

CHAPTER 163

ELECTIONS

HOUSE BILL 01-1307

BY REPRESENTATIVE(S) Berry, Daniel, Lawrence, Marshall, Plant, Romanoff, and Williams S.;
also SENATOR(S) Reeves, Hanna, Nichol, Takis, and Taylor.

AN ACT

CONCERNING THE COMPUTERIZED ELECTION SYSTEM MAINTAINED BY THE STATE, AND MAKING AN
APPROPRIATION THEREFOR.

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

SECTION 1. 1-2-301 (2) (a) and (3), Colorado Revised Statutes, are amended to read:

1-2-301. Secretary of state to maintain master list of electors - county computer records - voter registration and election management 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.~~ VOTER REGISTRATION AND ELECTION MANAGEMENT SYSTEM DEVELOPED OR ACQUIRED BY THE DEPARTMENT OF STATE UNDER SUBSECTION (4) OF THIS SECTION. 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.

(3) (a) ~~The department of state is authorized to acquire computer equipment, design computer software, and to provide such training as is necessary to implement the consolidated data processing system created pursuant to section 42-1-212, C.R.S.~~

(b) ~~The department of state shall take all reasonable steps necessary to facilitate the department of revenue's control and use of such computer equipment to enable the department of revenue to carry out its functions concerning the consolidated data processing system in accordance with the provisions of section 42-1-212, C.R.S.~~

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

~~(c) The department of state shall reimburse the department of revenue for the direct and indirect cost of utilizing personnel of the department of revenue to perform functions on behalf of the department of state necessitated by the operation and maintenance of the consolidated data processing system. Such reimbursement shall be from moneys in the department of state cash fund created by section 24-21-104 (3) (b), C.R.S. The state treasurer shall make such reimbursement through transfers or payments, as the case may be, pursuant to the reimbursement provisions of the memorandum of understanding entered into pursuant to the provisions of section 42-1-212 (2) (c), C.R.S.~~

SECTION 2. 1-2-301, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-2-301. Secretary of state to maintain master list of electors - county computer records - voter registration and election management system.

(4) (a) (I) THE DEPARTMENT OF STATE SHALL DEVELOP OR ACQUIRE A VOTER REGISTRATION AND ELECTION MANAGEMENT SYSTEM, REFERRED TO IN THIS SUBSECTION (4) AS THE "SYSTEM", TO REPLACE THE CONSOLIDATED DATA PROCESSING SYSTEM CREATED PURSUANT TO SECTION 42-1-212, C.R.S., BY JANUARY 1, 2002.

(II) THE SYSTEM SHALL ENABLE COUNTY CLERKS AND RECORDERS TO MAINTAIN VOTER REGISTRATION INFORMATION AND SHALL INCLUDE SUCH ADDITIONAL CAPABILITIES AS MAY BE NECESSARY OR DESIRABLE TO ENABLE COUNTY CLERKS AND RECORDERS AND THE SECRETARY OF STATE TO CARRY OUT THEIR RESPONSIBILITIES RELATED TO THE CONDUCT OF ELECTIONS. SUCH ADDITIONAL CAPABILITIES MAY INCLUDE BUT NEED NOT BE LIMITED TO THE PREPARATION OF BALLOTS, THE IDENTIFICATION OF VOTING DISTRICTS FOR EACH ADDRESS, ACCESS BY COUNTY CLERKS AND RECORDERS TO THE MASTER LIST OF REGISTERED ELECTORS MAINTAINED PURSUANT TO THIS SECTION AND SECTION 1-2-302, THE MANAGEMENT OF ABSENTEE AND MAIL BALLOTS, THE PREPARATION OF OFFICIAL ABSTRACTS OF VOTES CAST, THE TRANSMISSION OF VOTING DATA FROM COUNTY CLERKS AND RECORDERS TO THE SECRETARY OF STATE, AND REPORTING OF VOTING RESULTS ON ELECTION NIGHT.

(III) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT OF STATE IS RESPONSIBLE FOR THE COST OF DEVELOPING OR ACQUIRING AND MAINTAINING THE SOFTWARE AND PROVIDING NECESSARY TRAINING FOR THE SYSTEM. EACH COUNTY CLERK AND RECORDER THAT CHOOSES TO USE THE SYSTEM MAY BE REQUIRED TO PAY FOR HARDWARE COSTS AND INTERNET SERVICE IF REQUIRED BY THE SYSTEM. IF THE DEPARTMENT PROVIDES SYSTEM HARDWARE TO ANY COUNTY CLERK AND RECORDER, IT MAY TRANSFER OWNERSHIP OF THE HARDWARE TO THAT CLERK AND RECORDER, WHO SHALL BE SOLELY RESPONSIBLE FOR THE SUPPORT AND MAINTENANCE OF THE HARDWARE. THE DEPARTMENT SHALL MAKE THE SYSTEM SOFTWARE AVAILABLE AT NO CHARGE TO THE CLERK AND RECORDER OF EACH COUNTY THAT UTILIZED THE CONSOLIDATED DATA PROCESSING SYSTEM CREATED PURSUANT TO SECTION 42-1-212, C.R.S., AS OF JULY 1, 2000. THE DEPARTMENT SHALL MAKE THE SYSTEM AVAILABLE TO THE CLERK AND RECORDER OF EACH COUNTY THAT MAINTAINED VOTER REGISTRATION INFORMATION ON A COUNTY-OWNED SYSTEM AS OF JULY 1, 2000, FOR A FEE DETERMINED BY THE DEPARTMENT IN AN AMOUNT SUFFICIENT TO COVER THE COSTS OF INTEGRATING THAT COUNTY INTO THE SYSTEM, INCLUDING LICENSING, MAINTENANCE AND SUPPORT OF THE SYSTEM, AND CONVERTING DATA IN THE

COUNTY-OWNED SYSTEM.

(b) AS SOON AS PRACTICABLE, THE DEPARTMENT OF STATE SHALL MAKE THE MASTER LIST OF REGISTERED ELECTORS AVAILABLE AT NO CHARGE ON THE INTERNET TO THOSE COUNTY CLERKS AND RECORDERS THAT DO NOT UTILIZE THE SYSTEM. THIS PARAGRAPH (b) SHALL NOT BE CONSTRUED TO REQUIRE THE DEPARTMENT TO PROVIDE OR PAY FOR INTERNET CONNECTION SERVICES FOR ANY COUNTY.

(c) THE DEPARTMENT OF STATE AND THE DEPARTMENT OF REVENUE SHALL TAKE ALL REASONABLE STEPS NECESSARY TO FACILITATE THE TRANSITION FROM THE CONSOLIDATED DATA PROCESSING SYSTEM TO THE SYSTEM DEVELOPED OR ACQUIRED PURSUANT TO THIS SUBSECTION (4).

SECTION 3. 42-1-211 (1) (b), Colorado Revised Statutes, is amended to read:

42-1-211. Distributive data processing system. (1) The department is hereby authorized to coordinate the management of a statewide distributive data processing system. This system is to provide the necessary data processing equipment, software, and support and training to:

(b) Establish, operate, and maintain a telecommunications network ~~which~~ THAT provides access from the offices of county clerk and recorders to the master list of registered electors maintained pursuant to sections 1-2-301 and 1-2-302, C.R.S., FOR THOSE COUNTY CLERKS AND RECORDERS THAT DO NOT YET HAVE ACCESS TO THE MASTER LIST ON THE INTERNET PURSUANT TO SECTION 1-2-301 (4) (b), C.R.S. SUBJECT TO ANNUAL APPROPRIATION, the department of state shall ~~provide such computer equipment as is necessary to establish, operate, and maintain~~ REIMBURSE THE DEPARTMENT OF REVENUE FOR THE REASONABLE DIRECT AND INDIRECT COSTS OF PROVIDING such service. THE DEPARTMENT OF REVENUE AND THE DEPARTMENT OF STATE SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT ESTABLISHES THE METHOD OF CALCULATING AND VERIFYING SUCH COSTS AND THAT PROVIDES FOR A PROPORTIONATE REDUCTION IN CHARGES AS COUNTIES TERMINATE THEIR USE OF THE DISTRIBUTIVE DATA PROCESSING SYSTEM AND BEGIN ACCESSING THE MASTER LIST ON THE INTERNET PURSUANT TO SECTION 1-2-301 (4) (b), C.R.S. THE MEMORANDUM OF UNDERSTANDING MAY ALSO ALLOW THE DEPARTMENT OF REVENUE TO ACCESS THE MASTER LIST ON THE INTERNET SUBJECT TO REIMBURSEMENT AS MAY BE AGREED BY THE TWO DEPARTMENTS.

SECTION 4. Repeal. 42-1-211 (4) (b), Colorado Revised Statutes, is repealed as follows:

~~**42-1-211. Distributive data processing system.** (4) (b) There is hereby created a subcommittee of the authorized agents' advisory committee for the purpose of facilitating the consolidated data processing system created pursuant to section 42-1-212. The members of the subcommittee shall be appointed in accordance with the memorandum of understanding entered into pursuant to section 42-1-212 (2) (c).~~

SECTION 5. Repeal. 42-1-212, Colorado Revised Statutes, is repealed as follows:

~~**42-1-212. Consolidated data processing system - voter registration.** (1) The~~

~~general assembly hereby finds and declares that there is a need for coordination between the department of revenue and the department of state regarding the consolidated use of data processing systems utilized for voter and motor vehicle registration. The general assembly finds that consolidating such systems will result in significant savings to the state and will foster improved service and efficiency. Toward that end, there shall be created a consolidated data processing system for the purpose of operating voter registration on the distributive data processing system managed by the department of revenue pursuant to section 42-1-211.~~

~~(2) (a) The department of revenue shall establish, operate, and maintain such computer services within the distributive data processing system as are necessary to maintain a telecommunications network which provides access from the offices of county clerk and recorders to the master list of registered electors maintained in the manner prescribed by sections 1-2-301 and 1-2-302, C.R.S. The provision of such service shall be delivered in accordance with the standards set forth in the memorandum of understanding entered into pursuant to the provisions of paragraph (c) of this subsection (2).~~

~~(b) The department of revenue shall exercise such control and use of the computer equipment acquired by the department of state pursuant to section 1-2-301 (3), C.R.S., as is necessary to establish, operate, and maintain the consolidated data processing system.~~

~~(c) No later than June 30, 1993, the department of revenue, the department of state, and the joint budget committee shall execute a memorandum of understanding for the purpose of ensuring the orderly implementation of the county pilot program by August 1, 1994, and ensuring full implementation of the consolidated data processing system by November 1, 1995. The memorandum shall establish the agreement of the parties with regard to:~~

~~(I) The scope of the county pilot program to be implemented by August 1, 1994;~~

~~(II) The specific service to be provided by the department of revenue to ensure that the telecommunications network which provides access from the offices of the county clerk and recorders to the master list of registered electors is maintained in the manner prescribed by sections 1-2-301 and 1-2-302, C.R.S.;~~

~~(III) The method of calculating and verifying the direct and indirect cost of utilizing personnel of the department of revenue on behalf of the department of state to perform functions necessitated by the implementation of the consolidated data processing system;~~

~~(IV) The method of reimbursement to the department of revenue for the cost of such personnel from the department of state cash fund created by section 24-21-104 (3) (b), C.R.S.;~~

~~(V) The appointment of members to the subcommittee of the authorized agents' advisory committee created by section 42-1-211 (4) (b) and the functions to be carried out by such subcommittee; and~~

~~(VI) Such additional information as is necessary and appropriate to ensure the~~

~~implementation of this section:~~

~~(d) Effective August 1, 1994, a county pilot program for the consolidated data processing system shall be implemented:~~

~~(e) Effective November 1, 1995, computer services necessary to maintain the telecommunications network which provides access from the county clerk and recorders to the master list of registered electors shall be operational:~~

SECTION 6. 1-1-107 (6), Colorado Revised Statutes, is amended 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 7. 1-2-302 (6), Colorado Revised Statutes, is amended to read:

1-2-302. Maintenance of master list. (6) The secretary of state shall determine and use other necessary means to maintain the master list of registered electors on a current basis. ~~Such means shall be consistent with the provisions of section 42-1-212, C.R.S.~~

SECTION 8. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of state, out of cash fund reserves in the department of state cash fund not otherwise appropriated, the sum of seven hundred eighty-six thousand nine hundred fifteen dollars (\$786,915) cash funds exempt, or so much thereof as may be necessary, for the implementation of this act. The moneys appropriated by this section shall become available upon passage of this act and shall remain available through June 30, 2002.

SECTION 9. Appropriation - adjustment to 2001 long bill. (1) In addition to any other appropriation, there is hereby appropriated, for the fiscal year beginning July 1, 2001, to the department of state, out of any moneys in the department of state cash fund not otherwise appropriated, the sum of five hundred eleven thousand three hundred twenty dollars (\$511,320), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2001, shall be adjusted as follows:

(a) The appropriation to the department of revenue, special purpose, data processing services, from cash funds exempt received from the department of state, is decreased by one hundred thirty-five thousand nine hundred ninety-seven dollars (\$135,997), and the amount of such appropriation from the distributive data processing account is increased by the same amount.

(b) The appropriation to the department of state, information technology services, computer systems, Colorado voter registration system, is decreased by one hundred

thirty-five thousand nine hundred ninety-seven dollars (\$135,997).

SECTION 10. Effective date. Sections 1, 4, 5, 6, and 7 of this act shall take effect on January 1, 2002, and the remainder of this act shall take effect on passage.

SECTION 11. 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: May 18, 2001