

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 06-0402.01 John Hershey

SENATE BILL 06-062

SENATE SPONSORSHIP

Taylor,

HOUSE SPONSORSHIP

McKinley,

Senate Committees
State, Veterans & Military Affairs

House Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING ELECTRONIC VOTING BY CERTAIN ELECTORS WHO ARE**
102 **ABSENT FROM THE STATE ON ELECTION DAY.**

Bill Summary

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

Directs the secretary of state to promulgate rules that specify the procedures by which an absent uniformed services elector, a nonresident overseas elector, or a resident overseas elector may receive and return an absentee ballot by electronic means. Defines "electronic means" as facsimile transmission, but authorizes the secretary of state to establish procedures by which an absent uniformed services elector may vote by electronic mail.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 6, 2006

SENATE
Amended 2nd Reading
February 3, 2006

Makes conforming amendments.

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

2 **SECTION 1.** 1-8-103.5 (1), (2), and (3), Colorado Revised
3 Statutes, are amended, and the said 1-8-103.5 is further amended BY
4 THE ADDITION OF A NEW SUBSECTION, to read:

5 **1-8-103.5. Voting by persons residing overseas and military**
6 **personnel - definitions.** (1) The designated or coordinated election
7 official ~~for~~ OF a county or other political subdivision ~~as applicable~~, that
8 meets the requirements ~~specified in~~ OF THE rules promulgated by the
9 secretary of state pursuant to subsection (3) of this section shall provide
10 an absentee ballot by electronic means to an eligible elector ~~who~~: WHO

11 (a) is an absent uniformed services elector, a nonresident overseas
12 elector, or a resident overseas elector, as defined in section 1-2-208 (2.5),
13 and

14 (b) ~~(Deleted by amendment, L. 2003, p. 1334, § 4, effective~~
15 ~~August 6, 2003.)~~

16 (c) timely filed an absentee ballot application with the designated
17 or coordinated election official.

18 (2) (a) The eligible elector may return the voted ballot to the
19 designated or coordinated election official by electronic ~~transfer~~. ~~In order~~
20 ~~to be counted~~, MEANS. The returned ballot shall be ~~received~~ COUNTED IF
21 IT ARRIVES in the office of the designated or coordinated election official
22 by 7 p.m. on election day. ~~Once~~ WHEN the ballot is received by the
23 designated or coordinated election official, a bipartisan team of judges
24 shall duplicate the ballot, and the ballot shall be counted as all other
25 absentee ballots. ~~Duplicating~~ THE judges WHO DUPLICATE THE BALLOT

1 shall not reveal TO ANY OTHER PERSON how the elector has cast his or her
2 ballot.

3 (b) ~~Any elector who receives~~ THE INSTRUCTIONS FOR COMPLETING
4 an absentee ballot pursuant to this section shall ~~be informed in the~~
5 ~~instructions for completing said ballot~~ INFORM THE ELECTOR that ~~the~~ AN
6 ABSENTEE ballot RETURNED BY ELECTRONIC MEANS is not a confidential
7 ballot.

8 (c) In handling a ~~returned~~ ballot RETURNED pursuant to this
9 section, all reasonable means shall be taken to ensure that only the
10 ~~receiving judge is~~ JUDGES WHO RECEIVE AND DUPLICATE THE BALLOT ARE
11 aware of information connecting the elector to the returned ballot.

12 (3) The secretary of state ~~may~~ SHALL prescribe by rule ~~any~~ THE
13 procedures or requirements ~~as may be~~ necessary to implement the
14 provisions of this section. ~~Such~~ THE RULES SHALL SPECIFY THE
15 PROCEDURES FOR SENDING AND RETURNING A BALLOT BY ELECTRONIC
16 MEANS. THE rules shall be promulgated in accordance with article 4 of
17 title 24, C.R.S.

18 (4) FOR PURPOSES OF THIS SECTION, "ELECTRONIC MEANS" MEANS
19 FACSIMILE TRANSMISSION; EXCEPT THAT THE SECRETARY OF STATE MAY
20 BY RULE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24,
21 C.R.S., ESTABLISH PROCEDURES BY WHICH A UNIFORMED SERVICES
22 ELECTOR SERVING OUTSIDE THE UNITED STATES, A VOLUNTEER SERVING
23 IN THE PEACE CORPS, OR VOLUNTEERS FOR ANY MISSIONARY SERVICE MAY
24 RECEIVE AND RETURN A BALLOT BY ELECTRONIC MAIL IN SPECIFIED
25 CIRCUMSTANCES.

26 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.