

1995 Vol II

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**SESSION LAWS
OF
COLORADO
FIRST REGULAR SESSION
1995**

PROPERTY OF



VOLUME 2

PERCIVAL-BAYBORN, N. J.
EXHIBIT
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CHAPTER 187

ELECTIONS

HOUSE BILL 95-1241

BY REPRESENTATIVES Allen, Kreutz, Swenson, Taylor, and Tupa;
also SENATORS Thiebaut, Johnson, and Pascoe.

AN ACT

CONCERNING ELECTIONS, AND, IN CONNECTION THEREWITH, MAKING MISCELLANEOUS REVISIONS, CORRECTIONS, AND CLARIFICATIONS TO THE ELECTIONS LAWS OF THE STATE.

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

SECTION 1. 1-1-104 (33) and (37), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended, and the said 1-1-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(23.3) "NONPARTISAN ELECTION" MEANS AN ELECTION THAT IS NOT A PARTISAN ELECTION.

(23.6) "PARTISAN ELECTION" MEANS AN ELECTION IN WHICH THE NAMES OF THE CANDIDATES ARE PRINTED ON THE BALLOT ALONG WITH THEIR POLITICAL PARTY AFFILIATION. THE EXISTENCE OF A PARTISAN ELECTION FOR THE STATE OR FOR A POLITICAL SUBDIVISION AS A PART OF A COORDINATED ELECTION DOES NOT CAUSE AN OTHERWISE NONPARTISAN ELECTION OF ANOTHER POLITICAL SUBDIVISION TO BECOME A PARTISAN ELECTION.

(33) "Property owners list" means the list furnished ~~at cost~~ by the county assessor ~~at least ten days before an election at the expense of the political subdivision,~~ IN ACCORDANCE WITH SECTION 1-5-304 showing each property owner within the subdivision, as shown on a deed or contract of record.

(37) "Registration list" means the computer list of electors registered and eligible to vote in a given election on the ~~thirtieth~~ TWENTY-NINTH day before the

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

of the applicant is postmarked not later than ~~twenty-five~~ TWENTY-NINE days before the date of the election;

(c) In the case of registration by mail and the application has no postmark, the application of the applicant is received within five days of the close of registration;

(d) In the case of registration at a voter registration agency, the valid agency voter registration application of the applicant is accepted at the voter registration agency not later than ~~twenty-five~~ TWENTY-NINE days before the date of the election; and

(e) In any other case, the valid voter registration application of the applicant is received by the appropriate county clerk and recorder not later than ~~twenty-five~~ TWENTY-NINE days before the date of the election.

(2) THE EFFECTIVE DATE OF A VOTER REGISTRATION APPLICATION OR CHANGE OF REGISTRATION THAT IS COMPLETED AT THE OFFICE OF THE COUNTY CLERK AND RECORDER OR IN THE PRESENCE OF A DEPUTY REGISTRAR SHALL BE THE DATE RECEIVED BY THE OFFICE OF THE COUNTY CLERK AND RECORDER OR BY THE REGISTRAR. THE EFFECTIVE DATE OF AN APPLICATION OR CHANGE OF REGISTRATION THAT IS COMPLETED AT A DRIVER'S LICENSE EXAMINATION FACILITY OR VOTER REGISTRATION AGENCY SHALL BE THE DATE THAT THE APPLICATION OR CHANGE IS ACCEPTED BY THE FACILITY OR AGENCY. THE EFFECTIVE DATE OF A VOTER REGISTRATION APPLICATION OR CHANGE OF REGISTRATION THAT IS COMPLETED BY A MAIL REGISTRATION FORM SHALL BE THE DATE OF THE POSTMARK OR RECEIPT BY THE COUNTY CLERK AND RECORDER, WHICHEVER IS EARLIER.

SECTION 22. 1-2-509 (2) and (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-2-509. Reviewing voter registration applications. (2) Upon receipt of an application, the county clerk and recorder shall verify that the application is complete and accurate. If the application is complete and accurate, ~~the applicant shall be deemed registered as of the date of the application, and~~ the county clerk and recorder shall notify the applicant of the registration. If the application is not complete or is inaccurate, the county clerk and recorder shall notify the applicant, stating the additional information required. ~~The applicant shall be deemed registered as of the date of the application if the additional information is provided at any time prior to the actual voting.~~

(3) WITHIN TWO BUSINESS DAYS AFTER RECEIPT OF THE APPLICATION, the county clerk and recorder shall notify each applicant of the disposition of the application by nonforwardable mail. If WITHIN TEN DAYS the notification is returned to the county clerk and recorder as undeliverable, the applicant shall not be registered. ~~or if registered the registration shall be stricken.~~ IF THE NOTIFICATION IS NOT RETURNED WITHIN TEN DAYS AS UNDELIVERABLE, THEN THE APPLICANT SHALL BE DEEMED REGISTERED AS OF THE DATE OF THE APPLICATION; EXCEPT THAT, IF THE APPLICANT WAS NOTIFIED THAT THE APPLICATION WAS NOT COMPLETE, THEN THE APPLICANT SHALL BE DEEMED REGISTERED AS OF THE DATE

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OF THE APPLICATION IF THE ADDITIONAL INFORMATION IS PROVIDED AT ANY TIME PRIOR TO THE ACTUAL VOTING.

SECTION 23. 1-3-101 (1) and (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-3-101. Party affiliation required - residence. (1) No registered elector shall vote at any precinct caucus, assembly, or convention of a political party unless the registered elector has been a resident of the precinct for thirty days and affiliated with the political party holding the caucus, assembly, or convention for at least two months as shown on the registration books of the county clerk and recorder; except that any registered elector who has attained the age of eighteen years or who has become a naturalized citizen ~~within~~ DURING the two months immediately preceding the meeting may vote at any caucus, assembly, or convention even though the elector has been affiliated with the political party for less than two months.

(2) Notwithstanding subsection (1) of this section and section 1-2-101 (1) (b), an elector who moves from the precinct where registered ~~within~~ DURING THE thirty days prior to any caucus shall be permitted to participate and vote at the caucus in the precinct of the elector's former residence but shall not be eligible for election as a delegate or for nomination as a precinct committeeperson in the former precinct.

SECTION 24. 1-3-102 (2) (a), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-3-102. Precinct caucuses. (2) (a) At the time of electing the delegates to the county assembly, the precinct caucus shall also elect two precinct committeepersons. Any person eighteen years of age or older may be a candidate for the office of precinct committeeperson if he or she has been a resident of the precinct for thirty days and has been affiliated with the political party holding the precinct caucus for a period of at least two months preceding the date of the precinct caucus; except that any person who has attained the age of eighteen years or who has become a naturalized citizen ~~within~~ DURING the two months immediately preceding the precinct caucus may be a candidate for the office of precinct committeeperson even though he or she has been affiliated with the political party for less than two months as shown on the registration book of the county clerk and recorder. The two people receiving the highest number of votes at the caucus for precinct committeeperson shall be elected as the precinct committeepersons of the precinct. If two or more candidates for precinct committeeperson receive an equal and the second highest number of votes, or if three or more candidates receive an equal and the highest number of votes, the election shall be determined by lot by those candidates. The names of the committeepersons elected shall be certified to the county assembly of the political party by the officers of the caucus. All disputes regarding the election of precinct committeepersons shall be determined by the credentials committees of the respective party assemblies. The county assembly shall ratify the list of committeepersons. The presiding officer and secretary of the county assembly shall file a certified list of the names and addresses, by precinct, of those persons elected as precinct committeepersons with the county clerk and recorder within

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