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ELECTIONS,  
LEGISLATIVE, AND UNITED STATES

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*To be Reenacted by the General Assembly of the State of Colorado  
as the Statutory Law of Colorado of a General and Permanent  
Nature in the 1981 Session*

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utory construction, compare § 2-4-108; for re § 32-1-803.

l special (now congressional vacancy) elec- as. Ray v. Mickelson, 196 Colo. 325, 584 d 1215 (1978)(decided under former law).

of state - penalty. (1) In addition e secretary of state shall have the

ary, general, and congressional

le; the attorney general, to make uni-

escribed by law, the secretary of

ribute, either in conjunction with ection 1-1-107 or separately, such tate finds necessary for the proper ion laws;

ing of a complaint by any person, f county clerk and recorders, elec- her election officials in the conduct ancy elections and the registration

of article XII of the state constitu- to efficiently carry out his powers

code by injunctive action brought rt for the judicial district in which

s or willfully refuses to cooperate e secretary of state or his designated ad duties prescribed in this section nction thereof, shall be punished ollars nor more than five hundred ail for not more than thirty days,

ontrary notwithstanding, the office r division thereof administering the section, shall be open and available yees thereof on each primary, gen- lay during the same hours the polls

enacted, pursuant to section 11 of cure the purity of elections and to nchise.

**1-1-107. Copies of election laws and manual provided.** At least thirty days before the primary election, the secretary of state shall transmit to the county clerk and recorder of each county copies of the election laws of the state to supply at least one for each precinct and copies of a simplified manual of election procedures to be distributed to each of the judges of election in each precinct.

Source: R & RE, L. 80, p. 297, § 1.

**1-1-108. Forms prescribed.** Except as otherwise provided by this code, the secretary of state shall prescribe the forms required by this code, which forms shall be substantially followed by county clerk and recorders, judges of election, and other election officials. All forms for registration books and registration sheets shall be approved by the secretary of state.

Source: R & RE, L. 80, p. 297, § 1.

**1-1-109. Powers of the county clerk and recorder and deputy.** (1) The county clerk and recorder, in rendering decisions and interpretations under this code, shall consult with the secretary of state and consult the rules and regulations promulgated by the secretary of state pursuant to this article.

(2) All powers and authority granted to the county clerk and recorder by this code may be exercised by a deputy clerk in the absence of the county clerk and recorder or if the county clerk and recorder for any reason is unable to perform his duties.

(3) As the chief election official for the county, the county clerk and recorder shall have the authority to determine what elections held by other political subdivisions shall be placed on the ballot at any primary, general, or congressional vacancy election. Prorated costs shall be paid by each political subdivision. Each political subdivision requesting that its election be placed on the ballot shall notify the county clerk and recorder of such intent prior to the sixtieth day before the election.

Source: R & RE, L. 80, p. 297, § 1.

Am. Jur. See 25 Am. Jur.2d, Elections, § 44.  
C.J.S. See 29 C.J.S., Elections, § § 55-57.

**1-1-110. Powers and duties of election commission.** The election commission in counties having such commission shall have all the powers and jurisdiction and perform all the duties provided by this code in respect to county clerk and recorders, boards of county commissioners, and county boards of canvassers.

Source: R & RE, L. 80, p. 297, § 1.

Am. Jur. See 25 Am. Jur.2d, Elections, § 44.  
C.J.S. See 29 C.J.S., Elections, § § 55-57.

**1-1-111. Neglect of duty and wrongful acts.** (1) When it appears, by verified petition of any elector, to any district court that any neglect of duty or wrongful act by any person charged with a duty under this code has

occurred or is about to occur, the court shall issue an order requiring the person charged to forthwith perform the duty or desist from the wrongful act or to forthwith show cause why the order should not be obeyed. The burden of proof in such charge shall be upon the complainant.

(2) The complainant shall be required to deposit in court the sum of two dollars per day for each person cited or summoned into court as a party or a witness, to be paid to the party or witness if the charge is not sustained. The money so deposited shall be returned to the party depositing it if any of the charges are sustained.

(3) Such proceedings may be reviewed and finally adjudicated by the supreme court of the state, if application to such court is made within three days after the termination thereof by the court in which the petition was filed and if the supreme court is willing to assume jurisdiction of the case.

Source: R & RE, L. 80, p. 298, § 1.

Cross reference. For violation of duty and penalty therefor, compare § 1-13-107.

Am. Jur. See 63 Am. Jur.2d, Public Officers and Employees, § 292.

C.J.S. See 29 C.J.S., Elections, §§ 62, 327.

**1-1-112. Controversies.** (1) When any controversy arises between any official charged with any duty or function under this code and any candidate, the officers or representatives of any political party, persons who have made nominations, or any other person, the district court, upon the filing of a verified petition by any such official or person setting forth in concise form the nature of the controversy and the relief sought, shall issue an order commanding the respondent in such petition to appear before the court and answer under oath to such petition. The court shall summarily hear and dispose of any such issues with a view to obtaining substantial compliance with the provisions of this code by the parties to such controversy, shall make and enter orders and judgments, and shall issue the writ or process of such court to enforce all such orders and judgments.

(2) Such proceedings may be reviewed and finally adjudicated by the supreme court of the state, if application to such court is made within three days after the termination thereof by the court in which the petition was filed and if the supreme court is willing to assume jurisdiction of the case.

Source: R & RE, L. 80, p. 298, § 1.

- I. General Consideration.
- II. District Court to Decide.
- III. Review by Supreme Court.

#### I. GENERAL CONSIDERATION.

Annotator's note. The following annotations are taken from cases decided under former provisions similar to this section.

#### II. DISTRICT COURT TO DECIDE.

The court is given jurisdiction for the purpose of enforcing a substantial compliance with the provisions of election act by the par-

ties to such controversy. *People ex rel. McGaffey v. District Court*, 23 Colo. 150, 46 P. 681 (1896).

And provision for adjudication of controversies, being remedial in character, must be liberally construed in order that its purpose may be given effect. *People v. District Court*, 23 Colo. 150, 46 P. 681 (1896).

The district court has jurisdiction to order the recognition by a state central committee of one who is admittedly a member of that body. *People ex rel. Vick Roy v. Republican State Cent. Comm.*, 75 Colo. 312, 226 P. 656 (1924).

And it has jurisdiction to determine authority of the secretary of state. Where the secretary of state assumes jurisdiction, deciding a dispute and the defeated party applies to the district court for relief, challenging the authority of the secretary to determine the controversy as well as the correctness of his decision upon merits, the district court has jurisdiction to entertain the cause and determine the matter. *People ex rel. McGaffey v. District Court*, Colo. 150, 46 P. 681 (1896).

The provision for adjudication of controversies contemplates the taking of evidence w

#### Qualifications :

Cross reference: For election offenses, see part 2 of article 13 of this title.

Editor's note: Section 39 of chapter repealing and reenacting this article is eff

#### PART 1

##### QUALIFICATIONS OF ELECTOR

- 1-2-101. Qualifications.
- 1-2-102. Rules for determining residence.
- 1-2-103. Military service — student inmates — mentally ill person.
- 1-2-104. Additional qualifications.

#### PART 2

##### REGISTRATION OF ELECTORS

- 1-2-201. Registration required.
- 1-2-202. Registration by county clerk recorder.
- 1-2-203. Questions answered by elector.
- 1-2-204. Oath taken by elector.
- 1-2-205. Declaration of party affiliation.
- 1-2-206. Affidavit registration.
- 1-2-207. Registration by federal post application.
- 1-2-208. Registration pursuant to the "Overseas Citizens Voting Act of 1975".
- 1-2-209. Eligibility of new resident to vote.
- 1-2-210. Registration of new residents.
- 1-2-211. Registration for congressional vacancy elections.
- 1-2-212. Establishment and conduct of branch registration offices.