

## CHAPTER 279

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**ELECTIONS**

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**SENATE BILL 04-213**

BY SENATOR(S) Arnold, Cairns, Hillman, Jones, and Lamborn;  
also REPRESENTATIVE(S) Crane, Marshall, McFadyen, Paccione, Ragsdale, Spence, and Welker.

**AN ACT****CONCERNING VOTER IDENTIFICATION.**

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

**SECTION 1.** 1-1-104 (19.5) (a) (V), Colorado Revised Statutes, is amended, and the said 1-1-104 (19.5) (a) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

**1-1-104. Definitions.** As used in this code, unless the context otherwise requires:

(19.5) (a) "Identification" means:

(V) A valid pilot's license ~~with a photograph of the eligible elector~~ issued by the federal aviation administration or other authorized agency of the United States;

(VIII) A VALID MEDICARE OR MEDICAID CARD ISSUED BY THE UNITED STATES HEALTH CARE FINANCING ADMINISTRATION;

(IX) A CERTIFIED COPY OF A BIRTH CERTIFICATE FOR THE ELECTOR ISSUED IN THE UNITED STATES; OR

(X) CERTIFIED DOCUMENTATION OF NATURALIZATION.

**SECTION 2.** 1-2-204 (2) (f.5), the introductory portion to 1-2-204 (4) (a), and 1-2-204 (4) (a) (I) and (4) (b), Colorado Revised Statutes, are amended, and the said 1-2-204 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**1-2-204. Questions answered by elector.** (2) In addition, each eligible elector

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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.*

shall be asked, and the elector shall correctly answer, the following:

(f.5) In the case of an elector who has been issued a current and valid Colorado driver's license, the elector's Colorado driver's license number ~~and~~ OR the last four digits of the elector's social security number. If the elector has a current and valid identification card issued by the department of revenue in accordance with the requirements of part 3 of article 2 of title 42, C.R.S., instead of a driver's license, the elector may provide the number of such identification card instead of a Colorado driver's license number ~~along with~~ OR the last four digits of the elector's social security number.

(4) (a) In the event that the registration record of a registered elector does not contain the last four digits of the elector's social security number, the county clerk and recorder shall request the elector to provide either the last four digits of ~~such~~ THE elector's social security number or the elector's full social security number if the elector wishes to state such number. Such a request ~~shall~~ MAY be made of the registered elector by the county clerk and recorder:

(I) In any written communication by mail from the county clerk and recorder to ~~such~~ THE registered elector; ~~including, but not limited to, a voter information card provided pursuant to section 1-5-206 or an elector information card provided pursuant to section 1-2-605;~~

(b) No registered elector shall be prohibited from voting at any election for failure to provide the last four digits of the elector's social security number or the elector's full social security number. ~~pursuant to a request made pursuant to paragraph (a) of this subsection (4).~~

(d) THE LAST FOUR DIGITS OF A SOCIAL SECURITY NUMBER DESCRIBED IN THIS SECTION SHALL NOT BE CONSIDERED A SOCIAL SECURITY NUMBER FOR PURPOSES OF SECTION 7 OF THE FEDERAL "PRIVACY ACT OF 1974", P.L. 93-579.

**SECTION 3.** 1-2-217.5 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

**1-2-217.5. Change in residence before close of registration - emergency registration.** (1) Notwithstanding the provisions of sections 1-2-101 and 1-2-102, an elector may register to vote in an election after the registration books of the county clerk and recorder are closed for that election by completing an emergency registration affidavit as prescribed by the secretary of state if the elector:

(a) Appears in person at the primary office of the county clerk and recorder or at any office regularly maintained by the county clerk and recorder and staffed by regular employees; ~~or at the polling place;~~ AND

(b) Presents ~~one of the following forms of identification showing an address for the elector within the county in which the elector seeks to register:~~ WITHIN THE MEANING OF SECTION 1-1-104 (19.5).

~~(f) A Colorado driver's license; or~~

~~(H) A personal identification card issued by the department of revenue pursuant to part 3 of article 2 of title 42, C.R.S.~~

**SECTION 4.** The introductory portion to 1-2-501 (1) and 1-2-501 (1) (b.5) (I) (D), Colorado Revised Statutes, are amended to read:

**1-2-501. Form for mail and agency registration - procedures for registration by mail for first-time electors - additional identifying information to be provided by first-time registrants.** (1) The secretary of state, in consultation with the federal election ASSISTANCE commission, shall develop an application form that may be used for mail voter registration, voter registration at voter registration agencies, and voter change of address. The form developed shall:

(b.5) (I) Include:

(D) A statement informing the applicant that, if the form is submitted by mail and the applicant is registering to vote for the first time in the state of Colorado, the ~~appropriate information required under subsection (2) of this section shall be submitted~~ APPLICANT SHALL SUBMIT A COPY OF IDENTIFICATION WITHIN THE MEANING OF SECTION 1-1-104 (19.5) OR THE LAST FOUR DIGITS OF THE APPLICANT'S SOCIAL SECURITY NUMBER with the mail-in registration form to avoid the additional identification requirements imposed upon applicants voting for the first time imposed by sections ~~1-7-103~~, 1-7.5-107 and 1-8-113.

**SECTION 5.** 1-7-110 (2), Colorado Revised Statutes, is amended to read:

**1-7-110. Preparing to vote.** (2) If the eligible elector shows identification WITHIN THE MEANING OF SECTION 1-1-104 (19.5) and the elector's name is found on the registration list or, where applicable, the property owner's list by the election judge in charge, the elector's name shall be repeated. The judge in charge of the pollbook or list shall then enter the eligible elector's name, and the eligible elector shall be allowed to enter the immediate voting area. Besides the election officials, no more than four electors more than the number of voting booths or voting machines shall be allowed within the immediate voting area at one time.

**SECTION 6.** 1-7.5-107 (4) (a) and (5) (b), Colorado Revised Statutes, are amended to read:

**1-7.5-107. Procedures for conducting mail ballot election - first-time voters casting a mail ballot after having registered by mail to vote.** (4) (a) Upon receipt of a ballot, the eligible elector shall mark the ballot, sign and complete the self-affirmation on the return envelope, enclose identification if required by ~~paragraph (c) of this subsection (4)~~ SUBSECTION (3.5) OF THIS SECTION, and comply with the instructions provided with the ballot.

(5) (b) If the return envelope received from an eligible elector described in ~~paragraph (c) of subsection (4)~~ SUBSECTION (3.5) of this section does not contain identification, the ballot shall be treated as a provisional ballot and shall be verified and counted in accordance with section 1-9-303.

**SECTION 7.** 1-8-113 (1) (a) and (1) (d), Colorado Revised Statutes, are amended

to read:

**1-8-113. Manner of absentee voting - first-time voters casting an absentee ballot after having registered by mail to vote.** (1) (a) Any eligible elector applying for and receiving an absentee ballot, in casting the ballot, shall make and subscribe to the self-affirmation on the return envelope. The elector shall then mark the ballot, fold the ballot or insert the ballot card in the special envelope provided for the purpose so as to conceal the marking, deposit it in the return envelope, enclose identification if required by ~~paragraph (b) of this subsection (1)~~ SUBSECTION (3) OF THIS SECTION, and seal the envelope securely. The envelope may be delivered personally or mailed by the elector to the designated election official issuing the ballot. Alternatively, an elector may deliver the ballot to any person of the elector's own choice or to any duly authorized agent of the designated election official for mailing or personal delivery to the designated election official; except that no one person other than a duly authorized agent of the designated election official may receive more than five absentee ballots in any election for mailing or delivery to the designated election official. All envelopes containing absentee ballots shall be in the hands of the designated election official no later than 7 p.m. on the day of the election. Absentee envelopes received after 7 p.m. on the day of the election but postmarked on or before the day of the election will remain sealed and uncounted, but the elector's registration record will not be canceled for failure to vote in a general election.

(d) If the return envelope received from an eligible elector described in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (3) OF THIS SECTION does not contain identification, the absentee ballot shall be treated as a provisional ballot and shall be verified and counted in accordance with section 1-9-303.

**SECTION 8.** The introductory portion to 1-9-301 (1) and 1-9-301 (1) (a), Colorado Revised Statutes, are amended to read:

**1-9-301. Provisional ballot voting.** (1) At any ~~primary or November coordinated~~ election conducted pursuant to this title, a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the registration list for the precinct or upon examination of the records on file with the county clerk and recorder shall be entitled to vote a provisional ballot if the voter:

(a) ~~Presents one of the following forms of identification showing an address for the voter within the county in which the voter seeks to vote:~~ WITHIN THE MEANING OF SECTION 1-1-104 (19.5); AND

~~(f) A Colorado driver's license; or~~

~~(H) A personal identification card issued by the department of revenue pursuant to part 3 of article 2 of title 42, C.R.S.; and~~

**SECTION 9. Repeal.** 1-7.5-107 (4) (c) and (4) (d) and 1-8-113 (1) (b) and (1) (c), Colorado Revised Statutes, are repealed.

**SECTION 10. Applicability.** This act shall apply to elections held on and after

November 1, 2004.

**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 21, 2004