

CHAPTER 173

ELECTIONS

SENATE BILL 16-142

BY SENATOR(S) Scott, Heath, Kerr, Todd, Ulibarri;
 also REPRESENTATIVE(S) Ryden, Becker K., Danielson, Kraft-Tharp, Lebsock, Lontine, Pabon, Pettersen, Winter, Hullinghorst.

AN ACT

CONCERNING MODERNIZATION OF ELECTION LAW PROVISIONS, AND, IN CONNECTION THEREWITH, CORRECTING STATUTORY CITATIONS, UPDATING TERMS AND PROCEDURES TO REFLECT MODERN ELECTIONS ADMINISTRATION, CONFORMING STATE LAW TO FEDERAL LAW, ELIMINATING REDUNDANCIES AND OBSOLETE REFERENCES AND PRACTICES, HARMONIZING DURATIONAL RESIDENCY REQUIREMENTS FOR CERTAIN LOCAL GOVERNMENT ELECTIONS, AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 1-1-104, **amend** (2.8) (c), (16.5), (19.5) (a) (I), and (51); **repeal** (36); and **add** (46.7) as follows:

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

(2.8) "Confirmation card" means a communication mailed from a county clerk and recorder to an elector pursuant to section 1-2-302.5, 1-2-509, or 1-2-605, which card must:

(c) Comply with all relevant requirements of the federal "National Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC. 20501 ET SEQ., as amended; and

(16.5) "Federally accredited laboratory" means a laboratory certified under section 231 of the federal "Help America Vote Act of 2002", ~~Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq.~~, 52 U.S.C. 20901 ET SEQ., or any successor section.

(19.5) (a) "Identification" means:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(I) A valid Colorado driver's license, EXCEPT A LICENSE ISSUED UNDER PART 5 OF ARTICLE 2 OF TITLE 42, C.R.S.;

(36) ~~"Registration book" means the original elector registration records for each county retained and stored on the statewide voter registration system created in section 1-2-301. The system must have the capability to export active and inactive registration records, to retain the voting history for each active and inactive registration by surname, and to retain completed voter signature forms by precinct for each election.~~

(46.7) "STATEWIDE VOTER REGISTRATION SYSTEM" MEANS THE CENTRALIZED STATEWIDE VOTER REGISTRATION SYSTEM, COMMONLY REFERRED TO AS "SCORE", CREATED IN SECTION 1-2-301.

(51) "Watcher" means an eligible elector other than a candidate on the ballot who has been selected by a political party chairperson on behalf of the political party, by a party candidate at a primary election, by an unaffiliated candidate at a general, congressional vacancy, or nonpartisan election, or by a person designated by either the opponents or the proponents in the case of a ballot issue or ballot question. If selected by a political party chairperson, a party candidate, or an unaffiliated candidate, the watcher ~~shall~~ MUST be affiliated with that political party or unaffiliated as shown on the registration books of the county clerk and recorder IN THE STATEWIDE VOTER REGISTRATION SYSTEM.

SECTION 2. In Colorado Revised Statutes, 1-1-107, **amend** (1) (d), (1) (e), (2) introductory portion, and (2) (b) as follows:

1-1-107. Powers and duties of secretary of state - penalty. (1) In addition to any other duties prescribed by law, the secretary of state has the following duties:

(d) To coordinate the responsibilities of the state of Colorado under the federal "National Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973~~ 52 U.S.C. SEC. 20501 ET SEQ.;

(e) To serve as the chief state election official within the meaning of the federal "Help America Vote Act of 2002", ~~Pub.L. 107-252~~ 52 U.S.C. 20901 ET SEQ., and, in that capacity, to coordinate the responsibilities of the state of Colorado under the federal act in accordance with the requirements of this code.

(2) In addition to any other powers prescribed by law, the secretary of state ~~shall have~~ HAS the following powers:

(b) To inspect, with or without the filing of a complaint by any person, and review the practices and procedures of county clerk and recorders, ~~election commissions~~, their employees, and other election officials in the conduct of primary, general, and congressional vacancy elections and the registration of electors in this state;

SECTION 3. In Colorado Revised Statutes, 1-1-109, **amend** (2) as follows:

1-1-109. Forms prescribed - rules. (2) A registered elector shall make elector

registration information changes on an approved form, and the elector registration information changes ~~shall~~ MUST be entered on the elector's registration record and retained and stored in a registration book, as provided for in section ~~1-1-104 (36)~~ THE STATEWIDE VOTER REGISTRATION SYSTEM.

SECTION 4. In Colorado Revised Statutes, 1-1-301, **amend** (1) as follows:

1-1-301. Certification program. (1) The secretary of state shall establish and operate or provide by contract a certification program for local election officials on the conduct of elections, the federal "Help America Vote Act of 2002", ~~Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq.~~ 52 U.S.C. 20901 ET SEQ., and other topics related to elections.

SECTION 5. In Colorado Revised Statutes, 1-1.5-102, **amend** (3) as follows:

1-1.5-102. Definitions. As used in this article, unless the context otherwise requires:

(3) "HAVA" means the federal "Help America Vote Act of 2002", ~~Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq.~~ 52 U.S.C. 20901 ET SEQ.

SECTION 6. In Colorado Revised Statutes, 1-1.5-105, **amend** (2) introductory portion and (2) (b) as follows:

1-1.5-105. Complaint procedure. (2) Any rules promulgated pursuant to subsection (1) of this section ~~shall~~ MUST provide for, but need not be limited to, the following:

(b) Authorization for any person who ~~has either been personally aggrieved by or has personally witnessed~~ BELIEVES THAT THERE IS a violation of Title III of HAVA, INCLUDING A VIOLATION that has occurred, is occurring, or that is about to occur, ~~as applicable,~~ to file a complaint;

SECTION 7. In Colorado Revised Statutes, **add with amended and relocated provisions** 1-2-201 (5) as follows:

1-2-201. Registration required - deadlines - additional identifying information to be provided by first-time registrants. (5) [Formerly 1-2-501 (1.5)] An elector who submits a voter registration form ~~by mail~~ and has not previously voted ~~in the county or~~ in the state shall:

(a) Submit with the voter registration form a copy of identification as defined in section 1-1-104 (19.5), the elector's driver's license number, or the last four digits of the elector's social security number; or

(b) Submit a copy of identification as defined in section 1-1-104 (19.5) with the elector's mail ballot in accordance with section 1-7.5-107 (3.5).

SECTION 8. In Colorado Revised Statutes, 1-2-202.5, **amend** (3) (b), (3) (d), and (7) (c) (II) as follows:

1-2-202.5. Online voter registration - online changes in elector information.

(3) The electronic voter registration form must include:

(b) The questions specified in section 1-2-204 ~~(1)~~ and (2) with places for the elector to input information in response to the questions;

~~(d) A THE self-affirmation that the elector is qualified to register and that the information entered by the elector on the electronic application is true~~ REQUIRED UNDER SECTION 1-2-205; and

(7) (c) (II) A change or withdrawal of affiliation made in accordance with this section applies to an election if the elector completes the electronic form no later than twenty-nine days before the election; EXCEPT THAT, IF THE TWENTY-NINTH DAY BEFORE AN ELECTION IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE CHANGE OR WITHDRAWAL APPLIES IF MADE BY THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

SECTION 9. In Colorado Revised Statutes, **amend** 1-2-203 as follows:

1-2-203. Registration on Indian reservations. The secretary or secretary's designee of any tribal council of an Indian tribe located on a federal reservation ~~which~~ THAT has no municipality contained within the reservation ~~shall serve~~ SERVES as a deputy registrar only for registration purposes for the county in which the reservation is located. The secretary of the tribal council or the secretary's designee shall take registrations only in the tribal council headquarters. The secretary of the tribal council or the secretary's designee shall register any eligible elector residing in any precinct in the county who appears in person in the office of the secretary of the tribal council at any time during which registration is permitted in the office of the county clerk and recorder. The secretary of the tribal council shall forward the registration records to the county clerk and recorder, either in person or by certified mail, on or before the fifteenth day of each month; except that, WITHIN TWENTY-TWO DAYS BEFORE AN ELECTION, the secretary of the tribal council shall appear in person OR TRANSMIT DAILY to deliver any registration records to the county clerk and recorder. ~~on the day following the last day that registration is permitted preceding any election for which registration is required.~~ WITHIN EIGHT DAYS BEFORE AN ELECTION, THE SECRETARY OF THE TRIBAL COUNCIL SHALL ACCEPT AN APPLICATION AND INFORM THE APPLICANT THAT HE OR SHE MUST GO TO A VOTER SERVICE AND POLLING CENTER IN ORDER TO VOTE IN THAT ELECTION.

SECTION 10. In Colorado Revised Statutes, 1-2-204, **amend** (2) introductory portion and (2) (d); **repeal** (1); and **add** (4.5) as follows:

1-2-204. Questions answered by elector - rules. (1) ~~The county clerk and recorder shall ask each eligible elector making application for registration, and the elector shall answer, the following:~~

~~(a) Whether the elector intends to claim the elector's present address as the elector's sole legal place of residence and, in so doing, to abandon claim to any other legal residence;~~

~~(b) Whether the elector is aware that, if the elector is a resident of this state for~~

~~voting purposes, the elector is also a resident of this state for motor vehicle registration and operation purposes and for income tax purposes;~~

~~(c) Whether the elector is aware that the elector cannot legally vote in more than one place in any election; and~~

~~(d) Whether the elector is aware that a violation of the self-affirmation the elector is about to make is a criminal act under the laws of this state and will subject the elector to the penalties provided by law.~~

(2) In addition, each eligible elector shall be asked, and the elector shall correctly answer the following:

(d) The elector's gender IDENTITY, if the elector wishes to state it;

(4.5) THIS SECTION DOES NOT APPLY TO A COVERED VOTER, AS DEFINED IN SECTION 1-8.3-102, WHO IS REGISTERING TO VOTE PURSUANT TO SECTION 1-8.3-107.

SECTION 11. In Colorado Revised Statutes, 1-2-213, **amend** (1), (2)(a), (2)(d), (5), and (6) as follows:

1-2-213. Registration at driver's license examination facilities. (1) The department of revenue, through its local driver's license examination facilities, shall provide each eligible elector who applies for the issuance, renewal, or correction of any type of driver's license or for an identification card pursuant to part 3 of article 2 of title 42, C.R.S., an opportunity to complete an application to register to vote, ~~by use of a form containing the necessary information required by WHICH APPLICATION PROVIDES THE INFORMATION REQUIRED UNDER this part 2.~~

(2)(a) An applicant who wishes to complete an application for registration must ~~read and answer the questions~~ PROVIDE THE INFORMATION required by section 1-2-204 and shall make the self-affirmation required under section 1-2-205. Each application for registration must bear the following statement: "Warning: It is a class 1 misdemeanor to affirm falsely as to your qualifications to register to vote."

(d) The authorized employee shall stamp the application for registration with a validation stamp and indicate on the driver's license that the bearer registered to vote, which license shall be the elector's receipt. Applications and changes shall MUST be forwarded on a weekly basis, or on a daily basis ~~when open~~ during the last week ~~allowed for registration~~ prior to any election CONDUCTED BY THE COUNTY CLERK AND RECORDER, to the county clerk and recorder of the county in which ~~the driver's license examination facility is located, and, if the applicant lives in a different county from the facility, the application shall then be forwarded to the county clerk and recorder of the county in which the applicant resides.~~

(5) The department of revenue and the secretary of state shall jointly develop an application form OR PROCESS, and a change of name and address form ~~which shall allow OR PROCESS, THAT ALLOWS an applicant wishing to register to vote to do so by the use of a single form containing the necessary information required by this part 2 and the information required for the issuance, renewal, or correction of the driver's license or identification card. The~~ WITHOUT DUPLICATING ANY INFORMATION

REQUIRED FOR THE ISSUANCE, RENEWAL, OR CORRECTION OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD. ANY SUCH forms ~~shall~~ MUST be furnished to the local driver's license examination facilities by the department of revenue.

(6) Unless the registrant states on the form that the change of address is not for voter registration purposes, any eligible elector ~~who continues to reside in the county where the elector is registered to vote and~~ who informs a driver's license examination facility of a change of name or address ~~shall~~ MUST have notice of the change of name or address forwarded by the driver's license examination facility to the county clerk and recorder of the county in which the ~~driver's license facility is located. If the elector lives in a different county from the facility, the county clerk and recorder shall forward the change to the county clerk and recorder of the county in which the~~ elector resides. The county clerk and recorder of the county in which the elector resides shall change the registration record of the elector to reflect the change of name and address.

SECTION 12. In Colorado Revised Statutes, 1-2-217.7, **amend** (4) (a) (II); and **repeal** (4) (b) as follows:

1-2-217.7. Registration on or immediately prior to election day - locations - rules - legislative declaration. (4) **Registration at voter service and polling centers.** (a) An elector may register and vote prior to an election or on election day if the elector:

(II) Completes and signs a voter registration application in the form prescribed by the secretary of state by rule, which application must include the questions contained in section 1-2-204 ~~(1) and~~ (2);

~~(b) In addition to executing the self-affirmation required under section 1-2-205 (2), an elector registering to vote under this section shall complete and sign a voter registration affidavit, in a form prescribed by the secretary of state, that contains the following oath:~~

~~I,, hereby certify under penalty of perjury that, to the best of my knowledge, I have not, nor will I, cast more than one ballot in this election.~~

SECTION 13. In Colorado Revised Statutes, 1-2-218, **amend** (1) introductory portion as follows:

1-2-218. Change of name. (1) Any eligible elector who has been registered in the county and who subsequently has had a name change by any legal means may have his or her name changed ~~on the registration book~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM by:

SECTION 14. In Colorado Revised Statutes, 1-2-218.5, **amend** (2) as follows:

1-2-218.5. Declaration of affiliation. (2) Any eligible elector who has not declared an affiliation with a political party or political organization ~~shall~~ MUST be designated on the registration records of the county clerk and recorder as "unaffiliated". Any unaffiliated eligible elector may declare a political party affiliation when the elector desires to vote at a primary election ~~as provided in section 1-7-201 (2);~~ or the elector may declare his or her political party or political

~~registration book of precinct~~ in ~~County~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, do solemnly swear, or affirm, that the party affiliation as now shown ~~on the registration book~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM is an error, or has been unlawfully changed, or has been unlawfully withdrawn and that my correct party affiliation should be instead of and request that the party affiliation be corrected ~~on the registration book~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM. My correct affiliation was made on or before (date) at (place).

Dated
 Signed
 Subscribed and sworn to before me this day of, 20....

.....
 Election Judge or County Clerk
 Precinct
 County

SECTION 17. In Colorado Revised Statutes, 1-2-223, **amend** (2) as follows:

1-2-223. Names transferred when precinct boundaries changed. (2) In case any change is made in precinct boundaries as a result of annexation affecting county boundaries, the county clerk and recorder of the ANNEXING county ~~from which the annexed territory was detached shall remove from the registration book~~ UPDATE IN THE STATEWIDE VOTER REGISTRATION SYSTEM the registration records of all electors residing in the annexed territory as soon as practicable. ~~The county clerk and recorder shall transfer, as soon as practicable, through the statewide voter registration system, created pursuant to section 1-2-301, the registration records to the county clerk and recorder of the county to which the territory was annexed, who shall insert them in the registration book of the appropriate precinct upon receipt.~~ The registrations ~~shall be~~ ARE considered as continuing registrations with all the registered electors involved having full rights and privileges as if no change in county boundaries had occurred.

SECTION 18. In Colorado Revised Statutes, 1-2-227, **amend** (1) as follows:

1-2-227. Custody and preservation of records. (1)(a) ~~Registration books shall~~ RECORDS MUST be left in the custody of the county clerk and recorder, who ~~shall be~~ IS responsible for them. EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), the oaths or affirmations, applications for affidavit registration, federal postcard applications, applications for change of residence or change of name, and other papers provided for by this part 2 shall be preserved by the county clerk and recorder and shall not be destroyed until after the next general election. ~~They shall be~~ SUCH REGISTRATION RECORDS, WHETHER PAPER OR DIGITAL, ARE public records subject to examination by any ~~elector~~ PERSON, and ~~the elector shall~~ ~~have~~ SUCH PERSON HAS the right to make copies of the records during office hours.

(b) A COUNTY CLERK AND RECORDER MAY DESTROY PAPER VOTER REGISTRATION RECORDS AS SOON AS THEY HAVE BEEN DIGITALLY RECORDED IN THE STATEWIDE VOTER REGISTRATION SYSTEM.

SECTION 19. In Colorado Revised Statutes, 1-2-301, **amend** (1) as follows:

1-2-301. Centralized statewide registration system - secretary of state to maintain computerized statewide voter registration list - county computer records - agreement to match information. (1) ~~No later than January 1, 2006,~~ The secretary of state shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration system defined, maintained, and administered at the state level, which system shall contain a computerized statewide voter registration list maintained by the secretary of state that contains the name and registration information of every legally registered voter in the state and that assigns a unique identifier to each legally registered voter. The single, uniform, official, centralized, interactive, computerized statewide voter registration system required by this subsection (1) ~~shall be~~ is referred to in this part 3 as the "centralized statewide registration system". ~~The centralized statewide registration system shall replace the voter registration and election management that was required to be developed or acquired prior to May 22, 2003. On or before January 1, 2006,~~ The centralized statewide registration system and the computerized statewide voter registration list ~~shall~~ MUST be fully compliant with all applicable requirements specified in section 303 of the federal "Help America Vote Act of 2002", ~~Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq.~~ 52 U.S.C. 20901 ET SEQ.

SECTION 20. In Colorado Revised Statutes, 1-2-302, **amend** (6.7) as follows:

1-2-302. Maintenance of computerized statewide voter registration list - confidentiality. (6.7) In accordance with the requirements of section 42-1-211 (1.5) (c), C.R.S., the department of revenue shall enter into an agreement with the federal commissioner of social security for the purpose of verifying applicable information in accordance with the requirements of section 303 (a) (5) (B) (ii) of the federal "Help America Vote Act of 2002", ~~Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq.~~ 52 U.S.C. 20901 ET SEQ.

SECTION 21. In Colorado Revised Statutes, 1-2-305, **amend** (1) and (2) as follows:

1-2-305. Postelection procedures - voting history - definitions. (1) Not later than sixty days after a state election, the ~~secretary of state~~ COUNTY CLERK AND RECORDER shall generate a list of electors ~~showing who voted and who did not vote in the election. The list shall be drawn from the statewide voter registration database. For electors who voted, the list shall show such elector's method of voting, whether by mail ballot, voter service and polling center voting, or otherwise~~ WITHIN THE COUNTY WHO SUBMITTED MORE THAN ONE BALLOT FOR THE ELECTION.

(2) ~~Upon receipt of the lists, the secretary of state shall examine the lists to see which electors did and did not vote in the election in order to ascertain if any elector has voted more than once. If it is determined that an elector has voted more than once, the secretary of state OR THE COUNTY CLERK AND RECORDER shall notify the proper district attorney for prosecution of a violation of the provisions of this code.~~

SECTION 22. In Colorado Revised Statutes, 1-2-502, **amend** (2) as follows:

1-2-502. Form for agency registration. (2) All agencies providing an opportunity to complete the voter registration forms shall keep copies of all records relating to the completion of the forms for two years. The forms shall not be considered public records but ~~shall be~~ ARE available to the secretary of state for purposes of compiling data in compliance with the federal "National Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC. 20501 ET SEQ.

SECTION 23. In Colorado Revised Statutes, 1-2-507, **amend** (1) as follows:

1-2-507. Transmittal of voter registration applications - when. (1) Except as provided in subsection (2) of this section, a completed agency registration application accepted at a voter registration agency shall be transmitted to the county clerk and recorder ~~for the county in which the agency is located~~ not later than five days after the date of acceptance; EXCEPT THAT, WITHIN TWENTY-TWO DAYS BEFORE AN ELECTION, A VOTER REGISTRATION AGENCY MUST TRANSMIT COMPLETED VOTER REGISTRATION APPLICATIONS ON A DAILY BASIS.

SECTION 24. In Colorado Revised Statutes, 1-2-510, **amend** (3) as follows:

1-2-510. Public disclosure of voter registration activities. (3) The secretary of state ~~shall~~ is also be responsible for filing any reports or information concerning the implementation of the federal "National Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC. 20501 ET SEQ., with the federal election commission as may be required.

SECTION 25. In Colorado Revised Statutes, 1-3-101, **amend** (1) as follows:

1-3-101. Party affiliation required - residence. (1) In order to vote at any precinct caucus, assembly, or convention of a political party, the elector ~~shall~~ MUST be a resident of the precinct for thirty days, ~~shall have~~ MUST BE registered to vote no later than twenty-nine days before the caucus, assembly, or convention, and ~~shall~~ MUST be affiliated with the political party holding the caucus, assembly, or convention for at least two months as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM; except that any registered elector who has attained the age of eighteen years or who has become a naturalized citizen during the two months immediately preceding the meeting may vote at any caucus, assembly, or convention even though the elector has been affiliated with the political party for less than two months.

SECTION 26. In Colorado Revised Statutes, 1-3-102, **amend** (2) (a) as follows:

1-3-102. Precinct caucuses. (2) (a) The participants at the precinct caucus shall also elect two precinct committeepersons. Any person eighteen years of age or older may be a candidate for the office of precinct committeeperson if he or she has been a resident of the precinct for thirty days and has been affiliated with the political party holding the precinct caucus for a period of at least two months preceding the date of the precinct caucus; except that any person who has attained the age of eighteen years or who has become a naturalized citizen during the two months immediately preceding the precinct caucus may be a candidate for the office of precinct committeeperson even though he or she has been affiliated with the political party for less than two months as shown ~~on the registration book of the~~

~~county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM. The two people receiving the highest number of votes at the caucus for precinct committeeperson ~~shall be~~ ARE elected as the precinct committeepersons of the precinct. If two or more candidates for precinct committeeperson receive an equal and the second highest number of votes, or if three or more candidates receive an equal and the highest number of votes, the election ~~shall~~ MUST be determined by lot by those candidates. All disputes regarding the election of precinct committeepersons ~~shall be~~ ARE determined by the credentials committees of the respective party assemblies. The names of the committeepersons elected ~~shall~~ MUST be certified to the county assembly of the political party by the officers of the caucus. The county assembly shall ratify the list of committeepersons. The presiding officer and secretary of the county assembly shall file a certified list of the names and addresses, by precinct, of those persons elected as precinct committeepersons with the county clerk and recorder within four days after the date of the county assembly.

SECTION 27. In Colorado Revised Statutes, 1-4-402, **amend** (1) (d) (I) as follows:

1-4-402. Nominations of political party candidates. (1) (d) (I) Any candidate nominated by a political party ~~shall have been~~ MUST BE affiliated with the party for at least twelve consecutive months prior to the date the convention begins, as shown ~~on the voter registration book of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM.

SECTION 28. In Colorado Revised Statutes, 1-4-601, **amend** (2) and (4) (a) as follows:

1-4-601. Designation of candidates for primary election. (2) An assembly ~~shall~~ MUST take no more than two ballots for party candidates for each office to be filled at the next general election. Every candidate receiving thirty percent or more of the votes of all duly accredited assembly delegates who are present and voting on that office ~~shall~~ MUST be certified by affidavit of the presiding officer and secretary of the assembly. If no candidate receives thirty percent or more of the votes of all duly accredited assembly delegates who are present and voting, a second ballot ~~shall~~ MUST be cast on all the candidates for that office. If on the second ballot no candidate receives thirty percent or more of the votes cast, the two candidates receiving the highest number of votes ~~shall~~ MUST be certified as candidates for that office by the assembly. The certificate of designation by assembly ~~shall~~ MUST state the name of the office for which each person is a candidate and the candidate's name and address, ~~shall~~ MUST designate in not more than three words the name of the political party which the candidate represents, and ~~shall~~ MUST certify that the candidate has been a member of the political party for the period of time required by party rule or by subsection (4) of this section if the party has no such rule. The candidate's affiliation, as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, is prima facie evidence of political party membership. The certificate of designation ~~shall~~ MUST indicate the order of the vote received at the assembly by candidates for each office, but no assembly shall declare that any one candidate has received the nomination of the assembly. The certificate of designation ~~shall~~ MUST be filed in accordance with section 1-4-604. If two or more candidates receiving designation under ~~the~~

provisions of this subsection (2) have received an equal number of votes, the order of certification of designation ~~shall be~~ is determined by lot by the candidates. The assembly shall select a vacancy committee for vacancies in designation or nomination only.

(4) (a) No person ~~shall be~~ is eligible for designation by assembly as a candidate for nomination at any primary election unless the person was affiliated with the political party holding the assembly, as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, no later than the first business day of the January immediately preceding the primary election, unless otherwise provided by party rules.

SECTION 29. In Colorado Revised Statutes, 1-4-602, **amend** (5) as follows:

1-4-602. Delegates to party assemblies. (5) As used in this section, "delegate" means a person who is a registered elector, has been a resident of the precinct for thirty days prior to the caucus, and has been affiliated with the political party holding the caucus for at least two months, as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM; except that any registered elector who has attained the age of eighteen years during the two months immediately preceding the caucus or any registered elector who has become a naturalized citizen during the two months immediately preceding the caucus may be a delegate even though the elector has been affiliated with the political party for less than two months as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM. A delegate who moves from the precinct where registered during the twenty-nine days prior to any caucus ~~shall become~~ is ineligible to serve as a delegate from that precinct.

SECTION 30. In Colorado Revised Statutes, 1-4-801, **amend** (3) as follows:

1-4-801. Designation of party candidates by petition. (3) No person shall be placed in nomination by petition on behalf of any political party unless the person was affiliated with the political party, as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, no later than the first business day of the January immediately preceding the election for which the person desires to be placed in nomination.

SECTION 31. In Colorado Revised Statutes, 1-4-802, **amend** (1) (g) as follows:

1-4-802. Petitions for nominating minor political party and unaffiliated candidates for a partisan office. (1) Candidates for partisan public offices to be filled at a general or congressional vacancy election who do not wish to affiliate with a major political party may be nominated, other than by a primary election or a convention, in the following manner:

(g) (I) For congressional vacancy elections, no person shall be placed in nomination by petition unless the person is an eligible elector and was registered as affiliated with a minor political party or as unaffiliated, as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, for at least twelve months prior to the last date the petition may be filed.

(II) For general elections, no person shall be placed in nomination by petition unless the person is an eligible elector of the political subdivision or district in which the officer is to be elected and unless the person was registered as affiliated with a minor political party or as unaffiliated, as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, no later than the first business day of the January immediately preceding the general election for which the person desires to be placed in nomination; except that, if such nomination is for a nonpartisan election, the person shall be an eligible elector of the political subdivision or district and be a registered elector, as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, on the date of the earliest signature on the petition.

SECTION 32. In Colorado Revised Statutes, 1-4-904, **amend** (2) (a) as follows:

1-4-904. Signatures on the petitions. (2) (a) For petitions to nominate candidates from a major political party in a partisan election, each signer ~~shall~~ **MUST** be affiliated with the major political party named in the petition and shall state the following to the circulator: That the signer has been affiliated with the major political party named in the petition for at least twenty-nine days as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM and that the signer has not signed any other petition for any other candidate for the same office.

SECTION 33. In Colorado Revised Statutes, 1-4-905, **amend** (1) as follows:

1-4-905. Circulators. (1) No person shall circulate a petition to nominate a candidate unless the person is a resident of the state, a citizen of the United States, at least eighteen years of age, and, for partisan candidates, registered to vote and affiliated with the political party mentioned in the petition at the time the petition is circulated, as shown ~~by the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM.

SECTION 34. In Colorado Revised Statutes, 1-4-1002, **amend** (9) (b) as follows:

1-4-1002. Vacancies in designation or nomination. (9) (b) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose, shall select a person who meets all of the requirements of candidacy as of the date of the primary election and who is affiliated with the same political party or minor political party, if any, shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM as the candidate whose declination, death, disqualification, resignation, or withdrawal caused the vacancy. No meeting shall be held until a quorum is present consisting of not less than one-half of the voting membership of the vacancy committee. No member of the vacancy committee may vote by proxy. The committee shall certify the selection to the secretary of state within seven days from the date the vacancy occurs. If the vacancy committee fails to certify a selection within seven days, the state chair of the same political party or minor political party as the candidate whose declination, death, disqualification, resignation, or withdrawal caused the vacancy, within seven days, shall fill the vacancy by appointing a person having the qualifications set forth in this subsection (9). The name of the person selected or

appointed by the state chair ~~shall~~ MUST be certified to the secretary of state. The vacancy ~~shall be~~ IS filled until the next general election after the vacancy occurs, when the vacancy ~~shall be~~ IS filled by election.

SECTION 35. In Colorado Revised Statutes, 1-4-1304, **amend** (2) introductory portion, (2) (b), and (3) as follows:

1-4-1304. Nomination of candidates. (2) Nominations by a minor political party, to be valid, ~~shall~~ MUST be made in accordance with the party's constitution or bylaws. No nomination under this section ~~shall be~~ IS valid for any general election held after January 1, 1999, unless the nominee:

(b) Was registered as affiliated with the minor political party that is making the nomination, as shown in the ~~registration books of the county clerk and recorder~~ STATEWIDE VOTER REGISTRATION SYSTEM, no later than the first business day of the January immediately preceding the general election for which the person was nominated, unless otherwise provided in the constitution or bylaws of the minor political party; and

(3) Any minor political party nominating candidates in accordance with this part 13 shall file a certificate of designation with the designated election official no later than four days after the assembly was held at which the candidate was designated. The certificate of designation ~~shall~~ MUST state the name of the office for which each person is a candidate and the candidate's name and address, the date on which the assembly was held at which the candidate was designated, ~~shall~~ MUST designate in not more than three words the name of the minor political party that the candidate represents, and ~~shall~~ MUST certify that the candidate is a member of the minor political party. The candidate's name may include one nickname, if the candidate regularly uses the nickname and the nickname does not include any part of a political party name. The candidate's affiliation as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM is prima facie evidence of party membership.

SECTION 36. In Colorado Revised Statutes, 1-4-1305, **amend** (3) as follows:

1-4-1305. Disqualification of minor political party. (3) Upon notification of disqualification of a minor political party, each registered elector that is affiliated with such minor political party ~~shall~~ MUST be designated ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM as "unaffiliated".

SECTION 37. In Colorado Revised Statutes, 1-5-102.9, **amend** (3) (f) as follows:

1-5-102.9. Voter service and polling centers - number required - services provided - drop-off locations - repeal. (3) Each voter service and polling center must provide:

(f) Secure computer access; ~~except that a county described in subparagraphs (H) and (I) of paragraph (a) of subsection (1) of this section may seek a waiver of this requirement upon demonstrating hardship and securing approval of a plan to access~~

~~the statewide voter database and conduct real-time verification of voter eligibility via telephone or other means;~~

SECTION 38. In Colorado Revised Statutes, 1-5-205, **repeal** (1) (e); and **add** (4) as follows:

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

(e) ~~The complete ballot content.~~

(4) FOR A PRIMARY MAIL BALLOT ELECTION, IN ADDITION TO THE ITEMS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE NOTICE SHALL ADVISE ELIGIBLE ELECTORS WHO ARE NOT AFFILIATED WITH A POLITICAL PARTY OF THE ELECTORS' ABILITY TO DECLARE AN AFFILIATION WITH A POLITICAL PARTY AND VOTE IN THE PRIMARY ELECTION.

SECTION 39. In Colorado Revised Statutes, 1-5-208, **amend** (6) as follows:

1-5-208. Election may be canceled - when. (6) The governing body shall provide notice by publication of the cancellation of the election. A copy of the notice ~~shall~~ **shall** MUST be posted at each ~~polling location~~ VOTER SERVICE AND POLLING CENTER of the political subdivision, in the office of the designated election official, and in the office of the clerk and recorder for each county in which the political subdivision is located and, for special districts, a copy of the notice ~~shall~~ **shall** MUST be filed in the office of the division of local government. The governing body shall also notify the candidates that the election was canceled and that they were elected by acclamation.

SECTION 40. In Colorado Revised Statutes, **amend** 1-5-302 as follows:

1-5-302. Computer lists may be used in lieu of original registration records. For the purposes of all elections, the county clerk and recorder may substitute and supply computer lists of registered electors within the political subdivision for the original registration record. Following a primary, general, or congressional vacancy election, the county clerk and recorder shall record the date of election and, if a primary election, the party ballot received on the registered elector's original registration record. ~~retained and stored as provided in section 1-1-104 (36).~~

SECTION 41. In Colorado Revised Statutes, **amend** 1-5-413 as follows:

1-5-413. Sample ballots. Sample ballots ~~shall~~ **shall** MUST be printed in the form of official ballots, but ~~upon paper of a different color from the official ballots~~ **shall** MUST BE CLEARLY MARKED AS "SAMPLE BALLOT". Sample ballots ~~shall~~ **shall** MUST be delivered to the election judges and posted with the cards of instruction provided for in section 1-5-504. All sample ballots are subject to public inspection.

SECTION 42. In Colorado Revised Statutes, **amend** 1-5-506 as follows:

1-5-506. Election expenses in nonpartisan elections. The cost of conducting a nonpartisan election, including the cost of printing ~~mailing voter information cards pursuant to section 1-5-206,~~ and supplies, ~~shall~~ **MUST** be paid by the governing body calling the election.

SECTION 43. In Colorado Revised Statutes, 1-5-613, **amend** (2) as follows:

1-5-613. Purchase and sale of voting equipment. (2) ~~On and after May 28, 2004,~~ The governing body or designated election official of a political subdivision may purchase a voting system only if the voting system has been certified for use in this state by the secretary of state in accordance with this part 6.

SECTION 44. In Colorado Revised Statutes, 1-6-114, **amend** (1) as follows:

1-6-114. Oath of judges. (1) Before beginning the duties of an election judge, each person appointed as an election judge ~~shall~~ **MUST** take a self-affirming oath or affirmation in substantially the following form:

I,, do solemnly swear (or affirm) that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the county of or within the political subdivision; that I am a member of the party (or that I am unaffiliated with a political party) as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge ~~shall come~~ COMES to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official.

SECTION 45. In Colorado Revised Statutes, 1-7-114, **add** (4) (c) as follows:

1-7-114. Write-in votes. (4) (c) A DESIGNATED ELECTION OFFICIAL MAY POST THE LIST OF ELIGIBLE WRITE-IN CANDIDATES ON THE OFFICIAL WEBSITE OF THE DESIGNATED ELECTION OFFICIAL.

SECTION 46. In Colorado Revised Statutes, 1-7-514, **amend** (3) as follows:

1-7-514. Random audit. (3) The secretary of state shall post the reports of any completed audit or investigation received pursuant to paragraph (c) of subsection (2) of this section on the official website of the department of state not later than five business days after receiving the results of the completed audit or investigation. The clerk and recorder of the affected county may timely post the results of the completed audit or investigation on the official website of the county. ~~The secretary shall publish once in a newspaper of general circulation throughout the state~~

~~notification to the public that the results have been posted on the department's website.~~

SECTION 47. In Colorado Revised Statutes, **amend** 1-7-701 as follows:

1-7-701. Delivery of election returns, ballot boxes, and other election papers.

When all the votes have been read and counted, the election judges selected in accordance with section 1-6-109.5 shall deliver to the designated election official the certificate and statement required by section 1-7-601, ballot boxes and all keys to the boxes, paper tapes, "proms" or other electronic devices, the registration ~~book~~ RECORDS, pollbooks, accounting forms, spoiled ballots, unused ballots, ballot stubs, oaths, affidavits, and other election papers and supplies. The delivery ~~shall~~ MUST be made at once and with all convenient speed, and informality in the delivery ~~shall~~ DOES not invalidate the vote of any precinct when delivery has been made previous to the completion of the official abstract of the votes by the board of canvassers. The designated election official shall give a receipt for all items delivered.

SECTION 48. In Colorado Revised Statutes, **amend** 1-7-905 as follows:

1-7-905. Preparation of notices. (1) For ~~November~~ COORDINATED elections, the county clerk and recorder ~~shall be~~ IS responsible for placing the ballot issue notices received from the various political subdivisions participating in the election in the proper order in the ballot issue notice packet. As nearly as practicable, the notice ~~shall~~ MUST be in the order the ballot issues will appear on the ballot. The ballot issue notice ~~shall~~ MUST be followed by a certification by the county clerk and recorder that the ballot issue notices are complete as submitted by the political subdivisions. No additional information ~~shall~~ MAY be included as part of the ballot issue notice except as may be required by law. A general disclaimer may precede or follow the ballot issue notice which ~~may state~~ STATES: "The information contained in this notice was prepared by persons required by law to provide summaries of ballot issues and fiscal information."

(2) The designated election officials of overlapping political subdivisions conducting an election other than ~~in November~~ A COORDINATED ELECTION shall confer concerning the preparation of the ballot issue notice no later than forty days prior to the date of the election. The political subdivisions conducting the election shall provide for preparation of any required ballot issue notice package by agreement in a form substantially as provided in section 1-7-116.

SECTION 49. In Colorado Revised Statutes, 1-7-905.5, **amend** (1) as follows:

1-7-905.5. Form of notice. (1) The ballot issue notice must begin with the words "All registered voters", regardless of whether the electors of the political subdivision must be registered electors to be eligible to vote in the election, and ends at the conclusion of the summary of comments. Any ~~information included pursuant to section 1-5-206~~, information concerning procedure for an election or other information included with the ballot issue notice prior to the words "All registered voters" or after the conclusion of the summary of comments are not deemed to be part of the ballot issue notice.

SECTION 50. In Colorado Revised Statutes, 1-7-906, **amend** (1) and (3) as

follows:

1-7-906. Mailing of notices. (1) For ~~November~~ COORDINATED elections, the county clerk and recorder as coordinated election official shall mail the ballot issue notice packet to each address of one or more active registered electors who reside in the county or portions of the county in which registered voters of those districts submitting ballot issues reside.

(3) The political subdivisions shall by agreement, in a form substantially as provided in sections 1-7-116 and 1-7-905, provide for mailing of any required ballot issue notice package for elections conducted other than ~~in November~~ COORDINATED ELECTIONS.

SECTION 51. In Colorado Revised Statutes, 1-7-1003, **amend** (5) (b) as follows:

1-7-1003. Conduct of elections using ranked voting methods - instant runoff voting - choice voting or proportional voting - reports. (5) (b) A local government that conducts an election using a ranked voting method shall conduct a voter education and outreach campaign to familiarize electors with ranked voting in English and in every language in which a ballot is required to be made available pursuant to this code and the federal "Voting Rights Act of 1965", ~~42 U.S.C. sec. 1973aa-1a~~ 52 U.S.C. SEC. 10101 ET SEQ.

SECTION 52. In Colorado Revised Statutes, **amend** 1-7.5-104 as follows:

1-7.5-104. Mail ballot elections - applicability - optional for political subdivisions other than a county. For all general, primary, odd-year, coordinated, recall, and congressional vacancy elections, ~~conducted on or after July 1, 2013, and for any election in which the governing board of a political subdivision other than a county determines that an election shall be by mail ballot,~~ the county clerk and recorder or designated election official for the political subdivision, as applicable, shall conduct the election by mail ballot under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.

SECTION 53. In Colorado Revised Statutes, 1-7.5-107, **amend** (3) (a), (3) (d), (3.5) (a), (3.5) (f) introductory portion, (3.5) (f) (I), and (3.5) (f) (II); and **repeal** (2), (2.5), and (3) (c) as follows:

1-7.5-107. Procedures for conducting mail ballot election - primary elections - first-time voters casting a mail ballot after having registered by mail to vote - in-person request for ballot - repeal. (2) (a) ~~For a municipal mail ballot election that is not coordinated with the county clerk and recorder, no later than thirty days prior to election day, the county clerk and recorder shall submit to the designated election official of the municipality conducting the mail ballot election a full and complete preliminary list of registered electors. For a special district mail ballot election that is not coordinated with the county clerk and recorder, the county clerk and recorder and county assessor of each county in which a special district is located shall certify and submit to the designated election official a list of property owners and a list of registered electors residing within the affected district.~~

~~(b) No later than twenty days prior to election day, the county clerk and recorder and county assessor required to submit a preliminary list in accordance with paragraph (a) of this subsection (2) shall submit to the appropriate authority a supplemental list of the names of eligible electors or property owners whose names were not included on the preliminary list.~~

~~(c) All lists of registered electors and lists of property owners provided to a designated election official under this section shall include the last mailing address of each elector.~~

~~(2.5) (a) (I) No later than twenty days before a general, primary, or other mail ballot election, the county clerk and recorder or designated election official shall provide notice by publication of a mail ballot election conducted pursuant to the provisions of this article, which notice shall state, as applicable for the particular election for which the notice is provided, the items set forth in section 1-5-205 (1) (a) to (1) (c).~~

~~(H) For a primary mail ballot election, in addition to the items described in the notice required by subparagraph (I) of this paragraph (a), such notice shall advise eligible electors who are not affiliated with a political party of the ability to declare an affiliation with a political party and vote in the primary election.~~

~~(b) The notice required to be given by this subsection (2.5) shall be in lieu of the notice requirements set forth in sections 1-5-205 (1) and 31-10-501 (1), C.R.S., as applicable for the particular election for which such notice is required.~~

~~(3) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), not sooner than twenty-two days before a general, primary, or other mail ballot election, and no later than eighteen days before the election, except as provided in subparagraph (H) of this paragraph (a), the county clerk and recorder or designated election official shall mail to each active registered ELIGIBLE elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which shall MUST be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED.", or any other similar statement that is in accordance with United States postal service regulations. Nothing in this subsection (3) affects any provision of this code governing the delivery of mail ballots to an absent uniformed services elector, nonresident overseas elector, or resident overseas elector covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq. 52 U.S.C. SEC. 20301 ET SEQ.~~

~~(II) For a primary mail ballot election, for a minor political party candidate, the mail ballot packet shall MUST be mailed only to those ACTIVE registered electors who are affiliated with the minor A political party of such candidate THAT IS PARTICIPATING IN THE ELECTION. IF THE TWENTY-SECOND DAY BEFORE AN ELECTION IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL MAY MAIL BALLOT PACKETS PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) ON THE FRIDAY IMMEDIATELY PRECEDING THE TWENTY-SECOND DAY.~~

~~(c) For a special district mail ballot election, no sooner than twenty-two days~~

~~prior to election day, and until 7 p.m. on election day, mail ballots shall be made available at the designated election official's office, or the office designated in the mail ballot plan filed with the secretary of state, for eligible electors who are not listed on the list of property owners or the registration list but who are authorized to vote pursuant to section 32-1-806, C.R.S., or other applicable law.~~

(d) An eligible elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the eligible elector. An eligible elector may obtain a ballot if a mail ballot packet was not sent to the elector because the eligibility of the elector could not be determined at the time the mail ballot packets were mailed. The designated election official shall keep a record of each ballot issued in accordance with this paragraph (d). ~~together with a list of each ballot obtained pursuant to paragraph (c) of this subsection (3).~~

(3.5) (a) Unless otherwise provided by ~~section 1-2-501 (1.5)~~ SECTION 1-2-201 (5), the requirements of this subsection (3.5) ~~shall~~ apply to a person who registered to vote ~~by mail~~ in accordance with ~~part 5~~ of article 2 of this title and who

~~(F) has not previously voted in an election in Colorado. or~~

~~(H) Is reregistering to vote after moving from one county in this state to another and the election in which the person intends to vote takes place prior to the creation by the department of state of a computerized statewide voter registration list that satisfies the requirements of part 3 of article 2 of this title.~~

(f) Notwithstanding any other provision of law, the requirements of this subsection (3.5) ~~shall~~ DO not apply to any person who is:

(I) Entitled to vote by absentee ballot under the federal "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ.;

(II) Provided the right to vote otherwise than in person under section (b) (2) (B) (ii) of the federal "Voting Accessibility for the Elderly and Handicapped Act", ~~42 U.S.C. sec. 1973ee-1~~ 52 U.S.C. SEC. 20102 ET SEQ.; or

SECTION 54. In Colorado Revised Statutes, 1-8.3-102, **amend** (4) and (5) as follows:

1-8.3-102. Definitions. In this article:

(4) "Federal postcard application" means the application prescribed under section 101 (b) (2) of the federal "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff (b) (2)~~ 52 U.S.C. SEC. 20301 (b) (2).

(5) "Federal write-in absentee ballot" means the ballot described in section 103 of the federal "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff-2~~ 52 U.S.C. SEC. 20303.

SECTION 55. In Colorado Revised Statutes, 1-8.3-104, **amend** (1) and (2) as follows:

1-8.3-104. Role of secretary of state. (1) The secretary of state is the state official responsible for implementing this article and the state's responsibilities under the federal "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ.

(2) The secretary of state shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting ballots. The secretary of state may delegate the responsibility under this subsection (2) only to the state office designated in compliance with section 102 (b) (1) of the federal "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff-1 (b) (1)~~ 52 U.S.C. SEC. 20302 (b) (1).

SECTION 56. In Colorado Revised Statutes, 1-8.3-105, **amend** (1) as follows:

1-8.3-105. Effect of "Uniformed and Overseas Citizens Absentee Voting Act" - emergency authority of secretary of state. (1) In the event of any conflict between this article and any provisions of the federal "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ., the provisions of the federal act shall control, and all designated election officials who are charged with the performance of duties under this code shall perform the duties and discharge the obligations placed upon them by the federal act.

SECTION 57. In Colorado Revised Statutes, 1-8.3-110, **amend** (1) as follows:

1-8.3-110. Transmission of unvoted ballots. (1) For an election described in section 1-8.3-103 for which this state has not received a waiver pursuant to section 579 of the federal "Military and Overseas Voter Empowerment Act", ~~42 U.S.C. 1973ff-1 (g) (2)~~ 52 U.S.C. SEC. 20302 (g) (2), not later than forty-five days before the election, the election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid ballot application.

SECTION 58. In Colorado Revised Statutes, **amend** 1-8.3-114 as follows:

1-8.3-114. Declaration. A ballot shall include or be accompanied by the signed affirmation required by the federal "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff, et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ.

SECTION 59. In Colorado Revised Statutes, 1-9-101, **amend** (1) (b) (I), (1) (b) (III), and (3) as follows:

1-9-101. Challenge of illegal or fraudulent registration. (1) (b) In rendering a decision, the county clerk and recorder has the following options:

(I) If the county clerk and recorder finds sufficient evidence to support the allegations in the challenge, he or she shall cancel the registered elector's name from the ~~registration book~~ STATEWIDE VOTER REGISTRATION SYSTEM; or

(III) If the county clerk and recorder finds no evidence or insufficient evidence to support the allegations in the challenge, he or she shall deny the challenge to

cancel the registered elector's name from the ~~registration book~~ STATEWIDE VOTER REGISTRATION SYSTEM.

(3) The court shall hear the testimony and other evidence and investigate summarily and, within forty-eight hours after the close of the evidence, determine whether or not the charges are sustained. Only competent legal evidence ~~shall~~ MAY be received at the hearing or considered by the court, and no name registered in accordance with law shall be canceled from the ~~registration book~~ STATEWIDE VOTER REGISTRATION SYSTEM unless it is proven that the challenged person does not reside at the address provided by the person at the time of registration. No presumption ~~shall~~ MAY be made against any person whose registration is challenged merely because of the failure of that person to attend the hearing. The court ~~shall have~~ HAS the power to subpoena any person as a witness at the hearing and make any necessary investigation to ascertain the truth of any of the charges in the petition if the method of the investigation does not cause unnecessary delay or interfere with the final disposition of the cause within the time provided for in this section. The hearing on any petition ~~shall be~~ IS summary and final and ~~shall not be~~ IS NOT subject to delay. At the close of the hearing, the court shall announce the names in the petition as to which the charges have been sustained and shall direct the clerk of the court to certify forthwith to the county clerk and recorder the lists of names of those persons, with their addresses, arranged alphabetically and according to precinct. The county clerk and recorder, upon receipt of the list from the court, shall forthwith cancel those names from the ~~registration book~~ STATEWIDE VOTER REGISTRATION SYSTEM for the proper precinct with the notation that the names were canceled pursuant to court order, giving the date of the order. The decision of the court is final, and no appeal ~~shall lie~~ LIES to any other court; except that the supreme court, in the exercise of its discretion, may review any such proceedings in a summary way.

SECTION 60. In Colorado Revised Statutes, 1-10-101, **amend** (3) as follows:

1-10-101. Canvass board for partisan elections - appointment, fees, oaths.

(3) Prior to assuming their duties, the members of the canvass board shall swear or affirm the following: "I,, do solemnly swear (or affirm) that I am a registered elector in precinct, in the county of,; that I am a registered member of the party as shown on the ~~registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM; and that I will faithfully perform the duties required of a member of the county canvass board."

SECTION 61. In Colorado Revised Statutes, 1-10-105, **amend** (1) as follows:

1-10-105. Election results - certification by secretary of state. (1) After receiving the final abstracts of votes cast for all elections from the counties, including any recounts, the secretary of state shall prepare and certify ~~an~~ THE official statewide ~~abstract of votes cast~~ ELECTION RESULTS for all candidates, ballot issues, and ballot questions that the secretary of state certified for the ballot. For each contest, the ~~statewide abstract of votes cast shall~~ CERTIFIED ELECTION RESULTS MUST show the total number of votes received, with subtotals for each county in which the candidate was on the ballot, and the ballot wording for each ballot issue and ballot question.

SECTION 62. In Colorado Revised Statutes, **amend** 1-11-105 as follows:

1-11-105. Certificates of election for national, state, and district officers.

Immediately after the ~~final statewide abstract of votes cast has been prepared~~ RESULTS OF AN ELECTION HAVE BEEN CERTIFIED PURSUANT TO SECTION 1-10-105 (1), the secretary of state shall make and transmit a certificate of election, certified under the secretary of state's seal of office, to each of the persons declared to be elected to national, state, and district offices of state concern and shall record in a book to be kept for that purpose each such certification. If the secretary of state is unable to certify the candidate elected to a state or district office of state concern, no such certification of election ~~shall~~ MAY be transmitted by the secretary of state until the candidate elected has been determined.

SECTION 63. In Colorado Revised Statutes, 1-11-302, **amend** (1) introductory portion as follows:

1-11-302. Causes of special legislative election. (1) The state senate or the state house of representatives, acting by resolution, may call a special legislative election for a state senate or house of representatives district following ~~the 2000 general election and any general election thereafter~~ pursuant to this part 3 if:

SECTION 64. In Colorado Revised Statutes, **amend** 1-11-305 as follows:

1-11-305. Notice of special legislative election. The county clerk and recorder shall give notice of the special legislative election pursuant to ~~section 1-5-206~~ SECTION 1-5-205.

SECTION 65. In Colorado Revised Statutes, 1-12-114, **amend** (4) as follows:

1-12-114. Mail ballots - plan required - voter service and polling centers - number required - definition. (4) As used in this section, and for purposes of article XXI of the state constitution, "part of said general election" means the inclusion of the questions of both the recall of an incumbent and the election of the incumbent's successor on mail ballots that are sent by mail, available at voter service and polling centers, or otherwise delivered to an elector as permitted by law, from the date for holding the election through the last day of voting in a general election pursuant to section 1-4-201. Notwithstanding this definition, to maximize participation of voters covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ., all candidate races, ballot issues, and ballot questions that a covered voter is eligible to vote on ~~shall~~ MUST be included on the ballots required to be sent pursuant to that act, and recall-related ballot questions ~~shall~~ MUST be sent separately on ballots that adhere to the deadlines set forth in this section.

SECTION 66. In Colorado Revised Statutes, 1-12-203, **amend** (3) (a) as follows:

1-12-203. Vacancies in general assembly. (3) (a) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose and open to the public, shall select a person who possesses the constitutional qualifications for a member of the general assembly and who is

affiliated with the same political party or minor political party, if any, shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM as the former member whose seat is vacant. No meeting shall be held until a quorum is present consisting of not less than one-half of the voting membership of the vacancy committee. No member of the vacancy committee may vote by proxy. The committee shall certify the selection to the secretary of state within thirty days from the date the vacancy occurs; except that, in the case of a vacancy filled pursuant to section 1-4-1002 (2.5), the committee shall certify the selection within thirty days after the date of the general election affected by the vacancy. If the vacancy committee fails to certify a selection within thirty days in accordance with the provisions of this subsection (3), the governor, within five days, shall fill the vacancy by appointing a person having the qualifications set forth in this subsection (3). The name of the person selected or appointed ~~shall~~ MUST be certified to the secretary of state.

SECTION 67. In Colorado Revised Statutes, 1-12-206, **amend** (5) as follows:

1-12-206. Vacancies in the office of county commissioner. (5) Any person appointed to a vacancy in the office of county commissioner under this section ~~shall~~ MUST be a resident of the county and reside within the district, if any, in which the vacancy exists and ~~shall~~ MUST be a member of the same political party or minor political party, if any, shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM as the vacating commissioner. Any person appointed pursuant to this section ~~shall hold~~ HOLDS the office until the next general election or until the vacancy is filled by election according to law.

SECTION 68. In Colorado Revised Statutes, **amend** 1-13-203 as follows:

1-13-203. Procuring false registration. It is unlawful for any person to procure his or her own name, or the name of any other person, to be registered in the ~~registration book of~~ STATEWIDE VOTER REGISTRATION SYSTEM FOR a precinct in which such person is not, at the time of such registration, entitled to be registered or for any person to procure any fictitious name to be registered in the ~~registration book of any precinct~~ STATEWIDE VOTER REGISTRATION SYSTEM. Any person who violates ~~any of the provisions of~~ this section shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment. Each violation ~~shall be~~ IS considered a separate offense.

SECTION 69. In Colorado Revised Statutes, **amend** 1-13-302 as follows:

1-13-302. Fraudulent voting in precinct caucus, assembly, or convention. Any person who fraudulently participates and votes in a precinct caucus, assembly, or convention when he OR SHE is not a member of the political party holding ~~such~~ THE precinct caucus, assembly, or convention, as shown ~~on the registration books of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

SECTION 70. In Colorado Revised Statutes, **amend** 1-13-703 as follows:

1-13-703. Tampering with statewide voter registration system, registration list, or pollbook. (1) Any person who mutilates or erases any name, figure, or word in any ~~registration book~~, registration list or pollbook; or who removes ~~such registration book~~, A registration list or pollbook or any part thereof from the place where it has been deposited with an intention to destroy the same, or to procure or prevent the election of any person, or to prevent any voter from voting; or who destroys any ~~registration book~~, registration list or pollbook or part thereof is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

(2) ANY PERSON WHO KNOWINGLY ACCESSES WITHOUT AUTHORIZATION THE STATEWIDE VOTER REGISTRATION SYSTEM COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

SECTION 71. In Colorado Revised Statutes, **amend** 1-13-710 as follows:

1-13-710. Voting twice - penalty. (1) Any voter who votes more than once or, having voted once, offers to vote again IN THE STATE, OR, DURING A FEDERAL ELECTION, VOTES IN THIS STATE AND ANOTHER STATE, shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

(2) NOTHING IN THIS SECTION PROHIBITS A VOTER FROM VOTING IN A SPECIAL DISTRICT ELECTION AS A PROPERTY OWNER IN ACCORDANCE WITH ARTICLE 13.5 OF THIS TITLE OR PART 8 OF ARTICLE 1 OF TITLE 32, C.R.S.

SECTION 72. In Colorado Revised Statutes, **amend** 1-13-714 as follows:

1-13-714. Electioneering - removing and return of ballot - definition. (1) No person shall do any electioneering on the day of any election, OR DURING THE TIME WHEN VOTING IS PERMITTED FOR ANY ELECTION, within any polling location or in any public street or room or in any public manner within one hundred feet of any building in which a polling location is located, as publicly posted by the designated election official. As used in this section, the term "electioneering" includes campaigning for or against any candidate who is on the ballot or any ballot issue or ballot question that is on the ballot. "Electioneering" also includes soliciting signatures for a candidate petition, a recall petition, or a petition to place a ballot issue or ballot question on a subsequent ballot. "Electioneering" does not include a respectful display of the American flag.

(2) Except as necessary for ballot counting, no person may remove any official ballot from the polling location before the closing of the polls.

(3) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

SECTION 73. In Colorado Revised Statutes, 1-13.5-1105, **amend** (3), (4) (d), (4) (e) (II), and (5) (b) as follows:

1-13.5-1105. Procedures for conducting independent mail ballot election.

(3) Subsequent to the preparation of ballots, but prior to the mailing required under subsection (4) of this section, a designated election official shall provide a mail ballot to an eligible elector requesting the ballot at the office designated in the mail ballot plan. ~~filed with the secretary of state.~~

(4) (d) Not sooner than twenty-two days prior to election day, and until 7 p.m. on election day, mail ballots ~~shall~~ MUST be made available at the office designated in the mail ballot plan ~~filed with the secretary of state~~ for eligible electors who are not listed or who are listed as "Inactive" on the county voter registration records or, for special district independent mail ballot elections, not listed on the property owners list or the registration list but who are authorized to vote pursuant to section 1-13.5-202 or other applicable law.

(e) (II) A designated election official or election judge shall not transmit a mail ballot packet under this paragraph (e) unless a sworn statement requesting the ballot is received on or before election day. A ballot may be transmitted directly to the eligible elector requesting the ballot at the office designated in the mail ballot plan ~~filed with the secretary of state~~ or may be mailed to the eligible elector at the address provided in the sworn statement. Such ballots may be cast no later than 7 p.m. on election day.

(5) (b) The eligible elector may return the marked ballot to the designated election official by United States mail or by depositing the ballot at the office of the official or any place identified in the mail ballot plan by the designated election official. The ballot must be returned in the return envelope. If an eligible elector returns the ballot by mail, the elector must provide postage. The ballot ~~shall~~ MUST be received at the office identified in the mail ballot plan ~~filed with the secretary of state~~ or an identified depository, which ~~shall~~ MUST remain open until 7 p.m. on election day. The depository ~~shall~~ MUST be identified by the designated election official and located in a secure place under the supervision of the designated election official, an election judge, or another person named by the designated election official.

SECTION 74. In Colorado Revised Statutes, 24-72-305.6, **amend** (2) as follows:

24-72-305.6. County clerk and recorder access to criminal history records of election judges and employees - rules. (2) A county clerk and recorder may request, in his or her discretion, the criminal history records from the public website maintained by the Colorado bureau of investigation for an election judge serving in the county. THE SECRETARY OF STATE MAY, BY RULE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE, REQUIRE THAT CERTAIN DUTIES MAY BE PERFORMED ONLY BY THOSE ELECTION JUDGES FOR WHOM A COUNTY CLERK AND RECORDER HAS REQUESTED CRIMINAL HISTORY RECORDS PURSUANT TO THIS SUBSECTION (2). SUCH DUTIES MAY INCLUDE ACCESSING THE STATEWIDE VOTER REGISTRATION SYSTEM ESTABLISHED PURSUANT TO SECTION 1-2-301, C.R.S.

SECTION 75. In Colorado Revised Statutes, 30-35-904, **amend** (3) (b) as follows:

30-35-904. Formation of districts. (3) (b) At the top of each page of the petition ~~shall~~ MUST be printed, in plain red letters no smaller than the impression of

ten-point, bold-faced type, the following:

**WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign this petition with any name other than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when not a registered elector.

**DO NOT SIGN THIS PETITION UNLESS
YOU ARE A REGISTERED ELECTOR**

TO BE A REGISTERED ELECTOR, YOU MUST BE:

1. At least eighteen years of age.
2. A citizen of the United States.
3. A resident of the state of Colorado for at least ~~thirty-two~~ TWENTY-TWO days.
4. A resident of the precinct in which you live. ~~for at least thirty-two days.~~
5. Registered to vote in the county.

Do not sign this petition unless you have read or had read to you the proposal in its entirety and understand its meaning.

SECTION 76. In Colorado Revised Statutes, **amend** 31-10-306 as follows:

31-10-306. Write-in candidate affidavit. The governing body of a municipality may provide by ordinance that no write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk by the person whose name is written in prior to ~~twenty~~ SIXTY-FOUR days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

SECTION 77. In Colorado Revised Statutes, **amend** 31-10-507 as follows:

31-10-507. Election may be cancelled - when. In any ordinance adopted by the governing body of the municipality requiring an affidavit of intent for write-in candidates as provided in section 31-10-306, the governing body may also provide that, if the only matter before the voters is the election of persons to office and if, at the close of business on the ~~nineteenth~~ SIXTY-FOURTH day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the clerk, if instructed by resolution of the governing body either before or after such date, shall cancel the election and by resolution declare the candidates elected. If so provided by ordinance, upon such declaration the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the municipality, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

SECTION 78. In Colorado Revised Statutes, 31-25-501, **amend** (1.7) (a) as follows:

31-25-501. Definitions. As used in this part 5, unless the context otherwise requires:

(1.7) (a) "Elector of the district" means a person who, at the designated time or event, is registered to vote in the general election in this state and:

(I) Who ~~has been~~ is a resident of the district or the area to be included in the district; ~~for not less than thirty days;~~ or

(II) Who or whose spouse OR CIVIL UNION PARTNER owns taxable real or personal property within the district or the area to be included in the district whether or not said person resides within the district.

SECTION 79. In Colorado Revised Statutes, 32-1-806, **amend** (2) as follows:

32-1-806. Persons entitled to vote at special district elections. (2) Any person desiring to vote at any election as an eligible elector pursuant to section 32-1-103 (5) (a) (II) shall sign a self-affirmation that the person is an elector of the special district. The self-affirming oath or affirmation ~~shall~~ MUST be on a form that contains in substance the following:

"I, (printed name), who reside at (address), am an elector of this (name of special district) district and desire to vote at this election. I do solemnly swear (or affirm) that I am registered to vote in the state of Colorado and qualified to vote in this special district election as:

 A resident of the district or area to be included in the district; ~~for not less than thirty days;~~ or

 The owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district; or

 A person who is obligated to pay taxes under a contract to purchase taxable property in the special district or the area to be included within the special district; or

 The spouse OR CIVIL UNION PARTNER of (name of spouse OR CIVIL UNION PARTNER) who is the owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district.

I have not voted previously at this election.

Date _____
Signature of elector _____."

SECTION 80. In Colorado Revised Statutes, 37-45-103, **amend** (4) (a) (I) and (4) (a) (II) as follows:

37-45-103. Definitions. As used in this article, unless the context otherwise requires:

(4)(a) "Elector" means a person who, at the designated time or event, is qualified to vote in general elections in this state, and:

(I) Who ~~has been~~ is a resident of the district or the area to be included in the district; ~~for not less than thirty-two days;~~ or

(II) Who or whose spouse OR CIVIL UNION PARTNER owns taxable real or personal property within the district or the area to be included in the district.

SECTION 81. Repeal of provision being relocated in this act. In Colorado Revised Statutes, **repeal** 1-2-501 (1.5).

SECTION 82. In Colorado Revised Statutes, **repeal** 1-1-112, 1-5-206, 1-8.3-108 (1), and 1-13-204.

SECTION 83. In Colorado Revised Statutes, **add** 17-18-122 as follows:

17-18-122. Appropriation to comply with section 2-2-703 - S.B. 16-142 - repeal. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE BILL 16-142, ENACTED IN 2016:

(a) FOR THE 2017-18 STATE FISCAL YEAR, TWENTY-ONE THOUSAND EIGHT HUNDRED SIXTY-FOUR DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND; AND

(b) FOR THE 2018-19 STATE FISCAL YEAR, FIVE HUNDRED FORTY-SIX DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

SECTION 84. Applicability. This act applies to elections conducted on or after the effective date of this act.

SECTION 85. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 18, 2016