

CHAPTER 240

ELECTIONS

SENATE BILL 99-001

BY SENATORS Powers, Blickensderfer, Anderson, Arnold, Chlouber, Congrove, Dyer, Epps, Evans, Lamborn, Musgrave, Phillips, and Teck;
also REPRESENTATIVES Leyba, Alexander, Bacon, Chavez, Coleman, Fairbank, Grossman, Mace, May, McKay, Scott, Sinclair, Spence, Stengel, Swenson, Taylor, Tupa, Veiga, S. Williams, and Windels.

AN ACT

CONCERNING THE PARTICIPATION OF THE STATE OF COLORADO IN A WESTERN PRESIDENTIAL PRIMARY ELECTION.

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

SECTION 1. 1-4-1201 (2), Colorado Revised Statutes, is amended to read:

1-4-1201. Definitions. As used in this part 12, unless the context otherwise requires:

(2) "Presidential primary election" means a primary election conducted IN CONJUNCTION WITH PRESIDENTIAL PRIMARY ELECTIONS CONDUCTED IN OTHER WESTERN STATES AS PART OF A WESTERN PRESIDENTIAL PRIMARY pursuant to section 1-4-1202.

SECTION 2. 1-4-1202 (1), Colorado Revised Statutes, is amended to read:

1-4-1202. Presidential primary elections - when - conduct. (1) TO ENSURE THAT COLORADO JOINS WITH OTHER WESTERN STATES IN CONDUCTING A COORDINATED WESTERN PRESIDENTIAL PRIMARY, a presidential primary election shall be held at the regular polling places in each general election precinct on the first FRIDAY FOLLOWING THE FIRST Tuesday in March in years in which a United States presidential election is to be held.

SECTION 3. 1-4-1207 (2), Colorado Revised Statutes, is amended to read:

1-4-1207. Presidential primary ballots - survey of returns. (2) Each county

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

clerk and recorder shall survey all returns received from the presidential primary election in all county precincts, as provided in this title, and shall certify the results of the primary election to the secretary of state no later than ten days after the primary election. NO INFORMATION CONCERNING THE COUNT OF BALLOTS SHALL BE RELEASED BY ANY ELECTION OFFICIAL OR WATCHER UNTIL AFTER 7 P.M. ON THE DAY OF THE PRESIDENTIAL PRIMARY ELECTION.

SECTION 4. 1-8-202, Colorado Revised Statutes, 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 fifteen days before any general election or other November election conducted by the county clerk and recorder. EARLY VOTING SHALL NOT BE PERMITTED FOR THE PRESIDENTIAL PRIMARY ELECTION AFTER THE CLOSE OF THE BUSINESS DAY ON THE TUESDAY IMMEDIATELY PRECEDING THE ELECTION. The board of county commissioners may by resolution 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 5. 24-21-104.5, Colorado Revised Statutes, is amended to read:

24-21-104.5. General fund appropriation - cash fund appropriation - elections. The general assembly is authorized to appropriate MONEYS FROM THE DEPARTMENT OF STATE CASH FUND TO THE DEPARTMENT OF STATE IN EACH FISCAL YEAR IN WHICH A PRESIDENTIAL PRIMARY IS HELD TO COVER THE COSTS OF THE LOCAL COUNTY CLERK AND RECORDERS RELATING TO THE CONDUCT OF PRESIDENTIAL PRIMARY ELECTIONS. IF THE AMOUNT OF MONEYS IN THE DEPARTMENT OF STATE CASH FUND IS INSUFFICIENT TO COVER SUCH COSTS, THE GENERAL ASSEMBLY MAY APPROPRIATE ADDITIONAL GENERAL FUND MONEYS TO COVER SUCH COSTS AFTER EXHAUSTING ALL MONEYS IN THE DEPARTMENT OF STATE CASH FUND. THE GENERAL ASSEMBLY MAY ALSO APPROPRIATE general funds to the department of state to cover the costs of the duties performed by local county clerk and recorders relating to the conduct of OTHER elections. Any ~~such~~ appropriation MADE PURSUANT TO THIS SECTION shall not be used in calculating the fees provided for in section 24-21-104 (3) (b). The intent of the general assembly is to authorize the appropriation of DEPARTMENT OF STATE CASH FUND MONEYS AND general fund moneys to the department of state to offset some of the costs of local county clerk and recorders associated with the additional election duties and requirements resulting from the passage of section 20 of article X of the state constitution, from the preparation and conduct of the presidential primary election pursuant to section 1-4-1202, C.R.S., and from the increased number of initiatives that are being filed.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 28, 1999