

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 09-0548.01 Bob Lackner

HOUSE BILL 09-1018

HOUSE SPONSORSHIP

Bradford,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REMOVAL OF OBSOLETE LANGUAGE IN STATUTORY**
102 **PROVISIONS IMPLEMENTING THE STATEWIDE VOTER**
103 **REGISTRATION AND ELECTION SYSTEM FOR PURPOSES OF**
104 **COMPLIANCE WITH THE FEDERAL "HELP AMERICA VOTE ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Removes obsolete language in statutory provisions implementing the statewide voter registration and election system for purposes of compliance with the federal "Help America Vote Act" as follows:

- In connection with a verification of the registration of an

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.

elector in connection with the change of address of the elector, specifies that the county shall only be required to issue or authorize a certificate of registration where it has printed its pollbooks.

- Repeals obsolete requirements that the counties transmit voter registration lists to the secretary of state (secretary) under specified circumstances.
- Repeals obsolete requirements that counties transmit to the secretary lists of canceled voters after each general election and lists of electors showing who voted and their voting method.
- Repeals obsolete notification requirements applicable to electors who moved to and registered in another county.
- Repeals obsolete requirements that the secretary transmit duplicate voter lists to the counties.
- Repeals an obsolete requirement that the county clerk make a determination of active registered voters in each county on election day for inclusion in the official abstract of votes cast.

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

2 **SECTION 1.** 1-2-216 (4) (a), Colorado Revised Statutes, is
3 amended to read:

4 **1-2-216. Change of residence.** (4) (a) For the twenty-eight days
5 before and on the day of any election, any eligible elector, by appearing
6 in person at the office of the clerk and recorder of the county in which the
7 elector is registered, may complete a change of address form stating,
8 under penalty of perjury, that the elector moved no later than the thirtieth
9 day before the election and that, on the day of the election, the elector will
10 have lived at the new address in the new precinct for at least thirty days.
11 Upon the receipt of the request, the county clerk and recorder shall verify
12 the registration of the elector and, upon verification, if the elector does
13 not choose to vote at the time the request is verified, shall issue or
14 authorize a certificate of registration showing the information required in

1 section 1-2-215 plus the change of address; EXCEPT THAT THE COUNTY
2 SHALL ONLY BE REQUIRED TO ISSUE OR AUTHORIZE A CERTIFICATE OF
3 REGISTRATION IN ACCORDANCE WITH THE PROVISIONS OF THIS PARAGRAPH
4 (a) WHERE IT HAS PRINTED ITS POLLBOOKS.

5 **SECTION 2. Repeal.** 1-2-301 (2) (b), Colorado Revised
6 Statutes, is repealed as follows:

7 **1-2-301. Centralized statewide registration system - secretary**
8 **of state to maintain computerized statewide voter registration list -**
9 **county computer records - agreement to match information.**

10 ~~(2) (b) No later than five days after the last day to register for a primary,~~
11 ~~general, odd-numbered year, or congressional vacancy election, the~~
12 ~~county clerk and recorder of each county shall transmit to the secretary of~~
13 ~~state, in a media format acceptable to the secretary of state, a list of the~~
14 ~~registered electors in the county. The list shall contain, but shall not be~~
15 ~~limited to, each elector's name, place of residence, mailing address if~~
16 ~~different from residence address, precinct number, date of birth, social~~
17 ~~security number or other identification number, and the date on which the~~
18 ~~elector was last registered.~~

19 **SECTION 3.** 1-2-302 (1) and (3), Colorado Revised Statutes, are
20 amended to read:

21 **1-2-302. Maintenance of computerized statewide voter**
22 **registration list - confidentiality.** (1) The secretary of state shall
23 maintain the master list of registered electors of the entire state on as
24 current a basis as is possible. ~~In order to assist the secretary of state, the~~
25 ~~county clerk and recorder in each county, no later than five days after the~~
26 ~~end of each month, shall transmit to the secretary of state in a media~~
27 ~~format acceptable to the secretary of state all additions, changes, and~~

1 ~~deletions to the master registration records made in each county for the~~
2 ~~previous month:~~

3 (3) ~~As soon as is practicable after a general election, the county~~
4 ~~clerk and recorders shall transmit to the secretary of state, in a media~~
5 ~~format acceptable to the secretary of state, a list of the electors canceled~~
6 ~~from the registration records by the county clerk and recorders pursuant~~
7 ~~to part 6 of this article. The electors shall be identified as provided in~~
8 ~~subsection (2) of this section:~~

9
10 **SECTION 4. 1-2-305 (1) and (2), Colorado Revised Statutes, are**
11 **amended to read:**

12 **1-2-305. Postelection procedures - voting history.** (1) Not later
13 than sixty days after a state election, each county clerk and recorder shall
14 transmit to the secretary of state, in a media format acceptable to the
15 secretary of state, ~~THE SECRETARY OF STATE SHALL GENERATE~~ a list of
16 electors showing who voted and who did not vote in the election. The list
17 shall contain the information provided for in section 1-2-301 (1) ~~BE~~
18 ~~DRAWN FROM THE STATEWIDE VOTER REGISTRATION DATABASE.~~ For
19 electors who voted, the list shall show such elector's method of voting,
20 whether by early voting, mail-in ballot, mail ballot, polling place voting,
21 or otherwise.

22 (2) Upon receipt of the lists, the secretary of state shall compare
23 them with the master list of registered electors maintained in the office
24 ~~EXAMINE THE LISTS TO SEE WHICH ELECTORS DID AND DID NOT VOTE IN~~
25 ~~THE ELECTION~~ in order to ascertain if any elector has voted more than
26 once. If it is determined that an elector has voted more than once, the
27 secretary of state shall notify the proper district attorney for prosecution

1 of a violation of the provisions of this code.

2 SECTION 5. 1-2-603 (1), Colorado Revised Statutes, is amended
3 to read:

4 **1-2-603. Notification that elector has moved and registered in**
5 **different county.** (1) If the elector registers to vote in another county,
6 the county clerk and recorder shall immediately transmit the information
7 to the county clerk and recorder of the elector's prior county of residence.
8 Upon receipt of the information, the county clerk and recorder of the
9 county of prior residence shall cancel the elector's registration record.
10 The county clerk and recorder of the county of prior residence shall
11 cancel the registration record only if the name and birth date or the name
12 and social security number of the elector match. OF THE ELECTOR'S NEW
13 COUNTY OF RESIDENCE SHALL TRANSFER THE ELECTOR'S REGISTRATION
14 RECORD FROM THE OLD COUNTY IN ACCORDANCE WITH THE FOLLOWING
15 REQUIREMENTS:

16 (a) IF THE ELECTOR PROVIDES A NAME, DATE OF BIRTH, AND PRIOR
17 ADDRESS AND THE COUNTY CLERK AND RECORDER CAN MATCH THE NAME,
18 DATE OF BIRTH, AND PRIOR ADDRESS TO THE ELECTOR'S PRIOR
19 REGISTRATION RECORD, THE ELECTOR'S REGISTRATION RECORD SHALL BE
20 TRANSFERRED FROM THE OLD COUNTY.

21 (b) IF THE ELECTOR PROVIDES A NAME AND DATE OF BIRTH BUT
22 DOES NOT PROVIDE A PRIOR ADDRESS, THE ELECTOR'S REGISTRATION
23 RECORD SHALL BE TRANSFERRED FROM THE OLD COUNTY ONLY IF:

24 (I) THE ELECTOR PROVIDES A DRIVER'S LICENSE OR
25 IDENTIFICATION CARD NUMBER, AND THE COUNTY CLERK AND RECORDER
26 OF THE NEW COUNTY OF RESIDENCE CAN MATCH THE NAME, DATE OF
27 BIRTH, AND DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER TO THE

1 ELECTOR'S PRIOR REGISTRATION RECORD; OR

2 (II) THE ELECTOR PROVIDES A SOCIAL SECURITY NUMBER, AND THE
3 COUNTY CLERK AND RECORDER OF THE NEW COUNTY OF RESIDENCE CAN
4 MATCH THE NAME, DATE OF BIRTH, AND SOCIAL SECURITY NUMBER TO THE
5 ELECTOR'S PRIOR REGISTRATION RECORD.

6 (c) IF THE ELECTOR DOES NOT PROVIDE A PRIOR ADDRESS,
7 DRIVER'S LICENSE NUMBER, OR SOCIAL SECURITY NUMBER, THE
8 REGISTRATION RECORD SHALL NOT BE TRANSFERRED FROM THE OLD
9 COUNTY UNLESS THE ELECTOR SUBMITS ADDITIONAL INFORMATION THAT
10 COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION (1). THE
11 COUNTY CLERK AND RECORDER OF THE COUNTY OF PRIOR RESIDENCE MAY
12 SEND NOTICE TO THE ELECTOR BY FORWARDABLE MAIL TO THE ELECTOR'S
13 ADDRESS OF RECORD. ANY SUCH NOTICE SHALL HAVE A RETURNABLE
14 PORTION THAT HAS THE RETURN POSTAGE PREPAID AND IS PREADDRESSED
15 TO THE SENDING COUNTY CLERK AND RECORDER, AND SHALL INCLUDE AN
16 AREA FOR THE ELECTOR TO INDICATE IF THE ELECTOR HAS MOVED TO
17 ANOTHER COUNTY AND WISHES TO HAVE HIS OR HER REGISTRATION
18 RECORD TRANSFERRED FROM THE OLD COUNTY.

19 SECTION 6. 1-2-604 (1) and (2), Colorado Revised Statutes, are
20 amended to read:

21 **1-2-604. Cancellation of electors with a multiple registration.**

22 (1) If the secretary of state's master list of registered electors shows an
23 elector to be registered in more than one precinct in this state, the
24 secretary of state shall notify every applicable county clerk and recorder
25 each month of such multiple registration. Each county clerk and recorder
26 who receives such notification BASED UPON AN EXAMINATION OF THE
27 SECRETARY OF STATE'S MASTER LISTS OF REGISTERED ELECTORS, EACH

1 COUNTY CLERK AND RECORDER SHALL GENERATE A LIST CONTAINING THE
2 NAME OF EACH ELECTOR WHO IS REGISTERED IN MORE THAN ONE PRECINCT
3 IN THE STATE AND shall cancel from the county's master lists of registered
4 electors the name of the elector wherever it appears, except where it
5 corresponds to the elector's most recent date of registration.

6 (2) Not later than fifteen days prior to each primary, general,
7 odd-numbered year, or congressional vacancy election, the secretary of
8 state shall furnish to each county clerk and recorder a list of registered
9 electors who are registered to vote in more than one precinct in this state.
10 The lists shall identify each elector as provided in section 1-2-301 (1).

11 (3) (a) The county clerk and recorder of the county of prior
12 residence shall cancel the registration record pursuant to subsection (1)
13 of this section only if the name and birth date or the name and social
14 security number of the elector match. THE COUNTY CLERK AND
15 RECORDER MAY NOT CANCEL THE REGISTRATION RECORD PURSUANT TO
16 SUBSECTION (1) OF THIS SECTION UNLESS THERE IS A MATCH IN THE
17 COUNTY'S REGISTRATION RECORDS AND THE STATEWIDE VOTER
18 REGISTRATION DATABASE WITH RESPECT TO, AT A MINIMUM, THE
19 FOLLOWING TYPES OF IDENTIFYING INFORMATION:

20 (I) THE ELECTOR'S NAME, DATE OF BIRTH, AND PRIOR RESIDENCE;

21 OR

22 (II) THE ELECTOR'S NAME, DATE OF BIRTH, AND DRIVER'S LICENSE
23 NUMBER OR SOCIAL SECURITY NUMBER.

24 (b) IF THE COUNTY CLERK AND RECORDER IS NOT ABLE TO CANCEL
25 THE REGISTRATION RECORD PURSUANT TO PARAGRAPH (a) OF THIS
26 SUBSECTION (3), THE COUNTY CLERK AND RECORDER SHALL SEND A
27 NOTICE TO THE ELECTOR WHOSE RECORD THE CLERK AND RECORDER

1 INTENDS TO CANCEL. THE NOTICE SHALL BE SENT TO THAT ELECTOR'S
2 ADDRESS OF RECORD, SHALL HAVE A RETURNABLE PORTION THAT HAS THE
3 RETURN POSTAGE PREPAID AND THAT IS PREADDRESSED TO THE SENDING
4 COUNTY CLERK AND RECORDER, AND SHALL INCLUDE AN AREA FOR THE
5 ELECTOR TO INDICATE IF THE ELECTOR HAS MOVED TO ANOTHER COUNTY
6 AND WISHES TO HAVE HIS OR HER REGISTRATION RECORD TRANSFERRED
7 FROM THE OLD COUNTY.

8 **SECTION 7.** 1-10-105 (5) (c), Colorado Revised Statutes, is
9 amended to read:

10 **1-10-105. Official abstract of votes cast - certification by**
11 **secretary of state.** (5) The secretary of state shall publish on a biennial
12 basis an official abstract of votes cast for all statewide elections held in
13 the year of the general election and include the odd-number year
14 immediately preceding that general election. The abstract shall contain
15 the following information:

16 (c) The reconciled total number of active, registered voters in each
17 county on election day; ~~as determined by the county clerk and recorders~~
18 ~~no later than forty-five days after the election;~~

19 **SECTION 8. Act subject to petition - effective date.** This act
20 shall take effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly that is
22 allowed for submitting a referendum petition pursuant to article V,
23 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
24 sine die is on May 6, 2009); except that, if a referendum petition is filed
25 against this act or an item, section, or part of this act within such period,
26 then the act, item, section, or part, if approved by the people, shall take

- 1 effect on the date of the official declaration of the vote thereon by
- 2 proclamation of the governor.

