2002

0502-10 2002 Ballot Information Booklet

Colorado Legislative Council

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Legislative Council of the
Colorado General Assembly

Research Publication
No. 502-10

2002 BALLOT INFORMATION BOOKLET

Analysis of Statewide Ballot Issues and Recommendations on Retention of Judges

Para recibir una copia del Folleto de Información de Balota de 2002 en español, llame a nuestro servicio de contestación atendido las 24 horas del día al 303-866-2838 (en el área metropolitana de Denver) o al 1-866-937-4688 (fuera de Denver).

STATEWIDE ELECTION DAY IS
Tuesday, November 5, 2002

Polling places open from 7 a.m. to 7 p.m.
(Early Voting Begins October 21, 2002)

***A YES vote** ... **VOR OF** changing c... ...ces, and a NO vote on any ballot issue is a vote AGAINST changing current law or existing circumstances.*

COLORADO GENERAL ASSEMBLY

LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784
E-mail: lcs.ga@state.co.us
(303) 866-3521 FAX: 866-3855 TDD: 866-3472

September 10, 2002

Dear Colorado Voter:

This booklet provides information on two subjects to be decided by voters at the November 5, 2002, election. The first subject is proposed changes to the state constitution and state statutes. The second subject is the retention of judges. The booklet presents this information in three sections.

Analyses of Proposed Changes to the Colorado Constitution and the Statutes

The first section contains an analysis of each proposed change to the state constitution and state statutes. The state constitution requires the nonpartisan research staff of the General Assembly to prepare these analyses and to distribute them in a ballot information booklet to active registered voters. Each analysis describes the major provisions of a proposal and comments on the proposal's application and effect. It also summarizes major arguments for and against each proposal and the proposal's estimated fiscal impact. Careful consideration has been given to the arguments in an effort to fairly represent both sides of the issue. The Legislative Council, the committee of the General Assembly responsible for reviewing the analyses, takes no position on the merits of the proposals.

Title and Text of Proposed Referred and Initiated Measures

The second section contains the title and the legal language of each proposed change to the state constitution and state statutes.

Information on the Retention of Judges

Information about the performance of Colorado Supreme Court Justices, Court of Appeals Judges, and trial judges in your area of the state is included in the third section of this booklet. The information was prepared by the state and district commissions on judicial performance to provide voters with fair, responsible, and constructive evaluations of judges and justices seeking retention in office. Each profile includes a recommendation stated as "RETAIN," "DO NOT RETAIN," or "NO OPINION."

Sincerely,

Doug Dean

Representative Doug Dean, Chairman

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NOTE

The lettering and numbering system used to designate this year's statewide ballot issues is based on the following organizational structure:

Issues initiated by the People . . . . . Amendments 27 through 31
Issues referred by the General Assembly . . . . Referenda A through E

NOTES

AMENDMENT 27
CAMPAIGN FINANCE

The proposed amendment to the Colorado Constitution:

- reduces the amount of money that *individuals* and *political committees* can contribute to candidates and various political organizations;
- limits the amount of money that *political parties* can contribute to candidates;
- creates *small donor committees* which may accept up to $50 per individual per year, and allows these committees to contribute ten times more to candidates than can an individual;
- sets voluntary spending limits for political races;
- recalculates contribution and spending limits for inflation every four years, but such recalculation may not change contribution limits;
- requires reporting and disclosure of money spent for certain political advertisements;
- requires individuals who contribute over $100 to disclose their occupation and employer; and
- regulates ballot issue committees.

Background

Campaign finance is regulated by federal law for candidates in federal races; Colorado law regulates campaign finance for state and local candidates. Courts have also been involved in campaign finance by setting limits on what such laws can regulate and ruling on specific federal and state campaign finance provisions. This proposal changes Colorado campaign finance law and places the changes in the state constitution.

Contribution limits. Table 1 shows the maximum amount of money that can be contributed to candidates under this proposal.

Table 1. Maximum Contribution Limits for Candidates per Election Cycle[1]

(Limits under the "Proposed" column would become effective on December 6, 2002; limits under the "Present" column apply to current election cycles)

	Individual and Political Committee to Candidate			Political Party to Candidate		Small Donor Committee to Candidate			Corporate and Union Contributions to Candidate	
	Proposed		Present	Proposed[2]	Present	Proposed		Present	Proposed[3]	Present
	Primary	General				Primary	General			
Governor	$500	$500	$5,000	$500,000	No Limit	$5,000	$5,000	NA	Prohibited	$5,000
Lieutenant Governor[4]	NA	NA	$2,500	NA	No Limit	NA	NA	NA	Prohibited	$2,500
Secretary of State	$500	$500	$2,500	$100,000	No Limit	$5,000	$5,000	NA	Prohibited	$2,500
State Treasurer	$500	$500	$2,500	$100,000	No Limit	$5,000	$5,000	NA	Prohibited	$2,500
Attorney General	$500	$500	$2,500	$100,000	No Limit	$5,000	$5,000	NA	Prohibited	$2,500
State Senate	$200	$200	$1,500	$18,000	No Limit	$2,000	$2,000	NA	Prohibited	$1,500
State House of Representatives	$200	$200	$1,000	$13,000	No Limit	$2,000	$2,000	NA	Prohibited	$1,000
State Board of Education	$200	$200	$1,000	$13,000	No Limit	$2,000	$2,000	NA	Prohibited	$1,000
CU Board of Regents	$200	$200	$1,000	$13,000	No Limit	$2,000	$2,000	NA	Prohibited	$1,000
District Attorney	$200	$200	$1,500	$13,000	No Limit	$2,000	$2,000	NA	Prohibited	$1,500

1. The proposed contribution limits double for a candidate who has accepted voluntary spending limits if his or her opponent has not accepted the voluntary spending limits and has raised more than 10 percent of the spending limit.

2. Spending of personal money is counted as a political party contribution when a candidate accepts voluntary spending limits. Any unexpended campaign contributions that are carried forward to a subsequent election are also counted as political party contributions.

3. Corporations and labor unions may establish political committees and small donor committees which may contribute to candidates.

4. Under the proposal, the governor and lieutenant governor are considered one office and the contribution and spending limits for governor apply to both candidates.

In addition to limiting contributions to candidates, the proposal limits the amount of money that individuals and various organizations may contribute to political parties, political committees, and small donor committees, as follows.

Contributions to Political Parties

- Under current law, individuals, organizations, and political committees can annually contribute up to $25,000 to each affiliate of a political party, including state, county, district, and local affiliates. The proposal limits contributions to a total of $3,000 for all affiliates of a political party. Of the $3,000, the state-level political party affiliate may receive no more than $2,500.

- The proposal also limits the amount of money that small donor committees can annually contribute to all affiliates within a political party to $15,000 combined. Of the $15,000, the state-level political party affiliate may receive no more than $12,500

- Corporations and labor unions cannot contribute to political parties.

Contributions to Political Committees

- The proposal reduces the amount of money that individuals and organizations can contribute to political committees from $25,000 per year to $500 every two years.

Contributions to Small Donor Committees

- The proposal caps individual contributions to a small donor committee at $50 per year.

Currently, political committees are not allowed to knowingly accept contributions from non-U.S. citizens, foreign governments, or foreign corporations that do not have authority to do business in Colorado. The proposal extends the prohibition to candidates, small donor committees, and political parties.

Voluntary spending limits. The proposal establishes voluntary campaign spending limits. Table 2 lists the spending limits in the proposal; current law does not contain any such limits.

Table 2. Proposed Voluntary Spending Limits per Election Cycle

Candidate	Voluntary Spending Limit
Governor/ Lieutenant Governor	$2,500,000
Secretary of State	$500,000
Attorney General	$500,000
State Treasurer	$500,000
State Senate	$90,000
State House of Representatives	$65,000
State Board of Education	$65,000
Regent of the University of Colorado	$65,000
District Attorney	$65,000

A candidate's decision to accept the spending limits is binding unless an opponent running for the same office does not accept the limits. Candidates who agree to spending limits may advertise their compliance in political messages. When a candidate agrees to limit spending but an opponent does not, the candidate may receive double the maximum contributions if the opponent has raised more than 10 percent of the spending limit. Any personal money the candidate uses for his or her campaign counts as a political party contribution. Candidates who exceed the spending limits after agreeing to voluntarily limit campaign spending can be fined.

Adjustment to contribution and spending limits. The contribution and voluntary spending limits will be recalculated for inflation every four years, but such recalculation may not change contribution limits. Current law requires that contribution limits be increased by 10 percent beginning January 1, 2003, and every four years thereafter.

Unexpended campaign contributions. Current law lists the permissible uses for unexpended campaign contributions for candidates. This proposal further regulates these contributions by requiring that any money carried forward for use in the next election be counted as a contribution from a political party.

Regulation of political advertisements. This proposal regulates two types of political advertisements. The first are those that are made outside the control of a candidate and that *specifically urge* the election or defeat of a candidate. The proposal requires reporting of the

amount of money spent on the advertisement, the type of advertisement, and the name of the candidate being supported or opposed whenever more than $1,000 is spent. Further, when any money is spent outside the control of a candidate on this type of advertising during the 30 days before an election, the report must be made within 48 hours. Information about who is paying for the advertisement and a statement that it is not authorized by any candidate must appear in these types of political advertisements. Current law, which requires reporting of all expenditures in excess of $1,000 within 24 hours and requires certain disclosure in political advertisements, was struck down by the federal district court.

The second type of political advertisement is one that clearly refers to a candidate *without specifically urging* the election or defeat of the candidate. These advertisements are regulated during the 30 days before a primary election and the 60 days before a general election. Any individual or organization who spends over $1,000 on these advertisements must report the total amount spent and the name and address of any donor who gives more than $250 to fund the advertisement. When the donor is an individual, the reports must also contain the individual's occupation and the name of the individual's employer. Current law does not regulate this type of political advertising.

Corporations and labor unions are not allowed to directly fund the two types of political advertisements regulated under this proposal.

Reporting. The proposal extends current reporting requirements to small donor committees and requires any person who contributes over $100 to a candidate, political committee, issue committee, or political party to disclose his or her occupation and employer.

Penalties. Under this proposal, violating contribution or voluntary spending limits results in a civil penalty of at least double, and up to five times, the amount contributed, received, or spent over the allowable amount. Current law makes violations of campaign finance provisions a class 2 misdemeanor; violations of contribution limits are subject to a civil penalty of double the amount contributed or received.

Arguments For

1) This proposal may reduce the impact of special interests on the political process and increase the influence of individual citizens. Large monetary contributions give the appearance that wealthy contributors have undue influence over elections and better access to

elected officials. By reducing the amount of money that a candidate can accept from special interests and creating small donor committees, the proposal encourages fundraising from a broad base of individual donors.

2) The increasing cost of financing campaigns may discourage people from running for public office, especially against opponents with large campaign funds. Voluntary spending limits could reduce the overall amount spent on campaigns, while lower contribution limits could allow more challengers to compete with incumbents in raising campaign funds. The voters benefit when there are more people running for public office.

3) Requiring greater disclosure of who pays for political advertising provides more information about who is spending money to influence elections. Now, some types of political advertisements are not regulated and therefore can be paid for anonymously. The proposal gives people information about who is paying for these advertisements right before an election.

4) Although corporations and labor unions cannot vote, spending by such entities influences the political process. Under this proposal, these organizations will have to raise money from employees, shareholders, and members who contribute to small donor and political committees rather than directly funding political activities. Corporations and labor unions are already banned from directly contributing to federal candidates; this proposal simply extends the ban to state races.

5) Voluntary spending limits may encourage more people to run for public office. People who are intimidated by the amount of money raised and spent on political campaigns may choose to run for public office with voluntary spending limits in place.

Arguments Against

1) Increased regulation of campaign contributions and expenditures has never fulfilled its promise of getting "big money" out of the process. Whether it is at the state or national level, every time tougher controls are placed on campaign financing, big money finds less discernible ways to exert influence. The consequence is more campaign spending outside the control of the candidate and less accountability. Plus, this measure places these detailed campaign finance regulations in the state constitution. If historical patterns are followed, and the new regulations have unintended negative consequences, there is no easy way to make corrections.

2) The contribution limits in current law are more reasonable than those in the proposal. Lower contribution limits may mean that candidates spend more time fundraising than talking with voters about positions on issues. Contribution limits may benefit incumbents since challengers must typically outspend incumbents to overcome name recognition and other advantages of an officeholder. In addition, the proposal may give wealthy candidates a greater advantage over other candidates since candidates can spend an unlimited amount of their own money on their campaign. Further, small donor committees may have an advantage over individuals and political committees because they can contribute ten times more money to candidates.

3) Voluntary spending limits restrict the amount of money available to a candidate to communicate his or her positions to voters. As a result, when voters cast their ballots, they will have less information about candidates than they currently do, which will undermine public confidence in the process and the officials elected. In any event, if candidates are required to limit the amounts they can raise in political campaigns, interest groups will spend money in elections through indirect forms of political support, none of which need to be reported to election officials or the public.

4) Disclosure requirements in current law are sufficient and are a better way to regulate campaign finance. Press reports and opposition campaigns already make the sources of candidates' funding public. Requiring people to disclose their occupation and employer when they contribute over a certain amount of money may discourage people from donating to a candidate or organization.

5) Since the voluntary spending limit applies to both a primary and general election, a candidate who faces a primary election may be at a financial disadvantage compared to a candidate who does not have a primary. Accordingly, the voluntary spending limits may reduce or restrict candidate participation and communication with voters.

Estimate of Fiscal Impact

The proposal is expected to increase state and local revenues and expenditures. State revenue is expected to increase by $1,200 per year from fines imposed on late filings of campaign finance reports. State expenditures of the Colorado Department of State will increase due to the proposal's increased reporting requirements for both small donor committees and "electioneering" communications. These costs are expected to total $86,768 in budget year 2002-03. Beginning July 1, 2003, the proposal will increase the department's costs by an

estimated $94,480. These costs include salaries and benefits for two additional employees. The proposal will also increase the number of campaign finance reports filed with local election officials.

AMENDMENT 28
MAIL BALLOT ELECTIONS

The proposed amendment to the *Colorado Revised Statutes*:

- requires most elections held after January 1, 2005, to be conducted only by mail ballot and eliminates voting in precinct polling locations;
- allows local election officials to determine the method of voting in the few elections that do not require mail ballots;
- requires all mail ballots to be returned in a signed envelope either by mail, at drop-off sites, or at designated polling locations on election day;
- adds new security and other requirements for conducting elections by mail and for qualifying ballots before votes are counted; and
- increases the penalties for mail-ballot election fraud and other offenses.

Background

Current law allows certain elections to be held exclusively by mail ballot. Mail ballot elections cannot be used when political party candidates are on the ballot. For example, mail ballot elections are not allowed for a primary, general, or congressional vacancy election or any election held on the same day as these elections. Current law also allows voters in any election to vote by mail using an absentee ballot. This proposal requires that all elections, except certain local elections, be held by mail ballot.

Mail ballot elections under current law. Currently, when an election is conducted by mail, each active registered voter is sent a packet of election materials 15 to 25 days before election day. This packet contains a ballot, instructions for completing the ballot, an inner envelope, and a return envelope. A voter must complete the ballot, place it in the inner envelope, sign and date the return envelope, and

send the packet back to the election official in the return envelope. A ballot must be received by an election official before 7 p.m. on election day to be counted. Before opening the packet, an election official checks that the signature on the envelope matches the printed name on the envelope. If the names match and the ballot is otherwise qualified, it is ready to be counted. The Secretary of State is responsible for overseeing mail ballot elections, which are conducted by local election officials.

Proposed changes for mail ballot elections. The Secretary of State is required to supervise mail ballot elections and develop rules to implement the proposal. Local election officials are required to follow new procedures for conducting mail ballot elections. For example, beginning in 2005, the proposal requires election judges to compare the signature on the ballot envelope against the voter's signature on file with the election official. Signatures that do not match must be reviewed by two other election judges from different political parties. If an election law appears to have been violated, the judges are required to submit questionable signatures to the district attorney. The proposal increases the maximum fine for falsely submitting a ballot or unduly influencing a voter from $5,000 to $10,000.

Proposed changes for polling booth voting. For elections involving political party candidates, the proposal requires election officials to maintain polling booth locations on election day at public high schools prior to 2010. Beginning in 2010, election officials must maintain at least one polling booth location in the county. Under the proposal, voters at polling booth locations may use private voting booths to cast the ballot received in the mail or a replacement ballot obtained at the polling booth location. Ballots cast at polling places are enclosed in an inner envelope and a signed return envelope, just like ballots returned by mail or at a drop-off site. In contrast, current law requires a separate polling place for each precinct in elections involving political party candidates. Also, voters currently cast ballots provided to them at the polling place, without a name or other mark to identify the voter.

Arguments For

1) Voting by mail is convenient and may increase the number of voters participating in elections. In the November 2001 election, mail ballot elections may have increased voter turnout since counties with mail ballot elections had an average turnout of 41 percent while those with traditional polling places had a turnout of 32 percent. People can complete their ballots where and when they have time to consider the

candidates and issues. Inconveniences such as bad weather, child care arrangements, or long lines at the polls will no longer be obstacles to voting. In addition, allowing citizens to vote early may limit the influence of last-minute negative campaigning.

2) This proposal expands the current practice of conducting elections by mail and adds new security precautions. In the November 2001 election, more than 88 percent of all votes were cast by mail. This and other mail ballot elections, along with an increasing number of votes cast by absentee ballot, have given election officials experience in conducting elections by mail. In addition, the proposal adds new provisions to improve the security of all mail ballot elections, such as requiring election officials to verify voter signatures.

3) Mail ballot elections may be less expensive for governments to conduct than other elections because they eliminate the need for voting machines and reduce the need for election judges for each precinct. In addition, with ballots sent automatically to voters and all voters using the same type of ballot, mail ballot elections may be a more uniform system than Colorado's current election system.

Arguments Against

1) Mail ballots are vulnerable to fraud because the ballots are out of the control of voters and election officials while being delivered. These ballots can be illegally cast, stolen, or sold. The signature verification process is new and subject to the opinion of election judges who may not be able to distinguish between forged and valid signatures. As a result, some forged ballots may be counted, and some valid ballots may be disqualified. Mail ballots may also be disqualified for procedural reasons such as missing the deadline for returning a ballot; sending a ballot with insufficient postage; errors by post office and election officials; or not signing, dating, or listing an address on the return envelope.

2) People who vote by mail may be subject to pressure from employers, family members, and interest groups to vote a certain way when they complete their ballot away from the protection of election judges and private voting booths. Ballot secrecy is also threatened because a voter's name is clearly visible on the return envelope.

3) This proposal is unnecessary because voters can already choose to vote by mail by using an absentee ballot. Also, voters may currently obtain a sample ballot to help familiarize themselves with the issues before casting their vote at a polling place. Mail ballot voting may even lessen voters' ability to cast an informed vote if they vote early and

miss out on late-breaking news. Politicians may lengthen their political campaigns to appeal to early voters. Furthermore, this proposal may confuse voters by eliminating traditional voting methods.

Estimate of Fiscal Impact

The proposal requires most elections held after January 1, 2005, to be conducted by mail. Elections conducted by mail may cost less than other elections because the cost of mailing ballots to voters is often less than the cost for traditional voting machines and election judges in each precinct. However, the proposal increases costs in the short term to purchase and upgrade county voting systems.

The proposal requires election officials to compare the signature on a mail ballot with the signature on file in the county clerk's office. New computer technology and a signature database would be required in most county clerk offices for election judges to be able to compare signatures from ballots with existing signatures on file. Currently, nineteen counties use a voter registration system supported by the state. This system would need to be modified to accommodate the requirement for signature comparison. Assuming that the requirements of the bill are implemented over two years, the modifications to the system are expected to cost the state $143,565 in budget year 2002-03 and $98,000 in budget year 2003-04. These costs would be paid from fees charged by the Department of State. A portion of these costs would be paid to extract signatures from the Department of Revenue's driver license database. Any costs associated with obtaining signatures in an electronic form would be paid by counties. Election officials would be responsible for paying postage costs for sending ballot packets to voters, but voters would pay the postage to return completed ballots.

AMENDMENT 29
SELECTING CANDIDATES FOR PRIMARY ELECTIONS

The proposed amendment to the *Colorado Revised Statutes*:

- eliminates the role of neighborhood caucus and assembly meetings in selecting candidates for the primary ballot;
- requires all major political party candidates to obtain a requisite number of petition signatures to appear on the primary ballot;

- changes the number of petition signatures required to qualify for the ballot for all but two political offices and expands the time allowed for collecting signatures;

- allows a candidate to include a 100-word personal statement on his or her petition;

- modifies the procedure for challenging and resolving conflicts about petition signatures; and

- does not require the election official to investigate the validity of signatures.

Background

State law sets forth the process for major political parties (currently the Democratic and Republican parties) to select candidates for the primary ballot. At a primary election, registered Democrats and Republicans vote for candidates to represent their party at the general election in November. To get on the primary ballot, candidates must either obtain votes cast at assembly meetings or collect petition signatures from voters affiliated with their party. Candidates designated through the assembly process are listed on the ballot before candidates who use the petition process. This proposal eliminates the option of obtaining votes at assemblies and requires all candidates to collect petition signatures to get on the primary ballot.

The caucus and assembly process. Under current law, caucus meetings are organized within each local election precinct to discuss political candidates and issues. To participate in a precinct caucus, a person must be registered to vote and must be affiliated with a major political party. At each neighborhood caucus, delegates are elected to attend an assembly. At an assembly, delegates vote to select the party's candidates for county, legislative, congressional, or statewide races. Candidates who receive at least 30 percent of the delegate votes cast at their assembly appear on the primary ballot. Most candidates are placed on the primary ballot through the caucus and assembly process.

The petition process. Currently, a candidate may choose to bypass the caucus and assembly process and collect petition signatures in order to appear on the primary ballot. The option to collect signatures also presently exists for any candidate who receives between 10 and 30 percent of the votes cast at the assembly. Any candidate who receives less than 10 percent of the vote at an assembly cannot be on the primary ballot.

Signature requirements. The proposal changes the number of signatures required to get on the primary ballot for most political offices, in most cases reducing the number from current law. Table 1 shows the signature requirements of current law and this proposal.

Table 1. Current and Proposed Petition Signature Requirements

Political Offices	Current Requirement for 2002 Primary Ballot	Proposed Signature Requirement
U.S. Senator and Governor	10,500; 1,500 from each congressional district	5,000; with at least 250 from each congressional district
U.S. Representative	1,000	1,000
Treasurer, Secretary of State, Attorney General	10,500; 1,500 from each congressional district	2,500; with at least 125 from each congressional district
State Board of Education or CU Regent	10,500 for at-large with 1,500 from each congressional district; 1,000 for districts	500 for at-large 250 for districts
State Legislator	474 to 1,000 for Senator 85 to 1,000 for Representative	300 for Senator 150 for Representative
Regional Transportation District (RTD) Board	250	250
District Attorney	1,000	200
County Offices	20 percent of the votes cast in previous election	50 in a county with fewer than 50,000 residents; 100 elsewhere

The proposal extends the time allowed for collecting signatures from roughly two months to roughly six months. Under current law, candidates may begin collecting signatures on the first Monday in April. This proposal allows candidates to begin collecting signatures as early as November 15 of the year before the election. The proposal also requires that signatures be submitted earlier in the year. Current law requires signatures to be submitted 70 days before the August primary election; this proposal requires signatures to be submitted 95 days before the primary. An election official has seven days to review the petitions and notify the candidate whether the petition appears to be sufficient. A person protesting the election official's decision must identify specific names being challenged and the basis for challenging those names. A protester may also be charged a fee that is reasonably related to the election official's cost of validating the signatures.

Arguments For

1) In Colorado, most candidates have been placed on primary ballots through the caucus and assembly process. Because caucus participation has been low, this process is often controlled by a relatively small number of party activists. The control of the caucus and assembly process by a limited number of people may pose a problem where one party has such a majority in a district that the primary election effectively determines the eventual winner in the general election. This proposal provides for a single system of nominating candidates through petitions.

2) This proposal may open up the political process to a greater number of candidates with a wider range of political views, giving voters more choice at the primary election. In 2000, only one in eight primary races was contested. Expanding the time allowed to collect signatures and reducing the number of signatures required make it easier for candidates to petition onto the primary ballot. With more choice among candidates, people may be more likely to vote in primary elections.

3) By eliminating the selection of candidates through caucuses and assemblies, this proposal makes Colorado consistent with those states that do not use such processes to place candidates on primary ballots. Political parties can still hold caucus and assembly meetings, and people can attend these meetings to discuss issues, party platforms, and candidates. The proposal allows political parties to spend their energy supporting their candidates in the more-important general election.

Arguments Against

1) Caucuses and assemblies are a good way for candidates and voters to meet and discuss issues, and anyone who is interested can attend. By eliminating the selection of candidates at assemblies, the proposal discourages citizens from being active in major political parties. As a result, the proposed system might actually give voters less information about candidates and fewer opportunities for direct interaction with candidates.

2) Colorado's current system offers more options for candidates than this proposal offers. The current system, which has been in place for decades, already allows candidates to petition onto the ballot. Also, incumbents should not have to collect signatures to indicate a minimum level of support within the party. This proposal takes away an incentive for attending party meetings, which may cause Colorado's

major political parties to become fragmented and less able to set a cohesive statewide agenda. In addition, the proposal sets fixed signature requirements that do not automatically change with changes in the state's population.

3) By requiring an individual to declare his or her candidacy almost one month earlier than under current law, the proposal could prevent or deter some people from running for office. This timeline also lengthens the primary election season, and the political advertising that goes along with it, by one month. Collecting signatures may divert resources from promotion of a candidate's campaign message. Also, candidates will have to pay to challenge the validity of petition signatures.

Estimate of Fiscal Impact

The proposal will increase the number of petitions that must be reviewed by state and local election officials, although the number of signatures required on each petition is lower in many cases. Overall, the proposal is expected to increase the workload of the Colorado Department of State and county clerks in reviewing petitions and verifying petition signatures. The costs to the Department of State are expected to total $79,040 in budget year 2003-04, including costs for additional temporary staff and computer programming. In budget year 2005-06 and every other budget year thereafter, the department's costs are estimated to be $64,000 for temporary staff.

The proposal allows an election official to impose a fee for handling protests of the official's decision. The amount of any additional fee revenue will depend on the number of protests filed under the proposal. This additional revenue has not been estimated.

AMENDMENT 30
ELECTION DAY VOTER REGISTRATION

The proposed amendment to the Colorado Constitution:

- allows eligible Coloradans to register to vote and to cast a ballot on election day for all elections conducted after January 1, 2004.

Background

Colorado currently allows individuals to register to vote at various locations and by mail at any time up to 29 days before an election. A person is eligible to register to vote if he or she is a U.S. citizen, is eighteen years old at the time of the election, and is a resident of Colorado and the precinct in which he or she will vote for at least 30 days before the election. An individual registers by signing an affidavit that he or she meets the eligibility requirements. A person who is registered to vote in Colorado, but who moved and failed to re-register, may re-register at any time at their county clerk's office or on election day at their precinct polling place.

This proposal allows eligible individuals who are not registered to register and vote on election day by presenting valid identification at their precinct polling place or county clerk's office. Valid identification includes either a Colorado driver license, state identification card, or other documentation approved by state election officials.

The proposal applies to all elections including primary, general, special district, and municipal elections. The legislature is directed to enact necessary laws to protect against voter fraud.

Arguments For

1) Allowing people to register to vote on election day is likely to increase voter participation. Of the six states that allow election day voter registration, four have the highest rates of voter turnout in the country, and all but one have voter turnout higher than Colorado. Public interest in political campaigns generally peaks in the weeks before an election, after voter registration ends. This proposal encourages voter participation by making registration and voting as simple and convenient as possible.

2) The current requirement that a person register 29 days prior to an election is a barrier to voting. Election day voter registration provides more opportunity for people to register and vote. It would make voting more accessible for new residents, rural voters, college students, and people with limited access to transportation.

3) Colorado's reputation as a state with little election fraud will continue with election day voter registration. As a requirement for registration at the polls, an approved form of photo identification must be provided. Colorado already imposes significant penalties for election fraud, and the proposal requires that the legislature enact

further safeguards as necessary. The six states that register voters on election day do not report problems with increased voter fraud.

Arguments Against

1) Allowing people to register to vote on election day may increase opportunities for voter confusion. The current 29-day registration deadline gives election officials an opportunity to verify that individuals are registered at only one address in the state. A list at each precinct indicates who is registered and who has already voted in the election. Allowing people to register on election day eliminates a safeguard against multiple votes. Further, the identification required by the proposal does not prove citizenship or residency. Because of voter confusion, some states have eliminated or are considering eliminating same-day voter registration.

2) Coloradans already have ample opportunities to register before an election. In the 2000 election, 73 percent of the state's voting age population were registered, active voters, and Colorado's voter turnout was higher than the national average. An individual may register to vote at many locations around the state, including any motor vehicle office, offices of political parties and candidates, libraries, temporary sites such as grocery stores, or social services offices. Registration forms may also be printed from the Internet and mailed to or dropped off at county clerks' offices.

3) Election day voter registration could be expensive for local governments to implement. Counties, cities, and special districts may have to provide additional staff and the necessary training for precinct workers. Additional ballots and computer equipment, telephones, and other administrative tools to prevent fraud could also add costs. Local governments could be required to staff precincts to register voters during a mail ballot election, even if voting is not taking place at the polling site. Voters may have to wait in long lines while election officials help people fill out forms and present identification.

Estimate of Fiscal Impact

Costs may be incurred for printing additional ballots, additional election officials at polling places, and computer-related expenses to register voters. Other costs to the offices of the county clerk are dependent upon the protections the legislature will require to prevent voter fraud.

AMENDMENT 31
ENGLISH LANGUAGE EDUCATION

The proposed amendment to the Colorado Constitution:

- requires that all public school students be taught in English unless they are exempted under the proposal;
- requires students who do not speak English (English learners) to be taught English through sheltered English language immersion programs and to be transferred to a regular classroom, generally after one year, unless a waiver is granted;
- allows parents or legal guardians to request a waiver from English immersion requirements under limited conditions and gives schools the power to approve or deny the request;
- authorizes a parent or legal guardian to sue for enforcement of the proposal and provides detailed penalties for teachers, administrators, and school board members; and
- requires all English learners in grades two through twelve to be tested annually in English using a national test of various academic subjects.

Background

Current federal and state laws require school districts to identify English learners, to test their English proficiency annually, and to establish programs to teach these students the English skills necessary to participate in a school's regular education program. Over 70,000 public school students, or approximately 9 percent of Colorado's public school enrollment, qualify as English learners. Generally, these students receive English language assistance through one of the following types of programs.

English as a Second Language: In English as a Second Language (ESL) programs, English learners are taught entirely in English or mainly in English with some native language assistance. Typically, ESL classes include students with different native languages. English learners may attend the ESL program for a part of the day to work strictly on English skills, or attend for a full day and focus both on English and other academic subjects.

- ***Bilingual education programs***: In bilingual programs, English learners are taught academic subjects in their native language while learning English. Bilingual classes usually have students who share the same native language. The length and content of bilingual programs vary, with some programs emphasizing the development of native language skills more than others.

- ***Dual language programs or dual immersion programs***: In dual language programs, subjects are taught in two languages in order to develop proficiency in both languages. Students in these programs may be fluent in English or be English learners.

Proposal for English immersion programs. The proposal requires school districts to teach English learners in English immersion programs. In these immersion programs, students will be taught English and other academic subjects in English at a level appropriate to their language skills. Generally, the length of time for students to participate in the program is one year, after which time students will begin attending regular classes. School districts may place English learners of different ages, but with similar English skills, in the same classroom. The proposal's requirements do not apply to foreign language programs or to special education programs.

Parents or legal guardians may request a waiver from the English immersion program for their child. Students who may be eligible for a waiver include: students who already possess adequate English skills, students who are ten years of age or older, and students with special needs. School officials decide whether to grant or deny the request for the waiver. Schools in which twenty or more students of the same grade level have received a waiver are required to offer a different type of program, such as a bilingual program. In all other cases, students with a waiver may transfer to a school that offers a different type of program of instruction.

Parents or legal guardians of any Colorado public school student may sue for enforcement of the proposal. Additionally, a school district employee or board member may be sued and may be held personally liable for "willfully and repeatedly" failing to implement English immersion programs. A final enforcement provision concerns parents of children with special needs. Parents who receive a waiver for their child with special needs have a ten-year window during which they may sue school officials for issuing the waiver, if the parents conclude that the waiver injured the education of their child.

Arguments For

1) Learning English as quickly as possible ensures that English learners are not left behind their peers. Current programs, including bilingual education, have not adequately addressed the needs of English learners, and this proposal provides a different approach. Under the proposal, English learners will be taught in English and placed into a school's regular academic program after one year. Learning English quickly will enable English learners to develop the necessary skills and knowledge to improve their future education and career choices.

2) Colorado needs a uniform statewide policy for teaching English learners. English learners who move between school districts may encounter different programs, which can delay their academic progress. Further, students should not be used as a part of educational experiments, as school districts try out different approaches to English instruction. The proposal focuses on students' acquisition of solid English skills, rather than the maintenance of native language skills, and provides a uniform philosophy for school districts. School districts retain enough flexibility to tailor programs to their students' needs.

3) Once English learners become reasonably fluent in English, they will be transferred into regular classrooms, increasing their opportunities to practice and use English. In addition, cultural awareness and interaction between children of different backgrounds will enhance the education of all children.

Arguments Against

1) The proposal restricts parental choice and local control of education. Many parents want their children to develop skills in more than one language so that they will be better prepared to live and work within a global economy. By requiring that all instruction be in English, the proposal limits the ability of school districts to offer innovative language programs, even if the programs are effective and respond to the needs and wishes of the school community. In addition, school districts may be cautious in granting waiver requests from parents seeking different programs because of the possibility of legal action against the school and its employees. Any teacher, administrator, or school board member who is found in violation of this amendment is subject to a lawsuit, and restricted from teaching or holding public office for five years. Parents retain the right to sue school district employees and school board members for up to ten years.

2) The speed by which a student learns cannot be mandated by law. The proposal creates an unrealistic expectation that English can be learned by all children in one year. However, the speed by which a child becomes fluent in English depends on the child's age, cultural circumstances, previous education, and socioeconomic background. Some children may take longer than one year to achieve a level of proficiency comparable to their English-speaking peers. If programs are too rigid, students' individual needs may not be met.

3) The proposal adds another layer of testing requirements for English learners. School districts will have to test English learners in English every year using a national test in addition to the Colorado Student Assessment Program (CSAP) tests. The additional testing for English learners means further administrative expense and time away from classroom teaching.

Estimate of Fiscal Impact

While the proposal will not increase or decrease state expenditures, local school districts' expenditures will be impacted. Under the proposal, some school districts will have to revamp their curricula, staff assignments, and testing procedures. However, the net impact to all school districts cannot be predicted because the impacts will vary depending on how each individual school district implements the proposal.

REFERENDUM A
EXEMPT ELECTED DISTRICT ATTORNEYS FROM TERM LIMITS

The proposed amendment to the Colorado Constitution:

- eliminates term limits for elected district attorneys.

Background

Term limits. Colorado has term limits for elected state and local officials. The Colorado Constitution limits the length of office for the governor, lieutenant governor, secretary of state, state treasurer, and attorney general to two consecutive four-year terms. Members of the Colorado legislature may serve up to four consecutive two-year terms in the House of Representatives and two consecutive four-year terms

in the Senate. Members of the State Board of Education and the University of Colorado Board of Regents are limited to two consecutive six-year terms.

The maximum term of office for local elected officials is two consecutive terms. Although not expressly stated in the constitution, the Colorado Attorney General interprets the limits on terms of local elected officials to also apply to elected district attorneys. The Colorado Constitution allows the voters of a political subdivision to eliminate or change the term limits for a local official. However, the Colorado Secretary of State determined that only the state legislature can put a proposal before the voters of a judicial district to alter term limits for that district. District attorney term limits can also be altered through a constitutional amendment. This proposal amends the constitution to repeal term limits for district attorneys.

District attorneys. Colorado is divided into 22 judicial districts. The voters in each judicial district elect one district attorney who is responsible for the prosecution of criminal cases in that district. The district attorney determines which crimes to prosecute and recommends a penalty to the court. The district attorney also provides legal advice to police officers, assists in preparing search warrants, advises grand jury investigations, and may defend the counties of the district in court. In addition, the district attorney oversees an office of deputy district attorneys and support staff and prepares and administers a budget for the office. The Colorado Constitution requires a district attorney to be a licensed attorney for at least five years prior to being elected and to be a resident of the district throughout his or her term in office. A district attorney's term of office is four years.

Arguments For

1) Eliminating term limits allows residents of a judicial district to retain the expertise and experience of their district attorney. District attorneys must have specialized legal skills including knowledge of criminal law, court procedures, and police functions. Seventeen of the 22 district attorneys, with a combined total of over 200 years in office, will be term limited in 2004.

2) Term limits are unnecessary because district attorneys are already accountable to the public. Voters may remove a district attorney through the normal election process or by a recall election. District attorneys work in a public forum where their acts are a matter of public record and open to review by citizens. Further, smaller, more rural districts may have difficulty attracting a candidate who meets the requirements of the position.

3) This proposal would eliminate the destabilizing effect that term limits could have on a district attorney's office. Citizens and law enforcement officers within a judicial district rely on consistent law enforcement practices that may change when term limits force a district attorney to step down. New district attorneys may be placed at a disadvantage when taking over complex cases from a term-limited district attorney. In addition, term limits might discourage skilled attorneys from running for district attorney as their prosecutorial career could end after two terms. Of the 17 states with term limits, only Colorado limits the length of service for the district attorney.

Arguments Against

1) Term limits provide a check on the decision-making power of district attorneys. A district attorney decides who to charge and which crimes to charge. Limiting district attorneys to two terms could lessen any concern the public may have that politically motivated decision-making occurs within the office. An exception should not be made for this elected official who has significant power to enforce criminal laws. In 2004, term limits will affect district attorneys for the first time, and this proposal removes term limits before their effects can be evaluated.

2) Term limits could result in more candidate choices for the voter. Incumbents have name recognition and financial advantages that are difficult for challengers to overcome. In the past 20 years, 78 percent of the district attorneys running for reelection did not have a challenger. Term limits could provide greater opportunity for attorneys who are not career prosecutors to bring new ideas to law enforcement. More competition for the office could also lead to more aggressive prosecutorial policies and greater responsiveness to public opinion over the long term. Unlimited years of service do not necessarily provide the citizens with better prosecutors or a more responsive and sound prosecutorial policy. Voters can be trusted to fill the office with a qualified candidate.

Estimate of Fiscal Impact

The proposal does not increase state or local expenditures or taxes, nor does it affect the amount of taxpayer refunds from either the state or local governments.

REFERENDUM B
PUBLIC/PRIVATE OWNERSHIP OF LOCAL HEALTH CARE SERVICES

The proposed amendment to the Colorado Constitution:

- allows health care services or facilities provided by local governments, such as special districts, counties, and cities, to be provided through a partnership or joint ownership with private companies or individuals;

- provides that a local government's and private company's share of ownership in such services or facilities be based on the amount invested;

- prohibits local governments from going into debt or pledging credit to create and operate health care partnerships; and

- prevents a partnership created to provide a health care service from being considered a local government or public body.

Background

Local government health care services are provided primarily through county and special district hospitals and local health departments. Hospitals operated by local governments provide a range of health care services that are determined by a hospital board and applicable laws. The hospital board is either appointed by county commissioners or elected by the voters. Health departments carry out health programs and control disease. The proposal applies to these services and any other health care services provided by a local government.

In providing health care services, local governments can contract with each other or with private companies or individuals. Local governments can also jointly own health care services or facilities with other government bodies. However, local government health care services and facilities currently cannot be provided through joint ownership or partnership with private companies or individuals. If adopted, this proposal would be the second exemption to the constitutional prohibition on partnerships between local governments and private companies. The constitution currently allows partnerships to provide municipal utility services.

Arguments For

1) This proposal could expand the range of health care services available in communities. The development of health care programs requires considerable investment in new equipment and qualified personnel. Local governments could share the cost and the risk of starting up new facilities, technology, or clinical services with medical equipment companies, private hospitals, physicians, or other privately owned enterprises. Health care services could be expanded to include hospice care, emergency clinics, mobile mammography units, physical therapy, and surgery centers in areas of the state where they are not currently available. Reduced overhead and equipment costs, less duplication of services, and increased health care provider recruitment may result.

2) Health care partnerships may help provide new sources of revenue to keep existing health care facilities open, particularly in rural areas. This proposal gives local governments the flexibility to enter into business relationships that could help keep health facilities fiscally sound, keep dollars in the local community, prevent people from traveling long distances for medical care, and possibly reduce reliance on taxes. Elected local officials who oversee health care operations will continue to determine which services to provide, allowing local governments to maintain decision-making authority over health care services

Arguments Against

1) Demand for a particular health care service should decide where it is provided. If providing services is economically feasible, private companies may provide the health care services without the help of public moneys. Governments should not risk public moneys by investing in private companies, and private companies should not be given the chance to benefit from the investment of public moneys. New partnerships and the private companies involved in these partnerships will not be subject to the same laws and level of public scrutiny as local governments. For example, laws on open public meetings and records and conflict of interest will not apply. In addition, local governments already have the flexibility to contract with private companies to provide health care services without entering into ownership agreements. Contracting offers the efficiency of the private sector with less risk to public moneys.

2) The interests of private companies or individuals may not always be to the public's benefit. This measure does not require private companies or individuals to be in the health care field to participate in these partnerships if the result is to provide a health care service, function, or facility. Companies could influence the types or delivery of health care services provided by partnerships, resulting in changes in health care services to maximize the opportunity for profits for private companies. Higher profits do not guarantee better health care services for local communities served by public health facilities.

Estimate of Fiscal Impact

The fiscal impact on local expenditures and revenues is dependent on the number, if any, of local governments that choose to enter into a partnership with a public or private entity in order to provide health care services. Because the number and nature of these arrangements are unknown, the impact cannot be quantified.

REFERENDUM C
QUALIFICATIONS FOR COUNTY CORONERS

The proposed amendment to the Colorado Constitution:

- permits the legislature to establish qualifications for the office of county coroner, including training and certification requirements.

Background

To run for county coroner, a person must be a U.S. citizen, at least eighteen years old, and a resident of the county for one year prior to an election. These qualifications are outlined in the state constitution. Based on a 1994 ruling by the Colorado Supreme Court, the legislature must have constitutional authority to impose any additional qualifications on the office of county coroner. This proposal allows the legislature to establish qualifications for county coroners, including training and certification requirements. The proposal does not specify the nature or extent of the requirements. The earliest that any qualifications established by the legislature could apply is the 2006 election.

State law requires coroners to determine the cause and manner of death in specific circumstances, including suspicious deaths, unexplained natural deaths, accidents of all types, and suicides. When such a death occurs, coroners must notify the district attorney, take

custody of the body, conduct an independent investigation, cause an autopsy to be performed if necessary, and issue a death certificate. In investigating a death, coroners may have to identify the body, collect and document evidence, obtain medical records, perform tests or examinations of the body, notify the next of kin, or conduct an inquest. Coroners also have the authority to approve or deny organ and tissue donations for transplants in cases under their investigation.

State law encourages, but does not require, candidates for the office of coroner to possess knowledge and experience in the medical-legal investigation of death. Coroners are also encouraged by state law to participate in programs that provide education and training. Training is available through a variety of local and national resources, including a program to become a certified death investigator through the Colorado Coroners Association.

Arguments For

1) The complexities of coroner responsibilities require that the individual who holds the office meet minimum qualifications. Coroners are called upon to investigate numerous types of death which include, but are not limited to, all suspicious deaths, unexplained natural deaths, accidents of all types, and suicides. A coroner should have the expertise to properly determine the cause and manner of death and issue a death certificate. This document is used to determine insurance benefits for survivors and settle legal matters, both criminal and civil. In the event that the death is not properly certified, there may be legal or financial implications.

2) Training helps to ensure efficient, thorough, and accurate death investigations. Coroners work closely with state and federal agencies, physicians, law enforcement agencies, district and other attorneys, and insurance companies. Training may facilitate greater cooperation between coroners and the agencies and individuals with whom they work.

Arguments Against

1) The constitution should not be changed unless a significant problem exists. Currently, 75 percent of counties have coroners or staff members who are certified death investigators, and all counties have access to death investigation educational programs. The goal of training is being achieved without statutory requirements.

2) Allowing the legislature to establish qualifications and training requirements may narrow the pool of possible candidates. The legislature may develop qualifications that are difficult for some rural and smaller counties to implement. For example, candidates may be required to be certified, trained, or hold a medical degree. Such requirements could limit who is eligible for the office and make filling the office difficult.

Estimate of Fiscal Impact

This proposal will not affect state revenues or expenditures and will not require any new state spending. The cost impact to each county will depend on whether the requirements enacted by the legislature are more costly than what counties currently spend for their coroners.

REFERENDUM D
REPEAL OF OBSOLETE CONSTITUTIONAL PROVISIONS

The proposed amendment to the Colorado Constitution:

- removes expired provisions for events that have already occurred;
- strikes an obsolete reference to legislative authority relating to courts; and
- removes a congressional term-limits provision found unconstitutional by the Colorado Supreme Court in 1998.

Background

Expired provisions. The proposal removes four provisions related to the establishment of a statewide court system and judicial reform:

- a requirement that judges for the then newly created Denver juvenile and probate courts be elected at the 1964 General Election;
- a provision transferring cases from county courts to district courts, when district courts became courts of general jurisdiction effective January 1965;
- a provision that allows sitting judges in January 1967 to serve the remainder of their terms during the transition from elected to appointed judges; and

- language terminating the terms of office for sitting members of the Commission on Judicial Qualifications on July 1, 1983, when it was replaced by the Commission on Judicial Discipline.

The proposal removes two provisions relating to debt that has since been repaid:

- a reference to a 1991 state loan to the Limited Gaming Fund for the initial organizational and administrative expenses to establish gaming in Colorado; and
- a provision regarding the use of lottery proceeds collected from April 1, 1993, to June 30, 1998, for various capital construction projects that have been completed.

The proposal removes additional miscellaneous provisions:

- a 1902 provision regarding temporary officers for the newly established City and County of Denver; and
- provisions regarding annexation by Denver, Lakewood, or Aurora permitted between April 1, 1974, and December 20, 1974.

Obsolete reference to legislative authority. The proposal removes language from 1962 granting the state legislature the authority to provide simplified procedures in county courts for claims not exceeding $500. In 1964 and 1976, the state legislature passed laws directing the Judicial Branch to adopt procedures for these courts. The Supreme Court currently provides procedures for all claims filed in county courts and small claims courts.

Unconstitutional provision. The proposal removes a term-limits provision ruled unconstitutional by the Colorado Supreme Court in 1998. The provision directs state and congressional legislators to follow specific steps to amend the federal constitution to implement congressional term limits, and directs the state to note on the ballot which legislators failed to comply. The court found the provision violates the U.S. Constitution because it takes away the ability of state and congressional legislators to use their own judgment and, in effect, forces them to vote in a particular way.

Argument For

1) The proposal updates the constitution by deleting an unconstitutional provision, irrelevant language, and procedures that no longer serve a useful purpose. The state constitution should not be cluttered with obsolete provisions.

Argument Against

1) The proposal eliminates provisions that express the will of the people on term limits or have other historical significance. Removing these provisions may diminish the historical character of the constitution and make future research of constitutional provisions and state laws more difficult.

Estimate of Fiscal Impact

The proposal does not affect state or local revenues or expenditures.

REFERENDUM E
CESAR CHAVEZ STATE HOLIDAY

The proposed amendment to the *Colorado Revised Statutes*:

- designates March 31st as "Cesar Chavez Day" and makes it a legal holiday for state employees.

Background

Cesar Estrada Chavez was an American civil rights and labor leader. He was born near Yuma, Arizona, on March 31, 1927, and died in 1993. After eighth grade, he left school and worked full time as a migrant farm worker to help support his family. He served in the U.S. Navy during World War II. During the 1950s, he was an organizer in the Community Service Organization, a civil rights group. Later, he founded the organization now known as the United Farm Workers of America. Through peaceful strikes and boycotts, his efforts resulted in agricultural labor reforms such as safe and sanitary working conditions, higher wages, and medical coverage. After his death, Cesar Chavez was awarded the Presidential Medal of Freedom, which is the highest civilian honor bestowed by the federal government.

State holidays in Colorado. The proposal increases the number of paid holidays for state employees from ten to eleven starting in 2003. Currently, the state holidays in Colorado are New Year's Day, Dr. Martin Luther King, Jr. Day, Washington-Lincoln Day (also known as Presidents' Day), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. Under current Colorado law, March 31st is recognized as an optional holiday in honor of Cesar Chavez. State agencies are required to remain open on that day. Employees may take the day off with pay if they work another weekday holiday in the same budget year, provided the state agency is open.

Recognition of Cesar Chavez. Three other states recognize Cesar Chavez. It is a state holiday in California and an optional holiday in Texas. Arizona recognizes March 31st as Cesar Chavez Day but does not make it a holiday. On the November 2002 ballot, New Mexico voters will consider a constitutional amendment designating the last Friday in March as a state holiday honoring Cesar Chavez. In Colorado, the City and County of Denver designates the last Monday in March as a holiday honoring Cesar Chavez.

School year holidays in Colorado. Local boards of education set the holidays for the annual school calendar around the minimum hours of state-required school days. If this proposal is adopted, each local board of education will determine if Cesar Chavez Day is a school holiday.

Arguments For

1) Cesar Chavez should be honored in Colorado with a state holiday rather than an optional holiday. Holidays honoring individuals focus the public's attention on the individual's contribution to American history and culture. Cesar Chavez was a nationally respected voice for social and economic justice for farm workers, especially Hispanics.

2) Many states designate holidays to honor individuals or groups important to citizens of their state. For example, Illinois celebrates Casimir Pulaski Day, Hawaii celebrates King Kamehameha Day, and Wyoming celebrates Native American Day. Cesar Chavez is a role model for all Colorado citizens for his nonviolent approach to social change, and especially for Colorado's Hispanic community. If approved, this proposal would establish eleven state holidays in Colorado, which is the same as the average number of holidays for state employees in other states.

Arguments Against

1) The proposal is not needed because the state currently recognizes Cesar Chavez. There are many people who deserve recognition and many ways to celebrate and honor a person's life and accomplishments without taking a day off from work. State employees already have ten days off compared to an average of nine days off for private sector employees. Another state holiday may pose a hardship on those who rely on the daily operations of state agencies.

2) Colorado cannot afford a new holiday due to its weakened economy. This proposal will cost the state approximately $477,000 this year because some agencies will be required to pay holiday wages to employees who will have to work on Cesar Chavez Day. If approved, the legislature may have to shift money from other state programs to pay for the holiday. Additionally, a new holiday will cost the state about $10 million annually in lost employee productivity.

Estimate of Fiscal Impact

The proposal creates one day of lost employee productivity at a cost of about $10.1 million each state budget year. Additionally, $477,000 in new state expenditures and $53,800 in federal expenditures will be needed to pay holiday wages to those employees working in facilities open 24 hours per day, seven days per week. These facilities include state prisons and human services centers.

AMENDMENT 27
CAMPAIGN FINANCE

Ballot Title: An amendment to the Colorado constitution concerning campaign finance, and, in connection therewith, reducing the amount of campaign contributions that persons may make to candidate committees, political committees, and political parties; establishing contribution limits for small donor committees; prohibiting candidate committees and political parties from making or accepting certain contributions; restricting the amount of contributions political parties and political committees may accept from certain sources; limiting contributions and expenditures that may be made by corporations or labor organizations; creating voluntary campaign spending limits; providing for a periodic adjustment of contribution and voluntary spending limits; specifying the treatment of unexpended contributions; requiring the disclosure of information about persons making electioneering communications above a specified amount; defining electioneering communications as certain near-election communications that unambiguously refer to a candidate and are targeted to voters; and incorporating into the constitution existing statutory provisions, with amendments, regarding definitions, deposits of contributions, limits on cash contributions, notice and disclosure of independent expenditures, reporting of contributions and expenditures, civil penalties, and duties of the secretary of state.

Text of Proposal:

Be it enacted by the people of the state of Colorado:

The constitution of the state of Colorado is amended BY THE ADDITION OF A NEW ARTICLE:

ARTICLE XXVIII
CAMPAIGN AND POLITICAL FINANCE

Section 1. Purpose and findings. THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT LARGE CAMPAIGN CONTRIBUTIONS TO POLITICAL CANDIDATES CREATE THE POTENTIAL FOR CORRUPTION AND THE APPEARANCE OF CORRUPTION; THAT LARGE CAMPAIGN CONTRIBUTIONS MADE TO INFLUENCE ELECTION OUTCOMES ALLOW WEALTHY INDIVIDUALS, CORPORATIONS, AND SPECIAL INTEREST GROUPS TO EXERCISE A DISPROPORTIONATE LEVEL OF INFLUENCE OVER THE POLITICAL PROCESS; THAT THE RISING COSTS OF CAMPAIGNING FOR POLITICAL OFFICE PREVENT QUALIFIED CITIZENS FROM RUNNING FOR POLITICAL OFFICE; THAT BECAUSE OF THE USE OF EARLY VOTING IN COLORADO TIMELY NOTICE OF INDEPENDENT EXPENDITURES IS ESSENTIAL FOR

INFORMING THE ELECTORATE; THAT IN RECENT YEARS THE ADVENT OF SIGNIFICANT SPENDING ON ELECTIONEERING COMMUNICATIONS, AS DEFINED HEREIN, HAS FRUSTRATED THE PURPOSE OF EXISTING CAMPAIGN FINANCE REQUIREMENTS; THAT INDEPENDENT RESEARCH HAS DEMONSTRATED THAT THE VAST MAJORITY OF TELEVISED ELECTIONEERING COMMUNICATIONS GOES BEYOND ISSUE DISCUSSION TO EXPRESS ELECTORAL ADVOCACY; THAT POLITICAL CONTRIBUTIONS FROM CORPORATE TREASURIES ARE NOT AN INDICATION OF POPULAR SUPPORT FOR THE CORPORATION'S POLITICAL IDEAS AND CAN UNFAIRLY INFLUENCE THE OUTCOME OF COLORADO ELECTIONS; AND THAT THE INTERESTS OF THE PUBLIC ARE BEST SERVED BY LIMITING CAMPAIGN CONTRIBUTIONS, ENCOURAGING VOLUNTARY CAMPAIGN SPENDING LIMITS, PROVIDING FOR FULL AND TIMELY DISCLOSURE OF CAMPAIGN CONTRIBUTIONS, INDEPENDENT EXPENDITURES, AND FUNDING OF ELECTIONEERING COMMUNICATIONS, AND STRONG ENFORCEMENT OF CAMPAIGN FINANCE REQUIREMENTS.

Section 2. Definitions. FOR THE PURPOSE OF THIS ARTICLE AND ANY STATUTORY PROVISIONS PERTAINING TO CAMPAIGN FINANCE, INCLUDING PROVISIONS PERTAINING TO DISCLOSURE:

(1) "APPROPRIATE OFFICER" MEANS THE INDIVIDUAL WITH WHOM A CANDIDATE, CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR ISSUE COMMITTEE MUST FILE PURSUANT TO SECTION 1-45-109 (1), C.R.S., OR ANY SUCCESSOR SECTION.

(2) "CANDIDATE" MEANS ANY PERSON WHO SEEKS NOMINATION OR ELECTION TO ANY STATE OR LOCAL PUBLIC OFFICE THAT IS TO BE VOTED ON IN THIS STATE AT ANY PRIMARY ELECTION, GENERAL ELECTION, SCHOOL DISTRICT ELECTION, SPECIAL DISTRICT ELECTION, OR MUNICIPAL ELECTION. "CANDIDATE" ALSO INCLUDES A JUDGE OR JUSTICE OF ANY COURT OF RECORD WHO SEEKS TO BE RETAINED IN OFFICE PURSUANT TO THE PROVISIONS OF SECTION 25 OF ARTICLE VI. A PERSON IS A CANDIDATE FOR ELECTION IF THE PERSON HAS PUBLICLY ANNOUNCED AN INTENTION TO SEEK ELECTION TO PUBLIC OFFICE OR RETENTION OF A JUDICIAL OFFICE AND THEREAFTER HAS RECEIVED A CONTRIBUTION OR MADE AN EXPENDITURE IN SUPPORT OF THE CANDIDACY. A PERSON REMAINS A CANDIDATE FOR PURPOSES OF THIS ARTICLE SO LONG AS THE CANDIDATE MAINTAINS A REGISTERED CANDIDATE COMMITTEE. A PERSON WHO MAINTAINS A CANDIDATE COMMITTEE AFTER AN ELECTION CYCLE, BUT WHO HAS NOT PUBLICLY ANNOUNCED AN INTENTION TO SEEK ELECTION TO PUBLIC OFFICE IN THE NEXT OR ANY SUBSEQUENT ELECTION CYCLE, IS A CANDIDATE FOR PURPOSES OF THIS ARTICLE.

(3) "CANDIDATE COMMITTEE" MEANS A PERSON, INCLUDING THE CANDIDATE, OR PERSONS WITH THE COMMON PURPOSE OF RECEIVING CONTRIBUTIONS OR MAKING EXPENDITURES UNDER THE AUTHORITY OF A CANDIDATE. A CONTRIBUTION TO A CANDIDATE SHALL BE DEEMED A CONTRIBUTION TO THE CANDIDATE'S CANDIDATE COMMITTEE. A CANDIDATE SHALL HAVE ONLY ONE CANDIDATE COMMITTEE. A CANDIDATE COMMITTEE SHALL BE CONSIDERED OPEN AND ACTIVE UNTIL AFFIRMATIVELY CLOSED BY THE CANDIDATE OR BY ACTION OF THE SECRETARY OF STATE.

(4) "CONDUIT" MEANS A PERSON WHO TRANSMITS CONTRIBUTIONS FROM MORE THAN ONE PERSON, DIRECTLY TO A CANDIDATE COMMITTEE. "CONDUIT" DOES NOT INCLUDE THE CONTRIBUTOR'S IMMEDIATE FAMILY MEMBERS, THE CANDIDATE OR CAMPAIGN TREASURER OF THE CANDIDATE COMMITTEE RECEIVING THE CONTRIBUTION, A VOLUNTEER FUND RAISER HOSTING AN EVENT FOR A CANDIDATE COMMITTEE, OR A PROFESSIONAL FUND RAISER IF THE FUND RAISER IS COMPENSATED AT THE USUAL AND CUSTOMARY RATE.

(5) (a) "CONTRIBUTION" MEANS:

(I) THE PAYMENT, LOAN, PLEDGE, GIFT, OR ADVANCE OF MONEY, OR GUARANTEE OF A LOAN, MADE TO ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY;

(II) ANY PAYMENT MADE TO A THIRD PARTY FOR THE BENEFIT OF ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY;

(III) THE FAIR MARKET VALUE OF ANY GIFT OR LOAN OF PROPERTY MADE TO ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE OR POLITICAL PARTY;

(IV) ANYTHING OF VALUE GIVEN, DIRECTLY OR INDIRECTLY, TO A CANDIDATE FOR THE PURPOSE OF PROMOTING THE CANDIDATE'S NOMINATION, RETENTION, RECALL, OR ELECTION.

(b) "CONTRIBUTION" DOES NOT INCLUDE SERVICES PROVIDED WITHOUT COMPENSATION BY INDIVIDUALS VOLUNTEERING THEIR TIME ON BEHALF OF A CANDIDATE, CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY; A TRANSFER BY A MEMBERSHIP ORGANIZATION OF A PORTION OF A MEMBER'S DUES TO A SMALL DONOR COMMITTEE OR POLITICAL COMMITTEE SPONSORED BY SUCH MEMBERSHIP ORGANIZATION; OR PAYMENTS BY A CORPORATION OR LABOR ORGANIZATION FOR THE COSTS OF ESTABLISHING, ADMINISTERING, AND SOLICITING FUNDS FROM ITS OWN EMPLOYEES OR MEMBERS FOR A POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE.

(6) "ELECTION CYCLE" MEANS EITHER:

(a) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING A GENERAL ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE NEXT GENERAL ELECTION FOR THAT OFFICE;

(b) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING A GENERAL ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE SPECIAL LEGISLATIVE ELECTION FOR THAT OFFICE; OR

(c) THE PERIOD OF TIME BEGINNING THIRTY-ONE DAYS FOLLOWING THE SPECIAL LEGISLATIVE ELECTION FOR THE PARTICULAR OFFICE AND ENDING THIRTY DAYS FOLLOWING THE NEXT GENERAL ELECTION FOR THAT OFFICE.

(7) (a) "ELECTIONEERING COMMUNICATION" MEANS ANY COMMUNICATION BROADCASTED BY TELEVISION OR RADIO, PRINTED IN A NEWSPAPER OR ON A BILLBOARD, DIRECTLY MAILED OR DELIVERED BY HAND TO PERSONAL RESIDENCES OR OTHERWISE DISTRIBUTED THAT:

(I) UNAMBIGUOUSLY REFERS TO ANY CANDIDATE; AND

(II) IS BROADCASTED, PRINTED, MAILED, DELIVERED, OR DISTRIBUTED WITHIN THIRTY DAYS BEFORE A PRIMARY ELECTION OR SIXTY DAYS BEFORE A GENERAL ELECTION; AND

(III) IS BROADCASTED TO, PRINTED IN A NEWSPAPER DISTRIBUTED TO, MAILED TO, DELIVERED BY HAND TO, OR OTHERWISE DISTRIBUTED TO AN AUDIENCE THAT INCLUDES MEMBERS OF THE ELECTORATE FOR SUCH PUBLIC OFFICE.

(b) "ELECTIONEERING COMMUNICATION" DOES NOT INCLUDE:

(I) ANY NEWS ARTICLES, EDITORIAL ENDORSEMENTS, OPINION OR COMMENTARY WRITINGS, OR LETTERS TO THE EDITOR PRINTED IN A NEWSPAPER, MAGAZINE OR OTHER PERIODICAL NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(II) ANY EDITORIAL ENDORSEMENTS OR OPINIONS AIRED BY A BROADCAST FACILITY NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(III) ANY COMMUNICATION BY PERSONS MADE IN THE REGULAR COURSE AND SCOPE OF THEIR BUSINESS OR ANY COMMUNICATION MADE BY A MEMBERSHIP ORGANIZATION SOLELY TO MEMBERS OF SUCH ORGANIZATION AND THEIR FAMILIES;

(IV) ANY COMMUNICATION THAT REFERS TO ANY CANDIDATE ONLY AS PART OF THE POPULAR NAME OF A BILL OR STATUTE.

(8) (a) "EXPENDITURE" MEANS ANY PURCHASE, PAYMENT, DISTRIBUTION, LOAN, ADVANCE, DEPOSIT, OR GIFT OF MONEY BY ANY PERSON FOR THE PURPOSE OF EXPRESSLY ADVOCATING THE ELECTION OR DEFEAT OF A CANDIDATE OR UPPORTING OR OPPOSING A BALLOT ISSUE OR BALLOT QUESTION. AN XPENDITURE IS MADE WHEN THE ACTUAL SPENDING OCCURS OR WHEN THERE S A CONTRACTUAL AGREEMENT REQUIRING SUCH SPENDING AND THE AMOUNT S DETERMINED.

(b) "EXPENDITURE" DOES NOT INCLUDE:

(I) ANY NEWS ARTICLES, EDITORIAL ENDORSEMENTS, OPINION OR MMENTARY WRITINGS, OR LETTERS TO THE EDITOR PRINTED IN A NEWSPAPER, MAGAZINE OR OTHER PERIODICAL NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(II) ANY EDITORIAL ENDORSEMENTS OR OPINIONS AIRED BY A BROADCAST FACILITY NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(III) SPENDING BY PERSONS, OTHER THAN POLITICAL PARTIES, POLITICAL COMMITTEES AND SMALL DONOR COMMITTEES, IN THE REGULAR COURSE AND SCOPE OF THEIR BUSINESS OR PAYMENTS BY A MEMBERSHIP ORGANIZATION FOR ANY COMMUNICATION SOLELY TO MEMBERS AND THEIR FAMILIES;

(IV) ANY TRANSFER BY A MEMBERSHIP ORGANIZATION OF A PORTION OF A MEMBER'S DUES TO A SMALL DONOR COMMITTEE OR POLITICAL COMMITTEE SPONSORED BY SUCH MEMBERSHIP ORGANIZATION; OR PAYMENTS MADE BY A CORPORATION OR LABOR ORGANIZATION FOR THE COSTS OF ESTABLISHING, ADMINISTERING, OR SOLICITING FUNDS FROM ITS OWN EMPLOYEES OR MEMBERS FOR A POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE.

(9) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE THAT IS NOT CONTROLLED BY OR COORDINATED WITH ANY CANDIDATE OR AGENT OF SUCH CANDIDATE. EXPENDITURES THAT ARE CONTROLLED BY OR COORDINATED WITH A CANDIDATE OR CANDIDATE'S AGENT ARE DEEMED TO BE BOTH CONTRIBUTIONS

BY THE MAKER OF THE EXPENDITURES, ANI
COMMITTEE.

(10)(a) "ISSUE COMMITTEE" MEANS ANY PERSON, OTHER THAN A NATURAL PERSON, OR ANY GROUP OF TWO OR MORE PERSONS, INCLUDING NATURAL PERSONS:

(I) THAT HAS A MAJOR PURPOSE OF SUPPORTING OR OPPOSING ANY BALLOT ISSUE OR BALLOT QUESTION; OR

(II) THAT HAS ACCEPTED OR MADE CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF TWO HUNDRED DOLLARS TO SUPPORT OR OPPOSE ANY BALLOT ISSUE OR BALLOT QUESTION.

(b) "ISSUE COMMITTEE" DOES NOT INCLUDE POLITICAL PARTIES, POLITICAL COMMITTEES, SMALL DONOR COMMITTEES, OR CANDIDATE COMMITTEES AS OTHERWISE DEFINED IN THIS SECTION.

(c) AN ISSUE COMMITTEE SHALL BE CONSIDERED OPEN AND ACTIVE UNTIL AFFIRMATIVELY CLOSED BY SUCH COMMITTEE OR BY ACTION OF THE APPROPRIATE AUTHORITY.

(11) "PERSON" MEANS ANY NATURAL PERSON, PARTNERSHIP, COMMITTEE, ASSOCIATION, CORPORATION, LABOR ORGANIZATION, POLITICAL PARTY, OR OTHER ORGANIZATION OR GROUP OF PERSONS.

(12) (a) "POLITICAL COMMITTEE" MEANS ANY PERSON, OTHER THAN A NATURAL PERSON, OR ANY GROUP OF TWO OR MORE PERSONS, INCLUDING NATURAL PERSONS THAT HAVE ACCEPTED OR MADE CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF $200 TO SUPPORT OR OPPOSE THE NOMINATION OR ELECTION OF ONE OR MORE CANDIDATES.

(b) "POLITICAL COMMITTEE" DOES NOT INCLUDE POLITICAL PARTIES, ISSUE COMMITTEES, OR CANDIDATE COMMITTEES AS OTHERWISE DEFINED IN THIS SECTION.

(c) FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING ARE TREATED AS A SINGLE POLITICAL COMMITTEE:

(I) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE CORPORATION OR ITS SUBSIDIARIES;

(II) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE LABOR ORGANIZATION; EXCEPT THAT, ANY POLITICAL COMMITTEE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A LOCAL UNIT OF THE LABOR ORGANIZATION WHICH HAS THE AUTHORITY TO MAKE A DECISION INDEPENDENTLY OF THE STATE AND NATIONAL UNITS AS TO WHICH CANDIDATES TO SUPPORT OR OPPOSE SHALL BE DEEMED SEPARATE FROM THE POLITICAL COMMITTEE OF THE STATE AND NATIONAL UNIT;

(III) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY THE SAME POLITICAL PARTY;

(IV) ALL POLITICAL COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY SUBSTANTIALLY THE SAME GROUP OF PERSONS.

(13) "POLITICAL PARTY" MEANS ANY GROUP OF REGISTERED ELECTORS WHO, BY PETITION OR ASSEMBLY, NOMINATE CANDIDATES FOR THE OFFICIAL GENERAL ELECTION BALLOT. "POLITICAL PARTY" INCLUDES AFFILIATED PARTY ORGANIZATIONS AT THE STATE, COUNTY, AND ELECTION DISTRICT LEVELS, AND

ALL SUCH AFFILIATES ARE CONSIDERED TO BE A SINGLE ENTITY FOR THE PURPOSES OF THIS ARTICLE, EXCEPT AS OTHERWISE PROVIDED IN SECTION 7.

(14)(a) "SMALL DONOR COMMITTEE" MEANS ANY POLITICAL COMMITTEE THAT HAS ACCEPTED CONTRIBUTIONS ONLY FROM NATURAL PERSONS WHO EACH CONTRIBUTED NO MORE THAN FIFTY DOLLARS IN THE AGGREGATE PER YEAR. FOR PURPOSES OF THIS SECTION, DUES TRANSFERRED BY A MEMBERSHIP ORGANIZATION TO A SMALL DONOR COMMITTEE SPONSORED BY SUCH ORGANIZATION SHALL BE TREATED AS PRO-RATA CONTRIBUTIONS FROM INDIVIDUAL MEMBERS.

(b) "SMALL DONOR COMMITTEE" DOES NOT INCLUDE POLITICAL PARTIES, POLITICAL COMMITTEES, ISSUE COMMITTEES, OR CANDIDATE COMMITTEES AS OTHERWISE DEFINED IN THIS SECTION.

(c) FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING ARE TREATED AS A SINGLE SMALL DONOR COMMITTEE:

(I) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE CORPORATION OR ITS SUBSIDIARIES;

(II) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE LABOR ORGANIZATION; EXCEPT THAT, ANY SMALL DONOR COMMITTEE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A LOCAL UNIT OF THE LABOR ORGANIZATION WHICH HAS THE AUTHORITY TO MAKE A DECISION INDEPENDENTLY OF THE STATE AND NATIONAL UNITS AS TO WHICH CANDIDATES TO SUPPORT OR OPPOSE SHALL BE DEEMED SEPARATE FROM THE SMALL DONOR COMMITTEE OF THE STATE AND NATIONAL UNIT;

(III) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY THE SAME POLITICAL PARTY;

(IV) ALL SMALL DONOR COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY SUBSTANTIALLY THE SAME GROUP OF PERSONS.

(15) "UNEXPENDED CAMPAIGN CONTRIBUTIONS" MEANS THE BALANCE OF FUNDS ON HAND IN ANY CANDIDATE COMMITTEE AT THE END OF AN ELECTION CYCLE, LESS THE AMOUNT OF ALL UNPAID MONETARY OBLIGATIONS INCURRED PRIOR TO THE ELECTION IN FURTHERANCE OF SUCH CANDIDACY.

Section 3. Contribution limits. (1) EXCEPT AS DESCRIBED IN SUBSECTIONS (2), (3), AND (4) OF THIS SECTION, NO PERSON, INCLUDING A POLITICAL COMMITTEE, SHALL MAKE TO A CANDIDATE COMMITTEE, AND NO CANDIDATE COMMITTEE SHALL ACCEPT FROM ANY ONE PERSON, AGGREGATE CONTRIBUTIONS FOR A PRIMARY OR A GENERAL ELECTION IN EXCESS OF THE FOLLOWING AMOUNTS:

(a) FIVE HUNDRED DOLLARS TO ANY ONE:

(I) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

(II) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL CANDIDATE COMMITTEE; AND

(b) TWO HUNDRED DOLLARS TO ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR DISTRICT ATTORNEY CANDIDATE COMMITTEE.

(2) NO SMALL DONOR COMMITTEE SHALL MAKE TO A CANDIDATE COMMITTEE, AND NO CANDIDATE COMMITTEE SHALL ACCEPT FROM ANY ONE SMALL DONOR COMMITTEE, AGGREGATE CONTRIBUTIONS FOR A PRIMARY OR A GENERAL ELECTION IN EXCESS OF THE FOLLOWING AMOUNTS:

(a) FIVE THOUSAND DOLLARS TO ANY ONE:

(I) GOVERNOR CANDIDATE COMMITTEE FOR THE PRIMARY ELECTION, AND GOVERNOR AND LIEUTENANT GOVERNOR CANDIDATE COMMITTEE, AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION, FOR THE GENERAL ELECTION;

(II) SECRETARY OF STATE, STATE TREASURER, OR ATTORNEY GENERAL CANDIDATE COMMITTEE; AND

(b) TWO THOUSAND DOLLARS TO ANY ONE STATE SENATE, STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR DISTRICT ATTORNEY CANDIDATE COMMITTEE.

(3)(a) NO POLITICAL PARTY SHALL ACCEPT AGGREGATE CONTRIBUTIONS FROM ANY PERSON, OTHER THAN A SMALL DONOR COMMITTEE AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THAT EXCEED THREE THOUSAND DOLLARS PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED, AND OF SUCH AMOUNT NO MORE THAN TWENTY-FIVE HUNDRED DOLLARS PER YEAR AT THE STATE LEVEL;

(b) NO POLITICAL PARTY SHALL ACCEPT AGGREGATE CONTRIBUTIONS FROM ANY SMALL DONOR COMMITTEE THAT EXCEED FIFTEEN THOUSAND DOLLARS PER YEAR AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVEL COMBINED, AND OF SUCH AMOUNT NO MORE THAN TWELVE THOUSAND, FIVE HUNDRED DOLLARS AT THE STATE LEVEL;

(c) NO POLITICAL PARTY SHALL ACCEPT CONTRIBUTIONS THAT ARE INTENDED, OR IN ANY WAY DESIGNATED, TO BE PASSED THROUGH THE PARTY TO A SPECIFIC CANDIDATE'S CANDIDATE COMMITTEE;

(d) IN THE APPLICABLE ELECTION CYCLE, NO POLITICAL PARTY SHALL CONTRIBUTE TO ANY CANDIDATE COMMITTEE MORE THAN TWENTY PERCENT OF THE APPLICABLE SPENDING LIMIT SET FORTH IN SECTION 4 OF THIS ARTICLE.

(e) ANY UNEXPENDED CAMPAIGN CONTRIBUTIONS RETAINED BY A CANDIDATE COMMITTEE FOR USE IN A SUBSEQUENT ELECTION CYCLE SHALL BE COUNTED AND REPORTED AS CONTRIBUTIONS FROM A POLITICAL PARTY IN ANY SUBSEQUENT ELECTION FOR PURPOSES OF PARAGRAPH (d) OF THIS SUBSECTION (3);

(4)(a) IT SHALL BE UNLAWFUL FOR A CORPORATION OR LABOR ORGANIZATION TO MAKE CONTRIBUTIONS TO A CANDIDATE COMMITTEE OR A POLITICAL PARTY, AND TO MAKE EXPENDITURES EXPRESSLY ADVOCATING THE ELECTION OR DEFEAT OF A CANDIDATE; EXCEPT THAT A CORPORATION OR LABOR ORGANIZATION MAY ESTABLISH A POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE WHICH MAY ACCEPT CONTRIBUTIONS OR DUES FROM EMPLOYEES, OFFICEHOLDERS, SHAREHOLDERS, OR MEMBERS.

(b) THE PROHIBITION CONTAINED IN PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL NOT APPLY TO A CORPORATION THAT:

(I) IS FORMED FOR THE PURPOSE OF PROMOTING POLITICAL IDEAS AND CANNOT ENGAGE IN BUSINESS ACTIVITIES; AND

(II) HAS NO SHAREHOLDERS OR OTHER PERSONS WITH A CLAIM ON ITS ASSETS OR INCOME; AND

(III) WAS NOT ESTABLISHED BY AND DOES NOT ACCEPT CONTRIBUTIONS FROM BUSINESS CORPORATIONS OR LABOR ORGANIZATIONS.

(5) NO POLITICAL COMMITTEE SHALL ACCEPT AGGREGATE CONTRIBUTIONS OR PRO-RATA DUES FROM ANY PERSON IN EXCESS OF FIVE HUNDRED DOLLARS PER HOUSE OF REPRESENTATIVES ELECTION CYCLE.

(6) NO CANDIDATE'S CANDIDATE COMMITTEE SHALL ACCEPT CONTRIBUTIONS FROM, OR MAKE CONTRIBUTIONS TO, ANOTHER CANDIDATE COMMITTEE, INCLUDING ANY CANDIDATE COMMITTEE, OR EQUIVALENT ENTITY, ESTABLISHED UNDER FEDERAL LAW.

(7) NO PERSON SHALL ACT AS A CONDUIT FOR A CONTRIBUTION TO A CANDIDATE COMMITTEE.

(8) NOTWITHSTANDING ANY OTHER SECTION OF THIS ARTICLE TO THE CONTRARY, A CANDIDATE'S CANDIDATE COMMITTEE MAY RECEIVE A LOAN FROM A FINANCIAL INSTITUTION ORGANIZED UNDER STATE OR FEDERAL LAW IF THE LOAN BEARS THE USUAL AND CUSTOMARY INTEREST RATE, IS MADE ON A BASIS THAT ASSURES REPAYMENT, IS EVIDENCED BY A WRITTEN INSTRUMENT, AND IS SUBJECT TO A DUE DATE OR AMORTIZATION SCHEDULE. THE CONTRIBUTION LIMITS DESCRIBED IN THIS SECTION SHALL NOT APPLY TO A LOAN AS DESCRIBED IN THIS SUBSECTION (8).

(9) ALL CONTRIBUTIONS RECEIVED BY A CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY SHALL BE DEPOSITED IN A FINANCIAL INSTITUTION IN A SEPARATE ACCOUNT WHOSE TITLE SHALL INCLUDE THE NAME OF THE COMMITTEE OR POLITICAL PARTY. ALL RECORDS PERTAINING TO SUCH ACCOUNTS SHALL BE MAINTAINED BY THE COMMITTEE OR POLITICAL PARTY FOR ONE-HUNDRED EIGHTY DAYS FOLLOWING ANY GENERAL ELECTION IN WHICH THE COMMITTEE OR PARTY RECEIVED CONTRIBUTIONS UNLESS A COMPLAINT IS FILED, IN WHICH CASE THEY SHALL BE MAINTAINED UNTIL FINAL DISPOSITION OF THE COMPLAINT AND ANY CONSEQUENT LITIGATION. SUCH RECORDS SHALL BE SUBJECT TO INSPECTION AT ANY HEARING HELD PURSUANT TO THIS ARTICLE.

(10) NO CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY SHALL ACCEPT A CONTRIBUTION, OR MAKE AN EXPENDITURE, IN CURRENCY OR COIN EXCEEDING ONE HUNDRED DOLLARS.

(11) NO PERSON SHALL MAKE A CONTRIBUTION TO A CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY WITH THE EXPECTATION THAT SOME OR ALL OF THE AMOUNTS OF SUCH CONTRIBUTION WILL BE REIMBURSED BY ANOTHER PERSON. NO PERSON SHALL BE REIMBURSED FOR A CONTRIBUTION MADE TO ANY CANDIDATE COMMITTEE, ISSUE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR

COMMITTEE, OR POLITICAL PARTY, NOR SHALL ANY PERSON MAKE SUCH REIMBURSEMENT EXCEPT AS PROVIDED IN SUBSECTION (8) OF THIS SECTION.

(12) NO CANDIDATE COMMITTEE, POLITICAL COMMITTEE, SMALL DONOR COMMITTEE, OR POLITICAL PARTY SHALL KNOWINGLY ACCEPT CONTRIBUTIONS FROM:

(a) ANY NATURAL PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES;

(b) A FOREIGN GOVERNMENT; OR

(c) ANY FOREIGN CORPORATION THAT DOES NOT HAVE THE AUTHORITY TO TRANSACT BUSINESS IN THIS STATE PURSUANT TO ARTICLE 115 OF TITLE 7, C.R.S., OR ANY SUCCESSOR SECTION.

(13) EACH LIMIT ON CONTRIBUTIONS DESCRIBED IN SUBSECTIONS (1), (2), (3)(a), (3)(b) AND (5) OF THIS SECTION, AND SUBSECTION (14) OF SECTION 2, SHALL BE ADJUSTED BY AN AMOUNT BASED UPON THE PERCENTAGE CHANGE OVER A FOUR YEAR PERIOD IN THE UNITED STATES BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER- BOULDER-GREELEY, ALL ITEMS, ALL CONSUMERS, OR ITS SUCCESSOR INDEX, ROUNDED TO THE NEAREST LOWEST TWENTY-FIVE DOLLARS. THE FIRST ADJUSTMENT SHALL BE DONE IN THE FIRST QUARTER OF 2007 AND THEN EVERY FOUR YEARS THEREAFTER. THE SECRETARY OF STATE SHALL CALCULATE SUCH AN ADJUSTMENT IN EACH LIMIT AND SPECIFY THE LIMITS IN RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION.

Section 4. Voluntary campaign spending limits. (1) CANDIDATES MAY CERTIFY TO THE SECRETARY OF STATE THAT THE CANDIDATE'S CANDIDATE COMMITTEE SHALL NOT EXCEED THE FOLLOWING SPENDING LIMITS FOR THE APPLICABLE ELECTION CYCLE:

(a) TWO AND ONE-HALF MILLION DOLLARS COMBINED FOR A CANDIDATE FOR GOVERNOR AND GOVERNOR AND LIEUTENANT GOVERNOR AS JOINT CANDIDATES UNDER 1-1-104, C.R.S., OR ANY SUCCESSOR SECTION;

(b) FIVE HUNDRED THOUSAND DOLLARS FOR A CANDIDATE FOR SECRETARY OF STATE, ATTORNEY GENERAL, OR TREASURER;

(c) NINETY THOUSAND DOLLARS FOR A CANDIDATE FOR THE STATE SENATE;

(d) SIXTY-FIVE THOUSAND DOLLARS FOR A CANDIDATE FOR THE STATE HOUSE OF REPRESENTATIVES, STATE BOARD OF EDUCATION, REGENT OF THE UNIVERSITY OF COLORADO, OR DISTRICT ATTORNEY.

(2) CANDIDATES ACCEPTING THE CAMPAIGN SPENDING LIMITS SET FORTH ABOVE SHALL ALSO AGREE THAT THEIR PERSONAL CONTRIBUTIONS TO THEIR OWN CAMPAIGN SHALL BE COUNTED AS POLITICAL PARTY CONTRIBUTIONS AND SUBJECT TO THE AGGREGATE LIMIT ON SUCH CONTRIBUTIONS SET FORTH IN SECTION 3 OF THIS ARTICLE.

(3) EACH CANDIDATE WHO CHOOSES TO ACCEPT THE APPLICABLE VOLUNTARY SPENDING LIMIT SHALL FILE A STATEMENT TO THAT EFFECT WITH THE SECRETARY OF STATE AT THE TIME THAT THE CANDIDATE FILES A CANDIDATE AFFIDAVIT AS CURRENTLY SET FORTH IN SECTION 1-45-110(1), C.R.S., OR ANY SUCCESSOR SECTION. ACCEPTANCE OF THE APPLICABLE VOLUNTARY SPENDING

LIMIT SHALL BE IRREVOCABLE EXCEPT AS SET FORTH IN SUBSECTION (4) OF THIS SECTION AND SHALL SUBJECT THE CANDIDATE TO THE PENALTIES SET FORTH IN SECTION 10 OF THIS ARTICLE FOR EXCEEDING THE LIMIT.

(4) IF A CANDIDATE ACCEPTS THE APPLICABLE SPENDING LIMIT AND ANOTHER CANDIDATE FOR THE SAME OFFICE REFUSES TO ACCEPT THE SPENDING LIMIT, THE ACCEPTING CANDIDATE SHALL HAVE TEN DAYS IN WHICH TO WITHDRAW ACCEPTANCE. THE ACCEPTING CANDIDATE SHALL HAVE THIS OPTION OF WITHDRAWING ACCEPTANCE AFTER EACH ADDITIONAL NON-ACCEPTING CANDIDATE FOR THE SAME OFFICE ENTERS THE RACE.

(5) THE APPLICABLE CONTRIBUTION LIMITS SET FORTH IN SECTION 3 OF THIS ARTICLE SHALL DOUBLE FOR ANY CANDIDATE WHO HAS ACCEPTED THE APPLICABLE VOLUNTARY SPENDING LIMIT IF:

(a) ANOTHER CANDIDATE IN THE RACE FOR THE SAME OFFICE HAS NOT ACCEPTED THE VOLUNTARY SPENDING LIMIT; AND

(b) THE NON-ACCEPTING CANDIDATE HAS RAISED MORE THAN TEN PERCENT OF THE APPLICABLE VOLUNTARY SPENDING LIMIT.

(6) ONLY THOSE CANDIDATES WHO HAVE AGREED TO ABIDE BY THE APPLICABLE VOLUNTARY SPENDING LIMIT MAY ADVERTISE THEIR COMPLIANCE. ALL OTHER CANDIDATES ARE PROHIBITED FROM ADVERTISING, OR IN ANY WAY IMPLYING, THEIR ACCEPTANCE OF VOLUNTARY SPENDING LIMITS.

(7) EACH SPENDING LIMIT DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL BE ADJUSTED BY AN AMOUNT BASED UPON THE PERCENTAGE CHANGE OVER A FOUR YEAR PERIOD IN THE UNITED STATES BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-BOULDER-GREELEY, ALL ITEMS, ALL CONSUMERS, OR ITS SUCCESSOR INDEX, ROUNDED TO THE NEAREST LOWEST TWENTY-FIVE DOLLARS. THE FIRST ADJUSTMENT SHALL BE DONE IN THE FIRST QUARTER OF 2007 AND THEN EVERY FOUR YEARS THEREAFTER. THE SECRETARY OF STATE SHALL CALCULATE SUCH AN ADJUSTMENT IN EACH LIMIT AND SPECIFY THE LIMITS IN RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION.

Section 5. Independent expenditures. (1) ANY PERSON MAKING AN INDEPENDENT EXPENDITURE IN EXCESS OF ONE THOUSAND DOLLARS PER CALENDAR YEAR SHALL DELIVER NOTICE IN WRITING TO THE SECRETARY OF STATE OF SUCH INDEPENDENT EXPENDITURE, AS WELL AS THE AMOUNT OF SUCH EXPENDITURE, AND A DETAILED DESCRIPTION OF THE USE OF SUCH INDEPENDENT EXPENDITURE. THE NOTICE SHALL SPECIFICALLY STATE THE NAME OF THE CANDIDATE WHOM THE INDEPENDENT EXPENDITURE IS INTENDED TO SUPPORT OR OPPOSE. EACH INDEPENDENT EXPENDITURE IN EXCESS OF ONE-THOUSAND DOLLARS SHALL REQUIRE THE DELIVERY OF A NEW NOTICE. ANY PERSON MAKING AN INDEPENDENT EXPENDITURE WITHIN THIRTY DAYS OF A PRIMARY OR GENERAL ELECTION SHALL DELIVER SUCH NOTICE WITHIN FORTY-EIGHT HOURS AFTER OBLIGATING FUNDS FOR SUCH EXPENDITURE.

(2) ANY PERSON MAKING AN INDEPENDENT EXPENDITURE IN EXCESS OF ONE THOUSAND DOLLARS SHALL DISCLOSE, IN THE COMMUNICATION PRODUCED BY THE EXPENDITURE, THE NAME OF THE PERSON MAKING THE EXPENDITURE AND THE SPECIFIC STATEMENT THAT THE ADVERTISEMENT OF MATERIAL IS NOT

AUTHORIZED BY ANY CANDIDATE. SUCH DISCLOSURE SHALL BE PROMINENTLY FEATURED IN THE COMMUNICATION.

(3) EXPENDITURES BY ANY PERSON ON BEHALF OF A CANDIDATE FOR PUBLIC OFFICE THAT ARE COORDINATED WITH OR CONTROLLED BY THE CANDIDATE OR THE CANDIDATE'S AGENT, OR POLITICAL PARTY SHALL BE CONSIDERED A CONTRIBUTION TO THE CANDIDATE'S CANDIDATE COMMITTEE, OR THE POLITICAL PARTY, RESPECTIVELY.

(4) THIS SECTION 5 APPLIES ONLY TO INDEPENDENT EXPENDITURES MADE FOR THE PURPOSE OF EXPRESSLY ADVOCATING THE DEFEAT OR ELECTION OF ANY CANDIDATE.

Section 6. Electioneering communications. (1) ANY PERSON WHO EXPENDS ONE THOUSAND DOLLARS OR MORE PER CALENDAR YEAR ON ELECTIONEERING COMMUNICATIONS SHALL SUBMIT REPORTS TO THE SECRETARY OF STATE IN ACCORDANCE WITH THE SCHEDULE CURRENTLY SET FORTH IN 1-45-108 (2), C.R.S., OR ANY SUCCESSOR SECTION. SUCH REPORTS SHALL INCLUDE SPENDING ON SUCH ELECTIONEERING COMMUNICATIONS, AND THE NAME, AND ADDRESS, OF ANY PERSON THAT CONTRIBUTES MORE THAN TWO HUNDRED AND FIFTY DOLLARS PER YEAR TO SUCH PERSON DESCRIBED IN THIS SECTION FOR AN ELECTIONEERING COMMUNICATION. IN THE CASE WHERE THE PERSON IS A NATURAL PERSON, SUCH REPORTS SHALL ALSO INCLUDE THE OCCUPATION AND EMPLOYER OF SUCH NATURAL PERSON. THE LAST SUCH REPORT SHALL BE FILED THIRTY DAYS AFTER THE APPLICABLE ELECTION.

(2) NOTWITHSTANDING ANY SECTION TO THE CONTRARY, IT SHALL BE UNLAWFUL FOR A CORPORATION OR LABOR ORGANIZATION TO PROVIDE FUNDING FOR AN ELECTIONEERING COMMUNICATION; EXCEPT THAT ANY POLITICAL COMMITTEE OR SMALL DONOR COMMITTEE ESTABLISHED BY SUCH CORPORATION OR LABOR ORGANIZATION MAY PROVIDE FUNDING FOR AN ELECTIONEERING COMMUNICATION.

Section 7. Disclosure. THE DISCLOSURE REQUIREMENTS RELEVANT TO CANDIDATE COMMITTEES, POLITICAL COMMITTEES, ISSUE COMMITTEES, AND POLITICAL PARTIES, THAT ARE CURRENTLY SET FORTH IN SECTION 1-45-108, C.R.S., OR ANY SUCCESSOR SECTION, SHALL BE EXTENDED TO INCLUDE SMALL DONOR COMMITTEES. THE DISCLOSURE REQUIREMENTS OF SECTION 1-45-108, C.R.S., OR ANY SUCCESSOR SECTION, SHALL BE EXTENDED TO REQUIRE DISCLOSURE OF THE OCCUPATION AND EMPLOYER OF EACH PERSON WHO HAS MADE A CONTRIBUTION OF ONE HUNDRED DOLLARS OR MORE TO A CANDIDATE COMMITTEE, POLITICAL COMMITTEE, ISSUE COMMITTEE, OR POLITICAL PARTY. FOR PURPOSES OF THIS SECTION AND 1-45-108, C.R.S., OR ANY SUCCESSOR SECTION, A POLITICAL PARTY SHALL BE TREATED AS SEPARATE ENTITIES AT THE STATE, COUNTY, DISTRICT, AND LOCAL LEVELS.

Section 8. Filing - where to file - timeliness. THE SECRETARY OF STATE SHALL PROMULGATE RULES RELATING TO FILING IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION. THE RULES PROMULGATED

PURSUANT TO THIS SECTION SHALL EXTEND SECTION 1-45-109, C.R.S., OR ANY SUCCESSOR SECTION TO APPLY TO SMALL DONOR COMMITTEES.

Section 9. Duties of the secretary of state - enforcement. (1) THE SECRETARY OF STATE SHALL:

(a) PREPARE FORMS AND INSTRUCTIONS TO ASSIST CANDIDATES AND THE PUBLIC IN COMPLYING WITH THE REPORTING REQUIREMENTS OF THIS ARTICLE AND MAKE SUCH FORMS AND INSTRUCTIONS AVAILABLE TO THE PUBLIC, MUNICIPAL CLERKS, AND COUNTY CLERK AND RECORDERS FREE OF CHARGE;

(b) PROMULGATE SUCH RULES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION, AS MAY BE NECESSARY TO ADMINISTER AND ENFORCE ANY PROVISION OF THIS ARTICLE;

(c) PREPARE FORMS FOR CANDIDATES TO DECLARE THEIR VOLUNTARY ACCEPTANCE OF THE CAMPAIGN SPENDING LIMITS SET FORTH IN SECTION 4 OF THIS ARTICLE. SUCH FORMS SHALL INCLUDE AN ACKNOWLEDGMENT THAT THE CANDIDATE VOLUNTARILY ACCEPTS THE APPLICABLE SPENDING LIMIT AND THAT THE CANDIDATE SWEARS TO ABIDE BY THOSE SPENDING LIMITS. THESE FORMS SHALL BE SIGNED BY THE CANDIDATE UNDER OATH, NOTARIZED, FILED WITH THE SECRETARY OF STATE, AND AVAILABLE TO THE PUBLIC UPON REQUEST;

(c) MAINTAIN A FILING AND INDEXING SYSTEM CONSISTENT WITH THE PURPOSES OF THIS ARTICLE;

(e) MAKE THE REPORTS AND STATEMENTS FILED WITH THE SECRETARY OF STATE'S OFFICE AVAILABLE IMMEDIATELY FOR PUBLIC INSPECTION AND COPYING. THE SECRETARY OF STATE MAY CHARGE A REASONABLE FEE FOR PROVIDING COPIES OF REPORTS. NO INFORMATION COPIED FROM SUCH REPORTS SHALL BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE;

(f) REFER ANY COMPLAINTS FILED AGAINST ANY CANDIDATE FOR THE OFFICE OF SECRETARY OF STATE TO THE ATTORNEY GENERAL. ANY ADMINISTRATIVE LAW JUDGE EMPLOYED PURSUANT TO THIS SECTION SHALL BE APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., OR ANY SUCCESSOR SECTION. ANY HEARING CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE EMPLOYED PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S., OR ANY SUCCESSOR SECTION.

(2) (a) ANY PERSON WHO BELIEVES THAT A VIOLATION OF SECTION 3, SECTION 4, SECTION 5, SECTION 6, SECTION 7, OR SECTION 9 (1) (e), OF THIS ARTICLE, OR OF SECTIONS 1-45-108, 1-45-114, 1-45-115, OR 1-45-117 C.R.S., OR ANY SUCCESSOR SECTIONS, HAS OCCURRED MAY FILE A WRITTEN COMPLAINT WITH THE SECRETARY OF STATE NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF THE ALLEGED VIOLATION. THE SECRETARY OF STATE SHALL REFER THE COMPLAINT TO AN ADMINISTRATIVE LAW JUDGE WITHIN THREE DAYS OF THE FILING OF THE COMPLAINT. THE ADMINISTRATIVE LAW JUDGE SHALL HOLD A HEARING WITHIN FIFTEEN DAYS OF THE REFERRAL OF THE COMPLAINT, AND SHALL RENDER A DECISION WITHIN FIFTEEN DAYS OF THE HEARING. THE DEFENDANT SHALL BE GRANTED AN EXTENSION OF UP TO THIRTY DAYS UPON DEFENDANT'S MOTION, OR LONGER UPON A SHOWING OF GOOD CAUSE. IF THE

ADMINISTRATIVE LAW JUDGE DETERMINES THAT SUCH VIOLATION HAS OCCURRED, SUCH DECISION SHALL INCLUDE ANY APPROPRIATE ORDER, SANCTION, OR RELIEF AUTHORIZED BY THIS ARTICLE. THE DECISION OF THE ADMINISTRATIVE LAW JUDGE SHALL BE FINAL AND SUBJECT TO REVIEW BY THE COURT OF APPEALS, PURSUANT TO SECTION 24-4-106 (11), C.R.S., OR ANY SUCCESSOR SECTION. THE SECRETARY OF STATE AND THE ADMINISTRATIVE LAW JUDGE ARE NOT NECESSARY PARTIES TO THE REVIEW. THE DECISION MAYBE ENFORCED BY THE SECRETARY OF STATE, OR, IF THE SECRETARY OF STATE DOES NOT FILE AN ENFORCEMENT ACTION WITHIN THIRTY DAYS OF THE DECISION, IN A PRIVATE CAUSE OF ACTION BY THE PERSON FILING THE COMPLAINT. ANY PRIVATE ACTION BROUGHT UNDER THIS SECTION SHALL BE BROUGHT WITHIN ONE YEAR OF THE DATE OF THE VIOLATION IN STATE DISTRICT COURT. THE PREVAILING PARTY IN A PRIVATE ENFORCEMENT ACTION SHALL BE ENTITLED TO REASONABLE ATTORNEYS FEES AND COSTS.

(b) THE ATTORNEY GENERAL SHALL INVESTIGATE COMPLAINTS MADE AGAINST ANY CANDIDATE FOR THE OFFICE OF SECRETARY OF STATE USING THE SAME PROCEDURES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2). COMPLAINANT SHALL HAVE THE SAME PRIVATE RIGHT OF ACTION AS UNDER PARAGRAPH (a) OF THIS SUBSECTION (2).

(c) A SUBPOENA ISSUED BY AN ADMINISTRATIVE LAW JUDGE REQUIRING THE PRODUCTION OF DOCUMENTS BY AN ISSUE COMMITTEE SHALL BE LIMITED TO DOCUMENTS PERTAINING TO CONTRIBUTIONS TO, OR EXPENDITURES FROM, THE COMMITTEE'S SEPARATE ACCOUNT ESTABLISHED PURSUANT TO SECTION 3(9) OF THIS ARTICLE TO SUPPORT OR OPPOSE A BALLOT ISSUE OR BALLOT QUESTION. A SUBPOENA SHALL NOT BE LIMITED IN THIS MANNER WHERE SUCH ISSUE COMMITTEE FAILS TO FORM A SEPARATE ACCOUNT THROUGH WHICH A BALLOT ISSUE OR BALLOT QUESTION IS SUPPORTED OR OPPOSED.

Section 10. Sanctions. (1) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE RELATING TO CONTRIBUTION OR VOLUNTARY SPENDING LIMITS SHALL BE SUBJECT TO A CIVIL PENALTY OF AT LEAST DOUBLE AND UP TO FIVE TIMES THE AMOUNT CONTRIBUTED, RECEIVED, OR SPENT IN VIOLATION OF THE APPLICABLE PROVISION OF THIS ARTICLE. CANDIDATES SHALL BE PERSONALLY LIABLE FOR PENALTIES IMPOSED UPON THE CANDIDATE'S COMMITTEE.

(2) (a) THE APPROPRIATE OFFICER SHALL IMPOSE A PENALTY OF FIFTY DOLLARS PER DAY FOR EACH DAY THAT A STATEMENT OR OTHER INFORMATION REQUIRED TO BE FILED PURSUANT TO SECTION 5, SECTION 6, OR SECTION 7 OF THIS ARTICLE, OR SECTIONS 1-45-108, 1-45-109 OR 1-45-110, C.R.S., OR ANY SUCCESSOR SECTIONS, IS NOT FILED BY THE CLOSE OF BUSINESS ON THE DAY DUE. UPON IMPOSITION OF A PENALTY PURSUANT TO THIS SUBSECTION (2), THE APPROPRIATE OFFICER SHALL SEND THE PERSON UPON WHOM THE PENALTY IS BEING IMPOSED PROPER NOTIFICATION BY CERTIFIED MAIL OF THE IMPOSITION OF THE PENALTY. IF AN ELECTRONIC MAIL ADDRESS IS ON FILE WITH THE SECRETARY OF STATE, THE SECRETARY OF STATE SHALL ALSO PROVIDE SUCH NOTIFICATION BY ELECTRONIC MAIL. REVENUES COLLECTED FROM FEES AND PENALTIES

ASSESSED BY THE SECRETARY OF STATE OR REVENUES COLLECTED IN THE FORM OF PAYMENT OF THE SECRETARY OF STATE'S ATTORNEY FEES AND COSTS PURSUANT TO THIS ARTICLE SHALL BE DEPOSITED IN THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3), C.R.S., OR ANY SUCCESSOR SECTION.

(b) (I) ANY PERSON REQUIRED TO FILE A REPORT WITH THE SECRETARY OF STATE AND UPON WHOM A PENALTY HAS BEEN IMPOSED PURSUANT TO THIS SUBSECTION (2) MAY APPEAL SUCH PENALTY BY FILING A WRITTEN APPEAL WITH THE SECRETARY OF STATE NO LATER THAN THIRTY DAYS AFTER THE DATE ON WHICH NOTIFICATION OF THE IMPOSITION OF THE PENALTY WAS MAILED TO SUCH PERSON'S LAST KNOWN ADDRESS IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2). EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (2), THE SECRETARY SHALL REFER THE APPEAL TO AN ADMINISTRATIVE LAW JUDGE. ANY HEARING CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE PURSUANT TO THIS SUBSECTION (2) SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S., OR ANY SUCCESSOR SECTION. THE ADMINISTRATIVE LAW JUDGE SHALL SET ASIDE OR REDUCE THE PENALTY UPON A SHOWING OF GOOD CAUSE, AND THE PERSON FILING THE APPEAL SHALL BEAR THE BURDEN OF PROOF. THE DECISION OF THE ADMINISTRATIVE LAW JUDGE SHALL BE FINAL AND SUBJECT TO REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S., OR ANY SUCCESSOR SECTION.

(II) IF THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE FILING OF AN APPEAL BROUGHT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) WAS FRIVOLOUS, GROUNDLESS, OR VEXATIOUS, THE ADMINISTRATIVE LAW JUDGE SHALL ORDER THE PERSON FILING THE APPEAL TO PAY REASONABLE ATTORNEY FEES AND COSTS OF THE SECRETARY OF STATE IN CONNECTION WITH SUCH PROCEEDING.

(c) UPON RECEIPT BY THE SECRETARY OF STATE OF AN APPEAL PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), THE SECRETARY SHALL SET ASIDE OR REDUCE THE PENALTY UPON A SHOWING OF GOOD CAUSE.

(d) ANY UNPAID DEBT OWING TO THE STATE RESULTING FROM A PENALTY IMPOSED PURSUANT TO THIS SUBSECTION (2) SHALL BE COLLECTED BY THE STATE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-30-202.4, C.R.S., OR ANY SUCCESSOR SECTION.

(3) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE SHALL HAVE NO EFFECT ON THE VALIDITY OF ANY ELECTION.

Section 11. Conflicting provisions declared inapplicable. ANY PROVISIONS IN THE STATUTES OF THIS STATE IN CONFLICT OR INCONSISTENT WITH THIS ARTICLE ARE HEREBY DECLARED TO BE INAPPLICABLE TO THE MATTERS COVERED AND PROVIDED FOR IN THIS ARTICLE.

Section 12. Repeal of conflicting statutory provisions. SECTIONS 1-45-103, 1-45-105.3, 1-45-107, 1-45-111, AND 1-45-113 ARE REPEALED.

Section 13. APPLICABILITY AND EFFECTIVE DATE. THE PROVISIONS OF THIS ARTICLE SHALL TAKE EFFECT ON DECEMBER 6, 2002 AND BE APPLICABLE

FOR ALL ELECTIONS THEREAFTER. LEGISLATION MAY BE ENACTED TO FACILITATE ITS OPERATIONS, BUT IN NO WAY LIMITING OR RESTRICTING THE PROVISIONS OF THIS ARTICLE OR THE POWERS HEREIN GRANTED.

Section 14. Severability. IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THE ARTICLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

AMENDMENT 28
MAIL BALLOT ELECTIONS

Ballot Title: An amendment to the Colorado Revised Statutes concerning the conduct of elections using mail-in ballots, and, in connection therewith, replacing existing statutory provisions relating to mail ballot elections with provisions governing "automatic absentee ballot elections"; requiring that, after January 1, 2005, any election held on the same day as any primary, general, congressional vacancy, special legislative, partisan officer recall, or other November coordinated election, be conducted as an automatic absentee ballot election; permitting other elections and elections held before January 1, 2005 to be conducted as automatic absentee ballot elections; requiring an election official who conducts an automatic absentee ballot election to submit a plan for the election to be approved by the secretary of state; specifying requirements for the delivery and return of ballots in an automatic absentee ballot election, including provisions for ballot drop-off sites, polling booth locations, and the issuance and return of replacement ballots; specifying requirements for ballot qualification in an automatic absentee ballot election, including the verification of voters' signatures and the counting of such ballots; specifying that interference with the delivery of a ballot in an automatic absentee ballot election to the designated election official is an election offense; and increasing penalties for specified election offenses.

Text of Proposal:

Be it Enacted by the People of the State of Colorado:

SECTION 1. Article 7.5 of title 1, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

1-7.5-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "AUTOMATIC ABSENTEE BALLOT ELECTION ACT".

1-7.5-102. Legislative declaration. THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND, DETERMINE, AND DECLARE THAT SELF-GOVERNMENT BY ELECTION IS MORE LEGITIMATE AND BETTER ACCEPTED AS VOTER PARTICIPATION INCREASES. THE PEOPLE FURTHER FIND, DETERMINE, AND DECLARE THAT MAIL BALLOT ELECTIONS SUCH AS THE AUTOMATIC ABSENTEE BALLOT ELECTIONS TO BE CONDUCTED UNDER THIS ARTICLE ARE COST-EFFICIENT AND HAVE NOT RESULTED IN INCREASED FRAUD. BY ENACTING THIS ARTICLE, THE PEOPLE CONCLUDE THAT IT IS APPROPRIATE TO PROVIDE FOR AUTOMATIC ABSENTEE BALLOT ELECTIONS UNDER THE CONDITIONS SET FORTH IN THIS ARTICLE.

1-7.5-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AUTOMATIC ABSENTEE BALLOT ELECTION" MEANS AN ELECTION CONDUCTED PURSUANT TO THIS ARTICLE.

(2) "DESIGNATED ELECTION OFFICIAL" SHALL HAVE THE MEANING SET FORTH IN SECTION 1-1-104(8), AND SHALL INCLUDE ALL DESIGNEES OF THE DESIGNATED ELECTION OFFICIAL. IN A COORDINATED ELECTION AND AS PROVIDED BY INTERGOVERNMENTAL AGREEMENT, THE COUNTY CLERK AND RECORDER SHALL BE CONSIDERED THE DESIGNATED ELECTION OFFICIAL FOR PURPOSES OF THIS ARTICLE.

(3) "ELECTION" MEANS ANY ELECTION UNDER THE "UNIFORM ELECTION CODE OF 1992" OR THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, C.R.S.

(4) "ELECTION DAY" MEANS THE DATE EITHER ESTABLISHED BY LAW OR DETERMINED BY THE GOVERNING BODY OF THE POLITICAL SUBDIVISION CONDUCTING THE ELECTION TO BE THE FINAL DAY ON WHICH ALL BALLOTS ARE DETERMINED TO BE DUE, AND THE DATE FROM WHICH ALL OTHER DATES IN THIS ARTICLE ARE SET.

(5) "POLITICAL SUBDIVISION" MEANS A GOVERNING SUBDIVISION OF THE STATE AND INCLUDES COUNTIES, MUNICIPALITIES, SCHOOL DISTRICTS, AND SPECIAL DISTRICTS.

(6) "POLLING BOOTH LOCATION" MEANS A LOCATION WHERE ELIGIBLE ELECTORS MAY CAST THEIR VOTES IN A PRIVATE POLLING BOOTH ON ELECTION DAY.

(7) "RETURN VERIFICATION ENVELOPE" MEANS THE ENVELOPE PROVIDED IN THE ABSENTEE BALLOT PACKET FOR THE RETURN OF THE BALLOT.

(8) "SECRECY ENVELOPE" MEANS THE SEALABLE ENVELOPE PROVIDED IN THE ABSENTEE BALLOT PACKET TO CONCEAL AND MAINTAIN THE CONFIDENTIALITY OF THE BALLOT.

(9) "SECURE DROP-OFF SITE" MEANS A SECURE, STAFFED LOCATION AT WHICH ELIGIBLE ELECTORS MAY DEPOSIT THEIR ABSENTEE BALLOTS INTO A PLAINLY-MARKED, LOCKED AND SEALED BALLOT BOX USED SOLELY FOR THE

PURPOSE OF RETURNING ABSENTEE BALLOTS TO THE DESIGNATED ELECTION OFFICIAL.

1-7.5-104. Elections required or eligible to be conducted by automatic absentee ballot. (1) ANY ELECTION CONDUCTED AFTER JANUARY 1, 2005 IN CONJUNCTION WITH OR ON THE SAME DAY AS A PRIMARY ELECTION, PRESIDENTIAL PRIMARY ELECTION, CONGRESSIONAL VACANCY ELECTION, SPECIAL LEGISLATIVE ELECTION, PARTISAN OFFICER RECALL ELECTION, GENERAL ELECTION, OR OTHER NOVEMBER COORDINATED ELECTION SHALL BE CONDUCTED BY AUTOMATIC ABSENTEE BALLOT PURSUANT TO THIS ARTICLE.

(2) THE GOVERNING BODY OF ANY POLITICAL SUBDIVISION CONDUCTING AN ELECTION PRIOR TO JANUARY 1, 2005 OR AN ELECTION WHICH IS OTHERWISE NOT DESCRIBED IN SUBSECTION (1) MAY DECIDE THAT THE ELECTION SHALL BE CONDUCTED BY AUTOMATIC ABSENTEE BALLOT.

(3) AUTOMATIC ABSENTEE BALLOT ELECTIONS SHALL BE CONDUCTED AS PROVIDED IN THIS ARTICLE AND ANY OTHER APPLICABLE LAW OR RULES GOVERNING ELECTIONS. IN THE EVENT OF A CONFLICT BETWEEN THE PROVISIONS OF THIS ARTICLE AND ANY OTHER APPLICABLE LAW, THE PROVISIONS OF THIS ARTICLE SHALL GOVERN.

1-7.5-105. Secretary of state and designated election official - duties and powers. (1) THE SECRETARY OF STATE SHALL SUPERVISE AUTOMATIC ABSENTEE BALLOT ELECTIONS AND PROMULGATE SUCH RULES AS ARE REASONABLE AND NECESSARY TO IMPLEMENT THIS ACT AND TO PROVIDE FOR THE EFFICIENT, UNIFORM, AND SECURE CONDUCT OF ELECTIONS CONDUCTED UNDER THIS ACT. ANY RULES PROMULGATED BY THE SECRETARY OF STATE HEREUNDER SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(2) THE DESIGNATED ELECTION OFFICIAL SHALL, IN ACCORDANCE WITH RULES PROMULGATED BY THE SECRETARY OF STATE, SUPERVISE THE PRODUCTION, DISTRIBUTION, HANDLING, COUNTING, AND SECURITY OF THE BALLOTS, AND THE SURVEY OF RETURNS, AND SHALL TAKE THE NECESSARY STEPS TO PROTECT THE CONFIDENTIALITY OF THE BALLOTS CAST AND THE INTEGRITY OF THE ELECTION.

1-7.5-106. Submission of proposed plan to secretary of state. (1) NO LATER THAN SEVENTY-FIVE DAYS BEFORE THE AUTOMATIC ABSENTEE BALLOT ELECTION, THE DESIGNATED ELECTION OFFICIAL SHALL GIVE NOTICE OF THE ELECTION TO THE SECRETARY OF STATE AND THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE ELECTION IS TO BE HELD. IF THE ELECTION REQUIRES THAT ELIGIBLE ELECTORS OWN TAXABLE PROPERTY, NOTICE SHALL ALSO BE GIVEN TO THE COUNTY ASSESSOR OF THE COUNTY IN WHICH THE ELECTION IS TO BE HELD.

(2) THE NOTIFICATION TO THE SECRETARY OF STATE SHALL INCLUDE A PROPOSED PLAN FOR CONDUCTING THE AUTOMATIC ABSENTEE BALLOT ELECTION. A DESIGNATED ELECTION OFFICIAL RESPONSIBLE FOR THE CONDUCT OF A COORDINATED ELECTION MAY SUBMIT A SINGLE PLAN ON BEHALF OF THE

POLITICAL SUBDIVISIONS INVOLVED IN THE COORDINATED ELECTION. THE PLAN SHALL BE BASED ON A STANDARD PLAN FORMAT PRESCRIBED BY THE SECRETARY OF STATE THAT SETS FORTH BEST PRACTICES AND ACCEPTABLE ALTERNATIVE PRACTICES WITH RESPECT TO ALL STAGES OF THE CONDUCT OF AUTOMATIC ABSENTEE BALLOT ELECTIONS. PROPOSED PLANS SHALL INCLUDE ALL INFORMATION REQUIRED BY RULES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) A DESCRIPTION OF PROCEDURES TO BE USED TO ENSURE BALLOT CONFIDENTIALITY AND SECURITY AT ALL STAGES OF THE PROCESS;

(b) A DESCRIPTION OF PROCEDURES TO BE USED TO UPDATE OUTDATED REGISTRATION ADDRESSES PRIOR TO THE MAILING OF BALLOTS, WHICH SHALL INCLUDE BUT IS NOT LIMITED TO AN ANNUAL MAILING OF A VOTER CONFIRMATION CARD CONSISTENT WITH THE REQUIREMENTS OF PARAGRAPH (b) OF SUBSECTION (6) OF SECTION 1-2-605 TO EACH ELIGIBLE ELECTOR WHOSE REGISTRATION RECORD HAS BEEN MARKED "INACTIVE" FOR A REASON OTHER THAN THAT PRIOR MAIL ADDRESSED TO THE ELIGIBLE ELECTOR WAS RETURNED AS UNDELIVERABLE;

(c) A DESCRIPTION OF PROCEDURES FOR COORDINATING BALLOT DELIVERY AND RETURN WITH THE UNITED STATES POSTAL SERVICE;

(d) IDENTIFICATION OF SECURE DROP-OFF SITE LOCATIONS FOR ELIGIBLE ELECTORS WISHING TO DEPOSIT THEIR BALLOTS AT SUCH SITES, AND A DESCRIPTION OF THE PROCEDURES TO BE USED TO ENSURE THE SECURITY OF BALLOTS DEPOSITED AT SUCH SITES;

(e) IDENTIFICATION OF POLLING BOOTH LOCATIONS TO BE MAINTAINED RSUANT TO SECTION 1-7.5-111 (4) AND THE PRECINCTS TO BE ASSIGNED TO CH POLLING BOOTH LOCATION, AND A DESCRIPTION OF THE PROCEDURES TO USED FOR VOTING AT POLLING BOOTH LOCATIONS;

(f) A DESCRIPTION OF THE PROCEDURES AND LOCATIONS TO BE USED FOR ISSUING REPLACEMENT BALLOTS AND BALLOTS FOR ELIGIBLE ELECTORS WHO DID NOT RECEIVE MAILED BALLOTS;

(g) WHETHER RETURN VERIFICATION ENVELOPES WILL CONCEAL ELECTOR SIGNATURES;

(h) A DESCRIPTION OF THE PROCEDURES TO BE USED TO QUALIFY RETURNED BALLOTS FOR COUNTING, INCLUDING THE PROCEDURES TO BE USED FOR VERIFYING ELECTOR SIGNATURES;

(i) A DESCRIPTION OF THE PROCEDURES TO BE FOLLOWED FOR PROVISIONAL, CHALLENGED, DEFECTIVE, AND REJECTED BALLOTS;

(j) A DESCRIPTION OF THE MEASURES TO BE TAKEN TO PROVIDE ASSISTANCE TO ELIGIBLE ELECTORS WHO REQUEST ASSISTANCE IN COMPLETING THEIR BALLOTS;

(k) A DESCRIPTION OF PROCEDURES TO BE USED TO RECONCILE BALLOTS ISSUED, BALLOTS RECEIVED, DEFECTIVE BALLOTS, AND REPLACEMENT BALLOTS, INCLUDING A DESCRIPTION OF PROCEDURES TO BE USED TO PREVENT ELECTORS FROM VOTING MORE THAN ONCE; AND

(l) A DESCRIPTION OF PUBLIC OUTREACH EFFORTS TO BE MADE FOR THE PURPOSE OF EDUCATING ELIGIBLE ELECTORS CONCERNING THE MEANS BY WHICH BALLOTS MAY BE RECEIVED AND CAST IN THE ELECTION, AND TO OTHERWISE MAXIMIZE VOTER PARTICIPATION IN THE ELECTION.

(3)(a) WITHIN FIFTEEN DAYS AFTER RECEIVING THE PROPOSED PLAN, THE SECRETARY OF STATE SHALL PROVIDE WRITTEN NOTICE OF APPROVAL OR DISAPPROVAL OF THE PLAN AND THE REASONS THEREFOR TO THE DESIGNATED ELECTION OFFICIAL AND TO EACH POLITICAL SUBDIVISION INVOLVED IN THE ELECTION. THE SECRETARY OF STATE SHALL APPROVE ALL PLANS THAT CONFORM TO THE REQUIREMENTS OF THIS ARTICLE AND THE RULES PROMULGATED HEREUNDER, AND SUCH APPROVAL SHALL NOT BE UNREASONABLY WITHHELD.

(b) IN THE CASE OF A PLAN THAT IS REJECTED FOR FAILURE TO CONFORM TO THE REQUIREMENTS OF THIS ARTICLE AND THE RULES PROMULGATED HEREUNDER, THE SECRETARY OF STATE SHALL HAVE THE AUTHORITY, AFTER CONSULTATION WITH THE DESIGNATED ELECTION OFFICIAL, TO MAKE REASONABLE BINDING CHANGES TO THE PLAN TO BRING IT INTO CONFORMITY WITH STATE LAW.

1-7.5-107. Preparation and submission of list of electors. THE PREPARATION AND SUBMISSION OF THE LIST OF REGISTERED ELECTORS IN AN AUTOMATIC ABSENTEE BALLOT ELECTION SHALL BE HANDLED AS PROVIDED IN SECTIONS 1-5-301 TO 1-5-304 AND IN RULES PROMULGATED BY THE SECRETARY OF STATE.

1-7.5-108. Public notice of automatic absentee ballot election. (1) NO LATER THAN TWENTY-FIVE DAYS BEFORE ELECTION DAY, THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE NOTICE BY PUBLICATION OF THE ELECTION. THE NOTICE SHALL STATE THE RELEVANT ITEMS SET FORTH IN PARAGRAPHS (a) TO (d) OF SUBSECTION (1) OF SECTION 1-5-205.

(2) THE NOTICE REQUIRED TO BE GIVEN BY THIS SUBSECTION (1) SHALL BE IN LIEU OF THE NOTICE REQUIREMENTS SET FORTH IN SECTION 1-5-205 (1) AND SECTION 31-10-501 (1), C.R.S.

1-7.5-109. Delivery of absentee ballots. (1)(a) NO SOONER THAN TWENTY-FIVE DAYS AND NO LATER THAN EIGHTEEN DAYS BEFORE ELECTION DAY, THE DESIGNATED ELECTION OFFICIAL SHALL MAIL AN ABSENTEE BALLOT PACKET TO EACH ACTIVE REGISTERED ELECTOR. IN THE CASE OF PRIMARY ELECTIONS, THE ABSENTEE BALLOT PACKET SHALL BE MAILED ONLY TO EACH ACTIVE REGISTERED ELECTOR WHO HAS DECLARED A MAJOR POLITICAL PARTY AFFILIATION.

(b) ABSENTEE BALLOT PACKETS SHALL BE MAILED NO LATER THAN THIRTY DAYS BEFORE ELECTION DAY TO REGISTERED ELECTORS RESIDING AT LOCATIONS OTHER THAN THE ADDRESSES CONTAINED IN THEIR REGISTRATION RECORDS WHO HAVE TIMELY FILED AN APPLICATION FOR AN ABSENTEE BALLOT PURSUANT TO SECTION 1-8-104. THE OBLIGATIONS OF THE DESIGNATED ELECTION OFFICIAL UNDER SUBSECTION (1) OF SECTION 1-8-111 WITH RESPECT TO A REGISTERED ELECTOR WHO HAS TIMELY FILED AN APPLICATION FOR DELIVERY OF AN ABSENTEE BALLOT TO HIS OR HER RESIDENCE OF RECORD PURSUANT TO SECTION 1-8-104 SHALL BE FULFILLED BY DELIVERY OF AN ABSENTEE BALLOT PACKET TO SUCH

ELECTOR PURSUANT TO PARAGRAPH (a) OF THIS SECTION, AND THE DESIGNATED ELECTION OFFICIAL SHALL ENSURE THAT DUPLICATE BALLOTS ARE NOT SENT TO SUCH ELECTORS. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS ARTICLE, THE PROVISIONS OF SECTIONS 1-8-103, 1-8-116, AND 1-8-117 SHALL APPLY TO ANY ELIGIBLE ELECTORS COVERED BY THE FEDERAL "UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT", 42 U.S.C. SEC. 1973ff ET SEQ.

(c) THE ABSENTEE BALLOT PACKET SHALL INCLUDE AN ABSENTEE BALLOT, INSTRUCTIONS FOR COMPLETING AND RETURNING THE BALLOT, A SECRECY ENVELOPE, AND A RETURN VERIFICATION ENVELOPE. IN ADDITION TO ANY OTHER INFORMATION REQUIRED TO BE CONTAINED IN THE ABSENTEE BALLOT PACKET, THE PACKET SHALL ALSO INCLUDE SUFFICIENT INFORMATION TO ENABLE THE ELIGIBLE ELECTOR TO KNOW THE AMOUNT OF POSTAGE REQUIRED FOR RETURNING THE BALLOT BY MAIL IN THE RETURN VERIFICATION ENVELOPE. NO ELECTOR INFORMATION SHALL BE DELIVERED IN THE FORM OF A SAMPLE BALLOT.

(d) THE ENVELOPE CONTAINING THE ABSENTEE BALLOT PACKET SHALL BE MARKED "DO NOT FORWARD. RETURN SERVICE REQUESTED", OR ANY OTHER SIMILAR STATEMENT PROVIDING THAT THE ENVELOPE IS NOT FORWARDABLE THAT IS IN ACCORDANCE WITH UNITED STATES POSTAL SERVICE REGULATIONS, AND SHALL INCLUDE A WARNING SUBSTANTIALLY IN THE FOLLOWING FORM:

"WARNING:

ANY PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY INFLUENCES AN ELIGIBLE ELECTOR TO VOTE IN ANY PARTICULAR MANNER OR TO REFRAIN FROM VOTING, OR WHO FALSELY MAKES, ALTERS, FORGES, OR COUNTERFEITS ANY ABSENTEE BALLOT BEFORE OR AFTER IT HAS BEEN CAST, OR WHO DESTROYS, DEFACES, MUTILATES, OR TAMPERS WITH A BALLOT, OR WHO INTERFERES WITH THE DELIVERY OF A BALLOT TO THE DESIGNATED ELECTION OFFICIAL IS SUBJECT, UPON CONVICTION AND FOR EACH OFFENSE, TO IMPRISONMENT FOR UP TO EIGHTEEN MONTHS, OR TO A FINE OF UP TO $10,000 OR BOTH."

(e) THE RETURN VERIFICATION ENVELOPE SHALL HAVE ON IT CLEARLY MARKED SPACES FOR THE ELIGIBLE ELECTOR TO PRINT HIS OR HER NAME, ADDRESS, AND THE CURRENT DATE, AND SHALL ALSO HAVE PRINTED ON IT A SELF-AFFIRMATION SUBSTANTIALLY IN THE FOLLOWING FORM:

"I STATE UNDER PENALTY OF PERJURY THAT I AM ELIGIBLE TO VOTE IN THIS ELECTION; THAT MY NAME AND ADDRESS ARE AS SHOWN ON THIS ENVELOPE; AND THAT I HAVE NOT AND WILL NOT CAST ANY VOTE IN THIS ELECTION EXCEPT BY THE ENCLOSED BALLOT; AND THAT MY BALLOT IS ENCLOSED IN ACCORD WITH THE PROVISIONS OF THE "UNIFORM ELECTION CODE OF 1992". I UNDERSTAND THAT MY SIGNATURE WILL BE VERIFIED AGAINST CURRENT REGISTRATION RECORDS.

DATE _____ SIGNATURE _____"

(f) THE SIGNING OF THE SELF-AFFIRMATION ON THE RETURN VERIFICATION ENVELOPE SHALL CONSTITUTE AN AFFIRMATION BY THE VOTER, UNDER PENALTY OF PERJURY, THAT THE FACTS STATED ON THE SELF-AFFIRMATION ARE TRUE.

(g) THE SECRECY ENVELOPE AND THE BALLOT SHALL NOT CONTAIN ANY MARKINGS THAT COULD BE USED TO DETERMINE THE IDENTITY OF THE ELIGIBLE ELECTOR.

(2) NO SOONER THAN TWENTY-FIVE DAYS PRIOR TO ELECTION DAY, NOR LATER THAN 7 P.M. ON ELECTION DAY, ABSENTEE BALLOTS SHALL BE MADE AVAILABLE AT ONE OR MORE LOCATIONS AUTHORIZED BY THE DESIGNATED ELECTION OFFICIAL FOR ELIGIBLE ELECTORS WHO ARE AUTHORIZED TO VOTE PURSUANT TO APPLICABLE LAW BUT WHO WERE NOT SENT AN ABSENTEE BALLOT PURSUANT TO SUBPARAGRAPH 1(a) OF THIS SECTION. THE PROCEDURES FOR ISSUING ORIGINAL ABSENTEE BALLOTS TO SUCH ELECTORS SHALL BE THE SAME AS THE PROCEDURES FOR ISSUING REPLACEMENT BALLOTS PURSUANT TO SECTION 1-7.5-110.

(3) NO LATER THAN TEN DAYS PRIOR TO ELECTION DAY, THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE NOTICE BY PUBLICATION OR OTHERWISE PUBLICIZE THAT BALLOTS WERE PREVIOUSLY MAILED TO ACTIVE ELIGIBLE ELECTORS PURSUANT TO THIS SECTION. THE NOTICE OR PUBLIC STATEMENT SHALL STATE THE MANNER IN WHICH AN ELIGIBLE ELECTOR WHO DID NOT RECEIVE A BALLOT BY MAIL MAY APPLY FOR AND RECEIVE A BALLOT PRIOR TO THE ELECTION.

1-7.5-110. Replacement ballots. (1) AN ELIGIBLE ELECTOR MAY OBTAIN A REPLACEMENT BALLOT IF THE BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT RECEIVED BY THE ELIGIBLE ELECTOR. IN ORDER TO OBTAIN A BALLOT IN SUCH CASES, THE ELIGIBLE ELECTOR MUST SIGN A STATEMENT SPECIFYING THE REASON FOR REQUESTING THE BALLOT AND AFFIRMING UNDER PENALTY OR PERJURY THAT THE ELECTOR HAS NOT YET VOTED AND DOES NOT INTEND TO VOTE EXCEPT BY VOTING THE REPLACEMENT BALLOT. IN THE EVENT THAT AN ELECTOR DID NOT RECEIVE A BALLOT IN A PRIMARY ELECTION BECAUSE THE ELECTOR WAS AN UNAFFILIATED ELECTOR AT THE TIME THE BALLOTS WERE MAILED, THE ELECTOR MAY OBTAIN A BALLOT BY DECLARING AN AFFILIATION AS PART OF THE STATEMENT. THE STATEMENT MUST BE RECEIVED AT THE DESIGNATED ELECTION OFFICIAL'S OFFICE OR OTHER SITE AUTHORIZED BY THE DESIGNATED ELECTION OFFICIAL FOR THE ISSUANCE OF BALLOTS NO LATER THAN 7 P.M. ON ELECTION DAY.

(2) UPON RECEIPT OF A STATEMENT REQUESTING A REPLACEMENT BALLOT, THE DESIGNATED ELECTION OFFICIAL MAY ISSUE A REPLACEMENT BALLOT PERSONALLY TO THE ELIGIBLE ELECTOR AT THE DESIGNATED ELECTION OFFICIAL'S OFFICE OR OTHER SITE AUTHORIZED BY THE DESIGNATED ELECTION OFFICIAL FOR THE ISSUANCE OF BALLOTS, OR MAY, IF REQUESTED BY THE ELIGIBLE ELECTOR, MAIL THE REPLACEMENT BALLOT TO THE ELIGIBLE ELECTOR AT THE ADDRESS PROVIDED IN THE STATEMENT. THE DESIGNATED ELECTION OFFICIAL MAY, IN HIS OR HER DISCRETION, PROVIDE A REQUEST FORM TOGETHER WITH THE REPLACEMENT BALLOT, PROVIDED THAT THE SIGNED REQUEST FORM MUST BE

RETURNED BY THE ELIGIBLE ELECTOR BEFORE THE ELECTOR'S BALLOT WILL BE ELIGIBLE FOR COUNTING.

(3) THE DESIGNATED ELECTION OFFICIAL SHALL KEEP A RECORD OF EACH BALLOT ISSUED IN ACCORDANCE WITH THIS SECTION TOGETHER WITH A LIST OF EACH BALLOT DELIVERED BY MAIL OR OBTAINED PURSUANT TO SECTION 1-7.5-109(2). NOT WITHSTANDING THE PROVISIONS OF SECTION 1-7.5-114(2), RETURNED REPLACEMENT BALLOTS SHALL BE SET ASIDE AND NOT COUNTED UNTIL AFTER 7 P.M. ON ELECTION DAY, UNLESS THE BALLOT TRACKING SYSTEM USED BY THE DESIGNATED ELECTION OFFICIAL AUTOMATICALLY REJECTS ORIGINAL ABSENTEE BALLOTS RETURNED BY AN ELIGIBLE ELECTOR TO WHOM A REPLACEMENT ABSENTEE BALLOT HAS BEEN ISSUED, IN WHICH CASE RETURNED REPLACEMENT BALLOTS MAY BE COUNTED AS PROVIDED IN SECTION 1-7.5-114(2). IF AN ORIGINAL ABSENTEE BALLOT IS RETURNED AFTER THE ISSUANCE OF A REPLACEMENT BALLOT TO THE SAME ELIGIBLE ELECTOR, THE ORIGINAL BALLOT SHALL BE REJECTED. IF BOTH THE ORIGINAL BALLOT AND THE REPLACEMENT BALLOT ARE RETURNED, THE MATTER SHALL BE FORWARDED TO THE ATTORNEY GENERAL AND THE DISTRICT ATTORNEY FOR INVESTIGATION, AND, WHERE APPROPRIATE, PROSECUTION.

1-7.5-111. Voting and return of ballot. (1) UPON RECEIPT OF A BALLOT, AN ELIGIBLE ELECTOR WHO INTENDS TO CAST A VOTE SHALL COMPLY WITH THE INSTRUCTIONS PROVIDED FOR MARKING THE BALLOT, PLACING IT IN THE SECRECY ENVELOPE, SIGNING AND COMPLETING THE RETURN VERIFICATION ENVELOPE, AND RETURNING THE BALLOT.

(2) THE ELIGIBLE ELECTOR MAY RETURN THE MARKED BALLOT IN THE RETURN VERIFICATION ENVELOPE TO THE DESIGNATED ELECTION OFFICIAL IN ANY OF THE FOLLOWING WAYS:

(a) PLACING THE COMPLETED AND SEALED BALLOT, OR DIRECTING ANOTHER PERSON WHO IS KNOWN TO THE ELECTOR OR WHO IS A REPRESENTATIVE OF THE DESIGNATED ELECTION OFFICIAL TO PLACE IT, IN THE UNITED STATES MAIL, WITH POSTAGE PAID BY THE ELECTOR;

(b) DELIVERING THE COMPLETED AND SEALED BALLOT, OR DIRECTING ANOTHER PERSON WHO IS KNOWN TO THE ELECTOR OR WHO IS A REPRESENTATIVE OF THE DESIGNATED ELECTION OFFICIAL TO DELIVER IT, TO A SECURE DROP-OFF SITE;

(c) BY COMPLETING AND SEALING THE BALLOT AT A POLLING BOOTH LOCATION AND RETURNING IT TO AN ELECTION OFFICIAL AT THE POLLING BOOTH LOCATION.

(3)(a) SECURE DROP-OFF SITES SHALL BE LOCATED WITHIN THE JURISDICTION HOLDING THE ELECTION, UNLESS A WAIVER FOR A PARTICULAR LOCATION OUTSIDE THE JURISDICTION IS GRANTED BY THE SECRETARY OF STATE. SECURE DROP-OFF SITES SHALL BE OPEN FOR BALLOT DEPOSIT DURING THE HOURS SPECIFIED BY THE DESIGNATED ELECTION OFFICIAL NO LATER THAN TEN DAYS BEFORE THE ELECTION, AND SHALL REMAIN OPEN EACH DAY THEREAFTER UNTIL 7 P.M. ON ELECTION DAY.

(b) AT LEAST TWO ELECTION JUDGES SHALL SUPERVISE EACH SECURE DROP-OFF SITE; PROVIDED, HOWEVER, THAT THE DESIGNATED ELECTION OFFICIAL MAY

APPOINT ONE SUCH ELECTION JUDGE TO SUPERVISE A SECURE DROP-OFF SITE IF THERE ARE AN INSUFFICIENT NUMBER OF ELECTION JUDGES FOR THAT ELECTION, OR IF THE SECURE DROP-OFF SITE IS LOCATED IN A SECURE BUILDING CONTROLLED BY A GOVERNMENTAL ENTITY. BALLOT BOXES AT SECURE DROP-OFF SITES SHALL BE LOCKED AND SEALED EACH NIGHT WITH A NUMBERED SEAL UNDER THE SUPERVISION OF THE ELECTION JUDGES, AND SHALL BE TRANSFERRED DAILY TO THE RECEIVING JUDGES FOR QUALIFICATION PURSUANT TO SECTION 1-7.5-113.

(4)(a) IN ELECTIONS INVOLVING PARTISAN CANDIDATES HELD PRIOR TO JANUARY 1, 2010, THE DESIGNATED ELECTION OFFICIAL SHALL MAINTAIN POLLING BOOTH LOCATIONS ON ELECTION DAY AT EACH PUBLIC HIGH SCHOOL LOCATED AND OPERATING WITHIN THE JURISDICTION, EXCEPT THOSE SCHOOLS DESIGNATED AS CHARTER OR ALTERNATIVE SCHOOLS BY THE APPLICABLE SCHOOL DISTRICT; AT THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL; AND AT ANY OTHER LOCATION DESIGNATED AS A POLLING BOOTH LOCATION BY THE DESIGNATED ELECTION OFFICIAL. THE DESIGNATED ELECTION OFFICIAL SHALL ASSIGN EACH PRECINCT TO A POLLING BOOTH LOCATION. IF A PUBLIC HIGH SCHOOL IS LOCATED WITHIN ONE MILE OF THE DESIGNATED ELECTION OFFICIAL'S OFFICE, OR IF THERE IS NO PUBLIC HIGH SCHOOL LOCATED WITHIN THE JURISDICTION, THE DESIGNATED ELECTION OFFICIAL SHALL SELECT AN ALTERNATIVE SITE TO SERVE AS A POLLING BOOTH LOCATION.

(b) IN ADDITION TO ANY OTHER LOCATION DESIGNATED BY THE DESIGNATED ELECTION OFFICIAL FOR THE ISSUANCE OF BALLOTS, ORIGINAL AND REPLACEMENT ABSENTEE BALLOTS SHALL BE MADE AVAILABLE ON ELECTION DAY AT EACH POLLING BOOTH LOCATION FOR ELIGIBLE ELECTORS SERVED BY THAT LOCATION WHO WERE NOT PREVIOUSLY ISSUED A BALLOT OR WHO FAILED TO BRING A PREVIOUSLY ISSUED BALLOT TO THE POLLING BOOTH LOCATION. ISSUANCE OF ORIGINAL AND REPLACEMENT ABSENTEE BALLOTS AT POLLING BOOTH LOCATIONS ARE SUBJECT TO THE REQUIREMENTS OF SECTION 1-7.5-109 AND SECTION 1-7.5-110. IF THE ELECTION JUDGES AT THE POLLING BOOTH LOCATION DO NOT HAVE ACCESS TO A CONTINUOUSLY UPDATED DATABASE SHOWING REGISTRATION AND BALLOT TRACKING INFORMATION FOR ELECTORS SERVED BY THAT LOCATION, EACH ORIGINAL AND REPLACEMENT BALLOT ISSUED AND CAST AT THE POLLING BOOTH LOCATION SHALL BE TREATED AS A PROVISIONAL BALLOT.

(c) IF THE DESIGNATED ELECTION OFFICIAL DETERMINES FOR A GIVEN ELECTION THAT LESS THAN FIVE PERCENT OF ELIGIBLE ELECTORS ASSIGNED TO A HIGH SCHOOL POLLING BOOTH LOCATION CAST THEIR BALLOTS AT THAT LOCATION, THE DESIGNATED ELECTION OFFICIAL NEED NOT DESIGNATE THAT HIGH SCHOOL AS A POLLING BOOTH LOCATION FOR SUBSEQUENT ELECTIONS.

(d) FOR ALL ELECTIONS HELD AFTER JANUARY 1, 2010, AND FOR ALL NONPARTISAN ELECTIONS, THE DESIGNATED ELECTION OFFICIAL SHALL MAKE AT LEAST ONE POLLING BOOTH LOCATION AVAILABLE ON ELECTION DAY.

(e) THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT NO LESS THAN THREE ELECTION JUDGES FOR EACH POLLING BOOTH LOCATION IN A PARTISAN

ELECTION, AND NO LESS THAN TWO ELECTION JUDGES FOR EACH POLLING BOOTH LOCATION IN A NONPARTISAN ELECTION.

(f) THE PROVISIONS OF PART 2 OF ARTICLE 8 OF THIS TITLE SHALL NOT APPLY TO ELECTIONS CONDUCTED BY AUTOMATIC ABSENTEE BALLOT.

(g) BALLOTS CAST AT POLLING BOOTH LOCATIONS MUST BE IN THE FORM OF THE ORIGINAL ABSENTEE BALLOT OR A REPLACEMENT ABSENTEE BALLOT ISSUED TO THE ELIGIBLE ELECTOR.

(5) TO BE ELIGIBLE FOR COUNTING, ALL BALLOTS MUST BE RECEIVED AT A SECURE DROP-OFF SITE, POLLING BOOTH LOCATION, OR THE OFFICE OF THE DESIGNATED ELECTION OFFICIAL BY 7 P.M. ELECTION DAY. HOWEVER, ANY ELIGIBLE ELECTOR WAITING IN LINE AT A SECURE DROP-OFF SITE OR POLLING BOOTH LOCATION AT OR BEFORE 7 P.M. ON ELECTION DAY WHO HAS NOT YET VOTED SHALL BE ENTITLED TO VOTE.

(6) ABSENTEE BALLOTS RECEIVED AFTER 7 P.M. ON THE DAY OF THE ELECTION BUT POSTMARKED ON OR BEFORE THE DAY OF THE ELECTION SHALL REMAIN SEALED AND UNCOUNTED, BUT THE ELECTOR'S REGISTRATION RECORD SHALL NOT BE MARKED INACTIVE OR CANCELED FOR FAILURE TO VOTE IN A GENERAL ELECTION, AND THE ELECTOR SHALL BE DEEMED AN ACTIVE VOTER.

1-7.5-112. Voting at group facilities. THE DELIVERY AND RETURN OF ABSENTEE BALLOTS ISSUED TO VOTERS RESIDING AT GROUP FACILITIES SHALL BE HANDLED IN THE SAME MANNER AS PROVIDED IN SECTION 1-8-112.

1-7.5-113. Qualification of ballots by election judges. (1) THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT AT LEAST THREE ELECTION JUDGES TO RECEIVE AND QUALIFY BALLOTS IN AN AUTOMATIC ABSENTEE BALLOT ELECTION. EACH MAJOR POLITICAL PARTY SHALL BE REPRESENTED BY AT LEAST ONE JUDGE.

(2) ONE OR MORE ELECTION JUDGES SHALL, ON A DAILY BASIS, COUNT THE BALLOTS RECEIVED, BATCH THEM, DATE-STAMP THEM, AND RECORD THE NUMBER OF BALLOTS RECEIVED.

(3) (a) BEFORE A RETURNED BALLOT IS ELIGIBLE FOR COUNTING, AN ELECTION JUDGE SHALL FIRST QUALIFY THE BALLOT IN THE PRESENCE OF AT LEAST ONE OTHER RECEIVING JUDGE FROM A DIFFERENT MAJOR POLITICAL PARTY. QUALIFICATION OF BALLOTS FOR COUNTING MAY BEGIN UPON RECEIPT BY THE JUDGES, ALTHOUGH BALLOTS MAY NOT BE COUNTED UNTIL TEN DAYS BEFORE THE ELECTION AS PROVIDED IN SECTION 1-7.5-114(2). A BALLOT SHALL BE QUALIFIED BY THE ELECTION JUDGE ONLY IF:

(I) IT IS RETURNED IN THE RETURN VERIFICATION ENVELOPE;

(II) A COMPARISON BETWEEN THE PRINTED NAME AND ADDRESS ON THE RETURN VERIFICATION ENVELOPE AND THE REGISTRATION RECORDS SHOWS THAT THE PERSON COMPLETING THE BALLOT WAS IN FACT ELIGIBLE TO VOTE IN THE ELECTION;

(III) THE SELF-AFFIRMATION ON THE ENVELOPE IS COMPLETE AND SIGNED BY THE ELIGIBLE ELECTOR TO WHOM THE BALLOT WAS ISSUED, AS DETERMINED BY COMPARING THE SIGNATURE ON THE SELF-AFFIRMATION TO THE SIGNATURE OF