

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 11-1060.01 Troy Bratton

HOUSE BILL 11-1322

HOUSE SPONSORSHIP

Looper,

SENATE SPONSORSHIP

Cadman,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE TRANSFER OF MONEYS FROM THE DEPARTMENT OF**
102 **STATE CASH FUND TO THE INTERNET-BASED VOTING PILOT**
103 **PROGRAM FUND FOR THE IMPLEMENTATION OF THE**
104 **INTERNET-BASED VOTING PILOT PROGRAM, AND MAKING AN**
105 **APPROPRIATION IN CONNECTION THEREWITH.**

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>.)

Currently the internet-based voting pilot program fund consists 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.

only gifts, grants, and donations, and the pilot program cannot be implemented until enough gifts, grants, and donations are received to cover the costs of the pilot program.

The bill directs the state treasurer to transfer \$100,000 from the department of state cash fund to the internet-based voting pilot program fund so that the secretary of state may begin implementing the pilot program.

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

2 **SECTION 1.** The introductory portion to 1-5.5-101 (1) and
3 1-5.5-101 (4) and (5), Colorado Revised Statutes, are amended to read:

4 **1-5.5-101. Pilot program - internet voting system - absent**
5 **uniformed services elector - secretary of state - fund - rules.**

6 (1) ~~Subject to the availability of funds pursuant to subsection (4) of this~~
7 ~~section,~~ The secretary of state, in coordination with the county clerk and
8 recorders, shall develop an internet-based voting pilot program to
9 facilitate voting by absent uniformed services electors serving outside the
10 United States commencing with the general election held in 2012. The
11 secretary of state shall select one or more political subdivisions to
12 participate in the pilot program. The internet-based voting system
13 developed for use by political subdivisions that participate in the pilot
14 program shall:

15 (4) (a) There is hereby created in the state treasury the
16 internet-based voting pilot program fund to provide for the direct and
17 indirect costs associated with implementing this article. SUBJECT TO THE
18 PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (4), the fund shall
19 consist of gifts, grants, and donations to the fund from private or public
20 sources for the purposes of this article. All private and public funds
21 received through gifts, grants, and donations shall be transmitted to the
22 state treasurer, who shall credit the same to the fund.

1 (b) IN ADDITION TO ANY GIFTS, GRANTS, AND DONATIONS
2 RECEIVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), THE
3 FUND SHALL ALSO CONSIST OF ANY MONEYS TRANSFERRED FROM THE
4 DEPARTMENT OF STATE CASH FUND TO THE FUND PURSUANT TO SECTION
5 24-21-104 (3) (d) (XVI), C.R.S.

6 (c) Moneys in the fund shall be subject to annual appropriation by
7 the general assembly to the department of state for the purposes specified
8 in this article. Any unexpended and unencumbered moneys remaining in
9 the fund at the end of any fiscal year shall remain in the fund and shall not
10 be transferred to the general fund or any other fund.

11 ~~(5) Notwithstanding the provisions of subsections (1), (2), and (3)~~
12 ~~of this section, the department of state shall not implement the~~
13 ~~internet-based voting system until sufficient gifts, grants, and donations~~
14 ~~are obtained to cover the costs of implementing the system.~~

15 **SECTION 2.** 24-21-104 (3) (d), Colorado Revised Statutes, is
16 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

17 **24-21-104. Fees of secretary of state - repeal.**

18 (3) (d) (XVI) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF
19 THIS SUBSECTION (3) TO THE CONTRARY, ON JULY 1, 2011, THE STATE
20 TREASURER SHALL DEDUCT ONE HUNDRED THOUSAND DOLLARS FROM THE
21 DEPARTMENT OF STATE CASH FUND AND TRANSFER SUCH SUM TO THE
22 INTERNET-BASED VOTING PILOT PROGRAM FUND CREATED IN SECTION
23 1-5.5-101 (4), C.R.S.

24 **SECTION 3. Appropriation.** In addition to any other
25 appropriation, there is hereby appropriated, out of any moneys in the
26 internet-based voting pilot program fund created in section 1-5.5-101 (4)
27 (a), Colorado Revised Statutes, not otherwise appropriated, to the

1 department of state, for the fiscal year beginning July 1, 2011, the sum of
2 one hundred thousand dollars (\$100,000) cash funds, or so much thereof
3 as may be necessary, for the implementation of this act.

4 **SECTION 4. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.