

First Regular Session
Seventieth General Assembly
STATE OF COLORADO
UNOFFICIAL PREAMENDED VERSION

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

LLS NO. 15-0033.01 Jason Gelender x4330

HOUSE BILL 15-1130

HOUSE SPONSORSHIP

Nordberg and Ryden,

SENATE SPONSORSHIP

Garcia and Hill,

With Proposed
Conference
Committee
Amendment L.045
Plus Notification of
Address Change

House Committees
State, Veterans, & Military Affairs

Senate Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 CONCERNING VOTING BY ACTIVE MILITARY AND OVERSEAS VOTERS IN
102 MUNICIPAL ELECTIONS, AND, IN CONNECTION THEREWITH,
103 EXTENDING CERTAIN DEADLINES THAT GOVERN THE CONDUCT
104 OF MUNICIPAL ELECTIONS TO ENSURE THAT SUCH VOTERS HAVE
105 THE SAME ABILITY TO VOTE IN SUCH ELECTIONS AS THEY DO IN
106 FEDERAL, STATE, AND COUNTY ELECTIONS.

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/billssummaries>.)

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	SENATE	SENATE	SENATE
- 3344-Reading	- 3344-Reading	- 3344-Reading	- 3344-Reading
L_045 plus notification of address change.wpd	L_045 plus notification of address change.wpd	L_045 plus notification of address change.wpd	L_045 plus notification of address change.wpd
April 17, 2015	April 17, 2015	April 16, 2015	April 16, 2015
HOUSE	HOUSE	HOUSE	HOUSE
Amended 2nd Reading	Amended 2nd Reading	Amended 2nd Reading	Amended 2nd Reading
March 2, 2015	March 2, 2015	March 3, 2015	March 3, 2015

The federal "Uniformed and Overseas Citizens Absentee Voting Act" (UOCAVA) and the state "Uniform Military and Overseas Voters Act" (UMOVA) provide procedural requirements for the conduct of federal and state elections that help ensure that United States military personnel and American civilians living abroad can vote in such elections. Because county elections are coordinated with state elections, UOCAVA and UMOVA also indirectly help ensure that such military personnel and civilians can vote in county elections. The bill extends certain deadlines that govern the conduct of municipal elections to ensure that such military personnel and civilians have similar ability to vote in municipal elections as they do in federal, state, and county elections.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The right to vote is a fundamental right of all Americans;

5 (b) American military personnel who are stationed outside of the
6 United States while serving in the military and other Americans who live
7 abroad face significant logistical challenges in exercising their right to
8 vote in elections conducted in their home states; and

9 (c) The federal "Uniformed and Overseas Citizens Absentee
10 Voting Act", 42 U.S.C. sec. 1973ff-2, and the state "Uniform Military and
11 Overseas Voters Act", article 8.3 of title 1, Colorado Revised Statutes,
12 directly mitigate the logistical challenges of voting in federal and state
13 elections for Colorado citizens living abroad and indirectly mitigate the
14 challenges of voting in county elections, but do not apply to municipal
15 elections.

16 (2) The general assembly further finds and declares that it is
17 necessary, appropriate, and in the best interest of all Coloradans to extend
18 certain deadlines that govern the conduct of municipal elections to ensure
19 that the right of Coloradans living abroad to vote in municipal elections

1 is protected to a similar extent as their right to vote in federal, state, and
2 county elections.

3 **SECTION 2.** In Colorado Revised Statutes, 31-10-302, **amend**
4 (1), (2) introductory portion, (4), and (6); and **repeal** (8) as follows:

5 **31-10-302. Nomination of municipal officers.** (1) Candidates
6 for municipal offices shall be nominated, without regard to affiliation, by
7 petition on forms supplied by the clerk. A petition of nomination may
8 consist of one or more sheets, but it shall contain the name and address
9 of only one candidate and shall indicate the office to which the candidate
10 is seeking election. ~~The petition may designate one or more persons as a~~
11 ~~committee to fill a vacancy in the nomination.~~

12 (2) Nomination petitions may be circulated and signed beginning
13 on the fiftieth NINETY-FIRST day and ending on the thirtieth
14 SEVENTY-FIRST day prior to the day of election. Each petition shall MUST
15 be signed by registered electors in the following numbers:

16 (4) No petition is valid that does not contain the requisite number
17 of signatures of registered electors. The clerk shall inspect timely filed
18 petitions of nomination to ensure compliance with this section. Such
19 inspection may consist of an examination of the information on the
20 signature lines for patent defects, a comparison of the information on the
21 signature lines with a list of registered electors provided by the county, or
22 any other method of inspection reasonably expected to ensure compliance
23 with this section. Any petition may be amended to correct or replace those
24 signatures which THAT the clerk finds are not in apparent conformity with
25 the requirements of this section at any time prior to twenty-two
26 SIXTY-THREE days before the day of election.

27 (6) Each nomination petition shall be filed with the clerk no later

1 than the ~~thirtieth~~ SEVENTY-FIRST day prior to the day of election. Every
2 petition shall have endorsed thereon or appended thereto the written
3 affidavit of the candidate accepting the nomination and swearing that the
4 candidate satisfies the requirements set forth in section 31-10-301 to be
5 a candidate and hold office in the municipality. The acceptance of
6 nomination shall contain the place of residence of the candidate and the
7 name of the candidate in the form that the candidate wishes it to appear
8 on the ballot. The candidate's name may be a nickname or include a
9 nickname but shall not contain any title or degree designating the business
10 or profession of the candidate.

11 ~~(8) Nomination petitions for candidates whose name will be on~~
12 ~~the ballot at a coordinated election pursuant to articles 1 to 13 of title 1,~~
13 ~~C.R.S., shall be circulated, signed, and filed with the municipal clerk~~
14 ~~within the period set forth in section 1-4-805, C.R.S.~~

15 **SECTION 3.** In Colorado Revised Statutes, 31-2-104, **amend** (4)
16 as follows:

17 **31-2-104. Organization of new city or town.** (4) At least ten
18 TWENTY days before the election, the commissioners by their chairman
19 CHAIR shall give notice of the election in the manner prescribed by the
20 "Colorado Municipal Election Code of 1965".

21 **SECTION 4.** In Colorado Revised Statutes, 31-2-207, **amend** (1)
22 as follows:

23 **31-2-207. Charter election - notice.** (1) Within thirty days after
24 the date that the charter commission submits the proposed charter to it,
25 the governing body shall publish and give notice of an election to
26 determine whether the proposed charter shall be approved, which election
27 shall be held not less than ~~thirty~~ SIXTY nor more than one hundred

1 eighty-five days after publication of the notice thereof. Such notice of the
2 election shall contain the full text of the proposed charter.

3 **SECTION 5.** In Colorado Revised Statutes, 31-2-210, **amend** (4)
4 as follows:

5 **31-2-210. Procedure to amend or repeal charter.** (4) The
6 governing body shall, within thirty days of the date of adoption of the
7 ordinance or the date of filing of the petition (if the same is certified by
8 the clerk to be valid and sufficient), publish notice of an election upon the
9 amendment or proposal, which notice shall contain the full text of the
10 amendment or statement of the proposal as contained in the ordinance or
11 petition. The election shall be held not less than ~~thirty~~ SIXTY nor more
12 than one hundred twenty days after publication of such notice; except
13 that, if the proposal is for formation of a charter commission, the election
14 shall be held not less than sixty days after publication of such notice. If
15 the amendment or proposal is initiated by petition and is sought to be
16 submitted at a special election, the election shall be held as near as
17 possible to the approximate date stated in the petition, but in any event
18 shall be held within the time limits stated in this subsection (4).

19 **SECTION 6.** In Colorado Revised Statutes, **add** 31-10-102.8 as
20 follows:

21 **31-10-102.8. Active military or overseas voters – timely**
22 **mailing casting, and receipt of ballot.** (1) AS USED IN THIS SECTION,
23 "BALLOT MATERIALS" MEANS THE STANDARDIZED ABSENTEE-VOTING
24 MATERIALS DEVELOPED PURSUANT TO SECTION 1-8.3-104 (4) (a), C.R.S.,
25 AND THE DECLARATION AND FORM FOR THE EXECUTION OF THE
26 DECLARATION DESCRIBED IN SECTION 1-8.3-104 (5), C.R.S.

27

1 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
2 THIS SUBSECTION ~~(2)~~ THE CLERK SHALL MAIL ~~(2)~~ A BALLOT AND
3 BALLOT MATERIALS TO ANY PERSON DESIGNATED AS AN ACTIVE MILITARY
4 OR OVERSEAS VOTER IN THE COMPUTERIZED STATEWIDE VOTER
5 REGISTRATION LIST NO LATER THAN FORTY-FIVE DAYS BEFORE AN
6 ELECTION CONDUCTED IN ACCORDANCE WITH THIS ARTICLE; EXCEPT THAT,
7 IF THE CLERK RECEIVES A CERTIFICATE OF NEW REGISTRATION,
8 NOTIFICATION OF CHANGE OF ADDRESS, OR NOTIFICATION OF OTHER
9 CHANGE IN STATUS FROM AN ACTIVE MILITARY OR OVERSEAS VOTER
10 AFTER THE FORTY-FIFTH DAY BEFORE THE ELECTION, THE CLERK SHALL
11 MAIL A BALLOT AND BALLOT MATERIALS TO THE VOTER AS SOON AS
12 PRACTICABLE.

13 (b) IN A RECALL ELECTION CONDUCTED IN ACCORDANCE WITH PART
14 5 OF ARTICLE 4 OF THIS TITLE, THE CLERK SHALL MAIL ~~(2)~~ A BALLOT AND
15 BALLOT MATERIALS TO ANY PERSON DESIGNATED AS AN ACTIVE MILITARY
16 OR OVERSEAS VOTER IN THE COMPUTERIZED STATEWIDE VOTER
17 REGISTRATION LIST AS SOON AS PRACTICABLE AFTER BALLOT
18 CERTIFICATION.

19 (3) TO BE VALID, AN ACTIVE MILITARY OR OVERSEAS VOTER MUST
20 ^{via postal mail} ~~SUBMIT~~ ^{the} THE BALLOT AND COMPLETED SIGNED AFFIRMATION, AS SPECIFIED
21 IN SECTION 1-8.3-114, C.R.S., NOT LATER THAN 7:00 P.M. MOUNTAIN TIME
22 ON THE DATE OF THE ELECTION. ~~(2)~~ THE VOTE OF ANY ACTIVE
23 MILITARY OR OVERSEAS VOTER WHO VOTES AS AUTHORIZED BY THIS
24 SECTION MAY BE CHALLENGED IN THE MANNER SPECIFIED IN SECTION
25 31-10-1008.

26 (4) THE DESIGNATED ELECTION OFFICIAL MUST COUNT A VALID
27 BALLOT RECEIVED IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION

1 IF THE BALLOT IS RECEIVED BY THE CLOSE OF BUSINESS ON THE EIGHTH
2 DAY AFTER THE ELECTION.

3 (5) NO LATER THAN SIXTY DAYS BEFORE THE ELECTION, THE
4 COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE
5 MUNICIPALITY IS LOCATED MUST FORWARD TO THE MUNICIPAL CLERK A
6 COMPLETE LIST OF VOTERS IN THE MUNICIPALITY WHO ARE MARKED AS
7 ACTIVE MILITARY OR OVERSEAS VOTERS IN THE COMPUTERIZED
8 STATEWIDE VOTER REGISTRATION LIST.

9 (6) ANY ELIGIBLE ELECTOR WHO IS DESIGNATED AS AN ACTIVE
10 MILITARY OR OVERSEAS VOTER IN THE COMPUTERIZED STATEWIDE VOTER
11 REGISTRATION LIST MAY USE A FEDERAL WRITE-IN ABSENTEE BALLOT TO
12 VOTE FOR ALL OFFICES AND BALLOT MEASURES IN ANY ELECTION
13 CONDUCTED UNDER THIS ARTICLE OR ARTICLE 4 OF THIS TITLE. SUCH
14 BALLOTS SHALL BE PROCESSED IN ACCORDANCE WITH SUBSECTIONS (3)
15 AND (4) OF THIS SECTION.

16



17 **SECTION 7** In Colorado Revised Statutes, **amend** 31-10-108 as
18 follows:

19 **31-10-108. Special elections.** Special elections shall be held on
20 any Tuesday designated by ordinance or resolution of the governing body.
21 No special election shall be held within the ninety days preceding a
22 regular election. No special election shall be called within thirty SIXTY
23 days before the date thereof, nor shall any special election be held within
24 the thirty-two days before or after the date of a primary, general, or
25 congressional vacancy election. A special election may be held at the
26 same time and place as a primary, congressional vacancy, or general
27 election as a coordinated election pursuant to section 1-7-116, C.R.S., or

1 may be conducted at the same time as a mail ballot election pursuant to
2 article 7.5 of title 1, C.R.S. Special elections shall be conducted as nearly
3 as practicable in the same manner as regular elections.

4 **SECTION 8.** In Colorado Revised Statutes, 31-10-303, **amend**
5 (1) as follows:

6 **31-10-303. Withdrawal from nominations.** (1) Any person who
7 has been nominated and who has accepted a nomination may cause his OR
8 HER name to be withdrawn from such nomination at any time prior to
9 ~~twenty-three~~ SIXTY-THREE days before election by a written affidavit
10 withdrawing from such nomination. The affidavit stating withdrawal shall
11 be signed by the candidate and filed with the clerk.

12
13 **SECTION 9.** In Colorado Revised Statutes, **amend** 31-10-305 as
14 follows:

15 **31-10-305. Objections to nominations.** All petitions of
16 nomination and affidavits ~~which~~ THAT are in apparent conformity with the
17 provisions of section 31-10-302, as determined by the clerk, are valid
18 unless objection thereto is duly made in writing within three days after the
19 filing of the same. In case objection is made, notice thereof shall be
20 forthwith mailed to any candidate who may be affected thereby. The clerk
21 shall decide objections within at least forty-eight hours after the same are
22 filed, and any objections sustained may be remedied or defect cured upon
23 the original petition, by an amendment thereto, or by filing a new petition
24 within three days after the objection is sustained, but in no event later
25 than the ~~eighteenth~~ SIXTY-FOURTH day before the day of election. The
26 clerk shall pass upon the validity of all objections, whether of form or
27 substance, and the clerk's decisions upon matters of form shall be final.

1 The clerk's decisions upon matters of substance shall be open to review
2 if prompt application is made, as provided in section 31-10-1401, but the
3 remedy in all cases shall be summary, and the decision of the district
4 court shall be final and not subject to review by any other court; except
5 that the supreme court, in the exercise of its discretion, may review any
6 proceeding in a summary way.

7 **SECTION 10:** In Colorado Revised Statutes, 31-10-909, **repeal**
8 (1) (b) and (1) (c) as follows:

9 **31-10-909. Nomination of candidates in mail ballot elections.**

10 (1) Any person who desires to be a candidate for a municipal office in a
11 mail ballot election conducted pursuant to this part 9 after May 1, 2014,
12 shall comply with the nominating procedures set forth in this article;
13 except that:

14 (b) ~~A withdrawal from nomination must proceed as set forth in~~
15 ~~section 31-10-303; except that the withdrawal affidavit must be filed by~~
16 ~~the close of business on the sixty-third day prior to the election.~~

17 (c) ~~If any candidate dies or withdraws from nomination prior to~~
18 ~~the close of business on the sixty-third day prior to the election, the~~
19 ~~vacancy in nomination is filled as set forth in section 31-10-304.~~

20 **SECTION 11:** In Colorado Revised Statutes, **amend** 31-10-1201
21 as follows:

22 **31-10-1201. Returns - canvass.** The returns of all municipal
23 elections shall be made to the clerk of the municipality. The clerk shall
24 request the assistance of the mayor of the municipality in conducting the
25 canvass of votes. If there is no mayor or if the mayor has been a candidate
26 at the election, the clerk shall appoint a municipal judge, a member of the
27 election commission, or a person who is qualified to be an election judge

1 and who did not serve as an election judge in the election as an assistant.
2 No later than seven TEN days after the election, the clerk, in the presence
3 of the assistant, shall open the returns and make out abstracts of votes for
4 each office.

5 **SECTION 12.** In Colorado Revised Statutes, 31-10-1207, **amend**
6 (1) and (2) as follows:

7 **31-10-1207. Recount.** (1) The municipal clerk shall conduct a
8 recount of the votes cast in any election if it appears, as evidenced by the
9 survey of returns, that the difference between the highest number of votes
10 cast in the election and the next highest number of votes cast in the
11 election is less than or equal to one-half of one percent of the highest
12 number of votes cast in the election. Any recount conducted pursuant to
13 this subsection (1) shall be completed no later than the tenth FIFTEENTH
14 day following the election and shall be paid for by the governing body.
15 The clerk shall give notice of the recount to all candidates and, in the case
16 of a ballot issue or question, to any petition representatives identified
17 pursuant to sections 31-2-221 (1), 31-4-502 (1) (a) (I), and 31-11-106 (2)
18 that are affected by the result of the election. Such notice shall be given
19 by certified mail, by posting such notice in three public places within the
20 municipal limits, or by other means reasonably expected to notify the
21 affected candidates or petition representatives. Any affected candidate or
22 petition representative ~~shall be~~ IS allowed to be present during and
23 observe the recount.

24 (2) Whenever a recount of the votes cast in an election is not
25 required pursuant to subsection (1) of this section, any interested party,
26 including a candidate for office or the petition representatives for a ballot
27 issue or question, may submit to the clerk a written request for a recount

1 at the expense of the interested party making the request. This request
2 shall be filed with the clerk within ~~seven~~ TEN days after the election.
3 Before conducting the recount, the clerk shall give notice of the recount
4 in accordance with the provisions of subsection (1) of this section, shall
5 determine the cost of the recount, shall notify the interested party that
6 requested the recount of such cost, and shall collect the cost of conducting
7 the recount from such interested party. The interested party that requested
8 the recount shall pay on demand the cost of the recount to the clerk. The
9 funds paid to the clerk for the recount shall be placed in escrow for
10 payment of all expenses incurred in the recount. If, after the recount, the
11 result of the election is reversed in favor of the interested party that
12 requested the recount or if the amended election count is such that a
13 recount otherwise would have been required pursuant to subsection (1) of
14 this section, the payment for expenses shall be refunded to the interested
15 party who paid them. Any recount of votes conducted pursuant to this
16 subsection (2) shall be completed no later than the ~~tenth~~ FIFTEENTH day
17 after the election.

18 **SECTION 13: Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly (August 5, 2015, if adjournment sine die is on May 6,
22 2015); except that, if a referendum petition is filed pursuant to section 1
23 (3) of article V of the state constitution against this act or an item, section,
24 or part of this act within such period, then the act, item, section, or part
25 will not take effect unless approved by the people at the general election
26 to be held in November 2016 and, in such case, will take effect on the
27 date of the official declaration of the vote thereon by the governor.

1 (2) This act applies to elections conducted on or after the
2 applicable effective date of this act.