

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 21-0138.01 Megan Waples x4348

HOUSE BILL 21-1071

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State, Veterans, & Military Affairs
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A BILL FOR AN ACT

101 **CONCERNING THE USE OF RANKED CHOICE VOTING IN NONPARTISAN**
102 **ELECTIONS, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **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 <http://leg.colorado.gov>.)

Beginning in 2023, the bill allows a municipality to refer a municipal election using instant runoff voting to be conducted as part of a coordinated election. The secretary of state is required to promulgate rules establishing the minimum system requirements and specifications for a voting system to be used in an election using instant runoff voting

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

HOUSE
3rd Reading Unamended
April 27, 2021

HOUSE
Amended 2nd Reading
April 26, 2021

by March 31, 2022. After March 31, 2022, a system that has been tested and satisfies the standards promulgated by the secretary of state may be submitted for certification for use in an election using instant runoff voting. If the secretary of state certifies a system, the secretary is required to negotiate and purchase, if possible, a single annual statewide license with the provider to allow each county that uses the voting system to conduct elections using instant runoff voting.

On and after January 1, 2023, a statutory city or town or home rule municipality that has taken formal action to conduct an election using instant runoff voting may refer the election to be conducted as part of a coordinated election by providing written notice to the county clerk and recorder. If the county uses a voting system that is certified for use in an election using instant runoff voting, the county clerk and recorder must conduct the election as part of the coordinated election. The municipality referring the election is responsible for any reasonable additional costs the county incurs as a result of conducting an instant runoff voting election.

If the referring municipality is located in more than one county, the counties are required to conduct the election using instant runoff voting only if each county receives timely notice, each county uses a voting system certified for such use, and the data from all the counties' voting systems can be tabulated together in accordance with rules promulgated by the secretary of state for conducting instant runoff elections across multiple counties. The counties and the municipality are required to enter into an agreement for the conduct of the election, which must specify the procedures for the county canvass boards to canvass the election.

For any instant runoff voting election conducted as part of a coordinated election, the secretary of state is the designated election official responsible for tabulating and reporting the results. The secretary of state is required, by December 31, 2022, to promulgate rules related to instant runoff voting elections including the procedures for conducting logic and accuracy tests and risk limiting audits, and for the tabulation, reporting, and canvassing of results.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend**
3 (23.4); and **add** (19.7) as follows:

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

6 (19.7) "INSTANT RUNOFF VOTING" MEANS A RANKED VOTING
7 METHOD USED TO SELECT A SINGLE WINNER IN A RACE, AS SET FORTH IN

1 SECTION 1-7-1003 (3).

2 (23.4) "Overvote" means the selection by an elector of more
3 names than there are persons to be elected to an office or the designation
4 of more than one answer to a ballot question or ballot issue. "OVERVOTE"
5 DOES NOT INCLUDE THE RANKING OF MULTIPLE CANDIDATES IN AN
6 ELECTION USING INSTANT RUNOFF VOTING IN ACCORDANCE WITH PART 10
7 OF ARTICLE 7 OF THIS TITLE 1.

8 **SECTION 2.** In Colorado Revised Statutes, **amend** 1-5-601.5 as
9 follows:

10 **1-5-601.5. Compliance with federal requirements.** (1) All
11 voting systems and voting equipment offered for sale on or after May 28,
12 2004, ~~shall~~ MUST meet the voting systems standards that were
13 promulgated in 2002 by the federal election commission. At his or her
14 discretion, the secretary of state may require by rule that voting systems
15 and voting equipment satisfy voting systems standards promulgated after
16 January 1, 2008, by the federal election assistance commission as long as
17 such standards meet or exceed those promulgated in 2002 by the federal
18 election commission. Subject to section 1-5-608.2, nothing in this section
19 shall be construed to require any political subdivision to replace a voting
20 system that is in use prior to May 28, 2004.

21 (2) A VOTING SYSTEM OR VOTING EQUIPMENT OFFERED FOR SALE
22 OR LEASE FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING MUST
23 MEET THE MINIMUM STANDARDS AND SPECIFICATIONS DEVELOPED BY THE
24 SECRETARY OF STATE IN ACCORDANCE WITH SECTION 1-5-616 (1.5). IF
25 STANDARDS RELATED TO INSTANT RUNOFF VOTING ARE PROMULGATED BY
26 THE FEDERAL ELECTION COMMISSION, THE SECRETARY OF STATE MAY, AT
27 THE SECRETARY OF STATE'S DISCRETION, REQUIRE BY RULE THAT A VOTING

1 SYSTEM OR VOTING EQUIPMENT USED TO CONDUCT AN ELECTION USING
2 INSTANT RUNOFF VOTING MEET THE FEDERAL STANDARDS, SO LONG AS THE
3 FEDERAL STANDARDS MEET OR EXCEED THOSE PROMULGATED BY THE
4 SECRETARY OF STATE.

5 **SECTION 3.** In Colorado Revised Statutes, 1-5-608.5, **add** (3.5)
6 as follows:

7 **1-5-608.5. Electronic and electromechanical voting systems -**
8 **testing by federally accredited labs - certification and approval of**
9 **purchasing of electronic and electromechanical voting systems by**
10 **secretary of state - conditions of use by secretary of state - testing.**

11 (3.5) (a) ON AND AFTER MARCH 31, 2022, IF AN ELECTRONIC AND
12 ELECTROMECHANICAL VOTING SYSTEM TESTED PURSUANT TO THIS
13 SECTION SATISFIES THE REQUIREMENTS OF THIS PART 6 RELATED TO THE
14 USE OF THE SYSTEM IN AN ELECTION USING INSTANT RUNOFF VOTING AND
15 THE RULES ESTABLISHED BY THE SECRETARY OF STATE PURSUANT TO
16 SECTION 1-5-616 (1.5), THE SECRETARY OF STATE SHALL CERTIFY SUCH
17 SYSTEM AND APPROVE THE PURCHASE, INSTALLATION, AND USE OF SUCH
18 SYSTEM BY POLITICAL SUBDIVISIONS IN AN ELECTION USING INSTANT
19 RUNOFF VOTING.

20 (b) THE SECRETARY OF STATE MAY PROMULGATE CONDITIONS OF
21 USE IN CONNECTION WITH THE USE BY POLITICAL SUBDIVISIONS OF AN
22 ELECTRONIC AND ELECTROMECHANICAL VOTING SYSTEM IN AN ELECTION
23 USING INSTANT RUNOFF VOTING AS MAY BE APPROPRIATE TO MITIGATE
24 DEFICIENCIES IDENTIFIED IN THE CERTIFICATION PROCESS.

25 (c) IN UNDERTAKING THE CERTIFICATION REQUIRED BY THIS
26 SECTION, THE SECRETARY OF STATE MAY CONSIDER PROCEDURES USED OR
27 ADOPTED BY COUNTY CLERK AND RECORDERS OR BEST PRACTICES

1 RECOMMENDED BY EQUIPMENT VENDORS.

2 **SECTION 4.** In Colorado Revised Statutes, 1-5-611, **amend**
3 (1)(c) as follows:

4 **1-5-611. Requirements - nonpunch card electronic voting**
5 **systems.** (1) No nonpunch card electronic voting system shall be
6 purchased, leased, or used unless it fulfills the following requirements:

7 (c) It rejects any vote for an office or on a ballot issue if the
8 number of votes exceeds the number the elector is entitled to cast; EXCEPT
9 THAT, IF THE VOTING SYSTEM IS CERTIFIED FOR USE IN AN ELECTION USING
10 INSTANT RUNOFF VOTING, THE VOTING SYSTEM MUST ALLOW THE ELECTOR
11 TO RANK MULTIPLE CANDIDATES IN SUCH AN ELECTION IN ACCORDANCE
12 WITH SECTION 1-7-1003 AND RULES ADOPTED BY THE SECRETARY OF
13 STATE;

14 **SECTION 5.** In Colorado Revised Statutes, **amend** 1-5-603 as
15 follows:

16 **1-5-603. Adoption and payment for voting machines.** (1) The
17 governing body of any political subdivision may adopt for use at elections
18 any kind of voting machine fulfilling the requirements for voting
19 machines set forth in this part 6. These voting machines may be used at
20 any or all elections held in the political subdivision for casting,
21 registering, and counting votes. EXCEPT AS PROVIDED IN SUBSECTION (2)
22 OF THIS SECTION, the governing body of any political subdivision which
23 adopts and purchases or leases voting machines shall provide for the
24 payment of the purchase price or the rent in such manner as may be in the
25 best interest of the political subdivision and may for that purpose provide
26 for the issuance of interest-bearing bonds, certificates of indebtedness, or
27 other obligations, which shall be a charge upon the county. The bonds,

1 certificates of indebtedness, or other obligations may be made payable at
2 such times, not exceeding ten years from the date of issue, as may be
3 determined by the governing body but shall not be issued or sold at less
4 than par.

5 (2) (a) IF THE SECRETARY OF STATE CERTIFIES A VOTING SYSTEM
6 FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING IN ACCORDANCE
7 WITH SECTION 1-5-617 (1.5), THE SECRETARY OF STATE SHALL, IF
8 POSSIBLE, NEGOTIATE A SINGLE ANNUAL STATEWIDE LICENSE WITH THE
9 VOTING SYSTEM PROVIDER TO ALLOW EACH COUNTY THAT USES THE
10 VOTING SYSTEM TO CONDUCT ELECTIONS USING INSTANT RUNOFF VOTING.
11 THE SECRETARY OF STATE SHALL PAY FOR THE ANNUAL STATEWIDE
12 LICENSE FROM THE DEPARTMENT OF STATE CASH FUND CREATED IN
13 SECTION 24-21-104 (3)(b).

14 (b) EACH COUNTY THAT USES A VOTING SYSTEM IN AN INSTANT
15 RUNOFF VOTING ELECTION PURSUANT TO A LICENSE OBTAINED BY THE
16 SECRETARY OF STATE IN ACCORDANCE WITH SUBSECTION (2)(a) OF THIS
17 SECTION SHALL REIMBURSE THE SECRETARY OF STATE FOR ITS
18 PROPORTIONATE SHARE OF THE COST OF THE ANNUAL STATEWIDE LICENSE
19 FOR THAT YEAR. THE SECRETARY OF STATE SHALL INVOICE ANY COUNTY
20 THAT USES THE VOTING SYSTEM IN AN INSTANT RUNOFF VOTING ELECTION
21 FOR ITS SHARE OF THE COST AS A PROPORTION OF THE TOTAL NUMBER OF
22 COUNTIES THAT USED THE SYSTEM PURSUANT TO THE STATEWIDE LICENSE
23 IN THAT YEAR.

24 **SECTION 6.** In Colorado Revised Statutes, 1-5-615, **add** (1.5)
25 as follows:

26 **1-5-615. Electronic and electromechanical voting systems -**
27 **requirements.** (1.5) THE SECRETARY OF STATE SHALL NOT CERTIFY ANY

1 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM FOR USE IN AN
2 ELECTION USING INSTANT RUNOFF VOTING UNLESS, IN ADDITION TO
3 MEETING THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE
4 SYSTEM MEETS THE REQUIREMENTS AND PERFORMS THE FUNCTIONS
5 REQUIRED BY SECTION 1-7-1003.

6 **SECTION 7.** In Colorado Revised Statutes, 1-5-616, **amend** (2)
7 and (4); and **add** (1.5) as follows:

8 **1-5-616. Electronic and electromechanical voting systems -**
9 **standards - procedures.** (1.5) ON OR BEFORE MARCH 31, 2022, THE
10 RULES ADOPTED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION
11 (1) OF THIS SECTION MUST INCLUDE THE MINIMUM SYSTEM REQUIREMENTS
12 AND SPECIFICATIONS FOR ELECTRONIC AND ELECTROMECHANICAL VOTING
13 SYSTEMS USED TO CONDUCT ELECTIONS USING INSTANT RUNOFF VOTING.

14 (2) The secretary of state may review the rules adopted pursuant
15 to ~~subsection (1)~~ SUBSECTIONS (1) AND (1.5) of this section governing
16 standards for certification of electronic or electromechanical voting
17 systems to determine the adequacy and effectiveness of the rules in
18 assuring that elections achieve the standards established by section
19 1-1-103.

20 (4) The secretary of state shall adapt the standards for certification
21 of electronic or electromechanical voting systems established by rule
22 pursuant to ~~subsection (1)~~ SUBSECTIONS (1) AND (1.5) of this section to
23 ensure that new technologies that meet the requirements for such systems
24 are certified in a timely manner and available for selection by political
25 subdivisions and meet user standards.

26 **SECTION 8.** In Colorado Revised Statutes, 1-5-617, **add** (1.5)
27 as follows:

1 **1-5-617. Examination - testing - certification.** (1.5) (a) ON AND
2 AFTER MARCH 31, 2022, AFTER AN ELECTRONIC OR ELECTROMECHANICAL
3 VOTING SYSTEM IS TESTED IN ACCORDANCE WITH SECTION 1-5-608.5 (3.5)
4 FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING, THE VOTING
5 SYSTEM PROVIDER MAY SUBMIT THE SYSTEM TO THE SECRETARY OF STATE
6 FOR CERTIFICATION FOR USE IN AN ELECTION USING INSTANT RUNOFF
7 VOTING.

8 (b) THE SECRETARY OF STATE SHALL EXAMINE EACH ELECTRONIC
9 OR ELECTROMECHANICAL VOTING SYSTEM SUBMITTED FOR CERTIFICATION
10 AND DETERMINE WHETHER THE SYSTEM COMPLIES WITH THE
11 REQUIREMENTS OF SECTION 1-5-615 AND THE STANDARDS ESTABLISHED
12 UNDER SECTION 1-5-616 FOR USE IN AN ELECTION USING INSTANT RUNOFF
13 VOTING.

14 (c) THE SECRETARY OF STATE SHALL DECIDE WHETHER TO CERTIFY
15 AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM FOR USE IN AN
16 ELECTION USING INSTANT RUNOFF VOTING WITHIN ONE HUNDRED TWENTY
17 DAYS AFTER THE SYSTEM IS SUBMITTED FOR CERTIFICATION.

18 **SECTION 9.** In Colorado Revised Statutes, 1-7-116, **add** (1)(d)
19 as follows:

20 **1-7-116. Coordinated elections - definition.** (1) (d) ON AND
21 AFTER JANUARY 1, 2023, A STATUTORY CITY OR TOWN OR HOME RULE
22 MUNICIPALITY MAY REFER A MUNICIPAL ELECTION USING INSTANT RUNOFF
23 VOTING TO BE CONDUCTED AS PART OF A COORDINATED ELECTION IN
24 ACCORDANCE WITH SECTION 1-7-118. IF REQUIRED BY SECTION 1-7-118,
25 A COUNTY CLERK AND RECORDER SHALL CONDUCT THE ELECTION ON
26 BEHALF OF THE MUNICIPALITY AS PART OF THE COORDINATED ELECTION
27 IN ACCORDANCE WITH THIS SECTION AND SECTION 1-7-118. **FAILURE TO**

1 RECEIVE THE NOTICE REQUIRED BY SECTION 1-7-118 IN A TIMELY MANNER
2 DOES NOT PROHIBIT THE COUNTY CLERK AND RECORDER FROM ENTERING
3 INTO AND PERFORMING AN INTERGOVERNMENTAL AGREEMENT TO
4 CONDUCT THE INSTANT RUNOFF VOTING ELECTION AS PART OF THE
5 COORDINATED ELECTION.

6 **SECTION 10.** In Colorado Revised Statutes, **add** 1-7-118 as
7 follows:

8 **1-7-118. Ranked voting in a coordinated election - procedure**
9 **- costs - definition.** (1) ON AND AFTER JANUARY 1, 2023, A
10 MUNICIPALITY LOCATED IN A SINGLE COUNTY THAT TAKES FORMAL
11 ACTION TO CONDUCT AN ELECTION USING INSTANT RUNOFF VOTING MAY
12 REFER THE ELECTION TO BE CONDUCTED AS PART OF A COORDINATED
13 ELECTION, AS DEFINED IN SECTION 1-7-116, BY PROVIDING WRITTEN
14 NOTICE TO THE COUNTY CLERK AND RECORDER CONDUCTING THE
15 ELECTION AT LEAST ONE HUNDRED DAYS BEFORE THE ELECTION. IF THE
16 COUNTY USES A VOTING SYSTEM THAT IS CERTIFIED BY THE SECRETARY OF
17 STATE FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING, THE
18 COUNTY CLERK AND RECORDER SHALL CONDUCT THE ELECTION AS PART
19 OF THE COORDINATED ELECTION IN ACCORDANCE WITH THIS SECTION AND
20 SECTION 1-7-116. IN ADDITION TO THE REQUIREMENTS OF SECTION 1-7-116
21 (2), THE AGREEMENT BETWEEN THE COUNTY CLERK AND RECORDER AND
22 THE MUNICIPALITY MUST INCLUDE A PLAN FOR CONDUCTING THE VOTER
23 EDUCATION CAMPAIGN REQUIRED BY SECTION 1-7-1003 (5)(b). THE
24 COUNTY CLERK AND RECORDER CONDUCTING THE ELECTION SHALL, WITH
25 INPUT FROM THE MUNICIPALITY, DETERMINE THE MAXIMUM NUMBER OF
26 CHOICES AN ELECTOR MAY RANK IN ACCORDANCE WITH SECTION 1-7-1003
27 (1).

1 (2) A MUNICIPALITY THAT REFERS AN ELECTION USING INSTANT
2 RUNOFF VOTING TO BE CONDUCTED AS PART OF A COORDINATED ELECTION
3 SHALL PAY FOR THE REASONABLE INCREASED COSTS ASSOCIATED WITH
4 THE USE OF INSTANT RUNOFF VOTING IN THE COORDINATED ELECTION,
5 INCLUDING BUT NOT LIMITED TO COSTS RELATED TO ELECTION SETUP
6 LICENSING COSTS PURSUANT TO SECTION 1-5-603 (2), PROGRAMMING,
7 BALLOT DESIGN, ADDITIONAL VOTER INFORMATION AND EDUCATION, AND
8 TABULATION.

9 (3) (a) ON AND AFTER JANUARY 1, 2025, A MUNICIPALITY
10 LOCATED IN MORE THAN ONE COUNTY THAT TAKES FORMAL ACTION TO
11 CONDUCT AN ELECTION USING INSTANT RUNOFF VOTING MAY REFER THE
12 ELECTION TO BE CONDUCTED AS PART OF A COORDINATED ELECTION, AS
13 DEFINED IN SECTION 1-7-116, BY PROVIDING WRITTEN NOTICE TO EACH
14 COUNTY CLERK AND RECORDER CONDUCTING THE ELECTION AT LEAST ONE
15 HUNDRED DAYS BEFORE THE ELECTION. THE COUNTY CLERK AND
16 RECORDER OF EACH SUCH COUNTY SHALL CONDUCT THE ELECTION AS
17 PART OF THE COORDINATED ELECTION ONLY IF:

18 (I) THE MUNICIPALITY TIMELY PROVIDES THE NOTICE REQUIRED BY
19 SUBSECTION (1) OF THIS SECTION TO EACH COUNTY CLERK AND RECORDER;

20 (II) EACH COUNTY CLERK AND RECORDER USES A VOTING SYSTEM
21 THAT IS CERTIFIED BY THE SECRETARY OF STATE FOR USE IN AN ELECTION
22 USING INSTANT RUNOFF VOTING; AND

23 (III) THE DATA FROM THE VOTING SYSTEMS USED BY ALL SUCH
24 COUNTIES CAN BE TABULATED TOGETHER IN ACCORDANCE WITH RULES
25 ESTABLISHED BY THE SECRETARY OF STATE IN ACCORDANCE WITH
26 SUBSECTION (5) OF THIS SECTION.

27 (b) IF THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION

1 ARE MET, THE MUNICIPALITY AND THE COUNTIES SHALL ENTER INTO AN
2 AGREEMENT CONCERNING THE CONDUCT OF THE ELECTION IN
3 ACCORDANCE WITH SECTION 1-7-116 (2). IN ADDITION TO THE
4 REQUIREMENTS OF SECTION 1-7-116 (2), THE AGREEMENT MUST:

5 (I) INCLUDE A PLAN FOR CONDUCTING THE VOTER EDUCATION
6 CAMPAIGN REQUIRED BY SECTION 1-7-1003 (5)(b);

7 (II) ESTABLISH THE MAXIMUM NUMBER OF CHOICES AN ELECTOR
8 MAY RANK ON THE BALLOT IN ACCORDANCE WITH SECTION 1-7-1003 (1);
9 AND

10 (III) ADOPT PROCEDURES FOR THE COUNTY CANVASS BOARDS TO
11 RECONCILE THE BALLOTS AND CERTIFY THE ABSTRACT OF VOTES FOR THE
12 INSTANT RUNOFF VOTING ELECTION IN ACCORDANCE WITH RULES
13 ESTABLISHED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION (5)
14 OF THIS SECTION.

15 (c) IF THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION
16 ARE NOT MET, THE INSTANT RUNOFF VOTING ELECTION SHALL NOT BE
17 CONDUCTED AS PART OF THE COORDINATED ELECTION. THE MUNICIPALITY
18 MAY CONDUCT THE ELECTION IN ACCORDANCE WITH PART 10 OF THIS
19 ARTICLE 7 OR THE MUNICIPALITY'S CHARTER, AS APPLICABLE, AND THE
20 "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE
21 31.

22 (4) FOR EACH ELECTION USING INSTANT RUNOFF VOTING THAT IS
23 CONDUCTED AS PART OF A COORDINATED ELECTION:

24 (a) EACH COUNTY CLERK AND RECORDER CONDUCTING THE
25 ELECTION SHALL PROVIDE THE EXPLANATION OF RANKED VOTING AND
26 INSTRUCTIONS FOR ELECTORS REQUIRED BY SECTION 1-7-1003 (5)(a); AND

27 (b) IF THE INSTANT RUNOFF VOTING ELECTION IS CONDUCTED IN

1 MULTIPLE COUNTIES PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION,
2 EACH COUNTY CANVASS BOARD SHALL CERTIFY THE ABSTRACT OF VOTES
3 CAST AND PROVIDE TABULATION DATA TO THE DESIGNATED ELECTION
4 OFFICIAL FOR THE MUNICIPALITY IN ACCORDANCE WITH RULES
5 PROMULGATED BY THE SECRETARY OF STATE.

6 (5) ON OR BEFORE DECEMBER 31, 2022, THE SECRETARY OF STATE
7 SHALL ADOPT RULES CONCERNING THE TABULATION, REPORTING, AND
8 CANVASSING OF RESULTS FOR A COORDINATED ELECTION USING INSTANT
9 RUNOFF VOTING CONDUCTED BY A SINGLE COUNTY. ON OR BEFORE
10 DECEMBER 31, 2023, THE RULES MUST INCLUDE PROVISIONS FOR AN
11 INSTANT RUNOFF VOTING ELECTION CONDUCTED BY MULTIPLE COUNTIES.

12 (6) AS USED IN THIS SECTION, "MUNICIPALITY" MEANS A
13 STATUTORY CITY OR TOWN OR A HOME RULE MUNICIPALITY.

14 **SECTION 11.** In Colorado Revised Statutes, 1-7-309, **amend** (1)
15 as follows:

16 **1-7-309. Determination of improperly marked ballots.**

17 (1) Votes cast for an office to be filled or a ballot issue to be decided
18 shall not be counted if an elector marks more names than there are
19 persons to be elected to an office or if for any reason it is impossible to
20 determine the elector's choice of candidate or vote concerning the ballot
21 issue; EXCEPT THAT AN ELECTOR'S RANKINGS OF MULTIPLE CANDIDATES
22 IN AN ELECTION USING INSTANT RUNOFF VOTING SHALL BE RECORDED AND
23 COUNTED IN ACCORDANCE WITH SECTION 1-7-1003 AND RULES
24 PROMULGATED BY THE SECRETARY OF STATE.

25 **SECTION 12.** In Colorado Revised Statutes, 1-7-508, **amend** (2)
26 as follows:

27 **1-7-508. Determination of improperly marked ballots.**

1 (2) Votes cast for an office to be filled or a ballot question or ballot issue
2 to be decided shall not be counted if a voter marks more names than there
3 are persons to be elected to an office or if for any reason it is impossible
4 to determine the elector's choice of candidate or vote concerning the
5 ballot question or ballot issue; EXCEPT THAT AN ELECTOR'S RANKINGS OF
6 MULTIPLE CANDIDATES IN AN ELECTION USING INSTANT RUNOFF VOTING
7 SHALL BE RECORDED AND COUNTED IN ACCORDANCE WITH SECTION
8 1-7-1003 AND RULES PROMULGATED BY THE SECRETARY OF STATE. A
9 defective or an incomplete mark on any ballot in a proper place shall be
10 counted if no other mark is on the ballot indicating an intention to vote
11 for some other candidate or ballot question or ballot issue.

12 **SECTION 13.** In Colorado Revised Statutes, 1-7-509, **amend**
13 (2)(a) and (6) as follows:

14 **1-7-509. Electronic and electromechanical vote counting -**
15 **testing of equipment required - definition.** (2) (a) A public test of
16 voting equipment shall be conducted prior to the commencement of
17 voting in accordance with this section by processing a preaudited group
18 of ballots produced so as to record a predetermined number of valid votes
19 for each candidate and on each ballot question or ballot issue. The test
20 shall ensure that the system accurately records votes when the elector has
21 the option of voting for more than one candidate in a race. The test shall
22 ensure that the voting system properly rejects and does not count
23 overvotes and undervotes. IF THE EQUIPMENT IS TO BE USED IN AN
24 ELECTION USING INSTANT RUNOFF VOTING, THE TEST SHALL ENSURE THAT
25 THE VOTING SYSTEM ACCURATELY RECORDS, COUNTS, AND TABULATES AN
26 ELECTOR'S RANKINGS OF MULTIPLE CANDIDATES IN ACCORDANCE WITH
27 SECTION 1-7-1003 AND RULES PROMULGATED BY THE SECRETARY OF

1 STATE.

2 (6) The secretary of state shall promulgate rules in accordance
3 with article 4 of title 24 ~~C.R.S.~~, prescribing the manner of performing the
4 logic and accuracy testing required by this section. ON OR BEFORE
5 DECEMBER 31, 2022, THE RULES PROMULGATED IN ACCORDANCE WITH
6 THIS SUBSECTION (6) MUST INCLUDE STANDARDS AND PROCEDURES FOR
7 CONDUCTING LOGIC AND ACCURACY TESTING ON VOTING EQUIPMENT TO
8 BE USED IN AN ELECTION USING INSTANT RUNOFF VOTING.

9 **SECTION 14.** In Colorado Revised Statutes, 1-7-515, **amend** (4)
10 as follows:

11 **1-7-515. Risk-limiting audits - rules - legislative declaration -**
12 **definitions.** (4) (a) The secretary of state shall promulgate rules in
13 accordance with article 4 of title 24 ~~C.R.S.~~, as may be necessary to
14 implement and administer the requirements of this section. In connection
15 with the promulgation of the rules, the secretary shall consult recognized
16 statistical experts, equipment vendors, and county clerk and recorders,
17 and shall consider best practices for conducting risk-limiting audits.

18 (b) (I) ON OR BEFORE DECEMBER 31, 2023, THE SECRETARY OF
19 STATE SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF
20 TITLE 24 AS NECESSARY TO CONDUCT RISK LIMITING AUDITS IN AN
21 ELECTION USING INSTANT RUNOFF VOTING. IN CONNECTION WITH THE
22 PROMULGATION OF THE RULES, THE SECRETARY SHALL CONSULT
23 RECOGNIZED STATISTICAL EXPERTS, EQUIPMENT VENDORS, AND COUNTY
24 CLERK AND RECORDERS, AND SHALL CONSIDER BEST PRACTICES FOR
25 CONDUCTING RISK-LIMITING AUDITS. THE SECRETARY OF STATE MAY
26 CONSULT WITH ADDITIONAL AUDITING EXPERTS.

27 (II) A COUNTY SHALL AUDIT AN ELECTION USING INSTANT VOTING

1 CONDUCTED AS PART OF A COORDINATED ELECTION BEFORE DECEMBER
2 31, 2023, IN ACCORDANCE WITH RULES ADOPTED BY THE SECRETARY OF
3 STATE RELATED TO RANKED CHOICE OR INSTANT RUNOFF VOTING, OR, IF
4 NO SUCH RULES ARE ADOPTED, IN ACCORDANCE WITH PROCEDURES
5 ADOPTED BY THE COUNTY CLERK AND RECORDER.

6 **SECTION 15.** In Colorado Revised Statutes, 24-21-104.5, add
7 (3) as follows:

8 **24-21-104.5. General fund appropriation - cash fund**
9 **appropriation - elections - legislative intent. (3) THE GENERAL**
10 **ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEY FROM THE GENERAL**
11 **FUND TO THE DEPARTMENT OF STATE AS NECESSARY TO PAY FOR THE**
12 **COSTS OF IMPLEMENTING THE PROVISIONS OF HOUSE BILL 21-1071,**
13 **ENACTED IN 2021.**

14 **SECTION 16.** In Colorado Revised Statutes, 31-4-202, amend
15 (1), (3)(b), and (4)(b) as follows:

16 **31-4-202. Petition - election. (1) When a petition, signed by five**
17 **percent of the registered electors of the municipality, requesting an**
18 **election on the question of adopting the city council-city manager form**
19 **of government is presented to the city council, the city council shall adopt**
20 **an ordinance calling for an election upon such question to be held within**
21 **four calendar months from the date of the presentation of such petition.**
22 **The petition shall state whether the mayor under such form of government**
23 **shall be elected by and from among the members of the city council or**
24 **from the city at large by a plurality of the votes cast for that office** THE
25 REGISTERED ELECTORS OF THE CITY at the regular election. The question
26 of adopting such form of government shall be submitted to the registered
27 electors of the city at a special or regular election to be conducted in

1 accordance with the provisions of the "Colorado Municipal Election Code
2 of 1965".

3 (3) (b) If the petition requests that the mayor be elected from the
4 city at large by ~~a plurality of the votes cast for that office~~ THE REGISTERED
5 ELECTORS OF THE CITY at the regular election, the question to be
6 submitted at such election shall be: "Shall the city of (name of city)
7 reorganize by adopting the City Council-City Manager form of
8 government, as provided in part 2 of article 4 of title 31, Colorado
9 Revised Statutes, with the mayor to be elected by ~~a plurality of the votes~~
10 ~~cast for that office~~ THE REGISTERED ELECTORS OF THE CITY at the regular
11 election?". The form of ballot or voting machine tabs shall be: "For City
12 Council-City Manager Form - Mayor elected by Popular Vote" and
13 "Against City Council-City Manager Form - Mayor elected by Popular
14 Vote".

15 (4) The registered electors of any city which has previously
16 reorganized into the city council-city manager form of government under
17 this part 2 may, at any time, petition in the manner set forth in subsection
18 (1) of this section for an election on:

19 (b) Retaining the city council-city manager form of government
20 but with the mayor to be elected by ~~a plurality of the votes cast for that~~
21 ~~office~~ THE REGISTERED ELECTORS OF THE CITY at the regular election
22 rather than elected by and from among the members of the city council;
23 or

24 **SECTION 17.** In Colorado Revised Statutes, 31-4-207, **amend**
25 (2) as follows:

26 **31-4-207. Mayor - selection.** (2) If the mayor is to be elected by
27 ~~popular vote~~ FROM THE CITY AT LARGE, he or she shall be elected by a

1 ~~plurality of the votes cast for that office~~ THE REGISTERED ELECTORS OF
2 THE CITY at the regular election in the city. The mayor shall be a
3 registered elector who has resided within the limits of the city for a period
4 of at least twelve consecutive months immediately preceding the date of
5 the election; except that, in the case of annexation, any person who has
6 resided within the annexed territory for the time prescribed in this
7 subsection (2) shall be deemed to have met the residence requirements for
8 the city to which the territory was annexed. The mayor shall assume his
9 or her office at the next regularly scheduled meeting of the city council
10 following his or her election or upon such earlier date as the council may
11 specify. Except as otherwise provided in subsection (3) of this section, the
12 mayor shall hold his or her office for a term of two years. At the same
13 meeting of the city council, the city council shall choose, by a majority
14 vote, one of its members to act as mayor pro tem in the temporary absence
15 of the mayor. The city council may appoint one of its members acting
16 mayor in the event both the mayor and the mayor pro tem are temporarily
17 absent from the city or unable to perform the duties of the mayor. In case
18 of a vacancy in the office of the mayor, the city council shall choose his
19 successor for the unexpired term.

20 **SECTION 18. Appropriation.** For the 2021-22 state fiscal year,
21 \$580,000 is appropriated to the department of state for use by the
22 information technology division. This appropriation is from the
23 department of state cash fund created in section 24-21-104 (3)(b), C.R.S.
24 To implement this act, the division may use this appropriation for
25 personal services.

26 **SECTION 19. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2022 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.