



BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
RESOLUTION NO. 2024-28

A RESOLUTION ADOPTING POLICY 1.2.11.2.4, RECORDS RETENTION SCHEDULES –
CLERK & RECORDER

WHEREAS, Gunnison County has established a uniform policy format and an adoption and periodic review process to promote consistency and uniformity throughout the organization; and

WHEREAS, the attached Records Retention Schedule – Clerk & Recorder Policy (Exhibit A) was created to reflect the current and legal records retention policies adhered to by the Gunnison County Clerk & Recorder's Office.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that:

1. The attached Records Retention Schedule – Clerk & Recorder Policy (Exhibit A) is adopted;
2. Effective immediately, this new Records Retention Schedule – Clerk & Recorder Policy prevails over any and all conflicting Records Retention Schedules for the Clerk & Recorder's Office.
3. In the event that future modifications to the attached Records Retention Schedule – Clerk & Recorder Policy (Exhibit A) are deemed necessary, the County Manager will decide whether or not to schedule the matter for approval/ratification by the BOCC, in accordance with Gunnison County Policy #1.1.1.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted this 6th day of August, 2024.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO


Jonathan Houck, Chairperson


Liz Smith, Commissioner


Laura Puckett Daniels, Commissioner

Attest:


Deputy County Clerk





EXHIBIT A

Policy Name:	Records Retention Schedules – Clerk & Recorder		Policy Number:	1.2.11.2.4
Approval Authority:	Gunnison County Board of County Commissioners; Gunnison County Clerk		Initial Adoption Document	Resolution #2024-28
Date of Initial Adoption:	8/6/2024	Initial Effective Date:	8/6/2024	Policy Custodian: Clerk & Recorder's Office
Last Review / Revision Date:	8/6/2024	Review Frequency:	Every Five (5) years.	Next Review Due: 8/6/2029

PURPOSE

This policy outlines the records retention schedules followed by the Gunnison County Clerk and Recorder. Generally, these are records documenting and ensuring accountability for the receipt and expenditure of public funds.

SCOPE

This policy applies to all Gunnison County Clerk & Recorder records retention practices.

DEFINITIONS

CLOSED RECORD – A file unit or records series containing documents on which action has been completed and to which more documents are not likely to be added.

DISPOSITION – Actions taken regarding records no longer needed in current office space, including destruction completed pursuant to an approved records retention schedule or permanent retention of records in paper or other formats.

DUPLICATE COPY – Non-record exact copy of a document kept solely for ease of access and reference.

FORMAT – The storage medium (paper, microfilm, electronic) or the shape, size, style and general makeup of a particular record.

PERMANENT RECORDS – Records appraised as having sufficient historical or other value to warrant continued preservation by County beyond the time they are needed for administrative, legal or fiscal purposes, such that such records are retained permanently and shall not be subject to disposition.

RETENTION PERIOD – Minimum time period for which a record must be retained to meet legal and operational requirements.

RETENTION SCHEDULE - The minimum retention period and final disposition of County records. For retention periods of years, the balance of the current year shall be included.



POLICY STATEMENTS

Election & Voter Registration			
Statutory or Policy Reference	Document Title	Retention Period	Record Custodian
C.R.S § 1-7-901	Ballot Issue Comments	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S § 1-7-802			
C.R.S. § 1-7-116; 8 CCR 1505-1	Intergovernmental Agreements, Contracts (for goods or services for Clerk and Recorder Office)	6 years after expiration or fulfillment of all terms of the agreement or contract, whichever is later, provided that audit has been completed and that the agreement or contract no longer has any binding effect, except that prior to destruction, evaluate for continuing legal, administrative or historical value.	Clerk & Recorder
C.R.S §§ 1-7-801, 1-7-802, 1-8-310	Ballots/Ballot Stubs	Voted Ballots: 25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
		Unused Ballots: After the time for a challenge to the election has passed	
C.R.S 1-45-112 § (1)(b)	Campaign Reports and Statements -- Candidate Affidavits	Elected Candidates: 1 Year after filing of termination report and at least 1 year after the elected candidate leaves office	Secretary of State: After December 15, 2009 Clerk & Recorder: On or before December 15, 2009
		Unsuccessful Candidates: 1 year after filing of termination report or defeat and at least 1 year from date of filing affidavit	
C.R.S. 1-45-108	Campaign Reports and Statements -- Committee Statements of Organization	Elected Candidates: 1 Year after filing of termination report and at least 1 year after the	Secretary of State: After December 15, 2009

		elected candidate leaves office	Clerk & Recorder: On or before December 15, 2009
Constitution, Article 28, Section 7		Unsuccessful Candidates: 1 year after filing of termination report or defeat and at least 1 year from date of filing affidavit	
C.R.S. § 1-45-112(1)(b) (repealed as to county clerks)	Campaign Reports and Statements -- Complaints and Correspondence Relating to Noncompliance	1 year after date of complaint or correspondence	Secretary of State: After December 15, 2009 Clerk & Recorder: On or before December 15, 2009
Secretary of State Election Rule 10.7, 8 CCR 1505-1	Official County Abstracts of Election	Permanent	Clerk & Recorder
C.R.S. § 1-7-802; 1-7-509(5)	Canvass Records	25 Months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
		Final Certification of Election Results; All Previous Testing of Electronic and Electromechanical Tabulation Devices: Permanent	
C.R.S. § 1-7-802; 1-11-103 (plus art 1 part 1 -102 or 103)(11)	Certificates of Election	25 Months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Tally Lists	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Tabulation Test Results	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder

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C.R.S. §§ 1-10.5-103; 1-7-802	Contested Election Records - Recounts	If the election is contested, retain all pertinent election records for at least 25 months and until the contest has been finally resolved and all rights to appeal have expired	Clerk & Recorder
C.R.S. § 1-7-802	Correspondence and General Documentation	Unless otherwise expressly provided in this policy or unless otherwise provided by law, 25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. §§ 1-1-104(11); 1-7-802	Election Files -- Candidate Acceptance/Withdrawals	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Election Files -- Designation by Assembly	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Election Files -- Candidate Petitions	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Election Files -- Other(certifications, address sign-offs, candidate fingerprint records, etc.)	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Election Judge Records -- Acceptance to Serve	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Election Judge Records -- Expense Statements	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder

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C.R.S. § 1-7-802	Election Judge Records -- Instructions	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Election Judge Records -- Lists of Election Judges	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Election Judge Records -- Receipts, Accounting Forms, etc.	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-513; C.R.S. § 1-7-802	State Certified Equipment Records -- Component and Maintenance Records, Conditions for Use	Life of equipment	Clerk & Recorder
C.R.S. § 1-7-802 Secretary of State Election Rule 11.3, 8 CCR 1505-1	State Certified Equipment Records -- Performance Bonds and Bond Updates	25 months after the last election of the year or until time has expired for which the record would be needed in any contest proceedings, whichever is later (or permanent if required by contract)	Clerk & Recorder
C.R.S. § 1-7-802	State Certified Equipment Records -- Election Specific Equipment Logs/Inventory	25 months after the last election of the year or until time has expired for which the record would be needed in any contest proceedings, whichever is later (or permanent if required by contract)	Clerk & Recorder
C.R.S. 1-7-802 Secretary of State Election Rule 11.2, 8 CCR 1505-1	Internet Criminal History Checks	25 months after the last election of the year or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-5-103; C.R.S. § 1-7-802	Maps-Election	Until superseded and at least 25 months after the last election of the year or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder

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C.R.S. § 1-7-802	Notices of Election	25 months after the last election of the year or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Oaths and Affidavits	25 months after the last election of the year or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-4-801 <i>et seq.</i> ; C.R.S. § 1-4-604; C.R.S. § 1-7-802	Election Petition Records -- Candidate Nomination Petitions	Elected and Unsuccessful Candidates: 25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C. R.S. § 1-7-802	Election Petition Records -- Certifications of Petitions	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-40-133; C.R.S. § 31-11-117	Election Petition Records -- Initiative and Referendum Petitions	Sufficient Petitions: 3 years after submission to Secretary of State, except retain one copy of representative pages permanently. Insufficient Petitions: 3 years after all appeals have been closed, except retain one copy of representative pages permanently. Clerk & Recorder may keep duplicate copy for its records.	Secretary of State
C.R.S § 1-40-133	Election Petition Records -- Protest Records - Petitions	Secretary of State: 3 years after submission to Secretary of State if retention if no longer necessary.	Secretary of State

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		Clerk & Recorder may keep duplicate copy for its records.	
C.R.S. §§ 1-12-107(2) (county offices); 1-12-107(3) (school board)	Election Petition Records -- Recall Petitions	Sufficient Petitions: 3 years after submission, except retain one copy of representative pages permanently. Insufficient Petitions: 3 years after all appeals have been closed, except retain one copy of representative pages permanently.	Clerk & Recorder
C.R.S. § 1-7-802	Policies, Procedures and Resource Binders for Elections	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802; C.R.S. § 1-5-101	Polling Place Records -- Poll Site Records	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later. Board of County Commissioner Record - Permanent	Clerk & Recorder
C.R.S. § 1-7-802	Polling Place Records -- Poll Site Summaries, ADA Summaries	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Receipts, Accounting and Tracking Forms, Logs	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Video Surveillance Recordings	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-2-227	Voter Registration Records -- Voter Registration Forms	Records shall be retained in perpetuity in digital format by the SCORE voter registration database (on or before April 2, 2008).	Secretary of State

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		Pre-SCORE (prior to April 1, 2008), registration forms are permanent records/microfilm/CD's. May destroy originals after scanned or microfilm image is verified	
CRS § 1-1.5-101 <i>et seq.</i> ; Help America Vote Act of 2002, P.L. No. 107-252	Voter Registration Records -- Voter Registration Database	Until superseded. See CRS § 1-1.5-103.	Secretary of State
C.R.S. § 1-7-802	Voter Registration Records -- Voter Registration Lists	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802; C.R.S. §§ 1-8-104-108	Voter Registration Records -- Absentee Voter Records	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802; C.R.S. § 1-7-109	Voter Registration Records -- Early Voter Forms	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Voter Registration Records -- Poll Books	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802	Voter Registration Records -- Poll Lists	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-2-227; Secretary of State Election Rule 2.13, 8 CCR 1505-1	Voter Registration Records -- Provisional Envelopes/Affidavits	Records shall be retained in perpetuity in digital format by the SCORE voter registration database (on or before April 2, 2008). Pre-SCORE (prior to April 1, 2008), registration	Clerk & Recorder

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		forms are permanent records/microfilm/CD's. Envelopes Used for Registration: a) Affidavits resulting in registration for future elections are permanent, b) affidavits ineligible for registration due to out-of-country/state addresses may be destroyed after 25 months, etc. Ineligible affidavits with out-of-state addresses and copies of affidavits forward to proper Colorado county may be destroyed after 25 months.	
C.R.S. § 1-7-802; C.R.S. § 1-7.5-107; C.R.S. § 1-8-114	Voter Registration Records -- Return Signature Envelopes, Undeliverable Envelopes: Provisional Affidavits/Envelopes	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder
C.R.S. § 1-7-802; C.R.S. § 1-7-110	Voter Registration Records -- Voter Signature Forms signed and unsigned	25 months after the election or until time has expired for which the record would be needed in any contest proceedings, whichever is later	Clerk & Recorder

Liquor License Records			
Statutory or Policy Reference	Document Title	Retention Period	Record Custodian
CMRRS 12.20	Alcohol Beverage Licensing files	1 year + current after establishment ceases operation or after final denial, expiration, revocation, termination or transfer of license, except that any background materials that will also apply to a transferred license should be retained from the original license file	Clerk & Recorder
CMRRS 12.20	Renewal Records - Alcohol Beverage Licenses	Current operations kept indefinitely after renewal or transfer of ownership	Clerk & Recorder

CMRRS 12.20	Special Events Licenses	1 Year + current after event	Clerk & Recorder
CMRRS 12.20	Temporary Alcohol Beverage Permits	1 Year + current after permit expiration	Clerk & Recorder
CMRRS 12.20	Violation Records	<p>Violation Records: 1 Year + current after establishment ceases to do business or license transferred.</p> <p>Violations Spreadsheet: Until superseded.</p> <p>Investigations: Current +1 Year in working file, archive 5 years. Any rulings, Court Order Action or Licensing Board positions are kept permanently</p>	Clerk & Recorder

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Motor Vehicle and Licensing Records			
Statutory or Policy Reference	Document Title	Retention Period	Record Custodian
C.R.S. § 42-6-127	Chattel Mortgages - Motor Vehicles	<p>Prior to October 1, 2009: 8 Years + current unless extended.</p> <p>On or after October 1, 2009: 10 Years + current unless extended</p>	Clerk & Recorder
C.R.S. § 42-6-127	Indexes - Motor Vehicles Chattel Mortgages	<p>Prior to October 1, 2009: 8 Years + current unless extended.</p> <p>On or after October 1, 2009: 10 Years + current unless extended</p>	Clerk & Recorder
Precedence set by Historical Archives Requirements	Security Agreements - Manufactured and Mobile Homes	30 Years, or the duration of financing + 1 Year, whichever is later	Clerk & Recorder
Precedence set by Historical State Archives Requirements	Correspondence and documentation of a general nature	1 Year + current	Clerk & Recorder

All policies are subject to amendment. Refer to the Gunnison County website (www.GunnisonCounty.org/Policies) for the official, most recent version of any policy adopted by the Gunnison County Board of County Commissioners.

Precedence set by Historical Archives Requirements	Handicap Placard Applications	1 Year + current	Clerk & Recorder
Precedence set by Historical Archives Requirements	Farm Plate Affidavits	1 Year + current	Clerk & Recorder
Precedence set by Historical Archives Requirements	Lock Box Records	3 Months	Clerk & Recorder
C.R.S. § 42-3-205	Lost and Stolen Plate Affidavits	1 Year + current	Clerk & Recorder
Precedence set by Historical Archives Requirements	Military Exemption Applications	1 Year + current	Clerk & Recorder
Precedence set by Historical Archives Requirements	Motor Vehicle Licensing Processing Records -- Batching Records	3 Months	Clerk & Recorder
Precedence set by Historical Archives Requirements	Motor Vehicle Licensing Processing Records -- Data Files	18 Months.	Clerk & Recorder
Precedence set by Historical Archives Requirements	End-of-Day and End-of-Month Data Files	1 Year + current	Clerk & Recorder
Precedence set by Historical Archives Requirements	Plate and Tab Inventory Records	1 Year + current after completion of disposal	Clerk & Recorder
Per State Archives	Records Disposition Files, Records Management Files	Permanent	Clerk & Recorder
Precedence set by Historical Archives Requirements	Refund Records	1 Year + current	Clerk & Recorder

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	Security Agreements -- Manufactured and Mobile Homes	30 Years, or the duration of financing, whichever is later	Clerk & Recorder
C.R.S. § 42-6-127	Security Agreements -- Motor Vehicles	10 Years.	Clerk & Recorder
	Special Mobile Machinery Registration Applications and Supporting Documentation; SMM 2% Rental	1 Year + current	Clerk & Recorder
	Specialized Plate Application Records	1 Year + current	Clerk & Recorder

Recording Records			
Statutory or Policy Reference	Document Title	Retention Period	Record Custodian
C.R.S. § 24-13-107, C.R.S. §§ 30-10-311 30-10-318	Bonds of Elected Officials and Supporting Documentation	1 Year + current after term ends or after any legal proceedings involving enforcement of the bond conclude, whichever is later	Clerk & Recorder
	Historical Registers, Records and Books	Permanent	Clerk & Recorder
	Applications for Marriage Licenses and Supporting Documentation	Permanent	Clerk & Recorder
	Notices of Non-County Meetings	1 Year + current	Clerk & Recorder
C.R.S. § 30-10-408	Indexes of Recorded Instruments and Releases	Permanent	Clerk & Recorder
C.R.S. § 30-10-409	Reception Books	Permanent	Clerk & Recorder
C.R.S. § 30-10-406; C.R.S. § 30-10-407	Recorded Instruments	<p>Recorded Instruments: Permanent.</p> <p>Off-Site Database Backup: Retain current and previous version at a minimum and until a subsequent backup has been tested.</p> <p>Backup Data Files: Until superseded and until the subsequent backup has been tested.</p>	Clerk & Recorder

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		Microfilm of Recorded Instruments (Prior to 1994): Permanent	
	Unclaimed Recorded Instruments	Permanent	Clerk & Recorder
	Public Meeting Notices	1 Year + current	Clerk & Recorder
C.R.S. § 32-1-105	Special and Metropolitan District Records -- Reports to the State	Permanent	Clerk & Recorder
C.R.S. § 32-1-107	Special and Metropolitan District Records -- Service Plans	Permanent	Clerk & Recorder
C.R.S. § 30-10-410	Subdivision and Common Interest Community Plats, Maps and Indexes	Permanent	Clerk & Recorder
C.R.S. § 38-53-104	Colorado Land Survey Monument Records	Permanent	Clerk & Recorder
C.R.S. § 30-10-903	Land Survey Plats	Permanent	Clerk & Recorder
C.R.S. § 30-10-420	Trade Name Registrations	Permanent	Clerk & Recorder
C.R.S. § 25-2-117(3); 5 CCR 1006-1	Birth Certificates	Permanent	Health & Human Services Vital Records Registrar
C.R.S. § 25-2-117(3); 5 CCR 1006-1	Home Birth Documentation	Permanent	Health & Human Services Vital Records Registrar
C.R.S. § 25-2-117(3); 5 CCR 1006-1	Birth Certificate Applications	Current + 2 Years	Health & Human Services Vital Records Registrar
C.R.S. Title 25, Article 2; 5 CCR 1006-1	Death Records -- Death Certificates	Permanent	Health & Human Services Vital Records Registrar
C.R.S. Title 25, Article 2; 5 CCR 1006-1	Death Records -- Disposition Permits	Current + 1 Year	Health & Human Services Vital Records Registrar
C.R.S. Title 25, Article 2; 5 CCR 1006-1	Death Records -- Fetal Death Certificates	Permanent	Health & Human Services Vital Records Registrar
C.R.S. Title 25, Article 2; 5 CCR 1006-1	Death Records -- Disinterment/Reinternment Permits	Permanent	Health & Human Services Vital Records Registrar
C.R.S. Title 25, Article 2; 5 CCR 1006-1	Death Records -- Death Certificate Applications	Current + 2 Years	Health & Human Services Vital Records Registrar
C.R.S. Title 25, Article 2; 5 CCR 1006-1	Security Documentation -- Security Paper Log	Current + 2 Years	Health & Human Services Vital Records Registrar
C.R.S. Title 25, Article 2; 5 CCR 1006-1	Security Documentation -- Voided Certificates	Current + 2 Years	Health & Human Services Vital Records Registrar

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METHODS OF RECORD DESTRUCTION

When dealing with confidential information such as law enforcement and personnel information, these types of records should be shredded to prevent them from being reconstructed by unauthorized parties. Thus, document shredding or electronic destruction (if record kept in electronic form or electronic form only) are best suited for destruction of records once authorized by this Policy.

Records that are the subject of a litigation hold should not be destroyed without the express written permission of the County Attorney.

The Clerk & Recorder should keep a record of the records destroyed, regardless of whether destruction is coordinated at a centralized or decentralized level, to be able to show that destruction took place in the normal course of business. A log or form used to keep track of records destruction should include the following information at a minimum:

1. Date of destruction.
2. Destruction method.
3. Volume of records destroyed, usually in estimated cubic feet.
4. Records descriptions, such as the types and date ranges of the records destroyed [for instance: Foreclosure records (2005) or Release records (1979—1980)] or a listing of the specific file folder titles, depending on the level of tracking the Clerk & Recorder wants to do.
5. Who authorized, supervised and/or accomplished the records destruction.
6. Retention Schedule reference by title.

COMPLIANCE

This policy shall be complied with in all respects. Revisions to this policy may occur and every attempt will be made to provide prior notice of any such change. However, when deemed necessary in order to fully protect the County's interests, the interest of the public, and to more fully protect the safety of the public, including employees governed by this policy, this policy may be changed without notice.

APPLICABLE LEGISLATION AND/OR RELATED REGULATIONS, POLICIES AND FORMS

See Statutory or Policy Reference above.

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