

CHAPTER 158

ELECTIONS

HOUSE BILL 09-1018

BY REPRESENTATIVE(S) Bradford, Balmer, Court, Gardner B., Gerou, Hullinghorst, Kerr J., King S., Labuda, Lambert, Looper, Murray, Nikkel, Priola, Schafer S., Stephens, Swalm, Tipton, Todd, Vigil, Waller;
also SENATOR(S) Spence, Boyd, Kester, Newell.

AN ACT

CONCERNING THE REMOVAL OF OBSOLETE LANGUAGE IN STATUTORY PROVISIONS IMPLEMENTING THE STATEWIDE VOTER REGISTRATION AND ELECTION SYSTEM FOR PURPOSES OF COMPLIANCE WITH THE FEDERAL "HELP AMERICA VOTE ACT".

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

SECTION 1. 1-2-216 (4) (a), Colorado Revised Statutes, is amended to read:

1-2-216. Change of residence. (4) (a) For the twenty-eight days before and on the day of any election, any eligible elector, by appearing in person at the office of the clerk and recorder of the county in which the elector is registered, may complete a change of address form stating, under penalty of perjury, that the elector moved no later than the thirtieth day before the election and that, on the day of the election, the elector will have lived at the new address in the new precinct for at least thirty days. Upon the receipt of the request, the county clerk and recorder shall verify the registration of the elector and, upon verification, if the elector does not choose to vote at the time the request is verified, shall issue or authorize a certificate of registration showing the information required in section 1-2-215 plus the change of address; EXCEPT THAT THE COUNTY SHALL ONLY BE REQUIRED TO ISSUE OR AUTHORIZE A CERTIFICATE OF REGISTRATION IN ACCORDANCE WITH THE PROVISIONS OF THIS PARAGRAPH (a) WHERE IT HAS PRINTED ITS POLLBOOKS.

SECTION 2. Repeal. 1-2-301 (2) (b), Colorado Revised Statutes, is repealed as follows:

1-2-301. Centralized statewide registration system - secretary of state to maintain computerized statewide voter registration list - county computer records - agreement to match information. (2) (b) ~~No later than five days after~~

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

the last day to register for a primary, general, odd-numbered year, 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 of the registered electors in the county. The list 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, social security number or other identification number, and the date on which the elector was last registered.

SECTION 3. 1-2-302 (1) and (3), Colorado Revised Statutes, are amended to read:

1-2-302. Maintenance of computerized statewide voter registration list - confidentiality. (1) The secretary of state shall maintain the master list of registered electors of the entire state on as current a basis as is possible. ~~In order to assist the secretary of state, the county clerk and recorder in each county, no later than five days after the end of each month, shall transmit to the secretary of state in a media format acceptable to the secretary of state all additions, changes, and deletions to the master registration records made in each county for the previous month.~~

(3) ~~As soon as is practicable after a general election, the county clerk and recorders shall transmit to the secretary of state, in a media format acceptable to the secretary of state, a list of the electors canceled from the registration records by the county clerk and recorders pursuant to part 6 of this article. The electors shall be identified as provided in subsection (2) of this section.~~

SECTION 4. 1-2-305 (1) and (2), Colorado Revised Statutes, are amended to read:

1-2-305. Postelection procedures - voting history. (1) Not later than sixty days after a state election, ~~each county clerk and recorder shall transmit to the secretary of state, in a media format acceptable to the secretary of state,~~ THE SECRETARY OF STATE SHALL GENERATE a list of electors showing who voted and who did not vote in the election. The list shall ~~contain the information provided for in section 1-2-301 (1)~~ BE DRAWN FROM THE STATEWIDE VOTER REGISTRATION DATABASE. For electors who voted, the list shall show such elector's method of voting, whether by early voting, mail-in ballot, mail ballot, polling place voting, or otherwise.

(2) Upon receipt of the lists, the secretary of state shall ~~compare them with the master list of registered electors maintained in the office~~ EXAMINE THE LISTS TO SEE WHICH ELECTORS DID AND DID NOT VOTE IN THE ELECTION 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. 1-2-603 (1), Colorado Revised Statutes, is amended to read:

1-2-603. Notification that elector has moved and registered in different county. (1) If the elector registers to vote in another county, the county clerk and recorder shall ~~immediately transmit the information to the county clerk and recorder of the elector's prior county of residence. Upon receipt of the information, the~~

~~county clerk and recorder of the county of prior residence shall cancel the elector's registration record. The county clerk and recorder of the county of prior residence shall cancel the registration record only if the name and birth date or the name and social security number of the elector match.~~ OF THE ELECTOR'S NEW COUNTY OF RESIDENCE SHALL TRANSFER THE ELECTOR'S REGISTRATION RECORD FROM THE OLD COUNTY IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

(a) IF THE ELECTOR PROVIDES A NAME, DATE OF BIRTH, AND PRIOR ADDRESS AND THE COUNTY CLERK AND RECORDER CAN MATCH THE NAME, DATE OF BIRTH, AND PRIOR ADDRESS TO THE ELECTOR'S PRIOR REGISTRATION RECORD, THE ELECTOR'S REGISTRATION RECORD SHALL BE TRANSFERRED FROM THE OLD COUNTY.

(b) IF THE ELECTOR PROVIDES A NAME AND DATE OF BIRTH BUT DOES NOT PROVIDE A PRIOR ADDRESS, THE ELECTOR'S REGISTRATION RECORD SHALL BE TRANSFERRED FROM THE OLD COUNTY ONLY IF:

(I) THE ELECTOR PROVIDES A DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER, AND THE COUNTY CLERK AND RECORDER OF THE NEW COUNTY OF RESIDENCE CAN MATCH THE NAME, DATE OF BIRTH, AND DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER TO THE ELECTOR'S PRIOR REGISTRATION RECORD; OR

(II) THE ELECTOR PROVIDES A SOCIAL SECURITY NUMBER, AND THE COUNTY CLERK AND RECORDER OF THE NEW COUNTY OF RESIDENCE CAN MATCH THE NAME, DATE OF BIRTH, AND SOCIAL SECURITY NUMBER TO THE ELECTOR'S PRIOR REGISTRATION RECORD.

(c) IF THE ELECTOR DOES NOT PROVIDE A PRIOR ADDRESS, DRIVER'S LICENSE NUMBER, OR SOCIAL SECURITY NUMBER, THE REGISTRATION RECORD SHALL NOT BE TRANSFERRED FROM THE OLD COUNTY UNLESS THE ELECTOR SUBMITS ADDITIONAL INFORMATION THAT COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION (1). THE COUNTY CLERK AND RECORDER OF THE COUNTY OF PRIOR RESIDENCE MAY SEND NOTICE TO THE ELECTOR BY FORWARDABLE MAIL TO THE ELECTOR'S ADDRESS OF RECORD. ANY SUCH NOTICE SHALL HAVE A RETURNABLE PORTION THAT HAS THE RETURN POSTAGE PREPAID AND IS PREAMDRESSED TO THE SENDING COUNTY CLERK AND RECORDER, AND SHALL INCLUDE AN AREA FOR THE ELECTOR TO INDICATE IF THE ELECTOR HAS MOVED TO ANOTHER COUNTY AND WISHES TO HAVE HIS OR HER REGISTRATION RECORD TRANSFERRED FROM THE OLD COUNTY.

SECTION 6. 1-2-604, Colorado Revised Statutes, is amended to read:

1-2-604. Cancellation of electors with a multiple registration. (1) ~~If the secretary of state's master list of registered electors shows an elector to be registered in more than one precinct in this state, the secretary of state shall notify every applicable county clerk and recorder each month of such multiple registration. Each county clerk and recorder who receives such notification~~ BASED UPON AN EXAMINATION OF THE SECRETARY OF STATE'S MASTER LISTS OF REGISTERED ELECTORS, EACH COUNTY CLERK AND RECORDER SHALL GENERATE A LIST CONTAINING THE NAME OF EACH ELECTOR WHO IS REGISTERED IN MORE THAN ONE PRECINCT IN THE STATE AND shall cancel from the county's master lists of registered electors the name of the elector wherever it appears, except where it corresponds to the elector's most recent date of registration.

(2) ~~Not later than fifteen days prior to each primary, general, odd-numbered year, or congressional vacancy election, the secretary of state shall furnish to each county clerk and recorder a list of registered electors who are registered to vote in more than one precinct in this state. The lists shall identify each elector as provided in section 1-2-301(1).~~

(3) (a) ~~The county clerk and recorder of the county of prior residence shall cancel the registration record pursuant to subsection (1) of this section only if the name and birth date or the name and social security number of the elector match. THE COUNTY CLERK AND RECORDER MAY NOT CANCEL THE REGISTRATION RECORD PURSUANT TO SUBSECTION (1) OF THIS SECTION UNLESS THERE IS A MATCH IN THE COUNTY'S REGISTRATION RECORDS AND THE STATEWIDE VOTER REGISTRATION DATABASE WITH RESPECT TO, AT A MINIMUM, THE FOLLOWING TYPES OF IDENTIFYING INFORMATION:~~

(I) THE ELECTOR'S NAME, DATE OF BIRTH, AND PRIOR RESIDENCE; OR

(II) THE ELECTOR'S NAME, DATE OF BIRTH, AND DRIVER'S LICENSE NUMBER OR SOCIAL SECURITY NUMBER.

(b) IF THE COUNTY CLERK AND RECORDER IS NOT ABLE TO CANCEL THE REGISTRATION RECORD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE COUNTY CLERK AND RECORDER SHALL SEND A NOTICE TO THE ELECTOR WHOSE RECORD THE CLERK AND RECORDER INTENDS TO CANCEL. THE NOTICE SHALL BE SENT TO THAT ELECTOR'S ADDRESS OF RECORD, SHALL HAVE A RETURNABLE PORTION THAT HAS THE RETURN POSTAGE PREPAID AND THAT IS PREAMBITTED TO THE SENDING COUNTY CLERK AND RECORDER, AND SHALL INCLUDE AN AREA FOR THE ELECTOR TO INDICATE IF THE ELECTOR HAS MOVED TO ANOTHER COUNTY AND WISHES TO HAVE HIS OR HER REGISTRATION RECORD TRANSFERRED FROM THE OLD COUNTY.

SECTION 7. 1-10-105 (5) (c), Colorado Revised Statutes, is amended to read:

1-10-105. Official abstract of votes cast - certification by secretary of state.

(5) The secretary of state shall publish on a biennial basis an official abstract of votes cast for all statewide elections held in the year of the general election and include the odd-number year immediately preceding that general election. The abstract shall contain the following information:

(c) The reconciled total number of active, registered voters in each county on election day; ~~as determined by the county clerk and recorders no later than forty-five days after the election;~~

SECTION 8. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is

filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 22, 2009