

CHAPTER 146

ELECTIONS

HOUSE BILL 03-1153

BY REPRESENTATIVE(S) Weddig, Frangas, and Garcia;
also SENATOR(S) Hanna, Evans, Groff, and Kester.

AN ACT**CONCERNING THE CONDUCT OF ABSENTEE MAIL BALLOT ELECTIONS.**

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

SECTION 1. Part 1 of article 8 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION A OF A NEW SECTION to read:

1-8-121. Opt-out from absentee ballot requirements. (1) IN THE CASE OF ANY GENERAL ELECTION IN WHICH REGISTERED ELECTORS WHO LIVE IN SPECIFIED PRECINCTS IN A PARTICULAR COUNTY ARE REQUIRED TO CAST THEIR BALLOTS BY MAIL IN THE FORM OF ABSENTEE BALLOTS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 1, THE CLERK AND RECORDER OF THE COUNTY SHALL NOTIFY SUCH ELECTORS THAT THEY MAY OPT-OUT FROM CASTING THEIR BALLOTS IN SUCH MANNER. IN SUCH CASES, THE CLERK AND RECORDER SHALL FURTHER DIRECT SUCH ELECTORS TO CAST THEIR BALLOTS BY ANY OF THE FOLLOWING MEANS:

- (a) EARLY VOTING PRIOR TO ELECTION DAY IN ACCORDANCE WITH THE REQUIREMENTS OF PART 2 OF THIS ARTICLE;
- (b) AT THE OFFICE OF THE CLERK AND RECORDER ON ELECTION DAY; OR
- (c) AT SUCH OTHER LOCATIONS AS THE CLERK AND RECORDER MAY DESIGNATE.

SECTION 2. 1-8-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-8-104. Applications for absentee ballot. (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO ABSENTEE BALLOT SHALL BE MAILED TO AN APPLICANT UNLESS THE DESIGNATED ELECTION OFFICIAL HAS PREVIOUSLY RECEIVED

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

AN APPLICATION FOR AN ABSENTEE BALLOT FROM THE APPLICANT.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 17, 2003