

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1058.01 Kate Meyer x4348

SENATE BILL 16-142

SENATE SPONSORSHIP

Scott,

HOUSE SPONSORSHIP

Ryden,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

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

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

The bill makes various technical changes to modernize, correct, and improve elections laws.

Statutory citations to the federal "National Voter Registration Act of 1993", "Help America Vote Act of 2002" (HAVA), "Voting Rights Act of 1965", "Uniformed and Overseas Citizens Absentee Voting Act" (UOCAVA), "Military and Overseas Voter Empowerment Act", and the "Voting Accessibility for the Elderly and Handicapped Act" are corrected to reflect recent relocations of those laws to a new title 52 of the United States Code (**sections 1, 2, 4, 5, 19, 20, 22, 24, 51, 53 to 58, and 65** of the bill).

To reflect modern elections administration, the term "registration book" is replaced with references to the statewide voter registration system, commonly referred to as SCORE (**sections 1, 3, 13, 16, 17, 18, 25 to 36, 44, 47, 59, 60, and 66 to 70**). As a result of these statutory amendments, additional adjustments are made to adapt the use of SCORE in cases where annexation results in a change of precinct boundaries (**section 17**) and to criminalize the unauthorized tampering with SCORE (**section 70**).

The term "identification" is amended to exclude state drivers' licenses issued to noncitizens (**section 1**).

Obsolete references to election commissions (**sections 2 and 82**) and passed deadlines (**sections 19, 43, 52, and 63**) are removed.

The HAVA complaint procedure, recently held to conflict with federal law with respect to standing, is aligned with the federal act (**section 6**).

Sections 7 and 81 effect relocation of a provision pertaining to additional identification that must be supplied by first-time voter registrants.

Similar to current law regarding the timeliness of voter registration, the time allotted to change or withdraw affiliation is extended to the next business day when the deadline falls on a weekend day or holiday (**sections 8 and 15**).

Duplicative and inconsistent provisions relating to voter registration timeliness, application information required, and affirmations made by persons registering to vote are addressed (**sections 8 to 12, 21, and 23**).

Current law requires voter registration records to be maintained until after the next general election. Under **section 18**, county clerks and recorders are authorized to destroy paper voter registration records after digitally storing them in SCORE. Section 18 also clarifies that such records are public and are subject to examination by any person, whereas current law limits such examination to electors.

Currently, the secretary of state is required to generate a

postelection list of voters to review potential instances of double voting. **Section 21** shifts this duty to county clerks and recorders, and requires county clerks and recorders to report to the appropriate district attorneys the names of persons who are suspected to have voted more than once.

Because modern technology renders it obsolete, **section 37** repeals the ability of counties to request a waiver from the requirement that their voter service and polling centers have secure computer access.

To accommodate electors not voting in person, **section 45** allows a designated election official to post write-in candidate names on the official website of the designated election official.

Section 46 deletes the requirement that the secretary of state publish notice of a random audit in a newspaper of general circulation.

With respect to mail ballot elections, **section 53**:

- ! Repeals provisions governed by the "Colorado Local Government Election Code";
- ! Removes redundant notice requirements;
- ! Allows counties to mail ballots prior to 22 days before an election; and
- ! Clarifies that certain provisions apply to all new registrants, rather than only new registrants who effected registration by mail.

Section 82 repeals obsolete or superfluous provisions pertaining to:

- ! The process of sending voter information cards;
- ! The provision through which every UOCAVA-covered voter may apply to receive a ballot; and
- ! The prohibition of adding elector names after the close of voter registration prior to an election.

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

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

4 **1-1-104. Definitions.** As used in this code, unless the context
5 otherwise requires:

6 (2.8) "Confirmation card" means a communication mailed from
7 a county clerk and recorder to an elector pursuant to section 1-2-302.5,
8 1-2-509, or 1-2-605, which card must:

9 (c) Comply with all relevant requirements of the federal "National

1 Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC.
2 20501 ET SEQ., as amended; and

3 (16.5) "Federally accredited laboratory" means a laboratory
4 certified under section 231 of the federal "Help America Vote Act of
5 2002", ~~Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq.~~, 52
6 U.S.C. 20901 ET SEQ., or any successor section.

7 (19.5) (a) "Identification" means:

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

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

16 (46.7) "STATEWIDE VOTER REGISTRATION SYSTEM" MEANS THE
17 CENTRALIZED STATEWIDE VOTER REGISTRATION SYSTEM, COMMONLY
18 REFERRED TO AS "SCORE", CREATED IN SECTION 1-2-301.

19 (51) "Watcher" means an eligible elector other than a candidate
20 on the ballot who has been selected by a political party chairperson on
21 behalf of the political party, by a party candidate at a primary election, by
22 an unaffiliated candidate at a general, congressional vacancy, or
23 nonpartisan election, or by a person designated by either the opponents or
24 the proponents in the case of a ballot issue or ballot question. If selected
25 by a political party chairperson, a party candidate, or an unaffiliated
26 candidate, the watcher ~~shall~~ MUST be affiliated with that political party or
27 unaffiliated as shown ~~on the registration books of the county clerk and~~

1 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM.

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

4 **1-1-107. Powers and duties of secretary of state - penalty.**

5 (1) In addition to any other duties prescribed by law, the secretary of
6 state has the following duties:

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

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

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

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

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

24 **1-1-109. Forms prescribed - rules.** (2) A registered elector shall
25 make elector registration information changes on an approved form, and
26 the elector registration information changes ~~shall~~ MUST be entered on the
27 elector's registration record and retained and stored in ~~a registration book~~,

1 ~~as provided for in section 1-1-104 (36)~~ THE STATEWIDE VOTER
2 REGISTRATION SYSTEM.

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

5 **1-1-301. Certification program.** (1) The secretary of state shall
6 establish and operate or provide by contract a certification program for
7 local election officials on the conduct of elections, the federal "Help
8 America Vote Act of 2002", ~~Pub.L. 107-252, codified at 42 U.S.C. sec.~~
9 ~~15301 et seq.~~ 52 U.S.C. 20901 ET SEQ., and other topics related to
10 elections.

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

13 **1-1.5-102. Definitions.** As used in this article, unless the context
14 otherwise requires:

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

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

20 **1-1.5-105. Complaint procedure.** (2) Any rules promulgated
21 pursuant to subsection (1) of this section ~~shall~~ MUST provide for, but need
22 not be limited to, the following:

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

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

3 **1-2-201. Registration required - deadlines - additional**
4 **identifying information to be provided by first-time registrants.**

5 (5) [Formerly 1-2-501 (1.5)] An elector who submits a voter registration
6 form ~~by mail~~ and has not previously voted ~~in the county or~~ in the state
7 shall:

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

11 (b) Submit a copy of identification as defined in section 1-1-104
12 (19.5) with the elector's mail ballot in accordance with section 1-7.5-107
13 (3.5).

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

16 **1-2-202.5. Online voter registration - online changes in elector**
17 **information.** (3) The electronic voter registration form must include:

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

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

23 (7) (c) (II) A change or withdrawal of affiliation made in
24 accordance with this section applies to an election if the elector completes
25 the electronic form no later than twenty-nine days before the election;
26 EXCEPT THAT, IF THE TWENTY-NINTH DAY BEFORE AN ELECTION IS A
27 SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE CHANGE OR WITHDRAWAL

1 APPLIES IF MADE BY THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY,
2 OR LEGAL HOLIDAY.

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

5 **1-2-203. Registration on Indian reservations.** The secretary or
6 secretary's designee of any tribal council of an Indian tribe located on a
7 federal reservation ~~which~~ THAT has no municipality contained within the
8 reservation ~~shall serve~~ SERVES as a deputy registrar only for registration
9 purposes for the county in which the reservation is located. The secretary
10 of the tribal council or the secretary's designee shall take registrations
11 only in the tribal council headquarters. The secretary of the tribal council
12 or the secretary's designee shall register any eligible elector residing in
13 any precinct in the county who appears in person in the office of the
14 secretary of the tribal council at any time during which registration is
15 permitted in the office of the county clerk and recorder. The secretary of
16 the tribal council shall forward the registration records to the county clerk
17 and recorder, either in person or by certified mail, on or before the
18 fifteenth day of each month; except that, WITHIN TWENTY-TWO DAYS
19 BEFORE AN ELECTION, the secretary of the tribal council shall appear in
20 person OR TRANSMIT DAILY to deliver any registration records to the
21 county clerk and recorder. ~~on the day following the last day that~~
22 ~~registration is permitted preceding any election for which registration is~~
23 ~~required.~~ WITHIN EIGHT DAYS BEFORE AN ELECTION, THE SECRETARY OF
24 THE TRIBAL COUNCIL SHALL ACCEPT AN APPLICATION AND INFORM THE
25 APPLICANT THAT HE OR SHE MUST GO TO A VOTER SERVICE AND POLLING
26 CENTER IN ORDER TO VOTE IN THAT ELECTION.

27 **SECTION 10.** In Colorado Revised Statutes, 1-2-204, **amend** (2)

1 introductory portion and (2) (d); **repeal** (1); and **add** (4.5) as follows:

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

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

8 (b) ~~Whether the elector is aware that, if the elector is a resident of~~
9 ~~this state for voting purposes, the elector is also a resident of this state for~~
10 ~~motor vehicle registration and operation purposes and for income tax~~
11 ~~purposes;~~

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

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

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

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

21 (4.5) THIS SECTION DOES NOT APPLY TO A COVERED VOTER, AS
22 DEFINED IN SECTION 1-8.3-103, WHO IS REGISTERING TO VOTE PURSUANT
23 TO SECTION 1-8.3-107.

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

26 **1-2-213. Registration at driver's license examination facilities.**

27 (1) The department of revenue, through its local driver's license

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

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

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

25 (5) The department of revenue and the secretary of state shall
26 jointly develop an application form OR PROCESS, and a change of name
27 and address form ~~which shall allow~~ OR PROCESS, THAT ALLOWS an

1 applicant wishing to register to vote to do so ~~by the use of a single form~~
2 ~~containing the necessary information required by this part 2 and the~~
3 ~~information required for the issuance, renewal, or correction of the~~
4 ~~driver's license or identification card. The~~ WITHOUT DUPLICATING ANY
5 INFORMATION REQUIRED FOR THE ISSUANCE, RENEWAL, OR CORRECTION
6 OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD. ANY SUCH forms ~~shall~~
7 MUST be furnished to the local driver's license examination facilities by
8 the department of revenue.

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

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

23 **1-2-217.7. Registration on or immediately prior to election day**
24 **- locations - rules - legislative declaration.** (4) **Registration at voter**
25 **service and polling centers.** (a) An elector may register and vote prior
26 to an election or on election day if the elector:

27 (II) Completes and signs a voter registration application in the

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

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

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

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

12 **1-2-218. Change of name.** (1) Any eligible elector who has been
13 registered in the county and who subsequently has had a name change by
14 any legal means may have his or her name changed ~~on the registration~~
15 ~~book~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM by:

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

18 **1-2-218.5. Declaration of affiliation.** (2) Any eligible elector
19 who has not declared an affiliation with a political party or political
20 organization ~~shall~~ MUST be designated on the registration records of the
21 county clerk and recorder as "unaffiliated". Any unaffiliated eligible
22 elector may declare a political party affiliation when the elector desires
23 to vote at a primary election ~~as provided in section 1-7-201 (2)~~; or the
24 elector may declare his or her political party or political organization
25 affiliation at any other time during which electors are permitted to
26 register. ~~by submitting a letter or a form furnished by the county clerk and~~
27 ~~recorder, either by mail or in person.~~

1 **SECTION 15.** In Colorado Revised Statutes, 1-2-219, **amend** (1)
2 as follows:

3 **1-2-219. Changing or withdrawing declaration of affiliation.**

4 (1) Any eligible elector desiring to change or withdraw the elector's
5 affiliation may do so by completing and signing a prescribed request for
6 the change or withdrawal and filing it with the county clerk and recorder
7 or by submitting a personal letter written by the elector to the county clerk
8 and recorder at any time up to and including the twenty-ninth day
9 preceding an election; EXCEPT THAT, IF THE TWENTY-NINTH DAY BEFORE
10 AN ELECTION IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE CHANGE
11 OR WITHDRAWAL APPLIES IF MADE BY THE NEXT DAY THAT IS NOT A
12 SATURDAY, SUNDAY, OR LEGAL HOLIDAY. The prescribed form or
13 personal letter for the change ~~shall~~ MUST include the elector's printed
14 name, address within the county, birth date, social security number, if the
15 elector wishes to state it, and signature, the date, the elector's previous
16 affiliation status, and the requested change in affiliation status. A
17 prescribed form ~~shall~~ MUST be furnished by the county clerk and recorder
18 upon the elector's oral or written request. Upon receiving the request, the
19 county clerk and recorder shall change the elector's affiliation on ~~the~~ HIS
20 OR HER registration record. If the affiliation is withdrawn, the designation
21 on the ELECTOR'S registration record ~~shall~~ MUST be changed to
22 "unaffiliated". If an elector changes affiliation, the elector is entitled to
23 vote, at any primary election, only the ballot of the political party to
24 which the elector is currently affiliated. A change or withdrawal of
25 affiliation may not be made by anyone other than the elector.

26 **SECTION 16.** In Colorado Revised Statutes, 1-2-222, **amend** (1)
27 and (4) as follows:

1 and that my correct party affiliation should be instead of
2 and request that the party affiliation be corrected ~~on the~~
3 ~~registration book~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM. My
4 correct affiliation was made on or before (date) at
5 (place).

6 Dated

7 Signed

8 Subscribed and sworn to before me this day of,
9 20....

10

11 Election Judge or County Clerk

12 Precinct

13 County

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

16 **1-2-223. Names transferred when precinct boundaries**
17 **changed.** (2) In case any change is made in precinct boundaries as a
18 result of annexation affecting county boundaries, the county clerk and
19 recorder of the ANNEXING county ~~from which the annexed territory was~~
20 ~~detached~~ shall ~~remove from the registration book~~ UPDATE IN THE
21 STATEWIDE VOTER REGISTRATION SYSTEM the registration records of all
22 electors residing in the annexed territory as soon as practicable. ~~The~~
23 ~~county clerk and recorder shall transfer, as soon as practicable, through~~
24 ~~the statewide voter registration system, created pursuant to section~~
25 ~~1-2-301, the registration records to the county clerk and recorder of the~~
26 ~~county to which the territory was annexed, who shall insert them in the~~
27 ~~registration book of the appropriate precinct upon receipt.~~ The

1 registrations ~~shall be~~ ARE considered as continuing registrations with all
2 the registered electors involved having full rights and privileges as if no
3 change in county boundaries had occurred.

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

6 **1-2-227. Custody and preservation of records.**

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

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

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

23 **1-2-301. Centralized statewide registration system - secretary**
24 **of state to maintain computerized statewide voter registration list -**
25 **county computer records - agreement to match information.** (1) ~~No~~
26 ~~later than January 1, 2006,~~ The secretary of state shall implement, in a
27 uniform and nondiscriminatory manner, a single, uniform, official,

1 centralized, interactive, computerized statewide voter registration system
2 defined, maintained, and administered at the state level, which system
3 shall contain a computerized statewide voter registration list maintained
4 by the secretary of state that contains the name and registration
5 information of every legally registered voter in the state and that assigns
6 a unique identifier to each legally registered voter. The single, uniform,
7 official, centralized, interactive, computerized statewide voter registration
8 system required by this subsection (1) ~~shall be~~ IS referred to in this part
9 3 as the "centralized statewide registration system". ~~The centralized~~
10 ~~statewide registration system shall replace the voter registration and~~
11 ~~election management that was required to be developed or acquired prior~~
12 ~~to May 22, 2003. On or before January 1, 2006,~~ The centralized statewide
13 registration system and the computerized statewide voter registration list
14 ~~shall~~ MUST be fully compliant with all applicable requirements specified
15 in section 303 of the federal "Help America Vote Act of 2002", ~~Pub.L.~~
16 ~~107-252, codified at 42 U.S.C. sec. 15301 et seq. 52 U.S.C. 20901 ET SEQ.~~

17 **SECTION 20.** In Colorado Revised Statutes, 1-2-302, **amend**
18 (6.7) as follows:

19 **1-2-302. Maintenance of computerized statewide voter**
20 **registration list - confidentiality.** (6.7) In accordance with the
21 requirements of section 42-1-211 (1.5) (c), C.R.S., the department of
22 revenue shall enter into an agreement with the federal commissioner of
23 social security for the purpose of verifying applicable information in
24 accordance with the requirements of section 303 (a) (5) (B) (ii) of the
25 federal "Help America Vote Act of 2002", ~~Pub.L. 107-252, codified at 42~~
26 ~~U.S.C. sec. 15301 et seq. 52 U.S.C. 20901 ET SEQ.~~

27 **SECTION 21.** In Colorado Revised Statutes, 1-2-305, **amend** (1)

1 and (2) as follows:

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

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

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

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

18 **1-2-502. Form for agency registration.** (2) All agencies
19 providing an opportunity to complete the voter registration forms shall
20 keep copies of all records relating to the completion of the forms for two
21 years. The forms shall not be considered public records but ~~shall be~~ ARE
22 available to the secretary of state for purposes of compiling data in
23 compliance with the federal "National Voter Registration Act of 1993",
24 ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC. 20501 ET SEQ.

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

27 **1-2-507. Transmittal of voter registration applications - when.**

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

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

10 **1-2-510. Public disclosure of voter registration activities.**

11 (3) The secretary of state ~~shall~~ IS also ~~be~~ responsible for filing any
12 reports or information concerning the implementation of the federal
13 "National Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52
14 U.S.C. SEC. 20501 ET SEQ., with the federal election commission as may
15 be required.

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

18 **1-3-101. Party affiliation required - residence.** (1) In order to
19 vote at any precinct caucus, assembly, or convention of a political party,
20 the elector ~~shall~~ MUST be a resident of the precinct for thirty days, ~~shall~~
21 ~~have~~ MUST BE registered to vote no later than twenty-nine days before the
22 caucus, assembly, or convention, and ~~shall~~ MUST be affiliated with the
23 political party holding the caucus, assembly, or convention for at least
24 two months as shown ~~on the registration books of the county clerk and~~
25 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM; except that any
26 registered elector who has attained the age of eighteen years or who has
27 become a naturalized citizen during the two months immediately

1 preceding the meeting may vote at any caucus, assembly, or convention
2 even though the elector has been affiliated with the political party for less
3 than two months.

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

6 **1-3-102. Precinct caucuses.** (2) (a) The participants at the
7 precinct caucus shall also elect two precinct committeepersons. Any
8 person eighteen years of age or older may be a candidate for the office of
9 precinct committeeperson if he or she has been a resident of the precinct
10 for thirty days and has been affiliated with the political party holding the
11 precinct caucus for a period of at least two months preceding the date of
12 the precinct caucus; except that any person who has attained the age of
13 eighteen years or who has become a naturalized citizen during the two
14 months immediately preceding the precinct caucus may be a candidate for
15 the office of precinct committeeperson even though he or she has been
16 affiliated with the political party for less than two months as shown ~~on the~~
17 ~~registration book of the county clerk and recorder~~ IN THE STATEWIDE
18 VOTER REGISTRATION SYSTEM. The two people receiving the highest
19 number of votes at the caucus for precinct committeeperson ~~shall be~~ ARE
20 elected as the precinct committeepersons of the precinct. If two or more
21 candidates for precinct committeeperson receive an equal and the second
22 highest number of votes, or if three or more candidates receive an equal
23 and the highest number of votes, the election ~~shall~~ MUST be determined
24 by lot by those candidates. All disputes regarding the election of precinct
25 committeepersons ~~shall be~~ ARE determined by the credentials committees
26 of the respective party assemblies. The names of the committeepersons
27 elected ~~shall~~ MUST be certified to the county assembly of the political

1 party by the officers of the caucus. The county assembly shall ratify the
2 list of committeepersons. The presiding officer and secretary of the
3 county assembly shall file a certified list of the names and addresses, by
4 precinct, of those persons elected as precinct committeepersons with the
5 county clerk and recorder within four days after the date of the county
6 assembly.

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

9 **1-4-402. Nominations of political party candidates.**

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

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

17 **1-4-601. Designation of candidates for primary election.**

18 (2) An assembly ~~shall~~ MUST take no more than two ballots for party
19 candidates for each office to be filled at the next general election. Every
20 candidate receiving thirty percent or more of the votes of all duly
21 accredited assembly delegates who are present and voting on that office
22 ~~shall~~ MUST be certified by affidavit of the presiding officer and secretary
23 of the assembly. If no candidate receives thirty percent or more of the
24 votes of all duly accredited assembly delegates who are present and
25 voting, a second ballot ~~shall~~ MUST be cast on all the candidates for that
26 office. If on the second ballot no candidate receives thirty percent or more
27 of the votes cast, the two candidates receiving the highest number of

1 votes ~~shall~~ MUST be certified as candidates for that office by the assembly.
2 The certificate of designation by assembly ~~shall~~ MUST state the name of
3 the office for which each person is a candidate and the candidate's name
4 and address, ~~shall~~ MUST designate in not more than three words the name
5 of the political party which the candidate represents, and ~~shall~~ MUST
6 certify that the candidate has been a member of the political party for the
7 period of time required by party rule or by subsection (4) of this section
8 if the party has no such rule. The candidate's affiliation, as shown ~~on the~~
9 ~~registration books of the county clerk and recorder~~ IN THE STATEWIDE
10 VOTER REGISTRATION SYSTEM, is prima facie evidence of political party
11 membership. The certificate of designation ~~shall~~ MUST indicate the order
12 of the vote received at the assembly by candidates for each office, but no
13 assembly shall declare that any one candidate has received the nomination
14 of the assembly. The certificate of designation ~~shall~~ MUST be filed in
15 accordance with section 1-4-604. If two or more candidates receiving
16 designation under ~~the provisions of~~ this subsection (2) have received an
17 equal number of votes, the order of certification of designation ~~shall be~~
18 IS determined by lot by the candidates. The assembly shall select a
19 vacancy committee for vacancies in designation or nomination only.

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

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

1 as follows:

2 **1-4-602. Delegates to party assemblies.** (5) As used in this
3 section, "delegate" means a person who is a registered elector, has been
4 a resident of the precinct for thirty days prior to the caucus, and has been
5 affiliated with the political party holding the caucus for at least two
6 months, as shown ~~on the registration books of the county clerk and~~
7 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM; except that any
8 registered elector who has attained the age of eighteen years during the
9 two months immediately preceding the caucus or any registered elector
10 who has become a naturalized citizen during the two months immediately
11 preceding the caucus may be a delegate even though the elector has been
12 affiliated with the political party for less than two months as shown ~~on the~~
13 ~~registration books of the county clerk and recorder~~ IN THE STATEWIDE
14 VOTER REGISTRATION SYSTEM. A delegate who moves from the precinct
15 where registered during the twenty-nine days prior to any caucus ~~shall~~
16 ~~become~~ IS ineligible to serve as a delegate from that precinct.

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

19 **1-4-801. Designation of party candidates by petition.** (3) No
20 person shall be placed in nomination by petition on behalf of any political
21 party unless the person was affiliated with the political party, as shown ~~on~~
22 ~~the registration books of the county clerk and recorder~~ IN THE STATEWIDE
23 VOTER REGISTRATION SYSTEM, no later than the first business day of the
24 January immediately preceding the election for which the person desires
25 to be placed in nomination.

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

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

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

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

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

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

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

12 **1-4-905. Circulators.** (1) No person shall circulate a petition to
13 nominate a candidate unless the person is a resident of the state, a citizen
14 of the United States, at least eighteen years of age, and, for partisan
15 candidates, registered to vote and affiliated with the political party
16 mentioned in the petition at the time the petition is circulated, as shown
17 ~~by the registration books of the county clerk and recorder~~ IN THE
18 STATEWIDE VOTER REGISTRATION SYSTEM.

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

21 **1-4-1002. Vacancies in designation or nomination.** (9) (b) The
22 vacancy committee, by a majority vote of its members present and voting
23 at a meeting called for that purpose, shall select a person who meets all
24 of the requirements of candidacy as of the date of the primary election
25 and who is affiliated with the same political party or minor political party,
26 if any, shown ~~on the registration books of the county clerk and recorder~~
27 IN THE STATEWIDE VOTER REGISTRATION SYSTEM as the candidate whose

1 declination, death, disqualification, resignation, or withdrawal caused the
2 vacancy. No meeting shall be held until a quorum is present consisting of
3 not less than one-half of the voting membership of the vacancy
4 committee. No member of the vacancy committee may vote by proxy. The
5 committee shall certify the selection to the secretary of state within seven
6 days from the date the vacancy occurs. If the vacancy committee fails to
7 certify a selection within seven days, the state chair of the same political
8 party or minor political party as the candidate whose declination, death,
9 disqualification, resignation, or withdrawal caused the vacancy, within
10 seven days, shall fill the vacancy by appointing a person having the
11 qualifications set forth in this subsection (9). The name of the person
12 selected or appointed by the state chair ~~shall~~ MUST be certified to the
13 secretary of state. The vacancy ~~shall be~~ IS filled until the next general
14 election after the vacancy occurs, when the vacancy ~~shall be~~ IS filled by
15 election.

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

18 **1-4-1304. Nomination of candidates.** (2) Nominations by a
19 minor political party, to be valid, ~~shall~~ MUST be made in accordance with
20 the party's constitution or bylaws. No nomination under this section ~~shall~~
21 ~~be~~ IS valid for any general election ~~held after January 1, 1999~~, unless the
22 nominee:

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

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

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

19 **1-4-1305. Disqualification of minor political party.** (3) Upon
20 notification of disqualification of a minor political party, each registered
21 elector that is affiliated with such minor political party shall MUST be
22 designated ~~on the registration books of the county clerk and recorder~~ IN
23 THE STATEWIDE VOTER REGISTRATION SYSTEM as "unaffiliated".

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

26 **1-5-102.9. Voter service and polling centers - number required**
27 **- services provided - drop-off locations - repeal.** (3) Each voter service

1 and polling center must provide:

2 (f) Secure computer access; ~~except that a county described in~~
3 ~~subparagraphs (II) and (III) of paragraph (a) of subsection (1) of this~~
4 ~~section may seek a waiver of this requirement upon demonstrating~~
5 ~~hardship and securing approval of a plan to access the statewide voter~~
6 ~~database and conduct real-time verification of voter eligibility via~~
7 ~~telephone or other means;~~

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

10 **1-5-205. Published and posted notice of election - content.**

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

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

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

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

25 **1-5-208. Election may be canceled - when.** (6) The governing
26 body shall provide notice by publication of the cancellation of the
27 election. A copy of the notice ~~shall~~ **MUST** be posted at each ~~polling~~

1 ~~location~~ VOTER SERVICE AND POLLING CENTER of the political subdivision,
2 in the office of the designated election official, and in the office of the
3 clerk and recorder for each county in which the political subdivision is
4 located and, for special districts, a copy of the notice ~~shall~~ MUST be filed
5 in the office of the division of local government. The governing body
6 shall also notify the candidates that the election was canceled and that
7 they were elected by acclamation.

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

10 **1-5-302. Computer lists may be used in lieu of original**
11 **registration records.** For the purposes of all elections, the county clerk
12 and recorder may substitute and supply computer lists of registered
13 electors within the political subdivision for the original registration
14 record. Following a primary, general, or congressional vacancy election,
15 the county clerk and recorder shall record the date of election and, if a
16 primary election, the party ballot received on the registered elector's
17 original registration record. ~~retained and stored as provided in section~~
18 ~~1-1-104 (36).~~

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

21 **1-5-413. Sample ballots.** Sample ballots ~~shall~~ MUST be printed in
22 the form of official ballots, but ~~upon paper of a different color from the~~
23 ~~official ballots~~ MUST BE CLEARLY MARKED AS "SAMPLE BALLOT".
24 Sample ballots ~~shall~~ MUST be delivered to the election judges and posted
25 with the cards of instruction provided for in section 1-5-504. All sample
26 ballots are subject to public inspection.

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

1 follows:

2 **1-5-506. Election expenses in nonpartisan elections.** The cost
3 of conducting a nonpartisan election, including the cost of printing
4 ~~mailing voter information cards pursuant to section 1-5-206,~~ and supplies,
5 ~~shall~~ MUST be paid by the governing body calling the election.

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

8 **1-5-613. Purchase and sale of voting equipment.** (2) ~~On and~~
9 ~~after May 28, 2004,~~ The governing body or designated election official
10 of a political subdivision may purchase a voting system only if the voting
11 system has been certified for use in this state by the secretary of state in
12 accordance with this part 6.

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

15 **1-6-114. Oath of judges.** (1) Before beginning the duties of an
16 election judge, each person appointed as an election judge ~~shall~~ MUST
17 take a self-affirming oath or affirmation in substantially the following
18 form:

19 I,, do solemnly swear (or affirm) that I
20 am a citizen of the United States and the state of Colorado;
21 that I am an eligible elector who resides in the county of
22 or within the political subdivision; that I
23 am a member of the party (or that I am
24 unaffiliated with a political party) as shown ~~on the~~
25 ~~registration books of the county clerk and recorder~~ IN THE
26 STATEWIDE VOTER REGISTRATION SYSTEM; that I will
27 perform the duties of judge according to law and the best

1 of my ability; that I will studiously strive to prevent fraud,
2 deceit, and abuse in conducting the same; that I will not try
3 to determine how any elector voted, nor will I disclose how
4 any elector voted if in the discharge of my duties as judge
5 such knowledge ~~shall come~~ COMES to me, unless called
6 upon to disclose the same before some court of justice; that
7 I have never been convicted of election fraud, any other
8 election offense, or fraud and that, if any ballots are
9 counted before the polls close on the date of the election,
10 I will not disclose the result of the votes until after the polls
11 have closed and the results are formally announced by the
12 designated election official.

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

15 **1-7-114. Write-in votes.** (4) (c) A DESIGNATED ELECTION
16 OFFICIAL MAY POST THE LIST OF ELIGIBLE WRITE-IN CANDIDATES ON THE
17 OFFICIAL WEBSITE OF THE DESIGNATED ELECTION OFFICIAL.

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

20 **1-7-514. Random audit.** (3) The secretary of state shall post the
21 reports of any completed audit or investigation received pursuant to
22 paragraph (c) of subsection (2) of this section on the official website of
23 the department of state not later than five business days after receiving the
24 results of the completed audit or investigation. The clerk and recorder of
25 the affected county may timely post the results of the completed audit or
26 investigation on the official website of the county. ~~The secretary shall~~
27 ~~publish once in a newspaper of general circulation throughout the state~~

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

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

5 **1-7-701. Delivery of election returns, ballot boxes, and other**
6 **election papers.** When all the votes have been read and counted, the
7 election judges selected in accordance with section 1-6-109.5 shall deliver
8 to the designated election official the certificate and statement required
9 by section 1-7-601, ballot boxes and all keys to the boxes, paper tapes,
10 "proms" or other electronic devices, the registration ~~book~~ RECORDS,
11 pollbooks, accounting forms, spoiled ballots, unused ballots, ballot stubs,
12 oaths, affidavits, and other election papers and supplies. The delivery
13 ~~shall~~ MUST be made at once and with all convenient speed, and
14 informality in the delivery ~~shall~~ DOES not invalidate the vote of any
15 precinct when delivery has been made previous to the completion of the
16 official abstract of the votes by the board of canvassers. The designated
17 election official shall give a receipt for all items delivered.

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

20 **1-7-905. Preparation of notices.** (1) For ~~November~~
21 COORDINATED elections, the county clerk and recorder ~~shall be~~ IS
22 responsible for placing the ballot issue notices received from the various
23 political subdivisions participating in the election in the proper order in
24 the ballot issue notice packet. As nearly as practicable, the notice ~~shall~~
25 MUST be in the order the ballot issues will appear on the ballot. The ballot
26 issue notice ~~shall~~ MUST be followed by a certification by the county clerk
27 and recorder that the ballot issue notices are complete as submitted by the

1 political subdivisions. No additional information ~~shall~~ MAY be included
2 as part of the ballot issue notice except as may be required by law. A
3 general disclaimer may precede or follow the ballot issue notice which
4 ~~may state~~ STATES: "The information contained in this notice was prepared
5 by persons required by law to provide summaries of ballot issues and
6 fiscal information."

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

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

16 **1-7-905.5. Form of notice.** (1) The ballot issue notice must begin
17 with the words "All registered voters", regardless of whether the electors
18 of the political subdivision must be registered electors to be eligible to
19 vote in the election, and ends at the conclusion of the summary of
20 comments. Any ~~information included pursuant to section 1-5-206,~~
21 information concerning procedure for an election or other information
22 included with the ballot issue notice prior to the words "All registered
23 voters" or after the conclusion of the summary of comments are not
24 deemed to be part of the ballot issue notice.

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

27 **1-7-906. Mailing of notices.** (1) For ~~November~~ COORDINATED

1 elections, the county clerk and recorder as coordinated election official
2 shall mail the ballot issue notice packet to each address of one or more
3 active registered electors who reside in the county or portions of the
4 county in which registered voters of those districts submitting ballot
5 issues reside.

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

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

12 **1-7-1003. Conduct of elections using ranked voting methods**
13 **- instant runoff voting - choice voting or proportional voting -**
14 **reports.** (5) (b) A local government that conducts an election using a
15 ranked voting method shall conduct a voter education and outreach
16 campaign to familiarize electors with ranked voting in English and in
17 every language in which a ballot is required to be made available pursuant
18 to this code and the federal "Voting Rights Act of 1965", ~~42 U.S.C. sec.~~
19 ~~1973aa-1a~~ 52 U.S.C. SEC. 10101 ET SEQ.

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

22 **1-7.5-104. Mail ballot elections - applicability - optional for**
23 **political subdivisions other than a county.** For all general, primary,
24 odd-year, coordinated, recall, and congressional vacancy elections,
25 ~~conducted on or after July 1, 2013, and for any election in which the~~
26 ~~governing board of a political subdivision other than a county determines~~
27 ~~that an election shall be by mail ballot, the county clerk and recorder or~~

1 ~~designated election official for the political subdivision, as applicable,~~
2 ~~shall conduct the election by mail ballot under the supervision of, and~~
3 ~~subject to rules promulgated in accordance with article 4 of title 24,~~
4 ~~C.R.S., by, the secretary of state.~~

5 **SECTION 53.** In Colorado Revised Statutes, 1-7.5-107, **amend**
6 (3) (a), (3) (d), (3.5) (a), (3.5) (f) introductory portion, (3.5) (f) (I), and
7 (3.5) (f) (II); and **repeal** (2), (2.5), and (3) (c) as follows:

8 **1-7.5-107. Procedures for conducting mail ballot election -**
9 **primary elections - first-time voters casting a mail ballot after having**
10 **registered by mail to vote - in-person request for ballot - repeal.**

11 ~~(2) (a) For a municipal mail ballot election that is not coordinated with~~
12 ~~the county clerk and recorder, no later than thirty days prior to election~~
13 ~~day, the county clerk and recorder shall submit to the designated election~~
14 ~~official of the municipality conducting the mail ballot election a full and~~
15 ~~complete preliminary list of registered electors. For a special district mail~~
16 ~~ballot election that is not coordinated with the county clerk and recorder,~~
17 ~~the county clerk and recorder and county assessor of each county in which~~
18 ~~a special district is located shall certify and submit to the designated~~
19 ~~election official a list of property owners and a list of registered electors~~
20 ~~residing within the affected district.~~

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

27 ~~(c) All lists of registered electors and lists of property owners~~

1 provided to a designated election official under this section shall include
2 the last mailing address of each elector.

3 (2.5) (a) (I) ~~No later than twenty days before a general, primary,~~
4 ~~or other mail ballot election, the county clerk and recorder or designated~~
5 ~~election official shall provide notice by publication of a mail ballot~~
6 ~~election conducted pursuant to the provisions of this article, which notice~~
7 ~~shall state, as applicable for the particular election for which the notice is~~
8 ~~provided, the items set forth in section 1-5-205 (1) (a) to (1) (c):~~

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

14 (b) ~~The notice required to be given by this subsection (2.5) shall~~
15 ~~be in lieu of the notice requirements set forth in sections 1-5-205 (1) and~~
16 ~~31-10-501 (1), C.R.S., as applicable for the particular election for which~~
17 ~~such notice is required.~~

18 (3) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
19 PARAGRAPH (a), not sooner than twenty-two days before a general,
20 primary, or other mail ballot election, and no later than eighteen days
21 before the election, ~~except as provided in subparagraph (II) of this~~
22 ~~paragraph (a),~~ the county clerk and recorder or designated election
23 official shall mail to each active ~~registered~~ ELIGIBLE elector, at the last
24 mailing address appearing in the registration records and in accordance
25 with United States postal service regulations, a mail ballot packet, which
26 ~~shall~~ MUST be marked "DO NOT FORWARD. ADDRESS
27 CORRECTION REQUESTED.", or any other similar statement that is in

1 accordance with United States postal service regulations. Nothing in this
2 subsection (3) affects any provision of this code governing the delivery
3 of mail ballots to an absent uniformed services elector, nonresident
4 overseas elector, or resident overseas elector covered by the federal
5 "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec.~~
6 ~~1973ff et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ.

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

16 (c) ~~For a special district mail ballot election, no sooner than~~
17 ~~twenty-two days prior to election day, and until 7 p.m. on election day,~~
18 ~~mail ballots shall be made available at the designated election official's~~
19 ~~office, or the office designated in the mail ballot plan filed with the~~
20 ~~secretary of state, for eligible electors who are not listed on the list of~~
21 ~~property owners or the registration list but who are authorized to vote~~
22 ~~pursuant to section 32-1-806, C.R.S., or other applicable law.~~

23 (d) An eligible elector may obtain a replacement ballot if the
24 ballot was destroyed, spoiled, lost, or for some other reason not received
25 by the eligible elector. An eligible elector may obtain a ballot if a mail
26 ballot packet was not sent to the elector because the eligibility of the
27 elector could not be determined at the time the mail ballot packets were

1 mailed. The designated election official shall keep a record of each ballot
2 issued in accordance with this paragraph (d). ~~together with a list of each~~
3 ~~ballot obtained pursuant to paragraph (c) of this subsection (3).~~

4 (3.5) (a) Unless otherwise provided by ~~section 1-2-501 (1.5)~~
5 SECTION 1-2-201 (5), the requirements of this subsection (3.5) ~~shall~~ apply
6 to a person who registered to vote ~~by mail~~ in accordance with ~~part 5 of~~
7 article 2 of this title and who

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

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

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

16 (I) Entitled to vote by absentee ballot under the federal
17 "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec.~~
18 ~~1973ff et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ.;

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

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

25 **1-8.3-102. Definitions.** In this article:

26 (4) "Federal postcard application" means the application
27 prescribed under section 101 (b) (2) of the federal "Uniformed and

1 Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff(b)(2)~~ 52
2 U.S.C. SEC. 20301 (b) (2).

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

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

8 **1-8.3-104. Role of secretary of state.** (1) The secretary of state
9 is the state official responsible for implementing this article and the state's
10 responsibilities under the federal "Uniformed and Overseas Citizens
11 Absentee Voting Act", ~~42 U.S.C. sec. 1973ff et seq.~~ 52 U.S.C. SEC. 20301
12 ET SEQ.

13 (2) The secretary of state shall make available to covered voters
14 information regarding voter registration procedures for covered voters
15 and procedures for casting ballots. The secretary of state may delegate the
16 responsibility under this subsection (2) only to the state office designated
17 in compliance with section 102 (b) (1) of the federal "Uniformed and
18 Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff-1 (b)(1)~~
19 52 U.S.C. SEC. 20302 (b) (1).

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

22 **1-8.3-105. Effect of "Uniformed and Overseas Citizens**
23 **Absentee Voting Act" - emergency authority of secretary of state.**

24 (1) In the event of any conflict between this article and any provisions of
25 the federal "Uniformed and Overseas Citizens Absentee Voting Act", ~~42~~
26 ~~U.S.C. sec. 1973ff et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ., the provisions of
27 the federal act shall control, and all designated election officials who are

1 charged with the performance of duties under this code shall perform the
2 duties and discharge the obligations placed upon them by the federal act.

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

5 **1-8.3-110. Transmission of unvoted ballots.** (1) For an election
6 described in section 1-8.3-103 for which this state has not received a
7 waiver pursuant to section 579 of the federal "Military and Overseas
8 Voter Empowerment Act", ~~42 U.S.C. 1973ff-1 (g) (2)~~ 52 U.S.C. SEC.
9 20302 (g) (2), not later than forty-five days before the election, the
10 election official in each jurisdiction charged with distributing a ballot and
11 balloting materials shall transmit a ballot and balloting materials to all
12 covered voters who by that date submit a valid ballot application.

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

15 **1-8.3-114. Declaration.** A ballot shall include or be accompanied
16 by the signed affirmation required by the federal "Uniformed and
17 Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff, et seq.~~
18 52 U.S.C. SEC. 20301 ET SEQ.

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

21 **1-9-101. Challenge of illegal or fraudulent registration.**
22 (1) (b) In rendering a decision, the county clerk and recorder has the
23 following options:

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

1 (III) If the county clerk and recorder finds no evidence or
2 insufficient evidence to support the allegations in the challenge, he or she
3 shall deny the challenge to cancel the registered elector's name from the
4 ~~registration book~~ STATEWIDE VOTER REGISTRATION SYSTEM.

5 (3) The court shall hear the testimony and other evidence and
6 investigate summarily and, within forty-eight hours after the close of the
7 evidence, determine whether or not the charges are sustained. Only
8 competent legal evidence ~~shall~~ MAY be received at the hearing or
9 considered by the court, and no name registered in accordance with law
10 shall be canceled from the ~~registration book~~ STATEWIDE VOTER
11 REGISTRATION SYSTEM unless it is proven that the challenged person does
12 not reside at the address provided by the person at the time of registration.
13 No presumption ~~shall~~ MAY be made against any person whose registration
14 is challenged merely because of the failure of that person to attend the
15 hearing. The court ~~shall have~~ HAS the power to subpoena any person as
16 a witness at the hearing and make any necessary investigation to ascertain
17 the truth of any of the charges in the petition if the method of the
18 investigation does not cause unnecessary delay or interfere with the final
19 disposition of the cause within the time provided for in this section. The
20 hearing on any petition ~~shall be~~ IS summary and final and ~~shall not be~~ IS
21 NOT subject to delay. At the close of the hearing, the court shall announce
22 the names in the petition as to which the charges have been sustained and
23 shall direct the clerk of the court to certify forthwith to the county clerk
24 and recorder the lists of names of those persons, with their addresses,
25 arranged alphabetically and according to precinct. The county clerk and
26 recorder, upon receipt of the list from the court, shall forthwith cancel
27 those names from the ~~registration book~~ STATEWIDE VOTER REGISTRATION

1 SYSTEM for the proper precinct with the notation that the names were
2 canceled pursuant to court order, giving the date of the order. The
3 decision of the court is final, and no appeal ~~shall lie~~ LIES to any other
4 court; except that the supreme court, in the exercise of its discretion, may
5 review any such proceedings in a summary way.

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

8 **1-10-101. Canvass board for partisan elections - appointment,**
9 **fees, oaths.** (3) Prior to assuming their duties, the members of the
10 canvass board shall swear or affirm the following: "I,, do
11 solemnly swear (or affirm) that I am a registered elector in precinct,
12 in the county of; that I am a registered member of the
13 party as shown ~~on the registration books of the county clerk and~~
14 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM; and that I will
15 faithfully perform the duties required of a member of the county canvass
16 board."

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

19 **1-10-105. Election results - certification by secretary of state.**
20 (1) After receiving the final abstracts of votes cast for all elections from
21 the counties, including any recounts, the secretary of state shall prepare
22 and certify ~~an~~ THE official statewide ~~abstract of votes cast~~ ELECTION
23 RESULTS for all candidates, ballot issues, and ballot questions that the
24 secretary of state certified for the ballot. For each contest, the ~~statewide~~
25 ~~abstract of votes cast shall~~ CERTIFIED ELECTION RESULTS MUST show the
26 total number of votes received, with subtotals for each county in which
27 the candidate was on the ballot, and the ballot wording for each ballot

1 issue and ballot question.

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

4 **1-11-105. Certificates of election for national, state, and**
5 **district officers.** Immediately after the ~~final statewide abstract of votes~~
6 ~~cast has been prepared~~ RESULTS OF AN ELECTION HAVE BEEN CERTIFIED
7 PURSUANT TO SECTION 1-10-105 (1), the secretary of state shall make and
8 transmit a certificate of election, certified under the secretary of state's
9 seal of office, to each of the persons declared to be elected to national,
10 state, and district offices of state concern and shall record in a book to be
11 kept for that purpose each such certification. If the secretary of state is
12 unable to certify the candidate elected to a state or district office of state
13 concern, no such certification of election ~~shall~~ MAY be transmitted by the
14 secretary of state until the candidate elected has been determined.

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

17 **1-11-302. Causes of special legislative election.** (1) The state
18 senate or the state house of representatives, acting by resolution, may call
19 a special legislative election for a state senate or house of representatives
20 district following ~~the 2000 general election and~~ any general election
21 ~~thereafter~~ pursuant to this part 3 if:

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

24 **1-11-305. Notice of special legislative election.** The county clerk
25 and recorder shall give notice of the special legislative election pursuant
26 to ~~section 1-5-206~~ SECTION 1-5-205.

27 **SECTION 65.** In Colorado Revised Statutes, 1-12-114, **amend**

1 (4) as follows:

2 **1-12-114. Mail ballots - plan required - voter service and**
3 **polling centers - number required - definition.** (4) As used in this
4 section, and for purposes of article XXI of the state constitution, "part of
5 said general election" means the inclusion of the questions of both the
6 recall of an incumbent and the election of the incumbent's successor on
7 mail ballots that are sent by mail, available at voter service and polling
8 centers, or otherwise delivered to an elector as permitted by law, from the
9 date for holding the election through the last day of voting in a general
10 election pursuant to section 1-4-201. Notwithstanding this definition, to
11 maximize participation of voters covered by the federal "Uniformed and
12 Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff et seq.~~ 52
13 U.S.C. SEC. 20301 ET SEQ., all candidate races, ballot issues, and ballot
14 questions that a covered voter is eligible to vote on ~~shall~~ MUST be
15 included on the ballots required to be sent pursuant to that act, and
16 recall-related ballot questions ~~shall~~ MUST be sent separately on ballots that
17 adhere to the deadlines set forth in this section.

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

20 **1-12-203. Vacancies in general assembly.** (3) (a) The vacancy
21 committee, by a majority vote of its members present and voting at a
22 meeting called for that purpose and open to the public, shall select a
23 person who possesses the constitutional qualifications for a member of
24 the general assembly and who is affiliated with the same political party
25 or minor political party, if any, shown ~~on the registration books of the~~
26 ~~county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION
27 SYSTEM as the former member whose seat is vacant. No meeting shall be

1 held until a quorum is present consisting of not less than one-half of the
2 voting membership of the vacancy committee. No member of the vacancy
3 committee may vote by proxy. The committee shall certify the selection
4 to the secretary of state within thirty days from the date the vacancy
5 occurs; except that, in the case of a vacancy filled pursuant to section
6 1-4-1002 (2.5), the committee shall certify the selection within thirty days
7 after the date of the general election affected by the vacancy. If the
8 vacancy committee fails to certify a selection within thirty days in
9 accordance with the provisions of this subsection (3), the governor,
10 within five days, shall fill the vacancy by appointing a person having the
11 qualifications set forth in this subsection (3). The name of the person
12 selected or appointed ~~shall~~ MUST be certified to the secretary of state.

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

15 **1-12-206. Vacancies in the office of county commissioner.**
16 (5) Any person appointed to a vacancy in the office of county
17 commissioner under this section ~~shall~~ MUST be a resident of the county
18 and reside within the district, if any, in which the vacancy exists and ~~shall~~
19 MUST be a member of the same political party or minor political party, if
20 any, ~~shown on the registration books of the county clerk and recorder~~ IN
21 THE STATEWIDE VOTER REGISTRATION SYSTEM as the vacating
22 commissioner. Any person appointed pursuant to this section ~~shall hold~~
23 HOLDS the office until the next general election or until the vacancy is
24 filled by election according to law.

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

27 **1-13-203. Procuring false registration.** It is unlawful for any

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

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

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

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

23 **1-13-703. Tampering with statewide voter registration system,**
24 **registration list, or pollbook.** (1) Any person who mutilates or erases
25 any name, figure, or word in any ~~registration book,~~ registration list or
26 pollbook; or who removes ~~such registration book,~~ A registration list or
27 pollbook or any part thereof from the place where it has been deposited

1 with an intention to destroy the same, or to procure or prevent the election
2 of any person, or to prevent any voter from voting; or who destroys any
3 ~~registration book~~, registration list or pollbook or part thereof is guilty of
4 a misdemeanor and, upon conviction thereof, shall be punished as
5 provided in section 1-13-111.

6 (2) ANY PERSON WHO KNOWINGLY ACCESSES WITHOUT
7 AUTHORIZATION THE STATEWIDE VOTER REGISTRATION SYSTEM COMMITS
8 A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION
9 18-1.3-401, C.R.S.

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

12 **1-13-710. Voting twice - penalty.** (1) Any voter who votes more
13 than once or, having voted once, offers to vote again IN THE STATE, OR,
14 DURING A FEDERAL ELECTION, VOTES IN THIS STATE AND ANOTHER STATE,
15 shall be punished by a fine of not more than five thousand dollars or by
16 imprisonment in the county jail for not more than eighteen months, or by
17 both such fine and imprisonment.

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

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

24 **1-13-714. Electioneering - removing and return of ballot -**
25 **definition.** (1) No person shall do any electioneering on the day of any
26 election, OR DURING THE TIME WHEN VOTING IS PERMITTED FOR ANY
27 ELECTION, within any polling location or in any public street or room or

1 in any public manner within one hundred feet of any building in which a
2 polling location is located, as publicly posted by the designated election
3 official. As used in this section, the term "electioneering" includes
4 campaigning for or against any candidate who is on the ballot or any
5 ballot issue or ballot question that is on the ballot. "Electioneering" also
6 includes soliciting signatures for a candidate petition, a recall petition, or
7 a petition to place a ballot issue or ballot question on a subsequent ballot.
8 "Electioneering" does not include a respectful display of the American
9 flag.

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

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

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

18 **1-13.5-1105. Procedures for conducting independent mail**
19 **ballot election.** (3) Subsequent to the preparation of ballots, but prior to
20 the mailing required under subsection (4) of this section, a designated
21 election official shall provide a mail ballot to an eligible elector
22 requesting the ballot at the office designated in the mail ballot plan. ~~filed~~
23 ~~with the secretary of state.~~

24 (4) (d) Not sooner than twenty-two days prior to election day, and
25 until 7 p.m. on election day, mail ballots ~~shall~~ **MUST** be made available at
26 the office designated in the mail ballot plan ~~filed with the secretary of~~
27 ~~state~~ for eligible electors who are not listed or who are listed as "Inactive"

1 on the county voter registration records or, for special district independent
2 mail ballot elections, not listed on the property owners list or the
3 registration list but who are authorized to vote pursuant to section
4 1-13.5-202 or other applicable law.

5 (e) (II) A designated election official or election judge shall not
6 transmit a mail ballot packet under this paragraph (e) unless a sworn
7 statement requesting the ballot is received on or before election day. A
8 ballot may be transmitted directly to the eligible elector requesting the
9 ballot at the office designated in the mail ballot plan ~~filed with the~~
10 ~~secretary of state~~ or may be mailed to the eligible elector at the address
11 provided in the sworn statement. Such ballots may be cast no later than
12 7 p.m. on election day.

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

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

27 **24-72-305.6. County clerk and recorder access to criminal**

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

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

14 **30-35-904. Formation of districts.** (3) (b) At the top of each
15 page of the petition ~~shall~~ **MUST** be printed, in plain red letters no smaller
16 than the impression of ten-point, bold-faced type, the following:

17 **WARNING:**

18 **IT IS AGAINST THE LAW:**

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

22 **DO NOT SIGN THIS PETITION UNLESS**

23 **YOU ARE A REGISTERED ELECTOR**

24 **TO BE A REGISTERED ELECTOR, YOU MUST BE:**

- 25 1. At least eighteen years of age.
26 2. A citizen of the United States.
27 3. A resident of the state of Colorado for at least ~~thirty-two~~

1 TWENTY-TWO days.

2 4. A resident of the precinct in which you live. ~~for at least~~
3 ~~thirty-two days.~~

4 5. Registered to vote in the county.

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

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

9 **31-10-306. Write-in candidate affidavit.** The governing body of
10 a municipality may provide by ordinance that no write-in vote for any
11 municipal office shall be counted unless an affidavit of intent has been
12 filed with the clerk by the person whose name is written in prior to ~~twenty~~
13 SIXTY-FOUR days before the day of the election indicating that such
14 person desires the office and is qualified to assume the duties of that
15 office if elected.

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

18 **31-10-507. Election may be cancelled - when.** In any ordinance
19 adopted by the governing body of the municipality requiring an affidavit
20 of intent for write-in candidates as provided in section 31-10-306, the
21 governing body may also provide that, if the only matter before the voters
22 is the election of persons to office and if, at the close of business on the
23 ~~nineteenth~~ SIXTY-FOURTH day before the election, there are not more
24 candidates than offices to be filled at such election, including candidates
25 filing affidavits of intent, the clerk, if instructed by resolution of the
26 governing body either before or after such date, shall cancel the election
27 and by resolution declare the candidates elected. If so provided by

1 ordinance, upon such declaration the candidates shall be deemed elected.
2 Notice of such cancellation shall be published, if possible, in order to
3 inform the electors of the municipality, and notice of such cancellation
4 shall be posted at each polling place and in not less than one other public
5 place.

6 **SECTION 78.** In Colorado Revised Statutes, 31-25-501, **amend**
7 (1.7) (a) as follows:

8 **31-25-501. Definitions.** As used in this part 5, unless the context
9 otherwise requires:

10 (1.7) (a) "Elector of the district" means a person who, at the
11 designated time or event, is registered to vote in the general election in
12 this state and:

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

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

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

20 **32-1-806. Persons entitled to vote at special district elections.**

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

26 "I, (printed name), who reside at (address), am an elector of
27 this (name of special district) district and desire to vote at this election.

1 I do solemnly swear (or affirm) that I am registered to vote in the state of
2 Colorado and qualified to vote in this special district election as:

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

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

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

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

15 I have not voted previously at this election.

16 Date _____

17 Signature of elector _____."

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

20 **37-45-103. Definitions.** As used in this article, unless the context
21 otherwise requires:

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

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

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

1 the district.

2 **SECTION 81. Repeal of provision being relocated in this act.**

3 In Colorado Revised Statutes, **repeal** 1-2-501 (1.5).

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

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

8 **17-18-122. Appropriation to comply with section 2-2-703 - S.B.**

9 **16-142 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE
10 FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO
11 IMPLEMENT SENATE BILL 16-142, ENACTED IN 2016:

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

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

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

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

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