

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0616.01 Troy Bratton

SENATE BILL 10-104

SENATE SPONSORSHIP

Lundberg, Penry, Brophy, Renfroe, Cadman, Scheffel

HOUSE SPONSORSHIP

Murray, Kerr J., Baumgardner, DelGrosso

Senate Committees

State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONDUCT OF VOTER REGISTRATION DRIVES, AND, IN**
102 **CONNECTION THEREWITH, REQUIRING VOTER REGISTRATION**
103 **DRIVE CIRCULATORS TO BE REGISTERED ELECTORS OF THE**
104 **STATE AND TO SUBMIT AN AFFIDAVIT AND PHOTO**
105 **IDENTIFICATION, REQUIRING VOTER REGISTRATION DRIVE**
106 **ORGANIZERS TO SUBMIT A LIST OF CIRCULATORS TO THE**
107 **SECRETARY OF STATE, REQUIRING THE SECRETARY OF STATE TO**
108 **ASSIGN UNIQUE IDENTIFYING NUMBERS TO CIRCULATORS, AND**
109 **REQUIRING VOTER REGISTRATION DRIVE AGENTS TO MAKE**
110 **THEMSELVES AVAILABLE FOR LEGAL PROCEEDINGS.**

Bill Summary

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.

(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>.)

Sections 1 and 4 of the bill relocate certain definitions related to voter registration drives, and **section 2** makes a conforming amendment resulting from the relocation. Section 4 also defines terms for persons working for voter registration drives and specifies that a voter registration drive circulator (circulator) must be a registered elector in the state.

Section 3 requires a county clerk and recorder to preserve paper voter registration records for a period of 2 years, unless the record is stored electronically in the statewide voter registration database, at which point the paper records may be destroyed.

Section 5 of the bill adds new requirements for conducting a voter registration drive. Specifically, a voter registration drive organizer must submit a list of circulators, along with a circulator affidavit and a copy of photo identification of each circulator, to the secretary of state prior to commencing a voter registration drive. A circulator's affidavit must attest that the circulator:

- ! Has read and understands the laws governing the conduct of voter registration drives;
- ! Has never been convicted of a crime involving fraud or other dishonesty;
- ! Will ask each eligible elector registering to vote whether the elector will be 18 or older before the date of the next election, whether the elector is a citizen of the United States, and whether the elector will have resided in this state and the county in which the elector intends to register for the 30 days immediately prior to the election at which the elector intends to vote; and
- ! Has submitted a copy of valid photo identification to the voter registration drive organizer.

Section 5 also requires the secretary of state to give each voter registration drive, and each circulator working for a voter registration drive, a unique identifying number.

Section 6 requires a circulator to only collect voter registration applications from eligible electors who have answered the eligibility questions contained in section 5 in the affirmative.

Section 6 also requires a circulator working for a voter registration drive to include the circulator's unique identifying number assigned by the secretary of state on each voter registration application form distributed by the circulator.

Finally, section 6 requires that the voter registration drive agent of

any voter registration drive complained of in any court proceeding or hearing make himself or herself available to be deposed and to testify. If an agent fails to do so, the registration applications at issue will be deemed invalid.

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

2 **SECTION 1. Repeal.** 1-1-104 (50.4) and (50.5), Colorado
3 Revised Statutes, are repealed as follows:

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

6 (50.4) ~~"Voter registration drive" means the distribution and~~
7 ~~collection of voter registration applications by two or more persons for~~
8 ~~delivery to a county clerk and recorder.~~

9 (50.5) ~~"Voter registration drive organizer" means a person, as~~
10 ~~defined in section 2-4-401 (8), C.R.S., that organizes a voter registration~~
11 ~~drive in the state.~~

12 **SECTION 2.** 1-2-217.5 (2) (c), Colorado Revised Statutes, is
13 amended to read:

14 **1-2-217.5. Change in residence before close of registration -**
15 **emergency registration at office of county clerk and recorder.**

16 (2) The elector shall declare under oath in the emergency registration
17 affidavit that the elector wishes to register to vote in the election in the
18 precinct and county for which the registration books are closed and that:

19 (c) The elector applied to register to vote prior to the close of
20 registration in a voter registration drive, AS DEFINED IN SECTION
21 1-2-700.3, and is able either to show the receipt from the voter
22 registration application that the elector submitted to the voter registration
23 drive or to provide the location of the voter registration drive and the

1 approximate date of registration;

2 **SECTION 3.** 1-2-227, Colorado Revised Statutes, is amended to
3 read:

4 **1-2-227. Custody and preservation of records.** (1) Registration
5 books shall be left in the custody of the county clerk and recorder, who
6 shall be responsible for them. EXCEPT AS PROVIDED IN SUBSECTION (2) OF
7 THIS SECTION, the oaths or affirmations, applications for affidavit
8 registration, federal postcard applications, applications for change of
9 residence or change of name, and other papers provided for by this part
10 2 shall be preserved by the county clerk and recorder and shall not be
11 destroyed ~~until after the next general election~~ FOR TWO CALENDAR YEARS
12 FOLLOWING THE DATE OF REGISTRATION. They shall be public records
13 subject to examination by any elector, and the elector shall have the right
14 to make copies of the records during office hours.

15 (2) NOTWITHSTANDING THE RETENTION PERIOD REQUIRED BY
16 SUBSECTION (1) OF THIS SECTION, A COUNTY CLERK AND RECORDER MAY
17 DESTROY PAPER VOTER REGISTRATION RECORDS AFTER SUCH RECORDS
18 HAVE BEEN ELECTRONICALLY RECORDED INTO THE STATEWIDE VOTER
19 REGISTRATION DATABASE, OR A SUCCESSOR DATABASE. SUCH RECORDS
20 SHALL BE STORED ELECTRONICALLY IN THE STATEWIDE VOTER
21 REGISTRATION DATABASE IN PERPETUITY.

22 **SECTION 4.** Part 7 of article 2 of title 1, Colorado Revised
23 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
24 read:

25 **1-2-700.3. Definitions.** AS USED IN THIS PART 7, UNLESS THE
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "VOTER REGISTRATION DRIVE" MEANS TWO OR MORE PERSONS

1 WHO DISTRIBUTE AND COLLECT VOTER REGISTRATION APPLICATIONS FOR
2 DELIVERY TO A COUNTY CLERK AND RECORDER.

3 (2) "VOTER REGISTRATION DRIVE AGENT" MEANS A RESIDENT OF
4 THE STATE WHO IS DESIGNATED AND AUTHORIZED BY THE VOTER
5 REGISTRATION DRIVE ORGANIZER TO REPRESENT THE VOTER
6 REGISTRATION DRIVE IN ALL MATTERS AFFECTING THE DRIVE AND TO
7 WHOM ALL NOTICES OR INFORMATION CONCERNING THE DRIVE SHALL BE
8 MAILED.

9 (3) "VOTER REGISTRATION DRIVE CIRCULATOR" OR "CIRCULATOR"
10 MEANS A REGISTERED ELECTOR OF THE STATE WHO CIRCULATES OR
11 COLLECTS, OR BOTH, ONE OR MORE VOTER REGISTRATION APPLICATIONS
12 DISTRIBUTED BY THE VOTER REGISTRATION DRIVE AND OFFERED BY AN
13 ELECTOR.

14 (4) "VOTER REGISTRATION DRIVE ORGANIZER" MEANS A PERSON,
15 AS DEFINED IN SECTION 2-4-401 (8), C.R.S., WHO ORGANIZES A VOTER
16 REGISTRATION DRIVE IN THE STATE.

17 **SECTION 5.** 1-2-701 (1), Colorado Revised Statutes, is
18 amended, and the said 1-2-701 is further amended BY THE ADDITION
19 OF THE FOLLOWING NEW SUBSECTIONS, to read:

20 **1-2-701. Registration of voter registration drive - training.**
21 (1) Before commencing a voter registration drive, a voter registration
22 drive organizer shall file a statement of intent to conduct a voter
23 registration drive with the secretary of state in the manner prescribed by
24 the secretary of state by rules promulgated in accordance with article 4 of
25 title 24, C.R.S. The voter registration drive organizer shall designate on
26 the statement the agent of the voter registration drive. ~~who shall be a~~
27 ~~resident of the state.~~

1 (3) BEFORE COMMENCING A VOTER REGISTRATION DRIVE, A VOTER
2 REGISTRATION DRIVE ORGANIZER SHALL FILE WITH THE SECRETARY OF
3 STATE A COMPLETE LIST OF THE NAMES OF ALL VOTER REGISTRATION
4 DRIVE CIRCULATORS WHO WILL BE CIRCULATING OR COLLECTING VOTER
5 REGISTRATION APPLICATIONS ON BEHALF OF THE VOTER REGISTRATION
6 DRIVE. THE VOTER REGISTRATION DRIVE ORGANIZER SHALL REVIEW AND,
7 AS NECESSARY, PROMPTLY REVISE THE LIST OF CIRCULATORS TO ENSURE
8 THAT AT ALL TIMES THE LIST IS CURRENT.

9 (4) BEFORE DISTRIBUTING OR COLLECTING ANY VOTER
10 REGISTRATION FORMS ON BEHALF OF A VOTER REGISTRATION DRIVE, A
11 VOTER REGISTRATION DRIVE CIRCULATOR SHALL SIGN AND SUBMIT TO THE
12 VOTER REGISTRATION DRIVE ORGANIZER AN AFFIDAVIT ATTESTING THAT
13 THE CIRCULATOR:

14 (a) HAS READ AND UNDERSTANDS THE LAWS GOVERNING THE
15 CONDUCT OF VOTER REGISTRATION DRIVES;

16 (b) HAS NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED
17 GUILTY OR NOLO CONTENDERE TO ANY CRIME INVOLVING ELECTION
18 FRAUD, ANY OTHER ELECTION OFFENSE, FRAUD, DECEPTION, FALSE
19 PRETENSE, THEFT, MISREPRESENTATION, OR DISHONESTY;

20 (c) WILL ASK EACH ELIGIBLE ELECTOR MAKING APPLICATION FOR
21 REGISTRATION THE FOLLOWING:

22 (I) WHETHER THE ELECTOR WILL BE EIGHTEEN YEARS OF AGE OR
23 OLDER ON THE DATE OF THE NEXT ELECTION;

24 (II) WHETHER THE ELECTOR IS A CITIZEN OF THE UNITED STATES;

25 AND

26 (III) WHETHER THE ELECTOR WILL HAVE RESIDED IN THIS STATE
27 AND THE COUNTY IN WHICH THE ELECTOR INTENDS TO REGISTER FOR THE

1 THIRTY DAYS IMMEDIATELY PRIOR TO THE ELECTION AT WHICH THE
2 ELECTOR INTENDS TO VOTE; AND

3 (d) HAS SUBMITTED A PHOTOCOPY OR AN ELECTRONICALLY
4 TRANSMITTED COPY OF VALID PHOTO IDENTIFICATION PURSUANT TO
5 SUBSECTION (5) OF THIS SECTION.

6 (5) BEFORE DISTRIBUTING OR COLLECTING ANY VOTER
7 REGISTRATION APPLICATION FORMS ON BEHALF OF A VOTER REGISTRATION
8 DRIVE, A VOTER REGISTRATION DRIVE CIRCULATOR SHALL SUBMIT TO THE
9 VOTER REGISTRATION DRIVE ORGANIZER A PHOTOCOPY OR AN
10 ELECTRONICALLY TRANSMITTED COPY OF VALID PHOTO IDENTIFICATION
11 AS SPECIFIED IN SECTION 1-1-104 (19.5) (a) (I), (19.5) (a) (II), (19.5) (a)
12 (III), (19.5) (a) (IV), (19.5) (a) (VI), OR (19.5) (a) (XI).

13 (6) THE VOTER REGISTRATION DRIVE ORGANIZER SHALL SUBMIT
14 THE CIRCULATOR AFFIDAVIT DESCRIBED IN SUBSECTION (4) OF THIS
15 SECTION AND THE PHOTO IDENTIFICATION OF THE CIRCULATOR DESCRIBED
16 IN SUBSECTION (5) OF THIS SECTION TO THE SECRETARY OF STATE
17 TOGETHER WITH THE LIST OF CIRCULATORS DESCRIBED IN SUBSECTION (3)
18 OF THIS SECTION.

19 (7) (a) THE SECRETARY OF STATE SHALL ASSIGN A UNIQUE
20 THREE-DIGIT NUMBER TO EACH VOTER REGISTRATION DRIVE THAT HAS
21 COMPLIED WITH THE REGISTRATION AND TRAINING PROVISIONS OF THIS
22 SECTION.

23 (b) THE SECRETARY OF STATE SHALL ASSIGN A UNIQUE SIX-DIGIT
24 NUMBER TO EACH CIRCULATOR DESIRING TO DISTRIBUTE AND COLLECT
25 VOTER REGISTRATION FORMS ON BEHALF OF A VOTER REGISTRATION
26 DRIVE, THE FIRST THREE DIGITS OF WHICH SHALL BE THE THREE DIGITS
27 ASSIGNED TO THE VOTER REGISTRATION DRIVE PURSUANT TO PARAGRAPH

1 (a) OF THIS SUBSECTION (7).

2 **SECTION 6.** 1-2-702 (1) and (2), Colorado Revised Statutes, are
3 amended, and the said 1-2-702 is further amended BY THE ADDITION
4 OF A NEW SUBSECTION, to read:

5 **1-2-702. Conducting a voter registration drive.** (1) A voter
6 registration drive ~~organizer~~ shall use the form of the voter registration
7 application approved by the secretary of state by rule. A CIRCULATOR
8 WORKING ON A VOTER REGISTRATION DRIVE SHALL INCLUDE ON ALL
9 DISTRIBUTED VOTER REGISTRATION APPLICATION FORMS THE UNIQUE
10 SIX-DIGIT NUMBER ASSIGNED TO THE CIRCULATOR BY THE SECRETARY OF
11 STATE PURSUANT TO SECTION 1-2-701 (7) (b).

12 (2) A circulator working on a voter registration drive shall ONLY
13 collect a voter registration application distributed by the voter registration
14 drive and offered by an elector ~~and deliver the application to the voter~~
15 ~~registration drive organizer~~ IF THE ELECTOR ANSWERS THE QUESTIONS
16 CONTAINED IN SECTION 1-2-701 (4) (c) IN THE AFFIRMATIVE. THE
17 CIRCULATOR SHALL THEN DELIVER THE APPLICATION TO THE VOTER
18 REGISTRATION DRIVE ORGANIZER. A voter registration drive organizer
19 shall deliver the application to the county clerk and recorder of the county
20 in which the elector resides according to the address indicated on the
21 application. The application shall be delivered no later than fifteen
22 business days after the application is signed, or, if the application is sent
23 by mail, it shall be postmarked no later than fifteen business days after the
24 application is signed; except that an application shall be delivered or
25 mailed no later than the registration deadline set forth in section 1-2-201
26 (3), and an application signed less than thirty days before the registration
27 deadline shall be delivered or postmarked no later than five business days

1 after the application is signed.

2 (4) AS PART OF ANY COURT PROCEEDING OR ANY HEARING
3 CONDUCTED BY THE SECRETARY OF STATE RELATED TO REPORTS OF
4 ALLEGED FRAUD OR ABUSE THAT OCCURRED DURING A VOTER
5 REGISTRATION DRIVE, THE VOTER REGISTRATION DRIVE AGENT OF THE
6 DRIVE CITED IN THE REPORT SHALL BE REQUIRED TO MAKE HIMSELF OR
7 HERSELF AVAILABLE TO BE DEPOSED AND TO TESTIFY IN PERSON, BY
8 TELEPHONE, OR BY ANY OTHER MEANS PERMITTED UNDER THE COLORADO
9 RULES OF CIVIL PROCEDURE. THE VOTER REGISTRATION APPLICATION OR
10 APPLICATIONS THAT ARE THE SUBJECT OF THE COURT PROCEEDING OR
11 HEARING SHALL BE INVALID IF THE VOTER REGISTRATION DRIVE AGENT
12 FAILS TO COMPLY WITH THE REQUIREMENT SET FORTH IN THIS SUBSECTION
13 (4) FOR ANY COMPLAINT THAT INCLUDES AN ALLEGATION OF FRAUD THAT
14 IS PLEAD WITH PARTICULARITY.

15 **SECTION 7. Act subject to petition - effective date.** This act
16 shall take effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part shall not take effect
22 unless approved by the people at the general election to be held in
23 November 2010 and shall take effect on the date of the official
24 declaration of the vote thereon by the governor.