

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0368.01 Kate Meyer x4348

SENATE BILL 14-161

SENATE SPONSORSHIP

Ulibarri and Johnston,

HOUSE SPONSORSHIP

Hullinghorst,

Senate Committees
State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE MODERNIZATION OF PROVISIONS OF THE "UNIFORM**
102 **ELECTION CODE OF 1992" THAT ENSURE VOTER ACCESS FOR**
103 **ELIGIBLE ELECTORS, AND, IN CONNECTION THEREWITH,**
104 **REDUCING THE DEADLINE BY WHICH A VOTER REGISTRATION**
105 **APPLICATION MUST BE SUBMITTED VIA CERTAIN METHODS,**
106 **ALTERING PROCEDURES PERTAINING TO NATIONAL**
107 **CHANGE-OF-ADDRESS SEARCHES, ALLOWING EMERGENCY**
108 **BALLOTS TO BE OBTAINED FOR NONMEDICAL REASONS,**
109 **AMENDING PROVISIONS RELATING TO MILITARY AND OVERSEAS**
110 **VOTERS, INCREASING THE PENALTY FOR PROVIDING FALSE**
111 **RESIDENTIAL INFORMATION, AND MAKING THE AIDING OR**
112 **ABETTING THE PROVISION OF FALSE RESIDENTIAL INFORMATION**

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.

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>.)

The "Voter Access and Modernized Elections Act", enacted in 2013, made various changes to the "Uniform Election Code of 1992". To facilitate implementation of that act, and the conduct of elections generally, the bill makes various corrections, clarifications, and alterations to the code.

Section 1 of the bill defines the term "post office box" as compartments on premises administered by the United States postal service or other commercial mail service entity.

Currently, when a person moves from one county or precinct in the state to another with the intention of making the new county or precinct his or her permanent residence, the person is considered to reside in that new county or precinct. **Section 2** modifies this provision to apply to any in-state changes of residence when the elector intends the new residence to be his or her sole legal place of residence.

Various deadlines apply by which voter registration must be completed, depending on the method of application. **Sections 3, 4, 6, 8, 9, and 10** impose the same deadline (i.e., 8 days prior to the date of an election) for voter registration applications by any method of submission, except for applications submitted through voter registration drives or at voter service and polling centers (VSPCs). Further:

- ! Section 3 requires a person to register to vote on or before the eighth day before an election in order to receive a mail ballot for that election;
- ! Section 6 clarifies the time during which voter registration applications may be submitted at VSPCs for elections, other than general elections, coordinated by a county clerk and recorder; and
- ! Sections 6, 8, 9, and 10 allow voter registration applications to be processed after the 8-day deadline, though voters so registering must still obtain ballots in person.

Currently, to change an address or political party affiliation using the on-line voter registration system, an elector is required to provide the last 4 digits of his or her social security number. **Section 4** makes the provision of this information optional. Section 4 also eliminates the

requirement that a county clerk and recorder send a nonforwardable postcard to an elector's former address of record after the elector effects a change of residence using the on-line voter registration system.

Section 5 harmonizes the self-affirmation a person makes when registering to vote with the statutory residency requirements.

Regarding the monthly national change of address search that the secretary of state must undertake, **section 7**:

- ! Specifies that the search must be performed using the database maintained by the United States postal service;
- ! Allows elector registration records to be changed only if the elector has signified that his or her move was permanent;
- ! When a search indicates that an elector has added or changed a post office box, directs the county clerk and recorder to update only the elector's deliverable mailing address and to notify the elector of such change by sending him or her a conformation card;
- ! Repeals the prohibition on changing an elector's record within 60 days of a primary or general election; and
- ! Requires that electors who appear, pursuant to such change of address search, to have moved within a county be treated the same whether active or inactive, requires the new addresses of such electors be kept current when confirmation cards mailed to their old addresses are returned as undeliverable.

Because registration records are maintained and accessible electronically, **section 11** removes obsolete requirements that county clerk and recorders maintain original records at their offices.

Section 12 makes the use of ballot stubs and duplicate stubs optional and **section 15** repeals provisions relating to acceptance and processing of those stubs and instead requires election judges to issue credit for ballots provided to each elector in the voter registration list.

Section 13 eliminates the requirements for electors to manually write in signature card information and instead directs election judges to prepare signature cards using elector information contained in the on-line voter registration system for those cards. Section 13 also harmonizes the self-affirmation contained on signature cards with those that appear on return envelopes for voted mail ballots.

Sections 14 and 27 consolidate provisions pertaining to persons who assist electors with disabilities or who do not speak English. As a result of this consolidation, **section 16** makes a conforming amendment, and updates terminology pertaining to the physical area in which an elector votes.

Section 17 modifies the bases on which VSPCs are required for certain elections.

With respect to military and overseas voters:

- ! **Section 17** clarifies that ballots cast in accordance with the "Uniform Military and Overseas Voters Act" (UMOVA) are deemed timely and are counted pursuant to that act;
- ! In the same way that children are covered by the UMOVA, **section 20** adds spouses and civil union partners of UMOVA-covered voters who are United States citizens to the purview of that act;
- ! **Section 21** removes the deadline by which an election official must receive a declaration from such voters in order for processing prior to an election; and
- ! **Section 22** deems electronic requests for ballots to be timely if received any time through 7 days prior to election day.

Currently, an elector may obtain an emergency replacement ballot if he or she, or a member of his or her family, is confined to a hospital or residence on election day. **Section 18** allows electors to obtain and vote such ballots for nonmedical reasons, including natural disasters.

Section 19 requires a self-affirmation on a mail ballot to be signed by the elector, and not a person acting on the elector's behalf, to be valid.

Section 23 makes corrections to the bases on which the residency or age of voters are challenged.

With regard to criminal offenses relating to elections:

- ! **Section 24** makes the tampering with, or unauthorized opening of, a ballot box a class 5 felony.
- ! Currently, the offense of knowingly giving false information regarding an elector's place of present residence constitutes a class 6 felony. **Section 25** makes that offense a class 5 felony.
- ! **Section 26** makes knowingly aiding or abetting an elector in committing the offense of knowingly giving false information as to the elector's place of present residence a class 6 felony.

Currently, county clerks and recorders are directed to verify the changes of addresses of voters who, pursuant to information received from the United States post office or a driver's license examination facility, appear to have moved in-state. **Section 27** repeals this verification requirement.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-104, **add** (29.5)

3 as follows:

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

3 (29.5) "POST OFFICE BOX" MEANS A COMPARTMENT ON THE
4 PREMISES OF A CENTRAL MAILING LOCATION, WHETHER THE LOCATION IS
5 ADMINISTERED BY THE UNITED STATES POSTAL SERVICE OR A
6 COMMERCIAL MAIL SERVICE ENTITY, IN WHICH A PATRON'S INCOMING MAIL
7 IS HELD UNTIL COLLECTED BY THE PATRON.

8 **SECTION 2.** In Colorado Revised Statutes, 1-2-102, **amend** (1)
9 (f) as follows:

10 **1-2-102. Rules for determining residence.** (1) The following
11 rules shall be used to determine the residence of a person intending to
12 register or to vote in any precinct in this state and shall be used by
13 election judges in challenge procedures:

14 (f) ~~If AFTER a person moves from one county or precinct in this~~
15 ~~state~~ RESIDENCE to another ~~with the intention of making~~ AND HAS MADE
16 the new ~~county or precinct a permanent~~ RESIDENCE HIS OR HER SOLE
17 LEGAL PLACE OF residence, the person is considered to have residence ~~in~~
18 ~~the county or precinct~~ AT THE RESIDENCE IN THIS STATE to which the
19 person moved.

20 **SECTION 3.** In Colorado Revised Statutes, 1-2-201, **amend** (3)
21 (b) (I) and (3) (b) (III); and **add** (4) as follows:

22 **1-2-201. Registration required - deadlines.** (3) (b) An elector
23 may timely register to vote by:

24 (I) Submitting an application through ~~the mail, a voter registration~~
25 ~~agency, a local driver's license examination facility, or a voter registration~~
26 drive no later than twenty-two days before the election; except that, if the
27 twenty-second day before an election is a Saturday, Sunday, or legal

1 holiday, the elector is permitted to register on the next day that is not a
2 Saturday, Sunday, or legal holiday;

3 (III) ~~Using~~ SUBMITTING AN APPLICATION THROUGH THE MAIL, A
4 VOTER REGISTRATION AGENCY, A LOCAL DRIVER'S LICENSE EXAMINATION
5 FACILITY, OR the on-line voter registration system established pursuant to
6 section 1-2-202.5 (7) (c), through the eighth day prior to an election;
7 EXCEPT THAT, IF THE EIGHTH DAY BEFORE AN ELECTION IS A SATURDAY,
8 SUNDAY, OR LEGAL HOLIDAY, THE ELECTOR IS PERMITTED TO REGISTER ON
9 THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY;

10 (4) TO RECEIVE A BALLOT BY MAIL FOR AN ELECTION CONDUCTED
11 UNDER THIS CODE, AN ELECTOR MUST SUBMIT HIS OR HER VOTER
12 REGISTRATION APPLICATION ON OR BEFORE THE EIGHTH DAY BEFORE THE
13 ELECTION.

14 **SECTION 4.** In Colorado Revised Statutes, 1-2-202.5, **amend** (4)
15 (d), (7) (b), and (7) (c) (I) as follows:

16 **1-2-202.5. On-line voter registration - on-line changes in**
17 **elector information.** (4) (d) In addition to any other requirements of this
18 section, in order for a registered elector to access the electronic form to
19 change his or her residence or change or withdraw his or her affiliation,
20 the registered elector shall submit his or her birth date and, IF THE
21 ELECTOR WISHES TO STATE THEM, the last four digits of his or her social
22 security number.

23 (7) (b) When a registered elector completes an electronic form to
24 change his or her residence or change or withdraw his or her affiliation,
25 the county clerk and recorder shall search for the registered elector's
26 signature in the database systems specified in subsection (1) of this
27 section. ~~In the case of a change in residence, the county clerk and~~

1 recorder shall also send a nonforwardable postcard to the registered
2 elector at his or her old address of record, by regular mail, giving notice
3 to the registered elector that a change in residence form has been
4 submitted by the registered elector and asking the registered elector to
5 contact the county clerk and recorder within ten calendar days of
6 receiving the postcard if it is not the registered elector's intent to change
7 his or her address of record. If the signature is found, and, in the case of
8 a change in residence, if the registered elector has not timely contacted
9 the county clerk and recorder pursuant to this paragraph (b), the county
10 clerk and recorder shall approve the change in status pursuant to
11 subsection (6) of this section and shall make the changes indicated on the
12 electronic form in the computerized statewide voter registration list
13 maintained by the secretary of state pursuant to section 1-2-301 (1).

14 (c) (I) ~~A voter registration or change of residence made in~~
15 ~~accordance with this section applies to an election if the elector completes~~
16 ~~the electronic form no later than eight days before the election. A person~~
17 ~~attempting to register or update his or her residence through the on-line~~
18 ~~voter registration system after the eighth day before an election shall be~~
19 ~~REGISTERED AND immediately informed that the person may MUST instead~~
20 ~~visit a voter service and polling center to register or make those changes~~
21 ~~RECEIVE A BALLOT for the election.~~

22 **SECTION 5.** In Colorado Revised Statutes, 1-2-205, **amend** (2)
23 as follows:

24 **1-2-205. Self-affirmation made by elector.** (2) Each elector
25 making application for registration shall make the following
26 self-affirmation: "I,, affirm that I am a citizen of the United States; I
27 have been a resident of the state of Colorado for at least twenty-two days

1 IMMEDIATELY PRIOR TO AN ELECTION IN WHICH I INTEND TO VOTE; AND I
2 am at least sixteen years old and understand that I must be eighteen years
3 old to be eligible to vote. ~~I meet the registration qualifications and that the~~
4 ~~information I have provided on this application is true to the best of my~~
5 ~~knowledge and belief and I further affirm that I will not cast more than~~
6 ~~one ballot in any election~~ I FURTHER AFFIRM THAT MY PRESENT ADDRESS
7 AS STATED HEREIN IS MY SOLE LEGAL PLACE OF RESIDENCE, THAT I CLAIM
8 NO OTHER PLACE AS MY LEGAL RESIDENCE, AND THAT I UNDERSTAND
9 THAT I AM COMMITTING A FELONY IF I KNOWINGLY GIVE FALSE
10 INFORMATION REGARDING MY PLACE OF PRESENT RESIDENCE. I CERTIFY
11 UNDER PENALTY OF PERJURY THAT I MEET THE REGISTRATION
12 QUALIFICATIONS; THAT THE INFORMATION I HAVE PROVIDED ON THIS
13 APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND
14 THAT I HAVE NOT, NOR WILL I, CAST MORE THAN ONE BALLOT IN ANY
15 ELECTION."

16 **SECTION 6.** In Colorado Revised Statutes, 1-2-217.7, **amend** (3)
17 (a) and (3) (c); and **add** (3.5) as follows:

18 **1-2-217.7. Registration on or immediately prior to election day**
19 **- locations - rules - legislative declaration. (3) Timing.** Voter
20 registration within the twenty-two days prior to an election must be
21 conducted:

22 (a) (I) FOR GENERAL ELECTIONS, from the fifteenth day prior to
23 and including election day, at locations designated as voter service and
24 polling centers by county clerk and recorders pursuant to ~~sections~~
25 SECTION 1-5-102.9; ~~or 1-7.5-107;~~ OR

26 (II) FOR ALL OTHER ELECTIONS CONDUCTED OR COORDINATED BY
27 A COUNTY CLERK AND RECORDER OR FOR WHICH A COUNTY CLERK AND

1 RECORDER IS THE DESIGNATED ELECTION OFFICIAL, FROM THE EIGHTH DAY
2 PRIOR TO AND INCLUDING ELECTION DAY, AT LOCATIONS DESIGNATED AS
3 VOTER SERVICE AND POLLING CENTERS BY COUNTY CLERK AND
4 RECORDERS PURSUANT TO SECTION 1-7.5-107;

5 (c) Through the eighth day prior to election day, via MAIL
6 APPLICATION, VOTER REGISTRATION AGENCY, LOCAL DRIVER'S LICENSE
7 EXAMINATION FACILITY, OR the on-line voter registration system
8 established pursuant to section 1-2-202.5.

9 (3.5) NOTWITHSTANDING THE DEADLINES SPECIFIED IN
10 SUBSECTION (3) OF THIS SECTION, VOTER REGISTRATION APPLICATIONS
11 MUST BE PROCESSED PURSUANT TO SECTION 1-2-508 (3).

12 **SECTION 7.** In Colorado Revised Statutes, 1-2-302.5, **amend**
13 (1), (2) (b) introductory portion, (2) (b) (I) (A), and (2) (b) (I) (C); **repeal**
14 (3); and **add** (2) (c), (4), and (5) as follows:

15 **1-2-302.5. Change of address search - rules.** (1) ~~Beginning July~~
16 ~~1, 2013~~; The secretary of state shall conduct a monthly national change
17 of address search, USING THE NATIONAL CHANGE OF ADDRESS DATABASE
18 ADMINISTERED BY THE UNITED STATES POSTAL SERVICE, for all electors
19 whose names appear in the statewide voter registration list.

20 (2) (b) If ~~the~~ ANY search OF THE NATIONAL CHANGE OF ADDRESS
21 DATABASE ADMINISTERED BY THE UNITED STATES POSTAL SERVICE
22 CONDUCTED UNDER THIS SECTION indicates an elector has PERMANENTLY
23 moved, the county clerk and recorder shall act as follows:

24 (I) (A) ~~Except as provided in subsection (3) of this section~~; If the
25 search indicates that the elector moved within the county, the county clerk
26 and recorder shall MARK THE ELECTOR'S REGISTRATION RECORD AS
27 "ACTIVE" AND update the elector's registration record with the elector's

1 new address and send a confirmation card in accordance with section
2 1-2-605 to the elector's old address. ~~except that, if the elector is already~~
3 ~~marked inactive, the county clerk and recorder shall proceed according to~~
4 ~~the procedures set forth in subparagraph (H) of this paragraph (b).~~

5 (C) If the elector returns the confirmation card affirming the new
6 address, ~~IF THE CONFIRMATION CARD IS RETURNED AS UNDELIVERABLE, or~~
7 ~~if the elector does not return the confirmation card, the county clerk and~~
8 ~~recorder shall leave the elector's new address AND STATUS as updated in~~
9 ~~the registration record pursuant to sub-subparagraph (A) of this~~
10 ~~subparagraph (I).~~

11 (c) A COUNTY CLERK AND RECORDER SHALL MAKE CORRECTIONS
12 TO ADDRESS UPDATES MADE PURSUANT TO A NATIONAL CHANGE OF
13 ADDRESS SEARCH UPON RECEIVING ADDITIONAL INFORMATION FROM THE
14 ELECTOR.

15 (3) ~~A county clerk and recorder shall not change an elector's~~
16 ~~record during the sixty days immediately preceding a primary or general~~
17 ~~election unless the county clerk and recorder receives confirmation of the~~
18 ~~new address from the elector.~~

19 (4) IF ANY SEARCH CONDUCTED PURSUANT TO THIS SECTION
20 INDICATES THAT AN ELECTOR HAS ADDED OR CHANGED A POST OFFICE
21 BOX, THE COUNTY CLERK AND RECORDER SHALL UPDATE THE ELECTOR'S
22 REGISTRATION RECORD WITH THE NEW POST OFFICE BOX AS THE ELECTOR'S
23 MAILING ADDRESS AND SEND HIM OR HER A CONFIRMATION CARD IN
24 ACCORDANCE WITH SECTION 1-2-605. THE CARD MUST NOTIFY THE
25 ELECTOR OF THE CHANGE IN MAILING ADDRESS AND APPRISE THE ELECTOR
26 OF HIS OR HER PLACE OF RESIDENCE FOR VOTING PURPOSES.

27 (5) IN ADDITION TO THE SEARCH CONDUCTED BY THE SECRETARY

1 OF STATE PURSUANT TO SUBSECTION (1) OF THIS SECTION, A COUNTY
2 CLERK AND RECORDER MAY CONDUCT A NATIONAL CHANGE OF ADDRESS
3 SEARCH USING THE NATIONAL CHANGE OF ADDRESS DATABASE
4 ADMINISTERED BY THE UNITED STATES POSTAL SERVICE AS FREQUENTLY
5 AS HE OR SHE SEES FIT.

6 **SECTION 8.** In Colorado Revised Statutes, 1-2-403, **amend** (3)
7 (b) (II) (B) as follows:

8 **1-2-403. Training and registration materials for high school**
9 **deputy registrars - processing applications.** (3) (b) (II) (B) Within
10 ~~twenty-two~~ EIGHT days prior to an election, a high school deputy registrar
11 shall accept an application tendered under this section and shall
12 immediately inform the applicant that, to ~~register or make registration~~
13 ~~changes for~~ VOTE IN the upcoming election, the voter must go to ~~an~~
14 ~~appropriate location capable of processing the registration application~~
15 ~~prior to the election pursuant to section 1-2-217.7~~ A VOTER SERVICE AND
16 POLLING CENTER.

17 **SECTION 9.** In Colorado Revised Statutes, 1-2-507, **amend** (2)
18 as follows:

19 **1-2-507. Transmittal of voter registration applications.**
20 (2) Within ~~twenty-two~~ EIGHT days before an election, a voter registration
21 agency shall accept the application and immediately inform the applicant
22 that to ~~register or make registration changes for the upcoming election,~~
23 ~~the voter~~ HE OR SHE must go to ~~an appropriate location capable of~~
24 ~~processing the registration application prior to the election pursuant to~~
25 ~~section 1-2-217.7~~ A VOTER SERVICE AND POLLING CENTER IN ORDER TO
26 VOTE IN THAT ELECTION.

27 **SECTION 10.** In Colorado Revised Statutes, 1-2-508, **amend** (1)

1 (a), (1) (b), (1) (c), (1) (d), and (1) (e); and **add** (1) (f) and (3) as follows:

2 **1-2-508. Receipt of voter registration applications - effective**
3 **dates - legislative intent.** (1) The county clerk and recorder shall ensure
4 that any eligible applicant is registered to vote in an election if:

5 (a) In the case of registration with a driver's license application,
6 the valid voter registration application of the applicant is accepted by a
7 driver's license examination facility no later than ~~twenty-two~~ EIGHT days
8 before the date of an election;

9 (b) In the case of registration by mail, the valid voter registration
10 application of the applicant is postmarked not later than ~~twenty-two~~ EIGHT
11 days before the date of the election;

12 (c) In the case of registration by mail where the application has no
13 postmark, ~~and the application is received by a county clerk and recorder~~
14 ~~no later than five days after the close of registration,~~ the date of
15 registration ~~shall be~~ IS the date of the last day allowed for registration
16 THAT THE APPLICATION IS RECEIVED;

17 (d) In the case of registration at a voter registration agency, the
18 valid agency voter registration application of the applicant is accepted at
19 the voter registration agency not later than ~~twenty-two~~ EIGHT days before
20 the date of the election; ~~and~~

21 (e) ~~In any other case, the valid voter registration application of the~~
22 ~~applicant is received by the appropriate county clerk and recorder not~~
23 ~~later than twenty-two days before the date of the election, except as~~
24 ~~otherwise permitted by section 1-2-217.7~~ IN THE CASE OF REGISTRATION
25 THROUGH A VOTER REGISTRATION DRIVE, THE VALID VOTER REGISTRATION
26 IS SUBMITTED NO LATER THAN TWENTY-TWO DAYS BEFORE AN ELECTION;
27 AND

1 (f) IN ANY OTHER CASE, THE VALID VOTER REGISTRATION
2 APPLICATION OF THE APPLICANT IS RECEIVED BY THE APPROPRIATE
3 COUNTY CLERK AND RECORDER NOT LATER THAN EIGHT DAYS BEFORE THE
4 DATE OF THE ELECTION, EXCEPT AS OTHERWISE PERMITTED BY SECTION
5 1-2-217.7.

6 (3) (a) (I) NOTWITHSTANDING THE VOTER REGISTRATION
7 APPLICATION DEADLINES CONTAINED IN THIS SECTION AND THIS CODE, A
8 COUNTY CLERK AND RECORDER SHALL ACCEPT AND PROCESS A VOTER
9 REGISTRATION APPLICATION RECEIVED AFTER THE DEADLINES SPECIFIED
10 IN SUBSECTION (1) OF THIS SECTION, INCLUDING APPLICATIONS RECEIVED
11 THROUGH THE ON-LINE VOTER REGISTRATION SYSTEM. ANY PERSON WHO
12 SUBMITS A VOTER REGISTRATION APPLICATION WITHIN EIGHT DAYS OF AN
13 ELECTION SHALL BE INFORMED THAT HE OR SHE WILL NOT RECEIVE A MAIL
14 BALLOT BUT MAY EITHER PICK UP A BALLOT IN PERSON OR VOTE IN PERSON
15 AT A VOTER SERVICE AND POLLING CENTER.

16 (II) IT IS THE GENERAL ASSEMBLY'S INTENT, IN ENACTING THIS
17 PARAGRAPH (a), TO USE MODERN TECHNOLOGY TO MAXIMIZE THE
18 EFFICIENCY OF OPERATIONS AT VOTER SERVICE AND POLLING CENTERS BY
19 ALLOWING THE CONTINUOUS PROCESSING OF VOTER REGISTRATION
20 APPLICATIONS FOR ELIGIBLE PERSONS IN ACCORDANCE WITH THIS ARTICLE.

21 (b) IF A VOTER SUBMITS AN APPLICATION AFTER CASTING A BALLOT
22 IN AN ELECTION, THE COUNTY CLERK AND RECORDER SHALL NOT PROCESS
23 THE APPLICATION UNTIL AFTER THE CLOSE OF THE ELECTION.

24 **SECTION 11.** In Colorado Revised Statutes, **amend** 1-5-301 as
25 follows:

26 **1-5-301. Registration record for partisan elections.** (1) A
27 ~~county clerk and recorder shall retain the original~~ DIGITAL registration

1 records ~~in the office of the county clerk and recorder and may provide the~~
2 ~~records to election judges for use at voter service and polling centers in~~
3 ~~primary, general, and congressional vacancy elections~~ SHALL BE
4 MAINTAINED IN THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM
5 CREATED PURSUANT TO SECTION 1-2-301.

6 (2) ~~The designated election official at least one day prior to any~~
7 ~~election, shall deliver the registration records and all necessary~~
8 ~~registration supplies to the supervisor judge. The registration records shall~~
9 ~~be delivered in a sealed envelope or container to the supervisor judge,~~
10 ~~who shall have custody of and shall give a receipt for the registration~~
11 ~~records~~ COUNTY CLERK AND RECORDER SHALL PROVIDE THE VOTER
12 REGISTRATION AND VOTING RECORDS INFORMATION TO ELECTION JUDGES
13 FOR USE AT VOTER SERVICE AND POLLING CENTERS IN ALL APPLICABLE
14 ELECTIONS.

15 **SECTION 12.** In Colorado Revised Statutes, 1-5-407, **amend** (1)
16 and (1.6); and **repeal** (1.5) and (8) as follows:

17 **1-5-407. Form of ballots.** (1) (a) ~~Except as provided in~~
18 ~~subsections (1.5) and (1.6) of this section, the extreme top part of each~~
19 ~~ballot may be divided into two spaces by two perforated or dotted lines.~~
20 ~~Each space shall be not less than one inch wide. The top portion is called~~
21 ~~the stub, and the next portion is called the duplicate stub. The same~~
22 ~~number shall be printed upon both the stub and the duplicate stub. All~~
23 ~~ballots shall be numbered consecutively.~~ All ballots shall MUST be
24 uniform and of sufficient length and width to allow for the names of
25 candidates, officers, ballot issues, and ballot questions to be printed in
26 clear, plain type, with a space ~~of at least one-half inch~~ between the
27 different columns on the ballot. On each ballot ~~shall be printed the~~

1 endorsement "Official ballot for" MUST BE PRINTED, and
2 after the word "for" ~~shall follow~~ FOLLOWS the designation of the precinct,
3 if appropriate, and the political subdivision for which the ballot is
4 prepared, the date of the election, and a facsimile of the signature of the
5 election official. The ballot shall NOT contain ~~no~~ ANY caption or other
6 endorsement, except as provided in this section. The election official shall
7 use ~~precisely~~ the same quality and tint of paper, the same kind of type,
8 and the same quality and tint of plain black ink for all ballots prepared for
9 one election.

10 (b) IF THE DESIGNATED ELECTION OFFICIAL, IN HIS OR HER
11 DISCRETION, ELECTS TO USE BALLOT STUBS, EACH BALLOT MAY HAVE
12 EITHER ONE OR TWO STUBS TO BE DIVIDED INTO TWO SPACES BY TWO
13 PERFORATED OR DOTTED LINES. EACH SUCH SPACE MUST BE AT LEAST ONE
14 INCH WIDE. THE TOP PORTION IS CALLED THE STUB AND THE NEXT PORTION
15 IS CALLED THE DUPLICATE STUB. ALL BALLOTS PREPARED UNDER THIS
16 PARAGRAPH (b) MUST BE NUMBERED CONSECUTIVELY. THE SAME NUMBER
17 MUST BE PRINTED ON BOTH THE STUB AND THE DUPLICATE STUB.

18 (1.5) ~~A duplicate stub is not required for a ballot that is prepared~~
19 ~~for a mail ballot election pursuant to article 7.5 of this title.~~

20 (1.6) ~~No~~ A ballot stub MAY BE USED, BUT is NOT required, for a
21 ballot produced on demand, so long as the quantity of ballots produced
22 for the election can be reconciled by the ballot processing method used
23 by the voting system. Such ballots may contain printed and distinguishing
24 marks, so long as secrecy in voting is protected.

25 (8) ~~The form of the ballot may vary from the requirements of this~~
26 ~~section if the changes are approved by the secretary of state.~~

27 **SECTION 13.** In Colorado Revised Statutes, 1-7-110, **amend** (1),

1 (2.5), and (3) as follows:

2 **1-7-110. Preparing to vote in person.** (1) (a) WHEN AN ELECTOR
3 APPEARS IN PERSON TO VOTE, A SIGNATURE CARD CONTAINING THE
4 ELECTOR'S NAME AND RESIDENTIAL ADDRESS, AS THEY APPEAR IN THE
5 STATEWIDE VOTER REGISTRATION SYSTEM CREATED IN SECTION 1-2-301,
6 SHALL BE COMPLETED.

7 (b) Except as provided in subsection (4) of this section, an eligible
8 elector desiring to vote in person shall show his or her identification as
9 defined in section 1-1-104 (19.5), ~~write his or her name and address~~
10 VERIFY THE INFORMATION THAT APPEARS on the signature card, sign the
11 signature card, and give the signature card to one of the election judges.
12 An eligible elector who is unable to write may request assistance from
13 one of the election judges, who shall also sign the signature card and
14 witness the eligible elector's mark. The signature card shall provide:

15 I,, ~~who reside at, am an eligible~~
16 ~~elector of this precinct or district and desire to vote at this~~
17 ~~..... election.~~

18 ~~Date~~ STATE UNDER PENALTY OF PERJURY
19 THAT I AM AN ELIGIBLE ELECTOR; THAT MY NAME AND SOLE
20 LEGAL PLACE OF RESIDENCE ARE AS SHOWN ON THIS
21 SIGNATURE CARD; AND THAT I HAVE NOT NOR WILL I CAST
22 A BALLOT BY ANY OTHER MEANS IN THIS ELECTION.

23 (2.5) If the elector's qualification to vote is established by the
24 completion of an affidavit, and if the affidavit contains all of the
25 information required in subsection (1) of this section, then the designated
26 election official ~~may~~ SHALL consider the affidavit the signature card. ~~or~~
27 ~~may require the completion of an additional signature card.~~

1 (3) ~~The completed~~ ELECTION JUDGES SHALL RETURN THE SIGNED
2 signature cards ~~shall be returned~~ with other election materials to the
3 designated election official.

4 **SECTION 14.** In Colorado Revised Statutes, 1-7-111, **amend** (1)
5 (a) and (1) (b); and **repeal** (2) as follows:

6 **1-7-111. Electors requiring assistance.** (1) (a) If at any election,
7 any registered elector declares to the election judges that, by reason of
8 ~~blindness or other physical~~ disability, ~~or~~ inability to read or write, OR
9 DIFFICULTIES WITH THE ENGLISH LANGUAGE, he or she is unable to
10 prepare the ballot or operate the voting device or electronic voting device
11 without assistance, the elector is entitled, upon making a request, to
12 receive the assistance of any one of the election judges or, at the elector's
13 option, any person selected by the eligible elector requiring assistance.

14 (b) Any person other than an election judge who assists an eligible
15 elector in the precinct in casting his or her ballot shall first complete the
16 following voter ~~assistance/disabled voter~~ ASSISTANCE self-affirmation
17 form: "I,, certify that I am the individual chosen by the
18 elector to assist the elector in casting a ballot. I FURTHER CERTIFY THAT
19 I WILL NOT IN ANY WAY ATTEMPT TO PERSUADE OR INDUCE THE ELECTOR
20 TO VOTE IN A PARTICULAR MANNER, NOR WILL I CAST THE ELECTOR'S VOTE
21 OTHER THAN AS DIRECTED BY THE ELECTOR I AM ASSISTING."

22 (2) ~~In every political subdivision, an eligible elector with a~~
23 ~~disability is allowed to vote in the manner of his or her choosing at the~~
24 ~~polling locations. More than one polling location may be established in~~
25 ~~a county for the purposes of this subsection (2). Prior to voting, if~~
26 ~~possible, the eligible elector with a disability who intends to vote at the~~
27 ~~polling location shall complete the following self-affirmation form. If the~~

1 ~~elector with a disability cannot read or write, or is unable to sign his or~~
2 ~~her name, the election official or person assisting the elector shall read the~~
3 ~~form aloud to the elector, and, upon the affirmation of the elector, will~~
4 ~~mark that the elector requesting assistance has affirmed that the facts on~~
5 ~~the form are true and correct. If the elector with a disability is able to read~~
6 ~~and write, he or she shall complete the voter assistance/voter with a~~
7 ~~disability self-affirmation form, which form provides:~~

8 I,, affirm that I am an eligible elector in this political
9 subdivision located in the county of, state of
10 Colorado; that I shall vote today at this polling location. I
11 further affirm that I have not, nor will I, cast a vote by any
12 other means in this election.

13 **SECTION 15.** In Colorado Revised Statutes, **amend** 1-7-302 as
14 follows:

15 **1-7-302. Electors given only one ballot.** Election judges shall
16 give to each eligible elector a single ballot ~~which shall be separated from~~
17 ~~the stub by tearing or cutting along the perforated or dotted line. The~~
18 ~~election judge having charge of the ballots shall endorse his or her initials~~
19 ~~on the duplicate stub. Another election judge shall enter the date and the~~
20 ~~number of the ballot on the registration record of the eligible elector~~
21 ~~before delivering the ballot to the eligible elector. The election judge~~
22 ~~having charge of the pollbook shall write the name of the eligible elector~~
23 ~~and the number of the ballot on the pollbook~~ AFTER ISSUING VOTE CREDIT
24 TO THE ELECTOR IN THE STATEWIDE VOTER REGISTRATION SYSTEM
25 CREATED IN SECTION 1-2-301.

26 **SECTION 16.** In Colorado Revised Statutes, **amend** 1-7-403 as
27 follows:

1 **1-7-403. Instruction to electors.** In case any elector, after
2 entering the ~~voting machine~~ IMMEDIATE VOTING AREA, asks for further
3 instructions concerning the manner of voting, an election judge shall give
4 instructions to the elector. No election judge or other election official or
5 person assisting an elector shall enter the ~~voting machine~~ IMMEDIATE
6 VOTING AREA, except as provided in ~~sections 1-7-111 and 1-7-112~~
7 SECTION 1-7-111. After receiving instructions, the elector shall vote as if
8 unassisted.

9 **SECTION 17.** In Colorado Revised Statutes, 1-7.5-107, **amend**
10 (4.3) (a) and (4.5) (a); and **add** (4) (b) (IV), (4.5) (b.5), and (7) as follows:

11 **1-7.5-107. Procedures for conducting mail ballot election -**
12 **primary elections - first-time voters casting a mail ballot after having**
13 **registered by mail to vote - in-person request for ballot - repeal.**

14 (4) (b) (IV) NOTHING IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b)
15 AFFECTS OR SUPERSEDES PROVISIONS REGARDING THE TIMELY CASTING
16 AND COUNTING OF BALLOTS UNDER SECTION 1-8.3-111 OR 1-8.3-113.

17 (4.3) (a) For any election, other than a general election, ~~conducted~~
18 ~~by~~ FOR WHICH a county clerk and recorder IS THE DESIGNATED ELECTION
19 OFFICIAL, there ~~shall~~ MUST be a minimum number of mail ballot drop-off
20 locations where mail ballots may be deposited equal to at least one
21 drop-off location for each thirty thousand active registered electors in the
22 county; EXCEPT THAT, IF THE DISTRICT OR POLITICAL SUBDIVISION FOR
23 WHICH THE ELECTION IS BEING CONDUCTED IS LESS POPULOUS THAN THE
24 COUNTY, THE COUNTY CLERK AND RECORDER SHALL DESIGNATE AT LEAST
25 ONE MAIL BALLOT DROP-OFF LOCATION FOR EACH THIRTY THOUSAND
26 CURRENT ACTIVE REGISTERED ELECTORS ELIGIBLE TO VOTE IN THAT
27 ELECTION. The drop-off locations shall be arrayed throughout the county

1 in a manner that provides the greatest convenience to electors.

2 (4.5) (a) (I) For any PRIMARY OR NOVEMBER COORDINATED
3 election, ~~other than a general election, conducted by a county clerk and~~
4 ~~recorder~~, the county clerk and recorder shall designate voter service and
5 polling centers equal to no fewer than the number of county motor vehicle
6 offices in the county; except that each county shall have no fewer than
7 one voter service and polling center, and, for counties with fewer than
8 twenty-five thousand active electors, as that term is described in ~~section~~
9 ~~1-5-102.9(1)(b)~~ SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), only one
10 voter service and polling center is required. The county clerk and recorder
11 may add additional voter service and polling center locations as
12 necessary.

13 (II) (A) PRIOR TO NOVEMBER 8, 2016, THE NUMBER OF ACTIVE
14 ELECTORS IN A COUNTY FOR THE PURPOSES OF SUBPARAGRAPH (I) OF THIS
15 PARAGRAPH (a) IS THE NUMBER OF ACTIVE ELECTORS ON THE DATE OF THE
16 2012 GENERAL ELECTION PLUS THE NUMBER OF VOTERS MARKED
17 "INACTIVE - FAILED TO VOTE" ON THAT DATE.

18 (B) ON AND AFTER NOVEMBER 8, 2016, FOR THE PURPOSES OF
19 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE NUMBER OF ACTIVE
20 ELECTORS IN A COUNTY IS THE NUMBER OF ACTIVE ELECTORS REGISTERED
21 IN THE COUNTY ON THE DATE OF THE PREVIOUS PRESIDENTIAL ELECTION.

22 (C) SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) AND
23 THIS SUBPARAGRAPH (C) ARE REPEALED, EFFECTIVE JANUARY 1, 2017.

24 (b.5) FOR ANY ELECTION, OTHER THAN A GENERAL, PRIMARY, OR
25 NOVEMBER COORDINATED ELECTION, FOR WHICH THE COUNTY CLERK AND
26 RECORDER IS THE DESIGNATED ELECTION OFFICIAL, THE COUNTY CLERK
27 AND RECORDER SHALL DESIGNATE AT LEAST ONE VOTER SERVICE AND

1 POLLING CENTER FOR EACH THIRTY THOUSAND CURRENT ACTIVE
2 REGISTERED ELECTORS WHO ARE ELIGIBLE TO VOTE IN THAT ELECTION.

3 (7) IF, BY THE CLOSE OF POLLS, AN ELECTOR DEPOSITS A BALLOT
4 AT A DROP-OFF LOCATION IN A COUNTY IN WHICH THE ELECTOR DOES NOT
5 RESIDE, THE COUNTY CLERK AND RECORDER, UPON DISCOVERING THAT
6 FACT, SHALL TIMELY DELIVER THE BALLOT TO THE COUNTY CLERK AND
7 RECORDER OF THE COUNTY IN WHICH THE ELECTOR RESIDES, WHO SHALL
8 ACCEPT THE BALLOT FOR PROCESSING.

9 **SECTION 18.** In Colorado Revised Statutes, 1-7.5-115, **amend**
10 (1) (a) as follows:

11 **1-7.5-115. Emergency voting - replacement ballots - electronic**
12 **transfer - rules - definition.** (1) (a) (I) (A) ~~In the event~~ IF an eligible
13 elector or a member of an eligible elector's immediate family, related TO
14 THE SECOND DEGREE by blood, ~~or marriage to the second degree~~
15 ADOPTION, MARRIAGE, OR CIVIL UNION PARTNERSHIP, is confined in a
16 hospital or place of residence on election day, OR IF, DUE TO EMERGENCY
17 CONDITIONS SUCH AS NATURAL DISASTERS ARISING AFTER THE DEADLINES
18 BY WHICH BALLOTS ARE MAILED, THE ELECTOR IS UNABLE TO VOTE IN
19 PERSON, the elector may request in a personally signed written statement
20 that the county clerk and recorder or designated election official send a
21 replacement ballot. The county clerk and recorder or designated election
22 official shall ~~deliver~~ PROVIDE the replacement ballot, at the office of the
23 county clerk and recorder or designated election official during the
24 OFFICE'S regular hours of business, to any authorized representative of the
25 elector.

26 (B) For the purposes of this paragraph (a), "authorized
27 representative" means a person who possesses a written statement from

1 the elector containing the elector's signature, name, and address of
2 residence and indicating that the elector is ~~or will be confined in a~~
3 ~~hospital or place of residence on election day~~ UNABLE TO VOTE IN PERSON
4 AFTER THE LAST DAY TO MAIL A BALLOT and requesting that the
5 replacement ballot be given to the authorized person as identified by
6 name and address of residence.

7 (II) The authorized person shall acknowledge receipt of the
8 replacement ballot with a signature, name, and address of residence.

9 **SECTION 19.** In Colorado Revised Statutes, 1-7.5-204, **amend**
10 (1) (b) (I) as follows:

11 **1-7.5-204. Preparing to count mail ballots - rejections.**

12 (1) (b) The self-affirmation is valid if:

13 (I) The self-affirmation was completed by the elector; ~~or a person~~
14 ~~acting in the elector's behalf;~~

15 **SECTION 20.** In Colorado Revised Statutes, 1-8.3-102, **amend**
16 (2) (d) as follows:

17 **1-8.3-102. Definitions.** In this article:

18 (2) "Covered voter" means:

19 (d) An overseas voter who was born outside the United States, is
20 not described in paragraph (b) or (c) of this subsection (2), and, except for
21 a state residency requirement, otherwise satisfies this state's voter
22 eligibility requirements if the last place where a parent, ~~or~~ legal guardian,
23 SPOUSE, OR CIVIL UNION PARTNER of the voter was, or under this article
24 would have been, eligible to vote before leaving the United States is
25 within this state.

26 **SECTION 21.** In Colorado Revised Statutes, 1-8.3-108, **amend**
27 (4) as follows:

1 **1-8.3-108. Methods of applying for ballot - definition.** (4) A
2 covered voter may use the declaration accompanying a federal write-in
3 absentee ballot as an application for a ballot simultaneously with the
4 submission of the federal write-in absentee ballot. ~~if the declaration is~~
5 ~~received by the appropriate election official no later than the Friday~~
6 ~~immediately preceding the election.~~

7 **SECTION 22.** In Colorado Revised Statutes, **amend** 1-8.3-109
8 as follows:

9 **1-8.3-109. Timeliness of application for ballot.** An application
10 for a ballot is timely if received by the designated election official no later
11 than the close of business on the Friday immediately preceding the
12 election; ~~except that,~~ If the AN applicant wishes to receive the A ballot by
13 mail, the application shall be received no later than the close of business
14 on the seventh day before the election. ~~An application for a ballot for a~~
15 ~~primary election, whether or not timely, is effective as an application for~~
16 ~~a ballot for the general election.~~

17 **SECTION 23.** In Colorado Revised Statutes, 1-9-203, **amend** (3)
18 introductory portion, (3) (a), (3) (b), and (4) as follows:

19 **1-9-203. Challenge questions asked person intending to vote.**
20 (3) If the person is challenged as not eligible because the person has not
21 resided in this state ~~and precinct~~ for ~~thirty~~ TWENTY-TWO days immediately
22 preceding the election, an election judge shall ask the following
23 questions:

24 (a) Have you resided in this state ~~and precinct~~ for the ~~thirty~~
25 TWENTY-TWO days immediately preceding this election?

26 (b) Have you been absent from this state during the ~~thirty~~
27 TWENTY-TWO days immediately preceding this election, and during that

1 time have you maintained a home or domicile elsewhere?

2 (4) If the person is challenged as not eligible because the person
3 ~~is~~ WILL not BE eighteen years of age or older ON OR BEFORE ELECTION
4 DAY, an election judge shall ask the following question: To the best of
5 your knowledge and belief, ~~are~~ WILL you BE eighteen years of age or older
6 ON ELECTION DAY?

7 **SECTION 24.** In Colorado Revised Statutes, 1-10-101, **add** (4)
8 as follows:

9 **1-10-101. Canvass board for partisan elections - appointment,**
10 **fees, oaths.** (4) ANY INDIVIDUAL SERVING ON A CANVASS BOARD
11 PURSUANT TO THIS ARTICLE IS IMMUNE FROM LIABILITY IN ANY
12 PROCEEDING THAT IS BASED ON AN ACT OR OMISSION OF THE INDIVIDUAL
13 IF:

14 (a) HE OR SHE WAS ACTING IN GOOD FAITH AND WITHIN THE SCOPE
15 OF HIS OR HER OFFICIAL FUNCTIONS OR DUTIES AS SPECIFIED IN THIS
16 ARTICLE; AND

17 (b) THE VIOLATION WAS NOT CAUSED BY WILLFUL OR INTENTIONAL
18 MISCONDUCT ON THE PART OF THE INDIVIDUAL.

19 **SECTION 25.** In Colorado Revised Statutes, **add** 1-13-707.5 as
20 follows:

21 **1-13-707.5. Tampering with ballot box.** ANY PERSON WHO
22 WILFULLY TAMPERS WITH OR WHO, EXCEPT AS PROVIDED BY LAW,
23 WILFULLY BREAKS OPEN ANY BALLOT BOX, INCLUDING A DROP-OFF
24 LOCATION RECEPTACLE, IS GUILTY OF A CLASS 5 FELONY AND, UPON
25 CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION
26 18-1.3-401, C.R.S.

27 **SECTION 26.** In Colorado Revised Statutes, **amend** 1-13-709.5

1 as follows:

2 **1-13-709.5. Residence - false information - penalty.** Any person
3 who votes by knowingly giving false information regarding the elector's
4 place of present residence commits a ~~class-6~~ CLASS 5 felony and shall be
5 punished as provided in section 18-1.3-401, C.R.S.

6 **SECTION 27.** In Colorado Revised Statutes, **add** 1-13-709.6 as
7 follows:

8 **1-13-709.6. Residence - conspiring to give false information -**
9 **penalty.** ANY PERSON WHO KNOWINGLY AIDS OR ABETS AN ELECTOR IN
10 PLANNING OR COMMITTING THE OFFENSE OF KNOWINGLY GIVING FALSE
11 INFORMATION REGARDING THE ELECTOR'S PLACE OF PRESENT RESIDENCE
12 DESCRIBED IN SECTION 1-13-709.5 COMMITS A CLASS 6 FELONY AND SHALL
13 BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

14 **SECTION 28.** In Colorado Revised Statutes, **repeal** 1-2-216.5
15 and 1-7-112.

16 **SECTION 29. Applicability.** This act applies to elections
17 conducted on or after the effective date of this act.

18 **SECTION 30. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.