

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 16-1058.01 Kate Meyer x4348

**SENATE BILL 16-142**

**SENATE SPONSORSHIP**

**Scott,**

**HOUSE SPONSORSHIP**

**Ryden,**

**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**House Committees**

State, Veterans, & Military Affairs  
Appropriations

HOUSE  
3rd Reading Unamended  
April 29, 2016

**A BILL FOR AN ACT**

101 **CONCERNING MODERNIZATION OF ELECTION LAW PROVISIONS, AND, IN**  
102 **CONNECTION THEREWITH, CORRECTING STATUTORY CITATIONS,**  
103 **UPDATING TERMS AND PROCEDURES TO REFLECT MODERN**  
104 **ELECTIONS ADMINISTRATION, CONFORMING STATE LAW TO**  
105 **FEDERAL LAW, ELIMINATING REDUNDANCIES AND OBSOLETE**  
106 **REFERENCES AND PRACTICES,     HARMONIZING DURATIONAL**  
107 **RESIDENCY REQUIREMENTS FOR CERTAIN LOCAL GOVERNMENT**  
108 **ELECTIONS, AND MAKING AN APPROPRIATION.**

HOUSE  
2nd Reading Unamended  
April 28, 2016

SENATE  
3rd Reading Unamended  
April 14, 2016

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at*

SENATE  
Amended 2nd Reading  
April 13, 2016

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

The bill makes various technical changes to modernize, correct, and improve elections laws.

Statutory citations to the federal "National Voter Registration Act of 1993", "Help America Vote Act of 2002" (HAVA), "Voting Rights Act of 1965", "Uniformed and Overseas Citizens Absentee Voting Act" (UOCAVA), "Military and Overseas Voter Empowerment Act", and the "Voting Accessibility for the Elderly and Handicapped Act" are corrected to reflect recent relocations of those laws to a new title 52 of the United States Code (**sections 1, 2, 4, 5, 19, 20, 22, 24, 51, 53 to 58, and 65** of the bill).

To reflect modern elections administration, the term "registration book" is replaced with references to the statewide voter registration system, commonly referred to as SCORE (**sections 1, 3, 13, 16, 17, 18, 25 to 36, 44, 47, 59, 60, and 66 to 70**). As a result of these statutory amendments, additional adjustments are made to adapt the use of SCORE in cases where annexation results in a change of precinct boundaries (**section 17**) and to criminalize the unauthorized tampering with SCORE (**section 70**).

The term "identification" is amended to exclude state drivers' licenses issued to noncitizens (**section 1**).

Obsolete references to election commissions (**sections 2 and 82**) and passed deadlines (**sections 19, 43, 52, and 63**) are removed.

The HAVA complaint procedure, recently held to conflict with federal law with respect to standing, is aligned with the federal act (**section 6**).

**Sections 7 and 81** effect relocation of a provision pertaining to additional identification that must be supplied by first-time voter registrants.

Similar to current law regarding the timeliness of voter registration, the time allotted to change or withdraw affiliation is extended to the next business day when the deadline falls on a weekend day or holiday (**sections 8 and 15**).

Duplicative and inconsistent provisions relating to voter registration timeliness, application information required, and affirmations made by persons registering to vote are addressed (**sections 8 to 12, 21, and 23**).

Current law requires voter registration records to be maintained until after the next general election. Under **section 18**, county clerks and recorders are authorized to destroy paper voter registration records after digitally storing them in SCORE. Section 18 also clarifies that such records are public and are subject to examination by any person, whereas current law limits such examination to electors.

Currently, the secretary of state is required to generate a

postelection list of voters to review potential instances of double voting. **Section 21** shifts this duty to county clerks and recorders, and requires county clerks and recorders to report to the appropriate district attorneys the names of persons who are suspected to have voted more than once.

Because modern technology renders it obsolete, **section 37** repeals the ability of counties to request a waiver from the requirement that their voter service and polling centers have secure computer access.

To accommodate electors not voting in person, **section 45** allows a designated election official to post write-in candidate names on the official website of the designated election official.

**Section 46** deletes the requirement that the secretary of state publish notice of a random audit in a newspaper of general circulation.

With respect to mail ballot elections, **section 53**:

- ! Repeals provisions governed by the "Colorado Local Government Election Code";
- ! Removes redundant notice requirements;
- ! Allows counties to mail ballots prior to 22 days before an election; and
- ! Clarifies that certain provisions apply to all new registrants, rather than only new registrants who effected registration by mail.

**Section 82** repeals obsolete or superfluous provisions pertaining to:

- ! The process of sending voter information cards;
- ! The provision through which every UOCAVA-covered voter may apply to receive a ballot; and
- ! The prohibition of adding elector names after the close of voter registration prior to an election.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend** (2.8)  
3 (c), (16.5), (19.5) (a) (I), and (51); **repeal** (36); and **add** (46.7) as follows:

4 **1-1-104. Definitions.** As used in this code, unless the context  
5 otherwise requires:

6 (2.8) "Confirmation card" means a communication mailed from  
7 a county clerk and recorder to an elector pursuant to section 1-2-302.5,  
8 1-2-509, or 1-2-605, which card must:

9 (c) Comply with all relevant requirements of the federal "National

1 Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC.  
2 20501 ET SEQ., as amended; and

3 (16.5) "Federally accredited laboratory" means a laboratory  
4 certified under section 231 of the federal "Help America Vote Act of  
5 2002", ~~Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq.~~, 52  
6 U.S.C. 20901 ET SEQ., or any successor section.

7 (19.5) (a) "Identification" means:

8 (I) A valid Colorado driver's license, EXCEPT A LICENSE ISSUED  
9 UNDER PART 5 OF ARTICLE 2 OF TITLE 42, C.R.S.;

10 (36) ~~"Registration book" means the original elector registration~~  
11 ~~records for each county retained and stored on the statewide voter~~  
12 ~~registration system created in section 1-2-301. The system must have the~~  
13 ~~capability to export active and inactive registration records, to retain the~~  
14 ~~voting history for each active and inactive registration by surname, and~~  
15 ~~to retain completed voter signature forms by precinct for each election.~~

16 (46.7) "STATEWIDE VOTER REGISTRATION SYSTEM" MEANS THE  
17 CENTRALIZED STATEWIDE VOTER REGISTRATION SYSTEM, COMMONLY  
18 REFERRED TO AS "SCORE", CREATED IN SECTION 1-2-301.

19 (51) "Watcher" means an eligible elector other than a candidate  
20 on the ballot who has been selected by a political party chairperson on  
21 behalf of the political party, by a party candidate at a primary election, by  
22 an unaffiliated candidate at a general, congressional vacancy, or  
23 nonpartisan election, or by a person designated by either the opponents or  
24 the proponents in the case of a ballot issue or ballot question. If selected  
25 by a political party chairperson, a party candidate, or an unaffiliated  
26 candidate, the watcher ~~shall~~ MUST be affiliated with that political party or  
27 unaffiliated as shown ~~on the registration books of the county clerk and~~

1 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM.

2 **SECTION 2.** In Colorado Revised Statutes, 1-1-107, **amend** (1)  
3 (d), (1) (e), (2) introductory portion, and (2) (b) as follows:

4 **1-1-107. Powers and duties of secretary of state - penalty.**

5 (1) In addition to any other duties prescribed by law, the secretary of  
6 state has the following duties:

7 (d) To coordinate the responsibilities of the state of Colorado  
8 under the federal "National Voter Registration Act of 1993", ~~42 U.S.C.~~  
9 ~~sec. 1973gg~~ 52 U.S.C. SEC. 20501 ET SEQ.;

10 (e) To serve as the chief state election official within the meaning  
11 of the federal "Help America Vote Act of 2002", ~~Pub.L. 107-252~~ 52  
12 U.S.C. 20901 ET SEQ., and, in that capacity, to coordinate the  
13 responsibilities of the state of Colorado under the federal act in  
14 accordance with the requirements of this code.

15 (2) In addition to any other powers prescribed by law, the  
16 secretary of state ~~shall have~~ HAS the following powers:

17 (b) To inspect, with or without the filing of a complaint by any  
18 person, and review the practices and procedures of county clerk and  
19 recorders, ~~election commissions~~, their employees, and other election  
20 officials in the conduct of primary, general, and congressional vacancy  
21 elections and the registration of electors in this state;

22 **SECTION 3.** In Colorado Revised Statutes, 1-1-109, **amend** (2)  
23 as follows:

24 **1-1-109. Forms prescribed - rules.** (2) A registered elector shall  
25 make elector registration information changes on an approved form, and  
26 the elector registration information changes ~~shall~~ MUST be entered on the  
27 elector's registration record and retained and stored in ~~a registration book~~,

1 ~~as provided for in section 1-1-104 (36)~~ THE STATEWIDE VOTER  
2 REGISTRATION SYSTEM.

3 **SECTION 4.** In Colorado Revised Statutes, 1-1-301, **amend** (1)  
4 as follows:

5 **1-1-301. Certification program.** (1) The secretary of state shall  
6 establish and operate or provide by contract a certification program for  
7 local election officials on the conduct of elections, the federal "Help  
8 America Vote Act of 2002", ~~Pub.L. 107-252, codified at 42 U.S.C. sec.~~  
9 ~~15301 et seq.~~ 52 U.S.C. 20901 ET SEQ., and other topics related to  
10 elections.

11 **SECTION 5.** In Colorado Revised Statutes, 1-1.5-102, **amend** (3)  
12 as follows:

13 **1-1.5-102. Definitions.** As used in this article, unless the context  
14 otherwise requires:

15 (3) "HAVA" means the federal "Help America Vote Act of 2002",  
16 ~~Pub.L. 107-252, codified at 42 U.S.C. sec. 15301 et seq.~~ 52 U.S.C. 20901  
17 ET SEQ.

18 **SECTION 6.** In Colorado Revised Statutes, 1-1.5-105, **amend** (2)  
19 introductory portion and (2) (b) as follows:

20 **1-1.5-105. Complaint procedure.** (2) Any rules promulgated  
21 pursuant to subsection (1) of this section ~~shall~~ MUST provide for, but need  
22 not be limited to, the following:

23 (b) Authorization for any person who ~~has either been personally~~  
24 ~~aggrieved by or has personally witnessed~~ BELIEVES THAT THERE IS a  
25 violation of Title III of HAVA, INCLUDING A VIOLATION that has  
26 occurred, is occurring, or that is about to occur, ~~as applicable,~~ to file a  
27 complaint;

1           **SECTION 7.** In Colorado Revised Statutes, **add with amended**  
2 **and relocated provisions** 1-2-201 (5) as follows:

3           **1-2-201. Registration required - deadlines - additional**  
4 **identifying information to be provided by first-time registrants.**

5 (5) [Formerly 1-2-501 (1.5)] An elector who submits a voter registration  
6 form ~~by mail~~ and has not previously voted ~~in the county or~~ in the state  
7 shall:

8           (a) Submit with the voter registration form a copy of identification  
9 as defined in section 1-1-104 (19.5), the elector's driver's license number,  
10 or the last four digits of the elector's social security number; or

11           (b) Submit a copy of identification as defined in section 1-1-104  
12 (19.5) with the elector's mail ballot in accordance with section 1-7.5-107  
13 (3.5).

14           **SECTION 8.** In Colorado Revised Statutes, 1-2-202.5, **amend** (3)  
15 (b), (3) (d), and (7) (c) (II) as follows:

16           **1-2-202.5. Online voter registration - online changes in elector**  
17 **information.** (3) The electronic voter registration form must include:

18           (b) The questions specified in section 1-2-204 ~~(1) and~~ (2) with  
19 places for the elector to input information in response to the questions;

20           (d) ~~A THE self-affirmation that the elector is qualified to register~~  
21 ~~and that the information entered by the elector on the electronic~~  
22 ~~application is true~~ REQUIRED UNDER SECTION 1-2-205; and

23           (7) (c) (II) A change or withdrawal of affiliation made in  
24 accordance with this section applies to an election if the elector completes  
25 the electronic form no later than twenty-nine days before the election;  
26 EXCEPT THAT, IF THE TWENTY-NINTH DAY BEFORE AN ELECTION IS A  
27 SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE CHANGE OR WITHDRAWAL

1 APPLIES IF MADE BY THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY,  
2 OR LEGAL HOLIDAY.

3 **SECTION 9.** In Colorado Revised Statutes, **amend** 1-2-203 as  
4 follows:

5 **1-2-203. Registration on Indian reservations.** The secretary or  
6 secretary's designee of any tribal council of an Indian tribe located on a  
7 federal reservation ~~which~~ THAT has no municipality contained within the  
8 reservation ~~shall serve~~ SERVES as a deputy registrar only for registration  
9 purposes for the county in which the reservation is located. The secretary  
10 of the tribal council or the secretary's designee shall take registrations  
11 only in the tribal council headquarters. The secretary of the tribal council  
12 or the secretary's designee shall register any eligible elector residing in  
13 any precinct in the county who appears in person in the office of the  
14 secretary of the tribal council at any time during which registration is  
15 permitted in the office of the county clerk and recorder. The secretary of  
16 the tribal council shall forward the registration records to the county clerk  
17 and recorder, either in person or by certified mail, on or before the  
18 fifteenth day of each month; except that, WITHIN TWENTY-TWO DAYS  
19 BEFORE AN ELECTION, the secretary of the tribal council shall appear in  
20 person OR TRANSMIT DAILY to deliver any registration records to the  
21 county clerk and recorder. ~~on the day following the last day that~~  
22 ~~registration is permitted preceding any election for which registration is~~  
23 ~~required.~~ WITHIN EIGHT DAYS BEFORE AN ELECTION, THE SECRETARY OF  
24 THE TRIBAL COUNCIL SHALL ACCEPT AN APPLICATION AND INFORM THE  
25 APPLICANT THAT HE OR SHE MUST GO TO A VOTER SERVICE AND POLLING  
26 CENTER IN ORDER TO VOTE IN THAT ELECTION.

27 **SECTION 10.** In Colorado Revised Statutes, 1-2-204, **amend** (2)



1 introductory portion and (2) (d); **repeal** (1); and **add** (4.5) as follows:

2 **1-2-204. Questions answered by elector - rules.** (1) The county  
3 clerk and recorder shall ask each eligible elector making application for  
4 registration, and the elector shall answer, the following:

5 (a) ~~Whether the elector intends to claim the elector's present~~  
6 ~~address as the elector's sole legal place of residence and, in so doing, to~~  
7 ~~abandon claim to any other legal residence;~~

8 (b) ~~Whether the elector is aware that, if the elector is a resident of~~  
9 ~~this state for voting purposes, the elector is also a resident of this state for~~  
10 ~~motor vehicle registration and operation purposes and for income tax~~  
11 ~~purposes;~~

12 (c) ~~Whether the elector is aware that the elector cannot legally~~  
13 ~~vote in more than one place in any election; and~~

14 (d) ~~Whether the elector is aware that a violation of the~~  
15 ~~self-affirmation the elector is about to make is a criminal act under the~~  
16 ~~laws of this state and will subject the elector to the penalties provided by~~  
17 ~~law.~~

18 (2) In addition, each eligible elector shall be asked, and the elector  
19 shall correctly answer the following:

20 (d) The elector's gender IDENTITY, if the elector wishes to state it;

21 (4.5) THIS SECTION DOES NOT APPLY TO A COVERED VOTER, AS  
22 DEFINED IN SECTION 1-8.3-102, WHO IS REGISTERING TO VOTE PURSUANT  
23 TO SECTION 1-8.3-107.

24 **SECTION 11.** In Colorado Revised Statutes, 1-2-213, **amend** (1),  
25 (2) (a), (2) (d), (5), and (6) as follows:

26 **1-2-213. Registration at driver's license examination facilities.**

27 (1) The department of revenue, through its local driver's license

1 examination facilities, shall provide each eligible elector who applies for  
2 the issuance, renewal, or correction of any type of driver's license or for  
3 an identification card pursuant to part 3 of article 2 of title 42, C.R.S., an  
4 opportunity to complete an application to register to vote, ~~by use of a~~  
5 ~~form containing the necessary information required by~~ WHICH  
6 APPLICATION PROVIDES THE INFORMATION REQUIRED UNDER this part 2.

7 (2) (a) An applicant who wishes to complete an application for  
8 registration must ~~read and answer the questions~~ PROVIDE THE  
9 INFORMATION required by section 1-2-204 and ~~shall~~ make the  
10 self-affirmation required under section 1-2-205. ~~Each application for~~  
11 ~~registration must bear the following statement: "Warning: It is a class 1~~  
12 ~~misdemeanor to affirm falsely as to your qualifications to register to~~  
13 ~~vote.".~~

14 (d) ~~The authorized employee shall stamp the application for~~  
15 ~~registration with a validation stamp and indicate on the driver's license~~  
16 ~~that the bearer registered to vote, which license shall be the elector's~~  
17 ~~receipt. Applications and changes shall~~ MUST be forwarded on a weekly  
18 basis, or on a daily basis ~~when open~~ during the last week ~~allowed for~~  
19 ~~registration~~ prior to any election CONDUCTED BY THE COUNTY CLERK AND  
20 RECORDER, to the county clerk and recorder of the county in which ~~the~~  
21 ~~driver's license examination facility is located, and, if the applicant lives~~  
22 ~~in a different county from the facility, the application shall then be~~  
23 ~~forwarded to the county clerk and recorder of the county in which the~~  
24 applicant resides.

25 (5) The department of revenue and the secretary of state shall  
26 jointly develop an application form OR PROCESS, and a change of name  
27 and address form ~~which shall allow~~ OR PROCESS, THAT ALLOWS an

1 applicant wishing to register to vote to do so ~~by the use of a single form~~  
2 ~~containing the necessary information required by this part 2 and the~~  
3 ~~information required for the issuance, renewal, or correction of the~~  
4 ~~driver's license or identification card. The~~ WITHOUT DUPLICATING ANY  
5 INFORMATION REQUIRED FOR THE ISSUANCE, RENEWAL, OR CORRECTION  
6 OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD. ANY SUCH forms ~~shall~~  
7 MUST be furnished to the local driver's license examination facilities by  
8 the department of revenue.

9 (6) Unless the registrant states on the form that the change of  
10 address is not for voter registration purposes, any eligible elector ~~who~~  
11 ~~continues to reside in the county where the elector is registered to vote~~  
12 ~~and~~ who informs a driver's license examination facility of a change of  
13 name or address ~~shall~~ MUST have notice of the change of name or address  
14 forwarded by the driver's license examination facility to the county clerk  
15 and recorder of the county in which the ~~driver's license facility is located.~~  
16 ~~If the elector lives in a different county from the facility, the county clerk~~  
17 ~~and recorder shall forward the change to the county clerk and recorder of~~  
18 ~~the county in which the elector resides.~~ The county clerk and recorder of  
19 the county in which the elector resides shall change the registration record  
20 of the elector to reflect the change of name and address.

21 **SECTION 12.** In Colorado Revised Statutes, 1-2-217.7, **amend**  
22 (4) (a) (II); and **repeal** (4) (b) as follows:

23 **1-2-217.7. Registration on or immediately prior to election day**  
24 **- locations - rules - legislative declaration.** (4) **Registration at voter**  
25 **service and polling centers.** (a) An elector may register and vote prior  
26 to an election or on election day if the elector:

27 (II) Completes and signs a voter registration application in the

1 form prescribed by the secretary of state by rule, which application must  
2 include the questions contained in section 1-2-204 ~~(1)~~ and (2);

3 (b) ~~In addition to executing the self-affirmation required under~~  
4 ~~section 1-2-205 (2), an elector registering to vote under this section shall~~  
5 ~~complete and sign a voter registration affidavit, in a form prescribed by~~  
6 ~~the secretary of state, that contains the following oath:~~

7 I, ....., hereby certify under penalty of perjury that, to the  
8 best of my knowledge, I have not, nor will I, cast more than  
9 one ballot in this election.

10 **SECTION 13.** In Colorado Revised Statutes, 1-2-218, **amend** (1)  
11 introductory portion as follows:

12 **1-2-218. Change of name.** (1) Any eligible elector who has been  
13 registered in the county and who subsequently has had a name change by  
14 any legal means may have his or her name changed ~~on the registration~~  
15 ~~book~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM by:

16 **SECTION 14.** In Colorado Revised Statutes, 1-2-218.5, **amend**  
17 (2) as follows:

18 **1-2-218.5. Declaration of affiliation.** (2) Any eligible elector  
19 who has not declared an affiliation with a political party or political  
20 organization ~~shall~~ MUST be designated on the registration records of the  
21 county clerk and recorder as "unaffiliated". Any unaffiliated eligible  
22 elector may declare a political party affiliation when the elector desires  
23 to vote at a primary election ~~as provided in section 1-7-201 (2)~~; or the  
24 elector may declare his or her political party or political organization  
25 affiliation at any other time during which electors are permitted to  
26 register. ~~by submitting a letter or a form furnished by the county clerk and~~  
27 ~~recorder, either by mail or in person.~~

1           **SECTION 15.** In Colorado Revised Statutes, 1-2-219, **amend** (1)  
2 as follows:

3           **1-2-219. Changing or withdrawing declaration of affiliation.**

4 (1) Any eligible elector desiring to change or withdraw the elector's  
5 affiliation may do so by completing and signing a prescribed request for  
6 the change or withdrawal and filing it with the county clerk and recorder  
7 or by submitting a personal letter written by the elector to the county clerk  
8 and recorder at any time up to and including the twenty-ninth day  
9 preceding an election; EXCEPT THAT, IF THE TWENTY-NINTH DAY BEFORE  
10 AN ELECTION IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE CHANGE  
11 OR WITHDRAWAL APPLIES IF MADE BY THE NEXT DAY THAT IS NOT A  
12 SATURDAY, SUNDAY, OR LEGAL HOLIDAY. The prescribed form or  
13 personal letter for the change ~~shall~~ MUST include the elector's printed  
14 name, address within the county, birth date, social security number, if the  
15 elector wishes to state it, and signature, the date, the elector's previous  
16 affiliation status, and the requested change in affiliation status. A  
17 prescribed form ~~shall~~ MUST be furnished by the county clerk and recorder  
18 upon the elector's oral or written request. Upon receiving the request, the  
19 county clerk and recorder shall change the elector's affiliation on ~~the~~ HIS  
20 OR HER registration record. If the affiliation is withdrawn, the designation  
21 on the ELECTOR'S registration record ~~shall~~ MUST be changed to  
22 "unaffiliated". If an elector changes affiliation, the elector is entitled to  
23 vote, at any primary election, only the ballot of the political party to  
24 which the elector is currently affiliated. A change or withdrawal of  
25 affiliation may not be made by anyone other than the elector.

26           **SECTION 16.** In Colorado Revised Statutes, 1-2-222, **amend** (1)  
27 and (4) as follows:



1 and that my correct party affiliation should be ..... instead of  
2 ..... and request that the party affiliation be corrected ~~on the~~  
3 ~~registration book~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM. My  
4 correct affiliation was made on or before ..... (date) at  
5 ..... (place).

6 Dated .....

7 Signed .....

8 Subscribed and sworn to before me this ..... day of .....,  
9 20....

10 .....

11 Election Judge or County Clerk

12 Precinct .....

13 County .....

14 **SECTION 17.** In Colorado Revised Statutes, 1-2-223, **amend** (2)  
15 as follows:

16 **1-2-223. Names transferred when precinct boundaries**  
17 **changed.** (2) In case any change is made in precinct boundaries as a  
18 result of annexation affecting county boundaries, the county clerk and  
19 recorder of the ANNEXING county ~~from which the annexed territory was~~  
20 ~~detached~~ shall ~~remove from the registration book~~ UPDATE IN THE  
21 STATEWIDE VOTER REGISTRATION SYSTEM the registration records of all  
22 electors residing in the annexed territory as soon as practicable. ~~The~~  
23 ~~county clerk and recorder shall transfer, as soon as practicable, through~~  
24 ~~the statewide voter registration system, created pursuant to section~~  
25 ~~1-2-301, the registration records to the county clerk and recorder of the~~  
26 ~~county to which the territory was annexed, who shall insert them in the~~  
27 ~~registration book of the appropriate precinct upon receipt.~~ The

1 registrations ~~shall be~~ ARE considered as continuing registrations with all  
2 the registered electors involved having full rights and privileges as if no  
3 change in county boundaries had occurred.

4 **SECTION 18.** In Colorado Revised Statutes, 1-2-227, **amend** (1)  
5 as follows:

6 **1-2-227. Custody and preservation of records.**

7 (1) (a) Registration ~~books shall~~ RECORDS MUST be left in the custody of  
8 the county clerk and recorder, who ~~shall be~~ IS responsible for them.  
9 EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), the  
10 oaths or affirmations, applications for affidavit registration, federal  
11 postcard applications, applications for change of residence or change of  
12 name, and other papers provided for by this part 2 shall be preserved by  
13 the county clerk and recorder and shall not be destroyed until after the  
14 next general election. ~~They shall be~~ SUCH REGISTRATION RECORDS,  
15 WHETHER PAPER OR DIGITAL, ARE public records subject to examination  
16 by any ~~elector~~ PERSON, and ~~the elector shall have~~ SUCH PERSON HAS the  
17 right to make copies of the records during office hours.

18 (b) A COUNTY CLERK AND RECORDER MAY DESTROY PAPER VOTER  
19 REGISTRATION RECORDS AS SOON AS THEY HAVE BEEN DIGITALLY  
20 RECORDED IN THE STATEWIDE VOTER REGISTRATION SYSTEM.

21 **SECTION 19.** In Colorado Revised Statutes, 1-2-301, **amend** (1)  
22 as follows:

23 **1-2-301. Centralized statewide registration system - secretary**  
24 **of state to maintain computerized statewide voter registration list -**  
25 **county computer records - agreement to match information.** (1) ~~No~~  
26 ~~later than January 1, 2006,~~ The secretary of state shall implement, in a  
27 uniform and nondiscriminatory manner, a single, uniform, official,



1 centralized, interactive, computerized statewide voter registration system  
2 defined, maintained, and administered at the state level, which system  
3 shall contain a computerized statewide voter registration list maintained  
4 by the secretary of state that contains the name and registration  
5 information of every legally registered voter in the state and that assigns  
6 a unique identifier to each legally registered voter. The single, uniform,  
7 official, centralized, interactive, computerized statewide voter registration  
8 system required by this subsection (1) ~~shall be~~ IS referred to in this part  
9 3 as the "centralized statewide registration system". ~~The centralized~~  
10 ~~statewide registration system shall replace the voter registration and~~  
11 ~~election management that was required to be developed or acquired prior~~  
12 ~~to May 22, 2003. On or before January 1, 2006,~~ The centralized statewide  
13 registration system and the computerized statewide voter registration list  
14 ~~shall~~ MUST be fully compliant with all applicable requirements specified  
15 in section 303 of the federal "Help America Vote Act of 2002", ~~Pub.L.~~  
16 ~~107-252, codified at 42 U.S.C. sec. 15301 et seq. 52 U.S.C. 20901 ET SEQ.~~

17 **SECTION 20.** In Colorado Revised Statutes, 1-2-302, **amend**  
18 (6.7) as follows:

19 **1-2-302. Maintenance of computerized statewide voter**  
20 **registration list - confidentiality.** (6.7) In accordance with the  
21 requirements of section 42-1-211 (1.5) (c), C.R.S., the department of  
22 revenue shall enter into an agreement with the federal commissioner of  
23 social security for the purpose of verifying applicable information in  
24 accordance with the requirements of section 303 (a) (5) (B) (ii) of the  
25 federal "Help America Vote Act of 2002", ~~Pub.L. 107-252, codified at 42~~  
26 ~~U.S.C. sec. 15301 et seq. 52 U.S.C. 20901 ET SEQ.~~

27 **SECTION 21.** In Colorado Revised Statutes, 1-2-305, **amend** (1)

1 and (2) as follows:

2 **1-2-305. Postelection procedures - voting history - definitions.**

3 (1) Not later than sixty days after a state election, the ~~secretary of state~~  
4 COUNTY CLERK AND RECORDER shall generate a list of electors ~~showing~~  
5 ~~who voted and who did not vote in the election. The list shall be drawn~~  
6 ~~from the statewide voter registration database. For electors who voted, the~~  
7 ~~list shall show such elector's method of voting, whether by mail ballot,~~  
8 ~~voter service and polling center voting, or otherwise~~ WITHIN THE COUNTY  
9 WHO SUBMITTED MORE THAN ONE BALLOT FOR THE ELECTION.

10 (2) ~~Upon receipt of the lists, the secretary of state shall examine~~  
11 ~~the lists to see which electors did and did not vote in the election in order~~  
12 ~~to ascertain if any elector has voted more than once. If it is determined~~  
13 that an elector has voted more than once, the secretary of state OR THE  
14 COUNTY CLERK AND RECORDER shall notify the proper district attorney for  
15 prosecution of a violation of ~~the provisions of~~ this code.

16 **SECTION 22.** In Colorado Revised Statutes, 1-2-502, **amend** (2)  
17 as follows:

18 **1-2-502. Form for agency registration.** (2) All agencies  
19 providing an opportunity to complete the voter registration forms shall  
20 keep copies of all records relating to the completion of the forms for two  
21 years. The forms shall not be considered public records but ~~shall be~~ ARE  
22 available to the secretary of state for purposes of compiling data in  
23 compliance with the federal "National Voter Registration Act of 1993",  
24 ~~42 U.S.C. sec. 1973gg~~ 52 U.S.C. SEC. 20501 ET SEQ.

25 **SECTION 23.** In Colorado Revised Statutes, 1-2-507, **amend** (1)  
26 as follows:

27 **1-2-507. Transmittal of voter registration applications - when.**

1 (1) Except as provided in subsection (2) of this section, a completed  
2 agency registration application accepted at a voter registration agency  
3 shall be transmitted to the county clerk and recorder ~~for the county in~~  
4 ~~which the agency is located~~ not later than five days after the date of  
5 acceptance; EXCEPT THAT, WITHIN TWENTY-TWO DAYS BEFORE AN  
6 ELECTION, A VOTER REGISTRATION AGENCY MUST TRANSMIT COMPLETED  
7 VOTER REGISTRATION APPLICATIONS ON A DAILY BASIS.

8 **SECTION 24.** In Colorado Revised Statutes, 1-2-510, **amend** (3)  
9 as follows:

10 **1-2-510. Public disclosure of voter registration activities.**

11 (3) The secretary of state ~~shall~~ IS also ~~be~~ responsible for filing any  
12 reports or information concerning the implementation of the federal  
13 "National Voter Registration Act of 1993", ~~42 U.S.C. sec. 1973gg~~ 52  
14 U.S.C. SEC. 20501 ET SEQ., with the federal election commission as may  
15 be required.

16 **SECTION 25.** In Colorado Revised Statutes, 1-3-101, **amend** (1)  
17 as follows:

18 **1-3-101. Party affiliation required - residence.** (1) In order to  
19 vote at any precinct caucus, assembly, or convention of a political party,  
20 the elector ~~shall~~ MUST be a resident of the precinct for thirty days, ~~shall~~  
21 ~~have~~ MUST BE registered to vote no later than twenty-nine days before the  
22 caucus, assembly, or convention, and ~~shall~~ MUST be affiliated with the  
23 political party holding the caucus, assembly, or convention for at least  
24 two months as shown ~~on the registration books of the county clerk and~~  
25 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM; except that any  
26 registered elector who has attained the age of eighteen years or who has  
27 become a naturalized citizen during the two months immediately

1 preceding the meeting may vote at any caucus, assembly, or convention  
2 even though the elector has been affiliated with the political party for less  
3 than two months.

4 **SECTION 26.** In Colorado Revised Statutes, 1-3-102, **amend** (2)  
5 (a) as follows:

6 **1-3-102. Precinct caucuses.** (2) (a) The participants at the  
7 precinct caucus shall also elect two precinct committeepersons. Any  
8 person eighteen years of age or older may be a candidate for the office of  
9 precinct committeeperson if he or she has been a resident of the precinct  
10 for thirty days and has been affiliated with the political party holding the  
11 precinct caucus for a period of at least two months preceding the date of  
12 the precinct caucus; except that any person who has attained the age of  
13 eighteen years or who has become a naturalized citizen during the two  
14 months immediately preceding the precinct caucus may be a candidate for  
15 the office of precinct committeeperson even though he or she has been  
16 affiliated with the political party for less than two months as shown ~~on the~~  
17 ~~registration book of the county clerk and recorder~~ IN THE STATEWIDE  
18 VOTER REGISTRATION SYSTEM. The two people receiving the highest  
19 number of votes at the caucus for precinct committeeperson ~~shall be~~ ARE  
20 elected as the precinct committeepersons of the precinct. If two or more  
21 candidates for precinct committeeperson receive an equal and the second  
22 highest number of votes, or if three or more candidates receive an equal  
23 and the highest number of votes, the election ~~shall~~ MUST be determined  
24 by lot by those candidates. All disputes regarding the election of precinct  
25 committeepersons ~~shall be~~ ARE determined by the credentials committees  
26 of the respective party assemblies. The names of the committeepersons  
27 elected ~~shall~~ MUST be certified to the county assembly of the political

1 party by the officers of the caucus. The county assembly shall ratify the  
2 list of committeepersons. The presiding officer and secretary of the  
3 county assembly shall file a certified list of the names and addresses, by  
4 precinct, of those persons elected as precinct committeepersons with the  
5 county clerk and recorder within four days after the date of the county  
6 assembly.

7 **SECTION 27.** In Colorado Revised Statutes, 1-4-402, **amend** (1)  
8 (d) (I) as follows:

9 **1-4-402. Nominations of political party candidates.**

10 (1) (d) (I) Any candidate nominated by a political party ~~shall have been~~  
11 MUST BE affiliated with the party for at least twelve consecutive months  
12 prior to the date the convention begins, as shown ~~on the voter registration~~  
13 ~~book of the county clerk and recorder~~ IN THE STATEWIDE VOTER  
14 REGISTRATION SYSTEM.

15 **SECTION 28.** In Colorado Revised Statutes, 1-4-601, **amend** (2)  
16 and (4) (a) as follows:

17 **1-4-601. Designation of candidates for primary election.**

18 (2) An assembly ~~shall~~ MUST take no more than two ballots for party  
19 candidates for each office to be filled at the next general election. Every  
20 candidate receiving thirty percent or more of the votes of all duly  
21 accredited assembly delegates who are present and voting on that office  
22 ~~shall~~ MUST be certified by affidavit of the presiding officer and secretary  
23 of the assembly. If no candidate receives thirty percent or more of the  
24 votes of all duly accredited assembly delegates who are present and  
25 voting, a second ballot ~~shall~~ MUST be cast on all the candidates for that  
26 office. If on the second ballot no candidate receives thirty percent or more  
27 of the votes cast, the two candidates receiving the highest number of

1 votes ~~shall~~ MUST be certified as candidates for that office by the assembly.  
2 The certificate of designation by assembly ~~shall~~ MUST state the name of  
3 the office for which each person is a candidate and the candidate's name  
4 and address, ~~shall~~ MUST designate in not more than three words the name  
5 of the political party which the candidate represents, and ~~shall~~ MUST  
6 certify that the candidate has been a member of the political party for the  
7 period of time required by party rule or by subsection (4) of this section  
8 if the party has no such rule. The candidate's affiliation, as shown ~~on the~~  
9 ~~registration books of the county clerk and recorder~~ IN THE STATEWIDE  
10 VOTER REGISTRATION SYSTEM, is prima facie evidence of political party  
11 membership. The certificate of designation ~~shall~~ MUST indicate the order  
12 of the vote received at the assembly by candidates for each office, but no  
13 assembly shall declare that any one candidate has received the nomination  
14 of the assembly. The certificate of designation ~~shall~~ MUST be filed in  
15 accordance with section 1-4-604. If two or more candidates receiving  
16 designation under ~~the provisions of~~ this subsection (2) have received an  
17 equal number of votes, the order of certification of designation ~~shall be~~  
18 IS determined by lot by the candidates. The assembly shall select a  
19 vacancy committee for vacancies in designation or nomination only.

20 (4) (a) No person ~~shall be~~ IS eligible for designation by assembly  
21 as a candidate for nomination at any primary election unless the person  
22 was affiliated with the political party holding the assembly, as shown ~~on~~  
23 ~~the registration books of the county clerk and recorder~~ IN THE STATEWIDE  
24 VOTER REGISTRATION SYSTEM, no later than the first business day of the  
25 January immediately preceding the primary election, unless otherwise  
26 provided by party rules.

27 **SECTION 29.** In Colorado Revised Statutes, 1-4-602, **amend** (5)

1 as follows:

2 **1-4-602. Delegates to party assemblies.** (5) As used in this  
3 section, "delegate" means a person who is a registered elector, has been  
4 a resident of the precinct for thirty days prior to the caucus, and has been  
5 affiliated with the political party holding the caucus for at least two  
6 months, as shown ~~on the registration books of the county clerk and~~  
7 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM; except that any  
8 registered elector who has attained the age of eighteen years during the  
9 two months immediately preceding the caucus or any registered elector  
10 who has become a naturalized citizen during the two months immediately  
11 preceding the caucus may be a delegate even though the elector has been  
12 affiliated with the political party for less than two months as shown ~~on the~~  
13 ~~registration books of the county clerk and recorder~~ IN THE STATEWIDE  
14 VOTER REGISTRATION SYSTEM. A delegate who moves from the precinct  
15 where registered during the twenty-nine days prior to any caucus ~~shall~~  
16 ~~become~~ IS ineligible to serve as a delegate from that precinct.

17 **SECTION 30.** In Colorado Revised Statutes, 1-4-801, **amend** (3)  
18 as follows:

19 **1-4-801. Designation of party candidates by petition.** (3) No  
20 person shall be placed in nomination by petition on behalf of any political  
21 party unless the person was affiliated with the political party, as shown ~~on~~  
22 ~~the registration books of the county clerk and recorder~~ IN THE STATEWIDE  
23 VOTER REGISTRATION SYSTEM, no later than the first business day of the  
24 January immediately preceding the election for which the person desires  
25 to be placed in nomination.

26 **SECTION 31.** In Colorado Revised Statutes, 1-4-802, **amend** (1)  
27 (g) as follows:

1           **1-4-802. Petitions for nominating minor political party and**  
2 **unaffiliated candidates for a partisan office.** (1) Candidates for  
3 partisan public offices to be filled at a general or congressional vacancy  
4 election who do not wish to affiliate with a major political party may be  
5 nominated, other than by a primary election or a convention, in the  
6 following manner:

7           (g) (I) For congressional vacancy elections, no person shall be  
8 placed in nomination by petition unless the person is an eligible elector  
9 and was registered as affiliated with a minor political party or as  
10 unaffiliated, as shown ~~on the registration books of the county clerk and~~  
11 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, for at least  
12 twelve months prior to the last date the petition may be filed.

13           (II) For general elections, no person shall be placed in nomination  
14 by petition unless the person is an eligible elector of the political  
15 subdivision or district in which the officer is to be elected and unless the  
16 person was registered as affiliated with a minor political party or as  
17 unaffiliated, as shown ~~on the registration books of the county clerk and~~  
18 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, no later than  
19 the first business day of the January immediately preceding the general  
20 election for which the person desires to be placed in nomination; except  
21 that, if such nomination is for a nonpartisan election, the person shall be  
22 an eligible elector of the political subdivision or district and be a  
23 registered elector, as shown ~~on the registration books of the county clerk~~  
24 ~~and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, on the date  
25 of the earliest signature on the petition.

26           **SECTION 32.** In Colorado Revised Statutes, 1-4-904, **amend** (2)  
27 (a) as follows:



1           **1-4-904. Signatures on the petitions.** (2) (a) For petitions to  
2 nominate candidates from a major political party in a partisan election,  
3 each signer ~~shall~~ MUST be affiliated with the major political party named  
4 in the petition and shall state the following to the circulator: That the  
5 signer has been affiliated with the major political party named in the  
6 petition for at least twenty-nine days as shown ~~on the registration books~~  
7 ~~of the county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION  
8 SYSTEM and that the signer has not signed any other petition for any other  
9 candidate for the same office.

10           **SECTION 33.** In Colorado Revised Statutes, 1-4-905, **amend** (1)  
11 as follows:

12           **1-4-905. Circulators.** (1) No person shall circulate a petition to  
13 nominate a candidate unless the person is a resident of the state, a citizen  
14 of the United States, at least eighteen years of age, and, for partisan  
15 candidates, registered to vote and affiliated with the political party  
16 mentioned in the petition at the time the petition is circulated, as shown  
17 ~~by the registration books of the county clerk and recorder~~ IN THE  
18 STATEWIDE VOTER REGISTRATION SYSTEM.

19           **SECTION 34.** In Colorado Revised Statutes, 1-4-1002, **amend**  
20 (9) (b) as follows:

21           **1-4-1002. Vacancies in designation or nomination.** (9) (b) The  
22 vacancy committee, by a majority vote of its members present and voting  
23 at a meeting called for that purpose, shall select a person who meets all  
24 of the requirements of candidacy as of the date of the primary election  
25 and who is affiliated with the same political party or minor political party,  
26 if any, shown ~~on the registration books of the county clerk and recorder~~  
27 IN THE STATEWIDE VOTER REGISTRATION SYSTEM as the candidate whose

1 declination, death, disqualification, resignation, or withdrawal caused the  
2 vacancy. No meeting shall be held until a quorum is present consisting of  
3 not less than one-half of the voting membership of the vacancy  
4 committee. No member of the vacancy committee may vote by proxy. The  
5 committee shall certify the selection to the secretary of state within seven  
6 days from the date the vacancy occurs. If the vacancy committee fails to  
7 certify a selection within seven days, the state chair of the same political  
8 party or minor political party as the candidate whose declination, death,  
9 disqualification, resignation, or withdrawal caused the vacancy, within  
10 seven days, shall fill the vacancy by appointing a person having the  
11 qualifications set forth in this subsection (9). The name of the person  
12 selected or appointed by the state chair ~~shall~~ MUST be certified to the  
13 secretary of state. The vacancy ~~shall be~~ IS filled until the next general  
14 election after the vacancy occurs, when the vacancy ~~shall be~~ IS filled by  
15 election.

16 **SECTION 35.** In Colorado Revised Statutes, 1-4-1304, **amend**  
17 (2) introductory portion, (2) (b), and (3) as follows:

18 **1-4-1304. Nomination of candidates.** (2) Nominations by a  
19 minor political party, to be valid, ~~shall~~ MUST be made in accordance with  
20 the party's constitution or bylaws. No nomination under this section ~~shall~~  
21 ~~be~~ IS valid for any general election ~~held after January 1, 1999~~, unless the  
22 nominee:

23 (b) Was registered as affiliated with the minor political party that  
24 is making the nomination, as shown in the ~~registration books of the~~  
25 ~~county clerk and recorder~~ STATEWIDE VOTER REGISTRATION SYSTEM, no  
26 later than the first business day of the January immediately preceding the  
27 general election for which the person was nominated, unless otherwise

1 provided in the constitution or bylaws of the minor political party; and  
2 (3) Any minor political party nominating candidates in accordance  
3 with this part 13 shall file a certificate of designation with the designated  
4 election official no later than four days after the assembly was held at  
5 which the candidate was designated. The certificate of designation shall  
6 MUST state the name of the office for which each person is a candidate  
7 and the candidate's name and address, the date on which the assembly was  
8 held at which the candidate was designated, shall MUST designate in not  
9 more than three words the name of the minor political party that the  
10 candidate represents, and shall MUST certify that the candidate is a  
11 member of the minor political party. The candidate's name may include  
12 one nickname, if the candidate regularly uses the nickname and the  
13 nickname does not include any part of a political party name. The  
14 candidate's affiliation as shown ~~on the registration books of the county~~  
15 ~~clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM is  
16 prima facie evidence of party membership.

17 **SECTION 36.** In Colorado Revised Statutes, 1-4-1305, **amend**  
18 (3) as follows:

19 **1-4-1305. Disqualification of minor political party.** (3) Upon  
20 notification of disqualification of a minor political party, each registered  
21 elector that is affiliated with such minor political party shall MUST be  
22 designated ~~on the registration books of the county clerk and recorder~~ IN  
23 THE STATEWIDE VOTER REGISTRATION SYSTEM as "unaffiliated".

24 **SECTION 37.** In Colorado Revised Statutes, 1-5-102.9, **amend**  
25 (3) (f) as follows:

26 **1-5-102.9. Voter service and polling centers - number required**  
27 **- services provided - drop-off locations - repeal.** (3) Each voter service

1 and polling center must provide:

2 (f) Secure computer access; ~~except that a county described in~~  
3 ~~subparagraphs (II) and (III) of paragraph (a) of subsection (1) of this~~  
4 ~~section may seek a waiver of this requirement upon demonstrating~~  
5 ~~hardship and securing approval of a plan to access the statewide voter~~  
6 ~~database and conduct real-time verification of voter eligibility via~~  
7 ~~telephone or other means;~~

8 **SECTION 38.** In Colorado Revised Statutes, 1-5-205, **repeal** (1)  
9 (e); and **add** (4) as follows:

10 **1-5-205. Published and posted notice of election - content.**

11 (1) The designated election official, or the coordinated election official  
12 if so provided by an intergovernmental agreement, no later than twenty  
13 days before each election, shall provide notice by publication of the  
14 election as described by section 1-1-104 (34), which notice must state, as  
15 applicable for the particular election for which notice is provided, the  
16 following:

17 (e) ~~The complete ballot content.~~

18 (4) FOR A PRIMARY MAIL BALLOT ELECTION, IN ADDITION TO THE  
19 ITEMS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE NOTICE SHALL  
20 ADVISE ELIGIBLE ELECTORS WHO ARE NOT AFFILIATED WITH A POLITICAL  
21 PARTY OF THE ELECTORS' ABILITY TO DECLARE AN AFFILIATION WITH A  
22 POLITICAL PARTY AND VOTE IN THE PRIMARY ELECTION.

23 **SECTION 39.** In Colorado Revised Statutes, 1-5-208, **amend** (6)  
24 as follows:

25 **1-5-208. Election may be canceled - when.** (6) The governing  
26 body shall provide notice by publication of the cancellation of the  
27 election. A copy of the notice ~~shall~~ **MUST** be posted at each ~~polling~~

1 ~~location~~ VOTER SERVICE AND POLLING CENTER of the political subdivision,  
2 in the office of the designated election official, and in the office of the  
3 clerk and recorder for each county in which the political subdivision is  
4 located and, for special districts, a copy of the notice ~~shall~~ MUST be filed  
5 in the office of the division of local government. The governing body  
6 shall also notify the candidates that the election was canceled and that  
7 they were elected by acclamation.

8           **SECTION 40.** In Colorado Revised Statutes, **amend** 1-5-302 as  
9 follows:

10           **1-5-302. Computer lists may be used in lieu of original**  
11 **registration records.** For the purposes of all elections, the county clerk  
12 and recorder may substitute and supply computer lists of registered  
13 electors within the political subdivision for the original registration  
14 record. Following a primary, general, or congressional vacancy election,  
15 the county clerk and recorder shall record the date of election and, if a  
16 primary election, the party ballot received on the registered elector's  
17 original registration record. ~~retained and stored as provided in section~~  
18 ~~1-1-104 (36).~~

19           **SECTION 41.** In Colorado Revised Statutes, **amend** 1-5-413 as  
20 follows:

21           **1-5-413. Sample ballots.** Sample ballots ~~shall~~ MUST be printed in  
22 the form of official ballots, but ~~upon paper of a different color from the~~  
23 ~~official ballots~~ MUST BE CLEARLY MARKED AS "SAMPLE BALLOT".  
24 Sample ballots ~~shall~~ MUST be delivered to the election judges and posted  
25 with the cards of instruction provided for in section 1-5-504. All sample  
26 ballots are subject to public inspection.

27           **SECTION 42.** In Colorado Revised Statutes, **amend** 1-5-506 as

1 follows:

2 **1-5-506. Election expenses in nonpartisan elections.** The cost  
3 of conducting a nonpartisan election, including the cost of printing  
4 ~~mailing voter information cards pursuant to section 1-5-206,~~ and supplies,  
5 ~~shall~~ MUST be paid by the governing body calling the election.

6 **SECTION 43.** In Colorado Revised Statutes, 1-5-613, **amend** (2)  
7 as follows:

8 **1-5-613. Purchase and sale of voting equipment.** (2) ~~On and~~  
9 ~~after May 28, 2004,~~ The governing body or designated election official  
10 of a political subdivision may purchase a voting system only if the voting  
11 system has been certified for use in this state by the secretary of state in  
12 accordance with this part 6.

13 **SECTION 44.** In Colorado Revised Statutes, 1-6-114, **amend** (1)  
14 as follows:

15 **1-6-114. Oath of judges.** (1) Before beginning the duties of an  
16 election judge, each person appointed as an election judge ~~shall~~ MUST  
17 take a self-affirming oath or affirmation in substantially the following  
18 form:

19 I, ....., do solemnly swear (or affirm) that I  
20 am a citizen of the United States and the state of Colorado;  
21 that I am an eligible elector who resides in the county of  
22 ..... or within the ..... political subdivision; that I  
23 am a member of the ..... party (or that I am  
24 unaffiliated with a political party) as shown ~~on the~~  
25 ~~registration books of the county clerk and recorder~~ IN THE  
26 STATEWIDE VOTER REGISTRATION SYSTEM; that I will  
27 perform the duties of judge according to law and the best

1 of my ability; that I will studiously strive to prevent fraud,  
2 deceit, and abuse in conducting the same; that I will not try  
3 to determine how any elector voted, nor will I disclose how  
4 any elector voted if in the discharge of my duties as judge  
5 such knowledge ~~shall come~~ COMES to me, unless called  
6 upon to disclose the same before some court of justice; that  
7 I have never been convicted of election fraud, any other  
8 election offense, or fraud and that, if any ballots are  
9 counted before the polls close on the date of the election,  
10 I will not disclose the result of the votes until after the polls  
11 have closed and the results are formally announced by the  
12 designated election official.

13 **SECTION 45.** In Colorado Revised Statutes, 1-7-114, **add** (4) (c)  
14 as follows:

15 **1-7-114. Write-in votes.** (4) (c) A DESIGNATED ELECTION  
16 OFFICIAL MAY POST THE LIST OF ELIGIBLE WRITE-IN CANDIDATES ON THE  
17 OFFICIAL WEBSITE OF THE DESIGNATED ELECTION OFFICIAL.

18 **SECTION 46.** In Colorado Revised Statutes, 1-7-514, **amend** (3)  
19 as follows:

20 **1-7-514. Random audit.** (3) The secretary of state shall post the  
21 reports of any completed audit or investigation received pursuant to  
22 paragraph (c) of subsection (2) of this section on the official website of  
23 the department of state not later than five business days after receiving the  
24 results of the completed audit or investigation. The clerk and recorder of  
25 the affected county may timely post the results of the completed audit or  
26 investigation on the official website of the county. ~~The secretary shall~~  
27 ~~publish once in a newspaper of general circulation throughout the state~~

1 ~~notification to the public that the results have been posted on the~~  
2 ~~department's website.~~

3 **SECTION 47.** In Colorado Revised Statutes, **amend** 1-7-701 as  
4 follows:

5 **1-7-701. Delivery of election returns, ballot boxes, and other**  
6 **election papers.** When all the votes have been read and counted, the  
7 election judges selected in accordance with section 1-6-109.5 shall deliver  
8 to the designated election official the certificate and statement required  
9 by section 1-7-601, ballot boxes and all keys to the boxes, paper tapes,  
10 "proms" or other electronic devices, the registration ~~book~~ RECORDS,  
11 pollbooks, accounting forms, spoiled ballots, unused ballots, ballot stubs,  
12 oaths, affidavits, and other election papers and supplies. The delivery  
13 ~~shall~~ MUST be made at once and with all convenient speed, and  
14 informality in the delivery ~~shall~~ DOES not invalidate the vote of any  
15 precinct when delivery has been made previous to the completion of the  
16 official abstract of the votes by the board of canvassers. The designated  
17 election official shall give a receipt for all items delivered.

18 **SECTION 48.** In Colorado Revised Statutes, **amend** 1-7-905 as  
19 follows:

20 **1-7-905. Preparation of notices.** (1) For ~~November~~  
21 COORDINATED elections, the county clerk and recorder ~~shall be~~ IS  
22 responsible for placing the ballot issue notices received from the various  
23 political subdivisions participating in the election in the proper order in  
24 the ballot issue notice packet. As nearly as practicable, the notice ~~shall~~  
25 MUST be in the order the ballot issues will appear on the ballot. The ballot  
26 issue notice ~~shall~~ MUST be followed by a certification by the county clerk  
27 and recorder that the ballot issue notices are complete as submitted by the



1 political subdivisions. No additional information ~~shall~~ MAY be included  
2 as part of the ballot issue notice except as may be required by law. A  
3 general disclaimer may precede or follow the ballot issue notice which  
4 ~~may state~~ STATES: "The information contained in this notice was prepared  
5 by persons required by law to provide summaries of ballot issues and  
6 fiscal information."

7 (2) The designated election officials of overlapping political  
8 subdivisions conducting an election other than ~~in November~~ A  
9 COORDINATED ELECTION shall confer concerning the preparation of the  
10 ballot issue notice no later than forty days prior to the date of the election.  
11 The political subdivisions conducting the election shall provide for  
12 preparation of any required ballot issue notice package by agreement in  
13 a form substantially as provided in section 1-7-116.

14 **SECTION 49.** In Colorado Revised Statutes, 1-7-905.5, **amend**  
15 (1) as follows:

16 **1-7-905.5. Form of notice.** (1) The ballot issue notice must begin  
17 with the words "All registered voters", regardless of whether the electors  
18 of the political subdivision must be registered electors to be eligible to  
19 vote in the election, and ends at the conclusion of the summary of  
20 comments. Any ~~information included pursuant to section 1-5-206,~~  
21 information concerning procedure for an election or other information  
22 included with the ballot issue notice prior to the words "All registered  
23 voters" or after the conclusion of the summary of comments are not  
24 deemed to be part of the ballot issue notice.

25 **SECTION 50.** In Colorado Revised Statutes, 1-7-906, **amend** (1)  
26 and (3) as follows:

27 **1-7-906. Mailing of notices.** (1) For ~~November~~ COORDINATED

1 elections, the county clerk and recorder as coordinated election official  
2 shall mail the ballot issue notice packet to each address of one or more  
3 active registered electors who reside in the county or portions of the  
4 county in which registered voters of those districts submitting ballot  
5 issues reside.

6 (3) The political subdivisions shall by agreement, in a form  
7 substantially as provided in sections 1-7-116 and 1-7-905, provide for  
8 mailing of any required ballot issue notice package for elections  
9 conducted other than ~~in November~~ COORDINATED ELECTIONS.

10 **SECTION 51.** In Colorado Revised Statutes, 1-7-1003, **amend**  
11 (5) (b) as follows:

12 **1-7-1003. Conduct of elections using ranked voting methods**  
13 **- instant runoff voting - choice voting or proportional voting -**  
14 **reports.** (5) (b) A local government that conducts an election using a  
15 ranked voting method shall conduct a voter education and outreach  
16 campaign to familiarize electors with ranked voting in English and in  
17 every language in which a ballot is required to be made available pursuant  
18 to this code and the federal "Voting Rights Act of 1965", ~~42 U.S.C. sec.~~  
19 ~~1973aa-1a~~ 52 U.S.C. SEC. 10101 ET SEQ.

20 **SECTION 52.** In Colorado Revised Statutes, **amend** 1-7.5-104  
21 as follows:

22 **1-7.5-104. Mail ballot elections - applicability - optional for**  
23 **political subdivisions other than a county.** For all general, primary,  
24 odd-year, coordinated, recall, and congressional vacancy elections,  
25 ~~conducted on or after July 1, 2013, and for any election in which the~~  
26 ~~governing board of a political subdivision other than a county determines~~  
27 ~~that an election shall be by mail ballot, the county clerk and recorder or~~

1 ~~designated election official for the political subdivision, as applicable,~~  
2 ~~shall conduct the election by mail ballot under the supervision of, and~~  
3 ~~subject to rules promulgated in accordance with article 4 of title 24,~~  
4 ~~C.R.S., by, the secretary of state.~~

5 **SECTION 53.** In Colorado Revised Statutes, 1-7.5-107, **amend**  
6 (3) (a), (3) (d), (3.5) (a), (3.5) (f) introductory portion, (3.5) (f) (I), and  
7 (3.5) (f) (II); and **repeal** (2), (2.5), and (3) (c) as follows:

8 **1-7.5-107. Procedures for conducting mail ballot election -**  
9 **primary elections - first-time voters casting a mail ballot after having**  
10 **registered by mail to vote - in-person request for ballot - repeal.**

11 ~~(2) (a) For a municipal mail ballot election that is not coordinated with~~  
12 ~~the county clerk and recorder, no later than thirty days prior to election~~  
13 ~~day, the county clerk and recorder shall submit to the designated election~~  
14 ~~official of the municipality conducting the mail ballot election a full and~~  
15 ~~complete preliminary list of registered electors. For a special district mail~~  
16 ~~ballot election that is not coordinated with the county clerk and recorder,~~  
17 ~~the county clerk and recorder and county assessor of each county in which~~  
18 ~~a special district is located shall certify and submit to the designated~~  
19 ~~election official a list of property owners and a list of registered electors~~  
20 ~~residing within the affected district.~~

21 ~~(b) No later than twenty days prior to election day, the county~~  
22 ~~clerk and recorder and county assessor required to submit a preliminary~~  
23 ~~list in accordance with paragraph (a) of this subsection (2) shall submit~~  
24 ~~to the appropriate authority a supplemental list of the names of eligible~~  
25 ~~electors or property owners whose names were not included on the~~  
26 ~~preliminary list.~~

27 ~~(c) All lists of registered electors and lists of property owners~~

1 provided to a designated election official under this section shall include  
2 the last mailing address of each elector.

3 (2.5) (a) (I) ~~No later than twenty days before a general, primary,~~  
4 ~~or other mail ballot election, the county clerk and recorder or designated~~  
5 ~~election official shall provide notice by publication of a mail ballot~~  
6 ~~election conducted pursuant to the provisions of this article, which notice~~  
7 ~~shall state, as applicable for the particular election for which the notice is~~  
8 ~~provided, the items set forth in section 1-5-205 (1) (a) to (1) (c):~~

9 (II) ~~For a primary mail ballot election, in addition to the items~~  
10 ~~described in the notice required by subparagraph (I) of this paragraph (a),~~  
11 ~~such notice shall advise eligible electors who are not affiliated with a~~  
12 ~~political party of the ability to declare an affiliation with a political party~~  
13 ~~and vote in the primary election.~~

14 (b) ~~The notice required to be given by this subsection (2.5) shall~~  
15 ~~be in lieu of the notice requirements set forth in sections 1-5-205 (1) and~~  
16 ~~31-10-501 (1), C.R.S., as applicable for the particular election for which~~  
17 ~~such notice is required.~~

18 (3) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
19 PARAGRAPH (a), not sooner than twenty-two days before a general,  
20 primary, or other mail ballot election, and no later than eighteen days  
21 before the election, ~~except as provided in subparagraph (II) of this~~  
22 ~~paragraph (a),~~ the county clerk and recorder or designated election  
23 official shall mail to each active ~~registered~~ ELIGIBLE elector, at the last  
24 mailing address appearing in the registration records and in accordance  
25 with United States postal service regulations, a mail ballot packet, which  
26 ~~shall~~ MUST be marked "DO NOT FORWARD. ADDRESS  
27 CORRECTION REQUESTED.", or any other similar statement that is in

1 accordance with United States postal service regulations. Nothing in this  
2 subsection (3) affects any provision of this code governing the delivery  
3 of mail ballots to an absent uniformed services elector, nonresident  
4 overseas elector, or resident overseas elector covered by the federal  
5 "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec.~~  
6 ~~1973ff et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ.

7 (II) For a primary mail ballot election, ~~for a minor political party~~  
8 ~~candidate~~, the mail ballot packet ~~shall~~ MUST be mailed only to those  
9 ACTIVE registered electors who are affiliated with ~~the minor~~ A political  
10 party ~~of such candidate~~ THAT IS PARTICIPATING IN THE ELECTION. IF THE  
11 TWENTY-SECONDDAY BEFORE AN ELECTION IS A SATURDAY, SUNDAY, OR  
12 LEGAL HOLIDAY, THE COUNTY CLERK AND RECORDER OR DESIGNATED  
13 ELECTION OFFICIAL MAY MAIL BALLOT PACKETS PURSUANT TO  
14 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) ON THE FRIDAY IMMEDIATELY  
15 PRECEDING THE TWENTY-SECONDDAY.

16 (c) ~~For a special district mail ballot election, no sooner than~~  
17 ~~twenty-two days prior to election day, and until 7 p.m. on election day,~~  
18 ~~mail ballots shall be made available at the designated election official's~~  
19 ~~office, or the office designated in the mail ballot plan filed with the~~  
20 ~~secretary of state, for eligible electors who are not listed on the list of~~  
21 ~~property owners or the registration list but who are authorized to vote~~  
22 ~~pursuant to section 32-1-806, C.R.S., or other applicable law.~~

23 (d) An eligible elector may obtain a replacement ballot if the  
24 ballot was destroyed, spoiled, lost, or for some other reason not received  
25 by the eligible elector. An eligible elector may obtain a ballot if a mail  
26 ballot packet was not sent to the elector because the eligibility of the  
27 elector could not be determined at the time the mail ballot packets were

1 mailed. The designated election official shall keep a record of each ballot  
2 issued in accordance with this paragraph (d). ~~together with a list of each~~  
3 ~~ballot obtained pursuant to paragraph (c) of this subsection (3).~~

4 (3.5) (a) Unless otherwise provided by ~~section 1-2-501 (1.5)~~  
5 SECTION 1-2-201 (5), the requirements of this subsection (3.5) ~~shall~~ apply  
6 to a person who registered to vote ~~by mail~~ in accordance with ~~part 5 of~~  
7 article 2 of this title and who

8 ~~(H) has not previously voted in an election in Colorado. or~~

9 ~~(H) Is reregistering to vote after moving from one county in this~~  
10 ~~state to another and the election in which the person intends to vote takes~~  
11 ~~place prior to the creation by the department of state of a computerized~~  
12 ~~statewide voter registration list that satisfies the requirements of part 3 of~~  
13 ~~article 2 of this title.~~

14 (f) Notwithstanding any other provision of law, the requirements  
15 of this subsection (3.5) ~~shall~~ DO not apply to any person who is:

16 (I) Entitled to vote by absentee ballot under the federal  
17 "Uniformed and Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec.~~  
18 ~~1973ff et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ.;

19 (II) Provided the right to vote otherwise than in person under  
20 section (b) (2) (B) (ii) of the federal "Voting Accessibility for the Elderly  
21 and Handicapped Act", ~~42 U.S.C. sec. 1973cc-1~~ 52 U.S.C. SEC. 20102 ET  
22 SEQ.; or

23 **SECTION 54.** In Colorado Revised Statutes, 1-8.3-102, **amend**  
24 (4) and (5) as follows:

25 **1-8.3-102. Definitions.** In this article:

26 (4) "Federal postcard application" means the application  
27 prescribed under section 101 (b) (2) of the federal "Uniformed and

1 Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff(b)(2)~~ 52  
2 U.S.C. SEC. 20301 (b) (2).

3 (5) "Federal write-in absentee ballot" means the ballot described  
4 in section 103 of the federal "Uniformed and Overseas Citizens Absentee  
5 Voting Act", ~~42 U.S.C. sec. 1973ff-2~~ 52 U.S.C. SEC. 20303.

6 **SECTION 55.** In Colorado Revised Statutes, 1-8.3-104, **amend**  
7 (1) and (2) as follows:

8 **1-8.3-104. Role of secretary of state.** (1) The secretary of state  
9 is the state official responsible for implementing this article and the state's  
10 responsibilities under the federal "Uniformed and Overseas Citizens  
11 Absentee Voting Act", ~~42 U.S.C. sec. 1973ff et seq.~~ 52 U.S.C. SEC. 20301  
12 ET SEQ.

13 (2) The secretary of state shall make available to covered voters  
14 information regarding voter registration procedures for covered voters  
15 and procedures for casting ballots. The secretary of state may delegate the  
16 responsibility under this subsection (2) only to the state office designated  
17 in compliance with section 102 (b) (1) of the federal "Uniformed and  
18 Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff-1 (b)(1)~~  
19 52 U.S.C. SEC. 20302 (b) (1).

20 **SECTION 56.** In Colorado Revised Statutes, 1-8.3-105, **amend**  
21 (1) as follows:

22 **1-8.3-105. Effect of "Uniformed and Overseas Citizens**  
23 **Absentee Voting Act" - emergency authority of secretary of state.**

24 (1) In the event of any conflict between this article and any provisions of  
25 the federal "Uniformed and Overseas Citizens Absentee Voting Act", ~~42~~  
26 ~~U.S.C. sec. 1973ff et seq.~~ 52 U.S.C. SEC. 20301 ET SEQ., the provisions of  
27 the federal act shall control, and all designated election officials who are

1 charged with the performance of duties under this code shall perform the  
2 duties and discharge the obligations placed upon them by the federal act.

3 **SECTION 57.** In Colorado Revised Statutes, 1-8.3-110, **amend**  
4 (1) as follows:

5 **1-8.3-110. Transmission of unvoted ballots.** (1) For an election  
6 described in section 1-8.3-103 for which this state has not received a  
7 waiver pursuant to section 579 of the federal "Military and Overseas  
8 Voter Empowerment Act", ~~42 U.S.C. 1973ff-1 (g) (2)~~ 52 U.S.C. SEC.  
9 20302 (g) (2), not later than forty-five days before the election, the  
10 election official in each jurisdiction charged with distributing a ballot and  
11 balloting materials shall transmit a ballot and balloting materials to all  
12 covered voters who by that date submit a valid ballot application.

13 **SECTION 58.** In Colorado Revised Statutes, **amend** 1-8.3-114  
14 as follows:

15 **1-8.3-114. Declaration.** A ballot shall include or be accompanied  
16 by the signed affirmation required by the federal "Uniformed and  
17 Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff, et seq.~~  
18 52 U.S.C. SEC. 20301 ET SEQ.

19 **SECTION 59.** In Colorado Revised Statutes, 1-9-101, **amend** (1)  
20 (b) (I), (1) (b) (III), and (3) as follows:

21 **1-9-101. Challenge of illegal or fraudulent registration.**  
22 (1) (b) In rendering a decision, the county clerk and recorder has the  
23 following options:

24 (I) If the county clerk and recorder finds sufficient evidence to  
25 support the allegations in the challenge, he or she shall cancel the  
26 registered elector's name from the ~~registration book~~ STATEWIDE VOTER  
27 REGISTRATION SYSTEM; or



1 (III) If the county clerk and recorder finds no evidence or  
2 insufficient evidence to support the allegations in the challenge, he or she  
3 shall deny the challenge to cancel the registered elector's name from the  
4 ~~registration book~~ STATEWIDE VOTER REGISTRATION SYSTEM.

5 (3) The court shall hear the testimony and other evidence and  
6 investigate summarily and, within forty-eight hours after the close of the  
7 evidence, determine whether or not the charges are sustained. Only  
8 competent legal evidence ~~shall~~ MAY be received at the hearing or  
9 considered by the court, and no name registered in accordance with law  
10 shall be canceled from the ~~registration book~~ STATEWIDE VOTER  
11 REGISTRATION SYSTEM unless it is proven that the challenged person does  
12 not reside at the address provided by the person at the time of registration.  
13 No presumption ~~shall~~ MAY be made against any person whose registration  
14 is challenged merely because of the failure of that person to attend the  
15 hearing. The court ~~shall have~~ HAS the power to subpoena any person as  
16 a witness at the hearing and make any necessary investigation to ascertain  
17 the truth of any of the charges in the petition if the method of the  
18 investigation does not cause unnecessary delay or interfere with the final  
19 disposition of the cause within the time provided for in this section. The  
20 hearing on any petition ~~shall be~~ IS summary and final and ~~shall not be~~ IS  
21 NOT subject to delay. At the close of the hearing, the court shall announce  
22 the names in the petition as to which the charges have been sustained and  
23 shall direct the clerk of the court to certify forthwith to the county clerk  
24 and recorder the lists of names of those persons, with their addresses,  
25 arranged alphabetically and according to precinct. The county clerk and  
26 recorder, upon receipt of the list from the court, shall forthwith cancel  
27 those names from the ~~registration book~~ STATEWIDE VOTER REGISTRATION

1 SYSTEM for the proper precinct with the notation that the names were  
2 canceled pursuant to court order, giving the date of the order. The  
3 decision of the court is final, and no appeal ~~shall lie~~ LIES to any other  
4 court; except that the supreme court, in the exercise of its discretion, may  
5 review any such proceedings in a summary way.

6 **SECTION 60.** In Colorado Revised Statutes, 1-10-101, **amend**  
7 (3) as follows:

8 **1-10-101. Canvass board for partisan elections - appointment,**  
9 **fees, oaths.** (3) Prior to assuming their duties, the members of the  
10 canvass board shall swear or affirm the following: "I, ....., do  
11 solemnly swear (or affirm) that I am a registered elector in precinct .....,  
12 in the county of .....; that I am a registered member of the  
13 ..... party as shown ~~on the registration books of the county clerk and~~  
14 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM; and that I will  
15 faithfully perform the duties required of a member of the county canvass  
16 board."

17 **SECTION 61.** In Colorado Revised Statutes, 1-10-105, **amend**  
18 (1) as follows:

19 **1-10-105. Election results - certification by secretary of state.**  
20 (1) After receiving the final abstracts of votes cast for all elections from  
21 the counties, including any recounts, the secretary of state shall prepare  
22 and certify ~~an~~ THE official statewide ~~abstract of votes cast~~ ELECTION  
23 RESULTS for all candidates, ballot issues, and ballot questions that the  
24 secretary of state certified for the ballot. For each contest, the ~~statewide~~  
25 ~~abstract of votes cast shall~~ CERTIFIED ELECTION RESULTS MUST show the  
26 total number of votes received, with subtotals for each county in which  
27 the candidate was on the ballot, and the ballot wording for each ballot

1 issue and ballot question.

2 **SECTION 62.** In Colorado Revised Statutes, **amend** 1-11-105 as  
3 follows:

4 **1-11-105. Certificates of election for national, state, and**  
5 **district officers.** Immediately after the ~~final statewide abstract of votes~~  
6 ~~cast has been prepared~~ RESULTS OF AN ELECTION HAVE BEEN CERTIFIED  
7 PURSUANT TO SECTION 1-10-105 (1), the secretary of state shall make and  
8 transmit a certificate of election, certified under the secretary of state's  
9 seal of office, to each of the persons declared to be elected to national,  
10 state, and district offices of state concern and shall record in a book to be  
11 kept for that purpose each such certification. If the secretary of state is  
12 unable to certify the candidate elected to a state or district office of state  
13 concern, no such certification of election ~~shall~~ MAY be transmitted by the  
14 secretary of state until the candidate elected has been determined.

15 **SECTION 63.** In Colorado Revised Statutes, 1-11-302, **amend**  
16 (1) introductory portion as follows:

17 **1-11-302. Causes of special legislative election.** (1) The state  
18 senate or the state house of representatives, acting by resolution, may call  
19 a special legislative election for a state senate or house of representatives  
20 district following ~~the 2000 general election and~~ any general election  
21 ~~thereafter~~ pursuant to this part 3 if:

22 **SECTION 64.** In Colorado Revised Statutes, **amend** 1-11-305 as  
23 follows:

24 **1-11-305. Notice of special legislative election.** The county clerk  
25 and recorder shall give notice of the special legislative election pursuant  
26 to ~~section 1-5-206~~ SECTION 1-5-205.

27 **SECTION 65.** In Colorado Revised Statutes, 1-12-114, **amend**

1 (4) as follows:

2 **1-12-114. Mail ballots - plan required - voter service and**  
3 **polling centers - number required - definition.** (4) As used in this  
4 section, and for purposes of article XXI of the state constitution, "part of  
5 said general election" means the inclusion of the questions of both the  
6 recall of an incumbent and the election of the incumbent's successor on  
7 mail ballots that are sent by mail, available at voter service and polling  
8 centers, or otherwise delivered to an elector as permitted by law, from the  
9 date for holding the election through the last day of voting in a general  
10 election pursuant to section 1-4-201. Notwithstanding this definition, to  
11 maximize participation of voters covered by the federal "Uniformed and  
12 Overseas Citizens Absentee Voting Act", ~~42 U.S.C. sec. 1973ff et seq.~~ 52  
13 U.S.C. SEC. 20301 ET SEQ., all candidate races, ballot issues, and ballot  
14 questions that a covered voter is eligible to vote on ~~shall~~ MUST be  
15 included on the ballots required to be sent pursuant to that act, and  
16 recall-related ballot questions ~~shall~~ MUST be sent separately on ballots that  
17 adhere to the deadlines set forth in this section.

18 **SECTION 66.** In Colorado Revised Statutes, 1-12-203, **amend**  
19 (3) (a) as follows:

20 **1-12-203. Vacancies in general assembly.** (3) (a) The vacancy  
21 committee, by a majority vote of its members present and voting at a  
22 meeting called for that purpose and open to the public, shall select a  
23 person who possesses the constitutional qualifications for a member of  
24 the general assembly and who is affiliated with the same political party  
25 or minor political party, if any, shown ~~on the registration books of the~~  
26 ~~county clerk and recorder~~ IN THE STATEWIDE VOTER REGISTRATION  
27 SYSTEM as the former member whose seat is vacant. No meeting shall be

1 held until a quorum is present consisting of not less than one-half of the  
2 voting membership of the vacancy committee. No member of the vacancy  
3 committee may vote by proxy. The committee shall certify the selection  
4 to the secretary of state within thirty days from the date the vacancy  
5 occurs; except that, in the case of a vacancy filled pursuant to section  
6 1-4-1002 (2.5), the committee shall certify the selection within thirty days  
7 after the date of the general election affected by the vacancy. If the  
8 vacancy committee fails to certify a selection within thirty days in  
9 accordance with the provisions of this subsection (3), the governor,  
10 within five days, shall fill the vacancy by appointing a person having the  
11 qualifications set forth in this subsection (3). The name of the person  
12 selected or appointed ~~shall~~ MUST be certified to the secretary of state.

13 **SECTION 67.** In Colorado Revised Statutes, 1-12-206, **amend**  
14 (5) as follows:

15 **1-12-206. Vacancies in the office of county commissioner.**  
16 (5) Any person appointed to a vacancy in the office of county  
17 commissioner under this section ~~shall~~ MUST be a resident of the county  
18 and reside within the district, if any, in which the vacancy exists and ~~shall~~  
19 MUST be a member of the same political party or minor political party, if  
20 any, shown ~~on the registration books of the county clerk and recorder~~ IN  
21 THE STATEWIDE VOTER REGISTRATION SYSTEM as the vacating  
22 commissioner. Any person appointed pursuant to this section ~~shall hold~~  
23 HOLDS the office until the next general election or until the vacancy is  
24 filled by election according to law.

25 **SECTION 68.** In Colorado Revised Statutes, **amend** 1-13-203 as  
26 follows:

27 **1-13-203. Procuring false registration.** It is unlawful for any

1 person to procure his or her own name, or the name of any other person,  
2 to be registered in the ~~registration book of~~ STATEWIDE VOTER  
3 REGISTRATION SYSTEM FOR a precinct in which such person is not, at the  
4 time of such registration, entitled to be registered or for any person to  
5 procure any fictitious name to be registered in the ~~registration book of any~~  
6 ~~precinct~~ STATEWIDE VOTER REGISTRATION SYSTEM. Any person who  
7 violates ~~any of the provisions of~~ this section shall be punished by a fine  
8 of not more than five thousand dollars, or by imprisonment in the county  
9 jail for not more than eighteen months, or by both such fine and  
10 imprisonment. Each violation ~~shall be~~ IS considered a separate offense.

11 **SECTION 69.** In Colorado Revised Statutes, **amend** 1-13-302 as  
12 follows:

13 **1-13-302. Fraudulent voting in precinct caucus, assembly, or**  
14 **convention.** Any person who fraudulently participates and votes in a  
15 precinct caucus, assembly, or convention when he OR SHE is not a  
16 member of the political party holding ~~such~~ THE precinct caucus, assembly,  
17 or convention, as shown ~~on the registration books of the county clerk and~~  
18 ~~recorder~~ IN THE STATEWIDE VOTER REGISTRATION SYSTEM, is guilty of a  
19 misdemeanor and, upon conviction thereof, shall be punished as provided  
20 in section 1-13-111.

21 **SECTION 70.** In Colorado Revised Statutes, **amend** 1-13-703 as  
22 follows:

23 **1-13-703. Tampering with statewide voter registration system,**  
24 **registration list, or pollbook.** (1) Any person who mutilates or erases  
25 any name, figure, or word in any ~~registration book,~~ registration list or  
26 pollbook; or who removes ~~such registration book,~~ A registration list or  
27 pollbook or any part thereof from the place where it has been deposited

1 with an intention to destroy the same, or to procure or prevent the election  
2 of any person, or to prevent any voter from voting; or who destroys any  
3 ~~registration book~~, registration list or pollbook or part thereof is guilty of  
4 a misdemeanor and, upon conviction thereof, shall be punished as  
5 provided in section 1-13-111.

6 (2) ANY PERSON WHO KNOWINGLY ACCESSES WITHOUT  
7 AUTHORIZATION THE STATEWIDE VOTER REGISTRATION SYSTEM COMMITS  
8 A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
9 18-1.3-401, C.R.S.

10 **SECTION 71.** In Colorado Revised Statutes, **amend** 1-13-710 as  
11 follows:

12 **1-13-710. Voting twice - penalty.** (1) Any voter who votes more  
13 than once or, having voted once, offers to vote again IN THE STATE, OR,  
14 DURING A FEDERAL ELECTION, VOTES IN THIS STATE AND ANOTHER STATE,  
15 shall be punished by a fine of not more than five thousand dollars or by  
16 imprisonment in the county jail for not more than eighteen months, or by  
17 both such fine and imprisonment.

18 (2) NOTHING IN THIS SECTION PROHIBITS A VOTER FROM VOTING  
19 IN A SPECIAL DISTRICT ELECTION AS A PROPERTY OWNER IN ACCORDANCE  
20 WITH ARTICLE 13.5 OF THIS TITLE OR PART 8 OF ARTICLE 1 OF TITLE 32,  
21 C.R.S.

22 **SECTION 72.** In Colorado Revised Statutes, **amend** 1-13-714 as  
23 follows:

24 **1-13-714. Electioneering - removing and return of ballot -**  
25 **definition.** (1) No person shall do any electioneering on the day of any  
26 election, OR DURING THE TIME WHEN VOTING IS PERMITTED FOR ANY  
27 ELECTION, within any polling location or in any public street or room or

1 in any public manner within one hundred feet of any building in which a  
2 polling location is located, as publicly posted by the designated election  
3 official. As used in this section, the term "electioneering" includes  
4 campaigning for or against any candidate who is on the ballot or any  
5 ballot issue or ballot question that is on the ballot. "Electioneering" also  
6 includes soliciting signatures for a candidate petition, a recall petition, or  
7 a petition to place a ballot issue or ballot question on a subsequent ballot.  
8 "Electioneering" does not include a respectful display of the American  
9 flag.

10 (2) Except as necessary for ballot counting, no person may remove  
11 any official ballot from the polling location before the closing of the  
12 polls.

13 (3) Any person who violates any provision of this section is guilty  
14 of a misdemeanor and, upon conviction thereof, shall be punished as  
15 provided in section 1-13-111.

16 **SECTION 73.** In Colorado Revised Statutes, 1-13.5-1105,  
17 **amend** (3), (4) (d), (4) (e) (II), and (5) (b) as follows:

18 **1-13.5-1105. Procedures for conducting independent mail**  
19 **ballot election.** (3) Subsequent to the preparation of ballots, but prior to  
20 the mailing required under subsection (4) of this section, a designated  
21 election official shall provide a mail ballot to an eligible elector  
22 requesting the ballot at the office designated in the mail ballot plan. ~~filed~~  
23 ~~with the secretary of state.~~

24 (4) (d) Not sooner than twenty-two days prior to election day, and  
25 until 7 p.m. on election day, mail ballots ~~shall~~ **MUST** be made available at  
26 the office designated in the mail ballot plan ~~filed with the secretary of~~  
27 ~~state~~ for eligible electors who are not listed or who are listed as "Inactive"



1 on the county voter registration records or, for special district independent  
2 mail ballot elections, not listed on the property owners list or the  
3 registration list but who are authorized to vote pursuant to section  
4 1-13.5-202 or other applicable law.

5 (e) (II) A designated election official or election judge shall not  
6 transmit a mail ballot packet under this paragraph (e) unless a sworn  
7 statement requesting the ballot is received on or before election day. A  
8 ballot may be transmitted directly to the eligible elector requesting the  
9 ballot at the office designated in the mail ballot plan ~~filed with the~~  
10 ~~secretary of state~~ or may be mailed to the eligible elector at the address  
11 provided in the sworn statement. Such ballots may be cast no later than  
12 7 p.m. on election day.

13 (5) (b) The eligible elector may return the marked ballot to the  
14 designated election official by United States mail or by depositing the  
15 ballot at the office of the official or any place identified in the mail ballot  
16 plan by the designated election official. The ballot must be returned in the  
17 return envelope. If an eligible elector returns the ballot by mail, the  
18 elector must provide postage. The ballot ~~shall~~ MUST be received at the  
19 office identified in the mail ballot plan ~~filed with the secretary of state~~ or  
20 an identified depository, which ~~shall~~ MUST remain open until 7 p.m. on  
21 election day. The depository ~~shall~~ MUST be identified by the designated  
22 election official and located in a secure place under the supervision of the  
23 designated election official, an election judge, or another person named  
24 by the designated election official.

25 **SECTION 74.** In Colorado Revised Statutes, 24-72-305.6,  
26 **amend** (2) as follows:

27 **24-72-305.6. County clerk and recorder access to criminal**

1 **history records of election judges and employees - rules.** (2) A county  
2 clerk and recorder may request, in his or her discretion, the criminal  
3 history records from the public website maintained by the Colorado  
4 bureau of investigation for an election judge serving in the county. THE  
5 SECRETARY OF STATE MAY, BY RULE PROMULGATED IN ACCORDANCE WITH  
6 ARTICLE 4 OF THIS TITLE, REQUIRE THAT CERTAIN DUTIES MAY BE  
7 PERFORMED ONLY BY THOSE ELECTION JUDGES FOR WHOM A COUNTY  
8 CLERK AND RECORDER HAS REQUESTED CRIMINAL HISTORY RECORDS  
9 PURSUANT TO THIS SUBSECTION (2). SUCH DUTIES MAY INCLUDE  
10 ACCESSING THE STATEWIDE VOTER REGISTRATION SYSTEM ESTABLISHED  
11 PURSUANT TO SECTION 1-2-301, C.R.S.

12 **SECTION 75.** In Colorado Revised Statutes, 30-35-904, **amend**  
13 (3) (b) as follows:

14 **30-35-904. Formation of districts.** (3) (b) At the top of each  
15 page of the petition ~~shall~~ **MUST** be printed, in plain red letters no smaller  
16 than the impression of ten-point, bold-faced type, the following:

17 **WARNING:**

18 **IT IS AGAINST THE LAW:**

19 For anyone to sign this petition with any name other than his own, or to  
20 knowingly sign his name more than once for the same measure, or to sign  
21 such petition when not a registered elector.

22 **DO NOT SIGN THIS PETITION UNLESS**

23 **YOU ARE A REGISTERED ELECTOR**

24 **TO BE A REGISTERED ELECTOR, YOU MUST BE:**

- 25 1. At least eighteen years of age.  
26 2. A citizen of the United States.  
27 3. A resident of the state of Colorado for at least ~~thirty-two~~

1 TWENTY-TWO days.

2 4. A resident of the precinct in which you live. ~~for at least~~  
3 ~~thirty-two days.~~

4 5. Registered to vote in the county.

5 Do not sign this petition unless you have read or had read to you the  
6 proposal in its entirety and understand its meaning.

7 **SECTION 76.** In Colorado Revised Statutes, **amend** 31-10-306  
8 as follows:

9 **31-10-306. Write-in candidate affidavit.** The governing body of  
10 a municipality may provide by ordinance that no write-in vote for any  
11 municipal office shall be counted unless an affidavit of intent has been  
12 filed with the clerk by the person whose name is written in prior to ~~twenty~~  
13 SIXTY-FOUR days before the day of the election indicating that such  
14 person desires the office and is qualified to assume the duties of that  
15 office if elected.

16 **SECTION 77.** In Colorado Revised Statutes, **amend** 31-10-507  
17 as follows:

18 **31-10-507. Election may be cancelled - when.** In any ordinance  
19 adopted by the governing body of the municipality requiring an affidavit  
20 of intent for write-in candidates as provided in section 31-10-306, the  
21 governing body may also provide that, if the only matter before the voters  
22 is the election of persons to office and if, at the close of business on the  
23 ~~nineteenth~~ SIXTY-FOURTH day before the election, there are not more  
24 candidates than offices to be filled at such election, including candidates  
25 filing affidavits of intent, the clerk, if instructed by resolution of the  
26 governing body either before or after such date, shall cancel the election  
27 and by resolution declare the candidates elected. If so provided by

1 ordinance, upon such declaration the candidates shall be deemed elected.  
2 Notice of such cancellation shall be published, if possible, in order to  
3 inform the electors of the municipality, and notice of such cancellation  
4 shall be posted at each polling place and in not less than one other public  
5 place.

6 **SECTION 78.** In Colorado Revised Statutes, 31-25-501, **amend**  
7 (1.7) (a) as follows:

8 **31-25-501. Definitions.** As used in this part 5, unless the context  
9 otherwise requires:

10 (1.7) (a) "Elector of the district" means a person who, at the  
11 designated time or event, is registered to vote in the general election in  
12 this state and:

13 (I) Who ~~has been~~ IS a resident of the district or the area to be  
14 included in the district; ~~for not less than thirty days;~~ or

15 (II) Who or whose spouse OR CIVIL UNION PARTNER owns taxable  
16 real or personal property within the district or the area to be included in  
17 the district whether or not said person resides within the district.

18 **SECTION 79.** In Colorado Revised Statutes, 32-1-806, **amend**  
19 (2) as follows:

20 **32-1-806. Persons entitled to vote at special district elections.**

21 (2) Any person desiring to vote at any election as an eligible elector  
22 pursuant to section 32-1-103 (5) (a) (II) shall sign a self-affirmation that  
23 the person is an elector of the special district. The self-affirming oath or  
24 affirmation ~~shall~~ MUST be on a form that contains in substance the  
25 following:

26 "I, (printed name), who reside at (address), am an elector of  
27 this (name of special district) district and desire to vote at this election.

1 I do solemnly swear (or affirm) that I am registered to vote in the state of  
2 Colorado and qualified to vote in this special district election as:

3 \_\_\_\_\_ A resident of the district or area to be included in the district; ~~for~~  
4 ~~not less than thirty days~~; or

5 \_\_\_\_\_ The owner of taxable real or personal property situated within the  
6 boundaries of the special district or area to be included within the special  
7 district; or

8 \_\_\_\_\_ A person who is obligated to pay taxes under a contract to  
9 purchase taxable property in the special district or the area to be included  
10 within the special district; or

11 \_\_\_\_\_ The spouse OR CIVIL UNION PARTNER of (name of spouse OR CIVIL  
12 UNION PARTNER) who is the owner of taxable real or personal property  
13 situated within the boundaries of the special district or area to be included  
14 within the special district.

15 I have not voted previously at this election.

16 Date \_\_\_\_\_

17 Signature of elector \_\_\_\_\_."

18 **SECTION 80.** In Colorado Revised Statutes, 37-45-103, **amend**  
19 (4) (a) (I) and (4) (a) (II) as follows:

20 **37-45-103. Definitions.** As used in this article, unless the context  
21 otherwise requires:

22 (4) (a) "Elector" means a person who, at the designated time or  
23 event, is qualified to vote in general elections in this state, and:

24 (I) Who ~~has been~~ IS a resident of the district or the area to be  
25 included in the district; ~~for not less than thirty-two days~~; or

26 (II) Who or whose spouse OR CIVIL UNION PARTNER owns taxable  
27 real or personal property within the district or the area to be included in

1 the district.

2 **SECTION 81. Repeal of provision being relocated in this act.**

3 In Colorado Revised Statutes, **repeal** 1-2-501 (1.5).

4 **SECTION 82.** In Colorado Revised Statutes, **repeal** 1-1-112,  
5 1-5-206, 1-8.3-108 (1), and 1-13-204.

6 **SECTION 83.** In Colorado Revised Statutes, **add** 17-18-122 as  
7 follows:

8 **17-18-122. Appropriation to comply with section 2-2-703 - S.B.**

9 **16-142 - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE  
10 FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO  
11 IMPLEMENT SENATE BILL 16-142, ENACTED IN 2016:

12 (a) FOR THE 2017-18 STATE FISCAL YEAR, TWENTY-ONE THOUSAND  
13 EIGHT HUNDRED SIXTY-FOUR DOLLARS IS APPROPRIATED TO THE  
14 DEPARTMENT FROM THE GENERAL FUND; AND

15 (b) FOR THE 2018-19 STATE FISCAL YEAR, FIVE HUNDRED FORTY-  
16 SIX DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL  
17 FUND.

18 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

19 **SECTION 84. Applicability.** This act applies to elections  
20 conducted on or after the effective date of this act.

21 **SECTION 85. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, and safety.