

CHAPTER 263

ELECTIONS

HOUSE BILL 09-1160

BY REPRESENTATIVE(S) Miklosi, Casso, Ferrandino, Fischer, Frangas, Pace, Ryden, Todd, Court, Hullinghorst, Kefalas, Labuda, Schafer S.;
also SENATOR(S) Bacon, Boyd, Carroll M., Foster, Heath, Hodge, Hudak, Isgar, Kester, Morse, Newell, Schwartz, Shaffer B., Spence, Tochtrop, Veiga, White, Williams.

AN ACT

CONCERNING THE ABILITY OF A QUALIFIED ELECTOR TO SUBMIT VOTER INFORMATION VIA THE SECURE WEB SITE OF THE SECRETARY OF STATE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Part 2 of article 2 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-2-202.5. Online voter registration - online changes in elector information.

(1) (a) AN ELECTOR MAY REGISTER TO VOTE, AND A REGISTERED ELECTOR MAY CHANGE HIS OR HER RESIDENCE ON THE REGISTRATION RECORD, CHANGE OR WITHDRAW HIS OR HER AFFILIATION, APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, OR AMEND HIS OR HER EXISTING MAIL-IN BALLOT STATUS, BY COMPLETING AN ELECTRONIC FORM ON THE OFFICIAL WEB SITE OF THE SECRETARY OF STATE IF THE ELECTOR'S SIGNATURE IS STORED IN DIGITAL FORM IN THE DATABASE SYSTEMS MAINTAINED BY THE DEPARTMENT OF STATE PURSUANT TO SECTION 1-2-301 (1) OR ACCESSIBLE TO THE DEPARTMENT OF STATE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 1-2-302 (6) AND 42-1-211 (1.5), C.R.S.

(b) THE OFFICIAL WEB SITE REFERENCED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE FULLY SECURE. THE WEB SITE SHALL MAINTAIN THE CONFIDENTIALITY OF ALL USERS AND PRESERVE THE INTEGRITY OF THE DATA SUBMITTED. FURTHER SPECIFICATIONS REGARDING THE SECURITY OF THE WEB SITE MAY BE PROMULGATED BY THE SECRETARY BY RULE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1-1-107 (2) (a).

(2) NO LATER THAN APRIL 1, 2010, THE SECRETARY OF STATE SHALL MAKE

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

AVAILABLE ON THE SECRETARY OF STATE'S OFFICIAL WEB SITE ELECTRONIC FORMS FOR PERSONS TO APPLY TO REGISTER TO VOTE AND FOR A REGISTERED ELECTOR TO CHANGE HIS OR HER RESIDENCE, CHANGE OR WITHDRAW HIS OR HER AFFILIATION, APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, OR AMEND HIS OR HER EXISTING MAIL-IN BALLOT STATUS.

(3) THE ELECTRONIC VOTER REGISTRATION FORM SHALL INCLUDE:

(a) (I) THE QUESTIONS "ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA?", "WILL YOU BE AT LEAST EIGHTEEN YEARS OF AGE ON ELECTION DAY?", AND "HAVE YOU RESIDED IN COLORADO AND IN THE PRECINCT IN WHICH YOU INTEND TO REGISTER FOR AT LEAST THIRTY DAYS IMMEDIATELY PRIOR TO THE ELECTION?" AND PLACES FOR THE ELECTOR TO INPUT ANSWERS TO THE QUESTIONS.

(II) FOLLOWING THE QUESTIONS LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE FORM SHALL INCLUDE THE STATEMENT "IF YOU CHECKED 'NO' IN RESPONSE TO ANY OF THESE QUESTIONS, DO NOT COMPLETE THIS APPLICATION BECAUSE YOU DO NOT QUALIFY AS AN ELIGIBLE ELECTOR IN ACCORDANCE WITH SECTION 1-2-101, COLORADO REVISED STATUTES."

(b) THE QUESTIONS SPECIFIED IN SECTION 1-2-204 (1) AND (2) WITH PLACES FOR THE ELECTOR TO INPUT INFORMATION IN RESPONSE TO THE QUESTIONS;

(c) A PLACE FOR THE ELECTOR TO INPUT ADDITIONAL INFORMATION, AS DETERMINED BY THE SECRETARY OF STATE, NECESSARY TO LOCATE THE ELECTOR'S SIGNATURE IN THE DATABASE SYSTEMS SPECIFIED IN SUBSECTION (1) OF THIS SECTION AND A PLACE FOR THE ELECTOR TO ASSENT TO THE USE OF THE SIGNATURE FOR VOTER REGISTRATION PURPOSES;

(d) A SELF-AFFIRMATION THAT THE ELECTOR IS QUALIFIED TO REGISTER AND THAT THE INFORMATION ENTERED BY THE ELECTOR ON THE ELECTRONIC APPLICATION IS TRUE; AND

(e) A STATEMENT THAT NOTIFIES THE USER OF THE WEB SITE THAT IT IS AGAINST THE LAW TO KNOWINGLY SUBMIT FALSE INFORMATION OR TO TAMPER WITH ANOTHER PERSON'S VOTER REGISTRATION INFORMATION.

(4) (a) THE ELECTRONIC FORM FOR A REGISTERED ELECTOR TO CHANGE HIS OR HER RESIDENCE SHALL INCLUDE THE INFORMATION REQUIRED BY SECTION 1-2-216 (1).

(b) THE ELECTRONIC FORM FOR A REGISTERED ELECTOR TO CHANGE OR WITHDRAW HIS OR HER AFFILIATION SHALL INCLUDE THE INFORMATION REQUIRED BY SECTION 1-2-219 (1).

(c) THE ELECTRONIC FORM FOR A REGISTERED ELECTOR TO APPLY FOR PERMANENT MAIL-IN BALLOT STATUS SHALL MEET THE REQUIREMENTS OF SECTION 1-8-104.5 (1).

(d) IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS SECTION, IN ORDER FOR A REGISTERED ELECTOR TO ACCESS THE ELECTRONIC FORM TO CHANGE HIS OR HER

RESIDENCE, CHANGE OR WITHDRAW HIS OR HER AFFILIATION, APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, OR AMEND HIS OR HER EXISTING MAIL-IN BALLOT STATUS, THE REGISTERED ELECTOR SHALL SUBMIT HIS OR HER BIRTH DATE AND THE LAST FOUR DIGITS OF HIS OR HER SOCIAL SECURITY NUMBER.

(5) AN ELECTOR'S ASSENT ON THE ELECTRONIC APPLICATION TO THE USE OF HIS OR HER SIGNATURE FOR VOTER REGISTRATION PURPOSES MEETS THE SIGNATURE REQUIREMENT OF SECTION 1-2-201 (2).

(6) THE COUNTY CLERK AND RECORDER SHALL DETERMINE IF THE INFORMATION SUBMITTED ON THE ELECTRONIC FORM IS COMPLETE PRIOR TO APPROVING A NEW REGISTRATION OR APPROVING AN ELECTOR'S CHANGE IN RESIDENCE, CHANGE IN OR WITHDRAWAL OF HIS OR HER AFFILIATION, OR CHANGE TO PERMANENT MAIL-IN BALLOT STATUS.

(7) (a) WHEN A PERSON COMPLETES AN ELECTRONIC VOTER REGISTRATION FORM IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION AND IS QUALIFIED TO REGISTER BASED ON THE INFORMATION PROVIDED IN THE FORM, THE COUNTY CLERK AND RECORDER SHALL SEARCH FOR THE ELECTOR'S SIGNATURE IN THE DATABASE SYSTEMS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IF THE SIGNATURE IS FOUND, THE COUNTY CLERK AND RECORDER SHALL APPROVE THE NEW REGISTRATION PURSUANT TO SUBSECTION (6) OF THIS SECTION AND SHALL ADD THE ELECTOR TO THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST MAINTAINED BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-2-301 (1).

(b) WHEN A REGISTERED ELECTOR COMPLETES AN ELECTRONIC FORM TO CHANGE HIS OR HER RESIDENCE, CHANGE OR WITHDRAW HIS OR HER AFFILIATION, OR APPLY FOR PERMANENT MAIL-IN BALLOT STATUS, THE COUNTY CLERK AND RECORDER SHALL SEARCH FOR THE REGISTERED ELECTOR'S SIGNATURE IN THE DATABASE SYSTEMS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IN THE CASE OF A CHANGE IN RESIDENCE, THE COUNTY CLERK AND RECORDER SHALL ALSO SEND A NONFORWARDABLE POSTCARD TO THE REGISTERED ELECTOR AT HIS OR HER OLD ADDRESS OF RECORD, BY REGULAR MAIL, GIVING NOTICE TO THE REGISTERED ELECTOR THAT A CHANGE IN RESIDENCE FORM HAS BEEN SUBMITTED BY THE REGISTERED ELECTOR AND ASKING THE REGISTERED ELECTOR TO CONTACT THE COUNTY CLERK AND RECORDER WITHIN TEN CALENDAR DAYS OF RECEIVING THE POSTCARD IF IT IS NOT THE REGISTERED ELECTOR'S INTENT TO CHANGE HIS OR HER ADDRESS OF RECORD. IF THE SIGNATURE IS FOUND AND, IN THE CASE OF A CHANGE IN RESIDENCE, IF THE REGISTERED ELECTOR HAS NOT TIMELY CONTACTED THE COUNTY CLERK AND RECORDER PURSUANT TO THIS PARAGRAPH (b), THE COUNTY CLERK AND RECORDER SHALL APPROVE THE CHANGE IN STATUS PURSUANT TO SUBSECTION (6) OF THIS SECTION AND SHALL MAKE THE CHANGES INDICATED ON THE ELECTRONIC FORM IN THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST MAINTAINED BY THE SECRETARY OF STATE PURSUANT TO SECTION 1-2-301 (1).

(c) A VOTER REGISTRATION, CHANGE OF RESIDENCE, CHANGE OR WITHDRAWAL OF AFFILIATION, OR APPLICATION FOR PERMANENT MAIL-IN BALLOT STATUS MADE IN ACCORDANCE WITH THIS SECTION SHALL APPLY TO AN ELECTION IF THE ELECTOR COMPLETES THE ELECTRONIC FORM NO LATER THAN TWENTY-NINE DAYS BEFORE THE ELECTION.

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

1-2-302. Maintenance of computerized statewide voter registration list - confidentiality. (6) The secretary of state shall determine and use other necessary means to maintain the master list of registered electors on a current basis. In accordance with the provisions of section 42-1-211, C.R.S., the department of state and the department of revenue shall allow for the exchange of information between the systems used by them to collect information on residence addresses, signatures, and party affiliation ~~including, but not limited to, the driver's license database~~ FOR ALL APPLICANTS FOR DRIVER'S LICENSES OR STATE IDENTIFICATION CARDS. The department of revenue may exchange information on residence addresses in the driver's license database with the motor vehicle registration database, motorist insurance database, and the state income tax information systems.

SECTION 3. 42-1-211 (1.5) (a), Colorado Revised Statutes, is amended to read:

42-1-211. Colorado state titling and registration system. (1.5) (a) In accordance with the requirements of ~~section 1-2-302 (6.7)~~ SECTION 1-2-302 (6), C.R.S., the department of revenue and the department of state shall allow for the exchange of information on residence addresses, signatures, and party affiliation between the systems used by the department of revenue, the master list of registered electors maintained by the department of state, and, no later than January 1, 2006, the computerized statewide voter registration list created in section 1-2-301 (1), C.R.S., for the purpose of updating information in these systems.

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104 (3) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2009, the sum of one hundred twenty thousand two hundred ninety-nine dollars (\$120,299), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of revenue, division of motor vehicles, for the fiscal year beginning July 1, 2009, the sum of twenty-one thousand five hundred forty-nine dollars (\$21,549), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds received from the department of state out of the appropriation made in subsection (1) of this section.

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: May 15, 2009