

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 12-0317.01 Bob Lackner x4350

SENATE BILL 12-109

SENATE SPONSORSHIP

Johnston,

HOUSE SPONSORSHIP

Coram,

Senate Committees
State, Veterans & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS GOVERNING THE REGULAR**
102 **MAINTENANCE OF VOTER REGISTRATION LISTS.**

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 3 of the bill requires that any registered elector whose registration record has been marked as "Inactive - failed to vote" as of the effective date of the bill from that date forward be deemed to hold the status of an active elector.

Section 4 of the bill authorizes the secretary of state and the

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.

county clerk and recorders to periodically conduct a national change of address search on all electors whose names appear in the statewide voter registration list and to continuously update such record to incorporate new information discovered by the search.

Section 5 of the bill changes the phrase "voter information card" to "voter confirmation card" to describe the basic communication between the county clerk and recorder (clerk) to the registered electors of a county in specified circumstances where the clerk is trying to substantiate the status of the elector. **Sections 5 and 7** eliminate the voter status of "inactive" and substitute the status of "Inactive - returned mail".

Section 5 of the bill also requires the secretary of state (secretary), not later than 60 days after each general, municipal, primary, and coordinated election, to conduct a national change of address search on all active and inactive electors using the national change of address database. The secretary is required to transmit the data obtained from the search to the appropriate clerk. Upon obtaining data indicating that the elector has moved within the county, the clerk is required input address changes to the statewide voter registration database maintained by the secretary for the purpose of updating the record of each registered elector whose name appears in the database and send a voter confirmation card to the elector to confirm the elector's change of address. Section 5 also specifies that:

- ! If the search indicates the elector has moved to a different county in the state since the last general, municipal, primary, or coordinated election, the clerk is required to send a voter confirmation card to the elector at the address indicated by the national change of address search requesting the elector to confirm in writing his or her change of address. The clerk must receive the elector's confirmation in writing that he or she has moved to the new address before the elector's name may be added to the registration records of the elector's new county of residence.
- ! If the search indicates the elector has moved outside the state of Colorado since the last general, municipal, primary, or coordinated election, the elector's record on the registration list maintained by the county will be marked "Inactive - returned mail". In such circumstances, the clerk is required to send the elector a voter confirmation card. Upon receiving written confirmation of the address change from the elector, the registration record of the elector will be canceled. If the elector fails to respond to the voter confirmation card and subsequently fails to cast a ballot for 2 consecutive general elections, the registration record of the elector will be canceled.

- ! If the elector fails to provide a forwarding address to the county or the forwarding address provided by the elector has expired, the clerk of the county on whose registration list the elector's name appears is required to designate the elector with the status "Inactive - returned mail" and is also required to send the elector a voter confirmation card notifying the elector that he or she has been designated with the status "Inactive - returned mail" and that his or her registration record will be canceled if the elector fails to vote in 2 consecutive general elections. If the elector fails to respond to the voter confirmation card and subsequently fails to cast a ballot for 2 consecutive general elections, the clerk shall cancel the registration record of the elector.

Section 6 of the bill requires the secretary, at least 60 days prior to each general, municipal, primary, and coordinated election, using the national change of address database, to conduct a national change of address search on all electors whose name appears in the statewide voter registration database maintained by the secretary. The secretary is then required to electronically transmit the data obtained from the search to the appropriate clerk. Upon obtaining data indicating that the elector has moved within the county, the clerk is required to input such address changes to the statewide voter registration database for the purpose of updating the record of each registered elector whose name appears in the database and send a voter confirmation card to the elector to confirm the elector's change of address. Section 6 also specifies that:

- ! If the search indicates the elector has moved to a different county in the state since the last general election, the clerk is required to send a voter confirmation card to the elector at the address indicated by the national change of address search requesting the elector to confirm in writing his or her change of address. The clerk must receive the elector's confirmation in writing that he or she has moved to the new address before the elector's name may be added to the registration records of the elector's new county of residence.
- ! If the search indicates the elector has moved outside the state of Colorado, the elector's record on the registration list maintained by the county will be marked "Inactive - returned mail". In such circumstances, the clerk is required to send the elector a voter confirmation card. Upon receiving written confirmation of the address change from the elector, the registration record of the elector will be canceled. If the elector fails to respond to the voter confirmation card and subsequently fails to cast a ballot for 2 consecutive general elections, the registration record of

the elector will be canceled.

Sections 8 and 9 of the bill delete existing statutory provisions that confer the status of "Inactive - failed to vote" upon certain electors in connection with mail ballot elections. Section 9 also changes the status of a registered elector who was sent a mail ballot that is returned as undeliverable from "Inactive - undeliverable" to "Inactive - returned mail". Section 9 also requires the clerk to mail a voter confirmation card to any elector whose ballot was returned by the United States postal service as undeliverable.

Section 10 of the bill requires any eligible elector whose registration record has been marked as "Inactive - failed to vote", whose status has been changed to active, and who had previously selected permanent mail-in voter status to have the status of permanent mail-in voter restored. If a mail ballot sent to a registered elector is returned by the United States postal service as undeliverable, section 10 also requires the clerk to mark the registration record of that elector with the words "Inactive - returned mail". The clerk is further required to mail a voter confirmation card to any elector whose ballot was returned by the United States postal service as undeliverable.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-110, **amend** (4)
3 as follows:

4 **1-1-110. Powers of the county clerk and recorder and deputy.**

5 (4) (a) For any elector registered after August 4, 1999, any
6 communication by mail from the county clerk and recorder to any
7 registered elector pursuant to this title, including, but not limited to, a
8 voter information card provided pursuant to section 1-5-206 or ~~an elector~~
9 ~~information~~ A VOTER CONFIRMATION card provided pursuant to section
10 1-2-605, shall be sent to the elector's address of record unless the elector
11 has requested that said communication be sent to his or her deliverable
12 mailing address pursuant to section 1-2-204 (2) (k).

13 (b) For any elector registered as of August 4, 1999, who has
14 provided the county clerk and recorder both an address of record and a

1 deliverable mailing address but has not indicated a mailing preference,
2 any communication by mail from the county clerk and recorder to any
3 registered elector pursuant to this title, including, but not limited to, a
4 voter information card provided pursuant to section 1-5-206 or ~~an elector~~
5 ~~information~~ A VOTER CONFIRMATION card provided pursuant to section
6 1-2-605, shall be sent to the elector's deliverable mailing address.

7 **SECTION 2.** In Colorado Revised Statutes, 1-2-204, **amend** (2)
8 (k) as follows:

9 **1-2-204. Questions answered by elector - rules.** (2) In addition,
10 each eligible elector shall be asked, and the elector shall correctly answer,
11 the following:

12 (k) Whether any communication by mail from the county clerk
13 and recorder to such eligible elector, including, but not limited to, a voter
14 information card provided pursuant to section 1-5-206 or ~~an elector~~
15 ~~information~~ A VOTER CONFIRMATION card provided pursuant to section
16 1-2-605, should be sent to the elector's deliverable mailing address.

17 **SECTION 3.** In Colorado Revised Statutes, **add** 1-2-229 as
18 follows:

19 **1-2-229. Change in status of electors deemed "Inactive - failed**
20 **to vote" - transfer to active status.** NOTWITHSTANDING ANY OTHER
21 PROVISION OF LAW, ANY REGISTERED ELECTOR WHOSE REGISTRATION
22 RECORD HAS BEEN MARKED AS "INACTIVE - FAILED TO VOTE" AS OF THE
23 EFFECTIVE DATE OF THIS SECTION SHALL FROM THAT DATE FORWARD BE
24 DEEMED TO HOLD THE STATUS OF AN ACTIVE ELECTOR.

25 **SECTION 4.** In Colorado Revised Statutes, 1-2-302, **add** (9) as
26 follows:

27 **1-2-302. Maintenance of computerized statewide voter**

1 **registration list - confidentiality.** (9) THE SECRETARY OF STATE AND
2 THE COUNTY CLERK AND RECORDERS MAY PERIODICALLY CONDUCT A
3 NATIONAL CHANGE OF ADDRESS SEARCH ON ALL ELECTORS WHOSE NAMES
4 APPEAR IN THE STATEWIDE VOTER REGISTRATION LIST MAINTAINED
5 PURSUANT TO SECTION 1-2-301 (1) AND MAY CONTINUOUSLY UPDATE
6 SUCH RECORDS TO INCORPORATE NEW INFORMATION DISCOVERED BY THE
7 SEARCH.

8 **SECTION 5.** In Colorado Revised Statutes, 1-2-605, **amend** (1)
9 (a) (I), (1) (a) (II), (1) (b), (3), (4) introductory portion, (6), and (7); and
10 **repeal** (2), (5), (9), and (11) as follows:

11 **1-2-605. Canceling registration - voter confirmation card.**

12 (1) (a) (I) Communication by mail from the county clerk and recorder to
13 the registered eligible electors of a county shall be in the form of a voter
14 ~~information~~ CONFIRMATION card, including but not limited to the elector's
15 name and address, precinct number, and polling place, which shall be
16 mailed to the elector's address of record unless the elector has requested
17 that the card be sent to his or her deliverable mailing address pursuant to
18 section 1-2-204 (2) (k). ~~The county clerk and recorder shall send a voter~~
19 ~~information card by forwardable mail to each active registered eligible~~
20 ~~elector of the county, as defined in section 1-1-104 (16), and by~~
21 ~~nonforwardable mail to each inactive registered eligible elector, except~~
22 ~~an elector whose previous communication from the county clerk and~~
23 ~~recorder was returned by the United States postal service as undeliverable~~
24 ~~or an elector whose registration record was marked "Inactive" by the~~
25 ~~county clerk and recorder pursuant to subsection (2) of this section before~~
26 ~~the general election of 2006.~~

27 (II) The voter ~~information~~ CONFIRMATION card shall inform the

1 elector of whether he or she is designated as a permanent mail-in voter
2 and shall have a returnable portion that allows the elector to request
3 designation as a permanent mail-in voter pursuant to section 1-8-104.5.

4 (b) For all electors whose communication pursuant to paragraph
5 (a) of this subsection (1) is returned by the United States postal service as
6 undeliverable at the elector's voting address, the county clerk and recorder
7 ~~may~~ SHALL mark the registration record of that elector with the word
8 "Inactive" PHRASE "INACTIVE - RETURNED MAIL".

9 (2) ~~A registered elector who is deemed "Active" but who fails to~~
10 ~~vote in a general election shall have the elector's registration record~~
11 ~~marked "Inactive (insert date)" by the county clerk and recorder following~~
12 ~~the general election. In the case of a registered elector to whom the~~
13 ~~county clerk and recorder mailed a confirmation card pursuant to~~
14 ~~paragraph (a) of subsection (6) of this section no later than ninety days~~
15 ~~after the 2008 general election and was returned by the United States~~
16 ~~postal service as undeliverable, the county clerk and recorder shall mark~~
17 ~~the registration record of that elector with the words "Inactive -~~
18 ~~undeliverable".~~

19 (3) Any registered elector whose registration record has been
20 marked "Inactive" "INACTIVE - RETURNED MAIL" shall be eligible to vote
21 in any election where registration is required and the elector meets all
22 other requirements.

23 (4) Any "Inactive" "INACTIVE - RETURNED MAIL" elector shall be
24 deemed "Active" if:

25 (5) ~~If a mail or mail-in ballot that was mailed pursuant to the~~
26 ~~requirements of this article to an elector who has been deemed "Active"~~
27 ~~is returned to the county clerk and recorder by the United States postal~~

1 ~~service as undeliverable, the county clerk and recorder shall send to the~~
2 ~~elector's address of record, unless the elector has requested that such~~
3 ~~communication be sent to his or her deliverable mailing address pursuant~~
4 ~~to section 1-2-204 (2) (k), a notice pursuant to section 1-2-509 by~~
5 ~~forwardable mail and a postage prepaid, preaddressed form by which the~~
6 ~~elector may verify or correct the address information. If the elector~~
7 ~~verifies that he or she resides in a county other than the county mailing~~
8 ~~the mail or mail-in ballot, the county clerk and recorder shall forward the~~
9 ~~address information to the county clerk and recorder of the county in~~
10 ~~which the voter resides. If the elector fails to respond, the county clerk~~
11 ~~and recorder shall mark the registration record of that elector with the~~
12 ~~word "Inactive".~~

13 (6) (a) (I) ~~No later than ninety days after any general election, any~~
14 ~~registered elector whose registration record is marked "Inactive" and who~~
15 ~~has not previously been mailed a confirmation card shall be mailed a~~
16 ~~confirmation card by the county clerk and recorder~~ NOT LATER THAN
17 SIXTY DAYS AFTER EACH GENERAL AND COORDINATED ELECTION, THE
18 SECRETARY OF STATE SHALL CONDUCT A CHANGE OF ADDRESS SEARCH ON
19 ALL ACTIVE AND INACTIVE ELECTORS USING THE NATIONAL CHANGE OF
20 ADDRESS DATABASE ADMINISTERED BY THE UNITED STATES POSTAL
21 SERVICE. THE SECRETARY SHALL TRANSMIT THE DATA OBTAINED FROM
22 THE SEARCH TO THE APPROPRIATE COUNTY CLERK AND RECORDER. UPON
23 OBTAINING DATA INDICATING THAT THE ELECTOR HAS MOVED WITHIN THE
24 COUNTY, THE COUNTY CLERK AND RECORDER SHALL INPUT SUCH ADDRESS
25 CHANGES TO THE STATEWIDE VOTER REGISTRATION DATABASE
26 MAINTAINED BY THE SECRETARY PURSUANT TO SECTION 1-2-301 (1) FOR
27 THE PURPOSE OF UPDATING THE RECORD OF THE ELECTOR WHOSE NAME

1 APPEARS IN THE DATABASE AND SEND A VOTER CONFIRMATION CARD
2 PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (1)
3 OF THIS SECTION TO THE ELECTOR TO CONFIRM THE ELECTOR'S CHANGE OF
4 ADDRESS.

5 (II) IF THE SEARCH REQUIRED BY SUBPARAGRAPH (I) OF THIS
6 PARAGRAPH (a) INDICATES THE ELECTOR HAS MOVED TO A DIFFERENT
7 COUNTY IN THE STATE SINCE THE LAST ELECTION, THE ELECTOR'S RECORD
8 ON THE REGISTRATION LIST MAINTAINED BY THE COUNTY WILL BE MARKED
9 "INACTIVE - RETURNED MAIL". IN SUCH CIRCUMSTANCES, THE COUNTY
10 CLERK AND RECORDER SHALL SEND A VOTER CONFIRMATION CARD
11 PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (1)
12 OF THIS SECTION TO THE ELECTOR AT THE ADDRESS INDICATED BY THE
13 NATIONAL CHANGE OF ADDRESS SEARCH REQUESTING THE ELECTOR TO
14 CONFIRM IN WRITING HIS OR HER CHANGE OF ADDRESS. THE COUNTY
15 CLERK AND RECORDER MUST RECEIVE THE ELECTOR'S CONFIRMATION IN
16 WRITING THAT THE ELECTOR HAS MOVED TO THE NEW ADDRESS BEFORE
17 THE ELECTOR'S NAME MAY BE ADDED TO THE REGISTRATION RECORDS OF
18 THE ELECTOR'S NEW COUNTY OF RESIDENCE.

19 (III) IF THE SEARCH REQUIRED BY SUBPARAGRAPH (I) OF THIS
20 PARAGRAPH (a) INDICATES THE ELECTOR HAS MOVED OUTSIDE THE STATE
21 OF COLORADO SINCE THE LAST ELECTION, THE ELECTOR'S RECORD ON THE
22 REGISTRATION LIST MAINTAINED BY THE COUNTY WILL BE MARKED
23 "INACTIVE - RETURNED MAIL". IN SUCH CIRCUMSTANCES, THE COUNTY
24 CLERK AND RECORDER SHALL SEND THE ELECTOR A VOTER CONFIRMATION
25 CARD PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION
26 (1) OF THIS SECTION. UPON RECEIVING WRITTEN CONFIRMATION OF THE
27 ADDRESS CHANGE FROM THE ELECTOR, THE REGISTRATION RECORD OF THE

1 ELECTOR WILL BE CANCELED. IF THE ELECTOR FAILS TO RESPOND TO THE
2 VOTER CONFIRMATION CARD AND SUBSEQUENTLY FAILS TO CAST A BALLOT
3 FOR TWO CONSECUTIVE GENERAL ELECTIONS, THE REGISTRATION RECORD
4 OF THE ELECTOR WILL BE CANCELED.

5 (IV) IF THE ELECTOR FAILS TO PROVIDE A FORWARDING ADDRESS
6 TO THE COUNTY OR THE FORWARDING ADDRESS PROVIDED BY THE
7 ELECTOR HAS EXPIRED, THE CLERK AND RECORDER OF THE COUNTY ON
8 WHOSE REGISTRATION LIST THE ELECTOR'S NAME APPEARS SHALL
9 DESIGNATE THE ELECTOR AS "INACTIVE - RETURNED MAIL" AND SHALL
10 SEND THE ELECTOR A VOTER CONFIRMATION CARD NOTIFYING THE
11 ELECTOR THAT HE OR SHE HAS BEEN DESIGNATED WITH THE STATUS
12 "INACTIVE - RETURNED MAIL" AND THAT THE ELECTOR'S REGISTRATION
13 RECORD WILL BE CANCELED IF THE ELECTOR FAILS TO VOTE IN TWO
14 CONSECUTIVE GENERAL ELECTIONS. IF THE ELECTOR FAILS TO RESPOND TO
15 THE VOTER CONFIRMATION CARD AND SUBSEQUENTLY FAILS TO CAST A
16 BALLOT FOR TWO CONSECUTIVE GENERAL ELECTIONS, THE CLERK AND
17 RECORDER SHALL CANCEL THE REGISTRATION RECORD OF THE ELECTOR.

18 (b) A VOTER confirmation card shall be mailed, shall have a place
19 for an address change, shall be sent by forwardable mail to the elector's
20 address of record, unless the elector has requested that such
21 communication be sent to his or her deliverable mailing address pursuant
22 to section 1-2-204 (2) (k), shall have a returnable portion that has the
23 return postage prepaid and is preaddressed to the sending county clerk
24 and recorder, and shall include a registration form to allow the elector to
25 preregister in the county where the elector resides and to request
26 designation as a permanent mail-in elector pursuant to section 1-8-104.5.

27 (7) If the county clerk and recorder receives no response to the

1 VOTER confirmation card and the elector has been designated "Inactive"
2 "INACTIVE - RETURNED MAIL" for two general elections since the
3 confirmation card was mailed pursuant to the requirements of this article,
4 the county clerk and recorder shall cancel the registration record of the
5 elector; except that, notwithstanding any other provision of law, no
6 elector's registration record shall be canceled solely for failure to vote.

7 (9) ~~As soon as is practicable after a general election, the county~~
8 ~~clerk and recorder shall transmit to the secretary of state, in a media~~
9 ~~format acceptable to the secretary of state, a list of the electors canceled~~
10 ~~from the registration records pursuant to this section.~~

11 (11) ~~Notwithstanding any other provision of this section,~~
12 ~~requirements pertaining to the verification by a county clerk and recorder~~
13 ~~of the status of a registered elector who has been deemed "Inactive" in~~
14 ~~preparation for a mail ballot election shall be governed by the provisions~~
15 ~~of section 1-7.5-108.5.~~

16 **SECTION 6.** In Colorado Revised Statutes, **add** 1-5-205.5 as
17 follows:

18 **1-5-205.5. Maintenance of lists of registered electors -**
19 **pre-elections.** (1) AT LEAST SIXTY DAYS PRIOR TO EACH GENERAL,
20 PRIMARY, AND COORDINATED ELECTION, USING THE NATIONAL CHANGE OF
21 ADDRESS DATABASE ADMINISTERED BY THE UNITED STATES POSTAL
22 SERVICE, THE SECRETARY OF STATE SHALL CONDUCT A CHANGE OF
23 ADDRESS SEARCH ON ALL ELECTORS WHOSE NAMES APPEAR IN THE
24 STATEWIDE VOTER REGISTRATION DATABASE MAINTAINED BY THE
25 SECRETARY PURSUANT TO SECTION 1-2-301 (1). THE SECRETARY SHALL
26 ELECTRONICALLY TRANSMIT THE DATA OBTAINED FROM THE SEARCH TO
27 THE APPROPRIATE COUNTY CLERK AND RECORDER. UPON OBTAINING DATA

1 INDICATING THAT THE ELECTOR HAS MOVED WITHIN THE COUNTY, THE
2 COUNTY CLERK AND RECORDERS SHALL INPUT SUCH ADDRESS CHANGES TO
3 THE STATEWIDE VOTER REGISTRATION DATABASE FOR THE PURPOSE OF
4 UPDATING THE RECORD OF EACH REGISTERED ELECTOR WHOSE NAME
5 APPEARS IN THE DATABASE AND SEND A VOTER CONFIRMATION CARD
6 PURSUANT TO SECTION 1-2-605 (6) (b) TO THE ELECTOR TO CONFIRM THE
7 ELECTOR'S CHANGE OF ADDRESS.

8 (2) IF THE SEARCH REQUIRED BY SUBSECTION (1) OF THIS SECTION
9 INDICATES THE ELECTOR HAS MOVED TO A DIFFERENT COUNTY IN THE
10 STATE SINCE THE LAST GENERAL ELECTION, THE ELECTOR'S RECORD ON
11 THE REGISTRATION LIST MAINTAINED BY THE COUNTY WILL BE MARKED
12 "INACTIVE - RETURNED MAIL". IN SUCH CIRCUMSTANCES, THE COUNTY
13 CLERK AND RECORDER SHALL SEND A VOTER CONFIRMATION CARD
14 PURSUANT TO SECTION 1-2-605 (6) (b) TO THE ELECTOR AT THE ADDRESS
15 INDICATED BY THE NATIONAL CHANGE OF ADDRESS SEARCH REQUESTING
16 THE ELECTOR TO CONFIRM IN WRITING HIS OR HER CHANGE OF ADDRESS.
17 THE COUNTY CLERK AND RECORDER MUST RECEIVE THE ELECTOR'S
18 CONFIRMATION IN WRITING THAT THE ELECTOR HAS MOVED TO THE NEW
19 ADDRESS BEFORE THE ELECTOR'S NAME MAY BE ADDED TO THE
20 REGISTRATION RECORDS OF THE ELECTOR'S NEW COUNTY OF RESIDENCE.

21 (3) IF THE SEARCH REQUIRED BY SUBSECTION (1) OF THIS SECTION
22 INDICATES THE ELECTOR HAS MOVED OUTSIDE THE STATE OF COLORADO,
23 THE ELECTOR'S RECORD ON THE REGISTRATION LIST MAINTAINED BY THE
24 COUNTY WILL BE MARKED "INACTIVE - RETURNED MAIL". IN SUCH
25 CIRCUMSTANCES, THE COUNTY CLERK AND RECORDER SHALL SEND THE
26 ELECTOR A VOTER CONFIRMATION CARD PURSUANT TO SECTION 1-2-605
27 (6) (b). UPON RECEIVING WRITTEN CONFIRMATION OF THE ADDRESS

1 CHANGE FROM THE ELECTOR, THE REGISTRATION RECORD OF THE ELECTOR
2 WILL BE CANCELED. IF THE ELECTOR FAILS TO RESPOND TO THE
3 CONFIRMATION CARD AND SUBSEQUENTLY FAILS TO CAST A BALLOT FOR
4 TWO CONSECUTIVE GENERAL ELECTIONS, THE REGISTRATION RECORD OF
5 THE ELECTOR WILL BE CANCELED.

6

7 **SECTION 7.** In Colorado Revised Statutes, 1-7.5-107, **amend**
8 (2.3) (a) and (3) (a) (II) (A) as follows:

9 **1-7.5-107. Procedures for conducting mail ballot election -**
10 **primary elections - first-time voters casting a mail ballot after having**
11 **registered by mail to vote.** (2.3) (a) Not less than thirty days nor more
12 than forty-five days before a primary election that is conducted as a mail
13 ballot election pursuant to this article, the county clerk and recorder shall
14 mail a notice by forwardable mail to each unaffiliated active registered
15 eligible elector. ~~and to each unaffiliated registered eligible elector whose~~
16 ~~registration record has been marked as "Inactive - failed to vote".~~

17 (3) (a) (II) (A) If a primary election is conducted as a mail ballot
18 election pursuant to this article, ~~in addition~~ A MAIL BALLOT PACKET SHALL
19 BE MAILED to active registered electors who are affiliated with a political
20 party. ~~the mail ballot packet shall be mailed to each registered elector who~~
21 ~~is affiliated with a political party and whose registration record has been~~
22 ~~marked as "Inactive - failed to vote".~~

23 **SECTION 8.** In Colorado Revised Statutes, 1-7.5-108.5, **amend**
24 (2) (c); and **repeal** (1) and (2) (a) as follows:

25 **1-7.5-108.5. Voter confirmation card - verification of active**
26 **status - designation of inactive status - mailing of mail ballots.** (1) ~~Not~~
27 ~~less than ninety days before a mail ballot election conducted pursuant to~~

1 ~~this article, the county clerk and recorder shall mail a voter information~~
2 ~~card to any registered elector whose registration record has been marked~~
3 ~~"Inactive - failed to vote". For purposes of this section, "Inactive - failed~~
4 ~~to vote" shall mean a registered elector who is deemed "Active" but who~~
5 ~~failed to vote in a general election in accordance with the provisions of~~
6 ~~section 1-2-605 (2); except that the term "Inactive - failed to vote" shall~~
7 ~~not include an elector whose previous communication from the county~~
8 ~~clerk and recorder was returned by the United States postal service as~~
9 ~~undeliverable and is, accordingly, referred to in the registration records~~
10 ~~of the county as "Inactive - undeliverable" pursuant to section 1-2-605~~
11 ~~(2). The voter information card required by this section may be sent as~~
12 ~~part of the voter information card required to be mailed pursuant to~~
13 ~~section 1-5-206 (1). The voter information card shall be sent to the~~
14 ~~elector's address of record unless the elector has requested that such~~
15 ~~communication be sent to his or her deliverable mailing address pursuant~~
16 ~~to section 1-2-204 (2) (k) and shall be marked "DO NOT FORWARD".~~

17 (2) (a) ~~If the voter information card required to be sent to a~~
18 ~~registered elector whose registration record has been marked as "Inactive~~
19 ~~- failed to vote" pursuant to subsection (1) of this section is returned by~~
20 ~~the United States postal service as undeliverable, the county clerk and~~
21 ~~recorder shall mark the registration record of that elector with the words~~
22 ~~"Inactive - undeliverable".~~

23 (c) In any mail ballot election conducted on or after July 1, 2008,
24 if a mail ballot sent to a registered elector is returned by the United States
25 postal service as undeliverable, the county clerk and recorder shall mark
26 the registration record of that elector with the words ~~"Inactive -~~
27 ~~undeliverable"~~ "INACTIVE - RETURNED MAIL". THE CLERK AND RECORDER

1 SHALL MAIL A VOTER CONFIRMATION CARD PURSUANT TO SECTION 1-2-605
2 (6) (b) TO ANY ELECTOR WHOSE BALLOT WAS RETURNED BY THE UNITED
3 STATES POSTAL SERVICE AS UNDELIVERABLE.

4 **SECTION 9.** In Colorado Revised Statutes, 1-8-104.5, **add** (3)
5 and (4) as follows:

6 **1-8-104.5. Application for permanent mail-in voter status -**
7 **legislative declaration.** (3) (a) NOTWITHSTANDING ANY OTHER
8 PROVISION OF LAW, ANY ELIGIBLE ELECTOR WHOSE REGISTRATION RECORD
9 HAS BEEN MARKED AS "INACTIVE - FAILED TO VOTE", WHOSE STATUS HAS
10 BEEN CHANGED TO ACTIVE IN ACCORDANCE WITH THE PROVISIONS OF
11 SECTION 1-2-229, AND WHO HAD PREVIOUSLY SELECTED PERMANENT
12 MAIL-IN VOTER STATUS PURSUANT TO THE REQUIREMENTS OF THIS
13 SECTION SHALL HAVE THE STATUS OF PERMANENT MAIL-IN VOTER
14 RESTORED AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (3).

15 (b) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
16 DECLARES THAT THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION
17 (3) ARE NECESSARY TO CLARIFY EXISTING LAW AND TO ENSURE A UNIFORM
18 APPLICATION OF THE RECENT JUDICIAL DETERMINATION THAT AN
19 ELECTOR'S STATUS OF "INACTIVE - FAILED TO VOTE" DOES NOT OPERATE
20 TO INVALIDATE, TERMINATE, OR SUSPEND THAT ELECTOR'S REGISTRATION.

21 (4) IN CONNECTION WITH ANY ELECTION CONDUCTED ON OR AFTER
22 THE EFFECTIVE DATE OF THIS SUBSECTION (4), IF A MAIL BALLOT SENT TO
23 A REGISTERED ELECTOR IS RETURNED BY THE UNITED STATES POSTAL
24 SERVICE AS UNDELIVERABLE, THE COUNTY CLERK AND RECORDER SHALL
25 MARK THE REGISTRATION RECORD OF THAT ELECTOR WITH THE WORDS
26 "INACTIVE - RETURNED MAIL". THE CLERK AND RECORDER SHALL MAIL A
27 VOTER CONFIRMATION CARD PURSUANT TO SECTION 1-2-605 (6) (b) TO

1 ANY ELECTOR WHOSE BALLOT WAS RETURNED BY THE UNITED STATES
2 POSTAL SERVICE AS UNDELIVERABLE.

3 **SECTION 10. 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.