

CHAPTER 319

ELECTIONS

HOUSE BILL 02-1061

BY REPRESENTATIVE(S) Garcia, Borodkin, Boyd, Coleman, Fairbank, Groff, Jahn, Kester, Mace, Madden, Miller, Plant, Ragsdale, Romanoff, Sanchez, Scott, Tapia, Vigil, Weddig, and Williams S.;
also SENATOR(S) Entz, Dyer, Fitz-Gerald, Hernandez, Isgar, May, Nichol, and Taylor.

AN ACT**CONCERNING APPLICATIONS FOR ABSENTEE BALLOTS.**

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

SECTION 1. 1-8-104 (1) and (3), Colorado Revised Statutes, are amended, and the said 1-8-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-8-104. Application for absentee ballot. (1) The application for an absentee ballot shall be made in writing or by fax, using the application form furnished by the designated election official or in the form of a letter ~~which~~ THAT includes the applicant's PRINTED NAME, signature, residence address, MAILING ADDRESS IF THE APPLICANT WISHES TO RECEIVE THE ABSENTEE BALLOT BY MAIL, and date of birth. If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated or wishes to affiliate.

(3) The application for an absentee ballot shall be filed with the designated election official of the political subdivision in which the applicant resides or is entitled to vote. The application shall be filed no earlier than January 1 immediately preceding the election and no later than the close of business on the Friday immediately preceding the election; EXCEPT THAT, IF THE APPLICANT WISHES TO RECEIVE THE ABSENTEE BALLOT BY MAIL, THE APPLICATION SHALL BE FILED NO LATER THAN THE CLOSE OF BUSINESS ON THE TUESDAY IMMEDIATELY PRECEDING THE ELECTION.

(6) NO PERSON SHALL GIVE TO ANY ELIGIBLE ELECTOR ANY FORM FOR THE PURPOSE OF REQUESTING AN ABSENTEE BALLOT UNLESS SUCH FORM PROMPTS THE APPLICANT TO PROVIDE ALL THE INFORMATION REQUIRED BY SUBSECTION (1) OF THIS

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 AND CONTAINS THE FOLLOWING STATEMENT: "UNDER COLORADO LAW, YOUR ABSENTEE BALLOT APPLICATION MUST CONTAIN YOUR PRINTED NAME, SIGNATURE, RESIDENCE ADDRESS, MAILING ADDRESS IF YOU WISH TO RECEIVE THE BALLOT BY MAIL, AND DATE OF BIRTH. IF YOU DO NOT PROVIDE ALL OF THIS INFORMATION, YOU MAY NOT RECEIVE AN ABSENTEE BALLOT ACCORDING TO THE RULES ESTABLISHED BY THE SECRETARY OF STATE." VIOLATION OF THIS SUBSECTION (6) IS AN OFFENSE PUNISHABLE AS PROVIDED IN SECTION 1-13-803.

SECTION 2. 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: June 7, 2002