

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 29, 2024
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SB24-072 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, strike lines 11 through 27.

2 Page 4, strike lines 1 through 12 and substitute:

3 "SECTION 2. In Colorado Revised Statutes, 1-5-703, **amend** (2)
4 as follows:

5 **1-5-703. Accessibility of polling locations to persons with**
6 **disabilities.** (2) Emergency polling locations AND IN-PERSON VOTING AT
7 COUNTY JAILS OR DETENTION CENTERS are exempt from compliance with
8 this section."

9 Page 5, line 9, strike "IN-PERSON VOTING," and substitute "EACH OF THE
10 SERVICES REQUIRED DURING IN-PERSON VOTING SET FORTH IN SUBSECTION
11 (4) OF THIS SECTION,".

12 Page 6, after line 17 insert:

13 "(4) (a) (I) FOR A GENERAL ELECTION, THE SHERIFF'S DESIGNEE
14 SHALL COORDINATE WITH THE COUNTY CLERK AND RECORDER TO
15 PROVIDE, AT A MINIMUM, ONE DAY OF IN-PERSON VOTING FOR CONFINED
16 ELIGIBLE ELECTORS AT THE COUNTY JAIL OR DETENTION CENTER. THE
17 IN-PERSON VOTING MUST BE OPEN FOR AT LEAST SIX HOURS AND BE HELD
18 ON ANY DAY BETWEEN THE FIFTEENTH DAY BEFORE ELECTION DAY AND
19 THE FOURTH DAY BEFORE ELECTION DAY.

20 (II) IF ON THE DATE THAT IN-PERSON VOTING IS SCHEDULED FOR,
21 ACCESS TO THE COUNTY JAIL OR DETENTION CENTER IS UNAVAILABLE DUE
22 TO A LOCK DOWN OR OTHER EXIGENT CIRCUMSTANCES, THEN THE
23 SHERIFF'S DESIGNEE SHALL WORK WITH THE COUNTY CLERK AND

1 RECORDER TO SCHEDULE A DIFFERENT DATE FOR IN-PERSON VOTING TO BE
2 HELD IN ACCORDANCE WITH THIS SUBSECTION (4).

3 (b) DURING THE IN-PERSON VOTING, THE COUNTY CLERK AND
4 RECORDER AND THE SHERIFF'S DESIGNEE SHALL PROVIDE:

5 (I) THE ABILITY FOR A CONFINED INDIVIDUAL, IF ELIGIBLE TO VOTE,
6 TO REGISTER TO VOTE OR UPDATE THEIR VOTER REGISTRATION RECORD;

7 (II) THE ABILITY FOR A CONFINED ELIGIBLE ELECTOR TO CAST A
8 BALLOT AND DO SO WITHOUT VIOLATING THE CONFINED ELIGIBLE
9 ELECTOR'S RIGHT TO A SECRET BALLOT;

10 (III) THE ABILITY FOR A CONFINED ELIGIBLE ELECTOR WHO IS
11 DETAINED IN A COUNTY JAIL OR DETENTION CENTER OUTSIDE THE
12 CONFINED ELIGIBLE ELECTOR'S COUNTY OF RESIDENCE TO CAST A BALLOT
13 CONTAINING ONLY STATEWIDE RACES AND MEASURES;

14 (IV) REASONABLE ACCOMMODATION IN ACCORDANCE WITH THE
15 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
16 12101 ET SEQ., AS AMENDED, THAT ALLOW A CONFINED INDIVIDUAL WITH
17 A DISABILITY, IF ELIGIBLE TO VOTE, TO REGISTER TO VOTE AND UPDATE
18 THEIR VOTER REGISTRATION RECORD AND A CONFINED ELIGIBLE ELECTOR
19 WITH A DISABILITY TO CAST A BALLOT;

20 (V) THE ABILITY TO ACCEPT MAIL BALLOTS THAT ARE DEPOSITED
21 BY CONFINED ELIGIBLE ELECTORS;

22 (VI) THE ABILITY FOR A CONFINED ELIGIBLE ELECTOR TO SUBMIT
23 A MAIL BALLOT CURE FORM PURSUANT TO SECTIONS 1-7.5-107 (3.5) AND
24 1-7.5-107.3 (1.5); AND

25 (VII) THE ABILITY OF A CONFINED INDIVIDUAL TO CAST A
26 PROVISIONAL BALLOT.

27 (5) BEFORE REGISTERING A CONFINED INDIVIDUAL TO VOTE,
28 UPDATING A CONFINED INDIVIDUAL'S VOTER REGISTRATION, OR ALLOWING
29 A CONFINED INDIVIDUAL TO VOTE IN ANY ELECTION, THE COUNTY CLERK
30 AND RECORDER MUST ACCESS THE CONFINED INDIVIDUAL'S RECORD
31 WITHIN THE DEPARTMENT OF CORRECTIONS' ONLINE OFFENDER DATABASE
32 TO CONFIRM THAT THE CONFINED INDIVIDUAL IS NOT CURRENTLY SERVING
33 A SENTENCE FOR A FELONY CONVICTION.

34 (6) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN
35 ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AS MAY BE NECESSARY TO
36 ADMINISTER AND ENFORCE THE REQUIREMENTS OF THIS SECTION."

37 Page 7, line 6, strike "SECTIONS 1-5-102.9 (1)(b.9) AND" and substitute
38 "SECTION".

39 Page 7, lines 13 and 14, strike "THE ONE DAY OF".

40 Page 7, line 15, strike "1-5-102.9 (1)(b.9)" and substitute "1-7.5-113.5

1 (4)(a)".

2 Page 7, strike lines 17 and 18 and substitute "MAY REGISTER TO VOTE
3 DURING THE IN-PERSON VOTING;"

4 Page 8, strike lines 15 through 17 and substitute:

5 "(5) ANY FAILURE BY THE SHERIFF OR THE DESIGNEE TO COMPLY
6 WITH THE REQUIREMENTS OF THIS SECTION IS SUBJECT TO ASSESSMENT OF
7 A CIVIL PENALTY TO BE DETERMINED BY THE DISTRICT COURT FOR THE
8 JUDICIAL DISTRICT IN WHICH THE COUNTY JAIL OR DETENTION CENTER IS
9 LOCATED, PAYABLE BY THE COUNTY. THE CIVIL PENALTY IS IN THE
10 AMOUNT OF FIVE THOUSAND DOLLARS PER VIOLATION. THE OFFICE OF
11 COURT EXECUTIVE OF THE JUDICIAL DISTRICT SHALL TRANSMIT FINES
12 COLLECTED PURSUANT TO THIS SUBSECTION (5) TO THE STATE TREASURER,
13 WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF STATE CASH FUND
14 CREATED IN SECTION 24-21-104 (3)(b)."

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