

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

INTRODUCED

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

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.

registering to vote and applying for ballots, administer the delivery and receipt of ballots, and administer the delivery of election notices.

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

2 **SECTION 1.** Title 1, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 8.3**

5 **Uniform Military and Overseas Voters Act**

6 **1-8.3-101. Short title.** THIS ARTICLE MAY BE CITED AS THE
7 "UNIFORM MILITARY AND OVERSEAS VOTERS ACT".

8 **1-8.3-102. Definitions.** IN THIS ARTICLE:

9 (1) "COVERED VOTER" MEANS:

10 (a) A UNIFORMED-SERVICE VOTER OR AN OVERSEAS VOTER WHO
11 IS REGISTERED TO VOTE IN THIS STATE;

12 (b) A UNIFORMED-SERVICE VOTER DEFINED IN PARAGRAPH (a) OF
13 SUBSECTION (9) OF THIS SECTION WHOSE VOTING RESIDENCE IS IN THIS
14 STATE AND WHO OTHERWISE SATISFIES THIS STATE'S VOTER ELIGIBILITY
15 REQUIREMENTS;

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

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

25 (e) AN OVERSEAS VOTER WHO WAS BORN OUTSIDE THE UNITED

1 STATES, IS NOT DESCRIBED IN PARAGRAPH (c) OR (d) OF THIS SUBSECTION
2 (1), AND, EXCEPT FOR A STATE RESIDENCY REQUIREMENT, OTHERWISE
3 SATISFIES THIS STATE'S VOTER ELIGIBILITY REQUIREMENTS, IF:

4 (I) THE LAST PLACE WHERE A PARENT OR LEGAL GUARDIAN OF THE
5 VOTER WAS, OR UNDER THIS ARTICLE WOULD HAVE BEEN, ELIGIBLE TO
6 VOTE BEFORE LEAVING THE UNITED STATES IS WITHIN THIS STATE; AND

7 (II) THE VOTER HAS NOT PREVIOUSLY REGISTERED TO VOTE IN ANY
8 OTHER STATE.

9 (2) "DEPENDENT" MEANS AN INDIVIDUAL RECOGNIZED AS A
10 DEPENDENT BY A UNIFORMED SERVICE.

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

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

18 (5) "MILITARY-OVERSEAS BALLOT" MEANS:

19 (a) A FEDERAL WRITE-IN ABSENTEE BALLOT;

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

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

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

26 (7) "STATE" MEANS A STATE OF THE UNITED STATES, THE
27 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN

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

3 (8) "UNIFORMED SERVICE" MEANS:

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

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

9 (c) THE NATIONAL GUARD AND STATE MILITIA.

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

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

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

19 (c) A MEMBER ON ACTIVATED STATUS OF THE NATIONAL GUARD
20 OR STATE MILITIA; OR

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

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

27 **1-8.3-103. Elections covered.** (1) THE VOTING PROCEDURES IN

1 THIS ARTICLE APPLY TO:

2 (a) A GENERAL, SPECIAL, OR PRIMARY ELECTION FOR FEDERAL
3 OFFICE;

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

7 (c) A GENERAL, SPECIAL, RECALL, OR PRIMARY ELECTION FOR
8 LOCAL GOVERNMENT OFFICE OR LOCAL BALLOT MEASURE CONDUCTED
9 UNDER ARTICLE 40 OF THIS TITLE OR ARTICLE 11 OF TITLE 31, C.R.S., FOR
10 WHICH ABSENTEE VOTING OR VOTING BY MAIL IS AVAILABLE FOR OTHER
11 VOTERS.

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
20 MILITARY-OVERSEAS BALLOTS. THE SECRETARY OF STATE MAY DELEGATE
21 THE RESPONSIBILITY UNDER THIS SUBSECTION (2) ONLY TO THE STATE
22 OFFICE DESIGNATED IN COMPLIANCE WITH SECTION 102 (b) (1) OF THE
23 FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING
24 ACT", 42 U.S.C. SEC. 1973ff-1 (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, MILITARY-OVERSEAS

1 BALLOTS, AND 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 MILITARY-OVERSEAS BALLOT OF A
7 VOTER AUTHORIZED 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 AN OVERSEAS-MILITARY BALLOT.
15 THE DECLARATION MUST BE BASED ON THE DECLARATION PRESCRIBED TO
16 ACCOMPANY A FEDERAL WRITE-IN ABSENTEE BALLOT, AS MODIFIED TO BE
17 CONSISTENT WITH THIS ARTICLE. THE SECRETARY OF STATE SHALL
18 ENSURE THAT A FORM FOR THE EXECUTION OF THE DECLARATION,
19 INCLUDING AN INDICATION OF THE DATE OF EXECUTION OF THE
20 DECLARATION, IS A PROMINENT PART OF ALL BALLOTING MATERIALS FOR
21 WHICH THE DECLARATION IS REQUIRED.

22 **1-8.3-105. Overseas voter's registration address.** IN
23 REGISTERING TO VOTE, AN OVERSEAS VOTER WHO IS ELIGIBLE TO VOTE IN
24 THIS STATE SHALL USE AND MUST BE ASSIGNED TO THE VOTING PRECINCT
25 OF THE ADDRESS OF THE LAST PLACE OF RESIDENCE OF THE VOTER IN THIS
26 STATE, OR, IN THE CASE OF A VOTER DESCRIBED BY SECTION 1-8.3-102 (1)
27 (e), THE ADDRESS OF THE LAST PLACE OF RESIDENCE IN THIS STATE OF THE

1 PARENT OR LEGAL GUARDIAN OF THE VOTER. IF THAT ADDRESS IS NO
2 LONGER A RECOGNIZED RESIDENTIAL ADDRESS, THE VOTER MUST BE
3 ASSIGNED AN ADDRESS FOR VOTING PURPOSES.

4 **1-8.3-106. Methods of registering to vote.** (1) TO APPLY TO
5 REGISTER TO VOTE, IN ADDITION TO ANY OTHER APPROVED METHOD, A
6 COVERED VOTER MAY USE A FEDERAL POSTCARD APPLICATION, OR THE
7 APPLICATION'S ELECTRONIC EQUIVALENT.

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

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

22 **1-8.3-107. Methods of applying for military-overseas ballot.**
23 (1) A COVERED VOTER WHO IS REGISTERED TO VOTE IN THIS STATE MAY
24 APPLY FOR A MILITARY-OVERSEAS BALLOT USING EITHER THE REGULAR
25 MAIL BALLOT APPLICATION IN USE IN THE VOTER'S JURISDICTION UNDER
26 ARTICLE 8 OF THIS TITLE OR THE FEDERAL POSTCARD APPLICATION OR THE
27 APPLICATION'S ELECTRONIC EQUIVALENT.

1 (2) A COVERED VOTER WHO IS NOT REGISTERED TO VOTE IN THIS
2 STATE MAY USE A FEDERAL POSTCARD APPLICATION OR THE APPLICATION'S
3 ELECTRONIC EQUIVALENT TO APPLY SIMULTANEOUSLY TO REGISTER TO
4 VOTE UNDER SECTION 1-8.3-106 AND FOR A MILITARY-OVERSEAS BALLOT.

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

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

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

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

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

27 (c) THE INCLUSION ON AN APPROVED VOTER REGISTRATION

1 APPLICATION OR BALLOT APPLICATION OF OTHER INFORMATION
2 SUFFICIENT TO IDENTIFY THE VOTER AS A COVERED VOTER.

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

5 **1-8.3-108. Timeliness and scope of application for**
6 **military-overseas ballot.** AN APPLICATION FOR A MILITARY-OVERSEAS
7 BALLOT IS TIMELY IF RECEIVED BY THE FRIDAY IMMEDIATELY PRECEDING
8 THE ELECTION. AN APPLICATION FOR A MILITARY-OVERSEAS BALLOT FOR
9 A PRIMARY ELECTION, WHETHER OR NOT TIMELY, IS EFFECTIVE AS AN
10 APPLICATION FOR A MILITARY-OVERSEAS BALLOT FOR THE GENERAL
11 ELECTION.

12 **1-8.3-109. Transmission of unvoted ballots.** (1) FOR AN
13 ELECTION DESCRIBED IN SECTION 1-8.3-103 FOR WHICH THIS STATE HAS
14 NOT RECEIVED A WAIVER PURSUANT TO SECTION 579 OF THE FEDERAL
15 "MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT", 42 U.S.C.
16 1973ff-1 (g) (2), NOT LATER THAN FORTY-FIVE DAYS BEFORE THE
17 ELECTION OR, IF THE FORTY-FIFTH DAY BEFORE THE ELECTION IS A
18 WEEKEND OR HOLIDAY, NOT LATER THAN THE BUSINESS DAY PRECEDING
19 THE FORTY-FIFTH DAY, THE ELECTION OFFICIAL IN EACH JURISDICTION
20 CHARGED WITH DISTRIBUTING A BALLOT AND BALLOTING MATERIALS
21 SHALL TRANSMIT A BALLOT AND BALLOTING MATERIALS TO ALL COVERED
22 VOTERS WHO BY THAT DATE SUBMIT A VALID MILITARY-OVERSEAS BALLOT
23 APPLICATION.

24 (2) A COVERED VOTER WHO REQUESTS THAT A BALLOT AND
25 BALLOTING MATERIALS BE SENT TO THE VOTER BY ELECTRONIC
26 TRANSMISSION MAY CHOOSE FACSIMILE TRANSMISSION OR ELECTRONIC
27 MAIL DELIVERY, OR, IF OFFERED BY THE VOTER'S JURISDICTION, INTERNET

1 DELIVERY. THE ELECTION OFFICIAL IN EACH JURISDICTION CHARGED WITH
2 DISTRIBUTING A BALLOT AND BALLOTING MATERIALS SHALL TRANSMIT
3 THE BALLOT AND BALLOTING MATERIALS TO THE VOTER USING THE MEANS
4 OF TRANSMISSION CHOSEN BY THE VOTER.

5 (3) IF A BALLOT APPLICATION FROM A COVERED VOTER ARRIVES
6 AFTER THE JURISDICTION BEGINS TRANSMITTING BALLOTS AND BALLOTING
7 MATERIALS TO VOTERS, THE OFFICIAL CHARGED WITH DISTRIBUTING A
8 BALLOT AND BALLOTING MATERIALS SHALL TRANSMIT THEM TO THE
9 VOTER NOT LATER THAN TWO BUSINESS DAYS AFTER THE APPLICATION
10 ARRIVES.

11 **1-8.3-110. Timely casting of ballot.** TO BE VALID, A
12 MILITARY-OVERSEAS BALLOT MUST BE RECEIVED BY THE APPROPRIATE
13 LOCAL ELECTION OFFICIAL NOT LATER THAN THE CLOSE OF THE POLLS, OR
14 THE VOTER MUST SUBMIT THE BALLOT FOR MAILING, ELECTRONIC
15 TRANSMISSION, OR OTHER AUTHORIZED MEANS OF DELIVERY NOT LATER
16 THAN 12:01 A.M., AT THE PLACE WHERE THE VOTER COMPLETES THE
17 BALLOT, ON THE DATE OF THE ELECTION.

18 **1-8.3-111. Federal write-in absentee ballot.** A COVERED VOTER
19 MAY USE A FEDERAL WRITE-IN ABSENTEE BALLOT TO VOTE FOR ALL
20 OFFICES AND BALLOT MEASURES IN AN ELECTION DESCRIBED IN SECTION
21 1-8.3-103.

22 **1-8.3-112. Receipt of voted ballot.** (1) A VALID
23 MILITARY-OVERSEAS BALLOT CAST IN ACCORDANCE WITH SECTION
24 1-8.3-110 MUST BE COUNTED IF IT IS DELIVERED BY THE END OF BUSINESS
25 ON THE BUSINESS DAY OF THE TWELFTH DAY AFTER A PRIMARY ELECTION
26 OR THE SIXTEENTH DAY AFTER A GENERAL ELECTION TO THE ADDRESS
27 THAT THE APPROPRIATE STATE OR LOCAL ELECTION OFFICE HAS SPECIFIED.

1 (2) IF, AT THE TIME OF COMPLETING A MILITARY-OVERSEAS
2 BALLOT AND BALLOTING MATERIALS, THE VOTER HAS DECLARED UNDER
3 PENALTY OF PERJURY THAT THE BALLOT WAS TIMELY SUBMITTED, THE
4 BALLOT MAY NOT BE REJECTED ON THE BASIS THAT IT HAS A LATE
5 POSTMARK, AN UNREADABLE POSTMARK, OR NO POSTMARK.

6 **1-8.3-113. Declaration.** A MILITARY-OVERSEAS BALLOT MUST
7 INCLUDE OR BE ACCOMPANIED BY A DECLARATION SIGNED BY THE VOTER
8 THAT A MATERIAL MISSTATEMENT OF FACT IN COMPLETING THE BALLOT
9 MAY BE GROUNDS FOR A CONVICTION OF PERJURY UNDER THE LAWS OF
10 THE UNITED STATES OR THIS STATE.

11 **1-8.3-114. Confirmation of receipt of application and voted**
12 **ballot.** (1) THE SECRETARY OF STATE, IN COORDINATION WITH LOCAL
13 ELECTION OFFICIALS, SHALL IMPLEMENT AN ELECTRONIC FREE-ACCESS
14 SYSTEM BY WHICH A COVERED VOTER MAY DETERMINE BY TELEPHONE,
15 ELECTRONIC MAIL, OR INTERNET WHETHER:

16 (a) THE VOTER'S FEDERAL POSTCARD APPLICATION OR OTHER
17 REGISTRATION OR MILITARY-OVERSEAS BALLOT APPLICATION HAS BEEN
18 RECEIVED AND ACCEPTED; AND

19 (b) THE VOTER'S MILITARY-OVERSEAS BALLOT HAS BEEN RECEIVED
20 AND THE CURRENT STATUS OF THE BALLOT.

21 **1-8.3-115. Use of voter's electronic-mail address.** (1) THE
22 LOCAL ELECTION OFFICIAL SHALL REQUEST AN ELECTRONIC-MAIL ADDRESS
23 FROM EACH COVERED VOTER WHO REGISTERS TO VOTE AFTER THE
24 EFFECTIVE DATE OF THIS ARTICLE. AN ELECTRONIC-MAIL ADDRESS
25 PROVIDED BY A COVERED VOTER MAY NOT BE MADE AVAILABLE TO THE
26 PUBLIC OR ANY INDIVIDUAL OR ORGANIZATION OTHER THAN AN
27 AUTHORIZED AGENT OF THE LOCAL ELECTION OFFICIAL AND IS EXEMPT

1 FROM DISCLOSURE UNDER ARTICLE 72 OF TITLE 24, C.R.S. THE ADDRESS
2 MAY BE USED ONLY FOR OFFICIAL COMMUNICATION WITH THE VOTER
3 ABOUT THE VOTING PROCESS, INCLUDING TRANSMITTING
4 MILITARY-OVERSEAS BALLOTS AND ELECTION MATERIALS IF THE VOTER
5 HAS REQUESTED ELECTRONIC TRANSMISSION, AND VERIFYING THE VOTER'S
6 MAILING ADDRESS AND PHYSICAL LOCATION. THE REQUEST FOR AN
7 ELECTRONIC-MAIL ADDRESS MUST DESCRIBE THE PURPOSES FOR WHICH
8 THE ELECTRONIC-MAIL ADDRESS MAY BE USED AND INCLUDE A
9 STATEMENT THAT ANY OTHER USE OR DISCLOSURE OF THE
10 ELECTRONIC-MAIL ADDRESS IS PROHIBITED.

11 (2) A COVERED VOTER WHO PROVIDES AN ELECTRONIC-MAIL
12 ADDRESS MAY REQUEST THAT THE VOTER'S APPLICATION FOR A
13 MILITARY-OVERSEAS BALLOT BE CONSIDERED A STANDING REQUEST FOR
14 ELECTRONIC DELIVERY OF A BALLOT FOR ALL ELECTIONS HELD THROUGH
15 DECEMBER 31 OF THE YEAR FOLLOWING THE CALENDAR YEAR OF THE
16 DATE OF THE APPLICATION OR ANOTHER SHORTER PERIOD THE VOTER
17 SPECIFIES. AN ELECTION OFFICIAL SHALL PROVIDE A MILITARY-OVERSEAS
18 BALLOT TO A VOTER WHO MAKES A STANDING REQUEST FOR EACH
19 ELECTION TO WHICH THE REQUEST IS APPLICABLE. A COVERED VOTER
20 WHO IS ENTITLED TO RECEIVE A MILITARY-OVERSEAS BALLOT FOR A
21 PRIMARY ELECTION UNDER THIS SUBSECTION (2) IS ENTITLED TO RECEIVE
22 A MILITARY-OVERSEAS BALLOT FOR THE GENERAL ELECTION.

23 **1-8.3-116. Publication of election notice.** (1) AT LEAST ONE
24 HUNDRED DAYS BEFORE A REGULARLY SCHEDULED ELECTION AND AS
25 SOON AS PRACTICABLE BEFORE AN ELECTION NOT REGULARLY SCHEDULED,
26 AN OFFICIAL IN EACH JURISDICTION CHARGED WITH PRINTING AND
27 DISTRIBUTING BALLOTS AND BALLOTING MATERIAL SHALL PREPARE AN

1 ELECTION NOTICE FOR THAT JURISDICTION TO BE USED IN CONJUNCTION
2 WITH A FEDERAL WRITE-IN ABSENTEE BALLOT. THE ELECTION NOTICE
3 MUST CONTAIN A LIST OF ALL OF THE BALLOT MEASURES AND FEDERAL,
4 STATE, AND LOCAL OFFICES THAT AS OF THAT DATE THE OFFICIAL EXPECTS
5 TO BE ON THE BALLOT ON THE DATE OF THE ELECTION. THE NOTICE ALSO
6 MUST CONTAIN SPECIFIC INSTRUCTIONS FOR HOW A VOTER IS TO INDICATE
7 ON THE FEDERAL WRITE-IN ABSENTEE BALLOT THE VOTER'S CHOICE FOR
8 EACH OFFICE TO BE FILLED AND FOR EACH BALLOT MEASURE TO BE
9 CONTESTED.

10 (2) A COVERED VOTER MAY REQUEST A COPY OF AN ELECTION
11 NOTICE. THE OFFICIAL CHARGED WITH PREPARING THE ELECTION NOTICE
12 SHALL SEND THE NOTICE TO THE VOTER BY FACSIMILE, ELECTRONIC MAIL,
13 OR REGULAR MAIL, AS THE VOTER REQUESTS.

14 (3) AS SOON AS BALLOT STYLES ARE CERTIFIED, AND NOT LATER
15 THAN THE DATE BALLOTS ARE REQUIRED TO BE TRANSMITTED TO VOTERS
16 UNDER ARTICLE 7.5 OR 8 OF THIS TITLE, THE OFFICIAL CHARGED WITH
17 PREPARING THE ELECTION NOTICE UNDER SUBSECTION (1) OF THIS SECTION
18 SHALL UPDATE THE NOTICE WITH THE CERTIFIED CANDIDATES FOR EACH
19 OFFICE AND BALLOT MEASURE QUESTIONS AND MAKE THE UPDATED
20 NOTICE PUBLICLY AVAILABLE.

21 (4) A LOCAL ELECTION JURISDICTION THAT MAINTAINS AN
22 INTERNET WEB SITE SHALL MAKE THE ELECTION NOTICE PREPARED UNDER
23 SUBSECTION (1) OF THIS SECTION AND UPDATED VERSIONS OF THE
24 ELECTION NOTICE REGULARLY AVAILABLE ON THE WEB SITE.

25 **1-8.3-117. Prohibition of nonsubstantive requirements.** (1) IF
26 A VOTER'S MISTAKE OR OMISSION IN THE COMPLETION OF A DOCUMENT
27 UNDER THIS ARTICLE DOES NOT PREVENT DETERMINING WHETHER A

1 COVERED VOTER IS ELIGIBLE TO VOTE, THE MISTAKE OR OMISSION DOES
2 NOT INVALIDATE THE DOCUMENT. FAILURE TO SATISFY A
3 NONSUBSTANTIVE REQUIREMENT, SUCH AS USING PAPER OR ENVELOPES OF
4 A SPECIFIED SIZE OR WEIGHT, DOES NOT INVALIDATE A DOCUMENT
5 SUBMITTED UNDER THIS ARTICLE. IN A WRITE-IN BALLOT AUTHORIZED BY
6 THIS ARTICLE OR IN A VOTE FOR A WRITE-IN CANDIDATE ON A REGULAR
7 BALLOT, IF THE INTENTION OF THE VOTER IS DISCERNABLE UNDER THIS
8 STATE'S UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE, AN
9 ABBREVIATION, MISPELLING, OR OTHER MINOR VARIATION IN THE FORM
10 OF THE NAME OF A CANDIDATE OR A POLITICAL PARTY MUST BE ACCEPTED
11 AS A VALID VOTE.

12 (2) NOTARIZATION IS NOT REQUIRED FOR THE EXECUTION OF A
13 DOCUMENT UNDER THIS ARTICLE. AN AUTHENTICATION, OTHER THAN THE
14 DECLARATION SPECIFIED IN SECTION 1-8.3-113 OR THE DECLARATION ON
15 THE FEDERAL POSTCARD APPLICATION AND FEDERAL WRITE-IN ABSENTEE
16 BALLOT, IS NOT REQUIRED FOR EXECUTION OF A DOCUMENT UNDER THIS
17 ARTICLE. THE DECLARATION AND ANY INFORMATION IN THE
18 DECLARATION MAY BE COMPARED WITH INFORMATION ON FILE TO
19 ASCERTAIN THE VALIDITY OF THE DOCUMENT.

20 **1-8.3-118. Equitable relief.** (1) A COURT MAY ISSUE AN
21 INJUNCTION OR GRANT OTHER EQUITABLE RELIEF APPROPRIATE TO ENSURE
22 SUBSTANTIAL COMPLIANCE WITH, OR ENFORCE, THIS ARTICLE ON
23 APPLICATION BY:

24 (a) A COVERED VOTER ALLEGING A GRIEVANCE UNDER THIS
25 ARTICLE; OR

26 (b) AN ELECTION OFFICIAL IN THIS STATE.

27 **1-8.3-119. Uniformity of application and construction.** IN

1 APPLYING AND CONSTRUING THIS ARTICLE, CONSIDERATION MUST BE
2 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT
3 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

4 **1-8.3-120. Relation to electronic signatures in global and**
5 **national commerce act.** THIS ARTICLE MODIFIES, LIMITS, AND
6 SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND
7 NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT
8 MODIFY, LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C.
9 SEC. 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE
10 NOTICES DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003
11 (b).

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

14 **1-8-111. Delivery of mail-in ballot and replacement mail-in**
15 **ballots.** (1) ~~(a)~~ The mail-in ballot and other materials shall be delivered
16 or mailed to the elector within seventy-two hours after the receipt of the
17 application, if the official ballots are then printed, or, if not then printed,
18 within seventy-two hours after the printed ballots are delivered to the
19 designated election official, but no sooner than twenty-two days before
20 every odd-year, congressional vacancy, primary, and general election. If
21 the mail-in ballot and other materials are mailed, the envelope shall be
22 marked "DO NOT FORWARD" or by any other similar statement that is
23 in accordance with United States postal service regulations. ~~Except as~~
24 ~~otherwise provided in paragraph (b) of this subsection (1),~~ Nothing in this
25 subsection (1) shall affect any provision of this code governing the
26 delivery of mail or mail-in ballots to an absent uniformed services elector,
27 nonresident overseas elector, or resident overseas elector covered by the

1 federal "Uniformed and Overseas Citizens Absentee Voting Act", 42
2 U.S.C. sec. 1973ff et seq.

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

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

10 **1-8-113. Manner of mail-in voting - first-time voters casting**
11 **a mail-in ballot after having registered by mail to vote.**

12 (1) (a) ~~(f)~~ Any eligible elector applying for and receiving a mail-in ballot,
13 in casting the ballot, shall make and subscribe to the self-affirmation on
14 the return envelope. The elector shall then mark the ballot, fold the ballot
15 or insert the ballot card in the special envelope provided for the purpose
16 so as to conceal the marking, deposit it in the return envelope, enclose
17 identification if required by subsection (3) of this section, and seal the
18 envelope securely. The envelope may be delivered personally or mailed
19 by the elector to the designated election official issuing the ballot or
20 delivered personally by the elector to an early voters' polling place during
21 the time early voting is made available pursuant to section 1-8-202 or on
22 election day to any polling place in the county in which the elector is
23 registered to vote. Alternatively, an elector may deliver the ballot to any
24 person of the elector's own choice or to any duly authorized agent of the
25 designated election official for mailing or personal delivery to the
26 designated election official; except that no one person other than a duly
27 authorized agent of the designated election official may receive more than

1 ten mail-in ballots in any election for mailing or delivery to the designated
2 election official. ~~Except as provided in subparagraph (H) of this~~
3 ~~paragraph (a)~~; All envelopes containing mail-in ballots shall be in the
4 hands of the designated election official no later than 7 p.m. on the day
5 of the election. Mail-in envelopes received after 7 p.m. on the day of the
6 election but postmarked on or before the day of the election will remain
7 sealed and uncounted, but the elector's registration record will not be
8 canceled for failure to vote in a general election.

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

14 **SECTION 4.** 1-8-116 (4) (a), Colorado Revised Statutes, is
15 amended to read:

16 **1-8-116. Special write-in blank mail-in ballots.** (4) (a) If both
17 a federal write-in blank absentee ballot pursuant to ~~section 1-8-117~~
18 ARTICLE 8.3 OF THIS TITLE and a special write-in blank mail-in ballot
19 pursuant to this section are returned by the voter, the federal write-in
20 absentee ballot shall be deemed void, and votes shall be counted from the
21 special write-in blank mail-in ballot only.

22 **SECTION 5. Repeal.** Sections 1-2-208, 1-2-209.5, 1-8-103.3,
23 1-8-103.5, and 1-8-117, Colorado Revised Statutes, are repealed.

24 **SECTION 6. Inclusion of official comments.** There shall be
25 included in the publication of the "Uniform Military and Overseas Voters
26 Act", as nonstatutory matter, following each section of the act, the full
27 text of the official comments to that section contained in the official

1 volume containing the 2010 official text of the "Uniform Military and
2 Overseas Voters Act" issued by the national conference of commissioners
3 on uniform state laws, with any changes in the official comments or
4 Colorado comments to correspond to Colorado changes in the uniform
5 act. The revisor of statutes shall prepare the comments for approval by
6 the committee on legal services for publication.

7 **SECTION 7. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.