

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 16-0486.01 Kate Meyer x4348

HOUSE BILL 16-1093

HOUSE SPONSORSHIP

Ransom and Ryden,

SENATE SPONSORSHIP

Tate,

House Committees

State, Veterans, & Military Affairs

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE USE OF THE NATIONAL CHANGE OF ADDRESS**
102 **DATABASE TO MAINTAIN VOTER REGISTRATION RECORDS, AND,**
103 **IN CONNECTION THEREWITH, CLARIFYING TERMINOLOGY AND**
104 **CONSOLIDATING PROCEDURES FOR COUNTY CLERKS AND**
105 **RECORDERS TO FOLLOW WHEN IT APPEARS THAT AN ELECTOR**
106 **HAS MOVED WITHIN THE STATE.**

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>.)

The bill makes various updates and corrections to the laws setting

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
2nd Reading Unamended
March 24, 2016

HOUSE
3rd Reading Unamended
March 4, 2016

HOUSE
Amended 2nd Reading
March 3, 2016

forth the ways in which elector information is processed, recorded, and changed pursuant to the "Uniform Election Code of 1992".

Sections 1, 2, 3, and 5 of the bill align terminology and practices with the current definition of "confirmation card", which applies only to correspondence that is sent via forwardable mail to an elector's address of record.

Section 3 also describes the procedures for county clerks and recorders to follow when the secretary of state's monthly search of the national change of address database maintained by the United States postal service (USPS) indicates that the USPS has received returned mail indicating that an elector is no longer at an address to which returned mail was delivered.

Current law describes procedures for county clerks and recorders to follow when a new voter notification is returned as undeliverable within 20 days. **Section 4** adds procedures to follow when such notifications are returned after 20 days.

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

2 **SECTION 1.** In Colorado Revised Statutes, 1-1-104, **amend** (2.8)
3 introductory portion as follows:

4 **1-1-104. Definitions.** As used in this code, unless the context
5 otherwise requires:

6 (2.8) "Confirmation card" means a communication mailed from
7 a county clerk and recorder to an elector pursuant to ~~section 1-2-302.5,~~
8 ~~1-2-509~~ SECTION 1-2-302.5 (2) (b) (III), 1-2-509 (3) (b) (III), or 1-2-605,
9 which card must:

10 **SECTION 2.** In Colorado Revised Statutes, 1-1-110, **amend** (4)
11 (a) and (5) (a) introductory portion; and **repeal** (4) (c) as follows:

12 **1-1-110. Powers of county clerk and recorder and deputy -**
13 **communication to electors.** (4) (a) Except as otherwise provided in
14 ~~paragraph (c) of this subsection (4) or in section 1-2-204 (2)~~ SECTION
15 1-2-302.5, any communication by mail from the county clerk and recorder
16 to any registered elector pursuant to this title ~~including a confirmation~~

1 card; must be sent to the elector's address of record.

2 (c) ~~A county clerk and recorder shall send a confirmation card in~~
3 ~~accordance with section 1-2-302.5.~~

4 (5) (a) Except as otherwise provided in this subsection (5) and
5 notwithstanding any other provision of law, an elector may request to
6 receive elections communication, except for ballots, ~~and~~ confirmation
7 cards, OR CORRESPONDENCE SENT IN ACCORDANCE WITH SECTION
8 1-2-302.5 OR 1-2-509 (3), from his or her county clerk and recorder by
9 electronic transmission. With the request, the elector must submit an
10 electronic-mail address to which the county clerk and recorder may send
11 communication from the county clerk and recorder. The county clerk and
12 recorder, upon receiving the request, may send all future elections
13 communication, except for ballots, ~~and~~ confirmation cards, OR
14 CORRESPONDENCE SENT IN ACCORDANCE WITH SECTION 1-2-302.5 OR
15 1-2-509 (3), by electronic transmission to the electronic-mail address
16 provided by the elector; except that:

17 **SECTION 3.** In Colorado Revised Statutes, 1-2-302.5, amend (2)
18 (b) (I) and (2) (b) (III) introductory portion; **and repeal** (2) (b) (II) as
19 follows:

20 **1-2-302.5. Change of address search - rules.** (2) (b) If any
21 search of the national change of address database administered by the
22 United States postal service conducted under this section indicates an
23 elector has permanently moved, the county clerk and recorder shall act as
24 follows:

25 (I) (A) If the search indicates that the elector moved within the
26 ~~county~~ STATE, the county clerk and recorder OF THE COUNTY IN WHICH
27 THE ELECTOR'S NEW ADDRESS IS LOCATED shall mark the elector's

1 registration record as "Active" and update the elector's registration record
2 with the elector's new address and send, ~~a confirmation card in~~
3 ~~accordance with section 1-2-605~~ to the elector's old address, NOTICE
4 OF THE CHANGE BY FORWARDABLE MAIL AND A POSTAGE PRE-PAID
5 PRE-ADDRESSED RETURN FORM BY WHICH THE REGISTRANT MAY VERIFY
6 OR CORRECT THE ADDRESS INFORMATION.

7 (B) If the elector returns the ~~confirmation card~~ RETURN FORM sent
8 pursuant to sub-subparagraph (A) of this subparagraph (I) and indicates
9 ~~the elector~~ THAT HE OR SHE has not moved, the county clerk and recorder
10 OF THE COUNTY IN WHICH THE ELECTOR'S OLD ADDRESS IS LOCATED shall
11 ~~forthwith~~ IMMEDIATELY correct the elector's previously updated address
12 in the statewide voter registration database.

13 (C) If the elector returns the ~~confirmation card affirming~~ RETURN
14 FORM CONFIRMING the new address, ~~if the confirmation card is returned~~
15 ~~as undeliverable~~, or if the elector does not return the ~~confirmation card~~
16 RETURN FORM, the county clerk and recorder shall leave the elector's new
17 address and status as updated in the registration record pursuant to
18 sub-subparagraph (A) of this subparagraph (I).

19 (II) ~~(A) If the search indicates that the elector moved to a different~~
20 ~~county within the state, the county clerk and recorder shall send a~~
21 ~~confirmation card to the elector's new address in accordance with section~~
22 ~~1-2-605.~~

23 ~~(B) If the elector returns the confirmation card and confirms his~~
24 ~~or her new address, the county clerk and recorder shall forthwith notify~~
25 ~~the county clerk and recorder of the county to which the elector moved,~~
26 ~~and the county clerk and recorder of the new county shall forthwith~~
27 ~~update the elector's address in the statewide voter registration database.~~

1 ~~(C) If the elector returns the confirmation card and indicates that~~
2 ~~the elector has not moved, or if the elector does not return the~~
3 ~~confirmation card, the county clerk and recorder may not change the~~
4 ~~elector's registration record.~~

5 (III) If the search indicates that the elector moved to a different
6 state, the county clerk and recorder shall mark the elector's registration
7 record "Inactive" and send a confirmation card ~~in accordance with section~~
8 ~~1-2-605, to the elector's new address and:~~

9

10 **SECTION 4.** In Colorado Revised Statutes, 1-2-509, **amend** (3)
11 as follows:

12 **1-2-509. Reviewing voter registration applications -**
13 **notification.** (3) (a) Within ten business days after receipt of the
14 application, the county clerk and recorder shall notify each applicant of
15 the disposition of the application by nonforwardable mail AND PROCEED
16 IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (3).

17 (b) (I) If within twenty business days after receipt of the
18 application the notification is returned to the county clerk and recorder as
19 undeliverable, the applicant shall not be registered.

20 (II) If the notification is not returned within twenty business days
21 as undeliverable, then the applicant shall be deemed registered as of the
22 date of the application; except that, if the applicant was notified that the
23 application was not complete, then the applicant ~~shall be~~ IS deemed
24 registered as of the date of the application if the additional information is
25 provided at any time prior to the actual voting. If such applicant does not
26 provide the additional information necessary to make his or her
27 application complete and accurate within twenty-four months after

1 notification is sent pursuant to subsection (2) of this section, the applicant
2 ~~will be required to~~ MUST reapply in order to be registered.

3 (III) IF THE NOTIFICATION IS RETURNED TO THE COUNTY CLERK
4 AND RECORDER AS UNDELIVERABLE AFTER TWENTY DAYS AFTER RECEIPT
5 OF THE APPLICATION, THE COUNTY CLERK AND RECORDER SHALL MARK
6 THE APPLICANT'S REGISTRATION RECORD "INACTIVE" AND SEND A
7 CONFIRMATION CARD.

8 **SECTION 5.** In Colorado Revised Statutes, 1-2-605, **amend** (1)
9 (a) and (1) (b); and **repeal** (2) as follows:

10 **1-2-605. Canceling registration - procedures.**

11 (1) (a) ~~Communication~~ CORRESPONDENCE by mail from the county clerk
12 and recorder to a registered elector of a county must ~~be in the form of a~~
13 ~~confirmation card and must~~ include, at a minimum, the elector's name and
14 address. ~~and precinct number. The county clerk and recorder shall mail~~
15 ~~the card to the elector's address of record unless the elector has requested~~
16 ~~that the county clerk and recorder send the card to his or her deliverable~~
17 ~~mailing address pursuant to section 1-2-204 (2) (k).~~

18 (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
19 PARAGRAPH (b), if ~~an elector's confirmation card~~ CORRESPONDENCE
20 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) is returned by the
21 United States postal service as undeliverable, the county clerk and
22 recorder shall mark the elector's registration record "Inactive" AND MAIL
23 THE ELECTOR A CONFIRMATION CARD.

24 (II) IF CORRESPONDENCE DESCRIBED IN PARAGRAPH (a) OF THIS
25 SUBSECTION (1) IS RETURNED BY THE UNITED STATES POSTAL SERVICE AS
26 UNDELIVERABLE AND THE ELECTOR'S REGISTRATION RECORD IS ALREADY
27 MARKED "INACTIVE", THE COUNTY CLERK AND RECORDER SHALL NOT

1 MODIFY THE RECORD AND MAY NOT MAIL THE ELECTOR A CONFIRMATION
2 CARD.

3 (2) ~~If an active registered elector fails to vote in a general election,~~
4 ~~the county clerk and recorder shall mail the elector a confirmation card.~~
5 ~~If the elector returns the confirmation card confirming the elector's~~
6 ~~information or if the elector does not return the confirmation card, the~~
7 ~~elector remains active. If the confirmation card is returned by the United~~
8 ~~States postal service as undeliverable, the county clerk and recorder shall~~
9 ~~mark the elector's registration record "Inactive".~~

10 **SECTION 6. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.