

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0160.01 Troy Bratton

HOUSE BILL 11-1219

HOUSE SPONSORSHIP

Levy and Lee,

SENATE SPONSORSHIP

Newell,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE "UNIFORM MILITARY AND OVERSEAS VOTERS**
102 **ACT".**

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>.)

Colorado Commission on Uniform State Laws. The bill enacts the "Uniform Military and Overseas Voters Act", drafted by the national conference of commissioners on uniform state laws. The bill includes provisions that require the secretary of state to establish an electronic transmission system for election materials, establish methods of

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.*

HOUSE
Am ended 2nd Reading
March 29, 2011

registering to vote and applying for ballots, administer the delivery and receipt of ballots, and administer the delivery of election notices.

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

2 **SECTION 1.** Title 1, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE CONTAINING RELOCATED
4 PROVISIONS, WITH AMENDMENTS, to read:

5 **ARTICLE 8.3**

6 **Uniform Military and Overseas Voters Act**

7 **1-8.3-101. Short title.** THIS ARTICLE MAY BE CITED AS THE
8 "UNIFORM MILITARY AND OVERSEAS VOTERS ACT".

9 **1-8.3-102. Definitions.** IN THIS ARTICLE:

10 (1) "BALLOT" MEANS:

11 (a) A FEDERAL WRITE-IN ABSENTEE BALLOT;

12 (b) A BALLOT SPECIFICALLY PREPARED OR DISTRIBUTED FOR USE
13 BY A COVERED VOTER IN ACCORDANCE WITH THIS ARTICLE; OR

14 (c) A BALLOT CAST BY A COVERED VOTER IN ACCORDANCE WITH
15 THIS ARTICLE.

16 (2) "COVERED VOTER" MEANS:

17 (a) A UNIFORMED-SERVICE VOTER OR AN OVERSEAS VOTER WHO
18 IS REGISTERED TO VOTE IN THIS STATE;

19 (b) A UNIFORMED-SERVICE VOTER DEFINED IN PARAGRAPH (a) OF
20 SUBSECTION (9) OF THIS SECTION WHO IS A RESIDENT OF THIS STATE
21 BUT WHO IS ABSENT FROM THIS STATE BY REASON OF ACTIVE DUTY AND
22 WHO OTHERWISE SATISFIES THIS STATE'S VOTER ELIGIBILITY
23 REQUIREMENTS;

24 (c) AN OVERSEAS VOTER WHO, BEFORE LEAVING THE UNITED
25 STATES, WAS LAST ELIGIBLE TO VOTE IN THIS STATE AND, EXCEPT FOR A

1 STATE RESIDENCY REQUIREMENT, OTHERWISE SATISFIES THIS STATE'S
2 VOTER ELIGIBILITY REQUIREMENTS;

3 (d) AN OVERSEAS VOTER WHO, BEFORE LEAVING THE UNITED
4 STATES, WOULD HAVE BEEN LAST ELIGIBLE TO VOTE IN THIS STATE HAD
5 THE VOTER THEN BEEN OF VOTING AGE AND, EXCEPT FOR A STATE
6 RESIDENCY REQUIREMENT, OTHERWISE SATISFIES THIS STATE'S VOTER
7 ELIGIBILITY REQUIREMENTS; OR

8 (e) AN OVERSEAS VOTER WHO WAS BORN OUTSIDE THE UNITED
9 STATES, IS NOT DESCRIBED IN PARAGRAPH (c) OR (d) OF THIS SUBSECTION
10 (2), AND, EXCEPT FOR A STATE RESIDENCY REQUIREMENT, OTHERWISE
11 SATISFIES THIS STATE'S VOTER ELIGIBILITY REQUIREMENTS IF THE LAST
12 PLACE WHERE A PARENT OR LEGAL GUARDIAN OF THE VOTER WAS, OR
13 UNDER THIS ARTICLE WOULD HAVE BEEN, ELIGIBLE TO VOTE BEFORE
14 LEAVING THE UNITED STATES IS WITHIN THIS STATE.

15 [REDACTED]
16 (3) "DEPENDENT" MEANS [REDACTED] A SPOUSE OR DEPENDENT OF A
17 COVERED VOTER DESCRIBED IN SUBSECTION (2) OF THIS SECTION WHO IS
18 A RESIDENT OF THIS STATE BUT WHO IS ABSENT FROM THE STATE BY
19 REASON OF THE ACTIVE DUTY OR SERVICE OF THE COVERED VOTER.

20 (4) "FEDERAL POSTCARD APPLICATION" MEANS THE APPLICATION
21 PRESCRIBED UNDER SECTION 101 (b) (2) OF THE FEDERAL "UNIFORMED
22 AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff
23 (b) (2).

24 (5) "FEDERAL WRITE-IN ABSENTEE BALLOT" MEANS THE BALLOT
25 DESCRIBED IN SECTION 103 OF THE FEDERAL "UNIFORMED AND OVERSEAS
26 CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff-2.

27 [REDACTED]

1 (6) "OVERSEAS VOTER" MEANS A UNITED STATES CITIZEN WHO IS
2 OUTSIDE THE UNITED STATES.

3 (7) "STATE" MEANS A STATE OF THE UNITED STATES, THE
4 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
5 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE
6 JURISDICTION OF THE UNITED STATES.

7 (8) "UNIFORMED SERVICE" MEANS:

8 (a) ACTIVE AND RESERVE COMPONENTS OF THE ARMY, NAVY, AIR
9 FORCE, MARINE CORPS, OR COAST GUARD OF THE UNITED STATES;

10 (b) THE MERCHANT MARINE, THE COMMISSIONED CORPS OF THE
11 PUBLIC HEALTH SERVICE, OR THE COMMISSIONED CORPS OF THE NATIONAL
12 OCEANIC AND ATMOSPHERIC ADMINISTRATION OF THE UNITED STATES; OR

13 (c) THE NATIONAL GUARD.

14 (9) "UNIFORMED-SERVICE VOTER" MEANS AN INDIVIDUAL WHO IS
15 QUALIFIED TO VOTE AND IS:

16 (a) A MEMBER OF THE ACTIVE OR RESERVE COMPONENTS OF THE
17 ARMY, NAVY, AIR FORCE, MARINE CORPS, OR COAST GUARD OF THE
18 UNITED STATES WHO IS ON ACTIVE DUTY;

19 (b) A MEMBER OF THE MERCHANT MARINE, THE COMMISSIONED
20 CORPS OF THE PUBLIC HEALTH SERVICE, OR THE COMMISSIONED CORPS OF
21 THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OF THE
22 UNITED STATES;

23 (c) A MEMBER ON ACTIVATED STATUS OF THE NATIONAL
24 GUARD; OR

25 (d) A SPOUSE OR DEPENDENT OF A MEMBER REFERRED TO IN THIS
26 SUBSECTION (9).

27 (10) "UNITED STATES", USED IN THE TERRITORIAL SENSE, MEANS

1 THE SEVERAL STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE
2 UNITED STATES VIRGIN ISLANDS, AND ANY TERRITORY OR INSULAR
3 POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

4 **1-8.3-103. Elections covered.** (1) THE VOTING PROCEDURES IN
5 THIS ARTICLE APPLY TO:

6 (a) A GENERAL, CONGRESSIONAL VACANCY, OR PRIMARY ELECTION
7 FOR FEDERAL OFFICE;

8 (b) A GENERAL, RECALL, OR PRIMARY ELECTION FOR
9 STATEWIDE OR STATE LEGISLATIVE OFFICE OR STATE BALLOT MEASURE;
10 AND

11 (c) ANY OTHER ELECTION COORDINATED BY THE COUNTY CLERK
12 AND RECORDER.

13 **1-8.3-104. Role of secretary of state.** (1) THE SECRETARY OF
14 STATE IS THE STATE OFFICIAL RESPONSIBLE FOR IMPLEMENTING THIS
15 ARTICLE AND THE STATE'S RESPONSIBILITIES UNDER THE FEDERAL
16 "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42
17 U.S.C. SEC. 1973ff ET SEQ.

18 (2) THE SECRETARY OF STATE SHALL MAKE AVAILABLE TO
19 COVERED VOTERS INFORMATION REGARDING VOTER REGISTRATION
20 PROCEDURES FOR COVERED VOTERS AND PROCEDURES FOR CASTING
21 BALLOTS. THE SECRETARY OF STATE MAY DELEGATE THE RESPONSIBILITY
22 UNDER THIS SUBSECTION (2) ONLY TO THE STATE OFFICE DESIGNATED IN
23 COMPLIANCE WITH SECTION 102 (b) (1) OF THE FEDERAL "UNIFORMED AND
24 OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff-1
25 (b) (1).

26 (3) THE SECRETARY OF STATE SHALL ESTABLISH AN ELECTRONIC
27 TRANSMISSION SYSTEM THROUGH WHICH A COVERED VOTER MAY APPLY

1 FOR AND RECEIVE VOTER REGISTRATION MATERIALS, ■■■ BALLOTS, AND
2 OTHER INFORMATION UNDER THIS ARTICLE.

3 (4) THE SECRETARY OF STATE SHALL:

4 (a) DEVELOP STANDARDIZED ABSENTEE-VOTING MATERIALS,
5 INCLUDING PRIVACY AND TRANSMISSION ENVELOPES AND THEIR
6 ELECTRONIC EQUIVALENTS, AUTHENTICATION MATERIALS, AND VOTING
7 INSTRUCTIONS, TO BE USED WITH THE ■■■ BALLOT OF A VOTER AUTHORIZED
8 TO VOTE IN ANY JURISDICTION IN THIS STATE; AND

9 (b) TO THE EXTENT REASONABLY POSSIBLE, COORDINATE WITH
10 OTHER STATES TO CARRY OUT THIS SUBSECTION (4).

11 (5) THE SECRETARY OF STATE SHALL PRESCRIBE THE FORM AND
12 CONTENT OF A DECLARATION FOR USE BY A COVERED VOTER TO SWEAR OR
13 AFFIRM SPECIFIC REPRESENTATIONS PERTAINING TO THE VOTER'S
14 IDENTITY, ELIGIBILITY TO VOTE, STATUS AS A COVERED VOTER, AND
15 TIMELY AND PROPER COMPLETION OF A BALLOT. THE DECLARATION
16 SHALL BE BASED ON THE DECLARATION PRESCRIBED TO ACCOMPANY A
17 FEDERAL WRITE-IN ABSENTEE BALLOT, AS MODIFIED TO BE CONSISTENT
18 WITH THIS ARTICLE. THE SECRETARY OF STATE SHALL ENSURE THAT A
19 FORM FOR THE EXECUTION OF THE DECLARATION, INCLUDING AN
20 INDICATION OF THE DATE OF EXECUTION OF THE DECLARATION, IS A
21 PROMINENT PART OF ALL BALLOTING MATERIALS FOR WHICH THE
22 DECLARATION IS REQUIRED.

23 **1-8.3-105. [Formerly 1-8-103] Effect of "Uniformed and**
24 **Overseas Citizens Absentee Voting Act" - emergency authority of**
25 **secretary of state.** (1) In the event of any conflict between this ~~part~~
26 ARTICLE and any provisions of the federal "Uniformed and Overseas
27 Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq., the

1 provisions of the federal act shall control, and all designated election
2 officials who are charged with the performance of duties under this code
3 shall perform the duties and discharge the obligations placed upon them
4 by the federal act.

5 (2) If a national or local emergency arises ~~which~~ THAT makes
6 substantial compliance with the provisions of this ~~part~~ ARTICLE
7 impossible or unreasonable, such as when congress has declared a
8 national emergency or the president has ordered into active military
9 service of the United States any units and members of the National Guard
10 of this state, the secretary of state may prescribe, by emergency orders or
11 rules, such special procedures or requirements as may be necessary to
12 facilitate absentee voting by those members of the military or military
13 support personnel directly affected by the emergency.

14 **1-8.3-106. Overseas voter's registration address.** IN
15 REGISTERING TO VOTE, AN OVERSEAS VOTER WHO IS ELIGIBLE TO VOTE IN
16 THIS STATE SHALL USE AND SHALL BE ASSIGNED TO THE VOTING PRECINCT
17 OF THE ADDRESS OF THE LAST PLACE OF RESIDENCE OF THE VOTER IN THIS
18 STATE, OR, IN THE CASE OF A VOTER DESCRIBED BY SECTION 1-8.3-102 (2)
19 (e), THE ADDRESS OF THE LAST PLACE OF RESIDENCE IN THIS STATE OF THE
20 PARENT OR LEGAL GUARDIAN OF THE VOTER. IF THAT ADDRESS IS NO
21 LONGER A RECOGNIZED RESIDENTIAL ADDRESS, THE VOTER SHALL BE
22 ASSIGNED AN ADDRESS FOR VOTING PURPOSES.

23 **1-8.3-107. Methods of registering to vote.** (1) TO APPLY TO
24 REGISTER TO VOTE, IN ADDITION TO ANY OTHER APPROVED METHOD, A
25 COVERED VOTER MAY USE A FEDERAL POSTCARD APPLICATION, OR THE
26 APPLICATION'S ELECTRONIC EQUIVALENT.

27 (2) A COVERED VOTER MAY USE THE DECLARATION

1 ACCOMPANYING A FEDERAL WRITE-IN ABSENTEE BALLOT TO APPLY TO
2 REGISTER TO VOTE SIMULTANEOUSLY WITH THE SUBMISSION OF THE
3 FEDERAL WRITE-IN ABSENTEE BALLOT IF THE DECLARATION IS RECEIVED
4 NO LATER THAN TWENTY-NINE DAYS BEFORE THE ELECTION. IF THE
5 DECLARATION IS RECEIVED AFTER THAT DATE, IT SHALL BE TREATED AS AN
6 APPLICATION TO REGISTER TO VOTE FOR SUBSEQUENT ELECTIONS.

7 (3) THE SECRETARY OF STATE SHALL ENSURE THAT THE
8 ELECTRONIC TRANSMISSION SYSTEM DESCRIBED IN SECTION 1-8.3-104 (3)
9 IS CAPABLE OF ACCEPTING BOTH A FEDERAL POSTCARD APPLICATION AND
10 ANY OTHER APPROVED ELECTRONIC REGISTRATION APPLICATION SENT TO
11 THE APPROPRIATE ELECTION OFFICIAL. THE VOTER MAY USE THE
12 ELECTRONIC TRANSMISSION SYSTEM OR ANY OTHER APPROVED METHOD
13 TO REGISTER TO VOTE.

14 **1-8.3-108. Methods of applying for ballot.** (1) A COVERED
15 VOTER WHO IS REGISTERED TO VOTE IN THIS STATE MAY APPLY FOR A
16 BALLOT USING EITHER THE REGULAR MAIL BALLOT APPLICATION IN USE IN
17 THE VOTER'S JURISDICTION UNDER ARTICLE 8 OF THIS TITLE OR THE
18 FEDERAL POSTCARD APPLICATION OR THE APPLICATION'S ELECTRONIC
19 EQUIVALENT.

20 (2) A COVERED VOTER WHO IS NOT REGISTERED TO VOTE IN THIS
21 STATE MAY USE A FEDERAL POSTCARD APPLICATION OR THE APPLICATION'S
22 ELECTRONIC EQUIVALENT TO APPLY SIMULTANEOUSLY TO REGISTER TO
23 VOTE UNDER SECTION 1-8.3-107 AND FOR A BALLOT.

24 (3) THE SECRETARY OF STATE SHALL ENSURE THAT THE
25 ELECTRONIC TRANSMISSION SYSTEM DESCRIBED IN SECTION 1-8.3-104 (3)
26 IS CAPABLE OF ACCEPTING THE SUBMISSION OF BOTH A FEDERAL POSTCARD
27 APPLICATION AND ANY OTHER APPROVED ELECTRONIC BALLOT

1 APPLICATION SENT TO THE APPROPRIATE ELECTION OFFICIAL. THE VOTER
2 MAY USE THE ELECTRONIC TRANSMISSION SYSTEM OR ANY OTHER
3 APPROVED METHOD TO APPLY FOR A MILITARY-OVERSEAS BALLOT.

4 (4) A COVERED VOTER MAY USE THE DECLARATION
5 ACCOMPANYING A FEDERAL WRITE-IN ABSENTEE BALLOT AS AN
6 APPLICATION FOR A BALLOT SIMULTANEOUSLY WITH THE SUBMISSION
7 OF THE FEDERAL WRITE-IN ABSENTEE BALLOT IF THE DECLARATION IS
8 RECEIVED BY THE APPROPRIATE ELECTION OFFICIAL NO LATER THAN THE
9 FRIDAY IMMEDIATELY PRECEDING THE ELECTION.

10 (5) TO RECEIVE THE BENEFITS OF THIS ARTICLE, A COVERED VOTER
11 SHALL INFORM THE APPROPRIATE ELECTION OFFICIAL THAT THE VOTER IS
12 A COVERED VOTER. METHODS OF INFORMING THE APPROPRIATE ELECTION
13 OFFICIAL THAT A VOTER IS A COVERED VOTER INCLUDE:

14 (a) THE USE OF A FEDERAL POSTCARD APPLICATION OR FEDERAL
15 WRITE-IN ABSENTEE BALLOT;

16 (b) THE USE OF AN OVERSEAS ADDRESS ON AN APPROVED VOTER
17 REGISTRATION APPLICATION OR BALLOT APPLICATION; AND

18 (c) THE INCLUSION ON AN APPROVED VOTER REGISTRATION
19 APPLICATION OR BALLOT APPLICATION OF OTHER INFORMATION
20 SUFFICIENT TO IDENTIFY THE VOTER AS A COVERED VOTER.

21 (6) THIS ARTICLE DOES NOT PRECLUDE A COVERED VOTER FROM
22 VOTING UNDER ARTICLE 7.5 OR 8 OF THIS TITLE.

23 **1-8.3-109. Timeliness and scope of application for ballot.** AN
24 APPLICATION FOR A BALLOT IS TIMELY IF RECEIVED BY THE DESIGNATED
25 ELECTION OFFICIAL NO LATER THAN THE CLOSE OF BUSINESS ON THE
26 FRIDAY IMMEDIATELY PRECEDING THE ELECTION; EXCEPT THAT, IF THE
27 APPLICANT WISHES TO RECEIVE THE BALLOT BY MAIL, THE APPLICATION

1 SHALL BE RECEIVED NO LATER THAN THE CLOSE OF BUSINESS ON THE
2 SEVENTH DAY BEFORE THE ELECTION. AN APPLICATION FOR A [REDACTED] BALLOT
3 FOR A PRIMARY ELECTION, WHETHER OR NOT TIMELY, IS EFFECTIVE AS AN
4 APPLICATION FOR A [REDACTED] BALLOT FOR THE GENERAL ELECTION.

5 **1-8.3-110. Transmission of unvoted ballots.** (1) FOR AN
6 ELECTION DESCRIBED IN SECTION 1-8.3-103 FOR WHICH THIS STATE HAS
7 NOT RECEIVED A WAIVER PURSUANT TO SECTION 579 OF THE FEDERAL
8 "MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT", 42 U.S.C.
9 1973ff-1 (g) (2), NOT LATER THAN FORTY-FIVE DAYS BEFORE THE
10 ELECTION, THE ELECTION OFFICIAL IN EACH JURISDICTION CHARGED WITH
11 DISTRIBUTING A BALLOT AND BALLOTING MATERIALS SHALL TRANSMIT A
12 BALLOT AND BALLOTING MATERIALS TO ALL COVERED VOTERS WHO BY
13 THAT DATE SUBMIT A VALID [REDACTED] BALLOT APPLICATION.

14 (2) A COVERED VOTER WHO REQUESTS THAT A BALLOT AND
15 BALLOTING MATERIALS BE SENT TO THE VOTER BY ELECTRONIC
16 TRANSMISSION MAY CHOOSE FACSIMILE TRANSMISSION OR ELECTRONIC
17 MAIL DELIVERY, OR, IF OFFERED BY THE VOTER'S JURISDICTION, [REDACTED]
18 ELECTRONIC TRANSMISSION. THE ELECTION OFFICIAL IN EACH
19 JURISDICTION CHARGED WITH DISTRIBUTING A BALLOT AND BALLOTING
20 MATERIALS SHALL TRANSMIT THE BALLOT AND BALLOTING MATERIALS TO
21 THE VOTER USING THE MEANS OF TRANSMISSION CHOSEN BY THE VOTER.

22 (3) IF A BALLOT APPLICATION FROM A COVERED VOTER ARRIVES
23 AFTER THE JURISDICTION BEGINS TRANSMITTING BALLOTS AND BALLOTING
24 MATERIALS TO VOTERS, THE OFFICIAL CHARGED WITH DISTRIBUTING A
25 BALLOT AND BALLOTING MATERIALS SHALL TRANSMIT THEM TO THE
26 VOTER WITHIN SEVENTY-TWO HOURS AFTER THE RECEIPT OF THE
27 APPLICATION.

1 **1-8.3-111. Timely casting of ballot.** TO BE VALID, A BALLOT
2 SHALL BE RECEIVED BY THE APPROPRIATE LOCAL ELECTION OFFICIAL NOT
3 LATER THAN THE CLOSE OF THE POLLS, OR THE VOTER SHALL SUBMIT THE
4 BALLOT FOR MAILING, ELECTRONIC TRANSMISSION, OR OTHER AUTHORIZED
5 MEANS OF DELIVERY NOT LATER THAN 7:00 P.M. MOUNTAIN TIME ON THE
6 DATE OF THE ELECTION.

7 **1-8.3-112. Federal write-in absentee ballot.** (1) A COVERED
8 VOTER MAY USE A FEDERAL WRITE-IN ABSENTEE BALLOT TO VOTE FOR ALL
9 OFFICES AND BALLOT MEASURES IN AN ELECTION DESCRIBED IN SECTION
10 1-8.3-103.

11 **[Formerly 1-8-117 (4) (b)].** (2) The ~~eligible elector~~ COVERED
12 VOTER may designate the ~~federal~~ candidate by writing in the name of the
13 candidate or by writing in the name of a political party or political
14 organization, in which case the ballot shall be counted for the candidate
15 of that political party or political organization. Any abbreviation,
16 misspelling, or other minor variation in the form of the name of the
17 candidate, political party, or political organization shall be disregarded in
18 determining the validity of the ballot as long as the intention of the ~~elector~~
19 COVERED VOTER can be ascertained.

20 **1-8.3-113. Transmission and receipt of ballot.** (1) A COVERED
21 VOTER WHO REQUESTED AND RECEIVED BALLOT MATERIALS BY
22 ELECTRONIC TRANSMISSION MAY ALSO RETURN THE BALLOT BY
23 ELECTRONIC TRANSMISSION, AS SPECIFIED IN RULES PROMULGATED BY THE
24 SECRETARY OF STATE.

25 (2) A VALID BALLOT CAST IN ACCORDANCE WITH SECTION
26 1-8.3-111 SHALL BE COUNTED IF IT IS RECEIVED BY THE CLOSE OF
27 BUSINESS ON THE EIGHTH DAY AFTER AN ELECTION AT THE ADDRESS THAT

1 THE APPROPRIATE STATE OR LOCAL ELECTION OFFICE HAS SPECIFIED.

2 (3) IF, AT THE TIME OF COMPLETING A BALLOT AND BALLOTING
3 MATERIALS, THE VOTER HAS DECLARED UNDER PENALTY OF PERJURY THAT
4 THE BALLOT WAS TIMELY SUBMITTED, THE BALLOT SHALL NOT BE
5 REJECTED AS LATE.

6 **1-8.3-114. Declaration.** A BALLOT SHALL INCLUDE OR BE
7 ACCOMPANIED BY THE SIGNED AFFIRMATION REQUIRED BY THE FEDERAL
8 "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42
9 U.S.C. SEC. 1973ff, ET SEQ.

10 **1-8.3-115. Use of voter's electronic-mail address.** (1) THE
11 LOCAL ELECTION OFFICIAL SHALL REQUEST AN ELECTRONIC-MAIL ADDRESS
12 FROM EACH COVERED VOTER WHO REGISTERS TO VOTE AFTER THE
13 EFFECTIVE DATE OF THIS ARTICLE. AN ELECTRONIC-MAIL ADDRESS
14 PROVIDED BY A COVERED VOTER SHALL NOT BE MADE AVAILABLE TO THE
15 PUBLIC OR ANY INDIVIDUAL OR ORGANIZATION OTHER THAN AN
16 AUTHORIZED AGENT OF THE LOCAL ELECTION OFFICIAL AND IS EXEMPT
17 FROM DISCLOSURE UNDER ARTICLE 72 OF TITLE 24, C.R.S. THE ADDRESS
18 MAY BE USED ONLY FOR OFFICIAL COMMUNICATION WITH THE VOTER
19 ABOUT THE VOTING PROCESS, INCLUDING TRANSMITTING BALLOTS AND
20 ELECTION MATERIALS IF THE VOTER HAS REQUESTED ELECTRONIC
21 TRANSMISSION, AND VERIFYING THE VOTER'S MAILING ADDRESS AND
22 PHYSICAL LOCATION. THE REQUEST FOR AN ELECTRONIC-MAIL ADDRESS
23 SHALL DESCRIBE THE PURPOSES FOR WHICH THE ELECTRONIC-MAIL
24 ADDRESS MAY BE USED AND INCLUDE A STATEMENT THAT ANY OTHER USE
25 OR DISCLOSURE OF THE ELECTRONIC-MAIL ADDRESS IS PROHIBITED.

26 (2) UNLESS A COVERED VOTER APPLIES TO BE A PERMANENT
27 MAIL-IN VOTER PURSUANT TO SECTION 1-8-104.5, THE COVERED VOTER

1 WHO PROVIDES AN ELECTRONIC-MAIL ADDRESS MAY REQUEST THAT THE
2 VOTER'S APPLICATION FOR A MILITARY-OVERSEAS BALLOT BE CONSIDERED
3 A STANDING REQUEST FOR ELECTRONIC DELIVERY OF A BALLOT FOR ALL
4 ELECTIONS HELD THROUGH DECEMBER 31 OF THE YEAR FOLLOWING THE
5 CALENDAR YEAR OF THE DATE OF THE APPLICATION OR ANOTHER SHORTER
6 PERIOD THE VOTER SPECIFIES. AN ELECTION OFFICIAL SHALL PROVIDE A
7 MILITARY-OVERSEAS BALLOT TO A VOTER WHO MAKES A STANDING
8 REQUEST FOR EACH ELECTION TO WHICH THE REQUEST IS APPLICABLE. A
9 COVERED VOTER WHO IS ENTITLED TO RECEIVE A [REDACTED] BALLOT FOR A
10 PRIMARY ELECTION UNDER THIS SUBSECTION (2) IS ENTITLED TO RECEIVE
11 A [REDACTED] BALLOT FOR THE GENERAL ELECTION.

12 **1-8.3-116. Publication of election notice.** (1) AT LEAST ONE
13 HUNDRED DAYS BEFORE A REGULARLY SCHEDULED ELECTION AND AS
14 SOON AS PRACTICABLE BEFORE AN ELECTION NOT REGULARLY SCHEDULED,
15 THE SECRETARY OF STATE SHALL PREPARE AN ELECTION NOTICE [REDACTED] TO BE
16 USED IN CONJUNCTION WITH A FEDERAL WRITE-IN ABSENTEE BALLOT. THE
17 ELECTION NOTICE SHALL CONTAIN A LIST OF ALL OF THE [REDACTED] FEDERAL AND
18 STATE OFFICES THAT AS OF THAT DATE THE SECRETARY OF STATE EXPECTS
19 TO BE ON THE BALLOT ON THE DATE OF THE ELECTION. THE NOTICE SHALL
20 ALSO [REDACTED] CONTAIN SPECIFIC INSTRUCTIONS FOR HOW A VOTER IS TO
21 INDICATE ON THE FEDERAL WRITE-IN ABSENTEE BALLOT THE VOTER'S
22 CHOICE FOR EACH OFFICE TO BE FILLED AND FOR EACH BALLOT MEASURE
23 TO BE CONTESTED. THE SECRETARY OF STATE SHALL POST THE NOTICE ON
24 THE OFFICIAL WEB SITE OF THE SECRETARY OF STATE.

25 (2) A COVERED VOTER MAY REQUEST A COPY OF AN ELECTION
26 NOTICE. THE COUNTY CLERK AND RECORDER SHALL SEND THE NOTICE TO
27 THE VOTER BY FACSIMILE, ELECTRONIC MAIL, OR REGULAR MAIL, AS THE

1 VOTER REQUESTS.

2 (3) AS SOON AS BALLOT STYLES ARE CERTIFIED, AND NOT LATER
3 THAN THE DATE BALLOTS ARE REQUIRED TO BE TRANSMITTED TO VOTERS
4 UNDER ARTICLE 7.5 OR 8 OF THIS TITLE, THE SECRETARY OF STATE
5 SHALL UPDATE THE NOTICE WITH THE CERTIFIED CANDIDATES FOR EACH
6 OFFICE.

7 (4) A COUNTY HAVING ONE OR MORE COVERED VOTERS AND THAT
8 MAINTAINS A WEB SITE SHALL PROVIDE A LINK TO THE ELECTION NOTICE
9 MAINTAINED ON THE SECRETARY OF STATE'S OFFICIAL WEB SITE.

10 **1-8.3-117. Covered voter may file complaint.** ANY COVERED
11 VOTER ALLEGING A GRIEVANCE MAY FILE A COMPLAINT WITH THE
12 SECRETARY OF STATE AS SPECIFIED IN SECTION 1-1.5-105.

13 **1-8.3-118. Uniformity of application and construction.** IN
14 APPLYING AND CONSTRUING THIS ARTICLE, CONSIDERATION SHALL BE
15 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT
16 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

17 **1-8.3-119. Relation to electronic signatures in global and**
18 **national commerce act.** THIS ARTICLE MODIFIES, LIMITS, AND
19 SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND
20 NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT
21 MODIFY, LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C.
22 SEC. 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE
23 NOTICES DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003
24 (b).

25 **SECTION 2.** 1-8-111 (1), Colorado Revised Statutes, is amended
26 to read:

27 **1-8-111. Delivery of mail-in ballot and replacement mail-in**

1 **ballots.** (1) ~~(a)~~ The mail-in ballot and other materials shall be delivered
2 or mailed to the elector within seventy-two hours after the receipt of the
3 application, if the official ballots are then printed, or, if not then printed,
4 within seventy-two hours after the printed ballots are delivered to the
5 designated election official, but no sooner than twenty-two days before
6 every odd-year, congressional vacancy, primary, and general election. If
7 the mail-in ballot and other materials are mailed, the envelope shall be
8 marked "DO NOT FORWARD" or by any other similar statement that is
9 in accordance with United States postal service regulations. ~~Except as~~
10 ~~otherwise provided in paragraph (b) of this subsection (1),~~ Nothing in this
11 subsection (1) shall affect any provision of this code governing the
12 delivery of mail or mail-in ballots to an absent uniformed services elector,
13 nonresident overseas elector, or resident overseas elector covered by the
14 federal "Uniformed and Overseas Citizens Absentee Voting Act", 42
15 U.S.C. sec. 1973ff et seq.

16 ~~(b) A mail-in ballot shall be delivered or mailed to an absent~~
17 ~~uniformed services elector serving outside the United States not later than~~
18 ~~thirty days before the election if the elector has applied for a mail-in~~
19 ~~ballot or has been placed on the permanent mail-in voter list pursuant to~~
20 ~~section 1-8-104.5 (2) not later than thirty-five days before such election.~~

21 **SECTION 3.** 1-8-113 (1) (a), Colorado Revised Statutes, is
22 amended to read:

23 **1-8-113. Manner of mail-in voting - first-time voters casting**
24 **a mail-in ballot after having registered by mail to vote.**

25 (1) (a) ~~(f)~~ Any eligible elector applying for and receiving a mail-in ballot,
26 in casting the ballot, shall make and subscribe to the self-affirmation on
27 the return envelope. The elector shall then mark the ballot, fold the ballot

1 or insert the ballot card in the special envelope provided for the purpose
2 so as to conceal the marking, deposit it in the return envelope, enclose
3 identification if required by subsection (3) of this section, and seal the
4 envelope securely. The envelope may be delivered personally or mailed
5 by the elector to the designated election official issuing the ballot or
6 delivered personally by the elector to an early voters' polling place during
7 the time early voting is made available pursuant to section 1-8-202 or on
8 election day to any polling place in the county in which the elector is
9 registered to vote. Alternatively, an elector may deliver the ballot to any
10 person of the elector's own choice or to any duly authorized agent of the
11 designated election official for mailing or personal delivery to the
12 designated election official; except that no one person other than a duly
13 authorized agent of the designated election official may receive more than
14 ten mail-in ballots in any election for mailing or delivery to the designated
15 election official. ~~Except as provided in subparagraph (H) of this~~
16 ~~paragraph (a);~~ All envelopes containing mail-in ballots shall be in the
17 hands of the designated election official no later than 7 p.m. on the day
18 of the election. Mail-in envelopes received after 7 p.m. on the day of the
19 election but postmarked on or before the day of the election will remain
20 sealed and uncounted, but the elector's registration record will not be
21 canceled for failure to vote in a general election.

22 ~~(H) All envelopes containing mail-in ballots cast by 7 p.m.~~
23 ~~mountain standard time on the day of the election by absent uniformed~~
24 ~~services electors serving outside the United States shall be in the hands~~
25 ~~of the designated election official no later than the close of business on~~
26 ~~the eighth day following the day of the election.~~

27 **SECTION 4. Repeal of provisions being relocated in this act.**

1 Sections 1-8-103 and 1-8-117 (4) (b), Colorado Revised Statutes, are
2 repealed.

3 **SECTION 5. Repeal of provisions not being relocated in this**
4 **act.** Sections 1-2-208, 1-2-209, 1-2-209.5, 1-8-103.3, 1-8-103.5, 1-8-116,
5 and 1-8-117 (1), (2), (3), (4) (a), (5), (6), and (7), Colorado Revised
6 Statutes, are repealed.

7 **SECTION 6. Inclusion of official comments.** There shall be
8 included in the publication of the "Uniform Military and Overseas Voters
9 Act", as nonstatutory matter, following each section of the act, the full
10 text of the official comments to that section contained in the official
11 volume containing the 2010 official text of the "Uniform Military and
12 Overseas Voters Act" issued by the national conference of commissioners
13 on uniform state laws, with any changes in the official comments or
14 Colorado comments to correspond to Colorado changes in the uniform
15 act. The revisor of statutes shall prepare the comments for approval by
16 the committee on legal services for publication.

17 **SECTION 7. Applicability.** This act shall apply to elections held
18 on or after November 1, 2011.

19 **SECTION 8. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.