

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-0655.01 Kate Meyer x4348

HOUSE BILL 16-1300

HOUSE SPONSORSHIP

Ryden,

SENATE SPONSORSHIP

Ulibarri and Donovan,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE RETURN OF VOTED MAIL BALLOTS, AND, IN**
102 **CONNECTION THEREWITH, REMOVING THE REQUIREMENT THAT**
103 **ELECTORS PROVIDE POSTAGE ON MAIL BALLOT RETURN**
104 **ENVELOPES AND ENCOURAGING THE USE OF STATE-OWNED AND**
105 **CONVENIENT COMMERCIAL PROPERTIES FOR STAND-ALONE**
106 **DROP-OFF LOCATIONS FOR DEPOSIT OF MAIL BALLOTS.**

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://www.leg.state.co.us/billsummaries>.)

Section 1 of the bill:

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.

HOUSE
3rd Reading Unamended
April 18, 2016

HOUSE
Amended 2nd Reading
April 15, 2016

- ! Vests counties with the exclusive authority to determine placement and security of stand-alone ballot drop-off locations;
- ! Makes state-owned properties presumptively suitable for use as stand-alone drop-off locations where electors may deposit completed ballots; and
- ! Encourages counties to identify and utilize commercial properties for stand-alone drop-off locations.

Section 2:

- ! Removes the requirement that an elector provide postage on mail ballot return envelopes;
- ! Requires counties to work with the United States postal service to ensure the efficient delivery of mail ballot return envelopes, and to describe this effort in its mail ballot plan; and
- ! Directs the secretary of state to use federal "Help America Vote Act" grant moneys to purchase at least one 24-hour drop box for each county in the state; except that counties may request a waiver from receiving such boxes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-5-102.9, **amend** (4)
 3 (b) (II) and (4) (b) (III) as follows:

4 **1-5-102.9. Voter service and polling centers - number required**
 5 **- services provided - drop-off locations - repeal.** (4) (b) (II) The
 6 placement and security of each drop-off location shall be determined by
 7 **each county in accordance with the secretary of state's current security**
 8 **rules.** THE SECRETARY OF STATE MAY, BY RULE, PROMULGATE
 9 SPECIFICATIONS FOR THE INSTALLATION AND ACCESSIBILITY FOR PERSONS
 10 WITH DISABILITIES OF BOXES AT DROP-OFF LOCATIONS. With the exception
 11 of twenty-four hour secure drop boxes, each stand-alone drop-off location
 12 must be separate from voter service and polling centers.

13 (III) (A) Counties are encouraged to designate community-based
 14 locations AND STATE-OWNED PROPERTIES as stand-alone drop-off

1 locations. A STATE-OWNED PROPERTY IS PRESUMED ACCEPTABLE FOR USE
2 AS A STAND-ALONE DROP-OFF LOCATION UNLESS THE PARTICULAR
3 CIRCUMSTANCES OF THE LOCATION, SUCH AS INACCESSIBILITY OR
4 OBSCURITY, RENDER IT UNSUITABLE FOR SUCH PURPOSE.

5 (B) COUNTIES ARE ALSO ENCOURAGED TO ENTER INTO
6 AGREEMENTS, THROUGH PUBLIC-PRIVATE PARTNERSHIPS OR OTHERWISE,
7 FOR PLACEMENT OF STAND-ALONE DROP-OFF LOCATIONS ON COMMERCIAL
8 PROPERTIES THAT ARE CONVENIENTLY LOCATED, ACCESSIBLE VIA VARIOUS
9 MODES OF TRANSPORTATION, WELL-KNOWN, AND SECURE.

10 SECTION 2. In Colorado Revised Statutes, 1-7.5-107, **amend** (4)
11 (b) (II); and **add** (5) as follows:

12 **1-7.5-107. Procedures for conducting mail ballot election -**
13 **primary elections - first-time voters casting a mail ballot after having**
14 **registered by mail to vote - in-person request for ballot - rules -**
15 **repeal.** (4) (b) (II) (A) ~~If an eligible elector returns the ballot by mail, the~~
16 ~~elector must provide postage. The~~ A ballot ~~shall~~ MUST be received at the
17 office of the county clerk and recorder or designated election official or
18 a designated drop-off location, which ~~shall~~ MUST remain open until 7 p.m.
19 on election day. All envelopes containing mail ballots must be in the
20 hands of the county clerk and recorder or designated election official no
21 later than 7 p.m. on the day of the election. ■■■ Mail ballot
22 envelopes received after 7 p.m. on the day of the election but postmarked
23 on or before the day of the election will remain sealed and uncounted, but
24 the elector's registration record shall not be canceled for failure to vote in
25 a general election. For an election coordinated by the county clerk and
26 recorder, the drop-off location other than secure drop boxes shall be
27 designated by the county clerk and recorder and located in a secure place

1 under the supervision of a municipal clerk, an election judge, or a
2 member of the clerk and recorder's staff. ■ ■ ■ For a mail ballot
3 election not coordinated by the county clerk and recorder, the drop-off
4 location shall be designated by the designated election official and located
5 in a secure place under the supervision of the designated election official,
6 an election judge, or another person designated by the designated election
7 official.

8 (B) EACH COUNTY SHALL WORK WITH THE UNITED STATES POSTAL
9 SERVICE TO PROVIDE FOR THE EFFICIENT DELIVERY OF MAIL BALLOT
10 RETURN ENVELOPES, INCLUDING THOSE WITH NO OR INSUFFICIENT
11 POSTAGE, TO THE COUNTY CLERK AND RECORDER. IN ITS MAIL BALLOT
12 PLAN FILED WITH THE SECRETARY OF STATE, EACH COUNTY SHALL
13 DESCRIBE HOW IT PLANS TO WORK WITH THE UNITED STATES POSTAL
14 SERVICE PURSUANT TO THIS SUB-SUBPARAGRAPH (B).

15 (5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
16 SUBSECTION (5), THE SECRETARY OF STATE, USING MONEYS IN THE
17 FEDERAL ELECTIONS ASSISTANCE FUND CREATED IN SECTION 1-1.5-106
18 THAT ARE RECEIVED BY THE STATE FROM THE FEDERAL GOVERNMENT
19 PURSUANT TO THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", PUB. L.
20 107-252, CODIFIED AT 52 U.S.C. SEC. 20901 ET SEQ., SHALL PURCHASE
21 ONE TWENTY-FOUR HOUR SECURE DROP BOX FOR EACH COUNTY IN THE
22 STATE.

23 (b) THE SECRETARY OF STATE SHALL NOT PURCHASE A
24 TWENTY-FOUR HOUR SECURE DROP BOX FOR ANY COUNTY THAT TIMELY
25 SUBMITS A WRITTEN REQUEST FOR A WAIVER FROM PARAGRAPH (a) OF
26 THIS SUBSECTION (5).

27 **SECTION 3. Applicability.** This act applies to elections

1 conducted on or after the effective date of this act.

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.