

## CHAPTER 4

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**ELECTIONS**


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**HOUSE BILL 06-1012**

BY REPRESENTATIVE(S) Ragsdale, Coleman, and Vigil;  
also SENATOR(S) Johnson, Kester, and Teck.

**AN ACT****CONCERNING ABSENTEE BALLOTS.**

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

**SECTION 1.** 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 ~~eleventh~~ SEVENTH day before the election.

**SECTION 2.** 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 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 VOTED, SIGNED THE SELF-AFFIRMATION, AND returned a ballot to the county clerk and recorder. If the county clerk and recorder receives the form within eight days after

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

election day confirming that the elector VOTED, SIGNED THE SELF-AFFIRMATION, AND 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 DOES NOT ENCLOSE A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5) ALONG WITH THE FORM, THE SELF-AFFIRMATION ON THE RETURN ENVELOPE SHALL BE CATEGORIZED AS INCORRECT AND THE BALLOT SHALL NOT BE COUNTED. If the eligible elector returns the form indicating that the elector did not VOTE, SIGN THE SELF-AFFIRMATION, OR return a ballot to the county clerk and recorder, or if the eligible elector does not return the form within 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 3.** 1-8-115 (1) (c), (3), and (4), Colorado Revised Statutes, are amended, and the said 1-8-115 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-8-115. Emergency absentee voting.** (1) (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. IF THE ABSENTEE BALLOT IS DELIVERED TO THE ELIGIBLE ELECTOR BY ELECTRONIC TRANSFER, THE ELIGIBLE ELECTOR MAY RETURN THE BALLOT BY ELECTRONIC TRANSFER AS SET FORTH IN SUBSECTION (5) OF THIS SECTION.

(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION, after marking the ballot, the eligible elector shall place it in a return envelope provided by the designated election official. The elector shall then fill out and sign the self-affirmation on the envelope, as provided in section 1-8-114, on or before election day and return it to the office of the designated election official. Upon receipt of the envelope, the designated election official shall verify the elector's name on the return envelope and shall deposit the envelope in the office in a ballot box that is locked and secured with a numbered seal.

(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. IF THE ABSENTEE BALLOT IS DELIVERED TO THE ELIGIBLE ELECTOR BY ELECTRONIC TRANSFER, THE ELIGIBLE ELECTOR MAY RETURN THE BALLOT BY ELECTRONIC TRANSFER AS SET FORTH IN SUBSECTION (5) OF THIS SECTION.

(5) (a) IF AN ABSENTEE BALLOT IS DELIVERED TO AN ELIGIBLE ELECTOR BY ELECTRONIC TRANSFER PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION OR SUBSECTION (4) OF THIS SECTION, THE ELIGIBLE ELECTOR MAY RETURN THE VOTED BALLOT TO THE DESIGNATED ELECTION OFFICIAL BY ELECTRONIC TRANSFER. IN ORDER TO BE COUNTED, THE RETURNED BALLOT SHALL BE RECEIVED IN THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL BY 7 P.M. ON ELECTION DAY.

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

(b) ANY ELECTOR WHO RECEIVES AN ABSENTEE BALLOT BY ELECTRONIC TRANSFER PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION OR SUBSECTION (4) OF THIS SECTION SHALL BE INFORMED IN THE INSTRUCTIONS FOR COMPLETING THE BALLOT THAT, IF THE BALLOT IS RETURNED BY ELECTRONIC TRANSFER, THE BALLOT WILL NOT BE A CONFIDENTIAL BALLOT.

(c) IN HANDLING A RETURNED BALLOT PURSUANT TO THIS SUBSECTION (5), ALL REASONABLE MEANS SHALL BE TAKEN TO ENSURE THAT ONLY THE RECEIVING JUDGE IS AWARE OF INFORMATION CONNECTING THE ELECTOR TO THE RETURNED BALLOT.

(d) THE SECRETARY OF STATE MAY PRESCRIBE BY RULE ANY PROCEDURES OR REQUIREMENTS AS MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION (5). SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

**SECTION 4. Effective date - applicability.** This act shall take effect July 1, 2006, and shall apply to elections held on or after said date.

**SECTION 5. 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: March 6, 2006