

## CHAPTER 211

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**ELECTIONS**

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**SENATE BILL 99-025**

BY SENATORS Reeves and Hillman;  
also REPRESENTATIVES Johnson, Coleman, Kaufman, Kester, Miller, Sinclair, T. Williams, and Zimmerman.

**AN ACT**

CONCERNING AN ADJUSTMENT OF CERTAIN TIME REQUIREMENTS AFFECTING ELECTIONS.

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

**SECTION 1.** 1-1-104 (37), Colorado Revised Statutes, is amended to read:

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

(37) "Registration list" means the computer list of electors CURRENTLY registered and eligible to vote in a given election on the twenty-ninth day before the election, as furnished and certified by the county clerk and recorder. ~~to the designated election official.~~

**SECTION 2.** 1-1-106 (4) and (5), Colorado Revised Statutes, are amended to read:

**1-1-106. Computation of time.** (4) If the ~~time~~ LAST DAY for any act to be done or the last day of any period is a Saturday, Sunday, or legal holiday AND COMPLETION OF SUCH ACT INVOLVES A FILING OR OTHER ACTION DURING BUSINESS HOURS, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

(5) If the state constitution or a state statute requires doing an act in "not less than" OR "NO LATER THAN" OR "AT LEAST" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, OR ANY PHRASE THAT SUGGESTS A SIMILAR MEANING, the period is shortened to and ends on the prior business day which is not a Saturday, Sunday, or legal holiday, except as provided in section 1-2-201 (3).

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

**SECTION 3.** 1-1-108 (1), Colorado Revised Statutes, is amended to read:

**1-1-108. Copies of election laws and manual provided.** (1) ~~At least~~ ~~NOLATER~~ ~~THAN~~ ~~sixty~~ ~~days~~ ~~before~~ ~~the~~ ~~first~~ ~~election~~ ~~of~~ ~~each~~ ~~election~~ ~~year~~ ~~governed~~ ~~by~~ ~~this~~ ~~title~~ ~~AFTER~~ ~~EACH~~ ~~ADJOURNMENT~~ ~~OF~~ ~~THE~~ ~~GENERAL~~ ~~ASSEMBLY~~, the secretary of state shall transmit to the county clerk and recorder of each county a COMPLETE, UPDATED copy of the pertinent sections of the election laws of the state. ~~for office use.~~

**SECTION 4.** 1-2-201 (3), Colorado Revised Statutes, is amended to read:

**1-2-201. Registration required - deadline.** (3) Any other provisions of this title to the contrary notwithstanding, electors shall be permitted to vote if the elector is registered to vote ~~for at least~~ ~~NO~~ ~~LATER~~ ~~THAN~~ twenty-nine days before any primary, presidential, general, municipal, congressional vacancy, special district, or other election, and, if the twenty-ninth day before an election is a Saturday, Sunday, or legal holiday, then electors shall be permitted to register on the next day that is not a Saturday, Sunday, or legal holiday.

**SECTION 5.** 1-2-202 (2), Colorado Revised Statutes, is amended to read:

**1-2-202. Registration by county clerk and recorder.** (2) Each municipal clerk shall serve as a deputy registrar. The municipal clerk shall register any eligible elector who appears in person at the municipal clerk's primary office at any time during which registration is permitted in the office of the county clerk and recorder. The municipal clerk shall deliver the new registration records to the office of the county clerk and recorder either in person or by mail ~~on or before~~ ~~NO~~ ~~LATER~~ ~~THAN~~ the ~~fifteenth~~ ~~TENTH~~ day of each month ~~FOR~~ ~~THE~~ ~~MONTH~~ ~~IMMEDIATELY~~ ~~PRIOR~~ and in person on the day following the last day for registration preceding any election for which registration is required.

**SECTION 6.** 1-2-208 (1), Colorado Revised Statutes, is amended to read:

**1-2-208. Registration by federal postcard application.** (1) Any eligible elector of this state serving in the United States service who is unable to register under any other provisions of this part 2 may register by properly executing the federal postcard application as provided in the laws of the United States known as the "Federal Voting Assistance Act of 1955", as amended, and may vote in accordance with the federal "Uniformed and Overseas Citizens Absentee Voting Act", as amended. The application ~~may~~ ~~SHALL~~ be made ~~at any time following any general election, up to and including~~ ~~NO~~ ~~LATER~~ ~~THAN~~ the twenty-ninth day ~~immediately preceding a general, primary, or congressional vacancy~~ ~~BEFORE~~ ~~THE~~ ~~election~~ ~~AT~~ ~~WHICH~~ ~~THE~~ ~~PERSON~~ ~~INTENDS~~ ~~TO~~ ~~VOTE~~. ~~Upon receipt of a duly executed application from an eligible elector, the county clerk and recorder shall forthwith register the elector in the registration book for the precinct where the elector resides, in the same manner as electors appearing in person are registered, and shall write or stamp in the space for the elector's signature "registered by federal postcard application".~~ THE DATE OF REGISTRATION SHALL BE THE DATE OF THE POSTMARK OR DATE OF RECEIPT BY THE COUNTY CLERK AND RECORDER OF THE APPLICATION, WHICHEVER IS EARLIER. WHERE THE APPLICATION HAS NO POSTMARK AND THE APPLICATION IS RECEIVED NO LATER THAN FIVE DAYS AFTER THE CLOSE OF REGISTRATION, THE COUNTY CLERK AND

RECORDER SHALL RECORD THE DATE OF REGISTRATION AS THE DATE OF THE LAST DAY ALLOWED FOR REGISTRATION. WHERE THE APPLICATION HAS NO POSTMARK AND THE APPLICATION IS RECEIVED SIX OR MORE DAYS AFTER THE CLOSE OF REGISTRATION, THE COUNTY CLERK AND RECORDER SHALL RECORD THE DATE OF REGISTRATION AS THE DATE THAT THE APPLICATION WAS RECEIVED. THE ELECTOR SHALL BE GIVEN THE SAME BALLOT AS ANY OTHER ELECTOR REGISTERED IN THAT PRECINCT AT THAT ADDRESS.

**SECTION 7.** 1-2-209 (2), Colorado Revised Statutes, is amended to read:

**1-2-209. Registration of citizens who reside outside the United States - federal law.** (2) The application ~~may~~ SHALL be made ~~at any time following any general election, up to and including~~ NO LATER THAN the twenty-ninth day ~~immediately preceding a general, primary, or congressional vacancy~~ BEFORE THE election AT WHICH THE PERSON INTENDS TO VOTE. ~~except that the application shall be received by the county clerk and recorder prior to the close of business on the twenty-ninth day. The application shall be deemed received by the county clerk and recorder as of the date of the United States postal service postmark. Upon receipt of the duly executed application, the county clerk and recorder shall forthwith register the elector and file the registration in a separate registration book for overseas electors:~~ THE DATE OF REGISTRATION SHALL BE THE DATE OF THE POSTMARK OR DATE OF RECEIPT BY THE COUNTY CLERK AND RECORDER OF THE APPLICATION, WHICHEVER IS EARLIER. WHERE THE APPLICATION HAS NO POSTMARK AND THE APPLICATION IS RECEIVED NO LATER THAN FIVE DAYS AFTER THE CLOSE OF REGISTRATION, THE COUNTY CLERK AND RECORDER SHALL RECORD THE DATE OF REGISTRATION AS THE DATE OF THE LAST DAY ALLOWED FOR REGISTRATION. WHERE THE APPLICATION HAS NO POSTMARK AND THE APPLICATION IS RECEIVED SIX OR MORE DAYS AFTER THE CLOSE OF REGISTRATION, THE COUNTY CLERK AND RECORDER SHALL RECORD THE DATE OF REGISTRATION AS THE DATE THAT THE APPLICATION WAS RECEIVED.

**SECTION 8.** 1-2-216 (4) (a), Colorado Revised Statutes, is amended to read:

**1-2-216. Change of residence.** (4) (a) For the twenty-eight days before and on the day of any ~~primary, general, odd-numbered year, or congressional vacancy~~ election, any eligible elector, by appearing in person at the office of the clerk and recorder of the county in which the elector is registered, may complete a change of address form stating, under penalty of perjury, that the elector ~~has moved prior to~~ NO LATER THAN the thirtieth day before the election and that, on the day of the election, the elector will have lived at the new address in the new precinct for at least thirty days. Upon the receipt of the request, the county clerk and recorder shall verify the registration of the elector and, upon verification, if the elector does not choose to vote at the time the request is verified, shall issue or authorize a certificate of registration showing the information required in section 1-2-215 plus the change of address.

**SECTION 9.** 1-2-217 (1), Colorado Revised Statutes, is amended to read:

**1-2-217. Change in residence after close of registration.** (1) Notwithstanding the provisions of subsection (2) of this section and sections 1-2-101 and 1-2-102, an elector who moves from the precinct where registered during the ~~thirty~~ TWENTY-NINE days before any election shall be permitted to cast a ballot ~~for~~ AT the election by one of the following methods: At the polling place for the precinct where registered, by

an absentee ballot, or by early voting.

**SECTION 10.** 1-2-225 (6), Colorado Revised Statutes, is amended to read:

**1-2-225. Change of polling place - accessibility for persons with disabilities.**

(6) Any request for a change of polling place to a polling place which is accessible to persons with disabilities must be received by the designated election official ~~at least~~ NO LATER THAN twelve days ~~prior to~~ BEFORE the election for which the change is requested.

**SECTION 11.** 1-2-301 (2) (b), Colorado Revised Statutes, is amended to read:

**1-2-301. Secretary of state to maintain master list of electors - county computer records - consolidated data processing system.** (2) (b) ~~Within~~ NO LATER THAN five days after the last day to register for a primary, general, odd-numbered year, or congressional vacancy election, the county clerk and recorder of each county shall transmit to the secretary of state, in a media format acceptable to the secretary of state, a list of the registered electors in the county. The list shall contain, but shall not be limited to, each elector's name, place of residence, mailing address if different from residence address, precinct number, date of birth, social security number or other identification number, and the date on which the elector was last registered.

**SECTION 12.** 1-2-302 (1), Colorado Revised Statutes, is amended to read:

**1-2-302. Maintenance of master list.** (1) The secretary of state shall maintain the master list of registered electors of the entire state on as current a basis as is possible. In order to assist the secretary of state, the county clerk and recorder in each county, ~~within~~ NO LATER THAN five days after the end of each month, shall transmit to the secretary of state in a media format acceptable to the secretary of state all additions, changes, and deletions to the master registration records made in each county for the previous month.

**SECTION 13.** 1-2-508 (1) (a) and (1) (c), Colorado Revised Statutes, are amended to read:

**1-2-508. Effective date of voter registration.** (1) The county clerk and recorder shall ensure that any eligible applicant is registered to vote in an election if:

(a) In the case of registration with a driver's license application, the valid voter registration application of the applicant is accepted by a driver's license examination facility ~~at least~~ NO LATER THAN twenty-nine days before the date of an election;

(c) In the case of registration by mail ~~and~~ WHERE the application has no postmark AND the application of the applicant is received by a county clerk and recorder ~~within~~ NO LATER THAN five days ~~of~~ AFTER the close of registration, the date of registration shall be the date of the last day allowed for registration.

**SECTION 14.** 1-2-605 (6) (a), (8), and (10), Colorado Revised Statutes, are amended to read:

**1-2-605. Canceling registration.** (6) (a) ~~At any time within~~ NO LATER THAN ninety days after any general election, any registered elector whose registration record is marked "Inactive" and who has not previously been mailed a confirmation card shall be mailed a confirmation card by the county clerk and recorder.

(8) ~~Within~~ NO LATER THAN ninety days following any general election, the county clerk and recorder shall furnish to the county chairpersons of the two major political parties a list containing the names, addresses, precinct numbers, and party affiliations of the electors whose names were canceled from the registration record pursuant to this section.

(10) ~~If, after~~ DURING THE twenty-eight days prior to an election, IF any registered elector finds that his or her registration record has been canceled during the prior six years pursuant to this section, the elector shall have the canceled notation deleted and shall be reinstated and given a "Certificate of Reinstatement" if the elector provides proof to the county clerk and recorder that he or she has not moved since the last three general elections. The "Certificate of Reinstatement" may be issued any time during the twenty-eight days before or on election day, and the elector may then vote at his or her precinct polling place or, if authorized by the county clerk and recorder, at the office of the county clerk and recorder.

**SECTION 15.** 1-3-101, Colorado Revised Statutes, is amended to read:

**1-3-101. Party affiliation required - residence.** (1) ~~No registered elector shall~~ IN ORDER TO vote at any precinct caucus, assembly, or convention of a political party, ~~unless the registered elector has been~~ SHALL BE a resident of the precinct for thirty days, SHALL HAVE REGISTERED TO VOTE NO LATER THAN TWENTY-NINE DAYS BEFORE THE CAUCUS, ASSEMBLY, OR CONVENTION, and SHALL BE affiliated with the political party holding the caucus, assembly, or convention for at least two months as shown on the registration books of the county clerk and recorder; except that any registered elector who has attained the age of eighteen years or who has become a naturalized citizen during the two months immediately preceding the meeting may vote at any caucus, assembly, or convention even though the elector has been affiliated with the political party for less than two months.

(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 ~~thirty~~ TWENTY-NINE days prior to any caucus shall be permitted to participate 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 committeeperson in the former precinct.

(3) ~~At least forty~~ NO LATER THAN THIRTY 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 16.** 1-3-102 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

**1-3-102. Precinct caucuses.** (1) PRECINCT COMMITTEEPERSONS AND delegates to county assemblies shall be elected at precinct caucuses which ~~may~~ SHALL be held

in a public place in or proximate to each precinct at a time and place to be fixed by the county central committee or executive committee of each political party on the ~~first~~ **SECOND** Tuesday in April in each even-numbered year, which day shall be known as "precinct caucus day".

(2) (a) ~~At the time of electing the delegates to the county assembly,~~ THE PARTICIPANTS AT the precinct caucus shall also elect two precinct committeepersons. Any person eighteen years of age or older may be a candidate for the office of precinct committeeperson if he or she has been a resident of the precinct for thirty days and has been affiliated with the political party holding the precinct caucus for a period of at least two months preceding the date of the precinct caucus; except that any person who has attained the age of eighteen years or who has become a naturalized citizen during the two months immediately preceding the precinct caucus may be a candidate for the office of precinct committeeperson even though he or she has been affiliated with the political party for less than two months as shown on the registration book of the county clerk and recorder. The two people receiving the highest number of votes at the caucus for precinct committeeperson shall be elected as the precinct committeepersons of the precinct. If two or more candidates for precinct committeeperson receive an equal and the second highest number of votes, or if three or more candidates receive an equal and the highest number of votes, the election shall be determined by lot by those candidates. ~~The names of the committeepersons elected shall be certified to the county assembly of the political party by the officers of the caucus.~~ All disputes regarding the election of precinct committeepersons shall be determined by the credentials committees of the respective party assemblies. THE NAMES OF THE COMMITTEEPERSONS ELECTED SHALL BE CERTIFIED TO THE COUNTY ASSEMBLY OF THE POLITICAL PARTY BY THE OFFICERS OF THE CAUCUS. The county assembly shall ratify the list of committeepersons. The presiding officer and secretary of the county assembly shall file a certified list of the names and addresses, by precinct, of those persons elected as precinct committeepersons with the county clerk and recorder within ~~ten~~ **FOUR** days after the date of the county assembly.

**SECTION 17.** 1-3-103 (7) and (9), Colorado Revised Statutes, are amended to read:

**1-3-103. Party committees.** (7) ~~Within~~ NO LATER THAN thirty days after the organizational meetings authorized by this section, the secretary of each party central committee prescribed by this section shall file with the secretary of state a list of the names, addresses, and telephone numbers of each of the officers elected, together with a list of the names, addresses, and telephone numbers of the vacancy committee selected.

(9) ~~Within~~ NO LATER THAN ninety days after the organization of the state central committees of the two 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 and regulations 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, rules, and regulations 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, shall be subject to the code through the general election of the same year.

**SECTION 18.** 1-4-303 (1), Colorado Revised Statutes, is amended to read:

**1-4-303. Nomination of unaffiliated candidates.** (1) ~~Any persons who have submitted~~ NO LATER THAN ONE HUNDRED TWENTY DAYS BEFORE THE GENERAL ELECTION, PERSONS WHO DESIRE TO BE AN UNAFFILIATED CANDIDATE FOR THE OFFICES OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES SHALL SUBMIT TO the secretary of state ~~on the twenty-eighth day preceding the primary election;~~ EITHER a notarized candidate's statement of intent together with a nonrefundable filing fee of five hundred dollars ~~or nominated as candidates for the offices of president and vice president of the United States by a petition for nomination of an unaffiliated candidate~~ OR A PETITION FOR NOMINATION pursuant to the provisions of section 1-4-802 AND shall include either on the petition or with the filing fee the names of registered electors who are thus nominated as presidential electors. The acceptance of each of the electors shall be endorsed as appended to the first or last page of the nominating petition or the filing fee.

**SECTION 19.** 1-4-403, Colorado Revised Statutes, is amended to read:

**1-4-403. Nomination of unaffiliated candidates for congressional vacancy election.** (1) Candidates for congress at a congressional vacancy election who do not wish to affiliate with a MAJOR political party may be nominated pursuant to the provisions of section 1-4-802.

(2) Petitions must be filed by 3 p.m. on the thirtieth day ~~from~~ AFTER the date of the order issued by the governor.

**SECTION 20.** 1-4-601 (1) and (3), Colorado Revised Statutes, are amended to read:

**1-4-601. Designation of candidates for primary election.** (1) Assemblies of ~~the several~~ MAJOR political parties may make assembly designations of candidates for nomination on the primary election ballot. ~~No~~ AN assembly shall be held NO later than sixty-five days preceding the primary election.

(3) ~~Within ten~~ NO LATER THAN FOUR days after the adjournment of the assembly, each candidate designated by assembly shall file a written acceptance with the officer with whom the certificate of designation is filed. THIS ACCEPTANCE MAY BE TRANSMITTED BY FACSIMILE TRANSMISSION. IF THE ACCEPTANCE IS TRANSMITTED BY FACSIMILE TRANSMISSION, THE ORIGINAL ACCEPTANCE MUST ALSO BE FILED AND POSTMARKED NO LATER THAN TEN DAYS AFTER THE ADJOURNMENT OF THE

ASSEMBLY. The acceptance shall state the candidate's name in the form in which it is to appear on the ballot. The name may include one nickname. If an acceptance is not filed within the specified time, the candidate shall be deemed to have declined the designation.

**SECTION 21.** 1-4-602 (1) (a), (4), and (5), Colorado Revised Statutes, are amended to read:

**1-4-602. Delegates to party assemblies.** (1) (a) County assemblies shall be held not less than ten days nor more than thirty days after THE precinct caucuses. ~~held on the first Tuesday in April.~~ The county central committee or executive committee shall fix the number of delegates from each precinct to participate in the county assembly pursuant to the procedure for the selection of delegates contained in the state party central committee's bylaws or rules. The persons receiving the highest number of votes at the precinct caucus shall be the delegates to the county assembly from the precinct. If two or more candidates receive an equal number of votes for the last available place in the election of delegates to county assemblies at the precinct caucuses, the delegate shall be determined by lot by the candidates. Except as provided in subsections (2) and (6) of this section, delegates to all other party assemblies shall be selected by the respective county assemblies from among the members of the county assemblies pursuant to the state party central committee's bylaws or rules.

(4) All places established for holding precinct caucuses shall be designated by a sign conspicuously posted ~~for at least ten~~ NO LATER THAN TWELVE days before the precinct caucuses. The sign shall be substantially in the following form: "Precinct caucus place for precinct no. ....". The lettering on the sign and the precinct number shall be black on a white background, with all letters and numerals at least four inches in height. Any precinct caucus subsequently removed and held in a place other than the place stated on the sign is null and void.

(5) As used in this section, "delegate" means a person who is a registered elector, has been a resident of the precinct for thirty days prior to the caucus, and has been affiliated with the political party holding the caucus for at least two months, as shown on the registration books of the county clerk and recorder; except that any registered elector who has attained the age of eighteen years during the two months immediately preceding the caucus or any registered elector who has become a naturalized citizen during the two months immediately preceding the caucus may be a delegate even though the elector has been affiliated with the political party for less than two months as shown on the registration books of the county clerk and recorder. A delegate who moves from the precinct ~~of residence~~ WHERE REGISTERED DURING THE TWENTY-NINE DAYS PRIOR TO ANY CAUCUS shall become ineligible to serve as a delegate from that precinct.

**SECTION 22.** 1-4-604, Colorado Revised Statutes, is amended to read:

**1-4-604. Filing of petitions and certificates of designation by assembly.** Every petition or certificate of designation by assembly in the case of a candidate for nomination for any national or state office or for member of the general assembly, district attorney, or district office greater than a county office shall be received and filed in the office of the secretary of state. Every petition or certificate of designation



by assembly in the case of a candidate for nomination for any other elective office shall be filed in the office of the county clerk and recorder of the county where the person is a candidate. Certificates of designation by assembly shall be filed ~~within ten~~ NO LATER THAN FOUR days after the adjournment of the assembly. CERTIFICATES OF DESIGNATION MAY BE TRANSMITTED BY FACSIMILE TRANSMISSION; HOWEVER THE ORIGINAL CERTIFICATE MUST ALSO BE FILED AND POSTMARKED NO LATER THAN TEN DAYS AFTER THE ADJOURNMENT OF THE ASSEMBLY. ~~Petitions shall be filed prior to sixty-five days before the primary election.~~ Late filing of the certificate of designation shall not deprive candidates of their candidacy.

**SECTION 23.** 1-4-701 (3) and (4), Colorado Revised Statutes, are amended to read:

**1-4-701. Party nominations to be made by convention.** (3) Certificates of nomination shall be received and filed with the secretary of state ~~prior to fifty-five~~ NO LATER THAN SIXTY days before the general or congressional vacancy election.

(4) Any person nominated in accordance with this section by either of the two major political parties shall be deemed to have accepted the nomination unless the candidate files with the secretary of state a written declination of the nomination ~~within ten~~ NO LATER THAN FOUR days after the adjournment of the convention. THE DECLINATION MAY BE TRANSMITTED BY FACSIMILE TRANSMISSION NO LATER THAN FOUR DAYS AFTER THE ADJOURNMENT OF THE CONVENTION. IF THE DECLINATION IS TRANSMITTED BY FACSIMILE TRANSMISSION, THE ORIGINAL DECLINATION MUST ALSO BE FILED AND POSTMARKED NO LATER THAN TEN DAYS AFTER THE ADJOURNMENT OF THE CONVENTION.

**SECTION 24.** 1-4-801 (5), Colorado Revised Statutes, is amended to read:

**1-4-801. Designation of party candidates by petition - repeal.** (5) Party petitions shall not be circulated nor any signatures be obtained prior to the first Monday in April. Petitions shall be filed no later than ~~the sixty-sixth day~~ SEVENTY DAYS before the primary election.

**SECTION 25.** 1-4-802 (1) (d) and (1) (f), Colorado Revised Statutes, are amended to read:

**1-4-802. Petitions for nominating unaffiliated candidates for a partisan office.**

(1) Candidates for partisan public offices to be filled at a general or congressional vacancy election who do not wish to affiliate with a political party may be nominated, other than by a primary election or a convention, in the following manner:

(d) No petition, except petitions for candidates for vacancies to unexpired terms of representatives in congress and for presidential electors, shall be circulated or any signatures obtained thereon ~~prior to eighty-four~~ EARLIER THAN ONE HUNDRED SIXTY-FIVE days before the ~~primary~~ GENERAL election.

(f) Petitions shall be filed not later than 3 p.m. on the ~~twenty-eighth day preceding~~ ONE HUNDRED TWENTIETH DAY BEFORE the ~~primary~~ GENERAL election or 3 p.m. on the fifty-fifth day preceding the congressional vacancy election.

**SECTION 26.** 1-4-803 (2), Colorado Revised Statutes, is amended to read:

**1-4-803. Petitions for nominating school district directors.** (2) The nomination petition must be filed ~~prior to sixty-six~~ NO LATER THAN SIXTY-SEVEN days before the election date.

**SECTION 27.** 1-4-805, Colorado Revised Statutes, is amended to read:

**1-4-805. Petitions for nominating municipal candidates in coordinated elections.** Any person who desires to be a candidate for a municipal office in a coordinated or mail ballot election shall, in lieu of the requirements of this article, comply with the nominating petition procedure set forth in the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S.; except that part 11 of this article, concerning write-in candidate affidavits, shall apply in such municipal elections, and any nominating petition may be circulated and signed beginning on the ninety-first day prior to the election and shall be filed with the municipal clerk ~~by~~ NO LATER THAN the seventy-first day prior to the date of the election. The petition may be amended to correct or replace signatures that the clerk finds are not in apparent conformity with the requirements of the municipal election code at any time ~~prior to~~ BEFORE the ~~sixty-sixth~~ SIXTY-SEVENTH day ~~prior to~~ BEFORE the election.

**SECTION 28.** 1-4-904 (2), Colorado Revised Statutes, is amended to read:

**1-4-904. Signatures on the petitions.** (2) For partisan petitions, each signer shall be affiliated with the MAJOR political party named in the petition and shall state the following to the circulator: That the signer has been affiliated with the MAJOR political party named in the petition for at least ~~two months~~ TWENTY-NINE DAYS as shown on the registration books of the county clerk and recorder; that the signer intends to vote for the candidate at the ensuing primary election; and that the signer has not signed any other petition for any other candidate for the same office.

**SECTION 29.** 1-4-912 (1), Colorado Revised Statutes, is amended to read:

**1-4-912. Cure.** (1) In case a petition for nominating ~~AN unaffiliated candidate~~ CANDIDATE is not sufficient, it may be amended once ~~at any time prior to 3 p.m. on the seventh day following a primary election~~ NO LATER THAN 3 P.M. SEVENTY-SEVEN DAYS BEFORE THE GENERAL ELECTION, 3 p.m. on the fifty-fifth day preceding a congressional vacancy election, or 3 p.m. ~~sixty-six~~ SIXTY-SEVEN days prior to an election which is not being held concurrently with the general election. If a petition for nominating an unaffiliated candidate is amended prior to 3 p.m. on the seventh day following a primary election, the designated election official shall notify the candidate of whether the petition is sufficient or insufficient no later than the ~~fourteenth day following the primary election~~ SEVENTY-FIFTH DAY BEFORE THE GENERAL ELECTION.

**SECTION 30.** 1-4-1002 (1), (2), (3), (4), (4.5), (5) (a), (6), (7) (b), and (7) (c), Colorado Revised Statutes, are amended to read:

**1-4-1002. Vacancies in designation or nomination.** (1) Any vacancy in a party designation occurring after the party assembly at which the designation was made and ~~more than~~ NO LATER THAN ~~fifty-five~~ SIXTY-ONE days before the primary election MAY BE FILLED BY THE PARTY ASSEMBLY VACANCY COMMITTEE OF THE DISTRICT, COUNTY,

OR STATE, DEPENDING UPON THE OFFICE FOR WHICH THE VACANCY IN DESIGNATION HAS OCCURRED. A VACANCY ~~which is~~ MAY BE CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF ANY PERSON DESIGNATED BY THE ASSEMBLY AS A CANDIDATE FOR NOMINATION, OR BY FAILURE OF THE ASSEMBLY TO MAKE DESIGNATION OF ANY CANDIDATE FOR NOMINATION, OR ~~which exists by reason of the~~ BY DEATH OR RESIGNATION OF ANY ELECTIVE OFFICER AFTER AN ASSEMBLY AT WHICH A CANDIDATE COULD HAVE BEEN DESIGNATED FOR NOMINATION FOR THE OFFICE AT A PRIMARY ELECTION HAD THE VACANCY THEN EXISTED. ~~may be filled by the respective party assembly vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in designation has occurred.~~ No person is eligible for appointment to fill a vacancy in a party designation unless that person meets all requirements of candidacy as of the date of the assembly ~~which~~ THAT made the original designation.

(2) Any vacancy in a party designation occurring during the ~~fifty-five~~ FIFTY-NINE days before the primary election or any vacancy in a party nomination occurring on or after the day of the primary election and ~~more than fifty-five~~ NO LATER THAN SIXTY days before the general election, MAY BE FILLED BY THE RESPECTIVE PARTY ASSEMBLY VACANCY COMMITTEE OF THE DISTRICT, COUNTY, OR STATE, DEPENDING UPON THE OFFICE FOR WHICH THE VACANCY IN DESIGNATION OR NOMINATION HAS OCCURRED. A VACANCY ~~which is~~ MAY BE CAUSED BY THE DECLINATION, DEATH, DISQUALIFICATION, RESIGNATION, OR WITHDRAWAL OF ANY PERSON PREVIOUSLY DESIGNATED OR OF ANY PERSON NOMINATED AT THE PRIMARY ELECTION, OR ~~which exists by reason of the~~ BY DECLINATION, DEATH, DISQUALIFICATION, OR WITHDRAWAL OF ANY ELECTIVE OFFICER AFTER A PRIMARY ELECTION AT WHICH A NOMINATION COULD HAVE BEEN MADE FOR THE OFFICE HAD THE VACANCY THEN EXISTED. ~~may be filled by the respective party assembly vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in designation or nomination has occurred.~~ No person is eligible for appointment to fill a vacancy in the party designation or nomination unless that person meets all of the requirements of candidacy as of the date of the primary election.

(3) Any vacancy in a party nomination occurring after the convention or assembly at which the nomination was made and ~~more than fifty-five~~ NO LATER THAN SIXTY days before the congressional vacancy election, caused by the declination, death, disqualification, or withdrawal of any person nominated at the convention, may be filled in the same manner required for the original nomination. If the original nomination was made by a party convention or assembly which had delegated to a committee the power to fill vacancies, the committee may proceed to fill the same vacancy when it occurs. No person is eligible for appointment to fill a vacancy in the party nomination unless that person meets all of the requirements of candidacy as of the date of the convention or assembly at which the original nomination was made.

(4) Any vacancy in a nomination for an unaffiliated candidate CAUSED BY THE DECLINATION, DEATH, OR WITHDRAWAL OF ANY PERSON NOMINATED BY PETITION OR STATEMENT OF INTENT occurring after the filing of the petition for nomination or the submittal of a statement of intent under section 1-4-303 and ~~more than fifty-five~~ NO LATER THAN SIXTY days before the general or congressional vacancy election ~~which is caused by the declination, death, or withdrawal of any person nominated by petition or statement of intent,~~ may be filled by the person or persons designated on the petition or statement of intent to fill vacancies.

(4.5) Any vacancy in a nomination for a minor political party candidate occurring after the filing of the certificate of designation pursuant to section 1-4-1304 (3) and ~~more than fifty-five~~ NO LATER THAN SIXTY days before the general or congressional vacancy election, which is caused by the declination, death, or withdrawal of any person nominated by the minor political party, may be filled by the person or persons designated in the constitution or bylaws of the minor political party to fill vacancies.

(5) (a) The persons designated to fill any of the vacancies in subsections (1) to (4.5) of this section shall file WITH THE DESIGNATED ELECTION OFFICIAL WITH WHOM THE ORIGINAL CERTIFICATE OR PETITION WAS FILED any certificate of designation or nomination to fill the vacancy ~~together with~~ AND a written acceptance signed by the person designated or nominated ~~with the designated election official with whom the original certificate or petition was filed.~~ This filing shall be done no later than the close of business on the ~~fifty-fifth~~ SIXTIETH day before the election affected by the vacancy.

(6) When the secretary of state or the county clerk and recorder receives a certificate of nomination to fill a vacancy, that official, in certifying the list of designees or nominees, shall replace the name of the original candidate with that of the replacement candidate. In the event the secretary of state has already certified the list, the secretary of state shall forthwith certify to the county clerk and recorders of the ~~proper~~ AFFECTED counties the name and description of the new nominee, the office for which the nomination is made, and the name of the person for whom the nominee is substituted. The secretary of state and the county clerk and recorders shall not accept any certificates of nomination to fill vacancies after ~~fifty-five days~~ THE SIXTIETH DAY before election day.

(7) Any vacancy in a statewide or county office, in the office of district attorney, or in the office of a state senator occurring during a term of office shall be filled at the next general election with nomination or designation by the political party as follows:

(b) If the vacancy occurs after the political party assembly and ~~more than fifty-five~~ NO LATER THAN SIXTY days before the primary election, the designated election official shall add the office to the notice of election and notify the chairperson of each major political party that the office will be on the ballot for the next primary election. Candidates for the office shall be designated as provided in section 1-4-603 or by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district.

(c) If the vacancy occurs during the ~~fifty-five~~ FIFTY-NINE days before the primary election or after the primary election and ~~more than fifty-five~~ NO LATER THAN SIXTY days before the general election, the designated election official shall add the office to the notice of election for the general election. Nominations for the office shall be made by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district or as provided in section 1-4-802 for the nomination of unaffiliated candidates.

**SECTION 31.** 1-4-1102 (1) Colorado Revised Statutes, is amended to read:

**1-4-1102. Time of filing affidavit.** (1) Except as provided in subsection (2) of

this section, the affidavit of intent shall be filed by the close of business on the ~~thirtieth~~ SIXTIETH day before the election.

**SECTION 32.** 1-4-1203 (3) and (4), Colorado Revised Statutes, are amended to read:

**1-4-1203. Names on ballots.** (3) Pursuant to a political party's rules, the party may request the secretary of state to provide a place on the primary ballot for electors who have no presidential candidate preference to register a vote to send a noncommitted delegate to the political party's national convention. To be valid, this request must be received by the secretary of state ~~on or before the forty-ninth day~~ NO LATER THAN FIFTY-FIVE DAYS before the presidential primary election.

(4) Challenges concerning the right of any candidate's name to appear on the ballot of the presidential primary election shall be made in writing and filed with the secretary of state no later than five days after the filing deadline for candidates. Challenges may be submitted by fax if an original is received by the secretary of state no later than five days after the deadline for filing the challenge. Challenges shall give written notice in a summary manner of an alleged impropriety. If a challenge is made, notice of the challenge shall be mailed forthwith to all candidates who may be affected. The secretary of state shall hear a challenge ~~within~~ NO LATER THAN ten days after the challenge is filed and shall pass upon the validity of all alleged improprieties, whether of form or substance, and shall decide challenges and issue findings of fact and conclusions ~~within~~ NO LATER THAN seventy-two hours after the hearing. The party filing the challenge has the burden to sustain the challenge by a preponderance of the evidence. The secretary of state's decisions upon matters of substance are open to review, if prompt application is made, as provided in section 1-1-113. The ~~remedy~~ REVIEW in all cases shall be summary, and the decision of any ~~other~~ court having jurisdiction is final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any judicial proceeding in a summary way.

**SECTION 33.** 1-4-1205 (1), Colorado Revised Statutes, is amended to read:

**1-4-1205. Write-in candidate affidavit for presidential primary.** (1) No write-in vote for any candidate in the presidential primary election shall be counted unless the candidate for whom the write-in vote was cast has filed an affidavit of intent indicating that the write-in candidate desires the office and is qualified to assume the duties of the office if elected. Affidavits shall be accompanied by a nonrefundable fee of five hundred dollars and shall be filed with the secretary of state more than ~~eight~~ SIXTY days before the day of the presidential primary.

**SECTION 34.** 1-4-1301 (1) (h) and (2), Colorado Revised Statutes, are amended to read:

**1-4-1301. Formation of minor political party.** (1) A minor political party shall adopt a constitution or set of bylaws to govern its organization and the conduct of its affairs and shall exercise thereunder any power not inconsistent with the laws of this state. The constitution or set of bylaws shall be filed with the secretary of state. Any minor political party failing to file its constitution or set of bylaws pursuant to this section shall not be qualified as a minor political party. The constitution or set of

bylaws shall contain the following:

(h) A statement that any meeting to elect party officers, including delegates, shall be held at a public place at the time specified by the party chairperson and that the time and place of such meeting shall be published once, NO LATER THAN fifteen days ~~prior to~~ BEFORE such meeting, in a newspaper of general circulation in each county wherein the members of the minor political party reside;

(2) The chairperson of the party shall file any amendments to the constitution or set of bylaws with the secretary of state ~~within~~ NO LATER THAN fifteen days after the amendments are adopted.

**SECTION 35.** 1-4-1302 (4) (b) and (4) (c), Colorado Revised Statutes, are amended to read:

**1-4-1302. Petition to allow minor political party to nominate candidates.**

(4) (b) ~~Not more~~ NO LATER than twenty-one days after receipt of the petition, the secretary of state shall notify the minor political party seeking to qualify of the number of valid signatures and whether the petition appears to be sufficient or insufficient.

(c) In case a petition to allow a minor political party to nominate candidates is not sufficient, it may be amended once at any time prior to 3 p.m. on the seventh day following the DATE OF THE notification of insufficiency. If such petition is amended prior to 3 p.m. on the seventh day following the notification of insufficiency, the secretary of state shall notify the minor political party of whether the petition is sufficient or insufficient no later than the fourteenth day following the DATE OF THE notification of insufficiency.

**SECTION 36.** The introductory portion to 1-4-1304 (2) and 1-4-1304 (3) and (4), Colorado Revised Statutes, are amended to read:

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

(3) Any minor political party nominating candidates in accordance with this part 13 shall file a certificate of designation with the designated election official no later than ~~the twenty-eighth day prior to~~ ONE HUNDRED TWENTY DAYS BEFORE the ~~primary~~ GENERAL election. The certificate of designation shall state the name of the office for which each person is a candidate and the candidate's name and address, shall designate in not more than three words the name of the minor political party that the candidate represents, and shall certify that the candidate is a member of the minor political party. The candidate's party affiliation as shown on the registration books of the county clerk and recorder is prima facie evidence of party membership.

(4) Any person nominated in accordance with this part 13 shall file a written acceptance with the designated election official by mail, FACSIMILE TRANSMISSION, or hand delivery. The written acceptance must be postmarked or received by the designated election official ~~within ten~~ NO LATER THAN FOUR business days after the

filing of the certificate of designation required under subsection (3) of this section. IF THE ACCEPTANCE IS TRANSMITTED TO THE DESIGNATED ELECTION OFFICIAL BY FACSIMILE TRANSMISSION, THE ORIGINAL ACCEPTANCE MUST ALSO BE FILED AND POSTMARKED NO LATER THAN TEN DAYS AFTER THE FILING OF THE CERTIFICATE OF DESIGNATION REQUIRED UNDER SUBSECTION (3) OF THIS SECTION. If an acceptance is not filed within the specified time, the candidate shall be deemed to have declined the nomination.

**SECTION 37.** 1-5-102 (1) and (2), Colorado Revised Statutes, are amended to read:

**1-5-102. Establishing precincts and polling places for nonpartisan elections.**

(1) For nonpartisan elections other than coordinated elections, ~~not less~~ NO LATER than twenty-five days prior to the election, the designated election official, with the approval of the governing body with authority to call elections, shall divide the jurisdiction into as many election precincts as it deems expedient for the convenience of eligible electors of the jurisdiction and shall designate the polling place for each precinct. The election precincts shall consist of one or more whole general election precincts wherever practicable, and the designated election official and governing body shall cooperate with the county clerk and recorder and the board of county commissioners of their political subdivisions to accomplish this purpose. Wherever possible, the polling places shall be the same as those designated by the county for partisan elections.

(2) The county clerk and recorder, ~~at least~~ NO LATER THAN one hundred twenty days prior to a regular special district election or regular election of any other political subdivision, shall prepare a map of the county showing the location of the polling places and precinct boundaries utilized in the last November election. Copies of the map shall be available for inspection at the office of the county clerk and recorder and for distribution to the designated election official of each political subdivision.

**SECTION 38.** 1-5-102.5 (1), Colorado Revised Statutes, is amended to read:

**1-5-102.5. Establishing polling places for coordinated elections.** (1) ~~Not less~~ NO LATER than ninety days prior to a coordinated election, the county clerk and recorder, in consultation with the other designated election officials of each political subdivision participating in the election, shall assure that one polling place be designated to allow an individual elector to vote for all ballot issues, ballot questions, and candidates voted on the same date.

**SECTION 39.** 1-5-103 (1), Colorado Revised Statutes, is amended to read:

**1-5-103. Changes in boundaries - partisan elections.** (1) Changes in the boundaries of precincts or the creation of new precincts for partisan elections shall be completed ~~not less~~ NO LATER than twenty-nine days prior to the precinct caucus day, except in cases of precinct changes resulting from changes in county boundaries.

**SECTION 40.** 1-5-104 (1), Colorado Revised Statutes, is amended to read:

**1-5-104. Changes in boundaries - nonpartisan elections.** (1) Changes in the

boundaries of precincts or the creation of new precincts for nonpartisan elections shall be completed ~~not less~~ NO LATER than twenty-five days prior to scheduled elections except in cases of precinct changes resulting from changes in the jurisdiction's boundaries.

**SECTION 41.** 1-5-202 (1) and (2), Colorado Revised Statutes, are amended to read:

**1-5-202. Notice of presidential primary and primary election by secretary of state and county clerk and recorder.** (1) ~~At least~~ NO LATER THAN fifty days before any presidential primary ~~or other~~ AND NO LATER THAN FIFTY-FIVE DAYS BEFORE THE primary election, the secretary of state shall transmit to each county clerk and recorder a notice in writing specifying the offices for which nominations are to be made. The notice shall include a certified list of persons for whom certificates of designation or petitions have been filed with the secretary of state and the office for which each person is a candidate, together with the other details mentioned in the certificates of designation or petitions, and the order of the ballot for the primary election.

(2) Each county clerk and recorder, ~~at least~~ NO LATER THAN ten days before the presidential primary or other primary election, shall provide publication of the notice of the primary election in a condensed form under the proper party designation and under the title of each office the names of all persons for whom certificates of designation or petitions have been filed with the secretary of state or the county clerk and recorder. The publication shall contain the date of the presidential primary or other primary election and the hours during which the polls will be open and shall state that the presidential primary or other primary election will be held in the lawful polling places designated for each precinct. A copy of the publication shall be posted in a conspicuous place in the office of the county clerk and recorder. The posting may be made by the use of sample ballots.

**SECTION 42.** 1-5-203, Colorado Revised Statutes, is amended to read:

**1-5-203. Certification of ballot.** (1) ~~At least fifty~~ NO LATER THAN FIFTY-FIVE days before any general election, the secretary of state shall make and deliver ~~or transmit~~ BY FACSIMILE TRANSMISSION AND REGISTERED MAIL to the county clerk and recorder of each county a ~~notice~~ CERTIFICATE in writing specifying the national and state officers and the district officers of state concern ~~to be elected~~ FOR WHOM SOME OR ALL OF THE ELIGIBLE ELECTORS OF THE COUNTY ARE ENTITLED TO CAST BALLOTS at the general election. The ~~notice~~ CERTIFICATE shall include the name and party or other designation of each candidate FOR WHOM SOME OR ALL OF THE ELIGIBLE ELECTORS OF THE COUNTY ARE ENTITLED TO CAST BALLOTS AND for whom a petition or certificate of nomination has been filed with the secretary of state, the name and party of each candidate nominated at the primary election for a national or state office or a district office of state concern, and the order of the ballot and the ballot content for the election. With regard to the election of members to the general assembly, the notice shall also specify the district number and the names of the members whose terms of office will expire. ~~Upon receiving the certified notice, each county clerk and recorder shall review the ballot and indicate in writing within five days of the receipt of the notice whether the ballot is accurate as printed or whether corrections are required~~ THE SECRETARY OF STATE SHALL BE SOLELY RESPONSIBLE FOR THE



## ACCURACY OF THE INFORMATION CONTAINED IN THE CERTIFICATE.

(2) When there is a vacancy for an unexpired term in any national or state office or a district office of state concern which is by law to be filled at any general or congressional vacancy election, the secretary of state, ~~at least fifty~~ NO LATER THAN FIFTY-FIVE days prior to the election, shall give notice in writing by publishing a notice in at least one newspaper of general circulation in the state or in the congressional district in which the vacancy is to be filled. The notice shall specify the office in which the vacancy exists, the cause of the vacancy, the name of the officer in whose office it has occurred, and the time when the term of office will expire.

(3) (a) ~~Prior to~~ NO LATER THAN fifty-five days before a ~~nonpartisan~~ ANY election, the designated election official of each political subdivision ~~which~~ THAT intends to conduct an election shall certify the order of the ballot and ballot content to the county clerk and recorder of each county that has territory within the political subdivision. The order of the ballot and ballot content shall include the name and office of each candidate for whom a petition has been filed with the designated election official and any ballot issues or ballot questions to be submitted to the eligible electors.

(b) NO LATER THAN FIFTY-FIVE DAYS BEFORE ANY ELECTION AT WHICH ONE OR MORE BALLOT ISSUES OR BALLOT QUESTIONS ARE TO BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE ENTIRE STATE, THE SECRETARY OF STATE SHALL CERTIFY THE ORDER OF THE BALLOT AND BALLOT CONTENT WITH RESPECT TO SUCH BALLOT ISSUES OR BALLOT QUESTIONS TO THE COUNTY CLERK AND RECORDER OF EACH COUNTY OF THE STATE.

(c) THE STATE OR A POLITICAL SUBDIVISION THAT ISSUES A CERTIFICATE PURSUANT TO THIS SUBSECTION (3) SHALL BE SOLELY RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED IN THE CERTIFICATE. ANY ERROR THAT CAN BE CORRECTED PURSUANT TO THE PROVISIONS OF SECTION 1-5-412 SHALL BE CORRECTED AT THE EXPENSE OF THE POLITICAL SUBDIVISION WHOSE DESIGNATED ELECTION OFFICIAL ISSUED THE DEFECTIVE CERTIFICATE OR, AT THE EXPENSE OF THE STATE, IF THE SECRETARY OF STATE ISSUED THE DEFECTIVE CERTIFICATE.

**SECTION 43.** The introductory portion to 1-5-205 (1) and 1-5-205 (1.5), Colorado Revised Statutes, are amended to read:

**1-5-205. Published and posted notice of election.** (1) The designated election official, or the coordinated election official if so provided by an intergovernmental agreement, ~~at least~~ NO LATER THAN ten days before each election, shall provide notice by publication of the election, which notice shall state, as applicable for the particular election for which notice is provided, the following:

(1.5) The designated election official shall retain a copy of the notice as a record for public inspection for ~~two years~~ TWENTY-FIVE MONTHS FOLLOWING THE ELECTION or until any election contest is decided, whichever is later.

**SECTION 44.** 1-5-206 (2) (a), Colorado Revised Statutes, is amended to read:

**1-5-206. Postcard notice or notice by publication.** (2) (a) ~~Not less~~ NO LATER than fifteen days before all nonpartisan elections except elections conducted by mail ballots and court-ordered elections, the designated election official shall mail to each household where one or more eligible electors reside a voter notification card or voter notification letter which shall contain the household's address, precinct number, polling location, the specific election being noticed, and any other applicable information. The information contained on the voter notification card or voter notification letter may be included with the ballot issue notice, and if so included, no separate mailing pursuant to this paragraph (a) is required.

**SECTION 45.** 1-5-304, Colorado Revised Statutes, is amended to read:

**1-5-304. Lists of property owners.** For elections where owning property in the political subdivision is a requirement for voting in the election, no later than the fortieth day preceding the date of the ~~scheduled nonpartisan~~ election, the designated election official, IN ADDITION TO USING THE AFFIDAVIT PRESCRIBED IN SECTION 32-1-806, C.R.S., shall order the list of property owners from the county assessor. The county assessor shall certify and deliver an initial list of all recorded owners of taxable real and personal property within the political subdivision no later than thirty days before the election. The supplemental list for the political subdivision shall be provided no later than twenty days before the election and shall contain the names and addresses of all recorded owners who have become owners ~~within the period since~~ NO LATER THAN THIRTY DAYS PRIOR TO THE ELECTION AND AFTER the initial list of property owners was provided. The cost for the lists shall be assessed by the county assessors and paid by the political subdivision holding the election. The fee for furnishing the lists shall be no less than twenty-five dollars for both lists nor more than one cent for each name contained on the lists, whichever is greater.

**SECTION 46.** The introductory portion to 1-5-402 (1), Colorado Revised Statutes, is amended to read:

**1-5-402. Primary election ballots.** (1) No later than ~~forty-five~~ THIRTY-TWO days before the primary election, the county clerk and recorder shall prepare a separate ballot for each political party. ~~for public inspection.~~ The ballots shall be printed in the following manner:

**SECTION 47.** 1-5-403 (1), Colorado Revised Statutes, is amended to read:

**1-5-403. Content of ballots for general and congressional vacancy elections.** (1) The county clerk and recorder of each county using paper ballots or electronically counted ballot cards shall provide printed ballots for every ~~primary~~; odd-numbered year, general, or congressional vacancy election. The official ballots shall be printed and in the possession of the county clerk and recorder ~~not less~~ NO LATER than thirty-two days before every ~~primary~~; odd-numbered year, congressional vacancy, and general election.

**SECTION 48.** 1-5-502, Colorado Revised Statutes, is amended to read:

**1-5-502. Ballot boxes for nonmachine voting.** The governing body of each political subdivision using paper ballots OR AN ELECTRONIC VOTE COUNTING SYSTEM shall provide at least one ballot box for each polling place. For elections which have

both receiving and counting judges, the governing body shall provide no less than one ballot box for each set of receiving judges and one ballot box for each set of counting judges at each place of voting. The ballot boxes shall be strongly constructed so as to prevent tampering, with a small opening at the top and with a lid to be locked. The ballot boxes and keys shall be kept by the designated election official and delivered to the election judges no later than ~~one~~ THE day preceding any election, to be returned as provided in section 1-6-109.5.

**SECTION 49.** 1-7-103 (2), Colorado Revised Statutes, is amended to read:

**1-7-103. No voting unless eligible.** (2) A person otherwise eligible to vote whose name has been omitted from the registration list or property owner's list shall be permitted to vote upon taking substantially the following oath: "I do solemnly swear or affirm that I am a citizen of the United States of the age of eighteen years or older; that I have been a resident of this state AND PRECINCT for thirty days immediately preceding this election and have not maintained a home or domicile elsewhere; ~~that I have been for the last thirty days and am now a resident of this precinct or absent from it thirty days or less as provided in section 1-2-101;~~ that I am a registered elector in this precinct; that I am eligible to vote at this election; and that I have not previously voted at this election."; and

**SECTION 50.** The introductory portion to 1-7-116 (2), Colorado Revised Statutes, is amended, and the said 1-7-116 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-7-116. Coordinated elections.** (2) The political subdivisions for which the county clerk and recorder will conduct the coordinated election shall enter into an agreement with the county clerk and recorder for the county or counties in which the political subdivision is located concerning the conduct of the coordinated election. The agreement shall be signed no ~~less~~ LATER than sixty days prior to the scheduled election. The agreement shall include but not be limited to the following:

(5) IF, BY ONE HUNDRED DAYS BEFORE THE ELECTION, A POLITICAL SUBDIVISION HAS TAKEN FORMAL ACTION TO PARTICIPATE IN A GENERAL ELECTION OR OTHER ELECTION THAT WILL BE COORDINATED BY THE COUNTY CLERK AND RECORDER, THE POLITICAL SUBDIVISION SHALL NOTIFY THE COUNTY CLERK AND RECORDER.

**SECTION 51.** 1-7-402 (2), Colorado Revised Statutes, is amended to read:

**1-7-402. Sample ballots - ballot labels.** (2) The designated election official shall also prepare a set of THE official ballot labels ~~arranged in the manner prescribed for the official election ballot;~~ FOR EACH VOTING MACHINE and shall place ~~them~~ THE OFFICIAL BALLOT on each voting machine to be used in ~~precincts~~ PRECINCT POLLING PLACES under the election official's supervision and shall deliver the required number of voting machines to each election precinct ~~at least one~~ NO LATER THAN THE day before the polls open.

**SECTION 52.** 1-7-603, Colorado Revised Statutes, is amended to read:

**1-7-603. Preparation of election returns.** If any designated election official wishes to count the ~~ballots~~ VOTES CAST at a location or by a method other than

authorized by this code, the designated election official may present a plan, for approval by the secretary of state, that delineates the process for assuring accuracy and confidentiality of counting. The plan shall be submitted to the secretary of state and approved no ~~less~~ LATER than forty-five days before the election at which the plan is to be implemented.

**SECTION 53.** 1-7-802, Colorado Revised Statutes, is amended to read:

**1-7-802. Preservation of election records.** The designated election official shall be responsible for the preservation of any election records for a period of at least ~~thirty days~~ TWENTY-FIVE MONTHS after the ~~next ensuing regular~~ election or until time has expired for which the record would be needed in any contest proceedings, whichever is ~~longer~~ LATER. Unvoted ballots may be destroyed after the time for a challenge to the election has passed. If a federal candidate was on the ballot, the voted ballots and any other required election materials shall be kept for ~~no less than~~ AT LEAST twenty-five months after the election.

**SECTION 54.** 1-7-901 (4), Colorado Revised Statutes, is amended to read:

**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 ~~the forty-fifth day before any ballot issue election~~ SUCH DAY is always a Saturday, all comments shall be filed by the end of the business day on the Friday before the forty-fifth day before the election.

**SECTION 55.** 1-7-903 (3), Colorado Revised Statutes, is amended to read:

**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 ~~at least~~ NO LATER THAN forty-three days before the election. If a summary is not filed by the petition representatives within the time allowed, the designated election official shall ~~state substantially~~ PRINT the following in the ballot issue notice where the summary would appear: "No summary was filed by the statutory deadline."

**SECTION 56.** 1-7-904, Colorado Revised Statutes, is amended to read:

**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 the state or 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 ~~at least~~ NO LATER THAN forty-two days before the election the full text of any required ballot issue notices.

**SECTION 57.** 1-7-905 (2), Colorado Revised Statutes, is amended to read:

**1-7-905. Preparation of notices.** (2) The designated election officials of overlapping political subdivisions conducting an election other than in November shall confer concerning the preparation of the ballot issue notice ~~not less~~ NO LATER

than forty days prior to the date of the election. The political subdivisions conducting the election shall provide for preparation of any required ballot issue notice package by agreement in a form substantially as provided in section 1-7-116.

**SECTION 58.** 1-7.5-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-7.5-107. Procedures for conducting mail ballot election.** (2.5)(a) ~~NOLATER THAN TWENTY DAYS BEFORE AN ELECTION, THE DESIGNATED ELECTION OFFICIAL, OR THE COORDINATED ELECTION OFFICIAL IF SO PROVIDED BY AN INTERGOVERNMENTAL AGREEMENT, SHALL PROVIDE NOTICE BY PUBLICATION OF A MAIL BALLOT ELECTION CONDUCTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE, WHICH NOTICE SHALL STATE, AS APPLICABLE FOR THE PARTICULAR ELECTION FOR WHICH THE NOTICE IS PROVIDED, THE ITEMS SET FORTH IN SECTION 1-5-205 (1) (a) TO (1) (d).~~

(b) ~~THE NOTICE REQUIRED TO BE GIVEN BY THIS SUBSECTION (2.5) SHALL BE IN LIEU OF THE NOTICE REQUIREMENTS SET FORTH IN SECTIONS 1-5-205 (1) AND 31-10-501 (1), C.R.S., AS APPLICABLE FOR THE PARTICULAR ELECTION FOR WHICH SUCH NOTICE IS REQUIRED.~~

**SECTION 59.** Part 1 of article 7.5 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-7.5-107.5. Counting mail ballots.** ~~THE ELECTION OFFICIALS AT THE MAIL BALLOT COUNTING PLACE MAY RECEIVE AND PREPARE MAIL BALLOTS DELIVERED AND TURNED OVER TO THEM BY THE DESIGNATED ELECTION OFFICIAL FOR TABULATION. COUNTING OF THE MAIL BALLOTS MAY BEGIN TEN DAYS PRIOR TO THE ELECTION AND CONTINUE UNTIL COUNTING IS COMPLETED. THE ELECTION OFFICIAL IN CHARGE OF THE MAIL BALLOT COUNTING PLACE SHALL TAKE ALL PRECAUTIONS NECESSARY TO ENSURE THE SECRECY OF THE COUNTING PROCEDURES, AND NO INFORMATION CONCERNING THE COUNT SHALL BE RELEASED BY THE ELECTION OFFICIALS OR WATCHERS UNTIL AFTER 7 P.M. ON ELECTION DAY.~~

**SECTION 60.** 1-8-105, Colorado Revised Statutes, is amended to read:

**1-8-105. Change of registration record.** ~~A change of name, residence, or party affiliation request may be submitted to the county clerk and recorder at the same time the eligible elector ~~requests~~ SUBMITS an application for an absentee ballot if the elector has moved within the county and states that the move occurred ~~more~~ NOLATER than thirty days before the election and that the elector has lived at the new residence for at least thirty days. The ~~request~~ APPLICATION shall include the elector's old and new addresses within the county, the elector's printed name and signature, and the date of the ~~request~~ APPLICATION. Upon receipt of the ~~request~~ APPLICATION, the county clerk and recorder shall verify the registration of the elector, amend the registration record, and mail to the elector an official absentee ballot as provided in this part 1.~~

**SECTION 61.** 1-8-302, Colorado Revised Statutes, is amended to read:

**1-8-302. Hours absentee and early voters' counting place open for receiving and counting ballots.** (1) ~~The absentee and early voters' counting place shall be~~

~~open on election days from 8:30 a.m. until 7 p.m. for the purpose of receiving and counting absentee and early voters' ballots. The early voters' polling place may also be open from 8:30 a.m. until 5:30 p.m. on the day preceding the election for the purpose of receiving and counting absentee and early voters' ballots. No information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day, and the election officials in charge of the absentee counting place shall take all precautions necessary to insure the secrecy of the counting proceedings.~~

(2) The election officials at the absentee AND EARLY VOTERS' counting place may receive, cast, and prepare for tabulation absentee and early voters' ballots delivered and turned over to them by the designated election official. ~~beginning the Friday prior to the election and continuing through election day.~~ Counting of the absentee and early voters' ballots may begin ~~the Monday before~~ TEN DAYS PRIOR TO the election and continue until counting is completed. THE ELECTION OFFICIALS IN CHARGE OF THE ABSENTEE BALLOT COUNTING PLACE SHALL TAKE ALL PRECAUTIONS NECESSARY TO ENSURE THE SECRECY OF THE COUNTING PROCEDURES, AND NO INFORMATION CONCERNING THE COUNT SHALL BE RELEASED BY THE ELECTION OFFICIALS OR WATCHERS UNTIL AFTER 7 P.M. ON ELECTION DAY.

**SECTION 62.** 1-8-303, Colorado Revised Statutes, is amended to read:

**1-8-303. Delivery of absentee and early voters' ballots to supply judge.** At any time ~~after the close of the early voters' polling place on the Friday prior to the election but no later than 8:30 a.m. on the day of the election~~ DURING THE TEN DAYS PRIOR TO AND INCLUDING THE ELECTION DAY, the designated election official shall deliver to the ~~supply judge~~ JUDGES of the absentee and early voters' ~~polling~~ BALLOT COUNTING place all the absentee envelopes received up to that time in packages or in ballot boxes that are locked and secured with a numbered seal ~~taking a receipt for the packages or boxes;~~ together with the signed applications for the absentee ballots, the COUNT AND THE list of absentee and early electors, and the record of absentee ballots as provided for in section 1-8-108 FOR WHICH A RECEIPT WILL BE GIVEN. ~~In political subdivisions that commence counting absentee and early voters' ballots pursuant to section 1-8-302, the designated election official shall make the delivery not later than 8:30 a.m. on the day when counting begins.~~ The designated election official shall continue to deliver any envelopes containing absentee ballots that may be received thereafter up to and including 7 p.m. on election day. On the sealed packages and boxes of absentee envelopes shall be printed or written "This package (or box) contains ..... (number) absentee envelopes." With the envelopes, the designated election official shall deliver to the supply judge written instructions, which shall be followed by the election judges in casting and counting the ballots, and all the lists, records, and supplies needed for tabulating, recording, and certifying the absentee and early voters' ballots.

**SECTION 63.** 1-9-101 (1) (a), Colorado Revised Statutes, is amended to read:

**1-9-101. Challenge of illegal or fraudulent registration.** (1) (a) Any registered elector may, by written challenge, protest against the registration of any person whose name appears in a COUNTY registration ~~book~~ RECORD. The written challenge shall state the precinct number, the name of the challenged registrant, the basis for such challenge, the facts supporting the challenge, and some documentary evidence to

support the basis for the challenge, and shall bear the signature and address of the challenger. The written challenge and supporting evidence shall be filed with the county clerk and recorder ~~not less~~ NO LATER than forty-five days before any election. The county clerk and recorder shall notify the registrant of the challenge and shall set a time and place for a hearing to be held not later than fifteen days after the filing of the challenge, at which hearing the challenged registrant shall have the opportunity to appear. The person challenging the registration shall appear and shall bear the burden of proof of the allegations in the challenge. The county clerk and recorder shall conduct the hearing and receive testimony and evidence, shall render a decision in accordance with paragraph (b) of this subsection (1) ~~within~~ NO LATER THAN five days thereafter, and shall notify both parties of the decision.

**SECTION 64.** 1-9-204 (1), Colorado Revised Statutes, is amended to read:

**1-9-204. Oath of challenged elector.** (1) If the challenge is not withdrawn after the person intending to vote has answered the questions, an election judge shall tender an oath substantially in the following form: "I do solemnly swear or affirm that I am a citizen of the United States of the age of eighteen years or older; that I have been a resident of this state AND PRECINCT for thirty days ~~next~~ IMMEDIATELY preceding this election and have not maintained a home or domicile elsewhere; ~~that I have been for the last thirty days and now am a resident of this precinct, or absent therefrom thirty days or less, as provided in section 1-2-101;~~ that I am a registered elector in this precinct; that I am eligible to vote at this election; and that I have not previously voted at this election."

**SECTION 65. 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 20, 1999