

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0602.01 John Hershey

HOUSE BILL 04-1296

HOUSE SPONSORSHIP

Madden, Plant, Romanoff, and Spence

SENATE SPONSORSHIP

Hillman,

House Committees

State, Veterans, & Military Affairs
Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PERMANENT PAPER RECORD OF**
102 **EACH VOTE CAST IN AN ELECTION.**

Bill Summary

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

Requires each voting system used in an election in the state to produce a permanent paper record of each vote. Entitles a voter to inspect, verify, and correct the paper record of his or her vote. States that the permanent paper record shall be the official record of the election for purposes of any recount.

Defines a term. Makes conforming amendments.

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.

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

2 **SECTION 1.** 1-1-104, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **1-1-104. Definitions.** As used in this code, unless the context
5 otherwise requires:

6 (23.8) "PERMANENT PAPER RECORD" MEANS A PAPER BALLOT, A
7 BALLOT OR BALLOT CARD USED WITH ELECTRONIC VOTING EQUIPMENT OR
8 A PUNCH CARD ELECTRONIC VOTING SYSTEM, OR A PAPER RECORD
9 PRODUCED BY ANY OTHER VOTING SYSTEM.

10 **SECTION 2.** Part 1 of article 7 of title 1, Colorado Revised
11 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
12 read:

13 **1-7-118. Permanent paper record of vote.** (1) THE VOTING
14 SYSTEM USED IN EVERY ELECTION IN THE STATE OF COLORADO SHALL
15 PRODUCE A PERMANENT PAPER RECORD OF EACH VOTE CAST.

16 (2) EACH ELIGIBLE ELECTOR MAY INSPECT, VERIFY, AND CORRECT
17 THE PERMANENT PAPER RECORD OF THE ELIGIBLE ELECTOR'S VOTE AT THE
18 TIME THE VOTE IS CAST.

19 (3) THE PERMANENT PAPER RECORD OF EACH ELIGIBLE ELECTOR'S
20 VOTE SHALL BE PRESERVED AS AN ELECTION RECORD PURSUANT TO
21 SECTION 1-7-802 AND SHALL CONSTITUTE THE OFFICIAL RECORD OF THE
22 ELECTION FOR PURPOSES OF ANY RECOUNT.

23 **SECTION 3.** 1-10.5-102 (3), Colorado Revised Statutes, is
24 amended to read:

25 **1-10.5-102. Recounts for congressional, state, and district**
26 **offices, state ballot questions, and state ballot issues.** (3) Prior to any
27 recount, the canvass board shall choose a precinct at random and a test

1 ~~number of ballots~~ NO LESS THAN FIFTY PERMANENT PAPER RECORDS OF
2 THE VOTES CREATED PURSUANT TO SECTION 1-7-118 on which to conduct
3 a TEST machine count and hand count. ~~of ballots. The precinct chosen~~
4 ~~shall have at least fifty ballots for the count.~~ If the results of the machine
5 count and the hand count are identical, then the recount ~~shall~~ MAY be
6 conducted ~~in the same manner as the original ballot count~~ BY A MACHINE
7 COUNT OF THE PERMANENT PAPER RECORDS.

8 **SECTION 4.** 1-10.5-108, Colorado Revised Statutes, is amended
9 to read:

10 **1-10.5-108. Method of recount.** (1) The recount shall be of the
11 ~~ballots cast~~ PERMANENT PAPER RECORDS OF THE VOTES CREATED
12 PURSUANT TO SECTION 1-7-118, and the votes shall be recorded on sheets
13 other than those used at the election.

14 (2) Unless otherwise directed by the secretary of state, the ~~ballots~~
15 ~~cast~~ PERMANENT PAPER RECORDS shall be recounted utilizing the ~~same~~
16 procedures, methods, and processes ~~that were utilized for the original~~
17 ~~count of the ballots cast~~ USED FOR COUNTING PAPER BALLOTS PURSUANT
18 TO PART 3 OF ARTICLE 7 OF THIS TITLE.

19 **SECTION 5. Repeal.** 1-10.5-110, Colorado Revised Statutes, is
20 repealed.

21 **SECTION 6. Applicability.** This act shall apply to elections
22 held on or after the effective date of this act.

23 **SECTION 7. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.