

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0557.01 Megan Waples x4348

HOUSE BILL 22-1204

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HOUSE SPONSORSHIP

Hanks,

SENATE SPONSORSHIP

(None),

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House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING ELECTION SYSTEMS, AND, IN CONNECTION THEREWITH,  
102 REQUIRING VOTES TO BE CAST IN PERSON ON ELECTION DAY,  
103 LIMITING THE USE OF ELECTRONIC VOTING SYSTEMS,  
104 ESTABLISHING REQUIREMENTS FOR PRECINCT POLLING PLACES,  
105 REQUIRING THE SECRETARY OF STATE TO WITHDRAW THE STATE  
106 FROM THE ELECTRONIC REGISTRATION INFORMATION CENTER,  
107 AND ESTABLISHING ADDITIONAL REQUIREMENTS FOR THE  
108 CONDUCT OF ELECTIONS.

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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 or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

<http://leg.colorado.gov>.)

The bill makes changes to the laws governing elections. The secretary of state is required, within 30 days after the effective date of the bill, to withdraw the state from participation in the electronic registration information system.

Voters are required to cast their ballots in person at the voters' precinct polling place on election day, unless the voter has completed a valid request for an absentee ballot. A voter may request an absentee ballot if the voter will be out of the state on election day, is hospitalized or in a nursing home, has a visual impairment, or is a uniformed overseas voter. All ballots are required to be counted by hand. Counting and canvassing must be completed within 24 hours after polls close. County clerk and recorders are required to mail ballots to electors prior to election day, with written instructions advising that the voter must appear in person at a precinct polling place to cast the ballot. A person is required to show a valid state-issued identification to vote.

County clerk and recorders are required to divide the county into precincts and to designate adequate and reasonable polling places in each precinct. County clerk and recorders are required to use schools and government buildings as polling places when possible and are prohibited from changing a polling place in a precinct unless the electors of the precinct are given 2 years notice, or in the event of an emergency rendering the original polling place unusable.

The bill establishes new requirements for the certification and use of electronic voting systems. The secretary of state (secretary) is required to create a committee consisting of a member of the faculty in the engineering department at a state institution of higher education, a member of the state bar of Colorado, and one person familiar with voting processes in the state. The committee must test voting systems and make recommendations to the secretary, who is then required to make final adoption of the systems to be certified for use in the state. Use of electronic voting systems is limited to complying with accessibility requirements for voters who are blind or visually impaired established in the bill.

The bill makes additional changes to the election laws, including:

- Requiring county clerk and recorders to send sample ballot proofs of primary ballots to party committee chairs, and to send a proof of the general election ballot to any candidate who was not on the primary ballot;
- Establishing a 100-foot limit around polling places, requiring voters to promptly leave the 100-foot area after voting, and allowing electioneering activity outside the 100-foot limit except in specific circumstances;
- Requiring ballots to be printed on anti-fraud paper;

- Allowing a court to order a recount when presented with facts that require one; and
- Establishing new election offenses related to unlawful acts by voters and other persons.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 1-1-107.5 as  
3 follows:

4           **1-1-107.5. Participation in interstate organizations.** THE  
5 SECRETARY OF STATE SHALL, WITHIN THIRTY DAYS AFTER THE EFFECTIVE  
6 DATE OF THIS SECTION, WITHDRAW THE STATE FROM PARTICIPATION IN THE  
7 ELECTRONIC REGISTRATION INFORMATION CENTER.

8           **SECTION 2.** In Colorado Revised Statutes, 1-4-1204, **repeal** (2)  
9 as follows:

10           **1-4-1204. Names on ballots.** (2) ~~The names of candidates~~  
11 ~~appearing on any presidential primary ballot must be in an order~~  
12 ~~determined by lot. The secretary of state shall determine the method of~~  
13 ~~drawing lots.~~

14           **SECTION 3.** In Colorado Revised Statutes, **add** 1-4-1204.5 as  
15 follows:

16           **1-4-1204.5. Form and content of ballot.** (1) AT THE TOP OF  
17 EACH PARTY'S PRESIDENTIAL PRIMARY BALLOT MUST BE PRINTED:  
18 "OFFICIAL BALLOT OF THE \_\_\_\_\_ PARTY, PRESIDENTIAL PRIMARY  
19 ELECTION (DATE), COUNTY OF \_\_\_\_\_, STATE OF COLORADO".

20           (2) THE ORDER OF THE NAMES OF CERTIFIED CANDIDATES ON THE  
21 BALLOT SHALL BE DETERMINED BY LOTS DRAWN AT A PUBLIC MEETING  
22 CALLED BY THE SECRETARY OF STATE FOR THAT PURPOSE. ROTATION OF  
23 CANDIDATE NAMES IS PROHIBITED. THE CERTIFIED CANDIDATES MUST BE

1 LISTED UNDER THE TITLE: " \_\_\_\_\_ PARTY CANDIDATES FOR PRESIDENT  
2 OF THE UNITED STATES". IMMEDIATELY BELOW MUST BE PRINTED: "VOTE  
3 FOR NOT MORE THAN ONE". THE BALLOT MAY ALSO CONTAIN PRINTED  
4 INSTRUCTIONS TO VOTERS AS PRESCRIBED FOR OTHER ELECTIONS.

5 (3) THE COUNTY CLERK AND RECORDER SHALL PROVIDE A SAMPLE  
6 BALLOT PROOF TO THE STATE CENTRAL COMMITTEE CHAIR OF EACH  
7 QUALIFIED CANDIDATE'S STATE COMMITTEE NOT LATER THAN FIVE DAYS  
8 AFTER RECEIVING THE CERTIFICATION FROM THE SECRETARY OF STATE.

9 **SECTION 4.** In Colorado Revised Statutes, **add** 1-4-1205.5 as  
10 follows:

11 **1-4-1205.5. Absentee voting in presidential primary - satellite**  
12 **locations.** (1) ABSENT UNIFORMED SERVICES VOTERS OR OVERSEAS  
13 VOTERS WHO ARE OTHERWISE ELIGIBLE TO VOTE IN THE ELECTION MAY  
14 VOTE AS PRESCRIBED BY ARTICLE 8.3 OF THIS TITLE 1.

15 (2) THE COUNTY CLERK AND RECORDER SHALL ESTABLISH  
16 ELECTION DAY ON-SITE VOTING LOCATIONS AT THE OFFICE OF THE COUNTY  
17 CLERK AND RECORDER OR AT OTHER LOCATIONS IN THE COUNTY DEEMED  
18 NECESSARY OR APPROPRIATE BY THE COUNTY CLERK AND RECORDER.

19 (3) THE COUNTY CLERK AND RECORDER SHALL SEND BY  
20 NONFORWARDABLE MAIL THAT IS MARKED WITH THE STATEMENT  
21 REQUIRED BY THE POSTMASTER TO RECEIVE AN ADDRESS CORRECTION  
22 NOTIFICATION ABSENTEE BALLOTS THAT ARE REQUESTED PURSUANT TO  
23 SUBSECTION (1) OF THIS SECTION AND SHALL INCLUDE A PREADDRESSED  
24 ENVELOPE FOR THE ELECTOR TO RETURN THE COMPLETED BALLOT.

25 (4) A PERSON WHO IS SENT AN ABSENTEE BALLOT SHALL NOT VOTE  
26 AT A POLLING PLACE.

27 **SECTION 5.** In Colorado Revised Statutes, **repeal and reenact,**

1       **with amendments, 1-5-101** as follows:

2               **1-5-101. Establishing precincts and polling places for partisan**  
3       **elections.** (1) THE COUNTY CLERK AND RECORDER, ON OR BEFORE  
4       OCTOBER 1 OF EACH YEAR PRECEDING THE YEAR OF A GENERAL ELECTION,  
5       BY AN ORDER, SHALL ESTABLISH A CONVENIENT NUMBER OF ELECTION  
6       PRECINCTS IN THE COUNTY AND DEFINE THE BOUNDARIES OF THE  
7       PRECINCTS. THE ELECTION PRECINCT BOUNDARIES SHALL BE ESTABLISHED  
8       SO AS TO BE INCLUDED WITHIN ELECTION DISTRICTS PRESCRIBED BY LAW  
9       FOR ELECTED OFFICERS OF THE STATE AND ITS POLITICAL SUBDIVISIONS.  
10       THE COUNTY CLERK AND RECORDER SHALL NOT ESTABLISH AN ELECTION  
11       PRECINCT THAT HAS MORE THAN ONE THOUSAND FIVE HUNDRED ACTIVE  
12       ELIGIBLE ELECTORS ON THE DATE THE ELECTION PRECINCT'S BOUNDARIES  
13       ARE ESTABLISHED.

14               (2) NOTWITHSTANDING ANY OTHER LAW, AT LEAST TWENTY DAYS  
15       BEFORE A GENERAL OR PRIMARY ELECTION, AND AT LEAST TEN DAYS  
16       BEFORE A SPECIAL ELECTION, THE COUNTY CLERK AND RECORDER SHALL  
17       DESIGNATE ONE POLLING PLACE WITHIN EACH PRECINCT WHERE THE  
18       ELECTION SHALL BE HELD; EXCEPT THAT:

19               (a) ON A SPECIFIC FINDING OF THE COUNTY CLERK AND RECORDER,  
20       INCLUDED IN THE ORDER DESIGNATING POLLING PLACES PURSUANT TO THIS  
21       SUBSECTION (2), THAT NO SUITABLE POLLING PLACE IS AVAILABLE WITHIN  
22       A PRECINCT, A POLLING PLACE FOR THAT PRECINCT MAY BE DESIGNATED  
23       WITHIN AN ADJACENT PRECINCT;

24               (b) ADJACENT PRECINCTS MAY BE COMBINED IF BOUNDARIES SO  
25       ESTABLISHED ARE INCLUDED IN ELECTION DISTRICTS PRESCRIBED BY LAW  
26       FOR STATE ELECTED OFFICIALS AND POLITICAL SUBDIVISIONS. THE  
27       DESIGNATED ELECTION OFFICIAL MAY ALSO SPLIT A PRECINCT FOR

1 ADMINISTRATIVE PURPOSES. THE POLLING PLACES SHALL BE LISTED IN  
2 SEPARATE SECTIONS OF THE ORDER.

3 (c) THE COUNTY CLERK AND RECORDER SHALL ENSURE THAT A  
4 REASONABLE AND ADEQUATE NUMBER OF POLLING PLACES IN EACH  
5 PRECINCT WILL BE DESIGNATED FOR THAT ELECTION. ANY CONSOLIDATED  
6 POLLING PLACES SHALL BE LISTED IN SEPARATE SECTIONS OF THE ORDER  
7 OF THE COUNTY CLERK AND RECORDER.

8 (d) THE COUNTY CLERK AND RECORDER SHALL NOT AUTHORIZE  
9 THE USE OF VOTER SERVICE AND POLLING CENTERS IN PLACE OF OR IN  
10 ADDITION TO THE SPECIFICALLY DESIGNATED POLLING PLACES; AND

11 (e) THE COUNTY CLERK AND RECORDER SHALL NOT CHANGE A  
12 POLLING PLACE UNLESS THE REGISTERED ELECTORS IN THAT PRECINCT ARE  
13 NOTIFIED BY MAIL AT LEAST TWO YEARS IN ADVANCE THAT THE POLLING  
14 PLACE HAS CHANGED.

15 (3) IF THE COUNTY CLERK AND RECORDER FAILS TO DESIGNATE  
16 THE PLACE FOR HOLDING THE ELECTION, OR IF IT CANNOT BE HELD AT OR  
17 ADJACENT TO THE PLACE DESIGNATED, THE DESIGNATED ELECTION  
18 OFFICIAL SHALL DESIGNATE AND GIVE NOTICE OF THE PLACE WITHIN THE  
19 PRECINCT FOR HOLDING THE ELECTION. NOTICE OF THE CHANGE IN  
20 POLLING PLACES MUST INCLUDE NOTICE OF THE NEW POLLING PLACE,  
21 NOTICE OF THE HOURS FOR VOTING ON ELECTION DAY, AND NOTICE OF THE  
22 TELEPHONE NUMBER TO CALL FOR VOTER ASSISTANCE.

23 (4) A PUBLIC SCHOOL SHALL PROVIDE SUFFICIENT SPACE FOR USE  
24 AS A POLLING PLACE FOR ANY CITY, COUNTY, OR STATE ELECTION WHEN  
25 REQUESTED BY THE DESIGNATED ELECTION OFFICIAL.

26 (5) WHENEVER POSSIBLE, THE COUNTY CLERK AND RECORDER  
27 SHALL USE PUBLIC SCHOOLS AND GOVERNMENTAL OFFICES AS POLLING

1 PLACES. ON REQUEST, SCHOOL DISTRICT GOVERNING BOARD MEMBERS,  
2 PRINCIPALS, AND MANAGERS OF GOVERNMENTAL OFFICES SHALL ALLOW  
3 THEIR SITES TO BE USED AS POLLING PLACES.

4 (6) THE COUNTY CLERK AND RECORDER SHALL MAKE AVAILABLE  
5 TO THE PUBLIC AS A PUBLIC RECORD A LIST OF THE POLLING PLACES FOR  
6 ALL PRECINCTS IN WHICH THE ELECTION IS TO BE HELD.

7 (7) EXCEPT IN THE CASE OF AN EMERGENCY, ANY FACILITY THAT  
8 IS USED AS A POLLING PLACE ON ELECTION DAY SHALL ALLOW PERSONS TO  
9 ELECTIONEER AND ENGAGE IN OTHER POLITICAL ACTIVITY OUTSIDE OF THE  
10 ONE-HUNDRED-FOOT LIMIT PRESCRIBED BY SECTION 1-7-115.5 IN PUBLIC  
11 AREAS AND PARKING LOTS USED BY VOTERS. THIS SUBSECTION (7) DOES  
12 NOT ALLOW THE TEMPORARY OR PERMANENT CONSTRUCTION OF  
13 STRUCTURES IN PUBLIC AREAS AND PARKING LOTS OR THE BLOCKING OR  
14 OTHER IMPAIRMENT OF ACCESS TO PARKING SPACES FOR VOTERS. THE  
15 COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL  
16 SHALL POST ON ITS WEBSITE AT LEAST TWO WEEKS BEFORE ELECTION DAY  
17 A LIST OF THOSE POLLING PLACES IN WHICH EMERGENCY CONDITIONS  
18 PREVENT ELECTIONEERING AND SHALL SPECIFY THE REASON THE  
19 EMERGENCY DESIGNATION WAS GRANTED AND THE NUMBER OF ATTEMPTS  
20 THAT WERE MADE TO FIND A POLLING PLACE BEFORE GRANTING AN  
21 EMERGENCY DESIGNATION. IF THE POLLING PLACE IS NOT ON THE WEBSITE  
22 LIST OF POLLING PLACES WITH EMERGENCY DESIGNATIONS,  
23 ELECTIONEERING AND OTHER POLITICAL ACTIVITY SHALL BE ALLOWED  
24 OUTSIDE OF THE ONE-HUNDRED-FOOT LIMIT. IF AN EMERGENCY ARISES  
25 AFTER THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED  
26 ELECTION OFFICIAL'S INITIAL WEBSITE POSTING, THE COUNTY CLERK AND  
27 RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL SHALL UPDATE THE

1 WEBSITE OF SUCH OFFICIAL AS SOON AS PRACTICABLE TO INCLUDE ANY  
2 NEW POLLING PLACES, HIGHLIGHT THE POLLING PLACE LOCATION ON THE  
3 WEBSITE, AND SPECIFY THE REASON THE EMERGENCY DESIGNATION WAS  
4 GRANTED AND THE NUMBER OF ATTEMPTS THAT WERE MADE TO FIND A  
5 POLLING PLACE BEFORE GRANTING AN EMERGENCY DESIGNATION.

6 (8) FOR THE PURPOSES OF THIS SECTION, A COUNTY CLERK AND  
7 RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL SHALL DESIGNATE  
8 A POLLING PLACE AS AN EMERGENCY POLLING PLACE AND THUS PROHIBIT  
9 PERSONS FROM ELECTIONEERING AND ENGAGING IN OTHER POLITICAL  
10 ACTIVITY OUTSIDE OF THE ONE-HUNDRED-FOOT LIMIT PRESCRIBED BY  
11 SECTION 1-7-115.5 BUT INSIDE THE PROPERTY OF THE FACILITY THAT IS  
12 HOSTING THE POLLING PLACE IF AN ACT OF GOD RENDERS A PREVIOUSLY  
13 ESTABLISHED POLLING PLACE UNUSABLE.

14 **SECTION 6.** In Colorado Revised Statutes, **add** 1-5-401.5,  
15 1-5-402.5, and 1-5-403.5 as follows:

16 **1-5-401.5. Anti-fraud ballot paper.** FOR PRIMARY AND GENERAL  
17 ELECTIONS, THE DESIGNATED ELECTION OFFICIAL SHALL USE BALLOT  
18 PAPER THAT INCLUDES A HOLOGRAM, AN IDENTIFIABLE SEQUENCE  
19 MARKING, OR ANOTHER SIMILAR SYSTEM FOR PREVENTING FRAUD AND  
20 THAT ALLOWS A VOTER TO RECEIVE A UNIQUELY MARKED OR NUMBERED  
21 BALLOT.

22 **1-5-402.5. Sample primary election ballots - submission to**  
23 **party chair for examination - preparation, printing, and distribution**  
24 **of ballot.** (1) NOTWITHSTANDING ANY OTHER LAW, AT LEAST FORTY-FIVE  
25 DAYS BEFORE A PRIMARY ELECTION, THE DESIGNATED ELECTION OFFICIAL  
26 SHALL:

27 (a) PREPARE A PROOF OF A SAMPLE BALLOT;



1 (b) SUBMIT THE SAMPLE BALLOT PROOF OF EACH PARTY TO THE  
2 COUNTY CENTRAL COMMITTEE CHAIR; AND

3 (c) MAIL A SAMPLE BALLOT PROOF TO EACH CANDIDATE FOR  
4 WHOM A NOMINATION PAPER AND PETITIONS HAVE BEEN FILED.

5 (2) WITHIN FIVE DAYS AFTER RECEIPT OF THE SAMPLE BALLOT, THE  
6 COUNTY CENTRAL COMMITTEE CHAIR OF EACH POLITICAL PARTY SHALL  
7 SUGGEST TO THE DESIGNATED ELECTION OFFICIAL ANY CHANGE THE CHAIR  
8 DEEMS NECESSARY IN THE CHAIR'S PARTY BALLOT, AND IF, ON  
9 EXAMINATION, THE DESIGNATED ELECTION OFFICIAL FINDS AN ERROR OR  
10 OMISSION IN THE BALLOT, THE DESIGNATED ELECTION OFFICIAL SHALL  
11 CORRECT IT. THE DESIGNATED ELECTION OFFICIAL SHALL PRINT AND  
12 DISTRIBUTE THE SAMPLE BALLOTS AS REQUIRED BY LAW, MAINTAIN A  
13 COPY OF EACH SAMPLE BALLOT, AND POST A NOTICE INDICATING THAT  
14 SAMPLE BALLOTS ARE AVAILABLE ON REQUEST.

15 (3) NOT LATER THAN FORTY DAYS BEFORE A PRIMARY ELECTION,  
16 THE COUNTY CENTRAL COMMITTEE CHAIR OF A POLITICAL PARTY MAY  
17 REQUEST ONE SAMPLE PRIMARY ELECTION BALLOT OF THE CHAIR'S PARTY  
18 FOR EACH ELECTION PRECINCT.

19 **1-5-403.5. Sample general election ballots - preparation and**  
20 **distribution.** (1) BEFORE PRINTING THE SAMPLE BALLOTS FOR THE  
21 GENERAL ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL SEND TO  
22 EACH CANDIDATE WHOSE NAME DID NOT APPEAR ON THE PRECEDING  
23 PRIMARY ELECTION BALLOT A BALLOT PROOF OF THE SAMPLE BALLOT FOR  
24 THE CANDIDATE'S REVIEW.

25 (2) THE DESIGNATED ELECTION OFFICIAL SHALL PRINT AND  
26 DISTRIBUTE, FOR THE INFORMATION OF VOTERS AT EACH POLLING PLACE,  
27 A NUMBER OF SAMPLE BALLOTS AS THE OFFICIAL DEEMS NECESSARY.

1           **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**  
2 **with amendments,** part 6 of article 5 of title 1 as follows:

3   PART 6

4   AUTHORIZATION AND USE OF VOTING

5   MACHINES AND ELECTRONIC VOTING SYSTEMS

6           **1-5-601. Definitions.** AS USED IN THIS PART 6, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8                         (1) "BALLOT" MEANS A PAPER BALLOT ON WHICH VOTES ARE  
9 RECORDED.

10                        (2) "ELECTRONIC VOTING SYSTEM" MEANS A SYSTEM IN WHICH  
11 VOTES ARE RECORDED ON A PAPER BALLOT BY MEANS OF MARKING, AND  
12 SUCH VOTES ARE SUBSEQUENTLY COUNTED AND TABULATED BY VOTE  
13 TABULATING EQUIPMENT.

14                        (3) "VOTE TABULATING EQUIPMENT" INCLUDES APPARATUS TO  
15 AUTOMATICALLY EXAMINE AND COUNT VOTES AS DESIGNATED ON  
16 BALLOTS AND TABULATE THE RESULTS.

17                        (4) "VOTING DEVICE" MEANS AN APPARATUS THAT THE VOTER  
18 USES TO RECORD THE VOTER'S VOTES BY MARKING A PAPER BALLOT,  
19 WHICH VOTES ARE SUBSEQUENTLY COUNTED BY HAND.

20           **1-5-602. Committee approval.** (1) THE SECRETARY OF STATE  
21 SHALL APPOINT A COMMITTEE OF THREE PERSONS CONSISTING OF A  
22 MEMBER OF THE FACULTY IN THE ENGINEERING COLLEGE OR DEPARTMENT  
23 AT ONE OF THE STATE INSTITUTIONS OF HIGHER EDUCATION, A MEMBER OF  
24 THE STATE BAR OF COLORADO, AND ONE PERSON FAMILIAR WITH VOTING  
25 PROCESSES IN THE STATE. NOT MORE THAN TWO PERSONS SHALL BE OF THE  
26 SAME POLITICAL PARTY AND AT LEAST ONE PERSON SHALL HAVE AT LEAST  
27 FIVE YEARS OF EXPERIENCE WITH AND SHALL BE ABLE TO RENDER AN

1 OPINION BASED ON KNOWLEDGE OF, TRAINING IN, OR EDUCATION IN  
2 ELECTRONIC VOTING SYSTEMS, PROCEDURES, AND SECURITY. THE  
3 COMMITTEE SHALL INVESTIGATE AND TEST THE VARIOUS TYPES OF VOTE  
4 RECORDING DEVICES THAT MAY BE USED UNDER THIS PART 6. THE  
5 COMMITTEE SHALL SUBMIT ITS RECOMMENDATIONS TO THE SECRETARY OF  
6 STATE WHO SHALL MAKE FINAL ADOPTION OF THE TYPE OR TYPES, MAKE  
7 OR MAKES, AND MODEL OR MODELS TO BE CERTIFIED FOR USE IN THIS  
8 STATE. THE COMMITTEE SERVES WITHOUT COMPENSATION.

9 (2) MACHINES OR DEVICES USED AT ANY ELECTION FOR FEDERAL,  
10 STATE, OR COUNTY OFFICES MAY ONLY BE CERTIFIED FOR USE IN THIS  
11 STATE AND MAY ONLY BE USED IN THIS STATE IF THEY COMPLY WITH THE  
12 FEDERAL "HELP AMERICA VOTE ACT OF 2002", IF THEY HAVE BEEN  
13 TESTED AND APPROVED BY A LABORATORY THAT IS ACCREDITED  
14 PURSUANT TO THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", AND IF  
15 THEY ARE TO BE USED TO COMPLY WITH THE ACCESSIBILITY  
16 REQUIREMENTS PRESCRIBED BY SECTION 1-5-603. EXCEPT AS REQUIRED  
17 BY SECTION 1-5-603, THE SECRETARY OF STATE SHALL NOT APPROVE FOR  
18 GENERAL USE ELECTRONIC VOTING MACHINES AND ELECTRONIC  
19 TABULATING MACHINES.

20 (3) AFTER CONSULTATION WITH THE COMMITTEE PRESCRIBED BY  
21 SUBSECTION (1) OF THIS SECTION, THE SECRETARY OF STATE SHALL ADOPT  
22 STANDARDS THAT SPECIFY THE CRITERIA FOR LOSS OF CERTIFICATION FOR  
23 EQUIPMENT THAT WAS USED AT ANY ELECTION FOR FEDERAL, STATE, OR  
24 COUNTY OFFICES AND THAT WAS PREVIOUSLY CERTIFIED FOR USE IN THIS  
25 STATE. ON LOSS OF CERTIFICATION, MACHINES OR DEVICES USED AT ANY  
26 ELECTION SHALL NOT BE USED FOR ANY ELECTION FOR FEDERAL, STATE,  
27 OR COUNTY OFFICES IN THIS STATE UNLESS RECERTIFIED FOR USE IN THIS

1 STATE.

2 (4) THE SECRETARY OF STATE SHALL REVOKE THE CERTIFICATION  
3 OF ANY VOTING SYSTEM OR DEVICE FOR USE IN A FEDERAL, STATE, OR  
4 COUNTY ELECTION IN THIS STATE OR MAY PROHIBIT FOR UP TO TEN YEARS  
5 THE PURCHASE, LEASE, OR USE OF ANY VOTING SYSTEM OR DEVICE  
6 LEASED, INSTALLED, OR USED BY A PERSON OR FIRM IN CONNECTION WITH  
7 A FEDERAL, STATE, OR COUNTY ELECTION IN THIS STATE, OR BOTH, IF  
8 EITHER OF THE FOLLOWING OCCURS:

9 (a) THE PERSON OR FIRM INSTALLS, USES, OR ALLOWS THE USE OF  
10 A VOTING SYSTEM OR DEVICE THAT IS NOT CERTIFIED FOR USE OR  
11 APPROVED FOR EXPERIMENTAL USE IN THIS STATE PURSUANT TO THIS  
12 SECTION; OR

13 (b) THE PERSON OR FIRM USES OR INCLUDES HARDWARE,  
14 FIRMWARE, OR SOFTWARE IN A VERSION THAT IS NOT CERTIFIED FOR USE  
15 OR APPROVED FOR EXPERIMENTAL USE PURSUANT TO THIS SECTION IN A  
16 CERTIFIED VOTING SYSTEM OR DEVICE.

17 **1-5-603. Accessible voting technology - recommendations -**  
18 **certification - applicability.** (1) ON COMPLETION OF THE CERTIFICATION  
19 PROCESS PURSUANT TO THIS SECTION AND SECTION 1-5-602, THE  
20 SECRETARY OF STATE SHALL REQUIRE THAT VOTING SYSTEMS THAT ARE  
21 USED IN ELECTIONS UNDER THIS CODE PROVIDE PERSONS WHO ARE BLIND  
22 OR VISUALLY IMPAIRED WITH ACCESS TO VOTING THAT IS EQUIVALENT TO  
23 THAT PROVIDED TO PERSONS WHO ARE NOT BLIND OR VISUALLY IMPAIRED.

24 (2) FOR THE PURPOSES OF THIS SECTION:

25 (a) A VOTING SYSTEM THAT PROVIDES THE VOTER WITH THE  
26 ABILITY TO CAST AND VERIFY BY BOTH VISUAL AND NONVISUAL METHODS  
27 ALL OF THE SELECTIONS THAT WERE MADE BY THAT VOTER IS DEEMED TO

1 PROVIDE EQUIVALENT ACCESS.

2 (b) NONVISUAL METHODS FOR CASTING AND VERIFYING A  
3 SELECTION MADE ON A VOTING SYSTEM INCLUDE THE USE OF SYNTHESIZED  
4 SPEECH, BRAILLE, AND OTHER OUTPUT METHODS THAT DO NOT REQUIRE  
5 SIGHT.

6 (c) AN ELECTRONIC VOTING SYSTEM AUTHORIZED BY THIS SECTION  
7 SHALL NOT BE APPROVED OR PROVIDED FOR GENERAL USE.

8 (3) THE SECRETARY OF STATE SHALL CONSULT WITH AND OBTAIN  
9 RECOMMENDATIONS REGARDING VOTING SYSTEMS FROM NONPROFIT  
10 ORGANIZATIONS THAT REPRESENT PERSONS WHO ARE BLIND OR VISUALLY  
11 IMPAIRED; PERSONS WITH EXPERTISE IN ACCESSIBLE SOFTWARE,  
12 HARDWARE, AND OTHER TECHNOLOGY; COUNTY AND LOCAL ELECTION  
13 OFFICIALS; AND OTHER PERSONS DEEMED APPROPRIATE BY THE  
14 SECRETARY OF STATE. AFTER RECEIVING RECOMMENDATIONS, THE  
15 SECRETARY OF STATE SHALL SUBMIT TO THE COMMITTEE ESTABLISHED  
16 PURSUANT TO SECTION 1-5-602 ONE OR MORE VOTING SYSTEMS THAT  
17 PROVIDE EQUIVALENT ACCESS PURSUANT TO THIS SECTION FOR POSSIBLE  
18 CERTIFICATION FOR USE IN THIS STATE.

19 (4) SUBSECTION (1) OF THIS SECTION APPLIES TO VOTING SYSTEMS  
20 THAT ARE PURCHASED OR UPGRADED AFTER THE EFFECTIVE DATE OF THIS  
21 SECTION.

22 **1-5-604. Authorization of use at elections.** AT ALL ELECTIONS  
23 UNDER THIS CODE, BALLOTS OR VOTES MAY BE CAST, RECORDED, AND  
24 COUNTED BY VOTING OR MARKING DEVICES AND VOTE TABULATING  
25 DEVICES AS PROVIDED BY THIS PART 6; EXCEPT THAT ELECTRONIC VOTING  
26 AND ELECTRONIC OR OTHER TABULATING DEVICES MAY ONLY BE USED TO  
27 COMPLY WITH SECTION 1-5-603. FOR ALL OTHER USES, FOR ELECTIONS

1 UNDER THIS CODE, ONLY PAPER BALLOTS MAY BE USED AND BALLOTS  
2 SHALL BE TABULATED BY HAND.

3 **1-5-605. Specifications of electronic voting systems.** (1) AN  
4 ELECTRONIC VOTING SYSTEM CONSISTING OF A VOTING OR MARKING  
5 DEVICE THAT IS USED IN ACCORDANCE WITH SECTION 1-5-603 MUST  
6 PROVIDE FACILITIES FOR VOTING FOR CANDIDATES AT BOTH PRIMARY AND  
7 GENERAL ELECTIONS.

8 (2) AN ELECTRONIC VOTING SYSTEM MUST:

9 (a) PROVIDE FOR VOTING IN SECRECY WHEN USED WITH VOTING  
10 BOOTHS;

11 (b) ALLOW EACH ELECTOR TO VOTE AT ANY ELECTION FOR ANY  
12 PERSON FOR ANY OFFICE WHETHER OR NOT THE PERSON IS NOMINATED AS  
13 A CANDIDATE, TO VOTE FOR AS MANY PERSONS FOR AN OFFICE AS THE  
14 ELECTOR IS ENTITLED TO VOTE FOR, AND TO VOTE FOR OR AGAINST ANY  
15 QUESTION ON WHICH THE ELECTOR IS ENTITLED TO VOTE, AND THE VOTE  
16 TABULATING EQUIPMENT SHALL REJECT CHOICES RECORDED ON THE  
17 ELECTOR'S BALLOT IF THE NUMBER OF CHOICES EXCEEDS THE NUMBER  
18 THAT THE ELECTOR IS ENTITLED TO VOTE FOR THE OFFICE OR ON THE  
19 MEASURE;

20 (c) PREVENT THE ELECTOR FROM VOTING FOR THE SAME PERSON  
21 MORE THAN ONCE FOR THE SAME OFFICE;

22 (d) BE SUITABLY DESIGNED FOR THE PURPOSE USED AND BE OF  
23 DURABLE CONSTRUCTION, AND MAY BE USED SAFELY, EFFICIENTLY, AND  
24 ACCURATELY IN THE CONDUCT OF ELECTIONS AND COUNTING BALLOTS;

25 (e) BE PROVIDED WITH MEANS FOR SEALING THE VOTING OR  
26 MARKING DEVICE AGAINST ANY FURTHER VOTING AFTER THE CLOSE OF  
27 THE POLLS AND THE LAST VOTER HAS VOTED;

1 (f) WHEN PROPERLY OPERATED, RECORD CORRECTLY AND COUNT  
2 ACCURATELY EVERY VOTE CAST;

3 (g) PROVIDE A DURABLE PAPER DOCUMENT THAT VISUALLY  
4 INDICATES THE VOTER'S SELECTIONS THAT THE VOTER MAY USE TO VERIFY  
5 THE VOTER'S CHOICES, THAT MAY BE SPOILED BY THE VOTER IF IT FAILS TO  
6 REFLECT THE VOTER'S CHOICES, AND THAT ALLOWS THE VOTER TO CAST A  
7 NEW BALLOT. THIS PAPER DOCUMENT SHALL BE USED IN MANUAL AUDITS  
8 AND RECOUNTS.

9 (h) TO THE EXTENT PRACTICABLE, PROVIDE FOR THE BALLOT  
10 LAYOUT TO BE IN THE SAME ORDER OF ARRANGEMENT, INCLUDING  
11 ROTATION, AS PROVIDED FOR PAPER BALLOTS; EXCEPT THAT INFORMATION  
12 MAY BE PRINTED IN VERTICAL OR HORIZONTAL ROWS OR IN A NUMBER OF  
13 SEPARATE PAGES OR SCREENS THAT ARE PLACED OR DISPLAYED ON THE  
14 VOTING DEVICE. THE TITLES OF OFFICES MAY BE ARRANGED IN VERTICAL  
15 COLUMNS OR IN A SERIES OF SEPARATE PAGES OR SCREENS AND MUST BE  
16 PRINTED ABOVE OR AT THE SIDE OF THE NAMES OF CANDIDATES SO AS TO  
17 INDICATE CLEARLY THE CANDIDATES FOR EACH OFFICE AND THE NUMBER  
18 TO BE ELECTED. IF THERE ARE MORE CANDIDATES FOR AN OFFICE THAN  
19 CAN BE PRINTED IN ONE COLUMN OR ON ONE BALLOT PAGE OR SCREEN, THE  
20 BALLOT MUST BE CLEARLY MARKED THAT THE LIST OF CANDIDATES IS  
21 CONTINUED ON THE FOLLOWING COLUMN, PAGE, OR SCREEN, AND TO THE  
22 EXTENT PRACTICABLE, THE SAME NUMBER OF NAMES SHALL BE PRINTED  
23 ON EACH COLUMN, PAGE, OR SCREEN.

24 **1-5-606. Write-in votes - instructions.** TO BE COUNTED, ALL  
25 WRITE-IN VOTES MUST BE MARKED BY THE VOTER IN THE SPACE PROVIDED  
26 OPPOSITE THE NAMES OF THE WRITE-IN CANDIDATES. THE INSTRUCTIONS  
27 TO VOTERS PRINTED ON THE BALLOTS MUST INSTRUCT THE VOTER THAT

1 THE VOTE WILL NOT BE COUNTED UNLESS THE VOTER PROPERLY MARKS  
2 THE BALLOT WHEN WRITING IN A CANDIDATE'S NAME.

3 **1-5-607. Required test of equipment and programs - notice.**

4 (1) THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION  
5 OFFICIAL SHALL TEST THE AUTOMATIC TABULATING EQUIPMENT AND  
6 PROGRAMS USED PURSUANT TO THIS PART 6 TO ASCERTAIN THAT THE  
7 EQUIPMENT AND PROGRAMS WILL CORRECTLY MARK AND COUNT THE  
8 VOTES CAST FOR ALL OFFICES AND ON ALL MEASURES. PUBLIC NOTICE OF  
9 THE TIME AND PLACE OF THE TEST SHALL BE GIVEN AT LEAST FORTY-EIGHT  
10 HOURS BEFORE THE TEST BY PUBLICATION ONCE IN ONE OR MORE DAILY OR  
11 WEEKLY NEWSPAPERS PUBLISHED IN THE JURISDICTION USING THE  
12 EQUIPMENT IF A NEWSPAPER IS PUBLISHED IN THE JURISDICTION,  
13 OTHERWISE IN A NEWSPAPER OF GENERAL CIRCULATION. THE TEST SHALL  
14 BE OBSERVED BY AT LEAST TWO ELECTION INSPECTORS WHO MUST NOT BE  
15 OF THE SAME POLITICAL PARTY AND MUST BE OPEN TO REPRESENTATIVES  
16 OF ALL OF THE POLITICAL PARTIES, CANDIDATES, THE PRESS, AND THE  
17 PUBLIC. THE TEST SHALL BE CONDUCTED BY PROCESSING A PREAUDITED  
18 GROUP OF BALLOTS TO RECORD A PREDETERMINED NUMBER OF VALID  
19 VOTES FOR EACH CANDIDATE AND ON EACH MEASURE, AND MUST INCLUDE  
20 FOR EACH OFFICE ONE OR MORE BALLOTS THAT HAVE VOTES IN EXCESS OF  
21 THE NUMBER ALLOWED BY LAW IN ORDER TO TEST THE ABILITY OF THE  
22 AUTOMATIC TABULATING EQUIPMENT AND PROGRAMS TO REJECT SUCH  
23 VOTES. IF ANY ERROR IS DETECTED, THE CAUSE OF THE ERROR SHALL BE  
24 ASCERTAINED AND CORRECTED AND AN ERRORLESS COUNT SHALL BE  
25 MADE BEFORE THE EQUIPMENT IS APPROVED. THE TEST SHALL BE  
26 REPEATED IMMEDIATELY BEFORE THE START OF THE OFFICIAL COUNT OF  
27 THE BALLOTS IN THE SAME MANNER AS SET FORTH ABOVE. AFTER THE



1 COMPLETION OF THE COUNT, THE BALLOTS SHALL BE SEALED, RETAINED,  
2 AND DISPOSED OF AS PROVIDED FOR PAPER BALLOTS.

3 (2) ELECTRONIC BALLOT TABULATING SYSTEMS USED IN  
4 ACCORDANCE WITH THIS PART 6 SHALL BE TESTED FOR LOGIC AND  
5 ACCURACY.

6 (3) NOTWITHSTANDING SUBSECTIONS (1) AND (2) OF THIS SECTION,  
7 IF A COUNTY USES ACCESSIBLE VOTING EQUIPMENT TO MARK BALLOTS,  
8 THE SECRETARY OF STATE IN COOPERATION WITH THE COUNTY CLERK AND  
9 RECORDER MAY DESIGNATE A SINGLE DATE TO TEST THE LOGIC AND  
10 ACCURACY OF THE ACCESSIBLE VOTING EQUIPMENT AND ANY OTHER  
11 EQUIPMENT OR DEVICES USED TO MARK THE BALLOTS.

12 **SECTION 8.** In Colorado Revised Statutes, **add** 1-7-101.5,  
13 1-7-115.5, and 1-7-119 as follows:

14 **1-7-101.5. Primary and general election requirements.**

15 (1) NOTWITHSTANDING ANY OTHER LAW, ALL PRIMARY AND GENERAL  
16 ELECTIONS IN THE STATE SHALL BE CONDUCTED IN STRICT ADHERENCE TO  
17 THE FOLLOWING:

18 (a) A VOTER SHALL NOT RECEIVE OR CAST A BALLOT UNLESS THE  
19 VOTER HAS PRESENTED VALID STATE-ISSUED IDENTIFICATION;

20 (b) EXCEPT FOR ABSENTEE BALLOTS AS PRESCRIBED BY PART 11 OF  
21 THIS ARTICLE 7:

22 (I) ALL VOTING MUST OCCUR ON ELECTION DAY ONLY; AND

23 (II) ALL BALLOTS MUST BE CAST IN PERSON BY THE VOTER AT THE  
24 VOTER'S ELECTION PRECINCT POLLING PLACE; AND

25 (c) ALL BALLOTS SHALL BE COUNTED BY HAND AND CANVASSED  
26 AND THE RETURNS MADE WITHIN TWENTY-FOUR HOURS AFTER THE POLLS  
27 ARE CLOSED.

1           (2)(a) NOT SOONER THAN TWENTY-TWO DAYS BEFORE A GENERAL,  
2           PRIMARY, OR OTHER ELECTION, AND NO LATER THAN EIGHTEEN DAYS  
3           BEFORE THE ELECTION, THE COUNTY CLERK AND RECORDER OR  
4           DESIGNATED ELECTION OFFICIAL SHALL MAIL TO EACH ACTIVE REGISTERED  
5           ELECTOR, AT THE LAST MAILING ADDRESS APPEARING IN THE  
6           REGISTRATION RECORDS AND IN ACCORDANCE WITH UNITED STATES  
7           POSTAL SERVICE REGULATIONS, A BALLOT. THE ENVELOPE CONTAINING  
8           THE BALLOT MUST BE MARKED: "DO NOT FORWARD. ADDRESS  
9           CORRECTION REQUESTED." OR ANY OTHER SIMILAR STATEMENT  
10          THAT IS IN ACCORDANCE WITH UNITED STATES POSTAL SERVICE  
11          REGULATIONS. FOR A PRIMARY MAIL BALLOT ELECTION, ACTIVE  
12          REGISTERED ELECTORS INCLUDES PREREGISTRANTS ELIGIBLE TO VOTE IN  
13          THAT PRIMARY ELECTION UNDER SECTION 1-2-101 (2)(c). NOTHING IN  
14          THIS SUBSECTION (2) AFFECTS ANY PROVISION OF THIS CODE GOVERNING  
15          THE DELIVERY OF MAIL BALLOTS TO AN ABSENT UNIFORMED SERVICES  
16          ELECTOR, NONRESIDENT OVERSEAS ELECTOR, OR RESIDENT OVERSEAS  
17          ELECTOR COVERED BY THE FEDERAL "UNIFORMED AND OVERSEAS  
18          CITIZENS ABSENTEE VOTING ACT", 52 U.S.C. SEC. 20301 ET SEQ.

19          (b) IF THE TWENTY-SECOND DAY BEFORE A GENERAL, PRIMARY, OR  
20          OTHER MAIL BALLOT ELECTION IS A SATURDAY, SUNDAY, STATE LEGAL  
21          HOLIDAY, OR FEDERAL HOLIDAY RECOGNIZED BY THE UNITED STATES  
22          POSTAL SERVICE, THE COUNTY CLERK AND RECORDER OR DESIGNATED  
23          ELECTION OFFICIAL MAY MAIL BALLOTS PURSUANT TO SUBSECTION (2)(a)  
24          OF THIS SECTION ON THE FRIDAY IMMEDIATELY PRECEDING THE  
25          TWENTY-SECOND DAY.

26          (c) THE BALLOT MUST BE ACCOMPANIED BY WRITTEN  
27          INSTRUCTIONS ADVISING THE ELECTOR THAT THE ELECTOR MUST APPEAR

1 IN PERSON AT THE POLLING PLACE IN THE PERSON'S PRECINCT ON ELECTION  
2 DAY TO CAST THE BALLOT. THE INSTRUCTIONS MUST INCLUDE NOTICE OF  
3 THE ELECTOR'S POLLING PLACE, NOTICE OF THE HOURS FOR VOTING ON  
4 ELECTION DAY, AND NOTICE OF THE TELEPHONE NUMBER TO CALL FOR  
5 VOTER ASSISTANCE.

6 (3) EXCEPT AS REQUIRED BY SUBSECTIONS (1) AND (2) OF THIS  
7 SECTION, ALL PRIMARY AND GENERAL ELECTIONS SHALL BE CONDUCTED  
8 AS OTHERWISE PROVIDED BY LAW.

9 **1-7-115.5. One-hundred-foot limit - notices - posting -**  
10 **violation - classification.** (1) EXCEPT AS PRESCRIBED IN THIS SECTION,  
11 A PERSON IS NOT ALLOWED TO REMAIN INSIDE THE ONE-HUNDRED-FOOT  
12 LIMIT WHILE THE POLLS ARE OPEN, EXCEPT FOR THE PURPOSE OF VOTING;  
13 AND EXCEPT THE ELECTION OFFICIALS, ONE REPRESENTATIVE AT ANY ONE  
14 TIME OF EACH POLITICAL PARTY REPRESENTED ON THE BALLOT WHO HAS  
15 BEEN APPOINTED BY THE COUNTY CENTRAL COMMITTEE CHAIR OF THAT  
16 POLITICAL PARTY AND THE CHALLENGERS ALLOWED BY LAW; AND  
17 ELECTIONEERING MAY NOT OCCUR WITHIN THE ONE-HUNDRED-FOOT LIMIT.  
18 VOTERS WHO HAVE CAST THEIR BALLOTS SHALL PROMPTLY MOVE OUTSIDE  
19 THE ONE-HUNDRED-FOOT LIMIT.

20 (2) THE DESIGNATED ELECTION OFFICIAL SHALL FURNISH, WITH  
21 THE BALLOTS FOR EACH POLLING PLACE, THREE NOTICES, PRINTED IN  
22 LETTERS NOT LESS THAN TWO INCHES HIGH, WITH THE HEADING:  
23 "ONE-HUNDRED-FOOT LIMIT" AND UNDERNEATH THAT HEADING THE  
24 FOLLOWING:

25 NO PERSON IS ALLOWED TO REMAIN INSIDE THESE LIMITS  
26 WHILE THE POLLS ARE OPEN, EXCEPT FOR THE PURPOSE OF  
27 VOTING; AND EXCEPT THE ELECTION OFFICIALS, ONE

1 REPRESENTATIVE AT ANY ONE TIME OF EACH POLITICAL  
2 PARTY WHO HAS BEEN APPOINTED BY THE COUNTY CENTRAL  
3 COMMITTEE CHAIR OF SUCH POLITICAL PARTY, AND THE  
4 CHALLENGERS, ALLOWED BY LAW. VOTERS HAVING CAST  
5 THEIR BALLOTS SHALL AT ONCE RETIRE OUTSIDE THE  
6 ONE-HUNDRED-FOOT LIMIT. A PERSON VIOLATING ANY  
7 PROVISION OF THIS NOTICE IS GUILTY OF A MISDEMEANOR.

8 (3) THE COUNTY CLERK AND RECORDER OR THE COUNTY CLERK  
9 AND RECORDER'S DESIGNEE SHALL EXERCISE AUTHORITY OVER ALL  
10 ELECTION-RELATED ACTIVITIES AT THE POLLING PLACE.

11 (4) WITH THE PERMISSION OF THE VOTER, A MINOR MAY ENTER  
12 AND REMAIN WITHIN THE ONE-HUNDRED-FOOT LIMIT IN ORDER TO  
13 ACCOMPANY A VOTER INTO A POLLING PLACE, AN ON-SITE VOTING  
14 FACILITY, AND A VOTING BOOTH WHILE THE VOTER IS VOTING.

15 (5) NOTWITHSTANDING ANY OTHER LAW, AN ELECTION OFFICIAL,  
16 A REPRESENTATIVE OF A POLITICAL PARTY WHO HAS BEEN APPOINTED BY  
17 THE COUNTY CENTRAL COMMITTEE CHAIR OF THAT POLITICAL PARTY, OR  
18 A CHALLENGER WHO IS AUTHORIZED BY LAW TO BE WITHIN THE  
19 ONE-HUNDRED-FOOT LIMIT AS PRESCRIBED BY THIS SECTION SHALL NOT  
20 WEAR, CARRY, OR DISPLAY MATERIALS THAT IDENTIFY OR EXPRESS  
21 SUPPORT FOR OR OPPOSITION TO A CANDIDATE, A POLITICAL PARTY OR  
22 ORGANIZATION, OR A BALLOT QUESTION OR ANY OTHER POLITICAL ISSUE  
23 AND SHALL NOT ELECTIONEER WITHIN THE ONE-HUNDRED-FOOT LIMIT OF  
24 A POLLING PLACE.

25 (6) NOTWITHSTANDING ANY OTHER LAW, A PERSON SHALL NOT  
26 TAKE PHOTOGRAPHS OR VIDEOS WHILE WITHIN THE ONE-HUNDRED-FOOT  
27 LIMIT.

1 (7) A PERSON VIOLATING THIS SECTION COMMITS A MISDEMEANOR,  
2 AND UPON CONVICTION SHALL BE PUNISHED AS PROVIDED IN SECTION  
3 1-13-111.

4 (8) FOR THE PURPOSES OF THIS SECTION, ELECTIONEERING OCCURS  
5 WHEN AN INDIVIDUAL KNOWINGLY, INTENTIONALLY, BY VERBAL  
6 EXPRESSION, AND IN ORDER TO INDUCE OR COMPEL ANOTHER PERSON TO  
7 VOTE IN A PARTICULAR MANNER OR TO REFRAIN FROM VOTING, EXPRESSES  
8 SUPPORT FOR OR OPPOSITION TO A CANDIDATE WHO APPEARS ON THE  
9 BALLOT IN THAT ELECTION, A BALLOT QUESTION THAT APPEARS ON THE  
10 BALLOT IN THAT ELECTION, OR A POLITICAL PARTY WITH ONE OR MORE  
11 CANDIDATES WHO APPEAR ON THE BALLOT IN THAT ELECTION.

12 **1-7-119. Mask mandate - vaccination - testing - prohibition.**  
13 THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL  
14 SHALL NOT REQUIRE THAT A VOTER, ELECTION WORKER, ELECTION JUDGE,  
15 OR ANY OTHER PERSON WEAR A FACIAL MASK AT A POLLING PLACE OR  
16 OTHER VOTING OR TABULATION LOCATION OR BE VACCINATED OR TESTED  
17 FOR A VIRUS AS A CONDITION OF ENTERING A POLLING PLACE OR OTHER  
18 VOTING OR TABULATING LOCATION.

19 **SECTION 9.** In Colorado Revised Statutes, **add** 1-7-505.5 and  
20 1-7-507.5 as follows:

21 **1-7-505.5. Paper ballots - report.** FOR ANY PRIMARY, SPECIAL,  
22 OR GENERAL ELECTION, THE ELECTION JUDGES SHALL COMPARE THE  
23 NUMBER OF VOTES CAST AS INDICATED FROM THE PAPER BALLOTS WITH  
24 THE NUMBER OF VOTES CAST AS INDICATED IN THE STATEWIDE VOTER  
25 REGISTRATION DATABASE AND THE NUMBER OF PROVISIONAL BALLOTS  
26 CAST AND THAT INFORMATION SHALL BE NOTED IN A WRITTEN REPORT  
27 PREPARED AND SUBMITTED TO THE OFFICER IN CHARGE OF ELECTIONS

1 ALONG WITH OTHER TALLY REPORTS. ALL BALLOTS SHALL BE COUNTED BY  
2 HAND.

3 **1-7-507.5. Proceedings at the counting center.** (1) ALL  
4 PROCEEDINGS AT THE COUNTING CENTER ARE UNDER THE DIRECTION OF  
5 THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL  
6 AND MUST BE CONDUCTED UNDER THE OBSERVATION OF REPRESENTATIVES  
7 OF EACH POLITICAL PARTY AND THE PUBLIC. THE PROCEEDINGS AT THE  
8 COUNTING CENTER MAY ALSO BE OBSERVED BY UP TO THREE ADDITIONAL  
9 PEOPLE REPRESENTING A CANDIDATE FOR NONPARTISAN OFFICE OR  
10 REPRESENTING A POLITICAL COMMITTEE IN SUPPORT OF OR IN OPPOSITION  
11 TO A BALLOT MEASURE, PROPOSITION, OR QUESTION. A DRAW BY LOT  
12 DETERMINES WHICH THREE GROUPS OR CANDIDATES HAVE  
13 REPRESENTATIVES PARTICIPATE IN THE OBSERVATION AT THE COUNTING  
14 CENTER. PERSONS REPRESENTING A CANDIDATE FOR NONPARTISAN OFFICE  
15 OR PERSONS OR GROUPS REPRESENTING A POLITICAL COMMITTEE IN  
16 SUPPORT OF OR IN OPPOSITION TO A BALLOT MEASURE, PROPOSITION, OR  
17 QUESTION WHO ARE INTERESTED IN PARTICIPATING IN THE OBSERVATION,  
18 SHALL NOTIFY THE COUNTY CLERK AND RECORDER OR DESIGNATED  
19 ELECTION OFFICIAL OF THEIR DESIRE TO BE INCLUDED IN THE DRAW NOT  
20 LATER THAN SEVENTEEN DAYS BEFORE THE ELECTION. AFTER THE  
21 DEADLINE TO RECEIVE SUBMISSIONS FROM THE INTERESTED PERSONS OR  
22 GROUPS, BUT PRIOR TO FOURTEEN DAYS BEFORE THE ELECTION, THE  
23 COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL  
24 DRAW BY LOT, FROM THE LIST OF THOSE WHO EXPRESSED INTEREST, THREE  
25 PERSONS OR GROUPS, AND THOSE SELECTED SHALL BE NOTIFIED AND  
26 ALLOWED TO OBSERVE THE PROCEEDINGS AT THE COUNTING CENTER. IF A  
27 GROUP IS SELECTED, THE GROUP MAY ALTER WHO REPRESENTS THAT

1 GROUP FOR DIFFERENT DAYS OF OBSERVATION, BUT ON ANY GIVEN  
2 OBSERVATION DAY A SELECTED GROUP SHALL NOT SEND MORE THAN ONE  
3 OBSERVER. A GROUP MAY ROTATE AN OBSERVER THROUGHOUT THE DAY.  
4 ONLY THOSE PERSONS WHO ARE AUTHORIZED FOR THE PURPOSE MAY  
5 TOUCH ANY BALLOT OR BALLOT CARD OR RETURN. ALL PERSONS WHO ARE  
6 ENGAGED IN PROCESSING AND COUNTING OF THE BALLOTS SHALL BE  
7 REGISTERED ELECTORS, SHALL BE DEPUTIZED IN WRITING, AND SHALL  
8 TAKE AN OATH THAT THEY WILL FAITHFULLY PERFORM THEIR ASSIGNED  
9 DUTIES. NO PREFERENTIAL COUNTING OF BALLOTS MAY BE UNDERTAKEN  
10 FOR THE PURPOSE OF PROJECTING THE OUTCOME OF THE ELECTION. THE  
11 COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL  
12 NOT ALLOW THE USE OF ELECTRONIC OR OTHER TABULATING EQUIPMENT,  
13 AND ALL COUNTING SHALL BE DONE BY HAND. BALLOTS SHALL BE  
14 ORGANIZED AND REMAIN SEGREGATED BY PRECINCT, BOTH BEFORE AND  
15 AFTER COUNTING.

16 (2) FOR ANY STATEWIDE, COUNTY, OR LEGISLATIVE ELECTION, THE  
17 COUNTY CLERK AND RECORDER SHALL PROVIDE FOR A LIVE VIDEO  
18 RECORDING OF THE CUSTODY OF ALL BALLOTS WHILE THE BALLOTS ARE  
19 PRESENT IN A TABULATION ROOM IN THE COUNTING CENTER. THE LIVE  
20 VIDEO RECORDING MUST INCLUDE DATE AND TIME INDICATORS AND MUST  
21 BE LINKED TO THE SECRETARY OF STATE'S WEBSITE. THE SECRETARY OF  
22 STATE SHALL POST LINKS TO THE VIDEO COVERAGE FOR VIEWING BY THE  
23 PUBLIC. THE COUNTY CLERK AND RECORDER OR OFFICER IN CHARGE OF  
24 ELECTIONS SHALL RECORD THE VIDEO COVERAGE OF THE BALLOTS AT THE  
25 COUNTING CENTER AND SHALL RETAIN THOSE RECORDINGS AS A PUBLIC  
26 RECORD FOR AT LEAST AS LONG AS THE CHALLENGE PERIOD FOR THE  
27 GENERAL ELECTION. IF THE LIVE VIDEO FEED IS DISRUPTED OR DISABLED,

1 THE RECORDER OR OFFICER IN CHARGE OF ELECTIONS IS NOT LIABLE FOR  
2 THE DISRUPTION BUT SHALL ATTEMPT TO REINSTATE VIDEO COVERAGE AS  
3 SOON AS IS PRACTICABLE. ANY DISRUPTION IN VIDEO COVERAGE SHALL  
4 NOT AFFECT OR PREVENT THE CONTINUED TABULATION OF BALLOTS.

5 (3) THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION  
6 OFFICIAL SHALL MAINTAIN RECORDS THAT RECORD THE CHAIN OF  
7 CUSTODY FOR ALL ELECTION EQUIPMENT AND BALLOTS DURING ABSENTEE  
8 VOTING THROUGH THE COMPLETION OF PROVISIONAL VOTING TABULATION.

9 **SECTION 10.** In Colorado Revised Statutes, **add** part 11 to  
10 article 7 of title 1 as follows:

11 PART 11

12 ABSENTEE VOTING

13 **1-7-1101. Absentee voting - eligibility.** (1) ABSENTEE VOTING  
14 IS ALLOWED IN ANY ELECTION CALLED UNDER THIS CODE, PURSUANT TO  
15 THIS PART 11. ANY REGISTERED ELECTOR WHO MEETS THE CRITERIA  
16 ESTABLISHED BY THIS SECTION MAY VOTE BY ABSENTEE BALLOT.

17 (2) A REGISTERED ELECTOR IS ALLOWED TO VOTE BY ABSENTEE  
18 BALLOT FOR ANY ONE OR MORE OF THE FOLLOWING REASONS:

19 (a) THE REGISTERED ELECTOR EXPECTS TO BE OUTSIDE THIS STATE  
20 AT THE TIME OF THE ELECTION;

21 (b) THE REGISTERED ELECTOR IS UNABLE TO GO TO THE POLLS  
22 BECAUSE THE REGISTERED ELECTOR IS HOSPITALIZED OR IN A NURSING  
23 HOME;

24 (c) THE REGISTERED ELECTOR HAS A VISUAL IMPAIRMENT; OR

25 (d) THE REGISTERED ELECTOR IS A COVERED VOTER UNDER  
26 ARTICLE 8.3 OF THIS TITLE 1.

27 **1-7-1102. Request for ballot - civil penalties - violation -**



1     **definition.** (1)     NOTWITHSTANDING ANY OTHER LAW, WITHIN  
2     NINETY-THREE DAYS BEFORE ANY ELECTION CALLED UNDER THIS CODE, A  
3     REGISTERED ELECTOR WHO IS ELIGIBLE UNDER SECTION 1-7-1101 (2) MAY  
4     MAKE A VERBAL OR SIGNED REQUEST TO THE COUNTY CLERK AND  
5     RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL FOR AN OFFICIAL  
6     ABSENTEE BALLOT. IN ADDITION TO THE NAME AND ADDRESS, THE  
7     REQUESTING REGISTERED ELECTOR SHALL PROVIDE THE DATE OF BIRTH  
8     AND STATE OR COUNTRY OF BIRTH OR OTHER INFORMATION THAT IF  
9     COMPARED TO THE VOTER REGISTRATION INFORMATION ON FILE WOULD  
10    CONFIRM THE IDENTITY OF THE REGISTERED ELECTOR AND SHALL SPECIFY  
11    ONE OF THE REASONS FOR VOTING ABSENTEE AS SET FORTH IN SECTION  
12    1-7-1101 (2). IF THE REQUEST INDICATES THAT THE REGISTERED ELECTOR  
13    NEEDS A PRIMARY ELECTION BALLOT AND A GENERAL ELECTION BALLOT,  
14    THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION  
15    OFFICIAL SHALL HONOR THE REQUEST. FOR ANY PARTISAN PRIMARY  
16    ELECTION, IF THE REGISTERED ELECTOR IS NOT AFFILIATED WITH A  
17    POLITICAL PARTY, THE REGISTERED ELECTOR MAY DESIGNATE THE BALLOT  
18    OF ONLY ONE OF THE PARTIES PARTICIPATING IN THE PRIMARY ELECTION,  
19    AND THE REGISTERED ELECTOR MAY RECEIVE AND VOTE THE BALLOT OF  
20    ONLY THAT ONE POLITICAL PARTY.

21           (2)     NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A  
22    REQUEST FOR AN OFFICIAL ABSENTEE BALLOT FROM A REGISTERED  
23    ELECTOR WHO IS A COVERED VOTER UNDER ARTICLE 8.3 OF THIS TITLE 1  
24    THAT IS RECEIVED BY THE COUNTY CLERK AND RECORDER OR OTHER  
25    DESIGNATED ELECTION OFFICIAL MORE THAN NINETY-THREE DAYS BEFORE  
26    THE ELECTION IS VALID.

27           (3)     THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION

1 OFFICIAL SHALL MAIL THE EARLY ABSENTEE BALLOT AND THE ENVELOPE  
2 FOR ITS RETURN, POSTAGE PREPAID, TO THE ADDRESS PROVIDED BY THE  
3 REQUESTING REGISTERED ELECTOR WITHIN FIVE DAYS AFTER RECEIPT OF  
4 THE OFFICIAL ABSENTEE BALLOTS; EXCEPT THAT, ABSENTEE BALLOT  
5 DISTRIBUTION SHALL NOT BEGIN MORE THAN TWENTY-SEVEN DAYS  
6 BEFORE THE ELECTION. IF AN ABSENTEE BALLOT REQUEST IS RECEIVED ON  
7 OR BEFORE THE THIRTY-FIRST DAY BEFORE THE ELECTION, THE ABSENTEE  
8 BALLOT SHALL BE DISTRIBUTED NOT EARLIER THAN THE TWENTY-SEVENTH  
9 DAY BEFORE THE ELECTION AND NOT LATER THAN THE TWENTY-FOURTH  
10 DAY BEFORE THE ELECTION.

11 (4) ONLY THE REGISTERED ELECTOR MAY BE IN POSSESSION OF  
12 THAT ELECTOR'S UNNOTED ABSENTEE BALLOT. IF A COMPLETE AND  
13 CORRECT REQUEST IS MADE BY THE REGISTERED ELECTOR WITHIN  
14 TWENTY-SEVEN DAYS BEFORE THE ELECTION, THE MAILING MUST BE MADE  
15 WITHIN FORTY-EIGHT HOURS AFTER RECEIPT OF THE REQUEST.  
16 SATURDAYS, SUNDAYS, AND OTHER STATE OR FEDERAL LEGAL HOLIDAYS  
17 ARE EXCLUDED FROM THE COMPUTATION OF THE FORTY-EIGHT HOUR  
18 PERIOD PRESCRIBED BY THIS SUBSECTION (4). IF A COMPLETE AND  
19 CORRECT REQUEST IS MADE BEFORE THE ELECTION BY A REGISTERED  
20 ELECTOR WHO IS A COVERED VOTER UNDER ARTICLE 8.3 OF THIS TITLE 1,  
21 THE ABSENTEE BALLOT SHALL BE TRANSMITTED BY MAIL, FAX, OR OTHER  
22 ELECTRONIC FORMAT APPROVED BY THE SECRETARY OF STATE WITHIN  
23 TWENTY-FOUR HOURS, EXCLUDING SUNDAYS.

24 (5) IN ORDER TO BE COMPLETE AND CORRECT AND TO RECEIVE AN  
25 ABSENTEE BALLOT BY MAIL, A REGISTERED ELECTOR'S REQUEST THAT AN  
26 ABSENTEE BALLOT BE MAILED TO THE REGISTERED ELECTOR'S RESIDENCE  
27 OR TEMPORARY ADDRESS MUST INCLUDE ALL OF THE INFORMATION

1       PRESCRIBED BY SUBSECTIONS (1) AND (2) OF THIS SECTION AND MUST BE  
2       RECEIVED BY THE COUNTY CLERK AND RECORDER OR DESIGNATED  
3       ELECTION OFFICIAL NOT LATER THAN 5:00 P.M. ON THE ELEVENTH DAY  
4       BEFORE THE ELECTION. IF A REGISTERED ELECTOR'S REQUEST TO RECEIVE  
5       AN ABSENTEE BALLOT IS NOT COMPLETE AND CORRECT BUT COMPLIES  
6       WITH ALL OTHER REQUIREMENTS OF THIS SECTION, THE COUNTY CLERK  
7       AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL ATTEMPT TO  
8       NOTIFY THE ELECTOR OF THE DEFICIENCY OF THE REQUEST.

9               (6) THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION  
10       OFFICIAL SHALL MAINTAIN AN ALPHABETIZED LIST OF ALL VOTERS IN THE  
11       PRECINCT WHO HAVE REQUESTED AND HAVE BEEN SENT AN ABSENTEE  
12       BALLOT.

13              (7) AS A RESULT OF EXPERIENCING AN EMERGENCY BETWEEN 5:00  
14       P.M. ON THE FRIDAY PRECEDING THE ELECTION AND 5:00 P.M. ON THE  
15       MONDAY PRECEDING THE ELECTION, REGISTERED ELECTORS MAY REQUEST  
16       TO VOTE IN THE MANNER PRESCRIBED BY THE COUNTY CLERK AND  
17       RECORDER OF THEIR RESPECTIVE COUNTY. BEFORE VOTING, PURSUANT TO  
18       THIS SUBSECTION (7), A REGISTERED ELECTOR WHO EXPERIENCES AN  
19       EMERGENCY SHALL PROVIDE IDENTIFICATION AND SHALL SIGN A  
20       STATEMENT UNDER PENALTY OF PERJURY THAT STATES THAT THE PERSON  
21       IS EXPERIENCING OR EXPERIENCED AN EMERGENCY AFTER 5:00 P.M. ON  
22       THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION AND BEFORE 5:00  
23       P.M. ON THE MONDAY IMMEDIATELY PRECEDING THE ELECTION THAT  
24       WOULD PREVENT THE PERSON FROM VOTING AT THE POLLS. SIGNED  
25       STATEMENTS RECEIVED PURSUANT TO THIS SUBSECTION (7) ARE NOT  
26       SUBJECT TO INSPECTION PURSUANT TO PART 2 OF ARTICLE 72 OF TITLE 24.  
27       AS USED IN THIS SUBSECTION (7), "EMERGENCY" MEANS ANY UNFORESEEN

1 CIRCUMSTANCES THAT WOULD PREVENT THE ELECTOR FROM VOTING AT  
2 THE POLLS.

3 (8) A COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION  
4 OFFICIAL SHALL NOT DELIVER OR MAIL AN ABSENTEE BALLOT TO A PERSON  
5 WHO HAS NOT REQUESTED AN ABSENTEE BALLOT FOR THAT ELECTION  
6 PURSUANT TO THIS SECTION. AN ELECTION OFFICIAL WHO KNOWINGLY  
7 VIOLATES THIS SUBSECTION (8) IS GUILTY OF A MISDEMEANOR AND SHALL  
8 BE PUNISHED AS PROVIDED IN SECTION 1-13-111.

9 **1-7-1103. Ballot affidavit - form.** (1) THE ABSENTEE BALLOT  
10 MUST BE ACCOMPANIED BY AN ENVELOPE BEARING ON THE FRONT, THE  
11 NAME, OFFICIAL TITLE, AND POST OFFICE ADDRESS OF THE COUNTY CLERK  
12 AND RECORDER OR DESIGNATED ELECTION OFFICIAL AND ON THE OTHER  
13 SIDE, A PRINTED AFFIDAVIT IN THE FOLLOWING FORM:

14 I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY: I  
15 AM A REGISTERED VOTER IN \_\_\_\_\_ COUNTY, COLORADO;  
16 I EXPECT TO BE ABSENT FROM THIS STATE AT THE TIME OF  
17 THE ELECTION OR I AM PHYSICALLY UNABLE TO GO TO THE  
18 POLLS BECAUSE I AM IN THE HOSPITAL OR A NURSING HOME  
19 OR BECAUSE I AM VISUALLY IMPAIRED, OR I AM AN ABSENT  
20 UNIFORMED SERVICES VOTER OR OVERSEAS VOTER; I HAVE  
21 NOT VOTED AND WILL NOT VOTE IN THIS ELECTION IN ANY  
22 OTHER COUNTY OR STATE; I UNDERSTAND THAT  
23 KNOWINGLY VOTING MORE THAN ONCE IN ANY ELECTION IS  
24 A MISDEMEANOR; AND I VOTED THE ENCLOSED BALLOT AND  
25 SIGNED THIS AFFIDAVIT PERSONALLY, UNLESS NOTED  
26 BELOW.

27 IF THE VOTER WAS ASSISTED BY ANOTHER PERSON IN

1 MARKING THE BALLOT, COMPLETE THE FOLLOWING:  
2 I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:  
3 AT THE REGISTERED VOTER'S REQUEST, I ASSISTED THE  
4 VOTER IDENTIFIED IN THIS AFFIDAVIT WITH MARKING THE  
5 VOTER'S BALLOT; I MARKED THE BALLOT AS DIRECTLY  
6 INSTRUCTED BY THE VOTER; I PROVIDED THE ASSISTANCE  
7 BECAUSE THE VOTER WAS PHYSICALLY UNABLE TO MARK  
8 THE BALLOT SOLELY DUE TO ILLNESS, INJURY, OR PHYSICAL  
9 LIMITATION; AND I UNDERSTAND THAT THERE IS NO POWER  
10 OF ATTORNEY FOR VOTING AND THAT THE VOTER MUST BE  
11 ABLE TO MAKE THE VOTER'S SELECTION EVEN IF THE VOTER  
12 CANNOT PHYSICALLY MARK THE BALLOT.

13 NAME OF VOTER ASSISTANT: \_\_\_\_\_

14 ADDRESS OF VOTER ASSISTANT: \_\_\_\_\_

15 (2) THE FACE OF EACH ENVELOPE IN WHICH A BALLOT IS SENT TO  
16 A FEDERAL POSTCARD APPLICANT OR IN WHICH A BALLOT IS RETURNED BY  
17 THE APPLICANT TO THE RECORDER OR OTHER OFFICER IN CHARGE OF  
18 ELECTIONS MUST BE IN THE FORM PRESCRIBED IN ACCORDANCE WITH THE  
19 FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING  
20 ACT", 52 U.S.C. SEC. 20301 ET SEQ. OTHERWISE, THE ENVELOPES MUST BE  
21 THE SAME AS THOSE USED TO SEND BALLOTS TO OR RECEIVE BALLOTS  
22 FROM OTHER ABSENTEE VOTERS.

23 (3) THE OFFICER CHARGED BY LAW WITH THE DUTY OF PREPARING  
24 BALLOTS AT ANY ELECTION SHALL ENSURE THAT THE ABSENTEE BALLOT  
25 IS SENT IN AN ENVELOPE THAT STATES THE FOLLOWING:

26 IF THE ADDRESSEE DOES NOT RESIDE AT THIS ADDRESS,  
27 MARK THE UNOPENED ENVELOPE "RETURN TO SENDER", AND

1 DEPOSIT IT IN THE UNITED STATES MAIL.

2 (4) THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION  
3 OFFICIAL SHALL SUPPLY PRINTED INSTRUCTIONS TO ABSENTEE VOTERS  
4 THAT DIRECT THEM TO SIGN THE AFFIDAVIT, MARK THE BALLOT, AND  
5 RETURN BOTH IN THE ENCLOSED, SELF-ADDRESSED ENVELOPE THAT  
6 COMPLIES WITH SECTION 1-7-1104. THE INSTRUCTIONS SHALL INCLUDE  
7 THE FOLLOWING STATEMENT:

8 IN ORDER TO BE VALID AND COUNTED, THE BALLOT AND  
9 AFFIDAVIT MUST BE DELIVERED TO THE OFFICE OF THE  
10 COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION  
11 OFFICIAL OR MAY BE DEPOSITED AT ANY POLLING PLACE IN  
12 THE COUNTY NOT LATER THAN 7:00 P.M. ON ELECTION DAY.

13 THE BALLOT WILL NOT BE COUNTED WITHOUT THE VOTER'S  
14 SIGNATURE ON THE ENVELOPE.

15 **1-7-1104. Absentee ballot.** (1) THE ABSENTEE BALLOT MUST BE  
16 ONE PREPARED FOR USE IN THE PRECINCT IN WHICH THE APPLICANT  
17 RESIDES AND, IF A PARTISAN PRIMARY ELECTION, OF THE POLITICAL PARTY  
18 WITH WHICH THE APPLICANT IS AFFILIATED, AS SHOWN BY THE AFFIDAVIT  
19 OF REGISTRATION. THE BALLOT MUST BE IDENTICAL WITH THE REGULAR  
20 OFFICIAL BALLOTS; EXCEPT THAT, IT MUST HAVE PRINTED OR STAMPED ON  
21 IT "ABSENTEE".

22 (2) THE OFFICER CHARGED BY LAW WITH THE DUTY OF PREPARING  
23 BALLOTS AT ANY ELECTION SHALL:

24 (a) PREPARE THE OFFICIAL ABSENTEE BALLOTS AND DELIVER A  
25 SUFFICIENT NUMBER TO THE COUNTY CLERK AND RECORDER OR  
26 DESIGNATED ELECTION OFFICIAL NOT LATER THAN THE THIRTY-THIRD DAY  
27 BEFORE THE ELECTION; AND

1 (b) ENSURE THAT THE BALLOT RETURN ENVELOPES ARE OF A TYPE  
2 THAT DOES NOT REVEAL THE ELECTOR'S SELECTIONS OR POLITICAL PARTY  
3 AFFILIATION AND THAT IS TAMPER EVIDENT WHEN PROPERLY SEALED.

4 **1-7-1105. Replacement ballots.** (1) THE COUNTY CLERK AND  
5 RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL DETERMINE A  
6 CENTRAL LOCATION IN THE DISTRICT AND SHALL PROVIDE FOR A BALLOT  
7 REPLACEMENT CENTER THAT IS AS NEAR TO THAT LOCATION AS IS  
8 PRACTICABLE FOR REGISTERED ELECTORS TO OBTAIN A REPLACEMENT  
9 BALLOT. THE LOCATION SHALL BE OPEN FROM 6:00 A.M. UNTIL 7:00 P.M.  
10 OF THE DAY OF THE ELECTION. AN ELECTOR MAY OBTAIN A REPLACEMENT  
11 BALLOT UNTIL 7:00 P.M. ON THE DAY OF THE ELECTION BY PRESENTING A  
12 SIGNED, SWORN STATEMENT THAT THE ABSENTEE BALLOT WAS LOST,  
13 SPOILED, DESTROYED, OR NOT RECEIVED.

14 (2) THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION  
15 OFFICIAL SHALL KEEP A RECORD OF EACH REPLACEMENT BALLOT  
16 PROVIDED PURSUANT TO THIS SECTION.

17 (3) IF AN ELECTOR TO WHOM A REPLACEMENT BALLOT IS ISSUED  
18 VOTES MORE THAN ONCE, ONLY THE FIRST BALLOT RECEIVED SHALL BE  
19 COUNTED.

20 **SECTION 11.** In Colorado Revised Statutes, **add** 1-10.5-101.5  
21 as follows:

22 **1-10.5-101.5. Court-ordered recount.** A DISTRICT COURT TO  
23 WHICH FACTS REQUIRING A RECOUNT ARE CERTIFIED SHALL PROMPTLY  
24 ENTER AN ORDER REQUIRING A RECOUNT OF ALL THE VOTES CAST FOR  
25 SUCH OFFICE, MEASURE, OR PROPOSAL. THE RECOUNT SHALL BE  
26 CONDUCTED IN ACCORDANCE WITH THIS PART 1.

27 **SECTION 12.** In Colorado Revised Statutes, 1-13-712, **repeal** (2)

1 and (3) as follows:

2 **1-13-712. Disclosing or identifying vote.** (2) ~~No person shall~~  
3 ~~endeavor to induce any voter to show how he marked his ballot.~~

4 (3) ~~No election official, watcher, or person shall reveal to any~~  
5 ~~other person the name of any candidate for whom a voter has voted or~~  
6 ~~communicate to another his opinion, belief, or impression as to how or for~~  
7 ~~whom a voter has voted.~~

8 **SECTION 13.** In Colorado Revised Statutes, **add** 1-13-724,  
9 1-13-725, and 1-13-726 as follows:

10 **1-13-724. Counterfeiting election returns.** (1) A PERSON WHO  
11 KNOWINGLY FORGES OR COUNTERFEITS RETURNS OF AN ELECTION  
12 PURPORTING TO HAVE BEEN HELD AT A PRECINCT OR PLACE WHERE NO  
13 ELECTION WAS IN FACT HELD, OR WHO KNOWINGLY SUBSTITUTES, FORGES,  
14 OR COUNTERFEITS RETURNS OF ELECTION INSTEAD OF THE TRUE RETURNS  
15 FOR A PRECINCT OR PLACE WHERE AN ELECTION WAS ACTUALLY HELD, IS  
16 GUILTY OF A CLASS 4 FELONY AND SHALL BE PUNISHED AS PROVIDED IN  
17 SECTION 18-1.3-401.

18 (2) A PERSON WHO KNOWINGLY SUBSTITUTES, FORGES,  
19 COUNTERFEITS, OR TAMPERS WITH BALLOT TABULATIONS OR TOTALS OR  
20 ELECTION RESULTS BY ELECTRONIC MEANS OR THROUGH THE USE OF A  
21 COMPUTER, MACHINE, OR OTHER DEVICE IS GUILTY OF A CLASS 4 FELONY  
22 AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401. THIS  
23 SUBSECTION (2) DOES NOT APPLY TO THE CASTING OR TALLYING OF  
24 BALLOTS AS PROVIDED BY LAW.

25 **1-13-725. Unlawful acts by voters with respect to voting.** (1) A  
26 VOTER WHO KNOWINGLY COMMITS ANY OF THE FOLLOWING ACTS IS  
27 GUILTY OF A MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN



1 SECTION 1-13-111:

2 (a) MAKES A FALSE STATEMENT AS TO THE VOTER'S INABILITY TO  
3 MARK A BALLOT;

4 (b) INTERFERES WITH A VOTER WITHIN THE ONE-HUNDRED-FOOT  
5 LIMIT OF THE POLLING PLACE AS POSTED BY THE DESIGNATED ELECTION  
6 OFFICIAL OR WITHIN ONE HUNDRED FEET OF THE MAIN OUTSIDE ENTRANCE  
7 TO AN ON-SITE VOTING LOCATION;

8 (c) ENDEAVORS, WHILE WITHIN THE ONE-HUNDRED-FOOT LIMIT  
9 FOR A POLLING PLACE OR ON-SITE VOTING LOCATION, TO INDUCE A VOTER  
10 TO VOTE FOR OR AGAINST A PARTICULAR CANDIDATE OR ISSUE;

11 (d) BEFORE THE CLOSE OF AN ELECTION, DEFACES OR DESTROYS A  
12 SAMPLE BALLOT POSTED BY ELECTION OFFICERS OR DEFACES, TEARS  
13 DOWN, REMOVES, OR DESTROYS A CARD OF INSTRUCTIONS POSTED FOR THE  
14 INSTRUCTION OF VOTERS;

15 (e) REMOVES OR DESTROYS SUPPLIES OR CONVENIENCES  
16 FURNISHED TO ENABLE A VOTER TO PREPARE THE VOTER'S BALLOT;

17 (f) HINDERS THE VOTING OF OTHERS; OR

18 (g) VOTES IN A COUNTY IN WHICH THE VOTER NO LONGER RESIDES.

19 **1-13-726. Additional unlawful acts by persons with respect to**

20 **voting.** (1) A PERSON WHO KNOWINGLY COMMITS ANY OF THE FOLLOWING  
21 ACTS IS GUILTY OF A MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED  
22 IN SECTION 1-13-111:

23 (a) KNOWINGLY ELECTIONEERS ON ELECTION DAY WITHIN A  
24 POLLING PLACE OR IN A PUBLIC MANNER WITHIN ONE HUNDRED FEET OF  
25 THE MAIN OUTSIDE ENTRANCE OF A POLLING PLACE OR ON-SITE VOTING  
26 LOCATION;

27 (b) INTENTIONALLY DISABLES OR REMOVES FROM THE POLLING

1 PLACE, ON-SITE VOTING LOCATION, OR CUSTODY OF AN ELECTION OFFICIAL  
2 A VOTING MACHINE OR A VOTING RECORD;

3 (c) SHOWS ANOTHER VOTER'S BALLOT TO ANY PERSON AFTER IT IS  
4 PREPARED FOR VOTING IN SUCH A MANNER AS TO REVEAL THE CONTENTS,  
5 EXCEPT TO AN AUTHORIZED PERSON LAWFULLY ASSISTING THE VOTER. A  
6 VOTER WHO MAKES AVAILABLE AN IMAGE OF THE VOTER'S OWN BALLOT  
7 BY POSTING ON THE INTERNET OR IN SOME OTHER ELECTRONIC MEDIUM IS  
8 DEEMED TO HAVE CONSENTED TO RETRANSMITTAL OF THAT IMAGE AND  
9 THAT RETRANSMITTAL DOES NOT CONSTITUTE A VIOLATION OF THIS  
10 SECTION.

11 (d) KNOWINGLY SOLICITS A VOTER TO SHOW THE VOTER'S BALLOT,  
12 OR RECEIVES FROM A VOTER A BALLOT PREPARED FOR VOTING, UNLESS  
13 THE PERSON IS AN ELECTION OFFICIAL OR OTHERWISE AUTHORIZED BY  
14 LAW;

15 (e) KNOWINGLY RECEIVES AN OFFICIAL BALLOT FROM A PERSON  
16 OTHER THAN AN ELECTION OFFICIAL HAVING CHARGE OF THE BALLOTS;

17 (f) KNOWINGLY DELIVERS AN OFFICIAL BALLOT TO A VOTER,  
18 UNLESS THE VOTER IS AN ELECTION OFFICIAL;

19 (g) EXCEPT FOR A COMPLETED BALLOT TRANSMITTED BY AN  
20 ELECTOR BY FAX OR OTHER ELECTRONIC FORMAT IF AUTHORIZED BY LAW,  
21 KNOWINGLY PLACES A MARK ON THE VOTER'S BALLOT BY WHICH IT CAN BE  
22 IDENTIFIED AS THE ONE VOTED BY THE VOTER; OR

23 (h) AFTER HAVING RECEIVED A BALLOT AS A VOTER, KNOWINGLY  
24 FAILS TO RETURN THE BALLOT TO THE ELECTION OFFICIAL BEFORE  
25 LEAVING THE POLLING PLACE OR ON-SITE VOTING LOCATION.

26 **SECTION 14.** In Colorado Revised Statutes, 1-5-105, **amend** (4)  
27 as follows:

1           **1-5-105. Restrictions.** (4) For the purposes of subsection (1) of  
2 this section and ~~section 1-13-714~~ SECTION 1-13-726 (1)(a), when a polling  
3 location ~~or drop-off location~~ is within a multi-use building such as a  
4 shopping mall or county office building, the "building" is considered the  
5 room in which ballots are cast, any waiting room or hall where electors  
6 wait to vote, as well as a primary corridor where electors walk to an  
7 interior polling location, ~~or drop-off location~~, and the designated exterior  
8 door to the multi-use building in which the polling location ~~or drop-off~~  
9 ~~location~~ is located.

10           **SECTION 15.** In Colorado Revised Statutes, 1-5-504.5, **repeal**  
11 (1)(b) as follows:

12           **1-5-504.5. Items to be posted at polling locations.** (1) The  
13 following items shall be posted at each polling location:

14           (b) ~~A sign notifying persons outside and inside of the polling~~  
15 ~~location that no electioneering is permitted within one hundred feet of the~~  
16 ~~polling location pursuant to section 1-13-714;~~

17           **SECTION 16.** In Colorado Revised Statutes, 1-6-114, **amend** (4)  
18 as follows:

19           **1-6-114. Judges - oath required - electioneering prohibited.**

20 (4) A person shall not engage in electioneering ~~as defined in section~~  
21 ~~1-13-714~~, or wear or display apparel, buttons, or other materials that  
22 promote or oppose a political party, candidate, ballot issue, or ballot  
23 question while serving as an election judge.

24           **SECTION 17.** In Colorado Revised Statutes, **repeal** 1-5-102.9,  
25 1-7-507, 1-7-509, 1-7-510, 1-7-511, 1-7-512, 1-7-515, 1-13-713,  
26 1-13-714, and article 7.5 of title 1.

27           **SECTION 18. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly; except  
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
4 of the state constitution against this act or an item, section, or part of this  
5 act within such period, then the act, item, section, or part will not take  
6 effect unless approved by the people at the general election to be held in  
7 November 2022 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.