

CHAPTER 157

ELECTIONS

SENATE BILL 06-062

BY SENATOR(S) Taylor, Brophy, Dyer, Entz, Evans, Hanna, Jones, Kester, Lamborn, May R., McElhany, Teck, Wiens, and Williams;
also REPRESENTATIVE(S) McKinley, Butcher, Gallegos, and Todd.

AN ACT

CONCERNING ELECTRONIC VOTING BY CERTAIN ELECTORS WHO ARE ABSENT FROM THE STATE ON ELECTION DAY.

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

SECTION 1. 1-8-103.5 (1), (2), and (3), Colorado Revised Statutes, are amended, and the said 1-8-103.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-8-103.5. Voting by persons residing overseas and military personnel - definitions. (1) The designated or coordinated election official ~~for~~ OF a county or other political subdivision ~~as applicable;~~ that meets the requirements ~~specified in~~ OF THE rules promulgated by the secretary of state pursuant to subsection (3) of this section shall provide an absentee ballot by electronic means to an eligible elector ~~who:~~ WHO

~~(a)~~ is an absent uniformed services elector, a nonresident overseas elector, or a resident overseas elector, as defined in section 1-2-208 (2.5), and

~~(b) (Deleted by amendment, L. 2003, p. 1334, § 4, effective August 6, 2003.)~~

~~(c)~~ timely filed an absentee ballot application with the designated or coordinated election official.

(2) (a) The eligible elector may return the voted ballot to the designated or coordinated election official by electronic ~~transfer. In order to be counted;~~ MEANS. The returned ballot shall be ~~received~~ COUNTED IF IT ARRIVES in the office of the designated or coordinated election official by 7 p.m. on election day. ~~Once~~ WHEN

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

the ballot is received by the designated or coordinated election official, a bipartisan team of judges shall duplicate the ballot, and the ballot shall be counted as all other absentee ballots. ~~Duplicating~~ THE JUDGES WHO DUPLICATE THE BALLOT shall not reveal TO ANY OTHER PERSON how the elector has cast his or her ballot.

(b) ~~Any elector who receives~~ THE INSTRUCTIONS FOR COMPLETING an absentee ballot pursuant to this section shall ~~be informed in the instructions for completing said ballot~~ INFORM THE ELECTOR that ~~the~~ AN ABSENTEE ballot RETURNED BY ELECTRONIC MEANS is not a confidential ballot.

(c) In handling a ~~returned~~ ballot RETURNED pursuant to this section, all reasonable means shall be taken to ensure that only the ~~receiving judge is~~ JUDGES WHO RECEIVE AND DUPLICATE THE BALLOT ARE aware of information connecting the elector to the returned ballot.

(3) The secretary of state ~~may~~ SHALL prescribe by rule ~~any~~ THE procedures or requirements ~~as may be~~ necessary to implement the provisions of this section. ~~Such~~ THE RULES SHALL SPECIFY THE PROCEDURES FOR SENDING AND RETURNING A BALLOT BY ELECTRONIC MEANS. THE rules shall be promulgated in accordance with article 4 of title 24, C.R.S.

(4) FOR PURPOSES OF THIS SECTION, "ELECTRONIC MEANS" MEANS FACSIMILE TRANSMISSION; EXCEPT THAT THE SECRETARY OF STATE MAY BY RULE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISH PROCEDURES BY WHICH A UNIFORMED SERVICES ELECTOR SERVING OUTSIDE THE UNITED STATES MAY RECEIVE AND RETURN A BALLOT BY ELECTRONIC MAIL IN CIRCUMSTANCES WHERE ANOTHER MORE SECURE VOTING METHOD IS NOT AVAILABLE OR FEASIBLE.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 24, 2006