

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

State, Veterans & Military Affairs

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.

HOUSE
3rd Reading Unamended
January 21, 2008

HOUSE
Amended 2nd Reading
January 18, 2008

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 [REDACTED] 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. IF THE SECRETARY
6 OF STATE AMENDS OR RESCINDS AN ORDER DECERTIFYING A VOTING
7 SYSTEM PURSUANT TO THIS SUBSECTION (2), THE SECRETARY OF STATE
8 SHALL PERFORM A TEST OR OTHERWISE DEMONSTRATE THAT THE MAJOR
9 DEFICIENCIES IDENTIFIED IN THE ORDER TO DECERTIFY THE VOTING
10 SYSTEM HAVE BEEN RESOLVED OR MITIGATED AND SHALL ISSUE A
11 STATEMENT OF THE SPECIFIC REASONS FOR THE DECISION TO AMEND OR
12 RESCIND THE ORDER. THE DECISION SHALL BE EFFECTIVE ONLY FOR
13 ELECTIONS HELD IN 2008 AND 2009. THE SECRETARY OF STATE SHALL
14 DELIVER A COPY OF A DECISION MADE PURSUANT TO THIS SUBSECTION (2)
15 TO THE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE
16 SENATE AND THE HOUSE OF REPRESENTATIVES AND TO THE DESIGNATED
17 ELECTION OFFICIAL OF EACH POLITICAL SUBDIVISION THAT USES THE
18 VOTING SYSTEM SUBJECT TO THE DECISION. IN CONNECTION WITH A
19 POTENTIAL DECISION TO AMEND OR RESCIND AN ORDER, THE SECRETARY
20 OF STATE MAY REQUIRE OR PERMIT ADDITIONAL TESTING OF THE VOTING
21 SYSTEM SUBJECT TO THE ORDER AND COMMUNICATE WITH THE VOTING
22 SYSTEM PROVIDER AND COUNTY CLERKS AND RECORDERS TO ENSURE THE
23 ACCURACY, SECURITY, AND ACCESSIBILITY OF THE VOTING SYSTEM. THE
24 SECRETARY OF STATE SHALL ALLOW ___ A COUNTY CLERK AND RECORDER
25 TO DESIGNATE AN EMPLOYEE OF THE OFFICE OF THE COUNTY CLERK AND
26 RECORDER TO OPERATE THE VOTING SYSTEM DURING THE ADDITIONAL
27 TESTING. ADDITIONAL TESTING AND COMMUNICATION CONDUCTED BY

1 THE SECRETARY OF STATE PURSUANT TO THIS SUBSECTION (2) SHALL BE
2 SUBJECT TO APPLICABLE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24,
3 C.R.S., AND PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S. THE SECRETARY
4 OF STATE SHALL CONSIDER ANY INFORMATION OBTAINED FROM THE
5 TESTING OR COMMUNICATION IN A DECISION TO AMEND OR RESCIND AN
6 ORDER PURSUANT TO THIS SUBSECTION (2). IN DECIDING WHETHER TO
7 AMEND OR RESCIND AN ORDER PURSUANT TO THIS SUBSECTION (2), THE
8 SECRETARY OF STATE SHALL CONSIDER THE ACCURACY AND SECURITY
9 PROCEDURES, AUDITS, PROCESSING FUNCTIONS, AND OTHER RELEVANT
10 PROCEDURES USED BY COUNTY CLERKS AND RECORDERS IN ACCORDANCE
11 WITH THE LAWS AND RULES GOVERNING THE CONDUCT OF ELECTIONS.

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

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

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