

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**BILLPAPER**

LLS NO. 21-0138.01 Megan Waples x4348

**HOUSE BILL**

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**HOUSE SPONSORSHIP**

**Kennedy and Arndt,**

**SENATE SPONSORSHIP**

**Fenberg,**

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**House Committees**

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE USE OF RANKED CHOICE VOTING IN NONPARTISAN**  
102      **ELECTIONS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Beginning in 2023, the bill allows a municipality to refer a municipal election using instant runoff voting to be conducted as part of a coordinated election. The secretary of state is required to promulgate rules establishing the minimum system requirements and specifications for a voting system to be used in an election using instant runoff voting by March 31, 2022. After March 31, 2022, a system that has been tested

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

and satisfies the standards promulgated by the secretary of state may be submitted for certification for use in an election using instant runoff voting. If the secretary of state certifies a system, the secretary is required to negotiate and purchase, if possible, a single annual statewide license with the provider to allow each county that uses the voting system to conduct elections using instant runoff voting.

On and after January 1, 2023, a statutory city or town or home rule municipality that has taken formal action to conduct an election using instant runoff voting may refer the election to be conducted as part of a coordinated election by providing written notice to the county clerk and recorder. If the county uses a voting system that is certified for use in an election using instant runoff voting, the county clerk and recorder must conduct the election as part of the coordinated election. The municipality referring the election is responsible for any reasonable additional costs the county incurs as a result of conducting an instant runoff voting election.

If the referring municipality is located in more than one county, the counties are required to conduct the election using instant runoff voting only if each county receives timely notice, each county uses a voting system certified for such use, and the data from all the counties' voting systems can be tabulated together in accordance with rules promulgated by the secretary of state for conducting instant runoff elections across multiple counties. The counties and the municipality are required to enter into an agreement for the conduct of the election, which must specify the procedures for the county canvass boards to canvass the election.

For any instant runoff voting election conducted as part of a coordinated election, the secretary of state is the designated election official responsible for tabulating and reporting the results. The secretary of state is required, by December 31, 2022, to promulgate rules related to instant runoff voting elections including the procedures for conducting logic and accuracy tests and risk limiting audits, and for the tabulation, reporting, and canvassing of results.

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

2           **SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend**  
3 (23.4); and **add** (19.7) as follows:

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

6           (19.7) "INSTANT RUNOFF VOTING" MEANS A RANKED VOTING  
7 METHOD USED TO SELECT A SINGLE WINNER IN A RACE, AS SET FORTH IN

1 SECTION 1-7-1003 (3).

2 (23.4) "Overvote" means the selection by an elector of more  
3 names than there are persons to be elected to an office or the designation  
4 of more than one answer to a ballot question or ballot issue. "OVERVOTE"  
5 DOES NOT INCLUDE THE RANKING OF MULTIPLE CANDIDATES IN AN  
6 ELECTION USING INSTANT RUNOFF VOTING IN ACCORDANCE WITH PART 10  
7 OF ARTICLE 7 OF THIS TITLE 1.

8 **SECTION 2.** In Colorado Revised Statutes, **amend** 1-5-601.5 as  
9 follows:

10 **1-5-601.5. Compliance with federal requirements.** (1) All  
11 voting systems and voting equipment offered for sale on or after May 28,  
12 2004, ~~shall~~ MUST meet the voting systems standards that were  
13 promulgated in 2002 by the federal election commission. At his or her  
14 discretion, the secretary of state may require by rule that voting systems  
15 and voting equipment satisfy voting systems standards promulgated after  
16 January 1, 2008, by the federal election assistance commission as long as  
17 such standards meet or exceed those promulgated in 2002 by the federal  
18 election commission. Subject to section 1-5-608.2, nothing in this section  
19 shall be construed to require any political subdivision to replace a voting  
20 system that is in use prior to May 28, 2004.

21 (2) A VOTING SYSTEM OR VOTING EQUIPMENT OFFERED FOR SALE  
22 OR LEASE FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING MUST  
23 MEET THE MINIMUM STANDARDS AND SPECIFICATIONS DEVELOPED BY THE  
24 SECRETARY OF STATE IN ACCORDANCE WITH SECTION 1-5-616 (1.5). IF  
25 STANDARDS RELATED TO INSTANT RUNOFF VOTING ARE PROMULGATED BY  
26 THE FEDERAL ELECTION COMMISSION, THE SECRETARY OF STATE MAY, AT  
27 THE SECRETARY OF STATE'S DISCRETION, REQUIRE BY RULE THAT A VOTING

1 SYSTEM OR VOTING EQUIPMENT USED TO CONDUCT AN ELECTION USING  
2 INSTANT RUNOFF VOTING MEET THE FEDERAL STANDARDS, SO LONG AS THE  
3 FEDERAL STANDARDS MEET OR EXCEED THOSE PROMULGATED BY THE  
4 SECRETARY OF STATE.

5 **SECTION 3.** In Colorado Revised Statutes, 1-5-608.5, **add** (3.5)  
6 as follows:

7 **1-5-608.5. Electronic and electromechanical voting systems -**  
8 **testing by federally accredited labs - certification and approval of**  
9 **purchasing of electronic and electromechanical voting systems by**  
10 **secretary of state - conditions of use by secretary of state - testing.**

11 (3.5) (a) ON AND AFTER MARCH 31, 2022, IF AN ELECTRONIC AND  
12 ELECTROMECHANICAL VOTING SYSTEM TESTED PURSUANT TO THIS  
13 SECTION SATISFIES THE REQUIREMENTS OF THIS PART 6 RELATED TO THE  
14 USE OF THE SYSTEM IN AN ELECTION USING INSTANT RUNOFF VOTING AND  
15 THE RULES ESTABLISHED BY THE SECRETARY OF STATE PURSUANT TO  
16 SECTION 1-5-616 (1.5), THE SECRETARY OF STATE SHALL CERTIFY SUCH  
17 SYSTEM AND APPROVE THE PURCHASE, INSTALLATION, AND USE OF SUCH  
18 SYSTEM BY POLITICAL SUBDIVISIONS IN AN ELECTION USING INSTANT  
19 RUNOFF VOTING.

20 (b) THE SECRETARY OF STATE MAY PROMULGATE CONDITIONS OF  
21 USE IN CONNECTION WITH THE USE BY POLITICAL SUBDIVISIONS OF AN  
22 ELECTRONIC AND ELECTROMECHANICAL VOTING SYSTEM IN AN ELECTION  
23 USING INSTANT RUNOFF VOTING AS MAY BE APPROPRIATE TO MITIGATE  
24 DEFICIENCIES IDENTIFIED IN THE CERTIFICATION PROCESS.

25 (c) IN UNDERTAKING THE CERTIFICATION REQUIRED BY THIS  
26 SECTION, THE SECRETARY OF STATE MAY CONSIDER PROCEDURES USED OR  
27 ADOPTED BY COUNTY CLERK AND RECORDERS OR BEST PRACTICES

1 RECOMMENDED BY EQUIPMENT VENDORS.

2 **SECTION 4.** In Colorado Revised Statutes, 1-5-611, **amend**  
3 (1)(c) as follows:

4 **1-5-611. Requirements - nonpunch card electronic voting**  
5 **systems.** (1) No nonpunch card electronic voting system shall be  
6 purchased, leased, or used unless it fulfills the following requirements:

7 (c) It rejects any vote for an office or on a ballot issue if the  
8 number of votes exceeds the number the elector is entitled to cast; EXCEPT  
9 THAT, IF THE VOTING SYSTEM IS CERTIFIED FOR USE IN AN ELECTION USING  
10 INSTANT RUNOFF VOTING, THE VOTING SYSTEM MUST ALLOW THE ELECTOR  
11 TO RANK MULTIPLE CANDIDATES IN SUCH AN ELECTION IN ACCORDANCE  
12 WITH SECTION 1-7-1003 AND RULES ADOPTED BY THE SECRETARY OF  
13 STATE;

14 **SECTION 5.** In Colorado Revised Statutes, **amend** 1-5-603 as  
15 follows:

16 **1-5-603. Adoption and payment for voting machines.** (1) The  
17 governing body of any political subdivision may adopt for use at elections  
18 any kind of voting machine fulfilling the requirements for voting  
19 machines set forth in this part 6. These voting machines may be used at  
20 any or all elections held in the political subdivision for casting,  
21 registering, and counting votes. EXCEPT AS PROVIDED IN SUBSECTION (2)  
22 OF THIS SECTION, the governing body of any political subdivision which  
23 adopts and purchases or leases voting machines shall provide for the  
24 payment of the purchase price or the rent in such manner as may be in the  
25 best interest of the political subdivision and may for that purpose provide  
26 for the issuance of interest-bearing bonds, certificates of indebtedness, or  
27 other obligations, which shall be a charge upon the county. The bonds,

1 certificates of indebtedness, or other obligations may be made payable at  
2 such times, not exceeding ten years from the date of issue, as may be  
3 determined by the governing body but shall not be issued or sold at less  
4 than par.

5 (2) IF THE SECRETARY OF STATE CERTIFIES A VOTING SYSTEM FOR  
6 USE IN AN ELECTION USING INSTANT RUNOFF VOTING IN ACCORDANCE  
7 WITH SECTION 1-5-617 (1.5), THE SECRETARY OF STATE SHALL, IF  
8 POSSIBLE, NEGOTIATE A SINGLE ANNUAL STATEWIDE LICENSE WITH THE  
9 VOTING SYSTEM PROVIDER TO ALLOW EACH COUNTY THAT USES THE  
10 VOTING SYSTEM TO CONDUCT ELECTIONS USING INSTANT RUNOFF VOTING.  
11 THE SECRETARY OF STATE SHALL PAY FOR THE ANNUAL STATEWIDE  
12 LICENSE FROM THE DEPARTMENT OF STATE CASH FUND CREATED IN  
13 SECTION 24-21-104 (3)(b).

14 **SECTION 6.** In Colorado Revised Statutes, 1-5-615, **add** (1.5)  
15 as follows:

16 **1-5-615. Electronic and electromechanical voting systems -**  
17 **requirements.** (1.5) THE SECRETARY OF STATE SHALL NOT CERTIFY ANY  
18 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM FOR USE IN AN  
19 ELECTION USING INSTANT RUNOFF VOTING UNLESS, IN ADDITION TO  
20 MEETING THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE  
21 SYSTEM MEETS THE REQUIREMENTS AND PERFORMS THE FUNCTIONS  
22 REQUIRED BY SECTION 1-7-1003.

23 **SECTION 7.** In Colorado Revised Statutes, 1-5-616, **amend** (2)  
24 and (4); and **add** (1.5) as follows:

25 **1-5-616. Electronic and electromechanical voting systems -**  
26 **standards - procedures.** (1.5) ON OR BEFORE MARCH 31, 2022, THE  
27 RULES ADOPTED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION

1 (1) OF THIS SECTION MUST INCLUDE THE MINIMUM SYSTEM REQUIREMENTS  
2 AND SPECIFICATIONS FOR ELECTRONIC AND ELECTROMECHANICAL VOTING  
3 SYSTEMS USED TO CONDUCT ELECTIONS USING INSTANT RUNOFF VOTING.

4 (2) The secretary of state may review the rules adopted pursuant  
5 to ~~subsection (1)~~ SUBSECTIONS (1) AND (1.5) of this section governing  
6 standards for certification of electronic or electromechanical voting  
7 systems to determine the adequacy and effectiveness of the rules in  
8 assuring that elections achieve the standards established by section  
9 1-1-103.

10 (4) The secretary of state shall adapt the standards for certification  
11 of electronic or electromechanical voting systems established by rule  
12 pursuant to ~~subsection (1)~~ SUBSECTIONS (1) AND (1.5) of this section to  
13 ensure that new technologies that meet the requirements for such systems  
14 are certified in a timely manner and available for selection by political  
15 subdivisions and meet user standards.

16 **SECTION 8.** In Colorado Revised Statutes, 1-5-617, **add** (1.5)  
17 as follows:

18 **1-5-617. Examination - testing - certification.** (1.5) (a) ON AND  
19 AFTER MARCH 31, 2022, AFTER AN ELECTRONIC OR ELECTROMECHANICAL  
20 VOTING SYSTEM IS TESTED IN ACCORDANCE WITH SECTION 1-5-608.5 (3.5)  
21 FOR USE IN AN ELECTION USING INSTANT RUNOFF VOTING, THE VOTING  
22 SYSTEM PROVIDER MAY SUBMIT THE SYSTEM TO THE SECRETARY OF STATE  
23 FOR CERTIFICATION FOR USE IN AN ELECTION USING INSTANT RUNOFF  
24 VOTING.

25 (b) THE SECRETARY OF STATE SHALL EXAMINE EACH ELECTRONIC  
26 OR ELECTROMECHANICAL VOTING SYSTEM SUBMITTED FOR CERTIFICATION  
27 AND DETERMINE WHETHER THE SYSTEM COMPLIES WITH THE

1 REQUIREMENTS OF SECTION 1-5-615 AND THE STANDARDS ESTABLISHED  
2 UNDER SECTION 1-5-616 FOR USE IN AN ELECTION USING INSTANT RUNOFF  
3 VOTING.

4 (c) THE SECRETARY OF STATE SHALL DECIDE WHETHER TO CERTIFY  
5 AN ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM FOR USE IN AN  
6 ELECTION USING INSTANT RUNOFF VOTING WITHIN ONE HUNDRED TWENTY  
7 DAYS AFTER THE SYSTEM IS SUBMITTED FOR CERTIFICATION.

8 **SECTION 9.** In Colorado Revised Statutes, 1-7-116, **add** (1)(d)  
9 as follows:

10 **1-7-116. Coordinated elections - definition.** (1) (d) ON AND  
11 AFTER JANUARY 1, 2023, A STATUTORY CITY OR TOWN OR HOME RULE  
12 MUNICIPALITY MAY REFER A MUNICIPAL ELECTION USING INSTANT RUNOFF  
13 VOTING TO BE CONDUCTED AS PART OF A COORDINATED ELECTION IN  
14 ACCORDANCE WITH SECTION 1-7-118. IF REQUIRED BY SECTION 1-7-118,  
15 A COUNTY CLERK AND RECORDER SHALL CONDUCT THE ELECTION ON  
16 BEHALF OF THE MUNICIPALITY AS PART OF THE COORDINATED ELECTION  
17 IN ACCORDANCE WITH THIS SECTION AND SECTION 1-7-118.

18 **SECTION 10.** In Colorado Revised Statutes, **add** 1-7-118 as  
19 follows:

20 **1-7-118. Ranked voting in a coordinated election - procedure**  
21 **- costs - definition.** (1) ON AND AFTER JANUARY 1, 2023, A  
22 MUNICIPALITY THAT TAKES FORMAL ACTION TO CONDUCT AN ELECTION  
23 USING INSTANT RUNOFF VOTING MAY REFER THE ELECTION TO BE  
24 CONDUCTED AS PART OF A COORDINATED ELECTION, AS DEFINED IN  
25 SECTION 1-7-116, BY PROVIDING WRITTEN NOTICE TO THE COUNTY CLERK  
26 AND RECORDER CONDUCTING THE ELECTION AT LEAST ONE HUNDRED DAYS  
27 BEFORE THE ELECTION. IF THE COUNTY USES A VOTING SYSTEM THAT IS



1 CERTIFIED BY THE SECRETARY OF STATE FOR USE IN AN ELECTION USING  
2 INSTANT RUNOFF VOTING, THE COUNTY CLERK AND RECORDER SHALL  
3 CONDUCT THE ELECTION AS PART OF THE COORDINATED ELECTION IN  
4 ACCORDANCE WITH THIS SECTION AND SECTION 1-7-116. IN ADDITION TO  
5 THE REQUIREMENTS OF SECTION 1-7-116 (2), THE AGREEMENT BETWEEN  
6 THE COUNTY CLERK AND RECORDER AND THE MUNICIPALITY MUST  
7 INCLUDE A PLAN FOR CONDUCTING THE VOTER EDUCATION CAMPAIGN  
8 REQUIRED BY SECTION 1-7-1003 (5)(b). THE COUNTY CLERK AND  
9 RECORDER CONDUCTING THE ELECTION SHALL, WITH INPUT FROM THE  
10 MUNICIPALITY, DETERMINE THE MAXIMUM NUMBER OF CHOICES AN  
11 ELECTOR MAY RANK IN ACCORDANCE WITH SECTION 1-7-1003 (1).

12 (2) A MUNICIPALITY THAT REFERS AN ELECTION USING INSTANT  
13 RUNOFF VOTING TO BE CONDUCTED AS PART OF A COORDINATED ELECTION  
14 SHALL PAY FOR THE REASONABLE INCREASED COSTS ASSOCIATED WITH  
15 THE USE OF INSTANT RUNOFF VOTING IN THE COORDINATED ELECTION,  
16 INCLUDING BUT NOT LIMITED TO COSTS RELATED TO ELECTION SETUP,  
17 PROGRAMMING, BALLOT DESIGN, ADDITIONAL VOTER INFORMATION AND  
18 EDUCATION, AND TABULATION.

19 (3)(a) IF A MUNICIPALITY REFERRING AN ELECTION USING INSTANT  
20 RUNOFF VOTING IS LOCATED IN MORE THAN ONE COUNTY, THE COUNTY  
21 CLERK AND RECORDER OF EACH SUCH COUNTY SHALL CONDUCT THE  
22 ELECTION AS PART OF THE COORDINATED ELECTION ONLY IF:

23 (I) THE MUNICIPALITY TIMELY PROVIDES THE NOTICE REQUIRED BY  
24 SUBSECTION (1) OF THIS SECTION TO EACH COUNTY CLERK AND RECORDER;

25 (II) EACH COUNTY CLERK AND RECORDER USES A VOTING SYSTEM  
26 THAT IS CERTIFIED BY THE SECRETARY OF STATE FOR USE IN AN ELECTION  
27 USING INSTANT RUNOFF VOTING; AND

1           (III) THE DATA FROM THE VOTING SYSTEMS USED BY ALL SUCH  
2 COUNTIES CAN BE TABULATED TOGETHER IN ACCORDANCE WITH RULES  
3 ESTABLISHED BY THE SECRETARY OF STATE IN ACCORDANCE WITH  
4 SUBSECTION (5) OF THIS SECTION.

5           (b) IF THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION  
6 ARE MET, THE MUNICIPALITY AND THE COUNTIES SHALL ENTER INTO AN  
7 AGREEMENT CONCERNING THE CONDUCT OF THE ELECTION IN  
8 ACCORDANCE WITH SECTION 1-7-116 (2). IN ADDITION TO THE  
9 REQUIREMENTS OF SECTION 1-7-116 (2), THE AGREEMENT MUST:

10           (I) INCLUDE A PLAN FOR CONDUCTING THE VOTER EDUCATION  
11 CAMPAIGN REQUIRED BY SECTION 1-7-1003 (5)(b);

12           (II) ESTABLISH THE MAXIMUM NUMBER OF CHOICES AN ELECTOR  
13 MAY RANK ON THE BALLOT IN ACCORDANCE WITH SECTION 1-7-1003 (1);  
14 AND

15           (III) ADOPT PROCEDURES FOR THE COUNTY CANVASS BOARDS TO  
16 RECONCILE THE BALLOTS AND CERTIFY THE ABSTRACT OF VOTES FOR THE  
17 INSTANT RUNOFF VOTING ELECTION IN ACCORDANCE WITH RULES  
18 ESTABLISHED BY THE SECRETARY OF STATE PURSUANT TO SUBSECTION (5)  
19 OF THIS SECTION.

20           (c) IF THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION  
21 ARE NOT MET, THE ELECTION SHALL NOT BE CONDUCTED AS PART OF THE  
22 COORDINATED ELECTION. THE MUNICIPALITY MAY CONDUCT THE  
23 ELECTION IN ACCORDANCE WITH PART 10 OF THIS ARTICLE 7 OR THE  
24 MUNICIPALITY'S CHARTER, AS APPLICABLE.

25           (4) FOR EACH ELECTION USING INSTANT RUNOFF VOTING THAT IS  
26 CONDUCTED AS PART OF A COORDINATED ELECTION:

27           (a) EACH COUNTY CLERK AND RECORDER CONDUCTING THE

1 ELECTION SHALL PROVIDE THE EXPLANATION OF RANKED VOTING AND  
2 INSTRUCTIONS FOR ELECTORS REQUIRED BY SECTION 1-7-1003 (5)(a); AND

3 (b) THE SECRETARY OF STATE IS THE DESIGNATED ELECTION  
4 OFFICIAL RESPONSIBLE FOR TABULATING AND REPORTING THE RESULTS OF  
5 THE INSTANT RUNOFF VOTING ELECTION IN ACCORDANCE WITH THE RULES  
6 ESTABLISHED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

7 (5) ON OR BEFORE DECEMBER 31, 2022, THE SECRETARY OF STATE  
8 SHALL ADOPT RULES CONCERNING THE TABULATION, REPORTING, AND  
9 CANVASSING OF RESULTS FOR A COORDINATED ELECTION USING INSTANT  
10 RUNOFF VOTING. THE RULES MUST INCLUDE PROVISIONS FOR AN INSTANT  
11 RUNOFF VOTING ELECTION CONDUCTED BY MULTIPLE COUNTIES.

12 (6) AS USED IN THIS SECTION, "MUNICIPALITY" MEANS A  
13 STATUTORY CITY OR TOWN OR A HOME RULE MUNICIPALITY.

14 **SECTION 11.** In Colorado Revised Statutes, 1-7-309, **amend** (1)  
15 as follows:

16 **1-7-309. Determination of improperly marked ballots.**

17 (1) Votes cast for an office to be filled or a ballot issue to be decided  
18 shall not be counted if an elector marks more names than there are  
19 persons to be elected to an office or if for any reason it is impossible to  
20 determine the elector's choice of candidate or vote concerning the ballot  
21 issue; EXCEPT THAT AN ELECTOR'S RANKINGS OF MULTIPLE CANDIDATES  
22 IN AN ELECTION USING INSTANT RUNOFF VOTING SHALL BE RECORDED AND  
23 COUNTED IN ACCORDANCE WITH SECTION 1-7-1003 AND RULES  
24 PROMULGATED BY THE SECRETARY OF STATE.

25 **SECTION 12.** In Colorado Revised Statutes, 1-7-508, **amend** (2)  
26 as follows:

27 **1-7-508. Determination of improperly marked ballots.**

1 (2) Votes cast for an office to be filled or a ballot question or ballot issue  
2 to be decided shall not be counted if a voter marks more names than there  
3 are persons to be elected to an office or if for any reason it is impossible  
4 to determine the elector's choice of candidate or vote concerning the  
5 ballot question or ballot issue; EXCEPT THAT AN ELECTOR'S RANKINGS OF  
6 MULTIPLE CANDIDATES IN AN ELECTION USING INSTANT RUNOFF VOTING  
7 SHALL BE RECORDED AND COUNTED IN ACCORDANCE WITH SECTION  
8 1-7-1003 AND RULES PROMULGATED BY THE SECRETARY OF STATE. A  
9 defective or an incomplete mark on any ballot in a proper place shall be  
10 counted if no other mark is on the ballot indicating an intention to vote  
11 for some other candidate or ballot question or ballot issue.

12 **SECTION 13.** In Colorado Revised Statutes, 1-7-509, **amend**  
13 (2)(a) and (6) as follows:

14 **1-7-509. Electronic and electromechanical vote counting -**  
15 **testing of equipment required - definition.** (2) (a) A public test of  
16 voting equipment shall be conducted prior to the commencement of  
17 voting in accordance with this section by processing a preaudited group  
18 of ballots produced so as to record a predetermined number of valid votes  
19 for each candidate and on each ballot question or ballot issue. The test  
20 shall ensure that the system accurately records votes when the elector has  
21 the option of voting for more than one candidate in a race. The test shall  
22 ensure that the voting system properly rejects and does not count  
23 overvotes and undervotes. IF THE EQUIPMENT IS TO BE USED IN AN  
24 ELECTION USING INSTANT RUNOFF VOTING, THE TEST SHALL ENSURE THAT  
25 THE VOTING SYSTEM ACCURATELY RECORDS, COUNTS, AND TABULATES AN  
26 ELECTOR'S RANKINGS OF MULTIPLE CANDIDATES IN ACCORDANCE WITH  
27 SECTION 1-7-1003 AND RULES PROMULGATED BY THE SECRETARY OF

1 STATE.

2 (6) The secretary of state shall promulgate rules in accordance  
3 with article 4 of title 24 ~~C.R.S.~~, prescribing the manner of performing the  
4 logic and accuracy testing required by this section. ON OR BEFORE  
5 DECEMBER 31, 2022, THE RULES PROMULGATED IN ACCORDANCE WITH  
6 THIS SUBSECTION (6) MUST INCLUDE STANDARDS AND PROCEDURES FOR  
7 CONDUCTING LOGIC AND ACCURACY TESTING ON VOTING EQUIPMENT TO  
8 BE USED IN AN ELECTION USING INSTANT RUNOFF VOTING.

9 **SECTION 14.** In Colorado Revised Statutes, 1-7-515, **amend** (4)  
10 as follows:

11 **1-7-515. Risk-limiting audits - rules - legislative declaration -**  
12 **definitions.** (4) (a) The secretary of state shall promulgate rules in  
13 accordance with article 4 of title 24 ~~C.R.S.~~, as may be necessary to  
14 implement and administer the requirements of this section. In connection  
15 with the promulgation of the rules, the secretary shall consult recognized  
16 statistical experts, equipment vendors, and county clerk and recorders,  
17 and shall consider best practices for conducting risk-limiting audits.

18 (b) ON OR BEFORE DECEMBER 31, 2022, THE SECRETARY OF STATE  
19 SHALL PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24  
20 AS NECESSARY TO CONDUCT RISK LIMITING AUDITS IN AN ELECTION USING  
21 INSTANT RUNOFF VOTING. IN CONNECTION WITH THE PROMULGATION OF  
22 THE RULES, THE SECRETARY SHALL CONSULT RECOGNIZED STATISTICAL  
23 EXPERTS, EQUIPMENT VENDORS, AND COUNTY CLERK AND RECORDERS,  
24 AND SHALL CONSIDER BEST PRACTICES FOR CONDUCTING RISK-LIMITING  
25 AUDITS. THE SECRETARY OF STATE MAY CONSULT WITH ADDITIONAL  
26 AUDITING EXPERTS.

27 **SECTION 15. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly; except  
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
4 of the state constitution against this act or an item, section, or part of this  
5 act within such period, then the act, item, section, or part will not take  
6 effect unless approved by the people at the general election to be held in  
7 November 2022 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.