

CHAPTER 310

ELECTIONS

SENATE BILL 05-206

BY SENATOR(S) Tupa, Evans, Jones, Kester, Lamborn, May R., Taylor, Teck, Wiens, Gordon, Groff, Hanna, Shaffer, Spence, Tochtrop, Williams, and Windels;
also REPRESENTATIVE(S) White, Carroll T., Berens, Carroll M., Coleman, Green, Madden, Marshall, Massey, McGihon, Paccione, Plant, Romano, Solano, Sullivan, Todd, Buescher, Knoedler, Merrifield, and Pommer.

AN ACT

CONCERNING ELECTIONS, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE SECRETARY OF STATE'S BLUE RIBBON ELECTION PANEL, INCLUDING MODIFICATIONS TO THE ELECTION CALENDAR, REGULATION OF VOTER REGISTRATION DRIVES, AND THE USE OF PROVISIONAL BALLOTS, AND MAKING AN APPROPRIATION.

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

SECTION 1. 1-1-104 (50.5), Colorado Revised Statutes, is amended, and the said 1-1-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-1-104. Definitions - repeal. As used in this code, unless the context otherwise requires:

(22.7) "MANUAL COUNT" MEANS A COUNT CONDUCTED BY HAND OR BY SCANNING A BAR CODE.

~~(50.5) "Voter registration agency" means an office designated in section 1-2-504 to perform voter registration activities.~~

(50.2) "VOTER REGISTRATION AGENCY" MEANS AN OFFICE DESIGNATED IN SECTION 1-2-504 TO PERFORM VOTER REGISTRATION ACTIVITIES.

(50.4) "VOTER REGISTRATION DRIVE" MEANS THE DISTRIBUTION AND COLLECTION OF VOTER REGISTRATION APPLICATIONS BY TWO OR MORE PERSONS FOR DELIVERY TO A COUNTY CLERK AND RECORDER.

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

(50.5) "VOTER REGISTRATION DRIVE ORGANIZER" MEANS A PERSON, AS DEFINED IN SECTION 2-4-401 (8), THAT ORGANIZES A VOTER REGISTRATION DRIVE IN THE STATE.

(50.6) (a) "VOTER-VERIFIED PAPER RECORD" MEANS AN AUDITABLE PAPER RECORD THAT:

(I) IS AVAILABLE FOR THE ELECTOR TO INSPECT AND VERIFY BEFORE THE VOTE IS CAST;

(II) IS PRODUCED CONTEMPORANEOUSLY WITH OR EMPLOYED BY ANY VOTING SYSTEM;

(III) LISTS THE DESIGNATION OF EACH OFFICE, BALLOT ISSUE, OR BALLOT QUESTION, AND THE ELECTOR'S CHOICES IN SUCH OFFICES, ISSUES, OR QUESTIONS. IF THE ELECTOR MAKES NO SELECTION IN CONNECTION WITH ANY RACE, ISSUE, OR QUESTION, THAT FACT SHALL ALSO BE NOTED ON THE RECORD PRODUCED.

(IV) IS SUITABLE FOR A MANUAL AUDIT OR RECOUNT; AND

(V) IS CAPABLE OF BEING MAINTAINED AS AN ELECTION RECORD IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-7-802.

(b) ANY PAPER BALLOT THAT LISTS THE TITLE, ALONG WITH ANY NUMBER, AS APPLICABLE, OF EACH CANDIDATE RACE, BALLOT ISSUE, OR BALLOT QUESTION, ON WHICH THE ELECTOR HAS MARKED HIS OR HER CHOICES IN SUCH RACES, ISSUES, OR QUESTIONS SHALL CONSTITUTE A VOTER-VERIFIED PAPER RECORD FOR PURPOSES OF THIS SUBSECTION (50.6).

SECTION 2. 1-1-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-1-107. Powers and duties of secretary of state - penalty. (7) NO PERSON WHILE SERVING IN THE OFFICE OF SECRETARY OF STATE SHALL SERVE AS THE HIGHEST RANKING OFFICIAL, WHETHER ACTUAL OR HONORARY, IN THE CAMPAIGN OF ANY CANDIDATE FOR FEDERAL OR STATEWIDE OFFICE. THIS SUBSECTION (7) SHALL NOT APPLY TO A CAMPAIGN IN WHICH THE SECRETARY OF STATE IS THE CANDIDATE.

SECTION 3. Article 1 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 3

TRAINING AND CERTIFICATION OF ELECTION OFFICIALS

1-1-301. Certification program. (1) THE SECRETARY OF STATE SHALL ESTABLISH AND OPERATE OR PROVIDE BY CONTRACT A CERTIFICATION PROGRAM FOR LOCAL ELECTION OFFICIALS ON THE CONDUCT OF ELECTIONS, THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", P.L. No. 107-252, CODIFIED AT 42 U.S.C. SEC. 15301 ET SEQ., AND OTHER TOPICS RELATED TO ELECTIONS.

(2) THE SECRETARY OF STATE SHALL ESTABLISH BY RULE A CURRICULUM FOR THE

CERTIFICATION PROGRAM, INCLUDING CORE REQUIREMENTS AND ELECTIVES, THE REQUIRED NUMBER OF HOURS, AND METHODS FOR CONTINUING EDUCATION.

(3) THE SECRETARY OF STATE SHALL PROVIDE STAFFING AND SUPPORT SERVICES FOR THE CERTIFICATION PROGRAM.

(4) THE SECRETARY OF STATE SHALL APPOINT AN ADVISORY BOARD TO OVERSEE THE CERTIFICATION PROCESS AND THE DEVELOPMENT OF THE CURRICULUM.

1-1-302. Persons required to complete certification - deadline. (1) THE FOLLOWING PERSONS SHALL OBTAIN CERTIFICATION IN ACCORDANCE WITH THIS PART 3:

(a) THE COUNTY CLERK AND RECORDER;

(b) EMPLOYEES IN THE CLERK AND RECORDER'S OFFICE WHO ARE DIRECTLY RESPONSIBLE FOR OVERSEEING ELECTIONS; AND

(c) OTHER EMPLOYEES IN THE CLERK AND RECORDER'S OFFICE AT THE DISCRETION OF THE CLERK AND RECORDER.

(2) A PERSON REQUIRED TO OBTAIN CERTIFICATION SHALL:

(a) BEGIN THE CERTIFICATION PROCESS WITHIN ONE YEAR OF UNDERTAKING THE RESPONSIBILITIES FOR WHICH THE PERSON IS REQUIRED TO OBTAIN CERTIFICATION;

(b) COMPLETE THE CERTIFICATION REQUIREMENTS WITHIN ONE YEAR OF UNDERTAKING THE RESPONSIBILITIES FOR WHICH THE PERSON IS REQUIRED TO OBTAIN CERTIFICATION; AND

(c) COMPLY WITH THE CONTINUING EDUCATION REQUIREMENTS PRESCRIBED BY THE SECRETARY OF STATE BY RULE.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE AN ELECTED OFFICIAL TO ATTEND A COURSE OF INSTRUCTION OR OBTAIN A CERTIFICATION AS A CONDITION FOR SEEKING OR HOLDING ELECTIVE OFFICE OR AS A CONDITION FOR CARRYING OUT CONSTITUTIONAL AND STATUTORY DUTIES.

1-1-303. Certification courses. (1) THE CURRICULUM FOR CERTIFICATION IN ACCORDANCE WITH THIS PART 3 SHALL INCLUDE COURSES IN THE FOLLOWING AREAS:

(a) GENERAL ELECTION LAW;

(b) THE FEDERAL "HELP AMERICA VOTE ACT OF 2002"; AND

(c) PROFESSIONAL DEVELOPMENT.

(2) THE SECRETARY OF STATE SHALL OFFER CERTIFICATION COURSES AT LEAST ANNUALLY.

SECTION 4. 1-1.5-104, Colorado Revised Statutes, is amended BY THE

ADDITION OF A NEW SUBSECTION to read:

1-1.5-104. Powers and duties of secretary of state. (4) THE SECRETARY SHALL SEEK THE FULL AMOUNT OF FUNDS AVAILABLE TO THE STATE UNDER HAVA FOR DISTRIBUTION TO THE COUNTIES IN ACCORDANCE WITH HAVA.

SECTION 5. 1-2-103 (4), Colorado Revised Statutes, is amended to read:

1-2-103. Military service - students - inmates - mentally ill persons. (4) No person while serving a sentence of detention or confinement in a correctional facility, jail, or other location FOR A FELONY CONVICTION or while serving a sentence of parole shall be eligible to register to vote or to vote in any election; however, a confined prisoner who is awaiting trial but has not been tried shall be certified by the institutional administrator and shall be permitted to register to vote by mail registration pursuant to part 5 of this article.

SECTION 6. 1-2-201 (1), Colorado Revised Statutes, is amended to read:

1-2-201. Registration required - deadline. (1) No person shall be permitted to ~~vote~~ CAST A REGULAR BALLOT at any election without first having been registered within the time and in the manner required by the provisions of this ~~part 2~~ ARTICLE. No charge shall be made for registration.

SECTION 7. 1-2-216 (3), Colorado Revised Statutes, is amended to read:

1-2-216. Change of residence. (3) Any eligible elector who is unable to write may request assistance from the county clerk and recorder, and the county clerk and recorder shall sign the form, witnessing the elector's mark, or the elector may have his or her mark attested to by a ~~notary public~~ ANY OTHER PERSON on a prescribed form or personal letter, if the request is not made at the office of the county clerk and recorder.

SECTION 8. 1-2-217.5 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

1-2-217.5. Change in residence before close of registration - emergency registration at office of county clerk and recorder. (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 by completing an emergency registration affidavit as prescribed by the secretary of state if the elector:

(a) Appears in person at the primary office of the county clerk and recorder or at any office ~~regularly maintained~~ OR LOCATION AUTHORIZED by the county clerk and recorder and staffed by ~~regular employees~~ PERSONNEL AUTHORIZED BY THE COUNTY CLERK AND RECORDER; and

(2) The elector shall declare under oath in the emergency registration 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:

(a) The elector was registered to vote in a different county IN THIS STATE prior to the close of the registration books, failed to register with the county clerk and recorder within the prescribed period after a change of residence to a different county, and has not and will not cast a vote in the election in the county of previous residence;
~~or~~

(b) The elector applied to register to vote prior to the close of registration by federal postcard application, mail registration application, VOTER REGISTRATION DRIVE, or at a voter registration agency designated pursuant to the federal "National Voter Registration Act of 1993", 42 U.S.C. sec. 1973gg, as amended, and is able to provide the name and location of and the approximate date of registration application at such agency; OR

(c) THE ELECTOR APPLIED TO REGISTER TO VOTE PRIOR TO THE CLOSE OF REGISTRATION IN A VOTER REGISTRATION DRIVE AND IS ABLE TO SHOW THE RECEIPT FROM THE VOTER REGISTRATION APPLICATION THAT THE ELECTOR SUBMITTED TO THE VOTER REGISTRATION DRIVE.

SECTION 9. 1-2-509 (3), Colorado Revised Statutes, is amended to read:

1-2-509. Reviewing voter registration applications. (3) Within ~~two~~ TEN business days after receipt of the application, the county clerk and recorder shall notify each applicant of the disposition of the application by nonforwardable mail. If within ~~ten~~ TWENTY BUSINESS days AFTER RECEIPT OF THE APPLICATION the notification is returned to the county clerk and recorder as undeliverable, the applicant shall not be registered. If the notification is not returned within ~~ten~~ TWENTY BUSINESS days as undeliverable, then the applicant shall be deemed registered as of the date of the application; except that, if the applicant was notified that the application was not complete, then the applicant shall be deemed registered as of the date of the application if the additional information is provided at any time prior to the actual voting.

SECTION 10. 1-2-605 (10), Colorado Revised Statutes, is amended to read:

1-2-605. Canceling registration. (10) During the twenty-eight days prior to an election, if any PREVIOUSLY registered elector finds that his or her registration record has been canceled during the prior six years pursuant to this section, the elector shall have the canceled notation deleted and shall be reinstated and given a "Certificate of Reinstatement" if the elector provides proof to the county clerk and recorder that he or she has not moved OUTSIDE THE COUNTY since the last three general elections. The "Certificate of Reinstatement" may be issued any time during the twenty-eight days before or on election day, and the elector may then vote at his or her precinct polling place or, if authorized by the county clerk and recorder, at the office of the county clerk and recorder. THE COUNTY CLERK AND RECORDER SHALL NOT ISSUE A PROVISIONAL BALLOT IN LIEU OF OR TO SUBSTITUTE FOR A "CERTIFICATE OF REINSTATEMENT" TO AN ELECTOR WHO IS ENTITLED TO RECEIVE A "CERTIFICATE OF REINSTATEMENT" PURSUANT TO THIS SECTION.

SECTION 11. Article 2 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 7
VOTER REGISTRATION DRIVES

1-2-701. Registration of voter registration drive - training. (1) BEFORE COMMENCING A VOTER REGISTRATION DRIVE, A VOTER REGISTRATION DRIVE ORGANIZER SHALL FILE A STATEMENT OF INTENT TO CONDUCT A VOTER REGISTRATION DRIVE WITH THE SECRETARY OF STATE IN THE MANNER PRESCRIBED BY THE SECRETARY OF STATE BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S. THE VOTER REGISTRATION DRIVE ORGANIZER SHALL DESIGNATE ON THE STATEMENT THE AGENT OF THE VOTER REGISTRATION DRIVE, WHO SHALL BE A RESIDENT OF THE STATE.

(2) A VOTER REGISTRATION DRIVE ORGANIZER SHALL FULFILL THE TRAINING REQUIREMENTS ESTABLISHED BY THE SECRETARY OF STATE BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

1-2-702. Conducting a voter registration drive. (1) A VOTER REGISTRATION DRIVE ORGANIZER SHALL USE THE FORM OF THE VOTER REGISTRATION APPLICATION APPROVED BY THE SECRETARY OF STATE BY RULE.

(2) A CIRCULATOR WORKING ON A VOTER REGISTRATION DRIVE SHALL DELIVER A VOTER REGISTRATION APPLICATION COLLECTED FROM AN ELECTOR TO THE VOTER REGISTRATION DRIVE ORGANIZER. A VOTER REGISTRATION DRIVE ORGANIZER SHALL DELIVER A VOTER REGISTRATION APPLICATION COLLECTED FROM AN ELECTOR TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE ELECTOR RESIDES ACCORDING TO THE ADDRESS INDICATED ON THE APPLICATION. THE APPLICATION SHALL BE DELIVERED NO LATER THAN FIVE BUSINESS DAYS AFTER THE APPLICATION IS SIGNED, OR, IF THE APPLICATION IS SENT BY MAIL, IT SHALL BE POSTMARKED NO LATER THAN FIVE BUSINESS DAYS AFTER THE APPLICATION IS SIGNED; EXCEPT THAT AN APPLICATION SHALL BE DELIVERED OR MAILED NO LATER THAN THE REGISTRATION DEADLINE SET FORTH IN SECTION 1-2-201 (3).

(3) A VOTER REGISTRATION DRIVE ORGANIZER SHALL NOT COMPENSATE A CIRCULATOR WORKING ON THE VOTER REGISTRATION DRIVE BASED ON THE NUMBER OF VOTER REGISTRATION APPLICATIONS THE CIRCULATOR DISTRIBUTES OR COLLECTS.

1-2-703. Violations - penalties. (1) A VOTER REGISTRATION DRIVE ORGANIZER THAT CONDUCTS A VOTER REGISTRATION DRIVE WITHOUT FILING THE STATEMENT OF INTENT WITH THE SECRETARY OF STATE IN ACCORDANCE WITH SECTION 1-2-701 OR WITHOUT MAINTAINING A DESIGNATED AGENT IN THE STATE OR THAT USES A VOTER REGISTRATION APPLICATION FORM OTHER THAN THE FORM APPROVED BY THE SECRETARY OF STATE BY RULE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 1-13-111.

(2) A VOTER REGISTRATION DRIVE ORGANIZER THAT FAILS TO FULFILL THE TRAINING REQUIREMENTS ESTABLISHED BY THE SECRETARY OF STATE IN ACCORDANCE WITH SECTION 1-2-701 (2) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 1-13-111.

(3) A VOTER REGISTRATION DRIVE ORGANIZER THAT NEGLIGENTLY FAILS TO DELIVER A VOTER REGISTRATION APPLICATION TO THE PROPER COUNTY CLERK AND

RECORDER IN THE MANNER AND TIME PRESCRIBED BY SECTION 1-2-702 (2) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 1-13-111. IN ADDITION TO THE PENALTY IMPOSED UNDER SECTION 1-13-111, A VOTER REGISTRATION DRIVE ORGANIZER THAT NEGLIGENTLY FAILS TO DELIVER A VOTER REGISTRATION APPLICATION TO THE PROPER COUNTY CLERK AND RECORDER WITHIN THE TIME PRESCRIBED BY SECTION 1-2-702 (2) SHALL BE PUNISHED BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH BUSINESS DAY OF VIOLATION.

(4) A VOTER REGISTRATION DRIVE ORGANIZER THAT COMPENSATES A CIRCULATOR WORKING ON A VOTER REGISTRATION DRIVE BASED ON THE NUMBER OF VOTER REGISTRATION APPLICATIONS THE CIRCULATOR DISTRIBUTES OR COLLECTS IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 1-13-111.

SECTION 12. 1-3-102 (1) (a) (I), Colorado Revised Statutes, is amended to read:

1-3-102. Precinct caucuses. (1) (a) (I) Precinct committee persons and delegates to county assemblies shall be elected at precinct caucuses that shall be held in a public place or in a private home that is open to the public during the caucus in or proximate to each precinct at a time and place to be fixed by the county central committee or executive committee of each political party on the ~~second~~ **second** THURSDAY in ~~April~~ **APRIL** MARCH in each even-numbered year, which day shall be known as "precinct caucus day".

SECTION 13. 1-4-303 (1), Colorado Revised Statutes, is amended to read:

1-4-303. Nomination of unaffiliated candidates. (1) No later than one hundred ~~twenty~~ **forty** days before the general election, ~~persons~~ A PERSON who ~~desire~~ **DESIRE**S to be an unaffiliated candidate for the ~~offices~~ **OFFICE** of president ~~and~~ OR vice president of the United States shall submit to the secretary of state either a notarized candidate's statement of intent together with a nonrefundable filing fee of five hundred dollars or a petition for nomination pursuant to the provisions of section 1-4-802 and shall include either on the petition or with the filing fee the names of registered electors who are thus nominated as presidential electors. The acceptance of each of the electors shall be endorsed as appended to the first or last page of the nominating petition or the filing fee.

SECTION 14. 1-4-601 (1), Colorado Revised Statutes, is amended to read:

1-4-601. Designation of candidates for primary election. (1) Assemblies of the major political parties may make assembly designations of candidates for nomination on the primary election ballot. An assembly shall be held no later than ~~sixty-five~~ **SEVENTY** days preceding the primary election.

SECTION 15. 1-4-602 (1) (a) (I), Colorado Revised Statutes, is amended to read:

1-4-602. Delegates to party assemblies. (1) (a) (I) County assemblies shall be held not less than ten days nor more than thirty days after the precinct caucuses held on the ~~second~~ **second** THURSDAY in ~~April~~ **APRIL** MARCH. The county central committee or executive committee shall fix the number of delegates from each precinct to

participate in the county assembly pursuant to the procedure for the selection of delegates contained in the state party central committee's bylaws or rules. The persons receiving the highest number of votes at the precinct caucus shall be the delegates to the county assembly from the precinct. If two or more candidates receive an equal number of votes for the last available place in the election of delegates to county assemblies at the precinct caucuses, the delegate shall be determined by lot by the candidates. Except as provided in subsections (2) and (6) of this section, delegates to all other party assemblies shall be selected by the respective county assemblies from among the members of the county assemblies pursuant to the state party central committee's bylaws or rules.

SECTION 16. 1-4-801 (5), Colorado Revised Statutes, is amended to read:

1-4-801. Designation of party candidates by petition. (5) Party petitions shall not be circulated nor any signatures be obtained prior to the ~~first~~ LAST Monday in ~~April~~ MARCH. Petitions shall be filed no later than ~~seventy~~ SEVENTY-FIVE days before the primary election.

SECTION 17. 1-4-802 (1) (d) and (1) (f), Colorado Revised Statutes, are amended to read:

1-4-802. Petitions for nominating minor political party and unaffiliated candidates for a partisan office. (1) Candidates for partisan public offices to be filled at a general or congressional vacancy election who do not wish to affiliate with a major political party may be nominated, other than by a primary election or a convention, in the following manner:

(d) (I) No petition to nominate an unaffiliated candidate, except petitions for candidates for vacancies to unexpired terms of representatives in congress and for presidential electors, shall be circulated or any signatures obtained thereon earlier than one hundred ~~sixty-five~~ EIGHTY-SIX days before the general election.

(II) No petition to nominate a minor political party candidate shall be circulated nor any signatures obtained thereon earlier than the ~~first~~ LAST Monday in ~~April~~ MARCH in the general election year.

(f) (I) Except as provided by subparagraph (II) of this paragraph (f), petitions shall be filed ~~not~~ NO later than 3 p.m. on the one hundred ~~twentieth~~ FORTIETH day before the general election or 3 p.m. on the fifty-fifth day preceding the congressional vacancy election.

(II) Petitions to nominate candidates of minor political parties shall be filed ~~not~~ NO later than 3 p.m. on the ~~seventieth day~~ SEVENTY-FIVE DAYS before the primary election as specified in section 1-4-101.

SECTION 18. 1-4-912 (1), Colorado Revised Statutes, is amended to read:

1-4-912. Cure. (1) In case a petition for nominating an unaffiliated candidate is not sufficient, it may be amended once no later than 3 p.m. ~~seventy-seven days~~ ON THE NINETY-FIFTH DAY before the general election, 3 p.m. on the fifty-fifth day preceding a congressional vacancy election, or 3 p.m. ~~sixty-seven days prior to~~ ON

THE SIXTY-SEVENTH DAY BEFORE an election ~~which~~ THAT is not being held concurrently with the general election. If a petition for nominating an unaffiliated candidate is amended, ~~prior to 3 p.m. on the seventh day following a primary election;~~ the designated election official shall notify the candidate of whether the petition is sufficient or insufficient no later than the ~~seventy-fifth~~ NINETIETH day before the general election.

SECTION 19. 1-4-1002 (1), (2), (2.3) (a), (3), (4), (4.5), (5) (a), (6), (7) (b), and (7) (c), Colorado Revised Statutes, are amended to read:

1-4-1002. Vacancies in designation or nomination. (1) Any vacancy in a party designation occurring after the party assembly at which the designation was made and no later than ~~sixty-one~~ SIXTY-EIGHT days before the primary election may be filled by the party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in designation has occurred. A vacancy may be caused by the declination, death, disqualification, or withdrawal of any person designated by the assembly as a candidate for nomination, or by failure of the assembly to make designation of any candidate for nomination, or by death or resignation of any elective officer after an assembly at which a candidate could have been designated for nomination for the office at a primary election had the vacancy then existed. No person is eligible for appointment to fill a vacancy in a party designation unless that person meets all requirements of candidacy as of the date of the assembly that made the original designation.

(2) Any vacancy in a party designation occurring during the ~~sixty~~ SIXTY-SEVEN days before the primary election or any vacancy in a party nomination occurring on or after the day of the primary election and no later than ~~sixty-one~~ SEVENTY days before the general election may be filled by the respective party assembly vacancy committee of the district, county, or state, depending upon the office for which the vacancy in designation or nomination has occurred. A vacancy may be caused by the declination, death, disqualification, resignation, or withdrawal of any person previously designated or of any person nominated at the primary election or by declination, death, disqualification, or withdrawal of any elective officer after a primary election at which a nomination could have been made for the office had the vacancy then existed. No person is eligible for appointment to fill a vacancy in the party designation or nomination unless that person meets all of the requirements of candidacy as of the date of the primary election.

(2.3) (a) Any vacancy in a party nomination, other than a vacancy for a party nomination for lieutenant governor for a general election occurring after January 1, 2001, that occurs after the day of the primary election and more than eighteen days but less than ~~sixty-one~~ SEVENTY days before the general election may be filled by the respective party assembly vacancy committee of the district, county, or state, as appropriate, depending upon the office for which the vacancy in nomination has occurred in accordance with the provisions of subsection (9) of this section. Any vacancy in a party nomination for lieutenant governor for a general election occurring after January 1, 2001, shall be filled by a replacement candidate for lieutenant governor who shall be nominated by the party's candidate for governor to fill the vacancy. A vacancy may be caused by the declination, death, disqualification, resignation, or withdrawal of any person nominated at the primary election or by the declination, death, disqualification, resignation, or withdrawal of any elective officer

after a primary election at which a nomination could have been made for the office had the vacancy then existed. No person is eligible for appointment to fill a vacancy in the party nomination unless that person meets all of the requirements of candidacy as of the date of the primary election.

(3) Any vacancy in a party nomination occurring after the convention or assembly at which the nomination was made and no later than ~~sixty-one~~ SEVENTY days before the congressional vacancy election, caused by the declination, death, disqualification, or withdrawal of any person nominated at the convention, may be filled in the same manner required for the original nomination. If the original nomination was made by a party convention or assembly that had delegated to a committee the power to fill vacancies, the committee may proceed to fill the same vacancy when it occurs. No person is eligible for appointment to fill a vacancy in the party nomination unless that person meets all of the requirements of candidacy as of the date of the convention or assembly at which the original nomination was made.

(4) Any vacancy in a nomination for an unaffiliated candidate caused by the declination, death, or withdrawal of any person nominated by petition or statement of intent occurring after the filing of the petition for nomination or the submittal of a statement of intent under section 1-4-303 and no later than ~~sixty-one~~ SEVENTY days before the general or congressional vacancy election may be filled by the person or persons designated on the petition or statement of intent to fill vacancies.

(4.5) Any vacancy in a nomination for a minor political party candidate occurring after the filing of the certificate of designation pursuant to section 1-4-1304 (3) and no later than ~~sixty-one~~ SEVENTY days before the general or congressional vacancy election, which is caused by the declination, death, or withdrawal of any person nominated by the minor political party, may be filled by the person or persons designated in the constitution or bylaws of the minor political party to fill vacancies.

(5) (a) The persons designated to fill any of the vacancies in subsections (1) to (4.5) of this section shall file with the designated election official with whom the original certificate of petition was filed any certificate of designation or nomination to fill the vacancy and a written acceptance signed by the person designated or nominated no later than the close of business on the ~~sixtieth~~ SIXTY-SEVENTH day before the PRIMARY election ~~affected by the vacancy~~; OR THE SIXTY-NINTH DAY BEFORE THE GENERAL ELECTION, DEPENDING ON WHEN THE VACANCY OCCURRED; except that, in the case of a vacancy filled pursuant to the provisions of subsection (2.3) of this section, such filing shall be done no later than the seventh day before the election affected by the vacancy.

(6) When the secretary of state or the county clerk and recorder receives a certificate of nomination to fill a vacancy, that official, in certifying the list of designees or nominees, shall replace the name of the original candidate with that of the replacement candidate. In the event the secretary of state has already certified the list, the secretary of state shall forthwith certify to the county clerk and recorders of the affected counties the name of the new nominee, the office for which the nomination is made, and the name of the person for whom the nominee is substituted. The secretary of state and the county clerk and recorders shall not accept any certificates of nomination to fill vacancies after the ~~sixtieth~~ SIXTY-SEVENTH day before election day; except that, in the case of a vacancy filled pursuant to the

provisions of subsection (2.3) of this section, the secretary of state and the county clerk and recorder shall not accept any certificates of nomination to fill vacancies after the seventh day before election day.

(7) Except as otherwise provided in subsection (7.3) of this section, any vacancy in a statewide or county office, in the office of district attorney, or in the office of a state senator occurring during a term of office shall be filled at the next general election with nomination or designation by the political party as follows:

(b) If the vacancy occurs after the political party assembly and no later than ~~sixty-one~~ SIXTY-EIGHT days before the primary election, the designated election official shall add the office to the notice of election and notify the chairperson of each major political party that the office will be on the ballot for the next primary election. Candidates for the office shall be designated as provided in section 1-4-603 or by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district.

(c) If the vacancy occurs during the ~~sixty~~ SIXTY-SEVEN days before the primary election or after the primary election and no later than ~~sixty-one~~ SIXTY-EIGHT days before the general election, the designated election official shall add the office to the notice of election for the general election. Nominations for the office shall be made by the respective party central committee vacancy committee for the state, county, judicial district, or state senate district or as provided in section 1-4-802 for the nomination of unaffiliated candidates.

SECTION 20. 1-4-1102 (1), Colorado Revised Statutes, is amended to read:

1-4-1102. Time of filing affidavit. (1) Except as provided in subsection (2) of this section, the affidavit of intent shall be filed by the close of business on the ~~sixtieth~~ SIXTY-SEVENTH DAY BEFORE A PRIMARY ELECTION AND BY THE CLOSE OF BUSINESS ON THE SEVENTIETH day before ~~the~~ ANY OTHER election.

SECTION 21. The introductory portion to 1-5-203 (1) and 1-5-203 (3) (a), Colorado Revised Statutes, are amended to read:

1-5-203. Certification of ballot. (1) No later than ~~fifty-five~~ SIXTY days before any primary ~~general, or odd-year November~~ election, and no later than ~~fifty-five~~ FIFTY-SEVEN days before any GENERAL OR ODD-YEAR NOVEMBER ELECTION OR congressional vacancy election, the secretary of state shall deliver by electronic transmission and registered mail to the county clerk and recorder of each county a certificate in writing of the ballot order and content for each county, as follows:

(3) (a) No later than ~~fifty-five~~ SIXTY 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.

SECTION 22. Article 5 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 8
VOTER-VERIFIED PAPER RECORD

1-5-801. Acquisition of voting systems - voter-verified paper record. (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, A POLITICAL SUBDIVISION SHALL NOT ACQUIRE A VOTING SYSTEM UNLESS THE VOTING SYSTEM IS CAPABLE OF PRODUCING A VOTER-VERIFIED PAPER RECORD OF EACH ELECTOR'S VOTE.

(2) A POLITICAL SUBDIVISION SHALL NOT ACQUIRE A VOTING DEVICE THAT HAS BEEN RETROFITTED TO COMPLY WITH THIS PART 8 UNLESS THE VOTING DEVICE HAS BEEN CERTIFIED BY AN INDEPENDENT TESTING AUTHORITY AND THE SECRETARY OF STATE.

1-5-802. Use of voting systems - voter-verified paper record. (1) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS ARTICLE, THE VOTING SYSTEM USED IN EACH PRIMARY, GENERAL, COORDINATED, OR CONGRESSIONAL DISTRICT VACANCY ELECTION HELD IN THE STATE ON AND AFTER JANUARY 1, 2010, SHALL HAVE THE CAPABILITY TO PRODUCE A VOTER-VERIFIABLE PAPER RECORD OF EACH ELECTOR'S VOTE. BEFORE AN ELECTOR'S VOTE IS CAST, THE ELECTOR SHALL HAVE THE OPPORTUNITY, IN PRIVATE AND WITHOUT ASSISTANCE, TO INSPECT AND VERIFY THAT THE VOTER-VERIFIED PAPER RECORD CORRECTLY REFLECTS THE ELECTOR'S CHOICES.

(2) THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION SHALL APPLY TO EACH PRIMARY, GENERAL, COORDINATED, OR CONGRESSIONAL DISTRICT VACANCY ELECTION CONDUCTED BY A COUNTY CLERK AND RECORDER ON AND AFTER JANUARY 1, 2008, IF THE GOVERNING BODY OF THE COUNTY DETERMINES THAT:

(a) THE TECHNOLOGY NECESSARY TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION IS AVAILABLE; AND

(b) (I) SUFFICIENT FEDERAL OR STATE FUNDS ARE AVAILABLE TO ACQUIRE OR RETROFIT VOTING DEVICES THAT COMPLY WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION; OR

(II) IT IS OTHERWISE FINANCIALLY FEASIBLE FOR THE COUNTY TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

(3) UPON SATISFACTION BY A COUNTY OF THE REQUIREMENTS OF THIS SECTION, THE VOTER-VERIFIED PAPER RECORD OF EACH ELIGIBLE ELECTOR'S VOTE, WHETHER FILLED OUT BY HAND OR PRODUCED BY A VOTING MACHINE OR BALLOT MARKING DEVICE, SHALL BE PRESERVED AS AN ELECTION RECORD PURSUANT TO SECTION 1-7-802 AND SHALL CONSTITUTE AN OFFICIAL RECORD OF THE ELECTION.

(4) NO VOTING DEVICE SHALL BE REMOTELY ACCESSED OR REMOTELY ACCESSIBLE UNTIL AFTER THE CLOSE OF VOTING AND A RESULTS TOTAL TAPE HAS BEEN PRINTED, AS APPLICABLE.

SECTION 23. 1-6-101 (5), Colorado Revised Statutes, is amended to read:

1-6-101. Definitions - qualifications for election judges - student election judges - legislative declaration. (5) The county clerk and recorder or the designated election official shall hold a class of instruction concerning the tasks of an election judge and a special school of instruction concerning the task of a supply judge not more than ~~twenty~~ THIRTY-TWO days prior to each election.

SECTION 24. 1-7-103 (5) (c), Colorado Revised Statutes, is amended to read:

1-7-103. No voting unless eligible - first-time voters casting a ballot in person after having registered by mail to vote. (5) (c) Any person who desires to cast his or her ballot in person but does not satisfy the requirements of paragraph (b) of this subsection (5) may cast a provisional ballot in accordance with the requirements of ~~part 3 of article 9~~ ARTICLE 8.5 of this title.

SECTION 25. 1-7-110 (4), Colorado Revised Statutes, is amended to read:

1-7-110. Preparing to vote. (4) An eligible elector who is unable to produce identification may cast a provisional ballot in accordance with ~~part 3 of article 9~~ ARTICLE 8.5 of this title.

SECTION 26. The introductory portion to 1-7-116 (2), Colorado Revised Statutes, is amended to read:

1-7-116. Coordinated elections. (2) The political subdivisions for which the county clerk and recorder will conduct the coordinated election shall enter into an agreement with the county clerk and recorder for the county or counties in which the political subdivision is located concerning the conduct of the coordinated election. The agreement shall be signed no later than ~~sixty~~ SEVENTY days prior to the scheduled election. The agreement shall include but not be limited to the following:

SECTION 27. Part 5 of article 7 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

1-7-509. Electronic and electromechanical vote counting - testing of equipment required. (1) (a) AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM SHALL BE TESTED AT THE CONCLUSION OF MAINTENANCE AND TESTING. THE TESTS SHALL BE SUFFICIENT TO DETERMINE THAT THE VOTING SYSTEM IS PROPERLY PROGRAMMED, THE ELECTION IS CORRECTLY DEFINED ON THE VOTING SYSTEM, AND ALL OF THE VOTING SYSTEM'S INPUT, OUTPUT, AND COMMUNICATION DEVICES ARE WORKING PROPERLY.

(b) THE DESIGNATED ELECTION OFFICIAL SHALL CONDUCT AT LEAST THREE TESTS ON ALL ELECTRONIC AND ELECTROMAGNETIC VOTING EQUIPMENT, INCLUDING A HARDWARE TEST, A PUBLIC LOGIC AND ACCURACY TEST CONDUCTED IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, AND A POSTELECTION TEST OR AUDIT CONDUCTED IN ACCORDANCE WITH RULES PROMULGATED BY THE SECRETARY OF STATE. EACH TYPE OF BALLOT, INCLUDING ABSENTEE, EARLY VOTING, PROVISIONAL, PRECINCT, AND AUDIO BALLOTS, SHALL BE TESTED IN ACCORDANCE WITH RULES PROMULGATED BY THE SECRETARY OF STATE. THE TESTS SHALL ENSURE THAT THE EQUIPMENT WILL CORRECTLY COUNT THE VOTES CAST FOR ALL OFFICES AND ON ALL BALLOT QUESTIONS AND BALLOT ISSUES AND THAT THE VOTING SYSTEM WILL

ACCURATELY COUNT BALLOTS OF ALL TYPES.

(c) THE DESIGNATED ELECTION OFFICIAL SHALL SELECT A TESTING BOARD COMPRISING AT LEAST TWO PERSONS, ONE FROM EACH MAJOR POLITICAL PARTY, FROM THE LIST PROVIDED BY THE MAJOR POLITICAL PARTIES PURSUANT TO SECTION 1-6-102.

(2)(a) A PUBLIC TEST OF VOTING EQUIPMENT SHALL BE CONDUCTED PRIOR TO THE COMMENCEMENT OF VOTING IN ACCORDANCE WITH THIS SECTION BY PROCESSING A PREAUDITED GROUP OF BALLOTS PRODUCED SO AS TO RECORD A PREDETERMINED NUMBER OF VALID VOTES FOR EACH CANDIDATE AND ON EACH BALLOT QUESTION OR BALLOT ISSUE. THE TEST SHALL ENSURE THAT THE SYSTEM ACCURATELY RECORDS VOTES WHEN THE ELECTOR HAS THE OPTION OF VOTING FOR MORE THAN ONE CANDIDATE IN A RACE. THE TEST SHALL ENSURE THAT THE VOTING SYSTEM PROPERLY REJECTS AND DOES NOT COUNT OVERVOTES AND UNDERVOTES.

(b) THE PUBLIC TEST SHALL BE OPEN TO REPRESENTATIVES OF THE POLITICAL PARTIES, THE PRESS, AND THE PUBLIC, SUBJECT TO THE RULES PROMULGATED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION (6) OF THIS SECTION. EACH MAJOR POLITICAL PARTY, MINOR POLITICAL PARTY, BALLOT ISSUE COMMITTEE THAT HAS AN ISSUE ON THE BALLOT, AND COORDINATING ENTITY MAY DESIGNATE ONE PERSON, WHO SHALL BE ALLOWED TO WITNESS ALL PUBLIC TESTS AND THE COUNTING OF PRETEST VOTES. IF AN OBSERVER OR DESIGNEE HINDERS OR DISTURBS THE TEST PROCESS, THE DESIGNATED ELECTION OFFICIAL MAY REMOVE THE PERSON FROM THE TEST AREA. AN OBSERVER OR DESIGNEE WHO HAS BEEN REMOVED FROM A PUBLIC TEST MAY BE BARRED FROM FUTURE TESTS. THE ABSENCE OF OBSERVERS OR DESIGNEES SHALL NOT DELAY OR STOP THE PUBLIC TEST.

(c) THE TESTING BOARD SHALL CONVENE AND DESIGNATE AT LEAST ONE MEMBER TO REPRESENT THE BOARD DURING THE TESTING, SIGN THE NECESSARY REPORTS, AND REPORT TO THE BOARD. THE PROGRAMS AND BALLOTS USED FOR TESTING SHALL BE ATTESTED TO AND SEALED BY THE BOARD AND RETAINED IN THE CUSTODY OF THE DESIGNATED ELECTION OFFICIAL. THE ABSENCE OF A MEMBER OF THE TESTING BOARD SHALL NOT DELAY OR STOP THE TEST.

(d) UPON COMPLETION OF THE TESTING CONDUCTED PURSUANT TO THIS SECTION, THE TESTING BOARD OR ITS REPRESENTATIVE AND THE REPRESENTATIVES OF THE POLITICAL PARTIES, BALLOT ISSUE COMMITTEES, AND COORDINATING ENTITIES WHO ATTENDED THE TEST MAY WITNESS THE RESETTING OF EACH DEVICE THAT PASSED THE TEST TO A PREELECTION STATE OF READINESS AND THE SEALING OF EACH SUCH DEVICE IN ORDER TO SECURE ITS STATE OF READINESS.

(e) THE TESTING BOARD OR ITS REPRESENTATIVE SHALL SIGN A WRITTEN STATEMENT INDICATING THE DEVICES TESTED, THE RESULTS OF THE TESTING, THE PROTECTIVE COUNTER NUMBERS OF EACH DEVICE, IF APPLICABLE, THE NUMBER OF THE SEAL ATTACHED TO EACH DEVICE UPON COMPLETION OF THE TESTING, ANY PROBLEMS REPORTED TO THE DESIGNATED ELECTION OFFICIAL AS A RESULT OF THE TESTING, AND WHETHER EACH DEVICE TESTED IS SATISFACTORY OR UNSATISFACTORY.

(3) NOTICE OF THE FACT THAT THE PUBLIC TEST WILL TAKE PLACE SHALL BE POSTED IN THE DESIGNATED PUBLIC PLACE FOR POSTING NOTICES IN THE COUNTY FOR AT LEAST SEVEN DAYS BEFORE THE PUBLIC TEST. THE NOTICE SHALL INDICATE THE

GENERAL TIME FRAME DURING WHICH THE TEST MAY TAKE PLACE AND THE MANNER IN WHICH MEMBERS OF THE PUBLIC MAY OBTAIN SPECIFIC INFORMATION ABOUT THE TIME AND PLACE OF THE TEST. NOTHING IN THIS SUBSECTION (3) SHALL PRECLUDE THE USE OF ADDITIONAL METHODS OF PROVIDING INFORMATION ABOUT THE PUBLIC TEST TO MEMBERS OF THE PUBLIC.

(4) (a) If any tested device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the testing board shall attempt to determine the cause of the error, attempt to identify and test other devices that could reasonably be expected to have the same error, and test a number of additional devices sufficient to determine that all other devices are satisfactory. The cause of any error detected shall be corrected, and an errorless count shall be made before the voting equipment is approved. The test shall be repeated and errorless results achieved before official ballots are counted.

(b) If an error is detected in the operation or output of an electronic voting device, including an error in spelling or in the order of candidates on a ballot, the problem shall be reported to the testing board and the designated election official. The designated election official shall correct the error.

(c) A voting device deemed unsatisfactory shall be recoded, repaired, or replaced and shall be made available for retesting unless a sufficient number of tested backup devices is available to replace the unsatisfactory device. The backup device may not be used in the election unless the testing board or its representative determines that the device is satisfactory. The designated election official shall announce at the conclusion of the first testing the date, place, and time that an unsatisfactory device will be retested, or, at the option of the testing board, the designated election official shall notify by telephone each person who was present at the first testing of the date, place, and time of the retesting.

(5) The designated election official shall keep records of all previous testing of electronic and electromechanical tabulation devices used in any election. Such records shall be available for inspection and reference during public testing by any person in attendance. The need of the testing board for access to such records during the testing shall take precedence over the need of other attendees for access so that the work of the testing board will not be hindered. Records of testing shall include, for each device, the name of the person who tested the device and the date, place, time, and results of each test. Records of testing shall be retained as part of the official records of the election in which the device is used.

(6) The secretary of state shall promulgate rules in accordance with article 4 of title 24, C.R.S., prescribing the manner of performing the logic and accuracy testing required by this section.

1-7-510. Election software code - escrow - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ELECTION SETUP RECORDS" MEANS THE ELECTRONIC RECORDS GENERATED BY ELECTION TABULATION SOFTWARE DURING ELECTION SETUP TO DEFINE BALLOTS, TABULATION INSTRUCTIONS, AND OTHER FUNCTIONS RELATED TO THE ELECTION.

(2) AT THE CONCLUSION OF PROGRAMMING AND AFTER IT HAS BEEN DETERMINED THAT A VOTING SYSTEM IS IN PROPER WORKING ORDER AND READY FOR VOTING, THE DESIGNATED ELECTION OFFICIAL SHALL DEPOSIT A COPY OF THE ELECTION SETUP RECORDS FOR A COUNTY, STATEWIDE, OR CONGRESSIONAL VACANCY ELECTION WITH THE SECRETARY OF STATE NO LATER THAN 5:00 P.M. ON THE SEVENTH DAY BEFORE THE ELECTION.

(3) IF THE ELECTION SETUP RECORDS ARE MODIFIED OR ALTERED AFTER THEY ARE SUBMITTED TO THE SECRETARY OF STATE, THE DESIGNATED ELECTION OFFICIAL SHALL IMMEDIATELY REPORT THE CHANGE TO THE SECRETARY OF STATE AND DEPOSIT THE MODIFIED ELECTION SETUP RECORDS WITH THE SECRETARY OF STATE NO LATER THAN NOON ON THE DAY OF THE ELECTION.

(4) THE SECRETARY OF STATE SHALL RETAIN ELECTION SETUP RECORDS FOR SIX MONTHS, AFTER WHICH THE SECRETARY OF STATE SHALL RETURN THE ELECTION SETUP RECORDS TO THE DESIGNATED ELECTION OFFICIAL. THE DESIGNATED ELECTION OFFICIAL SHALL RETAIN THE ELECTION SETUP RECORDS FOR THE PERIOD OF TIME FOR WHICH THE DESIGNATED ELECTION OFFICIAL IS REQUIRED TO RETAIN OFFICIAL ELECTION RECORDS.

(5) ELECTION SETUP RECORDS DEPOSITED WITH THE SECRETARY OF STATE SHALL NOT BE USED FOR ANY PURPOSE, EXCEPT AS DIRECTED BY THE SECRETARY OF STATE OR ORDERED BY A COURT. THE TAPE, DISKETTE, CARTRIDGE, OR OTHER MAGNETIC OR ELECTRONIC STORAGE MEDIUM CONTAINING ELECTION SETUP RECORDS DEPOSITED WITH THE SECRETARY OF STATE SHALL BE KEPT IN A SECURE LOCATION WHEN NOT BEING USED FOR AN OFFICIAL PURPOSE IN ACCORDANCE WITH THIS SUBSECTION (5).

(6) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., TO IMPLEMENT THIS SECTION.

(7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ELECTION SETUP RECORDS DEPOSITED WITH THE SECRETARY OF STATE PURSUANT TO THIS SECTION SHALL NOT BE PUBLIC RECORDS FOR PURPOSES OF ARTICLE 72 OF TITLE 24, C.R.S.

1-7-511. Election software - voting equipment providers - escrow - definitions. (1) WHEN A VOTING SYSTEM PROVIDER SUBMITS AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM FOR CERTIFICATION PURSUANT TO PART 6 OF ARTICLE 5 OF THIS TITLE, THE VOTING SYSTEM PROVIDER SHALL PLACE IN ESCROW WITH THE SECRETARY OF STATE OR AN INDEPENDENT ESCROW AGENT APPROVED BY THE SECRETARY OF STATE ONE COPY OF THE ELECTION SOFTWARE BEING CERTIFIED AND SUPPORTING DOCUMENTATION. THE VOTING SYSTEM PROVIDER SHALL PLACE IN ESCROW ANY SUBSEQUENT CHANGES TO THE ESCROWED ELECTION SOFTWARE OR SUPPORTING DOCUMENTATION.

(2) AN OFFICER OF THE VOTING SYSTEM PROVIDER WITH LEGAL AUTHORITY TO

BIND THE VOTING SYSTEM PROVIDER SHALL SIGN A SWORN AFFIDAVIT THAT THE ELECTION SOFTWARE IN ESCROW IS THE SAME AS THE ELECTION SOFTWARE BEING USED IN ITS VOTING SYSTEMS IN THIS STATE. THE OFFICER SHALL ENSURE THAT THE STATEMENT IS TRUE ON A CONTINUING BASIS.

(3) AS AN ADDITIONAL REQUIREMENT FOR CERTIFICATION, THE VOTING SYSTEM PROVIDER SHALL DEPOSIT ONE COPY OF THE ELECTION SOFTWARE WITH THE NATIONAL SOFTWARE REFERENCE LIBRARY AT THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(4) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., PRESCRIBING THE MANNER AND PROCEDURES THAT VOTING SYSTEM PROVIDERS SHALL FOLLOW TO COMPLY WITH THIS SECTION.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ELECTION SOFTWARE" MEANS THE SOFTWARE TO BE INSTALLED OR RESIDING ON ELECTION EQUIPMENT FIRMWARE OR ON ELECTION MANAGEMENT COMPUTERS THAT CONTROLS ELECTION SETUP, VOTE RECORDING, VOTE TABULATION, AND REPORTING.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ELECTION SOFTWARE AND SUPPORTING DOCUMENTATION PLACED IN ESCROW IN ACCORDANCE WITH THIS SECTION SHALL NOT BE PUBLIC RECORDS FOR PURPOSES OF ARTICLE 72 OF TITLE 24, C.R.S.

1-7-512. Voting system providers - duties. (1) A VOTING SYSTEM PROVIDER UNDER CONTRACT TO PROVIDE A VOTING SYSTEM TO A POLITICAL SUBDIVISION IN THIS STATE SHALL:

(a) NOTIFY THE SECRETARY OF STATE OF THE INSTALLATION OF ANY HARDWARE, FIRMWARE, OR SOFTWARE PRIOR TO THE INSTALLATION OR OF ANY CHANGE IN THE ELECTION SOFTWARE OR THE VOTING SYSTEM;

(b) PLACE IN ESCROW WITH THE SECRETARY OF STATE OR AN INDEPENDENT ESCROW AGENT APPROVED BY THE SECRETARY OF STATE, IMMEDIATELY AFTER THE INSTALLATION OF ELECTION SOFTWARE, ONE COPY OF THE STATE CERTIFIED ELECTION SOFTWARE THAT WAS INSTALLED IN EACH POLITICAL SUBDIVISION, ALONG WITH SUPPORTING DOCUMENTATION;

(c) PLACE IN ESCROW WITH THE SECRETARY OF STATE ANY SUBSEQUENT CHANGES TO THE ESCROWED ELECTION SOFTWARE OR SUPPORTING DOCUMENTATION;

(d) PROVIDE TO THE SECRETARY OF STATE A SWORN STATEMENT BY AN OFFICER OF THE VOTING SYSTEM PROVIDER WITH LEGAL AUTHORITY TO BIND THE VOTING SYSTEM PROVIDER ATTESTING THAT THE ELECTION SOFTWARE IN ESCROW IS THE SAME AS THE ELECTION SOFTWARE CERTIFIED FOR USE IN ITS VOTING SYSTEMS IN THIS STATE, AND ENSURE THAT THE STATEMENT IS TRUE ON A CONTINUING BASIS;

(e) NOTIFY THE SECRETARY OF STATE AND THE DESIGNATED ELECTION OFFICIAL OF ANY POLITICAL SUBDIVISION USING ITS VOTING SYSTEM OF ANY DEFECT IN THE SAME SYSTEM KNOWN TO OCCUR ANYWHERE; AND

(f) NOTIFY THE SECRETARY OF STATE AND THE DESIGNATED ELECTION OFFICIAL OF ANY POLITICAL SUBDIVISION USING ITS VOTING SYSTEM OF ANY CHANGE IN THE ELECTION SOFTWARE OR THE VOTING SYSTEM.

(2) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING PROCEDURES FOR VOTING SYSTEM PROVIDERS TO COMPLY WITH THIS SECTION.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ELECTION SOFTWARE" MEANS THE SOFTWARE TO BE INSTALLED OR RESIDING ON ELECTION EQUIPMENT FIRMWARE OR ON ELECTION MANAGEMENT COMPUTERS THAT CONTROLS ELECTION SETUP, VOTE RECORDING, VOTE TABULATION, AND REPORTING.

1-7-513. Voting equipment - records. (1) THE DESIGNATED ELECTION OFFICIAL SHALL MAINTAIN SEPARATE, DETAILED RECORDS FOR EACH COMPONENT OF A VOTING SYSTEM USED IN AN ELECTION. SUCH RECORDS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE MANUFACTURER, MAKE, MODEL, SERIAL NUMBER, HARDWARE, FIRMWARE, SOFTWARE VERSION OR RELEASE NUMBER, DATE OF ACQUISITION, DESCRIPTION OF SERVICES, REPAIRS, MAINTENANCE, UPKEEP, AND VERSION UPGRADES, AND DATE OF PERFORMANCE OF SUCH SERVICES.

(2) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., PRESCRIBING THE MANNER OF MAINTENANCE OF RECORDS REQUIRED BY THIS SECTION.

1-7-514. Random audit. (1) (a) (I) FOLLOWING EACH PRIMARY, GENERAL, COORDINATED, OR CONGRESSIONAL DISTRICT VACANCY ELECTION, THE SECRETARY OF STATE SHALL PUBLICLY INITIATE A MANUAL RANDOM AUDIT TO BE CONDUCTED BY EACH COUNTY AND SHALL RANDOMLY SELECT NOT LESS THAN ONE PERCENT OF THE VOTING DEVICES USED IN EACH COUNTY; EXCEPT THAT, WHERE A CENTRAL COUNT VOTING DEVICE IS IN USE IN THE COUNTY, THE RULES PROMULGATED BY THE SECRETARY PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL REQUIRE AN AUDIT OF A SPECIFIED PERCENTAGE OF BALLOTS COUNTED WITHIN THE COUNTY.

(II) FOR AN ELECTION TAKING PLACE IN A COUNTY PRIOR TO THE DATE THE COUNTY HAS SATISFIED THE REQUIREMENTS OF SECTION 1-5-802, THE AUDIT SHALL BE FOR THE PURPOSE OF COMPARING THE MANUAL TALLIES OF THE BALLOTS COUNTED BY EACH VOTING DEVICE SELECTED FOR EACH SUCH AUDIT WITH THE CORRESPONDING TALLIES RECORDED DIRECTLY BY EACH SUCH DEVICE.

(III) FOR AN ELECTION TAKING PLACE IN A COUNTY ON OR AFTER THE DATE THE COUNTY HAS SATISFIED THE REQUIREMENTS OF SECTION 1-5-802, THE AUDIT SHALL BE CONDUCTED FOR THE PURPOSE OF COMPARING THE MANUAL TALLIES OF THE VOTER-VERIFIED PAPER RECORDS PRODUCED OR EMPLOYED BY EACH VOTING DEVICE SELECTED FOR SUCH AUDIT WITH THE CORRESPONDING BALLOT TALLIES RECORDED DIRECTLY BY EACH SUCH DEVICE.

(b) TO THE EXTENT PRACTICABLE, NO VOTING DEVICE THAT IS USED FOR THE RANDOM AUDIT REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE USED FOR CONDUCTING THE TESTING OF VOTING DEVICES FOR RECOUNT PURPOSES REQUIRED BY SECTION 1-10.5-102 (3) (a).

(2) (a) UPON COMPLETION OF THE AUDIT REQUIRED BY SUBSECTION (1) OF THIS SECTION, IF THERE IS ANY DISCREPANCY BETWEEN THE MANUAL TALLIES, AS SPECIFIED IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (II) OR (III) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, AS APPLICABLE, OF THE VOTING DEVICE SELECTED FOR THE AUDIT, AND THE CORRESPONDING TALLIES RECORDED BY SUCH DEVICES, AND THE DISCREPANCY IS NOT ABLE TO BE ACCOUNTED FOR BY VOTER ERROR, THE COUNTY CLERK AND RECORDER, IN CONSULTATION WITH THE CANVASS BOARD OF THE COUNTY ESTABLISHED PURSUANT TO SECTION 1-10-101, SHALL INVESTIGATE THE DISCREPANCY AND SHALL TAKE SUCH REMEDIAL ACTION AS NECESSARY IN ACCORDANCE WITH ITS POWERS UNDER THIS TITLE.

(b) UPON RECEIVING ANY WRITTEN COMPLAINT FROM A REGISTERED ELECTOR FROM WITHIN THE COUNTY CONTAINING CREDIBLE EVIDENCE CONCERNING A PROBLEM WITH A VOTING DEVICE, THE CANVASS BOARD ALONG WITH THE COUNTY CLERK AND RECORDER SHALL INVESTIGATE THE COMPLAINT AND TAKE SUCH REMEDIAL ACTION AS NECESSARY IN ACCORDANCE WITH ITS POWERS UNDER THIS TITLE.

(c) THE COUNTY CLERK AND RECORDER SHALL PROMPTLY REPORT TO THE SECRETARY OF STATE THE RESULTS OF ANY COMPLETED AUDIT OR INVESTIGATION CONDUCTED PURSUANT TO PARAGRAPH (a) OR (b) OF THIS SUBSECTION (2).

(3) THE SECRETARY OF STATE SHALL POST THE RESULTS OF ANY COMPLETED AUDIT OR INVESTIGATION CONDUCTED PURSUANT TO THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION ON THE OFFICIAL WEBSITE OF THE DEPARTMENT OF STATE NOT LATER THAN TWENTY-FOUR HOURS AFTER RECEIVING THE RESULTS OF THE COMPLETED AUDIT OR INVESTIGATION. THE CLERK AND RECORDER OF THE AFFECTED COUNTY MAY TIMELY POST THE RESULTS OF THE COMPLETED AUDIT OR INVESTIGATION ON THE OFFICIAL WEBSITE OF THE COUNTY. THE SECRETARY SHALL PUBLISH ONCE IN A NEWSPAPER OF GENERAL CIRCULATION THROUGHOUT THE STATE NOTIFICATION TO THE PUBLIC THAT THE RESULTS HAVE BEEN POSTED ON THE DEPARTMENT'S WEBSITE.

(4) ANY AUDIT CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL BE OBSERVED BY AT LEAST TWO MEMBERS OF THE CANVASS BOARD OF THE COUNTY.

(5) THE SECRETARY OF STATE SHALL PROMULGATE SUCH RULES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AS MAY BE NECESSARY TO ADMINISTER AND ENFORCE ANY REQUIREMENT OF THIS SECTION, INCLUDING ANY RULES NECESSARY TO PROVIDE GUIDANCE TO THE COUNTIES IN CONDUCTING ANY AUDIT REQUIRED BY THIS SECTION. THE RULES SHALL ACCOUNT FOR:

- (a) THE NUMBER OF BALLOTS CAST IN THE COUNTY;
- (b) AN AUDIT OF EACH TYPE OF VOTING DEVICE UTILIZED BY THE COUNTY; AND
- (c) THE CONFIDENTIALITY OF THE BALLOTS CAST BY THE ELECTORS.

SECTION 28. 1-7.5-107 (3.5) (d) and (5) (b), Colorado Revised Statutes, are amended to read:

1-7.5-107. Procedures for conducting mail ballot election - first-time voters casting a mail ballot after having registered by mail to vote. (3.5) (d) Any person who desires to cast his or her ballot by mail but does not satisfy the requirements of paragraph (c) of this subsection (3.5) may cast such ballot by mail and the ballot shall be treated as a provisional ballot in accordance with the requirements of ~~part 3 of article 9~~ ARTICLE 8.5 of this title.

(5) (b) If the return envelope received from an eligible elector described in subsection (3.5) of this section does not contain identification, the ballot shall be treated as a provisional ballot and shall be verified and counted in accordance with ~~section 1-9-303~~ ARTICLE 8.5 OF THIS TITLE.

SECTION 29. 1-7.5-107.3 (2) (a), Colorado Revised Statutes, is amended to read:

1-7.5-107.3. Verification of signatures - November coordinated elections. (2) (a) If, upon comparing the signature of an eligible elector on the self-affirmation on the return envelope with the signature of the eligible elector on file with the county clerk and recorder, the election judge determines that the signatures do not match, two other election judges of different political party affiliations shall simultaneously compare the signatures. If both other election judges agree that the signatures do not match, the county clerk and recorder shall, within ~~three~~ TWO days after election day, send to the eligible elector at the address indicated in the registration records a letter explaining the discrepancy in signatures and a form for the eligible elector to confirm that the elector returned a ballot to the county clerk and recorder. If the county clerk and recorder receives the form within ~~ten~~ EIGHT days after election day confirming that the elector returned a ballot to the county clerk and recorder and enclosing a copy of the elector's identification as defined in section 1-1-104 (19.5), and if the ballot is otherwise valid, the ballot shall be counted. If the eligible elector returns the form indicating that the elector did not return a ballot to the county clerk and recorder, or if the eligible elector does not return the form within ~~ten~~ EIGHT days after election day, the self-affirmation on the return envelope shall be categorized as incorrect, the ballot shall not be counted, and the county clerk and recorder shall send copies of the eligible elector's signature on the return envelope and the signature on file with the county clerk and recorder to the district attorney for investigation.

SECTION 30. 1-8-104 (3), Colorado Revised Statutes, is amended to read:

1-8-104. Applications for absentee ballot. (3) The application for an absentee ballot shall be filed with the designated election official of the political subdivision in which the applicant resides or is entitled to vote. The application shall be filed no earlier than January 1 immediately preceding the election and no later than the close of business on the Friday immediately preceding the election; except that, if the applicant wishes to receive the absentee ballot by mail, the application shall be filed no later than the close of business on the ~~Tuesday immediately preceding~~ ELEVENTH DAY BEFORE the election.

SECTION 31. 1-8-111 (3), Colorado Revised Statutes, is amended to read:

1-8-111. Delivery of absentee ballot and replacement absentee ballots. (3) The designated election official may issue a replacement absentee ballot if an

eligible elector applied for an absentee ballot but did not receive it or if the elector spoiled the absentee ballot. An affidavit completed by either the elector or the designated election official shall give the reason for requesting a replacement absentee ballot and shall state that the original absentee ballot was not received or was spoiled, that the individual has not voted, and that the individual does not intend to vote at the election except by voting the replacement absentee ballot. The absentee record shall have the notation "~~Spoiled~~" "REPLACEMENT ISSUED" entered to indicate the original absentee ballot was not received or was spoiled, and the replacement absentee ballot number shall be entered in the absentee record. ~~If the original absentee ballot is returned to the designated election official after the issuance of the replacement absentee ballot, the original ballot shall be marked "Spoiled" and shall not be counted.~~ THE FIRST BALLOT RETURNED BY THE ELECTOR SHALL BE CONSIDERED THE ELECTOR'S OFFICIAL BALLOT.

SECTION 32. 1-8-113 (1) (d) and (3) (d), Colorado Revised Statutes, are amended to read:

1-8-113. Manner of absentee voting - first-time voters casting an absentee ballot after having registered by mail to vote. (1) (d) If the return envelope received from an eligible elector described in subsection (3) of this section does not contain identification, the absentee ballot shall be treated as a provisional ballot and shall be verified and counted in accordance with ~~section 1-9-303~~ ARTICLE 8.5 OF THIS TITLE.

(3) (d) Any person who desires to cast his or her ballot by absentee ballot but does not satisfy the requirements of paragraph (b) of this subsection (3) may cast such ballot by voting absentee and the ballot shall be treated as a provisional ballot in accordance with the requirements of ~~part 3 of article 9~~ ARTICLE 8.5 of this title.

SECTION 33. 1-8-114.5 (2) (a), Colorado Revised Statutes, is amended to read:

1-8-114.5. Verification of signatures. (2) (a) If, upon comparing the signature of an eligible elector on the self-affirmation on the return envelope with the signature of that eligible elector on file with the county clerk and recorder, the election judge determines that the signatures do not match, two other election judges of different political party affiliations shall simultaneously compare the signatures. If both other election judges agree that the signatures do not match, the county clerk and recorder shall, within ~~three~~ TWO days after election day, send to the eligible elector at the address indicated in the registration records a letter explaining the discrepancy in signatures and a form for the eligible elector to confirm that the elector returned a ballot to the county clerk and recorder. If the county clerk and recorder receives the form within ~~ten~~ EIGHT days after election day confirming that the elector returned a ballot to the county clerk and recorder and enclosing a copy of the elector's identification as defined in section 1-1-104 (19.5), and if the ballot is otherwise valid, the ballot shall be counted. If the eligible elector returns the form indicating that the elector did not return a ballot to the county clerk and recorder, or if the eligible elector does not return the form within ~~ten~~ EIGHT days after election day, the self-affirmation on the return envelope shall be categorized as incorrect, the ballot shall not be counted, and the county clerk and recorder shall send copies of the eligible elector's signature on the return envelope and the signature on file with the county clerk and recorder to the district attorney for investigation.

SECTION 34. 1-8-115 (1) (a), Colorado Revised Statutes, is amended, and the said 1-8-115 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

1-8-115. Emergency absentee voting. (1) (a) In the event an eligible elector OR A MEMBER OF AN ELIGIBLE ELECTOR'S IMMEDIATE FAMILY, RELATED BY BLOOD OR MARRIAGE TO THE SECOND DEGREE, is confined in a hospital or place of residence on election day and the confinement occurred because of conditions arising after the last day to apply for an absentee ballot, the elector may request in a personally signed written statement that the designated election official send an absentee ballot with the word "EMERGENCY" stamped on the stubs. The designated election official shall deliver the emergency absentee ballot, at the official's office during the regular hours of business, to any authorized representative of the elector. For the purposes of this paragraph (a), "authorized representative" means a person who possesses a written statement from the elector containing the elector's signature, name, and address indicating that the elector is or will be confined in a hospital or place of residence on election day, and requesting that the emergency absentee ballot be given to the authorized person as identified by name and address. The authorized person shall acknowledge receipt of the emergency absentee ballot with a signature, name, and address.

(c) IF THE ELIGIBLE ELECTOR IS UNABLE TO HAVE AN AUTHORIZED REPRESENTATIVE PICK UP THE BALLOT AT THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL AND DELIVER IT TO THE ELIGIBLE ELECTOR, THE DESIGNATED ELECTION OFFICIAL SHALL DELIVER AN ABSENTEE BALLOT TO THE ELIGIBLE ELECTOR BY ELECTRONIC TRANSFER IN ACCORDANCE WITH THE RULES OF THE SECRETARY OF STATE.

SECTION 35. 1-8-115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-8-115. Emergency absentee voting. (4) IF, FOLLOWING THE PROCEDURE SET FORTH IN THIS SECTION, THE DESIGNATED ELECTION OFFICIAL IS UNABLE TO PROVIDE AN ABSENTEE BALLOT TO AN ELECTOR, THE DESIGNATED ELECTION OFFICIAL SHALL SEEK AUTHORITY FROM THE SECRETARY OF STATE TO PROVIDE AN ABSENTEE BALLOT TO THE ELECTOR BY ELECTRONIC TRANSFER IN ACCORDANCE WITH THE ELECTION RULES OF THE SECRETARY OF STATE.

SECTION 36. 1-8-116 (1) and (2), Colorado Revised Statutes, are amended to read:

1-8-116. Special write-in blank absentee ballots. (1) ~~Any~~ A citizen who resides OR IS TRAVELING outside the United States, who is a registered elector in this state prior to his or her departure, and who qualifies pursuant to this section may apply to the county clerk and recorder for a special write-in blank absentee ballot to vote at ~~any~~ A primary, general, coordinated, or congressional vacancy election, REGARDLESS OF WHETHER THE ELECTOR HAS PREVIOUSLY SUBMITTED AN ABSENTEE BALLOT APPLICATION FOR THE ELECTION. An application for a special write-in blank absentee voter ballot shall contain a statement by the registered elector that due to military or other contingencies that preclude normal mail delivery, as specified by the elector, the elector BELIEVES THAT HE OR SHE cannot vote an absentee ballot during the normal period provided by this part 1. ~~Any~~ AN application made pursuant to this

section ~~which~~ THAT is received by the designated election official prior to the ~~sixtieth~~ FIFTY-SEVENTH day before the election shall be kept and processed on or after the ~~sixtieth~~ FIFTY-SEVENTH day before the election.

(2) If the applicant is qualified, the designated election official shall immediately send ~~or deliver to the voter~~ ELECTOR a ballot and a list of all candidates who have qualified for the ballot by the ~~sixtieth~~ FIFTY-SEVENTH day before the election and a list of all measures ~~which~~ THAT are to be submitted to the voters and upon which the elector is qualified to vote.

SECTION 37. 1-8-117 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

1-8-117. Federal write-in absentee ballots pursuant to the "Uniformed and Overseas Citizens Absentee Voting Act". (1) ~~Any citizen who resides outside the United States and~~ AN ABSENT UNIFORMED SERVICES ELECTOR, NONRESIDENT OVERSEAS ELECTOR, OR RESIDENT OVERSEAS ELECTOR, AS DEFINED IN SECTION 1-2-208 (2.5), who is an eligible elector in this state prior to the elector's departure or pursuant to section 1-2-208 is entitled to vote for federal officers by a federal write-in absentee ballot at any primary, general, or congressional vacancy election.

(2) An absent uniformed services elector, ~~as defined in section 1-2-208 (2.5)~~ NONRESIDENT OVERSEAS ELECTOR, OR RESIDENT OVERSEAS ELECTOR may apply for an absentee ballot by the use of a properly executed federal postcard application, as provided for in the ~~"Federal Voting Assistance Act of 1955", as amended~~ FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT OF 1986", P.L. 99-410.

(3) If an absent uniformed services elector, NONRESIDENT OVERSEAS ELECTOR, OR RESIDENT OVERSEAS ELECTOR submits a properly executed federal postcard application pursuant to this section and the county clerk and recorder receiving it determines that the applicant is not properly registered, the county clerk and recorder shall register the applicant in accordance with section 1-2-208 and shall then deliver to the applicant the official absentee ballot and other materials necessary for the applicant to vote properly.

SECTION 38. 1-8-304 (3), Colorado Revised Statutes, is amended to read:

1-8-304. Preparing to count absentee ballots - rejections. (3) If it appears to the election judges, by sufficient proof, that ~~a voter has died after forwarding an absentee ballot~~ AN ABSENTEE BALLOT SENT TO AN ELECTOR WHO DIED AFTER REQUESTING THE BALLOT CONTAINS A FORGED AFFIDAVIT, the envelope containing the ballot of the deceased absentee voter shall not be opened, and the election judges shall make notation of the death AND FRAUDULENT SIGNATURE on the back of the envelope. THE BALLOT SHALL BE FORWARDED TO THE DISTRICT ATTORNEY FOR INVESTIGATION OF A VIOLATION OF SECTION 1-13-106. If an absentee envelope contains more than one marked ballot of any one kind, none of the ballots shall be counted, and the election judges shall write the reason for rejection on the back of the ballots.

SECTION 39. Title 1, Colorado Revised Statutes, is amended BY THE

ADDITION OF A NEW ARTICLE to read:

ARTICLE 8.5
Provisional Ballots

1-8.5-101. Provisional ballot - entitlement to vote. (1) AT ANY ELECTION 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 CAST A PROVISIONAL BALLOT IN ACCORDANCE WITH THIS ARTICLE.

(2) AN ELECTOR WHO DESIRES TO VOTE BUT DOES NOT SHOW IDENTIFICATION IN ACCORDANCE WITH SECTION 1-7-110 (2) MAY CAST A PROVISIONAL BALLOT.

(3) IF AN ELECTOR APPLIES FOR AN ABSENTEE BALLOT BUT SPOILS IT OR OTHERWISE DOES NOT CAST IT, THE ELECTOR MAY CAST A PROVISIONAL BALLOT AT THE POLLING PLACE, VOTE CENTER, OR EARLY VOTER'S POLLING PLACE IF THE ELECTOR AFFIRMS UNDER OATH THAT THE ELECTOR HAS NOT AND WILL NOT CAST THE ABSENTEE BALLOT. THE PROVISIONAL BALLOT SHALL BE COUNTED IF THE DESIGNATED ELECTION OFFICIAL VERIFIES THAT THE ELECTOR IS REGISTERED TO VOTE AND DID NOT CAST THE ABSENTEE BALLOT AND IF THE ELECTOR'S ELIGIBILITY TO VOTE IN THE COUNTY IS VERIFIED PURSUANT TO SECTION 1-8.5-105.

(4) NO ELECTOR SHALL BE DENIED THE RIGHT TO CAST A PROVISIONAL BALLOT IN ANY ELECTION HELD PURSUANT TO THIS TITLE.

1-8.5-102. Form of provisional ballot - envelope. (1) A PROVISIONAL BALLOT SHALL CONTAIN TEXT CLEARLY IDENTIFYING IT AS A PROVISIONAL BALLOT.

(2) THE AFFIDAVIT AND INSTRUCTIONS ON THE VOTING AND HANDLING OF PROVISIONAL BALLOTS SHALL BE PRINTED ON THE PROVISIONAL BALLOT ENVELOPE. THE SECRETARY OF STATE SHALL PRESCRIBE BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THE LANGUAGE OF THE INSTRUCTIONS AND THE FORMAT AND SIZE OF THE PROVISIONAL BALLOT ENVELOPE.

(3) EACH POLLING PLACE SHALL HAVE ON HAND A SUFFICIENT NUMBER OF PROVISIONAL BALLOTS IN ALL BALLOT STYLES APPLICABLE TO THAT POLLING PLACE AND A SUFFICIENT NUMBER OF PROVISIONAL BALLOT ENVELOPES.

1-8.5-103. Provisional ballot affidavit. (1) THE PROVISIONAL BALLOT AFFIDAVIT SHALL CONTAIN LANGUAGE PRESCRIBED BY THE SECRETARY OF STATE BY RULE AND SHALL INCLUDE AN ATTESTATION, A NOTICE OF PERJURY, A WARNING OF THE PENALTY FOR FALSIFYING THE AFFIDAVIT, AND INFORMATION SUFFICIENT TO VERIFY THE ELECTOR'S ELIGIBILITY TO VOTE AND TO REGISTER THE ELECTOR TO VOTE OR TRANSFER THE ELECTOR'S REGISTRATION.

(2) (a) THE PROVISIONAL BALLOT AFFIDAVIT SHALL CONSTITUTE A VOTER REGISTRATION APPLICATION FOR THE VOTER FOR FUTURE ELECTIONS. ANY PREVIOUS VOTER REGISTRATION FOR THE VOTER SHALL BE CANCELLED PURSUANT TO SECTION

1-2-603 (1).

(b) THIS SUBSECTION (2) SHALL NOT APPLY TO AN ELECTOR WHO CASTS A PROVISIONAL BALLOT PURSUANT TO SECTION 1-8.5-101 (2) OR (3).

1-8.5-104. Voting procedure - provisional ballot. (1) AN ELECTOR CASTING A PROVISIONAL BALLOT SHALL COMPLETE AND SIGN THE PROVISIONAL BALLOT AFFIDAVIT, MARK THE BALLOT, AND SEAL THE BALLOT IN THE PROVISIONAL BALLOT ENVELOPE.

(2) THE FACT THAT AN ELECTOR CASTS A PROVISIONAL BALLOT SHALL BE INDICATED ON THE SIGNATURE CARD OR POLLBOOK NEXT TO THE ELECTOR'S NAME.

(3) THE ELECTION JUDGE SHALL EXAMINE THE PROVISIONAL BALLOT AFFIDAVIT. IF THE ELECTION JUDGE NOTICES THAT THE ELECTOR DID NOT SIGN THE AFFIDAVIT, THE ELECTION JUDGE SHALL INFORM THE ELECTOR THAT THE PROVISIONAL BALLOT WILL NOT BE COUNTED IF THE AFFIDAVIT IS NOT SIGNED.

(4) IF AN ELECTOR WHO IS CASTING A PROVISIONAL BALLOT DOES NOT SHOW IDENTIFICATION AS REQUIRED BY SECTION 1-7-110 (2), THE ELECTION OFFICIAL SHALL INDICATE ON A SPACE PROVIDED ON THE PROVISIONAL BALLOT ENVELOPE THAT THE ELECTOR DID NOT SHOW IDENTIFICATION.

(5) THE PROVISIONAL BALLOT ENVELOPE CONTAINING THE MARKED PROVISIONAL BALLOT SHALL BE DEPOSITED IN A BALLOT CONTAINER. ALL PROVISIONAL BALLOTS CAST SHALL REMAIN SEALED IN THEIR ENVELOPES FOR RETURN TO THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL.

(6) AFTER AN ELECTOR CASTS A PROVISIONAL BALLOT, THE ELECTION OFFICIAL SHALL GIVE THE ELECTOR A WRITTEN NOTICE THAT AN ELECTOR WHO CASTS A PROVISIONAL BALLOT HAS THE RIGHT TO KNOW WHETHER THE VOTE WAS COUNTED AND THE REASON IF THE PROVISIONAL BALLOT WAS NOT COUNTED. THE NOTICE SHALL SPECIFY THE TOLL-FREE TELEPHONE NUMBER, INTERNET WEBSITE, OR OTHER FREE ACCESS SYSTEM ESTABLISHED BY THE SECRETARY OF STATE OR THE DESIGNATED ELECTION OFFICIAL BY MEANS OF WHICH THE ELECTOR MAY RECEIVE THIS INFORMATION ABOUT THE ELECTOR'S PROVISIONAL BALLOT.

1-8.5-105. Verification of provisional ballot information - counting procedure. (1) IN ACCORDANCE WITH THIS SECTION AND USING THE PROCEDURES AND DATABASES PRESCRIBED BY THE SECRETARY OF STATE BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THE DESIGNATED ELECTION OFFICIAL SHALL ATTEMPT TO VERIFY THAT AN ELECTOR WHO CAST A PROVISIONAL BALLOT IS ELIGIBLE TO VOTE. THE DESIGNATED ELECTION OFFICIAL OR DESIGNEE SHALL COMPLETE THE PRELIMINARY VERIFICATION OF THE ELECTOR'S ELIGIBILITY TO VOTE BEFORE OPENING THE ENVELOPE.

(2) IF THE ELECTOR SIGNS BUT DOES NOT FILL IN ALL THE INFORMATION REQUESTED ON THE PROVISIONAL BALLOT AFFIDAVIT, THE BALLOT SHALL BE COUNTED ONLY IF THE DESIGNATED ELECTION OFFICIAL IS ABLE TO DETERMINE THAT THE ELECTOR WAS ELIGIBLE TO VOTE IN THE PRECINCT AND COUNTY.

(3) (a) IF A PROVISIONAL BALLOT AFFIDAVIT IS NOT SIGNED, THE DESIGNATED ELECTION OFFICIAL SHALL SEND A LETTER TO THE ELECTOR NO LATER THAN TWO DAYS AFTER THE ELECTION INFORMING THE ELECTOR THAT THE AFFIDAVIT WAS NOT SIGNED AND THAT THE PROVISIONAL BALLOT CANNOT BE COUNTED UNLESS THE AFFIDAVIT IS SIGNED. THE LETTER SHALL STATE THAT THE ELECTOR MAY COME TO THE OFFICE OF THE COUNTY CLERK AND RECORDER TO SIGN THE PROVISIONAL BALLOT AFFIDAVIT NO LATER THAN EIGHT DAYS AFTER THE ELECTION.

(b) IF THE ELECTOR DOES NOT SIGN THE PROVISIONAL BALLOT AFFIDAVIT AFTER RECEIVING NOTICE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE PROVISIONAL BALLOT SHALL NOT BE COUNTED.

(c) THE DESIGNATED ELECTION OFFICIAL SHALL RETAIN A COPY OF THE LETTER SENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3).

(4) THE DESIGNATED ELECTION OFFICIAL SHALL DETERMINE THE TIME FOR THE VERIFICATION AND COUNTING OF PROVISIONAL BALLOTS TO BEGIN IN ACCORDANCE WITH RULES PROMULGATED BY THE SECRETARY OF STATE. A BOARD APPOINTED BY THE DESIGNATED ELECTION OFFICIAL SHALL OPEN ALL VERIFIED PROVISIONAL BALLOT ENVELOPES AND COUNT THE BALLOTS IN ACCORDANCE WITH THE PROCEDURE PRESCRIBED BY THE DESIGNATED ELECTION OFFICIAL IN ACCORDANCE WITH THIS TITLE AND THE ELECTION RULES OF THE SECRETARY OF STATE.

(5) THE DESIGNATED ELECTION OFFICIAL SHALL COMPLETE THE VERIFICATION AND COUNTING OF ALL PROVISIONAL BALLOTS WITHIN TEN DAYS AFTER A PRIMARY ELECTION AND WITHIN FOURTEEN DAYS AFTER A GENERAL, ODD-YEAR, OR COORDINATED ELECTION. THE DESIGNATED ELECTION OFFICIAL SHALL COUNT ALL ABSENTEE BALLOTS CAST IN AN ELECTION BEFORE COUNTING ANY PROVISIONAL BALLOTS CAST BY ELECTORS WHO REQUESTED ABSENTEE BALLOTS FOR THE ELECTION.

1-8.5-106. Counting of provisional ballots. IF THE DESIGNATED ELECTION OFFICIAL VERIFIES THAT AN ELECTOR WHO CAST A PROVISIONAL BALLOT IN ACCORDANCE WITH THIS ARTICLE IS ELIGIBLE TO VOTE, THE PROVISIONAL BALLOT SHALL BE COUNTED. IF THE ELECTOR'S REGISTRATION CANNOT BE VERIFIED, THE BALLOT SHALL NOT BE COUNTED.

1-8.5-107. Electors who move before close of registration - effect of provisional ballot. (1) A PERSON WHO MOVES TO COLORADO FROM ANOTHER STATE NO LATER THAN THE THIRTIETH DAY BEFORE AN ELECTION BUT FAILS TO REGISTER TO VOTE BEFORE THE CLOSE OF REGISTRATION MAY CAST A PROVISIONAL BALLOT, BUT THE BALLOT SHALL NOT BE COUNTED. THE PROVISIONAL BALLOT AFFIDAVIT SHALL SERVE AS THE PERSON'S VOTER REGISTRATION APPLICATION FOR FUTURE ELECTIONS.

(2) (a) A REGISTERED ELECTOR WHO MOVES FROM THE COUNTY IN WHICH THE ELECTOR IS REGISTERED TO ANOTHER COUNTY IN THE STATE NO LESS THAN THIRTY DAYS BEFORE AN ELECTION BUT FAILS TO REGISTER TO VOTE IN THE NEW COUNTY OF RESIDENCE BEFORE THE CLOSE OF REGISTRATION MAY COMPLETE AN EMERGENCY REGISTRATION FORM AT THE OFFICE OF THE COUNTY CLERK AND RECORDER PURSUANT TO SECTION 1-2-217.5 OR MAY CAST A PROVISIONAL BALLOT AT A POLLING PLACE, VOTE CENTER, OR EARLY VOTER'S POLLING PLACE.

(b) IF THE ELECTOR COMPLETES AN EMERGENCY REGISTRATION FORM ON AN ELECTION DAY AND THE COUNTY CLERK AND RECORDER IS UNABLE TO VERIFY THE ELECTOR'S QUALIFICATION TO VOTE, THE ELECTOR MAY CAST A PROVISIONAL BALLOT.

(c) IF THE ELECTOR CASTS A PROVISIONAL BALLOT, THE BALLOT SHALL BE COUNTED IF THE ELECTOR'S ELIGIBILITY TO VOTE IN THE COUNTY IS VERIFIED PURSUANT TO SECTION 1-8.5-105. THE PROVISIONAL BALLOT AFFIDAVIT SHALL SERVE AS THE ELECTOR'S VOTER REGISTRATION APPLICATION FOR FUTURE ELECTIONS.

(3) IF A REGISTERED ELECTOR MOVES FROM THE PRECINCT IN WHICH THE ELECTOR IS REGISTERED TO ANOTHER PRECINCT WITHIN THE SAME COUNTY BEFORE THE CLOSE OF REGISTRATION BUT FAILS TO REGISTER AT THE NEW ADDRESS OR COMPLETE A CHANGE OF ADDRESS FORM PURSUANT TO SECTION 1-2-216(4)(a), THE ELECTOR MAY CAST A PROVISIONAL BALLOT, WHICH SHALL BE COUNTED IF THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL VERIFIES THAT THE ELECTOR IS ELIGIBLE TO VOTE IN THE ELECTOR'S NEW PRECINCT OF RESIDENCE.

1-8.5-108. Electors who move after close of registration - effect of provisional ballot. (1) A PERSON WHO MOVES TO COLORADO FROM ANOTHER STATE IN THE TWENTY-NINE DAYS BEFORE AN ELECTION MAY CAST A PROVISIONAL BALLOT, BUT THE BALLOT SHALL NOT BE COUNTED. THE PROVISIONAL BALLOT AFFIDAVIT SHALL SERVE AS THE PERSON'S VOTER REGISTRATION APPLICATION FOR FUTURE ELECTIONS.

(2) IF AN ELECTOR WHO MOVES FROM THE COUNTY IN WHICH THE ELECTOR IS REGISTERED TO ANOTHER COUNTY DURING THE TWENTY-NINE DAYS BEFORE AN ELECTION DOES NOT VOTE IN THE COUNTY WHERE REGISTERED PURSUANT TO SECTION 1-2-217(1) AND INSTEAD CASTS A PROVISIONAL BALLOT IN THE NEW COUNTY OF RESIDENCE, THE ELECTOR'S VOTES FOR FEDERAL AND STATEWIDE OFFICES AND STATEWIDE BALLOT ISSUES AND BALLOT QUESTIONS SHALL BE COUNTED. THE PROVISIONAL BALLOT AFFIDAVIT SHALL SERVE AS THE ELECTOR'S VOTER REGISTRATION APPLICATION FOR FUTURE ELECTIONS.

(3) IF AN ELECTOR WHO MOVES FROM THE PRECINCT IN WHICH THE ELECTOR IS REGISTERED TO ANOTHER PRECINCT IN THE SAME COUNTY DURING THE TWENTY-NINE DAYS BEFORE AN ELECTION DOES NOT VOTE IN THE PRECINCT WHERE REGISTERED PURSUANT TO SECTION 1-2-217(2) AND INSTEAD CASTS A PROVISIONAL BALLOT IN THE NEW PRECINCT OF RESIDENCE, THE ELECTOR'S VOTES FOR FEDERAL AND STATEWIDE OFFICES AND STATEWIDE BALLOT ISSUES AND BALLOT QUESTIONS SHALL BE COUNTED. THE PROVISIONAL BALLOT AFFIDAVIT SHALL SERVE AS THE ELECTOR'S VOTER REGISTRATION APPLICATION FOR FUTURE ELECTIONS.

1-8.5-109. Electors who vote outside precinct of residence - effect of provisional ballot. IF AN ELECTOR CASTS A PROVISIONAL BALLOT AT A POLLING PLACE IN A PRECINCT OTHER THAN THE PRECINCT IN WHICH THE ELECTOR IS REGISTERED, THE ELECTOR'S VOTES FOR FEDERAL AND STATEWIDE OFFICES AND STATEWIDE BALLOT ISSUES AND BALLOT QUESTIONS SHALL BE COUNTED.

1-8.5-110. Handling of provisional ballots - reporting of results. (1) PROVISIONAL BALLOTS SHALL BE KEPT SEPARATE FROM ALL OTHER BALLOTS AND COUNTED SEPARATELY.

(2) IF TWENTY-FIVE OR MORE PROVISIONAL BALLOTS ARE CAST AND COUNTED IN A COUNTY, THE DESIGNATED ELECTION OFFICIAL SHALL REPORT THE RESULTS OF VOTING BY PROVISIONAL BALLOT AS A SEPARATE TOTAL. IF FEWER THAN TWENTY-FIVE PROVISIONAL BALLOTS ARE CAST AND COUNTED, THE RESULTS OF VOTING BY PROVISIONAL BALLOT SHALL BE INCLUDED IN THE RESULTS OF VOTING BY ABSENTEE BALLOT.

(3) VOTES CAST BY PROVISIONAL BALLOT SHALL NOT BE INCLUDED IN ANY UNOFFICIAL RESULTS REPORTED AND SHALL BE REPORTED ONLY AS PART OF THE OFFICIAL CANVASS.

(4) THE DESIGNATED ELECTION OFFICIAL SHALL KEEP A LOG OF EACH PROVISIONAL BALLOT CAST, EACH PROVISIONAL BALLOT COUNTED, AND EACH PROVISIONAL BALLOT REJECTED. THE CODE FOR THE ACCEPTANCE OR REJECTION OF THE PROVISIONAL BALLOT AS PRESCRIBED BY THE SECRETARY OF STATE SHALL BE MARKED ON THE LOG. THE DESIGNATED ELECTION OFFICIAL SHALL KEEP ALL REJECTED PROVISIONAL BALLOTS IN THEIR UNOPENED ENVELOPES FOR NO LESS THAN TWENTY-FIVE MONTHS.

1-8.5-111. Information system. FOR ANY ELECTION HELD ON OR AFTER JANUARY 1, 2004, IN WHICH A PROVISIONAL BALLOT IS CAST, THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL ESTABLISH A SYSTEM ALLOWING AN ELECTOR WHO CAST A PROVISIONAL BALLOT TO DISCOVER WHETHER THE BALLOT WAS COUNTED AND, IF THE BALLOT WAS NOT COUNTED, THE REASON THE BALLOT WAS NOT COUNTED. THE SYSTEM SHALL PROVIDE ACCESS TO THIS INFORMATION AT NO COST TO THE VOTER BY TOLL-FREE TELEPHONE CALL, INTERNET WEBSITE, OR OTHER SUITABLE MEDIUM, IN ACCORDANCE WITH THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", P.L. No. 107-252. INFORMATION ABOUT A PROVISIONAL BALLOT SHALL BE DISCLOSED ONLY TO THE VOTER WHO CAST THE BALLOT.

1-8.5-112. Rules. THE SECRETARY OF STATE SHALL PROMULGATE ALL APPROPRIATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., FOR THE PURPOSE OF ENSURING THE UNIFORM APPLICATION OF THIS ARTICLE.

SECTION 40. 1-9-201, Colorado Revised Statutes, is amended to read:

1-9-201. Right to vote may be challenged. (1) (a) ~~When any person whose name appears on the registration list or who has presented a certificate of registration or verbal verification of registration as provided in section 1-7-103 applies for a ballot, that~~ A person's right to vote at ~~that~~ A polling place or in ~~that~~ AN election may be challenged. Pursuant to the provisions of section 1-9-205, a person who is not entitled to vote shall not receive a ballot.

(b) IF A PERSON WHOSE RIGHT TO VOTE IS CHALLENGED REFUSES TO ANSWER THE QUESTIONS ASKED OR SIGN THE CHALLENGE FORM IN ACCORDANCE WITH SECTION 1-9-203 OR TAKE THE OATH PURSUANT TO SECTION 1-9-204, THE PERSON SHALL BE OFFERED A PROVISIONAL BALLOT. IF THE PERSON CASTS A PROVISIONAL BALLOT, THE ELECTION JUDGE SHALL ATTACH THE CHALLENGE FORM TO THE PROVISIONAL BALLOT ENVELOPE AND INDICATE "CHALLENGE" ON THE PROVISIONAL BALLOT ENVELOPE.

(2) An election judge shall challenge any person intending to vote ~~whom~~ WHO the

judge believes is not an eligible elector. In addition, challenges may be made by watchers or any eligible elector of the precinct.

(3) A CHALLENGE AT A POLLING PLACE SHALL BE MADE IN THE PRESENCE OF THE PERSON WHOSE RIGHT TO VOTE IS CHALLENGED.

SECTION 41. 1-9-202, Colorado Revised Statutes, is amended to read:

1-9-202. Challenge to be made by written oath. Each challenge shall be made by written oath, shall set forth the name of the person challenged and the SPECIFIC FACTUAL basis for the challenge OF THE PERSON'S RIGHT TO VOTE, and shall be signed by the challenger under penalty of perjury in the second degree, as specified in section 1-13-104. The election judges shall FORTHWITH deliver all challenges ~~and oaths~~ to the designated election official. ~~at the time the pollbooks and other election papers are returned. The designated election official shall forthwith deliver all challenges, whether or not withdrawn, and all oaths to the district attorney for investigation and appropriate action.~~ No oral challenge shall be permitted.

SECTION 42. 1-9-203 (1) and (7), Colorado Revised Statutes, are amended to read:

1-9-203. Challenge questions asked person intending to vote. (1) ~~If a person intending to vote is challenged as not eligible, one of the election judges shall tender to the elector the following oath or affirmation: "I do solemnly swear or affirm that I will fully and truly answer all questions that are put to me concerning my place of residence and my qualifications as an eligible elector at this election."~~

(7) ~~If the person challenged answers satisfactorily all of the questions the person shall sign on the challenge form after the printed questions.~~ ASKED IN ACCORDANCE WITH THIS SECTION AND SIGNS THE OATH PURSUANT TO SECTION 1-9-204, THE ELECTION JUDGE SHALL OFFER THE PERSON CHALLENGED A REGULAR BALLOT, AND THE CHALLENGER MAY WITHDRAW THE CHALLENGE. The election judge shall indicate in the proper place on the challenge form whether the challenge was withdrawn or whether the challenged elector refused to answer the questions and left the polling place without voting A PROVISIONAL BALLOT.

SECTION 43. 1-9-204, Colorado Revised Statutes, is amended to read:

1-9-204. Oath of challenged elector. (1) ~~If the challenge is not withdrawn after the person intending to vote has answered the questions,~~ An election judge shall tender an oath substantially in the following form: "I do solemnly swear or affirm that I HAVE FULLY AND TRUTHFULLY ANSWERED ALL QUESTIONS THAT HAVE BEEN PUT TO ME CONCERNING MY PLACE OF RESIDENCE AND MY QUALIFICATIONS AS AN ELIGIBLE ELECTOR AT THIS ELECTION. I FURTHER SWEAR OR AFFIRM THAT I am a citizen of the United States of the age of eighteen years or older; that I have been a resident of this state and precinct for thirty days immediately preceding this election and have not maintained a home or domicile elsewhere; that I am a registered elector in this precinct; that I am eligible to vote at this election; and that I have not previously voted at this election."

(2) After the person has taken the oath or affirmation, a REGULAR ballot shall be

given TO THE PERSON and an election judge shall write "sworn" on the pollbooks at the end of the person's name.

SECTION 44. 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~~ USING A CHALLENGE FORM 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~~ BY THE ELECTOR ON THE RETURNED ABSENTEE BALLOT ENVELOPE, FORGERY OF A DECEASED PERSON'S SIGNATURE ON AN ABSENTEE BALLOT AFFIDAVIT, or submission of multiple ballots, shall be ~~cast~~ COUNTED. The election judges shall FORTHWITH deliver all challenges, ~~and oaths or affirmations,~~ together with the affidavits of the ~~eligible electors~~ PERSONS 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 45. 1-9-207, Colorado Revised Statutes, is amended to read:

1-9-207. Challenges of ballots cast by mail. The ballot of any ~~voter~~ ELECTOR that has been cast by mail may be challenged ~~by written oath or affirmation~~ USING A CHALLENGE FORM 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~~ BY AN ELECTOR ON THE RETURNED MAIL BALLOT ENVELOPE, FORGERY OF A DECEASED PERSON'S SIGNATURE ON AN ABSENTEE BALLOT AFFIDAVIT, or submission of multiple ballots, shall be counted. The election judges shall FORTHWITH deliver all challenges, ~~and oaths or affirmations,~~ together with the affidavits of the ~~eligible electors~~ PERSONS 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 46. 1-9-208, Colorado Revised Statutes, is amended to read:

1-9-208. Challenges of provisional ballots. The ballot of any provisional voter may be challenged ~~by written oath or affirmation~~ USING A CHALLENGE FORM 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 PROVISIONAL BALLOT affidavit, ~~death of the eligible elector~~ FORGERY OF A DECEASED PERSON'S SIGNATURE ON AN ABSENTEE BALLOT AFFIDAVIT, 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~~ PERSONS 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 47. Part 2 of article 9 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

1-9-209. Challenges delivered to district attorney. THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL FORTHWITH DELIVER A CHALLENGE THAT IS NOT WITHDRAWN, ALONG WITH THE AFFIDAVIT OF THE ELECTOR ON THE ABSENTEE, PROVISIONAL BALLOT, OR MAIL BALLOT RETURN ENVELOPE, TO THE DISTRICT ATTORNEY FOR INVESTIGATION AND ACTION. WHEN PRACTICABLE, THE DISTRICT ATTORNEY SHALL COMPLETE THE INVESTIGATION WITHIN TEN DAYS AFTER RECEIVING THE CHALLENGE.

1-9-210. Copy of challenge delivered to elector. WHEN A CHALLENGE IS MADE TO A PERSON WHO CAST AN ABSENTEE BALLOT, MAIL BALLOT, OR PROVISIONAL BALLOT AND THE PERSON WAS NOT PRESENT AT THE TIME OF THE CHALLENGE, THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL SHALL NOTIFY AND MAIL A COPY OF THE CHALLENGE TO THE PERSON CHALLENGED IN ACCORDANCE WITH THE RULES OF THE SECRETARY OF STATE.

SECTION 48. 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 ~~fifteenth~~ THIRTEENTH DAY AFTER A PRIMARY ELECTION AND NO LATER THAN THE SEVENTEENTH day after any OTHER election coordinated by the county clerk and recorder, the canvass board shall complete its duties.

SECTION 49. 1-10-103 (1) and (2), Colorado Revised Statutes, are 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 ~~sixteenth~~ THIRTEENTH DAY AFTER A PRIMARY ELECTION AND THE EIGHTEENTH day after ~~an~~ A GENERAL 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 ~~twenty-second~~ TWENTIETH DAY AFTER A PRIMARY ELECTION AND NO LATER THAN THE TWENTY-FOURTH day after ~~an~~ ANY OTHER 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.

SECTION 50. Part 1 of article 10 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-10-106. Summary of election results - statewide elections - early voting. (1) (a) WITHIN SIXTY DAYS AFTER A STATEWIDE ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL PREPARE AND MAKE AVAILABLE TO THE PUBLIC A STATEMENT OF THE TOTAL NUMBER OF VOTES CAST IN THE ELECTION FOR EACH CANDIDATE AND FOR AND AGAINST EACH BALLOT ISSUE AND BALLOT QUESTION ON THE BALLOT CERTIFIED BY THE DESIGNATED ELECTION OFFICIAL PURSUANT TO

SECTION 1-5-203.

(b) IN A COUNTY THAT USES ONLY DIRECT RECORD ELECTRONIC VOTING MACHINES FOR EARLY VOTING, THE STATEMENT PREPARED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL GIVE THE RESULTS OF EARLY VOTING FOR EACH PRECINCT.

(c) IN A COUNTY THAT USES VOTE CENTERS IN ACCORDANCE WITH SECTION 1-5-102.7 ON AND AFTER JANUARY 1, 2006, THE STATEMENT PREPARED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL GIVE THE ELECTION RESULTS FOR EACH PRECINCT, EXCLUDING VOTES CAST BY EARLY VOTING OR ABSENTEE BALLOT.

(2) THE DESIGNATED ELECTION OFFICIAL MAY CHARGE A FEE FOR A COPY OF THE STATEMENT PREPARED PURSUANT TO THIS SECTION IN AN AMOUNT NOT TO EXCEED THE ACTUAL COST OF MAKING THE COPY.

(3) THE DESIGNATED ELECTION OFFICIAL SHALL RETAIN ALL MATERIALS USED TO COMPILE THE STATEMENT REQUIRED BY THIS SECTION FOR A PERIOD OF AT LEAST TWENTY-FIVE MONTHS.

SECTION 51. 1-10.5-102 (2) and (3), 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. (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 ~~fortieth~~ 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.

(3) (a) Prior to any recount, the canvass board shall choose ~~a precinct~~ at random and a test ~~number of ballots on which~~ VOTING DEVICES USED IN THE CANDIDATE RACE, BALLOT ISSUE, OR BALLOT QUESTION THAT IS THE SUBJECT OF THE RECOUNT. THE BOARD SHALL USE THE VOTING DEVICES IT HAS SELECTED to conduct a COMPARISON OF THE machine count and hand count of THE ballots COUNTED ON EACH SUCH VOTING DEVICE FOR THE CANDIDATE RACE, BALLOT ISSUE, OR BALLOT QUESTION TO THE CORRESPONDING MANUAL COUNT OF:

(I) IN THE CASE OF AN ELECTION TAKING PLACE IN A COUNTY PRIOR TO THE DATE THE COUNTY HAS SATISFIED THE REQUIREMENTS OF SECTION 1-5-802, THE BALLOTS; OR

(II) FOR AN ELECTION TAKING PLACE IN A COUNTY ON OR AFTER THE DATE THE COUNTY HAS SATISFIED THE REQUIREMENTS OF SECTION 1-5-802, THE VOTER-VERIFIED PAPER RECORDS.

(b) ~~The precinct chosen shall have at least fifty ballots for the count.~~ If the results

of the COMPARISON OF THE machine count and the ~~hand~~ MANUAL count IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) are identical, OR IF ANY DISCREPANCY IS ABLE TO BE ACCOUNTED FOR BY VOTER ERROR, then the recount ~~shall~~ MAY be conducted in the same manner as the original ballot count. IF THE RESULTS OF THE COMPARISON OF THE MACHINE COUNT AND THE MANUAL COUNT IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) ARE NOT IDENTICAL, OR IF ANY DISCREPANCY IS NOT ABLE TO BE ACCOUNTED FOR BY VOTER ERROR, A PRESUMPTION SHALL BE CREATED THAT THE VOTER-VERIFIED PAPER RECORDS WILL BE USED FOR A FINAL DETERMINATION UNLESS EVIDENCE EXISTS THAT THE INTEGRITY OF THE VOTER-VERIFIED PAPER RECORDS HAS BEEN IRREVOCABLY COMPROMISED. THE SECRETARY OF STATE SHALL DECIDE WHICH METHOD OF RECOUNT IS USED IN EACH CASE, BASED ON THE SECRETARY'S DETERMINATION OF WHICH METHOD WILL ENSURE THE MOST ACCURATE COUNT, SUBJECT TO JUDICIAL REVIEW FOR ABUSE OF DISCRETION. NOTHING IN THIS SUBSECTION (3) SHALL BE CONSTRUED TO LIMIT ANY PERSON FROM PURSUING ANY APPLICABLE LEGAL REMEDY OTHERWISE PROVIDED BY LAW.

(c) THE SECRETARY OF STATE SHALL PROMULGATE SUCH RULES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AS MAY BE NECESSARY TO ADMINISTER AND ENFORCE ANY REQUIREMENT OF THIS SECTION, INCLUDING ANY RULES NECESSARY TO PROVIDE GUIDANCE TO THE COUNTIES IN CONDUCTING THE TEST OF VOTING DEVICES FOR THE RECOUNT REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3). THE RULES SHALL ACCOUNT FOR:

(I) THE NUMBER OF BALLOTS CAST IN THE CANDIDATE RACE, BALLOT ISSUE, OR BALLOT QUESTION THAT IS THE SUBJECT OF THE RECOUNT;

(II) AN AUDIT OF EACH TYPE OF VOTING DEVICE UTILIZED BY THE COUNTY IN THE CANDIDATE RACE, BALLOT ISSUE, OR BALLOT QUESTION THAT IS THE SUBJECT OF THE RECOUNT; AND

(III) THE CONFIDENTIALITY OF THE BALLOTS CAST BY THE ELECTORS IN THE CANDIDATE RACE, BALLOT ISSUE, OR BALLOT QUESTION THAT IS THE SUBJECT OF THE RECOUNT.

SECTION 52. 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 ~~fortieth~~ THIRTIETH day after the election. A POLITICAL SUBDIVISION THAT REFERRED A BALLOT ISSUE OR BALLOT QUESTION TO THE ELECTORS MAY WAIVE THE AUTOMATIC RECOUNT PROVISIONS OF THIS SECTION IF THE BALLOT ISSUE OR BALLOT QUESTION FAILS BY GIVING WRITTEN NOTICE TO THE COUNTY CLERK AND RECORDER WITHIN FOURTEEN DAYS AFTER THE PRIMARY ELECTION OR EIGHTEEN DAYS AFTER ANY OTHER ELECTION.

SECTION 53. 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 ~~twenty-five~~ TWENTY DAYS AFTER A PRIMARY ELECTION AND WITHIN TWENTY-FOUR days after ~~the~~ ANY OTHER 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~~ ONE DAY 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~~ ONE DAY 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 ~~fortieth~~ THIRTIETH day after the election.

SECTION 54. 1-13-201, Colorado Revised Statutes, is amended to read:

1-13-201. Interfering with or impeding registration. Any person who intentionally interferes with or impedes the registration of electors, whether by act of commission or by failure to perform any act or duty imposed or required for the proper administration of parts 2 and 3 of article 2 of this title, or who knowingly permits or encourages another to do so is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111. A PERSON WHO COLLECTS A VOTER REGISTRATION APPLICATION FROM AN ELIGIBLE ELECTOR FOR MAILING OR DELIVERY TO THE COUNTY CLERK AND RECORDER AND WHO FAILS TO MAIL OR DELIVER THE APPLICATION TO THE PROPER COUNTY CLERK AND RECORDER WITHIN FIVE BUSINESS DAYS AFTER THE APPLICATION IS SIGNED IS GUILTY OF A VIOLATION OF THIS SECTION.

SECTION 55. 1-5-611 (1) (f) (IV), Colorado Revised Statutes, is amended to read:

1-5-611. Requirements - nonpunch card electronic voting systems. (1) No nonpunch card electronic voting system shall be purchased, leased, or used unless it fulfills the following requirements:

(f) If the system uses a voting device:

(IV) It is capable of providing printouts of vote totals by office and candidate or by ballot issue, including a numeric-only printout to be used for testing as provided in ~~section 1-7-506~~ SECTION 1-7-509.

SECTION 56. Repeal. 1-7-506, 1-7-506.5, 1-9-205, part 3 of article 9 of title 1, 1-10.5-108, and 1-10.5-110, Colorado Revised Statutes, are repealed.

SECTION 57. 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 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2005, the sum of twenty-five thousand eight dollars (\$25,008), or so much thereof as may be necessary, for the implementation of this act.

SECTION 58. 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 6, 2005