justice Hart realized that Rule 84 possessed an inaccurate reference. The proposed changes refer users to the Courts’ website rather than the inaccurate book index. The Committee voted unanimously to approve this change.

**C. Rule 304—Proposed changes to comport with form indices changes—(Judge Jones)**

Sean Slagle brought this cleanup proposal to the attention of the Committee. Judge Jones said that this proposal makes changes to the rule to comport with corollary changes to forms. Judge Jones will contact Sean Slagle to determine whether Rule 4 needs corollary changes. This rule proposal passed unanimously.

**D. County Court Rule 411—Length of briefs for county court appeals to district court—(Judge Jones)**

Judge Jones said that there are no limits on length of briefs filed on appeals from county court to district court. Anecdotally, the judge who brought this to the Committee had received an 84-page brief. The notion would be to have some limits but that at the discretion of the court, additional pages could be allowed. The Committee favored page limitations over word limitations because it is easier for self-represented litigants and because doing so ensures consistency with other civil rules requiring page limits. Judge Jones will bring language for consideration at the next meeting. One member also noted that Judge Werner’s sample order discusses the substance of what is required in any appeal brief, which may be helpful. Judge Werner said that the substance requirements

assist district court judges so that they have a basis for making an order.

**E. Rule 11(b)—Proposed changes to comport with recent changes to C.A.R. 5—(Judge Jones)**

Judge Jones said that Rule 11(b) should be changed to comport with C.A.R. 5 to create consistency. The application of Rule 11(b) in the pro se context might be rather nuanced. Judge Jones will speak to Judge Lipinsky further to obtain guidance. Based upon that discussion, Judge Jones will determine whether a subcommittee is needed or whether Judge Jones should draft some language for the Committee's consideration.

**Future Meetings**

September 27; November 1

The Committee adjourned at 3:01 p.m.

**RULE CHANGE 2024(12)**  
**COLORADO RULES OF CIVIL PROCEDURE**  
**Rule 84**

## Rule 84. Forms

The forms [available on the Colorado Judicial Branch Website at https://www.coloradojudicial.gov/self-help-forms](https://www.coloradojudicial.gov/self-help-forms) ~~contained in the Appendix to Chapters 1 to 17A~~ are sufficient under the rules and are intended to indicate the simplicity and brevity of statement which the rules contemplate.

## **Rule 84. Forms**

The forms available on the Colorado Judicial Branch Website at <https://www.coloradojudicial.gov/self-help-forms> are sufficient under the rules and are intended to indicate the simplicity and brevity of statement which the rules contemplate.



**Amended and Adopted by the Court, En Banc, June 28, 2024, effective immediately.**

**By the Court:**

**Richard L. Gabriel  
Justice, Colorado Supreme Court**

**RULE CHANGE 2024(13)**  
**COLORADO RULES OF CIVIL PROCEDURE**

## Rule 16. Case Management and Trial Management

(a) - (e) [NO CHANGE]

(f) Trial Management Order. No later than 28 days before the trial date, the responsible attorney shall file a proposed Trial Management order with the court. Prior to trial, a Trial Management Order shall be entered by the Court.

(1) - (2) [NO CHANGE]

(3) *Form of Trial Management Order.* The proposed Trial Management Order shall contain the following matters under the following captions and in the following order:

I. - V. [NO CHANGE]

VI. Identification of Witnesses and Exhibits--Juror Notebooks. Each party shall provide the following information:

(A) - (C) [NO CHANGE]

(D) Deposition and Other Preserved Testimony. If the preserved testimony of any witness is to be presented the proponent of the testimony shall provide the other parties with its designations of such testimony at least 28 days before the trial date. Any other party may provide all other parties with its designations and shall do so at least ~~21~~<sup>14</sup> days before the trial date. The proponent may provide reply designations and shall do so at least ~~14~~<sup>7</sup> days before the trial date. A copy of the preserved testimony to be presented at trial shall be submitted to the court and include the proponent's and opponent's anticipated designations of the pertinent portions of such testimony or a statement why designation is not feasible at least ~~7~~<sup>3</sup> days before the trial date. If any party wishes to object to the admissibility of the testimony or to any tendered question or answer therein, it shall be noted, setting forth the grounds therefor.

VII. [NO CHANGE]

(4) - (5) [NO CHANGE]

(g) [NO CHANGE]

COMMENTS [NO CHANGE]

## Rule 121. Local Rules—Statewide Practice Standards

(a) – (c) [NO CHANGE]

Section 1 – 1 to 1 – 13 [NO CHANGE]

Section 1 – 14 DEFAULT JUDGMENTS

1. To enter a default judgment under C.R.C.P. 55(b) of the Colorado Rules of Civil Procedure, the following documents in addition to the motion for default judgment are necessary:

(a) Appropriate documentation ~~The original summons~~ showing valid service on the particular defendant in accordance with Rule 4, C.R.C.P. or applicable statute.

(b) - (g) [NO CHANGE]

2. - 4. [NO CHANGE]

COMMENTS [NO CHANGE]

Section 1 – 15 to Section 1 – 26 [NO CHANGE]

|   |   |
|---|---|
| <input type="checkbox"/> County Court <input type="checkbox"/> District Court<br>_____ County, Colorado<br>Court address: _____<br>Plaintiff(s): _____<br>v.<br>Defendant(s): _____ |   |
| Judgment Debtor's Attorney or Judgment Debtor (Name and Address): _____<br>Phone Number: _____ E-mail: _____<br>FAX Number: _____ Atty.Reg. #: _____                                | <b>▲ COURT USE ONLY ▲</b><br>Case Number: _____<br>Division _____ Courtroom _____ |
| <b>OBJECTION TO CALCULATION OF THE AMOUNT OF EXEMPT EARNINGS OR FOR REDUCTION OF WITHHOLDING PURSUANT TO SUBSECTION 13-54-104(2)(a)(I)(D)</b>                                       |   |

**Instructions to Judgment Debtor:** Use this form to object to the calculations of your exempt earnings.

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 Mailing Address, if different: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

| EXEMPTION CHART<br>("Minimum Hourly Wage" means state or federal minimum wage, whichever is greater.) | PAY PERIOD   | AMOUNT EXEMPT IS THE GREATER OF:                          |
|---|--------------|---|
|   | Weekly       | 40 x Minimum Hourly Wage or 80% of Disposable Earnings    |
|   | Bi-Weekly    | 80 x Minimum Hourly Wage or 80% of Disposable Earnings    |
|   | Semi-monthly | 86.67 x Minimum Hourly Wage or 80% of Disposable Earnings |
|   | Monthly      | 173.3 x Minimum Hourly Wage or 80% of Disposable Earnings |

**1. Judgment Debtor's objection to the Garnishee's Calculation of the Amount of Exempt Earnings because I believe that the correct calculation is:**

|  |                   |
|--|-------------------|
| Gross Earnings for My Pay Period from _____ thru _____   | \$ _____          |
| Less Deductions Required by Law<br>(For Example, Withholding Taxes, FICA, Costs for Employer-Provided Health Insurance Withheld From Earnings) |                   |
|  | - \$ _____        |
| Disposable Earnings (Gross Earnings Less Deductions)   | = \$ _____        |
| Less Statutory Exemption (Use Exemption Chart on Writ)   | - \$ _____        |
| Net Amount Subject to Garnishment  | = \$ _____        |
| Less Wage/Income Assignment(s) During Pay Period (If Any)  | - \$ _____        |
| <b>Amount which should be withheld</b>   | <b>= \$ _____</b> |

**OR**

**2. The earnings garnished are pension or retirement benefits/deferred compensation/health, accident or disability insurance and they are totally exempt because:**

\_\_\_\_\_

I understand that I must make a good faith effort to resolve my dispute with the Garnishee.

I  have  have not attempted to resolve this dispute with the Garnishee.

Name of Person I Talked to: \_\_\_\_\_

Position: \_\_\_\_\_ Phone Number: \_\_\_\_\_

OR

3. A greater portion of my disposable earnings should be exempt from garnishment for the support of me or my family that is supported in whole or in part by me. I request a court hearing to determine whether my earnings subject to garnishment, together with any other income received by my family, are insufficient to pay the actual and necessary living expenses of me and/or my family based upon proof of such expenses incurred during the 60 days prior to the hearing. In support of this I state the following:\*

| Gross Monthly Income                    |           | Monthly Expenses                         |           |
|---|-----------|--|-----------|
| Self (wages, salary, commission)        | \$        | Rent or Mortgage                         | \$        |
| Spouse/Partner, Other Household Members | \$        | Groceries                                | \$        |
| Parents (if same household)             | \$        | Utilities                                | \$        |
| Unemployment Benefits                   | \$        | Clothing                                 | \$        |
| Social Security/Retirement Funds        | \$        | Maintenance/Alimony and/or Child Support | \$        |
| Maintenance/Alimony                     | \$        | Medical/Dental                           | \$        |
| Other Income (identify)                 | \$        | Other Expenses (identify)                | \$        |
| Other Income (identify)                 | \$        | Other Expenses (identify)                | \$        |
| <b>Total Income</b>                     | <b>\$</b> | <b>Total Expenses</b>                    | <b>\$</b> |

\*You are not required to use this form but will have to prove to the court that you are entitled to claim this exemption.

**Debtor's Notice to Garnishee:** Even though I am filing this Objection, you are directed to send my nonexempt earnings to the Court at the address noted instead of to the party designated in paragraph "e" on the front of the Writ of Continuing Garnishment. The Court will hold my nonexempt earnings in its registry until my Objection is resolved.

I certify that the above is correct to the best of my knowledge and belief and that I sent a copy of this document by  certified mail (return receipt requested) to both the Garnishee and to the Judgment Creditor, or if the Judgment Creditor is represented by Counsel,  certified mail (return receipt requested) to the Judgment Creditor's Attorney or  E-Service to the Judgment Creditor's Attorney.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

---

Garnishee

Address: \_\_\_\_\_  
\_\_\_\_\_

Judgment Creditor or Attorney

Address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Judgment Debtor or  
Judgment Debtor's Counsel and Reg. Number

## Rule 16. Case Management and Trial Management

(a) - (e) [NO CHANGE]

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(A) - (C) [NO CHANGE]

(D) Deposition and Other Preserved Testimony. If the preserved testimony of any witness is to be presented the proponent of the testimony shall provide the other parties with its designations of such testimony at least 28 days before the trial date. Any other party may provide all other parties with its designations and shall do so at least 21 days before the trial date. The proponent may provide reply designations and shall do so at least 14 days before the trial date. A copy of the preserved testimony to be presented at trial shall be submitted to the court and include the proponent's and opponent's anticipated designations of the pertinent portions of such testimony or a statement why designation is not feasible at least 7 days before the trial date. If any party wishes to object to the admissibility of the testimony or to any tendered question or answer therein, it shall be noted, setting forth the grounds therefor.

VII. [NO CHANGE]

(4) - (5) [NO CHANGE]

(g) [NO CHANGE]

COMMENTS [NO CHANGE]



## **Rule 121. Local Rules—Statewide Practice Standards**

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Section 1 – 1 to 1 – 13 [NO CHANGE]

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(b) - (g) [NO CHANGE]

2. - 4. [NO CHANGE]

COMMENTS [NO CHANGE]

Section 1 – 15 to Section 1 – 26 [NO CHANGE]

|   |   |
|---|---|
| <input type="checkbox"/> County Court <input type="checkbox"/> District Court<br>_____ County, Colorado<br>Court address: _____<br>Plaintiff(s): _____<br>v.<br>Defendant(s): _____ |   |
| Judgment Debtor's Attorney or Judgment Debtor (Name and Address): _____<br>Phone Number: _____ E-mail: _____<br>FAX Number: _____ Atty.Reg. #: _____                                | <b>▲ COURT USE ONLY ▲</b><br>Case Number: _____<br>Division _____ Courtroom _____ |
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Street Address: \_\_\_\_\_  
Mailing Address, if different: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

| EXEMPTION CHART<br>(“Minimum Hourly Wage” means state or federal minimum wage, whichever is greater.) | PAY PERIOD   | AMOUNT EXEMPT IS THE GREATER OF:                          |
|---|--------------|---|
|   | Weekly       | 40 x Minimum Hourly Wage or 80% of Disposable Earnings    |
|   | Bi-Weekly    | 80 x Minimum Hourly Wage or 80% of Disposable Earnings    |
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|  |                   |
|--|-------------------|
| Gross Earnings for My Pay Period from _____ thru _____   | \$ _____          |
| Less Deductions Required by Law<br>(For Example, Withholding Taxes, FICA, Costs for Employer-Provided Health Insurance Withheld From Earnings) |                   |
|  | - \$ _____        |
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**OR**

**2. The earnings garnished are pension or retirement benefits/deferred compensation/health, accident or disability insurance and they are totally exempt because:**

---

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I  have  have not attempted to resolve this dispute with the Garnishee.

Name of Person I Talked to: \_\_\_\_\_

Position: \_\_\_\_\_ Phone Number: \_\_\_\_\_

OR

3. A greater portion of my disposable earnings should be exempt from garnishment for the support of me or my family that is supported in whole or in part by me. I request a court hearing to determine whether my earnings subject to garnishment, together with any other income received by my family, are insufficient to pay the actual and necessary living expenses of me and/or my family based upon proof of such expenses incurred during the 60 days prior to the hearing. In support of this I state the following:\*

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|---|-----------|--|-----------|
| Self (wages, salary, commission)        | \$        | Rent or Mortgage                         | \$        |
| Spouse/Partner, Other Household Members | \$        | Groceries                                | \$        |
| Parents (if same household)             | \$        | Utilities                                | \$        |
| Unemployment Benefits                   | \$        | Clothing                                 | \$        |
| Social Security/Retirement Funds        | \$        | Maintenance/Alimony and/or Child Support | \$        |
| Maintenance/Alimony                     | \$        | Medical/Dental                           | \$        |
| Other Income (identify)                 | \$        | Other Expenses (identify)                | \$        |
| Other Income (identify)                 | \$        | Other Expenses (identify)                | \$        |
| <b>Total Income</b>                     | <b>\$</b> | <b>Total Expenses</b>                    | <b>\$</b> |

\*You are not required to use this form but will have to prove to the court that you are entitled to claim this exemption.

**Debtor's Notice to Garnishee:** Even though I am filing this Objection, you are directed to send my nonexempt earnings to the Court at the address noted instead of to the party designated in paragraph "e" on the front of the Writ of Continuing Garnishment. The Court will hold my nonexempt earnings in its registry until my Objection is resolved.

I certify that the above is correct to the best of my knowledge and belief and that I sent a copy of this document by certified mail (return receipt requested) to both the Garnishee and to the Judgment Creditor, or if the Judgment Creditor is represented by Counsel, certified mail (return receipt requested) to the Judgment Creditor's Attorney or E-Service to the Judgment Creditor's Attorney.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

---

Garnishee

Address: \_\_\_\_\_  
\_\_\_\_\_

Judgment Creditor or Attorney

Address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Judgment Debtor or  
Judgment Debtor's Counsel and Reg. Number

**Amended and Adopted by the Court, En Banc, September 5, 2024, effective immediately.**

**By the Court:**

**Richard L. Gabriel  
Justice, Colorado Supreme Court**

**Rule 4. Process**

(a) [NO CHANGE]

(b) – (c)(1) [NO CHANGE]

(2) In forcible entry and detainer cases, the summons shall also contain all language and information required by statute, and in addition to ~~the JDF 101 Eviction complaint~~ **Complaint**, be accompanied by a blank copy of Form JDF 103 Eviction Answer, ~~Form JDF 186 Information for Eviction Cases,~~ **and a blank copy of** Form JDF 108 Request for Documents in Eviction Cases; ~~and blank copies of forms JDF 205 and 206 (fee waiver forms).~~

(d) – (m) [NO CHANGE]

COMMENTS [NO CHANGE]

**Commented [ss1]:** SB24-064 § 2, p 4, C.R.S. § 13-40-110(1)(a) adds:

“THE STANDARD FORM OF EVICTION COMPLAINT AND AFFIDAVIT FOR A RESIDENTIAL TENANCY THAT IS AVAILABLE ONLINE THROUGH THE JUDICIAL DEPARTMENT’S WEBSITE”.

JDF 101 is the standard form for residential evictions.

**Commented [ss2]:** HB24-1099 removes the filing fees for tenants in all FED cases. Bill § 1, p 2; C.R.S. § 13-32-101(1)(c)(V). So the reference to JDFs 205 and 206 were removed.

**Rule 304. Service of Process**

(a) [NO CHANGE]

(b)(1) [NO CHANGE]

(2) *Initial Process in Forcible Entry and Detainer Cases.* Plaintiff shall serve the following on the defendant at least seven days before the return date: (1) ~~summons containing all language and information required by statute~~ [Form JDF 102: Eviction Summons](#); (2) ~~complaint~~ [Form JDF 101: Eviction Complaint](#) (for residential tenancies) or [Form JDF 141: Eviction Complaint](#) (for mobile home tenancies); (3) blank copy of ~~the answer form~~ [Form JDF 103: Eviction Answer](#) (for residential tenancies), [Form JDF 143: Eviction Answer](#) (for mobile home tenancies), or [CRCCP Form 3](#) (for all other FED cases); and a blank copy of (4) ~~Form JDF 186 SC: Information for Eviction Cases~~; (5) ~~Form JDF 185 SC08: Request for Documents in Eviction Cases~~; and (6) blank copies of ~~Forms JDF 205 and 206 (fee waiver forms)~~.

(c) – (k) [NO CHANGE]

COMMENT [NO CHANGE]

**Commented [ss1]:** Form 1A was also given a JDF number, JDF 102.

**Commented [ss2]:** SB24-064 § 2, p 4, C.R.S. § 13-40-110(1)(a) adds:

“THE STANDARD FORM OF EVICTION COMPLAINT AND AFFIDAVIT FOR A RESIDENTIAL TENANCY THAT IS AVAILABLE ONLINE THROUGH THE JUDICIAL DEPARTMENT’S WEBSITE”.

JDF 101 is the standard form for residential evictions.

**Commented [ss3]:** JDF 185 is now numbered JDF 108.

**Commented [ss4]:** HB24-1099 removes the filing fees for tenants in all FED cases. Bill § 1, p 2; C.R.S. § 13-32-101(1)(c)(V). So the reference to JDFs 205 and 206 were removed.

Rule 411 - Appeals

**(d) Briefs.**

(1) Time for Filing, Oral Argument, and Limitation on De Novo Review.

A written brief ~~shall contain a statement of the matters relied upon as constituting error and the arguments with respect thereto.~~ It shall be filed in the district court by the appellant 21 days after filing of the record therein. A copy of such brief shall be served on the appellee. The appellee may file an answering brief within 21 days after such service. In the discretion of the district court, the time for filing of briefs and answers may be extended. When the briefs have been filed the matter shall stand at issue and shall be determined on the record and the briefs, with such oral argument as the court in its discretion may allow. No trial shall be held de novo in the district court unless the record of the proceedings in the county court have been lost or destroyed or for some other valid reason cannot be produced; or unless a party by proper proof to the court establishes that there is new and material evidence unknown and undiscoverable at the time of the trial in the county court which, if presented in a de novo trial in the district court, might affect the outcome.

(2) Length of Briefs. Notwithstanding anything in C.R.C.P. 121 § 1-15(1) to the contrary, the parties' briefs must contain no more than 8,000 words. Headings, footnotes, and quotations count toward the word limitation. The caption, table of contents, table of authorities, certificate of compliance, certificate of service, and signature block do not count toward the word limit. A brief of a self-represented party who does not have access to a word-processing system must be typewritten or legibly handwritten and may not exceed 25 double-spaced and single-sided pages.

(3) Form of Briefs. Briefs must conform to the formatting and other requirements of C.R.C.P. 10(a) and (d). In addition, every brief must include in the caption, in the part of the caption page identifying the name and mailing address of the district court in which the appeal is filed, the identity of the county court and the case number of the case from which the appeal is being taken.

(4) Content of Briefs. Briefs must conform to the content requirements of C.A.R. 28(a) and (b).

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West's Colorado Revised Statutes Annotated  
Colorado Court Rules  
Chapters 1--24. Rules of Civil Procedure  
Chapter 2. Pleadings and Motions

C.R.C.P. Rule 10

Rule 10. Form and Quality of Pleadings, Motions and Other Documents

Effective: January 11, 2024

Currentness

**(a) Caption; Names of Parties.** Every pleading, motion, E-filed document under C.R.C.P. 121 (1-26), or any other document filed with the court (hereinafter “document”) in both civil and criminal cases shall contain a caption setting forth the name of the court, the title of the action, the case number, if known to the person signing it, the name of the document in accordance with Rule 7(a), and the other applicable information in the format specified by paragraph (d) and the captions illustrated by paragraph (e) or (f) of this rule. In the complaint initiating a lawsuit, the title of the action shall include the names of all the parties to the action. In all other documents, it is sufficient to set forth the name of the first-named party on each side of the lawsuit with an appropriate indication that there are also other parties (such as “et al.”). A party whose name is not known shall be designated by any name and the words “whose true name is unknown”. In an action in rem, unknown parties shall be designated as “all unknown persons who claim any interest in the subject matter of this action”.

**(b) Paragraphs; Separate Statements.** All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. A paragraph may be referred to by its paragraph number in all succeeding documents. Each claim founded upon a separate transaction or occurrence, and each defense other than denials, shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

**(c) Incorporation by Reference; Exhibits.** A statement in a document may be incorporated by reference in a different part of the same document or in another document. An exhibit to a document is a part thereof for all purposes.

**(d) General Rule Regarding Paper Size, Format, and Spacing.** All documents filed after the effective date of this rule, including those filed through the E-Filing System under C.R.C.P. 121(1-26), shall meet the following criteria:

(1) *Paper.* Where a document is filed on paper, it shall be on plain, white, 8 ½ by 11 inch paper (recycled paper preferred).

(2) *Format.* All documents shall be legible. They shall be printed on one side of the page only (except for E-Filed documents).

(I) *Margins.* All documents shall use margins of 1 ½ inches at the top of each page, and 1 inch at the left, right, and bottom of each page. Except for the caption, a left-justified margin shall be used for all material.

(II) *Font.* No less than twelve (12) point font shall be used for all documents, including footnotes.

(III) Case Caption Information. All documents shall contain the following information arranged in the following order, as illustrated by paragraphs (e) and (f) of this rule, except that documents issued by the court under the signature of the clerk or judge should omit the attorney section as illustrated in paragraphs (e)(2) and (f)(2). Individual boxes should separate this case caption information; however, vertical lines are not mandatory. On the left side:

Document title (the document title may instead be included as a centered line at the bottom of the caption).

Court name and mailing address.

Name of parties.

Name, address, and telephone number of the attorney or pro se party filing the document. Fax number and e-mail address are optional.

Attorney registration number.

On the right side:

An area for “Court Use Only” that is at least 2 ½ inches in width and 1 ¾ inches in length (located opposite the court and party information).

Case number, division number, and courtroom number (located opposite the attorney information above).

Centered at the bottom of the caption:

Document title (the document title may instead be included as the top line on the left side of the caption).

Orders that are submitted as proposed shall not contain the word (PROPOSED) in the caption of the order.

(3) *Spacing*. The following spacing guidelines should be followed.

(I) Single spacing for all:

Affidavits

Complaints, Answers, and Petitions

Criminal Informations and Complaints

Interrogatories and Requests for Admissions

Notices

Pleading forms (all case types)

Probation reports

All other documents not listed in subsection (II) below

(II) Double spacing for all:

Briefs and Legal Memoranda

Depositions

Documents that are complex or technical in nature

Jury Instructions

Motions

Petitions for Rehearing

Petitions for Writ of Certiorari

Petitions pursuant to C.A.R. 21

Transcripts

(4) *Signature Block.* All documents which require a signature shall be signed at the end of the document. The attorney or pro se party need not repeat his or her address, telephone number, fax number, or e-mail address at the end of the document.

**(e) Illustration of Preferred Case Caption Format.**

(1) *Preferred Caption for Documents Initiated by a Party.*

[Designation of Court from subsection (g) below]

Court Address: .....

**COURT USE ONLY**

Case Number: \_\_\_\_\_

Div: \_\_\_\_\_

Ctrm.: \_\_\_\_\_

Plaintiff(s): \_\_\_\_\_

*[Substitute appropriate party designations & names]*

v.

Defendant(s): \_\_\_\_\_

Attorney or Party Without Attorney: .....

Name: \_\_\_\_\_

Address: .....

Phone Number: \_\_\_\_\_

FAX Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Atty. Reg. #: \_\_\_\_\_

**NAME OF DOCUMENT**

(2) *Preferred Caption for Documents Issued by the Court Under the Signature of the Clerk or Judge.*

[Designation of Court from subsection (g) below]

Court Address: .....

**COURT USE ONLY**

Case Number: \_\_\_\_\_

Div: \_\_\_\_\_

Ctrm.: \_\_\_\_\_

Plaintiff(s): \_\_\_\_\_

*[Substitute appropriate party designations & names]*

v.

Defendant(s): \_\_\_\_\_

**NAME OF DOCUMENT**

**(f) Illustration of Alternative Case Caption.**

(1) *Optional Caption for Documents Initiated by a Party.*

**NAME OF DOCUMENT**

[Designation of Court from subsection (g) below]

Court Address: .....

**COURT USE ONLY**

Case Number: \_\_\_\_\_  
Div: \_\_\_\_\_  
Ctrm.: \_\_\_\_\_  
Plaintiff(s): \_\_\_\_\_

*[Substitute appropriate party designations & names]*

v.

Defendant(s): \_\_\_\_\_

Attorney or Party Without Attorney: .....

Name: \_\_\_\_\_

Address: .....

Phone Number: \_\_\_\_\_

FAX Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Atty. Reg. #: \_\_\_\_\_

*(2) Optional Caption for Documents Issued by the Court Under Signature of the Clerk or Judge.*

**NAME OF DOCUMENT**

[Designation of Court from subsection (g) below]

Court Address: .....

**COURT USE ONLY**

Case Number: \_\_\_\_\_  
Div: \_\_\_\_\_  
Ctrm.: \_\_\_\_\_  
Plaintiff(s): \_\_\_\_\_

*[Substitute appropriate party designations & names]*

v.

Defendant(s): \_\_\_\_\_

**(g) Court Designation Examples:**

APPELLATE

SUPREME COURT, STATE OF COLORADO

COURT OF APPEALS, STATE OF COLORADO

WATER

DISTRICT COURT, WATER DIVISION \_\_\_\_, COLORADO

DISTRICT

DISTRICT COURT, \_\_\_\_\_ COUNTY, COLORADO

COUNTY

COUNTY COURT, \_\_\_\_\_ COUNTY, COLORADO

CITY AND COUNTY

COUNTY COURT, CITY AND COUNTY OF \_\_\_\_\_, COLORADO

PROBATE COURT, CITY AND COUNTY OF \_\_\_\_\_, COLORADO

JUVENILE COURT, CITY AND COUNTY OF \_\_\_\_\_, COLORADO

DISTRICT COURT, CITY AND COUNTY OF \_\_\_\_\_, COLORADO

**(h)** The forms of case captions provided for in this rule replace those forms of captions otherwise provided for in other Colorado rules of procedure, including but not limited to the Colorado Rules of County Court Procedure, the Colorado Rules of Procedure for Small Claims Courts, and the Colorado Appellate Rules. These forms of case captions apply to criminal cases, as well as civil cases.

**(i) State Judicial Pre-Printed or Computer-Generated Forms.** Forms approved by the State Court Administrator's Office (designated "JDF" or "SCAO" on pre-printed or computer-generated forms), forms set forth in the Colorado Court Rules, volume 12, C.R.S., (including those pre-printed or computer-generated forms designated "CRCP" or "CPC" and those contained in the appendices of volume 12, C.R.S.), and forms generated by the state's judicial electronic system shall conform to criteria established by the State Court Administrator's Office with the approval of the Colorado Supreme Court. Such forms, whether preprinted or computer-generated, shall employ a form of caption similar to those contained in this rule, and 1 inch left margin, ½ inch right and bottom margins, and at least 1 inch top margin, except that for forms designated "JDF" or "SCAO" the requirement of at least 1 inch for the top margin shall apply to forms created or revised on and after April 5, 2010.

**Credits**

Amended effective January 1, 1984; September 6, 1990; July 1, 2000; July 1, 2001. Amended November 6, 2003, effective July 1, 2004; June 10, 2004, effective July 1, 2004. Amended effective March 30, 2006; April 5, 2010. Amended January 29, 2016, effective April 1, 2016. Amended effective November 13, 2023; January 11, 2024.

Rules Civ. Proc., Rule 10, CO ST RCP Rule 10  
Current with amendments received through July 15, 2024.

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End of Document

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West's Colorado Revised Statutes Annotated  
Colorado Court Rules  
Chapter 32. Appellate Rules  
General Provisions

C.A.R. Rule 28

Rule 28. Briefs

Effective: July 1, 2022

Currentness

**(a) Appellant's Brief.** The appellant's brief must be entitled “opening brief” and must contain the following under appropriate headings and in the order indicated:

(1) a certificate of compliance as required by C.A.R. 32(h);

(2) a table of contents, with page references;

(3) a table of authorities--cases (alphabetically arranged), statutes, and other authorities--with references to the pages of the brief where they are cited;

(4) a statement of the issues presented for review;

(5) a concise statement identifying the nature of the case, the relevant facts and procedural history, and the ruling, judgment, or order presented for review, with appropriate references to the record (see C.A.R. 28 (e));

(6) a summary of the arguments, which must:

(A) contain a succinct, clear, and accurate statement of the arguments made in the body of the brief;

(B) articulate the major points of reasoning employed as to each issue presented for review; and

(C) not merely repeat the argument headings or issues presented for review;

(7) the arguments, which must contain:



(A) under a separate heading placed before the discussion of each issue, statements of the applicable standard of review with citation to authority, whether the issue was preserved, and if preserved, the precise location in the record where the issue was raised and where the court ruled; and

(B) a clear and concise discussion of the grounds upon which the party relies in seeking a reversal or modification of the judgment or the correction of adverse findings, orders, or rulings of the lower court or tribunal, with citations to the authorities and parts of the record on which the appellant relies;

(8) a short conclusion stating the precise relief sought; and

(9) any request for attorney fees.

**(b) Appellee's Brief.** The appellee's answer brief must be entitled "answer brief" and must conform to the requirements of C.A.R. 28(a) except that a statement of the issues or of the case need not be made unless the appellee is dissatisfied with the appellant's statement. For each issue, the answer brief must, under a separate heading placed before the discussion of the issue, state whether the appellee agrees with the appellant's statements concerning the standard of review with citation to authority and preservation for appeal, and if not, why not. The answer brief must also contain any request for attorney fees or state any opposition to attorney fees requested in the opening brief.

**(c) Reply Brief.** The appellant may file a brief, which must be entitled "reply brief" in reply to the answer brief. A reply brief must comply with C.A.R. 28(a)(1)-(3), and must state any opposition to attorney fees requested in the answer brief. No further briefs may be filed except with leave of court.

**(d) References in Briefs to Parties.** Parties should minimize use of the terms "appellant" and "appellee." Parties should use the designations used in the lower court or agency proceeding, the parties' actual names or initials, or descriptive terms such as "the employee," "the injured person," or "the taxpayer."

**(e) References to the Record.** Reference to the record and to material appearing in an addendum to the brief should generally follow the format detailed in the "Court of Appeals Policy on Citation to the Record." Record references, including abbreviations, must be clear and readily identifiable.

**(f) Reproduction of Statutes, Rules, Regulations, etc.** If the court's determination of the issues presented requires the study of regulations, ordinances, or any statutes or rules not currently in effect or not generally available in an electronic format, the relevant parts may be reproduced in an addendum at the end of the brief.

**(g) Length of Briefs.**

(1) An opening brief and an answer brief must contain no more than 9,500 words. A reply brief must contain no more than 5,700 words. Headings, footnotes, and quotations count toward the word limitations. The caption, table of contents, table of authorities, certificate of compliance, certificate of service, and signature block do not count toward the word limit.

(2) A self-represented party who does not have access to a word-processing system must file a typewritten or legibly handwritten opening or answer brief of not more than 30 double-spaced and single-sided pages, or a reply brief of no more than 18 double-spaced and single-sided pages. Such a brief must otherwise comply with C.A.R. 32.

(3) A party may file a motion to exceed the word limitation explaining the reasons why additional words are necessary. The motion must be filed with the brief.

**(h) Briefs in Cases Involving Multiple Appellants or Appellees.** In cases involving more than one appellant or appellee, including consolidated cases, any number of appellants or appellees may join in a single brief, and any party may adopt by reference any part of another's brief, but a party may not both file a separate brief and incorporate by reference the brief of another party. Parties may also join in reply briefs. In cases involving a single appellant or appellee with multiple opposing parties, the single party must file a single brief in response to multiple opposing parties' briefs. Except by permission of the court, such a brief is restricted to the page and word limits set forth in C.A.R. 28(g), regardless of the cumulative page and word counts of the opposing parties' briefs. Multiple parties represented by the same counsel must file a joint brief.

**(i) Citation of Supplemental Authorities.** If pertinent and significant new authority, including legislation, comes to a party's attention after the party's brief has been filed, a party may promptly advise the court by giving notice, with a copy to all parties. The notice must set forth the citation and state, without argument, the reason for the supplemental citation, referring either to the page of the brief or to a point argued orally. The body of the notice must not exceed 350 words. Any response must be made promptly and must be similarly limited.

**(j) Notice of Settlement or Resolution.** When the parties have agreed to settle or otherwise resolve a pending case, they must notify the court immediately.

#### Credits

Amended effective January 1, 1984; July 1, 1994. Amended December 4, 2003, effective January 1, 2004. Amended effective July 1, 2005; June 22, 2006; September 7, 2006; May 28, 2009; June 25, 2015. Amended February 24, 2022, effective July 1, 2022.

Rules App. Proc., Rule 28, CO ST A CT Rule 28  
Current with amendments received through July 15, 2024.

## Rule 11. Signing of Pleadings

(a) [NO CHANGE]

(b) ~~Limited Representation. An attorney may undertake to provide limited representation in accordance with Colo. RPC 1.2 to a pro se party involved in a court proceeding. Pleadings or papers filed by the pro se party that were prepared with the drafting assistance of the attorney shall include the attorney's name, address, telephone number and registration number. The attorney shall advise the pro se party that such pleading or other paper must contain this statement. In helping to draft the pleading or paper filed by the pro se party, the attorney certifies that, to the best of the attorney's knowledge, information and belief, this pleading or paper is (1) well grounded in fact based upon a reasonable inquiry of the pro se party by the attorney, (2) is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and (3) is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. The attorney in providing such drafting assistance may rely on the pro se party's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts. Assistance by an attorney to a pro se party in filling out pre-printed and electronically published forms that are issued through the judicial branch for use in court are not subject to the certification and attorney name disclosure requirements of this Rule 11(b).~~

Limited representation of a pro se party under this Rule 11(b) shall not constitute an entry of appearance by the attorney for purposes of C.R.C.P. 121, section 1-1 or C.R.C.P. 5(b), and does not authorize or require the service of papers upon the attorney. Representation of the pro se party by the attorney at any proceeding before a judge, magistrate, or other judicial officer on behalf of the pro se party constitutes an entry of an appearance pursuant to C.R.C.P. 121, section 1-1. The attorney's violation of this Rule 11(b) may subject the attorney to the sanctions provided in C.R.C.P. 11(a).

Limited Legal Services. An attorney may provide limited legal services to a self-represented party involved in a civil proceeding in accordance with Colo. R.P.C. 1.2(c) and the following provisions.

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(1) Limited Legal Services Requiring Entry of Appearance and Withdrawal. An attorney may make a limited appearance for a self-represented party in a civil proceeding if the attorney files and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the part(s) of the proceeding for which the attorney appears. At the conclusion of such part(s) of the proceeding, the attorney's appearance terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance. Service on an attorney who makes a limited appearance for a party will be valid only in connection with the specific part(s) of the proceeding for which the attorney appears.

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(2) Limited Legal Services Requiring Disclosure of Attorney Assistance without Entry of Appearance. An attorney may provide drafting assistance to a self-represented party involved in a civil proceeding without filing a notice of limited appearance. Documents

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filed by the self-represented party that were prepared with the drafting assistance of the attorney must include the attorney's name, address, telephone number, e-mail address, and Colorado Bar registration number. The attorney must provide a signed attorney disclosure certification to the self-represented party for the self-represented party to file with the court as an attachment to the document(s). The certification must indicate whether the attorney provided drafting assistance for the entire document or for specific sections only, and if for specific sections, indicate which sections. The certification also must contain the following statement: "In helping to draft the document filed by the self-represented party, the attorney certifies that, to the best of the attorney's knowledge, information, and belief, this document, or specified section(s), is (A) well-grounded in fact based upon a reasonable inquiry of the self-represented party by the attorney, (B) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (C) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." The attorney in providing such drafting assistance may rely on the self-represented party's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney must make an independent reasonable inquiry into the facts. The attorney's violation of this subsection (e)(2) may subject the attorney to the sanctions provided for in C.R.C.P. 11(a). Providing limited legal services to a self-represented party under this subsection (e)(2) does not constitute an entry of appearance by the attorney for purposes of this rule and does not authorize or require the service of papers upon the attorney.

**(3) Limited Legal Services Not Requiring Entry of Appearance or Disclosure of Attorney**

Assistance, An attorney may provide the following forms of assistance to a self-represented party in a civil proceeding without satisfying the requirements of subsections (b)(1) and (2) of this rule: (A) assistance in filling out pre-printed or electronically published forms that are issued by the judicial branch; (B) oral assistance or advice given to the self-represented party regarding the self-represented party's case; and (C) short-term legal assistance offered to a self-represented party on a pro bono basis, including but not limited to assistance through a nonprofit or court-sponsored program, that does not create an expectation by either the client or the lawyer that legal assistance will continue. Providing limited legal services to a self-represented party under this subsection (b)(3) does not authorize or require the service of papers upon the attorney.

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## Rule 5. Entry of Appearance and Withdrawal

(a) - (d) [NO CHANGE]

(e) Limited Legal Services. An attorney may provide limited legal services to a self-represented party involved in a civil appellate proceeding in accordance with Colo. R.P.C. 1.2(c) and the following provisions.

- (1) Limited Legal Services Requiring Entry of Appearance and Withdrawal. An attorney may make a limited appearance for a self-represented party in a civil appellate proceeding if the attorney files and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the part(s) of the proceeding for which the attorney appears. At the conclusion of such part(s) of the proceeding, the attorney's appearance terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance. Service on an attorney who makes a limited appearance for a party will be valid only in connection with the specific part(s) of the proceeding for which the attorney appears.
- (2) Limited Legal Services Requiring Disclosure of Attorney Assistance without Entry of Appearance. An attorney may provide drafting assistance to a self-represented party involved in a civil appellate proceeding without filing a notice of limited appearance. Documents filed by the self-represented party that were prepared with the drafting assistance of the attorney must include the attorney's name, address, telephone number, e-mail address, and registration number. The attorney must provide a signed attorney disclosure certification to the self-represented party for the self-represented party to file with the court as an attachment to the document(s). The certification must indicate whether the attorney provided drafting assistance for the entire document or for specific sections only, and if for specific sections, indicate which sections. The certification also must contain the following statement: "In helping to draft the document filed by the self-represented party, the attorney certifies that, to the best of the attorney's knowledge, information, and belief, this document, or specified section(s), is (A) well-grounded in fact based upon a reasonable inquiry of the self-represented party by the attorney, (B) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (C) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." The attorney in providing such drafting assistance may rely on the self-represented party's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney must make an independent reasonable inquiry into the facts. The attorney's violation of this subsection (e)(2) may subject the attorney to sanctions provided by C.A.R. 38. Providing limited legal services to a self-represented party under this subsection (e)(2) does not constitute an entry of appearance by the attorney for purposes of this rule and does not authorize or require the service of papers upon the attorney.
- (3) Limited Legal Services Not Requiring Entry of Appearance or Disclosure of Attorney Assistance. An attorney may provide the following forms of assistance to a self-represented party in a civil appellate proceeding without satisfying the requirements of

subsections (e)(1) and (2) of this rule: (A) assistance in filling out pre-printed or electronically published forms that are issued by the judicial branch; (B) oral assistance or advice given to the self-represented party regarding the self-represented party's case; and (C) short-term legal assistance offered to a self-represented party on a pro bono basis, including but not limited to assistance through a nonprofit or court-sponsored program, that does not create an expectation by either the client or the lawyer that legal assistance will continue. Providing limited legal services to a self-represented party under this subsection (e)(3) does not authorize or require the service of papers upon the attorney.

(f) Termination of Representation. When an attorney has entered an appearance, other than a limited appearance pursuant to C.A.R. 5(e)(1), on behalf of a party in an appellate court without having previously represented that party in the matter in any other court, the attorney's representation of the party will terminate at the conclusion of the part(s) of the proceeding in the appellate court in which the attorney has appeared, unless otherwise directed by the appellate court or agreed to by the attorney and the party represented. Counsel may file a notice of such termination of representation in any other court.

#### COMMENT

The purpose of C.A.R. 5(e)(1) is to establish a procedure similar to that set forth in C.R.C.P. 121, section 1-1(5). The purpose of C.A.R. 5(e)(2) and (3) is to establish a procedure similar to that set forth in C.R.C.P. 11(b).

**From:** [gabriel, richard](#)  
**To:** [jones, jerry;](#) [michaels, kathryn;](#)  
**Subject:** Civil Rules Committee - Highly Time Sensitive Matter  
**Attachments:** [SB24-210.pdf](#); [Proposed Revisions to CRCP 100.docx](#);  
**Sent:** 9/5/2024 3:18:15 PM

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Dear Judge Jones and Kathryn:

Andy Rottman brought to my attention that SB 24-210 (attached), which, in relevant part, went into effective upon the Governor's signature on June 6, 2024, amended section 1-11-204, C.R.S., regarding election contests for presidential electors. This created inconsistency with C.R.C.P. 100, the rule governing election contests. Accordingly, that Rule needs to be amended immediately (given the upcoming elections).

Accordingly, we are submitting the attached proposed revisions to C.R.C.P. 100, with a request that these be voted on at the upcoming Civil Rules Committee meeting. As you will see, the proposed revisions break out presidential electors from the other offices addressed (those were not affected by the statute); we placed procedures for presidential electors in the new subsection (a); we moved the procedures relating to the other offices from the last subsection to the new subsection (b); and we limited the new subsection (c) to the determination of the matter (we changed the word "trial" to "determination" because there won't always be a trial). We also changed the reference to "complaint" to "Petition Pursuant to C.R.C.P. 100," which is more accurate, and we deleted the sentence that said that the clerks issue summons because they don't do so.

I can present on this at the meeting, but we will need to approve changes to conform to the statute at this meeting (obviously, suggested revisions to what we are proposing would be welcome).

Thanks!

Rich

**Richard L. Gabriel**  
Justice

## Rule 100. Contested Elections

**(a) Statement of Contest; Presidential Electors; Where Filed.** Any qualified elector wishing to contest the election of any person to the office of presidential elector shall within 24 days after the general election, notwithstanding the fact that a recount may be ongoing, file in the office of the secretary of state a written statement of the contestor's intention to contest, which statement shall set forth: (1) The name of the contestor; (2) the name of the contestee; (3) the office; (4) the time of the election; and (5) the particular cause of contest. The statement shall be verified by the affidavit of the contesting party. In addition, by the same deadline, the contestor, or someone in behalf of the person for whose benefit the contest is made, shall also file a Petition Pursuant to C.R.C.P. 100 in the office of the clerk of the supreme court. The supreme court shall prioritize such a contest over all regular business of the court so that election results are determined as soon as practicable and will rule on the contest before the deadline to issue and submit the certificate of ascertainment pursuant to the requirements of the federal Electoral Count Reform and Presidential Transition Improvement Act of 2022, 3 U.S.C. § 5.

**(b) Statement of Contest; Other Offices; Where Filed.** Any qualified elector wishing to contest the ~~retention~~election of any person to the office of ~~presidential elector,~~ supreme court justice, court of appeals judge, district, or county judge, shall within 35 days after the canvass of the secretary of state, in the case of a ~~presidential elector,~~ supreme court justice, court of appeals judge, or district judge, file in the office of the secretary of state a written statement of the contestor's~~his~~ intention to contest,; and where the contest is for the office of county judge, such statement shall be filed in the office of the county clerk of the proper county within 35 days after the canvass by the county board of canvassers. The written, ~~which~~ statement shall set forth: (1) The name of the contestor; (2) the name of the contestee; (3) the office; (4) the time of the election; and (5) the particular cause of contest. The statement shall be verified by the affidavit of the contesting party. The contestor, or someone in behalf of the person for whose benefit the contest is made, shall, within 35 days after the filing of the statement of contest, file a Petition Pursuant to C.R.C.P. 100 in the office of the clerk of the supreme court, if the contest relates to a supreme court justice; in the office of the clerk of the court of appeals, if the contest relates to a court of appeals judge; or in the office of the clerk of the district court in the proper county, if the contest relates to a district or county judge.

**(c) Determination Trial.** ~~The contestor, or some one in behalf of the person for whose benefit the contest is made, shall, within 35 days after the filing of the statement of contest, file a complaint in the office of the clerk of the supreme court, if the contest relates to a presidential elector or supreme court justice, or in the office of the clerk of the court of appeals, if the contest relates to a court of appeals judge, or in the office of the clerk of the district court in the proper county, if the contest relates to a district or county judge. Upon the filing of such complaint the clerk shall issue summons. When the case is at issue, the court shall hear and determine the same in a summary manner, without the intervention of a jury.~~



# An Act

SENATE BILL 24-210

BY SENATOR(S) Fenberg and Pelton B., Gonzales, Priola;  
also REPRESENTATIVE(S) Sirota, Amabile, Bacon, Bird, Boesenecker,  
Brown, Clifford, Daugherty, deGruy Kennedy, Duran, Epps, Froelich,  
Garcia, Hamrick, Hernandez, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay,  
Lindstedt, Lukens, Mabrey, Marshall, Martinez, Marvin, Mauro,  
McCormick, McLachlan, Ortiz, Parenti, Rutinel, Snyder, Story, Titone,  
Valdez, Velasco, Vigil, Willford, Young, McCluskie.

CONCERNING MODIFICATIONS TO LAWS REGARDING ELECTIONS, AND, IN  
CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 1-1-110, **add** (3.5) as follows:

**1-1-110. Powers of county clerk and recorder and deputy - communication to electors - repeal.** (3.5) (a) AS THE CHIEF ELECTION OFFICIAL FOR THE COUNTY, AND TO COMPLY WITH THIS CODE AND THE RULES AND ORDERS PROMULGATED BY THE SECRETARY OF STATE, THE COUNTY CLERK AND RECORDER SHALL SET OPERATIONAL HOURS FOR THE CLERK AND RECORDER'S OFFICE.

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(b) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE JANUARY 31, 2025.

**SECTION 2.** In Colorado Revised Statutes, 1-2-101, amend (2)(a)(I) as follows:

**1-2-101. Qualifications for registration - preregistration.** (2) (a) (I) Notwithstanding subsection (1) of this section, upon satisfactory proof of age, every person who is otherwise qualified to register and is ~~sixteen~~ FIFTEEN years of age or older but will not have reached eighteen years of age by the date of the next election may preregister and update ~~his or her~~ THE PERSON'S preregistered information by any means authorized in this article for persons eighteen years of age or older. Upon reaching eighteen years of age, the person is automatically registered.

**SECTION 3.** In Colorado Revised Statutes, 1-2-202.5, amend (3)(a)(I) as follows:

**1-2-202.5. Online voter registration - online changes in elector information.** (3) The electronic voter registration form must include:

(a) (I) The questions "Are you a citizen of the United States of America?", "Are you at least ~~sixteen~~ FIFTEEN years of age?", "Do you understand that you must be ~~at least seventeen years old and turning eighteen years old on or before the date of the next general election to be eligible to vote in a primary election, and~~ at least eighteen years old to be eligible to vote in any ~~other~~ election?", "Have you resided in Colorado for at least twenty-two days immediately prior to the election?", "Do you reside in the precinct in which you intend to register?", "Is the address you have listed your sole legal place of residence for purposes of voting?", and "Do you affirm that you will not cast more than one ballot in any election?" and places for the elector to input answers to the questions.

**SECTION 4.** In Colorado Revised Statutes, 1-2-205, amend (2) as follows:

**1-2-205. Self-affirmation made by elector.** (2) Each elector making application for registration or preregistration shall make the following self-affirmation: "I, ....., affirm that I am a citizen of the United

States; I have been a resident of Colorado for at least twenty-two days immediately before an election I intend to vote in; I am at least ~~sixteen~~ FIFTEEN years old; and I understand that I must be at least eighteen to be eligible to vote in any election. I further affirm that the residence address I provided is my sole legal place of residence. I certify under penalty of perjury that the information I have provided on this application is true to the best of my knowledge and belief; and that I have not, nor will I, cast more than one ballot in any election."

**SECTION 5.** In Colorado Revised Statutes, 1-2-402, **amend** (3) as follows:

**1-2-402. Registration by high school deputy registrars - rules.**  
(3) A high school deputy registrar may have available an official application form for voter registration for each student who is eighteen years of age or who will be eighteen years of age at the time of the next election. A high school deputy registrar may have available an official application form for preregistration for each student who is ~~sixteen~~ FIFTEEN years of age.

**SECTION 6.** In Colorado Revised Statutes, 1-3-103, **amend** (5)(a) and (6)(a) as follows:

**1-3-103. Party committees.** (5) (a) When a state senatorial district is comprised of one or more whole counties or of a part of one county and all or a part of one or more other counties, a state senatorial central committee shall consist of THE ELECTED PRECINCT COMMITTEE PERSONS, the chairpersons, vice-chairpersons, and secretary of the several party county central committees, who reside within the state senatorial district. If any of those officers do not reside in the state senatorial district, replacements shall be provided who do reside in the district. The state senatorial central committee shall also include the elected state senator of the party for the state senatorial district, the state representatives of the party who reside within the state senatorial district, and a chairperson, vice-chairperson, and secretary of the state senatorial central committee, who may or may not be elected from among, but shall be elected by, the chairpersons, vice-chairpersons, and secretary, the state senator, and the state representatives.

(6) (a) When a state representative district is comprised of one or

more whole counties or of a part of one county and all or a part of one or more other counties, a state representative central committee shall consist of THE ELECTED PRECINCT COMMITTEE PERSONS, the chairpersons, vice-chairpersons, and secretary of the several party county central committees, who reside within the state representative district. If any of those officers do not reside in the state representative district, replacements shall be provided who do reside in the district. The state representative central committee shall also include the elected state representative of the party for the state representative district, each state senator of the party who resides within that representative district, and a chairperson, vice-chairperson, and secretary of the state representative central committee, who may or may not be elected from among, but shall be elected by, the chairpersons, vice-chairpersons, and secretary, the state representative, and the state senators.

**SECTION 7.** In Colorado Revised Statutes, **amend** 1-4-105 as follows:

**1-4-105. Defeated candidate ineligible.** No person who has been defeated as a candidate in a primary election shall be eligible for election to the same office by ballot or as a write-in candidate in the next general election unless the party vacancy committee nominates that person; EXCEPT THAT THIS SECTION DOES NOT APPLY TO CANDIDATES FOR PRESIDENT OF THE UNITED STATES.

**SECTION 8.** In Colorado Revised Statutes, 1-4-304, **amend** (1) and (2) as follows:

**1-4-304. Presidential electors.** (1) The presidential electors shall convene at the capital of the state, in the office of the governor at the capitol building, on the first Tuesday after the second Wednesday in the first December following their election at the hour of 12 noon and take the oath required by law for presidential electors; EXCEPT THAT THE PRESIDENTIAL ELECTORS MAY CONVENE AT A DIFFERENT LOCATION DESIGNATED BY THE GOVERNOR IF THE GOVERNOR DETERMINES THAT IT IS NOT FEASIBLE TO MEET IN THE OFFICE OF THE GOVERNOR AT THE CAPITOL BUILDING. If any vacancy occurs in the office of a presidential elector because of death, refusal to act, absence, or other cause, the presidential electors present shall immediately proceed to fill the vacancy in the electoral college. When all vacancies have been filled, the presidential electors shall proceed to perform the duties

required of them by the constitution and laws of the United States. The vote for president and vice president shall be taken by open ballot.

(2) The secretary of state shall give notice in writing to each of the presidential electors of the time and place of the meeting at least ten days prior to the meeting; EXCEPT THAT IF THE GOVERNOR DETERMINES THAT IT IS NOT FEASIBLE TO MEET IN THE OFFICE OF THE GOVERNOR AT THE CAPITOL BUILDING, THE SECRETARY OF STATE SHALL GIVE NOTICE AS EARLY AS POSSIBLE.

**SECTION 9.** In Colorado Revised Statutes, 1-4-403, **amend** (2) as follows:

**1-4-403. Nomination of unaffiliated candidates for congressional vacancy election.** (2) Petitions must be filed by ~~3 p.m.~~ 5 P.M. on the twentieth day after the date of the order issued by the governor.

**SECTION 10.** In Colorado Revised Statutes, 1-4-802, **amend** (1)(d), (1)(f), and (1)(g)(II) as follows:

**1-4-802. Petitions for nominating minor political party and unaffiliated candidates for a partisan office.** (1) Candidates for partisan public offices to be filled at a general or congressional vacancy election who do not wish to affiliate with a major political party may be nominated, other than by a primary election or a convention, in the following manner:

(d) (I) No petition to nominate an unaffiliated candidate, except petitions for candidates for vacancies to unexpired terms of representatives in congress, ~~and for presidential electors~~, shall be circulated or any signatures obtained thereon earlier than one hundred seventy-three days before the general election.

(II) No petition to nominate a minor political party candidate shall be circulated nor any signatures obtained thereon earlier than the first ~~Monday in February~~ BUSINESS DAY IN JANUARY in the general election year.

(f) (I) Except as provided by ~~subparagraph (II) of this paragraph~~ (f) IN SUBSECTION (1)(f)(II) OF THIS SECTION, petitions ~~shall~~ MUST be filed no later than ~~3 p.m.~~ 5 P.M. on the one hundred seventeenth day before the general election or, for a congressional vacancy election, no later than 3

~~p.m.~~ 5 P.M. on the twentieth day after the date of the order issued by the governor.

(II) Petitions to nominate candidates of minor political parties must be filed no later than ~~the close of business~~ 5 P.M. on the ~~eighty-fifth day before the primary election as specified in section 1-4-101~~ THIRD TUESDAY IN MARCH OR ON THE SEVENTY-FIFTH DAY AFTER THE FIRST BUSINESS DAY IN JANUARY, WHICHEVER IS LATER.

(g) (II) For general elections, no person shall be placed in nomination by petition unless the person is an eligible elector of the political subdivision or district in which the officer is to be elected and unless the person was registered as affiliated with a minor political party or as unaffiliated, as shown in the statewide voter registration system, no later than the first business day of the January immediately preceding the general election for which the person desires to be placed in nomination; except that, if such nomination is for a nonpartisan election, the person shall be an eligible elector of the political subdivision or district and be a registered elector, as shown in the statewide voter registration system, on the date of the earliest signature on the petition. THIS SECTION DOES NOT APPLY TO CANDIDATES SEEKING THE OFFICE OF PRESIDENT OF THE UNITED STATES.

**SECTION 11.** In Colorado Revised Statutes, add 1-4-905.7 as follows:

**1-4-905.7. Expenditures related to petition circulation - report - penalty - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EXPENDITURE" MEANS A PAYMENT TO A CIRCULATOR.

(b) "FALSE ADDRESS" MEANS A STREET ADDRESS, POST OFFICE BOX, CITY, STATE, OR ANY OTHER DESIGNATION OF PLACE USED IN A CIRCULATOR'S AFFIDAVIT THAT DOES NOT REPRESENT THE CIRCULATOR'S CORRECT ADDRESS OF PERMANENT DOMICILE AT THE TIME THE CIRCULATOR CIRCULATED PETITIONS. "FALSE ADDRESS" DOES NOT INCLUDE AN ADDRESS THAT MERELY OMITTS THE DESIGNATION OF "STREET", "AVENUE", "BOULEVARD", OR ANY COMPARABLE TERM BUT DOES INCLUDE THE OMISSION OF THE APARTMENT OR UNIT NUMBER, WHERE APPLICABLE, OF THE PLACE OF RESIDENCE.

PAGE 6-SENATE BILL 24-210

(c) "REPORT" MEANS THE REPORT REQUIRED TO BE FILED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(2) NO LATER THAN TEN DAYS AFTER THE DATE THAT A CANDIDATE, RECALL, OR MINOR PARTY PETITION IS FILED WITH THE SECRETARY OF STATE, THE CANDIDATE OR CANDIDATE COMMITTEE, RECALL COMMITTEE, OR REPRESENTATIVES OF THE MINOR PARTY PETITION MUST SUBMIT TO THE SECRETARY OF STATE A REPORT THAT STATES THE DATES OF CIRCULATION BY ALL CIRCULATORS WHO WERE PAID TO CIRCULATE A SECTION OF THE PETITION, THE TOTAL HOURS FOR WHICH EACH CIRCULATOR WAS PAID TO CIRCULATE A SECTION OF THE PETITION, THE GROSS AMOUNT OF WAGES PAID FOR SUCH HOURS, AND ANY ADDRESSES USED BY CIRCULATORS ON THEIR AFFIDAVITS THAT THE CANDIDATE OR CANDIDATE COMMITTEE, RECALL COMMITTEE, OR REPRESENTATIVES OF THE MINOR PARTY PETITION, OR THEIR AGENTS, HAVE DETERMINED, PRIOR TO PETITION FILING, TO BE FALSE ADDRESSES.

(3) (a) WITHIN TEN DAYS AFTER THE DATE THE REPORT IS FILED, A REGISTERED ELECTOR MAY FILE A COMPLAINT ALLEGING A VIOLATION OF THE REQUIREMENTS FOR THE REPORT SET FORTH IN SUBSECTION (2) OF THIS SECTION. THE CANDIDATE OR CANDIDATE COMMITTEE, RECALL COMMITTEE, OR REPRESENTATIVES OF THE MINOR PARTY PETITION COMMITTEE MAY CURE THE ALLEGED VIOLATION BY ADDITIONALLY FILING A REPORT OR AN ADDENDUM TO THE ORIGINAL REPORT WITHIN TEN DAYS AFTER THE DATE THE COMPLAINT IS FILED. IF THE VIOLATION IS NOT CURED, A HEARING OFFICER SHALL CONDUCT A HEARING ON THE COMPLAINT WITHIN FOURTEEN DAYS AFTER THE DATE OF THE ADDITIONAL FILING OR THE DEADLINE FOR THE ADDITIONAL FILING, WHICHEVER IS SOONER.

(b) (I) AFTER A HEARING IS HELD, IF THE HEARING OFFICER DETERMINES THAT THE CANDIDATE OR CANDIDATE COMMITTEE, RECALL COMMITTEE, OR REPRESENTATIVES OF THE MINOR PARTY PETITION INTENTIONALLY VIOLATED THE REPORTING REQUIREMENTS OF THIS SECTION, THE CANDIDATE OR CANDIDATE COMMITTEE, RECALL COMMITTEE, OR REPRESENTATIVES OF THE MINOR PARTY PETITION SHALL BE SUBJECT TO A PENALTY THAT IS EQUAL TO THREE TIMES THE AMOUNT OF ANY EXPENDITURES THAT WERE OMITTED FROM OR ERRONEOUSLY INCLUDED IN THE REPORT.

(II) IF THE HEARING OFFICER DETERMINES THAT THE CANDIDATE OR

CANDIDATE COMMITTEE, RECALL COMMITTEE, OR REPRESENTATIVES OF THE MINOR PARTY PETITION INTENTIONALLY MISSTATED A MATERIAL FACT IN THE REPORT OR OMITTED A MATERIAL FACT FROM THE REPORT, OR IF THE CANDIDATE OR CANDIDATE COMMITTEE, RECALL COMMITTEE, OR REPRESENTATIVES OF THE MINOR PARTY PETITION NEVER FILED A REPORT, THE REGISTERED ELECTOR WHO INSTITUTED THE PROCEEDINGS MAY COMMENCE A CIVIL ACTION TO RECOVER REASONABLE ATTORNEY FEES AND COSTS FROM THE CANDIDATE OR CANDIDATE COMMITTEE, RECALL COMMITTEE, OR REPRESENTATIVES OF THE MINOR PARTY PETITION.

(c) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ANY PROCEDURES RELATED TO A COMPLAINT SHALL BE GOVERNED BY THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24.

**SECTION 12.** In Colorado Revised Statutes, 1-4-908, **amend** (1.5)(b)(I) and (1.5)(b)(II) as follows:

**1-4-908. Review of petition - signature verification - notification - cure - rules.** (1.5) (b) (I) If it is determined that the signature on the petition does not match the signature of the eligible elector stored in the statewide voter registration database, or if a signature verification device is unable to determine that the signatures match, a second review shall be made by an employee of the secretary of state's office or a designee trained in signature verification. If the employee or designee agrees that the signatures do not match, the secretary of state shall within three days of ~~determining the signature deficiency~~, COMPLETING REVIEW OF THE ENTIRE PETITION, notify the candidate of such deficiency.

(II) To cure a signature that failed the signature verification process described in subsection (1.5)(b)(I) of this section, a candidate must provide the secretary of state with a statement, signed by the elector whose signature failed the verification process, that states substantially that the elector signed the petition. The statement must be accompanied by a copy of the elector's identification, as defined in section 1-1-104 (19.5). The secretary of state shall prescribe the form for the statement. To cure the signature deficiency, the candidate must return the statement and a copy of the elector's identification to the secretary of state within ~~three~~ FIVE days of the date the secretary notifies the candidate of the signature deficiency.

**SECTION 13.** In Colorado Revised Statutes, 1-5-102.9, **amend**

PAGE 8-SENATE BILL 24-210



(1)(a)(III) introductory portion and (5)(b); **repeal** (1)(b.5)(V)(B); and **add** (1)(a)(V) as follows:

**1-5-102.9. Voter service and polling centers - number required - services provided - drop-off locations - definition.** (1) (a) For general elections, each county clerk and recorder shall designate a minimum number of voter service and polling centers, as follows:

(III) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(a)(V) OF THIS SECTION, for counties with at least ten thousand but fewer than thirty-seven thousand five hundred active electors:

(V) THE SECRETARY OF STATE SHALL DEVELOP AND ADMINISTER A PILOT PROGRAM FOR ELECTIONS CONDUCTED ON OR AFTER JULY 1, 2024, BUT BEFORE JANUARY 1, 2027, THAT ALLOWS THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL OF A COUNTY THAT HAS AT LEAST TEN THOUSAND BUT FEWER THAN THIRTY-SEVEN THOUSAND FIVE HUNDRED ACTIVE ELECTORS, THAT HAS AT LEAST THREE MUNICIPALITIES, AND IN WHICH THE SECOND AND THIRD LARGEST MUNICIPALITIES THAT ARE LOCATED ENTIRELY WITHIN THE COUNTY BOTH HAVE LESS THAN THREE PERCENT OF THE ACTIVE ELECTORS IN THE COUNTY, TO REQUEST A WAIVER OF THE REQUIREMENT TO DESIGNATE A MINIMUM OF THREE VOTER SERVICE AND POLLING CENTERS ON ELECTION DAY PURSUANT TO SUBSECTION (1)(a)(III) OF THIS SECTION. IF THE SECRETARY OF STATE ALLOWS A WAIVER PURSUANT TO THIS SUBSECTION (1)(a)(V), THE COUNTY THAT REQUESTED THE WAIVER IS REQUIRED TO DESIGNATE A MINIMUM OF TWO VOTER SERVICE AND POLLING CENTERS ON ELECTION DAY. THE SECRETARY OF STATE MAY ALLOW A WAIVER PURSUANT TO THIS SUBSECTION (1)(a)(V) TO ONLY ONE COUNTY DURING THE PILOT PROGRAM.

~~(b.5) (V) (B) Notwithstanding subsection (1)(b.5)(V)(A) of this section, due to the impact of the COVID-19 pandemic, for any election for which the number of enrolled students would be based on data from the fall semester of 2020, the secretary of state shall use data for the fall semester of 2019 instead of data from the fall semester of 2020 to determine the number of enrolled students for purposes of subsection (1)(b.5)(I) of this section. The department of higher education shall provide the data for the fall semester of 2019 to the secretary of state on or before October 1, 2021.~~

(5) (b) For a general election, in addition to the requirements of

subsection (5)(a) of this section, a county shall establish a drop box on each campus of ~~a state~~ AN institution of higher education, AS DEFINED IN SECTION 23-3.1-102 (5), located within the county that has ~~two~~ ONE thousand or more enrolled students as determined in accordance with subsection (1)(b.5)(III) of this section.

**SECTION 14.** In Colorado Revised Statutes, 1-5-402, **amend** (1) introductory portion and (1)(a) as follows:

**1-5-402. Primary election ballots.** (1) No later than thirty-two days before the primary election, the county clerk and recorder shall prepare a separate ballot for each political party. The COUNTY CLERK AND RECORDER SHALL ENSURE THAT THE ballots ~~shall be~~ ARE printed in the following manner:

(a) THE COUNTY CLERK AND RECORDER SHALL ENSURE THAT all official ballots ~~shall be~~ ARE printed according to the provisions of ~~sections 1-5-407 and 1-5-408~~ SECTION 1-5-407; except that across the top of each ballot ~~shall~~ MUST be printed the name of the political party for which the ballot is to be used.

**SECTION 15.** In Colorado Revised Statutes, **repeal** 1-5-408 as follows:

~~**1-5-408. Form of ballots - electronic voting.** (1) Ballot cards placed upon voting equipment shall, so far as practicable, be arranged as provided by sections 1-5-402, 1-5-403, and 1-5-404; except that they shall be of the size and design required by the voting equipment and may be printed on a number of separate ballot cards that are placed on the voting equipment.~~

~~(2) If votes are recorded on a ballot card, a separate write-in ballot may be provided, which may be in the form of a paper ballot or envelope on which the elector may write in the title of the office and the name of a qualified write-in candidate.~~

~~(3) Polling locations that use electromechanical voting systems may use ballot cards of different colors to ensure that electors receive a full ballot. Such polling locations may also use ballot cards of different colors for each party at primary elections.~~

~~(4) Repealed.~~

**SECTION 16.** In Colorado Revised Statutes, **amend** 1-5-610 as follows:

**1-5-610. Preparation for use - electromechanical voting.**

(1) Prior to an election in which an ~~electronic~~ ELECTROMECHANICAL voting system is to be used, the designated election official shall have all system components prepared for voting and shall inspect and determine that each ~~vote recorder or voting device~~ COMPONENT is in proper working order. The designated election official shall cause a sufficient number of ~~recorders or devices~~ SYSTEM COMPONENTS to be delivered to each ~~election precinct~~ VOTER SERVICE AND POLLING CENTER in which an ~~electronic~~ ELECTROMECHANICAL voting system is to be used.

(2) The designated election official shall supply each ~~election precinct~~ VOTER SERVICE AND POLLING CENTER in which ~~vote recorders or voting devices~~ ELECTROMECHANICAL VOTING SYSTEMS are to be used with a sufficient number of ballots, ballot cards, sample ballots, AND ballot boxes, and ~~write-in ballots~~ and with such other supplies and forms as may be required. Each ~~ballot or ballot card~~ shall have a serially numbered stub attached, which shall be removed by an election judge before the ballot or ballot card is deposited in the ballot box.

**SECTION 17.** In Colorado Revised Statutes, 1-5-617, **amend** (4) as follows:

**1-5-617. Examination - testing - certification.** (4) Within thirty days after deciding to certify an ~~electronic or~~ electromechanical voting system, the secretary of state shall make a report on the system containing a description of the system and its operation. ~~with drawings or photographs showing the system.~~ The secretary of state shall send a notice of certification and a copy of the report to the voting system provider that submitted the system for certification. The secretary of state shall notify the governing bodies of the political subdivisions of the state of the certification and make the notice of certification and report available to them upon request.

**SECTION 18.** In Colorado Revised Statutes, **repeal** 1-5-620 as follows:

PAGE 11-SENATE BILL 24-210

**1-5-620. Electromechanical voting system information - software.** ~~When a political subdivision purchases or adopts an electronic or electromechanical voting system, the vendor of the system shall send to the secretary of state copies of the software user and operator manuals, and any other information, specifications, or documentation required by the secretary of state relating to a certified system and its equipment. Any such information or materials that are not on file with and approved by the secretary of state, including any updated or modified materials, shall not be used in an election.~~

**SECTION 19.** In Colorado Revised Statutes, 1-5-623, **amend** (3); and **repeal** (1) and (2) as follows:

**1-5-623. Purchase of new electromechanical voting systems - approval of secretary of state - rules.** (1) ~~(a) The general assembly hereby finds and declares that, over the past decade, voting technology used in the state has undergone dramatic changes, creating confusion and difficulties for election administrators, state government, and the voting public. Efforts to address this confusion have been complicated by the timing of periodic substantial investments in voting technology by county governments necessitated by changes in federal and state law.~~

~~(b) Now, therefore, by enacting this section, the general assembly intends that:~~

~~(I) Between May 15, 2009, and the 2014 general election, any voting system purchased by a political subdivision shall be a paper-based voting system as defined in section 1-1-104 (23.5);~~

~~(II) The acquisition of electronic voting systems be suspended in order to assess existing and emerging voting technologies; and~~

~~(III) Substantial investment by political subdivisions before the 2014 general election in alternate technologies that will frustrate the intent of the general assembly as specified in paragraph (a) of this subsection (1) is discouraged and disfavored.~~

~~(2) Notwithstanding any other provision of this part 6, any existing electronic voting device or any related component of the device that was used by a political subdivision in conducting the 2008 general election may~~

~~continue to be used by the political subdivision on and after May 15, 2009, as long as the device or component is used in accordance with either the conditions of use under which the device or component was originally certified for the 2008 general election or in accordance with alternate conditions of use established by the secretary of state.~~

~~(3) (a) Notwithstanding any other provision of law, on and after May 15, 2009, No political subdivision may purchase a new electronic ELECTROMECHANICAL voting device or system or any related component of such device or system without obtaining the prior approval of the secretary of state for such purchase. in accordance with the requirements of this subsection (3):~~

~~(b) Subject to the requirements of paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF THIS SECTION, if a political subdivision desires to purchase a new electronic ELECTROMECHANICAL voting device or system or any related component of such device or AN ELECTROMECHANICAL VOTING system, the political subdivision shall submit a written application to the secretary of state for approval of the purchase. The application POLITICAL SUBDIVISION shall be made APPLY by means of any forms or procedures established by the secretary. Within three business days of receiving the application, the secretary shall grant or deny the application. In reviewing the application, the secretary shall consider, among other relevant factors, the total effect of the purchase at issue in light of other purchases by the political subdivision on voting systems or components of such systems on or after May 15, 2009, and the needs of the political subdivision. In making the determination, the secretary shall prevent political subdivisions from making substantial investments in alternate technologies that will frustrate the intent of the general assembly as specified in subsection (1) of this section and shall consider, among other relevant factors: THE SECRETARY SHALL APPROVE OR DENY THE APPLICATION IN WRITING WITHIN THIRTY DAYS OF RECEIVING THE APPLICATION.~~

~~(I) Whether the purchase is intended to replace damaged or defective equipment or to accommodate an increase in population in the political subdivision;~~

~~(II) Whether the purchase requires a new contract or agreement that would be entered into by the political subdivision and one or more vendors;~~

and

~~(HH) A comparison of the purchase under review with the average capital expenditures by the political subdivision on the administration of elections on an annual basis for the four consecutive years prior to the year in which the application is submitted in order to discourage an investment in technology with a limited useful life in accordance with the intent of the general assembly as specified in subsection (1) of this section.~~

**SECTION 20.** In Colorado Revised Statutes, 1-5-704, **amend** (1) introductory portion and (1)(h) as follows:

**1-5-704. Standards for accessible voting systems.**

(1) Notwithstanding any other provision of this ~~article~~ ARTICLE 5, each voting system certified by the secretary of state for use in local, state, and federal elections ~~shall~~ **MUST** have the capability to accept accessible voter interface devices in the voting system configuration to allow the voting system to meet the following minimum standards:

(h) For voice signals transmitted to the elector, the voting system shall ~~provide a gain~~ **HAVE AN** adjustable ~~up to a minimum of twenty decibels with at least one intermediate step of twelve decibels~~ **AUDIO VOLUME THAT MEETS THE REQUIREMENTS USED IN COLORADO FOR CERTIFICATION OF A VOTING SYSTEM.**

**SECTION 21.** In Colorado Revised Statutes, **amend** 1-5-705 as follows:

**1-5-705. Accessible voter interface devices - minimum requirement.** A voting system must include at least one ~~direct recording electronic voting system specially equipped for individuals with disabilities or other~~ accessible voter interface device installed at each polling location that meets the requirements of this ~~section~~ PART 7.

**SECTION 22.** In Colorado Revised Statutes, 1-6-103, **amend** (1)(a) and (2) as follows:

**1-6-103. Recommendations by county chairperson.** (1) (a) No later than the ~~last~~ **FIRST** Tuesday of April in even-numbered years, the county chairperson of each major political party in the county shall certify

to the county clerk and recorder the names and addresses of registered electors recommended to serve as election judges ~~for FROM each precinct~~ in the county.

(2) The county chairperson, or, if there is no county chairperson, the committeepersons who submitted the list of registered electors in accordance with section 1-6-102 (2) shall designate the order of preference of the names of the registered electors recommended to serve as election judges. ~~for each precinct~~ The county clerk and recorder shall select election judges ~~from each precinct list~~ in the county chairperson's, or, if there is no county chairperson, the committeeperson's, order of preference.

**SECTION 23.** In Colorado Revised Statutes, 1-6-119, **amend** (1) as follows:

**1-6-119. Removal of election judge by designated election official.** (1) (a) If a county chairperson of a major political party or the county chairperson or other authorized official of a minor political party believes that an election judge appointed to represent that party is not faithfully or fairly representing the party or that an election judge has moved from the county, the county chairperson or authorized official may, SUBJECT TO THE PROVISIONS OF SUBSECTION (1)(b) OF THIS SECTION, exercise a preemptive removal of the election judge. The county chairperson or authorized official shall notify the county clerk and recorder and the election judge of the preemptive removal in writing. SUCH NOTICE MUST INCLUDE DOCUMENTATION REGARDING THE REASON FOR REMOVAL OF THE ELECTION JUDGE AND MUST BE FILED WITH THE COUNTY CLERK AND RECORDER WITHIN THREE DAYS OF RECEIVING THE ELECTION JUDGE LIST PURSUANT TO RULES PROMULGATED BY THE SECRETARY OF STATE.

(b) IF AN ELECTION JUDGE IS PREEMPTIVELY REMOVED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE COUNTY CLERK AND RECORDER SHALL ALLOW THE ELECTION JUDGE TWO DAYS TO APPEAL THE ELECTION JUDGE'S REMOVAL. IF APPEALED, THE COUNTY CLERK AND RECORDER SHALL REVIEW ALL DOCUMENTATION AND DETERMINE WHETHER THE JUDGE MAY BE REMOVED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION.

(c) The county clerk and recorder shall fill any vacancy created by the preemptive removal as provided in section 1-6-113.

**SECTION 24.** In Colorado Revised Statutes, 1-7-110, **add** (6) as follows:

**1-7-110. Preparing to vote in person.** (6) A REGISTERED ELECTOR WHO WILL NOT HAVE BEEN A COLORADO RESIDENT FOR AT LEAST TWENTY-TWO DAYS IMMEDIATELY BEFORE A PRESIDENTIAL GENERAL ELECTION MAY CAST A PROVISIONAL BALLOT, IN ACCORDANCE WITH ARTICLE 8.5 OF THIS TITLE 1, THAT INCLUDES ONLY A VOTE FOR PRESIDENT AND VICE PRESIDENT IN THAT GENERAL ELECTION.

**SECTION 25.** In Colorado Revised Statutes, 1-7-118, **amend** (5) as follows:

**1-7-118. Ranked voting in a coordinated election - procedure - costs - definition.** (5) On or before April 1, 2023, the secretary of state shall adopt rules concerning the tabulation, reporting, and canvassing of results for a coordinated election using instant runoff voting conducted by a single county. On or before ~~January 1, 2025~~ JANUARY 1, 2026, the rules must include provisions for an instant runoff voting election conducted by multiple counties.

**SECTION 26.** In Colorado Revised Statutes, 1-7-201, **amend** (1) as follows:

**1-7-201. Voting at primary election.** (1) Any registered elector including a preregistrant who is eligible under section 1-2-101 (2)(c), who has declared an affiliation with a political party that is participating in a primary election and who desires to vote for candidates of that party at a primary election shall show identification, as defined in section 1-1-104 (19.5), write ~~his or her~~ THE REGISTERED ELECTOR'S name and address on a form available at the voter service and polling center, and give the form to one of the election judges.

**SECTION 27.** In Colorado Revised Statutes, **amend** 1-7-401 as follows:

**1-7-401. Judges to inspect machines.** In each ~~polling location using voting machines~~ VOTER SERVICE AND POLLING CENTER, the election judges shall meet ~~at the polling location~~ before the time set for the opening of the ~~polls at each election. Before the polls are open for election, each~~



~~judge shall~~ VOTER SERVICE AND POLLING CENTER ON EACH DAY OF VOTING AT THAT LOCATION. THE JUDGES SHALL carefully examine each ~~machine~~ ELECTROMECHANICAL VOTING SYSTEM COMPONENT AND BALLOT BOX used in the ~~polling location~~ VOTER SERVICE AND POLLING CENTER to ensure that no vote SEAL has yet been cast ~~BROKEN. and that every counter, except the protective counter, registers zero.~~

**SECTION 28.** In Colorado Revised Statutes, **repeal** 1-7-402 as follows:

**1-7-402. Sample ballots - ballot labels.** ~~(1) The designated election official shall provide each polling location in which voting machines are to be used with two sample ballots, which 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. The sample ballots may be either in full or reduced size and shall be delivered and submitted for public inspection in the same manner as provided by law for sample ballots used in nonmachine voting.~~

~~(2) The designated election official shall also prepare the official ballot for each voting machine and shall place the official ballot on each voting machine to be used in polling locations under the election official's supervision and shall deliver the required number of voting machines to each polling location no later than the day before the polling locations open.~~

**SECTION 29.** In Colorado Revised Statutes, **repeal** 1-7-405 as follows:

**1-7-405. Seal on voting machine.** ~~The designated election official 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. The designated election official shall also provide an envelope for the return of the keys to each voting machine along with the election returns.~~

**SECTION 30.** In Colorado Revised Statutes, **repeal** 1-7-406 as follows:

**1-7-406. Close of polls and count - seals.** ~~As soon as the polls are closed on election day, the election judges shall immediately lock and seal~~

~~each voting machine against further voting, and it shall so remain for a period of thirty days unless otherwise ordered by the court and except as provided in section 1-7-407. Immediately after each machine is locked and sealed, the election judges shall open the counting compartment and proceed to count the votes. After the total vote for each candidate and ballot issue has been ascertained, the election judges shall record on a certificate the number of votes cast, in numerical figures only, and return it to the designated election official.~~

**SECTION 31.** In Colorado Revised Statutes, **repeal** 1-7-407 as follows:

~~**1-7-407. Close of polls - primary.** In the event no election contest is filed by any candidate in a primary election within the time prescribed by section 1-11-203, the county clerk and recorder may unlock and break the seals of voting machines at any time after the fifteenth day following the date of the primary election.~~

**SECTION 32.** In Colorado Revised Statutes, **repeal** 1-7-503 as follows:

~~**1-7-503. Manner of voting.** (1) Each eligible elector, upon receiving a ballot, shall immediately proceed unaccompanied to one of the voting booths provided. To cast a vote, the eligible elector shall clearly fill the oval, connect the arrow, or otherwise appropriately mark the name of the candidate or the names of the joint candidates of the elector's choice for each office to be filled. In the case of a ballot issue, the elector shall clearly fill the oval, connect the arrow, or otherwise appropriately mark the appropriate place opposite the answer that the elector desires to give. Before leaving the voting booth, the eligible elector, without displaying the marks thereon, shall place the ballot in the privacy envelope so that the contents of the ballot or ballot card are concealed and shall place the envelope and the ballot or ballot card in the ballot box.~~

~~(2) Each eligible elector who has prepared the ballot and is ready to vote shall then leave the voting booth and approach the election judges having charge of the ballot box. The eligible elector shall give his or her name to one of the election judges. The elector shall, in full view of the election judges, deposit the ballot or ballot card in the ballot box, with the official endorsement on the ballot or ballot card facing upward.~~

PAGE 18-SENATE BILL 24-210

~~(3) In precincts which use electronic voting equipment in which voting is by a method other than a ballot, each voter shall be listed by name in the pollbook and shall be given an entry card to the electronic voting device.~~

~~(4) Notwithstanding any provision of subsection (1) or (2) of this section to the contrary, at a polling location at which a ballot marking device, as defined in section 1-5-702 (2.5), is available for accessible voting, the election judge in charge of the ballot box shall deposit every elector's ballot card in the ballot box.~~

**SECTION 33.** In Colorado Revised Statutes, **repeal** 1-7-505 as follows:

**1-7-505. Close of polls - security of voting machinery.** ~~(1) After the polls have been closed, the election judges shall secure the vote recorders or the voting devices, or both, against further use.~~

~~(2) and (3) Repealed.~~

**SECTION 34.** In Colorado Revised Statutes, 1-7-507, **repeal** (5) as follows:

**1-7-507. Electronic vote-counting - procedure.** ~~(5) Write-in ballots may be counted by the election judges or at the counting centers.~~

**SECTION 35.** In Colorado Revised Statutes, 1-7-512, **amend** (1)(a) and (1)(b) as follows:

**1-7-512. Voting system providers - duties.** (1) A voting system provider under contract to provide a voting system to a political subdivision in this state shall:

(a) ~~Notify~~ COORDINATE WITH the secretary of state ~~of~~ TO SUPPORT the installation of any hardware, firmware, or software ~~prior to the installation~~ or of any change in the election software ~~or the~~ IN ANY COMPONENT OF THE voting system;

(b) Place in escrow with the secretary of state or an independent escrow agent approved by the secretary of state ~~immediately after the~~

~~installation of election software, one copy of the state certified election software that was installed in each political subdivision, along with supporting documentation;~~

**SECTION 36.** In Colorado Revised Statutes, 1-7-514, **amend** (1)(a)(I); and **add** (6) as follows:

**1-7-514. Random audit.** (1) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, following each primary, general, coordinated, or congressional district vacancy election, the secretary of state shall publicly initiate a manual random audit to be conducted by each county. Unless the secretary approves an alternative method for a particular county that is based on a proven statistical sampling plan and will achieve a higher level of statistical confidence, the secretary shall randomly select not less than five percent of the voting devices used in each county to be audited; except that, where a central count voting device is in use in the county, the rules promulgated by the secretary pursuant to subsection (5) of this section shall require an audit of a specified percentage of ballots counted within the county.

(6) THIS SECTION APPLIES ONLY IF THE SECRETARY OF STATE DETERMINES THAT A RISK-LIMITING AUDIT, AS DESCRIBED IN SECTION 1-7-515, CANNOT BE PERFORMED.

**SECTION 37.** In Colorado Revised Statutes, 1-7-515, **amend** (4)(b) as follows:

**1-7-515. Risk-limiting audits - rules - legislative declaration - definitions.** (4) (b) (I) On or before ~~January 1, 2025~~ JANUARY 1, 2026, the secretary of state shall promulgate rules in accordance with article 4 of title 24 as necessary to conduct risk limiting audits in an election using instant runoff voting. In connection with the promulgation of the rules, the secretary shall consult recognized statistical experts, equipment vendors, and county clerk and recorders, and shall consider best practices for conducting risk-limiting audits. The secretary of state may consult with additional auditing experts.

(II) A county shall audit an election using instant runoff voting conducted as part of a coordinated election before ~~January 1, 2025~~ JANUARY 1, 2026, in accordance with rules adopted by the secretary of state

related to ranked choice or instant runoff voting, or, if no such rules are adopted, in accordance with procedures adopted by the county clerk and recorder.

**SECTION 38.** In Colorado Revised Statutes, 1-7.5-107, **amend** (3)(a)(I); and **add** (4.3)(c)(III) as follows:

**1-7.5-107. Procedures for conducting mail ballot election - primary elections - first-time voters casting a mail ballot after having registered by mail to vote - in-person request for ballot - return envelope requirements - repeal.** (3) (a) (I) Not sooner than twenty-two days before a general, primary, or other mail ballot election, and no later than eighteen days before the election, the county clerk and recorder or designated election official shall mail to each active registered elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which must be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED.", or any other similar statement that is in accordance with United States postal service regulations. ~~For a primary mail ballot election, active registered electors includes preregistrants eligible to vote in that primary under section 1-2-101(2)(c).~~ Nothing in this subsection (3) affects any provision of this code governing the delivery of mail ballots to an absent uniformed services elector, nonresident overseas elector, or resident overseas elector covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act", 52 U.S.C. sec. 20301 et seq.

(4.3) (c) (III) A COUNTY CLERK AND RECORDER MAY REQUEST A WAIVER FROM THE SECRETARY OF STATE EXEMPTING THE COUNTY FROM THE DROP BOX BALLOT COLLECTION REQUIREMENTS IN SUBSECTION (4.3)(c)(I) OF THIS SECTION. IF THE SECRETARY OF STATE GRANTS THE WAIVER, THE COUNTY CLERK SHALL ARRANGE FOR THE COLLECTION OF BALLOTS BY BIPARTISAN TEAMS OF ELECTION JUDGES FROM ALL EXEMPT DROP BOX LOCATIONS ONCE THEY ARE OPEN AS OFTEN AS NECESSARY, BUT AT LEAST ONCE EACH WEEK AFTER THE INITIAL MAILING OF BALLOTS UNDER SUBSECTION (3)(a)(I) OF THIS SECTION, UNTIL THE FRIDAY BEFORE ELECTION DAY. THE COUNTY CLERK MUST POST A NOTICE ON EACH EXEMPT DROP BOX OF THE DATES AND APPROXIMATE TIMES BALLOTS WILL BE COLLECTED.

**SECTION 39.** In Colorado Revised Statutes, 1-7.5-115, **amend** (1)(b); and **repeal and reenact, with amendments,** (1)(a) as follows:

PAGE 21-SENATE BILL 24-210

**1-7.5-115. Emergency voting - replacement ballots - electronic transfer - rules - definition.** (1) (a) (I) AN ELECTOR MAY REQUEST A REPLACEMENT BALLOT BY SUBMITTING A PERSONALLY SIGNED, WRITTEN STATEMENT TO THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL WHEN ONE OF THE FOLLOWING APPLIES:

(A) ON ELECTION DAY, THE ELIGIBLE ELECTOR IS CONFINED IN A HOSPITAL OR PLACE OF RESIDENCE;

(B) ON ELECTION DAY, THE ELIGIBLE ELECTOR'S IMMEDIATE FAMILY RELATED TO THE SECOND DEGREE BY BLOOD, ADOPTION, MARRIAGE, OR CIVIL UNION PARTNERSHIP IS CONFINED IN A HOSPITAL OR PLACE OF RESIDENCE AND REQUIRES THE ELIGIBLE ELECTOR'S CARE OR CONSTANT PRESENCE;

(C) ON ELECTION DAY, THE ELECTOR IS A MEMBER OF A RELIGION THAT FORBIDS SECULAR ACTIVITY;

(D) ON ELECTION DAY, THE ELECTOR IS EMPLOYED AS A FIRST RESPONDER, MEMBER OF LAW ENFORCEMENT, OR HEALTH CARE WORKER AND IS UNABLE TO LEAVE THE STATION, POST, OR PLACE OF EMPLOYMENT OR IS UNABLE TO RETURN TO THE ELECTOR'S HOME COUNTY; OR

(E) EIGHT OR FEWER DAYS BEFORE THE LAST DAY OF THE ELECTION, THE ELECTOR IS UNABLE TO VOTE IN PERSON DUE TO EMERGENCY CONDITIONS SUCH AS A NATURAL DISASTER.

(II) UPON RECEIPT OF A WRITTEN STATEMENT PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION, THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL PROVIDE THE REPLACEMENT BALLOT AT THE OFFICE OF THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL DURING THE REGULAR BUSINESS HOURS OF THE OFFICE, TO ANY AUTHORIZED REPRESENTATIVE OF THE ELECTOR.

(III) THE AUTHORIZED REPRESENTATIVE OF THE ELECTOR SHALL ACKNOWLEDGE RECEIPT OF THE REPLACEMENT BALLOT WITH A SIGNATURE, NAME, AND ADDRESS OF RESIDENCE.

(IV) AS USED IN THIS SUBSECTION (1)(a), UNLESS THE CONTEXT OTHERWISE REQUIRES, "AUTHORIZED REPRESENTATIVE" MEANS A PERSON

WHO POSSESSES A WRITTEN STATEMENT FROM THE ELECTOR CONTAINING THE ELECTOR'S SIGNATURE, NAME, AND ADDRESS OF RESIDENCE, INDICATING THAT THE ELECTOR IS UNABLE TO VOTE IN PERSON AFTER THE LAST DAY TO MAIL A BALLOT, AND REQUESTING THAT THE REPLACEMENT BALLOT BE GIVEN TO THE AUTHORIZED PERSON AS IDENTIFIED BY NAME AND ADDRESS OF RESIDENCE.

(b) ~~A request for a replacement ballot under this section shall be made before 5 p.m. on the day of the election, and the ballot must be returned no later than 7 p.m. on the day of the election.~~

**SECTION 40.** In Colorado Revised Statutes, 1-7.5-205, **repeal** (2)(c) as follows:

**1-7.5-205. Counting mail ballots.** (2) Mail ballots must be counted in one of the following ways:

(c) ~~Ballots that are cast directly on electronic or electromechanical vote-tabulating equipment at a voter service and polling center in lieu of a mail ballot shall be counted in the same manner as provided for the counting of ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.~~

**SECTION 41.** In Colorado Revised Statutes, **repeal** 1-10.5-104 as follows:

**1-10.5-104. Recount for nonpartisan elections not coordinated by county clerk and recorder.** ~~If it appears, as evidenced by the abstract of votes cast that a recount is required for any office, ballot question, or ballot issue, the designated election official shall order a recount of the votes cast for the office, the ballot issue, or ballot question no later than the twenty-fifth day after the election. Any recount under this section shall be completed no later than the fortieth day after the election.~~

**SECTION 42.** In Colorado Revised Statutes, 1-10.5-109, **amend** (1) as follows:

**1-10.5-109. Challenge of recount - definition.** (1) (a) AS USED IN THIS SECTION, "INTERESTED PARTY" MEANS:

(I) A CANDIDATE, POLITICAL PARTY, OR POLITICAL ORGANIZATION OF A CANDIDATE;

(II) A PETITION REPRESENTATIVE IDENTIFIED PURSUANT TO SECTION 1-40-113 FOR A BALLOT ISSUE OR BALLOT QUESTION;

(III) THE GOVERNING BODY THAT REFERRED A BALLOT QUESTION OR BALLOT ISSUE TO THE ELECTORATE; OR

(IV) THE AGENT OF AN ISSUE COMMITTEE THAT IS REQUIRED TO REPORT CONTRIBUTIONS PURSUANT TO THE "FAIR CAMPAIGN PRACTICES ACT", ARTICLE 45 OF THIS TITLE 1, THAT EITHER SUPPORTED OR OPPOSED A BALLOT QUESTION OR BALLOT ISSUE OF A RACE, QUESTION, OR ISSUE THAT IS BEING RECOUNTED.

~~(a)~~ (a.5) Any interested party ~~that requested~~ TO a REQUIRED OR REQUESTED recount of a county, state, national, or district office of state concern, ~~or any party to such recount~~ that has reasonable grounds to believe that the recount is not being conducted in a fair, impartial, and uniform manner may apply to the district court of the city and county of Denver for an order requiring the county clerk and recorder to stop the recount and to give the secretary of state access to all pertinent election records used in conducting the recount and requiring the secretary of state to conduct the recount. THE SECRETARY OF STATE MAY EMPLOY ASSISTANTS AND CLERKS AS NECESSARY TO CONDUCT THE RECOUNT. The county clerk and recorder shall be an official observer during any recount conducted by the secretary of state.

(b) Any interested party ~~that requested~~ TO a REQUIRED OR REQUESTED recount of any other local office, ballot question, or ballot issue ~~or any party to such recount~~ that has reasonable grounds to believe that the designated election official is not conducting the recount in a fair, impartial, and uniform manner may apply to the district court for the political subdivision for an order requiring the designated election official to stop the recount and to give the appropriate official who will take over conducting the recount access to all pertinent election records and requiring the appropriate official to conduct the recount. If the county clerk and recorder is not the designated election official, then the county clerk and recorder is the appropriate official to conduct the recount. If the county clerk and recorder is the designated election official, then the secretary of state is the



appropriate official to conduct the recount. THE SECRETARY OF STATE OR COUNTY CLERK MAY EMPLOY ASSISTANTS AND CLERKS AS NECESSARY TO CONDUCT THERECOUNT. The designated election official shall be an official observer during any recount conducted pursuant to this subsection (1).

**SECTION 43.** In Colorado Revised Statutes, **amend** 1-11-104 as follows:

**1-11-104. Certificates of election for county officers.** Except in the case of offices for which a recount is required, immediately after the final abstract of votes cast for county ~~and precinct~~ officers has been prepared and certified, the county clerk and recorder shall make a certificate of election, or a certificate of nomination in the case of a primary election, for each person declared to be elected or nominated to each office and shall deliver the certificates to that person.

**SECTION 44.** In Colorado Revised Statutes, **amend** 1-11-106 as follows:

**1-11-106. Delivery of certified list of results.** Upon the organization of the house of representatives, the secretary of state shall deliver to the speaker of the house a certified list of candidates elected to each state office and of each member elected to the general assembly showing the member's district. If the secretary of state is unable to certify the candidate elected to state office or the member elected to the general assembly from a particular district, the secretary of state shall also deliver a list of the state offices or districts for which no certification may be made. The speaker, upon receipt of the certified list and, if delivered, the list of offices and districts for which no certification may be made and before proceeding to other business, shall open and announce the results in the presence of a majority of the members of both houses of the general assembly, who shall assemble for that purpose in the chamber of the house of representatives. The person having the highest number of votes for any of the offices shall be declared duly elected by the presiding officer of the joint assembly. ~~The two houses on joint ballot shall then resolve any tie votes which are on the certified list of results.~~

**SECTION 45.** In Colorado Revised Statutes, **amend** 1-11-204 as follows:

PAGE 25-SENATE BILL 24-210

**1-11-204. Contests for presidential elector.** The supreme court OF THIS STATE has original jurisdiction for the adjudication of contests concerning presidential electors and shall prescribe rules for practice and proceedings for such contests. No justice of the court who is a contestor in the election contest shall be permitted to hear and determine the matter. A CONTEST MUST BE FILED WITH THE SUPREME COURT NO LATER THAN TWENTY-FOUR DAYS AFTER THE GENERAL ELECTION NOTWITHSTANDING THE FACT THAT A RECOUNT MAY BE ONGOING. THE SUPREME COURT IS REQUIRED TO RULE ON A CONTEST BEFORE THE DEADLINE TO ISSUE AND SUBMIT THE CERTIFICATE OF ASCERTAINMENT PURSUANT TO THE REQUIREMENTS OF THE FEDERAL "ELECTORAL COUNT REFORM AND PRESIDENTIAL TRANSITION IMPROVEMENT ACT OF 2022", 3 U.S.C. SEC. 5. THE SUPREME COURT SHALL PRIORITIZE ELECTION CONTESTS OF PRESIDENTIAL ELECTORS OVER ALL REGULAR BUSINESS OF THE COURT SO THAT ELECTION RESULTS ARE DETERMINED AS SOON AS PRACTICABLE.

**SECTION 46.** In Colorado Revised Statutes, 1-12-117, **amend** (1) as follows:

**1-12-117. Nomination of successor - ballot certification.** (1) For partisan elections, a candidate to succeed the officer sought to be recalled must meet the qualifications of a party candidate or an unaffiliated candidate as provided in part 8 of article 4 of this title 1 and must be nominated by a political party petition or an unaffiliated petition as provided in part 9 of article 4 of this title 1. Nomination petitions may be circulated beginning the first date on which a protest may be filed and must be filed no later than FIFTEEN CALENDAR DAYS PRIOR TO THE DATE FOR HOLDING THE ELECTION AS PROVIDED IN SECTION 1-12-111 FOR STATE RECALL ELECTIONS AND twenty-five calendar days prior to the date for holding the election as provided in section 1-12-111 FOR OTHER RECALL ELECTIONS. If the election is to be held with a general election, nomination petitions must be filed no later than five days prior to the date to certify ballot content for the general election.

**SECTION 47.** In Colorado Revised Statutes, 1-40-121, **repeal** (2)(b) as follows:

**1-40-121. Designated representatives - expenditures related to petition circulation - report - penalty - definitions.** (2) No later than ten days after the date that the petition is filed with the secretary of state, the

designated representatives of the proponents must submit to the secretary of state a report that:

~~(b) Includes any other expenditures made by any person or issue committee related to the circulation of petitions for signatures. Such information shall include the name of the person or issue committee and the amount of the expenditure.~~

**SECTION 48.** In Colorado Revised Statutes, **repeal** 1-40-136 as follows:

**1-40-136. Bills enacted in the second regular session of the seventy-second general assembly that include an act subject to petition clause - legislative declaration.** ~~(1) (a) The general assembly finds and declares that:~~

~~(I) The second regular session of the seventy-second general assembly convened on January 8, 2020, and was scheduled to adjourn sine die on May 6, 2020, pursuant to section 8 of article V of the state constitution and Joint Rule 23 (d) of the joint rules of the senate and house of representatives, which deems the constitutional maximum for the legislative session of one hundred twenty calendar days to be one hundred twenty consecutive calendar days;~~

~~(II) Joint Rule 44 (g) of the joint rules of the senate and house of representatives states that the "maximum of one hundred twenty calendar days . . . shall be counted as one hundred twenty separate working calendar days if the Governor has declared a state of disaster emergency";~~

~~(III) On March 10, 2020, the governor declared a disaster emergency due to the presence of coronavirus disease 2019, known as "COVID-19", and the public health crisis necessitated the temporary adjournment of the second regular session of the seventy-second general assembly;~~

~~(IV) On March 16, 2020, concerned that any legislation enacted after May 6, 2020, could be subject to challenge if Joint Rule 44 (g) were deemed unconstitutional, the general assembly submitted an interrogatory to the Colorado supreme court;~~

~~(V) On April 1, 2020, the Colorado supreme court found in In re: Interrogatory on House Joint Resolution 20-1006, 2020 CO 23 (Colo. 2020), that Joint Rule 44 (g) was constitutional. Consequently, once it reconvenes, the second regular session of the seventy-second general assembly may continue for the fifty-two remaining legislative days.~~

~~(VI) The governor has extended the declared disaster emergency several times, which will now expire thirty days from May 7, 2020, and it is likely that the governor's declared disaster emergency will be further extended; and~~

~~(VII) The second regular session of the seventy-second general assembly remained in temporary adjournment until it reconvened on May 26, 2020, which will be counted as the sixty-ninth legislative day. It is uncertain when the general assembly will adjourn sine die, but it could be as late as July 30, 2020, under Joint Rule 44 (g) or later if the body undertakes another temporary adjournment.~~

~~(b) The general assembly further finds and declares that:~~

~~(I) If a bill does not include a safety clause, it is subject to the people's referendum power under section 1 of article V of the state constitution, which provides that a person can file a referendum petition up to ninety days after a general assembly's adjournment sine die to place an act, or an item, section, or part of an act on the ballot at a general election;~~

~~(II) When the seventy-second general assembly commenced its second regular session on January 8, 2020, and until it reconvened on May 26, 2020, the act subject to petition clause specified that if a referendum petition were filed against an act, or an item, section, or part of an act, it would be placed on the ballot for the November 2020 general election;~~

~~(III) The act subject to petition clause implicates two interlocking issues, both of which have constitutional, statutory, and practical dimensions;~~

~~(IV) If a petition is filed within the ninety days allowed by the state constitution, the office of the secretary of state must validate the petition to determine if it is sufficient. Before the election, the office of the secretary of state must also certify the content of the ballot and county clerk and~~

recorders must print and mail ballots in accordance with deadlines set forth in both state and federal law.

~~(V) At the same time, the constitution requires legislative council staff to distribute the ballot information booklets, which includes an analysis of each measure placed on the ballot, at least thirty days before the election. This process also involves multiple steps.~~

~~(VI) Because of the delayed adjournment sine die due to COVID-19, there will not be sufficient time after the constitutional deadline to file petitions to meet the deadline in federal law for the distribution of ballots to uniformed and overseas citizens or the deadline in the state constitution for the distribution of the ballot information booklets for the 2020 general election on November 3;~~

~~(VII) Section 1 (4)(a) of article V of the state constitution specifies that "elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election". While under normal circumstances this is understood to mean the general election that follows the session of the general assembly that passed the bill, the constitution does not specify that the election be held at the next general election.~~

~~(VIII) Because of the delayed adjournment sine die due to COVID-19, and the resulting inability to place bills referred by petition on the ballot for the 2020 general election, it is reasonable to interpret section 1 (4)(a) of article V of the state constitution to mean the November 2022 general election instead of the November 2020 general election;~~

~~(IX) Referencing the November 2022 general election instead of the November 2020 general election preserves the right of referendum, affords the ability to comply with the other statutory and constitutional deadlines for the November 2020 election, and avoids the uncertainty that might come with the risk of legal challenges if this issue is not addressed;~~

~~(X) Amending the act subject to petition clause in each bill could require amending hundreds of pending bills and would require changing the act subject to petition clause in over seventy enacted bills; and~~

~~(XI) It is a more efficient solution to enact this section to address the issue for all bills enacted in the second regular session of the~~

~~seventy-second general assembly.~~

~~(c) The general assembly further finds and declares that:~~

~~(I) The act subject to petition clause in bills that were pending or enacted prior to the temporary adjournment of the second regular session of the seventy-second general assembly on March 14, 2020, make reference to August 5, 2020, as the possible effective date of such bills if adjournment sine die was on May 6, 2020; and~~

~~(II) Because the adjournment sine die of the second regular session of the seventy-second general assembly was delayed beyond May 6, 2020, this section is intended to reiterate that unless a later date is otherwise specified in the act, the effective date for any act, or an item, section or part of an act with an act subject to petition clause is 12:01 a.m. on the day following the expiration of the ninety-day period after adjournment sine die, not August 5, 2020.~~

~~(2) Notwithstanding any law to the contrary, for any act, item, section, or part of an act that is enacted by bill with an act subject to petition clause during the second regular session of the seventy-second general assembly:~~

~~(a) The act, item, section, or part of the act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after adjournment sine die of the second regular session of the seventy-second general assembly, unless a later date is otherwise specified in the act; and~~

~~(b) Notwithstanding subsection (2)(a) of this section, if a referendum petition is filed pursuant to section 1(3) of article V of the state constitution against such an act, item, section, or part of the act within the ninety-day period after adjournment sine die of the second regular session of the seventy-second general assembly, then the act, item, section, or part of the act will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.~~

**SECTION 49.** In Colorado Revised Statutes, 1-45-103.7, **add** (5.7) as follows:

PAGE 30-SENATE BILL 24-210

**1-45-103.7. Contribution limits - county offices - school district director - treatment of independent expenditure committees - contributions from limited liability companies - voter instructions on spending limits - definitions.** (5.7) A NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, A FOREIGN GOVERNMENT, OR A FOREIGN CORPORATION SHALL NOT MAKE ANY DIRECT BALLOT ISSUE OR BALLOT QUESTION EXPENDITURE IN CONNECTION WITH AN ELECTION ON A BALLOT ISSUE OR BALLOT QUESTION IN THE STATE.

**SECTION 50.** In Colorado Revised Statutes, 1-45-110, amend (2.5), (3.5), and (4) as follows:

**1-45-110. Candidate affidavit - disclosure statement.** (2.5) A candidate seeking reelection does not have to file another disclosure statement required by subsection (2)(a) of this section if the incumbent has filed the annual report required by section 24-6-202 (2) WITHIN THIRTY DAYS OF THE DATE ON WHICH THE INCUMBENT BECAME A CANDIDATE FOR REELECTION.

(3.5) ~~Any complaints~~ IN ADDITION TO ANY OTHER PROCESS PROVIDED IN LAW OR RULE, ANY PERSON MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE about a candidate not complying with the requirements of this section. ~~shall be treated as a campaign finance complaint pursuant to section 1-45-111.7 (2)(a).~~

(4) Any disclosure statement required by subsection (2) of this section shall be amended no more than thirty days after any termination, or acquisition, OR SUBSTANTIAL CHANGE of interests as to which disclosure is required.

**SECTION 51.** In Colorado Revised Statutes, 24-6-202, amend (1) introductory portion, (1.5), (2)(a), (2)(f), (3), (5), and (7); repeal (1.7), (4), and (6); and add (1.3), (8), (9), and (10) as follows:

**24-6-202. Disclosure - contents - filing - false or incomplete filing - penalty.** (1) ~~Except as otherwise provided in subsection (1.7) of this section;~~ Not later than the January 10 following his or her election, reelection, appointment, or retention in office, written disclosure; OF EACH CALENDAR YEAR, EACH OF THE FOLLOWING INDIVIDUALS SHALL FILE AN ANNUAL DISCLOSURE STATEMENT WITH THE SECRETARY OF STATE OF

COLORADO in such form as the secretary of state shall prescribe PRESCRIBES, stating the ~~interests named~~ INFORMATION SPECIFIED in subsection (2) of this section: ~~shall be made to and filed with the secretary of state of Colorado by~~

(1.3) IF AN INDIVIDUAL BEGINS SERVING IN ONE OF THE POSITIONS SPECIFIED IN SUBSECTION (1) OF THIS SECTION AFTER JANUARY 10 AND HAS NOT FILED A DISCLOSURE STATEMENT WITHIN THE PREVIOUS THIRTY DAYS, THE INDIVIDUAL SHALL FILE A DISCLOSURE STATEMENT NO LATER THAN TEN DAYS AFTER ASSUMING THE POSITION.

(1.5) The provisions of subsection (1) of this section apply to any ~~person~~ INDIVIDUAL who is serving in any position ~~noted in said~~ SPECIFIED IN subsection (1) ~~on July 1, 1979~~ OF THIS SECTION ON OR AFTER JANUARY 1, 2024. IF AN INDIVIDUAL WHO IS SPECIFIED IN SUBSECTION (1) OF THIS SECTION IS SERVING IN OFFICE IN THE 2024 CALENDAR YEAR BUT HAS NOT FILED AN ANNUAL DISCLOSURE STATEMENT IN THE 2024 CALENDAR YEAR, THE INDIVIDUAL SHALL FILE A DISCLOSURE STATEMENT NO LATER THAN JULY 1, 2024, OR IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (1.3) OF THIS SECTION, WHICHEVER IS SOONER.

~~(1.7) Notwithstanding any other provision of this section, any person who has timely filed an amended statement with the secretary of state pursuant to subsection (4) of this section is not required to additionally file a disclosure statement satisfying the requirements of subsection (1) of this section by the January 10 following his or her election, reelection, appointment, or retention in office.~~

(2) Disclosure must include the following for the previous calendar year, unless otherwise specified:

(a) The names, and amounts, disclosed as a range ~~included~~ AS PROVIDED in the form prescribed by the secretary of state, of any source or sources of any income, including capital gains, whether or not taxable, of the person making disclosure, the person's spouse, and any minor children residing with the person making the disclosure;

(f) The name of each creditor to whom the person making disclosure, the person's spouse, or the person's minor children owe money in excess of one thousand dollars, including the interest rate and the highest



amount owed, disclosed as a range included AS PROVIDED in the form prescribed by the secretary of state, for the calendar year covered in the statement;

(3) Any disclosure statement shall be amended no more than thirty days after any termination, or acquisition, OR SUBSTANTIAL CHANGE of interests as to which disclosure is required.

~~(4) (a) Any person required by this section to file a disclosure statement shall, on or before January 10 of each calendar year, file an amended statement with the secretary of state or notify the secretary of state in writing that the person has had no change of condition since the previous filing of a disclosure statement.~~

~~(b) Any incumbent seeking reelection is not required to file a separate disclosure statement required by section 1-45-110 if the incumbent has filed a disclosure statement as required by subsection (4)(a) of this section.~~

(5) Each disclosure statement ~~amended statement, or notification that no amendment is required shall be~~ IS public information available to any person upon request during normal working hours AND SHALL BE MADE AVAILABLE ON THE SECRETARY OF STATE'S WEBSITE.

~~(6) Any person subject to the provisions of this section may elect to file with the secretary of state annually a copy of his federal income tax return and any separate federal income tax return filed by his spouse or minor children residing with him together with a certified statement of any investments held by him, his spouse, or minor children residing with him which are not reflected by the income tax returns in lieu of complying with the provisions of subsections (1) to (4) of this section, which tax return and any statement filed under the provisions of this subsection (6) shall be public information.~~

(7) Any person who willfully files a false or incomplete disclosure statement, ~~amendment, or notice that no amendment is required, or who willfully files a false or incomplete copy of any federal income tax return or a false or incomplete certified statement of investments, or who willfully fails to make any filing required by this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than~~

one thousand dollars nor more than five thousand dollars.

(8) IN ADDITION TO ANY OTHER PROCESS PROVIDED IN LAW OR RULE, INCLUDING ARTICLE XXIX OF THE STATE CONSTITUTION, ANY PERSON WHO BELIEVES AN OFFICIAL LISTED IN SUBSECTION (1)(a) OF THIS SECTION IS NOT SUBSTANTIALLY COMPLYING WITH THE REQUIREMENTS OF THIS SECTION MAY FILE A COMPLAINT WITH THE FOLLOWING:

(a) THE SECRETARY OF THE SENATE AND THE PRESIDENT OF THE SENATE FOR MEMBERS OF THE SENATE; AND

(b) THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES.

(9) UPON RECEIVING A COMPLAINT, THE PERSON OR PERSONS RECEIVING THE COMPLAINT SHALL FOLLOW ANY EXISTING PROCEDURES FOR INVESTIGATING ETHICS COMPLAINTS OR VIOLATIONS.

(10) IF AN OFFICIAL SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION DOES NOT TIMELY FILE THE REQUIRED ANNUAL DISCLOSURE STATEMENT, THE SECRETARY OF STATE SHALL FORWARD NOTIFICATION TO THE APPROPRIATE INDIVIDUAL SPECIFIED IN SUBSECTION (8) OF THIS SECTION.

**SECTION 52.** In Colorado Revised Statutes, 24-72-203, **add** (3)(d) as follows:

**24-72-203. Public records open to inspection.**

(3) (d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF THE PUBLIC RECORDS REQUESTED ARE ELECTION-RELATED AND ARE IN THE CUSTODY AND CONTROL OF A COUNTY CLERK AND RECORDER BUT ARE IN ACTIVE USE, IN STORAGE, OR OTHERWISE NOT READILY AVAILABLE AT THE TIME A REQUESTER ASKS TO EXAMINE THEM, AND THE REQUEST IS MADE DURING AN ELECTION FOR WHICH THE COUNTY CLERK AND RECORDER IS THE DESIGNATED ELECTION OFFICIAL, THE COUNTY CLERK AND RECORDER MAY, AT THE COUNTY CLERK AND RECORDER'S DISCRETION, TAKE ADDITIONAL TIME TO FULFILL THE REQUEST AS SPECIFIED IN THIS SUBSECTION (3)(d); EXCEPT THAT THE PROVISIONS OF THIS SUBSECTION (3)(d) DO NOT APPLY IF THE REQUESTER OF THE PUBLIC RECORDS IS A MASS MEDIUM ORGANIZATION AS DEFINED IN SECTION 13-90-119 (1)(a), OR A NEWSPERSON, AS DEFINED IN

SECTION 13-90-119 (1)(c). THE COUNTY CLERK AND RECORDER MAY TAKE ADDITIONAL TIME TO FULFILL THE REQUEST AS FOLLOWS:

(I) DURING THE PERIOD BEGINNING ON THE SIXTIETH DAY BEFORE ELECTION DAY AND CONCLUDING WITH THE DATE BY WHICH THE COUNTY CLERK AND RECORDER CERTIFIES THE FINAL OFFICIAL ABSTRACT OF VOTES CAST FOR THE APPLICABLE ELECTION, THE COUNTY CLERK AND RECORDER MAY EXTEND THE PERIOD FOR PRODUCTION OF RECORDS UP TO AN ADDITIONAL TEN WORKING DAYS PAST THE SEVEN-DAY EXTENSION ALLOWED UNDER SUBSECTION (3)(b) OF THIS SECTION;

(II) THE COUNTY CLERK AND RECORDER SHALL PROVIDE WRITTEN NOTICE OF THE EXTENSION TO THE REQUESTER WITHIN THREE WORKING DAYS FROM THE DATE OF THE REQUEST;

(III) THE COUNTY CLERK AND RECORDER MAY NOT EXTEND THE PERIOD FOR PRODUCTION OF ANY RECORD THAT:

(A) IS A LIST OF VOTERS, A LIST OF VOTERS WHO HAVE RETURNED THEIR BALLOTS, OR A LIST OF VOTERS WHO HAVE BALLOTS THAT NEED TO BE CURED; OR

(B) IS NECESSARY FOR AN INTERESTED PARTY, AS DEFINED IN SECTION 1-10.5-106 (1), TO DETERMINE WHETHER OR NOT TO REQUEST A RECOUNT UNDER SECTION 1-10.5-106, OR TO FACILITATE THE CONDUCT OF A RECOUNT; AND

(IV) A REQUESTER WHOSE PUBLIC RECORDS REQUEST IS SUBJECT TO THE EXTENSION PURSUANT TO SUBSECTION (3)(d)(I) OF THIS SECTION MAY APPLY TO THE DISTRICT COURT UNDER THE PROCEDURES SET FORTH IN SECTION 1-1-113 FOR AN ORDER DIRECTING THE COUNTY CLERK AND RECORDER TO PRODUCE THE REQUESTED RECORDS OR SHOW CAUSE WHY THE ADDITIONAL EXTENSION PERIOD APPLIES.

**SECTION 53.** In Colorado Revised Statutes, 1-4-101, **add** (6) as follows:

**1-4-101. Primary elections - when - nominations - expenses - legislative declaration.** (6) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, FOR THIS SUBSECTION (6), IT INTENDS THAT A GENERAL

PROVISION WITH A LATER EFFECTIVE DATE PREVAILS OVER A SPECIFIC PROVISION WITH AN EARLIER EFFECTIVE DATE.

(b) A DESIGNATED ELECTION OFFICIAL MAY CONDUCT AN ALL-CANDIDATE PRIMARY ELECTION USING AN ALL-CANDIDATE PRIMARY BALLOT ONLY AFTER THE REQUIREMENTS ESTABLISHED IN SECTION 1-7-1002 (2.5) HAVE BEEN SATISFIED.

**SECTION 54.** In Colorado Revised Statutes, 1-7-1002, **amend** (1); and **add** (2.5) as follows:

**1-7-1002. Ranked voting methods - report - legislative declaration - definitions.** (1) As used in this part 10, unless the context otherwise requires:

(a) "FEDERAL OFFICE" MEANS UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS, OR PRESIDENT OF THE UNITED STATES.

(b) "Local government" means a statutory city or town or a special district created pursuant to article 1 of title 32. ~~C.R.S.~~

(c) "STATE OFFICE" MEANS DISTRICT ATTORNEY, STATE REPRESENTATIVE, STATE SENATOR, REGENT OF THE UNIVERSITY OF COLORADO, STATE TREASURER, SECRETARY OF STATE, ATTORNEY GENERAL, OR GOVERNOR.

(2.5) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THIS SUBSECTION (2.5), IT INTENDS THAT A GENERAL PROVISION WITH A LATER EFFECTIVE DATE PREVAILS OVER A SPECIFIC PROVISION WITH AN EARLIER EFFECTIVE DATE.

(b) BEFORE A PRIMARY OR GENERAL ELECTION CAN USE A RANKED VOTING METHOD FOR FEDERAL OR STATE OFFICES, THE SECRETARY OF STATE MUST CERTIFY THAT:

(I) MUNICIPALITIES IN AT LEAST THREE COUNTIES WITH MORE THAN TWO HUNDRED FIFTY THOUSAND ACTIVE ELECTORS, AT LEAST THIRTY-SEVEN THOUSAND FIVE HUNDRED BUT FEWER THAN TWO HUNDRED FIFTY THOUSAND ACTIVE ELECTORS, AT LEAST TEN THOUSAND BUT FEWER THAN THIRTY-SEVEN THOUSAND FIVE HUNDRED ACTIVE ELECTORS, AND FEWER

THAN TEN THOUSAND ACTIVE ELECTORS, HAVE COORDINATED WITH THE MUNICIPALITY'S COUNTY CLERK TO CONDUCT AN ELECTION WITH A RANKED VOTING METHOD;

(II) AT LEAST TWO COUNTIES SPECIFIED IN SUBSECTION (2.5)(b)(I) OF THIS SECTION HAVE A POPULATION OF AT LEAST TWO THOUSAND CITIZENS OR AT LEAST TWO AND ONE-HALF PERCENT OF CITIZENS AGED EIGHTEEN YEARS OR OLDER WHO SPEAK ENGLISH LESS THAN VERY WELL, AS DEFINED BY THE UNITED STATES CENSUS BUREAU "AMERICAN COMMUNITY SURVEY" OR COMPARABLE CENSUS DATA, AND WHO SPEAK A SHARED LANGUAGE IN THEIR PLACE OF RESIDENCE;

(III) AT LEAST TWO COUNTIES SPECIFIED IN SUBSECTION (2.5)(b)(I) OF THIS SECTION HAVE A POPULATION OF TWO THOUSAND NON-WHITE ACTIVE ELECTORS OR AT LEAST TWO AND ONE-HALF PERCENT NON-WHITE ACTIVE ELECTORS AS DEFINED BY THE UNITED STATES CENSUS BUREAU "AMERICAN COMMUNITY SURVEY" OR COMPARABLE CENSUS DATA; AND

(IV) A RISK-LIMITING AUDIT HAS BEEN SUCCESSFULLY COMPLETED FOR EACH MUNICIPAL ELECTION IN THE MUNICIPALITIES SPECIFIED IN SUBSECTION (2.5)(b)(I) OF THIS SECTION AND HAS DEMONSTRATED THAT THE CERTIFIED OUTCOMES IN EACH RACE WERE CORRECT.

(c) WHEN ALL OF THE REQUIREMENTS SPECIFIED IN SUBSECTION (2.5)(b) OF THIS SECTION ARE SATISFIED, AND BEFORE A PRIMARY OR GENERAL ELECTION CAN USE A RANKED VOTING METHOD FOR FEDERAL OR STATE OFFICES, THE SECRETARY OF STATE SHALL PROVIDE A REPORT AS PART OF THE SECRETARY'S PRESENTATION TO THE LEGISLATIVE COMMITTEES OF REFERENCE AT THE COMMITTEES' HEARINGS HELD PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" PURSUANT TO PART 2 OF ARTICLE 7 OF TITLE 2, REGARDING THE IMPACT OF RANKED CHOICE VOTING METHODS AS COMPARED TO ELECTIONS CONDUCTED THROUGH OTHER VOTING METHODS. AS AVAILABLE, THE REPORT MUST INCLUDE INFORMATION REGARDING SPOILAGE OF BALLOTS, UNDERVOTES, RECORD OF USE AND RESULTS OF RISK-LIMITING AUDITS, AND THE IMPACT ON VOTER TURNOUT IN HISTORICALLY UNDER-REPRESENTED COMMUNITIES, INCLUDING THE DISABLED COMMUNITY, NON-ENGLISH SPEAKING VOTERS, AND NON-WHITE VOTERS.

**SECTION 55.** In Colorado Revised Statutes, amend 30-10-109 as follows:

**30-10-109. Office hours.** All county offices ~~shall~~ MUST be kept open for the transaction of county business on the days and during the hours designated by resolution of the board of county commissioners. However, all clerks of court, CLERK AND RECORDERS, and sheriffs ~~shall be~~ ARE subject, at all times, to the command of the people, and ~~each thereof~~ shall at all hours, night and day, be prepared to attend such duties as may reasonably be required of them.

**SECTION 56.** In Colorado Revised Statutes, 24-77-109, **repeal as added by Section 13 of Senate Bill 24-230 (2);** and **add (4)** as follows:

**24-77-109. Definition of fee - scope - legislative declaration - definitions - repeal.** (2) ~~As used in this section, "fee" means any fee charged for remediation services that positively impact the environment, such as the production fee for clean transit imposed pursuant to section 43-4-1204, the production fee for wildlife and land remediation imposed pursuant to section 33-61-103, and the congestion impact fee imposed pursuant to section 43-4-806 (7.6).~~

(4) THE GENERAL ASSEMBLY DECLARES THAT:

(a) THE CONSTITUTIONAL AMENDMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION DIRECTLY AMENDS SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AND THAT SECTION 20 OF ARTICLE X CONTAINS PROVISIONS OF LAW GOVERNING ELECTION PROCESSES SPECIFIC TO STATE FISCAL MATTERS, INCLUDING VOTER APPROVAL REQUIREMENTS AND BALLOT LANGUAGE THAT MUST BE SUBMITTED TO THE VOTERS FOR CERTAIN MEASURES, AND CONTAINS SUBSECTIONS ENTITLED "ELECTION PROVISIONS" AND "REQUIRED ELECTIONS";

(b) THE AMENDMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION WOULD AMEND SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AND THAT SUCH AMENDMENT, BY DEFINING A "FEE", IS LIKELY TO IMPACT CONSTITUTIONAL ELECTION REQUIREMENTS AND MAY RESULT IN ADDITIONAL REVENUE SOURCES BEING SUBMITTED TO THE VOTERS PURSUANT TO ELECTION REQUIREMENTS CONTAINED IN SECTION 20 OF ARTICLE X; AND

PAGE 38-SENATE BILL 24-210

(c) THEREFORE, THIS SECTION, BY CONSTRUING AND EFFECTUATING SUCH CONSTITUTIONAL AMENDMENT, IS A LAW REGARDING ELECTIONS.

**SECTION 57.** In Colorado Revised Statutes, 24-77-109, **repeal as added by Section 14 of Senate Bill 24-230 (2); and add (4) as follows:**

**24-77-109. Definition of fee - scope - legislative declaration - definitions - repeal.** (2) ~~As used in this section, "fee" means any fee charged for remediation services that positively impact the environment, such as the production fee for clean transit imposed pursuant to section 43-4-1204 and the production fee for wildlife and land remediation imposed pursuant to section 33-61-103.~~

(4) THE GENERAL ASSEMBLY DECLARES THAT:

(a) THE CONSTITUTIONAL AMENDMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION DIRECTLY AMENDS SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AND THAT SECTION 20 OF ARTICLE X CONTAINS PROVISIONS OF LAW GOVERNING ELECTION PROCESSES SPECIFIC TO STATE FISCAL MATTERS, INCLUDING VOTER APPROVAL REQUIREMENTS AND BALLOT LANGUAGE THAT MUST BE SUBMITTED TO THE VOTERS FOR CERTAIN MEASURES, AND CONTAINS SUBSECTIONS ENTITLED "ELECTION PROVISIONS" AND "REQUIRED ELECTIONS";

(b) THE AMENDMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION WOULD AMEND SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AND THAT SUCH AMENDMENT, BY DEFINING A "FEE", IS LIKELY TO IMPACT CONSTITUTIONAL ELECTION REQUIREMENTS AND MAY RESULT IN ADDITIONAL REVENUE SOURCES BEING SUBMITTED TO THE VOTERS PURSUANT TO ELECTION REQUIREMENTS CONTAINED IN SECTION 20 OF ARTICLE X; AND

(c) THEREFORE, THIS SECTION, BY CONSTRUING AND EFFECTUATING SUCH CONSTITUTIONAL AMENDMENT, IS A LAW REGARDING ELECTIONS.

**SECTION 58.** In Colorado Revised Statutes, 30-10-306.2, **amend (4)(b)(I)(B); and add (4)(b)(I)(F) as follows:**

**30-10-306.2. Commission organization - procedures - transparency - voting requirements.** (4)(b) To ensure transparency in the

redistricting process:

(I) (B) Except as provided in ~~subsection (4)(b)(I)(D)~~ SUBSECTIONS (4)(b)(I)(D) AND (4)(b)(I)(F) of this section, a member of the commission shall not communicate with staff or any members of the advisory committee on the mapping of county commissioner districts unless the communication is during a public meeting or hearing of the commission.

(F) STAFF MAY MAKE A COMPLETED PROPOSED PLAN THAT STAFF PREPARED AS A RESULT OF A REQUEST MADE IN A PUBLIC HEARING AVAILABLE TO THE PUBLIC ON THE COMMISSION'S WEBSITE. IN ADDITION, STAFF MAY COMMUNICATE WITH A MEMBER OF THE COMMISSION OR THE ADVISORY COMMITTEE TO CLARIFY DIRECTIONS THAT WERE GIVEN TO STAFF DURING A PUBLIC MEETING REGARDING THE CREATION OF A PROPOSED PLAN, SO LONG AS STAFF MAKES A RECORD OF THE CONTENT OF THE COMMUNICATION AVAILABLE TO THE PUBLIC ON THE COMMISSION'S WEBSITE.

**SECTION 59.** In Colorado Revised Statutes, 1-1-111, **amend** (1) introductory portion and (2) as follows:

**1-1-111. Powers and duties of governing boards.** (1) In addition to any other duties prescribed by law, the governing board of a political subdivision, OTHER THAN A COUNTY OR CITY AND COUNTY, entitled to call elections shall have the following duties:

(2) All powers and authority granted to the governing board of a political subdivision, OTHER THAN A COUNTY OR CITY AND COUNTY, may be exercised by an election official designated by the board. The governing body may also contract with the county clerk and recorder of the county in which the political subdivision is organized to perform all or part of the required duties in conducting the election.

**SECTION 60. Appropriation.** (1) For the 2024-25 state fiscal year, \$10,444 is appropriated to the department of revenue. This appropriation is from the Colorado DRIVES vehicle services account in the highway users tax fund created in section 42-1-211 (2), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$576 for the division of motor vehicles for personal services related to vehicle services;

PAGE 40-SENATE BILL 24-210



(b) \$7,840 for DRIVES maintenance and support;

(c) \$840 for the executive director's office for personal services related to administration and support; and

(d) \$1,188 for the purchase of information technology services.

(2) For the 2024-25 state fiscal year, \$1,188 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(d) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of revenue.

(3) For the 2024-25 state fiscal year, \$3,654 is appropriated to the department of state for use by the elections division. This appropriation is from the department of state cash fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the department may use this appropriation for operating expenses related to elections.

**SECTION 61. Effective date.** (1) Except as otherwise provided in this section, this act takes effect upon passage.

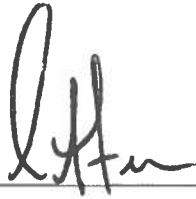
(2) Sections 2, 3, 4, 5, and 11 of this act and section 1-4-802 (1)(d)(II) and (1)(f)(II), C.R.S., as amended in section 10 of this act, take effect January 1, 2025.

(3) Sections 53 and 54 of this act take effect March 1, 2026.

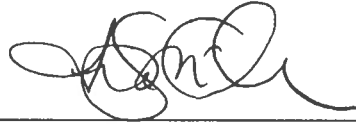
(4) Sections 56 and 57 of this act take effect only if Senate Bill 24-230 becomes law, in which case, sections 56 and 57 take effect upon the effective date of this act or Senate Bill 24-230, whichever is later.

**SECTION 62. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.



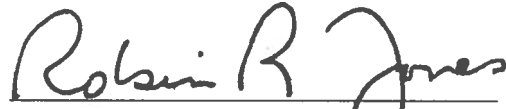
Steve Fenberg  
PRESIDENT OF  
THE SENATE



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

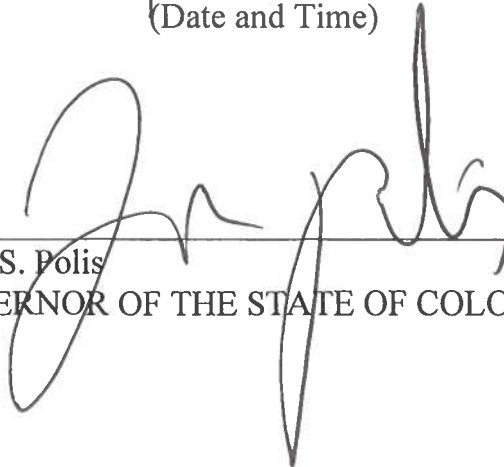


Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED Thursday June 6<sup>th</sup> 2024 at 4:15pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

**From:** [gabriel, richard](#)  
**To:** [jones, jerry; michaels, kathryn;](#)  
**Subject:** FW: C.R.C.P. 63  
**Sent:** 7/17/2024 9:45:56 AM

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Hi, Jerry and Kathryn!

Please see below from J.J. Wallace re CRCP 63. Can we please put this on an agenda for a future Civil Rules Committee meeting? No urgency.

Thanks!

Rich

**Richard L. Gabriel**  
Justice  
Colorado Supreme Court  
Work: (720) 625-5440  
[richard.gabriel@judicial.state.co.us](mailto:richard.gabriel@judicial.state.co.us)  
2 East 14th Avenue  
Denver, Colorado 80203  
(he, him, his)

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**From:** wallace, jennifer <[jennifer.wallace@judicial.state.co.us](mailto:jennifer.wallace@judicial.state.co.us)>  
**Sent:** Thursday, July 11, 2024 8:46 AM  
**To:** gabriel, richard <[richard.gabriel@judicial.state.co.us](mailto:richard.gabriel@judicial.state.co.us)>  
**Subject:** C.R.C.P. 63

Justice Gabriel,

In the original proceeding I just emailed you, the language of C.R.C.P. 63 is the central legal issue. In looking at the case, I discovered that our rule is different from the federal rule. They used to be identical. *See Faris v. Rothenberg*, 648 P.2d 1089, 1091

n.1 (Colo. 1982) (noting that federal authorities on Rule 63 are persuasive because the federal rule is identical).

C.R.C.P. 63 addresses what to do when a judge becomes disabled “after a verdict is returned or findings of fact and conclusions of law are filed.” Fed. R. Civ. P. 63 was updated in 1991 to broaden the rule’s language to cover what to do anytime a judge becomes unable to proceed. We have not updated our rule, but we should. If a judge is unable to proceed, the work must be done by someone. Adopting the federal rule would provide clearer guidance. I suggest you ask the Civil Rules committee to consider adopting the federal rule.

For your reference, I’ve copied both rules below:

**C.R.C.P. 63. Disability of a Judge**

If by reason of death, sickness, or other disability, a judge before whom an action has been tried is unable to perform the duties to be performed by the court under these rules after a verdict is returned or findings of fact and conclusions of law are filed, then any other judge sitting in or assigned to the court in which the action was tried may perform those duties; but if such other judge is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial.

**Fed. R. Civ. P. 63. Judge’s Inability to Proceed**

If a judge conducting a hearing or trial is unable to proceed, any other judge may proceed upon certifying familiarity with the record and determining that the case may be completed without prejudice to the parties. In a hearing or a nonjury trial, the successor judge must, at a party's request, recall any witness whose testimony is material and disputed and who is available to testify again without undue burden. The successor judge may also recall any other witness.

Thanks,

J.J. Wallace  
Staff Attorney, Colorado Supreme Court

[jennifer.wallace@judicial.state.co.us](mailto:jennifer.wallace@judicial.state.co.us)

(720) 625-5272

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West's Colorado Revised Statutes Annotated  
Colorado Court Rules  
Chapter 25. Rules of County Court Civil Procedure

C.R.C.P. Rule 363

Rule 363. Disability of a Judge

Currentness

If by reason of death, sickness, or other disability, a judge before whom an action has been tried is unable to perform the duties to be performed by the court under these rules after a verdict is returned or findings of fact and conclusions of law are filed, then any other judge lawfully sitting in or assigned to the court in which the action was tried may perform those duties; but if such other judge is satisfied that the judge cannot perform those duties having not presided at the trial or for any other reason, a new trial may be ordered.

**Credits**

Amended effective January 1, 1994.

Rules Civ. Proc., County Court Rule 363, CO ST CTY CT RCP Rule 363

Current with amendments received through July 15, 2024.

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