

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0519.01 Kate Meyer x4348

SENATE BILL 16-074

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Dore,

Senate Committees

State, Veterans, & Military Affairs
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MAIL BALLOTS, AND, IN CONNECTION THEREWITH,**
102 **ALLOWING ELECTORS TO OPT NOT TO AUTOMATICALLY RECEIVE**
103 **MAIL BALLOTS, DIRECTING THE SECRETARY OF STATE TO**
104 **PURCHASE TWENTY-FOUR HOUR BALLOT DROP BOXES AND**
105 **SURVEILLANCE CAMERAS FOR EACH COUNTY IN THE STATE, AND**
106 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law requires that all elections conducted under the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 1, 2016

"Uniform Election Code of 1992" be conducted by mail ballot.

Sections 2 and 3 of the bill allow an elector, in accordance with rules adopted by the secretary of state, to opt out of automatically receiving mail ballots by completing a form on the online voter registration system. An elector who opts out may also resume receiving automatic mail ballots in accordance with the processes set forth by the secretary of state.

Section 4 of the bill:

- ! Directs the secretary of state to use federal "Help America Vote Act" grant moneys to purchase at least one 24-hour drop box and surveillance camera for each county in the state;
- ! Allows counties to request a waiver from receiving such boxes and cameras; and
- ! Specifically authorizes the secretary of state to promulgate rules to implement these provisions.

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

2 **SECTION 1. Short title.** The short title of this act is the "Voter
3 Choice Act".

4 **SECTION 2.** In Colorado Revised Statutes, **amend** 1-7.5-104 as
5 follows:

6 **1-7.5-104. Mail ballot elections - applicability - ability of an**
7 **elector to opt not to receive mail ballots automatically - rules.** (1) For
8 all general, primary, odd-year, coordinated, recall, and congressional
9 vacancy elections conducted on or after July 1, 2013, and for any election
10 in which the governing board of a political subdivision other than a
11 county determines that an election shall be by mail ballot, the county clerk
12 and recorder or designated election official for the political subdivision,
13 as applicable, shall conduct the election by mail ballot under the
14 supervision of, and subject to rules promulgated in accordance with
15 article 4 of title 24, C.R.S., by, the secretary of state.

16 (2) AN ELECTOR MAY, IN ACCORDANCE WITH RULES ADOPTED BY

1 THE SECRETARY OF STATE PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.,
2 OPT NOT TO AUTOMATICALLY RECEIVE MAIL BALLOTS BY COMPLETING AN
3 ELECTRONIC FORM ON THE ONLINE VOTER REGISTRATION SYSTEM CREATED
4 IN ACCORDANCE WITH SECTION 1-2-202.5. SUCH OPTION MAY BE
5 SELECTED FOR ANY SINGLE ELECTION OR TO ALL ELECTIONS CONDUCTED
6 UNDER THIS CODE. AN ELECTOR SO OPTING MAY RESUME AUTOMATIC
7 RECEIPT OF MAIL BALLOTS IN ACCORDANCE WITH THE PROCESSES SET
8 FORTH BY RULE OF THE SECRETARY OF STATE.

9 **SECTION 3.** In Colorado Revised Statutes, 1-7.5-107, **amend** (3)
10 (a) (I) as follows:

11 **1-7.5-107. Procedures for conducting mail ballot election -**
12 **primary elections - first-time voters casting a mail ballot after having**
13 **registered by mail to vote - in-person request for ballot.**

14 (3) (a) (I) EXCEPT AS PROVIDED IN SECTION 1-7.5-104 (2), not sooner than
15 twenty-two days before a general, primary, or other mail ballot election,
16 and no later than eighteen days before the election, except as provided in
17 subparagraph (II) of this paragraph (a), the county clerk and recorder or
18 designated election official shall mail to each active registered elector, at
19 the last mailing address appearing in the registration records and in
20 accordance with United States postal service regulations, a mail ballot
21 packet, which shall be marked "DO NOT FORWARD. ADDRESS
22 CORRECTION REQUESTED.", or any other similar statement that is in
23 accordance with United States postal service regulations. Nothing in this
24 subsection (3) affects any provision of this code governing the delivery
25 of mail ballots to an absent uniformed services elector, nonresident
26 overseas elector, or resident overseas elector covered by the federal
27 "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec.

1 1973ff et seq.

2 **SECTION 4.** In Colorado Revised Statutes, 1-5-102.9, **add** (5)
3 as follows:

4 **1-5-102.9. Voter service and polling centers - number required**
5 **- services provided - drop-off locations - rules - repeal.** (5) (a) EXCEPT
6 AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5), THE SECRETARY
7 OF STATE, USING MONEYS IN THE FEDERAL ELECTIONS ASSISTANCE FUND
8 CREATED IN SECTION 1-1.5-106 THAT WERE RECEIVED BY THE STATE FROM
9 THE FEDERAL GOVERNMENT PURSUANT TO THE FEDERAL "HELP AMERICA
10 VOTE ACT OF 2002", PUB. L. 107-252, CODIFIED AT 42 U.S.C. SEC. 15301
11 ET SEQ., SHALL PURCHASE ONE TWENTY-FOUR HOUR SECURE DROP BOX
12 AND ONE SURVEILLANCE CAMERA FOR EACH COUNTY IN THE STATE.

13 (b) THE SECRETARY OF STATE SHALL NOT PURCHASE EITHER A
14 TWENTY-FOUR HOUR SECURE DROP BOX OR A SURVEILLANCE CAMERA FOR
15 ANY COUNTY THAT TIMELY SUBMITS A WRITTEN REQUEST FOR A WAIVER
16 FROM PARAGRAPH (a) OF THIS SUBSECTION (5).

17 (c) THE SECRETARY OF STATE MAY, IN ACCORDANCE WITH ARTICLE
18 4 OF TITLE 24, C.R.S., ADOPT RULES TO IMPLEMENT THIS SUBSECTION (5).

19 **SECTION 5. Appropriation.** For the 2016-17 state fiscal year,
20 \$41,200 is appropriated to the department of state for use by the
21 information technology services division. This appropriation is from the
22 department of state cash fund created in section 24-21-104 (3) (b), C.R.S.
23 To implement this act, the division may use this appropriation for
24 personal services.

25 **SECTION 6.** **Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 10, 2016, if adjournment sine die is on May 11,
2 2016); except that, if a referendum petition is filed pursuant to section 1
3 (3) of article V of the state constitution against this act or an item, section,
4 or part of this act within such period, then the act, item, section, or part
5 will not take effect unless approved by the people at the general election
6 to be held in November 2016 and, in such case, will take effect on the
7 date of the official declaration of the vote thereon by the governor.

8 (2) This act applies to elections conducted on or after the
9 applicable effective date of this act.