

## CHAPTER 97

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**ELECTIONS**


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**SENATE BILL 12-062**

BY SENATOR(S) Williams S., Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Jahn, Newell, Schwartz, Tochtrop; also REPRESENTATIVE(S) Looper, Acree, Balmer, Barker, Beezley, Casso, Court, Fields, Fischer, Gardner B., Gerou, Hammer, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Liston, Massey, Nikkel, Pabon, Pace, Priola, Ramirez, Ryden, Schafer S., Scott, Soper, Stephens, Szabo, Todd, Vigil, Wilson, Young, McNulty.

**AN ACT****CONCERNING PROCEDURES THAT FACILITATE VOTING BY MILITARY PERSONNEL.**

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

**SECTION 1.** In Colorado Revised Statutes, 1-1-104, **add** (19.5) (a) (XII) as follows:

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

(19.5) (a) "Identification" means:

(XII) A VALID VETERAN IDENTIFICATION CARD ISSUED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS VETERANS HEALTH ADMINISTRATION WITH A PHOTOGRAPH OF THE ELIGIBLE ELECTOR.

**SECTION 2.** In Colorado Revised Statutes, 1-5.5-101, **amend** (1) introductory portion and (4); and **repeal** (5) as follows:

**1-5.5-101. Pilot program - internet voting system - absent uniformed services elector - secretary of state - fund - rules.** (1) ~~Subject to the availability of funds pursuant to subsection (4) of this section,~~ The secretary of state, in coordination with the county clerk and recorders, shall develop an internet-based voting pilot program to facilitate voting by absent uniformed services electors serving outside the United States commencing with the general election held in 2012. The secretary of state shall select one or more political subdivisions to participate in the pilot program. The internet-based voting system developed for use by political subdivisions that participate in the pilot program shall:

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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.*

(4) There is hereby created in the state treasury the internet-based voting pilot program fund to provide for the direct and indirect costs associated with implementing this article. The fund ~~shall consist of~~ CONSISTS OF ANY MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE FUND AND ANY gifts, grants, and donations to the fund from private or public sources for the purposes of this article. All private and public funds received through gifts, grants, and donations shall be transmitted to the state treasurer, who shall credit the same to the fund. Moneys in the fund shall be subject to annual appropriation by the general assembly to the department of state for the purposes specified in this article. Any unexpended and unencumbered moneys remaining in the fund at the end of any fiscal year shall remain in the fund and shall not be transferred to the general fund or any other fund.

~~(5) Notwithstanding the provisions of subsections (1), (2), and (3) of this section, the department of state shall not implement the internet-based voting system until sufficient gifts, grants, and donations are obtained to cover the costs of implementing the system.~~

**SECTION 3.** In Colorado Revised Statutes, 1-8.3-108, **add** (7) as follows:

**1-8.3-108. Methods of applying for ballot - definition.**

(7) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A COVERED VOTER IN A HOSTILE FIRE ZONE MAY PROVIDE TO AN OFFICER, EITHER VERBALLY OR IN WRITING, THE INFORMATION REQUIRED FOR THE COVERED VOTER TO APPLY FOR A BALLOT, AND THE OFFICER MAY SUBMIT AN APPLICATION FOR A BALLOT ON BEHALF OF THE COVERED VOTER. A COUNTY CLERK AND RECORDER SHALL ACCEPT AN UNSIGNED FEDERAL POSTCARD APPLICATION OR AN UNSIGNED LETTER OF APPLICATION FOR A BALLOT THAT MEETS THE REQUIREMENTS OF THIS SECTION IF THE OFFICER SUBMITS WITH THE APPLICATION A SIGNED STATEMENT THAT THE COVERED VOTER IN A HOSTILE FIRE ZONE PROVIDED TO THE OFFICER, EITHER VERBALLY OR IN WRITING, THE INFORMATION REQUIRED TO APPLY FOR A BALLOT.

(b) AS USED IN THIS SUBSECTION (7), "COVERED VOTER IN A HOSTILE FIRE ZONE" MEANS A COVERED VOTER, AS THAT TERM IS DEFINED IN SECTION 1-8.3-102 (2) (a), WHO IS LOCATED IN AN AREA THAT IS DESIGNATED AS HOSTILE FIRE ZONE BY THE UNITED STATES SECRETARY OF DEFENSE AT THE TIME HE OR SHE MAKES THE REQUEST FOR A BALLOT.

**SECTION 4. 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: April 12, 2012