

## CHAPTER 417

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**ELECTIONS**


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**SENATE BILL 07-083**

BY SENATOR(S) Tupa, and Gordon;  
also REPRESENTATIVE(S) Weissmann, Carroll M., Casso, and Hodge.

**AN ACT**

**CONCERNING TECHNICAL CHANGES TO STATUTORY PROVISIONS UNDER THE "UNIFORM ELECTION CODE OF 1992" GOVERNING THE MANNER IN WHICH ELECTIONS ARE CONDUCTED, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 1-1-104 (19.5) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

(19.5) (a) "Identification" means:

(XI) A VALID STUDENT IDENTIFICATION CARD WITH A PHOTOGRAPH OF THE ELIGIBLE ELECTOR ISSUED BY AN INSTITUTION OF HIGHER EDUCATION IN COLORADO, AS DEFINED IN SECTION 23-3.1-102 (5), C.R.S.

**SECTION 2.** 1-1-104 (50.6) (a) (III), Colorado Revised Statutes, is amended to read:

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

(50.6) (a) "Voter-verified paper record" means an auditable paper record that:

(III) Lists the designation of each office, THE NUMBER OR LETTER OF EACH 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~~ CHOICE FOR EACH OFFICE, BALLOT ISSUE, OR BALLOT QUESTION AND INDICATES ANY OFFICE, BALLOT issue, or BALLOT question ~~that fact shall also be noted on the record~~

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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.*

~~produced:~~ FOR WHICH THE ELECTOR HAS NOT MADE A SELECTION;

**SECTION 3.** 1-1-113 (3), Colorado Revised Statutes, is amended to read:

**1-1-113. Neglect of duty and wrongful acts.** (3) The proceedings may be reviewed and finally adjudicated by the supreme court of this state, if either party makes application to the supreme court within three days after the district court proceedings are terminated, unless the supreme court, in its discretion, declines jurisdiction of the case. IF THE SUPREME COURT DECLINES TO REVIEW THE PROCEEDINGS, THE DECISION OF THE DISTRICT COURT SHALL BE FINAL AND NOT SUBJECT TO FURTHER APPELLATE REVIEW.

**SECTION 4.** 1-2-204 (2) (f.5), Colorado Revised Statutes, is amended to read:

**1-2-204. Questions answered by elector.** (2) In addition, each eligible elector shall be asked, and the elector shall correctly answer, the following:

(f.5) In the case of an elector who has been issued a current and valid Colorado driver's license, the elector's Colorado driver's license number. If, instead of a driver's license, the elector has BEEN ISSUED a current and valid identification card ~~issued~~ by the department of revenue in accordance with part 3 of article 2 of title 42, C.R.S., the elector shall provide the number of the identification card. ~~instead of a Colorado driver's license number.~~ If the elector ~~does~~ HAS NOT ~~have~~ BEEN ISSUED a current and valid Colorado driver's license or identification card, the elector shall answer that he or she does not have a driver's license or identification card and shall provide the last four digits of the elector's social security number. If the elector does not have a social security number, the elector shall answer that he or she does not have a social security number.

**SECTION 5.** 1-2-217.5 (1) (b) 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:

(b) ~~Presents identification within the meaning of section 1-1-104 (19.5)~~ COMPLIES WITH THE REQUIREMENTS OF SECTION 1-2-204 (1) AND (2).

(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, MOVED TO THE NEW COUNTY OF RESIDENCE prior to the close of the registration books BUT failed to register with the county clerk and recorder ~~within the prescribed period after a change of residence to a different county~~ PRIOR TO THE CLOSE OF THE REGISTRATION BOOKS, and has not and will not cast a vote in the election in the

county of previous residence;

(b) The elector applied to register to vote prior to the close of registration by federal postcard application OR 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 EITHER to show the receipt from the voter registration application that the elector submitted to the voter registration drive OR TO PROVIDE THE LOCATION OF THE VOTER REGISTRATION DRIVE AND THE APPROXIMATE DATE OF REGISTRATION; OR

(d) THE ELECTOR APPLIED TO REGISTER 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 THE AGENCY.

**SECTION 6.** The introductory portion to 1-2-501 (1.5) and 1-2-501 (2) (a) and (2) (a.5), Colorado Revised Statutes, are amended, and the said 1-2-501 (2) is further 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.** (1.5) An elector who submits a voter registration form by mail and ~~is registering to vote for the first time~~ HAS NOT PREVIOUSLY VOTED in the county, or in the state if the statewide voter registration system required by section 1-2-301 is operating, shall:

(2) (a) Subject to the requirements of paragraph (b) of this subsection (2), in addition to the identifying information required to be provided by the elector pursuant to subsection (1) of this section, ~~any~~ A person who ~~desires~~ APPLIES to register by mail in accordance with ~~the requirements of this part 5~~ shall submit with the registration application:

(I) In the case of an elector who has BEEN ISSUED a current and valid Colorado driver's license or a current and valid identification card issued by the department of revenue in accordance with part 3 of article 2 of title 42, C.R.S., the number of the elector's Colorado driver's license or identification card; or

(II) In the case of an elector who ~~does~~ HAS not ~~have~~ BEEN ISSUED a current and valid Colorado driver's license or a current and valid identification card issued by the department of revenue in accordance with part 3 of article 2 of title 42, C.R.S., the last four digits of the person's social security number.

(a.5) If an applicant ~~does~~ HAS not ~~have~~ BEEN ISSUED a current and valid Colorado driver's license, HAS NOT BEEN ISSUED a current and valid identification card ~~issued~~ by the department of revenue in accordance with part 3 of article 2 of title 42,

C.R.S., ~~OR~~ AND DOES NOT HAVE a social security number, the secretary of state shall assign the applicant a number for voter registration purposes in accordance with section 1-2-204 (2.5).

(c) IF THE ELECTOR DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (2), THE COUNTY CLERK AND RECORDER SHALL NOT REGISTER THE ELECTOR.

**SECTION 7.** 1-2-702 (2), Colorado Revised Statutes, is amended to read:

**1-2-702. Conducting a voter registration drive.** (2) A circulator working on a voter registration drive shall COLLECT A VOTER REGISTRATION APPLICATION DISTRIBUTED BY THE VOTER REGISTRATION DRIVE AND OFFERED BY AN ELECTOR AND deliver ~~a voter registration~~ THE application ~~collected from an elector~~ to the voter registration drive organizer. A voter registration drive organizer shall deliver ~~a voter registration~~ THE 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 ~~seven~~ FIFTEEN business days after the application is signed, or, if the application is sent by mail, it shall be postmarked no later than ~~seven~~ FIFTEEN 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), and an application signed less than thirty days before the registration deadline shall be delivered or postmarked no later than five business days after the application is signed.

**SECTION 8.** 1-2-703, Colorado Revised Statutes, is amended to read:

**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~~ BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS.

(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~~ BY A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS.

(3) (a) A voter registration drive organizer that ~~negligently~~ WILLFULLY 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 fifty dollars for each business day of violation.

(b) A voter registration drive organizer that has been fined three times or more under paragraph (a) of this subsection (3) for failure 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~~ BY AN ADDITIONAL FINE

NOT TO EXCEED ONE THOUSAND DOLLARS.

(c) A voter registration drive organizer that intentionally 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 class 1 misdemeanor and, upon conviction thereof, shall be punished as provided in section 18-1.3-501, C.R.S. BY A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS.~~

(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 BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS.~~

**SECTION 9.** 1-4-905 (1) and (2), Colorado Revised Statutes, are amended to read:

**1-4-905. Circulators.** (1) No ~~eligible elector~~ PERSON shall ~~be eligible to circulate any~~ A petition TO NOMINATE A CANDIDATE unless the ~~elector~~ PERSON is ~~eligible to vote in the voting district for the office for which the petition is being circulated~~ A RESIDENT OF THE STATE, A CITIZEN OF THE UNITED STATES, AT LEAST EIGHTEEN YEARS OF AGE, and, for partisan candidates, ~~is~~ REGISTERED TO VOTE AND affiliated with the political party mentioned in the petition at the time the petition is circulated, as shown by the registration books of the county clerk and recorder.

(2) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the ~~eligible elector~~ PERSON who circulated the petition section, which shall include: The affiant's printed name, the address at which the affiant resides, including the street name and number, the city or town, the county, and the date of signature; a statement that the affiant was ~~an eligible elector~~ A RESIDENT OF THE STATE, A CITIZEN OF THE UNITED STATES, AND AT LEAST EIGHTEEN YEARS OF AGE at the time the section of the petition was circulated and signed by the listed electors; a statement that the affiant circulated the section of the petition; a statement that each signature on the petition section is the signature of the person whose name it purports to be; a statement that to the best of the affiant's knowledge and belief each of the persons signing the petition section was, at the time of signing, an eligible elector; and a statement that the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the signer to sign the petition.

**SECTION 10.** 1-4-909 (1), Colorado Revised Statutes, is amended, and the said 1-4-909 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-4-909. Protest of designations and nominations.** (1) A petition or certificate of designation or nomination that has been verified and appears to be sufficient under this code shall be deemed valid unless a ~~protest is made in writing~~ PETITION FOR A REVIEW OF THE VALIDITY OF THE PETITION PURSUANT TO SECTION 1-1-113 IS FILED WITH THE DISTRICT COURT within five days after the election official's statement of sufficiency is issued or, in the case of a certificate of designation,

within five days after the certificate of designation is filed with the designated election official. ~~The protest shall state in a summary manner the alleged impropriety. Notice of the protest shall be mailed forthwith to all candidates or officials who may be affected by it. The designated election official with whom the original certificate or petition is filed shall hear any protest within ten days after the protest is filed and shall pass upon the validity of the protest, whether of form or substance, and shall issue findings of fact and conclusions within seventy-two hours after the hearing.~~

(1.5) IF THE ELECTION OFFICIAL DETERMINES THAT A PETITION IS INSUFFICIENT, THE CANDIDATE NAMED IN THE PETITION MAY PETITION THE DISTRICT COURT WITHIN FIVE DAYS FOR A REVIEW OF THE DETERMINATION PURSUANT TO SECTION 1-1-113.

**SECTION 11.** 1-4-1002 (2) and (2.3), Colorado Revised Statutes, are amended to read:

**1-4-1002. Vacancies in designation or nomination.** (2) ~~Any~~ A vacancy in a party designation occurring during the 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 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~~ THE person previously designated or of ~~any~~ THE person nominated at the primary election or by declination, death, disqualification, or withdrawal of ~~any~~ AN 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~~ THE person meets all of the requirements of candidacy as of the date of the primary election.

(2.3) (a) ~~Any~~ A 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 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~~ A 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~~ THE person nominated at the primary election or by the declination, death, disqualification, resignation, or withdrawal of ~~any~~ AN 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~~ THE person meets all of the requirements of candidacy as of the date of the primary election. WHEN A VACANCY IS FILLED PURSUANT TO THIS PARAGRAPH (a), THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE NOTICE BY PUBLICATION OF THE REPLACEMENT NOMINATION IN THE SAME MANNER AS THE NOTICE REQUIRED BY SECTION 1-5-205.

(a.5) WHEN A VACANCY IN A PARTY NOMINATION IS FILLED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2.3) BEFORE THE DESIGNATED ELECTION OFFICIAL HAS CERTIFIED THE BALLOT IN ACCORDANCE WITH SECTION 1-5-203 (3) (a), THE DESIGNATED ELECTION OFFICIAL SHALL CERTIFY THE NAME OF THE REPLACEMENT CANDIDATE FOR THE BALLOT.

(b) ~~Where~~ WHEN a vacancy in ~~the~~ a party nomination ~~has been~~ is filled pursuant to ~~the provisions of~~ paragraph (a) of this subsection (2.3) AFTER THE DESIGNATED ELECTION OFFICIAL HAS CERTIFIED THE BALLOT IN ACCORDANCE WITH SECTION 1-5-203 (3) (a), the designated election official shall, to the extent reasonably practical under the circumstances:

(I) ~~Provide timely notice by publication of the replacement nomination only in the same manner as the notice required to be given by section 1-5-205; and~~ CAUSE THE NAME OF THE REPLACEMENT CANDIDATE TO APPEAR ON THE OFFICIAL BALLOT; OR

(II) Cause to be printed and placed on the sample ballot delivered to the election judges and posted pursuant to section 1-5-413 a sticker of a different color than the sample ballot indicating the name of the ~~person filling the vacancy in the party nomination pursuant to the provisions of this section~~ REPLACEMENT CANDIDATE.

(c) NOTWITHSTANDING SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (2.3), A DESIGNATED ELECTION OFFICIAL SHALL NOT BE REQUIRED TO PRINT REPLACEMENT BALLOTS CONTAINING THE NAME OF A REPLACEMENT CANDIDATE IF THE OFFICIAL BALLOTS CONTAINING THE NAME OF THE CANDIDATE WHO VACATED THE NOMINATION HAVE ALREADY BEEN PRINTED.

(d) FOR PURPOSES OF THIS SECTION, A VACANCY IS FILLED WHEN THE DESIGNATED ELECTION OFFICIAL RECEIVES THE CERTIFICATE OF NOMINATION AND THE WRITTEN ACCEPTANCE OF THE REPLACEMENT CANDIDATE PURSUANT TO PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION.

(e) IF THE NAME OF A REPLACEMENT CANDIDATE DESIGNATED TO FILL A VACANCY PURSUANT TO THIS SUBSECTION (2.3) DOES NOT APPEAR ON THE OFFICIAL BALLOT AND BALLOTS CONTAINING THE NAME OF THE CANDIDATE WHO VACATED THE NOMINATION ARE USED IN A GENERAL ELECTION, THE VOTES CAST FOR THE CANDIDATE WHO VACATED THE NOMINATION SHALL BE COUNTED AS VOTES FOR THE REPLACEMENT CANDIDATE.

**SECTION 12.** 1-4-1101, Colorado Revised Statutes, is amended to read:

**1-4-1101. Write-in candidate affidavit of intent.** (1) ~~Any~~ A person who wishes to be a write-in candidate for ~~any~~ AN office in ~~any~~ AN election shall file an affidavit of intent stating that he or she desires the office and is qualified to assume its duties if elected. A WRITE-IN CANDIDATE FOR GOVERNOR SHALL DESIGNATE IN THE AFFIDAVIT A WRITE-IN CANDIDATE FOR LIEUTENANT GOVERNOR. The affidavit ~~of intent~~ shall be filed with the secretary of state if it is for a statewide office, a seat in congress, a seat in the general assembly, the office of district attorney, or any other district office of state concern. The affidavit shall be filed with the county clerk and recorder if it is for a county office and with the designated election official

if it is for a local office.

(2) No write-in vote for ~~any~~ AN office in ~~any~~ AN election shall be counted unless the person for whom the vote was cast ~~has~~ filed ~~an~~ THE affidavit of intent ~~as~~ required ~~in~~ BY subsection (1) of this section WITHIN THE TIME PRESCRIBED BY SECTION 1-4-1102. NO WRITE-IN VOTE FOR A CANDIDATE FOR GOVERNOR SHALL BE COUNTED UNLESS THE PERSON DESIGNATED AS THE WRITE-IN CANDIDATE FOR LIEUTENANT GOVERNOR PURSUANT TO SUBSECTION (1) OF THIS SECTION ALSO FILED AN AFFIDAVIT OF INTENT WITHIN THE TIME PRESCRIBED BY SECTION 1-4-1102.

**SECTION 13.** 1-4-1103, Colorado Revised Statutes, is amended to read:

**1-4-1103. Write-in votes for governor.** No write-in vote for governor in a general election shall be counted unless it includes a write-in vote for lieutenant governor. ~~In a primary election, write-in votes for governor and lieutenant governor shall be counted individually.~~

**SECTION 14.** 1-4-1304 (2) (b) and (2) (c), Colorado Revised Statutes, are amended to read:

**1-4-1304. Nomination of candidates.** (2) Nominations by a minor political party, to be valid, shall be made in accordance with the party's constitution or bylaws. No nomination under this section shall be valid for any general election held after January 1, 1999, unless the nominee:

(b) Has been affiliated for a period of twelve months immediately preceding the date of nomination with the minor political party that is making the nomination as shown in the registration books of the county clerk and recorder UNLESS OTHERWISE PROVIDED IN THE CONSTITUTION OR BYLAWS OF THE MINOR POLITICAL PARTY; and

(c) Has not been registered as a member of a major political party for at least twelve months prior to the date of nomination UNLESS OTHERWISE PROVIDED IN THE CONSTITUTION OR BYLAWS OF THE MINOR POLITICAL PARTY.

**SECTION 15.** 1-5-102.7 (4) and (5) (b), Colorado Revised Statutes, are amended to read:

**1-5-102.7. Combining precincts and polling places - vote centers.** (4) Each vote center used in a county shall have a secure electronic connection to the computerized registration book maintained by the county clerk and recorder permitting all voting information processed by any computer at a vote center to be immediately accessible to all other computers at all vote centers in the county. A county may not use vote centers in an election unless the secretary of state has certified that the secure electronic connection is sufficient to prevent any elector from voting more than once and to prevent unauthorized access to the computerized registration book. THE SECRETARY OF STATE SHALL ADOPT RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING REQUIREMENTS FOR THE EQUIPMENT USED AT A VOTE CENTER, INCLUDING BUT NOT LIMITED TO REQUIREMENTS TO TEST AND BACKUP THE EQUIPMENT USED FOR THE SECURE ELECTRONIC CONNECTION TO THE COMPUTERIZED REGISTRATION BOOK AND REQUIREMENTS THAT A VOTE CENTER HAVE A NONCOMPUTERIZED COPY OF THE

REGISTRATION BOOK OR A COPY OF THE ELECTOR REGISTRATION RECORDS STORED ELECTRONICALLY AT THE VOTE CENTER TO BE USED IN CASE OF A SYSTEM FAILURE.

(5) (b) The secretary of state shall adopt rules in accordance with article 4 of title 24, C.R.S., establishing guidelines for the number, location, and manner of operation of vote centers. THE GUIDELINES SHALL ADDRESS ISSUES INCLUDING, BUT NOT LIMITED TO, THE NUMBER OF COMPUTERS WITH A SECURE CONNECTION TO THE COMPUTERIZED REGISTRATION BOOK, VOTING DEVICES OR MACHINES, PROVISIONAL BALLOTS, AND OTHER SUPPLIES TO BE AVAILABLE AT EACH VOTE CENTER.

**SECTION 16.** 1-5-106, Colorado Revised Statutes, is amended to read:

**1-5-106. Polling place - designation by sign.** All polling places shall be designated by a sign conspicuously posted at least twelve days before each election. The sign shall be substantially in the following form: "Polling place for precinct no. ...." The lettering on the sign and the precinct number shall be black on a white background. The letters and numerals of the title shall be at least four inches in height. In addition, the sign shall state the hours the polling place will be open. ~~and, if the polling place is not accessible for disabled electors, the location of the polling place for disabled electors.~~

**SECTION 17.** 1-5-412 (3), Colorado Revised Statutes, is amended to read:

**1-5-412. Correction of errors.** (3) If, before the date set for election, ~~any~~ A duly nominated candidate withdraws by filing an affidavit of withdrawal with the designated election official or dies and the fact of the death becomes known to the designated election official BEFORE THE BALLOTS ARE PRINTED, the name of the candidate shall not be printed ~~upon~~ ON the ballots. Except in the case of a vacancy to be filled in accordance with the provisions of ~~section 1-4-1002 (2.5)~~ SECTION 1-4-1002 (2.3) OR (2.5), if the ballots are already printed, the votes cast for the withdrawn or deceased candidate are invalid and shall not be counted.

**SECTION 18.** 1-5-702 (1), Colorado Revised Statutes, is amended, and the said 1-5-702 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-5-702. Definitions.** As used in this part 7, unless the context otherwise requires:

(1) "Accessible voter interface device" means a device that communicates voting instructions and the information on the ballot to an elector and allows the elector to select and vote for candidates, ballot questions, and ballot issues in accordance with the standards in section 1-5-704. A BALLOT MARKING DEVICE MAY BE CONSIDERED AN ACCESSIBLE VOTER INTERFACE DEVICE.

(2.5) "BALLOT MARKING DEVICE" MEANS A DEVICE THAT ALLOWS AN ELECTOR TO MARK A BALLOT CARD USED IN AN ELECTROMECHANICAL VOTING SYSTEM AND THAT MEETS THE STANDARDS IN SECTION 1-5-704 (1) (o).

**SECTION 19.** 1-5-704 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**1-5-704. Standards for accessible voting systems.** (1) Notwithstanding any other provision of this article, each voting system certified by the secretary of state for use in local, state, and federal elections shall have the capability to accept accessible voter interface devices in the voting system configuration to allow the voting system to meet the following minimum standards:

(o) **BALLOT MARKING DEVICES SHALL MEET THE FOLLOWING STANDARDS:**

(I) THE ELECTOR SHALL BE ABLE SIMULTANEOUSLY TO VIEW BALLOT CHOICES ON A HIGH-RESOLUTION VISUAL DISPLAY AND TO LISTEN TO BALLOT CHOICES WITH HEADPHONES.

(II) THE ELECTOR SHALL BE ABLE TO LISTEN TO BALLOT CHOICES IN COMPLETE PRIVACY AND TO TURN OFF THE VISUAL DISPLAY.

(III) THE BALLOT MARKING DEVICE SHALL HAVE MULTIPLE OUTPUT CONNECTIONS TO ACCOMMODATE VARIOUS HEADSETS SO THAT THE ELECTOR IS ABLE TO USE THE HEADSET PROVIDED WITH THE BALLOT MARKING DEVICE OR HIS OR HER OWN HEADSET.

(IV) THE ELECTOR SHALL BE ABLE TO MARK THE BALLOT CARD IN COMPLETE INDEPENDENCE AND IN ACCORDANCE WITH FEDERAL AND STATE LAW ON MANDATORY ACCESSIBILITY FOR PERSONS WITH DISABILITIES.

(V) THE BALLOT MARKING DEVICE SHALL ALLOW A BLIND OR VISUALLY IMPAIRED ELECTOR TO VOTE IN COMPLETE PRIVACY.

(VI) THE BALLOT MARKING DEVICE SHALL HAVE A COMPLETELY INTEGRATED INPUT KEYPAD CONTAINING COMMONLY ACCEPTED VOTER ACCESSIBILITY KEYS WITH BRAILLE MARKINGS.

(VII) THE ELECTOR SHALL BE ABLE TO ENTER BALLOT CHOICES USING AN ASSISTIVE DEVICE, INCLUDING BUT NOT LIMITED TO A SIP AND PUFF DEVICE AND A JELLY SWITCH.

(VIII) THE ELECTOR SHALL BE ABLE TO MAGNIFY THE BALLOT CHOICES ON THE VISUAL DISPLAY AND TO ADJUST THE VOLUME AND SPEED OF THE AUDIO OUTPUT.

(IX) THE BALLOT MARKING DEVICE SHALL HAVE MULTIPLE LANGUAGE CAPABILITY.

(X) THE ELECTOR SHALL HAVE THE OPPORTUNITY TO INPUT A CANDIDATE'S NAME FOR EACH OFFICE THAT ALLOWS A WRITE-IN CANDIDATE AND TO REVIEW THE ELECTOR'S WRITE-IN INPUT, EDIT THAT INPUT, AND CONFIRM THAT THE EDITS MEET THE ELECTOR'S INTENT.

(XI) THE ELECTOR SHALL BE ABLE INDEPENDENTLY TO REVIEW ALL BALLOT CHOICES AND MAKE CORRECTIONS BEFORE THE BALLOT CARD IS MARKED, INCLUDING BY RECEIVING A REPLACEMENT BALLOT IF THE ELECTOR IS OTHERWISE UNABLE TO CHANGE THE BALLOT OR CORRECT AN ERROR.

(XII) THE ELECTOR SHALL BE ABLE TO VERIFY, VISUALLY OR USING THE AUDIO INTERFACE, THAT THE BALLOT CARD INSERTED INTO THE DEVICE AT THE START OF VOTING IS BLANK AND THAT THE MARKED BALLOT CARD PRODUCED BY THE BALLOT MARKING DEVICE IS MARKED AS THE ELECTOR INTENDED.

(XIII) THE BALLOT MARKING DEVICE SHALL ALERT THE ELECTOR BEFORE THE BALLOT IS MARKED THAT THE ELECTOR HAS MADE AN OVERVOTE, AS DEFINED IN SECTION 1-1-104 (23.4), OR AN UNDERVOTE, AS DEFINED IN SECTION 1-1-104 (49.7), AND ALLOW THE ELECTOR TO MAKE CORRECTIONS.

**SECTION 20.** 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 ~~thirty-two~~ FORTY-FIVE days prior to each election.

**SECTION 21.** 1-6-111 (6), Colorado Revised Statutes, is amended, and the said 1-6-111 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-6-111. Number of election judges.** (6) For any election in which polling places or precincts are combined or vote centers are established in accordance with section 1-5-102.7, the county clerk and recorder or the designated election official may assign one set of election judges to perform the functions for all precincts and polling places so combined or for each vote center. THE NUMBER OF STUDENT ELECTION JUDGES ASSIGNED TO A COMBINED POLLING PLACE OR VOTE CENTER SHALL NOT EXCEED THE NUMBER OF ELECTION JUDGES ASSIGNED TO THE COMBINED POLLING PLACE OR VOTE CENTER WHO ARE NOT STUDENT ELECTION JUDGES.

(8) SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE REGARDING THE NUMBER AND PARTY AFFILIATION OF ELECTION JUDGES, THE COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL MAY ALLOW AN ELECTION JUDGE TO WORK AT A POLLING PLACE FOR A SHIFT LASTING LESS THAN THE ENTIRE DAY; EXCEPT THAT, AT LEAST TWO JUDGES OF DIFFERENT AFFILIATIONS AT EACH POLLING PLACE SHALL WORK THE ENTIRE DAY.

**SECTION 22.** 1-7-105, Colorado Revised Statutes, is amended to read:

**1-7-105. Watchers at primary elections.** (1) Each political party participating in a primary election shall be entitled to have a watcher in each precinct in the county. The chairperson of the county central committee of each political party shall certify the persons selected as watchers on forms provided by the county clerk and recorder AND SUBMIT THE NAMES OF THE PERSONS SELECTED AS WATCHERS TO THE COUNTY CLERK AND RECORDER. TO THE EXTENT POSSIBLE, THE CHAIRPERSON SHALL SUBMIT THE NAMES BY THE CLOSE OF BUSINESS ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION.

(2) In addition, candidates for nomination on the ballot of any political party in a primary election shall be entitled to appoint some person to act on their behalf in

every precinct in which they are a candidate. Each candidate shall certify the persons appointed as watchers on forms provided by the county clerk and recorder AND SUBMIT THE NAMES OF THE PERSONS SELECTED AS WATCHERS TO THE COUNTY CLERK AND RECORDER. TO THE EXTENT POSSIBLE, THE CANDIDATE SHALL SUBMIT THE NAMES BY THE CLOSE OF BUSINESS ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION.

**SECTION 23.** 1-7-106, Colorado Revised Statutes, is amended to read:

**1-7-106. Watchers at general and congressional vacancy elections.** Each participating political party or issue committee whose candidate or issue is on the ballot, and each unaffiliated and write-in candidate whose name is on the ballot for a general or congressional vacancy election, shall be entitled to have no more than one watcher at any one time in each precinct polling place in the county and at each place where votes are counted in accordance with this article. The chairperson of the county central committee of each major political party, the county chairperson or other authorized official of each minor political party, the issue committee, OR the write-in or unaffiliated candidate shall certify the names of one or more persons selected as watchers on forms provided by the county clerk and recorder AND SUBMIT THE NAMES OF THE PERSONS SELECTED AS WATCHERS TO THE COUNTY CLERK AND RECORDER. TO THE EXTENT POSSIBLE, THE CHAIRPERSON, AUTHORIZED OFFICIAL, ISSUE COMMITTEE, OR CANDIDATE SHALL SUBMIT THE NAMES BY THE CLOSE OF BUSINESS ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION. The watchers shall surrender the certificates to the election judges at the time they enter the polling place and are sworn by the judges. This section shall not prevent party candidates or county party officers from visiting polling places to observe the progress of voting in the precincts.

**SECTION 24.** 1-7-107, Colorado Revised Statutes, is amended to read:

**1-7-107. Watchers at nonpartisan elections.** Candidates for office in nonpartisan elections, and proponents and opponents of a ballot issue, are each entitled to appoint one person to act as a watcher in every polling place in which they are a candidate or in which the issue is on the ballot. The candidates or proponents and opponents shall certify the names of persons so appointed to the designated election official on forms provided by the official AND SUBMIT THE NAMES OF THE PERSONS SELECTED AS WATCHERS TO THE COUNTY CLERK AND RECORDER. TO THE EXTENT POSSIBLE, THE CANDIDATE, PROPONENT, OR OPPONENT SHALL SUBMIT THE NAMES BY THE CLOSE OF BUSINESS ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION.

**SECTION 25.** 1-7-110 (1) and (2), Colorado Revised Statutes, are amended to read:

**1-7-110. Preparing to vote.** (1) Except as provided in subsection (4) of this section, ~~any~~ AN eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5), write his or her name and address on the signature card, and give the signature card to one of the election judges. ~~who shall clearly and audibly announce the name in a loud and distinct tone of voice.~~ An eligible elector who is unable to write may request assistance from one of the election judges, who shall also sign the signature card and witness the eligible

elector's mark. The signature card shall provide: "I, ....., who reside at ....., am an eligible elector of this precinct or district and desire to vote at this ..... election.  
Date ....."

(2) If the eligible elector shows HIS OR HER identification within the meaning of section 1-1-104 (19.5) and the elector's name is found on the registration list or, where applicable, the property owner's list by the election judge in charge, the ~~elector's name shall be repeated. The judge in charge of the pollbook or list shall then~~ enter the eligible elector's name, and the eligible elector shall be allowed to enter the immediate voting area. Besides the election officials, no more than four electors more than the number of voting booths shall be allowed within the immediate voting area at one time.

**SECTION 26.** 1-7-115, Colorado Revised Statutes, is amended to read:

**1-7-115. Time in voting area.** Eligible electors shall cast their ballots without undue delay and shall leave the immediate voting area as soon as voting is complete. ~~No AN eligible elector shall be allowed to occupy NOT ENTER a voting booth already occupied by another nor to remain within the immediate voting area more than ten minutes, nor to~~ ELIGIBLE ELECTOR. AN ELIGIBLE ELECTOR SHALL NOT occupy a voting booth for ~~more~~ LONGER than ~~ten minutes~~ THE TIME DETERMINED BY THE SECRETARY OF STATE BY RULE if all the booths are in use and other eligible electors are waiting to ~~occupy~~ USE them. No eligible elector whose name has been entered on the pollbook shall be allowed to reenter the immediate voting area during the election, except an election judge.

**SECTION 27.** 1-7-503, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-7-503. Manner of voting.** (4) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OR (2) OF THIS SECTION TO THE CONTRARY, AT A POLLING PLACE AT WHICH A BALLOT MARKING DEVICE, AS DEFINED IN SECTION 1-5-702 (2.5), IS AVAILABLE FOR ACCESSIBLE VOTING, THE ELECTION JUDGE IN CHARGE OF THE BALLOT BOX SHALL DEPOSIT EVERY ELECTOR'S BALLOT CARD IN THE BALLOT BOX.

**SECTION 28.** 1-7-514 (1) (a) (I), (1) (a) (III), (2) (c), and (3), Colorado Revised Statutes, are amended to read:

**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~~ UNLESS THE SECRETARY APPROVES AN ALTERNATIVE METHOD FOR A PARTICULAR COUNTY THAT IS BASED ON A PROVEN STATISTICAL SAMPLING PLAN AND WILL ACHIEVE A HIGHER LEVEL OF STATISTICAL CONFIDENCE, THE SECRETARY shall randomly select not less than ~~one~~ FIVE percent of the voting devices used in each county TO BE AUDITED; 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.

(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 IN THE ORIGINAL ELECTION TALLY.

(2) (c) The CANVASS BOARD AND THE county clerk and recorder shall promptly report to the secretary of state ~~the~~ A DESCRIPTION OF THE AUDIT PROCESS UNDERTAKEN, INCLUDING ANY INITIAL, INTERIM, AND FINAL 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~~ REPORTS of any completed audit or investigation ~~conducted~~ RECEIVED pursuant to ~~the requirements~~ PARAGRAPH (c) 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.

**SECTION 29.** 1-7-514 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**1-7-514. Random audit.** (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:

(d) AN AUDIT OF THE VOTING ON EACH OFFICE, BALLOT ISSUE, AND BALLOT QUESTION IN THE ELECTION.

**SECTION 30.** 1-7-601 (1), Colorado Revised Statutes, is amended, and the said 1-7-601 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-7-601. Judges' certificate and statement.** (1) As soon as all the votes have been read and counted, either at the precincts or at the electronic balloting counting centers, the election judges shall make a certificate for each precinct, stating the name of each candidate, the office for which that candidate received votes, and stating the number of votes each candidate received. The number shall be expressed ~~in words at full length and~~ in numerical figures. The entry shall be made, as nearly as circumstances will permit, in the following form:

"At an election held ....., in precinct ....., in the county of ..... and state of Colorado, on the ..... day of ..... in the year ....., the following named candidates received the number of votes annexed to their respective names for the following described offices: Total number of ballots or



that each signature on the petition section is the signature of the person whose name it purports to be; a statement that to the best of the affiant's knowledge and belief each of the persons signing the petition section was, at the time of signing, an eligible elector; and a statement that the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the signer to sign the petition.

**SECTION 33.** 1-13-708, Colorado Revised Statutes, is amended to read:

**1-13-708. Tampering with voting equipment.** Any person who tampers with any electronic or electromechanical voting equipment before, during, or after any election provided by law with intent to change the tabulation of votes thereon to reflect other than an accurate accounting is guilty of a CLASS 1 misdemeanor and, upon conviction thereof, shall be punished as provided in ~~section 1-13-111~~ SECTION 18-1.3-501, C.R.S.

**SECTION 34.** 1-40-111 (2), Colorado Revised Statutes, is amended to read:

**1-40-111. Signatures - affidavits.** (2) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the ~~registered elector~~ PERSON who circulated the petition section, which shall include his or her printed name, the address at which he or she resides, including the street name and number, the city or town, the county, and the date he or she signed the affidavit; that he or she has read and understands the laws governing the circulation of petitions; that he or she was a ~~registered elector~~ RESIDENT OF THE STATE, A CITIZEN OF THE UNITED STATES, AND AT LEAST EIGHTEEN YEARS OF AGE at the time the section of the petition was circulated and signed by the listed electors; that he or she circulated the section of the petition; that each signature thereon was affixed in the circulator's presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the circulator's knowledge and belief each of the persons signing the petition section was, at the time of signing, a registered elector; and that he or she has not paid or will not in the future pay and that he or she believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition. The secretary of state shall not accept for filing any section of a petition that does not have attached thereto the notarized affidavit required by this section. Any signature added to a section of a petition after the affidavit has been executed shall be invalid.

**SECTION 35.** 1-40-112, Colorado Revised Statutes, is amended to read:

**1-40-112. Circulators - requirements.** (1) No ~~section of~~ PERSON SHALL CIRCULATE a petition for ~~any~~ AN initiative or referendum measure ~~shall be circulated by any~~ UNLESS THE person who is not a ~~registered elector~~ RESIDENT OF THE STATE, A CITIZEN OF THE UNITED STATES, and at least eighteen years of age at the time the ~~section~~ PETITION is circulated.

(2) (a) ~~All circulators~~ A CIRCULATOR who ~~are~~ IS not to be paid for circulating ~~petitions~~ A PETITION concerning A ballot ~~issues~~ ISSUE shall display an identification badge that includes the words "VOLUNTEER CIRCULATOR" in bold-faced type

~~which THAT is clearly legible. and the circulator's name.~~

(b) ~~All circulators~~ A CIRCULATOR who ~~are~~ IS to be paid for circulating ~~petitions~~ A PETITION concerning A ballot ~~issues~~ ISSUE shall display an identification badge that includes the words "PAID CIRCULATOR" in bold-faced type ~~which THAT is clearly legible the circulator's name;~~ and the name and telephone number of the individual employing the circulator.

**SECTION 36.** 1-40-121, Colorado Revised Statutes, is amended to read:

**1-40-121. Receiving money to circulate petitions - filing.** (1) The proponents of the petition shall file with the official who receives filings under the "Fair Campaign Practices Act", article 45 of this title, for the election ~~the name, address, and county of voter registration of all circulators who were paid to circulate any section of the petition, the amount paid per signature, and~~ A REPORT STATING the total amount paid to ~~each circulator~~ ALL PERSONS WHO WERE PAID TO CIRCULATE A SECTION OF THE PETITION. The filing shall be made at the same time the petition is filed with the secretary of state. ~~Any~~ A payment made to ~~circulators~~ A CIRCULATOR is an expenditure under article 45 of this title.

(2) ~~The proponents of the petition shall sign and file monthly reports with the secretary of state, due ten days after the last day of each month in which petitions are circulated on behalf of the proponents by paid circulators. Monthly reports shall set forth the following:~~

~~(a) The names of the proponents;~~

~~(b) The name and the residential and business addresses of each of the paid circulators;~~

~~(c) The name of the proposed ballot measure for which petitions are being circulated by paid circulators; and~~

~~(d) The amount of money paid and owed to each paid circulator for petition circulation during the month in question.~~

**SECTION 37.** 1-45-109 (2), Colorado Revised Statutes, is amended to read:

**1-45-109. Filing - where to file - timeliness.** (2) (a) Reports required to be filed by this article are timely if received by the appropriate officer not later than the close of business on the due date. Reports may be filed by fax and are timely if received by the appropriate officer not later than the close of business on the due date only if an original of the report is received by the appropriate officer within seven days of the due date.

(b) A PERSON UPON WHOM A PENALTY HAS BEEN IMPOSED FOR FAILURE TO FILE A STATEMENT OR OTHER INFORMATION REQUIRED TO BE FILED PURSUANT TO SECTION 5, 6, OR 7 OF ARTICLE XXVIII OF THE STATE CONSTITUTION OR SECTION 1-45-108, THIS SECTION, OR SECTION 1-45-110 BY THE DUE DATE MAY APPEAL THE PENALTY BY FILING A WRITTEN APPEAL WITH THE APPROPRIATE OFFICER NO LATER THAN THIRTY DAYS AFTER THE DATE ON WHICH NOTIFICATION OF THE IMPOSITION OF

THE PENALTY WAS MAILED TO THE PERSON'S LAST-KNOWN ADDRESS. UPON RECEIPT OF AN APPEAL PURSUANT TO THIS PARAGRAPH (b), THE APPROPRIATE OFFICER SHALL SET ASIDE OR REDUCE THE PENALTY UPON A SHOWING OF GOOD CAUSE.

**SECTION 38.** 22-31-104 (3), Colorado Revised Statutes, is amended to read:

**22-31-104. Regular biennial school election.** (3) ~~Beginning with the regular biennial school election held in November of 1993;~~ School district directors elected shall serve until their successors are elected and qualified. ~~The~~ A director shall take office no later than fifteen days following the date on which the school district receives the official abstract of votes pursuant to ~~section 1-10-203~~ SECTION 1-10-102, C.R.S.

**SECTION 39.** 22-32-104 (1), Colorado Revised Statutes, is amended to read:

**22-32-104. Organization of board of education.** (1) Within fifteen days after a school district receives the official abstract of votes pursuant to ~~section 1-10-203~~ SECTION 1-10-102, C.R.S., the incumbent secretary of the school district shall call a special meeting of the board of education of the district for the purpose of selecting officers of the board. At the meeting the incumbent president of the board shall preside until a successor ~~shall have~~ HAS been elected and qualified.

**SECTION 40.** 30-35-904 (3) (d), Colorado Revised Statutes, is amended to read:

**30-35-904. Formation of districts.** (3) (d) To each petition there shall be attached an affidavit of the ~~registered elector~~ PERSON who circulated the petition, which shall state ~~his~~ THE PERSON'S address, that he OR SHE is a ~~registered elector~~ RESIDENT OF THE STATE, A CITIZEN OF THE UNITED STATES, AND AT LEAST EIGHTEEN YEARS OF AGE, that each signature thereon was affixed in his OR HER presence, that each signature thereon is the signature of the person whose name it purports to be, that to the best of his OR HER knowledge and belief each of the persons signing the petition was at the time of signing a registered elector of the proposed district, ~~that he has neither received nor entered into any contract whereby in the future he will receive any money or thing of value in consideration of or as an inducement to the circulation of such petition by him;~~ and that he OR SHE has not or will not in the future pay any money or thing of value to any signer for the purpose of inducing ~~such~~ THE signer to affix his OR HER signature to ~~such~~ THE petition.

**SECTION 41.** 31-25-115 (1), Colorado Revised Statutes, is amended to read:

**31-25-115. Transfer - abolishment.** (1) Notwithstanding any other provision of this part 1, the governing body of a municipality may designate itself as the authority when originally establishing said authority. A transfer of an existing authority to the governing body may be accomplished only by majority vote at a regular ~~general~~ election.

**SECTION 42. Appropriation.** (1) 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, 2007, the sum of eighty-two thousand three hundred thirty-two dollars (\$82,332) and 1.0

FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2007, the sum of eleven thousand eight hundred sixty dollars (\$11,860), or so much thereof as may be necessary, for the provision of legal services to the department of state related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of state out of the appropriation made in subsection (1) of this section.

**SECTION 43. 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 8, 2007, if adjournment sine die is on May 9, 2007); 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: June 1, 2007