

## CHAPTER 181

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**ELECTIONS**


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**HOUSE BILL 12-1292**

BY REPRESENTATIVE(S) Murray, Court, Kerr J., Labuda;  
also SENATOR(S) Heath, Williams S.

**AN ACT**

**CONCERNING TECHNICAL MODIFICATIONS TO LAWS RELATING TO THE ADMINISTRATION OF ELECTIONS, AND, IN CONNECTION THEREWITH, HARMONIZING CURRENT LAWS WITH FEDERAL LAW, ALTERING THE TIME PERIODS WITHIN WHICH CERTAIN ACTIONS MUST BE TAKEN, RAISING CERTAIN FEES, AND DELETING OBSOLETE REFERENCES.**

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

**SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend** (1.1), (19.5) (a) (X), and (19.5) (a) (XI); and **add** (19.5) (a) (XIII) as follows:

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

(1.1) "Address of record" means the elector's place of residence ~~as specified in accordance with section 1-2-204 (2) (f)~~ OR THE ELECTOR'S DELIVERABLE MAILING ADDRESS, IF DIFFERENT FROM THE ELECTOR'S PLACE OF RESIDENCE.

(19.5) (a) "Identification" means:

(X) Certified documentation of naturalization; ~~or~~

(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.; OR

(XIII) A VALID IDENTIFICATION CARD ISSUED BY A FEDERALLY RECOGNIZED TRIBAL GOVERNMENT CERTIFYING TRIBAL MEMBERSHIP.

**SECTION 2.** In Colorado Revised Statutes, 1-1-110, **amend** (4) (a); and **repeal** (4) (b) as follows:

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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.*

**1-1-110. Powers of the county clerk and recorder and deputy.** (4) (a) ~~For any elector registered after August 4, 1999;~~ Any communication by mail from the county clerk and recorder to any registered elector pursuant to this title, including ~~but not limited to,~~ a voter information card provided pursuant to section 1-5-206 or an elector information CONFIRMATION card provided pursuant to section 1-2-605, shall be sent to the elector's address of record. ~~unless the elector has requested that said communication be sent to his or her deliverable mailing address pursuant to section 1-2-204 (2) (k).~~

(b) ~~For any elector registered as of August 4, 1999, who has provided the county clerk and recorder both an address of record and a deliverable mailing address but has not indicated a mailing preference, any communication by mail from the county clerk and recorder to any registered elector pursuant to this title, including, but not limited to, a voter information card provided pursuant to section 1-5-206 or an elector information card provided pursuant to section 1-2-605, shall be sent to the elector's deliverable mailing address.~~

**SECTION 3.** In Colorado Revised Statutes, 1-2-204, **amend** (2) (d) as follows:

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

(d) The elector's gender, IF THE ELECTOR WISHES TO STATE IT;

**SECTION 4.** In Colorado Revised Statutes, 1-2-216, **amend** (4) (a) as follows:

**1-2-216. Change of residence.** (4) (a) For the twenty-eight days before and on the day of any election, any eligible elector, by appearing in person at the office of the clerk and recorder of the county in which the elector resides OR BY SUBMITTING BY MAIL A CHANGE OF ADDRESS FORM THAT IS RECEIVED BY THE COUNTY CLERK AND RECORDER NO LATER THAN THE CLOSE OF BUSINESS ON THE SEVENTH DAY BEFORE ANY ELECTION, may complete a change of address form stating, under penalty of perjury, that the elector moved no later than the thirtieth day before the election and that, on the day of the election, the elector will have lived at the new address in the new precinct for at least thirty days. Upon the receipt of the request, the county clerk and recorder shall verify the registration of the elector and, upon verification, if the elector does not choose to vote at the time the request is verified, shall issue or authorize a certificate of registration showing the information required in section 1-2-215 plus the change of address; except that the county shall only be required to issue or authorize a certificate of registration in accordance with the provisions of this paragraph (a) where it has printed its pollbooks.

**SECTION 5.** In Colorado Revised Statutes, 1-2-223, **amend** (2) as follows:

**1-2-223. Names transferred when precinct boundaries changed.** (2) In case any change is made in precinct boundaries as a result of annexation affecting county boundaries, the county clerk and recorder of the county from which the annexed territory was detached shall ~~forthwith~~ remove from the registration book the registration records of all electors residing in the annexed territory AS SOON AS PRACTICABLE. The county clerk and recorder shall ~~forthwith deliver, in person or~~

~~by certified mail~~, TRANSFER, AS SOON AS PRACTICABLE, THROUGH THE STATEWIDE VOTER REGISTRATION SYSTEM CREATED PURSUANT TO SECTION 1-2-301, the registration records to the county clerk and recorder of the county to which the territory was annexed, who shall insert them in the registration book of the appropriate precinct upon receipt. The registrations shall be considered as continuing registrations with all the registered electors involved having full rights and privileges as if no change in county boundaries had occurred.

**SECTION 6.** In Colorado Revised Statutes, 1-2-509, **amend** (3) as follows:

**1-2-509. Reviewing voter registration applications.** (3) Within ten business days after receipt of the application, the county clerk and recorder shall notify each applicant of the disposition of the application by nonforwardable mail. If within twenty business days after receipt of the application the notification is returned to the county clerk and recorder as undeliverable, the applicant shall not be registered. If the notification is not returned within twenty business days as undeliverable, then the applicant shall be deemed registered as of the date of the application; except that, if the applicant was notified that the application was not complete, then the applicant shall be deemed registered as of the date of the application if the additional information is provided at any time prior to the actual voting. IF SUCH APPLICANT DOES NOT PROVIDE THE ADDITIONAL INFORMATION NECESSARY TO MAKE HIS OR HER APPLICATION COMPLETE AND ACCURATE WITHIN TWENTY-FOUR MONTHS AFTER NOTIFICATION IS SENT PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE APPLICANT WILL BE REQUIRED TO REAPPLY IN ORDER TO BE REGISTERED.

**SECTION 7.** In Colorado Revised Statutes, 1-2-605, **amend** (6) (b) and (8) as follows:

**1-2-605. Canceling registration - voter information card.** (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), AND 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~~ A FORM ON WHICH THE ELECTOR MAY PROVIDE THE NECESSARY INFORMATION TO EFFECT A CHANGE OF ADDRESS PURSUANT TO SECTION 1-2-216.

(8) No later than ninety days following any general election, the county clerk and recorder shall furnish to the county ~~chairpersons~~ CHAIRPERSON of ~~the two~~ EACH major political ~~parties~~ PARTY a list containing the names, addresses, precinct numbers, and party affiliations of the electors whose names were canceled from the registration record pursuant to this section.

**SECTION 8.** In Colorado Revised Statutes, 1-2-703, **repeal** (3) (a) and (3) (b) as follows:

**1-2-703. Violations - penalties.** (3) (a) ~~A voter registration drive organizer that 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) shall be punished by an additional fine not to exceed one thousand dollars.~~

**SECTION 9.** In Colorado Revised Statutes, 1-3-103, **amend** (9) (a) as follows:

**1-3-103. Party committees.** (9) (a) No later than ninety days after the organization of the state central committees of the ~~two~~ major political parties in each odd-numbered year, each committee shall adopt in its bylaws or rules its general guidelines and regulations for all county party matters. Such bylaws or rules shall establish a procedure for the selection of delegates to any party assembly that is consistent with party practice. Any method under such procedure for choosing or allocating delegates in a county based on the number of votes cast at an election for a particular candidate shall be uniform among the counties so that all types of ballots are counted or not counted for purposes of determining the number of votes cast. Any county central committee may adopt its own rules ~~and regulations~~ in conformance with those of the state central committee. In the absence of county rules pertaining to specific items, the party's state central committee's guidelines ~~AND rules and regulations~~ shall apply. Each state central committee shall file its party's bylaws or rules with the secretary of state no later than the first Monday in February in each even-numbered year and, if filed prior to that date, the bylaws or rules may be amended until that date. No bylaw or rule may be filed or amended after the first Monday in February in each even-numbered year. Where the bylaws or rules are not filed in accordance with this section, the party's state central committee, as well as the party's county central committee, ~~shall be~~ ARE subject to the code through the general election of the same year.

**SECTION 10.** In Colorado Revised Statutes, 1-4-303, **amend** (1) as follows:

**1-4-303. Nomination of unaffiliated candidates - fee.** (1) No later than ~~one hundred fifty-five days~~ 3 P.M. ON THE NINETIETH DAY before the general election, a person who desires to be an unaffiliated candidate for the office of president or vice president of the United States shall submit to the secretary of state either a notarized candidate's statement of intent together with a nonrefundable filing fee of ~~five hundred~~ ONE THOUSAND dollars or a petition for nomination pursuant to the provisions of section 1-4-802 and shall include either on the petition or with the filing fee the names of registered electors who are thus nominated as presidential electors. The acceptance of each of the electors shall be endorsed as appended to the first or last page of the nominating petition or the filing fee.

**SECTION 11.** In Colorado Revised Statutes, 1-4-601, **amend** (3) (a) as follows:

**1-4-601. Designation of candidates for primary election.** (3) (a) Except as provided in paragraph (b) of this subsection (3), no later than four days after the adjournment of the assembly, each candidate designated by assembly shall file a written acceptance with the officer with whom the certificate of designation is filed.

This acceptance may be transmitted by facsimile transmission. If the acceptance is transmitted by facsimile transmission, the original acceptance must also be filed and postmarked no later than ten days after the adjournment of the assembly. The acceptance shall state the candidate's name in the form in which it is to appear on the ballot. The name may include one nickname, IF THE CANDIDATE REGULARLY USES THE NICKNAME AND THE NICKNAME DOES NOT INCLUDE ANY PART OF A POLITICAL PARTY NAME. If an acceptance is not filed within the specified time, the candidate shall be deemed to have declined the designation; except that the candidate shall not be deemed to have declined the designation and shall be included on the primary ballot if late filing of an acceptance is caused by the failure to timely file a certificate of designation or the failure to file such acceptance with such certificate of designation, as required by section 1-4-604 (1) (a).

**SECTION 12.** In Colorado Revised Statutes, 1-4-701, **amend** (4) as follows:

**1-4-701. Party nominations to be made by convention.** (4) Any person nominated in accordance with this section by ~~either~~ ANY of the ~~two~~ major political parties shall be deemed to have accepted the nomination unless the candidate files with the secretary of state a written declination of the nomination no later than four days after the adjournment of the convention. The declination may be transmitted by facsimile transmission no later than four days after the adjournment of the convention. If the declination is transmitted by facsimile transmission, the original declination must also be filed and postmarked no later than ten days after the adjournment of the convention.

**SECTION 13.** In Colorado Revised Statutes, 1-4-802, **amend** (1) (b), (1) (d) (I), and (1) (f) (I) as follows:

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

(b) Each petition shall contain only the name of one candidate for one office; except that any petition for a candidate for PRESIDENT OF THE UNITED STATES SHALL ALSO INCLUDE A CANDIDATE FOR VICE PRESIDENT AND A CANDIDATE FOR governor shall also include a candidate for lieutenant governor, and together they shall be considered joint candidates at the general election. In the case of nominations for electors of president and vice president of the United States, the names of the JOINT candidates may be added to the political or other name designated on the petition.

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

(f) (I) Except as provided by subparagraph (II) of this paragraph (f), petitions shall be filed no later than 3 p.m. on the one hundred ~~fifty-fifth~~ SEVENTEENTH day before the general election or, for a congressional vacancy election, no later than 3 p.m. on the twentieth day after the date of the order issued by the governor.

**SECTION 14.** In Colorado Revised Statutes, 1-4-901, **amend** (1) as follows:

**1-4-901. Designation of petition.** (1) The petition for a candidate may consist of one or more sheets, to be fastened together in the form of one petition section, but each sheet shall contain the same heading and each petition section shall contain one sworn affidavit of the circulator. EXCEPT FOR THE JOINT CANDIDATES FOR PRESIDENT AND VICE PRESIDENT AND THE JOINT CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR, no petition shall contain the name of more than one person for the same office.

**SECTION 15.** In Colorado Revised Statutes, 1-4-908, **amend** (3) as follows:

**1-4-908. Verification of petition and official statement.** (3) After review, the official shall notify the candidate of the number of valid signatures and whether the petition appears to be sufficient or insufficient. In the case of a petition for nominating an unaffiliated candidate, the official shall provide notification of sufficiency or insufficiency to the candidate no later than ~~one hundred thirty-four~~ NINETY-SIX days before the general election. Upon determining that the petition is sufficient and after the time for protest has passed, the designated election official shall certify the candidate to the ballot, and, if the election is a coordinated election, so notify the coordinated election official.

**SECTION 16.** In Colorado Revised Statutes, **amend** 1-4-912 as follows:

**1-4-912. Cure.** In case a petition for nominating an unaffiliated candidate is not sufficient, it may be amended once no later than 3 p.m. on the ~~one hundred twenty-third~~ EIGHTY-FIFTH day before the general election or 3 p.m. on the sixty-seventh day before an election that is not being held concurrently with the general election. If a petition for nominating an unaffiliated candidate is amended, the designated election official shall notify the candidate of whether the petition is sufficient or insufficient no later than the ~~one hundred thirteenth~~ SEVENTY-FIFTH day before the general election.

**SECTION 17.** In Colorado Revised Statutes, 1-4-1002, **amend** (5) (a) as follows:

**1-4-1002. Vacancies in designation or nomination.** (5) (a) The persons designated to fill any of the vacancies in subsections (1) to (4.5) of this section shall file with the designated election official with whom the original certificate of petition was filed any certificate of designation or nomination to fill the vacancy and a written acceptance signed by the person designated or nominated no later than the close of business on the sixty-seventh day before the primary election or the sixty-ninth day before the general election, depending on when the vacancy occurred; except that, in the case of a vacancy filled pursuant to ~~the provisions of subsection (2.3)~~ SUBSECTION (2), (2.3) (a), OR (7) (c) of this section, ~~such~~ THE filing shall be done no later than the seventh day before the election affected by the vacancy.

**SECTION 18.** In Colorado Revised Statutes, 1-4-1304, **amend** (3) as follows:

**1-4-1304. Nomination of candidates.** (3) Any minor political party nominating

candidates in accordance with this part 13 shall file a certificate of designation with the designated election official no later than four days after the assembly was held at which the candidate was designated. The certificate of designation shall state the name of the office for which each person is a candidate and the candidate's name and address, the date on which the assembly was held at which the candidate was designated, shall designate in not more than three words the name of the minor political party that the candidate represents, and shall certify that the candidate is a member of the minor political party. THE CANDIDATE'S NAME MAY INCLUDE ONE NICKNAME, IF THE CANDIDATE REGULARLY USES THE NICKNAME AND THE NICKNAME DOES NOT INCLUDE ANY PART OF A POLITICAL PARTY NAME. The candidate's affiliation as shown on the registration books of the county clerk and recorder is prima facie evidence of party membership.

**SECTION 19.** In Colorado Revised Statutes, 1-5-208, **amend** (3) as follows:

**1-5-208. Election may be canceled - when.** (3) If the electors are to consider the election of persons to office and ballot issues or ballot questions, the election may be canceled by the governing body only in the event that all of the conditions of ~~subsection (1)~~ SUBSECTION (1.5) of this section exist and that all ballot issues or ballot questions have been withdrawn from the ballot pursuant to subsection (2) of this section.

**SECTION 20.** In Colorado Revised Statutes, 1-5-403, **amend** (4) as follows:

**1-5-403. Content of ballots for general and congressional vacancy elections.** (4) The name of each person nominated shall be printed or written upon the ballot in only one place. EACH NOMINATED PERSON'S NAME MAY INCLUDE ONE NICKNAME, IF THE PERSON REGULARLY USES THE NICKNAME AND THE NICKNAME DOES NOT INCLUDE ANY PART OF A POLITICAL PARTY NAME. Opposite the name of each person nominated, including candidates for president and vice president and joint candidates for governor and lieutenant governor, shall be the name of the political party or political organization which nominated the candidate, expressed in not more than three words. Those three words may not promote the candidate or constitute a campaign promise.

**SECTION 21.** In Colorado Revised Statutes, 1-5-404, **amend** (1) (a), (2), and (3) as follows:

**1-5-404. Arrangement of names on ballots for partisan elections.** (1) In all partisan elections, the names of all candidates and joint candidates who have been duly nominated for office shall be arranged on the ballot under the designation of the office in three groups as follows:

(a) The names of the candidates of the ~~two~~ major political parties shall be placed on the general election ballot in an order established by lot and shall comprise the first group; except that the joint candidates for president and vice president and the joint candidates for governor and lieutenant governor shall be arranged in the alphabetical order of the names of the candidates for president and governor.

(2) Between July 1 and July 15 of each election year, the officer in receipt of the original designation, nomination, or petition of each candidate shall inform the ~~two~~

major political parties, each minor political party, and the representative of each political organization on file with the secretary of state of the time and place of the lot-drawing for offices to appear on the general election ballot. Ballot positions shall be assigned to the major political party, minor political party, or political organization in the order in which they are drawn. The name of the candidate shall be inserted on the ballot prior to the ballot certification.

(3) The arrangement of names on ballots for congressional vacancy elections shall be established by lot at any time prior to the certification of ballots for the congressional vacancy election. The officer in receipt of the original designation, nomination, or petition of each candidate shall inform the ~~two~~ major political parties, each minor political party, and the representatives of each political organization on file with the secretary of state of the time and place of the lot-drawing for the congressional election ballot. Ballot positions shall be assigned to the major political party, minor political party, or political organization in the order in which they are drawn.

**SECTION 22.** In Colorado Revised Statutes, 1-5-407, **amend** (4) and (5) (b) as follows:

**1-5-407. Form of ballots.** (4) The names of the candidates for each office shall be arranged under the designation of the office as provided in section 1-5-404. The designated election official shall not print, in connection with any name, any title or degree designating the business or profession of the candidate. EACH CANDIDATE'S NAME MAY INCLUDE ONE NICKNAME, IF THE CANDIDATE REGULARLY USES THE NICKNAME AND THE NICKNAME DOES NOT INCLUDE ANY PART OF A POLITICAL PARTY NAME.

(5) (b) Beginning with the 2010 general election:

(I) Each proposed change to the state constitution, whether initiated by the people or referred to the people by the general assembly, shall be identified on the ballot as an "amendment"; ~~and~~

(II) Each proposed change to the Colorado Revised Statutes, whether initiated by the people or referred to the people by the general assembly, shall be identified on the ballot as a "proposition"; AND

(III) A BALLOT ISSUE OR QUESTION CONTAINING BOTH A PROPOSED CHANGE TO THE STATE CONSTITUTION AND A PROPOSED CHANGE TO THE COLORADO REVISED STATUTES SHALL BE IDENTIFIED ON THE BALLOT AS AN "AMENDMENT".

**SECTION 23.** In Colorado Revised Statutes, 1-6-101, **amend** (7) (a), (7) (b), and (7) (c) introductory portion as follows:

**1-6-101. Definitions - qualifications for election judges - student election judges - legislative declaration.** (7) (a) The general assembly hereby finds and declares that, in order to promote a greater awareness among young people concerning the electoral process, the rights and responsibilities of voters, and the importance of citizen participation in public affairs, as well as to provide additional qualified individuals willing and able to assist with the electoral process, qualified

students may be allowed to serve as student election judges. Therefore, it is the intent of the general assembly in enacting this subsection (7) to authorize ~~county clerk and recorders~~ DESIGNATED ELECTION OFFICIALS to appoint qualified students to serve as election judges in conformity with ~~the requirements~~ of this section.

(b) As used in this article, "student election judge" means a student who meets the requirements of this subsection (7) and who is appointed by a ~~county clerk and recorder~~ DESIGNATED ELECTION OFFICIAL for service as an election judge pursuant to ~~the requirements~~ of this section.

(c) The ~~county clerk and recorders~~ DESIGNATED ELECTION OFFICIALS may work with school districts and public or private secondary educational institutions to identify students willing and able to serve as student election judges. Such school districts or educational institutions may submit the names of the students to the ~~clerk and recorder~~ DESIGNATED ELECTION OFFICIAL of the ~~county~~ JURISDICTION in which the school district or educational institution is located for appointment as student election judges. Home-schooled students may apply to the ~~county clerk and recorder~~ DESIGNATED ELECTION OFFICIAL for appointment as a student election judge pursuant to ~~the requirements~~ of this section. From among the names submitted, the ~~county clerk and recorders~~ DESIGNATED ELECTION OFFICIALS may select students to serve as student election judges who meet the following qualifications:

**SECTION 24.** In Colorado Revised Statutes, 1-6-109, **add** (5) as follows:

**1-6-109. Party affiliation of election judges in partisan elections - definition - repeal.** (5) (a) FOR THE PURPOSES OF THIS SECTION ONLY, "MAJOR POLITICAL PARTY" MEANS ANY POLITICAL PARTY THAT AT THE LAST TWO PRECEDING GUBERNATORIAL ELECTIONS WAS REPRESENTED ON THE OFFICIAL BALLOT EITHER BY POLITICAL PARTY CANDIDATES OR BY INDIVIDUAL NOMINEES AND WHOSE CANDIDATE AT THOSE ELECTIONS RECEIVED AT LEAST TEN PERCENT OF THE TOTAL GUBERNATORIAL VOTES CAST.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JANUARY 1, 2015.

**SECTION 25.** In Colorado Revised Statutes, 1-6-109.5, **add** (5) as follows:

**1-6-109.5. Appointment and duties of supply judge - definition - repeal.** (5) (a) FOR THE PURPOSES OF THIS SECTION ONLY, "MAJOR POLITICAL PARTY" MEANS ANY POLITICAL PARTY THAT AT THE LAST TWO PRECEDING GUBERNATORIAL ELECTIONS WAS REPRESENTED ON THE OFFICIAL BALLOT EITHER BY POLITICAL PARTY CANDIDATES OR BY INDIVIDUAL NOMINEES AND WHOSE CANDIDATE AT THOSE ELECTIONS RECEIVED AT LEAST TEN PERCENT OF THE TOTAL GUBERNATORIAL VOTES CAST.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JANUARY 1, 2015.

**SECTION 26.** In Colorado Revised Statutes, 1-7-111, **amend** (1) (a) and (1) (b) as follows:

**1-7-111. Disabled registered elector - assistance.** (1) (a) If at any election, any registered elector declares to the election judges that, by reason of blindness or other

physical disability or inability to read or write, he or she is unable to prepare the ballot or operate the voting device or electronic voting device without assistance, the elector ~~shall be~~ IS entitled, upon making a request, to receive the assistance of any one of the election judges or, at the elector's option, any ~~eligible elector~~ PERSON selected by the ~~disabled~~ eligible elector REQUIRING ASSISTANCE.

(b) Any person other than an election judge ~~or the spouse, parent, grandparent, sibling or child eighteen years or older of the elector~~ who assists ~~more than one~~ AN eligible elector in the precinct in casting his or her ballot shall first complete the following voter assistance/disabled voter self-affirmation form: "I, ....., certify that I am the individual chosen by the ~~disabled~~ elector to assist the ~~disabled~~ elector in casting a ballot".

**SECTION 27.** In Colorado Revised Statutes, 1-7-112, **amend** (1) (a) as follows:

**1-7-112. Non-English speaking electors - assistance.** (1) (a) If at any election, any elector requests assistance in voting, by reason of difficulties with the English language, he or she is unable to prepare the ballot or operate the voting device or electronic voting device without assistance, the elector shall be entitled, upon making a request, to receive the assistance of an election judge, any person selected by the designated election official to provide assistance in that precinct, or any person selected by the eligible elector requesting assistance, provided that the person rendering assistance can provide assistance in both the language in which the elector is fluent and in English. ~~No person, other than an election judge or person selected by the designated election official to provide assistance, shall be permitted to assist more than one elector per election unless the person is the elector's spouse, parent, grandparent, sibling, or child eighteen years or older.~~

**SECTION 28.** In Colorado Revised Statutes, 1-7-304, **amend** (1) as follows:

**1-7-304. Manner of voting.** (1) Each eligible elector, upon receiving a ballot, shall immediately proceed unaccompanied to one of the voting booths provided. To cast a vote, the eligible elector shall clearly FILL THE OVAL, CONNECT THE ARROW, OR OTHERWISE APPROPRIATELY mark ~~or stamp in the appropriate square or place a cross mark (X) opposite~~ the name of the candidate or the names of the joint candidates of the elector's choice for each office to be filled. In the case of a ballot issue, the elector shall clearly FILL THE OVAL, CONNECT THE ARROW, OR OTHERWISE APPROPRIATELY mark ~~or stamp in the appropriate square or place a cross mark (X) opposite~~ the answer ~~which~~ THAT the elector desires to give. Before leaving the voting booth, the eligible elector shall fold the ballot without displaying the marks thereon, in the same way it was folded when received by the elector, so that the contents of the ballot are concealed and the stub can be removed without exposing any of the contents of the ballot, and shall keep the ballot folded until it is deposited in the ballot box.

**SECTION 29.** In Colorado Revised Statutes, 1-7-503, **amend** (1) as follows:

**1-7-503. Manner of voting.** (1) Each eligible elector, upon receiving a ballot, shall immediately proceed unaccompanied to one of the voting booths provided. To cast a vote, the eligible elector shall clearly FILL THE OVAL, CONNECT THE ARROW, OR OTHERWISE APPROPRIATELY mark ~~or stamp in the appropriate square or place a~~

~~cross mark (X) opposite~~ the name of the candidate or the names of the joint candidates of the elector's choice for each office to be filled. In the case of a ballot issue, the elector shall clearly FILL THE OVAL, CONNECT THE ARROW, OR OTHERWISE APPROPRIATELY mark ~~or stamp in the appropriate square or place a cross mark (X)~~ opposite the answer ~~which~~ THAT the elector desires to give. Before leaving the voting booth, the eligible elector, without displaying the marks thereon, shall place the ballot in the privacy envelope so that the contents of the ballot or ballot card are concealed and shall place the envelope and the ballot or ballot card in the ballot box.

**SECTION 30.** In Colorado Revised Statutes, 1-7-508, **amend** (3) as follows:

**1-7-508. Determination of improperly marked ballots.** (3) No ballot shall be counted unless it has the official endorsement required by ~~section 1-7-502~~ SECTION 1-5-407 (1).

**SECTION 31.** In Colorado Revised Statutes, 1-7-509, **add** (1) (c) (III) as follows:

**1-7-509. Electronic and electromechanical vote counting - testing of equipment required - definition - repeal.** (1) (c) (III) (A) FOR THE PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) ONLY, "MAJOR POLITICAL PARTY" MEANS ANY POLITICAL PARTY THAT AT THE LAST TWO PRECEDING GUBERNATORIAL ELECTIONS WAS REPRESENTED ON THE OFFICIAL BALLOT EITHER BY POLITICAL PARTY CANDIDATES OR BY INDIVIDUAL NOMINEES AND WHOSE CANDIDATE AT THE LAST TWO PRECEDING GUBERNATORIAL ELECTIONS RECEIVED AT LEAST TEN PERCENT OF THE TOTAL GUBERNATORIAL VOTES CAST.

(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JANUARY 1, 2015.

**SECTION 32.** In Colorado Revised Statutes, 1-7.5-105, **amend** (1) and (1.5) (a) as follows:

**1-7.5-105. Preelection process.** (1) The designated election official responsible for conducting an election that is to be by mail ballot pursuant to section 1-7.5-104 (1) shall notify the secretary of state no later than fifty-five days prior to ~~the~~ A NONPARTISAN election OR, FOR ANY MAIL BALLOT ELECTION THAT IS COORDINATED WITH OR CONDUCTED BY THE COUNTY CLERK AND RECORDER, NO LATER THAN NINETY DAYS PRIOR TO THE ELECTION. The notification shall include a proposed plan for conducting the mail ballot election, which may be based on the standard plan adopted by the secretary of state.

(1.5) (a) Notwithstanding ~~the provisions of~~ subsection (1) of this section, if a primary election is conducted as a mail ballot election pursuant to this article, the designated election official shall notify the secretary of state no later than ~~one hundred twenty~~ NINETY days prior to the election. The notification shall include a proposed plan for conducting the mail ballot election, which may be based on the standard plan adopted by the secretary of state.

**SECTION 33.** In Colorado Revised Statutes, 1-7.5-107, **amend** (5) (c); and **add** (2.7) as follows:

**1-7.5-107. Procedures for conducting mail ballot election - primary elections - first-time voters casting a mail ballot after having registered by mail to vote - in-person request for ballot.** (2.7) SUBSEQUENT TO THE PREPARATION OF BALLOTS IN ACCORDANCE WITH SECTION 1-5-402 BUT PRIOR TO THE MAILING REQUIRED UNDER SUBSECTION (3) OF THIS SECTION, A DESIGNATED ELECTION OFFICIAL SHALL PROVIDE A MAIL BALLOT TO A REGISTERED ELECTOR REQUESTING THE BALLOT AT THE DESIGNATED ELECTION OFFICIAL'S OFFICE OR THE OFFICE DESIGNATED IN THE MAIL BALLOT PLAN FILED WITH THE SECRETARY OF STATE.

(5) (c) For ~~November coordinated elections only~~ ANY ELECTION CONDUCTED WITH OR COORDINATED BY A COUNTY CLERK AND RECORDER, the signature of the eligible elector on the return envelope shall be compared with the signature of the eligible elector on file in the office of the county clerk and recorder or in the statewide voter registration system in accordance with section 1-7.5-107.3.

**SECTION 34.** In Colorado Revised Statutes, 1-8-104, **amend** (6) as follows:

**1-8-104. Applications for mail-in ballot.** (6) No person shall give to any eligible elector any form for the purpose of requesting a mail-in ballot unless ~~such~~ THE form prompts the applicant to provide all the information required by subsection (1) of this section and IS EITHER PROVIDED BY THE STATE OR THE ELECTOR'S COUNTY OR contains the following statement: "Under Colorado law, your 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 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.

**SECTION 35.** In Colorado Revised Statutes, **amend** 1-8-110 as follows:

**1-8-110. Challenges.** The right to vote of any person voting by mail-in ballot may be challenged in the same manner ~~and for the same causes as other persons are challenged~~ SET FORTH IN SECTION 1-9-207.

**SECTION 36.** In Colorado Revised Statutes, 1-8-111, **add** (1.5) as follows:

**1-8-111. Delivery of mail-in ballot and replacement mail-in ballots - in-person request for ballot.** (1.5) SUBSEQUENT TO THE PREPARATION OF BALLOTS IN ACCORDANCE WITH SECTION 1-5-402 BUT PRIOR TO THE MAILING REQUIRED UNDER SUBSECTION (1) OF THIS SECTION, A DESIGNATED ELECTION OFFICIAL SHALL PROVIDE A MAIL BALLOT TO A REGISTERED ELECTOR REQUESTING THE BALLOT AT THE DESIGNATED ELECTION OFFICIAL'S OFFICE OR THE OFFICE DESIGNATED IN THE MAIL BALLOT PLAN FILED WITH THE SECRETARY OF STATE.

**SECTION 37.** In Colorado Revised Statutes, 1-8-114, **amend** (2) as follows:

**1-8-114. Self-affirmation on return envelope.** (2) The signing of the self-affirmation on the return envelope for the mail-in ballot shall constitute an affirmation by the voter, under penalty of perjury, that the facts stated in the self-affirmation are true. IF THE VOTER IS UNABLE TO SIGN, HE OR SHE MAY AFFIRM BY MAKING A MARK ON THE SELF-AFFIRMATION, WITH OR WITHOUT ASSISTANCE,

WITNESSED BY ANOTHER PERSON.

**SECTION 38.** In Colorado Revised Statutes, 1-8-115, **amend** (4) as follows:

**1-8-115. Emergency mail-in voting.** (4) If, following the procedure set forth in this section, the designated election official is unable to provide a mail-in ballot to an elector, the designated election official shall ~~seek authority from the secretary of state to~~ provide a mail-in ballot to the elector by electronic transfer in accordance with the election rules of the secretary of state. If the 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.

**SECTION 39.** In Colorado Revised Statutes, 1-10-105, **amend** (5) (d) as follows:

**1-10-105. Official abstract of votes cast - certification by secretary of state.** (5) The secretary of state shall publish on a biennial basis an official abstract of votes cast for all statewide elections held in the year of the general election and include the odd-number year immediately preceding that general election. The abstract shall contain the following information:

(d) Based on the total number of ~~active~~ registered voters, the percent of voter turnout in each county; and

**SECTION 40.** In Colorado Revised Statutes, 1-10.5-102, **amend** (1) as follows:

**1-10.5-102. Recounts for congressional, state, and district offices, state ballot questions, and state ballot issues.** (1) If the secretary of state determines that a recount is required for the office of United States senator, representative in congress, any state office or district office of state concern, any state ballot question, or any state ballot issue certified for the ballot by the secretary of state, the secretary of state shall order a complete recount of all the votes cast for that office, state ballot question, or state ballot issue no later than the ~~twenty-fifth~~ THIRTIETH day after the election.

**SECTION 41.** In Colorado Revised Statutes, 1-40-115, **amend** (2) as follows:

**1-40-115. Ballot - voting - publication.** (2) (a) All ballot ~~issues~~ MEASURES shall be printed on the official ballot in that order, together with their respective letters and numbers prefixed in bold-faced type. A BALLOT ISSUE ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SHALL APPEAR IN CAPITAL LETTERS. Each ballot shall have the following explanation printed one time at the beginning of such ballot ~~issues~~ MEASURES: "Ballot ~~issues~~ QUESTIONS referred by the general assembly or any political subdivision are listed by letter, and ballot ~~issues~~ QUESTIONS initiated by the people are listed numerically. A ballot ~~issue~~ QUESTION listed as an 'amendment' proposes a change to the Colorado constitution, and a ballot ~~issue~~ QUESTION listed as a 'proposition' proposes a change to the Colorado Revised Statutes. A 'yes' vote on any ballot ~~issue~~ QUESTION is a vote in favor of changing current law or existing circumstances, and a 'no' vote on any ballot ~~issue~~ QUESTION is a vote against changing current law or existing circumstances.". Each ballot title shall appear on the official ballot but once. For each ballot title that is an

amendment, the amendment number or letter shall be immediately followed by the description "(CONSTITUTIONAL)". For each ballot title that is a proposition, the proposition number or letters shall be immediately followed by the description "(STATUTORY)". Each ballot title shall be separated from the other ballot titles next to it by heavy black lines and shall be followed by the words "yes" and "no" with blank spaces to the right and opposite the same as follows:

**(HERE SHALL APPEAR THE  
BALLOT TITLE IN FULL)**

YES \_\_\_\_\_ NO \_\_\_\_\_

(b) For purposes of preparing an audio ballot as part of an accessible voting system:

(I) In lieu of the parenthetical description preceding a ballot title that is an amendment required by paragraph (a) of this subsection (2), the audio ballot shall include the following: "The following ballot ~~issue~~ QUESTION proposes a change to the Colorado constitution."; and

(II) In lieu of the parenthetical description preceding a ballot title that is a proposition required by paragraph (a) of this subsection (2), the audio ballot shall include the following: "The following ballot ~~issue~~ QUESTION proposes a change to the Colorado Revised Statutes."

**SECTION 42.** In Colorado Revised Statutes, 32-1-1106, **amend** (1) (a) as follows:

**32-1-1106. Special financial provisions - metropolitan districts that provide street improvement, safety protection, or transportation services.** (1) In addition to the powers specified in section 32-1-1101, the board of a metropolitan district organized with street improvement, safety protection, or transportation powers as described in section 32-1-1004 (2) (d), (2) (f), (2) (h), and (5) has the power, for and on behalf of the district, to levy a uniform sales tax, at a rate determined by the board, upon every transaction or other incident with respect to which a sales tax is levied by the state that occurs within any area of the district that is not also within the boundaries of an incorporated municipality subject to the following limitations:

(a) The board may levy the tax only if the question of levying the tax is submitted to and approved by a majority of the registered electors of the portion of the district in which the tax is to be levied voting at a regular district election or at a special election held on the Tuesday after the first Monday of November in an even-numbered year or on the ~~FIRST Tuesday after the first Monday~~ of November in an odd-numbered year in accordance with ~~the provisions of~~ this article and section 20 of article X of the state constitution. The ballot issue shall provide that the tax to be levied shall be in addition to any other taxes levied by the district. The district shall pay all costs of the election, and no district moneys may be used to urge or oppose passage of the ballot issue submitted at the election.

**SECTION 43. Applicability.** The provisions of this act apply to elections

conducted on or after the effective date of this act.

**SECTION 44. 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: May 17, 2012