

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 04-153

BY SENATOR(S) Johnson S., Reeves, Chlouber, Jones, Kester, May R., Taylor, and Teck;
also REPRESENTATIVE(S) McCluskey, Lundberg, Paccione, Witwer, Briggs, Sinclair, Welker, Hall, Johnson R., and Plant.

CONCERNING COMBINING POLLING PLACES, AND, IN CONNECTION THEREWITH, AUTHORIZING DESIGNATED ELECTION OFFICIALS TO ESTABLISH VOTE CENTERS WHERE ANY ELECTOR REGISTERED IN THE POLITICAL SUBDIVISION MAY VOTE.

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

SECTION 1. 1-1-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(49.8) "VOTE CENTER" MEANS A POLLING PLACE AT WHICH ANY REGISTERED ELECTOR IN THE POLITICAL SUBDIVISION HOLDING THE ELECTION MAY VOTE, REGARDLESS OF THE PRECINCT IN WHICH THE ELECTOR RESIDES.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. Repeal. 1-5-101 (4), Colorado Revised Statutes, is repealed as follows:

1-5-101. Establishing precincts and polling places for partisan elections. (4) ~~Notwithstanding any other requirement under this section, subject to approval by the board of county commissioners, county clerk and recorders may combine precincts for any primary election or special legislative election. If a county chooses to combine precincts, the county shall publish polling place locations as provided in section 1-5-205.~~

SECTION 3. Repeal. 1-5-102.5 (2), Colorado Revised Statutes, is repealed as follows:

1-5-102.5. Establishing polling places for coordinated elections. (2) ~~For coordinated elections, the county clerk and recorder may combine precincts and polling places.~~

SECTION 4. Part 1 of article 5 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-5-102.7. Combining precincts and polling places - vote centers. (1) NOTWITHSTANDING ANY PROVISION OF SECTION 1-5-101, 1-5-102, OR 1-5-102.5, A DESIGNATED ELECTION OFFICIAL MAY COMBINE POLLING PLACES OR PRECINCTS OR ESTABLISH ONE OR MORE VOTE CENTERS FOR ANY ELECTION, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS. A DESIGNATED ELECTION OFFICIAL WHO COMBINES POLLING PLACES OR PRECINCTS OR ESTABLISHES A VOTE CENTER SHALL PUBLISH THE LOCATION OF POLLING PLACES PURSUANT TO SECTION 1-5-205.

(2) IF VOTE CENTERS ARE USED IN AN ELECTION IN A POLITICAL SUBDIVISION, PRECINCT POLLING PLACES SHALL NOT ALSO BE USED IN THE ELECTION IN THAT POLITICAL SUBDIVISION, UNLESS EACH PRECINCT POLLING PLACE HAS A SECURE ELECTRONIC CONNECTION TO PROVIDE VOTING INFORMATION TO AND RECEIVE VOTING INFORMATION FROM THE COMPUTERIZED REGISTRATION BOOK MAINTAINED BY THE COUNTY CLERK AND RECORDER.

(3) IF VOTE CENTERS ARE USED IN A GENERAL ELECTION IN A COUNTY WITH A POPULATION OF TWENTY-FIVE THOUSAND OR MORE ACTIVE

REGISTERED ELECTORS, THERE SHALL BE AT LEAST ONE VOTE CENTER FOR EVERY TEN THOUSAND ACTIVE REGISTERED ELECTORS; EXCEPT THAT THE SECRETARY OF STATE MAY WAIVE THIS REQUIREMENT FOR A COUNTY BEFORE THE ELECTION AT THE REQUEST OF THE COUNTY CLERK AND RECORDER.

(4) EACH VOTE CENTER USED IN A COUNTY SHALL HAVE A SECURE ELECTRONIC CONNECTION TO THE COMPUTERIZED REGISTRATION BOOK MAINTAINED BY THE COUNTY CLERK AND RECORDER PERMITTING ALL VOTING INFORMATION PROCESSED BY ANY COMPUTER AT A VOTE CENTER TO BE IMMEDIATELY ACCESSIBLE TO ALL OTHER COMPUTERS AT ALL VOTE CENTERS IN THE COUNTY. A COUNTY MAY NOT USE VOTE CENTERS IN AN ELECTION UNLESS THE SECRETARY OF STATE HAS CERTIFIED THAT THE SECURE ELECTRONIC CONNECTION IS SUFFICIENT TO PREVENT ANY ELECTOR FROM VOTING MORE THAN ONCE AND TO PREVENT UNAUTHORIZED ACCESS TO THE COMPUTERIZED REGISTRATION BOOK.

(5) THE NUMBER, LOCATION, AND MANNER OF OPERATION AND LOCATION OF VOTE CENTERS, INCLUDING PROVIDING FOR POLL WATCHING ACTIVITIES, SHALL BE DETERMINED BY THE DESIGNATED ELECTION OFFICIAL IN CONSULTATION WITH THE CHAIRPERSONS OF THE COUNTY CENTRAL COMMITTEES OF THE MAJOR POLITICAL PARTIES AND A REPRESENTATIVE OF THE COUNTY ORGANIZATION OF ANY MINOR POLITICAL PARTY.

(6) EACH VOTE CENTER SHALL MEET ALL THE REQUIREMENTS OF FEDERAL AND STATE LAW APPLICABLE TO POLLING PLACES, EXCEPT AS SUCH REQUIREMENTS OF STATE LAW ARE MODIFIED BY THIS SECTION.

(7) THE DESIGNATED ELECTION OFFICIAL OF A POLITICAL SUBDIVISION SHALL NOT ESTABLISH VOTE CENTERS FOR A GENERAL ELECTION UNLESS VOTE CENTERS WERE USED IN A PREVIOUS ELECTION HELD BY THE POLITICAL SUBDIVISION IN AN ODD-NUMBERED YEAR OR IN A PRIMARY ELECTION HELD ON OR AFTER JANUARY 1, 2006.

(8) (a) IN ELECTIONS HELD BEFORE JANUARY 1, 2006, THE ELECTION JUDGES SHALL MAKE ONE CERTIFICATE FOR EACH VOTE CENTER IN THE FORM REQUIRED BY SECTION 1-7-601.

(b) IN ELECTIONS HELD ON AND AFTER JANUARY 1, 2006, THE USE OF VOTE CENTERS IN AN ELECTION SHALL NOT AFFECT THE DUTY OF THE ELECTION JUDGES TO MAKE A CERTIFICATE FOR EACH PRECINCT IN ACCORDANCE WITH SECTION 1-7-601.

SECTION 5. 1-6-111 (6), Colorado Revised Statutes, is amended to read:

1-6-111. Number of election judges. (6) For any election in which ~~the precincts and~~ polling places OR PRECINCTS are combined OR VOTE CENTERS ARE ESTABLISHED in accordance with ~~section 1-5-102.5~~ SECTION 1-5-102.7, the county clerk and recorder or the designated election official may assign one set of election judges to perform the functions ~~of~~ FOR all precincts and polling places so combined OR FOR EACH VOTE CENTER.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John Andrews
PRESIDENT OF
THE SENATE

Lola Spradley
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Mona Heustis
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO