

CHAPTER 258

**ELECTIONS**

**HOUSE BILL 93-1255**

BY REPRESENTATIVES Coffman, Allen, Anderson, Armstrong, Friednash, George, and Lawrence;  
also SENATORS Owens, R. Powers, Roberts, Tebedo, and Traylor.

**AN ACT**

**CONCERNING ELECTIONS, AND IN CONNECTION THEREWITH, MAKING MISCELLANEOUS CHANGES AND CORRECTIONS TO THE "UNIFORM ELECTION CODE OF 1992", MAKING AMENDMENTS TO IMPLEMENT SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AS IT RELATES TO COORDINATED ELECTIONS, AND REENACTING PORTIONS OF THE 1992 PROVISIONS CONCERNING EARLY VOTING.**

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

**SECTION 1.** 1-1-102, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-102. Applicability.** (1) This code applies to all general, primary, congressional vacancy, school district, ~~and~~ special district, BALLOT ISSUE, AND OTHER AUTHORIZED elections unless otherwise provided by this code. THIS CODE APPLIES TO ANY MUNICIPAL ELECTION CONDUCTED AS PART OF A COORDINATED ELECTION EXCEPT TO THE EXTENT THAT THIS CODE CONFLICTS WITH A SPECIFIC CHARTER PROVISION. Any municipality may provide by ordinance OR RESOLUTION that it will utilize the requirements and procedures of this code in lieu of the "Colorado Municipal Election Code of 1965", article 10 of title 31, C.R.S., with respect to any ~~regular~~ election. ~~or any special election designated pursuant to section 31-10-108, C.R.S.~~

(2) FOR ELECTIONS THAT MUST BE COORDINATED PURSUANT TO SECTION 20(3) (b) OF ARTICLE X OF THE COLORADO CONSTITUTION WHERE THE ENABLING LEGISLATION DOES NOT REQUIRE THAT THE ELECTORS BE REGISTERED ELECTORS, THE POLITICAL SUBDIVISION MAY CONDUCT ITS ELECTIONS PURSUANT TO THE ENABLING LEGISLATION BUT IT MUST PROVIDE THE NOTICE REQUIRED BY SECTION 1-7-116 TO THE COORDINATED ELECTION OFFICIAL.

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

**SECTION 2.** 1-1-104 (4), (11), (16), (21), (28), (39), (46), (49), and (51), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-1-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

(2.3) "BALLOT ISSUE ELECTION" MEANS AN ELECTION WHERE A NONRECALL CITIZEN PETITION OR REFERRED MEASURE IS ON THE BALLOT AND IS DECIDED IN A STATE GENERAL ELECTION, BIENNIAL LOCAL DISTRICT ELECTION, OR ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS.

(2.7) "BALLOT QUESTION ELECTION" MEANS AN ELECTION OTHER THAN A BALLOT ISSUE ELECTION WHERE A NONRECALL CITIZEN PETITION OR REFERRED MEASURE IS ON THE BALLOT.

(4) ~~"Concurrent election" means an election held by more than one political subdivision on the same day where the eligible electors are not the same.~~

(6.5) "COORDINATED ELECTION" MEANS AN ELECTION WHERE MORE THAN ONE POLITICAL SUBDIVISION WITH OVERLAPPING BOUNDARIES OR THE SAME ELECTORS HOLDS AN ELECTION ON THE SAME DAY AND THE ELIGIBLE ELECTORS ARE ALL REGISTERED ELECTORS, AND THE COUNTY CLERK AND RECORDER IS THE COORDINATED ELECTION OFFICIAL FOR THE POLITICAL SUBDIVISIONS.

(11) "Election records" includes but is not limited to ~~tally lists~~, ACCOUNTING FORMS, certificates of registration, pollbooks, certificates of election, signature cards, all affidavits ~~completed at a polling place~~, ~~absent~~ ABSENTEE voter applications, ~~absent~~ ABSENTEE voter lists and records, ~~and absent~~ ABSENTEE voter return envelopes, VOTED BALLOTS, UNUSED BALLOTS, AND REPLACEMENT BALLOTS.

(16) "Eligible elector" means a person who meets the specific requirements for voting at a specific election OR FOR A SPECIFIC CANDIDATE, BALLOT QUESTION, OR BALLOT ISSUE. If no specific provisions are given, an eligible elector shall be a registered elector, as defined in subsection (35) of this section.

(21) ~~"Joint election" means an election held by more than one political subdivision on the same day where the eligible electors are the same.~~

(28) "Polling place" means the place established ~~within a precinct~~ for holding elections.

(39) "Regular biennial school election" means the election held on the first Tuesday ~~after the first Monday~~ in November of each odd-numbered year.

(46) "Special election" means any election called by a governing board for submission of ballot issues and other matters, AS AUTHORIZED BY THEIR ENABLING LEGISLATION. ~~The elections shall be held on the first Tuesday after the first Monday in February, May, October, or December.~~ Any governing body may petition a district court judge who has jurisdiction over the political subdivision for permission to hold a special election on a day other than those specified in this subsection (46). The

district court judge may grant permission only upon a finding that an election on the days specified would be impossible or impracticable or upon a finding that an unforeseeable emergency would require an election on a day other than those specified.

(49) "Taxpaying elector" means a person who is a registered elector of the municipality, county, or political subdivision in which the election is to be held and who, or whose spouse, in the calendar year last preceding the election ~~paid~~ WAS OBLIGATED TO PAY a tax upon real or personal property assessed in the municipality, county, or ~~district~~ POLITICAL SUBDIVISION, exclusive of specific ownership tax. A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the political subdivision or the area to be included within the political subdivision shall be considered an owner within the meaning of this code.

(51) "Watcher" means an eligible elector other than a candidate on the ballot who ~~resides within the county and~~ has been selected by a political party chairperson on behalf of the political party, by a party candidate at a primary election, ~~or~~ by an independent candidate at a general, congressional vacancy, or nonpartisan election, ~~OR BY A PERSON DESIGNATED BY EITHER THE OPPONENTS OR THE PROPONENTS IN THE CASE OF A BALLOT ISSUE OR BALLOT QUESTION.~~ If selected by a political party chairperson or a party candidate, the watcher shall be affiliated with that political party or unaffiliated as shown on the registration books of the county clerk and recorder.

**SECTION 3.** 1-1-106 (5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-106. Computation of time.** (5) If the state constitution or a state statute requires doing an act in not less than a certain number of days or prior to a certain number of days or a certain number of months before the date of an election, the ~~provisions of subsection (4) of this section do not apply~~ PERIOD IS SHORTENED TO AND ENDS ON THE PRIOR BUSINESS DAY WHICH IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

**SECTION 4.** 1-1-107 (1) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-107. Powers and duties of secretary of state - penalty.** (1) In addition to any other duties prescribed by law, the secretary of state has the following duties:

(a) To supervise the conduct of primary, general, ~~and~~ congressional vacancy, AND STATEWIDE BALLOT ISSUE elections in this state;

**SECTION 5.** 1-1-108 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-108. Copies of election laws and manual provided.** (1) At least thirty days before the ~~primary~~ FIRST ELECTION OF EACH election YEAR GOVERNED BY THIS TITLE, the secretary of state shall transmit to the county clerk and recorder of each county ~~sufficient~~ copies of the PERTINENT SECTIONS OF THE election laws of the state ~~to~~

~~supply at least one for each precinct and sufficient copies FOR OFFICE USE. A COPY of a simplified manual of election procedures, INCLUDING PERTINENT SECTIONS OF THE ELECTION LAWS OF THE STATE, SHALL to be distributed to each of the election judges in each precinct, and to the secretary of each school board, AND TO ANY OTHER DESIGNATED ELECTION OFFICIAL. THE MANUALS SHALL BE COLLECTED BY THE DESIGNATED ELECTION OFFICIAL AFTER THE ELECTION.~~

**SECTION 6.** 1-1-110 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-110. Powers of the county clerk and recorder and deputy.** (3) As the chief election official for the county, the county clerk and recorder shall ~~have the authority to determine what elections held by other political subdivisions shall be held either jointly or concurrently at the same time and place as any primary, general, or congressional vacancy election~~ BE THE CHIEF DESIGNATED ELECTION OFFICIAL FOR ALL COORDINATED ELECTIONS. ~~Prorated costs shall be paid by each political subdivision.~~ Each political subdivision requesting that its election be held jointly COORDINATED with any ~~primary, general, or congressional vacancy~~ OTHER election shall certify the ballot content to the county clerk and recorder prior to the ~~sixtieth~~ FIFTY-FIFTH day before the election.

**SECTION 7.** 1-1-111 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-111. Powers and duties of governing boards.** (3) Elections which are set for the same date by various political subdivisions may be held as ~~joint or concurrent~~ COORDINATED elections if the governing bodies so choose.

**SECTION 8.** 1-1-113 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-113. Neglect of duty and wrongful acts.** (1) When any controversy arises between any official charged with any duty or function under this code and any candidate, or any officers or representatives of a political party, or any persons who have made nominations or when any eligible elector files a verified petition in a district court of competent jurisdiction alleging that a person charged with a duty under this code has committed or is about to commit a breach or neglect of duty or other wrongful act, AFTER NOTICE TO THE OFFICIAL WHICH INCLUDES AN OPPORTUNITY TO BE HEARD, upon a finding of good cause the district court shall issue an order requiring substantial compliance with the provisions of this code. The order shall require the person charged to forthwith perform the duty or to desist from the wrongful act or to forthwith show cause why the order should not be obeyed. The burden of proof is on the petitioner.

**SECTION 9.** 1-1-114, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-114. Registration deadline.** Any other provisions of this title to the contrary notwithstanding, electors shall be permitted to register up to twenty-five days before any primary, presidential, general, municipal, congressional vacancy, special district, or other election. ~~for which registration is required.~~

**SECTION 10.** 1-1-201, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-201. Commencement of terms - state, congressional district, and county officers.** The regular terms of office of all state, CONGRESSIONAL district, and county officers shall commence on the second Tuesday of January next after their election, except as otherwise provided by law.

**SECTION 11.** 1-1-202, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-202. Commencement of terms - nonpartisan officers.** The regular terms of office of all NONPARTISAN officers elected at regular elections shall commence ~~upon completion of the survey of returns~~ AT THE NEXT MEETING OF THE GOVERNING BODY, but no later than ~~fifteen~~ THIRTY days following the survey of returns and UPON the signing of an oath and posting of a bond, where required.

**SECTION 12.** 1-1-203, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-203. End of the term.** ~~An elected officer~~ A PERSON ELECTED OR APPOINTED TO AN OFFICE shall hold office until the ~~term of the successor begins~~ SUCCESSOR IS ELECTED, QUALIFIED, AND TAKES OFFICE ON THE SECOND TUESDAY OF JANUARY, UNLESS OTHERWISE PROVIDED BY LAW.

**SECTION 13.** 1-2-101 (1) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-101. Qualifications.** (1) Every person who is eighteen years of age or older on the date of the next election and who has the following qualifications is entitled to register to vote at all elections:

(b) The person has resided in this state and precinct, OR FOR A NONPARTISAN ELECTION THE PERSON HAS RESIDED WITHIN OR IS A TAXPAYING ELECTOR OF THE POLITICAL SUBDIVISION, twenty-five days immediately preceding the election at which the person intends to vote; but, in case of an annexation which changes county boundaries, any person otherwise qualified to register to vote under the provisions of this section who has resided within the territory annexed for the time prescribed shall be deemed to have met the residence requirements for the precinct to which the territory was annexed.

**SECTION 14.** 1-2-202 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-202. Registration by county clerk and recorder.** (2) Each municipal clerk shall serve as a deputy ~~county clerk and recorder for the purposes of registration REGISTRAR. only in the county in which the municipality is located.~~ The municipal clerk shall register any eligible elector ~~residing in any precinct in the county~~ who appears in person at the municipal clerk's primary office at any time during which registration is permitted in the office of the county clerk and recorder, except the twenty-four days preceding any municipal election. The municipal clerk shall deliver

the new registration records to the office of the county clerk and recorder either in person or by certified mail on or before the fifteenth day of each month and in person on the day following the last day for registration preceding any election for which registration is required.

**SECTION 15.** 1-2-203, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-203. Registration on Indian reservations.** The secretary or secretary's designee of any tribal council of an Indian tribe located on a federal reservation which has no municipality contained within the reservation shall serve as a deputy ~~county clerk and recorder~~ REGISTRAR only for registration purposes for the county in which the reservation is located. The secretary of the tribal council or the secretary's designee shall take registrations only in the tribal council headquarters. The secretary of the tribal council or the secretary's designee shall register any eligible elector residing in any precinct in the county who appears in person in the office of the secretary of the tribal council at any time during which registration is permitted in the office of the county clerk and recorder. The secretary of the tribal council shall forward the registration records to the county clerk and recorder, either in person or by certified mail, on or before the fifteenth day of each month; except that the secretary of the tribal council shall appear in person to deliver any registration records to the county clerk and recorder on the day following the last day that registration is permitted preceding any election for which registration is required.

**SECTION 16.** 1-2-204 (2) (j), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-204. Questions answered by elector.** (2) In addition, each eligible elector shall be asked, and the elector shall correctly answer, the following:

(j) The elector's party affiliation, if any, if the eligible elector desires to affiliate with any political party. If this question is not answered, the elector shall be registered as "unaffiliated". Only the eligible elector personally shall declare the eligible elector's party affiliation. Any elector appearing in person to register shall also state on the notice of registration whether or not the elector wishes the party affiliation to be ~~transferred~~ CONTINUED from the county of prior residence in this state to the new county of residence. If such is the case, the county clerk and recorder shall proceed to ~~transfer~~ FORWARD the party affiliation AND ORIGINAL DATE OF AFFILIATION WITH THAT PARTY as provided in section 1-2-221. Party affiliation shall not be ~~transferred~~ CONTINUED from another state.

**SECTION 17.** 1-2-213 (1) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-213. Registration at driver's license examination facilities.** (1) Commencing July 1, 1985, the department of revenue, through its local driver's license examination facilities, shall provide each eligible elector who applies for the issuance, renewal, or correction of any type of driver's license or for an identification card pursuant to part 4 of article 2 of title 42, C.R.S., an opportunity to complete an application to register to vote by use of a ~~single~~ form containing the necessary information required by this part 2. ~~and the information required for the issuance,~~

~~renewal, or correction of the driver's license or identification card.~~

(2) An applicant who wishes to complete an application for registration shall READ AND answer the questions required by section 1-2-204 and shall swear to an oath by signing the following statement: "I, ....., do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least twenty-five days and in my precinct at least twenty-five days before the election. I further swear (or affirm) that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence." Each application for registration shall bear the following statement: "Warning: It is a class 1 misdemeanor to swear or affirm falsely as to your qualifications to register to vote." ~~For the purposes of this section, each authorized employee of the department is hereby authorized to administer the oath prescribed.~~ The authorized employee shall stamp the application for registration with a validation stamp, ~~and~~ provide the applicant with a receipt verifying the registration application, AND, BEGINNING JULY 1, 1994, INDICATE ON THE DRIVER'S LICENSE THAT THE BEARER REGISTERED TO VOTE AT THE DRIVER'S LICENSE EXAMINATION FACILITY. Applications and changes shall be forwarded on a weekly basis to the county clerk and recorder of the county in which the driver's license examination facility is located, and, if the applicant lives in a different county from the facility, the application shall then be forwarded to the county clerk and recorder of the county in which the applicant resides; except that, during the last week allowed for registration prior to any election, the applications shall be forwarded daily to the county clerk and recorder of the county in which the driver's license examination facility is located.

**SECTION 18.** 1-2-216, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-216. Change of residence.** (1) Any eligible elector who has moved from the precinct in which the elector is registered to some other precinct in the same county or has moved from one residence to another residence in the same precinct may have the elector's residence changed on the registration books by appearing before the county clerk and recorder and signing the registration book for the change. An eligible elector may also have his or her residence changed on the registration books by writing a letter or filing a form furnished by the county clerk and recorder. The letter or form for the change shall include the elector's ~~old and new addresses~~ ADDRESS within the county, printed name, BIRTH DATE, SOCIAL SECURITY NUMBER, IF THE ELECTOR WISHES TO STATE IT, and signature and the date. INCLUSION OF THE ELECTOR'S OLD ADDRESS OF RECORD IN THE LETTER OR ON THE FORM IS OPTIONAL. Any eligible elector may make the change of residence for any family member who resides at the same address as the elector.

(2) ANY ADDRESS CHANGE MADE ON THE SAME FORM OR PERSONAL LETTER AS A CHANGE OR WITHDRAWAL OF AFFILIATION OR NAME CHANGE SHALL BE ACCEPTED BY THE COUNTY CLERK AND RECORDER IF THE FORM OR PERSONAL LETTER IS SIGNED INDICATING THAT THE ELECTOR INTENDED TO MAKE THE CHANGE OR WITHDRAWAL INDICATED ON THE FORM OR IN THE PERSONAL LETTER.

(3) ANY ELIGIBLE ELECTOR WHO IS UNABLE TO WRITE MAY REQUEST ASSISTANCE FROM THE COUNTY CLERK AND RECORDER, AND THE COUNTY CLERK AND RECORDER

SHALL SIGN THE FORM, WITNESSING THE ELECTOR'S MARK, OR THE ELECTOR MAY HAVE HIS OR HER MARK ATTESTED TO BY A NOTARY PUBLIC ON A PRESCRIBED FORM OR PERSONAL LETTER, IF THE REQUEST IS NOT MADE AT THE OFFICE OF THE COUNTY CLERK AND RECORDER.

~~(2)~~ (4) For the twenty-four days before and on the day of any primary, general, or congressional vacancy election, any eligible elector, by appearing in person at the office of the county clerk and recorder, may complete a change of address form within the county in which the elector is registered, stating, under penalty of perjury, that the elector has moved prior to the twenty-fifth day before the election and that the elector has lived at the new address in the new precinct for at least twenty-five days. Upon the receipt of the request, the county clerk and recorder shall verify the registration of the elector and, upon verification, shall issue or authorize a certificate of registration, showing the information required in section 1-2-215 plus the change of address. The election judges shall allow the registered elector to vote in the precinct where the new address is located. The election judges shall use the certificate of registration as a substitute registration record, entering the date of the election and pollbook ballot number on the certificate and including it with the registration book when it is returned to the county clerk and recorder following the election.

~~(3)~~ (5) Changes from one residence in a precinct to another residence in the same precinct may be made on the day of any primary, general, ~~or~~ congressional vacancy, OR COORDINATED election by the election judges. Any election judge making the change shall sign opposite the change of residence.

**SECTION 19.** 1-2-217 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-217. Change in residence after close of registration.** (1) Notwithstanding the provisions of subsection (2) of this section and sections 1-2-101 and 1-2-102, an elector who moves from the precinct where registered within twenty-five days before any election shall be permitted to cast a ballot for the election at the polling place ~~in~~ FOR the precinct where registered, ~~or~~ by an absentee ballot, OR BY EARLY VOTING.

**SECTION 20.** 1-2-218, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-218. Change of name.** (1) Any eligible elector who has been registered in the county and who subsequently has had a name change by reason of marriage, divorce, or other legal means may have his or her name changed on the registration book by appearing before the county clerk and recorder BY SUBMITTING THE CHANGE ON FORMS PRESCRIBED BY THE SECRETARY OF STATE OR IN THE FORM OF A PERSONAL LETTER at any time during which registration is permitted or on election day by an election judge on forms prescribed by the secretary of state and supplied to each polling place by the county clerk and recorder. ~~and by making a signature affidavit as to his or her present legal name.~~

~~(2) Any eligible elector may also have his or her name changed on the registration book at any time during which registration is permitted by filing an application for the change, using a form furnished by the county clerk and recorder, upon oral or~~

~~written request of the elector.~~ The PRESCRIBED form OR PERSONAL LETTER for the change shall include the elector's printed former legal name, printed present legal name, BIRTH DATE, SOCIAL SECURITY NUMBER, IF THE ELECTOR WISHES TO STATE IT, and signature of present legal name and the date. PRESCRIBED FORMS MAY BE FURNISHED BY THE COUNTY CLERK AND RECORDER UPON ORAL OR WRITTEN REQUEST BY THE ELECTOR.

(3) A NAME CHANGE MAY NOT BE MADE BY ANYONE OTHER THAN THE ELECTOR.

**SECTION 21.** 1-2-219, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-219. Changing or withdrawing declaration of party affiliation.** (1) Any eligible elector desiring to change or withdraw the elector's party affiliation may do so by COMPLETING AND signing a PRESCRIBED request for the change or withdrawal and filing it with the county clerk and recorder OR BY SUBMITTING A PERSONAL LETTER WRITTEN BY THE ELECTOR, TO THE COUNTY CLERK AND RECORDER at any time during which electors are permitted to register. ~~using a form furnished by the county clerk and recorder, upon the elector's oral or written request.~~ The PRESCRIBED form OR PERSONAL LETTER for the change shall include the elector's printed name, address within the county, BIRTH DATE, SOCIAL SECURITY NUMBER, IF THE ELECTOR WISHES TO STATE IT, and signature, the date, the elector's previous party affiliation status, and the requested change in party affiliation status. A PRESCRIBED FORM SHALL BE FURNISHED BY THE COUNTY CLERK AND RECORDER UPON THE ELECTOR'S ORAL OR WRITTEN REQUEST. Upon receiving the request, the county clerk and recorder shall change the elector's party affiliation on the registration record. If the party affiliation is withdrawn, the designation on the registration record shall be changed to "unaffiliated". If an elector changes party affiliation, the elector is entitled to vote, at any primary election, only the ballot of the party to which the elector is currently affiliated. A CHANGE OR WITHDRAWAL OF PARTY AFFILIATION MAY NOT BE MADE BY ANYONE OTHER THAN THE ELECTOR.

(2) Any DECLARATION, change, or withdrawal of affiliation MADE ON THE SAME FORM OR PERSONAL LETTER AS AN ADDRESS OR NAME CHANGE shall be ACCEPTED BY THE COUNTY CLERK AND RECORDER IF THE FORM OR PERSONAL LETTER IS ~~separately~~ dated and signed so that it is clearly indicated that the elector intended ~~the change or withdrawal as recorded~~ TO MAKE THE CHANGE OR WITHDRAWAL INDICATED ON THE FORM OR IN THE PERSONAL LETTER. An elector who is unable to write may request assistance from the county clerk and recorder, and the county clerk and recorder shall sign the form, witnessing the elector's mark OR, ON A PERSONAL LETTER, THE ELECTOR SHALL HAVE HIS OR HER SIGNATURE ATTESTED TO BY A NOTARY PUBLIC.

**SECTION 22.** 1-2-221, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-221. Continuation of affiliation.** (1) Any eligible elector of this state who has moved from a residence in one county and has established a residence and registered in another county of this state may request the county clerk and recorder of the new county to ~~transfer~~ CONTINUE the elector's party affiliation from the county of prior residence to the county of new residence by signing a form furnished by the county clerk and recorder, as prescribed in subsection (3) of this section, using the

statewide electronic registration system. This may be done either at the time the elector registers in the new county or within three months thereafter. The party affiliation, when entered on the new registration record, is evidence of continued affiliation. The provisions of this section do not apply to ~~transfers~~ CONTINUATION of affiliation from other states.

(2) If any eligible elector, pursuant to the provisions of section 1-2-204 (2) (j), desires to ~~transfer~~ CONTINUE a party affiliation from one county to another, the elector shall sign a form furnished by the county clerk and recorder, as prescribed in subsection (3) of this section. The signed form shall then be mailed by the county clerk and recorder to the county clerk and recorder of the county of prior residence in this state, requesting the information specified in subsection (1) of this section. Upon receipt of the form, the county clerk and recorder of the county of prior residence shall use the elector's "notice of registration" document as evidence of the elector's move from the county, shall forthwith complete and certify the "request and return" portion of the form, shall send the return portion by return mail to the requesting county clerk and recorder, and shall then cancel the registration record from the registration book. The requesting county clerk and recorder shall retain the return portion of the document as record evidence of continued party affiliation, as in the case prescribed in subsection (1) of this section.

(3) The form shall be printed in two parts: One part shall be the "notice of registration" portion containing spaces for the name, signature, and previous address in the elector's prior county of residence, a statement that the elector has registered in another county, the date of the new registration, a statement that the elector desires or does not desire to ~~transfer~~ CONTINUE the party affiliation, and the name and address of the county clerk and recorder of the new county of residence; the other part shall be the "request and return" portion containing spaces for the elector's signature and printed name and address, the elector's registered party affiliation, if any, as shown by the registration records of the county clerk and recorder of the prior county of residence, the date that the affiliation was declared, and the certification by the county clerk and recorder that ~~such~~ THE information is true and correct.

**SECTION 23.** 1-2-224 (6) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-2-224 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-2-224. Canceling registration.** (6) (a) ~~Within forty-five days after~~ AT ANY TIME AFTER JANUARY 1 AND BEFORE JANUARY 10 AFTER any general election, any registered elector whose registration record is marked "Inactive" prior to the general election and who failed to become "Active" pursuant to either subsection (2) or subsection (4) of this section, shall be mailed a continuance card by the county clerk and recorder pursuant to paragraph (b) of this subsection (6).

(9) IF AFTER TWENTY-FOUR DAYS PRIOR TO AN ELECTION, ANY REGISTERED ELECTOR FINDS THAT HIS OR HER REGISTRATION RECORD HAS BEEN CANCELLED WITHIN THE PRIOR FOUR YEARS PURSUANT TO THIS SECTION, THE ELECTOR SHALL HAVE THE CANCELLED NOTATION DELETED AND SHALL BE REINSTATED AND GIVEN A "CERTIFICATE OF REINSTATEMENT", IF THE ELECTOR PROVIDES PROOF TO THE COUNTY CLERK AND RECORDER THAT HE OR SHE HAS NOT MOVED SINCE THE LAST GENERAL ELECTION. THE "CERTIFICATE OF REINSTATEMENT" MAY BE ISSUED ANY

TIME BEFORE OR ON ELECTION DAY AND THE ELECTOR MAY THEN VOTE AT THEIR PRECINCT POLLING PLACE.

**SECTION 24.** 1-2-225 (6), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-225. Change of polling place - handicapped accessibility.** (6) Any request for a change of polling place to a polling place which is accessible to the physically handicapped must be received by the ~~county clerk and recorder~~ DESIGNATED ELECTION OFFICIAL at least ten days prior to the election for which the change is requested.

**SECTION 25.** 1-2-401, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-401. Legislative declaration.** It is the intent of the general assembly that, in order to promote and encourage voter registration of all eligible electors in the state, registration should be made as convenient as possible. It is determined by the general assembly that if voter registration is convenient, the number of registered voters will increase. It is further determined by the general assembly that support and cooperation of school officials and interested citizens will make high school registration successful. It is therefore the purpose of this part 4 to encourage voter registration by providing convenient registration procedures for qualified high school students, employees, and other persons by using high school deputy ~~county clerk and recorders~~ REGISTRARS.

**SECTION 26.** 1-2-402, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-402. Registration by high school deputy registrars.** (1) Each principal of a public high school, or the principal's designee who is a registered voter in the county, may serve as a deputy ~~county clerk and recorder for voter registration purposes only for the county in which the high school is located~~ REGISTRAR. The principal of each high school shall notify the county clerk and recorder OF THE COUNTY IN WHICH THE HIGH SCHOOL IS LOCATED of the name of the school's deputy ~~county clerk and recorder~~ REGISTRAR, and the county clerk and recorder shall maintain a list of the names of all of the high school deputy ~~county clerk and recorders~~ REGISTRARS in that county in a public file.

(2) The high school deputy ~~county clerk and recorder~~ REGISTRAR may register any student, employee of the school, other person who attends school functions, or any other person who is eligible to register to vote. ~~and who resides in the county where the school is located.~~ Voter registration may be made available ~~throughout the week, Monday through Friday,~~ only when the school is open FOR CLASSES OR ANY OTHER SCHOOL OR COMMUNITY FUNCTION. The high school deputy ~~county clerk and recorder~~ REGISTRAR shall take registrations only on ~~the~~ school district premises.

(3) A high school deputy ~~county clerk and recorder~~ REGISTRAR may have available an official application form for voter registration for each student who is eighteen years of age or who will be eighteen years of age at the time of the next election.

**SECTION 27.** 1-2-403 (1), (2), and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-403. Training and registration materials for high school deputy registrars.** (1) The county clerk and recorder shall train and supervise the high school deputy ~~county clerk and recorder~~ REGISTRARS, and, after training is completed, shall administer the oath of office to the high school deputy ~~county clerk and recorder~~ REGISTRARS.

(2) The county clerk and recorder shall issue sufficient registration materials to each high school deputy ~~county clerk and recorder~~ REGISTRAR for the registration of all eligible students, employees, and other persons at the high school which the high school deputy ~~county clerk and recorder~~ REGISTRAR serves. The high school deputy ~~county clerk and recorder~~ REGISTRAR shall give a receipt to the county clerk and recorder for all materials issued.

(3) The deputy ~~county clerk and recorder~~ REGISTRAR shall stamp the application for registration with a validation stamp and provide the applicant with a receipt verifying the registration application. Applications and changes shall be forwarded on a weekly basis to the county clerk and recorder of the county in which the high school is located. During the last week allowed for registrations prior to any election, such applications shall be forwarded daily to the county clerk and recorder of the county in which the high school is located.

**SECTION 28.** 1-3-102 (2) (c) and (2) (d) (III), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are repealed as follows:

**1-3-102. Precinct caucuses.** (2) (c) ~~If any elector meeting the qualifications for committee person challenges the caucus election of a committee person, the challenge shall be made by the filing of a party petition pursuant to section 1-4-801. The petition shall include the name of the elected committee person being challenged. If the petition is certified as valid by the county clerk and recorder, the county clerk and recorder shall place the names on the primary ballot with the name of the person elected at the precinct caucus placed first, followed in alphabetical order by persons nominated by petition. The person receiving the most votes for the office of precinct committee person at the primary election shall be issued a certificate of election by the county clerk and recorder.~~

(d) The person elected as committee person at the caucus shall assume the office immediately following the caucus. Causes for removal of the elected committee person from office shall include, but not be limited to, the following:

(III) ~~The person has been successfully challenged at the primary election.~~

**SECTION 29.** 1-4-801 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

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

(a) Every petition in the case of a candidate for any county office shall be signed

by eligible electors resident within the county commissioner district or political subdivision for which the officer is to be elected. ~~and such~~ THE petition shall require signers equal in number to twenty percent of the votes cast in the political subdivision at the primary election FOR THE POLITICAL PARTY'S CANDIDATE FOR THE OFFICE FOR WHICH THE PETITION IS BEING CIRCULATED, or if there was no primary election, at the last preceding GENERAL election for the political party's candidate for the office for which the petition is being circulated FOR WHICH THERE WAS A CANDIDATE FOR THE OFFICE.

(b) Every petition in the case of a candidate for member of the general assembly, district attorney, or any district office greater than a county office shall be signed by ~~not less than one thousand eligible electors resident within the district for which the officer is to be elected or the petition shall require no more signers than~~ ELIGIBLE ELECTORS RESIDENT WITHIN THE DISTRICT FOR WHICH THE OFFICER IS TO BE ELECTED. THE PETITION SHALL REQUIRE THE LESSER OF ONE THOUSAND SIGNERS OR SIGNERS EQUAL TO thirty percent of the votes cast in the district at the primary election FOR THE POLITICAL PARTY'S CANDIDATE FOR THE OFFICE FOR WHICH THE PETITION IS BEING CIRCULATED, or if there was no primary election, at the last preceding GENERAL election for the political party's candidate for the office for which the petition is being circulated, whichever is less FOR WHICH THERE WAS A CANDIDATE FOR THE OFFICE.

(c) Every petition in the case of a candidate for an office to be filled by vote of the electors of the entire state shall be signed by eligible electors in a number equal to at least two percent of the votes cast in the CONGRESSIONAL district at the most recent general election for the political party's candidate for the office for which the petition is being circulated.

~~(d) A petition circulated pursuant to section 1-3-102 (2) (c) for the office of precinct committee person shall be signed by not less than ten percent of the registered electors within the precinct who are affiliated with the political party and eligible to vote at the precinct caucus.~~

**SECTION 30.** 1-4-803 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-803. Petitions for nominating school district directors.** (2) The nomination petition must be filed prior to ~~sixty~~ SIXTY-SIX days before the election date.

**SECTION 31.** 1-4-804, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-804. Petitions for nominating other nonpartisan directors.** (1) Any person who desires to be a candidate for the office of a special district director shall file a nomination petition signed by the number of eligible electors of the district required by the enabling legislation not less than ~~sixty~~ SIXTY-SIX days prior to the date of the election.

(2) The candidate shall have been an eligible elector of the ~~district, as shown on the books of the county clerk and recorder and, if applicable, on the books of the county assessor,~~ POLITICAL SUBDIVISION on the date of the earliest signature on the

petition.

**SECTION 32.** Part 8 of article 4 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-4-805. Petitions for nominating municipal candidates in coordinated elections.** ANY PERSON WHO DESIRES TO BE A CANDIDATE FOR A MUNICIPAL OFFICE IN A COORDINATED ELECTION SHALL, IN LIEU OF THE REQUIREMENTS OF PART 9 OF THIS ARTICLE, COMPLY WITH THE NOMINATING PETITION PROCEDURE SET FORTH IN THE MUNICIPAL ELECTION CODE OF 1965, ARTICLE 10 OF TITLE 31, C.R.S., EXCEPT THAT ANY SUCH NOMINATING PETITION MAY BE CIRCULATED AND SIGNED BEGINNING ON THE NINETY-FIRST DAY PRIOR TO THE ELECTION AND SHALL BE FILED WITH THE MUNICIPAL CLERK BY THE SEVENTY-FIRST DAY PRIOR TO THE DATE OF THE ELECTION. THE PETITION MAY BE AMENDED TO CORRECT OR REPLACE SIGNATURES WHICH THE CLERK FINDS ARE NOT IN APPARENT CONFORMITY WITH THE REQUIREMENTS OF THE MUNICIPAL ELECTION CODE AT ANY TIME PRIOR TO THE SIXTY-SIXTH DAY PRIOR TO THE ELECTION.

**SECTION 33.** 1-4-901 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-901. Designation of petition.** (2) The petition for recall ~~or other ballot issue~~ may be circulated and signed in sections, and each section shall contain a full and accurate copy of the title and text of the petition. Each petition shall designate, by name and address, ~~not less than three nor more than five~~ persons, referred to in this section as the "committee", which shall represent the signers in all matters affecting the petition.

**SECTION 34.** 1-4-904 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-904. Signatures on the petitions.** (1) Every petition shall be signed only by eligible electors. ~~who reside in the district for which the office is to be filled.~~

**SECTION 35.** 1-4-909 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-909. Protest of designations and nominations.** (1) A petition or certificate of designation or nomination which has been verified and appears to be sufficient under this code shall be deemed valid unless a protest is made in writing within five days after the ~~election official's statement is issued~~ PETITION HAS BEEN FILED. The protest shall state in a summary manner the alleged impropriety. Notice of the protest shall be mailed forthwith to all candidates or officials who may be affected by it. The designated election official with whom the original certificate or petition is filed shall hear any protest within ten days after the protest is filed and shall pass upon the validity of the protest, whether of form or substance, and shall issue findings of fact and conclusions within seventy-two hours after the hearing.

**SECTION 36.** 1-4-912, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-912. Cure.** (1) In case a petition for nominating independent candidates is not sufficient, it may be amended at any time prior to 3 p.m. on the Tuesday preceding a primary election, 3 p.m. on the fifty-fifth day preceding a congressional vacancy election, or 3 p.m. ~~sixty~~ SIXTY-SIX days prior to an election which is not being held concurrently with the general election.

(2) In case a petition for recall is not sufficient, it may be withdrawn by a majority of the committee and may be amended at any time within sixty days from the date the ~~first signature was affixed to the~~ petition WAS APPROVED BY THE DESIGNATED ELECTION OFFICIAL. Any signer may request that his or her name be stricken from the petition within the sixty-day period.

**SECTION 37.** The introductory portion to 1-4-1203 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1203. Names on ballots.** (1) The secretary of state shall certify the names and party affiliations of the candidates to be placed on the presidential primary election ballots ~~fifty-five~~ FIFTY days before the election is to be held. The only candidates whose names shall be placed on ballots for the election shall be those candidates who:

**SECTION 38.** 1-4-1204 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1204. Election results - certification - pledging of delegates.** (3) It is the intent of the general assembly that the provisions of this part 12 conform to the requirements of federal law and national political ~~parties~~ PARTY RULES for presidential primary elections. The secretary of state shall prepare a written report to the general assembly concerning whether the provisions of this part 12 conform to the requirements of federal law and national political party rules for presidential primary elections. The secretary of state shall solicit comments from national political parties on the conformance of this part 12 to their rules and shall include any comments submitted by the parties on that topic. The report shall be submitted to the legislative council no later than January 1, 1991, and the general assembly shall make such reasonable changes to this part 12 as are necessary to conform to federal law and national political parties' rules.

**SECTION 39.** 1-4-1206, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1206. Precincts for the presidential primary election.** Counties may combine precincts for the presidential primary election. If a county chooses to combine precincts, the county shall publish polling place locations as provided in ~~section 1-5-204~~ SECTION 1-5-205. If any redistricting is scheduled to occur but has not been completed before January 1 of an election year, the precincts used in the preceding general election shall be used for the presidential primary election.

**SECTION 40.** Part 1 of article 5 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-5-102.5. Establishing polling places for coordinated elections.** NOT LESS

THAN NINETY DAYS PRIOR TO A COORDINATED ELECTION, THE COUNTY CLERK AND RECORDER, IN CONSULTATION WITH THE OTHER DESIGNATED ELECTION OFFICIALS OF EACH POLITICAL SUBDIVISION PARTICIPATING IN THE ELECTION, SHALL ASSURE THAT THE POLLING PLACES CHOSEN ALLOW AN INDIVIDUAL ELECTOR TO VOTE AT ONE POLLING PLACE FOR ALL BALLOT ISSUES, BALLOT QUESTIONS, AND CANDIDATES VOTED ON THE SAME DATE.

**SECTION 41.** 1-5-104 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-104. Changes in boundaries - nonpartisan elections.** (1) Changes in the boundaries of precincts or the creation of new precincts for nonpartisan elections shall be completed not less than ~~forty-five~~ NINETY days prior to scheduled elections except in cases of precinct changes resulting from changes in the jurisdiction's boundaries.

**SECTION 42.** 1-5-105 (2) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-5-105. Restrictions.** (2) No polling place shall be located in a room in which any intoxicating malt, spirituous, or vinous liquors are being ~~sold~~ SERVED.

(3) The polling places shall be in public locations wherever possible. A private location may be used only when no appropriate public location is available. ~~within the boundaries of the political subdivision.~~

**SECTION 43.** 1-5-201, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

**1-5-201. Notice of presidential primary election.** ~~At least forty-five days before a presidential primary election, the secretary of state shall certify the names and party affiliations of the candidates to be placed on the presidential primary ballots.~~

**SECTION 44.** 1-5-202 (1) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-5-202. Notice of presidential primary and primary election by secretary of state.** (1) At least fifty days before any PRESIDENTIAL PRIMARY OR primary election, the secretary of state shall transmit to each county clerk and recorder a notice in writing specifying the offices for which nominations are to be made. ~~at the primary election.~~ The notice shall include a certified list of persons for whom certificates of designation or petitions have been filed and the office for which each person is a candidate, together with the other details mentioned in the certificates of designation or petitions, and the order of the ballot for the election.

(2) Each county clerk and recorder, at least ten days before the PRESIDENTIAL PRIMARY OR primary election, shall publish once in a condensed form under the proper party designation and under the title of each office the names of all persons for whom certificates of designation or petitions have been filed. The publication shall contain the date of the PRESIDENTIAL PRIMARY OR primary election and the hours

during which the polls will be open and shall state that the PRESIDENTIAL PRIMARY OR primary election will be held in the lawful polling places designated for each precinct. A copy of the publication shall be posted in a conspicuous place in the office of the county clerk and recorder. The posting may be made by the use of sample ballots.

**SECTION 45.** 1-5-203 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-203. Certification of ballot.** (3) At least fifty days before a nonpartisan election, the designated election official shall certify the ballot. The ballot shall include the name and office of each candidate for whom a petition has been filed with the election official and any ballot issues OR BALLOT QUESTIONS to be submitted to the eligible electors.

**SECTION 46.** 1-5-204, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-204. Call for nominations for nonpartisan elections.** At least ninety days before a regular nonpartisan election EXCEPT A MUNICIPAL ELECTION CONDUCTED AS PART OF A COORDINATED ELECTION, the designated election official shall make one publication of a ~~notice of~~ CALL FOR NOMINATIONS FOR the election. The ~~notice~~ CALL shall state which offices will be voted upon at the election, where petitions for nomination may be obtained, and deadlines for submitting the petitions to the designated election official.

**SECTION 47.** 1-5-205, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-205. Notice of general, congressional vacancy, ballot issue, ballot question, or nonpartisan election.** (1) The designated election official, at least ten days before each election, shall give notice in writing of the election, as follows: The notice shall state the date of the election and the hours during which the polls will be open; shall state that the election will be held in the lawful polling places designated for each precinct; shall name the officers to be elected; shall list the names of the judges on the ballot for retention in office; shall state that proposed constitutional amendments and laws will be on the ballot and have been published by the secretary of state; shall give the name and party or other designation of each candidate whose nomination to office has been certified to the designated election official, which shall be as nearly as possible in the form in which such nominations appear upon the official ballot; and shall state the other ballot issues AND BALLOT QUESTIONS which have been certified to the designated election official by the governing body. A copy of the notice shall be posted until after the election in a conspicuous place in the office of the designated election official. Sample ballots may be used as notices so long as the information required by this section is included. In addition, the notice shall be published in at least one newspaper having general circulation in the county. The election official shall retain a copy of the notice as a record for public inspection until the election contest is decided.

(2) AT THE TIME THAT PUBLICATION IS MADE, THE DESIGNATED ELECTION OFFICIAL OF EACH POLITICAL SUBDIVISION SHALL ALSO MAIL A NOTICE OF THE ELECTION TO THE

COUNTY CLERK AND RECORDERS OF THE COUNTIES IN WHICH THE POLITICAL SUBDIVISION IS LOCATED.

**SECTION 48.** 1-5-206 (1) and (2) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-5-206 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-5-206. Postcard notice and notice by publication.** (1) At any time between twenty-five days before the primary election and thirty days after the primary election, except for the presidential primary, MAIL BALLOT, COURT-ORDERED ELECTIONS, AND ELECTIONS WHICH, PURSUANT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION, REQUIRE THE MAILING OF A NOTICE OF ELECTION, the ~~designated election official~~ COUNTY CLERK AND RECORDER shall mail a voter information card to all eligible electors. The card shall contain the eligible elector's name and address, precinct number, and polling location and any other applicable information. It shall be mailed first-class and shall state on the address surface "Do not forward. Address correction requested" or similar wording in accordance with United States postal service regulations.

(2) (a) Not less than eighteen days before all nonpartisan elections except elections conducted by mail ballots AND COURT-ORDERED ELECTIONS, the designated election official shall mail to each household where one or more eligible electors reside a voter information card or voter information letter which shall contain the household's address, precinct number, polling location, the specific election being noticed, and any other applicable information. If a general election and an election on a ~~tax question~~ BALLOT ISSUE are being held as a ~~concurrent election, as defined in section 1-1-103 (4), or as a joint election, as defined in section 1-1-103 (21)~~ COORDINATED ELECTION, AS DEFINED IN SECTION 1-1-104 (6.5), the voter information card or voter information letter is not required.

(4) FOR COORDINATED ELECTIONS, THE INFORMATION CONTAINED ON THE POSTCARD NOTICE AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL BE INCLUDED WITH THE NOTICE THAT IS MAILED PURSUANT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION.

**SECTION 49.** 1-5-304, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-304. Lists of property owners.** For elections where owning property in the political subdivision is a requirement for voting in the election, the county assessor shall certify and deliver ~~a~~ AN INITIAL list of all recorded owners of real property within the political subdivision no later than ~~five~~ THIRTY days before the election. THE SUPPLEMENTAL LIST FOR THE POLITICAL SUBDIVISION SHALL BE PROVIDED NO LATER THAN TWENTY DAYS BEFORE THE ELECTION AND SHALL CONTAIN THE NAMES AND ADDRESSES OF ALL RECORDED OWNERS WHO HAVE BECOME OWNERS WITHIN THE PERIOD SINCE THE INITIAL PROPERTY OWNERS LIST WAS PROVIDED. The cost for the ~~list~~ LISTS shall be assessed by the county assessors and paid by the political subdivision holding the election. The fee for furnishing the ~~list~~ LISTS shall be no less than twenty-five dollars for ~~the entire list~~ BOTH LISTS nor more than one cent for each name contained on the ~~list~~ LISTS, whichever is greater.

**SECTION 50.** 1-5-404 (1) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-5-404. Arrangement of names on ballots for partisan elections.** (1) In all ~~general or congressional vacancy~~ PARTISAN elections, ~~in precincts using paper ballots, electronic voting equipment, or a combination thereof,~~ the names of all candidates and joint candidates who have been duly nominated for office shall be arranged on the ballot under the designation of the office in two groups. The names of the candidates of the two major political parties shall be placed on the general election ballot in an order established by lot and shall comprise the first group; except that the joint candidates for PRESIDENT AND VICE PRESIDENT AND THE JOINT CANDIDATES FOR governor and lieutenant governor shall be arranged in the alphabetical order of the names of the candidates for PRESIDENT AND governor. The names of the candidates and joint candidates of the remaining political parties or political organizations shall be listed in an order established by lot and shall comprise the second group; except that the joint candidates for PRESIDENT AND VICE PRESIDENT AND THE JOINT CANDIDATES FOR governor and lieutenant governor shall be arranged in the alphabetical order of the names of the candidates for PRESIDENT AND governor.

(3) The arrangement of names on ballots for ~~nonmachine voting in~~ congressional vacancy elections shall be established by lot at any time prior to the certification of ballots for the congressional vacancy election. The officer in receipt of the original designation, nomination, or petition of each candidate shall inform the two major political parties and the representatives of each political organization on file with the secretary of state of the time and place of the lot-drawing for the congressional election ballot. Ballot positions shall be assigned to the major political party or political organization in the order in which they are drawn.

**SECTION 51.** 1-5-405, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**1-5-405. Arrangement of names on voting machines - testing of machines.**

(1) ON ALL VOTING MACHINES, THE BALLOT ISSUE CONCERNING THE RETENTION IN OFFICE OF JUSTICES OF THE SUPREME COURT, JUDGES OF THE COURT OF APPEALS, JUDGES OF THE DISTRICT COURT, AND JUDGES OF THE COUNTY COURT, IN THAT ORDER, SHALL BE SO PLACED ON THE MACHINES THAT THE BALLOT ISSUES FOLLOW THE CANDIDATES FOR COUNTY, STATE, AND FEDERAL OFFICES ON THE UPPERMOST ROWS AVAILABLE FOR THE CANDIDATE SECTION ON THE VOTING MACHINES.

(2) WHEN MORE THAN ONE PERSON IS TO BE ELECTED TO AN OFFICE, ONLY TWO SPACES SHALL BE PROVIDED ON THE VOTING MACHINE FOR WRITE-IN PURPOSES FOR EACH OFFICE.

(3) ALL VOTING MACHINES, WHEN PREPARED FOR THE SPECIFIC ELECTION, SHALL BE TESTED TO MAKE CERTAIN THAT ALL VOTING LEVERS ARE IN PLACE AND THAT THE MACHINE PROPERLY RECORDS THE VOTES CAST. AFTER THE TESTING, THE MACHINE SHALL BE RESET TO ZERO VOTES CAST FOR EACH OFFICE AND ISSUE.

**SECTION 52.** 1-5-406, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-406. Content of ballots for nonpartisan elections.** The designated election official shall provide printed ballots for every election. The official ballots shall be printed and in the possession of the designated election official at least thirty days before the election. Every ballot shall contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn, and the ballot shall contain no other names. ~~The names of the candidates for each office shall be printed upon the ballot in alphabetical order~~ ARRANGEMENT OF THE NAMES SHALL BE ESTABLISHED BY LOT AT ANY TIME PRIOR TO THE CERTIFICATION OF THE BALLOT. THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE CANDIDATES OF THE TIME AND PLACE OF THE LOT-DRAWING FOR THE BALLOT. THE DRAWING SHALL BE PERFORMED BY THE DESIGNATED ELECTION OFFICIAL OR A DESIGNEE. THE NAMES SHALL BE PRINTED ON THE BALLOT without political party designation.

**SECTION 53.** 1-5-407 (1) and (5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-5-407 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-5-407. Form of ballots.** (1) The extreme top part of each ballot shall be divided into two spaces by two perforated OR DOTTED lines. Each space shall be not less than one inch wide. The top portion is called the stub, and the next portion is called the duplicate stub. On the stub and the duplicate stub, nothing shall be printed except the number of the ballot, and the same number shall be printed upon both the stub and the duplicate stub. All ballots shall be numbered consecutively. All ballots shall be uniform and of sufficient length and width to allow for the names of candidates, officers, ~~and~~ ballot issues, AND BALLOT QUESTIONS to be printed in clear, plain type, with a space of at least one-half inch between the different columns on the ballot. On each ballot shall be printed the endorsement "Official ballot for .....", and after the word "for" shall follow the designation of the precinct, if appropriate, and the political subdivision for which the ballot is prepared, the date of the election, and a facsimile of the signature of the election official. The ballot shall contain no caption or other endorsement, except as provided in this section. The election official 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 prepared for one election.

(5) Whenever the approval of a ballot issue OR BALLOT QUESTION is submitted to the vote of the people, the ballot issue OR QUESTION shall be printed upon the ballot following the lists of candidates. Constitutional issues shall be printed first, followed by statewide ~~ballot~~ issues AND QUESTIONS, COUNTY ISSUES AND QUESTIONS, MUNICIPAL ISSUES AND QUESTIONS, SCHOOL DISTRICT ISSUES AND QUESTIONS, ~~and then local~~ ballot issues AND QUESTIONS FOR OTHER POLITICAL SUBDIVISIONS WHICH ARE IN MORE THAN ONE COUNTY, AND THEN BALLOT ISSUES AND QUESTIONS FOR OTHER POLITICAL SUBDIVISIONS WHICH ARE WHOLLY WITHIN A COUNTY. THE MEASURES IN EACH CATEGORY SHALL BE PLACED IN THE FOLLOWING ORDER: MEASURES TO INCREASE TAXES; MEASURES TO INCREASE DEBT; CITIZEN PETITIONS; AND REFERRED MEASURES.

(5.5) THE COORDINATED ELECTION OFFICIAL MAY CHOOSE TO FOLLOW THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION, OR MAY CHOOSE TO USE SEPARATE BALLOTS. IF SEPARATE BALLOTS ARE USED, THE CANDIDATES SHALL BE LISTED FIRST, FOLLOWED BY MEASURES TO INCREASE TAXES, MEASURES TO INCREASE DEBT, CITIZEN

PETITIONS, AND REFERRED MEASURES.

**SECTION 54.** 1-5-506, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-506. Election expenses in nonpartisan elections.** The cost of conducting a nonpartisan election, ~~or the prorated costs of conducting a joint election,~~ including the cost of printing and supplies, shall be paid by the governing body calling the election.

**SECTION 55.** 1-5-507, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-507. County clerk and recorder to give estimate.** In any election called by a nonpartisan governing body where the county clerk and recorder will have responsibilities for the election, the county clerk and recorder shall give to the governing body estimates of the costs for conducting a ~~concurrent election, a joint~~ COORDINATED election or a mail ballot election so that the governing body may choose the appropriate method of election.

**SECTION 56.** 1-5-602 (1) (f) and (1) (k), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-5-602. Requirements for voting machines.** (1) No voting machine shall be purchased, leased, or used unless it fulfills the following requirements:

(f) It prevents the elector from voting for a candidate or on a ballot issue OR QUESTION for whom or on which the elector is not lawfully entitled to vote;

(k) It will correctly register by means of exact mechanical counters every vote cast for candidates or for ballot issues OR QUESTIONS appearing on the ballot;

**SECTION 57.** Part 6 of article 5 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-5-608.5. Electronic voting system certification.** (1) RECOGNIZED INDEPENDENT TESTING AUTHORITIES HAVE THE AUTHORITY TO TEST, APPROVE, AND QUALIFY ELECTRONIC VOTING SYSTEMS FOR SALE AND USE IN THE STATE OF COLORADO, IF:

(a) NO INDEPENDENT TESTING AUTHORITY WILL BE RECOGNIZED AND GRANTED THE AUTHORITY TO QUALIFY ELECTRONIC VOTING SYSTEMS FOR USE IN THIS STATE UNLESS IT HAS MET ALL OF THE OBLIGATIONS AND ONGOING REQUIREMENTS NECESSARY TO GAIN CERTIFICATION AS AN INDEPENDENT TESTING AUTHORITY FROM THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS OR OTHER NATIONAL AUTHORITY RECOGNIZED BY THE FEDERAL ELECTION COMMISSION FOR THE PURPOSE OF CERTIFYING INDEPENDENT TESTING AUTHORITIES.

(b) THE INDEPENDENT TESTING AUTHORITY CONDUCTS ANY AND ALL TESTS REQUIRED BY THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS OR OTHER NATIONAL AUTHORITY RECOGNIZED BY THE FEDERAL ELECTION COMMISSION FOR GRANTING CERTIFICATION TO INDEPENDENT TESTING AUTHORITIES TO VERIFY THE

## INTEGRITY OF THE ELECTRONIC VOTING SYSTEMS TO BE USED IN COLORADO.

(c) NO ELECTRONIC VOTING DEVICE OR ELECTRONIC VOTING SYSTEM SHALL BE USED IN ANY PUBLIC ELECTION IN THIS STATE UNLESS IT HAS BEEN CERTIFIED BY THE SECRETARY OF STATE FOLLOWING SUCCESSFUL QUALIFICATION TESTING CONDUCTED BY A RECOGNIZED INDEPENDENT TESTING AUTHORITY.

**SECTION 58.** The introductory portion to 1-6-101 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-6-101 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**1-6-101. Certification and qualifications for election judges.** (1) The persons ~~submitting lists of election judges must certify that all persons~~ nominated as election judges SHALL CERTIFY IN WRITING THAT THEY meet the following qualifications:

(3) FOR COORDINATED ELECTIONS, THE COUNTY CLERK AND RECORDER MAY COMBINE PRECINCTS AND POLLING PLACES AND MAY USE THE SAME ELECTION JUDGES.

(4) THE CERTIFICATION OF QUALIFICATION SHALL BE COMPLETED PRIOR TO THE PERSON SERVING AS AN ELECTION JUDGE. THE CERTIFICATIONS MAY BE KEPT ON FILE WITH THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL FOR UP TO TWO YEARS FROM THE DATE OF SIGNING THE CERTIFICATION.

**SECTION 59.** 1-6-113 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-6-113. Vacancies.** (1) If for any reason any person selected to serve as an election judge fails to attend the class of instruction for election judges, or refuses, fails, or is unable to serve, or is removed by preemption or for cause, the designated election official thereafter may appoint an election judge, AND FOR A PARTISAN ELECTION THE ELECTION JUDGE SHALL BE APPOINTED from the list of names previously submitted by the county chairperson of the political party to which the person belongs or from a list of previously authorized judges. To insure that a sufficient number of judges is available at every election, each county clerk and recorder shall compile a list of persons who are affiliated with a minor political party or a qualified political organization or who are unaffiliated and who are willing and eligible to serve as election judges. If a vacancy occurs and no persons are available who meet the affiliation requirements of section 1-6-109, then the county clerk and recorder may appoint a person from the list of persons not affiliated with a major political party.

**SECTION 60.** 1-6-114 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-6-114. Oath of judges.** (1) Before any votes are taken at any election, the election judges shall each take an oath or affirmation in the following form:

"I, ....., do solemnly swear (or affirm) that I am a citizen of the United States and the state of Colorado; that I am an eligible elector WHO RESIDES in precinct .... in the county of ..... OR WITHIN THE ..... POLITICAL SUBDIVISION; that I

am a member of the ..... party as shown on the registration books of the county clerk and recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same; that I will not try to ascertain how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of violating any provision of or any offenses listed in article 13 of title 1, C.R.S.; that I have never had an application for appointment as a notary public denied nor has my commission, if I have one, to serve as a notary public been revoked pursuant to section 12-55-107, C.R.S.; that I have not been convicted of official misconduct by a notary public pursuant to section 12-55-116, C.R.S.; and that I will not disclose the result of the votes until the polls have closed."

**SECTION 61.** 1-6-115 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-6-115. Compensation of judges.** (2) In addition to the compensation provided by subsection (1) of this section, each election judge may be paid expenses AND REASONABLE COMPENSATION for attending election schools which may be established by the respective designated election officials.

**SECTION 62.** 1-6-116 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-6-116. Delivery of election returns and other election papers - compensation.** (1) The supply judge SHALL PICK UP AT THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL, and, for partisan elections, WITH one other judge of the opposite political party who is selected by the remaining judges, shall deliver the election returns, registration book, ballot boxes, and other election papers and supplies to the office of the designated election official.

**SECTION 63.** 1-6-118 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-6-118. Judges may change polling place.** (1) If it becomes impossible OR IMPRACTICABLE to hold an election because of an emergency at the designated polling place, the election judges, ~~after notifying the designated election official and~~ after assembling at or as near as practicable to the original designated polling place, may move to the nearest convenient place for holding the election and at the newly designated place forthwith proceed with the election. THE ELECTION JUDGES SHALL NOTIFY THE DESIGNATED ELECTION OFFICIAL OF THE CHANGE AS SOON AS POSSIBLE.

**SECTION 64.** 1-7-104, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-104. Affidavits of eligibility.** In any election where the list of registered electors and property owners is not divided by precinct, ~~or~~ where an eligible elector may vote at any polling place in a political subdivision, OR WHERE A TAXPAYING ELECTOR'S NAME IS NOT ON THE LIST OF REGISTERED ELECTORS OR PROPERTY OWNERS, an affidavit signed by the eligible elector stating that the elector has not

previously voted in the election may be required.

**SECTION 65.** 1-7-107, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-107. Watchers at nonpartisan elections.** Candidates for office in nonpartisan elections, ~~or interested parties in the case~~ AND PROPONENTS AND OPPONENTS of a ballot issue, are EACH entitled to appoint one person to act as a watcher in every polling place in which they are a candidate or in which the issue is on the ballot. The candidates or ~~interested parties~~ PROPONENTS AND OPPONENTS shall certify the names of persons so appointed to the designated election official on forms provided by the official.

**SECTION 66.** 1-7-108 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-108. Requirements of watchers.** (1) Watchers shall take an oath administered by one of the election judges THAT THEY ARE ELIGIBLE ELECTORS, THAT THEIR NAME HAS BEEN SUBMITTED TO THE DESIGNATED ELECTION OFFICIAL AS A WATCHER FOR THIS ELECTION, AND that they will not in any manner make known to anyone the result of counting votes until the polls have closed.

**SECTION 67.** 1-7-110 (1) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-7-110. Preparing to vote.** (1) Any eligible elector desiring to vote shall write his or her name and address on the signature card and give it to one of the election judges, who shall clearly and audibly announce the name in a loud and distinct tone of voice. An eligible elector who is unable to write may request assistance from one of the election judges, ~~The judge~~ WHO shall also sign the signature card and witness the eligible elector's mark. The signature card shall provide: "I, ....., who reside at ....., am an eligible elector of this precinct OR DISTRICT and desire to vote at this ..... election.  
Date ....."

(2) If the name is found on the registration list OR, WHERE APPLICABLE, THE PROPERTY OWNER'S LIST by the election judge in charge, the elector's name shall be repeated. The judge in charge of the pollbook or list shall then enter the eligible elector's name, and the eligible elector shall be allowed to enter the immediate voting area. Besides the election officials, no more than four electors more than the number of voting booths or voting machines shall be allowed within the immediate voting area at one time.

**SECTION 68.** 1-7-111, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-111. Disabled registered elector - assistance.** (1) (a) If at any election, any registered elector declares ~~under oath~~ to the election judges that, by reason of blindness or other physical disability or inability to read or write, he or she is unable to prepare the ballot or operate the voting machine without assistance, the elector shall be entitled, upon making a request, to receive the assistance of any one of the

election judges or, at the elector's option, any eligible elector selected by the disabled eligible elector. No person other than an election judge in the precinct shall be permitted to enter the voting booth or voting machine as an assistant to more than one elector, unless the person is the spouse, parent, grandparent, sibling, or child eighteen years or older of the elector.

(b) ANY PERSON WHO ASSISTS ANY ELIGIBLE ELECTOR TO CAST HIS OR HER BALLOT SHALL FIRST COMPLETE THE FOLLOWING VOTER ASSISTANCE/DISABLED VOTER SELF-AFFIRMATION FORM: "I, ....., SHALL NOT IN ANY WAY ATTEMPT TO PERSUADE OR INDUCE THE ELECTOR TO VOTE IN A PARTICULAR MANNER NOR WILL I CAST THE ELECTOR'S VOTE OTHER THAN AS DIRECTED BY THE ELECTOR WHOM I AM ASSISTING."

(2) Notwithstanding the provisions of sections 1-8-117 and 1-8-118, in every political subdivision, physically disabled eligible electors shall be allowed to vote at the ~~absent~~ ABSENTEE voters' polling place on election day. More than one ~~absent~~ ABSENTEE voters' polling place may be established in a county for the purposes of this subsection (2). Prior to voting, IF POSSIBLE, the disabled eligible elector intending to vote at the ~~absent~~ ABSENTEE voters' polling place on election day shall complete the following ~~affidavit which, except for the signature, may be filled out by election officials, or by a person who is assisting the physically disabled elector pursuant to this section~~ SELF-AFFIRMATION FORM. If the disabled elector cannot read, OR WRITE, OR IS UNABLE TO SIGN HIS OR HER NAME, the election official or person assisting the ~~physically disabled~~ elector shall read the form aloud to the ~~disabled~~ elector, AND, UPON THE AFFIRMATION OF THE ELECTOR, WILL MARK THAT THE ELECTOR REQUESTING ASSISTANCE HAS AFFIRMED THAT THE FACTS ON THE FORM ARE TRUE AND CORRECT. ~~If the disabled elector is unable to sign, the election official or person assisting the physically disabled elector may sign for the disabled elector.~~ IF THE DISABLED ELECTOR IS ABLE TO READ AND WRITE, HE OR SHE SHALL COMPLETE THE VOTER ASSISTANCE/DISABLED VOTER SELF-AFFIRMATION FORM. The form shall provide:

~~From ....., State of ....., County of ..... "I, ....., being first duly sworn according to law, depose and say that~~ AFFIRM THAT I am an eligible elector in this political subdivision located in the county of ....., state of Colorado; that I ~~have voted~~ SHALL VOTE today at a THIS polling place. ~~and~~ I FURTHER affirm that I have not, nor will I, cast a vote by any other means in this election."

(3) After the ~~affidavit for assistance to disabled eligible electors~~ VOTER ASSISTANCE/DISABLED VOTER SELF-AFFIRMATION FORM is completed, a corresponding entry shall be made on the back of the printed list or computer list. ~~as provided by section 1-5-302.~~ If assistance to a disabled eligible elector occurs at the precinct polling place, an entry shall be made on the pollbook or list of the name of each eligible elector assisted and the name of each person assisting.

**SECTION 69.** 1-7-112 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-112. Non-English speaking electors - assistance.** (1) (a) If at any election, any elector ~~declares under oath to the election judges that~~ REQUESTS ASSISTANCE IN VOTING, by reason of difficulties with the English language, he or she is unable to

prepare the ballot or operate the voting machine without assistance, the elector shall be entitled, upon making a request, to receive the assistance of an election judge, any person selected by the designated election official to provide assistance in that precinct, or any person selected by the eligible elector requesting assistance, provided that the person rendering assistance can provide assistance in both the language in which the elector is fluent and in English. No person, other than an election judge or person selected by the designated election official to provide assistance, shall be permitted to assist more than one elector per election unless the person is the elector's spouse, parent, grandparent, sibling, or child eighteen years or older.

(b) ANY PERSON WHO ASSISTS ANY ELIGIBLE ELECTOR TO CAST HIS OR HER BALLOT SHALL FIRST COMPLETE THE FOLLOWING VOTER ASSISTANCE/DISABLED VOTER SELF-AFFIRMATION FORM: "I, ....., SHALL NOT IN ANY WAY ATTEMPT TO PERSUADE OR INDUCE THE ELECTOR TO VOTE IN A PARTICULAR MANNER NOR WILL I CAST THE ELECTOR'S VOTE OTHER THAN AS DIRECTED BY THE ELECTOR WHOM I AM ASSISTING."

**SECTION 70.** 1-7-114 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-114. Write-in votes.** (1) Eligible electors may cast a write-in vote for a candidate who has filed an affidavit of intent of write-in candidacy pursuant to section 1-4-1101 by writing the name of the person in the blank space provided for write-in candidates on the ballot. Each write-in vote ~~shall~~ MAY include a reasonably correct spelling of a given name, an initial or nickname, or both a given name and an initial or nickname, and SHALL INCLUDE the last name of the person for whom the vote is intended. Whenever write-in votes are cast, they shall be counted only when the intention of the elector is clearly apparent.

**SECTION 71.** 1-7-116, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-116. Coordinated elections.** (1) If more than one political subdivision holds an election on the same day IN NOVEMBER and the eligible electors for each such election are ~~not~~ the same OR THE BOUNDARIES OVERLAP, THE COUNTY CLERK AND RECORDER SHALL BE THE COORDINATED ELECTION OFFICIAL AND SHALL CONDUCT THE ELECTIONS ON BEHALF OF ALL POLITICAL SUBDIVISIONS THAT ARE NOT UTILIZING THE MAIL BALLOT PROCEDURE SET FORTH IN SECTIONS 1-7.5-101 TO 1-7.5-112. AS USED IN THIS SUBSECTION (1), "POLITICAL SUBDIVISION" SHALL INCLUDE COUNTIES, MUNICIPALITIES, SCHOOL DISTRICTS, AND SPECIAL DISTRICTS FORMED PURSUANT TO TITLE 32, C.R.S. ~~the same election precincts, polling places and judges may be used. However, for voting with paper ballots, separate ballots shall be used and deposited in separate ballot boxes. Where voting machines or electronic equipment are used, procedures shall be used to insure that only those electors having the proper qualifications are permitted to vote on each respective ballot.~~

(2) THE POLITICAL SUBDIVISIONS FOR WHICH THE COUNTY CLERK AND RECORDER WILL CONDUCT THE COORDINATED ELECTION SHALL ENTER INTO AN AGREEMENT WITH THE COUNTY CLERK AND RECORDER FOR THE COUNTY OR COUNTIES IN WHICH THE POLITICAL SUBDIVISION IS LOCATED CONCERNING THE CONDUCT OF THE COORDINATED ELECTION. THE AGREEMENT SHALL BE SIGNED NO LESS THAN SIXTY

DAYS PRIOR TO THE SCHEDULED ELECTION. THE AGREEMENT SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

(a) ALLOCATION OF THE RESPONSIBILITIES BETWEEN THE COUNTY CLERK AND RECORDER AND THE POLITICAL SUBDIVISIONS FOR THE PREPARATION AND CONDUCT OF THE COORDINATED ELECTION; AND

(b) PROVISION FOR A REASONABLE SHARING OF THE ACTUAL COST OF THE COORDINATED ELECTION AMONG THE COUNTY AND THE POLITICAL SUBDIVISIONS.

(3) NOTWITHSTANDING THE PROVISION FOR INDEPENDENT MAIL BALLOT ELECTIONS IN SUBSECTION (1) OF THIS SECTION, THE DESIGNATED ELECTION OFFICIAL OR THE OFFICIAL'S DESIGNEE FOR THE STATE OR A POLITICAL SUBDIVISION CONDUCTING AN ELECTION IN NOVEMBER, SHALL PREPARE TO TRANSMIT TO THE COUNTY CLERK AND RECORDER FOR THE COUNTY OR COUNTIES IN WHICH THE POLITICAL SUBDIVISION IS LOCATED AT LEAST TWENTY-FIVE DAYS BEFORE THE ELECTION ANY NOTICE THAT THE POLITICAL SUBDIVISION SHALL DISTRIBUTE PURSUANT TO SECTION 20 (3) (b) OF ARTICLE X OF THE COLORADO CONSTITUTION. IT SHALL BE THE RESPONSIBILITY OF THE COUNTY CLERK AND RECORDER TO MAIL THE REQUIRED NOTICES OR NOTICE PACKAGE.

(4) PETITION REPRESENTATIVES WHO ARE REQUIRED TO SUMMARIZE COMMENTS IN FAVOR OF THEIR PETITION PURSUANT TO SECTION 20 (3) (b) (v) OF ARTICLE X OF THE COLORADO CONSTITUTION, SHALL SUBMIT THE SUMMARY, IN TYPEWRITTEN FORM, TO THE DESIGNATED ELECTION OFFICIAL FOR THE JURISDICTION IN WHICH THE PETITION IS PRESENTED, AT LEAST TWENTY-EIGHT DAYS BEFORE THE ELECTION.

**SECTION 72.** 1-7-117, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

~~**1-7-117. Joint elections.** If more than one political subdivision holds an election on the same day and the eligible electors are the same, the election precincts, polling places, and judges may be the same and one ballot may be used for all political subdivisions.~~

**SECTION 73.** 1-7-302, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-302. Electors given only one ballot.** Election judges shall give to each eligible elector a single ballot, which shall be removed from the package of ballots by tearing the same along the perforated line between the stub and SEPARATED FROM THE duplicate stub BY TEARING OR CUTTING ALONG THE PERFORATED OR DOTTED LINE. The election judge having charge of the ballots shall endorse his or her initials on the duplicate stub. Another election judge shall enter the date and the number of the ballot on the registration record of the eligible elector before delivering the ballot to the eligible elector. The election judge having charge of the pollbook shall write the name of the eligible elector and the number of the ballot on the pollbook.

**SECTION 74.** 1-7-306, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-306. Counting by receiving judges.** In precincts which do not have counting judges, as soon as the polls at any election have closed, the receiving judges shall immediately open the ballot box and proceed to count the ballots ~~and the counting shall be continued until finished before the receiving judges adjourn. The receiving judges shall then proceed to count ballots in the manner prescribed in section 1-7-307~~ IN THE MANNER PRESCRIBED IN SECTION 1-7-307. THE RECEIVING JUDGES SHALL NOT ADJOURN UNTIL THE COUNTING IS FINISHED.

**SECTION 75.** 1-7-307 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-307. Method of counting paper ballots.** (1) The election judges shall first count the number of ballots in the box. If the ballots are found to exceed the number of names entered on each of the pollbooks, the election judges shall then examine the official endorsements. ~~on the outside of the ballots without opening them.~~ If, in the unanimous opinion of the judges, any of the ballots in excess of the number on the pollbooks are deemed not to bear the proper official endorsement, they shall be put into a separate pile and into a separate record, and a return of the votes in those ballots shall be made under the heading "excess ballots". When the ballots and the pollbooks agree, the judges shall proceed to count the votes.

**SECTION 76.** 1-7-309 (5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-309. Determination of improperly marked ballots.** (5) When the election judges in any precinct discover in the counting of votes that the name of any WRITE-IN candidate voted for is misspelled or ~~the initial letters of the given name are transposed or omitted in part, or altogether;~~ the vote for that candidate shall be counted if the ~~intention of the voter to cast a vote for that candidate is apparent~~ WRITING MEETS THE REQUIREMENTS OF SECTION 1-7-114 (1).

**SECTION 77.** 1-7-505 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-505. Close of polls - count and seals in electronic voting.** (2) In precincts in which voting is on a ballot or ballot card, election judges shall prepare a return in duplicate showing the number of eligible electors, as indicated by the pollbook, who have voted in the precinct, the number of official ballots or ballot cards received, and the number of spoiled and unused ballots or ballot cards returned. The original copy of the return shall be deposited in the metal or durable plastic transfer box, along with all voted and spoiled ballots. The transfer box shall then be sealed in such a way as to prevent tampering with the box or its contents. The designated election official shall provide a numbered seal. The duplicate copy of the return shall be mailed at the nearest post office or post-office box to the designated election official by an election judge other than the one who delivers the transfer box to the designated counting center. For partisan elections, two election judges of different political parties, as provided in ~~section 1-7-117~~ SECTION 1-6-116, shall deliver the sealed transfer box to the counting center designated by the designated election official.

**SECTION 78.** 1-7-601, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-7-601. Judges' certificate and statement.** (3) ANY JUDGES' CERTIFICATES AND STATEMENTS MAY BE COMBINED INTO ONE DOCUMENT IF SO DIRECTED BY THE DESIGNATED ELECTION OFFICIAL.

**SECTION 79.** Part 6 of article 7 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-7-603. Preparation of election returns.** IF ANY DESIGNATED ELECTION OFFICIAL WISHES TO COUNT THE BALLOTS AT A LOCATION OR BY A METHOD OTHER THAN AUTHORIZED BY THIS CODE, THE DESIGNATED ELECTION OFFICIAL MAY PRESENT A PLAN, FOR APPROVAL BY THE SECRETARY OF STATE, THAT DELINEATES THE PROCESS FOR ASSURING ACCURACY AND CONFIDENTIALITY OF COUNTING. THE PLAN SHALL BE SUBMITTED TO THE SECRETARY OF STATE AND APPROVED NO LESS THAN FORTY-FIVE DAYS BEFORE THE ELECTION AT WHICH THE PLAN IS TO BE IMPLEMENTED.

**SECTION 80.** 1-7-801, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**1-7-801. Ballots preserved.** THE DESIGNATED ELECTION OFFICIAL SHALL REMOVE THE BALLOTS FROM THE BALLOT BOX AFTER THE TIME PERIOD FOR ELECTION CONTESTS HAS PASSED AND PRESERVE THE BALLOTS AS ELECTION RECORDS PURSUANT TO SECTION 1-7-802.

**SECTION 81.** 1-7-802, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-802. Preservation of election records.** The designated election official shall be responsible for the preservation of any election records for a period of at least thirty days after the next ensuing REGULAR election or until time has expired for which the record would be needed in any contest proceedings, whichever is longer. UNVOTED BALLOTS MAY BE DESTROYED AFTER THE TIME FOR A CHALLENGE TO THE ELECTION HAS PASSED. IF A FEDERAL CANDIDATE WAS ON THE BALLOT, THE VOTED BALLOTS AND ANY OTHER REQUIRED ELECTION MATERIALS SHALL BE KEPT FOR NO LESS THAN TWENTY-FIVE MONTHS AFTER THE ELECTION.

**SECTION 82.** 1-7.5-104 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7.5-104. Mail ballot elections - optional.** (2) Notwithstanding the provisions of subsection (1) of this section, a mail ballot election shall not be held for:

- (a) Elections or recall elections that involve partisan candidates;
- (b) Elections held in conjunction with, or on the same day as, a primary ~~general~~ or congressional vacancy election.

**SECTION 83.** 1-7.5-105 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7.5-105. Preelection process.** (1) The designated election official responsible for conducting an election that is to be by mail ballot pursuant to section 1-7.5-104

(1) shall notify the secretary of state no later than ~~fifty~~ SEVENTY-FIVE days prior to the election. The notification shall include a proposed plan for conducting the mail ballot election, which may be based on the standard plan adopted by the secretary of state.

**SECTION 84.** 1-7.5-107 (2) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7.5-107. Procedures for conducting mail ballot election.** (2) (b) No later than twenty days prior to election day, the ~~designated election official~~ COUNTY CLERK AND RECORDER required to submit a preliminary list in accordance with paragraph (a) of this subsection (2) shall submit to the appropriate authority a supplemental list of the names of eligible electors whose names were not included on the preliminary list.

**SECTION 85.** 1-8-101 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-101. Ballots and supplies for absentee voting.** (1) Absentee ballots, applications, affidavits, certificates, envelopes, instruction cards, and other necessary supplies shall be provided by the designated election official in the same manner as other election supplies are provided for in all elections and shall be furnished without cost to any eligible elector wishing to vote pursuant to this article. Absentee ballots shall be ready for delivery or mailing to ~~absent~~ ABSENTEE electors as soon as available.

**SECTION 86.** 1-8-102, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-102. When absentee eligible electors may vote - effect of "Uniformed and Overseas Citizens Absentee Voting Act" - emergency authority of secretary of state.** (1) Any eligible elector may vote by absentee ballot OR EARLY BALLOT at any election under the regulations and in the manner provided in this article.

(2) IN THE EVENT OF ANY CONFLICT BETWEEN THIS ARTICLE AND ANY PROVISIONS OF THE FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. 1973ff ET SEQ., THE PROVISIONS OF THE FEDERAL ACT SHALL CONTROL, AND ALL DESIGNATED ELECTION OFFICIALS WHO ARE CHARGED WITH THE PERFORMANCE OF DUTIES UNDER THIS CODE SHALL PERFORM THE DUTIES AND DISCHARGE THE OBLIGATIONS PLACED UPON THEM BY THE FEDERAL ACT.

(3) IF A NATIONAL OR LOCAL EMERGENCY ARISES WHICH MAKES STRICT COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE IMPOSSIBLE OR UNREASONABLE, SUCH AS WHEN CONGRESS HAS DECLARED A NATIONAL EMERGENCY OR THE PRESIDENT HAS ORDERED INTO ACTIVE MILITARY SERVICE OF THE UNITED STATES ANY UNITS AND MEMBERS OF THE NATIONAL GUARD OF THIS STATE, THE SECRETARY OF STATE MAY PRESCRIBE, BY EMERGENCY ORDERS OR RULES, SUCH SPECIAL PROCEDURES OR REQUIREMENTS AS MAY BE NECESSARY TO FACILITATE ABSENTEE OR EARLY VOTING BY THOSE MEMBERS OF THE MILITARY OR MILITARY SUPPORT PERSONNEL DIRECTLY AFFECTED BY THE EMERGENCY.

**SECTION 87.** 1-8-103 (1) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-8-103. Application for absentee ballot.** (1) ~~Requests for an application for an absentee ballot may be made orally or in writing.~~ The application for an absentee ballot shall be MADE IN WRITING OR BY FAX, USING ~~either~~ the application form furnished by the designated election official, as prescribed by the secretary of state pursuant to section 1-1-108, or in the form of a letter, which includes the applicant's SIGNATURE, residence address and date of birth. ~~The application form or letter requesting an absentee ballot may be faxed to the designated election official; except that, the vote cast by an absentee ballot requested via fax shall count only if an originally signed request is filed with the designated election official before or at the same time the ballot is received by the designated election official.~~ If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated or wishes to affiliate.

(3) The application for an absentee ballot shall be filed with the designated election official of the political subdivision in which the applicant resides or is entitled to vote. The application shall be filed no earlier than ~~ninety days before~~ JANUARY 1 IMMEDIATELY PRECEDING the election and no later than the close of business on the Friday immediately preceding the election.

**SECTION 88.** 1-8-106, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-106. Absentee registration record.** (1) Before any absentee ballot is delivered or mailed or before any eligible elector is permitted to cast a vote ~~as provided in section 1-8-116~~ AT AN ELECTION WHERE THE COUNTY CLERK AND RECORDER IS THE DESIGNATED ELECTION OFFICIAL, the designated election official shall write or stamp the number appearing on the stub of the ballot on the elector's registration record, together with the date the ballot is delivered or mailed. The supply judge for the ~~absent~~ ABSENTEE elector's precinct shall receive the list of absentee ballots prepared pursuant to section 1-8-107. ~~Absent~~ ABSENTEE electors for each precinct shall be recorded on the precinct registration list for use at the polls as provided in ~~section 1-5-301~~ SECTION 1-5-302.

(2) FOR NONPARTISAN ELECTIONS, ABSENTEE ELECTORS SHALL BE RECORDED ON THE PRECINCT REGISTRATION LIST FOR USE AT THE POLLS AS PROVIDED IN SECTION 1-5-303.

**SECTION 89.** 1-8-108, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-108. Watchers at early voters' polling places.** Any political party, candidate, or ~~issue committee~~ PROPONENTS OR OPPONENTS OF A BALLOT ISSUE entitled to have watchers at polling places shall EACH have the right to maintain ~~watchers~~ ONE WATCHER at the ~~absentee~~ EARLY VOTERS' polling place during the casting and counting of ~~absentee~~ EARLY VOTERS' ballots, and shall also have the right to maintain watchers in the office of the designated election official during the period in which absentee ballots may be applied for or received.

**SECTION 90.** 1-8-109, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-109. Challenges - rejections.** The vote of any eligible elector voting by absentee OR EARLY VOTERS' ballot may be challenged in the same manner and for the same causes as other votes are challenged.

**SECTION 91.** 1-8-110 (1) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-8-110. Delivery or replacement of absentee ballot.** (1) The absentee ballot and other materials shall be delivered or mailed to the ~~absent~~ ABSENTEE elector within seventy-two hours after the receipt of the application, if the official ballots are then printed, or, if not then printed, within seventy-two hours after the printed ballots are delivered to the designated election official.

(2) Upon a request by an eligible elector stating an emergency need, the designated election official may authorize one or more deputies OR MAY DEPUTIZE A COURIER SERVICE to deliver the absentee ballot and return the ballot to the office of the designated election official.

**SECTION 92.** 1-8-111 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-111. Voting at group facilities.** (2) For nonpartisan elections, upon the request of an eligible elector, the designated election official may appoint a committee which consists of two or more election judges or ~~employers~~ EMPLOYEES or representatives of the DESIGNATED election official.

**SECTION 93.** 1-8-112, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-112. Early voters' polling place.** Each ~~political subdivision~~ COUNTY CLERK AND RECORDER CONDUCTING A COORDINATED ELECTION shall provide ~~in addition to the precinct polling places,~~ one or more handicapped accessible ~~absentee~~ EARLY VOTERS' polling places, which shall be provided with ON-LINE COMPUTER ACCESSIBILITY TO THE COUNTY CLERK AND RECORDER, suitable quarters, ballot boxes or voting machines, and other necessary supplies as provided by law in the case of precinct polling places. ~~except that voting booths may be provided in precincts using paper ballots.~~

**SECTION 94.** 1-8-113 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-113. Procedures and personnel for early voters' polling place.** (1) ~~In every political subdivision~~ The absentee EARLY VOTERS' polling place shall be opened as soon as absentee ballots or ballot stubs are printed and delivered to the designated election official. ~~The delivery shall take place no later than the thirtieth day preceding any election~~ NO LATER THAN TWENTY-FOUR DAYS PRECEDING ANY ELECTION.

**SECTION 95.** 1-8-114 (1) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-8-114 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-8-114. Manner of absentee and early voting.** (1) Any eligible elector applying for and receiving an absentee ballot, in casting the ballot, shall make and subscribe to the self-affirmation on the return envelope. The elector shall then mark the ballot, fold the ballot or insert the ballot card in the special envelope provided for the purpose so as to conceal the marking, deposit it in the return envelope, and seal the envelope securely. The envelope may be delivered personally or mailed by the elector to the designated election official issuing the ballot. Alternatively, an elector may deliver the ballot to any person of the elector's own choice or to any duly authorized agent of the designated election official for mailing or personal delivery to the designated election official. All envelopes containing absentee ballots shall be in the hands of the designated election official ~~not~~ NO later than ~~the hour of~~ 7 p.m. on the day of the election. Absentee envelopes received after 7 p.m. on the day of the election but postmarked on or before the day of the election will remain sealed and uncounted, but the elector's registration record will not be canceled for failure to vote in a general election.

(3) An eligible elector who receives an ~~absentee paper~~ EARLY VOTERS' ballot upon appearing in person in the office of the ~~designated election official~~ COUNTY CLERK AND RECORDER may cast the ballot in the ~~absentee~~ EARLY VOTERS' polling place, as provided in section 1-8-112. Ballot boxes for ~~such~~ EARLY voting shall be locked and sealed and the keys shall remain in the possession of the designated election official until transferred to the supply judge for the ~~absent~~ ABSENTEE AND EARLY voters' ~~polling~~ COUNTING place for preparation for counting and tabulating pursuant to section 1-8-121.

(4) EARLY VOTING SHALL NOT BE PERMITTED AFTER THE CLOSE OF THE BUSINESS DAY ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION.

**SECTION 96.** 1-8-115 (1) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-8-115. Self-affirmation on return envelope.** (1) The return envelope for the absentee ballot shall have printed on ~~its face~~ IT a self-affirmation substantially in the following form:

State of ....., County of ....., I ..... state under penalty of perjury that I am an eligible elector; ~~of (political subdivision), county of ....., state of Colorado;~~ that I am not registered nor maintaining a sole place of legal residence in any other precinct, county, or state; that my address as registered is .....; that I have not and will not cast any vote in this election except by the enclosed ballot; ~~that (check one) [ ] I did not receive assistance in marking my ballot [ ] I did receive assistance in marking my ballot from ..... (name of person giving assistance)....., who resides at .....~~; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

.....  
Date

.....  
Signature of voter

(3) Assistance to ~~absent~~ ABSENTEE voters may be given by any person selected by the ~~absent~~ ABSENTEE voter. No person other than an elector authorized by the designated election official pursuant to sections 1-8-111 and 1-8-113 shall be permitted to assist more than one ~~absent~~ ABSENTEE voter and unless the person is at least eighteen years of age and is the spouse, parent, grandparent, sibling, or child of the ~~absent~~ ABSENTEE voter seeking assistance. No elector who assists an ~~absent~~ ABSENTEE voter shall attempt to persuade or unreasonably influence the voter to vote in a particular manner WHILE THE ABSENTEE VOTER IS VOTING.

**SECTION 97.** 1-8-116, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-116. Casting early voters' ballot.** ~~In all counties in which voting machines or electronic voting machines are used~~ The ~~absentee~~ EARLY VOTERS' polling place shall BE open DURING REGULAR BUSINESS HOURS for purposes of voting ~~fifteen~~ TWENTY-FOUR days before THE election ~~day and shall remain open at all times~~ UNLESS THE BOARD OF COUNTY COMMISSIONERS BY RESOLUTION INCREASES THE TIME THAT THE EARLY VOTERS' POLLING PLACE MAY BE OPEN. 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~~ REGISTERED ELECTORS who appear in person at the ~~absentee~~ EARLY VOTERS' 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, OR BALLOT BOXES used for the casting of ~~absentee~~ EARLY ballots shall remain locked, sealed, or both locked and sealed, and the tabulation of the votes cast shall remain unknown until the time prescribed in section 1-8-117 for counting absentee AND EARLY VOTERS' ballots. During the time the ~~absentee~~ EARLY VOTERS' 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~~ EARLY ballots. The voting machines or electronic voting machines used for the casting of ~~absentee~~ EARLY ballots shall not be used for the further counting of absentee ballots, as provided in sections 1-8-123 and 1-8-124.

**SECTION 98.** 1-8-117, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-117. Hours absentee and early voters' counting place open for receiving and counting absentee ballots.** (1) ~~In every political subdivision,~~ The absentee ~~polling~~ AND EARLY VOTERS' COUNTING place shall be open on election days from 8:30 a.m. until 7 p.m. for the purpose of receiving and counting absentee AND EARLY VOTERS' ballots. The ~~absentee~~ EARLY VOTERS' polling place may also be open from 8:30 a.m. until 5:30 p.m. on the day preceding the election for the purpose of receiving and counting absentee AND EARLY VOTERS' ballots. No information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day, and the election officials in charge of the absentee ~~polling~~ COUNTING place shall take all precautions necessary to insure the secrecy of the counting proceedings.

(2) ~~The duties, power, authority, and jurisdiction of~~ The election officials at the absentee ~~polling~~ COUNTING place ~~on election day and the day preceding are confined~~

~~to the receiving, casting, preparing for tabulation, and counting of~~ MAY RECEIVE, CAST, AND PREPARE FOR TABULATION absentee AND EARLY VOTERS' ballots delivered and turned over to them by the designated election official ~~as provided in this article~~ BEGINNING THE FRIDAY PRIOR TO THE ELECTION AND CONTINUING THROUGH ELECTION DAY. COUNTING OF THE ABSENTEE AND EARLY VOTERS' BALLOTS MAY BEGIN THE MONDAY BEFORE THE ELECTION AND CONTINUE UNTIL COUNTING IS COMPLETED.

**SECTION 99.** Article 8 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-8-118.5. Special write-in blank absentee ballots.** (1) ANY CITIZEN WHO RESIDES OUTSIDE THE UNITED STATES, WHO IS A REGISTERED ELECTOR IN THIS STATE PRIOR TO HIS OR HER DEPARTURE, AND WHO QUALIFIES PURSUANT TO THIS SECTION MAY APPLY TO THE COUNTY CLERK AND RECORDER FOR A SPECIAL WRITE-IN BLANK ABSENTEE BALLOT TO VOTE AT ANY PRIMARY, GENERAL, COORDINATED, OR CONGRESSIONAL VACANCY ELECTION. AN APPLICATION FOR A SPECIAL WRITE-IN BLANK ABSENTEE VOTER BALLOT SHALL CONTAIN A STATEMENT BY THE REGISTERED ELECTOR THAT DUE TO MILITARY OR OTHER CONTINGENCIES THAT PRECLUDE NORMAL MAIL DELIVERY, AS SPECIFIED BY THE ELECTOR, THE ELECTOR CANNOT VOTE AN ABSENTEE BALLOT DURING THE NORMAL PERIOD PROVIDED BY THIS ARTICLE. ANY APPLICATION MADE PURSUANT TO THIS SECTION WHICH IS RECEIVED BY THE DESIGNATED ELECTION OFFICIAL PRIOR TO THE SIXTIETH DAY BEFORE THE ELECTION SHALL BE KEPT AND PROCESSED ON OR AFTER THE SIXTIETH DAY BEFORE THE ELECTION.

(2) IF THE APPLICANT IS QUALIFIED, THE DESIGNATED ELECTION OFFICIAL SHALL IMMEDIATELY SEND THE VOTER A BALLOT IN A FORM PRESCRIBED BY THE SECRETARY OF STATE AND A LIST OF ALL CANDIDATES WHO HAVE QUALIFIED FOR THE BALLOT BY THE SIXTIETH DAY BEFORE THE ELECTION AND A LIST OF ALL MEASURES WHICH ARE TO BE SUBMITTED TO THE VOTERS AND UPON WHICH THE ELECTOR IS QUALIFIED TO VOTE.

(3) ON THE SPECIAL WRITE-IN BLANK ABSENTEE BALLOT, THE REGISTERED ELECTOR MAY DESIGNATE HIS OR HER CANDIDATE BY WRITING IN THE NAME OF THE CANDIDATE OR BY WRITING IN THE NAME OF A POLITICAL PARTY OR POLITICAL ORGANIZATION, IN WHICH CASE THE BALLOT SHALL BE COUNTED FOR THE CANDIDATE OF THAT POLITICAL PARTY OR POLITICAL ORGANIZATION. ANY ABBREVIATION, MISSPELLING, OR OTHER MINOR VARIATION IN THE FORM OF THE NAME OF THE CANDIDATE, POLITICAL PARTY, OR POLITICAL ORGANIZATION SHALL BE DISREGARDED IN DETERMINING THE VALIDITY OF THE BALLOT AS LONG AS THE INTENTION OF THE REGISTERED ELECTOR CAN BE ASCERTAINED.

(4) (a) IF BOTH A FEDERAL WRITE-IN BLANK ABSENTEE BALLOT PURSUANT TO SECTION 1-8-119 AND A SPECIAL WRITE-IN BLANK ABSENTEE BALLOT PURSUANT TO THIS SECTION ARE RETURNED BY THE VOTER, THE FEDERAL WRITE-IN ABSENTEE BALLOT SHALL BE DEEMED VOID, AND VOTES SHALL BE COUNTED FROM THE SPECIAL WRITE-IN BLANK ABSENTEE BALLOT ONLY.

(b) IF BOTH AN ABSENTEE BALLOT AND A SPECIAL WRITE-IN BLANK ABSENTEE BALLOT ARE RETURNED, THE SPECIAL WRITE-IN BLANK ABSENTEE BALLOT SHALL BE

DEEMED VOID, AND VOTES SHALL BE COUNTED FROM THE ABSENTEE BALLOT ONLY.

(5) SPECIAL WRITE-IN BLANK ABSENTEE BALLOTS SHALL BE COUNTED IN ACCORDANCE WITH SECTION 1-8-117.

**SECTION 100.** 1-8-119 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-119. Federal write-in absentee ballots pursuant to the "Uniformed and Overseas Citizens Absentee Voting Act".** (3) If a person in the United States service submits a properly executed federal postcard application pursuant to this section and the county clerk and recorder receiving it determines that the applicant is not properly registered, the county clerk and recorder shall register the applicant in accordance with section 1-2-208 and shall then deliver to the applicant the official absentee ballot and other materials ~~as set forth in subsection (1) of this section~~ NECESSARY FOR THE APPLICANT TO VOTE PROPERLY.

**SECTION 101.** 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 EARLY VOTERS' 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 AND EARLY VOTERS' polling place all the absentee envelopes received up to that time, in sealed packages or in locked and sealed ballot boxes, taking a receipt for the packages or boxes, together with the signed applications for the absentee ballots, the list of ~~absent~~ ABSENTEE AND EARLY electors, and the record of absentee ballots as provided for in section 1-8-107. In political subdivisions which commence counting absentee AND EARLY VOTERS' 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~~ WHEN COUNTING BEGINS. 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~~ ENVELOPES." 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 AND EARLY VOTERS' ballots.

**SECTION 102.** 1-8-122 (1), (3), and (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-8-122. Preparing to count absentee ballots - rejections.** (1) Before opening any absentee ballot, one of the receiving judges, in the presence of a majority of the receiving judges, shall announce in an audible voice the name of the ~~absent~~ ABSENTEE voter and shall inspect the self-affirmation on the return envelope. For the ballot to be counted, the self-affirmation must have been completed by the elector or a person acting in the elector's behalf, and must have been signed by the elector. If these requirements are met and the self-affirmation appears complete and correct, the receiving judge shall tear open the envelope without defacing the self-affirmation or

mutilating the enclosed ballot. One of the election judges shall enter the name of the ~~absent~~ ABSENTEE voter in the pollbook, and another election judge shall deposit the ballot in the ballot box.

(3) If it appears to the election judges, by sufficient proof, that a voter has died after forwarding an absentee ballot, the envelope containing the ballot of the deceased ~~absent~~ ABSENTEE voter shall not be opened, and the election judges shall make notation of the death on the back of the envelope. If an absentee envelope contains more than one marked ballot of any one kind, none of the ballots shall be counted, and the election judges shall write the reason for rejection on the back of the ballots.

(4) Election judges shall certify in their returns the number of absentee ballots cast and counted FOR EACH CANDIDATE, FOR AND AGAINST EACH BALLOT ISSUE, AND FOR AND AGAINST EACH BALLOT QUESTION, and the number of ~~such~~ ballots rejected.

**SECTION 103.** 1-8-123 (1) and the introductory portion to 1-8-123 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-8-123 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**1-8-123. Counting absentee and early voters' ballots - partisan elections.**

(1) ~~In counties which have counting judges for the absentee polling place, the receiving judges, as soon as fifty ballots have been cast, shall deliver the ballot box containing the ballots to the counting judges, who shall proceed to count them. In counties which do not have counting judges for the absentee polling place, the receiving judges may begin counting when at least one hundred ballots have been cast.~~ ABSENTEE AND EARLY VOTERS' BALLOTS SHALL BE COUNTED AFTER DELIVERY OF THE BALLOTS AS PROVIDED IN SECTION 1-8-121 AND AFTER PREPARATION OF THE BALLOTS AS PROVIDED IN SECTION 1-8-122.

(2) Absentee AND EARLY VOTERS' ballots shall be counted in one of the following ways:

(d) EARLY VOTERS' BALLOTS WHICH ARE CAST DIRECTLY ON VOTING MACHINES OR ON ELECTRONIC VOTE-TABULATING EQUIPMENT SHALL BE COUNTED IN THE SAME MANNER AS PROVIDED FOR THE COUNTING OF PRECINCT BALLOTS IN PART 6 OF ARTICLE 5 AND PARTS 4 AND 5 OF ARTICLE 7 OF THIS TITLE.

**SECTION 104.** The introductory portion to 1-8-124 (1) and 1-8-124 (1) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-8-124 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**1-8-124. Counting absentee and early voters' ballots - nonpartisan elections.**

(1) After delivery of the ballots as provided in section 1-8-121 AND AFTER PREPARATION OF THE BALLOTS AS PROVIDED IN SECTION 1-8-122, the absentee AND EARLY VOTERS' ballots shall be counted in one of the following ways:

(a) In political subdivisions which use paper ballots, the absentee AND EARLY VOTERS' ballots may be counted in the manner provided in section 1-7-307 for counting paper ballots.

(d) EARLY VOTERS' BALLOTS WHICH ARE CAST DIRECTLY ON VOTING MACHINES OR ON ELECTRONIC VOTE-TABULATING EQUIPMENT SHALL BE COUNTED IN THE SAME MANNER AS PROVIDED FOR THE COUNTING OF PRECINCT BALLOTS IN PART 6 OF ARTICLE 5 AND PARTS 4 AND 5 OF ARTICLE 7 OF THIS TITLE.

**SECTION 105.** 1-8-125, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-125. Casting and counting - electronic system.** In political subdivisions using a ballot card electronic voting system, absentee AND EARLY VOTERS' ballots may be cast on paper ballots and counted as provided in ~~section 1-8-121~~ SECTION 1-7-307 or may be cast on ballot cards and counted by electronic voting equipment as provided in part 6 of article 5 and parts 4 and 5 of article 7 of this title, or both methods may be used.

**SECTION 106.** 1-8-126, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-126. Certificate of absentee and early voters' ballots cast - survey of returns.** (1) Upon the completion of the count of absentee AND EARLY VOTERS' ballots, the election judges shall make the certificate and perform all the official acts required by sections 1-7-601 and 1-7-602.

(2) Upon the survey of the returns of the political subdivision by the board of canvassers FORMED PURSUANT TO SECTION 1-10-101 OR 1-10-201, the board shall include in its abstract of votes the votes cast IN THE EARLY VOTERS' POLLING PLACE and counted at the absentee ~~polling~~ AND EARLY VOTERS' COUNTING place in the manner provided for abstracting votes cast and counted at precinct polling places, as provided in article 10 of this title.

**SECTION 107.** 1-8-127, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-127. Return of absentee and early voters' registration list.** The absentee AND EARLY VOTERS' registration list shall be returned to the designated election official with the certificate required to be filed by section 1-8-126.

**SECTION 108.** 1-8-128, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-128. Preservation of rejected absentee ballots.** All absentee identification envelopes, ballot stubs, and absentee AND EARLY VOTERS' ballots rejected by the election judges in accordance with the provisions of section 1-8-122 shall be returned to the designated election official. All absentee ballots received by the designated election official after 7 p.m. on the day of the election, together with the rejected absentee AND EARLY VOTERS' ballots returned by the election judges as provided in this section, shall remain in the sealed identification envelopes and shall be destroyed later as provided in section 1-7-801.

**SECTION 109.** 1-9-203 (2) and (5) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-9-203. Challenge questions asked person intending to vote.** (2) If the person is challenged as not eligible because the person is not a citizen, an election judge shall ask the following questions QUESTION:

- (a) Are you a citizen of the United States?
- (b) ~~Are you a native-born or naturalized citizen?~~

(5) If the person is challenged as not eligible because the person is not a property owner or the spouse of a property owner, an election judge shall ask the following questions:

(b) What is the address OR, FOR SPECIAL DISTRICT ELECTIONS WHERE AN ADDRESS IS NOT AVAILABLE, THE LOCATION of the property which entitles you to vote in this election?

**SECTION 110.** 1-9-206, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-9-206. Challenges of absentee ballots.** The ballot of any ~~absent~~ ABSENTEE voter may be challenged by written oath or affirmation signed by the challenger under penalty of perjury setting forth the name of the person challenged and the basis for the challenge. Challenged ballots, except those rejected for an incomplete or incorrect affidavit, death of the eligible elector, or submission of multiple ballots, shall be cast. The election judges shall deliver all challenges and oaths or affirmations, together with the affidavits of the eligible electors challenged, to the designated election official at the time the absentee voters' registration list is returned. The designated election official shall forthwith deliver all challenges and all oaths or affirmations to the district attorney for investigation and action.

**SECTION 111.** 1-10-202, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-10-202. Canvassers for coordinated elections.** ~~Each governing board participating in a concurrent election shall appoint a separate board of canvassers, who are responsible for the survey of returns for its election.~~ The returns of **joint** COORDINATED elections may be surveyed by the county board of canvassers or by a separate board of canvassers, at the option of the ~~governing bodies~~ POLITICAL SUBDIVISIONS holding the **joint** COORDINATED election.

**SECTION 112.** 1-10-203 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-10-203. Survey of returns.** (1) The returns of all nonpartisan, BALLOT ISSUE, AND BALLOT QUESTION elections shall be made to the designated election official. No later than seven days after the election, the canvassers shall meet, survey the returns, issue a certified statement of results, and make out abstracts of votes for each office.

**SECTION 113.** 1-10-302, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-10-302. Recount for county officers.** If it appears, as evidenced by the official abstract of votes, that any candidate for any county office failed to be nominated ~~or any candidate for any precinct office failed to be elected~~ in a primary election by two percent or less of the highest vote cast for a candidate of the same party for that office or if any candidate for a county office failed to be elected in a general election by one percent or less of the highest vote cast for a candidate for the same office, the county clerk and recorder shall order a recount of the votes cast for the office in question. The recount shall be held at the same time and place and in the same manner as a recount conducted pursuant to section 1-10-301. If no recount is ordered under section 1-10-301, any recount of the votes for county ~~or precinct~~ officers shall be held no later than the thirtieth day after a general election or no later than the fifteenth day after a primary election and shall be completed no later than the thirty-fifth day after the general election or the twentieth day after the primary election.

**SECTION 114.** 1-10-303, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-10-303. Recount for nonpartisan elections.** If it appears, as evidenced by the survey of returns, that any candidate failed to be elected or ballot issue OR BALLOT QUESTION failed to pass by a margin of ~~less than 10 votes or~~ one percent or less of the highest number of votes cast for the next candidate for that office or for the ballot issue OR BALLOT QUESTION, the governing body shall conduct a recount of the votes cast for the office or the ballot issue OR BALLOT QUESTION. Any recount under this section shall be held no later than the fifteenth day after the election and shall be completed by no later than the twentieth day after the election. Notice prior to the recount shall be given to all interested candidates or supporters of a ballot issue OR BALLOT QUESTION. The interested parties or their representatives shall be allowed to be present and observe the recount. Any recount under this section shall be paid for by the governing body.

**SECTION 115.** 1-10-304, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-10-304. Request by candidate, ballot issue, or ballot question supporters.** If it appears, AS EVIDENCED BY THE SURVEY OF RETURNS, that any candidate failed to be nominated or elected or any ballot issue OR BALLOT QUESTION failed to pass by more than the number of required votes provided in section 1-10-301, 1-10-302, or 1-10-303, the losing candidate or the supporters of a losing ISSUE OR question may submit a certified written request for a recount at the expense of the person or group making the request. This request shall be filed within thirty days after the general or congressional vacancy election, within fifteen days after the primary election, or within ten days after any other election. Before conducting the recount, the designated election official SHALL NOTIFY THE OTHER CANDIDATE OR CANDIDATES OR THE OPPONENTS OF THE BALLOT ISSUE OR BALLOT QUESTION AND shall determine the cost and notify the requesting candidate OR GROUP. If the recount is for an office greater than a county office, the cost shall be determined by the secretary of state who shall notify the candidate. The candidate shall pay on demand the cost of the recount to the county treasurer or the manager of revenue for a recount of a county office, to the state treasurer for a recount of a congressional, state, or district office, or to the governing body for a nonpartisan election. The funds shall be placed in escrow for payment of all expenses incurred in the recount. If after the recount the candidate

who requested the recount is declared the winner of the election, regardless of the margin of victory, or if the winning candidate failed to be nominated or elected by more than the number of required votes provided in section 1-10-301, 1-10-302, or 1-10-303, the payment for expenses shall be refunded to the person or group who paid them, and the expenses shall be paid as provided in section 1-11-309. The recount provided for in this section shall be in addition to any other recounts provided by law.

**SECTION 116.** 1-10-308 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-10-308. Certificates of election - tie votes.** (2) (a) If, in any recount except those for county ~~or precinct~~ offices in a primary election as provided for in paragraph (b) of this subsection (2), two or more persons tie for the highest number of votes for the same office, the designated election official shall break the tie using the procedures provided in section 1-11-101.

(b) If, in a recount for a primary election involving a county ~~or precinct~~ office, two or more candidates of the same political party tie for the highest number of votes for the same office, the tie shall be resolved pursuant to section 1-11-102.

**SECTION 117.** 1-10-309, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-10-309. Expenses of the recount.** All expenses incurred in conducting a recount in any political subdivision shall be paid by the political subdivision UNLESS OTHERWISE PROVIDED IN SECTION 1-10-304. Members of a board of canvassers who assist in any recount shall receive the same fees authorized for counting judges in section 1-6-115.

**SECTION 118.** 1-11-103, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-11-103. Certificates of election for nonpartisan, ballot issue, or ballot question elections.** Except in the case of offices for which a recount is required as provided in section 1-10-303, immediately after the abstract of votes for each office has been prepared and after any required bond and oath is filed, the designated election official shall make a certificate of election for each of the persons who were elected and shall deliver the certificates to those persons, AND A CERTIFICATE OF THE VOTES CAST FOR AND AGAINST EACH BALLOT ISSUE AND FOR AND AGAINST EACH BALLOT QUESTION.

**SECTION 119.** 1-12-108, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-12-108. Petition requirements.** The petition shall be prepared and circulated pursuant to part 9 of article 4 of this title. NO SIGNATURE SHALL BE COUNTED WHICH WAS PLACED ON A PETITION PRIOR TO APPROVAL OF THE PETITION BY THE DESIGNATED ELECTION OFFICIAL OR MORE THAN SIXTY DAYS AFTER THE DESIGNATED ELECTION OFFICIAL'S APPROVAL OF THE PETITION.

**SECTION 120.** 1-13-106, Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

**1-13-106. Forgery.** Any person who falsely makes, alters, forges, or counterfeits any ballot before or after it has been cast, or who forges any name of a person as a signer or witness to a petition or nomination paper, or who forges any letter of acceptance, declination, or withdrawal, or who forges the name of a registered elector to an ~~absent~~ ABSENTEE voter's ballot commits forgery in the second degree as set forth in section 18-5-103, C.R.S., ~~1973~~; and shall be punished as provided in section 18-1-105, C.R.S. ~~1973~~.

**SECTION 121.** 1-13-209, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-13-209. High school deputy registrar - influencing party affiliation.** Any high school deputy ~~county clerk and recorder~~ REGISTRAR for voter registration purposes who influences or attempts to influence any person during the registration process to affiliate with a political party or to affiliate with a specific political party is guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-13-111.

**SECTION 122.** 1-13-718, Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

**1-13-718. Release of information concerning count.** Any election official, watcher, or other person who releases information concerning the count of ballots cast at precinct polling places or of ~~absent~~ ABSENTEE voters' ballots prior to 7 p.m. on the day of the election is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

**SECTION 123.** 1-13-801, Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

**1-13-801. Mailing other materials with absentee voter's ballot.** It is unlawful for any county clerk and recorder to deliver or mail to a registered elector, as a part of or in connection with the ~~absent~~ ABSENTEE voter's ballot, anything other than the voting material as provided in article 8 of this title. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

**SECTION 124.** 1-13-802, Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

**1-13-802. Absentee voter applications and deliveries outside county clerk and recorder's office.** No county clerk and recorder shall accept any application for any ~~absent~~ ABSENTEE voter's ballot nor make personal delivery of any such ballot to the applicant unless such acceptance and delivery occurs within the confines of the official office of such county clerk and recorder, except as otherwise provided in sections 1-8-103, 1-8-105, and 1-8-111. Any acceptance or delivery contrary to the provisions of this section renders void the ballot to which it relates. Each violation of this section is a misdemeanor, and, upon conviction thereof, the offender shall be

punished as provided in section 1-13-111.

**SECTION 125.** 1-13-803, Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

**1-13-803. Offenses relating to absentee voting.** Any election official or other person who knowingly violates any of the provisions of article 8 of this title relative to the casting of ~~absent~~ ABSENTEE voters' ballots or who aids or abets fraud in connection with any vote cast, or to be cast, or attempted to be cast by an ~~absent~~ ABSENTEE voter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

**SECTION 126.** 1-40-102 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended by Senate Bill 93-135, enacted at the First Regular Session of the Fifty-ninth General Assembly, is amended to read:

**1-40-102. Definitions.** As used in this article, unless the context otherwise requires:

(1) "Ballot issue" means a nonrecall, citizen-initiated petition or legislatively-referred measure which is authorized by the state constitution, INCLUDING A QUESTION AS DEFINED IN SECTIONS 1-41-102 (3) AND 1-41-103 (3), ENACTED IN SENATE BILL 93-98.

**SECTION 127.** 1-40-108 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended by Senate Bill 93-135, enacted at the First Regular Session of the Fifty-ninth General Assembly, is amended to read:

**1-40-108. Petition - time of filing - fees.** (1) No petition for any statewide ~~initiative law or amendment to the state constitution~~ BALLOT ISSUE shall be of any effect unless filed with the secretary of state within six months from the date that the titles, submission clause, and summary have been fixed and determined pursuant to the provisions of sections 1-40-106 and 1-40-107 and unless filed with the secretary of state within the time required by the state constitution before the election at which it is to be voted upon. A PETITION FOR A STATEWIDE BALLOT ISSUE FOR THE ELECTION TO BE HELD IN NOVEMBER OF ODD-NUMBERED YEARS SHALL BE FILED WITH THE SECRETARY OF STATE WITHIN THE SAME TIME BEFORE SUCH ODD-YEAR ELECTION AS IS REQUIRED BY THE STATE CONSTITUTION FOR ISSUES TO BE VOTED ON AT THE GENERAL ELECTION. All filings under this section must be made by 3 p.m. on the day of filing.

**SECTION 128.** 1-40-125 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended by Senate Bill 93-135, enacted at the First Regular Session of the Fifty-ninth General Assembly, is amended to read:

**1-40-125. Mailing to electors.** (1) The requirements of this section shall apply to any ballot issue involving ~~an increase in taxes or debt~~ A STATE OR LOCAL GOVERNMENT MATTER ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AS DEFINED IN SECTIONS 1-41-102 (4) AND 1-41-103 (4), ENACTED IN SENATE BILL 93-98, for which notice is required to be mailed pursuant to section 20 (3) (b) of article X of the state constitution. A mailing is not required for a ballot

issue that does not involve ~~an increase in taxes or debt pursuant to~~ A STATE OR LOCAL GOVERNMENT MATTER ARISING UNDER section 20 of article X of the state constitution, AS DEFINED IN SECTIONS 1-41-102 (4) AND 1-41-103 (4), ENACTED IN SENATE BILL 93-98.

**SECTION 129.** 22-42-107, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

~~**22-42-107. Concurrent election for directors and bonds.** If the question of contracting bonded indebtedness is submitted at the regular biennial election for the election of school directors, the notice of the bond election shall be included in the notices of the regular biennial election. However, the election shall be conducted as a concurrent election pursuant to section 1-7-116, C.R.S.~~

**SECTION 130.** 23-71-110 (7), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**23-71-110. Election of board - members and terms.** (7) The cost of the election of members of the board of trustees as provided in this section shall be paid by the junior college district in which the elections are conducted or in the event of a ~~joint or concurrent~~ COORDINATED election the costs shall be allocated pursuant to sections 1-5-506 and 1-5-507, C.R.S.

**SECTION 131.** 23-71-507, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

~~**23-71-507. Joint election for directors and bonds.** If the question of contracting bonded indebtedness is submitted at the regular biennial election, the notice of the bond election shall be included in the notices of the regular biennial election, and the election shall be conducted as a concurrent election pursuant to section 1-7-116, C.R.S., or a joint election pursuant to section 1-7-117, C.R.S., as determined by the board of trustees.~~

**SECTION 132.** 31-10-106, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-10-106. Copies of election laws and manual provided.** At least thirty days before any regular election, the secretary of state shall PROVIDE EACH MUNICIPAL CLERK A COPY OF THE MUNICIPAL ELECTION LAWS OF THE STATE. THE SECRETARY OF STATE SHALL ALSO prepare and transmit ~~a sufficient number of copies of the municipal election laws of the state and of a simplified manual of election procedures~~ WHICH INCLUDES PERTINENT SECTIONS OF THE MUNICIPAL ELECTION LAWS to the clerk of each municipality to be distributed to the ELECTION judges ~~of election~~ in each municipal election precinct. ~~Each set of judges shall receive at least one copy of the municipal election laws, and~~ Each judge shall receive at least one copy of the simplified manual.

**SECTION 133.** 32-1-103 (5) (a) (I) and (21), Colorado Revised Statutes, as amended, are amended to read:

**32-1-103. Definitions.** (5) (a) "Eligible elector" means a person who, at the

designated time or event, is registered to vote pursuant to the "Uniform Election Code of 1992", articles 1 to 13 of title 1, C.R.S., and:

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

(21) "Special election" means any election called by the board for submission of public questions and other matters. The election shall be held on the first Tuesday after the first Monday in February, May, October, or December, IN NOVEMBER OF EVEN-NUMBERED YEARS OR ON THE FIRST TUESDAY IN NOVEMBER OF ODD-NUMBERED YEARS. Any special district may petition a district court judge who has jurisdiction in such district for permission to hold a special election on a day other than those specified in this subsection (21). The district court judge may grant permission only upon a finding that an election on the days specified would be impossible or impracticable or upon a finding that an unforeseeable emergency would require an election on a day other than those specified.

**SECTION 134.** 32-1-301 (2), Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**32-1-301. Petition for organization.** (2) The petition shall set forth:

(h) A REQUEST FOR THE SUBMISSION TO THE ELECTORS OF THE SPECIAL DISTRICT AT THE ORGANIZATIONAL ELECTION OF ANY QUESTIONS PERMITTED TO BE SUBMITTED AT SUCH ELECTION PURSUANT TO SECTION 32-1-802 (6).

**SECTION 135.** 32-1-705, Colorado Revised Statutes, as amended, is amended to read:

**32-1-705. Election notice.** When an election is ordered by the court, the court shall give notice pursuant to ~~section 1-5-204~~ SECTION 1-5-207, C.R.S.

**SECTION 136.** 32-1-802, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**32-1-802. Organizational election - new special district - first directors.**  
(6) AT ANY ELECTION FOR THE ORGANIZATION OF A NEW SPECIAL DISTRICT, THE COURT SHALL ALSO ORDER THE SUBMISSION OF THE PROPOSITION OF ISSUING GENERAL OBLIGATION BONDS OR CREATING OTHER GENERAL OBLIGATION INDEBTEDNESS OR ANY QUESTION OR QUESTIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION AS APPLIED TO THE NEW SPECIAL DISTRICT, IF THE PETITION FILED PURSUANT TO SECTION 32-1-301 REQUESTS THAT SUCH QUESTIONS BE SUBMITTED AT THE ORGANIZATIONAL ELECTION. THE ORDER OF THE COURT SHALL MAKE THE DETERMINATIONS REQUIRED BY SECTION 32-1-1101 (2) AND (3) (a) AND REQUIRE THE CLERK OF THE COURT TO CONDUCT THE ELECTION IN ACCORDANCE WITH SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION.

**SECTION 137.** 32-1-806, Colorado Revised Statutes, as amended, is amended to read:

**32-1-806. Persons entitled to vote at special district elections.** (1) No person

shall be permitted to vote in any election unless that person is an eligible elector as defined in section 32-1-103 (5) (a).

(2) ANY PERSON DESIRING TO VOTE AT ANY ELECTION AS AN ELIGIBLE ELECTOR PURSUANT TO SECTION 32-1-103 (5) (a) (II) SHALL SIGN AN AFFIDAVIT THAT THE PERSON IS AN ELECTOR OF THE SPECIAL DISTRICT. THE AFFIDAVIT SHALL BE ON A FORM THAT CONTAINS IN SUBSTANCE THE FOLLOWING:

"I, (PRINTED NAME), WHO RESIDES AT (ADDRESS), AM AN ELECTOR OF THIS (NAME OF SPECIAL DISTRICT) DISTRICT AND DESIRE TO VOTE AT THIS \_\_\_ ELECTION. I AM REGISTERED TO VOTE IN THE STATE OF COLORADO AND QUALIFIED TO VOTE IN THIS SPECIAL DISTRICT ELECTION AS:

\_\_\_ THE OWNER OF TAXABLE REAL OR PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT; OR

\_\_\_ A PERSON WHO IS OBLIGATED TO PAY TAXES UNDER A CONTRACT TO PURCHASE TAXABLE PROPERTY IN THE SPECIAL DISTRICT OR THE AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT; OR

\_\_\_ THE SPOUSE OF \_\_\_ WHO IS THE OWNER OF TAXABLE REAL OR PERSONAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT OR AREA TO BE INCLUDED WITHIN THE SPECIAL DISTRICT.

I HAVE NOT VOTED PREVIOUSLY AT THIS ELECTION.

DATE \_\_\_\_\_ SIGNATURE OF ELECTOR \_\_\_\_\_."

**SECTION 138.** 31-4-203, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-4-203. Majority vote carries - when effective.** (1) If a majority of the votes cast are for the proposition, it shall be carried. The form of government existing in such city at the time of such election shall continue unchanged until the next regular election. EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, the next regular election shall be held for the purpose of electing the officers required by that form of government. Upon the taking of office and compliance with section 31-4-401 by the new officers, the terms of office of existing officers shall terminate, the prior form of government shall cease, and the new form of government shall commence.

(2) IF THE PROPOSITION CARRIED IS TO RETURN TO THE ORIGINAL MAYOR-COUNCIL FORM OF GOVERNMENT, THE OFFICES OF MAYOR AND OTHER ELECTED OFFICES OTHER THAN CITY COUNCIL MEMBERS SHALL BE FILLED AT A SPECIAL ELECTION TO BE HELD ACCORDING TO THE PROVISIONS OF SECTION 31-4-103; EXCEPT THAT SUCH OFFICES SHALL BE FILLED AT THE NEXT REGULAR ELECTION IF SUCH REGULAR ELECTION IS HELD LESS THAN FOUR MONTHS FOLLOWING THE ADOPTION OF THE PROPOSITION. UPON THE TAKING OF OFFICE AND COMPLIANCE WITH SECTION 31-4-401 BY THE MAYOR AND OTHER ELECTED OFFICERS, THE TERMS OF OFFICE OF EXISTING OFFICERS SHALL TERMINATE, THE PRIOR FORM OF GOVERNMENT SHALL CEASE, AND THE NEW

FORM OF GOVERNMENT SHALL COMMENCE.

**SECTION 139.** 32-4-518 (1) (a), (1) (b), and (1) (d), Colorado Revised Statutes, as amended, are amended to read:

**32-4-518. Elections.** (1) (a) Wherever in this part 5 an election is permitted or required, the election may be held separately or may be ~~held jointly or concurrently~~ COORDINATED with any primary or general election held under the laws of the state of Colorado. The elections shall be held and conducted as provided in articles 1 to 13 of title 1, C.R.S. The board of directors shall call the election by resolution adopted pursuant to section 1-5-203, C.R.S.

(b) The board, in the case of any election not to be ~~held jointly or concurrently~~ COORDINATED with a primary or general election, shall appoint a designated election official responsible for assuring that the election is held according to the provisions of articles 1 to 13 of title 1, C.R.S.

(d) If the election is ~~held jointly or concurrently~~ COORDINATED with a primary or general election it shall be held according to the provisions of ~~section 1-7-117~~ SECTION 1-7-116, C.R.S.

**SECTION 140.** 32-8-103 (3), Colorado Revised Statutes, as amended, is amended to read:

**32-8-103. Commission - election - compensation.** (3) On the first Tuesday after the first Monday in November, 1964, at the general state election, and every two years thereafter, an election shall be held in the district to elect three commissioners from division number 1 and two commissioners from division number 2 to serve for two years and until the election and qualification of their successors. Nominations for commissioners at the elections shall be made by petition, pursuant to the provisions of section 1-4-802, C.R.S., and part 9 of article 4 of title 1, C.R.S., as nonpartisan independent candidates, and the petition shall not be circulated until the date specified for circulation in section 1-4-802 (1) (d), C.R.S. The petition shall be signed by eligible electors residing in the division of the district who have paid a tax on real estate in the district in the year preceding the year in which any election is held in a number equal to at least one-half of one percent of the total votes cast for the commissioner who received the most votes at the last preceding election in that division of the district. The election shall be conducted in accordance with articles 1 to 13 of title 1, C.R.S. An eligible elector shall be a taxpaying elector as defined in section 1-1-104 (12) (d), C.R.S. The election held pursuant to this section shall be a ~~joint~~ COORDINATED election as specified in ~~section 1-1-117~~ SECTION 1-1-116, C.R.S.

**SECTION 141. Adjustment to 1993 long bill - department of revenue.** For the implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 1993, to the department of revenue, division of motor vehicles, for program costs shall be adjusted as follows: The cash funds appropriation for program costs is decreased by \$67,007, the amount of the cash funds appropriation for program costs that is from fees, taxes, and all other sources of revenue collected by the Department of State is decreased by \$67,007, and the number of FTE for program costs is decreased by 4.0 FTE.

**SECTION 142. Effective date.** This act shall take effect July 1, 1993.

**SECTION 143. 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: June 6, 1993