

CHAPTER 187

**ELECTIONS**

**HOUSE BILL 95-1241**

BY REPRESENTATIVES Allen, Kreutz, Swenson, Taylor, and Tupa;  
also SENATORS Thiebaut, Johnson, and Pascoe.

**AN ACT**

**CONCERNING ELECTIONS, AND, IN CONNECTION THEREWITH, MAKING MISCELLANEOUS REVISIONS,  
CORRECTIONS, AND CLARIFICATIONS TO THE ELECTIONS LAWS OF THE STATE.**

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

**SECTION 1.** 1-1-104 (33) and (37), 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:

(23.3) "NONPARTISAN ELECTION" MEANS AN ELECTION THAT IS NOT A PARTISAN ELECTION.

(23.6) "PARTISAN ELECTION" MEANS AN ELECTION IN WHICH THE NAMES OF THE CANDIDATES ARE PRINTED ON THE BALLOT ALONG WITH THEIR POLITICAL PARTY AFFILIATION. THE EXISTENCE OF A PARTISAN ELECTION FOR THE STATE OR FOR A POLITICAL SUBDIVISION AS A PART OF A COORDINATED ELECTION DOES NOT CAUSE AN OTHERWISE NONPARTISAN ELECTION OF ANOTHER POLITICAL SUBDIVISION TO BECOME A PARTISAN ELECTION.

(33) "Property owners list" means the list furnished ~~at cost~~ by the county assessor ~~at least ten days before an election at the expense of the political subdivision,~~ IN ACCORDANCE WITH SECTION 1-5-304 showing each property owner within the subdivision, as shown on a deed or contract of record.

(37) "Registration list" means the computer list of electors registered and eligible to vote in a given election on the ~~thirtieth~~ TWENTY-NINTH day before the election, as furnished and certified by the county clerk and recorder to the designated election

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

official.

**SECTION 2.** 1-1-106 (2) and (5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-1-106. Computation of time.** (2) In computing any period of days prescribed by this code, the day of the act or event from which the designated period of days begins to run shall not be included AND THE LAST DAY SHALL BE INCLUDED. Saturdays, Sundays, and legal holidays shall be included, EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

(5) If the state constitution or a state statute requires doing an act in ~~not less than~~ "NOT LESS THAN" a certain number of days or ~~prior to~~ "PRIOR TO" a certain number of days or a certain number of months ~~before~~ "BEFORE" the date of an election, the period is shortened to and ends on the prior business day which is not a Saturday, Sunday, or legal holiday, EXCEPT AS PROVIDED IN SECTION 1-1-114.

**SECTION 3.** 1-1-108, 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 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, ~~copies~~ A COPY of the pertinent sections of the election laws of the state for office use. ~~A copy of a simplified manual of election procedures, including pertinent sections of the election laws of the state, shall be distributed to each of the election judges in each precinct, 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.~~

(2) No later than January 15 in even-numbered years, the division of local government in the department of local affairs shall transmit to the designated election official of each political subdivision entitled to hold elections OR, IF THERE IS NO DESIGNATED ELECTION OFFICIAL, TO THE CHIEF EXECUTIVE OFFICER OF THE POLITICAL SUBDIVISION, at least one copy of the election laws. ~~and one copy of a simplified manual of election procedures to be distributed to each of the election judges.~~ The ~~secretary~~ DESIGNATED ELECTION OFFICIALS OR CHIEF EXECUTIVE OFFICERS of the various governing bodies may request additional copies of the election laws. ~~and the simplified manual of election procedures.~~

**SECTION 4.** 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 ~~thirty~~ TWENTY-NINE days before any primary, presidential, general, municipal, congressional vacancy, special district, or other election, AND IF THE TWENTY-NINTH DAY BEFORE AN ELECTION IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THEN ELECTORS SHALL BE PERMITTED TO REGISTER ON THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

**SECTION 5.** 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, thirty days immediately ~~preceding~~ PRIOR TO the election at which the person intends to vote; but, in case of an annexation ~~which~~ THAT 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 6.** 1-2-103 (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-103. Military service - students - inmates - mentally ill persons.** (4) ~~No person confined as a prisoner in~~ NO PERSON WHILE SERVING A SENTENCE OF DETENTION OR CONFINEMENT IN A CORRECTIONAL FACILITY, JAIL, OR OTHER LOCATION OR WHILE SERVING A SENTENCE OF PAROLE ~~a correctional facility or jail~~ shall be eligible to register to vote or to vote in any election, ~~while confined; or serving any part of a sentence under mandate;~~ however, a confined prisoner who is awaiting trial but has not been tried shall be certified by the institutional administrator and shall be permitted to register to vote by ~~affidavit registration in the prisoner's county of residence~~ MAIL REGISTRATION PURSUANT TO PART 5 OF THIS ARTICLE.

**SECTION 7.** 1-2-202 (1), (2), and (7), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-202. Registration by county clerk and recorder.** (1) The county clerk and recorder shall register any eligible elector residing in any precinct in the state of Colorado who appears in person at the primary office or at any office, mobile or stationary, regularly maintained by the county clerk and recorder and staffed by regular employees at any time following any general election, up to and including the ~~thirtieth~~ TWENTY-NINTH day before the primary election, or at any time after the primary election, up to and including the ~~thirtieth~~ TWENTY-NINTH day before the general election. The registrations shall then be forwarded to the appropriate county clerk and recorder. The county clerk and recorder shall accept deferred registrations pursuant to subsection (6) of this section, except on the days of the primary, general, and congressional vacancy elections and elections held on the first Tuesday in November of odd-numbered years.

(2) Each municipal clerk shall serve as a deputy registrar. The municipal clerk shall register any eligible elector 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-nine~~ TWENTY-EIGHT 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.

(7) The name of each elector who registered pursuant to subsection (6) of this section shall be included in books and lists prepared for all elections held at least ~~thirty~~ TWENTY-NINE days after the date of registration.

**SECTION 8.** 1-2-204 (2) (f), 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:

(f) The elector's ~~post-office~~ MAILING address if different from the elector's residential address;

**SECTION 9.** 1-2-208 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-208. Registration by federal postcard application.** (1) Any eligible elector of this state serving in the United States service who is unable to register under any other provisions of this part 2 may register by properly executing the federal postcard application as provided in the laws of the United States known as the "Federal Voting Assistance Act of 1955", as amended, and may vote in accordance with the federal "Uniformed and Overseas Citizens Absentee Voting Act", as amended. The application may be made at any time following any general election, up to and including the ~~thirtieth~~ TWENTY-NINTH day immediately preceding a general, primary, or congressional vacancy election. Upon receipt of a duly executed application from an eligible elector, the county clerk and recorder shall forthwith register the elector in the registration book for the precinct where the elector resides, in the same manner as electors appearing in person are registered, and shall write or stamp in the space for the elector's signature "registered by federal postcard application".

**SECTION 10.** 1-2-209 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-209. Registration of citizens who reside outside the United States - federal law.** (2) The application may be made at any time following any general election, up to and including the ~~thirtieth~~ TWENTY-NINTH day immediately preceding a general, primary, or congressional vacancy election; except that the application shall be received by the county clerk and recorder prior to the close of business on the ~~thirtieth~~ TWENTY-NINTH day. The application shall be deemed received by the county clerk and recorder as of the date of the United States postal service postmark. Upon receipt of the duly executed application, the county clerk and recorder shall forthwith register the elector and file the registration in a separate registration book for overseas electors.

**SECTION 11.** 1-2-212 (2) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-212. Mobile registration sites - definition - establishment and conduct.** (2) (b) The sites may be open during times set by the county clerk and recorder; except that the sites shall not be open on the following days: General election day, primary election day, and congressional vacancy election day. The sites shall not

remain open later than 7 p.m. of the ~~thirtieth~~ TWENTY-NINTH day before each primary and general election.

**SECTION 12.** 1-2-216 (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-216. Change of residence.** (4) (a) For the ~~twenty-nine~~ TWENTY-EIGHT 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 thirtieth day before the election and that on the day of the election the elector will have lived at the new address in the new precinct for at least thirty days. Upon the receipt of the request, the county clerk and recorder shall verify the registration of the elector and, upon verification, if the elector does not choose to vote at the time the request is verified, shall issue or authorize a certificate of registration, showing the information required in section 1-2-215 plus the change of address.

(b) 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.

(c) If the request is received by the county clerk and recorder on or after the time early voting has begun, the elector may vote at the time the change of address request is received. The elector may also vote by absentee ballot if the ballots have been prepared. IF THE REQUEST IS RECEIVED ON THE ELECTION DAY, THE ELECTOR MAY, AT THE DISCRETION OF THE COUNTY CLERK AND RECORDER, VOTE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER RATHER THAN VOTING IN THE PRECINCT WHERE THE NEW ADDRESS IS LOCATED.

**SECTION 13.** 1-2-216.5, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-216.5. Verification of change of address.** (1) If a county clerk and recorder receives information from the United States postal service OR A DRIVER'S LICENSE EXAMINATION FACILITY that an elector has changed addresses and is still within the county, the county clerk and recorder shall send that elector a notice of the change by forwardable mail and a postage prepaid, pre-addressed return form by which the registrant may verify or correct the address information.

(2) If a county clerk and recorder receives information from the United States postal service or ~~the motor vehicle division~~ A DRIVER'S LICENSE EXAMINATION FACILITY that an elector has changed addresses and is a resident of another county in Colorado, the county clerk and recorder shall send the elector a notice by forwardable mail and a postage prepaid, pre-addressed, mail registration form to the appropriate county clerk and recorder by which the registrant may reregister to vote.

**SECTION 14.** 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~~ DURING THE thirty days before any election shall be permitted to cast a ballot for the election BY ONE OF THE FOLLOWING METHODS: At the polling place for the precinct where registered, by an absentee ballot, or by early voting.

**SECTION 15.** 1-2-217.5 (2) (a) and (2) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-2-217.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-2-217.5. Change in residence before close of registration - lack of knowledge - emergency registration.** (2) The elector shall declare under oath in the emergency registration affidavit that the elector wishes to register to vote in the election in the precinct and county for which the registration books are closed and that either:

(a) The elector was registered to vote in a different county prior to the close of the registration books, had no knowledge that he or she was required by law to register with the county clerk and recorder within the prescribed period ~~upon~~ AFTER a change of residence to a different county, and has not and will not cast a vote in the election in the county of previous residence; or

(b) The elector registered to vote ~~within the prescribed period~~ PRIOR TO THE CLOSE OF REGISTRATION by federal postcard application or at a voter registration agency designated pursuant to the federal "National Voter Registration Act of 1993", 42 U.S.C. sec. 1973gg, as amended, and is able to provide the name and location of and the approximate date of registration at such agency.

(5) AN ELECTOR CHANGING REGISTRATION ON AN ELECTION DAY PURSUANT TO THIS SECTION, AT THE DISCRETION OF THE COUNTY CLERK AND RECORDER, MAY VOTE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER RATHER THAN VOTING IN THE PRECINCT WHERE THE NEW ADDRESS IS LOCATED.

**SECTION 16.** 1-2-220, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-220. Loss of party affiliation.** The declaration of party affiliation of each registered elector shall remain as recorded in the registration book until the elector changes or withdraws it; except that the elector shall lose the party affiliation by moving from the county in which the elector's current party affiliation is recorded, unless the elector ~~transfers~~ CONTINUES the affiliation as provided in section 1-2-221.

**SECTION 17.** 1-2-224 (1) (a), the introductory portion to (2), and (9), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-224. Canceling registration.** (1) (a) At any time between ~~thirty~~ TWENTY-NINE days before the primary election and thirty days after the primary election, the county clerk and recorder shall communicate by mail with all registered electors. ~~except those registered electors whose registration records have been marked "Inactive" as of May 15, 1987.~~ The communication shall be in the form of

an elector information card, including but not limited to the registered elector's name and address, precinct number, and polling place, shall be mailed first class, and shall contain on the address side of the card the statement "Do Not Forward. Address Correction Requested" or any other similar statement which is in accordance with United States postal service regulations.

(2) Any elector whose registration record has been marked "Inactive" pursuant to paragraph (b) of subsection (1) of this section ~~or was marked "Inactive" on May 15, 1987,~~ shall have the "Inactive" statement deleted from the registration record and shall be deemed "Active" if:

(9) If after ~~twenty-nine~~ TWENTY-EIGHT days prior to an election, any registered elector finds that his or her registration record has been cancelled ~~within~~ DURING the prior six 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 two general elections. The "Certificate of Reinstatement" may be issued any time during the ~~twenty-nine~~ TWENTY-EIGHT days before or on election day and the elector may then vote at his or her precinct polling place OR, IF AUTHORIZED BY THE COUNTY CLERK AND RECORDER, AT THE OFFICE OF THE COUNTY CLERK AND RECORDER.

**SECTION 18.** 1-2-225 (6), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-225. Change of polling place - accessibility for persons with disabilities.**

(6) Any request for a change of polling place to a polling place which is accessible to persons with disabilities must be received by the designated election official at least ~~ten~~ TWELVE days prior to the election for which the change is requested.

**SECTION 19.** 1-2-303 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-2-303 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-2-303. Multiple registration - most recent date of registration determines precinct in which allowed to vote.** (2) If the elector completes a "notice of registration" form as required by section 1-2-204 (2) (i), the county clerk and recorder shall immediately transmit the form to the county clerk and recorder of the elector's prior county of residence, using the statewide electronic registration system in the counties that do on-line registration with the secretary of state. Upon receipt of the form, the county clerk and recorder of the county of prior residence shall use the elector's "notice of registration" as evidence of the elector's move from the county and shall cancel the registration record from the registration book. In counties that do not have on-line registration with the secretary of state, the form shall be transmitted weekly to the secretary of state. The secretary of state shall notify the county clerk and recorders of any duplicate records throughout the state. The county clerk and recorder of the county of prior residence shall cancel the registration record only if the name and BIRTH DATE OR THE NAME AND social security number of the elector match.

(3) IF A COUNTY CLERK AND RECORDER RECEIVES A NOTICE FROM ANOTHER

COUNTY CLERK AND RECORDER IN THE STATE OF COLORADO, FROM THE SECRETARY OF STATE, OR FROM AN ELECTION OFFICIAL IN ANOTHER STATE THAT THE ELECTOR HAS REGISTERED TO VOTE IN ANOTHER COUNTY OR TRANSFERRED REGISTRATION TO ANOTHER COUNTY, THE COUNTY CLERK AND RECORDER OF THE COUNTY OF PRIOR RESIDENCE SHALL CANCEL THE REGISTRATION RECORD IF THE NAME AND BIRTH DATE OR THE NAME AND SOCIAL SECURITY NUMBER OF THE ELECTOR MATCH.

**SECTION 20.** 1-2-507, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-507. Transmittal of voter registration applications.** A completed agency registration application accepted at a voter registration agency shall be transmitted to the county clerk and recorder for the county in which the agency is located not later than ten days after the date of acceptance; except that, if a registration application is accepted ~~within~~ DURING THE five days before the last day for registration to vote in an election, the application shall be transmitted to the county clerk and recorder for the county in which the agency is located not later than five days after the date of acceptance.

**SECTION 21.** 1-2-508 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-2-508 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-2-508. Effective date of voter registration.** (1) The county clerk and recorder shall ensure that any eligible applicant is registered to vote in an election if:

(a) In the case of registration with a driver's license application, the valid voter registration application of the applicant is accepted by ~~the motor vehicle division~~ A DRIVER'S LICENSE EXAMINATION FACILITY at least ~~twenty-five~~ TWENTY-NINE days before the date of an election;

(b) In the case of registration by mail, the valid voter registration application of the applicant is postmarked not later than ~~twenty-five~~ TWENTY-NINE days before the date of the election;

(c) In the case of registration by mail and the application has no postmark, the application of the applicant is received within five days of the close of registration;

(d) In the case of registration at a voter registration agency, the valid agency voter registration application of the applicant is accepted at the voter registration agency not later than ~~twenty-five~~ TWENTY-NINE days before the date of the election; and

(e) In any other case, the valid voter registration application of the applicant is received by the appropriate county clerk and recorder not later than ~~twenty-five~~ TWENTY-NINE days before the date of the election.

(2) THE EFFECTIVE DATE OF A VOTER REGISTRATION APPLICATION OR CHANGE OF REGISTRATION THAT IS COMPLETED AT THE OFFICE OF THE COUNTY CLERK AND RECORDER OR IN THE PRESENCE OF A DEPUTY REGISTRAR SHALL BE THE DATE RECEIVED BY THE OFFICE OF THE COUNTY CLERK AND RECORDER OR BY THE REGISTRAR. THE EFFECTIVE DATE OF AN APPLICATION OR CHANGE OF REGISTRATION

THAT IS COMPLETED AT A DRIVER'S LICENSE EXAMINATION FACILITY OR VOTER REGISTRATION AGENCY SHALL BE THE DATE THAT THE APPLICATION OR CHANGE IS ACCEPTED BY THE FACILITY OR AGENCY. THE EFFECTIVE DATE OF A VOTER REGISTRATION APPLICATION OR CHANGE OF REGISTRATION THAT IS COMPLETED BY A MAIL REGISTRATION FORM SHALL BE THE DATE OF THE POSTMARK OR RECEIPT BY THE COUNTY CLERK AND RECORDER, WHICHEVER IS EARLIER.

**SECTION 22.** 1-2-509 (2) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-509. Reviewing voter registration applications.** (2) Upon receipt of an application, the county clerk and recorder shall verify that the application is complete and accurate. If the application is complete and accurate, ~~the applicant shall be deemed registered as of the date of the application, and~~ the county clerk and recorder shall notify the applicant of the registration. If the application is not complete or is inaccurate, the county clerk and recorder shall notify the applicant, stating the additional information required. ~~The applicant shall be deemed registered as of the date of the application if the additional information is provided at any time prior to the actual voting.~~

(3) WITHIN TWO BUSINESS DAYS AFTER RECEIPT OF THE APPLICATION, the county clerk and recorder shall notify each applicant of the disposition of the application by nonforwardable mail. If WITHIN TEN DAYS the notification is returned to the county clerk and recorder as undeliverable, the applicant shall not be registered. ~~or if registered the registration shall be stricken.~~ IF THE NOTIFICATION IS NOT RETURNED WITHIN TEN DAYS AS UNDELIVERABLE, THEN THE APPLICANT SHALL BE DEEMED REGISTERED AS OF THE DATE OF THE APPLICATION; EXCEPT THAT, IF THE APPLICANT WAS NOTIFIED THAT THE APPLICATION WAS NOT COMPLETE, THEN THE APPLICANT SHALL BE DEEMED REGISTERED AS OF THE DATE OF THE APPLICATION IF THE ADDITIONAL INFORMATION IS PROVIDED AT ANY TIME PRIOR TO THE ACTUAL VOTING.

**SECTION 23.** 1-3-101 (1) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-3-101. Party affiliation required - residence.** (1) No registered elector shall vote at any precinct caucus, assembly, or convention of a political party unless the registered elector has been a resident of the precinct for thirty days and affiliated with the political party holding the caucus, assembly, or convention for at least two months as shown on the registration books of the county clerk and recorder; except that any registered elector who has attained the age of eighteen years or who has become a naturalized citizen ~~within~~ DURING the two months immediately preceding the meeting may vote at any caucus, assembly, or convention even though the elector has been affiliated with the political party for less than two months.

(2) Notwithstanding subsection (1) of this section and section 1-2-101 (1) (b), an elector who moves from the precinct where registered ~~within~~ DURING THE thirty days prior to any caucus shall be permitted to participate and vote at the caucus in the precinct of the elector's former residence but shall not be eligible for election as a delegate or for nomination as a precinct committeeperson in the former precinct.

**SECTION 24.** 1-3-102 (2) (a), Colorado Revised Statutes, 1980 Repl. Vol., as

amended, is amended to read:

**1-3-102. Precinct caucuses.** (2) (a) At the time of electing the delegates to the county assembly, the precinct caucus shall also elect two precinct committeepersons. Any person eighteen years of age or older may be a candidate for the office of precinct committeeperson if he or she has been a resident of the precinct for thirty days and has been affiliated with the political party holding the precinct caucus for a period of at least two months preceding the date of the precinct caucus; except that any person who has attained the age of eighteen years or who has become a naturalized citizen ~~within~~ DURING the two months immediately preceding the precinct caucus may be a candidate for the office of precinct committeeperson even though he or she has been affiliated with the political party for less than two months as shown on the registration book of the county clerk and recorder. The two people receiving the highest number of votes at the caucus for precinct committeeperson shall be elected as the precinct committeepersons of the precinct. If two or more candidates for precinct committeeperson receive an equal and the second highest number of votes, or if three or more candidates receive an equal and the highest number of votes, the election shall be determined by lot by those candidates. The names of the committeepersons elected shall be certified to the county assembly of the political party by the officers of the caucus. All disputes regarding the election of precinct committeepersons shall be determined by the credentials committees of the respective party assemblies. The county assembly shall ratify the list of committeepersons. The presiding officer and secretary of the county assembly shall file a certified list of the names and addresses, by precinct, of those persons elected as precinct committeepersons with the county clerk and recorder within ten days after the date of the county assembly.

**SECTION 25.** 1-4-401 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-401. Time of congressional vacancy elections.** (1) When any vacancy occurs in the office of representative in congress from this state, the governor shall set a day to hold an election to fill the vacancy and cause notice of the election to be given as required in part 2 of article 5 of this title; but no congressional vacancy election shall be held ~~within~~ DURING THE ninety days ~~next-preceding~~ PRIOR TO a general election or less than seventy-five days or more than ninety days after the vacancy occurs.

**SECTION 26.** 1-4-404, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-404. Nomination and acceptance of candidate.** Any person nominated in accordance with this article shall file a written acceptance with the secretary of state BY MAIL OR HAND DELIVERY. THE WRITTEN ACCEPTANCE MUST BE POSTMARKED OR RECEIVED BY THE SECRETARY OF STATE within ten BUSINESS days after the adjournment of the ~~convention~~ ASSEMBLY. If an acceptance is not filed within the specified time, the candidate shall be deemed to have declined the nomination, and the nomination shall be treated as a vacancy to be filled as provided in section 1-4-1002 (3) and (5).

**SECTION 27.** 1-4-501, Colorado Revised Statutes, 1980 Repl. Vol., as amended,

is amended to read:

**1-4-501. Only eligible electors eligible for office.** (1) No person except an eligible elector who is at least eighteen years of age, unless another age is required by law, is eligible to hold any office in this state. No person is eligible to be a designee or candidate for office unless that person fully meets the qualifications of that office as stated in the constitution and statutes of this state on or before the date the term of that office begins. ~~The person responsible for certifying the list of designees or candidates for public office~~ DESIGNATED ELECTION OFFICIAL shall not certify the name of any designee or candidate who ~~is unable to provide proof~~ FAILS TO SWEAR OR AFFIRM UNDER OATH that he or she will fully meet the qualifications of the office if elected AND WHO IS UNABLE TO PROVIDE PROOF THAT HE OR SHE MEETS ANY REQUIREMENTS OF THE OFFICE RELATING TO REGISTRATION, RESIDENCE, OR PROPERTY OWNERSHIP. The information found on the person's voter registration record is admissible as prima facie evidence of compliance with this section.

(2) No person is eligible to be a candidate for more than one office at one time; except that this subsection (2) does not apply to memberships on different special district boards. THIS SUBSECTION (2) SHALL NOT PROHIBIT A CANDIDATE OR ELECTED OFFICIAL OF ANY POLITICAL SUBDIVISION FROM BEING A CANDIDATE OR MEMBER OF THE BOARD OF DIRECTORS OF ANY SPECIAL DISTRICT OR DISTRICTS IN WHICH HE OR SHE IS AN ELIGIBLE ELECTOR, UNLESS OTHERWISE PROHIBITED BY LAW.

(3) THE QUALIFICATION OF ANY CANDIDATE MAY BE CHALLENGED BY AN ELIGIBLE ELECTOR OF THE POLITICAL SUBDIVISION WITHIN FIVE DAYS AFTER THE DESIGNATED ELECTION OFFICIAL'S STATEMENT IS ISSUED THAT CERTIFIES THE CANDIDATE TO THE BALLOT. THE CHALLENGE SHALL BE MADE BY VERIFIED PETITION SETTING FORTH THE FACTS ALLEGED CONCERNING THE QUALIFICATION OF THE CANDIDATE AND SHALL BE FILED IN THE DISTRICT COURT IN THE COUNTY IN WHICH THE POLITICAL SUBDIVISION IS LOCATED. THE HEARING ON THE QUALIFICATION OF THE CANDIDATE SHALL BE HELD IN NOT LESS THAN FIVE NOR MORE THAN TEN DAYS AFTER THE DATE THE ELECTION OFFICIAL'S STATEMENT IS ISSUED THAT CERTIFIES THE CANDIDATE TO THE BALLOT. THE COURT SHALL HEAR THE TESTIMONY AND OTHER EVIDENCE AND, WITHIN FORTY-EIGHT HOURS AFTER THE CLOSE OF THE HEARING, DETERMINE WHETHER THE CANDIDATE MEETS THE QUALIFICATIONS FOR THE OFFICE FOR WHICH THE CANDIDATE HAS DECLARED. PROVISIONS OF SECTION 13-17-101, C.R.S., REGARDING FRIVOLOUS, GROUNDLESS, OR VEXATIOUS ACTIONS SHALL APPLY TO THIS SECTION.

**SECTION 28.** 1-4-602 (5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-602. Delegates to party assemblies.** (5) As used in this section, "delegate" means a person who is a registered elector, has been a resident of the precinct for thirty days prior to the caucus, and has been affiliated with the political party holding the caucus for at least two months, as shown on the registration books of the county clerk and recorder; except that any registered elector who has attained the age of eighteen years ~~within~~ DURING the two months immediately preceding the caucus or any registered elector who has become a naturalized citizen ~~within~~ DURING the two months immediately preceding the caucus may be a delegate even though the elector has been affiliated with the political party for less than two months as shown on the registration books of the county clerk and recorder. A delegate who moves from the

precinct of residence shall become ineligible to serve as a delegate from that precinct.

**SECTION 29.** 1-4-802 (1) (e) and (1) (g), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

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

(e) The petition may designate or appoint upon its face one or more ~~persons~~ UNAFFILIATED REGISTERED ELECTORS as a committee to fill vacancies in accordance with section 1-4-1002 (4) and (5). HOWEVER, IN THE CASE OF A PETITION FOR THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE, THE PETITION SHALL DESIGNATE OR APPOINT UPON ITS FACE THREE OR MORE UNAFFILIATED REGISTERED ELECTORS AS A COMMITTEE TO FILL VACANCIES IN ACCORDANCE WITH SECTION 1-4-1002 (4) AND (5) AND SECTION 1-12-203.

(g) No person shall be placed in nomination by petition unless the person is an eligible elector of the political subdivision or district in which the officer is to be elected and unless the person was registered as unaffiliated, as shown on the books of the county clerk and recorder, for at least twelve months prior to the LAST date of ~~filing~~ of the petition MAY BE FILED; except that, if such nomination is for a nonpartisan election, the person shall be an eligible elector of the political subdivision or district and be a registered elector, as shown on the books of the county clerk and recorder, on the date of the earliest signature on the petition.

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

**1-4-803. Petitions for nominating school district directors.** (1) Any person who desires to be a candidate for the office of school director shall file a nomination petition signed by a number of eligible electors equal to the lesser of fifty SIGNERS or fifteen percent of the eligible NUMBER OF electors of the district, but if the school district has a director district plan of representation, the petition shall be signed by a number of eligible electors equal to the lesser of fifty SIGNERS or fifteen percent of the NUMBER OF eligible electors resident in the director district in which the person is a candidate. An eligible elector may sign as many petitions as candidates for whom that elector may vote.

**SECTION 31.** 1-4-805, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended 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 OR MAIL BALLOT election shall, in lieu of the requirements of part 9 of this article, comply with the nominating petition procedure set forth in the "Colorado 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~~ THAT 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 32.** 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 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.~~ EXCEPT FOR SPECIAL DISTRICT NOMINATING PETITIONS, each petition shall designate, by name and address, three persons, referred to in this section as the "committee", ~~which~~ THAT shall represent the signers in all matters affecting the petition.

**SECTION 33.** 1-4-902 (2) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-4-902. Form of petition.** (2) At the top of each page shall be printed, in bold-faced type, the following:

**WARNING:**

**IT IS AGAINST THE LAW:**

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same ~~measure~~ CANDIDATE or to knowingly sign the petition when not a registered elector.

Do not sign this petition unless you are an eligible elector. To be an eligible elector you must be registered to vote and eligible to vote in (name of political subdivision) elections.

Do not sign this petition unless you have read or have had read to you the proposed ~~(nomination/measure)~~ NOMINATION PETITION in its entirety and understand its meaning.

(3) Directly following the warning in subsection (2) of this section shall be printed in bold-faced type the following:

Petition to ~~(nominate/recall)~~ NOMINATE (name of person sought to be elected to ~~or recalled from~~) the office of (title of office).

**SECTION 34.** 1-4-903, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-903. Approval of petition.** No petition shall be circulated until it has been approved as meeting the requirements of this section as to form. The secretary of state and the official with whom the petitions are to be filed shall approve or disapprove a petition as to form by the close of the second business day following submission of the proposed petition. The official shall mail written notice of the action taken to the person who submitted the petition ~~and, if the petition concerns a recall, to the officer whom the petition seeks to recall~~ on the day the action is taken.

**SECTION 35.** 1-4-907, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-907. Filing of petition.** The petition, when executed and acknowledged as prescribed in this part 9, shall be filed as follows: With the secretary of state if it is for an office ~~which~~ THAT is voted on by the electors of the entire state or of a congressional district or for the offices of members of the general assembly or district attorney or a district office ~~greater than a county office~~ OF STATE CONCERN; with the county clerk and recorder if it is for a county office; and with the designated election official if it is for a nonpartisan local election.

**SECTION 36.** 1-4-908 (2) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-4-908. Verification of petition and official statement.** (2) ~~For recall petitions, any disassembly of a section of the petition which has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.~~

(3) ~~After review, the official shall notify the candidate or, in the case of a recall the committee and the incumbent,~~ of the number of valid signatures and whether the petition appears to be sufficient or insufficient. Upon determining that the petition is sufficient and after the time for protest has passed, the designated election official shall certify the candidate to the ballot, and, if the election is a coordinated election, so notify the coordinated election official.

**SECTION 37.** 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~~ THAT 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 ~~petition has been filed~~ ELECTION OFFICIAL'S STATEMENT IS ISSUED. 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 38.** 1-4-910, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

**1-4-910. Protest to a recall petition.** ~~A recall petition which has been verified by the designated election official shall be held to be sufficient unless a protest in writing under oath is filed in the office of the designated election official by an eligible elector within fifteen days after the petition is filed or an amendment is filed pursuant to section 1-4-912. The petition shall set forth specific grounds for the protest. Grounds include but are not limited to failure of any portion of a petition or circulator affidavit to meet the requirements of this article or any conduct on the part of petition circulators that substantially misleads persons signing the petition. The~~

~~designated election official shall forthwith mail a copy of the protest to the committee named in the petition as representing the signers, together with a notice fixing a time for hearing the protest not less than five nor more than ten days after the notice is mailed. Every hearing shall be before the designated election official with whom the protest is filed, or before a district judge sitting in that county if the designated election official is the subject of the recall. The testimony in every hearing shall be under oath. The hearing shall be summary and not subject to delay and shall be concluded within thirty days after the petition is filed, and the result shall be forthwith certified to the committee.~~

**SECTION 39.** 1-4-912 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

~~**1-4-912. Cure.** (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 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 40.** 1-4-913, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

~~**1-4-913. Defacing of petitions.** Any person who willfully destroys, defaces, mutilates, or suppresses a petition, or who willfully neglects to file or delays delivery of a petition, or who conceals or removes a petition from the possession of the person authorized by law to have custody of it, or who aids, counsels, procures, or assists any person in doing any of the above acts commits a misdemeanor and, upon conviction, shall be punished as provided in section 1-13-111.~~

**SECTION 41.** 1-4-1002 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1002. Vacancies in designation or nominations.** (2) Any vacancy in a party designation occurring during the fifty-five days before the primary election or any vacancy in a party nomination occurring on or after the day of the primary election and more than fifty-five days before the general election, which is caused by the declination, death, disqualification, RESIGNATION, or withdrawal of any person previously designated or of any person nominated at the primary election, or which exists by reason of the declination, death, disqualification, or withdrawal of any elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed, may be filled by the respective party assembly vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in designation or nomination has occurred. No person is eligible for appointment to fill a vacancy in the party designation or nomination unless that person meets all of the requirements of candidacy as of the date of the primary election.

**SECTION 42.** 1-4-1002 (7), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1002. Vacancies in designation or nomination.** (7) Any vacancy in a

statewide or county office, IN THE OFFICE OF DISTRICT ATTORNEY, OR IN THE OFFICE OF A STATE SENATOR occurring during a term of office shall be filled at the next general election with nomination or designation by the political party as follows:

(a) If the vacancy occurs prior to the political party assembly, the designated election official shall notify the chairperson of each major political party that the office will be on the ballot for the next primary election, and candidates for the office shall be designated as provided in section 1-4-601 or 1-4-603.

(b) If the vacancy occurs after the political party assembly and more than fifty-five days before the primary election, the designated election official shall add the office to the notice of election and notify the chairperson of each major political party that the office will be on the ballot for the next primary election. Candidates for the office shall be designated as provided in section 1-4-603 or by the respective party central committee vacancy committee for the ~~political subdivision~~ STATE, COUNTY, JUDICIAL DISTRICT, OR STATE SENATE DISTRICT.

(c) If the vacancy occurs during the fifty-five days before the primary election ~~and~~ OR AFTER THE PRIMARY ELECTION AND more than fifty-five days before the general election, the designated election official shall add the office to the notice of election for the general election. Nominations for the office shall be made by the respective party central committee vacancy committee for the ~~political subdivision~~ STATE, COUNTY, JUDICIAL DISTRICT, OR STATE SENATE DISTRICT or as provided in section 1-4-802 for the nomination of independent candidates.

**SECTION 43.** 1-4-1102, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1102. Time of filing affidavit.** The affidavit of intent shall be filed more than ~~eight~~ THIRTY days before the election. ~~in the case of a primary, general, or congressional vacancy election, and more than thirty days before the election, in the case of any nonpartisan election.~~ Proof of qualifications shall be as shown on the voter registration books of the county clerk and recorder and, if applicable, on the property owner's list of the county assessor.

**SECTION 44.** 1-4-1103, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1103. Write-in votes for governor.** No write-in vote for governor in a ~~primary or~~ general election shall be counted unless it includes a write-in vote for lieutenant governor. IN A PRIMARY ELECTION, WRITE-IN VOTES FOR GOVERNOR AND LIEUTENANT GOVERNOR SHALL BE COUNTED INDIVIDUALLY.

**SECTION 45.** 1-5-101, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-101. Establishing precincts and polling places for partisan elections.**  
(1) Subject to approval by the board of county commissioners, the county clerk and recorder of each county shall divide the county into as many election precincts for all general, primary, and congressional vacancy elections as is convenient for the eligible electors of the county and shall designate the place for each precinct at which

elections are to be held. In establishing boundaries, the board of county commissioners shall take into consideration natural and artificial boundaries that meet the requirements of the United States bureau of the census. The precincts shall be numbered. Changes in the precinct boundaries of a county shall be made only within the district boundaries of each representative and senatorial district.

(2) In counties ~~which~~ THAT use paper ballots, the county clerk and recorder, subject to approval by the board of county commissioners, shall establish at least one precinct for every six hundred active eligible electors, with boundaries ~~which~~ THAT take into consideration municipal and school district boundary lines whenever possible. HOWEVER, THE COUNTY CLERK AND RECORDER, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, MAY ESTABLISH ONE PRECINCT FOR EVERY SEVEN HUNDRED FIFTY ACTIVE ELIGIBLE ELECTORS.

(3) In a county ~~which~~ THAT uses voting machines or electronic voting equipment, the county clerk and recorder, subject to approval by the board of county commissioners, shall establish at least one precinct for every one thousand two hundred active eligible electors. HOWEVER, THE COUNTY CLERK AND RECORDER, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, MAY ESTABLISH ONE PRECINCT FOR EVERY ONE THOUSAND FIVE HUNDRED ACTIVE ELIGIBLE ELECTORS.

**SECTION 46.** 1-5-102 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-102. Establishing precincts and polling places for nonpartisan elections.**

(1) FOR ELECTIONS OTHER THAN COORDINATED ELECTIONS, not less than ninety days prior to ~~a regular~~ THE election, the governing body with authority to call elections shall divide the jurisdiction into as many election precincts as it deems expedient for the convenience of eligible electors of the jurisdiction and shall designate the polling place for each precinct. The election precincts shall consist of one or more whole general election precincts wherever practicable, and the designated election official and governing body shall cooperate with the county clerk and recorder and the board of county commissioners of their political subdivisions to accomplish this purpose. Wherever possible, the polling places shall be the same as those designated by the county for partisan elections.

**SECTION 47.** 1-5-103 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-103. Changes in boundaries - partisan elections.** (1) Changes in the boundaries of precincts or the creation of new precincts for partisan elections shall be completed not less than ~~thirty~~ TWENTY-NINE days prior to the precinct caucus day, except in cases of precinct changes resulting from changes in county boundaries.

**SECTION 48.** 1-5-105, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-5-105. Restrictions.** (4) FOR PURPOSES OF SUBSECTION (1) OF THIS SECTION AND SECTIONS 1-6-119 AND 1-13-714, WHEN A POLLING PLACE IS WITHIN MULTI-USE BUILDINGS SUCH AS A SHOPPING MALL OR COUNTY OFFICE BUILDING, THE "BUILDING" SHALL BE CONSIDERED THE ROOM IN WHICH BALLOTS ARE CAST, ANY WAITING ROOM

OR HALL WHERE ELECTORS WAIT TO VOTE, AS WELL AS A PRIMARY CORRIDOR WHERE ELECTORS WALK TO AN INTERIOR POLLING PLACE, AND THE DESIGNATED EXTERIOR DOOR TO THE MULTI-USE BUILDING IN WHICH THE POLLING PLACE IS LOCATED.

**SECTION 49.** 1-5-106, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-106. Polling place - designation by sign.** All polling places shall be designated by a sign conspicuously posted at least ~~ten~~ TWELVE days before each election. The sign shall be substantially in the following form: "Polling place for precinct no. ....". The lettering on the sign and the precinct number shall be black on a white background. The letters and numerals of the title shall be at least four inches in height. In addition, the sign shall state the hours the polling place will be open and, if the polling place is not accessible for disabled electors, the location of the polling place for disabled electors.

**SECTION 50.** 1-5-206 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-206. Postcard notice and notice by publication.** (1) At any time between ~~thirty~~ TWENTY-NINE 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 require the mailing of a ballot issue notice, the county clerk and recorder shall mail a voter information card concerning the general election to all eligible electors of the county. The card shall contain the eligible elector's name and address, precinct number, polling location for the general election, 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.

**SECTION 51.** 1-5-208 (1) and (6), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-5-208. Election may be canceled - when.** (1) If the only matter before the electors is the election of persons to office and if, at the close of business on the ~~thirtieth~~ TWENTY-NINTH day before the election, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the designated election official, if instructed by resolution of the governing body, shall cancel the election and by resolution declare the candidates elected.

(6) The governing body shall provide notice by publication of the cancellation of the election. ~~and~~ A copy of the notice shall be posted at each polling place of the political subdivision, in the office of the designated election official, AND in the office of the clerk and recorder for each county in which the political subdivision is located and, for special districts, AND A COPY OF THE NOTICE SHALL BE FILED in the office of the division of local government. The governing body shall also notify the candidates that the election was canceled and that they were elected by acclamation.

**SECTION 52.** 1-5-302, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-302. Computer lists may be used in lieu of original registration records.**

For the purposes of all elections, the county clerk and recorder may substitute and supply computer lists of registered electors within the political subdivision for the original registration record. Following a primary, general, or congressional vacancy election, the county clerk and recorder shall ~~transfer the ballot number,~~ RECORD THE date of election and, if ~~for~~ a primary election, THE party ballot received ~~to~~ ON the registered elector's original registration record retained and stored as provided in section 1-1-104 (36).

**SECTION 53.** 1-5-303 (1) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-5-303. Registration records for nonpartisan elections.** (1) No later than the fortieth day preceding the date of the scheduled nonpartisan election, the designated election official shall order the registration records. THE DESIGNATED ELECTION OFFICIAL MAY ORDER A COMPLETE LIST OF THE REGISTERED ELECTORS AS OF THE THIRTIETH DAY PRIOR TO THE ELECTION WITH A SUPPLEMENTARY LIST PROVIDED ON THE TWENTIETH DAY, OR THE DESIGNATED ELECTION OFFICIAL MAY ORDER A COMPLETE LIST AS OF THE TWENTIETH DAY PRIOR TO THE ELECTION. ~~No later than the thirtieth day preceding the election,~~ The county clerk and recorder shall certify and make available a complete copy of the list of the registered electors of each general election precinct ~~which~~ THAT is located within the county and is involved in the election and, IF THE SUPPLEMENTAL LIST IS ORDERED no later than the twentieth day preceding the election, shall certify and make available a supplemental list of the eligible electors who have become eligible since the earlier list was certified. These lists shall substitute for the original registration record.

(2) The ~~initial~~ registration list for each election precinct ~~to be~~ THAT IS certified ~~no later than~~ thirty days before the election shall contain the names and addresses of all registered electors residing within the precinct at the close of business on the fortieth day preceding the election. The ~~supplemental~~ registration list for each election precinct ~~to be~~ THAT IS certified no later than twenty days before the election shall contain the names and addresses of all eligible electors residing within the precinct AT THE CLOSE OF BUSINESS ON THE THIRTIETH DAY PRIOR TO THE ELECTION. IF A SUPPLEMENTAL LIST IS ORDERED, IT SHALL CONTAIN THE NAMES AND ADDRESS OF ALL ELIGIBLE ELECTORS who have become eligible within the period since the initial registration list was certified through the close of business on the thirtieth day preceding the election.

**SECTION 54.** 1-6-114 (1) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are 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~~ A SELF-AFFIRMING oath or affirmation in SUBSTANTIALLY 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.;~~ ELECTION FRAUD, ANY OTHER ELECTION OFFENSE, OR FRAUD and that I will not disclose the result of the votes until the polls have closed."

(2) ~~The election judges shall administer the oath or affirmation to each other. The signed oaths shall be attached to the pollbooks or registration records being used by the judges.~~

**SECTION 55.** 1-6-115 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-6-115. Compensation of judges.** (1) In all elections, each election judge shall receive not less than five dollars nor more than ~~seventy-five~~ ONE HUNDRED dollars as full compensation for services provided as judge at any election.

**SECTION 56.** 1-6-119 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-6-119. Removal of election judge by designated election official.** (3) Upon receipt of a written complaint made by an eligible elector of the political subdivision stating that an election judge is electioneering at or within one hundred feet of ~~the polling place~~ ANY BUILDING IN WHICH A POLLING PLACE IS LOCATED, the designated election official shall investigate the complaint and may remove the election judge and appoint another election judge. If the election is a partisan election, the election judge appointed shall be of the same political party as the election judge who is removed.

**SECTION 57.** 1-6-120 (2) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-6-120. Removal of election judges by the court.** (2) Election judges who neglect their duties, who commit, encourage, or connive in any fraud in connection with their duties, who violate any of the election laws or knowingly permit others to do so, who are convicted of any crime, who violate their oath, who wrongfully hamper or interfere or tend to interfere with the regular performance of the duties of the other election judges, who commit any other act ~~which~~ THAT interferes or tends to interfere with a fair and honest registration and election, or who are not appointed in accordance with the provisions of this article may be removed in the following manner:

(a) Any eligible elector may file a brief petition in the district court at any time up to ~~ten~~ TWELVE days before any election, setting out in brief and concise language the

facts constituting the cause for the removal of the election judge. The petition shall be verified, but the verification may be upon information and belief. Upon filing of the petition, the court shall issue a citation to the election judge directing an appearance within forty-eight hours to answer the petition if the election judge desires to do so.

**SECTION 58.** 1-7-104 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-104. Affidavits of eligibility.** (2) For coordinated elections, the affidavits shall be available at the elector's polling place if the elector resides within the county of the political subdivision. For electors who own property within the political subdivision but reside and are registered to vote in another county, the affidavits and ballots shall be available at the office of ~~the county clerk and recorder~~ THE DESIGNATED ELECTION OFFICIAL FOR THE POLITICAL SUBDIVISION THAT IS PART OF THE COORDINATED ELECTION.

**SECTION 59.** 1-7-506 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-506. Electronic vote-counting - test.** (2) The county chairpersons of the two major political parties, or their official representatives, shall each be supplied with at least one hundred official ballots ~~which~~ THAT are clearly marked as test ballots and shall secretly vote the test ballots and retain a record of the test votes. The designated election official shall also vote and retain at least one hundred test ballots. FOR COORDINATED ELECTIONS, ALL OF THE DESIGNATED ELECTION OFFICIALS FROM POLITICAL SUBDIVISIONS OTHER THAN THE COUNTY SHALL BE GIVEN TOGETHER A TOTAL OF ONE HUNDRED TEST BALLOTS TO MARK AMONG THEM. THE DESIGNATED ELECTION OFFICIALS SHALL SECRETLY VOTE THEIR PORTION OF THE TEST BALLOTS AND RETAIN A RECORD OF THE TEST VOTES.

**SECTION 60.** 1-7-903 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-7-903 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-7-903. Preparation of written comments.** (3) Petition representatives required to summarize comments in favor of their petition 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. If a summary is not filed by the petition representatives within the time allowed, the designated election official shall state substantially the following in the ballot issue notice where the summary would appear: "~~Petition representatives did not file a summary by the statutory deadline.~~" "NO SUMMARY WAS FILED BY THE STATUTORY DEADLINE."

(5) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A STATEWIDE BALLOT ISSUE THAT IS SUBJECT TO THE PROVISIONS OF SECTION 1 (7.5) OF ARTICLE V OF THE STATE CONSTITUTION.

**SECTION 61.** 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 ~~sixty~~ FIFTY-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 62.** 1-7.5-107 (2), (3) (a), (3) (d), and (5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-7.5-107. Procedures for conducting mail ballot election.** (2) (a) Except for coordinated elections conducted as a mail ballot election where the county clerk and recorder is the coordinated election official, no later than thirty days prior to election day, the county clerk and recorder shall submit to the designated election official of the political subdivision conducting the mail ballot election a full and complete preliminary list of registered electors. For special district mail ballot elections, the county clerk and recorder and county assessor of each county in which a special district is located shall certify and submit to the designated election official a list of property owners and a list of registered electors residing within the affected district.

(b) No later than twenty days prior to election day, the 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.

(c) ALL LISTS OF REGISTERED ELECTORS AND LISTS OF PROPERTY OWNERS PROVIDED TO A DESIGNATED ELECTION OFFICIAL UNDER THIS SECTION SHALL INCLUDE THE LAST MAILING ADDRESS OF EACH ELECTOR.

(3) (a) Not sooner than twenty-five days before an election, and no later than fifteen days before an election, the designated election official shall mail to each eligible elector, at the last MAILING address appearing in the registration records AND IN ACCORDANCE WITH UNITED STATES POSTAL SERVICE REGULATIONS, a mail ballot packet, which shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED", or any other similar statement ~~which~~ THAT is in accordance with United States postal service regulations; except that with prior approval from the secretary of state, the packets shall be sent no later than ten days before election day.

(d) (I) An eligible elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the eligible elector. AN ELIGIBLE ELECTOR MAY OBTAIN A BALLOT IF A MAIL BALLOT PACKET WAS NOT SENT TO THE ELECTOR BECAUSE THE ELIGIBILITY OF THE ELECTOR COULD NOT BE DETERMINED AT THE TIME THE MAIL BALLOT PACKETS WERE MAILED. In order to obtain a ~~replacement~~ ballot IN SUCH CASES, the eligible elector must sign a sworn statement specifying the reason for requesting the ~~replacement~~ ballot. The statement shall be presented to the designated election official no later than 7 p.m. on election day. The designated election official shall keep a record of each ~~replacement~~ ballot issued in accordance with this ~~section~~ PARAGRAPH (d) together with a list of each ballot obtained pursuant to paragraph (c) of this subsection (3).

(II) A designated election official shall not transmit a mail ballot ~~package~~ PACKET under this ~~section~~ PARAGRAPH (d) unless ~~the application for~~ A SWORN STATEMENT

REQUESTING the ~~replacement~~ ballot is received on or before election day. A ~~replacement~~ ballot may be transmitted directly to the ~~applicant~~ ELIGIBLE ELECTOR REQUESTING THE BALLOT at the designated election official's office or the office designated in the mail ballot plan filed with the secretary of state or may be mailed to the eligible elector at the address provided in the ~~application~~ SWORN STATEMENT. ~~Replacement~~ Ballots may be cast no later than 7 p.m. on election day.

(5) Once the ballot is returned, a ~~designated~~ AN election official JUDGE shall first qualify the submitted ballot by examining the return-verification envelope and comparing the information on the envelope to the registration records to determine whether the ballot was submitted by an eligible elector who has not previously voted in the election. If the ballot so qualifies and is otherwise valid, the ~~official~~ ELECTION JUDGE shall ~~enter the name of~~ INDICATE IN THE POLL BOOK THAT the eligible elector ~~in the poll book~~ CAST A BALLOT, open the return-verification envelope, remove the ballot stub, and deposit the ballot in an official ballot box.

**SECTION 63.** 1-8-110 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is 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 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. IF THE ABSENTEE BALLOT AND OTHER MATERIALS ARE MAILED, THE ENVELOPE SHALL BE MARKED "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED." OR BY ANY OTHER SIMILAR STATEMENT THAT IS IN ACCORDANCE WITH UNITED STATES POSTAL SERVICE REGULATIONS.

**SECTION 64.** 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) The early voters' polling place shall be opened no earlier than ~~twenty-four~~ TWENTY-ONE days preceding any PRESIDENTIAL PRIMARY ELECTION, PRIMARY ELECTION, GENERAL ELECTION OR OTHER NOVEMBER election. ~~in November.~~

**SECTION 65.** 1-8-116, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-8-116. Casting early voters' ballot.** The early voters' polling place shall be open during regular business hours for purposes of voting ~~twenty-nine~~ TWENTY-ONE days before ~~the~~ ANY PRESIDENTIAL PRIMARY ELECTION, PRIMARY ELECTION, GENERAL ELECTION OR OTHER NOVEMBER election 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. Registered electors who appear in person at the early voters' polling place during this time may cast their ballots in the same manner as any ballot would be cast in a precinct polling place on election day. The voting machines, electronic voting machines, or ballot boxes used for the casting of early ballots shall remain locked and secured with a numbered seal, 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. Alternatively, for any electronic voting equipment, the ballot boxes shall be opened each night, and the voted ballots shall be placed in a transfer case that is locked and secured with a numbered seal. A record shall be maintained consisting of the date, number of ballots, and seal number of each ballot box and transfer case until each ballot box and transfer case is transferred to the supply judge for the absent voters' polling place for preparation for counting and tabulating pursuant to section 1-8-121. When a seal is broken, the designated election official and a person who shall not be of the same political party as the designated election official shall record the number of the seal and maintain the seal along with an explanation of the reasons for breaking the seal. During the time the 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 early ballots. The voting machines or electronic voting machines used for the casting of 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 66.** 1-9-203 (3) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-9-203. Challenge questions asked person intending to vote.** (3) If the person is challenged as not eligible because the person has not resided in this state and precinct for thirty days immediately preceding the election, an election judge shall ask the following questions:

(b) Have you been absent from this state ~~within~~ DURING the thirty days immediately preceding this election, and during that time have you maintained a home or domicile elsewhere?

**SECTION 67.** 1-10-203, 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. UNLESS THE ELECTION HAS BEEN CANCELLED PURSUANT TO SECTION 1-5-208, 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.

(2) If the election is canceled pursuant to section 1-5-208, the designated election official shall ~~notify the board of canvassers, and the canvassers shall~~ note the cancellation on the certified statement of results and shall indicate which candidates were elected by acclamation.

**SECTION 68.** 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 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~~ A REGULAR OR SPECIAL election OR NO LATER THAN THE THIRTIETH DAY AFTER A COORDINATED ELECTION and shall be completed by no later than the twentieth day after ~~the~~ A REGULAR OR SPECIAL election OR THE THIRTY-FIFTH DAY AFTER A COORDINATED 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 69.** 1-10-304, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-10-304. Request by candidate supporters.** If it appears, as evidenced by the survey of returns, that any 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 losing candidate may submit a certified written request for a recount at the expense of the person ~~or group~~ making the request OR THE LOSING POLITICAL PARTY OR ORGANIZATION. THIS request shall be filed within thirty days after the general or congressional vacancy election OR 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 and shall determine the cost and notify the requesting candidate. 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 OR THE LOSING POLITICAL PARTY OR ORGANIZATION shall pay on demand the cost of the recount to the county ~~treasurer or the manager of revenue~~ CLERK AND RECORDER for a recount of a county office, to the ~~state treasurer~~ SECRETARY OF STATE 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~~ OR THE LOSING POLITICAL PARTY OR ORGANIZATION who paid them, and the expenses shall be paid as provided in section 1-10-309. The recount provided for in this section shall be in addition to any other recounts provided by law. ANY RECOUNT OF VOTES PURSUANT TO THIS SECTION SHALL BE HELD NO LATER THAN THE THIRTIETH DAY AFTER A GENERAL ELECTION OR NO LATER THAN THE FIFTEENTH DAY AFTER A PRIMARY ELECTION OR OTHER ELECTION AND SHALL BE COMPLETED NO LATER THAN THE THIRTY-FIFTH DAY AFTER THE GENERAL ELECTION OR THE TWENTIETH DAY AFTER THE PRIMARY ELECTION OR OTHER ELECTION.

**SECTION 70.** 1-10-304.5, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-10-304.5. Request by ballot issue or ballot question supporters or opponents.** If it appears, as evidenced by the survey of returns, that any ballot issue or ballot question passed or 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 opponents of a passed ballot issue or ballot question or the supporters of a losing ballot issue or ballot question, as the case may be, 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 ten days after the election. Before conducting the recount, the designated election official shall notify the governing body of the political subdivision and the supporters or petition representatives of the ballot issue or ballot question, in the case of a request submitted by the opponents, or the opponents, in the case of a request submitted by the supporters or petition representatives, and shall determine the cost and notify the requesting person or group. The person or group requesting the recount shall pay on demand the cost of the recount to the county ~~treasurer or the manager of revenue~~ CLERK AND RECORDER for a recount of a county ballot issue or ballot question, to the ~~state treasurer~~ SECRETARY OF STATE for a recount of a ballot issue or ballot question for a district greater than a county, or, for a nonpartisan election, to the governing body of the political subdivision calling the election. The funds shall be placed in escrow for payment of all expenses incurred in the recount. If after the recount the ballot issue or ballot question is declared to have failed, regardless of the margin of loss, 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 1-10-309. The recount provided for in this section shall be in addition to any other recounts provided by law. ANY RECOUNT OF VOTES PURSUANT TO THIS SECTION SHALL BE HELD NO LATER THAN THE THIRTIETH DAY AFTER THE ELECTION AND SHALL BE COMPLETED NO LATER THAN THE THIRTY-FIFTH DAY AFTER THE ELECTION.

**SECTION 71.** Part 1 of article 11 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-11-102.5. Tie votes in ballot issue and ballot question elections.** IF ANY BALLOT ISSUE OR BALLOT QUESTION IS APPROVED BY LESS THAN A MAJORITY OF THE VOTES CAST, THE ISSUE OR QUESTION SHALL BE CONSIDERED TO HAVE FAILED.

**SECTION 72.** 1-12-108, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-12-108. Petition requirements.** (1) The petition shall be prepared and circulated pursuant to ~~part 9 of article 4 of this title~~ THIS PART 1. No signature shall be counted ~~which~~ THAT 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.

(2) (a) THE PETITION FOR THE RECALL OF AN ELECTED OFFICIAL MAY CONSIST OF ONE OR MORE SHEETS, TO BE FASTENED TOGETHER IN THE FORM OF ONE PETITION, BUT EACH SHEET SHALL CONTAIN THE SAME HEADING AND THE SWORN AFFIDAVIT OF THE CIRCULATOR. NO PETITION SHALL CONTAIN THE NAME OF MORE THAN ONE PERSON PROPOSED TO BE RECALLED FROM OFFICE.

(b) THE PETITION FOR RECALL 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, THREE PERSONS, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", THAT SHALL REPRESENT THE SIGNERS IN ALL MATTERS AFFECTING THE PETITION.

(3) (a) THE SIGNATURES TO A RECALL PETITION NEED NOT ALL BE APPENDED TO

ONE PAPER, BUT NO PETITION SHALL BE LEGAL THAT DOES NOT CONTAIN THE REQUISITE NUMBER OF NAMES OF ELIGIBLE ELECTORS WHOSE NAMES DO NOT APPEAR ON ANY OTHER PETITION PREVIOUSLY FILED FOR THE RECALL OF THE SAME PERSON UNDER THE PROVISIONS OF THIS SECTION.

(b) AT THE TOP OF EACH PAGE SHALL BE PRINTED, IN BOLD-FACED TYPE, THE FOLLOWING:

**WARNING:  
IT IS AGAINST THE LAW:**

FOR ANYONE TO SIGN THIS PETITION WITH ANY NAME OTHER THAN ONE'S OWN OR TO KNOWINGLY SIGN ONE'S NAME MORE THAN ONCE FOR THE SAME MEASURE OR TO KNOWINGLY SIGN THE PETITION WHEN NOT A REGISTERED ELECTOR.

DO NOT SIGN THIS PETITION UNLESS YOU ARE AN ELIGIBLE ELECTOR. TO BE AN ELIGIBLE ELECTOR YOU MUST BE REGISTERED TO VOTE AND ELIGIBLE TO VOTE IN (NAME OF POLITICAL SUBDIVISION) ELECTIONS.

DO NOT SIGN THIS PETITION UNLESS YOU HAVE READ OR HAVE HAD READ TO YOU THE PROPOSED RECALL MEASURE IN ITS ENTIRETY AND UNDERSTAND ITS MEANING.

(c) DIRECTLY FOLLOWING THE WARNING IN PARAGRAPH (b) OF THIS SUBSECTION (3) SHALL BE PRINTED IN BOLD-FACED TYPE THE FOLLOWING:

PETITION TO RECALL (NAME OF PERSON SOUGHT TO BE RECALLED) FROM THE OFFICE OF (TITLE OF OFFICE).

(4) NO PETITION SHALL BE CIRCULATED UNTIL IT HAS BEEN APPROVED AS MEETING THE REQUIREMENTS OF THIS SUBSECTION (4) AS TO FORM. THE SECRETARY OF STATE AND THE OFFICIAL WITH WHOM THE PETITIONS ARE TO BE FILED SHALL APPROVE OR DISAPPROVE A PETITION AS TO FORM BY THE CLOSE OF THE SECOND BUSINESS DAY FOLLOWING SUBMISSION OF THE PROPOSED PETITION. THE OFFICIAL SHALL MAIL WRITTEN NOTICE OF THE ACTION TAKEN TO THE PERSON WHO SUBMITTED THE PETITION AND TO THE OFFICER WHOM THE PETITION SEEKS TO RECALL ON THE DAY THE ACTION IS TAKEN.

(5) (a) EVERY PETITION SHALL BE SIGNED ONLY BY ELIGIBLE ELECTORS.

(b) UNLESS PHYSICALLY UNABLE, ALL ELECTORS SHALL SIGN THEIR OWN SIGNATURE AND SHALL PRINT THEIR NAMES, RESPECTIVE RESIDENCE ADDRESSES, INCLUDING THE STREET NUMBER AND NAME, THE CITY OR TOWN, THE COUNTY, AND THE DATE OF SIGNATURE. EACH SIGNATURE ON A PETITION SHALL BE MADE, TO THE EXTENT POSSIBLE, IN BLACK INK.

(c) ANY PERSON, EXCEPT A CIRCULATOR, MAY ASSIST AN ELECTOR WHO IS PHYSICALLY UNABLE TO SIGN THE PETITION IN COMPLETING THE INFORMATION ON THE PETITION AS REQUIRED BY LAW. ON THE PETITION IMMEDIATELY FOLLOWING THE

NAME OF THE DISABLED ELECTOR, THE PERSON PROVIDING ASSISTANCE SHALL BOTH SIGN AND STATE THAT THE ASSISTANCE WAS GIVEN TO THE DISABLED ELECTOR.

(6) (a) ONLY AN ELIGIBLE ELECTOR MAY CIRCULATE A RECALL PETITION.

(b) TO EACH PETITION SECTION SHALL BE ATTACHED A SIGNED, NOTARIZED, AND DATED AFFIDAVIT EXECUTED BY THE ELIGIBLE ELECTOR WHO CIRCULATED THE PETITION SECTION, WHICH SHALL INCLUDE: THE AFFIANT'S PRINTED NAME, THE ADDRESS AT WHICH THE AFFIANT RESIDES, INCLUDING THE STREET NAME AND NUMBER, THE CITY OR TOWN, THE COUNTY, AND THE DATE OF SIGNATURE; A STATEMENT THAT THE AFFIANT WAS AN ELIGIBLE ELECTOR AT THE TIME THE SECTION OF THE PETITION WAS CIRCULATED AND SIGNED BY THE LISTED ELECTORS; A STATEMENT THAT THE AFFIANT CIRCULATED THE SECTION OF THE PETITION; A STATEMENT THAT EACH SIGNATURE ON THE PETITION SECTION IS THE SIGNATURE OF THE PERSON WHOSE NAME IT PURPORTS TO BE; A STATEMENT THAT TO THE BEST OF THE AFFIANT'S KNOWLEDGE AND BELIEF EACH OF THE PERSONS SIGNING THE PETITION SECTION WAS, AT THE TIME OF SIGNING, AN ELIGIBLE ELECTOR; AND A STATEMENT THAT THE AFFIANT HAS NOT PAID OR WILL NOT IN THE FUTURE PAY AND THAT THE AFFIANT BELIEVES THAT NO OTHER PERSON HAS PAID OR WILL PAY, DIRECTLY OR INDIRECTLY, ANY MONEY OR OTHER THING OF VALUE TO ANY SIGNER FOR THE PURPOSE OF INDUCING OR CAUSING THE SIGNER TO SIGN THE PETITION.

(c) THE DESIGNATED ELECTION OFFICIAL SHALL NOT ACCEPT FOR FILING ANY SECTION OF A PETITION THAT DOES NOT HAVE ATTACHED TO IT THE NOTARIZED AFFIDAVIT REQUIRED BY THIS SECTION. ANY SIGNATURE ADDED TO A SECTION OF A PETITION AFTER THE AFFIDAVIT HAS BEEN EXECUTED IS INVALID.

(7) THE PETITION, WHEN EXECUTED AND ACKNOWLEDGED AS PRESCRIBED IN THIS SECTION, SHALL BE FILED AS FOLLOWS: WITH THE SECRETARY OF STATE IF IT IS FOR AN OFFICE VOTED ON BY THE ELECTORS OF THE ENTIRE STATE OR OF A CONGRESSIONAL DISTRICT OR FOR THE OFFICES OF MEMBERS OF THE GENERAL ASSEMBLY OR DISTRICT ATTORNEY OR A DISTRICT OFFICE OF STATE CONCERN; WITH THE COUNTY CLERK AND RECORDER IF IT IS FOR A COUNTY OFFICE; AND WITH THE DESIGNATED ELECTION OFFICIAL IF IT IS FOR A NONPARTISAN LOCAL ELECTION.

(8) (a) UPON FILING, THE DESIGNATED ELECTION OFFICIAL FOR THE POLITICAL SUBDIVISION SHALL REVIEW ALL PETITION INFORMATION AND VERIFY THE INFORMATION AGAINST THE REGISTRATION RECORDS, AND, WHERE APPLICABLE, THE COUNTY ASSESSOR'S RECORDS. THE SECRETARY OF STATE SHALL ESTABLISH GUIDELINES FOR VERIFYING PETITION ENTRIES.

(b) ANY DISASSEMBLY OF A SECTION OF THE PETITION PRIOR TO FILING THAT HAS THE EFFECT OF SEPARATING THE AFFIDAVITS FROM THE SIGNATURES SHALL RENDER THAT SECTION OF THE PETITION INVALID AND OF NO FORCE AND EFFECT.

(c) AFTER REVIEW, THE DESIGNATED ELECTION OFFICIAL SHALL NOTIFY THE COMMITTEE AND THE INCUMBENT OF THE NUMBER OF VALID SIGNATURES AND WHETHER THE PETITION APPEARS TO BE SUFFICIENT OR INSUFFICIENT. UPON DETERMINING THAT THE PETITION IS SUFFICIENT AND AFTER THE TIME FOR PROTEST HAS PASSED, THE DESIGNATED ELECTION OFFICIAL SHALL CERTIFY THE RECALL QUESTION TO THE BALLOT AND, IF THE ELECTION IS A COORDINATED ELECTION,

NOTIFY THE COORDINATED ELECTION OFFICIAL.

(9) (a) A RECALL PETITION THAT HAS BEEN VERIFIED BY THE DESIGNATED ELECTION OFFICIAL SHALL BE HELD TO BE SUFFICIENT UNLESS A PROTEST IN WRITING UNDER OATH IS FILED IN THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL BY AN ELIGIBLE ELECTOR WITHIN FIFTEEN DAYS AFTER THE PETITION IS FILED OR AN AMENDMENT IS FILED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (9). THE PETITION SHALL SET FORTH SPECIFIC GROUNDS FOR THE PROTEST. GROUNDS INCLUDE BUT ARE NOT LIMITED TO FAILURE OF ANY PORTION OF A PETITION OR CIRCULATOR AFFIDAVIT TO MEET THE REQUIREMENTS OF THIS ARTICLE OR ANY CONDUCT ON THE PART OF PETITION CIRCULATORS THAT SUBSTANTIALLY MISLEADS PERSONS SIGNING THE PETITION. THE DESIGNATED ELECTION OFFICIAL SHALL FORTHWITH MAIL A COPY OF THE PROTEST TO THE COMMITTEE NAMED IN THE PETITION AS REPRESENTING THE SIGNERS, TOGETHER WITH A NOTICE FIXING A TIME FOR HEARING THE PROTEST NOT LESS THAN FIVE NOR MORE THAN TEN DAYS AFTER THE NOTICE IS MAILED. EVERY HEARING SHALL BE BEFORE THE DESIGNATED ELECTION OFFICIAL WITH WHOM THE PROTEST IS FILED OR BEFORE A DISTRICT JUDGE SITTING IN THAT COUNTY IF THE DESIGNATED ELECTION OFFICIAL IS THE SUBJECT OF THE RECALL. THE TESTIMONY IN EVERY HEARING SHALL BE UNDER OATH. THE HEARING SHALL BE SUMMARY AND NOT SUBJECT TO DELAY AND SHALL BE CONCLUDED WITHIN THIRTY DAYS AFTER THE PETITION IS FILED, AND THE RESULT SHALL BE FORTHWITH CERTIFIED TO THE COMMITTEE.

(b) THE PARTY FILING A PROTEST HAS THE BURDEN OF SUSTAINING THE PROTEST BY A PREPONDERANCE OF THE EVIDENCE. THE DECISION UPON MATTERS OF SUBSTANCE IS OPEN TO REVIEW, IF PROMPT APPLICATION IS MADE, AS PROVIDED IN SECTION 1-1-113. THE REMEDY IN ALL CASES SHALL BE SUMMARY, AND THE DECISION OF ANY COURT HAVING JURISDICTION SHALL BE FINAL AND NOT SUBJECT TO REVIEW BY ANY OTHER COURT; EXCEPT THAT THE SUPREME COURT, IN THE EXERCISE OF ITS DISCRETION, MAY REVIEW ANY JUDICIAL PROCEEDING IN A SUMMARY WAY.

(c) 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 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.

(10) ANY PERSON WHO WILLFULLY DESTROYS, DEFACES, MUTILATES, OR SUPPRESSES A PETITION, OR WHO WILLFULLY NEGLECTS TO FILE OR DELAYS DELIVERY OF A PETITION, OR WHO CONCEALS OR REMOVES A PETITION FROM THE POSSESSION OF THE PERSON AUTHORIZED BY LAW TO HAVE CUSTODY OF IT, OR WHO AIDS, COUNSELS, PROCURES, OR ASSISTS ANY PERSON IN DOING ANY OF THE ABOVE ACTS COMMITS A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 1-13-111.

**SECTION 73.** 1-12-110 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-12-110. Call for election.** (1) If the officer whose recall is sought does not resign within five days after the sufficiency of the recall petition has been sustained, the designated election official shall ~~publish a~~ MAKE notice BY PUBLICATION for the

holding of a recall election, and the officers charged by law with election duties shall make necessary arrangements for the conduct of the election. The election shall be conducted pursuant to the provisions of this title.

**SECTION 74.** 1-12-114, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-12-114. Absentee ballots.** Applications for absentee ballots shall be made available by the appropriate designated election officials no later than twenty-four hours after the date for the recall election is set. Absentee ballots shall be available no later than ~~ten~~ THIRTY days before the recall election. All other provisions of article 8 of this title shall apply to the absentee ballot process.

**SECTION 75.** 1-12-115, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-12-115. Write-in candidates.** No write-in vote for any office shall be counted unless an affidavit of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of the office if elected. The affidavit of intent shall be filed with the designated election official not later than ~~eight days before the day of the election~~ THE DATE REQUIRED FOR FILING NOMINATING PETITIONS PURSUANT TO SECTION 1-12-117.

**SECTION 76.** 1-12-117, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-12-117. Nomination of successor.** A candidate to succeed the officer sought to be recalled shall meet the qualifications of a party candidate or independent candidate as provided in part 8 of article 4 of this title and shall be nominated by a political party petition or an independent petition as provided in part 9 of article 4 of this title. NOMINATION PETITIONS AND AFFIDAVITS OF INTENT TO RUN AS A WRITE-IN CANDIDATE SHALL BE FILED NO LATER THAN FIFTEEN DAYS AFTER THE DATE THAT THE RECALL PETITION IS FOUND TO BE SUFFICIENT. ~~In the case of a candidate for the office of county commissioner who is to be elected by the voters within a district, every petition shall be signed by at least one hundred registered electors within the district. In the case of a candidate for the office of county commissioner who is to be elected by the voters of the entire county and for any other county office, every petition shall be signed by at least one hundred registered electors within the county. In the case of a candidate for a nonpartisan office, Every petition shall be signed by the number of registered~~ ELIGIBLE electors required for the office in part 8 of article 4 of this title OR AS OTHERWISE PROVIDED BY LAW. The name of the officer who was sought to be recalled ~~or recalled~~ shall not be eligible as a candidate in the election to fill any vacancy resulting from the recall election.

**SECTION 77.** 1-12-118, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-12-118. Election of successor.** (1) ~~For state elections,~~ The election of a successor shall be held at the same time as the recall election. The names of those persons nominated as candidates to succeed the person sought to be recalled shall appear on the ballot; but, no vote cast shall be counted for any candidate for the office

unless the voter also voted for or against the recall of the person sought to be recalled. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for office.

~~(2) For all other elections, if the incumbent is recalled from office at a recall election, the governing body shall call an election to fill the vacancy for the unexpired term. The election shall be held within forty-five days after the certification of the results of the recall election.~~

**SECTION 78.** 1-12-119 (3) and (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-12-119. Survey of returns.** (3) The certified survey of returns shall be sent by certified mail OR HAND DELIVERED to the secretary of state for state elections and to the governing body for county and all other elections no later than the close of business on the fifth day after the recall election.

(4) If the majority of those voting on the recall question voted "yes", upon receipt of the certified survey of returns, the ~~secretary of state~~ DESIGNATED ELECTION OFFICIAL shall issue a certificate of election to the successor candidate who received the highest number of votes. A copy of the certificate shall be transmitted by the secretary of state to the appropriate house of the general assembly for recall elections concerning the general assembly and to the governor for the recall of all other elections of state officers. FOR ALL OTHER RECALL ELECTIONS, A COPY OF THE CERTIFICATE SHALL BE TRANSMITTED TO THE GOVERNING BODY OF THE POLITICAL SUBDIVISION.

**SECTION 79.** Part 1 of article 12 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-12-122. Recalls subject to Campaign Reform Act.** RECALL ELECTIONS ARE SUBJECT TO THE APPROPRIATE SECTIONS OF ARTICLE 45 OF THIS TITLE.

**SECTION 80.** 1-12-203 (1) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-12-203 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**1-12-203. Vacancies in general assembly.** (1) In the event of a vacancy in the general assembly CAUSED BY THE DEATH OR RESIGNATION OF A MEMBER WHO HAS BEEN SWORN INTO OFFICE OR CAUSED BY THE DEATH OR RESIGNATION OF A MEMBER WHO HAS BEEN ELECTED TO A SEAT BUT WHO HAS NOT YET BEEN SWORN INTO OFFICE, the vacancy shall be filled by the appropriate vacancy committee, if any, as provided in section 1-3-103 (1) (d), of the same political party and of the same representative or senatorial district represented by the former member whose seat is vacant. IF THE MEMBER WAS UNAFFILIATED WITH A POLITICAL PARTY, THEN THE VACANCY SHALL BE FILLED BY THE VACANCY COMMITTEE DESIGNATED ON THE PETITION FOR NOMINATION PURSUANT TO SECTION 1-4-802 (1) (e). The vacancy shall be filled until the next general election after the vacancy occurs, when the vacancy shall be filled by election.

(3) The vacancy committee, by a majority vote of its members present and voting at a meeting called for that purpose, shall select a person who possesses the constitutional qualifications for a member of the general assembly and who is affiliated with the same political party, if any, shown on the registration books of the county clerk and recorder as the former member whose seat is vacant. No meeting shall be held until a quorum is present consisting of two-thirds of the voting membership of the vacancy committee. No member of the vacancy committee may vote by proxy. The committee shall ~~make~~ CERTIFY the selection TO THE SECRETARY OF STATE within ten days from the date the vacancy occurs. If the vacancy committee fails to ~~make~~ CERTIFY a selection within ten days, the governor, within five days, shall fill the vacancy by appointing a person having the qualifications set forth in this subsection (3). The name of the person selected or appointed shall be certified to the secretary of state, who shall certify the name to the appropriate house of the general assembly. The person, after having qualified and taken the oath of office, shall immediately assume the duties of office and shall serve until the next convening of the general assembly following the election certification and qualification of a successor.

(4) IF THE VACANCY IS CAUSED BY THE RESIGNATION OF A MEMBER OF THE GENERAL ASSEMBLY AND THE LETTER OF RESIGNATION GIVES AN EFFECTIVE DATE OF RESIGNATION THAT IS LATER THAN THE DATE THE LETTER OF RESIGNATION IS SUBMITTED, THE VACANCY COMMITTEE MAY MEET NO MORE THAN TWENTY DAYS PRIOR TO THE EFFECTIVE DATE OF THE RESIGNATION FOR THE PURPOSES OF NOMINATING A PERSON TO FILL THE VACANCY. THE CERTIFICATION OF THE NOMINEE OF THE VACANCY COMMITTEE TO THE SECRETARY OF STATE MAY NOT BE MADE PRIOR TO THE EFFECTIVE DATE OF THE RESIGNATION; FURTHER, SHOULD THE MEMBER OF THE GENERAL ASSEMBLY WITHDRAW THE LETTER OF RESIGNATION PRIOR TO THE EFFECTIVE DATE, THE PERSON NOMINATED BY THE VACANCY COMMITTEE MAY NOT BE CERTIFIED TO THE SECRETARY OF STATE.

(5) IF THE VACANCY IS CAUSED BY THE DEATH OF A MEMBER-ELECT OF THE GENERAL ASSEMBLY WHO HAS BEEN ELECTED TO OFFICE BUT WHO HAS NOT YET BEEN SWORN IN, THE VACANCY COMMITTEE SHALL MEET NO MORE THAN TEN DAYS AFTER THE DEATH OF THE GENERAL ASSEMBLY MEMBER-ELECT TO FILL THE VACANCY. THE CERTIFICATION OF THE NOMINATION OF THE VACANCY COMMITTEE TO THE SECRETARY OF STATE MAY BE MADE PRIOR TO THE CONVENING OF THE GENERAL ASSEMBLY BUT SHALL NOT TAKE EFFECT UNTIL THE EFFECTIVE DATE OF THE VACANCY, WHICH IS THE FIRST DAY THE GENERAL ASSEMBLY CONVENES.

**SECTION 81.** 1-13-112, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-13-112. Offenses relating to mail ballots.** Any person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with such a ballot ~~is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111~~ SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN EIGHTEEN MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

**SECTION 82.** 1-13-203, Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

**1-13-203. Procuring false registration.** It is unlawful for any person to procure his OR HER own name, or the name of any other person, to be registered in the registration book of a precinct in which such person is not, at the time of such registration, entitled to be registered or for any person to procure any fictitious name to be registered in the registration book of any precinct. Any person who violates any of the provisions of this section ~~is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111~~ SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN EIGHTEEN MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT. Each violation shall be considered a separate offense.

**SECTION 83.** 1-13-206, Colorado Revised Statutes, 1980 Repl. Vol., is repealed as follows:

**1-13-206. Disposition of mail voter registration application.** ~~Any person willfully making any disposition of affidavit registration forms other than for registration of an elector or by return of unused forms to the county clerk and recorder within the time prescribed in section 1-2-206 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.~~

**SECTION 84.** Part 4 of article 13 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-13-403. Defacing of petitions.** ANY PERSON WHO WILLFULLY DESTROYS, DEFACES, MUTILATES, OR SUPPRESSES A PETITION FOR NOMINATION OR FOR RECALL; WHO WILLFULLY NEGLECTS TO FILE OR WILLFULLY DELAYS THE PETITION OR PETITION SECTION; WHO CONCEALS OR REMOVES A PETITION OR PETITION SECTION FROM THE POSSESSION OF THE PERSON AUTHORIZED BY LAW TO HAVE CUSTODY OF IT; OR WHO AIDS, COUNSELS, PROCURES, OR ASSISTS ANY PERSON IN DOING ANY OF THE ABOVE ACTS COMMITS A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 1-13-111.

**SECTION 85.** 1-13-705, Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

**1-13-705. Personating elector.** Any person who falsely personates any elector and votes at any election provided by law under the name of such elector ~~is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111~~ SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN EIGHTEEN MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

**SECTION 86.** 1-13-709, Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

**1-13-709. Voting in wrong precinct.** Any person who, at any election provided by law, knowingly votes or offers to vote in any election precinct in which he OR SHE

is not qualified to vote is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ~~two hundred~~ FIVE THOUSAND dollars or by imprisonment in the county jail for not more than ~~three~~ EIGHTEEN months, OR BY BOTH SUCH FINE AND IMPRISONMENT.

**SECTION 87.** 1-13-710, Colorado Revised Statutes, 1980 Repl. Vol., is amended to read:

**1-13-710. Voting twice - penalty.** ~~If Any voter WHO votes more than once or, having voted once, offers to vote again or offers to deposit in the ballot box more than one ballot he is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111~~ SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN EIGHTEEN MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

**SECTION 88.** 1-13-714, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-13-714. Electioneering - removing and return of ballot.** No person shall do any electioneering on the day of any election within any polling place or in any public street or room or in any public manner within one hundred feet of any BUILDING IN WHICH A polling place IS LOCATED, as publicly posted by the designated election official. As used in this section, the term "electioneering" includes campaigning for or against any candidate who is on the ballot or any ballot issue or ballot question ~~which~~ THAT is on the ballot. "Electioneering" also includes soliciting signatures for a candidate petition, a recall petition, or a petition to place a ballot issue or ballot question on a subsequent ballot. No person shall remove any official ballot from the polling place before the closing of the polls. Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

**SECTION 89.** 1-13-803, Colorado Revised Statutes, 1980 Repl. Vol., as amended, 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 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 absentee voter ~~is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111~~ SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN EIGHTEEN MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

**SECTION 90.** 1-45-104 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-45-104. Filing - where to file - timeliness.** (1) For the purpose of meeting the filing requirements of this article, candidates for statewide election, the general assembly, district attorney, district court judge, or any office representing more than one county, except candidates for school district director, and political committees in support of or in opposition to such candidates or in support of or in opposition to

statewide issues shall file with the secretary of state. Candidates AND POLITICAL COMMITTEES IN SUPPORT OF OR IN OPPOSITION TO SUCH CANDIDATES OR IN SUPPORT OF OR IN OPPOSITION TO MUNICIPAL ISSUES in municipal elections shall file with the municipal clerk. All other candidates, including candidates for school district director, and political committees shall file with the county clerk and recorder of the county of their residence, and, if the school districts contain more than one county of this state, candidates for school district director shall file with the county clerk and recorder of the county of their residence.

**SECTION 91.** 1-45-105 (2) (a) and (2.1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-45-105. Candidate affidavit - disclosure statement.** (2) (a) Except as provided in paragraph (b) of this subsection (2), not later than ten days after filing the affidavit required by subsection (1) of this section, each candidate for the general assembly, governor, lieutenant governor, secretary of state, attorney general, state treasurer, state board of education, regents of the university of Colorado, the Colorado court of appeals, the supreme court of Colorado, and district attorney shall file with the appropriate officer a statement disclosing the information required by section 24-6-202 (2), C.R.S., in such a form as prescribed by the secretary of state. Failure of any person to file a disclosure statement as required by this subsection (2) shall result in the disqualification of such person as a candidate FOR THE OFFICE FOR WHICH THE CANDIDATE HAS FILED AND HAS FAILED TO FILE THE FINANCIAL DISCLOSURE STATEMENT DESCRIBED IN THIS PARAGRAPH (a).

(2.1) Disqualification shall occur only after the secretary of state or county clerk has sent a notice to the person by ~~registered or~~ certified mail, return receipt requested, addressed to him OR HER at his OR HER usual residence, business, or post-office address. ~~Such~~ THE notice shall state that such person will be disqualified as a candidate if ~~he~~ SUCH PERSON fails to file an affidavit or disclosure statement within ten days of receipt of the notice.

**SECTION 92.** 1-45-108 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-45-108. Reports - certification and filing.** (3) All reports required by this section shall be filed in duplicate with the appropriate officer. These reports are public records and shall be open to inspection by the public during regular business hours. One copy of the report shall be kept by the appropriate officer as a permanent record, and the other copy shall be made available immediately in a public file for public inspection. Any report ~~which~~ THAT is deemed to be incomplete by the appropriate officer shall be accepted on a conditional basis, and the campaign treasurer shall be notified by ~~registered~~ CERTIFIED mail, RETURN RECEIPT REQUESTED, with respect to any deficiencies found. The campaign treasurer shall have seven days from receipt of such notice to file an addendum to the report providing all information deemed necessary to complete the report in compliance with this section.

**SECTION 93.** 1-45-110 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-45-110. Reporting requirements - persons.** (2) Reports shall be filed eleven days before ~~the primary and general elections and thirty days after the general election~~ AND THIRTY DAYS AFTER ANY ELECTION. These reports shall be complete as of five days prior to the filing date.

**SECTION 94.** 1-45-121 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-45-121. Penalty - affirmative defense.** (3) The appropriate officer, after proper notification by certified mail, RETURN RECEIPT REQUESTED, shall impose an additional penalty of ten dollars per day for each day that a statement or other information required to be filed by this article is not filed by the close of the business day on the day due; except that the appropriate officer may excuse such penalty for bona fide personal exigencies. Revenues collected from penalties assessed by the secretary of state shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S.

**SECTION 95.** 31-2-102 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-2-102. Incorporation election.** (3) Registration and changes of address may be made with the county clerk and recorder up to and including the ~~thirtieth~~ TWENTY-NINTH day prior to the election. The county clerk and recorder, in his or her discretion, may conduct registration from time to time up to and including such ~~thirtieth~~ TWENTY-NINTH day prior to the election within the proposed municipal boundaries.

**SECTION 96.** 31-2-104 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-2-104. Organization of new city or town.** (3) Registration and changes of address may be made in the office of the county clerk and recorder up to and including the ~~thirtieth~~ TWENTY-NINTH day prior to election day. The county clerk and recorder has authority in his or her sole discretion, from time to time up to and including the ~~thirtieth~~ TWENTY-NINTH day prior to the election of officers as provided in this section, to conduct registration within the proposed corporate limits. Each nomination petition shall be filed with the clerk of the district court. Nominating petitions shall be made and filed and vacancies in nomination shall be filled in accordance with the "Colorado Municipal Election Code of 1965".

**SECTION 97.** 31-10-102 (3), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-10-102. Definitions.** As used in this article, unless the context otherwise requires:

(3) "Electronic voting system" means any ballot card electronic voting system meeting the requirements set forth in section ~~1-6-608~~ 1-5-608, C.R.S.

**SECTION 98.** 31-10-106, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-10-106. Copies of election laws and manual provided.** At least ~~thirty~~ SIXTY 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 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 in each municipal election precinct. Each judge shall receive at least one copy of the simplified manual.~~

**SECTION 99.** 31-10-108, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-10-108. Special elections.** Special elections shall be held on any Tuesday designated by the governing body. No special election shall be held within the ninety days preceding a regular election. No special election shall be called within thirty days before the date thereof, nor shall any special election be held within the thirty-two days before or after the date of a primary, general, or congressional vacancy election. A special election may be held at the same time and place as a primary, congressional vacancy or general election AS A COORDINATED ELECTION pursuant to section ~~1-1-109 (3)~~, 1-7-116, C.R.S., OR MAY BE CONDUCTED AT THE SAME TIME AS A MAIL BALLOT ELECTION PURSUANT TO PART 1 OF ARTICLE 7.5 OF TITLE 1, C.R.S. Special elections shall be conducted as nearly as practicable in the same manner as regular elections.

**SECTION 100.** 31-10-204, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-10-204. Municipal clerk as deputy county clerk and recorder.** Each clerk shall serve as a deputy county clerk and recorder for purposes of registration only in the county in which the clerk's municipality is located. The clerk shall register any qualified elector residing in any precinct in such county who appears in person at the clerk's office at any time during which registration is permitted in the office of the county clerk and recorder except the ~~twenty-nine~~ TWENTY-EIGHT days preceding any municipal election. The 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 101.** 31-10-205, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-10-205. Registration lists.** The county clerk and recorder of each county, no later than the fifth day preceding any municipal election in his or her county or upon receipt of the notice made pursuant to section 31-4-503 (3) (b), shall prepare a complete copy of the list of the registered electors of each municipal election precinct which is located within his or her county and is involved in such municipal election; but, in any municipal election precinct consisting of one or more whole general election precincts, the county registration books for such precinct may be used in lieu of a separate registration list. The registration list for each municipal election precinct shall contain, in alphabetical order, the names and addresses of all registered electors residing within the municipal election precinct whose names appeared on the county registration records at the close of business on the ~~thirtieth~~ TWENTY-NINTH

day preceding the municipal election or, when notice is received pursuant to section 31-4-503 (3) (b), at the close of business on the date preceding receipt of such notice. The county clerk and recorder shall certify and deliver such registration lists or registration books to the respective clerks on or before the fifth day preceding the election.

**SECTION 102.** 31-10-207, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-10-207. Questions answered by elector.** It is the duty of the clerk to ask each person making application for registration, and ~~said~~ THE person shall answer correctly, the matters contained in section ~~1-2-203~~ 1-2-204, C.R.S.

**SECTION 103.** 31-10-208, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-10-208. Change of address.** For the twenty-nine days before and on the day of any municipal election, any registered elector, by appearing in person at the office of the county clerk and recorder, may complete a sworn affidavit for change of address within the county in which the elector is registered, stating that the elector has moved prior to the thirtieth day before the election and that the elector has lived at the new address in the new precinct within the municipality for at least thirty days. Upon the receipt of the request, the county clerk and recorder shall verify the registration of the elector and shall, upon verification, issue or authorize a certificate of registration, showing the information required in section ~~1-2-215~~ 1-2-216, C.R.S., plus the change of address. The judges shall allow the registered elector to vote in the precinct where the new address is located. The judges of election shall use the certificate of registration as a substitute registration page, 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 clerk following the election.

**SECTION 104.** 31-10-302, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**31-10-302. Nomination of municipal officers.** (8) NOMINATION PETITIONS FOR CANDIDATES WHOSE NAME WILL BE ON THE BALLOT AT A COORDINATED ELECTION OR MAIL BALLOT ELECTION PURSUANT TO ARTICLES 1 TO 13 OF TITLE 1, C.R.S., SHALL BE CIRCULATED, SIGNED, AND FILED WITH THE MUNICIPAL CLERK WITHIN THE PERIOD SET FORTH IN SECTION 1-4-805, C.R.S. THE PETITION MAY BE AMENDED TO CORRECT OR REPLACE SIGNATURES THAT 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 105.** 31-10-1519, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-10-1519. Voting twice.** If Any person WHO votes more than once or, having voted once, offers to vote again or offers to deposit in the ballot box more than one ballot, ~~he commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 31-10-1504~~ SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE

THAN EIGHTEEN MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

**SECTION 106.** 31-10-1520, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-10-1520. Voting in the wrong precinct.** Any person who, at any municipal election, fraudulently votes or offers to vote in any precinct in which he OR SHE does not reside ~~commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 31-10-1504~~ SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN EIGHTEEN MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

**SECTION 107.** 31-10-1529, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-10-1529. Personating elector.** Any person who falsely personates any registered elector and votes under the name of such elector ~~commits a misdemeanor for each offense and, upon conviction thereof, shall be punished as provided in section 31-10-1504~~ SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN EIGHTEEN MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

**SECTION 108.** 31-10-1537, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-10-1537. Absentee voting.** Any election official or other person who knowingly violates any of the provisions of this article relative to the casting of absent voters' ballots or who aids or abets fraud in connection with any absent vote cast or to be cast ~~commits a misdemeanor for each offense and, upon conviction thereof, shall be punished as provided in section 31-10-1504~~ SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN EIGHTEEN MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

**SECTION 109.** 32-1-805 (2), Colorado Revised Statutes, as amended, is amended to read:

**32-1-805. Time for holding elections.** (2) Special elections may be held on the first Tuesday after the first Monday in February, May, October, or December, except for ballot issue elections, which may be held only in a state general election, BIENNIAL LOCAL DISTRICT ELECTION, or on the first Tuesday in November of odd-numbered years.

**SECTION 110.** 32-1-806, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**32-1-806. Persons entitled to vote at special district elections.** (3) FOR ELECTORS WHO VOTE AT ANY ELECTION BY ABSENTEE BALLOT OR MAIL BALLOT, THE AFFIDAVIT ON THE ENVELOPE OF THE BALLOT AS REQUIRED BY TITLE 1, C.R.S., SHALL SUBSTITUTE FOR THE AFFIDAVIT REQUIRED BY SUBSECTION (2) OF THIS SECTION.

**SECTION 111.** 32-13-105, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**32-13-105. Authorizing elections - repeal.** (9) (a) FOR PURPOSES OF COMPLYING WITH THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND UPON THE ADOPTION OF A RESOLUTION BY THE BOARD OF THE DISTRICT CREATED IN SECTION 32-13-104, THE DISTRICT MAY SUBMIT TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT, AT A GENERAL ELECTION OR AT AN ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, THE QUESTION OF WHETHER THE DISTRICT IS AUTHORIZED TO COLLECT, RETAIN, AND SPEND EXCESS REVENUES UNTIL THE DATE SPECIFIED IN THE QUESTION.

(b) IF AT ANY SUCH ELECTION A MAJORITY OF THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTING ON THE QUESTION VOTE AFFIRMATIVELY ON THE QUESTION OF WHETHER THE DISTRICT IS AUTHORIZED TO COLLECT, RETAIN, AND SPEND EXCESS REVENUES UNTIL THE DATE SPECIFIED IN THE QUESTION, THEN THE DISTRICT SHALL COLLECT, RETAIN, AND SPEND SUCH REVENUES AS PROVIDED FOR IN THIS ARTICLE.

**SECTION 112.** 32-13-106 (2), Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**32-13-106. Board of directors - powers and duties.** (2) The board shall have the following powers and duties:

(j) TO SUBMIT THE QUESTION SPECIFIED IN SECTION 32-13-105 (9) TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT AT A GENERAL ELECTION OR AT AN ELECTION HELD ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, UPON THE ADOPTION OF A RESOLUTION BY THE DISTRICT.

**SECTION 113.** 1-1-104 (24) and (51), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

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

(24) "Political organization" means any group of registered electors who, by petition for nomination of an ~~independent~~ UNAFFILIATED candidate as provided in section 1-4-802, places upon the official general election ballot nominees for public office.

(51) "Watcher" means an eligible elector other than a candidate on the ballot who has been selected by a political party chairperson on behalf of the political party, by a party candidate at a primary election, by an ~~independent~~ UNAFFILIATED 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, OR AN UNAFFILIATED 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 114.** 1-4-303, Colorado Revised Statutes, 1980 Repl. Vol., as

amended, is amended to read:

**1-4-303. Nomination of unaffiliated candidates.** Any persons nominated as candidates for the offices of president and vice president of the United States by a petition for nomination of an ~~independent~~ UNAFFILIATED candidate pursuant to the provisions of section 1-4-802 shall include on the petition the names of registered electors who are thus nominated as presidential electors. The acceptance of each of the electors shall be endorsed as appended to the first or last page of the nominating petition.

**SECTION 115.** 1-4-502, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-502. Methods of nomination for partisan candidates.** (1) Nominations for United States senator, representative in congress, governor, lieutenant governor, secretary of state, state treasurer, attorney general, member of the state board of education, regent of the university of Colorado, member of the general assembly, district attorney, and all county officers to be elected at the general election may be made either by primary election or by petition for nomination of an ~~independent~~ UNAFFILIATED candidate as provided in section 1-4-802.

(2) Nominations for presidential electors to be elected at the general election and for candidates to fill vacancies to unexpired terms of representatives in congress to be elected at a congressional vacancy election may be made by a convention of a political party, or by a committee authorized by the convention, or by petition for nomination of an ~~independent~~ UNAFFILIATED candidate as provided in parts 8 and 9 of this article.

**SECTION 116.** 1-4-802 (1) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

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

(a) A petition for nominating ~~independent~~ UNAFFILIATED candidates shall be prepared which shall contain the name and address of any candidate for the office to be filled. The petition shall designate in not more than three words the political or other name which the signers select. No name of any political party shall be used, in whole or in part, for this purpose.

**SECTION 117.** 1-4-912 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-912. Cure.** (1) In case a petition for nominating ~~independent~~ UNAFFILIATED candidates is not sufficient, it may be amended once 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-six days prior to an election which is not being held concurrently with the general election.

**SECTION 118.** 1-4-1002 (4) and (7) (c), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-4-1002. Vacancies in designation or nominations.** (4) Any vacancy in a nomination for an ~~independent~~ UNAFFILIATED candidate occurring after the filing of the petition for nomination and more than fifty-five days before the general or congressional vacancy election, which is caused by the declination, death, or withdrawal of any person nominated by petition, may be filled by the person or persons designated on the petition to fill vacancies.

(7) (c) If the vacancy occurs during the fifty-five days before the primary election and more than fifty-five days before the general election, the designated election official shall add the office to the notice of election for the general election. Nominations for the office shall be made by the respective party central committee vacancy committee for the political subdivision or as provided in section 1-4-802 for the nomination of ~~independent~~ UNAFFILIATED candidates.

**SECTION 119.** 1-5-602 (1) (e), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-602. Requirements for voting machines.** (1) (e) It enables each elector to vote a ticket selected in part from the candidates of one party, and in part from the candidates of any other party, and in part from an ~~independent~~ UNAFFILIATED nomination, and in part from persons not in nomination by any party or upon any ~~independent~~ UNAFFILIATED ticket;

**SECTION 120.** 1-5-608 (1) (c), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-608. Requirements - electronic voting systems.** (1) (c) It permits each elector, other than at a primary election, to vote for the candidates of one or more parties and for ~~independent~~ UNAFFILIATED candidates;

**SECTION 121.** 1-5-611 (1) (d), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-611. Requirements - nonpunch card electronic voting systems.** (1) (d) It permits each elector, other than at a primary election, to vote for the candidates of one or more parties and for ~~independent~~ UNAFFILIATED candidates;

**SECTION 122.** 1-7-106, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-106. Watchers at general and congressional vacancy elections.** Each participating major political party or issue committee whose candidate or issue is on the ballot, and each ~~independent~~ UNAFFILIATED and write-in candidate whose name is on the ballot for a general or congressional vacancy election shall be entitled to have no more than one watcher at any one time in each precinct polling place in the county. The chairperson of the county central committee of each major political party, the issue committee, the write-in or ~~independent~~ UNAFFILIATED candidate shall certify the names of one or more persons selected as watchers on forms provided by

the county clerk and recorder. The watchers shall surrender the certificates to the election judges at the time they enter the polling place and are sworn by the judges. This section shall not prevent party candidates or county party officers from visiting polling places to observe the progress of voting in the precincts.

**SECTION 123.** 1-12-117, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-12-117. Nomination of successor.** A candidate to succeed the officer sought to be recalled shall meet the qualifications of a party candidate or ~~independent~~ AN UNAFFILIATED candidate as provided in part 8 of article 4 of this title and shall be nominated by a political party petition or an ~~independent~~ UNAFFILIATED petition as provided in part 9 of article 4 of this title. In the case of a candidate for the office of county commissioner who is to be elected by the voters within a district, every petition shall be signed by at least one hundred registered electors within the district. In the case of a candidate for the office of county commissioner who is to be elected by the voters of the entire county and for any other county office, every petition shall be signed by at least one hundred registered electors within the county. In the case of a candidate for a nonpartisan office, every petition shall be signed by the number of registered electors required for the office in part 8 of article 4 of this title. The name of the officer who was sought to be recalled or recalled shall not be eligible as a candidate in the election to fill any vacancy resulting from the recall election.

**SECTION 124.** 1-45-103 (3) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-45-103. Definitions.** As used in this article, unless the context otherwise requires:

(3) "Candidate" means any person who:

(a) Seeks election to any public office which is to be voted for in this state at any general election, school district election, special district election, or municipal election. "Candidate" also includes a judge or justice of any court of record who seeks to be retained in office pursuant to the provisions of section 25 of article VI of the state constitution. A person is a candidate for election if the person has publicly announced an intention to seek election to public office, has filed nominating petitions for public office in a nonpartisan election, has been chosen as a candidate of a political party after having won a primary election, has filed with the appropriate officer a nominating petition as an ~~independent~~ UNAFFILIATED candidate as provided in section 1-4-801, or has been chosen to fill any vacancy.

**SECTION 125.** 1-1-104, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(49.5) "UNAFFILIATED" MEANS THAT A PERSON IS REGISTERED BUT NOT AFFILIATED WITH A POLITICAL PARTY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-2-204 (2) (j).

**SECTION 126. Effective date.** This act shall take effect July 1, 1995.

**SECTION 127. 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: May 24, 1995