

HB1018_L.004

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date

Committee on State, Veterans, & Military Affairs.

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

HB09-1018 be amended as follows:

1 Strike the State, Veterans, & Military Affairs Committee Report, dated
2 January 22, 2009, and substitute the following:

3 "Amend printed bill, page 4, strike lines 9 through 27.

4 Page 5, strike lines 1 through 19 and substitute the following:

5 "SECTION 4. 1-2-305 (1) and (2), Colorado Revised Statutes, are
6 amended to read:

7 **1-2-305. Postelection procedures - voting history.** (1) Not later
8 than sixty days after a state election, ~~each county clerk and recorder shall~~
9 ~~transmit to the secretary of state, in a media format acceptable to the~~
10 ~~secretary of state;~~ THE SECRETARY OF STATE SHALL GENERATE a list of
11 electors showing who voted and who did not vote in the election. The list
12 shall ~~contain the information provided for in section 1-2-301 (1)~~ BE
13 DRAWN FROM THE STATEWIDE VOTER REGISTRATION DATABASE. For
14 electors who voted, the list shall show such elector's method of voting,
15 whether by early voting, mail-in ballot, mail ballot, polling place voting,
16 or otherwise.

17 (2) Upon receipt of the lists, the secretary of state shall ~~compare~~
18 ~~them with the master list of registered electors maintained in the office~~
19 EXAMINE THE LISTS TO SEE WHICH ELECTORS DID AND DID NOT VOTE IN
20 THE ELECTION in order to ascertain if any elector has voted more than
21 once. If it is determined that an elector has voted more than once, the



1 secretary of state shall notify the proper district attorney for prosecution
2 of a violation of the provisions of this code.

3 **SECTION 5.** 1-2-603 (1), Colorado Revised Statutes, is amended
4 to read:

5 **1-2-603. Notification that elector has moved and registered in**
6 **different county.** (1) If the elector registers to vote in another county,
7 the county clerk and recorder shall immediately transmit the information
8 to the county clerk and recorder of the elector's prior county of residence.
9 Upon receipt of the information, the county clerk and recorder of the
10 county of prior residence shall cancel the elector's registration record.
11 The county clerk and recorder of the county of prior residence shall
12 cancel the registration record only if the name and birth date or the name
13 and social security number of the elector match. OF THE ELECTOR'S NEW
14 COUNTY OF RESIDENCE SHALL TRANSFER THE ELECTOR'S REGISTRATION
15 RECORD FROM THE OLD COUNTY IN ACCORDANCE WITH THE FOLLOWING
16 REQUIREMENTS:

17 (a) IF THE ELECTOR PROVIDES A NAME, DATE OF BIRTH, AND PRIOR
18 ADDRESS AND THE COUNTY CLERK AND RECORDER CAN MATCH THE NAME,
19 DATE OF BIRTH, AND PRIOR ADDRESS TO THE ELECTOR'S PRIOR
20 REGISTRATION RECORD, THE ELECTOR'S REGISTRATION RECORD SHALL BE
21 TRANSFERRED FROM THE OLD COUNTY.

22 (b) IF THE ELECTOR PROVIDES A NAME AND DATE OF BIRTH BUT
23 DOES NOT PROVIDE A PRIOR ADDRESS, THE ELECTOR'S REGISTRATION
24 RECORD SHALL BE TRANSFERRED FROM THE OLD COUNTY ONLY IF:

25 (I) THE ELECTOR PROVIDES A DRIVER'S LICENSE OR
26 IDENTIFICATION CARD NUMBER, AND THE COUNTY CLERK AND RECORDER
27 OF THE NEW COUNTY OF RESIDENCE CAN MATCH THE NAME, DATE OF
28 BIRTH, AND DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER TO THE
29 ELECTOR'S PRIOR REGISTRATION RECORD; OR

30 (II) THE ELECTOR PROVIDES A SOCIAL SECURITY NUMBER, AND THE
31 COUNTY CLERK AND RECORDER OF THE NEW COUNTY OF RESIDENCE CAN
32 MATCH THE NAME, DATE OF BIRTH, AND SOCIAL SECURITY NUMBER TO THE
33 ELECTOR'S PRIOR REGISTRATION RECORD.

34 (c) IF THE ELECTOR DOES NOT PROVIDE A PRIOR ADDRESS,

1 DRIVER'S LICENSE NUMBER, OR SOCIAL SECURITY NUMBER, THE
2 REGISTRATION RECORD SHALL NOT BE TRANSFERRED FROM THE OLD
3 COUNTY UNLESS THE ELECTOR SUBMITS ADDITIONAL INFORMATION THAT
4 COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION (1). THE
5 COUNTY CLERK AND RECORDER OF THE COUNTY OF PRIOR RESIDENCE MAY
6 SEND NOTICE TO THE ELECTOR BY FORWARDABLE MAIL TO THE ELECTOR'S
7 ADDRESS OF RECORD. ANY SUCH NOTICE SHALL HAVE A RETURNABLE
8 PORTION THAT HAS THE RETURN POSTAGE PREPAID AND IS PREAMBITTED
9 TO THE SENDING COUNTY CLERK AND RECORDER, AND SHALL INCLUDE AN
10 AREA FOR THE ELECTOR TO INDICATE IF THE ELECTOR HAS MOVED TO
11 ANOTHER COUNTY AND WISHES TO HAVE HIS OR HER REGISTRATION
12 RECORD TRANSFERRED FROM THE OLD COUNTY.

13 SECTION 6. 1-2-604 (1) and (2), Colorado Revised Statutes, are
14 amended to read:

15 **1-2-604. Cancellation of electors with a multiple registration.**

16 ~~(1) If the secretary of state's master list of registered electors shows an~~
17 ~~elector to be registered in more than one precinct in this state, the~~
18 ~~secretary of state shall notify every applicable county clerk and recorder~~
19 ~~each month of such multiple registration. Each county clerk and recorder~~
20 ~~who receives such notification~~ BASED UPON AN EXAMINATION OF THE
21 SECRETARY OF STATE'S MASTER LISTS OF REGISTERED ELECTORS, EACH
22 COUNTY CLERK AND RECORDER SHALL GENERATE A LIST CONTAINING THE
23 NAME OF EACH ELECTOR WHO IS REGISTERED IN MORE THAN ONE PRECINCT
24 IN THE STATE AND shall cancel from the county's master lists of registered
25 electors the name of the elector wherever it appears, except where it
26 corresponds to the elector's most recent date of registration.

27 ~~(2) Not later than fifteen days prior to each primary, general,";~~

28 strike lines 24 through 27 and substitute the following:

29 ~~"(3) (a) The county clerk and recorder of the county of prior~~
30 ~~residence shall cancel the registration record pursuant to subsection (1)~~
31 ~~of this section only if the name and birth date or the name and social~~
32 ~~security number of the elector match. THE COUNTY CLERK AND~~
33 ~~RECORDER MAY NOT CANCEL THE REGISTRATION RECORD PURSUANT TO~~
34 ~~SUBSECTION (1) OF THIS SECTION UNLESS THERE IS A MATCH IN THE~~
35 ~~COUNTY'S REGISTRATION RECORDS AND THE STATEWIDE VOTER~~
36 ~~REGISTRATION DATABASE WITH RESPECT TO, AT A MINIMUM, THE~~

1 FOLLOWING TYPES OF IDENTIFYING INFORMATION:

2 (I) THE ELECTOR'S NAME, DATE OF BIRTH, AND PRIOR RESIDENCE;
3 OR

4 (II) THE ELECTOR'S NAME, DATE OF BIRTH, AND DRIVER'S LICENSE
5 NUMBER OR SOCIAL SECURITY NUMBER.

6 (b) IF THE COUNTY CLERK AND RECORDER IS NOT ABLE TO CANCEL
7 THE REGISTRATION RECORD PURSUANT TO PARAGRAPH (a) OF THIS
8 SUBSECTION (3), THE COUNTY CLERK AND RECORDER SHALL SEND A
9 NOTICE TO THE ELECTOR WHOSE RECORD THE CLERK AND RECORDER
10 INTENDS TO CANCEL. THE NOTICE SHALL BE SENT TO THAT ELECTOR'S
11 ADDRESS OF RECORD, SHALL HAVE A RETURNABLE PORTION THAT HAS THE
12 RETURN POSTAGE PREPAID AND THAT IS PREAMDRESSED TO THE SENDING
13 COUNTY CLERK AND RECORDER, AND SHALL INCLUDE AN AREA FOR THE
14 ELECTOR TO INDICATE IF THE ELECTOR HAS MOVED TO ANOTHER COUNTY
15 AND WISHES TO HAVE HIS OR HER REGISTRATION RECORD TRANSFERRED
16 FROM THE OLD COUNTY."

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