HOUSE BILL 20-1156

A BILL FOR AN ACT

Concerning modifications to certain administrative requirements specified in the "Colorado Municipal Election Code of 1965", and, in connection therewith, making modifications to provisions addressing the administration of the "Uniformed and Overseas Citizens Absentee Voting Act", mail ballots, nomination petitions, and affidavits for withdrawal from candidacy.

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
The "Colorado Municipal Election Code of 1965" (code) specifies procedures that municipal clerks are required to use when mailing ballots to voters who are covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act" (UOCAVA). The code specifies that standard voting materials for the purposes of UOCAVA includes a declaration prescribed to accompany a federal absentee write-in ballot. However, the municipal clerks are unable to use that declaration. The bill repeals this requirement. The code also specifies that, to be valid, an active military or overseas voter must complete a signed affirmation required by federal law. The bill specifies the language required to be included in the affirmation.

The code currently requires all paper ballots, including mail ballots, to include a ballot stub and a duplicate stub on the top portion of the ballot. This requirement is unnecessary for mail ballots, as municipalities have other ballot verification methods. The bill specifies that mail ballots are not required to include a stub and a duplicate stub.

The bill also amends several provisions in the code regarding mail ballot elections to be consistent with other general provisions in the code regarding municipal elections. Specifically:

1. The provision in the code that requires nomination petitions in mail ballot elections to be corrected no later than 66 days before the election is amended to be consistent with the general provision that specifies such petitions must be amended prior to 63 days before the election;
2. The provision in the code that requires a withdrawal affidavit for a mail ballot election to be filed by the close of business on the 63rd day prior to the election is amended to be consistent with the general provision that specifies such withdrawals must occur prior to 63 days before the election; and
3. The wording of the self-affirmation that is required to appear on the envelope for a mail ballot is amended to be consistent with the wording of the self-affirmation that is required to appear on the envelope for an absentee ballot.

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

SECTION 1. In Colorado Revised Statutes, 31-10-102.8, amend (1) and (3); and add (3.5) as follows:

31-10-102.8. Active military or overseas voters - timely
mailing, casting, and receipt of ballot - definition. (1) As used in this section, "ballot materials" means the standardized absentee-voting materials developed pursuant to section 1-8.3-104 (4)(a), C.R.S. and the declaration and form for the execution of the declaration described in section 1-8.3-104 (5), C.R.S.

(3) To be valid, an active military or overseas voter must submit the ballot via postal mail and complete the signed affirmation, as specified in section 1-8.3-114, C.R.S., not later than 7 p.m. mountain time on the date of the election. The vote of any active military or overseas voter who votes as authorized by this section may be challenged in the manner specified in section 31-10-1008. SUCH AFFIRMATION SHALL STATE THE FOLLOWING:

I SWEAR OR AFFIRM, UNDER PENALTY OF PERJURY, THAT:

THE INFORMATION ON THIS FORM IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE; I UNDERSTAND THAT A MATERIAL MISSTATEMENT OF FACT IN COMPLETION OF THIS DOCUMENT MAY CONSTITUTE GROUNDS FOR CONVICTON OF PERJURY; I AM A UNITED STATES CITIZEN, AT LEAST 18 YEARS OF AGE (OR WILL BE BY THE DAY OF ELECTION), ELIGIBLE TO VOTE IN THE REQUESTED JURISDICTION; I AM NOT INCARCERATED DUE TO A FELONY CONVICTION; I AM NOT REGISTERING, REQUESTING A BALLOT, OR VOTING IN ANY JURISDICTION IN THE UNITED STATES, EXCEPT THE JURISDICTION CITED IN THIS VOTING FORM; IN VOTING, I HAVE MARKED AND SEALED THIS BALLOT IN PRIVATE AND HAVE NOT ALLOWED ANY PERSON TO OBSERVE THE MARKING OF THIS BALLOT, EXCEPT THOSE
AUTHORIZED TO ASSIST VOTERS UNDER STATE LAW.

(3.5) THE VOTE OF ANY ACTIVE MILITARY OR OVERSEAS VOTER WHO VOTES AS AUTHORIZED BY THIS SECTION MAY BE CHALLENGED IN THE MANNER SPECIFIED IN SECTION 31-10-1008.

SECTION 2. In Colorado Revised Statutes, 31-10-902, amend (4) as follows:

31-10-902. Ballots. (4) (a) The extreme top part of each ballot shall be divided by two perforated lines into two spaces, each of which shall be not less than an inch in width, the top portion being known as the stub and the next portion as the duplicate stub. Upon each of said stubs nothing shall be printed except the number of the ballot, and the same number shall be printed upon both stubs. Stubs and duplicate stubs of ballots shall both be numbered consecutively. THE REQUIREMENTS OF THIS SUBSECTION (4)(a) DO NOT APPLY TO BALLOTS USED IN MAIL BALLOT ELECTIONS.

(b) All ballots shall be uniform and of sufficient length and width to allow for the names of candidates and the proposed questions to be printed in clear, plain type with a space of at least one-half inch between the different columns on said ballot. On the back of each ballot shall be printed the endorsement "Official ballot for....", and after the word "for" shall follow the designation of the precinct, ward, and municipality for which the ballot is prepared, the date of the election, and a facsimile of the signature of the clerk who has caused the ballot to be printed. The ballot shall contain no caption or other endorsement or number. Each clerk shall use precisely the same quality and tint of paper, the same kind of type, and the same quality and tint of plain black ink for all ballots furnished by him at one election. When candidates are to be voted for
only by the registered electors of a particular ward, the names of such
candidates shall not be printed on any other ballots than those provided
for use in such ward. The ballots shall be of such form that when folded
the whole endorsement is visible and the contents of the ballot are not
exposed.

SECTION 3. In Colorado Revised Statutes, 31-10-909, amend
(1) introductory portion, (1)(a), and (1)(b) as follows:

31-10-909. Nomination of candidates in mail ballot elections.
(1) Any person who desires to be a candidate for a municipal office in a
mail ballot election conducted pursuant to this part 9 after May 1, 2014,
shall comply with the nominating procedures set forth in this article
ARTICLE 10; except that:

(a) Any nominating petition in a mail ballot election may be
circulated and signed beginning on the ninety-first day prior to the
election and must be filed with the municipal clerk no later than the close
of business on the seventy-first day prior to the election. The petition may
be amended to correct or replace signatures that the clerk finds are not in
apparent conformity with the requirements of this article ARTICLE 10 by
filing such changes by no later than the close of business on the
sixty-sixth day ANYTIME PRIOR TO SIXTY-THREE DAYS before the DAY OF
the election.

(b) A withdrawal from nomination must proceed as set forth in
section 31-10-303; except that the withdrawal affidavit must be filed by
the close of business on the sixty-third day prior to the election. ANY
PERSON WHO HAS BEEN NOMINATED AND WHO HAS ACCEPTED A
NOMINATION MAY CAUSE HIS OR HER NAME TO BE WITHDRAWN FROM SUCH
NOMINATION AT ANY TIME PRIOR TO SIXTY-THREE DAYS BEFORE THE
ELECTION BY A WRITTEN AFFIDAVIT WITHDRAWING FROM SUCH
NOMINATION. THE AFFIDAVIT STATING WITHDRAWAL SHALL BE SIGNED BY
THE CANDIDATE AND FILED WITH THE CLERK.

SECTION 4. In Colorado Revised Statutes, 31-10-910, amend
(2)(c)(I) as follows:

31-10-910. Procedures for conducting mail ballot election.
(2) (c) (I) A return envelope must have printed on it a self-affirmation
substantially in the following form:

State of .... Municipality of ...., County of ....

I, ...., affirm and say that I am a qualified and
registered elector in the municipality of .... and state of
Colorado; that my residential address is ....; and that I herein enclose my ballot in
accordance with the provisions of the "Colorado Municipal Election Code of 1965". I realize that if any false
statements are contained herein that I shall be subject to
prosecution for criminal action.

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Date Signature of voter

SECTION 5. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2020 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.