

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 20-1067.01 Bob Lackner x4350

HOUSE BILL 20-1313

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A BILL FOR AN ACT

101 **CONCERNING THE ADMINISTRATION OF BALLOTS MAILED TO ELECTORS**
102 **TOWARDS THE END OF THE VOTING PERIOD.**

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://leg.colorado.gov>.)

The bill specifies the following requirements in connection with the administration of ballots mailed to electors towards the end of the voting period:

! Commencing the 15th day before an election through the 8th day before an election, **section 1** of the bill requires the county clerk and recorder (clerk) to process all voter

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
May 27, 2020

HOUSE
Amended 2nd Reading
May 26, 2020

registration applications and updates to a voter registration record that requires a new ballot to be sent to an elector within 48 hours.

- ! **Section 3** permits an eligible elector to obtain a replacement ballot if the ballot that was originally mailed to the elector was destroyed, spoiled, lost, or for some other reason not received by the elector. The bill specifies the process by which the elector requests a replacement ballot.
- ! The clerk is required to mail a replacement ballot to each eligible elector who, after the date on which mail ballots are sent, updated their voter registration address or registered to vote.
- ! The bill requires the clerk to deliver any original or replacement ballot to the United States postal service within one business day after processing a registration application or update to a voter registration record that requires a new ballot to be sent to an elector.
- ! Commencing a certain period before the election, the bill requires the clerk to mail all mail ballots to electors by first class mail.
- ! **Section 4** imposes a duty on any person responsible for preparing, issuing, transporting, or mailing ballots who has personal knowledge that mail ballots under that person's care have been either lost or stolen or will, for any reason, not be timely delivered to electors, to report the issue to the county clerk and recorder and to the secretary of state. A violation results in a civil penalty.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-2-508, **amend** (1)
3 **introductory portion; and add** (3)(c) as follows:

4 **1-2-508. Receipt of voter registration applications - effective**
5 **dates - legislative intent.** (1) The county clerk and recorder shall ensure
6 that any eligible applicant is registered to vote **AND HAS BEEN MAILED A**
7 **BALLOT in an election if:**

8 **(3) (c) COMMENCING THE FIFTEENTH DAY BEFORE AN ELECTION**
9 **THROUGH THE EIGHTH DAY BEFORE AN ELECTION, THE COUNTY CLERK AND**
10 **RECORDER SHALL PROCESS ALL VOTER REGISTRATION APPLICATIONS AND**

1 UPDATES TO VOTER REGISTRATION RECORDS THAT REQUIRE A NEW BALLOT
2 TO BE SENT TO AN ELECTOR WITHIN TWO BUSINESS DAYS OF THE RECEIPT
3 OF THE APPLICATION OR UPDATE BY THE COUNTY CLERK.

4 **SECTION 2.** In Colorado Revised Statutes, 1-7.5-107, **amend**
5 (3)(d) as follows:

6 **1-7.5-107. Procedures for conducting mail ballot election -**
7 **primary elections - first-time voters casting a mail ballot after having**
8 **registered by mail to vote - in-person request for ballot - repeal.**

9 (3) (d) An eligible elector may obtain a replacement ballot if ~~the ballot~~
10 ~~was destroyed, spoiled, lost, or for some other reason not received by the~~
11 ~~eligible elector. An eligible elector may obtain a ballot if a mail ballot~~
12 ~~packet was not sent to the elector because the eligibility of the elector~~
13 ~~could not be determined at the time the mail ballot packets were mailed.~~
14 ~~The designated election official shall keep a record of each ballot issued~~
15 ~~in accordance with this paragraph (d)~~ IN ACCORDANCE WITH THE
16 PROCEDURES SPECIFIED IN SECTIONS 1-7.5-114.5 AND 1-7.5-115.

17 **SECTION 3.** In Colorado Revised Statutes, **add** 1-7.5-114.5 as
18 follows:

19 **1-7.5-114.5. Replacement ballots - ballots for new electors -**
20 **ballots for electors who updated their records. (1)** AN ELIGIBLE

21 ELECTOR MAY OBTAIN A REPLACEMENT BALLOT IF THE BALLOT THAT WAS
22 ORIGINALLY MAILED TO THE ELECTOR WAS DESTROYED, SPOILED, LOST, OR
23 FOR SOME OTHER REASON NOT RECEIVED BY THE ELECTOR. TO OBTAIN A
24 REPLACEMENT BALLOT BY MAIL, THE ELECTOR SHALL MAKE A REQUEST TO
25 THE COUNTY CLERK AND RECORDER FOR A REPLACEMENT BALLOT NO
26 LATER THAN THE EIGHTH DAY BEFORE AN ELECTION. THE COUNTY CLERK
27 SHALL NOT MAIL A REPLACEMENT BALLOT TO THE ELECTOR MAKING THE

1 REQUEST IF THE CLERK HAS ALREADY RECEIVED A BALLOT FOR THAT
2 ELECTION FROM THE ELECTOR MAKING THE REQUEST.

3 (2) (a) COMMENCING ON THE FIFTEENTH DAY BEFORE THE
4 ELECTION, THE COUNTY CLERK AND RECORDER SHALL DELIVER ANY
5 BALLOT THAT MUST BE SENT BY MAIL TO THE UNITED STATES POSTAL
6 SERVICE WITHIN TWO BUSINESS DAYS AFTER PROCESSING A REGISTRATION
7 APPLICATION OR AN UPDATE TO A VOTER REGISTRATION RECORD THAT
8 REQUIRES A NEW BALLOT TO BE SENT TO AN ELECTOR.

9 (b) COMMENCING ON THE ELEVENTH DAY BEFORE THE ELECTION,
10 THE COUNTY CLERK AND RECORDER SHALL MAIL ALL MAIL BALLOTS TO
11 ELECTORS BY FIRST CLASS MAIL.

12 (c) COMMENCING ON THE EIGHTH DAY BEFORE AN ELECTION, THE
13 COUNTY CLERK AND RECORDER SHALL DELIVER TO THE UNITED STATES
14 POSTAL SERVICE ANY BALLOT THAT MUST BE SENT BY MAIL WITHIN TWO
15 BUSINESS DAYS AFTER RECEIVING A REGISTRATION APPLICATION OR AN
16 UPDATE TO A VOTER REGISTRATION RECORD THAT RESULTS IN THE
17 ISSUANCE OF AN ORIGINAL OR A REPLACEMENT MAIL BALLOT TO AN
18 ELECTOR.

19 (d) ANY COUNTY CLERK WHO RECEIVES INFORMATION FROM THE
20 UNITED STATES POSTAL SERVICE OR ANY OTHER THIRD PARTY INDICATING
21 THAT BALLOTS HAVE BEEN LOST, STOLEN, OR WILL, FOR ANY REASON, NOT
22 BE TIMELY DELIVERED TO ELECTORS, SHALL REPORT THE ISSUE TO THE
23 SECRETARY OF STATE.

24 **SECTION 4.** In Colorado Revised Statutes, **add** 1-13-804 as
25 follows:

26 **1-13-804. Duty to report lost, stolen, or late ballots - penalty.**
27 ANY PERSON RESPONSIBLE FOR PREPARING, ISSUING, TRANSPORTING, OR

1 MAILING BALLOTS WHO HAS PERSONAL KNOWLEDGE THAT MAIL BALLOTS
2 UNDER THAT PERSON'S CARE HAVE BEEN EITHER LOST OR STOLEN OR WILL,
3 FOR ANY REASON, NOT BE TIMELY DELIVERED TO ELECTORS, SHALL
4 REPORT THE ISSUE TO THE COUNTY CLERK AND RECORDER. ANY PERSON
5 WHO KNOWINGLY AND WILLFULLY FAILS TO REPORT AS REQUIRED BY THIS
6 SECTION IS SUBJECT TO A CIVIL PENALTY THAT SHALL NOT EXCEED FIFTY
7 DOLLARS. THIS SECTION SHALL NOT APPLY TO ELECTION JUDGES, STAFF OF
8 THE COUNTY CLERK AND RECORDER, OR INDIVIDUAL UNITED STATES
9 POSTAL WORKERS.

10 **SECTION 5. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2020 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.