

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0536.01 Bob Lackner x4350

HOUSE BILL 13-1038

HOUSE SPONSORSHIP

Rosenthal,

SENATE SPONSORSHIP

Todd,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE VOTING RIGHTS OF INDIVIDUALS IN THE CUSTODY OF**
102 **THE DIVISION OF YOUTH CORRECTIONS WITHIN THE**
103 **DEPARTMENT OF HUMAN SERVICES.**

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>.)

In the case of any individual confined to a juvenile facility and in the custody of the division of youth corrections (division) in the department of human services who is 18 years of age or older on the date of the next election, the bill requires the administrator of the facility in

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.

SENATE
2nd Reading Unamended
March 5, 2013

HOUSE
3rd Reading Unamended
February 11, 2013

HOUSE
Amended 2nd Reading
February 8, 2013

which the individual is confined to facilitate the registration for voting purposes of, and voting by, the individual. In connection with this requirement, the bill requires the administrator to provide the individual information regarding his or her voting rights and how the individual may register to vote and cast a mail or mail-in ballot, provide the individual with voter information materials upon the request of the individual, and ensure that any mail or mail-in ballot cast by the individual is timely delivered to the designated election official.

To facilitate the provision of identification documents required to enable such individuals to register to vote and to cast a ballot, the bill requires the administrator to collaborate with the secretary of state to compile a list of documents and forms of identification that are in the possession of the division or that individuals in the custody of the division are likely to have in their possession that would constitute an acceptable form of identification permitting such individuals to register to vote, cast a ballot at a polling place, or cast a mail ballot. The bill further requires the administrator and the secretary of state to post the list of documents and forms of identification in a prominent place on the public web sites maintained by the department of human services and the secretary, respectively. The bill also requires the secretary to provide notice to the county clerk and recorders as well as other designated election officials that these documents and other forms of identification constitute an acceptable form of identification permitting such individuals to exercise their voting rights as specified in the bill.

The bill exempts an administrator from any legal restriction on the number of mail or mail-in ballots an eligible elector may deliver in person to the designated election official.

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

SECTION 1. In Colorado Revised Statutes, 1-1-104, **add** (19.5)

(d) as follows:

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

(19.5) (d) VERIFICATION THAT A VOTER IS A PERSON COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES AND CONFINED AND ELIGIBLE TO REGISTER AND VOTE SHALL BE CONSIDERED SUFFICIENT IDENTIFICATION OF SUCH PERSON FOR THE PURPOSES OF SECTION 1-2-210.5.

1 **SECTION 2.** In Colorado Revised Statutes, **add** 1-2-210.5 as
2 follows:

3 **1-2-210.5. Registration of and voting by persons in custody of**
4 **division of youth corrections - definitions.** (1) IN THE CASE OF ANY
5 INDIVIDUAL COMMITTED TO A JUVENILE FACILITY AND IN THE CUSTODY OF
6 THE DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN
7 SERVICES CREATED IN SECTION 19-2-203 (1), C.R.S.,WHO IS EIGHTEEN
8 YEARS OF AGE OR OLDER ON THE DATE OF THE NEXT ELECTION, THE
9 ADMINISTRATOR OF THE FACILITY IN WHICH THE INDIVIDUAL IS
10 COMMITTED SHALL FACILITATE THE REGISTRATION FOR VOTING PURPOSES
11 OF, AND VOTING BY, THE INDIVIDUAL. IN CONNECTION WITH THIS
12 REQUIREMENT, THE ADMINISTRATOR SHALL PROVIDE THE INDIVIDUAL
13 INFORMATION REGARDING HIS OR HER VOTING RIGHTS AND HOW THE
14 INDIVIDUAL MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN
15 BALLOT, PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION MATERIALS
16 UPON THE REQUEST OF THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR
17 MAIL-IN BALLOT CAST BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE
18 DESIGNATED ELECTION OFFICIAL.

19 (2) THE ADMINISTRATOR AND THE SECRETARY OF STATE SHALL
20 POST THE TYPE OR KIND OF THE VERIFICATION SATISFYING THE
21 REQUIREMENTS OF SECTION 1-1-104 (19.5) (d) IN A PROMINENT PLACE ON
22 THE PUBLIC WEB SITES MAINTAINED BY THE DEPARTMENT OF HUMAN
23 SERVICES AND THE SECRETARY, RESPECTIVELY. THE SECRETARY SHALL
24 PROVIDE NOTICE TO THE COUNTY CLERK AND RECORDERS AS WELL AS
25 OTHER DESIGNATED ELECTION OFFICIALS THROUGHOUT THE STATE THAT
26 SUCH VERIFICATION CONSTITUTES AN ACCEPTABLE FORM OF
27 IDENTIFICATION UNDER SECTION 1-1-104 (19.5) PERMITTING THE

1 INDIVIDUALS POSSESSING SUCH IDENTIFICATION TO REGISTER TO VOTE AND
2 CAST A BALLOT.

3 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
4 ADMINISTRATOR IS EXEMPT FROM ANY RESTRICTION UNDER LAW ON THE
5 NUMBER OF MAIL OR MAIL-IN BALLOTS AN ELIGIBLE ELECTOR MAY
6 DELIVER IN PERSON TO THE DESIGNATED ELECTION OFFICIAL.

7 (4) THE ADMINISTRATOR SHALL FORWARD APPLICATIONS MADE
8 UNDER THIS SECTION ON A WEEKLY BASIS, OR ON A DAILY BASIS DURING
9 THE LAST WEEK ALLOWED FOR REGISTRATION PRIOR TO ANY ELECTION, TO
10 THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE
11 FACILITY IS LOCATED, AND, IF THE APPLICANT RESIDES IN A DIFFERENT
12 COUNTY FROM THE FACILITY, THE APPLICATION MUST THEN BE
13 FORWARDED TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN
14 WHICH THE APPLICANT RESIDES.

15 (5) AS USED IN THIS SECTION:

16 (a) "ADMINISTRATOR" MEANS THE ADMINISTRATOR, OR HIS OR HER
17 DESIGNEE, OF THE DIVISION OF YOUTH CORRECTIONS CREATED IN SECTION
18 19-2-203 (1), C.R.S., A RESIDENTIAL FACILITY OPERATED BY THE DIVISION
19 OF YOUTH CORRECTIONS, OR A RESIDENTIAL FACILITY THAT CONTRACTS
20 WITH THE DIVISION OF YOUTH CORRECTIONS IN WHICH A PERSON
21 COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES IS CONFINED AND
22 ELIGIBLE TO REGISTER TO VOTE AND CAST A BALLOT.

23 (b) (I) "VOTER INFORMATION MATERIALS" MEANS THE FOLLOWING
24 DOCUMENTS, AS APPLICABLE TO THE ELECTION FOR WHICH THE
25 INDIVIDUAL SEEKS TO REGISTER TO VOTE AND CAST A BALLOT:

26 (A) ANY FORMS USED TO REGISTER AN ELECTOR UNDER THIS PART
27 2;

1 (B) AN APPLICATION FOR A MAIL-IN BALLOT PURSUANT TO
2 SECTION 1-8-104;

3 (C) A COPY OF A BALLOT INFORMATION BOOKLET DESCRIBED IN
4 SECTION 1-40-124.5; AND

5 (D) ANY MAILINGS TO ELECTORS THAT ARE DESCRIBED IN SECTION
6 1-40-125.

7 (II) UPON AN ADMINISTRATOR'S WRITTEN REQUEST TO THE
8 LEGISLATIVE COUNCIL STAFF OR A COUNTY CLERK AND RECORDER FOR
9 COPIES OF THE DOCUMENTS SPECIFIED IN SUB-SUBPARAGRAPH (C) OR (D)
10 OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE LEGISLATIVE COUNCIL
11 STAFF OR COUNTY CLERK AND RECORDER, AS APPLICABLE, SHALL TIMELY
12 PROVIDE COPIES OF THE DOCUMENTS TO THE ADMINISTRATOR IN A
13 SUFFICIENT NUMBER TO COVER THE NUMBER OF INDIVIDUALS WHO ARE
14 AUTHORIZED TO REGISTER AND VOTE UNDER THIS SECTION AND WHO ARE
15 EITHER RESIDING IN THE ADMINISTRATOR'S FACILITY OR UNDER THE
16 SUPERVISION OF THE ADMINISTRATOR'S PROGRAM.

17 **SECTION 3.** In Colorado Revised Statutes, 19-2-203, **add** (3) as
18 follows:

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

25 (b) THE ADMINISTRATOR OF A FACILITY IN WHICH AN INDIVIDUAL
26 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) IS **COMMITTED**
27 SHALL FACILITATE THE VOTING RIGHTS OF THE INDIVIDUAL. IN

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

15 (c) THE ADMINISTRATOR AND THE SECRETARY OF STATE SHALL
16 POST THE TYPE OR KIND OF THE VERIFICATION SATISFYING THE
17 REQUIREMENTS OF SECTION 1-1-104 (19.5) (d), C.R.S., IN A PROMINENT
18 PLACE ON THE PUBLIC WEB SITES MAINTAINED BY THE DEPARTMENT OF
19 HUMAN SERVICES AND THE SECRETARY, RESPECTIVELY. THE SECRETARY
20 SHALL PROVIDE NOTICE TO THE COUNTY CLERK AND RECORDERS AS WELL
21 AS OTHER DESIGNATED ELECTION OFFICIALS THROUGHOUT THE STATE
22 THAT SUCH VERIFICATION CONSTITUTES AN ACCEPTABLE FORM OF
23 IDENTIFICATION UNDER SECTION 1-1-104 (19.5), C.R.S., PERMITTING THE
24 INDIVIDUALS POSSESSING SUCH IDENTIFICATION TO REGISTER TO VOTE AND
25 CAST A BALLOT.

26 (d) THE ADMINISTRATOR SHALL FORWARD APPLICATIONS MADE
27 UNDER THIS SUBSECTION (3) ON A WEEKLY BASIS, OR ON A DAILY BASIS

1 DURING THE LAST WEEK ALLOWED FOR REGISTRATION PRIOR TO ANY
2 ELECTION, TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN
3 WHICH THE FACILITY IS LOCATED, AND, IF THE APPLICANT RESIDES IN A
4 DIFFERENT COUNTY FROM THE FACILITY, THE APPLICATION MUST THEN BE
5 FORWARDED TO THE COUNTY CLERK AND RECORDER OF THE COUNTY IN
6 WHICH THE APPLICANT RESIDES. [REDACTED]

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