ENGROSSED

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

LLS NO. 20-0726.01 Nicole Myers x4326   **HOUSE BILL 20-1156**

HOUSE SPONSORSHIP
Froelich and McKean,

SENATE SPONSORSHIP
Zenzinger and Hisey,

House Committees   **Senate Committees**
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO CERTAIN ADMINISTRATIVE**
102 **REQUIREMENTS SPECIFIED IN THE "COLORADO MUNICIPAL**
103 **ELECTION CODE OF 1965", AND, IN CONNECTION THEREWITH,**
104 **MAKING MODIFICATIONS TO PROVISIONS ADDRESSING THE**
105 **ADMINISTRATION OF THE "UNIFORMED AND OVERSEAS**
106 **CITIZENS ABSENTEE VOTING ACT", MAIL BALLOTS,**
107 **NOMINATION PETITIONS, AND AFFIDAVITS FOR WITHDRAWAL**
108 **FROM CANDIDACY.**

Bill Summary

*(Note: This summary applies to this bill as introduced and does
not reflect any amendments that may be subsequently adopted. If this bill
passes third reading in the house of introduction, a bill summary that
applies to the reengrossed version of this bill will be available at*

The "Colorado Municipal Election Code of 1965" (code) specifies procedures that municipal clerks are required to use when mailing ballots to voters who are covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act" (UOCAVA). The code specifies that standard voting materials for the purposes of UOCAVA includes a declaration prescribed to accompany a federal absentee write-in ballot. However, the municipal clerks are unable to use that declaration. The bill repeals this requirement. The code also specifies that, to be valid, an active military or overseas voter must complete a signed affirmation required by federal law. The bill specifies the language required to be included in the affirmation.

The code currently requires all paper ballots, including mail ballots, to include a ballot stub and a duplicate stub on the top portion of the ballot. This requirement is unnecessary for mail ballots, as municipalities have other ballot verification methods. The bill specifies that mail ballots are not required to include a stub and a duplicate stub.

The bill also amends several provisions in the code regarding mail ballot elections to be consistent with other general provisions in the code regarding municipal elections. Specifically:

! The provision in the code that requires nomination petitions in mail ballot elections to be corrected no later than 66 days before the election is amended to be consistent with the general provision that specifies such petitions must be amended prior to 63 days before the election;

! The provision in the code that requires a withdrawal affidavit for a mail ballot election to be filed by the close of business on the 63rd day prior to the election is amended to be consistent with the general provision that specifies such withdrawals must occur prior to 63 days before the election; and

! The wording of the self-affirmation that is required to appear on the envelope for a mail ballot is amended to be consistent with the wording of the self-affirmation that is required to appear on the envelope for an absentee ballot.

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

2   **SECTION 1.** In Colorado Revised Statutes, 31-10-102.8, **amend**

3   (1) and (3); and **add** (3.5) as follows:

4   **31-10-102.8.   Active military or overseas voters - timely**

1 **mailing, casting, and receipt of ballot - definition.** (1) As used in this
2 section, "ballot materials" means the standardized absentee-voting
3 materials developed pursuant to section 1-8.3-104 (4)(a). ~~C.R.S. and the~~
4 ~~declaration and form for the execution of the declaration described in~~
5 ~~section 1-8.3-104 (5), C.R.S.~~
6 (3) To be valid, an active military or overseas voter must submit
7 the ballot via postal mail and complete the signed affirmation, as
8 specified in section 1-8.3-114, ~~C.R.S.,~~ not later than 7 p.m. mountain time
9 on the date of the election. ~~The vote of any active military or overseas~~
10 ~~voter who votes as authorized by this section may be challenged in the~~
11 ~~manner specified in section 31-10-1008.~~ SUCH AFFIRMATION SHALL STATE
12 THE FOLLOWING:
13 I SWEAR OR AFFIRM, UNDER PENALTY OF PERJURY, THAT:
14 THE INFORMATION ON THIS FORM IS TRUE, ACCURATE, AND
15 COMPLETE TO THE BEST OF MY KNOWLEDGE; I UNDERSTAND
16 THAT A MATERIAL MISSTATEMENT OF FACT IN COMPLETION
17 OF THIS DOCUMENT MAY CONSTITUTE GROUNDS FOR
18 CONVICTION OF PERJURY; I AM A UNITED STATES CITIZEN,
19 AT LEAST 18 YEARS OF AGE (OR WILL BE BY THE DAY OF
20 ELECTION), ELIGIBLE TO VOTE IN THE REQUESTED
21 JURISDICTION; I AM NOT INCARCERATED DUE TO A FELONY
22 CONVICTION; I AM NOT REGISTERING, REQUESTING A
23 BALLOT, OR VOTING IN ANY JURISDICTION IN THE UNITED
24 STATES, EXCEPT THE JURISDICTION CITED IN THIS VOTING
25 FORM; IN VOTING, I HAVE MARKED AND SEALED THIS
26 BALLOT IN PRIVATE AND HAVE NOT ALLOWED ANY PERSON
27 TO OBSERVE THE MARKING OF THIS BALLOT, EXCEPT THOSE

1 AUTHORIZED TO ASSIST VOTERS UNDER STATE LAW.

2 (3.5) THE VOTE OF ANY ACTIVE MILITARY OR OVERSEAS VOTER

3 WHO VOTES AS AUTHORIZED BY THIS SECTION MAY BE CHALLENGED IN THE

4 MANNER SPECIFIED IN SECTION 31-10-1008.

5 **SECTION 2.** In Colorado Revised Statutes, 31-10-902, **amend**

6 (4) as follows:

7 **31-10-902. Ballots.** (4) (a) The extreme top part of each ballot

8 shall be divided by two perforated lines into two spaces, each of which

9 shall be not less than an inch in width, the top portion being known as the

10 stub and the next portion as the duplicate stub. Upon each of said stubs

11 nothing shall be printed except the number of the ballot, and the same

12 number shall be printed upon both stubs. Stubs and duplicate stubs of

13 ballots shall both be numbered consecutively. THE REQUIREMENTS OF THIS

14 SUBSECTION (4)(a) DO NOT APPLY TO BALLOTS USED IN MAIL BALLOT

15 ELECTIONS.

16 (b) All ballots shall be uniform and of sufficient length and width

17 to allow for the names of candidates and the proposed questions to be

18 printed in clear, plain type with a space of at least one-half inch between

19 the different columns on said ballot. On the back of each ballot shall be

20 printed the endorsement "Official ballot for....", and after the word "for"

21 shall follow the designation of the precinct, ward, and municipality for

22 which the ballot is prepared, the date of the election, and a facsimile of

23 the signature of the clerk who has caused the ballot to be printed. The

24 ballot shall contain no caption or other endorsement or number. Each

25 clerk shall use precisely the same quality and tint of paper, the same kind

26 of type, and the same quality and tint of plain black ink for all ballots

27 furnished by him at one election. When candidates are to be voted for

1   only by the registered electors of a particular ward, the names of such

2   candidates shall not be printed on any other ballots than those provided

3   for use in such ward. The ballots shall be of such form that when folded

4   the whole endorsement is visible and the contents of the ballot are not

5   exposed.

6   **SECTION 3.** In Colorado Revised Statutes, 31-10-909, **amend**

7   (1) introductory portion, (1)(a), and (1)(b) as follows:

8   **31-10-909. Nomination of candidates in mail ballot elections.**

9   (1) Any person who desires to be a candidate for a municipal office in a

10   mail ballot election conducted pursuant to this part 9 after May 1, 2014,

11   shall comply with the nominating procedures set forth in this ~~article~~

12   ARTICLE 10; except that:

13   (a) Any nominating petition in a mail ballot election may be

14   circulated and signed beginning on the ninety-first day prior to the

15   election and must be filed with the municipal clerk no later than the close

16   of business on the seventy-first day prior to the election. The petition may

17   be amended to correct or replace signatures that the clerk finds are not in

18   apparent conformity with the requirements of this ~~article~~ ARTICLE 10 by

19   filing such changes ~~by no later than the close of business on the~~

20   ~~sixty-sixth day~~ ANYTIME PRIOR TO SIXTY-THREE DAYS before the DAY OF

21   THE election.

22   (b) ~~A withdrawal from nomination must proceed as set forth in~~

23   ~~section 31-10-303; except that the withdrawal affidavit must be filed by~~

24   ~~the close of business on the sixty-third day prior to the election.~~ ANY

25   PERSON WHO HAS BEEN NOMINATED AND WHO HAS ACCEPTED A

26   NOMINATION MAY CAUSE HIS OR HER NAME TO BE WITHDRAWN FROM SUCH

27   NOMINATION AT ANY TIME PRIOR TO SIXTY-THREE DAYS BEFORE THE

1 ELECTION BY A WRITTEN AFFIDAVIT WITHDRAWING FROM SUCH

2 NOMINATION. THE AFFIDAVIT STATING WITHDRAWAL SHALL BE SIGNED BY

3 THE CANDIDATE AND FILED WITH THE CLERK.

4   **SECTION 4.** In Colorado Revised Statutes, 31-10-910, **amend**

5 (2)(c)(I) as follows:

6   **31-10-910. Procedures for conducting mail ballot election.**

7 (2) (c) (I) A return envelope must have printed on it a self-affirmation

8 substantially in the following form:

9   State of .... Municipality of ...., County of ....

10   I, ..., affirm and say that I am a qualified and

11   registered elector in the municipality of .... and state of

12   Colorado; that my ~~residential~~ RESIDENCE AND POST OFFICE

13   address is ....; and that I herein enclose my ballot in

14   accordance with the provisions of the "Colorado Municipal

15   Election Code of 1965". I realize that if any false

16   statements are contained herein that I shall be subject to

17   prosecution for criminal action.

18   ....

19   Date   Signature of voter

20   **SECTION 5. Act subject to petition - effective date.** This act

21 takes effect at 12:01 a.m. on the day following the expiration of the

22 ninety-day period after final adjournment of the general assembly (August

23 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a

24 referendum petition is filed pursuant to section 1 (3) of article V of the

25 state constitution against this act or an item, section, or part of this act

26 within such period, then the act, item, section, or part will not take effect

27 unless approved by the people at the general election to be held in

1   November 2020 and, in such case, will take effect on the date of the

2   official declaration of the vote thereon by the governor.