

CHAPTER 111

ELECTIONS

SENATE BILL 01-132

BY SENATOR(S) Arnold, Andrews, Cairns, McElhany, and Teck;
also REPRESENTATIVE(S) Kester, Coleman, and Stengel.

AN ACT

CONCERNING ELECTION BALLOTS.

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

SECTION 1. 1-10.5-102 (2), Colorado Revised Statutes, is amended to read:

1-10.5-102. Recounts for congressional, state, and district offices, state ballot questions, and state ballot issues. (2) The secretary of state shall notify the county clerk and recorder of each county involved by registered mail and facsimile transmission of a public recount to be conducted in the county at a place prescribed by the secretary of state. The recount shall be completed ~~by~~ no later than the ~~twenty-first~~ THIRTIETH day after any election. The secretary of state shall promulgate and provide each county clerk and recorder with the necessary rules and regulations to conduct the recount in a fair, impartial, and uniform manner, including provisions for watchers during the recount. Any rule or regulation concerning the conduct of a recount shall take into account the type of voting system and equipment used by the county in which the recount is to be conducted.

SECTION 2. 1-10.5-103, Colorado Revised Statutes, is amended to read:

1-10.5-103. Recount for other offices, ballot issues, and ballot questions in an election coordinated by the county clerk and recorder. In any election coordinated by the county clerk and recorder, if it appears, as evidenced by the official abstract of votes cast, that a recount is required for any office, ballot question, or ballot issue not included in section 1-10.5-102, the county clerk and recorder shall order a recount of the votes cast for the office, ballot question, or ballot issue. Any recount of the votes shall be completed no later ~~that~~ THAN the ~~twenty-first~~ THIRTIETH day after the election.

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

SECTION 3. 1-10.5-104, Colorado Revised Statutes, is amended to read:

1-10.5-104. Recount for nonpartisan elections not coordinated by the county clerk and recorder. If it appears, as evidenced by the abstract of votes cast that a recount is required for any office, ballot question, or ballot issue, the designated election official shall order a recount of the votes cast for the office, the ballot issue, or ballot question no later than the fourteenth day after the election. Any recount under this section shall be completed no later than the ~~twenty-first~~ THIRTIETH day after the election.

SECTION 4. 1-10.5-108, Colorado Revised Statutes, is amended to read:

1-10.5-108. Method of recount. (1) The recount shall be of the ballots cast, and the votes shall be recorded on sheets other than those used at the election.

(2) UNLESS OTHERWISE DIRECTED BY THE SECRETARY OF STATE, THE BALLOTS CAST SHALL BE RECOUNTED UTILIZING THE SAME PROCEDURES, METHODS, AND PROCESSES THAT WERE UTILIZED FOR THE ORIGINAL COUNT OF THE BALLOTS CAST.

SECTION 5. Effective date. 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.

Approved: April 9, 2001