



Legislative Council Staff

Research Note

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Bill Number

Senate Bill 17-071

Sponsors

Senator Tate

Short Title

***Voter Service & Polling Center
Early Voting General Election***

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Status

This research note reflects the final version of the bill, which was deemed lost on third reading in the Senate on April 24, 2017.

Background

After the adoption of House Bill 13-1303, Colorado began conducting mail ballot elections. Every active voter in the state receives a ballot in the mail. Ballots may be returned by mail, dropped off at a ballot drop box, or dropped off or cast in person at a voter service and polling center (VSPC). Precinct polling places were eliminated under the new election system. VSPCs are operated by the counties. They must have the ability to:

- register a person to vote;
- allow a voter to cast a ballot, including a provisional ballot;
- accept mail ballots deposited by electors;
- allow a registered voter to update his or her address;
- allow a registered voter to update his or her name, if legally changed;
- allow an unaffiliated voter to affiliate with a political party and cast a ballot in a primary election;
- access the statewide voter registration database (SCORE) through a secure computer connection, except that counties with fewer than 25,000 registered voters may, upon demonstrating hardship, seek approval from the Secretary of State of a plan to access SCORE and conduct real-time verification of voter eligibility by telephone or other means;
- provide mail ballots to requesting voters; and
- provide original and replacement ballots.

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Unlike precinct polling places, VSPCs must serve all voters in a county regardless of where in the county they live. Current law sets requirements for the number of VSPCs that must be open on election day and during the 15 days prior to election day, excluding Sundays, based on the size of the county. County size is determined by the number of active registered voters as of the last presidential election, currently November 8, 2016. The county size classifications under current law are:

- large counties, with at least 25,000 active voters (16 counties in 2016);
- medium counties, with 10,000 to 25,000 active voters (15 counties in 2016); and
- small counties, with fewer than 10,000 active voters (33 counties in 2016).

The amended bill splits the large county category into counties with at least 300,000 active voters (4 counties in 2016 — Denver, El Paso, Jefferson, and Arapahoe) and those with 25,000 to 300,000 active voters (12 counties in 2016). VSPC operating hours, included in the amended bill, are not specified in current law.

In addition to VSPCs, current law requires large counties to provide at least one ballot drop-off location for each 30,000 active voters, which must be available on election day and the Saturday and Monday before election day. The amended bill specifies that these locations must be open 24 hours a day and secured, and it adds a requirement that any county with more than 5,000 active voters also provide at least one drop-off location. This new requirement applies to 24 additional counties.

The large counties as defined in current law must have one VSPC for every 15,000 active voters, but no fewer than three VSPCs, open on election day, and one VSPC per 30,000 active voters open during the 15 days prior to election day. Medium counties as defined in current law must have at least three VSPCs per county open on election day and one VSPC open during the 15 days prior to election day. Small counties as defined in current law must have at least one VSPC per county open on election day and during the 15 days prior to election day. All counties may choose to operate additional VSPCs or extend the early voting period.

Table 1 (next page) compares the number of VSPCs required under current law with the requirements under SB 17-071, as amended.

**Table 1
Voter Service and Polling Center (VSPC) Requirements**

| County | Active Voters as of 11/8/2016 | VSPCs Required in Early Voting Period | | | | SB 17-071 VSPCs Required on Election Day* |
|--------------------|-------------------------------|---------------------------------------|-----------------------|------------------------|--------------------------------------|---|
| | | Current Law | SB 17-071 First Phase | SB 17-071 Second Phase | SB 17-071 Monday Before Election Day | |
| Tier One | | | | | | |
| Denver | 402,008 | 14 | 6 | 9 | 27 | 27 |
| El Paso | 388,384 | 13 | 6 | 8 | 26 | 26 |
| Jefferson | 384,559 | 13 | 6 | 8 | 26 | 26 |
| Arapahoe | 368,678 | 13 | 5 | 8 | 25 | 25 |
| Tier Two | | | | | | |
| Adams | 242,983 | 9 | 4 | 5 | 9 | 17 |
| Larimer | 228,644 | 8 | 4 | 5 | 8 | 16 |
| Boulder | 215,366 | 8 | 3 | 5 | 8 | 15 |
| Douglas | 214,934 | 8 | 3 | 5 | 8 | 15 |
| Weld | 162,863 | 6 | 3 | 4 | 6 | 11 |
| Pueblo | 98,706 | 4 | 2 | 2 | 4 | 7 |
| Mesa | 92,058 | 4 | 2 | 2 | 4 | 7 |
| Broomfield | 43,255 | 2 | 1 | 1 | 2 | 3 |
| La Plata | 36,737 | 2 | 1 | 1 | 2 | 3 |
| Garfield | 31,845 | 2 | 1 | 1 | 2 | 3 |
| Eagle | 30,334 | 2 | 1 | 1 | 2 | 3 |
| Fremont | 26,725 | 1 | 1 | 1 | 1 | 3 |
| Montrose | 25,239 | 1 | 1 | 1 | 1 | 3 |
| Tier Three | | | | | | |
| 15 Medium Counties | 10,000-25,000 | 1 | 1 | 1 | 1 | 2* |
| Tier Four | | | | | | |
| 33 Small Counties | <10,000 | 1 | 1 | 1 | 1 | 1 |

Source: Colorado Secretary of State, Colorado County Clerks Association.

*The amended bill reduces the number of VSPCs that Tier Three counties must operate on election day from 3 to 2 but otherwise does not change the election day VSPC requirements in current law.

Senate Action

Senate State, Veterans, and Military Affairs Committee (February 22, 2017). At this hearing, the committee heard testimony but did not take action on the bill. Representatives from Colorado Common Cause, Disability Law Colorado, Mi Familia Vota, and New Era Colorado testified against the bill. The Deputy Secretary of State, the Arapahoe County Clerk and Recorder, and representatives from Colorado Counties, Inc., El Paso County, and the League of Women Voters testified in support of the bill. Two private citizens testified against the bill, two testified in support of the bill, and one testified on the bill from a neutral position. The chair laid the bill over.

Senate State, Veterans, and Military Affairs Committee (March 8, 2017). The committee adopted amendments L.030, L.031, and L.033, and referred the bill, as amended, to the Senate Committee of the Whole.

Amendment L.030, a strike-below amendment, adjusted the VSPC requirements in the bill and created an additional tier of large counties for VSPC purposes. It also:

- required the Secretary of State to conduct a review of load testing on SCORE, the statewide voter registration database, and report those findings to the Joint Technology Committee;
- required the Secretary of State to report to the State, Veterans, and Military Affairs Committees every other year about VSPC locations;
- clarified the way in which county clerks request and reimburse the use of public buildings as VSPCs;
- required VSPC wait times to be collected and posted on election day;
- added counties that must provide secure 24-hour ballot drop-off locations; and
- updated the requirements for county election plans to include watcher plans.

Amendment L.031 required counties to locate VSPCs on the campuses of state institutions of higher education with more than 15,000 students. According to the Colorado County Clerks Association, the amendment will affect the University of Colorado Boulder, Colorado State University in Fort Collins, and the Auraria Higher Education Center (which includes the University of Colorado Denver, Metro State University, and the Community College of Denver).

Amendment L.033 specified how county clerks are to consult with local school boards regarding the use of schools as VSPCs.

Senate second reading (March 21, 2017). The Senate adopted the Senate State, Veterans, and Military Affairs Committee report and Amendment No. 2. Amendment No. 2 modified the requirements for collecting and posting VSPC wait times. The Senate passed the bill on second reading, as amended.

Senate third reading (April 24, 2017). At the request of the sponsor, the Senate laid over the bill to May 11, 2017. The motion has the effect of deeming the bill lost.