

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0655.01 Kate Meyer x4348

HOUSE BILL 16-1300

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HOUSE SPONSORSHIP

Ryden,

SENATE SPONSORSHIP

(None),

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House Committees

State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE RETURN OF VOTED MAIL BALLOTS, AND, IN  
102 CONNECTION THEREWITH, REMOVING THE REQUIREMENT THAT  
103 ELECTORS PROVIDE POSTAGE ON MAIL BALLOT RETURN  
104 ENVELOPES, ENCOURAGING THE USE OF STATE-OWNED AND  
105 CONVENIENT COMMERCIAL PROPERTIES FOR STAND-ALONE  
106 DROP-OFF LOCATIONS FOR DEPOSIT OF MAIL BALLOTS, AND  
107 VESTING COUNTIES WITH THE EXCLUSIVE AUTHORITY TO  
108 DETERMINE PLACEMENT AND SECURITY OF STAND-ALONE  
109 BALLOT DROP-OFF LOCATIONS.

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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*

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.*

*applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Section 1** of the bill:

- ! Vests counties with the exclusive authority to determine placement and security of stand-alone ballot drop-off locations;
- ! Makes state-owned properties presumptively suitable for use as stand-alone drop-off locations where electors may deposit completed ballots; and
- ! Encourages counties to identify and utilize commercial properties for stand-alone drop-off locations.

**Section 2:**

- ! Removes the requirement that an elector provide postage on mail ballot return envelopes;
- ! Requires counties to work with the United States postal service to ensure the efficient delivery of mail ballot return envelopes, and to describe this effort in its mail ballot plan; and
- ! Directs the secretary of state to use federal "Help America Vote Act" grant moneys to purchase at least one 24-hour drop box for each county in the state; except that counties may request a waiver from receiving such boxes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-5-102.9, **amend** (4)  
3 (b) (II) and (4) (b) (III) as follows:

4 **1-5-102.9. Voter service and polling centers - number required**  
5 **- services provided - drop-off locations - repeal.** (4) (b) (II) The  
6 placement and security of each drop-off location shall be determined by  
7 each county. ~~in accordance with the secretary of state's current security~~  
8 ~~rules.~~ THE SECRETARY OF STATE MAY, BY RULE, PROMULGATE  
9 SPECIFICATIONS FOR THE INSTALLATION AND ACCESSIBILITY FOR PERSONS  
10 WITH DISABILITIES OF BOXES AT DROP-OFF LOCATIONS. With the exception  
11 of twenty-four hour secure drop boxes, each stand-alone drop-off location  
12 must be separate from voter service and polling centers.

1 (III) (A) Counties are encouraged to designate community-based  
2 locations AND STATE-OWNED PROPERTIES as stand-alone drop-off  
3 locations. A STATE-OWNED PROPERTY IS PRESUMED ACCEPTABLE FOR USE  
4 AS A STAND-ALONE DROP-OFF LOCATION UNLESS THE PARTICULAR  
5 CIRCUMSTANCES OF THE LOCATION, SUCH AS INACCESSIBILITY OR  
6 OBSCURITY, RENDER IT UNSUITABLE FOR SUCH PURPOSE.

7 (B) COUNTIES ARE ALSO ENCOURAGED TO ENTER INTO  
8 AGREEMENTS, THROUGH PUBLIC-PRIVATE PARTNERSHIPS OR OTHERWISE,  
9 FOR PLACEMENT OF STAND-ALONE DROP-OFF LOCATIONS ON COMMERCIAL  
10 PROPERTIES THAT ARE CONVENIENTLY LOCATED, ACCESSIBLE VIA VARIOUS  
11 MODES OF TRANSPORTATION, WELL-KNOWN, AND SECURE.

12 **SECTION 2.** In Colorado Revised Statutes, 1-7.5-107, **amend** (4)  
13 (b) (II); and **add** (5) as follows:

14 **1-7.5-107. Procedures for conducting mail ballot election -**  
15 **primary elections - first-time voters casting a mail ballot after having**  
16 **registered by mail to vote - in-person request for ballot - rules -**  
17 **repeal.** (4) (b) (II) (A) ~~If an eligible elector returns the ballot by mail, the~~  
18 ~~elector must provide postage. The~~ A ballot ~~shall~~ **MUST** be received at the  
19 office of the county clerk and recorder or designated election official or  
20 a designated drop-off location, which ~~shall~~ **MUST** remain open until 7 p.m.  
21 on election day. All envelopes containing mail ballots must be in the  
22 hands of the county clerk and recorder or designated election official no  
23 later than 7 p.m. on the day of the election UNLESS AN EMERGENCY  
24 PREVENTS THE UNITED STATES POSTAL SERVICE FROM DELIVERING THE  
25 BALLOTS TO THE COUNTY CLERK AND RECORDER OR DESIGNATED  
26 ELECTION OFFICIAL. Mail ballot envelopes received after 7 p.m. on the day  
27 of the election but postmarked on or before the day of the election will

1 remain sealed and uncounted, but the elector's registration record shall not  
2 be canceled for failure to vote in a general election. For an election  
3 coordinated by the county clerk and recorder, the drop-off location other  
4 than secure drop boxes shall be designated by the county clerk and  
5 recorder and located in a secure place under the supervision of a  
6 municipal clerk, an election judge, or a member of the clerk and  
7 recorder's staff. For a mail ballot election not coordinated by the county  
8 clerk and recorder, the drop-off location shall be designated by the  
9 designated election official and located in a secure place under the  
10 supervision of the designated election official, an election judge, or a  
11 member of the clerk and recorder's staff. For a mail ballot election not  
12 coordinated by the county clerk and recorder, the drop-off location shall  
13 be designated by the designated election official and located in a secure  
14 place under the supervision of the designated election official, an election  
15 judge, or another person designated by the designated election official.

16 (B) EACH COUNTY SHALL WORK WITH THE UNITED STATES POSTAL  
17 SERVICE TO PROVIDE FOR THE EFFICIENT DELIVERY OF MAIL BALLOT  
18 RETURN ENVELOPES, INCLUDING THOSE WITH NO OR INSUFFICIENT  
19 POSTAGE, TO THE COUNTY CLERK AND RECORDER. IN ITS MAIL BALLOT  
20 PLAN FILED WITH THE SECRETARY OF STATE, EACH COUNTY SHALL  
21 DESCRIBE HOW IT PLANS TO WORK WITH THE UNITED STATES POSTAL  
22 SERVICE PURSUANT TO THIS SUB-SUBPARAGRAPH (B).

23 (5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS  
24 SUBSECTION (5), THE SECRETARY OF STATE, USING MONEYS IN THE  
25 FEDERAL ELECTIONS ASSISTANCE FUND CREATED IN SECTION 1-1.5-106  
26 THAT ARE RECEIVED BY THE STATE FROM THE FEDERAL GOVERNMENT  
27 PURSUANT TO THE FEDERAL "HELP AMERICA VOTE ACT OF 2002", PUB. L.

1 107-252, CODIFIED AT 52 U.S.C. SEC. 20901 ET SEQ., SHALL PURCHASE  
2 ONE TWENTY-FOUR HOUR SECURE DROP BOX FOR EACH COUNTY IN THE  
3 STATE.

4 (b) THE SECRETARY OF STATE SHALL NOT PURCHASE A  
5 TWENTY-FOUR HOUR SECURE DROP BOX FOR ANY COUNTY THAT TIMELY  
6 SUBMITS A WRITTEN REQUEST FOR A WAIVER FROM PARAGRAPH (a) OF  
7 THIS SUBSECTION (5).

8 **SECTION 3. Applicability.** This act applies to elections  
9 conducted on or after the effective date of this act.

10 **SECTION 4. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.