COLORADO
Governor Jared Polis

D 2020 008

EXECUTIVE ORDER

Amending Executive Order D 2020 005 to Limit In-Person Contact Concerning Elections and the Secretary of State's Operations, in light of the Disaster Declaration set forth in Executive Order D 2020 003

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Order D 2020 005 to limit in-person contact concerning elections and the Secretary of State's Operations.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result from Colorado. Since then, CDPHE confirmed more than one hundred eighty-three (183) presumptive positive cases and concluded that we are now seeing community spread of the disease. I declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020.

COVID-19 is a highly contagious viral disease that has spread throughout many of our communities. Public health officials have concluded that disease control measures aimed at specific individuals or groups are no longer sufficient to contain the further spread of the virus.

On March 16, 2020, I issued Executive Order D 2020 005 regarding in-person gatherings to allow the 2020 primary election to proceed safely and without interruption. This Executive Order builds upon the prior Executive Order and seeks to further contain the spread of COVID-19 by limiting in-person contact for elections and the Secretary of State's business operations.

II. Amendments

Section II of Executive Order D 2020 005 shall be amended by adding the following paragraphs to the end of said section:

F. I hereby direct that the Secretary of State may suspend any requirement for in-person filings of forms, statements, applications or any other documents with the Secretary of State's office as set forth in C.R.S. § 24-21-101 *et. seq*., C.R.S. § 1-45-101, *et. seq*., and C.R.S. § 7-90-301, *et. seq.*, and direct the Secretary of State to promulgate and issue emergency rules as needed to accept filings by electronic delivery, postal mail, facsimile or by any other means in a manner and form as determined by the Secretary of State.

G. I hereby direct that the Secretary of State may suspend the issuance of certificates or apostilles to the Secretary of State that attest to the authenticity of a notarial act performed by a commissioned notary public, as set forth in C.R.S. § 24-21-534, and direct the Secretary of State to promulgate and issue emergency rules as needed to accept filings by electronic delivery, postal mail, facsimile or by any other means in a manner and form as determined by the Secretary of State.

H. I hereby suspend requirements under C.R.S. §§ 1-40-106, 1-40-107 that specify the time, place, or manner that the Title Board must conduct its business, and direct the Secretary of State to issue guidance outlining the time, place, and manner in which Title Board hearings will be conducted, and direct the Secretary of State to promulgate and issue emergency rules as needed concerning the process and timing for the Secretary of State's delivery of the title.

I. I hereby suspend the requirement in C.R.S. § 1-7.5-113(1) that representatives from the county clerks' offices or other designated election official physically deliver and return ballots to group residential facilities and direct county clerks and designated election officials to register voters and deliver ballots to group residential facilities by mail, electronic delivery, or by other means that do not require physical entry to the facility. I further direct the Secretary of State to promulgate and issue emergency rules as needed to accomplish this directive.

J. I hereby suspend any requirement that a county canvass board meet in person to conduct its duties under C.R.S. §§ 1-10-101 and 1-10-101.5 and direct county clerks or designated election officials to convene a meeting of the canvass board and conduct the duties of the canvass board remotely using any technology available. I further direct the Secretary of State to promulgate and issue emergency rules as needed to accomplish this directive.

III. Duration

This Executive Order shall expire thirty (30) days from March 18, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 005 shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this eighteenth Day of March, 2020.

Jared Polis
Governor