A BILL FOR AN ACT

Concerning a requirement that return envelopes sent to eligible electors for mail ballot elections be postage prepaid, and, in connection therewith, requiring the secretary of state to reimburse designated election officials and municipal clerks for the costs of providing postage prepaid return envelopes.

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 bill requires return envelopes sent to eligible electors for any
mail ballot election, including an independent mail ballot election held by a local government and a municipal mail ballot election held in accordance with the "Colorado Municipal Election Code of 1965", that is conducted on or after July 1, 2015, to be postage prepaid. The secretary of state must reimburse the county clerk and recorder, other designated election officials, or municipal clerks conducting the election for the costs of providing postage prepaid return envelopes. The existing statutory authority of the general assembly to appropriate money from the department of state cash fund to the department of state to cover the costs to county clerk and recorders relating to the conduct of general elections and November odd-year elections is expanded to also authorize such appropriations to cover the additional costs to county clerk and recorders, other designated election officials, and municipal clerks of providing postage prepaid return envelopes.

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

SECTION 1. In Colorado Revised Statutes, 1-7.5-103, amend (7) as follows:

1-7.5-103. Definitions. As used in this article, unless the context otherwise requires:

(7) "Return envelope" means an A POSTAGE PREPAID envelope that is printed with spaces for the name and address of, and a self-affirmation to be signed by, an eligible elector voting in a mail ballot election, that contains a secrecy envelope and ballot for the elector, and that is designed to allow election officials, upon examining the signature, name, and address on the outside of the envelope, to determine whether the enclosed ballot is being submitted by an eligible elector who has not previously voted in that particular election.

SECTION 2. In Colorado Revised Statutes, 1-7.5-106, amend (1) (a); and add (1) (d) as follows:

1-7.5-106. Secretary of state - duties and powers. (1) In addition to any other duties prescribed by law, the secretary of state, with...
advice from election officials of the several political subdivisions, shall:

(a) Prescribe the form of materials to be used in the conduct of mail ballot elections; except that all mail ballot packets shall include a ballot, instructions for completing the ballot, a secrecy envelope, and a POSTAGE PREPAID return envelope;

(d) REIMBURSE COUNTY CLERK AND RECORDERS, OTHER DESIGNATED ELECTION OFFICIALS, AND MUNICIPAL CLERKS FOR THE COSTS OF PREPAID POSTAGE FOR RETURN ENVELOPES MAILED TO VOTERS FOR ANY MAIL BALLOT ELECTION CONDUCTED IN ACCORDANCE WITH THIS ARTICLE, ANY INDEPENDENT MAIL BALLOT ELECTION CONDUCTED IN ACCORDANCE WITH PART 11 OF ARTICLE 13.5 OF THIS TITLE, OR ANY MUNICIPAL MAIL BALLOT ELECTION CONDUCTED IN ACCORDANCE WITH PART 9 OF ARTICLE 10 OF TITLE 31, C.R.S. THE SECRETARY OF STATE MAY PRESCRIBE SUCH PROCEDURES AS THE SECRETARY DEEMS NECESSARY TO ACCURATELY AND EFFICIENTLY MAKE SUCH REIMBURSEMENT.

SECTION 3. In Colorado Revised Statutes, amend 1-13.5-508 as follows:

1-13.5-508. Election expenses to be paid by local government.

The cost of conducting a local government election, including the cost of printing and supplies, is to be paid by the local government for which the election is being held; EXCEPT THAT THE SECRETARY OF STATE SHALL REIMBURSE THE DESIGNATED ELECTION OFFICIAL OF A LOCAL GOVERNMENT OR THE CLERK OF A MUNICIPALITY, AS APPLICABLE, FOR THE COSTS OF PREPAID POSTAGE FOR RETURN ENVELOPES FOR AN INDEPENDENT MAIL BALLOT ELECTION CONDUCTED IN ACCORDANCE WITH PART 11 OF THIS ARTICLE OR A MUNICIPAL MAIL BALLOT ELECTION CONDUCTED IN ACCORDANCE WITH PART 9 OF ARTICLE 10 OF TITLE 31,
C.R.S., as required by section 1-7.5-106 (1) (d).

SECTION 4. In Colorado Revised Statutes, 1-13.5-1102, amend (4) as follows:

1-13.5-1102. Definitions. As used in this part 11, unless the context otherwise requires:

(4) "Return envelope" means an A POSTAGE PREPAID envelope that is printed with spaces for the name and address of, and a self-affirmation substantially in the form described in section 1-13.5-605 (1) to be signed by, an eligible elector voting in an independent mail ballot election, into which envelope must fit a secrecy envelope. A return envelope must be designed to allow election officials, upon examining the signature, name, and address on the outside of the envelope, to determine whether the enclosed ballot is being submitted by an eligible elector who has not previously voted in that particular election.

SECTION 5. In Colorado Revised Statutes, amend 24-21-104.5 as follows:

24-21-104.5. General fund appropriation - cash fund appropriation - elections. The general assembly is authorized to appropriate moneys from the department of state cash fund to the department of state to cover the costs of the local county clerk and recorders relating to the conduct of general elections and November odd-year elections AND TO REIMBURSE COUNTY CLERK AND RECORDERS, OTHER DESIGNATED ELECTION OFFICIALS, AND MUNICIPAL CLERKS AS REQUIRED BY SECTIONS 1-7.5-106 (1)(d) AND 1-13.5-508, C.R.S., FOR THE COSTS OF PREPAID POSTAGE FOR RETURN ENVELOPES MAILED TO VOTERS FOR MAIL BALLOT ELECTIONS CONDUCTED IN ACCORDANCE WITH ARTICLE 7.5 OF TITLE 1, C.R.S., AND INDEPENDENT MAIL BALLOT ELECTIONS
CONDUCTED IN ACCORDANCE WITH PART 11 OF ARTICLE 13.5 OF TITLE 1, C.R.S. If the amount of moneys in the department of state cash fund is insufficient to cover such costs, the general assembly may appropriate additional general fund moneys to cover such costs after exhausting all moneys in the department of state cash fund. The intent of the general assembly is to authorize the appropriation of department of state cash fund moneys and general fund moneys to the department of state to offset some of the costs of local county clerk and recorders associated with the additional election duties and requirements resulting from the passage of section 20 of article X of the state constitution and from the increased number of initiatives that are being filed, AND TO FURTHER OFFSET THE ADDITIONAL COSTS OF COUNTY CLERK AND RECORDERS, OTHER DESIGNATED ELECTION OFFICIALS, AND MUNICIPAL CLERKS OF PROVIDING POSTAGE PREPAID RETURN ENVENKOES FOR MAIL BALLOT ELECTIONS, INDEPENDENT MAIL BALLOT ELECTIONS, AND MUNICIPAL MAIL BALLOT ELECTIONS.

SECTION 6. In Colorado Revised Statutes, 31-10-907, **amend** (4) as follows:

31-10-907. **Definitions.** As used in sections 31-10-908 to 31-10-913, unless the context otherwise requires:

(4) "Return envelope" means an A POSTAGE PREPAID envelope that is printed with spaces for the name and address of, and a self-affirmation to be signed by, an eligible elector voting in a mail ballot election, that contains a secrecy envelope and ballot, and that is designed to allow election officials, upon examining the signature, name, and address on the outside of the envelope, to determine whether the enclosed ballot is being submitted by an eligible elector who has not previously voted in that
SECTION 7. In Colorado Revised Statutes, 31-10-910, amend (3) (b) as follows:

31-10-910. Procedures for conducting mail ballot election.

(3) (b) The eligible elector may return the marked ballot to the clerk by United States mail or by depositing the ballot at the office of the clerk or any place designated as a depository by the clerk. The ballot must be returned in the return envelope. If an eligible elector returns the ballot by mail, the elector must provide postage. The ballot must be received at the clerk's office or a designated depository, which must remain open until 7 p.m. on election day. The depository must be designated by the clerk and located in a secure place under the supervision of the clerk, an election judge, or another person designated by the clerk.

SECTION 8. Effective date - applicability. This act takes effect July 1, 2015, and applies to mail ballot elections, independent mail ballot elections, and municipal mail ballot elections held on or after said date.

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