

CHAPTER 398

ELECTIONS

SENATE BILL 07-234

BY SENATOR(S) Gordon, Isgar, Johnson, Kester, Bacon, and Groff;
also REPRESENTATIVE(S) Levy, Borodkin, Carroll T., Casso, Gibbs, Hodge, Kefalas, Madden, and Todd.

AN ACT**CONCERNING THE CASTING OF ELECTION BALLOTS BY MAIL.**

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

SECTION 1. 1-1-104 (11), Colorado Revised Statutes, is amended to read:

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

(11) "Election records" includes but is not limited to accounting forms, certificates of registration, pollbooks, certificates of election, signature cards, all affidavits, ~~absentee~~ MAIL-IN voter applications, ~~absentee~~ MAIL-IN voter lists and records, ~~absentee~~ MAIL-IN voter return envelopes, voted ballots, unused ballots, spoiled ballots, and replacement ballots.

SECTION 2. 1-2-204 (4) (a) (IV), Colorado Revised Statutes, is amended to read:

1-2-204. Questions answered by elector. (4) (a) In the event that the registration record of a registered elector does not contain the last four digits of the elector's social security number, the county clerk and recorder shall request the elector to provide either the last four digits of the elector's social security number or the elector's full social security number if the elector wishes to state such number. Such a request may be made of the registered elector by the county clerk and recorder:

(IV) In ~~an absentee~~ A MAIL-IN ballot application form or in materials to be returned by the registered elector with the ~~absentee~~ MAIL-IN ballot.

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

SECTION 3. 1-2-209 (3), Colorado Revised Statutes, is amended to read:

1-2-209. Registration of citizens who reside outside the United States - federal law. (3) An elector registered pursuant to this section shall vote by absent voting procedures as authorized by this code. The ~~absentee~~ MAIL-IN ballot issued shall carry the candidates for the following federal offices: President and vice president of the United States, member of the United States senate, and member of the United States house of representatives. Any elector registered pursuant to this section shall be canceled under the provisions of section 1-2-605. Upon returning to the United States, any elector registered pursuant to this section shall notify the county clerk and recorder either to cancel the elector's registration because the elector has established residence outside the county where registered or to complete the registration because the elector has established residence in the county.

SECTION 4. 1-2-209.5 (1), Colorado Revised Statutes, is amended to read:

1-2-209.5. Absent uniformed services and overseas electors - simultaneous voter registration and absentee ballot application - designated office - cooperation with military units. (1) An elector may simultaneously register to vote and apply for an absentee ballot by federal postcard application pursuant to section 1-2-208 or 1-2-209. If the elector requests that the application be considered an application for ~~an absentee ballot for each subsequent election held in the state through the next two regularly scheduled general elections~~ PERMANENT MAIL-IN VOTER STATUS PURSUANT TO SECTION 1-8-104.5, the designated election official shall provide ~~an absentee~~ A MAIL-IN ballot to the elector for each such subsequent election.

SECTION 5. 1-2-216 (4) (c), Colorado Revised Statutes, is amended to read:

1-2-216. Change of residence. (4) (c) If the request is received by the county clerk and recorder on or after the time early voting has begun, the elector may vote at the time the change of address request is received. The elector may also vote by ~~absentee~~ MAIL-IN ballot if the ballots have been prepared. If the request is received on the election day, the elector may, at the discretion of the county clerk and recorder, vote in the office of the county clerk and recorder rather than voting in the precinct where the new address is located.

SECTION 6. 1-2-217 (1), Colorado Revised Statutes, is amended to read:

1-2-217. Change in residence after close of registration. (1) Notwithstanding the provisions of subsection (2) of this section and sections 1-2-101 and 1-2-102, an elector who moves from the precinct where registered during the twenty-nine days before any election shall be permitted to cast a ballot at the election by one of the following methods: At the polling place for the precinct where registered, by ~~an absentee~~ A MAIL-IN ballot, or by early voting.

SECTION 7. 1-2-301 (4) (a) (II), Colorado Revised Statutes, is amended to read:

1-2-301. Centralized statewide registration system - secretary of state to maintain computerized statewide voter registration list - county computer records - agreement to match information. (4) (a) (II) The centralized statewide

registration system shall enable county clerks and recorders to maintain voter registration information and shall include such additional capabilities as may be necessary or desirable to enable county clerks and recorders and the secretary of state to carry out their responsibilities related to the conduct of elections. Such additional capabilities may include but need not be limited to the preparation of ballots, the identification of voting districts for each address, access by county clerks and recorders to the master list of registered electors and, on or after January 1, 2006, the computerized statewide voter registration list, maintained pursuant to this section and section 1-2-302, the management of ~~absentee~~ MAIL-IN and mail ballots, the preparation of official abstracts of votes cast, the transmission of voting data from county clerks and recorders to the secretary of state, and reporting of voting results on election night.

SECTION 8. 1-2-305 (1), Colorado Revised Statutes, is amended to read:

1-2-305. Postelection procedures - voting history. (1) Not later than sixty days after a state election, each county clerk and recorder shall transmit to the secretary of state, in a media format acceptable to the secretary of state, a list of electors showing who voted and who did not vote in the election. The list shall contain the information provided for in section 1-2-301 (1). For electors who voted, the list shall show such elector's method of voting, whether by early voting, ~~absentee~~ MAIL-IN ballot, mail ballot, polling place voting, or otherwise.

SECTION 9. 1-2-501 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants. (1) The secretary of state, in consultation with the federal election assistance commission, shall develop an application form that may be used for mail voter registration, voter registration at voter registration agencies, and voter change of address. The form developed shall:

(e) INCLUDE THE QUESTION, "DO YOU WISH TO BE DESIGNATED AS A PERMANENT MAIL-IN VOTER?" AND BOXES FOR THE APPLICANT TO INDICATE WHETHER THE APPLICANT DOES OR DOES NOT WISH SUCH DESIGNATION. AN ELECTOR WHO REQUESTS DESIGNATION AS A PERMANENT MAIL-IN VOTER THAT MEETS THE REQUIREMENTS OF SECTION 1-8-104.5 SHALL BE ADDED TO THE LIST OF PERMANENT MAIL-IN VOTERS MAINTAINED PURSUANT TO SECTION 1-8-108.

SECTION 10. 1-2-501 (1.5) (b), Colorado Revised Statutes, is amended to read:

1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants. (1.5) (b) Submit a copy of identification as defined in section 1-1-104 (19.5) with the elector's mail ballot in accordance with section 1-7.5-107 (3.5) or with the elector's ~~absentee~~ MAIL-IN ballot in accordance with section 1-8-113 (3).

SECTION 11. 1-2-605 (1) (a), (4) (c), and (6) (b), Colorado Revised Statutes, are amended to read:

1-2-605. Canceling registration. (1) (a) (I) Any county clerk and recorder communication by mail with all active registered electors shall be in the form of an ~~elector~~ VOTER information card, including but not limited to the registered elector's name and address, precinct number, and polling place, and shall be mailed by forwardable mail to the elector's address of record unless the elector has requested that said card be sent to his or her deliverable mailing address pursuant to section 1-2-204 (2) (k).

(II) THE VOTER INFORMATION CARD SHALL INFORM THE ELECTOR OF WHETHER HE OR SHE IS DESIGNATED AS A PERMANENT MAIL-IN VOTER AND SHALL HAVE A RETURNABLE PORTION THAT ALLOWS THE ELECTOR TO REQUEST DESIGNATION AS A PERMANENT MAIL-IN VOTER PURSUANT TO SECTION 1-8-104.5.

(4) Any "Inactive" elector shall be deemed "Active" if:

(c) The elector applies for ~~an absentee~~ A MAIL-IN ballot for any election which the county clerk and recorder conducts, regardless of whether or not the ballot is returned; or

(6) (b) A confirmation card shall be mailed, shall have a place for an address change, shall be sent by forwardable mail to the elector's address of record, unless the elector has requested that such communication be sent to his or her deliverable mailing address pursuant to section 1-2-204 (2) (k), shall have a returnable portion that has the return postage prepaid and is preaddressed to the sending county clerk and recorder, and shall include a registration form to allow the elector to preregister in the county where the elector resides AND TO REQUEST DESIGNATION AS A PERMANENT MAIL-IN ELECTOR PURSUANT TO SECTION 1-8-104.5.

SECTION 12. 1-5-101 (6), Colorado Revised Statutes, is amended to read:

1-5-101. Establishing precincts and polling places for partisan elections.

(6) A precinct containing no more than one hundred fifty electors may be designated as ~~an absentee~~ A MAIL-IN polling precinct at the discretion of the election official for ~~such~~ THE precinct.

SECTION 13. 1-5-205 (1) (d), Colorado Revised Statutes, is amended to read:

1-5-205. Published and posted notice of election. (1) The designated election official, or the coordinated election official if so provided by an intergovernmental agreement, no later than ten days before each election, shall provide notice by publication of the election as described by section 1-1-104 (34), which notice shall state, as applicable for the particular election for which notice is provided, the following:

(d) The address of the location for application and the return of ~~absentee~~ MAIL-IN ballots and the hours during which the office will be open;

SECTION 14. 1-5-206 (1) (b), Colorado Revised Statutes, is amended to read:

1-5-206. Postcard notice. (1) (b) As used in this section, unless the context otherwise requires, "voter information card" means written communication in the

form of a card or letter that is mailed to the elector's address of record, unless the elector has requested that such communication be sent to the elector's deliverable mailing address pursuant to section 1-2-204 (2) (k), and shall contain the eligible elector's name and address, precinct number, polling location for the election, A RETURNABLE PORTION THAT ALLOWS THE ELECTOR TO REQUEST DESIGNATION AS A PERMANENT MAIL-IN VOTER PURSUANT TO SECTION 1-8-104.5, and any other information the designated election official deems applicable.

SECTION 15. 1-7-111 (2), Colorado Revised Statutes, is amended to read:

1-7-111. Disabled registered elector - assistance. (2) Notwithstanding the provisions of sections 1-8-115 and 1-8-302, in every political subdivision, physically disabled eligible electors shall be allowed to vote at the ~~absentee~~ MAIL-IN voters' polling place on election day. More than one ~~absentee~~ MAIL-IN voters' polling place may be established in a county for the purposes of this subsection (2). Prior to voting, if possible, the disabled eligible elector intending to vote at the ~~absentee~~ MAIL-IN voters' polling place on election day shall complete the following self-affirmation form. If the disabled elector cannot read or write, or is unable to sign his or her name, the election official or person assisting the elector shall read the form aloud to the elector, and, upon the affirmation of the elector, will mark that the elector requesting assistance has affirmed that the facts on the form are true and correct. If the disabled elector is able to read and write, he or she shall complete the voter assistance/disabled voter self-affirmation form. The form shall provide:

"I,, affirm that I am an eligible elector in this political subdivision located in the county of, state of Colorado; that I shall vote today at this polling place. I further affirm that I have not, nor will I, cast a vote by any other means in this election."

SECTION 16. 1-7-507 (4), Colorado Revised Statutes, is amended to read:

1-7-507. Electronic vote-counting - procedure. (4) ~~Absentee~~ MAIL-IN ballots shall be counted at the counting centers in the same manner as precinct ballots.

SECTION 17. 1-7-509 (1) (b), Colorado Revised Statutes, is amended to read:

1-7-509. Electronic and electrotechnical vote counting - testing of equipment required. (1) (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~~ MAIL-IN, 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.

SECTION 18. 1-7.5-108, Colorado Revised Statutes, is amended to read:

1-7.5-108. Mail-in ballots. Provisions for the allowance of and procedures for

~~absentee~~ MAIL-IN ballots shall be determined by rules promulgated by the secretary of state.

SECTION 19. 1-8-101, Colorado Revised Statutes, is amended to read:

1-8-101. Ballots and supplies for mail-in voting. (1) ~~Absentee~~ MAIL-IN ballots, applications, affidavits, certificates, envelopes, instruction cards, and other necessary supplies shall be provided by the designated election official in the same manner as other election supplies are provided for in all elections and shall be furnished without cost to any eligible elector wishing to vote pursuant to this article. ~~Absentee~~ MAIL-IN ballots shall be ready for delivery or mailing to ~~absentee electors~~ MAIL-IN VOTERS as soon as available.

(2) The ballots shall be in the same form as other official ballots for the same election. On the stub of the ~~absentee~~ MAIL-IN ballot shall be printed "~~Absentee~~ MAIL-IN Ballot No. ~~A-V~~: M. I. V.(number)", and such stubs shall be numbered consecutively, commencing with number 1.

(3) In counties including more than one state senatorial district or more than one state representative district, or both, ~~absentee~~ MAIL-IN ballots shall be provided in a manner to be determined by the county clerk and recorder for each combination of state legislative districts. Distinctive markings or colors may be used to identify political subdivisions when such colors or distinctive markings will aid in the distribution and tabulation of the ballots. A complete ballot may consist of one or more pages or cards so long as each page or card is numbered and identified as provided for paper ballots in sections 1-5-407 and 1-5-410. This subsection (3) shall apply to ballots to be cast on ~~absentee~~ voting machines as well as to paper ballots and ballot cards ~~which~~ THAT can be electronically counted.

(4)(a) ON THE MAIL-IN BALLOT INSTRUCTION CARD AND THE SECRECY ENVELOPE OR SLEEVE OR ON THE COMBINED INSTRUCTION CARD AND SECRECY ENVELOPE OR SLEEVE, WHICHEVER IS APPLICABLE, SHALL BE PRINTED "ALL BALLOTS, BOTH POLLING PLACE AND MAIL-IN, ARE COUNTED IN THE SAME MANNER."

(b) THE MAIL-IN BALLOT INSTRUCTION CARD SHALL CONTAIN INFORMATION ON HOW THE ELECTOR MAY VERIFY THAT HIS OR HER MAIL-IN BALLOT HAS BEEN RECEIVED BY THE COUNTY CLERK AND RECORDER AS PROVIDED IN SECTION 1-8-307.5.

SECTION 20. 1-8-102, Colorado Revised Statutes, is amended to read:

1-8-102. When mail-in voters may vote. Any eligible elector may vote by ~~absentee~~ MAIL-IN ballot at any election under the regulations and in the manner provided in this part 1.

SECTION 21. 1-8-103.5 (1), (1.5), (2) (a), and (2) (b), Colorado Revised Statutes, are amended to read:

1-8-103.5. Voting by persons residing overseas and military personnel - definitions. (1) The designated or coordinated election official of a county or other political subdivision that meets the requirements of the rules promulgated by the

secretary of state pursuant to subsection (3) of this section shall provide ~~an absentee~~ A MAIL-IN ballot by electronic means to an eligible elector who 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 timely filed ~~an absentee~~ A MAIL-IN ballot application with the designated or coordinated election official.

(1.5) Notwithstanding section 1-8-104 (3), a designated or coordinated election official shall not refuse to accept or process any otherwise valid ~~absentee~~ MAIL-IN ballot submitted by an absent uniformed services elector, as defined in section 1-2-208 (2.5), during a year on the grounds that the elector submitted the application before the first date on which the designated or coordinated election official otherwise accepts or processes such applications for that year.

(2) (a) The eligible elector may return the voted ballot to the designated or coordinated election official by electronic means. The returned ballot shall be counted if it arrives in the office of the designated or coordinated election official by 7 p.m. on election day. When 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~~ MAIL-IN ballots. The judges who duplicate the ballot shall not reveal to any other person how the elector has cast his or her ballot.

(b) The instructions for completing ~~an absentee~~ A MAIL-IN ballot pursuant to this section shall inform the elector that ~~an absentee~~ A MAIL-IN ballot returned by electronic means is not a confidential ballot.

SECTION 22. 1-8-104, Colorado Revised Statutes, is amended to read:

1-8-104. Applications for mail-in ballot. (1) (a) The application for ~~an absentee~~ A MAIL-IN ballot shall be made in writing or by fax, using the application form furnished by the designated election official or in the form of a letter that includes the applicant's printed name, signature, residence address, mailing address if the applicant wishes to receive the ~~absentee~~ MAIL-IN ballot by mail, ~~and~~ date of birth, AND WHETHER THE APPLICANT WISHES TO BE DESIGNATED AS A PERMANENT MAIL-IN VOTER PURSUANT TO SECTION 1-8-104.5.

(b) If the application is made for a primary election ballot, the application shall name the political party with which the applicant is affiliated or wishes to affiliate.

(1.5) Repealed.

(2) The application for ~~an absentee~~ A MAIL-IN ballot shall be personally signed by the applicant; or, in case of the applicant's inability to sign, the elector's mark shall be witnessed by another person.

(3) The application for ~~an absentee~~ A MAIL-IN 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~~ MAIL-IN ballot by mail, the application shall be filed no later

than the close of business on the seventh day before the election.

(4) The application for ~~an absentee~~ A MAIL-IN ballot is subject to the rules of residency contained in section 1-2-102 and is subject to challenge as provided in parts 1 and 2 of article 9 of this title.

(5) A prisoner in pretrial detention may apply for ~~an absentee~~ A MAIL-IN ballot from the prisoner's county of residence. No application for ~~an absentee~~ A MAIL-IN ballot shall be accepted unless personally signed by the applicant and accompanied by a certification from the institutional administrator or the administrator's designee that the applicant is in pretrial detention. The institutional administrator shall certify the application immediately upon request by the prisoner.

(6) No person shall give to any eligible elector any form for the purpose of requesting ~~an absentee~~ A MAIL-IN ballot unless such form prompts the applicant to provide all the information required by subsection (1) of this section and contains the following statement: "Under Colorado law, your ~~absentee~~ MAIL-IN ballot application must contain your printed name, signature, residence address, mailing address if you wish to receive the ballot by mail, and date of birth. If you do not provide all of this information, you may not receive ~~an absentee~~ A MAIL-IN ballot according to the rules established by the secretary of state." Violation of this subsection (6) is an offense punishable as provided in section 1-13-803.

(7) Notwithstanding any other provision of this section, no ~~absentee~~ MAIL-IN ballot shall be mailed to an applicant unless the designated election official has previously received an application for ~~an absentee~~ A MAIL-IN ballot from the applicant.

SECTION 23. Part 1 of article 8 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-8-104.5. Application for permanent mail-in voter status. (1) ANY ELIGIBLE ELECTOR MAY APPLY FOR PERMANENT MAIL-IN VOTER STATUS. THE APPLICATION FOR PERMANENT MAIL-IN VOTER STATUS SHALL BE MADE IN WRITING OR BY FACSIMILE USING AN APPLICATION FORM FURNISHED BY THE DESIGNATED ELECTION OFFICIAL OR IN THE FORM OF A LETTER. THE APPLICATION SHALL CONTAIN THE SAME INFORMATION SUBMITTED IN CONNECTION WITH AN APPLICATION FOR A MAIL-IN BALLOT PURSUANT TO SECTION 1-8-104.

(2) UPON RECEIPT OF AN APPLICATION FOR PERMANENT MAIL-IN VOTER STATUS, THE DESIGNATED ELECTION OFFICIAL SHALL PROCESS THE APPLICATION IN THE SAME MANNER AS AN APPLICATION FOR A MAIL-IN BALLOT. IF IT IS DETERMINED THAT THE APPLICANT IS AN ELIGIBLE ELECTOR, THE DESIGNATED ELECTION OFFICIAL SHALL PLACE THE ELIGIBLE ELECTOR'S NAME UPON THE LIST MAINTAINED PURSUANT TO SECTION 1-8-108 OF THOSE ELIGIBLE ELECTORS TO WHOM A MAIL-IN BALLOT IS MAILED EACH TIME THERE IS A COORDINATED ELECTION.

SECTION 24. 1-8-105, Colorado Revised Statutes, is amended to read:

1-8-105. Change of registration record. A change of name, residence, or affiliation request may be submitted to the county clerk and recorder at the same

time the eligible elector submits an application for ~~an absentee~~ A MAIL-IN ballot if the elector has moved within the county and states that the move occurred no later than thirty days before the election and that the elector has lived at the new residence for at least thirty days. The application shall include the elector's old and new addresses within the county, the elector's printed name and signature, and the date of the application. Upon receipt of the application, the county clerk and recorder shall verify the registration of the elector, amend the registration record, and mail to the elector an official ~~absentee~~ MAIL-IN ballot as provided in this part 1.

SECTION 25. 1-8-106, Colorado Revised Statutes, is amended to read:

1-8-106. Verification of registration of elector. Upon receipt of an application for ~~an absentee~~ A MAIL-IN ballot within the proper time, the designated election official shall examine the records of eligible electors to ascertain whether or not the applicant is eligible to vote as requested. If the applicant is eligible, the designated election official, either personally in the office of the designated election official or by mail to the mailing address given in the application, shall deliver an official ~~absentee~~ MAIL-IN ballot, a return envelope with information as to precinct and residence address as shown by the records in the office, and an instruction card.

SECTION 26. 1-8-107, Colorado Revised Statutes, is amended to read:

1-8-107. Registration record. (1) Before any ~~absentee~~ MAIL-IN ballot is delivered or mailed or before any eligible elector is permitted to cast a vote at an election where the county clerk and recorder is the designated election official, the designated election official shall record the number of the ballot, together with the date the ballot is delivered or mailed. The supply judge for the ~~absentee elector's~~ MAIL-IN VOTER'S precinct shall receive the list of ~~absentee~~ MAIL-IN ballots prepared pursuant to section 1-8-108. ~~Absentee electors~~ MAIL-IN VOTERS for each precinct shall be recorded on the precinct registration list for use at the polls as provided in section 1-5-302.

(2) For nonpartisan elections, ~~absentee electors~~ MAIL-IN VOTERS shall be recorded on the precinct registration list for use at the polls as provided in section 1-5-303.

SECTION 27. 1-8-108, Colorado Revised Statutes, is amended to read:

1-8-108. List of mail-in ballots. (1) The designated election official shall keep a list of names and precinct numbers of eligible electors applying for ~~absentee~~ MAIL-IN ballots AND PERMANENT MAIL-IN VOTERS PLACED ON THE LIST PURSUANT TO SECTION 1-8-104.5 (2), together with the date on which each application was made, the date on which the ~~absentee~~ MAIL-IN ballot was sent, and the date on which each ~~absentee~~ MAIL-IN ballot was returned. If ~~an absentee~~ A MAIL-IN ballot is not returned or if it is rejected and not counted, that fact shall be noted on the list. The list is open to public inspection under proper regulations.

(2) (a) AN ELIGIBLE ELECTOR WHOSE NAME APPEARS ON THE LIST AS A PERMANENT MAIL-IN VOTER SHALL REMAIN ON THE LIST AND SHALL BE MAILED A MAIL-IN BALLOT FOR EACH COORDINATED ELECTION.

(b) AN ELIGIBLE ELECTOR SHALL BE DELETED FROM THE PERMANENT MAIL-IN

VOTER LIST IF:

(I) THE ELIGIBLE ELECTOR NOTIFIES THE DESIGNATED ELECTION OFFICIAL THAT HE OR SHE NO LONGER WISHES TO VOTE BY MAIL-IN BALLOT;

(II) THE MAIL-IN BALLOT SENT TO THE ELIGIBLE ELECTOR IS RETURNED TO THE DESIGNATED ELECTION OFFICIAL AS UNDELIVERABLE; OR

(III) THE ELIGIBLE ELECTOR HAS BEEN DEEMED "INACTIVE" PURSUANT TO SECTION 1-2-605.

SECTION 28. 1-8-109, Colorado Revised Statutes, is amended to read:

1-8-109. Watchers at mail-in polling places. Any political party, candidate, or proponents or opponents of a ballot issue entitled to have watchers at polling places shall each have the right to maintain one watcher in the office of the designated election official and ~~absentee~~ MAIL-IN polling places during the period in which ~~absentee~~ MAIL-IN ballots may be applied for or received.

SECTION 29. 1-8-110, Colorado Revised Statutes, is amended to read:

1-8-110. Challenges. The right to vote of any person voting by ~~absentee~~ MAIL-IN ballot may be challenged in the same manner and for the same causes as other persons are challenged.

SECTION 30. 1-8-111, Colorado Revised Statutes, is amended to read:

1-8-111. Delivery of mail-in ballot and replacement mail-in ballots. (1) The ~~absentee~~ MAIL-IN ballot and other materials shall be delivered or mailed to the ~~absentee~~ elector within seventy-two hours after the receipt of the application, if the official ballots are then printed, or, if not then printed, within seventy-two hours after the printed ballots are delivered to the designated election official. If the ~~absentee~~ MAIL-IN ballot and other materials are mailed, the envelope shall be marked "DO NOT FORWARD" or by any other similar statement that is in accordance with United States postal service regulations.

(2) Upon a request by an eligible elector stating an emergency need, the designated election official may authorize one or more deputies or may deputize a courier service to deliver the ~~absentee~~ MAIL-IN ballot and return the ballot to the office of the designated election official.

(3) The designated election official may issue a replacement ~~absentee~~ MAIL-IN ballot if an eligible elector applied for ~~an absentee~~ A MAIL-IN ballot but did not receive it or if the elector spoiled the ~~absentee~~ MAIL-IN ballot. An affidavit completed by either the elector or the designated election official shall give the reason for requesting a replacement ~~absentee~~ MAIL-IN ballot and shall state that the original ~~absentee~~ MAIL-IN 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~~ MAIL-IN ballot. The ~~absentee~~ MAIL-IN record shall have the notation "Replacement Issued" entered to indicate the original ~~absentee~~ MAIL-IN ballot was not received or was spoiled, and the replacement

~~absentee~~ MAIL-IN ballot number shall be entered in the ~~absentee~~ MAIL-IN record. The first ballot returned by the elector shall be considered the elector's official ballot.

SECTION 31. 1-8-112 (1), Colorado Revised Statutes, is amended to read:

1-8-112. Voting at group facilities. (1) When more than five ~~absentee~~ MAIL-IN ballots are to be sent to the same group residential facility within a county, which includes, but is not limited to, nursing homes and senior citizen housing facilities, a committee consisting of one employee of the county clerk and recorder and, where available, a representative appointed by each of the major political parties shall deliver the ~~absentee~~ MAIL-IN ballots and return those ballots to the office of the county clerk and recorder.

SECTION 32. 1-8-113 (1) (a), (1) (d), (2), (3) (b), (3) (c), and (3) (d), Colorado Revised Statutes, are amended to read:

1-8-113. Manner of mail-in voting - first-time voters casting a mail-in ballot after having registered by mail to vote. (1) (a) Any eligible elector applying for and receiving an ~~absentee~~ A MAIL-IN ballot, in casting the ballot, shall make and subscribe to the self-affirmation on the return envelope. The elector shall then mark the ballot, fold the ballot or insert the ballot card in the special envelope provided for the purpose so as to conceal the marking, deposit it in the return envelope, enclose identification if required by subsection (3) of this section, and seal the envelope securely. The envelope may be delivered personally or mailed by the elector to the designated election official issuing the ballot, OR DELIVERED PERSONALLY BY THE ELECTOR DURING THE TIME EARLY VOTING IS MADE AVAILABLE PURSUANT TO SECTION 1-8-202 OR ON ELECTION DAY TO AN EARLY VOTERS' POLLING PLACE IN THE COUNTY IN WHICH THE ELECTOR IS REGISTERED TO VOTE. Alternatively, an elector may deliver the ballot to any person of the elector's own choice or to any duly authorized agent of the designated election official for mailing or personal delivery to the designated election official; except that no one person other than a duly authorized agent of the designated election official may receive more than five ~~absentee~~ MAIL-IN ballots in any election for mailing or delivery to the designated election official. All envelopes containing ~~absentee~~ MAIL-IN ballots shall be in the hands of the designated election official no later than 7 p.m. on the day of the election. ~~Absentee~~ MAIL-IN envelopes received after 7 p.m. on the day of the election but postmarked on or before the day of the election will remain sealed and uncounted, but the elector's registration record will not be canceled for failure to vote in a general election.

(d) If the return envelope received from an eligible elector described in subsection (3) of this section does not contain identification, the ~~absentee~~ MAIL-IN ballot shall be treated as a provisional ballot and shall be verified and counted in accordance with article 8.5 of this title.

(2) Upon receipt of an ~~absentee~~ A MAIL-IN ballot from an eligible elector, the designated election official shall write or stamp upon the envelope containing the ballot the date the envelope was received in the office. The designated election official shall safely keep and preserve all ~~absentee~~ MAIL-IN ballots unopened in a ballot box or transfer case that is locked and secured with a numbered seal until the

time prescribed for delivery to the supply judge in accordance with section 1-8-303.

(3) (b) Any person who matches either of the descriptions specified in subparagraph (I) or (II) of paragraph (a) of this subsection (3) and intends to cast his or her ballot by ~~absentee~~ MAIL-IN ballot in accordance with the requirements of this article shall submit with his or her ~~absentee~~ MAIL-IN ballot a copy of identification within the meaning of section 1-1-104 (19.5).

(c) The designated election official shall include with the ~~absentee~~ MAIL-IN ballot written instructions advising an elector who matches the description specified in paragraph (a) of this subsection (3) of the manner in which the elector shall be in compliance with the requirements contained in paragraph (a) of this subsection (3).

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

SECTION 33. 1-8-114, Colorado Revised Statutes, is amended to read:

1-8-114. Self-affirmation on return envelope. (1) The return envelope for the ~~absentee~~ MAIL-IN ballot shall have printed on it a self-affirmation substantially in the following form:

"I state under penalty of perjury that I am an eligible elector; that I reside at the address indicated on my application for an ~~absentee~~ A MAIL-IN ballot; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".

.....
Date
Signature of voter"

(2) The signing of the self-affirmation on the return envelope for the ~~absentee~~ MAIL-IN ballot shall constitute an affirmation by the voter, under penalty of perjury, that the facts stated in the self-affirmation are true.

(3) Assistance to ~~absentee~~ MAIL-IN voters may be given by any person selected by the ~~absentee~~ MAIL-IN voter. No person other than an elector authorized by the designated election official pursuant to sections 1-8-112 and 1-8-205 shall be permitted to assist more than one ~~absentee~~ MAIL-IN voter and unless the person is at least eighteen years of age and is the spouse, parent, grandparent, sibling, or child of the ~~absentee~~ MAIL-IN voter seeking assistance. No elector who assists an ~~absentee~~ A MAIL-IN voter shall attempt to persuade or unreasonably influence the voter to vote in a particular manner while the ~~absentee~~ MAIL-IN voter is voting.

SECTION 34. 1-8-114.5 (1) (a), (2) (c), and (3), Colorado Revised Statutes, are amended to read:

1-8-114.5. Verification of signatures. (1) (a) Except as provided in paragraph (b) of this subsection (1), in every statewide primary and general election held in 2006 or any subsequent year, an election judge shall compare the signature on the

self-affirmation on each return envelope of each ~~absentee~~ MAIL-IN ballot with the signature of the eligible elector on file in the office of the county clerk and recorder in accordance with subsection (2) of this section.

(2) (c) In the case of a disagreement among the election judges as to whether the signature of an eligible elector on the self-affirmation on the return envelope matches the signature of the eligible elector on file with the county clerk and recorder pursuant to the procedures specified in paragraph (a) of this subsection (2), the ~~absentee~~ MAIL-IN ballot contained in the return envelope shall be counted in accordance with the requirements of part 3 of this article.

(3) If the election judge determines that the signature of an eligible elector on the self-affirmation matches the elector's signature on file with the county clerk and recorder, the election judge shall follow the procedures specified in part 3 of this article pertaining to the counting of ~~absentee~~ MAIL-IN ballots.

SECTION 35. 1-8-115 (1), (2), (4), (5) (a), and (5) (b), Colorado Revised Statutes, are amended to read:

1-8-115. Emergency mail-in 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~~ A MAIL-IN ballot, the elector may request in a personally signed written statement that the designated election official send ~~an absentee~~ A MAIL-IN ballot with the word "EMERGENCY" stamped on the stubs. The designated election official shall deliver the emergency ~~absentee~~ MAIL-IN 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~~ MAIL-IN ballot with a signature, name, and address.

(b) A request for an emergency ~~absentee~~ MAIL-IN ballot under this section shall be made before 5 p.m. on the day of the election, and the ballot shall be returned no later than 7 p.m. on the day of the election.

(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~~ A MAIL-IN ballot to the eligible elector by electronic transfer in accordance with the rules of the secretary of state. If the ~~absentee~~ MAIL-IN 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.

(2) Any eligible elector, including any election official, who is unable to go to the polls because of conditions arising after the closing date for ~~absentee~~ MAIL-IN ballot applications ~~which~~ THAT will result in the elector's absence from the precinct on

election day may apply at the office of the designated election official for an emergency ~~absentee~~ MAIL-IN ballot. Upon receipt of an affidavit signed by the elector on a form provided by the designated election official and attesting to the fact that the elector will be absent from the precinct on election day because of conditions arising after the last day to apply for an ~~absentee~~ A MAIL-IN ballot, the designated election official shall provide the elector with an ~~absentee~~ A MAIL-IN ballot with the word "EMERGENCY" stamped on the stubs. The request for the ballot shall be made, and the ballot shall be voted at the designated election official's office or outside of the office and returned, by 7 p.m. on the day of the election.

(4) If, following the procedure set forth in this section, the designated election official is unable to provide an ~~absentee~~ A MAIL-IN ballot to an elector, the designated election official shall seek authority from the secretary of state to provide an ~~absentee~~ A MAIL-IN ballot to the elector by electronic transfer in accordance with the election rules of the secretary of state. If the ~~absentee~~ MAIL-IN 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~~ A MAIL-IN 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~~ MAIL-IN ballots. Duplicating judges shall not reveal how the elector has cast his or her ballot.

(b) Any elector who receives an ~~absentee~~ A MAIL-IN 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.

SECTION 36. 1-8-116 (1), (3), (4), and (5), Colorado Revised Statutes, are amended to read:

1-8-116. Special write-in blank mail-in ballots. (1) 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~~ MAIL-IN ballot to vote at 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~~ MAIL-IN 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~~ A MAIL-IN ballot during the normal period provided by this part 1. An application made pursuant to this section that is received by the designated election official prior to the fifty-seventh day before the election shall be kept and processed on or after the fifty-seventh day before the election.

(3) On the special write-in blank ~~absentee~~ MAIL-IN ballot, the registered elector may designate his or her candidate by writing in the name of the candidate or by writing in the name of a political party or political organization, in which case the ballot shall be counted for the candidate of that political party or political organization. Any abbreviation, misspelling, or other minor variation in the form of the name of the candidate, political party, or political organization shall be disregarded in determining the validity of the ballot as long as the intention of the registered elector can be ascertained.

(4) (a) If both a federal write-in blank absentee ballot pursuant to section 1-8-117 and a special write-in blank ~~absentee~~ MAIL-IN ballot pursuant to this section are returned by the voter, the federal write-in absentee ballot shall be deemed void, and votes shall be counted from the special write-in blank ~~absentee~~ MAIL-IN ballot only.

(b) If both an ~~absentee~~ A MAIL-IN ballot and a special write-in blank ~~absentee~~ MAIL-IN ballot are returned, the special write-in blank ~~absentee~~ MAIL-IN ballot shall be deemed void, and votes shall be counted from the ~~absentee~~ MAIL-IN ballot only.

(5) Special write-in blank ~~absentee~~ MAIL-IN ballots shall be counted in accordance with section 1-8-302.

SECTION 37. 1-8-117 (3), (4) (a), and (5), 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". (4) (a) In accord with the "Uniformed and Overseas Citizens Absentee Voting Act", Public Law 99-410, the federal write-in absentee ballot shall be provided to an eligible elector who has applied for a Colorado ~~absentee~~ MAIL-IN ballot but believes that he or she will be unable to vote and return the ballot by normal mail delivery within the ~~period of~~ time provided for the ~~state absentee~~ COLORADO MAIL-IN ballot.

SECTION 38. The introductory portion to 1-8-118 (1), Colorado Revised Statutes, is amended to read:

1-8-118. Opt-out from mail-in ballot requirements. (1) In the case of any general election in which registered electors who live in specified precincts in a particular county are required to cast their ballots by mail in the form of ~~absentee~~ MAIL-IN ballots in accordance with the requirements of this part 1, the clerk and recorder of the county shall notify such electors that they may opt-out from casting their ballots in such manner. In such cases, the clerk and recorder shall further direct such electors to cast their ballots by any of the following means:

SECTION 39. 1-8-205 (1), Colorado Revised Statutes, is amended to read:

1-8-205. Procedures and personnel for early voters' polling place. (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), the early voters' polling place shall be open during the time for early voting as provided in section 1-8-202.

(b) EACH COUNTY CLERK AND RECORDER SHALL PROVIDE ONE OR MORE EARLY

VOTERS' POLLING PLACES DURING THE HOURS OF VOTING ON ELECTION DAY FOR THE PURPOSE OF RECEIVING MAIL-IN BALLOTS THAT ARE PERSONALLY DELIVERED BY AN ELECTOR PURSUANT TO SECTION 1-8-113.

SECTION 40. 1-8-208 (1), Colorado Revised Statutes, is amended to read:

1-8-208. Manner of early voting. (1) An eligible elector who receives an early voters' ballot may cast the ballot in the early voters' polling place, as provided in this part 2. Ballot boxes for early voting shall be locked and sealed each night with a numbered seal under the supervision of the election judges or watchers, and the keys shall remain in the possession of the designated election official until transferred to the supply judge for the ~~absentee~~ MAIL-IN and early voters' counting place for preparation for counting and tabulating pursuant to section 1-8-303. When a seal is broken, the designated election official and a person who shall not be of the same political party as the designated election official shall record the number of the seal, and maintain the seal along with an explanation of the reasons for breaking the seal.

SECTION 41. 1-8-209 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

1-8-209. Casting early voters' ballot. (1) Except as provided in subsection (2) of this section, the voting machines, electronic voting machines, or ballot boxes used for the casting of early ballots shall remain locked and secured with a numbered seal, and the tabulation of the votes cast shall remain unknown until the time prescribed in section 1-8-302 for counting ~~absentee~~ MAIL-IN and early voters' ballots. Alternatively, for any electronic voting equipment, the ballot boxes shall be opened each night, and the voted ballots shall be placed in a transfer case that is locked and secured with a numbered seal. A record shall be maintained consisting of the date, number of ballots, and seal number of each ballot box and transfer case until each ballot box and transfer case is transferred to the supply judge for the absent voters' polling place for preparation for counting and tabulating pursuant to section 1-8-303. When a seal is broken, the designated election official and a person who shall not be of the same political party as the designated election official shall record the number of the seal and maintain the seal along with an explanation of the reasons for breaking the seal. During the time the early voters' polling place is not open, the designated election official shall have the custody and keys of any voting machine or electronic voting equipment being used for the casting of early ballots, except for those direct record early voting electronic voting machines being reused at the polling place on election day as provided in subsection (2) of this section. The voting machines or electronic voting machines used for the casting of early ballots shall not be used for the further counting of ~~absentee~~ MAIL-IN ballots, as provided in sections 1-8-305 and 1-8-306.

(2) (a) Direct record electronic voting machines utilized for casting of early ballots may be reused for the casting of votes at the polling place on election day. The designated election official shall place in a locked and secured location all direct record electronic voting machine cartridges that record early votes cast on such voting machines that are to be reused at the polling place on election day. The tabulation of early votes cast and recorded on such cartridges shall remain unknown until the time prescribed in section 1-8-302 for counting ~~absentee~~ MAIL-IN and early voters' ballots.

SECTION 42. 1-8-301, Colorado Revised Statutes, is amended to read:

1-8-301. Appointment of election judges for counting mail-in and early ballots. (1) If, in any political subdivision, the designated election official has mailed or delivered ~~absentee~~ MAIL-IN ballots to five hundred or more electors, the designated election official shall appoint, in addition to the receiving judges appointed as provided in section 1-8-205, at least three counting judges, not more than two of whom shall be from any one political party and whose powers and duties shall be the same as provided in section 1-7-305 for counting judges in precinct polling places. For each additional five hundred ~~absentee~~ MAIL-IN ballots so mailed or delivered, the designated election official may appoint additional counting judges as needed.

(2) In all political subdivisions in which electronic or electromechanical voting systems are used, the designated election official, for each five hundred ~~absentee~~ MAIL-IN ballots mailed or delivered, may appoint, in addition to the receiving judges appointed as provided in section 1-8-205, five counting judges, not more than three of whom shall be from any one political party in a partisan election.

(3) In political subdivisions to which this section applies, the designated election official shall make the appointments so that one major political party is represented by a majority of election judges on the ~~absentee~~ MAIL-IN receiving board and the other major political party is represented by a majority of election judges on the ~~absentee~~ MAIL-IN counting board of the county. The designated election official shall appoint those electors certified by the county party chairpersons of the major political parties to the designated election official as ~~absentee~~ MAIL-IN receiving judges and ~~absentee~~ MAIL-IN counting judges. If an elector certified by a major political party is not willing or able to serve, then the major political party that certified the elector may certify a replacement judge to the designated election official. If the major political parties do not certify a sufficient number of ~~absentee~~ MAIL-IN receiving and counting judges to the designated election official, the designated election official may appoint a sufficient number of qualified electors to serve as ~~absentee~~ MAIL-IN receiving and counting judges.

(4) In all political subdivisions to which this section applies, where the designated election official has appointed one or more student election judges pursuant to article 6 of this title, the student election judge shall be appointed to serve as a judge for the purpose of counting ~~absentee~~ MAIL-IN and early ballots pursuant to this section; except that the student election judge need not satisfy any party affiliation required of election judges by this section.

SECTION 43. 1-8-302 (2), Colorado Revised Statutes, is amended to read:

1-8-302. Hours mail-in and early voters' counting place open for receiving and counting ballots. (2) The election officials at the ~~absentee~~ MAIL-IN and early voters' counting place may receive, cast, and prepare for tabulation ~~absentee~~ MAIL-IN and early voters' ballots delivered and turned over to them by the designated election official. Counting of the ~~absentee~~ MAIL-IN and early voters' ballots may begin ten days prior to the election and continue until counting is completed. The election officials in charge of the ~~absentee~~ MAIL-IN ballot counting place shall take all precautions necessary to ensure the secrecy of the counting procedures, and no

information concerning the count shall be released by the election officials or watchers until after 7 p.m. on election day.

SECTION 44. 1-8-303, Colorado Revised Statutes, is amended to read:

1-8-303. Delivery of mail-in and early voters' ballots to supply judge. At any time during the ten days prior to and including the election day, the designated election official shall deliver to the judges of the ~~absentee~~ MAIL-IN and early voters' ballot counting place all the ~~absentee~~ MAIL-IN envelopes received up to that time in packages or in ballot boxes that are locked and secured with a numbered seal together with the signed applications for the ~~absentee~~ MAIL-IN ballots, the count and the list of ~~absentee~~ MAIL-IN and early electors, and the record of ~~absentee~~ MAIL-IN ballots as provided for in section 1-8-108 for which a receipt will be given. The designated election official shall continue to deliver any envelopes containing ~~absentee~~ MAIL-IN ballots that may be received thereafter up to and including 7 p.m. on election day. On the sealed packages and boxes of ~~absentee~~ MAIL-IN envelopes shall be printed or written "This package (or box) contains (number) ~~absentee~~ MAIL-IN envelopes." With the envelopes, the designated election official shall deliver to the supply judge written instructions, which shall be followed by the election judges in casting and counting the ballots, and all the lists, records, and supplies needed for tabulating, recording, and certifying the ~~absentee~~ MAIL-IN and early voters' ballots.

SECTION 45. 1-8-304 (1) (a), (1) (c), and (3), Colorado Revised Statutes, are amended to read:

1-8-304. Preparing to count mail-in ballots - rejections. (1) (a) Before opening any ~~absentee~~ MAIL-IN ballot, one of the receiving judges, in the presence of a majority of the receiving judges, shall inspect the self-affirmation on the return envelope and, in an election coordinated by the county clerk and recorder, compare the signature on the self-affirmation with the signature of the eligible elector on file in the county clerk and recorder's office.

(c) If the self-affirmation is valid, the receiving judge shall tear open the envelope without defacing the self-affirmation or mutilating the enclosed ballot. One of the election judges shall enter or verify the name of the ~~absentee~~ MAIL-IN voter in the pollbook, and another election judge shall deposit the ballot in the ballot box.

(3) If it appears to the election judges, by sufficient proof, that ~~an absentee~~ A MAIL-IN ballot sent to an elector who died after requesting the ballot contains a forged affidavit, the envelope containing the ballot of the deceased ~~absentee~~ MAIL-IN 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~~ A MAIL-IN 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 46. 1-8-305 (1), (2) (a), and (2) (c), Colorado Revised Statutes, are amended to read:

1-8-305. Counting mail-in and early voters' ballots - partisan elections.

(1) ~~Absentee~~ MAIL-IN and early voters' ballots shall be counted after delivery of the ballots as provided in section 1-8-303 and after preparation of the ballots as provided in section 1-8-304.

(2) ~~Absentee~~ MAIL-IN and early voters' ballots shall be counted in one of the following ways:

(a) In counties that use paper ballots, the ~~absentee~~ MAIL-IN and early voters' ballots may be counted in the manner provided in section 1-7-307 for counting paper ballots.

(c) Any county may use electronic vote-tabulating equipment for the counting of ~~absentee~~ MAIL-IN ballots in the same manner provided for the counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

SECTION 47. The introductory portion to 1-8-306 (1) and 1-8-306 (1) (a) and (1) (c), Colorado Revised Statutes, are amended to read:

1-8-306. Counting mail-in and early voters' ballots - nonpartisan elections.

(1) After delivery of the ballots as provided in section 1-8-303 and after preparation of the ballots as provided in section 1-8-304, the ~~absentee~~ MAIL-IN and early voters' ballots shall be counted in one of the following ways:

(a) In political subdivisions that use paper ballots, the ~~absentee~~ MAIL-IN and early voters' ballots may be counted in the manner provided in section 1-7-307 for counting paper ballots.

(c) Any political subdivision may use electronic vote-tabulating equipment for the counting of ~~absentee~~ MAIL-IN ballots in the same manner provided for the counting of precinct ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

SECTION 48. 1-8-307, Colorado Revised Statutes, is amended to read:

1-8-307. Casting and counting - electronic system. In political subdivisions using a ballot card electronic voting system, ~~absentee~~ MAIL-IN and early voters' ballots may be cast on paper ballots and counted as provided in section 1-7-307 or may be cast on ballot cards and counted by electronic voting equipment as provided in part 6 of article 5 and parts 4 and 5 of article 7 of this title, or both methods may be used.

SECTION 49. Part 3 of article 8 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-8-307.5. Voter verification - mail-in ballot information. EACH COUNTY CLERK AND RECORDER SHALL MAINTAIN THE CAPABILITY FOR PROVIDING ELECTORS, UPON REQUEST, WITH INFORMATION ON WHETHER THE MAIL-IN BALLOT CAST BY THE ELECTOR WAS RECEIVED BY THE CLERK, INCLUDING, BUT NOT LIMITED TO AN ON-LINE MAIL-IN BALLOT TRACKING SYSTEM OR RESPONSE BY OTHER ELECTRONIC OR TELEPHONIC MEANS.

SECTION 50. 1-8-308, Colorado Revised Statutes, is amended to read:

1-8-308. Certificate of mail-in and early voters' ballots cast - survey of returns. (1) Upon the completion of the count of ~~absentee~~ MAIL-IN and early voters' ballots, the election judges shall make the certificate and perform all the official acts required by sections 1-7-601 and 1-7-602.

(2) Upon the survey of the returns of the political subdivision by the board of canvassers formed pursuant to section 1-10-101 or 1-10-201, the board shall include in its abstract of votes the votes cast in the early voters' polling place and counted at the ~~absentee~~ MAIL-IN and early voters' counting place in the manner provided for abstracting votes cast and counted at precinct polling places, as provided in article 10 of this title.

(3) (a) Beginning with the 2008 general election, and for all elections thereafter, the returns certified by the judges and the abstract of votes cast certified by the canvass board shall indicate the number of votes cast by early voters' or ~~absentee~~ MAIL-IN ballot in each precinct for each candidate and for and against each ballot issue and ballot question and the number of ballots rejected, except as otherwise provided in paragraph (b) of this subsection (3).

(b) If the total number of votes cast and counted in any precinct by early voters' and ~~absentee~~ MAIL-IN ballot is less than ten, the returns for all such precincts in the political subdivision shall be reported together.

SECTION 51. 1-8-309, Colorado Revised Statutes, is amended to read:

1-8-309. Return of mail-in and early voters' registration list. The ~~absentee~~ MAIL-IN and early voters' registration list shall be returned to the designated election official with the certificate required to be filed by section 1-8-308.

SECTION 52. 1-8-310, Colorado Revised Statutes, is amended to read:

1-8-310. Preservation of rejected mail-in and early voters' ballots. All ~~absentee~~ MAIL-IN identification envelopes, ballot stubs, and ~~absentee~~ MAIL-IN and early voters' ballots rejected by the election judges in accordance with the provisions of section 1-8-304 shall be returned to the designated election official. All ~~absentee~~ MAIL-IN ballots received by the designated election official after 7 p.m. on the day of the election, together with the rejected ~~absentee~~ MAIL-IN and early voters' ballots returned by the election judges as provided in this section, shall remain in the sealed identification envelopes and shall be destroyed later as provided in section 1-7-802.

SECTION 53. 1-8-311, Colorado Revised Statutes, is amended to read:

1-8-311. Maintenance of records of mail-in and early voting - transmittal of such lists to secretary of state. The designated election official shall maintain a record identifying the name and voting address of each elector who casts a ballot by ~~absentee~~ MAIL-IN or early voting at any election.

SECTION 54. 1-8.5-101 (3), Colorado Revised Statutes, is amended to read:

1-8.5-101. Provisional ballot - entitlement to vote. (3) If an elector applies for ~~an absentee~~ A MAIL-IN 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~~ MAIL-IN 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~~ MAIL-IN ballot and if the elector's eligibility to vote in the county is verified pursuant to section 1-8.5-105.

SECTION 55. 1-8.5-105 (5), Colorado Revised Statutes, is amended to read:

1-8.5-105. Verification of provisional ballot information - counting procedure. (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~~ MAIL-IN ballots cast in an election before counting any provisional ballots cast by electors who requested ~~absentee~~ MAIL-IN ballots for the election.

SECTION 56. 1-8.5-110 (2), Colorado Revised Statutes, is amended to read:

1-8.5-110. Handling of provisional ballots - reporting of results. (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~~ MAIL-IN ballot.

SECTION 57. Repeal. 1-9-206, Colorado Revised Statutes, is repealed as follows:

~~**1-9-206. Challenges of absentee ballots.** The ballot of any absentee voter may be challenged 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 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 counted. The election judges shall forthwith deliver all challenges, together with the affidavits of the persons challenged, to the county clerk and recorder or designated election official, as applicable.~~

SECTION 58. 1-9-207, Colorado Revised Statutes, is amended to read:

1-9-207. Challenges of ballots cast by mail. The ballot of any elector that has been cast by mail may be challenged 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 by an elector on the returned mail ballot envelope, forgery of a deceased person's signature on ~~an absentee~~ A MAIL ballot affidavit, or submission of multiple ballots, shall be counted. The election judges shall forthwith deliver all challenges, together with the affidavits of the persons challenged, to the

county clerk and recorder or designated election official, as applicable.

SECTION 59. 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 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, forgery of a deceased person's signature on an ~~absentee~~ A MAIL-IN 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, together with the affidavits of the persons challenged, to the county clerk and recorder or the designated election official.

SECTION 60. 1-9-209, Colorado Revised Statutes, is amended 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~~ MAIL-IN, 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.

SECTION 61. 1-9-210, Colorado Revised Statutes, is amended to read:

1-9-210. Copy of challenge delivered to elector. When a challenge is made to a person who cast an ~~absentee~~ A MAIL-IN 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 62. 1-10-106 (1) (c), Colorado Revised Statutes, is amended to read:

1-10-106. Summary of election results - statewide elections - early voting. (1) (c) In a county that uses vote centers in accordance with section 1-5-102.7, on and after January 1, 2008, 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~~ MAIL-IN ballot.

SECTION 63. 1-11-308, Colorado Revised Statutes, is amended to read:

1-11-308. Mail-in ballots. The appropriate designated election officials shall make available applications for ~~absentee~~ MAIL-IN ballots no later than twenty-four hours after the date for the special legislative election is set. ~~Absentee~~ MAIL-IN ballots shall be available no later than thirty days before the special legislative election. All other provisions of article 8 of this title shall apply to the ~~absentee~~ MAIL-IN ballot process.

SECTION 64. 1-12-114, Colorado Revised Statutes, as it will become effective July 1, 2007, is amended to read:

1-12-114. Mail-in ballots. Applications for ~~absentee~~ MAIL-IN ballots shall be made available by the appropriate designated election officials no later than twenty-four hours after the date for the recall election is set. ~~Absentee~~ MAIL-IN ballots shall be available no later than twenty-five days before the recall election. All other provisions of article 8 of this title shall apply to the ~~absentee~~ MAIL-IN ballot process.

SECTION 65. 1-13-106, Colorado Revised Statutes, is amended to read:

1-13-106. Forgery. Any person who falsely makes, alters, forges, or counterfeits any ballot before or after it has been cast, or who forges any name of a person as a signer or witness to a petition or nomination paper, or who forges any letter of acceptance, declination, or withdrawal, or who forges the name of a registered elector to ~~an absentee~~ A MAIL-IN voter's ballot commits forgery as set forth in section 18-5-102, C.R.S., and shall be punished as provided in section 18-1.3-401, C.R.S.

SECTION 66. 1-13-718, Colorado Revised Statutes, is amended to read:

1-13-718. Release of information concerning count. Any election official, watcher, or other person who releases information concerning the count of ballots cast at precinct polling places or of ~~absentee~~ MAIL-IN voters' ballots prior to 7 p.m. on the day of the election is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111.

SECTION 67. 1-13-801, Colorado Revised Statutes, is amended to read:

1-13-801. Mailing other materials with mail-in voter's ballot. It is unlawful for any county clerk and recorder to deliver or mail to a registered elector, as a part of or in connection with the ~~absentee~~ MAIL-IN voter's ballot, anything other than the voting material as provided in article 8 of this title. Each such offense is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

SECTION 68. 1-13-802, Colorado Revised Statutes, is amended to read:

1-13-802. Mail-in voter applications and deliveries outside county clerk and recorder's office. No county clerk and recorder shall accept any application for any ~~absentee~~ MAIL-IN voter's ballot nor make personal delivery of any such ballot to the applicant unless such acceptance and delivery occurs within the confines of the official office of such county clerk and recorder, except as otherwise provided in sections 1-8-104, 1-8-106, and 1-8-112. Any acceptance or delivery contrary to the provisions of this section renders void the ballot to which it relates. Each violation of this section is a misdemeanor, and, upon conviction thereof, the offender shall be punished as provided in section 1-13-111.

SECTION 69. 1-13-803, Colorado Revised Statutes, is amended to read:

1-13-803. Offenses relating to mail-in voting. Any election official or other person who knowingly violates any of the provisions of article 8 of this title relative to the casting of ~~absentee~~ MAIL-IN voters' ballots or who aids or abets fraud in connection with any vote cast, or to be cast, or attempted to be cast by ~~an absentee~~

A MAIL-IN voter shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than eighteen months, or by both such fine and imprisonment.

SECTION 70. 27-10-119, Colorado Revised Statutes, is amended to read:

27-10-119. Voting in public elections. Any person receiving evaluation, care, or treatment under any provision of this article shall be given the opportunity to exercise his OR HER right to register and to vote in primary and general elections. The agency or facility providing evaluation, care, or treatment shall assist such persons, upon their request, to obtain voter registration forms, applications for ~~absentee~~ MAIL-IN ballots, and ~~absentee~~ MAIL-IN ballots and to comply with any other prerequisite for voting.

SECTION 71. 27-10.5-119, Colorado Revised Statutes, is amended to read:

27-10.5-119. Right to vote. Each person receiving services who is eligible to vote according to law has the right to vote in all primary and general elections. As necessary, all service agencies shall assist such persons to register to vote, to obtain applications for ~~absentee~~ MAIL-IN ballots and to obtain ~~absentee~~ MAIL-IN ballots, to comply with other requirements which are prerequisite to voting, and to vote.

SECTION 72. 32-1-806 (3), Colorado Revised Statutes, is amended to read:

32-1-806. Persons entitled to vote at special district elections.

(3) For electors who vote at any election by ~~absentee~~ MAIL-IN ballot or mail ballot, the affidavit on the envelope of the ballot as required by title 1, C.R.S., may be substituted for the self-affirming oath or affirmation required by subsection (2) of this section.

SECTION 73. 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 1, 2007