

## CHAPTER 356

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**ELECTIONS**


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**SENATE BILL 06-170**

BY SENATOR(S) Gordon, and Tupa;  
also REPRESENTATIVE(S) Buescher, Coleman, Green, McGihon, and Vigil.

**AN ACT****CONCERNING THE CONDUCT OF ELECTIONS, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 1-2-204 (2) (f.5), Colorado Revised Statutes, is amended, and the said 1-2-204 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-2-204. Questions answered by elector.** (2) In addition, each eligible elector shall be asked, and the elector shall correctly answer, the following:

(f.5) In the case of an elector who has been issued a current and valid Colorado driver's license, the elector's Colorado driver's license number. ~~or the last four digits of the elector's social security number.~~ If, INSTEAD OF A DRIVER'S LICENSE, the elector has a current and valid identification card issued by the department of revenue in accordance with ~~the requirements of part 3 of article 2 of title 42, C.R.S., instead of a driver's license,~~ the elector ~~may~~ SHALL provide the number of ~~such~~ THE identification card instead of a Colorado driver's license number. ~~or the last four digits of the elector's social security number.~~ IF THE ELECTOR DOES NOT HAVE A CURRENT AND VALID COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD, THE ELECTOR SHALL ANSWER THAT HE OR SHE DOES NOT HAVE A DRIVER'S LICENSE OR IDENTIFICATION CARD AND SHALL PROVIDE THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER. IF THE ELECTOR DOES NOT HAVE A SOCIAL SECURITY NUMBER, THE ELECTOR SHALL ANSWER THAT HE OR SHE DOES NOT HAVE A SOCIAL SECURITY NUMBER.

(2.7) THE FORM USED FOR REGISTRATION OF ELECTORS SHALL CONTAIN A STATEMENT THAT THE APPLICANT MUST COMPLY WITH THE REQUIREMENTS OF

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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.*

PARAGRAPH (f.5) OF SUBSECTION (2) OF THIS SECTION, THAT AN APPLICANT WHO IS QUALIFIED TO VOTE IN THIS STATE BUT DOES NOT HAVE A DRIVER'S LICENSE, STATE-ISSUED IDENTIFICATION CARD, OR SOCIAL SECURITY NUMBER MAY STILL REGISTER TO VOTE, AND THAT THE SECRETARY OF STATE WILL ASSIGN AN IDENTIFYING NUMBER TO SUCH AN APPLICANT FOR VOTER REGISTRATION PURPOSES.

**SECTION 2.** 1-2-204 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**1-2-204. Questions answered by elector.** (3) (c) IF THE ELECTOR DOES NOT COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE COUNTY CLERK AND RECORDER SHALL NOT REGISTER THE ELECTOR.

**SECTION 3.** 1-2-501 (1) (b.5) (I) (D), Colorado Revised Statutes, is amended to read:

**1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants.** (1) The secretary of state, in consultation with the federal election assistance commission, shall develop an application form that may be used for mail voter registration, voter registration at voter registration agencies, and voter change of address. The form developed shall:

(b.5) (I) Include:

(D) A statement informing the applicant that, if the form is submitted by mail and the applicant is registering to vote for the first time in the state of Colorado HAS NOT PREVIOUSLY VOTED IN THE COUNTY, OR IN THE STATE IF THE STATEWIDE VOTER REGISTRATION SYSTEM REQUIRED BY SECTION 1-2-301 IS OPERATING, the applicant shall submit WITH THE REGISTRATION FORM a copy of identification ~~within the meaning of~~ AS DEFINED IN SECTION 1-1-104 (19.5), THE APPLICANT'S DRIVER'S LICENSE NUMBER, or the last four digits of the applicant's social security number, ~~with the mail-in registration form to avoid the additional identification requirements imposed upon applicants voting for the first time imposed by sections 1-7.5-107 and 1-8-113.~~ OTHERWISE THE APPLICANT WILL BE REQUIRED TO SUBMIT A COPY OF IDENTIFICATION WITH THE APPLICANT'S MAIL BALLOT OR ABSENTEE BALLOT; AND

**SECTION 4.** 1-2-501, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants.** (1.5) AN ELECTOR WHO SUBMITS A VOTER REGISTRATION FORM BY MAIL AND IS REGISTERING TO VOTE FOR THE FIRST TIME IN THE COUNTY, OR IN THE STATE IF THE STATEWIDE VOTER REGISTRATION SYSTEM REQUIRED BY SECTION 1-2-301 IS OPERATING, SHALL:

(a) SUBMIT WITH THE VOTER REGISTRATION FORM A COPY OF IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), THE ELECTOR'S DRIVER'S LICENSE NUMBER, OR THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER; OR

(b) SUBMIT A COPY OF IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5) WITH THE ELECTOR'S MAIL BALLOT IN ACCORDANCE WITH SECTION 1-7.5-107 (3.5) OR WITH THE ELECTOR'S ABSENTEE BALLOT IN ACCORDANCE WITH SECTION 1-8-113 (3).

**SECTION 5.** 1-2-501 (2) (a), Colorado Revised Statutes, is amended, and the said 1-2-501 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants.** (2) (a) Subject to the requirements of paragraph (b) of this subsection (2), in addition to the identifying information required to be provided by the elector pursuant to subsection (1) of this section, any person who desires to register by mail in accordance with the requirements of this part 5 shall submit with ~~such~~ THE registration APPLICATION:

(I) ~~A copy of identification within the meaning of section 1-1-104 (19.5)~~ IN THE CASE OF AN ELECTOR WHO HAS A CURRENT AND VALID COLORADO DRIVER'S LICENSE OR A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., THE NUMBER OF THE ELECTOR'S COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD; or

(II) ~~At least~~ IN THE CASE OF AN ELECTOR WHO DOES NOT HAVE A CURRENT AND VALID COLORADO DRIVER'S LICENSE OR A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., the last four digits of the person's social security number.

(a.5) IF AN APPLICANT DOES NOT HAVE A CURRENT AND VALID COLORADO DRIVER'S LICENSE, A CURRENT AND VALID IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH PART 3 OF ARTICLE 2 OF TITLE 42, C.R.S., OR A SOCIAL SECURITY NUMBER, THE SECRETARY OF STATE SHALL ASSIGN THE APPLICANT A NUMBER FOR VOTER REGISTRATION PURPOSES IN ACCORDANCE WITH SECTION 1-2-204 (2.5).

**SECTION 6.** 1-1-302 (2) (a) and (2) (b), Colorado Revised Statutes, are amended to read:

**1-1-302. Persons required to complete certification - deadline.** (2) A person required to obtain certification shall:

(a) ~~Begin the certification process within one year of undertaking the responsibilities for which the person is required to obtain certification;~~

(b) Complete the certification requirements within ~~one year~~ TWO YEARS of undertaking the responsibilities for which the person is required to obtain certification; and

**SECTION 7.** 1-2-702 (2), Colorado Revised Statutes, is amended to read:

**1-2-702. Conducting a voter registration drive.** (2) A circulator working on a voter registration drive shall deliver a voter registration application collected from an elector to the voter registration drive organizer. A voter registration drive organizer shall deliver a voter registration application collected from an elector to the county clerk and recorder of the county in which the elector resides according to the address indicated on the application. The application shall be delivered no later than ~~five~~ SEVEN business days after the application is signed, or, if the application is sent by mail, it shall be postmarked no later than ~~five~~ SEVEN business days after the application is signed; except that an application shall be delivered or mailed no later than the registration deadline set forth in section 1-2-201 (3), AND AN APPLICATION SIGNED LESS THAN THIRTY DAYS BEFORE THE REGISTRATION DEADLINE SHALL BE DELIVERED OR POSTMARKED NO LATER THAN FIVE BUSINESS DAYS AFTER THE APPLICATION IS SIGNED.

**SECTION 8.** 1-2-703 (3), Colorado Revised Statutes, is amended to read:

**1-2-703. Violations - penalties.** (3) (a) A VOTER REGISTRATION DRIVE ORGANIZER THAT NEGLIGENTLY FAILS TO DELIVER A VOTER REGISTRATION APPLICATION TO THE PROPER COUNTY CLERK AND RECORDER WITHIN THE TIME PRESCRIBED BY SECTION 1-2-702 (2) SHALL BE PUNISHED BY A FINE NOT TO EXCEED FIFTY DOLLARS FOR EACH BUSINESS DAY OF VIOLATION.

(b) A voter registration drive organizer that ~~negligently fails~~ HAS BEEN FINED THREE TIMES OR MORE UNDER PARAGRAPH (a) OF THIS SUBSECTION (3) FOR FAILURE to deliver a voter registration application to the proper county clerk and recorder in the manner and time prescribed by section 1-2-702 (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111. ~~In addition to the penalty imposed under section 1-13-111, a voter registration drive organizer that negligently fails to deliver a voter registration application to the proper county clerk and recorder within the time prescribed by section 1-2-702 (2) shall be punished by a fine not to exceed five hundred dollars for each business day of violation.~~

(c) A VOTER REGISTRATION DRIVE ORGANIZER THAT INTENTIONALLY FAILS TO DELIVER A VOTER REGISTRATION APPLICATION TO THE PROPER COUNTY CLERK AND RECORDER IN THE MANNER AND TIME PRESCRIBED BY SECTION 1-2-702 (2) IS GUILTY OF A CLASS 1 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

**SECTION 9.** 1-5-102.7 (5) and (8), Colorado Revised Statutes, are amended to read:

**1-5-102.7. Combining precincts and polling places - vote centers.** (5) The DESIGNATED ELECTION OFFICIAL SHALL DETERMINE THE number, location, and manner of operation ~~and location~~ of vote centers, including ~~providing for~~ poll watching activities ~~shall be determined by the designated election official~~ AT VOTE CENTERS, in consultation with the chairpersons of the county central committees of the major political parties and a representative of the county organization of any minor political party AND AFTER A PUBLIC COMMENT PERIOD OF NO LESS THAN FIFTEEN DAYS AND A PUBLIC HEARING HELD IN ACCORDANCE WITH THE RULES ADOPTED BY THE SECRETARY OF STATE PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

(b) THE SECRETARY OF STATE SHALL ADOPT RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING GUIDELINES FOR THE NUMBER, LOCATION, AND MANNER OF OPERATION OF VOTE CENTERS.

(8) (a) In elections held before ~~January 1, 2006~~ JANUARY 1, 2008, the election judges shall make one certificate for each vote center in the form required by section 1-7-601.

(b) In elections held on and after ~~January 1, 2006~~ JANUARY 1, 2008, the use of vote centers in an election shall not affect the duty of the election judges to make a certificate for each precinct in accordance with section 1-7-601.

**SECTION 10.** 1-5-505.5 (3), Colorado Revised Statutes, is amended to read:

**1-5-505.5. State reimbursement to counties for ballot measure elections.**

(3) For any other odd- or even-numbered year election in which a state ballot issue or state ballot question is on the ballot of a particular county, the state shall reimburse such county for the cost of the duties performed by the county clerk and recorder that relate to conducting the election on ~~such~~ THE ballot issue or ballot question; except that ~~such~~ THE reimbursement shall be set at the following rates:

(a) For counties with ten thousand or fewer active registered electors, ~~forty-five~~ EIGHTY cents for each active registered elector as of the time of ~~such~~ THE election;

(b) For counties with more than ten thousand active registered electors, ~~thirty-five~~ SEVENTY cents for each active registered elector as of the time of ~~such~~ THE election.

**SECTION 11.** 1-5-616 (5) (a), Colorado Revised Statutes, is amended to read:

**1-5-616. Electronic and electromechanical voting systems - standards - procedures.** (5) (a) Each designated election official shall establish written procedures to ensure the accuracy and security of voting in the political subdivision AND SUBMIT THE PROCEDURES TO THE SECRETARY OF STATE FOR REVIEW. The secretary of state shall ~~review all such procedures~~ NOTIFY THE DESIGNATED ELECTION OFFICIAL OF THE APPROVAL OR DISAPPROVAL OF THE PROCEDURES NO LATER THAN FIFTEEN DAYS AFTER THE SECRETARY OF STATE RECEIVES THE SUBMISSION.

**SECTION 12.** Article 6 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-6-122. State employees - leave to serve as election judge.** (1) AN EMPLOYEE OF A STATE AGENCY, AS DEFINED IN SECTION 24-18-102 (9), C.R.S., SHALL BE ENTITLED TO TAKE ADMINISTRATIVE LEAVE WITH PAY ON ELECTION DAY FOR THE PURPOSE OF SERVING AS AN ELECTION JUDGE, UNLESS THE EMPLOYEE'S SUPERVISOR DETERMINES THAT THE EMPLOYEE'S ATTENDANCE AT WORK ON ELECTION DAY IS ESSENTIAL.

(2) AN EMPLOYEE OF A STATE AGENCY WHO TAKES ADMINISTRATIVE LEAVE WITH PAY TO SERVE AS AN ELECTION JUDGE IN ACCORDANCE WITH THIS SECTION SHALL NOT RECEIVE COMPENSATION PURSUANT TO SECTION 1-6-115.

(3) AN EMPLOYEE OF A STATE AGENCY WHO SERVES AS AN ELECTION JUDGE IN ACCORDANCE WITH THIS SECTION SHALL SUBMIT TO THE EMPLOYEE'S SUPERVISOR EVIDENCE OF SERVICE AS AN ELECTION JUDGE.

**SECTION 13.** The introductory portion to 1-7.5-107 (3.5) (a), Colorado Revised Statutes, is amended to read:

**1-7.5-107. Procedures for conducting mail ballot election - first-time voters casting a mail ballot after having registered by mail to vote.** (3.5) (a) ~~Subject to the requirements of section 1-2-501 (2)~~ UNLESS OTHERWISE PROVIDED BY SECTION 1-2-501 (1.5), the requirements of this subsection (3.5) shall apply to ~~any~~ A person who ~~has~~ registered to vote by mail in accordance with part 5 of article 2 of this title and who:

**SECTION 14.** The introductory portion to 1-8-113 (3) (a), Colorado Revised Statutes, is amended to read:

**1-8-113. Manner of absentee voting - first-time voters casting an absentee ballot after having registered by mail to vote.** (3) (a) ~~Subject to the requirements of section 1-2-501 (2)~~ UNLESS OTHERWISE PROVIDED BY SECTION 1-2-501 (1.5), the requirements of this subsection (3) shall apply to ~~any~~ A person who ~~has~~ registered to vote by mail in accordance with part 5 of article 2 of this title and who:

**SECTION 15.** Article 8.5 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-8.5-101.5. Electronic voting device - use for casting provisional ballot.** (1) AN ELECTRONIC VOTING DEVICE MAY BE USED TO CAST A PROVISIONAL BALLOT IF THE DEVICE IS CERTIFIED BY THE SECRETARY OF STATE FOR THAT PURPOSE.

(2) IF AN ELECTRONIC VOTING DEVICE THAT IS CERTIFIED FOR USE WITH PROVISIONAL BALLOTS IS USED IN AN ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL DETERMINE WHETHER ELECTORS CASTING PROVISIONAL BALLOTS SHALL USE THE ELECTRONIC VOTING DEVICE OR PAPER PROVISIONAL BALLOTS.

**SECTION 16.** 1-8.5-102 (2) and (3), Colorado Revised Statutes, are amended to read:

**1-8.5-102. Form of provisional ballot.** (2) ~~The~~ AN ELECTOR CASTING A PROVISIONAL BALLOT SHALL COMPLETE AN affidavit and RECEIVE INFORMATION AND instructions on the voting and handling of provisional ballots. ~~shall be printed on the provisional ballot envelope.~~ The secretary of state shall prescribe by rules promulgated in accordance with article 4 of title 24, C.R.S., the language of the AFFIDAVIT, INFORMATION, AND instructions. ~~and the format and size of the provisional ballot envelope.~~

(3) Each polling place USING PAPER PROVISIONAL BALLOTS shall have on hand a sufficient number of provisional ballots in all ballot styles applicable to that polling place and a sufficient number of provisional ballot envelopes.

**SECTION 17.** 1-8.5-104 (1) and (5), Colorado Revised Statutes, are amended

to read:

**1-8.5-104. Voting procedure - provisional ballot.** (1) An elector casting a provisional ballot shall complete and sign the provisional ballot affidavit ~~mark the ballot, and seal~~ CAST the ballot. ~~in the provisional ballot envelope.~~

(5) IF PAPER PROVISIONAL BALLOTS AND ENVELOPES ARE USED IN AN ELECTION, the provisional ballot envelope containing the marked provisional ballot shall be deposited in a ballot container. All PAPER provisional ballots cast shall remain sealed in their envelopes for return to the county clerk and recorder or designated election official.

**SECTION 18.** 1-8.5-105 (1) and (4), Colorado Revised Statutes, are amended to read:

**1-8.5-105. Verification of provisional ballot information - counting procedure.** (1) In accordance with this section and using the procedures and databases prescribed by the secretary of state by rules promulgated in accordance with article 4 of title 24, C.R.S., the designated election official shall attempt to verify that an elector who cast a provisional ballot is eligible to vote. The designated election official or designee shall complete the preliminary verification of the elector's eligibility to vote before ~~opening the envelope~~ THE BALLOT IS COUNTED IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(4) The designated election official shall determine the time for the verification and counting of provisional ballots to begin in accordance with rules promulgated by the secretary of state. A board appointed by the designated election official shall ~~open~~ COUNT all verified provisional ~~ballot envelopes and count the~~ ballots in accordance with the procedure prescribed by the designated election official in accordance with this title and the election rules of the secretary of state.

**SECTION 19.** 1-8.5-108 (2) and (3), Colorado Revised Statutes, are amended to read:

**1-8.5-108. Electors who move after close of registration - effect of provisional ballot.** (2) If an elector who moves from the county in which the elector is registered to another county during the twenty-nine days before an election does not vote in the county where registered pursuant to section 1-2-217 (1) and instead casts a provisional ballot in the new county of residence, the elector's votes for federal and statewide offices FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE and statewide ballot issues and ballot questions shall be counted. The provisional ballot affidavit shall serve as the elector's voter registration application for future elections.

(3) If an elector who moves from the precinct in which the elector is registered to another precinct in the same county during the twenty-nine days before an election does not vote in the precinct where registered pursuant to section 1-2-217 (2) and instead casts a provisional ballot in the new precinct of residence, the elector's votes for federal and statewide offices FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE and statewide ballot issues and ballot questions shall be counted. The provisional ballot affidavit shall serve as the elector's voter registration application for future elections.

**SECTION 20.** 1-8.5-109, Colorado Revised Statutes, is amended to read:

**1-8.5-109. Electors who vote outside precinct of residence - effect of provisional ballot.** If an elector casts a provisional ballot at a polling place in a precinct other than the precinct in which the elector is registered, the elector's votes for federal OFFICES FOR WHICH THE ELECTOR IS ELIGIBLE TO VOTE and THE ELECTOR'S VOTES FOR statewide offices and statewide ballot issues and ballot questions shall be counted.

**SECTION 21.** 1-8-308, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-8-308. Certificate of absentee and early voters' ballots cast - survey of returns.** (3) (a) BEGINNING WITH THE 2008 GENERAL ELECTION, AND FOR ALL ELECTIONS THEREAFTER, THE RETURNS CERTIFIED BY THE JUDGES AND THE ABSTRACT OF VOTES CAST CERTIFIED BY THE CANVASS BOARD SHALL INDICATE THE NUMBER OF VOTES CAST BY EARLY VOTERS' OR ABSENTEE BALLOT IN EACH PRECINCT FOR EACH CANDIDATE AND FOR AND AGAINST EACH BALLOT ISSUE AND BALLOT QUESTION AND THE NUMBER OF BALLOTS REJECTED, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3).

(b) IF THE TOTAL NUMBER OF VOTES CAST AND COUNTED IN ANY PRECINCT BY EARLY VOTERS' AND ABSENTEE BALLOT IS LESS THAN TEN, THE RETURNS FOR ALL SUCH PRECINCTS IN THE POLITICAL SUBDIVISION SHALL BE REPORTED TOGETHER.

**SECTION 22.** 1-10-106 (1) (c), Colorado Revised Statutes, is amended to read:

**1-10-106. Summary of election results - statewide elections - early voting.** (1) (c) In a county that uses vote centers in accordance with section 1-5-102.7, on and after ~~January 1, 2006~~ JANUARY 1, 2008, the statement prepared pursuant to paragraph (a) of this subsection (1) shall give the election results for each precinct, excluding votes cast by early voting or absentee ballot.

**SECTION 23.** 1-13-714, Colorado Revised Statutes, is amended to read:

**1-13-714. Electioneering - removing and return of ballot.** No person shall do any electioneering on the day of any election within any polling place or in any public street or room or in any public manner within one hundred feet of any building in which a polling place is located, as publicly posted by the designated election official. As used in this section, the term "electioneering" includes campaigning for or against any candidate who is on the ballot or any ballot issue or ballot question that is on the ballot. "Electioneering" also includes soliciting signatures for a candidate petition, a recall petition, or a petition to place a ballot issue or ballot question on a subsequent ballot. "ELECTIONEERING" SHALL NOT INCLUDE A RESPECTFUL DISPLAY OF THE AMERICAN FLAG. No person shall remove any official ballot from the polling place before the closing of the polls. Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

**SECTION 24.** 24-21-104.5, Colorado Revised Statutes, is amended to read:



**24-21-104.5. General fund appropriation - cash fund appropriation - elections.** The general assembly is authorized to appropriate moneys from the department of state cash fund to the department of state to cover the costs of the local county clerk and recorders relating to the conduct of general elections and November odd-year elections. If the amount of moneys in the department of state cash fund is insufficient to cover such costs, the general assembly may appropriate additional general fund moneys to cover such costs after exhausting all moneys in the department of state cash fund. ~~Any appropriation made pursuant to this section shall not be used in calculating the fees provided for in section 24-21-104 (3) (b).~~ The intent of the general assembly is to authorize the appropriation of department of state cash fund moneys and general fund moneys to the department of state to offset some of the costs of local county clerk and recorders associated with the additional election duties and requirements resulting from the passage of section 20 of article X of the state constitution and from the increased number of initiatives that are being filed.

**SECTION 25.** 30-11-505 (1), Colorado Revised Statutes, is amended to read:

**30-11-505. Referendum election on charter - adoption or rejection.**

(1) Upon submission to the board of county commissioners of a charter by the charter commission, the board of county commissioners shall call a special election, to be paid for from the special county charter fund ~~to be~~ AND held pursuant to the Colorado election laws. THE SPECIAL ELECTION SHALL BE HELD not more than ninety days nor less than forty-five days ~~subsequent to its receipt of~~ AFTER THE BOARD OF COUNTY COMMISSIONERS RECEIVES the proposed charter; ~~and~~ HOWEVER, IF A COORDINATED ELECTION OR GENERAL ELECTION IS TO BE HELD WITHIN SIXTY DAYS AFTER THE BOARD OF COUNTY COMMISSIONERS RECEIVES THE PROPOSED CHARTER, THE SPECIAL ELECTION SHALL BE HELD AS PART OF THE COORDINATED ELECTION OR GENERAL ELECTION. The board of county commissioners shall publish in a newspaper of general circulation within the county a complete text of the proposed charter not less than ten days prior to the special election. At the special election a referendum of the registered electors of the county shall be held to determine the question of whether the proposed charter as submitted shall be adopted. Notice of the election on the proposed charter shall be published at least thirty days prior to the election.

**SECTION 26. Repeal.** 1-8-304 (4), Colorado Revised Statutes, is repealed.

**SECTION 27. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2006, the sum of eight hundred fourteen thousand five hundred thirty-four dollars (\$814,534), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 28. 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 6, 2006