

# Elections

<b>Campaign Finance</b> <b>HB 14-1335</b> (Enacted) <i>Contributions to Candidates Not Major Political Parties</i>		
<b>Conduct and Administration of Elections</b>		
<b>SB 14-071</b> (Postponed Indefinitely) <i>Mail Ballot Opt Out</i>	<b>SB 14-079</b> (Postponed Indefinitely) <i>Challenges to Ballot Cast By Mail</i>	<b>SB 14-141</b> (Postponed Indefinitely) <i>Suspend Until 2016 HB 13-1303 Provisions</i>
<b>SB 14-158</b> (Enacted) <i>Recall Elections How Conducted &amp; Align Article XXI</i>	<b>SB 14-161</b> (Enacted) <i>Update Uniform Election Code of 1992</i>	<b>HB 14-1043</b> (Postponed Indefinitely) <i>Create Voter Outreach Through Enfranchisement</i>
<b>HB 14-1128</b> (Postponed Indefinitely) <i>Reduce Voter Identity Theft</i>	<b>HB 14-1354</b> (Enacted) <i>County Clerk Standing Judicial Review Secretary of State Election Action</i>	<b>HJR 14-1009</b> (Adopted) <i>Ask Congress to Restore Voting Rights Act</i>
<b>Initiative and Referendum</b>		
<b>SB 14-116</b> (Postponed Indefinitely) <i>Initiative Petition Signature Line-By-Line Verification</i>	<b>HCR 14-1002</b> (Postponed Indefinitely) <i>Constitutional Initiative Petition Signatures</i>	<b>SCR 14-005</b> (Postponed Indefinitely) <i>Petition Signature Requirements</i>
<b>Local Elections</b>		
<b>SB 14-084</b> (Postponed Indefinitely) <i>Elect County Commissioners By Districts</i>	<b>HB 14-1062</b> (Postponed Indefinitely) <i>Optional Approval Voting in Nonpartisan Elections</i>	<b>HB 14-1164</b> (Enacted) <i>Nonpartisan Elections Not Coordinated County Clerks</i>
<b>Reapportionment and Redistricting</b>		
<b>HB 14-1088</b> (Postponed Indefinitely) <i>Reapportionment Commission Appointees from Rural Areas</i>	<b>HCR 14-1001</b> (Postponed Indefinitely) <i>Alter Number &amp; Composition Representative District</i>	

During the 2014 legislative session, the General Assembly considered a number of measures pertaining to elections, on issues ranging from campaign finance to the initiative and referendum process to reapportionment and redistricting. A summary of the legislation considered by the General Assembly in 2014 pertaining to elections follows.

## Campaign Finance

State law sets separate individual contribution limits for primary and general elections, but the combined amount may be spent at any point in the election cycle. This effectively allows candidates running in a primary election to raise double the amount from any individual contributor compared with write-in, unaffiliated, or minor party candidates in the same race. The tenth circuit court of appeals held that this law violated the contributors' right to equal protection. **House Bill 14-1335** conforms the law with the court's findings, allowing candidate committees for write-in candidates, unaffiliated candidates, and minor party candidates nominated by means other than a primary election to accept individual contributions up to the aggregate contribution limit for the election cycle. The bill also allows these candidates to expend contributions received at any point during the election cycle for which the candidate is on the ballot.

## Conduct and Administration of Elections

In 2013, House Bill 13-1303 made a variety of changes to the state's election code, notably creating an election system in which all registered voters receive a mail ballot and allowing voters to register up to and on election day.

**Senate Bill 14-161** modifies the election code to address issues raised by HB 13-1303 and make other fixes. Many of the bill's changes were recommended by the Voter Access and Modernized Elections Commission created by HB 13-1303. SB 14-161's provisions are summarized by category below.

*Voter registration deadlines.* The bill creates a uniform deadline of eight days prior to election day for most methods of voter registration in order for voters to have a ballot sent to them in the mail. The deadline for registering through a voter registration drive remains at 22 days prior to the election. Persons registering to vote after the 8th day prior to an election must be notified that they will *not* receive a mail ballot and must go to a voter service and polling center (VSPC) to vote. County clerks must process voter registration applications up to and on election day.

*Residency.* The bill broadens the applicability of various provisions concerning changes in residency to apply to any change in residence, rather than only changes from one county or precinct to another. The bill eliminates language concerning a voter's intention to make the new location his or her permanent place of residence. Instead, the bill states that residency is changed after a person has moved and made the new residence his or her sole legal place of residence.

*Criminal offenses.* The bill makes several changes concerning election-related criminal offenses. These changes include:

- increasing the penalty from a class 6 felony to a class 5 felony for providing false residency information when registering to vote;
- creating a new class 5 felony for aiding or abetting a voter in providing false residency information when registering to vote; and
- creating a new class 5 felony for tampering with a ballot box, including a mail ballot drop-off box.

*Change of address searches.* The bill specifies that the Secretary of State must conduct the national change of address (NCOA) search required under current law using the United States Postal Service address change database. In order for a change to be made to a voter registration identified in the NCOA search, the address change must be indicated as permanent. In the event of an address change within a county, the county clerk must mark the voter as active, update the registration record, and send a confirmation card. For changes of address involving post office boxes, county clerks must update the mailing address on the registration record and send a confirmation card notifying the elector of the change and stating the elector's place of residence for voting purposes. The bill gives county clerks the authority to conduct NCOA searches as frequently as they deem necessary.

*Postcard notifications.* When a voter changes his or her place of residence through the state's online voter registration (OLVR) website, the bill eliminates the requirement that county clerks send a postcard notification to the voter's former address.

*Uniform Military and Overseas Voters Act changes.* The bill makes several changes to the Uniform Military and Overseas Voters Act (UMOVA), including clarifying the timeliness of ballots cast under UMOVA; adding spouses and civil union partners of UMOVA-covered voters as being covered under the act; and eliminating and clarifying certain deadlines relating to ballot applications.

*Other changes.* The bill makes various other updates to election law, including:

- making submission of the last four digits of the voter's social security number optional for voters changing party affiliation through the OLVR website;
- changing the basis for determining the number of VSPCs that a county must operate, so that after the November 2016 election, the number of active voters is based on the number of active voters at the preceding presidential election;
- harmonizing the self-affirmation a person makes when registering to vote with the residency requirements in the bill;
- making the use of ballot stubs and duplicate stubs optional for county clerks;
- requiring signature cards to be filled out using information in the statewide voter database (SCORE), rather than completed manually by election judges;
- allowing an emergency ballot to be received by voters for non-medical reasons, including natural disasters;
- requiring the self-affirmation on mail ballots to be signed by the elector and not a person acting on the elector's behalf;
- making conforming amendments to statute concerning challenges to voter eligibility; and
- removing obsolete language.

Several bills that were postponed indefinitely were also introduced in response to HB 13-1303. **Senate Bill 14-141** would have suspended the provisions of HB 13-1303 until January 1, 2016. **Senate Bill 14-071** would have allowed voters to opt out of receiving a mail ballot. **Senate Bill 14-079** would have allowed mail ballots to be challenged over possible voter eligibility or signature verification issues. **House Bill 14-1043** would have made a variety of changes to election law, including allowing mail ballot opt out and reducing the required period in which voter service and polling centers must be open, giving greater flexibility to county clerks and recorders. None of these bills were adopted.

After Colorado's first ever state legislative recall elections in 2013, the General Assembly enacted **Senate Bill 14-158** to revise recall election procedures. The bill allows these elections to be conducted as mail ballot elections in a manner similar to general and coordinated elections under HB 13-1303. It also addresses constitutional problems with existing recall statutes. The bill's provisions are explained below.

Concerning *recall dates and deadlines*, the bill:

- defines "date for holding the election" as the first day when recall ballots are made available to voters at voter service and polling centers and may be accepted by the designated election official;
- requires successor candidate petitions to be filed no later than the 15th day prior to the date for holding the election;
- clarifies that certain deadlines and dates concerning recall petitions and elections occur after the time for protest has passed and any protests have been fully adjudicated; and
- requires the Governor to set recall elections between 30 and 60 days after the recall petition is verified as sufficient (rather than between 45 to 75 days).

Concerning *recall petitions*, the bill:

- conforms recall petition requirements with the requirements for initiative and referendum petitions;

- specifies that recall petitions can only be amended one time, within 15 days, to collect additional signatures if found to be insufficient; requires certification of a sufficient recall petition to be submitted to the Governor by the Secretary of State within 24 hours of being approved as sufficient; and
- outlines procedures for the Secretary of State to notify the designated election officials of an upcoming recall election conducted as a coordinated election.

Concerning the *conduct of recall elections*, the bill:

- prohibits designated election officials from conducting a recall election under the state election code in a manner other than as a mail ballot election;
- requires mail ballot plans by designated elections officials to be submitted to the Secretary of State and approved or disapproved within 24 hours, based on current statutory requirements for evaluating mail ballot plans;
- specifies the required number of voter service and polling centers for recall elections and the length of time they must be open when not conducted as part of a coordinated or general election;
- requires recall mail ballots to be mailed to covered voters not later than the 15th day before the last day that ballots may be received by the designated election official; and
- requires all votes for successor candidates to be counted, not just those of persons voting "Yes" on the recall question.

Concerning *recall election protests*, the bill:

- allows a registered voter in the recall election jurisdiction to file a protest in district court within 72 hours alleging that the successor candidate with the most votes is not qualified to take office;
- requires such protests to be heard by the courts in an expedited manner, taking precedence over all other nonemergency civil matters;
- prohibits a candidate from taking office if he or she is found to be ineligible at such a protest; and
- specifies that the office is deemed vacant if the successor candidate is found to be ineligible, and must be filled by a vacancy committee.

**House Bill 14-1354** allows a county clerk and recorder to seek judicial review in Denver District Court of certain actions by the Secretary of State related to elections.

**House Joint Resolution 14-1009** urges the U.S. Congress to update the Voting Rights Act of 1965, restoring the preclearance process for certain jurisdictions that was ruled unconstitutional by the U.S. Supreme Court in *Shelby County, Alabama v. Holder*.

**House Bill 14-1128**, which was postponed indefinitely, would have removed the following documents from the list of acceptable documents used to verify identity when voting at a polling place:

- a copy of a current utility bill;
- bank statement;
- government check;
- paycheck; or
- other government document that shows the name and address of the elector for the purpose of the Uniform Election Code of 1992.

## Initiative and Referendum

**Senate Bill 14-116**, which was postponed indefinitely, would have narrowed the window that triggered line-by-line verification of petition signatures collected. State law requires the Department of State to conduct line-by-line verification when an initial sample of signatures gathered determines that the number of valid signatures submitted is between 90 and 110 percent of the number of signatures needed for placement on the ballot. The bill would have changed the trigger to between 95 and 105 percent.

Two concurrent resolutions that were postponed indefinitely would have modified the requirements for collecting initiative petition signatures for initiated measures that amend the state constitution. **House Concurrent Resolution 14-1002** would have referred a constitutional amendment to voters to double the number of required signatures and require a minimum number of signatures from each congressional district. **Senate Concurrent Resolution 14-005** would have referred a constitutional amendment to voters requiring a minimum number of signatures from each congressional district but leaving the total number of required signatures unchanged.

## Local Elections

**House Bill 14-1164** creates the Colorado Local Government Election Code to govern the conduct of nonpartisan special district elections that are not coordinated by a county clerk. The new election code does not apply to counties, municipalities, regional transportation districts, or school districts. Among other things, the local government election code, modeled after the municipal election code, covers the following:

- voter eligibility and registration;
- candidate nominations;
- election judge qualifications and duties;
- notice and preparation for local government elections, including establishment of polling places and use of election equipment;
- conduct of elections and counting of votes; and
- processes for challenges to voters, surveys of returns, elections contests, and judicial proceedings when controversies arise.

The code gives special districts the option of conducting independent mail ballot elections, which clarifies the procedures for districts to conduct mail ballot elections in non-coordinated elections. HB 14-1164 also aligns the residency requirements for school district and municipal elections with the requirements of HB 13-1303, which reduced the minimum duration for residency in the state from 30 days to 22 days and eliminated minimum precinct residency requirements for voting.

**Senate Bill 14-084**, which was postponed indefinitely, would have allowed the voters of a county with a population of less than 70,000 people to change the method by which county commissioners are elected so that each commissioner is elected exclusively by the voters residing within that district. **House Bill 14-1062**, which was also postponed indefinitely, would have allowed local governments to use approval voting in nonpartisan elections. Approval voting is a method of voting in which a voter may cast a vote for as many candidates for an office as he or she chooses and the candidate with the most votes wins.

## Reapportionment and Redistricting

Two pieces of legislation aiming to increase rural representation in the state legislature were defeated in 2014. **House Bill 14-1088**, which was postponed indefinitely, would have required that at least 7 of the 11 members of the Colorado Reapportionment Commission reside in counties of 25,000 or fewer people. **House Concurrent Resolution 14-1001**, which was also postponed indefinitely, would have referred a constitutional amendment to voters to allocate one state representative in the Colorado House of Representatives to each county.