

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0758.04 John Hershey

HOUSE BILL 08-1155

HOUSE SPONSORSHIP

Balmer and Marshall,

SENATE SPONSORSHIP

Gordon and Johnson,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE SECRETARY OF STATE TO**
102 **CONTINUE THE CERTIFICATION PROCESS FOR VOTING SYSTEMS**
103 **RETESTED BY THE SECRETARY OF STATE IN 2007.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Without relaxing existing standards for voting systems, authorizes the secretary of state to amend or rescind any of the orders issued by the secretary of state on December 17, 2007, regarding the certification of voting systems. Requires the secretary of state to include in a decision to amend or rescind an order a statement of the specific reasons for the decision and to deliver a copy of the decision to the state, veterans, and

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.

military affairs committees of the senate and the house of representatives and to the designated election official of each political subdivision that uses the voting system subject to the decision.

In connection with a potential decision to amend or rescind an order, allows the secretary of state to require or permit additional testing of a voting system and communicate with the voting system provider and county clerks and recorders to ensure its accuracy, security, and accessibility. Directs the secretary of state to allow experienced personnel of a county clerk and recorder's office to operate the voting system during the additional testing. Requires the secretary of state to consider information obtained from the testing or communication in a decision to amend or rescind an order.

Makes a legislative declaration.

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

2 **SECTION 1.** Part 6 of article 5 of title 1, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **1-5-622. Special rules applicable to 2007 retesting of voting**
6 **systems - repeal. (1) Legislative declaration.** THE GENERAL ASSEMBLY
7 HEREBY FINDS AND DECLARES THAT:

8 (a) THE INTEGRITY OF ELECTIONS DEPENDS ON VOTING SYSTEMS
9 THAT ARE ACCURATE, SECURE, AND ACCESSIBLE.

10 (b) RECENT TESTING OF VOTING SYSTEMS USED IN COLORADO BY
11 THE SECRETARY OF STATE REVEALED POTENTIAL PROBLEMS WITH SOME
12 VOTING SYSTEMS, AND SOME VOTING SYSTEMS WERE DECERTIFIED BY THE
13 SECRETARY OF STATE ON DECEMBER 17, 2007.

14 (c) COUNTY CLERKS AND RECORDERS NEED TO KNOW WITHIN
15 THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION WHICH VOTING
16 SYSTEMS THEY MAY USE IN THE PRIMARY AND GENERAL ELECTIONS IN
17 2008.

18 (2) **Authority of secretary of state to continue certification**

1 **process.** IN ADDITION TO THE SECRETARY OF STATE'S AUTHORITY UNDER
2 SECTION 1-5-621 (6) AND (7) AND WITHOUT RELAXING EXISTING
3 STANDARDS, THE SECRETARY OF STATE MAY AMEND OR RESCIND ANY OF
4 THE ORDERS ISSUED BY THE SECRETARY OF STATE ON DECEMBER 17, 2007,
5 REGARDING THE CERTIFICATION OF VOTING SYSTEMS. A DECISION BY THE
6 SECRETARY OF STATE TO AMEND OR RESCIND AN ORDER DECERTIFYING A
7 VOTING SYSTEM SHALL INCLUDE A STATEMENT OF THE SPECIFIC REASONS
8 FOR THE DECISION. THE SECRETARY OF STATE SHALL DELIVER A COPY OF
9 A DECISION MADE PURSUANT TO THIS SUBSECTION (2) TO THE STATE,
10 VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE SENATE AND THE
11 HOUSE OF REPRESENTATIVES AND TO THE DESIGNATED ELECTION OFFICIAL
12 OF EACH POLITICAL SUBDIVISION THAT USES THE VOTING SYSTEM SUBJECT
13 TO THE DECISION. IN CONNECTION WITH A POTENTIAL DECISION TO AMEND
14 OR RESCIND AN ORDER, THE SECRETARY OF STATE MAY REQUIRE OR
15 PERMIT ADDITIONAL TESTING OF THE VOTING SYSTEM SUBJECT TO THE
16 ORDER AND COMMUNICATE WITH THE VOTING SYSTEM PROVIDER AND
17 COUNTY CLERKS AND RECORDERS TO ENSURE THE ACCURACY, SECURITY,
18 AND ACCESSIBILITY OF THE VOTING SYSTEM. THE SECRETARY OF STATE
19 SHALL ALLOW PERSONNEL DEPUTIZED AND APPROVED BY A COUNTY CLERK
20 AND RECORDER TO OPERATE THE VOTING SYSTEM DURING THE
21 ADDITIONAL TESTING. THE SECRETARY OF STATE SHALL CONSIDER ANY
22 INFORMATION OBTAINED FROM THE TESTING OR COMMUNICATION IN A
23 DECISION TO AMEND OR RESCIND AN ORDER PURSUANT TO THIS
24 SUBSECTION (2). IN DECIDING WHETHER TO AMEND OR RESCIND AN ORDER
25 PURSUANT TO THIS SUBSECTION (2), THE SECRETARY OF STATE SHALL
26 CONSIDER THE ACCURACY AND SECURITY PROCEDURES, AUDITS,
27 PROCESSING FUNCTIONS, AND OTHER RELEVANT PROCEDURES USED BY

1 COUNTY CLERKS AND RECORDERS IN ACCORDANCE WITH THE LAWS AND
2 RULES GOVERNING THE CONDUCT OF ELECTIONS.

3 (3) **Use of other voting systems.** NOTHING IN THIS SECTION
4 SHALL PREVENT A POLITICAL SUBDIVISION FROM PURCHASING AND USING
5 ANY OTHER VOTING SYSTEM THAT MEETS THE REQUIREMENTS OF THE
6 STATE STATUTES AND RULES ON VOTING SYSTEMS.

7 (4) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2009.

8 **SECTION 2. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.