CHAPTER 66

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ELECTIONS
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HOUSE BILL 95-1113

BY REPRESENTATIVES Dyer, Acquafresca, Moellenberg, Sullivant, Swenson, and Taylor;
also SENATORS Alexander, Feeley, Johnson, and Tebedo.

AN ACT

CONCERNING THE AUTHORITY OF COUNTY GOVERNMENTS TO MAINTAIN VOTER REGISTRATION INFORMATION ON COMPUTER SYSTEMS CHOSEN BY THE COUNTIES.

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

SECTION 1. 1-1-107, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-1-107. Powers and duties of secretary of state - penalty. (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR SECTION 42-1-212, C.R.S., TO THE CONTRARY, AND SUBJECT TO THE PROVISIONS OF SECTION 1-2-301 (2) (a), EVERY COUNTY MAY MAINTAIN AND USE ANY COMPUTER SYSTEM IT CHOOSES FOR MAINTAINING VOTER REGISTRATION INFORMATION.

SECTION 2. 1-2-301 (2), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-301. Secretary of state to maintain master list of electors - county computer records - consolidated data processing system. (2) (a) THE COUNTY CLERK AND RECORDER OF EACH COUNTY SHALL MAINTAIN VOTER REGISTRATION INFORMATION ON A COUNTY-OWNED SYSTEM OR MAINTAIN VOTER REGISTRATION INFORMATION BY UTILIZING THE CONSOLIDATED DATA PROCESSING SYSTEM CREATED PURSUANT TO SECTION 42-1-212, C.R.S. IF THE COUNTY CHOOSES TO MAINTAIN VOTER REGISTRATION INFORMATION ON ITS OWN COMPUTER SYSTEM, THE INFORMATION REQUIRED BY LAW TO BE TRANSMITTED TO THE SECRETARY OF STATE SHALL BE TRANSMITTED IN A MEDIA FORMAT ACCEPTABLE TO THE SECRETARY OF STATE AND WITHIN THE TIME PRESCRIBED BY THE SECRETARY OF STATE, BY THIS SECTION, AND BY SECTION 1-2-302.

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Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) Within five days after the close of the registration books prior to a primary, general, or congressional vacancy election, the county clerk and recorder of each county shall transmit to the secretary of state, IN A MEDIA FORMAT ACCEPTABLE TO THE SECRETARY OF STATE, a list ~~tape, or card deck~~ of the registered electors in the county. The list ~~tape, or card deck~~ shall contain, but shall not be limited to, each elector's name, place of residence, mailing address if different from residence address, precinct number, date of birth or naturalization, social security number or other identification number, and the date on which the elector was last registered.

SECTION 3. The introductory portion to 1-2-302 (1) and 1-2-302 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, are amended to read:

1-2-302. Maintenance of master list. (1) The secretary of state shall maintain the master list of registered electors on as current a basis as is possible. In order to assist the secretary of state, the county clerk and recorder in each county, within five days after the end of each month, shall ~~furnish~~ TRANSMIT TO the secretary of state IN A MEDIA FORMAT ACCEPTABLE TO THE SECRETARY OF STATE: ~~with:~~

(3) As soon as is practicable after a general election, the county clerk and recorders shall ~~furnish~~ TRANSMIT TO the secretary of state, IN A MEDIA FORMAT ACCEPTABLE TO THE SECRETARY OF STATE, ~~with~~ a list ~~tape, or card deck~~ of the electors canceled from the registration books. The electors shall be identified as provided in subsection (2) of this section.

SECTION 4. 1-2-305, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-2-305. Postelection procedures. (1) Not later than sixty days after a general or congressional vacancy election, each county clerk and recorder shall ~~furnish~~ TRANSMIT TO the secretary of state, IN A MEDIA FORMAT ACCEPTABLE TO THE SECRETARY OF STATE, ~~with~~ a list ~~tape, or card deck~~ of electors not voting in the elections. The lists ~~tapes, or card decks~~ shall contain the information provided for in section 1-2-301 (1).

(2) Upon receipt of the lists, ~~tapes, or card decks,~~ the secretary of state shall compare them with the master list of registered electors maintained in the office in order to ascertain if any elector has voted more than once. If it is determined that an elector has voted more than once, the secretary of state shall notify the proper district attorney for prosecution of a violation of the provisions of this code.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 1995