

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0645.01 Kate Meyer x4348

HOUSE BILL 14-1043

HOUSE SPONSORSHIP

Stephens,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ENHANCEMENT OF THE "VOTER ACCESS AND
102 MODERNIZED ELECTIONS ACT", AND, IN CONNECTION
103 THEREWITH, ALLOWING PERSONS WHO MOVE WITHIN THE
104 STATE DURING THE TWENTY-TWO DAYS BEFORE AN ELECTION
105 TO VOTE IN THEIR FORMER PRECINCT, ALTERING THE FORMULA
106 USED TO DETERMINE THE NUMBER OF VOTER SERVICE AND
107 POLLING CENTERS REQUIRED IN CERTAIN ELECTIONS,
108 ALLOWING COUNTY CLERK AND RECORDERS TO SEEK REDUCED
109 HOURS OF OPERATION FOR VOTER SERVICE AND POLLING
110 CENTERS, ENABLING ELECTORS TO OPT OUT OF RECEIVING MAIL
111 BALLOTS, AND HARMONIZING MINIMUM RESIDENCY
112 REQUIREMENTS OF MUNICIPAL, SPECIAL DISTRICT, AND SCHOOL

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>.)

House Bill 13-1303, also known as the "Voter Access and Modernized Elections Act", made various modifications to the administration of elections in the state. The bill creates the "Voter Outreach Through Enfranchisement (VOTE) Act", which makes further changes to elections administration.

House Bill 13-1303 repealed a provision under which an elector moving within the state before an election was permitted to vote in his or her former precinct. **Section 2** of the bill revives that provision.

Section 3 relieves designated elections officials from the duty to tabulate individual write-in votes for an office unless at least 10% of the ballots cast contain a write-in vote or otherwise would affect the outcome of the election.

House Bill 13-1303 specified the number of voter service and polling centers (VSPCs) required for any election and the hours and days that VSPCs must be open. **Sections 4 and 5** allow county clerk and recorders to obtain permission for reduced hours of operation of VSPCs, upon consent of the board of county commissioners after holding a public hearing on the matter, and the secretary of state. Because electors are able to deposit voted mail ballots at all VSPCs, sections 4 and 5 also allow any VSPCs above the minimum number required to count toward the number of stand-alone mail ballot drop-off locations that a political subdivision is required to operate.

Section 5 changes the formula for calculating how many VSPCs are required for certain elections conducted by a county clerk and recorder.

House Bill 13-1303 required all electors to receive mail ballots for elections conducted under the "Uniform Election Code of 1992". **Section 5** allows any elector to opt out of automatically receiving mail ballots.

House Bill 13-1303 reduced, from 30 to 22, the minimum number of days that a person must reside in Colorado to be eligible to vote. **Sections 6, 7, and 8** align similar residency requirements for school district, municipal, and special district elections.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Voter Outreach Through Enfranchisement Act", also known
4 as the "VOTE Act".

5 **SECTION 2.** In Colorado Revised Statutes, **recreate and**
6 **reenact, with amendments,** 1-2-217 as follows:

7 **1-2-217. Change in residence after residency deadline.**
8 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELIGIBLE ELECTOR
9 WHO MOVES FROM THE COLORADO PRECINCT WHERE HE OR SHE IS
10 REGISTERED DURING THE TWENTY-TWO DAYS BEFORE ANY ELECTION IS
11 PERMITTED TO CAST A BALLOT, BY ANY APPLICABLE METHOD, IN THE
12 ELECTION IN THE PRECINCT FROM WHICH THE ELECTOR MOVED. IN SUCH
13 CASE, THE ELECTOR IS NOT PERMITTED TO CAST A BALLOT IN THE
14 ELECTION HELD IN HIS OR HER PRECINCT OF CURRENT RESIDENCE.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 1-4-1104 as
16 follows:

17 **1-4-1104. Write-in vote tabulation.** NOTWITHSTANDING ANY
18 PROVISION OF THIS CODE TO THE CONTRARY, A DESIGNATED ELECTION
19 OFFICIAL IS NOT REQUIRED TO SEPARATELY TABULATE AND REPORT THE
20 WRITE-IN VOTES RECEIVED FOR ANY OFFICE UNLESS THE NUMBER OF
21 WRITE-IN VOTES EITHER COULD AFFECT THE OUTCOME OF THE RACE OR
22 CONSTITUTES AT LEAST TEN PERCENT OF THE VOTED BALLOTS FOR THE
23 OFFICE.

24 **SECTION 4.** In Colorado Revised Statutes, 1-5-102.9, **amend**
25 (2); and **add** (4) (c) as follows:

26 **1-5-102.9. Voter service and polling centers - number required**

1 - **exception - services provided - drop-off locations - repeal.**

2 (2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2),
3 voter service and polling centers must be open, at a minimum, for the
4 fifteen-day period prior to and including the day of the election; except
5 that voter service and polling centers are not required to be open on
6 Sundays.

7 (b) EXCEPT FOR THE DAY OF THE ELECTION, A COUNTY CLERK AND
8 RECORDER MAY REDUCE THE HOURS OR DAYS THAT A VOTER SERVICE AND
9 POLLING CENTER IS OPEN IF AT LEAST ONE VOTER SERVICE AND POLLING
10 CENTER IS OPEN FOR THE TIMES OTHERWISE REQUIRED BY PARAGRAPH (a)
11 OF THIS SUBSECTION (2) AND IF BOTH THE BOARD OF COUNTY
12 COMMISSIONERS OF THE POLITICAL SUBDIVISION FOR WHICH THE ELECTION
13 IS CONDUCTED, AFTER A PUBLIC HEARING, AND THE SECRETARY OF STATE
14 APPROVE THE COUNTY CLERK AND RECORDER'S REQUEST TO DO SO. IF
15 REDUCED HOURS OR DAYS ARE APPROVED, THE COUNTY CLERK AND
16 RECORDER SHALL NOTE THAT FACT IN THE MAIL BALLOT PLAN FILED WITH
17 THE SECRETARY OF STATE PURSUANT TO SECTION 1-7.5-105 (1).

18 (4) (c) NOTWITHSTANDING ANY PROVISION OF THIS CODE TO THE
19 CONTRARY, IF A COUNTY CLERK AND RECORDER, PURSUANT TO
20 PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION, DESIGNATES A
21 GREATER NUMBER OF VOTER SERVICE AND POLLING CENTERS THAN THE
22 MINIMUM REQUIRED, THOSE ADDITIONAL LOCATIONS COUNT TOWARD THE
23 NUMBER OF STAND-ALONE DROP-OFF LOCATIONS REQUIRED UNDER THIS
24 SUBSECTION (4).

25 **SECTION 5.** In Colorado Revised Statutes, 1-7.5-107, **amend** (3)
26 (a) (I) and (4.5) (c); and **add** (3) (a) (III), (4.5) (a.5), and (4.5) (e) as
27 follows:

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

4 (3) (a) (I) Not sooner than twenty-two days before a general, primary, or
5 other mail ballot election, and no later than eighteen days before the
6 election, except as provided in subparagraph (II) of this paragraph (a), the
7 county clerk and recorder or designated election official shall mail to each
8 active registered elector, EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF
9 THIS PARAGRAPH (a), at the last mailing address appearing in the
10 registration records and in accordance with United States postal service
11 regulations, a mail ballot packet, which shall be marked "DO NOT
12 FORWARD. ADDRESS CORRECTION REQUESTED.", or any other
13 similar statement that is in accordance with United States postal service
14 regulations. Nothing in this subsection (3) affects any provision of this
15 code governing the delivery of mail ballots to an absent uniformed
16 services elector, nonresident overseas elector, or resident overseas elector
17 covered by the federal "Uniformed and Overseas Citizens Absentee
18 Voting Act", 42 U.S.C. sec. 1973ff et seq.

19 (III) (A) NOTWITHSTANDING ANY PROVISION OF THIS CODE TO THE
20 CONTRARY, AN ELECTOR MAY OPT OUT OF RECEIVING MAIL BALLOTS BY
21 SUBMITTING A WRITTEN REQUEST AT LEAST SIXTY DAYS PRIOR TO THE
22 ELECTION TO HIS OR HER COUNTY CLERK AND RECORDER ON SUCH FORM
23 AS PRESCRIBED BY THE SECRETARY OF STATE BY RULE. THE REQUEST
24 MUST BE RECORDED IN THE CENTRALIZED STATEWIDE REGISTRATION
25 SYSTEM MAINTAINED PURSUANT TO SECTION 1-2-301. THE COUNTY CLERK
26 AND RECORDER SHALL SEND THE ELECTOR A POSTCARD NOTIFYING HIM OR
27 HER ONCE THE REQUEST HAS BEEN PROCESSED. PRIOR TO ANY ELECTION,

1 A COUNTY CLERK AND RECORDER SHALL MAIL TO EACH ELECTOR WHO HAS
2 OPTED OUT OF RECEIVING MAIL BALLOTS A REMINDER THAT THE ELECTOR
3 WILL NOT BE RECEIVING A MAIL BALLOT AND INFORMING THE ELECTOR OF
4 A NEARBY VOTER SERVICE AND POLLING CENTER AT WHICH THE ELECTOR
5 MAY VOTE.

6 (B) AN ELECTOR WHO, PURSUANT TO SUB-SUBPARAGRAPH (A) OF
7 THIS SUBPARAGRAPH (III), OPTS OUT OF RECEIVING MAIL BALLOTS MAY
8 ELECT TO RECEIVE MAIL BALLOTS BY MAKING A WRITTEN REQUEST TO HIS
9 OR HER COUNTY CLERK AND RECORDER AT LEAST SEVEN DAYS PRIOR TO
10 THE ELECTION ON SUCH FORM AS PRESCRIBED BY THE SECRETARY OF
11 STATE BY RULE. THE REQUEST MUST BE RECORDED IN THE CENTRALIZED
12 STATEWIDE REGISTRATION SYSTEM MAINTAINED PURSUANT TO SECTION
13 1-2-301.

14 (4.5) (a.5) OTHER THAN A GENERAL OR COORDINATED ELECTION,
15 FOR ANY ELECTION, CONDUCTED BY A COUNTY CLERK AND RECORDER FOR
16 A POLITICAL SUBDIVISION THAT HAS FEWER ACTIVE REGISTERED ELECTORS
17 THAN THE COUNTY, THE NUMBER OF VOTER SERVICE AND POLLING
18 CENTERS IS THE LESSER OF EITHER THE NUMBER OF MOTOR VEHICLE
19 OFFICES IN THE COUNTY OR ONE FOR EACH TWENTY-FIVE THOUSAND
20 ACTIVE REGISTERED ELECTORS IN THE POLITICAL SUBDIVISION; EXCEPT
21 THAT THERE MUST BE AT LEAST ONE VOTER SERVICE AND POLLING
22 CENTER. THE COUNTY CLERK AND RECORDER MAY ADD ADDITIONAL
23 VOTER SERVICE AND POLLING CENTERS AS NECESSARY.

24 (c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
25 PARAGRAPH (c), the minimum number of voter service and polling centers
26 shall be open during, at a minimum, the eight days prior to and including
27 the day of the election; except that voter service and polling centers are

1 not required to be open on Sundays.

2 (II) EXCEPT FOR THE DAY OF THE ELECTION, A COUNTY CLERK AND
3 RECORDER MAY REDUCE THE HOURS OR DAYS THAT A VOTER SERVICE AND
4 POLLING CENTER IS OPEN IF AT LEAST ONE VOTER SERVICE AND POLLING
5 CENTER IS OPEN FOR THE TIME OTHERWISE REQUIRED UNDER
6 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) AND BOTH THE BOARD OF
7 COUNTY COMMISSIONERS OF THE POLITICAL SUBDIVISION FOR WHICH THE
8 ELECTION IS CONDUCTED, AFTER A PUBLIC HEARING, AND THE SECRETARY
9 OF STATE APPROVE THE COUNTY CLERK AND RECORDER'S REQUEST TO DO
10 SO. IF REDUCED HOURS OR DAYS ARE APPROVED, THE COUNTY CLERK AND
11 RECORDER SHALL NOTE THAT FACT IN THE MAIL BALLOT PLAN FILED WITH
12 THE SECRETARY OF STATE PURSUANT TO SECTION 1-7.5-105 (1).

13 (e) NOTWITHSTANDING ANY PROVISION OF THIS CODE TO THE
14 CONTRARY, WHEN A COUNTY CLERK AND RECORDER ADDS ADDITIONAL
15 VOTER SERVICE AND POLLING CENTERS PURSUANT TO PARAGRAPH (a) OF
16 THIS SUBSECTION (4.5), THOSE ADDITIONAL VOTER SERVICE AND POLLING
17 CENTERS COUNT TOWARD THE NUMBER OF MAIL BALLOT DROP-OFF
18 LOCATIONS REQUIRED UNDER SUBSECTION (4.3) OF THIS SECTION.

19 **SECTION 6.** In Colorado Revised Statutes, 22-31-101, **amend**
20 (1) as follows:

21 **22-31-101. Definitions.** As used in this article, unless the context
22 otherwise requires:

23 (1) "Eligible elector" means a person who is registered to vote for
24 state officers at general elections in this state and has resided in the school
25 election precinct ~~twenty-five~~ TWENTY-TWO days immediately preceding
26 the election at which the elector intends to vote.

27 **SECTION 7.** In Colorado Revised Statutes, 31-10-201, **amend**

1 (1) (b) as follows:

2 **31-10-201. Qualifications of municipal electors.** (1) Every
3 person who has attained the age of eighteen years possessing the
4 following qualifications is entitled to register to vote at all municipal
5 elections:

6 (b) The person has resided in this state for ~~thirty~~ TWENTY-TWO
7 days and in the municipal election precinct for ~~thirty~~ TWENTY-TWO days
8 immediately preceding the election at which the person offers to vote. An
9 otherwise qualified and registered elector who moves from the municipal
10 election precinct where registered to another precinct within the same
11 municipality within ~~thirty~~ TWENTY-TWO days prior to any regular or
12 special election shall be permitted to cast a ballot for such election at the
13 polling place in the precinct where registered.

14 **SECTION 8.** In Colorado Revised Statutes, 32-1-103, **amend** (5)
15 (a) (I) as follows:

16 **32-1-103. Definitions.** As used in this article, unless the context
17 otherwise requires:

18 (5) (a) "Eligible elector" means a person who, at the designated
19 time or event, is registered to vote pursuant to the "Uniform Election
20 Code of 1992", articles 1 to 13 of title 1, C.R.S., and:

21 (I) Who has been a resident of the special district or the area to be
22 included in the special district for not less than ~~thirty~~ TWENTY-TWO days;
23 or

24 **SECTION 9. Effective date - applicability.** This act takes effect
25 upon passage and applies to elections conducted on or after the effective
26 date of this act.

27 **SECTION 10. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.