

## CHAPTER 260

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**ELECTIONS**


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**HOUSE BILL 20-1313**

BY REPRESENTATIVE(S) Sullivan, Arndt, Bird, Buentello, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jaquez Lewis, Kennedy, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Titone, Valdez A., Valdez D., Weissman, Woodrow, Becker, Caraveo, Snyder, Young;  
also SENATOR(S) Todd, Bridges, Danielson, Donovan, Fenberg, Hansen, Moreno, Pettersen, Story, Winter.

**AN ACT****CONCERNING THE ADMINISTRATION OF BALLOTS MAILED TO ELECTORS TOWARDS THE END OF THE VOTING PERIOD.**

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

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

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

(3) (c) COMMENCING THE FIFTEENTH DAY BEFORE AN ELECTION THROUGH THE EIGHTH DAY BEFORE AN ELECTION, THE COUNTY CLERK AND RECORDER SHALL PROCESS ALL VOTER REGISTRATION APPLICATIONS AND UPDATES TO VOTER REGISTRATION RECORDS THAT REQUIRE A NEW BALLOT TO BE SENT TO AN ELECTOR WITHIN TWO BUSINESS DAYS OF THE RECEIPT OF THE APPLICATION OR UPDATE BY THE COUNTY CLERK.

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

**1-7.5-107. Procedures for conducting mail ballot election - primary elections - first-time voters casting a mail ballot after having registered by mail to vote - in-person request for ballot - repeal.** (3) (d) An eligible elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the eligible elector. ~~An eligible elector may obtain a ballot if a mail ballot packet was not sent to the elector because the eligibility of the elector could~~

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

~~not be determined at the time the mail ballot packets were mailed. The designated election official shall keep a record of each ballot issued in accordance with this paragraph (d) IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTIONS 1-7.5-114.5 AND 1-7.5-115.~~

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

**1-7.5-114.5. Replacement ballots - ballots for new electors - ballots for electors who updated their records.** (1) AN ELIGIBLE ELECTOR MAY 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. TO OBTAIN A REPLACEMENT BALLOT BY MAIL, THE ELECTOR SHALL MAKE A REQUEST TO THE COUNTY CLERK AND RECORDER FOR A REPLACEMENT BALLOT NO LATER THAN THE EIGHTH DAY BEFORE AN ELECTION. THE COUNTY CLERK SHALL NOT MAIL A REPLACEMENT BALLOT TO THE ELECTOR MAKING THE REQUEST IF THE CLERK HAS ALREADY RECEIVED A BALLOT FOR THAT ELECTION FROM THE ELECTOR MAKING THE REQUEST.

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

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

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

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

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

**1-13-804. Duty to report lost, stolen, or late ballots - penalty.** 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, SHALL REPORT THE ISSUE TO THE COUNTY CLERK AND RECORDER. ANY PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO REPORT AS REQUIRED BY THIS SECTION IS SUBJECT TO A CIVIL PENALTY THAT SHALL NOT EXCEED FIFTY DOLLARS. THIS SECTION SHALL NOT APPLY TO ELECTION JUDGES, STAFF OF THE COUNTY CLERK AND RECORDER, OR INDIVIDUAL UNITED STATES

POSTAL WORKERS.

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

Approved: July 10, 2020