

## CHAPTER 24

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**ELECTIONS**

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**HOUSE BILL 93-1113**

BY REPRESENTATIVES Clark, Allen, Jerke, Lawrence, Pfiffner, Tanner, Taylor, and Williams;  
also SENATORS Ruddick, Roberts, and Weissmann.

**AN ACT****CONCERNING THE SECURITY OF ELECTION BALLOTS.**

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

**SECTION 1.** 1-1-104 (11), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-104. Definitions.** (11) "Election records" includes but is not limited to tally lists, certificates of registration, pollbooks, certificates of election, signature cards, all affidavits completed at a polling place, absent voter applications, absent voter lists and records, ~~and~~ absent voter return envelopes, AND REPLACEMENT, SPOILED, VOTED, AND UNVOTED BALLOTS.

**SECTION 2.** 1-8-114 (2) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-8-114. Manner of absentee voting.** (2) Upon receipt of an absentee ballot from an eligible elector, the designated election official shall write or stamp upon the envelope containing the ballot the date and hour the envelope was received in the office and, if the ballot was delivered in person, the name and address of the person delivering it. The designated election official shall safely keep and preserve all absentee ballots unopened IN A BALLOT BOX OR TRANSFER CASE THAT IS LOCKED AND SECURED WITH A NUMBERED SEAL until the time prescribed for delivery to the supply judge in accordance with section 1-8-121.

(3) An eligible elector who receives an absentee paper ballot upon appearing in person in the office of the designated election official may cast the ballot in the absentee polling place, as provided in section 1-8-112. Ballot boxes for such voting shall be locked and sealed EACH NIGHT WITH A NUMBERED SEAL UNDER THE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

SUPERVISION OF THE ELECTION JUDGES OR WATCHERS, and the keys shall remain in the possession of the designated election official until transferred to the supply judge for the absent voters' polling place for preparation for counting and tabulating pursuant to section 1-8-121. WHEN A SEAL IS BROKEN, THE DESIGNATED ELECTION OFFICIAL AND A PERSON WHO SHALL NOT BE OF THE SAME POLITICAL PARTY AS THE DESIGNATED ELECTION OFFICIAL SHALL RECORD THE NUMBER OF THE SEAL, AND MAINTAIN THE SEAL ALONG WITH AN EXPLANATION OF THE REASONS FOR BREAKING THE SEAL.

**SECTION 3.** 1-8-116, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-116. Casting absentee ballot on voting machine or electronic voting machines.** In all counties in which voting machines or electronic voting machines are used, the absentee polling place shall open for purposes of voting fifteen days before election day and shall remain open at all times. The offices of the designated election official are to be open until the close of business on the Friday immediately preceding the election. Qualified applicants for absentee ballots who appear in person at the absentee polling place during this time may cast their absentee ballots on voting machines or electronic voting machines expressly provided for that purpose in the same manner as any ballot would be cast in a precinct polling place on election day. The voting machines or electronic voting machines used for the casting of absentee ballots shall remain ~~locked, sealed, or both~~ locked and SECURED WITH A NUMBERED SEAL, ~~sealed,~~ and the tabulation of the votes cast shall remain unknown until the time prescribed in section 1-8-117 for counting absentee ballots. ALTERNATIVELY, FOR ANY ELECTRONIC VOTING EQUIPMENT, THE BALLOT BOXES SHALL BE OPENED EACH NIGHT, AND THE VOTED BALLOTS SHALL BE PLACED IN A TRANSFER CASE THAT IS LOCKED AND SECURED WITH A NUMBERED SEAL. A RECORD SHALL BE MAINTAINED CONSISTING OF THE DATE, NUMBER OF BALLOTS, AND SEAL NUMBER OF EACH BALLOT BOX AND TRANSFER CASE UNTIL EACH BALLOT BOX AND TRANSFER CASE IS TRANSFERRED TO THE SUPPLY JUDGE FOR THE ABSENT VOTERS' POLLING PLACE FOR PREPARATION FOR COUNTING AND TABULATING PURSUANT TO SECTION 1-8-121. WHEN A SEAL IS BROKEN, THE DESIGNATED ELECTION OFFICIAL AND A PERSON WHO SHALL NOT BE OF THE SAME POLITICAL PARTY AS THE DESIGNATED ELECTION OFFICIAL SHALL RECORD THE NUMBER OF THE SEAL, AND MAINTAIN THE SEAL ALONG WITH AN EXPLANATION OF THE REASONS FOR BREAKING THE SEAL. During the time the absentee polling place is not open, the designated election official shall have the custody and keys of any voting machine or electronic voting equipment being used for the casting of absentee ballots. The voting machines or electronic voting machines used for the casting of absentee ballots shall not be used for the further counting of absentee ballots, as provided in sections 1-8-123 and 1-8-124.

**SECTION 4.** 1-8-118 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-118. Emergency absentee voting.** (3) After marking the ballot, the eligible elector shall place it in a return envelope provided by the designated election official. The elector shall then fill out and sign the self-affirmation on the envelope, as provided in section 1-8-115, on or before election day and return it to the office of the designated election official. Upon receipt of the envelope, the designated election official shall verify the elector's name on the return envelope with that which appears

on the office precinct record and, if they compare, shall deposit the envelope IN THE OFFICE in a ~~safe place~~ BALLOT BOX THAT IS LOCKED AND SECURED WITH A NUMBERED SEAL. ~~in the office.~~

**SECTION 5.** 1-8-121, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-121. Delivery to supply judge.** At any time after the close of the polling place on the Friday prior to the election but no later than 8:30 a.m. on the day of any election, the designated election official shall deliver to the supply judge of the absentee polling place all the absentee envelopes received up to that time, in ~~sealed~~ packages or in ~~locked and sealed~~ ballot boxes THAT ARE LOCKED AND SECURED WITH A NUMBERED SEAL, taking a receipt for the packages or boxes, together with the signed applications for the absentee ballots, the list of absent electors, and the record of absentee ballots as provided for in section 1-8-107. In political subdivisions which commence counting absentee ballots on the day preceding the election pursuant to section 1-8-117, the designated election official shall make the delivery not later than 8:30 a.m. on the day preceding the election. The designated election official shall continue to deliver any envelopes containing absentee ballots which may be received thereafter up to and including 7 p.m. on election day. On the sealed packages and boxes of absentee envelopes shall be printed or written "This package (or box) contains ..... (number) absentee ballots." With the envelopes, the designated election official shall deliver to the supply judge written instructions, which shall be followed by the election judges in casting and counting the ballots, and all the lists, records, and supplies needed for tabulating, recording, and certifying the absentee ballots.

**SECTION 6. Effective date.** This act shall take effect July 1, 1993.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 22, 1993