

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 09-0548.01 Bob Lackner

HOUSE BILL 09-1018

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**HOUSE SPONSORSHIP**

Bradford,

**SENATE SPONSORSHIP**

(None),

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**House Committees**  
State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE REMOVAL OF OBSOLETE LANGUAGE IN STATUTORY**  
102            **PROVISIONS IMPLEMENTING THE STATEWIDE VOTER**  
103            **REGISTRATION AND ELECTION SYSTEM FOR PURPOSES OF**  
104            **COMPLIANCE WITH THE FEDERAL "HELP AMERICA VOTE ACT".**

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**Bill Summary**

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

Removes obsolete language in statutory provisions implementing the statewide voter registration and election system for purposes of compliance with the federal "Help America Vote Act" as follows:

- In connection with a verification of the registration of an

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

elector in connection with the change of address of the elector, specifies that the county shall only be required to issue or authorize a certificate of registration where it has printed its pollbooks.

- Repeals obsolete requirements that the counties transmit voter registration lists to the secretary of state (secretary) under specified circumstances.
- Repeals obsolete requirements that counties transmit to the secretary lists of canceled voters after each general election and lists of electors showing who voted and their voting method.
- Repeals obsolete notification requirements applicable to electors who moved to and registered in another county.
- Repeals obsolete requirements that the secretary transmit duplicate voter lists to the counties.
- Repeals an obsolete requirement that the county clerk make a determination of active registered voters in each county on election day for inclusion in the official abstract of votes cast.

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

2 **SECTION 1.** 1-2-216 (4) (a), Colorado Revised Statutes, is  
3 amended to read:

4 **1-2-216. Change of residence.** (4) (a) For the twenty-eight days  
5 before and on the day of any election, any eligible elector, by appearing  
6 in person at the office of the clerk and recorder of the county in which the  
7 elector is registered, may complete a change of address form stating,  
8 under penalty of perjury, that the elector moved no later than the thirtieth  
9 day before the election and that, on the day of the election, the elector will  
10 have lived at the new address in the new precinct for at least thirty days.  
11 Upon the receipt of the request, the county clerk and recorder shall verify  
12 the registration of the elector and, upon verification, if the elector does  
13 not choose to vote at the time the request is verified, shall issue or  
14 authorize a certificate of registration showing the information required in

1 section 1-2-215 plus the change of address; EXCEPT THAT THE COUNTY  
2 SHALL ONLY BE REQUIRED TO ISSUE OR AUTHORIZE A CERTIFICATE OF  
3 REGISTRATION IN ACCORDANCE WITH THE PROVISIONS OF THIS PARAGRAPH  
4 (a) WHERE IT HAS PRINTED ITS POLLBOOKS.

5 **SECTION 2. Repeal.** 1-2-301 (2) (b), Colorado Revised  
6 Statutes, is repealed as follows:

7 **1-2-301. Centralized statewide registration system - secretary**  
8 **of state to maintain computerized statewide voter registration list -**  
9 **county computer records - agreement to match information.**

10 ~~(2) (b) No later than five days after the last day to register for a primary,~~  
11 ~~general, odd-numbered year, or congressional vacancy election, the~~  
12 ~~county clerk and recorder of each county shall transmit to the secretary of~~  
13 ~~state, in a media format acceptable to the secretary of state, a list of the~~  
14 ~~registered electors in the county. The list shall contain, but shall not be~~  
15 ~~limited to, each elector's name, place of residence, mailing address if~~  
16 ~~different from residence address, precinct number, date of birth, social~~  
17 ~~security number or other identification number, and the date on which the~~  
18 ~~elector was last registered.~~

19 **SECTION 3.** 1-2-302 (1) and (3), Colorado Revised Statutes, are  
20 amended to read:

21 **1-2-302. Maintenance of computerized statewide voter**  
22 **registration list - confidentiality.** (1) The secretary of state shall  
23 maintain the master list of registered electors of the entire state on as  
24 current a basis as is possible. ~~In order to assist the secretary of state, the~~  
25 ~~county clerk and recorder in each county, no later than five days after the~~  
26 ~~end of each month, shall transmit to the secretary of state in a media~~  
27 ~~format acceptable to the secretary of state all additions, changes, and~~

1 ~~deletions to the master registration records made in each county for the~~  
2 ~~previous month.~~

3 (3) ~~As soon as is practicable after a general election, the county~~  
4 ~~clerk and recorders shall transmit to the secretary of state, in a media~~  
5 ~~format acceptable to the secretary of state, a list of the electors canceled~~  
6 ~~from the registration records by the county clerk and recorders pursuant~~  
7 ~~to part 6 of this article. The electors shall be identified as provided in~~  
8 ~~subsection (2) of this section.~~

9 **SECTION 4. Repeal.** 1-2-305 (1), Colorado Revised Statutes,  
10 is repealed as follows:

11 **1-2-305. Postelection procedures - voting history.** (1) ~~Not later~~  
12 ~~than sixty days after a state election, each county clerk and recorder shall~~  
13 ~~transmit to the secretary of state, in a media format acceptable to the~~  
14 ~~secretary of state, a list of electors showing who voted and who did not~~  
15 ~~vote in the election. The list shall contain the information provided for~~  
16 ~~in section 1-2-301 (1). For electors who voted, the list shall show such~~  
17 ~~elector's method of voting, whether by early voting, mail-in ballot, mail~~  
18 ~~ballot, polling place voting, or otherwise.~~

19 **SECTION 5. Repeal.** 1-2-603, Colorado Revised Statutes, is  
20 repealed as follows:

21 **1-2-603. Notification that elector has moved and registered in**  
22 **different county.** (1) ~~If the elector registers to vote in another county,~~  
23 ~~the county clerk and recorder shall immediately transmit the information~~  
24 ~~to the county clerk and recorder of the elector's prior county of residence.~~  
25 ~~Upon receipt of the information, the county clerk and recorder of the~~  
26 ~~county of prior residence shall cancel the elector's registration record. The~~  
27 ~~county clerk and recorder of the county of prior residence shall cancel the~~

1 registration record only if the name and birth date or the name and social  
2 security number of the elector match.

3 ~~(2) If a county clerk and recorder receives a notice from the~~  
4 ~~secretary of state or from an election official in another state that the~~  
5 ~~elector has registered to vote in another county, the county clerk and~~  
6 ~~recorder of the county of prior residence shall cancel the registration~~  
7 ~~record if the name and birth date or the name and social security number~~  
8 ~~of the elector match.~~

9 **SECTION 6. Repeal.** 1-2-604, Colorado Revised Statutes, is  
10 repealed as follows:

11 **1-2-604. Cancellation of electors with a multiple registration.**

12 ~~(1) If the secretary of state's master list of registered electors shows an~~  
13 ~~elector to be registered in more than one precinct in this state, the~~  
14 ~~secretary of state shall notify every applicable county clerk and recorder~~  
15 ~~each month of such multiple registration. Each county clerk and recorder~~  
16 ~~who receives such notification shall cancel from the county's master lists~~  
17 ~~of registered electors the name of the elector wherever it appears, except~~  
18 ~~where it corresponds to the elector's most recent date of registration.~~

19 ~~(2) Not later than fifteen days prior to each primary, general,~~  
20 ~~odd-numbered year, or congressional vacancy election, the secretary of~~  
21 ~~state shall furnish to each county clerk and recorder a list of registered~~  
22 ~~electors who are registered to vote in more than one precinct in this state.~~  
23 ~~The lists shall identify each elector as provided in section 1-2-301 (1).~~

24 ~~(3) The county clerk and recorder of the county of prior residence~~  
25 ~~shall cancel the registration record pursuant to subsection (1) of this~~  
26 ~~section only if the name and birth date or the name and social security~~  
27 ~~number of the elector match.~~

1           **SECTION 7.** 1-10-105 (5) (c), Colorado Revised Statutes, is  
2 amended to read:

3           **1-10-105. Official abstract of votes cast - certification by**  
4 **secretary of state.** (5) The secretary of state shall publish on a biennial  
5 basis an official abstract of votes cast for all statewide elections held in  
6 the year of the general election and include the odd-number year  
7 immediately preceding that general election. The abstract shall contain  
8 the following information:

9           (c) The reconciled total number of active, registered voters in each  
10 county on election day; ~~as determined by the county clerk and recorders~~  
11 ~~no later than forty-five days after the election;~~

12           **SECTION 8. Act subject to petition - effective date.** This act  
13 shall take effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly that is  
15 allowed for submitting a referendum petition pursuant to article V,  
16 section 1 (3) of the state constitution, (August 4, 2009, if adjournment  
17 sine die is on May 6, 2009); except that, if a referendum petition is filed  
18 against this act or an item, section, or part of this act within such period,  
19 then the act, item, section, or part, if approved by the people, shall take  
20 effect on the date of the official declaration of the vote thereon by  
21 proclamation of the governor.