

CHAPTER 88

ELECTIONS

SENATE BILL 02-139

BY SENATOR(S) Taylor, Arnold, Cairns, Dyer, Entz, Epps, Fitz-Gerald, Hagedorn, Hanna, Isgar, Lamborn, May, McElhany, Nichol, Owen, Phillips, Takis, Tate, Teck, Tupa, and Windels;
also REPRESENTATIVE(S) Miller, Alexander, Clapp, Cloer, Coleman, Crane, Decker, Fairbank, Fritz, Garcia, Groff, Harvey, Hefley, Hodge, Hoppe, Jahn, Kester, King, Lawrence, Lee, Mace, Plant, Romanoff, Scott, Snook, Spence, Spradley, Stengel, Tochtrop, Weddig, and Williams S.

AN ACT**CONCERNING PROCEDURES FOR VOTING BY ABSENTEE BALLOT BY MEMBERS OF THE UNITED STATES ARMED FORCES STATIONED OUTSIDE OF THE UNITED STATES.**

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

SECTION 1. Part 1 of article 8 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-8-103.5. Voting by overseas military personnel. (1) THE DESIGNATED OR COORDINATED ELECTION OFFICIAL FOR A COUNTY OR OTHER POLITICAL SUBDIVISION, AS APPLICABLE, THAT MEETS THE REQUIREMENTS SPECIFIED IN RULES PROMULGATED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL PROVIDE AN ABSENTEE BALLOT BY ELECTRONIC MEANS TO AN ELIGIBLE ELECTOR WHO:

(a) IS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES;

(b) IS STATIONED OUTSIDE OF THE UNITED STATES; AND

(c) TIMELY FILED AN ABSENTEE BALLOT APPLICATION WITH THE DESIGNATED OR COORDINATED ELECTION OFFICIAL WITHIN THE DEADLINE SPECIFIED IN SECTION 1-8-104 (3).

(2) (a) THE ELIGIBLE ELECTOR MAY RETURN THE VOTED BALLOT TO THE DESIGNATED OR COORDINATED ELECTION OFFICIAL BY ELECTRONIC TRANSFER. IN ORDER TO BE COUNTED, THE RETURNED BALLOT SHALL BE RECEIVED IN THE OFFICE

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

OF THE DESIGNATED OR COORDINATED ELECTION OFFICIAL BY 7 P.M. ON ELECTION DAY. ONCE THE BALLOT IS RECEIVED BY THE DESIGNATED OR COORDINATED ELECTION OFFICIAL, A BIPARTISAN TEAM OF JUDGES SHALL DUPLICATE THE BALLOT, AND THE BALLOT SHALL BE COUNTED AS ALL OTHER ABSENTEE BALLOTS. DUPLICATING JUDGES SHALL NOT REVEAL HOW THE ELECTOR HAS CAST HIS OR HER BALLOT.

(b) ANY ELECTOR WHO RECEIVES AN ABSENTEE BALLOT PURSUANT TO THIS SECTION SHALL BE INFORMED IN THE INSTRUCTIONS FOR COMPLETING SAID BALLOT THAT THE BALLOT IS NOT A CONFIDENTIAL BALLOT.

(c) IN HANDLING A RETURNED BALLOT PURSUANT TO THIS SECTION, ALL REASONABLE MEANS SHALL BE TAKEN TO ENSURE THAT ONLY THE RECEIVING JUDGE IS AWARE OF INFORMATION CONNECTING THE ELECTOR TO THE RETURNED BALLOT.

(3) THE SECRETARY OF STATE MAY PRESCRIBE BY RULE ANY PROCEDURES OR REQUIREMENTS AS MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION. SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2002, and shall apply to any elections that take place on or after said date.

SECTION 3. 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: April 12, 2002