

**RULE CHANGE 2024(17)**

**COLORADO RULES OF CIVIL PROCEDURE**

## 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 or declaration 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'shis 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 or declaration 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 when the contest relates to a supreme court justice; in the office of the clerk of the court of appeals when the contest relates to a court of appeals judge; or in the office of the clerk of the district court in the proper county when 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.~~

## **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 or declaration 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 of any person to the office of 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 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 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 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 or declaration 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 when the contest relates to a supreme court justice; in the office of the clerk of the court of appeals when the contest relates to a court of appeals judge; or in the office of the clerk of the district court in the proper county when the contest relates to a district or county judge.

**(c) Determination.** When the case is at issue, the court shall hear and determine the same in a summary manner, without the intervention of a jury.

**Amended and Adopted by the Court, En Banc, October 2, 2024, effective immediately.**

**By the Court:**

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