

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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
State, Veterans & Military Affairs

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.*

SENATE
3rd Reading Unam ended
April 29, 2011

SENATE
Am ended 2nd Reading
April 28, 2011

HOUSE
3rd Reading Unam ended
March 30, 2011

HOUSE
Am ended 2nd Reading
March 29, 2011

1 VOTER ELIGIBILITY REQUIREMENTS;

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

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

14
15 (3) "DEPENDENT" MEANS [REDACTED] A SPOUSE OR DEPENDENT OF A
16 COVERED VOTER DESCRIBED IN SUBSECTION (2) OF THIS SECTION WHO IS
17 A RESIDENT OF THIS STATE BUT WHO IS ABSENT FROM THE STATE BY
18 REASON OF THE ACTIVE DUTY OR SERVICE OF THE COVERED VOTER.

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

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

26
27 (6) "OVERSEAS VOTER" MEANS A UNITED STATES CITIZEN WHO IS

1 OUTSIDE THE UNITED STATES.

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

6 (8) "UNIFORMED SERVICE" MEANS:

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

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

12 (c) THE NATIONAL GUARD.

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

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

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

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

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

26 (10) "UNITED STATES", USED IN THE TERRITORIAL SENSE, MEANS
27 THE SEVERAL STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE

1 UNITED STATES VIRGIN ISLANDS, AND ANY TERRITORY OR INSULAR
2 POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

3 **1-8.3-103. Elections covered.** (1) THE VOTING PROCEDURES IN
4 THIS ARTICLE APPLY TO:

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

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

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

12 **1-8.3-104. Role of secretary of state.** (1) THE SECRETARY OF
13 STATE IS THE STATE OFFICIAL RESPONSIBLE FOR IMPLEMENTING THIS
14 ARTICLE AND THE STATE'S RESPONSIBILITIES UNDER THE FEDERAL
15 "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42
16 U.S.C. SEC. 1973ff ET SEQ.

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

25 (3) THE SECRETARY OF STATE SHALL ESTABLISH AN ELECTRONIC
26 TRANSMISSION SYSTEM THROUGH WHICH A COVERED VOTER MAY APPLY
27 FOR AND RECEIVE VOTER REGISTRATION MATERIALS, [REDACTED] BALLOTS, AND

1 OTHER INFORMATION UNDER THIS ARTICLE.

2 (4) THE SECRETARY OF STATE SHALL:

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

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

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

22 **1-8.3-105. [Formerly 1-8-103] Effect of "Uniformed and**
23 **Overseas Citizens Absentee Voting Act" - emergency authority of**
24 **secretary of state.** (1) In the event of any conflict between this ~~part~~
25 ~~ARTICLE~~ and any provisions of the federal "Uniformed and Overseas
26 Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq., the
27 provisions of the federal act shall control, and all designated election

1 officials who are charged with the performance of duties under this code
2 shall perform the duties and discharge the obligations placed upon them
3 by the federal act.

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

13 **1-8.3-106. Overseas voter's registration address.** IN
14 REGISTERING TO VOTE, AN OVERSEAS VOTER WHO IS ELIGIBLE TO VOTE IN
15 THIS STATE SHALL USE AND ~~SHALL~~ BE ASSIGNED TO THE VOTING PRECINCT
16 OF THE ADDRESS OF THE LAST PLACE OF RESIDENCE OF THE VOTER IN THIS
17 STATE, OR, IN THE CASE OF A VOTER DESCRIBED BY SECTION 1-8.3-102 (2)
18 (d), THE ADDRESS OF THE LAST PLACE OF RESIDENCE IN THIS STATE OF THE
19 PARENT OR LEGAL GUARDIAN OF THE VOTER. IF THAT ADDRESS IS NO
20 LONGER A RECOGNIZED RESIDENTIAL ADDRESS, THE VOTER ~~SHALL~~ BE
21 ASSIGNED AN ADDRESS FOR VOTING PURPOSES.

22 **1-8.3-107. Methods of registering to vote.** (1) TO APPLY TO
23 REGISTER TO VOTE, IN ADDITION TO ANY OTHER APPROVED METHOD, A
24 COVERED VOTER MAY USE A FEDERAL POSTCARD APPLICATION, OR THE
25 APPLICATION'S ELECTRONIC EQUIVALENT.

26 (2) A COVERED VOTER MAY USE THE DECLARATION
27 ACCOMPANYING A FEDERAL WRITE-IN ABSENTEE BALLOT TO APPLY TO

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

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

13 **1-8.3-108. Methods of applying for ballot.** (1) A COVERED
14 VOTER WHO IS REGISTERED TO VOTE IN THIS STATE MAY APPLY FOR A
15 BALLOT USING EITHER THE REGULAR MAIL BALLOT APPLICATION IN USE IN
16 THE VOTER'S JURISDICTION UNDER ARTICLE 8 OF THIS TITLE OR THE
17 FEDERAL POSTCARD APPLICATION OR THE APPLICATION'S ELECTRONIC
18 EQUIVALENT.

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

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

1 MAY USE THE ELECTRONIC TRANSMISSION SYSTEM OR ANY OTHER
2 APPROVED METHOD TO APPLY FOR A MILITARY-OVERSEAS BALLOT.

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

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

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

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

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

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

22 **1-8.3-109. Timeliness and scope of application for ballot.** AN
23 APPLICATION FOR A BALLOT IS TIMELY IF RECEIVED BY THE DESIGNATED
24 ELECTION OFFICIAL NO LATER THAN THE CLOSE OF BUSINESS ON THE
25 FRIDAY IMMEDIATELY PRECEDING THE ELECTION; EXCEPT THAT, IF THE
26 APPLICANT WISHES TO RECEIVE THE BALLOT BY MAIL, THE APPLICATION
27 SHALL BE RECEIVED NO LATER THAN THE CLOSE OF BUSINESS ON THE

1 SEVENTH DAY BEFORE THE ELECTION. AN APPLICATION FOR A BALLOT
2 FOR A PRIMARY ELECTION, WHETHER OR NOT TIMELY, IS EFFECTIVE AS AN
3 APPLICATION FOR A BALLOT FOR THE GENERAL ELECTION.

4 **1-8.3-110. Transmission of unvoted ballots.** (1) FOR AN
5 ELECTION DESCRIBED IN SECTION 1-8.3-103 FOR WHICH THIS STATE HAS
6 NOT RECEIVED A WAIVER PURSUANT TO SECTION 579 OF THE FEDERAL
7 "MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT", 42 U.S.C.
8 1973ff-1 (g) (2), NOT LATER THAN FORTY-FIVE DAYS BEFORE THE
9 ELECTION, THE ELECTION OFFICIAL IN EACH JURISDICTION CHARGED WITH
10 DISTRIBUTING A BALLOT AND BALLOTING MATERIALS SHALL TRANSMIT A
11 BALLOT AND BALLOTING MATERIALS TO ALL COVERED VOTERS WHO BY
12 THAT DATE SUBMIT A VALID BALLOT APPLICATION.

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

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

27 **1-8.3-111. Timely casting of ballot.** TO BE VALID, A BALLOT

1 SHALL BE RECEIVED BY THE APPROPRIATE LOCAL ELECTION OFFICIAL NOT
2 LATER THAN THE CLOSE OF THE POLLS, OR THE VOTER SHALL SUBMIT THE
3 BALLOT FOR MAILING, ELECTRONIC TRANSMISSION, OR OTHER AUTHORIZED
4 MEANS OF DELIVERY NOT LATER THAN 7:00 P.M. MOUNTAIN TIME ON THE
5 DATE OF THE ELECTION.

6 **1-8.3-112. Federal write-in absentee ballot.** (1) A COVERED
7 VOTER MAY USE A FEDERAL WRITE-IN ABSENTEE BALLOT TO VOTE FOR ALL
8 OFFICES AND BALLOT MEASURES IN AN ELECTION DESCRIBED IN SECTION
9 1-8.3-103.

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

19 **1-8.3-113. Transmission and receipt of ballot.** (1) A COVERED
20 VOTER WHO REQUESTED AND RECEIVED BALLOT MATERIALS BY
21 ELECTRONIC TRANSMISSION MAY ALSO RETURN THE BALLOT BY
22 ELECTRONIC TRANSMISSION IN CIRCUMSTANCES WHERE ANOTHER MORE
23 SECURE METHOD, SUCH AS RETURNING THE BALLOT BY MAIL, IS NOT
24 AVAILABLE OR FEASIBLE, AS SPECIFIED IN RULES PROMULGATED BY THE
25 SECRETARY OF STATE.

26 (2) A VALID [REDACTED] BALLOT CAST IN ACCORDANCE WITH SECTION
27 1-8.3-111 SHALL BE COUNTED IF IT IS RECEIVED BY THE CLOSE OF

1 BUSINESS ON THE EIGHTH DAY AFTER AN ELECTION AT THE ADDRESS THAT
2 THE APPROPRIATE STATE OR LOCAL ELECTION OFFICE HAS SPECIFIED.

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

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

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

27 (2) UNLESS A COVERED VOTER APPLIES TO BE A PERMANENT

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

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

26 (2) A COVERED VOTER MAY REQUEST A COPY OF AN ELECTION
27 NOTICE. THE COUNTY CLERK AND RECORDER SHALL SEND THE NOTICE TO

1 THE VOTER BY FACSIMILE, ELECTRONIC MAIL, OR REGULAR MAIL, AS THE
2 VOTER REQUESTS.

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

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

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

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

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

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

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

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

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

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

26 (1) (a) ~~(f)~~ Any eligible elector applying for and receiving a mail-in ballot,
27 in casting the ballot, shall make and subscribe to the self-affirmation on

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

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

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

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

4 **SECTION 5. Repeal of provisions not being relocated in this**

5 **act.** Sections 1-2-208, 1-2-209, 1-2-209.5, 1-8-103.3, 1-8-103.5, 1-8-116,
6 and 1-8-117 (1), (2), (3), (4) (a), (5), (6), and (7), Colorado Revised
7 Statutes, are repealed.

8 **SECTION 6. Inclusion of official comments.** There shall be

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

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

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