

**Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 06-0579.01 Ed DeCecco

HOUSE BILL 06-1012

HOUSE SPONSORSHIP

Ragsdale,

SENATE SPONSORSHIP

Johnson,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ABSENTEE BALLOTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Permits an eligible elector who wishes to receive an absentee ballot by mail to apply for the absentee ballot no later than the close of business on the 7th day before the election, instead of the 11th day as currently required by law.

Clarifies that the self-affirmation on a return envelope shall be categorized as incorrect and a ballot shall not count if, after receiving notice that the signatures on an absentee ballot do not match signatures on file, the eligible elector fails to enclose a copy of his or her identification along with a confirmation form.

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.*

HOUSE
2nd Reading Unamended
January 23, 2006

Permits an eligible elector who receives an emergency absentee ballot by electronic transfer to return the ballot in the same manner. Establishes procedures and requirements for ballots received in this manner.

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

2 **SECTION 1.** 1-8-104 (3), Colorado Revised Statutes, is amended
3 to read:

4 **1-8-104. Applications for absentee ballot.** (3) The application
5 for an absentee ballot shall be filed with the designated election official
6 of the political subdivision in which the applicant resides or is entitled to
7 vote. The application shall be filed no earlier than January 1 immediately
8 preceding the election and no later than the close of business on the
9 Friday immediately preceding the election; except that, if the applicant
10 wishes to receive the absentee ballot by mail, the application shall be filed
11 no later than the close of business on the ~~eleventh~~ SEVENTH day before the
12 election.

13 **SECTION 2.** 1-8-114.5 (2) (a), Colorado Revised Statutes, is
14 amended to read:

15 **1-8-114.5. Verification of signatures.** (2) (a) If, upon
16 comparing the signature of an eligible elector on the self-affirmation on
17 the return envelope with the signature of that eligible elector on file with
18 the county clerk and recorder, the election judge determines that the
19 signatures do not match, two other election judges of different political
20 party affiliations shall simultaneously compare the signatures. If both
21 other election judges agree that the signatures do not match, the county
22 clerk and recorder shall, within two days after election day, send to the
23 eligible elector at the address indicated in the registration records a letter

1 explaining the discrepancy in signatures and a form for the eligible
2 elector to confirm that the elector returned a ballot to the county clerk and
3 recorder. If the county clerk and recorder receives the form within eight
4 days after election day confirming that the elector returned a ballot to the
5 county clerk and recorder and enclosing a copy of the elector's
6 identification as defined in section 1-1-104 (19.5), and if the ballot is
7 otherwise valid, the ballot shall be counted. IF THE ELIGIBLE ELECTOR
8 DOES NOT ENCLOSE A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED
9 IN SECTION 1-1-104 (19.5) ALONG WITH THE FORM, THE SELF-AFFIRMATION
10 ON THE RETURN ENVELOPE SHALL BE CATEGORIZED AS INCORRECT AND
11 THE BALLOT SHALL NOT BE COUNTED. If the eligible elector returns the
12 form indicating that the elector did not return a ballot to the county clerk
13 and recorder, or if the eligible elector does not return the form within
14 eight days after election day, the self-affirmation on the return envelope
15 shall be categorized as incorrect, the ballot shall not be counted, and the
16 county clerk and recorder shall send copies of the eligible elector's
17 signature on the return envelope and the signature on file with the county
18 clerk and recorder to the district attorney for investigation.

19 **SECTION 3.** 1-8-115 (1) (c), (3), and (4), Colorado Revised
20 Statutes, are amended, and the said 1-8-115 is further amended BY THE
21 ADDITION OF A NEW SUBSECTION, to read:

22 **1-8-115. Emergency absentee voting.** (1) (c) If the eligible
23 elector is unable to have an authorized representative pick up the ballot
24 at the office of the designated election official and deliver it to the
25 eligible elector, the designated election official shall deliver an absentee
26 ballot to the eligible elector by electronic transfer in accordance with the
27 rules of the secretary of state. IF THE ABSENTEE BALLOT IS DELIVERED TO

1 THE ELIGIBLE ELECTOR BY ELECTRONIC TRANSFER, THE ELIGIBLE ELECTOR
2 MAY RETURN THE BALLOT BY ELECTRONIC TRANSFER AS SET FORTH IN
3 SUBSECTION (5) OF THIS SECTION.

4 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS
5 SECTION, after marking the ballot, the eligible elector shall place it in a
6 return envelope provided by the designated election official. The elector
7 shall then fill out and sign the self-affirmation on the envelope, as
8 provided in section 1-8-114, on or before election day and return it to the
9 office of the designated election official. Upon receipt of the envelope,
10 the designated election official shall verify the elector's name on the
11 return envelope and shall deposit the envelope in the office in a ballot box
12 that is locked and secured with a numbered seal.

13 (4) If, following the procedure set forth in this section, the
14 designated election official is unable to provide an absentee ballot to an
15 elector, the designated election official shall seek authority from the
16 secretary of state to provide an absentee ballot to the elector by electronic
17 transfer in accordance with the election rules of the secretary of state. IF
18 THE ABSENTEE BALLOT IS DELIVERED TO THE ELIGIBLE ELECTOR BY
19 ELECTRONIC TRANSFER, THE ELIGIBLE ELECTOR MAY RETURN THE BALLOT
20 BY ELECTRONIC TRANSFER AS SET FORTH IN SUBSECTION (5) OF THIS
21 SECTION.

22 (5) (a) IF AN ABSENTEE BALLOT IS DELIVERED TO AN ELIGIBLE
23 ELECTOR BY ELECTRONIC TRANSFER PURSUANT TO PARAGRAPH (c) OF
24 SUBSECTION (1) OF THIS SECTION OR SUBSECTION (4) OF THIS SECTION, THE
25 ELIGIBLE ELECTOR MAY RETURN THE VOTED BALLOT TO THE DESIGNATED
26 ELECTION OFFICIAL BY ELECTRONIC TRANSFER. IN ORDER TO BE COUNTED,
27 THE RETURNED BALLOT SHALL BE RECEIVED IN THE OFFICE OF THE

1 DESIGNATED ELECTION OFFICIAL BY 7 P.M. ON ELECTION DAY. ONCE THE
2 BALLOT IS RECEIVED BY THE DESIGNATED ELECTION OFFICIAL, A
3 BIPARTISAN TEAM OF JUDGES SHALL DUPLICATE THE BALLOT, AND THE
4 BALLOT SHALL BE COUNTED AS ALL OTHER ABSENTEE BALLOTS.
5 DUPLICATING JUDGES SHALL NOT REVEAL HOW THE ELECTOR HAS CAST HIS
6 OR HER BALLOT.

7 (b) ANY ELECTOR WHO RECEIVES AN ABSENTEE BALLOT BY
8 ELECTRONIC TRANSFER PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1)
9 OF THIS SECTION OR SUBSECTION (4) OF THIS SECTION SHALL BE INFORMED
10 IN THE INSTRUCTIONS FOR COMPLETING THE BALLOT THAT, IF THE BALLOT
11 IS RETURNED BY ELECTRONIC TRANSFER, THE BALLOT WILL NOT BE A
12 CONFIDENTIAL BALLOT.

13 (c) IN HANDLING A RETURNED BALLOT PURSUANT TO THIS
14 SUBSECTION (5), ALL REASONABLE MEANS SHALL BE TAKEN TO ENSURE
15 THAT ONLY THE RECEIVING JUDGE IS AWARE OF INFORMATION
16 CONNECTING THE ELECTOR TO THE RETURNED BALLOT.

17 (d) THE SECRETARY OF STATE MAY PRESCRIBE BY RULE ANY
18 PROCEDURES OR REQUIREMENTS AS MAY BE NECESSARY TO IMPLEMENT
19 THE PROVISIONS OF THIS SUBSECTION (5). SUCH RULES SHALL BE
20 PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

21 **SECTION 4. Effective date - applicability.** This act shall take
22 effect July 1, 2006, and shall apply to elections held on or after said date.

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