

Report to the Colorado General Assembly:

RECOMMENDATIONS FOR 1980
COMMITTEE ON:

State Affairs
Sunset Review
Election Laws



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 244

December, 1979

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COLORADO LEGISLATIVE COUNCIL
RECOMMENDATIONS FOR 1980

(*Colorado Legislative Council*)
COMMITTEE ON STATE AFFAIRS)

Legislative Council
Report to the
Colorado General Assembly

Research Publication No. 244
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To Members of the Fifty-second Colorado General Assembly:

Submitted herewith is the final report and recommendations of the 1979 Interim Committee on State Affairs, including the final report and recommendations of the Subcommittee on Elections appointed pursuant to House Joint Resolution 1052 of the 1979 Session of the Colorado General Assembly.

Respectfully submitted,

/s/ Senator Fred Anderson
Chairman
Colorado Legislative Council

FA/pm

FOREWORD

The Legislative Council appointed the 1979 Interim Committee on State Affairs to study the operation of Colorado's sunset law including an evaluation of its benefit to the state of Colorado in relation to its costs. In addition, the committee was directed to appoint a subcommittee to study a revision of the "Campaign Reform Act of 1974" and a revision and recodification of the "Colorado Election Code of 1963".

The Subcommittee on Elections consisted of thirteen members, eleven appointed pursuant to H.J.R. 1052, and two additional members appointed at the direction of the Legislative Council. The membership of the subcommittee was as follows: six members from the General Assembly; three from each of the two major political parties; four county clerk and recorders designated by the President of the Colorado County Clerk and Recorders Association; two from each of the two major political parties; the Secretary of State or a person designated by the Secretary of State; and two county party chairmen, one from each of the two major political parties.

This volume includes the Committee on State Affairs' report and recommended bill on the sunset law, and a separate Subcommittee on Elections' report and recommended bills. The two reports and recommended bills were accepted by the Legislative Council at its meeting on November 26, 1979.

The Committee on State Affairs and the Subcommittee on Elections is appreciative of the assistance provided by numerous persons. Special appreciation goes to Ms. Betty Chronic, Director, Elections and Licensing Division, Department of State, for her invaluable assistance to the subcommittee in its study of the election laws.

The State Affairs Committee, the Subcommittee on Elections, and the staff of the Legislative Council were assisted by Mike Risner and Bill Hobbs of the Legislative Drafting Office in the preparation of the committee's bills.

December, 1979

Lyle C. Kyle
Director

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The Committee on State Affairs was directed by House Joint Resolution No. 1052 to undertake a study of the "... operation of the sunset law, including evaluation of its benefits to the State of Colorado in relation to its cost."

In addition, the committee was also charged with the appointment of a subcommittee to study the "Campaign Reform Act of 1974" and the revision and recodification of the "Colorado Election Code of 1963". The recommendations of the subcommittee were considered and acted upon by the State Affairs Committee at its last two meetings.

The Existing Sunset Law

The sunset law, as adopted by the General Assembly, provides legislative oversight of the boards and commissions within the Department of Regulatory Agencies. The sunset concept was originally recommended by the 1975 Interim Committee on Judiciary, introduced as House Bill 1088 during the 1976 legislative session and adopted on a bi-partisan vote. The measure was signed into law on April 22, 1976.

Colorado's sunset law, which is considered by both the federal and state governments to be model legislation, gives an agency or board a terminable life of six years. Prior to the end of the six year period, the General Assembly must engage in a comprehensive review and re-evaluation of the agency. If the General Assembly determines that the agency should be continued, then it is reestablished for another six year period.

The primary goal of the sunset law is agency accountability. The Colorado General Assembly stated the need for the law in the following legislative declaration:

The general assembly finds that state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations and that the whole process developed without sufficient legislative oversight, regulatory accountability, or a system of checks and balances. The general assembly further finds that by establishing a system for the termination, continuation, or reestablishment of such agencies, it will be in a better position to evaluate the need for the continued existence of existing and future regulatory bodies.

Through the sunset law, the General Assembly provides a mechanism to critically examine the need for regulatory bodies which might otherwise continue in existence beyond the duration of any public need.

Although there are a variety of review mechanisms, the General Assembly established the following system to determine whether an agency should be terminated, continued or re-structured.

(1) The sunset law establishes dates for the termination of 39 regulatory agencies: 13 as of July 1, 1977; 12 as of July 1, 1979; and 14 as of July 1, 1981.

(2) The statute requires the Legislative Audit Committee to complete a performance audit twelve months prior to the date the agency is subject to termination. In conducting the audits, the Legislative Audit Committee is to take into consideration, but is not limited to, the following factors:

- the extent to which the division, agency, or board has permitted qualified applicants to serve the public;
- the extent to which state and federal statutory and constitutional affirmative action requirements have been complied with by the agency or the industry regulated;
- the extent to which the agency has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, and practices of the Department of Regulatory Agencies, or any other circumstances, including budgetary, resource, and personnel matters;
- the extent to which the agency has recommended statutory changes to the General Assembly which would benefit the public as opposed to the persons it regulates;
- the extent to which the agency has required those it regulates to report the public impact of agency rules and decisions regarding improved service, and the economy and availability of service;
- the extent to which persons regulated by the agency have been required to assess problems in their industry which affect the public;
- the extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates;
- the efficiency with which formal public complaints filed with the agency or with the Executive Director of the Department of Regulatory Agencies concerning persons subject to regulation have been processed to completion by the agency, the Executive Director of the Department of Regulatory Agencies, the Department of Law, and any other applicable department of state government;

- the extent to which changes are necessary in the enabling laws of the agency to adequately comply with the factors listed above; and
- the extent to which the rules and regulations of the agency conform to section 24-4-103 (8) (a), relating to the scope of the agency's authority to adopt rules and regulations. The Committee on Legal Services and the staff of the Legislative Drafting Office assist the appropriate committee of reference in making such a determination. The extension of the existence of an agency does not constitute legislative approval of its rules.

Upon completion of the audit report, the Legislative Audit Committee holds a public hearing to review the report. Copies of the report are then made available to each member of the General Assembly.

(3) Prior to termination or reestablishment of an agency, a committee of reference in each house of the General Assembly must hold a public hearing. During these hearings, the Executive Director of the Department of Regulatory Agencies and the agency involved have the burden of demonstrating a public need for the agency's continued existence. In determining whether an agency has demonstrated a public need, the factors noted above must be taken into consideration although the General Assembly is not limited to these factors in its evaluation.

(4) After the hearing, the General Assembly may continue the agency in its existing form, reestablish it with appropriate modifications, or take no action and simply allow the agency to terminate. If the General Assembly does not affirmatively act to reestablish or continue the agency, the agency continues its activities for one year. During this period the agency functions without diminished power or authority thus eliminating any question as to the legitimacy of acts during that year. After the one year period, the agency must cease all activities.

Committee Procedure

The committee devoted three meetings to sunset and heard testimony on a broad scope of issues and concerns. Issues ranged from fundamental philosophical concerns involving legislative and executive responsibility, to technical aspects of performance auditing. Testimony was received from representatives of the Department of Regulatory Agencies, the State Auditor's Office, the Joint Budget Committee, professional associations, Colorado Common Cause, and the public. Testimony provided the committee with evaluations of the current sunset review process, improvements attributable to sunset, and recommendations to further enhance the purpose of the sunset law.

Issues Considered

Through testimony received from witnesses, including those closely involved in the process, a number of issues emerged with respect to sunset. These issues are summarized below. The committee's recommendation for revising the criteria used to evaluate agencies is discussed following this section of the report.

Agency termination. Proponents of sunset have emphasized that automatic termination of an agency is a key element in the sunset law. Automatic termination of an agency places the burden of proof on the agency for demonstrating the need for regulation or the need for continuation of its services. Although only a few agencies have been terminated under the law, testimony indicated that the threat of termination has resulted in statutory and administrative changes that have improved public accountability and agency performance. On the other hand, testimony from Colorado Common Cause indicated that the original purpose of sunset, as it was conceived by Colorado Common Cause, was to increase board responsiveness and accountability. Termination was thought to be a second, less important purpose.

Windup period. Section 24-34-104 (5), C.R.S. 1973, provides that a terminated agency "...shall continue in existence until July 1 of the next succeeding year for the purpose of winding up its affairs...". According to the Department of Regulatory Agencies, 17 states have a one year windup period; five states have a shorter period.

Proponents of the one-year windup provision assert that the period is essential for two reasons: (1) to provide time for the orderly termination of the agency, including the fulfillment or transfer of agency obligations prescribed by law; and (2) to ensure "fairness" by providing another opportunity during the following legislative session for the General Assembly to reconsider the decision to terminate an agency. In addition, some proponents state that an opportunity for reconsideration is important because currently only a majority of the membership of one committee of reference is necessary to defeat the bill which extends an agency's existence. Since the entire legislature sets state policy by passing a statute for the creation of an agency, it is argued that it is essential that both the Senate and the House of Representatives, in this particular instance, review the question of the discontinuance of an agency.

On the other hand, opponents to the one-year windup period suggest that if the General Assembly determines that an agency is no longer needed, it should be terminated immediately. A one-year grace period only serves to allow the agency time to organize a lobbying effort to have itself resurrected during the next session of the General Assembly. The windup period has the effect of causing the legislature to unnecessarily review an agency again. In response to those who assert that sunset bills be treated differently in the legislative process than other bills, opponents state that such a procedure is a

threat to the integrity of the committee process and the legislative process as a whole.

Cost-benefit of sunset. The committee heard testimony that indicated that the cost effectiveness of sunset cannot be measured exclusively by the number of agencies terminated and the amount of state dollars saved. These savings have been small when compared to the estimated \$400,000 spent by the State Auditor in conducting the performance audits under the sunset law. The benefits of sunset to the consumer must be considered in any cost-benefit analysis of sunset. The benefits to the public include improved service, increased protection from unqualified practitioners, and better complaint followup on the part of the agency. In addition, the financial impact of reduced competition due to regulations which restrict entry into a profession and limit advertising must be considered. If a certain regulatory practice is changed through the sunset process, the cost and benefits to the consumer should be measured. The committee agreed that the cost and benefits of regulation to the consumer should be identified and considered in a legislative sunset review.

The committee was also concerned with the effect sunset has on the costs of licenses granted by regulatory agencies. In order to aid the committee in its deliberations, the Joint Budget Committee staff analyzed the cost of agency operations on a cost per license basis. No conclusion could be drawn from the data, as the cost per license has decreased in seven cases and increased in nine cases for those boards that have undergone sunset review. For those boards that have not undergone sunset review, cost per license has increased in fifty percent of the cases, and has decreased in fifty percent of the cases.

What agency(s) should conduct the review. Presently two agencies are involved in conducting reviews of regulatory agencies. The Office of the State Auditor is directed by the sunset law to conduct a performance audit of each agency scheduled for termination and make a written report to the General Assembly. The Department of Regulatory Agencies also reviews each agency and distributes written reports to the General Assembly.

The committee questioned whether two reports on each agency are necessary, or represent a duplication of effort. Furthermore, the committee questioned whether the Department of Regulatory Agencies is mandated by the sunset law to conduct a review. A third issue raised concerned the propriety of having the department review agencies under its control.

The state auditor maintained that the Office of the State Auditor is best suited for analyzing the efficiency of agency operations and determining whether an agency is carrying out its statutory responsibilities. These questions are customarily addressed in any performance audit.

The executive director of the Department of Regulatory Agencies stated that the department's authority to conduct a review is found in

the sunset law, specifically subsection (8) (a) of section 24-34-104, Colorado Revised Statutes 1973. The law requires the committee of reference to hold a public hearing, receiving testimony from the public, the executive director of the Department of Regulatory Agencies, and the agency involved. The department contends that an independent review by the department is necessary in order to provide the committee of reference with adequate testimony.

The executive director of the department disagreed with the contention that the efforts and reports of the department and the state auditor are duplicative. The department approaches the review from a perspective different than that used in a performance audit. The department analyzes the public need for an agency from the point of view that unnecessary regulation is burdensome and costly and should be eliminated. The report reflects this point of view, and includes an historical overview of how such regulation evolved and why. In addition, the department recommendations for statutory and administrative change are frequently different than those offered in the state auditor's report. The executive director of the department explained that reviews of agency operations are necessary, with or without sunset, to comply with administrative duties prescribed by law. For example, 24-34-102 (9), Colorado Revised Statutes 1973, charges the executive director with monitoring the disposition of complaints, and empowers the director to cause an investigation to be made on any complaint.

Committee Recommendations

Criteria for Legislative Review -- Bill 32

Both the Department of Regulatory Agencies and the Office of State Auditor expressed reservations with regard to the over-all charge contained in the sunset act. Clearly, the act provides for termination of agencies. Legislative intent is not clear, however, whether the purpose of sunset is more comprehensive than the termination of unnecessary agencies. It was suggested that a reevaluation of the criteria needs to be made based on the experience gained in the past three years.

The language of the sunset law that expresses legislative intent suggests that the substantial increase in the number of agencies, growth in programs, and proliferation of rules and regulations has occurred without sufficient legislative oversight and agency accountability. The law further states that the General Assembly would be in a better position to evaluate the need for the continued existence of an agency by establishing a system for the termination, continuation or reestablishment of such agency. This language suggests that the primary purpose of the sunset system is to supply the General Assembly with the information necessary to evaluate the need for the continued existence of an agency.

The determination as to whether an agency has demonstrated a public need is dependent to a large extent upon the information generated and the conclusions drawn from criteria set forth in the sunset law. Generally these criteria concern the extent to which an agency has: 1) permitted qualified applicants to serve the public; 2) operated in the public interest; 3) recommended statutory changes which would benefit the public; 4) required persons it regulates to report to it concerning the impact of rules and decisions of the agency on the public regarding improved services, economy of service, and availability of service; 5) required persons it regulates to assess problems in their industry which affect the public; 6) encouraged participation by the public in making rules and regulations; and 7) operated efficiently, primarily with respect to the processing of public complaints.

The committee listened to several criticisms of the present criteria from the Department of Regulatory Agencies, the Office of State Auditor, and other interested persons. A representative of Colorado Common Cause pointed out that this criticism is probably justified because the criteria were hastily conceived and added to the sunset legislation when the General Assembly enacted the sunset law in 1976. With three years of sunset experience it has become apparent that several criteria are geared to issues which have not been important in providing the General Assembly with essential information to determine whether an agency should be continued. In addition, some issues that have arisen since enactment of the law are not addressed by the criteria.

Major weaknesses of the present sunset criteria identified by those appearing before the committee are summarized as follows:

1) Other than the costs associated with the administration of the regulatory agency itself, the present criteria do not address the costs of regulation to the public. The cost to the consumer of increased or decreased competition resulting from regulation must be measured. The cost of regulation and the need for public protection must be balanced if regulation is to be in the public interest.

2) The criteria do not afford the opportunity to choose among alternative levels of regulation. Alternatives to licensure such as certification or registration must be explored to determine if the existing level of regulation is the least restrictive form of regulation consistent with the public interest. The original justifications for a certain level of regulation may no longer be valid in light of the current situation in a regulated industry.

3) It is inappropriate and impractical for agencies to require licensees to assess problems in their industry which affect the public.

4) It is more important to determine what statutory changes are necessary to further the public interest rather than to evaluate whether the agency recommendations for statutory changes are in the

public interest. The agency is involved in regulating an industry and is in a position to recommend changes that are more in the interests of the industry.

5) It may be inappropriate and infeasible for an agency to require that licensees report the impact of regulation to the agency. The evaluation of an agency's success in this regard is of limited value.

6) The present criteria provide only for the evaluation of an agency's efficiency in carrying out statutory directives. While this is an important component of an overall evaluation, the effectiveness with which the board carries out statutory directives needs to be addressed.

7) In evaluating what changes are necessary, it is important to address administrative changes as well as statutory changes.

8) The composition of the agency's board is not addressed in the present criteria. An evaluation of the composition of an agency's board is necessary to ensure that the public's interest is represented on the board and that public and industry interests are balanced.

Based on the weakness of the criteria identified in the hearings, the committee concluded that a revision was necessary. The importance of the review criteria cannot be overemphasized. The decisions of the General Assembly are influenced and, to a large degree, based on information supplied by the Department of Regulatory Agencies and the Office of the State Auditor. The criteria dictate the thrust and types of information that these two agencies provide the General Assembly.

Bill 32 would completely revise the present sunset review criteria to correct the weaknesses identified during the committee hearings on sunset. In general, the revised criteria would put greater emphasis on evaluating whether present regulation and actions of regulatory agencies are in the best interests of the public. Also, three criteria are proposed which represent significant additions to the criteria contained in the present sunset law. The committee recommends that these new areas are most important. The three new criteria are reproduced below.

1) Whether regulation by the agency is necessary to protect the public health, safety, and welfare; whether the original justifications for regulation still are persuasive; and whether other conditions have arisen which would warrant the same or additional regulation.

2) Whether the composition of the regulatory body adequately represents the public interest and the various aspects of the professions and occupations regulated.

3) Whether regulation stimulates or restricts competition and whether regulation increases the cost to the consuming public and, if so, whether benefits accruing to the consuming public off-set the increased cost.

BILL 32

A BILL FOR AN ACT

1 CONCERNING THE CRITERIA UTILIZED FOR LEGISLATIVE REVIEW OF
2 REGULATORY AGENCIES.

Bill Summary

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

Establishes new criteria to be considered in the evaluation of an agency subject to sunset review.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 24-34-104 (8) (b), Colorado Revised Statutes
5 1973, as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to
6 read:

7 24-34-104. General assembly review of regulatory agencies
8 for termination, continuation, or reestablishment. (8) (b) In
9 such hearings, the determination as to whether an agency has
10 demonstrated a public need for its continued existence shall take
11 into consideration the following criteria, among others:

12 (I) Whether regulation by the agency is necessary to

1 protect the public health, safety, and welfare, whether the
2 original justifications for regulation still are persuasive, and
3 whether other conditions have arisen which would warrant the same
4 or additional regulation;

5 (II) Whether, if regulation is necessary, the existing
6 regulation is the least restrictive form of regulation consistent
7 with the public interest, whether agency rules are the least
8 restrictive possible and within the scope of legislative intent,
9 and whether the rules are in the public interest;

10 (III) Whether the agency operates in the public interest,
11 and whether its operation is impeded or enhanced by existing
12 statutes, procedures and practices of the department of
13 regulatory agencies, or any other circumstances, including
14 budgetary, resource, and personnel matters;

15 (IV) Whether the agency performs its statutory duties
16 effectively and efficiently;

17 (V) Whether the composition of the regulatory body
18 adequately represents the public interest and the various aspects
19 of the professions and occupations regulated;

20 (VI) Whether complaint, investigation, and disciplinary
21 procedures adequately protect the public and whether final
22 dispositions of complaints are in the public interest or are
23 self-serving to the profession or occupation regulated;

24 (VII) Whether the scope of practice, as defined by law,
25 results in optimum utilization of licensees and whether entry
26 requirements encourage affirmative action;

1 (VIII) Whether regulation stimulates or restricts
2 competition and whether regulation increases the cost to the
3 consuming public and, if so, whether benefits accruing to the
4 consuming public off-set the increased cost;

5 (IX) Whether the rules of the agency conform to section
6 24-4-103 (8) (a), relating to the scope of the agency's authority
7 to adopt rules. The committee on legal services and the staff of
8 the legislative drafting office shall assist the appropriate
9 committee of reference in making any determination pursuant to
10 this subparagraph (IX). The extension of the existence of an
11 agency shall not constitute legislative approval of its rules nor
12 be admissible in any court as evidence of legislative intent.

13 SECTION 2. Safety clause. The general assembly hereby
14 finds, determines, and declares that this act is necessary for
15 the immediate preservation of the public peace, health, and
16 safety.

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The revision and recodification of the "Colorado Election Code of 1963" was assigned by House Joint Resolution 1052 to the Committee on State Affairs. The Committee on State Affairs established the Subcommittee on Elections to pursue this charge. The subcommittee was directed to examine the inadequacies of the present law in meeting current problems and submit recommendations for major changes to the election system. Consistent with this charge the subcommittee was directed to make the recodified code as consistent as possible with school and municipal election laws. In addition, the subcommittee was directed to study a revision of the "Campaign Reform Act of 1974".

The State Affairs Committee, at its first meeting, established a list of study topics in order of priority for the subcommittee to consider. The topics were:

- (1) recodification of the election laws;
- (2) voter registration;
- (3) the campaign reform act;
- (4) election equipment;
- (5) other more specific changes in the election laws;
 - (a) oral bilingual assistance at the polls;
 - (b) the slate of independent candidates;
 - (c) approval voting;
 - (d) publishing initiative and candidate pamphlets;
 - (e) election of committee people at the precinct caucus;
and
- (6) the system of voting by absentee ballot.

The subcommittee reviewed each of the topics except the system of voting by absentee ballot. Proposals concerning recodification of elections laws, election offenses, voter registration, election equipment, and election of committee people were submitted by the subcommittee and are recommended by the State Affairs Committee.

The committee makes no recommendation concerning the "Campaign Reform Act of 1974". The subcommittee determined, after reviewing a proposal on the act, that the subject was too controversial to be recommended for inclusion on the Governor's Call for the 1980 session of the General Assembly.

Recodification of Election Laws

The subcommittee recognized that a recodification of the election laws was an ambitious undertaking. The last recodification of the general and primary election laws was the product of a two-year interim study in 1961 and 1962. School district, special district,

and municipal election laws were the subjects of a two-year interim study in 1963 and 1964.

The subcommittee, due to time limitations, makes no recommendations concerning school district, special district, and municipal election laws. However, the subcommittee finds that these election laws are in need of recodification to make them consistent with the primary and general election laws. Increased effectiveness in administration and enhanced understanding of election laws could be achieved by placing the separate election laws under one title in the Colorado Revised Statutes.

Recodification of the "Election Code of 1963" -- Bill 33

The Election Code of 1963 has not been recodified for sixteen years. Amendments to the code since 1963 have collectively contributed to making the law difficult to understand and administer. The county clerk members of the subcommittee noted that many provisions of the law are difficult to locate in the code even for someone experienced with elections. For example, provisions concerning primary election ballots are found in Article 15 of Title 1, general election ballot provisions are located in Article 4, and the provision for correcting errors in ballots is found in Article 12.

The subcommittee made a decision at the outset to reorganize and clarify the Election Code without incorporating substantive changes. Instead, substantive changes would be recommended as separate bills. The subcommittee concluded that a reorganization of the provisions of the code into a more logical sequence would make the code more readily understandable to the general public and more easily administered by the Secretary of State and the clerks and recorders throughout the state. In addition, the subcommittee believed that a technical reorganization would be looked upon more favorably by the Governor for inclusion on his "call" for the 1980 session of the General Assembly.

The committee determined that consideration and enactment of a recodification during the 1980 session with an effective date of January 1, 1981, would provide an orderly adjustment to the new law during the interim between the 1980 and 1982 general elections. Furthermore, the new election law could then be refined where necessary during the 1981 session and would not interfere with the 1980 presidential election.

Bill 33 would recodify Articles 1 through 17 of Title 1, known as the "Colorado Election Code of 1963", into thirteen articles. In general, the bill makes only minor changes in the actual wording of the provisions of the Election Code of 1963. The specific word changes are included with the bill in this report. Each change made by the bill to existing language is noted and explained. The corresponding section number of the 1963 code is also provided to aid the General Assembly in its consideration of this proposal.

Several changes in existing language are consistent throughout the bill. These changes are noted and explained only the first few times they appear in the bill. Below is a list of those changes which are referred to as "general changes" in the explanation included with the bill.

1) "Special Election" is changed to "Congressional Vacancy Election". The only special election referred to in the "Election Code of 1963" is an election to fill a vacancy in a congressional office.

2) "County clerk" is changed to "county clerk and recorder". This change is made for consistency.

3) "Town, city" is changed to "municipality". This change is made to make the language consistent with the rest of the statutes.

4) "He", "him" is changed to "secretary of state", where appropriate. This change is made to be more specific when referring to the Secretary of State.

5) "It is the duty of ____" is changed to "the _____ shall".

6) "Absentee" is changed to "absent voter" and "absent registration" is changed to "absent voters' registration". This change is made for linguistic consistency.

7) "Form approved by secretary of state" is removed in most cases, as the recodification contains a section on this subject and cross references are used where necessary.

Appendix A of this report contains a comparative table of section numbers for the 1963 code and the proposed 1980 code. An outline of the proposal showing the arrangement and new sequence of provisions is contained in Appendix B.

Offenses Relating to the Election Process -- Bill 34

There are two separate articles in Title 1 that concern election offenses. General, primary, and special election offenses are enumerated in Article 13. Offenses relating to other elections provided by law are contained in Article 30. In 1977, the General Assembly repealed the applicability section of Article 30 and delegated the responsibility for the administration and enforcement of Article 30 to the Secretary of State.

Two problems have resulted from the 1977 enactment. First, the relationship of Article 30 to Article 13 and provisions of other election laws is unclear. Without an applicability provision it can be argued that Article 30 applies to all elections. Second, the ability of the Secretary of State to administer and enforce Article 30 is limited because elections, to which Article 30 applies, are not con-

ducted under the authority of the Secretary of State. The Secretary of State is charged with the administration of the Election Code of 1963, extending only to general, primary, and special elections.

In addition, the subcommittee learned that offenses specified in Article 13 carried penalties different from those imposed for the same offense in Article 30. For example, under Article 13 the penalty for voting twice at a general election carries a fine of not more than one thousand dollars and/or imprisonment in the county jail for not more than one year. Correspondingly, under Article 30 the penalty for voting twice in another election carries a fine of not more than one hundred dollars and/or imprisonment in the county jail for not more than sixty days. The subcommittee concluded that penalties for the same offense should be equalized.

Bill 34 combines Articles 13 and 30 into one article. Sections concerning similar offenses have been combined and the penalties equalized. In some cases the penalties have been changed for offenses that the subcommittee concluded were of a more serious or less serious nature than other offenses presently carrying the same penalty. By combining Articles 13 and 30 in the election code, the confusion resulting from the repeal of the applicability provision in Article 30 would be diminished. In addition, the Secretary of State would administer and enforce the provisions of Article 30, and the Attorney General and the district attorneys would have equal authority to prosecute violations.

The subcommittee recommends Bill 34 separately from the bill to recodify the general and primary election laws. The subcommittee concludes that the bill on election offenses contains substantive changes to existing law and therefore should be kept separate from the technical recodification.

Boundaries Established for Election Purposes -- Bill 35

Bill 35 would revise the deadline for changing precinct boundaries, and county commissioners' district boundaries. In addition, a limitation on changes in school director district boundaries is recommended.

Precinct boundaries. Presently, changes in precinct boundaries must be completed not less than five months prior to a general election. Changes in boundaries can, therefore, be made as late as the first part of July. To be eligible to participate in a precinct caucus and be selected as a committeeman or committeewoman, a person must have lived in the precinct thirty-two days prior to precinct caucus day, held on the first Monday in May. Changes in precinct boundaries after this date have resulted in committeemen and committeewomen being included in another precinct in which they do not meet the residency requirement. Also, the precinct from which they were originally elected may no longer have a committeeman or committeewoman to perform the party duties.

Bill 35 would correct this problem by revising the deadline for changes in precinct boundaries to thirty-two days prior to precinct caucus day.

County commissioner district boundaries. Presently no deadline is provided in the law for changes in county commissioner district boundaries. The county commissioners can conceivably change the boundaries up to the day of the election. The subcommittee learned that this provision has been used to prevent potential candidates from running against incumbent commissioners. A district can be redrawn to exclude a candidate who had established residence in the district of the incumbent for the purpose of opposing him in the election.

Bill 35 would prevent this practice from occurring by establishing a deadline for changes in county commissioner district boundaries, except when county boundaries are changed. District boundaries could not be altered after the deadline of thirty-two days prior to precinct caucus day.

School director district boundaries. Present law requires that boundaries be changed at least once every four years. However, there is no limitation on the number of times the boundaries can be changed. Bill 35 would limit changes in boundaries to not more often than twice every four years. This provision is consistent with the present law for changes in county commissioner district boundaries.

Time for Organization of Judicial District Central Committees -- Bill 36

Judicial district central committees are presently required to meet between February 15 and April 1. Bill 36 would allow judicial district central committees, representing judicial districts comprised of one county or a portion of one county, to meet on the same day the county central committee meets; presently between February 1 and February 15. This provision would make meeting dates of judicial district committees consistent with meeting dates of state senatorial and state representative district central committees representing districts wholly contained in one county.

The bill would legitimize the current practice of holding the judicial district committee meeting on the same day as the county central committee, but which is technically in violation of the present law.

Deadline Imposed for Emergency Absentee Voting -- Bill 37

Under present law a request for an emergency absentee ballot must be made before 5:00 p.m. on the day before the election. This provision prevents an election judge who is called to serve in another precinct on the day of election from voting. In addition, the subcommittee could see no valid reason for imposing a deadline the day

before the election for any person requesting an emergency absentee ballot. Emergencies can occur at any time.

Bill 37 would allow a person, including any election judge, to obtain an emergency absentee ballot before 5:00 p.m. on election day. The bill would not change existing requirements concerning the affidavit that must be signed by the voter's physician stating that the voter will be confined in a hospital or his place of residence on election day. The affidavit requirements would, of course, not apply to judges of election.

Establishment of Branch Registration Offices -- Bill 38

Branch registration offices are by law open for approximately thirty days preceeding a primary election and thirty days before a general election for a combined time of sixty days every two years. The subcommittee noted that the use of branch registration would greatly aid the clerks in handling increased registration activity before municipal elections.

Bill 38 would allow branch registration offices to be open at any time after forty-five days following any general election. The existing provisions requiring offices to be open for certain periods are retained. County clerks would be allowed to establish the hours for the expanded periods the offices are permitted to be open. However, the county clerk would be required to obtain the approval of the county commissioners for this expanded permissive branch registration, as is presently provided by law for mandatory branch registration. This bill is consistent with the subcommittee's effort to expand the access to the election process wherever possible.

Precinct Committeepeople -- Bill 39

Currently candidates for precinct committeemen and committeewomen are nominated at the precinct caucus, and elected at the primary election. The subcommittee learned that some precincts have a difficult time in recruiting one person of each sex as candidates for these positions. Some precincts because of this difficulty have nominated two women or two men for these posts.

Problems associated with electing the candidates at the primary election were brought to the attention of the subcommittee. There is a significant amount of work that the committeeman and committeewoman must do during an election year. The present committeeman or committeewoman who is not nominated by the caucus is a lame duck and often unwilling to do the work required. The nominee is not in a position to assume the duties until he is elected at the primary.

In addition, a different election ballot must be printed for each precinct because the names of the nominees for precinct offices must be printed on the ballot. The county clerk members of the sub-

committee indicated that substantial savings would result if the precinct offices were not included on the ballot, but were filled by election at the caucus.

Bill 39 would strike the reference to committeemen and committeewomen and substitute committeepeople in order to provide precincts with flexibility. In addition, the bill would provide for the election of committeepeople at the precinct caucus. This would mitigate the problem of the lame duck and reduce the cost of printing election ballots.

Proposals for New Programs

The subcommittee recommends two proposals for new programs. Bill 40 is in response to problems that have arisen with the use of new voting equipment, and the financial inability of many counties to acquire new equipment. Bill 41 would expand the opportunity for people to participate in the election process.

Certification of Voting Equipment and Creation of a Loan Fund for the Purchase Thereof -- Bill 40

Bill 40 would require voting equipment to be certified by the Secretary of State before being purchased and used in elections within the state. In addition, the bill would create a loan fund exclusively for use by counties to purchase voting equipment.

Certification. Presently there is no method to ensure that new voting equipment systems will perform adequately even though the present law sets forth minimum requirements for electronic voting systems. Counties have experienced unanticipated problems with new equipment during an election.

Bill 40 would establish a system of equipment certification administered by the Secretary of State. Any equipment not in use during the 1978 general election would be subject to certification. The bill specifies standards which must be met by the equipment. The Secretary of State would select one person each from lists provided by the two major political party state chairmen to assist in the certification. The Secretary of State would determine if the equipment meets the certification requirements after examining the assistants' reports. The bill affords the person requesting certification the opportunity to make modifications to meet the standards and apply for a re-determination of certification. Finally, if any change is made in the security provisions of exempt or certified equipment, such equipment would be required to be submitted for certification.

Loan fund. The subcommittee was informed that many counties experience high election costs per voter because they cannot afford the substantial front-end costs of acquiring more efficient election

equipment. Bill 40 creates a loan fund from which eligible counties can borrow the necessary front-end money to acquire voting equipment. Counties with a population of less than six thousand registered voters and an assessed valuation of less than sixty million dollars would be eligible. The subcommittee was informed that twenty-six counties would be eligible to participate. The counties would be required to repay the loan within eight years with interest. The initial fiscal impact to the state is difficult to estimate, but the subcommittee was informed that on the average only one to three counties in Colorado buy equipment within any two year period.

Voter Registration at Driver License Examination Facilities -- Bill 41

The program. Bill 41 proposes to expand the access to voter registration by requiring driver license examination facilities to offer each qualified elector, who applies for a driver's license or identification card, an opportunity to complete an application to register to vote. The completed application would be forwarded to the county clerk. The county clerk, upon examination of the application, would be required to notify the applicant stating that he has been registered, or that the applicant is not qualified and stating the reasons therefor. The bill, if enacted, would be repealed January 1, 1985, unless extended by the General Assembly after examining the impact on voter registration, voting, and branch registration.

Committee conclusions. The subcommittee concluded that this program could eventually replace many of the current systems of voter registration. The advantages of offering voter registration application at driver license examination facilities are outlined below.

- 1) The opportunity to register to vote would be expanded as eighty to ninety new locations would be available.
- 2) Nearly all qualified electors come in contact with driver license examination facilities and are normally more motivated to renew a drivers' license than to register to vote.
- 3) The number of voter registrations would be distributed more evenly over the year thereby alleviating registration problems experienced by county clerks just before elections.
- 4) The need for costly branch registration will be phased out over a period of four years as people renew their drivers' licenses.

The subcommittee recognized that one potential problem remains to be resolved. If a registered elector fails to vote in a general election, his name is purged from the registration books. The number of purges will undoubtedly increase as many people who registered at a drivers' license examination facility will not vote. The costs of purging, currently running 50 cents to \$1.25 per purged registered elector, will increase. The subcommittee suggests, however, that the political parties must play a more active role in encouraging people

to vote. The state's responsibility is to provide people with the opportunity to register to vote.

Fiscal impact. The subcommittee could not estimate with certainty the fiscal impact of the proposal. The state would experience a fiscal impact because of the increased responsibilities of the Department of Revenue. Increased costs to the counties for mailings and registration activities could be offset by savings through the deemphasis of expensive branch registration. In addition, the financial effects of the proposal on the purging of registrations could not be estimated.

APPENDIX A

COMPARATIVE TABLE

Election Code of 1963 to Election Code of 1980

<u>1963 Code</u>		<u>1980 Code</u>
1-1-101		1-1-101
1-1-102		1-1-102
1-1-103		1-1-103
1-1-104		1-1-104
1-1-104 (1)		1-1-104 (1)
1-1-104 (2)		1-1-104 (4)
1-1-104 (3)		1-1-104 (5)
1-1-104 (4)		1-1-104 (6)
1-1-104 (5)		1-1-104 (7)
1-1-104 (6)		1-1-104 (9)
1-1-104 (7)		1-1-104 (10)
1-1-104 (8)		1-1-104 (11)
1-1-104 (9)		1-1-104 (12)
1-1-104 (10)		1-1-104 (13)
1-1-104 (11)		1-1-104 (14)
1-1-104 (12)		Repealed, 1979
1-1-104 (13)		1-1-104 (15)
1-1-104 (14)		Repealed, 1979
1-1-104 (15)		Repealed, 1979
1-1-104 (16)	to part of (20)	1-1-104 (16) to (20)
1-1-104 part of (20)		1-7-106
1-1-104 (21) to (26)		1-1-104 (21) to (26)
1-1-104 (26.5)		1-1-104 (27)
1-1-104 (27)		1-1-104 (3)
1-1-104 (27.5)		1-1-104 (28)
1-1-104 (28)		1-1-104 (29)
1-1-104 (29)		1-1-104 (30)
1-1-104 (30)		1-1-104 (31)
1-1-105		1-1-105
1-1-106		1-1-109
1-1-107		1-1-110
1-1-108		1-1-107
1-1-109		1-1-108
1-1-110		1-1-106
1-2-101		1-2-101
1-2-102 (1)		1-2-103 (4)
1-2-102 (2)		Repealed, 1973
1-2-102 (3)		1-2-103 (5)
1-2-103		1-2-102
1-2-104		1-2-103 (1) to (3)
1-2-105		1-4-501
1-2-106		1-2-104
1-2-201		1-2-201 (1)
1-2-202 except (2)		1-2-202
1-2-202 (2)		1-2-201 (2)
1-2-203		1-2-206
1-2-204		1-2-207

1-6-606	1-6-607 (1), (3)	1-6-607 (2)	1-6-608	1-6-609	1-6-405 (1), (2)	1-6-610	1-7-505	1-7-506	1-7-507	1-8-102	1-8-103	1-8-104	1-8-105	1-8-112	1-8-113	1-8-119	1-8-116	1-8-117	1-8-120	1-8-121	1-8-109	1-8-107	1-8-125	1-8-123	1-8-124	1-8-108	1-8-110	1-8-101	1-8-122	1-8-118	1-7-102	1-7-101	1-7-102 (1) to (4)	1-7-102 (5)	1-7-103 (1), (2)	1-7-103 (3) to (5)	1-7-104	1-7-105	1-7-106	1-7-107	1-7-108	1-7-109	1-7-110	1-7-111	1-7-112	1-7-113	1-7-114 part of (1)	1-7-114 part of (1), (2)	1-7-115	1-7-116	1-7-117	1-7-118	1-7-119	1-7-120	1-7-121	1-7-122	1-7-123	1-8-101	1-8-102	1-8-103	1-8-104	1-8-105	1-8-106	1-9-101	1-9-102	1-9-103	1-9-104	1-9-105	1-9-106	1-9-107	1-9-108	1-9-109	1-9-110	1-10-101	1-10-102	1-10-103	1-10-104	1-10-201	1-10-202	1-11-101	1-11-102	Repeated, 1979	Repeated, 1979
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1-9-101
1-5-117
1-6-409
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1-13-103
1-13-104 (1)
1-13-104 (2)
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1-13-153

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1-14-105
1-14-106 except (4)
1-14-106 (4)
1-14-107 (1)

1-14-107 (2)(a)
1-14-107 (2)(b) to (2)(e), (3), (4)
1-14-107 (5)
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1-14-110 (1), (3)
1-14-110 (2)
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1-14-202
1-14-203

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Repealed, 1979
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1-2-219
1-2-220
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1-4-302 (2), 1-4-402 (2)
1-4-701 (2) to (4)
1-4-403
1-3-103
1-3-106
1-3-105
1-3-104
1-3-107

1-4-502
1-4-101
1-4-102

1-14-204	1-4-601
1-14-205 part of (1)	1-3-102 (1)
1-14-205 part of (1), (2) to (6)	1-4-602
1-14-206	1-3-102 (2) to (4)
1-14-207	1-4-603
1-14-208	1-4-604
1-14-209	1-4-103, 1-4-605
1-14-210	1-4-902
1-14-211	1-4-903
1-14-212	1-4-901
1-14-213	1-4-904
1-14-301	1-4-801
1-15-101	1-6-201
1-15-102	1-6-401
1-15-103	1-5-103
1-15-104	1-7-202
1-15-105	Out-duplication
1-15-106 (1) to (6)	1-7-201
1-15-106 (7)	1-4-1001
1-15-107	1-7-203
1-15-108	1-7-204
1-15-109	1-4-104
1-15-110	1-4-105
1-16-101	1-4-201
1-16-102	1-4-204
1-16-103	1-4-301
1-16-104	1-4-202
1-16-105	1-4-203
1-16-106 (1) to (3)(c)(I)	1-4-205
1-16-106 (3)(c)	30-10-306.5
1-16-107	1-4-206
1-17-101	1-4-304
1-17-102	1-4-305

COMPARATIVE TABLE

Election Code of 1980 to Election Code of 1963

<u>1980 Code</u>	<u>1963 Code</u>
1-1-101	1-1-101
1-1-102	1-1-102
1-1-103	1-1-103
1-1-104 (1)	1-1-104 (1)
1-1-104 (2)	Added
1-1-104 (3)	1-1-104 (27)
1-1-104 (4)	1-1-104 (2)
1-1-104 (5)	1-1-104 (3)
1-1-104 (6)	1-1-104 (4)
1-1-104 (7)	1-1-104 (5)
1-1-104 (8)	1-5-119, 1-13-153
1-1-104 (9)	1-1-104 (6)
1-1-104 (10)	1-1-104 (7)
1-1-104 (11)	1-1-104 (8)
1-1-104 (12)	1-1-104 (9)
1-1-104 (13)	1-1-104 (10)
1-1-104 (14)	1-1-104 (11)
1-1-104 (15)	1-1-104 (13)
1-1-104 (16) to (26)	1-1-104 (16) to (26)
1-1-104 (27)	1-1-104 (26.5)
1-1-104 (28)	1-1-104 (27.5)
1-1-104 (29)	1-1-104 (28)
1-1-104 (30)	1-1-104 (29)
1-1-104 (31)	1-1-104 (30)
1-1-105	1-1-105
1-1-106	1-1-110
1-1-107	1-1-108
1-1-108	1-1-109, 1-2-205
1-1-109	1-1-106
1-1-110	1-1-107
1-1-111	1-12-104
1-1-112	1-12-105
1-2-101	1-2-101
1-2-102	1-2-103
1-2-103 (1) to (3)	1-2-104
1-2-103 (4)	1-2-102 (1)
1-2-103 (5)	1-2-102 (3)
1-2-104	1-2-106
1-2-201 (1)	1-2-201
1-2-201 (2)	1-2-202 (2)
1-2-202	1-2-202 except (2)
1-2-203 (1)	1-2-206 (2)
1-2-203 (2)	1-2-206 (1)
1-2-203 (3)	1-2-206(3)
1-2-204	1-2-207
1-2-205	1-14-102
1-2-206	1-2-203

1-2-207	1-2-204
1-2-208	1-2-204.5
1-2-209	1-2-301
1-2-210	1-2-302
1-2-211	1-2-213
1-2-212	1-2-215
1-2-213	1-2-216
1-2-214	1-2-212
1-2-215	1-2-208 except part of (3) (a)
1-2-216	1-2-209
1-2-217	1-14-103
1-2-218	1-14-104
1-2-219	1-14-105
1-2-220	1-14-106 except (4)
1-2-221	1-2-210
1-2-222	1-2-211
1-2-223	1-2-211.1
1-2-224	1-2-214 (1)
1-2-225	1-2-208 part of (3) (a)
1-2-301	1-2-217
1-2-302	1-2-218
1-2-303	1-2-219
1-2-304	1-2-220
1-2-305	1-2-221
1-3-101	1-14-101
1-3-102 (1)	1-14-205 part of (1)
1-3-102 (2) to (4)	1-14-206
1-3-103	1-14-108
1-3-104	1-14-110 (2)
1-3-105	1-14-110 (1), (3)
1-3-106	1-14-109
1-3-107	1-14-111
1-4-101	1-14-202
1-4-102	1-14-203
1-4-103	1-14-209
1-4-104	1-15-109
1-4-105	1-15-110
1-4-201	1-16-101
1-4-202	1-16-104
1-4-203	1-16-105
1-4-204	1-16-102
1-4-205	1-16-106 (1) to (3) (c) (I)
1-4-206	1-16-107
1-4-301	1-16-103
1-4-302	1-14-107 (1), (2) (a)
1-4-303	Added
1-4-304	1-17-101
1-4-305	1-17-102

1-4-401	1-11-101
1-4-402	1-14-107 (1), (2) (a)
1-4-403	1-14-107 (5)
1-4-501	1-2-105
1-4-502	1-14-201
1-4-503	1-14-112
1-4-601	1-14-204
1-4-602	1-14-205 part of (1), (2) to (6)
1-4-603	1-14-207
1-4-604	1-14-208
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APPENDIX B

RECODIFICATION OF THE "COLORADO ELECTION CODE
OF 1963" PROPOSED SEQUENCE OF PROVISIONS

- Article 1 Definitions and general provisions
- Article 2 Qualifications and registration of electors
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 - Part 3 Master list of electors
- Article 3 Political party organization
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 - Part 1 Primary elections
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 - Part 1 Hours of voting, registration, oaths and assistance to vote
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- Part 1 Canvass of votes
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- Part 1 Recounts
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- Article 13 Offense - general, primary, and congressional vacancy elections

NOTE

DUE TO THE LENGTH OF BILL 33 (210 pages)
AND BECAUSE IT IS A RECODIFICATION OF EXISTING
LAW, THE MEASURE HAS NOT BEEN INCLUDED IN ALL
COPIES OF THE REPORT. A COPY OF THE BILL IS
AVAILABLE UPON REQUEST FROM THE LEGISLATIVE COUN-
CIL.

BILL 34

A BILL FOR AN ACT

1 CONCERNING OFFENSES RELATING TO THE ELECTION PROCESS.

Bill Summary

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

Rewrites the article relating to offenses in the elections. Combines and makes uniform existing provisions in articles 13 and 30 of title 1, C.R.S. 1973. Repeals existing article 30.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. Article 13 of title 1, Colorado Revised Statutes
4 1973, as amended by Senate Bill No. ____, enacted at the Second
5 Regular Session of the Fifty-second General Assembly and approved
6 by the Governor on _____, 1980, is REPEALED AND REENACTED, WITH
7 AMENDMENTS, to read:

8 ARTICLE 13

9 Election Offenses

10 PART 1

11 OFFENSES - GENERAL PROVISIONS

12 1-13-101. District attorney or attorney general to

1 prosecute. (1) Any person may file an affidavit with the
2 district attorney stating the name of any person who has violated
3 any of the provisions of this code and stating the facts which
4 constitute the alleged offense. Upon the filing of such
5 affidavit, the district attorney shall forthwith investigate,
6 and, if reasonable grounds appear therefor, he shall prosecute
7 the violator.

8 (2) The attorney general shall have equal power with
9 district attorneys to file and prosecute informations or
10 complaints against any persons for violating any of the
11 provisions of this code.

12 1-13-102. Sufficiency of complaint - judicial notice.
13 Irregularities or defects in the mode of calling, giving notice
14 of, convening, holding, or conducting any general, primary, or
15 congressional vacancy election authorized by law constitute no
16 defense to a prosecution for a violation of this code. When an
17 offense is committed in relation to any general, primary, or
18 congressional vacancy election, an indictment, information, or
19 complaint for such offense is sufficient if it alleges that such
20 election was authorized by law without stating the call or notice
21 of the election, the names of the judges holding such election,
22 or the names of the persons voted for at such election. Judicial
23 notice shall be taken of the holding of any general, primary, or
24 congressional vacancy election.

25 1-13-103. Immunity of witness from prosecution. Any person
26 violating any of the provisions of this code is a competent

1 witness against any other violator and may be compelled to attend
2 and testify at any trial, hearing, proceeding, or investigation
3 in the same manner as other persons; but the testimony so given
4 shall not be used in any prosecution or proceeding, civil or
5 criminal, against the person so testifying, except for perjury in
6 giving such testimony. A person so testifying shall not
7 thereafter be liable to indictment, prosecution, or punishment
8 for the offense with reference to which his testimony was given
9 and may plead or prove the giving of testimony accordingly in bar
10 of such indictment or prosecution.

11 1-13-104. Perjury. Any person, having taken any oath or
12 made any affirmation required by this code, who swears or affirms
13 willfully, corruptly, and falsely in a matter material to the
14 issue or point in question or who suborns any other person to
15 swear or affirm as aforesaid commits perjury in the second degree
16 as set forth in section 18-8-503, C.R.S. 1973, and shall be
17 punished as provided in section 18-1-106, C.R.S. 1973.

18 1-13-105. False certificates by officers. Any notary
19 public or any officer authorized by law to administer oaths who
20 knowingly makes a false certificate in regard to a matter
21 connected with an election held under the laws of this state
22 commits a class 1 misdemeanor and shall be punished as provided
23 in section 18-1-106, C.R.S. 1973.

24 1-13-106. Forgery. Any person who falsely makes, alters,
25 forges, or counterfeits any ballot before or after it has been
26 cast, or who forges any name of a person as a signer or witness

1 to a petition or nomination paper, or who forges any letter of
2 acceptance, declination, or withdrawal, or who forges the name of
3 a registered elector to an absent voter's ballot commits forgery
4 in the second degree as set forth in section 18-5-103, C.R.S.
5 1973, and shall be punished as provided in section 18-1-105,
6 C.R.S. 1973.

7 1-13-107. Violation of duty. Any public officer, election
8 official, or other person upon whom any duty is imposed by this
9 code who violates, neglects, or fails to perform such duty or is
10 guilty of corrupt conduct in the discharge of the same or any
11 notary public or other officer authorized by law to administer
12 oaths who administers any oath knowing it to be false or who
13 knowingly makes a false certificate in regard to a matter
14 connected with any election provided by law is guilty of a
15 misdemeanor and, upon conviction thereof, shall be punished as
16 provided in section 1-13-111.

17 1-13-108. Anonymous statements concerning candidates or
18 issues. Any person who willfully publishes or causes to be
19 distributed any card, pamphlet, circular, poster, dodger,
20 advertisement, or other writing relating to any candidate for
21 election for any office or relating to any issue which is to be
22 submitted to the electors in any election provided by law which
23 does not contain, clearly set apart from the text and identifying
24 them as sponsors, the names of the persons, associations,
25 committees, or corporations responsible for the publication or
26 distribution of the same and the name of the president, chairman,

1 or responsible official of each such association, committee, or
2 corporation is guilty of a misdemeanor and, upon conviction
3 thereof, shall be punished as provided in section 1-13-111.

4 1-13-109. False statements relating to candidates or
5 questions submitted to electors - penalty. (1) No person shall
6 knowingly make, publish, or broadcast or cause to be made,
7 published, or broadcast in any letter, circular, advertisement,
8 or poster or in any other writing any false statement designed to
9 affect the vote on any issue submitted to the electors at any
10 election or relating to any candidate for election to public
11 office.

12 (2) Any person who knowingly violates any provision of this
13 section commits a class 2 misdemeanor and, upon conviction
14 thereof, shall be punished as provided in section 18-1-106,
15 C.R.S. 1973.

16 1-13-110. Wagers with electors. It is unlawful for any
17 person, including any candidate for election to public office,
18 before or during any election provided by law, to make any bet or
19 wager with an elector, or take a share or interest in, or in any
20 manner become a party to, any such bet or wager, or provide or
21 agree to provide any money to be used by another in making such
22 bet or wager upon any event or contingency arising out of such
23 election. Each such offense is a misdemeanor, and, upon
24 conviction thereof, the offender shall be punished as provided in
25 section 1-13-111.

26 1-13-111. Penalties for election offenses. In all cases

1 where an offense is denominated by this code as being a
2 misdemeanor and no penalty is specified, the offender, upon
3 conviction thereof, shall be punished by a fine of not more than
4 one thousand dollars, or by imprisonment in the county jail for
5 not more than one year, or by both such fine and imprisonment.

6 PART 2

7 OFFENSES - QUALIFICATIONS AND REGISTRATION OF ELECTORS

8 1-13-201. Interfering with or impeding registration. Any
9 person who intentionally interferes with or impedes the
10 registration of electors, whether by act of commission or by
11 failure to perform any act or duty imposed or required for the
12 proper administration of parts 2 and 3 of article 2 of this
13 title, or who knowingly permits or encourages another to do so is
14 guilty of a misdemeanor and, upon conviction thereof, shall be
15 punished as provided in section 1-13-111.

16 1-13-202. Unlawful qualification as taxpaying elector. It
17 is unlawful to take or place title to property in the name of
18 another or to pay the taxes or to take or issue a tax receipt in
19 the name of another for the purpose of attempting to qualify such
20 person as a taxpaying elector or as a qualified taxpaying elector
21 or to aid or assist any person to do so. The ballot of any
22 person violating this section shall be void. Any person,
23 company, corporation, or association violating this section shall
24 forfeit and lose all rights, franchises, or other benefits
25 accruing or to accrue to the benefit of such person, company,
26 corporation, or association by or as the result of any such

1 election. Any person who violates any of the provisions of this
2 section is guilty of a misdemeanor and, upon conviction thereof,
3 shall be punished as provided in section 1-13-111.

4 1-13-203. Procuring false registration. It is unlawful for
5 any person to procure his own name, or the name of any other
6 person, to be registered in the registration book of a precinct
7 in which such person is not, at the time of such registration,
8 entitled to be registered or for any person to procure any
9 fictitious name to be registered in the registration book of any
10 precinct. Any person who violates any of the provisions of this
11 section is guilty of a misdemeanor and, upon conviction thereof,
12 shall be punished as provided in section 1-13-111. Each
13 violation shall be considered a separate offense.

14 1-13-204. Adding names after registration closed. No name
15 shall be added to the registration book of any precinct after the
16 close of the registration, and, if any county clerk and recorder,
17 judge of election, or other person willfully and knowingly adds
18 any such name of any person or any fictitious or false name to
19 the registration book of any precinct after the close of
20 registration, he is guilty of a misdemeanor and, upon conviction
21 thereof, shall be punished by a fine of not less than two hundred
22 dollars nor more than five hundred dollars. Each violation shall
23 be considered a separate offense.

24 1-13-205. County clerk and recorder signing wrongful
25 registration. Every county clerk and recorder who willfully
26 signs his name on the registration sheet opposite the name of any

1 person knowing that said person is not legally entitled to be
2 registered pursuant to the provisions of section 1-2-101 is
3 guilty of a misdemeanor and, upon conviction thereof, shall be
4 punished as provided in section 1-13-111.

5 1-13-206. Disposition of affidavit registration forms. Any
6 person willfully making any disposition of affidavit registration
7 forms other than for registration of an elector or by return of
8 unused forms to the county clerk and recorder within the time
9 prescribed in section 1-2-206 is guilty of a misdemeanor and,
10 upon conviction thereof, shall be punished as provided in section
11 1-13-111.

12 1-13-207. Signature on registration sheet is proof of oath.
13 Any elector, election official, or other person, by his signature
14 on the registration sheet, shall be conclusively deemed in law to
15 have duly verified such registration sheet. The registration
16 sheet containing such signature, or a copy thereof certified by
17 the county clerk and recorder, shall be admissible in evidence as
18 proof of the taking of an oath or affirmation as to the
19 information contained therein in all criminal proceedings
20 pursuant to sections 1-13-104, 1-13-203, and 1-13-205.

21 PART 3

22 OFFENSES - POLITICAL PARTY ORGANIZATION

23 1-13-301. Fraud at precinct caucus, assembly, or
24 convention. Any person in authority at any precinct caucus,
25 assembly, or convention who in any manner dishonestly, corruptly,
26 or fraudulently performs any act devolving on him by virtue of

1 the position of trust which he fills or knowingly aids or abets
2 any other person to do any fraudulent, dishonest, or corrupt act
3 or thing in reference to the carrying on of any precinct caucus,
4 assembly, or convention or the ascertaining or promulgating of
5 its true will is guilty of a misdemeanor and, upon conviction
6 thereof, shall be punished as provided in section 1-13-111.

7 1-13-302. Fraudulent voting in precinct caucus, assembly,
8 or convention. Any person who fraudulently participates and
9 votes in a precinct caucus, assembly, or convention when he is
10 not a member of the political party holding such precinct caucus,
11 assembly, or convention, as shown on the registration books of
12 the county clerk and recorder, is guilty of a misdemeanor and,
13 upon conviction thereof, shall be punished as provided in section
14 1-13-111.

15 1-13-303. Offenses at precinct caucus, assembly, or
16 convention. (1) It is unlawful for any person at any precinct
17 caucus, assembly, or convention:

18 (a) To fraudulently vote more than once; or

19 (b) To knowingly hand in two or more ballots deceitfully
20 folded together; or

21 (c) To knowingly procure, aid, counsel, or advise another
22 to vote or attempt to vote fraudulently or corruptly; or

23 (d) To falsely personate any elector and vote under his
24 name or under an assumed name; or

25 (e) To fraudulently procure, aid, abet, or encourage,
26 directly or indirectly, any person to attempt to falsely

1 personate any elector or to vote under an assumed name; or

2 (f) To influence any voter in the casting of his vote by
3 bribery, duress, or any other corrupt or fraudulent means; or

4 (g) To receive any money or valuable thing, or the promise
5 of either, for casting his vote for or against any person or
6 measure or to offer his vote for or against any person or measure
7 in consideration of money or other valuable thing, or the promise
8 of either.

9 (2) Each offense mentioned in subsection (1) of this
10 section is a misdemeanor, and, upon conviction thereof, the
11 offender shall be punished as provided in section 1-13-111.

12 PART 4

13 OFFENSES - ACCESS TO BALLOT BY CANDIDATE

14 1-13-401. Bribery of petition signers. Any person who
15 offers or, with knowledge of the same, permits any person to
16 offer for his benefit any bribe or promise of gain to an elector
17 to induce him to sign any petition or other election paper or any
18 person who accepts any bribe or promise of gain of any kind in
19 the nature of a bribe as consideration for signing the same,
20 whether such bribe or promise of gain in the nature of a bribe is
21 offered or accepted before or after signing, is guilty of a
22 misdemeanor and, upon conviction thereof, shall be punished as
23 provided in section 1-13-111.

24 1-13-402. Tampering with nomination papers. Any person
25 who, being in possession of any petition, certificate of
26 nomination, or letter of acceptance, declination, or withdrawal,

1 wrongfully or willfully destroys, defaces, mutilates, suppresses,
2 neglects to file, or fails to cause to be filed the same within
3 the prescribed time or who files any such paper knowing the same,
4 or any part thereof, to be falsely made is guilty of a
5 misdemeanor and, upon conviction thereof, shall be punished as
6 provided in section 1-13-111.

7 PART 5

8 (Reserved)

9 PART 6

10 OFFENSES - NOTICE AND PREPARATION FOR ELECTIONS

11 1-13-601. Tampering with notices or supplies. Any person
12 who, prior to an election, willfully defaces, removes, or
13 destroys any notice of election posted in accordance with the
14 provisions of this code, or who, during an election, willfully
15 defaces, removes, or destroys any card of instruction or sample
16 ballot printed or posted for the instruction of electors, or who,
17 during an election, willfully defaces, removes, or destroys any
18 of the supplies or conveniences furnished to enable a voter to
19 prepare his ballot is guilty of a misdemeanor and, upon
20 conviction thereof, shall be punished as provided in section
21 1-13-111.

22 PART 7

23 OFFENSES - CONDUCT OF ELECTIONS

24 1-13-701. Interference with election official. Any person
25 who, at any election provided by law, interferes in any manner
26 with any election official in the discharge of his duty or who

1 induces any election official to violate or refuse to comply with
2 his duty or any law regulating the same is guilty of a
3 misdemeanor and, upon conviction thereof, shall be punished as
4 provided in section 1-13-111.

5 1-13-702. Interfering with watcher. Any person who
6 intentionally interferes with any watcher while he is discharging
7 his duties set forth in section 1-7-202 (3) is guilty of a
8 misdemeanor and, upon conviction thereof, shall be punished as
9 provided in section 1-13-111.

10 1-13-703. Tampering with registration book, registration
11 list, or pollbook. Any person who mutilates or erases any name,
12 figure, or word in any registration book, registration list, or
13 pollbook; or who removes such registration book, registration
14 list, or pollbook or any part thereof from the place where it has
15 been deposited with an intention to destroy the same, or to
16 procure or prevent the election of any person, or to prevent any
17 voter from voting; or who destroys any registration book,
18 registration list, or pollbook or part thereof is guilty of a
19 misdemeanor and, upon conviction thereof, shall be punished as
20 provided in section 1-13-111.

21 1-13-704. Unlawfully refusing ballot or permitting to vote.
22 If at any election provided by law any judge of election
23 willfully and maliciously refuses or neglects to receive the
24 ballot of any registered elector who has taken or offered to take
25 the oath prescribed by section 1-9-204 or knowingly and willfully
26 permits any person to vote who is not entitled to vote at such

1 election, such judge is guilty of a misdemeanor and, upon
2 conviction thereof, shall be punished as provided in section
3 1-13-111.

4 1-13-705. Personating elector. Any person who falsely
5 personates any elector and votes at any election provided by law
6 under the name of such elector is guilty of a misdemeanor and,
7 upon conviction thereof, shall be punished as provided in section
8 1-13-111.

9 1-13-706. Delivering and receiving ballots at polls. (1)
10 No voter shall receive an official ballot from any person except
11 one of the judges of election having charge of the ballots, nor
12 shall any person other than such judge deliver an official ballot
13 to such voter.

14 (2) No person except a judge of election shall receive from
15 any voter a ballot prepared for voting.

16 (3) Any voter who does not vote the ballot received by him
17 shall return his ballot to the judge from whom he received the
18 same before leaving the polling place.

19 (4) Each violation of the provisions of this section is a
20 misdemeanor, and, upon conviction thereof, the offender shall be
21 punished as provided in section 1-13-111.

22 1-13-707. Inducing defective ballot. Any person who causes
23 any deceit to be practiced with intent to fraudulently induce a
24 voter to deposit a defective ballot so as to have the ballot
25 thrown out and not counted is guilty of a misdemeanor and, upon
26 conviction thereof, shall be punished as provided in section

1 1-13-111.

2 1-13-708. Tampering with voting equipment. Any person who
3 tampers with a voting machine or any electronic voting equipment
4 before, during, or after any election provided by law with intent
5 to change the tabulation of votes thereon to reflect other than
6 an accurate accounting is guilty of a misdemeanor and, upon
7 conviction thereof, shall be punished as provided in section
8 1-13-111.

9 1-13-709. Voting in wrong precinct. Any person who, at any
10 election provided by law, knowingly votes or offers to vote in
11 any election precinct in which he is not qualified to vote is
12 guilty of a misdemeanor and, upon conviction thereof, shall be
13 punished by a fine of not more than two hundred dollars or by
14 imprisonment in the county jail for not more than three months.

15 1-13-710. Voting twice - penalty. If any voter votes more
16 than once or, having voted once, offers to vote again or offers
17 to deposit in the ballot box more than one ballot, he is guilty
18 of a misdemeanor and, upon conviction thereof, shall be punished
19 as provided in section 1-13-111.

20 1-13-711. Interference with voter while voting. Any person
21 who interferes with any voter who is inside the immediate voting
22 area or is marking a ballot or operating a voting machine at any
23 election provided by law is guilty of a misdemeanor and, upon
24 conviction thereof, shall be punished as provided in section
25 1-13-111.

26 1-13-712. Disclosing or identifying vote. (1) Except as

1 provided in section 1-7-108, no voter shall show his ballot after
2 it is prepared for voting to any person in such a way as to
3 reveal its contents. No voter shall place any mark upon his
4 ballot by means of which it can be identified as the one voted by
5 him, and no other mark shall be placed on the ballot by any
6 person to identify it after it has been prepared for voting.

7 (2) No person shall endeavor to induce any voter to show
8 how he marked his ballot.

9 (3) No election official, watcher, or person shall reveal
10 to any other person the name of any candidate for whom a voter
11 has voted or communicate to another his opinion, belief, or
12 impression as to how or for whom a voter has voted.

13 (4) Any person who violates any provision of this section
14 is guilty of a misdemeanor and, upon conviction thereof, shall be
15 punished as provided in section 1-13-111.

16 1-13-713. Intimidation. It is unlawful for any person
17 directly or indirectly, by himself or by any other person in his
18 behalf, to impede, prevent, or otherwise interfere with the free
19 exercise of the elective franchise of any elector or to compel,
20 induce, or prevail upon any elector either to give or refrain
21 from giving his vote at any election provided by law or to give
22 or refrain from giving his vote for any particular person or
23 measure at any such election. Each such offense is a
24 misdemeanor, and, upon conviction thereof, the offender shall be
25 punished as provided in section 1-13-111.

26 1-13-714. Electioneering - removing and return of ballot.

1 No person shall do any electioneering on the day of any election
2 within any polling place or in any public street or room or in
3 any public manner within one hundred feet of any polling place,
4 as publicly posted by the county clerk and recorder. No person
5 shall remove any official ballot from the polling place before
6 the closing of the polls. Any person who violates any provision
7 of this section is guilty of a misdemeanor and, upon conviction
8 thereof, shall be punished as provided in section 1-13-111.

9 1-13-715. Liquor in or near polls. (1) It is unlawful for
10 any election official or other person to introduce into any
11 polling place, or to use therein, or to offer to another for use
12 therein, at any time while any election is in progress or the
13 result thereof is being ascertained by the counting of the
14 ballots, any intoxicating malt, spirituous, or vinous liquors.

15 (2) It is unlawful for any officer or board of officers of
16 any county or any municipality, whether incorporated under
17 general law or by special charter, who may at any time be by law
18 charged with the duty of designating polling places for the
19 holding of any general or congressional election therein, to
20 select therefor a room within the distance of fifty feet,
21 measured in a direct line, of any place where any intoxicating
22 malt, spirituous, or vinous liquors are usually sold, to be drunk
23 where sold.

24 (3) Any person who violates any provision of this section
25 is guilty of a misdemeanor and, upon conviction thereof, shall be
26 punished as provided in section 1-13-111.

1 1-13-716. Destroying, removing, or delaying delivery of
2 election records. (1) No person shall willfully destroy; deface,
3 or alter any ballot or any election records or willfully delay
4 the delivery of any such ballots or election records, or take,
5 carry away, conceal, or remove any ballot, ballot box, or
6 election records from the polling place or from the possession of
7 a person authorized by law to have the custody thereof, or aid,
8 counsel, procure, advise, or assist any person to do any of the
9 aforesaid acts.

10 (2) No election official who has undertaken to deliver the
11 official ballots and election records to the county clerk and
12 recorder shall neglect or refuse to do so within the time
13 prescribed by law or shall fail to account fully for all official
14 ballots and other records in his charge. Informality in the
15 delivery of the ballots and election records shall not invalidate
16 the vote of any precinct if such records are delivered prior to
17 the canvassing of the votes by the county board of canvassers.

18 (3) Any person who violates any provision of this section
19 is guilty of a misdemeanor and, upon conviction thereof, shall be
20 punished as provided in section 1-13-111.

21 1-13-717. Penalty for destruction of supplies. Any person
22 who, during an election, willfully defaces, tears down, removes,
23 or destroys any card of instruction or sample ballot printed or
24 posted for the instruction of voters or who, during an election,
25 willfully removes or destroys any of the supplies or conveniences
26 furnished to enable a voter to prepare his ballot or willfully

1 hinders the voting of others is guilty of a misdemeanor and, upon
2 conviction thereof, shall be punished by a fine of not less than
3 five dollars nor more than one hundred dollars, or by
4 imprisonment in the county jail for not more than three months,
5 or by both such fine and imprisonment.

6 1-13-718. Release of information concerning count. Any
7 election official, watcher, or other person who releases
8 information concerning the count of ballots cast at precinct
9 polling places or of absent voters' ballots prior to 7 p.m. on
10 the day of the election is guilty of a misdemeanor and, upon
11 conviction thereof, shall be punished as provided in section
12 1-13-111.

13 1-13-719. Employer's unlawful acts. (1) It is unlawful for
14 any employer, whether corporation, association, company, firm, or
15 person, or any officer or agent of such employer:

16 (a) In any manner to control the action of his employees in
17 casting their votes for or against any person or measure at any
18 precinct caucus, assembly, or convention; or

19 (b) To refuse to an employee the privilege of taking time
20 off to vote as provided by section 1-7-102, or to subject an
21 employee to a penalty or reduction of wages because of the
22 exercise of such privilege, or to violate any of the provisions
23 of section 1-7-102 in any other way; or

24 (c) In paying his employees the salary or wages due them,
25 to enclose their pay in pay envelopes upon which there is written
26 or printed any political mottoes, devices, or arguments

1 containing threats, express or implied, intended or calculated to
2 influence the political opinions, views, or actions of such
3 employees; or

4 (d) Within ninety days of any election provided by law, to
5 put up or otherwise exhibit in his factory, workshop, mine, mill,
6 boardinghouse, office, or other establishment or place where his
7 employees may be working or be present in the course of such
8 employment any handbill, notice, or placard containing any
9 threat, notice, or information that, if any particular ticket or
10 candidate is elected, work in his place or establishment will
11 cease in whole or in part, or his establishment will be closed,
12 or the wages of his workmen will be reduced or containing other
13 threats, express or implied, intended or calculated to influence
14 the political opinions or actions of his employees.

15 (2) Each offense mentioned in subsection (1) of this
16 section is a misdemeanor, and, upon conviction thereof, the
17 offender shall be punished as provided in section 1-13-111. In
18 addition thereto, any corporation violating this section shall
19 forfeit its charter and right to do business in this state.

20 1-13-720. Unlawfully giving or promising money or
21 employment. (1) It is unlawful for any person, directly or
22 indirectly, by himself or through any other person:

23 (a) To pay, loan, or contribute, or offer or promise to
24 pay, loan, or contribute, any money or other valuable
25 consideration to or for any elector, or to or for any other
26 person, to induce such elector to vote or refrain from voting at

1 any election provided by law or to induce any elector to vote or
2 refrain from voting at such election for any particular person or
3 to induce such elector to go to the polls or remain away from the
4 polls at such election or on account of such elector having voted
5 or refrained from voting for any particular person or issue or
6 having gone to the polls or remained away from the polls at such
7 election; or

8 (b) To advance or pay, or cause to be paid, any money or
9 other valuable thing to or for the use of any other person with
10 the intent that the same, or any part thereof, shall be used in
11 bribery at any election provided by law or to knowingly pay, or
12 cause to be paid, any money or other valuable thing to any person
13 in discharge or repayment of any money wholly or partially
14 expended in bribery at any such election; or

15 (c) To give, offer, or promise any office, place, or
16 employment or to promise, procure, or endeavor to procure any
17 office, place, or employment to or for any elector, or to or for
18 any other person, in order to induce such elector to vote or
19 refrain from voting at any election provided by law or to induce
20 any elector to vote or refrain from voting at such election for
21 any particular person or issue.

22 (2) Each offense set forth in subsection (1) of this
23 section is a misdemeanor, and, upon conviction thereof, the
24 offender shall be punished as provided in section 1-13-111.

25 1-13-721. Receipt of money or jobs unlawful. (1) It is
26 unlawful for any person, directly or indirectly, by himself or

1 through any other person:

2 (a) Before or during an election provided by law, to
3 receive, agree to accept, or contract for any money, gift, loan,
4 or other valuable consideration, office, place, or employment,
5 for himself or any other person, for voting or agreeing to vote,
6 or for going or agreeing to go to the polls, or for remaining
7 away or agreeing to remain away from the polls, or for refraining
8 or agreeing to refrain from voting, or for voting or agreeing to
9 vote or refraining or agreeing to refrain from voting for any
10 particular person or measure at any election provided by law;

11 (b) During or after an election provided by law, to receive
12 any money or other valuable thing on account of himself or any
13 other person for voting or refraining from voting at such
14 election, or on account of himself or any other person for voting
15 or refraining from voting for any particular person at such
16 election, or on account of himself or any other person for going
17 to the polls or remaining away from the polls at such election,
18 or on account of having induced any person to vote or refrain
19 from voting for any particular person or measure at such
20 election.

21 1-13-722. Defacing or removing abstract of votes. Any
22 person who defaces, mutilates, alters, or removes the abstract of
23 votes posted upon the outside of the polling place in accordance
24 with section 1-7-311 is guilty of a misdemeanor and, upon
25 conviction thereof, shall be punished as provided in section
26 1-13-111.

1 1-13-723. Penalty for neglect of duty - destruction of
2 ballots - breaking seal. (1) Every officer upon whom any duty is
3 imposed by any election law who violates his duty or who neglects
4 or omits to perform the same is guilty of a misdemeanor and, upon
5 conviction thereof, shall be punished as provided in section
6 1-13-111.

7 (2) Any official or person, except one authorized by law,
8 who breaks or loosens a seal on a ballot or a ballot box with the
9 intent to disclose or learn the number of such ballot or ballot
10 box is guilty of a misdemeanor and, upon conviction thereof,
11 shall be punished as provided in section 1-13-111.

12

PART 8

13

OFFENSES - ABSENTEE VOTING

14

AND VOTING BY NEW RESIDENTS

15 1-13-801. Mailing other materials with absent voter's
16 ballot. It is unlawful for any county clerk and recorder to
17 deliver or mail to a registered elector, as a part of or in
18 connection with the absent voter's ballot, anything other than
19 the voting material as provided in article 8 of this title. Each
20 such offense is a misdemeanor, and, upon conviction thereof, the
21 offender shall be punished as provided in section 1-13-111.

22 1-13-802. Absent voter applications and deliveries outside
23 county clerk and recorder's office. No county clerk and recorder
24 shall accept any application for any absent voter's ballot nor
25 make personal delivery of any such ballot to the applicant unless
26 such acceptance and delivery occurs within the confines of the

1 official office of such county clerk and recorder, except as
2 otherwise provided in sections 1-8-103, 1-8-105, and 1-8-111.
3 Any acceptance or delivery contrary to the provisions of this
4 section renders void the ballot to which it relates. Each
5 violation of this section is a misdemeanor, and, upon conviction
6 thereof, the offender shall be punished as provided in section
7 1-13-111.

8 1-13-803. Offenses relating to absentee voting. Any
9 election official or other person who knowingly violates any of
10 the provisions of article 8 of this title relative to the casting
11 of absent voters' ballots or who aids or abets fraud in
12 connection with any vote cast, or to be cast, or attempted to be
13 cast by an absent voter is guilty of a misdemeanor and, upon
14 conviction thereof, shall be punished as provided in section
15 1-13-111.

16 PART 9

17 (Reserved)

18 SECTION 2. 13-4-102 (1) (g), Colorado Revised Statutes
19 1973, is amended to read:

20 13-4-102. Jurisdiction. (1) (g) Summary proceedings
21 initiated under articles 1 to 30 13 of title 1 and article 10 of
22 title 31, C.R.S. 1973.

23 SECTION 3. 22-30-137 (4), Colorado Revised Statutes 1973,
24 is amended to read:

25 22-30-137. Election on assuming the existing bonded
26 indebtedness. (4) Election offenses in such election shall be

1 the same as those prescribed in article 30 13 of title 1, C.R.S.
2 1973.

3 SECTION 4. 22-31-130, Colorado Revised Statutes 1973, as
4 amended, is amended to read:

5 22-31-130. School election offenses. The election offenses
6 prescribed by article 30 13 of title 1, C.R.S. 1973, shall be
7 applicable to regular biennial school elections and special
8 school elections held pursuant to this title. Any person may
9 file an affidavit with the district attorney, stating the name of
10 any person who has violated any of THE PROVISIONS OF said
11 sections ARTICLE and stating the facts which constitute the
12 alleged offense. Upon the filing of such affidavit, the district
13 attorney shall forthwith investigate said allegations, and, if
14 reasonable grounds appear therefor, he shall prosecute the same.

15 SECTION 5. 32-1-845, Colorado Revised Statutes 1973, is
16 amended to read:

17 32-1-845. Election offenses - penalties. The election
18 offenses and penalties prescribed by ~~sections--1-30-101--to~~
19 ~~1-30-106-and-sections-1-30-108-to-1-30-132~~ ARTICLE 13 OF TITLE 1,
20 C.R.S. 1973, shall be applicable to regular and special
21 elections.

22 SECTION 6. 32-10-173, Colorado Revised Statutes 1973, is
23 amended to read:

24 32-10-173. Election offenses - penalties. The election
25 offenses and penalties prescribed by ~~sections--1-30-101--to~~
26 ~~1-30-106-and-1-30-108-to-1-30-132~~ ARTICLE 13 OF TITLE 1, C.R.S.

1 1973, shall be applicable to regular and special elections.

2 SECTION 7. Repeal. Article 30 of title 1, Colorado Revised
3 Statutes 1973, as amended, is repealed.

4 SECTION 8. Effective date. This act shall take effect
5 January 1, 1981.

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

BILL 35

A BILL FOR AN ACT

1 CONCERNING BOUNDARIES ESTABLISHED FOR ELECTION PURPOSES.

Bill Summary

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

Requires changes in precinct boundaries or the creation of new precincts to be complete 32 days before the precinct caucus day. Also requires changes in boundaries of county commissioner districts to be completed 32 days prior to the precinct caucus day. Declares that school district director district boundaries are not to be changed more often than twice every four years.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 1-6-101 (2), Colorado Revised Statutes 1973, as
4 amended by Senate Bill No. —, enacted at the Second Regular
5 Session of the Fifty-second General Assembly and approved by the
6 Governor on __, 1980, is amended to read:

7 1-6-101. Establishing precincts and polling places. (2)
8 Changes in the boundaries of precincts or the creation of new
9 precincts shall be completed not less than ~~five-months~~ THIRTY-TWO
10 DAYS prior to ~~any--general--election~~ THE PRECINCT CAUCUS DAY,
11 except in cases of precinct changes resulting from changes in

1 except in cases of precinct changes resulting from changes in
2 county boundaries.

3 SECTION 2. 30-10-306, Colorado Revised Statutes 1973, 1977
4 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to
5 read:

6 30-10-306. Commissioners' districts - vacancies. (3) When
7 a board of county commissioners determines to change the
8 boundaries of commissioner districts or when new districts are
9 created, such changes or additions shall be completed not less
10 than thirty-two days prior to the precinct caucus day, as
11 established in section 1-3-102, C.R.S. 1973, except in cases of
12 changes resulting from changes in county boundaries.

13 SECTION 3. 22-31-110, Colorado Revised Statutes 1973, is
14 amended BY THE ADDITION OF A NEW SUBSECTION to read:

15 22-31-110. Changes in director districts. (4) Director
16 district boundaries shall not be subject to alteration more often
17 than twice every four years.

18 SECTION 4. Effective date. This act shall take effect
19 January 1, 1981.

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

BILL 36

A BILL FOR AN ACT

1 CONCERNING THE TIME FOR ORGANIZATION OF JUDICIAL DISTRICT CENTRAL
2 COMMITTEES.

Bill Summary

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

Directs each judicial district to meet on the same date and select its officers in the same manner as a party county central committee.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 1-3-103 (1)(d) and (4)(d), Colorado Revised
5 Statutes 1973, as amended by Senate Bill No. ____, enacted at the
6 Second Regular Session of the Fifty-second General Assembly and
7 approved by the Governor on _____, 1980, are amended
8 to read:

9 1-3-103. Party committees. (1) (d) Except as provided in
10 PARAGRAPH (d) OF SUBSECTION (4), paragraph (b) of subsection (5),
11 and paragraph (b) of subsection (6) of this section, all other
12 central committees shall meet on a date which falls between

1 February 15 and April 1 of the odd-numbered years to organize by
2 electing a chairman, a vice-chairman, and a secretary and to
3 select a vacancy committee authorized to fill vacancies in the
4 central committees and in district and state offices held by
5 members of the political party.

6 (4) (d) When a judicial district is comprised of one county
7 or a portion of one county, the judicial district central
8 committee shall consist of all elected precinct committeemen and
9 committeewomen, the elected district attorney, and the chairman,
10 the vice-chairman, and the secretary of the county central
11 committee, all of whom are of the party and reside in that
12 judicial district. SAID COMMITTEE SHALL MEET ON THE SAME DATE
13 AND SELECT A CHAIRMAN AND VICE-CHAIRMAN IN THE SAME MANNER AS A
14 PARTY COUNTY CENTRAL COMMITTEE.

15 SECTION 2. Effective date. This act shall take effect
16 January 1, 1981.

17 SECTION 3. Safety clause. The general assembly hereby
18 finds, determines, and declares that this act is necessary for
19 the immediate preservation of the public peace, health, and
20 safety.

BILL 37

A BILL FOR AN ACT

1 CONCERNING THE DEADLINE IMPOSED FOR EMERGENCY ABSENTEE VOTING.

Bill Summary

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

Authorizes emergency absentee voting on the day of the election rather than the day before. Section 1 takes effect upon passage of the act. Section 2 amends the bill recodifying the election laws.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 1-7-123 (1)(b) and (2), Colorado Revised
4 Statutes 1973, are amended to read:

5 1-7-123. Emergency absentee voting. (1) (b) A request for
6 an emergency ballot under this section shall be made before 5
7 p.m. on the day before OF the election, and the ballot shall be
8 returned no later than ~~the-time-the-polls-close-on--election--day~~
9 7 P.M. ON THE DAY OF ELECTION.

10 (2) Any voter, INCLUDING ANY JUDGE OF ELECTION, unable to
11 go to the polls because of conditions arising after the closing

1 date for absent voter ballot applications, which will result in
2 his absence from the precinct on election day, may apply at the
3 office of the county clerk and recorder for an emergency absent
4 voter's ballot. Upon receipt of an affidavit signed by the voter
5 on a form provided by the county clerk and recorder and attesting
6 to the fact that the voter will be compelled to be absent from
7 his precinct on election day because of conditions arising after
8 the closing date for absent voter ballot applications, the county
9 clerk and recorder shall provide the voter with an absent voter's
10 ballot with the word "EMERGENCY" stamped on the stubs thereof.
11 The request for the ballot shall be made by 5 p.m. the day before
12 OF the election, and the ballot shall be voted at the county
13 clerk and recorder's office or outside of the office and returned
14 by 7 p.m. on the day of the election.

15 SECTION 2. 1-8-118 (1)(b) and (2), Colorado Revised
16 Statutes 1973, as amended by Senate Bill No. _____, enacted at the
17 Second Regular Session of the Fifty-second General Assembly and
18 approved by the Governor on _____, 1980, are amended
19 to read:

20 1-8-118. Emergency absentee voting. (1) (b) A request for
21 an emergency absent voter's ballot under this section shall be
22 made before 5 p.m. on the day before OF the election, and said
23 ballot shall be returned no later than ~~the-time-the--polls--close~~
24 ~~on-election-day~~ 7 P.M. ON THE DAY OF ELECTION.

25 (2) Any registered elector, INCLUDING ANY JUDGE OF ELECTION
26 unable to go to the polls because of conditions arising after the

1 closing date for absent voters' ballot applications, which will
2 result in his absence from the precinct on election day, may
3 apply at the office of the county clerk and recorder for an
4 emergency absent voter's ballot. Upon receipt of an affidavit
5 signed by the registered elector on a form provided by the county
6 clerk and recorder and attesting to the fact that the registered
7 elector will be compelled to be absent from his precinct on
8 election day because of conditions arising after the closing date
9 for absent voters' ballot applications, the county clerk and
10 recorder shall provide the registered elector with an absent
11 voter's ballot with the word "EMERGENCY" stamped on the stubs
12 thereof. The request for the ballot shall be made by 5 p.m. the
13 day ~~before~~ OF the election, and the ballot shall be voted at the
14 county clerk and recorder's office or outside of the office and
15 returned by 7 p.m. on the day of the election.

16 SECTION 3. Effective date. Section 1 of this act shall
17 take effect upon its passage and section 2 shall take effect
18 January 1, 1981.

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

BILL 38

A BILL FOR AN ACT

1 CONCERNING BRANCH REGISTRATION, AND EXTENDING THE TIME PERIOD
2 THEREFOR.

Bill Summary

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

Authorizes branch registration offices to open any time after a general election, except as otherwise provided by law.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 1-2-212 (1) and (2), Colorado Revised Statutes
5 1973, as amended by Senate Bill No. __, enacted at the Second
6 Regular Session of the Fifty-second General Assembly and approved
7 by the Governor on __, 1980, are amended to read:

8 1-2-212. Establishment and conduct of branch registration
9 offices. (1) (a) In any county having a population of less than
10 fifty thousand, the board of county commissioners shall establish
11 at least one branch registration office. Branch offices in
12 excess of one, if established, shall serve areas in the county as

1 nearly equal in population as may be and shall be located in the
2 area so as to be as accessible to all municipalities in the area
3 as is possible. The number of such branch offices may be equal
4 to the total number of representatives representing the county in
5 the general assembly. Such branch offices MAY BE OPEN AT ANY
6 TIME AFTER FORTY-FIVE DAYS FOLLOWING ANY GENERAL ELECTION BUT
7 shall be open each day on and after the sixty-third day until and
8 including the thirty-second day preceding each primary election
9 and on and after the day after the primary election until and
10 including the thirty-second day preceding each general election
11 but shall not be open on legal holidays or Sundays.

12 (b) The hours for such branch offices shall be set by the
13 county clerk and recorder; ~~and shall--be~~ EXCEPT THAT A BRANCH
14 OFFICE OPEN EACH DAY ON AND AFTER THE SIXTY-THIRD DAY UNTIL AND
15 INCLUDING THE THIRTY-SECOND DAY PRECEDING EACH PRIMARY ELECTION
16 AND ON AND AFTER THE DAY AFTER THE PRIMARY ELECTION UNTIL AND
17 INCLUDING THE THIRTY-SECOND DAY PRECEDING EACH GENERAL ELECTION
18 SHALL BE OPEN a minimum of two hours per day, with at least one
19 two-hour period each week being set after 5 p.m., before 9 a.m.,
20 or on Saturday.

21 (2) (a) In every county with a population of fifty thousand
22 or more, the board of county commissioners or the election
23 commission shall establish branch registration offices. Such
24 branch registration offices MAY BE OPEN AT ANY TIME AFTER
25 FORTY-FIVE DAYS FOLLOWING ANY GENERAL ELECTION BUT shall be open
26 each day on and after the sixty-third day until and including the

1 thirty-second day preceding each primary election and on and
2 after the day after the primary election until and including the
3 thirty-second day preceding each general election for at least
4 three consecutive days in each location selected but shall not be
5 open on legal holidays or Sundays. The number of such branch
6 offices open on any day during this period shall be not less than
7 the total number of the members of the house of representatives
8 representing the county or portion thereof in the general
9 assembly and not more than twice the total number of the members
10 of the house of representatives representing the county or
11 portion thereof in the general assembly.

12 (b) The hours for such branch offices shall be set by the
13 county clerk and recorder; ~~and shall be~~ EXCEPT THAT A BRANCH
14 OFFICE OPEN EACH DAY ON AND AFTER THE SIXTY-THIRD DAY UNTIL AND
15 INCLUDING THE THIRTY-SECOND DAY PRECEDING EACH PRIMARY ELECTION
16 AND ON AND AFTER THE DAY AFTER THE PRIMARY ELECTION UNTIL AND
17 INCLUDING THE THIRTY-SECOND DAY PRECEDING EACH GENERAL ELECTION
18 SHALL BE OPEN a minimum of four hours per day, with at least four
19 hours each three-day period being set after 5 p.m., before 9
20 a.m., or on Saturday.

21 SECTION 2. Effective date. This act shall take effect
22 January 1, 1981.

23 SECTION 3. Safety clause. The general assembly hereby
24 finds, determines, and declares that this act is necessary for
25 the immediate preservation of the public peace, health, and
26 safety.

BILL 39

A BILL FOR AN ACT

1 CONCERNING PRECINCT COMMITTEEPEOPLE, AND PROVIDING FOR THE
2 ELECTION THEREOF AT PRECINCT CAUSUSES.

Bill Summary

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

Changes the designation of committeemen and committeewomen to committeepeople. Authorizes the election at the precinct caucus rather than at the primary election.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 1-3-102 (2), Colorado Revised Statutes 1973, as
5 amended by Senate Bill No. __, enacted by the Second Regular
6 Session of the Fifty-second General Assembly and approved by the
7 Governor on __, 1980, is amended to read:

8 1-3-102. Precinct caucuses. (2) (a) At the time of
9 electing the delegates to the county assembly, the precinct
10 caucus shall also nominate ELECT ~~one--candidate-for-precinct~~
11 ~~committeeman-and-one-candidate-for--precinct--committeewoman~~ TWO
12 PRECINCT COMMITTEEPEOPLE. Any person eighteen years of age or

1 older may be a candidate for SUCH precinct committeeman-or
2 committeewoman OFFICE if he or she has been a resident of the
3 precinct for thirty-two days and has been affiliated with the
4 political party holding the precinct caucus for a period of at
5 least three months preceding the date of the precinct caucus;
6 except that any person who has attained the age of eighteen years
7 or who has become a naturalized citizen within the three months
8 immediately preceding such caucus may be a candidate for SUCH
9 precinct committeeman-or-committeewoman OFFICE even though he or
10 she has been affiliated with the political party for less than
11 three months as shown on the registration book of the county
12 clerk and recorder. The person TWO PERSONS receiving the highest
13 number of votes at the caucus for precinct committeeman
14 COMMITTEEPEOPLE shall be nominated ELECTED as the candidate-for
15 precinct committeeman COMMITTEEPEOPLE of the precinct. and--the
16 person--receiving--the--highest-number-of-votes-at-the-caucus-for
17 precinct-committeewoman-shall-be-nominated-as-the--candidate--for
18 precinct---committeewoman---of--the--precinct: If two or more
19 candidates for either precinct committeeman---or---precinct
20 committeewoman COMMITTEEPERSON receive an equal and the SECOND
21 highest number of votes, OR IF THREE OR MORE CANDIDATES RECEIVE
22 AN EQUAL AND THE HIGHEST NUMBER OF VOTES, the nomination ELECTION
23 shall be determined by lot by such candidates. The names of the
24 candidates COMMITTEEPEOPLE ELECTED shall be certified to the
25 county assembly of the political party by the officers of the
26 caucus. All disputes regarding the nomination-of-candidates--for

1 ELECTION OF precinct committeeman---or---committeewoman
2 COMMITTEEPEOPLE shall be determined by the credentials committees
3 of the respective party assemblies. THE COUNTY ASSEMBLY SHALL
4 RATIFY THE LIST OF COMMITTEEPEOPLE. The presiding officer and
5 secretary of the county assembly shall file ~~certificates--of~~
6 ~~nomination~~ A CERTIFIED LIST OF THE NAMES AND ADDRESSES, BY
7 PRECINCT, OF THOSE PERSONS ELECTED AS PRECINCT COMMITTEEPEOPLE
8 with the county clerk and recorder ~~prior-to-forty-five-days~~
9 ~~before-the-primary-election~~ WITHIN TEN DAYS AFTER THE DATE OF THE
10 COUNTY ASSEMBLY.

11 (b) Within ten days after the boundaries of an existing
12 precinct are changed or a new precinct is created, the members of
13 the party county central committee vacancy committee shall select
14 members to fill the vacancies for ~~committeeman-and-committeewoman~~
15 PRECINCT COMMITTEEPEOPLE.

16 SECTION 2. 1-3-103 (1) (a), (1) (b), (4) (d), (5) (b), and
17 (6) (b), Colorado Revised Statutes 1973, as amended by Senate
18 Bill No. __, enacted by the Second Regular Session of the
19 Fifty-second General Assembly and approved by the Governor on __,
20 1980, are amended to read:

21 1-3-103. Party committees. (1) (a) At the ~~primary-election~~
22 PRECINCT CAUCUSES, each political party shall elect one
23 ~~committeeman--and-one-committeewoman~~ TWO COMMITTEEPEOPLE for each
24 election precinct AS PROVIDED IN SECTION 1-3-102. ~~The--candidate~~
25 ~~for--committeeman--or--committeewoman-who-receives-a-plurality-of~~
26 ~~votes--on--the--party--primary--ballot--shall--be--declared--the~~

1 ~~committeeman--or--committeewoman-of-the-party-for-the-precinct-if~~
2 ~~he-or-she--meets--the--requirements--of--section--1-3-102:~~ Each
3 ~~committeeman--or--committeewoman~~ COMMITTEEPERSON shall hold such
4 position for a term of two years after the date of his election,
5 and each shall serve until his successor is duly elected or
6 appointed and commences his term of office. In case of a vacancy
7 in the office of precinct ~~committeeman--or--committeewoman~~
8 COMMITTEEPERSON, the members of the county central committee
9 vacancy committee shall select a successor to fill the vacancy.
10 The person so selected shall be a resident of the precinct in
11 which the vacancy occurred.

12 (b) (I) All of the precinct ~~committeemen-and-committeewomen~~
13 COMMITTEEPEOPLE of the political party in the county, all of the
14 district captains and cocaptains, if any, of the political party
15 in the county, and the county party officers selected pursuant
16 to paragraph (c) of this subsection (1), together with the
17 elected county public officials, the state senators and
18 representatives, the United States senators and representatives,
19 the elected state public officials, and the district attorney,
20 who are members of the party and who reside within the county,
21 shall constitute the membership of the county central committee,
22 but the multiple office shall not entitle a person to more than
23 one vote, excluding proxies.

24 (II) Any county commissioner central committee shall be
25 constituted of all the precinct ~~committeemen-and-committeewomen~~
26 COMMITTEEPEOPLE from precincts in the county commissioner

1 district, together with the officers selected pursuant to this
2 subparagraph (II), and the state senators and representatives and
3 the district attorney who are members of the party and who reside
4 within the district. Any such central committee shall meet on the
5 same date and select a chairman and vice-chairman in the same
6 manner as the county central committee.

7 (4) (d) When a judicial district is comprised of one county
8 or a portion of one county, the judicial district central
9 committee shall consist of all elected precinct ~~committeemen--and~~
10 ~~committeewomen~~ COMMITTEEPEOPLE, the elected district attorney,
11 and the chairman, the vice-chairman, and the secretary of the
12 county central committee, all of whom are of the party and reside
13 in that judicial district.

14 (5) (b) When a state senatorial district is comprised of a
15 portion of one county, a state senatorial central committee shall
16 consist of the elected precinct ~~committeemen--and--committeewomen~~
17 COMMITTEEPEOPLE, the elected state senator, the elected state
18 representatives, and a chairman, vice-chairman, and secretary of
19 the state senatorial central committee, all of whom are of the
20 party and reside in that senatorial district. In addition, the
21 chairman and vice-chairman of the party county central committee
22 shall be members of each state senatorial central committee
23 within the county. The chairman, vice-chairman, and secretary of
24 the state senatorial central committee may or may not be elected
25 from among, but shall be elected by, the state senatorial central
26 committee. Said committee shall meet on the same date and select

1 a chairman and vice-chairman in the same manner as the party
2 county central committee.

3 (6) (b) When a state representative district is comprised
4 of a portion of one county, a state representative central
5 committee shall consist of the elected precinct ~~committeemen-and~~
6 ~~committeewomen~~ COMMITTEEPEOPLE, the elected state representative,
7 the elected state senators, and a chairman, vice-chairman, and
8 secretary of the state representative central committee, all of
9 whom are of the party and reside in that state representative
10 district. In addition, the chairman and vice-chairman of the
11 party county central committee shall be members of such state
12 representative central committee. The chairman, vice-chairman,
13 and secretary of the state representative district central
14 committee may or may not be elected from among, but shall be
15 elected by, the state representative central committee. The
16 committee shall meet on the same date and select a chairman and
17 vice-chairman in the same manner as the party county central
18 committee.

19 SECTION 3. 1-4-101 (1), Colorado Revised Statutes 1973, as
20 amended by Senate Bill No. __, enacted by the Second Regular
21 Session of the Fifty-second General Assembly and approved by the
22 Governor on __, 1980, is amended to read:

23 1-4-101. Primary election nominations made. (1) A primary
24 election shall be held at the regular polling places in each
25 precinct on the second Tuesday of September in even-numbered
26 years for the nomination of candidates of political parties to be

1 voted for at the succeeding general election. ~~and--for-the~~
2 ~~election-of-precinct-committeemen-and-committeewomen-of-political~~
3 ~~parties:~~

4 SECTION 4. 1-4-903 (2)(b), Colorado Revised Statutes 1973,
5 as amended by Senate Bill No. __, enacted by the Second Regular
6 Session of the Fifty-second General Assembly and approved by the
7 Governor on __, 1980, is amended to read:

8 1-4-903. Vacancies in designations or nominations. (2) (b)
9 Except as otherwise provided in this paragraph (b), if no other
10 vacancy committee has been selected by the appropriate
11 designating assembly, the vacancy committee may consist of the
12 chairman, vice-chairman, and secretary of the district, county,
13 or state party central committee, as the case may be. In
14 multiple county districts, other than state senatorial or state
15 representative districts, if no vacancy committee or district
16 officers have been selected, the chairmen, vice-chairmen, and
17 secretaries of the various county central committees within the
18 district shall appoint the vacancy committee for the district, if
19 each county within the district is proportionately represented
20 based on the apportionment of delegates in the last district
21 assembly of the party. In state senatorial and state
22 representative districts having territory in more than one
23 county, if no vacancy committee has been selected by said
24 assembly, the vacancy committee shall consist of the precinct
25 ~~committeemen--and--committeewomen~~ COMMITTEEPEOPLE from each
26 precinct in the state senatorial or state representative

1 district, as the case may be.

2 SECTION 5. 1-5-106, Colorado Revised Statutes 1973, as
3 amended by Senate Bill No. __, enacted by the Second Regular
4 Session of the Fifty-second General Assembly and approved by the
5 Governor on __, 1980, is amended to read:

6 1-5-106. List furnished by precinct committeepeople. Not
7 later than ten days after the precinct caucus in even-numbered
8 years, the county chairman of each major political party in each
9 county shall receive from the precinct ~~committeeman---and~~
10 ~~committeewoman~~ COMMITTEEPEOPLE in each precinct a list
11 recommending not less than three nor more than ten registered
12 electors who are at least eighteen years of age and who reside
13 in the precinct, are affiliated with such political party as
14 shown on the registration books of the county clerk and recorder,
15 and are physically and mentally capable and willing to attend a
16 class of instruction for and to act as judges of election. The
17 ~~committeeman--and--committeewoman~~ COMMITTEEPEOPLE shall certify
18 that each person to be named has been contacted and is willing to
19 serve.

20 SECTION 6. 1-5-107 (2), (3), and (4), Colorado Revised
21 Statutes 1973, as amended by Senate Bill No. __, enacted by the
22 Second Regular Session of the Fifty-second General Assembly and
23 approved by the Governor on __, 1980, are amended to read:

24 1-5-107. Recommendations by county chairman. (2) Each
25 county chairman shall designate the order of his choice of such
26 names, and the county clerk and recorder shall select names from

1 each list in the order of such designation. Attached to each
2 such list shall be a copy of the list furnished by the precinct
3 committeeman-and-committeewoman COMMITTEEPEOPLE if the county
4 chairman certifies an order different from that submitted by the
5 committeeman-and-committeewoman COMMITTEEPEOPLE.

6 (3) In recommending persons as judges of election, the
7 county chairman shall select only such names as are filed with
8 him by the precinct committeeman----and----committeewoman
9 COMMITTEEPEOPLE. If the precinct committeeman-and-committeewoman
10 COMMITTEEPEOPLE do not furnish such names to the county chairman,
11 the county chairman may select the electors to be recommended to
12 the county clerk and recorder as judges of election, in which
13 case the precinct residence requirement may be waived if
14 necessary.

15 (4) If there is no county chairman or vice-chairman in the
16 county, the county clerk and recorder shall make the appointments
17 of judges of election by obtaining lists of names from the
18 precinct committeemen--and--committeewomen COMMITTEEPEOPLE. If
19 there are no precinct committeemen---and---committeewomen
20 COMMITTEEPEOPLE, the county clerk and recorder may make his own
21 selection of electors representing the two major political
22 parties, in which case the precinct residence requirement may be
23 waived if necessary.

24 SECTION 7. 1-6-201 (2), Colorado Revised Statutes 1973, as
25 amended by Senate Bill No. __, enacted by the Second Regular
26 Session of the Fifty-second General Assembly and approved by the

1 Governor on __, 1980, is amended to read:

2 1-6-201. Notice of primary election by secretary of state.

3 (2) Each county clerk and recorder, at least ten days before the
4 primary election, shall publish once in a condensed form under
5 the proper party designation and under the title of each office
6 the names and addresses of all persons for whom certificates of
7 designation or petitions have been filed, insofar as the same
8 affect the registered electors of his county. ~~except-the-names~~
9 ~~of-precinct--committeemen--and--precinct--committeewomen--of--the~~
10 ~~various--political--parties:~~ The publication shall contain the
11 date of the primary election and the hours during which the polls
12 will be open and shall state that the primary election will be
13 held in the lawful polling places designated for each precinct.
14 A copy of such publication shall be posted in a conspicuous place
15 in the office of the county clerk and recorder. Such posting may
16 be effected by the use of sample ballots.

17 SECTION 8. 1-6-401 (2) (b), Colorado Revised Statutes 1973,
18 as amended by Senate Bill No __, enacted by the Second Regular
19 Session of the Fifty-second General Assembly and approved by the
20 Governor on __, 1980, is amended to read:

21 1-6-401. Primary election ballots. (2) (b) The positions
22 on the ballot shall be arranged as provided in section 1-4-605
23 and as follows: First, candidates for United States senator;
24 next, congressional candidates; next, state candidates; next,
25 legislative candidates; next, other candidates for district
26 offices greater than a county office; next, county candidates.

1 next;~~---candidates-for-precinct-members-of--the--party--committees-~~
2 When other offices are to be filled at the coming general
3 election, the county clerk and recorder, in preparing the primary
4 ballot, shall use substantially the form prescribed by this
5 section, stating the proper designation of the office and placing
6 the names of the candidates therefor under the same.

7 SECTION 9. 1-6-607 (2), Colorado Revised Statutes 1973, as
8 amended by Senate Bill No. __, enacted by the Second Regular
9 Session of the Fifty-second General Assembly and approved by the
10 Governor on __, 1980, is amended to read:

11 1-6-607. Elected officials not to handle voting machines or
12 electronic voting equipment or devices. (2) The provisions of
13 this section shall not apply to precinct ~~committeemen--or~~
14 ~~committeewomen;---or---those---nominated---for---such---offices;~~
15 COMMITTEEPEOPLE who act as judges of election.

16 SECTION 10. 1-8-101 (2), Colorado Revised Statutes 1973, as
17 amended by Senate Bill No. __, enacted by the Second Regular
18 Session of the Fifty-second General Assembly and approved by the
19 Governor on __, 1980, is amended to read:

20 1-8-101. Ballots and supplies for absentee voting.
21 (2) The ballots shall be in the same form as other official
22 ballots for the same election. ~~except--that--the--names--of~~
23 ~~candidates-for-precinct-committeemen-and-committeewomen-shall--be~~
24 ~~omitted--therefrom:~~ On the stub of the absent voter's ballot
25 shall be printed "Absent Voter's Ballot No. A. V.
26(number)", and such stubs shall be numbered

1 consecutively, commencing with number 1.

2 SECTION 11. Repeal. 1-3-102 (3) and (4), Colorado Revised
3 Statutes 1973, as amended by Senate Bill No. __, enacted by the
4 Second Regular Session of the Fifty-second General Assembly and
5 approved by the Governor on --, 1980, are repealed.

6 SECTION 12. Effective date. This act shall take effect
7 January 1, 1981.

8 SECTION 13. Safety clause. The general assembly hereby
9 finds, determines, and declares that this act is necessary for
10 the immediate preservation of the public peace, health, and
11 safety.

BILL 40

A BILL FOR AN ACT

1 CONCERNING VOTING EQUIPMENT, AND CREATING A LOAN FUND FOR THE
2 PURCHASE THEREOF AND MAKING AN APPROPRIATION THEREFOR.

Bill Summary

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

Prohibits the use of mechanical voting machines and electronic voting systems unless certified by the secretary of state. Exempts any machine or system owned by a county and used in the 1978 general election. Specifies the application and testing procedures required for certification.

Establishes a "voting equipment aid fund" in the office of the state treasurer to aid small counties in purchasing mechanical voting machines and electronic voting systems. Authorizes loans from such fund to such counties in amounts not to exceed a specified amount of the costs of equipment purchases. Requires such loans to be repaid within a specified period at a specified annual interest rate. Makes an appropriation to the fund to implement the act.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 1-6-602, Colorado Revised Statutes 1973, as
5 amended by Senate Bill No. __, enacted at the Second Regular
6 Session of the Fifty-second General Assembly and approved by the
7 Governor on _____, 1980, is REPEALED AND REENACTED, WITH

1 AMENDMENTS, to read:

2 1-6-602. Mechanical voting machines and electronic voting
3 systems - certification - requirements. (1) No mechanical voting
4 machine or electronic voting system may be used in any election
5 in this state unless such machine or system has been certified by
6 the secretary of state as provided in this section; except that,
7 any mechanical voting machine or electronic voting system owned
8 by a county and used in the 1978 general election shall not be
9 subject to the certification requirements of this section.

10 (2) Any interested person may apply to the secretary of
11 state for certification of a mechanical voting machine or an
12 electronic voting system. Upon receiving such application, the
13 secretary of state shall select two persons, one each from a list
14 of three persons recommended by the state chairman of each major
15 political party to assist in certification by examining the
16 machine or system. All persons recommended shall be qualified in
17 one or more of the fields of data processing, mechanical
18 engineering, and electronics and shall have experience in
19 elections. Each assistant selected by the secretary of state
20 shall examine the machine or system and submit a written report
21 of his findings to the secretary of state. The person applying
22 for certification shall provide the compensation for such
23 assistants.

24 (3) (a) After receiving the assistants' reports the
25 secretary of state shall determine whether the mechanical voting
26 machine or electronic voting system meets the certification

1 requirements of this section and can be used safely by voters
2 under the election laws. A written report of the secretary of
3 state's determination, together with the examination reports of
4 the two assistants, shall be made public and filed in the office
5 of the secretary of state.

6 (b) If any change is made in the security provisions of a
7 machine or system certified or exempt from certification under
8 this section, such machine or system shall be submitted for
9 certification as provided in this section.

10 (c) If a mechanical voting machine or electronic voting
11 system fails the certification requirements of this section, the
12 applicant may within ninety days make such modifications which
13 will enable the machine or system to be certified and file a
14 request for a redetermination by the secretary of state. Upon
15 the timely filing of such a request the provisions of subsection
16 (2) and paragraph (a) of this subsection (3) shall be followed.

17 (4) No mechanical voting machine shall be certified by the
18 secretary of state unless the machine meets the following minimum
19 requirements:

20 (a) It affords each voter an opportunity to vote in
21 absolute secrecy;

22 (b) It is capable of containing on its face the form of
23 ballot made up and arranged substantially in the manner
24 prescribed by this article;

25 (c) It provides facilities for a ballot containing the
26 names of candidates of at least nine political parties or

1 organizations;

2 (d) It enables each voter to vote a ticket selected in part
3 from the candidates in one party, and in part from the candidates
4 of any or all other parties, and in part from an independent
5 nomination, and in part from persons not in nomination by any
6 party or upon any independent ticket;

7 (e) It prevents the voter from voting for a candidate or on
8 a question for whom or on which he is not lawfully entitled to
9 vote;

10 (f) It enables each voter to vote for all candidates for
11 whom he is entitled to vote and prevents him from voting for any
12 candidate for any office more than once unless he is lawfully
13 entitled to cast more than one vote for each candidate, and in
14 that event permits him to cast only as many votes for that
15 candidate as he is by law entitled to;

16 (g) It is closed during the progress of the voting so that
17 no person can see or know the number of votes registered for any
18 candidate or for whom a voter has voted;

19 (h) It is provided with at least twenty pairs of "yes" and
20 "no" counters for voting on questions or propositions to be
21 submitted in accordance with law;

22 (i) It prevents a voter who votes for any person for any
23 office whose name does not appear on the machine from also voting
24 for any name appearing on the ballot for the same office unless
25 he is by law entitled to;

26 (j) It correctly registers by means of exact mechanical

1 counters every vote cast for candidates whose names appear on the
2 ballot labels or for questions appearing thereon;

3 (k) It is provided with locks, the keys of which cannot be
4 interchangeably used and by the locking of which any movement of
5 the operating mechanism can be prevented, so that it cannot be
6 tampered with or manipulated for any fraudulent purpose;

7 (l) It has a counter which will show during the election
8 the total number of voters who have operated the machine at that
9 election;

10 (m) It has a protective counter or other device, the
11 register of which cannot be reset, which records the cumulative
12 total number of movements of the operating mechanism;

13 (n) It enables any voter to write in upon the receptacles
14 or devices provided for that purpose the names of persons whose
15 names do not appear on such machine.

16 (5) No electronic voting system shall be certified by the
17 secretary of state unless the voting system meets the following
18 minimum requirements:

19 (a) It affords each voter an opportunity to vote in
20 absolute secrecy;

21 (b) It is capable of containing on its face the form of
22 ballot made up and arranged substantially in the manner
23 prescribed by this article;

24 (c) It provides facilities for a ballot containing the
25 names of candidates of at least nine political parties or
26 organizations;

1 (d) It enables each voter to vote a ticket selected in part
2 from the candidates of one party, and in part from the candidates
3 of any or all other parties, and in part from an independent
4 nomination, and in part from persons not in nomination by any
5 party or upon any independent ticket;

6 (e) It prevents the voter from voting for a candidate or on
-7 a question for whom or on which he is not lawfully entitled to
8 vote;

9 (f) It allows a continuous audit trail with provision for
10 test-deck sampling at any time during the counting of ballots;

11 (g) It permits all votes cast on an electronic voting
12 ballot to be recorded in such a manner that the votes can be
13 counted manually;

14 (h) It permits each voter to write in the names of persons
15 which are not on the printed ballot and to vote for any persons
16 whose names are printed on the ballot for whom the voter is
17 lawfully entitled to vote, to vote for as many persons for an
18 office for which he is entitled to vote, and to vote for or
19 against any question upon which he is entitled to vote;

20 (i) It rejects any vote for an office or on a measure if
21 the number of votes exceeds the number for which the voter is
22 entitled to vote;

23 (j) It is suitably designed, of durable construction, and
24 capable of being used safely, efficiently, and accurately in the
25 conduct of elections and the counting of ballots.

26 (k) It is designed so that, when the names of candidates or

1 the text of issues are not printed on the ballot card but are
2 printed on pages attached to the vote recorder device, such pages
3 may be securely locked or sealed to prevent tampering.

4 SECTION 2. 1-6-603, Colorado Revised Statutes 1973, as
5 amended by Senate Bill No. __, enacted by the Second Regular
6 Session of the Fifty-second General Assembly and approved by the
7 Governor on _____, 1980, is amended to read:

8 1-6-603. Adoption and payment for voting machines. The
9 board of county commissioners of any county may adopt for use at
10 elections any kind of MECHANICAL voting machine ~~fulfilling--the~~
11 ~~requirements--for--voting-machines-set-forth~~ OR ELECTRONIC VOTING
12 SYSTEM CERTIFIED BY THE SECRETARY OF STATE AS PROVIDED in section
13 1-6-602. Such voting machines may be used at any or all
14 elections held in such county or in any part thereof for casting,
15 registering, and counting votes at such elections. The board of
16 county commissioners of any county adopting and purchasing or
17 leasing voting machines shall provide for the payment of the
18 purchase price or the rent payable therefor in such manner as may
19 be in the best interest of such county and may for that purpose
20 provide for the issuance of interest-bearing bonds, certificates
21 of indebtedness, or other obligations which shall be a charge
22 upon such county. Such bonds, certificates of indebtedness, or
23 other obligations may be made payable at such times, not
24 exceeding ten years from the date of issue, as may be determined
25 by the board of county commissioners but shall not be issued or
26 sold at less than par.

1 SECTION 3. Part 6 of article 6 of title 1, Colorado Revised
2 Statutes 1973, as amended by Senate Bill No. __, enacted by the
3 Second Regular Session of the Fifty-second General Assembly and
4 approved by the Governor on _____, 1980, is amended BY THE
5 ADDITION OF A NEW SECTION to read:

6 1-6-603.5. Voting equipment aid fund - loans to counties -
7 eligibility - repayment. (1) There is hereby created in the
8 office of the state treasurer a fund to be known as the "voting
9 equipment aid fund". The general assembly shall make
10 appropriations to said fund from time to time for the purposes of
11 this section.

12 (2) Moneys in the voting equipment aid fund shall be made
13 available in the form of loans to counties having less than six
14 thousand registered voters and an assessed valuation of less than
15 sixty million dollars for the purpose of aiding such counties in
16 purchasing mechanical voting machines or electronic voting
17 systems, including computer counting equipment.

18 (3) The state treasurer shall administer the voting
19 equipment aid fund, authorizing loans, insofar as moneys are
20 appropriated by the general assembly, to counties making
21 application therefor which include with such application the
22 following:

23 (a) A description of the mechanical voting machines or
24 electronic voting system to be purchased by the county;

25 (b) A statement from the secretary of state that the
26 machines or system to be purchased have been certified by the

1 secretary of state;

2 (c) A statement from the division of property taxation that
3 the assessed valuation of the county is less than sixty million
4 dollars;

5 (d) A statement from the county clerk and recorder of the
6 county approving the machines or system to be purchased;

7 (e) A statement from the vendor of the machines or system
8 stating the exact cost of such machines or system;

9 (f) A certified copy of a resolution adopted by the board
10 of county commissioners authorizing the purchase of the machines
11 or equipment if the loan is granted.

12 (4) In no event shall any county receive assistance from
13 the voting equipment aid fund, nor shall the state become liable
14 for any money or loan, in an amount in excess of two-thirds of
15 the estimated total costs of a specific purchase.

16 (5) Loans from the voting equipment aid fund shall be made
17 for a period of time not to exceed eight years. The state
18 treasurer shall charge an annual interest rate of eight percent.
19 All moneys borrowed, including principal and interest, shall be
20 repaid in equal annual installments.

21 (6) The voting equipment aid fund may receive and utilize
22 gifts and grants from federal or other governmental sources in
23 addition to moneys appropriated by the general assembly.

24 SECTION 4. 1-6-604, Colorado Revised Statutes 1973, as
25 amended by Senate Bill No. __, enacted by the Second Regular
26 Session of the Fifty-second General Assembly and approved by the

1 Governor on _____, 1980 is amended to read:

2 1-6-604. Experimental use. The board of county
3 commissioners of any county, prior to the adoption of MECHANICAL
4 voting machines OR ELECTRONIC VOTING SYSTEMS, may provide, either
5 by contract or rental with option to purchase or otherwise, for
6 the experimental use at any election, in one or more precincts
7 which the board of county commissioners may specify, of any
8 MECHANICAL voting machine OR ELECTRONIC VOTING SYSTEM CERTIFIED
9 BY THE SECRETARY OF STATE which might be lawfully adopted in
10 accordance with the provisions in this part 6. Such experimental
11 use shall be as valid for all purposes as if such voting machines
12 OR SYSTEMS had been formally adopted, and the cost of such
13 experimental use shall constitute a necessary and proper election
14 expense and shall be payable in accordance with the law.

15 SECTION 5. 1-13-131, Colorado Revised Statutes 1973, as
16 amended by Senate Bill No. __, enacted by the Second Regular
17 Session of the Fifty-second General Assembly and approved by the
18 Governor on _____, 1980, is amended to read:

19 1-13-131. Tampering with voting equipment. Any person who
20 tampers with a MECHANICAL voting machine or any AN electronic
21 voting equipment SYSTEM before, during, or after any general,
22 primary, or congressional vacancy election with intent to change
23 the tabulation of votes thereon to reflect other than an accurate
24 accounting is guilty of a misdemeanor and, upon conviction
25 thereof, shall be punished as provided in section 1-13-104.

26 SECTION 6. 31-10-102 (3), Colorado Revised Statutes 1973,

1 as amended by Senate Bill No. __, enacted by the Second Regular
2 Session of the Fifty-second General Assembly and approved by the
3 Governor on _____, 1980, is amended to read:

4 31-10-102. Definitions. (3) "Electronic voting system"
5 means any ballot card electronic voting system meeting the
6 requirements set forth in section ~~1-6-608~~ 1-6-602 (5), C.R.S.
7 1973.

8 SECTION 7. Repeal. 1-6-608 and 1-6-609, Colorado Revised
9 Statutes 1973, as amended by Senate Bill No. __, enacted by the
10 Second Regular Session of the Fifty-second General Assembly and
11 approved by the Governor on _____, 1980, are repealed.

12 SECTION 8. Appropriation. There is hereby appropriated,
13 out of any moneys in the state treasury not otherwise
14 appropriated, to the voting equipment aid fund in the office of
15 the state treasurer, for the fiscal year commencing July 1, 1980,
16 the sum of _____ dollars (\$ _____), or so much thereof as
17 may be necessary for the implementation of this act.

18 SECTION 9. Effective date. This act shall take effect
19 January 1, 1981.

20 SECTION 10. Safety clause. The general assembly hereby
21 finds, determines, and declares that this act is necessary for
22 the immediate preservation of the public peace, health, and
23 safety.

BILL 41

A BILL FOR AN ACT

1 CONCERNING APPLICATION FOR VOTER REGISTRATION AT DRIVERS' LICENSE
2 EXAMINATION FACILITIES.

Bill Summary

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

Requires drivers' license examinations facilities to afford qualified electors an opportunity to apply to register to vote when applying for the issuance, renewal, or correction of a driver's license or for an identification card. Provides that such applications shall be forwarded to the county clerk and recorder, who shall register all qualified applicants and notify such applicants of the fact of registration. Provides for the repeal of these provisions on a specified date unless extended by the general assembly after examining the impact on voter registration, voting, and branch registration.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. Part 2 of article 2 of title 1, Colorado Revised
5 Statutes 1973, as amended by Senate Bill No. __, enacted by the
6 Second Regular Session of the Fifty-second General Assembly and
7 approved by the Governor on _____, 1980, is amended BY THE
8 ADDITION OF A NEW SECTION to read:

9 1-2-212.5. Registration at drivers' license examination

1 facilities. (1) Commencing January 1, 1981, the department of
2 revenue, through its local drivers' license examination
3 facilities, shall afford each qualified elector who applies for
4 an original issuance, renewal, or correction of any type of
5 drivers' license or for an identification card pursuant to part 4
6 of article 2 of title 42, C.R.S. 1973, and who resides in the
7 county of the local drivers' license facility an opportunity to
8 complete an application to register to vote pursuant to the
9 provisions of this part 2.

10 (2) If the applicant wishes to complete an application for
11 registration, he shall answer the questions required by section
12 1-2-203 and take the oath required by section 1-2-204. For
13 purposes of this section, each drivers' license examiner is
14 hereby authorized to administer the oath prescribed in section
15 1-2-204. The examiner and the applicant shall sign the
16 application. The examiner shall stamp the application for
17 registration with a validation stamp and provide the applicant
18 with a receipt verifying the registration application.
19 Applications shall be forwarded on a weekly basis to the county
20 clerk and recorder of the applicant's residence; except that, on
21 the last day allowed for registration prior to any election, the
22 county clerk and recorder shall pick up the applications.

23 (3) Upon receipt of the application, the county clerk and
24 recorder shall determine if the applicant is qualified as a
25 registered elector. If the county clerk and recorder determines
26 that the applicant is qualified as a registered elector, the

1 applicant shall be deemed registered and the county clerk and
2 recorder shall forward to him a verification of such fact. A
3 verification returned to the county clerk and recorder as
4 nondeliverable shall be attached to the application by the county
5 clerk and recorder, and the applicant shall not be deemed to be
6 registered. If the county clerk and recorder determines that the
7 applicant is not qualified as a registered elector, he shall send
8 a notice to the applicant stating the determination and the
9 reasons therefor.

10 (4) Pursuant to the provisions of section 1-1-109, the
11 secretary of state shall prescribe the forms for use pursuant to
12 this section, and such forms shall be furnished to the local
13 drivers' license examination facilities by each county clerk and
14 recorder.

15 (5) This section shall be repealed effective January 1,
16 1985, unless extended by the general assembly after examining the
17 impact of this section on voter registration, voting, and branch
18 registration.

19 SECTION 2. Effective date. This act shall take effect
20 January 1, 1981.

21 SECTION 3. Safety clause. The general assembly hereby
22 finds, determines, and declares that this act is necessary for
23 the immediate preservation of the public peace, health, and
24 safety.