

CHAPTER 328

ELECTIONS

HOUSE BILL 02-1307

BY REPRESENTATIVE(S) Fairbank, Crane, Garcia, Kester, Romanoff, Scott, Stengel, and Weddig;
also SENATOR(S) Fitz-Gerald, Nichol, and Taylor.

AN ACT

CONCERNING ELECTIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 1-2-217.5 (1) (a) and (1) (c), the introductory portion to 1-2-217.5 (2), and 1-2-217.5 (3), (4), and (5), Colorado Revised Statutes, are amended to read:

1-2-217.5. Change in residence before close of registration - lack of knowledge - emergency registration and provisional ballots.

(1) Notwithstanding the provisions of sections 1-2-101 and 1-2-102, an elector may register to vote in an election after the registration books of the county clerk and recorder are closed for that election, if the elector:

(a) Appears in person at the primary office of the county clerk and recorder or at any office regularly maintained by the county clerk and recorder and staffed by regular employees **OR AT THE POLLING PLACE;**

(c) Files an emergency registration **AND PROVISIONAL BALLOT** affidavit as prescribed by the secretary of state.

(2) The elector shall declare under oath in the emergency registration **AND PROVISIONAL BALLOT** 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:

(3) ~~Prior to registering an elector who makes a declaration pursuant to paragraph (a) of subsection (2) of this section, the county clerk and recorder shall verify the elector's registration in the county of previous residence.~~

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

(4) The elector shall subscribe to the oath before an officer authorized by law to administer oaths. Upon completion of the affidavit AND THE APPROVAL AND QUALIFICATION OF THE ELECTOR BY THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL, the name of the elector shall be placed in the registration books or added to the list of eligible electors for the election for which the registration books were closed.

(5) An elector changing registration on an election day pursuant to this section ~~at the discretion of the county clerk and recorder~~, may vote in the office of the county clerk and recorder ~~rather than voting~~ OR in the precinct where the new address is located.

SECTION 2. 1-2-302 (6), Colorado Revised Statutes, is amended to read:

1-2-302. Maintenance of master list. (6) The secretary of state shall determine and use other necessary means to maintain the master list of registered electors on a current basis. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 42-1-211, C.R.S., THE DEPARTMENT OF STATE AND THE DEPARTMENT OF REVENUE SHALL ALLOW FOR THE EXCHANGE OF INFORMATION BETWEEN THE SYSTEMS USED BY THEM TO COLLECT INFORMATION ON RESIDENCE ADDRESSES, SIGNATURES, AND PARTY AFFILIATION, INCLUDING, BUT NOT LIMITED TO, THE DRIVER'S LICENSE DATABASE. THE DEPARTMENT OF REVENUE MAY EXCHANGE INFORMATION ON RESIDENCE ADDRESSES IN THE DRIVER'S LICENSE DATABASE WITH THE MOTOR VEHICLE REGISTRATION DATABASE, MOTORIST INSURANCE DATABASE, AND THE STATE INCOME TAX INFORMATION SYSTEMS.

SECTION 3. 1-4-904 (2), Colorado Revised Statutes, is amended to read:

1-4-904. Signatures on the petitions. (2) For partisan petitions, each signer shall be affiliated with the major political party named in the petition and shall state the following to the circulator: That the signer has been affiliated with the major political party named in the petition for at least twenty-nine days as shown on the registration books of the county clerk and recorder; ~~that the signer intends to vote for the candidate at the ensuing primary election~~; and that the signer has not signed any other petition for any other candidate for the same office.

SECTION 4. 1-5-203 (1), (2), (3) (a), and (3) (b), Colorado Revised Statutes, are amended to read:

1-5-203. Certification of ballot. (1) NO LATER THAN FIFTY DAYS BEFORE ANY PRESIDENTIAL PRIMARY, NO later than fifty-five days before any PRIMARY, general, OR ODD-YEAR NOVEMBER election, AND NO LATER THAN FIFTY-FIVE DAYS BEFORE ANY CONGRESSIONAL VACANCY ELECTION, the secretary of state shall ~~make and~~ deliver by ~~facsimile~~ ELECTRONIC transmission and registered mail to the county clerk and recorder of each county a certificate in writing ~~specifying~~ OF THE BALLOT ORDER AND CONTENT FOR EACH COUNTY, AS FOLLOWS:

(a) FOR GENERAL ELECTIONS, THE CERTIFICATE SHALL SPECIFY the national and state officers and the district officers of state concern for whom some or all of the eligible electors of the county are entitled to cast ballots at the general election. The certificate shall include the name and party or other designation of each candidate for

whom some or all of the eligible electors of the county are entitled to cast ballots and for whom a petition or certificate of nomination has been filed with the secretary of state, the name and party of each candidate nominated at the primary election for a national or state office or a district office of state concern, and the order of the ballot and the ballot content for the election. With regard to the election of members to the general assembly, the notice shall also specify the district number and the names of the members whose terms of office will expire.

(b) FOR PRIMARY ELECTIONS, THE CERTIFICATE SHALL SPECIFY THE OFFICES FOR WHICH NOMINATIONS ARE TO BE MADE. THE NOTICE SHALL INCLUDE A CERTIFIED LIST OF PERSONS FOR WHOM CERTIFICATES OF DESIGNATION OR PETITIONS HAVE BEEN FILED WITH THE SECRETARY OF STATE AND THE OFFICE FOR WHICH EACH PERSON IS A CANDIDATE, TOGETHER WITH THE OTHER DETAILS MENTIONED IN THE CERTIFICATES OF DESIGNATION OR PETITIONS, AND THE ORDER OF THE BALLOT FOR THE PRIMARY ELECTION.

(c) FOR ANY ELECTION AT WHICH ONE OR MORE BALLOT ISSUES OR BALLOT QUESTIONS IS TO BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE ENTIRE STATE, THE SECRETARY OF STATE SHALL CERTIFY THE ORDER OF BALLOT AND BALLOT CONTENT WITH RESPECT TO SUCH BALLOT ISSUES OR BALLOT QUESTIONS TO THE COUNTY CLERK AND RECORDER OF EACH COUNTY OF THE STATE.

(d) The secretary of state shall be solely responsible for the accuracy of the information contained in the certificate.

~~(2) When there is a vacancy for an unexpired term in any national or state office or a district office of state concern which is by law to be filled at any general or congressional vacancy election, the secretary of state, no later than fifty-five days prior to the election, shall give notice in writing by publishing a notice in at least one newspaper of general circulation in the state or in the congressional district in which the vacancy is to be filled. The notice shall specify the office in which the vacancy exists, the cause of the vacancy, the name of the officer in whose office it has occurred, and the time when the term of office will expire.~~

(3) (a) No later than fifty-five days before any election, the designated election official of each political subdivision that intends to conduct an election shall certify the order of the ballot and ballot content. SUCH CERTIFICATION SHALL BE DELIVERED to the county clerk and recorder of each county that has territory within the political subdivision IF THE ELECTION IS COORDINATED WITH THE CLERK AND RECORDER. The order of the ballot and ballot content shall include the name and office of each candidate for whom a petition has been filed with the designated election official and any ballot issues or ballot questions to be submitted to the eligible electors.

~~(b) No later than fifty-five days before any election at which one or more ballot issues or ballot questions are to be submitted to the eligible electors of the entire state, the secretary of state shall certify the order of the ballot and ballot content with respect to such ballot issues or ballot questions to the county clerk and recorder of each county of the state.~~

SECTION 5. 1-5-205, Colorado Revised Statutes, is amended 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, no later than ten days before each election, shall provide notice by publication of the election AS DESCRIBED BY SECTION 1-1-104 (34), which notice shall state, as applicable for the particular election for which notice is provided, the following:

- (a) The date of the election;
- (b) The hours during which the polls will be open on election day and for early voting;
- (c) The address of the walk-in location and hours during which the walk-in location for the delivery of mail ballots and receipt of replacement ballots will be open;
- (d) The address of the location for application and the return of absentee ballots and the hours during which the office will be open;
- (e) ~~The officers to be elected;~~ COMPLETE BALLOT CONTENT.
- (f) ~~The names of the judges on the ballot for retention in office;~~
- (g) ~~The proposed constitutional amendments and laws certified to the ballot by the secretary of state;~~
- (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 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.~~

(1.3) A copy of the notice required by this section shall be posted at least ten days prior to the election and until two days after the election in a conspicuous place in the office of the designated election official OR THE CLERK AND RECORDER IF THE ELECTION IS COORDINATED BY THE CLERK AND RECORDER. Sample ballots may be used as notices so long as the information required by this section is included with the sample ballot.

(1.4) PUBLICATION OF THE NOTICE REQUIRED BY SUBSECTION (1) OF THIS SECTION

BY THE CLERK AND RECORDER FOR A COORDINATED ELECTION SHALL SATISFY THE PUBLICATION REQUIREMENT FOR ALL POLITICAL SUBDIVISIONS PARTICIPATING IN THE COORDINATED ELECTION.

~~(1.5) The designated election official shall retain a copy of the notice as a record for public inspection for twenty-five months following the election or until any election contest is decided, whichever is later.~~

(2) At the time that notice by publication is made, the designated election official shall also mail a copy of the notice of the election to the county clerk and recorders of the counties in which the political subdivision is located IF THE CLERK AND RECORDER IS NOT THE COORDINATED ELECTION OFFICIAL.

(3) WHEN THERE IS A VACANCY FOR AN UNEXPIRED TERM IN ANY NATIONAL OR STATE OFFICE OR A DISTRICT OFFICE OF STATE CONCERN THAT IS BY LAW TO BE FILLED AT ANY GENERAL OR CONGRESSIONAL VACANCY ELECTION, THE SECRETARY OF STATE, NO LATER THAN FIFTY-FIVE DAYS PRIOR TO THE ELECTION, SHALL GIVE NOTICE IN WRITING BY PUBLISHING A NOTICE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE STATE OR IN THE CONGRESSIONAL DISTRICT IN WHICH THE VACANCY IS TO BE FILLED. THE NOTICE SHALL SPECIFY THE OFFICE IN WHICH THE VACANCY EXISTS, THE CAUSE OF THE VACANCY, THE NAME OF THE OFFICER IN WHOSE OFFICE IT HAS OCCURRED, AND THE TIME WHEN THE TERM OF OFFICE WILL EXPIRE.

SECTION 6. 1-5-206 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

1-5-206. Postcard notice. (1) (b) As used in this section, unless the context otherwise requires, "voter information card" means written communication in the form of a card or letter that is mailed to the elector's address of record, unless the elector has requested that such communication be sent to the elector's deliverable mailing address pursuant to section 1-2-204 (2) (k), and shall contain the eligible elector's name and address, precinct number, polling location for the ~~general election or special legislative~~ election, and any other ~~applicable~~ information THE DESIGNATED ELECTION OFFICIAL DEEMS APPLICABLE.

~~(2) (a) No later than fifteen days before any election conducted by mail ballot, the designated election official or coordinated election official shall either mail a voter information card to each household where one or more active eligible electors reside or provide notice by publication, pursuant to paragraph (b) of this subsection (2). The information required on the voter information card may be included with the ballot issue notice, and, if so included, no separate mailing pursuant to this paragraph (a) is required.~~

(2) (a) No later than fifteen days before ~~an~~ A nonpartisan elections that are not elections conducted by mail ballots or court-ordered elections ELECTION AND IN ADDITION TO THE PUBLICATION REQUIRED BY SECTION 1-5-205, the designated election official or coordinated election official ~~shall~~ MAY mail to each household where one or more active eligible electors reside a voter information card. The information required on the voter information card may be included with the ballot issue notice. ~~and if so included, no separate mailing pursuant to this paragraph (a) is required.~~

~~(a.5) No later than fifteen days before any election conducted by mail ballot, the designated election official or coordinated election official shall either mail a voter information card to each household where one or more active eligible electors reside or provide notice by publication, pursuant to paragraph (b) of this subsection (2). The information required on the voter information card may be included with the ballot issue notice, and, if so included, no separate mailing pursuant to this paragraph (a.5) is required.~~

~~(b) Unless the election is canceled, for regular board of director elections, the governing body may elect, as an alternative to mailing the voter information card pursuant to paragraph (a) of this subsection (2), to give notice of the election by publication in a newspaper published within the district in which the election is being held, or, if there is no newspaper published in the district within which the election is being held, then by publication in a newspaper published in the county that has general circulation within the district in which the election is being held. The notice shall contain the information required by section 1-5-205 as applicable to the political subdivision. The published appearance required by this paragraph (b) shall be satisfied by the publication required by section 1-5-205 if the appearance otherwise complies with the requirements of this paragraph (b). The notice must be at least ten column inches in size, and shall be placed in the portion of the newspaper in which legal notices and classified advertisements appear. The rates established in section 24-70-107, C.R.S., apply to all publications required under this section.~~

SECTION 7. 1-5-407 (1), (2), (3), and (4), Colorado Revised Statutes, are amended, and the said 1-5-407 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-5-407. Form of ballots. (1) Except as provided in ~~subsection (1.5)~~ SUBSECTIONS (1.5) AND (1.6) of this section, the extreme top part of each ballot 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 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.

(1.6) NO BALLOT STUB IS REQUIRED FOR A BALLOT PRODUCED ON DEMAND, SO LONG AS THE QUANTITY OF BALLOTS PRODUCED FOR THE ELECTION CAN BE RECONCILED BY THE BALLOT PROCESSING METHOD USED BY THE VOTING SYSTEM. SUCH BALLOTS MAY CONTAIN PRINTED AND DISTINGUISHING MARKS, SO LONG AS SECRECY IN VOTING IS PROTECTED.

(2) The ballots shall be printed so as to give to each eligible elector a clear opportunity to designate his or her choice of candidates, joint candidates, ~~or~~ ballot issues, ~~by a cross mark (X) in a sufficient margin at the right of the name or ballot issue~~ AND BALLOT QUESTIONS BY A MARK AS INSTRUCTED. On the ballot may be printed words ~~which~~ THAT will aid the elector, such as "vote for not more than one".

(3) At the end of the list of candidates for each different office shall be ~~as many~~ ONE OR MORE 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. THE NUMBER OF SPACES PROVIDED SHALL BE THE LESSER OF THE NUMBER OF ELIGIBLE ELECTORS WHO HAVE PROPERLY FILED AN AFFIDAVIT OF INTENT OF WRITE-IN CANDIDATE PURSUANT TO SECTION 1-4-1101 OR THE NUMBER OF PERSONS TO BE ELECTED TO THE OFFICE. No such blank spaces ~~are required~~ SHALL BE PROVIDED if no eligible elector properly filed an affidavit of intent of write-in candidate. ~~pursuant to section 1-4-1101.~~

(4) The names of the candidates for each office shall be arranged under the designation of the office ~~according to the surnames~~, as provided in section 1-5-404. The designated election official shall not print, in connection with any name, any title or degree designating the business or profession of the candidate.

(4.5) IF NO CANDIDATE HAS BEEN DULY NOMINATED AND NO PERSON HAS PROPERLY FILED AN AFFIDAVIT OF INTENT OF WRITE-IN CANDIDATE FOR AN OFFICE, THE FOLLOWING TEXT SHALL APPEAR UNDER THE DESIGNATION OF THE OFFICE: "THERE ARE NO CANDIDATES FOR THIS OFFICE."

SECTION 8. 1-6-101 (4) and (6), Colorado Revised Statutes, are amended to read:

1-6-101. Definitions - qualifications for election judges - student election judges - legislative declaration. (4) Before serving as an election judge, ~~the persons~~ ANY PERSON recommended as AN election ~~judges~~ JUDGE in accordance with ~~sections 1-6-102 and 1-6-103~~ SECTION 1-6-102, 1-6-103, 1-6-103.5, OR 1-6-103.7 shall complete and file an acceptance form with the county clerk and recorder or other designated election official as provided in section 1-6-106. The acceptance forms may be kept on file with the county clerk and recorder or other designated election official for up to two years from the date of signing the acceptance form.

(6) Each person appointed as an election judge shall BE REQUIRED TO attend ~~the~~ ONE class of instruction prior to ~~each~~ THE FIRST election IN AN ELECTION CYCLE in which the person will serve as an election judge. THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL MAY REQUIRE A PERSON APPOINTED AS AN ELECTION JUDGE TO ATTEND MORE THAN ONE CLASS OF INSTRUCTION IN AN ELECTION CYCLE.

SECTION 9. Article 6 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

1-6-103.5. Recommendations by minor political parties. NO LATER THAN THE LAST TUESDAY OF APRIL IN EVEN-NUMBERED YEARS, THE COUNTY CHAIRPERSON OR OTHER AUTHORIZED OFFICIAL OF A MINOR POLITICAL PARTY MAY CERTIFY TO THE COUNTY CLERK AND RECORDER THE NAMES AND ADDRESSES OF REGISTERED ELECTORS RECOMMENDED TO SERVE AS ELECTION JUDGES FOR ONE OR MORE PRECINCTS IN THE COUNTY. IF THE LIST CONTAINS MORE THAN ONE NAME FOR ANY PRECINCT IN THE COUNTY, THE ORDER OF PREFERENCE SHALL BE INDICATED. THE COUNTY CLERK AND RECORDER SHALL SELECT ELECTION JUDGES FROM THE PARTY ACCORDING TO SUCH ORDER OF PREFERENCE, IF INDICATED.

1-6-103.7. Unaffiliated voters - self-nomination. NO LATER THAN THE LAST

TUESDAY OF APRIL IN EVEN-NUMBERED YEARS, ANY REGISTERED ELECTOR WHO IS UNAFFILIATED WITH A POLITICAL PARTY OR POLITICAL ORGANIZATION MAY GIVE NOTICE IN WRITING TO THE CLERK AND RECORDER OF THE COUNTY IN WHICH SUCH ELECTOR RESIDES OFFERING TO SERVE AS AN ELECTION JUDGE AND STATING THAT THE ELECTOR IS A REGISTERED ELECTOR AND IS UNAFFILIATED WITH ANY POLITICAL PARTY OR POLITICAL ORGANIZATION.

SECTION 10. 1-6-104 (3), Colorado Revised Statutes, is amended to read:

1-6-104. Appointment of election judges by the county clerk and recorder and designated election officials. (3) If, at the time the county clerk and recorder appoints election judges for a precinct, the list of recommended election judges submitted in accordance with section 1-6-102 contains an insufficient number of names for a major political party's share of the total number of election judges as required in section 1-6-109, the designated election official shall appoint any additional election judges necessary following the affiliation requirements of section ~~1-6-109 to the extent possible~~ FROM AMONG THE PERSONS RECOMMENDED BY MINOR POLITICAL PARTIES IN ACCORDANCE WITH SECTION 1-6-103.5 AND THE UNAFFILIATED VOTERS WHO HAVE OFFERED TO SERVE AS ELECTION JUDGES IN ACCORDANCE WITH SECTION 1-6-103.7.

SECTION 11. 1-6-113 (1), Colorado Revised Statutes, is amended to read:

1-6-113. Vacancies. (1) If for any reason any person selected to serve as an election judge fails to attend the class of instruction for election judges, or refuses, fails, or is unable to serve, or is removed by preemption IN ACCORDANCE WITH SECTION 1-6-119 (1) or for cause IN ACCORDANCE WITH SECTION 1-6-119 (2), the designated election official thereafter may appoint an election judge TO FILL SUCH VACANCY. ~~and For a partisan election, the AN election judge shall be appointed TO FILL SUCH VACANCY from the list of names previously submitted by the county chairperson of the political party to which the person belongs. or from a list of previously authorized judges. To insure that a sufficient number of judges is available at every election, each county clerk and recorder shall compile a list of persons who are affiliated with a minor political party or a qualified political organization or who are unaffiliated and who are willing and eligible to serve as election judges.~~ If a vacancy occurs IN A PARTISAN ELECTION and no persons are available ~~who meet the affiliation requirements of section 1-6-109~~ FROM SUCH LIST, then the county clerk and recorder may appoint a person from ~~the list of persons not affiliated with a major political party~~ AMONG THE PERSONS RECOMMENDED BY MINOR POLITICAL PARTIES IN ACCORDANCE WITH SECTION 1-6-103.5 AND THE UNAFFILIATED VOTERS WHO HAVE OFFERED TO SERVE AS ELECTION JUDGES IN ACCORDANCE WITH SECTION 1-6-103.7.

SECTION 12. 1-6-114 (1), Colorado Revised Statutes, is amended to read:

1-6-114. Oath of judges. (1) Before beginning the duties of an election judge, each person appointed as an election judge shall take a self-affirming oath or affirmation in substantially the following form:

"I,, do solemnly swear (or affirm) that I am a citizen of the United States and the state of Colorado; that I am an eligible elector who resides in the

county of or within the political subdivision; that I am a member of the party (OR THAT I AM UNAFFILIATED WITH A POLITICAL PARTY) as shown on the registration books of the county clerk and recorder; that I will perform the duties of judge according to law and the best of my ability; that I will studiously strive to prevent fraud, deceit, and abuse in conducting the same; that I will not try to determine how any elector voted, nor will I disclose how any elector voted if in the discharge of my duties as judge such knowledge shall come to me, unless called upon to disclose the same before some court of justice; that I have never been convicted of election fraud, any other election offense, or fraud and that, if any ballots are counted before the polls close on the date of the election, I will not disclose the result of the votes until after the polls have closed and the results are formally announced by the designated election official."

SECTION 13. 1-6-115 (1), Colorado Revised Statutes, is amended to read:

1-6-115. Compensation of judges. (1) In all elections, including primary and general elections, each election judge serving in the precincts on election day shall receive not less than five dollars ~~nor more than one hundred dollars~~ as full compensation for services provided as judge at any election. A student election judge appointed pursuant to the provisions of this article may receive up to but no more than seventy-five percent of the compensation received by an election judge for service provided as judge at any election.

SECTION 14. 1-6-119 (1) and (4), Colorado Revised Statutes, are amended to read:

1-6-119. Removal of election judge by designated election official. (1) If a county chairperson of a major political party OR THE COUNTY CHAIRPERSON OR OTHER AUTHORIZED OFFICIAL OF A MINOR POLITICAL PARTY believes that an election judge appointed to represent that party is not faithfully or fairly representing the party or that an election judge has moved from the county, the county chairperson OR AUTHORIZED OFFICIAL may exercise a preemptive removal of the election judge. The county chairperson OR AUTHORIZED OFFICIAL shall notify the county clerk and recorder and the election judge of the preemptive removal in writing. The county clerk and recorder shall fill any vacancy created by the preemptive removal as provided in ~~section 1-6-121~~ SECTION 1-6-113.

(4) Upon receipt of a written complaint made by an eligible elector of the political subdivision concerning an election judge, the designated election official shall investigate the complaint and may remove the election judge and appoint another election judge in accordance with ~~section 1-6-121~~ SECTION 1-6-113.

SECTION 15. 1-7-106, Colorado Revised Statutes, is amended to read:

1-7-106. Watchers at general and congressional vacancy elections. Each participating ~~major~~ political party or issue committee whose candidate or issue is on the ballot, and each unaffiliated and write-in candidate whose name is on the ballot for a general or congressional vacancy election shall be entitled to have no more than one watcher at any one time in each precinct polling place in the county AND AT EACH PLACE WHERE VOTES ARE COUNTED IN ACCORDANCE WITH THIS ARTICLE. The chairperson of the county central committee of each major political party, THE

COUNTY CHAIRPERSON OR OTHER AUTHORIZED OFFICIAL OF EACH MINOR POLITICAL PARTY, the issue committee, the write-in or unaffiliated candidate shall certify the names of one or more persons selected as watchers on forms provided by the county clerk and recorder. The watchers shall surrender the certificates to the election judges at the time they enter the polling place and are sworn by the judges. This section shall not prevent party candidates or county party officers from visiting polling places to observe the progress of voting in the precincts.

SECTION 16. 1-7-506 (2), Colorado Revised Statutes, is amended to read:

1-7-506. Electronic vote-counting - test. (2) The DESIGNATED ELECTION OFFICIAL SHALL GIVE TO THE county chairpersons of the ~~two~~ major political parties or their official representatives ~~shall each be supplied with~~ AND TO THE COUNTY CHAIRPERSON OR OFFICIAL REPRESENTATIVE OF ANY MINOR POLITICAL PARTY WHO NOTIFIES THE DESIGNATED ELECTION OFFICIAL NO LESS THAN SIXTY DAYS BEFORE THE ELECTION OF THE PARTY'S DESIRE TO PARTICIPATE IN THE TESTING, at least ~~one hundred~~ TWENTY-FIVE official ballots that are clearly marked as test ballots. ~~and~~ THE COUNTY CHAIRPERSONS OR THEIR OFFICIAL REPRESENTATIVES shall secretly vote the test ballots and retain a record of the test votes. The designated election official may also vote and retain at least ~~one hundred~~ TWENTY-FIVE test ballots. For coordinated elections, all of the designated election officials from political subdivisions other ~~that~~ THAN the county 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 17. 1-7.5-107 (4) (b), Colorado Revised Statutes, is amended to read:

1-7.5-107. Procedures for conducting mail ballot election. (4) (b) The eligible elector may return the marked ballot to the designated election official by United States mail or by depositing the ballot at the office of the official or any place designated by the official. The ballot must be returned in the return-verification envelope. If an eligible elector returns the ballot by mail, the elector must provide postage. The ballot shall be received at the office of the designated election official or a designated depository, which shall remain open until 7 p.m. on election day. FOR AN ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER, THE DEPOSITORY SHALL BE DESIGNATED BY THE COUNTY CLERK AND RECORDER AND LOCATED IN A SECURE PLACE UNDER THE SUPERVISION OF A MUNICIPAL CLERK, AN ELECTION JUDGE OR A MEMBER OF THE CLERK AND RECORDER'S STAFF. FOR AN ELECTION NOT COORDINATED BY THE COUNTY CLERK AND RECORDER, THE DEPOSITORY SHALL BE DESIGNATED BY THE DESIGNATED ELECTION OFFICIAL AND LOCATED IN A SECURE PLACE UNDER THE SUPERVISION OF THE DESIGNATED ELECTION OFFICIAL, AN ELECTION JUDGE, OR ANOTHER PERSON DESIGNATED BY THE DESIGNATED ELECTION OFFICIAL.

SECTION 18. 1-8-104 (2), Colorado Revised Statutes, is amended to read:

1-8-104. Application for absentee ballot. (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.

SECTION 19. 1-8-113 (1), Colorado Revised Statutes, is amended to read:

1-8-113. Manner of absentee voting. (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; EXCEPT THAT NO ONE PERSON OTHER THAN A DULY AUTHORIZED AGENT OF THE DESIGNATED ELECTION OFFICIAL MAY RECEIVE MORE THAN FIVE ABSENTEE BALLOTS IN ANY ELECTION FOR MAILING OR 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.

SECTION 20. 1-8-304 (1) and (2), Colorado Revised Statutes, are amended to read:

1-8-304. Preparing to count absentee ballots - rejections. (1) (a) Before opening any absentee ballot, one of the receiving judges, in the presence of a majority of the receiving judges, shall inspect the self-affirmation on the return envelope AND, IN AN ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER, COMPARE THE SIGNATURE ON THE SELF-AFFIRMATION WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE IN THE COUNTY CLERK AND RECORDER'S OFFICE.

(b) ~~For the ballot to be counted;~~ The self-affirmation ~~must have been~~ IS VALID IF:

(I) THE SELF-AFFIRMATION WAS completed by the elector or a person acting in the elector's behalf; ~~and must have been~~

(II) THE SELF-AFFIRMATION WAS signed by the elector OR, IF THE ELECTOR IS UNABLE TO SIGN, MARKED BY THE ELECTOR WITH OR WITHOUT ASSISTANCE AND WITNESSED BY ANOTHER PERSON; AND

(III) IN AN ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER, THE SIGNATURE ON THE SELF-AFFIRMATION MATCHES THE SIGNATURE ON FILE IN THE COUNTY CLERK AND RECORDER'S OFFICE, OR THE ELIGIBLE ELECTOR'S MARKS ON THE APPLICATION AND THE SELF-AFFIRMATION WERE WITNESSED BY OTHER PERSONS.

(c) If ~~these requirements are met and~~ the self-affirmation ~~appears complete and correct~~ IS VALID, 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.

(d) FOR PURPOSES OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION

(1), THE SIGNATURES ON AN ELIGIBLE ELECTOR'S SELF-AFFIRMATION AND ON FILE IN THE COUNTY CLERK AND RECORDER'S OFFICE SHALL BE COMPARED IN THE SAME MANNER AS SIGNATURES ON MAIL BALLOTS ARE COMPARED PURSUANT TO ARTICLE 7.5 OF THIS TITLE.

(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~~ IS INVALID, 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.

SECTION 21. 1-9-206, Colorado Revised Statutes, is amended to read:

1-9-206. Challenges of absentee ballots. The ballot of any absentee voter may be challenged by written oath or affirmation signed by the challenger under penalty of perjury setting forth the name of the person challenged and the basis for the challenge. Challenged ballots, except those rejected for an incomplete or incorrect affidavit, death of the eligible elector, or submission of multiple ballots, shall be cast. The election judges shall deliver all challenges and oaths or affirmations, together with the affidavits of the eligible electors challenged, to the COUNTY CLERK AND RECORDER OR designated election official, AS APPLICABLE, at the time the absentee voters' registration list is returned. The COUNTY CLERK AND RECORDER OR designated election official shall forthwith deliver all challenges and all oaths or affirmations to the district attorney for investigation and action.

SECTION 22. 1-9-207, Colorado Revised Statutes, is amended to read:

1-9-207. Challenges of ballots cast by mail. The ballot of any voter ~~which~~ THAT has been cast by mail may be challenged by written oath or affirmation signed by the challenger under penalty of perjury setting forth the name of the person challenged and the basis for the challenge. Challenged ballots, except those rejected for an incomplete or incorrect affidavit, death of the eligible elector, or submission of multiple ballots, shall be counted. The election judges shall deliver all challenges and oaths or affirmations, together with the affidavits of the eligible electors challenged, to the COUNTY CLERK AND RECORDER OR designated election official, AS APPLICABLE, at the time the registration list is returned. The COUNTY CLERK AND RECORDER OR designated election official shall immediately deliver all challenges and all oaths or affirmations to the district attorney for investigation and action.

SECTION 23. Part 2 of article 9 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-9-208. Challenges of provisional ballots. THE BALLOT OF ANY PROVISIONAL VOTER MAY BE CHALLENGED BY WRITTEN OATH OR AFFIRMATION SIGNED BY THE CHALLENGER UNDER PENALTY OF PERJURY SETTING FORTH THE NAME OF THE PERSON CHALLENGED AND THE BASIS FOR THE CHALLENGE. CHALLENGED PROVISIONAL BALLOTS, EXCEPT THOSE REJECTED FOR AN INCOMPLETE, INCORRECT, OR UNVERIFIABLE AFFIDAVIT, DEATH OF THE ELIGIBLE ELECTOR, OR SUBMISSION OF MULTIPLE BALLOTS SHALL BE COUNTED IF THE OTHER REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS ARE SATISFIED. THE ELECTION JUDGES SHALL DELIVER ALL CHALLENGES AND OATHS OR AFFIRMATIONS, TOGETHER WITH THE AFFIDAVITS OF THE

ELIGIBLE ELECTORS CHALLENGED, TO THE COUNTY CLERK AND RECORDER OR THE DESIGNATED ELECTION OFFICIAL. THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL FORTHWITH DELIVER ALL CHALLENGES AND ALL OATHS OR AFFIRMATIONS TO THE DISTRICT ATTORNEY FOR INVESTIGATION AND ACTION.

SECTION 24. Article 9 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 3
PROVISIONAL BALLOTS**

1-9-301. Provisional ballot voting. (1) AT ALL PRIMARY AND NOVEMBER COORDINATED ELECTIONS CONDUCTED PURSUANT TO THIS TITLE, A VOTER CLAIMING TO BE PROPERLY REGISTERED BUT WHOSE QUALIFICATION OR ENTITLEMENT TO VOTE CANNOT BE IMMEDIATELY ESTABLISHED UPON EXAMINATION OF THE REGISTRATION LIST FOR THE PRECINCT OR UPON EXAMINATION OF THE RECORDS ON FILE WITH THE COUNTY CLERK AND RECORDER SHALL BE ENTITLED TO VOTE A PROVISIONAL BALLOT UPON COMPLETION OF THE PROVISIONAL BALLOT AFFIDAVIT.

(2) ONCE VOTED, THE VOTER'S BALLOT SHALL BE SEALED IN A PROVISIONAL BALLOT ENVELOPE, AND THE BALLOT SHALL BE SECURED AND DEPOSITED IN A BALLOT CONTAINER. ALL PROVISIONAL BALLOTS VOTED SHALL REMAIN SEALED IN THEIR ENVELOPES FOR RETURN TO THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL.

(3) THE PROVISIONAL BALLOT ENVELOPE AFFIDAVIT SHALL BE PRINTED WITH INSTRUCTIONS ON THE VOTING AND HANDLING OF PROVISIONAL BALLOTS DRAFTED BY THE SECRETARY OF STATE.

1-9-302. Provisional ballots - available at polling places. EACH POLLING LOCATION SHALL HAVE ON HAND A SUFFICIENT NUMBER OF PROVISIONAL BALLOTS IN ALL BALLOT STYLES APPLICABLE TO THAT POLLING LOCATION.

1-9-303. Verification and counting of provisional ballots. UPON RECEIPT OF A PROVISIONAL BALLOT, THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL VERIFY THE INFORMATION CONTAINED IN THE PROVISIONAL BALLOT AFFIDAVIT USING THE PROCEDURES THAT APPLY TO ABSENTEE BALLOTS. IF THE INFORMATION CANNOT BE VERIFIED, THE BALLOT SHALL BE REJECTED. THE VERIFICATION AND COUNTING OF ALL PROVISIONAL BALLOTS SHALL BE COMPLETED WITHIN TWELVE DAYS AFTER THE ELECTION. ALL ABSENTEE BALLOTS CAST IN ANY ELECTION SHALL BE COUNTED BEFORE ANY PROVISIONAL BALLOTS ARE COUNTED.

1-9-304. Provisional ballots - absentee voters. IF A VOTER TO WHOM AN ABSENTEE BALLOT HAS BEEN MAILED OR DELIVERED HAS NOT RETURNED THE BALLOT TO THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL, THE VOTER MAY VOTE A PROVISIONAL BALLOT AT THE VOTER'S POLLING LOCATION IN LIEU OF RETURNING AN ABSENTEE BALLOT. IF THE VOTER RETURNS THE ABSENTEE BALLOT, THE PROVISIONAL BALLOT SHALL NOT BE COUNTED. IF THERE IS REASONABLE CAUSE TO BELIEVE THAT THE DUPLICATE VOTING WAS INTENTIONAL OR FRAUDULENT, THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL REFER THE

MATTER TO THE DISTRICT ATTORNEY.

1-9-305. Rules. THE SECRETARY OF STATE SHALL PROMULGATE ALL APPROPRIATE RULES FOR THE PURPOSE OF ENSURING THE UNIFORM APPLICATION OF THIS PART 3.

SECTION 25. 1-10-101 (1) (a), Colorado Revised Statutes, is amended to read:

1-10-101. Canvass board for partisan elections - appointment, fees, oaths.

(1) (a) At least fifteen days before any primary, general, congressional vacancy, or special legislative election, the county chairpersons of each of the two major political parties in each county shall certify to the county clerk and recorder, in the manner prescribed by such clerk and recorder, the appointment of one or more registered electors to serve as a member of the county canvass board. The appointees, together with the county clerk and recorder, constitute the county canvass board. EACH MINOR POLITICAL PARTY WHOSE CANDIDATE IS ON THE BALLOT AND EACH UNAFFILIATED CANDIDATE WHOSE NAME IS ON THE BALLOT IN SUCH ELECTION MAY DESIGNATE, IN THE MANNER PRESCRIBED BY SUCH CLERK AND RECORDER, ONE WATCHER TO OBSERVE THE WORK OF THE COUNTY CANVASS BOARD.

SECTION 26. 1-10-102 (1), Colorado Revised Statutes, is amended to read:

1-10-102. Official abstract of votes cast - certification. (1) No later than the ~~seventh~~ FIFTEENTH day after any election coordinated by the county clerk and recorder, the canvass board shall complete its duties.

SECTION 27. 1-10-103, Colorado Revised Statutes, is amended to read:

1-10-103. Transmitting returns to the secretary of state - total of results.

(1) Immediately after the official abstract of votes cast has been certified and no later than the ~~eighth~~ SIXTEENTH day after an election, the county clerk and recorder shall transmit to the secretary of state the portion of the abstract of votes cast that contains the statewide abstract of votes cast.

(2) No later than the ~~fourteenth~~ TWENTY-SECOND day after an election, the secretary of state shall compile and total the returns received from all counties for all candidates, ballot issues, and ballot questions certified by the secretary of state, determine if a recount of any office, ballot issue, or ballot question is necessary, and order the appropriate recounts, if any.

(3) Each county clerk and recorder shall transmit a list of the names of those candidates elected to county offices to the secretary of state no later than the ~~eighth~~ SIXTEENTH day after the election.

SECTION 28. 1-10.5-102 (1) and (2), Colorado Revised Statutes, are amended to read:

1-10.5-102. Recounts for congressional, state, and district offices, state ballot questions, and state ballot issues. (1) If the secretary of state determines that a recount is required for the office of United States senator, representative in congress, any state office or district office of state concern, any state ballot question, or any state ballot issue certified for the ballot by the secretary of state, the secretary of state

shall order a complete recount of all the votes cast for that office, state ballot question, or state ballot issue no later than the ~~fourteenth~~ TWENTY-FIFTH day after the election.

(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 no later than the ~~thirtieth~~ FORTIETH 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 29. 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 than the ~~thirtieth~~ FORTIETH day after the election.

SECTION 30. 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~~ TWENTY-FIFTH day after the election. Any recount under this section shall be completed no later than the ~~thirtieth~~ FORTIETH day after the election.

SECTION 31. 1-10.5-106 (2), Colorado Revised Statutes, is amended to read:

1-10.5-106. Request for recount by interested party - definitions.
(2) Whenever a recount is not required, an interested party may submit a notarized written request for a recount at the expense of the interested party making the request. This request shall be filed with the secretary of state, the county clerk and recorder, the designated election official, or other governing body that originally certified the candidate, ballot question, or ballot issue for the ballot within ~~fifteen~~ TWENTY-FIVE days after the election. Such election official shall notify the political subdivision within which the election was held no later than the day following receipt of the request. Before conducting the recount, the election official who will conduct the recount shall determine the cost of the recount within three days of receiving the request to recount, notify the interested party that requested the recount of the cost, and collect the costs of conducting the recount. If the request is filed with the secretary of state, the secretary of state shall determine the cost of the recount by

adding the individual amounts determined by the political subdivisions conducting the recount. The interested party that requested the recount shall pay the cost of the recount by certified funds to the election official with whom the request for a recount was filed within two days of receiving the election official's cost determination. The funds shall be placed in escrow for payment of all expenses incurred in the recount. If after the recount the result of the election is reversed in favor of the interested party that requested the recount or if the amended election count is such that a recount otherwise would have been required, the payment for expenses shall be refunded to the interested party that requested the recount. Any escrow amounts not refunded to the interested party that requested the recount shall be paid to the election officials who conducted the recount. Any recount of votes pursuant to this section shall be completed no later than the ~~thirtieth~~ FORTIETH day after the election.

SECTION 32. 1-12-108 (7.5), Colorado Revised Statutes, is amended to read:

1-12-108. Petition requirements. (7.5) The petition may be filed at any time during the sixty-day period after the designated election official's approval of the petition form as specified in subsection (1) of this section. THE COMMITTEE SHALL FILE ALL SECTIONS OF A PETITION SIMULTANEOUSLY, AND ANY SECTION OF A PETITION SUBMITTED AFTER THE PETITION IS FILED SHALL BE INVALID AND OF NO FORCE AND EFFECT.

SECTION 33. 1-45-108 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1-45-108. Disclosure - repeal. (1) (c) A CANDIDATE COMMITTEE IN A SPECIAL DISTRICT ELECTION SHALL NOT BE REQUIRED TO FILE REPORTS UNDER THIS SECTION UNTIL THE COMMITTEE HAS RECEIVED CONTRIBUTIONS OR MADE EXPENDITURES EXCEEDING TWENTY DOLLARS IN THE AGGREGATE.

SECTION 34. 1-45-109 (1) and (4) (a), Colorado Revised Statutes, are amended to read:

1-45-109. Filing - where to file - timeliness. (1) For the purpose of meeting the filing and reporting requirements of this article, candidates for state wide office, the general assembly, district attorney, district court judge, or any office representing more than one county, except candidates for school district director; the candidate committees for such candidates; political committees in support of or in opposition to such candidates; and issue committees in support of or in opposition to an issue on the ballot in more than one county shall file with the secretary of state. Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, and an issue committee supporting or opposing a municipal ballot issue shall file with the municipal clerk. CANDIDATES IN SPECIAL DISTRICT ELECTIONS, EXCEPT CANDIDATES FOR DIRECTOR OF THE REGIONAL TRANSPORTATION DISTRICT; THE CANDIDATE COMMITTEES OF SUCH CANDIDATES; POLITICAL COMMITTEES IN SUPPORT OF OR IN OPPOSITION TO SUCH CANDIDATES; AND ISSUE COMMITTEES SUPPORTING OR OPPOSING A SPECIAL DISTRICT BALLOT ISSUE SHALL FILE WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE DISTRICT COURT HAVING JURISDICTION OVER THE SPECIAL DISTRICT PURSUANT TO SECTION 32-1-303, C.R.S., IS LOCATED. All other candidates, candidate committees, issue committees and political committees shall file with the county clerk and recorder of

the county of their residence. However, a report required to be filed with a county clerk and recorder shall be deemed properly filed if filed electronically pursuant to subsection (8) of this section.

(4) (a) All reports required to be filed by this article are public records and shall be open to inspection by the public during regular business hours. A copy of the report shall be kept by the appropriate officer ~~as a permanent record~~ and a copy shall be made available immediately in a file for public inspection.

SECTION 35. 1-45-110 (1), Colorado Revised Statutes, is amended to read:

1-45-110. Candidate affidavit - disclosure statement. (1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article; except that an individual who is a candidate in a special legislative election that filed a candidate affidavit for the preceding general election shall not be required to comply with the provisions of this section, AND EXCEPT THAT A CANDIDATE IN A SPECIAL DISTRICT ELECTION SHALL FILE THE CANDIDATE AFFIDAVIT OR, ALTERNATIVELY, A COPY OF THE CANDIDATE'S SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER SUBMITTED IN ACCORDANCE WITH SECTION 32-1-804.3, C.R.S., IF SUCH FORM OR LETTER CONTAINS A STATEMENT THAT THE CANDIDATE IS FAMILIAR WITH THE PROVISIONS OF THIS ARTICLE, NO LATER THAN THE DATE ESTABLISHED FOR CERTIFICATION OF THE SPECIAL DISTRICT'S BALLOT PURSUANT TO SECTION 1-5-203 (3) (a). A CANDIDATE IN A MUNICIPAL ELECTION MAY COMPLY WITH THIS SECTION BY FILING A CANDIDATE AFFIDAVIT PURSUANT TO SECTION 31-10-302 (6), C.R.S., IF SUCH AFFIDAVIT CONTAINS A STATEMENT THAT THE CANDIDATE IS FAMILIAR WITH THE PROVISIONS OF THIS ARTICLE.

SECTION 36. Article 21 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-21-104.7. Acceptance of gifts and grants. THE DEPARTMENT OF STATE MAY RECEIVE AND EXPEND ANY GIFT OR GRANT, INCLUDING FEDERAL FUNDS, IF SUCH GIFT OR GRANT INVOLVES NO STATE FUNDS AND IS AVAILABLE FOR THE PURPOSE OF EXERCISING THE POWERS AND PERFORMING THE DUTIES OF THE SECRETARY OF STATE AS SPECIFIED IN SECTION 1-1-107, C.R.S. SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY PROVIDE MATCHING FUNDS WHEN NECESSARY TO RECEIVE ANY SUCH GIFT OR GRANT.

SECTION 37. 24-71.1-106 (3) (b), Colorado Revised Statutes, is amended to read:

24-71.1-106. Electronic signatures. (3) (b) Notwithstanding paragraph (a) of this subsection (3), the department of revenue shall not sell, permit the sale of, or otherwise release to anyone other than the person in interest any electronic signature filed with, maintained by, or prepared by the department of revenue pursuant to section 42-2-114 (1), C.R.S.; however, nothing in this section shall prevent the department of revenue from sharing any information with a criminal justice agency as defined in section 24-72-302 (3) OR WITH THE DEPARTMENT OF STATE PURSUANT TO SECTION 42-1-211 (1.5), C.R.S.

SECTION 38. 42-1-211, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-1-211. Colorado state titling and registration system. (1.5) (a) THE DEPARTMENT OF REVENUE AND THE DEPARTMENT OF STATE SHALL ALLOW FOR THE EXCHANGE OF INFORMATION ON RESIDENCE ADDRESSES, SIGNATURES, AND PARTY AFFILIATION BETWEEN THE SYSTEMS USED BY THE DEPARTMENT OF REVENUE AND THE MASTER LIST OF REGISTERED ELECTORS MAINTAINED BY THE DEPARTMENT OF STATE FOR THE PURPOSE OF UPDATING INFORMATION IN THESE SYSTEMS.

(b) FOR PURPOSES OF THIS SECTION, THE SYSTEMS USED BY THE DEPARTMENT OF REVENUE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE COLORADO STATE TITLING AND REGISTRATION SYSTEM, THE DRIVER'S LICENSE DATABASE, THE MOTOR VEHICLE REGISTRATION DATABASE, THE MOTORIST INSURANCE DATABASE, AND THE STATE INCOME TAX INFORMATION SYSTEMS.

SECTION 39. Repeal. 1-5-202, 1-6-109 (4), 1-6-121, and 1-8-306 (1) (b), Colorado Revised Statutes, are repealed.

SECTION 40. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104, Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2002, the sum of one hundred seventy-four thousand one hundred twenty-three dollars (\$174,123) and 1.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 41. 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 7, 2002