

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0058.01 Bob Lackner

SENATE BILL 10-179

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE VOTING RIGHTS OF PERSONS INVOLVED IN THE**
102 **CRIMINAL JUSTICE SYSTEM.**

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>.)

Existing law prohibits a person serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction or serving a sentence of parole from being eligible to register to vote or to vote in any election. **Section 3** of the bill clarifies that a person on inmate status for a felony conviction is not eligible to register

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.*

to vote or to vote in any election. Section 3 further permits any individual who is not on inmate status to register or vote in any election. **Section 2** of the bill clarifies that inmate status does not include an individual who is no longer confined involuntarily in a municipal, county, or state prison, jail, detention facility, or other location while serving a sentence of parole. Section 2 also delineates various circumstances affecting offenders that do not constitute inmate status.

Section 4 of the bill places duties upon county sheriffs, probation officers, parole officers, administrators of juvenile facilities, and administrators of community corrections programs to facilitate the registration for voting purposes of, and voting by, an individual not on inmate status who is in the custody of such official or assigned to the facility the official administers. Section 4 further specifies that such duties shall include advising the individual of his or her voting rights, providing the individual with information as to the manner in which the individual may register and cast a ballot, providing the individual with voter information materials, and, in applicable cases, ensuring that any mail or mail-in ballot cast by the individual is timely delivered to the designated election official. Section 4 also exempts county sheriffs or their designees from any restriction under law on the number of mail or mail-in ballots an eligible elector may deliver in person to the designated election official.

Sections 5 through 9 of the bill make conforming amendments to the statutory provisions governing the powers and duties of county sheriffs, probation officers, parole officers, and administrators of community corrections programs and juvenile facilities. **Sections 10 and 11** of the bill make conforming amendments that would allow confined prisoners awaiting trial to register and vote in municipal elections.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that:

4 (a) Section 10 of article VII of the state constitution states, among
5 other things, that "every such person who was a qualified elector prior to
6 such imprisonment, and who is released therefrom by virtue of a pardon,
7 or by virtue of having served out his full term of imprisonment, shall
8 without further action, be invested with all the rights of citizenship,
9 except as otherwise provided in this constitution."

1 (b) Although this constitutional language has long been used to
2 justify the deprivation of voting rights to individuals serving a sentence
3 of parole, the constitutional provision was part of the original constitution
4 of the state adopted in August 1876, and the state did not adopt parole
5 sentencing until 1899.

6 (c) The power under the constitution to criminalize conduct and
7 set the punishment for a crime rests with the legislative branch.
8 Accordingly, it is within the plenary power of the general assembly to
9 define the constitutional phrase "having served out his full term of
10 imprisonment" and, particularly, to define the phrase in such a manner as
11 to restore the voting rights of an offender serving a sentence of parole.

12 (d) In the case of *Danielson v. Dennis*, 139 P.3d 688 (Colo. 2006),
13 the Colorado supreme court held that the general assembly has the
14 authority to include parole as part of the "full term of imprisonment"
15 within the meaning of the constitutional provision, which necessarily
16 means that the general assembly is also empowered, if it so chooses, to
17 define the "full term of imprisonment" to end when an individual
18 convicted of a felony is sentenced to parole and, therefore, leaves his or
19 her incarcerated status. It follows that if an individual's term of
20 imprisonment is at an end upon being sentenced to parole, he or she
21 should also be entitled to the full restoration of his or her voting rights at
22 that time.

23 (e) Restoring voting rights to parolees is consistent with the
24 purpose of parole as stated in section 17-22.5-102.5 (1) (c), Colorado
25 Revised Statutes, and will help to develop and foster in these individuals
26 the values of citizenship that will result in significant dividends to them
27 and society as they resume their places in their communities.

1 (f) Among other things, section 20 (4) of article X of the state
2 constitution, part of the amendment to the state constitution commonly
3 referred to as TABOR, mandates that the state and local governments
4 obtain voter approval for tax increases and the creation of certain debt or
5 other financial obligations. Insofar as parolees incur a tax or debt burden
6 in the same manner as any other individual allowed to vote on such ballot
7 issues, justice, fairness, and fidelity to the provisions of TABOR require
8 parolees to be authorized to register and vote on these matters, in addition
9 to other matters placed on the ballot.

10 (2) By enacting Senate Bill 10-179, enacted in 2010, the general
11 assembly intends that individuals sentenced to parole on account of a
12 felony conviction be entitled to the full restoration of their voting rights
13 and further intends that Senate Bill 10-179 be liberally construed to
14 effectuate these purposes.

15 **SECTION 2.** 1-1-104, Colorado Revised Statutes, is amended BY
16 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
17 read:

18 **1-1-104. Definitions.** As used in this code, unless the context
19 otherwise requires:

20 (4.5) "COMMUNITY CORRECTIONS PROGRAM" SHALL HAVE THE
21 SAME MEANING AS SET FORTH IN SECTION 17-27-102 (3), C.R.S.

22 ==
23 (49.3) (a) "TERM OF IMPRISONMENT" OR "FULL TERM OF
24 IMPRISONMENT" MEANS THE PERIOD DURING WHICH AN INDIVIDUAL IS
25 SENTENCED TO INVOLUNTARY CONFINEMENT IN ANY CORRECTIONAL
26 FACILITY, JAIL, OR OTHER LOCATION FOR A FELONY CONVICTION.

27 (b) THIS SUBSECTION (49.3) SHALL APPLY TO THIS CODE AND FOR

1 THE PURPOSE OF CONSTRUING THE PROVISIONS OF SECTION 10 OF ARTICLE
2 VII OF THE STATE CONSTITUTION.

3 (C) "TERM OF IMPRISONMENT" OR "FULL TERM OF IMPRISONMENT"
4 SHALL NOT INCLUDE THE PERIOD DURING WHICH AN INDIVIDUAL IS:

5 (I) SERVING A SENTENCE OF PAROLE;

6 (II) ON PROBATION;

7 (III) SERVING A SENTENCE FOR A MISDEMEANOR CONVICTION;

8 (IV) SERVING A DIRECT SENTENCE IN A COMMUNITY CORRECTIONS
9 PROGRAM FOR A FELONY CONVICTION;

10 (V) PLACED IN A COMMUNITY CORRECTIONS PROGRAM PURSUANT
11 TO A DEFERRED JUDGMENT FOR A FELONY CONVICTION; OR

12 (VII) SENTENCED TO FEDERAL SUPERVISED RELEASE.

13 **SECTION 3.** 1-2-103 (4), Colorado Revised Statutes, is amended
14 to read:

15 **1-2-103. Military service - students - persons serving terms of**
16 **imprisonment - persons with mental illness.** (4) ~~No~~ A person ~~while~~
17 ~~-serving a sentence of detention or confinement~~ TERM OF IMPRISONMENT
18 in a correctional facility, jail, or other location for a felony conviction or
19 while serving a sentence of parole shall be IS NOT eligible to register to
20 vote or to vote in any election. however, A confined prisoner who is
21 awaiting trial but has not been tried OR AN INDIVIDUAL WHO IS CONFINED
22 FOR A MISDEMEANOR CONVICTION shall be certified by the institutional
23 administrator and shall be permitted to register to vote by mail
24 registration pursuant to part 5 of this article. AN INDIVIDUAL WHOSE
25 STATUS IS DESCRIBED IN SECTION 1-1-104 (49.3) (C) SHALL BE ELIGIBLE TO
26 REGISTER TO VOTE AND TO VOTE IN ANY ELECTION.

27 **SECTION 4.** Part 2 of article 2 of title 1, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **1-2-210.5. Registration of and voting by persons involved in**
4 **criminal justice system.** (1) IN ADDITION TO ANY OTHER REQUIREMENTS
5 IMPOSED BY THIS TITLE IN CONNECTION WITH THE REGISTRATION OF
6 PERSONS WHO ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEM, THE
7 COUNTY SHERIFF, OR A DEPUTY OR JAILER DESIGNATED BY THE SHERIFF,
8 SHALL FACILITATE THE VOTING RIGHTS OF AN INDIVIDUAL WHO IS
9 CONFINED INVOLUNTARILY IN A COUNTY JAIL OR OTHER COUNTY PENAL
10 FACILITY ON ACCOUNT OF A MISDEMEANOR CONVICTION OR WHO IS
11 OTHERWISE CONFINED PENDING TRIAL FOR A MISDEMEANOR OR FELONY
12 OFFENSE. IN CONNECTION WITH SUCH REQUIREMENTS, THE SHERIFF OR
13 THE SHERIFF'S DESIGNEE SHALL ADVISE THE INDIVIDUAL OF HIS OR HER
14 VOTING RIGHTS, PROVIDE THE INDIVIDUAL WITH INFORMATION AS TO HOW
15 HE OR SHE MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT,
16 PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON
17 THE REQUEST OF THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR
18 MAIL-IN BALLOT CAST BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE
19 DESIGNATED ELECTION OFFICIAL.

20 (2) (a) IN THE CASE OF AN INDIVIDUAL ON PROBATION, THE
21 PROBATION OFFICER ASSIGNED TO THE INDIVIDUAL SHALL ADVISE THE
22 INDIVIDUAL OF HIS OR HER VOTING RIGHTS, PROVIDE THE INDIVIDUAL WITH
23 INFORMATION AS TO HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A
24 BALLOT, AND PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION
25 MATERIALS UPON THE REQUEST OF THE INDIVIDUAL.

26 (b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2)
27 SHALL APPLY TO ANY INDIVIDUAL ON PROBATION.

1 (3) IN THE CASE OF AN INDIVIDUAL ON PAROLE, THE COMMUNITY
2 PAROLE OFFICER ASSIGNED TO THE INDIVIDUAL SHALL ADVISE THE
3 INDIVIDUAL OF HIS OR HER VOTING RIGHTS, PROVIDE THE INDIVIDUAL WITH
4 INFORMATION AS TO HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A
5 BALLOT, AND PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION
6 MATERIALS UPON THE REQUEST OF THE INDIVIDUAL.

7 (4) IN THE CASE OF ANY INDIVIDUAL CONFINED TO A JUVENILE
8 FACILITY AND IN THE CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS
9 IN THE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 19-2-203
10 (1), C.R.S., WHO IS EIGHTEEN YEARS OF AGE OR OLDER ON THE DATE OF
11 THE NEXT ELECTION, THE ADMINISTRATOR OF THE FACILITY IN WHICH THE
12 INDIVIDUAL IS CONFINED OR THE ADMINISTRATOR'S DESIGNEE SHALL
13 FACILITATE THE VOTING RIGHTS OF THE INDIVIDUAL. IN CONNECTION
14 WITH THIS REQUIREMENT, THE ADMINISTRATOR SHALL ADVISE THE
15 INDIVIDUAL OF HIS OR HER VOTING RIGHTS, PROVIDE THE INDIVIDUAL WITH
16 INFORMATION AS TO HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A
17 BALLOT, PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION MATERIALS
18 UPON THE REQUEST OF THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR
19 MAIL-IN BALLOT CAST BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE
20 DESIGNATED ELECTION OFFICIAL.

21 (5) (a) THE PROVISIONS OF THIS SUBSECTION (5) SHALL APPLY TO
22 ANY INDIVIDUAL WHO IS ELIGIBLE TO VOTE PURSUANT TO SECTION 1-2-103
23 AS SUCH REQUIREMENTS PERTAIN TO COMMUNITY CORRECTIONS
24 PLACEMENT.

25 (b) IN THE CASE OF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (a)
26 OF THIS SUBSECTION (5), THE ADMINISTRATOR OF THE COMMUNITY
27 CORRECTIONS PROGRAM IN WHICH THE INDIVIDUAL HAS BEEN PLACED, OR

1 THE ADMINISTRATOR'S DESIGNEE, SHALL FACILITATE THE VOTING RIGHTS
2 OF THE INDIVIDUAL. IN CONNECTION WITH THIS REQUIREMENT, THE
3 ADMINISTRATOR SHALL ADVISE THE INDIVIDUAL OF HIS OR HER VOTING
4 RIGHTS, PROVIDE THE INDIVIDUAL WITH INFORMATION AS TO HOW HE OR
5 SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND PROVIDE THE
6 INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF
7 THE INDIVIDUAL.

8 (6) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES, "VOTER INFORMATION MATERIALS" SHALL MEAN A
10 PACKET PROVIDED TO AN INDIVIDUAL IN ACCORDANCE WITH THE
11 REQUIREMENTS OF THIS SECTION THAT CONTAINS ONE OR MORE OF THE
12 FOLLOWING DOCUMENTS, AS APPLICABLE TO THE ELECTION FOR WHICH
13 THE INDIVIDUAL SEEKS TO REGISTER TO VOTE AND CAST A BALLOT:

14 (I) ANY FORMS USED TO REGISTER AN ELECTOR UNDER THIS PART
15 2;

16 (II) AN APPLICATION FOR A MAIL-IN BALLOT PURSUANT TO
17 SECTION 1-8-104;

18 (III) A COPY OF A BALLOT INFORMATION BOOKLET DESCRIBED IN
19 SECTION 1-40-124.5; AND

20 (IV) ANY MAILINGS TO ELECTORS THAT ARE DESCRIBED IN
21 SECTION 1-40-125.

22 (b) UPON AN ADMINISTRATOR'S WRITTEN REQUEST TO THE
23 LEGISLATIVE COUNCIL STAFF OR A COUNTY CLERK AND RECORDER FOR
24 COPIES OF THE DOCUMENTS SPECIFIED IN SUBPARAGRAPH (III) OR (IV) OF
25 PARAGRAPH (a) OF THIS SUBSECTION (6), THE LEGISLATIVE COUNCIL STAFF
26 OR COUNTY CLERK AND RECORDER, AS APPLICABLE, SHALL TIMELY
27 PROVIDE COPIES OF THE DOCUMENTS TO THE ADMINISTRATOR IN A

1 SUFFICIENT NUMBER TO COVER THE NUMBER OF INDIVIDUALS EITHER
2 RESIDING IN THE ADMINISTRATOR'S FACILITY, OR UNDER THE SUPERVISION
3 OF THE ADMINISTRATOR'S PROGRAM, WHO ARE AUTHORIZED TO REGISTER
4 AND VOTE UNDER THIS SECTION.

5 (7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ORDER
6 TO SATISFY THE REQUIREMENTS OF THIS SECTION, AN ADMINISTRATOR
7 SHALL BE EXEMPT FROM ANY RESTRICTION UNDER LAW ON THE NUMBER
8 OF MAIL OR MAIL-IN BALLOTS AN ELIGIBLE ELECTOR MAY DELIVER IN
9 PERSON TO THE DESIGNATED ELECTION OFFICIAL.

10 (8) FOR PURPOSES OF THIS SECTION, "ADMINISTRATOR" MEANS THE
11 ADMINISTRATOR, OR HIS OR HER DESIGNEE, OF A MUNICIPAL OR COUNTY
12 CORRECTIONAL FACILITY, JAIL, COMMUNITY CORRECTIONS PROGRAM, THE
13 DIVISION OF YOUTH CORRECTIONS CREATED IN SECTION 19-2-203 (1),
14 C.R.S., A FACILITY THAT CONTRACTS WITH THE DIVISION OF YOUTH
15 CORRECTIONS, ANY OFFICE EMPLOYING A PAROLE OR PROBATION OFFICER,
16 OR ANY OTHER ARRANGEMENT IN WHICH ONE OR MORE PERSONS ELIGIBLE
17 TO REGISTER AND VOTE IS EITHER CONFINED OR BEING SUPERVISED.

18 **SECTION 5.** 16-11-209, Colorado Revised Statutes, is amended
19 BY THE ADDITION OF A NEW SUBSECTION to read:

20 **16-11-209. Duties of probation officers.** (4) (a) IN ADDITION TO
21 ANY OTHER DUTY SPECIFIED IN THIS SECTION, IT IS ALSO THE DUTY OF A
22 PROBATION OFFICER TO FACILITATE THE VOTING RIGHTS OF AN INDIVIDUAL
23 UNDER THE OFFICER'S SUPERVISION IN ACCORDANCE WITH THE PROVISIONS
24 OF SECTION 1-2-210.5 (2) (a), C.R.S. IN CONNECTION WITH SUCH DUTY,
25 THE INDIVIDUAL'S PROBATION OFFICER SHALL ADVISE THE INDIVIDUAL OF
26 HIS OR HER VOTING RIGHTS, PROVIDE THE INDIVIDUAL WITH INFORMATION
27 AS TO HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND

1 PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON
2 THE REQUEST OF THE INDIVIDUAL. FOR PURPOSES OF THIS SUBSECTION (4),
3 "VOTER INFORMATION MATERIALS" SHALL HAVE THE SAME MEANING AS
4 SET FORTH IN SECTION 1-2-210.5 (6), C.R.S.

5 (b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (4)
6 SHALL APPLY, WITHOUT LIMITATION, TO ANY INDIVIDUAL ON PROBATION.

7 **SECTION 6.** 17-2-102, Colorado Revised Statutes, is amended
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **17-2-102. Division of adult parole - general powers, duties, and**
10 **functions - definitions.** (11) IN ADDITION TO ANY OTHER DUTY
11 SPECIFIED IN THIS SECTION, IT IS ALSO THE DUTY OF A COMMUNITY PAROLE
12 OFFICER TO FACILITATE THE VOTING RIGHTS OF AN INDIVIDUAL UNDER THE
13 OFFICER'S SUPERVISION IN ACCORDANCE WITH THE PROVISIONS OF SECTION
14 1-2-210.5 (3), C.R.S. IN CONNECTION WITH SUCH DUTY, THE INDIVIDUAL'S
15 PAROLE OFFICER SHALL ADVISE THE INDIVIDUAL OF HIS OR HER VOTING
16 RIGHTS, PROVIDE THE INDIVIDUAL WITH INFORMATION AS TO HOW HE OR
17 SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND PROVIDE THE
18 INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF
19 THE INDIVIDUAL. FOR PURPOSES OF THIS SUBSECTION (11), "VOTER
20 INFORMATION MATERIALS" SHALL HAVE THE SAME MEANING AS SET FORTH
21 IN SECTION 1-2-210.5 (6), C.R.S.

22 **SECTION 7.** 18-1.3-301, Colorado Revised Statutes, is amended
23 BY THE ADDITION OF A NEW SUBSECTION to read:

24 **18-1.3-301. Authority to place offenders in community**
25 **corrections programs.** (5) (a) THE PROVISIONS OF THIS SUBSECTION (5)
26 SHALL APPLY TO ANY INDIVIDUAL WHO IS ELIGIBLE TO VOTE PURSUANT TO
27 SECTION 1-2-103 AS SUCH REQUIREMENTS PERTAIN TO COMMUNITY

1 CORRECTIONS PLACEMENT.

2 (b) IN THE CASE OF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (a)
3 OF THIS SUBSECTION (5), THE ADMINISTRATOR OF THE COMMUNITY
4 CORRECTIONS PROGRAM IN WHICH THE INDIVIDUAL HAS BEEN PLACED, OR
5 THE ADMINISTRATOR'S DESIGNEE, SHALL FACILITATE THE VOTING RIGHTS
6 OF THE INDIVIDUAL. IN CONNECTION WITH THIS REQUIREMENT, THE
7 ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE SHALL ADVISE THE
8 INDIVIDUAL OF HIS OR HER VOTING RIGHTS, PROVIDE THE INDIVIDUAL WITH
9 INFORMATION AS TO HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A
10 BALLOT, AND PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION
11 MATERIALS UPON THE REQUEST OF THE INDIVIDUAL. FOR PURPOSES OF
12 THIS SUBSECTION (5), "VOTER INFORMATION MATERIALS" SHALL HAVE THE
13 SAME MEANING AS SET FORTH IN SECTION 1-2-210.5 (6), C.R.S.
14 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ORDER TO SATISFY
15 THE REQUIREMENTS OF THIS SUBSECTION (5), THE ADMINISTRATOR SHALL
16 BE EXEMPT FROM ANY RESTRICTION UNDER LAW ON THE NUMBER OF MAIL
17 OR MAIL-IN BALLOTS AN ELIGIBLE ELECTOR MAY DELIVER IN PERSON TO
18 THE DESIGNATED ELECTION OFFICIAL.

19 **SECTION 8.** 19-2-203, Colorado Revised Statutes, is amended
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21 **19-2-203. Division of youth corrections - created - interagency**
22 **agreements - duties of administrators of facilities in connection with**
23 **voter registration and casting of ballots.** (3) (a) THIS SUBSECTION (3)
24 SHALL APPLY TO ANY INDIVIDUAL CONFINED TO A JUVENILE FACILITY AND
25 IN THE CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS WHO IS
26 EIGHTEEN YEARS OF AGE OR OLDER ON THE DATE OF THE NEXT ELECTION.

27 (b) THE ADMINISTRATOR OF A FACILITY IN WHICH AN INDIVIDUAL

1 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) IS CONFINED, OR
2 THE ADMINISTRATOR'S DESIGNEE, SHALL FACILITATE THE VOTING RIGHTS
3 OF THE INDIVIDUAL. IN CONNECTION WITH SUCH REQUIREMENTS, THE
4 ADMINISTRATOR SHALL ADVISE THE INDIVIDUAL OF HIS OR HER VOTING
5 RIGHTS, PROVIDE THE INDIVIDUAL WITH INFORMATION AS TO HOW HE OR
6 SHE MAY REGISTER TO VOTE AND CAST A BALLOT, PROVIDE THE
7 INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF
8 THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR MAIL-IN BALLOT CAST
9 BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE DESIGNATED ELECTION
10 OFFICIAL. FOR PURPOSES OF THIS SUBSECTION (3), "VOTER INFORMATION
11 MATERIALS" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION
12 1-2-210.5 (6), C.R.S. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
13 IN ORDER TO SATISFY THE REQUIREMENTS OF THIS PARAGRAPH (b), THE
14 ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL BE EXEMPT FROM ANY
15 RESTRICTION UNDER LAW ON THE NUMBER OF MAIL OR MAIL-IN BALLOTS
16 AN ELIGIBLE ELECTOR MAY DELIVER IN PERSON TO THE DESIGNATED
17 ELECTION OFFICIAL.

18 **SECTION 9.** 30-10-511, Colorado Revised Statutes, is amended
19 to read:

20 **30-10-511. Sheriff custodian of jail - duties in connection with**
21 **voter registration and casting ballots.** (1) Except as provided in
22 section 16-11-308.5, C.R.S., the sheriff shall have charge and custody of
23 the jails of the county, and of the prisoners in the jails, and shall supervise
24 them himself or herself or through a deputy or jailer.

25 (2) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-2-210.5
26 (1), C.R.S., THE SHERIFF, OR A DEPUTY OR JAILER DESIGNATED BY THE
27 SHERIFF, SHALL FACILITATE THE VOTING RIGHTS OF AN INDIVIDUAL

1 SERVING A TERM OF IMPRISONMENT IN A COUNTY JAIL OR OTHER COUNTY
2 PENAL FACILITY ON ACCOUNT OF A MISDEMEANOR CONVICTION OR WHO IS
3 OTHERWISE CONFINED PENDING TRIAL FOR A MISDEMEANOR OR FELONY
4 OFFENSE. IN CONNECTION WITH SUCH DUTIES, THE SHERIFF OR THE
5 SHERIFF'S DESIGNEE SHALL ADVISE THE INDIVIDUAL OF HIS OR HER VOTING
6 RIGHTS, PROVIDE THE INDIVIDUAL WITH INFORMATION AS TO HOW HE OR
7 SHE MAY REGISTER TO VOTE AND CAST A BALLOT, PROVIDE THE
8 INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF
9 THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR MAIL-IN BALLOT CAST
10 BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE DESIGNATED ELECTION
11 OFFICIAL. FOR PURPOSES OF THIS SUBSECTION (2), "VOTER INFORMATION
12 MATERIALS" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION
13 1-2-210.5 (6), C.R.S. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
14 IN ORDER TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION (2), THE
15 SHERIFF OR HIS OR HER DESIGNEE SHALL BE EXEMPT FROM ANY
16 RESTRICTION UNDER LAW ON THE NUMBER OF MAIL OR MAIL-IN BALLOTS
17 AN ELIGIBLE ELECTOR MAY DELIVER IN PERSON TO THE DESIGNATED
18 ELECTION OFFICIAL.

19 **SECTION 10.** 31-10-102, Colorado Revised Statutes, is amended
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21 **31-10-102. Definitions.** As used in this article, unless the context
22 otherwise requires:

23 (8.7) (a) "TERM OF IMPRISONMENT" OR "FULL TERM OF
24 IMPRISONMENT" SHALL MEAN THE PERIOD DURING WHICH AN INDIVIDUAL
25 IS SENTENCED TO INVOLUNTARY CONFINEMENT IN ANY CORRECTIONAL
26 FACILITY, JAIL, OR OTHER LOCATION FOR A FELONY CONVICTION.

27 (b) THIS SUBSECTION (8.7) SHALL APPLY TO THIS ARTICLE AND FOR

1 THE PURPOSE OF CONSTRUING THE PROVISIONS OF SECTION 10 OF ARTICLE
2 VII OF THE STATE CONSTITUTION.

3 **SECTION 11.** 31-10-201 (2), Colorado Revised Statutes, is
4 amended to read:

5 **31-10-201. Qualifications of municipal electors.** (2) ~~No A~~
6 ~~person confined~~ SERVING A TERM OF IMPRISONMENT in any public prison
7 CORRECTIONAL FACILITY, JAIL, OR OTHER LOCATION FOR A FELONY
8 CONVICTION is NOT entitled to register or to vote at any regular or special
9 election. Every person who was a qualified elector prior to such
10 imprisonment and who is released by pardon or by having served his full
11 term of imprisonment shall be vested with all the rights of citizenship
12 except as otherwise provided in the state constitution. A CONFINED
13 INDIVIDUAL WHO IS AWAITING TRIAL BUT HAS NOT BEEN TRIED OR AN
14 INDIVIDUAL WHO IS CONFINED FOR A MISDEMEANOR CONVICTION SHALL
15 BE CERTIFIED BY THE INSTITUTIONAL ADMINISTRATOR AND SHALL BE
16 PERMITTED TO REGISTER TO VOTE BY MAIL REGISTRATION PURSUANT TO
17 PART 5 OF ARTICLE 2 OF TITLE 1, C.R.S. THE INSTITUTIONAL
18 ADMINISTRATOR SHALL ADVISE SUCH CONFINED PRISONER OF HIS OR HER
19 VOTING RIGHTS, PROVIDE THE INDIVIDUAL WITH INFORMATION AS TO HOW
20 HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, PROVIDE THE
21 INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF
22 THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR MAIL-IN BALLOT CAST
23 BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE DESIGNATED ELECTION
24 OFFICIAL. FOR PURPOSES OF THIS SUBSECTION (2), "VOTER INFORMATION
25 MATERIALS" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION
26 1-2-210.5 (6), C.R.S.

27 **SECTION 12. Specified effective date - applicability.** This act

1 shall take effect July 1, 2010, and shall apply to individuals seeking to
2 register to vote or to vote on or after said date.

3 **SECTION 13. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.