

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 10-0058.01 Bob Lackner

SENATE BILL 10-179

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

Weissmann and Casso,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING THE VOTING RIGHTS OF PERSONS INVOLVED IN THE
102 CRIMINAL JUSTICE SYSTEM, AND MAKING AN APPROPRIATION IN
103 CONNECTION THEREWITH.

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>.)

Existing law prohibits a person serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction or serving a sentence of parole from being eligible to register to vote or to vote in any election. **Section 3** of the bill clarifies that a

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.

SENATE
Amended 2nd Reading
April 26, 2010

person on inmate status for a felony conviction is not eligible to register to vote or to vote in any election. Section 3 further permits any individual who is not on inmate status to register or vote in any election. **Section 2** of the bill clarifies that inmate status does not include an individual who is no longer confined involuntarily in a municipal, county, or state prison, jail, detention facility, or other location while serving a sentence of parole. Section 2 also delineates various circumstances affecting offenders that do not constitute inmate status.

Section 4 of the bill places duties upon county sheriffs, probation officers, parole officers, administrators of juvenile facilities, and administrators of community corrections programs to facilitate the registration for voting purposes of, and voting by, an individual not on inmate status who is in the custody of such official or assigned to the facility the official administers. Section 4 further specifies that such duties shall include advising the individual of his or her voting rights, providing the individual with information as to the manner in which the individual may register and cast a ballot, providing the individual with voter information materials, and, in applicable cases, ensuring that any mail or mail-in ballot cast by the individual is timely delivered to the designated election official. Section 4 also exempts county sheriffs or their designees from any restriction under law on the number of mail or mail-in ballots an eligible elector may deliver in person to the designated election official.

Sections 5 through 9 of the bill make conforming amendments to the statutory provisions governing the powers and duties of county sheriffs, probation officers, parole officers, and administrators of community corrections programs and juvenile facilities. **Sections 10 and 11** of the bill make conforming amendments that would allow confined prisoners awaiting trial to register and vote in municipal elections.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that:

4 (a) Section 10 of article VII of the state constitution states, among
5 other things, that "every such person who was a qualified elector prior to
6 such imprisonment, and who is released therefrom by virtue of a pardon,
7 or by virtue of having served out his full term of imprisonment, shall
8 without further action, be invested with all the rights of citizenship,

1 except as otherwise provided in this constitution."

2 (b) Although this constitutional language has long been used to
3 justify the deprivation of voting rights to individuals serving a sentence
4 of parole, the constitutional provision was part of the original constitution
5 of the state adopted in August 1876, and the state did not adopt parole
6 sentencing until 1899.

7 (c) The power under the constitution to criminalize conduct and
8 set the punishment for a crime rests with the legislative branch.
9 Accordingly, it is within the plenary power of the general assembly to
10 define the constitutional phrase "having served out his full term of
11 imprisonment" and, particularly, to define the phrase in such a manner as
12 to restore the voting rights of an offender serving a sentence of parole.

13 (d) In the case of *Danielson v. Dennis*, 139 P.3d 688 (Colo. 2006),
14 the Colorado supreme court held that the general assembly has the
15 authority to include parole as part of the "full term of imprisonment"
16 within the meaning of the constitutional provision, which necessarily
17 means that the general assembly is also empowered, if it so chooses, to
18 define the "full term of imprisonment" to end when an individual
19 convicted of a felony is sentenced to parole and, therefore, leaves his or
20 her incarcerated status. It follows that if an individual's term of
21 imprisonment is at an end upon being sentenced to parole, he or she
22 should also be entitled to the full restoration of his or her voting rights at
23 that time.

24 (e) Restoring voting rights to parolees is consistent with the
25 purpose of parole as stated in section 17-22.5-102.5 (1) (c), Colorado
26 Revised Statutes, and will help to develop and foster in these individuals
27 the values of citizenship that will result in significant dividends to them

1 and society as they resume their places in their communities.

2 (f) Among other things, section 20 (4) of article X of the state
3 constitution, part of the amendment to the state constitution commonly
4 referred to as TABOR, mandates that the state and local governments
5 obtain voter approval for tax increases and the creation of certain debt or
6 other financial obligations. Insofar as parolees incur a tax or debt burden
7 in the same manner as any other individual allowed to vote on such ballot
8 issues, justice, fairness, and fidelity to the provisions of TABOR require
9 parolees to be authorized to register and vote on these matters, in addition
10 to other matters placed on the ballot.

11 (2) By enacting Senate Bill 10-179, enacted in 2010, the general
12 assembly intends that individuals sentenced to parole on account of a
13 felony conviction be entitled to the full restoration of their voting rights
14 and further intends that Senate Bill 10-179 be liberally construed to
15 effectuate these purposes.

16 **SECTION 2.** 1-1-104, Colorado Revised Statutes, is amended BY
17 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
18 read:

19 **1-1-104. Definitions.** As used in this code, unless the context
20 otherwise requires:

21 (4.5) "COMMUNITY CORRECTIONS PROGRAM" SHALL HAVE THE
22 SAME MEANING AS SET FORTH IN SECTION 17-27-102 (3), C.R.S.

23 ==
24 (49.3) (a) "TERM OF IMPRISONMENT" OR "FULL TERM OF
25 IMPRISONMENT" MEANS THE PERIOD DURING WHICH AN INDIVIDUAL IS
26 SENTENCED TO INVOLUNTARY CONFINEMENT IN ANY CORRECTIONAL
27 FACILITY, JAIL, OR OTHER LOCATION FOR A FELONY CONVICTION.

1 (b) THIS SUBSECTION (49.3) SHALL APPLY TO THIS CODE FOR THE
2 PURPOSE OF CONSTRUING THE PROVISIONS OF SECTION 10 OF ARTICLE VII
3 OF THE STATE CONSTITUTION.

4 (c) "TERM OF IMPRISONMENT" OR "FULL TERM OF IMPRISONMENT"
5 SHALL NOT INCLUDE THE PERIOD DURING WHICH AN INDIVIDUAL IS:

6 (I) SERVING A SENTENCE OF PAROLE;

7 (II) ON PROBATION;

8 (III) SERVING A SENTENCE FOR A MISDEMEANOR CONVICTION;

9 (IV) SERVING A DIRECT SENTENCE IN A COMMUNITY CORRECTIONS
10 PROGRAM FOR A FELONY CONVICTION;

11 (V) PLACED IN A COMMUNITY CORRECTIONS PROGRAM PURSUANT
12 TO A DEFERRED JUDGMENT FOR A FELONY CONVICTION; OR

13 (VI) SENTENCED TO FEDERAL SUPERVISED RELEASE.

14 **SECTION 3.** 1-2-103 (4), Colorado Revised Statutes, is amended
15 to read:

16 **1-2-103. Military service - students - persons serving terms of**
17 **imprisonment - persons with mental illness.** (4) ~~No~~ A person ~~while~~
18 ~~serving a sentence of detention or confinement~~ TERM OF IMPRISONMENT
19 ~~in a correctional facility, jail, or other location for a felony conviction or~~
20 ~~while serving a sentence of parole shall be~~ IS NOT eligible to register to
21 ~~vote or to vote in any election. however,~~ A confined prisoner who is
22 ~~awaiting trial but has not been tried OR AN INDIVIDUAL WHO IS CONFINED~~
23 ~~FOR A MISDEMEANOR CONVICTION shall be certified by the institutional~~
24 ~~administrator and shall be permitted to register to vote by mail~~
25 ~~registration pursuant to part 5 of this article. AN INDIVIDUAL WHOSE~~
26 ~~STATUS IS DESCRIBED IN SECTION 1-1-104 (49.3) (c) SHALL BE ELIGIBLE TO~~
27 ~~REGISTER TO VOTE AND TO VOTE IN ANY ELECTION.~~

1 **SECTION 4.** Part 2 of article 2 of title 1, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4 **1-2-210.5. Registration of and voting by persons involved in**
5 **criminal justice system.** (1) IN ADDITION TO ANY OTHER REQUIREMENTS
6 IMPOSED BY THIS TITLE IN CONNECTION WITH THE REGISTRATION OF
7 PERSONS WHO ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEM, THE
8 COUNTY SHERIFF, OR A DEPUTY OR JAILER DESIGNATED BY THE SHERIFF,
9 SHALL FACILITATE THE VOTING RIGHTS OF AN INDIVIDUAL WHO IS
10 CONFINED INVOLUNTARILY IN A COUNTY JAIL OR OTHER COUNTY PENAL
11 FACILITY ON ACCOUNT OF A MISDEMEANOR CONVICTION OR WHO IS
12 OTHERWISE CONFINED PENDING TRIAL FOR A MISDEMEANOR OR FELONY
13 OFFENSE. IN CONNECTION WITH SUCH REQUIREMENTS, THE SHERIFF OR
14 THE SHERIFF'S DESIGNEE SHALL PROVIDE THE INDIVIDUAL INFORMATION
15 REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY
16 REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT, PROVIDE THE
17 INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF
18 THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR MAIL-IN BALLOT CAST
19 BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE DESIGNATED ELECTION
20 OFFICIAL.

21 (2) (a) IN THE CASE OF AN INDIVIDUAL ON PROBATION, THE
22 PROBATION OFFICER ASSIGNED TO THE INDIVIDUAL SHALL PROVIDE THE
23 INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS, HOW
24 HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO
25 OBTAIN VOTER INFORMATION MATERIALS.

26 (b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2)
27 SHALL APPLY TO ANY INDIVIDUAL ON PROBATION.

1 (3) IN THE CASE OF AN INDIVIDUAL ON PAROLE, THE COMMUNITY
2 PAROLE OFFICER ASSIGNED TO THE INDIVIDUAL SHALL PROVIDE THE
3 INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS, HOW
4 HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO
5 OBTAIN VOTER INFORMATION MATERIALS.

6 (4) IN THE CASE OF ANY INDIVIDUAL CONFINED TO A JUVENILE
7 FACILITY AND IN THE CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS
8 IN THE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 19-2-203
9 (1), C.R.S., WHO IS EIGHTEEN YEARS OF AGE OR OLDER ON THE DATE OF
10 THE NEXT ELECTION, THE ADMINISTRATOR OF THE FACILITY IN WHICH THE
11 INDIVIDUAL IS CONFINED OR THE ADMINISTRATOR'S DESIGNEE SHALL
12 FACILITATE THE REGISTRATION FOR VOTING PURPOSES OF, AND VOTING BY,
13 THE INDIVIDUAL. IN CONNECTION WITH THIS REQUIREMENT, THE
14 ADMINISTRATOR SHALL PROVIDE THE INDIVIDUAL INFORMATION
15 REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY
16 REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT, PROVIDE THE
17 INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF
18 THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR MAIL-IN BALLOT CAST
19 BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE DESIGNATED ELECTION
20 OFFICIAL.

21 (5) (a) THE PROVISIONS OF THIS SUBSECTION (5) SHALL APPLY TO
22 ANY INDIVIDUAL WHO IS ELIGIBLE TO VOTE PURSUANT TO SECTION 1-2-103
23 AS SUCH REQUIREMENTS PERTAIN TO COMMUNITY CORRECTIONS
24 PLACEMENT.

25 (b) IN THE CASE OF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (a)
26 OF THIS SUBSECTION (5), THE ADMINISTRATOR OF THE COMMUNITY
27 CORRECTIONS PROGRAM IN WHICH THE INDIVIDUAL HAS BEEN PLACED, OR

1 THE ADMINISTRATOR'S DESIGNEE, SHALL PROVIDE THE INDIVIDUAL
2 INFORMATION REGARDING HIS OR HER VOTING RIGHTS, HOW HE OR SHE
3 MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO OBTAIN VOTER
4 INFORMATION MATERIALS. ___

5 (6) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES, "VOTER INFORMATION MATERIALS" SHALL MEAN
7 THE FOLLOWING DOCUMENTS, AS APPLICABLE TO THE ELECTION FOR
8 WHICH THE INDIVIDUAL SEEKS TO REGISTER TO VOTE AND CAST A BALLOT:

9 (I) ANY FORMS USED TO REGISTER AN ELECTOR UNDER THIS PART
10 2;

11 (II) AN APPLICATION FOR A MAIL-IN BALLOT PURSUANT TO
12 SECTION 1-8-104;

13 (III) A COPY OF A BALLOT INFORMATION BOOKLET DESCRIBED IN
14 SECTION 1-40-124.5; AND

15 (IV) ANY MAILINGS TO ELECTORS THAT ARE DESCRIBED IN
16 SECTION 1-40-125.

17 (b) ___ UPON AN ADMINISTRATOR'S WRITTEN REQUEST TO THE
18 LEGISLATIVE COUNCIL STAFF OR A COUNTY CLERK AND RECORDER FOR
19 COPIES OF THE DOCUMENTS SPECIFIED IN SUBPARAGRAPH (III) OR (IV) OF
20 PARAGRAPH (a) OF THIS SUBSECTION (6), THE LEGISLATIVE COUNCIL STAFF
21 OR COUNTY CLERK AND RECORDER, AS APPLICABLE, SHALL TIMELY
22 PROVIDE COPIES OF THE DOCUMENTS TO THE ADMINISTRATOR IN A
23 SUFFICIENT NUMBER TO COVER THE NUMBER OF INDIVIDUALS ___ EITHER
24 RESIDING IN THE ADMINISTRATOR'S FACILITY, OR UNDER THE SUPERVISION
25 OF THE ADMINISTRATOR'S PROGRAM, WHO ARE AUTHORIZED TO REGISTER
26 AND VOTE UNDER THIS SECTION.

27 (7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN

1 ADMINISTRATOR SHALL BE EXEMPT FROM ANY RESTRICTION UNDER LAW
2 ON THE NUMBER OF MAIL OR MAIL-IN BALLOTS AN ELIGIBLE ELECTOR MAY
3 DELIVER IN PERSON TO THE DESIGNATED ELECTION OFFICIAL.

4 (8) FOR PURPOSES OF THIS SECTION, "ADMINISTRATOR" MEANS THE
5 ADMINISTRATOR, OR HIS OR HER DESIGNEE, OF A MUNICIPAL OR COUNTY
6 CORRECTIONAL FACILITY, JAIL, COMMUNITY CORRECTIONS PROGRAM, THE
7 DIVISION OF YOUTH CORRECTIONS CREATED IN SECTION 19-2-203 (1),
8 C.R.S., A FACILITY THAT CONTRACTS WITH THE DIVISION OF YOUTH
9 CORRECTIONS, ANY OFFICE EMPLOYING A PAROLE OR PROBATION OFFICER,
10 OR ANY OTHER ARRANGEMENT IN WHICH ONE OR MORE PERSONS ELIGIBLE
11 TO REGISTER AND VOTE IS EITHER CONFINED OR BEING SUPERVISED.

12 **SECTION 5.** 16-11-209, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14 **16-11-209. Duties of probation officers.** (4) (a) IN ADDITION TO
15 ANY OTHER DUTY SPECIFIED IN THIS SECTION, IT IS ALSO THE DUTY OF A
16 PROBATION OFFICER, IN ACCORDANCE WITH THE REQUIREMENTS OF
17 SECTION 1-2-210.5 (2), C.R.S., TO PROVIDE AN INDIVIDUAL UNDER THE
18 OFFICER'S SUPERVISION INFORMATION REGARDING THE INDIVIDUAL'S
19 VOTING RIGHTS, HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A
20 BALLOT, AND HOW TO OBTAIN VOTER INFORMATION MATERIALS. FOR
21 PURPOSES OF THIS SUBSECTION (4), "VOTER INFORMATION MATERIALS"
22 SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 1-2-210.5 (6),
23 C.R.S.

24 (b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (4)
25 SHALL APPLY, WITHOUT LIMITATION, TO ANY INDIVIDUAL ON PROBATION.

26 **SECTION 6.** 17-2-102, Colorado Revised Statutes, is amended
27 BY THE ADDITION OF A NEW SUBSECTION to read:

1 **17-2-102. Division of adult parole - general powers, duties, and**
2 **functions - definitions.** (11) IN ADDITION TO ANY OTHER DUTY
3 SPECIFIED IN THIS SECTION, IT IS ALSO THE DUTY OF A COMMUNITY PAROLE
4 OFFICER, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-2-210.5
5 (3), C.R.S., TO PROVIDE AN INDIVIDUAL UNDER THE OFFICER'S
6 SUPERVISION INFORMATION REGARDING THE INDIVIDUAL'S VOTING RIGHTS,
7 HOW HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO
8 OBTAIN VOTER INFORMATION MATERIALS. FOR PURPOSES OF THIS
9 SUBSECTION (11), "VOTER INFORMATION MATERIALS" SHALL HAVE THE
10 SAME MEANING AS SET FORTH IN SECTION 1-2-210.5 (6), C.R.S.

11 **SECTION 7.** 18-1.3-301, Colorado Revised Statutes, is amended
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13 **18-1.3-301. Authority to place offenders in community**
14 **corrections programs.** (5) (a) THE PROVISIONS OF THIS SUBSECTION (5)
15 SHALL APPLY TO ANY INDIVIDUAL WHO IS ELIGIBLE TO VOTE PURSUANT TO
16 SECTION 1-2-103 AS SUCH REQUIREMENTS PERTAIN TO COMMUNITY
17 CORRECTIONS PLACEMENT.

18 (b) IN THE CASE OF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (a)
19 OF THIS SUBSECTION (5), THE ADMINISTRATOR OF THE COMMUNITY
20 CORRECTIONS PROGRAM IN WHICH THE INDIVIDUAL HAS BEEN PLACED, OR
21 THE ADMINISTRATOR'S DESIGNEE, IN ACCORDANCE WITH THE
22 REQUIREMENTS OF SECTION 1-2-210.5 (5), C.R.S., SHALL PROVIDE THE
23 INDIVIDUAL INFORMATION REGARDING HIS OR HER VOTING RIGHTS, HOW
24 HE OR SHE MAY REGISTER TO VOTE AND CAST A BALLOT, AND HOW TO
25 OBTAIN VOTER INFORMATION MATERIALS. FOR PURPOSES OF THIS
26 SUBSECTION (5), "VOTER INFORMATION MATERIALS" SHALL HAVE THE
27 SAME MEANING AS SET FORTH IN SECTION 1-2-210.5 (6), C.R.S.

1 **SECTION 8.** 19-2-203, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3 **19-2-203. Division of youth corrections - created - interagency**
4 **agreements - duties of administrators of facilities in connection with**
5 **voter registration and casting of ballots.** (3) (a) THIS SUBSECTION (3)
6 SHALL APPLY TO ANY INDIVIDUAL CONFINED TO A JUVENILE FACILITY AND
7 IN THE CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS WHO IS
8 EIGHTEEN YEARS OF AGE OR OLDER ON THE DATE OF THE NEXT ELECTION.

9 (b) THE ADMINISTRATOR OF A FACILITY IN WHICH AN INDIVIDUAL
10 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) IS CONFINED, OR
11 THE ADMINISTRATOR'S DESIGNEE, SHALL FACILITATE THE VOTING RIGHTS
12 OF THE INDIVIDUAL. IN CONNECTION WITH SUCH REQUIREMENTS, THE
13 ADMINISTRATOR SHALL PROVIDE THE INDIVIDUAL INFORMATION
14 REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY
15 REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT, PROVIDE THE
16 INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF
17 THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR MAIL-IN BALLOT CAST
18 BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE DESIGNATED ELECTION
19 OFFICIAL. FOR PURPOSES OF THIS SUBSECTION (3), "VOTER INFORMATION
20 MATERIALS" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION
21 1-2-210.5 (6), C.R.S. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
22 IN ORDER TO SATISFY THE REQUIREMENTS OF THIS PARAGRAPH (b), THE
23 ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL BE EXEMPT FROM ANY
24 RESTRICTION UNDER LAW ON THE NUMBER OF MAIL OR MAIL-IN BALLOTS
25 AN ELIGIBLE ELECTOR MAY DELIVER IN PERSON TO THE DESIGNATED
26 ELECTION OFFICIAL.

27 **SECTION 9.** 30-10-511, Colorado Revised Statutes, is amended

1 to read:

2 **30-10-511. Sheriff custodian of jail - duties in connection with**
3 **voter registration and casting ballots.** (1) Except as provided in
4 section 16-11-308.5, C.R.S., the sheriff shall have charge and custody of
5 the jails of the county, and of the prisoners in the jails, and shall supervise
6 them himself or herself or through a deputy or jailer.

7 (2) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-2-210.5
8 (1), C.R.S., THE SHERIFF, OR A DEPUTY OR JAILER DESIGNATED BY THE
9 SHERIFF, SHALL FACILITATE THE VOTING RIGHTS OF AN INDIVIDUAL
10 SERVING A TERM OF IMPRISONMENT IN A COUNTY JAIL OR OTHER COUNTY
11 PENAL FACILITY ON ACCOUNT OF A MISDEMEANOR CONVICTION OR WHO IS
12 OTHERWISE CONFINED PENDING TRIAL FOR A MISDEMEANOR OR FELONY
13 OFFENSE. IN CONNECTION WITH SUCH DUTIES, THE SHERIFF OR THE
14 SHERIFF'S DESIGNEE SHALL PROVIDE TO THE INDIVIDUAL INFORMATION
15 REGARDING HIS OR HER VOTING RIGHTS AND HOW THE INDIVIDUAL MAY
16 REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN BALLOT, PROVIDE THE
17 INDIVIDUAL WITH VOTER INFORMATION MATERIALS UPON THE REQUEST OF
18 THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR MAIL-IN BALLOT CAST
19 BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE DESIGNATED ELECTION
20 OFFICIAL. FOR PURPOSES OF THIS SUBSECTION (2), "VOTER INFORMATION
21 MATERIALS" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION
22 1-2-210.5 (6), C.R.S. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
23 IN ORDER TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION (2), THE
24 SHERIFF OR HIS OR HER DESIGNEE SHALL BE EXEMPT FROM ANY
25 RESTRICTION UNDER LAW ON THE NUMBER OF MAIL OR MAIL-IN BALLOTS
26 AN ELIGIBLE ELECTOR MAY DELIVER IN PERSON TO THE DESIGNATED
27 ELECTION OFFICIAL.

1 **SECTION 10.** 31-10-102, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3 **31-10-102. Definitions.** As used in this article, unless the context
4 otherwise requires:

5 (8.7) (a) "TERM OF IMPRISONMENT" OR "FULL TERM OF
6 IMPRISONMENT" SHALL MEAN THE PERIOD DURING WHICH AN INDIVIDUAL
7 IS SENTENCED TO INVOLUNTARY CONFINEMENT IN ANY CORRECTIONAL
8 FACILITY, JAIL, OR OTHER LOCATION FOR A FELONY CONVICTION.

9 (b) THIS SUBSECTION (8.7) SHALL APPLY TO THIS ARTICLE FOR THE
10 PURPOSE OF CONSTRUING THE PROVISIONS OF SECTION 10 OF ARTICLE VII
11 OF THE STATE CONSTITUTION.

12 **SECTION 11.** 31-10-201 (2), Colorado Revised Statutes, is
13 amended to read:

14 **31-10-201. Qualifications of municipal electors. (2) No A**
15 person confined SERVING A TERM OF IMPRISONMENT in any public prison
16 CORRECTIONAL FACILITY, JAIL, OR OTHER LOCATION FOR A FELONY
17 CONVICTION is NOT entitled to register or to vote at any regular or special
18 election. Every person who was a qualified elector prior to such
19 imprisonment and who is released by pardon or by having served his full
20 term of imprisonment shall be vested with all the rights of citizenship
21 except as otherwise provided in the state constitution. A CONFINED
22 INDIVIDUAL WHO IS AWAITING TRIAL BUT HAS NOT BEEN TRIED OR AN
23 INDIVIDUAL WHO IS CONFINED FOR A MISDEMEANOR CONVICTION SHALL
24 BE CERTIFIED BY THE INSTITUTIONAL ADMINISTRATOR AND SHALL BE
25 PERMITTED TO REGISTER TO VOTE BY MAIL REGISTRATION PURSUANT TO
26 PART 5 OF ARTICLE 2 OF TITLE 1, C.R.S. THE INSTITUTIONAL
27 ADMINISTRATOR SHALL PROVIDE TO THE CONFINED PRISONER

1 INFORMATION REGARDING HIS OR HER VOTING RIGHTS AND HOW THE
2 INDIVIDUAL MAY REGISTER TO VOTE AND CAST A MAIL OR MAIL-IN
3 BALLOT, PROVIDE THE INDIVIDUAL WITH VOTER INFORMATION MATERIALS
4 UPON THE REQUEST OF THE INDIVIDUAL, AND ENSURE THAT ANY MAIL OR
5 MAIL-IN BALLOT CAST BY THE INDIVIDUAL IS TIMELY DELIVERED TO THE
6 DESIGNATED ELECTION OFFICIAL. FOR PURPOSES OF THIS SUBSECTION (2),
7 "VOTER INFORMATION MATERIALS" SHALL HAVE THE SAME MEANING AS
8 SET FORTH IN SECTION 1-2-210.5 (6), C.R.S.

9 **SECTION 12. Appropriation.** In addition to any other
10 appropriation, there is hereby appropriated, out of any moneys in the
11 department of state cash fund created in section 24-21-104 (3) (b),
12 Colorado Revised Statutes, not otherwise appropriated, to the department
13 of state, for allocation to the special purpose division, for the fiscal year
14 beginning July 1, 2010, the sum of thirteen thousand six hundred dollars
15 (\$13,600) cash funds, or so much thereof as may be necessary, for the
16 implementation of this act.

17 **SECTION 13. Specified effective date - applicability.** This act
18 shall take effect July 1, 2010, and shall apply to individuals seeking to
19 register to vote or to vote on or after said date.

20 **SECTION 14. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.