

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0790.01 Bob Lackner x4350

SENATE BILL 18-233

SENATE SPONSORSHIP

Marble and Fenberg,

HOUSE SPONSORSHIP

Foote and Neville P.,

Senate Committees

State, Veterans, & Military Affairs

House Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING TECHNICAL MODIFICATIONS TO MISCELLANEOUS**
102 **PROVISIONS OF THE "UNIFORM ELECTION CODE OF 1992", AND,**
103 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 <http://leg.colorado.gov>.)

The bill makes the following technical modifications to miscellaneous provisions of the "Uniform Election Code of 1992" (code):

! **Section 1** of the bill clarifies that any undeliverable message or any other message indicating that the elector's electronic-mail address is no longer valid does not need to

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

SENATE
3rd Reading Unamended
April 23, 2018

SENATE
Amended 2nd Reading
April 19, 2018

- be stored in the statewide voter registration system.
- ! **Section 2** specifies voter registration requirements pertaining to a homeless elector.
 - ! **Section 3** clarifies that existing requirements prohibiting a loss of voter registration status while a person is confined in a correctional facility, jail, or state institution apply when the person is not serving a sentence for a felony conviction. Section 3 also clarifies that existing requirements permitting a confined prisoner who is awaiting trial or has not been tried to register to vote also applies to a prisoner who is not serving a sentence for a felony conviction. This section further adds that all such prisoners may list their confinement location as their ballot address for voter registration purposes.
 - ! **Section 4** clarifies the text of certain questions an elector answers upon registering and adds as a question the address where the elector wishes to receive his or her ballot if different from the address of record.
 - ! **Section 5** makes changes to existing statutory provisions to facilitate the registration of electors at driver's license examination facilities.
 - ! **Section 6** specifies that a declaration or change of affiliation made by an unaffiliated elector must be deferred if the elector has already been mailed a primary election ballot packet. The deadline by which the elector must declare, change, or withdraw an affiliation only applies to a primary election and does not apply to a general or coordinated election.
 - ! **Section 7** requires the department of state, no later than July 31, 2019, to regularly provide the department of revenue (DOR) with current voter registration information. The DOR must use the information to determine whether an individual is registered to vote at the time he or she applies to obtain, renew, or update a driver's license or state identification card.
 - ! **Section 8** changes the deadlines for registering to vote in advance of a political party caucus, assembly, or convention and for affiliating with the political party in advance of such events.
 - ! **Section 9** requires the state central committee of each major political party to compile and provide to the secretary of state (secretary) information concerning the membership of the county central committees of the party in addition to the bylaws or rules of each county central committee.
 - ! **Section 10** prohibits an unaffiliated elector from signing a

- petition for a candidate of a major political party.
- ! **Section 11** prohibits a write-in vote for president in a general election from being counted unless it includes a write-in vote for vice-president.
 - ! **Section 12** deletes an existing statutory requirement that a copy of the notice of the cancellation of an election be posted at each voter service and polling center (VSPC) of the political subdivision.
 - ! **Section 13** repeals statutory language requiring the county clerk and recorder (county clerk) to prepare a combined primary election ballot to be used by unaffiliated electors.
 - ! **Section 14** clarifies the certification requirements for election judges such that they will be certifying that they are residents of the state and deletes language requiring them to certify that they reside in the political subdivision. Section 14 also changes the date in advance of an election when classes for training election or supervisor judges must be held.
 - ! **Section 15** changes the deadline by which the appropriate official of a minor political party must certify to the county clerk an initial list of the names and addresses of electors serving as election judges.
 - ! **Section 16** changes the deadline by which any unaffiliated elector may give notice to the county clerk offering to serve as an election judge.
 - ! **Sections 17, 18, and 19** replace the term "precinct" with "VSPC" in 3 statutory sections addressing election and supervisor judges. Section 17 requires the county clerk to appoint election judges for each location where election activities are occurring instead of for each precinct as under existing law. This section also permits the county clerk to appoint an election judge to serve in a county other than the county in which the election judge resides. If more than one supervisor judge is serving at a VSPC, section 19 also requires the judges to be of different political party affiliations.
 - ! **Section 20** replaces the term "polling location" with "VSPC" in a statutory section dealing with the number of election judges.
 - ! **Section 21** repeals an outdated statutory section requiring, where voting is by ballot or on a ballot card, a particular counting of the ballots and the sealing of the transfer box. Section 20 also repeals outmoded provisions concerning preparation of the paper tape in electronic voting.
 - ! **Section 22** changes the deadline by which comments

pertaining to a ballot issue must be filed with the political subdivision.

- ! **Section 23** changes, for referred ballot measures, the deadline by which petition representatives are required to submit to the political subdivision comments favorable to the petition.
- ! **Section 24** changes the deadline by which the designated election official of a political subdivision (DEO) is required to submit to the county clerk the full text of any required ballot issue notices.
- ! **Sections 25, 26, 27, and 29** eliminate the general requirement that a secrecy envelope or sleeve be included in a mail ballot packet. Section 26 also modifies the language used for instructing the elector on completing a mail ballot. Section 29 also requires the county clerk to ensure the privacy of each elector's vote when election judges are removing and separating marked ballots from return envelopes and specifies actions that must be taken by the county clerk if he or she chooses not to include a secrecy envelope or sleeve in the mail ballot packet.
- ! **Section 28** also changes the deadline by which a DEO is required to provide a mail ballot to a registered elector who requests the ballot at the DEO's office or the office designated in the mail ballot plan filed with the secretary.
- ! **Section 30** repeals statutory provisions governing the process of applying for an absentee ballot.
- ! **Section 31** provides that, if the declaration accompanying a federal write-in absentee ballot is received after the election, it is to be treated as an application to register to vote for subsequent elections.
- ! **Section 32** changes the deadline by which the DEO is to complete the verification and counting of all provisional ballots.
- ! **Section 33** changes the deadline by which the canvass board is to complete its duties.
- ! In the case of an election that includes a statewide ballot measure, **section 34** changes the deadline by which the county clerk is to transmit to the secretary the portion of the abstract of votes cast that contains the statewide abstract of votes cast. Section 34 also changes the deadline by which the secretary is to compile and total election returns, determine if a recount is necessary, and order any recounts.
- ! **Section 35** changes the deadline by which the canvass board is to certify to the DEO the official abstract of votes cast for all candidates and ballot measures in the election.

- ! **Section 36** deletes a requirement that the secretary notify the affected county clerk of a recount for congressional, state and district offices, state ballot questions, and state ballot issues by means of registered mail and facsimile transmission. Section 36 also changes the deadline for completing the recount.
- ! **Section 37** changes the deadline by which a recount of other offices, ballot issues, and ballot questions arising out of an election coordinated by the county clerk is to be completed and also changes another deadline affecting the notice to be given to the county clerk by a political subdivision where a recount is being waived.
- ! **Section 38** changes the deadlines by which an interested party is to submit a notarized written request for a recount and by which an automatic recount is to be completed.
- ! **Section 39** changes the manner of calculating the number of signatures required for a petition to recall a school district director.
- ! **Section 40** changes the deadline by which a signer may request that his or her name be stricken from a recall petition.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-110, **amend**
 3 (5)(c) as follows:

4 **1-1-110. Powers of county clerk and recorder and deputy -**
 5 **communication to electors.** (5) (c) All correspondence sent to an elector
 6 pursuant to this subsection (5) shall be maintained in the elector's
 7 registration records stored in the statewide voter registration system
 8 created in section 1-2-301; EXCEPT THAT ANY UNDELIVERABLE MESSAGE
 9 OR ANY OTHER MESSAGE INDICATING THAT THE ELECTOR'S
 10 ELECTRONIC-MAIL ADDRESS IS NO LONGER VALID AS DESCRIBED IN
 11 SUBSECTION (5)(a)(II) OF THIS SECTION DOES NOT NEED TO BE STORED IN
 12 THE STATEWIDE VOTER REGISTRATION SYSTEM.

13 **SECTION 2.** In Colorado Revised Statutes, 1-2-102, **amend**

1 (1)(a)(II) as follows:

2 **1-2-102. Rules for determining residence.** (1) The following
3 rules shall be used to determine the residence of a person intending to
4 register or to vote in any precinct in this state and shall be used by
5 election judges in challenge procedures:

6 (a) (II) ~~The mailing address of a homeless individual shall~~
7 ~~constitute that individual's residence for purposes of registering or voting~~
8 ~~in any precinct in this state. A homeless individual who has no mailing~~
9 ~~address shall not be eligible to register or to vote. The mailing address of~~
10 ~~a homeless individual may include a shelter, a homeless service provider,~~
11 ~~or a private residence, but it may not include a post office box or general~~
12 ~~delivery at a post office.~~ FOR THE PURPOSE OF VOTER REGISTRATION
13 RESIDENCE, A HOMELESS ELECTOR SHALL IDENTIFY A SPECIFIC LOCATION
14 WITHIN A COUNTY WHERE THE ELECTOR RETURNS TO REGULARLY. THIS
15 LOCATION MAY INCLUDE A HOMELESS SHELTER, A HOMELESS SERVICES
16 PROVIDER, A PARK, A CAMPGROUND, A VACANT LOT, A BUSINESS ADDRESS,
17 OR ANY OTHER PHYSICAL LOCATION. IF THE HOMELESS ELECTOR'S
18 REGISTRATION RESIDENCE DOES NOT INCLUDE A MAILING ADDRESS, THE
19 ELECTOR SHALL ALSO PROVIDE A MAILING ADDRESS.

20 **SECTION 3.** In Colorado Revised Statutes, 1-2-103, **amend** (1)
21 and (4) as follows:

22 **1-2-103. Military service - students - inmates - persons with**
23 **behavioral or mental health disorders - confinement.** (1) For the
24 purposes of registration, voting, and eligibility for office, no person shall
25 ~~gain~~ GAINS residence by reason of that person's presence, or ~~lose~~ LOSES it
26 by reason of absence, while in the civil or military service of the state or
27 of the United States; ~~nor~~ while a student at any institution of higher

1 education; ~~nor~~ OR while confined in a correctional facility, jail, or state
2 institution IF THE PERSON IS NOT SERVING A SENTENCE FOR A FELONY
3 CONVICTION.

4 (4) No person while serving a sentence of detention or
5 confinement in a correctional facility, jail, or other location for a felony
6 conviction or while serving a sentence of parole ~~shall be~~ IS eligible to
7 register to vote or to vote in any election; ~~however,~~ EXCEPT THAT a
8 confined prisoner who is awaiting trial but has not been tried OR WHO IS
9 NOT SERVING A SENTENCE FOR A FELONY CONVICTION shall be certified by
10 the institutional administrator, ~~and~~ shall be permitted to register to vote
11 ~~by mail registration pursuant to part 5 of this article~~ ARTICLE 2, AND MAY
12 LIST HIS OR HER CONFINEMENT LOCATION AS HIS OR HER BALLOT ADDRESS
13 IN ACCORDANCE WITH SECTION 1-2-204 (2)(f.3).

14 **SECTION 4.** In Colorado Revised Statutes, 1-2-204, **amend**
15 (2)(i); **repeal** (2)(k); and **add** (2)(f.3) as follows:

16 **1-2-204. Questions answered by elector - rules.** (2) In addition,
17 each elector shall correctly answer the following:

18 (f.3) THE ADDRESS WHERE THE ELECTOR WISHES TO RECEIVE HIS
19 OR HER BALLOT IF DIFFERENT FROM THE ADDRESS OF RECORD;

20 (i) Whether or not the elector ~~has voted or~~ was registered to vote
21 ~~in another county of this state or~~ in another state;

22 (k) ~~Whether any communication by mail from the county clerk~~
23 ~~and recorder to such eligible elector, including a confirmation card~~
24 ~~provided pursuant to section 1-2-605, should be sent to the elector's~~
25 ~~deliverable mailing address;~~

26 **SECTION 5.** In Colorado Revised Statutes, 1-2-213, **amend**
27 (2)(a) and (6) as follows:

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

2 (2) (a) An applicant who wishes to complete an application for
3 registration must provide the information required by section 1-2-204 and
4 make the self-affirmation required under section 1-2-205 WITH THE
5 EXCEPTION OF THE INFORMATION REQUIRED BY SECTION 1-2-204 (2)(f.3).
6 THE APPLICANT SHALL ALSO SIGN THE SELF-AFFIRMATION REQUIRED BY
7 SECTION 1-2-205.

8 (6) (a) Unless the registrant states on the form that the change of
9 address is not for voter registration purposes, any eligible ANY
10 REGISTERED elector who informs a driver's license examination facility of
11 a change of name or address must have notice of the change of name or
12 address forwarded by the driver's license examination facility to the
13 county clerk and recorder of the county in which the elector resides.

14 (b) The county clerk and recorder of the county in which the
15 elector resides shall change the registration record of the elector to reflect
16 the change of name and address, MARK THE REGISTRATION RECORD AS
17 "ACTIVE", AND SEND TO THE ELECTOR'S ADDRESS OF RECORD, BY
18 FORWARDABLE MAIL, NOTICE OF THE CHANGE AND A POSTAGE PAID
19 PRE-ADDRESSED RETURN FORM BY WHICH THE ELECTOR MAY VERIFY OR
20 CORRECT THE INFORMATION.

21 (c) IF THE ELECTOR RETURNS THE FORM DESCRIBED IN SUBSECTION
22 (6)(b) OF THIS SECTION AND INDICATES THAT THE CHANGE WAS IN ERROR,
23 THE APPROPRIATE COUNTY CLERK AND RECORDER SHALL IMMEDIATELY
24 CORRECT THE ELECTOR'S PREVIOUSLY UPDATED INFORMATION IN THE
25 STATEWIDE VOTER REGISTRATION DATABASE.

26 **SECTION 6.** In Colorado Revised Statutes, 1-2-219, **amend** (1)
27 as follows:

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

2 (1) Any eligible elector desiring to change or withdraw the elector's
3 affiliation may do so by completing and signing a prescribed request for
4 the change or withdrawal and filing it with the county clerk and recorder
5 or by submitting a personal letter written by the elector to the county clerk
6 and recorder at any time up to and including the twenty-ninth day
7 preceding ~~an~~ A PRIMARY election; except that, if the twenty-ninth day
8 before ~~an~~ THE PRIMARY election is a Saturday, Sunday, or legal holiday,
9 the change or withdrawal applies if made by the next day that is not a
10 Saturday, Sunday, or legal holiday. The prescribed form or personal letter
11 for the change must include the elector's printed name, address within the
12 county, birth date, social security number, if the elector wishes to state it,
13 and signature, the date, the elector's previous affiliation status, and the
14 requested change in affiliation status. A prescribed form must be
15 furnished by the county clerk and recorder upon the elector's oral or
16 written request. Upon receiving the request, the county clerk and recorder
17 shall change the elector's affiliation on his or her registration record. If
18 the affiliation is withdrawn, the designation on the elector's registration
19 record must be changed to "unaffiliated". If an elector changes affiliation,
20 the elector is entitled to vote, at any primary election, only the ballot of
21 the political party to which the elector is currently affiliated. A change or
22 withdrawal of affiliation may not be made by anyone other than the
23 elector. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
24 DECLARATION OR CHANGE OF AFFILIATION MADE BY AN UNAFFILIATED
25 ELECTOR IN ACCORDANCE WITH THIS SECTION MUST BE DEFERRED IF THE
26 ELECTOR HAS ALREADY BEEN MAILED A PRIMARY ELECTION BALLOT
27 PACKET. THE DEADLINE BY WHICH THE ELECTOR MUST DECLARE, CHANGE,

1 OR WITHDRAW AN AFFILIATION AS SPECIFIED IN THIS SUBSECTION (1) ONLY
2 APPLIES TO A PRIMARY ELECTION AND DOES NOT APPLY TO A GENERAL OR
3 COORDINATED ELECTION.

4 **SECTION 7.** In Colorado Revised Statutes, 1-2-302, **amend** (6)
5 as follows:

6 **1-2-302. Maintenance of computerized statewide voter**
7 **registration list - confidentiality.** (6) The secretary of state shall
8 determine and use other necessary means to maintain the master list of
9 registered electors on a current basis. The department of state and the
10 department of revenue shall allow for the exchange of information
11 between the systems used by them to collect information on residence
12 addresses, signatures, and party affiliation for all applicants for driver's
13 licenses or state identification cards. NO LATER THAN JULY 31, 2019, THE
14 DEPARTMENT OF STATE SHALL REGULARLY PROVIDE THE DEPARTMENT OF
15 REVENUE WITH CURRENT VOTER REGISTRATION INFORMATION. THE
16 DEPARTMENT OF REVENUE MUST USE THE INFORMATION TO DETERMINE
17 WHETHER AN INDIVIDUAL IS REGISTERED TO VOTE AT THE TIME HE OR SHE
18 APPLIES TO OBTAIN, RENEW, OR UPDATE A DRIVER'S LICENSE OR STATE
19 IDENTIFICATION CARD. THE DEPARTMENT OF STATE SHALL REIMBURSE THE
20 DEPARTMENT OF REVENUE, THROUGH A ONE-TIME REIMBURSEMENT, FOR
21 ANY INITIAL COSTS THE DEPARTMENT OF REVENUE INCURS IN CONNECTION
22 WITH UPDATING COLORADO DRIVES, AS DEFINED IN SECTION 42-1-102
23 (16.5), TO ALLOW THE DEPARTMENT OF REVENUE TO RECEIVE VOTER
24 REGISTRATION INFORMATION AND TO USE SUCH INFORMATION FOR THE
25 PURPOSES DESCRIBED IN THIS SECTION. The department of revenue may
26 exchange information on residence addresses in the driver's license
27 database with the motor vehicle registration database, motorist insurance

1 database, and the state income tax information systems.

2 **SECTION 8.** In Colorado Revised Statutes, 1-3-101, **amend** (1),
3 (2), and (3)(a) as follows:

4 **1-3-101. Party affiliation required - residence.** (1) In order to
5 vote at any precinct caucus, assembly, or convention of a political party,
6 the elector must be a resident of the precinct for ~~thirty~~ TWENTY-TWO days,
7 must be registered to vote no later than ~~twenty-nine~~ TWENTY-TWO days
8 before the caucus, assembly, or convention, and must be affiliated with
9 the political party holding the caucus, assembly, or convention for at least
10 ~~two months~~ TWENTY-TWO DAYS as shown in the statewide voter
11 registration system; except that any registered elector who has attained the
12 age of eighteen years or who has become a naturalized citizen during the
13 ~~two months~~ TWENTY-TWO DAYS immediately preceding the meeting may
14 vote at any caucus, assembly, or convention even though the elector has
15 been affiliated with the political party for less than ~~two months~~
16 TWENTY-TWO DAYS.

17 (2) Notwithstanding subsection (1) of this section and section
18 1-2-101 (1)(b), an elector who moves from the precinct where registered
19 during the ~~twenty-nine~~ TWENTY-ONE days prior to any caucus ~~shall be~~
20 ~~permitted to~~ MAY participate IN and vote at the caucus in the precinct of
21 the elector's former residence but shall not be eligible for election as a
22 delegate or for nomination as a precinct committeeperson in the former
23 precinct.

24 (3) (a) No later than ~~twenty-eight~~ TWENTY-ONE days prior to the
25 date of the precinct caucus, the county clerk and recorder shall furnish
26 without charge to each major political party in the county a list of the
27 registered electors in the county who are affiliated with that political

1 party.

2 **SECTION 9.** In Colorado Revised Statutes, 1-3-103, **amend**
3 (9)(a) as follows:

4 **1-3-103. Party committees.** (9) (a) No later than ninety days
5 after the organization of the state central committees of the major political
6 parties in each odd-numbered year, each committee shall adopt in its
7 bylaws or rules its general guidelines and regulations for all county party
8 matters. Such bylaws or rules shall establish a procedure for the selection
9 of delegates to any party assembly that is consistent with party practice.
10 Any method under such procedure for choosing or allocating delegates in
11 a county based on the number of votes cast at an election for a particular
12 candidate shall be uniform among the counties so that all types of ballots
13 are counted or not counted for purposes of determining the number of
14 votes cast. Any county central committee may adopt its own rules in
15 conformance with those of the state central committee. In the absence of
16 county rules pertaining to specific items, the party's state central
17 committee's guidelines and rules shall apply. Each state central committee
18 shall file its party's bylaws or rules with the secretary of state no later than
19 the first Monday in February in each even-numbered year and, if filed
20 prior to that date, the bylaws or rules may be amended until that date. No
21 bylaw or rule may be filed or amended after the first Monday in February
22 in each even-numbered year. Where the bylaws or rules are not filed in
23 accordance with this section, the party's state central committee, as well
24 as the party's county central committee, are subject to the code through
25 the general election of the same year. EACH STATE CENTRAL COMMITTEE
26 SHALL COMPILE AND PROVIDE TO THE SECRETARY OF STATE INFORMATION
27 CONCERNING THE MEMBERSHIP OF THE COUNTY CENTRAL COMMITTEES OF

1 THE PARTY IN ADDITION TO THE BYLAWS OR RULES OF EACH COUNTY
2 CENTRAL COMMITTEE.

3 **SECTION 10.** In Colorado Revised Statutes, 1-4-801, **amend**
4 (2)(a) as follows:

5 **1-4-801. Designation of party candidates by petition.** (2) The
6 signature requirements for the petition are as follows:

7 (a) Every petition in the case of a candidate for any county office
8 ~~shall~~ MUST be signed by electors eligible to vote within the county
9 commissioner district or political subdivision for which the officer is to
10 be elected. Except as otherwise provided in ~~paragraph (e) of this~~
11 ~~subsection (2)~~ SUBSECTION (2)(e) OF THIS SECTION, the petition ~~shall~~ MUST
12 require signers equal in number to twenty percent of the votes cast in the
13 political subdivision at the contested or uncontested primary election for
14 the political party's candidate for the office for which the petition is being
15 circulated or, if there was no primary election, at the last preceding
16 general election for which there was a candidate for the office.
17 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN UNAFFILIATED
18 ELECTOR IS NOT ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE OF A
19 MAJOR POLITICAL PARTY.

20 **SECTION 11.** In Colorado Revised Statutes, **amend** 1-4-1103 as
21 follows:

22 **1-4-1103. Write-in votes for governor, president.** (1) No
23 write-in vote for governor in a general election ~~shall~~ WILL be counted
24 unless it includes a write-in vote for lieutenant governor.

25 (2) NO WRITE-IN VOTE FOR PRESIDENT IN A GENERAL ELECTION
26 WILL BE COUNTED UNLESS IT INCLUDES A WRITE-IN VOTE FOR
27 VICE-PRESIDENT.

1 **SECTION 12.** In Colorado Revised Statutes, 1-5-208, **amend** (6)
2 as follows:

3 **1-5-208. Election may be canceled - when.** (6) The governing
4 body shall provide notice by publication of the cancellation of the
5 election. A copy of the notice must be posted ~~at each voter service and~~
6 ~~polling center of the political subdivision,~~ in the office of the designated
7 election official and in the office of the clerk and recorder for each county
8 in which the political subdivision is located and, for special districts, a
9 copy of the notice must be filed in the office of the division of local
10 government. The governing body shall also notify the candidates that the
11 election was canceled and that they were elected by acclamation.

12 **SECTION 13.** In Colorado Revised Statutes, 1-5-402, **repeal** (2)
13 as follows:

14 **1-5-402. Primary election ballots.** (2) ~~No later than forty-five~~
15 ~~days before the primary election, the county clerk and recorder shall~~
16 ~~prepare a combined primary election ballot to be used by unaffiliated~~
17 ~~electors. the ballot must be printed in the following manner:~~

18 (a) ~~All official ballots must be printed according to the provisions~~
19 ~~of sections 1-4-101, 1-5-407, and 1-5-408. across the top of each ballot~~
20 ~~the words "primary election ballot for unaffiliated voters" shall be printed.~~

21 (b) ~~The positions of candidates on the ballots to be used by~~
22 ~~unaffiliated electors must be arranged in the order specified in paragraph~~
23 ~~(b) of subsection (1) of this section; except that the candidates of each~~
24 ~~political party must be clearly and conspicuously segregated from the~~
25 ~~candidates of any other political party and grouped together according to~~
26 ~~section 1-4-101(2).~~

27 **SECTION 14.** In Colorado Revised Statutes, 1-6-101, **amend**

1 (2)(a) and (5) as follows:

2 **1-6-101. Qualifications for election judges - student election**
3 **judges - definition - legislative declaration.** (2) The persons appointed
4 as election judges, except for persons appointed as student election judges
5 pursuant to the provisions of subsection (7) of this section, shall certify
6 in writing that they meet the following qualifications:

7 (a) They are registered electors ~~who reside in the political~~
8 ~~subdivision, unless otherwise excepted,~~ OF THE STATE and are willing to
9 serve;

10 (5) The county clerk and recorder or the designated election
11 official shall hold a class of instruction concerning the tasks of an election
12 judge and a special school of instruction concerning the task of a
13 supervisor judge not more than ~~forty-five~~ SIXTY days prior to each
14 election.

15 **SECTION 15.** In Colorado Revised Statutes, **amend** 1-6-103.5
16 as follows:

17 **1-6-103.5. Recommendations by minor political parties.** No
18 later than ~~the last Tuesday of April in even-numbered years~~ SIXTY DAYS
19 BEFORE A PRIMARY OR GENERAL ELECTION, the county chairperson or
20 other authorized official of a minor political party may certify to the
21 county clerk and recorder AN INITIAL LIST OF the names and addresses of
22 registered electors recommended to serve as election judges ~~for one or~~
23 ~~more precincts~~ in the county. If the list contains more than one name, ~~for~~
24 ~~any precinct in the county~~ the order of preference ~~shall~~ MUST be indicated.
25 The county clerk and recorder shall select election judges from the party
26 according to such order of preference, if indicated.

27 **SECTION 16.** In Colorado Revised Statutes, **amend** 1-6-103.7

1 as follows:

2 **1-6-103.7. Unaffiliated voters - self-nomination.** No later than
3 ~~the last Tuesday of April in even-numbered years~~ SIXTY DAYS BEFORE A
4 PRIMARY OR GENERAL ELECTION, any registered elector who is
5 unaffiliated with a political party or political organization may give notice
6 in writing to the clerk and recorder of the county in which such elector
7 resides offering to serve as an election judge and stating that the elector
8 is a registered elector and is unaffiliated with any political party or
9 political organization.

10 **SECTION 17.** In Colorado Revised Statutes, **amend** 1-6-104 as
11 follows:

12 **1-6-104. Appointment of election judges by county clerk and**
13 **recorder and designated election officials.** (1) For each election
14 coordinated by the county clerk and recorder, the county clerk and
15 recorder shall appoint election judges for each ~~precinct in the county~~ An
16 election judge for a precinct shall serve for a two-year period beginning
17 ~~on the last Tuesday of May in even-numbered years and ending on the last~~
18 ~~Monday in May of the next even-numbered year or until the designated~~
19 ~~election official appoints another person to replace that election judge for~~
20 ~~that precinct, whichever is earlier~~ LOCATION WHERE ELECTION ACTIVITIES
21 ARE OCCURRING.

22 (2) The county clerk and recorder may appoint an election judge
23 to serve in a ~~precinct of the county~~ other than the ~~precinct~~ COUNTY in
24 which the election judge resides.

25 (3) If, at the time the county clerk and recorder appoints election
26 judges, ~~for a precinct,~~ the list of recommended election judges submitted
27 in accordance with section 1-6-102 contains an insufficient number of

1 names for a major political party's share of the total number of election
2 judges as required in section 1-6-109, the designated election official
3 shall appoint any additional election judges necessary from among the
4 persons recommended by minor political parties in accordance with
5 section 1-6-103.5 and the unaffiliated voters who have offered to serve
6 as election judges in accordance with section 1-6-103.7.

7 (4) For each election coordinated by the county clerk and recorder,
8 the county clerk and recorder may appoint one or more student election
9 judges that satisfy the requirements contained in section 1-6-101 (7) to
10 serve as an election judge, and shall designate the ~~precinct~~ LOCATIONS
11 WHERE ELECTION ACTIVITIES ARE OCCURRING in which the student
12 election judge shall serve based upon the number of qualified students
13 and vacancies in the number of available positions for election judges
14 throughout the county. ~~notwithstanding the fact that a student election~~
15 ~~judge may serve in a precinct of the county other than the precinct in~~
16 ~~which the student election judge resides.~~

17 **SECTION 18.** In Colorado Revised Statutes, 1-6-109, **amend** (1),
18 (2), and (3) as follows:

19 **1-6-109. Party affiliation of election judges in partisan**
20 **elections - definition.** (1) For partisan elections in ~~precincts~~ VOTER
21 SERVICE AND POLLING CENTERS that have an even number of election
22 judges, each major political party is entitled to one-half of the number of
23 election judges.

24 (2) For partisan elections in ~~precincts~~ VOTER SERVICE AND
25 POLLING CENTERS that have an odd number of election judges, one major
26 political party is entitled to the extra election judge in one-half of the
27 ~~precincts~~ VOTER SERVICE AND POLLING CENTERS, as determined by the

1 county clerk and recorder, and the other major political party is entitled
2 to the extra election judge in the other one-half of the ~~precincts~~ VOTER
3 SERVICE AND POLLING CENTERS, as determined by the county clerk and
4 recorder.

5 (3) If an odd number of ~~precincts~~ VOTER SERVICE AND POLLING
6 CENTERS exist, the county clerk and recorder shall determine which major
7 political party is entitled to any extra election judge. The county clerk and
8 recorder shall make this determination either by mutual agreement of both
9 of the major political parties or, if the two major political parties cannot
10 agree, by lot.

11 **SECTION 19.** In Colorado Revised Statutes, 1-6-109.5, **amend**
12 (1) as follows:

13 **1-6-109.5. Appointment and duties of supervisor judge -**
14 **definition.** (1) The designated election official shall appoint AT LEAST
15 one election judge in each ~~precinct~~ VOTER SERVICE AND POLLING CENTER
16 as supervisor judge. To the extent possible, ~~the supervisor judge~~ JUDGES
17 must be from a major political party, AND IF MORE THAN ONE SUPERVISOR
18 JUDGE IS SERVING AT A VOTER SERVICE AND POLLING CENTER, THE JUDGES
19 MUST BE OF DIFFERENT POLITICAL PARTY AFFILIATIONS. The designated
20 election official shall notify the supervisor judge of the appointment.

21 **SECTION 20.** In Colorado Revised Statutes, 1-6-111, **amend** (3),
22 (4), (5), (7), and (8) as follows:

23 **1-6-111. Number of election judges.** (3) When two election
24 judges who are not of the same political affiliation are present at the
25 ~~polling location~~ VOTER SERVICE AND POLLING CENTER, voting may
26 proceed.

27 (4) For nonpartisan elections, the designated election official shall

1 appoint no fewer than two election judges to serve as judges for each
2 ~~polling location~~ VOTER SERVICE AND POLLING CENTER to perform the
3 designated functions.

4 (5) The designated election official and, for partisan elections, the
5 county clerk and recorder may appoint other election judges as needed to
6 perform duties other than ~~polling location~~ VOTER SERVICE AND POLLING
7 CENTER duties. These duties may include inspecting ballots, duplicating
8 ballots, and counting paper ballots. For partisan elections, if the county
9 clerk and recorder appoints election judges to perform duties other than
10 voter service and polling center duties, the county clerk and recorder shall
11 appoint two election judges to perform such duties. The two election
12 judges so appointed shall not be of the same political affiliation.

13 (7) Where student election judges have been appointed by the
14 county clerk and recorder to serve in a particular ~~polling location~~ VOTER
15 SERVICE AND POLLING CENTER pursuant to this ~~article~~ ARTICLE 6, no more
16 than half of the total number of election judges serving in any one polling
17 location are permitted to be student election judges.

18 (8) Subject to the requirements of this ~~article~~ ARTICLE 6 regarding
19 the number and party affiliation of election judges, the county clerk and
20 recorder or designated election official may allow an election judge to
21 work at a ~~polling location~~ VOTER SERVICE AND POLLING CENTER for a shift
22 lasting less than an entire day; except that, at least two judges of different
23 affiliations must be present at each ~~polling location~~ VOTER SERVICE AND
24 POLLING CENTER at all times.

25 **SECTION 21.** In Colorado Revised Statutes, 1-7-505, **repeal** (2)
26 and (3) as follows:

27 **1-7-505. Close of polls - count and seals in electronic voting.**

1 ~~(2) In polling locations in which voting is on a ballot or ballot card,~~
2 ~~election judges shall prepare a return in duplicate showing the number of~~
3 ~~eligible electors, as indicated by the pollbook, who have voted in the~~
4 ~~precinct, the number of official ballots or ballot cards received, and the~~
5 ~~number of spoiled and unused ballots or ballot cards returned. The~~
6 ~~original copy of the return shall be deposited in the metal or durable~~
7 ~~plastic transfer box, along with all voted and spoiled ballots. The transfer~~
8 ~~box shall then be sealed in such a way as to prevent tampering with the~~
9 ~~box or its contents. The designated election official shall provide a~~
10 ~~numbered seal. The duplicate copy of the return shall be mailed at the~~
11 ~~nearest post office or post office box to the designated election official by~~
12 ~~an election judge other than the one who delivers the transfer box to the~~
13 ~~designated counting center. For partisan elections, two election judges of~~
14 ~~different political affiliations, as provided in section 1-6-109.5, shall~~
15 ~~deliver the sealed transfer box to the counting center designated by the~~
16 ~~county clerk and recorder.~~

17 ~~(3) In polling locations in which electronic voting is by a method~~
18 ~~other than a ballot or ballot card, election judges shall, after securing the~~
19 ~~voting devices, prepare the paper tape containing the votes.~~

20 **SECTION 22.** In Colorado Revised Statutes, 1-7-901, **amend** (4)
21 as follows:

22 **1-7-901. Receipt of comments concerning ballot issues.**

23 (4) Since section 20 (3)(b)(v) of article X of the state constitution
24 requires that comments pertaining to a ballot issue be filed by forty-five
25 days before the election and since such day is always a Saturday, all
26 comments shall be filed by ~~the end of the business day~~ NOON on the
27 Friday before the forty-fifth day before the election.

1 **SECTION 23.** In Colorado Revised Statutes, 1-7-903, **amend** (3)
2 as follows:

3 **1-7-903. Preparation of written comments.** (3) Petition
4 representatives required to summarize favorable comments in favor of
5 their petition shall submit the summary in typewritten form to the
6 designated election official for the jurisdiction in which the petition is
7 presented no later than ~~forty-three~~ FORTY-FOUR days before the election.
8 If a summary is not filed by the petition representatives within the time
9 allowed, the designated election official shall print the following in the
10 ballot issue notice where the summary would appear: "No summary was
11 filed by the statutory deadline."

12 **SECTION 24.** In Colorado Revised Statutes, **amend** 1-7-904 as
13 follows:

14 **1-7-904. Transmittal of notices.** Notwithstanding the provision
15 for independent mail ballot elections in section 1-7-116 (1), the
16 designated election official or the official's designee for a political
17 subdivision conducting an election in November shall prepare and deliver
18 to the county clerk and recorder for the county or counties in which the
19 political subdivision is located no later than ~~forty-two~~ FORTY-THREE days
20 before the election the full text of any required ballot issue notices.

21 **SECTION 25.** In Colorado Revised Statutes, 1-7.5-103, **amend**
22 the introductory portion, (5), and (7) as follows:

23 **1-7.5-103. Definitions.** As used in this ~~article~~ ARTICLE 7.5, unless
24 the context otherwise requires:

25 (5) "Mail ballot packet" means the packet of information provided
26 by the designated election official to eligible electors in the mail ballot
27 election and to persons preregistered to vote pursuant to section 1-2-101

1 (2) who will be eighteen years of age on the date of the mail ballot
2 election. The packet includes the ballot, instructions for completing the
3 ballot, ~~a secrecy envelope or sleeve, and~~ a return envelope, AND, IF
4 APPLICABLE, A SECRECY ENVELOPE OR SLEEVE.

5 (7) "Return envelope" means an envelope that is printed with
6 spaces for the name and address of, and a self-affirmation to be signed by,
7 an eligible elector voting in a mail ballot election, that contains a ~~secrecy~~
8 ~~envelope and~~ ballot for the elector, and that is designed to allow election
9 officials, upon examining the signature, name, and address on the outside
10 of the envelope, to determine whether the enclosed ballot is being
11 submitted by an eligible elector who has not previously voted in that
12 particular election.

13 **SECTION 26.** In Colorado Revised Statutes, 1-7.5-104.5, **amend**
14 (4)(a) as follows:

15 **1-7.5-104.5. Ballots and supplies for mail voting.** (4) (a) On the
16 mail ballot instructions, ~~and the secrecy envelope or sleeve or on the~~
17 ~~combined instructions and secrecy envelope or sleeve, whichever is~~
18 ~~applicable,~~ the ~~statement~~ FOLLOWING STATEMENTS MUST BE PRINTED:
19 "All ballots are counted in the same manner." ~~must be printed~~ AND "YOU
20 MUST SIGN THE AFFIRMATION ON THE ENVELOPE. DO NOT SIGN, INITIAL, OR
21 PRINT YOUR NAME ON THE BALLOT."

22 **SECTION 27.** In Colorado Revised Statutes, 1-7.5-106, **amend**
23 (1)(a) as follows:

24 **1-7.5-106. Secretary of state - duties and powers.** (1) In
25 addition to any other duties prescribed by law, the secretary of state, with
26 advice from election officials of the several political subdivisions, shall:

27 (a) Prescribe the form of materials to be used in the conduct of

1 mail ballot elections; except that all mail ballot packets shall include a
2 ballot, instructions for completing the ballot, ~~a secrecy envelope~~, and a
3 return envelope;

4 **SECTION 28.** In Colorado Revised Statutes, 1-7.5-107, **amend**
5 (2.7) as follows:

6 **1-7.5-107. Procedures for conducting mail ballot election -**
7 **primary elections - first-time voters casting a mail ballot after having**
8 **registered by mail to vote - in-person request for ballot - repeal.**

9 (2.7) Subsequent to the preparation of ballots in accordance with section
10 1-5-402 but prior to the mailing required under subsection (3) of this
11 section, AND NO SOONER THAN FORTY-FIVE DAYS NOR LATER THAN
12 THIRTY-TWO DAYS BEFORE AN ELECTION, a designated election official
13 shall provide a mail ballot to a registered elector requesting the ballot at
14 the designated election official's office or the office designated in the mail
15 ballot plan filed with the secretary of state.

16 **SECTION 29.** In Colorado Revised Statutes, 1-7.5-107.3, **amend**
17 (2)(b); and **add** (5.5) as follows:

18 **1-7.5-107.3. Verification of signatures - rules.** (2) (b) An
19 original return envelope ~~with an enclosed secrecy envelope~~ containing a
20 voted ballot that is not counted in accordance with ~~paragraph (a) of this~~
21 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION shall be stored under
22 seal in the office of the county clerk and recorder in a secure location
23 separate from valid return envelopes and may be removed only under the
24 authority of the district attorney or by order of a court having jurisdiction.

25 (5.5) THE COUNTY CLERK AND RECORDER SHALL ENSURE THE
26 PRIVACY OF EACH ELECTOR'S VOTE WHEN ELECTION JUDGES ARE
27 REMOVING AND SEPARATING MARKED BALLOTS FROM RETURN ENVELOPES.

1 IF THE COUNTY CLERK AND RECORDER CHOOSES NOT TO INCLUDE A
2 SECRECY ENVELOPE OR SLEEVE IN THE MAIL BALLOT PACKET, HE OR SHE
3 MUST NOTIFY THE SECRETARY OF STATE IN THE ELECTION PLAN REQUIRED
4 UNDER SECTION 1-7.5-105 (1) AND MUST ALSO EXPLAIN THE COUNTY'S
5 PROCESS FOR ENSURING THE PRIVACY OF MARKED BALLOTS. THE
6 SECRETARY OF STATE SHALL PROMULGATE RULES TO ENSURE THE PRIVACY
7 OF EACH ELECTOR'S VOTE.

8 **SECTION 30.** In Colorado Revised Statutes, **repeal** 1-7.5-116 as
9 follows:

10 **1-7.5-116. Applications for absentee ballot.** ~~(1) (a) An~~
11 ~~application for an absentee ballot must be made in writing, by electronic~~
12 ~~mail, or by fax, using the application form furnished by the designated~~
13 ~~election official or in the form of a letter that includes the applicant's~~
14 ~~printed name, signature, residence address, mailing address if the~~
15 ~~applicant wishes to receive the mail ballot by mail, and date of birth.~~

16 ~~(b) If the application is made for a primary election ballot, the~~
17 ~~application shall name the political party with which the applicant is~~
18 ~~affiliated or, if the applicant is unaffiliated, the application must either~~
19 ~~name the political party with which the applicant wishes to affiliate or~~
20 ~~must state that the applicant wishes to remain unaffiliated and receive an~~
21 ~~unaffiliated primary election ballot, or if such combined ballot is not~~
22 ~~available, the ballots for each party primary along with notice that the~~
23 ~~elector shall vote in only one primary.~~

24 ~~(2) The application for an absentee ballot must be personally~~
25 ~~signed by the applicant; or, in the case of the applicant's inability to sign,~~
26 ~~the elector's mark must be witnessed by another person.~~

27 ~~(3) The application for an absentee ballot must be filed with the~~

1 ~~designated election official of the political subdivision in which the~~
2 ~~applicant resides or is entitled to vote. The application must be filed no~~
3 ~~later than the close of business on the Friday immediately preceding the~~
4 ~~election; except that, if the applicant wishes to receive the absentee ballot~~
5 ~~by mail, the application must be filed no later than the close of business~~
6 ~~on the seventh day before the election.~~

7 ~~(4) An application for an absentee ballot is subject to the rules of~~
8 ~~residency contained in section 1-2-102 and is subject to challenge as~~
9 ~~provided in parts 1 and 2 of article 9 of this title.~~

10 ~~(5) A prisoner in pretrial detention may apply for an absentee~~
11 ~~ballot from the prisoner's county of residence. No application for an~~
12 ~~absentee ballot shall be accepted unless personally signed by the applicant~~
13 ~~and accompanied by a certification from the institutional administrator or~~
14 ~~the administrator's designee that the applicant is in pretrial detention. The~~
15 ~~institutional administrator shall certify the application immediately upon~~
16 ~~request by the prisoner.~~

17 ~~(6) No person shall give to any eligible elector any form for the~~
18 ~~purpose of requesting an absentee ballot unless the form prompts the~~
19 ~~applicant to provide all the information required by subsection (1) of this~~
20 ~~section and is either provided by the state or the elector's county or~~
21 ~~contains the following statement: "Under Colorado law, your absentee~~
22 ~~ballot application must contain your printed name, signature, residence~~
23 ~~address, mailing address if you wish to receive the ballot by mail, and~~
24 ~~date of birth. If you do not provide all of this information, you may not~~
25 ~~receive an absentee ballot according to the rules established by the~~
26 ~~secretary of state." Violation of this subsection (6) is an offense~~
27 ~~punishable as provided in section 1-13-803.~~

1 ~~(7) Notwithstanding any other provision of this section, no~~
2 ~~absentee ballot shall be mailed to an applicant unless the designated~~
3 ~~election official has previously received an application for an absentee~~
4 ~~ballot from the applicant.~~

5 **SECTION 31.** In Colorado Revised Statutes, 1-8.3-107, **amend**
6 (2) as follows:

7 **1-8.3-107. Methods of registering to vote.** (2) A covered voter
8 may use the declaration accompanying a federal write-in absentee ballot
9 to apply to register to vote simultaneously with the submission of the
10 federal write-in absentee ballot. ~~if the declaration is received no later than~~
11 ~~twenty-two days before the election.~~ If the declaration is received after
12 ~~that date~~ THE ELECTION, it shall be treated as an application to register to
13 vote for subsequent elections.

14 **SECTION 32.** In Colorado Revised Statutes, 1-8.5-105, **amend**
15 (5) as follows:

16 **1-8.5-105. Verification of provisional ballot information -**
17 **counting procedure.** (5) The designated election official shall complete
18 the verification and counting of all provisional ballots within ~~ten days~~
19 ~~after a primary election and within fourteen~~ NINE days after a PRIMARY,
20 general, odd-year, or coordinated election, OR WITHIN AN ALTERNATE
21 PERIOD OF TIME, IF NECESSARY, AS DESIGNATED BY THE SECRETARY OF
22 STATE. The designated election official shall count all regular ballots cast
23 in an election before counting any provisional ballots.

24 **SECTION 33.** In Colorado Revised Statutes, 1-10-102, **amend**
25 (1) as follows:

26 **1-10-102. Official abstract of votes cast - certification.** (1) No
27 later than the ~~thirteenth day~~ after a primary election and no later than the

1 ~~seventeenth~~ TWENTY-SECOND day after any ~~other~~ election coordinated by
2 the county clerk and recorder, the canvass board shall complete its duties.

3 **SECTION 34.** In Colorado Revised Statutes, **amend** 1-10-103 as
4 follows:

5 **1-10-103. Transmitting returns to the secretary of state - total**
6 **of results.** (1) Immediately after the official abstract of votes cast has
7 been certified and no later than the ~~thirteenth day after a primary election~~
8 ~~and the eighteenth~~ TWENTY-SECOND day after a ANY general OR PRIMARY
9 ELECTION OR ANY COORDINATED election THAT INCLUDES A STATEWIDE
10 BALLOT MEASURE, the county clerk and recorder shall transmit to the
11 secretary of state the portion of the abstract of votes cast that contains the
12 statewide abstract of votes cast.

13 (2) No later than the ~~twentieth day after a primary election and no~~
14 ~~later than the thirtieth~~ TWENTY-SEVENTH day after any ~~other~~ PRIMARY OR
15 GENERAL ELECTION OR ANY COORDINATED election THAT INCLUDES A
16 STATEWIDE BALLOT MEASURE, the secretary of state shall compile and
17 total the returns received from all counties for all candidates, ballot
18 issues, and ballot questions certified by the secretary of state, determine
19 if a recount of any office, ballot issue, or ballot question is necessary, and
20 order the appropriate recounts, if any.

21 (3) ~~Each~~ FOLLOWING EACH GENERAL ELECTION, THE county clerk
22 and recorder shall transmit a list of the names of those candidates elected
23 to county offices to the secretary of state. ~~no later than the sixteenth day~~
24 ~~after the election.~~

25 **SECTION 35.** In Colorado Revised Statutes, 1-10-203, **amend**
26 (1) as follows:

27 **1-10-203. Official abstract of votes cast - nonpartisan**

1 **elections.** (1) No later than ~~seventeen~~ TWENTY-TWO days after an
2 election, the canvass board shall certify to the designated election official
3 the official abstract of votes cast for all candidates, ballot issues, and
4 ballot questions in that election.

5 **SECTION 36.** In Colorado Revised Statutes, 1-10.5-102, **amend**
6 (2) as follows:

7 **1-10.5-102. Recounts for congressional, state, and district**
8 **offices, state ballot questions, and state ballot issues.** (2) The secretary
9 of state shall notify the county clerk and recorder of each county involved
10 ~~by registered mail and facsimile transmission~~ of a public recount to be
11 conducted in the county at a place prescribed by the secretary of state. The
12 recount shall be completed no later than the ~~thirtieth~~ THIRTY-FIFTH day
13 after any election. The secretary of state shall promulgate and provide
14 each county clerk and recorder with the necessary rules ~~and regulations~~ to
15 conduct the recount in a fair, impartial, and uniform manner, including
16 provisions for watchers during the recount. Any rule ~~or regulation~~
17 concerning the conduct of a recount ~~shall~~ MUST take into account the type
18 of voting system and equipment used by the county in which the recount
19 is to be conducted.

20 **SECTION 37.** In Colorado Revised Statutes, **amend** 1-10.5-103
21 as follows:

22 **1-10.5-103. Recount for other offices, ballot issues, and ballot**
23 **questions in an election coordinated by county clerk and recorder.** In
24 any election coordinated by the county clerk and recorder, if it appears, as
25 evidenced by the official abstract of votes cast, that a recount is required
26 for any office, ballot question, or ballot issue not included in section
27 1-10.5-102, the county clerk and recorder shall order a recount of the

1 votes cast for the office, ballot question, or ballot issue. Any recount of
2 the votes shall be completed no later than the ~~thirtieth~~ THIRTY-FIFTH day
3 after the election. A political subdivision that referred a ballot issue or
4 ballot question to the electors may waive the automatic recount provisions
5 of this section if the ballot issue or ballot question fails by giving written
6 notice to the county clerk and recorder within ~~fourteen days after the~~
7 ~~primary election or eighteen~~ TWENTY-THREE days after any ~~other~~ election.

8 **SECTION 38.** In Colorado Revised Statutes, 1-10.5-106, **amend**
9 (2) as follows:

10 **1-10.5-106. Request for recount by interested party -**
11 **definitions.** (2) Whenever a recount is not required, an interested party
12 may submit a notarized written request for a recount at the expense of the
13 interested party making the request. This request shall be filed with the
14 secretary of state, the county clerk and recorder, the designated election
15 official, or other governing body that originally certified the candidate,
16 ballot question, or ballot issue for the ballot within ~~twenty-one days after~~
17 ~~a primary election and within thirty-one~~ TWENTY-EIGHT days after any
18 ~~other~~ PRIMARY, GENERAL, OR COORDINATED election. Such election
19 official shall notify the political subdivision within which the election was
20 held no later than the day following receipt of the request. Before
21 conducting the recount, the election official who will conduct the recount
22 shall determine the cost of the recount within one day of receiving the
23 request to recount, notify the interested party that requested the recount of
24 the cost, and collect the costs of conducting the recount. If the request is
25 filed with the secretary of state, the secretary of state shall determine the
26 cost of the recount by adding the individual amounts determined by the
27 political subdivisions conducting the recount. The interested party that

1 requested the recount shall pay the cost of the recount by certified funds
2 to the election official with whom the request for a recount was filed
3 within one day of receiving the election official's cost determination. The
4 funds shall be placed in escrow for payment of all expenses incurred in the
5 recount. If after the recount the result of the election is reversed in favor
6 of the interested party that requested the recount or if the amended
7 election count is such that a recount otherwise would have been required,
8 the payment for expenses shall be refunded to the interested party that
9 requested the recount. Any escrow amounts not refunded to the interested
10 party that requested the recount shall be paid to the election officials who
11 conducted the recount. Any recount of votes pursuant to this section shall
12 be completed no later than the ~~thirtieth day after the primary election and~~
13 ~~no later than the~~ thirty-seventh day after any ~~other~~ PRIMARY, GENERAL, OR
14 COORDINATED election.

15 **SECTION 39.** In Colorado Revised Statutes, **amend** 1-12-105 as
16 follows:

17 **1-12-105. Signatures required for school district officers.** A
18 petition to recall a school district officer shall be signed by eligible
19 electors of the school district equal in number to at least forty percent of
20 ~~those electors who voted in such district in the last preceding election at~~
21 ~~which the director to be recalled was elected as indicated by the pollbook~~
22 ~~or abstract for such election~~ THE ENTIRE VOTE CAST AT THE LAST
23 PRECEDING ELECTION FOR ALL CANDIDATES FOR THE SCHOOL DISTRICT
24 DIRECTOR POSITION OCCUPIED BY THE INCUMBENT SOUGHT TO BE
25 RECALLED. If no such election was held, the petition shall be signed by
26 eligible electors of the school district equal in number to at least ten
27 percent of those electors residing within the school district on the date that

1 the petition is approved as to form under section 1-12-108 (4). In no case
2 shall the number required for recall be less than ten percent of eligible
3 electors qualified to vote in the most recent biennial school election;
4 except that no more than fifteen thousand signatures is required.

5 **SECTION 40.** In Colorado Revised Statutes, 1-12-108, **amend**
6 (9)(d) as follows:

7 **1-12-108. Petition requirements - approval as to form -**
8 **determination of sufficiency - protest - offenses.** (9) (d) (I) NOT LATER
9 THAN THREE DAYS AFTER THE PETITION HAS BEEN FILED IN ACCORDANCE
10 WITH SUBSECTION (7.5) OF THIS SECTION, any signer may request that his
11 or her name be stricken from the petition ~~at any time prior to when the~~
12 ~~petition is deemed sufficient and the time for protest has passed~~ by filing
13 with the designated election official a written request that his or her
14 signature be stricken and delivering a copy of the request to at least one
15 member of the committee. If the request is delivered to the member of the
16 committee or the designated election official through the United States
17 mail, it shall be deemed delivered to the committee or the designated
18 election official on the date shown by the cancellation mark on the
19 envelope containing the request received by the member of the committee
20 or the designated election official. If the request is delivered to the
21 member of the committee or the designated election official in any other
22 manner, it shall be deemed delivered to the committee or the designated
23 election official on the date of delivery and stamped receipt by the
24 designated election official.

25 (II) If the designated election official receives a written request
26 TIMELY filed in accordance with ~~this paragraph (d) after the petition is~~
27 ~~filed but before the petition is deemed sufficient and the time for protest~~

1 ~~has passed~~ SUBSECTION (9)(d)(I) OF THIS SECTION, the election official
2 shall strike the signature of the signer who filed the request. If the election
3 official receives such a written request before the petition is filed, the
4 election official shall strike the signature of the signer who filed the
5 request promptly upon the filing of the petition.

6 SECTION 41. In Colorado Revised Statutes, 1-1-104, amend
7 (2.8)(a) as follows:

8 1-1-104. Definitions. As used in this code, unless the context
9 otherwise requires:

10 (2.8) "Confirmation card" means a communication mailed from a
11 county clerk and recorder to an elector pursuant to section 1-2-302.5
12 (2)(b)(III), 1-2-509 (3)(b)(III), or 1-2-605, which card must:

13 (a) Be mailed to the elector's address of record; unless the elector
14 has requested that such communication be sent to his or her deliverable
15 mailing address pursuant to section 1-2-204 (2)(k);

16 SECTION 42. In Colorado Revised Statutes, 1-7-201, amend
17 (2.3) as follows:

18 1-7-201. Voting at primary election. (2.3) An eligible
19 unaffiliated elector is entitled to vote in the primary election of a major
20 political party without affiliating with that political party. To vote in a
21 political party's primary election without declaring an affiliation with the
22 political party, any eligible unaffiliated elector shall be given a combined
23 ballot, if applicable. If a combined ballot is not available, the elector shall
24 declare to the election judges the name of the political party in whose
25 primary election the elector wishes to vote. Thereupon, the election judges
26 shall deliver the appropriate party ballot to the elector. In addition, any
27 eligible unaffiliated elector may openly declare to the election judges the

1 name of the political party with which the elector wishes to affiliate and
2 complete the necessary forms. An eligible elector must separately date and
3 sign or date and initial a declaration of affiliation with a political party
4 form in such manner that the elector clearly acknowledges that the
5 affiliation has been properly recorded. Thereupon, the election judges
6 shall deliver the appropriate party ballot to the eligible elector.

7 **SECTION 43. Appropriation.** (1) For the 2018-19 state fiscal
8 year, \$63,000 is appropriated to the department of state for use by the
9 elections division. This appropriation is from the department of state cash
10 fund created in section 24-21-104 (3)(b), C.R.S. To implement this act, the
11 division may use this appropriation for operating costs.

12 (2) For the 2018-19 state fiscal year, \$63,000 is appropriated to the
13 department of revenue. This appropriation is from reappropriated funds
14 received from the department of state under subsection (1) of this section.
15 To implement this act, the department may use this appropriation for
16 operating expenses related to DMV IT System (DRIVES) Support.

17 **SECTION 44. Effective date - applicability.** (1) This act takes
18 effect upon passage; except that section 26 of this act takes effect July 1,
19 2018.

20 (2) This act applies to elections conducted on or after the
21 applicable effective date of this act.

22 **SECTION 45. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.