

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 25, 2015  
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB15-1130 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 6, line 16, strike "(4)" and substitute "(4); and  
2 **add** (4.5)".

3 Page 7, after line 8 insert:

4 "(4.5) THE CLERK SHALL TRANSMIT A BALLOT AND BALLOTING  
5 MATERIALS TO A COVERED VOTER, AS DEFINED IN SECTION 1-8.3-102 (2),  
6 C.R.S., NO LATER THAN THIRTY DAYS BEFORE AN ELECTION CONDUCTED  
7 IN ACCORDANCE WITH THIS PART 5.

8 **SECTION 8.** In Colorado Revised Statutes, **add** 31-10-102.8 as  
9 follows:

10 **31-10-102.8. Military and overseas voters - timely**  
11 **transmission, casting, and receipt of ballot.** (1) THE CLERK SHALL  
12 TRANSMIT A BALLOT AND BALLOTING MATERIALS TO A COVERED VOTER,  
13 AS DEFINED IN SECTION 1-8.3-102 (2), C.R.S., NO LATER THAN FORTY-FIVE  
14 DAYS BEFORE AN ELECTION CONDUCTED IN ACCORDANCE WITH THIS  
15 ARTICLE.

16 (2) TO BE VALID, A BALLOT MUST BE RECEIVED BY THE CLERK NOT  
17 LATER THAN THE CLOSE OF POLLS, OR THE VOTER SHALL SUBMIT THE  
18 BALLOT FOR MAILING, ELECTRONIC TRANSMISSION, OR OTHER  
19 AUTHORIZED MEANS OF DELIVERY NOT LATER THAN 7:00 P.M. ON THE  
20 DATE OF THE ELECTION.

21 (3) A VALID BALLOT CAST IN ACCORDANCE WITH SUBSECTION (2)  
22 OF THIS SECTION SHALL BE COUNTED IF IT IS RECEIVED BY THE CLOSE OF  
23 BUSINESS ON THE EIGHTH DAY AFTER AN ELECTION AT THE ADDRESS THAT  
24 THE CLERK HAS SPECIFIED."

1 Renumber succeeding sections accordingly.

2 Page 10, after line 16 insert:

3 "SECTION 15. In Colorado Revised Statutes, **amend** 31-10-1201  
4 as follows:

5 **31-10-1201. Returns - canvass.** The returns of all municipal  
6 elections shall be made to the clerk of the municipality. The clerk shall  
7 request the assistance of the mayor of the municipality in conducting the  
8 canvass of votes. If there is no mayor or if the mayor has been a candidate  
9 at the election, the clerk shall appoint a municipal judge, a member of the  
10 election commission, or a person who is qualified to be an election judge  
11 and who did not serve as an election judge in the election as an assistant.  
12 No later than ~~seven~~ TEN days after the election, the clerk, in the presence  
13 of the assistant, shall open the returns and make out abstracts of votes for  
14 each office.

15 **SECTION 16.** In Colorado Revised Statutes, 31-10-1207, **amend**  
16 (1) and (2) as follows:

17 **31-10-1207. Recount.** (1) The municipal clerk shall conduct a  
18 recount of the votes cast in any election if it appears, as evidenced by the  
19 survey of returns, that the difference between the highest number of votes  
20 cast in the election and the next highest number of votes cast in the  
21 election is less than or equal to one-half of one percent of the highest  
22 number of votes cast in the election. Any recount conducted pursuant to  
23 this subsection (1) shall be completed no later than the ~~tenth~~ FIFTEENTH  
24 day following the election and shall be paid for by the governing body.  
25 The clerk shall give notice of the recount to all candidates and, in the case  
26 of a ballot issue or question, to any petition representatives identified  
27 pursuant to sections 31-2-221 (1), 31-4-502 (1) (a) (I), and 31-11-106 (2)  
28 that are affected by the result of the election. Such notice shall be given  
29 by certified mail, by posting such notice in three public places within the  
30 municipal limits, or by other means reasonably expected to notify the  
31 affected candidates or petition representatives. Any affected candidate or  
32 petition representative ~~shall be~~ IS allowed to be present during and  
33 observe the recount.

34 (2) Whenever a recount of the votes cast in an election is not  
35 required pursuant to subsection (1) of this section, any interested party,  
36 including a candidate for office or the petition representatives for a ballot  
37 issue or question, may submit to the clerk a written request for a recount  
38 at the expense of the interested party making the request. This request  
39 shall be filed with the clerk within ~~seven~~ TEN days after the election.  
40 Before conducting the recount, the clerk shall give notice of the recount  
41 in accordance with the provisions of subsection (1) of this section, shall

1 determine the cost of the recount, shall notify the interested party that  
2 requested the recount of such cost, and shall collect the cost of conducting  
3 the recount from such interested party. The interested party that requested  
4 the recount shall pay on demand the cost of the recount to the clerk. The  
5 funds paid to the clerk for the recount shall be placed in escrow for  
6 payment of all expenses incurred in the recount. If, after the recount, the  
7 result of the election is reversed in favor of the interested party that  
8 requested the recount or if the amended election count is such that a  
9 recount otherwise would have been required pursuant to subsection (1) of  
10 this section, the payment for expenses shall be refunded to the interested  
11 party who paid them. Any recount of votes conducted pursuant to this  
12 subsection (2) shall be completed no later than the ~~tenth~~ FIFTEENTH day  
13 after the election."

14 Renumber succeeding section accordingly.

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