

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0662.01 John Hershey

HOUSE BILL 04-1227

HOUSE SPONSORSHIP

Sinclair,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING VOTING SYSTEMS, AND MAKING AN APPROPRIATION IN
102 CONNECTION THEREWITH.

Bill Summary

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

States that the method of voting in all elections may be by paper ballots or by electronic or electromechanical voting systems. Prohibits the use of mechanical lever voting machines. Prohibits the use of punch card voting systems after a specified date.

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.

Authorizes the use of electronic and electromechanical voting

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.

systems. Requires such systems to be tested independently and certified by the secretary of state. Requires all voting systems and voting equipment offered for sale in the state to comply with federal standards. 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.

States that the county clerk and recorder is the custodian of the voting system in a political subdivision. Authorizes the county clerk and recorder to appoint deputies to prepare and supervise the voting system.

Authorizes the governing body of a political subdivision to adopt an electronic or electromechanical voting system that is certified by the secretary of state.

Authorizes the secretary of state to adopt uniform rules for the purchase and sale of voting equipment in the state. States that the governing body of a political subdivision may purchase a voting system only if it has been certified by the secretary of state. Requires the governing body of a political subdivision to notify the secretary of state before purchasing or selling voting equipment. Directs the secretary of state 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.

States that the secretary of state shall certify electronic and electromechanical voting systems and the purchase, installation, and use of such systems by political subdivisions. Directs the secretary of state to establish standards for certification of such systems.

Establishes requirements for electronic and electromechanical voting systems. Directs the secretary of state to adopt rules establishing minimum standards for such systems. Permits the secretary of state to review such rules in odd-numbered years. Authorizes the secretary of state to adopt rules to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of voting in the state. Permits the secretary of state to adapt the standards for certification of such systems to facilitate the use of new technology.

Requires each designated election official to establish written procedures to ensure the accuracy and security of voting for review by the secretary of state.

Allows the provider of an electronic or electromechanical voting system to submit the system to the secretary of state after independent testing. Directs the secretary of state to examine and test such voting systems and certify such systems if they meet the certification requirements and standards. Requires the applicant to reimburse the secretary of state's costs for examining and testing the systems.

Requires the secretary of state to notify political subdivisions when an electronic or electromechanical voting system is certified.

Requires a 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 certification of the purchase, installation, and use of the system. Allows the secretary of state to provide technical assistance to designated election officials in the certification process.

Requires certification of modifications to a certified electronic or electromechanical voting system.

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. Allows the secretary of state to adopt rules on the standards and procedures for temporary approval of a system.

When a political subdivision adopts an electronic or electromechanical voting system, requires the designated election official to send to the secretary of state copies of the software, program source code, and documentation of the system.

Permits the secretary of state to review or inspect an electronic or electromechanical voting system used by a political subdivision at any time. Requires voting system providers and designated election officials to notify the secretary of state of a malfunction of such a system.

If a certified electronic or electromechanical voting system fails to comply with the requirements and standards for the system, authorizes the secretary of state to:

Specify actions to remedy the defect in the system and direct the designated election official to perform such actions;

Prohibit the use of the system or any part of the system by a political subdivision;

Limit the use of the system or any part of the system to particular circumstances or conditions; or

Decertify the system.

Allows a political subdivision or voting system provider to ask the secretary of state to reconsider a decision to decertify an electronic or electromechanical voting system. Upon receipt of such a request, requires the secretary of state to hold a public hearing to reconsider the decision to decertify the system. Allows the secretary of state to amend or rescind a decision to decertify a system.

States the intent of the general assembly that all state requirements for accessibility of voting systems and polling places to persons with disabilities should meet or exceed federal requirements.

Requires polling places to be made accessible to persons with disabilities and establishes standards of accessibility. Exempts emergency polling places from the accessibility requirements. Requires designated election officials to file an accessibility survey with the secretary of state before designating polling places.

Establishes standards for accessibility of voting systems to persons with disabilities.

In elections held after a specified date, requires each polling place to have at least one accessible voter interface device.

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

Defines terms. Makes conforming amendments.

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

2 **SECTION 1.** 1-1-104 (14) and (27), Colorado Revised Statutes,
3 are amended, and the said 1-1-104 is further amended BY THE
4 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

5 **1-1-104. Definitions.** As used in this code, unless the context
6 otherwise requires:

7 (2.1) "BALLOT CARD" MEANS THE CARD, TAPE, OR OTHER VEHICLE
8 ON WHICH AN ELECTOR'S VOTES ARE RECORDED.

9 (13.5) "ELECTROMECHANICAL VOTING SYSTEM" MEANS A SYSTEM
10 IN WHICH AN ELECTOR VOTES USING A DEVICE FOR MARKING A BALLOT
11 CARD USING INK OR ANOTHER VISIBLE SUBSTANCE AND THE VOTES ARE
12 COUNTED WITH ELECTRONIC VOTE-TABULATING EQUIPMENT. THE TERM
13 INCLUDES A SYSTEM IN WHICH VOTES ARE RECORDED ELECTRONICALLY
14 WITHIN THE EQUIPMENT ON PAPER TAPE AND ARE RECORDED
15 SIMULTANEOUSLY ON AN ELECTRONIC DEVICE THAT PERMITS TABULATION
16 AT A COUNTING CENTER.

17 (14) "Electronic vote-tabulating equipment" or "electronic
18 vote-counting equipment" ~~includes~~ MEANS any apparatus ~~necessary to~~
19 ~~examine and count~~ THAT EXAMINES AND RECORDS votes automatically as
20 ~~those votes are designated on ballots or ballot cards and to tabulate~~

1 TABULATES the result. The term ~~also~~ includes any apparatus ~~which will~~
2 ~~count the~~ THAT COUNTS votes electronically and ~~tabulate~~ TABULATES the
3 results simultaneously on a paper tape within the apparatus, ~~which~~ THAT
4 uses a "prom" or other electronic device to store the tabulation results,
5 and ~~which~~ THAT has the capability to transmit the votes into a central
6 processing unit for purposes of a printout and an election night count.

7 (14.5) "ELECTRONIC VOTING DEVICE" MEANS AN APPARATUS BY
8 WHICH VOTES ARE RECORDED ELECTRONICALLY, INCLUDING A
9 TOUCHSCREEN SYSTEM.

10 (15.5) "ELECTRONIC VOTING SYSTEM" MEANS A SYSTEM IN WHICH
11 AN ELECTOR VOTES USING AN ELECTRONIC VOTING DEVICE.

12 (23.4) "OVERVOTE" MEANS THE SELECTION BY AN ELECTOR OF
13 MORE NAMES THAN THERE ARE PERSONS TO BE ELECTED TO AN OFFICE OR
14 THE DESIGNATION OF MORE THAN ONE ANSWER TO A BALLOT QUESTION OR
15 BALLOT ISSUE.

16 (27) "Pollbook" means the list of eligible electors ~~to whom ballots~~
17 ~~are delivered or~~ who are permitted to ~~enter a voting machine for the~~
18 ~~purpose of casting their votes at~~ VOTE AT A POLLING PLACE IN an election
19 conducted under this code.

20 (34.2) "PURCHASE" MEANS TO ENTER INTO A CONTRACT FOR THE
21 PURCHASE, LEASE, RENTAL, OR OTHER ACQUISITION OF VOTING
22 EQUIPMENT.

23 (49.7) "UNDERVOTE" MEANS THE FAILURE TO DESIGNATE ANY
24 CHOICE OR THE DESIGNATION OF FEWER NAMES THAN THERE ARE PERSONS
25 TO BE ELECTED FOR AN OFFICE OR THE FAILURE TO DESIGNATE ANY VOTE
26 ON A BALLOT QUESTION OR BALLOT ISSUE, AS A RESULT OF WHICH THE
27 TABULATOR RECORDS NO VOTE FOR THE OFFICE, BALLOT QUESTION, OR

1 BALLOT ISSUE.

2 (50.7) "VOTING EQUIPMENT" MEANS ELECTRONIC OR
3 ELECTROMECHANICAL VOTING SYSTEMS, ELECTRONIC VOTING DEVICES,
4 ANELECTRONIC VOTE-TABULATINGEQUIPMENT, AS WELL AS MATERIALS,
5 PARTS, OR OTHER EQUIPMENT NECESSARY FOR THE OPERATION AND
6 MAINTENANCE OF SUCH SYSTEMS, DEVICES, AND EQUIPMENT.

7 (50.8) "VOTING SYSTEM" MEANS A PROCESS OF CASTING,
8 RECORDING, AND TABULATING VOTES USING ELECTROMECHANICAL OR
9 ELECTRONIC APPARATUS OR PAPER BALLOTS AND INCLUDES, BUT IS NOT
10 LIMITED TO, THE PROCEDURES FOR CASTING AND PROCESSING VOTES AND
11 THE OPERATING MANUALS, TABULATING CARDS, PRINTOUTS, AND
12 SOFTWARE NECESSARY TO OPERATE THE VOTING SYSTEM.

13 (50.9) "VOTING SYSTEM PROVIDER" MEANS AN INDIVIDUAL,
14 PARTNERSHIP, CORPORATION, OR OTHER BUSINESS ENTITY ENGAGED IN
15 SELLING, LEASING, MARKETING, DESIGNING, BUILDING, OR MODIFYING
16 VOTING SYSTEMS.

17 **SECTION 2.** 1-1-104 (50), Colorado Revised Statutes, is
18 amended to read:

19 **1-1-104. Definitions.** As used in this code, unless the context
20 otherwise requires:

21 (50) "Vote recorder" or "voting device" means any apparatus
22 ~~which~~ THAT the elector uses to record votes by marking ~~or punching a~~
23 ~~hole in~~ a paper ballot or tabulating card and ~~which~~ THAT subsequently
24 counts the votes by electronic tabulating equipment or records the votes
25 electronically on a paper tape within the apparatus and simultaneously on
26 ~~a removable "prom" or other~~ AN electronic tabulation device.

27 **SECTION 3.** 1-5-101 (3), Colorado Revised Statutes, is amended

1 to read:

2 **1-5-101. Establishing precincts and polling places for partisan**
3 **elections.** (3) In a county that uses ~~voting machines, or~~ AN electronic OR
4 ELECTROMECHANICAL voting ~~equipment~~ SYSTEM, the county clerk and
5 recorder, subject to approval by the board of county commissioners, shall
6 establish at least one precinct for every one thousand two hundred active
7 eligible electors. However, the county clerk and recorder, subject to
8 approval by the board, ~~of county commissioners,~~ may establish one
9 precinct for every one thousand five hundred active eligible electors.

10 **SECTION 4.** 1-5-401, Colorado Revised Statutes, is amended to
11 read:

12 **1-5-401. Method of voting.** The method of voting for all
13 elections may be by paper ballots ~~by voting machine,~~ OR by electronic OR
14 ELECTROMECHANICAL voting ~~machine,~~ or by ~~electronically counted ballot~~
15 ~~cards~~ SYSTEMS.

16 **SECTION 5.** 1-5-408 (1), (3), and (4), Colorado Revised
17 Statutes, are amended to read:

18 **1-5-408. Form of ballots - electronic voting.** (1) Ballot pages
19 or ballot cards placed upon voting devices shall, so far as practicable, be
20 arranged as provided by sections 1-5-402, 1-5-403, AND 1-5-404; ~~and~~
21 ~~1-5-405;~~ except that they shall be of the size and design required by the
22 vote recorder or device and may be printed on a number of separate pages
23 ~~which~~ THAT are placed on the voting device or on one or more ballot
24 cards.

25 (3) ~~Precincts which~~ POLLING PLACES THAT use ~~electronic~~
26 ELECTROMECHANICAL voting systems may use ballot cards of different
27 colors to ~~insure~~ ENSURE that electors receive a full ballot. Such ~~precincts~~

1 POLLING PLACES may also use ~~different-colored~~ ballot cards OF DIFFERENT
2 COLORS for each party at primary elections.

3 (4) In ~~precincts~~ POLLING PLACES using ~~electronic~~
4 ELECTROMECHANICAL voting systems, each ballot card may have two
5 stubs attached. The stubs shall be separated from the ballot card and
6 from each other by perforated lines so that they may be readily detached.
7 Both stubs shall have the serial ballot number printed on them. The size
8 of the ballot stubs and the spacing of the printed material may be varied
9 to suit the conditions imposed by the use of the ballot cards. The ballot
10 stub may also include color marking or wording to indicate that the stub
11 must show when the ballot is voted and placed in the privacy envelope
12 for deposit in the ballot box. The face of the ballot card shall include the
13 endorsement "Official ballot for", and after the word "for"
14 shall follow the designation of the precinct, if appropriate, and the
15 political subdivision for which the ballot is prepared, the date of the
16 election, and a facsimile of the signature of the designated election
17 official.

18 **SECTION 6.** 1-5-501 (2), Colorado Revised Statutes, is amended
19 to read:

20 **1-5-501. Sufficient voting booths, voting machines, or**
21 **electronic voting equipment.** (2) (a) At all elections in political
22 subdivisions ~~which~~ THAT use ~~voting machines~~ or electronic OR
23 ELECTROMECHANICAL voting systems, the designated election official
24 shall supply each precinct with ~~a sufficient number of voting machines~~ or
25 sufficient ~~electronic~~ voting equipment.

26 (b) At general elections in counties ~~which~~ THAT use ~~voting~~
27 ~~machines~~ or electronic OR ELECTROMECHANICAL voting systems, the

1 county clerk and recorder shall supply each precinct with one voting
2 ~~machine or with comparable electronic voting equipment~~ STATION for
3 each ~~two hundred fifty~~ FOUR HUNDRED active registered electors or
4 fraction thereof.

5 **SECTION 7.** 1-5-503, Colorado Revised Statutes, is amended to
6 read:

7 **1-5-503. Arrangement of voting equipment or voting booths**
8 **and ballot boxes.** The ~~voting machines,~~ voting equipment or voting
9 booths and the ballot box shall be situated in the polling place so as to be
10 in plain view of the election officials and watchers. No person other than
11 the election officials and those admitted for the purpose of voting shall be
12 permitted within the immediate voting area, which shall be considered as
13 within six feet of the ~~voting machines,~~ voting equipment or voting booths
14 and the ballot box, except by authority of the election judges, and then
15 only when necessary to keep order and enforce the law.

16 **SECTION 8.** 1-5-601, Colorado Revised Statutes, is amended to
17 read:

18 **1-5-601. Use of voting systems.** In all elections held in this state,
19 the votes may be cast, registered, recorded, and counted by means of a
20 ~~voting machine or by means of~~ an electronic OR ELECTROMECHANICAL
21 voting system consisting of a ballot which is marked by the elector and
22 counted by electronic vote-counting equipment or counted by electronic
23 voting equipment on which votes are recorded simultaneously on a paper
24 tape and a removable "prom" or other electronic tabulating device or a
25 vote recorder which the elector uses to record each vote on a ballot card
26 and the ~~electronic vote-counting equipment,~~ as provided in this part 6.

27 **SECTION 9.** 1-5-606, Colorado Revised Statutes, is amended to

1 read:

2 **1-5-606. Election officials and employees not to have interest**
3 **in voting equipment or devices.** No election official OR EMPLOYEE OF
4 AN ELECTION OFFICIAL having DUTIES OR responsibilities in connection
5 with the conduct of any election shall have any financial or proprietary
6 interest, either directly or indirectly, in the manufacture, sale,
7 maintenance, servicing, repair, or transportation of ~~either voting machines~~
8 ~~or electronic~~ voting equipment. ~~or devices.~~ This section shall not apply
9 to any designated election official OR EMPLOYEE OF A DESIGNATED
10 ELECTION OFFICIAL participating in a coordinated election who has no
11 independent decision-making responsibility concerning the selection of
12 ~~voting machines or electronic~~ voting ~~devices~~ EQUIPMENT by the county
13 clerk and recorder.

14 **SECTION 10.** 1-5-607 (1), Colorado Revised Statutes, is
15 amended to read:

16 **1-5-607. Elected officials not to handle voting equipment or**
17 **devices.** (1) In any political subdivision having a population of one
18 hundred thousand or more, it is unlawful for any elected official or
19 candidate for elective office to prepare, maintain, or repair any ~~voting~~
20 ~~machine or electronic~~ voting equipment or device ~~which~~ THAT is to be
21 used or is used in any election. The provisions of this section shall be
22 limited to actual physical contact with any ~~voting machine or electronic~~
23 voting equipment or device or any of its parts and shall not be construed
24 as prohibiting an elected official from directing employees or other
25 persons who are not elected officials to prepare, maintain, repair, or
26 otherwise handle any ~~voting machines or electronic~~ voting equipment or
27 devices.

1 **SECTION 11.** Part 6 of article 5 of title 1, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
3 SECTIONS to read:

4 **1-5-605.7. Mechanical lever voting machines - prohibited.** NO
5 VOTING SYSTEM USING MECHANICAL LEVER VOTING MACHINES MAY BE
6 USED IN ANY ELECTION IN THIS STATE.

7 **1-5-608.2. Punch card voting systems - prohibited.** (1) NO
8 PUNCH CARD ELECTRONIC VOTING SYSTEM OR OTHER VOTING SYSTEM IN
9 WHICH THE ELECTOR USES A DEVICE TO PIERCE THE BALLOT MAY BE USED
10 IN ANY ELECTION IN THIS STATE.

11 (2) THIS SECTION SHALL APPLY TO ELECTIONS HELD ON AND AFTER
12 JANUARY 1, 2006.

13 **SECTION 12.** 1-5-608.5, Colorado Revised Statutes, is amended
14 to read:

15 **1-5-608.5. Electronic and electromechanical voting systems -**
16 **independent testing.** (1) A recognized independent testing authorities
17 ~~have the authority to~~ AUTHORITY MAY test, approve, and qualify
18 electronic AND ELECTROMECHANICAL voting systems for sale and use in
19 the state of Colorado, if:

20 (a) ~~No~~ THE independent testing authority ~~will be recognized and~~
21 ~~granted the authority to qualify electronic voting systems for use in this~~
22 ~~state unless it~~ has met all of the obligations and ongoing requirements
23 necessary to gain certification as an independent testing authority from
24 the ~~national association of state election directors or other national~~
25 ~~authority recognized by the~~ federal election ASSISTANCE commission. ~~for~~
26 ~~the purpose of certifying independent testing authorities.~~

27 (b) The independent testing authority conducts any and all tests

1 required by the ~~national association of state election directors or other~~
2 ~~national authority recognized by the~~ federal election ASSISTANCE
3 commission for granting certification to independent testing authorities
4 to verify the integrity of the electronic AND ELECTROMECHANICAL voting
5 systems to be used in Colorado.

6 (e) (2) No ~~electronic voting device or~~ electronic OR
7 ELECTROMECHANICAL voting system shall be used in any public election
8 in this state unless it has been certified by the secretary of state following
9 successful qualification testing conducted by a recognized independent
10 testing authority PURSUANT TO THIS SECTION.

11 **SECTION 13.** Part 6 of article 5 of title 1, Colorado Revised
12 Statues, is amended BY THE ADDITION OF THE FOLLOWING NEW
13 SECTIONS to read:

14 **1-5-601.5. Compliance with federal requirements.** ALL VOTING
15 SYSTEMS AND VOTING EQUIPMENT OFFERED FOR SALE ON OR AFTER THE
16 EFFECTIVE DATE OF THIS SECTION SHALL MEET THE VOTING SYSTEMS
17 STANDARDS THAT WERE PROMULGATED IN 2002 BY THE FEDERAL
18 ELECTION COMMISSION AND THAT MAY THEREAFTER BE PROMULGATED BY
19 THE FEDERAL ELECTION ASSISTANCE COMMISSION. SUBJECT TO SECTION
20 1-5-608.2, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
21 ANY POLITICAL SUBDIVISION TO REPLACE A VOTING SYSTEM THAT IS IN USE
22 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

23 **1-5-605.5. Custody of voting system.** THE COUNTY CLERK AND
24 RECORDER SHALL BE THE CUSTODIAN OF THE VOTING SYSTEM IN A
25 POLITICAL SUBDIVISION AND MAY APPOINT DEPUTIES NECESSARY TO
26 PREPARE AND SUPERVISE THE VOTING SYSTEM PRIOR TO AND DURING
27 ELECTIONS.

1 **1-5-612. Use of electronic and electromechanical voting**
2 **systems.** (1) THE GOVERNING BODY OF ANY POLITICAL SUBDIVISION MAY,
3 UPON CONSULTATION WITH THE DESIGNATED ELECTION OFFICIAL, ADOPT
4 AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM FOR USE AT ALL
5 OR A PORTION OF THE POLLING PLACES IN THE POLITICAL SUBDIVISION.
6 THE SYSTEM MAY BE USED FOR RECORDING, COUNTING, AND TABULATING
7 OF VOTES AT ALL ELECTIONS HELD BY THE POLITICAL SUBDIVISION.

8 (2) AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM
9 MAY BE USED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION ONLY IF
10 THE SYSTEM HAS BEEN CERTIFIED BY THE SECRETARY OF STATE IN
11 ACCORDANCE WITH THIS PART 6.

12 **1-5-613. Purchase and sale of voting equipment.** (1) THE
13 SECRETARY OF STATE MAY ADOPT UNIFORM RULES IN ACCORDANCE WITH
14 ARTICLE 4 OF TITLE 24, C.R.S., FOR THE PURCHASE AND SALE OF VOTING
15 EQUIPMENT IN THE STATE.

16 (2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
17 GOVERNING BODY OF A POLITICAL SUBDIVISION MAY PURCHASE A VOTING
18 SYSTEM ONLY IF THE VOTING SYSTEM HAS BEEN CERTIFIED FOR USE IN THIS
19 STATE BY THE SECRETARY OF STATE IN ACCORDANCE WITH THIS PART 6.

20 (3) THE GOVERNING BODY OF A POLITICAL SUBDIVISION SHALL
21 NOTIFY THE SECRETARY OF STATE BEFORE PURCHASING OR SELLING
22 VOTING EQUIPMENT. THE SECRETARY OF STATE SHALL ATTEMPT TO
23 COORDINATE THE SALE OF EXCESS OR OUTMODED EQUIPMENT BY ONE
24 POLITICAL SUBDIVISION WITH PURCHASES OF NECESSARY EQUIPMENT BY
25 OTHER POLITICAL SUBDIVISIONS.

26 (4) THE SECRETARY OF STATE SHALL INFORM THE GOVERNING
27 BODIES OF THE VARIOUS POLITICAL SUBDIVISIONS OF THE STATE OF THE

1 AVAILABILITY AND SOURCES OF NEW AND USED VOTING EQUIPMENT.

2 **1-5-614. Certification of electronic and electromechanical**
3 **voting systems - standards.** THE SECRETARY OF STATE SHALL CERTIFY
4 ELECTRONIC AND ELECTROMECHANICAL VOTING SYSTEMS AND THE
5 PURCHASE, INSTALLATION, AND USE OF SUCH SYSTEMS BY POLITICAL
6 SUBDIVISIONS AND ESTABLISH STANDARDS FOR CERTIFICATION.

7 **1-5-615. Electronic and electromechanical voting systems -**
8 **requirements.** (1) NO ELECTRONIC OR ELECTROMECHANICAL VOTING
9 SYSTEM SHALL BE CERTIFIED BY THE SECRETARY OF STATE UNLESS SUCH
10 SYSTEM:

11 (a) PROVIDES FOR VOTING IN SECRECY;

12 (b) PERMITS EACH ELECTOR TO VOTE FOR ALL OFFICES FOR WHICH
13 THE ELECTOR IS LAWFULLY ENTITLED TO VOTE AND NO OTHERS, TO VOTE
14 FOR AS MANY CANDIDATES FOR AN OFFICE AS THE ELECTOR IS ENTITLED TO
15 VOTE FOR, AND TO VOTE FOR OR AGAINST ANY BALLOT QUESTION OR
16 BALLOT ISSUE ON WHICH THE ELECTOR IS ENTITLED TO VOTE;

17 (c) PERMITS EACH ELECTOR TO VERIFY HIS OR HER VOTES
18 PRIVATELY AND INDEPENDENTLY BEFORE THE BALLOT IS CAST;

19 (d) PERMITS EACH ELECTOR PRIVATELY AND INDEPENDENTLY TO
20 CHANGE THE BALLOT OR CORRECT ANY ERROR BEFORE THE BALLOT IS
21 CAST, INCLUDING BY VOTING A REPLACEMENT BALLOT IF THE ELECTOR IS
22 OTHERWISE UNABLE TO CHANGE THE BALLOT OR CORRECT AN ERROR;

23 (e) IF THE ELECTOR OVERVOTES:

24 (I) NOTIFIES THE ELECTOR BEFORE THE BALLOT IS CAST THAT THE
25 ELECTOR HAS OVERVOTED;

26 (II) NOTIFIES THE ELECTOR BEFORE THE VOTE IS CAST THAT AN
27 OVERVOTE FOR ANY OFFICE, BALLOT QUESTION, OR BALLOT ISSUE WILL

1 NOT BE COUNTED; AND

2 (III) GIVES THE ELECTOR THE OPPORTUNITY TO CORRECT THE
3 BALLOT BEFORE THE BALLOT IS CAST;

4 (f) DOES NOT RECORD A VOTE FOR ANY OFFICE, BALLOT QUESTION,
5 OR BALLOT ISSUE THAT IS OVERVOTED OR UNDERVOTED ON A BALLOT CAST
6 BY AN ELECTOR;

7 (g) FOR ELECTRONIC AND ELECTROMECHANICAL VOTING SYSTEMS
8 USING PAPER BALLOTS, ACCEPTS AN OVERVOTED OR UNDERVOTED BALLOT
9 IF THE ELECTOR CHOOSES TO CAST THE BALLOT, BUT IT DOES NOT RECORD
10 A VOTE FOR ANY OFFICE, BALLOT QUESTION, OR BALLOT ISSUE THAT HAS
11 BEEN OVERVOTED OR UNDERVOTED;

12 (h) IN A PRIMARY ELECTION, PERMITS EACH ELECTOR TO VOTE
13 ONLY FOR A CANDIDATE SEEKING NOMINATION BY THE POLITICAL PARTY
14 WITH WHICH THE ELECTOR IS AFFILIATED;

15 (i) IN A PRESIDENTIAL ELECTION, PERMITS EACH ELECTOR TO VOTE
16 BY A SINGLE OPERATION FOR ALL PRESIDENTIAL ELECTORS OF A PAIR OF
17 CANDIDATES FOR PRESIDENT AND VICE PRESIDENT;

18 (j) DOES NOT USE AN APPARATUS OR DEVICE FOR THE PIERCING OF
19 BALLOTS BY THE ELECTOR;

20 (k) PROVIDES A METHOD FOR WRITE-IN VOTING;

21 (l) COUNTS VOTES CORRECTLY;

22 (m) CAN TABULATE THE TOTAL NUMBER OF VOTES FOR EACH
23 CANDIDATE FOR EACH OFFICE AND THE TOTAL NUMBER OF VOTES FOR AND
24 AGAINST EACH BALLOT QUESTION AND BALLOT ISSUE FOR THE POLLING
25 PLACE;

26 (n) CAN TABULATE VOTES FROM BALLOTS OF DIFFERENT POLITICAL
27 PARTIES AT THE SAME POLLING PLACE IN A PRIMARY ELECTION;

1 (o) CAN AUTOMATICALLY PRODUCE VOTE TOTALS FOR THE
2 POLLING PLACE IN PRINTED OR MARKED FORM OR A COMBINATION
3 THEREOF; AND

4 (p) SAVES AND PRODUCES THE RECORDS NECESSARY TO AUDIT THE
5 OPERATION OF THE ELECTRONIC OR ELECTROMECHANICAL VOTING
6 SYSTEM, INCLUDING A PERMANENT PAPER RECORD WITH A MANUAL AUDIT
7 CAPACITY.

8 (2) THE PERMANENT PAPER RECORD PRODUCED BY THE
9 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM SHALL BE
10 AVAILABLE AS AN OFFICIAL RECORD FOR ANY RECOUNT CONDUCTED FOR
11 ANY ELECTION IN WHICH THE SYSTEM WAS USED.

12 **1-5-616. Electronic and electromechanical voting systems -**
13 **standards - procedures.** (1) THE SECRETARY OF STATE SHALL ADOPT
14 RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THAT
15 ESTABLISH MINIMUM STANDARDS FOR ELECTRONIC AND
16 ELECTROMECHANICAL VOTING SYSTEMS REGARDING:

- 17 (a) FUNCTIONAL REQUIREMENTS;
- 18 (b) PERFORMANCE LEVELS;
- 19 (c) PHYSICAL AND DESIGN CHARACTERISTICS;
- 20 (d) DOCUMENTATION REQUIREMENTS;
- 21 (e) EVALUATION CRITERIA;
- 22 (f) AUDIT CAPACITY;
- 23 (g) SECURITY REQUIREMENTS;
- 24 (h) TELECOMMUNICATIONS REQUIREMENTS; AND
- 25 (i) ACCESSIBILITY.

26 (2) THE SECRETARY OF STATE MAY REVIEW THE RULES ADOPTED
27 PURSUANT TO SUBSECTION (1) OF THIS SECTION GOVERNING STANDARDS

1 FOR CERTIFICATION OF ELECTRONIC OR ELECTROMECHANICAL VOTING
2 SYSTEMS IN EACH ODD-NUMBERED YEAR TO DETERMINE THE ADEQUACY
3 ANDEFFECTIVENESS OF THE RULES IN ASSURING THAT ELECTIONS ARE FAIR
4 AND IMPARTIAL.

5 (3) THE SECRETARY OF STATE MAY ADOPT RULES IN ACCORDANCE
6 WITH ARTICLE 4 OF TITLE 24, C.R.S., TO ACHIEVE AND MAINTAIN THE
7 MAXIMUM DEGREE OF CORRECTNESS, IMPARTIALITY, AND EFFICIENCY OF
8 THE PROCEDURES OF VOTING, INCLUDING WRITE-IN VOTING, AND OF
9 COUNTING, TABULATING, AND RECORDING VOTES BY ELECTRONIC OR
10 ELECTROMECHANICAL VOTING SYSTEMS USED IN THIS STATE.

11 (4) THE SECRETARY OF STATE MAY ADAPT THE STANDARDS FOR
12 CERTIFICATION OF ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEMS
13 ESTABLISHED BY RULE PURSUANT TO SUBSECTION (1) OF THIS SECTION TO
14 ENSURE THAT NEW TECHNOLOGIES THAT MEET THE REQUIREMENTS FOR
15 SUCH SYSTEMS ARE CERTIFIED IN A TIMELY MANNER AND AVAILABLE FOR
16 SELECTION BY POLITICAL SUBDIVISIONS AND MEET USER STANDARDS.

17 (5) (a) EACH DESIGNATED ELECTION OFFICIAL SHALL ESTABLISH
18 WRITTEN PROCEDURES TO ENSURE THE ACCURACY AND SECURITY OF
19 VOTING IN THE POLITICAL SUBDIVISION. THE SECRETARY OF STATE SHALL
20 REVIEW ALL SUCH PROCEDURES IN EACH ODD-NUMBERED YEAR.

21 (b) EACH DESIGNATED ELECTION OFFICIAL SHALL SUBMIT ANY
22 REVISIONS TO THE ACCURACY AND SECURITY PROCEDURES TO THE
23 SECRETARY OF STATE NO LESS THAN FORTY-FIVE DAYS BEFORE THE FIRST
24 ELECTION IN WHICH THE PROCEDURES WILL BE USED.

25 **1-5-617. Examination - testing - certification.** (1) (a) AFTER AN
26 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM IS TESTED IN
27 ACCORDANCE WITH SECTION 1-5-608.5, THE VOTING SYSTEM PROVIDER

1 MAY SUBMIT THE SYSTEM TO THE SECRETARY OF STATE FOR
2 CERTIFICATION.

3 (b) THE SECRETARY OF STATE SHALL EXAMINE EACH ELECTRONIC
4 OR ELECTROMECHANICAL VOTING SYSTEM SUBMITTED FOR CERTIFICATION
5 AND DETERMINE WHETHER THE SYSTEM COMPLIES WITH THE
6 REQUIREMENTS OF SECTION 1-5-615 AND THE STANDARDS ESTABLISHED
7 UNDER SECTION 1-5-616.

8 (c) THE SECRETARY OF STATE SHALL DECIDE WHETHER TO CERTIFY
9 AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM WITHIN NINETY
10 DAYS AFTER THE SYSTEM IS SUBMITTED FOR CERTIFICATION.

11 (2) THE SECRETARY OF STATE SHALL APPOINT ONE OR MORE
12 EXPERTS IN THE FIELDS OF DATA PROCESSING, MECHANICAL ENGINEERING,
13 OR PUBLIC ADMINISTRATION TO ASSIST IN THE EXAMINATION AND TESTING
14 OF ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEMS SUBMITTED
15 FOR CERTIFICATION AND TO PRODUCE A WRITTEN REPORT ON EACH
16 SYSTEM.

17 (3) THE VOTING SYSTEM PROVIDER THAT SUBMITS AN ELECTRONIC
18 OR ELECTROMECHANICAL VOTING SYSTEM FOR CERTIFICATION SHALL
19 REIMBURSE THE SECRETARY OF STATE IN AN AMOUNT DETERMINED BY THE
20 SECRETARY OF STATE TO APPROXIMATE THE DIRECT AND INDIRECT COSTS
21 INCURRED BY THE SECRETARY OF STATE IN EXAMINING AND TESTING THE
22 SYSTEM, REGARDLESS OF WHETHER THE SYSTEM IS CERTIFIED.

23 (4) NEITHER THE SECRETARY OF STATE NOR ANY EXAMINER SHALL
24 HAVE ANY PECUNIARY INTEREST IN ANY VOTING EQUIPMENT.

25 (5) WITHIN THIRTY DAYS AFTER DECIDING TO CERTIFY AN
26 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM, THE SECRETARY
27 OF STATE SHALL MAKE A REPORT ON THE SYSTEM CONTAINING A

1 DESCRIPTION OF THE SYSTEM AND ITS OPERATION, WITH DRAWINGS OR
2 PHOTOGRAPHS SHOWING THE SYSTEM. THE SECRETARY OF STATE SHALL
3 SEND A NOTICE OF CERTIFICATION AND A COPY OF THE REPORT TO THE
4 VOTING SYSTEM PROVIDER THAT SUBMITTED THE SYSTEM FOR
5 CERTIFICATION. THE SECRETARY OF STATE SHALL NOTIFY THE GOVERNING
6 BODIES OF THE POLITICAL SUBDIVISIONS OF THE STATE OF THE
7 CERTIFICATION AND MAKE THE NOTICE OF CERTIFICATION AND REPORT
8 AVAILABLE TO THEM UPON REQUEST.

9 (6) THE DESIGNATED ELECTION OFFICIAL OF A POLITICAL
10 SUBDIVISION THAT PLANS TO USE AN ELECTRONIC OR
11 ELECTROMECHANICAL VOTING SYSTEM THAT HAS BEEN CERTIFIED IN
12 ACCORDANCE WITH THIS SECTION SHALL APPLY TO THE SECRETARY OF
13 STATE FOR CERTIFICATION OF THE PURCHASE, INSTALLATION, AND USE OF
14 THE SYSTEM. THE SECRETARY OF STATE SHALL PRESCRIBE THE FORM AND
15 PROCEDURE OF THE APPLICATION BY RULE IN ACCORDANCE WITH ARTICLE
16 4 OF TITLE 24, C.R.S.

17 (7) THE SECRETARY OF STATE MAY PROVIDE TECHNICAL
18 ASSISTANCE TO DESIGNATED ELECTION OFFICIALS ON ISSUES RELATED TO
19 THE CERTIFICATION OF THE PURCHASE, INSTALLATION, AND USE OF
20 ELECTRONIC AND ELECTROMECHANICAL VOTING SYSTEMS BY A POLITICAL
21 SUBDIVISION.

22 **1-5-618. Modification of electronic and electromechanical**
23 **voting systems.** (1) AFTER AN ELECTRONIC OR ELECTROMECHANICAL
24 VOTING SYSTEM HAS BEEN CERTIFIED BY THE SECRETARY OF STATE, A
25 POLITICAL SUBDIVISION MAY NOT ADOPT ANY MODIFICATION OF THE
26 SYSTEM UNTIL THE MODIFICATION IS CERTIFIED BY THE SECRETARY OF
27 STATE. A PERSON DESIRING APPROVAL OF A MODIFICATION SHALL SUBMIT

1 A WRITTEN APPLICATION FOR APPROVAL TO THE SECRETARY OF STATE.

2 (2) THE REQUIREMENTS FOR APPROVAL OF A MODIFIED
3 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM ARE THE SAME AS
4 THOSE PRESCRIBED BY THIS PART 6 FOR THE INITIAL CERTIFICATION OF THE
5 SYSTEM.

6 (3) THE SECRETARY OF STATE MAY APPROVE THE MODIFIED
7 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM BY WRITTEN
8 ORDER IF THE MODIFIED SYSTEM SATISFIES THE APPLICABLE
9 REQUIREMENTS FOR CERTIFICATION.

10 (4) IF THE SECRETARY OF STATE DOES NOT APPROVE THE MODIFIED
11 DESIGN, THE SECRETARY OF STATE SHALL BY WRITTEN ORDER:

12 (a) INVITE THE APPLICANT TO SUBMIT ADDITIONAL INFORMATION
13 IN SUPPORT OF THE APPLICATION, SUBMIT THE MODIFIED ELECTRONIC OR
14 ELECTROMECHANICAL VOTING SYSTEM ITSELF, OR BOTH; OR

15 (b) REQUIRE AN EXAMINATION OF THE MODIFIED ELECTRONIC OR
16 ELECTROMECHANICAL VOTING SYSTEM BY INDEPENDENT EXAMINERS.

17 (5) AFTER EXAMINING THE ADDITIONAL INFORMATION, THE
18 MODIFIED ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM, OR THE
19 REPORT OF AN INDEPENDENT EXAMINER SUBMITTED PURSUANT TO
20 SUBSECTION (4) OF THIS SECTION, THE SECRETARY OF STATE SHALL
21 APPROVE THE MODIFIED SYSTEM BY WRITTEN ORDER IF THE SYSTEM
22 SATISFIES THE APPLICABLE REQUIREMENTS FOR CERTIFICATION.

23 (6) IF A MODIFICATION TO A CERTIFIED ELECTRONIC OR
24 ELECTROMECHANICAL VOTING SYSTEM DOES NOT SATISFY THE APPLICABLE
25 REQUIREMENTS FOR CERTIFICATION, THE SECRETARY OF STATE SHALL
26 SUSPEND THE SALE OF THE SYSTEM IN THIS STATE UNTIL THE SYSTEM
27 SATISFIES THE REQUIREMENTS FOR CERTIFICATION.

1 (7) THE APPLICANT WHO SUBMITS A MODIFICATION OF AN
2 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM FOR APPROVAL
3 SHALL REIMBURSE THE SECRETARY OF STATE IN AN AMOUNT DETERMINED
4 BY THE SECRETARY OF STATE TO APPROXIMATE THE DIRECT AND INDIRECT
5 COSTS INCURRED BY THE SECRETARY OF STATE IN EXAMINING AND TESTING
6 THE SYSTEM, REGARDLESS OF WHETHER THE SYSTEM IS APPROVED.

7 **1-5-619. Temporary use of electronic and electromechanical**
8 **voting systems.** (1) AFTER AN ELECTRONIC OR ELECTROMECHANICAL
9 VOTING SYSTEM HAS BEEN TESTED IN ACCORDANCE WITH SECTION
10 1-5-608.5 BUT HAS NOT YET BEEN CERTIFIED BY THE SECRETARY OF STATE,
11 A VOTING SYSTEM PROVIDER OR DESIGNATED ELECTION OFFICIAL MAY
12 APPLY TO THE SECRETARY OF STATE FOR TEMPORARY APPROVAL OF THE
13 SYSTEM.

14 (2) THE SECRETARY OF STATE MAY, BY RULE ADOPTED IN
15 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISH STANDARDS
16 AND PROCEDURES FOR TEMPORARY APPROVAL OF ELECTRONIC AND
17 ELECTROMECHANICAL VOTING SYSTEMS.

18 (3) AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM
19 MAY BE TEMPORARILY APPROVED FOR A TOTAL OF NO MORE THAN TWO
20 YEARS, AND THE SECRETARY OF STATE MAY REVOKE SUCH APPROVAL AT
21 ANY TIME. TEMPORARY APPROVAL OF A SYSTEM SHALL NOT SUPERSEDE
22 THE CERTIFICATION REQUIREMENTS OF THIS PART 6.

23 (4) A TEMPORARILY APPROVED ELECTRONIC OR
24 ELECTROMECHANICAL VOTING SYSTEM MAY NOT BE USED IN ANY
25 ELECTION WITHOUT THE WRITTEN AUTHORIZATION OF THE SECRETARY OF
26 STATE.

27 (5) A DESIGNATED ELECTION OFFICIAL MAY ENTER INTO A

1 CONTRACT TO RENT OR LEASE A TEMPORARILY APPROVED ELECTRONIC OR
2 ELECTROMECHANICAL VOTING SYSTEM FOR A SPECIFIC ELECTION WITH THE
3 APPROVAL OF THE SECRETARY OF STATE. A POLITICAL SUBDIVISION SHALL
4 NOT ACQUIRE TITLE TO A TEMPORARILY APPROVED SYSTEM.

5 (6) THE USE OF A TEMPORARILY APPROVED ELECTRONIC OR
6 ELECTROMECHANICAL VOTING SYSTEM SHALL BE VALID FOR ALL
7 PURPOSES.

8 **1-5-620. Electronic or electromechanical voting system**
9 **information - software.** WHEN A POLITICAL SUBDIVISION PURCHASES OR
10 ADOPTS AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM, THE
11 DESIGNATED ELECTION OFFICIAL SHALL SEND TO THE SECRETARY OF STATE
12 COPIES OF THE SOFTWARE, PROGRAM SOURCE CODE, USER AND OPERATOR
13 MANUALS, AND ANY OTHER INFORMATION, SPECIFICATIONS, OR
14 DOCUMENTATION REQUIRED BY THE SECRETARY OF STATE RELATING TO A
15 CERTIFIED SYSTEM AND ITS EQUIPMENT. ANY SUCH INFORMATION OR
16 MATERIALS THAT ARE NOT ON FILE WITH AND APPROVED BY THE
17 SECRETARY OF STATE, INCLUDING ANY UPDATED OR MODIFIED MATERIALS,
18 MAY NOT BE USED IN AN ELECTION.

19 **1-5-621. Compliance.** (1) THE SECRETARY OF STATE MAY
20 REVIEW OR INSPECT THE ELECTRONIC OR ELECTROMECHANICAL VOTING
21 SYSTEM OF A POLITICAL SUBDIVISION AT ANY TIME, INCLUDING ELECTION
22 DAY, TO DETERMINE WHETHER THE SYSTEM COMPLIES WITH THE
23 APPLICABLE REQUIREMENTS OF THIS PART 6 OR DEVIATES FROM A
24 CERTIFIED SYSTEM.

25 (2) A VOTING SYSTEM PROVIDER OR A DESIGNATED ELECTION
26 OFFICIAL USING AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM
27 SHALL GIVE NOTICE TO THE SECRETARY OF STATE WITHIN TWENTY-FOUR

1 HOURS OF A MALFUNCTION OF ITS SYSTEM IN PREPARATION FOR OR DURING
2 AN ELECTION. THE NOTICE MAY BE VERBAL OR IN WRITING.

3 (3) UPON RECEIPT OF THE NOTICE SENT PURSUANT TO SUBSECTION
4 (2) OF THIS SECTION, THE SECRETARY OF STATE SHALL DETERMINE
5 WHETHER FURTHER INFORMATION ON THE MALFUNCTION IS REQUIRED. AT
6 THE WRITTEN OR VERBAL REQUEST OF THE SECRETARY OF STATE, THE
7 VOTING SYSTEM PROVIDER OR DESIGNATED ELECTION OFFICIAL SHALL
8 SUBMIT A REPORT TO THE SECRETARY OF STATE'S OFFICE DESCRIBING THE
9 REPROGRAMMING OR OTHER ACTIONS NECESSARY TO CORRECT THE
10 MALFUNCTION OF THE ELECTRONIC OR ELECTROMECHANICAL VOTING
11 SYSTEM. THE REPORT SHALL INDICATE WHETHER PERMANENT CHANGES
12 ARE NECESSARY TO PREVENT SIMILAR MALFUNCTIONS IN THE FUTURE. THE
13 REPORT SHALL BE SUBMITTED WITHIN THIRTY DAYS AFTER THE DATE OF
14 THE REQUEST BY THE SECRETARY OF STATE. FAILURE TO SUBMIT THE
15 REPORT WITHIN THE REQUIRED PERIOD SHALL BE GROUNDS TO DECERTIFY
16 THE SYSTEM. A COPY OF THE REPORT SHALL BE ATTACHED TO THE MOST
17 RECENT CERTIFICATION OF THE SYSTEM ON FILE IN THE SECRETARY OF
18 STATE'S OFFICE. THE SECRETARY OF STATE SHALL DISTRIBUTE A COPY OF
19 THE REPORT TO ALL POLITICAL SUBDIVISIONS THAT USE THE SYSTEM.

20 (4) IF THE SECRETARY OF STATE DETERMINES AFTER INSPECTING
21 AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM OR REVIEWING
22 THE REPORTS SUBMITTED PURSUANT TO SUBSECTION (3) OF THIS SECTION
23 THAT THE SYSTEM DOES NOT COMPLY WITH APPLICABLE STANDARDS OR
24 DEVIATES FROM A CERTIFIED SYSTEM, THE SECRETARY MAY BY WRITTEN
25 ORDER:

26 (a) SPECIFY ACTIONS TO REMEDY THE DEFECT IN THE ELECTRONIC
27 OR ELECTROMECHANICAL VOTING SYSTEM AND DIRECT THE DESIGNATED

1 ELECTION OFFICIAL TO PERFORM SUCH ACTIONS;

2 (b) PROHIBIT THE USE OF THE ELECTRONIC OR
3 ELECTROMECHANICAL VOTING SYSTEM OR ANY PART OF THE SYSTEM BY
4 A POLITICAL SUBDIVISION THAT ADOPTED THE SYSTEM FOR USE IN AN
5 ELECTION;

6 (c) LIMIT THE USE OF THE ELECTRONIC OR ELECTROMECHANICAL
7 VOTING SYSTEM OR ANY PART OF THE SYSTEM TO CIRCUMSTANCES OR
8 CONDITIONS STATED IN THE ORDER; OR

9 (d) DECERTIFY THE ELECTRONIC OR ELECTROMECHANICAL VOTING
10 SYSTEM.

11 (5) UPON DECERTIFICATION OF AN ELECTRONIC OR
12 ELECTROMECHANICAL VOTING SYSTEM, THE SECRETARY OF STATE SHALL
13 NOTIFY ALL POLITICAL SUBDIVISIONS THAT USE THE SYSTEM AND THE
14 PROVIDERS OF THE SYSTEM THAT THE CERTIFICATION OF THE SYSTEM FOR
15 USE AND SALE IN THIS STATE IS WITHDRAWN. THE NOTICE SHALL BE IN
16 WRITING AND SHALL INDICATE THE REASONS FOR THE DECERTIFICATION OF
17 THE SYSTEM AND THE EFFECTIVE DATE OF THE DECERTIFICATION.

18 (6) A POLITICAL SUBDIVISION OR PROVIDER OF A VOTING SYSTEM
19 THAT IS DECERTIFIED MAY REQUEST IN WRITING THAT THE SECRETARY OF
20 STATE RECONSIDER ITS DECISION TO DECERTIFY THE ELECTRONIC OR
21 ELECTROMECHANICAL VOTING SYSTEM. UPON RECEIPT OF THE REQUEST,
22 THE SECRETARY OF STATE SHALL HOLD A PUBLIC HEARING TO RECONSIDER
23 THE DECISION TO DECERTIFY THE SYSTEM. ANY INTERESTED PARTY MAY
24 SUBMIT TESTIMONY OR DOCUMENTATION IN SUPPORT OF OR IN OPPOSITION
25 TO THE DECISION TO DECERTIFY THE SYSTEM. FOLLOWING THE HEARING,
26 THE SECRETARY OF STATE MAY AFFIRM OR REVERSE THE DECISION.

27 (7) THE SECRETARY OF STATE SHALL AMEND OR RESCIND AN

1 ORDER ISSUED UNDER THIS SECTION IF THE SECRETARY OF STATE
2 DETERMINES THAT THE ELECTRONIC OR ELECTROMECHANICAL VOTING
3 SYSTEM HAS BEEN MODIFIED TO COMPLY WITH APPLICABLE STANDARDS OR
4 NO LONGER DEVIATES FROM THE CERTIFIED SYSTEM.

5 **SECTION 14.** Article 5 of title 1, Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW PART to read:

7 **PART 7**

8 **ACCESSIBILITY FOR ELECTORS WITH DISABILITIES**

9 **1-5-701. Legislative declaration - federal funds.** (1) THE
10 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

11 (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL STATE
12 REQUIREMENTS SHOULD MEET OR EXCEED THE MINIMUM FEDERAL
13 REQUIREMENTS FOR ACCESSIBILITY OF VOTING SYSTEMS AND POLLING
14 PLACES TO PERSONS WITH DISABILITIES.

15 (b) ALL STATE LAWS, RULES, STANDARDS, AND CODES GOVERNING
16 VOTING SYSTEMS AND POLLING PLACE ACCESSIBILITY SHALL BE
17 MAINTAINED TO ENSURE THAT THE STATE IS ELIGIBLE FOR SUCH FEDERAL
18 FUNDS.

19 **1-5-702. Definitions.** AS USED IN THIS PART 7, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "ACCESSIBLE VOTER INTERFACE DEVICE" MEANS A DEVICE
22 THAT COMMUNICATES VOTING INSTRUCTIONS AND THE INFORMATION ON
23 THE BALLOT TO AN ELECTOR AND ALLOWS THE ELECTOR TO SELECT AND
24 VOTE FOR CANDIDATES, BALLOT QUESTIONS, AND BALLOT ISSUES IN
25 ACCORDANCE WITH THE STANDARDS IN SECTION 1-5-704.

26 (2) "ALTERNATIVE FORMATS" HAS THE SAME MEANING ASCRIBED
27 IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", AS

1 AMENDED, (P.L. NO. 101-336), CODIFIED AT 42 U.S.C. 12101 ET SEQ.,
2 INCLUDING SPECIFICALLY THE TECHNICAL ASSISTANCE MANUALS
3 PROMULGATED THEREUNDER.

4 (3) "TACTILE INPUT DEVICE" MEANS A DEVICE SUCH AS A
5 KEYBOARD WITH WHICH AN ELECTOR PROVIDES INFORMATION TO A
6 VOTING SYSTEM BY TOUCHING THE DEVICE.

7 **1-5-703. Accessibility of polling places to persons with**
8 **disabilities.** (1) EACH POLLING PLACE SHALL BE MADE ACCESSIBLE TO
9 PERSONS WITH DISABILITIES BY COMPLYING WITH THE FOLLOWING
10 STANDARDS OF ACCESSIBILITY:

11 (a) DOORS, ENTRANCES, AND EXITS USED TO ENTER OR EXIT THE
12 POLLING PLACE SHALL HAVE A MINIMUM WIDTH OF TWENTY-NINE INCHES.

13 (b) ANY CURB ADJACENT TO THE MAIN ENTRANCE TO A POLLING
14 PLACE SHALL HAVE CURB CUTS OR TEMPORARY RAMPS.

15 (c) ANY STEPS NECESSARILY USED TO ENTER THE POLLING PLACE
16 SHALL HAVE A TEMPORARY HANDRAIL AND RAMP.

17 (d) AT THE POLLING PLACE, NO BARRIER SHALL IMPEDE THE PATH
18 OF ELECTORS WITH DISABILITIES TO THE VOTING BOOTH.

19 (2) EMERGENCY POLLING PLACES ARE EXEMPT FROM COMPLIANCE
20 WITH THIS SECTION.

21 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
22 SECTION, A DESIGNATED ELECTION OFFICIAL SHALL ONLY SELECT AS
23 POLLING PLACES SITES THAT MEET THE STANDARDS OF ACCESSIBILITY SET
24 FORTH IN SUBSECTION (1) OF THIS SECTION.

25 (4) BEFORE SELECTING POLLING PLACES, THE DESIGNATED
26 ELECTION OFFICIAL SHALL SUBMIT TO THE SECRETARY OF STATE AN
27 ACCESSIBILITY SURVEY IN THE FORM PRESCRIBED BY THE SECRETARY OF

1 STATE IDENTIFYING THE CRITERIA FOR SELECTING ACCESSIBLE POLLING
2 PLACES AND APPLYING THE CRITERIA TO PROPOSED POLLING PLACES.

3 **1-5-704. Standards for accessible voting systems.**

4 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, EACH
5 VOTING SYSTEM CERTIFIED BY THE SECRETARY OF STATE FOR USE IN
6 LOCAL, STATE, AND FEDERAL ELECTIONS SHALL HAVE THE CAPABILITY TO
7 ACCEPT ACCESSIBLE VOTER INTERFACE DEVICES IN THE VOTING SYSTEM
8 CONFIGURATION TO ALLOW THE VOTING SYSTEM TO MEET THE FOLLOWING
9 MINIMUM STANDARDS:

10 (a) THE VOTING SYSTEM SHALL PROVIDE A TACTILE INPUT OR
11 AUDIO INPUT DEVICE, OR BOTH.

12 (b) THE VOTING SYSTEM SHALL PROVIDE A METHOD BY WHICH
13 ELECTORS CAN CONFIRM ANY TACTILE OR AUDIO INPUT BY AUDIO OUTPUT
14 USING SYNTHETIC OR RECORDED HUMAN SPEECH.

15 (c) ANY OPERABLE CONTROLS ON THE INPUT DEVICE THAT ARE
16 NEEDED BY ELECTORS WHO ARE VISUALLY IMPAIRED SHALL BE INDICATED
17 IN BRAILLE OR OTHERWISE DISCERNIBLE TACTILELY WITHOUT ACTUATING
18 THE KEYS.

19 (d) DEVICES PROVIDING AUDIO AND VISUAL ACCESS SHALL BE ABLE
20 TO WORK BOTH SEPARATELY AND SIMULTANEOUSLY.

21 (e) IF A NONAUDIO ACCESS APPROACH IS PROVIDED, THE VOTING
22 SYSTEM MAY NOT REQUIRE COLOR PERCEPTION. THE VOTING SYSTEM
23 SHALL USE BLACK TEXT OR GRAPHICS, OR BOTH, ON WHITE BACKGROUND
24 OR WHITE TEXT OR GRAPHICS, OR BOTH, ON BLACK BACKGROUND, UNLESS
25 THE SECRETARY OF STATE APPROVES OTHER HIGH-CONTRAST COLOR
26 COMBINATIONS THAT DO NOT REQUIRE COLOR PERCEPTION.

27 (f) ANY VOTING SYSTEM THAT REQUIRES ANY VISUAL PERCEPTION

1 SHALL ALLOW THE FONT SIZE AS IT APPEARS TO THE VOTER TO BE SET FROM
2 A MINIMUM OF FOURTEEN POINTS TO A MAXIMUM OF TWENTY-FOUR POINTS
3 BEFORE THE VOTING SYSTEM IS DELIVERED TO THE POLLING PLACE.

4 (g) THE VOTING SYSTEM SHALL PROVIDE AUDIO INFORMATION,
5 INCLUDING ANY AUDIO OUTPUT USING SYNTHETIC OR RECORDED HUMAN
6 SPEECH OR ANY AUDITORY FEEDBACK TONES THAT ARE IMPORTANT FOR
7 THE USE OF THE AUDIO APPROACH, THROUGH AT LEAST ONE MODE, BY
8 HANDSET OR HEADSET, AT HIGH VOLUME AND SHALL PROVIDE
9 INCREMENTAL VOLUME CONTROL WITH OUTPUT AMPLIFICATION UP TO A
10 LEVEL OF AT LEAST NINETY-SEVEN DECIBEL SOUND PRESSURE LEVEL.

11 (h) FOR VOICE SIGNALS TRANSMITTED TO THE ELECTOR, THE
12 VOTING SYSTEM SHALL PROVIDE A GAIN ADJUSTABLE UP TO A MINIMUM OF
13 TWENTY DECIBELS WITH AT LEAST ONE INTERMEDIATE STEP OF TWELVE
14 DECIBELS.

15 (i) IF THE VOTING SYSTEM CAN EXCEED ONE HUNDRED TWENTY
16 DECIBEL SOUND PRESSURE LEVEL, A MECHANISM SHALL BE INCLUDED TO
17 RESET THE VOLUME AUTOMATICALLY TO THE VOTING SYSTEM'S DEFAULT
18 VOLUME LEVEL AFTER EVERY USE, SUCH AS WHEN THE HANDSET IS
19 REPLACED, BUT NOT BEFORE. UNIVERSAL PRECAUTIONS IN THE USE AND
20 SHARING OF HEADSETS SHOULD BE FOLLOWED.

21 (j) IF SOUND CUES AND AUDIBLE INFORMATION SUCH AS "BEEPS"
22 ARE USED, SIMULTANEOUS CORRESPONDING VISUAL CUES AND
23 INFORMATION SHALL BE PROVIDED.

24 (k) CONTROLS AND MECHANISMS SHALL BE OPERABLE WITH ONE
25 HAND, INCLUDING WITH A CLOSED FIST, AND OPERABLE WITHOUT TIGHT
26 GRASPING, PINCHING, OR TWISTING OF THE WRIST.

27 (l) THE FORCE REQUIRED TO OPERATE OR ACTIVATE THE CONTROLS

1 MAY NOT EXCEED FIVE POUNDS OF FORCE.

2 (m) VOTING BOOTHS SHALL HAVE VOTING CONTROLS AT A
3 MINIMUM HEIGHT OF THIRTY-SIX INCHES ABOVE THE FINISHED FLOOR WITH
4 A MINIMUM KNEE CLEARANCE OF TWENTY-SEVEN INCHES HIGH, THIRTY
5 INCHES WIDE, AND NINETEEN INCHES DEEP, OR THE ACCESSIBLE VOTER
6 INTERFACE DEVICES SHALL BE DESIGNED SO AS TO ALLOW THEIR USE ON
7 TOP OF A TABLE TO MEET SUCH REQUIREMENTS. TABLETOP INSTALLATIONS
8 SHALL ENSURE ADEQUATE PRIVACY.

9 (n) AUDIO BALLOTS SHALL MEET THE FOLLOWING STANDARDS:

10 (I) AFTER THE INITIAL INSTRUCTION FROM AN ELECTION OFFICIAL,
11 THE ELECTOR SHALL BE ABLE TO INDEPENDENTLY OPERATE THE VOTER
12 INTERFACE DEVICE THROUGH THE FINAL STEP OF CASTING A BALLOT
13 WITHOUT ASSISTANCE.

14 (II) THE ELECTOR SHALL BE ABLE TO DETERMINE THE OFFICES FOR
15 WHICH THE ELECTOR IS ALLOWED TO VOTE AND TO DETERMINE THE
16 CANDIDATES FOR EACH OFFICE.

17 (III) THE ELECTOR SHALL BE ABLE TO DETERMINE HOW MANY
18 CANDIDATES MAY BE SELECTED FOR EACH OFFICE.

19 (IV) THE ELECTOR SHALL HAVE THE ABILITY TO VERIFY THAT THE
20 PHYSICAL OR VOCAL INPUTS GIVEN TO THE VOTING SYSTEM HAVE
21 SELECTED THE CANDIDATES THAT THE ELECTOR INTENDED TO SELECT.

22 (V) THE ELECTOR SHALL BE ABLE TO REVIEW THE CANDIDATE
23 SELECTIONS THAT THE ELECTOR HAS MADE.

24 (VI) BEFORE CASTING THE BALLOT, THE ELECTOR SHALL HAVE THE
25 OPPORTUNITY TO CHANGE ANY SELECTIONS PREVIOUSLY MADE AND
26 CONFIRM A NEW SELECTION.

27 (VII) THE VOTING SYSTEM SHALL COMMUNICATE TO THE ELECTOR

1 THE FACT THAT THE ELECTOR HAS FAILED TO VOTE FOR AN OFFICE OR HAS
2 FAILED TO VOTE THE NUMBER OF ALLOWABLE CANDIDATES FOR AN OFFICE
3 AND REQUIRE THE ELECTOR TO CONFIRM HIS OR HER INTENT TO
4 UNDERVOTE BEFORE CASTING THE BALLOT.

5 (VIII) THE VOTING SYSTEM SHALL WARN THE ELECTOR OF THE
6 CONSEQUENCES OF OVERVOTING FOR AN OFFICE.

7 (IX) THE ELECTOR SHALL HAVE THE OPPORTUNITY TO INPUT A
8 CANDIDATE'S NAME FOR EACH OFFICE THAT ALLOWS A WRITE-IN
9 CANDIDATE.

10 (X) THE ELECTOR SHALL HAVE THE OPPORTUNITY TO REVIEW THE
11 ELECTOR'S WRITE-IN INPUT TO THE VOTER INTERFACE DEVICE, EDIT THAT
12 INPUT, AND CONFIRM THAT THE EDITS MEET THE ELECTOR'S INTENT.

13 (XI) THE VOTING SYSTEM SHALL REQUIRE A CLEAR, IDENTIFIABLE
14 ACTION FROM THE ELECTOR TO CAST THE BALLOT. THE VOTING SYSTEM
15 SHALL EXPLAIN TO THE ELECTOR HOW TO TAKE THIS ACTION SO THAT THE
16 ELECTOR HAS MINIMAL RISK OF TAKING THE ACTION ACCIDENTALLY, BUT
17 WHEN THE ELECTOR INTENDS TO CAST THE BALLOT, THE ACTION CAN BE
18 EASILY PERFORMED.

19 (XII) AFTER THE BALLOT IS CAST, THE VOTING SYSTEM SHALL
20 CONFIRM TO THE ELECTOR THAT THE BALLOT HAS BEEN CAST AND THE
21 ELECTOR'S PROCESS OF VOTING IS COMPLETE.

22 (XIII) AFTER THE BALLOT IS CAST, THE VOTING SYSTEM SHALL
23 PREVENT THE ELECTOR FROM MODIFYING THE BALLOT CAST OR VOTING
24 ANOTHER BALLOT.

25 **1-5-705. Accessible voter interface devices - minimum**
26 **requirement.** (1) A VOTING SYSTEM SHALL INCLUDE AT LEAST ONE
27 ACCESSIBLE VOTER INTERFACE DEVICE INSTALLED AT EACH POLLING PLACE

1 THAT MEETS THE REQUIREMENTS OF THIS SECTION.

2 (2) THIS SECTION SHALL APPLY TO ELECTIONS HELD ON AND AFTER
3 JANUARY 1, 2006.

4 **SECTION 15.** 1-7-110 (2), Colorado Revised Statutes, is
5 amended to read:

6 **1-7-110. Preparing to vote.** (2) If the eligible elector shows
7 identification and the elector's name is found on the registration list or,
8 where applicable, the property owner's list by the election judge in
9 charge, the elector's name shall be repeated. The judge in charge of the
10 pollbook or list shall then enter the eligible elector's name, and the
11 eligible elector shall be allowed to enter the immediate voting area.
12 Besides the election officials, no more than four electors more than the
13 number of voting booths or voting ~~machines~~ STATIONS shall be allowed
14 within the immediate voting area at one time.

15 **SECTION 16.** 1-7-111 (1) (a), Colorado Revised Statutes, is
16 amended to read:

17 **1-7-111. Disabled registered elector - assistance.** (1) (a) If at
18 any election, any registered elector declares to the election judges that, by
19 reason of blindness or other physical disability or inability to read or
20 write, he or she is unable to prepare the ballot or operate the voting
21 ~~machine~~ DEVICE OR ELECTRONIC VOTING DEVICE without assistance, the
22 elector shall be entitled, upon making a request, to receive the assistance
23 of any one of the election judges or, at the elector's option, any eligible
24 elector selected by the disabled eligible elector.

25 **SECTION 17.** 1-7-112 (1) (a), Colorado Revised Statutes, is
26 amended to read:

27 **1-7-112. Non-English speaking electors - assistance.** (1) (a) If

1 at any election, any elector requests assistance in voting, by reason of
2 difficulties with the English language, he or she is unable to prepare the
3 ballot or operate the voting ~~machine~~ DEVICE OR ELECTRONIC VOTING
4 DEVICE without assistance, the elector shall be entitled, upon making a
5 request, to receive the assistance of an election judge, any person selected
6 by the designated election official to provide assistance in that precinct,
7 or any person selected by the eligible elector requesting assistance,
8 provided that the person rendering assistance can provide assistance in
9 both the language in which the elector is fluent and in English. No
10 person, other than an election judge or person selected by the designated
11 election official to provide assistance, shall be permitted to assist more
12 than one elector per election unless the person is the elector's spouse,
13 parent, grandparent, sibling, or child eighteen years or older.

14 **SECTION 18.** Part 5 of article 7 of title 1 is amended BY THE
15 ADDITION OF A NEW SECTION to read:

16 **1-7-506.5. Testing of voting systems and tabulating equipment.**

17 (1) THE DESIGNATED ELECTION OFFICIAL SHALL TEST AN ELECTRONIC OR
18 ELECTROMECHANICAL VOTING SYSTEM AT THE CONCLUSION OF
19 MAINTENANCE AND PROGRAMMING. THE TESTS SHALL BE SUFFICIENT TO
20 DETERMINE THAT THE SYSTEM IS PROPERLY PROGRAMMED, THE ELECTION
21 IS CORRECTLY DEFINED ON THE SYSTEM, AND ALL OF THE INPUT, OUTPUT,
22 AND COMMUNICATION DEVICES ARE WORKING PROPERLY.

23 (2) FOR ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEMS
24 CONFIGURED TO INCLUDE ELECTRONIC OR ELECTROMECHANICAL
25 TABULATION DEVICES THAT ARE DISTRIBUTED TO THE POLLING PLACES,
26 ALL DEVICES TO BE USED IN THE ELECTION SHALL BE TESTED.

27 (3) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN

1 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., PRESCRIBING THE
2 MANNER OF PERFORMING THE TESTS REQUIRED BY THIS SECTION AND
3 CORRECTING ERRORS REVEALED BY THE TESTS.

4 **SECTION 19.** 1-7-507 (7) and (8), Colorado Revised Statutes,
5 are amended to read:

6 **1-7-507. Electronic vote-counting - procedure.** (7) The
7 receiving, opening, and preservation of the transfer boxes and their
8 contents shall be the responsibility of the designated election official,
9 who shall provide adequate personnel and facilities to assure accurate and
10 complete election results. Any indication of tampering with the ballots,
11 ballot card, or other fraudulent action shall be immediately reported to the
12 district attorney, who shall immediately investigate the action and report
13 the findings in writing within ten days to the designated election official
14 and shall prosecute to the full extent of the law any person or persons
15 responsible for the fraudulent action. ~~The secretary of state shall issue~~
16 ~~such directives as may be necessary to implement or clarify the~~
17 ~~procedures outlined for the conduct of elections when punch card~~
18 ~~electronic voting systems are used.~~

19 ~~(8) Precincts using punch card electronic voting systems shall not~~
20 ~~be required to post the abstract of the count of votes at the precinct after~~
21 ~~the closing of the polls.~~

22 **SECTION 20.** 1-7-508 (2), Colorado Revised Statutes, is
23 amended to read:

24 **1-7-508. Determination of improperly marked ballots.**
25 (2) Votes cast for an office to be filled or a BALLOT QUESTION OR ballot
26 issue to be decided shall not be counted if a voter marks ~~or punches~~ more
27 names than there are persons to be elected to an office or if for any reason

1 it is impossible to determine the elector's choice of candidate or vote
2 concerning the ballot issue. A defective or an incomplete mark ~~or punch~~
3 on any ballot in a proper place shall be counted if no other mark ~~or punch~~
4 is on the ballot indicating an intention to vote for some other candidate
5 or ballot issue.

6 **SECTION 21.** 1-7-602, Colorado Revised Statutes, is amended
7 to read:

8 **1-7-602. Judges to post returns.** At any election ~~in precincts~~ AT
9 A POLLING PLACE where voting is by paper ballot, voting machine, or
10 electronic OR ELECTROMECHANICAL voting system, ~~which produces a~~
11 ~~paper tape~~, the election judges shall make an abstract of the count of
12 votes, which abstract shall contain the names of the offices, names of the
13 candidates, ballot titles, and submission clauses of all initiated, referred,
14 or other ballot issues voted upon and the number of votes counted for or
15 against each candidate or ballot issue. The abstract shall be posted in a
16 conspicuous place ~~which~~ THAT can be seen from the outside of the polling
17 place immediately upon completion of the counting. The abstract may be
18 removed at any time after forty-eight hours following the election.
19 Suitable blanks for the abstract required by this section shall be prepared,
20 printed, and furnished to all election judges at the same time and in the
21 same manner as other election supplies.

22 **SECTION 22.** 1-8-204, Colorado Revised Statutes, is amended
23 to read:

24 **1-8-204. Early voters' polling place.** Each county clerk and
25 recorder shall provide one or more early voters' polling places, each of
26 which shall be accessible to persons with disabilities and which shall be
27 provided with on-line computer accessibility to the county clerk and

1 recorder, suitable quarters, ballot boxes or voting ~~machines~~ EQUIPMENT,
2 and other necessary supplies as provided by law in the case of precinct
3 polling places. In the event the county clerk and recorder determines that
4 the number of early voters' polling places is insufficient due to the
5 number of eligible electors who are voting by early ballot, the county
6 clerk and recorder may establish additional early voters' polling places for
7 the convenience of eligible electors wishing to vote at such polling
8 places. The county clerk and recorder shall give adequate notice to
9 eligible electors of such additional early voters' polling places.

10 **SECTION 23.** 1-8-301 (2), Colorado Revised Statutes, is
11 amended to read:

12 **1-8-301. Appointment of election judges for counting absentee**
13 **and early ballots.** (2) In all political subdivisions in which ~~voting~~
14 ~~machines~~ or electronic OR ELECTROMECHANICAL voting ~~machines~~
15 SYSTEMS are used, the designated election official, for each five hundred
16 absentee ballots mailed or delivered, may appoint, in addition to the
17 receiving judges appointed as provided in section 1-8-205, five counting
18 judges, not more than three of whom shall be from any one political
19 party.

20 **SECTION 24.** 1-8-305 (2) (b) and (2) (d), Colorado Revised
21 Statutes, are amended to read:

22 **1-8-305. Counting absentee and early voters' ballots - partisan**
23 **elections.** (2) Absentee and early voters' ballots shall be counted in one
24 of the following ways:

25 (b) ~~In counties that use voting machines, the absentee ballots may~~
26 ~~be counted in the following manner: One election judge shall call aloud~~
27 ~~the name of the candidate voted for and a second election judge shall~~

1 observe that the first judge reads the ballot correctly; two other election
2 judges, one from each major political party, shall attend the voting
3 machine so that one of the election judges may depress the lever for the
4 candidate whose name is being read, and the other election judge shall
5 observe closely that the proper levers are being depressed as the votes are
6 read aloud; the fifth election judge shall prepare the machine to receive
7 each ballot.

8 (d) Early voters' ballots that are cast directly on voting machines
9 or on electronic OR ELECTROMECHANICAL vote-tabulating equipment shall
10 be counted in the same manner as provided for the counting of precinct
11 ballots in part 6 of article 5 and parts 4 and 5 of article 7 of this title.

12 **SECTION 25.** 1-13-708, Colorado Revised Statutes, is amended
13 to read:

14 **1-13-708. Tampering with voting equipment.** Any person who
15 tampers with a voting machine or any electronic OR ELECTROMECHANICAL
16 voting equipment before, during, or after any election provided by law
17 with intent to change the tabulation of votes thereon to reflect other than
18 an accurate accounting is guilty of a misdemeanor and, upon conviction
19 thereof, shall be punished as provided in section 1-13-111.

20 **SECTION 26.** 1-13-711, Colorado Revised Statutes, is amended
21 to read:

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

1 **SECTION 27. Repeal.** 1-1-104 (15), 1-5-107, 1-5-405, 1-5-602,
2 1-5-603, 1-5-604, 1-5-605, 1-5-608, 1-5-609, part 4 of article 7 of title 1,
3 and 1-7-507 (8), Colorado Revised Statutes, are repealed.

4 **SECTION 28. Appropriation.** In addition to any other
5 appropriation, there is hereby appropriated, out of any moneys in the
6 general fund not otherwise appropriated, to the department of state, for
7 the fiscal year beginning July 1, 2004, the sum of _____ dollars (\$) and
8 _____ FTE, or so much thereof as may be necessary, for the
9 implementation of this act.

10 **SECTION 29. Effective date.** This act shall take effect upon
11 passage, except that sections 2, 19, 20, and 27 of this act shall take effect
12 January 1, 2006.

13 **SECTION 30. Safety clause.** The general assembly hereby
14 finds, determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.