



**Jena M Griswold**  
Colorado Secretary of State

**Election Order 2024-01**

**Re: Procedures for Election in Colorado’s Fourth Congressional District on June 25, 2024**  
**Date: March 23, 2024**

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**Operative Facts & Statutory Provisions**

On March 12, 2024, the Hon. Ken Buck, Member of Congress for Colorado’s Fourth Congressional District, delivered a letter of resignation to Governor Jared Polis. Congressman Buck’s letter specified that his resignation would be effective “at the end of the calendar day on March 22, 2024.”

On March 23, 2024, Governor Polis issued an executive order announcing that the congressional vacancy election would be held on June 25, 2024, the date already set by law for the 2024 Colorado state primary election.

Under Colorado law, a congressional vacancy election “shall be conducted and the results thereof surveyed and certified in all respects as nearly as practicable in like manner as for general elections, except as otherwise provided in this code.” § 1-4-401(2), C.R.S.

In determining what is “practicable” under the current constraints, the Secretary sought counsel from county clerks, the Attorney General, legal representatives of political parties, and subject matter experts within the Department of State. The Secretary considered factors such as the feasibility of opening unplanned VSPCs, the ability of staffing election judges and election staff in more locations and during an extended timeframe, risks of voter confusion, unbudgeted county costs of conducting an unplanned election, among other factors.

To ensure compliance with § 1-4-401(2), C.R.S., and other applicable provisions throughout the Election Code, the Secretary issues this Election Order to detail the requirements that the counties with voters in CD-4 must follow for purposes of conducting the congressional vacancy election and the state primary election as a combined, joint proceeding.

## Order

In accordance with my authority as the Chief State Election Official for Colorado to supervise the conduct of elections under the Uniform Election Code, including congressional vacancy elections, pursuant to sections 1-1-107(1)(a), (b), and (e), 1-1.5-104(1), and 1-7.5-104, C.R.S., as well as section 10 of the National Voter Registration Act of 1993, (“NVRA”), 52 U.S.C. § 20509, and section 253(e) of HAVA, 52 U.S.C. § 21003(e), I order that the June 25, 2024, congressional vacancy election for CD-4 be conducted in conformity to the following specifications:

1. The congressional vacancy election must be conducted in as similar a manner to a general election as is practicable. All counties participating in the congressional vacancy election on June 25, 2024, must follow this order to effectuate the law.
2. The congressional vacancy election race shall be printed on the same ballot as the state primary ballot for voters who are eligible to participate in both elections. A ballot containing only the congressional vacancy election race shall be printed for voters affiliated with minor parties that are not conducting their own primaries.
3. The congressional vacancy election race shall be the last race listed on the ballot.
4. There must be sufficient visual separation and graphical delineation to make clear that the congressional vacancy election race is separate from the primary election.
5. A ballot containing only the congressional vacancy election race shall be mailed to active registered voters affiliated with a minor party that is not conducting a primary election at the same time.
6. Active registered Unaffiliated voters shall be mailed both a Democratic and Republican ballot, which must include instructions that Unaffiliated voters may return only one ballot, either the Democratic or Republican ballot.
7. For counties with voters eligible to vote in the CD-4 congressional vacancy election, counties must have the following numbers of VSPCs open for in-person voting during the times listed below. The requirements set out below ensure that all CD-4 voters will have access to at least one VSPC in their county for fifteen (15) days of voting, and for counties with more than 10,000 voters in CD-4, their voters will have double the number of VSPCs than would otherwise be the case for a primary election:
  - Beginning on June 10, 2024 (the fourteenth day before the final day of voting on June 25, 2024) and continuing until June 20, 2024 (the fourth day before the final day of voting on June 25, 2024), the following counties must open at least the listed number of VSPCs within the boundaries of CD-4:
    - Douglas County – Three (3) VSPCs within the boundaries of CD-4.
    - All other counties – One (1) VSPC within the boundaries of CD-4.

- Beginning on June 21, 2024 (the fourth day before the final day of voting on June 25, 2024) and continuing until June 24, 2024 (the second-to-last day of voting), the following counties must open at least the listed number of VSPCs within the boundaries of CD-4:
    - Douglas County – Four (4) VSPCs within the boundaries of CD-4.
    - Larimer County – Four (4) VSPCs within the boundaries of CD-4.
    - Weld County – Two (2) VSPCs within the boundaries of CD-4.
    - All other counties – One (1) VSPC within the boundaries of CD-4.
  - On June 25, 2024 (the last day of voting), the following counties must open at least the listed number of VSPCs within the boundaries of CD-4:
    - Douglas County – Eight (8) VSPCs within the boundaries of CD-4.
    - Larimer County – Six (6) VSPCs within the boundaries of CD-4.
    - Weld County – Three (3) VSPCs within the boundaries of CD-4.
    - Elbert County – Two (2) VSPCs within the boundaries of CD-4.
    - Morgan County – Two (2) VSPCs within the boundaries of CD-4.
    - Logan County – Two (2) VSPCs within the boundaries of CD-4.
    - Arapahoe County – Two (2) VSPCs within the boundaries of CD-4.
    - All other counties – One (1) VSPC within the boundaries of CD-4.
- 8.** Independent of the VSPC requirements above for counties with voters within the boundaries of CD-4, the otherwise applicable requirements for a primary election mean that beginning on June 17, 2024 (the seventh day before the final day of voting on June 25, 2024) and continuing through June 25, 2024 (the final day of voting), all counties must open at least the minimum number of VSPCs required for the state primary election throughout their county. VSPCs open and located within the county and in CD-4 count toward this requirement.
- 9.** All VSPCs located in CD-4 must be open, at minimum, during the following days and times:
- Adams, Arapahoe, Douglas, El Paso, Larimer and Weld Counties – Monday through Friday, 8 a.m. to 5 p.m.; four (4) hours total Saturday June 22<sup>nd</sup>.
  - All other counties in CD-4 – eight (8) hours total Monday through Friday; four (4) hours total Saturday June 22<sup>nd</sup>.
  - All VSPCs must be open from 7 a.m. to 7 p.m. on June 25, 2024.
- 10.** Any county located in CD-4 is not required to provide the notice and comment period for VSPC location determinations required by section 1-5-102.9(1)(c)(II), C.R.S.
- 11.** Any county located in CD-4 is not required to use or consider the recommendations provided by the voter center siting tool, as otherwise required by Election Rule 7.8.2, for a general election when locating their VSPCs.

12. Any county located in CD-4 that is required to provide a minority language sample ballot and minority language in-person ballot under section 1-5-905, C.R.S., for a general election must provide a minority language sample ballot and minority language in-person ballot for the combined primary and congressional vacancy elections ballot.
13. Any county located in CD-4 that will open a VSPC or drop box as a result of this order and that has not already submitted an accessibility survey for that VSPC or drop box for either the presidential primary election or state primary election must submit an accessibility survey to the Department no later than April 26, 2024 (60 days before last day of voting).
14. All counties within CD-4 shall provide to the Department of State a revised, updated version of their election plans for the June election as soon as feasible, and in no event later than April 19, 2024.
15. All counties within CD-4 must provide a separate instruction in all mail ballot packets to voters located within CD-4 that explains the presence of the congressional vacancy election on their ballot. The instruction may be provided as a separate insert or as part of existing instructions to voters. Counties may use the template provided by the Department of State for this purpose or create their own language which must be approved by the Department as part of the county's revised election plan.
16. All counties within CD-4 must report election results for the June 25, 2024, election by precinct.
17. To the extent this Election Order does not specify a procedure for conducting some aspect of the congressional vacancy election, a county should seek direction on how to ensure that the congressional vacancy election is conducted in like manner to a general election from the election staff of the Department of State.

IT IS SO ORDERED.

Dated this 23<sup>rd</sup> day of March, 2024.

  
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Jena M. Griswold  
Colorado Secretary of State

