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HOUSE BILL 11-1219

BY REPRESENTATIVE(S) Levy and Lee, Acree, Barker, Beezley, Bradford, Brown, Casso, Conti, Coram, Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner D., Gerou, Hamner, Hullinghorst, Jones, Joshi, Kefalas, Kerr A., Kerr J., Labuda, Liston, Looper, Massey, McCann, Miklosi, Nikkel, Pabon, Pace, Priola, Ramirez, Ryden, Schafer S., Scott, Solano, Soper, Summers, Swerdfeger, Todd, Tyler, Vigil, Williams A., Wilson, Balmer, Baumgardner, Becker, Gardner B., Holbert, Kagan, McKinley, Murray, Peniston, Riesberg, Sonnenberg, Stephens, Swalm, Szabo, Vaad, McNulty, Waller;
also SENATOR(S) Newell, Aguilar, Bacon, Boyd, Cadman, Giron, Grantham, Heath, Jahn, King S., Lambert, Morse, Nicholson, Shaffer B., Tochtrop, White, Williams S.

CONCERNING THE "UNIFORM MILITARY AND OVERSEAS VOTERS ACT".

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

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

ARTICLE 8.3
Uniform Military and Overseas Voters Act

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

(1) "BALLOT" MEANS:

(a) A FEDERAL WRITE-IN ABSENTEE BALLOT;

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

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

(2) "COVERED VOTER" MEANS:

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

(b) AN OVERSEAS VOTER WHO, BEFORE LEAVING THE UNITED STATES, WAS LAST ELIGIBLE TO VOTE IN THIS STATE AND, EXCEPT FOR A STATE RESIDENCY REQUIREMENT, OTHERWISE SATISFIES THIS STATE'S VOTER ELIGIBILITY REQUIREMENTS;

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

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

UNITED STATES IS WITHIN THIS STATE.

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

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

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

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

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

(8) "UNIFORMED SERVICE" MEANS:

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

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

(c) THE NATIONAL GUARD.

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

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

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

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

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

(10) "UNITED STATES", USED IN THE TERRITORIAL SENSE, MEANS THE SEVERAL STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, AND ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

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

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

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

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

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

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

(3) THE SECRETARY OF STATE SHALL ESTABLISH AN ELECTRONIC TRANSMISSION SYSTEM THROUGH WHICH A COVERED VOTER MAY APPLY FOR AND RECEIVE VOTER REGISTRATION MATERIALS, BALLOTS, AND OTHER INFORMATION UNDER THIS ARTICLE.

(4) THE SECRETARY OF STATE SHALL:

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

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

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

1-8.3-105. [Formerly 1-8-103] Effect of "Uniformed and Overseas Citizens Absentee Voting Act" - emergency authority of secretary of state. (1) In the event of any conflict between this ~~part~~ ARTICLE and any provisions of the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq., the provisions of the federal act shall control, and all designated election officials who are charged with the performance of duties under this code shall perform the duties and discharge the obligations placed upon them by the federal act.

(2) If a national or local emergency arises ~~which~~ THAT makes substantial compliance with the provisions of this ~~part~~ ARTICLE impossible or unreasonable, such as when congress has declared a national emergency

or the president has ordered into active military service of the United States any units and members of the National Guard of this state, the secretary of state may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those members of the military or military support personnel directly affected by the emergency.

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

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

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

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

1-8.3-108. Methods of applying for ballot. (1) A COVERED VOTER WHO IS REGISTERED TO VOTE IN THIS STATE MAY APPLY FOR A BALLOT USING

EITHER THE REGULAR MAIL BALLOT APPLICATION IN USE IN THE VOTER'S JURISDICTION UNDER ARTICLE 8 OF THIS TITLE OR THE FEDERAL POSTCARD APPLICATION OR THE APPLICATION'S ELECTRONIC EQUIVALENT.

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

(3) THE SECRETARY OF STATE SHALL ENSURE THAT THE ELECTRONIC TRANSMISSION SYSTEM DESCRIBED IN SECTION 1-8.3-104 (3) IS CAPABLE OF ACCEPTING THE SUBMISSION OF BOTH A FEDERAL POSTCARD APPLICATION AND ANY OTHER APPROVED ELECTRONIC BALLOT APPLICATION SENT TO THE APPROPRIATE ELECTION OFFICIAL. THE VOTER MAY USE THE ELECTRONIC TRANSMISSION SYSTEM OR ANY OTHER APPROVED METHOD TO APPLY FOR A MILITARY-OVERSEAS BALLOT.

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

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

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

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

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

(6) THIS ARTICLE DOES NOT PRECLUDE A COVERED VOTER FROM

VOTING UNDER ARTICLE 7.5 OR 8 OF THIS TITLE.

1-8.3-109. Timeliness and scope of application for ballot. AN APPLICATION FOR A BALLOT IS TIMELY IF RECEIVED BY THE DESIGNATED ELECTION OFFICIAL NO LATER THAN THE CLOSE OF BUSINESS ON THE FRIDAY IMMEDIATELY PRECEDING THE ELECTION; EXCEPT THAT, IF THE APPLICANT WISHES TO RECEIVE THE BALLOT BY MAIL, THE APPLICATION SHALL BE RECEIVED NO LATER THAN THE CLOSE OF BUSINESS ON THE SEVENTH DAY BEFORE THE ELECTION. AN APPLICATION FOR A BALLOT FOR A PRIMARY ELECTION, WHETHER OR NOT TIMELY, IS EFFECTIVE AS AN APPLICATION FOR A BALLOT FOR THE GENERAL ELECTION.

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

(2) A COVERED VOTER WHO REQUESTS THAT A BALLOT AND BALLOTING MATERIALS BE SENT TO THE VOTER BY ELECTRONIC TRANSMISSION MAY CHOOSE FACSIMILE TRANSMISSION OR ELECTRONIC MAIL DELIVERY, OR, IF OFFERED BY THE VOTER'S JURISDICTION, OTHER ELECTRONIC MEANS. THE ELECTION OFFICIAL IN EACH JURISDICTION CHARGED WITH DISTRIBUTING A BALLOT AND BALLOTING MATERIALS SHALL TRANSMIT THE BALLOT AND BALLOTING MATERIALS TO THE VOTER USING THE MEANS OF TRANSMISSION CHOSEN BY THE VOTER.

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

1-8.3-111. Timely casting of ballot. TO BE VALID, A BALLOT SHALL BE RECEIVED BY THE APPROPRIATE LOCAL ELECTION OFFICIAL NOT LATER THAN THE CLOSE OF THE POLLS, OR THE VOTER SHALL SUBMIT THE BALLOT

FOR MAILING, ELECTRONIC TRANSMISSION, OR OTHER AUTHORIZED MEANS OF DELIVERY NOT LATER THAN 7:00 P.M. MOUNTAIN TIME ON THE DATE OF THE ELECTION.

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

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

1-8.3-113. Transmission and receipt of ballot. (1) A COVERED VOTER WHO REQUESTED AND RECEIVED BALLOT MATERIALS BY ELECTRONIC TRANSMISSION MAY ALSO RETURN THE BALLOT BY ELECTRONIC TRANSMISSION IN CIRCUMSTANCES WHERE ANOTHER MORE SECURE METHOD, SUCH AS RETURNING THE BALLOT BY MAIL, IS NOT AVAILABLE OR FEASIBLE, AS SPECIFIED IN RULES PROMULGATED BY THE SECRETARY OF STATE.

(2) A VALID BALLOT CAST IN ACCORDANCE WITH SECTION 1-8.3-111 SHALL BE COUNTED IF IT IS RECEIVED BY THE CLOSE OF BUSINESS ON THE EIGHTH DAY AFTER AN ELECTION AT THE ADDRESS THAT THE APPROPRIATE STATE OR LOCAL ELECTION OFFICE HAS SPECIFIED.

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

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

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

(2) UNLESS A COVERED VOTER APPLIES TO BE A PERMANENT MAIL-IN VOTER PURSUANT TO SECTION 1-8-104.5, THE COVERED VOTER WHO PROVIDES AN ELECTRONIC-MAIL ADDRESS MAY REQUEST THAT THE VOTER'S APPLICATION FOR A MILITARY-OVERSEAS BALLOT BE CONSIDERED A STANDING REQUEST FOR ELECTRONIC DELIVERY OF A BALLOT FOR ALL ELECTIONS HELD THROUGH DECEMBER 31 OF THE YEAR FOLLOWING THE CALENDAR YEAR OF THE DATE OF THE APPLICATION OR ANOTHER SHORTER PERIOD THE VOTER SPECIFIES. AN ELECTION OFFICIAL SHALL PROVIDE A MILITARY-OVERSEAS BALLOT TO A VOTER WHO MAKES A STANDING REQUEST FOR EACH ELECTION TO WHICH THE REQUEST IS APPLICABLE. A COVERED VOTER WHO IS ENTITLED TO RECEIVE A BALLOT FOR A PRIMARY ELECTION UNDER THIS SUBSECTION (2) IS ENTITLED TO RECEIVE A BALLOT FOR THE GENERAL ELECTION.

1-8.3-116. Publication of election notice. (1) AT LEAST ONE HUNDRED DAYS BEFORE A REGULARLY SCHEDULED ELECTION AND AS SOON AS PRACTICABLE BEFORE AN ELECTION NOT REGULARLY SCHEDULED, THE SECRETARY OF STATE SHALL PREPARE AN ELECTION NOTICE TO BE USED IN CONJUNCTION WITH A FEDERAL WRITE-IN ABSENTEE BALLOT. THE ELECTION NOTICE SHALL CONTAIN A LIST OF ALL OF THE FEDERAL AND STATE OFFICES THAT AS OF THAT DATE THE SECRETARY OF STATE EXPECTS TO BE ON THE BALLOT ON THE DATE OF THE ELECTION. THE NOTICE SHALL ALSO CONTAIN SPECIFIC INSTRUCTIONS FOR HOW A VOTER IS TO INDICATE ON THE FEDERAL

WRITE-IN ABSENTEE BALLOT THE VOTER'S CHOICE FOR EACH OFFICE TO BE FILLED AND FOR EACH BALLOT MEASURE TO BE CONTESTED. THE SECRETARY OF STATE SHALL POST THE NOTICE ON THE OFFICIAL WEB SITE OF THE SECRETARY OF STATE.

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

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

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

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

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

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

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

1-8-111. Delivery of mail-in ballot and replacement mail-in ballots. (1) ~~(a)~~ The mail-in ballot and other materials shall be delivered or mailed to the elector within seventy-two hours after the receipt of the application, if the official ballots are then printed, or, if not then printed, within seventy-two hours after the printed ballots are delivered to the designated election official, but no sooner than twenty-two days before every odd-year, congressional vacancy, primary, and general election. If the mail-in ballot and other materials are mailed, the envelope shall be marked "DO NOT FORWARD" or by any other similar statement that is in accordance with United States postal service regulations. ~~Except as otherwise provided in paragraph (b) of this subsection (1),~~ Nothing in this subsection (1) shall affect any provision of this code governing the delivery of mail or mail-in ballots to an absent uniformed services elector, nonresident overseas elector, or resident overseas elector covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq.

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

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

1-8-113. Manner of mail-in voting - first-time voters casting a mail-in ballot after having registered by mail to vote. (1) (a) ~~(f)~~ Any eligible elector applying for and receiving a mail-in ballot, in casting the ballot, shall make and subscribe to the self-affirmation on the return envelope. The elector shall then mark the ballot, fold the ballot or insert the ballot card in the special envelope provided for the purpose so as to conceal the marking, deposit it in the return envelope, enclose identification if required by subsection (3) of this section, and seal the envelope securely. The envelope may be delivered personally or mailed by the elector to the designated election official issuing the ballot or delivered personally by the elector to an early voters' polling place during the time early voting is made available pursuant to section 1-8-202 or on election day to any polling place in the county in which the elector is registered to vote. Alternatively, an elector may deliver the ballot to any person of the elector's own choice or

to any duly authorized agent of the designated election official for mailing or personal delivery to the designated election official; except that no one person other than a duly authorized agent of the designated election official may receive more than ten mail-in ballots in any election for mailing or delivery to the designated election official. ~~Except as provided in subparagraph (H) of this paragraph (a),~~ All envelopes containing mail-in ballots shall be in the hands of the designated election official no later than 7 p.m. on the day of the election. Mail-in envelopes received after 7 p.m. on the day of the election but postmarked on or before the day of the election will remain sealed and uncounted, but the elector's registration record will not be canceled for failure to vote in a general election.

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

SECTION 4. Repeal of provisions being relocated in this act.
1-8-103 and 1-8-117 (4) (b), Colorado Revised Statutes, are repealed.

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

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

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

SECTION 8. 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.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO