

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0424.01 Troy Bratton

HOUSE BILL 10-1116

HOUSE SPONSORSHIP

Todd,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REVISION OF CERTAIN ADMINISTRATIVE PROVISIONS
102 RELATING TO THE CONDUCT OF ELECTIONS, AND, IN
103 CONNECTION THEREWITH, AMENDING OR REPEALING OBSOLETE,
104 INCONSISTENT, AND CONFLICTING PROVISIONS OF LAW.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill makes the following revisions to the "Uniform Election Code of 1992" (election code) and related provisions:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! **Section 1** repeals an obsolete provision relating to registration sheets, which are no longer used by county clerks and recorders.
- ! **Section 2** deletes an obsolete date regarding the applicability of a provision related to voter registration at driver's license examination facilities.
- ! **Section 3** deletes obsolete language relating to voters who have moved from one precinct to another within the same county. Due to the statewide voter registration database, the language has been changed to reflect moves between precincts in the state rather than county.
- ! **Section 4** repeals obsolete language relating to the emergency registration of a voter who has moved to a new county. This situation is now covered by another provision of law.
- ! **Section 5** repeals an obsolete statutory section that allowed a person with disabilities to request an accessible polling place if the person's assigned polling place was not accessible. Pursuant to the federal "Help America Vote Act of 2002", all polling places must now be accessible to persons with disabilities, rendering this section obsolete.
- ! **Section 6** makes a correction to a provision that specifies procedures to be followed if a registered elector moves to another state. The current language inaccurately refers to a "county" rather than a "state".
- ! **Section 7** specifies that no elector's registration record shall be canceled solely for failure to vote.
- ! **Section 8** shortens from 10 days to 4 days the period in which a candidate must file an acceptance of nomination in order to conform to another provision of law.
- ! **Section 9** deletes an obsolete date regarding the applicability of a provision governing a vacancy in the office of lieutenant governor.
- ! **Section 10** deletes language in order to harmonize conflicting dates regarding the cancellation of an election.
- ! **Sections 11, 12, and 13** delete obsolete dates regarding electronic voting systems and devices.
- ! **Section 14** specifies that certain polling place procedures shall not apply if the primary election is being conducted as a mail ballot election.
- ! **Section 15** removes the party affiliation requirements for judges who perform logic and accuracy testing on electronic voting equipment if the election for which the equipment is being tested is a nonpartisan election.
- ! **Section 16** specifies that, for purposes of the ballot issue

notice required by the Taxpayer's Bill of Rights, the governing body of a political subdivision, including a special district, is the "election official" responsible for summarizing the comments for and against a ballot issue placed on the ballot by a political subdivision.

- ! **Section 17** deletes conflicting language regarding the deadline to notify the secretary of state of a special district's intent to conduct an election as a mail ballot election and the deadline for the secretary to approve or disapprove the mail ballot election. Currently, the deadline to notify is 2 days prior to the deadline to cancel an election.
- ! **Section 18** repeals obsolete language regarding secretary of state approval for delayed mailing dates. Section 18 also repeals an obsolete provision regarding mail ballots returned without identification.
- ! **Section 19** requires signature verification for all mail ballot elections.
- ! **Section 20** requires signature verification for all mail-in elections.
- ! **Section 21** requires the secretary of state to send a paper copy of the abstract of votes cast to a county clerk and recorder only if the county clerk and recorder requests a paper copy.
- ! **Section 22** increases the time in which a canvass board must certify the abstract of votes cast from 7 days to 17 days after an election to correspond with other relevant election dates. Currently, the deadline to certify the abstract is prior to the date by which voters may resolve signature discrepancies.
- ! **Section 23** adds language to the general penalty provisions of the election code to specify that voter registration drive organizers and circulators are subject to a different set of penalty provisions contained elsewhere in the election code.
- ! **Section 24** updates an internal reference.
- ! **Section 25** repeals obsolete language regarding the city of Broomfield's change to the city and county of Broomfield.

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

2 **SECTION 1. Repeal.** 1-2-202 (5), Colorado Revised Statutes,
3 is repealed as follows:

4 **1-2-202. Registration by county clerk and recorder.** (5) **The**

1 county clerk and recorder shall attest to the signature of all electors who
2 register in the county clerk and recorder's office by placing the official
3 signature of the county clerk and recorder on the registration sheet.

4 **SECTION 2.** 1-2-213 (1), Colorado Revised Statutes, is amended
5 to read:

6 **1-2-213. Registration at driver's license examination facilities.**

7 (1) ~~Commencing July 1, 1985,~~ The department of revenue, through its
8 local driver's license examination facilities, shall provide each eligible
9 elector who applies for the issuance, renewal, or correction of any type of
10 driver's license or for an identification card pursuant to part 3 of article
11 2 of title 42, C.R.S., an opportunity to complete an application to register
12 to vote by use of a form containing the necessary information required by
13 this part 2.

14 **SECTION 3.** 1-2-217 (2), Colorado Revised Statutes, is amended
15 to read:

16 **1-2-217. Change in residence after close of registration.**

17 (2) Any eligible elector who moves from the precinct in which the elector
18 is registered to some other precinct in the ~~same county~~ STATE after the
19 time during which registration is permitted may return to the precinct of
20 registration and vote on the day of any election and sign a change of
21 residence form. The form shall include a printed statement of the penalty
22 for anyone who votes by knowingly giving false information.

23 **SECTION 4. Repeal.** 1-2-217.5 (2) (a), Colorado Revised
24 Statutes, is repealed as follows:

25 **1-2-217.5. Change in residence before close of registration -**
26 **emergency registration at office of county clerk and recorder.**

27 (2) The elector shall declare under oath in the emergency registration

1 affidavit that the elector wishes to register to vote in the election in the
2 precinct and county for which the registration books are closed and that:

3 (a) ~~The elector was registered to vote in a different county in this~~
4 ~~state, moved to the new county of residence prior to the close of the~~
5 ~~registration books but failed to register with the county clerk and recorder~~
6 ~~prior to the close of the registration books, and has not and will not cast~~
7 ~~a vote in the election in the county of previous residence;~~

8 **SECTION 5. Repeal.** 1-2-225, Colorado Revised Statutes, is
9 repealed as follows:

10 **1-2-225. Change of polling place - accessibility for persons**
11 **with disabilities.** (1) ~~The general assembly hereby finds, determines,~~
12 ~~and declares that the purpose of this section is to protect the fundamental~~
13 ~~right of citizens with disabilities to vote. The general assembly further~~
14 ~~finds that, where reasonable polling place access for electors with~~
15 ~~disabilities cannot be provided, other reasonable accommodations should~~
16 ~~be made to enable those electors to cast their votes.~~

17 (2) ~~The elector information card required to be sent to all~~
18 ~~registered electors pursuant to sections 1-2-605 and 1-5-206 shall include~~
19 ~~a notice to the elector indicating whether the polling place for the elector~~
20 ~~is accessible to persons with disabilities. The information card shall also~~
21 ~~include an affidavit which may be signed and returned to the county clerk~~
22 ~~and recorder indicating that the elector to whom the information card was~~
23 ~~sent has a disability and requesting a change of polling place assignment~~
24 ~~to a location that is accessible to persons with disabilities.~~

25 (3) ~~Any registered elector with a disability, or a family member~~
26 ~~living at the same address as the elector and acting for the elector, may~~
27 ~~appear at the county clerk and recorder's office in the county in which the~~

1 elector is registered and sign an affidavit requesting a temporary change
2 of polling place to a place that is accessible to persons with disabilities.

3 (4) Upon receiving an affidavit requesting a polling place change
4 pursuant to this section, a county clerk and recorder shall temporarily
5 assign the requesting elector to a polling place that uses the same ballot
6 type as the permanently assigned location and is accessible to persons
7 with disabilities, if such a place exists. If more than one such polling
8 place exists, the county clerk and recorder shall assign the polling place
9 that is closest to the elector's residence.

10 (5) A family member living at the same address as an elector who
11 has changed polling places pursuant to subsection (2) or (3) of this
12 section may also change polling places to vote at the same polling place
13 as the elector with a disability by filing a request with the county clerk
14 and recorder containing the information required by the county clerk and
15 recorder.

16 (6) Any request for a change of polling place to a polling place
17 which is accessible to persons with disabilities must be received by the
18 designated election official no later than twelve days before the election
19 for which the change is requested.

20 (7) Upon granting a request for a temporary change of polling
21 place pursuant to this section, the county clerk and recorder shall make
22 and deliver to the elector a temporary polling place certificate setting
23 forth the facts of the temporary polling place change, including the name
24 of the elector, the date of the election, the type of election, and the
25 address of the temporary polling place. The certificate shall be attested by
26 the hand of the county clerk and recorder and the seal of the county.

27 (8) An elector who has temporarily changed polling places

1 ~~pursuant to this section shall present the temporary polling place~~
2 ~~certificate on the day of the election to the election judges at the~~
3 ~~temporary polling place assigned to the elector. The election judges shall~~
4 ~~allow the elector to vote at that polling place. The election judges shall~~
5 ~~use the certificate as a substitute registration record, entering the date of~~
6 ~~the election and pollbook ballot number on the certificate and including~~
7 ~~it with the registration book when it is returned to the county clerk and~~
8 ~~recorder following the election.~~

9 ~~(9) Only one application for a temporary change of polling place~~
10 ~~pursuant to this section must be made for all subsequent primary and~~
11 ~~general elections in any calendar year. Separate applications for~~
12 ~~temporary changes of polling places must be made for all other elections.~~

13 ~~(10) Any political subdivision which holds elections is authorized~~
14 ~~to follow the procedures specified in this section for its elections.~~

15 **SECTION 6.** 1-2-603 (2), Colorado Revised Statutes, is amended
16 to read:

17 **1-2-603. Notification that elector has moved and registered in**
18 **different county.** (2) If a county clerk and recorder receives a notice
19 from the secretary of state or from an election official in another state that
20 the elector has registered to vote in another ~~county~~ STATE, the county
21 clerk and recorder of the county of prior residence shall cancel the
22 registration record if the name and birth date or the name and social
23 security number of the elector match.

24 **SECTION 7.** 1-2-605 (7), Colorado Revised Statutes, is amended
25 to read:

26 **1-2-605. Canceling registration - voter information card.**
27 (7) If the county clerk and recorder receives no response to the

1 confirmation card and the elector has been designated "Inactive" for two
2 general elections since the confirmation card was mailed pursuant to the
3 requirements of this article, the county clerk and recorder shall cancel the
4 registration record of the elector; EXCEPT THAT, NOTWITHSTANDING ANY
5 OTHER PROVISION OF LAW, NO ELECTOR'S REGISTRATION RECORD SHALL
6 BE CANCELED SOLELY FOR FAILURE TO VOTE.

7 **SECTION 8.** 1-4-404, Colorado Revised Statutes, is amended to
8 read:

9 **1-4-404. Nomination and acceptance of candidate.** Any person
10 nominated in accordance with this article shall file a written acceptance
11 with the secretary of state by mail or hand delivery. The written
12 acceptance must be postmarked or received by the secretary of state
13 within ~~ten~~ FOUR business days after the adjournment of the assembly. If
14 an acceptance is not filed within the specified time, the candidate shall be
15 deemed to have declined the nomination, and the nomination shall be
16 treated as a vacancy to be filled as provided in section 1-4-1002 (3) and
17 (5).

18 **SECTION 9.** 1-4-1002 (7.3), Colorado Revised Statutes, is
19 amended to read:

20 **1-4-1002. Vacancies in designation or nomination.** (7.3) ~~After~~
21 ~~the second Tuesday of January 2003~~, Any vacancy in the office of
22 lieutenant governor shall be filled by the appointment by the governor of
23 a lieutenant governor of the same political party as the governor to fill the
24 vacancy. The senate shall have no power to confirm or deny such
25 appointment.

26 **SECTION 10.** 1-5-208 (1) and (1.5), Colorado Revised Statutes,
27 are amended to read:

1 **1-5-208. Election may be canceled - when.** (1) ~~Except as~~
2 ~~provided in subsection (1.5) of this section, if the only matter before the~~
3 ~~electors is the election of persons to office and if, at the close of business~~
4 ~~on the thirtieth day before the election, there are not more candidates than~~
5 ~~offices to be filled at the election, including candidates filing affidavits~~
6 ~~of intent, the designated election official, if instructed by resolution of the~~
7 ~~governing body, shall cancel the election and declare the candidates~~
8 ~~elected.~~

9 (1.5) EXCEPT AS PROVIDED IN SECTION 1-4-104.5, if the only
10 matter before the electors ~~in a nonpartisan election~~ is the election of
11 persons to office and if, at the close of business on the sixty-third day
12 before the election, there are not more candidates than offices to be filled
13 at the election, including candidates filing affidavits of intent, the
14 designated election official, if instructed by resolution of the governing
15 body, shall cancel the election and declare the candidates elected.

16 **SECTION 11. Repeal.** 1-5-605.7 (2), Colorado Revised Statutes,
17 is repealed as follows:

18 **1-5-605.7. Mechanical lever voting machines - prohibited.**
19 ~~(2) This section shall apply to elections held on and after January 1,~~
20 ~~2006.~~

21 **SECTION 12. Repeal.** 1-5-608.2 (2), Colorado Revised Statutes,
22 is repealed as follows:

23 **1-5-608.2. Punch card voting systems - prohibited.** (2) ~~This~~
24 ~~section shall apply to elections held on and after January 1, 2006.~~

25 **SECTION 13. Repeal.** 1-5-705 (2), Colorado Revised Statutes,
26 is repealed as follows:

27 **1-5-705. Accessible voter interface devices - minimum**

1 **requirement.** (2) ~~This section shall apply to elections held on and after~~
2 ~~January 1, 2006.~~

3 **SECTION 14.** 1-7-201, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **1-7-201. Voting at primary election.** (6) THE PROVISIONS OF
6 SUBSECTIONS (1), (2), AND (4) OF THIS SECTION SHALL NOT APPLY TO A
7 PRIMARY ELECTION CONDUCTED AS A MAIL BALLOT ELECTION PURSUANT
8 TO ARTICLE 7.5 OF THIS TITLE.

9 **SECTION 15.** 1-7-509 (1) (c), Colorado Revised Statutes, is
10 amended to read:

11 **1-7-509. Electronic and electromechanical vote counting -**
12 **testing of equipment required.** (1) (c) (I) FOR ALL PARTISAN
13 ELECTIONS, the designated election official shall select a testing board
14 comprising at least two persons, one from each major political party, from
15 the list provided by the major political parties pursuant to section 1-6-102.

16 (II) FOR ALL NONPARTISAN ELECTIONS, THE DESIGNATED ELECTION
17 OFFICIAL SHALL SELECT A TESTING BOARD COMPRISING AT LEAST TWO
18 PERSONS WHO ARE REGISTERED ELECTORS.

19 **SECTION 16.** 1-7-903, Colorado Revised Statutes, is amended
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21 **1-7-903. Preparation of written comments.** (3.5) FOR
22 POLITICAL SUBDIVISIONS OF THE STATE, INCLUDING BUT NOT LIMITED TO
23 SPECIAL DISTRICTS, THE GOVERNING BODY OF A POLITICAL SUBDIVISION
24 SHALL BE SOLELY RESPONSIBLE FOR PREPARING THE SUMMARY OF THE
25 FILED COMMENTS IN FAVOR OF AND IN OPPOSITION TO THE BALLOT ISSUE
26 FOR THE BALLOT ISSUE NOTICE REQUIRED BY SECTION 20 (3) (b) (v) OF
27 ARTICLE X OF THE STATE CONSTITUTION.

1 **SECTION 17.** 1-7.5-105 (1) and (2) (a), Colorado Revised
2 Statutes, are amended to read:

3 **1-7.5-105. Preelection process.** (1) The designated election
4 official responsible for conducting an election that is to be by mail ballot
5 pursuant to section 1-7.5-104 (1) shall notify the secretary of state no later
6 than fifty-five days prior to the election. ~~unless the election is a regular~~
7 ~~special district election, in which case the designated election official~~
8 ~~shall notify the secretary of state no later than sixty-five days prior to the~~
9 ~~election.~~ The notification shall include a proposed plan for conducting
10 the mail ballot election, which may be based on the standard plan adopted
11 by the secretary of state.

12 (2) (a) The secretary of state shall approve or disapprove the
13 written plan for conducting a mail ballot election, in accordance with
14 section 1-7.5-106, within fifteen days after receiving the plan and shall
15 provide a written notice to the affected political subdivision. ~~unless the~~
16 ~~election is a regular special district election, in which case the secretary~~
17 ~~of state shall approve or disapprove the written plan within twenty-five~~
18 ~~days after receiving the plan.~~

19 **SECTION 18.** 1-7.5-107 (3) (a) (I) and (5) (b), Colorado Revised
20 Statutes, are amended to read:

21 **1-7.5-107. Procedures for conducting mail ballot election -**
22 **primary elections - first-time voters casting a mail ballot after having**
23 **registered by mail to vote.** (3) (a) (I) Not sooner than twenty-two days
24 before an election, and no later than eighteen days before an election,
25 except as provided in subparagraph (II) of this paragraph (a), the
26 designated election official shall mail to each active registered elector, at
27 the last mailing address appearing in the registration records and in

1 accordance with United States postal service regulations, a mail ballot
2 packet, which shall be marked "DO NOT FORWARD. ADDRESS
3 CORRECTION REQUESTED.", or any other similar statement that is in
4 accordance with United States postal service regulations. ~~except that, with~~
5 ~~prior approval from the secretary of state, the packets shall be sent no~~
6 ~~later than ten days before election day.~~ Nothing in this subsection (3)
7 shall affect any provision of this code governing the delivery of mail
8 ballots to an absent uniformed services elector, nonresident overseas
9 elector, or resident overseas elector covered by the federal "Uniformed
10 and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et
11 seq.

12 (5) (b) ~~If the return envelope received from an eligible elector~~
13 ~~described in subsection (3.5) of this section does not contain~~
14 ~~identification, the ballot shall be treated as a provisional ballot and shall~~
15 ~~be verified and counted in accordance with article 8.5 of this title.~~

16 **SECTION 19.** 1-7.5-107.3 (1) (a), Colorado Revised Statutes, is
17 amended to read:

18 **1-7.5-107.3. Verification of signatures.** (1) (a) Except as
19 provided in subsection (5) of this section, in every mail ballot election,
20 ~~that is a November coordinated election,~~ an election judge shall compare
21 the signature on the self-affirmation on each return envelope with the
22 signature of the eligible elector on file in the office of the county clerk
23 and recorder or in the statewide voter registration system in accordance
24 with subsections (2), (3), and (4) of this section.

25 **SECTION 20.** 1-8-114.5 (1) (a), Colorado Revised Statutes, is
26 amended to read:

27 **1-8-114.5. Verification of signatures - rules.** (1) (a) Except as

1 provided in subsection (5) of this section, in every ~~coordinated, primary,~~
2 ~~and general~~ election THAT IS COORDINATED WITH OR CONDUCTED BY THE
3 COUNTY CLERK AND RECORDER, an election judge shall compare the
4 signature on the self-affirmation on each return envelope of each mail-in
5 ballot with the signature of the eligible elector on file in the office of the
6 county clerk and recorder or in the statewide voter registration system in
7 accordance with subsections (2), (3), and (4) of this section.

8 **SECTION 21.** 1-10-105 (6), Colorado Revised Statutes, is
9 amended to read:

10 **1-10-105. Official abstract of votes cast - certification by**
11 **secretary of state.** (6) ~~No later than June of the odd-numbered year~~
12 ~~immediately following the general election, the secretary of state shall~~
13 ~~furnish each county clerk and recorder a copy of the complete official~~
14 ~~biennial statewide abstract of votes cast at no charge~~ UPON THE REQUEST
15 OF A COUNTY CLERK AND RECORDER, THE SECRETARY OF STATE SHALL
16 FURNISH A COPY OF THE COMPLETE OFFICIAL BIENNIAL STATEWIDE
17 ABSTRACT OF VOTES TO THE COUNTY CLERK AND RECORDER, AT NO
18 CHARGE, NO LATER THAN JUNE OF THE ODD-NUMBERED YEAR
19 IMMEDIATELY FOLLOWING THE GENERAL ELECTION.

20 **SECTION 22.** 1-10-203 (1), Colorado Revised Statutes, is
21 amended to read:

22 **1-10-203. Official abstract of votes cast - nonpartisan**
23 **elections.** (1) No later than ~~seven~~ SEVENTEEN days after an election, the
24 canvass board shall certify to the designated election official the official
25 abstract of votes cast for all candidates, ballot issues, and ballot questions
26 in that election.

27 **SECTION 23.** 1-13-201, Colorado Revised Statutes, is amended

1 to read:

2 **1-13-201. Interfering with or impeding registration.** Any
3 person who intentionally interferes with or impedes the registration of
4 electors, whether by act of commission or by failure to perform any act
5 or duty imposed or required for the proper administration of parts 2 and
6 3 of article 2 of this title, or who knowingly permits or encourages
7 another to do so is guilty of a misdemeanor and, upon conviction thereof,
8 shall be punished as provided in section 1-13-111. A person who collects
9 a voter registration application from an eligible elector for mailing or
10 delivery to the county clerk and recorder and who fails to mail or deliver
11 the application to the proper county clerk and recorder within five
12 business days after the application is signed is guilty of a violation of this
13 section; EXCEPT THAT THIS SECTION SHALL NOT APPLY TO A VOTER
14 REGISTRATION DRIVE CIRCULATOR OR VOTER REGISTRATION DRIVE
15 ORGANIZER, WHO SHALL BE SUBJECT TO THE PENALTIES DESCRIBED IN
16 PART 7 OF ARTICLE 2 OF THIS TITLE.

17 **SECTION 24.** 1-40-115 (1), Colorado Revised Statutes, is
18 amended to read:

19 **1-40-115. Ballot - voting - publication.** (1) Measures shall
20 appear upon the official ballot by ballot title only. The measures shall be
21 placed on the ballot in the order in which they were certified to the ballot
22 and as provided in ~~section 1-5-407 (5)~~ SECTION 1-5-407 (5), (5.3), AND
23 (5.4).

24 **SECTION 25. Repeal.** 1-41-103 (6) and (7), Colorado Revised
25 Statutes, are repealed as follows:

26 **1-41-103. Local ballot issue elections in odd-numbered years.**
27 (6) ~~As the city of Broomfield will become the city and county of~~

1 Broomfield on November 15, 2001, and the citizens of the city and county
2 of Broomfield will no longer be located in Adams, Boulder, Jefferson,
3 and Weld counties and will not be directly affected by the election results
4 of ballot issues in those counties, the ballot for the registered voters of the
5 city of Broomfield for the odd-year election to be held on November 6,
6 2001, shall exclude any local ballot issue pertaining to Adams, Boulder,
7 Jefferson, and Weld counties that, by the terms of such ballot issue or as
8 mandated by law, takes effect on or after November 15, 2001, so long as
9 such ballot issue does not directly or indirectly impose any burden,
10 obligation, or limitation upon the city and county of Broomfield or its
11 citizens.

12 (7) ~~As the city of Broomfield will become the city and county of~~
13 ~~Broomfield on November 15, 2001, the ballot for the registered voters of~~
14 ~~the city of Broomfield for the odd-year election to be held on November~~
15 ~~6, 2001, may include any local ballot issue pertaining to the city and~~
16 ~~county of Broomfield that, by the terms of such ballot issue or as~~
17 ~~mandated by law, takes effect on or after November 15, 2001.~~

18 **SECTION 26. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.