

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0654.01 Bob Lackner x4350

SENATE BILL 14-071

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SENATE SPONSORSHIP

Lundberg,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF AN ELECTOR TO OPT OUT OF RECEIVING  
102 BALLOTS BY MAIL.

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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>.)*

House Bill 13-1303 required all active registered electors to receive mail ballots for elections conducted under the "Uniform Election Code of 1992".

**Section 1** of the bill requires the electronic form used to register a prospective elector to include a place for the elector to indicate his or

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.*

her choice for all future elections between casting a ballot in person at a voter service and polling center and casting a mail ballot. The bill requires the county clerk and recorder (clerk) to record the elector's preference in the centralized statewide registration system if the change in preference is complete.

The bill specifies procedures to allow the elector to use the electronic form to change his or her preference to receive mail ballots again.

This section of the bill also requires the electronic form used by an already registered elector to make changes in their residence or partisan affiliation status to allow such an elector to opt out of receiving mail ballots. In lieu of submitting a written request to opt out of receiving mail ballots as permitted under the bill, the bill allows a registered elector to use the electronic form to opt out of receiving mail ballots for all future elections. A change in preference concerning mail ballots applies to an election if the elector completes the registration form for such purposes at least 60 days before the date of the election.

**Section 2** of the bill requires a prospective elector to be asked, as part of the standard list of questions he or she answers when first registering to vote, whether the elector chooses for all future elections to cast a ballot in person at a voter service and polling center or by means of a mail ballot.

**Section 3** of the bill allows an already registered elector to opt out of receiving mail ballots by submitting a written request at least 60 days prior to the election to his or her clerk on an official form. The bill requires the clerk to record the elector's preference in the centralized statewide registration system if the change in preference is complete. The bill establishes similar procedures if an elector chooses to change his or her preference to receive mail ballots again.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-2-202.5, **add** (3)

3 (f) and (7.5) as follows:

4 **1-2-202.5. On-line voter registration - on-line changes in**  
5 **elector information.** (3) The electronic voter registration form must  
6 include:

7 (f) A PLACE FOR THE ELECTOR TO INDICATE HIS OR HER CHOICE FOR

8 ALL FUTURE ELECTIONS BETWEEN CASTING A BALLOT IN PERSON AT A

1 VOTER SERVICE AND POLLING CENTER OR CASTING A MAIL BALLOT.

2 (7.5) (a) THE ELECTRONIC FORM AUTHORIZED BY SUBSECTION (4)  
3 OF THIS SECTION MUST ALLOW A REGISTERED ELECTOR TO OPT OUT OF  
4 RECEIVING MAIL BALLOTS. IN LIEU OF SUBMITTING A WRITTEN REQUEST TO  
5 OPT OUT OF RECEIVING MAIL BALLOTS PURSUANT TO SECTION 1-7.5-107  
6 (3) (a) (III), A REGISTERED ELECTOR MAY USE THE ELECTRONIC FORM  
7 AUTHORIZED BY THIS SECTION TO OPT OUT OF RECEIVING SUCH MAIL  
8 BALLOTS FOR ALL FUTURE ELECTIONS. A CHANGE IN PREFERENCE  
9 CONCERNING MAIL BALLOTS APPLIES TO AN ELECTION IF THE ELECTOR  
10 COMPLETES THE REGISTRATION FORM FOR SUCH PURPOSES AT LEAST SIXTY  
11 DAYS BEFORE THE DATE OF THE ELECTION.

12 (b) THE COUNTY CLERK AND RECORDER SHALL DETERMINE IF A  
13 CHANGE OF PREFERENCE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION  
14 (7.5) IS COMPLETE AND, IF SO, SHALL RECORD THE ELECTOR'S PREFERENCE  
15 IN THE CENTRALIZED STATEWIDE REGISTRATION SYSTEM MAINTAINED  
16 PURSUANT TO SECTION 1-2-301.

17 (c) AN ELECTOR WHO, PURSUANT TO PARAGRAPH (a) OF THIS  
18 SUBSECTION (7.5), OPTS OUT OF RECEIVING MAIL BALLOTS MAY CHANGE  
19 HIS OR HER PREFERENCE TO RECEIVE MAIL BALLOTS AGAIN BY USING THE  
20 ELECTRONIC FORM TO CHANGE HIS OR HER PREFERENCE AT LEAST SIXTY  
21 DAYS PRIOR TO THE DATE OF THE ELECTION. THE COUNTY CLERK AND  
22 RECORDER SHALL DETERMINE IF THE ELECTOR'S REQUEST IS COMPLETE  
23 AND, IF SO, SHALL RECORD THE ELECTOR'S PREFERENCE IN THE  
24 CENTRALIZED STATEWIDE REGISTRATION SYSTEM MAINTAINED PURSUANT  
25 TO SECTION 1-2-301.

26 (d) NOTHING IN THIS SECTION PRECLUDES AN ELECTOR WHO HAS  
27 RECEIVED A MAIL BALLOT FROM CASTING A VOTE IN PERSON AT A VOTER

1 SERVICE AND POLLING CENTER.

2 **SECTION 2.** In Colorado Revised Statutes, 1-2-204, **add** (2)  
3 (k.5) as follows:

4 **1-2-204. Questions answered by elector - rules.** (2) In addition,  
5 each eligible elector shall be asked, and the elector shall correctly answer,  
6 the following:

7 (k.5) WHETHER THE ELECTOR CHOOSES FOR ALL FUTURE  
8 ELECTIONS TO CAST A BALLOT IN PERSON AT A VOTER SERVICE AND  
9 POLLING CENTER OR BY MEANS OF A MAIL BALLOT.

10 **SECTION 3.** In Colorado Revised Statutes, 1-7.5-107, **amend** (3)  
11 (a) (I); and **add** (3) (a) (III) as follows:

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

15 (3) (a) (I) Not sooner than twenty-two days before a general, primary, or  
16 other mail ballot election, and no later than eighteen days before the  
17 election, except as provided in subparagraph (II) of this paragraph (a), the  
18 county clerk and recorder or designated election official shall mail to each  
19 active registered elector, EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF  
20 THIS PARAGRAPH (a), at the last mailing address appearing in the  
21 registration records and in accordance with United States postal service  
22 regulations, a mail ballot packet, which shall be marked "DO NOT  
23 FORWARD. ADDRESS CORRECTION REQUESTED.", or any other  
24 similar statement that is in accordance with United States postal service  
25 regulations. Nothing in this subsection (3) affects any provision of this  
26 code governing the delivery of mail ballots to an absent uniformed  
27 services elector, nonresident overseas elector, or resident overseas elector

1 covered by the federal "Uniformed and Overseas Citizens Absentee  
2 Voting Act", 42 U.S.C. sec. 1973ff et seq.

3 (III) (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE,  
4 AN ELECTOR MAY OPT OUT OF RECEIVING MAIL BALLOTS BY SUBMITTING  
5 A WRITTEN REQUEST AT LEAST SIXTY DAYS PRIOR TO THE ELECTION TO HIS  
6 OR HER COUNTY CLERK AND RECORDER ON SUCH FORM AS PRESCRIBED BY  
7 THE SECRETARY OF STATE BY RULE. THE COUNTY CLERK AND RECORDER  
8 SHALL DETERMINE IF THE ELECTOR'S REQUEST IS COMPLETE AND, IF SO,  
9 SHALL RECORD THE ELECTOR'S PREFERENCE IN THE CENTRALIZED  
10 STATEWIDE REGISTRATION SYSTEM MAINTAINED PURSUANT TO SECTION  
11 1-2-301.

12 (B) AN ELECTOR WHO, PURSUANT TO SUB-SUBPARAGRAPH (A) OF  
13 THIS SUBPARAGRAPH (III), OPTS OUT OF RECEIVING MAIL BALLOTS MAY  
14 CHANGE HIS OR HER PREFERENCE IN ORDER TO RECEIVE MAIL BALLOTS  
15 AGAIN BY MAKING A WRITTEN REQUEST TO HIS OR HER COUNTY CLERK  
16 AND RECORDER AT LEAST SEVEN DAYS PRIOR TO THE DATE OF THE  
17 ELECTION ON SUCH FORM AS PRESCRIBED BY THE SECRETARY OF STATE BY  
18 RULE. THE COUNTY CLERK AND RECORDER SHALL DETERMINE IF THE  
19 ELECTOR'S REQUEST IS COMPLETE AND, IF SO, SHALL RECORD THE  
20 ELECTOR'S PREFERENCE IN THE CENTRALIZED STATEWIDE REGISTRATION  
21 SYSTEM MAINTAINED PURSUANT TO SECTION 1-2-301.

22 (C) NOTHING IN THIS SECTION PRECLUDES AN ELECTOR WHO HAS  
23 RECEIVED A MAIL BALLOT FROM CASTING A BALLOT IN PERSON AT A VOTER  
24 SERVICE AND POLLING CENTER.

25 **SECTION 4. Act subject to petition - effective date -**  
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 6, 2014, if adjournment sine die is on May 7,  
2 2014); except that, if a referendum petition is filed pursuant to section 1  
3 (3) of article V of the state constitution against this act or an item, section,  
4 or part of this act within such period, then the act, item, section, or part  
5 will not take effect unless approved by the people at the general election  
6 to be held in November 2014 and, in such case, will take effect on the  
7 date of the official declaration of the vote thereon by the governor.

8 (2) This act applies to elections conducted on or after the  
9 applicable effective date of this act.