

## CHAPTER 287

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**ELECTIONS**

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**HOUSE BILL 96-1061**

BY REPRESENTATIVE Allen;  
also SENATOR Thiebaut.

**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.** 1-1-103 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-1-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-1-103. Election code liberally construed.** (1) This code shall be liberally construed so that all ~~legally qualified~~ ELIGIBLE electors may be ~~registered and~~ permitted to vote AND those who are not ~~legally qualified~~ ELIGIBLE electors may be kept from ~~registering to vote, and those who have become ineligible may be removed from the registration books~~; VOTING in order to prevent fraud and corruption in elections.

(3) SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OR INTENT OF THIS CODE SHALL BE ALL THAT IS REQUIRED FOR THE PROPER CONDUCT OF AN ELECTION TO WHICH THIS CODE APPLIES.

**SECTION 2.** 1-1-104 (12), (44), and (49), 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:

(1.5) "AUTHORIZING LEGISLATION" MEANS THE PROVISIONS OF THE STATE CONSTITUTION OR STATUTES OR OF A LOCAL CHARTER AUTHORIZING THE EXISTENCE

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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.*

AND POWERS OF A POLITICAL SUBDIVISION AND PROVIDING FOR THE CALL AND CONDUCT OF THE POLITICAL SUBDIVISION'S ELECTION.

(12) "Elector" means a person who is legally qualified to vote in this state. The related terms "eligible elector", "registered elector", "~~resident taxpaying elector~~", and "taxpaying elector" are separately defined in this section.

~~(44) "Resident taxpaying elector" means an elector, as defined in subsection (12) of this section, who meets the requirements of a taxpaying elector who is also a resident of the district or proposed district for which the election is to be held.~~

(45.5) "SELF-AFFIRMATION" MEANS A SWORN STATEMENT MADE IN WRITING AND SIGNED BY AN INDIVIDUAL, AS THOUGH UNDER OATH. ANY PERSON FALSELY MAKING A SELF-AFFIRMATION VIOLATES SECTION 1-13-104.

~~(49) "Taxpaying elector" means a person who is a registered elector of the municipality, county, or political subdivision in which the election is to be held and who, or whose spouse, in the calendar year last preceding the election was obligated to pay a tax upon real or personal property assessed in the municipality, county, or political subdivision, exclusive of specific ownership tax. A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the political subdivision or the area to be included within the political subdivision shall be considered an owner within the meaning of this code SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 32-1-103 (23), C.R.S.~~

**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~~ SIXTY 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 a copy of the pertinent sections of the election laws of the state for office use.

(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~~ SPECIAL DISTRICT ORGANIZED UNDER ARTICLE 1 OF TITLE 32, C.R.S., entitled to hold elections or, if there is no designated election official, to the chief executive officer of the ~~political subdivision~~ SPECIAL DISTRICT, at least one copy of the election laws. The designated election officials or chief executive officers of ~~the various governing bodies~~ THOSE SPECIAL DISTRICTS may request additional copies of the election laws.

**SECTION 4.** 1-1-109 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-109. Forms prescribed.** (1) Except as otherwise provided by this code, the secretary of state ~~shall prescribe~~ MAY PROVIDE the forms required by this code, which forms ~~shall~~ MAY be followed by county clerk and recorders, election judges, and other election officials.

**SECTION 5.** 1-1-110 (3), Colorado Revised Statutes, 1980 Repl. Vol., as

amended, is amended to read:

**1-1-110. Powers of the county clerk and recorder and deputy.** (3) As the chief election official for the county, the county clerk and recorder shall be the chief designated election official for all coordinated elections. ~~Each political subdivision requesting that its election be coordinated with any other election shall certify the ballot content to the county clerk and recorder prior to the fifty-fifth day before the election.~~

**SECTION 6.** 1-1-111 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-111. Powers and duties of governing boards.** (3) Elections which are set for the same date by various political subdivisions may be held as coordinated elections if the governing bodies so choose. POLITICAL SUBDIVISIONS ARE AUTHORIZED TO COOPERATE AND CONTRACT WITH EACH OTHER TO PERFORM ANY FUNCTION RELATING TO AN ELECTION.

**SECTION 7.** 1-2-101 (1) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-101. Qualifications for registration.** (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 THE precinct ~~or for a nonpartisan election the person has resided within or is a taxpaying elector of the political subdivision;~~ IN WHICH THE PERSON INTENDS TO REGISTER thirty days immediately prior to the election at which the person intends to vote; but, in case of an annexation 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 8.** 1-2-102 (1) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

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

(a) (I) The residence of a person is the principal or primary home or place of abode of a person. A principal or primary home or place of abode is that home or place in which a person's habitation is fixed and to which that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A residence is a permanent building or part of a building and may include a house, condominium, apartment, room in a house, or mobile home. No vacant lot or business address shall be considered a residence.

(II) THE MAILING ADDRESS OF A HOMELESS INDIVIDUAL SHALL CONSTITUTE THAT INDIVIDUAL'S RESIDENCE FOR PURPOSES OF REGISTERING OR VOTING IN ANY PRECINCT

IN THIS STATE. A HOMELESS INDIVIDUAL WHO HAS NO MAILING ADDRESS SHALL NOT BE ELIGIBLE TO REGISTER OR TO VOTE. THE MAILING ADDRESS OF A HOMELESS INDIVIDUAL MAY INCLUDE A SHELTER, A HOMELESS SERVICE PROVIDER, OR A PRIVATE RESIDENCE, BUT IT MAY NOT INCLUDE A POST OFFICE BOX OR GENERAL DELIVERY AT A POST OFFICE.

**SECTION 9.** 1-2-104, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-104. Additional qualifications.** ~~(1) In addition to qualifications otherwise provided by law, at any election held by this state or any political subdivision, a person shall be qualified to vote if the authorizing legislation provides that an eligible elector is one who, at the designated time or event, is registered to vote pursuant to the "Uniform Election Code of 1992", articles 1 to 13 of this title, and:~~

~~(a) Who has been a resident of the political subdivision or the area to be included in the political subdivision for not less than thirty days; or~~

~~(b) Who, or whose spouse, owns taxable real or personal property situated within the boundaries of the special district or the area to be included in the special district, whether or not the person resides within the political subdivision.~~

~~(2) A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the political subdivision shall be considered an owner within the meaning of this section. THE AUTHORIZING LEGISLATION, AS DEFINED IN SECTION 1-1-104 (1.5), MAY PROVIDE ADDITIONAL OR ALTERNATIVE QUALIFICATIONS FOR A PERSON TO BECOME AN ELIGIBLE ELECTOR OF A POLITICAL SUBDIVISION.~~

**SECTION 10.** 1-2-201 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-201. Registration required - deadline.** (2) Each elector registering shall sign his or her name on the registration record or, if unable to write, shall make a personal mark OR BE PROVIDED ASSISTANCE TO MAKE SUCH A MARK BY THE COUNTY CLERK AND RECORDER OR ANY OTHER PERSON AUTHORIZED BY THE COUNTY CLERK AND RECORDER OR THE ELECTOR. The elector shall answer the questions required by section 1-2-204 and shall complete the self-affirmation required by section 1-2-205.

**SECTION 11.** 1-2-201, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A RELOCATED PROVISION to read:

**1-2-201. Registration required - deadline.** (3) [Formerly 1-1-114] Any other provisions of this title to the contrary notwithstanding, electors shall be permitted to register up to 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 12.** 1-2-206 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

**1-2-206. Declaration of party affiliation.** (2) ~~Any declaration shall be separately dated and signed or dated and initialed by the elector if present or by the county clerk and recorder if the elector is not present, so that it is clearly indicated that the elector's affiliation has been properly recorded. An elector who is unable to write may request assistance from the county clerk and recorder, who shall then sign the registration record in or adjacent to the space provided for recording party affiliation and shall witness the elector's mark.~~

**SECTION 13.** 1-2-213 (2) (c), (2) (d), and (7), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-2-213. Registration at driver's license examination facilities.** (2) (c) The application shall include a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration STATISTICS purposes, and a statement that, if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration STATISTICS purposes.

(d) The authorized employee shall stamp the application for registration with a validation stamp and indicate on the driver's license that the bearer registered to vote, which license shall be the elector's receipt. Applications and changes shall be forwarded on a weekly basis, OR WHEN OPEN DURING THE LAST WEEK ALLOWED FOR REGISTRATION PRIOR TO ANY ELECTION, to the county clerk and recorder of the county in which the driver's license examination facility is located, and, if the applicant lives in a different county from the facility, the application shall then be forwarded to the county clerk and recorder of the county in which the applicant resides. ~~except that, during the last week allowed for registration prior to any election, the applications shall be forwarded daily to the county clerk and recorder of the county in which the driver's license examination facility is located.~~

(7) No information relating to the failure of an applicant for a driver's license to sign a voter registration application may be used for any purpose other than voter registration STATISTICS.

**SECTION 14.** 1-2-216 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-216. Change of residence.** (1) Any eligible elector who has moved ~~from the precinct in which the elector is registered to some other precinct in the same county or has moved from one residence to another residence in the same precinct~~ WITHIN A COUNTY may have the elector's residence changed on the registration books by appearing before the county clerk and recorder and signing the registration book for the change. ~~An eligible elector may also have his or her residence changed on the registration books~~ RECORD by ~~writing~~ SUBMITTING a letter or ~~filing~~ a form furnished by the county clerk and recorder, EITHER BY MAIL OR IN PERSON. The letter or form for the change shall include the elector's new residence address within the county, mailing address if different from the residence address, old address, printed name, birth date, social security number, if the elector wishes to state it, and signature and the date.

**SECTION 15.** 1-2-216.5 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-216.5. Verification of change of address.** (2) 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 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 PRE-ADDRESSED to the appropriate county clerk and recorder by which the registrant may reregister to vote.

**SECTION 16.** 1-2-217 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-2-217. Change in residence after close of registration.** (2) Any eligible elector who moves from the precinct in which the elector is registered to some other precinct in the same county after the time during which registration is permitted may return to the precinct of registration and vote on the day of any election ~~by signing AND SIGN~~ a change of residence form. The form shall include a printed statement of the penalty for anyone who votes ~~pursuant to the provisions of this subsection (2)~~ by knowingly giving false information. ~~and the election judge shall read the printed statement to the elector and shall also sign the change of residence form.~~

**SECTION 17.** 1-2-217.5 (2) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended 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:

(b) The elector ~~registered~~ APPLIED TO REGISTER to vote prior to the close of registration by federal postcard application, MAIL REGISTRATION 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 APPLICATION at such agency.

**SECTION 18.** 1-2-224, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-2-224. Canceling registration.** (3.5) IF A MAIL BALLOT THAT WAS MAILED TO THE VOTING ADDRESS OF AN ELECTOR WHO HAS BEEN DEEMED "ACTIVE" IS RETURNED TO THE COUNTY CLERK AND RECORDER BY THE UNITED STATES POSTAL SERVICE AS UNDELIVERABLE, THE COUNTY CLERK AND RECORDER SHALL SEND THE ELECTOR A NOTICE PURSUANT TO SECTION 1-2-509 BY FORWARDABLE MAIL AND A POSTAGE PREPAID, PRE-ADDRESSED FORM BY WHICH THE ELECTOR MAY VERIFY OR CORRECT THE ADDRESS INFORMATION. IF THE ELECTOR VERIFIES THAT HE OR SHE RESIDES IN A COUNTY OTHER THAN THE COUNTY MAILING THE MAIL BALLOT, THE COUNTY CLERK AND RECORDER SHALL MARK THE REGISTRATION RECORD OF THE ELECTOR

"CANCELED (INSERT DATE)", AND THE RECORD SHALL BE REMOVED FROM THE REGISTRATION FILE OF THE COUNTY. IF THE ELECTOR FAILS TO RESPOND, THE COUNTY CLERK AND RECORDER SHALL MARK THE REGISTRATION RECORD OF THAT ELECTOR WITH THE WORD "INACTIVE".

**SECTION 19.** 1-3-103 (9), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-3-103. Party committees.** (9) Within ninety days after the organization of the state central committees of the two major political parties in each odd-numbered year, each committee shall adopt in its bylaws or rules its general guidelines and regulations for all county party matters. SUCH BYLAWS OR RULES SHALL ESTABLISH A PROCEDURE FOR THE SELECTION OF DELEGATES TO ANY PARTY ASSEMBLY THAT IS CONSISTENT WITH PARTY PRACTICE. ANY METHOD UNDER SUCH PROCEDURE FOR CHOOSING OR ALLOCATING DELEGATES IN A COUNTY BASED ON THE NUMBER OF VOTES CAST AT AN ELECTION FOR A PARTICULAR CANDIDATE SHALL BE UNIFORM AMONG THE COUNTIES SO THAT ALL TYPES OF BALLOTS ARE COUNTED OR NOT COUNTED FOR PURPOSES OF DETERMINING THE NUMBER OF VOTES CAST. Any county central committee may adopt its own rules and regulations in conformance with those of the state central committee. In the absence of county rules pertaining to specific items, the party's state central committee's guidelines, rules, and regulations shall apply. Each state central committee shall file its party's bylaws or rules with the secretary of state no later than the first Monday in February in each even-numbered year and, if filed prior to that date, the bylaws or rules may be amended until that date. No bylaw or rule may be filed or amended after the first Monday in February in each even-numbered year; except that such bylaws and rules may be amended as required solely to accommodate changes in the precinct caucus day or other action taken by the secretary of state pursuant to section 2-2-506 (1) (c) (IV), C.R.S. Where the bylaws or rules are not filed in accordance with this section, the party's state central committee, as well as the party's county central committee, shall be subject to the code through the general election of the same year.

**SECTION 20.** 1-4-602 (1), (2) (b), and (6), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-4-602. Delegates to party assemblies.** (1) (a) County assemblies shall be held not less than ten days nor more than thirty days after precinct caucuses held on the first Tuesday in April. The county central committee shall fix the number of delegates from each precinct to participate in the county assembly PURSUANT TO THE PROCEDURE FOR THE SELECTION OF DELEGATES CONTAINED IN THE STATE PARTY CENTRAL COMMITTEE'S BYLAWS OR RULES. The persons receiving the highest number of votes at the precinct caucus shall be the delegates to the county assembly from the precinct. If two or more candidates receive an equal number of votes for the last available place in the election of delegates to county assemblies at the precinct caucuses, the delegate shall be determined by lot by the candidates. Except as provided in subsections (2) and (6) of this section, delegates to all other party assemblies shall be selected by the respective county assemblies from among the members of the county assemblies PURSUANT TO THE STATE PARTY CENTRAL COMMITTEE'S BYLAWS OR RULES.

(b) In determining the number of delegates from precincts which have been created

or split since the previous general election, the county central committee may allocate delegates based on the number of registered voters affiliated with the political party, PURSUANT TO THE STATE PARTY CENTRAL COMMITTEE'S BYLAWS OR RULES.

(2) (b) In each state senatorial and representative district comprised of one or more whole counties and a portion of one or more counties or comprised of portions of two or more counties, the number of delegates to the senatorial and representative district assemblies shall be apportioned among the counties by the party's senatorial or representative central committee according to the vote in the county or portion of a county for that party's candidate for governor or president in the last general election, ~~unless PURSUANT TO the state party CENTRAL COMMITTEE'S bylaws OR RULES. or bylaws of the district provide a different method to apportion delegates.~~

(6) In each state senatorial and representative district comprised of all or parts of more than one county, persons elected at precinct caucuses as delegates to the county assemblies from precincts within the senatorial or representative district shall also serve as delegates to the senatorial and representative district assemblies if the senatorial or representative district central committee, by resolution adopted prior to the holding of the precinct caucuses in the year for which the resolution is to be effective, chooses to have the delegates to its district assembly in that year elected as provided in this subsection (6); EXCEPT THAT SELECTION OF DELEGATES UNDER THIS SUBSECTION (6) SHALL BE IN CONFORMANCE WITH THE PROCEDURE ESTABLISHED IN THE STATE PARTY CENTRAL COMMITTEE'S BYLAWS OR RULES. As a part of the resolution, the senatorial or representative central committee may determine the total number of delegate votes to be cast at the senatorial or representative district assembly, apportion them by county among the portions of the district which lie in separate counties upon an equitable basis determined by party bylaws or rules, and, upon the basis of the apportionment, determine the factor necessary to apportion equally among the delegates from the precincts within the district in each county the total votes to be cast by delegates from the portion of the district lying within that county.

**SECTION 21.** The introductory portion to 1-4-802 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-802. Petitions for nominating unaffiliated candidates for a partisan office.**

(1) Candidates for PARTISAN 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:

**SECTION 22.** 1-4-804, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-4-804. Petitions for nominating nonpartisan special district directors.**

(4) IF OFFICES WITH TERMS OF DIFFERENT LENGTHS ARE TO BE FILLED AT A SPECIAL DISTRICT ELECTION, THE NOMINATION PETITION SHALL SPECIFY THE TERM THE CANDIDATE DESIRES.

**SECTION 23.** 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 PART 11 OF THIS ARTICLE CONCERNING WRITE-IN CANDIDATE AFFIDAVITS, SHALL APPLY IN SUCH MUNICIPAL ELECTIONS, AND 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 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 24.** 1-4-901 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

~~**1-4-901. Designation of petition.** (2) Except for special district nominating petitions, 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.~~

**SECTION 25.** 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~~ OR 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 secretary of state or official, as applicable, shall mail written notice of the action taken to the person who submitted the petition on the day the action is taken.

**SECTION 26.** 1-4-1002 (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1002. Vacancies in designation or nomination.** (4) Any vacancy in a nomination for an unaffiliated candidate occurring after the filing of the petition for nomination OR THE SUBMITTAL OF A STATEMENT OF INTENT UNDER SECTION 1-4-303 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 OR STATEMENT OF INTENT, may be filled by the person or persons designated on the petition OR STATEMENT OF INTENT to fill vacancies.

**SECTION 27.** 1-4-1101 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1101. Write-in candidate affidavit of intent.** (1) Any person who wishes to be a write-in candidate for any office in any election shall file an affidavit of intent stating that he or she desires the office and is qualified to assume its duties if elected. The affidavit of intent shall be filed with the secretary of state if it is for a statewide office, a seat in congress, a seat in the general assembly, the office of district

attorney, or any other district office ~~greater than a county office~~ OF STATE CONCERN. The affidavit shall be filed with the county clerk and recorder if it is for a county office and with the designated election official if it is for a local office.

**SECTION 28.** 1-4-1102, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-4-1102. Time of filing affidavit.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, the affidavit of intent shall be filed ~~more than thirty days~~ BY THE CLOSE OF BUSINESS ON THE THIRTIETH DAY before the 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.~~

(2) IN A NONPARTISAN ELECTION, THE AFFIDAVIT OF INTENT SHALL BE FILED BY THE CLOSE OF BUSINESS ON THE SIXTY-FOURTH DAY BEFORE THE ELECTION. IF THE ELECTION IS TO BE COORDINATED BY THE COUNTY CLERK AND RECORDER, THE DESIGNATED ELECTION OFFICIAL SHALL FORWARD A COPY OF THE AFFIDAVIT OF INTENT TO THE COORDINATED ELECTION OFFICIAL.

**SECTION 29.** 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 NONPARTISAN elections other than coordinated elections, not less than ~~ninety~~ TWENTY-FIVE days prior to the election, the DESIGNATED ELECTION OFFICIAL, WITH THE APPROVAL OF 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 30.** 1-5-104 (1), (3), and (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

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

(3) Each governing body shall change any polling place upon a petition of a majority of the eligible electors residing within a precinct if the request is made at least ~~ninety~~ FORTY-FIVE days prior to the next scheduled election AND ANOTHER POLLING PLACE LOCATION IS REASONABLY AVAILABLE.

(4) EXCEPT AS PROVIDED BY LAW, no polling place shall be changed after the ~~forty-fifth~~ TWENTY-FIFTH day prior to an election.

**SECTION 31.** 1-5-202 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-202. Notice of presidential primary and primary election by secretary of state and county clerk and recorder.** (2) Each county clerk and recorder, at least ten days before the presidential primary or other primary election, shall provide ~~notice by~~ publication OF THE NOTICE of the primary election in a condensed form under the proper party designation and under the title of each office the names of all persons for whom certificates of designation or petitions have been filed with the secretary of state or the county clerk and recorder. The publication shall contain the date of the presidential primary or other primary election and the hours during which the polls will be open and shall state that the presidential primary or other primary election will be held in the lawful polling places designated for each precinct. A copy of the publication shall be posted in a conspicuous place in the office of the county clerk and recorder. The posting may be made by the use of sample ballots.

**SECTION 32.** 1-5-204, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

**1-5-204. Call for nominations for nonpartisan elections.** ~~At least ninety days before a regular nonpartisan election except a municipal election conducted as part of a coordinated election, the designated election official shall provide notice by publication of a call for nominations for the election. The call shall state which offices will be voted upon at the election, where petitions for nomination may be obtained, and deadlines for submitting the petitions to the designated election official.~~

**SECTION 33.** The introductory portion to 1-5-205 (1) and 1-5-205 (1) (h) and (1) (i), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-5-205 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-5-205. Published and posted notice of election.** (1) The designated election official, OR THE COORDINATED ELECTION OFFICIAL IF SO PROVIDED BY AN INTERGOVERNMENTAL AGREEMENT, at least ten days before each election, shall provide notice by publication of the election, which notice shall state, as applicable for the particular election for which notice is provided, the following:

(h) The name, and for a partisan election, the party or other designation of each candidate whose nomination to office has been certified by the designated election official, which shall be as nearly as possible in the form in which the ~~nominations~~ NAMES appear upon the official ballot; and

(i) The other ballot issues and ballot questions which have been certified to the county clerk and recorder BY THE BOARD OF COUNTY COMMISSIONERS or TO THE designated election official by the governing body, WHICH SHALL BE AS NEARLY AS POSSIBLE IN THE FORM IN WHICH THE BALLOT ISSUES AND BALLOT QUESTIONS ARE TO APPEAR ON THE OFFICIAL BALLOT.

(1.2) IF NOTICE OF THE ELECTION IS PROVIDED BY BOTH THE DESIGNATED ELECTION OFFICIAL AND THE COORDINATED ELECTION OFFICIAL, THE DESIGNATED ELECTION OFFICIAL'S NOTICE MAY INCORPORATE BY REFERENCE THE PROVISIONS OF THE

COORDINATED ELECTION OFFICIAL'S NOTICE RELATED TO THE INFORMATION DESCRIBED IN SUBSECTIONS (1) (b), (1) (c), AND (1) (d) OF THIS SECTION.

**SECTION 34.** 1-5-208 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-5-208 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-5-208. Election may be canceled - when.** (1) EXCEPT AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, if the only matter before the electors is the election of persons to office and if, at the close of business on the ~~twenty-ninth day~~ THIRTIETH 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.

(1.5) IF THE ONLY MATTER BEFORE THE ELECTORS IN A NONPARTISAN ELECTION IS THE ELECTION OF PERSONS TO OFFICE AND IF, AT THE CLOSE OF BUSINESS ON THE SIXTY-THIRD 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 DECLARE THE CANDIDATES ELECTED.

**SECTION 35.** 1-5-407 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-407. Form of ballots.** (3) At the end of the list of candidates for each different office shall be as many blank spaces as there are persons to be elected to the office, in which the elector may write the name of any eligible person not printed on the ballot who has filed an affidavit of intent of write-in candidate pursuant to section 1-4-1101. NO SUCH BLANK SPACES ARE REQUIRED IF NO ELIGIBLE ELECTOR PROPERLY FILED AN AFFIDAVIT OF INTENT OF WRITE-IN CANDIDATE PURSUANT TO SECTION 1-4-1101.

**SECTION 36.** Part 5 of article 5 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**1-5-504.5. Items to be posted at the polling place on or before election day.** (1) THE FOLLOWING ITEMS SHALL BE POSTED AT EACH POLLING PLACE ON OR BEFORE ELECTION DAY:

(a) A POLLING PLACE SIGN VISIBLE FROM THE OUTSIDE OF THE CLOSEST ENTRANCE TO THE POLLING PLACE PURSUANT TO SECTION 1-5-106;

(b) A SIGN NOTIFYING PERSONS OUTSIDE AND INSIDE OF THE POLLING PLACE THAT NO ELECTIONEERING IS PERMITTED WITHIN ONE HUNDRED FEET OF THE POLLING PLACE PURSUANT TO SECTION 1-13-714;

(c) INSTRUCTION CARDS FOR THE GUIDANCE OF ELIGIBLE ELECTORS PURSUANT TO SECTION 1-5-504;

(d) SAMPLE BALLOTS PURSUANT TO SECTION 1-5-413.

**SECTION 37.** 1-5-606, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-5-606. Election officials not to have interest in voting machines or electronic voting equipment or devices.** No election official having responsibilities in connection with the conduct of any election shall have any financial or proprietary interest, either directly or indirectly, in the manufacture, sale, maintenance, servicing, repair, or transportation of either voting machines or electronic voting equipment or devices. THIS SECTION SHALL NOT APPLY TO ANY DESIGNATED ELECTION OFFICIAL PARTICIPATING IN A COORDINATED ELECTION WHO HAS NO INDEPENDENT DECISION-MAKING RESPONSIBILITY CONCERNING THE SELECTION OF VOTING MACHINES OR ELECTRONIC VOTING DEVICES BY THE COUNTY CLERK AND RECORDER.

**SECTION 38.** 1-6-101 (1) (d) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

**1-6-101. Certification and qualifications for election judges.** (1) The persons nominated as election judges shall certify in writing that they meet the following qualifications:

(d) They have never been convicted of ~~any offenses listed in article 13 of this title, have never had an application for appointment and commission as a notary public denied or commission as a notary public revoked pursuant to section 12-55-107, C.R.S., and have never 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.

(2) With regard to any nonpartisan election, if enough election judges who ~~reside in the required precincts or~~ ARE ELIGIBLE ELECTORS OF THE political subdivisions SUBDIVISION are not available, then the appointing authority may ~~waive the residence requirement for election judges and may~~ appoint election judges who ~~reside outside the required precincts or political subdivisions~~ ARE REGISTERED ELECTORS OF THE STATE.

**SECTION 39.** 1-7-103 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-7-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-7-103. No voting unless eligible.** (2) A person otherwise eligible to vote whose name has been ~~erroneously~~ omitted from the registration list or property owner's list shall be permitted to vote upon taking SUBSTANTIALLY the following oath: "~~You~~ I do solemnly swear or affirm that ~~you are~~ I AM a citizen of the United States of the age of eighteen years or older; that ~~you~~ I have been a resident of this state for thirty days immediately preceding this election and have not maintained a home or domicile elsewhere; that ~~you~~ I have been for the last thirty days and ~~are~~ AM now a resident of this precinct or absent from it thirty days or less as provided in section 1-2-101; that ~~you are~~ I AM a registered elector in this precinct; that ~~you are~~ I AM eligible to vote at this election; and that ~~you~~ I have not previously voted at this election."; and

(a) Presenting to an election judge a certificate of registration issued on election day by the county clerk and recorder or a certificate of property ownership issued on election day by the county assessor; or

(b) An election judge obtaining verbal verification of the registration from the county clerk and recorder on election day, or obtaining verbal verification of property ownership from the county assessor on election day.

(4) THE SELF-AFFIRMING OATH OR AFFIRMATION PROVIDED IN SECTION 32-1-806 (2), C.R.S., IF APPLICABLE TO THE ELECTION, MAY BE ACCEPTED BY AN ELECTION JUDGE IN PLACE OF THE OATH AND CERTIFICATE OR VERBAL VERIFICATION REQUIRED BY SUBSECTION (2) OF THIS SECTION SO THAT EVERY ELIGIBLE ELECTOR PRESENT AT THE POLLING PLACE IS ALLOWED TO VOTE.

**SECTION 40.** 1-7-104, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-104. Affidavits of eligibility.** (1) In any election where the list of registered electors and property owners is not divided by precinct, where an eligible elector may vote at any polling place in a political subdivision, or where a ~~taxpaying~~ AN elector's name is not on the list of registered electors or property owners, an affidavit signed by the eligible elector stating that the elector has not previously voted in the election may be required prior to allowing the elector to cast a ballot.

(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 designated election official for the political subdivision that is part of the coordinated election.~~

**SECTION 41.** 1-7-114, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-7-114. Write-in votes.** (4) (a) THE DESIGNATED ELECTION OFFICIAL SHALL MAKE A LIST OF ELIGIBLE WRITE-IN CANDIDATES AND PROVIDE THE LIST TO THE ELECTION JUDGES. THE ORDER OF THE WRITE-IN CANDIDATES ON SUCH LIST MAY BE DETERMINED BY THE TIME OF FILING THE AFFIDAVIT PURSUANT TO SECTION 1-4-1101.

(b) EXCEPT AS MAY BE REQUIRED TO ACCOMMODATE A PERSON WITH A DISABILITY, ELECTION JUDGES SHALL NOT VERBALLY COMMENT ON WRITE-IN CANDIDATES. UPON REQUEST OF AN ELIGIBLE ELECTOR, AN ELECTION JUDGE MAY DISPLAY TO THE REQUESTING ELECTOR THE LIST OF ELIGIBLE WRITE-IN CANDIDATES PROVIDED TO THE JUDGES BY THE DESIGNATED ELECTION OFFICIAL. THE LIST SHALL NOT BE POSTED NOR MAY THE LIST BE TAKEN INTO A VOTING BOOTH.

**SECTION 42.** 1-7-116 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-116. Coordinated elections.** (3) Notwithstanding the provision for independent mail ballot elections in subsection (1) of this section, the ~~designated~~

~~election official or the official's designee for the state or a political subdivision conducting an election in November, shall prepare to transmit to the county clerk and recorder for the county or counties in which the political subdivision is located at least twenty-five days before the election any notice that the political subdivision shall distribute pursuant to section 20 (3) (b) of article X of the Colorado constitution. It shall be the responsibility of the county clerk and recorder to mail the required notices or notice package~~ BALLOT ISSUE NOTICE SHALL BE PREPARED AND MAILED IN SUBSTANTIAL COMPLIANCE WITH PART 9 OF THIS ARTICLE, AND THE PREPARATION AND MAILING THEREOF SHALL BE MADE PURSUANT TO AN AGREEMENT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

**SECTION 43.** 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 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~~ MAY 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~~ MAY, UPON REQUEST OF THE OFFICIALS, 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 44.** Part 9 of article 7 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended WITH THE RELOCATION OF PROVISIONS, to read:

PART 9  
BALLOT ISSUE NOTICES

**1-7-901. Receipt of comments concerning ballot issues.** (1) Each political subdivision shall accept written comments concerning ballot issues in accordance with this section.

(2) All comments filed in writing will be received and kept on file with the designated election official for the political subdivision submitting to its eligible electors the ballot issue to which the comments pertain. However, only those comments that are filed by persons eligible to vote in the political subdivision submitting the ballot issue to its electors must be summarized in the ballot issue notice. The filed comments shall be retained by the designated election official as election records.

(3) To be summarized in the ballot issue notice, the comments shall address a specific ballot issue and shall include a signature and an address where the signor is registered to vote and shall be filed with the designated election official for the political subdivision and not the county clerk and recorder of the county in which the political subdivision is located unless the issue is a county issue for which the county clerk and recorder is the designated election official.

(4) Since section 20 (3) (b) (v) of article X of the state constitution requires that comments pertaining to a ballot issue be filed by thirty days before the election and since the thirtieth day before any ballot issue election is always a Sunday, all comments shall be filed by the end of the business day on the Friday before the thirtieth day before the election.

**1-7-902. Preparation of fiscal information.** A governing body submitting a referred measure, or its designee, shall be responsible for providing to its designated election official the fiscal information that must be included in the ballot issue notice. For statewide measures, the governing body shall be the executive committee of the legislative council of the general assembly. For all other political subdivisions, the governing body shall be the board that authorized submission of the ballot issue to the electorate.

**1-7-903. Preparation of written comments.** (1) For referred measures, the designated election official shall summarize the filed comments in favor of and in opposition to the ballot issue for the ballot issue notice.

(2) For initiated measures, the petition representatives shall be solely responsible for summarizing all comments filed in favor of the ballot issue. The designated election official shall summarize all comments filed in opposition to the ballot issue.

(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: "No summary was filed by the statutory deadline."

(4) If no comments are filed in opposition to or in support of a ballot issue, the designated election official shall not prepare any summaries and shall state substantially the following in the ballot issue notice where the summary or summaries would appear: "No comments were filed by the constitutional 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.

**1-7-904. Transmittal of notices.** Notwithstanding the provision for independent mail ballot elections in section 1-7-116 (1), the designated election official or the official's designee for the state or a political subdivision conducting an election in November, shall prepare and ~~transmit~~ DELIVER to the county clerk and recorder for the county or counties in which the political subdivision is located at least twenty-five days before the election the full text of any required ballot issue notices.

**1-7-905. Preparation of notices.** (1) For November elections, the county clerk and recorder shall be responsible for placing the ballot issue notices received from the various political subdivisions participating in the election in the proper order in the ballot issue notice packet. As nearly as practicable, the notice shall be in the order the ballot issues will appear on the ballot. The ballot issue notice shall ~~end with~~ BE FOLLOWED BY a certification by the county clerk and recorder that the ballot issue notices are complete as submitted by the political subdivisions. No additional



information shall be included as part of the ballot issue notice except as may be required by law. A general disclaimer may precede or follow the ballot issue notice which may state: "The information contained in this notice was prepared by persons required by law to provide summaries of ballot issues and fiscal information."

(2) THE DESIGNATED ELECTION OFFICIALS OF OVERLAPPING POLITICAL SUBDIVISIONS CONDUCTING AN ELECTION OTHER THAN IN NOVEMBER SHALL CONFER CONCERNING THE PREPARATION OF THE BALLOT ISSUE NOTICE NOT LESS THAN FORTY DAYS PRIOR TO THE DATE OF THE ELECTION. THE POLITICAL SUBDIVISIONS CONDUCTING THE ELECTION SHALL PROVIDE FOR PREPARATION OF ANY REQUIRED BALLOT ISSUE NOTICE PACKAGE BY AGREEMENT IN A FORM SUBSTANTIALLY AS PROVIDED IN SECTION 1-7-116.

**1-7-905.5. Form of notice.** (1) THE BALLOT ISSUE NOTICE SHALL BEGIN WITH THE WORDS "ALL REGISTERED VOTERS", REGARDLESS OF WHETHER THE ELECTORS OF THE POLITICAL SUBDIVISION MUST BE REGISTERED ELECTORS TO BE ELIGIBLE TO VOTE IN THE ELECTION, AND SHALL END AT THE CONCLUSION OF THE SUMMARY OF COMMENTS. ANY INFORMATION INCLUDED PURSUANT TO SECTION 1-5-206, INFORMATION CONCERNING PROCEDURE FOR A MAIL BALLOT ELECTION, BALLOT, POLLING PLACE, OR OTHER INFORMATION INCLUDED WITH THE BALLOT ISSUE NOTICE PRIOR TO THE WORDS "ALL REGISTERED VOTERS" OR AFTER THE CONCLUSION OF THE SUMMARY OF COMMENTS SHALL NOT BE DEEMED TO BE PART OF THE BALLOT ISSUE NOTICE.

(2) BALLOT ISSUE NOTICES ARE NOT ELECTION MATERIALS THAT MUST BE PROVIDED IN A LANGUAGE OTHER THAN ENGLISH.

**1-7-906. Mailing of notices.** (1) For November elections, the county clerk and recorder as coordinated election official shall mail the ballot issue notice packet to each address of one or more active registered electors who reside in the county OR PORTIONS OF THE COUNTY IN WHICH REGISTERED VOTERS OF THOSE DISTRICTS SUBMITTING BALLOT ISSUES RESIDE.

(2) The designated election official for the various political subdivisions shall be responsible for mailing the required notice to each address of one or more active registered electors who do not reside within the county or counties where the political subdivision is located.

(3) THE POLITICAL SUBDIVISIONS SHALL BY AGREEMENT, IN A FORM SUBSTANTIALLY AS PROVIDED IN SECTIONS 1-7-116 AND 1-7-905, PROVIDE FOR MAILING OF ANY REQUIRED BALLOT ISSUE NOTICE PACKAGE FOR ELECTIONS CONDUCTED OTHER THAN IN NOVEMBER.

**1-7-907. [Formerly 1-5-206.5] Applicability - cross references.** The ballot issue notice shall be prepared and mailed in accordance with SUBSTANTIAL COMPLIANCE with section 20 of article X of the state constitution, the provisions of this title, and the rules and regulations of the secretary of state.

**SECTION 45.** 1-7.5-107 (2) (b), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7.5-107. Procedures for conducting mail ballot election.** (2) (b) No later

than twenty days prior to election day, the county clerk and recorder AND COUNTY ASSESSOR 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 OR PROPERTY OWNERS whose names were not included on the preliminary list.

**SECTION 46.** Article 8 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, WITH THE RELOCATION OF PROVISIONS, to read:

**ARTICLE 8**  
**Absentee and Early Voting**

PART 1  
ABSENTEE VOTING

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

(2) The ballots shall be in the same form as other official ballots for the same election. On the stub of the absentee ballot shall be printed "Absentee Ballot No. A. V. ....(number)", and such stubs shall be numbered consecutively, commencing with number 1.

(3) In counties including more than one state senatorial district, or more than one state representative district, or both, absentee ballots shall be provided in a manner to be determined by the county clerk and recorder for each combination of state legislative districts. Distinctive markings or colors may be used to identify political subdivisions when such colors or distinctive markings will aid in the distribution and tabulation of the ballots. A complete ballot may consist of one or more pages or cards so long as each page or card is numbered and identified as provided for paper ballots in sections 1-5-407 and 1-5-410. This subsection (3) shall apply to ballots to be cast on absentee voting machines as well as to paper ballots and ballot cards which can be electronically counted.

**1-8-102. When absentee eligible electors may vote.** Any eligible elector may vote by absentee ballot ~~or early ballot~~ at any election under the regulations and in the manner provided in this ~~article~~ PART 1.

**1-8-103. [Formerly 1-8-102 (2) and (3)] Effect of "Uniform and Overseas Citizens Absentee Voting Act" - emergency authority of secretary of state.** ~~(2)~~ (1) In the event of any conflict between this ~~article~~ PART 1 and any provisions of the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq., the provisions of the federal act shall control, and all designated election officials who are charged with the performance of duties under this code shall perform the duties and discharge the obligations placed upon them by the federal act.

~~(3)~~ (2) If a national or local emergency arises which makes ~~strict~~ SUBSTANTIAL compliance with the provisions of this ~~article~~ PART 1 impossible or unreasonable, such as when congress has declared a national emergency or the president has ordered into active military service of the United States any units and members of the national guard of this state, the secretary of state may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee ~~or early~~ voting by those members of the military or military support personnel directly affected by the emergency.

**1-8-104. [Formerly 1-8-103] Application for absentee ballot - repeal of subsection.** (1) The application for an absentee ballot shall be made in writing or by fax, using the application form furnished by the designated election official ~~as prescribed by the secretary of state pursuant to section 1-1-109~~, or in the form of a letter, which includes the applicant's signature, residence address, and date of birth. If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated or wishes to affiliate.

(1.5) (a) In any election conducted by the county clerk and recorder, the application form for an absentee ballot shall include a space where the applicant may give the applicant's driver's license number, if the applicant has a driver's license, and the form shall clearly indicate that providing such information is optional. No application for an absentee ballot shall be rejected because it does not include a driver's license number.

(b) This subsection (1.5) is repealed, effective January 1, 1999.

(2) The application for an absentee ballot shall be personally signed by the applicant or a family member related by blood or marriage; or, in case of the applicant's inability to sign, the elector's mark shall be witnessed by another person.

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

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

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

**1-8-105. [Formerly 1-8-104] Change of registration record.** A change of name, residence, or party affiliation request may be submitted to the county clerk and recorder at the same time the eligible elector requests an application for an absentee ballot if the elector has moved within the county and states that the move occurred more than thirty days before the election and that the elector has lived at the new residence for at least thirty days. The request shall include the elector's old and new addresses within the county, the elector's printed name and signature, and the date of the request. Upon receipt of the request, the county clerk and recorder shall verify the registration of the elector, amend the registration record, and mail to the elector an official absentee ballot as provided in this ~~article~~ PART 1.

**1-8-106. [Formerly 1-8-105] Verification of registration of absent elector.** Upon receipt of an application for an absentee ballot within the proper time, the

designated election official shall examine the records of eligible electors to ascertain whether or not the applicant is eligible to vote as requested. If the applicant is eligible, the designated election official, either personally in the office of the designated election official or by mail to the mailing address given in the application, shall deliver an official absentee ballot, a return envelope with the affidavit properly filled in as to precinct and residence address as shown by the records in the office, and an instruction card.

**1-8-107. [Formerly 1-8-106] Absentee registration record.** (1) Before any absentee ballot is delivered or mailed or before any eligible elector is permitted to cast a vote at an election where the county clerk and recorder is the designated election official, the designated election official shall write or stamp the number appearing on the stub of the ballot on the elector's registration record, together with the date the ballot is delivered or mailed. The supply judge for the absentee elector's precinct shall receive the list of absentee ballots prepared pursuant to section ~~1-8-107~~ 1-8-108. Absentee electors for each precinct shall be recorded on the precinct registration list for use at the polls as provided in section 1-5-302.

(2) For nonpartisan elections, absentee electors shall be recorded on the precinct registration list for use at the polls as provided in section 1-5-303.

**1-8-108. [Formerly 1-8-107] List of absentee ballots.** The designated election official shall keep a list of names and precinct numbers of eligible electors applying for absentee ballots, together with the date on which each application was made, the date on which the absentee ballot was sent, the date on which each absentee ballot was returned, and the number appearing on the stub of each absentee ballot. If an absentee ballot is not returned or if it is rejected and not counted, that fact shall be noted on the list. The list is open to public inspection under proper regulations.

**1-8-109. [Formerly 1-8-108] Watchers at absentee polling places.** Any political party, candidate, or proponents or opponents of a ballot issue entitled to have watchers at polling places shall each have the right to maintain one watcher ~~at the early voters' polling place during the casting and counting of early voters' ballots, and shall also have the right to maintain watchers~~ in the office of the designated election official AND ABSENTEE POLLING PLACES during the period in which absentee ballots may be applied for or received.

**1-8-110. [Formerly 1-8-109] Challenges.** The RIGHT TO vote of any ~~eligible elector~~ PERSON voting by absentee ~~or early voters' ballot~~ may be challenged in the same manner and for the same causes as other ~~votes~~ PERSONS are challenged.

**1-8-111. [Formerly 1-8-110] Delivery of absentee ballot and replacement absentee ballots.** (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.

(2) Upon a request by an eligible elector stating an emergency need, the designated election official may authorize one or more deputies or may deputize a courier service to deliver the absentee ballot and return the ballot to the office of the designated election official.

(3) The designated election official may issue a replacement absentee ballot if an eligible elector applied for an absentee ballot but did not receive it or if the elector spoiled the absentee ballot. An affidavit completed by either the elector or the designated election official shall give the reason for requesting a replacement absentee ballot and shall state that the original absentee ballot was not received or was spoiled, that the individual has not voted, and that the individual does not intend to vote at the election except by voting the replacement absentee ballot. The absentee record shall have the notation "Spoiled" entered to indicate the original absentee ballot was not received or was spoiled, and the replacement absentee ballot number shall be entered in the absentee record. If the original absentee ballot is returned to the designated election official after the issuance of the replacement absentee ballot, the original ballot shall be marked "Spoiled" and shall not be counted.

**1-8-112. [Formerly 1-8-111] Voting at group facilities.** (1) When more than five absentee ballots are to be sent to the same group residential facility within a county, which includes but is not limited to, nursing homes and senior citizen housing facilities, the county chairpersons of the two major political parties shall be notified by the county clerk and recorder, and, upon request of either major political party, a committee consisting of one employee of the county clerk and recorder and a representative of each major political party shall deliver the absentee ballots and return those ballots to the office of the county clerk and recorder.

(2) For nonpartisan elections, upon the request of an eligible elector, the designated election official may appoint a committee which consists of two or more election judges or employees or representatives of the designated election official.

**1-8-113. [Formerly 1-8-114 (1) and (2)] Manner of absentee voting - repeal of subsection.** (1) Any eligible elector applying for and receiving an absentee ballot, in casting the ballot, shall make and subscribe to the self-affirmation on the return envelope. The elector shall then mark the ballot, fold the ballot or insert the ballot card in the special envelope provided for the purpose so as to conceal the marking, deposit it in the return envelope, and seal the envelope securely. The envelope may be delivered personally or mailed by the elector to the designated election official issuing the ballot. Alternatively, an elector may deliver the ballot to any person of the elector's own choice or to any duly authorized agent of the designated election official for mailing or personal delivery to the designated election official. All envelopes containing absentee ballots shall be in the hands of the designated election official no later than 7 p.m. on the day of the election. Absentee envelopes received after 7 p.m. on the day of the election but postmarked on or before the day of the election will remain sealed and uncounted, but the elector's registration record will not be canceled for failure to vote in a general election.

(2) Upon receipt of an absentee ballot from an eligible elector, the designated election official shall write or stamp upon the envelope containing the ballot the date and hour the envelope was received in the office and, if the ballot was delivered in person, the name and address of the person delivering it. The designated election

official shall safely keep and preserve all absentee ballots unopened in a ballot box or transfer case that is locked and secured with a numbered seal until the time prescribed for delivery to the supply judge in accordance with section ~~1-8-121~~ 1-8-303.

**1-8-114. [Formerly 1-8-115] Self-affirmation on return envelope.** (1) The return envelope for the absentee ballot shall have printed on it a self-affirmation substantially in the following form:

State of ....., County of ....., I state under penalty of perjury that I am an eligible elector; that my address as registered is .....; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

.....  
Date Signature of voter

(2) The signing of the self-affirmation on the return envelope for the absentee ballot shall constitute an affirmation by the voter, under penalty of perjury, that the facts stated in the affidavit are true.

(3) Assistance to absentee voters may be given by any person selected by the absentee voter. No person other than an elector authorized by the designated election official pursuant to sections ~~1-8-111 and 1-8-113~~ 1-8-112 AND 1-8-205 shall be permitted to assist more than one absentee voter and unless the person is at least eighteen years of age and is the spouse, parent, grandparent, sibling, or child of the absentee voter seeking assistance. No elector who assists an absentee voter shall attempt to persuade or unreasonably influence the voter to vote in a particular manner while the absentee voter is voting.

**1-8-115. [Formerly 1-8-118] Emergency absentee voting.** (1) (a) In the event an eligible elector is confined in a hospital or place of residence on election day and the confinement occurred because of conditions arising after the last day to apply for an absentee ballot, the elector may request in a personally signed written statement that the designated election official send an absentee ballot with the word "EMERGENCY" stamped on the stubs. The designated election official shall deliver the emergency absentee ballot, at the official's office during the regular hours of business, to any authorized representative of the elector. For the purposes of this paragraph (a), "authorized representative" means a person who possesses a written statement from the elector containing the elector's signature, name, and address indicating that the elector is or will be confined in a hospital or place of residence on election day, and requesting that the emergency absentee ballot be given to the authorized person as identified by name and address. The authorized person shall acknowledge receipt of the emergency absentee ballot with a signature, name, and address.

(b) A request for an emergency absentee ballot under this section shall be made before 5 p.m. on the day of the election, and the ballot shall be returned no later than 7 p.m. on the day of the election.

(2) Any eligible elector, including any election official, who is unable to go to the polls because of conditions arising after the closing date for absentee ballot applications which will result in the elector's absence from the precinct on election day, may apply at the office of the designated election official for an emergency absentee ballot. Upon receipt of an affidavit signed by the elector on a form provided by the designated election official and attesting to the fact that the elector will be absent from the precinct on election day because of conditions arising after the last day to apply for an absentee ballot, the designated election official shall provide the elector with an absentee ballot with the word "EMERGENCY" stamped on the stubs. The request for the ballot shall be made by 5 p.m. on the day of the election, and the ballot shall be voted at the designated election official's office or outside of the office and returned by 7 p.m. on the day of the election.

(3) After marking the ballot, the eligible elector shall place it in a return envelope provided by the designated election official. The elector shall then fill out and sign the self-affirmation on the envelope, as provided in section ~~1-8-115~~ 1-8-114, on or before election day and return it to the office of the designated election official. Upon receipt of the envelope, the designated election official shall verify the elector's name on the return envelope with that which appears on the office precinct record and, if they compare, shall deposit the envelope in the office in a ballot box that is locked and secured with a numbered seal.

**1-8-116. [Formerly 1-8-118.5] Special write-in blank absentee ballots.**

(1) Any citizen who resides outside the United States, who is a registered elector in this state prior to his or her departure, and who qualifies pursuant to this section may apply to the county clerk and recorder for a special write-in blank absentee ballot to vote at any primary, general, coordinated, or congressional vacancy election. An application for a special write-in blank absentee voter ballot shall contain a statement by the registered elector that due to military or other contingencies that preclude normal mail delivery, as specified by the elector, the elector cannot vote an absentee ballot during the normal period provided by this ~~article~~ PART 1. Any application made pursuant to this section which is received by the designated election official prior to the sixtieth day before the election shall be kept and processed on or after the sixtieth day before the election.

(2) If the applicant is qualified, the designated election official shall immediately send the voter a ballot ~~in a form prescribed by the secretary of state~~ and a list of all candidates who have qualified for the ballot by the sixtieth day before the election and a list of all measures which are to be submitted to the voters and upon which the elector is qualified to vote.

(3) On the special write-in blank absentee ballot, the registered elector may designate his or her candidate by writing in the name of the candidate or by writing in the name of a political party or political organization, in which case the ballot shall be counted for the candidate of that political party or political organization. Any abbreviation, misspelling, or other minor variation in the form of the name of the candidate, political party, or political organization shall be disregarded in determining the validity of the ballot as long as the intention of the registered elector can be ascertained.

(4) (a) If both a federal write-in blank absentee ballot pursuant to section ~~1-8-119~~



1-8-117 and a special write-in blank absentee ballot pursuant to this section are returned by the voter, the federal write-in absentee ballot shall be deemed void, and votes shall be counted from the special write-in blank absentee ballot only.

(b) If both an absentee ballot and a special write-in blank absentee ballot are returned, the special write-in blank absentee ballot shall be deemed void, and votes shall be counted from the absentee ballot only.

(5) Special write-in blank absentee ballots shall be counted in accordance with section ~~1-8-117~~ 1-8-302.

**1-8-117. [Formerly 1-8-119] Federal write-in absentee ballots pursuant to the "Uniformed and Overseas Citizens Absentee Voting Act".** (1) Any citizen who resides outside the United States and who is an eligible elector in this state prior to the elector's departure or pursuant to section 1-2-208 is entitled to vote for federal officers by a federal write-in absentee ballot at any primary, general, or congressional vacancy election.

(2) A person in the United States service, as defined in section 1-2-208 (2), may apply for an absentee ballot by the use of a properly executed federal postcard application, as provided for in the "Federal Voting Assistance Act of 1955", as amended.

(3) If a person in the United States service submits a properly executed federal postcard application pursuant to this section and the county clerk and recorder receiving it determines that the applicant is not properly registered, the county clerk and recorder shall register the applicant in accordance with section 1-2-208 and shall then deliver to the applicant the official absentee ballot and other materials necessary for the applicant to vote properly.

(4) (a) In accord with the "Uniformed and Overseas Citizens Absentee Voting Act", Public Law 99-410, the federal write-in absentee ballot shall be provided to an eligible elector who has applied for a Colorado absentee ballot but believes that he or she will be unable to vote and return the ballot by normal mail delivery within the period of time provided for the state absentee ballot.

(b) The eligible elector may designate the federal candidate by writing in the name of the candidate or by writing in the name of a political party or political organization, in which case the ballot shall be counted for the candidate of that political party or political organization. Any abbreviation, misspelling, or other minor variation in the form of the name of the candidate, political party, or political organization shall be disregarded in determining the validity of the ballot as long as the intention of the elector can be ascertained.

(5) (a) If an application for a Colorado absentee ballot has been received and processed by the county clerk and recorder but a federal write-in absentee ballot, and not the state absentee ballot, is returned, only those votes cast for the federal officers on the federal write-in absentee ballot shall be counted.

(b) If both a Colorado absentee ballot and a federal write-in absentee ballot are returned, the federal write-in absentee ballot shall be deemed void and votes shall be

counted from the state absentee ballot only.

(6) Federal write-in absentee ballots shall be counted in accord with section ~~1-8-117~~ 1-8-302.

PART 2  
EARLY VOTING

**1-8-201. Ballots and supplies for early voting.** (1) EARLY VOTERS' BALLOTS, APPLICATIONS, AFFIDAVITS, CERTIFICATES, INSTRUCTION CARDS, AND OTHER NECESSARY SUPPLIES SHALL BE PROVIDED BY THE DESIGNATED ELECTION OFFICIAL IN THE SAME MANNER AS OTHER ELECTION SUPPLIES ARE PROVIDED FOR IN ALL ELECTIONS AND SHALL BE FURNISHED WITHOUT COST TO ANY ELIGIBLE ELECTOR WISHING TO VOTE PURSUANT TO THIS PART 2. EARLY VOTERS' BALLOTS SHALL BE READY FOR DELIVERY TO ELECTORS ON THE FIRST DAY FOR EARLY VOTING.

(2) THE BALLOTS SHALL BE IN THE SAME FORM AS OTHER OFFICIAL BALLOTS FOR THE SAME ELECTION.

**1-8-202. When eligible electors may vote by early ballot.** EARLY VOTING SHALL BE MADE AVAILABLE TO ANY ELIGIBLE ELECTOR IN THE MANNER PROVIDED IN THIS PART 2 DURING REGULAR BUSINESS HOURS FOR TWENTY-ONE DAYS BEFORE ANY PRESIDENTIAL PRIMARY ELECTION, PRIMARY ELECTION, GENERAL ELECTION, OR OTHER NOVEMBER ELECTION CONDUCTED BY THE COUNTY CLERK AND RECORDER, UNLESS THE BOARD OF COUNTY COMMISSIONERS BY RESOLUTION INCREASES THE HOURS THAT THE EARLY VOTERS' POLLING PLACE MAY BE OPEN. ELIGIBLE 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.

**1-8-203. Effect of "Uniform and Overseas Citizens Absentee Voting Act" - emergency authority of secretary of state.** (1) IN THE EVENT OF ANY CONFLICT BETWEEN THIS PART 2 AND ANY PROVISIONS OF THE FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff ET SEQ., THE PROVISIONS OF THE FEDERAL ACT SHALL CONTROL, AND ALL DESIGNATED ELECTION OFFICIALS WHO ARE CHARGED WITH THE PERFORMANCE OF DUTIES UNDER THIS CODE SHALL PERFORM THE DUTIES AND DISCHARGE THE OBLIGATIONS PLACED UPON THEM BY THE FEDERAL ACT.

(2) IF A NATIONAL OR LOCAL EMERGENCY ARISES WHICH MAKES SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OF THIS PART 2 IMPOSSIBLE OR UNREASONABLE, SUCH AS WHEN CONGRESS HAS DECLARED A NATIONAL EMERGENCY OR THE PRESIDENT HAS ORDERED INTO ACTIVE MILITARY SERVICE OF THE UNITED STATES ANY UNITS AND MEMBERS OF THE NATIONAL GUARD OF THIS STATE, THE SECRETARY OF STATE MAY PRESCRIBE, BY EMERGENCY ORDERS OR RULES, SUCH SPECIAL PROCEDURES OR REQUIREMENTS AS MAY BE NECESSARY TO FACILITATE EARLY VOTING BY THOSE MEMBERS OF THE MILITARY OR MILITARY SUPPORT PERSONNEL DIRECTLY AFFECTED BY THE EMERGENCY.

**1-8-204. [Formerly 1-8-112] Early voters' polling place.** Each county clerk and recorder ~~conducting a coordinated election~~ shall provide one or more early voters'

polling places, EACH OF WHICH SHALL BE accessible to persons with disabilities AND which shall be provided with on-line computer accessibility to the county clerk and recorder, suitable quarters, ballot boxes or voting machines, and other necessary supplies as provided by law in the case of precinct polling places.

**1-8-205. [Formerly 1-8-113] Procedures and personnel for early voters' polling place.** (1) The early voters' polling place shall be opened no earlier than ~~twenty-one days preceding any presidential primary election, primary election, general election, or other November election~~ OPEN DURING THE TIME FOR EARLY VOTING AS PROVIDED IN SECTION 1-8-202.

(2) For partisan elections, the county clerk and recorder shall appoint at least three receiving judges who meet the party affiliation requirements contained in section 1-6-109. Regular employees of the county clerk and recorder may serve as receiving judges as long as they meet the party affiliation requirements of section 1-6-109.

**1-8-206. Watchers at early voters' polling places.** ANY POLITICAL PARTY, CANDIDATE, OR PROPONENTS OR OPPONENTS OF A BALLOT ISSUE ENTITLED TO HAVE WATCHERS AT POLLING PLACES SHALL EACH HAVE THE RIGHT TO MAINTAIN ONE WATCHER AT THE EARLY VOTERS' POLLING PLACE DURING THE CASTING AND COUNTING OF EARLY VOTERS' BALLOTS.

**1-8-207. Challenges.** THE RIGHT TO VOTE OF ANY PERSON VOTING BY EARLY VOTERS' BALLOT MAY BE CHALLENGED IN THE SAME MANNER AND FOR THE SAME CAUSES AS OTHER PERSONS ARE CHALLENGED.

**1-8-208. [Formerly 1-8-114 (3), (3.5), and (4)] Manner of early voting - repeal of subsection. (3)** (1) An eligible elector who receives an early voters' ballot ~~upon appearing in person in the office of the county clerk and recorder~~ may cast the ballot in the early voters' polling place, as provided in ~~section 1-8-112~~ THIS PART 2. Ballot boxes for early voting shall be locked and sealed each night with a numbered seal under the supervision of the election judges or watchers, and the keys shall remain in the possession of the designated election official until transferred to the supply judge for the absentee and early voters' counting place for preparation for counting and tabulating pursuant to section ~~1-8-121~~ 1-8-303. 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.

~~(3.5)~~ (2) (a) ~~In any election conducted by the county clerk and recorder,~~ An eligible elector who appears in person ~~in the office of the county clerk and recorder~~ AT THE EARLY VOTERS' POLLING PLACE to cast an early voters' ballot shall be requested to write on the signature card the elector's driver's license number or the number printed on the elector information card or voter information card or letter mailed to the elector pursuant to section 1-2-224 or 1-5-206, if a number is printed on such card or letter, or to present such elector information card or voter information card or letter when the signature card is given to the election judge. Signature cards shall include a labeled space for the driver's license number and the number of the elector information card or voter information card or letter and shall clearly indicate that providing such information is optional. No person shall be prohibited from voting for failure to provide such information. If the elector presents an elector

information card or voter information card or letter instead of providing the driver's license number or the number of the elector information card or voter information card or letter, the election judge receiving the signature card shall enter a notation to that effect on the signature card.

(b) This subsection ~~(3.5)~~ (2) is repealed, effective January 1, 1999.

~~(4)~~ (3) Early voting shall not be permitted after the close of the business day on the Friday immediately preceding the election.

**1-8-209. [Formerly 1-8-116] Casting early voters' ballot.** ~~The early voters' polling place shall be open during regular business hours for purposes of voting twenty-one days before 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~~ 1-8-302 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~~ 1-8-303. 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~~ 1-8-305 AND 1-8-306.~~

### PART 3

#### COUNTING ABSENTEE AND EARLY VOTERS' BALLOTS

**1-8-301. [Formerly 1-8-120] Appointment of election judges for counting absentee and early ballots.** (1) If, in any political subdivision the designated election official has mailed or delivered absentee ballots to five hundred or more electors, the designated election official shall appoint, in addition to the receiving judges appointed as provided in section ~~1-8-113~~ 1-8-205, at least three counting judges, not more than two of whom shall be from any one political party and whose powers and duties shall be the same as provided in section 1-7-305 for counting judges in precinct polling places. For each additional five hundred absentee ballots so mailed or delivered, the designated election official may appoint additional

counting judges as needed.

(2) In all political subdivisions in which voting machines or electronic voting machines are used, the designated election official, for each five hundred absentee ballots mailed or delivered, may appoint, in addition to the receiving judges appointed as provided in section ~~1-8-113~~ 1-8-205, five counting judges, not more than three of whom shall be from any one political party.

(3) In political subdivisions to which this section applies, the designated election official shall make the appointments so that one major political party is represented by a majority of election judges on the absentee receiving board and the other major political party is represented by a majority of election judges on the absentee counting board of the county.

**1-8-302. [Formerly 1-8-117] Hours absentee and early voters' counting place open for receiving and counting ballots.** (1) The absentee and early voters' counting place shall be open on election days from 8:30 a.m. until 7 p.m. for the purpose of receiving and counting absentee and early voters' ballots. The early voters' polling place may also be open from 8:30 a.m. until 5:30 p.m. on the day preceding the election for the purpose of receiving and counting absentee and early voters' ballots. No information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day, and the election officials in charge of the absentee counting place shall take all precautions necessary to insure the secrecy of the counting proceedings.

(2) The election officials at the absentee counting place may receive, cast, and prepare for tabulation absentee and early voters' ballots delivered and turned over to them by the designated election official beginning the Friday prior to the election and continuing through election day. Counting of the absentee and early voters' ballots may begin the Monday before the election and continue until counting is completed.

**1-8-303. [Formerly 1-8-121] Delivery of absentee and early voters' ballots to supply judge.** At any time after the close of the early voters' polling place on the Friday prior to the election but no later than 8:30 a.m. on the day of ~~any~~ THE election, the designated election official shall deliver to the supply judge of the absentee and early voters' polling place all the absentee envelopes received up to that time, in packages or in ballot boxes that are locked and secured with a numbered seal, taking a receipt for the packages or boxes, together with the signed applications for the absentee ballots, the list of absentee and early electors, and the record of absentee ballots as provided for in section ~~1-8-107~~ 1-8-108. In political subdivisions ~~which~~ THAT commence counting absentee and early voters' ballots pursuant to section ~~1-8-117~~ 1-8-302, the designated election official shall make the delivery not later than 8:30 a.m. on the day when counting begins. The designated election official shall continue to deliver any envelopes containing absentee ballots ~~which~~ THAT may be received thereafter up to and including 7 p.m. on election day. On the sealed packages and boxes of absentee envelopes shall be printed or written "This package (or box) contains ..... (number) absentee envelopes." With the envelopes, the designated election official shall deliver to the supply judge written instructions, which shall be followed by the election judges in casting and counting the ballots, and all the lists, records, and supplies needed for tabulating, recording, and certifying the absentee and early voters' ballots.

**1-8-304. [Formerly 1-8-122] Preparing to count absentee ballots - rejections.**

(1) Before opening any absentee ballot, one of the receiving judges, in the presence of a majority of the receiving judges, shall announce in an audible voice the name of the absentee voter and shall inspect the self-affirmation on the return envelope. For the ballot to be counted, the self-affirmation must have been completed by the elector or a person acting in the elector's behalf, and must have been signed by the elector. If these requirements are met and the self-affirmation appears complete and correct, the receiving judge shall tear open the envelope without defacing the self-affirmation or mutilating the enclosed ballot. One of the election judges shall enter the name of the absentee voter in the pollbook, and another election judge shall deposit the ballot in the ballot box.

(2) If the self-affirmation on the return envelope does not meet the requirements of subsection (1) of this section or is in some other way incorrect or incomplete, the election judges shall mark the envelope "rejected" and shall write on the envelope the reason for the rejection. The envelope shall be set aside without being opened, and the ballot shall not be counted.

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

(4) Election judges shall certify in their returns the number of absentee ballots cast and counted for each candidate, for and against each ballot issue, and for and against each ballot question, and the number of ballots rejected.

**1-8-305. [Formerly 1-8-123] Counting absentee and early voters' ballots - partisan elections.** (1) Absentee and early voters' ballots shall be counted after delivery of the ballots as provided in section ~~1-8-121~~ 1-8-303 and after preparation of the ballots as provided in section ~~1-8-122~~ 1-8-304.

(2) Absentee and early voters' ballots shall be counted in one of the following ways:

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

(b) In counties ~~which~~ THAT use voting machines, the absentee ballots may be counted in the following manner: One election judge shall call aloud the name of the candidate voted for and a second election judge shall observe that the first judge reads the ballot correctly; two other election judges, one from each major political party, shall attend the voting machine so that one of the election judges may depress the lever for the candidate whose name is being read, and the other election judge shall observe closely that the proper levers are being depressed as the votes are read aloud; the fifth election judge shall prepare the machine to receive each ballot.

(c) Any county may use electronic vote-tabulating equipment for the counting of

absentee ballots in the same manner provided for the counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

(d) Early voters' ballots ~~which~~ THAT are cast directly on voting machines or on electronic vote-tabulating equipment shall be counted in the same manner as provided for the counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

(3) Votes for or against any ballot issue or measure shall be cast in the same manner as provided in section ~~1-8-116~~ 1-8-206.

**1-8-306. [Formerly 1-8-124] Counting absentee and early voters' ballots - nonpartisan elections.** (1) After delivery of the ballots as provided in section ~~1-8-121~~ 1-8-303 and after preparation of the ballots as provided in section ~~1-8-122~~ 1-8-304, the absentee and early voters' ballots shall be counted in one of the following ways:

(a) In political subdivisions ~~which~~ THAT use paper ballots, the absentee and early voters' ballots may be counted in the manner provided in section 1-7-307 for counting paper ballots.

(b) In political subdivisions ~~which~~ THAT use voting machines, the absentee ballots may be counted in the following manner: One election judge shall call aloud the name of the candidate voted for and a second election judge shall observe that the first judge reads the ballot correctly; two other election judges shall attend the voting machine so that one of the election judges may depress the lever for the candidate whose name is being read, and the other election judge shall observe closely that the proper levers are being depressed as the votes are read aloud; another election judge shall prepare the machine to receive each ballot.

(c) Any political subdivision may use electronic vote-tabulating equipment for the counting of absentee ballots in the same manner provided for the counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

(d) Early voters' ballots which are cast directly on voting machines or on electronic vote-tabulating equipment shall be counted in the same manner as provided for the counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

(2) Votes for or against any measure appearing on the ballot shall be cast in the same manner as provided in section ~~1-8-116~~ 1-8-206.

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

**1-8-308. [Formerly 1-8-126] Certificate of absentee and early voters' ballots cast - survey of returns.** (1) Upon the completion of the count of absentee and early

voters' ballots, the election judges shall make the certificate and perform all the official acts required by sections 1-7-601 and 1-7-602.

(2) Upon the survey of the returns of the political subdivision by the board of canvassers formed pursuant to section 1-10-101 or 1-10-201, the board shall include in its abstract of votes the votes cast in the early voters' polling place and counted at the absentee and early voters' counting place in the manner provided for abstracting votes cast and counted at precinct polling places, as provided in article 10 of this title.

**1-8-309. [Formerly 1-8-127] Return of absentee and early voters' registration list.** The absentee and early voters' registration list shall be returned to the designated election official with the certificate required to be filed by section ~~1-8-126~~ 1-8-308.

**1-8-310. [Formerly 1-8-128] Preservation of rejected absentee and early voters' ballots.** All absentee identification envelopes, ballot stubs, and absentee and early voters' ballots rejected by the election judges in accordance with the provisions of section ~~1-8-122~~ 1-8-304 shall be returned to the designated election official. All absentee ballots received by the designated election official after 7 p.m. on the day of the election, together with the rejected absentee and early voters' ballots returned by the election judges as provided in this section, shall remain in the sealed identification envelopes and shall be destroyed later as provided in section 1-7-802.

**SECTION 47.** 1-9-204 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-9-204. Oath of challenged elector.** (1) If the challenge is not withdrawn after the person intending to vote has answered the questions, an election judge shall tender ~~the following~~ AN OATH SUBSTANTIALLY IN THE FOLLOWING FORM: "~~You~~ I do solemnly swear or affirm that ~~you are~~ I AM a citizen of the United States of the age of eighteen years or older; that ~~you~~ I have been a resident of this state for thirty days next preceding this election and have not maintained a home or domicile elsewhere; that ~~you~~ I have been for the last thirty days and now ~~are~~ AM a resident of this precinct, or absent therefrom thirty days or less, as provided in section 1-2-101; that ~~you are~~ I AM a registered elector in this precinct; that ~~you are~~ I AM eligible to vote at this election; and that ~~you~~ I have not previously voted at this election."

**SECTION 48.** Part 1 of article 13 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A RELOCATED PROVISION, WITH AMENDMENTS, AS A NEW SECTION to read:

**1-13-114. [Formerly 1-1-107 (3)] Failure to comply with requirements of secretary of state.** (~~3~~) Any person who willfully interferes or willfully refuses to ~~cooperate and~~ comply with the ~~requirements~~ RULES of the secretary of state or the secretary of state's designated agent in the carrying out of the powers and duties prescribed in ~~this section~~ SECTION 1-1-107 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

**SECTION 49.** 1-13-403, Colorado Revised Statutes, 1980 Repl. Vol., as



amended, is amended to read:

**1-13-403. Defacing of petitions other than nominating 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~~ DELIVERY OF A PETITION; 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 50.** Part 7 of article 13 of title 1, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A RELOCATED PROVISION, WITH AMENDMENTS, AS A NEW SECTION to read:

**1-13-708.5. [Formerly 1-5-607 (4)] Elected officials not to handle voting machines or electronic voting equipment or devices.** ~~(4)~~ Any person who violates any provision of ~~this section~~ SECTION 1-5-607 is guilty of a misdemeanor and shall be punished as provided in section 1-13-111.

**SECTION 51.** Part 7 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:

**1-13-709.5. Residence - false information - penalty.** ANY PERSON WHO VOTES BY KNOWINGLY GIVING FALSE INFORMATION REGARDING THE ELECTOR'S PLACE OF PRESENT RESIDENCE COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-105, C.R.S.

**SECTION 52.** 1-13-715 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-13-715. Liquor in or near polling place.** (2) It is unlawful for any officer or board of officers of any county or any municipality, whether incorporated under general law or by special charter, who may at any time be by law charged with the duty of designating polling places for the holding of any general or congressional election therein, to select therefor a room wherein any intoxicating malt, spirituous, or vinous liquors are usually sold for consumption on the premises. ~~or a room within the distance of fifty feet, measured in a direct line, of any place where any such liquors are usually sold for consumption on the premises.~~

**SECTION 53.** 1-40-103, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**1-40-103. Applicability of article.** (3) THE LAWS PERTAINING TO COUNTY PETITIONS AND REFERRED MEASURES ARE GOVERNED BY THE PROVISIONS OF SECTION 30-11-103.5, C.R.S.

(4) THE LAWS PERTAINING TO SCHOOL DISTRICT PETITIONS AND REFERRED MEASURES ARE GOVERNED BY THE PROVISIONS OF SECTION 22-30-104 (4), C.R.S.

**SECTION 54.** 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~~ MUNICIPAL 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 55.** 1-45-105 (2.1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-45-105. Candidate affidavit - disclosure statement.** (2.1) Disqualification shall occur only after the secretary of state, ~~or~~ county clerk, OR MUNICIPAL CLERK has sent a notice to the person by certified mail, return receipt requested, addressed to him or her at his or her usual residence, business, or post-office address. The notice shall state that such person will be disqualified as a candidate if such person fails to file an affidavit or disclosure statement within ten days of receipt of the notice.

**SECTION 56.** 22-30-104, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**22-30-104. Conduct of elections.** (4) THE PROCEDURES FOR PLACING AN ISSUE OR QUESTION ON THE BALLOT BY A PETITION OF SCHOOL DISTRICT ELECTORS THAT IS PURSUANT TO STATUTE OR THE STATE CONSTITUTION OR THAT A SCHOOL DISTRICT BOARD OF EDUCATION MAY REFER TO A VOTE OF THE ELECTORS PURSUANT TO STATUTE OR THE STATE CONSTITUTION SHALL, TO THE EXTENT NO SUCH PROCEDURES ARE PRESCRIBED BY STATUTE OR THE STATE CONSTITUTION, FOLLOW AS NEARLY AS PRACTICABLE THE PROCEDURES FOR MUNICIPAL INITIATIVES AND REFERRED MEASURES UNDER PART 1 OF ARTICLE 11 OF TITLE 31, C.R.S. THE DESIGNATED ELECTION OFFICIAL SHALL RESOLVE ANY QUESTIONS ABOUT THE APPLICABILITY OF THE PROCEDURES IN PART 1 OF ARTICLE 11 OF TITLE 31, C.R.S., AFTER CONSULTATION WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE SCHOOL DISTRICT ADMINISTRATIVE OFFICE IS LOCATED.

**SECTION 57.** 22-31-129 (3), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

**22-31-129. Vacancies.** (3) If the vacancy occurs more than ~~sixty~~ NINETY days prior to the next regular biennial school election and the unexpired term is for more than two years, an appointee to the office of school director shall serve until the next regular biennial school election when the successor for the remainder of the term is elected and has qualified. If the vacancy occurs within the ~~sixty-day~~ NINETY-DAY

period prior to a regular biennial school election and the unexpired term is for more than two years, an appointee to the office of school director shall serve until the next succeeding regular biennial school election ~~at which a candidate for the office of school director may lawfully be nominated as required by section 22-31-107 (2)~~; when a successor for the remainder of the term is elected and has qualified. Except as otherwise provided in this subsection (3), an appointee to the office of school director shall serve for the remainder of the unexpired term.

**SECTION 58.** Part 1 of article 11 of title 30, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**30-11-103.5. County petitions and referred measures.** THE PROCEDURES FOR PLACING AN ISSUE OR QUESTION ON THE BALLOT BY A PETITION OF THE ELECTORS OF A COUNTY THAT IS PURSUANT TO STATUTE OR THE STATE CONSTITUTION OR THAT A BOARD OF COUNTY COMMISSIONERS MAY REFER TO A VOTE OF THE ELECTORS PURSUANT TO STATUTE OR THE STATE CONSTITUTION SHALL, TO THE EXTENT NO SUCH PROCEDURES ARE PRESCRIBED BY STATUTE, CHARTER, OR THE STATE CONSTITUTION FOLLOW AS NEARLY AS PRACTICABLE THE PROCEDURES FOR MUNICIPAL INITIATIVES AND REFERRED MEASURES UNDER PART 1 OF ARTICLE 11 OF TITLE 31, C.R.S. THE COUNTY CLERK AND RECORDER SHALL RESOLVE ANY QUESTIONS ABOUT THE APPLICABILITY OF THE PROCEDURES IN PART 1 OF ARTICLE 11 OF TITLE 31, C.R.S.

**SECTION 59.** 30-11-403 (2) (a), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**30-11-403. Definitions.** As used in this part 4, unless the context otherwise requires:

(2) (a) (I) An "elector" of an authority means a person who, at the designated time or event, is ~~qualified~~ REGISTERED to vote in general elections in this state; and

(II) Who has been a resident of the authority or the area to be included in the authority for not less than ~~thirty-two days~~ THIRTY DAYS; or

(III) Who or whose spouse owns taxable real or personal property within the authority or the area to be included within the authority, whether or not said person resides within the authority.

**SECTION 60.** 30-20-503 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**30-20-503. Definitions.** As used in this part 5, unless the context otherwise requires:

(1) (a) (I) An "elector" of a district is a person who, at the designated time or event, is ~~qualified~~ REGISTERED to vote in general elections in this state; and

(II) Who has been a resident of the district or the area to be included in the district for not less than ~~thirty-two days~~ THIRTY DAYS; or

(III) Who or whose spouse owns taxable real or personal property within the district or the area to be included in the district whether or not said person resides within the district.

**SECTION 61.** 31-2-210 (1)(a)(III) and (1)(a)(IV), Colorado Revised Statutes, 1986 Repl. Vol., are amended, and the said 31-2-210 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**31-2-210. Procedure to amend or repeal charter.** (1) Proceedings to amend a home rule charter may be initiated by either of the following methods:

(a) Filing of a petition meeting the following requirements, in the following manner:

(III) A petition to submit an amendment at the next regular election must be signed by at least five percent of the registered electors of the municipality registered on the date of filing the statement of intent and must be filed with the clerk at least ~~sixty days~~ NINETY DAYS prior to the date of said regular election.

(IV) A petition to submit an amendment at a special election must be signed by at least ten percent of the registered electors of the municipality registered on the date of filing the statement of intent and must be filed with the clerk at least ~~sixty days~~ NINETY DAYS prior to the approximate date of the special election stated in the petition.

(3.5) IF THE SUBJECT MATTER OF THE PETITION IS PROPOSED FOR SUBMISSION AT A REGULAR OR SPECIAL ELECTION THAT WILL BE COORDINATED BY THE COUNTY CLERK PURSUANT TO SECTION 1-7-116, C.R.S., AND THE MUNICIPAL CLERK HAS CERTIFIED TO THE GOVERNING BODY THAT THE PETITION IS VALID AND SUFFICIENT, THE CLERK SHALL CERTIFY THE PROPOSED BALLOT QUESTION TO THE COUNTY CLERK AND RECORDER BY THE FIFTY-FIFTH DAY PRIOR TO THE COORDINATED ELECTION AS PROVIDED IN SECTION 1-5-203 (3), C.R.S., UNLESS THE PETITION HAS BY THE FIFTY-FIFTH DAY BEEN DETERMINED TO BE INSUFFICIENT PURSUANT TO SECTION 31-2-223. SHOULD THE PETITION BE FOUND TO BE INSUFFICIENT PURSUANT TO SECTION 31-2-223 FOLLOWING CERTIFICATION TO THE COUNTY CLERK AND RECORDER, THE ELECTION ON SUCH QUESTION SHALL BE DEEMED CANCELLED AND ANY VOTES CAST ON THE QUESTION SHALL NOT BE COUNTED.

**SECTION 62.** 31-2-220 (2), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-2-220. Warning on petition - signatures - affidavits - circulators.** (2) Any such petition shall be signed only by registered electors by their own signatures to which shall be attached the residence addresses of such persons, including street and number, if any, city or town, and the date of signing the same. To each such petition shall be attached an affidavit of some registered elector stating ~~his~~ THE ELECTOR'S address, that ~~he~~ THE ELECTOR is a registered elector of the municipality or of the territory proposed to be incorporated, that ~~he~~ THE ELECTOR circulated the said petition, that each signature thereon was affixed in ~~his~~ THE ELECTOR'S presence, that each signature thereon is the signature of the person whose name it purports to be, that to the best of the knowledge and belief of the affiant each of the persons signing

said petition was at the time of signing a registered elector, ~~that he has neither received nor entered into any contract whereby in the future he will receive any money or thing of value in consideration of or as an inducement to the circulation of such petition by him;~~ and that ~~he~~ THE ELECTOR has not paid or will not in the future pay and that ~~he~~ THE ELECTOR believes that no other person has so paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix ~~his~~ THE SIGNER'S signature to such petition. No petition shall be accepted for filing ~~which~~ THAT does not have attached thereto the affidavit required by this section.

**SECTION 63.** 31-4-504 (3) (a) and (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**31-4-504. Resignation - vacancy filled - election - ballot - nomination.**

(3) (a) On the official ballot at such elections shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall, and, in not more than three hundred words, there shall also be printed, if desired by him, the officer's justification of his course in office. ANY SUCH REASONS OR JUSTIFICATION SHALL BE SUBMITTED TO THE MUNICIPAL CLERK BY THE DATE ON WHICH A NOMINATING PETITION MUST BE FILED PURSUANT TO SUBSECTION (4) OF THIS SECTION. If such officer resigns at any time subsequent to the calling of the recall election, the recall election shall be held, notwithstanding such resignation.

(4) Candidates for the office at a recall election may be nominated by petition as provided in section 31-10-302; except that nominating petitions may be circulated beginning on the first business day after the governing body sets the date for the recall election and shall be filed no later than ~~fifteen days~~ TWENTY DAYS prior to such recall election.

**SECTION 64.** 31-10-103, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**31-10-103. Computation of time.** Calendar days shall be used in all computations of time made under the provisions of this article. In computing time for any act to be done before any municipal election, the first day shall be included, and the last, or election, day shall be excluded. SATURDAYS, Sundays, and legal holidays shall be included, but, if the time for any act to be done ~~falls on~~ OR THE LAST DAY OF ANY PERIOD IS A SATURDAY, Sunday, or a legal holiday, ~~such act shall be done upon the day following such~~ THE PERIOD IS EXTENDED TO INCLUDE THE NEXT DAY WHICH IS NOT A SATURDAY, Sunday, or legal holiday. If the time for ending the circulation of and filing nomination petitions provided by section 31-10-302, the time for withdrawing from nomination provided by section 31-10-303 (1), the time prior to which vacancies in nominations may be filled and by which certificates of nomination or petitions to fill such vacancies may be filed as provided by section 31-10-304, or the time for filing amended or new petitions to remedy objections as provided by section 31-10-305 falls on Saturday, Sunday, or a legal holiday, such act shall be done upon the preceding day which is not a Saturday, Sunday, or legal holiday.

**SECTION 65.** 31-10-107, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is repealed as follows:

**31-10-107. Forms prescribed.** ~~Except as otherwise provided by this article, the secretary of state shall prescribe the forms required by this article, which shall be substantially followed by clerks, judges of election, and other election officials.~~

**SECTION 66.** 31-10-1205 (1.5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-10-1205. Statement - certificates of election.** (1.5) In any election in a municipality that utilizes four-year overlapping terms of office for members of the governing body as provided in ~~section~~ SECTIONS 31-4-107 (3) AND 31-4-301 (5), any available four-year terms of office shall be awarded to the candidate or the candidates receiving the highest number of votes. The term of office of the candidate or candidates receiving the next highest vote total or totals shall be shortened as provided in ~~section~~ SECTIONS 31-4-107 (3) AND 31-4-301 (5).

**SECTION 67.** 31-11-103 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-11-103. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Final determination of petition sufficiency" means ~~the date on which the clerk issues a statement of sufficiency pursuant to section 31-11-109;~~ the date following passage of the period of time within which a protest must be filed pursuant to section 31-11-110 or the date on which any protest filed pursuant to section 31-11-110 results in a finding of sufficiency, whichever is later.

**SECTION 68.** 31-11-104 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-11-104. Ordinances - initiative - conflicting measures.** (1) Any proposed ordinance may be submitted to the legislative body of any municipality by filing written notice of the proposed ordinance with the clerk and, within one hundred eighty days after the notice, by filing a petition signed by at least five percent of the registered electors of the city or town on the date of such notice. The proposed ordinance ~~shall~~ MAY be adopted without alteration by the legislative body within twenty days following the final determination of petition sufficiency. If vetoed by the mayor, the proposed ordinance may be passed over the mayor's veto within ten days after the veto. If the proposed ordinance is not adopted by the legislative body, the legislative body shall forthwith publish the proposed ordinance as other ordinances are published and shall refer the proposed ordinance, in the form petitioned for, to the registered electors of the municipality at a regular or special election held not less than sixty days and not more that one hundred fifty days after the final determination of petition sufficiency, unless otherwise required by the state constitution. The ordinance shall not take effect unless a majority of the registered electors voting on the measure at the election vote in favor of the measure.

**SECTION 69.** 31-12-105 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**31-12-105. Limitations.** (1) Notwithstanding any provisions of this part 1 to the

contrary, the following limitations shall apply to all annexations:

(h) THE EXECUTION BY ANY MUNICIPALITY OF A POWER OF ATTORNEY FOR REAL ESTATE LOCATED WITHIN AN UNINCORPORATED AREA SHALL NOT BE CONSTRUED TO COMPLY WITH THE ELECTION PROVISIONS OF THIS ARTICLE FOR PURPOSES OF ANNEXING SUCH UNINCORPORATED AREA. SUCH ANNEXATION SHALL BE VALID ONLY UPON COMPLIANCE WITH THE PROCEDURES SET FORTH IN THIS ARTICLE.

**SECTION 70.** 31-25-1219 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**31-25-1219. Special assessments.** (1) In order to defray all or any portion of the costs of the improvements provided by the district, the board may establish special improvement districts within the boundaries of the district. Such special improvement districts may be established whenever in the opinion of the board property in the district will be especially benefited by such improvements. The method of creating special improvement districts, making the improvements, and assessing the costs thereof shall be as provided in part 5 of this article; except that THE ELECTORS ELIGIBLE TO VOTE ON THE QUESTION SHALL BE ELECTORS AS DEFINED IN SECTION 31-25-1203 (4) OF THE DISTRICT OR THE SPECIAL IMPROVEMENT DISTRICT, AS DETERMINED BY THE BOARD, the board shall perform the duties of the governing body, the secretary of the district shall perform the duties of the clerk, and the improvements which may be constructed shall be the improvements which the district is permitted to provide pursuant to this part 12.

**SECTION 71.** 31-25-1222 (2) and (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**31-25-1222. Submission of debt question.** (2) Such resolution shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against the incurring of the proposed indebtedness or the making of the proposed contract. ~~Such resolution shall also fix the compensation to be paid the officers of the election, shall designate the polling places, and, for each polling place, shall appoint, from the electors of the district, the officers of such election, consisting of three judges, one of whom shall act as clerk.~~ SUCH RESOLUTION SHALL APPOINT A DESIGNATED ELECTION OFFICIAL AND PROVIDE FOR THE DUTIES THEREOF.

~~(3) At the next regular or special meeting of the board following the date of such election, the returns thereof shall be canvassed and the result thereof declared.~~

**SECTION 72.** 32-1-103 (5), Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**32-1-103. Definitions.** As used in this article, unless the context otherwise requires:

(5) (e) IN THE EVENT THAT THE BOARD, BY RESOLUTION, ENDS BUSINESS PERSONAL PROPERTY TAXATION BY THE DISTRICT PURSUANT TO SUBSECTION 8 (b) OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, PERSONS OWNING SUCH PROPERTY AND SPOUSES THEREOF SHALL NOT BE ELIGIBLE ELECTORS OF THE DISTRICT ON THE

BASIS OF OWNERSHIP OF SUCH PROPERTY.

**SECTION 73.** 32-1-103 (14.5), Colorado Revised Statutes, as amended, is amended to read:

**32-1-103. Definitions.** As used in this article, unless the context otherwise requires:

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

**SECTION 74.** 32-1-806, Colorado Revised Statutes, as amended, is amended to read:

**32-1-806. Persons entitled to vote at special district elections.** (1) No person shall be permitted to vote in any election unless that person is an eligible elector as defined in section 32-1-103 (5) (a).

(2) Any person desiring to vote at any election as an eligible elector pursuant to section 32-1-103 (5) (a) (II) shall sign ~~an affidavit~~ A SELF-AFFIRMATION that the person is an elector of the special district. ~~The affidavit~~ SELF-AFFIRMING OATH OR AFFIRMATION shall be on a form that contains in substance the following:

"I, (printed name), who ~~resides~~ RESIDE at (address), am an elector of this (name of special district) district and desire to vote at this \_\_\_\_\_ election. I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I am registered to vote in the state of Colorado and qualified to vote in this special district election as:

A resident of the district or area to be included in the district for not less than ~~twenty-five~~ THIRTY days; or

The owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district; or

A person who is obligated to pay taxes under a contract to purchase taxable property in the special district or the area to be included within the special district; or

The spouse of (name of spouse) who is the owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district.

I have not voted previously at this election.

Date \_\_\_\_\_

Signature of elector \_\_\_\_\_."

(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~~ MAY BE SUBSTITUTED for the ~~affidavit~~ SELF-AFFIRMING OATH OR AFFIRMATION required by subsection (2) of this section.



(4) A PERSON WHO COMPLETES THE SELF-AFFIRMING OATH OR AFFIRMATION REQUIRED BY SUBSECTION (2) OF THIS SECTION SHALL BE PERMITTED TO VOTE, UNLESS SUCH PERSON'S RIGHT TO VOTE IS CHALLENGED.

**SECTION 75.** 32-1-1101.5 (1), Colorado Revised Statutes, as amended, is amended to read:

**32-1-1101.5. Special district debt - quinquennial findings of reasonable diligence.** (1) The results of special district ballot issue elections to incur general obligation indebtedness shall be certified by the special district by ~~registered~~ CERTIFIED mail to the board of county commissioners of each county in which the special district is located or to the governing body of a municipality that has adopted a resolution of approval of the special district pursuant to section 32-1-204.5 within forty-five days after the election. For all special districts with authorized but unissued general obligation debt approved before July 1, 1995, the results of the election at which such approval was given and a statement of the principal amount of any general obligation debt that has been issued pursuant to such authorization shall be so certified by the special district on or before January 1, 1996. If for any reason certification required by this subsection (1) is not made, the special district shall certify such election results by ~~registered~~ CERTIFIED mail no later than thirty days before issuing any general obligation debt to the board of county commissioners or the governing body of such municipality. The special district shall file a copy of any certification made under this subsection (1) with the division of securities created by section 11-51-701, C.R.S., within the applicable time period prescribed in this subsection (1). Whenever a special district incurs general obligation debt, the special district shall submit a copy of the notice required by section 32-1-1604 to the board of county commissioners of each county in which the district is located or the governing body of such municipality within thirty days after incurring the debt.

**SECTION 76.** 1-1-106 (5), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-1-106. Computation of time.** (5) If the state constitution or a state statute requires doing an act in "not less than" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, the 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~~ 1-2-201 (3).

**SECTION 77.** 1-2-102 (1) (e), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

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

(e) If a person moves to any other state with the intention of making it a permanent residence, that person shall be considered to have lost Colorado residence after thirty days' absence from this state unless the person has evidenced an intent to retain a residence in this state by a self-affirmation executed pursuant to section ~~1-8-115~~ 1-8-114.

**SECTION 78.** 1-7-111 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7-111. Disabled registered elector - assistance.** (2) Notwithstanding the provisions of sections ~~1-8-117 and 1-8-118~~ 1-8-115 AND 1-8-302, in every political subdivision, physically disabled eligible electors shall be allowed to vote at the absentee voters' polling place on election day. More than one absentee voters' polling place may be established in a county for the purposes of this subsection (2). Prior to voting, if possible, the disabled eligible elector intending to vote at the absentee voters' polling place on election day shall complete the following self-affirmation form. If the disabled elector cannot read or write, or is unable to sign his or her name, the election official or person assisting the elector shall read the form aloud to the elector, and, upon the affirmation of the elector, will mark that the elector requesting assistance has affirmed that the facts on the form are true and correct. If the disabled elector is able to read and write, he or she shall complete the voter assistance/disabled voter self-affirmation form. The form shall provide:

"I, ....., affirm that I am an eligible elector in this political subdivision located in the county of ....., state of Colorado; that I shall vote today at this polling place. I further affirm that I have not, nor will I, cast a vote by any other means in this election."

**SECTION 79.** 1-7.5-107 (6), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-7.5-107. Procedures for conducting mail ballot election.** (6) All deposited ballots shall be counted as provided in this article and by rules promulgated by the secretary of state. A mail ballot shall be valid and counted only if it is returned in the return-verification envelope, the affidavit on the envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the envelope is verified in accordance with subsection (5) of this section. Mail ballots shall be counted in the same manner provided by section 1-7-307 for counting paper ballots or section 1-7-507 for counting electronic ballots. If the election official determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the official shall not count any ballot cast by the elector. Rejected ballots shall be handled in the same manner as provided in section ~~1-8-128~~ 1-8-310.

**SECTION 80.** 1-13-802, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

**1-13-802. Absentee voter applications and deliveries outside county clerk and recorder's office.** No county clerk and recorder shall accept any application for any absentee voter's ballot nor make personal delivery of any such ballot to the applicant unless such acceptance and delivery occurs within the confines of the official office of such county clerk and recorder, except as otherwise provided in sections ~~1-8-103, 1-8-105, and 1-8-111~~ 1-8-104, 1-8-106, AND 1-8-112. Any acceptance or delivery contrary to the provisions of this section renders void the ballot to which it relates. Each violation of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

**SECTION 81.** 37-46-137 (9), Colorado Revised Statutes, 1990 Repl. Vol., as amended, is amended to read:

**37-46-137. Conduct of election.** (9) The district or subdistrict may provide for absent voters to cast their absent voters' ballots on voting machines expressly provided for that purpose, if each absent voter indicates by affidavit that he is qualified to vote at the election and will be an absent voter, pursuant to section ~~1-8-116~~ 1-8-209, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

**SECTION 82.** 37-47-137 (9), Colorado Revised Statutes, 1990 Repl. Vol., is amended to read:

**37-47-137. Conduct of election.** (9) The district or subdistrict may provide for absent voters to cast their absent voters' ballots on voting machines expressly provided for that purpose, if each absent voter indicates by affidavit that he is qualified to vote at the election and will be an absent voter, pursuant to section ~~1-8-116~~ 1-8-209, C.R.S., of the "~~Colorado Election Code of 1980~~" "UNIFORM ELECTION CODE OF 1992" and all laws supplemental thereto.

**SECTION 83.** 37-48-179 (9), Colorado Revised Statutes, 1990 Repl. Vol., as amended, is amended to read:

**37-48-179. Conduct of election.** (9) The district or subdistrict may provide for absent voters to cast their absent voters' ballots on voting machines expressly provided for that purpose, if each absent voter indicates by affidavit that he is qualified to vote at the election and will be an absent voter, pursuant to section ~~1-8-116~~ 1-8-209, C.R.S., of the "Uniform Election Code of 1992" and all laws supplemental thereto.

**SECTION 84. Repeal of provisions being relocated in this act.** 1-1-107 (3), 1-1-114, 1-5-206.5, and 1-5-607 (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are repealed.

**SECTION 85. Effective date.** This act shall take effect July 1, 1996.

**SECTION 86. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 1996