

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 24, 2011
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB11-1219 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 3, after "ARTICLE" insert
- 2 "CONTAINING RELOCATED PROVISIONS, WITH
- 3 AMENDMENTS,".

- 4 Page 2, after line 8 insert:
 - 5 "(1) "BALLOT" MEANS:
 - 6 (a) A FEDERAL WRITE-IN ABSENTEE BALLOT;
 - 7 (b) A BALLOT SPECIFICALLY PREPARED OR DISTRIBUTED FOR USE
 - 8 BY A COVERED VOTER IN ACCORDANCE WITH THIS ARTICLE; OR
 - 9 (c) A BALLOT CAST BY A COVERED VOTER IN ACCORDANCE WITH
 - 10 THIS ARTICLE."

- 11 Renumber succeeding subsections accordingly.

- 12 Page 2, line 13, strike "WHOSE VOTING RESIDENCE IS IN THIS".

- 13 Page 2, line 14, strike "STATE" and substitute "WHO IS A RESIDENT OF THIS
- 14 STATE BUT WHO IS ABSENT FROM THIS STATE BY REASON OF ACTIVE
- 15 DUTY".

- 16 Page 3, line 2, strike "(1)," and substitute "(2),".

- 17 Page 3, strike lines 3 and 4 and substitute "SATISFIES THIS STATE'S VOTER

- 1 ELIGIBILITY REQUIREMENTS IF THE LAST PLACE WHERE A PARENT OR
2 LEGAL GUARDIAN OF THE".
- 3 Page 3, line 6, strike "STATE; AND" and substitute "STATE."
- 4 Page 3, strike lines 7 and 8.
- 5 Page 3, line 9, strike "AN INDIVIDUAL RECOGNIZED AS A".
- 6 Page 3, strike line 10 and substitute "A SPOUSE OR DEPENDENT OF A
7 COVERED VOTER DESCRIBED IN SUBSECTION (2) OF THIS SECTION WHO IS
8 A RESIDENT OF THIS STATE BUT WHO IS ABSENT FROM THE STATE BY
9 REASON OF THE ACTIVE DUTY OR SERVICE OF THE COVERED VOTER."
- 10 Page 3, strike lines 18 through 23.
- 11 Renumber succeeding subsections accordingly.
- 12 Page 4, line 9, strike "GUARD AND STATE MILITIA." and substitute
13 "GUARD."
- 14 Page 4, line 19, strike "GUARD".
- 15 Page 4, strike line 20 and substitute "GUARD; OR".
- 16 Page 5, line 2, strike "SPECIAL," and substitute "CONGRESSIONAL
17 VACANCY,".
- 18 Page 5, line 4, strike "SPECIAL,".
- 19 Page 5, strike lines 7 through 11 and substitute:
- 20 "(c) ANY OTHER ELECTION COORDINATED BY THE COUNTY CLERK
21 AND RECORDER."
- 22 Page 5, line 20, strike "MILITARY-OVERSEAS".
- 23 Page 5, line 27, strike "MILITARY-OVERSEAS".
- 24 Page 6, line 6, strike "MILITARY-OVERSEAS".

1 Page 6, line 14, strike "AN OVERSEAS-MILITARY" and substitute "A".

2 Page 6, line 15, strike "MUST" and substitute "SHALL".

3 Page 6, after line 21 insert:

4 **"1-8.3-105. [Formerly 1-8-103] Effect of "Uniformed and**
5 **Overseas Citizens Absentee Voting Act" - emergency authority of**
6 **secretary of state.** (1) In the event of any conflict between this ~~part~~
7 ARTICLE and any provisions of the federal "Uniformed and Overseas
8 Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq., the
9 provisions of the federal act shall control, and all designated election
10 officials who are charged with the performance of duties under this code
11 shall perform the duties and discharge the obligations placed upon them
12 by the federal act.

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

22 Renumber succeeding C.R.S. sections accordingly.

23 Page 6, line 24, strike "MUST" and substitute "SHALL".

24 Page 6, line 26, strike "(1)" and substitute "(2)".

25 Page 7, line 2, strike "MUST" and substitute "SHALL".

26 Page 7, line 13, strike "MUST" and substitute "SHALL".

27 Page 7, line 22, strike "**military-overseas**".

28 Page 7, line 24, strike "MILITARY-OVERSEAS".

29 Page 8, line 4, strike "1-8.3-106 AND FOR A MILITARY-OVERSEAS" and
30 substitute "1-8.3-107 AND FOR A".

- 1 Page 8, line 9, strike "MILITARY-OVERSEAS".
- 2 Page 8, line 15, strike "MILITARY-OVERSEAS".
- 3 Page 8, line 20, strike "MUST" and substitute "SHALL".
- 4 Page 9, strike lines 6 and 7 and substitute "**ballot.** AN APPLICATION FOR
5 A BALLOT IS TIMELY IF RECEIVED BY THE DESIGNATED ELECTION OFFICIAL
6 NO LATER THAN THE CLOSE OF BUSINESS ON THE FRIDAY IMMEDIATELY
7 PRECEDING THE ELECTION; EXCEPT THAT, IF THE APPLICANT WISHES TO
8 RECEIVE THE BALLOT BY MAIL, THE APPLICATION SHALL BE RECEIVED NO
9 LATER THAN THE CLOSE OF BUSINESS ON THE SEVENTH DAY BEFORE".
- 10 Page 9, line 8, strike "MILITARY-OVERSEAS".
- 11 Page 9, line 10, strike "MILITARY-OVERSEAS".
- 12 Page 9, strike lines 17 through 19 and substitute "ELECTION, THE
13 ELECTION OFFICIAL IN EACH JURISDICTION".
- 14 Page 9, line 22, strike "MILITARY-OVERSEAS".
- 15 Page 9, line 27, strike "INTERNET".
- 16 Page 10, line 1, strike "DELIVERY." and substitute "ELECTRONIC
17 TRANSMISSION.".
- 18 Page 10, strike lines 9 and 10 and substitute "VOTER WITHIN
19 SEVENTY-TWO HOURS AFTER THE RECEIPT OF THE APPLICATION.".
- 20 Page 10, line 12, strike "MILITARY-OVERSEAS BALLOT MUST" and
21 substitute "BALLOT SHALL".
- 22 Page 10, line 14, strike "MUST" and substitute "SHALL".
- 23 Page 10, strike lines 16 and 17 and substitute "THAN 7:00 P.M. MOUNTAIN
24 TIME ON THE DATE OF THE ELECTION.".
- 25 Page 10, line 18, after "**ballot.**" insert "(1)".
- 26 Page 10, after line 21 insert:

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

10 Page 10, strike line 22 and substitute:

11 "**1-8.3-113. Transmission and receipt of ballot.** (1) A
12 COVERED VOTER WHO REQUESTED AND RECEIVED BALLOT MATERIALS BY
13 ELECTRONIC TRANSMISSION MAY ALSO RETURN THE BALLOT BY
14 ELECTRONIC TRANSMISSION, AS SPECIFIED IN RULES PROMULGATED BY THE
15 SECRETARY OF STATE.

16 (2) A VALID".

17 Page 10, line 23, strike "MILITARY-OVERSEAS".

18 Page 10, strike lines 24 through 26 and substitute "1-8.3-111 SHALL BE
19 COUNTED IF IT IS RECEIVED BY THE CLOSE OF BUSINESS ON THE EIGHTH
20 DAY AFTER AN ELECTION AT THE ADDRESS".

21 Page 11, line 1, strike "(2)" and substitute "(3)" and strike
22 "MILITARY-OVERSEAS".

23 Page 11, strike lines 4 and 5 and substitute "BALLOT SHALL NOT BE
24 REJECTED AS LATE."

25 Page 11, line 6, strike "MILITARY-OVERSEAS BALLOT MUST" and substitute
26 "BALLOT SHALL".

27 Page 11, line 7, strike "A DECLARATION SIGNED BY THE VOTER" and
28 substitute "THE SIGNED AFFIRMATION REQUIRED BY THE FEDERAL
29 "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42
30 U.S.C. SEC. 1973ff, ET SEQ."

31 Page 11, strike lines 8 through 20.

- 1 Renumber succeeding C.R.S. sections accordingly.
- 2 Page 11, line 25, strike "MAY" and substitute "SHALL".
- 3 Page 12, line 4, strike "MILITARY-OVERSEAS".
- 4 Page 12, line 7, strike "MUST" and substitute "SHALL".
- 5 Page 12, line 11, strike "A COVERED" and substitute "UNLESS A COVERED
- 6 VOTER APPLIES TO BE A PERMANENT MAIL-IN VOTER PURSUANT TO
- 7 SECTION 1-8-104.5, THE COVERED".
- 8 Page 12, line 20, strike "MILITARY-OVERSEAS".
- 9 Page 12, line 22, strike "MILITARY-OVERSEAS".
- 10 Page 12, strike lines 26 and 27 and substitute "THE SECRETARY OF STATE
- 11 SHALL PREPARE AN".
- 12 Page 13, line 1, strike "FOR THAT JURISDICTION".
- 13 Page 13, line 3, strike "MUST" and substitute "SHALL" and strike "BALLOT
- 14 MEASURES AND FEDERAL,".
- 15 Page 13, line 4, strike "STATE, AND LOCAL" and substitute "FEDERAL AND
- 16 STATE" and strike "OFFICIAL" and substitute "SECRETARY OF STATE".
- 17 Page 13, line 5, after "NOTICE" insert "SHALL".
- 18 Page 13, line 6, strike "MUST".
- 19 Page 13, line 9, after "CONTESTED." add "THE SECRETARY OF STATE
- 20 SHALL POST THE NOTICE ON THE OFFICIAL WEB SITE OF THE SECRETARY OF
- 21 STATE.".
- 22 Page 13, line 11, strike "OFFICIAL CHARGED WITH PREPARING THE
- 23 ELECTION NOTICE" and substitute "COUNTY CLERK AND RECORDER".
- 24 Page 13, line 16, strike "OFFICIAL CHARGED WITH" and substitute
- 25 "SECRETARY OF STATE".

1 Page 13, strike line 17.

2 Page 13, strike lines 19 and 20 and substitute "OFFICE."

3 Page 13, strike lines 21 through 27 and substitute:

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

7 Page 14, strike lines 1 through 19.

8 Renumber succeeding C.R.S. sections accordingly.

9 Page 14, strike lines 20 through 26 and substitute:

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 Page 15, line 1, strike "MUST" and insert "SHALL".

14 Page 17, strike lines 14 through 23 and substitute:

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

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

22 Page 18, after line 6 insert:

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

25 Renumber succeeding section accordingly.

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