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MEMORANDUM

July 19, 2010

TO: Interested Persons

FROM: Bo Pogue, Research Associate, 303-866-5390

SUBJECT: Election-related Legislation, 2001-2010

This memorandum contains ten tables summarizing legislation that passed the General Assembly for each year from 2001 through the 2010 legislative session. Within each table, the measures are arranged by bill number with Senate bills listed first. Each table also contains the measure's title, bill sponsorship, and the effective date of the measure. Chamber resolutions and joint resolutions that express a position taken by the General Assembly, or one of its houses, are not included, nor are measures that were lost or postponed indefinitely. However, information is included on measures that passed but were subsequently vetoed by the Governor. Information is not included on measures introduced during the 2001 special session on redistricting, since the special session ended in a deadlock, with no substantive measures passing out of the General Assembly. Information on one election-related measure that passed out of the 2006 special session is included; that special session pertained to immigration policy.

**Table 1
Election-related Legislation Passed in 2001**

<p>Bill Number: Senate Bill 01-025</p> <p>Sponsors: Senator Dyer Representative Stengel</p>	<p>Short Title: Fiscal Impact Statements</p> <p>Effective Date: August 8, 2001</p>
<p>The act removes the requirement that fiscal impact statements be provided for initiated or referred measures with significant fiscal impacts and requires that the director of research of the legislative council of the General Assembly prepare a fiscal impact statement for all initiated or referred measures. The act specifies that fiscal impact statements for initiated or referred measures must be similar in form and content to the fiscal notes provided by the Legislative Council of the General Assembly for legislative measures. The act requires that a complete copy of the fiscal impact statement for each initiated or referred measure be available through the Legislative Council of the General Assembly.</p> <p>Under the act, the ballot information booklet must indicate whether there is a fiscal impact for each initiated or referred measure and also must include an abstract of the fiscal impact statement for every measure. The act requires that the abstract include an estimate of the effect the measure will have on state and local government revenues, expenditures, taxes, and fiscal liabilities if the measure is enacted. For any initiated or referred measure that modifies the state tax laws, the act requires the abstract of the fiscal impact statement to include an estimate of the impact to the average taxpayer, if feasible, if such measure is enacted.</p>	
<p>Bill Number: Senate Bill 01-132</p> <p>Sponsors: Senator Arnold Representative Kester</p>	<p>Short Title: Ballot Recount Time Period</p> <p>Effective Date: August 8, 2001</p>
<p>The act expands the time period for completing a mandatory recount of election ballots from 21 to 30 days for congressional, state and district offices, state ballot questions and issues, offices and ballot measures in county elections, and nonpartisan elections not coordinated by county clerks. Ballots are to be recounted using the identical, procedures, methods and processes used for the original count of the ballots cast.</p>	
<p>Bill Number: House Bill 01-1070</p> <p>Sponsors: Representative Hodge Senator Gordon</p>	<p>Short Title: Fair Campaign Practices Act Reports on Website</p> <p>Effective Date: August 8, 2001</p>
<p>For required reports under the Fair Campaign Practices Act (FCPA), the act establishes an electronic system of filing with the county clerk and recorder and an internet-based system of displaying documents by the Secretary of State. Specifically, the act requires a candidate committee, political committee, issue committee, and political party to include, when registering with the appropriate officer, a statement of any intent to electronically file the required reports. No later than January 1, 2002, the act requires the Secretary of State to modify the existing system that allows electronic filing of FCPA reports required to be filed with the secretary of state or create a new system to enable electronic filing, through utilization of the Internet, of reports required to be filed with a county clerk and recorder.</p> <p>No later than January 1, 2002, the act requires the Secretary of State to post on an existing or new web site, for free read-only access, campaign reports required to be filed under the FCPA with a county clerk and recorder that are electronically transmitted to the Secretary of State or electronically filed on the electronic filing system. The act requires the Secretary of State to post any such report no later than 48 hours after receiving the report in electronic form. Under the act, the Secretary of State may promulgate rules governing the posting and electronic filing of campaign reports. Finally, the act specifies that the new requirements relating to electronic filing and posting of campaign reports are not to be construed to require the Secretary of the State to review reports electronically filed by persons required to file reports with a county clerk and recorder or to impose any new enforcement duties upon the Secretary of State.</p> <p>Before January 1, 2006, the act allows each county clerk and recorder who has the technology available to access the Internet to use the electronic filing system to transmit any FCPA report filed with the clerk and recorder to the Secretary of State. On and after January 1, 2006, the act requires each county clerk and recorder to use the electronic filing system to transmit any FCPA report filed with the clerk and recorder to the Secretary of State.</p> <p>Before January 1, 2006, the act allows any person required to file an FCPA report with a county clerk and recorder to electronically file the report if the county clerk and recorder with whom the report must be filed has the technology available to access the Internet. On and after January 1, 2006, the act allows any person required to file an FCPA report with a county clerk and recorder to electronically file the report.</p>	

**Table 1 (Cont.)
Election-related Legislation Passed in 2001**

<p>Bill Number: House Bill 01-1274</p> <p>Sponsors: Representative Fairbank Senator Thiebaut</p> <p>The act clarifies that precinct caucuses and minor political party meetings to elect party officers may be held in a private home that is open to the public and not just in a public place; addresses procedures for conducting mail ballot elections; clarifies procedures for handling petitions by petition circulators for candidates seeking ballot access by petition and elections to recall elected officials; and alters the numbering of election precincts.</p>	<p>Short Title: Election Code Clarifications</p> <p>Effective Date: August 8, 2001</p>
<p>Bill Number: House Bill 01-1307</p> <p>Sponsors: Representative Berry Senator Reeves</p> <p>The act requires the Secretary of State to implement a computerized voter registration and election management system to replace the consolidated data management system maintained by the Department of Revenue. County clerks who are using the existing consolidated data management system are permitted by the act to use the new election management system without charge. Other county clerks are charged a fee for the use of the system.</p>	<p>Short Title: Computerized Election System</p> <p>Effective Date: May 18, 2001, or January 1, 2002, based on section of the act</p>
<p>Bill Number: House Bill 01-1368</p> <p>Sponsors: Representative Schultheis Senator Cairns</p> <p>To effectuate changes in the composition of the regents of the University of Colorado that are necessitated by the addition of a 7th congressional district in Colorado, the act replaces the at-large regent of the University of Colorado to be elected at the 2002 general election and each six years thereafter with a regent to be elected from the 7th congressional district.</p>	<p>Short Title: Modify Elected Boards That Oversee Education</p> <p>Effective Date: August 8, 2001</p>
<p>Bill Number: House Bill 01-1390</p> <p>Sponsors: Representative Romanoff Senator McElhany</p> <p>The act increases the penalty imposed per day for failure to file certain statements or other information required to be filed under specified sections of the Fair Campaign Practices Act (FCPA) from \$10 to \$50, up to a limit of \$1,000 per reporting period. The act clarifies that, upon imposition of the penalty, the appropriate officer is to send the person against whom the penalty is being imposed proper notification by mail of the imposition of the penalty. The act requires the Secretary of State to provide the notification by electronic mail where an electronic mail address is on file with the secretary.</p> <p>The act permits any person against whom a penalty has been imposed to appeal such imposition by filing a written appeal with the Secretary of State no later than 30 days after the date on which the notification of the imposition of the penalty was mailed to the person's last known address. It requires the secretary to refer any such appeal to an administrative law judge; except that, upon receipt of an appeal, the secretary is required to set aside or reduce the penalty upon a showing of good cause. The act specifies certain procedures to be followed in connection with the appeal. Under the act, the administrative law judge must order the complainant to pay the attorney fees and costs of the secretary in connection with the appeal where the judge finds that the filing of the appeal was frivolous. The act clarifies that any unpaid debt owing to the state resulting from the imposition of such penalty shall be collected by the state in accordance with the requirements of existing statutory provisions governing the collection of debts owing to the state.</p> <p>The act repeals the statutory provision granting committees or political parties that utilize the electronic filing system for filing reports of contributor information two additional days after the prescribed due dates in which to file such reports, effective January 1, 2007. Where a person uses the electronic filing system to meet the filing requirements of the FCPA, the act requires the Secretary of State to acknowledge by electronic means the receipt of such filing.</p>	<p>Short Title: Filing of Information under Fair Campaign Practices Act</p> <p>Effective Date: September 1, 2001</p>

**Table 2
Election-related Legislation Passed in 2002**

<p>Bill Number: Senate Bill 02-079</p> <p>Sponsors: Senator Lamborn Representative Paschall</p> <p>The act specifies that if the state or a political subdivision makes a campaign contribution or spends public moneys to urge electors to vote in a particular manner in violation of state law, the state or political subdivision is subject to sanctions authorized under the Fair Campaign Practices Act or any appropriate order or relief, including injunctive relief or a restraining order to enjoin the continuance of the violation.</p>	<p>Short Title: Enforcement Fair Campaign Practices Act</p> <p>Effective Date: August 7, 2002</p>
<p>Bill Number: Senate Bill 02-139</p> <p>Sponsors: Senator Taylor Representative Miller</p> <p>The act requires election officials to provide an absentee ballot electronically to members of the armed forces stationed outside the United States who request an absentee ballot. The act also contains requirements for administering this absentee balloting.</p>	<p>Short Title: Voting by Overseas Military Personnel</p> <p>Effective Date: August 7, 2002</p>
<p>Bill Number: House Bill 02-1061</p> <p>Sponsors: Representative Garcia Senator Entz</p> <p>The act requires that applications for absentee ballots include, in addition to existing requirements, the applicant's printed name and, if the applicant wishes to receive the absentee ballot by mail, the applicant's mailing address. The act requires applicants who wish to receive absentee ballots by mail to file the application no later than the Tuesday before the election. The act prohibits any person from giving to any eligible elector a form to apply for an absentee ballot unless the form prompts the applicant to provide all the information required for an absentee ballot application and contains a statement specifying the required information.</p>	<p>Short Title: Absentee Ballot Request Deadline</p> <p>Effective Date: June 7, 2002</p>
<p>Bill Number: House Bill 02-1156</p> <p>Sponsors: Representative Marshall Senator Hillman</p> <p>The act requires candidates and candidate committees in recall elections to file reports of contributions and expenditures 14 and 7 days before the recall election and 30 days after the recall election. The act requires issue committees in recall elections to file committee registrations with the appropriate officer within 10 business days after receiving their first contribution. Further, the act requires reports of contributions and expenditures to be filed with the appropriate officer within 15 days of the filing of the committee registrations and every 30 days thereafter until the date of the recall election is established and then 14 days and 7 days before the recall election and 30 days after the recall election. The act specifies that an issue committee includes two or more persons who are elected, appointed, or chosen, or have associated themselves, for the purpose of accepting contributions or making expenditures to support or oppose the recall of an elected official in a recall election.</p>	<p>Short Title: Campaign Finance Report Recall Elections</p> <p>Effective Date: April 3, 2002</p>
<p>Bill Number: House Bill 02-1179</p> <p>Sponsors: Representative Garcia Senator Anderson</p> <p>In connection with the definition of "candidate" for purposes of the Fair Campaign Practices Act (FCPA), the act clarifies that a person is a candidate for election if the person has either publicly announced an intention to seek election to public office or retention of a judicial office, or has received a contribution in support of the candidacy. In connection with the definition of "candidate committee" for purposes of the FCPA, it clarifies that such committee means a person or persons with the common purpose of either receiving contributions or making expenditures under the authority of a candidate.</p>	<p>Short Title: Candidate for Elected Office under Fair Campaign Practices Act</p> <p>Effective Date: July 1, 2002</p>

**Table 2 (Cont.)
Election-related Legislation Passed in 2002**

<p>Bill Number: House Bill 02-1245</p> <p>Sponsors: Representative Lee Senator Evans</p>	<p>Short Title: State Board of Education Vacancies</p> <p>Effective Date: July 1, 2002</p>
<p>The act requires that any vacancy occurring on the State Board of Education to be filled by a vacancy committee of the same political party as the vacating member.</p>	
<p>Bill Number: House Bill 02-1307</p> <p>Sponsors: Representative Fairbank Senator Fitz-Gerald</p>	<p>Short Title: Elections Blue Ribbon Panel</p> <p>Effective Date: June 7, 2002</p>
<p>Pursuant to the recommendations of a blue ribbon panel assembled to consider the state's election laws, the act makes numerous changes to election law in the following subject areas:</p>	
<p>Qualifications and Registration of Electors</p> <p>The act permits a voter who made an emergency registration to vote to cast a provisional ballot. It also allows a voter who changed registration on election day to cast a provisional ballot at the polling place or in the office of the county clerk and recorder. The act directs the departments of State and Revenue to allow sharing of information between their systems for collecting residence addresses, signatures, and party affiliation in order to maintain the master list of registered electors.</p>	
<p>Candidate Petitions</p> <p>The act eliminates the requirement that a person signing a nominating petition for a candidate state that he or she intends to vote for that candidate in the primary election.</p>	
<p>Notice and Preparation for Elections</p> <p>The act consolidates provisions on notice of elections. Specifically, it states that the publication of notice by the county clerk and recorder for a coordinated election satisfies the notice requirements for all political subdivisions participating in the election, and removes the requirement of postcard notice in nonpartisan elections, making such notice discretionary. The act states that ballots produced on demand need not have ballots stubs so long as the number of such ballots can be reconciled by the ballot processing system. The act requires the number of blank spaces on ballots for write-in candidates to be the lesser of the number of declared write-in candidates or the number of persons to be elected to the office. It also requires notice on the ballot when there are no duly nominated or declared write-in candidates for an office.</p>	
<p>Election Judges</p> <p>The act requires each election judge to attend one instruction class before the first election in the cycle at which he or she will serve as an election judge, and permits the county clerk and recorder or other election official to require election judges to attend more than one class per election cycle. The act permits minor political parties to recommend election judges to the county clerk and recorder, and permits unaffiliated voters to notify the county clerk and recorder of their willingness to serve as election judges. Under the act, designated election officials must appoint election judges from among persons recommended by minor political parties and unaffiliated voters if the major political parties recommend an insufficient number of election judges. The act also permits county clerks to fill vacancies in election judge positions from among persons recommended by minor political parties and unaffiliated voters. Finally, the act removes the maximum amount of compensation that election judges may receive for their services.</p>	
<p>Conduct of Elections</p> <p>The act entitles minor political parties to have watchers in precinct polling places and all political parties to have watchers in places where votes are counted. The act permits minor political parties to participate in testing of electronic vote-counting equipment, and reduces the minimum number of test ballots used by representatives of political parties and certain designated election officials to 25.</p>	
<p>Mail Ballot Elections</p> <p>The act requires that any depository for mail ballots be designated by the county clerk and recorder or other designated election official and located in a secure place under the supervision of an authorized person.</p>	

**Table 2 (Cont.)
Election-related Legislation Passed in 2002**

Bill Number: **House Bill 02-1307 (Cont.)**

Short Title: **Elections Blue Ribbon Panel**

Sponsors: Representative Fairbank
Senator Fitz-Gerald

Effective Date: June 7, 2002

Absentee and Early Voting

The act eliminates the ability of a family member to sign an application for an absentee ballot on behalf of the applicant. The act specifies that no one person other than a duly authorized agent of the designated election official may receive more than five absentee ballots in any election for mailing or delivery. Under the act, a receiving judge in an election coordinated by the county clerk and recorder must compare the signature on the self-affirmation of an absentee ballot with the signature of the elector on file in the county clerk and recorder's office before opening the ballot. The act states that the signatures should be compared in the same manner that signatures on mail ballots are compared. The act specifies that the self-affirmation on an absentee ballot is valid if:

- it was completed by the elector or a person acting on the elector's behalf;
- it was signed by the elector or, if the elector is unable to sign, marked by the elector with or without assistance and witnessed by another person; and
- in an election coordinated by the county clerk and recorder, the signature on the self-affirmation matches the signature on file, or the eligible elector's marks on the application and the self-affirmation were witnessed by other persons.

Provisional Ballots

The act allows voters who claim to be properly registered, but whose qualification to vote cannot be immediately established, to cast provisional ballots. Under the act, provisional ballots must be sealed in envelopes and delivered to the county clerk and recorder or designated election official. The act requires instructions on the voting and handling of provisional ballots to be printed on provisional ballot envelopes, and requires polling places to have sufficient provisional ballots on hand. The act requires the election official to verify the information supplied by the voter of a provisional ballot and reject the ballot if the information cannot be verified. Under the act, voters who have been sent absentee ballots but not returned them may cast provisional ballots. If a voter returns the absentee ballot, the act requires that the provisional ballot not be counted, and the county clerk and recorder must refer suspected cases of intentional or fraudulent duplicate voting to the district attorney. Finally, the act permits challenges of provisional ballots.

Survey of Returns - Recounts

The act increases the number of days after an election:

- the canvass board has to complete its duties;
- the county clerk and recorder has to send the abstract of votes to the Secretary of State;
- the Secretary of State has to compile the election returns from all counties;
- the county clerk and recorder has to send to the Secretary of State the list of candidates elected to county offices;
- the Secretary of State has to order a recount in a Congressional, state, district office, state ballot issue, or state ballot question election, and increases the number of days in which the recount must be completed;
- in which recounts in elections coordinated by a county clerk and recorder must be completed;
- the designated election official has to order a recount in elections not coordinated by a county clerk and recorder, and increases the number of days in which the recount must be completed; and
- interested parties have to request a recount, and increases the number of days in which the recount must be completed.

The act also allows minor political parties and unaffiliated candidates to designate watchers to observe county canvass boards. The act requires all sections of a recall petition to be filed simultaneously.

Fair Campaign Practices Act

The act states that a candidate committee in a special district election is not required to file reports under the Fair Campaign Practices Act (FCPA) until it has received contributions or made expenditures exceeding \$20. The act requires candidates in special district elections and the committees that support or oppose them, with the exception of candidates for director of the Regional Transportation District, to file reports under the FCPA with the clerk and recorder of the county in which the district court having jurisdiction over the special district is located. The act eliminates the requirement to keep reports filed under the FCPA as permanent records, leaving in place the separate requirement to keep such reports for one year after the date of filing or one year after the candidate leaves office.

**Table 2 (Cont.)
Election-related Legislation Passed in 2002**

<p>Bill Number: House Bill 02-1307 (Cont.)</p> <p>Sponsors: Representative Fairbank Senator Fitz-Gerald</p>	<p>Short Title: Elections Blue Ribbon Panel</p> <p>Effective Date: June 7, 2002</p>
<p>The act permits candidates in special district elections to file a copy of their self-nomination and acceptance form or letter in lieu of the candidate affidavit, so long as such form or letter states that the candidate is familiar with the provisions of the FCPA. The act clarifies that candidates in municipal elections need not file a separate affidavit under the FCPA if they have filed an affidavit under the municipal election code stating that they are familiar with the provisions of the FCPA.</p>	
<p>Department of State</p> <p>Under the act, the Department of State is authorized to receive and expend gifts and grants, including federal funds, to exercise the powers and perform the duties associated with the conduct of elections. The act allows the department to provide matching funds to receive any such gift or grant, subject to appropriation by the General Assembly. Finally, the act repeals the provision allowing absentee ballots to be counted using voting lever machines.</p>	
<p>Bill Number: House Bill 02-1340</p> <p>Sponsors: Representative Dean Senator Matsunaka</p>	<p>Short Title: Precinct Caucus Reapportionment Change</p> <p>Effective Date: March 27, 2002</p>
<p>For the 2002 calendar year only, the act makes the following changes to the political party nomination process as required by the redrawing of general election precinct boundaries in accordance with the court-approved reapportionment plan for senatorial and representative districts of members of the General Assembly:</p> <ul style="list-style-type: none"> • makes April 23, 2002, precinct caucus day instead of the second Tuesday in April; • requires the county clerk and recorder to furnish a preliminary list of registered electors to the major political parties in the county as soon as practicable after court approval of the reapportionment plan, instead of 30 days prior to precinct caucus day, and to furnish a supplemental list on the Friday preceding precinct caucus day; • requires county assemblies to be held on any date following the April 23, 2002, precinct caucuses, but no later than May 18, 2002, instead of not less than 10 nor more than 30 days after the precinct caucuses; • requires designation of precinct caucus places by signage no later than 7 days, instead of 12 days, before the precinct caucuses; • specifies that changes in the boundaries or the creation of precincts shall be completed prior to the precinct caucuses on April 23, 2002, instead 29 days prior to precinct caucus day; and • directs the county chairperson of each major political party in the county to certify to the county clerk and recorder the names and addresses of recommended election judges no later than May 14, 2002, instead of the last Tuesday in April. <p>The act specifies that, to the extent that such changes conflict with the rules or bylaws of the two major political parties, such statutory changes shall control.</p>	
<p>Bill Number: House Bill 02-1450</p> <p>Sponsors: Representative Fairbank Senator Tate</p>	<p>Short Title: Joint Advertisements Governor and Lieutenant Governor Candidate Committee</p> <p>Effective Date: June 7, 2002</p>
<p>The act states that expenditures for political messages by the candidate committee of a political party's nominee for Governor or Lieutenant Governor are not to be construed as contributions or contributions in-kind to the candidate committee of the other nominee.</p>	

**Table 3
Election-related Legislation Passed in 2003**

Bill Number: Senate Bill 03-102	Short Title: Voter Identification
Sponsors: Senator Arnold Representative White	Effective Date: April 22, 2003
<p>The act requires voters to show identification at the polling place in order to vote in primary and general elections. Identification can be a driver's license, a Colorado state Identification card, a passport, a government employee identification card, a pilot's license, or a military ID card. The cards must show Colorado addresses to be valid. Voters who are unable to produce identification may cast provisional ballots. The act requires voters who registered to vote by mail and have not previously voted in an election in the county to submit a copy of their identification with their mail ballot or absentee ballot. It exempts from this requirement voters who submitted identification when registering by mail or registered by federal postcard, disabled voters who are voting at the absentee voters' polling place on election day, and voters who are entitled to vote other than in person under any federal law. The act requires that a mail ballot or absentee ballot returned without required identification be treated as a provisional ballot. The act removes birth date from the information shown on the mail ballot return envelope, and allows an eligible elector who is unable to sign the self-affirmation on a mail ballot to make a mark witnessed by another person. The act requires elections judges to compare voter signatures in mail ballot elections.</p>	
Bill Number: Senate Bill 03-139	Short Title: Contest Bond Debt Elections Grounds
Sponsors: Senator Andrews Representative Lundberg	Effective Date: August 6, 2003
<p>The act requires districts submitting a ballot issue concerning the creation of any debt or other financial obligation at a district election to post certain information at least 20 days before the election pertaining to the district's finances and financial obligations. The act specifies that if a district fails to provide the required information or the information provided contains a material misstatement, such failure or material misstatement constitutes grounds to contest the results of the ballot issue election seeking approval to create any debt or other financial obligation, including a municipal election. The act further specifies that the provisions of law establishing the procedures for contesting other election results apply to the contest of an election to determine a ballot issue that includes approval of the creation of a financial obligation, and that such contests are to be tried and decided in the district court for the political subdivision in which the contest arises. The act requires the district court to pronounce judgment on whether the approval of a ballot issue to create a financial obligation should be set aside; it specifies that if the judgment is against the person contesting the election result, costs and attorney fees shall only be assessed against the contestor and awarded to the state or any political subdivision if the suit is ruled frivolous. The act allows the voter who instituted the contest to file a civil action to recover costs and reasonable attorney fees from the governing body if the result of the election is set aside.</p>	
Bill Number: Senate Bill 03-188	Short Title: Eliminate Presidential Primary Election
Sponsors: Senator Lamborn Representative Fairbank	Effective Date: March 5, 2003
<p>The act eliminates the presidential primary election and transfers \$2.2 million from the Department of State Cash Fund to the General Fund.</p>	
Bill Number: Senate Bill 03-352	Short Title: Congressional Redistricting
Sponsors: Representative Fairbank Senator McElhany	Effective Date: May 9, 2003
<p>The act establishes new congressional district boundaries for the seven congressional districts, effective for the 2004 election, until Congressional districts are again reapportioned. The previous districts were established by court order in 2002.</p>	

**Table 3 (Cont.)
Election-related Legislation Passed in 2003**

<p>Bill Number: House Bill 03-1006</p> <p>Sponsors: Representative Fairbank Senator Anderson</p>	<p>Short Title: Provisional Ballots Elections</p> <p>Effective Date: April 17, 2003</p>
<p>The act modifies the requirements for voting by provisional ballot. Under the act, a voter may cast a provisional ballot if his or her name does not appear on a list of registered voters, but has applied to register prior to the 30-day deadline, or if he or she was registered in one county and moved to another and failed to change the registration before the deadline. Voters must present photo identification showing an address in the county and must complete an affidavit. Under the act, a provisional ballot affidavit constitutes voter registration for future elections and previous registrations must be cancelled. If a voter does not complete the provisional ballot affidavit or does not present identification, the act disallows counting of the provisional ballot unless the county clerk and recorder or designated election official determines that the voter was properly registered. The act also creates a system for allowing provisional voters to find out if their ballots were counted. Finally, the act repeals a provision allowing a voter who requested an absentee ballot but did not return it to vote by provisional ballot.</p>	
<p>Bill Number: House Bill 03-1132</p> <p>Sponsors: Representative Fairbank Senator Hillman</p>	<p>Short Title: Amendment 27 and Fair Campaign Practices Act</p> <p>Effective Date: June 3, 2003</p>
<p>The act implements the provisions of Article XXVII of the Colorado Constitution, adopted as Amendment 27 at the 2002 general election. Specifically, the act:</p> <ul style="list-style-type: none"> • specifies that any unexpended campaign contributions retained by a candidate committee for use in a subsequent election cycle must be counted and reported as contributions from a political party in any subsequent election; • specifies that, in the case of contributions made to a candidate committee, political committee, issue committee, and political party, required disclosure under the Fair Campaign Practices Act (FCPA) must also include the occupation and employer of each person who has made a contribution of \$100 or more to such committee or party; • requires any person who expends \$1,000 or more per calendar year on electioneering communications to report to the Secretary of State, in accordance with the existing disclosure requirements, the amount expended on the communications and the name and address of any person who contributes more than \$250 per year to the person expending \$1,000 or more on the communications. The act specifies that if the person making the contribution of \$250 or more is a natural person, the required disclosure is to include the person's occupation and employer; • specifies that, for purposes of required disclosure under the FCPA, a political party is to be treated as a separate entity at the state, county, district, and local levels; and • adds small donor committees and persons who expend \$1,000 or more per calendar year on electioneering communications to the list of persons and entities that are required to provide certain disclosures and to make certain required filings under the FCPA. <p>The act clarifies that nothing in Article XXVIII of the state constitution or the FCPA shall be construed to prohibit a corporation or labor organization from making a contribution to a political committee. The act requires the Secretary of State to promulgate rules to enforce and administer the FCPA. Under the act, the prevailing party in a private action brought to enforce the Article XXVIII of the state constitution or the FCPA is entitled to recovery of reasonable attorney fees and costs. The act also creates limited immunity from penalties for those volunteering on behalf of candidates. Finally, the act clarifies that the requirements of Article XXVIII of the state constitution and of the FCPA do not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by Article XXVIII and the FCPA.</p>	
<p>Bill Number: House Bill 03-1142</p> <p>Sponsors: Representative Crane Senator Chlouber</p>	<p>Short Title: Minor Political Parties Elections</p> <p>Effective Date: April 22, 2003</p>
<p>The act requires that minor political parties designate primary ballot candidates, nominate candidates for the general election, elect officers and delegates, fill vacancies, and vote in primary elections the same way major political parties do. Under previous law, minor parties conducted their affairs, including the process by which they nominate candidates, elect officers and delegates, and fill vacancies, according to their individual constitutions or bylaws.</p>	

**Table 3 (Cont.)
Election-related Legislation Passed in 2003**

<p>Bill Number: House Bill 03-1153</p> <p>Sponsors: Representative Weddig Senator Hanna</p>	<p>Short Title: Mail Ballot Elections</p> <p>Effective Date: August 6, 2003</p>
<p>For a general election in which voters who live in specified precincts are required to cast absentee ballots by mail, the act allows the voters to opt out of voting by mail and vote instead at the office of the county clerk and recorder on election day, or another designated location. The act prohibits an absentee ballot from being mailed to an applicant unless the designated election official has received an application for an absentee ballot from the applicant.</p>	
<p>Bill Number: House Bill 03-1241</p> <p>Sponsors: Representative Fairbank Senator McElhany</p>	<p>Short Title: Signature Verification on Ballots</p> <p>Effective Date: April 29, 2003</p>
<p>The act creates a process that election judges must follow in comparing voter signatures on mail and absentee ballots with signatures on file at the county clerk and recorder's office. The act also creates a process for reconciling irregularities found when making signature comparisons.</p>	
<p>Bill Number: House Bill 03-1271</p> <p>Sponsors: Representative Sinclair Senator Taylor</p>	<p>Short Title: Absentee Voting Military And Overseas</p> <p>Effective Date: August 6, 2003</p>
<p>The act allows United States service members and merchant marine members and their spouses and dependents who are absent from the state on active duty or service may simultaneously register to vote and apply for an absentee ballot using the federal postcard application. The act also extends this privilege to eligible persons who reside overseas. Upon request, the act the application is considered an application for an absentee ballot through the next two general elections.</p> <p>The act designates the Secretary of State as responsible under the Help America Vote Act of 2002 for providing voter registration information and absentee ballot applications to absent uniformed services and overseas voters. The act authorizes the Secretary of State to cooperate with voting assistance officers of military units to assist with voter registration and absentee ballot applications. Under the act, all absent uniformed services and overseas voters may receive absentee ballots by fax or other electronic means. The act prohibits a designated election official from refusing an absentee ballot application from an absent uniformed services voter on the grounds that the application was submitted too early.</p>	
<p>Bill Number: House Bill 03-1356</p> <p>Sponsors: Representative Fairbank Senator Sandoval</p>	<p>Short Title: Help America Vote Act</p> <p>Effective Date: May 22, 2003</p>
<p>The act implements the federal Help America Vote Act of 2002 (HAVA) in the following respects, arranged by subject area:</p> <p>Authority of the Secretary of State</p> <ul style="list-style-type: none"> designates the Secretary of State (secretary) as the chief state election officer within the meaning of HAVA and grants to the secretary the power of coordinating the responsibilities of the state under HAVA. The act also specifies other powers and duties of the secretary with respect to administration, implementation, and enforcement of HAVA; authorizes the secretary in specified circumstances to investigate an allegation that an election is not being conducted in accordance with the requirements of HAVA or of the Uniform Election Code of 1992 (code). As part of such investigation, the act authorizes the secretary to compel the testimony of witnesses and the production of documents and to send official election observers to a county; with an exception of a complaint brought to remedy an alleged violation of HAVA, authorizes an interested party that has reasonable grounds to believe that an election is not being conducted in conformity with the requirements of the code to apply to the district court for an order giving the secretary access to all pertinent election records used in conducting the election and requesting the secretary to conduct the election; authorizes the secretary to establish by rule a uniform administrative complaint procedure to remedy grievances arising out of HAVA. The act also creates a process for appealing determinations by the secretary; 	

Table 3 (Cont.)
Election-related Legislation Passed in 2003

Bill Number: **House Bill 03-1356 (Cont.)**

Short Title: **Help America Vote Act**

Sponsors: Representative Fairbank
Senator Sandoval

Effective Date: May 22, 2003

- creates the federal elections assistance fund (fund) in the state treasury, specifies that the fund shall be administered by the secretary, and specifies the types of moneys to be deposited into the fund. The act also includes appropriations and spending details for the fund;
- authorizes the secretary to establish a program for awarding grants or loans to counties for the purpose of assisting counties in meeting the requirements of HAVA and House Bill 03-1356;
- in response to the failure by a county to satisfy any of the requirements imposed upon it by the act, authorizes the secretary to reduce a county's election-related reimbursement; and
- authorizes a county to make a voter-registration equipment donation to the state. Under the act, the county receives a credit in the amount of the fair market value of the donation against the financial obligation assessed against the county pursuant to the act.

Centralized Statewide Voter Registration System

- in connection with an application to register to vote, requires each eligible voter to provide his or her Colorado driver's license number in addition to the last four digits of the elector's social security number. The act specifies that, if the voter has an identification card instead of a driver's license, the voter may provide the number of the identification card instead of a Colorado driver's license number along with the last four digits of his or her social security number;
- in the case of an applicant for voter registration who has not been issued a Colorado driver's license, an identification card, or a social security number, requires the secretary to assign the applicant a voter registration identification number;
- no later than January 1, 2006, requires the secretary to implement a centralized, computerized statewide voter registration system administered at the state level. The system is required to contain a computerized statewide voter registration list maintained by the secretary that contains the name and registration information of every registered voter in the state and that assigns a unique identifier to each legally registered voter;
- specifies that the centralized statewide registration system replaces the voter registration and election management system that was required to be developed or acquired prior to the effective date of the act. The act requires the centralized statewide registration system and the computerized statewide voter registration list to be fully compliant with all applicable requirements specified in HAVA;
- makes the department responsible for the cost of acquiring computer hardware for the centralized statewide registration system. The act contains rule-making authority for working with the counties to implement the system, and requires the department to make system software available at no charge to the counties;
- authorizes the secretary to electronically cancel the registration of deceased persons and persons convicted of a felony;
- At the earliest practical time, requires the secretary and the executive director of the Department of Revenue to match information in the database of the centralized statewide registration system with information in the database of the motor vehicle business group in order to verify the accuracy of the information provided on applications for voter registration;
- requires the Department of Revenue to enter into an agreement with the federal Commissioner of Social Security for the purpose of verifying applicable information in accordance with the requirements of HAVA; and
- Requires the secretary to provide adequate technological security measures to prevent the unauthorized access to the computerized statewide voter registration list.

Voter Registration by Mail and Voting by First-time Voters

- in connection with the application form to be filled out by a person by mail, requires the form to include the certain age and citizenship questions;
- requires the form to include a statement informing the applicant that, if the form is submitted by mail and the applicant is registering to vote for the first time in the state, the appropriate information required under the act is to be submitted with the mail-in registration form to avoid the additional identification requirements for applicants voting for the first time imposed by the act;
- specifies that, if an applicant for registration fails to answer on the mail registration form the question relating to American citizenship, the election official is to notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner;

**Table 3 (Cont.)
Election-related Legislation Passed in 2003**

Bill Number: **House Bill 03-1356 (Cont.)**

Short Title: **Help America Vote Act**

Sponsors: Representative Fairbank
Senator Sandoval

Effective Date: May 22, 2003

- in addition to the identifying information required to be provided by an elector under existing statutory provisions, requires any person who desires to register to vote by mail to submit with such registration:
 - ◆ a copy of identification as defined under state election law; or
 - ◆ at least the last four digits of the person's social security number.
- specifies that a Colorado driver's license number, the number of an identification card issued by the Department of Revenue, or the last four digits of the person's social security number will only be acceptable if the state or local election official matches the number of the driver's license or identification card or the person's social security number with an existing state identification record bearing the same number, name, and date of birth as provided in the registration information;
- requires a new voter who intends to cast his or her ballot in person to present to the appropriate election official at the polling place proper identification;
- requires a new voter who intends to cast his or her ballot by mail to submit with his or her mail or absentee ballot a copy of identification;
- allows a voter who desires to cast his or her ballot in person, but does not satisfy these requirements, to cast a provisional ballot. The act also allows a person who wishes to vote by mail or absentee ballot but who does not satisfy these requirements to cast such ballot by mail or absentee ballot, and specifies that the ballot shall be treated as a provisional ballot;
- requires the designated election official to include with a mail or an absentee ballot written instructions to enable a first-time voter to comply with requirements for new voters intending to cast a mail or absentee ballot; and
- directs state and local election officials to implement the requirements applicable to new voters in a uniform and nondiscriminatory manner.

The act expands the definition of "identification" to include a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.

Table 4
Election-related Legislation Passed in 2004

<p>Bill Number: Senate Bill 04-084</p> <p>Sponsors: Senator Windels Representative Sinclair</p>	<p>Short Title: Voter Identification Requirements And Help America Vote Act</p> <p>Effective Date: April 13, 2004</p>
<p>The act makes technical changes to identification requirements under the federal Help America Vote Act. Specifically, it adds student identification cards to the list of acceptable identification for voting purposes. The act also specifies that a voter must provide either a driver's license number, or the last four digits of a social security number, rather than providing both as required under previous law. For persons registering to vote for the first time by mail and persons voting by mail for the first time, the act expands the types of identification numbers that may be provided, to be consistent with the types of identification that must be shown in order to vote.</p>	
<p>Bill Number: Senate Bill 04-153</p> <p>Sponsors: Senator Johnson S. Representative McClusky</p>	<p>Short Title: Vote Centers And Combining Precincts</p> <p>Effective Date: May 27, 2004</p>
<p>The act authorizes a designated election official to establish one or more vote centers for any election, subject to approval by the board of county commissioners. A "vote center" is defined as a polling place at which any registered elector in the political subdivision holding the election may vote, regardless of the precinct in which the elector resides. The act requires each vote center to have a secure electronic connection to the computerized registration book maintained by the county clerk and recorder permitting all voting information processed by any computer at a vote center to be immediately accessible to all other computers at all vote centers in the county. The Secretary of State must certify the secure electronic connection. Under the act, precinct polling places may not also be used in any election for which vote centers have been established, unless each precinct polling place has a secure electronic connection.</p> <p>The act requires the designated election official to determine the number, location, and manner of operation of vote centers in consultation with representatives of political parties. Under the act, a political subdivision may not use vote centers in a general election unless vote centers were used in a previous odd-year election or in a primary election held on or after January 1, 2006. The act allows a designated election official to combine polling places or precincts in any election.</p>	
<p>Bill Number: Senate Bill 04-213</p> <p>Sponsors: Senator Arnold Representative Crane</p>	<p>Short Title: Voter Identification Requirements</p> <p>Effective Date: May 27, 2004</p>
<p>The act adds the following to the list of acceptable forms of voter identification: a valid social security card, a valid Medicare or Medicaid card, a certified copy of the voter's birth certificate, and certified documentation of naturalization. The act also deletes the requirement that a pilot's license contain a photograph. The act eliminates the requirement that voters who have a Colorado driver's license or identification card give the last 4 digits of their social security number in order to register to vote. Instead, voters may give either their driver's license number, identification card number, or the last four digits of the social security number. Under the act, the last four digits of a social security number would not be considered a social security number for purposes of the federal Privacy Act of 1974.</p>	

**Table 4 (Cont.)
Election-related Legislation Passed in 2004**

Bill Number: House Bill 04-1121	Short Title: Contributions And Campaign Finance
Sponsors: Representative Fairbank Senator Lamborn	Effective Date: May 21, 2004
<p>The act authorizes a political committee to receive and accept moneys contributed to it by a corporation or labor organization for disbursement to a candidate committee or political party without depositing the moneys in an account separate from the account required to be established for the receipt and acceptance of all contributions by all committees or political parties in accordance with the state constitution. The act authorizes a candidate to accept:</p>	
<ul style="list-style-type: none"> • the aggregate contribution limit for a primary election at any time after the date of the primary election in which the candidate is on the primary election ballot; or • the aggregate contribution limit for a general election at any time prior to the date of the primary election in which the candidate is on the primary election ballot. 	
<p>The act authorizes a candidate committee to expend contributions received and accepted for a general election prior to the date of the primary election in which the candidate is on the primary election ballot. The act permits the candidate committee of a candidate who wins the primary election to expend contributions received and accepted for the primary election in the general election.</p>	
<p>The act authorizes a candidate's candidate committee to reimburse the candidate at any time for expenditures the candidate has made on behalf of the candidate committee. It specifies that any expenditure reimbursed to the candidate by the candidate's candidate committee within the election cycle during which the expenditure is made is to be treated only as an expenditure, and not as a contribution to and an expenditure by the candidate's candidate committee. Regardless of when the expenditure is reimbursed, the act requires the expenditure to be reported at the time it is made in accordance with the reporting requirements of the Fair Campaign Practices Act (FCPA).</p>	
<p>The act authorizes any political committee that has registered with the Federal Election Commission to file with the appropriate officer a copy of the registration filed with the Federal Election Commission. Insofar as the registration contains substantially the same information required by the disclosure requirements of the FCPA, the act specifies that the political committee is considered to have registered with the appropriate officer for purposes of the disclosure requirements of the FCPA and is authorized to accept or make contributions as permitted by law. The act specifies that any political committee that satisfies this registration requirement of the act is subject to all other legal requirements pertaining to contributions and disclosure applicable to political committees.</p>	
Bill Number: House Bill 04-1227	Short Title: Test And Certify Voting Systems
Sponsors: Representative Sinclair Senator Lamborn	Effective Date: May 21, 2004, or January 1, 2006, based on bill section
<p>The act requires that voting in all elections be by paper ballots or by electronic or electromechanical voting systems. The act prohibits the use of mechanical lever voting machines and punch card voting systems after January 1, 2006. The act specifies the number of electronic or electromechanical voting stations to be provided to each polling place, based on the number of active registered electors in the precinct. The act requires electronic and electromechanical systems to be tested independently and certified by the Secretary of State. All voting equipment offered for sale in the state must comply with federal standards. The act states that a political subdivision is not required to replace an existing voting system in order to comply with federal standards, unless it is a punch card system.</p>	
<p>Under the act, the county clerk and recorder is the custodian of the voting system in a political subdivision. The act directs the Secretary of State to adopt uniform rules for the purchase and sale of voting equipment in the state. The act states that the governing body or designated election official of a political subdivision may purchase a voting system only if it has been certified by the Secretary of State. The act requires the governing body or designated election official of a political subdivision to notify the Secretary of State before purchasing or selling voting equipment. The Secretary of State is required to coordinate the sale of voting equipment among political subdivisions and to notify political subdivisions of the availability and sources of new and used voting equipment. The act also requires the Secretary of State to establish standards for certification of electric and electromechanical voting systems.</p>	
<p>The act establishes requirements for electronic and electromechanical voting systems. Under the act, the permanent paper record produced by an electronic or electromechanical voting system must be available as an official record for any recount. A recount of votes cast on direct record electronic voting machines must be conducted using electronic ballot images or permanent paper records, as determined by the Secretary of State. The act directs the Secretary of State to adopt rules establishing minimum standards for such systems.</p>	
<p>The act requires each designated election official to establish written procedures to ensure the accuracy and security of voting for review by the Secretary of State. The act allows the provider of an electronic or electromechanical voting system to submit the system to the Secretary of State after independent testing. The Secretary of State must examine and test such voting systems and certify such systems if they meet the certification requirements and standards. The Secretary of State must also notify political subdivisions when an electronic or electromechanical voting system is certified. The act requires a</p>	

**Table 4 (Cont.)
Election-related Legislation Passed in 2004**

Bill Number: **House Bill 04-1227 (Cont.)**

Short Title: **Test And Certify Voting Systems**

Sponsors: Representative Sinclair
Senator Lamborn

Effective Date: May 21, 2004, or January 1, 2006, based on bill section

designated election official who wishes to use a certified electronic or electromechanical voting system in an election to apply to the Secretary of State for approval of the purchase, installation, and use of the system. The Secretary of State is allowed to provide technical assistance to designated election officials in the approval process. The act requires certification of modifications to a certified electronic or electromechanical voting system.

The act authorizes the temporary use of electronic and electromechanical voting systems that have been independently tested but are not yet certified upon approval by the Secretary of State. When a political subdivision adopts an electronic or electromechanical voting system, it requires the vendor of the system to send to the Secretary of State copies of the software, manuals, and other documentation. The act directs the Secretary of State to review an electronic or electromechanical voting system upon the filing of a complaint, and requires voting system providers and designated election officials to notify the Secretary of State if the system malfunctions. If a certified electronic or electromechanical voting system fails to comply with the requirements and standards for the system, the act directs the Secretary of State to:

- specify actions to remedy the defect in the system and direct the designated election official or voting system provider to perform such actions;
- prohibit the use of the system or any part of the system until the problem is remedied;
- limit the use of the system; or
- decertify the system.

The act establishes a process by which decisions to decertify voting systems may be reconsidered.

The act requires polling places to be made accessible to persons with disabilities and establishes standards of accessibility, while exempting emergency polling places from these requirements. The act requires designated election officials to file an accessibility survey with the Secretary of State before designating polling places. The act establishes standards for accessibility of voting systems to persons with disabilities. In elections held after January 1, 2006, each polling place must have at least one direct recording electronic voting system or other accessible voter interface device.

Finally, the act requires a designated election official to test an electronic and electromechanical voting system after the system is maintained and programmed for an election, and requires testing of all electronic and electromechanical tabulation devices used at polling places.

Bill Number: **House Bill 04-1425**

Short Title: **Publication of State Ballot Measures**

Sponsors: Representative King
Senator Hillman

Effective Date: May 21, 2004

The act clarifies that the state constitution does not require legal publication of information on initiated and referred ballot measures in every legal newspaper, but rather only in one legal publication in each county. The act clarifies how legal notice may be printed in newspapers, and authorizes the director of research of the Legislative Council to negotiate printing of information inserts in newspapers. Under the act, the director may also select a newspaper for publication in a county with more than one legal newspaper. The Executive Committee of the Legislative Council must set the amount paid for publishing based on available appropriations. In circumstances where a newspaper is unable or unwilling to print the required information, the act requires the director of research of the Legislative Council to ensure compliance with publication requirements by arranging for distribution of information inserts in the applicable county.

Bill Number: **House Bill 04-1445**

Short Title: **Timing of Ballot Title Board Meetings**

Sponsors: Representative Spradley
Senator Andrews

Effective Date: May 12, 2004

The act deletes a requirement that the ballot title board meet at 2:00 p.m., and allows the board to set the meeting time. The act also changes the timing requirements for a rehearing following the last meeting of the board so that a single meeting is required within 48 hours of the expiration of the 7-day filing period for a rehearing, rather than within 48 hours of the filing of each motion for a rehearing.

Table 5
Election-related Legislation Passed in 2005

<p>Bill Number: Senate Bill 05-031</p> <p>Sponsors: Senator Keller Representative Merrifield</p>	<p>Short Title: False Statements in Elections</p> <p>Effective Date: September 1, 2005</p>
<p>The act increases the penalty for knowingly making, publishing, broadcasting, or circulating a false statement about a candidate or an issue on the ballot from a class 2 to a class 1 misdemeanor. The bill also makes it a class 2 misdemeanor to "recklessly" make, publish, broadcast, or circulate a false statement designed to affect the vote on any issue submitted to the voters at an election or relating to a candidate for election. A person acts recklessly under the act when he or she acts in disregard of the truth of the statement made.</p>	
<p>Bill Number: Senate Bill 05-094</p> <p>Sponsors: Senator Keller Representative Weissmann</p>	<p>Short Title: Legislative Council Hearing on Draft Blue Book</p> <p>Effective Date: June 6, 2005</p>
<p>The act continues the requirement that the Legislative Council hold a public hearing to review the draft Blue Book, but allows the council to modify the Blue Book only upon a two-thirds affirmative vote of the members. The Director of the Legislative Council is authorized to make changes to the Blue Book in response to comments made at the hearing.</p>	
<p>Bill Number: Senate Bill 05-198</p> <p>Sponsors: Senator Gordon Representative Madden</p>	<p>Short Title: Conduct Of Elections</p> <p>Effective Date: June 6, 2005</p>
<p>Senate Bill 05-198 and Senate Bill 05-206 were adopted as identical bills, and codify recommendations made by the Secretary of State's Blue Ribbon Election Reform Panel. The bills include changes to: the election cycle calendar to allow sufficient time for absentee ballots to be counted, and more time for printing ballots and training election judges; the regulation of voter registration drives to require registration and training with the Secretary of State; provisional ballots by clarifying law relating to provisional ballots, and conforming this law to a recent court decision allowing absentee voters to cast provisional ballots if they had not voted their absentee ballot; the requirement for voter verifiable paper trails; and the testing of voting machines. The bills also prohibit the Secretary of State from chairing a state or federal political campaign. Specifically, Senate Bill 05-198 makes the following changes pertaining to the conduct of elections, organized by category:</p>	
<p>Training and Certification of Election Officials</p> <p>The act directs the Secretary of State to establish a certification program for local election officials. The act requires the following persons to obtain certification:</p> <ul style="list-style-type: none"> • county clerk and recorders; • employees in the office of a county clerk and recorder who are directly responsible for overseeing elections; and • other employees in the office of a county clerk and recorder at the discretion of the county clerk and recorder. <p>The act states that persons required to obtain certification must begin and complete the certification process within one year of undertaking their responsibilities and must comply with continuing education requirements. The certification and training requirements are not to be construed to require an elected official to attend a course of instruction or obtain certification as a condition for seeking or holding elective office or carrying out constitutional and statutory duties. The act also requires the curriculum for certification to include courses in general election law, the federal Help America Vote Act of 2002, and professional development, and directs the Secretary of State to offer certification courses at least annually.</p>	
<p>Voter Registration Drives</p> <p>The act defines a voter registration drive as the distribution and collection of voter registration applications by two or more persons for delivery to a county clerk and recorder. The act requires a voter registration drive organizer to:</p>	

**Table 5 (Cont.)
Election-related Legislation Passed in 2005**

Bill Number: **Senate Bill 05-198**

Short Title: **Conduct of Elections**

Sponsors: Senator Gordon
Representative Madden

Effective Date: June 6, 2005

- file a statement of intent to conduct a voter registration drive with the Secretary of State and designate an agent who is a resident of the state before commencing a voter registration drive;
- fulfill the training requirements established by the Secretary of State;
- use the form of voter registration application approved by the Secretary of State; and
- deliver or mail a voter registration application collected from a voter to the proper county clerk and recorder within 5 business days; except that an application must be delivered or mailed no later than the deadline for voter registration.

The act requires a circulator working on a voter registration drive to deliver a voter registration application collected from a voter to the voter registration drive organizer. It prohibits a voter registration drive organizer from compensating a circulator working on the voter registration drive based on the number of voter registration applications the circulator distributes or collects. A voter registration drive organizer who violates the requirements that apply to voter registration drives is guilty of a misdemeanor. The act establishes an additional fine of up to \$500 per business day for negligent failure to deliver a voter registration application to the proper county clerk and recorder within the required time.

Voter-verified Paper Record

The act prohibits a political subdivision from acquiring a voting system unless the voting system is capable of producing a voter-verified paper record of each vote. The act also prohibits a political subdivision from acquiring a voting device that has been retrofitted to comply with the voter-verified paper record requirements unless the voting device has been certified by an independent testing authority and the Secretary of State. The act requires the voting system used in each primary, general, coordinated, or congressional district vacancy election held on and after January 1, 2010, to have the capability to produce a voter-verifiable paper record of each vote. Before a vote is cast, the act gives the voter the opportunity to inspect and verify that the voter-verified paper record correctly reflects the voter's choices.

The act makes the voter-verified paper record requirements applicable to each primary, general, coordinated, or congressional district vacancy election conducted by a county clerk and recorder on and after January 1, 2008, if the governing body of the county determines that:

- the technology necessary to comply with such requirements is available; and
- sufficient federal or state funds are available to acquire or retrofit voting devices that comply with such requirements; or
- it is otherwise financially feasible for the county to comply with such requirements.

The act specifies that, upon satisfaction by a county of the voter-verified paper record requirements, the voter-verified paper record of each vote is to be preserved as an election record and constitutes an official record of the election. The act prohibits any voting device from being remotely accessed or remotely accessible until after the close of voting and a results total tape has been printed, as applicable.

Testing of Voting Equipment

The act requires a designated election official to conduct tests of an electronic or electromechanical voting system before an election, including a test open to the public with at least seven days' notice. The act directs the designated election official to select a testing board, comprising at least one member from each major political party, to oversee the tests.

Escrow of Election Software

The act requires a designated election official to deposit a copy of election setup records with the Secretary of State at least seven days before an election. The act defines election setup records as the electronic records generated by election tabulation software during election setup to define ballots, tabulation instructions, and other functions. The act exempts election setup records from disclosure under the public records law. A voting system provider is required to:

- place a copy of election software and supporting documentation in escrow with the Secretary of State or an independent escrow agent when submitting an electronic or electromechanical voting system for certification;
- notify the Secretary of State of the installation or modification of hardware, firmware, or software in a voting system;

**Table 5 (Cont.)
Election-related Legislation Passed in 2005**

Bill Number: **Senate Bill 05-198 (Cont.)**

Short Title: **Conduct of Elections**

Sponsors: Senator Gordon
Representative Madden

Effective Date: June 6, 2005

- place in escrow a copy of the state-certified election software installed in each political subdivision; and
- notify the Secretary of State and the designated election official of any political subdivision using its voting system of any defect in the system known to occur anywhere.

It further requires the designated election official to maintain separate, detailed records for each component of a voting system used in an election.

Random audit

The act requires the Secretary of State, following each election, to publicly initiate a manual random audit to be conducted by each county and to randomly select not less than 1 percent of the voting devices used in each county. Where a central count voting device is in use in the county, the act specifies that the rules promulgated by the secretary shall require an audit of a specified percentage of ballots counted within the county.

For an election taking place in a county prior to the date the county has satisfied the voter-verified paper record requirements, the act specifies that the audit shall be for the purpose of comparing the manual tallies of the ballots counted by each voting device selected for each such audit with the corresponding tallies recorded directly by each such device. For an election taking place in a county on or after the date the county has satisfied the voter-verified paper record requirements, the act specifies that the audit shall be conducted for the purpose of comparing the manual tallies of the voter-verified paper records produced or employed by each voting device selected for such audit with the corresponding ballot tallies recorded directly by each such device. The act specifies that, to the extent practicable, no voting device that is used for the random audit shall be used for conducting the testing of voting devices for recount purposes.

Upon completion of the audit, if there is any discrepancy between the applicable manual tallies of the voting device selected for the audit and the corresponding tallies recorded by such devices that is not able to be accounted for by voter error, the act requires the county clerk and recorder, in consultation with the canvass board of the county, to investigate the discrepancy and take such remedial action as necessary in accordance with its powers. The act requires the canvass board along with the county clerk and recorder to investigate any written complaint from a voter from within the county containing evidence concerning a problem with a voting device and take such remedial action as necessary. The act requires the county clerk and recorder to promptly report to the Secretary of State the results of any completed audit or investigation.

The act requires the Secretary of State to post the results of any completed audit or investigation on the department's website no later than 24 hours after receiving the results. The act authorizes the clerk and recorder of the affected county to post the results of the audit or investigation on the county's website. The act requires the secretary to publish once in a newspaper of general circulation throughout the state notification to the public that the results have been posted on the department's website. The act requires any audit conducted in accordance with the requirements of the act to be observed by at least two members of the canvass board of the county. The act requires the Secretary of State to promulgate such rules as may be necessary to administer and enforce any of the audit requirements.

Provisional Ballots

The act allows a voter claiming to be properly registered to vote but whose qualification to vote cannot be immediately established to cast a provisional ballot. No voter may be denied the right to cast a provisional ballot. The act allows a voter who does not show identification to cast a provisional ballot. The act allows a voter who requests an absentee ballot but does not cast it to cast a provisional ballot if the voter affirms that he or she has not and will not cast the absentee ballot; the provisional ballot may be counted only if the designated election official verifies that the absentee ballot was not cast and that the voter is eligible to vote.

Requires that provisional ballots contain:

- text identifying them as provisional ballots;
- instructions on the voting and handling of provisional ballots; and
- an affidavit including an attestation, a notice of perjury, a warning of the penalty for falsifying the affidavit, and information sufficient to verify the voter's eligibility to vote and to register the voter.

Table 5 (Cont.)
Election-related Legislation Passed in 2005

Bill Number: **Senate Bill 05-198 (Cont.)**

Short Title: **Conduct of Elections**

Sponsors: Senator Gordon
Representative Madden

Effective Date: June 6, 2005

The act states that the provisional ballot affidavit shall constitute a voter registration application for the voter for future elections and that any previous voter registration for the voter is cancelled, except for a voter who cast a provisional ballot because the voter did not show identification at the polling place or because the voter requested but did not cast an absentee ballot. The act requires a voter casting a provisional ballot to complete and sign the affidavit, mark the ballot, and seal the ballot in an envelope. The act states that if the election judge notices that the voter did not sign the affidavit, the election judge must notify the voter that the ballot will not be counted if the affidavit is not signed. The election official is required to give written notice to a voter specifying how the voter can find out whether the provisional ballot was counted. The act directs the designated election official to attempt to verify that a voter who cast a provisional ballot is eligible to vote using procedures and databases prescribed by the Secretary of State.

The act provides that if a voter signs but does not provide all the information requested on the provisional ballot affidavit, the ballot will be counted only if the designated election official is able to determine that the voter was registered to vote in the precinct and county. The act states that if a voter does not sign the provisional ballot affidavit, the designated election official shall send a letter to the voter informing the voter that the ballot will not be counted unless the affidavit is signed and giving the voter eight days to sign the affidavit. The provisional ballot will not be counted if the voter fails to sign the affidavit after receiving this notice.

The act directs the designated election official to appoint a board to count verified provisional ballots. The act requires the designated election official to complete the verification and counting of all provisional ballots within 10 days after a primary election and within 14 days after a general, odd-year, or coordinated election. A provisional ballot will be counted if the designated election official verifies that the voter who cast the ballot in accordance with the law is eligible to vote.

Establishes the following rules for persons who move before the close of voter registration but fail to register at their new residence:

- If a person moves from another state to Colorado, the person may cast a provisional ballot, which shall not be counted but shall serve as the person's voter registration application for future elections.
- If a voter moves from one county in Colorado to another, the voter may complete an emergency registration form at the office of the county clerk and recorder or may cast a provisional ballot, which shall be counted if the voter's eligibility is verified and which shall serve as the voter's voter registration application for future elections.
- If a voter moves from one precinct in a county to another, the voter may complete a change of address form at the office of the county clerk and recorder or may cast a provisional ballot, which must be counted if the voter's eligibility is verified.

The act establishes the following rules for persons who move after the close of voter registration but fail to register at their new residence:

- If a person moves from another state to Colorado, the person may cast a provisional ballot, which will not be counted but will serve as the person's voter registration application for future elections.
- If a voter moves from one county in Colorado to another and does not vote in the county where registered, the voter may cast a provisional ballot in the new county of residence. The voter's votes for federal and statewide offices and statewide ballot issues and ballot questions shall be counted, and the provisional ballot affidavit shall serve as the voter's voter registration application for future elections.
- If a voter moves from one precinct in a county to another and does not vote in the precinct where registered, the voter may cast a provisional ballot in the new precinct of residence. The voter's votes for federal and statewide offices and statewide ballot issues and ballot questions shall be counted, and the provisional ballot affidavit shall serve as the voter's voter registration application for future elections.

If a voter casts a provisional ballot at a polling place in a precinct other than the precinct in which the voter is registered, the voter's votes for federal and statewide offices and statewide ballot issues and ballot questions must be counted. The act allows a voter who cast a provisional ballot to find out whether the ballot was counted and, if it was not counted, the reason for the rejection. This information must be disclosed only to the voter under the bill.

Table 5 (Cont.)
Election-related Legislation Passed in 2005

Bill Number: **Senate Bill 05-198 (Cont.)**

Short Title: **Conduct of Elections**

Sponsors: Senator Gordon
Representative Madden

Effective Date: June 6, 2005

Challenge of Right to Vote

The act states that if a person whose right to vote is challenged refuses to answer the required questions about the person's eligibility to vote or to take an oath that the person is eligible to vote, the person must be offered a provisional ballot. A challenge at a polling place must be made in the presence of the person whose right to vote is challenged. The act requires a challenge of a person's right to vote to state the specific factual basis for the challenge. The act directs the county clerk and recorder or designated election official to deliver a challenge that is not withdrawn to the district attorney for investigation and action. The district attorney must then complete the investigation within ten days if practicable. The act requires the county clerk and recorder or designated election official to notify and send a copy of the challenge to a person who voted by absentee ballot, mail ballot, or provisional ballot and who was not present at the time of the challenge.

Election Calendar

The act changes the date of the precinct caucuses from the 2nd Tuesday in April to the 3rd Tuesday in March in each even-numbered year. The act also changes the times allowed for:

- holding party assemblies;
- circulating candidate petitions;
- filling vacancies in party nominations and designations;
- filing affidavits to run as a write-in candidate;
- certification of ballots by the secretary of state;
- training of election judges;
- verifying signatures on mail and absentee ballots;
- agreements for coordinated elections;
- applying for an absentee ballot;
- reporting and certifying election results; and
- requesting and completing recounts.

Miscellaneous Provisions

The act:

- prohibits the Secretary of State from serving as the highest ranking official in the campaign of any candidate for federal or statewide office, except when the Secretary of State is the candidate;
- requires the secretary of state to seek the full amount of funds available to the state under the federal "Help America Vote Act of 2002" for distribution to counties;
- limits the prohibition on registration and voting by inmates to persons serving a sentence of detention or confinement for a felony conviction;
- allows a person who is unable to write to have his or her mark on a change of residence form attested to by any other person, eliminating the requirement for attestation by a notary public;
- allows emergency voter registration at any office or location authorized by the county clerk and recorder and staffed by personnel authorized by the county clerk and recorder. The act allows a voter to register by emergency registration if the voter applied to register to vote at a voter registration drive and is able to show the receipt from the voter registration application;

**Table 5 (Cont.)
Election-related Legislation Passed in 2005**

Bill Number:	Senate Bill 05-198 (Cont.)	Short Title:	Conduct of Elections
Sponsors:	Senator Gordon Representative Madden	Effective Date:	June 6, 2005
<ul style="list-style-type: none"> • increases from 2 to 10 business days the time a county clerk and recorder has to review a voter registration application and notify the applicant of the disposition of the application. The act increases from 10 days to 20 business days the time after which an application must be rejected if the clerk's notice to the applicant is returned as undeliverable. The act also increases from 10 days to 20 business days the time after which an applicant must be registered if the clerk's notice to the applicant is not returned as undeliverable; • prohibits a county clerk and recorder from issuing a provisional ballot to substitute for a certificate of reinstatement of voter registration to a person who is entitled to receive a certificate of reinstatement; • states that when a voter receives a replacement absentee ballot, the first ballot returned by the voter shall be considered the voter's official ballot; • allows a voter to request an emergency absentee ballot if a member of the voter's immediate family is confined in a hospital or residence on election day. The act provides that if a voter who is entitled to an emergency absentee ballot is unable to have an authorized representative pick up the ballot and deliver it to the voter, the designated election official shall deliver the ballot to the voter by electronic transfer. If, following the procedure for requesting an emergency absentee ballot, the designated election official is unable to provide that ballot to a voter, the designated election official shall seek authority from the Secretary of State to provide a ballot to the voter by electronic transfer; • allows a citizen traveling outside the United States, as well as a citizen living overseas, who qualifies for a special write-in blank absentee ballot to apply for such a ballot regardless of whether the person has previously applied for an absentee ballot for the election. The act changes the date on which the designated election official shall begin processing applications for special write-in blank absentee ballots; • eliminates the provision stating that if it appears to the election judges by sufficient proof that an absentee voter has died after forwarding an absentee ballot, the ballot shall not be counted. If it appears to the election judges by sufficient proof that an absentee ballot sent to an elector who died after requesting the ballot contains a forged affidavit, the ballot may not be counted and the ballot must be forwarded to the district attorney for investigation; and • requires the designated election official, within 60 days after a statewide election, to prepare and make public a statement of the total number of votes cast in the election for each candidate and for and against each ballot issue and ballot question. The act requires the results of early voting to be given by precinct in counties that use only direct record electronic voting machines for early voting. The act requires counties using vote centers to give election results by precinct, excluding votes cast by early voting or absentee ballot, after January 1, 2006. The act allows a political subdivision that referred a ballot issue or ballot question to the voters to waive an automatic recount that would otherwise be required. 			
Under the act, a person who collects a voter registration application from another person for mailing or delivery and who fails to do so within five business days is guilty of a misdemeanor.			
Bill Number:	Senate Bill 05-206	Short Title:	Blue Ribbon Election Panel Proposals
Sponsors:	Senator Tupa Representative White	Effective Date:	June 6, 2005
Senate Bill 05-198 and Senate Bill 05-206 were adopted as identical bills, and codify recommendations made by the Secretary of State's Blue Ribbon Election Reform Panel. The bills include changes to: the election cycle calendar to allow sufficient time for absentee ballots to be counted, and more time for printing ballots and training election judges; the regulation of voter registration drives to require registration and training with the Secretary of State; provisional ballots by clarifying law relating to provisional ballots, and conforming this law to a recent court decision allowing absentee voters to cast provisional ballots if they had not voted their absentee ballot; the requirement for voter verifiable paper trails; and the testing of voting machines. The bills also prohibit the Secretary of State from chairing a state or federal political campaign. For further details on the bill, see the summary for Senate Bill 05-198.			

**Table 5 (Cont.)
Election-related Legislation Passed in 2005**

<p>Bill Number: House Bill 05-1197</p> <p>Sponsors: Representative Sullivan Senator Mitchell</p>	<p>Short Title: Designation of Referred Measures on Ballots</p> <p>Effective Date: June 3, 2005</p>
<p>The act changes the order and designation of ballot issues. Specifically, the act requires that measures to retain revenues in excess of a district's fiscal year spending limit be placed on a ballot after measures to increase taxes and before measures to increase debt. The act also requires statewide referred measures to be lettered consecutively in a repeating alphabetical cycle from A to Z, and authorizes the Secretary of State to promulgate rules to ensure proper implementation of the requirement. Finally, the act requires a measure that is referred to registered electors of multiple counties to have the same alphabetical, numerical, or alphanumerical designation on each ballot that includes the measure.</p>	
<p>Bill Number: House Bill 05-1332</p> <p>Sponsors: Representative McGihon Senator Grossman</p>	<p>Short Title: Corporations and LLCs under Fair Campaign Practices Act</p> <p>Effective Date: Vetoed by the Governor on May 31, 2005</p>
<p>The act would have placed further restrictions on campaign contributions by businesses. The act would have expanded the definition of "corporation" in the Fair Campaign Practices Act to include nonprofits and organizations incorporated under the laws of another state or foreign country. The act would have further regulated acceptable contributions to candidates from limited liability companies, and allowed for the filing of complaints regarding alleged violations. The act was vetoed by the Governor.</p>	

**Table 6
Election-related Legislation Passed in 2006**

<p>Bill Number: Senate Bill 06-062</p> <p>Sponsors: Senator Taylor Representative McKinley</p> <p>The act requires the Secretary of State to promulgate rules governing the receipt and return of an absentee ballot by facsimile by an absent uniform services voter, a nonresident overseas voter, or a resident overseas voter. This rulemaking requirement was formerly discretionary on the part of the Secretary of State. The act also allows the Secretary of State to establish procedures by which a uniform services voter serving outside the United States can vote by electronic mail in instances where a more secure voting method is not possible.</p>	<p>Short Title: Overseas and Military Electronic Voting</p> <p>Effective Date: August 7, 2006</p>
<p>Bill Number: Senate Bill 06-095</p> <p>Sponsors: Senator Taylor Representative Hodge</p> <p>The act prohibits a person from knowingly transferring the title to taxable property to or from another person in an attempt to qualify the person as an eligible voter in a special district election. The act also voids any ballot cast in violation of this prohibition, but outlines specific circumstances in which the transfer of taxable property qualifies a person as an eligible voter in a special district election.</p>	<p>Short Title: Special District Elections</p> <p>Effective Date: March 29, 2006</p>
<p>Bill Number: Senate Bill 06-170</p> <p>Sponsors: Senator Gordon Representative Buescher</p> <p>The act makes a number of changes regarding the conduct of elections, in the following categories:</p> <p>Voter Registration</p> <p>SB 06-170:</p> <ul style="list-style-type: none"> • eliminates the option of providing the last four digits of a social security number instead of a driver's license or identification card number when a person registers to vote, unless the person does not have a valid driver's license or identification card; • requires the Secretary of State to assign an identifying number to a person registering to vote that does not have a driver's license, identification card, or social security card; • for first-time voters registering by mail, requires the voter to include a copy of identification with a mail or absentee ballot if the voter did not include identification, a driver's license number, or the last four digits of the voter's social security number when the voter applied for registration; and • increases the time allowed for delivering an application for registering to vote to the county clerk and recorder collected in a voter registration drive from five to seven days, and changes the penalty structure for negligently or intentionally failing to deliver such applications. <p>Vote Centers</p> <p>The act:</p> <ul style="list-style-type: none"> • requires the Secretary of State to establish guidelines for vote centers; and • requires a public comment period and public hearing regarding the number, location, and manner of operation of vote centers. <p>Reimbursement for State Ballot Issue</p> <p>SB 06-170 increases the reimbursement rate paid to counties by the state in conjunction with duties related to a state ballot issue or question from \$0.45 to \$0.80 per registered voter for counties with 10,000 or fewer active registered voters and from \$0.35 to \$0.70 for counties with more than 10,000 active registered voters.</p>	<p>Short Title: Elections</p> <p>Effective Date: June 6, 2006</p>

**Table 6 (Cont.)
Election-related Legislation Passed in 2006**

Bill Number:	Senate Bill 06-170 (Cont.)	Short Title:	Elections
Sponsors:	Senator Gordon Representative Buescher	Effective Date:	June 6, 2006
Voting Systems			
SB 06-170 requires the Secretary of State to approve procedures established by designated election officials to ensure the accuracy and security of voting systems. The law previously required the Secretary of State to merely review these procedures.			
Provisional Ballots			
The act allows use of an electronic voting device to cast a provisional ballot if it is certified by the Secretary of State, while also granting discretion to designated election officials in using the electronic voting device or paper ballots for provisional ballots.			
Absentee and Early Voting			
The act requires that the results of absentee and early voting be reported by precinct, beginning with the 2008 general election.			
Election Day			
The act:			
<ul style="list-style-type: none"> • excludes the respectful display of the American flag from the definition of "electioneering," which is not allowed within 100 feet of a polling place on election day; and • allows a state employee to take paid leave to serve as an election judge on election day, unless the employee's supervisor deems the employee's attendance at work essential. 			
County Home Rule Charter Election			
SB 06-170 requires a special election on the question of a county home rule charter to be held as part of a coordinated or general election if the board of county commissioners receives the proposed charter within 60 days of the election.			
Bill Number:	Senate Bill 06-228	Short Title:	Coordinated Election Costs Scientific Cultural Facilities District
Sponsors:	Senator Boyd Representative May M.	Effective Date:	June 6, 2006
The act allows the Scientific and Cultural Facilities District to deduct the reasonable costs related to a coordinated election from its sales and use tax collections prior to making the program-related distributions required by law. The act requires the district to pay a county or city and county for its share of a coordinated election, limited to the district's reasonable costs associated with the election, and defines what constitutes "reasonable costs related to a coordinated election."			
Bill Number:	House Bill 06-1012	Short Title:	Absentee Ballots
Sponsors:	Representative Ragsdale Senator Johnson	Effective Date:	July 1, 2006
The act permits a voter who wishes to receive an absentee ballot by mail to apply for the absentee ballot no later than the close of business on the 7th day before the election, instead of the 11th day as previously required. The act clarifies that the self-affirmation on a return envelope will be categorized as incorrect and a ballot will not count if, after receiving notice that the signatures on an absentee ballot do not match signatures on file, the voter fails to enclose a copy of his or her identification along with a confirmation form. The act permits a voter who receives an emergency absentee ballot by electronic transfer to return the ballot in the same manner.			

**Table 6 (Cont.)
Election-related Legislation Passed in 2006**

<p>Bill Number: House Bill 06-1051</p> <p>Sponsors: Representative Witwer Senator Sandoval</p> <p>The act would have modified the deadlines for petitions and elections to recall elected officials to allow for more effective administration of the recall process. The act contained a clause stating it would only take effect if Senate Concurrent Resolution 05-005, which provides for recall petition and hearing deadlines to be set in statute and for recall elections to be held as part of a general election in certain circumstances, was approved by the voters in November 2006. The concurrent resolution was not approved.</p>	<p>Short Title: Recall Election Deadlines</p> <p>Effective Date: July 1, 2007</p>
<p>Bill Number: House Bill 06-1142</p> <p>Sponsors: Representative Cloer Senator Williams</p> <p>The act authorizes a county clerk and recorder or designated election official to pay student election judges the same compensation received by an election judge, but not less than 75 percent of the compensation received by an election judge for service provided as an election judge.</p>	<p>Short Title: Student Election Judge Compensation</p> <p>Effective Date: July 1, 2006</p>
<p>Bill Number: House Bill 06-1191</p> <p>Sponsors: Representative Kerr J. Senator Keller</p> <p>For elections in which there is more than one person to be elected, the act requires a recount if the difference between the votes cast for the candidate who won the election with the least votes and the candidate who lost the election with the most votes is less than or equal to 0.5 percent of the votes cast for the candidate who won the election with the least votes.</p>	<p>Short Title: Mandatory Recount More than One Winner</p> <p>Effective Date: August 7, 2006</p>
<p>Bill Number: House Bill 06-1198</p> <p>Sponsors: Representative Liston Senator Hanna</p> <p>The act clarifies that when a voter casts a provisional ballot in a county other than the voter's county of residence, the ballot will not be counted, unless:</p> <ul style="list-style-type: none"> • the voter moved from one county to another county before the close of registration, but failed to register to vote in the new county, in which case the voter may complete an emergency registration form or cast a provisional ballot in the new county of residence; or • the voter moved from one county to another county after the close of registration and does not vote in the county where registered, in which case the voter may cast a provisional ballot in the new county of residence and the voter's votes for federal and statewide offices and statewide ballot issues and ballot questions will be counted. 	<p>Short Title: Provisional Ballot Cast in Other County</p> <p>Effective Date: August 7, 2006</p>
<p>Bill Number: Senate Bill S06-007</p> <p>Sponsors: Senator Gordon Representative Buescher</p> <p>The act was passed during the 2006 special session, which concerned immigration policy. The act makes voting by a person in an election in which that person knows he or she is not entitled to vote a class 5 felony.</p>	<p>Short Title: Voting By Persons not Entitled to Vote</p> <p>Effective Date: July 31, 2006</p>

Table 7
Election-related Legislation Passed in 2007

Bill Number: **Senate Bill 07-083**

Short Title: **Conduct of Elections**

Sponsors: Senator Tupa
Representative Weissmann

Effective Date: August 3, 2007

The act amends several areas of state election law, including election offenses, judicial review, county vote centers, accessible voting systems, and audits of voting machines. Following are among the bill's major provisions, organized by subject area:

Emergency Registration

Provisions for emergency registration are clarified in cases in which an elector moves to a new county or applies to register at a voter registration drive or a federally designated voter registration agency.

Voter Registration Drives

The conduct of voter registration drives is addressed through lengthened deadlines for delivery of registration applications and through changes in penalties that specify maximum fines for violations and that strike current judicial discretion for imposing a term of imprisonment.

Petition Circulators

The act clarifies requirements for petition circulators by specifying that a circulator must be a resident of Colorado, a United States citizen, and at least 18 years of age.

Election Offenses

The act changes the penalty for tampering with voting equipment from an unclassified to a class 1 misdemeanor.

Judicial Review

The act establishes judicial review of petitions for candidacies and subsequent appeals through a district court.

County Vote Centers

The act requires the Secretary of State to promulgate rules establishing requirements for equipment used at vote centers, including the equipment used for the secure electronic connection to the computerized registration book.

Accessible Voting Systems

The act adds to requirements for accessible voting machines by specifying standards for ballot marking devices available to voters with disabilities.

Vote machines audits.

The act increases the percentage of county voting devices subject to random audit by the Secretary of State from 1 to 5 percent, unless the Secretary of State approves an alternative statistical sampling method.

**Table 7 (Cont.)
Election-related Legislation Passed in 2007**

<p>Bill Number: Senate Bill 07-234</p> <p>Sponsors: Senator Gordon Representative Levy</p> <p>The act establishes provisions for mail-in ballots to replace current provisions and references to "absentee ballots." It allows an eligible elector to apply to be a permanent mail-in voter, specifies the authorized application procedures, and sets requirements for record maintenance of mail-in voter registrations. Each county clerk must be able to verify, upon request of a mail-in voter, the receipt of his or her ballot. The act also requires voters to be notified that all ballots are counted in the same manner, and allows voters to deliver a mail-in ballot to an early polling place.</p>	<p>Short Title: Voting by Mail</p> <p>Effective Date: June 1, 2007</p>
<p>Bill Number: Senate Bill 07-259</p> <p>Sponsors: Senator Gordon Representative Carroll M.</p> <p>The act requires the Secretary of State to implement improvements to the design and structure of the website maintained by the secretary to improve the public's ability to access campaign finance information. The act specifies that such improvements must include:</p> <ul style="list-style-type: none"> • enhanced searching and summary reporting, including the ability to search across multiple committees and all filers, the ability to filter or limit searches, the inclusion of smart-search features such as "name sounds like" or "name contains", and numerical totaling of amounts shown on search results; • features that facilitate the ability to download raw data and search results in one or more common formats to enable offline sorting and analyzing; • detailed, technical instructions for users; • information to help users determine the scope of candidates' and committees' reports and campaign data available online; and • resources that give the public comparative context when viewing campaign finance data. 	<p>Short Title: Electronic Filing for Campaign Finance</p> <p>Effective Date: July 1, 2007</p>
<p>Bill Number: House Bill 07-1074</p> <p>Sponsors: Representative Carroll M. Senator Tupa</p> <p>The act defines "political organization" for purposes of the Fair Campaign Practices Act (FCPA) as those organizations defined as such under Section 527(e)(1) of the Internal Revenue Code that are influencing or attempting to influence candidacies for local or state office and are exempt from taxation under the Internal Revenue Code. The act amends the FCPA so that contributions or gifts made to or on behalf of a political organization are covered under the act, and so that political organizations are required to file the disclosure reports as set forth in the act.</p>	<p>Short Title: Clean Campaign Act of 2007</p> <p>Effective Date: July 1, 2007</p>
<p>Bill Number: House Bill 07-1149</p> <p>Sponsors: Representative Rice Senator Ward</p> <p>The act addresses absentee voting by overseas citizens in several respects as follows:</p> <ul style="list-style-type: none"> • allows a citizen who has never lived in the United States, but whose parent is eligible to vote in Colorado, to register and vote by absentee ballot; • specifies that an absent uniformed services elector, a nonresident overseas elector, or a resident overseas elector may apply for an absentee ballot by a letter of application or by a federal postcard application; • specifies the conditions under which a county clerk and recorder may accept an unsigned federal postcard application or unsigned letter of application for an absentee ballot submitted on behalf of an absent uniformed services elector; • sets forth the conditions under which a county clerk and recorder may register and accept a properly executed federal postcard application for an absentee ballot from an otherwise eligible absent uniformed services elector or nonresident or resident overseas elector who is not registered to vote; and • clarifies the conditions under which a county clerk may accept a federal write-in absentee ballot from an absent uniformed services elector or nonresident or resident overseas elector. 	<p>Short Title: Absentee Voting by Overseas Residents</p> <p>Effective Date: August 3, 2007</p>

**Table 7 (Cont.)
Election-related Legislation Passed in 2007**

Bill Number:	House Bill 07-1323	Short Title:	Corporations and LLCs under Fair Campaign Practices Act
Sponsors:	Representative Green Senator Gordon	Effective Date:	June 1, 2007
The act addresses campaign contributions made by corporations and limited liability companies (LLCs). Specifically, the bill:			
<ul style="list-style-type: none">• amends the definition of "corporation" under the FCPA to include a domestic nonprofit corporation and any corporation incorporated under the laws of another state or country;• specifies prohibitions against contributions made by an LLC to a candidate committee or political party based on the individual membership of the LLC and based on the LLC's status as a corporation or as a publicly traded company;• sets forth requirements of affirmation to be made by an LLC making a campaign contribution;• provides and conforms campaign contributions made by LLCs to constitutional limits and adds requirements for disclosure by LLCs to the committee or political party receiving a contribution; and• prohibits any foreign corporation from making contributions that a domestic corporation is prohibited from making under the constitution and the FCPA.			
Bill Number:	House Bill 07-1376	Short Title:	Precinct Caucus Day in Presidential Year
Sponsors:	Representative Garcia Senator Shaffer	Effective Date:	August 3, 2007
The act changes the date by which a county clerk and recorder must furnish a list of registered electors to each major political party in the county from 30 to 28 days before the precinct caucus. It allows a political party, by decision of its state central committee, to hold its precinct caucuses on the first Tuesday in February in a presidential election year. If the committee decides to do so, it must notify the Secretary of State and the clerk and recorder of each county within five days after the decision. The act specifies that, if a political party holds its precinct caucuses on the first Tuesday in February in a presidential election year, the county assemblies of the political party must be held between 15 and 40 days after the precinct caucuses.			

**Table 8
Election-related Legislation Passed in 2008**

Bill Number: **Senate Concurrent Resolution 08-003**

Short Title: **Limit Change Initiative CRS and Filing Deadline**

Sponsors: Senator Tapia
Representative White

Effective Date: The referendum failed at the November 2008 election

The resolution refers a measure to the 2008 ballot to change the minimum number of signatures required for proposed citizen-initiated ballot measures as follows:

- for a proposed statutory change to law, the proposed amendment reduces the number of required signatures from 5 percent of votes cast in the previous election for the office of Secretary of State to 4 percent of votes cast for the office of Governor;
- for a proposed amendment to the state constitution, the proposed amendment increases the number of required signatures from 5 percent of votes cast in the previous election for the office of Secretary of State to 6 percent of votes cast for the office of Governor. The act requires that at least 8 percent of the required signatures be gathered from registered electors who reside in each of Colorado's congressional districts.

A statutory initiative must be filed within nine months, rather than the current six months, from the date that its ballot title is set under the proposed amendment. The proposed amendment stipulates that the General Assembly cannot amend, repeal, or supersede a law enacted by initiative for five years unless such change is approved by two-thirds of the membership of each house.

The proposed amendment changes the time line for the "review and comment" phase of the initiative process, and allows for comment by the public and members of the General Assembly at the review and comment hearing for an initiative. The proposed amendment also requires drafts of proposed initiated constitutional amendments to be submitted to Legislative Council Staff and the Office of Legislative Legal Services no later than the 60th day of the legislative session prior to the election at which the initiative is to be voted upon, and allows the General Assembly to hold public hearings to review an initiated constitutional amendment, with public testimony.

Bill Number: **Senate Bill 08-243**

Short Title: **Election Reform Commission**

Sponsors: Senator Gordon
Representative Carroll M.

Effective Date: June 2, 2008

The act creates the Election Reform Commission, consisting of 11 members appointed by the following:

- 2 by the President of the Senate;
- 2 by the Minority Leader of the Senate;
- 2 by the Speaker of the House of Representatives;
- 2 by the Minority Leader of the House;
- 1 by the Governor;
- 1 by the Secretary of State; and
- 1 jointly by the Speaker of the House and President of the Senate, who serves as the commission's chairperson.

The act requires that these officials consider appointing persons with experience and expertise in election administration, computer science, statistics and auditing, engineering and systems analysis, and accessibility of voting systems to persons with disabilities. Members of the commission will serve without compensation and expense reimbursement. The commission can receive assistance from the Office of Legislative Legal Services and Legislative Council Staff. The chairperson is required to call the first meeting of the commission no later than November 14, 2008. The chairperson is also required to determine the commission's schedule of meetings, with public testimony and input required during at least two of the commission's meetings.

According to the act, the mission of the Election Reform Commission is "to review, research, and make recommendations to ensure that every eligible citizen has the opportunity to register to vote, participate in fair, accessible, and impartial elections, and have the assurance that his or her vote will count." The act requires the commission to review the manner in which state and local elections are conducted, and recommend changes to state election law to protect the right to vote by ensuring that elections in Colorado are accurate, secure, transparent, verifiable, recountable, auditable, and accessible. The review may address, but is not limited to, the following subjects:

**Table 8 (Cont.)
Election-related Legislation Passed in 2008**

Bill Number: Senate Bill 08-243 (Cont.)	Short Title: Election Reform Commission
Sponsors: Senator Gordon Representative Carroll M.	Effective Date: June 2, 2008
<ul style="list-style-type: none"> • issues involving electronic voting systems that have arisen in Colorado and other states since the enactment of the federal Help America Vote Act (HAVA); • the standards, criteria, and procedures by which rules and guidelines for the certification of electronic voting systems are adopted in the state; • the manner in which electronic voting systems are certified in Colorado; • public access to the certification process and to electronic voting system software; • technology that enables persons with disabilities to vote independently and in compliance with HAVA; • the short-term and long-term costs of purchasing, maintaining, and operating electronic voting systems; • the reliability and integrity of electronic and other voting systems; • the security, accuracy, and efficiency of the systems and methods used to register electors and to maintain voter registration records; • issues related to the conduct of elections in special districts; • whether the state should adopt a uniform voting system for all counties; • whether the auditing and recounting procedures in current law provide statistical confidence to electors and candidates; • the number of electors who show a form of identification not containing a photograph when voting at a polling place, and the number of electors who show each form of such identification, based on information received from county clerk and recorders; • other issues related to the accuracy, security, transparency, verifiability, recountability, auditability, and accessibility of elections in the state; • alternative methods of conducting elections; and • the feasibility and desirability of creating a permanent election reform commission. 	
<p>The act requires the Election Reform Commission to present a final report to the State, Veterans, and Military Affairs committees of the House and Senate by March 1, 2009, with the commission's recommended changes to state election law and an analysis of the fiscal impact and technical feasibility of the recommended changes.</p>	
Bill Number: House Bill 08-1003	Short Title: Special Congressional Vacancy Election
Sponsors: Representative Balmer Senator Tupa	Effective Date: April 14, 2008
<p>The act requires the Governor to issue a proclamation setting a date for a special congressional vacancy election when the Speaker of the U.S. House of Representatives declares that vacancies exist in more than 100 congressional offices, including one or more from Colorado. The act requires the special election to take place on a Tuesday not more than 49 days after the declaration, unless a general election for the office is scheduled to be held within 75 days of the declaration. Under the act, candidates for the special election must be nominated not later than 10 days after the declaration, and unaffiliated candidates must file a notice of intent and filing fee of \$500 with the Secretary of State. The act allows the Secretary of State to promulgate rules to administer the provisions of the act, and adjust statutory deadlines to ensure the bill's time line for the special election is met. Previously, such special elections were required to be held between 75 and 90 days after the vacancy occurs, unless a general election was to take place within 75 days of the declaration.</p>	
Bill Number: House Bill 08-1041	Short Title: Campaign Finance Enforcement
Sponsors: Representative Carroll M. Senator Gordon	Effective Date: April 10, 2008
<p>The act allows a person who believes a violation of the Secretary of State's rules, concerning campaign or political finance or the state Fair Campaign Practices Act (FCPA), has occurred to file a written complaint with the Secretary of State not later than 180 days after the violation. Under the act, the complaint is subject to the procedural requirements for filing a campaign finance-related complaint specified in the state constitution. The act specifies that any person who commits a violation of the Secretary of State's rules or the FCPA that is not listed in the FCPA is subject to the sanctions specified in Article XXVIII of the Colorado Constitution. The act also requires that, before awarding attorney fees for an action brought to enforce Article XXVIII of the Colorado Constitution, a court or administrative law judge must consider state law disallowing attorney fees for certain voluntary dismissals of claims or instances where a party appearing without an attorney knew or should have known that his or her action was frivolous or groundless.</p>	

Table 8 (Cont.)
Election-related Legislation Passed in 2008

<p>Bill Number: House Bill 08-1128</p> <p>Sponsors: Representative Marostica Senator Gordon</p>	<p>Short Title: Signature Verification Technology in Election</p> <p>Effective Date: April 10, 2008</p>
<p>The act grants county clerk and recorders access to the digitized signatures in the statewide voter registration system for the purpose of comparing an elector's signature in the system with the signature on the return envelope of a mail-in ballot or mail ballot, including through the use of a signature verification device. For a primary, coordinated mail ballot, or general election, the act allows election judges to compare an elector's signature on the return envelope of a mail-in ballot or mail ballot with either the elector's signature in the statewide voter registration system or the signature on file in the office of the county clerk and recorder.</p> <p>The act allows designated election officials to permit the use of a signature verification device by an election judge to compare the signatures, and deems the signatures verified if the device determines that the signatures match. If the signature verification device is unable to determine a signature match, HB 08-1128 requires an election judge to compare the signatures. The act requires the Secretary of State to adopt rules establishing procedures for using signature verification devices to process mail-in and mail ballots. The act stipulates that a flap is not required to cover the signature on a return envelope of a mail-in or mail ballot.</p>	
<p>Bill Number: House Bill 08-1155</p> <p>Sponsors: Representatives Balmer and Marshall Senators Gordon and Johnson</p>	<p>Short Title: Voting Systems Certification for 2008</p> <p>Effective Date: February 11, 2008</p>
<p>The act allows the Secretary of State to amend or rescind any orders issued by the secretary of state on December 17, 2007, regarding voting systems certification. The act does not relax existing certification standards. If the Secretary of State amends or rescinds an order decertifying a voting system, the act requires the secretary to test the system to ensure that deficiencies identified in the decertifying order have been resolved or mitigated, and requires the secretary to issue a statement citing the specific reasons for amending or rescinding the order. The Secretary of State must send a copy of any decision to amend or rescind an order to the House and Senate State, Veterans, and Military Affairs committees, and the designated election official for any political subdivision that uses the voting system subject to the decision.</p> <p>The act allows the Secretary of State to permit or require additional testing of a voting system subject to a decision to amend or rescind an order, and allows the secretary to communicate with system vendors and county clerk and recorders to ensure the system's accuracy, security, and accessibility. During additional testing, the act allows a county clerk and recorder to designate an employee from his or her office to operate the voting system, and subjects any additional testing to state open meetings and open records laws. The Secretary of State must consider any information obtained from the testing or communication in a decision to amend or rescind an order. Finally, in deciding whether to amend or rescind a decision, the bill requires the Secretary of State to consider the accuracy and security procedures, audits, processing functions, and other relevant procedures used by county clerk and recorders in accordance with election laws and rules.</p> <p>The act also authorizes a political subdivision to purchase or use any other voting system that meets standards in state law and the rules of the Secretary of State. The act applies only to elections held in 2008.</p>	
<p>Bill Number: House Bill 08-1233</p> <p>Sponsors: Representative Judd Senator Tupa</p>	<p>Short Title: Attribute Contributions LLCs</p> <p>Effective Date: April 14, 2008</p>
<p>The act amends provisions of the Fair Campaign Practices Act (FCPA) to require a limited liability company (LLC) to provide information to a candidate committee, political committee, or political party receiving a campaign contribution from the LLC. The LLC is to specify the amount of the contribution to be attributed among the LLC's members based on each member's share of capital invested in the LLC on the date the contribution is made. For a single-member LLC, the contribution is attributed to the sole member under the act. Previously, the LLC could dictate how the contribution is allocated among its members. The act also requires campaign finance disclosures involving an LLC to include each contribution from the LLC regardless of dollar amount.</p>	

**Table 8 (Cont.)
Election-related Legislation Passed in 2008**

Bill Number: **House Bill 08-1329**

Short Title: **Inactive Registration and Mail Ballot Election**

Sponsors: Representative Marshall
Senator Gordon

Effective Date: July 1, 2008

The act stipulates that, not less than 90 days prior to a mail ballot election, a county clerk and recorder must mail a voter information card to any registered elector whose registration record has been marked "inactive - failed to vote," which designation is for those registered electors deemed active that failed to vote in a general election. An elector whose previous communication from the county clerk and recorder was returned as undeliverable by the U.S. Postal Service is referred in the county's voter registration records as "inactive - undeliverable." The bill allows the county clerk and recorder to include the voter information card as part of the voter information card currently required by law. The voter information card is required to be sent to the elector's address of record unless the elector requests that it be sent to the elector's deliverable mailing address, and the card is to be marked "do not forward." Voter information cards sent to registered electors whose registration records are marked "inactive - failed to vote" that are returned by the U.S. Postal Service as undeliverable will have their registration records marked as "inactive - undeliverable" under House Bill 08-1329. Previously, an elector was deemed inactive if a voter information card mailed by a clerk and recorder to the elector's address was returned as undeliverable, or if an elector failed to vote in a general election. For mail ballot elections conducted in July 2008 or thereafter, the act stipulates that mail ballots returned by the U.S. Postal Service as undeliverable will result in the registration records of those electors whose ballots were returned being marked as "inactive - undeliverable." For mail ballot elections conducted in November 2009, the act requires a mail ballot to be mailed to all registered electors whose registration records are marked "inactive - failed to vote," but prohibits such mailings to those whose records are marked "inactive - undeliverable."

For the purposes of redistricting, the act requires that precinct boundaries established by a county clerk and recorder for a general election in a year ending in eight remain in effect until after the following general election in a year ending in zero, while allowing adjacent precincts to be aggregated for the purposes of data collection. When these precincts are changed pursuant to federal law, the act requires county clerk and recorders to submit a list of the precincts for which the boundaries have changed to the Director of Research of the Legislative Council.

Bill Number: **House Bill 08-1345**

Short Title: **Vacancies in Elective Office**

Sponsors: Representatives Weissmann and Butcher
Senator Tapia

Effective Date: August 5, 2008

The act extends from 10 to 30 the number of days a vacancy committee has to fill a vacancy in the General Assembly. The act also extends from six to ten the number of days before a vacancy committee meeting that written notice of the meeting must be sent to committee members. The bill requires that the oath of office be administered to the person filling the vacancy within 30 days of the receipt of the Secretary of State's certification of the person's name to the appropriate house, or on the convening date of the General Assembly, whichever occurs first. The act allows the President of the Senate or the Speaker of the House of Representatives to extend the time period for taking the oath if extenuating circumstances prevent the person from taking the oath within the 30-day limit. If the person does not take the oath within the prescribed time period, the seat is deemed vacant, and must be filled by the appropriate vacancy committee. The act does not reduce the number of consecutive terms that an appointee to the General Assembly may serve under the Colorado Constitution.

Under the act, a vacancy committee charged with filling a vacancy in the office of county commissioner must do so by a majority vote of its membership at a meeting called for that purpose. Formerly, a majority vote of a quorum was required for the vacancy committee to fill the office. The act does not allow votes by proxy to fill a county commissioner vacancy, and sets a quorum for the meeting at half the membership of the vacancy committee. The act also requires written notice of the meeting to be mailed to each member of the vacancy committee at least six days before the meeting.

Finally, the act extends from 10 to 30 the number of days a vacancy committee has to certify to the Secretary of State a selection to fill a vacancy on the State Board of Education. If a vacancy committee fails to fill this office within 30 days, the Governor must fill the vacancy within 35 days after the vacancy. In the case of a member-elect of the State Board of Education who dies before taking office, a vacancy committee must meet within 30 days after the death to fill the vacancy.

Table 8 (Cont.)
Election-related Legislation Passed in 2008

Bill Number: **House Bill 08-1378**

Short Title: **Ranked Voting Methods**

Sponsors: Representative Kefalas
Senator Gordon

Effective Date: August 5, 2008

The act allows a statutory municipality or special district to conduct an election using a ranked voting method if its charter allows it to do so, and if the election is conducted using a voting system that can accommodate ranked voting and that is approved by the governing body and designated election official of that government. Current law allows home rule municipalities to use ranked voting in elections. The act defines "ranked voting method" as a method of casting and tabulating votes that allows electors to rank candidates for an office by preference to determine an election winner. Ranked voting eliminates the need for a separate runoff election in a multi-candidate race to determine the majority winner instead of the plurality winner. Ranked voting methods include instant runoff voting and the single transferable vote method, as described by the act. The act specifies the number of choices an elector is allowed to rank per election contest, including write-in candidates. The act also specifies which type of ranked voting method is to be used for an election, as follows:

- instant runoff voting for an election in which one candidate is to be elected to an office; or
- the single transferable vote method for an election in which more than one candidate is to be elected to an office in a multiple-seat district or on a governing body that has multiple at-large seats. The act also allows a local government to conduct an election under these circumstances using the principles of instant runoff voting to ensure that each elector has equal voting power and that an elector's lower ranking of a candidate does not count against the candidate to whom the elector gave the highest rank.

Under the act, a local government holding an election using a ranked voting method must post an explanation of ranked voting at each polling place, provide instructions with each mail-in ballot, and conduct a voter education campaign to familiarize electors with ranked voting. The act directs election judges to deliver ballots to the canvass board for counting. The bill directs the Secretary of State to adopt rules on ranked voting methods and provide guidance to local governments on conducting elections using ranked voting methods. Municipalities and special districts are authorized to elect their officers using ranked voting methods under HB 08-1378. The act further requires the Secretary of State to submit a report assessing elections conducted using ranked voting at the local level, along with recommendations, to the House and Senate State, Veterans, and Military Affairs committees. The act also requires a designated election official for a local government that has conducted an election using a ranked voting method to issue certain reports on the election.

**Table 9
Election-related Legislation Passed in 2009**

<p>Bill Number: Senate Bill 09-087</p> <p>Sponsors: Senator Carroll M. Representative Peniston</p>	<p>Short Title: Special Districts Accountability</p> <p>Effective Date: June 1, 2009</p>
<p>The act concerns increased accountability requirements for special districts. One of its provisions requires a designated election official of a metropolitan district, when the board of directors of the district is conducting an election, to mail a mail-in ballot to each eligible voter on a list of voters who have applied for permanent mail-in voter status. The act requires the designated election official to coordinate with the clerk and recorder of the county or counties in which the district is situated to acquire this list at least 60 days prior to the election. These requirements are placed only on metropolitan districts that collect revenue above a specific threshold.</p> <p>The act further requires a board of directors of a special district to provide notice annually to eligible voters that includes certain information about the district, including information about its elections and applying for permanent mail-in voter status.</p>	
<p>Bill Number: House Bill 09-1015</p> <p>Sponsors: Representative Murray Senator Hodge</p>	<p>Short Title: Conduct of Primary Elections</p> <p>Effective Date: August 5, 2009</p>
<p>Although it was introduced prior to the Election Reform Commission releasing its legislative recommendations, House Bill 09-1015 enacts one of the commission's recommendations pertaining to cancellation of an uncontested primary election. The act allows a designated election official to cancel an uncontested primary election and declare the sole candidate to be the party nominee for the specified office in the general election. To qualify, the primary must be uncontested as of 60 days before the election. The money saved as the result of a primary's cancellation must be held in reserve by a county for use in conducting future elections. The act also allows primary elections to be conducted as mail ballot elections, subject to the following requirements:</p> <ul style="list-style-type: none"> • designated election officials must notify the Secretary of State of the mail ballot primary election at least 120 days before the election, and must forward a plan for conducting the election; • prior to making a determination to conduct a mail ballot primary election, a county clerk must give public notice and seek public comment on the determination; • the Secretary of State must post notice of a primary election conducted by mail ballot on its website; • a county clerk and recorder conducting a primary election by mail ballot must mail a notice by forwardable mail to each unaffiliated active registered eligible voter and each unaffiliated registered eligible voter whose registration has been marked "inactive - failed to vote" for failure to vote in a general election. The notice must inform the unaffiliated voter of the need to affiliate with a political party in order to vote in the primary election, and must include a returnable portion allowing the voter to request a party affiliation. The act also requires current notice requirements of mail ballot elections by publication to include notice to unaffiliated voters of the ability to affiliate with a political party and vote in a pending mail ballot primary election; • a mail ballot packet must be mailed to each active registered voter affiliated with a political party, including those whose registration records have been marked "inactive - failed to vote"; • there must be at least one drop-off location for mail ballots in each county for each multiple of 30,000 affiliated active registered voters, and the drop-off locations must be arrayed throughout the county in a manner that provides the greatest convenience to the voters. The number and location of these drop-off locations must be approved by the Secretary of State; • drop-off locations must be open to accept ballots during reasonable business hours for the 14 days prior to and including primary election day, excluding Sundays or the first Saturday of the period; and • a county clerk and recorder must designate service centers equal to at least the number of county motor vehicle offices in the county, with no fewer than one service center for each 60,000 active registered voters. If the county has fewer than 15,000 affiliated active registered voters per motor vehicle office, the act requires at least one service center for each 25,000 affiliated active registered voters. If a county has 30,000 or fewer active registered voters, the act requires the county to have at least one service center. <p>House Bill 09-1015 requires certain amenities to be included in each service center used for mail ballot primary elections, and requires the service centers to be open during the eight days prior to and including the election, except for Sundays.</p> <p>For all mail ballot elections, the act changes the time period within which a mail ballot packet must be mailed to each active registered voter. It does not affect delivery of mail ballots to overseas voters covered by the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).</p>	

**Table 9 (Cont.)
Election-related Legislation Passed in 2009**

<p>Bill Number: House Bill 09-1018</p> <p>Sponsors: Representative Bradford Senator Spence</p>	<p>Short Title: SCORE System and Help America Vote Act Compliance</p> <p>Effective Date: August 5, 2009</p>
<p>The act removes obsolete statutory language based on implementation of the statewide voter registration and election system (SCORE), in compliance with the Help America Vote Act (HAVA). Specifically, the act eliminates instructions for transmitting voter information to the Secretary of State by county clerk and recorders, since such information is now entered directly into the SCORE system rather than being maintained in separate county databases. The act contains new instructions for transferring voter registration records between counties when a voter registers to vote in another county, based on the types of information provided by the voter. It also contains new instructions to county clerk and recorders for cancelling older registrations of voters who are registered multiple times, based on use of the SCORE system.</p>	
<p>Bill Number: House Bill 09-1153</p> <p>Sponsors: Representative May Senator Harvey</p>	<p>Short Title: Formation Issue Committees Fair Campaign Practices Act</p> <p>Effective Date: September 1, 2009</p>
<p>The act exempts issue committees from registering with election officials until they accept or make contributions of more than \$200 to support or oppose any ballot issue or ballot question. The registration must occur within ten calendar days of the contribution transaction. Previous law required issue committees to register before accepting or making contributions. The act establishes a set of criteria to determine when a matter is to be considered a ballot issue or ballot question, thereby necessitating compliance with campaign disclosure and reporting requirements by issue committees. Municipal annexations are not considered ballot issues or questions until notice of the annexation election has been published. The act requires such notice to inform the public that issue committees are required by law to register with election officials within ten calendar days of making contributions or expenditures of at least \$200 to support or oppose the annexation question.</p>	
<p>Bill Number: House Bill 09-1160</p> <p>Sponsors: Representative Miklosi Senator Bacon</p>	<p>Short Title: Secure Electronic Voter Information</p> <p>Effective Date: May 15, 2009</p>
<p>The act requires the form for registering to vote on-line to contain certain information pertaining to the registrant's eligibility to vote, as well as a self-affirmation that the registrant is qualified to register. In addition, the act incorporates current requirements for making changes to residential information, affiliation, and mail-in ballot status into the on-line forms for doing so, and requires submission of a birth date and the last four digits of the voter's social security number to make these changes. Under the act, a county clerk and recorder must verify the electronic signature of an individual registering to vote online, and when changes are made to a registered elector's residence information, affiliation, and mail-in ballot status. For address changes, the act requires the county clerk and recorder to send a nonforwardable postcard to the old address giving notice of the change of address and requesting the voter to contact the clerk and recorder if the voter does not wish to change the address.</p> <p>On-line voter registrations and changes are applicable to an election if performed at least 29 days before the election. The act requires the Secretary of State to make the electronic forms available to the public on its website by April 1, 2010.</p>	
<p>Bill Number: House Bill 09-1186</p> <p>Sponsors: Representative Levy Senator Carroll M.</p>	<p>Short Title: Contents and Delivery of Mail Ballots</p> <p>Effective Date: April 3, 2009</p>
<p>The act allows a mail-in voter to drop off his or her mail ballot on election day at any polling place in the county in which the voter is registered to vote. Under the act, mail-in voters are still allowed to drop off mail-in ballots at early polling places during the early voting period, as provided in current law. The act also increases from five to ten the number of mail-in ballots that a person may mail or deliver on behalf of other voters.</p>	

**Table 9 (Cont.)
Election-related Legislation Passed in 2009**

Bill Number: **House Bill 09-1205**

Short Title: **Voting by Overseas Armed Forces**

Sponsors: Representative Looper and Balmer
Senator Williams

Effective Date: August 5, 2009

The act requires the Secretary of State, in coordination with county clerk and recorders, to develop an Internet-based voting pilot program to facilitate voting by military personnel serving outside the United States, starting with the 2012 general election. The act requires the Secretary of State to select one or more political subdivisions to participate in the pilot program and specifies that the system used to implement the pilot program must:

- transmit encrypted information over a secure network;
- securely identify and authenticate information transmitted on the system, as well as local election officials and electronic equipment used by the Secretary of State and local officials in the conduct of elections via the Internet;
- protect the privacy, anonymity, and integrity of each voter's ballot;
- prevent a voter from casting multiple ballots over the Internet in an election;
- protect against abuse, including tampering, fraudulent use, and illegal manipulation by electors, election officials, or other individuals or groups; and
- provide uninterrupted Internet availability for the purpose of casting votes on-line by voters.

The act requires local election officials participating in the pilot program to:

- assure that each voter participating in the pilot program is eligible and registered to vote;
- verify the identity of participating voters logging in to vote;
- verify the privacy and security of votes transmitted over the Internet, and verify that the votes have not been viewed or altered during transmission;
- verify the timeliness of the votes cast over the Internet; and
- verify that all votes cast through the pilot program were counted and correctly attributed to the voter who cast the vote.

Additional provisions in the act allow overseas military personnel to:

- register to vote by emergency registration after discharge from active duty within 29 days prior to an election if the voter is a resident of Colorado, moved to a new county after close of the registration books, and will not cast a vote in another county or state;
- receive a mail-in ballot electronically if the voter timely filed a mail-in ballot application or has been placed on the permanent mail-in voter list, and requested receipt of the ballot electronically; and
- have mail-in ballots counted if cast and received by local election officials within deadlines established by HB 09-1205.

To fund the pilot program, the act creates the Internet-based Voting Pilot Program Fund, consisting of public and private gifts, grants, and donations. The Department of State may implement the pilot program voting system only if sufficient moneys are obtained to cover the costs of implementation.

**Table 9 (Cont.)
Election-related Legislation Passed in 2009**

Bill Number: **House Bill 09-1216**

Short Title: **Election Code Revision Regarding Voting by Electors**

Sponsors: Representative Murray
Senator Newell

Effective Date: April 22, 2009

The act makes a number of changes to conform to the implementation of the Statewide Colorado Voter Registration and Elections (SCORE) system and permanent mail-in voting. The act requires county clerks to mail a notice for verification of an active voter's address to those active voters whose mail-in ballots have been returned as undeliverable, and to mark those who fail to respond as inactive, thus conforming the law to the current practice with mail ballots. It also requires county clerks who receive verification that the voter whose mail or mail-in ballot was returned as undeliverable lives in a different county to forward the address information to the county clerk of the new resident county. The act removes the need to affirm an address on the self-affirmation portion of return envelopes for mail and mail-in ballots, and allows applications for mail-in ballots to be filed earlier than January 1 preceding an election.

HB 09-1216 clarifies that an unaffiliated voter may participate in a primary election upon openly declaring an affiliation to the election judge. It further allows those who have been issued a mail-in ballot to vote at a polling place or vote center by provisional ballot by affirming under oath that the mail-in ballot will not be cast. Finally, the act conforms treatment of ballots for permanent mail-in voters by county clerks to current practices associated with absentee ballots.

Bill Number: **House Bill 09-1326**

Short Title: **Integrity of Citizen-initiated Petitions**

Sponsors: Representatives Carroll T. and Court
Senator Shaffer B.

Effective Date: May 15, 2009, July 1, 2009, or January 1, 2010, based on section of the bill

The act made changes in several areas of the citizen-initiated petition process.

Ballot and Petition Information

HB 09-1326 requires certain information to appear on statewide ballots and petition forms for statewide ballot issues. Specifically, the act requires:

- ballots to identify a ballot issue proposing a change to the state constitution as an "amendment," and a ballot issue proposing a change to statutes as a "proposition." The act also requires the current explanation appearing at the top of each ballot to explain the difference between an amendment and a proposition;
- initiated amendments to appear first on ballots, followed by referred amendments, initiated propositions, and referred propositions. The order of local ballot questions remains the same. The act strikes a requirement to order ballot measures within each category by type;
- a change in the numbering for statewide measures on the ballot to differentiate between initiated and referred measures, with further differentiation between constitutional amendments and changes to statute;
- a ballot title appearing on the ballot to be preceded by an indication of whether the ballot issue changes the state constitution or statutes, along with the measure's assigned numbers or letters; and
- the statement at the top of each page of an initiative petition to contain a statement that signing the petition indicates support for including the proposed change to either the state constitution or statutes on the ballot, and that a sufficient number of signatures will result in the issue appearing on the ballot.

Initiative Deadlines

HB 09-1326 makes the following deadline changes with respect to initiatives:

- the date for the last possible title board meeting prior to an election is moved to the third Wednesday in April, one month earlier than under prior law;
- a ballot petition, along with any signature addendums, must be filed with the Secretary of State at least three weeks earlier than under previous law, or at least three months and three weeks prior to the election; and
- a request for withdrawal of an initiative petition must be filed with the Secretary of State no later than 60 days prior to the election, up from 33 days.

Table 9 (Cont.)
Election-related Legislation Passed in 2009

Bill Number: **House Bill 09-1326 (Cont.)**

Short Title: **Integrity of Citizen-initiated Petitions**

Sponsors: Representatives Carroll T. and Court
Senator Shaffer B.

Effective Date: May 15, 2009, July 1, 2009, or January 1, 2010, based on section of the bill

Signature Withdrawal

HB 09-1326 allows a voter who has signed an initiative petition to withdraw the signature by filing a written request with the Secretary of State on or before the day the petition is filed with the secretary. Once a petition has been deemed sufficient, the act requires the Secretary of State to make the petition available to the public for copying. The act makes it illegal to pay a voter to withdraw his or her name from a petition.

Petition Circulation Affidavit and Notarization

The act makes the following changes to the requirements for notarizing the affidavit attached to petition sections required to be signed by petition circulators:

- requires a petition circulator to be in the physical presence of a notary public when notarizing the affidavit;
- requires the circulator to date the affidavit and provide required personal information before notarization; and
- requires the circulator to present identification to the notary public before notarization, which the notary must note on the affidavit.

HB 09-1326 invalidates affidavits that are notarized in violation of the notarization requirements, or if the dates signed by a circulator and a notary public on an affidavit are different, and forbids the Secretary of State from accepting affidavits not in compliance with these requirements. The act criminalizes certifying an affidavit in violation of these notarization requirements. Signing, as a circulator, an affidavit for a petition section containing signatures not affixed in the circulator's presence, and circulation of a petition section by a person other than the person who signed that section's affidavit are also crimes under the legislation. The fine for violating these and other provisions of initiative and referendum law is increased from \$500 to \$1,500.

Petition Circulator Training

HB 09-1326 requires the Secretary of State to develop training for paid and volunteer petition circulators, which must be conducted in the broadest, most cost-effective manner available. Petition proponents or petition entity representatives are required by the bill to inform petition circulators of training opportunities.

Petition Circulator Compensation

The act makes it unlawful for a person to pay a petition circulator more than 20 percent of his or her compensation for circulation on a per signature or petition section basis.

Petition Entity Licensing

The act requires a petition entity, defined as an entity that provides compensation for ballot petition circulation, to acquire a license from the Secretary of State. The following are grounds for denial of a license by the Secretary of State:

- the secretary finding that the petition entity or a principal has been found in a judicial or administrative proceeding to have violated certain petition laws of Colorado or another state;
- the petition entity failing to agree not to pay more than 20 percent of a circulator's compensation on a per signature or petition basis; and
- no current representative of the petition entity having completed the Secretary of State's circulator training.

The act requires the Secretary of State to issue a decision on an application for a new or reinstated license within ten business days after filing. The Secretary of State is required to revoke a petition license if a petition entity falls out of compliance with these requirements, or authorizes or knowingly permits certain proscribed activities. The act sets the license revocation period for initial violations at 90 to 180 days, and the period for subsequent violations at 180 days to one year. House Bill 09-1326 also allows a petition entity to apply for reinstatement of a revoked license upon expiration of the term of revocation, and allows the Secretary of State to consider certain factors in making a reinstatement determination. The act requires the secretary to charge a fee for the petition license. Licensed petition entities are also required to register with the Secretary of State by providing the ballot titles of measures for which petitions will be circulated by the entity, along with the entity's address, contact, and designated agent information.

**Table 9 (Cont.)
Election-related Legislation Passed in 2009**

Bill Number: **House Bill 09-1326 (Cont.)**

Short Title: **Integrity of Citizen-initiated Petitions**

Sponsors: Representatives Carroll T. and Court
Senator Shaffer B.

Effective Date: May 15, 2009, July 1, 2009, or January 1, 2010, based on section of the bill

In a hearing to determine if a petition entity compensated circulators without a license, the act allows the Secretary of State to use at the hearing any information to which it may reasonably gain access, including the petition entity's required filings. If such a hearing determines a petition entity to have committed a violation, the fine is set by the Secretary of State in an amount not to exceed \$100 per circulator for each day of petition circulation on behalf of the unlicensed entity.

Petition Circulators Reporting

The act requires proponents of a petition, or an issue committee acting on the proponents' behalf, to maintain a list of the names and addresses of circulators who circulated the petition and notaries public who notarized petition sections, along with petition section numbers associated with the circulators and notaries. A copy of the list must be filed with the Secretary of State along with the petition, and the list becomes a public document. If the list is not filed, the bill requires the Secretary of State to prepare the list and charge the proponents a fee. It also changes reporting requirements to election officials by petition proponents to require reporting of dates of petition circulation by paid circulators, and the total number of hours paid circulators spent circulating petitions.

Protest of Petition Sufficiency

HB 09-1326 establishes that a district court has jurisdiction to consider a protest challenging the Secretary of State's determination of a petition's sufficiency without further agency action. The act states that grounds for challenging signature sufficiency include fraud, the use of a noncompliant petition form, and violations of laws that prevent fraud, abuse, or mistakes in the petition process. The act allows a district court to consider all signatures in a random sample if a protest is limited to an allegation of defects in the Secretary of State's statement of sufficiency based on a random sample. The act also allows the pursuit of attorney fees and costs by the complainant if the district court determines fraud committed by a person involved in petition circulation resulted in invalid signatures or petition sections. Petition entries made on petition sections that substantially comply with the provisions of law are to be deemed valid by the Secretary of State or a court unless fraud or a violation of law pertaining to petitions is established by a preponderance of the evidence, or a circulator used an invalid petition form. A complainant or a defendant must be awarded attorney fees and costs if a protest or defense is determined to have lacked substantial justification.

Under the act, a petition circulator is required to be available for deposition and testimony as part of a court proceeding or hearing conducted by the Secretary of State related to the protest of a petition section. A protested petition section is invalidated if the circulator fails to make himself or herself available as required, and the protest includes an allegation of circulator fraud regarding:

- forgery of a voter's signature;
- circulation of a petition section by someone other than the circulator who signed the petition section; or
- payment to a person to induce the person to sign the petition.

These factors do not invalidate petition sections if a district court or the Secretary of State finds that the circulator is unable to be deposed or to testify due to death, mental incompetence, or medical incapacity.

Bill Number: **House Bill 09-1335**

Short Title: **Requirements for Voting Equipment**

Sponsors: Representatives Todd and Murray
Senators Williams and Carroll M.

Effective Date: May 15, 2009

The act transitions Colorado to a paper-based voting system by the 2014 general election.

Voting System Use and Purchase

The act states the General Assembly's intention to:

- require any voting system purchased by a political subdivision between May 15, 2009, and the 2014 general election to be paper-based;
- suspend acquisition of electronic voting systems in order to assess existing and emerging voting technologies; and
- discourage investment by political subdivisions before the 2014 general election in technologies that will frustrate the intent of the General Assembly.

Table 9 (Cont.)
Election-related Legislation Passed in 2009

Bill Number: **House Bill 09-1335 (Cont.)**

Short Title: **Requirements for Voting Equipment**

Sponsors: Representatives Todd and Murray
Senators Williams and Carroll M.

Effective Date: May 15, 2009

The act allows political subdivisions to continue to use existing electronic voting devices and related components that were used during the 2008 general election as long as the equipment is used in accordance with conditions of use under which it was certified for the 2008 election, or in accordance with alternate conditions established by the Secretary of State (secretary). Going forward, the act requires prior approval of the secretary to purchase new electronic voting equipment. To make such a purchase, the bill requires a political subdivision to submit a written application to the secretary, which the secretary must approve or deny within three business days after receipt. In reviewing the application and making a determination regarding the purchase, the secretary is required to prevent political subdivisions from investing in technologies that will frustrate the intent of the General Assembly, and in doing so must consider relevant factors including:

- whether the purchase replaces damaged equipment or accommodates a population increase;
- whether the purchase requires a new contract; and
- a comparison of the purchase with the political subdivision's annual capital expenditures on elections, in order to discourage a technology investment with a limited useful life.

The act requires the secretary to promulgate rules regarding the purchase of electronic voting systems. The act also allows the secretary to require by rule that voting equipment satisfy voting systems standards promulgated by the Federal Election Commission after January 1, 2008, so long as the standards meet or exceed the commission's 2002 standards. Under previous law, political subdivisions seeking to modify previously certified electronic and electromechanical voting systems were required to have the modification certified by the secretary. House Bill 09-1335 requires the secretary to make a preliminary examination of a proposed modification, and either approve the modification or conduct a further review of the modification based on the likelihood of the modification causing adverse effects.

Voter-verifiable Paper Record

Previous law required voting systems used in elections on or after January 1, 2010, to be able to produce a voter-verifiable paper record of each vote. HB 09-1335 grants political subdivisions that have not complied with this requirement by January 1, 2009, until January 1, 2014, to comply with the requirement.

Voting System Certification and Testing

The act requires the secretary to certify qualifying electronic and electromechanical voting systems, establish standards for certification, and approve the purchase, installation, and use of the systems by political subdivisions. Under the new provisions, the secretary may establish conditions of use for these voting systems by political subdivisions to correct deficiencies identified during certification. In undertaking electronic and electromechanical voting system certification, the act allows the secretary to:

- consider procedures used or adopted by county clerks or best practices recommended by equipment vendors;
- request a federally accredited laboratory to undertake system testing;
- use and rely upon system testing already performed by another state or a federally accredited laboratory, conditioned upon the secretary and public having access to information relied upon for the testing, and the secretary determining that the testing was conducted in accordance with appropriate engineering standards and satisfies system requirements and standards under current state law; and
- conduct joint testing with an agency of another state or a federally accredited laboratory.

It also extends the deadline by which the secretary must decide whether to certify an electronic or electromechanical voting system from 90 to 180 days after submission of the system for certification.

Voting System Auditing

The act states the legislature's intent to move the state toward an election auditing process developed with the assistance of statistical experts and relying on risk-limiting audits. Under the new requirements, counties must use a risk-limiting audit following each primary, general, coordinated, or congressional vacancy election, starting with the 2014 general election. The act requires the secretary to establish procedures for selecting races to be audited, and makes all contested races eligible for selection. Upon written application, the secretary may waive these risk-based auditing requirements if a county shows that the technology it uses will not enable the county to satisfy the requirements in preparation for the 2014 general election.

**Table 9 (Cont.)
Election-related Legislation Passed in 2009**

<p>Bill Number: House Bill 09-1335 (Cont.)</p> <p>Sponsors: Representatives Todd and Murray Senators Williams and Carroll M.</p>	<p>Short Title: Requirements for Voting Equipment</p> <p>Effective Date: May 15, 2009</p>
<p>Prior to the 2010 primary election, the act requires the secretary to establish a pilot program in selected counties to test the procedures and technical requirements necessary for conducting a risk-limiting audit. It requires the secretary to work with equipment vendors to identify technical modifications to election equipment that may be necessary to support risk-limited auditing. The secretary is also required by the act to draw upon the experiences of the pilot program in making future recommendations for modifications to state law. Finally, HB 09-1335 requires the secretary to promulgate rules to implement and administer the risk-based auditing requirements, in consultation with statistical experts, equipment vendors, and county clerks.</p>	
<p>Bill Number: House Bill 09-1336</p> <p>Sponsors: Representatives Todd and Murray Senators Williams and Carroll M.</p>	<p>Short Title: Recommendations of Election Reform Commission</p> <p>Effective Date: August 5, 2009</p>
<p>The act implements various recommendations made by the Election Reform Commission. Specifically, the act:</p> <ul style="list-style-type: none"> • defines "group residential facility," and exempts a resident of such a facility from showing identification at a polling place upon verification that the voter is a resident of the facility. The act also requires the Secretary of State to promulgate rules as necessary to determine the identity of such a resident, and ensure the consistent application of this determination; • increases from five to seven the number of mail-in ballots that, when sent to a group residential facility, require a committee consisting of an employee of the county clerk and, where available, a representative of each of the major parties to deliver and pick up the ballots; • requires the Secretary of State to determine and consider best practices in the design and development of election forms in order to minimize voter confusion and maximize ease of use, to promulgate rules as necessary to specify what constitutes approved and acceptable forms, and to establish uniformity in the use of forms; • allows election officials to begin counting mail ballots 15 days prior to an election, up from 10 days; • extends the current signature verification deadline for ballots received from absent overseas military voters to accommodate their receipt by the close of business on the eighth day following the election; • requires canvass boards to reconcile ballots cast in each county precinct to confirm that the number of ballots cast does not exceed the number of registered voters in a precinct; • states that a majority of the members of a canvass board is sufficient to certify an abstract of votes from an election and, when the board is unable to certify the abstract, requires the board to transmit the noncertified abstract to the Secretary of State along with a report detailing the reason for noncertification; • requires the Secretary of State to promulgate rules establishing equitable uniformity in the appointment and operation of canvass boards; and • requires a designated election official to notify new or re-registered mail-in voters who registered by mail and subsequently voted if the returned ballot did not contain a copy of identification as required by law. The act allows for a copy of such identification to be forwarded within eight days after the election, thus allowing the ballot to be counted. 	
<p>Bill Number: House Bill 09-1337</p> <p>Sponsors: Representatives Todd and Murray Senators Williams and Carroll M.</p>	<p>Short Title: Changes to Ballot Process Deadlines</p> <p>Effective Date: August 5, 2009</p>
<p>The act changes the time period within which a county clerk must send notice of signature deficiency to a voter from two days after the election to three days after the deficiency has been confirmed, but no later than two days after the election. It requires that mail-in ballots and other materials be delivered to voters no sooner than 25 days before every odd-year, congressional vacancy, primary, and general election. The act also allows election officials to begin counting mail-in ballots 15 days prior to an election. A designated election official is required to notify new or re-registered voters in a mail ballot election who registered by mail and subsequently voted if the returned ballot did not contain a copy of identification as required by law. The act allows for a copy of such identification to be forwarded within eight days after the election, thus allowing the ballot to be counted.</p>	

Table 9 (Cont.)
Election-related Legislation Passed in 2009

Bill Number: **House Bill 09-1357**

Short Title: **Filing Campaign Finance Reports With Secretary Of State**

Sponsors: Representative Vigil
Senator Schwartz

Effective Date: July 1, 2009

The act requires certain campaign finance reports that were filed with county clerk and recorders under prior law to instead be filed with the Secretary of State. The filing requirement applies to candidates and committees in special district elections, and any other candidates or committees unless otherwise specified by law. The act requires applicable data filed with or under the control of county clerk and recorders to be transferred to the Secretary of State. It also requires each county clerk and recorder to maintain a copy of any required campaign finance report or statement filed with his or her office for a period of one year or, for candidates who are elected, for one year after the candidate leaves public office. Under the act, campaign finance filings for municipal elections will continue to be filed with municipal clerks. HB 09-1357 removes from law a requirement that county clerk and recorders be reimbursed by the state to help defray the cost of implementing campaign finance law.

Table 10
Election-related Legislation Passed in 2010

Bill Number:	Senate Bill 10-041	Short Title:	Campaign Finance Clean-up
Sponsors:	Senator Bacon Representative Nikkel	Effective Date:	July 1, 2010
The act makes the following technical changes to campaign finance law:			
<ul style="list-style-type: none"> • conforms registration requirements for issue committees involved with recall elections to registration requirements for other types of issue committees; • extends the amount of time allowed to correct an incomplete campaign finance filing from 7 to 15 business days; • allows the Secretary of State to require filing of campaign finance documents through electronic means; • clarifies procedures regarding the notice of disqualification sent to candidates barred from seeking office for failure to file certain documents; and • changes the deadline for filing personal financial disclosure statements by certain public officials after their election, appointment, or retention. 			
Bill Number:	Senate Bill 10-053	Short Title:	Metro Sewer District Board Weighted Voting
Sponsors:	Senator Foster Representative Acree	Effective Date:	August 11, 2010
Under previous law, any action by the board of directors of a metropolitan sewage disposal district required approval of a majority of a quorum of its members present and voting at a regular or special meeting. The act excepts from these requirements weighted voting conducted under the district's bylaws, applicable resolutions from the board, and rules governing the procedures of the board.			
Bill Number:	Senate Bill 10-203	Short Title:	Independent Expenditures After Citizens United
Sponsors:	Senator Carroll M. Representatives Weissmann and Middleton	Effective Date:	May 25, 2010
The act makes changes to state campaign finance law in response to a recent U.S. Supreme Court decision. Specifically, the act makes changes to state law regulating independent expenditures made in connection with state elections. Independent expenditures are those election advocacy expenditures not controlled by or coordinated with a candidate or a candidate's agent. To this end, the act:			
<ul style="list-style-type: none"> • redefines "foreign corporation" and prohibits such entities from making independent expenditures associated with state elections. Under the act, "foreign corporation" as the definition was known under previous law is now termed "nondomestic corporation." The definition of foreign corporation now includes corporations for which a foreign person or persons hold more than 50 percent of the corporation's ownership or positions on its board of directors; • affirms that corporations and labor organizations are not prohibited from making independent expenditures, while requiring that such expenditures be disclosed in accordance with existing campaign finance law; • requires persons and entities accepting donations for the purpose of making an independent expenditure or who make independent expenditures to register certain information with the Secretary of State or municipal clerk once such donations or expenditures reach \$1,000 in the aggregate. Such registration is required within two business days of reaching the \$1,000 threshold; • triggers certain disclosure requirements to the Secretary of State or municipal clerk for aggregated independent expenditures of \$1,000 or more in a calendar year. Such disclosure requirements include disclosing information pertaining to persons making donations of \$250 or more to the person making the independent expenditure; • for independent expenditures of more than \$1,000 made to fund a broadcast, printed, mailed, or otherwise circulated communication, requires the communication to state who paid for the communication and identify a registered agent for entities that are not natural persons; • requires persons making independent expenditures in excess of \$1,000 in the aggregate during a calendar year to provide written notice within a specified time period to the Secretary of State or municipal clerk listing the candidate that the expenditure is intended to support or oppose; • requires persons accepting donations of at least \$1,000 for the purpose of making an independent expenditure or who make an independent expenditure of at least \$1,000 in a calendar year to establish a separate account with a financial institution for the deposit or withdrawal of moneys associated with the independent expenditure. The act also restricts discovery related to the account holders and donors when a complaint is filed related to the account; • conforms disclosure for independent expenditures to current requirements governing the deadlines for making disclosures to the appropriate authority; • requires the Secretary of State to annually forward to the Department of Revenue independent expenditure donation reports in order to determine if the donors deducted any of the expenditures from their state income tax liability; 			

**Table 10 (Cont.)
Election-related Legislation Passed in 2010**

Bill Number: **Senate Bill 10-203 (Cont.)**

Short Title: **Independent Expenditures After Citizens United**

Sponsors: Senator Carroll M.
Representatives Weissmann and Middleton

Effective Date: May 25, 2010

- clarifies that the requirements of the act pertaining to independent expenditures that apply to corporations also apply to labor organizations;
- establishes a range of penalties for failure to satisfy the act's reporting requirements for independent expenditures. In situations where a fine of up to \$1,000 per day is levied on an entity with shareholders or members, the act requires the violator to notify its shareholders or members of the infractions and penalties on its website; and
- extends to donations made for the purpose of making independent expenditures current law forbidding the state or any of its political subdivisions from making contributions to campaigns for public office. The act further forbids the state and any political subdivision from spending any money for the purpose of urging voters to vote in favor of or against any ballot issue, referred measure, or recall issue. Previously, this restriction only applied to public money.

In situations where a person purchases advertising time through an independent expenditure that is not compliant with the act's provisions, the act provides immunity for a media outlet from civil liability if the media outlet withdraws the advertising time or voids the advertising contract.

Bill Number: **Senate Bill 10-216**

Short Title: **Change Ballot Order Statewide Measures**

Sponsors: Senator Heath
Representative Court

Effective Date: June 10, 2010

The act changes the order that statewide ballot measures are required to appear on the ballot, so that, beginning with the 2010 general election, ballot measures will now appear in the following order:

- referred amendments to the Colorado Constitution;
- initiated amendments to the Colorado Constitution;
- referred propositions to change state statutes; and
- initiated propositions to change state statutes.

Previously, ballot measures appeared in the following order on the ballot:

- initiated amendments;
- referred amendments;
- initiated propositions; and
- referred propositions.

**Table 10 (Cont.)
Election-related Legislation Passed in 2010**

Bill Number: **House Bill 10-1116**

Short Title: **Revisions to Colorado Election Law**

Sponsors: Representative Todd
Senator Newell

Effective Date: May 5, 2010

The act makes numerous changes to state election law to amend or remove obsolete, conflicting, or inconsistent provisions of law. The changes include:

- removing provisions that do not conform to current election practices;
- deleting dates that are no longer applicable, and harmonizing conflicting dates;
- clarifying the county clerk's office at which a voter must apply for a change of address during the period immediately preceding an election;
- specifying that no elector's voter registration record is to be cancelled for failure to vote;
- updating statutes and repealing obsolete language associated with the implementation of the statewide voter registration database and the federal Help America Vote Act;
- for primaries conducted as mail-ballot elections, allowing designated election officials to accept hand-delivered mail ballots and keep service centers open for longer than the previously established periods;
- clarifying signature verification requirements for mailed ballots;
- removing partisanship requirements pertaining to those testing electronic voting machines in nonpartisan elections; and
- for notice requirements associated with Taxpayer Bill of Rights (TABOR) ballot issues that are placed on the ballot by a political subdivision of the state that has no designated election official, specifying that the government body is responsible for summarizing comments for and against the issues.

Bill Number: **House Bill 10-1210**

Short Title: **Redistricting Process**

Sponsors: Representative Weissmann
Senator Morse

Effective Date: June 7, 2010

The act implements the redistricting process for state legislative and congressional districts based on the results of the 2010 census. Under the act, new district boundaries will be in effect for the 2012 general election. The act outlines the duties of the Reapportionment Commission (commission), the Office of Legislative Legal Services, and the Legislative Council Staff (LCS) with respect to the redistricting process, including requiring the commission to designate which state senatorial districts will stand for election in 2012 and 2014. The act updates requirements for filling vacated state Senate seats so that the seat of a Senator elected in 2010 that is vacated prior to the start of the 2013 legislative session is filled from the district from which the Senator was elected, and a seat vacated once the session begins is filled from the district newly created by the commission; except that, senatorial seats vacated more than 55 days prior to the 2012 general election will be filled by election for the remainder of the term from the new district. The act urges the Colorado Supreme Court to approve the commission's redistricting plan by December 14, 2011, in order to allow county clerks sufficient time to redraw precinct boundaries to accommodate precinct caucuses associated with the 2012 presidential election.

HB 10-1210 requires the purchase of a computer system by the LCS director to prepare legislative districts. The act requires the Legislative Council to make certain data and the computer system available to the commission and the General Assembly to facilitate the drawing of district boundaries. Under the act, the databases developed for the purposes of redistricting must be made available to the public and governmental agencies.

To cover expenses associated with state and congressional redistricting, and the expenses associated with a special legislative session for congressional redistricting, the act creates the Redistricting Account within the Department of State Cash Fund.

**Table 10 (Cont.)
Election-related Legislation Passed in 2010**

<p>Bill Number: House Bill 10-1271</p> <p>Sponsors: Representative Curry Senator Morse</p>	<p>Short Title: Date of Registration for Nomination</p> <p>Effective Date: May 27, 2010</p>
<p>The act shortens the period for which a person seeking nomination as a candidate for political office must be affiliated with a political party, or unaffiliated for a person reaching the ballot by petition as an unaffiliated candidate. Under the act, a candidate must show party affiliation, or no affiliation for unaffiliated petition candidates, no later than the first business day of January of the election year. Under previous law, unaffiliated candidates were required to show no affiliation for at least 12 months prior to the last day for filing nominating petitions. Because nominating petitions must be filed at least 140 days before the general election, the total required disaffiliation period amounted to about 17 months. Previously, party candidates were required to show affiliation for at least 12 months before the assembly at which candidates are designated for primary elections, unless otherwise provided for by party rules. HB 10-1271 allows parties to retain the ability to set affiliation periods through party rules. Both major political parties have established rules allowing for shorter affiliation periods. The act's applicability begins with the 2012 general election.</p>	
<p>Bill Number: House Bill 10-1370</p> <p>Sponsors: Representative Court Senator Steadman</p>	<p>Short Title: Ballot Measure Disclosure Requirements</p> <p>Effective Date: January 1, 2011</p>
<p>The act increases disclosure by issue committees and individuals involved in the statewide ballot issue process. Specifically, the act:</p> <ul style="list-style-type: none"> • requires the Secretary of State to notify statewide initiative petition proponents at the time a petition is approved that they must register an issue committee if 200 or more petition sections are printed or accepted in connection with the petition circulation; • in association with the drafting of the ballot information booklet (Blue Book), requires persons who submit written comments for or against initiated or referred measures to provide their names and identify any organizations that they represent or with whom they are affiliated; • within the analysis section for each measure in the Blue Book, requires the inclusion of language directing readers to information at the Secretary of State's website pertaining to issue committees that support or oppose the measure; • clarifies what constitutes a "major purpose" for the purpose the state constitution's campaign and political finance provisions, in light of a recent state Court of Appeals decision; • requires issue committees making expenditures in excess of \$1,000 on broadcast, printed, mailed, or delivered communications to disclose within the communication the name of the issue committee making the expenditure, with specific instructions on how the disclaimer must appear or be broadcast in the communication; and • provides for enforcement measures and penalties for issue committees that knowingly or intentionally fail to file reports pursuant to state campaign finance laws. 	
<p>Bill Number: House Bill 10-1408</p> <p>Sponsors: Representative Weissmann Senator Morse</p>	<p>Short Title: Repeal Congressional District Criteria</p> <p>Effective Date: August 11, 2010</p>
<p>The act changes statutory directions to courts to use certain criteria in determining the lawfulness of and adopting changes to congressional districts. Specifically, the act:</p> <ul style="list-style-type: none"> • removes the order of precedence for factors to be considered by the court; • requires the court to consider population equality among districts, with contiguous precincts, and compliance with the federal Voting Rights Act, while granting the court authority to consider preservation of political subdivisions, preservation of communities of interest, district compactness and shape, and prior district lines; and • strikes a directive to not use non-neutral factors such as political party registration and prior election results. <p>Previously, the neutral factors to be considered by the court were ranked in the order in which they were to be considered.</p>	