

CHAPTER 69

ELECTIONS

HOUSE BILL 97-1235

BY REPRESENTATIVES Sullivant, G. Berry, and Taylor;
also SENATOR J. Johnson.

AN ACT

CONCERNING ELECTION BALLOTS.

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

SECTION 1. 1-5-403 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-403. Content of ballots for general and congressional vacancy elections.

(1) The county clerk and recorder of each county using paper ballots or electronically counted ballot cards shall provide printed ballots for every PRIMARY, ODD-NUMBERED YEAR, general, or congressional vacancy election. The official ballots shall be printed and in the possession of the county clerk and recorder ~~at least thirty~~ NOT LESS THAN THIRTY-TWO days before every PRIMARY, ODD-NUMBERED YEAR, congressional vacancy, ~~election~~, and for every general election. ~~at least fifteen days after the county clerk and recorder receives from the secretary of state the notice provided for in section 1-5-203.~~

SECTION 2. 1-5-407 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended, and the said 1-5-407 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-5-407. Form of ballots. (1) EXCEPT AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, the extreme top part of each ballot ~~shall~~ MAY be divided into two spaces by two perforated or dotted lines. Each space shall be not less than one inch wide. The top portion is called the stub, and the next portion is called the duplicate stub. The same number shall be printed upon both the stub and the duplicate stub. All ballots shall be numbered consecutively. All ballots shall be uniform and of sufficient length and width to allow for the names of candidates, officers, ballot issues, and ballot questions to be printed in clear, plain type, with a space of at least one-half inch

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

between the different columns on the ballot. On each ballot shall be printed the endorsement "Official ballot for", and after the word "for" shall follow the designation of the precinct, if appropriate, and the political subdivision for which the ballot is prepared, the date of the election, and a facsimile of the signature of the election official. The ballot shall contain no caption or other endorsement, except as provided in this section. The election official shall use precisely the same quality and tint of paper, the same kind of type, and the same quality and tint of plain black ink for all ballots prepared for one election.

(1.5) A DUPLICATE STUB IS NOT REQUIRED FOR A BALLOT THAT IS PREPARED FOR A MAIL BALLOT ELECTION PURSUANT TO ARTICLE 7.5 OF THIS TITLE.

SECTION 3. 1-5-408 (4), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-5-408. Form of ballots - electronic voting. (4) In precincts using electronic voting systems, each ballot card ~~shall~~ MAY have two stubs attached. The stubs shall be separated from the ballot card and from each other by perforated lines so that they may be readily detached. Both stubs shall have the serial ballot number printed on them. The size of the ballot stubs and the spacing of the printed material may be varied to suit the conditions imposed by the use of the ballot cards. The ballot stub may also include color marking or wording to indicate that the stub must show when the ballot is voted and placed in the privacy envelope for deposit in the ballot box. The face of the ballot card shall include the endorsement "Official ballot for", and after the word "for" shall follow the designation of the precinct, if appropriate, and the political subdivision for which the ballot is prepared, the date of the election, and a facsimile of the signature of the designated election official.

SECTION 4. 1-7-502, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-7-502. Elector given only one ballot or ballot card. An election judge shall give to each eligible elector only one ballot or ballot card, which shall be removed from the package by tearing it along the perforated line ~~between~~ BELOW the stub. ~~and duplicate stub. The election judge having charge of the ballots or ballot cards shall endorse the election judge's initials on the duplicate stub before delivering the ballot or ballot card to the eligible elector.~~ The election judge having charge of the pollbook shall write the name of the eligible elector and the number of the ballot or ballot card upon the pollbook.

SECTION 5. 1-7-503 (1) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-7-503. Manner of voting. (1) Each eligible elector, upon receiving a ballot, shall immediately proceed unaccompanied to one of the voting booths provided. To cast a vote, the eligible elector shall clearly mark or stamp in the appropriate square or place a cross mark (X) opposite the name of the candidate or the names of the joint candidates of the elector's choice for each office to be filled. In the case of a ballot issue, the elector shall clearly mark or stamp in the appropriate square or place a cross mark (X) opposite the answer which the elector desires to give. Before leaving the voting booth, the eligible elector, without displaying the marks thereon, shall

place the ballot in the privacy envelope so that the contents of the ballot or ballot card are concealed ~~and the stub can be removed without exposing any of the contents of the ballot or ballot card~~; and shall place the envelope and the ballot or ballot card in the ballot box.

(2) Each eligible elector who has prepared the ballot and is ready to vote shall then leave the voting booth and approach the election judges having charge of the ballot box. The eligible elector shall give his or her name to one of the election judges. ~~who shall clearly and audibly announce it in a loud and distinct tone of voice. The elector's ballot or ballot card shall be handed to the election judge in charge of the ballot box, who shall announce the name of the eligible elector and the number upon the duplicate stub of the ballot or ballot card, which number shall correspond with the stub number previously placed on the registration list. If the stub number of the ballot or ballot card corresponds and is identified by the initials that the issuing election judge placed thereupon, the election judge shall then remove the duplicate stub from the ballot or ballot card. The ballot or ballot card shall then be returned by the election judge to~~ The elector ~~who shall, in full view of the election judges, deposit it~~ THE BALLOT OR BALLOT CARD in the ballot box, with the official endorsement on the ballot or ballot card facing upward.

SECTION 6. 1-7.5-107 (3) (a) and (3) (c), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-7.5-107. Procedures for conducting mail ballot election. (3) (a) Not sooner than twenty-five days before an election, and no later than fifteen days before an election, the designated election official shall mail to each ~~eligible~~ ACTIVE REGISTERED elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED", or any other similar statement that is in accordance with United States postal service regulations; except that with prior approval from the secretary of state, the packets shall be sent no later than ten days before election day.

(c) No sooner than twenty-five days prior to election day, nor later than 7 p.m. on election day, mail ballots shall be made available at the designated election official's office, or the office designated in the mail ballot plan filed with the secretary of state, for eligible electors who are not listed OR WHO ARE LISTED AS "INACTIVE" on the county voter registration records or, for special district mail ballot elections, on the list of property owners or the registration list but who are authorized to vote pursuant to section 32-1-806, C.R.S., or other applicable law.

SECTION 7. 1-8-106, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-106. 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~~ INFORMATION

as to precinct and residence address as shown by the records in the office, and an instruction card.

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

1-8-107. 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~~ RECORD 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 1-8-108. 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.

SECTION 9. 1-8-108, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-108. 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 AND 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.

SECTION 10. 1-8-111 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-111. 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.

SECTION 11. 1-8-112 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-112. 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~~ WHERE AVAILABLE, A REPRESENTATIVE APPOINTED BY EACH OF THE major political party PARTIES shall deliver the absentee ballots and return those ballots to the office of the county clerk and recorder.

SECTION 12. 1-8-113 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-113. Manner of absentee voting. (2) Upon receipt of an absentee ballot from an eligible elector, the designated election official shall write or stamp upon the envelope containing the ballot the date ~~and hour~~ the envelope was received in the office. ~~and, if the ballot was delivered in person, the name and address of the person delivering it.~~ The designated election official shall safely keep and preserve all absentee ballots unopened in a ballot box or transfer case that is locked and secured with a numbered seal until the time prescribed for delivery to the supply judge in accordance with section 1-8-303.

SECTION 13. 1-8-115 (2) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-8-115. Emergency absentee voting. (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 1-8-114, 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;~~ AND shall deposit the envelope in the office in a ballot box that is locked and secured with a numbered seal.

SECTION 14. 1-8-202, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

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 TEN DAYS BEFORE THE PRESIDENTIAL PRIMARY ELECTION AND THE PRIMARY ELECTION AND for ~~twenty-one~~ FIFTEEN 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 MAY by resolution ~~increases~~ INCREASE 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.

SECTION 15. 1-8-204, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-204. Early voters' polling place. Each county clerk and recorder 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. IN THE EVENT THE COUNTY CLERK AND RECORDER DETERMINES THAT THE NUMBER OF EARLY VOTERS' POLLING PLACES IS INSUFFICIENT DUE TO THE NUMBER OF ELIGIBLE ELECTORS WHO ARE VOTING BY EARLY BALLOT, THE COUNTY CLERK AND RECORDER MAY ESTABLISH ADDITIONAL EARLY VOTERS' POLLING PLACES FOR THE CONVENIENCE OF ELIGIBLE ELECTORS WISHING TO VOTE AT SUCH POLLING PLACES. THE COUNTY CLERK AND RECORDER SHALL GIVE ADEQUATE NOTICE TO ELIGIBLE ELECTORS OF SUCH ADDITIONAL EARLY VOTERS' POLLING PLACES.

SECTION 16. 1-8-304 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-8-304. 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 OR VERIFY the name of the absentee voter in the pollbook, and another election judge shall deposit the ballot in the ballot box.

SECTION 17. 1-40-115 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-40-115. Ballot - voting - publication. (2) All ballot issues shall be printed on the official ballot in that order, together with their respective letters and numbers prefixed in bold-faced type. Each ballot shall have the following explanation PRINTED ONE TIME at the beginning of such measures: "Measures referred by the general assembly or any political subdivision are listed by letter, and measures initiated by the people are listed numerically. A 'yes' vote on any measure is a vote in favor of changing constitutional or statutory law, and a 'no' vote on any measure is a vote against changing constitutional or statutory law." Each ballot title shall appear on the official ballot but once and shall be separated from the other ballot titles next to it by heavy black lines and shall be followed by the words "yes" and "no" with blank spaces to the right and opposite the same as follows:
~~Measures referred by the general assembly or any political subdivision are listed by letter, and measures initiated by the people are listed numerically. A "yes" vote on any measure is a vote in favor of changing constitutional or statutory law, and a "no" vote on any measure is a vote against changing constitutional or statutory law.~~

(HERE SHALL APPEAR THE

BALLOT TITLE IN FULL)

YES ___

NO ___

SECTION 18. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to elections conducted on or after the applicable effective date of this act.

Approved: March 31, 1997