

CHAPTER 262

ELECTIONS

SENATE BILL 18-233

BY SENATOR(S) Marble and Fenberg, Jahn, Moreno, Tate;
also REPRESENTATIVE(S) Foote and Neville P., Buckner, Covarrubias, Exum, Humphrey, Lontine, Roberts.

AN ACT

CONCERNING TECHNICAL MODIFICATIONS TO MISCELLANEOUS PROVISIONS OF THE "UNIFORM ELECTION CODE OF 1992", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 1-1-110, **amend** (5)(c) as follows:

1-1-110. Powers of county clerk and recorder and deputy - communication to electors. (5) (c) All correspondence sent to an elector pursuant to this subsection (5) shall be maintained in the elector's registration records stored in the statewide voter registration system created in section 1-2-301; EXCEPT THAT ANY UNDELIVERABLE MESSAGE OR ANY OTHER MESSAGE INDICATING THAT THE ELECTOR'S ELECTRONIC-MAIL ADDRESS IS NO LONGER VALID AS DESCRIBED IN SUBSECTION (5)(a)(II) OF THIS SECTION DOES NOT NEED TO BE STORED IN THE STATEWIDE VOTER REGISTRATION SYSTEM.

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

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

(a) (II) ~~The mailing address of a homeless individual shall constitute that individual's residence for purposes of registering or voting in any precinct in this state. A homeless individual who has no mailing address shall not be eligible to register or to vote. The mailing address of a homeless individual may include a shelter, a homeless service provider, or a private residence, but it may not include a post office box or general delivery at a post office.~~ FOR THE PURPOSE OF VOTER

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

REGISTRATION RESIDENCE, A HOMELESS ELECTOR SHALL IDENTIFY A SPECIFIC LOCATION WITHIN A COUNTY WHERE THE ELECTOR RETURNS TO REGULARLY. THIS LOCATION MAY INCLUDE A HOMELESS SHELTER, A HOMELESS SERVICES PROVIDER, A PARK, A CAMPGROUND, A VACANT LOT, A BUSINESS ADDRESS, OR ANY OTHER PHYSICAL LOCATION. IF THE HOMELESS ELECTOR'S REGISTRATION RESIDENCE DOES NOT INCLUDE A MAILING ADDRESS, THE ELECTOR SHALL ALSO PROVIDE A MAILING ADDRESS.

SECTION 3. In Colorado Revised Statutes, 1-2-103, **amend** (1) and (4) as follows:

1-2-103. Military service - students - inmates - persons with behavioral or mental health disorders - confinement. (1) For the purposes of registration, voting, and eligibility for office, no person ~~shall gain~~ GAINS residence by reason of that person's presence, or ~~lose~~ LOSES it by reason of absence, while in the civil or military service of the state or of the United States; ~~nor~~ while a student at any institution of higher education; ~~nor~~ OR while confined in a correctional facility, jail, or state institution IF THE PERSON IS NOT SERVING A SENTENCE FOR A FELONY CONVICTION.

(4) No person while serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction or while serving a sentence of parole ~~shall be~~ is eligible to register to vote or to vote in any election; ~~however,~~ EXCEPT THAT a confined prisoner who is awaiting trial but has not been tried OR WHO IS NOT SERVING A SENTENCE FOR A FELONY CONVICTION shall be certified by the institutional administrator, ~~and shall be permitted to register to vote by mail registration pursuant to part 5 of this article~~ ARTICLE 2, AND MAY LIST HIS OR HER CONFINEMENT LOCATION AS HIS OR HER BALLOT ADDRESS IN ACCORDANCE WITH SECTION 1-2-204 (2)(f.3).

SECTION 4. In Colorado Revised Statutes, 1-2-204, **amend** (2)(i); **repeal** (2)(k); and **add** (2)(f.3) as follows:

1-2-204. Questions answered by elector - rules. (2) In addition, each elector shall correctly answer the following:

(f.3) THE ADDRESS WHERE THE ELECTOR WISHES TO RECEIVE HIS OR HER BALLOT IF DIFFERENT FROM THE ADDRESS OF RECORD;

(i) Whether or not the elector ~~has voted or~~ was registered to vote in ~~another county of this state or~~ in another state;

(k) ~~Whether any communication by mail from the county clerk and recorder to such eligible elector, including a confirmation card provided pursuant to section 1-2-605, should be sent to the elector's deliverable mailing address;~~

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

1-2-213. Registration at driver's license examination facilities. (2) (a) An applicant who wishes to complete an application for registration must provide the

information required by section 1-2-204 ~~and make the self-affirmation required under section 1-2-205~~ WITH THE EXCEPTION OF THE INFORMATION REQUIRED BY SECTION 1-2-204 (2)(f.3). THE APPLICANT SHALL ALSO SIGN THE SELF-AFFIRMATION REQUIRED BY SECTION 1-2-205.

(6) (a) ~~Unless the registrant states on the form that the change of address is not for voter registration purposes, any eligible~~ ANY REGISTERED elector who informs a driver's license examination facility of a change of name or address must have notice of the change of name or address forwarded by the driver's license examination facility to the county clerk and recorder of the county in which the elector resides.

(b) The county clerk and recorder of the county in which the elector resides shall change the registration record of the elector to reflect the change of name and address, MARK THE REGISTRATION RECORD AS "ACTIVE", AND SEND TO THE ELECTOR'S ADDRESS OF RECORD, BY FORWARDABLE MAIL, NOTICE OF THE CHANGE AND A POSTAGE PAID PRE-ADDRESSED RETURN FORM BY WHICH THE ELECTOR MAY VERIFY OR CORRECT THE INFORMATION.

(c) IF THE ELECTOR RETURNS THE FORM DESCRIBED IN SUBSECTION (6)(b) OF THIS SECTION AND INDICATES THAT THE CHANGE WAS IN ERROR, THE APPROPRIATE COUNTY CLERK AND RECORDER SHALL IMMEDIATELY CORRECT THE ELECTOR'S PREVIOUSLY UPDATED INFORMATION IN THE STATEWIDE VOTER REGISTRATION DATABASE.

SECTION 6. In Colorado Revised Statutes, 1-2-219, **amend** (1) as follows:

1-2-219. Changing or withdrawing declaration of affiliation. (1) Any eligible elector desiring to change or withdraw the elector's affiliation may do so by completing and signing a prescribed request for the change or withdrawal and filing it with the county clerk and recorder or by submitting a personal letter written by the elector to the county clerk and recorder at any time up to and including the twenty-ninth day preceding ~~an~~ A PRIMARY election; except that, if the twenty-ninth day before ~~an~~ THE PRIMARY election is a Saturday, Sunday, or legal holiday, the change or withdrawal applies if made by the next day that is not a Saturday, Sunday, or legal holiday. The prescribed form or personal letter for the change must include the elector's printed name, address within the county, birth date, social security number, if the elector wishes to state it, and signature, the date, the elector's previous affiliation status, and the requested change in affiliation status. A prescribed form must be furnished by the county clerk and recorder upon the elector's oral or written request. Upon receiving the request, the county clerk and recorder shall change the elector's affiliation on his or her registration record. If the affiliation is withdrawn, the designation on the elector's registration record must be changed to "unaffiliated". If an elector changes affiliation, the elector is entitled to vote, at any primary election, only the ballot of the political party to which the elector is currently affiliated. A change or withdrawal of affiliation may not be made by anyone other than the elector. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A DECLARATION OR CHANGE OF AFFILIATION MADE BY AN UNAFFILIATED ELECTOR IN ACCORDANCE WITH THIS SECTION MUST BE DEFERRED IF THE ELECTOR HAS ALREADY BEEN MAILED A PRIMARY ELECTION BALLOT PACKET. THE DEADLINE BY WHICH THE ELECTOR MUST DECLARE, CHANGE, OR WITHDRAW AN AFFILIATION

AS SPECIFIED IN THIS SUBSECTION (1) ONLY APPLIES TO A PRIMARY ELECTION AND DOES NOT APPLY TO A GENERAL OR COORDINATED ELECTION.

SECTION 7. In Colorado Revised Statutes, 1-2-302, **amend** (6) as follows:

1-2-302. Maintenance of computerized statewide voter registration list - confidentiality. (6) The secretary of state shall determine and use other necessary means to maintain the master list of registered electors on a current basis. The department of state and the department of revenue shall allow for the exchange of information between the systems used by them to collect information on residence addresses, signatures, and party affiliation for all applicants for driver's licenses or state identification cards. ~~NO LATER THAN JULY 31, 2019, THE DEPARTMENT OF STATE SHALL REGULARLY PROVIDE THE DEPARTMENT OF REVENUE WITH CURRENT VOTER REGISTRATION INFORMATION. THE DEPARTMENT OF REVENUE MUST USE THE INFORMATION TO DETERMINE WHETHER AN INDIVIDUAL IS REGISTERED TO VOTE AT THE TIME HE OR SHE APPLIES TO OBTAIN, RENEW, OR UPDATE A DRIVER'S LICENSE OR STATE IDENTIFICATION CARD. THE DEPARTMENT OF STATE SHALL REIMBURSE THE DEPARTMENT OF REVENUE, THROUGH A ONE-TIME REIMBURSEMENT, FOR ANY INITIAL COSTS THE DEPARTMENT OF REVENUE INCURS IN CONNECTION WITH UPDATING COLORADO DRIVES, AS DEFINED IN SECTION 42-1-102 (16.5), TO ALLOW THE DEPARTMENT OF REVENUE TO RECEIVE VOTER REGISTRATION INFORMATION AND TO USE SUCH INFORMATION FOR THE PURPOSES DESCRIBED IN THIS SECTION. The~~ department of revenue may exchange information on residence addresses in the driver's license database with the motor vehicle registration database, motorist insurance database, and the state income tax information systems.

SECTION 8. In Colorado Revised Statutes, 1-3-101, **amend** (1), (2), and (3)(a) as follows:

1-3-101. Party affiliation required - residence. (1) In order to vote at any precinct caucus, assembly, or convention of a political party, the elector must be a resident of the precinct for ~~thirty~~ ~~twenty-nine~~ ~~twenty-nine~~ TWENTY-TWO days, must be registered to vote no later than ~~twenty-nine~~ TWENTY-TWO days before the caucus, assembly, or convention, and must be affiliated with the political party holding the caucus, assembly, or convention for at least ~~two months~~ TWENTY-TWO DAYS as shown in the statewide voter registration system; except that any registered elector who has attained the age of eighteen years or who has become a naturalized citizen during the ~~two months~~ TWENTY-TWO DAYS immediately preceding the meeting may vote at any caucus, assembly, or convention even though the elector has been affiliated with the political party for less than ~~two months~~ TWENTY-TWO DAYS.

(2) Notwithstanding subsection (1) of this section and section 1-2-101 (1)(b), an elector who moves from the precinct where registered during the ~~twenty-nine~~ TWENTY-ONE days prior to any caucus ~~shall be permitted to~~ MAY participate IN and vote at the caucus in the precinct of the elector's former residence but shall not be eligible for election as a delegate or for nomination as a precinct committee person in the former precinct.

(3) (a) No later than ~~twenty-eight~~ TWENTY-ONE days prior to the date of the precinct caucus, the county clerk and recorder shall furnish without charge to each major political party in the county a list of the registered electors in the county who

are affiliated with that political party.

SECTION 9. In Colorado Revised Statutes, 1-3-103, **amend** (9)(a) as follows:

1-3-103. Party committees. (9) (a) No later than ninety days after the organization of the state central committees of the major political parties in each odd-numbered year, each committee shall adopt in its bylaws or rules its general guidelines and regulations for all county party matters. Such bylaws or rules shall establish a procedure for the selection of delegates to any party assembly that is consistent with party practice. Any method under such procedure for choosing or allocating delegates in a county based on the number of votes cast at an election for a particular candidate shall be uniform among the counties so that all types of ballots are counted or not counted for purposes of determining the number of votes cast. Any county central committee may adopt its own rules in conformance with those of the state central committee. In the absence of county rules pertaining to specific items, the party's state central committee's guidelines and rules shall apply. Each state central committee shall file its party's bylaws or rules with the secretary of state no later than the first Monday in February in each even-numbered year and, if filed prior to that date, the bylaws or rules may be amended until that date. No bylaw or rule may be filed or amended after the first Monday in February in each even-numbered year. Where the bylaws or rules are not filed in accordance with this section, the party's state central committee, as well as the party's county central committee, are subject to the code through the general election of the same year. EACH STATE CENTRAL COMMITTEE SHALL COMPILER AND PROVIDE TO THE SECRETARY OF STATE INFORMATION CONCERNING THE MEMBERSHIP OF THE COUNTY CENTRAL COMMITTEES OF THE PARTY IN ADDITION TO THE BYLAWS OR RULES OF EACH COUNTY CENTRAL COMMITTEE.

SECTION 10. In Colorado Revised Statutes, 1-4-801, **amend** (2)(a) as follows:

1-4-801. Designation of party candidates by petition. (2) The signature requirements for the petition are as follows:

(a) Every petition in the case of a candidate for any county office ~~shall~~ MUST be signed by electors eligible to vote within the county commissioner district or political subdivision for which the officer is to be elected. Except as otherwise provided in ~~paragraph (e) of this subsection (2)~~ SUBSECTION (2)(e) OF THIS SECTION, the petition ~~shall~~ MUST require signers equal in number to twenty percent of the votes cast in the political subdivision at the contested or uncontested primary election for the political party's candidate for the office for which the petition is being circulated or, if there was no primary election, at the last preceding general election for which there was a candidate for the office. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN UNAFFILIATED ELECTOR IS NOT ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE OF A MAJOR POLITICAL PARTY.

SECTION 11. In Colorado Revised Statutes, **amend** 1-4-1103 as follows:

1-4-1103. Write-in votes for governor, president. (1) No write-in vote for governor in a general election ~~shall~~ WILL be counted unless it includes a write-in vote for lieutenant governor.

(2) NO WRITE-IN VOTE FOR PRESIDENT IN A GENERAL ELECTION WILL BE COUNTED UNLESS IT INCLUDES A WRITE-IN VOTE FOR VICE-PRESIDENT.

SECTION 12. In Colorado Revised Statutes, 1-5-208, **amend** (6) as follows:

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

SECTION 13. In Colorado Revised Statutes, 1-5-402, **repeal** (2) as follows:

~~**1-5-402. Primary election ballots.** (2) No later than forty-five days before the primary election, the county clerk and recorder shall prepare a combined primary election ballot to be used by unaffiliated electors. the ballot must be printed in the following manner:~~

~~(a) All official ballots must be printed according to the provisions of sections 1-4-101, 1-5-407, and 1-5-408. across the top of each ballot the words "primary election ballot for unaffiliated voters" shall be printed.~~

~~(b) The positions of candidates on the ballots to be used by unaffiliated electors must be arranged in the order specified in paragraph (b) of subsection (1) of this section; except that the candidates of each political party must be clearly and conspicuously segregated from the candidates of any other political party and grouped together according to section 1-4-101 (2).~~

SECTION 14. In Colorado Revised Statutes, 1-6-101, **amend** (2)(a) and (5) as follows:

1-6-101. Qualifications for election judges - student election judges - definition - legislative declaration. (2) The persons appointed as election judges, except for persons appointed as student election judges pursuant to the provisions of subsection (7) of this section, shall certify in writing that they meet the following qualifications:

(a) They are registered electors ~~who reside in the political subdivision, unless otherwise excepted;~~ OF THE STATE and are willing to serve;

(5) The county clerk and recorder or the designated election official shall hold a class of instruction concerning the tasks of an election judge and a special school of instruction concerning the task of a supervisor judge not more than ~~forty-five~~ SIXTY days prior to each election.

SECTION 15. In Colorado Revised Statutes, **amend** 1-6-103.5 as follows:

1-6-103.5. Recommendations by minor political parties. No later than ~~the last~~

~~Tuesday of April in even-numbered years~~ SIXTY DAYS BEFORE A PRIMARY OR GENERAL ELECTION, the county chairperson or other authorized official of a minor political party may certify to the county clerk and recorder AN INITIAL LIST OF the names and addresses of registered electors recommended to serve as election judges ~~for one or more precincts in the county. If the list contains more than one name, for any precinct in the county,~~ the order of preference ~~shall~~ MUST be indicated. The county clerk and recorder shall select election judges from the party according to such order of preference, if indicated.

SECTION 16. In Colorado Revised Statutes, **amend** 1-6-103.7 as follows:

1-6-103.7. Unaffiliated voters - self-nomination. No later than ~~the last Tuesday of April in even-numbered years~~ SIXTY DAYS BEFORE A PRIMARY OR GENERAL ELECTION, any registered elector who is unaffiliated with a political party or political organization may give notice in writing to the clerk and recorder of the county in which such elector resides offering to serve as an election judge and stating that the elector is a registered elector and is unaffiliated with any political party or political organization.

SECTION 17. In Colorado Revised Statutes, **amend** 1-6-104 as follows:

1-6-104. Appointment of election judges by county clerk and recorder and designated election officials. (1) For each election coordinated by the county clerk and recorder, the county clerk and recorder shall appoint election judges for each ~~precinct in the county~~ An election judge for a precinct shall serve for a two-year period beginning on the last Tuesday of May in even-numbered years and ending on the last Monday in May of the next even-numbered year or until the designated election official appoints another person to replace that election judge for that ~~precinct, whichever is earlier~~ LOCATION WHERE ELECTION ACTIVITIES ARE OCCURRING.

(2) The county clerk and recorder may appoint an election judge to serve in a ~~precinct of the county other than the precinct~~ COUNTY in which the election judge resides.

(3) If, at the time the county clerk and recorder appoints election judges, ~~for a precinct,~~ the list of recommended election judges submitted in accordance with section 1-6-102 contains an insufficient number of names for a major political party's share of the total number of election judges as required in section 1-6-109, the designated election official shall appoint any additional election judges necessary from among the persons recommended by minor political parties in accordance with section 1-6-103.5 and the unaffiliated voters who have offered to serve as election judges in accordance with section 1-6-103.7.

(4) For each election coordinated by the county clerk and recorder, the county clerk and recorder may appoint one or more student election judges that satisfy the requirements contained in section 1-6-101 (7) to serve as an election judge, and shall designate the ~~precinct~~ LOCATIONS WHERE ELECTION ACTIVITIES ARE OCCURRING in which the student election judge shall serve based upon the number of qualified students and vacancies in the number of available positions for election judges throughout the county. ~~notwithstanding the fact that a student election judge~~

may serve in a precinct of the county other than the precinct in which the student election judge resides.

SECTION 18. In Colorado Revised Statutes, 1-6-109, **amend** (1), (2), and (3) as follows:

1-6-109. Party affiliation of election judges in partisan elections - definition.

(1) For partisan elections in ~~precincts~~ VOTER SERVICE AND POLLING CENTERS that have an even number of election judges, each major political party is entitled to one-half of the number of election judges.

(2) For partisan elections in ~~precincts~~ VOTER SERVICE AND POLLING CENTERS that have an odd number of election judges, one major political party is entitled to the extra election judge in one-half of the ~~precincts~~ VOTER SERVICE AND POLLING CENTERS, as determined by the county clerk and recorder, and the other major political party is entitled to the extra election judge in the other one-half of the ~~precincts~~ VOTER SERVICE AND POLLING CENTERS, as determined by the county clerk and recorder.

(3) If an odd number of ~~precincts~~ VOTER SERVICE AND POLLING CENTERS exist, the county clerk and recorder shall determine which major political party is entitled to any extra election judge. The county clerk and recorder shall make this determination either by mutual agreement of both of the major political parties or, if the two major political parties cannot agree, by lot.

SECTION 19. In Colorado Revised Statutes, 1-6-109.5, **amend** (1) as follows:

1-6-109.5. Appointment and duties of supervisor judge - definition. (1) The designated election official shall appoint AT LEAST one election judge in each ~~precinct~~ VOTER SERVICE AND POLLING CENTER as supervisor judge. To the extent possible, ~~the supervisor judge~~ JUDGES must be from a major political party, AND IF MORE THAN ONE SUPERVISOR JUDGE IS SERVING AT A VOTER SERVICE AND POLLING CENTER, THE JUDGES MUST BE OF DIFFERENT POLITICAL PARTY AFFILIATIONS. The designated election official shall notify the supervisor judge of the appointment.

SECTION 20. In Colorado Revised Statutes, 1-6-111, **amend** (3), (4), (5), (7), and (8) as follows:

1-6-111. Number of election judges. (3) When two election judges who are not of the same political affiliation are present at the ~~polling location~~ VOTER SERVICE AND POLLING CENTER, voting may proceed.

(4) For nonpartisan elections, the designated election official shall appoint no fewer than two election judges to serve as judges for each ~~polling location~~ VOTER SERVICE AND POLLING CENTER to perform the designated functions.

(5) The designated election official and, for partisan elections, the county clerk and recorder may appoint other election judges as needed to perform duties other than ~~polling location~~ VOTER SERVICE AND POLLING CENTER duties. These duties may include inspecting ballots, duplicating ballots, and counting paper ballots. For partisan elections, if the county clerk and recorder appoints election judges to

perform duties other than voter service and polling center duties, the county clerk and recorder shall appoint two election judges to perform such duties. The two election judges so appointed shall not be of the same political affiliation.

(7) Where student election judges have been appointed by the county clerk and recorder to serve in a particular ~~polling location~~ VOTER SERVICE AND POLLING CENTER pursuant to this ~~article~~ ARTICLE 6, no more than half of the total number of election judges serving in any one polling location are permitted to be student election judges.

(8) Subject to the requirements of this ~~article~~ ARTICLE 6 regarding the number and party affiliation of election judges, the county clerk and recorder or designated election official may allow an election judge to work at a ~~polling location~~ VOTER SERVICE AND POLLING CENTER for a shift lasting less than an entire day; except that, at least two judges of different affiliations must be present at each ~~polling location~~ VOTER SERVICE AND POLLING CENTER at all times.

SECTION 21. In Colorado Revised Statutes, 1-7-505, **repeal** (2) and (3) as follows:

1-7-505. Close of polls - count and seals in electronic voting. (2) ~~In polling locations in which voting is on a ballot or ballot card, election judges shall prepare a return in duplicate showing the number of eligible electors, as indicated by the pollbook, who have voted in the precinct, the number of official ballots or ballot cards received, and the number of spoiled and unused ballots or ballot cards returned. The original copy of the return shall be deposited in the metal or durable plastic transfer box, along with all voted and spoiled ballots. The transfer box shall then be sealed in such a way as to prevent tampering with the box or its contents. The designated election official shall provide a numbered seal. The duplicate copy of the return shall be mailed at the nearest post office or post office box to the designated election official by an election judge other than the one who delivers the transfer box to the designated counting center. For partisan elections, two election judges of different political affiliations, as provided in section 1-6-109.5, shall deliver the sealed transfer box to the counting center designated by the county clerk and recorder.~~

(3) ~~In polling locations in which electronic voting is by a method other than a ballot or ballot card, election judges shall, after securing the voting devices, prepare the paper tape containing the votes.~~

SECTION 22. In Colorado Revised Statutes, 1-7-901, **amend** (4) as follows:

1-7-901. Receipt of comments concerning ballot issues. (4) Since section 20 (3)(b)(v) of article X of the state constitution requires that comments pertaining to a ballot issue be filed by forty-five days before the election and since such day is always a Saturday, all comments shall be filed by ~~the end of the business day~~ NOON on the Friday before the forty-fifth day before the election.

SECTION 23. In Colorado Revised Statutes, 1-7-903, **amend** (3) as follows:

1-7-903. Preparation of written comments. (3) Petition representatives

required to summarize favorable comments in favor of their petition shall submit the summary in typewritten form to the designated election official for the jurisdiction in which the petition is presented no later than ~~forty-three~~ FORTY-FOUR days before the election. If a summary is not filed by the petition representatives within the time allowed, the designated election official shall print the following in the ballot issue notice where the summary would appear: "No summary was filed by the statutory deadline."

SECTION 24. In Colorado Revised Statutes, **amend** 1-7-904 as follows:

1-7-904. Transmittal of notices. Notwithstanding the provision for independent mail ballot elections in section 1-7-116 (1), the designated election official or the official's designee for a political subdivision conducting an election in November shall prepare and deliver to the county clerk and recorder for the county or counties in which the political subdivision is located no later than ~~forty-two~~ FORTY-THREE days before the election the full text of any required ballot issue notices.

SECTION 25. In Colorado Revised Statutes, 1-7.5-103, **amend** the introductory portion, (5), and (7) as follows:

1-7.5-103. Definitions. As used in this ~~article~~ ARTICLE 7.5, unless the context otherwise requires:

(5) "Mail ballot packet" means the packet of information provided by the designated election official to eligible electors in the mail ballot election and to persons preregistered to vote pursuant to section 1-2-101 (2) who will be eighteen years of age on the date of the mail ballot election. The packet includes the ballot, instructions for completing the ballot, ~~a secrecy envelope or sleeve, and~~ a return envelope, AND, IF APPLICABLE, A SECRECY ENVELOPE OR SLEEVE.

(7) "Return envelope" means an envelope that is printed with spaces for the name and address of, and a self-affirmation to be signed by, an eligible elector voting in a mail ballot election, that contains a ~~secrecy envelope and~~ ballot for the elector, and that is designed to allow election officials, upon examining the signature, name, and address on the outside of the envelope, to determine whether the enclosed ballot is being submitted by an eligible elector who has not previously voted in that particular election.

SECTION 26. In Colorado Revised Statutes, 1-7.5-104.5, **amend** (4)(a) as follows:

1-7.5-104.5. Ballots and supplies for mail voting. (4) (a) On the mail ballot instructions, ~~and the secrecy envelope or sleeve or on the combined instructions and secrecy envelope or sleeve, whichever is applicable,~~ the ~~statement~~ FOLLOWING STATEMENTS MUST BE PRINTED: "All ballots are counted in the same manner." ~~must be printed~~ AND "YOU MUST SIGN THE AFFIRMATION ON THE ENVELOPE. DO NOT SIGN, INITIAL, OR PRINT YOUR NAME ON THE BALLOT."

SECTION 27. In Colorado Revised Statutes, 1-7.5-106, **amend** (1)(a) as follows:

1-7.5-106. Secretary of state - duties and powers. (1) In addition to any other duties prescribed by law, the secretary of state, with advice from election officials of the several political subdivisions, shall:

(a) Prescribe the form of materials to be used in the conduct of mail ballot elections; except that all mail ballot packets shall include a ballot, instructions for completing the ballot, ~~a secrecy envelope~~, and a return envelope;

SECTION 28. In Colorado Revised Statutes, 1-7.5-107, **amend** (2.7) as follows:

1-7.5-107. Procedures for conducting mail ballot election - primary elections - first-time voters casting a mail ballot after having registered by mail to vote - in-person request for ballot - repeal. (2.7) Subsequent to the preparation of ballots in accordance with section 1-5-402 but prior to the mailing required under subsection (3) of this section, AND NO SOONER THAN FORTY-FIVE DAYS NOR LATER THAN THIRTY-TWO DAYS BEFORE AN ELECTION, a designated election official shall provide a mail ballot to a registered elector requesting the ballot at the designated election official's office or the office designated in the mail ballot plan filed with the secretary of state.

SECTION 29. In Colorado Revised Statutes, 1-7.5-107.3, **amend** (2)(b); and **add** (5.5) as follows:

1-7.5-107.3. Verification of signatures - rules. (2) (b) An original return envelope ~~with an enclosed secrecy envelope~~ containing a voted ballot that is not counted in accordance with ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION shall be stored under seal in the office of the county clerk and recorder in a secure location separate from valid return envelopes and may be removed only under the authority of the district attorney or by order of a court having jurisdiction.

(5.5) THE COUNTY CLERK AND RECORDER SHALL ENSURE THE PRIVACY OF EACH ELECTOR'S VOTE WHEN ELECTION JUDGES ARE REMOVING AND SEPARATING MARKED BALLOTS FROM RETURN ENVELOPES. IF THE COUNTY CLERK AND RECORDER CHOOSES NOT TO INCLUDE A SECRECY ENVELOPE OR SLEEVE IN THE MAIL BALLOT PACKET, HE OR SHE MUST NOTIFY THE SECRETARY OF STATE IN THE ELECTION PLAN REQUIRED UNDER SECTION 1-7.5-105 (1) AND MUST ALSO EXPLAIN THE COUNTY'S PROCESS FOR ENSURING THE PRIVACY OF MARKED BALLOTS. THE SECRETARY OF STATE SHALL PROMULGATE RULES TO ENSURE THE PRIVACY OF EACH ELECTOR'S VOTE.

SECTION 30. In Colorado Revised Statutes, **repeal** 1-7.5-116 as follows:

1-7.5-116. Applications for absentee ballot. (1) (a) ~~An application for an absentee ballot must be made in writing, by electronic mail, or by fax, using the application form furnished by the designated election official or in the form of a letter that includes the applicant's printed name, signature, residence address, mailing address if the applicant wishes to receive the mail ballot by mail, and date of birth.~~

(b) ~~If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated or, if the applicant is~~

~~unaffiliated, the application must either name the political party with which the applicant wishes to affiliate or must state that the applicant wishes to remain unaffiliated and receive an unaffiliated primary election ballot, or if such combined ballot is not available, the ballots for each party primary along with notice that the elector shall vote in only one primary.~~

~~(2) The application for an absentee ballot must be personally signed by the applicant; or, in the case of the applicant's inability to sign, the elector's mark must be witnessed by another person.~~

~~(3) The application for an absentee ballot must be filed with the designated election official of the political subdivision in which the applicant resides or is entitled to vote. The application must be filed no later than the close of business on the Friday immediately preceding the election; except that, if the applicant wishes to receive the absentee ballot by mail, the application must be filed no later than the close of business on the seventh day before the election.~~

~~(4) An application for an absentee ballot is subject to the rules of residency contained in section 1-2-102 and is subject to challenge as provided in parts 1 and 2 of article 9 of this title.~~

~~(5) A prisoner in pretrial detention may apply for an absentee ballot from the prisoner's county of residence. No application for an absentee ballot shall be accepted unless personally signed by the applicant and accompanied by a certification from the institutional administrator or the administrator's designee that the applicant is in pretrial detention. The institutional administrator shall certify the application immediately upon request by the prisoner.~~

~~(6) No person shall give to any eligible elector any form for the purpose of requesting an absentee ballot unless the form prompts the applicant to provide all the information required by subsection (1) of this section and is either provided by the state or the elector's county or contains the following statement: "Under Colorado law, your absentee ballot application must contain your printed name, signature, residence address, mailing address if you wish to receive the ballot by mail, and date of birth. If you do not provide all of this information, you may not receive an absentee ballot according to the rules established by the secretary of state." Violation of this subsection (6) is an offense punishable as provided in section 1-13-803.~~

~~(7) Notwithstanding any other provision of this section, no absentee ballot shall be mailed to an applicant unless the designated election official has previously received an application for an absentee ballot from the applicant.~~

SECTION 31. In Colorado Revised Statutes, 1-8.3-107, **amend** (2) as follows:

1-8.3-107. Methods of registering to vote. (2) A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot. ~~if the declaration is received no later than twenty-two days before the election.~~ If the declaration is received after ~~that date~~ THE ELECTION, it shall be treated as an application to register to vote for subsequent elections.

SECTION 32. In Colorado Revised Statutes, 1-8.5-105, **amend** (5) as follows:

1-8.5-105. Verification of provisional ballot information - counting procedure. (5) The designated election official shall complete the verification and counting of all provisional ballots within ~~ten days after a primary election and within fourteen~~ NINE days after a PRIMARY, general, odd-year, or coordinated election, OR WITHIN AN ALTERNATE PERIOD OF TIME, IF NECESSARY, AS DESIGNATED BY THE SECRETARY OF STATE. The designated election official shall count all regular ballots cast in an election before counting any provisional ballots.

SECTION 33. In Colorado Revised Statutes, 1-10-102, **amend** (1) as follows:

1-10-102. Official abstract of votes cast - certification. (1) No later than the ~~thirteenth day after a primary election and no later than the seventeenth~~ TWENTY-SECOND day after any ~~other~~ election coordinated by the county clerk and recorder, the canvass board shall complete its duties.

SECTION 34. In Colorado Revised Statutes, **amend** 1-10-103 as follows:

1-10-103. Transmitting returns to the secretary of state - total of results. (1) Immediately after the official abstract of votes cast has been certified and no later than the ~~thirteenth day after a primary election and the eighteenth~~ TWENTY-SECOND day after a ANY general OR PRIMARY ELECTION OR ANY COORDINATED election THAT INCLUDES A STATEWIDE BALLOT MEASURE, the county clerk and recorder shall transmit to the secretary of state the portion of the abstract of votes cast that contains the statewide abstract of votes cast.

(2) No later than the ~~twentieth day after a primary election and no later than the thirtieth~~ TWENTY-SEVENTH day after any ~~other~~ PRIMARY OR GENERAL ELECTION OR ANY COORDINATED election THAT INCLUDES A STATEWIDE BALLOT MEASURE, the secretary of state shall compile and total the returns received from all counties for all candidates, ballot issues, and ballot questions certified by the secretary of state, determine if a recount of any office, ballot issue, or ballot question is necessary, and order the appropriate recounts, if any.

(3) ~~Each~~ FOLLOWING EACH GENERAL ELECTION, THE county clerk and recorder shall transmit a list of the names of those candidates elected to county offices to the secretary of state. ~~no later than the sixteenth day after the election.~~

SECTION 35. In Colorado Revised Statutes, 1-10-203, **amend** (1) as follows:

1-10-203. Official abstract of votes cast - nonpartisan elections. (1) No later than ~~seventeen~~ TWENTY-TWO days after an election, the canvass board shall certify to the designated election official the official abstract of votes cast for all candidates, ballot issues, and ballot questions in that election.

SECTION 36. In Colorado Revised Statutes, 1-10.5-102, **amend** (2) as follows:

1-10.5-102. Recounts for congressional, state, and district offices, state ballot questions, and state ballot issues. (2) The secretary of state shall notify the county clerk and recorder of each county involved ~~by registered mail and facsimile~~

~~transmission~~ of a public recount to be conducted in the county at a place prescribed by the secretary of state. The recount shall be completed no later than the ~~thirtieth~~ THIRTY-FIFTH day after any election. The secretary of state shall promulgate and provide each county clerk and recorder with the necessary rules ~~and regulations~~ to conduct the recount in a fair, impartial, and uniform manner, including provisions for watchers during the recount. Any rule ~~or regulation~~ concerning the conduct of a recount shall MUST take into account the type of voting system and equipment used by the county in which the recount is to be conducted.

SECTION 37. In Colorado Revised Statutes, **amend** 1-10.5-103 as follows:

1-10.5-103. Recount for other offices, ballot issues, and ballot questions in an election coordinated by county clerk and recorder. In any election coordinated by the county clerk and recorder, if it appears, as evidenced by the official abstract of votes cast, that a recount is required for any office, ballot question, or ballot issue not included in section 1-10.5-102, the county clerk and recorder shall order a recount of the votes cast for the office, ballot question, or ballot issue. Any recount of the votes shall be completed no later than the ~~thirtieth~~ THIRTY-FIFTH day after the election. A political subdivision that referred a ballot issue or ballot question to the electors may waive the automatic recount provisions of this section if the ballot issue or ballot question fails by giving written notice to the county clerk and recorder within ~~fourteen days after the primary election or eighteen~~ TWENTY-THREE days after any ~~other~~ election.

SECTION 38. In Colorado Revised Statutes, 1-10.5-106, **amend** (2) as follows:

1-10.5-106. Request for recount by interested party - definitions.
 (2) Whenever a recount is not required, an interested party may submit a notarized written request for a recount at the expense of the interested party making the request. This request shall be filed with the secretary of state, the county clerk and recorder, the designated election official, or other governing body that originally certified the candidate, ballot question, or ballot issue for the ballot within ~~twenty-one days after a primary election and within thirty-one~~ TWENTY-EIGHT days after any ~~other~~ PRIMARY, GENERAL, OR COORDINATED election. Such election official shall notify the political subdivision within which the election was held no later than the day following receipt of the request. Before conducting the recount, the election official who will conduct the recount shall determine the cost of the recount within one day of receiving the request to recount, notify the interested party that requested the recount of the cost, and collect the costs of conducting the recount. If the request is filed with the secretary of state, the secretary of state shall determine the cost of the recount by adding the individual amounts determined by the political subdivisions conducting the recount. The interested party that requested the recount shall pay the cost of the recount by certified funds to the election official with whom the request for a recount was filed within one day of receiving the election official's cost determination. The funds shall be placed in escrow for payment of all expenses incurred in the recount. If after the recount the result of the election is reversed in favor of the interested party that requested the recount or if the amended election count is such that a recount otherwise would have been required, the payment for expenses shall be refunded to the interested party that requested the recount. Any escrow amounts not refunded to the interested party that requested the recount shall be paid to the election officials who conducted the

recount. Any recount of votes pursuant to this section shall be completed no later than the ~~thirtieth day after the primary election and no later than the thirty-seventh day after any other~~ PRIMARY, GENERAL, OR COORDINATED election.

SECTION 39. In Colorado Revised Statutes, **amend** 1-12-105 as follows:

1-12-105. Signatures required for school district officers. A petition to recall a school district officer shall be signed by eligible electors of the school district equal in number to at least forty percent of ~~those electors who voted in such district in the last preceding election at which the director to be recalled was elected as indicated by the pollbook or abstract for such election~~ THE ENTIRE VOTE CAST AT THE LAST PRECEDING ELECTION FOR ALL CANDIDATES FOR THE SCHOOL DISTRICT DIRECTOR POSITION OCCUPIED BY THE INCUMBENT SOUGHT TO BE RECALLED. If no such election was held, the petition shall be signed by eligible electors of the school district equal in number to at least ten percent of those electors residing within the school district on the date that the petition is approved as to form under section 1-12-108 (4). In no case shall the number required for recall be less than ten percent of eligible electors qualified to vote in the most recent biennial school election; except that no more than fifteen thousand signatures is required.

SECTION 40. In Colorado Revised Statutes, 1-12-108, **amend** (9)(d) as follows:

1-12-108. Petition requirements - approval as to form - determination of sufficiency - protest - offenses. (9) (d) (I) NOT LATER THAN THREE DAYS AFTER THE PETITION HAS BEEN FILED IN ACCORDANCE WITH SUBSECTION (7.5) OF THIS SECTION, any signer may request that his or her name be stricken from the petition at any time prior to when the petition is deemed sufficient and the time for protest has passed by filing with the designated election official a written request that his or her signature be stricken and delivering a copy of the request to at least one member of the committee. If the request is delivered to the member of the committee or the designated election official through the United States mail, it shall be deemed delivered to the committee or the designated election official on the date shown by the cancellation mark on the envelope containing the request received by the member of the committee or the designated election official. If the request is delivered to the member of the committee or the designated election official in any other manner, it shall be deemed delivered to the committee or the designated election official on the date of delivery and stamped receipt by the designated election official.

(II) If the designated election official receives a written request TIMELY filed in accordance with this paragraph (d) after the petition is filed but before the petition is deemed sufficient and the time for protest has passed SUBSECTION (9)(d)(I) OF THIS SECTION, the election official shall strike the signature of the signer who filed the request. If the election official receives such a written request before the petition is filed, the election official shall strike the signature of the signer who filed the request promptly upon the filing of the petition.

SECTION 41. In Colorado Revised Statutes, 1-1-104, **amend** (2.8)(a) as follows:

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

(2.8) "Confirmation card" means a communication mailed from a county clerk and recorder to an elector pursuant to section 1-2-302.5 (2)(b)(III), 1-2-509 (3)(b)(III), or 1-2-605, which card must:

(a) Be mailed to the elector's address of record; ~~unless the elector has requested that such communication be sent to his or her deliverable mailing address pursuant to section 1-2-204 (2)(k);~~

SECTION 42. In Colorado Revised Statutes, 1-7-201, **amend** (2.3) as follows:

1-7-201. Voting at primary election. (2.3) An eligible unaffiliated elector is entitled to vote in the primary election of a major political party without affiliating with that political party. To vote in a political party's primary election without declaring an affiliation with the political party, any eligible unaffiliated elector ~~shall be given a combined ballot, if applicable. If a combined ballot is not available, the~~ elector shall declare to the election judges the name of the political party in whose primary election the elector wishes to vote. Thereupon, the election judges shall deliver the appropriate party ballot to the elector. In addition, any eligible unaffiliated elector may openly declare to the election judges the name of the political party with which the elector wishes to affiliate and complete the necessary forms. An eligible elector must separately date and sign or date and initial a declaration of affiliation with a political party form in such manner that the elector clearly acknowledges that the affiliation has been properly recorded. Thereupon, the election judges shall deliver the appropriate party ballot to the eligible elector.

SECTION 43. Appropriation. (1) For the 2018-19 state fiscal year, \$63,000 is appropriated to the department of state for use by the elections division. This appropriation is from the department of state cash fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the division may use this appropriation for operating costs.

(2) For the 2018-19 state fiscal year, \$63,000 is appropriated to the department of revenue. This appropriation is from reappropriated funds received from the department of state under subsection (1) of this section. To implement this act, the department may use this appropriation for operating expenses related to DMV IT System (DRIVES) Support.

SECTION 44. Effective date - applicability. (1) This act takes effect upon passage; except that section 26 of this act takes effect July 1, 2018.

(2) This act applies to elections conducted on or after the applicable effective date of this act.

SECTION 45. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 29, 2018