

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

UNEDITED
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DRAFT

LLS NO. 10-0917.01 Troy Bratton

HOUSE BILL

HOUSE SPONSORSHIP

Carroll T.,

SENATE SPONSORSHIP

(None),

SHORT TITLE: "Modernization Of Elections"

A BILL FOR AN ACT

101 CONCERNING <{WILL DRAFT TITLE WHEN BILL NEARS COMPLETION}> .

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

<{Will draft summary when bill nears completion. Major components of bill:

- Pre-registration at age 16;
- Registration at polling place during early voting and on election day;
- Mail-in ballots mailed or delivered to every registered elector; and

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- *Mail-in ballots may be picked up by an organization and delivered to the county clerk.*}>

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 1-1-104 (2), (27), and (47), Colorado Revised
3 Statutes, are amended, and the said 1-1-104 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **1-1-104. Definitions.** As used in this code, unless the context
6 otherwise requires:

7 (2) "Ballot box" means the locked and sealed container in which
8 ballots are deposited by eligible electors. The term includes the container
9 in which ballots are transferred from a polling place OR SERVICE CENTER
10 to the office of the designated election official and the transfer case in
11 which electronic ballot cards and paper tapes and the "prom" or any other
12 electronic tabulation device are sealed by election judges for transfer to
13 the central counting center.

14 (27) "Pollbook" means the list of eligible electors who are
15 permitted to vote at a polling place or by ~~mail~~ MAIL-IN ballot in an
16 election conducted under this code.

17 (45.7) "SERVICE CENTER" MEANS THE PLACE ESTABLISHED FOR
18 PROVIDING CERTAIN SERVICES, AS SPECIFIED IN SECTION 1-8-107, TO
19 ELECTORS DURING MAIL-IN BALLOT ELECTIONS CONDUCTED IN
20 ACCORDANCE WITH ARTICLE 8 OF THIS TITLE.

21 (47) "Supply judge" means the election judge appointed by the
22 designated election official to be in charge of the election process at the
23 polling place OR SERVICE CENTER on election day.

24 **SECTION 2.** 1-1-106 (5), Colorado Revised Statutes, is amended
25 to read:

1 **1-1-106. Computation of time.** (5) If the state constitution or a
2 state statute requires doing an act in "not less than" or "no later than" or
3 "at least" a certain number of days or "prior to" a certain number of days
4 or a certain number of months "before" the date of an election, or any
5 phrase that suggests a similar meaning, the period is shortened to and
6 ends on the prior business day that is not a Saturday, Sunday, or legal
7 holiday. ~~except as provided in section 1-2-201 (3).~~

8 **SECTION 3.** 1-2-101, Colorado Revised Statutes, is amended BY
9 THE ADDITION OF A NEW SUBSECTION to read:

10 **1-2-101. Qualifications for registration.**
11 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, EVERY PERSON
12 WHO IS OTHERWISE QUALIFIED TO REGISTER AND IS SIXTEEN YEARS OF AGE
13 OR OLDER BUT WILL NOT HAVE REACHED EIGHTEEN YEARS OF AGE BY THE
14 DATE OF THE NEXT ELECTION MAY PREREGISTER UPON SATISFACTORY
15 PROOF OF AGE AND SHALL BE AUTOMATICALLY REGISTERED UPON
16 REACHING EIGHTEEN YEARS OF AGE.

17 **SECTION 4.** 1-2-102 (1) (e), Colorado Revised Statutes, is
18 amended to read:

19 **1-2-102. Rules for determining residence.** (1) The following
20 rules shall be used to determine the residence of a person intending to
21 register or to vote in any precinct in this state and shall be used by
22 election judges in challenge procedures:

23 (e) If a person moves to any other state with the intention of
24 making it a permanent residence, that person shall be considered to have
25 lost Colorado residence after thirty days' absence from this state unless
26 the person has evidenced an intent to retain a residence in this state by a
27 self-affirmation executed pursuant to ~~section 1-8-114~~ SECTION 1-8-113.

1 **SECTION 5.** 1-2-201 (1) and (3), Colorado Revised Statutes, are
2 amended to read:

3 **1-2-201. Registration required.** (1) ~~NOT~~ NOTWITHSTANDING ANY
4 OTHER PROVISION OF LAW, A person shall be permitted to cast a regular
5 ballot at any election ~~without first having been~~ IF THE PERSON HAS
6 registered ~~within the time and~~ TO VOTE in the manner required by the
7 provisions of this article. No charge shall be made for registration.

8 (3) ~~Any other provisions of this title to the contrary~~
9 ~~notwithstanding, electors~~ EXCEPT AS PROVIDED IN SECTION 1-2-202.7, AN
10 ELECTOR shall be permitted to vote if the elector is registered to vote no
11 later than ~~twenty-nine days before~~ THE FRIDAY IMMEDIATELY PRECEDING
12 any primary, presidential, general, special legislative election, municipal,
13 congressional vacancy, special district, or other election. ~~and, if the~~
14 ~~twenty-ninth day before an election is a Saturday, Sunday, or legal~~
15 ~~holiday, then electors shall be permitted to register on the next day that is~~
16 ~~not a Saturday, Sunday, or legal holiday.~~

17 **SECTION 6.** 1-2-202 (2) and (7), Colorado Revised Statutes, are
18 amended to read:

19 **1-2-202. Registration by county clerk and recorder.** (2) Each
20 municipal clerk shall serve as a deputy registrar. The municipal clerk
21 shall register any eligible elector who appears in person at the municipal
22 clerk's primary office at any time ~~during which registration is permitted~~
23 ~~in the office of the county clerk and recorder~~ PRIOR TO THE FRIDAY
24 IMMEDIATELY PRECEDING AN ELECTION. The municipal clerk shall deliver
25 the new registration records to the office of the county clerk and recorder
26 either in person or by mail no later than the tenth day of each month for
27 the month immediately prior and in person on the day following the last

1 day for registration preceding any election for which registration is
2 required.

3 (7) Registration records for any election shall include all those
4 electors who have registered ~~at least twenty-nine days before the election~~
5 IN THE MANNER REQUIRED BY THIS ARTICLE.

6 **SECTION 7.** 1-2-202.5 (4) (c) and (7) (c), Colorado Revised
7 Statutes, are amended to read:

8 **1-2-202.5. Online voter registration - online changes in elector**
9 **information.** (4) (c) ~~The electronic form for a registered elector to apply~~
10 ~~for permanent mail-in ballot status shall meet the requirements of section~~
11 ~~1-8-104.5 (1).~~

12 (7) (c) A voter registration, change of residence, change or
13 withdrawal of affiliation, or application for permanent mail-in ballot
14 status made in accordance with this section shall apply to an election if
15 the elector completes the electronic form no later than ~~twenty-nine days~~
16 ~~before~~ THE FRIDAY IMMEDIATELY PRECEDING the election.

17 **SECTION 8.** Part 2 of article 2 of title 1, Colorado Revised
18 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
19 read:

20 **1-2-202.7. Registration during mail-in voting and on election**
21 **day.** (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION
22 (1), COMMENCING WITH THE 2012 GENERAL ELECTION AND FOR EACH
23 ELECTION THEREAFTER, AN ELECTOR MAY REGISTER TO VOTE, UPDATE THE
24 ELECTOR'S ADDRESS, AND CHANGE OR WITHDRAW THE ELECTOR'S
25 AFFILIATION AT ANY TIME, INCLUDING ON ELECTION DAY, BY APPEARING
26 IN PERSON AT THE SERVICE CENTER FOR THE PRECINCT IN WHICH THE
27 ELECTOR RESIDES DURING THE TIME SERVICE CENTERS ARE OPEN

1 PURSUANT TO SECTION 1-8-107 OR AT ANY OFFICE REGULARLY
2 MAINTAINED BY THE COUNTY CLERK AND RECORDER OF THE COUNTY IN
3 WHICH THE ELECTOR RESIDES. THE ELECTOR SHALL ANSWER THE
4 QUESTIONS REQUIRED BY SECTION 1-2-204, COMPLETE THE
5 SELF-AFFIRMATION REQUIRED BY SECTION 1-2-205, AND PRESENT TO THE
6 APPROPRIATE ELECTION OFFICIAL IDENTIFICATION AS DEFINED IN SECTION
7 1-1-104 (19.5).

8 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR
9 PRIMARY ELECTIONS ONLY, A REGISTERED ELECTOR WHO HAS DECLARED
10 AN AFFILIATION WITH A POLITICAL PARTY OR POLITICAL ORGANIZATION
11 PURSUANT TO SECTION 1-2-218.5 SHALL NOT BE PERMITTED TO CHANGE
12 HIS OR HER AFFILIATION AT ANY TIME AFTER THE TWENTY-NINTH DAY
13 PRECEDING THE PRIMARY ELECTION, AS SPECIFIED IN SECTION 1-2-219 (1).

14 (2) (a) FOR THE 2010 GENERAL ELECTION ONLY, AN ELECTOR MAY
15 REGISTER TO VOTE, UPDATE THE ELECTOR'S ADDRESS, AND CHANGE OR
16 WITHDRAW THE ELECTOR'S AFFILIATION AT ANY TIME DURING EARLY
17 VOTING BY APPEARING IN PERSON AT THE EARLY VOTERS' POLLING PLACE
18 FOR THE PRECINCT IN WHICH THE ELECTOR RESIDES OR AT ANY OFFICE
19 REGULARLY MAINTAINED BY THE COUNTY CLERK AND RECORDER OF THE
20 COUNTY IN WHICH THE ELECTOR RESIDES. THE ELECTOR SHALL ANSWER
21 THE QUESTIONS REQUIRED BY SECTION 1-2-204, COMPLETE THE
22 SELF-AFFIRMATION REQUIRED BY SECTION 1-2-205, AND PRESENT TO THE
23 APPROPRIATE ELECTION OFFICIAL IDENTIFICATION AS DEFINED IN SECTION
24 1-1-104 (19.5).

25 (b) FOR THE 2010 GENERAL ELECTION ONLY, AN ELECTOR MAY
26 REGISTER TO VOTE, UPDATE THE ELECTOR'S ADDRESS, AND CHANGE OR
27 WITHDRAW THE ELECTOR'S AFFILIATION AFTER THE CLOSE OF

1 REGISTRATION BY COMPLETING AN EMERGENCY REGISTRATION AFFIDAVIT
2 IN THE MANNER PROVIDED BY SECTION 1-2-217.5.

3 (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JANUARY 1,
4 2011.

5 (3) WHEN AN ELECTOR COMPLETES REGISTRATION IN ACCORDANCE
6 WITH SUBSECTION (1) OF THIS SECTION AND IS QUALIFIED TO REGISTER
7 BASED ON THE INFORMATION PROVIDED BY THE ELECTOR, THE
8 APPROPRIATE ELECTION OFFICIAL AT THE POLLING PLACE, SERVICE
9 CENTER, OR THE OFFICE OF THE COUNTY CLERK AND RECORDER SHALL
10 PLACE THE ELECTOR'S NAME ON THE LIST OF ELECTORS ELIGIBLE TO VOTE
11 FOR THAT ELECTION, AND THE ELECTOR SHALL BE PERMITTED TO VOTE A
12 REGULAR BALLOT AT THAT ELECTION AND ANY SUBSEQUENT ELECTION IN
13 WHICH THE ELECTOR IS ELIGIBLE TO VOTE.

14 **SECTION 9.** 1-2-203, Colorado Revised Statutes, is amended to
15 read:

16 **1-2-203. Registration on Indian reservations.** The secretary or
17 secretary's designee of any tribal council of an Indian tribe located on a
18 federal reservation ~~which~~ THAT has no municipality contained within the
19 reservation shall serve as a deputy registrar only for registration purposes
20 for the county in which the reservation is located. The secretary of the
21 tribal council or the secretary's designee shall take registrations only in
22 the tribal council headquarters. The secretary of the tribal council or the
23 secretary's designee shall register any eligible elector residing in any
24 precinct in the county who appears in person in the office of the secretary
25 of the tribal council at any time ~~during which registration is permitted in~~
26 ~~the office of the county clerk and recorder~~ ON OR BEFORE THE FRIDAY
27 IMMEDIATELY PRECEDING AN ELECTION. The secretary of the tribal

1 council shall forward the registration records to the county clerk and
2 recorder, either in person or by certified mail, on or before the fifteenth
3 day of each month; except that the secretary of the tribal council shall
4 appear in person to deliver any registration records to the county clerk and
5 recorder on the day following the last day that registration is permitted
6 preceding any election for which registration is required.

7 **SECTION 10.** 1-2-208 (1), Colorado Revised Statutes, is
8 amended to read:

9 **1-2-208. Registration by federal postcard application -**

10 **definitions.** (1) An absent uniformed services elector or a resident
11 overseas elector may register by properly executing the federal postcard
12 application as provided in the laws of the United States known as the
13 "Federal Voting Assistance Act of 1955", as amended, and may vote in
14 accordance with the federal "Uniformed and Overseas Citizens Absentee
15 Voting Act", 42 U.S.C. sec. 1973ff et seq., as amended. The application
16 shall be made no later than the ~~twenty-ninth day before~~ FRIDAY
17 IMMEDIATELY PRECEDING the election at which the person intends to vote.
18 The date of registration shall be the date of the postmark or date of receipt
19 by the county clerk and recorder of the application, whichever is earlier.
20 Where the application has no postmark and the application is received ~~no~~
21 ~~later than five days after the close of registration~~ AT ANY TIME PRIOR TO
22 OR ON ELECTION DAY, the county clerk and recorder shall record the date
23 of registration as the date of the last day allowed for registration. ~~Where~~
24 ~~the application has no postmark and the application is received six or~~
25 ~~more days after the close of registration, the county clerk and recorder~~
26 ~~shall record the date of registration as the date that the application was~~
27 ~~received.~~ The elector shall be given the same ballot as any other elector

1 registered in that precinct at that address.

2 **SECTION 11.** 1-2-209 (2), Colorado Revised Statutes, is
3 amended to read:

4 **1-2-209. Registration of citizens who reside outside the United**
5 **States - federal law.** (2) The application shall be made no later than the
6 ~~twenty-ninth day before~~ FRIDAY IMMEDIATELY PRECEDING the election at
7 which the person intends to vote. The date of registration shall be the
8 date of the postmark or date of receipt by the county clerk and recorder
9 of the application, whichever is earlier. Where the application has no
10 postmark and the application is received ~~no later than five days after the~~
11 ~~close of registration~~ AT ANY TIME PRIOR TO OR ON ELECTION DAY, the
12 county clerk and recorder shall record the date of registration as the date
13 of the last day allowed for registration. ~~Where the application has no~~
14 ~~postmark and the application is received six or more days after the close~~
15 ~~of registration, the county clerk and recorder shall record the date of~~
16 ~~registration as the date that the application was received.~~

17 **SECTION 12.** 1-2-209.5 (1), Colorado Revised Statutes, is
18 amended to read:

19 **1-2-209.5. Absent uniformed services and overseas electors -**
20 **simultaneous voter registration and absentee ballot application -**
21 **designated office - cooperation with military units.** (1) An elector
22 may simultaneously register to vote and apply for an absentee ballot by
23 federal postcard application pursuant to section 1-2-208 or 1-2-209. If
24 ~~the elector requests that the application be considered an application for~~
25 ~~permanent mail-in voter status pursuant to section 1-8-104.5, the~~
26 ~~designated election official shall provide a mail-in ballot to the elector for~~
27 ~~each such subsequent election.~~

1 **SECTION 13.** 1-2-217, Colorado Revised Statutes, is amended
2 to read:

3 **1-2-217. Change in residence after close of registration.**

4 (1) Notwithstanding the provisions of subsection (2) of this section and
5 sections 1-2-101 and 1-2-102, an elector who moves from the precinct
6 where registered ~~during the twenty-nine days before any election~~ AFTER
7 THE TIME DURING WHICH REGISTRATION IS PERMITTED BUT PRIOR TO
8 ELECTION DAY shall be permitted to cast a ballot at the election by one of
9 the following methods: At the polling place OR SERVICE CENTER for the
10 precinct where registered OR by a mail-in ballot. ~~or by early voting.~~

11 (2) Any eligible elector who moves from the precinct in which the
12 elector is registered to some other precinct in the same county after the
13 time during which registration is permitted may DO ONE OF THE
14 FOLLOWING:

15 (a) Return to the precinct of registration and vote on the day of
16 any election and sign a change of residence form. The form shall include
17 a printed statement of the penalty for anyone who votes by knowingly
18 giving false information.

19 (b) APPEAR AT THE POLLING PLACE OR SERVICE CENTER FOR THE
20 PRECINCT IN WHICH THE ELECTOR CURRENTLY RESIDES OR AT AN OFFICE
21 REGULARLY MAINTAINED BY THE COUNTY CLERK AND RECORDER AND
22 REGISTER AS PROVIDED IN SECTION 1-2-202.7.

23 **SECTION 14.** 1-2-217.5, Colorado Revised Statutes, is amended
24 BY THE ADDITION OF A NEW SUBSECTION to read:

25 **1-2-217.5. Change in residence before close of registration -**
26 **emergency registration at office of county clerk and recorder -**
27 **repeal.** (6) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2011.

1 **SECTION 15.** 1-2-301 (4) (a) (II), Colorado Revised Statutes, is
2 amended to read:

3 **1-2-301. Centralized statewide registration system - secretary**
4 **of state to maintain computerized statewide voter registration list -**
5 **county computer records - agreement to match information.**

6 (4) (a) (II) The centralized statewide registration system shall enable
7 county clerk and recorders to maintain voter registration information and
8 shall include such additional capabilities as may be necessary or desirable
9 to enable county clerk and recorders and the secretary of state to carry out
10 their responsibilities related to the conduct of elections. Such additional
11 capabilities may include but need not be limited to the preparation of
12 ballots, the identification of voting districts for each address, AND access
13 by county clerk and recorders to the master list of registered electors. ~~and,~~
14 ~~on or after January 1, 2006,~~ THE CENTRALIZED STATEWIDE REGISTRATION
15 SYSTEM SHALL INCLUDE CAPABILITIES TO MANAGE the computerized
16 statewide voter registration list maintained pursuant to this section and
17 section 1-2-302, ~~the management of~~ mail-in and mail ballots, the
18 preparation of official abstracts of votes cast, the transmission of voting
19 data from county clerk and recorders to the secretary of state, and THE
20 reporting of voting results on election night. THE CENTRALIZED
21 STATEWIDE REGISTRATION SYSTEM SHALL INCLUDE THE CAPABILITY TO
22 INDICATE THE MANNER IN WHICH AN ELECTOR REGISTERED TO VOTE.
23 County clerk and recorders shall have access to the digitized signatures
24 of electors in the centralized statewide registration system for the purpose
25 of comparing an elector's signature in the system with the signature on the
26 return envelope of a mail-in ballot or mail ballot, including by using a
27 signature verification device. ~~in accordance with sections 1-7.5-107.3 (5)~~

1 ~~and 1-8-114.5 (5).~~

2 **SECTION 16.** 1-2-305 (1), Colorado Revised Statutes, is
3 amended to read:

4 **1-2-305. Postelection procedures - voting history - definitions.**

5 (1) Not later than sixty days after a state election, the secretary of state
6 shall generate a list of electors showing who voted and who did not vote
7 in the election. The list shall be drawn from the statewide voter
8 registration database. For electors who voted, the list shall show such
9 elector's method of voting, whether by ~~early voting~~, mail-in ballot, mail
10 ballot, polling place voting, or otherwise.

11 **SECTION 17.** 1-2-501 (1.5) (b), Colorado Revised Statutes, is
12 amended to read:

13 **1-2-501. Form for mail and agency registration - procedures**
14 **for registration by mail for first-time electors - additional identifying**
15 **information to be provided by first-time registrants.** (1.5) An elector

16 who submits a voter registration form by mail and has not previously
17 voted in the county, or in the state if the statewide voter registration
18 system required by section 1-2-301 is operating, shall:

19 (b) Submit a copy of identification as defined in section 1-1-104
20 (19.5) with the elector's mail ballot in accordance with section 1-7.5-107
21 (3.5) or with the elector's mail-in ballot in accordance with ~~section~~
22 ~~1-8-113 (3)~~ SECTION 1-8-111.

23 **SECTION 18.** 1-2-508, Colorado Revised Statutes, is amended
24 to read:

25 **1-2-508. Effective date of voter registration.** (1) The county
26 clerk and recorder shall ensure that any eligible applicant is registered to
27 vote in an election if:

1 (a) In the case of registration with a driver's license application,
2 the valid voter registration application of the applicant is accepted by a
3 driver's license examination facility no later than ~~twenty-nine days before~~
4 ~~the date of an~~ THE FRIDAY IMMEDIATELY PRECEDING THE election;

5 (b) In the case of registration by mail, the valid voter registration
6 application of the applicant is postmarked not later than ~~twenty-nine days~~
7 ~~before the date of~~ THE FRIDAY IMMEDIATELY PRECEDING the election;

8 (c) In the case of registration by mail where the application has no
9 postmark and the application is received by a county clerk and recorder
10 ~~no later than five days after the close of registration~~ AT ANY TIME PRIOR
11 TO OR ON ELECTION DAY, the date of registration shall be the date of the
12 last day allowed for registration;

13 (d) In the case of registration at a voter registration agency, the
14 valid agency voter registration application of the applicant is accepted at
15 the voter registration agency not later than ~~twenty-nine days before the~~
16 ~~date of~~ THE FRIDAY IMMEDIATELY PRECEDING the election; ~~and~~

17 (e) ~~In any other case, the~~ AN ELECTOR'S valid voter registration
18 application ~~of the applicant~~ is received by the appropriate county clerk
19 and recorder not later than ~~twenty-nine days before the date of~~ THE
20 FRIDAY IMMEDIATELY PRECEDING the election;

21 (f) AN ELECTOR APPEARS AT THE POLLING PLACE, SERVICE CENTER,
22 OR AT THE OFFICE OF THE COUNTY CLERK AND RECORDER AND REGISTERS
23 PURSUANT TO SECTION 1-2-202.7.

24 (2) The effective date of a voter registration application or change
25 of registration that is completed at the office of the county clerk and
26 recorder or in the presence of a deputy registrar shall be the date received
27 by the office of the county clerk and recorder or by the registrar. The

1 effective date of an application or change of registration that is completed
2 at a driver's license examination facility or voter registration agency shall
3 be the date that the application or change is accepted by the facility or
4 agency. The effective date of a voter registration application or change
5 of registration that is completed by a mail registration form shall be the
6 date of the postmark or receipt by the county clerk and recorder,
7 whichever is earlier. THE EFFECTIVE DATE OF A VOTER REGISTRATION OR
8 CHANGE OF REGISTRATION THAT IS COMPLETED AT THE POLLING PLACE,
9 SERVICE CENTER, OR THE OFFICE OF THE COUNTY CLERK AND RECORDER
10 PURSUANT TO SECTION 1-2-202.7 SHALL BE THE DATE THAT THE ELECTOR'S
11 REGISTRATION INFORMATION IS RECEIVED BY THE APPROPRIATE ELECTION
12 OFFICIAL AT THE POLLING PLACE, SERVICE CENTER, OR THE OFFICE OF THE
13 COUNTY CLERK AND RECORDER.

14 **SECTION 19.** 1-2-605 (1) (a) (II) and (6) (b), Colorado Revised
15 Statutes, are amended to read:

16 **1-2-605. Canceling registration - voter information card.**
17 (1) (a) (II) ~~The voter information card shall inform the elector of whether~~
18 ~~he or she is designated as a permanent mail-in voter and shall have a~~
19 ~~returnable portion that allows the elector to request designation as a~~
20 ~~permanent mail-in voter pursuant to section 1-8-104.5.~~

21 (6) (b) A confirmation card shall be mailed, shall have a place for
22 an address change, shall be sent by forwardable mail to the elector's
23 address of record, unless the elector has requested that such
24 communication be sent to his or her deliverable mailing address pursuant
25 to section 1-2-204 (2) (k), shall have a returnable portion that has the
26 return postage prepaid and is preaddressed to the sending county clerk
27 and recorder, and shall include a registration form to allow the elector to

1 preregister in the county where the elector resides. ~~and to request~~
2 ~~designation as a permanent mail-in elector pursuant to section 1-8-104.5.~~

3 **SECTION 20.** 1-5-101 (1), (2), and (3), Colorado Revised
4 Statutes, are amended to read:

5 **1-5-101. Establishing precincts for partisan elections - repeal.**

6 (1) Subject to approval by the board of county commissioners, the county
7 clerk and recorder of each county shall divide the county into as many
8 election precincts for all general, primary, and congressional vacancy
9 elections as is convenient for the eligible electors of the county and shall
10 designate the POLLING place OR SERVICE CENTER for each precinct at
11 which elections are to be held. In establishing boundaries, the board of
12 county commissioners shall take into consideration natural and artificial
13 boundaries that meet the requirements of the United States bureau of the
14 census. The precincts shall be numbered in accordance with section
15 1-5-101.5. Changes in the precinct boundaries of a county shall be made
16 only within the district boundaries of each representative and senatorial
17 district.

18 (2) (a) In counties that use paper ballots, the county clerk and
19 recorder, subject to approval by the board of county commissioners, shall
20 establish at least one precinct for every six hundred active eligible
21 electors, with boundaries that take into consideration municipal and
22 school district boundary lines whenever possible. However, the county
23 clerk and recorder, subject to approval by the board of county
24 commissioners, may establish one precinct for every seven hundred fifty
25 active eligible electors.

26 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JANUARY 1,
27 2011.

1 (3) (a) In a county that uses an electronic or electromechanical
2 voting system, the county clerk and recorder, subject to approval by the
3 board of county commissioners, shall establish at least one precinct for
4 every one thousand five hundred active eligible electors. However, the
5 county clerk and recorder, subject to approval by the board, may establish
6 one precinct for every two thousand active eligible electors.

7 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1,
8 2011.

9 **SECTION 21.** 1-5-102, Colorado Revised Statutes, is amended
10 to read:

11 **1-5-102. Establishing precincts for nonpartisan elections.**

12 (1) For nonpartisan elections other than coordinated elections, no later
13 than twenty-five days prior to the election, the designated election
14 official, with the approval of the governing body with authority to call
15 elections, shall divide the jurisdiction into as many election precincts as
16 it deems expedient for the convenience of eligible electors of the
17 jurisdiction and shall designate the polling place OR SERVICE CENTER for
18 each precinct. The election precincts shall consist of one or more whole
19 general election precincts wherever practicable, and the designated
20 election official and governing body shall cooperate with the county clerk
21 and recorder and the board of county commissioners of their political
22 subdivisions to accomplish this purpose. Wherever possible, the polling
23 places OR SERVICE CENTERS shall be the same as those designated by the
24 county for partisan elections.

25 (2) The county clerk and recorder, no later than one hundred
26 twenty days prior to a regular special district election or regular election
27 of any other political subdivision, shall prepare a map of the county

1 showing the location of the polling places OR SERVICE CENTERS and
2 precinct boundaries utilized in the last November election. Copies of the
3 map shall be available for inspection at the office of the county clerk and
4 recorder and for distribution to the designated election official of each
5 political subdivision.

6 (3) The county clerk and recorder shall maintain a list of owners
7 or contact persons who, to the clerk's knowledge, may grant permission
8 to political subdivisions to use the locations identified on the map for
9 polling places OR SERVICE CENTERS. The clerk shall, upon request of the
10 designated election official of a political subdivision, provide a copy of
11 the list, or a part of the list as requested by the designated election
12 official.

13 **SECTION 22.** 1-5-102.5 (1), Colorado Revised Statutes, is
14 amended to read:

15 **1-5-102.5. Establishing polling places for coordinated**
16 **elections.** (1) No later than ninety days prior to a coordinated election,
17 the county clerk and recorder, in consultation with the other designated
18 election officials of each political subdivision participating in the
19 election, shall assure that one polling place OR SERVICE CENTER be
20 designated to allow an individual elector to vote for all ballot issues,
21 ballot questions, and candidates voted on the same date.

22 **SECTION 23.** 1-5-103 (2), Colorado Revised Statutes, is
23 amended to read:

24 **1-5-103. Changes in boundaries - partisan elections.**
25 (2) Subject to approval by the board of county commissioners, the county
26 clerk and recorder shall change any polling place OR SERVICE CENTER
27 upon a petition of a majority of the eligible electors residing within a

1 precinct if the request is made at least ninety days prior to the primary
2 election.

3 **SECTION 24.** 1-5-104 (3) and (4), Colorado Revised Statutes,
4 are amended to read:

5 **1-5-104. Changes in boundaries - nonpartisan elections.**

6 (3) Each governing body shall change any polling place OR SERVICE
7 CENTER upon a petition of a majority of the eligible electors residing
8 within a precinct if the request is made at least forty-five days prior to the
9 next scheduled election and another polling place location is reasonably
10 available.

11 (4) Except as provided by law, no polling place OR SERVICE
12 CENTER shall be changed after the twenty-fifth day prior to an election.

13 **SECTION 25.** 1-5-105, Colorado Revised Statutes, is amended
14 to read:

15 **1-5-105. Restrictions.** (1) No election-related activity shall be
16 conducted within one hundred feet of any building in which a polling
17 place OR SERVICE CENTER is located except that of the conduct of the
18 election at the polling place OR SERVICE CENTER.

19 (2) No polling place OR SERVICE CENTER shall be located in a
20 room in which any intoxicating malt, spirituous, or vinous liquors are
21 being served.

22 (3) The polling places OR SERVICE CENTERS shall be in public
23 locations wherever possible. A private location may be used only when
24 no appropriate public location is available.

25 (4) For purposes of subsection (1) of this section and sections
26 1-6-119 and 1-13-714, when a polling place OR SERVICE CENTER is within
27 multi-use buildings such as a shopping mall or county office building, the

1 "building" shall be considered the room in which ballots are cast OR
2 RECEIVED, any waiting room or hall where electors wait to vote, as well
3 as a primary corridor where electors walk to an interior polling place OR
4 SERVICE CENTER, and the designated exterior door to the multi-use
5 building in which the polling place OR SERVICE CENTER is located.

6 **SECTION 26.** 1-5-106, Colorado Revised Statutes, is amended
7 to read:

8 **1-5-106. Polling places and service centers - designation by**
9 **sign.** All polling places AND SERVICE CENTERS shall be designated by a
10 sign conspicuously posted at least twelve days before each election. The
11 sign shall be substantially in the following form: "Polling place for
12 precinct no." OR "SERVICE CENTER FOR PRECINCT(S) NO.", AS
13 APPLICABLE. The lettering on the sign and the precinct number shall be
14 black on a white background. The letters and numerals of the title shall
15 be at least four inches in height. In addition, the sign shall state the hours
16 the polling place OR SERVICE CENTER will be open.

17 **SECTION 27.** 1-5-108, Colorado Revised Statutes, is amended
18 to read:

19 **1-5-108. Election judges may change locations.** (1) If it
20 becomes impossible or impracticable to hold an election because of an
21 emergency at the designated polling place OR SERVICE CENTER, the
22 election judges, after assembling at or as near as practicable to the
23 original designated polling place OR SERVICE CENTER, may move to the
24 nearest convenient place for holding the election and at the newly
25 designated place forthwith proceed with the election. The election judges
26 shall notify the designated election official of the change as soon as
27 possible.

1 (2) Upon moving to a new polling place OR SERVICE CENTER, the
2 election judges shall display a proclamation of the change at the original
3 polling place OR SERVICE CENTER to notify all electors of the new location
4 for holding the election. The proclamation shall contain a statement
5 explaining the specific nature of the emergency that required the change
6 ~~in the polling place~~ and shall provide the street address of the new
7 location.

8 **SECTION 28.** 1-5-205 (1), Colorado Revised Statutes, is
9 amended to read:

10 **1-5-205. Published and posted notice of election.** (1) The
11 designated election official, or the coordinated election official if so
12 provided by an intergovernmental agreement, no later than ten days
13 before each election, shall provide notice by publication of the election
14 as described by section 1-1-104 (34), which notice shall state, as
15 applicable for the particular election for which notice is provided, the
16 following:

- 17 (a) The date of the election;
- 18 (b) The DATES AND hours during which the ~~polls~~ DROP-OFF
19 LOCATIONS will be open; ~~on election day and for early voting;~~
- 20 (c) The address of ~~the walk-in location~~ EACH SERVICE CENTER and
21 hours during which the ~~walk-in location~~ SERVICE CENTERS for the
22 delivery of ~~mail~~ MAIL-IN ballots and receipt of replacement ballots will be
23 open;
- 24 (d) The address of the location for ~~application~~ and the return of
25 mail-in ballots and the hours during which the office will be open;
- 26 (e) The complete ballot content.
- 27 (f) to (i) (Deleted by amendment, L. 2002, p. 1627, § 5, effective

1 June 7, 2002.)

2 **SECTION 29.** 1-5-206 (1) (b), Colorado Revised Statutes, is
3 amended to read:

4 **1-5-206. Postcard notice - reimbursement of mailing cost.**
5 (1) (b) As used in this section, unless the context otherwise requires,
6 "voter information card" means written communication in the form of a
7 card or letter that is mailed to the elector's address of record, unless the
8 elector has requested that such communication be sent to the elector's
9 deliverable mailing address pursuant to section 1-2-204 (2) (k), and shall
10 contain the eligible elector's name and address, precinct number, polling
11 OR SERVICE CENTER location for the election, ~~a returnable portion that~~
12 ~~allows the elector to request designation as a permanent mail-in voter~~
13 ~~pursuant to section 1-8-104.5~~, and any other information the designated
14 election official deems applicable.

15 **SECTION 30.** 1-5-407 (1.5), Colorado Revised Statutes, is
16 amended to read:

17 **1-5-407. Form of ballots.** (1.5) A duplicate stub is not required
18 for a MAIL ballot that is prepared for a mail ballot AN election pursuant to
19 CONDUCTED IN ACCORDANCE WITH article 7.5 of this title OR FOR A
20 MAIL-IN BALLOT THAT IS PREPARED FOR AN ELECTION CONDUCTED IN
21 ACCORDANCE WITH ARTICLE 8 OF THIS TITLE.

22 **SECTION 31.** 1-6-111 (6), Colorado Revised Statutes, is
23 amended to read:

24 **1-6-111. Number of election judges.** (6) For any election in
25 which ~~polling places or precincts are combined or vote centers are~~ A
26 SERVICE CENTER IS established in accordance with ~~section 1-5-102.7~~
27 SECTION 1-8-107, the county clerk and recorder or the designated election

1 official may assign one set of election judges to perform the functions for
2 ~~all precincts and polling places so combined or for each vote center~~ EACH
3 PRECINCT THAT IS REPRESENTED AT THE SERVICE CENTER. The number of
4 student election judges assigned to a ~~combined polling place or vote~~
5 ~~center~~ SERVICE CENTER shall not exceed the number of election judges
6 assigned to the ~~combined polling place or vote center who are not student~~
7 ~~election judges~~ SERVICE CENTER.

8 **SECTION 32.** 1-6-113 (2), Colorado Revised Statutes, is
9 amended to read:

10 **1-6-113. Vacancies.** (2) If any election judge is not present at the
11 opening of the ~~polls~~ POLLING PLACE OR SERVICE CENTER but appears at the
12 polling place OR SERVICE CENTER within thirty minutes after the opening
13 of the ~~polls~~ POLLING PLACE OR SERVICE CENTER, that election judge is
14 entitled to serve as an election judge, and in such event the election
15 judges shall make note of this fact in their official returns. If a vacancy
16 occurs on the date of any election by failure of any election judge to
17 appear at the polling place ~~by 7:30 a.m.~~ OR SERVICE CENTER WITHIN
18 THIRTY MINUTES AFTER OPENING, the vacancy may be filled by the
19 designated election official.

20 **SECTION 33.** 1-6-119 (3), Colorado Revised Statutes, is
21 amended to read:

22 **1-6-119. Removal of election judge by designated election**
23 **official.** (3) On election day, the designated election official may remove
24 an election judge who has neglected the duties of the office by failing to
25 appear at the polling place ~~by 7:30 a.m.~~ OR SERVICE CENTER WITHIN
26 THIRTY MINUTES OF OPENING, by leaving the ~~precinct~~ polling place OR
27 SERVICE CENTER before completing all of the duties assigned, by being

1 unable or unwilling or by refusing to perform the duties of the office, or
2 by electioneering.

3 **SECTION 34.** 1-7-103 (2), (3), and (4), Colorado Revised
4 Statutes, are amended to read:

5 **1-7-103. No voting unless eligible - first-time voters casting a**
6 **ballot in person after having registered by mail to vote.** (2) A person
7 otherwise eligible to vote whose name has been omitted from the
8 registration list or property owner's list shall be permitted to vote upon
9 ~~taking substantially the following oath: "I do solemnly swear or affirm~~
10 ~~that I am a citizen of the United States of the age of eighteen years or~~
11 ~~older; that I have been a resident of this state and precinct for thirty days~~
12 ~~immediately preceding this election and have not maintained a home or~~
13 ~~domicile elsewhere; that I am a registered elector in this precinct; that I~~
14 ~~am eligible to vote at this election; and that I have not previously voted~~
15 ~~at this election.";~~ and IF THE ELECTOR REGISTERS TO VOTE PURSUANT TO
16 AND MEETS THE SPECIFICATIONS OF SECTION 1-2-202.7.

17 ~~(a) Presenting to an election judge a certificate of registration~~
18 ~~issued on election day by the county clerk and recorder or a certificate of~~
19 ~~property ownership issued on election day by the county assessor; or~~

20 ~~(b) An election judge obtaining verbal verification of the~~
21 ~~registration from the county clerk and recorder on election day, or~~
22 ~~obtaining verbal verification of property ownership from the county~~
23 ~~assessor on election day.~~

24 ~~(3) The election judges, or any one of them, shall promptly contact~~
25 ~~the county clerk and recorder or the county assessor for the verbal~~
26 ~~verification so that every eligible elector present at the polling place is~~
27 ~~allowed to vote. Notation of verbal verification of registration or property~~

1 ~~ownership shall be made in the records of the election judges and in the~~
2 ~~records of the county clerk and recorder and assessor. All certificates of~~
3 ~~registration shall be surrendered to the election judges and returned to the~~
4 ~~designated election official with other election records and supplies.~~

5 (4) ~~The self-affirming oath or affirmation provided in section~~
6 ~~32-1-806 (2), C.R.S., if applicable to the election, may be accepted by an~~
7 ~~election judge in place of the oath and certificate or verbal verification~~
8 ~~required by subsection (2) of this section so that every eligible elector~~
9 ~~present at the polling place is allowed to vote.~~

10 **SECTION 35.** 1-7-104 (1), Colorado Revised Statutes, is
11 amended to read:

12 **1-7-104. Affidavits of eligibility.** (1) In any election where the
13 list of registered electors and property owners is not divided by precinct,
14 where an eligible elector may vote at any polling place OR SERVICE
15 CENTER in a political subdivision, or where an elector's name is not on the
16 list of registered electors or property owners, an affidavit signed by the
17 eligible elector stating that the elector has not previously voted in the
18 election may be required prior to allowing the elector to cast a ballot.

19 **SECTION 36.** Part 1 of article 7 of title 1, Colorado Revised
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
21 read:

22 **1-7-110.5. Mail-in electors permitted to vote regular ballot.**
23 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELECTOR WHO HAS
24 BEEN ISSUED A MAIL-IN BALLOT AS INDICATED ON THE LIST MAINTAINED
25 PURSUANT TO SECTION 1-8-106 AND WHO APPEARS AT THE SERVICE
26 CENTER TO VOTE IN PERSON SHALL BE ALLOWED TO VOTE A REGULAR
27 BALLOT REGARDLESS OF WHETHER THE ELECTOR SURRENDERS THE

1 PREVIOUSLY ISSUED MAIL-IN BALLOT. THE ELECTION JUDGE SHALL MARK
2 THE ELECTOR'S RECORD AS HAVING VOTED IN PERSON AT THE SERVICE
3 CENTER. IF THE ELECTOR VOTES A REGULAR BALLOT IN PERSON AND THE
4 MAIL-IN BALLOT IS RECEIVED, THE MAIL-IN BALLOT SHALL BE DEEMED
5 VOID.

6 **SECTION 37.** 1-7-201 (1), Colorado Revised Statutes, is
7 amended to read:

8 **1-7-201. Voting at primary election.** (1) Any registered elector
9 who has declared an affiliation with a political party that is participating
10 in a primary election and who desires to vote for candidates of that party
11 at a primary election shall show identification, as defined in section
12 1-1-104 (19.5), and write his or her name and address on a form available
13 at the polling place OR SERVICE CENTER and give the form to one of the
14 election judges, who shall clearly and audibly announce the name.

15 **SECTION 38.** 1-7-303, Colorado Revised Statutes, is amended
16 to read:

17 **1-7-303. Spoiled ballots.** No person shall remove any ballot from
18 the polling place OR SERVICE CENTER before the close of the polls. Any
19 eligible elector who spoils a ballot may obtain others, one at a time, not
20 exceeding three in all, upon returning each spoiled ballot. The spoiled
21 ballots thus returned shall be immediately canceled and shall be preserved
22 and returned to the designated election official, as provided in section
23 1-7-701.

24 **SECTION 39.** 1-7-401, Colorado Revised Statutes, is amended
25 to read:

26 **1-7-401. Judges to inspect machines.** In each precinct using
27 voting machines, the election judges shall meet at the polling place OR

1 SERVICE CENTER at least forty-five minutes before the time set for the
2 opening of the polls at each election. Before the polls are open for
3 election, each judge shall carefully examine each machine used in the
4 precinct to ensure that no vote has yet been cast and that every counter,
5 except the protective counter, registers zero.

6 **SECTION 40.** 1-7-503 (4), Colorado Revised Statutes, is
7 amended to read:

8 **1-7-503. Manner of voting.** (4) Notwithstanding any provision
9 of subsection (1) or (2) of this section to the contrary, at a polling place
10 OR SERVICE CENTER at which a ballot marking device, as defined in
11 section 1-5-702 (2.5), is available for accessible voting, the election judge
12 in charge of the ballot box shall deposit every elector's ballot card in the
13 ballot box.

14 **SECTION 41.** 1-7-504, Colorado Revised Statutes, is amended
15 to read:

16 **1-7-504. Spoiled ballots or ballot card.** In precincts in which
17 voting is on a ballot or ballot card, no person shall remove any ballot or
18 ballot card from the polling place OR SERVICE CENTER before the close of
19 the polls. Any eligible elector who spoils a ballot or ballot card may
20 successively obtain others, one at a time, not exceeding three in all, upon
21 returning each spoiled ballot or ballot card. The spoiled ballots or ballot
22 cards thus returned shall be immediately canceled and shall be preserved
23 and returned to the designated election official, as provided in section
24 1-7-701.

25 **SECTION 42.** 1-7-509 (1) (b), Colorado Revised Statutes, is
26 amended to read:

27 **1-7-509. Electronic and electromechanical vote counting -**

1 **testing of equipment required.** (1) (b) The designated election official
2 shall conduct at least three tests on all electronic and electromagnetic
3 voting equipment, including a hardware test, a public logic and accuracy
4 test conducted in accordance with subsection (2) of this section, and a
5 postelection test or audit conducted in accordance with rules promulgated
6 by the secretary of state. Each type of ballot, including mail-in, ~~early~~
7 ~~voting~~, provisional, precinct, and audio ballots, shall be tested in
8 accordance with rules promulgated by the secretary of state. The tests
9 shall ensure that the equipment will correctly count the votes cast for all
10 offices and on all ballot questions and ballot issues and that the voting
11 system will accurately count ballots of all types.

12 **SECTION 43.** Article 7.5 of title 1, Colorado Revised Statutes,
13 is amended BY THE ADDITION OF A NEW SECTION to read:

14 **1-7.5-102.5. Applicability of article.** THIS ARTICLE SHALL APPLY
15 TO ALL MAIL BALLOT ELECTIONS CONDUCTED BY A MUNICIPALITY OR
16 SPECIAL DISTRICT.

17 **SECTION 44.** 1-7.5-103 (4) and (6), Colorado Revised Statutes,
18 are amended to read:

19 **1-7.5-103. Definitions.** As used in this article, unless the context
20 otherwise requires:

21 (4) "Mail ballot election" means ~~an~~ A SPECIAL DISTRICT OR
22 MUNICIPAL election for which eligible electors may cast ballots by mail
23 and in accordance with this article. ~~in a primary election or an election~~
24 that involves only nonpartisan candidates or ballot questions or ballot
25 issues.

26 (6) "Political subdivision" means a ~~governing~~ subdivision of the
27 state, ~~including counties, municipalities, school districts, and~~

1 MUNICIPALITY OR ~~special districts~~ DISTRICT.

2 **SECTION 45.** 1-7.5-104 (2) (b), Colorado Revised Statutes, is
3 amended to read:

4 **1-7.5-104. Mail ballot elections - optional.** (2) Notwithstanding
5 the provisions of subsection (1) of this section, a mail ballot election shall
6 not be held for:

7 (b) Elections held in conjunction with, or on the same day as, a
8 primary or congressional vacancy election. ~~unless the primary election is~~
9 ~~conducted as a mail ballot election.~~

10 **SECTION 46.** 1-7.5-106 (2), Colorado Revised Statutes, is
11 amended to read:

12 **1-7.5-106. Secretary of state - duties and powers.** (2) In
13 addition to other powers prescribed by law, the secretary of state may
14 adopt rules governing procedures and forms necessary to implement this
15 article. ~~and may appoint any county clerk and recorder as an agent of the~~
16 ~~secretary to carry out the duties prescribed in this article.~~

17 **SECTION 47.** 1-7.5-107 (2) (a), (3) (a) (I), (3.5) (a), (3.5) (b),
18 (3.5) (e), and (5) (c), Colorado Revised Statutes, are amended to read:

19 **1-7.5-107. Procedures for conducting mail ballot election -**
20 **first-time voters casting a mail ballot after having registered by mail**
21 **to vote.** (2) (a) ~~Except for coordinated elections conducted as a mail~~
22 ~~ballot election where the county clerk and recorder is the coordinated~~
23 ~~election official~~ FOR MUNICIPAL OR SPECIAL DISTRICT MAIL BALLOT
24 ELECTIONS, no later than thirty days prior to election day, the county clerk
25 and recorder shall submit to the designated election official of the
26 political subdivision conducting the mail ballot election a full and
27 complete preliminary list of registered electors. For special district mail

1 ballot elections, the county clerk and recorder and county assessor of each
2 county in which a special district is located shall certify and submit to the
3 designated election official a list of property owners and a list of
4 registered electors residing within the affected district.

5 (3) (a) (I) Not sooner than twenty-two days before an election, and
6 no later than eighteen days before an election, ~~except as provided in~~
7 ~~subparagraph (H) of this paragraph (a)~~, the designated election official
8 shall mail to each active registered elector, at the last mailing address
9 appearing in the registration records and in accordance with United States
10 postal service regulations, a mail ballot packet, which shall be marked
11 "DO NOT FORWARD.", ADDRESS CORRECTION REQUESTED.,
12 or any other similar statement that is in accordance with United States
13 postal service regulations; except that, with prior approval from the
14 secretary of state, the packets shall be sent no later than ten days before
15 election day. Nothing in this subsection (3) shall affect any provision of
16 this code governing the delivery of mail ballots to an absent uniformed
17 services elector, nonresident overseas elector, or resident overseas elector
18 covered by the federal "Uniformed and Overseas Citizens Absentee
19 Voting Act", 42 U.S.C. sec. 1973ff et seq.

20 (3.5) (a) Unless otherwise provided by section 1-2-501 (1.5), the
21 requirements of this subsection (3.5) shall apply to a person who
22 registered to vote by mail in accordance with part 5 of article 2 of this
23 title and who HAS NOT PREVIOUSLY VOTED IN AN ELECTION IN COLORADO.

- 24 (I) ~~Has not previously voted in an election in Colorado; or~~
- 25 (II) ~~Is reregistering to vote after moving from one county in this~~
26 ~~state to another and the election in which the person intends to vote takes~~
27 ~~place prior to the creation by the department of state of a computerized~~

1 ~~statewide voter registration list that satisfies the requirements of part 3 of~~
2 ~~article 2 of this title.~~

3 (b) Any person who matches ~~either of the descriptions specified~~
4 ~~in subparagraph (I) or (H) of~~ THE DESCRIPTION IN paragraph (a) of this
5 subsection (3.5) and intends to cast his or her ballot by mail in accordance
6 with this article shall submit with his or her mail ballot a copy of
7 identification within the meaning of section 1-1-104 (19.5).

8 (e) The requirements of this subsection (3.5) shall be implemented
9 by ~~state and local~~ POLITICAL SUBDIVISION election officials in a uniform
10 and nondiscriminatory manner.

11 (5) (c) For November coordinated elections only, the signature of
12 the eligible elector on the return envelope shall be compared with the
13 signature of the eligible elector on file in the office of the county clerk
14 and recorder or in the statewide voter registration system in accordance
15 with ~~section 1-7.5-107.3~~ SECTION 1-8-114.

16 **SECTION 48.** Part 1 of article 8 of title 1, Colorado Revised
17 Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS,
18 to read:

19 PART 1

20 MAIL-IN VOTING

21 **1-8-101. Ballots and supplies for mail-in voting.** (1) MAIL-IN
22 BALLOTS, APPLICATIONS, AFFIDAVITS, CERTIFICATES, ENVELOPES,
23 INSTRUCTION CARDS, AND OTHER NECESSARY SUPPLIES SHALL BE
24 PROVIDED BY THE DESIGNATED ELECTION OFFICIAL IN THE SAME MANNER
25 AS OTHER ELECTION SUPPLIES ARE PROVIDED FOR IN ALL ELECTIONS AND
26 SHALL BE FURNISHED WITHOUT COST TO ANY ELIGIBLE ELECTOR WISHING
27 TO VOTE PURSUANT TO THIS ARTICLE. MAIL-IN BALLOTS SHALL BE READY

1 FOR DELIVERY OR MAILING TO MAIL-IN VOTERS AS SOON AS AVAILABLE.

2 (2) THE BALLOTS SHALL BE IN THE SAME FORM AS OTHER OFFICIAL
3 BALLOTS FOR THE SAME ELECTION.

4 (3) IN COUNTIES INCLUDING MORE THAN ONE STATE SENATORIAL
5 DISTRICT OR MORE THAN ONE STATE REPRESENTATIVE DISTRICT, OR BOTH,
6 MAIL-IN BALLOTS SHALL BE PROVIDED IN A MANNER TO BE DETERMINED
7 BY THE COUNTY CLERK AND RECORDER FOR EACH COMBINATION OF STATE
8 LEGISLATIVE DISTRICTS. DISTINCTIVE MARKINGS OR COLORS MAY BE USED
9 TO IDENTIFY POLITICAL SUBDIVISIONS WHEN SUCH COLORS OR DISTINCTIVE
10 MARKINGS WILL AID IN THE DISTRIBUTION AND TABULATION OF THE
11 BALLOTS. A COMPLETE BALLOT MAY CONSIST OF ONE OR MORE PAGES OR
12 CARDS SO LONG AS EACH PAGE OR CARD IS NUMBERED AND IDENTIFIED AS
13 PROVIDED FOR PAPER BALLOTS IN SECTIONS 1-5-407 AND 1-5-410. THIS
14 SUBSECTION (3) SHALL APPLY TO BALLOTS TO BE CAST ON VOTING
15 MACHINES AS WELL AS TO PAPER BALLOTS AND BALLOT CARDS THAT CAN
16 BE ELECTRONICALLY COUNTED.

17 (4) THE MAIL-IN BALLOT INSTRUCTION CARD SHALL CONTAIN
18 INFORMATION ON HOW THE ELECTOR MAY VERIFY THAT HIS OR HER
19 MAIL-IN BALLOT HAS BEEN RECEIVED BY THE COUNTY CLERK AND
20 RECORDER AS PROVIDED IN SECTION 1-8-307.5.

21 **1-8-102. When mail-in voters may vote - applicability - rules.**

22 (1) ANY ELIGIBLE ELECTOR MAY VOTE BY MAIL-IN BALLOT AT ANY
23 GENERAL, PRIMARY, OR CONGRESSIONAL VACANCY ELECTION UNDER THE
24 REGULATIONS AND IN THE MANNER PROVIDED IN THIS PART 1.

25 (2) THIS PART 1 SHALL APPLY TO ANY ELECTION COORDINATED
26 WITH OR CONDUCTED BY A COUNTY CLERK AND RECORDER.

27 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE

1 DESIGNATED OR COORDINATED ELECTION OFFICIAL OF A COUNTY OR
2 OTHER POLITICAL SUBDIVISION SHALL DELIVER OR MAIL AN OFFICIAL
3 MAIL-IN BALLOT, A RETURN ENVELOPE WITH INFORMATION AS TO
4 PRECINCT AND RESIDENCE ADDRESS AS SHOWN BY THE RECORDS IN THE
5 OFFICE OF THE COUNTY CLERK AND RECORDER, AND AN INSTRUCTION TO
6 EVERY ELIGIBLE ELECTOR MARKED "ACTIVE" OR "INACTIVE - FAILED TO
7 VOTE" IN THE COUNTY OR POLITICAL SUBDIVISION; EXCEPT THAT, FOR
8 PRIMARY ELECTIONS, A MAIL-IN BALLOT SHALL ONLY BE DELIVERED OR
9 MAILED TO ELIGIBLE ELECTORS MARKED "ACTIVE" OR "INACTIVE - FAILED
10 TO VOTE" WHO ARE QUALIFIED TO VOTE IN THE PRIMARY ELECTION
11 PURSUANT TO SECTION 1-4-101.

12 (4) (a) FOR PRIMARY ELECTIONS, NOT LESS THAN THIRTY DAYS
13 NOR MORE THAN FORTY-FIVE DAYS BEFORE THE ELECTION, THE COUNTY
14 CLERK AND RECORDER SHALL MAIL A NOTICE BY FORWARDABLE MAIL TO
15 EACH UNAFFILIATED ACTIVE REGISTERED ELIGIBLE ELECTOR AND TO EACH
16 UNAFFILIATED REGISTERED ELIGIBLE ELECTOR WHOSE REGISTRATION
17 RECORD HAS BEEN MARKED AS "INACTIVE - FAILED TO VOTE".

18 (b) THE NOTICE SHALL INDICATE THAT THE UNAFFILIATED ELECTOR
19 HAS THE ABILITY TO AND MUST AFFILIATE WITH A POLITICAL PARTY IN
20 ORDER TO VOTE IN THE PRIMARY ELECTION.

21 (c) THE NOTICE SHALL HAVE A RETURNABLE PORTION THAT
22 ALLOWS THE ELECTOR TO REQUEST AFFILIATION WITH A POLITICAL PARTY.

23 (d) THE NOTICE MAY BE INCLUDED WITH ANY OTHER
24 COMMUNICATION BY MAIL FROM THE COUNTY CLERK AND RECORDER TO
25 ELECTORS WITHIN THE COUNTY.

26 (5) THE SECRETARY OF STATE SHALL HAVE THE AUTHORITY TO
27 PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.,

1 AS NECESSARY FOR THE PROPER ADMINISTRATION OF THIS ARTICLE.

2 **1-8-103. Effect of "Uniformed and Overseas Citizens Absentee**
3 **Voting Act" - emergency authority of secretary of state.** (1) IN THE
4 EVENT OF ANY CONFLICT BETWEEN THIS PART 1 AND ANY PROVISIONS OF
5 THE FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING
6 ACT", 42 U.S.C. SEC. 1973ff ET SEQ., THE PROVISIONS OF THE FEDERAL
7 ACT SHALL CONTROL, AND ALL DESIGNATED ELECTION OFFICIALS WHO ARE
8 CHARGED WITH THE PERFORMANCE OF DUTIES UNDER THIS CODE SHALL
9 PERFORM THE DUTIES AND DISCHARGE THE OBLIGATIONS PLACED UPON
10 THEM BY THE FEDERAL ACT.

11 (2) IF A NATIONAL OR LOCAL EMERGENCY ARISES THAT MAKES
12 SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OF THIS PART 1
13 IMPOSSIBLE OR UNREASONABLE, INCLUDING IF CONGRESS DECLARES A
14 NATIONAL EMERGENCY OR THE PRESIDENT OF THE UNITED STATES ORDERS
15 INTO ACTIVE MILITARY SERVICE ANY UNITS AND MEMBERS OF THE
16 NATIONAL GUARD OF THIS STATE, THE SECRETARY OF STATE MAY
17 PRESCRIBE, BY EMERGENCY ORDERS OR RULES, SUCH SPECIAL PROCEDURES
18 OR REQUIREMENTS AS MAY BE NECESSARY TO FACILITATE ABSENTEE
19 VOTING BY THOSE MEMBERS OF THE MILITARY OR MILITARY SUPPORT
20 PERSONNEL DIRECTLY AFFECTED BY THE EMERGENCY.

21 **1-8-104. Voting by persons residing overseas and military**
22 **personnel - definitions.** (1) (a) THE DESIGNATED OR COORDINATED
23 ELECTION OFFICIAL OF A COUNTY OR OTHER POLITICAL SUBDIVISION THAT
24 MEETS THE REQUIREMENTS OF THE RULES PROMULGATED BY THE
25 SECRETARY OF STATE PURSUANT TO SUBSECTION (3) OF THIS SECTION
26 SHALL PROVIDE A MAIL-IN BALLOT BY ELECTRONIC MEANS TO AN ELIGIBLE
27 ELECTOR WHO IS AN ABSENT UNIFORMED SERVICES ELECTOR, A

1 NONRESIDENT OVERSEAS ELECTOR, OR A RESIDENT OVERSEAS ELECTOR,
2 AS DEFINED IN SECTION 1-2-208 (2.5), IF THE ELECTOR TIMELY REQUESTED
3 THAT THE MAIL-IN BALLOT BE SENT BY ELECTRONIC MEANS.

4 (b) A MAIL-IN BALLOT SHALL BE PROVIDED BY THE SAME
5 ELECTRONIC MEANS AVAILABLE UNDER PARAGRAPH (a) OF THIS
6 SUBSECTION (1) TO AN ABSENT UNIFORMED SERVICES ELECTOR SERVING
7 OUTSIDE THE UNITED STATES NOT LATER THAN THIRTY DAYS BEFORE THE
8 ELECTION IF THE ELECTOR:

- 9 (I) HAS REGISTERED TO VOTE; AND
- 10 (II) REQUESTED THAT THE MAIL-IN BALLOT BE SENT BY
- 11 ELECTRONIC MEANS.

12 (1.5) A DESIGNATED OR COORDINATED ELECTION OFFICIAL SHALL
13 NOT REFUSE TO ACCEPT OR PROCESS ANY OTHERWISE VALID MAIL-IN
14 BALLOT SUBMITTED BY AN ABSENT UNIFORMED SERVICES ELECTOR, AS
15 DEFINED IN SECTION 1-2-208 (2.5).

16 (2) (a) THE ELIGIBLE ELECTOR MAY RETURN THE VOTED BALLOT
17 TO THE DESIGNATED OR COORDINATED ELECTION OFFICIAL BY ELECTRONIC
18 MEANS. THE RETURNED BALLOT SHALL BE COUNTED IF IT ARRIVES IN THE
19 OFFICE OF THE DESIGNATED OR COORDINATED ELECTION OFFICIAL NO
20 LATER THAN THE CLOSE OF BUSINESS ON THE EIGHTH DAY FOLLOWING THE
21 DAY OF THE ELECTION, SO LONG AS THE BALLOT IS TRANSMITTED BY
22 ELECTRONIC MEANS BY 7 P.M. MOUNTAIN STANDARD TIME ON THE DAY OF
23 THE ELECTION. WHEN THE BALLOT IS RECEIVED BY THE DESIGNATED OR
24 COORDINATED ELECTION OFFICIAL, A BIPARTISAN TEAM OF JUDGES SHALL
25 DUPLICATE THE BALLOT, AND THE BALLOT SHALL BE COUNTED AS ALL
26 OTHER MAIL-IN BALLOTS. THE JUDGES WHO DUPLICATE THE BALLOT
27 SHALL NOT REVEAL TO ANY OTHER PERSON HOW THE ELECTOR HAS CAST

1 HIS OR HER BALLOT.

2 (b) THE INSTRUCTIONS FOR COMPLETING A MAIL-IN BALLOT
3 PURSUANT TO THIS SECTION SHALL INFORM THE ELECTOR THAT A MAIL-IN
4 BALLOT RETURNED BY ELECTRONIC MEANS IS NOT A CONFIDENTIAL
5 BALLOT.

6 (c) IN HANDLING A BALLOT RETURNED PURSUANT TO THIS SECTION,
7 ALL REASONABLE MEANS SHALL BE TAKEN TO ENSURE THAT ONLY THE
8 JUDGES WHO RECEIVE AND DUPLICATE THE BALLOT ARE AWARE OF
9 INFORMATION CONNECTING THE ELECTOR TO THE RETURNED BALLOT.

10 (d) THE PROVISIONS OF SECTION 1-8-113 PERTAINING TO
11 SIGNATURE VERIFICATION SHALL BE EXTENDED FOR PURPOSES OF
12 SIGNATURE COMPARISON AND VERIFICATION OF ABSENT UNIFORMED
13 SERVICES ELECTORS SERVING OUTSIDE THE UNITED STATES WHOSE
14 BALLOTS ARE RECEIVED NO LATER THAN THE CLOSE OF BUSINESS ON THE
15 EIGHTH DAY FOLLOWING THE DAY OF THE ELECTION PURSUANT TO
16 PARAGRAPH (a) OF THIS SUBSECTION (2).

17 (3) THE SECRETARY OF STATE SHALL PRESCRIBE BY RULE THE
18 PROCEDURES OR REQUIREMENTS NECESSARY TO IMPLEMENT THE
19 PROVISIONS OF THIS SECTION. THE RULES SHALL SPECIFY THE
20 PROCEDURES FOR SENDING AND RETURNING A BALLOT BY ELECTRONIC
21 MEANS. THE RULES SHALL BE PROMULGATED IN ACCORDANCE WITH
22 ARTICLE 4 OF TITLE 24, C.R.S.

23 (4) FOR PURPOSES OF THIS SECTION, "ELECTRONIC MEANS" MEANS
24 FACSIMILE TRANSMISSION; EXCEPT THAT THE SECRETARY OF STATE MAY
25 BY RULE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24,
26 C.R.S., ESTABLISH PROCEDURES BY WHICH A UNIFORMED SERVICES
27 ELECTOR SERVING OUTSIDE THE UNITED STATES MAY RECEIVE AND

1 RETURN A BALLOT BY ELECTRONIC MAIL IN CIRCUMSTANCES WHERE
2 ANOTHER MORE SECURE VOTING METHOD IS NOT AVAILABLE OR FEASIBLE.

3 **1-8-105. Registration record.** (1) BEFORE ANY MAIL-IN BALLOT
4 IS DELIVERED OR MAILED OR BEFORE ANY ELIGIBLE ELECTOR IS PERMITTED
5 TO CAST A VOTE AT AN ELECTION WHERE THE COUNTY CLERK AND
6 RECORDER IS THE DESIGNATED ELECTION OFFICIAL, THE DESIGNATED
7 ELECTION OFFICIAL SHALL RECORD THE NUMBER OF THE BALLOT,
8 TOGETHER WITH THE DATE THE BALLOT IS DELIVERED OR MAILED. THE
9 SUPPLY JUDGE FOR THE MAIL-IN VOTER'S PRECINCT SHALL RECEIVE THE
10 LIST OF MAIL-IN BALLOTS PREPARED PURSUANT TO SECTION 1-8-106.
11 MAIL-IN VOTERS FOR EACH PRECINCT SHALL BE RECORDED ON THE
12 PRECINCT REGISTRATION LIST FOR USE AT THE SERVICE CENTERS AS
13 PROVIDED IN SECTION 1-5-302.

14 (2) FOR NONPARTISAN ELECTIONS, MAIL-IN VOTERS SHALL BE
15 RECORDED ON THE PRECINCT REGISTRATION LIST FOR USE AT THE SERVICE
16 CENTERS AS PROVIDED IN SECTION 1-5-303.

17 **1-8-106. List of mail-in ballots.** THE DESIGNATED ELECTION
18 OFFICIAL SHALL KEEP A LIST OF NAMES AND PRECINCT NUMBERS OF
19 ELIGIBLE ELECTORS TO WHOM A MAIL-IN BALLOT WAS DELIVERED OR
20 MAILED, TOGETHER WITH THE DATE ON WHICH THE MAIL-IN BALLOT WAS
21 SENT, AND THE DATE ON WHICH EACH MAIL-IN BALLOT WAS RETURNED.
22 IF A MAIL-IN BALLOT IS NOT RETURNED OR IF IT IS REJECTED AND NOT
23 COUNTED, THAT FACT SHALL BE NOTED ON THE LIST. THE LIST SHALL BE
24 OPEN TO PUBLIC INSPECTION UNDER PROPER REGULATIONS.

25 **1-8-107. Service centers and drop-off locations.**
26 (1) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, FOR
27 ALL MAIL-IN BALLOT ELECTIONS CONDUCTED IN ACCORDANCE WITH THIS

1 PART 1, THE COUNTY CLERK AND RECORDER SHALL DESIGNATE SERVICE
2 CENTERS EQUAL TO NO FEWER THAN THE NUMBER OF COUNTY MOTOR
3 VEHICLE OFFICES IN THE COUNTY; EXCEPT THAT EACH COUNTY SHALL
4 HAVE NO FEWER THAN ONE SERVICE CENTER FOR EVERY SIXTY THOUSAND
5 ACTIVE REGISTERED ELECTORS. NOTWITHSTANDING ANY PROVISION OF
6 THIS SUBSECTION (1) TO THE CONTRARY, IF A COUNTY HAS FEWER THAN
7 FIFTEEN THOUSAND ACTIVE REGISTERED ELECTORS FOR EACH COUNTY
8 MOTOR VEHICLE OFFICE IN THE COUNTY, THE COUNTY CLERK AND
9 RECORDER SHALL DESIGNATE AT LEAST ONE SERVICE CENTER FOR EACH
10 TWENTY-FIVE THOUSAND ACTIVE REGISTERED ELECTORS.

11 (II) ANY COUNTY HAVING THIRTY THOUSAND OR FEWER ACTIVE
12 REGISTERED ELECTORS SHALL HAVE A MINIMUM OF ONE SERVICE CENTER,
13 REGARDLESS OF THE NUMBER OF MOTOR VEHICLE OFFICES IN SUCH
14 COUNTY.

15 (b) EACH SERVICE CENTER SHALL PROVIDE THE FOLLOWING FOR
16 ELECTORS:

17 (I) FOR PRIMARY ELECTIONS, THE ABILITY FOR UNAFFILIATED
18 REGISTERED ELECTORS TO AFFILIATE WITH A POLITICAL PARTY AND CAST
19 BALLOTS;

20 (II) SECURE COMPUTER ACCESS;

21 (III) FACILITIES AND EQUIPMENT THAT ARE COMPLIANT WITH THE
22 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
23 12101 ET SEQ., AS AMENDED;

24 (IV) DIRECT RECORD ELECTRONIC VOTING MACHINES OR OTHER
25 VOTING SYSTEMS ACCESSIBLE TO ELECTORS WITH DISABILITIES AS
26 PROVIDED IN PART 7 OF ARTICLE 5 OF THIS TITLE;

27 (V) VOTING BOOTHS;

1 (VI) ORIGINAL AND REPLACEMENT BALLOTS FOR DISTRIBUTION;
2 (VII) THE ABILITY TO ACCEPT MAIL-IN BALLOTS THAT ARE
3 DEPOSITED BY ELECTORS;
4 (VIII) THE ABILITY TO CAST PROVISIONAL BALLOTS; AND
5 (IX) THE ABILITY TO ALLOW ELIGIBLE ELECTORS TO REGISTER TO
6 VOTE PURSUANT TO SECTION 1-2-202.7.
7 (c) THE MINIMUM NUMBER OF SERVICE CENTERS SHALL BE OPEN
8 DURING, AT A MINIMUM, THE TWENTY-TWO DAYS PRIOR TO AND
9 INCLUDING THE DAY OF THE ELECTION; EXCEPT THAT SERVICE CENTERS
10 SHALL NOT BE REQUIRED TO BE OPEN ON SUNDAYS.
11 (2) (a) THERE SHALL BE A MINIMUM NUMBER OF MAIL-IN BALLOT
12 DROP-OFF LOCATIONS WHERE MAIL-IN BALLOTS MAY BE DEPOSITED EQUAL
13 TO AT LEAST ONE DROP-OFF LOCATION FOR EVERY THIRTY THOUSAND
14 ACTIVE REGISTERED ELECTORS IN THE COUNTY. THE DROP-OFF LOCATIONS
15 SHALL BE ARRAYED THROUGHOUT THE COUNTY IN A MANNER THAT
16 PROVIDES THE GREATEST CONVENIENCE TO ELECTORS.
17 (b) THE MINIMUM NUMBER OF DROP-OFF LOCATIONS DESCRIBED IN
18 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL ACCEPT MAIL-IN BALLOTS
19 DELIVERED BY ELECTORS DURING, AT A MINIMUM, THE TWENTY-TWO DAYS
20 PRIOR TO AND INCLUDING THE DAY OF THE PRIMARY ELECTION; EXCEPT
21 THAT MAIL BALLOTS SHALL NOT BE REQUIRED TO BE ACCEPTED ON
22 SUNDAYS OR THE FIRST SATURDAY OF SUCH PERIOD. MAIL-IN BALLOTS
23 SHALL BE ACCEPTED FROM ELECTORS AT DROP-OFF LOCATIONS DURING, AT
24 A MINIMUM, REASONABLE BUSINESS HOURS.
25 (3) FOR PRIMARY ELECTIONS, SERVICE CENTERS AND DROP-OFF
26 LOCATIONS SHALL BE DESIGNATED IN ACCORDANCE WITH THE NUMBER OF
27 AFFILIATED ACTIVE ELECTORS.

1 **1-8-108. Watchers at service centers and drop-off locations -**
2 **challenges.** (1) ANY POLITICAL PARTY, CANDIDATE, OR PROPONENT OR
3 OPPONENT OF A BALLOT ISSUE THAT IS ENTITLED TO HAVE WATCHERS
4 PURSUANT TO SECTION 1-7-105, 1-7-106, OR 1-7-107 SHALL EACH HAVE
5 THE RIGHT TO MAINTAIN ONE WATCHER IN THE OFFICE OF THE DESIGNATED
6 ELECTION OFFICIAL, AT SERVICE CENTERS, AND AT MAIL-IN BALLOT
7 DROP-OFF LOCATIONS DURING THE PERIOD IN WHICH MAIL-IN BALLOTS
8 MAY BE RECEIVED.

9 (2) THE RIGHT TO VOTE OF ANY PERSON VOTING BY MAIL-IN
10 BALLOT MAY BE CHALLENGED IN THE SAME MANNER AND FOR THE SAME
11 CAUSES AS OTHER PERSONS ARE CHALLENGED.

12 **1-8-109. Delivery of mail-in ballot and replacement mail-in**
13 **ballots.** (1) (a) THE MAIL-IN BALLOT AND OTHER MATERIALS SHALL BE
14 DELIVERED OR MAILED TO THE ELECTOR NO SOONER THAN TWENTY-TWO
15 DAYS BEFORE EVERY ELECTION COORDINATED WITH OR CONDUCTED BY
16 THE COUNTY CLERK AND RECORDER. IF THE MAIL-IN BALLOT AND OTHER
17 MATERIALS ARE MAILED, THE ENVELOPE SHALL BE MARKED "DO NOT
18 FORWARD" OR BY ANY OTHER SIMILAR STATEMENT THAT IS IN
19 ACCORDANCE WITH UNITED STATES POSTAL SERVICE REGULATIONS.
20 EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION
21 (1), NOTHING IN THIS SUBSECTION (1) SHALL AFFECT ANY PROVISION OF
22 THIS CODE GOVERNING THE DELIVERY OF MAIL-IN BALLOTS TO AN ABSENT
23 UNIFORMED SERVICES ELECTOR, NONRESIDENT OVERSEAS ELECTOR, OR
24 RESIDENT OVERSEAS ELECTOR COVERED BY THE FEDERAL "UNIFORMED
25 AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff
26 ET SEQ.

27 (b) A MAIL-IN BALLOT SHALL BE DELIVERED OR MAILED TO AN

1 ABSENT UNIFORMED SERVICES ELECTOR SERVING OUTSIDE THE UNITED
2 STATES NOT LATER THAN THIRTY DAYS BEFORE THE ELECTION.

3 (2) UPON A REQUEST BY AN ELIGIBLE ELECTOR STATING AN
4 EMERGENCY NEED, THE DESIGNATED ELECTION OFFICIAL MAY AUTHORIZE
5 ONE OR MORE DEPUTIES OR MAY DEPUTIZE A COURIER SERVICE TO DELIVER
6 THE MAIL-IN BALLOT AND RETURN THE BALLOT TO THE OFFICE OF THE
7 DESIGNATED ELECTION OFFICIAL.

8 (3) THE DESIGNATED ELECTION OFFICIAL MAY ISSUE A
9 REPLACEMENT MAIL-IN BALLOT IF AN ELIGIBLE ELECTOR DID NOT RECEIVE
10 OR SPOILED THE ORIGINAL MAIL-IN BALLOT. AN AFFIDAVIT COMPLETED BY
11 THE ELECTOR SHALL GIVE THE REASON FOR REQUESTING A REPLACEMENT
12 MAIL-IN BALLOT AND SHALL STATE THAT THE ORIGINAL MAIL-IN BALLOT
13 WAS NOT RECEIVED OR WAS SPOILED, THAT THE INDIVIDUAL HAS NOT
14 VOTED, AND THAT THE INDIVIDUAL DOES NOT INTEND TO VOTE AT THE
15 ELECTION EXCEPT BY VOTING THE REPLACEMENT MAIL-IN BALLOT. THE
16 MAIL-IN RECORD SHALL HAVE THE NOTATION "REPLACEMENT ISSUED"
17 ENTERED TO INDICATE THE ORIGINAL MAIL-IN BALLOT WAS NOT RECEIVED
18 OR WAS SPOILED, AND THE REPLACEMENT MAIL-IN BALLOT NUMBER SHALL
19 BE ENTERED IN THE MAIL-IN RECORD. THE FIRST BALLOT RETURNED BY
20 THE ELECTOR SHALL BE CONSIDERED THE ELECTOR'S OFFICIAL BALLOT.

21 **1-8-110. Voting at group residential facilities.** (1) WHEN MORE
22 THAN SEVEN MAIL-IN BALLOTS ARE TO BE SENT TO THE SAME GROUP
23 RESIDENTIAL FACILITY, AS DEFINED IN SECTION 1-1-104 (18.5), A
24 COMMITTEE CONSISTING OF ONE EMPLOYEE OF THE COUNTY CLERK AND
25 RECORDER OF THE COUNTY IN WHICH THE FACILITY IS LOCATED AND,
26 WHERE AVAILABLE, A REPRESENTATIVE APPOINTED BY EACH OF THE
27 MAJOR POLITICAL PARTIES SHALL DELIVER THE MAIL-IN BALLOTS AND

1 RETURN THOSE BALLOTS TO THE OFFICE OF THE COUNTY CLERK AND
2 RECORDER.

3 (2) FOR NONPARTISAN ELECTIONS, UPON THE REQUEST OF AN
4 ELIGIBLE ELECTOR, THE DESIGNATED ELECTION OFFICIAL MAY APPOINT A
5 COMMITTEE CONSISTING OF TWO OR MORE ELECTION JUDGES OR
6 EMPLOYEES OR REPRESENTATIVES OF THE DESIGNATED ELECTION OFFICIAL
7 TO DELIVER THE MAIL-IN BALLOTS AND RETURN THOSE BALLOTS TO THE
8 OFFICE OF THE COUNTY CLERK AND RECORDER.

9 **1-8-111. Manner of mail-in voting - first-time voters casting**
10 **a mail-in ballot after having registered by mail to vote.** (1) (a) (I) IN
11 CASTING A MAIL-IN BALLOT, THE ELIGIBLE ELECTOR SHALL MAKE AND
12 SUBSCRIBE TO THE SELF-AFFIRMATION ON THE RETURN ENVELOPE. THE
13 ELECTOR SHALL THEN MARK THE BALLOT, FOLD THE BALLOT OR INSERT
14 THE BALLOT CARD IN THE SPECIAL ENVELOPE PROVIDED FOR THE PURPOSE
15 SO AS TO CONCEAL THE MARKING, DEPOSIT THE BALLOT IN THE RETURN
16 ENVELOPE, ENCLOSE IDENTIFICATION IF REQUIRED BY SUBSECTION (3) OF
17 THIS SECTION, AND SEAL THE ENVELOPE SECURELY. THE ENVELOPE MAY
18 BE DELIVERED PERSONALLY OR MAILED BY THE ELECTOR TO THE
19 DESIGNATED ELECTION OFFICIAL ISSUING THE BALLOT OR MAY BE
20 DELIVERED PERSONALLY BY THE ELECTOR TO ANY SERVICE CENTER OR
21 DROP-OFF LOCATION IN THE COUNTY IN WHICH THE ELECTOR IS
22 REGISTERED TO VOTE. ALTERNATIVELY, AN ELECTOR MAY DELIVER THE
23 BALLOT TO ANY PERSON OF THE ELECTOR'S OWN CHOICE OR TO ANY DULY
24 AUTHORIZED AGENT OF THE DESIGNATED ELECTION OFFICIAL FOR MAILING
25 OR PERSONAL DELIVERY TO THE DESIGNATED ELECTION OFFICIAL, OR TO
26 ANY PERSON WHO HAS BEEN TRAINED AND CERTIFIED BY THE SECRETARY
27 OF STATE TO COLLECT AND DELIVER VOTED BALLOTS PURSUANT TO

1 SECTION 1-8-112. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
2 PARAGRAPH (a), ALL ENVELOPES CONTAINING MAIL-IN BALLOTS SHALL BE
3 IN THE HANDS OF THE DESIGNATED ELECTION OFFICIAL NO LATER THAN 7
4 P.M. ON THE DAY OF THE ELECTION. MAIL-IN BALLOT ENVELOPES
5 RECEIVED AFTER 7 P.M. ON THE DAY OF THE ELECTION BUT POSTMARKED
6 ON OR BEFORE THE DAY OF THE ELECTION WILL REMAIN SEALED AND
7 UNCOUNTED, BUT THE ELECTOR'S REGISTRATION RECORD WILL NOT BE
8 MARKED INACTIVE FOR FAILURE TO VOTE IN A GENERAL ELECTION.

9 (II) ALL ENVELOPES CONTAINING MAIL-IN BALLOTS CAST BY 7 P.M.
10 MOUNTAIN STANDARD TIME ON THE DAY OF THE ELECTION BY ABSENT
11 UNIFORMED SERVICES ELECTORS SERVING OUTSIDE THE UNITED STATES
12 SHALL BE IN THE HANDS OF THE DESIGNATED ELECTION OFFICIAL NO LATER
13 THAN THE CLOSE OF BUSINESS ON THE EIGHTH DAY FOLLOWING THE DAY
14 OF THE ELECTION.

15 (b) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
16 AN ELIGIBLE ELECTOR FROM VOTING IN PERSON AT A SERVICE CENTER AT
17 ANY TIME AFTER THE MAIL-IN BALLOT WAS DELIVERED OR MAILED TO THE
18 ELIGIBLE ELECTOR UP TO AND ON ELECTION DAY.

19 (2) UPON RECEIPT OF A MAIL-IN BALLOT FROM AN ELIGIBLE
20 ELECTOR, THE DESIGNATED ELECTION OFFICIAL SHALL WRITE OR STAMP
21 UPON THE ENVELOPE CONTAINING THE BALLOT THE DATE THE ENVELOPE
22 WAS RECEIVED BY THE DESIGNATED ELECTION OFFICIAL. THE DESIGNATED
23 ELECTION OFFICIAL SHALL SAFELY KEEP AND PRESERVE ALL MAIL-IN
24 BALLOTS UNOPENED IN A BALLOT BOX OR TRANSFER CASE THAT IS LOCKED
25 AND SECURED WITH A NUMBERED SEAL UNTIL THE TIME PRESCRIBED FOR
26 DELIVERY TO THE SUPPLY JUDGE IN ACCORDANCE WITH SECTION 1-8-303.

27 (3) (a) UNLESS OTHERWISE PROVIDED BY SECTION 1-2-501 (1.5),

1 THE REQUIREMENTS OF THIS SUBSECTION (3) SHALL APPLY TO A PERSON
2 WHO REGISTERED TO VOTE BY MAIL IN ACCORDANCE WITH PART 5 OF
3 ARTICLE 2 OF THIS TITLE AND WHO HAS NOT PREVIOUSLY VOTED IN AN
4 ELECTION IN COLORADO.

5 (b) ANY PERSON WHO MATCHES THE DESCRIPTION SPECIFIED IN
6 PARAGRAPH (a) OF THIS SUBSECTION (3) AND INTENDS TO CAST HIS OR HER
7 BALLOT BY MAIL-IN BALLOT IN ACCORDANCE WITH THE REQUIREMENTS OF
8 THIS ARTICLE SHALL SUBMIT WITH HIS OR HER MAIL-IN BALLOT A COPY OF
9 IDENTIFICATION WITHIN THE MEANING OF SECTION 1-1-104 (19.5).

10 (c) THE DESIGNATED ELECTION OFFICIAL SHALL INCLUDE WITH THE
11 MAIL-IN BALLOT WRITTEN INSTRUCTIONS ADVISING A PERSON WHO
12 MATCHES THE DESCRIPTION SPECIFIED IN PARAGRAPH (a) OF THIS
13 SUBSECTION (3) OF THE REQUIREMENTS CONTAINED IN THIS SUBSECTION
14 (3).

15 (d) ANY PERSON WHO DESIRES TO CAST HIS OR HER BALLOT BY
16 MAIL-IN BALLOT BUT DOES NOT SATISFY THE REQUIREMENTS OF
17 PARAGRAPH (b) OF THIS SUBSECTION (3) MAY CAST SUCH BALLOT BY MAIL.
18 THE DESIGNATED ELECTION OFFICIAL SHALL, WITHIN THREE DAYS AFTER
19 THE RECEIPT OF A MAIL-IN BALLOT THAT DOES NOT CONTAIN A COPY OF
20 IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), BUT IN NO EVENT
21 LATER THAN TWO DAYS AFTER ELECTION DAY, SEND TO THE ELIGIBLE
22 ELECTOR AT THE ADDRESS INDICATED IN THE REGISTRATION RECORDS A
23 LETTER EXPLAINING THE LACK OF COMPLIANCE WITH PARAGRAPH (b) OF
24 THIS SUBSECTION (3). IF THE DESIGNATED ELECTION OFFICIAL RECEIVES
25 A COPY OF IDENTIFICATION IN COMPLIANCE WITH PARAGRAPH (b) OF THIS
26 SUBSECTION (3) WITHIN EIGHT DAYS AFTER ELECTION DAY, AND IF THE
27 MAIL-IN BALLOT IS OTHERWISE VALID, THE MAIL-IN BALLOT SHALL BE

1 COUNTED.

2 (e) THE REQUIREMENTS OF THIS SUBSECTION (3) SHALL BE
3 IMPLEMENTED BY STATE AND LOCAL ELECTION OFFICIALS IN A UNIFORM
4 AND NONDISCRIMINATORY MANNER.

5 (f) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
6 REQUIREMENTS OF THIS SUBSECTION (3) SHALL NOT APPLY TO ANY PERSON
7 WHO IS:

8 (I) ENTITLED TO VOTE BY ABSENTEE BALLOT UNDER THE FEDERAL
9 "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42
10 U.S.C. SEC. 1973ff ET SEQ.;

11 (II) PROVIDED THE RIGHT TO VOTE OTHERWISE THAN IN PERSON
12 UNDER SECTION (b) (2) (B) (ii) OF THE FEDERAL "VOTING ACCESSIBILITY
13 FOR THE ELDERLY AND HANDICAPPED ACT", 42 U.S.C. SEC. 1973ee-1 ET
14 SEQ.; OR

15 (III) ENTITLED TO VOTE OTHERWISE THAN IN PERSON UNDER ANY
16 OTHER FEDERAL LAW.

17 **1-8-112. Ballot collection and delivery organizations - rules.**

18 (1) ANY PERSON OR ORGANIZATION MAY COLLECT FROM AN ELIGIBLE
19 ELECTOR A VOTED MAIL-IN BALLOT AND DELIVER SUCH BALLOT TO THE
20 DESIGNATED OR COORDINATED ELECTION OFFICIAL IN ACCORDANCE WITH
21 THIS SECTION.

22 (2) (a) BEFORE COLLECTING A VOTED MAIL-IN BALLOT FROM AN
23 ELIGIBLE ELECTOR FOR DELIVERY TO THE DESIGNATED OR COORDINATED
24 ELECTION OFFICIAL, THE PERSON OR ORGANIZATION SHALL FILE A
25 STATEMENT OF INTENT TO COLLECT AND DELIVER MAIL-IN BALLOTS WITH
26 THE SECRETARY OF STATE IN THE MANNER PRESCRIBED BY THE SECRETARY
27 OF STATE BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF

1 TITLE 24, C.R.S.
2 (b) ANY PERSON OR ORGANIZATION DESIRING TO COLLECT OR
3 DELIVER MAIL-IN BALLOTS IN ACCORDANCE WITH THIS SECTION SHALL
4 FULFILL THE TRAINING REQUIREMENTS ESTABLISHED BY THE SECRETARY
5 OF STATE BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF
6 TITLE 24, C.R.S.

7 (3) (a) ANY PERSON OR ORGANIZATION COLLECTING OR
8 DELIVERING MAIL-IN BALLOTS IN ACCORDANCE WITH THIS SECTION SHALL
9 COLLECT ANY MAIL-IN BALLOT OFFERED BY AN ELIGIBLE ELECTOR AND
10 DELIVER THE BALLOT TO THE COUNTY CLERK AND RECORDER OF THE
11 COUNTY IN WHICH THE ELIGIBLE ELECTOR RESIDES OR TO THE DESIGNATED
12 ELECTION OFFICIAL, AS APPLICABLE. THE MAIL-IN BALLOT SHALL BE
13 DELIVERED NO LATER THAN TEN BUSINESS DAYS AFTER THE BALLOT
14 ENVELOPE WAS SIGNED; EXCEPT THAT A BALLOT SHALL BE DELIVERED NO
15 LATER THAN 7 P.M. ON THE DAY OF THE ELECTION, AND A BALLOT WITHIN
16 AN ENVELOPE SIGNED LESS THAN TWENTY-ONE DAYS BEFORE THE DAY OF
17 THE ELECTION SHALL BE DELIVERED NO LATER THAN FIVE BUSINESS DAYS
18 AFTER THE BALLOT ENVELOPE WAS SIGNED.

19 (b) NO PERSON COLLECTING OR DELIVERING BALLOTS IN
20 ACCORDANCE WITH THIS SECTION SHALL BE COMPENSATED BY ANY OTHER
21 PERSON OR ORGANIZATION BASED ON THE NUMBER OF BALLOTS THE
22 PERSON COLLECTS OR DELIVERS.

23 (c) NO PERSON COLLECTING OR DELIVERING MAIL-IN BALLOTS IN
24 ACCORDANCE WITH THIS SUBSECTION (3) SHALL ASSIST A VOTER IN VOTING
25 THE BALLOT OR ATTEMPT TO PERSUADE OR INFLUENCE THE VOTER TO
26 VOTE IN A PARTICULAR MANNER WHILE THE VOTER IS VOTING.

27 (4) (a) A PERSON OR ORGANIZATION THAT COLLECTS MAIL-IN

1 BALLOTS FOR DELIVERY WITHOUT FILING THE STATEMENT OF INTENT WITH
2 THE SECRETARY OF STATE IN ACCORDANCE WITH THIS SECTION SHALL BE
3 PUNISHED BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS.

4 (b) A PERSON OR ORGANIZATION THAT COLLECTS MAIL-IN BALLOTS
5 FOR DELIVERY THAT FAILS TO FULFILL THE TRAINING REQUIREMENTS
6 ESTABLISHED BY THE SECRETARY OF STATE IN ACCORDANCE WITH THIS
7 SECTION SHALL BE PUNISHED BY A FINE NOT TO EXCEED FIVE HUNDRED
8 DOLLARS.

9 (c) (I) A PERSON OR ORGANIZATION THAT COLLECTS MAIL-IN
10 BALLOTS FOR DELIVERY THAT WILLFULLY FAILS TO DELIVER A BALLOT TO
11 THE PROPER DESIGNATED ELECTION OFFICIAL WITHIN THE TIME
12 PRESCRIBED BY THIS SECTION SHALL BE PUNISHED BY A FINE NOT TO
13 EXCEED FIFTY DOLLARS FOR EACH BUSINESS DAY OF THE VIOLATION.

14 (II) A PERSON OR ORGANIZATION THAT COLLECTS BALLOTS FOR
15 DELIVERY THAT HAS VIOLATED SUBPARAGRAPH (I) OF THIS PARAGRAPH (c)
16 THREE OR MORE TIMES SHALL BE PUNISHED BY AN ADDITIONAL FINE NOT
17 TO EXCEED ONE THOUSAND DOLLARS.

18 **1-8-113. Self-affirmation on return envelope.** (1) THE RETURN
19 ENVELOPE FOR THE MAIL-IN BALLOT SHALL HAVE PRINTED ON IT A
20 SELF-AFFIRMATION SUBSTANTIALLY IN THE FOLLOWING FORM:

21 I STATE UNDER PENALTY OF PERJURY THAT I AM AN
22 ELIGIBLE ELECTOR; THAT MY SIGNATURE AND NAME ARE AS
23 SHOWN ON THIS ENVELOPE; THAT I HAVE NOT AND WILL NOT
24 CAST ANY VOTE IN THIS ELECTION EXCEPT BY THE
25 ENCLOSED BALLOT; AND THAT MY BALLOT IS ENCLOSED IN
26 ACCORD WITH THE PROVISIONS OF THE "UNIFORM ELECTION
27 CODE OF 1992".

1 SUBSECTIONS (2), (3), AND (4) OF THIS SECTION.

2 (2) (a) IF, UPON COMPARING THE SIGNATURE OF AN ELIGIBLE
3 ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE OF A
4 MAIL-IN BALLOT WITH THE SIGNATURE OF THAT ELIGIBLE ELECTOR STORED
5 IN THE STATEWIDE VOTER REGISTRATION SYSTEM, THE ELECTION JUDGE
6 DETERMINES THAT THE SIGNATURES DO NOT MATCH, OR IF A SIGNATURE
7 VERIFICATION DEVICE USED PURSUANT TO SUBSECTION (5) OF THIS
8 SECTION IS UNABLE TO DETERMINE THAT THE SIGNATURES MATCH, TWO
9 OTHER ELECTION JUDGES OF DIFFERENT POLITICAL PARTY AFFILIATIONS
10 SHALL SIMULTANEOUSLY COMPARE THE SIGNATURES. IF BOTH OTHER
11 ELECTION JUDGES AGREE THAT THE SIGNATURES DO NOT MATCH, THE
12 COUNTY CLERK AND RECORDER SHALL, WITHIN THREE DAYS AFTER THE
13 SIGNATURE DEFICIENCY HAS BEEN CONFIRMED, BUT IN NO EVENT LATER
14 THAN TWO DAYS AFTER ELECTION DAY, SEND TO THE ELIGIBLE ELECTOR
15 AT THE ADDRESS INDICATED IN THE REGISTRATION RECORDS A LETTER
16 EXPLAINING THE DISCREPANCY IN SIGNATURES AND A FORM FOR THE
17 ELIGIBLE ELECTOR TO CONFIRM THAT THE ELECTOR VOTED, SIGNED THE
18 SELF-AFFIRMATION, AND RETURNED A BALLOT TO THE COUNTY CLERK AND
19 RECORDER. IF THE COUNTY CLERK AND RECORDER RECEIVES THE FORM
20 WITHIN EIGHT DAYS AFTER ELECTION DAY CONFIRMING THAT THE ELECTOR
21 VOTED, SIGNED THE SELF-AFFIRMATION, AND RETURNED A BALLOT TO THE
22 COUNTY CLERK AND RECORDER, AND THE COUNTY CLERK AND RECORDER
23 RECEIVES A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED IN
24 SECTION 1-1-104 (19.5), AND IF THE BALLOT IS OTHERWISE VALID, THE
25 BALLOT SHALL BE COUNTED. IF THE ELIGIBLE ELECTOR DOES NOT ENCLOSE
26 A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104
27 (19.5) ALONG WITH THE FORM, THE SELF-AFFIRMATION ON THE RETURN

1 ENVELOPE SHALL BE CATEGORIZED AS INCORRECT AND THE BALLOT SHALL
2 NOT BE COUNTED. IF THE ELIGIBLE ELECTOR RETURNS THE FORM
3 INDICATING THAT THE ELECTOR DID NOT VOTE, SIGN THE
4 SELF-AFFIRMATION, OR RETURN A BALLOT TO THE COUNTY CLERK AND
5 RECORDER, OR IF THE ELIGIBLE ELECTOR DOES NOT RETURN THE FORM
6 WITHIN EIGHT DAYS AFTER ELECTION DAY, THE SELF-AFFIRMATION ON THE
7 RETURN ENVELOPE SHALL BE CATEGORIZED AS INCORRECT, THE BALLOT
8 SHALL NOT BE COUNTED, AND THE COUNTY CLERK AND RECORDER SHALL
9 SEND COPIES OF THE ELIGIBLE ELECTOR'S SIGNATURE ON THE RETURN
10 ENVELOPE AND THE SIGNATURE ON FILE WITH THE COUNTY CLERK AND
11 RECORDER OR IN THE STATEWIDE VOTER REGISTRATION SYSTEM TO THE
12 DISTRICT ATTORNEY FOR INVESTIGATION.

13 (b) AN ORIGINAL RETURN ENVELOPE WITH AN ENCLOSED SECRECY
14 ENVELOPE CONTAINING A VOTED BALLOT THAT IS NOT COUNTED IN
15 ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE
16 STORED UNDER SEAL IN THE OFFICE OF THE COUNTY CLERK AND RECORDER
17 IN A SECURE LOCATION SEPARATE FROM VALID RETURN ENVELOPES AND
18 MAY BE REMOVED ONLY UNDER THE AUTHORITY OF THE DISTRICT
19 ATTORNEY OR BY ORDER OF A COURT HAVING JURISDICTION.

20 (c) IN THE CASE OF A DISAGREEMENT AMONG THE ELECTION
21 JUDGES AS TO WHETHER THE SIGNATURE ON THE SELF-AFFIRMATION ON
22 THE RETURN ENVELOPE MATCHES THE SIGNATURE OF THE ELIGIBLE
23 ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER OR IN THE
24 STATEWIDE VOTER REGISTRATION SYSTEM PURSUANT TO THE PROCEDURES
25 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE SIGNATURES
26 ARE DEEMED TO MATCH, AND THE ELECTION JUDGE SHALL FOLLOW THE
27 PROCEDURES SPECIFIED IN SECTION 1-8-304 CONCERNING THE

1 QUALIFICATION AND COUNTING OF MAIL-IN BALLOTS.

2 (3) IF THE ELECTION JUDGE DETERMINES THAT THE SIGNATURE ON
3 THE SELF-AFFIRMATION MATCHES THE ELIGIBLE ELECTOR'S SIGNATURE ON
4 FILE WITH THE COUNTY CLERK AND RECORDER OR IN THE STATEWIDE
5 VOTER REGISTRATION SYSTEM, THE ELECTION JUDGE SHALL FOLLOW THE
6 PROCEDURES SPECIFIED IN SECTION 1-8-304 CONCERNING THE
7 QUALIFICATION AND COUNTING OF MAIL-IN BALLOTS.

8 (4) (a) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE
9 SIGNATURE ON THE SELF-AFFIRMATION DOES NOT MATCH THE SIGNATURE
10 OF THAT ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND
11 RECORDER OR IN THE STATEWIDE VOTER REGISTRATION SYSTEM SOLELY
12 ON THE BASIS OF SUBSTITUTION OF INITIALS OR USE OF A COMMON
13 NICKNAME.

14 (b) THE DESIGNATED ELECTION OFFICIAL MAY PROVIDE TRAINING
15 IN THE TECHNIQUE AND STANDARDS OF SIGNATURE COMPARISON TO
16 ELECTION JUDGES WHO COMPARE SIGNATURES PURSUANT TO THIS
17 SECTION.

18 (5) (a) A DESIGNATED ELECTION OFFICIAL MAY ALLOW AN
19 ELECTION JUDGE TO USE A SIGNATURE VERIFICATION DEVICE TO COMPARE
20 THE SIGNATURE ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE OF
21 AN ELIGIBLE ELECTOR'S MAIL-IN BALLOT WITH THE SIGNATURE OF THE
22 ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER OR IN THE
23 STATEWIDE VOTER REGISTRATION SYSTEM IN ACCORDANCE WITH THIS
24 SUBSECTION (5) AND THE RULES ADOPTED BY THE SECRETARY OF STATE
25 PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (5).

26 (b) IF A SIGNATURE VERIFICATION DEVICE DETERMINES THAT THE
27 SIGNATURE ON THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN

1 ELIGIBLE ELECTOR'S MAIL-IN BALLOT MATCHES THE SIGNATURE OF THE
2 ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER OR IN THE
3 STATEWIDE VOTER REGISTRATION SYSTEM, THE SIGNATURE ON THE
4 SELF-AFFIRMATION IS DEEMED TO MEET THE REQUIREMENT OF SECTION
5 1-8-304 (1) (b) (III), AND THE ELECTION JUDGE SHALL FOLLOW THE
6 PROCEDURES SPECIFIED IN SECTION 1-8-304 CONCERNING THE
7 QUALIFICATION AND COUNTING OF MAIL-IN BALLOTS. IF A SIGNATURE
8 VERIFICATION DEVICE IS UNABLE TO DETERMINE THAT THE SIGNATURE ON
9 THE SELF-AFFIRMATION ON A RETURN ENVELOPE OF AN ELIGIBLE
10 ELECTOR'S MAIL-IN BALLOT MATCHES THE SIGNATURE OF THE ELECTOR ON
11 FILE WITH THE COUNTY CLERK AND RECORDER OR IN THE STATEWIDE
12 VOTER REGISTRATION SYSTEM, AN ELECTION JUDGE SHALL COMPARE THE
13 SIGNATURES IN ACCORDANCE WITH SUBSECTIONS (2), (3), AND (4) OF THIS
14 SECTION.

15 (c) THE SECRETARY OF STATE SHALL ADOPT RULES IN
16 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING
17 PROCEDURES FOR USING SIGNATURE VERIFICATION DEVICES TO PROCESS
18 MAIL-IN BALLOTS PURSUANT TO THIS ARTICLE.

19 **1-8-115. Emergency mail-in voting.** (1) (a) IN THE EVENT AN
20 ELIGIBLE ELECTOR OR A MEMBER OF AN ELIGIBLE ELECTOR'S IMMEDIATE
21 FAMILY WHO IS RELATED BY BLOOD OR MARRIAGE TO THE SECOND DEGREE
22 IS CONFINED IN A HOSPITAL OR PLACE OF RESIDENCE ON ELECTION DAY,
23 THE ELECTOR MAY REQUEST IN A PERSONALLY SIGNED WRITTEN
24 STATEMENT THAT THE DESIGNATED ELECTION OFFICIAL SEND A MAIL-IN
25 BALLOT WITH THE WORD "EMERGENCY" STAMPED ON THE STUBS. THE
26 DESIGNATED ELECTION OFFICIAL SHALL DELIVER THE EMERGENCY MAIL-IN
27 BALLOT TO ANY AUTHORIZED REPRESENTATIVE OF THE ELECTOR AT THE

1 OFFICIAL'S OFFICE DURING THE REGULAR HOURS OF BUSINESS. FOR THE
2 PURPOSES OF THIS PARAGRAPH (a), "AUTHORIZED REPRESENTATIVE"
3 MEANS A PERSON WHO POSSESSES A WRITTEN STATEMENT FROM THE
4 ELECTOR CONTAINING THE ELECTOR'S SIGNATURE, NAME, AND ADDRESS
5 AND INDICATING THAT THE ELECTOR OR A MEMBER OF THE ELECTOR'S
6 IMMEDIATE FAMILY IS OR WILL BE CONFINED IN A HOSPITAL OR PLACE OF
7 RESIDENCE ON ELECTION DAY AND REQUESTING THAT THE EMERGENCY
8 MAIL-IN BALLOT BE GIVEN TO THE AUTHORIZED PERSON AS IDENTIFIED BY
9 NAME AND ADDRESS. THE AUTHORIZED PERSON SHALL ACKNOWLEDGE
10 RECEIPT OF THE EMERGENCY MAIL-IN BALLOT WITH A SIGNATURE, NAME,
11 AND ADDRESS.

12 (b) A REQUEST FOR AN EMERGENCY MAIL-IN BALLOT UNDER THIS
13 SECTION SHALL BE MADE BEFORE 5 P.M. ON THE DAY OF THE ELECTION,
14 AND THE BALLOT SHALL BE RETURNED NO LATER THAN 7 P.M. ON THE DAY
15 OF THE ELECTION.

16 (c) IF THE ELIGIBLE ELECTOR IS UNABLE TO HAVE AN AUTHORIZED
17 REPRESENTATIVE PICK UP THE BALLOT AT THE OFFICE OF THE DESIGNATED
18 ELECTION OFFICIAL AND DELIVER IT TO THE ELIGIBLE ELECTOR, THE
19 DESIGNATED ELECTION OFFICIAL SHALL DELIVER A MAIL-IN BALLOT TO THE
20 ELIGIBLE ELECTOR BY ELECTRONIC TRANSFER IN ACCORDANCE WITH THE
21 RULES OF THE SECRETARY OF STATE. IF THE MAIL-IN BALLOT IS DELIVERED
22 TO THE ELIGIBLE ELECTOR BY ELECTRONIC TRANSFER, THE ELIGIBLE
23 ELECTOR MAY RETURN THE BALLOT BY ELECTRONIC TRANSFER AS SET
24 FORTH IN SUBSECTION (3) OF THIS SECTION.

25 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS
26 SECTION, AFTER MARKING THE BALLOT, THE ELIGIBLE ELECTOR SHALL
27 PLACE IT IN A RETURN ENVELOPE PROVIDED BY THE DESIGNATED ELECTION

1 OFFICIAL. THE ELECTOR SHALL THEN FILL OUT AND SIGN THE
2 SELF-AFFIRMATION ON THE ENVELOPE, AS PROVIDED IN SECTION 1-8-113,
3 ON OR BEFORE ELECTION DAY AND RETURN IT TO THE OFFICE OF THE
4 DESIGNATED ELECTION OFFICIAL. UPON RECEIPT OF THE ENVELOPE, THE
5 DESIGNATED ELECTION OFFICIAL SHALL VERIFY THE ELECTOR'S NAME ON
6 THE RETURN ENVELOPE AND SHALL DEPOSIT THE ENVELOPE IN THE OFFICE
7 IN A BALLOT BOX THAT IS LOCKED AND SECURED WITH A NUMBERED SEAL.

8 (3) (a) IF A MAIL-IN BALLOT IS DELIVERED TO AN ELIGIBLE
9 ELECTOR BY ELECTRONIC TRANSFER PURSUANT TO PARAGRAPH (c) OF
10 SUBSECTION (1) OF THIS SECTION, THE ELIGIBLE ELECTOR MAY RETURN
11 THE VOTED BALLOT TO THE DESIGNATED ELECTION OFFICIAL BY
12 ELECTRONIC TRANSFER. IN ORDER TO BE COUNTED, THE RETURNED
13 BALLOT SHALL BE RECEIVED IN THE OFFICE OF THE DESIGNATED ELECTION
14 OFFICIAL BY 7 P.M. ON ELECTION DAY. ONCE THE BALLOT IS RECEIVED BY
15 THE DESIGNATED ELECTION OFFICIAL, A BIPARTISAN TEAM OF JUDGES
16 SHALL DUPLICATE THE BALLOT, AND THE BALLOT SHALL BE COUNTED AS
17 ALL OTHER MAIL-IN BALLOTS. DUPLICATING JUDGES SHALL NOT REVEAL
18 HOW THE ELECTOR HAS CAST HIS OR HER BALLOT.

19 (b) ANY ELECTOR WHO RECEIVES A MAIL-IN BALLOT BY
20 ELECTRONIC TRANSFER PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1)
21 OF THIS SECTION SHALL BE INFORMED IN THE INSTRUCTIONS FOR
22 COMPLETING THE BALLOT THAT, IF THE BALLOT IS RETURNED BY
23 ELECTRONIC TRANSFER, THE BALLOT WILL NOT BE A CONFIDENTIAL
24 BALLOT.

25 (c) IN HANDLING A RETURNED BALLOT PURSUANT TO THIS
26 SUBSECTION (3), ALL REASONABLE MEANS SHALL BE TAKEN TO ENSURE
27 THAT ONLY THE RECEIVING JUDGE IS AWARE OF INFORMATION

1 CONNECTING THE ELECTOR TO THE RETURNED BALLOT.
2 (d) THE SECRETARY OF STATE MAY PRESCRIBE BY RULE ANY
3 PROCEDURES OR REQUIREMENTS AS MAY BE NECESSARY TO IMPLEMENT
4 THE PROVISIONS OF THIS SUBSECTION (3). SUCH RULES SHALL BE
5 PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

6 **1-8-116. Special write-in blank mail-in ballots.** (1) A CITIZEN
7 WHO RESIDES OR IS TRAVELING OUTSIDE THE UNITED STATES, WHO IS A
8 REGISTERED ELECTOR IN THIS STATE PRIOR TO HIS OR HER DEPARTURE,
9 AND WHO QUALIFIES PURSUANT TO THIS SECTION MAY APPLY TO THE
10 COUNTY CLERK AND RECORDER FOR A SPECIAL WRITE-IN BLANK MAIL-IN
11 BALLOT TO VOTE AT A PRIMARY, GENERAL, COORDINATED, OR
12 CONGRESSIONAL VACANCY ELECTION. AN APPLICATION FOR A SPECIAL
13 WRITE-IN BLANK MAIL-IN BALLOT SHALL CONTAIN A STATEMENT BY THE
14 REGISTERED ELECTOR THAT DUE TO MILITARY OR OTHER CONTINGENCIES
15 THAT PRECLUDE NORMAL MAIL DELIVERY, AS SPECIFIED BY THE ELECTOR,
16 THE ELECTOR BELIEVES THAT HE OR SHE CANNOT VOTE A MAIL-IN BALLOT
17 DURING THE NORMAL PERIOD PROVIDED BY THIS PART 1. AN APPLICATION
18 MADE PURSUANT TO THIS SECTION THAT IS RECEIVED BY THE DESIGNATED
19 ELECTION OFFICIAL PRIOR TO THE FIFTY-SEVENTH DAY BEFORE THE
20 ELECTION SHALL BE KEPT AND PROCESSED ON OR AFTER THE
21 FIFTY-SEVENTH DAY BEFORE THE ELECTION.

22 (2) IF THE APPLICANT IS QUALIFIED PURSUANT TO SUBSECTION (1)
23 OF THIS SECTION, THE DESIGNATED ELECTION OFFICIAL SHALL
24 IMMEDIATELY SEND THE ELECTOR A BALLOT AND A LIST OF ALL
25 CANDIDATES WHO HAVE QUALIFIED FOR THE BALLOT BY THE
26 FIFTY-SEVENTH DAY BEFORE THE ELECTION AND A LIST OF ALL MEASURES
27 THAT ARE TO BE SUBMITTED TO THE VOTERS AND UPON WHICH THE

1 ELECTOR IS QUALIFIED TO VOTE.

2 (3) ON THE SPECIAL WRITE-IN BLANK MAIL-IN BALLOT, THE
3 REGISTERED ELECTOR MAY DESIGNATE HIS OR HER CANDIDATE BY
4 WRITING IN THE NAME OF THE CANDIDATE OR BY WRITING IN THE NAME OF
5 A POLITICAL PARTY OR POLITICAL ORGANIZATION, IN WHICH CASE THE
6 BALLOT SHALL BE COUNTED FOR THE CANDIDATE OF THAT POLITICAL
7 PARTY OR POLITICAL ORGANIZATION. ANY ABBREVIATION, MISSPELLING,
8 OR OTHER MINOR VARIATION IN THE FORM OF THE NAME OF THE
9 CANDIDATE, POLITICAL PARTY, OR POLITICAL ORGANIZATION SHALL BE
10 DISREGARDED IN DETERMINING THE VALIDITY OF THE BALLOT AS LONG AS
11 THE INTENTION OF THE REGISTERED ELECTOR CAN BE ASCERTAINED.

12 (4) (a) IF BOTH A FEDERAL WRITE-IN BLANK ABSENTEE BALLOT
13 PURSUANT TO SECTION 1-8-117 AND A SPECIAL WRITE-IN BLANK MAIL-IN
14 BALLOT ISSUED PURSUANT TO THIS SECTION ARE RETURNED BY THE
15 VOTER, THE FEDERAL WRITE-IN ABSENTEE BALLOT SHALL BE DEEMED
16 VOID, AND VOTES SHALL BE COUNTED FROM THE SPECIAL WRITE-IN BLANK
17 MAIL-IN BALLOT ONLY.

18 (b) IF BOTH A MAIL-IN BALLOT AND A SPECIAL WRITE-IN BLANK
19 MAIL-IN BALLOT ARE RETURNED, THE SPECIAL WRITE-IN BLANK MAIL-IN
20 BALLOT SHALL BE DEEMED VOID, AND VOTES SHALL BE COUNTED FROM
21 THE MAIL-IN BALLOT ONLY.

22 (5) SPECIAL WRITE-IN BLANK MAIL-IN BALLOTS SHALL BE COUNTED
23 IN ACCORDANCE WITH SECTION 1-8-302.

24 **1-8-117. Federal write-in absentee ballots pursuant to the**
25 **"Uniformed and Overseas Citizens Absentee Voting Act".** (1) AN
26 ABSENT UNIFORMED SERVICES ELECTOR, NONRESIDENT OVERSEAS
27 ELECTOR, OR RESIDENT OVERSEAS ELECTOR, AS DEFINED IN SECTION

1 1-2-208 (2.5), WHO IS AN ELIGIBLE ELECTOR IN THIS STATE PRIOR TO THE
2 ELECTOR'S DEPARTURE OR PURSUANT TO SECTION 1-2-208 IS ENTITLED TO
3 VOTE FOR FEDERAL OFFICERS BY A FEDERAL WRITE-IN ABSENTEE BALLOT
4 AT ANY PRIMARY, GENERAL, OR CONGRESSIONAL VACANCY ELECTION.

5 (2) (a) IN ACCORDANCE WITH THE FEDERAL "UNIFORMED AND
6 OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff ET
7 SEQ., AN ABSENT UNIFORMED SERVICES ELECTOR, NONRESIDENT OVERSEAS
8 ELECTOR, OR RESIDENT OVERSEAS ELECTOR, AS DEFINED IN SECTION
9 1-2-208 (2.5), MAY VOTE BY FEDERAL WRITE-IN ABSENTEE BALLOT IF THE
10 ELECTOR MADE A TIMELY APPLICATION FOR A STATE MAIL-IN BALLOT BUT
11 BELIEVES THAT HE OR SHE WILL BE UNABLE TO VOTE AND RETURN THE
12 BALLOT BY NORMAL MAIL DELIVERY WITHIN THE TIME PROVIDED FOR THE
13 COLORADO MAIL-IN BALLOT.

14 (b) THE ELIGIBLE ELECTOR MAY DESIGNATE THE FEDERAL
15 CANDIDATE BY WRITING IN THE NAME OF THE CANDIDATE OR BY WRITING
16 IN THE NAME OF A POLITICAL PARTY OR POLITICAL ORGANIZATION, IN
17 WHICH CASE THE BALLOT SHALL BE COUNTED FOR THE CANDIDATE OF
18 THAT POLITICAL PARTY OR POLITICAL ORGANIZATION. ANY
19 ABBREVIATION, MISPELLING, OR OTHER MINOR VARIATION IN THE FORM
20 OF THE NAME OF THE CANDIDATE, POLITICAL PARTY, OR POLITICAL
21 ORGANIZATION SHALL BE DISREGARDED IN DETERMINING THE VALIDITY OF
22 THE BALLOT AS LONG AS THE INTENTION OF THE ELECTOR CAN BE
23 ASCERTAINED.

24 (3) A FEDERAL WRITE-IN ABSENTEE BALLOT SHALL NOT BE
25 COUNTED IF THE BALLOT WAS SUBMITTED BY A NONRESIDENT OVERSEAS
26 ELECTOR OR A RESIDENT OVERSEAS ELECTOR FROM A LOCATION WITHIN
27 THE UNITED STATES.

1 **1-8-118. Opt-out from mail-in ballot requirements.** THE CLERK
2 AND RECORDER OF EACH COUNTY SHALL NOTIFY THE REGISTERED
3 ELECTORS OF THE COUNTY THAT THE ELECTORS MAY OPT-OUT OF CASTING
4 BALLOTS BY MAIL. THE COUNTY CLERK AND RECORDER SHALL FURTHER
5 DIRECT SUCH ELECTORS WHO OPT-OUT OF CASTING A BALLOT BY MAIL TO
6 VOTE IN PERSON AT ANY SERVICE CENTER IN THE COUNTY DURING THE
7 TIME SUCH SERVICE CENTERS ARE AVAILABLE OR AT THE OFFICE OF THE
8 COUNTY CLERK AND RECORDER ON ELECTION DAY.

9 **SECTION 49.** 1-8-301 (1), (2), and (4), Colorado Revised
10 Statutes, are amended to read:

11 **1-8-301. Appointment of election judges for counting mail-in**
12 **ballots.** (1) If, in any political subdivision, the designated election
13 official has mailed or delivered mail-in ballots to five hundred or more
14 electors, the designated election official shall appoint ~~in addition to the~~
15 ~~receiving judges appointed as provided in section 1-8-205,~~ at least three
16 counting judges, not more than two of whom shall be from any one
17 political party and whose powers and duties shall be the same as provided
18 in section 1-7-305 for counting judges in ~~precinct polling places~~
19 PRECINCTS. For each additional five hundred mail-in ballots so mailed or
20 delivered, the designated election official may appoint additional
21 counting judges as needed.

22 (2) In all political subdivisions in which electronic or
23 electromechanical voting systems are used, the designated election
24 official, for each five hundred mail-in ballots mailed or delivered, may
25 appoint ~~in addition to the receiving judges appointed as provided in~~
26 ~~section 1-8-205,~~ five counting judges, not more than three of whom shall
27 be from any one political party in a partisan election.

1 (4) In all political subdivisions to which this section applies,
2 where the designated election official has appointed one or more student
3 election judges pursuant to article 6 of this title, the student election judge
4 shall be appointed to serve as a judge for the purpose of counting mail-in
5 ~~and early~~ ballots pursuant to this section; except that the student election
6 judge need not satisfy any party affiliation required of election judges by
7 this section.

8 **SECTION 50.** 1-8-302 (2), Colorado Revised Statutes, is
9 amended to read:

10 **1-8-302. Hours counting place open for receiving and counting**
11 **mail-in ballots.** (2) (a) The election officials at the mail-in ~~and early~~
12 ~~voters'~~ counting place may receive, cast, and prepare for tabulation
13 mail-in ~~and early voters'~~ ballots delivered and turned over to them by the
14 designated election official.

15 (b) Counting of the mail-in ballots may begin fifteen days prior to
16 the election and shall continue until counting is completed.

17 ~~(c) Counting of the early voters' ballots may begin ten days prior~~
18 ~~to the election and shall continue until counting is completed.~~

19 (d) The election officials in charge of the mail-in ~~and early voters'~~
20 ballot counting place shall take all precautions necessary to ensure the
21 secrecy of the counting procedures, and no information concerning the
22 count shall be released by the election officials or watchers until after 7
23 p.m. on election day.

24 **SECTION 51.** 1-8-303, Colorado Revised Statutes, is amended
25 to read:

26 **1-8-303. Delivery of mail-in ballots to supply judge.** At any
27 time during the ten days prior to and including the election day, the

1 designated election official shall deliver to the judges of the mail-in ~~and~~
2 ~~early voters'~~ ballot counting place all the mail-in envelopes received up
3 to that time in packages or in ballot boxes that are locked and secured
4 with a numbered seal together with the signed applications for the mail-in
5 ballots, the count and the list of mail-in ~~and early~~ electors, and the record
6 of mail-in ballots as provided for in ~~section 1-8-108~~ SECTION 1-8-106 for
7 which a receipt will be given. The designated election official shall
8 continue to deliver any envelopes containing mail-in ballots that may be
9 received thereafter up to and including 7 p.m. on election day. On the
10 sealed packages and boxes of mail-in envelopes shall be printed or
11 written "This package (or box) contains (number) mail-in envelopes."
12 With the envelopes, the designated election official shall deliver to the
13 supply judge written instructions, which shall be followed by the election
14 judges in casting and counting the ballots, and all the lists, records, and
15 supplies needed for tabulating, recording, and certifying the mail-in ~~and~~
16 ~~early voters'~~ ballots.

17 **SECTION 52.** 1-8-304 (1) (d), Colorado Revised Statutes, is
18 amended to read:

19 **1-8-304. Preparing to count mail-in ballots - rejections.**
20 (1) (d) For purposes of subparagraph (III) of paragraph (b) of this
21 subsection (1), the signatures on an eligible elector's self-affirmation and
22 on file with the county clerk and recorder or in the statewide voter
23 registration system shall be compared in the manner prescribed by ~~section~~
24 ~~1-8-114.5~~ SECTION 1-8-114.

25 **SECTION 53.** 1-8-305, Colorado Revised Statutes, is amended
26 to read:

27 **1-8-305. Counting mail-in ballots.** (1) Mail-in ~~and early voters'~~

1 ballots shall be counted after delivery of the ballots as provided in section
2 1-8-303 and after preparation of the ballots as provided in section
3 1-8-304.

4 (2) Mail-in ~~and early voters'~~ ballots shall be counted in one of the
5 following ways:

6 (a) In counties that use paper ballots, the mail-in ~~and early voters'~~
7 ballots may be counted in the manner provided in section 1-7-307 for
8 counting paper ballots.

9 (b) (Deleted by amendment, L. 2004, p. 1360, § 26, effective May
10 28, 2004.)

11 (c) Any county may use electronic vote-tabulating equipment for
12 the counting of mail-in ballots. ~~in the same manner provided for the~~
13 ~~counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of~~
14 ~~article 7 of this title.~~

15 (d) ~~Early voters' ballots that are cast directly on electronic or~~
16 ~~electromechanical vote-tabulating equipment shall be counted in the same~~
17 ~~manner as provided for the counting of precinct ballots in part 6 of article~~
18 ~~5 and parts 4 and 5 of article 7 of this title.~~

19 (3) ~~Votes for or against any ballot issue or measure shall be cast~~
20 ~~in the same manner as provided in section 1-8-202.~~

21 **SECTION 54.** 1-8-307, Colorado Revised Statutes, is amended
22 to read:

23 **1-8-307. Casting and counting - electronic system.** In political
24 subdivisions using a ballot card electronic voting system, mail-in ~~and~~
25 ~~early voters'~~ ballots may be cast on paper ballots and counted as provided
26 in section 1-7-307 or may be cast on ballot cards and counted by
27 electronic voting equipment as provided in part 6 of article 5 and parts 4

1 and 5 of article 7 of this title, or both methods may be used.

2 **SECTION 55.** 1-8-308, Colorado Revised Statutes, is amended
3 to read:

4 **1-8-308. Certificate of mail-in ballots cast - survey of returns.**

5 (1) Upon the completion of the count of mail-in ~~and early voters'~~ ballots,
6 the election judges shall make the certificate and perform all the official
7 acts required by sections 1-7-601 and 1-7-602.

8 (2) ~~Upon the survey of the returns of the political subdivision by~~
9 ~~the board of canvassers formed pursuant to section 1-10-101 or 1-10-201,~~
10 ~~the board shall include in its abstract of votes the votes cast in the early~~
11 ~~voters' polling place and counted at the mail-in and early voters' counting~~
12 ~~place in the manner provided for abstracting votes cast and counted at~~
13 ~~precinct polling places, as provided in article 10 of this title.~~

14 (3) (a) Beginning with the 2008 general election, and for all
15 elections thereafter, the returns certified by the judges and the abstract of
16 votes cast certified by the canvass board shall indicate the number of
17 votes cast by ~~early voters'~~ or mail-in ballot in each precinct for each
18 candidate and for and against each ballot issue and ballot question and the
19 number of ballots rejected, except as otherwise provided in paragraph (b)
20 of this subsection (3).

21 (b) If the total number of votes cast and counted in any precinct
22 by ~~early voters'~~ and mail-in ballot is less than ten, the returns for all such
23 precincts in the political subdivision shall be reported together.

24 **SECTION 56.** 1-8-309, Colorado Revised Statutes, is amended
25 to read:

26 **1-8-309. Return of mail-in registration list.** The mail-in and
27 ~~early voters'~~ registration list shall be returned to the designated election

1 official with the certificate required to be filed by section 1-8-308.

2 **SECTION 57.** 1-8-310, Colorado Revised Statutes, is amended
3 to read:

4 **1-8-310. Preservation of rejected mail-in ballots.** All mail-in
5 identification envelopes, ballot stubs, and mail-in ~~and early voters'~~ ballots
6 rejected by the election judges in accordance with the provisions of
7 section 1-8-304 shall be returned to the designated election official. All
8 mail-in ballots received by the designated election official after 7 p.m. on
9 the day of the election, together with the rejected mail-in ~~and early voters'~~
10 ballots returned by the election judges as provided in this section, shall
11 remain in the sealed identification envelopes and shall be destroyed later
12 as provided in section 1-7-802.

13 **SECTION 58.** 1-8-311, Colorado Revised Statutes, is amended
14 to read:

15 **1-8-311. Maintenance of records of mail-in voting - transmittal**
16 **of such lists to secretary of state.** The designated election official shall
17 maintain a record identifying the name and voting address of each elector
18 who casts a ballot by mail-in ~~or early~~ voting at any election.

19 **SECTION 59.** 1-8.5-101 (1), Colorado Revised Statutes, is
20 amended to read:

21 **1-8.5-101. Provisional ballot - entitlement to vote.** (1) At any
22 election conducted pursuant to this title, a voter claiming to be properly
23 registered but whose qualification or entitlement to vote cannot be
24 immediately established upon examination of the registration list for the
25 precinct or upon examination of the records on file with the county clerk
26 and recorder ~~shall be entitled to~~ MAY:

27 (a) REGISTER OR UPDATE REGISTRATION PURSUANT TO SECTION

1 1-2-202.7; OR

2 (b) Cast a provisional ballot in accordance with this article.

3 **SECTION 60.** 1-8.5-102 (3), Colorado Revised Statutes, is
4 amended to read:

5 **1-8.5-102. Form of provisional ballot.** (3) Each polling place
6 OR SERVICE CENTER using paper provisional ballots shall have on hand a
7 sufficient number of provisional ballots in all ballot styles applicable to
8 that polling place OR SERVICE CENTER and a sufficient number of
9 provisional ballot envelopes.

10 **SECTION 61.** 1-8.5-103 (2) (b), Colorado Revised Statutes, is
11 amended to read:

12 **1-8.5-103. Provisional ballot affidavit.** (2) (b) This subsection
13 (2) shall not apply to an elector who casts a provisional ballot pursuant to
14 ~~section 1-8.5-101 (2) or (3)~~ SECTION 1-8.5-101 (2).

15 **SECTION 62.** 1-8.5-107 (1), (2) (a), and (2) (b), Colorado
16 Revised Statutes, are amended to read:

17 **1-8.5-107. Electors who move before close of registration -**
18 **effect of provisional ballot.** (1) A person who moves to Colorado from
19 another state ~~no later than the thirtieth day before an election but~~ AND
20 fails to register to vote ~~before the close of registration may cast a~~
21 ~~provisional ballot, but the ballot shall not be counted. The provisional~~
22 ~~ballot affidavit shall serve as the person's voter registration application for~~
23 ~~future elections~~ PRIOR TO THE FRIDAY IMMEDIATELY PRECEDING AN
24 ELECTION MAY APPEAR AT THE POLLING PLACE OR SERVICE CENTER OR
25 OFFICE OF THE COUNTY CLERK AND RECORDER, REGISTER PURSUANT TO
26 SECTION 1-2-202.7, AND CAST A REGULAR BALLOT.

27 (2) (a) A registered elector who moves from the ~~county~~ PRECINCT

1 in which the elector is registered to another ~~county~~ PRECINCT in the state
2 ~~no less than thirty days before an election but~~ AND fails to register to vote
3 ~~in the new county of residence before the close of registration may~~
4 ~~complete an emergency registration form at the office of the county clerk~~
5 ~~and recorder pursuant to section 1-2-217.5~~ COMPLETE A CHANGE OF
6 ADDRESS PURSUANT TO SECTION 1-2-216 _____ MAY APPEAR AT THE
7 POLLING PLACE, SERVICE CENTER, OR OFFICE OF THE COUNTY CLERK AND
8 RECORDER, REGISTER PURSUANT TO SECTION 1-2-202.7, AND CAST A
9 REGULAR BALLOT, or may cast a provisional ballot at a ~~polling place, vote~~
10 ~~center, or early voter's polling place~~ SERVICE CENTER.

11 (b) If the elector ~~completes an emergency registration form on an~~
12 ~~election day and the county clerk and recorder~~ REGISTERS PURSUANT TO
13 SECTION 1-2-202.7, BUT THE APPROPRIATE ELECTION OFFICIAL is unable
14 to verify the elector's qualification to vote, the elector may cast a
15 provisional ballot.

16 **SECTION 63.** 1-8.5-109, Colorado Revised Statutes, is amended
17 to read:

18 **1-8.5-109. Electors who vote outside precinct of residence -**
19 **effect of provisional ballot.** If an elector casts a provisional ballot at a
20 polling place OR SERVICE CENTER in a precinct other than the precinct in
21 which the elector is registered but within the elector's county of residence,
22 the elector's votes for federal offices for which the elector is eligible to
23 vote and the elector's votes for statewide offices and statewide ballot
24 issues and ballot questions shall be counted. Except for PROVISIONAL
25 ballots cast in accordance with section ~~1-8.5-107 (2)~~ or 1-8.5-108 (2) by
26 electors who moved from one county to another county, a provisional
27 ballot cast by an elector in a county other than the elector's county of

1 residence shall not be counted.

2 **SECTION 64.** 1-9-201 (1) (a) and (3), Colorado Revised Statutes,
3 are amended to read:

4 **1-9-201. Right to vote may be challenged.** (1) (a) A person's
5 right to vote at a polling place OR SERVICE CENTER or in an election may
6 be challenged.

7 (3) A challenge at a polling place OR SERVICE CENTER shall be
8 made in the presence of the person whose right to vote is challenged.

9 **SECTION 65.** 1-9-203 (7), Colorado Revised Statutes, is
10 amended to read:

11 **1-9-203. Challenge questions asked person intending to vote.**
12 (7) If the person challenged answers satisfactorily the questions asked in
13 accordance with this section and signs the oath pursuant to section
14 1-9-204, the election judge shall offer the person challenged a regular
15 ballot, and the challenger may withdraw the challenge. The election
16 judge shall indicate in the proper place on the challenge form whether the
17 challenge was withdrawn or whether the challenged elector refused to
18 answer the questions and left the polling place OR SERVICE CENTER
19 without voting a provisional ballot.

20 **SECTION 66.** 1-13-706 (3), Colorado Revised Statutes, is
21 amended to read:

22 **1-13-706. Delivering and receiving ballots at polls.** (3) Any
23 voter who does not vote the ballot received by him OR HER shall return ~~his~~
24 THE ballot to the judge from whom ~~he~~ THE VOTER received the same
25 before leaving the polling place OR SERVICE CENTER.

26 **SECTION 67.** 1-13-710, Colorado Revised Statutes, is amended
27 to read:

1 **1-13-710. Voting twice - penalty.** Any voter who KNOWINGLY
2 votes more than once or, having voted once, KNOWINGLY offers to vote
3 again or KNOWINGLY offers to deposit in the ballot box more than one
4 ballot shall be punished by a fine of not more than five thousand dollars
5 or by imprisonment in the county jail for not more than eighteen months,
6 or by both such fine and imprisonment.

7 **SECTION 68.** 1-13-714, Colorado Revised Statutes, is amended
8 to read:

9 **1-13-714. Electioneering - removing and return of ballot.** No
10 person shall do any electioneering on the day of any election within any
11 polling place OR SERVICE CENTER or in any public street or room or in any
12 public manner within one hundred feet of any building in which a polling
13 place OR SERVICE CENTER is located, as publicly posted by the designated
14 election official. As used in this section, the term "electioneering"
15 includes campaigning for or against any candidate who is on the ballot or
16 any ballot issue or ballot question that is on the ballot. "Electioneering"
17 also includes soliciting signatures for a candidate petition, a recall
18 petition, or a petition to place a ballot issue or ballot question on a
19 subsequent ballot. "Electioneering" shall not include a respectful display
20 of the American flag. No person shall remove any official ballot from the
21 polling place OR SERVICE CENTER before the closing of the polls. Any
22 person who violates any provision of this section is guilty of a
23 misdemeanor and, upon conviction thereof, shall be punished as provided
24 in section 1-13-111.

25 **SECTION 69.** 1-13-715 (1), Colorado Revised Statutes, is
26 amended to read:

27 **1-13-715. Liquor in or near polling place or service center.**

1 (1) It is unlawful for any election official or other person to introduce
2 into any polling place OR SERVICE CENTER, or to use therein, or to offer
3 to another for use therein, at any time while any election is in progress or
4 the result thereof is being ascertained by the counting of the ballots, any
5 intoxicating malt, spirituous, or vinous liquors.

6 **SECTION 70.** 1-13-716, Colorado Revised Statutes, is amended
7 to read:

8 **1-13-716. Destroying, removing, or delaying delivery of**
9 **election records.** (1) No person shall willfully destroy, deface, or alter
10 any ballot or any election records or willfully delay the delivery of any
11 such ballots or election records, or take, carry away, conceal, or remove
12 any ballot, ballot box, or election records from the polling place, SERVICE
13 CENTER, OR DROP-OFF LOCATION, or from the possession of a person
14 authorized by law to have the custody thereof, or aid, counsel, procure,
15 advise, or assist any person to do any of the aforesaid acts.

16 **SECTION 71.** 1-13-802, Colorado Revised Statutes, is amended
17 to read:

18 **1-13-802. Mail-in voter applications and deliveries outside**
19 **county clerk and recorder's office.** No county clerk and recorder shall
20 ~~accept any application for any mail-in voter's ballot nor~~ make personal
21 delivery of any ~~such~~ MAIL-IN ballot to the applicant unless such
22 ~~acceptance and~~ delivery occurs within the confines of the official office
23 of such county clerk and recorder, except as otherwise provided in
24 ~~sections 1-8-104, 1-8-106, and 1-8-112~~ SECTION 1-8-110. Any ~~acceptance~~
25 ~~or~~ delivery contrary to the provisions of this section renders ~~void the~~
26 ~~ballot to which it relates~~ THE DELIVERED BALLOT VOID. Each violation of
27 this section is a misdemeanor, and, upon conviction thereof, the offender

1 shall be punished as provided in section 1-13-111.

2 **SECTION 72.** 32-1-805 (5) (a), Colorado Revised Statutes, is
3 amended to read:

4 **32-1-805. Time for holding elections - type of election -**
5 **manner of election - notice - permanent mail-in voters.** (5) (a) At
6 least sixty days prior to a metropolitan district election, a designated
7 election official of the metropolitan district shall request a clerk and
8 recorder of a county in which the metropolitan district is wholly or
9 partially located to provide the designated election official with a list of
10 the names and addresses of registered electors of the county who are also
11 registered electors of the metropolitan district. ~~and who have applied to~~
12 ~~the county clerk and recorder for permanent mail-in voter status in~~
13 ~~accordance with section 1-8-104.5 (1), C.R.S.~~ Along with the request, the
14 designated election official shall certify that the metropolitan district has
15 provided the county clerk and recorder with a current, accurate map of its
16 boundaries in accordance with section 32-1-306. After receipt of the
17 request, the clerk and recorder shall provide the designated election
18 official with such list of the names and addresses of registered electors;
19 except that, if the designated election official has not certified that the
20 special district has provided the county clerk and recorder with a current,
21 accurate map of its boundaries, the clerk and recorder shall provide to the
22 designated election official the names and addresses of all registered
23 electors of the county. ~~who have applied for permanent mail-in voter~~
24 ~~status in accordance with section 1-8-104.5 (1), C.R.S.~~ If, within ten days
25 of receiving the list of the names and addresses of registered electors
26 pursuant to this paragraph (a), a designated election official notifies the
27 county clerk and recorder of any problems with the list, the county clerk

1 and recorder may provide the designated election official with a corrected
2 list.

3 **SECTION 73. Repeal.** 1-2-216 (4), 1-8-306, and 1-8.5-107,
4 Colorado Revised Statutes, are repealed.

5 **SECTION 74. Repeal.** 1-1-104 (49.8), 1-2-204 (4) (a) (III),
6 1-2-501 (1) (e), 1-5-101 (6), 1-5-102.7, 1-7.5-105 (1.5) and (2) (b),
7 1-7.5-107 (2.3), (2.5) (a) (II), (3) (a) (II), (4.3), and (4.5), 1-7.5-107.3,
8 1-7.5-108, part 2 of article 8 of title 1, 1-8.5-101 (3), 1-10-106 (1) (b) and
9 (1) (c), 1-11-309, and 1-13-802, Colorado Revised Statutes, are repealed.

10 **SECTION 75. Specified effective date.** This act shall take effect
11 upon passage; except that sections 4, 16, 17, 28, 31, 36, 42, 43, 44, 45, 48,
12 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 71, and 74 of this act shall take
13 effect January 1, 2011.

14 **SECTION 76. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.